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HOUSE OF REPRESENTATIVES—*Thursday, September 9, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Being engaged in this service by the mercy of God, we do not lose heart.—II Corinthians 4: 1.

O Thou whose life is love and whose love is a light unto our path, help us to meet our duties with faith, our difficulties with fortitude, and our differences with fairness.

Grant that through these critical and crucial days we, with our President, may never give way to fear but may ever give ourselves in faith to Thee and from Thee receive guidance and strength for each day.

We thank Thee for our astronauts and for their successful mission. Bless them and their families with Thy most gracious favor. May our spiritual affirmations always be more than a match for our scientific achievements, and to Thee be the praise: world without end. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 395. Concurrent resolution providing for a joint session of the House and Senate on Thursday, September 9, 1971, to receive the President of the United States.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 2 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 20 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 395 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Louisiana, Mr. Boggs, the gentleman from Massachusetts, Mr. O'Neill, the gentleman from Texas, Mr. Teague, the gentleman from Michigan, Mr. Gerald R. Ford, and the gentleman from Illinois, Mr. Arends.

The VICE PRESIDENT. Pursuant to the order of the Senate and on behalf of the Senate the following Senators are appointed to escort the President of the United States into the House Chamber: Allen J. Ellender, of Louisiana, Robert C. Byrd, of West Virginia, John L. McClellan, of Arkansas, Russell B. Long, of Louisiana, Robert P. Griffin, of Michigan, Jacob K. Javits, of New York, J. Caleb Boggs, of Delaware, and John G. Tower, of Texas.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 31 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

A NEW PROSPERITY WITHOUT WAR AND WITHOUT INFLATION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-162)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests: I come before this special joint session to ask the cooperation of the Congress in achieving a great goal: a new prosperity without war and without inflation.

In this century, Americans have never before had a full generation of peace, and in the past forty years we have had only two years with real prosperity, without war and without inflation.

As a result of major initiatives in the field of foreign policy, I believe that America is bringing to a conclusion the longest and most difficult war in its history. We can look forward with confidence to a generation of peace today.

And yet we confront this irony: as the dangers of war recede, the challenges of peace increase.

It is customary for a President to ask the Congress for bipartisan support in meeting the challenges of war.

Today I come before you to ask bipartisan support in meeting the challenges of peace.

In achieving our goal, we find ourselves confronted at the outset by three problems.

The first is the legacy of war. Two million men have been cut back from our armed forces and defense plants because of our success in winding down the war in Vietnam. As part of the transition from a wartime to a peacetime economy, we now have to find jobs for these men—jobs producing for peace instead of war.

The second problem is also a legacy of war. We must stop the rise in the cost of living.

The third problem is a legacy not of war, but of peaceful progress in the world over the past 25 years—progress which has altered dramatically the balance in the economic relationships between the United States and the other great trading nations of the world. As a result, we today are challenged to protect the value of the dollar, and to learn once again to be competitive in the world.

Twenty-five days ago I took action to attack these problems, to advance the goal of a new prosperity without war and without inflation.

I ordered a 90-day freeze on prices and wages.

I ordered a $4.7 billion cut in Federal spending, to allow for tax cuts to create new jobs.

On the international front, I ordered a temporary 10-percent surcharge on products imported from abroad, and I ordered the convertibility of the dollar into gold suspended.

Now, in taking these actions, I knew there were great risks. There were dire predictions of massive resentment and noncooperation at home, and of turmoil and retaliation abroad, but that did not happen.

Here at home, we can be proud of the fact that millions of Americans have showed that they are willing to give up wage increases and price increases that would benefit some of the people, in order to stop the rise in the cost of living for all of the people.

And then as we look abroad, we find that adjustments are being made and action are being taken to set up a new monetary system within which America can compete fairly once again. Instead of continued talk about the weakness of the American dollar, we now find in the world a new understanding of the strength of the American economy.

The reaction of the American people to the new economic policy has been unselfish and courageous. The reaction of our trading partners abroad has been measured and constructive. And I ask the Congress to respond in a similar spirit, as the Congress has to so many other great challenges in the past. This is a time to set aside partisanship. Let us join together in placing the national interest above special interest in America.

I ask the Congress to consider as its first priority—before all other business—the enactment of there tax proposals that are essential to the new prosperity. These three measures will create 500,000 new jobs in the coming year.

First, I urge the Congress to remove the 7-percent excise tax on automobiles, so that the more than 8 million people in this country who will buy new American-built cars in the next year will save an average of $200 each. This is a sales tax, paid by the consumer. Its removal will stimulate sales, and every 100,000 additional automobiles sold will mean 25,000 additional jobs for America's workers.

Second, I urge the Congress to adopt a job development credit to encourage investment in machinery and equipment that will generate new jobs. This credit was advocated by a Democratic President and enacted by a Democratic Congress in the 1960's. It was enormously effective then in creating new jobs. It will be just as effective in creating new jobs now, today.

First, it will be an incentive to business to hire more workers. It will enable wage-earners to work more productively, and it will make American products more competitive in the world's markets. And, third, I urge the Congress to create more consumer purchasing power by permitting the planned $50 increase in the personal income tax exemption scheduled for 1973 to take effect next January 1, one full year ahead of schedule. For a family of four, this could mean an additional $200 increase in tax-exempt income, beginning less than four months from now.

Taken together, these tax proposals that I ask Congress to enact would reduce taxes now paid by individuals by $3.2 billion, and would provide $2.7 billion in incentives to companies to invest in job-producing equipment.

There is another vital area in which I ask the cooperation of the Congress, and that is the area of budget restraint. Tax cuts to stimulate employment must be accompanied by spending cuts to restrain inflation.

Among the spending cuts that I have ordered are the following:

I have ordered the postponement of scheduled pay raises for Federal employees.

I have ordered a five percent reduction in government employment.

And I have ordered a ten percent cut in foreign economic aid.

Because the Congress has not yet enacted two of my principal legislative proposals—welfare reform and revenue sharing—I have recommended that their effective dates be postponed, three months for revenue sharing and one year for welfare reform. This adjustment recognizes that there is no longer sufficient time to get the administrative machinery in place by the previously scheduled dates.

Now, in the coming year, this Congress will face many temptations to raise spending and to cut taxes, in addition to the recommendations I have made. I understand those temptations. In the short run, they will be very popular proposals. But as we look at the realities of our budget at this time, we must face up to this hard fact: any additional spending increases not accompanied by tax increases—and any additional tax cuts not accompanied by spending cuts—will be certain to start us again on a spiral of higher prices.

To spend more than we can afford or to tax less than we can afford, is the sure route to prices higher than we can afford. I ask therefore that the Congress be responsible in recognizing these realities.

There are two other matters in which I seek the cooperation of the Congress. The first concerns the immediate future and the second the long-range future of America and the world.

The 90-day freeze on wages and prices that I announced on August 15 was a temporary measure, to hold the line while the next phase of stabilization was discussed. I am announcing today that the freeze will not be extended beyond 90 days.

But I assure the Congress and the American people that when this temporary and necessarily drastic action is over, we shall take all the steps needed to see that America is not again afflicted by the virus of runaway inflation.

The system of wage and price stabilization that follows the freeze will require the fullest possible cooperation not only between the Executive and Legislative Branches, but also by all Americans.

I am announcing today that I have invited representatives of the Congress, of business, of labor, and of agriculture to meet with me within the next few days for the purpose of helping plan the next phase. They have all accepted the invitation.

In addition, I have directed the members of the Cost of Living Council to continue meeting with representatives of all other interested groups.

As we consider what follows the freeze, let us bear in mind that prosperity is a job for everyone—and that fighting inflation is everybody's business.

Let us remember, also, that nothing would be more detrimental to the new prosperity in the long run than to put this Nation's great, strong free enterprise system in a permanent straitjacket of Government controls.

Regimentation and Government coercion must never become a way of life in the United States of America. That means that price and wage stabilization, in whatever form it takes, must be only a way station on the road to free markets and free collective bargaining in a new prosperity without war.

Freedom brought America where it is today, and freedom is the road to the future for America.

Now, the long-term matter on which I seek the cooperation of the Congress centers on this fact: We must set as our goal today an economy that within 10 years will provide 100 million jobs for Americans.

To meet that goal, we need new tax incentives other than the one I have discussed today for the creation of additional jobs.

And to meet that goal, we need new programs to insure that America's enormous wealth of scientific and technological talent is used to its fullness in the production for peace.

Later today in this great chamber the Congress will pay tribute to three splendid Americans back from the moon.

Theirs was a magnificent achievement—a stunning testament to their personal skill and courage, and also to what American technology can achieve.

Let us find the means to insure that in this decade of challenge, the remarkable technology that took these Americans to the moon can also be applied to reaching our goals here on earth.

That is why in the next session of the Congress I shall present new proposals in both these areas: Tax reform to create new jobs and new programs to insure the maximum enlistment of America's technology in meeting the challenges of peace.

Achieving these goals will be in the vital interest of the United States not just for the next year, not just for the next 10 years, but for the balance of this century and beyond. And I look forward to working with the Congress and getting the best thinking of the Congress in preparing for this great experiment.

As we consider these new economic policies, it is important that all of us here today consider the stakes that are involved.

America has entered a new era in its economic relationships with the rest of the world.

For a quarter of a century now, since the end of World War II, America has borne the principal burden of free world defense, of foreign aid, of helping old nations back onto their feet and new nations to take their first, sometimes faltering steps. We have paid out nearly $150 billion in foreign aid, economic and military, over the past 25 years. We have fought two costly and grueling wars. We have undergone deep strains at home, as we have sought to reconcile our responsibilities abroad with our own needs here in America. In this quarter century America has given generously of itself and of its resources, and we have done this because we are Americans and America is a good and a generous nation. In the years ahead, we will remain a good and a generous nation—but the time has come to give a new attention to America's own interests here at home.

Fifteen years ago a prominent world statesman put this problem that we confronted then in a very effective way. He commented to me that world trade was like a poker game in which the United States then had all the chips and that we had to spread them around so that others could play. What he said was true in the 1940's. It was partially true in the fifties, and also even partially true in the early sixties. It is no longer true today. We have generously passed out the chips. Now others can play on an equal basis—and we must play the game as we expect and want them to do.

We must play, that means, the best we know how. The time is past for the United States to compete with one hand tied behind her back.

This new era is a time of new relationships in the world; of a changed balance of economic power; of new challenges to our leadership and to our standards of living.

And, my colleagues in the Congress, we should not be resentful of these changes. They mean that more of the world's people are living better than before. They help make the world a better and a more stable and a safer place for all of us. But they also present us with a new set of challenges—the challenges of peace.

The time has come for the United States to show once again that spirit which transformed a small nation, a weak nation, a nation of 3 million people on the precarious edge of an untamed continent, into the world's strongest and richest power.

In this new era, we must find the roots of our national greatness once again.

In order to meet the challenges of peace, we must have a healthy America—a strong America.

We need a healthy and a productive economy in order to achieve the great goals to which we all are so firmly committed: to help those who cannot help themselves, to feed the hungry, to provide better health care for the sick, to provide better education for our children, to provide more fully for the aged, to restore and renew our natural environment, and to provide more and better jobs and more and greater opportunities for all of our people.

To accomplish these great goals requires many billions of dollars. We cannot accomplish them without a healthy economy. We cannot accomplish them without the revenues generated by the work of more than 80 million Americans. And, my colleagues in the Congress, we cannot accomplish these goals if we make the mistake of disparaging and undermining "the system" that produces America's wealth—of casting it in the false light of an oppressor and exploiter of human beings.

We can be proud of the fact that the much maligned American "system" has produced more abundance, more widely shared, and more opportunity for more people than any other system, any time, any place in the history of man. And it is that very system that makes it possible for us to help the poor, makes it possible for us to feed the hungry, to clean up our environment, to meet all the other great goals which we have set for ourselves as a nation. As we correct what is wrong in this nation, let us always speak up for what is right about America.

To be a healthy nation, a strong nation, we need also to restore the health of our Government institutions.

That is why I again urge the Congress to act in this session on the sweeping reorganization of the executive branch which I proposed in order to make it more efficient, more manageable, more responsive to the needs and wishes of the people.

That is why I again urge the Congress to act in this session on the far-reaching proposals of revenue sharing which I have proposed, to help revitalize our State and local governments and to ease the crushing rise in the burden of property taxes in this country.

That is why I again urge the Congress to act in this session on welfare reform. Let us bring under control a system which has become a suffocating burden on State and local taxpayers and a massive outrage against the people it was designed to help.

Let us get rid of a system where going on welfare is more profitable than going to work.

The postponements I have recommended in the funding of these programs have been made necessary by past legislative delays. Let us make sure that there will be no further delays.

All of these programs—all of our new economic programs that I have described today—will mean nothing, however, unless the American spirit is strong and healthy, the spirit of our people across this land.

In recent weeks I have traveled back and forth across this country—to Maine and New Hampshire, New York, Idaho, Wyoming, California, Texas, Ohio, and Illinois—and I can say with confidence that on the farms and in the cities, in the towns and in the factories throughout this Nation, the spirit of the American people is strong. It is healthy.

A strong and healthy spirit means a willingness to sacrifice, and Americans are willing to sacrifice, when a short-term personal sacrifice is needed in the long-term public interest.

A strong and healthy spirit means a willingness work.

Hard work is what made America great. There could be no more dangerous delusion than the notion that we can maintain the standard of living that our own people sometimes complain about, but the rest of the world envies, without continuing to work hard. The "good life" is not the lazy life, or the empty life, or the life that consumes without producing. The good life is the active, productive, working life—the life that gives as well as gets.

No work is demeaning or beneath a person's dignity if it provides food for his table and clothes and shelter for his children.

The thing that is demeaning is for a man to refuse work and then to ask someone else who works to pay taxes to keep him on welfare.

Let us recognize once and for all in America that any work is preferable to welfare.

A strong and healthy spirit means having a sense of destiny.

As we look ahead five, ten, twenty years—what do we see?

We could see an America grown old and weary, past its prime, in its declining years. Or we could see an America proud and strong, as vigorous in its maturity as it was in its youth.

We hold the future in our hands.

We have consulted our fears too much. Now let us be inspired by our faith.

If our forefathers had consulted their fears, we would not be here today.

America would never have been discovered.

The West would never have been explored.

Our freedom would never have been defended.

And our abundance would never have been created.

As we renew our faith, let the challenge of competition give a new lift to the American spirit.

A nation becomes old only when it stops trying to be great.

That is why we cannot remain a great nation if we build a permanent wall of tariffs and quotas around the United States and let the rest of the world pass us by. We cannot live behind a wall that shuts out the rest of the world. The world is too small, and the United States is too important a part of that world. If we were not a great power, we would not be the America we know. And if we do not stay a great power, the world will not stay safe for free men.

We cannot turn inward, we cannot drop out of competition with the rest of the world, and remain a great Nation. Because when a nation ceases to compete, when it ceases to try to do its best, then that nation ceases to be a great nation. America today is No. 1 in the world economically. Let us keep America No. 1 in the world economically.

General DeGaulle once said that

France is never her true self unless she is engaged in a great enterprise.

My colleagues in the Congress, America can be her true self only when she is engaged in a great enterprise.

To build a full generation of peace is a great enterprise.

To help the poor and feed the hungry, to provide better health and housing and education, to clean up the environment, to bring new dignity and security to the aged, to guarantee equal opportunity for every American—all these are great enterprises.

To build the strong economy that makes all these possible—to meet the new challenges of peace, to move to a new prosperity without war and without inflation—this truly is a great enterprise, worthy of our sacrifice, worthy of our cooperation, and worthy of the greatness of a great people.

[Applause, the Members rising.]

At 1 o'clock and 1 minute p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 1 o'clock and 2 minutes p.m., the joint session of the two Houses was dissolved.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 3 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO RECEIVE THE APOLLO 15 ASTRONAUTS

The SPEAKER of the House presided.

The PRESIDENT pro tempore of the Senate took the chair at the left of the Speaker, and the Members of the Senate, occupied the seats reserved for them.

The ambassadors, ministers, and chargés d'affaires of foreign governments occupied the seats reserved for them.

The members of the Cabinet of the President of the United States occupied the seats reserved for them in front of the Speaker's rostrum.

The SPEAKER. On the part of the House the Chair appoints as members of the committee to escort our distinguished visitors into the Chamber the gentleman from Louisiana, Mr. HALE BOGGS, the gentleman from Massachusetts, Mr. THOMAS P. O'NEILL, the gentleman from California, Mr. GEORGE P. MILLER, the gentleman from Texas, Mr. OLIN E. TEAGUE, the gentleman from Michigan, Mr. GERALD R. FORD, the gentleman from Illinois, Mr. LESLIE C. ARENDS, and the gentleman from Michigan, Mr. CHARLES E. CHAMBERLAIN.

The PRESIDENT pro tempore. On behalf of the Senate, the Chair appoints the following Senators to escort the astronauts into the House Chamber: ROBERT C. BYRD, of West Virginia; JOHN C. STENNIS, of Mississippi; J. W. FULBRIGHT, of Arkansas; JOHN O. PASTORE, of Rhode Island; STUART SYMINGTON, of Missouri; HOWARD W. CANNON, of Nevada; ROBERT P. GRIFFIN, of Michigan; STROM THURMOND, of South Carolina; PAUL J. FANNIN, of Arizona; BARRY GOLDWATER, of Arizona; LOWELL P. WEICKER, of Connecticut; and JAMES L. BUCKLEY, of New York.

At 1 o'clock and 7 minutes p.m., the Doorkeeper (Honorable William M. Miller) announced the Apollo 15 astronauts.

Col. David R. Scott, U.S. Air Force, Apollo 15 commander; Col. James B. Irwin, U.S. Air Force, lunar module pilot; and Lt. Col. Alfred M. Worden, U.S. Air Force, command module pilot, accompanied by the committee of escort, entered the Chamber and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My distinguished colleagues of the Congress: It is our great honor today to welcome to this Chamber the recently returned heroes of Apollo 15's epic journey into space. On behalf of the entire Congress, I feel privileged to introduce to you three Americans who are such a credit to their country and who represent the highest qualities of human aspiration and courage.

I present the distinguished commander of Apollo 15, Col. David R. Scott.

Col. DAVID R. SCOTT. Mr. Speaker, Mr. President, Members of Congress, distinguished guests, it is with a great deal of pride and humility that I stand before you today. Pride, because I have had the privilege of representing this great country in an expedition to the farthest reaches of a new frontier, an expedition which was conducted in peace, before the eyes of the world, and for the benefit of the entire human race. I stand in humility because I have a new appreciation for the magnitude and scope of our lives and our endeavors. The success of this voyage was the result of the leadership, the talents, and the energies of many men, and of the resources of a great nation. The brilliant and imaginative use of these resources has produced results far in excess of our expectations. Let us continue to use man's genius and the resources of the earth to expand the frontiers of space, for we know that a good earth is vital for a healthy man of tomorrow, but we can have neither a good earth nor a healthy mankind, if tomorrow's world of man is only earth. If we look inward, man's only viable future is a return to his past.

Exploration is one of the fundamental natures of man, from exploration comes discovery and from discoveries we obtain new knowledge and understanding, both of the mind and the spirit. And many men are brought together from all nations in the universal task of reducing the discoveries to knowledge and understanding. Let me discuss some of the discoveries from our exploration of the Hadley-Apennine. From the deep core stem we have discovered that in the upper 9 feet of that part of the lunar surface are 57 unique layers of soil. Among other things, these 57 layers will provide 57 chapters in the history of the sun. The number of pages in each chapter awaits further analysis.

We discovered and returned many rocks and only now are their mysteries and beauties unfolding. Since my return I have had an opportunity once again to view the individual sparkling crystals of these rocks—ruby red, canary yellow, olive green, turquoise blue, and cinnamon brown, and all shades of lunar gray.

Many years ago the winds and the rains erased the first quarter of the history of the earth, and only from some other source will we be able to gather the data to explain the beginnings of our planet. We in the scientific community believe that the fragments returned from the moon will be a major factor in unveiling the mysteries of our own environment.

We had many experiences on our natural satellite, the moon. They were indeed fascinating. Some of them were a pleasant reward for the many years of preparation; some penetrated the depth of understanding. I had a personal encounter which gave me a new understanding of the paradox between historical and geological time.

As I approached a fragment freshly deposited on the slopes of the Apennine, I realized it had been undisturbed since before life came out of the sea on earth. 500 million years ago the moon drew the tides across the continents and exposed the creatures of the shallows. These creatures moved upon the earth and produced the evolution of what we know now as man.

But let us not think in terms of millions of years to understand this paradox of time; let us think of time in terms of days. The Book of Genesis records 7 days for the creation of the heavens and the earth. Thereafter came the emergence of man as an intelligent being seeking to constantly improve his numbers and his aspirations for the future. Consider this the eighth day. Now the moon has shifted the tides of life once again, and, gentlemen, I believe this great country is leading mankind into the dawn of the ninth day.

And now may I present my trusted colleague, Col. Al Worden.

Col. ALFRED M. WORDEN. First off, let me say I am overwhelmed by the reception. It is fantastic. I am proud to be an American. I am proud to have been a part of the Apollo 15 flight.

Apollo 15 left the United States soil at 9:34 on the morning of July 26, 1971. Our view out the window was of an area surrounding Cape Kennedy and some of the ocean. After the launch the first thing we noticed, particularly when we got into earth orbit, was that we had a further view—we were further away from the earth, and our view was expanding. We did not see any area around Cape Kennedy. What we saw were continents and oceans—a great deal of the horizon. After we left earth orbit and for the remainder of the flight our view was one of the earth. Our horizons were not limited to the area around us during the flight. We saw the earth as a single planet. There is a oneness about the earth that we do not see from the ground. We do not see any boundaries from that particular vantage point; we do not see any differences in race or religion or political beliefs. The thought struck me that there was an analogy between the earth and between Endeavour. We were a team of three living in a spacecraft called Endeavour. We are all billions of people living on spacecraft Earth. We had to work as a team to survive and to maintain our own household during the flight. We must work as a team to maintain our household and to maintain our home called Earth.

One thing is quite evident—particularly during the flight—our destinies were bound together by what we did in the flight. We relied on each other; we worked with each other. The same thing must be true on earth. We must work together; we must rely on each other; we must work together as a team for earth.

We had the very crude beginnings of some tools to help us accomplish this goal on our flight. We carried many scientific instruments—a very crude beginning, admittedly—to do the kinds of work that have to be done to clean up spacecraft Earth. We carried scientific instruments that measured remotely. We carried some cameras that took pictures for analysis. As I said, this is a very crude beginning, but it leads into the kinds of things that can be done in a small way to help clean up our spacecraft Earth. We cannot all go to the moon. The three of us were very fortunate to have gone. We sincerely hope that we can be your eyes and ears in providing the perspective of earth that we had.

Thank you.

Now I would like to introduce Col. Jim Irwin.

Col. JAMES B. IRWIN. Distinguished guests:

I am deeply honored and pleased to have the opportunity to tell you my feelings about Apollo 15.

We of Apollo 15 are grateful for the opportunity of having gone to the moon and having explored the mountains of the moon. We think Apollo 15 was a success. That success was because of your continued support. You had the vision over 10 years ago to commit our nation to manned exploration of space. There have been many trying and painful experiences over those years, but your support has always been there.

Reflecting back on our voyage into space, we think that we have demonstrated the usefulness of man in the exploration of another planet.

The moon was indeed a fascinating place to spend six days. There were the three days in orbit and then another three days on the surface and, my, that time sure did go fast. It was not a strange world. Our campsite at Hadley-Apennine was a friendly, beautiful spot, like a valley in the high mountains of the earth; and it was with some reluctance that we left our valley on the moon.

We were extremely happy that the television system worked so well, because we wanted all mankind to participate in the exploration of the moon.

We feel very strongly that man should participate directly in the exploration of space.

During the time that we were on the lunar surface there were several incidents proving this point. There were the occasional calls from Houston to clean the TV lens so that everyone could have a better picture. There was the difficulty that we had extracting the Rover from its attach points on the lunar module. There was the switch cycling on the Rover that we needed to perform in order to gain full operation of our transportation system on the moon. There were the very useful observations that we made as we explored, as we sampled on the moon that enabled the scientists to gather the data and organize the data in the proper context. The selection of the so-called Genesis rock would have been extremely difficult and probably impossible if man had not been on the scene. We gathered data not only with our instruments but with our minds.

The proudest moment of my life was when I saluted our American flag that we had planted on the plain at Hadley-Apennine—proud that I was an American and proud of the thousands of people that had supported our mission and made it a success.

The future of man's role in space lies in your hands. We realize very well the grave responsibilities in these days. The decisions you make will determine man's trevals and explorations in space. We think that an investment in space technology is an investment in America. America needs space to grow.

Thank you.

The SPEAKER. The Chair desires to announce that the astronauts will retire to room H207, the Rayburn reception room, where they will be glad for a few minutes to greet individual Members of Congress.

[Applause, the Members rising.]

At 1 o'clock and 27 minutes p.m., Col. David R. Scott, U.S. Air Force; Col. James B. Irwin, U.S. Air Force; and Lt. Col. Alfred M. Worden, U.S. Air Force, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses of Congress dissolved.

Accordingly (at 1 o'clock and 28 minutes p.m.), the joint meeting of the two Houses was dissolved.

The SPEAKER. The House will continue in recess until 2 p.m. The bells will be rung at 1:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

REFERENCE OF MESSAGE OF PRESIDENT TO COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971

Mr. DINGELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

The motion was agreed to.

COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 9727, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through the first section of the committee amendment ending on page 25, line 19.

If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

FINDING, POLICY, AND PURPOSE

SEC. 2. (a) Unregulated dumping of material into the oceans, coastal, and other waters endangers human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities.

(b) The Congress declares that it is the policy of the United States to regulate the dumping of all types of material into the oceans, coastal, and other waters and to prevent or strictly limit the dumping into the oceans, coastal, and other waters of any material which could adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. To this end, it is the purpose of this Act to regulate the transportation of material for dumping into the oceans, coastal, and other waters, and the dumping of material by any person from any source if the dumping occurs in waters over which the United States has jurisdiction.

DEFINITIONS

SEC. 3. For the purposes of this Act the term—

(a) "Administrator" means the Administrator of the Environmental Protection Agency.

(b) "Oceans, coastal, and other waters" means oceans, gulfs, bays, salt water lagoons, salt water harbors, other coastal waters where the tide ebbs and flows, the Great Lakes and their connecting waters, and the Saint Lawrence River.

(c) "Material" means matter of any kind or description, including, but not limited to, dredge spoil, solid waste, garbage, sewage, sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial waste; but such term does not mean oil within the meaning of section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1161) and does not mean sewage from vessels within the meaning of section 13 of such Act (33 U.S.C. 1163).

(d) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(f) "Dumping" means a disposition of material: Provided, That it does not mean a disposition of any effluent from any outfall structure where such disposition is regulated under the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175), or under the provisions of section 13 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. 407), nor does it mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels: Provided further, That it does not mean the construction of any fixed structure or artificial island nor the intentional placement of any device in the oceans, coastal, and other waters or on or in the submerged land beneath such waters, for a purpose other than disposal, when such construction or such placement is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program: And provided further, That it does not include the deposit of oyster shells or other materials when such deposit is made for the purpose of developing, maintaining, or harvesting fisheries resources and is otherwise regulated by Federal or State law or occurs pursuant to an authorized Federal or State program.

(g) "District court of the United States" includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of Puerto Rico, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii, which court shall have jurisdiction over actions arising therein.

(h) "Secretary" means the Secretary of the Army.

(i) "Dredged or fill material" means any material excavated or dredged from the navigable waters of the United States or any material deposited into such waters for the purpose of bulkheading, or building up or extending land areas.

(j) "High-level radioactive waste" means the aqueous waste resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated waste from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuels, or irradiated fuel from nuclear power reactors.

TITLE I—OCEAN DUMPING

PROHIBITED ACTS

SEC. 101. (a) No person shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material from the United States for the purpose of dumping it into the oceans, coastal, and other waters.

(b) No person shall dump any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material in (1) that part of the oceans, coastal and other waters which is within the territorial jurisdiction of the United States, or (2) a zone contiguous to the territorial sea of the United States, extending to a line twelve nautical miles seaward from the base line from which the breadth of the territorial sea is measured, to the extent that it may affect the territorial sea of the territory of the United States.

(c) No officer, employee, agent, department, agency, or instrumentality of the United States shall transport any radiological, chemical, or biological warfare agent or high-level radioactive waste, or, except as may be authorized in a permit issued under this title, any other material from any location outside the territory of the United States for the purpose of dumping it into the oceans, coastal, and other waters.

ENVIRONMENTAL PROTECTION AGENCY PERMITS

SEC. 102. (a) Except in relation to dredged or fill material, as provided for in section 103 of this title, and in relation to radiological, chemical, and biological warfare agents and high-level radioactive waste, as provided for in section 101 of this title, the Administrator may issue permits, after notice and opportunity for public hearing, for the transportation of material for dumping into the oceans, coastal, and other waters, or for the dumping of material into the waters described in section 101(b), where the Administrator determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. The Administrator shall establish and apply criteria for reviewing and evaluating such permit applications, and, in establishing or revising such criteria, shall consider, but not be limited in his consideration to, the following:

(A) The need for the proposed dumping.

(B) The effect of such dumping on human health and welfare, including economic, esthetic, and recreational values.

(C) The effect of such dumping on fisheries resources.

(D) The effect of such dumping on marine ecosystems, particularly with respect to—

(i) the transfer, concentration, and dispersion of such material and its byproducts through biological, physical, and chemical pathways.

(ii) potential changes in marine ecosystem diversity and stability, and

(iii) species and community population dynamics.

(E) The persistence and permanence of the effects of the dumping.

(F) The effect of dumping particular volumes and concentrations of such materials.

(G) Appropriate locations and methods of disposal, including land-based alternatives.

In establishing or revising such criteria, the Administrator shall consult with the Secretaries of Commerce, Interior, State, Defense, Agriculture, Health, Education, and Welfare, and Transportation, the Atomic Energy Commission, and other appropriate Federal, State, and local officials. With respect to such criteria as may affect the civil works program of the Department of the Army, the Administrator shall also consult with the Secretary. In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary. No permit shall be issued for a dumping of material which will violate applicable water quality standards.

(b) The Administrator may establish and issue various categories of permits, including the general permits described in section 104(c).

(c) The Administrator may, considering the criteria established pursuant to subsection (a) of this section, designate recommended sites or times for dumping and, when he finds it necessary to protect critical areas, shall, after consultation with the Secretary, also designate sites or times within which certain materials may be dumped.

CORPS OF ENGINEERS PERMITS

SEC. 103. (a) The Secretary may issue permits, after notice and opportunity for public hearing, for the transportation of dredged or fill material for dumping into the oceans, coastal, and other waters, or for the dumping of dredged or fill materials into the waters described in section 101(b), or both, where the Secretary determines that such transportation, or dumping, or both, will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

(b) In making the determination required by subsection (a) of this section as to whether a permit may be issued, the Secretary shall apply the criteria established by the Administrator pursuant to section 102, together with an evaluation by the Secretary of the effect on navigation, economic and industrial development, and foreign and domestic commerce of the United States: Provided, That in applying the criteria established by the Administrator, the Secretary shall consult with the Administrator and shall give due consideration to the views and recommendations of the Administrator in that regard and also in regard to the designations of the Administrator of recommended sites or times for dumping: Provided further, That the Secretary may issue no permit for dumping which would violate the designation of the Administrator, found necessary to protect critical areas, of a site within which certain material may not be dumped: And provided further, that in regard to the designation of recommended sites or sites where certain material may not be dumped, the Secretary, after consultation with the Administrator, need not follow the designation of the Administrator where the Secretary certifies that there is no economically feasible alternative reasonably available.

(c) In connection with Federal projects involving dredged or fill material, the Secretary may, in lieu of the permit procedure, issue regulations which shall require the application to such projects of the same criteria, other factors to be evaluated, the same procedures, and the same requirement which are made applicable to the issuance of permits under subsections (a) and (b) of this section.

PERMIT CONDITIONS

SEC. 104. (a) Permits issued under this title shall designate and include (1) the type of material authorized to be transported for dumping or to be dumped; (2) the amount of material authorized to be transported for dumping or to be dumped; (3) the location where such transport for dumping will be terminated or where such dumping will occur; (4) the length of time for which the permits are valid and their expiration date; (5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, for the monitoring and surveillance of the transportation or dumping; and (6) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.

(b) The Administrator or the Secretary,

as the case may be, may prescribe such processing fees for permits and such reporting requirements for actions taken pursuant to permits issued by him under this title as he deems appropriate.

(c) Notwithstanding any other provision of this title, the Administrator or the Secretary, as the case may be, may issue general permits for the transportation for dumping, or dumping, or both, of specified material for which he may issue permits, which he determines will have a minimal adverse environmental impact.

(d) The Administrator or the Secretary, as the case may be, may limit or deny the issuance of pemits, or may alter or revoke partially or entirely the terms of permits issued by him under this title, for the transportation of dumping, or the dumping, or both, of specified material, where he finds that such material cannot be dumped consistently with the criteria and other factors required to be applied in evaluating the permit application. No action shall be taken under this subsection unless the affected person or permittee shall have been given notice and opportunity for hearing on such action as proposed.

(e) The Administrator or the Secretary, as the case may be, shall require an applicant for a permit under this title to provide such information as he may consider necessary to review and evaluate such application.

(f) Information received by the Administrator or the Secretary, as the case may be, as a part of any application or in connection with any permit granted under this title shall be available to the public as a matter of public record, at every stage of the proceeding. The final determination of the Administrator or the Secretary, as the case may be, shall be likewise available.

(g) A copy of any permit issued under this title shall be placed in a conspicuous place in the vessel which will be used for the transportation or dumping authorized by such permit, and an additional copy shall be furnished by the issuing official to the Secretary of the department in which the Coast Guard is operating, or his designee.

PENALTIES

SEC. 105. (a) Any person who violates any provision of this title, or of the regulations promulgated under this title, or a permit issued under this title shall be liable to a civil penalty of not more than $50,000 for each violation to be assessed by the Administrator. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such violation. In determining the amount of the penalty, the gravity of the violation and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation shall be considered by said Administrator. For good cause shown, the Administrator may remit or mitigate such penalty. Upon failure of the offending party to pay the penalty, the Administrator may request the Attorney General to commence an action in the appropriate district court of the United States for such relief as may be appropriate.

(b) In addition to any action which may be brought under subsection (a) of this section, a person who knowingly violates this title, regulations promulgated under this title, or a permit issued under this title shall be fined not more than $50,000 or imprisoned for not more than one year, or both, one-half of said fine, but not to exceed $2,500, to be paid to the person or persons giving information which shall lead to conviction.

(c) For the purpose of imposing civil penalties and criminal fines under this section, each day of a continuing violation shall constitute a separate offense as shall the dumping from each of several vessels, or other sources.

(d) The Attorney General or his delegate may bring actions for equitable relief to enjoin an imminent or continuing violation of this title, of regulations promulgated under this title, or of permits issued under this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

(e) A vessel, except a public vessel within the meaning of section 13 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1163), used in a violation, shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof; but no vessel shall be liable unless it shall appear that one or more of the owners, or bareboat charterers, was at the time of the violation a consenting party or privy to such violation.

(f) If the provisions of any permit issued under section 102 or 103 are violated, the Administrator or the Secretary, as the case may be, may revoke the permit or may suspend the permit for a specified period of time. No permit shall be revoked or suspended unless the permittee shall have been given notice and opportunity for a hearing on such violation and proposed suspension or revocation.

(g) (1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any prohibition, limitation, criterion, or permit, established or issued by or under this title. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such prohibition, limitation, criterion, or permit, as the case may be.

(2) No action may be commenced—

(A) prior to sixty days after notice of the violation has been given to the Administrator or to the Secretary, and to any alleged violator of the prohibition, limitation, criterion, or permit; or

(B) if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the prohibition, limitation, criterion, or permit; or

(C) if the Administrator or the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section, or has initiated permit revocation or suspension proceedings under subsection (f) of this section; or

(D) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of this title.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Administrator or Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Administrator, the Secretary, or a State agency).

(h) No person shall be subject to a civil penalty or to a criminal fine or imprisonment for dumping materials from a vessel if necessary in an emergency, to safeguard life. Any such dumping shall be reported to the Administrator under such conditions as he may prescribe.

RELATIONSHIP TO OTHER LAWS

SEC. 106. (a) After the effective date of this title, all licenses, permits, and authorizations other than those issued pursuant to this title shall be void and of no legal effect, to the extent that they purport to authorize any activity regulated by this title, and whether issued before or after the effective date of this title.

(b) The provisions of subsection (a) shall not apply to actions taken before the effective date of this title under the authority of the Rivers and Harbors Act of 1899 (30 Stat. 1151), as amended (33 U.S.C. 401 et seq.).

(c) Prior to issuing any permit under this title, if it appears to the Administrator that the disposition of the material, other than dredged or fill material, to be transported for dumping or to be dumped may affect navigation in the navigable waters of the United States or may create an artificial island on the Outer Continental Shelf, the Administrator shall consult with the Secretary and no permit shall be issued if the Secretary determines that navigation will be unreasonably impaired.

(d) After the effective date of this title, no State shall adopt or enforce any rule or regulation relating to any activity regulated by this title. Any State may, however, propose to the Administrator criteria relating to the dumping of materials into the waters described in subsection 101(b) which might affect waters within the jurisdiction of such State and, if the Administrator determines, after notice and opportunity for hearing, that the proposed criteria are not inconsistent with the purposes of this title, he may adopt those criteria and may issue regulations to implement such criteria. Such determination shall be made by the Administrator within one hundred and twenty days of receipt of the proposed criteria. For the purposes of this subsection, the term "State" means any State, interstate, or regional authority, Federal territory or Commonwealth, or the District of Columbia.

(e) Nothing in this title shall be deemed to affect in any manner or to any extent any provision of the Fish and Wildlife Coordination Act as amended (16 U.S.C. 661–666c).

ENFORCEMENT

SEC. 107. (a) The Administrator or the Secretary, as the case may be, may, whenever appropriate, utilize by agreement, the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis, in carrying out his responsibilities under this title.

(b) The Administrator or the Secretary may delegate responsibility and authority for reviewing and evaluating permit applications, including the decision as to whether a permit will be issued, to an officer of his agency, or he may delegate, by agreement, such responsibility and authority to the heads of other Federal departments or agencies, whether on a reimbursable or nonreimbursable basis.

(c) The Secretary of the department in which the Coast Guard is operating shall conduct surveillance and other appropriate enforcement activity to prevent unlawful transportation of material for dumping, or unlawful dumping.

REGULATIONS

SEC. 108. In carrying out the responsibilities and authority conferred by this title, the Administrator and the Secretary are authorized to issue such regulations as they may deem appropriate.

INTERNATIONAL COOPERATION

SEC. 109. The Secretary of State, in consultation with the Administrator, shall seek effective international action and cooperation to insure protection of the marine environment, and may, for this purpose, formulate, present, or support specific proposals in the United Nations and other competent international organizations for the development of appropriate international rules and regulations in support of the policy of this Act.

REPEAL OF OTHER LAWS

SEC. 110. (a) The second proviso to the last paragraph of section 20 of the Act of March 3, 1899 (30 Stat. 1154), as amended (33 U.S.C. 418), is repealed.

(b) Sections 1, 2, 3, 4, 5, 6, and 7 of the Act of June 29, 1888 (25 Stat. 209), as amended (33 U.S.C. 441–451b), are repealed.

(c) Section 2 of the Act of August 5, 1886 (24 Stat. 329) (44 U.S.C. 407a), is repealed.

EFFECTIVE DATE AND SAVINGS PROVISION

SEC. 111. (a) This title shall take effect six months after the date of the enactment of this Act.

(b) No legal action begun, or right of action accrued, prior to the effective date of this title shall be affected by any provision of this title.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 112. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes and administration of this title.

TITLE II—COMPREHENSIVE RESEARCH ON OCEAN DUMPING

SEC. 201. (a) The Secretary of Commerce, in coordination with the Secretary of the Department in which the Coast Guard is operating and with the Administrator shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of monitoring and research regarding the effects of the dumping of material pursuant to title I of this Act, and shall from time to time report his findings (including an evaluation of the short-term ecological effects and economic factors involved) to the Congress.

(b) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

SEC. 202. (a) The Director, National Science Foundation, in consultation with other appropriate Federal departments, agencies, and instrumentalities shall, within six months of the enactment of this Act, initiate a comprehensive and continuing program of research with respect to the possible long-range effects of pollution, overfishing, and man-induced changes of ocean ecosystems. In carrying out such research, the National Science Foundation shall take into account such factors as existing and proposed international policies affecting oceanic problems, economic considerations involved in both the protection and the use of the oceans, possible alternatives to existing programs, and ways in which the health of the oceans may best be preserved for the benefit of succeeding generations of mankind.

(b) In carrying out its responsibilities under this section, the National Science Foundation, under the foreign policy guidance of the President and pursuant to international agreements and treaties made by the President with the advice and consent of the Senate, may act alone or in conjunction with any other nation or group of nations, and shall make known the results of its activities by such channels of communication as may appear appropriate.

(c) In January of each year, the National Science Foundation shall report to the Congress on the results of activities undertaken by it pursuant to this title during the previous year.

(d) Each department, agency, and independent instrumentality of the Federal Government is authorized and directed to cooperate with the National Science Foundation in carrying out the purposes of this title and, to the extent permitted by law, to furnish such information as may be requested.

(e) The National Science Foundation, in carrying out its responsibilities under this title, shall, to the extent feasible, by contract or other agreement, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(f) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out this section, but the sums appropriated for any such fiscal year may not exceed $1,000,000.

TITLE III—MARINE SANCTUARIES

SEC. 301. Notwithstanding the provisions of subsection (h) of section 3 of this Act, the term "Secretary", when used in this title, means Secretary of Commerce.

SEC. 302. (a) The Secretary, after consultation with the Secretaries of State, Defense, Interior, and Transportation and the Administrator, may designate as marine sanctuaries those areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, as defined in the Convention on the Continental Shelf (15 U.S.T. 741; TIAS 5578), which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

(b) Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any State or superjacent to the subsoil and seabed within the seaward boundary of a coastal State, as that boundary is defined in section 2 of title I of the Act of May 22, 1953 (67 Stat. 29), the Secretary shall consult with, and give due consideration to the views of, the responsible officials of the State involved. As to such waters, a designation under this section shall become effective sixty days after it is published, unless the Governor of any State involved shall, before the expiration of the sixty-day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his State, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the Governor withdraws his certification of unacceptability.

(c) When a marine sanctuary is designated, pursuant to this section, which includes an area more than twelve miles from the baseline from which the breadth of the territorial sea is measured, the Secretary of State shall take action, as appropriate, to enter into agreements with other Governments, in order to protect such sanctuary and promote the purposes for which it was established.

(d) The Secretary shall make his initial designation under this section within two years following the date of enactment of this title. Thereafter, he shall periodically designate such additional areas as he deems appropriate. The Secretary shall submit a report annually to the Congress, setting forth a comprehensive review of his actions under the authority under this section, together with appropriate recommendations for legislation considered necessary for the designation and protection of marine sanctuaries.

(e) Before a marine sanctuary is designated under this section, the Secreatry shall hold public hearings in the coastal area which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(f) After a marine sanctuary has been designated under this section, the Secretary shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary, and no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purposes of this title and can be carried out without the regulations promulgated under this section.

SEC. 303. (a) Whoever violates any regulation issued pursuant to this title shall be liable to a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(b) No penalty shall be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

(c) A vessel used in the violation of a regulation issued pursuant to this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

(d) The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued pursuant to this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States, either on his own initiative or at the request of the Secretary.

SEC. 304. There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next two fiscal years thereafter such sums as may be necessary to carry out the provisions of this title, including sums for the costs of acquisition, development, and operation of marine sanctuaries designated under this title, but the sums appropriated for any such fiscal year shall not exceed $10,000,000.

Mr. PELLY. Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in full in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. ASPINALL. Mr. Chairman, reserving the right to object, I wish to ask a question of the chairman. If this request is granted, then will the gentleman now speaking have the first right to offer his amendment to strike title III of the bill?

The CHAIRMAN. The Chair states to the gentleman that if a member of the committee managing the bill sought recognition to offer an amendment, he would have a prior right to be recognized for that purpose.

Mr. ASPINALL. Mr. Chairman, I have the following inquiry of the chairman: If a member of the committee should offer a perfecting amendment to title III, would that prevent the Member now speaking from offering his amendment to strike?

The CHAIRMAN. If a perfecting amendment were pending, a motion to strike would not at that time be in order. The gentleman's motion could however, be made at a subsequent time.

Mr. HALL. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. HALL. I would like to inquire whether or not the unanimous-consent request included the language that the bill as considered read "would be open for amendment at all points." If so, I did not hear that statement.

Mr. PELLY. Mr. Chairman, will the gentleman from Colorado yield to me?

Mr. ASPINALL. I am glad to yield to the gentleman from Washington.

Mr. PELLY. I think I failed to state—although it was my intention to do so—that the committee amendment would be open to amendment.

The CHAIRMAN. The request then includes the language that the committee amendment be open for amendment at any point. Is there objection to the request of the gentleman from Washington?

Mr. ASPINALL. Mr. Chairman, I wish to be sure now that I understand the procedure. A motion to strike would be in order even though a perfecting amendment has been offered?

The CHAIRMAN. The perfecting amendment would be in order and would have to be disposed of prior to recognition of the gentleman from Colorado for the purpose of offering a motion to strike.

Mr. ASPINALL. I understood the Chair to say that after a motion to perfect had been made by a member of the committee, then my motion to strike the section as perfected would be in order. Is that correct?

The CHAIRMAN. After the perfecting amendment is disposed of the motion to strike would be in order at that time.

Mr. ASPINALL. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LENNON. Mr. Chairman, I have a committee amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BROOMFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 250]

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Andrews, N. Dak.
Baring
Barrett
Bell
Betts
Blackburn
Blanton
Blatnik
Bray
Brown, Mich.
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Clay
Collins, Ill.
Colmer
Conyers
Culver
de la Garza
Delaney
Derwinski
Diggs
Dorn
Eckhardt
Edwards, Calif.
Edwards, La.
Eshleman
Evins, Tenn.
Flood
Ford, William D.
Fraser
Fuqua
Galifianakis
Gallagher
Gibbons
Goldwater
Grasso
Green, Oreg.
Gross
Gubser
Haley
Hamilton
Hanna
Hansen, Idaho
Hansen, Wash.
Hébert
Heckler, Mass.
Holifield
Hosmer
Howard
Ichord
Jarman
Jones, Ala.
Kastenmeier
Kee
Koch
Kuykendall
Landgrebe
Long, La.
Long, Md.
Lujan
McClory
McCulloch
McEwen
McKinney
Macdonald, Mass.
Madden
Martin
Mayne
Melcher
Michel
Mikva
Miller, Calif.
Minshall
Mitchell
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Nichols
Patman
Pirnie
Powell
Price, Ill.
Quillen
Railsback
Rees
Reid, Ill.
Riegle
Rooney, N.Y.
Rosenthal.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
St Germain
Saylor
Scheuer
Schwengel
Sebelius
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, James V.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Thone
Tiernan
Vander Jagt
Widnall
Wiggins
Wilson, Charles H.
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Pike, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 9727, and finding itself without a quorum, he had directed the roll to be called, when 296 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENTS OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer committee amendments.

The Clerk read as follows:

Amendments offered by Mr. Lennon: Page 44, line 25, and page 45, line 1, strike out "Director, National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 7, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 14, strike out "its" and insert "his".

Page 45, line 15, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 20, strike out "its" and insert "his".

Page 45, lines 22 and 23, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 45, line 24, strike out "it" and insert "him", and strike out "title" and insert "section".

Page 46, line 3, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 46, line 4, strike out "title" and insert "section".

Page 46, line 7, strike out "National Science Foundation" and insert "Secretary of Commerce".

Page 46, line 8, strike out "its" and insert "his", and strike out "title" and insert "section".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the Record, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There is no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina.

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. LENNON

Mr. LENNON. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Lennon: Page 49, line 1, strike out "without" and insert "within".

Page 49, line 2, add the following sentence: "Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions and other agreements to which the United States is signatory."

Page 49, line 3, strike the word "Whoever", and insert the following in its place:

"Any person subject to the jurisdiction of the United States who".

Mr. LENNON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the Record, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. HALL. Mr. Chairman, reserving the right to object, do I correctly understand that the amendments are pro forma or technical amendments, or are we going to have important amendments offered without explanation or discussion to be voted up or down due to lack of attention of the House?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Michigan.

Mr. DINGELL. The first sequence of amendments was a series of purely technical amendments. The amendments before us now are committee amendments which are substantive, and I am well satisfied that my good friend from North Carolina will be more than happy to explain them at the appropriate time.

Mr. HALL. I would be glad to yield to the gentleman, my friend from North Carolina, for a brief explanation of his amendments, but we are not going to adopt important amendments to a bill by rote, and without explanation, as long as unanimous consent is required.

Mr. LENNON. Mr. Chairman, I have no desire to omit explanation. Is the gentleman's comment directed to the amendments that are now pending before the committee?

Mr. HALL. That is correct, Mr. Chairman.

Mr. LENNON. Subsequent to July 17, when this bill was reported to the House, the Merchant Marine and Fisheries Committee received a letter from the Executive Office of the President, Director of the Office of Management and Bureau of the Budget, raising objections to certain specific provisions of the bill, including title III and, in addition, raising a point in relation to a qualified statement that is contained on page 27 of the committee bill. What the amendment in substance does is this: It is a technical amendment. First, there was a typographical error. On page 49, line 1, strike out the word "without" and insert the word "within". That was a typographical error. On the same page, page 49, line 2, we would add the following sentence:

> Such regulations shall be applied in accordance with recognized principles of international law, including treaties, conventions and other agreements to which the United States is signatory.

On the same page, page 49, line 3, we would strike out the word "Whoever" and insert the following in its place: "Any person subject to the jurisdiction of the United States who.".

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. HALL. Mr. Chairman, I have no opposition at all now that the amendment has been explained. I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ASPINALL: Page 46, line 17, strike all of Title III.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, under my remarks while we were considering H.R. 9727 in general debate yesterday, which remarks can be found on pages 30863 and 30864 of yesterday's CONGRESSIONAL RECORD, I suggested several reasons why title III should be stricken from the legislation. Let me repeat for those who were here yesterday and for those who may not have been here yesterday during my presentation, the cogent arguments for striking this particular title from the legislation at this time.

First. This is an "ocean dumping" bill and the matter of establishing marine sanctuaries has no place in it. The enactment of title III would have the effect of turning over to the Secretary of Commerce the regulation of the offshore mineral leasing program authorized by the Outer Continental Shelf Lands Act—a program already subject to regulation by the Department of the Interior and for which the Secretary of the Interior has responsibility.

Second. Title III was added to the bill after hearings were completed and without any testimony from the administration and without the knowledge and advice of the committee having primary jurisdiction—the Committee on Interior and Insular Affairs.

Third. The Departments of Interior, State, and Defense and the Office of Management and Budget strongly oppose the enactment of title III, and the Committee on Interior and Insular Affairs has gone on record in opposition to this title.

Fourth. The Department of the Interior is giving full consideration to the environmental impact of the mineral leasing program pursuant to the provisions of the National Environmental Policy Act. No Federal agency is better able than the Department of the Interior to identify the natural values that must be preserved, and it does not make sense to me to transfer this authority and responsibility to the Department of Commerce.

The enactment of title III could result in locking up unnecessarily offshore resources valued at billions of dollars, reducing revenues available in the Land and Water Conservation Fund for the acquisition of much-needed recreation areas, park areas, and wildlife refuges, and curtail the President's program for meeting the growing energy needs of this Nation.

I agree fully with Admiral Rickover in his statement to the Appropriations Committee of the other body:

> Man, from the beginning of his evolution, has directed his actions toward transformation of the earth from its natural state to one more suitable for human habitation. Some believe that in light of past mistakes this goal must be completely renounced. They reject the modern world because the byproducts of industrialization and population increase have been air pollution, destruction of scenery, harm to the ecology, etc. I would suggest, however, that in actual fact, and despite all its shortcomings, the world of 1971 is a much safer and pleasanter place for nearly all human beings than the world of 10,000 B.C. or even of 1000 A.D.

Mr. Chairman, title III has no place in this legislation and I hope it will be deleted.

Mr. LENNON. Mr. Chairman, I rise in opposition to the proposed amendment. Before discussing briefly my reasons for opposing the amendment, I would like to clarify the record on two points. Yesterday, during the general debate on the bill, the distinguished chairman of the Committee on Interior and Insular Affairs, gave notice of his intention to submit an amendment to delete title III of the bill. He raised two basic jurisdictional points in his discussion. The first of these related to committee jurisdiction, and he stated that the primary jurisdiction of the subject matter in title III lies with the Committee on Interior and Insular Affairs. I have deep respect and admiration for the distinguished chairman, but I must disagree with this assertion. It is true that his committee has jurisdiction over the mineral resources of the Outer Continental Shelf, but the proposed title III does not in any way invade that jurisdiction. The primary jurisdiction, as to title III provisions, relates to the responsibility of the Merchant Marine and Fisheries Committee in the area of fish and wildlife, including research, restoration, and conservation. In addition, the Merchant Marine and Fisheries Committee has jurisdiction over the oceanographic research programs which have now been concentrated in the National Oceanic and Atmospheric Administration. The purpose of title III is to give to the Secretary of Commerce, who has responsibility not only for the National Marine Fisheries Service but also the National Oceanographic Survey, the authority to take appropriate action where it is necessary for conservation and other purposes. It is true that his action may have an effect on programs involving mineral leasing. It may also have effect on Department of Defense programs involving channel improvements and defense research. It may have an impact on Coast Guard programs involving aids to navigation, and it may have an impact on the responsibilities of the Administrator of EPA. It is for this reason that section 302 of the title requires the Secretary of Commerce to consult with Interior, Defense, Transportation, EPA, as well as the Secretary of State, before he makes a designation of any marine sanctuary. In addition, he is required to hold public hearings in order to receive the views of all interested parties. Furthermore, the title provides that the Secretary of State shall take appropriate action to enter into international negotiations in order to protect a sanctuary and the purposes for which it was designated.

An additional point has been raised as to the "usurpation without notice of the authority of the Secretary of the Interior." Mr. Chairman, this, in my opinion, is not a correct analysis of the situation. The question of marine sanctuaries has been the subject of hearings by the subcommittees of the House Merchant Marine and Fisheries Committee for at least the past three Congresses.

In 1966, the President's Science Advisory Committee recommended the creation of marine sanctuaries. Some 11 bills were the subject of hearings by the Subcommittee on Oceanography in the 90th Congress. The Interior Department testified on those bills and suggested that action should be delayed until the pending national estuary study and the forthcoming report of the Marine Science Commission was received. In part, due to that suggestion, no legislation was enacted in the 90th Congress. The national estuary study was completed and forwarded to the Congress in early 1970. It stated in part:

> It is in the national interest that the Federal government help to provide leadership and incentive for estuary preservation and restoration for the benefit of all the people.

It further stated:

> The choice is clear—either we provide for preservation and restoration measures, or our estuaries will degenerate and disappear under the onslaught of economic development.

That report was approved and adopted on January 30, 1970, by the Honorable Walter J. Hickle, Secretary of the Interior. The Marine Science Commission report was also received by the Congress, this in January of 1969. While it did not address itself to marine sanctuaries per se, it did include a detailed discussion of competing uses in the ocean areas, particularly the coastal zone, and made the following statement:

> Federal, state and local governments share the responsibility to develop a plan . . . which

> reconciles, or, if necessary, chooses among competing interests and protects long-term values.

Following the completion of the national estuary study and the Marine Science Commission report, bills on the subject of marine sanctuaries were introduced in the 91st Congress. Six of those bills were the subject of hearings before the Subcommittee on Fisheries and Wildlife. The report of the Department of Interior on those bills recommended that consideration be deferred pending completion of the comprehensive study by the Council on Environmental Quality on ocean dumping. That study has also been completed and contains the following recommendations:

> High priority should be given to protecting those portions of the marine environment which are biologically more active: namely the estuaries and the shallow nearshore areas in which many marine organisms breath or spawn. These biologically critical areas should be delimited and protected.

Further:

> Marine research preserves should be established to protect representative marine ecosystems for research and to serve as ecological reference points—baselines by which man-induced changes may be evaluated.

The Department of Interior was represented in the preparation of those recommendations.

During the 92d Congress, a total of eight bills have been referred to the Committee on Merchant Marine and Fisheries relating solely to marine sanctuaries. The Department of Interior has been requested for a report on each of those bills, the first such request having been made in February of this year. No reports have been furnished to the committee by the Department. Of the more than 40 bills introduced on the subject of ocean dumping, approximately 25 percent contain marine sanctuary provisions. The Department of Interior was also requested for its comments on those bills, and although the departmental reports specifically recognized in some instances, particularly H.R. 4359, the existance of a marine sanctuary provision, the reports did not take a specific stand on the subject.

In its consideration of the various ocean dumping bills, the committee heard the testimony of the Department of the Interior and the witness did not address himself or express any objection specifically to marine sanctuary provisions. It is true that the administration proposal, H.R. 4723, did not contain such a provision. The subcommittees considering the bills, however, felt that this additional provision would be an added tool in protecting the quality of our ocean waters.

As early as May 1971, a committee print for discussion purposes, contained just such a provision. That committee print was used in the markup of the bill and representatives of at least three executive agencies were continually present in the executive committee meetings to give advice and counsel to the subcommittee members. The print was also made available to other Government departments and while no formal request was made to Interior for its comments, it could have furnished them at any time. H.R. 9727, as we are considering it today, was, in effect, a clean bill resulting from the subcommittee deliberations. Since all interested departments had been heard during the hearings, there was no need to again request testimony on H.R. 9727. But to say that the Department of Interior was not aware of the committee deliberations will not bear the light of day.

As I have previously pointed out, the Department of Commerce, through the National Marine Fisheries Service has jurisdiction over the living resources of the oceans including those of the Continental Shelf. This is specifically covered in the act of May 20, 1964, as amended—16 U.S.C. 1081–1086—which includes provisions relating not only to fisheries in the contiguous zone but to Continental Shelf fishery resources. It is also obvious that if this bill passes, an additional "permitted activity" will be dumping of materials as regulated by title I.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Florida.

Mr. FREY. I thank the gentleman for yielding. I want to point out that this is true.

There were three bills on the subject, H.R. 4359, H.R. 4360, and H.R. 4361, with 52 cosponsors, including five members of the committee.

As a matter of fact, on the question, there was knowledge of the sanctuaries. This is an old question. The Council on Environmental Quality in 1970 in its report initially brought this up.

A bill including this was filed in the 91st Congress by myself.

There is testimony on page 216 of the hearings of April 5, 6, and 7 which goes into this, Mr. Chairman.

Furthermore, there was a report, although innocuous, filed by the Department of Interior, which appears at page 108 of the report.

So there certainly was notice of this. It is a good bill. It seems to me, on something as important as this, we ought to get down to passing it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I shall be happy to yield, if I may have my time extended.

Mr. KYL. I will seek additional time for the gentleman.

Mr. LENNON. Under those conditions I yield to the gentleman from Iowa.

Mr. KYL. Is there any proposed authority in title III, which authority now exists in the Department of the Interior, in the Secretary of the Interior?

Mr. LENNON. This does not in any way circumvent or impede or diminish the present authority of the Secretary of the Interior relating to exploration and exploitation off the Continental Shelf, regarding phosphates, minerals, oil, gas or anything else.

Mr. KYL. The gentleman did not respond to the question, perhaps because it was poorly phrased.

Does the Secretary of the Interior today have the authority to do what title III seeks to do for the Commerce Department?

Mr. LENNON. No. All he has the authority to do now is make the determination as to what leases shall be granted for exploration and exploitation.

This title III does not interfere with or to any degree impede him in this regard.

He must, however, and rightly so, confer not with the Secretary of Commerce as such but with the administrator of the agency that this Congress created, the National Oceanographic and Atmospheric Agency. At the same time public hearings must be held in the area where this is done to determine whether or not there will be an adverse effect.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. LENNON was allowed to proceed for 5 additional minutes.)

Mr. KYL. Will the gentleman yield for one further question?

Mr. LENNON. Yes. I am glad to yield to the gentleman.

Mr. KYL. The Secretary of the Interior, then, in making regulations concerning fish and wildlife and the protection thereof, and marine sanctuaries and so on, has been acting beyond any official capacity. Is that what the gentleman is saying?

Mr. LENNON. No. You must recall, my friend, through your vote and the other votes, we took out of the Department of the Interior and put into NOAA—the National Oceanographic and Atmospheric Agency—the commercial fishing and certain aspects of sports fishing and wildlife. That was done by the Congress, and it is now in NOAA, which is a part of the Department of Commerce.

Mr. KYL. I thank the gentleman for yielding, although we are in disagreement completely.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. LENNON. I will be delighted to yield to the gentleman.

Mr. GERALD R. FORD. As I interpret the statement made a few moments ago by the gentleman from North Carolina, the inference was that in effect the head of NOAA would make the decision as to the establishment of marine sanctuaries, implying that the Secretary of Commerce was not the person who made the final decision.

Mr. LENNON. The Secretary of Commerce is designated as the individual because that is the Cabinet-level status, as the gentleman so well knows. But certainly the Administrator of NOAA within the Department of Commerce will be the chief advocate of such marine sanctuaries.

Mr. GERALD R. FORD. Let me clarify that if I might.

The Secretary of Commerce makes the final decision.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. LENNON. If the gentleman will permit me, I will be happy to yield now to the gentleman from Michigan (Mr. DINGELL), who, I am sure, can clarify this point.

Mr. DINGELL. I would like to read from the language of the bill. This is in section 302.

The "Secretary"—referring to the

Secretary of Commerce who is outlined above—"after consultation with the Secretaries of State, Defense," and so forth, "and the Administrator"—referring to the Administrator of the Environmental Protection Agency—"may designate as marine sanctuaries" and so forth. And then it goes on from there. Referring further to the language of the bill, it is permissive for him to do after having engaged in consultation with the officers of the other departments.

Mr. GERALD R. FORD. Let me make a further inquiry.

Mr. LENNON. I yield to the gentleman.

Mr. GERALD R. FORD. I am sure the gentleman would not want to upgrade the head of NOAA so that he could preempt the final authority of the Secretary of Commerce. What I am trying to clarify is, if the Secretary of Commerce disagrees with the head of NOAA, the Secretary of Commerce is the person who makes the final decision.

Mr. LENNON. That would be my interpretation of it.

Mr. DINGELL. If the gentleman will yield, the gentleman from Michigan is correct. That is a correct interpretation.

Mr. GERALD R. FORD. In other words, he can disagree with the head of NOAA and make a final decision, and his decision is the final one?

Mr. DINGELL. I so read the bill.

Mr. GERALD R. FORD. Thank you.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. LENNON was allowed to proceed for 4 additional minutes.)

Mr. LENNON. Mr. Chairman, I think I could have answered these questions that have been raised if they would have permitted me to proceed with my statement.

Twelve bills were introduced, three in the 90th Congress. The Interior Department testified on these bills and suggested that this issue be delayed until the pending national estuary study and the forthcoming report of the Marine Science Commission was received.

It was based upon the suggestion that no legislation was brought to this floor in the 90th Congress or in the 91st Congress.

This estuary study was made, was completed and forwarded to the Congress in 1970 and states in part:

> It is in the national interest of the Federal Government to help provide leadership incentive for estuary preservation and restoration for the benefit of all the people.

It further stated other very pertinent facts concerning this issue. That report was approved and adopted on January 30, 1970, by whom? By Walter J. Hickel, the Secretary of the Department of the Interior. The Marine Science report was also received by the Congress at the same time. We followed the recommendations of the administration, the previous administration and this administration, in the attempt to bring this legislation before the House.

Gentlemen, I urge you to support your committee on this matter.

On the other side of the spectrum there will be an effort made to go a little further. We have adopted the middle course in this bill. However, there will be an amendment offered to the amendment now pending that would designate some spots other than those covered by this legislation as marine sanctuaries. I do not think that is equitable, because that would be an infringement upon the Department of the Interior which is now engaged in present negotiations for these leased sites.

Mr. Chairman, I think we should adopt the middle course and follow the recommendations of these two subcommittees which have given their time and their effort to bring this type of bill to you.

Mr. PELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Aspinall amendment.

Mr. Chairman, the Aspinall amendment should be defeated. In my opinion it represents a misguided and ill-conceived effort on the part of well-meaning individuals to protect the development of offshore oil resources which they view as threatened by a marine sanctuary law.

This fear is groundless. Let me assure the distinguished chairman of the Interior Committee that it has never been our intention to stop the development of these vast resources. As the gentleman from Ohio (Mr. MOSHER) stated during general debate yesterday, the Merchant Marine and Fisheries Committee has led the way in fostering the increased utilization of the oceans to satisfy man's need for food, energy sources, and hard minerals. We have constantly endeavored to advance technology and basic knowledge, so that these offshore resources and the wealth of the deep sea bed can be extracted economically.

Let me reemphasize the fact that marine sanctuaries as proposed in title III of this legislation are not intended to prevent legitimate uses of the sea. They are intended to protect unique areas of the ocean bordering our country. How many such marine sanctuaries should be established remains to be determined. It is likely that most of them will protect sections of our national seashores. A sanctuary is not meant to be a marine wilderness where man will not enter. Its designation will insure very simply a balance between uses.

The amendment is the result of misinformation generated by the Department of the Interior. What is the Department afraid of? Are we to assume that the development of offshore minerals is not compatible with conservation of fisheries, recreation and our many other beneficial uses of the sea? Is the Department saying we must choose between oil and these other uses? I hope that is not the case. Perhaps the Department of the Interior should take another close look at the National Environmental Policy Act, and advise the Congress if its statutory responsibilities are in conflict with that act.

The basic thrust of the letters spread in the RECORD yesterday by the gentleman from Colorado (Mr. ASPINALL) is that title III of this legislation will have the effect of cutting off the flow of oil from the Outer Continental Shelf which, in turn, will curtail the President's program for meeting the energy needs of this country and will seriously reduce the flow of money to the Federal Treasury from the leasing of these offshore lands. This premise is completely wrong and is an unfortunate overreaction to a moderate and realistic attempt to insure balance among the competing uses for the seaward areas.

What does title III do? First of all, it provides that the Secretary of Commerce, after consultation with the Secretaries of State, Defense, Interior, Transportation, and the Administrator of EPA, may designate marine sanctuaries for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values. So far as State waters are concerned, the Governor of any State may refuse to accept the designation of any sanctuary within the territory of his State. A sanctuary which extends beyond our territorial sea does not impose any burden upon foreign nationals. It does not extend U.S. territory. It does not involve any creeping jurisdiction. It does not affect our efforts at the international level to formulate a new law of the sea.

Under an amendment which has been offered by the gentleman from North Carolina (Mr. LENNON), the fears of the Department of State are completely laid to rest. The difficulty with title III seems to arise in section 302(f) on page 48 of the bill. This subsection provides that the Secretary, after a marine sanctuary has been designated, shall issue necessary and responsible regulations to control any activity permitted within the designated sanctuary, and no permit, license or other authorization shall be valid unless the Secretary certifies that the permitted activity is consistent with the purposes of this title and can be carried out within the regulations promulgated under this section.

Thus it is clear that two things must occur before the fears of the Department of the Interior might be realized. First of all, a marine sanctuary will have to be designated in an area where offshore oil exploration or extraction is under way or feasible. The mere designation of a marine sanctuary, however, will not prohibit such activity. The Secretary must further find that oil exploration or extraction cannot be conducted consistent with the purpose for which the sanctuary was established. There may well be areas where, due to a variety of circumstances, the Secretary will be compelled to reach such a conclusion. I certainly do not envision, however, that this will frequently be the case. I am sure that the Interior Department and the distinguished chairman of the Interior Committee, the gentleman from Colorado (Mr. ASPINALL), do not mean to imply that the extraction of oil from the Outer Continental Shelf lands is so sacrosanct nor so inherently dangerous that it cannot be subjected to reasonable scrutiny by a responsible Federal official outside of the Department of the Interior.

Title III is a logical and reasonable corollary to the balance of this legislation. It is not a new or novel concept dreamed up by the Committee on Merchant Marine and Fisheries at the last minute. A number of bills before the committee at the outset of our deliberations tied the regulation of ocean dumping with the establishment of marine sanctuaries. These bills were reported upon by the Interior Department and were before the committee when the representative of the Interior Department testified. I strongly urge my colleagues to oppose this amendment and to support the passage of H.R. 9727, as reported by your committee.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. PELLY. I yield to the gentleman whose name I just mentioned.

Mr. ASPINALL. I intended to get recognition while the gentleman from North Carolina was speaking. It so happens that the Speaker, with the Parliamentarian's advice, assigned three—at least three—bills establishing marine sanctuaries to the Committee on Interior and Insular Affairs.

If that does not establish the right to the jurisdiction of our committee over at least bills having to do with general policies of marine sanctuaries, I do not know what else does.

Our committee was never given any notice or consideration at all when the hearings on this legislation were held or at any time during the consideration of the legislation which will authorize studies for the purpose of establishing marine sanctuaries.

I desire that the members of this Committee know that there is no personal ambition to have legislation taken before our committee when it is before another committee.

But anyone who suggests that the Committee on Interior and Insular Affairs does not have jurisdiction over the general operations here, is mistaken, or the reference of the bills was wrong. Also it would have been a simple question of congressional courtesy that the committee which had at least some of the bills before it be given some kind of warning that the bills would be considered by another committee.

There may be dual jurisdiction in this respect, but there is jurisdiction in the Committee on Interior and Insular Affairs without question.

If my colleague, the gentleman from Washington (Mr. PELLY) will yield further, section (d) of title III says that the Secretary, that is, the Secretary of Commerce, "shall make his initial designation under this section within 2 years following the date of enactment of this title."

This takes the jurisdiction, whatever there may be, away from the Secretary of the Interior, and gives it to the Secretary of Commerce.

Section (f) states that after a marine sanctuary has been designated under this section, the Secretary shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary.

If that does not take complete jurisdiction away from the Secretary of the Interior, then I cannot read the language.

Mr. PELLY. I certainly do not want our committees to become engaged in any jurisdiction fight. We have had our little differences with the Committee on Interior and Insular Affairs before, and we have reconciled them. I can say to my good friend, the gentleman from Colorado (Mr. ASPINALL) that I had no thought in my mind that we were invading his jurisdiction. I am certain we are not, and it was not our intention to do so.

Mr. ASPINALL. Mr. Chairman, if the gentleman will yield further, I would like to correct the statement I made, and that is that we have eight bills before our committee at the present time instead of the three that I mentioned.

Mr. PELLY. I certainly am aware of the important responsibilities that the gentleman and his committee have over the exploration for oil, and I do not want—as a member of the Committee on Merchant Marine and Fisheries to have any part in that jurisdiction.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

Mr. PELLY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I think it is important that we recognize that bills of this nature have been referred to our Committee on Merchant Marine and Fisheries since 1966, and in each Congress since that time, and that there have been a goodly number of such bills which have been referred to our committee.

There are now pending something in the neighborhood of eight bills. Six bills of this nature were heard during the last Congress. There is even a bill dealing with the subject which I would call to the attention of my good friend, the gentleman from Colorado (Mr. ASPINALL), and that is H.R. 9111——

The CHAIRMAN. The time of the gentleman from Washington has expired.

(On request of Mr. DINGELL, and by unanimous consent, Mr. PELLY was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, if the gentleman from Washington will continue to yield to me, I would point out to my good friend, the gentleman from Colorado (Mr. ASPINALL) that the bill H.R. 9111, which was introduced by the gentleman from Louisiana (Mr. WAGGONNER) has been referred to the Committee on the Judiciary, and the title states as follows:

> Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act.

I think that we have a situation where there has been a long-established jurisdiction, well recognized by the Parliamentarian and by the Speaker, by the reference of bills of this kind to the Committee on Merchant Marine and Fisheries for no less than three Congresses, and that the Committee on Merchant Marine and Fisheries has acted on those bills.

Also, there have been additional bills, such as one relating to the coastal zone, that have been handled under the distinguished and able leadership of my good friend, the gentleman from North Carolina (Mr. LENNON). So I believe that the question of jurisdiction is very clear and simple, and that it is abundantly plain that it is in the hands of the committee that has brought this bill before us today.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, there were 39 distinct bills introduced in this Congress on marine sanctuaries. Many of those bills, including the first one, H.R. 285, have been referred to this committee. I introduced that bill in the previous Congress, and the Parliamentarian referred it to the Committee on Merchant Marine and Fisheries. I feel that virtually every Government agency testified before the committee, and I would like to compliment the gentleman from North Carolina and the members of that committee for the outstanding job they did in putting together this legislation.

I am also well aware of the many points of views from many of the other Members of Congress with regard to the jurisdictional question, particularly with regard to the Secretary of the Interior in regard to advice and consenting to the establishment of these sanctuaries.

Mr. PELLY. Mr. Chairman, I would like to add to what I said, that I personally do not intend to invade the jurisdiction of the great Committee on Interior and Insular Affairs. I do not believe this bill has done that. As I said before I am hopeful that this can be resolved without getting into a fight between two of the great committees of the Congress.

Mr. DINGELL. Mr. Chairman, will the gentleman yield further?

Mr. PELLY. I yield to the gentleman.

Mr. DINGELL. Reports were requested in each instance on each and every one of the bills dealing with marine sanctuaries by the staff and the chairman of the Committee on Merchant Marine and Fisheries of all interested government agencies including the Department of the Interior. Of the some 30-odd bills before our committee at this time, a request was made for a report on each of the bills of the Department of the Interior. The Department of the Interior was brought in to testify and was queried on the subject of marine sanctuaries by our committee, and, more importantly, other Government agencies, including the Council on Environmental Quality and the Office of Science Technology, were also queried.

AMENDMENT OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LENT: Page 48, line 12, insert "(1)" after "(e)".
>
> Page 48, between lines 18 and 19, insert the following:
>
> "(2) In any case in which the Secretary has an area under study for possible designation as a marine sanctuary—
>
> (A) the Secretary is authorized to cooperate with all affected Federal, State, local, and international organizations for the purpose of arranging a moratorium, until the study

is completed, on industrial development within the oceans, coastal, and other waters of such area; and

"(B) the Secretary of the Interior may not issue any new permit, license, or other authorization for the extraction of oil from such area until such study is completed."

Page 49, line 2, after "section." insert the following:

"The Secretary may not certify as consistent with the purposes of this title any permit, license, or other authorization for the extraction of oil from any area designated as a marine sanctuary."

Mr. LENT. Mr. Chairman, I offer a perfecting amendment which is at the desk.

Mr. Chairman, I would like to preface my remarks on the amendment by commending the committee for reporting an excellent bill to control ocean dumping in nearly every respect. Especially commendable is title III of this legislation, which, for the first time, authorizes the establishment of select areas of our coastal waters for distinctive treatment because of their noteworthy conservation, recreational, ecological, or esthetic values.

I am pleased that we have finally reached this legislative juncture that acknowledges the fact that our oceans are not an indestructible resource—that whatever further damage we will permit to our waters—at least we have seen fit to select a portion of them for restoration and preservation.

The purpose of this amendment, which is cosponsored by the gentleman from California (Mr. Teague), is to lend real credence to our intent here today rather than let this very well-meaning title stand as merely a partial solution—controlling dumping, but disregarding the equally hazardous problem of offshore oil drilling.

This amendment simply adds language to title III to restrict the Secretary of the Interior from proceeding to issue permits, licenses, or leases for new offshore oil drilling, pending completion of a study of the affected area for possible designation as a "marine sanctuary."

If one were to ask my colleagues who serve the coastal areas, "What is the one potential danger that would result in the most catastrophic destruction to the conservation, recreational, ecological, or esthetic values of your shore?" I doubt very seriously that their answers would reflect "red tide," a hurricane, or any other passing natural disaster.

I think you know as I know that their responses would most likely cite the potential devastation that oil spills off our coasts creates.

If there is any activity that can be judged more totally incompatible with the concept of marine sanctuaries, Mr. Chairman, it must be the offshore drilling of oil.

The immediate need for this legislation from the vantage point of those of us representing highly vulnerable beach and wetland areas along the Atlantic coast has only recently come to light with the disclosure by two major daily newspapers on Long Island—the Long Island Press and Newsday—confirmed by the Department of the Interior, that extensive oil explorations now taking place along the Atlantic shelf from Maine to Florida have indicated the areas may yield as much as 200 billion barrels of oil.

These disclosures, which have aroused great interest and concern among east coast residents, indicate a very real possibility that, unless the Congress acts now, oil leases may be granted and drilling commenced in the Atlantic as early as 2 years from now. Similar pressures are mounting for oil development off the Gulf of Alaska and the northern Pacific coast.

There is no doubt but that the National interest demands the development of new energy sources. But, there are times when we may erroneously risk sacrificing long-term values for short-term gains.

There is no reason why these vast areas of the Atlantic shelf, presently barren of oil drilling operations, should be permitted to be developed helter skelter by commercial interests. The current bill, in providing for the establishment of marine sanctuary areas, affords an excellent vehicle for declaring certain precious estuary, wetland, and beach areas "off-limits" to drilling and other forms of development.

This amendment is designed to preclude the threat that the oil interests will proceed at a faster pace in developing this area than the administrative machinery for establishing marine sanctuary areas will permit.

Today we have a real opportunity to put the proverbial horse before the cart, as it belongs, and establish our environmental guidelines first. We have the means at hand to prevent damage to these special areas before they have been despoiled by oil drilling operations. We should grasp that opportunity now rather than to have to come back to this Chamber at some future time, after the mistakes have been made and the irreparable damage done.

The question today is:

Are we going to abandon this chance or will we learn from past mistakes and seize this opportunity? I urge support of this amendment.

At this point in the proceedings, I insert the following items into the Record:

First, a letter dated July 22, 1971, sent to me by the U.S. Department of the Interior, Geological Survey.

Second, a tentative schedule containing Office of Geological Survey leasing data, dated June 1971.

Third, Newsday editorial, "Sacking the Sea," which appeared in the Tuesday, July 20, 1971, edition.

Fourth, Long Island Daily Press editorial entitled "A Threat to Long Island" which appeared June 17, 1971.

Fifth, an article from the March 1971 issue of Environment, volume 13, No. 2, entitled "A Small Oil Spill" by Max Blumer, Howard L. Sanders, J. Fred Grassle, and George R. Hampson, of the Woods Hole Oceanographic Institution, Woods Hole, Mass.

Sixth, Long Island Daily Press editorial entitled "Get The Fords" which appeared July 17, 1971.

Seventh, Long Island Daily Press editorial entitled "Potential For Disaster," which appeared August 30, 1971.

The items follow:

U.S. Department of the Interior,
Geological Survey,
Washington, D.C., July 22, 1971.

Hon. Norman F. Lent,
House of Representatives,
Washington, D.C.

Dear Mr. Lent: Your letter of July 14 to Dr. Russell G. Wayland, Chief of our Conservation Division, requests information on the extent of oil exploration off the coast of Long Island and on a comparison of present Outer Continental Shelf (OCS) regulations with those in effect prior to the Santa Barbara incident.

Enclosed are the following which contain the information requested and certain additional information which may be of interest to you:

1. A paper containing data compiled by the Geological Survey in January 1971 on the "Oil and gas potential for the Atlantic Continental Shelf north of Cape Hatteras," with attached Figures 1–4 and Tables 1 and 2. Table 1 contains a list of all permits for geological and geophysical explorations issued by the Geological Survey for the Atlantic OCS. The table has been revised to include 2 permits issued to date during 1971, under which operations currently are in progress. Both of these permits were issued for periods ending October 31, 1971; however, operations probably will be completed prior to that date. Areas off Long Island are included within the permit areas for 25 of the 58 Atlantic OCS permits. We have attached to Table 1 the addresses of the companies to which these 25 permits were issued.

2. An article entitled "Is there oil in the Atlantic?" from the Spring 1970 issue of *Petroleum Today* magazine. The geophysical operations mentioned in the article were those conducted under Permit E 1–68 (Item 37 on Table 1).

3. An article on the "Atlantic Seaboard" from the 4th Quarter 1969 issue of *The Humble Way* magazine. The environment and multiple use are discussed on pages 16–18.

4. Two recent articles on drilling operations currently being conducted in the Atlantic off Canada.

5. News release of August 22, 1969, announcing the adoption of the new OCS leasing and operating regulations which were published in the *Federal Register* on that date.

6. News release of August 29, 1969, announcing new OCS orders for stricter regulation of drilling and producing operations in the Gulf of Mexico. Similar orders have been issued also for the Pacific Region of our Branch of Oil and Gas Operations, the only other region in which OCS Lands have been leased.

7. A November 1970 speech by the Chief of our Conservation Division on "Federal Regulations and Pollution Controls on the U.S. Offshore Oil Industry".

8. News release of June 15, 1971, announcing a tentative OCS leasing schedule and a copy of the tentative schedule.

9. Booklet dated April 1971 containing the current regulations and other papers pertaining to the OCS.

Please do not hesitate to contact us should you desire any additional information.

Sincerely yours,

W. A. Radlinski,
Acting Director.

TENTATIVE SCHEDULE—O.C.S. LEASING

1971 SALES

- Gulf of Mexico, Drainage:
  - June—Draft, E. Q. State.
  - August—E. Q. State.
  - September—Sale Notice.
  - October—Sale.
- E. Louisiana, General and Gulf of Mexico, Drainage:
  - January—Call.
  - March—Nom. Due.
  - July—Hearing Notice.
  - August—Draft, E. Q. State.
  - September—Hearing.
  - October—E. Q. State.
  - November—Sale Notice.
  - December—Sale.
- Louisiana General and Gulf of Mexico, Drainage:
  - June—Call.
  - August—Nom. Due.
  - September—Hearing Notice.
  - October—Draft, E. Q. State.
  - November—Hearing.
- E. Texas General and Gulf of Mexico Drainage:
  - September—Call.
  - December—Nom. Due.

1972 SALES

- Gulf of Alaska, General:
  - January—Hearing Notice.
  - February—Draft E. Q. State.
  - March—Hearing.
  - June—E. Q. State.
- Louisiana, General, and Gulf of Mexico, Drainage:
  - January—E. Q. State.
  - February—Sale Notice.
  - May—Sale.
- E. Texas, General, and Gulf of Mexico, Drainage:
  - February—Hearing Notice.
  - March—Draft E. Q. State.
  - April—Hearing.
  - June—E. Q. State.
  - August—Sale Notice.
  - November—Sale.
- Alabama, Mississippi, and Florida, General, and Gulf of Mexico Drainage:
  - March—Call.
  - June—Nom. Due.
  - August—Hearing Notice.
  - September—Draft E. Q. State.
  - October—Hearing.
  - December—E. Q. State.
- Louisiana and East Texas, General, and Gulf of Mexico, Drainage:
  - September—Call.
  - December—Nom. Due.
- Atlantic, General:
  - August—Hearing Notice.
  - October—Draft E. Q. State.
  - November—Hearing.

1973 SALES

- Gulf of Alaska, General:
  - This sale, or one of comparable potential reserves, to be held prior to 1976.
- Alabama, Mississippi, and Florida, General and Gulf of Mexico, Drainage:
  - February—Sale Notice.
  - May—Sale.
- Louisiana and East Texas, General and Gulf of Mexico, Drainage:
  - February—Hearing Notice.
  - March—Draft, E.Q. State.
  - April—Hearing.
  - June—E.Q. State.
  - August—Sale Notice.
  - November—Sale.
- Gulf of Mexico, Drainage:
  - October—Draft, E.Q. State.
  - December—E.Q. State.
- Louisiana and Texas, General and Gulf of Mexico, Drainage:
  - September—Call.
  - December—Nom. Due.
- Atlantic General:
  - February—E.Q. State.
  - This sale, or one of comparable potential reserves, to be held prior to 1976.

1974 SALES

- Gulf of Alaska, General:
  - This sale, or one of comparable potential reserves, to be held prior to 1976.
- Gulf of Mexico, Drainage:
  - February—Sale Notice.
  - May—Sale.
- Louisiana and Texas, General, and Gulf of Mexico, Drainage:
  - February—Hearing Notice.
  - March—Draft E. Q. State.
  - April—Hearing.
  - June—E. Q. State.
  - August—Sale Notice.
  - November—Sale.
- Atlantic, General:
  - This sale, or one of comparable potential reserves, to be held prior to 1976.
- Gulf of Mexico, Drainage:
  - October—Draft E. Q. State.
  - December—E. Q. State.
- Gulf of Mexico, General and Drainage:
  - September—Call.
  - December—Nom. Due.

1975 SALES

- Gulf ot Alaska, General:
  - This sale, or one of comparable potential reserves, to be held prior to 1976.
- Aflantic, General:
  - This sale, or one of comparable potential reserves, to be held prior to 1976.
- Gulf of Mexico, Drainage:
  - February—Sale Notice.
  - May—Sale.
- Gulf of Mexico, General and Drainage:
  - February—Hearing Notice.
  - March—Draft, E. Q. State.
  - April—Hearing.
  - June—E. Q. State.
  - August—Sale Notice.

[From Newsday, July 20, 1971]

SACKING THE SEA

There was a time when the mere cataloging of resources was a sure-fire source of national pride. But that was before Americans really got down to the task of exploiting those resources.

The sacking of Rome was a high tea compared to the industrial growth of America. The barbarian hordes never killed a river or dug an Appalachian strip mine or caused the tides to flow heavy with oil. It took American ingenuity to dream up that kind of vandalism. And despite the havoc already wreaked, the process continues. According to the U.S. Geological Survey, there may be as much as 200 billion barrels of oil beneath the Continental Shelf off the east coast of the U.S. At the moment a consortium of 33 oil companies is financing a search for likely new oil fields under offshore waters.

The geologists have already located two northeastern sites that look promising. One is situated about 60 miles southeast of Long Island; the other about 80 miles east of Massachusetts. The oil companies are interested, and an Interior Department spokesman has estimated that drilling could be proceeding in the Atlantic as early as two years from now.

The chairman of the Suffolk County Legislature, John V. N. Klein, reacted to this prospect with a letter to President Nixon in which he said, "The potential for off-shore drilling activities poses the greatest single environmental threat in Suffolk County since its settlement in the early 1600s." That sounds like the language of hyperbole, but it isn't. Klein's assessment is accurate and precise.

Recently a mere 38,000 gallons of oil spilled by a Navy tanker closed Coney Island, New York City's prime summer recreational area. An off-shore oil drilling operation has a potential for loosing vast amounts of oil, which could forever destroy Long Island's wetlands. This potential cannot be dismissed lightly. The oil companies, of course, minimize the chance of accident, but these assurances have a hollow ring in the wake of the Santa Barbara spill and the more recent one in the Gulf of Mexico.

Until the techniques of protecting the environment are as sophisticated as those used in exploiting it, oil drilling in the Atlantic should be prohibited.

[From the Long Island Press, June 17, 1971]

A THREAT TO LONG ISLAND

We have grave misgivings about the Interior Department plan to lease off-shore land for commercial oil and gas drilling.

"We all saw what happened in California," Rep. James Grover of Babylan said, referring to the massive oil spill off Santa Barbara that caused extensive damage to hundreds of miles of coastline. And, he added, "it can happen here."

His concern is shared by Rep. Otis G. Pike of Riverhead, Suffolk Legislative Chairman John V. N. Klein and others who fear what might happen to our beaches and bays in the event of a major spill, blowout or fire. As Mr. Klein aptly put it, the last thing Long Island needs is "one additional mammoth threat to its environment."

The danger is real because the lease program announced by Interior Secretary Rogers C. B. Morton does not envision drilling by a handful of companies with some hope of success, but by a consortium of 33 major companies with high hopes of tapping a rich new source of oil.

Fortunately, Secretary Morton also said there will be "ample time" allotted for public hearings and for a careful review of each mining proposal by the President's Council on Environmental Quality. It is vital that Long Island leaders insist on the same intense public scrutiny that has been given—for similar reasons—to the Long Island Lighting Company's plan to build a nuclear power plant at Shoreham.

So long as we depend upon oil as a prime source of energy there will be a need to mine it. And it may well be, as predicted by Thomas Macres Jr., co-chairman of the State Conservation Council, that "there's too damn much money and power involved" to stop this oil lease program. It will therefore take powerful opposition and solid evidence of high environmental risk to persuade Washington that it is off course in permitting the drilling operations.

Populous Long Island's unique coastline, with its bays, wetlands and beaches, is already highly vulnerable to existing sources of pollution. Massive oil drilling would tremendously magnify the threat. Public officials and civic leaders from Astoria and Coney Island to Orient and Montauk Point must mount a campaign to nip this high-risk venture in the bud, or, at the very least, with government guarantees that the strongest possible safety regulations will be enacted—and enforced.

A SMALL OIL SPILL

AN OCEAN OF OIL

Oil pollution of the ocean is an increasingly serious global problem. This was the consensus of a large group of scientists from many disciplines who met last fall at the Massachusetts Institute of Technology (MIT) to consider the most pressing problems of man's technological impact on world ecology (see page 48). The conclusion also was voiced by a number of scientists at European conferences late last year sponsored by NATO and the Food and Agriculture Organization of the United Nations. Scientists at the month-long MIT meeting observed that the oils from petroleum are different in composition and toxicity from those occurring naturally in living marine organisms. These differences present a threat to ocean life and ultimately to human welfare, particularly in view of the scope of the pollution. The scientists pointed out that, although major catastrophes such as the wreck of the tanker Torrey Canyon in 1967 or the Santa Barbara Channel leak in 1969 receive the headlines, the smaller day-to-day spills in coastal waters and harbors of the world produce chronic pollution that is much larger in total volume and probably more severe in biological consequences.

The following article examines the impact of one localized oil spill that would have received only passing attention had it not occurred near the Woods Hole Oceanographic Institution in Massachusetts. An interdisciplinary group of experienced scientists at the institution spent many months examining the after effects of the accident. Their conclusions have far-reaching implications for the rising tide of oil pollution around the globe. Chronic oil pollution contaminates near-shore waters that are key to the survival of most marine animals that are taken for man's food. Over a long period of time, this persistent pollution may interfere with the normal life processes of the organisms—as well as killing them outright at high concentrations. The result, as in the West Falmouth story that follows, may be progressive disappearance of usually abundant fish and shellfish. Their decline would be accompanied by an increase in pollution-tolerant species that generally indicate an unhealthy state of biological affairs. Furthermore, remaining organisms of food value to man may be permanently contaminated with petroleum mydrocarbons that could be hazardous to health.

Because of this, chronic oil spills can be called "small" only in a relative sense. Each one further contributes to the deterioration of the marine environment. Meanwhile, there is no letup in single, massive oil accidents around the world. The largest ones over the past year or so are summarized in the special Environment report that follows the article by Dr. Blumer and his colleagues.

During the last few years the public has become increasingly aware of the presence of oil on the sea. We read about the recurring accidents in oil transport and production, such as the disaster of the *Torrey Canyon* tanker, the oil well blowout at Santa Barbara, and the oil well fires in the Gulf of Mexico. To those visiting our shores the presence of oil on rocks and sand has become an everyday experience; however, few of us realize that these spectacular accidents contribute only a small fraction of the total oil that enters the ocean. In the *Torrey Canyon* episode of 1967 about 100,000 tons of crude oil were lost. By comparison, routine discharges from tankers and other commercial vessels contribute an estimated three and one-half million tons of petroleum to the ocean every year. In addition, pollution from accidents in port and on the high seas, in exploration and production, in storage, in pipeline breaks, from spent lubricants, from incompletely burned fuels, and from untreated industrial and domestic sewage contribute an equal or larger amount of oil. Thus, it has been estimated that the total oil influx into the ocean is between five and ten million tons per year.[1]

What are the effects of oil on marine organisms and on food that we recover from the sea? Some scientists have said that the oceans in their vastness should be capable of assimilating the entire oil input. This, however, assumes that the oil is evenly distributed through the entire water profile, or water column, of the ocean. Unfortunately this assumption is not correct. Oil production, transportation, and use are heavily concentrated in the coastal regions, and pollution therefore predominately affects the surface waters on the continental margins. J. H. Ryther has stated that the open sea is virtually a biological desert.[2] Although the deeper ocean provides some fishing for tuna, bonito, skipjack, and billfish, the coastal waters produce almost the entire shellfish crop and nearly half of the total fish crop. The bulk of the remainder of the fish crop comes from regions of upwelling water, near the continental margins, that occupy only one-tenth of one percent of the total surface area of the seas. These productive waters receive the heaviest influx of oil. They also are most affected by other activities of man, such as dredging, waste disposal, and unintentional dispersal of chemical poisons like insecticides.

Some environmentalists have expressed the belief that major oil spills such as those from the *Torrey Canyon* and the blowout at Santa Barbara have brought about little biological damage in the ocean.[3] These statements are largely based on statistical measments of the catch of adult fish. We believe that such statistics are a very insensitive measure of the ecologic damage to wide oceanic regions. Often the migratory history of the fish species studies is unknown. The fish may not have been exposed to the spill itself, or may not have suffered from a depletion of food organisms if their growth occurred in areas remote from the spill. Statistical and observational data on adult fishes will not reveal damage to the often much more sensitive juvenile forms or to intermediate members in the marine food chain. The only other studies on effects of oil on marine organisms have concentrated on relatively tolerant organisms which live between the tides at the margins of affected areas. The main impact, however, would be expected in subtidal areas, and that has never been measuerd quantitatively.

A relatively small oil spill that occurred almost at the doorstep of the Woods Hole Oceanographic Institution at Woods Hole, Massachusetts, gave us the opportunity to study immediate and long-term ecological damage in a region for which we had extensive previous knowledge about the biology and chemistry of native marine organisms.[4] On September 16, 1969, an oil barge on the way to a power plant on the Cape Cod Canal came ashore off Fassets Point, West Falmouth, in Buzzards Bay. Between 650 and 700 tons of #2 fuel oil were released into the coastal waters. The oil-contaminated region in Buzzards Bay expanded steadily with time after the accident as the complex interaction of wind, waves, and bottom sediment movement spread oil from polluted to unpolluted areas. Eight months after the grounding, polluted sea bottom, marshes, and tidal rivers comprised an area many times larger than that first affected by the accident. The dispersion was much greater than expected on the basis of conventional studies of oil pollution. The situation even forced changes in our research efforts. As we shall explain later, a control point for marine surveys was established beyond the anticipated limit of the spread of oil. Within three weeks, the contamination had spread to the station. Another was established twice as far away. Three months after the accident, that too was polluted. Bottom sediment was contaminated 42 feet beneath the surface, the greatest water depth in that part of Buzzards Bay.

Ecological effects of the spreading blanket of oil beneath the surface were severe. The oil decimated offshore marine life in the immediate area of the spill during the first few days. As the oil spread out across the bottom of the bay in the following months, it retained its toxicity.

Even by May 1970, eight months after the spill, bacterial degradation (breakdown into simpler substances of oil was not far advanced in the most polluted regions. More rapid oil deterioration in outlying, less affected areas had been reversed by a new influx of less degraded oil from the more contaminated regions.

The tidal Wild Harbor River still contained an estimated four tons of fuel oil. The contamination had ruled out commercial shellfishing for at least two years. The severe biological damage and the slow rate of biodegradation of the oil suggests that shellfish productivity will be affected for an even longer period. Furthermore, destruction of bottom plants and animals reduced the stability of marshlands and sea bottom. Resulting erosion may have promoted spread of the oil along the sea floor. Inshore, the oil penetrated to a depth of at least one to two feet in marsh sediment.

Nevertheless, compared in magnitude to other catastrophes, this was a relatively small spill the amount of oil lost in the *Torrey Canyon* accident was 150 times larger. The interim results of our survey, coupled with research findings of other studies in this laboratory, indicate that crude oil and other petroleum products are a far more dangerous and persistent threat to the marine environment and to human food resources than we would have anticipated. Pollution from a large oil spill is very obvious and visible. It has often been thought that the eventual disappearance of this visible eidence coincides with the disappearance of any biological damage. This, however, is not true. Sensitive analytical techniques can still detect oil in marine organisms and in sediments after the visual evidence has disappeared, and biological studies reveal that this residual oil is still toxic to the marine organisms. Here we shall discuss first the general results of our study, then go more deeply into the description of the laboratory work involving biology, biochemistry, and chemistry. Our most important findings are these: [4]

Crude oil and petroleum products contain many substances that are poisonous to marine life. Some of these cause immediate death; others have a slower effect. Crude oils and oil products differ in their relative composition; therefore the specific toxic effect may vary. Crude oil, in general, is less immediately toxic than some distilled products, but even crude oil that has been weathered (altered by exposure to the weather) at sea for some time still contains many of the acutely toxic hydrocarbons.[5] The more persistent, slowly acting poisons (for example, the carcinogens) are more abundant in crude oil than in some of the lower boiling distillates. These poisons are quite resistant to the environmental weathering of oil.

In spite of low density, oil may mix with water, especially in a turbulent sea during storm conditions. Hydrocarbons may be dispersed through the water column in solution in the form of droplets, and the compounds may reach the sea bottom, particularly if weighted down by mineral particles. On the sea floor oil persists for long periods and can continue to damage bottom plants and animals. Thus, a single accident may result in long-term, continual pollution of the sea. This is a very important finding since biologists have long agreed that chronic pollution generally has more far-reaching effects than an accident of short duration. Hydrocarbons can be taken up by fish and shellfish. When the oil enters the fat and flesh of the animals, it is isolated from natural degradation processes. It remains essentially constant in amount and chemically intact even after the animals are transplanted into clean water for decontamination. Thus, chemicals from oil that may be poisonous to marine organisms and other animals, including man, may persist in the sea and in biological systems for many months after the spill.

By killing the bottom organisms, oil reduces cohesion of the bottom sediments and thereby accelerates transport of the sediments. Sediment movements along the sea bottom thus are a common occurrence after an oil spill. In this way contaminated sediments may be spread over great distances under the influence of tide and wave action, and the oil may be carried to areas not immediately polluted by the spill.

None of the presently available countermeasures can completely eliminate the biological damage of oil spills. The rapid removal of oil by mechanical recovery or by burning appears most promising. The use of sinking agents or detergents, on the other hand, causes the toxic and undegraded oil to spread in the ocean; the biological damage is then greater than if the spill had been left untreated. Reclamation of contaminated organisms, marshes, and offshore sediments is virtually impossible, and natural ecological recovery is slow.

With these conclusions in mind we can now turn to our experience with the West Falmouth oil spill. The effect of this relatively small spill was still acute in January 1971, almost a year and one-half after the accident. Officials in the town of Falmouth have estimated that the damage to local shellfish resources, during the first year after the accident, amounted to $110,000. This does not include the damage to other marine species and the expected damage in coming years. In addition to the loss of the oil and the barge and the cleanup expenses (estimated to be $65,000), the owner of the oil

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Footnotes at end of article.

paid compensations for the losses of marine fishery resources to the town of Falmouth ($100,000) and to the Commonwealth of Massachusetts ($200,000). The actual ecological damage may far exceed this apparent cost of almost half a million dollars.

Biological and chemical analysis

For our analysis (which is still continuing) bottom samples were carefully taken from the marshes and from the offshore areas. Samples for biological analysis were washed and sieved to recover living or dead organisms. These were preserved, identified, and counted. Results of counts from the affected area were compared with those from control areas that were not polluted by the spill. Some animals can be used as indicators for the presence of pollution, either because of their great sensitivity or because of their great resistance. Thus, small shrimplike animals, the amphipods of the family Ampeliscidae, are particularly vulnerable to oil pollution. Wherever the chemical analysis showed the presence of oil, these sensitive crustaceans were dying. On the other hand, the annelid worm, *Capitella capitata*, is highly resistant to oil pollution. Normally, this worm does not occur in large numbers in our area. However, after the accident it was able to benefit from the absence of other organisms which normally prey upon it and reached very high population densities. In the areas of the highest degree of pollution, however, even this worm was killed. *Capitella capitata* is well known, all over the world, as characteristic of areas heavily polluted by a variety of sources.

For chemical analysis, the sediments collected at our biological stations were extracted with a solvent that removed the hydrocarbons. The hydrocarbons were separated from other materials contained in the extracts. They were then analyzed by gas-liquid chromatography. This technique separates hydrocarbon mixtures into individual compounds, according to the boiling point and structural type. To do this, a sample is flash-evaporated in a heated tube. The vapor is swept by a constantly flowing stream of carrier gas into a long tube that is packed with a substance (substrate) that is responsible for the resolution of the mixture into its individual components. Ideally, each vaporized compound emerges from the end of the tube at a definite time and well separated from all other components. A sensitive detector and an amplifier then transmit a signal to a recorder which traces on a moving strip of chart paper a series of peaks (the chromatogram) that correspond to the individual components of the mixture. From the pattern of peaks in the gas chromatogram the chemist can learn much about the composition of the mixture. Each oil may have a characteristic fingerprint pattern by which it can be recognized in the environment for weeks, or even months, after the initial spill. Past and continuing work on the composition of those hydrocarbons that are naturally present in all marine organisms (see box, "What is Petroleum?") enabled us to distinguish easily between the natural hydrocarbons and those contained in the fuel oil. These analyses facilitated our study of the movement of the fuel oil from the West Falmouth oil spill into the bottom sediments and through the marine food chain.

Immediate kill

Massive, immediate destruction of marine life occurred offshore during the first few days after the accident. Affected were a wide range of fish, shellfish, worms, crabs, other crustaceans, and invertebrates. Bottom-living fish and lobsters were killed and washed up on the shores. Trawls made in ten feet of water soon after the spill showed that 95 percent of the animals recovered were dead and others were dying. The bottom sediments contained many dead snails, clams, and crustaceans. Similarly severe destruction occurred in the tidal rivers and marshes into which the oil had moved under the combined influence of tide and wind. Here again fish, crabs, shellfish, and other invertebrates were killed; in the most heavily polluted regions of the tidal marshes almost no animals survived.

The fuel oil spilled at West Falmouth was a light, transparent oil, very different from the black viscous oil associated with the *Torrey Canyon* and Santa Barbara episodes. Within days most of the dead animals had decayed and the visual evidence of the oil had almost disappeared. Casual observers were led to report to the press that the area looked as beautiful as ever. Had we discontinued our study after the visual evidence of the oil had disappeared, we might have been led to similar interpretations. From that point on, only continued, careful biological and chemical analysis revealed the extent of continuing damage.

PERSISTENCE OF POLLUTION

Quite recently a leading British expert on treatment of oil spills remarked that "white products, petrol, kerosene, light diesel fuel, and so forth, can be expected to be self-cleaning. In other words, given sufficient time they will evaporate and leave little or no objectionable residue."[6] Our experience shows how dangerously misleading such statements are. Chemical analyses of the oil recovered from the sediments and from the bodies of the surviving animals showed the chromatographic fingerprint of the diesel fuel, in monotonous repetition, for many months after the accident.

Bacteria normally present in the sea will attack and slowly degrade spilled oil. On the basis of visual observations it has been said that the oil spilled by the *Torrey Canyon* disappeared rapidly from the sediments. This was interpreted to mean that the action of the bacteria was "swift and complete." Our analyses, which were carried out by objective chemical, rather than by subjective observational techniques, showed the steady persistence of fuel oil that should, in principle, be even more rapidly degraded than a whole crude oil. Thus, in May 1970, eight months after the spill, oil essentially unaltered in chemical characteristics could still be recovered from the sediments of the most heavily polluted areas. By the end of the first year after the accident, bacterial degradation of the oil was noted at all locations, as evidenced by changes in the fingerprint pattern of the oil. Yet only partial detoxification of the sediments had occurred, since the bacteria attacked the least toxic hydrocarbons first. The more toxic aromatic hydro-carbons remained in the sediments.

Spread of pollution

For our chemical and biological work we established an unpolluted control station, outside of the area that was polluted, immediately after the accident. For a short period after the accident the sediments at this station were still clean and the organisms alive in their normal abundance and distribution. However, within three weeks, oil was found at this station and a significant number of organisms had been killed. Another control station was established twice as far from shore. Within three months fuel oil from the spill was evident at this station, and again there was a concomitant kill of bottom-living animals. This situation was repeated several times in sequence, and by spring 1970 the pollution had spread considerably from the area affected initially. At that time, the polluted area offshore was ten times larger than immediately after the accident and covered 5,000 acres (20 square kilometers) offshore and 500 acres (2 square kilometers) in the tidal river and marshes.

Another significant observation was made in the spring of 1970: Between December 1969 and April 1970, the oil content of the most heavily contaminated marine station two and one-half miles north of the original spill increased tenfold. Similar but smaller increases were observed at about the same time at other stations more distant from shore. The oil still showed the typical chromatographic fingerprint of the diesel fuel involved in the September 1969 oil spill. This and the lack of any further accident in this area suggested that oil was spreading from the most heavily contaminated inshore regions to the offshore sediments. We believe that the increase in the pollution level and the spread of oil to outlying areas are related to a transportation mechanism that we do not yet fully understand. However, the drastic kill of the animals that occurred with the arrival of oil pollution at the offshore stations showed that mortality continued for many months after the initial spill, even though no visible evidence of oil remained on the shores.

We believe these observations demonstrate that chronic oil pollution can result from a single spill, that the decimation of marine life can extend to new regions long after the initial spill, and that, once poisoned, the sea bottom may remain toxic to animals for long time periods.

Destruction of shellfish resources

Our analyses showed that oysters, soft-shell clams, quahaugs (another variety of clam), and scallops took up the fuel oil. Because of the pollution, the contaminated regions had to be closed to the harvesting of shellfish. Continuing analyses revealed that the contamination of the 1970 shellfish crop was as severe as that of the 1969 crop. Blue mussels that were juveniles in the polluted area at the time of the spill generally were sexually sterile the next season—they developed almost no eggs or sperm. Furthermore, in 1970 distant areas contained shellfish contaminated by fuel oil. Therefore, harvesting prohibitions had to be maintained in 1970 and had to be extended to polluted shellfish grounds that had not been closed to the public immediately after the accident.

It has long been common to transfer shellfish polluted by human sewage into clean water to make the animals marketable again. It has been thought that a similar flushing process would remove the oil from animals exposed to oil. Indeed, taste tests showed that the objectionable oily taste disappeared from animals maintained for some period in clean water. However, we removed oysters from the contaminated areas and kept them in clean running sea water up to six months. Fuel oil was still found in the animals by chemical analysis at essentially the same concentration and in the same composition as at the beginning of the flushing period.

Thus, we discovered that hydrocarbons taken up into the fat and flesh of fish and shellfish are not removed by natural flushing or by internal metabolic processes. The substances remain in the animals for long periods of time, possibly for their entire lives. The presence or absence of an oily taste or flavor in fish products is not a measure of contamination. The reason is that only a relatively small fraction of the total petroleum product has a pronounced taste or odor. Subjective observations cannot detect the presence of the toxic but tasteless and odorless pollutants. Only objective chemical analysis measures the presence of these chemical poisons. It is important to note in this regard that state and federal laboratories in the public health sector are not generally equipped to carry out these important chemical measurements. Such tests are vital, however, for the protection of the consumer.

Thus, our investigation demonstrated that the spill produced immediate mortality, chronic pollution, persistence of oil in the sediments and in the organisms, destruction of fishery resources, and continued harm to fisheries for a long period after the accident.

Footnotes at end of article.

Our continuing study will assess the persistence and toxicity of the oil and the eventual ecological recovery of the area. At the present time, one and one-half years after the spill, only the pollution-resistant organisms have been able to reestablish themselves in the more heavily contaminated regions. The original animal populations there have not become reestablished. Many animals that are able to move, early in their life cycles, as free-swimming larvae, reach the polluted area and are killed when they settle on the sea bottom or in the marshes at West Falmouth.

In addition, revitalization of bottom areas probably will be hampered by oxygen depletion caused by oxygen-requiring bacteria that degrade oil.[7]

The significance of West Falmouth

Some scientists are convinced that the effects at West Falmouth are a special case and have little applicability to spills of whole, unrefined crude oils. They contend that No. 2 fuel oil is more toxic than petroleum and that therefore it has effects that would not be comparable to those of whole petroleum. We cannot agree with this view.

Fuel oil is a typical oil-refining product. It is frequently shipped by sea, especially along coastal routes, and it is spilled in accidents like those which occurred at West Falmouth and off Baja California following the grounding of the *Tampico Maru* in 1957.[8]

More importantly, fuel oil is a part of petroleum, and as such it is contained within the whole petroleum. Surely, hydrocarbons that are toxic when they are in fuel oil must also be toxic when they are contained in petroleum. Therefore, the effects observed in West Falmouth are typical both for that fuel oil and the whole crude oil. In terms of chemical composition, crude oils span a range of molecular weights and structures. Many light crude oils have a composition not too dissimilar from that of fuel oil, and their toxicity and effects on the environment are very similar. Other heavier crude oils, while still containing the fuel oil components, contain higher proportions of the long-lasting poisons that are much more persistent and that include, for instance, some compounds that are potent carcinogens (cancer-producing agents) in experimental animals. Such heavy crude oils can be expected to be more persistent than a fuel oil, and they will have longer lasting long-term effects. Even weathered crude oils may still contain these long-term poisons, and in many cases some of the moderately low-boiling, immediately toxic compounds. In our view, these findings differ from those of other investigators principally for two reasons: Our study is based on objective measurement and is not primarily concerned with the mobile, adult marine species—the fish whose migratory history is largely unknown—or the highly resistant intertidal forms of life. We are studying quantitatively the effects of the spill on the sessile (bottom) animals that cannot escape the spill or the polluted sediment and that are thus exposed to chronic pollution. Since all classes of bottom animals are severely affected by the oil, we believe that the effects on free-swimming animals should be just as drastic, The difficulty of measuring the total impact of oil on the marine life has led many to doubt the ecological seriousness of oil pollution. Our findings, extending far beyond the period when the visual evidence of the oil had disappeared, are based on objective chemical analyses and quantitative biological measurements, rather than on subjective visual observations. They indict oil as a pollutant with severe biological effects.

It is unfortunate that oil pollution research has been dominated so strongly by subjective, visual observations. Clearly, oil is a *chemical* that has severe *biological* effects, and therefore oil pollution research, to be fully meaningful, must combine chemical with biological studies. Those few investigators who are using objective chemical techniques find patterns in the environmental damage by oil that are similar to those demonstrated by the West Falmouth spill. Thus, R. A. Kolpack reported that oil from the blowout at Santa Barbara was carried to the sea bottom by clay minerals and that within four months after the accident the entire bottom of the Santa Barbara basin was covered with oil from the spill.[9] Clearly, this is one of the most significant observations in the aftermath of that accident. A concurrent and complimentary biological study would have appreciably enhanced our understanding of the ecological damage caused by the Santa Barbara oil spill.

G. S. Sidhu and co-workers, applying analytic methods similar to those used by us, showed that the mullet, an edible finfish, takes up petroleum hydrocarbons from waters containing low levels of oil pollution from refinery outflows. In their chemical structures the hydrocarbons isolated by the investigators are similar to those found in the polluted shellfish of West Falmouth. The compounds differ markedly from those hydrocarbons present as natural components in all living organisms, yet closely approximate the hydrocarbons in fossil fuels.[10]

Numerous results of crude-oil toxicity tests, alone or in the presence of dispersants, have been published in the literature. However, in almost all cases such tests were performed on relatively hardy and resistant species that can be kept in the laboratory and on adult animals for short time periods under unnatural conditions or in the absence of food. At best, such tests may establish only the relative degree of the toxicity of various oils. We are convinced that the exposure of more sensitive animals, especially young ones, to oil pollution over many months would demonstrate a much greater susceptibility to the damaging effects of the oil. Such effects have been demonstrated in the studies of the West Falmouth oil spill. These studies represent a meaningful field test in open waters.

Thus, we believe that the general toxic potential and the persistence of the West Falmouth oil are typical of most oils and oil products both at the sea bottom and in the water column.

Conclusions

Our analysis of the aftermath of the West Falmouth oil spill suggests that oil is much more persistent and destructive to marine organisms and to man's marine food resources than scientists had thought. With the advent of objective chemical techniques, oil pollution research has entered a new stage. Earlier interpretations of the environmental effect of oil spills that were based on subjective observation, often over a short time span, have questionable validity. Crude oil and oil products are persistent poisons, resembling in their longevity DDT, PCB and other synthetic materials [which have been discussed in these pages]. Like other long-lasting poisons that, in some properties, resemble the natural fats of the organisms, hydrocarbons from oil spills enter the marine food chain and are concentrated in the fatty parts of the organisms. They can then be passed from prey to predator where they may become a hazard to marine life and even to man himself.

Natural mechanisms for the degradation of oil at sea exist—the most important of which is bacterial decomposition. Unfortunately, this is least effective for the most poisonous compounds in oil. Also, oil degrades slowly only in marine sediments, and it may be completely stable once it is taken up by organisms. It has been thought that many of the immediately toxic low-boiling aromatic hydrocarbons are volatile and evaporate rapidly from the oil spilled at sea. This has not been the case at West Falmouth where the low-boiling hydrocarbons found their way into the sediments and organisms. We believe that the importance of evaporation has been overestimated.

Oil-laden sediments can move with bottom currents and can contaminate unpolluted areas long after the initial accident. For this reason, a *single* and relatively small spill may lead to *chronic*, destructive pollution of a large area.

We have not yet discussed the low-level effects of oil pollution. However, a growing body of evidence indicates that oil as well as other pollutants may have seriously damaging biological effects at extremely low concentrations, previously considered harmless. Some of this information was presented in Rome at the December 1970 Food and Agriculture Organization's Conference on the Effects of Marine Pollution on Living Resources and Fishing. Greatly diluted pollutants affect not only the physiology but also the behavior of many animals. Many behavioral patterns which are important for the survival of marine organisms are mediated by extremely low concentrations of chemical messengers that are excreted by marine creatures. Chemical attraction and repulsion by such compounds play a key role in food finding, escape from predators, homing, finding of habitats, and sexual attraction. Possibly, oil could interfere with such processes by blocking the taste receptors of marine animals or by mimicking natural stimuli and thus eliciting false responses. Our general ignorance of such low-level effects of pollution is no excuse for neglecting research in these areas nor for complacency if such effects are not immediately obvious in gross observations of polluted areas.

Recent reports suggest an additional environmental threat from oil pollution. Oil may concentrate other fat-soluble poisons, such as many insecticides and chemical intermediates.[11] Dissolved in an oil film, these poisons may reach a concentration many times higher than that which occurs in the water column. In this way other pollutants may become available to organisms that would not normally be exposed to the substances and at concentrations that could not be reached in the absence of oil.

The overall implications of oil pollution, coupled with the effects of other pollutants, are distressing. The discharge of oil, chemicals, domestic sewage, and municipal wastes, combined with overfishing, dredging, and the filling of wetlands may lead to a deterioration of the coastal ecology. The present influx of pollutants to the coastal regions of the oceans is as damaging as that which has had such a detrimental effect on many of our lakes and freshwater fishery resources. Continued and progressive damage to the coastal ecology may lead to a catastrophic deterioration of an important part of marine resources. Such a deterioration might not be reversed for many generations and could have a deep and lasting impact on the future of mankind.

Since present oil-spill countermeasures cannot completely eliminate the biological damage, it is paramount to prevent oil spills. The recent commitment by the United States to take all steps to end the intentional discharge of oil from its tankers and nontanker vessels by the mid 1970s is important. As a result of this step and of the resolution of the NATO Ocean Oil Spills Conference of the Committee on Challenges of Modern Society in Brussels, December 1970, other countries hopefully also will adopt necessary measures to halt oil pollution from ships. This would eliminate the largest single source of oceanic oil pollution. At the same time steps also must be taken to reduce oil pollution from many other, less readily obvious sources,

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Footnotes at end of article.

such as petrochemical operations on shore, disposal of automotive and industrial lubricants, and release of unburned hydrocarbons from the internal combustion engine.

WHAT IS PETROLEUM?

Organic materials, deposited at the bottom of the sea millions of years ago have been covered by sediments and deeply buried. Under the influence of elevated temperature over very long periods of time, an immensely complex mixture of hydrocarbons has been formed. Some of these have accumulated in reservoirs from which crude oil can be procured.

Crude oil is one of the most complicated natural mixtures on earth. Compounds made up of only carbon and hydrogen predominate, but small amounts of sulfur-, oxygen-, and nitrogen-containing substances also occur.[13]

The way in which the individual carbon and hydrogen atoms combine into hydrocarbon molecules helps scientists to classify them. They distinguish four principal types of hydrocarbons:

The first type, the aliphatic compounds, includes straight and branched chain compounds in which each carbon atom is directly linked to four other atoms (saturated). Aliphatic compounds frequently accounts for a large fraction of crude oil and are common in gasoline and many other fuels.

The second general type is the alicyclic compounds (naphthenes). These compounds are also saturated, but the carbon atoms of at least part of the molecules are joined in rings.

The third major type, also cyclic, consists of the aromatic compounds. These contain at least one benzene ring. This type includes a large number of one-ring, two-ring, and multi-ring compounds, among them several materials that have been implicated as potent carcinogens (cancer-producing agents) in laboratory animals.

The fourth type, the olefinic compounds, are unsaturated. Here, double or triple chemical bonds between carbon atoms exist, but not of the regular arrangements found in the benzene ring. Olefins do not occur in crude oil, but are formed in some refining processes and are common in many oil products.

The boiling point is an important physical property of the hydrocarbons. Differences in boiling point between different crude-oil hydrocarbons are useful in separating the oil into fractions with individual characteristics suited to specific fuels or lubricants. Crude oil contains components boiling over a range from below room temperature to well above 500 degrees C. The lowest boiling fractions of crude oil are relatively rich in the simpler chain- and ring-type saturated hydrocarbons. Intermediate fractions have a higher content of the immediately poisonous aromatic hydrocarbons. Conversely, the higher boiling hydrocarbon fractions contain relatively more of the complex polycyclic aromatic compounds, including the carcinogens.

Hydrocarbons are formed by all living organisms. The hydrocarbons in crude oil are very different from those normally found in healthy unpolluted organisms, however. The crude oil mixture is far more complex, the compounds cover a much wider range in structure and boiling point, and many hydrocarbons are present that are toxic to organisms. As a rule, only very few individual natural hydrdocarbon compounds are found in unpolluted plants and animals. They are mostly saturated or olefinic, and with a few exceptions they are nontoxic.[13]

FOOTNOTES

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[From the Long Island Press, July 17, 1971]

GET THE FACTS

The Interior Department's Bureau of Land Management says there is a real chance a consortium of 33 companies seeking oil off Long Island will make a major find within 100 miles of the coast.

If so, Long Island's entire coastline would be in constant danger of oil spills of the magnitude that devastated beaches in California, the Gulf of Mexico and elsewhere in recent years.

We agree, therefore, with Rep. Norman Lent of East Rockaway, who has asked the Interior Department to give the public all the facts about this hunt for black gold—including the identity of the 33 companies—before the government gives final approval to any undersea leases. What is at stake, as the congressman told department officials is "one of the most important estuarian systems in the nation."

[From the Long Island Press, Aug. 30, 1971]

POTENTIAL FOR DISASTER

Congress is ready to pass an anti-pollution bill that would stop indiscriminate dumping of raw sewage, garbage and other wastes in offshore waters. Yet the lawmakers hesitate to include a ban against offshore oil drilling, with its potential for quick environmental disaster.

This is what is happening, according to Rep. Norman Lent of Lynbrook, the sponsor of an amendment to the anti-dumping bill that would prohibit oil drilling in coastal waters from Cape Cod to Cape May, N.J.

Such legislation is urgent in the wake of reports that the Interior Department may grant drilling permits to a consortium of 33 petroleum companies that has apparently found promising oil deposits in its explorations of the sea bottom off Long Island and other areas along the Atlantic Coast.

Congressman Lent needs all the support he can get to overcome opposition from the White House and the powerful oil interests. Long Island's public officials, regardless of their political affiliation, should support this amendment. They also should maintain heavy pressure on the Interior Department to deny drilling permits in the meantime.

Conservationists could help also through legal action to insure enforcement of the National Environmental Policy Act. This act, passed in January 1970, requires government agencies to submit an impact statement on any project or activity which has a significant effect on the environment.

America needs more oil—but we need our priceless shorelines even more.

Mr. PELLY. Mr. Chairman, I rise in opposition to the Lent-Teague amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. PELLY. I recognize the grave problems which have prompted the sponsors of the amendment to offer it.

Your committee considered this most carefully and rejected the concept. We are, as I have indicated, in favor of a balanced and rational use of the oceans, not an exclusive use for any one industry or group.

The answer to oil pollution from offshore drilling is increased knowledge of the geologic formations, increased safety, and strict regulation by the Department of the Interior.

Offshore oil can be produced safely, and it is needed to meet our growing energy requirements. It is not a sacred cow, however, and is subject to the National Environmental Policy Act. The Department fo Interior has a heavy responsibility to insure no repetition of the Santa Barbara Channel disaster or the outrageous violations of safety which have occurred in the Gulf.

Moratoriums are not the answer. We cannot bury our heads in the sand. I urge the defeat of this amendment.

Mr. LENNON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. LENNON. In connection with the comments by the distinguished gentleman with respect to a motion to strike all of title III, I understood that there would be an amendment offered which would go all the way over.

Let me call the attention of the membership to the fact that the Secretary would be required to consult with the Secretary of State, the Secretary of Defense, the Secretary of the Interior, the Secretary of Transportation, and the Administrator of EPA, the Environmental Protection Agency, and officials of States as well as hold public hearings before he could designate such marine sanctuaries.

The bill provides on page 48, line 3:

> The Secretary shall make his initial designation under this section within two years following the date of enactment of this title.

In view of the fact the study might well extend over a long period of time and might not, in fact, result in a sanctuary designation, premature restrictions either as to industrial development within the area or as to oil exploitation would be undesirable. In the coordination process, it is anticipated that persons interested in all potential activities in the area would be put on notice of the study and some degree of restraint would obviously follow. This should be sufficient under the circumstances.

Nor should the Secretary in his certification, Mr. Chairman and members of the committee, in his certification procedure be restrained from at any time certifying oil exploitation as being consistent with the sanctuary designation.

There are several purposes for which a sanctuary may be designated. And I say to my friends on the floor today, you can sometimes go either too far to the left or too far to the right. We spent, I think it was, 12 days in executive session with the counsel and the Administrator or the Assistant Administrator of the Environmental Protection Agency, the Assistant Chief of the Corps of Engineers, and the General Counsel, reaching an agreement on these matters so that after the fact we would not be faced with a situation such as that which some of you gentlemen have described might take place if we pass the bill now.

I can assure the members of the committee that this is a moderate and fresh approach. Let us accept the bill as it is. Let us vote down the amendment, and let us vote down the amendment offered by the gentleman from Colorado to strike title III. Let us take the bill as it is. It is a good solid comprehensive bill.

Mr. Chairman, I urge defeat of the amendment.

Mr. TEAGUE of California. Mr. Chairman, I rise in support of the Lent amendment. First, I should like to make it very clear that I do not want to get involved in this jurisdictional dispute between the two committees, because I have bills to create sanctuaries pending before each, and certainly I do not want to offend either committee. I do not want to be in the same position as I was at home.

I claim some expertise in this business of oil pollution and oil spillage, because I represent the Santa Barbara area where, as Members will recall, we had a disastrous accident about a year and a half ago. Incidentally, the leakage is still occurring into the Santa Barbara Channel. I am in a difficult position out there because all of the oil companies and service companies, and so on, are in one of my counties, whereas the oil wells are in another of my counties, so I do not want to get into that position here.

I do suggest to the Members who may not represent areas bordering on the seacoast that oil wells in one's front yard are decidedly a mixed blessing. I am well aware of the argument that the oil belongs to the citizens of all the States, to the citizens of Iowa and Indiana as well as to the citizens in the ocean-bordering areas, but having oil wells sitting shortly off one's coast, with the ever-present danger of breaks in the lines and oil on the beaches, as in the case of Santa Barbara, is a mixed blessing. The amount of that leakage went into hundreds of thousands of barrels, and the Union Oil Co. took the major responsibility of cleaning that up, and it spent $5 million or $10 million and did a good job, to the credit of the company. However, there still is hanging over the heads of the people in that area the threat of further oil exploration and further accidents.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I would like to say that the gentleman from New York, a cosponsor with the gentleman from California in this amendment, and many of my colleagues from the eastern part of New York where it is surrounded by water, representing about 7 million people, are all deeply concerned about the prospects of a marine environmental catastrophe. It is said the state of the art of deepwater drilling is not perfected, and we do have deep waters on the northeastern Continental Shelf. I go along with the gentleman, and I support him on this amendment. I am not too sanguine about the prospects of getting this amendment passed, but I join the gentleman and others who will join in urging the Secretary to continue to implement a voluntary moratorium until such time as we have better information.

Mr. TEAGUE of California. Mr. Chairman, I thank the gentleman. I believe we should support the amendment until studies have been made concerning the practicality of establishig sanctuaries.

I might say to my friends that the former Secretary of Interior Stewart Udall told me the greatest mistake he made during his term in office was, on behalf of the Federal Government, to grant those leases in Santa Barbara Channel. I do not wish any Members to have the experience I have had in that connection.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I think the greatest mistake the former Secretary made was in permitting one of his men who supposedly had the authority, to set the standards—to fail to comply with the strict standards that were in effect at that time.

Mr. TEAGUE of California. Well, certainly they were not complied with. That is certainly true. Those were the words of Secretary Udall. He felt it was a terrible mistake he had made.

I urge support of the amendment.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the language which is contained in the amendment offered by the gentlemen from California and New York is practically verbatim to that which was contained in my original marine sanctuary bill filed in July of 1967. That bill would have established a moratorium on all exploration or exploitation of oil during the period that the prospects of the marine sanctuaries were being discussed and deliberated upon by the Secretary.

That bill ran into rough sledding. It is only since we have modified that stand that we have made progress.

I share the sentiments expressed by others in the well of this House when they have complimented the cochairmen, working in tandem as chairman of the Subcommittee on Fish and Wildlife and the Subcommittee on Oceanography, who have come up with this outstanding piece of legislation.

My constituents were extraordinarily disturbed by the geophysical surveys, utilizing high explosives. These were conducted off the shores of Cape Cod. These detonations, intended to identify oil or gas on the Continental Shelf caused many fish kills in the waters off Polluch Rip and Chatham. My constituents were adamant that there should not be any further exploration or exploitation in these waters.

It is difficult for me to stick with the committee position, but this is a balanced bill. This is one which I believe in the long run will survive, not only in this chamber but hopefully in the Senate, and will not receive a Presidential veto.

By adopting this amendment we would in effect be declaring a moratorium on all further exploration or exploitation of all the areas that should be studied. The President would have no choice but to veto the bill, because there are many extensive ongoing legitimate efforts to discover oil that will be necessary if we are to satisfy the energy requirements of this Nation and of the world.

Therefore, I will reluctantly have to vote against the amendment and vote for the bill in its present form.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. I should like to commend the gentleman for what he has explicitly stated, that this amendment would declare a moratorium for a period of 2 years, and that just cannot be in this Nation of ours.

I know the gentleman has worked long and hard, and he has been diligent in his efforts in regard to this question, especially with regard to his own area. I also commend him not only for the contribution he has made with respect to his coastal area but the other coasts as well.

Mr. KEITH. I thank the gentleman.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. I should like to say that the gentleman from Massachusetts was, as I recall, the first Member of this body who introduced legislation to create marine sanctuaries. It has been a matter of interest to him for at least three Congresses, I believe.

I am happy to see that the gentleman's labors on behalf of this proposal have finally begun to bear fruit and that the Congress finally is sustaining the hand of the gentleman from Massachusetts, who has so long and so hard fought to get the concept of marine sanctuaries adopted. I am delighted that he has had success, and I am delighted that the Congress is taking action in this regard.

Mr. KEITH. I thank the gentleman.

Mr. Chairman, I should like to say that those who joined with me in the first bill were the gentlemen from Massachusetts, Mr. Bates, Mr. Boland, Mr. O'Neill and Mr. Conte, and also Mr. Bow, Mr. Thompson of New Jersey, Mr. Halpern, Mr. Grover, Mr. McClory, Mr. Howard, Mr. Blackburn, Mr. McDonald of Michigan and Mr. Tiernan.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is indeed more than a jurisdictional dispute. At the same time there is some question apparently about how the branches of the administration stand on this legislation.

I would like to quote at some length from a letter from the U.S. Department of the Interior, from Under Secretary of the Interior, W. T. Pecora, dated July 28, 1971. In this letter addressed to Hon. Wayne N. Aspinall, chairman, Committee on Interior and Insular Affairs, House of Representatives, Mr. Pecora said:

> As you are no doubt aware, the Committee on Merchant Marine and Fisheries has reported and the House will soon consider, H.R. 9727, a bill "To regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes." While title I of H.R. 9727 follows closely the Administration proposal introduced as H.R. 4723, titles II and III are committee amendments to which we are opposed.

Now, why are they opposed?

> Title I would afford to the Secretary of Commerce and the Director of the National Science Foundation redundant authority.

But more significantly:

> With respect to the program responsibilities of this Department"—Interior, in other words—"we are most concerned about the prospective effect of title III."

And please note this—

> It provides generally for designation by the Secretary of Commerce of marine sanctuaries within a broad area ranging seaward to the outer edge of the Continental Shelf, for the regulation of "any activities permitted within the designated marine sanctuary," and for certification by the Secretary of Commerce that otherwise lawful activity "is consistent with the purposes of this title and can be carried out without (sic) the regulations" promulgated under section 302(b).

This is the truly significant part of this letter and what difficulty we are in.

> In letters to the Chairman of the Committee on Merchant Marine and Fisheries, the Departments of State and Defense, and the Office of Management and Budget, have expressed their concern about the claim to extra-territorial jurisdiction proposed in title III. It may suffice to note that any such assertion of jurisdiction beyond established limits has been carefully, and properly, avoided in title I of the same bill.
>
> To the extent that the United States does claim jurisdiction beyond the territorial sea and the contiguous fisheries zone, such jurisdiction pertains only to natural resources of the Outer Continental Shelf. Thus, the only "permitted activity" lawfully subject to certification by the Secretary within a marine sanctuary beyond the territorial sea would be that already subject to regulation by this Department under the Outer Continental Shelf Lands Act.

The plain fact of the matter in consideration of title III and amendments thereto is that if we are to do this job properly, what we do ought to be presented is an amendment to the Outer Continental Shelf Lands Act, which covers the only area of jurisdiction that the country legitimately has or can have or claims. In lieu of such an amendment, we could add restrictions to language which already governs the activity of the Department of the Interior. That is the only logical way we should move.

The Outer Continental Shelf Lands Act does require thorough consideration of the environmental impact. As a matter of fact, the Department of the Interior has already done a great deal in connection with the subject for instance in the Santa Barbara Channel. The administration has suspended extraction activities in the Santa Barbara Channel and recommended to the Congress that this area be set aside as a national energy preserve, thus excluding extraction and exploration. This has already been done under existing law.

But the kind of proposal in this legislation goes far beyond a committee jurisdictional fight or a departmental fight and gets into the whole business of what authority does the U.S. Government itself have over the Outer Continental Shelf. Obviously that is a resource control authority and that is all, and that is already subject to regulation and control of the Department of the Interior.

Mr. PELLY. Will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. PELLEY. I think the gentleman knows that in an amendment offered by the gentleman from North Carolina earlier which was agreed to this objection was met. It provides that any regulations that are applied must be in accordance with recognized principles of international law.

And, also, that such regulations would only apply to those who over which the United States has jurisdiction.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. Kyl was allowed to proceed for 1 additional minute.)

Mr. PELLY. Mr. Chairman, if the gentleman will yield further, regulation under title III will only apply to foreigners to those areas where the United States has jurisdiction. Beyond that area the Secretary of State is directed to seek through proper diplomatic channels foreign recognition of a marine sanctuary.

Mr. KYL. I am glad that the gentleman from Washington has mentioned this, because what this amendment does is make it impossible for the act to mean anything unless you give the Secretary of the Department of Commerce the authority already given to the Department of the Interior under the Outer Continental Shelf Act. That is the only authority we have. We have to observe international law. Otherwise it is meaningless.

Mr. PELLY. We cannot pass laws that bind other nations beyond our jurisdiction and, therefore, this law is made to apply to those areas outside U.S. jurisdiction only to the extent the other nations agree to recognize the existence of a marine sanctuary.

Mr. KYL. I just mentioned that. The gentleman is absolutely correct. It is meaningless.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not use the 5 minutes.

I rise in support of the Aspinall amendments and in opposition of title III. What we are really talking about here is tweedledum and tweedledee as to the provisions contained in the bill and in the Lent-Teague amendment, because the amendment says exactly above board what the language as contained in the bill does covertly. I have no offshore area and I am not a member of the Interior Committee.

Mr. Chairman, what this bill does is stop offshore drilling. With reference to offshore drilling or other interests, the minute you sign for a mineral lease someone is going to say, "That is going to be a sanctuary." We already have an energy shortage.

Mr. Chairman, it will not affect my area nor will it affect the area of the gentleman from Colorado (Mr. Aspinall), but it will affect the very people who want to stop the oil industry. That is all some people want to do. This bill will stop it and you had just as well kiss goodby to offshore drilling. That is the effect of section III in my opinion.

I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the two amendments pending before this body.

Mr. Chairman, as I understand the parliamentary situation we have two amendments pending before us, the first of which to be voted on will be that amendment offered by my good friend and colleague from New York (Mr. Lent), and the second of which has been offered by my good friend and colleague, the gentleman from Colorado (Mr. Aspinall).

Mr. Chairman, I rise in opposition to both amendments. I rise in opposition to that amendment offered by my good friend and colleague (Mr. Lent) because I must point out that although this amendment appears to have merit, it was not considered in the committee. It is, indeed, possible that this kind of technical language, not having had careful consideration, conceivably could result in unwanted and untoward results. As has been pointed out by the gentleman from North Carolina (Mr. Lennon), areas under study as a sanctuary drilling would be absolutely prohibited for 2 years. So, the amendment could conceivably inhibit study of creation of marine sanctuaries because the agencies might wish to allow drilling to go forward.

Mr. Chairman, the question of jurisdiction has been raised. I would point out that there were something like 30 bills considered by our committee this year on this subject—most of them contained marine sanctuary provisions in them. In the previous Congress there were eight before our committee dealing explicitly with marine sanctuaries. In the Congresses preceding that—two and three Congresses ago—legislation was under consideration for this purpose, first introduced by the gentleman from Massachusetts (Mr. KEITH). Most of these bills were referred by the Speaker to the Committee on Merchant Marine and Fisheries which has held hearings on them and has requested reports from all the departments including the Department of the Interior.

I would point out the fact that the Department of the Interior has not even chosen in most instances to respond to the request of our committee for reports on these particular bills.

Mr. Chairman, our committee has come to you with a bill today indicating that we are tired of waiting for the Department of the Interior to give comments on these matters. We have exercised the prerogatives of Congress to frame national policy, good national policy which should be enacted.

The gentleman from Colorado is fully capable of defending his own jurisdiction insofar as his Committee on Interior is concerned, but I would point out that if he wishes to do so, there is nothing to prevent him from bringing to this body legislation dealing with the offshore lands and dealing with the question of drilling on the offshore lands.

Mr. Chairman, the Office of Science and Technology was queried on this and they had no objection.

In 1966 there was a study which said there should be marine sanctuaries.

The Congress has been continually impressed with the fact that we have had no policy for the protection of these areas in the offshore lands which have significant ecological, environmental, and biological values. Indeed, today my Subcommittee on Fisheries and Wildlife Conservation is considering the question of marine mammals. And in the case of two of the mammals, the otter, which is on the near edge of extinction in many of his ranges, and the manatee, which is an extremely valuable and rather unique creature, and which is a marine vegetarian, we have found that each of these species could possibly be significantly protected by establishing the kind of marine sanctuaries which are under consideration here.

Now, not long back this Congress had before it legislation which proposed to set up the National Oceanographic Agency, and I pointed out that moving resource management and ocean resources to the Department of Commerce was bad, that the judgments dealing with offshore marine resources should be vested in the Department of the Interior. Indeed, I pointed out that Interior should properly be expanded into a Department of Natural Resources with broader responsibilities. The House did not choose to follow my judgment. I think that many of us are having occasion to consider that perhaps this was a very bad thing to split these things off from the Department of the Interior. But that question is not before us today. The question before us today is shall we establish a mechanism within the Commerce Department which would protect areas in the ocean valuable to marine biological resources, the kind of mechanism whereby they may take steps to set aside areas for the protection.

The Committee on Merchant Marine and Fisheries has considered this legislation carefully. This legislation is not, as one of my good colleagues and friends, the gentleman from Texas (Mr. ROBERTS) has indicated, going to halt oil drilling. And it is not the intent of the Committee on Merchant Marine and Fisheries to halt drilling or other mineral exploration on the offshore lands. It simply says that the Secretary of Commerce, when he finds it necessary to protect areas of this kind, or to protect the ecology or environmental valuable areas, that he may, in consultation with the Department of Defense and in consultation with the Department of State, and with the Environmental Protection Agency, take steps necessary to protect those areas, and those species which are dependent upon those areas.

Title III of the bill is purely discretionary, and if there is any question of a difference between the Department of the Interior or the Department of State, and the Secretary of Commerce, then the matter will be referred to the Bureau of the Budget, and the President, and the question will be decided there.

The question of extraterritoriality, let me say, is a red herring. This has been handled by an amendment to this bill, and we have limited this to American citizens, and have extended the jurisdiction of title III only to the limits that we may properly and justifiably do under international law.

For these reasons the two amendments now pending should be voted down in succession, and the bill should be passed in its entirety.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from New York and California.

Mr. Chairman, as a cosponsor of legislation similar to H.R. 9727, I urge prompt passage of this vitally needed measure which would control the dumping of harmful waste materials into America's coastal and offshore waters. Legislation providing strong and effective measures aimed at regulating ocean dumping is long overdue, for the everincreasing pollution of our waterways is a constant threat to the health and welfare of us all.

I also want to take this opportunity to express my strong support of the amendment offered by the gentlemen from New York and California (Mr. LENT and Mr. TEAGUE) which would preclude the Secretary of the Interior from issuing any new leases for the mining or extraction of any oil from any area designated or under study for possible designation as a marine sanctuary.

Oil spillage from offshore drilling has become an ever-growing problem. Because of such spills in Florida waters, I introduced in the Florida Senate legislation aimed at preventing, controlling, and cleaning oil spills, and I was gratified when this legislation—including stricter penalties for violations and failure to report such spills—was enacted into law.

Until the oil companies prove they have the technology to prevent oil spills, we must impose strict regulations on oil exploration such as those contained in the amendment offered by Mr. LENT and Mr. TEAGUE. While many of these companies claim to have the necessary technology, in the past there have been oil spills caused by failure to utilize fully effective control measures.

There should be no question but that we take every step necessary to insure our Nation of the clean waters it once enjoyed. Therefore, it is essential that we adopt this amendment to H.R. 9727, so that all forms of ocean dumping and pollution can be controlled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LENT).

The question was taken; and on a division (demanded by Mr. LENT), there were—ayes 10, noes 42.

Mr. LENT. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. GOODLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to join my colleagues of the Committee on Merchant Marine and Fisheries in support of H.R. 9727, as reported by the committee, and to oppose the amendment of the gentleman from Colorado (Mr. ASPINALL), which would strike from the bill the marine sanctuary title.

The strict regulation of ocean dumping as provided in this legislation is vital to the health of the oceans and our endangered coastal areas. Eventually, we must eliminate all ocean dumping if the ecology of the world's oceans is to be preserved for future generations. This legislation marks a significant first step toward that goal.

In many respects the committee has written a stronger bill than the administration proposed. It has, for example, placed an outright ban on the dumping of warfare agents and high-level radioactive wastes. It has, as well, accepted certain compromises as in the case of dredge spoil where the Corps of Engineers will continue to play a major role. On balance, however, title I of the legislation is a good bill worthy of our unqualified support.

Title II represents an attempt by the committee to insure that the continued dumping of wastes in the oceans under the permit system is carefully monitored to insure that such permits as are issued do not result in any further degradation of the marine environment. Although it has been asserted by various agencies, notably the Office of Management and Budget that this title is unnecessary, our committee believes there is great merit in expressly authorizing such a program rather than leaving this up to the whim of the executive agencies under general authority to undertake research studies.

Title III which has become involved in a controversy with the Interior Department is a salutary effort to preserve certain areas off our shores from the more undesirable effects of man's intervention in the sea. The establishment of marine sanctuaries where needed will insure that the unique resources of the sanctuary area are given careful consideration whenever man embarks upon commercial ventures within such an area. I concur in the thoughts expressed by my colleagues, the gentleman from Washington (Mr. PELLY) and the gentleman from North Carolina (Mr. LENNON). Title III is a reasonable and most sensible provision which should be retained.

Mr. McCLURE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise reluctantly to support the amendment offered by the gentleman from Colorado to strike title III of this bill.

I spoke on this matter in support of the amendment yesterday.

I say that I rise reluctantly because I want it clearly understood that the members of the Committee on Interior and Insular Affairs are not, as I am not, opposed to the concept of marine sanctuaries nor to the necessary preservation of the ecological and environmental and biological systems that are present in some of our offshore areas.

The authority now vested in the Secretary of the Interior with respect to offshore exploration and the utilization of resources is carefully balanced by other laws which require him to take cognizance of the impact that any such actions would have upon these values.

The authority which is sought to be vested in the Secretary of Commerce under title III of this act is not so balanced in favor of the other values which are present there.

I have the honor to serve as chairman of the Task Force on Energy and Resources established in the Republican Conference. I think the evidence which has come forward before our task force is very clear that we are in an energy crisis, and while I sympathize with the people of New England in their concern for the protection of their shorelines, I must also point out that they are caught up, and that they complain about it vociferously, in high priced energy because the energy is not readily available to them.

Where will they be then? If it occurs, as many say it may, if there is an energy crisis throughout New England, throughout the Northeast United States, with brownouts in electricity, if factories are shut down because of loss of base energy, if that does occur as some experts tell us it will, where will they stand then with respect to preservation versus a balanced—a balanced—utilization of energy resources?

I am not saying we are going to go into these offshore areas and find energy. I say we have to leave it open to the kind of balanced program which the Secretary of the Interior is charged with developing. I joined with the Secretary of the Interior in suggesting that we suspend operations in the Santa Barbara Channel, that we cancel the leases and get that activity out of that channel because of the problems we have run into there. I think when we have this kind of clear choice, we must come down hard in favor of a preservation of resources which would be damaged by an unbalanced utilization on the other side.

But I beg of this Congress now not to give the Secretary of Commerce the kind of unbalanced mandate that this bill would require in preservation without due regard to the necessity of utilizing resources.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I am happy to yield to my chairman.

Mr. ASPINALL. Is it not a fair statement of the committee's position that the question of jurisdiction of the committee is involved since there is a question of the present authority of the Secretary of the Interior?

Mr. McCLURE. The gentleman is exactly correct.

Mr. ASPINALL. And the committee voted unanimously here without any opposition, if I remember correctly, that the committee take this position.

Mr. McCLURE. That is exactly correct, and I would like to point out, too, that much has been made of the fact that the Department of the Interior was offered the opportunity to appear and offer testimony before the Merchant Marine and Fisheries Committee, but never once did any of those people today mention the fact that the Department of the Interior has been and remains opposed to the transfer of this kind of jurisdiction to the Department of Commerce.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. At one time one of our most distinguished and able members of the Committee on Oceanography was my good friend Rogers Morton, of Maryland. I would like to read to you what he said on the subject as a member of the Oceanography Subcommittee back in 1968: He favored the concept of establishing marine sanctuaries.

Mr. McCLURE. I would say to the gentleman that is not the debate here.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

(By unanimous consent, Mr. McCLURE was allowed to proceed for 2 additional minutes.)

Mr. McCLURE. That again is begging the issue, because the issue is not the establishment of sanctuaries, but who shall have the authority to do it under what kind of legislative mandate? A balanced one or one which calls for the establishment of sanctuaries?

Mr. LENNON. Mr. Chairman, will the gentleman yield further?

Mr. McCLURE. I am happy to yield to the gentleman from North Carolina.

Mr. LENNON. The gentleman will recall when the President recommended the establishment within the Department of Commerce of a National Oceanography and Atmospheric Agency, he recommended that the Administrator should have general supervision, and that these matters should be brought together under one umbrella, the areas which would be affected by these marine sanctuaries. The National Oceanography and Atmospheric Agency cannot escape that.

Mr. McCLURE. That is not an opinion shared by either the Secretary of Commerce or the Secretary of the Interior or the Office of Management and Budget.

Mr. LENNON. It is not shared by the Secretary of Commerce, did the gentleman say?

Mr. McCLURE. Yes. I do want to make it clear that the problem of dumping is so serious that I will vote for the bill even if title III is not stricken. Title I is a very necessary action by this Congress and I fully support it. Once again, I support the concept of marine sanctuaries, but not as proposed in title III and it should be stricken.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, the comments made by the gentleman from Idaho (Mr. McCLURE) in support of the amendment of the gentleman from Colorado (Mr. ASPINALL) regarding title III are totally consistent with the expressed point of view of our Interior Committee.

Further, I believe it to be in keeping with the wishes of our present Secretary of Interior.

We, in California are very concerned about the matter of marine sanctuaries, oil spills, and factors affecting marine life, seashores, and ocean resources. This is particularly significant in view of the disastrous experience in the Santa Barbara Channel.

While I intend to support the bill, in any event, I believe the primary jurisdiction should remain with the Secretary of the Interior and the Interior Committees of the Senate and the House. Therefore, I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 20, noes 33.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLOSKEY

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY: On page 31, line 25, strike the word "and" appearing at the beginning of the line, change the period to a comma, and add the following: "and interested members of the general public."

Mr. McCLOSKEY. Mr. Chairman, this is a simple amendment and one which I think carries out the intent of the bill as expressed in all other sections of the bill itself. We have seen difficulties arise on environmental matters when decisions have been solely a matter of governmental agencies without taking into account public expressions of opposition or concern. All this amendment does is add to the criteria-making authority and the review of that criteria the requirement that, in addition to consulting with seven Cabinet Secretaries, the Atomic

Energy Commission, and other appropriate Federal and State and local officials, before making criteria for these dumping applications or revising that criteria, the Administrator will consult also with interested members of the public.

That amounts to a practice long followed by the Corps of Engineers in granting these applications. The corps maintains a list of interested groups in the area and makes a point of writing to those organizations and prints a notice in the newspapers. All this amendment would do is require the continuation of that procedure.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I commend the gentleman for the amendment he has offered. It follows a policy adopted by the committee and adopted by the two subcommittees in other parts of the bill. Also I would say it is an amendment which generally reflects the attitude of the departmental agencies, which said they had no objection to this when they appeared before us. I have and I will introduce into the RECORD correspondence from the Environmental Agency indicating they have no objection to this kind of thing.

It is an amendment about which I have conferred with my colleagues on the committee and one which, on this side of the aisle, we will be happy to accept. It is an excellent addition to the bill.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, the gentleman from California was kind enough to show me his amendment, and I conferred with such Members of the minority as I could. They, too, concur in approval. I hope, therefore, the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCCLOSKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDMAN

Mr. SANDMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SANDMAN: On page 41, strike lines 9 through 23 and insert in lieu thereof: "(d) Nothing in this Act shall be construed as preempting any State, Federal territory or Commonwealth, or subdivision thereof from imposing any requirement or liability."

Mr. Chairman, I am going to be as brief as possible. It is a very important amendment as far as I am concerned. I said yesterday on the floor that the area I come from seems to be the dumping ground for 70 percent of the eastern seaboard. Most of the refuse from New York City and from Philadelphia is presently, and has been for the 10 years past, dumped off the New Jersey coast.

I would like all the Members to pay strict attention to line 9 on page 41, which says:

> (d) After the effective date of this title, no State shall adopt or enforce any rule relating to any activity regulated by this title.

Do the Members know what that does? That says to all the States in these United States that already have a law pertaining to this kind of offense, that is promiscuous dumping in the ocean, that they cannot enforce their laws. That is what it says.

I would like to call to the attention of Members that every State in the United States to my knowledge which borders on the Atlantic Ocean, on the Gulf of Mexico, on the Pacific Ocean, or on the Great Lakes—all have such a law. I have written to all the Governors and the attorneys general calling this to their attention, and I received answers from almost all of them. From California, for example, Ronald Reagan says:

> Federal legislation such as is being proposed is significant to help in the control of these wastes which are dumped into the offshore waters over which the State has no control.
>
> I do hope, however, that this will supplement and not supplant the State's effort to control these problems.

The State of Michigan boasts of having the strongest antipollution law of the United States. A letter from Frank J. Keller, attorney general of the State of Michigan, points out that the law was first enacted in 1965, and improved over the years, and had its final improvement in 1969. He is pretty proud of it. He wants the State of Michigan to enforce that law. He does not want some newly created agency in Washington to take all the responsibility for doing that.

I could go right on down the list.

Louis J. Lefkowitz, attorney general of the State of New York, says the same thing:

> I agree emphatically that the States should enact similar legislation.

New York has indeed enacted such legislation.

And so it goes for all the States one can think of.

This is an unusual situation here. I have made a review of some of these statutes, and I believe other Members should, too, because I find that this is the first time a piece of Federal legislation is attempting to preempt a State from doing what a State should do.

At my insistence the State of New Jersey has already made a law, in 1971, to prohibit ocean dumping. I believe that is altogether proper. It is for New Jersey to regulate what ships can be loaded in New Jersey ports, how they shall be loaded, and what they are going to do with the refuse.

Again, New Jersey is not willing to sacrifice that authority in toto to a newly created agency here in Washington.

One can go to all the other sections of the law he wants, and he will find in every case the U.S. Government has requested and has encouraged the States to take parallel jurisdiction.

If we go back to the recently dusted off Refuse Act of 1899, we will find the same thing there, where the Government encouraged the States to take parallel jurisdiction.

The Federal Water Pollution Control Act, Public Law 84–66, said:

> It is hereby declared to be the policy of the Congress to recognize, preserve and protect the primary responsibilities and the rights of the States in preventing and controlling water pollution. Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters.

This is repeated in laws adopted in 1956, 1961, 1965, 1966, 1969, and 1970.

Mr. DINGELL. Mr. Chairman, I rise in opposition of the amendment of my good friend from New Jersey, and I say, Mr. Chairman, I do so reluctantly.

Mr. Chairman, the matter before us was considered with great care by the committee. We sought to come forward with a bill which would treat a major national and international problem in the best fashion possible. In like fashion, we sought to consider the problems of the States and to let the States have an opportunity to have a say over what be done within their own waters and within their own boundaries.

We were aware of the fact that many of the States were going to want additional protection, but we were also aware of the fact that unless this be done on a national basis by an agency set up fully and capably to establish uniform standards across the Nation the interests of many smaller States might be significantly jeopardized. Indeed, it was the concern of the committee, and one of the reasons why we adopted the language in the bill before us today, that one State or two States might by reason of inaction wind up being dumping grounds for many of their neighbors, and might wind up finding water quality and environmental values being much more jeopardized than would be true if we had a fairly uniform and high standard established by the Federal Government.

However, in order to give the States an opportunity to have their problems considered, we set out here and said that a State could go to the Administrator of the Environmental Protection Agency and secure such additional protection and more stringest protections and controls as would be consistent with the purposes and objectives of this bill.

That is the language that my good friend from New Jersey would strike. I recognize that my friend is very much concerned with this problem. He has been interested in it. He has litigated it and been before our committee to testify on the need for stronger legislation. He has a distinguished record in this field, and I commend him for it.

The fact of the matter is, however, that your committee brought the collective wisdom of all its members to bear on the problem before us. The best and the most balanced solution to meeting these problems of all of the States and handling this properly on a national and international basis and seeing to it that the problems of single States are handled correctly, which might require more stringent controls, is all embodied here, in the opinion of your committee which has considered this matter in prolonged hearings and in executive sessions.

It is my hope, although the amendment offered by the gentlemen, I am sure, is offered in the best of good faith and in a most sincere desire to perfect the bill, that the House will nevertheless accept the wisdom of the committee and reject the amendment offered by my good friend from New Jersey.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. I am happy to yield to my good friend from New Jersey.

Mr. SANDMAN. I have two questions I would like to ask the gentleman from Michigan to answer.

First, in your own State's case, for example, your bill here does give a right to the State to submit this to the Environmental Protection Agency for their consideration. If the EPA decides not to accept what Michigan wants to do, the question I have been asked is what happens to the Michigan statutes?

Mr. DINGELL. The Michigan statute is then preempted, but I will say that I do not expect the EPA is going to disregard lightly the wishes of any State or the actions of any State legislature or the request of any Governor. I do not believe that this bill is phrased so that they can do so. This is one of the reasons why I oppose the amendment offered by my good friend from New Jersey.

I will further bring to the gentleman's attention the fact that we have had a uniform Federal treatment of this matter since 1899 in the Flood Control Act of that year. A strong argument can be made that we have already preempted these questions through Federal action.

I would further point out to my good friend from New Jersey that we have very carefully considered the problem of water quality standards and the wishes of the State on page 3, in line 6, to which the amendment does not go, incidentally, which deals with the requirements and says that no permit shall be issued for dumping material which will violate applicable State standards. We have sought to protect the State water quality standards and State actions in that area to the fullest extent possible.

Mr. SANDMAN. Could I ask whether or not the gentleman would suggest accepting an amendment that the States would have the right to make such laws in cases where they are more stringent than the Federal law?

Mr. DINGELL. I would not make that statement at all, but I will say that we would be happy to consider such legislation of that kind if it is referred to us.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I think even though my good friend from New Jersey acts with the very best intentions in this matter, it would be a serious mistake if we adopted the language in his amendment.

I spoke to this yesterday in general debate, and I would like to reemphasize again today the reasons for my opposition.

By permitting each State to enact its own legislation you will have a number of loopholes in the laws with overlapping jurisdiction, which in the end in some instances will allow a polluter or an ocean dumper to escape prosecution because he will find that he can pass his case through the eye of the needle and escape one law or the other.

In addition to that, in those jurisdictions where there are waterways bounded by two States, such as in the case of the sponsor of the amendment and my State, which both border on the Delaware River, you will find competing laws.

You are going to find that you can dump things in one jurisdiction that you cannot dump in another and, again, you are going to have chaos.

Finally, and perhaps in response to the last question propounded to the gentleman from Michigan (Mr. DINGELL), if you permit the States to enact their own laws, you are taking away Federal jurisdiction, you are taking away the use of the Federal courts, the injunctive powers of the Federal courts, and the Federal remedies as contained in this bill. While it may be that individual State legislation would in some instances, as the gentleman suggests, be beneficial, the existing language as contained in the bill would permit the EPA to pick those up. In such instances, the Federal law would pick up the State law and that would be a good solution.

Mr. SANDMAN. Mr. Chairman, if the gentleman will yield further, my only point here, as the gentleman well knows, is to give to the States the right to specify how a ship is going to be loaded in the ports within a State.

Is the gentleman of the opinion that it is possible for any State to enact a law which is going to be enforceable outside the 3-mile limit?

Mr. DU PONT. No, I do not believe so.

Mr. SANDMAN. Well, if that is the case, how can you have conflicting jurisdictions because no one is dumping within the 3-mile limit?

Mr. DU PONT. Let me correct my statement. The State could legislate outside the 3-mile limit—under this bill or even existing law—concerning the dumping of material outside the 3-mile limit that would have an effect inside the 3-mile limit.

Mr. SANDMAN. Mr. Chairman, if the gentleman will yield further, is the gentleman saying that a State could pass an act that would affect the State outside the 3-mile limit?

Mr. DU PONT. If you are dumping sludge, for instance, 3.1 miles out and it is coming back in, I believe so.

Mr. SANDMAN. Does a State have that jurisdiction?

Mr. DU PONT. I believe that State has that jurisdiction.

Mr. SANDMAN. Anything outside the territorial sea is clearly Federal operations that cannot be governed by a State law. So, you can have conflicting jurisdiction.

There is not anyone, as the gentleman well knows, dumping into the Delaware Bay. They are dumping 15, 16, and 20 miles off where I live and there is no State that can pass a law under the present constitution of any State as well as the Federal Constitution that affects anything that is happening in that area.

The CHAIRMAN. The time of the gentleman from Delaware has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment which has been offered by the gentleman from New Jersey (Mr. SANDMAN) raises a question that conceivably might involve a very stringent State law recently enacted within the last year or two in the State of Michigan. As I understand the present provision in the existing bill before us, the Federal Government would preempt this area. If it does, certainly then it would have an impact on existing Michigan legislation.

I would like to ask the distinguished gentleman from Michigan (Mr. DINGELL) what the gentleman's interpretation is of the language as contained in this bill as it relates to the legislation on our statute books in Michigan.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank my good friend from Michigan for yielding to me.

I would say that in my view the bill before this body at this particular time is a very strong one. It is not weaker than any State legislation nor would it empower the creation of regulations or standards which are less stringent than those of many of the States with which I am familiar.

I would point out that the States may come to the Administrator of the Environmental Protection Agency to request additional and more stringent Federal standards as the conditions and circumstances of the States might require. It is my view that the Administrator of the Environmental Protection Agency would give very careful and very sympathetic attention, particularly with respect to previously existing State laws, and to see to it that the protection afforded under State law at this time is continued in being.

I would bring to the attention of my good friend and colleague that in the bill in the earlier sections, sections 1 and 2 of the first title made very plain that the dumping of deliterious material and other materials into our waters is not to be done lightly, and indeed that the Administrator of the Environmental Protection Agency is to consider not only fish and wildlife, but all of the amenities, the biological concerns, and must consider strong steps to protect the ecology and health.

I would like to point out that I have received no word, speaking as Chairman of one of the two subcommittees which have dealt with this matter in lengthy hearings—have received no communication whatsoever from the attorney general of our State regarding this matter.

Mr. GERALD R. FORD. Mr. Chairman, let me ask the gentleman from Michigan one further question:

Section 106(d), in the first sentence, says:

> After the effective date of this title, no State shall adopt or enforce any rule relating to any activity regulated by this title.

This would appear to me to be a preemption——

Mr. DINGELL. The gentleman is correct.

Mr. GERALD R. FORD. To be a preemption under this legislation of any State law, and certainly any State rule or regulation.

Now, the language does not say law. It says rule or regulation. But does that provision preempt the Michigan law in regard to this problem?

Mr. DINGELL. The answer to that is that this statute—or, rather, this legislation—would preempt not only any presently existing Federal statutes and rules and regulations issued by the Federal Government in areas covered—and there are some areas not covered, I would bring to the attention of my good friend—but it also would preempt any State action in these areas, either rules, regulations, permits or State statutes. But I would call to the attention of my good friend, the gentleman from Michigan, the sentence which follows, which says:

> Any State may, however, propose to the Administrator criteria relating to the dumping of materials into the waters described in subsection 101(b) which might affect waters within the jurisdiction of such State and, if the Administrator determines, after notice and opportunity for hearings, that the proposed criteria are not inconsistent with the purposes of this title, he may adopt those criteria and may issue regulations to implement such criteria.

Mr. GERALD R. FORD. In other words, this could preempt, but the Administrator has the flexibility to authorize State criteria or State regulations which are more rigid than those that even may exist under Federal law; is that the answer?

Mr. DINGELL. The answer is absolutely, and it is the expectation of the committee that he will listen most respectfully and attentively to the requests of the States.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I recall the very thorough discussion that developed relative to the philosophy of States' rights, and if there is a States'-righter within this body certainly I could claim some part of it.

One of the gentlemen on our subcommittee, the gentleman from Virginia, raised the question: "Are we dealing with transportation and the issuance of permits for dumping, dredging and dumping?"

Now, I do not know of any State to my knowledge having the authority to control permits for the dredging and dumping in navigable waters.

We are talking about article 1, section 8 of the Constitution—the Congress shall have the power to regulate interstate and foreign commerce.

That is what we are talking about.

Now if we go back to page 32 and begin reading on line 3, we will see this language:

> In reviewing applications for permits, the Administrator shall make such provision for consultation with interested Federal and State agencies as he deems useful or necessary.
>
> No permit shall be issued for a dumping of material which will violate applicable water quality standards.

I agree with the distinguished gentleman. It looks a little bit like States' rights. But I recognize we are dealing here now with the issuance of permits for dredging and filling and dumping which is handled now by the Corps of Engineers and will be hereafter handled by the Corps of Engineers in this bill.

I do not know of any State that has the authority to issue a permit for dredging in navigable waters.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. I can tell you any number of States. In fact, New Jersey passed a bill that I sent to them this year.

I can show you a statement from the attorney general of the State of Michigan.

It says in 1969 they perfected their law.

From the attorney general of the State of New York, Mr. Lefkowitz, and from California, Governor Reagan, and right on down the list.

Mr. LENNON. Yes, sir; they were complying with the law of 1899 which limits the several States in that a permit could not have been issued unless it was in conjunction with the Corps of Engineers if it related to the navigable waters of the United States.

I am familiar with that subject and I have been involved with it over a period of years even before I came to the House of Representatives.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. The very law you are referring to, the Refuse Act of 1899, has written right into that act that it is hereby declared to be the policy of the Congress to recognize, preserve, and protect the primary responsibility and the rights of the States in preventing and controlling water pollution.

That is precisely what I am saying.

Mr. LENNON. I agree with you that there has always been that cooperation in the work between the conservation department in a State with the Corps of Engineers.

We are dealing now with a subject—not only barging and dumping outside of the New Jersey jurisdictional waters of the several States. That is the reason I want to capitulate and I was happy to see that the language of the committee finally adopted was dealing with all of the States, all of the 32 coastal States.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman.

Mr. SANDMAN. I am absolutely in concurrence with what the gentleman is saying. I do not believe any State should legislate as to what is going to happen outside of the 3-mile limit. As lawyers, we all know that no State can do that. It is not possible. I think this is a good bill. I think this should be the only law outside the 3-mile limit.

Mr. LENNON. This would be a system for now and for hereafter.

The law would be handled by the Secretary of the Army through the Corps of Engineers through the Environmental Protection Agency and not by the States. I hope the gentleman will understand that.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish to commend the gentleman from New Jersey for his amendment. I would just briefly like to comment on the remarks a few moments ago made from the well indicating that passage of this amendment might permit some States to enact less stringent regulations which would lessen the protection of the Federal law. I do not believe that is the case.

I believe many States have already passed legislation. I believe more may pass legislation in the future. I believe they should have the right to do so.

If the Federal Government passes a higher level of criteria or of requirement, the Federal requirement will certainly prevail. But this amendment would still leave the States with the option, if they wish to be more stringent, to make their environment better than the Federal legislation would provide. I believe we should certainly allow that. In this case we will not give the States any right to lessen the quality or lessen the requirements, but the States will have the opportunity to write more stringent requirements should they desire to do so. Therefore, I believe in the interest of promoting the best possible environment, the best protection for our people, the amendment should be adopted.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman from Delaware.

Mr. DU PONT. I would point out to the gentleman the purpose of the language we have in the bill now is to make sure that if the States enact higher standards, the Secretary of the Environmental Protection Agency will have the power to approve them and thus make the Federal enforcement machinery available to enforce those standards, so you would be gaining a great deal. That is the purpose of the legislation as it stands.

Mr. HOWARD. You are saying the Federal agency may approve stronger standards.

Mr. DU PONT. Exactly.

Mr. HOWARD. I presume also the Federal Government may disapprove stronger legislation or requirements?

Mr. DU PONT Yes.

Mr. HOWARD. That would allow the possibility permitting lesser strictures. That is why this amendment would be necessary, because we have seen where we have passed in Congress legislation relating to the automobile pollution, in which we said the Federal Government and the Secretary of Transportation shall set regulations. Then we have found month by month and year by year that the Federal Government is knuckling under and permitting the automobile manufacturers to take more time, to be less in compliance with the goals we had originally set. I would not like to see this happen as far as dumping off the shores of New Jersey and other States is concerned. So I think we have nothing to lose, and everything to gain by adoption of the amendment offered by the gentleman from New Jersey.

Mr. du PONT. If the gentleman will yield further, I concur that we do not want to have the Federal Government knuckling under. For example, the problem in my State with regard to air pollution has been that the State mechanisms for enforcing the State air pollution laws are just dreadful. If we had Federal jurisdiction available, with Federal injunctive powers and the Federal court system, we could enforce the laws. That is the purpose of the language.

Mr. HOWARD. If the Federal legislation is stronger than the State requirements, then we would have the Federal machinery available for enforcement.

Mr. du PONT. But if the State is stronger than the Federal, under the existing bill draft, we could also use the Federal machinery to enforce the State law.

Mr. HOWARD. The amendment would not prevent that.

Mr. du PONT. Yes; I believe it would. Once you strike out the language of section 106(d), which permits the Administrator to approve a State law, then you lose all your machinery under State law.

Mr. HOWARD. If the State has a stronger law than that of the Federal Government, but slightly less in strength of enforcement, and someone is violating the Federal requirements, then I believe the Federal machinery would be in effect. The States would only come into the picture if the violation is something that is not anticipated by the Federal Government.

Mr. du PONT. That is correct.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the legislation before the House today to provide controls over ocean dumping and other waters is a strong bill and one which will greatly assist in solving our environmental problems. I have legislation pending in this field, H.R. 1214, which is a comprehensive environmental protection bill, which was referred to the House Public Works Committee, and I testified in support of the ocean dumping provision during the committee hearings. I congratulate the chairman and the committee on presenting this bill to the House.

For some time now, I have been extremely concerned about deterioration of our oceans by pollutants. Oceans cover 140 million square miles of water surface and over 70 percent of the area of the earth. The world environment and our very existence are dependent on the oceans and we must stop using them as huge open sewers which can absorb pollutants on an unrestricted and indefinite basis.

Reports on ocean contaminants from leading scientists and engineers are truly alarming. Thor Heyerdahl, in his attempt to cross the ocean in a reed ship, found that he could not fill containers for desalting for drinking water in the middle of the ocean because of the filthy condition of the water. Dr. Jacques Cousteau, famed oceanologist who has traveled nearly 155,000 miles in the last 3½ years exploring the oceans of the world, recently concluded:

> The oceans are in danger of dying. The pollution is general.

I am pleased that the Congress is taking affirmative action in seeking greatly reduced ocean dumping and I am glad that the thrust of the bill before the House today and my bill are similar.

It has been estimated that in 1968 slightly over 48 million tons of waste were dumped at sea off the shores of the United States. Many of these wastes are oxygen-demanding materials, which have the potential to reduce oxygen in ocean waters to levels in which aquatic life cannot live. The volume of waste dumping is growing rapidly and with many major cities running out of landfill areas, they will be looking toward the oceans to get rid of their wastes.

As the most prosperous industrialized Nation in the world, we must set an example for other nations to follow in cleaning up and keeping clean our oceans.

I believe this bill to control ocean dumping directly and firmly attacks the problem and will aid in preserving our life-giving oceans.

Mr. FRENZEL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I am going to support the Sandman amendment. I do so with some reluctance, because I think the committee has done a magnificent job in bringing this bill before us. I endorse the bill in its entirety. But I think it would be improved by the Sandman amendment.

There are three assumptions on which the objections to the Sandman amendment seems to be based: The first one is that papa knows best. The second one is that papa, knowing best, will always do best. The third one is that the States do not ever do anything right.

In my judgment, this is nonsense. It is federalism in reverse. The States in this bill have been reduced, as one of my colleagues has put it, to mere petitioners before the Federal agencies. But for those of you who are persuaded by the arguments that you will always be given a rule in the form of your petitions, forget it.

My own State is now engaged in litigation with the Atomic Energy Commission. We have had the opportunity to present to that Commission the things that we think are reasonable in terms of standards. But we are fought on every hand, and we are losing our fight.

If you think the States know anything, or if you think they have the ability and the wisdom to provide for their own environment, it seems to me the least we can do is to give them a continued ability to legislate on their own behalf. It seems to me it would be ideal if the Federal Government, and the Federal standards, could provide a floor under which the States could not sink, and an enforcement floor, too, if you wish.

But beyond that, in my judgment, the States, and particularly my State of Minnesota, would like the ability to enhance their environments for their own people above that which the Federal Government may determine to do. Therefore, I am going to support the Sandman amendment, and I would suggest that others in this body who have strong feelings about States' rights and the abilities of their State legislatures to perform well might want to support that amendment, too.

Mr. Chairman, at this time I yield to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for yielding. I cannot improve over what he said, and I would like to quit while I think we are ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SANDMAN).

The question was taken; and on a division—demanded by Mr. DINGELL—there were—ayes 26, noes 25.

Mr. DINGELL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971, and I urge my colleagues to pass this bill today in its present form as it was reported by the Committee on Merchant Marine and Fisheries.

This bill would prohibit the unregulated dumping of waste material into the oceans, coastal waters and Great Lakes and would specifically ban the transportation and dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. The dumping of all other waste material would be prohibited unless authorized by a permit issued by the Environmental Protection Agency or Corps of Engineers.

The committee bill, which is before us today, differs from the administration's original proposal in the following ways: It requires the Atomic Energy Commission to comply with the requirements of the act; it requires the Corps of Engineers to apply the Environmental Protection Agency's criteria in issuing permits, and it imposes an absolute ban on the dumping of CBW agents and high-level radiocative wastes. These additions were added only after the Committee held extensive hearings and carefully weighed the interests of all parties which will be affected by this legislation.

Mr. Chairman the committee version of the Marine Protection Research and Sanctuaries Act is supported by the most responsible and knowledgeable environmental groups in the Nation. Environmental Action, the Friends of the Earth, National Audubon Society, National Wildlife Federation, Izaak Walton League of America, Sierra Club, Wilderness Society and Wildlife Management Institute have all expressed their appreciation to the Committee for its efforts in formulating this bill and have all expressed their desire for its passage.

I strongly urge my colleagues to retain all the provisions of this version of the bill, and I now urge its final passage by this body.

Mr. BENNETT. Mr. Chairman, the legislation before the House today to provide controls over ocean dumping and other waters is a strong bill and one which will greatly assist in solving our environmental problems. I have legislation pending in this field, H.R. 1214, which is a comprehensive environmental protection bill, which was referred to the House Public Works Committee, and I testified in support of the ocean dumping provision during the committee hearings. I congratulate the chairman and the committee on presenting this bill to the House.

For some time now, I have been extremely concerned about deterioration of our oceans by pollutants. Oceans cover 140 million square miles of water surface and over 70 percent of the area of the earth. The world environment and our very existence are dependent on the oceans and we must stop using them as huge open sewers which can absorb pollutants on an unrestricted and indefinite basis.

Reports on ocean contaminants from leading scientists and engineers are truly alarming. Thor Heyerdahl, in his attempt to cross the ocean in a reed ship, found that he could not fill containers for desalting for drinking water in the middle of the ocean because of the filthy condition of the water. Dr. Jacques Cousteau, famed oceanologist who has traveled nearly 155,000 miles in the last 3½ years exploring the oceans of the world, recently concluded:

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As the most prosperous industrialized nation in the world, we must set an example for other nations to follow in cleaning up and keeping clean our oceans.

I believe this bill to control ocean dumping directly and firmly attacks the problem and will aid in preserving our life-giving oceans.

Mr. BOLAND. Mr. Chairman, I support H.R. 9727, the Marine Protection, Research and Sanctuaries Act.

This bill aims to coordinate the activities of the Environmental Protection Agency, the Army Corps of Engineers, and the Department of Commerce in their efforts to maintain and improve the quality of our coastal waters and Great Lakes.

In July of 1970, I cosponsored the original Marine Sanctuaries Act. Many of the provisions of that bill are incorporated in the legislation now before us. Under title III of this bill, the Secretary of Commerce is authorized to designate as a marine sanctuary those areas of the coastal waters, Great Lakes and oceans which he finds to be in need of preservation or restoration for conservation, recreation, and esthetic reasons.

Mr. Chairman, we are dealing with a truly comprehensive plan—one which will help to provide pollution-free waters for human welfare and for the protection of the marine environment.

I urge my colleagues to support this bill.

Mr. BROOMFIELD. Mr. Chairman, so vast, so seemingly limitless are the oceans covering our earth, we too often assume that they are somehow indestructible—that we can abuse them as much and as long as we like and still be able to count on their continued existence as a natural resource.

That, we know today, is simply not true.

In fact, if we have learned anything from the series of oil spills and mercury contaminations of the past few years, it is that our earth is indeed a closed ecosystem and that, while it may have great natural powers of regeneration, once a part of it is destroyed, that part can never be replaced. It is difficult for us to admit, but there exists today, Mr. Chairman, a distinct possibility that our oceans will be irreversibly damaged in the next few years and that we will have lost, in the process, a crucial force in man's life on this earth.

The importance of that force is obvious. For one thing, our oceans are essential to the basic oxygen-carbon dioxide balance upon which human and animal life depends. For another, scientists are telling us that the sea may prove the major source of food for mankind in the decades ahead.

Now, when we realize that the coastline of the United States is 99,613 miles long and that 75 percent of our population lives in the 30 States that comprise our coastal zone, we must surely understand that the restoration and continued health of our oceans cannot be emphasized enough. It is that understanding which is at the heart of the antidumping bill before us today.

H.R. 9727 would vest the Environmental Protection Agency with final authority to regulate the dumping of waste and foreign materials in our coastal zones. Up to now, that was the supposed responsibility of the Army Corps of Engineers by virtue of the Rivers and Harbors Act of 1899, but the general deterioration of our oceans over the years is apparent witness to the corps' failure in this regard indeed, in one 15-mile stretch off the Atlantic coast they granted permission for the dumping of 35 pounds of mercury, 750 pounds of beryllium, 1,000 gallons of sulphuric acid and hundreds of gallons of other dangerous chemicals. My point is simply that the corps cannot do the job we need today. The Environmental Protection Agency can.

In determining whether to permit dumping into the oceans, the Administrator of EPA would be required to consider first, its potential impact on the marine environment and human welfare and second, other possible locations and methods of disposal, including land-based alternatives. In no case would dumping be authorized where it would violate applicable water standards. Violators would be subject to both civil and criminal penalties, with a maximum in each case of $50,000 per offense.

We should commend the committee for placing in this legislation a total ban on the dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. Right now we know so little about the possible adverse effects of these materials on our oceans that the committee's decision must certainly be viewed as a wise one.

In two related areas the committee also made major advances: First, by authorizing $3 million over 3 years for research in ocean dumping and second, by permitting the Secretary of Commerce to establish protected marine sanctuaries wherever they were judged necessary; $30 million over 3 years would be authorized for this second provision.

As a sponsor of similar antidumping legislation in February, I am proud, Mr. Chairman, to support this bill. Its passage today will mark a beginning in our effort to restore the world's oceans to their natural condition; an effort that will serve men all over the earth for many generations to come.

Mrs. MINK. Mr. Chairman, I rise in support of the amendment offered today by Mr. LENT.

In the past we have been content to dispose of our waste in the oceans. We have presumed the negligible consequences of our actions which were further overshadowed by our economic arguments. We have dredged our channels and harbors to handle increased commerce. We have used seawater in the generation of electricity and in the production of various industrial products. We have relied upon the ocean to bury our refuse, dredge spoils, sewage, obsolete armaments, and radioactive wastes. We have done all these things oblivious to the cumulative effect upon the ocean environment.

Too long have we been content to dump our waste into the oceans. Today the noxious results of our presumption plague us.

People in many places cannot enjoy seaside recreation, because the waters are too fouled or the beaches too littered. People cannot eat certain seafoods for fear of contracting hepatitis or mercury poisoning. These dangers are not limited to private enjoyments and recreation, but extend to our commercial industries, as well as personal individuals. In these instances, in the individual experiences cited by my colleagues who testified before the Committee on Merchant Marine and Fisheries, and in the blatant cases of despoliation and filth they described, there is prima facie proof of the necessity for Government regulation in this area. H.R. 9727 seeks to fulfill that need. It seeks to end the unregulated oceanic disposal of our waste materials. And for that reason, I stand in support of it.

However, the single glaring fault of this bill is its failure to cope with oil pollution from offshore wells. Our recent discovery of offshore reserves presages the expansion of tideland drilling and mining. After such disastrous experiences in the waters of California, Texas, and Louisiana, such an expansion of offshore mining necessarily must be approached with caution. Existing administrative rules provide for the regulation of such mining. However, no statutory provision exists for the guaranteed preservation of marine sanctuaries in the face of future exploitation. The recreational, ecological and esthetic value of certain offshore areas outweigh any oil profit capable of being gained. These areas need to be preserved by Federal authority. The amendment proposed by Mr. LENT seeks to do just that. I heartily support him.

We in Hawaii have not as yet suffered greatly from these conditions on the mainland. But we are not so blind as to think the consequences will not affect us, or that we ourselves are not culpable of similar detrimental practices. The oceans form a contiguous body and all who live around it suffer from its pollution, just as all enjoy its resources. I earnestly hope to guard the ocean resources on which the vitality of my State depends. I urge your support of Mr. LENT's amendment.

Mr. MURPHY of New York. Mr. Chairman, it is with a sense of high expectation that I speak on the important legislation now before this body. It has been 18 months since I introduced marine sanctuaries legislation to prevent the despoiling of our seas and rivers. And while the instant legislation has moved through the necessary process of committee hearings and debate, meetings and reporting, I have agonized as I watched the monthly figures climb on the already astronomical dumping of garbage and waste into seas that have changed a country formerly dependent on its waters for food and recreation into an enormous land mass besieged by waters that are unsafe for human beings and marine life; waters that are being killed by oil, human waste, and a thousand other pollutants.

For example, I point out to Members that since I first introduced my marine sanctuaries—ocean dumping bill 18 months ago, nothing much has been done in the way of substantive action to eliminate dumping—and an additional 36 billion gallons of garbage and 74 million tons of dredge spoils, industrial wastes and sludge were dumped into our rivers, lakes, and coastal waters.

These grim statistics for the past year and one-half include:

Twenty-four billion, six hundred million gallons of industrial waste poured into our rivers, lakes, and coastal waters;

Ten billion, nine hundred and fifty million gallons of waste water pumped into our sewers;

Almost 60 million tons of dredge spoils dumped into our coastal waters, 20 million tons of which were polluted;

Seven and one-half million tons of industrial wastes which polluted our seas;

Seven million tons of sewage sludge dumped at sea, almost 6 million tons off New York Harbor alone.

And, Mr. Speaker, the volume of wastes dumped in ocean is increasing rapidly.

This is in spite of the fact that we all now know that they are deadly to marine life.

They are hazardous to human health.

And esthetically they are an anathema.

While I am concerned that this tragedy is happening in my own area in New York, I am equally troubled that the same situation exists in all coastal areas of the United States.

There are 121 other ocean dumping sites on the Atlantic coast, 56 on the gulf coast and 68 on the Pacific coast, where we are dumping millions upon millions of tons of trash, from tin cans to cannons and poisonous isotopes to poisoned gas.

New York and its own "Dead Sea" is being emulated by a string of fledgling dead seas from Maine to Washington State.

And we must not forget our polluted inland waterways and lakes turned into a massive national disgrace.

Because of these appalling statistics, the issues before us today are clear and simple. We are throwing too much of society's excrement into our water and it is coming back to haunt us.

I urge Members to pass the bill decisively—a bill that contains those provisions needed to halt the destruction of our marine and wildlife ecology.

I am gratified that one of the provisions which is of particular importance to me, and one that I authored and urged the committee to include in the final version of the bill, is contained in title III. This is the requirement that authorizes the Secretary of Commerce to establish a system of marine sanctuaries in cooperation with the affected States, and where necessary, with the governments of other countries. This is a necessary requirement if we are to retrieve and preserve many of our most precious marine areas. Without such a provision we could simply find ourselves moving dumping grounds from one area to another which only increases the danger of prolonged pollution. We need a productive economy in order to achieve the great goals to which we are so firmly committed to restore and renew our natural environment.

Long ago we learned of the need to save large land areas from the depredations of the human animal—it is time we do the same with our water resources. The "no-dumping" marine sanctuary aspect of this legislation, which is the key to its effectiveness, will help this Nation do just that.

With the passage of this bill, intact, with no crippling amendments or loopholes, the Congress now is very close to realizing the dream of those of us who have fought to stop the disgraceful conditions that have been allowed to develop in our oceans and rivers. I urge Members of the House and the Senate to act as quickly as possible on this legislation, otherwise, we are all going to end up—those of us left alive—living on one cosmic, putrid garbage pile.

Mr. GRIFFIN. Mr. Chairman, I rise in support of H.R. 9727, the ocean dumping bill. I was an original sponsor of this measure and closely followed it through the Merchant Marine and Fisheries Committee, of which I am a member.

This act must be regarded as a major step forward in the protection of our environment. It is designed to regulate the now unrestricted dumping of wastes and pollutants into our oceans.

The people of Mississippi, and of the South generally, have not had the tremendous pollution problems affecting other sections of the country. The chief reason, of course, is that we simply have not had the heavy concentration of people and industry as other sections. Now, however, our cities and industries are rapidly expanding and pollution is becoming a visible problem.

Mr. Chairman, our environment is our livelihood—our rivers, oceans, air, land and resources give us everything we have. The measure before us today will be a great step forward in protecting one particular area—the oceans.

This measure strikes a reasonable balance between the need for environmental protection and the need for economic progress in a way that all future measures should follow.

We Mississippians should be thankful that we do not now have tremendous pollution problems and we must take the necessary and reasonable steps, as here in the ocean dumping bill, to protect this valuable asset in a way that will promote the industrial and economic growth for everyone's benefit.

Accordingly, I urge every member of this body to vote for the overwhelming passage of this most necessary and worthwhile measure.

Mr. HILLIS. Mr. Chairman, I would like to go on record for Indiana's Fifth Congressional District as a stanch supporter of this long-overdue legislation to protect our Nation's oceans and waterways from unrestricted dumping. Indiana has long been a leader in the environmental protection field and has expressed its concern through good strong legislation. And then we gave the Nation Bill Ruckelshaus to help alert the Nation to its environmental problems and help it eliminate those problems as rapidly as possible.

Legislation like this marine protection act is an absolute necessity if we are to follow through on our cries for environmental cleanup. It's a simple case of putting our money and conviction where our mouths are. If we want men like Bill Ruckelshaus to carry a strong stick, let's give them the strongest hickory rod we can find.

This bill would regulate dumping of all waste materials into our Nation's waters and prohibit dumping of materials such as chemical or biological warfare materials as well as high-level radioactive wastes.

This legislation would also authorize research to monitor dumping activities which the Government does permit, as well as authorize research into the long-range effects of pollution and the careless muddling of man into our ocean ecosystems. This type of activity is a must if we are to discover the practical limits to which we can dump wastes into our waters—in the long run, research like this can save us millions of dollars in pollution control costs as well as possibly save the lives of us all.

In a poll recently conducted in my district, more than 50 percent of the respondents indicated they would not mind paying higher taxes to fund effective pollution control measures. Since we in Indiana are known for being tight with our money, I think this is saying a great deal. I believe it is indicative of a great concern throughout the Nation that we act now before the consequences become far more costly.

In light of this type of concern, can we do otherwise then give our support to legislation such as this? I think not. Thank you.

Mr. HANLEY. Mr. Chairman, I rise today in support of H.R. 9727, a bill designed to regulate the wanton dumping of pollutants into our Nation's lakes, rivers, and ocean coastlines

Tragically, it has been only within the past few years that Americans have awakened to the fact that man is needlessly destroying the natural balance between species which has, for centuries, allowed countless forms of life to live together in relative harmony. For years, Americans have been content to sit idly by and let Providence take care of the Nation's waste disposal problems. But finally man has learned that neither Providence nor nature can solve all the problems of waste disposal—that the lakes and oceans of the world can only absorb so much waste, and no more.

The recent discovery that many swordfish and other seafoods taken from our coastal waters contain large quantities of mercury has dramatized the effects of pollution. It has shown us that we may soon approach that point where even the vast oceans can no longer absorb our waste—that point where the thin thread, that holds the balance of nature in place, is cut. And animals begining to die. And species disappear.

Luckily few species have disappeared although some have. However, many species have been contaminated with filth and disease, making them inedible.

Man's last reservoir of food, the oceans, is being destroyed. Man's food supply is diminished. This is a sad circumstance for man whose population is rapidly increasing.

The oil spillage catastrophe in Santa Barbara, Calif., and the death of part of the ocean, known as the New York Bight, are two examples of the events that have demonstrated the dire necessity for legislation like the bill we have before us today.

The purpose of H.R. 9727 is to control the unregulated dumping of material into the oceans, coastal and other waters which endangers human health and welfare, and destroys the ecological systems of the world. To this end Congress would give the Administrator of the Environmental Protection Agency, and the Secretary of the Army, the power to issue permits for ocean dumping only under the direct circumstances. The bill provides stiff penalties for persons who dump material into waters without a permit. The bill also terminates the foolish process of casting radiological, chemical, and biological warfare agents into the ocean. I wholeheartedly approve of these provisions.

It is obvious that man cannot go on forever using our oceans and other waterways simultaneously as a food source and a garbage dump. H.R. 9727 seeks to clear up this ambiguity. I strongly recommend the passage of H.R. 9727.

Mr. FASCELL. Mr. Chairman, by taking favorable action today on the Marine Protection Research and Sanctuaries Act, we have a chance to stem the tide of pollution in our oceans. We have an opportunity to stop the environmental cancer before it becomes terminal.

The legislation before us today is the result of the efforts of many of our colleagues who recognized a danger and sought the legislative means to deal with it. Particularly, the Merchant Marine and Fisheries Committee and its distinguished Chairman EDWARD GARMATZ deserve much credit for the priority and attention which they have given to this issue.

Our colleague JOHN DINGELL, who chairs the Subcommittee on Fish and Wildlife Conservation, was instrumental in bringing public attention and focus on the problem through the important hearings which he conducted. The product of his efforts is the bill before us, and it reflects his excellent understanding of this issue.

I am proud to be one of the sponsors of the Marine Protection Research and Sanctuaries Act. It incorporates proposals which I made last year when this country found itself in the untenable position of having tons of a lethal chemical in a highly volatile condition with the ocean as the least objectionable place to get rid of it.

That emergency situation demonstrated that we had virtually no national policy or means of control for ocean dumping, and we had to stand by and watch the Army dump nerve gas into the Atlantic Ocean off the coast of Florida.

Since then there have been some encouraging developments. This bill is certainly one of them, as is the recent announcement by Defense Secretary Melvin Laird that no more military chemicals or munitions will be dumped into the ocean.

But the evidence of the ubiquity of the problem demands our immediate attention to the need for comprehensive policy and control. The concept of the sea as an infinite source of waste absorption must be laid to rest before the disruption in the life cycle of this planet lays the human race to rest.

Already scientists have declared that the amount of tar—a residue from oil spills—on the surface of the ocean equals the amount of its surface sea life.

The presence of mercury, lead, DDT, and pesticides is increasing dangerously in our oceans and sea life. It has been shown that the presence of these agents in the ocean inhibits the ability of diatoms to produce oxygen. The world's supply of oxygen comes mainly from the photosynthetic activity of these tiny diatoms.

Dr. Jacques Cousteau, the famed oceanologist, who has traveled nearly 155,000 miles in the last 3 years exploring the oceans of the world, recently concluded:

> The oceans are in danger of dying. The pollution is general.

The need for strict regulation of ocean dumping and the prohibition of environmentally harmful dumping is therefore urgent, and the time is short.

The Marine Protection Research and Sanctuaries Act would offer that regulation and control by requiring the approval of the Environmental Protection Agency before any material could be transported from the United States for the purpose of dumping in ocean, coastal, and other waters. It would provide stiff penalties and fines for any violations of the act.

The legislation would also authorize the Secretary of State to seek effective international action and cooperation through the United Nations to insure the protection of the marine environment by all nations.

Recently the United Nations Intergovernmental Maritime Consultative Organization, meeting in London, adopted a U.S. resolution calling for an end to willful ocean dumping and accidental spills by 1975, if possible, but certainly by the end of the decade. This is a positive step, but I fear we cannot afford the luxury of waiting until 1980, or even 1975.

Mr. Chairman, the time for action is now. The Council on Environmental Quality's Report on Ocean Dumping states:

> The nation has an opportunity unique in history—the opportunity to act to prevent an environmental problem which would otherwise grow to a great magnitude. In the past, we have failed to recognize problems and to take corrective action before they became serious. The resulting signs of environmental degradation are all around us, and remedial actions heavily tax our resources. This is clearly the time for a conscious national decision to control ocean dumping.

I hope our colleagues agree by giving their support to the Marine Protection Research and Sanctuaries Act.

Mr. HARRINGTON. Mr. Chairman, I rise in reluctant support of H.R. 9727, the Marine Protection Research and Sanctuaries Act.

One of our greatest resources is our oceans, but as President Nixon stated in April 1970:

> About 48 million tons of dredging, sludge, and other materials are annually dumped off the coastlands of the United States.

We are hearing more and more about the incredible value of our oceans. We hear that our food supply may eventually come in greater proportion from the ocean than from the land. Untapped mineral resources are within these waters. As a source of oxygen and through its interaction with terrestrial ecosystems, a healthy ocean may well have critical importance for the survival of the human species.

The legislation before the House today is badly needed. We have never before had the opportunity to vote on a bill to control ocean pollution. But it is sad that on our first opportunity to vote on this critical matter, we don't solve the problem once and for all.

The bill before us contains many excellent provisions, particularly those applying to research and marine sanctuaries. But the language of the legislation states that the Administrator of EPA may issue permits for ocean dumping if he determines that such an action will not—

> Unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

How does one define "unreasonably." The problem with all of our pollution legislation is that it is difficult to enforce, and it is difficult to enforce because of the imprecision of the basic guidelines.

H.R. 805, which I introduced with 70 cosponsors earlier this year, would have specifically prohibited the dumping of any material which would damage the environment. Environment by its definition, in my opinion, includes human health. That should be our standard today.

My bill would also have put the burden of proof on the dumper to demonstrate that what he is dumping will not harm the environment. The right to a decent environment is as basic as the right to life and liberty, for without a decent environment we can have neither. Therefore, it is the obligation of the people and the Government to protect that right—and the dumper has as great an obligation to protect the environment as the Government.

Although H.R. 9727 contains neither provision, it will certainly improve the conditions of our oceans by establishing some regulations where we have none now. In fact this legislation has a great resemblance to the Refuse Act, perhaps the strongest tool we have today to fight water pollution.

Title I of this legislation authorizes the Administrator of EPA to issue permits for the transportation and dumping of material into the oceans, coastal and other waters upon a determination that such dumping would not unreasonably harm the environment or human health. It requires the Administrator to establish criteria for evaluating permit applications which would take into account the effect on the marine environment and human welfare and an evaluation of alternative locations and methods of disposal.

The Refuse Act requires the Corps of Engineers to issue permits for effluent discharges from industry. The concept of issuance of permits to dump or discharge is a good one.

H.R. 9727 would also allow any persons giving information leading to conviction under the act to be paid part of the criminal fines, subject to an overall limitation of $2,500 per offense. This is similar to a provision in the Refuse Act allowing individual citizens to receive half the fine as a reward for information leading to the conviction of a polluter.

The provision of citizen action in this bill is excellent and I applaud the actions of the committee in including such a provision in the bill. The general public feeling is that government is unresponsive and that the individual is powerless to affect his environment. That is not the case when legislation such as this is enacted. I would like to see, however, a clear provision that if the EPA fails to act within a 60- or 90-day period on information supplied by the citizen, the citizen has the right to sue for action.

Title II of the act is vitally needed. It would require extensive monitoring and research on the effects of ocean dumping activities permitted under title I. It also authorizes the Director of the National Science Foundation to undertake a comprehensive program of research on the global and long-range effects of man-induced changes to ocean ecosystems. These studies are essential. Our knowledge of the consequences of our actions in ocean dumping is very slight.

As Dr. Max Blumer, senior scientist at Woods Hole, notes:

> The marine food web is so involved and the biochemical processes necessary for the survival of every species are so complex that it is virtually impossible to foresee which species might be damaged by a certain persistent chemical. The award of the Nobel Prize to the discoverer of the insecticide DDT illustrates our ignorance in this area. Lacking sufficient foresight we need to be much more cautious in the use of persistent chemicals lest we disrupt inadvertently processes in the sea upon which our survival may depend.

Title III of the bill is an excellent piece of legislation. It will require that marine sanctuaries be established "for the purpose of preserving or restoring—for their conservation, recreational, ecological, or esthetic values" in areas of the oceans, coastal waters and Great Lakes. These sanctuaries will immediately preserve vital areas of our coastline from further damage. My only reservation is that we may be drastically underfunding both titles II and III. Land is expensive, and I am not at all sure that $10 million per year is sufficient, nor am I confident that ecological research can be carried on well for only $2 million per year. I would urge, however, that these funds be fully appropriated. One major problem with all pollution legislation is the fact that appropriations almost never equal authorizations. We cannot afford to gamble with our future by being so pennypinching that we lose all of our natural resources.

Mr. Chairman, the bill before us today is a good start toward controlling the pollution of our oceans. I will vote for the legislation but I am hopeful that more stringent standards will be set in the future.

Mr. LENNON. Mr. Chairman, subsection (e) of section 202, as amended, instructs the research agency, which will be NOAA, to utilize to the extent feasible: by contract or other agreement, the personnel, services, and facilities of other Federal departments and agencies. As originally drawn, this subsection awarded this program to the National Science Foundation, with the understanding that it would cooperate, to whatever extent seemed called for, with other agencies with similar or tangential research programs, such as NOAA, the Smithsonian Institution, EPA and others. Now that it has been decided that this research program should be given to NOAA, it recognizes that NOAA may well have some inhouse capabilities for carrying out this research, and that to that extent, it would be unnecessary and undesirable for NOAA to contract elsewhere. This is entirely consistent with the purposes of this subsection: it was designed to encourage the most efficient possible use of the Government's resources. If, for example, the Smithsonian Institution were carrying out a similar or identical program that would permit the addition of extra experiments to carry out the purposes of this section, then we would expect that NOAA would contract for this to be done, rather than mounting a separate and expensive research program of its own. Equally clearly, if NOAA were carrying out a program of research under other authority which could, with little expense and effort, be adapted to the purposes of section 202, it would be absurd for it to contract with another agency, inside or outside the Government, to have this research performed.

As was stated in the report on this bill, the purpose of this subsection was to instruct the research agency to review and coordinate its work with other ongoing research programs, with a view to finding the "holes" that may exist in these programs as they relate to the long-range ecological and environmental problems that are foreseeable, if one only looks for them. That purpose is in no way changed by the substitution of research agencies.

I submit a list of questions and answers to clarify certain points on the bill:

TITLE I

Q. What is the purpose of this title?

A. The purpose of the bill, and particularly of Title I, is as outlined in Section 2, to regulate the dumping of all types of material into the oceans, coastal and other waters and to prevent completely or, where that is not possible, to severely limit the dumping of materials which could adversely affect those waters.

Q. How is the purpose of the bill achieved?

A. By totally banning certain materials such as biological, chemical or radiological warfare agents and high-level radioactive wastes, and to require permits for the dumping of materials covered. The permit system extends basically to the transportation from the United States for the purpose of dumping. In addition, it requires permits for dumping of materials, the source of which is outside the United States. The "dumping permit" aspect plugs a potential loophole in order to protect United States waters from outside sources. It is highly unlikely that any such dumping would be permitted. In addition to the regulation of transportation from the United States, the bill also extends the total ban on warfare agents and high-level radioactive wastes from sources outside the United States, where the United States Government is involved, and also requires a permit system (where the United States Government is involved) for the transportation of any other materials from sources outside the United States.

Q. What waters are covered by the bill?

A. The waters covered for the transportation permit aspect include the high seas, the

United States coastal waters, and United States internal waters as far inland as the tidal ebb and flow. For the dumping aspect, the waters covered are the United States internal waters inland to the tidal ebb and flow, the United States territorial sea, and the United States contiguous zone. In each case the Great Lakes are included.

Q. How can the United States regulate dumping in the contiguous zone which is outside United States jurisdiction?

A. The Convention on the Territorial Sea and Contiguous Zone (a part of the Law of the Sea Conventions 1958) recognizes the right of a coastal state to exercise control within the contiguous zone to prevent infringement of its customs, immigration, health or sanitation regulations within its territorial limits. This bill covers health and sanitation protection.

Q. What constitutes "dumping" under the bill?

A. The term "dumping" refers to a disposition or more specifically a disposal of material. There are two important exceptions as far as disposition is concerned. The term "dumping" does not cover the disposal of material from outfall structures where disposal from such structures is regulated under either the Federal Water Pollution Control Act or the Refuse Act of 1899. Secondly, "dumping" does not include the placement of construction materials nor the international placement of devices, if the placement of the device is for a purpose other than mere disposal, and provided the placement of the construction material or the device is otherwise regulated either by an appropriate Federal or State statute, or in the absence of statutes, as a part of an authorized Federal or State program. Finally, "dumping" does not include the deposit of oyster shells or other material for the purpose of developing, maintaining or harvesting fisheries resources, if the deposit of the oyster shells or other material is either regulated by appropriate statute or occurs as a part of an authorized Federal or State program.

Q. What are outfall structures?

A. The term "outfall structures" refers to identifiable, artificial, or artificially adapted natural discharge of effluence which are transmitted either from facilities located on shore or from artificial islands or other fixed structures located offshore. "Outfall structures" do not include the means of disposal of dredge material.

Q. What "material" is included in the coverage of the bill?

A. The material covered includes all matter of any kind or description, except for oil and for sewage from vessels, both of which are regulated under the Federal Water Pollution Control Act.

Q. Does the bill cover areas outside the United States?

A. As far as the bill is concerned, the term "United States", as used in the bill, includes all of the states, the District of Columbia, the Canal Zone, Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands. Other than the section regulating United States Government activities, the regulation of transportation under the bill is limited to "United States" as defined above.

Q. Is there a standard established under which permits are issued?

A. Yes. The standards for reviewing and evaluating permit applications are based upon criteria to be established by the Administrator which will take into account the need for the proposed dumping, its effect upon the area in which it is to take place, including the living resources and the marine ecosystem, as well as the permanence of those effects and the volume and concentration of the particular proposed dumping. The criteria also cover appropriate locations for the dumping and available alternative methods of disposal, including the availability of land based alternatives.

Q. How are permits handled?

A. The permit system is handled through the Secretary of the Army for dredged or fill material, and through the Administrator of the Environmental Protection Agency for all other materials. When an application for a permit is received, the responsible officer reviews the application in accordance with the established criteria and requires the applicant to furnish such information as may be necessary to properly consider the application. If new questions are presented, or if the implications of granting or denying a permit are significant, or if there is a substantial public interest, the responsible official will hold a public hearing before reaching his determination as to whether a permit should be issued. Furthermore, the permit may be issued only after the permittee has shown that the proposed activity will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment involved.

Q. Who furnishes the information on which the Administrator or Secretary makes his determination?

A. The permit applicant is required to furnish all necessary information, and this information is a matter of public record, subject to public inspection through every stage of the evaluation, at such reasonable times and under such reasonable circumstances as the Administrator or Secretary of the Army may determine.

Q. How does the EPA-Army authority under the bill mesh?

A. The bill requires complete and continued consultation between the two responsible agencies to the extent that either has an interest in the activities of the other. For instance, the Secretary of the Army must consult wtih the Administrator in applying the criteria established by the Administrator and in considering the sites recommended by the Administrator. In addition, the Secretary is bound to comply with the "no dumping" sites designated by the Administrator, unless the Secretary finds that there is no economically feasible alternative reasonably available. Even in reaching this decision, the Secretary is required to consult with the Administrator. On the other hand, the Administrator in evaluating permit applications under his authority must consult with the Secretary, if the application has a potential adverse effect on navigation by creating underwater obstructions.

Q. What are the provisions for public participation under the Act?

A. First of all, the Act requires notice and opportunity for a hearing in reviewing any permit application. While a public hearing should not be necessary on each permit application, it is intended that public hearings will be held whenever any novel question is raised, whenever there are significant implications following from the granting or denial of the permit and whenever there is substantial public interest. In addition to the right to participate in the public hearing, interested citizens are granted specific authority for suits to enjoin violations of the law, regulations or issued permits when the responsible Federal officials are dilatory in acting. Finally, the bill provides for a "finder's fee" where reports of violation result in criminal fines. In such cases, the person or persons furnishing the information from which the conviction results are entitled to receive one-half the fine assessed, up to a maximum of $2500 "reward". This "finder's fee" relates solely to criminal convictions and does not include participation in civil penalties assessed. It is similar to the provision in the Refuse Act of 1899 where the maximum participation is limited to $1250 of a potential $2500 fine.

Q. How is the Act to be enforced?

A. The responsibility for surveillance and enforcement lies in the Coast Guard. The Act requires that a copy of every permit issued shall be furnished to the Coast Guard and an additional copy shall be posted on the vessel to be used for the permitted transportation. The Coast Guard will then be able to check the details of each permit by inspecting the vessels at the dock and will further, by patrol of vessels and aircraft, be enabled to ascertain that the terms of the permit are carried out. While the Coast Guard will be responsible for enforcement, the Administrator is given the complete responsibility for civil penalty assessment for violations, both of his own and of the Army permits. In addition, while the Act does not prohibit referral directly to the United States Attorney, it is intended that the Department of Justice and the Environmental Protection Agency consult closely when criminal prosecutions are recommended.

Q. What are the penalties under the Act?

A. The penalties involve civil penalties up to $50,000 for each violation of the Act, or of the regulations, or of the permit specifications. They are assessed by the Administrator only after notice to the offending party and an opportunity to be heard by the Administrator. If after the penalty assessment is made, additional facts or information become available, the Administrator is authorized to remit entirely or to mitigate, that is, reduce, the amount of the penalty. When necessary, the matter may later be referred to the Department of Justice for appropriate collection procedures. In addition to, or in lieu of, the civil penalty, the matter may be handled through criminal prosecution, when the Act or omission which constitutes the violation is knowingly performed or omitted. In such cases to be handled by the Department of Justice, the maximum fine involved is $50,000 for each violation, or imprisonment for not more than one year, or both.

Q. To whom do the penalties apply?

A. The penalties apply to any person who violates the Act. Included within the definition of "person" are all private persons or entities, or officers, employees, agents, departments, agencies and instrumentalities of the Federal Government, of any state or local unit of Government, and of any foreign Government.

Q. What is the effect of this proposed legislation on other laws dealing with the general subject matter of refuse disposal?

A. This law supersedes all other laws pertaining to any activity regulated under Title I, and after the effective date of this Title no permit or other authorization will have any legal validity to the extent that it purports to cover any activity regulated under this Title. For that reason, the Act repeals the so-called Harbor Protection Act relating to New York, Hampton Roads, and Baltimore. The Act does not affect the Refuse Act as it applies to inland waters and streams above the point of tidal ebb and flow.

Q. What is the anticipated cost of this Title?

A. The actual cost of permit processing and enforcement will vary according to the number of permit applications. It is estimated that the cost of Title I during fiscal year 1972 will be $3.6 million, that these costs will rise to $5.5 million in fiscal year 1973, $5.9 million in fiscal year 1974, and thereafter it should gradually decrease as the need for dumping in the ocean decreases.

TITLE II

Q. Why is this title included in the bill?

A. In order to appropriately administer Title I, it is mandatory that monitoring information be available to all agencies involved as to the specific effects of dumping materials in the oceans, coastal and other waters. While various research authorities already exist, it was felt important, from an evaluation standpoint, to specifically point to the needs of this particular research and not to rely on its development as part of other research programs.

Q. How is it to be handled?

A. The bill provides for the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration to coordinate with the Coast Guard and the EPA for the short term effects of dumping. It also provides for basic long term evaluation of pollution on the total ocean system to be under the research responsibility of the EPA.

Q. What is the cost of Title II?

A. It is estimated that the initial cost of these two research programs will be in the order of $1 million each for the present and the two following fiscal years. After some experience and review, a more specific decision on research needs can be reached.

TITLE III

Q. Why is Title III included in this bill?

A. While from a dumping viewpoint, the protection of specific areas could be accomplished through the permit system, this title provides for a complementary scheme to extend other protections to specific areas which need preservation or restoration by providing a process through which rational choices as to competing uses of those areas may be made.

Q. Why is the Secretary of Commerce given the sanctuary designation responsibility?

A. The Secretary of Commerce is given the designation responsibility in order to carry out his basic responsibility in connection with the living resources of the sea. Several departments have interests involved and it is expected that a close coordination process will reflect the needs and views of the Departments of Defense, Interior, and Transportation, as well as interests of the EPA.

Q. How are State interests involved in connection with marine sanctuary designation?

A. In relation to marine sanctuaries which include waters lying within a State or lying above recognized State interests in the subsoil and seabed, the Act provides for close consultation with the State involved and, in fact, limits the application of marine sanctuary designation involving State waters to the concurrence of the Governor of the State involved. This provision adequately protects the rights of the State, particularly in regard to the exploitation of mineral resources recognized as appertaining to the States under the Submerged Lands Act.

Q. Does the public have any input into the sanctuary designations?

A. Yes. Before a marine sanctuary may be designated, the Secretary must hold public hearings in the coastal area which would be most directly affected by the designation for the purpose of receiving and giving proper consideration to the views of all interested parties, including private organizations and citizens.

Q. What is the effect of a marine sanctuary designation for waters outside of United States jurisdictional limits?

A. As to United States citizens, the designation of a marine sanctuary and the regulations pertaining to it will be completely binding. As to foreign citizens, the United States has jurisdiction over the living resources and the mineral resources out to 12 miles from the coast. Therefore, foreign citizens may not exploit any resources within that contiguous zone. As to marine sanctuaries beyond the contiguous zone, the United States regulations would be binding on foreign citizens only to the extent that they prevented the exploitation of the resources of the Outer Continental Shelf, including mineral resources and other resources of the seabed. The extent that foreign citizens would otherwise be bound to follow regulations relating to sanctuaries beyond the contiguous zone would be dependent upon reaching agreements with the foreign nation involved.

Q. What will be the effect of a marine sanctuary designation on recognized international principles involving freedom of the seas?

A. The designation of a marine sanctuary does not change the United States position in its international relationships. Therefore, the marine sanctuaries cannot infringe upon the normal rights of innocent passage in territorial waters, the rights of navigation through international straits, or the freedom of navigation outside of territorial limits, nor of the rights involving freedom of fishing outside the contiguous fisheries zone. In addition to innocent passage, the right of aircraft flying over is not affected by this bill.

Q. Should Title III contain specific restrictions on industrial development or oil exploitation while areas are under study for sanctuary designation?

A. No. In view of the fact that the study might well extend over a long period of time and might not, in fact, result in a sanctuary designation, premature restrictions either as to industrial development within the area or as to oil exploitation would be undesirable. In the coordination process, it is anticipated that persons interested in all potential activities in the area would be put on notice of the study and some degree of restraint would obviously follow. This should be sufficient, under the circumstances.

Q. Should the Secretary in his certification procedure be restrained from at any time certifying oil exploitation as being consistent with the sanctuary designation?

A. No. There are several purposes for which a sanctuary may be designated. These include conservation, recreation, ecology and esthetics, any one, or combination of which require preservation or restoration. While in most cases oil exploitation activities would probably be inconsistent with the purpose of the sanctuary and, therefore, could not be certified under present language as consistent, there might be some instances where this would not necessarily be the case. For instance, if an area were designated as a sanctuary for the purpose of closing it to fishing during certain critical spawning periods, it might not be necessary to terminate oil exploitation in the area. Therefore, to automatically forbid oil exploitation in any sanctuary no matter whether it really violated the purposes of the sanctuary, would be inconsistent with the purposes of the Act and would remove from the Secretary the desirable flexibility now provided.

Q. What will be the cost of Title III?

A. The cost of Title III will depend upon the number of sanctuaries designated which involve acquisition costs of property, interest not held by the Federal Government. The bill authorizes a maximum of $10 million for the present and the two succeeding fiscal years. A more definitive evaluation will be reached after the program goes into effect.

Mr. HOGAN. Mr. Chairman, it is in the cause of National and State interest that I rise to support the Marine Protection, Research, and Sanctuaries Act of 1971—H.R. 9727. This bill would provide a national policy to regulate the dumping of material into the oceans and coastal waters in order to protect human health, the marine environment, ecological systems, and the economic potentialities of our surrounding waters.

The seas have been overexploited as dumping areas for man's unwanted refuse—raw sewage, dangerous chemicals, radioactive wastes, crude oil from tankers, fuel oil from bunkers, overaged explosives, detergents, pesticides, obsolete war gases—all the leftovers of industry. For too long, such refuse has been considered safely out of the way once it has been consigned to an ocean disposal.

We are appalled when we hear that industrial and chemical wastes have aged Lake Erie by 1,000 years in a decade, that an area of New York Harbor called the New York Bight is essentially a "Dead Sea," and that the crew of the *Ra*, Thor Heyerdahl's papyrus raft, could not even wash their toothbrushes in the mid-Atlantic because the water was too filthy. In addition, it is alarming to think of the possible marine life destruction from chemical and industrial wastes that pour without ceasing from river mouths.

Mr. Chairman, in the fall of 1970, the Council on Environmental Quality provided an initial appraisal of U.S. dumping practices in its report, "Ocean Dumping—A National Policy."

This report delineated several priorities which had to be addressed. They included: First, a ban on unregulated ocean dumping of all materials; second, strictly limiting ocean disposal of materials harmful to the marine environment; third, instituting a permit program for ocean dumping under control of the Environmental Protection Agency; fourth, giving priority to preserving the most biologically active portions of the marine environment; and, fifth, instituting a research program to increase our knowledge of waste materials in marine ecosystems.

The President also recognized this important environmental problem when he urged Congress on February 10, 1971 to implement legislation based on the recommendations of the Council report.

Mr. Chairman, the people of Maryland, a coastal State with a long established dependence and interest in the beauty, the recreational facilities, and the economic value of its many inlets, rivers, and the Chesapeake Bay, have a special desire to keep our Nation's coastal waters healthy, safe, productive, and scenically attractive. Likewise, the Potomac River, as a part of Maryland's waters, has become a critical concern because of its utter degradation by pollutants. As long ago as 1959 I joined the Citizens for a Clean Potomac in order to do my part for preserving the quality of the river. Since that time I have continually supported legislation to combat the problems of environmental pollution.

On February 25, 1971, I joined numerous other of our colleagues when I cosponsored H.R. 5050, to regulate the discharge of wastes in territorial and international waters. H.R. 5050 is similar in many respects to the legislation before us today.

H.R. 9727, the clean bill which emerged from the Committee on Merchant Marine and Fisheries after extensive work in hearings and executive sessions will provide the first corrective legislation to prevent the great natural resources afforded by the oceans and the coastal waters from further deteriorating due to unregulated dumping. It is urgently needed now.

This legislation would set up a long overdue system of mandatory permits for dumping of materials to be issued by the Administrator of the Environmental Protection Agency. It would prohibit the dumping of certain highly toxic substances.

Second, the bill would provide for comprehensive research on ocean dumping in order to find out the short- and long-term effects of ocean dumping, a problem which will affect the decisions of the EPA Administrator.

Lastly, the bill will make it possible to designate as marine sanctuaries certain areas of our oceans, coastal waters, and Great Lakes in order to preserve or restore their conservation, recreational, ecological, and esthetic value.

In summary, Mr. Chairman, we have an opportunity to remedy a situation which affects our well-being at the local, State, National and international levels. Speaking provincially for the children who learn to swim at our beaches and globally for the possible consequences to our entire ecosystem, it behooves the Congress to pass this legislation for the good of all.

Mr. FUQUA. Mr. Chairman, I want to take this opportunity to express my strong support for H.R. 9727 as reported out of committee.

Representing a district with shores on both the Atlantic Ocean and the Gulf of Mexico, I am keenly aware of the importance of world oceans as our last and greatest untapped natural and scenic resource. To thoughtlessly despoil these vast waters which will provide such a rich return to this and future generations would be the height of folly.

Already we hear warnings from those who love the sea and work on it for a living that irreparable damage has been done through careless disregard for the environmental impact of our actions. Too long the oceans have been treated as an open sewer for all manner of human, chemical, and atomic wastes. These practices must stop, and H.R. 9727 represents an important step in this direction.

It would be my hope that in the years ahead the United States and other nations will build on these foundations and develop an effective program of ocean conservation which, in the end, will preserve this magnificent legacy for all mankind.

Mr. RARICK. Mr. Chairman, strengthening Federal laws and regulations to control the dumping of materials in the oceans, coastal waters, and navigable streams is certainly laudable and long overdue.

However, the bill, H.R. 9727 goes far beyond policing of our waterways, safeguarding the health of our people, and protecting our ecology. By its own phraseology, the bill preempts all State boundaries and is violative of our Federal system of jurisdictions and States rights. I am firmly convinced that the same regulations and safeguards could be enacted without raping the prerogatives of our States and without further concentration of dictatorial powers in another Washington bureaucracy.

In fact, we could expect more cooperation and more effective enforcement by giving the States a greater role and responsibility in their own waterways and seashores.

In addition to the bill laying the groundwork for another Federal power grab, we are asked in section 109 to authorize the Secretary of State, in consultation with the Administrator of EPA, to enter into international agreements and proposals with the United Nations and other competent international organizations to support the policy of this act.

Many people in my State are already aggrieved at the moratorium on offshore leasing which has been blamed on oil leaks and pollution problems. Many are suspicious that the excuses are but a subterfuge for the seabed treaty and other international deals to turn control of the continental slope or tidelands area over to the jurisdiction of the United Nations, for the purpose of leasing the subterranean oil-drilling rights with the revenues going to the United Nations and not to the State of Louisiana where it is dedicated to public education, or even to the U.S. Goverment. Pollution control, clean waters, and natural beauty are commendable, but to use such desirable goals to cover up destruction of our Federal system and international handouts is a completely different matter.

And what is a marine sanctuary, under title 3, and what will be the effect of the mineral rights and oil deposits underlying these areas which we are asked to authorize the Secretary of Commerce to confiscate in the name of conservation, recreation, ecology, or esthetic values?

I fear that riding the crest of the pollution fad, H.R. 9727 conveys too much power and control in areas which we are forbidden to enter. No one in this body knows or can appreciate the full extent of the powers herein being sought, let alone the cost of the new projects.

Because I hold serious reservations, I must cast my people's vote "no."

I include a resolution from the city of Houma, La., in the Record at this point:

Resolution

Whereas the City of Houma, a municipal corporation of the State of Louisiana, is keenly interested in the petroleum industry and all other related industries, and;

Whereas the oil industry is an integral part of the City of Houma as well as the State of Louisiana, and;

Whereas it has come to the City's attention that proposals are now being made to place the Continental Slope, or Tidelands area, under the jurisdiction of the United Nations for leasing purposes, and;

Whereas a large portion of this area is off of the coast of Louisiana and many of the oil related industries have operations in Houma and the State of Louisiana, and;

Whereas the oil industries of the United States, Louisiana, and the City of Houma have expended considerable funds in developing techniques to produce oil from depths off the Louisiana coast and the entire coast of the Gulf of Mexico at depths exceeding two thousand (2,000′) feet, and;

Whereas the President of the United States has proposed that the United Nations would control the leasing of areas beyond the depth of six hundred (600′) feet off of the Gulf coast and the proceeds of said leases would be given to certain developing nations, and;

Whereas the United States, the State of Louisiana, and the City of Houma have many priority needs and the proceeds from the Tidelands leases could be used to enhance and develop the economy, living conditions and general welfare in certain underdeveloped areas of the United States, and the State of Louisiana, which are in fact economically debilitated, and;

Whereas the United States as a world power should claim and control the Continental Slope, and the full limit of United States jurisdiction should be utilized in order to benefit this country, its states and its citizens;

Therefore be it resolved by the Mayor and Board of Aldermen of the City of Houma that the City of Houma is opposed to the proposal that the Continental Slope from the depth of six hundred (600′) feet to two thousand (2,000′) feet be placed under the jurisdiction of the United Nations and the funds given to "developing nations" as the United States, its states and citizens have many severe problems which could be ameliorated by the use of these funds and these funds could promote the general welfare, safety and general well being of the citizens of the United States which have too often been neglected because of the misguided altruism of our national leaders.

The foregoing resolution having been read, offered and seconded was voted upon as follows:

Yeas: Aldermen Eschete, Lusco, Schexnayder, Use' and Wiemann.

Nays: None.

Approved and adopted: August 24, 1971.

Attest:

Charles H. Davidson,
Mayor.
Robert F. Bourg,
City Clerk.

Certified to be a true copy of resolution unanimously offered, seconded and adopted at a special meeting of the Mayor and Board of Aldermen of the City of Houma, Louisiana, held August 24, 1971.

Robert F. Bourg,
City Clerk.

Mr. SANDMAN. Mr. Chairman, at the outset I would like, first, to compliment the committee for its hard work on this bill.

I intend to vote for this bill. It is not as strong a measure as I would like to see. However, I am confident that under the circumstances it is the best that I can expect at this time. Coming from that area of the United States, mainly the 150 miles of Atlantic seaboard that New Jersey has, I come from an area where approximately 70 percent of all dumping takes place from the metropolitan areas of New York and Pennsylvania. Only 6 miles from where I live in Cape May, N.J., we have an area already condemned for the taking of fish and shellfish, because the bottom of the sea at that point is contaminated, and certainly nothing taken from that area can be eaten by human beings. This particular area has been used by the city of Philadelphia for more than a decade for the purpose of dumping its sewerage.

We have some agreements working at the present time which will perhaps end this in the near future. One of the cities that dumped in that area has already found another way to dispose of its waste. Of course, we are hopeful that Philadelphia will reach that point pretty soon.

At any rate, we have very serious things happening on a daily basis. It recently came to light, about 6 months ago, that a large chemical company outside of Philadelphia had gone bankrupt and had allowed to be created a situation where they were going to have dumped from the banks of the Delaware River about 300,000 gallons of toxic fluid, which they were going to have dumped off the New Jersey coast.

We had a very serious jurisdictional problem there and I think we are going to have one even after this bill is passed. However, the bill will help to some extent.

They were going to dump this particular toxic fluid only about 20 miles from where I live. There was no question, even by their admission, that the fluid was toxic. The only thing I could do as an individual or as a Member of this body was to commence a suit in the U.S. district court to get a restraining order against their doing the dumping. Such a restraining order did issue.

Now we have quite a few questions. How far that court would have gone if we had gone to the full limit of a trial I do not know. I have a serious doubt that I could have won that particular action on the issue itself, because we do not have jurisdiction outside the 3-mile limit at the present time in my opinion. Some people think we have jurisdiction 12 miles out. I do not agree with them—not for this purpose—but even if we did, that would not have been the answer to this case, in which we would have seen 300,000 gallons of toxic fluid dumped 12 miles off the coast, which is 8 miles outside the 12-mile limit people think we have.

At any rate, by agreement, the State of Pennsylvania as well as the other parties involved, agreed that they would take this particular fluid to a point which the New Jersey biologists for marine life would say was a safe place for the dumping, and they agreed on coordinates 100 miles off the New Jersey coast, past the Continental Shelf, where there was 8,000 feet of water.

We had a second case only 5 months ago, where again I was the plaintiff in the U.S. district court. This action was to prohibit the dumping of 60 tons of arsenic in the Atlantic Ocean. It was going to be dumped off the coast of New Jersey—not any other State. At the present time we have no laws to stop that kind of dumping in my opinion, because it was still going to be at sea, and it was going to be under a method where I do not think we have jurisdiction at the present time.

The strongest point in this whole bill, as I see it, is the section that pertains to the issuance of permits, which I think is strong, which I think is good, and I am confident it is the only way we can get jurisdiction. Because of this section, I propose to vote for the bill. Under this section in the two cases to which I referred, the Secretary would not issue a permit for the loading of this kind of substance.

If the Secretary named in this bill, which is the Secretary of the Army, refused to issue a permit, then the ships would not be even loaded.

The CHAIRMAN. The time of the gentlemen from New Jersey has expired.

Mr. MOSHER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. SANDMAN. Mr. Chairman, this particular bill would have great force and would give for the first time jurisdiction to the U.S. district court to stop this kind of promiscuous dumping at sea.

I have an amendment I propose to offer at another time, when it is time for consideration of amendments, which pertains to the rights of States likewise to have some legislation in this field. I believe this is important. I agree with the gentleman from Delaware (Mr. du Pont) when he says we should not have conflicting jurisdictions. I do not believe we will. Section 106, paragraph (d), I believe, should be deleted because it preempts from any State the right to make any law which would affect dumping in the ocean.

At my insistence my own State, the State of New Jersey, did adopt a bill which I introduced in this House in January of this year, as a matter of State law. I believe that is necessary, because that bill gives to the State of New Jersey a right which I consider every State should have, to guard over what is being loaded in the ports of New Jersey aboard ships, which is going to be taken from those ports and is going to be dumped off the coasts somewhere.

I believe this gives a tighter requirement, and tight requirements we must have in this field.

At any rate, whether the amendment is agreed to or not, I still think this is a good bill. I propose to vote for it. I urge the House to vote for it. It is one of the major pieces of legislation introduced this year.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Pike, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, pursuant to House Resolution 554, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HALL

Mr. HALL. Mr. Speaker, I offered a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HALL. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hall moves to recommit the bill H.R. 9727 to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THOMPSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 3, not voting 125, as follows:

[Roll No. 251]

YEAS—305

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hagan
Halpern
Hammerschmidt
Hanley
Hanna
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Madden
Mahon

Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Mollohan
Montgomery
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Poff
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Randall
Rangel
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roybal
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Seiberling
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Spence
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Aspinall
Hall
Rarick

NOT VOTING—125

Abernethy
Abzug
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Bell
Betts
Blackburn
Blatnik
Bray
Brown, Mich.
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chisholm
Clancy
Clark
Colmer
Conyers
Corman
Culver
Davis, S.C.
Delaney
Derwinski
Devine
Diggs
Drinan
Eckhardt
Edmondson
Edwards, La.
Eshleman
Evins, Tenn.
Flood
Fraser
Fulton, Tenn.
Fuqua
Goldwater
Grasso
Green, Oreg.
Gross
Gubser
Haley
Hamilton
Hansen, Idaho
Hansen, Wash.
Hawkins
Hébert
Heckler, Mass.
Holifield
Horton
Hosmer
Ichord
Jarman
Jones, Ala.
Kee
Koch
Landgrebe
Landrum
Long, La.
Lujan
McClory
McCloskey
McCulloch
McEwen
McKinney
Macdonald, Mass.
Martin
Mayne
Melcher
Michel
Minshall
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Nichols
Patman
Pirnie
Powell
Price, Ill.
Quillen
Railsback
Rees
Reid, Ill.
Riegle
Rooney, N.Y.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
St Germain
Saylor
Scheuer
Schwengel
Sebelius
Shipley
Sisk
Slack
Smith, Iowa
Snyder
Springer
Staggers
Stephens
Stubblefield
Sullivan
Symington
Talcott
Teague, Tex.
Thone
Tiernan
Vander Jagt
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Abernethy with Mr. McClory.
Mr. Hébert with Mr. Bob Wilson.
Mrs. Green of Oregon with Mr. McEwen.
Mr. Fulton of Tennessee with Mr. Andrews of North Dakota.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Delaney with Mr. Horton.
Mr. Clark with Mr. Eshleman.
Mr. Monagan with Mr. Springer.
Mr. St Germain with Mr. Michel.
Mr. Diggs with Mr. Rees.
Mr. Long of Louisiana with Mr. Wiggins.
Mr. Edwards of Louisiana with Mr. Betts.
Mrs. Abzug with Mr. Fraser.
Mr. Edmondson with Mr. Devine.
Mrs. Sullivan with Mrs. Heckler of Massachusetts.
Mr. Carney with Mr. Ashbrook.
Mrs. Chisholm with Mr. Eckhardt.
Mr. Teague of Texas with Mr. Bray.
Mr. Moorhead with Mr. Brown of Michigan.
Mr. Morgan with Mr. Saylor.
Mr. Davis of South Carolina with Mr. Schwengel.
Mr. Celler with Mr. Cederberg.
Mr. Wolff with Mr. Bell.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Hamilton with Mr. Vander Jagt.
Mr. Rostenkowski with Mr. Michel.
Mr. Shipley with Mr. Carter.
Mr. Nichols with Mr. Blackburn.
Mr. Carey of New York with Mr. Camp.
Mr. Caffery with Mr. Lujan.
Mr. Blatnik with Mr. Martin.
Mr. Anderson of Tennessee with Mr. Hansen of Idaho.
Mr. Holifield with Mr. Thone.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Macdonald of Massachusetts with Mr. Morse.
Mr. Price of Illinois with Mr. Ruppe.
Mr. Slack with Mr. Derwinski.
Mr. Staggers with Mr. Clancy.
Mr. Tiernan with Mr. Talcott.
Mr. Stephens with Mr. Sebelius.
Mr. Hawkins with Mr. Symington.
Mr. Koch with Mr. Conyers.
Mr. Casey of Texas with Mr. Minshall.
Mr. Landrum with Mr. Snyder.
Mr. Sisk with Mr. Gross.
Mr. Smith of Iowa with Mr. McCloskey.
Mr. Stubblefield with Mr. McKinney.
Mr. Baring with Mr. Mayne.
Mr. Colmer with Mr. Rousselot.
Mr. Corman with Mr. Gubser.
Mr. Culver with Mr. Powell.
Mrs. Grasso with Mrs. Reid of Illinois.
Mr. Runnels with Mr. Railsback.
Mr. Patman with Mr. Riegle.
Mr. Murphy of Illinois with Mr. Scheuer.
Mr. Melcher with Mrs. Hansen of Washington.
Mr. Ichord with Mr. Drinan.
Mr. Evins of Tennessee with Mr. Haley.
Mr. Flood with Mr. Roush.
Mr. Fuqua with Mr. Roy.
Mr. Yatron with Mr. Kee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the provisions of H.R. 9727.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in reply to the gentleman from Michigan, this completes our program for this week, and it is my intention to ask to go over to Monday when we conclude this evening.

As to the programs for next week, Monday is District day, but there are no bills from the District Committee, so we will consider on Monday and Tuesday the bill H.R. 234, prohibiting detention camps, which will be considered under an open rule with 3 hours of debate.

On Wednesday and the balance of the week we will have:

H.R. 1746, Equal Employment Opportunities Enforcement Act, which will be considered under an open rule, with 3 hours of debate.

Then, subject to rules being granted, we will have:

H.R. 9936, Drug Listing Act; and

H.R. 7072, airport and airways trust fund.

Conference reports may be brought up at any time, of course, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Louisiana respond to this question. Next Friday—not tomorrow, but next Friday—is the third Friday in September. That is one of the Fridays that we should be anticipating there might be legislative business?

Mr. BOGGS. I will be happy to respond. In the event that the legislative program as announced is not completed by Thursday evening, it is our intention to meet on Friday. It is also our intention to follow the Friday schedule that we were following during the summer, subject to amendment. If the October and November program is heavy, we will meet on every Friday, as necessary.

ADJOURNMENT TO MONDAY, SEPTEMBER 13

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE UNREASONABLE BUSING SITUATION

(Mr. HAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAGAN. Mr. Speaker, I have just returned from my district and in all the years I have served in Congress I have never seen my people so upset as they are now over the unreasonable busing situation which is creating chaos in our public schools. I have talked with school officials, community leaders, and concerned parents and believe we must take steps to alleviate the hardships being forced on those least able to defend themselves, our schoolchildren. The following is a speech I have been giving on this issue, which includes in my opinion the best thing they can still do in helping us stop this foolish busing:

CONGRESSMAN HAGAN'S REMARKS ON BUSING, SEPTEMBER 4, 1971

There are times in the lives of our people when they have to speak "loud and clear" to their Government for the correction of abuses being handed down by some ill-advised and over-zealous official or group of officials.

We are now witnessing one of these times in all parts of our country. The abuse this time is the continuing insistance of H.E.W. and some Federal judges on the issue of busing. Not since the Civl War has there been a more critical problem handed down to our people.

The high-handed tactics of certain bureaucrats is all the more amazing and brazen in the light of the pronouncements of the President, and now an opinion from Chief Burger himself who said on August 31st, in connection with the Winston-Salem case, "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."

The landmark decision of the Supreme Court last April 20th held that large-scale busing is an appropriate means of implementing desegregation plans, but did not say that busing is a must or called for in any and every situation. Chief Justice Burger went on to say that Federal judges are misreading the Supreme Court if they assume it has ordered racial balance in every school.

And yet Chief Justice Burger refused to give any relief to the citizens of Winston-Salem in a 10-page decision. Therefore, it appears that he is being apologetic for the action of Federal judges, but at the same time he is unwilling to act on what he knows and believes probably because of a well organized and nationally financed pressure group in Winston-Salem. How fallen is our country when men in high office do not have the courage to match their convictions!

The issue is now so serious that children have turned to their parents with pleadings that they not be shuffled around as a sack of beans. They are roused from their sleep. Given a frenzied bite to eat and put on a bus without the time to brush their teeth, heed Nature's call, or even get their hair brushed. They are herded into overcrowded death traps and ride for one or more hours, stopping here and there to pick up others. They go to unfamiliar buildings, grounds and areas of their town. Soon they are on the buses again in the afternoon for a repeat of the deadly, energy-consuming, time-wasting ride, with little time in between for relaxed study, learning, and easy fellowship with other students. If there are any communicable diseases around, the sardine-crowding and proximity are bound to spread the illnesses to all.

Long ago the shuttling of our children in the busing routine grew far beyond being a racial matter. Right thinking parents of all races are protesting the animal-like treatment of their children—the Mexican-Americans, the Chinese-Americans, the Negroes, and now the white people are becoming greatly aroused. Really, we are derelict in that too many of us have gone fishing and imagined that it would all work out.

May I remind you that the American people can have what they desire and feel is best for them and their loved ones if they will make their desires known strongly enough. The only kind of revolution I advocate is one at the ballot box and in the free expression of our consciences. We have attended to our money-making but have often forgotten about the best interests of our households.

The founding of this country was motivated by the search for freedom. Many of our forefathers were willing to fight for their rights to attain freedom. Is ours to be a so-called freedom or a real freedom? The way we, the majority, answer this question will determine our future. If we fail, the Philistines of this day will sell us "down the river" and throw themselves in behind us. This crowd couldn't care less!

As your representative I have on more than one occasion tried to warn you of things to come. The attitude of "I told you so" is not nice, but even so, I want you to know the record.

On August 9, 1970, before a group of concerned parents at the Bacon Park Stadium, I said:

"It is an honor to be with you today, to discuss this matter that has caused us all many sleepless nights and great concern. I would like to enumerate the efforts I have personally made—working in cooperation with our Governor, our State school superintendent, our two Senators and the other nine members of the Georgia congressional delegation, as well as other officials on the regional and local levels—to show the "powers-that-be" in Washington the wisdom of "freedom of choice".

I have met with our Governor and other concerned officials in a South-wide meeting in Atlanta . . . I have met with the Governors of Georgia, Alabama, Mississippi and Louisiana and the congressional delegation of the Southern States in Washington . . . I have made speeches on the House floor, written letters to the President and other Federal officials, urging restoration of the sanity of "freedom of choice."

I have introduced a constitutional amendment to restore "freedom of choice" as the law of the land. May 11, 1971.

I have not been alone . . . many other responsible Members of Congress have followed the same courses.

But too often we have been outnumbered . . . the current liberal make-up of the Congress makes it almost impossible for our "freedom of choice" viewpoint to prevail in these matters.

On January 5, I promised the Georgia school board delegation in Washington to "continue all efforts toward clipping the wings of Commissioner of Education Harold Howe."

I spoke before the Congress on September 3, 1969, on the rapidly approaching crisis state in some of our school systems and called upon my colleagues to join me in again urging Mr. Nixon to help restore sanity and reason of "freedom of choice", which is the law of the land.

On November 3, 1969, I again spoke on the floor of the House expressing my utter shock at the latest Supreme Court ruling ordering immediate desegregation of schools, but went on to say that their action really should not surprise anyone "since it is in the tradition of the punitive regional rulings practiced by the Supreme Court in the past."

On September 21, 1970, I joined a number of my colleagues in the Charlotte-Mecklenburg Board of Education case and said on the floor of the House, "Based on what I know of our laws and Government, the Whitten amendments should now be the law of the land, and we should have no more worries about having to bus our children to schools out of the neighborhood in which they live.

The U.S. Constitution clearly spells out that the legislative branch of Government—the House and Senate, representatives of the people—shall make our laws, not the executive or judicial branches.

But, if we are to judge by events and developments of the past few years, the executive and judicial branches have apparently come to look upon the U.S. Constitution as just another piece of paper instead of the guiding light it has always been in the affairs of this great country?

On August 17, 1969, Governor Maddox called a south-wide anti-school guideline conference in Atlanta, with four Georgia Congressmen present. The Augusta Chronicle Atlanta correspondent, Bob Cohn, said "of the four First District Representative G. Elliott Hagan of Sylvania was the only one who thought much good would come of it, not that the others didn't sympathize with the cause—it was left to the Sylvania Congressman to become the first speaker at the conference to call a spade a spade."

I participated in a mass rally in Savannah on August 10, 1970, protesting the school desegregation ruling.

On January 27, 1970, I joined in a statement with seven other Georgia Congressmen in which we reaffirmed the position already taken by our delegation and the House of Representatives. Our position was to demand of H.E.W. adoption of this "freedom of choice" language for all schools in the United States."

On August 25, 1970, speaking to the Swainsboro Kiwanis Club, I urged the people to "mount a deafening ground swell of public opinion from the grassroots level, to let the President know just how you feel about this serious issue."

Judging from the thousands of letters, telegrams, and telephone calls I receive there is no doubt in my mind that the majority of parents—black and white—do not want their children subjected to forced bussing.

Our people are law-abiding and when they are issued court orders which they know are assinine, they are caught in an intolerable squeeze. This is unfair and Un-American.

I firmly believe that if enough people will continue to protest in a peaceful but firm manner in letting the President know how they feel that this is now the best thing we can do.

I can promise you today that the responsible officials on the Federal, State, and local levels will continue to fight—I know I will—because our children of all races, their schools and their future are at stake. The good Lord has delivered us from bondage before and our prayer is that he will do so again.

TEXTILE QUOTAS

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise today eager to renew my efforts to secure passage of effective textile quota legislation.

Just 1 day before we began our summer recess, I sponsored a special order on the textile crisis. I was gratified that several of my colleagues joined me in this effort to call attention to the growing, serious, and destructive problem that exists today in our domestic textile markets.

On this first day after our return from the recess, I want to reemphasize my concern for this problem, and to redouble my efforts to enact effective legislation to deal with it.

As I have said on many occasions, this is a crisis condition brought on by a textile trade policy that has far outlasted its original purpose, and poses a direct and unveiled threat to the survival of the American textile industry.

President Nixon has acted decisively between the day of that special order and this day of our return, imposing a 10-percent surcharge on synthetic textile imports as part of his overall economic recovery policy.

Textile workers and manufacturers join me in applauding this new development, but this one step alone will not solve the textile problem.

The President's surcharge is temporary and it affects only two-thirds of the total textile import market and while this represents significant and welcome progress, it is by no means a complete solution.

We need more comprehensive action, a permanent and more far-reaching policy. In short, Mr. Speaker, we need quotas—realistic, effective categorical quotas on all textile imports, synthetic and cotton.

This is a policy I have advocated since the first day I came to Congress more than 2½ years ago. During this 92d Congress, I have introduced a bill setting such quotas by congressional authority, and I have cosponsored a bill introduced by my distinguished colleague, the gentleman from Ohio (Mr. BETTS), giving that authority to the U.S. Tariff Commission when it is determined that U.S. trade policies are the cause of severe injury to domestic industry and the welfare of domestic workers.

I urge, Mr. Speaker, the immediate consideration of one or both of these bills in the appropriate committee, so that the full House might soon have the opportunity to enact meaningful and essential legislation to alleviate the American textile crisis.

MONROE COUNTY, N.Y., CITED FOR EXCELLENCE IN LOCAL GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, I am privileged to join with my distinguished colleague from upstate New York in paying tribute to Monroe County, N.Y. As Representatives of Monroe County in the Congress, Mr. CONABLE and I have long recognized the county's excellence in local government operations. We are, therefore, especially proud that Monroe County recently received national recognition for its accomplishments.

In July of this year, Monroe County was awarded a total of five county achievement awards by the National Association of Counties. The awards were for the following: the Public Safety Laboratory, the Public Safety Building, the Alcoholic Rehabilitation Program, the Welfare Rolls to Payrolls Program, and the Countywide Student Government Training Program.

In the award for the county's public safety building, the National Association of Counties recognized the new $11 million facility as "one of the most advanced penal institutions in the Nation." The complex was designed to provide 1,800 square feet of rehabilitation area for programs in training, counseling, education, and recreation, while maintaining maximum security and proper segregation of sentenced, unsentenced, and lockup prisoners. A unique combination of communication networks permits centralized monitoring of many functions including building security, employees assistance, and public address systems. Special design has eliminated the necessity of mass movements of prisoners while heated carts permit the transfer of food from the kitchen to each individual cell block area.

The achievement award for Monroe County's public safety laboratory commended the county's regional approach to combating crime as well as intensified consumer protection activities. By expanding the laboratory from a one-man, part-time operation to an eight-man, eight-county regional operation, Monroe County has enabled less populated counties to utilize a modern, well equipped department with trained personnel that qualify as experts in a court of law. Not only has Monroe County responded to its own needs, but it has also answered regionwide needs for a scientific crime laboratory.

The award for the alcoholic rehabilitation program recognized Monroe County's success in halting the revolving door for alcoholics at the penitentiary and applauded the successful rehabilitation of those individuals through a combination of psychiatric and psychological help, drug therapy, social work, and job training. The citation which accompanied this award read as follows:

> As an alternative to incarceration for the alcoholic, Monroe County has developed a three-fold program involving the departments of Health, Social Services, and the Penitentiary. The program provides for emergency treatment, in-patient services, a transitional evaluative unit to be followed by a 'hostel type' continued care unit, and coordinated involvement of community agencies to provide after-care services. The program has produced encouraging evidence that there can be effective rehabilitation for certain alcoholics. At the same time, however, it has been found that many of the patients suffer from psychiatric problems which must be treated before alcoholic rehabilitation can work. Monroe County's Alcoholic Rehabilitation Program of the hard core police court alcoholic.

Mr. Speaker, I have cited these accomplishments not only to pay tribute to Monroe County but also to focus our attention on the important work that remains undone by the 92d Congress. Monroe County and countless units of local government are looking to us for Federal help to ease their revenue problems which, in very real terms, have reached crisis proportions. Thus far, Congress has failed to agree on a plan for the sharing of Federal revenue, and the events of recent weeks threaten to further delay a Federal response to local revenue needs.

Monroe County has not stood by and waited for Federal help. On the contrary, it has responded with local initiative and innovative spirit at its best. Its exemplary accomplishments should be met with renewed congressional effort to devise an equitable means for the sharing of Federal revenue.

While it would be impossible to single out all the men and women who make up the leadership team in Monroe County, I will extend my highest commendation and personal gratitude to Gordon Howe, county manager and director of finance, Barry Jesmer, deputy county manager, Gabriel Russo, director of social services, and Joseph Ferrari, president of the county legislature. The residents of Monroe County are justifiably proud of their accomplishments.

Mr. Speaker, I yield at this time to Mr. CONABLE.

Mr. CONABLE. Mr. Speaker, I, too, am pleased to draw attention to the recent recognition for excellence accorded the county of Monroe in New York. The leaders of this progressive urban jurisdiction are problem solvers in the best tradition of local government and it is gratifying to all of us from the area to have their efforts and achievements recognized by their national organization.

As mentioned, one of the areas of special accomplishment has been Monroe County's efforts to place welfare recipients into jobs. The county has established two different programs, "welfare rolls to payrolls," and a "work experience program," for this purpose. The former matches jobs to people and resulted in the placement of 1872 welfare recipients in jobs during the first year with a resulting saving of $3.9 million. In the "work experience program" State and local governments provided jobs to utilize the skills of those available. The jobs provided experience, stability, and training while the individuals received their income from the social service department. These are not dead end programs, but utilize the skills and energies of able-bodied welfare recipients for the benefit of both the participants and the communities.

The welfare reform legislation passed by the House earlier this year would apply these same principles to welfare programs nationally as one means of getting a handle on the almost uncontrolled expansion of welfare rolls and costs. The county of Monroe has demonstrated by its programs that this policy can be successful in improving the lot of both the welfare beneficiaries and the taxpayers.

The county was honored also for its student intern or trainee program. Many of us recognize the value of these efforts through our own experiences in our congressional offices. The Monroe County program is more formal and integrated with academic studies, however. The county plan coordinates students in a program of alternate periods of study at college and intervals of employment in government, business, and industry. Students have served in various areas: personnel, law, finance, data processing, and hospital training. County officials report that the program serves as an excellent means of discovery of careers for both the students and the participating agencies.

Efforts such as these demand imagination, concern, and desire to strengthen the relationship of government to the community. These efforts also require financial support. As my Rochester-area colleague, Mr. HORTON, has noted, these efforts underscore the need for financial support for local governments. The administration's revenue-sharing plan which our Ways and Means Committee has considered for the past several months is a reasonable and responsible system for providing additional financial aid to State and local governments. We need a restructuring of the financial burdens among the levels of government and the forms of taxation employed to support them, and the revenue-sharing plan can be a significant element in achieving this. I hope we will all lend our efforts to give approval to this essential plan. This is an action which would give great encouragement and support to progressive leaders of local government such as we have in Monroe County, N.Y.

VIETNAM VETERANS' ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I am pleased to introduce today the Vietnam Veterans' Act of 1971. Several of our colleagues in this and the other body have introduced similar bills and it is gratifying to know that this legislation has the support of numerous veterans' organizations in this country, including the American Legion, the Veterans of Foreign Wars, the Vietnam Veterans Against the War, the American Veterans Committee, and, in my own State, the Maryland Veterans of Foreign Wars.

We are all aware, Mr. Speaker, of the very serious employment problem facing our returning Vietnam veterans. Many government agencies and private industries are doing their share to cooperate with the administration's jobs for veterans program and many of us in this Congress have sponsored job fairs and veterans seminars in an effort to assist these men who have just returned from putting their lives on the line for their country.

I am hopeful that this legislation which I am introducing today will help somewhat to alleviate the job strain while indicating the appreciation of a nation for the selflessness of her young men. Especially because so many of our Vietnam veterans interrupted their courses of study or postponed them in order to heed Uncle Sam's call, I think it appropriate that the Congress of the United States revamp the veterans educational programs to keep them in step with the changing times.

This, especially, is the scope and purpose of the legislation I am sponsoring today. The intent of this bill is to restore the high goals of the original GI bill.

Under the current program there is no direct payment by the Veterans' Administration to schools and colleges and there is no subsistence allowance to the student-veteran. The current program provides solely for an education assistance allowance of $175 per month to eligible veterans for tuition and related expenses if enrolled on more than a half-time basis; if on active duty or less than half-time basis, the Veterans' Administration will assume the lesser cost of either $175 per month or tuition and fees.

This bill restores the goals of the "old GI bill" by returning to the concept of a direct payment by the Veterans' Administration to the educational institutions. Specifically, it calls for a direct payment to the educational institution for any eligible veterans of $1,000 per school year for the cost of tuition, required fees, books, and supplies. It also directs the Veterans' Administration to pay such eligible veterans a subsistence allowance of $175 per month with a sliding scale based upon the current assistance plan for those veterans with dependents.

While retaining the educational assistance benefits available under the current program, this legislation would have potential benefit for any veteran discharged after January 31, 1955, who has not used up his entitlement benefits, for those discharged prior to June 1, 1966, having 8 years from that date to complete their program of education, and for those discharged subsequent to June 1, 1966, having 8 years from the date of discharge to complete their program.

Mr. Speaker, in view of the economic situation facing this country and its people today, I believe this legislation should be viewed both as a form of relief from further burdening the already tight labor market and as a token of our appreciation to those men and women who have made the civilian sacrifices concomitant with serving in the Armed Forces of our country.

Mr. Speaker, I submit this bill to be printed in its entirety at this point in the RECORD:

H.R. —

A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Veterans' Act of 1971".

SEC. 2. Subchapter IV of chapter 34 of title 38, United States Code, is amended by inserting immediately before section 1681 the following new section:

"§ 1680. Tuition and subsistence assistance allowances for institutional training

"(a) In the case of an eligible veteran not on active duty who is pursuing a program of education or training at an approved educational or training institution on a half-time or more basis, the Administrator shall pay directly to the educational or training institution on behalf of such eligible veteran the customary cost of tuition, and such laboratory, library, health, infirmary, or other similar fees as are customarily charged, and shall pay for books, supplies, equipment, and other necessary expenses, excluding board, lodging, other living expenses, and travel, which similarly circumstanced nonveterans enrolled in the same courses are required to pay.

"(b) In no event shall the payment authorized by subsection (a) of this section exceed $1,000 for an ordinary school year. If the educational or training institution has no customary cost of tuition, a fair and reasonable rate of payment for tuition, fees, or other charges for such course or courses shall be determined by the Administrator.

"(c) In the event a veteran fails to complete his program of education after a tuition assistance allowance has been paid to the educational or training institution on his behalf, the Administrator shall, pursuant to such regulations as he may prescribe, require a pro rata refund of the tuition assistance allowance based upon the uncompleted portion of the school year for which the allowance was paid.

"(d) While pursuing an approved program of education or training, other than cooperative or on-farm training, a veteran eligible for tuition assistance benefits under subsection (a) of this section shall be paid a monthly subsistence allowance as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Col. I Basis	Col. II No dependents	Col. III 1 dependent	Col. IV 2 dependents	Col. V More than 2 dependents
				The amount in col. IV, plus the following for each dependent in excess of 2:
Full time	$175	$205	$230	$13
¾ time	128	152	177	10
½ time	81	100	114	7

"(e) (1) An eligible veteran entitled to tuition assistance under subsection (a) of this section and who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of 12 clock hours per week)

"(B) a three-quarter-time basis (a minimum of 9 clock hours per week), or

"(C) a half-time basis (a minimum of 6 clock hours per week),

shall be eligible to receive a subsistence allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator.

"(2) The monthly subsistence allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Col. I	Col. II	Col. III	Col. IV	Col. V
Basis	No dependents	1 dependent	2 dependents	More than 2 dependents
				The amount in col. IV, plus the following for each dependent in excess of 2:
Full time	$141	$167	$192	$10
¾ time	101	119	138	7
½ time	67	79	92	4

"(f) An eligible veteran, entitled to tuition assistance under subsection (a) of this section, who is enrolled in a 'cooperative program', other than 'farm cooperative' program, shall be paid a monthly subsistence allowance at the same rate paid for full-time 'farm cooperative' training as provided in subsection (e) of this section. For the purpose of this subsection, the term 'cooperative program', other than a 'farm cooperative' program, means a full-time program of education which consists of institutional courses and alternate phases of training in the business or industrial establishment with such training being strictly supplemental to the institutional portion."

SEC. 3. Section 1681 of title 38, United States Code, is amended to read as follows:

"§ 1681. Educational assistance allowances

"(a) An educational assistance allowance shall be paid to each eligible individual pursuing a program of education while on active duty, or to an eligible veteran pursuing a program of education on less than a half-time basis or exclusively by correspondence, as follows:

"(1) The educational assistance allowance of an individual pursuing a program of education—

"(A) while on active duty, or

"(B) on less than a half-time basis,

shall be computed at the rate of (i) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (ii) $175 per month for a full-time course, whichever is the lesser. Notwithstanding provisions of section 1682 of this title, payment of the educational assistance allowance provided by this subsection may, and the educational assistance allowance provided by section 1696(b) shall, be made to an eligible veteran in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at such institution.

"(2) (A) The educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veterans. The term 'established charge' as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the eligible veteran, whichever is the lesser. Such allowances shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the institution.

"(B) The period of entitlement of any eligible veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each $175 which is paid to the veteran as an educational assistance allowance for such course.

"(b) (1) The educational assistance allowance of a veteran pursuing a program of flight training (except as provided in section 1673(b) of this chapter), shall be paid in accordance with the provisions of section 1677 of this chapter.

"(2) The educational assistance allowance of a veteran pursuing a program of apprenticeship or other on-job training shall be paid in accordance with the provisions of section 1683 of this chapter.

"(c) The tuition and subsistence allowances payable under section 1680 of this chapter and the educational assistance allowance payable under this section shall be paid as soon as practicable after the Administrator is assured of the veteran's enrollment in and pursuit of the program of education for the period for which such allowance is to be paid."

SEC. 4. Section 1682 of title 38, United States Code, is amended to read as follows:

"§ 1682. Educational certifications and limitations

"(a) No tuition assistance allowance shall be paid to an educational or training institution on behalf of an eligible veteran under section 1680 of this chapter until the Administrator shall have received from such institution a certification of the actual enrollment of the eligible veteran at such institution, the number of semester or clock hours of attendance he is to pursue, the customary cost of tuition, the customary cost of books, supplies, equipment and related expenses, the customary charges for laboratory, library, health, infirmary or other similar fees, and such other information as the Administrator, by regulation, may require.

"(b) The subsistence and educational assistance allowances of an eligible veteran provided in sections 1680 and 1681 of this chapter shall be paid only for the period of his enrollment as approved by the Administrator, but no such allowances shall be paid—

"(1) to any veteran enrolled in a course which leads to a standard college degree for any period when such veteran is not pursuing his course in accordance with the regularly established policies and regulations of the educational institution and the requirements of this chapter, or of chapter 36;

"(2) to any veteran enrolled in a course which does not lead to a standard college degree (excluding programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution is not regularly in session; or

"(3) to any veteran pursuing his program exclusively by correspondence for any period during which no lessons were serviced by the institution.

"(c) No subsistence or educational assistance allowance shall be paid to an eligible veteran enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator shall have received—

"(1) from the eligible veteran a certification as to his actual attendance during such period or where the program is pursued by correspondence a certificate as to the number of lessons actually completed by the veteran and serviced by the institution; and

"(2) from the educational institution, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education during such period and, in the case of an institution furnishing education to a veteran exclusively by correspondence, a certificate, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

"Notwithsatnding the foregoing, the Administrators may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment.

"(d) The Administrator may, pursuant to such regulations as he may prescribe, determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran for any period for which a tuition assistance allowance is paid on his behalf or for which he receives a subsistence or educational assistance allowance under this chapter for pursuing such program or course."

SEC. 5. Section 1661 of title 38, United States Code, is amended by—

(a) inserting in subsection (a) immediately after the words "entitled to" the following: "tuition, subsistence or"; and

(b) inserting in subsection (c) immediately after the word "receive" the following: "tuition, subsistence or".

SEC. 6. Section 1662 of title 38, United States Code, is amended by—

(a) inserting in subsection (a) immediately after the word "No" the following: "tuition, subsistence or"; and

(b) inserting in subsection (c) immediately after the words "date for which an educational" the following: ", tuition or subsistence".

SEC. 7. Section 1663 of title 38, United States Code, is amended by inserting immediately after the words "eligible for" the following: "tuition, subsistence or".

SEC. 8. Section 1671 of title 38, United States Code, is amended by inserting in the second sentence thereof immediately after the words "entitled to the" the following: "tuition, subsistence or".

SEC. 9. Section 1674 of title 38, United States Code, is amended by inserting immediately after the words "shall discontinue the" the following: "subsistence or".

SEC. 10. Section 1676 of title 38, United States Code, is amended by inserting in the second sentence thereof immediately after the words "deny or discontinue the" the following: "subsistence or".

SEC. 11. Section 1687 of title 38, United States Code, is amended by inserting immediately after the words "may discontinue the" the following: "subsistence or".

SEC. 12. Section 1691 of title 38, United States Code, is amended by striking out in subsection (b) thereof the words "an educational assistance allowance as provided by sections 1681 and 1682 (a) and (b) of this title" and inserting in lieu thereof the following: "a tuition assistance and subsistence allowance under the provisions of section 1680 of this chapter if he is enrolled on a half-time basis or an educational assistance allowance under the provisions of section 1681(1)(B) of this chapter if he is enrolled on less than a half-time basis".

SEC. 13. Section 1693 of title 38, United States Code, is amended to read as follows:

"The tuition, subsistence and educational assistance allowances authorized by section 1691(b) of this chapter and the cost of individualized tutorial assistance authorized by section 1692(b) of this chapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this title."

SEC. 14. Section 1781 of title 38, United States Code, is amended by inserting immediately after the word "No" the following: "tuition, subsistence or".

SEC. 15. Section 1789 of title 38, United States Code, is amended by striking out the words "an educational assistance" and inserting in lieu thereof the following: "a tuition, subsistence or educational assistance allowance on behalf of or".

SEC. 16. The table of sections at the beginning of chapter 35 is amended by—

(a) striking out:

"1681. Educational assistance allowance.
"1682. Computation of educational assistance allowances.";

and

(b) inserting in lieu thereof:

"1680. Tuition and subsistence allowances for institutional training.
"1681. Educational assistance allowances.
"1682. Educational certifications and limitations.".

SEC. 17. This Act shall become effective on the first day of the second calendar month following the month of enactment.

NATIONAL BETA CLUB WEEK

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce a joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week," honoring a nationwide organization which seeks to recognize outstanding qualities of achievement character, and leadership in American high school youth.

As its constitution states, the National Beta Club's purpose is "the promotion of the ideals of honesty, service and leadership among high school students of America to reward meritorious achievement, and to encourage and assist students to continue their education after high school."

From the time of its inception in 1933, the Beta Club has held steadfast to that statement of purpose, and as a result, it has grown steadily and rapidly in its membership and in its influence on American youth.

There are now some 4,000 chapters of the Beta Club in high schools throughout the Nation, representing more than 130,000 members.

But in a broader sense, the Beta Club represents the best qualities in all of America's youth, and as we honor the Beta Club, we honor youth as well.

My words are poor substitutes for those which compose the Beta Club pledge, and as I urge the passage of this joint resolution, I believe it is fitting to let the club speak eloquently in its own behalf. All of its members have pledged the following:

> I solemnly declare that I shall always strive to hold fast to the principles of honesty, to endeavor constantly to maintain a creditable record, to cultivate in my life and conduct the principles of service and leadership.
>
> I further pledge myself to cooperate with the members of the National Beta Club in the promotion of a sense of individual responsibility to our school community, State and Nation, to make right the master of might, and to consecrate our comradeship to mutual helpfulness and to the betterment of our fellow students.

I am quite pleased that so many of my distinguished colleagues have joined me in sponsoring this resolution, for we in Congress can ourselves be challenged and led by the Beta Club's motto: "Let us lead by serving others."

I urge the swift passage of this joint resolution by the House and by the Senate.

THE PRESENT ULSTER GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, all Americans, especially those of Irish descent, are deeply concerned over the violence and bloodshed which has erupted in Northern Ireland. I believe it is important that we be aware of the conditions in that land which have caused this unrest. To this end, I would like to commend to the attention of my colleagues an excellent article by Mr. Andrew Boyd on the present Ulster government. Its contents, which appeared in the September 6, 1971, issue of The Nation, are as follows:

ULSTER: A KIND OF PLAGUE

(By Andrew Boyd)

(Mr. Boyd writes on politics and economics for the "New Statesman, Tribune, The Economist, Spectator," and widely in the Irish press on both sides of the border. He is the author of Holy War in Belfast.)

BELFAST.—"A space of ground, designed by Heaven for an Akeldama, doomed to be destroyed from the face of the earth, and all that would be found in it would perish with it"—thus wrote Daniel Defoe in *A Journal of the Plague Year*, and though he wrote of London in 1665 when the plague decimated the population, his words today might describe Northern Ireland where, to quote from Defoe once again, "it is a wonder the whole people do not rise up as one man and abandon their dwellings."

Thousands of people have, in fact, already abandoned their dwellings in the city of Belfast, but under the threat of armed men. They are refugees in the place where they were born. Many others have gone with their wives and children to Australia, Canada, New Zealand, or to some distant country where they hope life will be more civilized than in Ulster. More will follow them.

They are all fleeing from a kind of plague, a political system that threatens their lives and their well-being. They see Northern Ireland as a place doomed to be destroyed. Yet while they and other innocent people suffer, or perish, or leave the country, others prosper. There are men in Parliament today, and there are defunct politicians back in power, who but for the disorders of the past two years would now be insignificant. Lives have been lost, homes destroyed, families made miserable—and fortunes made and careers of mediocre politicans promoted.

Destruction of the entire Ulster system seems the only solution, because fifty years of Unionist government and more than 150 years of Orange dominance have engendered such a deep hatred between Catholics and Protestants that civil life is impossible. The burning of Bombay Street in August 1969 by, as one witness has attested, half-naked and painted fanatics from the Protestant ghettos in West Belfast, was a ghastly proof that anarchy had been the outcome of Unionist rule.

Civil government in Ulster has become impossible because what passes for a parliament at Stormont is but an assembly dominated by men who believe that the bitterness they and their forebears have engendered and lived upon must prevail. That, they think, is the only sure way to retain power in Protestant hands and to keep Ulster safely within the United Kingdom. The alternatives to membership in the U.K. would be an impoverished and isolated Ulster, or an all-Ireland state the majority of whose people would be Catholics.

The fundamental viewpoint of the Ulster Unionists—as expressed by Ian Paisley, by Rev. Martin Smyth who is now the leading spokesman for the Orange Order, by William Craig, an ex-member of the Stormont government, and, until Faulkner brought him back into the Cabinet, by Mr. Harry West—is that there shall not be a united Ireland. Ulster is British, they assert, and will remain so.

They will not concede equal rights to Northern Ireland's Catholic minority, nor will they have anything to do with a "federal solution" that would put Stormont in the same relationship to the Dublin Parliament as it now is to the Westminster Parliament. They will not share power with the Catholics in administering Northern Ireland. They will not accept orders and directions from London. And, if the need arises they will resist, probably by force of arms, any move that would abolish the Stormont government and Parliament and return Ulster to the direct jurisdiction of Westminster.

Indeed, a manifesto issued by the Belfast County Grand Orange Lodge on July 8 warned Westminster that "in the event of the constitution being suspended or abrogated against the will of the people, freely and democratically expressed for half a century, we further pledge ourselves to work unremittingly for its complete restoration without tie or bond." The authors of this manifesto are seemingly more careful in their choice of words than were the Unionists who compiled and circulated the Ulster Covenant of 1912—a seditious document. The original covenant stated that Unionists and Orangemen would use "all means which would be found necessary to defeat the present conspiracy to set up a Home Rule Parliament for Ireland." That they did not shrink from armed rebellion was proven by the raising of the Ulster Volunteer Force, the illegal importation of guns, and the declaration of a Provisional Government for Ulster—all on the eve of World War I.

The words of the July manifesto are the words of Martin Smyth, who is Master of the Belfast County Grand Orange Lodge. They are the words of William Craig whose favorite slogan, "Ulster will fight and Ulster will be right," rallied the Unionists, when it was first uttered by Lord Randolph Churchill in 1886, against Irish Home Rule. They are also the words of those other leading Unionists, including the present Premier, Brian Faulkner, who have said that if Stormont is abolished or "the constitution of Northern Ireland" suspended, Protestant reaction would be widespread and violent.

"Ulster is Ours" proclaimed the July street banners in all the Protestant ghettos of Belfast where, as well as the banners, 50,000 red-and-white Ulster flags were predominant over the Union Jack. And what is that but a virtual declaration of Protestant independence and a reiteration, in new words, of the assertion by Northern Ireland's first Prime Minister, forty years ago, that Stormont was a "Protestant Parliament for a Protestant people"?

The Ulster Unionists would make a real and unilateral declaration of independence, as Ian Smith has done in Rhodesia, if they could afford it. But they are dependent on British subsidies and can afford little. Yet they continue to believe that they are "absolutely right" and not in any way to blame for the present state of affairs in Northern Ireland.

Others they certainly blame—the British Government for interfering, the Irish Republican Army, civil rights movement, an international conspiracy of Maoists, Trotskyists, red anarchists and black revolutionaries. Jack Lynch, the Prime Minister of the Irish Republic, is to blame, as is Harold Wilson, the British Labour leader, and Terence O'Neill, the former Stormont Premier, for being an appeaser.

But as for themselves, the Unionists plead complete innocence of the charges made against them by Lord Cameron in his report, by Lord Hunt who disarmed and reformed the Royal Ulster Constabulary, or by the Northern Ireland Civil Rights Association. Moreover, they are convinced, like Martin Smyth and like the Orange historian M. W. Dewar, that the border in Ireland is the other side of a Hadrian's Wall that protects the Protestant world from the encroachments of Rome.

It is impossible to negotiate with men who hold such views. James Callaghan, when he was British Home Secretary, found them difficult to deal with. He probably feared them. Reginald Maudling, the present Home Secretary, purports to be indifferent and leaves matters in Northern Ireland to the British Army chiefs and to London's special representative in Belfast.

Maudling's indifference may mean that Britain really has turned its back on Northern Ireland and would dearly love to be back in those days, before the rise of the civil rights movement, when the complaints of Ulster's Catholic minority could be ignored, and Stormont left, with its Special Constables and armed RUC, to maintain law and order. It also seems—at least it seems so to the Catholics in Northern Ireland—that the people of the Irish Republic have taken a lead from their Premier, Mr. Lynch, and want to hear nothing more about Ulster. They are certainly thankful they have not been embroiled.

Radio-Telefis Eireann, the Republic's state broadcasting service, seems to regard the whole Ulster tragedy as a peep show, a menagerie in which performing bears like Paisley, Martin Smyth, William Craig, and other Unionist irreconcilables may be displayed to terrify or amuse an RTE audience. Nobody seems to show any sympathy for the ordinary people of Northern Ireland who have to live and work and rear their children in the midst of chaos and hatred and murder.

PANAMA CANAL TREATY NEGOTIATIONS: PROPAGANDA CAMPAIGN ON ISTHMUS IN HIGH GEAR, JULY 2–AUGUST 25, 1971

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, on July 12, 1971, I addressed this body on the subject, "Panama Canal Treaty Negotiations: American People Will Not Tolerate Political Blackmail," in which were quoted excerpts from the Spanish language press of Panama from June 25 to July 2. Since that time the revolutionary government inspired campaign in Panama against the U.S. and Panama Canal authorities has continued unabated, creating an explosive situation to which our Government has become alert as evidenced by the recent abandonment by the United States of plans to terminate the Southern Command of our Armed Forces that has its headquarters in the Canal Zone.

A reading of the Spanish language press of Panama since July 2 discloses a record of mounting agitations on the isthmus that has for its goal the whipping of the Panamanian people into a frenzy of hatred and expectation. As examples, the following are quotes:

> Traitors (in Panama) must be liquidated.
>
> Make the Canal completely Panamanian.
>
> Protection (by U.S. must be) acceptable to Panama.
>
> Panama would demand civil and police control over the Canal Zone.
>
> U.S. Congressman Daniel Flood . . . along with Congresswoman Leonor Sullivan . . . is an arch enemy of Panama.
>
> No treaty should be valid after 25 years.
>
> Continuing Southern Command a serious threat to Panama.
>
> U.S. military maneuvers on Canal Zone border . . . provocations . . . to create dissension among Panamanians and to distort public opinion against Panama in the Canal treaty negotiations.
>
> Eliminate once and for all the hated "perpetuity" clause.
>
> Panama could establish relations with the Soviet and with Cuba.

It will be recalled that it was on October 11, 1968, that the constitutional government of Panama was overthrown by a military coup d'etat after only 10 days in office. October 11 of this year thus marks the third anniversary of that overthrow and will be observed by mass demonstrations in Panama. These will require U.S. authorities to be on the alert so as not to be taken by surprise.

Though the recent campaign of hate-infected publicity in Panama is voluminous the news columns of the mass news media in the United States seldom mention anything about the isthmus. Thus it is important for all Members of the Congress who wish to be informed on what is taking place on our fourth front to read digest of Spanish language newspapers of Panama.

The people of the United States have always entertained a deep affection for the people of Panama and wished them all possible happiness and prosperity. Our citizens would fight to protect them and their independence. In contrast the revolutionary government of Panama seems bent on the absolute destruction of any reciprocal sentiment. It ignores every reason for continued sovereignty of the United States over the Canal Zone, which is indispensable for the protection of the canal and Panama itself.

Now comes the threat of the provisional government of Panama to improve its ties with Cuba and Soviet power, which is another attempt at blackmailing the United States. Already U.S.S.R. experts are on the isthmus; and for what purpose?

The U.S.S.R. and Cuba are increasing their efforts to drive the United States from the isthmus: and the current display of Soviet naval power in Alaskan waters is part of that drive. The U.S.S.R. is playing the game for keeps.

On September 22 and 23, there will be hearings before the House Subcommittee on Inter-American Affairs on House Resolution 540 and other identical resolutions to clarify and make definite U.S. rights, power, and authority over the Canal Zone and Panama Canal. For the special information of Members who are preparing statements in support of the indicated resolutions, I quote as part of my remarks excerpts from the daily digests of the Spanish language press of Panama during the period July 2–August 25, 1971. A reading of this material will be found most revealing and helpful:

DAILY DIGEST OF NEWS AND EDITORIAL OPINION OF PANAMA NEWS MEDIA

El Panama America, July 2 (Morning Edition), Columnists: Luis Restrepo refers to the AP dispatch from Washington on the canal treaty negotiations which appeared in the Star and Herald July 1 and which said that the negotiations would be difficult. He comments that Panama realizes that the negotiations will not be easy but it is prepared to overcome all obstacles because it knows that it is in the right.

El Panama America, July 2, in the news columns: Panama will fight for its sovereignty with dignity and intelligence, says the main editorial which is entitled "One Aim, One Country." The writer says that as in the case of other colonial countries, the effort to make the Canal completely Panamanian will require many sacrifices. The editorial alleges that the so-called reactionaries would go as far as assassination to break the revolution but they will not get a chance to return and steal from the people. The traitors must be liquidated. In order to succeed with the revolution of sovereignty, Panama will need the friendship of people in this and other continents.

El Panama America, July 6, in the news columns: Lead position is given a report of an interview with U.S. Senate leaders (on U.S. international policy) by "U.S. News and World Report." Questions and answers by the Senators are printed on page one and several inside pages. Top-of-the-front-page headlines say, "According to United States senators, no treaty should be valid after 25 years."

Prominent position on the front page is given to a rebuttal of a Wall Street Journal story on Panama and the Revolutionary Government (June 17). The El Panama America report claims that the story is biased and anti-Panama in its reference to Brig. Gen. Omar Torrijos as a "dictator"; its reference to anti-U.S. campaigns relating to the Canal treaty negotiations and the danger of a Soviet take over of the Canal.

Editorial: The editorial beginning on the front page stresses the importance of unity of the people to achieve the aims of the Canal treaty negotiations. The Panama Canal is an instrument for international development which Panama is capable of operating, says the writer, adding the objectives of recuperating Panama territory, obtaining an effective control of this Canal or a future canal will be possible through the action of the Foreign Office and support of a united people.

El Panama America, July 7, columnists: Referring to the article on the Panama situation by James C. Tanner of the Wall Street Journal, Joaquin Beleño says the story has the earmarks of an article paid for by corrupt Panamanian politicians who have money in the United States.

The United States approves of governments favorable to its own interests, comments Beleño, adding that if Torrijos would have accepted the 1903 Treaty, the U.S. would surely approve of him. As he has not acted in accordance with U.S. wishes, he is a dictator, says Beleño.

Luis Restrepo refers to the El Panama America story on the opinion of 12 United States Congressmen who stated that "treaties should not be valid after 25 years and should be revised or renegotiated." If the United States is making use of former Panamanian politicians who "ask U.S. armed intervention in Panama affairs" as mentioned in the Tanner story in the Wall Street Journal, then Panama should feel supported in its cause by the opinions of these 12 distinguished persons and evil Panamanians should take note of these opinions, says the columnist.

The columnist in "Buzon de Fausto" refers to a circular he has received relating to a book, "The United States in Panamanian Politics" (The Intriguing Formative Years) by Professor G. A. Mellander, published by the Interstate Printers and Publishers, Danville, Ill. A translation of the circular on the book is offered by the columnist who suggests that the Panama Foreign Office and all others interested in the Canal treaty negotiations should obtain a copy of the book because of its timeliness.

La Estrella, July 9, in the news columns: "U.S. Decides Southern Command Necessary for Hemisphere Defense," is the headline used on the front page over a report from Washington, D.C. saying that the Defense Department had announced the rejection of a recommendation to abolish the Southern Command. The same story appears in the English-language section.

El Panama America, July 9, morning edition, in the news columns: A boxed story at the top of the front page questions if a military exercise held by United States Armed Forces in the Canal Zone was an act of provocation or lack of good judgement. The story says a platoon of U.S. troops went too close to the fence on Kennedy Avenue in front of the National Institute and this could have caused an incident similar to the January 1964 events if the Panama National Guard, under direct orders of Brig. Gen. Omar Torrijos, had not intervened. United States Ambassador Robert M. Sayre is asked that, in his official capacity, he make sure that such acts are not repeated, especially at this time when Canal treaty negotiations are in progress, says the story.

Critica, July 13, editorial: The main editorial is the second in the series describing the steps taken by Panama in its "heroic fight for sovereignty." Quoting a work published in 1904 by founder Eusebio Morales, the writer says the 1903 treaty is the most contradictory agreement ever made between two governments.

La Estrella, July 13, in the news columns: "The Continuing Presence of the Southern Command a Serious Threat to Panama," is the three-column headline used over an article by Pedro Zambrano Wilson which appears on the front page. The writer says the U.S. has used South America as a source of cheap raw material and as a market for its goods and then as a vanguard of U.S. military power. He says the canal should be neutral according to the original treaty and that this treaty has been violated repeatedly with such things as the establishment of the military and the Federal Aviation Agency in the Zone. He concludes that the existence of the military in the Zone breaks the neutrality clause and should be a subject for the treaty negotiation team; that the presence of veterans from Vietnam in the Zone is a material and moral danger for Panama; and that the huge expenses of the military in the Zone are covered by utilities furnished by the Canal and, not by Panama.

El Panama America, July 13, in the news columns: An article by Pedro Zambrano Wilson, contending that the existance of the Southern Command in the Canal Zone is a material and moral danger to Panama, is given lead position and eight-column headlines at the top of the front page that say, "The Existence of the Southern Command in the Zone Is a Material and Moral Danger to Panama/The next war will be nuclear (war)." Smaller headlines used over the text of the article say, "The myth of hemispheric defense disappeared long ago/There is no continental military unity/The Canal cannot nor should not be a military objective." Among the several points discussed by Zambrano is one in which he says that Southern Command could become a recuperation center for Vietnam veterans who are 70% drug addicts and 40% homosexuals, all trained to use weapons. The Mai Lai incidents show that they have no scruples, no military discipline and no concept of rank. . . . The same article appeared in La Estrella (July 13).

El Panama America, July 14, in the news columns: On page 2–B is a communiqué by the Federation of Panama Students, referring to recent U.S. military maneuvers on the Canal Zone border and other incidents as provocations by the United States to create dissension among Panamanians and to distort public opinion against Panama in the Canal treaty negotiations. (The communiqué appeared on page one of the July 10th Panama America.)

Critica, July 20, editorial: Panama's reasons for her solemn obligation to its people to negotiate a new treaty with the United States and eliminate once and for all the hated "in perpetuity" clause are discussed in the main editorial. The writer says this is the first in a series of such articles. He mentions the statement made by Nander Pitty, Panama Ambassador to the Organization of American States, that Panama has pledged its national honor to obtaining a new treaty and says that U.S. Congressman, Strom Thurmond, is a part of a reactionary group because he stated the U.S. would be imprudent to draw up a new treaty except with a constitutionally elected government. Since the U.S. has recognized the revolutionary government, this is a banal pretext, the writer says.

Matutino, July 20, editorial: It is to be understood that there would be violent opposition in some sectors of the United States to the recognition of Panama's rights in a new treaty but it is difficult to understand such opposition in Panama, says the main editorial. The writer says it would seem that there are groups here who are developing a campaign against the new treaty at the same time that such campaigns are developing in the United States. It is a shame that this should be happening after all the years of sacrifice and struggle, the writer says.

El Panama America, July 20, editorial: In an editorial entitled "Source of Sovereignty," the writer discusses the unity of the people as a prerequisite of sovereignty. He says the Panama Revolution is not identified with any dogmatic ideology in use, but is characterized by its respect of human rights and absence of dictatorship and violence. The Revolutionary Government broke the power of a corrupted oligarchy, says the writer, adding that several of the ousted fled to the protection of the Canal Zone, and the people who always fought for sovereignty were united. The people know that the Revolutionary Government rejected the 1967 treaty drafts, says the writer, adding that the present Canal treaty negotiations will be carried on with the participation of the people. He also refers to the San Miguelito Resolution which calls for popular unity as the basic instrument for success of the negotiations.

El Panama America, July 21 (Morning Edition), in the news columns: "Intervention of foreign investigators prejudicial to sovereignty; Would lessen the legal value of our demand for jurisdiction in the Zone," are headlines used over the lead story reporting that the Panama Revolutionary Government turned down a request by the Catholic Church to bring private investigators into the Father Gallego case.

El Panama America, July 21, columnists: The columnist in "El Filo Vespertino" says the United States knows the defense of the Canal does not require military bases in the Canal Zone but wants to maintain military forces here because of its imperialistic attitude in spite of the danger they represent for Panama. Panama's position should be sufficiently strong in the Canal treaty negotiations to obtain full sovereignty and the total elimination of the colony maintained by the U.S. in the Canal Zone, contends the columnist.

El Panama America, July 22 (Morning Edition), in the news columns: "Panama Could Establish Relations With the Soviet and With Cuba" is the top-of-the-front-page headline referring to statements to the press by Panama President Demetrio Lakas during his Paris visit. The UPI dispatch from Paris says Lakas favors a reorganization of the Organization of American States and he also is quoted as saying, "We are good friends of the United States and have good relations with that country," and added that there are some questions on the Canal which have to be solved before Panama will discuss the construction of another canal.

El Panama America, July 23 (Morning Edition), in the news columns: Lead position is given a Washington UPI dispatch, referring to statements by Under Secretary of State for Inter-American Affairs, Charles Meyer, who is credited with saying that the time of United States military intervention into other countries is past, even in the most serious circumstances. Not even communist takeover of a country would change the U.S. attitude, Meyer said. He added that if the communists should cut off Venezuelan oil shipments, or if the Santo Domingo incidents should be repeated, or if communists took over Panama, the U.S. would not intervene. Eight-column headlines at the top of the front page say, "There will be no United States Military Intervention in Panama/States Under Secretary Meyer."

Columnists: Luis Restrepo comments on recent statements the President of the Revolutionary Government, Demetrio Lakas, made in Paris relating to Panama establishing relations with communist countries. Panama is sufficiently mature to have relations with any country in the world, says the columnist, adding that it has not suffered from participating in sports with these countries and will not be contaminated by their ideologies or other aspects detrimental to the country. Restrepo contends that Panama has gained nothing from not having relations with these countries and since it need technical, economic and cultural aid, it is willing to accept it from any country in the world.

El Panama America, July 23, in the news columns: A Washington UPI dispatch reporting on statements by Under Secretary of State for Inter-American Affairs, Charles Meyer, regarding United States policy of nonintervention, is given lead position and top-of-the-front-page headlines that say, "Another weapon of the reactionaries eliminated/The United States Promises Not To Interfere Militarily in Latin America/Every Soverign Nation is the Owner of Its Natural Resources."

Columnists: Joaquin Beleño devotes his column to the text of the resolution by the Federated Syndicate of Workers of the Republic of Panama in support of the Revolutionary Government policy in the Canal treaty negotiations and protests a recent military alert by U.S. Armed Forces in the Canal Zone. Like Chile, Bolivia and Peru, Panama will not accept pressure by the United States imperialism in its social, cultural, economic or political affairs, says the workers' communiqué.

El Panama America, July 25, in the news columns: The complete text of a talk by General Torrijos at the laying of the cornerstone of the government-sponsored La Victoria sugar mill is given lead position and top-of-the-front-page headlines that say, "Every Panamanian Will Come to the Defense of His Country the Day Panama Is Invaded/The Unity of the Revolutionary (Government) Is the Answer to the Reactionaries."

Torrijos told the farmers they must be on the defensive against those reactionaries and oligarchy who are trying to undermine the Revolutionary Government and clamoring for the United States to invade Panama.

Page 4–A is devoted to pictures of a meeting of labor leaders attended by General Torrijos. General Torrijos is quoted in headlines as telling labor leaders: I have no fear of any type of ideology. We will create a workers bank. New rental law in favor of the workers. We want labor, fiscal, judicial, commercial, educational sovereignty in the Canal Zone.

El Panama America, July 26, columnists: Referring to statements by Under Secretary for Inter-American Affairs, Charles Meyer, to the effect that the United States will not intervene in Latin American countries, Gil Blas Tejeira says that military intervention by the U.S. in any Latin American country would cause more trouble for the U.S. than for the invaded country. However, economic sanctions against a country could be as disastrous as military intervention, says Gil Blas, adding that this is the threat hanging over Latin American countries, including Panama.

Joaquin Beleño comments that General Torrijos' talk at the laying of the cornerstone at the La Victoria sugar mill was especially strong because it is known that there are certain elements in Panama who have asked for United States intervention in Panama. Torrijos' talk was an accusation and a warning against these elements, says Beleño.

El Panama America, July 27, in the news columns: An interview with Dr. Carlos Lopez Guevara on Panama's position in the Canal treaty negotiations by Zoilo G. Martinez de Vega of EFE (Spanish news agency) is printed on the back page with several pictures. Lopez Guevara stated that through unilateral interpretation of the 1903 Treaty, the United States has created a state within a state, occupying an area of land disproportionately large and dedicated to activities not directly related to the Canal. The "zone" could be reduced to one-seventh of the area now under United States jurisdiction without affecting the operation of the Canal, Lopez is quoted as saying, adding that part of that land is not being used by the U.S. and Panama wants jurisdiction over this land. Panama also demands higher benefits from the Canal, in accordance with the fluctuations of the dollar. Lopez claims the 1903 Treaty was imposed on Panama in accordance with colonial thinking of that era and contrary to the anti-colonialistic attitude of today. "We do not want a revision of the 1903 Treaty. We want a new treaty which contains political independence, territorial restitution, economic benefits and complete sovereignty . . ." Lopez Guevara states.

El Panama America, July 31 (Morning Edition), columnists: An editorial on the position of Panamanian employees in the Canal Zone in reference to the Canal Treaty negotiations which appeared in the Local 900 bulletin is printed in the column "Buzon de Fausto" on the editorial page. Mauge says that Panama is demanding complete jurisdiction in the Canal Zone which would result in the elimination of civil operations of the Canal Zone Government and affect non-U.S. employees in that area. A change in the jurisdiction in the Canal Zone would bring a change in the labor code and lower the minimum wage level, noted Mauge. He also refers to the elimination of commercial and industrial operations in the Canal Zone which will cause a reduction of employees and salaries and warns that Panamanian employees should prepare themselves for the effects the treaty negotiations may have on their lives Mauge hopes that Local 900 will play an important role in maintaining the benefits the employees now are enjoying. We want to continue to have the high salaries, better working conditions and greater benefits, as we are also an important part of the Panama family, Mauge states.

El Panama America, August 2 (Morning Edition), in the news columns: "Elimination of the 1903 Treaty demanded by Educators" is the three-column headline on the front page referring to the resolution by secondary school directors meeting in Las Tablas to discuss education problems. The text of the resolution in support of the Revolutionary Government to obtain sovereignty in the Canal Zone in the treaty negotiations is printed on page 10–A.

Columnists: Luis Restrepo discusses the surge of nationalism in Latin American countries. He comments that in Panama the nationalist process began when the country was born but has been delayed by the United States imperialism in the Canal Zone Panama's most important nationalist struggle is for the elimination of the 1903 Treaty and all it stands for that offends the country, notes Restrepo.

Criteria, August 10, in the news columns: "We Hope for the Return of Lands Seized by United States: Chiriqui Normal Students Say," is the front-page headline used over a story reporting a meeting of Chiriqui Province normal school students on the television program "All For the Country." At the end of a list of school problems brought up by various students, one student referred to the Canal treaty negotiations. The students said this tiny U.S. state in Panama territory has created problems and that Panamanians should fight to have this land returned. The present treaty benefits only the U.S. and the students hoped that a new treaty would make Panama a partner in the operation of the Canal.

Editorial: A further discussion of the points of conflict between the U.S. and Panama, which were brought up at the meetings of U.S. and Panama representatives in Panama in 1963, is included in the 14th chapter of Panama's Solemn Obligation to Negotiate. The article says that flying the Panama flag in the Zone, and the collection of taxes by the Panama Canal from Panama employees in the Canal Zone were granted but that the elimination of foreign consuls in the Canal Zone, the use of Panama Postage stamps in the Zone, the use of docks 6 and 7 in Cristobal by the Colon Free Zone, and a corridor under Panama jurisdiction between Panama and Arraijan, were promised but never given.

El Panama America, August 10 (Morning Edition), columnists: Luis Restrepo refers to a letter against the Revolutionary Government allegedly written by a group of Panamanians and included in the Congressional Record by U.S. Congressman Daniel Flood, who is referred to as Panama's worst enemy. Restrepo says Flood represents the most reactionary groups in the United States and used the usual arguments of U.S. rights in the Canal Zone when speaking in Congress. Referring to the letter, he comments that it is unbelievable that there are Panamanians who would ask for U.S. military intervention in Panama and says that the letter was probably written by Flood. Restrepo says that Flood is wasting his time trying to influence Congress against Panama. He is totally ignorant of nationalist sentiments of Panamanians, who may have different views on many things, but form a united front in relation to sovereignty in the Canal Zone, contends Restrepo.

El Panama America, August 10, in the news columns: A Washington-datelined story referring to statements by a Czechoslovakian defector in relation to the January 1964 incidents in Panama carries a four-column headline on the front page that says, "Now It Is Said That the Patriotic Movement of 1964, Was Communist Inspired/Machiavelian Allegation."

A page-one story on education problems discussed by students of the Normal Institute of David on the Sunday television program "Todo por la Patria" ends with a statement on the Canal treaty negotiations by student Marina Vega and carries a six-column headline, "We Hope To Get Back Land That Was Taken From Us by the United States."

El Panama America, August 11, in the news columns: An interview of Dr. Harry Johnson, noted economist from the London School of Economics presently visiting Panama, is given lead position and top-of-the-front-page headline quotes Johnson saying, "Panama Will Receive Its Due From Its Geographical Position." A similar story appears in the English-language sister paper.

Critica, August 12, in the news columns: "Students Will Keep Up With Progress of the Negotiations" is the front-page headline used over a story saying the Panama University students have appointed various work committees, among them one that will make a study of the Panama Canal treaty negotiations.

El Panama America, August 13, in the news columns: Big headlines at the top of the front page say, "Vast Conspiracy by the CIA: Overthrow of Balauger and Assassination of Omar Torrijos Key Witnesses Ask for Protection; Wessin Y Wessin Head of the Unsuccessful Conspiracy." According to El Panama America, the CIA directed a plan headed by Wessin Y Wessin in Santo Domingo to overthrow President Balaguer and when this failed he came to Panama to see agents in the Canal Zone. The discovery of the plot explains the intense campaign against the Revolutionary Government during the past two months by elements of former Panama governments now living out of the country, who are trying to undermine the government, says the story.

Critica, August 16, in the news columns: "Defense of Our Sovereignty Has Won the Support of European Nations, President Lakas Tells Nation," is the top-of-the-front-page headline referring to a story on page 24 which gives the report of the press conference by President Lakas on his recent trip to Europe. The story is accompanied by pictures of Lakas on his trip.

Critica, August 17, in the news columns: The main editorial praises Col. Manuel Antonio Noriega's talk before the Panamanian peasants last weekend. He emphasizes the loyalty of Colonel Noriega to the revolution, his opposition to the oligarchy, and his reference to "certain individuals of Zone origin who have no feeling for Panama and who are using their position to hinder the revolutionary process." The writer says that Noriega's statement in regard to the treaty negotiations was of special interest. He said that Panama was not interested in money but sovereignty and quoted Torrijos, who said "We will be on our feet or dead but never on our knees."

La Estrella, August 18, in the news columns: A picture on page 22 shows President Nixon visiting Colon in 1958, when he was Vice President, accompanied by Ernesto Estenoz, then President of the Colon Municipal Council. Cutlines say the picture is timely now that negotiations between Panama and the U.S. are starting and when the Revolution seeks Panama's emancipation in the question of sovereignty and dignity in the Canal area. A speech made by Estenoz 16 years ago in regards to the 1955 treaty is printed on the same page.

Critica, August 18, editorial: The breaking of diplomatic relations with the United States was Panama's virile and dignified answer after the U.S. aggression in 1964, according to today's editorial, which is 17th in a series devoted to Prnama's solemn obligation to negotiate a new treaty. The writer quotes part of the note advising of the break in relations saying that this is one of the most historic documents in Panama's fight for dignity and sovereignty. The editorial also says that it is a matter of pride also that the aggression charge was brought before the United Nations Security Council by Aquilino E. Boyd. These bits of history should be reprinted now that treaty negotiations are about to begin again to give credit to those who took such important steps at that time the writer says.

La Estrella, August 19, in the news columns: A public demonstration supporting the fight for sovereignty and national identity will be one of the main events of the third anniversary of the Revolution of October 11, a prominent front-page story reports.

Critica, August 20, in the news columns: The main editorial calls all Panamanians to attend the observance of the third anniversary of the Revolutionary Government, noting that "Nationality, Unity and Defense of the Revolution" should be the slogan of the celebration. The government needs the support of all Panamanians in its efforts to attain its aims in the Canal treaty negotiations, says the writer, adding that in the process of stating Panama's demands from the United States. General Torrijos has not hesitated in presenting clearly and without any doubt what Panama rightfully wants. The memory of the January 1964 incidents should be enough to support the Revolutionary Government, says the writer.

El Panama America, August 20, in the news columns: "Students, Workers, Farmers, People and Government Will be Present October 11, Enthusiasm for the Show of Support to the Revolution," are the eight-column headlines over a front-page story saying that a mass demonstration of support is being planned for the third anniversary of the revolution.

La Hora, August 21, in the news columns: The centerfold is devoted to excerpts from interviews with President Lakas which appeared in the Spanish press. Sub-headlines quoting Lakas say, "We want absolute sovereignty over the canal and the Zone/The Panamanians want a Panamanian solution for Panama/Relations between the United States and Panama are excellent even though we have different views on the Canal problem."

El Panama America, August 22, in the news columns: Panama Foreign Relations Minister Juan A. Tack explained the policy of the Revolutionary Government and answered questions pertaining to the Canal treaty negotiations at the First Mass Meeting of High School Students of the Province of Panama, says the lead story reporting on the students' meeting on education problems.

El Panama America, August 23 (Morning Edition), in the news columns: Prominent position is given a report on the First Meeting of High School Students of the Province of Panama with the complete text of the declaration by the Federation of Panama Students and a picture showing Panama Foreign Relations Minister Juan A. Tack, who spoke on relations between the United States and Panama. The declaration is for the elimination of pre-revolutionary, political structure and a fight against the oligarchy and United States Imperialism which they say has been a detriment to the consolidation of Panama nationality, the use of its geographical position and the canal and says these points are the basis of the meetings.

Page 8–A is devoted to excerpts from the Spanish press on interviews with President Lakas during his recent European visit. A headline down the upper half of the page says, "Sovereignty, Dignity, Justice and Equality in the New Revolutionary Personality of Panama."

A communiqué by the Federation of Panama Workers in support of the Revolutionary Government in the Canal treaty negotiations begins on the back page and continues on page 10–A.

Columnists: Jorge Prosperi praises Lt. Col. Manuel A. Noriega's talk to the farmers at the recent meeting in the Legislative Palace. Noriega, as a member of the masses, felt the injustices of the oligarchy, says Prosperi. He says they are the same oligarchy who sent other Panamanians to fight for the causes of Panama while they worked for the United States and supported the anti-Panama policy of the United States.

El Panama America, August 24, morning edition, in the news columns: In a cartoon on the back page, a figure asks a Panamanian who is arranging a number of bottles of mouthwash and other concoctions, "and what are you going to do with all that?" The Panamanian answers, "Getting ready to shout for my sovereignty" on October 11.

Critica, August 25, editorial: The main editorial, which is the 20th in a series on Panama's obligation to negotiate a new treaty, praises as patriotic the actions of Aquilino E Boyd who appeared before the United Nations Security Council in 1964 and denounced aggression against the Panamanian people by the U.S. military forces stationed in the Canal Zone. He also criticized as colonial the attitude of the Zonians who did not abide by the directives from Washington to fly the Panamanian flag in the same spots as the U.S. flag in the Canal Zone. The writer says Boyd then went on to describe as unfair and stubborn the attitude of the United States in refusing to listen to Panama's demands.

THE SHARPSTOWN FOLLIES—XXXI

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, incline your ear toward the Sharpstown gang, Mr. Speaker, and you will hear a chorus of innocents.

Everyone involved in the looting of Sharp's banks, insurance companies and various other enterprises denies that he knew anything of it. Everyone is innocent but millions of dollars have disappeared.

But anyone, even a stone deaf person, can discern that the chorus of innocents sing different melodies and different words. Each proclaims his own innocence, saying that he placed his trust in the others.

For example, we have heard from Frank Sharp's lawyers that their client trusted the men who advised him. Sharp was no crook, they insist, but was only a poor innocent who was taken advantage of by the men who gathered about him.

And we have seen in this week's Time magazine how Will Wilson says that he trusted his good friends and knew of nothing that they had done wrong, and that he was innocent.

And last week, we have heard testimony from Sam Stock, who used to be president of Sharp's insurance company, say that he was innocent of any wrongdoing, and that Will Wilson knew more than anybody else about Frank Sharp's transactions.

Well, now, that is interesting.

Will Wilson proclaims his innocence, and yes his complete ignorance of what was going on all about him. And yet one of his very close associates says that Wilson knew more than anybody else about Sharp's deals.

Frank Sharp himself apparently has told various Federal grand juries a great deal about Will Wilson. Wilson's flacks hurriedly put out a few counterleaks to deny all, but at least some of the episodes have been confirmed since then, and Wilson now says only that he was a patsy.

Wilson, of course, says that he cannot talk about what he knew or what he did because of the attorney-client relationship that he has with Frank Sharp.

A veritable chorus of angels is singing down in Texas and over at the Justice Department. Several millions of dollars are missing though, and all the angels are trying to tar the others with the taint of evil. Could it be that some of them have lied? Could it be that all have lied? It is very likely that at least one angel by the name of Will Wilson is anything but an innocent. He says he knew nothing. Two of his closest associates say he knew everything. Wilson may well be a liar. And if he is not a liar, he is by his own admission a patsy. Whichever he is, angel or liar, he does not belong in his present position.

TAX BENEFITS FOR AVERAGE AMERICANS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. FLOWERS) is recognized for 10 minutes.

Mr. FLOWERS. Mr. Speaker, last month when the President announced his new economic policy, no American could mistake the fact that sacrifices would be required from every level of our society. However, it seems now that good old "Mr. and Mrs. America" may have been called upon by the administration to pick up the biggest part of the tab for the new economic policy.

Mr. Speaker, Congress cannot change the provisions of an Executive order. But in those special areas reserved to our jurisdiction by the Constitution—and I am thinking of taxation—Congress can and should exercise leadership. If the average citizen must bear the brunt through the wage freeze, then it would seem to me that tax considerations above and beyond those recommended are in order. I would like to commend the distinguished chairman of the Ways and Means Committee for his public statements in this regard and assure him of my support.

We must all recognize as well that spending cuts will not only be desirable, but are absolutely necessary if we are to achieve our goal of economic stability. But if America must tighten her belt, and I believe we must, then the price to be paid should be borne uniformly by all of us together. The House of Representatives—the "people's House"—is the place to assure equal sharing of burden and benefit by all Americans.

WAGE-PRICE CONTROLS

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. BURLISON) is recognized for 10 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, in 1969 the Congress gave the President the authority to apply wage-price controls, over the President's vigorous opposition. At that time, the President refused to apply the controls and the authority expired with the end of the 91st Congress. Early this year, Congress again enacted the same law, but this time without the opposition of the President.

Some of us have felt for some time that price and wage controls seem to be our last alternative for controlling inflation. The President has been late in applying them. The important thing, however, is that the controls be fair and equitable whenever they are put into effect. The President has called for controls on wages, prices, and rents, but has overlooked credit—interest rates—and profit controls.

To stimulate employment, he has advocated the removal of the 7-percent manufacturers excise tax on new automobiles, a levy of a 10-percent investment tax credit for new plant and equipment, and provisions for an additional $50 per dependent personal income tax exemption.

Viewing the total impact of the above, it would appear that big business and big industry came out far ahead of our wage and salary earners, small businessmen, farmers, teachers, and others.

One group in particular has had a difficult time interpreting the effect of the wage-price freeze on them. This group is the over 2 million teachers in America. Interpretations and pronouncements from various sources within the administration dealing with the freeze of teachers' salaries have been profuse, but conflicting.

In light of the interpretations of the President's order, as applied to teachers and other employees of the Nation's school systems, I feel that our teachers are being asked to suffer an unusually heavy burden. In addition to the financial burden created by the freeze order, its application has created a high degree of uncertainty and confusion on the part of school boards and their teachers because of the timing of the order, falling in the center of the traditional period in which schools either are not in operation or are operating at a reduced capacity. The schools are now open, but many educators still have no idea what they are to be paid. School boards are unable to set up final pay scales and budgets.

The day following the President's announcement, Dr. George Lincoln, Director of the Office of Emergency Preparedness, announced that teachers who have agreed to a raise effective at the opening of school will not be paid the raise. This seemed to be a hard and fast rule stating clearly that no teacher would receive a salary increase when school started.

When various education organizations and school systems began asking about longstanding contracts, summer school payments, and new teachers' salaries, the administration felt a need to issue a clarifying statement. The Cost of Living Council, which was by this time established to make official interpretations, decreed that an increase in the salaries of teachers would be allowed if the contract period started before August 15. If the contract period started after August 15, the increase would not be allowed. This opened the floodgates which resulted in the present state of consternation.

Would teachers under the same contract, some of which started before the 15th and others who started after the 15th, get the same salaries? Were contracts signed at the end of last school year in effect? Would teachers on a 10-month pay scale be penalized? These were some of the questions raised. No one knew the answers for sure. Many were willing to speculate. Administration officials were giving unofficial interpretations. One official is quoted as saying, "We consider an adopted budget and salary scale to be the same as a contract." The National Education Association claimed that 80 percent of its teachers would be getting their promised salary increases. Yet no official decision was forthcoming. Finally a clarifying statement clarifying the earlier clarifying statement was announced. This declaration pronounced that teachers who were eligible to be paid over a 12-month period, but in fact were paid over a 10-month period, are eligible for a pay raise which was in effect in the school district before August 15.

Again, what was meant by "eligible" and "in effect?" Was the contract agreed to by each teacher back in late April "in effect?" This time the Office of Emergency Preparedness made the announcement. Teachers may receive a pay increase if they are eligible for work on a 12-month basis despite actually working and being paid for only 10 months of work—the contract containing the raise must have been ratified before August 15. This made the situation as clear as the polluted Potomac River.

On August 27, at the request of Dr. Sidney P. Marland, Commissioner of Education, additional edicts were released concerning newly hired teachers and longevity and merit increases. Many of the questions remain unanswered. Schools have started. The first pay checks will be due at the end of this week. Still no one is sure what applies and what does not. Granted, the situation is complicated. However, the Office of Emergency Preparedness was caught unprepared. Advanced planning would have been helpful. The continual "clarifying" was not. Had the freeze been invoked when suggested by many of us in Congress, the confusion most certainly would have been less.

Why cannot somebody in this administration take hold of this problem and settle it with clarity, definity and without equivocation? And may I suggest the concept of equity. At the present point in time—and this may be changed tomorrow—the estimate is that 95 percent of Missouri's teachers will be denied their increased compensation. For the past year inflation has rampaged. These teachers have been working at a static salary while other segments of the Nation's work force have been receiving increased compensation. Now these teachers are told that their duly contracted increases shall be denied. This does not comport with my concept of equity.

MONEY AND TAXES

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker. Right now, as the Congress convenes to consider a number of economic measures, money and taxes are on everybody's mind. Recently, it was my pleasure to introduce Albert W. Brisbin, who has just been appointed Regional Commissioner for the Internal Revenue Service in Dallas, when he addressed the Texas Breakfast Club. His talk was interesting, and he gave us great insight into many of the problems and tasks the Internal Revenue Service faces each day. I would like to share his remarks with my colleagues:

REMARKS OF ALBERT W. BRISBIN

When Luther Holcomb invited me to address this group, he reminded me that at 8:00 a.m. it is a little difficult to digest a heavy, technical lecture on the art and science of taxation. His warning really was not necessary. I am not in fact a tax technician, rather a student of the art of tax administration. That art has been described aptly by French authorities as the process of plucking the most feathers with the least hissing. A British writer has said that it is the tax collector's responsibility to keep the taxpayer sullen but not mutinous.

Everyone is, of course, an expert on taxes. Practically every world figure has written or talked about taxes at one time or another.

Probably one of the most frequently quoted epigrams was taken from a letter that Ben Franklin wrote in 1789 describing conditions in the republic. In that historic year, the Philadelphia Sage sent a letter to a friend saying:

"Our Constitution is in actual operation; everything appears to promise that it will last; but nothing in this world is certain but death and taxes."

A latter-day wit has regretted that "death and taxes" don't always occur in that order.

Some of the tax literature is even poetical. Perhaps you have read these lines by Robert Frost:

> Never ask of money spent
> Where the spender thinks it went.
> Nobody was ever meant
> To remember, or invent,
> What he did with every cent.

Some of the literature is quite imaginative. On March 13 of this year, the Washington Star carried a column by Arthur Hoppe in which he reviewed an imaginary chapter in a book entitled, "Sex and Taxes." If you can believe Mr. Hoppe, in 1975 Spiro Agnew will be President and, facing the usual financial crisis, will decide to solve it by taxing sex. This brings to mind the Texas farmer who, after working all night on his tax return, hitched his bull to the plow in an effort to teach him that farming was not all fun.

Unfortunately, down at the Internal Revenue Service, we do not have that much fun. We started out in 1862 to collect a very simple income tax at very low rates. The income tax form was, believe it or not, short and simple. You can see how we have progressed since then.

During the first year that we had a Commissioner of Internal Revenue, we collected $2.7 million in income taxes, and $34.9 million in excise taxes. We do somewhat better these days. In the last fiscal year, we collected a bit over $191.6 billion, of which $100.7 billion came from income taxes.

We particularly pride ourselves on the fact that all of this money is collected through a "voluntary" self-assessment system. Now, that takes a little explaining—especially when we get letters like this:

"I've always paid my income tax in the past because I was afraid of going to jail if I didn't. Now, I read in the papers and hear on the TV and radio that this is a matter of voluntary self-assessment. If it's voluntary, I don't want any part of it, so you can have your forms back."

Other taxpayers have a more fatalistic attitude. One of them wrote us:

"I understand that President Johnson has declared war on poverty. Please advise us as to where I surrender."

In the early days of Internal Revenue, there were a dozen or so clerks who could handle all of the paperwork. Now it takes around 70,000 men, women, and computers to process over 113 million returns—5.6 million of them from Texas. Of course, we get returns from all over. We appreciate all of this attention except in exceptional cases. For instance, every few years we discover some imaginative refund claims from inmates of penitentiaries.

Many things have changed. Not only have we turned in our quill pens for IBM 360s, but we have adopted such quaint practices as turning all of the collections over to the Treasury. Once upon a time, it was not unusual to farm out some of the collecting to banks on a commission basis.

Although the first Commissioner of Internal Revenue started out with a small staff in Washington, the organization grew quite rapidly—except in certain southern States which had other things on their minds. Shortly after the war, the original income tax was repealed, and the typical revenuer spent more time following the scent of mash at mountain stills than looking for phony deductions on tax returns.

In 1894 Congress made another stab at an income tax, but this time the Supreme Court declared it unconstitutional. No one seems to know why the 1862 income tax got by the Supreme Court. Maybe it was only a coincidence that President Lincoln appointed his Secretary of the Treasury to the Supreme Court.

After the sixteenth amendment was ratified in 1913, we went back to work on the income tax. We already had hundreds of tax forms dealing with whiskey, tobacco, and such. So the new income tax form got the famous number 1040. The 1913 form was, naturally, more complicated than the 1863 form. Of course, we have progressed, year-by-year since then.

No doubt some of the fault is downtown, but some of it belongs up here on the Hill. A few years ago Wilbur Mills diagnosed the problem this way:

"Still another complicating factor in our tax laws arises from the addition year after year of new provisions. Moreover, in adding these provisions we seldom have the time to go back through the existing compilation of tax laws to see how many of them are no longer necessary."

But in a larger sense, the fault lies, not with you and me, but with the growing complexity of our economic system which requires very intricate fine-tuning in order to distribute the tax burden fairly among millions of taxpayers having quite different ecomic circumstances.

Speaking of economic problems, I am reminded of the small-town proprietor of an ice cream parlor who was called upon by a revenue agent to explain large losses claimed on the business. The man said the explanation was very simple. He had broken his regular dipper for 5 cent ice cream cones, and was losing money using the 10 cent dipper for nickel cones.

My own job is to head the Planning and Research activities of Internal Revenue. These include:

A Planning and Analysis Division which specializes in forecasting the Service's workload and resource requirements.

A Research Division which helps the Treasury legislative drafters, and studies many internal problems.

A Systems Development Division which designed our automatic data processing system, and is now trying to update it in terms of tomorrow's requirements and technology.

And a Statistics Division which provides Congress and others with detailed analyses of each year's crop of income tax returns.

I have the greatest respect for our professional statisticians, but as a nonstatistician I cannot help getting a chuckle from a report written a half century ago by Sir Josiah Stamp, who was head of the British Inland Revenue Department. He said:

"The Government are very keen on amassing statistics. They collect them, add them, raise them to the Nth power, take the cube root and prepare wonderful diagrams. But you must never forget that every one of these figures comes in the first instance from the village watchman, who just puts down what he damn pleases."

Of course we no longer have village watchmen; we merely take the information you put on your tax return and run it through our computers.

Computers have created a new way of life for us. We now have computerized service centers in seven regional locations—including the Southwest Center in Austin. Three more service centers are being built to cope with the growing volume and complexity of tax returns. In addition, we have a national computer center at Martinsburg, West Virginia, and a specialized data center in Detroit.

The basic organization of Internal Revenue is gradually shaping around these computerized operations. We had districts and regions before we had computers, but their work is changing.

Once upon a time, there were approximately 100 Internal Revenue districts. With improved communication and transportation, that number has been reduced to 58. I would not want to predict the future, but I am sure that this is not a final number. When the regional offices were established in 1952, there were 17 of them—this number went down to nine, and then to seven.

As you know, in Texas our work is divided between two districts with headquarters in Austin and Dallas. Also, Dallas is the headquarters of our Southwest Region which supervises our revenue work in Texas, Oklahoma, Arkansas, Louisiana, Kansas, New Mexico, Colorado, and Wyoming.

The southwest is famous for many things, but in Internal Revenue terms we can think of some special accomplishments. One of these is known as IDRS, which stands for Integrated Data Retrieval System. It is being pioneered in our Southwest Region.

This system retrieves only account data. It would not help us find the missing wife referred to in this taxpayer's letter:

"Dear Sir: My wife went to pay my income tax last Friday and I haven't seen her since, so will you please let me know if it has been paid. If not, will you please send me another form for me to fill out.

Sincerely yours,

——— ———."

For a couple of years, we have been running tests throughout the Southwest Region with a new set of electronic gadgetry which enables local offices to get virtually instant information from the enormous master files in the regional service center. On the basis of this experience, we are now installing—first in the Southwest and later in other regions—improved equipment. This will enable local offices to give you quick answers on the status of your accounts and answer many other questions. I don't know how many of you have had problems with your bills or refunds, but I can assure you that this new system will do more to improve taxpayer relations than anything we have done in many years.

One of the southwest states—Arkansas—participated in the first experiment with another great taxpayer aid. This one is called "Centiphone". It is an arrangement with the telephone company in an Internal Revenue district so that any taxpayer anywhere in a given district can telephone without toll charges to the District Internal Revenue Headquarters and get answers to his tax questions. This system is also being gradually extended to other States.

Taxpayer service is very much on our minds. In the first place, as fellow citizens, taxpayers have every right to good service. In the second place, if taxpayers are going to cooperate with the unique American self-assessment tax system, they must be helped in every reasonable way.

I used the word "reasonable" because we cannot help much in some cases—such as the one in which the taxpayer said:

"Please send me my refund at once. I have fallen in error with my landlady."

We recently had a special study of the taxpayer service problem made by a committee of which the chairman was my old friend Frank White, who recently retired as Regional Commissioner of the Southwest Region in Dallas. Out of this study has grown a plan for expanding and improving our taxpayer services. The first step will be the establishment of a separate taxpayer service division in the national headquarters in order to assure special emphasis on this function.

Answering taxpayers' questions is not merely an April 15th phenomenon. It is a year-round activity. Some of the questions are very simple like taking an exemption for your mother-in-law. Some are very complex like corporate reorganizations.

Some probably cannot be answered at all. You have probably read about our new depreciation regulations, but they do not seem to cover the question raised by the much-married man who wanted to know how to calculate depreciation on his wife.

LETTER TO THE EDITOR

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the following letter was carried in the September 8, 1971, edition of the "letters to the editor" column of the Washington Evening Star newspaper.

The writer is a man, well respected not only by his colleagues of the press but also those of us who are often the subject of his penmanship. I offer the letter without comment, for its content says enough.

DID NOT CRITICIZE AGNEW

Sir: The Star recently carried the headline, "4 Reporters Criticize Agnew Tactics on Tour."

The story dealt with talks to the Washington Press Club by four newsmen who covered the vice president on his recent trip around the world. I was one of them.

The Star headline was erroneous with respect to my own talk. I did not criticize Mr. Agnew on his tactics.

Contrary to the headline and a possible implication in The Star story, I told the audience I believed that Mr. Agnew in his meetings with foreign leaders represented the United States government very ably.

Unfortunately, my statement was not included in The Star story.

EDWARD W. O'BRIEN,
St. Louis Globe-Democrat.

WHAT IS HAPPENING TO AMERICA'S APPRECIATION FOR THOSE WHO HAVE WORN THE UNIFORM?

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, what is happening to America's appreciation for those who have worn our country's uniform? In particular, why is so little said and done about the services of those returning veterans who fought in Vietnam?

It has been a tradition in America to present through parades and other special events a public display of the esteem in which we hold those men and women who have served our country well and honorably in its military services.

In previous wars when our men came back from the fighting fronts, parades were held with flags flying, bands playing, and speeches honoring those who set aside personal considerations to take up arms in defense of freedom.

Why is it not being done for the veterans of the fighting in Vietnam? They set their lives against the tyranny of communism. Why have not their sacrifices been recognized and their services honored as in the days of old?

The time is late, but it is not too late to show that we do appreciate the veterans of the conflict in Southeast Asia. This year's observance of Veterans Day could well serve as an outstanding demonstration of America's appreciation for the sacrifices made by those who wore the American uniform in that far away part of the world.

It is time for all Americans to rise up and say to the entire world that this conflict which has torn us apart in so many ways has not caused us to overlook or ignore the men and women who serve us in uniform. It is not enough that the Government provide the usual veterans' benefits to these men. Let us unite this Veterans Day in a public demonstration of appreciation and admiration for the veterans of Vietnam and let us never again lose sight of the outstanding contributions to our security made by this fine group of Americans.

TOM WENTWORTH'S CONTRIBUTIONS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in January 1966, the Pensacola Journal carried an editorial entitled "For the Future Generations," and I quote from it:

> One of the most valuable historical treasures in the Pensacola area is housed in the T. T. Wentworth Jr. Museum.
>
> And this delight to hundreds of weekend visitors is much more than meets the curious eye of the average museum patron.
>
> Highly praised by qualified historians and collectors, this enormous cataloguing of relics, nostalgic keepsakes and memorabilia tells a living history of Pensacola, Northwest Florida and the entire state.
>
> This collection, valued into the thousands of dollars by professional curators, represents the life-long adventure of a man who believes the past should be preserved to enrich the future.
>
> Tom Wentworth, dubbed Mr. Pensacola History for several decades, keeps a youthful outlook through his labors to preserve for future Pensacolians a living scrapbook of the rich heritage spanning four centuries.
>
> Anyone interested in Pensacola history can show his or her appreciaton for keeping this collection in our community by supporting Wentworth's work. Few Pensacolians have worked as long and as hard as Tom Wentworth toward giving his community a real treasure—a panoramic view of four centuries of Pensacola's past.
>
> Indeed, the Pensacola community owes a debt of gratitude to Tom Wentworth.

Truer words were never spoken. Tom Wentworth's Museum is one of the area's most valuable assets.

I have long enjoyed a warm friendship with this distinguished Floridian, and I have a sincere appreciation for his outstanding contributions to historic and exciting northwest Florida.

PHASE II—LET'S GET ON WITH IT

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I am one of many Members of this distinguished body who has urged the President to use the authority at his disposal to stem the tide of inflation. The President has done what he repeatedly said he would not do but what we all knew he would have to do at some point. The wage-price freeze has imposed serious burdens on a sizable minority of American families and small businesses. While I must accept the freeze as a necessity, I would urge that the burden so disproportionately borne be lessened as soon as possible.

It seems quite clear from the remarks of the President and other knowledgeable officials in the administration that we will not return to a prefreeze policy on November 15. At this point, the most important questions, in my opinion, are what the postfreeze policy will look like, and when it should begin.

Let me first address myself to the timing of "Phase II," as it has been called. There has been speculation that the freeze will be extended in its present form for another 90 days or longer. The President today assured us that this would not happen. I am heartened by this because I am convinced that it would have served no useful purpose. In fact, Mr. Speaker, I wish to raise the point today that the wage-price freeze may have accomplished all that it can accomplish in less than 90 days.

Let us look first of all at the purpose of the freeze. It is my view that a freeze, with its inevitable inequities, is defensible only as a short-term plan to halt inflation and provide a stable situation from which a long-term policy of stabilization could be launched successfully. This is the purpose of the freeze. Therefore, the freeze need last only as long as it takes to get everyone in line and to design the stabilization policy.

By the end of the first 30 days the first of these conditions will have been met. The economy will be as ready as it will ever be to receive the phase II stabilization policy.

I assume that the administration has been working out its postfreeze plan right along, and I would like to suggest at this time that, if the administration is not soon prepared to announce what it has decided to adopt, it is guilty of foot-dragging. Every day the freeze lasts beyond the 30th is, in my opinion, unjustified. Every additional day will be an unnecessary continuation of freeze inequities.

In the near future I will be presenting to the House my recommendations for a postfreeze stabilization policy. These proposals are based on long experience with the inflationary conduct of this country and on my feeling that the time for a comprehensive battle plan is now, not 60 days from now.

HUD AND HEW HEED CONGRESSIONAL CALL FOR NATIONWIDE DANGEROUS PAINTS STUDY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, childhood lead poisoning is a severe national peril to the youngsters of this Nation. The Department of Health, Education, and Welfare reports that some 400,000 children annually exhibit elevated blood lead levels. Of these, 16,000 require medical treatment. For some, treatment is too late; 3,200 children each year suffer moderate to severe brain damage; 800 children annually suffer such gross brain damage that they are consigned to mental institutions for the rest of their lives. And 200 children die.

The cause of this disease is well known. Small children, virtually all younger than 7 years of age, pick up and eat lead-tainted paint and plaster chips which fall from the walls and ceilings of their dilapidated dwellings. Slowly, the lead they ingest builds up in their systems. Finally, they fall ill. The consequences may be blindness, kidney impairment, brain damage, and, as I said, even death.

For several years now, the paint industry has, by self-regulation, limited the quantity of lead contained in paints used in and around homes to 1 percent or less. Hopefully, this self-regulation would help avert for future generations the tragedy being visited upon the children now living in our decaying slum dwellings, coated in the 1920's and 1930's and 1940's with paint containing much higher lead levels.

In large measure, the paint industry has been attentive to the peril of childhood lead poisoning. However, some manufacturers have been, and are, marketing paints which, while ostensibly containing 1 percent lead or less, in fact contain percentages of lead exceeding that level. Sixteen brands have recently been identified. One of these—a supposedly safe paint sold to innocent consumers off the shelf—was found to contain lead in excess of 13 percent.

Clearly, vigorous Federal action is demanded to alert consumers to this peril, as well as to ban lead-based paints entirely from household uses. To achieve this latter end, I have filed, with five child health experts, a petition with the Food and Drug Administration. As to the former goal, I have called upon both the Departments of Health, Education, and Welfare and Housing and Urban Development to undertake an immediate nationwide analysis of all paint brands to determine their lead levels and then to make them public.

I am gratified that both agencies have responded with commendable alacrity. By letters of August 25, Secretary Richardson of HEW and Acting Assistant Secretary Britton of HUD have informed me that the nationwide study for which I called is to be undertaken. I believe this action shows a heartening response to what is indeed a very serious situation.

At this point, I include in the RECORD a copy of my letter to Secretary Romney—identical to the one sent to Secretary Richardson—and copies of their responses to me:

AUGUST 2, 1971.

Hon. GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR SECRETARY ROMNEY: As you know, childhood lead poisoning is a devastating disease. Its victims are almost exclusively children between the ages 1 and 6. They pick up and eat paint and plaster chips tainted with lead-based paint, and develop the disease. The consequences are severe, to say the least: 200 children die annually, 800 suffer such serious brain damage they require permanent institutionalization and 3,200 suffer moderate to severe brain damage. All told, the annual number of children who exhibit elevated blood lead levels is approximately 400,000.

In virtually every instance, the source of the poisoning is lead-based paint. Consequently, I am calling upon your agency to undertake an immediate research program of the highest priority to determine the lead content of all paint brands manufactured in or imported into the United States. I do so in light of a recent study performed by the New York City Bureau of Lead Poisoning Control, which, in sampling some 22 brands, has established that at least 3 of them exceed the 1 per cent limit, which is set by New York City ordinances and which is incorporated as the definitional limit for "lead-based paint" in P.L. 91–695, the Lead-Based Paint Poisoning Prevention Act.

Following this analysis, the findings must be made public, in order that the consumer may be aware of which paints to avoid.

I look forward to your response to my request.

With best regards,
Sincerely,

WILLIAM F. RYAN,
Member of Congress.

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., August 25, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: Secretary Romney has asked me to respond to your letter of August 2, 1971 concerning the development of a research project to determine the lead content of paint.

The Office of Research and Technology has been assigned the responsibility for implementing Title III, the research and demonstration program, under the Lead-Based Paint Poisoning Prevention Act (PL 91–695). It is our responsibility under the requirements of the Act to specifically develop programs to determine the nature and extent of the lead-based paint problem.

The need to determine the extent to which interior paint products, currently on the market, exceed the one percent level was discussed both with representatives of the Department of Health, Education, and Welfare and the National Bureau of Standards. We feel that this issue is indeed a valid one and bears close evaluation.

Presently it is estimated that there are close to 2,000 paint manufacturers in the U.S., each of whom make more than one line of paint and the sales of these products are in turn subject to varying geographical patterns of distribution. Thus the magnitude and scope of a survey of these paint products is not a simple matter, if scientifically valid results are to be obtained and published. However, we feel that it is a matter of some urgency to pursue a survey of this type, not only to analyze for lead, but for other metals which may be added and represent a current or potential poisoning hazard.

The National Bureau of Standards, at our request, is developing a program to carry out such a survey. We expect to receive from them by the end of the month a detailed program proposal plan which will give the scope of the problem, the mechanism for carrying out the survey, and the cost. The proposed study would be coordinated and supported jointly by HUD and HEW.

You will be advised promptly of the progress of the study and its results. If we may be of further assistance to you on the subject of lead-based paint poisoning please feel free to communicate with us.

Sincerely,

THEODORE R. BRITTON, JR.,
Acting Assistant Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 25, 1971.

Hon. WILLIAM F. RYAN,
House of Representatives,
Washington, D.C.

DEAR MR. RYAN: Thank you for your letter of August 2 concerning the lead content of paints.

The Bureau of Community Environmental Management, Health Services and Mental Health Administration, has the responsibility for implementing this Department's program under the Lead-Based Paint Poisoning Prevention Act (PL 91–695). However, the research requirement of Title III of this Act as it relates specifically to determining the nature and extent of the lead-based paint problem is the responsibility of the Department of Housing and Urban Development.

The need to determine the extent to which interior paint products contain lead in excess of one percent was discussed in a meeting of representatives of the Bureau of Community Environmental Management and the Department of Housing and Urban Development research staff on Thursday, August 12. Steps have been initiated to evaluate this problem. The study is to be coordinated and supported jointly by the two Departments. We believe this section is indicated in view of the recent reports from New York City. You will be advised promptly of the results of this study.

With kindest regards,
Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

ORDER OF AHEPA RESOLUTIONS TO RESTORE MILITARY AID TO GREECE PROGRAMS—49TH SUPREME CONVENTIONS

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOW. Mr. Speaker, I was one of those who opposed the negative action of the House in regard to military aid to Greece, and I continue to be concerned deeply by the implications of this action and all that it implies to our own national security.

I find that my feeling is reflected throughout this country by Americans of Greek ancestry as well as some of the most distinguished experts on foreign and military affairs, various civic and patriotic organizations. Concern is expressed not only about the adverse military effects of this action but also the implications of interference in the internal affairs of a friendly nation.

As the other body begins consideration of this issue, I wish to include with my remarks as follows the comments of the Order of AHEPA and an editorial by Henry J. Taylor.

As Members know, the Order of AHEPA, with its hundreds of chapters throughout the United States, is by far the largest organization of Americans of Greek descent in our Nation.

The material follows:

ORDER OF AHEPA RESOLUTIONS TO RESTORE MILITARY AID TO GREECE PROGRAMS—49TH SUPREME CONVENTIONS

Whereas, the House of Representatives, in a very close vote on incomplete biased, and sometimes inaccurate testimony offered by a few persons known to be opposed to basic American foreign policy, offered before a Subcommittee of the House Foreign Affairs Committee, whose own vote was badly split, refused to continue U.S. military aid to Greece in the sum of $118 million for the coming year; and,

Whereas, before the same said committee there appeared the highest foreign policy and military policy experts on Greece in our Government, who absolutely opposed these cuts; and,

Whereas, the order of AHEPA is an American society of American citizens of Greece descent who are loyal to the United States and primarily concerned with the best interests of America, but who also are familiar with the Greek security, who are devoted to the principles of self determination as well as democracy for all nations, who understands the dangers to the free world posed by communist imperialism in the Eastern Mediterranean, who are convinced that the national serenity of the United States is greatly dependent on the internal stability; the territorial integrity, the independence, the membership in NATO, and the alliance with the United States, of Greece; and,

Whereas, we also realize that the Greek nation is sovereign, proud, and long experienced in political affairs; with an undying tradition in democracy which it first developed and to which form of government Greece always returns in her good time and on her own terms without the need for outside pressures as inducements; and,

Whereas, therefore the proposed cuts will retard, rather than accelerate the return of a larger measure of democracy to its ancient cradle; and, Whereas, Greece has always maintained the greatest affection and the best possible diplomatic relations with the United States, and is today the most friendly and hospitable of all European Nations to our country generally and to our armed forces particularly and such relations, in America's best interests, must be continued unimpaired and, in fact, must be improved; and,

Whereas, Greece has been a stalwart ally of the West from times immemorial, and in this century has twice won the initial victories of the West in the Near East, namely in Salonika in 1916 and in Albania in 1940, and has since without the loss of a single American life repulsed the communist invasion of 1948, and right after that sent thousands of Greek soldiers to fight for the protection of South Korea in 1950, and today is contributing to America's effort in Viet Nam; and,

Whereas, American military aid to Greece is part of our strategic plan under the NATO treaties and is designed to implement American defensive strategy in Europe, whose benefits accrue to all the western world and not Greece alone; and,

Whereas, the United States, the leader of the free world has solemn commitments to defend western Europe and contractual obligations under NATO to furnish military supplies to Greece which must be observed if the honor of America is to be maintained; and,

Whereas, the reduction or elimination of military aid to Greece will not serve, but will actually jeopardize American interest in the Near East by:

1. Violating America's basic foreign principles of self determination and interference with the internal affairs of friendly countries.

2. Antagonizing and estranging the Greek nation, its people, its leaders and its armed forces against the U.S.; by seeming to dictate to the Greek people on matters of their own internal governmental structure.

3. Weakening the military capabilities of Greece to defend its Northern borders and the Aegean Sea from penetration by her northern communist neighbors.

4. Neutralizing the strategic position of Greece as the first line of defense of the eastern Mediterranean, and thus opening up its trade routes to interdiction by Soviet air and naval power, already very dangerous in the area.

5. Ripping open the western defense flank of Turkey, making Constantinople untenable, forcing open the Bosporus, the Dardanelles, and Turkey's western coast, thereby isolating Turkey, which could never fight a three-front war in the Aegean Sea, the Black Sea, and the Caucasus Mountains simultaneously;

6. Eliminating thereby the entire defensive shield of Greece and Turkey on the North, destroying the entire NATO strategic position in the Near East, and opening for Russian imperialism two broad new highways into the Arab world, thereby condemning the State of Israel, cutting off Europe's oil supplies, permanently losing the Suez Canal and pushing the NATO allies back to the other side of Sicily.

7. Surrendering, even more tragically, 100,000,000 people struggling to gain freedom in the lands which ancient Greece, and the Byzantine Empire first civilized and Christianized, to the exploitation of a rapacious imperialism whose methods we have seen in every land they have conquered since WWII.

8. Creating, as a direct consequence, a military and diplomatic disaster of tragic intensity and fantastic proportions, that will imperil freedom, liberty, and democracy in both Greece and the United States for many years, and will destroy the hope for peace in the world for many generations.

We believe that Greece is the key and the crux in this vital center for the fate of our western world, that must be saved at all costs.

Whereas, we sincerely believe these catastrophes will be the various direct, intermediate, and long range consequences of the loss of Greece to NATO and the West, which may very well result from the cut off of U.S. military aid to Greece now and in the future.

Whereas, since our beliefs are based on the certain lessons of history and 3,000 years of bitter Greek experience, we absolutely insist upon the positive protection of Greece and the Near East from communist perils that we know will be as great as ever Greece faced from the past tyrants of Persia, Arabia and Turkenstan.

Now, therefore, be it hereby resolved:

That, we condemn, in the strongest possible terms those persons, of whatever nationality, who for whatever motives, but in the name of democracy, would weaken the ties of friendship, loyalty, and alliance between the United States and Greece;

That, we assume our American fellow citizens from our next door neighbors up to the President of the United States, that the overwhelming majority of our members and co-religionists, and our fellow Americans of Greek descent believe that the best interest of our beloved America lie in the preservation of good relations between these two countries, and the continuance of a strong military alliance between them, irrespective of the passing forms of Government in Greece;

That, we deplore the action taken by the House of Representatives in cutting military aid to Greece for the fiscal year coming;

That, we urge all our respective Congressmen to reconsider the action of the House on August 3rd, 1971, and restore all of the military aid to Greece program unimpaired;

That, we call upon the Senate of the United States, if this cut is not restored in the House, to reject this portion of the foreign aid bill, to look carefully into this matter and to restore and continue the full military aid program to Greece as presented by the Administration;

That, in the unfortunate event that the Congress of the United States, should succumb to specious, inaccurate, irrelevant, confusing, and downright misleading propaganda of the enemies of the present Greek Government and perhaps of the western world, and not restore this military aid to Greece, we, the recognized spokesman of 2,000,000 Americans of Greek descent in the United States, hereby petition and request the President of the United States, by virtue of the powers vested in him, and as authorized by law, to find that restoration of military aid to Greece is in the "overriding national interest" of our country and to restore the same forthwith.

That, to these ends, we hereby pledge ourselves, our Fraternity and our entire Greek American community throughout the United States to work in every possible proper way to bring about this result, and we recommend to every member his immediate and personal contact by visit, letter, telephone, or telegram with his Congressman and Senator, and the Office of the President in support of these resolutions as an expression of our solidarity of resolve and purpose.

That, copies of the Resolution be made available to all the delegates and chapters and transmitted to all interested governmental personalities and authorities and disseminated to all press, radio, television and other media of public information, and that the incoming Supreme Lodge is hereby mandated arrangements for appearances before the appropriate Congressional Committees and the Office of the President to present these resolutions and other relevant testimony and to demand the immediate restoration and continuation of all military aid to Greece.

With conviction in the Justice of our Cause and to protect and defend the United States of America, God willing, we can do no less and must do no other.

Passed unanimously is a plenary session of the Convention on Friday August 20, 1971 in the City of Los Angeles, California.

Witnesses:

DENNIS J. LIVADAS,
Chairman, Convention Resolutions Committee Attorney and Counselor at Law.

Attest:

STEPHEN J. SCOPAS,
Chairman, 49th Supreme Convention.

EDITORIAL BY HENRY J. TAYLOR

In my Athens interview with Greek Premier George Papadopoulos it was clear that he and his pro-U.S.A., pro-NATO, pro-free world, anti-Communist government were unprepared for the Congressional action cutting off military aid to Greece unless President Nixon declares it required for American national security.

Why pick on Greece? It is utterly insane to reward our enemies and harm our friends. To the joy, amazement and profit of aggressors everywhere, that's the kind of dangerous stupidity that has left our country isolated in one vital area of the world after another.

Greece is a strategic imperative in the Mediterranean, and now more than ever. This NATO partner of ours is flanked by two NATO countries now showing increased instability and demoralization—Italy and Turkey. All strategy begins with the map, and the Kremlin has had its program mapped out for a long time. Now they are just following the map.

Except for Turkey, Israel, Tunisia and Morocco, the entire southern rim of the Mediterranean is already hostile to us. Even historic Malta from which I reported recently, 58 miles south of Sicily and athwart the narrow bottleneck channel along the African coast, a key British bastion for 150 years, is now taking anti-NOTA measures under new Prime Minister Dom Mintoff. A Soviet sympathetic Malta would mean that U.S.S.R. could drop the boom at the absolute crossroad of the Mediterranean at any time.

Meanwhile, behind the scenes, Algerian President Houari Boumedienne's Red Junta has offered the Soviet the use of the former immense French Mers-el-Kebir naval and air base near Algiers. This estalishes the U.S.S.R. within 260 miles of Gibraltar Strait.

Now consider the eastern Mediterranean, where Greece stands alone. Our 6th Fleet can no longer go to neighboring Turkey, long a solid anchor of NATO, without provoking street riots, protest bombings and crippling internal strikes. This is a complete reversal of our defense capability. In fact, Greece is the only country in the entire eastern Mediterranean where our 6th Fleet can congenially call.

Yet how can Congress not know that Greece itself is ripe for the plucking? It is the only Balkan nation now not behind the Iron Curtain. Every mile of Greece's 300 mile northern frontier borders on a Communist country: Albania, Yugoslavia, Bulgaria. Greece dangles under them like a plum.

The alternative to today's Greek Government against which the Congressional vote is so recklessly aimed could well be a Red government or chaos in Greece fully as dangerous to us as the instability in neighboring Turkey. This is not even a risk. It is all but a certainty.

Greece's absolutely essential strategic importance and the undeniable need for our aid was officially stated to Congress by U.S. Gen. Andrew Goodpaster, NATO's Supreme Commander, no less. Does his responsible documented appeal mean nothing to Congress? The American interest should have been Congress' concern. Greece's government does not serve the Soviet plans. It fully supports our foreign policies as a whole. We need an ally, not an enemy in Greece.

"The relation of the Greek government to U.S. security is the basis on which aid to Greece can be judged," said Gen. Goodpaster.

If Congress, in delivering its stop-the-aid vote, cannot see through Moscow's systematized desire to discredit today's stable government in Greece, or any stable government there, and the enormous campaign to do so, is Congress deaf, dumb and blind? No, I think Congress' shoddy, dangerous performance is something else.

By double-talk in the New York Times and other media we are constantly told to betray our friends and reward our enemies. This approach is not a foreign policy; it is a catastrophe. And the heat is on Greece. Not Tito, not the Red juntas in Algeria, Libya, Syria, etc., not Red China or the Soviet Union itself, you notice.

Accordingly, this Congressional action is another example of how Congress repeatedly takes the easy, "popular" side of an issue, tosses it into the lap of the President along with the power to overrule it and then sits back without any responsibility for the consequences of that Congressional action.

Greece is merely a pawn in this shameful Congressional cowardice.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Petroleum consumption per capita in the United States is 11 times that of the U.S.S.R. and electrical consumption per capita is four times as great.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Cederberg (at the request of Mr. Gerald R. Ford), for today, on account of the President's personal representative to the Zagreb Grand Fair in Yugoslavia.

Mr. Burke of Florida (at the request of Mr. Gerald R. Ford), for September 13 and 14, on account of official business.

Mr. Andrews of North Dakota (at the request of Mr. Gerald R. Ford), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Frenzel) and to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Wisconsin, for 5 minutes, today.

Mr. Hogan, for 5 minutes, today.

Mr. Mizell, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. James V. Stanton, for 15 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Flowers, for 10 minutes, today.

Mr. Burlison of Missouri, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Lent to include extraneous matter with his remarks made in Committee of the Whole.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter:)

Mr. Ware.

Mr. Baker.

Mr. Talcott.

Mr. Findley.

Mr. Whitehurst.

Mr. Wyatt.

Mr. Nelsen.

Mr. Horton.

Mr. Schmitz in four instances.

Mr. Hammerschmidt.

Mr. Ashbrook.

Mr. Frenzel.

Mr. Fulton of Pennsylvania in 10 instances.

Mr. Wyman in three instances.

Mr. Price of Texas in two instances.

Mr. Mizell in two instances.

Mr. Duncan in two instances.

Mr. Pettis.

Mr. Bob Wilson in two instances.

Mr. Brotzman.

Mr. Kemp in two instances.

Mr. King in five instances.

Mr. Scherle in 10 instances.

Mr. Gerald R. Ford.

Mr. Coughlin.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks:)

Mr. Mollohan in five instances.

Mr. Byron in 10 instances.

Mr. Gibbons in two instances.

Mr. Harrington in two instances.

Mr. Pucinski in six instances.

Mr. Flowers in five instances.

Mr. Rosenthal in five instances.

Mr. Fauntroy in five instances.

Mr. Eilberg.

Mr. Gonzalez in three instances.

Mr. Dingell in five instances.

Mr. Vanik in two instances.

Mr. James V. Stanton in two instances.

Mr. Rarick in three instances.

Mr. Fulton of Tennessee in three instances.

Mr. Annunzio.

Mr. Andrews of Alabama.

Mr. Rees in three instances.

Mr. Hagan in three instances.

Mr. Rodino in two instances.

Mrs. Hicks of Massachusetts in three instances.

Mr. Ryan in three instances.

Mr. Patten in two instances.

Mr. Hungate.

Mr. Downing in two instances.

Mr. Pickle in two instances.

Mr. Hamilton in six instances.

Mr. Obey in six instances.

Mr. Cotter.

Mr. Rogers in five instances.

Mr. Mazzoli.

Mr. Clark in two instances.

Mr. Jacobs.

Mr. Bennett in two instances.

Mr. Udall in 10 instances.

Mr. Dowdy in two instances.

Mr. Moorhead in two instances.

Mr. Waldie in four instances.

Mr. Hicks of Washington in three instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.) under its previous order, the House adjourned until Monday, September 13, 1971, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

1131. Under clause 2 of rule XXIV, a letter from the Assistant Secretary, Export-Import Bank of the United States, transmitting a report of the activities of the Bank under the export expansion facility program during the quarter ended June 30, 1971, pursuant to Public Law 90-390, was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 8817. A bill to further cooperative forestry programs administered by the Secretary of Agriculture, and for other purposes; with an amendment (Rept. No. 92-472). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 10558. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 10559. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. BROTZMAN:

H.R. 10560. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. DAVIS of Wisconsin:

H.R. 10561. A bill to provide that memorial markers be furnished to commemorate members and former members of the Armed Forces whose bodies were donated to science; to the Committee on Armed Services.

By Mr. DOWNING:

H.R. 10562. A bill to amend the depository library program (44 U.S.C. 1901–14); to the Committee on House Administration.

By Mr. HECHLER of West Virginia:

H.R. 10563. A bill Newsmen's Privilege Act of 1971; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10564. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

H.R. 10565. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mrs. HICKS of Massachusetts:

H.R. 10566. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 10567. A bill to authorize the Secretary of the Interior to establish the Gardiners Island National Monument in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 10568. A bill to provide for the appointment of an additional U.S. district judge; to the Committee on the Judiciary.

By Mr. PRYOR of Arkansas:

H.R. 10569. A bill to protect ocean mammals from being pursued, harassed, or killed; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RYAN:

H.R. 10570. A bill making a supplemental appropriation to carry out the Lead-Based Paint Poisoning Prevention Act for the fiscal year 1972; to the Committee on Appropriations.

By Mr. WYMAN:

H.R. 10571. A bill to amend the act of January 12, 1895, to provide for the distinctive printing in the Congressional Record of remarks actually spoken during proceedings and debates on the floor of the House of Representatives; to the Committee on House Administration.

By Mr. ASHLEY:

H.R. 10572. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 10573. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance; to the Committee on the District of Columbia.

H.R. 10574. A bill to amend the act entitled "An act to require certain safety devices on household refrigerators shipped in interstate commerce," approved August 2, 1956; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE:

H.R. 10575. A bill to amend section 2401 of title 28, United States Code, to extend the time for presenting tort claims accruing to persons under legal disability; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 10576. A bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. GARMATZ (for himself, Mr. Clark, Mr. Pelly, Mr. Dingell, Mr. Mailliard, Mr. Downing, Mr. Grover, Mr. Karth, Mr. Steele, Mr. Leggett, Mr. Forsythe, Mr. de la Garza, Mr. Kyros, Mr. James V. Stanton, Mr. Mosher, Mr. Mills of Maryland, Mr. Rogers, Mr. Goodling, Mr. Jones of North Carolina, Mr. Byrne of Pennsylvania, Mr. Griffin, Mr. McCloskey, Mr. Murphy of New York, Mr. du Pont, and Mr. Lennon):

H.R. 10577. A bill to authorize the foreign sale of certain passenger vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. KOCH (for himself and Mr. Begich):

H.R. 10578. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 10579. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HAGAN:

H.R. 10580. A bill to authorize the United States to transfer the vessel N.S. *Savannah* to the city of Savannah, Ga., for the purpose of preserving and establishing such vessel in its home port for all generations, as a monument to the American merchant marine and its pioneering use of atomic energy for peaceful purposes; to the Committee on Government Operations.

By Mr. RYAN:

H.R. 10581. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement, or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

H.R. 10582. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SYMINGTON (for himself, Mr. Sisk, and Mr. Fauntroy):

H.R. 10583. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 10584. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. ABBITT:

H.J. Res. 855. Joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools; to the Committee on the Judiciary.

By Mr. ANDREWS of Alabama:

H.J. Res. 856. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.J. Res. 857. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

By Mr. CLARK:

H.J. Res. 858. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. MIZELL (for himself, Mr. Abbitt, Mr. Bevill, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Burlison of Missouri, Mr. Casey of Texas, Mr. Dorn, Mr. Dowdy, Mr. Duncan, Mr. Edwards of Alabama, Mr. Flowers, Mr. Frey, Mr. Griffin, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Landrum, Mr. Mazzoli, Mr. Mills of Arkansas, Mr. Perkins, Mr. Robinson of Virginia, Mr. Spence, Mr. Taylor, and Mr. Thompson of New Jersey):

H.J. Res. 859. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.J. Res. 860. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. ABBITT:

H. Res. 588. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 589. Resolution expressing the sense of the House of Representatives in the case of northern Ireland; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself and Mr. Harrington):

H. Res. 590. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 10585. A bill for the relief of Christina Diamantina Silva Fonseca; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10586. A bill for the relief of Antonio Sammartino; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 10587. A bill for the relief of Vincenzo Gaglioto; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 10588. A bill for the relief of Rev. Joe H. West; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 10589. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the second calendar quarter 1971:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Frederick K. Alderson, 1900 L Street NW., Washington, D.C.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

A. The American Physicists Association, Box 19343, Washington, D.C.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C.

B. Gas Supply Committee, 1725 De Sales Street NW., Washington, D.C.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C.

B. Independent Terminal Operators Association, 1523 L Street, NW., Washington, D.C.

A. E. Markham Bench, 136 East South Temple Street, Salt Lake City, Utah.

B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.

A. Thomas P. Bennett, Director, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. George Bronz, 888 17th Street NW., Washington, D.C.

A. Robert J. Bird, 1140 Connecticut Avenue, Washington, D.C.

B. Laurel Hill Cemetery Association, Clayton, Mo.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C.

B. Occidental Life Insurance Co., 12th Street at Hill, Los Angeles, Calif.

A. Bonneville International Corp., 136 East South Temple St., Salt Lake City, Utah.

A. George E. Bradley, 1341 G Street NW., Washington, D.C.

A. George Bronz, 888 17th Street NW., Washington, D.C.

A. R. A Burton, 110 Maryland Avenue NE., Washington, D.C.

B. Citizens to Change U.S. China Policy, 110 Maryland Avenue NE., Washington, D.C.

A. Jack E. Buttram, 905 16th Street NW., Washington, D.C

B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

A. Nancy C. Callaghan, 815 15th Street NW., Washington, D.C.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y.

A. Chapman, Duff and Lenzini, 932 Pennsylvania Building, Washington, D.C.

B. The Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C.

A. Citizens to Change U.S. China Policy, 110 Maryland Avenue NE., Washington, D.C.

A Richard W. Clark, 2100 M Street NW., Washington, D.C.

B. Common Cause: 2100 M Street NW., Washington, D.C.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Consulting Engineers Council/U.S. 1155 15th Street NW., Washington, D.C.

A. Harold D. Cooley, 2300 Calvert Street NW., Washington, D.C.

B. Republic of Thailand, Ambassador of Thailand, 2300 Kalorama Road NW., Washington, D.C.

A. Harold D. Cooley, 2300 Calvert Street NW., Washington, D.C.

B. Republic of Liberia, Ambassador of Liberia, 5201 Sixteenth Street NW., Washington, D.C.

A. Lloyd Cooney, 136 East South Temple Street, Salt Lake City, Utah.

B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.

A. J. A. Crowder, 1015 18th Street NW., Washington, D.C.

B. American Textile Manufacturers Institute, Inc., 1150 17th Street NW., Washington, D.C.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Phil Dean Associates, Inc., 271 North Avenue, New Rochelle, N.Y.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

A. Claude J. Desautels Associates, 1725 K Street NW., Washington, D.C.

B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska.

A. Claude J. Desautels, RCA Building, 1725 K Street NW., Washington, D.C.

B. Merger Committee, National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C., and Merger Committee, American Basketball Association, c/o H. Wendell Cherry, 601 Portland Federal Building, 200 West Broadway, Louisville, Ky.

A. Joseph E. Dillon, O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Toro Manufacturing Corp., 8111 Lyndale Avenue, South Minneapolis, Minn.

A. Harry J. Doyle, American Optometric Association, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn.

A. Jaye R. Ediger, 1315 16th Street NW., Washington, D.C.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.

A. Roy Elson, 1771 N Street NW., Washington, D.C.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.

A. Ward Fickie, 135 North Meramec, Clayton, Mo.

B. Laurel Hill Cemetery Association, 135 North Meramec, Clayton, Mo.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. Florida Citrus Mutual, Lakeland, Fla.

A. Florida Citrus Production Managers Association.

A. James A. Gavin.

B. National Federation of Independent Business, 921 Washington Building, 15th Street & New York Avenue NW., Washington, D.C.

A. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

A. R. William Habel, 1771 N Street, Washington, D.C.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

A. Glenn R. Health, Post Office Box No. 471, Balboa Heights, C.Z.

B. Canal Zone Central Labor Union and Metal Trades Council, Post Office Box No. 471, Balboa Heights, C.Z.

A. James D. Hittle, 815 15th Street NW., Washington, D.C.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y.

A. Thomas P. Holley, 1835 K Street NW., Washington, D.C.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Intermediate Harvesters and Handlers Association, Inc., Haines City, Fla.

A. International Union Council, 1201 East Court Avenue, Des Moines, Iowa.

A. Elmer E. Jones, Jr., 1725 DeSales Street NW., Washington, D.C.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.

A. Carl D. Jordan, 408 East Maple Street, Fremont, Mich.

B. Gerber Products Co., 445 State Street, Fremont, Mich.

A. James N. Juliana Associates, Inc., 1812 K Street NW., Washington, D.C.

B. Government of the Dominican Republic, Santo Domingo, Dominican Republic.

A. Frank M. Karsten, 810 18th Street NW., Washington, D.C.

B. Affiliated Government Organizations, Brooklyn, N.Y.

A. George J. Kelley, 1700 Pennsylvania Avenue, NW., Washington, D.C.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill.

A. Francis A. Kelly, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue N.W., Washington, D.C.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.

A. Ira S. Loss, 1025 Connecticut Avenue NW., Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. George A. Lucas, Brotherhood of Railway, Airline & Steamship Clerks, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

A. Arch L. Madsen, 136 East South Temple Street, Salt Lake City, Utah.

B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah

A. Mrs. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill.

A. Darrell V. McGraw, Jr., Sheperdstown, W. Va.

B. Community Action Strategy Team, 666 11st Street, Washington, D.C.

A. George L. Murphy, 905 16th Street NW., Washington, D.C.

B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

A. National Association of Federal Credit Unions, 1156 15th Street NW., Washington, D.C.

A. National Conference of Catholic Charities, 1346 Connecticut Avenue NW., Washington, D.C.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. National Convocation of Lawyers to End the War, 1812 N Street NW., Washington, D.C.

A National Council for an Indochina Deadline, 201 Massachusetts Avenue NE., Washington, D.C.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. John F. O'Neal, 1819 H Street NW., Washington, D.C.

B. W. R. Grace & Co., 3 Hanover Square, New York, N.Y.

A. John F. O'Neal, 1819 H Street NW., Washington, D.C.

B. National Air Tankers Association, 1819 H Street NW., Washington, D.C.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. New Process Co., Warren, Pa.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.

B. Reader's Digest Association, Inc., Pleasantville, N.Y.

A. Mrs. Lynn Pearle, 10201 Grosvenor Place, Rockville, Md.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C.

A. J. Hardin Peterson, Sr., Post Office Drawer BS, Lakeland, Fla.

B. Florida Citrus Mutual, Lakeland, Fla.; Intermediate Harvesters and Handlers Association, Inc., Haines City, Fla.; Florida Citrus Production Managers Association, Waverly, Fla.

A. J. Hardin Peterson, Sr., Post Office Drawer BS, Lakeland, Fla.

B. Florida Fruit & Vegetable Association, P.O. Box 20155, Orlando, Fla.

A. Anthony T. Podesta, 4932 North Kentucky, Chicago, Ill.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Dr. S. J. Poray-Tucholski, 2626 41st Street NW., Washington, D.C.

A. Presidential Heritage Clubs, Inc., 303 West 42d Street, New York, N.Y.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. Island Equipment Co., 3300 Yeon Avenue NW., Portland, Oreg.

A. Oakley M. Ray, 1725 K Street NW., Washington, D.C.

B. American Feed Manufacturers Association, 53 West Jackson Boulevard, Chicago, Ill.

A. Rosalie Riechman, WILPF, 120 Maryland Avenue NE., Washington, D.C.

B. Women's International League for Peace and Freedom, 1 North 13th Street Philadelphia, Pa.

A. Earl F. Rieger, 1346 Connecticut Avenue NW., Washington, D.C.

B. National Conference of Catholic Charities, 1346 Connecticut Avenue NW., Washington, D.C.

A. R. Dan Ritchie, 10315 Duvawn Place, Silver Spring, Md.

A. Ella Marice Ryan, 1555 Connecticut Avenue NW., Washington, D.C.

B. J. C. Penney Co., 1301 Avenue of the Americas, New York, N.Y.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

A. Harvey A. Shipman, 2000 L Street NW., Washington, D.C.

B. Penn Central Transportation Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. A. Z. Shows, 806 15th Street NW., Washington, D.C.

A. Walter A. Slowinski, 815 Connecticut Avenue NW., Washington, D.C.

B. Confectionery Association of Canada, 44 King Street West, Toronto, Ontario, Canada.

A. Stephan K. Small, 425 13th Street NW., Washington, D.C.

B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.

A. Larry N. Spiller, 1155 15th Street NW., Washington, D.C.

B. Consulting Engineers Council/United States, 1155 15th Street NW., Washington, D.C.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Mallinckrodt Chemical Works, Post Office Box 5439, St. Louis, Mo.; Merck & Co., Inc., Rahway, N.J.; S. B. Penick Division, CPC International, International Plaza, Englewood Cliffs, N.J.; Burroughs Wellcome Co. Research, Triangle Park, N.C.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.

B. Texaco Inc., 135 East 42d Street, New York, N.Y.

A. Roger H. Sullivan.

B. Amstar Corporation, 120 Wall Street, New York, N.Y.

A. Sutton & O'Rourke, 1108 16th Street NW., Washington, D.C.

B. Union Nacional De Productores De Azucar, S.A. de C V. (UNPASA) Balderas 36, Mexico, D.F., Mexico.

A. Charles Henry Taylor, 6046 Carlsbad Avenue, Las Vegas, Nev.

A. Mrs. Christine Topping, 201 Massachusetts Avenue NE., Washington, D.C.

B. National Council for an Indochina Deadline, 201 Massachusetts Avenue NE., Washington, D.C.

A. David E. Ushio, 2021 L Street NW., Washington, D.C.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.

B. United Air Lines, Post Office Box 66100, Chicago, Ill.

A Bruce E. Vogelsinger, 1155 15th Street NW., Washington, D.C.

B. Consulting Engineers Council/United States, 1155 15th Street NW., Washington, D.C.

A. Herman Webb, 400 First Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, 330 South Wells Street, Chicago, Ill.

A Bernard J. Welch, 815 15th Street NW., Washington, D.C.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Lee C. White, 1156 15th Street NW., Washington, D.C.

B. American Natural Gas Co., 1 Woodward Avenue, Detroit, Mich.

A. Robert E. Wick, 815 15th Street NW., Washington, D.C.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.

B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C.

B. C. Brewer & Co., Ltd., Fort and Queen Streets, Honolulu, Hawaii.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. American Airlines, Inc., 633 Third Avenue, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.

B. Columbia Broadcasting System, Inc., 51 West 52d Street, New York, N.Y.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Merger Committee, National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C.; Merger Committee American Basketball Association, c/o H. Wendell Cherry, 601 Portland Federal Building, Louisville, Ky.

QUARTERLY REPORTS*

*The alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1971:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Thaddeus A. Adams III, Realtors' Washington Committee of the National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill., and 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,833. E. (9) $43.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.

D. (6) $500.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C.

D. (6) $9,676.05 E. (9) $9,676.05.

A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $125.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $9,435.80. E. (9) $5,343.46.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

A. Air Traffic Control Association, Inc., ARBA Building, 525 School Street SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $5,770.89. E. (9) $5,770.89.

A. George Alderson, 620 C Street SE., Washington, D.C.

B. Friends of the Earth, 620 C Street SE., Washington, D.C.

D. (6) $3,000. E. (9) $3,000.

A. John R. Ale, 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $321. E. (9) $50.48.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,500.

A. Dr. Donna Allen, 3306 Ross Place NW., Washington, D.C.

B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.

D. (6) $1,040. E. (9) $1,510.77.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $329.15. E. (9) $33.75.

A. Nicholas E. Allen and Merrill Armour, 444 Shoreham Building, Washington, D.C.

B. Music Operators of America, Inc., 228 North La Salle Street, Chicago, Ill.

D. (6) $1,912.50. E. (9) $162.33.

A. All-Industry Committee For Radio All-Channel Legislation, 1225 Connecticut Avenue NW., Washington, D.C.

E. (9) $46.40.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5029 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.

E. (9) $9,462.55.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.

D. (6) $5,448.51. E. (9) $5,448.51.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.

D. (6) $3,851.60. E. (9) $3,851.60.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

D. (6) $100. E. (9) $100.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $5,442.21. E. (9) $5,442.21.

A. American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

D. (6) $39,316.18. E. (9) $39,316.18.

A. American Federation of Labor, 815 16th Street NW., Washington, D.C.

E. (9) $49,890.44.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.

D. (6) $86,488.90. E. (9) $1,874.79.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.

D. (6) $2,601.41 E. (9) $3,215.99.

A. American Humane Association, 5351 Roslyn Street, Post Office Box 1266, Englewood, Colo.

E. (9) $1,500.

A. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.

D. (6) $2,150. E. (9) $2,150.

A. American Insurance Association, 85 John Street, New York, N.Y.

D. (6) $16,452.88. E. (9) $16,452.88.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.

D. (6) $7,609.67. E. (9) $10,212.32.

A. American Justice Association, Inc., Defense Highway, Gambrills, Md.

D. (6) $2. E. (9) $2.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

E. (9) $3,214.63.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

E. (9) $30,963.90.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.

E. (9) $1,330.82.

A. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

D. (6) $1,731.01. E. (9) $2,643.93.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

D. (6) $17,722. E. (9) $9,436.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

E. (9) $4,101.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,496.35. E. (9) $1,496.35.

A. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill.

D. (6) $5,686.47. E. (9) $3,031.

A. American Surveys, 2000 P Street NW., Washington, D.C.

B. National Customs Brokers & Forwarders Association of America, Inc., 80 Wall Street, New York, N.Y.

D. (6) $500. E. (9) $88.56.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.

D. (6) $104.31.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $14,017.04. E. (9) $14,017.04.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

E. (9) $18,709.63.

A. American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.

E. (9) $775.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.

D. (6) $3,849.84. E. (9) $4,100.34.

A. Edward T. Anderson, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

D. (6) $4,500. E. (9) $377.21.

A. John Anderson, 4111 Franconia Road, Alexandria, Va.

B. Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C.

A. Walter M. Anderson, Jr., Alabama Railroad Association, Montgomery, Ala.

B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

D. (6) $144. E. (9) $309.88.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $2,063. E. (9) $59.70.

A. George W. Apperson, 100 Indiana Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, National Capial Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C.

B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

D. (6) $1,820. E. (9) $114.44.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Insurance & Securities, Inc., 100 California Street, San Francisco, Calif.

E. (9) $6.60.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.

E. (9) $600.

A. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C.

D. (6) $300. E. (9) $300.

A. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Association of American Railroads, 1920 L Street NW., Washington, D.C.

D. (6) $4,273.64. E. (9) $4,273.64.

A. Association of Civilian Technicians, Inc., 916 College Parkway, Rockville, Md.

D. (6) $2,500. E. (9) $1,910.58.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.

D. (6) $4,033.33. E. (9) $1,251.04.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.

E. (9) $385.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.

E. (9) $1,000.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.

D. (6) $2,505. E. (9) $1,159.90.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.

E. (9) $300.

A. William S. Aud, 200 Maryland Avenue, NE., Washington, D.C.

B. Veterans of Foreign Wars of the U.S.

D. (6) $3,500. E. (9) $68.90.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. Richard W. Averill, 1026 17th Street NW., Washington, D.C.

B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn.

D. (6) $800. E. (9) $301.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.

D. (6) $40. E. (9) $14.10.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.

B. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.

D. (6) $5,475. E. (9) $885.73.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Col. Tom Barksdale, Jr., USAF retired, 1801 K Street NW., Washington, D.C.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

D. (6) $2,042.00. E. (9) $306.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Clearly, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. (On behalf of Colonial Sugar Refining Co., Ltd.)

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. (For Interbank Card Association.)

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $159.25.

A. Vincent Gerrard Barnett, 919 18th Street NW., Washington, D.C.

B. Committee of European Shipowners, 30–32 St. Mary Axe, London, EC3A 8ET, England.

D. (6) $7,500. E. (9) $5,595.83.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C.

B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.

D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg.

B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg.

D. (6) $1,200. E. (9) $662.59.

A. Weldon Barton.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $3,661.50. E. (9) $101.14.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C.

B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.

D. (6) $6,250.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C.

A. A. David Baumhart, P.O. Box 553, Lorain, Ohio.

B. Green Olive Trade Association, 82 Beaver Street, New York, N.Y.

D. (6) $75. E. (9) $17.70.

A. Mrs. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.

B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.

D. (6) $1,125. E. (9) $1,765.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

D. (6) $4,374.99. E. (9) $77.33.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $2,127.71. E. (9) $684.90.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $2,884.60. E. (9) $774.96.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

D. (6) $1,187.50. E. (9) $99.68.

A. Thomas P. Bennett, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $2,500.

A. Reed A. Benson, 1028 Connecticut Avenue NW., Washington, D.C.

B. The John Birch Society, 395 Concord Avenue, Belmont, Mass.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. The Austrian Trade Delegate in the United States, 845 Third Avenue, New York, N.Y.

D. (6) $3,150. E. (9) $100.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. George Bronz, 888 17th Street NW., Washington, D.C.

E. (9) $46.78.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.

D. (6) $1,250. E. (9) $227.76.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $300. E. (9) $80.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,955. E. (9) $348.75.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Brent Francis Blackwelder, 917 15th Street, Washington, D.C.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Wm. Rhea Blake, Post Office Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. William Blum, Jr., 704 Federal Bar Building, 1815 H Street NW., Washington, D.C.

B. Committee for the Study of Revenue Bond Financing, c/o William A. Geoghegan, Esq., 1000 Ring Building, Washington, D.C.

D. (6) $833.33. E. (9) $303.56.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.

D. (6) $6,875.

A. Eugene F. Bogan, Esq., 1000 16th Street N.W., Washington, D.C.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C.

A. Robert T. Borth, 3427 South Leisure World Boulevard, Silver Spring, Md.

B. General Electric Co., 777 14th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $162.50.

A. G. Stewart Boswell, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $385.42. E. (9) $46.32.

A. Charles G. Botsford, 1730 M Street NW., Washington, D.C.

A. Albert D. Bourland, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $1,104.17.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,248.13. E. (9) $587.01.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Sheraton Gibson Hotel, Cincinnati, Ohio.
B. National Coordinating Committee of the Beverage Industry.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.
B. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.
E. (9) $450.66.

A. Parke C. Brinkley, The Madison Building, 1155 15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $175. E. (9) $4.

A. Wally Briscoe.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.
D. (6) $350.

A. Michael D. Bromberg, 1101 17th Street NW., Washington, D.C.
B. Federation of American Hospitals, 1101 17th Street NW., Washington, D.C.
D. (6) $3,000.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. George Bronz, 888 17th Street NW., Washington, D.C.
E. (9) $142.14.

A. William J. Brooks, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $300.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.
B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.
B. Ebasco Industries, 345 Park Avenue, New York, N.Y.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.
B. General Public Utilities Corp., 80 Pine Street, New York, N.Y.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C.
B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg.
E. (9) $6.35.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.
B. Council of Housing Producers, 1801 Avenue of the Stars, Los Angeles, Calif.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. George S. Buck, Jr., Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $450. E. (9) $126.74.

A. Buffalo City Cemetery, 1411 Delaware Avenue, Buffalo, N.Y.
E. (9) $4,100.

A. Bulgarian Claims Committee, c/o Mr. Chaco Chace, 109-20 71 Road, Forest Hills, N.Y.
D. (6) $250. E. (9) $134.21.

A. Richard L. Bullock, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $300.

A. George J. Burger, 250 West 57th Street, New York, N.Y.
B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C.
B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C.
D. (6) $4,249.99. E. (9) $2,184.22.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.
D. (6) $16,628.79. E. (9) $899.17.

A. George Burnham, IV, 1625 K Street NW., Washington, D.C.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa.
D. (6) $169. E. (9) $233.

A. David Burpee, Fordhook Farms, Doylestown, Pa.
E. (9) $118.21.
A. George Bursach, National Press Building, Washington, D.C.
B. American Society of Bank Directors, National Press Building, Washington, D.C.

A. Burwell, Hansen & McCandless, 700 Federal Bar Building West, Washington, D.C.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.
D. (6) $5,970. E. (9) $413.65.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.
B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.
D. (6) $210. E. (9) $410.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $5,400. E. (9) $504.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $1,100.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Carl C. Campbell, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $145.38.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.
E. (9) $239.22.

A. Marvin Caplan.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,463.50. E. (9) $136.90.

A. Ronald A. Capone et al., Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30-32 St. Mary Axe, London, E.C. 3, England.
D. (6) $6,708.85. E. (9) $328.34.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax, Va.
B. National Audiovisual Association, 3150 Spring Street, Fairfax, Va.
D. (6) $1,346.

A. Philip Carlip, 650 Fourth Avenue, Brooklyn, N.Y.
B. Marine Engineers Beneficial Association, District 2, 650 Fourth Avenue, Brooklyn, N.Y.
D. (6) $1,000.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y.
B. Seafarers International Union, 675 Fourth Avenue, Brooklyn, N.Y.
D. (6) $2,500. E. (9) $2,089.59.

Carolinas Association of Mutual Insurance Agents, 501 Raleigh Building, Raleigh, N.C.
E. (9) $115.

A. Carpet and Rug Institute, Post Office Box 2048, Dalton, Ga.
E. (9) $807.
A. Braxton B. Carr, 1250 Connecticut Avenue, Washington, D.C.
B. American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,666.67. E. (9) $183.17.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.
B. Work Glove Manufacturers Association, 1717 Howard Street, Evanston, Ill.
D. (6) $843.75.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $1,875.

A. Blue Allan Carstenson.
B. Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. David C. Carter, 1156 15th Street NW., Washington, D.C.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
D. (6) $14,000. E. (9) $8,902.07.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $52.65.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C.
B. Swaziland Sugar Association, Post Office Box 445, Mbabane, Swaziland.
D. (6) $5,000. E. (9) $1,729.57.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C.
D. (6) $4,000. E. (9) $1,273.01.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C.
D. (6) $2,145. E. (9) $566.87.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish, and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill.

A. James W. Chapman, 1625 I Street NW., Washington, D.C.
B. Retired Officers Asociation, 1625 I Street NW., Wahington, D.C.
D. (6) $2,077.

A. William C. Chapman, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,543.75.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. A. H. Chesser, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $250.

A. Edwin Christianson.
B. The Farmers' Educational and Co-Operative Union of America, Post Office Box 2251, Denver, Colo.

A. Lowell T. Christison, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $105.10. E. (9) $45.90.

A. Albert T. Church, Jr., 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $50. E. (9) $2.98.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $28,545.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $39.59.

A. Richard W. Clark, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,062.48. E. (9) $244.90.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clay Pipe Industry Depletion Committee, Post Office Box 13125, Kansas City, Mo.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $562.90. E. (9) $562.90.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp., Chemplex Co., Copolymer Rubber & Chemical Corp., Dart Industries, Inc., E. I. du Pont de Nemours & Co., et al.
D. (6) $230.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, 110 East 59th Street, New York, N.Y.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Sugar Refining Co., Ltd., 1–7 O'Connell Street, Sydney, Australia.
D. (6) $1,500. E. (9) $309.78.

A. William T. Cleary, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW. Washington, D.C.
B. Brown & Williamson Tobacco Corp., Louisville, Ky.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Liggett & Myers, Inc., 630 Fifth Avenue, New York, N.Y.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Lorillard, Division of Loews Corp., 200 East 42d Street, New York, N.Y.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Philip Morris, Inc., 100 Park Avenue, New York, N.Y.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.
E. (9) $52.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
D. (6) $555. E. (9) $112.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. CNA Insurance, 310 South Michigan Avenue, Chicago, Ill.

A. Jeffrey Cohelan, 1717 Massachusetts Avenue NW., Washington, D.C.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $1,000.

A. David Cohen, 2100 M Street NW., Washington, D.C.
B. Council for Community Action, 2100 M Street NW., Washington, D.C.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee of American Tanker Owners, Inc., 1 Chase Manhattan Plaza, New York, N.Y.

A. William J. Colihan, Jr., 1000 Connecticut Avenue NW., Washington, D.C.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y.
D. (6) $1,250. E. (9) $600.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,248.13. E. (6) $758.28.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C.
B. Tool and Stainless Steel Industry Committee, c/o Carpenter Technology Corp., Reading, Pa.
D. (6) $1,250. E. (9 $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I.
B. Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $600. E. (9) $1,420.

A. Committee for Automobile Excise Tax Repeal, Farragut Building, 900 17th Street NW., Washington, D.C.
E. (9) $211.07.

A. Committee for Broadening Commercial Bank Participation in Public Financing, c/o Langdon P. Cook, 23 Wall Street, New York, N.Y.
D. (6) $4,450.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $12,000. E. (9) $7,974.65.

A. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,014,314.02. E. (9) $369,130.24.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $154.17.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. American Academy of Actuaries, 208 South La Salle Street, Chicago, Ill.
D. (6) $900. E. (9) $154.70.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y.
D. (6) $1,500. E. (9) $200.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y.
D. (6) $100. E. (9) $63.50.

A. James T. Conner, The Madison Building, 1155 15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $144. E. (9) $115.

A. John A. Connor, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $2,500.

A. Jack T. Conway, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $2,250.

A. Cook & Franke S.C., 660 East Mason Street, Milwaukee, Wis.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,248.13. E. (9) $792.40.

A. Miss Eileen D. Cooke, 110 Maryland Avenue NE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $99.36.

A. J. Milton Cooper, 1000 Vermont Avenue NW., Washington, D.C.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H.
D. (6) $3,750. E. (9) $1,554.60.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Converse Rubber Co., Malden, Mass.
E. (9) $337.34.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, B.C., Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $6,000. E. (9) $14.50.

A. Darrell Coover, 1625 I Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $309.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Committee for Broadening Commercial Bank Participation in Public Financing, c/o Langdon Cook, 23 Wall Street, New York, N.Y.

A. James T. Corcoran, 1025 Connecticut Avenue NW., Washington, D.C.
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $825. E. (9) $75.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $100.

A. Council for Community Action, 2100 M Street NW., Washington, D.C.
D. (6) $9,350. E. (9) $10,681.13.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $969.58. E. (9) $969.58.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 Sixteenth Street, NW., Washington, D.C.
B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Glaverbel (USA) Inc., 75 Plandome Road, Manhasset, N.Y.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. The National Collegiate Athletic Association (NCAA), Midland Building, Kansas City, Mo.
E. (9) $41.50.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $2,125. E. (9) $337.

A. Jay Creswell, The Universal Exchange, 802 South Summerlin Avenue, Orlando, Fla.
E. (9) $196.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, 1015 18th Street NW., Washington, D.C.
B. National Association of Wool Manufacturers, 1015 18th Street NW., Washington, D.C.
D. (6) $1,500.

A. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

A. John T. Curran, 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $6,999.99. E. (9) $2,496.49.

A. F. Gibson Darrison, Jr., 2000 L Street NW,. Suite 819, Washington, D.C.
B. Penn Central Transportation Co., 6 Penn Center Plaza, Philadelphia, Pa.

A. John C. Datt, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,313. E. (9) $29.30.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,294.50. E. (9) $82.85.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $167.50.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,000. E. (9) $336.92

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.
E. (9) $27.82.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.
E. (9) $27.82.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
E. (9) $229.58.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1178, Colorado Springs, Colo.

A. Charles W. Davis, 1 First National Plaza, No, 5200, Chicago, Ill.
B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill.
E. (9) $27.82.

A. Fred E. Davis, 1133 15th Street NW., Washington, D.C.
B. National Association of Manufacturers.
D. (6) $400. E. (9) $225.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW, Washington, D.C.
D. (6) $17. E. (9) $5.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C
D. (6) $750. E. (9) $711.35.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle First National Bank Building, Seattle, Wash.
B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.
E. (9) $1,629.23.

A Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.
D. (6) $4,000.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C.
B Ford Motor Co., Dearborn, Mich.
D. (6) $630. E. (9) $39.

A. Phil Dean Associates, Inc., 271 North Avenue, New Rochelle, N.Y.
D. (6) $433.33. E. (9) $305.66.

A. Tony T. Dechant.
B. The Farmers' Educational and Co-operative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $3,000. E. (9) $113.57.

A. George P. Delaney, 724 14th Street NW., Washington, D.C.
B. International Longshoremen's Association, AFL–CIO, 17 Battery Place, Suite 1530, New York, N.Y.
D. (6) $5,000.

A. Richard A. Dell, 2000 Florida Avenue, NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue, NW., Washington, D.C.
D. (6) $150.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,232.50. E. (9) $476.11.

A. Max A. Denney, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $900.

A. Claude J. Desautels Associates, 711 RCA Building, 1725 K Street NW., Washington, D.C.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska.
D. (6) $7,000.

A. Claude J. Desautels Associates, 711 RCA Building, 1725 K Street NW., Washington, D.C.
B. American Society of Composers, Authors & Publishers, 575 Madison Avenue, New York, N.Y.
D. (6) $6,000.

A. Claude J. Desautels Associates, 711 RCA Building, 1725 K Street NW., Washington, D.C.
B. American Soybean Association, Hudson, Iowa.
D. (6) $9,000.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,063. E. (9) $59.85.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. George S. Dietrich, 1130 17th Street NW., Washington, D.C.
B. Association for Broadcast-Engineering, Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Joseph E. Dillion et al., 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Toro Manufacturing Corp., 8111 Lyndale Avenue, South Minneapolis, Minn.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,475.01. E. (9) $315.01.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Marysville Dam Committee, Post Office Box 1550, Marysville, Calif.
D. (6) $1,031.25.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.
D. (6) $1,812.85. E. (9) $262.85.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Yolo Port District, Post Office Box 815, West Sacramento, Calif.
D. (6) $1,855.55. E. (9) $85.55.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $31,139.38. E. (9) $31,139.38.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C.
B. International Union of District 50, Allied and Technical Workers of the United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C.
D. (6) $4,884.78.

A. William H. Dodds, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich.
D. (6) $1,277.25. E. (9) $214.71.

A. James F. Doherty, 1717 Massachusetts Avenue NW., Washington, D.C.
B. Group Health Association, of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.
D. (6) $7,875. E. (9) $3,730.29.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $240. E. (9) $285.49.

A. C. L. Dorson, Warner Building, 501 13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 501 13th Street NW., Washington, D.C.
D. (6) $2,540.44. E. (9) $292.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C.
B. Newspaper Committee for Cablevision, Ninth and Edmond Streets, St. Joseph, Mo.

A. Thomas J. Downey, 701 Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.
D. (6) $225. E. (9) $455.71.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.

A. Harry J. Doyle, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $517.75. E. (9) $425.95.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $3,281.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $80. E. (9) $105.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.
D. (6) $3,445. E. (9) $3,339.50.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y.
D. (6) $1,162.52. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative As-

sociation, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $60.

A. J. D. Durand, 1725 K Street NW., Washington, D.C.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $385.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
D. (6) $218.88. E. (9) $15.30.

A. Eastern Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $104.51. E. (9) $36.43.

A. Hope Eastman, 1424 16th Street NW., Washington, D.C.
B. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.
D. (6) $5,448.51. E. (9) $5,448.51.

A. Macon T. Edwards, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $165. E. (9) $20.84.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C.
B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.
D. (6) $250. E. (9) $77.95.

A. John Doyle Elliott, 5500 Qunicy Street, Hyattsville, Md.
D. (6) $3,493. E. (9) $3,171.54.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Roy Elson, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.
D. (6) $4,200. E. (9) $413.44.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $2,100.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Coachella Valley County Water District, Coachella, Calif.
D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Department of Water and Power of the City of Los Angeles, Calif., 111 North Hoep Street, Los Angeles, Calif.
D. (6) $2,400.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $900.

A. Northcutt Ely, 1200 Tower Building, Washington, D.C.
B. Six Agency Committee, 302 State Building, 217 West First Street, Los Angeles, Calif.
D. (6) $3,000.

A. Richard W. Emory, Esq., 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.
E. (9) $1.40.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.
E. (9) $1,400.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $210.40. E. (9) $9.60.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C.
B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $1,875. E. (9) $165.

A. David G. Erskine, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $500.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $2,575. E. (9) $28.75.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,232.50. E. (9) $287.08.

A. Farmers' Educational and CoOperative Union of America, Post Office Box 2251, Denver, Colo.
D. (6) $93,300.10. E. (9) $26,403.03.

A. Federation of American Hospitals, 1101 17th Street NW., Washington, D.C.
E. (9) $3,000.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Council of Forest Industries of British Columbia, 1500 Guinness Tower, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $8,250.05. E. (9) $178.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Joint Committee of Printing and Publishing Industries of Canada, 117 Eglinton Avenue East, Toronto 12, Canada.
D. (6) $1,499.99. E. (9) $224.24.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $3,739.78.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $12. E. (9) $2.50.

A. Thomas W. Fink, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $862.50. E. (9) $17.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
E. (9) $185.03.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $5,625. E. (9) $29.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,725. E. (9) $19.88.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Florida Citrus Mutual, Lakeland, Fla.
D. (6) $408.02. E. (9) $408.02.

A. Florida Citrus Production Managers Association, c/o C. D. Kime, Jr., Waverly, Fla.
D. (6) $204.01. E. (9) $204.01.

A. Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla.
E. (9) $204.01.

A. Raymond J. Foley, Washington, D.C.
B. National Candy Wholesalers Association, Inc., 1430 K Street NW., Washington, D.C.
E. (9) $10.

A. Gene N. Fondren, 337 National Press Building, Washington, D.C.
B. Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, Mo.
D. (6) $1,025. E. (9) $169.23.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn.
B. Minnesota Railroads Association.
D. (6) $500. E. (9) $382.

A. Forest Farmers Association, Four Executive Park East NE., Atlanta, Ga.
D. (6) $437.54. E. (9) $437.54.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,260. E. (9) $385.81.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $1,396.11. E. (9) $33.60.

A. William C. Foster, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. Alyska Pipeline Service Co., Post Office Box [illegible]76, Bellevue, Wash.
D. (6) $1,462.50. E. (9) $68.

A. William C. Foster, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. Ralston Purina Co., St. Louis, Mo.
D. (6) $360. E. (9) $67.75.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Washington, D.C.
B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C.
D. (6) $75.

A. John G. Fox, 2000 L Street NW., Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $83.33.

A. Walter L. Frankland, Jr., 1625 I Street NW., Washington, D.C.
B. Silver Users Association, 1625 I Street NW., Washington, D.C.

A. R. Frank Frazier, 1155 15th Street NW., Washington, D.C.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C.

D. (6) $500.

A. Robert M. Frederick, 1616 H. Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $ 4,500.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C.

B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,000. E. (9) $33.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

D. (6) $400.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $67,397. E. (9) $15,384.

A. Friends of the Earth, 620 C Street SE., Washington, D.C.

D. (6) $7,000. E. (9) $7,000.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.

D. (6) $500. E. (9) $1,175.04.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $300.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue, Washington, D.C.

B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,200.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.

B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.

D. (6) $1,040. E. (9) $103.28.

A. David C. Fullarton. 2100 M Street NW., Washington, D.C.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C.

D. (6) $940.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C.

B. American Hotel & Motel Association, 888 7th Avenue, New York, N.Y.

D. (6) $252.54. E. (9) $9.03.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $4,875. E. (9) $5.

A. John W. Gardner, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

E. (9) $656.16.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $200. E. (9) $36.65.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va.

A. José A. Gemeil, 1250 Connecticut Avenue NW., Washington, D.C.

B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,000. E. (9) $2,025.

A. Walter Gerson, 1016 20th Street NW., Washington, D.C.

B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.

D. (6) $2,125. E. (9) $425.

A. William T. Gibb, 1701 K Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

D. (6) $88.75. E. (9) $14.93.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.

B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

A. Vance M. Gilmer, 1700 K Street NW., Washington, D.C.

B. Shell Oil Co., 1 Shell Plaza, Houston, Tex.

D. (6) $500.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.

B. Class I Railroads in Tennessee.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.

B. Eastern Meat Packers Association, Inc. 734 15th Street NW., Washington, D.C.

D. (6) $5. E. (9) $0.61.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.

B. National Independent Meat Packers Association, 734 15th Street NW., Washington. D.C.

D. (6) $225. E. (9) $25.61.

A. Don A. Goodall, 1625 I Street NW., Washington, D.C.

B. American Cyanamid Co., Wayne, N.J.

D. (6) $55. E. (9) $7.50.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.

D. (6) $5,325.48. E. (9) $219.82.

A. Frederick D. Goss, 2100 M Street NW., Washington, D.C.

B. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.

D. (6) $438.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.

B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $10,832.03. E. (9) $5,702.30.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,068.75. E. (9) $41.89.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. James A. Gray, 2139 Wisconsin Avenue NW., Washington, D.C.

B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.

B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.

D. (6) $348.75. E. (9) $228.25.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho.

B. Union Pacfiic Railroad, 1416 Dodge Street, Omaha, Nebr.

E. (9) $594.01.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.

D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C.

B. Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. $11,720.80. E. (9) $3,278.89.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C.

E. (9) $13,505.29.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C.

B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dr. Harry P. Guenther, 1015 18th Street NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.

B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.

D. (6) $1,442.31. E. (6) $925.

A. R. William Habel, 1771 N Street NW., Washington, D.C.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

D. (6) $2,880. E. (9) $245.96.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.

B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.

D. (6) $300. E. (9) $250.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

E. (9) $98.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $79.97.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $500. E. (9) $100.

A. J. G. Hall, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $4,500. E. (9) $862.51.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.

D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Washington, D.C.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.

D. (6) $2,750. E. (9) $149.78.

A. Thomas A. Halsted, 201 Massachusetts Avenue NE., Washington, D.C.

B. Council for a Livable World, 201 Massachusetts Avenue NE., Washington, D.C.

D. (6) $6,249.02.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $50.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.

D. (6) $640. E. (9) $25.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.

B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $990. E. (9) $42.39.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.

B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.

D. (6) $102. E. (9) $222.27.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif.

B. California Savings & Loan League, 1444 Wentworth Avenue, Post Office Box R, Pasadena, Calif.

D. (6) $1,800.

A. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C.

B. National Association of Manufacturers.

D. (6) $2,500. E. (9) $219.93.

A. Bryce N. Harlow, 1801 K Street NW, Washington, D.C.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio

D. (6) $138. E. (9) $514.44.

A. Mrs. Mildred B. Harmon, Warner Building, 13th and E Streets NW., Washington, D.C.

B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill.

D. (6) $825. E. (9) $428.12.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $590. E. (9) $210.75.

A. L. James Harmanson, Jr., 1129 20th Street NW Washington, D.C.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C.

B. National Association of Electric Cos., 1140 Conecticut Avenue NW., Washington, D.C.

D. (6) $240. E. (9) $381.36.

A. Dennis E. Hart, 1000 16th Street NW., Washington, D.C.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.

D. (6) $996.55. E. (9) $18.08.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.

D. (6) $4,804.80. E. (9) $404.50.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $692.33.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $60.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $1,369.50. E. (9) $13.50.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $2,000. E. (9) $102.05.

A. Hays & Hays, Warner Building, Washington, D.C.

B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $10,400.96. E. (9) $10,400.96.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $300. E. (9) $33.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y.

B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $875. E. (9) $1,079.69.

A. Kenneth G. Heisler, 1200 17th Street NW., Washington, D.C.

B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

D. (6) $1,000.

A. Walter G. Held, 1025 Connecticut Avenue NW., Washington, D.C.

B. Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N.Y.

A. Ross E. Heller, 2100 M Street NW., Washington, D.C.

B. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.

D. (6) $802.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.

B. Atlantic Richfield Co., 717 5th Avenue, New York, N.Y.

D. (6) $150. E. (9) $150.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.

D. (6) $1,125. E. (9) $356.32.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.

B. National Football League, 410 Park Avenue, New York, N.Y.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.

B. Savage Arms, Westfield, Mass.; Red Field Gun Sight Co., Denver, Colo. & Browning Arms Co., Morgan, Utah.

E. (9) $6.25.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.

D. (6) $6018.75. E. (9) $277.67.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa.

B. Iowa Railway Association, 720 Bankers Trust Building, Does Moines, Iowa.

E. (9) $713.52.

A. J. Thomas Higganbotham, 1725 K Street NW., Washington, D.C.

B. Consumer Bankers Association, 1725 K Street NW., Washington, D.C.

D. (6) $2,000. E. (9) $370.20.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C.

B. Unemployment Benefit Advisors, Inc.

D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $2,100. E. (9) $933.02.

A. James D. Hittle, Sr., 815 15th Street NW., Washington, D.C.

B. Pan American World Airways, Pan American Building, New York, N.Y.

E. (9) $120.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $400.

A. Claude E. Hobbs, 1801 K Street NW., Washington, D.C.

B. Westinghouse Electric Corp., Westinghouse Electric Building, Gateway Center, Pittsburgh, Pa.

D. (6) $900. E. (9) $195.

A. Leo D. Hochstetter.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. Ralph D. Hodges, Jr.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

A. Thomas P. Holley, 1835 K Street NW., Washington, D.C.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Lee B. Holmes, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $750. E. (9) $4,391.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,750. E. (9) $32.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.
D. (6) $411.20.

A. Harold K. Howe, 400 Walker Building, 734 15th Street NW., Washington, D.C.
B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill.

A. Charles L. Huber, 1221 Massachusetts Avenue, Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $7,500. E. (9) $1,338.32.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C.
B. NL Industries, Inc., 111 Broadway, New York, N.Y.
D. (6) $500. E. (9) $40.

A. James L. Huntley, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,825. E. (9) $1,676.40.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

A. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
D. (6) $3,185.50. E. (9) $814.19.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $6,607.50. E. (9) $6,607.50.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $100.

A. Intermediate Harvesters & Handlers Association, Inc., 413 North 12th Street, Haines City, Fla.
D. (6) $1,000. E. (9) $1,000.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $8,700.38.

A. International Brotherhood of Painters & Allied Trades, 217 North Sixth Street, Lafayette, Ind.
D. (6) $34,252.63. E. (9) $9,427.64.

A. International Union of District 50, Allied & Technical Workers of United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C.
E. (9) $4,884.78.

A. Investment Co. Institute, 1775 K Street NW., Washington, D.C.
E. (9) $1,909.50.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn.
D. (6) $5,375.77. E. (9) $10,605.25.

A. William E. Isaeff, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $100.

A. Charles E. Jackson, 1200 18th Street NW., Washington, D.C.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $100.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.

A. Daniel Jaspan, Post Office Box 1924, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $8,061.25. E. (9) $86.10.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Reuben L. Johnson.
B. The Farmers' Educational and Cooperative Union of America, 1012 14th Street NW., Washington, D.C.
(6) $4,781.50. E. (9) $58.71.

A. Spencer A. Johnson, 1025 Vermont Avenue, NW., Washington, D.C.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $300.

A. Herbert Jolovitz.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $7,000. E. (9) $21.

A. Charlie W. Jones, 1000 Connecticut Avenue, Washington, D.C.
B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. Elmer E. Jones, Jr., 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $189.

A. H. Daniel Jones III, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $90. E. (9) $5.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C.
E. (9) $6.62.

A. Dr. Oliver H. Jones, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $550. E. (9) $4,355.

A. Phillip E. Jones, 1156 15th Street NW., Washington, D.C.
B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Carl D. Jordan, 408 East Maple, Fremont, Mich.
B. Gerber Products Co., 445 State Street, Fremont, Mich.
D. (6) $330. E. (9) $105.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.
E. (9) $13.45.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $92.15.

A. Sheldon Z. Kaplan, 1001 Connecticut Avenue NW., Washington D.C.
B. Centro Azucarero Paraguayo, Independencia Nacional 541, Asuncion, Paraguay.
D. (6) $1,000. E. (9) $62.40.

A. Sheldon Z. Kaplan, 1001 Connecticut Avenue NW., Washington D.C.
B. Sea-Born Corp., 3421 North Central Avenue, Chicago, Ill.

A. Frank M. Karsten, 810 18th Street NW., Washington, D.C.
B. Affiliated Government Organizations, Brooklyn, N.Y.
D. (6) $100.

A. Gerald M. Katz, Esquire, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $727.

A. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain & Feed Association, 500 Folger Building, Washington, D.C.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $12.17.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Francis A. Kelly, 1785 Massachusetts Avenue NW., Washington, D.C.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,000. E. (9) $5,083.04.

A. George Kelm, 1 First National Plaza, Chicago, Ill.
B. The Myron Stratton Home, Post Office Box 1173, Colorado Springs, Colo.

A. R. G. Kendall, Jr., Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.
E. (9) $71.

A. Edward F. Kenehan, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $833.32.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $220.70.

A. Jeremiah J. Kennedy, Jr., 777 14th Street NW., Washington, D.C.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y.
E. (9) $70.90.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $875. E. (9) $150.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $1,082.90. E. (9) $66.37.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill.
B. National Congress of Parents and Teachers, 700 North Ruch Street, Chicago, Ill.
E. (9) $680.93.

A. Charles L. King, 1701 K Street NW., Washington D,.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $390.

A. Joseph T. King, 3600 M Street NW., Washington, D.C.
B. Associated Equipment Distributors, 615 West 22d Street, Oak Brook, Ill.
D. (6) $20,000. E. (9) $1,136.65.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $613.45.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,560. E. (9) $266.25.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $169.20. E. (9) $116.50.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue NW., Washington, D.C.
B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $70.71.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $5,400. E. (9) $272.

A. William L. Kohler, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $569.49.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW.. Washington, D.C.
D. (6) $1,000. E. (9) $175.

A. Paul A. Korody, Jr., National Association of Food Chains, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Kenneth S. Kovack, United Steelworkers of America, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $4,071.50. E. (9) $1,030.57.

A. Howard R. Koven & Abe Fortas, 208 South LeSalle Street, Chicago, Ill., and 1054 31st Street NW., Washington, D.C.
B. Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y.
D. (6) $100. E. (9) $10.

A. Miss Germaine Krettek, 110 Maryland Avenue NE., Washington, D.C.
B. American Library Association, 50 East Huron Street, Chicago, Ill.
D. (6) $750.

A. James S. Krzysminski, 1129th 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. William J. Kuhfuss, Merchandise Mart Plaza, Chicago, Ill.
B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
D. (6) $938.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $155.75.

A. Lloyd E. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $6,072. E. (9) $1,001.76.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $13,333.85. E. (9) $8,207.29.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.
E. (9) $11,371.48.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $6,250.02. E. (9) $80.17.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.
E. (9) $150.

A. A. M. Lampley, 400 First Street NW., Washington, D.C.
B. United Transportation Union, 400 First Street NW., Washington, D.C.
E. (9) $200.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C.
B. American Society for Microbiology, 1913 I Street NW., Washington, D.C.

A. Albert Lannon, 1341 G Street NW., Washington, D.C.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $3,730.73. E. (9) $335.79.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $471.08.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C.
B. District of Columbia Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dillard B. Lasseter, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $525.

A. Hugh C. Laughlin, 6153 Garden Road, Maumee, Ohio.
B. Owens-Illinois, Post Office Box 1035, Toledo 1, Ohio.
D. (6) $2,500. E. (9) $914.82.

A. Donald F. Lavanty, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, % M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $849.25. E. (9) $474.25.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $267.84.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $473. E. (9) $379.98.

A. Robert J. Leigh, 2100 M Street NW., Washington, D.C.
B. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.
D. (6) $160.

A. Nils A. Lennartson, 1140 Connecticut Avenue NW., Washington, D.C.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $10,999.98.

A. Donald Lerch & Co. Inc., 1101 17th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C.
B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.
B. American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $6,537.46. E. (9) $508.93.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $1,000.

A. J. Stanly Lewis, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,606.92.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C.
B. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $6,532.07. E. (9) $6,532.07.

A. Lester W. Lindow.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
D. (6) $1,390.38. E. (9) $40.20.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.
B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.
D. (6) $2,200.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Loyalty Building, Portland, Oreg.
B. National Maritime Compensation Committee, Loyalty Building, Portland, Oreg.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis.
B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis.
E. (9) $1,400.

A. Charles B. Lipsen, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,825. E. (9) $689.40.

A. Robert G. Litschert, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue, Washington, D.C.
D. (6) $288.75. E. (9) $230.77.

A. Philip J. Loree, 25 Broadway, New York, N.Y.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. James F. Lovett, 1801 K Street NW., Washington, D.C.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa.
D. (6) $700. E. (9) $200.

A. Harold O. Lovre, 1616 P Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $349.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,050.

A. Wilbur C. Lowrey, 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 1 Shell Plaza, Post Office Box 2463, Houston, Tex.
D. (6) $500.

A. Donald C. Lubick, 1800 1 M. & T. Plaza, Buffalo, N.Y.
B. Buffalo City Cemetery, 1411 Delaware Avenue, Buffalo, N.Y.
D. (6) $4,100.

A. William R. Lucas, Post Office Box 2268, San Antonio, Tex.
B. Non-Commissioned Officers Association of the United States of America, Post Office Box 2268, San Antonio, Tex.
E. (9) $20.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. William George Lundford, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,379.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
E. (9) $313.78.

A. Joseph V. Machugh, 225 A Street NE., Washington, D.C.
B. Menswear Retailers of America, 14th and F Streets NW., Washington, D.C.

A. James E. Mack, 1225 19th Street NW., Washington, D.C.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill.
D. (6) $6,250. E. (9) $1,150.83.

A. H. E. Mahlman, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, % M. L. DeBolt, O.D., Box 605, Winona, Minn.
D. (6) $700. E. (9) $75.50.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,200.

A. William J. Malatesta, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $750.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,764.11. E. (9) $619.92.

A. Carter Manasco, 8032 Chesterbrook Road, McLean, Va.
B. National Coal Association, Coal Building, 1130 17th Street NW., Washington, D.C.
D. (6) $6,676.01. E. (9) $146.

A. Mike Manatos, 1801 K Street NW., Washington, D.C.
B. The Procter & Gamble aMnufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.
D. (6) $51. E. (9) $387.68.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,000. E. (9) $3,000.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.

A. Ralph J. Marlett, 640 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C.
E. (9) $5,350.60.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $640. E. (9) $12.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis.
D. (6) $168. E. (9) $21.06.

A. J. Paull Marshall, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $266.76. E. (9) $179.45.

A. Maryland State Fair and Agricultural Society, Timonium State Fair Grounds, Timonium, Md.
E. (9) $1.40.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
D. (6) $100.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
D. (6) $500.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. Walter J. Mason, 815 16th Street NW., Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $5,499.91. E. (9) $801.15.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $372.75. E. (9) $289.76.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $435. E. (9) $383.28.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,954. E. (9) $174.23.

A. C. V. and R. V. Mawdlin, 111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.
B. Oil, Chemical & Atomic Workers International Union, 1840 California Street, Denver, Colo.
D. (6) $1,875. E. (9) $227.50.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employees Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,641.95.

A. Jack F. McCarthy, 1700 K Street NW., Washington, D.C.
B. United Utilities, Inc., 2330 Johnson Drive, Shawnee Mission, Kans.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va.
D. (6) $950. E. (9) $1,445.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf Resources & Chemical Corp., 2125 Tenneco Building, Houston, Tex.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, N.Y.
E. (9) $19.90.

A. E. L. McCulloch, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y.
D. (6) $557.88. E. (9,) $118.88.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $49.87.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.
B. Brotherhood Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $7,080.

A. Myles F. McGrail, 1825 K Street NW., Washington, D.C.
B. The Dow Chemical Co., Midland, Mich.

A. Marshall C. McGrath.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $560. E. (9) $170.51.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,232.50. E. (9) $491.26.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,313. E. (9) $5.45.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $1,959.10.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $88.

A. William F. McKenna, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $200. E. (9) $2.80.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $3,125. E. (9) $77.88.

A. Mrs. Teresa D. McLaughlin, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $300. E. (9) $2,027.

A. John Skelton McLees, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.
D. (6) $125.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $650. E. (9) $325.

A. C. W. McMillan, National Press Building, Washington, D.C.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
D. (6) $1,200.

A. Ralph J. McNair, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $341.33. E. (9) $13.07.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $2,027.06.

A. McNutt, Dudley & Easterwood, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa.; Great Lakes Dredge & Dock Co., 228 North LaSalle Street, Chicago, Ill.; and Dunbar & Sullivan Dredging Co., 2312 Buhl Building, Detroit, Mich.
D. $5,150. E. (9) $345.81.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
B. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
E. (9) $654.77.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $12,100.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,670.20. E. (9) $445.70.

A. R. Otto Meletzke, Life Insurance Association of America, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $160.20.

A. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.
B. American Apparel Manufacturers Association, Inc., 2000 K Street NW., Washington, D.C.
D. (6) $400. E. (9) $125.25.

A. Edward L. Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Av. Urdaneta, 7th Floor, Caracas, Venezuela.
D. (6) $6,250. E. (9) $4,185.53.

A. Lawrence C. Merthan, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $3,500. E. (9) $320.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

A. George F. Meyer, Jr.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $865.50.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.
D. (6) $500.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $195. E. (9) $89.08.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $38.30.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Texas Gulf Sulphur Co., Newgulf, Tex. and New York, N.Y.
D. (6) $225. E. (9) $135.02.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $5,749.98. E. (9) $364.11.

A. Herman I. Miller, 425 13th Street NW., Pennsylvania Building, Washington, D.C.
B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C.
B. Maytag Co., Northern Textile Association, National Parking Association, and Hormel Co.
D. (6) $4,800. E. (9) $1,000.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg.
E. (9) $415.10.

A. Jack Mills, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $200.

A. Daniel Minchew, 1000 Connecticut Avenue, Washington, D.C.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $223.40.

A. John G. Mohay, 734 15th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $312.50.

A. G. Merrill Moody, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $77.25. E. (9) $61.02.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $500.

A. O. William Moody, Jr., 815 16th Street NW., Washington, D.C.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $705.20.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. The American Humane Association, Post Office Box 1266, Denver, Colo.
D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. Ethyl Corporation, 330 South Fourth Street, Richmond, Va.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. National Committee for Civil Airlift.
D. (6) $7,500. E. (9) $770.76.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. James M. Morris, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $2,500. E. (9) $804.41.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) Under $50.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $1,800. E. (9) $95.16.

A. Lynn E. Mote, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,000.

A. John J. Motley.
B. National Federation of Independent Business, Washington Building, 15th Street and New York Avenue NW., Washington, D.C.
D. (6) $2,400. E. (9) $150.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $200. E. (9) $80.

A. William G. Mullen, National Press Building, Washington, D.C.
B. National Newspaper Association, National Press Building, Washington, D. C.
E. (9) $150.56.

A. Richard W. Murphy, 1120 Connecticut Avenue NW., Washington, D.C.
B. Merck & Co., Rahway, N.J.
D. (6) $400.

A. D. Michael Murray, 1920 L Street NW., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $437.50. E. (9) $538.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Lawrence P. Mutter, 1016 20th Street NW., Washington, D.C.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.
D. (6) $724.05. E. (9) $33.14.

A. J. Walter Myers, Jr., 4 Executive Park East, NE., Atlanta, Ga.
B. Forest Farmers Association, 4 Executive Park East, NE., Atlanta, Ga.
D. (6) $165. E. (9) $272.54.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,657.49. E. (9) $45.67.

A. John J. Nangle, 1625 I Street NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $438. E. (9) $438.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $1,500.

A. National Association of Credit Management, 475 Park Avenue South, New York, NY.

A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,782.62. E. (9) $9,384.68.

A. National Association of Federal Credit Unions-Trade Association, 1156 15th Street NW., Washington, D.C.
B. National Association of Federal Credit Unions-Trade Association, 1156 15th Street NW., Washington, D.C.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
E. (9) $13,121.06.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $690,955.10. E. (9) $36,581.02.

A. National Association of Mutual Insurance Companies, 2511 East 46th Street, Indianapolis, Ind.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $3,685.06. E. (9) $3,685.06.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C.
D. (6) $10,513.26. E. (9) $10,513.26.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $25,254.91.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill., and 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $27,765.39.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $120,623.04. E. (9) $3,147.24.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,478.68. E. (9) $1,478.68.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $640,682.62. E. (9) $5,932.40.

A. National Citizens Committee for Revenue Sharing, 1707 L Street NW., Room 440, Washington, D.C.
D. (6) $20,000. E. (9) $66,047.28.

A. National Coal Association, Coal Building, Washington, D.C.
D. (6) $439,788.17. E. (9) $9,679.40.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,510.77. E. (9) $470.77.

A. National Committee for the Recording Arts, 10000 Santa Monica Boulevard, Los Angeles, Calif.
D. (6) $8,100. E. (9) $15,577.66.

A. National Committee for Research in Neurological Disorders, 66 East 34th Street, New York, N.Y.
D. (6) $6,050. E. (9) $10,000.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.
D. (6) $9,508.49. E. (9) $9,508.49.

A. National Council for an Indochina Deadline, 530 7th Street SE., Washington, D.C.
D. (6) $31,574.50. E. (9) $17,752.77.

A. National Council, Junior Order United American Mechanics, 3027 North Broad, Philadelphia, Pa.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $14,017.32. E. (9) $11,732.49.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $618.75. E. (9) $699.89.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.34. E. (9) $169.88.

A. National Cystic Fibrosis Research Foundation, 202 E 44th St., New York City.
E. (9) $1,800.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $242,538.04. E. (9) $16,637.08.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $2,099.87. E. (9) $2,349.69.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C.
E. (9) $12.

A. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $116,276. E. (9) $10,750.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $434.15.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $1,138.30. E. (9) $2,051.39.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $6,415.54. E. (9) $1,265.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr.
D. (6) $7,452.53. E. (9) $7,452.53.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
E. (9) $7,271.40.

A. National Patent Council, 1225 19th Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $750.

A. National Rehabilitation Association, 1522 K Street, Washington, D.C.
D. (6) $5,562. E. (9) $2,500.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $2,527.05.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,562.52.

A. Northern Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $12,500. E. (9) $11,700.

A. National Telephone Cooperative Association, 2100 M Street NW., Washington, D.C.
E. (9) $2,340.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $1,103. E. (9) $1,103.

A. National Turkey Federation, Mount Morris, Ill.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $8,250. E. (9) $9,272.30.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,531. E. (9) $31.30.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., P.O. Box 351, Los Angeles, Calif.
D. (6) $1,000. E. (9) $249.28.

A. Allen Neece, Jr., Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, Washington Building, Washington, D.C.
D. (6) $300.

A. Samuel E. Neel, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,519.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $4,000. E. (9) $316.14.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $1,656.25. E. (9) $270.96.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.
B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $1,650.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, Washington, D.C.
D. (6) $5,753.40 E. (9) $964.73

A. NL Industries, Inc., 111 Broadway, New York, N.Y.
E. (9) $540.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill.
B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.
D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C.
D. (6) $1,500. E. (9) $215.32.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.
E. (9) $20.31.

A. Northeast Utilities Service Co., 176 Cumberland Avenue, Wethersfield, Conn.
E. (9) $450.66.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C., and 1530 North Lake Shore Drive, Chicago, Ill.
D. (6) $3,375. E. (9) $250.

A. Seward P. Nyman D.P.M., 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $650.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $218.75.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $3,199.98. E. (9) $51.82.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Transit Association, 465 L'Enfant Plaza West, Washington, D.C.
D. (6) $2,250. E. (9) $125.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Upper Mississippi Towing Corp., 7703 Normandale Road, Minneapolis, Minn.
D. (6) $2,500. E. (9) $99.

A. John A. O'Donnell, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y.
D. (6) $4,038.44. E. (9) $1,487.29.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.

A. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. National Grain & Feed Association, 500 Folger Building, Washington, D.C.
D. (6) $69.50. E. (9) $9.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York City.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Michael L. Parker, 3300 Crocker Plaza, San Francisco, Calif.
B. Kaiser Foundation Health Plan, 300 Lakeside Drive, Oakland, Calif.
D. (6) $958.34. E. (9) $771.80.

A. Geo. F. Parrish, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association. Post Office Box 7, Charleston, W. Va.
D. (6) $6,000.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.80.

A. Vincent J. Paterno, 916 College Parkway, Rockville, Md.
B. Association of Civilian Technicians Inc., 916 College Parkway, Rockville, Md.
D. (6) $1238.

A. Perry S. Patterson, Suite 1100, 1776 K Street NW., Washington, D.C.
B. Automatic Phonograph Manufactuers.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Boating Industry Association, 333 North Michigan Avenue, and National Association of Engine & Boat Manufacturers, 537 Steamboat Road, Greenwich, Conn.
D. (6) $2,000.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C.
D. (6) $2,870. E. (9) $3,132.30.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y.
D. (6) Approximately $1,000.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $650.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Reader's Digest Association, Inc., Pleasantville, N.Y.
D. (6) $650.

A. Elver T. Pearson, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. John J. Pecoraro, 1925 W Street NW., Washington, D.C.
B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind.
D. (6) $1,825.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E .(9) $2,855.77.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C.
B. Shell Oil Co.. 1 Shell Plaza, Houston, Tex.
D. (6) $1,000.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,549.92.

A. J. Hardin Peterson, Sr., P.O. Drawer BS, Lakeland, Fla.
B. Florida Citrus Mutual, Lakeland, Fla.; Florida Citrus Production Managers Association, Waverly, Fla.; Florida Fruit & Vegetable Association, Orlando, Fla.; Intermediate Harvesters Handlers Association, Orlando, Fla.
D. (6) $1,250. E. (9) $566.04.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 816 16th Street NW., Washington, D. C.
D. (6) $4,537. E. (9) $229.17.

A. Michael Petresky, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes.
D. (6) $2,925.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 900 No. 1 17th Street NW., Washington, D.C.
D. (6) $350. E. (9) $300.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, Washington, D.C.
D. (6) $1,125. E. (9) $291.35.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va.
B. American Nursing Home Association, 1025 Connecticut Avenue, Washington, D.C.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $3,333.33. E. (9) $471.64.

A. James F. Pinkney, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $48.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $700. E. (9) $1,460.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $23,237.16. E. (9) $1,350.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $438.

A. George G. Potts, 640 Investment Building, NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 640 Investment Building NW., Washington, D.C.
E. (9) $3,622.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $20.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association for Broadcast-Engineering Standards, Inc., 1130 17th Street NW., Washington, D.C.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C.

A. William I. Powell, 1101 16th Street NW., Washington, D.C.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C.
E. (9) $5.10.

A. Carlton H. Power, 1918 N. Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $570.

A. William C. Prather, 111 E. Wacker Drive, Chicago, Ill.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $475.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $10,500.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $250.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $777.68. E. (9) $777.68.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $1,250.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.

B. Associated Retail Bakers of America, 735 West Sheridan Road, Chicago, Ill.

D. (6) $328.75. E. (9) $72.33.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue NW., Washington, D.C.

B. American Cancer Society, New York, N.Y., Research To Prevent Blindness, New York, N.Y.; United Cerebral Palsy Association Association, New York, N.Y.; National Cystic Fibrosis Research Foundation, New York, N.Y.; National Committee for Research in Neurological Disorders, New York, N.Y.

D. (6) $21,049.98. E. (9) $14,817.50.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.

D. (6) $1,666.50. E. (9) $363.07.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,787.60.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.

B. D.C. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $170. E. (9) $4.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $10,752. E. (9) $10,752.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.

D. (6) $50. E. (9) $50.

A. G. J. Rauschenbach.

B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C.

D. (6) $875. E. (9) $710.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va.

B. Crowell Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.

D. (6) $150.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.

D. (6) $625.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. John A. Reilly, Esq., 59 Maiden Lane, New York, N.Y.

B. Estate of Bert N. Adams, Emma Giambald, George Hallingby, Jane Maesel, Iris Petry, Lewis M. Schott, Mary Ellen Hallingby Seimers, and Helen Louise Sutcliffe.

E. (9) $25.

A. Delos W. Rentzel, 1701 K Street NW., Washington, D.C.

B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. Wm. M. Requa, 732 Shoreham Building, Washington, D.C.

B. Association of Sugar Producers of Puerto Rico, 732 Shoreham Building, Washington, D.C.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y.

E. (9) $3,000.

A. Reserve Officers Association of the United States, 1 Constitution Avenue NE., Washington, D.C.

D. (6) $985. E. (9) $327.10.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C.

D. (6) $3,669.50.

A. Retirement Federation of Civil Service Employees of the U.S. Government, 13th and E Streets NW., Washington, D.C.

D. (6) $2,873. E. (9) $11,486.03.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D (6) $1,875. E. (9) $426.

A. William L. Reynolds, National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.

D. (6) $65. E. (9) $120.

A. Theron J. Rice, 1130 17th Street NW., Washington, D.C.

B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. James W. Richards, 1000 16th Street NW., Washington, D.C.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.

D. (6) $1,513.99. E. (9) $13.11.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La.

B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

D. (6) $27.15. E. (9) $85.45.

A. James W. Riddell, 723 Washington Building, Washington, D.C.

B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. Richard N. Rigby, Jr., 1900 L Street NW., Washington, D.C.

B. National Oceanography Association, 1900 L Street NW., Washington, D.C.

D. (6) $400.

A. Miss Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $55.

A. William Neale Roach, 1616 P Street NW., Washington, D.C.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $131.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Roberts & Holland, 1301 Avenue of the Americas, New York, N.Y.

B. Trustees of the Bernice P. Bishop Estate, 519 Halekauwila Street, Honolulu, Hawaii.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $75.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

D. (6) $185.

A. John P. Roche, 150 East 42d Street, New York, N.Y.

B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.

D. (6) $500. E. (9) $210.

A. James A. Rock, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $191. E. (9) $4.86.

A. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.

B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.

D. (6) $656.25.

A. Frank W. Rogers, 1801 K Street NW., Washington, D.C.

B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif.

D. (6) $750.

A. William E. Rollow, Esq., 815 15th Street NW., Washington, D.C.

B. National Skeet Shooting Association.

A. Michael J. Romig, 1025 Connecticut Avenue NW., Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $250.

A. Arthur J. Rothkopf, Arnold C. Johnson, Jerome N. Sonosky (Hogan & Hartson) 815 Connecticut Avenue, Washington, D.C.

B. Commercial Credit Co., Baltimore, Md.

D. (6) $12,750.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. Royall, Koegel & Wells, 1730 K Street NW., No. 1009, Washington, D.C.

B. Deltona Corp., 3250 Southwest 3d Avenue, Miami, Fla.

D. (6) $5,800. E. (9) $21.42.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.

B. Goodyear Tire & Rubber Co., Akron, Ohio.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

D. (6) $1,062.49. E. (9) $132.97.

A. J. T. Rutherford & Associates, Inc., 1555 Connecticut Avenue NW., Washington, D.C.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill.

D. (6) $3,000. E. (9) $851.60.

A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.

D. (6) $1,200. E. (9) $491.17.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.

B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.

D. (6) $900. E. (9) $25.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.

B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.

D. (6) $900. E. (9) $1,000.

A. Mrs. Edward F. Ryan, 110 Bridge Street, Manchester, Mass.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

E. (9) $560.48.

A. William H. Ryan, Machinists Building, Washington, D.C.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,137.50. E. (9) $480.

A. Francis J. Ryley, 500 Title & Trust Building, Phoenix, Ariz.

B. Standard Oil Company of California, San Francisco.

A. Sachs, Greenebaum, Frolich and Tayler, 839 17th Street NW., Washington, D.C.

B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.

A. Carl K. Sadler, 400 First Street NW., Washington, D.C.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.

D. (6) $5,978. E. (9) $7,932.70.

A. Raymond L. Schafer, 1200 18th Street NW., Washington, D.C.

B. National Cotton Council of America, Memphis, Tenn.

D. (6) $1,875. E. (9) $130.12.

A. Eric P. Schellin, 1225 19th Street NW., Washington, D.C.

B. National Patent Council, 1225 19th Street NW., Washington, D.C.

D. (6) $750.

A. Jacques T. Schlenger, Esq., 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

E. (9) $1.40.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $75.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C.

B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C.

B. Independent Bankers Association of America, Sauk Centre, Minn.

D. (6) $4,250. E. (9) $3,513.53.

A. John W. Scott, 1616 H Street NW., Washington, D.C.

B. The National Grange, 1616 H Street NW., Washington, D.C.

D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.

B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich.

B. Estate of Bert N. Adams, Mrs. Emma (Adams) Giambaldi; George Hallingby, Jane Maesel, Iris Petry, Lewis M. Schott, Mary Ellen Hallingby Seimers, and Mrs. Helen Louise Sutcliffe.

E. (9) $124.55.

A. William M. Segall, 1015 18th Street NW., Washington, D.C.

B. The Carpet & Rug Institute, Post Office Box 2048, Dalton, Ga.

D. (6) $800. E. (9) $7.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Washington, D.C.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

D. (6) $100. E. (9) $7.50.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C.

B. National Newspaper Association, 491 National Press Building, Washington, D.C.

E. (9) $147.47.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Pfizer Inc., 235 East 42d Street, New York, N.Y.

D. (6) $800. E. (9) $400.

A. Sharon, Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C.

B. Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington, D.C.

A. Sharon, Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C.

E. El Paso Natural Gas Co., El Paso, Tex.

A. Sharon, Pierson, Semmes, Crolius and Finley, 1054 31st Street NW., Washington, D.C.

B. Mauritius Chamber of Agriculture and Mauritius Sugar Syndicate, Port Louis, Mauritius.

E. (9) $883.64.

A. Arnold F. Shaw, Esq., 503 D Street NW., Washington, D.C.

B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, Washington, D.C.

B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.

D. (6) $5,464. E. (9) $2,364.78.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $1,875. E. (9) $59.32.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $185.

A. Robert H. Shields, 1156 15th Street NW., Washington, D.C.

B. United States Beet Sugar Association, 1156 15th Street NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washington, D.C.

B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.

D. (6) $992.50. E. (9) $20.

A. Harvey A. Shipman, 200 L Street NW., Washington, D.C.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa.

A. A. Z. Shows, 806 15th Street NW., Washington, D.C.

B. Avionics Communication Systems Inc., Latham, N.Y.

E. (9) $300.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Electronic Industries Association, 2001 I Street NW., Washington, D.C.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C.

B. S. C. Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $33.66. E. (9) $30.57.

A. David Silver, 1775 K Street NW., Washington, D.C.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Clery, Gottlieb, Steen & Hamilton for Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Six Agency Committee, Room 302, 217 West First Street, Los Angeles, Calif.

D. (6) $14,250. E. (9) $3,000.

A. Carstens Slack, 1625 I Street NW., Washington, D.C.

B. Phillips Petroleum Co., Bartlesville, Okla.

A. William L. Slayton, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,500.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.

B. U.S. Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $3,750. E. (9) $20.

A. Smathers and Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. American Horse Council, 1776 K Street NW., Washington, D.C.

D. (6) $6,250. E. (9) $573.85.

A. Smathers and Merrigan, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C.

D. (6) $15,000. E. (9) $376.47.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil and Refining Co. (A Delaware Corp.), Post Office Box 2180, Houston, Tex.
E. (9) $360.67.

A. T. W. Smiley, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
D. (6) $3,185.50. E. (9) $814.19.

A. Dudley Smith, 732 Shoreham Building, Washington, D.C.
B. Association of Sugar Producers of Puerto Rico, 732 Shoreham Building, Washington, D.C.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.
B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y.
E. (9) $145.

A. Milan D. Smith, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $712.50.

A. Robert M. Smith, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $1,400. E. (9) $281.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.
B. National Association of Mutual Insurance Cos:. 2511 East 46th Street, Indianapolis, Ind.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $1,950. E. (9) $892.05.

A. Lyle O. Snader, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C.
D. (6) $43.21.

A. Frank B. Snodgrass, 1100 17th Street NW., Washington, D.C.
B. Burley and Dark Leaf Tobacco Export Association, Inc., Post Office Box 850, Lexington, Ky.
D. (6) $550. E. (9) $349.17.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,726.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.
D. (6) $2,458.26. E. (9) $5,264.22.

A. Carl A. Soderblom, 1 East First Street, Reno, Nev.
B. Nevada Railroad Association, 1 East First Street, Reno, Nev.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.
B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $1,999.80.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y.
B. Friends of the Earth, 620 C Street SE., Washington, D.C.
D. (6) $1,000. E. (9) $1,000.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,322.34. E. (9) $4.60.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Nicholas J. Spiezio, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $550. E. (9) $3,258.

A. Louis P. Spitz, 1828 L Street NW., Washington, D.C.
B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C.
B. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
D. (6) $450.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $350.

A. Samuel E. Stavisky, 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,125. E. (9) $3,150.

A. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
B. Samuel E. Stavisky & Associates, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,125. E. (9) $5,175.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $200.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, Montgomery at Post, San Francisco, Calif.
B. Valley Center Municipal Water District, Valley Center, Calif.
D. (6) $3,200. E. (9) $675.71.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Teachers Insurance & Annuity Association of America, 730 Third Avenue, New York, N.Y.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C.
B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J.
D. (6) $700. E. (9) $200.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue, Washington, D.C.
B. Footwear Group, American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue, Washington, D.C.
B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, for Colonial Sugar Refining Co., Ltd., 1250 Connecticut Avenue NW., Washington, D.C.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Kottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Sterling F. Stoudenmire, Jr., 61 Saint Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 Saint Joseph Street, Mobile, Ala.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C.
D. (6) $5,724.50. E. (9) $484.90.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $945. E. (9) $100.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,610. E. (9) $620.43.

A. John Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,195.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,250.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $600.

A. Barry Sullivan, 536 Washington Building, Washington, D.C.
B. National Association of River & Harbor Contractors, 536 Washington Building, Washington, D.C.
D. (6) $1,200. E. (9) $446.24.

A. Roger H. Sullivan, 120 Wall Street, New York, N.Y.
B. Amstar Corp., 120 Wall Street, New York, N.Y.

A. Frank L. Sundstrom, 1776 K Street NW., Washington, D.C.

B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

D. (6) $2,225. E. (9) $650.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C.

B. Pharmaceutical Manufacturers Association.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.

B. National Tuberculosis & Respiratory Disease Association, 1740 Broadway, New York, N.Y.

D. (6) $950.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C.

B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.

D. (6) $500. E. (9) $246.

A. Russell A. Swindell, Post Office Box 2635, Raleigh, N.C.

B. North Carolina Railroad Association, Post Office Box 2635, Raleigh, N.C.

D. (6) $218.73. E. (9) $127.30.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Peter E. Terzick, 101 Constitution Avenue NW., Washington, D.C.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.

D. (6) $1,050. E. (9) $902.55.

A. William D. Thompson, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $2,164.40.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C.

E. (9) $1,516.

A. H. Willis Tobler, 30 F Street NW., Washington, D.C.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.

D. (6) $2,800. E. (9) $75.50

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.

B. National Association of Electric Companies, 1140 Connecticut Avenue, Washington, D.C.

D. (6) $725. E. (9) $1,023.20.

A. Christine Topping, 530 7th Street SE., Washington, D.C.

B. National Council for an Indochina Deadline, 530 7th Street SE., Washington, D.C.

D. (6) $2,071.44. E. (9) $137.44.

A. John P. Tracey.

B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.

D. (6) $400. E. (9) $50.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C.

E. (9) $21.44.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.

D. (6) $3,500. E. (9) $68.50.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

D. (6) $2,406. E. (9) $54.31.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.

B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Vice Adm. Paul E. Trimble (USCG), 1411 Rockefeller Building, Cleveland, Ohio.

B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

D. (6) $37.50.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $5,250. E. (9) $26.60.

A. Galen Douglas Trussell, 1133 15th Street NW., Washington, D.C.

B. National Association of Manufacturers.

D. (6) $792. E. (9) $506.91.

A. James R. Turnbull, 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

E. (9) $303.82.

A. Richard F. Turney, 835 Southern Building, Washington, D.C.

B. American Association of Nurserymen, 835 Southern Building, Washington, D.C.

D. (6) $20. E. (9) $287.84.

A. John D. Tyson.

B. International Paper Co., 220 East 42d Street, New York, N.Y.

D. (6) $118. E. (9) $48.74.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.

E. (9) $12,338.28.

A. United Cerebral Palsy Association, 66 East 34th Street, New York, N.Y.

E. (9) $2,782.05.

A. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.

D. (6) $804,040.62. E. (9) $40,532.61.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C.

E. (9) $22,053.13.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.

E. (9) $409.71.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $574.90. E. (9) $574.90.

A. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

E. (9) $38,332.24.

A. John A. Vance, 1725 K Street N.W., Washington, D.C.

B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.

D. (6) $2,665. E. 1,185.27.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,137.50. E. (9) $480.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.

B. The Hertz Corp., 660 Madison Avenue, New York, N.Y.

E. (9) $510.83.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C.

B. United Air Lines, Post Office Box 66100, Chicago, Ill.

E. (9) $484.59.

A. Venable, Baetjer and Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md.

B. Maryland State Fair and Agriculture Society, Inc., Timonium State Fair Grounds, Timonium, Md.

E. (9) $1.40.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

D. (6) $1,518.25. E. (9) $125.

A. Donn L. Waage, 730 15th Street N.W., Washington, D.C.

Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C.

D. (6) $120. E. (9) $61.70.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.

B. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.

D. (6) $242.31. E. (9) $24.03.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $788.80. E. (9) $169.80.

A. E. F. Waldrop, Jr., 300 New Jersey Avenue SE., Washington, D.C.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C.

D. (6) $233.60. E. (9) $44.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C.

B. International Association of Firefighters, 905 16th Street NW., Washington, D.C.

D. (6) $5,375.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.

D. (6) $1,257.38. E. (9) $310.80.

A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C.

B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C.

D. (6) $3,365.39. E. (9) $3,445.29.

A. William A. Walton, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.

B. Kansas Railroad Committee, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans.

A. Alan M. Warren, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil & Refining Co. (a Delaware corporation), Post Office Box 2180, Houston, Tex.
E. (9) $32.40.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $850.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $450. E. (9) $340.

A. E. Jerome Webster, Jr.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
(D) (6) $9,500.01.

A. Bernard J. Welch, 815 15th Street, NW., Washington, D.C.
B. Pan American World Airways, 815 15th Street NW., Washington, D.C.
E. (9) $105.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C.
B. Common Cause, 2100 M Street NW., Washington, D.C.
D. (6) $2,439.83.

A. Terrell M. Wertz, 1608 K Street, NW., Washington, D.C.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
E. (9) $86.10.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $500.

A. Clyde A. Wheeler, Jr., Federal Bar Building, West, Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.
E. (9) $1,600.

A. Edwin M. Wheeler, 1015, 18th Street NW., Washington, D.C.
B. Fertilizer Institute, 1015 18th Street NW., Washington, D.C.
E. (9) $25.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
D. (6) $750. E. (9) $15.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wisc.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wisc.
D. (6) $168. E. (9) $21.06.

A. John C. White, 1317 F Street, NW., Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F. Street, N.W., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $394.34.

A. Robert L. White, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue, NW., Washington, D.C.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C.
D. (6) $500. E. (9) $150.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $2,499.62. E. (9) $4,157.66.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue, NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000.
E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H. Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y.
E. (9) $294.68.

A. Wilkinson, Cragun & Barker, 1616 H. Street NW., Washington, D.C.
B. Arapahoe Indian Tribe, Fort Washakie, Wyo.
E. (9) $45.51.

A. Wilkinson, Cragun & Barker, 1616 H. Street NW., Washington, D.C.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.
E. (9) $93.65.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.
E. (9) $13.00.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Computer Time Sharing Services Section of the Association of Data Processing Service Organization, Inc., 551 5th Avenue, New York, N.Y.
E. (9) $16.56.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.
E. (9) $218.08.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Crow Creek Sioux Tribe, Pierre Agency, Pierre, S. Dak.
E. (9) $133.75.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Estate of Albert W. Small, c/o Mrs. Albert W. Small, 5803 Green Tree Road, Bethesda, Md.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopa, Calif.
E. (9) $40.03.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $30.50.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $45.23.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $53.51.

A. Francis C. Williams.
B. American Frozen Food Institute, 915 18th Street NW., Washington, D.C.
D. (6) $100.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. Harry D. Williams, 1660 L Street NW., Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) $250.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards 155 East Superior Street, Chicago, Ill.
D. (6) $6,000. E. (9) $140.70.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Airlines, 633 Third Avenue, New York, N.Y.
D. (6) $4,840. E. (9) $196.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. P. Morgan & Co. Inc., 23 Wall Street, New York, N.Y.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
E. (9) $26.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $1,200. E. (9) $376.71.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $900. E. (9) $379.06.

A. Richard F. Witherall, Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $600. E. (9) $1,420.

A. Nathan T. Volkomir, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $6,888.40. E. (9) $2,541.31.

A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa.
D. (6) $7,089.29. E. (9) $6,350.94.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1971 were received too late to be included in the published reports for that quarter:

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. Signal Cos., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $247.

A. Gerald L. Wykoff, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Asociacion Nacional de Cultivadores de cana de Azucar, P.B. 4448, Cali, Colombia.
D. (6) $1,100.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association of Motion Picture & Television Producers, Los Angeles, Calif., Hollywood A.F.L. Film Council, Hollywood, Calif., and Screen Actors Guild, Hollywood, Calif.
D. (6) $700.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. City of Palm Springs, 3200 Tahquitz-McCallum Way, Palm Springs, Calif.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y.
D. (6) $650.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue NW., Washington, D.C.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Merger Committee National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C. Merger Committee American Basketball Association., c/o Wendell Cherry, 601 Portland Federal Building, 200 West Broadway, Louisville, Ky.
D. (6) $1,500. E. (9) $2.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
E. (9) $9.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Avenue, New York, N.Y.
D. (6) $200. E. (9) $101.44.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,525. E. (9) $348.85.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue, Washington, D.C.
B. Getty Oil Co.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000. E. (9) $348.56.

A. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,950. E. (9) $5,179.18.

A. Frederick K. Alderson, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $820. E. (9) $165.50.

A. American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $2,396.38. E. (9) $2,396.38.

A. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $30,000. E. (9) $4,033.19.

A. American Federation of State, County and Municipal Employees, 1155 15th Street NW., Washington, D.C.
E. (9) $4,811.74.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $25,187.36. E. (9) $25,187.36.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $2,309.25.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.
E. (9) $1,320.48.

A. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. American Short Line R.R. Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $1,114.24. E. (9) $1,114.24.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
E. (9) $2,250.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $4,010. E. (9) $152.94.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.
B. Class 1 railroads operating in the State of Arkansas.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $1,520. E. (9) $64.40.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Hoffmann-La Roche Inc., Nutley, N.J.
D. (6) $11,490.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
E. (9) $922.97.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C.
E. (9) $340.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. Charles W. Bailey, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton for Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton for Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Weldon Barton.
B. The Farmers' Educational and Cooperative Union of America (National Farmers Union), Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $3,107.65. E. (9) $183.28.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C.
B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.
D. (6) $6,250.

A. Davis M. Batson, 611 Madison Building, 155 15th Street NW., Washington, D.C.
B. Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,127.71. E. (9) $654.70.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural, Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,884.60. E. (9) $745.82.

A. Jeffrey Bell, 328 Pennsylvania Avenue SE., Washington, D.C.
B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $1,006.

A. Thomas P. Bennett, 1785 Massachusetts Avenue NW., Washington, D.C.
B. American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.
D. (6) $2,500.

A. John J. Blake, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.

A. Wm. Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.
E. (9) $76.15.

A. William J. Brooks, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $19,874.19. E. (9) $19,874.19.

A. Joe B. Browder, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York N.Y.
D. (6) $1,000.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Montana.
B. Montana Power Co., Butte, Mont.
E. (9) $273.31.

A. Robert B. Byrnes, 1514 17th Street NW., Washington, D.C.
B. National Railroad Pension Forum, Inc., 323 Pennsylvania Avenue SE., Washington, D.C.
E. (9) $404.81.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C.
B. International Union of Electrical, Radio, and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C.
D. (6) $875. E. (9) $240.

A. Canal Zone Central Labor Union-Metal Trades Council, AFL–CIO, Post Office Box 471, Balboa Heights, Canal Zone.
D. (6) $358.72. E. (9) $866.82.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,463.50. E. (9) $113.15.

A. Blue Allan Carstenson.
B. Farmers' Educational and Cooperative Union of America (National Farmers Union), Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. E. Michael Cassady, 1130 17th Street NW., Washington, D.C.
B. Water Resources Congress, 1130 17th Street NW., Washington, D.C.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $500. E. (9) $12.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish, and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C.
B. Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill.

A. Frank Chelf, Congressional Plaza Building, 220 C Street SE., Washington, D.C.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $1,800.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C.
B. American Dental Association, 1101 17th Street NW., Washington, D.C.
D. (6) $2,250.

A. Edwin Christianson.
B. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $16,239.38. E. (9) $8,238.32.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp., Boston, Mass.; Chemplex Co., Rolling Meadows, Ill.; Copolymer Rubbers Chemical Corp., Baton Rouge, La.; Dart Industries, Inc., Los Angeles, Calif.; E. I. du Pont de Nemours & Co., Wilmington, Del.; El Paso Products Co., Odessa, Tex.; Ethyl Corp., Baton Rouge, La.; Firestone Tire & Rubber Co., Akron, Ohio; Foster Grant Co., Inc., Leominster, Mass.; Goodyear Tire & Rubber Co., Akron, Ohio; B. F. Goodrich Chemical Co., Cleveland, Ohio; Hercules Inc., Wilmington, Del.; J. M. Huber Corp., Borger, Tex.; Koppers Co., Inc., Pittsburgh, Pa.; Marbon Chemical Division of Borg-Warner Corp., Washington, West Va.; National Distillers & Chemicals Corp., New York, N.Y.; Sid Richardson Carbon Co., Fort Worth, Tex.
D. (6) $643.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, 110 East 59th Street, New York, N.Y.
D. (6) $2,800.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
D. (6) $700.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $5,156.25. E. (9) $361.25.

A. David Cohen, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.
D. (6) $4,985. E. (9) $5,253.68.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $1,575. E. (9) $2,000.

A. Committee to Except Assembled U.S. Textile Articles From Quotas, 3435 Wilshire Boulevard, Los Angeles, Calif.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $550. E. (9) $290.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.
E. (9) $5,962.94.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $100.

A. Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $1,250.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) 2,183.08. E. (9) $1,279.75.

A. Harold L. Crosier, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $218.40.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. American Importers Association, Textile & Apparel Group, New York, N.Y.
D. (6) $1,500. E. (9) $593.50.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Indian Sugar Industry Export Corp., New Delhi, India.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Chemical Fibres Association, Tokyo, Japan.
D. (6) $750. E. (9) $30.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Woolen & Linen Textiles Exporters Association, Osaka, Japan.
D. (6) $750. E. (9) $30.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $800. E. (9) $468.75.

A. Philip J. Daugherty.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $2,237.80 E. (9) $44.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.

B. D.C. Transit System, Inc., Washington, D.C.

D. (6) $1,250.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.

B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.

B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.

B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

D. (6) $20,000.

A. Dawson, Quinn, Riddell, Taylor, Davis, 723 Washington Building, Washington, D.C.

B. Indian Sugar Mills Association, Export Agency Division, New Delhi, India.

A. Tony T. Dechant.

B. The Farmers' Educational & Co-Operative Union of America (National Farmers Union), Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

D. (6) $3,000. E. (9) $234.35.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.

D. (6) $6,875. E. (9) $3,540.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $661.80. E. (9) $295.85.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich.

D. (6) $1,277.25. E. (9) $142.84.

A. Thomas J. Downey, 701 Central Trust Building, Jefferson City, Mo.

B. Missouri Railroad Committee.

D. (6) $225. E. (9) $424.44.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $3,281.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.

B. Textile Workers Union of America, 99 University Place, New York, N.Y.

D. (6) $1,162.52. E. (9) $100.

A. Louise C. Dunlap, 917 15th Street, Washington, D.C.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $1,000.

A. Eastern Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $4.30. E. (9) $36.43.

A. Peter Edelman, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

D. (6) $4,800. E. (9) $863.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Illinois.

D. (6) $4,518. E. (9) $682.

A. Joseph T. Elvove, Post Office Box 339, Savannah, Ga.

B. Savannah Foods & Industries, Inc., Post Office Box 339, Savannah, Ga.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill.

D. (6) $1,875. E. (9) $104.43.

A. Ethyl Corp., 1155 15th Street NW., Washington, D.C.

E. (9) $300.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C.

D. (6) $18,965. E. (9) $1,838.20.

A. Francis C. Fini, 1501 Pennsylvania Avenue SE., Washington, D.C.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.

B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $609.60. E. (9) $127.64.

A. Forest Farmers Association, 1375 Peachtree Street NE., Atlanta, Ga.

A. John S. Forsythe, Life Insurance Association of America, 1701 K. Street NW., Washington, D.C.

B. Life Insurance Association of America, 277 Park Avenue N.Y.

D. $697.64. (E) (9) $13.27.

A. L. G. Freeman, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $218.40.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $275.

A. Paula Frohman, 2301 41st Street NW., Washington, D.C.

B. Zero Population Growth, 330 Second Street, Los Altos, Calif.

D. (6) $540. E. (9) $100.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.

B. National Association of Residents & Interns, Inc., 929 Madison Avenue, New York, N.Y.

D. (6) $1,040. E. (9) $103.28.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

D. (6) $130,200. E. (9) $4,769.03.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $658.80. E. (9) $658.80.

A. Ernest Giddings, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Horace D. Godfrey, 1825 Connecticut

E. (9) $37.31.

Avenue NW., Washington, D.C.

B. American Sugar Cane League of the U.S.A., 414 Whitney Building, New Orleans, La.

D. (6) $161.20. E. (9) $161.20.

A. Horace D. Godfrey, Post Office Box 7265, Alexandria, Va.

B. Gold Kist, Post Office Box 2210, Atlanta, Ga.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C.

B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employment, 1155 15th Street NW., Washington, D.C.

D. (6) $1,000.

A. Dr. Harry P. Guenther, 1015 18th Street NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

D. (6) $1,075.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.

B. National Automobile Dealers Association, 2000 K Street N.W., Washington, D.C.

D. (6) $1,682.69. E. (9) 925.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

E. (9) $123.69.

A. Hoyt S. Haddock.

B. Labor-Management Maritime Committee, 100 Indiana Avenue N.W., Washington, D.C.

D. (6) $1500. E. (9) $78.12.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.

B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Herbert E. Harris II, 1030 15th Street NW., Washington, D.C.

B. Warner & Harris, Inc., 1030 15th Street NW., Washington, D.C.

D. (6) $1,375.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.

B. Atlantic Richfield, 717 Fifth Avenue, New York, N.Y.

D. (6) $150. E. (9) $150.

A. George T. Higgins, 1100 Connecticut Avenue NW., Washington, D.C.

B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.

D. (6) $800. E. (9) $250.

A. Harold K. Howe, 734 15th Street NW., Washington, D.C.

B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

E. (9) $44.84.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.

B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.

D. (6) $7,500. E. (9) $47.60.

A. Gerald Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $775.36. E. (9) $512.70.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.

E. (9) $7,500.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.

D. (6) $113. E. (9) $12.95.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue NW., Washington, D.C.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $700. E. (9) $180.

A. Martin Jensen, State Legislative Chairman, Brotherhood of Railway, Airline and Steamship Clerks, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.

E. (9) $304.22.

A. Reuben L. Johnson.

B. The Farmers' Educational and Co-Operative Union of America (National Farmers Union), Post Office Box 2251, Denver, Colo.; 1012 14th Street NW., Washington D.C.

D. (6) $4,067.65. E. (9) $292.30.

A. John L. Jones, 328 Pennsylvania Avenue SE., Washington, D.C.

B. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $1,249.

A. William R. Joyce, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C.

B. Centro Azucarero Argentino, Reconquista 336, Buenos Aires, Argentina.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.

B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C.

A. Francis A. Kelly, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,000. E. (9) $7,619.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont. Ill.

D. (6) $4,411.20. E. (9) $1,524.85.

A. George J. Knaly, 1200 15th Street NW., Washington, D.C.

B. International Brotherhood of Electrical Workers, AFL–CIO and CLC, 1200 15th Street NW., Washington, D.C.

D. (6) $6,249.99.

A. Kominers, Fort, Schlefer & Boyer, Fifth Floor, Tower Building, Washington, D.C.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $41,815. E. (9) $306.20.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.; 11 South LaSalle Street, Chicago, Ill.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio.

E. (9) $150.

A. Leonard Lee Lane, 2401 H Street NW., Washington, D.C.

B. Zero Population Growth, 330 Second Street, Los Altos, Calif.

D. (6) $540. E. (9) $100.

A. Reed E. Larson, 1900 L Street NW., Washington, D.C.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

D. (6) $33.50.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhasset, N.Y.

D. (6) $934.22. E. (9) $934.22.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch & Co., 1101 17th Street NW., Washington, D.C.

B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.

D. (6) $19,730.90 E. (9) $13,323.32.

A. Edward Lippert, 1650 Harvard Street NW., Washington, D.C.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C.

D. (6) $2,538.48. E. (9) $324.35.

A. Milton F. Lunch, 2029 K Street NW., Washington. D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,638.10 E. (9) $463.53.

A. Robert V. Mariani, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $218.40.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.

D. (6) $4,147.13

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C.

B. Oil, Chemical & Atomic Workers International Union, 1840 California Street, Denver, Colo.

D. (6) $1,875. E. (9) $227.50.

A. William H. McGee, 400 First Street NW., Washington, D.C

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $218.40.

A. Joseph B. McGrath, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States. 1625 L Street NW., Washington, D.C.

D. (6) $6,843.75. E. (9) $1,008.21.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemonth, Ill.

D. (6) $2,808. E. (9) $1,164.54.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

D. (6) $1,959.10.

A. C. W. McMillan, National Press Building, 14th and F Streets, Washington, D.C.

B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo.

D. (6) $1,200.

A. James G. Michaux, 777 14th Street NW., Washington, D.C.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio.

D. Receipts (6) $500.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. Receipts (6) $271. E. (9) $8.

A. Paul J. Minarchenko, Jr., 1155 15th Street NW., Washington, D.C.

B. American Federation of State, County and Municipal Employees, 1155 15th Street NW., Washington, D.C.

D. (6) $4,125. E. (9) 449.74.

A. Daniel Minchew, 1000 Connecticut Avenue, Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue, Washington, D.C.

D. (6) $1,000.

A. Clarence Mitchell, Washington Bureau, NAACP, 422 First Street SE., Washington, D.C.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $4,000.

A. John G. Mohay, 734 15th Street NW., Washington, D.C.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.

D. (6) $312.50.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.

D. (6) $3,525.31.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C.

B. National Customs Service Association, 517 Shoreham Building, 806 15th Street NW., Washington, D.C.

A. J. Walter Myers, Jr., 1375 Peachtree Street NE., Atlanta, Ga.

B. Forest Farmers Association, 1375 Peachtree Street NE., Atlanta, Ga.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,257.38. E. (9) $1,321.15.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

D. (6) $14,316.19. E. (9) $14,455.81.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,500. E. (9) $1,500.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $24,852.90. E. (9) $29,435.33.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill. 1300 Connecticut Avenue, Washington, D.C.

E. (9) $15,326.98.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.
D. (6) $1,633. E. (9) $1,405.57.

A. National Citizens Committee for Revenue Sharing, 1707 L Street NW., Washington, D.C.
D. (6) $3,500. E. (9) $17,002.98.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
D. (6) $627,475.86. E. (9) $651.09.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $46,876.40. E. (9) $34,866.52.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $6,825.85. E. (9) $2,295.07.

A. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $2,384.85. E. (9) $2,384.85.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
E. (9) $3,252,11.

A. National Rural Housing Coalition, Dupont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,617.42. E. (9) $1,727.99.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,893. E. (9) $5,234.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y.
D. (6) $9,262.20. E. (9) $7,928.12.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $12,500. E. (9) $11,540.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,782.87. E. (9) $1,893.86.

A. National Taxpayers Union, 415 Second Street NE., Washington, D.C.
D. (6) $7,290. E. (9) $6,043.41.

A. National Water Resources Association, 897 National Press Building, Washington, D.C.
D. (6) $6,544.52. E. (9) $4,949.22.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah.
D. (6) $1,467. E. (9) $5,181.02.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,531. E. (9) $80.59.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $267.30.

A. New York Committee of, International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $69,000. E. (9) $29,537.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C.
D. (6) $100.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C.
D. (6) $218.75.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $271. E. (9) $12.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C.
B. Organization of Professional Employees of USDA (OPEDA), 1341 G Street NW., Washington, D.C.
D. (6) $493.75. E. (9) $25.

A. Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), 1341 G Street NW., Washington, D.C.
D. (6) $1,843.75. E. (9) $2,036.68.

A. John J. O'Shea, 1315 Walnut Street, Philadelphia, Pa.
B. National Committee for an American SST, 1156 15th Street NW., Washington, D.C.
D. (6) $7,000.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.
B. Campbell Soup Co., Campbell Place, Camden, N.J.

A. Lew M. Paramore, Post Office Box 1310, Town House, Kansas City, Kans.
B. Water Resources Congress, 1130 17th Street NW., Washington, D.C.

A. Perry S. Patterson, 1776 K Street NW., Washington, D.C.
B. Automatic Phonograph Manufacturers.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Alaska Federation of Natives, Anchorage, Alaska.
E. (9) $4,737.20.

A. Peabody, Rivlin, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.
D. (6) $100. E. (9) $10.

A. Peabody, Rivlin, Caldouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Pepper, Hamilton & Scheetz, 1629 K Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.
D. (6) $7,500. E. (9) $7,500.

A. J. Francis Pohlhaus, Washington Bureau, NAACP, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.
D. (6) $1,000.

A. Carl Pope, 1340 Vermont Avenue NW., Washington, D.C.
B. Zero Population Growth, 330 Second Street, Los Altoh, Calif.
D. (6) $540. E. (9) $100.

A. H. P. Pressler, 1122 Southwest Tower, Houston, Tex.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $1,060. E. (9) $513.58.

A. Earl G. Quinn, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
E. (9) 641.67.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $3,000.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $10,752. E. (9) $10,752.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $271. E. (9) $8.

A. Louis J. Rancourt, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $686.40.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $7,547.60.

A. Peter Regalado, Bufete Latino, S.A., 1706 Columbia Road NW., Washington, D.C.
B. Bufete Latino, S.A., 1706 Columbia Road NW., Washington, D.C.

A. W. W. Renfroe, Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $299.45.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York City.
E. (9) $3,000.

A. Reserve Officers Association of the United States, 1 Constitution Avenue NE., Washington, D.C.
D. (6) $1,165.40. E. (9) $503.40.

A. Ronald E. Resh, 1300 Wyatt Building, Washington, D.C.
B. Wyatt & Saltzstein, 1300 Wyatt Building, Washington, D.C.
D. (6) $1,250.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,875. E. (9) $294.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. John Riley, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $628.12. E. (9) $110.94.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.

D. (6) $1,000.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $1,875. E. (9) $89.45.

A. Scott Runkle, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $200.

A. William H. Ryan, Machinists Building, Washington, D.C.

B. International Association of Machinists and Aerospace Workers, Machinists Building, Washington, D.C.

D. (6) $2,137.50. E. (9) $480.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.

B. American Business Press Inc., 205 East 42d Street, New York, N.Y.

E. (9) $1,666.66.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.

B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

D. (6) $1,375. E. (9) $236.05.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.

B. Children's Hospital, 2125 13th Street NW., Washington, D.C.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.

B. El Paso Natural Gas Co., El Paso, Tex.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.

B. Mauritius Chamber of Agriculture and Mauritius Sugar Syndicate, Port Louis, Mauritius.

E. (9) $366.18.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La.

B. Water Resources Congress, 1130 17th Street NW., Washington, D.C.

A. S. Richard Shostak, 3435 Wilshire Boulevard, Los Angeles, Calif.

B. Committee to Except Assembled U.S. Textile Articles from Quotas, 3435 Wilshire Boulevard, Los Angeles, Calif.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C.

B. S.C. Railroad Association, 1003 Security Federal Building, Columbia, S.C.

D. (6) $16.82. E. (9) $6.68.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. William L. Slayton, 1785 Massachusetts Avenue NW., Washington, D.C.

B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

D. (6) $1,500.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.

B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Washington, D.C.

D. (6) $2,244.20. E. (9) $2,300.08.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.

B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.

D. (6) $1,999.80.

A. Gary Soucie, 30 East 42d Street, New York, N.Y.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

D. (6) $1,000.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Washington, D.C.

B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C.

D. (6) $405.00.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Footwear Group, American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Japan General Merchandise Exporters' Association, Japan Rubber Footwear Manufacturers' Association, Tokyo, Japan; Japan Chemical Shoes Industrial Association, Kobe, Japan.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.

B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $50.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.

B. Devils Lake Sioux Tribe, Fort Totten, N. Dak.

D. (6) $222.92. E. (9) $130.26.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Ave. NW., Washington, D.C.

B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.

D. (6) $117.38. E. (9) $1.90.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Ave. NW., Washington, D.C.

B. Salt River Pima-Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.

D. (6) $156.25.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Ave. NW., Washington, D.C.

B. San Carlos Apache Tribe, San Carlos, Ariz.

D. (6) $244.75.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Ave. NW., Washington, D.C.

B. Seneca Nation of Indians, Box 231, Haley Community Building, Salamanca, N.Y.

D. (6) $937.50.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 600 New Hampshire Ave. NW., Washington, D.C.

B. The Sisseton and Wahpeton Sioux Tribe, Sisseton, S. Dak.

D. (6) $2,629.17. E. (9) $131.47.

A. James F. Sullivan, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.

B. National Tuberculosis and Respiratory Disease Association, 1740 Broadway, New York, N.Y.

D. (6) $950.

A. Russell A. Swindell, Post Office Box 2635, Raleigh, N.C.

B. North Carolina Railroad Association, Post Office Box 2635, Raleigh, N.C.

D. (6) $48.61. E. (9) $19.24.

A. Robert F. Sykes, 1225 Connecticut Avenue NW., Washington, D.C.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

E. (9) $114.74.

A. Henry B. Taliaferro, Jr., 1815 H Street NW., Washington, D.C.

B. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,107.72. E. (9) $499.75.

A. J. P. Trainor, 400 First Street NW., Washington, D.C.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill.

D. (6) $686.40.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C.

B. American Motors Co., 14250 Plymouth Road, Detroit, Mich.

D. (6) $3,000. E. (9) $87.75.

A. Vice Adm. Paul E. Trimble (U.S.C.G.), 1411 Rockefeller Building, Cleveland, Ohio.

B. Lake Carriers' Association 1411 Rockefeller Building, Cleveland, Ohio.

D. (6) $37.50.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.

D. (6) $871.10. E. (9) $352.80.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,487.50. E. (9) $1,487.50.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va.
D. (6) $82,808.12. E. (9) $73,432.74.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $57.39.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $788.80. E. (9) $150.08.

A. Wald, Harkrader, Nicholson & Rose, 1320 19th Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $480. E. (9) $265.75.

A. Warner & Harris, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $6,000. E. (9) $6,203.

A. Leonard Warner, 1030 15th Street NW., Washington, D.C.
B. Warner & Harris, Inc., 1030 15th Street NW., Washington, D.C.
D. (6) $1,375.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y.
D. (6) $450. E. (9) $150.

A. Herman Webb, 400 First Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $708.43.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C.
B. Central Council of the Tlingit and Haida Indians of Alaska, Box 529, Juneau, Alaska.
E. (9) $180.21.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C.
E. (9) $125.

A. John C. White, Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.

A. Lee C. White, 1156 15th Street NW., Washington, D.C.
B. American Natural Gas Co., 1 Woodward Avenue, Detroit, Mich.
E. (9) $70.66.

A. Bryan K. Whitehead, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
E. (9) $270.85.

A. Harry D. Williams, 1660 L Street NW., Washington, D.C.
B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.
D. (6) $250.

A. Kenneth Williamson, 1 Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $2,180. E. (9) $755.18.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y.
D. (6) $3,309.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,500 E. (9) $828.45.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Zero Population Growth, 330 2d Street, Los Altos, Calif.
D. (6) $72,000. E. (9) $2,400.

SENATE—*Thursday, September 9, 1971*

The Senate met at 10 a.m. and was called to order by Hon. ALAN CRANSTON, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has given us this good land for our heritage, we beseech Thee to fit us for this day's duty and for work in the days ahead. Make us to be still and to know that Thou art God and sufficient for all our needs. Bless with a sense of Thy constant nearness all who are in the service of their country. Strengthen by Thy might and guide by Thy spirit the President and all whom the people have set in authority over us.

Give us, O Lord, attentive ears, alert minds, and warm hearts to receive the message of this day. And grant us hereafter the wisdom and the will to devise the best legislation for the well-being of the whole Nation.

As we honor the intrepid voyagers in space, we ask Thee to make us pioneers in the things of the spirit, creators of a life and culture built upon the untried ways of international accord, enduring peace, and universal justice.

And unto Thee we shall ascribe all the praise and glory, world without end. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 9, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ALAN CRANSTON, a Senator from the State of California, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
PRESIDENT PRO TEMPORE.

Mr. CRANSTON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 8, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 850) authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines, in which it requested the concurrence of the Senate.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS DURING JOINT SESSION AND JOINT MEETING OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 12:13 p.m. today, the Senate stand in recess for the purpose of allowing the Senate as a body to proceed at that time to the other body for a joint session to be addressed by the President of the United States, to be followed by a joint meeting to be addressed by the astronauts from the recent Apollo mission, following which Senators will return to the Chamber, at which time the Senate will resume the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. CRANSTON):

A joint resolution of the State of Wisconsin; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 58

"Enrolled joint resolution requesting congress to enact federal legislation prohibiting promoters of closed circuit television and radio broadcasts which cover sporting events from barring public broadcasting networks from broadcasting the sporting event

"*Resolved by the senate, the assembly concurring,* That promoters of closed circuit television and radio broadcasts which cover sporting events be prohibited by federal legislation from barring public broadcasting networks from broadcasting the sporting event; and, be it further

"*Resolved,* That certified copies of this resolution be sent to the secretary of the senate of the United States, the chief clerk of the house of representatives and to each member of congress from Wisconsin."

A resolution of the House of Representatives of the State of Michigan; to the Committee on Public Works:

"HOUSE RESOLUTION NO. 225

"A resolution memorializing the United States Congress to appropriate adequate sewage treatment works grant funds

"Whereas, Michigan has placed priority emphasis on fully confronting and solving its water pollution problems and has backed this priority by the administration of a strong water pollution control program; and

"Whereas, This Legislature in recent years has enacted a number of fundamental and far reaching pieces of legislation designed to further environmental protection and enhancement; and

"Whereas, The citizens of Michigan have demonstrated their commitment to maintaining the quality of all of Michigan's waters through the passage of a $335 million Clean Water Bond Issue; and

"Whereas, The Congress of the United States of America is currently considering pending amendments to the Federal Water Pollution control program; and

"Whereas, The Congress is also considering an extension and enlargement of the now expired Federal Sewage Treatment Works Grant Program; now therefore be it

"*Resolved by the House of Representatives,* That the Congress of the United States of America is hereby respectfully urged to fully retain in any amendments enacted to the Federal Water Pollution Control Act its policy to recognize, preserve, and protect the primary responsibilities of the States in preventing and controlling water pollution; and be it further

"*Resolved,* That the Congress authorize and appropriate sewage treatment works grant funds which will be adequate to fully support the Federal share of the national water pollution control program authorized, including full reimbursement of local and state funds advanced to make up deficiencies in Federal appropriations; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each member of the Michigan delegation to the United States Congress.

"Adopted by the House of Representatives September 2, 1971."

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, relative to safeguarding the national defense; to the Committee on Armed Services.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, opposing further involvement of the Federal Government in the provision of or financing of health services; to the Committee on Finance.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, expressing its opposition to the so-called welfare reform plan known as the family assistance program; to the Committee on Finance.

A resolution adopted by the Executive Committee of the Republican Party of Oklahoma, expressing hope for favorable results in the proposed Presidential visits to China; to the Committee on Foreign Relations.

A petition of the Unified Concerned Citizens of America, Dallas, Tex., in support of the neighborhood school concept and quality education for each schoolchild; to the Committee on the Judiciary.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CRANSTON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on the operation of Section 501 of the Second Supplemental Appropriations Act, 1970 for fiscal year 1971 (with accompanying report); to the Committee on Appropriations.

REPORT OF EXPORT-IMPOPT BANK

A letter from the Assistant Secretary, Export-Import Bank of the United States, Washington, D.C., transmitting, pursuant to law, a report of that Bank, for the quarter ended June 30, 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

STATEMENT ON NATIONAL TRANSPORTATION POLICY

A letter from the Secretary of Transportation transmitting, pursuant to law, a statement on national transportation policy (with accompanying papers); to the Committee on Commerce.

REPORT ON MINERALS EXPLORATION ASSISTANCE PROGRAM

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on the minerals exploration assistance program, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF THE DEPARTMENT OF COMMERCE

A letter from the Assistant Secretary of Commerce transmitting, pursuant to law, a report of personal property claims of employees which were settled during fiscal year 1971 (with accompanying report); to the Committee on the Judiciary.

REPORTS ON ACTIVITIES OF THE VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting, pursuant to law, reports concerning the activities of that Administration for the sharing of medical facilities and for exchange of medical information, for the fiscal year 1971 (with accompanying reports); to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TAFT:

S. 2498. A bill to provide for a Federal Bureau of Investigation Trust Fund. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2499. A bill to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. Frigate *Constellation*. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McGOVERN:

S. 2500. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry.

By Mr. BROOKE:

S. 2501. A bill for the relief of Daniel H. Robbins. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2502. A bill to establish Federal fisheries environmental disaster assistance. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 2498. A bill to provide for a Federal Bureau of Investigation Trust Fund. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, on June 2 of this year, I introduced the Law Enforcement Trust Fund Act whereby citizens who wished to do so could contribute to research and study in the field of law enforcement. Since that time several suggestions have been made which I feel improve the bill and, therefore, I am today introducing a modified version. The revised bill would create a Federal Bureau of Investigation Trust Fund. This trust fund would be administered by a Board of Trustees composed of the Attorney General of the United States, the Director of the Federal Bureau of Investigation, and the Solicitor General of the United States.

By Mr. BEALL:

S. 2499. A bill to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation*. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMEMORATION OF THE LAUNCHING OF THE U.S. FRIGATE "CONSTELLATION"

Mr. BEALL. Mr. President, September 7, 1971, marked the 174th anniversary of the launching of the U.S. frigate *Constellation*, the first ship in the U.S. Navy. Although this milestone is significant, everyone involved with the restoration of this vessel is looking forward to the 175th anniversary next year. I am sending to the desk a bill that will mark the 175th anniversary by authorizing the Secretary of the Treasury to strike 100,000 commemorative medals. The proceeds from the sale of these medals will go to the Constellation Committee of the Star Spangled Banner Flag House Association, Inc., to further the work of restoring this historic vessel.

I would like to take a few minutes to review the history of this ship which parallels in so many ways the history of our Republic. On March 27, 1794, Congress authorized the building of six war ships; the *United States*, the *Constitution*, the *President*, the *Constellation*, the *Congress* and the *Chesapeake*. The contracts were let to shipyards in six different States and considerable competition developed for the honor of setting to sea our Nation's first warship. With deference to my distinguished colleagues from Pennsylvania, I must admit that Philadelphia won the race when it launched the frigate *United States* in July 1797. However, the *United States* was damaged so severely on launching that it had to be returned to the drydock for extensive repairs. Thus, the *Constellation*, which was constructed in the David Stodder shipyards on Harris Creek in Baltimore, Md., became the first of the six vessels to be successfully launched on September 7, 1797.

With its shakedown cruises completed, the U.S. frigate *Constellation* was commissioned on June 26, 1798, and stationed in the Caribbean. Some of the highlights of this unique vessel's career are as follows:

January 1799: Recaptured an American merchant brig from the French.

February 1800: Defeated the 54-gun French warship *La Vengence*.

May 1800: Recaptured three American merchant vessels from the French.

July 1802: Destroyed two Tripolitan gunboats and an enemy cavalry force on the beach.

1804–05: Patrolled the coast off Tripoli until a peace treaty was signed with the Barbary pirates.

1812–15: Was blockaded in the Chesapeake Bay by a large British fleet. It engaged the 38-gun British warship *Juno*, prevented the invasion of Craney Island and destroyed eight landing boats carrying approximately 400 men.

May 1815: Assisted in the defeat of the 44-gun Algerian frigate *Mashuda*.

May 1819: Flagship for the fleet of Commodore Perry on station off the coast of Brazil.

October 1841: Under the command of Commodore Lawrence Kearney, the *Constellation* anchored off Whampoo Beach and helped to establish the "open-door policy" with Imperial China.

May 1843: The *Constellation* provided protection for Hawaiian Emperor Kamehemeha thus frustrating a British attempt to take control of the Hawaiian Islands.

July 1855 to June 1858: The *Constellation* logged 29,277 miles in a cruise around the world.

June 1859–May 1861: Flagship of the American squadron stationed off the coast of Africa in search of slavers.

1861–65: During the American Civil War, the *Constellation* served in the Mediterranean where it searched for Confederate raiders and blockade runners. During the latter part of the war it was transferred to Admiral Farraguts' squadron which patroled the coast between Louisiana and Florida.

1871: *Constellation* served as a training ship for the U.S. Naval Academy in Annapolis.

March 1878: The *Constellation* sailed to France with supplies for the Paris exposition.

March 1880: Sailed from New York with food to relieve the Irish famine.

September 1892: The *Constellation* sailed for Gibraltar where it collected works of art for the Columbian exposition.

1894–1940: The *Constellation* served as a naval training ship. In 1914, she returned to the Port of Baltimore for the centennial celebration of the bombardment of Fort McHenry.

August 24, 1940: President Franklin D. Roosevelt commissioned the *Constellation* to serve as the flagship of the Atlantic Fleet. Admiral King and Admiral Ingersoll directed the movements of the Atlantic fleet from offices on board the ship.

July 22, 1955: The *Constellation* was returned to the Constellation Restoration Committee in Baltimore.

July 4, 1961: The *Constellation* was dedicated as a national shrine by the Under Secretary of the Navy.

May 23, 1963: The *Constellation* was designated as a national historical landmark by the U.S. Department of Interior.

Throughout its active career, the frigate *Constellation* was never limited solely to the realm of warfare. Numerous missions were undertaken for diplomatic, humanitarian, and educational objectives as well.

Since its return to the Port of Baltimore, the *Constellation* has assumed a significant role in efforts to revitalize the inner harbor region of Baltimore City where the ship is permanently berthed.

The *Constellation's* contemporary involvement in the life of Baltimore can be seen in several ways:

First. Over 70,000 people—approximately one-third of which are schoolchildren or youth groups—visit the *Constellation* yearly.

Second. The vessel is an integral part of the Community Action Agency's youth program as well as the Recreation Department's field trip project.

Third. The Maryland Naval Militia, comprised largely of innercity youth between the ages of 14 and 18, actively participates in the care and restoration of the ship, thus gaining valuable experiences, skills, and a meaningful sense of history.

Fourth. The *Constellation* will serve as a focal point around which the extensive inner harbor redevelopment project will grow. The importance of the *Constellation* to this urban renewal project was underscored by the Housing Commissioner of Baltimore City, the Honorable R. C. Embry, Jr. In a letter to the Department of Housing and Urban Development, Mr. Embry said:

> It has been felt that the great historic significance of the vessel together with the importance of its role in the redevelopment of Baltimore's Inner Harbor would more than justify this commitment. It is anticipated that the *Constellation*, launched from Baltimore in 1797, the first vessel afloat in the U.S. Navy, will provide a major historic attraction and architectural focal point for a Project designed to restore public access to the water and focus attention on the role of the port in the cultural and commercial development of the City.

I think it is apparent that the *Constellation* is serving its Nation as well in peace as it did in war and as well today as it did in the 19th century. Thus, I hope the Congress will further the work of the U.S. frigate *Constellation* by promptly enacting this legislation.

By Mr. McGOVERN:

S. 2500. A bill to establish producer owned and controlled emergency reserves of wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry.

WE NEED AN EMERGENCY FOOD RESERVE

Mr. McGOVERN. Mr. President, I have today introduced a bill to establish an interim, farmer-owned and farmer-controlled emergency reserve of wheat, feed grains, and soybeans.

We have talked about the need for emergency reserves of agricultural commodities for two decades, Mr. President, both in terms of some domestic or world production emergency resulting from droughts or other natural disaster, and in terms of a military emergency that would disrupt our food distribution system. But we have done nothing about establishing such reserves.

We have procrastinated about fixing the roof because it was not raining, but we should be about it.

I have limited the interim reserve proposal I made today to wheat, feed grains, and soybeans because this is an opportune time to establish them. Supplies of all of these commodities are so large that market prices are down and producers are suffering a serious economic squeeze. On August 15 wheat was selling for $1.28 per bushel compared to $1.46 2 months before, on June 15. Corn prices were 24 cents below June 15 and still falling. Soybeans dropped 9 cents from the previous month.

Production of these commodities this year will run over a year's requirements. There will be an increase in stocks to be carried over into the next marketing year for each of them. That is why prices are down.

The establishment of an emergency reserve at this time can remove from the market supplies not essential to meet current requirements, strengthen prices and relieve the farm situation in some measure, and give us—at long last—the sort of real emergency reserve that so many people both in and out of agriculture agree that we should have.

Incidentally, I might add that this should be accomplished without any appreciable movement in retail food prices. Retail prices of foods based on the commodities involved have not reflected the considerable drop that has occurred in raw material costs, and they should not rise if the basic materials go back up to previous levels.

The bill I have introduced authorizes the Secretary of Agriculture to make contracts with producers, on a pro rata basis for far as practicable, to put 200 million bushels of wheat, 500 million bushels of corn or other feed grains, and 100 million bushels of soybeans into storage, under producer control, either on their farms or in evelators.

In consideration for storing commodities to meet future emergencies, the Secretary of Agriculture would advance the producers 125 percent of the loan value of the commodity—the loan is only $1.25 per bushel on wheat, $1.05 on corn, and $2.25 on soybeans. The Secretary would further agree to carry the interest and pay reasonable storage costs on the commodities and storage. The advances proposed are somewhat above current markets, but they are still less than parity, they are lower than the market should be, and they are lower than the market will be when supply is at the release level proposed in the bill.

When and if carryover of wheat should drop to 15 percent of annual requirements, feed grains to 10 percent, or soybeans to 5 percent, the bill authorizes the Secretary of Agriculture to terminate enough of the emergency reserve contracts to replenish the supply available to the free market by 5 percent in the case of wheat and feed grains and 3 percent in the case of soybeans.

Let me illustrate this in the case of wheat. If annual requirements are 1.4 billion bushels, the free stocks drop below 210 million bushels, then the Secretary could terminate contracts on 70 million bushels of wheat in storage. If the emergency absorbed that and stocks fell again he could terminate more contracts, but not more than 5 percent of a year's supply at a time.

Termination of the contract would mean simply that the producers would have to start paying interest and the storage costs on the reserves they had in storage. They could sell the commodity and repay their advance, or they could continue to hold at their own expense. They would have a year to arrange for other credit to repay the advance, to sell and settle, or deliver the collateral.

The bill provides that the reserve stocks can be rotated to keep them in good condition, and that farmers can withdraw upon 60 days' notice prior to the start of a new marketing year. This provision for withdrawal is essential to let farmers who are retiring, moving some distance, or have other reasons to drop out of the reserve arrangements, to do so. This provision is drafted to permit the Secretary of Agriculture an opportunity to arrange for replacement storage in the immediately subsequent harvest, so the emergency reserve stocks can be maintained.

Those who follow agricultural legislation and problems closely will, I am sure, identify two or three obvious advantages of this proposal for a farmer owned and controlled reserve, beyond meeting urgent needs for such a reserve, and the immediate need to bolster farm prices.

The provision for farmer ownership and control eliminates the fear that farmers and some agribusiness quarters have over Government dumping or withholding for price control purposes. Regardless of the validity of the charge that stocks have been dumped or withheld to affect prices in the past, the charge has been made. It is a matter of concern in agriculture.

Under the bill I have submitted, the quantity of any of the commodities made available to the market by the termination of reserve contracts would be limited to 5 percent of annual requirements, and the farmer-producers could determine whether or not they wanted to sell or hold. His holding would be available to the market but the market would have to be attractive enough to cause the farmers to sell.

The fact that release comes only when supplies are limited and prices should be good, reduces the need for searching for some agreeable scale of release levels. In reality, all such scales of release levels I have seen give the farmer-producers the least price protection when they need it most for the resale price is lowest when supplies are highest.

The farm price situation is extremely urgent, Mr. President.

Thousands of farmers are going to go broke this year if we do not take early action to increase their prices. Their distress will be multiplied if cheap feed encourages increased meat production—efforts to turn cheap feed into meat in the hope of getting higher prices—and cattle and hog prices are broken.

It is my hope that the Senate will process reserve legislation speedily, create a bona fide emergency reserve, and thus solve a number of our problems.

The existence of a reserve will provide security for all our citizens from the standpoint of food supplies in any eventuality. The reserve's maintenance in the control of farmers will assure a broad distribution throughout the Nation, on farms and in elevators. Its existence will give the Secretary of Agriculture a margin of safety in setting acreage allotments; he can set them more precisely on an average yield basis when there is a cushion to protect against abnormal weather conditions, and avoid great oversupplies.

It is my very earnest hope, Mr. President, that we can proceed to the early consideration of this bill, and to other constructive suggestions for a reserve. American agriculture needs to be relieved from the low-price penalty it is now suffering as a consequence of answering the Nation's call for increased production.

The Nation did ask for more wheat, feed, and soybean production. The producers responded, and we have an obligation to see that they are not penalized for their response by bankruptcy prices.

If the Senate will now show the way there is still time for the other body to consider a reserve bill.

By Mr. GRAVEL:

S. 2502. A bill to establish Federal fisheries environmental disaster assistance. Referred to the Committee on Commerce.

FEDERAL FISHERIES ENVIRONMENTAL DISASTER AND ASSISTANCE ACT

Mr. GRAVEL. Mr. President, the FDA warning last May that people should not eat swordfish has virtually wiped out the swordfish industry in this country.

The impoundment of swordfish because of mercury contamination has resulted in an inventory loss of some 4 to 5 million pounds, with an estimated value of as much as $12.5 million. In addition, the swordfishermen of New England, California, and the gulf are faced with the obsolescence of their vessels or the cost of refitting them for another fishery unless the FDA changes its mercury guidelines.

The swordfish catastrophe is not, however, an isolated incident, but is just one of a number of blows that have hit the American fishing industry in the past 2 years.

Last year coho salmon fishing was eliminated in Lake Michigan when these fish were found to contain too much DDT to be acceptable as human food under FDA regulations.

This year DDT residues in chubs have risen above FDA standards, eliminating a $3 million product. Lake Michigan is now a dead sea as far as commercial fishermen are concerned. Fishing vessels stand idle and fishermen are without jobs throughout the Great Lakes region.

Southern California fishermen have lost the kingfish to DDT. In the past, kingfish meant an annual catch of 500,000 pounds worth $100,000.

In the past year mercury findings in particular have been damaging. In addition to the swordfish ban, fisheries with an annual production of $2.5 million drawing on the western basin of Lake Erie, the Pickwick Reservoir in Tennessee, and Lake Calcasieu in Louisiana have closed because the fish in these waters contained excessive mercury.

The tunafish industry has also suffered a $2.4 million inventory loss due to mercury findings.

Now there is speculation about other foreseeable contaminants in addition to mercury—cadmium, arsenic, selenium, PCB, and others.

The fishing industry is naturally concerned that these toxic substances might result in hazardous concentrations in one fish after another before proper environmental safeguards can be instituted.

There is no reason why one segment of our society—the fishermen—should have to bear the consequences of several generations of environmental carelessness.

In an attempt to set up some economic protections and safeguards I am introducing a bill which would establish an insurance program for the fishing industry much like crop insurance for the farmer.

My bill would create a Federal insurance corporation to insure fishermen and fish dealers against excessive losses caused by health authority action preventing the marketing of fish as a result of environmental disasters or newly discovered toxic contaminants.

If, for example, high mercury levels were discovered in another fish in the future, an insured fisherman would not be plunged into debt at the same time that his livelihood was taken away, as happened with swordfish. His insurance would offset to some degree his loss of future earnings.

Suppose an oil tanker spills its contents over a clam bed and wipes out a year's clam harvest. The insured shellfisherman could collect a year's earnings for the loss of his product.

Two years ago Hurricane Camille disrupted the oyster-growing waters in the gulf. The health quality of the waters could not be assured and consequently the oyster beds were closed. The oyster harvest was lost for an extended period. The insurance program I am proposing would protect the earnings of the shellfishermen to some extent from such unpredictable disasters.

Title I of my bill, the insurance proposal, is designed for the future. But I am also convinced that something must be done to assist the fishing industry in recovering from recent losses.

The swordfish situation stands out dramatically. In December the FDA ordered that cold storage stocks of swordfish not be marketed after testing 62 samples and finding the average mercury content exceeded 0.5 parts per million guideline.

Shipments from Japan, the major source of swordfish to this country, were discontinued. The swordfish dealers in the country cooperated by keeping their product off the market.

The swordfish dealers were forced to hold more than 4 million pounds of swordfish as FDA testing proceeded. On May 6 FDA announced that between 89 and 95 percent of the swordfish tested was above the guideline, and that the mercury level averaged more than one part per million.

The public is now not eating swordfish, and it is hardly likely that the situation will be remedied. The tested swordfish were caught worldwide. They came from every major fishing ground. It appears highly improbable that swordfish will be found in some new fishing area without similar mercury residues.

The 4 million pounds of unmarketable swordfish sitting in dealers' warehouses represents a substantial investment. Only what is bought back by importing countries can be salvaged. The rest, according to FDA regulations, cannot even be sold as cat food. Nor can it be mixed with another fish into some form of fishcake to lower the concentration of mercury below the 0.5 parts per million allowable maximum.

Title II of my bill would give swordfishermen, and other commercial fishermen in similar circumstances, subsidies to make up for the loss of a year's business. This could be as much as 70 percent of their previous year's gross earnings.

Title III of my bill provides funds to reimburse fishermen for obsolete vessels and equipment. It also authorizes direct grants to companies holding impounded fish stocks, such as swordfish.

I consider title II and title III emergency provisions necessary at this time. The creation of a Federal insurance program for the fishing industry would make such measures unnecessary in the future.

The fishing industry is a $3 billion business at the wholesale level. It is a vital part of our economy. It provides employment for 140,000 people. It is an essential part of our food production. My bill would give some economic stability to the fishing industry and take some of the uncertainty out of a business which has today become riskier than ever.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2

At the request of Mr. JAVITS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2, a bill to provide protection from the beneficiaries and participants of private pension plans.

S. 1461

At the request of Mr. MCGOVERN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1461, the truth in advertising bill.

S. 2447

At the request of Mr. INOUYE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2447, a bill to permit a noncontiguous State to elect to use and allocate funds from the highway trust fund to achieve a balanced transportation system responsive to the unique transportation needs and requirements of such a noncontiguous State.

SENATE JOINT RESOLUTION 112

At the request of Mr. BROCK, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

PUBLIC DOMAIN LANDS ORGANIC ACT OF 1971—AMENDMENT

AMENDMENT NO. 417

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON. Mr. President, I submit an amendment to S. 921, the Public Domain Lands Organic Act of 1971, and ask that it be printed.

Mr. President, this amendment is a substitute for title II of S. 921, which I introduced along with several of my colleagues last February. Title I deals with the lands administered by the Bureau of Land Management in the Department of the Interior, and is intended to provide permanent, statutory guidelines for their administration. It is based on a concept of retention and management on principles of multiple use. I am pleased that this title has received wide support and that the administration has submitted legislation similar in concept.

Title II, as introduced, affected all federally owned minerals by repealing the 1872 Mining Act and other laws relating to the disposition of Federal minerals, including the Mineral Leasing Act of 1920.

Mr. President, the primary objective that my colleagues and I were seeking was to modernize the laws relating to the management of the public lands and minerals estate which belong to all the people. The main target was to place on a leasable basis the so-called hardrock minerals now subject to location and patent under the antiquated mining law of 1872. Leasing has been the method of disposing of oil and gas values since 1920.

When I introduced S. 921, I stated:

> No one is satisfied with the present system of exploration and exploitation of the Federal mineral values on our public lands whereby under the "location" system of the mining law of 1872 even the title of the surface of the land can pass for nothing. No environmental safeguards are now required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation.
>
> Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.
>
> In short, Mr. President, 99 years is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to these lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the authors to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

There is in my judgment a better way to achieve the goal we are seeking than to place all minerals under a single leasing act as title II of S. 921 would do. Since we are primarily concerned with the mining law of 1872, my amendment is limited to the minerals subject to that act. The Mineral Leasing Act has been operating reasonably well for 50 years, and the Secretary of the Interior has authority and discretion to provide environmental safeguards pursuant to that law. He has virtually none under the mining law. The environmental provisions of S. 921 are left intact and this authority should give the Secretary the management tools he needs to protect the land resources and at the same time insure that the needed minerals on our public lands are developed.

The amendment will assure that the individual or small mining concern continues to have a fair opportunity for access and to participate in mineral activity on the public lands.

The proposal calls for a prospecting permit to be issued to a qualified applicant who, if he makes a valid discovery, will be entitled to a preferential lease for the area where the deposit is located. This will protect the small companies and allow them to continue much as they are today, but the land managers will have an opportunity to exercise greater control over the activities on the land.

The States will benefit because now they receive nothing from the mining law except what taxes are generated. Under my proposal they will be entitled to 37½ percent of all revenues received under the leasing system.

More importantly, the people's land will no longer be subject to indiscriminate disposal through the patenting procedure. It is time the Government acted to bring modern methods to bear in administering this great public resource.

Mr. President, hearings have been scheduled on S. 921 for September 21 and 22. I have transmitted this amendment to the Federal agencies and asked that they comment on it in lieu of title II as originally introduced. The same request is being made of other public witnesses who wish to testify at these hearings.

The bill submitted by the Secretary of the Interior, S. 2401, will also be heard at the hearing along with S. 921.

NOTICE OF HEARING ON SCHOOL LUNCH REGULATIONS

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry has scheduled a hearing on the school lunch regulations published by the U.S. Department of Agriculture on August 13.

The hearing will be held on September 16 at 10 a.m. in room 324 of the Old Senate Office Building.

ADDITIONAL STATEMENTS

DEHUMANIZING DECREES OF THE SUPREME COURT

Mr. ALLEN. Mr. President, I invite the attention of Senators and the public to a recommendation to the President made by the distinguished syndicated columnist Kevin P. Phillips in his column published in the Washington Post this morning.

In a nutshell, Mr. Phillips calls on President Nixon to challenge the authority of the U.S. Supreme Court to issue orders which compel involuntary busing of children in order to distribute them throughout schools in cities and counties to meet court prescribed racial ratios.

Mr. Phillips cites historical precedents for challenging the authority of the Supreme Court in the past when the Court has gone against commonsense and the wishes of the people.

In my judgment, the Supreme Court has invited a confrontation with the people of the United States in its busing decrees. It is not the first time that the Supreme Court has risked the loss of public acceptance, which is the necessary basis of its authority. Mr. Phillips observes:

> These confrontations did not occur simply by chance. The Supreme Court lags behind the times. By and large it has greeted every critical juncture of U.S. society, politics and history with an outpouring of obsolescence—poor sociology and stale jurisprudence rooted in a credo and era that have already failed. Such error has led our greatest Presidents to challenge the court and its authority.

Then Mr. Phillips turns to the late Supreme Court Justice Robert Jackson's thought-provoking lectures in his book, "The Struggle for Judicial Supremacy," for this observation:

> Surprise turns to astonishment when we reflect that time has proved that its judgment was wrong on the most outstanding issues upon which it has chosen to challenge the popular branches.

Mr. President, the U.S. Supreme Court is wrong in its decision which compel or condone massive crosstown busing to achieve racial balance in public schools.

Mr. President, this issue is quickly shaping up as a national political issue. Candidates for President of the United States cannot avoid taking a stand. President Nixon has stated his position; Senator Muskie has stated his position, according to the Washington Star of September 8, 1971; and George Wallace has stated his position. Who is next? Furthermore, an item in this morning's Washington Post is headlined "Anti-Bus Pressure Initiated." The story indicates that the battle is being joined in the House to compel action on an antibusing constitutional amendment. These are signs of determined opposition.

In this court-invited battle with the people, the Court has at its disposal the weapon of trial for contempt of court, whereby elected school officials can be hauled into court and threatened with fine and imprisonment without benefit of trial by jury for failure to comply. This is indeed a potent weapon because unquestionably few public officials can afford to pay a confiscatory fine of $300 a day or to go to prison for failure to obey the dictates of judges of U.S. courts. So the Court can continue to get temporary compliance. However, the people can fight back. Their weapon is the ballot. Thus, the political issue. Thus, the wisdom of Mr. Kevin Phillips' advice to President Nixon to challenge the authority of the U.S. Supreme Court. These busing decisions are founded on shifting sands of irrationality. They are propped up by sophistic semantics and sloppy reasoning. They offend commonsense. The time is ripe for leadership in this battle. I, too, urge President Nixon to assert that responsibility of leadership.

I join Mr. Phillips in inviting President Nixon to follow the examples of Presdents Jefferson, Jackson, Lincoln, Theodore Roosevelt, and Franklin D. Roosevelt, each of whom successfully challenged the authority of the U.S. Supreme Court. The cause is at hand. It is to rid our Nation of dehumanizing decrees which adversely affect the safety, health, education, and general welfare of millions of innocent schoolchildren.

Mr. President, I ask unanimous consent that Mr. Phillips' column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nixon, Burger Tilt Is Likely

(By Kevin P. Phillips)

Although Chief Justice Warren Burger seems to be in retreat, President Nixon may still have to take on the Supreme Court over the issue of school busing. Mr. Nixon is not going to be able to carry water on both shoulders—to convince people of his own sincere opposition to busing while his administration continues to support federal court busing demands.

Right now, the President's position is that he, personally, opposes busing, but that he will enforce the Supreme Court's limited busing mandate—and no more.

This won't work. Mr. Nixon can't support 3X worth of busing in one place, because the courts demand it, and then expect to be applauded when he opposes 4X worth of busing somewhere else. And besides, busing per se is merely an incidental issue, although it is the one seized upon for dramatic purposes. The real issue is racial balance. Should we, in the name of desegregation, integration or whatever, scrap the idea of schooling children in their own neighborhood in order to distribute them citywide in appropriate racial ratios?

Real arguments can be made on both sides, but if Mr. Nixon opposes busing for racial balance—as I, for one, believe he does—he should say so, and never mind the court. Past Presidents have not hesitated to take on the court when it has gone against common sense and the wishes of the people.

The late Supreme Court Justice Robert Jackson, who previously had served as Franklin D. Roosevelt's Attorney General, has described this opposition in his book, "The Struggle for Judicial Supremacy":

"It (the court) has been in collision with the most dynamic and popular Presidents in our history. Jefferson retaliated with impeachment; Jackson denied its authority; Lincoln disobeyed a writ of the Chief Justice; Theodore Roosevelt, after his presidency, proposed recall of judicial decisions . . . and Franklin D. Roosevelt proposed to reorganize it."

These confrontations did not occur simply by chance. The Supreme Court lags behind the times. By and large it has greeted every critical juncture of U.S. society, politics and history with an outpouring of obsolescence—poor sociology and stale jurisprudence rooted in a credo and era that have already failed. Such error has led our greatest Presidents to challenge the court and its authority.

Another point should be made and underscored. The U.S. Constitution nowhere gives the Supreme Court the vast authority it has been exercising of late. Actually, the court assumed this power on its own back in the early 19th Century.

First Thomas Jefferson and then Andrew Jackson despised the Supreme Court. After it upheld the constitutionality of the Bank of the U.S., Jackson vetoed the bank's charter anyway, saying that he deemed it unconstitutional. Said President Jackson: "John Marshall has made his law. Now let him enforce it."

Abraham Lincoln, too, ignored the court when it got in his way during the crucial years of the Civil War.

In fact, the Supreme Court has a pretty poor all-around record. To quote Justice Jackson again:

"Surprise turns to astonishment when we reflect that time has proved that its judgment was wrong on the most outstanding issues upon which it has chosen to challenge the popular branches. Its judgment on the Dred Scott case was overruled by war. Its judgment that the currency that preserved the Union could not be made legal tender was overruled by Grant's selection of an additional justice. Its judgment invalidating the income tax was overruled by the 16th Amendment. Its judgments repressing labor and social legislation are now abandoned. Many of the . . .

During this decade, the federal judiciary seems disposed to thrust the "Equal Protection" clause of the U.S. Constitution even further into the thicket of requiring this and that sort of racial balance and social engineering. If President Nixon opposes such policies, now is the time for him to take his stand against the federal judiciary and alongside the great men of American history.

THE PRESIDENT'S ECONOMIC MESSAGE TO THE CONGRESS

Mr. DOLE. Mr. President, President Nixon has offered Congress a great opportunity to join with him in meeting the challenges of peace. And I believe the people of Kansas applaud his efforts and the spirit of cooperation he extended to the legislative branch. In his economic message to today's joint session of Congress President Nixon addressed many issues which are of vital concern to the people of Kansas: Job development increases in productivity, and reduction of the cost-of-living spiral.

The programs urged by the President will be of great benefit to Kansas. A State which has strongly felt the impact brought about by the change from a wartime to a peacetime economy.

The President's programs will help businesses in Kansas by strengthening their competitive position against foreign goods and by offering incentives to invest in new machinery and equipment.

These programs will also help the workingman in Kansas, by increasing the personal income tax exemption, by creating more jobs, and by ending runaway inflation. This last point is especially crucial to the farmers in Kansas, who for many years have borne a heavy share of inflation's cruel burden.

The people of Kansas responded to the announcement of the new economic policy with overwhelming approval, and I believe they will continue to support the President in his efforts to achieve a generation of peace with prosperity and without inflation.

THE FUTURES MARKET

Mr. McGOVERN. Mr. President, one of the most unique and colorful aspects of our country's highly sophisticated agricultural marketing system is the futures market, where such diverse products as grain, silver, and plywood are traded each day. The history of the commodity exchanges includes periods of great turbulence, and much change has been brought about over the years in the manner in which they are regulated. Their basic function is to facilitate marketing, and marketing is an area of much concern for American agriculture. In fact, there is considerable evidence to suggest that we are on the threshold of a marketing revolution somewhat comparable in terms of significance to the production revolution of the past two decades.

What does this era of change portend for the futures market? That question is explored in considerable depth in a recent address by Mr. Robert C. Liebenow, who is president of the Corn Refiners Association, Washington, D.C., and a distinguished South Dakotan. As a former president of the Chicago Board of Trade, Mr. Liebenow is well acquainted with agricultural marketing techniques, and most especially with what is perhaps the most unique of all market institutions—the futures market. His remarks help put in sharp perspective an important topic, and for that reason I ask unanimous consent that his address, presented on June 23 before the Association of Commodity Exchange Firms, Inc., in New York, be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Commodity Futures Trading Today And Tomorrow

(By Robert C. Liebenow)

A few years ago, Henry Bakken, a fine scholar and one of marketing's most assiduous students, wrote that historically "many members of the commodity exchanges were slow to recognize that they owed any obligations to the public. This kind of attitude was not uncommon in the formative years of the exchanges—the years of rugged individualism and laissez faire philosophy in commerce."

A great deal has changed since then, and to the credit of the exchanges, and their members, most of the change has been initiated from within, coming about at a fairly constant, though certainly unenforced, pace.

The boom and bust cycles that have characterized American agriculture over much of the last century have contributed substantially to the somewhat spectacular history of the exchanges. Perhaps it was inevitable that indelible imprints would be etched in the public mind.

The business has changed and to an incredible degree; however, I suspect that public perception of both the extent and nature of the change is not only incomplete, but also somewhat inadequate.

Is it possible that herein we find the basic elements of a persistent problem that periodically has posed a significant threat to traditional operations?

CONVENIENT TARGET

We can agree that the exchanges have provided a convenient (and sometimes willing) target for critics espousing a wide assortment of causes. It is interesting, too, to note the critics have ranged from those representing no cause other than self-interest, to the President of the United States. Frequently the debate has generated more heat than light. Partially as a result, much of what the public has learned about commodity trading was derived from such negative sources as the opinions of critics, and past instances of abuse.

Unfortunately, human nature exhibits a remarkable preference for the malevolent, the dark side, the villain if one can be found, and over the years the exchanges and their membership have furnished a wealth of material to satisfy public taste on this score.

I suspect that while the date October 5, 1947, means little, the occasion of the first Presidential address televised from the White House is highly indicative of what the public remembers. President Truman spoke to the nation that day on the food crisis in Western Europe. His primary purpose was to urge Americans to conserve their food, but he felt obliged also to comment on rising prices. These were his words:

"Another factor that contributes to the high prices of food is gambling in grain. Grain prices naturally respond to the law of supply and demand, but they should not be subject to the greed of speculators who gamble on what may lie ahead in our commodity markets."

The phrase "Gambling in Grain" has faded with time, but it has hardly been erased.

Mr. Truman went on to acknowledge that there was a place for legitimate trading, but because of heightened speculative activity he would instruct the Commodity Exchange Commission to increase margin requirements to at least 33⅓ percent.

"I say this," the President added, "because the cost of living in this country must not be a football to be kicked about by gamblers in grain."

That is one of the more revealing episodes in trading's spectacular history.

A step or two back further in time, criticism was not merely justified, in many instances it was even of individuals.

CLIQUES AND CLUBS

Henry Bakken also accounts perhaps better than anyone for the atmosphere that so dominated that era:

"The associations these men had formed were, in their opinion, private clubs. Many of them were guilty of loquacious and misleading statements which only served to intensify suspicions. They condoned abuses and defended such ill-considered practices as periodic raids on the market for the purpose of cornering and squeezing the shorts. Manipulative practices created considerable mischief among the traders, but the sagacious ones were not always able to thwart such infamous tactics summarily. These spectacular forays on the Exchanges attracted wide public notice and created unfavorable public impressions of their functions and purposes."

Many notorious cases might be cited to illustrate Bakken's point, but none would be more dramatic than the wheat corner of September 1888.

Taking advantage of an early frost and the scarcity of wheat, a trader popularly—though certainly not affectionately—known as "Old Hutch" seized virtual control of the Chicago market. Almost alone he jacked the contract price to $1 per bushel for the first time in five years; eventually it skyrocketed to double that amount. As the story goes, the shorts were standing in line, glad to buy in at any price. Within a short time Hutchinson had triggered a "bear raid" and by December wheat was selling for under $1 per bushel.

The elements of that story are sufficient to stagger the imagination of a Walter Mitty.

The public's memory of these and other flagrant instances of abuse seems interminable. The most unfortunate aspect of the problem is that in terms of public attention, progressive change has been eclipsed by the remembrance of corners, mass washouts or pauper-turned millionaire on the strength of a rumor.

REGULATORY LEGISLATION

The Grain Futures Act of 1922 and the Commodity Exchange Act of 1936 represent milestones in the effort to curb unethical practices, and certain specific instances in which market positions might be abused.

The Act of 1936 came about largely as a result of public reaction to market manipulation.

During 1938 large speculators had taken sizeable positions in wheat, and just as the crop started coming in, they began liquidating holdings. The market quickly became a debacle for the small, thinly-margined speculator. Within three days wheat and corn contracts totaling 38 million bushels were dumped, all of which had been controlled by only three individuals.

Such activities gave considerable impetus to the regulatory movement, and brought about strengthened curbs on price manipulation, market corners, and speculative positions.

Certainly this was a critical juncture for the exchanges, and fortunately, they were permitted to continue to be largely self-regulatory.

Nevertheless, the threat of drastic types of regulation, including some with such terminal features as outright abolition, continues today.

Proposals of this kind have shown considerable tenacity in the regularity with which they are proposed.

ABOLITION OF TRADING

In the 1860's several state legislatures attempted to abolish futures trading. The first bill to prohibit futures trading was introduced in Congress in 1884, and another was nearly passed in 1893. Between the appearance of the first bill and the mid-fifties, at least 330 bills were introduced in Congress to regulate, investigate, delimit, prohibit or otherwise obstruct futures trading in commodities.

Between 1890 and 1924, no less than 30 investigations of futures trading were authorized by Congress.

If you doubt the intensity or the gravity of the context in which the issue was debated during much of that period, then consider the phraseology of the following bill, introduced in 1908 and again in 1909 by Congressman Jeff Davis of Arkansas. His bill sought to prohibit anyone from, "delivering, receiving, or transmitting, and from being interested in, or aiding in any manner, the receiving, delivering, or transmitting by mail, telegraph, telephone, or other means whatever, in any State, district, country, territory, or place over which the sovereignty of the United States of America now exists, any message, information, intelligence, letter writing, card, device, sign, symbol, cipher, or other thing whatsoever . . . relating to or in any manner of form concerning any transaction or proposed or suggested transaction, scheme, or plan to speculate or gamble, or gain or lose sums of money called margins, which gains or losses, respectively, are made to depend upon the future increase or decrease of the market price of any product of the soil . . ."

On the basis of the foregoing, it seems only fair to conclude that Mr. Davis must have been long about a million wheat when "Old Hutch" broke the market.

PROJECTING POTENTIAL

Both evolution and revolution have exerted remarkable influence since Rep. Davis introduced his bill.

Today, many economists conclude that the futures market represents the highest type of market institution yet developed by man. More important, they predict that eventually a great volume of manufactured goods will be traded in a similar manner (albeit a time frame involving certainly many decades, and perhaps a century or more).

The available directional signals are encouraging.

Last year's record volume of trading—a 23 percent increase in volume of transactions—is significant by any standard; so too is the 33 percent increase in value of goods traded.

The popular suggestion that such increases are primarily a manifestation of "homeless money" in a time of falling stock prices is questionable at best. Trading volume has maintained a substantially higher level over the past few years, and this year's volume probably will exceed the record set last year.

However, increased popularity will also mean increased demand in the area of public accountability; general trading practices . . . the conduct of the exchanges . . . will continue under close, or even increased, scrutiny.

And the potential for controversy cannot be eliminated any more in commodity trading than in the exchange of securities or other important, highly visible, business dealings.

For example, corn blight and drought continue to build speculative fever, and the market seems quite willing to move occasionally on even the flimsiest evidence. Large price fluctuations brought about in this manner will sooner or later bring about substantial criticism. Prices that change significantly purely on the basis of unsubstantiated reports are very difficult to defend.

The restraints needed to minimize such activity can and should be self-imposed.

Certainly a Commodity Exchange Authority with only 170 employees and an annual budget of only $2.6 million cannot be expected to prevent rumors from having an impact on the market.

In recent years futures markets have shown clearly that they can and generally do function in a manner permitting the fulfillment of their basic purpose: that of establishing price, and bringing about the orderly transfer of commodities.

I would expect even the most grudging critic to admit that futures markets have enabled us to establish a level of market stability that, short of extensive government controls, would otherwise be impossible.

In this same vein, it seems especially significant that government restrictions over agricultural production are now undergoing changes which superficially may seem only slight, but in actuality may be quite profound.

One of the basic concepts behind the Agricultural Act of 1970 involves much wider latitude in producer production decisions. For example, marketing quotas have been eliminated in cotton, and after basic land diversion requirements are fulfilled, farmers can grow whatever they choose.

The new set-aside approach is designed to permit basic commodities to gravitate to the areas where they can be grown most economically. While it is possible that very difficult adjustments may be triggered as a result of the new program, producers will be much less restricted in what and how much they plant.

In fairness I must say that the producer still faces a thorny dilemma: his profit potential from increased efficiency has already shrunk to a low level; the level of spending for the commodity programs continues under attack; and with our loan levels pegged below-cost-of-production, it may be increasingly difficult to gain adequate production in some crops. The present cotton situation somewhat painfully illustrates this point. For the first time in many years, the cotton industry has an opportunity to recapture lost domestic and export markets; yet despite greater freedom under the new program, acreage apparently has not increased appreciably.

Pressures of price account in part for today's strong movement to provide agricultural producers with new and pervasive bargaining authority. The House Agriculture Committee will begin public hearings in September on the question of national marketing and bargaining legislation for agriculture. A key feature of one of the bills already introduced would require purchasers to negotiate prices with only one marketing group at a time, preventing discussions with any other group until negotiations with those approached first are either consummated or terminated. Obviously the enactment of such a feature would profoundly affect present marketing methods.

Rest assured that as industry leaders your resources of experience, judgement and creativity will be called upon.

Advocates of greater government regulation over trading are well-informed; they expect high standards on the exchanges; and I suspect that to the extent that the public has taken a position, it is with them.

Effective market regulation is essential even though it may require greater effort. Obviously the public knows much more about commodity exchanges than it used to; and increasing levels of public acceptance and participation will be determined at least to some degree by standards you demand.

NEW YORK'S SHOOTING DEATHS EXCEED THOSE OF VIETNAM

Mr. KENNEDY. Mr. President, it would be impossible to overemphasize the need to reduce gun violence in the United States. Every instance of death or injury caused by guns should serve to remind us that firearms play a distorted role in American society.

The sad fact is that there are so many guns in our civilian society—at least 90 million according to the Eisenhower Commission—that Americans have accepted guns as an integral and necessary part of life.

Yet, the daily toll of victims mounts with increasing horror—a man is shot and killed in New York's Central Park trying to defend his girl friend from a rapist, a Rhode Island doctor is gunned down in a hospital parking lot, a Maryland newsboy on his morning rounds was the victim of a homeowner who mistook him for a prowler, and a Virginia naval officer and his son are slaughtered right before the eyes of their family while returning from July 4th ceremonies at the Washington Monument.

There is no certainty that these deaths would have been avoided if effective gun controls existed. Yet, it is certain that the alarming increase in gun deaths will continue unless we move to control the availability of guns to the public.

Gun lobbyists insist that more laws and more controls are needless and useless. They use New York's strict laws as an example of the misdirected intentions of those who want to battle gun violence with legislation rather than with heavy prison sentences. But, I share the beliefs of writers like Flora Lewis, whose recent article in the Washington Post, explains that:

> The local New York law is meaningless when anyone can buy a gun nearby.

She graphically describes how murder in New York is mounting tragically because guns come into New York from areas where controls are much less stringent. The obvious solution to the inconsistent pattern of lax controls is the enactment of a nationwide federal system of firearms regulations.

Flora Lewis tells us how New York is struggling with the daily battle against armed civilians who in 1 week produced more casualties in New York City than were produced in Vietnam.

Mr. President, I commend to this Senate the article prepared by Miss Lewis as it appeared in the Washington Post on September 4. I ask unanimous consent that the article entitled "New York's Shooting Deaths Exceed Those in Vietnam" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New York's Shooting Deaths Exceed Those of Vietnam

(By Flora Lewis)

New York.—More Americans were shot dead on the streets of New York City last week than in Vietnam. They included two policemen, a candy store owner, a supermarket clerk, a hotel clerk, a high school teacher visiting the city on the first vacation he ever took and at least two would-be robbers.

Most of the murders involved attempted holdups but not all. At least two, including the candy store owner who was a survivor of Nazi concentration camps, were provoked by stupid little arguments. Beno Spiewak, who ran the corner store with his wife, was killed because two men who wanted apple pie at 6 in the morning were furious that he had none and offered Danish pastry instead.

That's the way it is at war, the news reports tell us. Men go crazy over petty frustrations and use the weapons they are carrying because they are at war. That's the way it was in the wild, awful West, the movies tell us. Men went bad and killed each other out of stupid pride and bluster, because they knew no other way to prove their manhood against the awesome background of an untamed nature.

But there are no bears or rattlesnakes roaming American cities. There are no foreign armies lurking in the shrubs beside the superhighways. There are only Americans, clerks and teachers and civil servants and laborers and salesmen, living an urbanized life but fighting nonetheless an undeclared war.

It is a war of guns. If there were no guns, some people would still be murdered. So it has always been, for there is a dark strain in the human animal which breaks away from time to time against the burden of reverence for life. But none of these people was likely to have died if guns were not so common. They might have suffered a broken nose in a fist fight, or cut themselves in a struggle to wrest away a knife or twisted an ankle running from an assailant. They almost certainly would not have been killed.

The week's toll provoked New York's Mayor Lindsay to one more despairing appeal for gun control laws. New York City has a strict law, but there are no guards, no inspection points, no document checks at New York City's frontiers. The local law is meaningless when anyone can buy a gun nearby.

Lindsay's appeal was despairing because he knows the force of the arguments against gun control. It is the force of a bullet. No issue seems to stir the bile and the venom of large segments of the public so fiercely as a suggestion that we give up our guns and try to be more civilized, try to remember that we live in metropolitan areas, try to remember that no enemy troops have landed on our shores.

They are familiar arguments, circular and self-serving. There is the argument of the Constitution, as though King George III's militia still threatened and nothing else in the basic law had ever been found obsolete, requiring change.

There is the argument that criminals wouldn't obey gun laws, so controls would only disarm innocent citizens, as though making it hard to buy and carry concealed guns would cause more shooting. There is the argument of self-defense, as though lives were being saved in this mad devotion to gunfighting.

The force of the argument against guns is simply a corpse. It is a fresh corpse, day after day, because yesterday's victim is soon forgotten except by the grieving family. I could give you the names of last week's casualties, but all I can say about this week and next week is that there is bound to be a list and none of us yet knows who will be on it. Maybe you, maybe me. We are all at the battlefront.

How high does the weekly toll have to go before the country decides the regular casualty lists are intolerably long? Does there first have to be a Tet offensive on the streets of America before a decision is made against more escalation? The war in Vietnam costs more money, but the undeclared gun war on the streets of the United States takes many more American lives. The disarmament pact most urgently needed now is among the citizens of the United States.

DEVELOPMENT ASSISTANCE AND THE U.N. SECOND DEVELOPMENT DECADE

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the Record the text of my statement on Development Assistance and the United Nations Second Development Decade, delivered in my capacity as a U.S. Representative to the Interparliamentary Union and as a Representative of the U.S. Parliamentary Group to the Economic and Social Committee, at the Plenary Session, September 6, 1971 at the Palais Bourbon, Paris.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on Development Assistance and the U.N. Second Development Decade

(By Senator Jacob K. Javits)

It may seem anomalous that at this time—when the President of the United States has just proposed a New Economic Policy and put into effect such parts of it as are within his executive power—a member of the United States Group should address himself to development assistance and the problems of the Second Development Decade. Yet this is logical and right, for development assistance and the Second Development Decade involve so strikingly the problems of foreign aid from its primary source since World War II; and also the problems of international trade and the international monetary system to which the developing as well as the developed countries must look so importantly for their economic future, all of which are an integral part of the New Economic Policy. And, I feel that this is more appropriate than ever, for the United States is seeking by this New Economic Policy to put itself in a position to work with the nations here represented more than ever towards the common objective of an open, trading, peaceful, just, and more prosperous world.

It should be well-known to the members of the other parliamentary groups that our country was approaching the brink of economic catastrophe through the combination of inflation in our domestic cost of living, unacceptable unemployment and unacceptable pressure on the dollar.

This crisis has threatened for years and is heavily attributable to the financial load which the United States carried—quite willingly and voluntarily—in the redemption of a war torn world—succeeded by the exigencies of military operations in Korea and Vietnam, and elsewhere, we then considered to be part of the same responsibility. The annual U.S. balance of payments deficit has been a fact of international life for a number of years now, and it has contributed to the weakness of the dollar, and hence to the instability of the entire monetary system built around the dollar. Yet until this year the value of U.S. commodity exports continued to exceed that of imports. The deficit resulted from the invisibles, U.S. direct investment abroad, the sale of foreign securities in the United States, tourism, loans and other transfers. With increased pressure on the dollar came increased demands on the U.S. gold reserve. Finally, this year the United States faced the prospect of an actual excess of commodity imports over exports, of even larger payments deficits as a result and a dangerous escalation of the dollar crisis. Something had to be done, and something was done. Indeed, the measures taken in the New Economic Policy by our President are in the main measures which responsible authorities in the developed countries have been urging us to take for years. For, the critical importance of a healthy United States economy to the future of so much of the world on every continent is very well-known to almost every country represented here by its parliamentary group.

In addition, our delegation feels justified in speaking positively on the subject of development assistance and the Second Development Decade because our record in the fields of foreign trade and investment and international cooperation in the last twenty-five years is a record of which the United States delegation and the American people are deservedly proud. As President Nixon noted when he informed the American people of his New Economic Policy, from July 1946 through June 1970 the United States has provided $143 billion in foreign assistance. Roughly $93 billion of this sum has gone to aid the process of economic development. The remaining $50 billion has gone to the developed countries to assist in their recovery after World War II and to the rebuilding of their armed forces to purposes of mutual security in the postwar era.

It is true that the United States is much farther down the list in terms of per capita assistance than most DAC countries—much farther down than many believe it ought to be—and the President has just ordered a 10% foreign aid cut as part of the New Economic Program. Nevertheless, U.S. aid for development is still first in total volume, amounting to 34% of the total flow in 1969 and 47% of official development assistance. Furthermore, there has been a marked increase in U.S. grant assistance, particularly to multilateral organizations. The net flow of total official and private resources from the U.S. to developing countries in 1969 was well more than double the flow of the second ranking contributor, while official development assistance from the United States was more than three times as much as that furnished by the next ranked donor—and the ordered 10% cut is unlikely to change the order of magnitude.

In appraising the New Economic Policy of the United States let us therefore weigh properly the catastrophe avoided against the difficulties that exist.

For what has been too little noticed in our New Economic Policy is its domestic application; and, the temporary nature of the measure which is considered most onerous by our trading partners, the ten percent surcharge on imports.

Let us note carefully that we are now determined to stop the inflationary spiral in our country and that in this the U.S. Congress is called upon for a leading role. We have proposed to seek a major increase in productivity through a new job development credit of domestic income taxes for investment in new equipment. The increased investment will stimulate both employment and advances in productivity. We will, in addition, seek a material reduction in our governmental expenditures, contributing further to counter-inflationary stability. And finally, while we have temporarily suspended dollar convertibility into gold we stand ready to discuss with our partners of the other industrialized and developing countries major international monetary reform—including our gold stock.

From this great effort and its sequels the United States should emerge in an infinitely strengthened position to join in world efforts—including the non-discriminatory and non-reciprocal scheme of preferences in favor of the developing countries—to accelerate the closing of the economic gap that persists between developed and developing countries; and for the further expansion of the liberal international trading pattern which has served so effectively to bring the world back from the ruin of World War II.

I do not see the surcharge on imports as a permanent or even long-term feature of the New Economic Policy. The key to its early suspension is realignment of currencies, requiring the capacity to increase U.S. productivity, and further trade negotiations. All these could be accomplished in the near term.

Already the signs are clear that currency relationships are in the process of realignment and that there is increased receptivity to widening the bands of permissible variance between the principal world currencies; and to relieve the world further of the dangers of basing the total world payments structure on an amount of gold which cannot support the existing structure let alone the broadening and expansion of it to which we all aspire. Indeed, it is my suggestion that the Group of Ten, beginning with its ministerial meeting opening in London on September 15 next, could well constitute a committee which could usefully reach an understanding in principle on the type of fundamental changes required to modernize the international monetary system and even to prepare an agenda for an international conference, the first since Bretton Woods which could lead to this objective.

I have made these references neither to magnify the United States role nor to denigrate the contributions of others, but simply to point out the obvious fact that the United States had inevitably reached a new point in its postwar exertions. And, that notwithstanding our grave problems—concerning the maintenance of extensive military establishments at home and abroad—even in countries now well able to maintain their own—pending and impending negotiations respecting non-tariff and other barriers to trade including the need to alleviate the drastic impact of phenomenonally pyramiding imports on the United States domestic economy and employment, the United States nonetheless is prepared to continue to play its role in the world. The question is will the developed and developing world now show their understanding of the kind of service rendered by the U.S. to the world in the last quarter century which is so much responsible for the present economic difficulties of the United States? I estimate the turn around time at one year.

The fact is that there has not been a change of heart or purpose in the United States, and that the New Economic Policy is designed to restore the U.S. economy and is not an indication of any longer-term reduction in U.S. interest in the developing countries.

It is the fervent hope of my delegation that if our New Economic Policy is successful—and its success will depend so heavily upon the countries whose parliamentary groups are here and our own Congress—the United States economy will be able to shake off the sluggishness that has gripped it for months and that such an upturn will be most helpful to all who are here. For, the United States absorbs about one-seventh of the whole world's exports and a sound United States economy will mean a flourishing international trade, an end to the danger of trade wars and a better market for the products of developed and developing countries, plus a strengthened world monetary and economic system.

I had the honor of personally pledging on behalf of the United States at the last meeting of the General Assembly of the United Nations to which I was a United States delegate, our acceptance of the target confirmed by the resolution of the Economic and Social Committee of our own organization of the "annual transfer to the developing countries until 1975 of financial resources equivalent to not less than one percent of the gross national product at current rates". It is this goal toward which we all aspire. For as this committee has so well stated it, what we seek to do is to enable our parliaments to join in those measures which can bring about "A just distribution of income and wealth aimed at promoting both social adjustment and efficient production"—and I may add on my own—promoting peace for our time.

GENOCIDE: THE KEY IS PREVENTION

Mr. PROXMIRE. Mr. President, what would it have been worth to save over 6 million human beings from Nazi gas chambers? Genocide exacts a high toll in cynicism, in nihilism, in apathy. It exacts a high toll from the conscience of sensitive individuals the world over. It costs a lot besides the obvious loss of human resources and human dignity. Is it a price we can afford to pay again in the future?

What we need is a means of preventing the occurance of future genocide. We need to unite with other nations of the world community to insure that this price is never again paid. Already more than 70 nations have ratified the Convention for the Prevention and Punishment of the Crime of Genocide. It is time for the United States, the leader of the free world, to join with these nations in declaring genocide illegal.

The key term is prevention. And the key tool is the law. We can hope to prevent future mass murder only by a strong stand behind international laws that would make the murder of a racial or religious group clearly illegal. It is time for the United States to join the 75 other nations which have already ratified the Genocide Convention. It is time to take an uncompromising stand against mass murder.

LEADING AMERICA LIKE THE WHOLE WORLD DEPENDED ON IT

Mr. DOLE. Mr. President, I read an editorial this morning that I consider to be an accurate summation of recent initiatives of the Nixon administration. It also casts a revealing light upon some of the motives of those who hastily find fault with the actions of the President and his administration.

The editorial gave me great encouragement. It exemplified the constructive role that a free press can play in our society. It demonstrated an intelligent, well researched, and well written expression of one man's opinion. I was further encouraged when I learned that the editorial was written by Dave Mudrick, a junior at Kansas State University majoring in journalism. This young journalist does not represent a small vocal minority of our college-age youth but, in fact, represents by far the great majority of America's young—intelligent, responsible, and industrious. I commend him for his endeavor and thank him for this reflection of his thoughts in the Kansas State Collegian article.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas State Collegian,
Sept. 1, 1971]

NIXON KEEPS PROMISES

(By Dave Mudrick)

Richard Nixon is leading America like the whole world depended on it.

He has played peacemaker in Vietnam and the Middle East, turning optimistic campaign promises into solid achievements. He used Henry Kissinger's feigned stomachache to try to dissolve the communication barrier with Red China. And he boldly declared a temporary wage and price freeze, leaving the opposition wondering where all the issues had gone.

The inherited war was the main obstacle blocking the President's program for a generation of peace. On Sept. 25, 1968, President Lyndon Johnson's Defense Secretary Clark Clifford admitted, "We had no plan to reduce the number of troops in Vietnam at all."

But the new President's plan soon became "perfectly clear," even to the suddenly dovish Clifford. Nixon ignored the bomb-Hanoi hawks and the lose-the-war doves, choosing instead to wind down the war.

Over a half million Americans were trapped in the sit-still war when Nixon was inaugurated. By Dec. 1, troop levels will have been slashed to 184,000. Weekly U.S. combat deaths have dropped from 279 in early 1969 to less than 30 in recent counts. Though any casualties are too many, the war's close is now more than just a light at the end of an endless tunnel.

Nixon's peace moves in the Middle East have also been aimed at reaching the desired era of negotiation. While maintaining sufficient support for the courageous Israelis, he has pressured both sides to soften their stands. Though he has avoided all-out backing of Israel, the U.S. Sixth Fleet remains poised in the Mediterranean to discourage any Soviet attempts to ignite new hostilities. The results are not yet clear, but the tension has lessened somewhat.

The planned trip to China and the Nixon economic measures may or may not succeed, but they have proved the decisiveness of the President. Both steps had been previously suggested by other national leaders, who had criticized the President for not crossing his traditional ideological lines. Those lines are now bypassed, shattering the inflexible image that was wrongly pinned on the President.

Ultra-liberals are still far from enchanted with Nixon, but they now have added some temporary allies to their sustained struggle. Their displeasure is being echoed by the far Right, who claim the U.S. has retired as champion of the free world.

Labor boss and all-purpose expert George Meany blasted the President as the nation's number one stuntman. Conservative columnist William F. Buckley has suspended support for Nixon's re-election drive, leading a half-serious right-wing exodus from the President's camp. And, oh yes, the chronic Democratic Presidential candidates, whose campaigns began with Nixon's inauguration, are playing their divisive political instruments as tridently as ever.

But the new Middle America, a political territory that exists between the two extremes, will still be Nixon Country in '72. Hopefully, the second four years of the Nixon Administration will be as productive as the first four.

Despite the assaults from both directions, the heart of America the President praised in his K-State speech still beats. After all, a generation of peace sounds most appealing.

ATOMIC TEST AT AMCHITKA

Mr. GRAVEL. Mr. President, I ask unanimous consent that an editorial published in the Scottsdale Daily Progress be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMCHITKA QUESTIONED

When the Atomic Energy Commission announced plans for the largest nuclear blast ever, it said the explosion was needed to test the Spartan missile component for the ABM system. Now this justification has come into question.

Dr. Harold Agnew of the Los Alamos Laboratory says that the Spartan would be useful in only a limited way.

A second justification was to keep the Russians from gaining a lead in knowledge of underground tests. Now, however, scientists tell us that all but the smallest tests can be detected from earthquake activity. Thus the way is open for a treaty banning underground nuclear activity without requiring on-site inspection.

These new developments cast further doubt on the AEC's need for the giant test under Amchitka Island.

The project, called Cannikin, has caused deep concern among Alaska and West Coast residents, as well as people in various countries in the Pacific area. The main reason for this is that Amchitka is located in an unstable geological area, and the potential for something going wrong is high.

The great Alaska earthquake of 1964 began with a shock of about 6.5 on the Richter scale. Cannikin may provide a trigger of between 6.8 and 7.2 on the scale according to seismologists. If an earthquake is imminent, the explosion could trigger one of the worst quakes in history.

In answer to this fear the AEC says it is unlikely. But that is hardly a reassuring answer. The AEC's own literature tells us that a shock of over 7.5 level almost certainly will create a major Pacific tidal wave.

When we also consider the danger of radiation venting or underground radiation leaks in the ocean which could pollute water for hundreds of years, the risks appear far greater than possible gains.

The other day the Senate voted to withhold support for the Amchitka test "unless the President gives his direct approval." This is an encouraging step. It puts the matter squarely up to Mr. Nixon. We hope that he will postpone it indefinitely unless guarantees of safety can be given. And we do not think such guarantees can be made in light of the fact that 10 percent of previous AEC tests have failed to perform as expected.

RAPID POPULATION GROWTH: CONSEQUENCES AND POLICY IMPLICATIONS

Mr. PACKWOOD. Mr. President, a special study committee of the National Academy of Sciences, has recently completed a report entitled "Rapid Population Growth: Consequences and Policy Implications." Their two-volume work represents an effort to define and describe various problems arising from today's worldwide population growth rates. As the committee points out:

> Study and research about the physiology and chemistry of the human reproductive system proceed space. Comparable research on the social and economic, political, and educational consequences of high and sometimes rising birth rates, falling mortality, differing age patterns in changing societies, and what a policy maker can do about these phenomena, has lagged sorely behind the research on demographic and contraceptive aspects of the problems.

With support from the Agency for International Development, and under the aegis of the Office of the Foreign Secretary of the National Academy of Sciences, the study committee was formed to delve into these very critical areas of population research. While the complete report is too lengthy to place in the RECORD in its entirety, I commend it to Senators for their reading and ask unanimous consent that chapters I and V of volume 1, entitled "An Overview" and "Recommendations," respectively, be printed in the RECORD.

There being no objection, the chapters were ordered to be printed in the RECORD, as follows:

RAPID POPULATION GROWTH: CONSEQUENCES AND POLICY IMPLICATIONS

CHAPTER I. AN OVERVIEW OF THE PROBLEM

In this book we are concerned with the most fundamental event of our times—the enormous growth of the world's population during the last 3 decades, and the prospects for continued growth in the future.

Many people believe, as Malthus did at first, though he later changed his mind, that the numbers of human beings will always increase up to a level set by the available food supply, or by enemies and disease. "Gigantic, inevitable famine stalks in the rear of misery and vice to limit the numbers of mankind." Even though death rates today are lower than they have ever been, and the proportion of the world's human population that is seriously malnourished is probably less than at any time since the Old Stone Age, the belief is widespread that uncontrolled population growth in the earth's poor countries is leading to catastrophe. It is possible, however, to take a different view, based on what we know about the history of human populations and on the behavior of many people at the present time—a view that social inventions will lead to a deliberate limitation of fertility by individual couples.

At the same time the technical potentialities exists, not only to feed all human beings, but greatly to improve the quality of human diets, at least until the end of this century. During the next 20 years no change in human fertility patterns can have much effect on the dimensions of the world food problem. And the natural resources available to present technology are sufficient to allow a vast improvement in the standard of living of all the people who will inhabit the earth 20 to 30 years from now. This is not to say that such an improvement in diets or standard of living will inevitably occur. It will depend on the improvement of social and economic institutions, and on the growth of cooperation and interdependence among the peoples of the world.

Nevertheless, a reduction in present rates of population growth is highly desirable from many points of view, because high fertility and rapid population growth have seriously adverse social and economic effects. A reduction in human fertility is an important component of social and economic development, although such a reduction cannot be a substitute for large capital investments and massive transfers of technology.

Rapid population growth has economic, social, and political effects. It also interacts with public education, health and welfare, and the quality of the environment in which people live. As we shall show, many of these consequences are not well understood, and their magnitude is uncertain. The significance of others is less than is generally believed. Without at this time assigning quantitative values, we may very briefly list the categories of consequences that are usually recognized. In later sections, these consequences are discussed more fully.

Categories of consequences

Economic Consequences

Rates of population growth in many less developed countries are at least half the rates of economic growth and in some cases almost equal the latter. Chiefly because of the high fertility of these countries, the ratios of children to adults are very high when compared with these ratios in developed countries, and the numbers of young people reaching the age of labor force participation are rapidly increasing. Both of these factors produce serious economic consequences.

Rapid population growth slows down the growth of per capita incomes in less developed countries and tends to perpetuate inequalities of income distribution. It holds down the level of savings and capital investment in the means of production and thereby limits the rate of growth of gross national product. Food supplies and agricultural production must be greatly increased to meet the needs of rapidly growing populations, and this constrains the allocation of resources to other economic and social sectors. The number of persons entering the labor force grows very rapidly. Because the number of people seeking employment is larger than the number of available jobs, unemployment and underemployment are increasingly serious problems. An ever larger number of workers cannot be absorbed in the modern (industrialized) sector. They are forced into unproductive service occupations or back into the traditional (agricultural) sector with its low productivity and bare subsistence wage levels. Large supplies of cheap labor tend to hold back technological change, and industrialization is slowed by mass poverty, which reduces the demand for manufactured goods. Low savings rates and low labor skill inhibit the full development and utilization of natural resources in some countries, while in others the growing populations outrun the levels at which renewable resources can be sustained, and the resource base deteriorates. Widespread poverty, the low productivity of labor, the growing demands for food, and slow industrialization distort and degrade the international trade of the less developed countries.

Social Effects

Large-scale internal migration and rapid urbanization are among the most important social effects of rapid population growth. The growing numbers of children who survive their parents place new strains on intergenerational relationships. Social mobility is impeded by continuing widespread poverty. Because only a fraction of the growing population can be absorbed into the modern sector, the numbers of people in the traditional sector rapidly increase and the gap between the two continually widens. Thus two "nations," one relatively well off and the other backward and poor, exist side by side in the same country.

Political Effects

Political and social conflicts among different ethnic, religious, linguistic, and social groups are greatly worsened by rapid population growth. Political and administrative stresses are increased by the rural-urban migration which is partly caused by this growth, and by increasing demands for government services in health, education, welfare, and other functions. The large proportions of young people, particularly those who are unemployed or have little hope for a satisfactory future, form a disruptive and potentially explosive political force, although there is no evidence that rapid population growth is by itself the cause or even the major contributing factor in violence and aggression.

Consequences for Education

Because the numbers of children grow even more rapidly than the total population, the need for educating ever larger numbers inhibits the raising of enrollment ratios and improvement in the quality of education. High proportions of children reduce the amount out of any given educational budget that can be spent for the education of each child. Because each cohort, or age group, of the population is larger than its predecessor, it is difficult to recruit sufficient numbers of teachers from among the adult population.

Health, Welfare, and Child Development

The cost, adequacy, and nature of health and welfare services are affected by rapid population growth in much the same way as are those of educational services. In the individual family, maternal death and illness are increased by high fertility, early and frequent pregnancies, and the necessity of caring for excessive numbers of children. The physical and mental development of children is often retarded in large families because of inadequate nutrition and the diseases associated with poverty, and because the children are deprived of sufficient adult contact. Poor and crowded housing in the urban slums of rapidly growing cities produces further illness and retardation.

Environmental Deterioration

Necessarily rapid increases in agricultural production, both of crops and livestock, in many areas increase erosion, soil and water deterioration, and destruction of wildlife and natural areas. Pollution, caused by the indiscriminate use of pesticides, poisons people and domestic and wild animals.

Efforts to solve the problem

Over a billion births will have to be prevented during the next 30 years to bring down the world's population growth rate from the present 2 percent per year to an annual rate of 1 percent by the year 2000. The task may well be the most difficult mankind has ever faced, for it involves the most fundamental characteristic of all life—the need to reproduce itself. An unprecedented effort is demanded, yet success will depend on the private actions of hundreds of millions of individual couples.

Until very recently, few nations had explicit population-influencing policies. Like the movement of a glacier, population changes were barely perceptible from year to year and yet were inexorable in character, seemingly beyond the range of government policy. Only within the last few years, when the vastly accelerated rates of population growth have become apparent to all, have governments recognized the needs and the possibility of actions to protect their people from the consequences of their own fertility and to effect reductions in fertility. Population policies are thus a new and untested area for politicians and administrators, who have neither tradition nor public consensus to guide them.

Nevertheless, many governments of developing countries are now adopting policies aimed at reducing birth rates and high rates of population growth. During the 1960's fifteen governments in Asia, nine in Africa, and fifteen in Latin America and the Caribbean area began to undertake fertility control programs, or to give support to unofficial programs in the absence of explicit formulation of government policy. The total population of the countries which have or support family planning programs is nearly 1,900 million, 80 percent of the population of the less developed world. Several of the rich countries, many intergovernmental agencies, and private foundations are providing financial help and expert advice for these fertility control programs.

This book is designed to stimulate planners and decision-makers of developed and developing nations to examine the consequences of rapid population growth for their own social and economic policies and patterns of action. That governments can and will take action we assume as the natural course of human affairs. Our goal is to encourage a thoughtful examination of the consequences of rapid population growth and their implications for public policy.

CHAPTER V. RECOMMENDATIONS

This study of the consequences of rapid population growth and their policy implications has led to the policy recommendations that follow. Having offered a number of options in the preceding sections, we now select those we think are the most viable for the near future to help societies cope with and influence population trends.

We are deeply conscious that the issues and actions associated with population questions are of enormous importance in the lives of individual men and women. For this reason we base our first recommendation on the ethical premise that freedom and knowledge should be extended so that people can act in their own best interest—both individually and collectively. It seems quite contrary to society's highest aspirations for men to assume, as some do, that their salvation can be accomplished only through coercion.

Recommendation one: freedom to determine family size

We urge that governments extend to women and men the freedom and means to determine the number of children in each family and the knowledge which will help them exercise responsible parenthood.

1. A full range of acceptable, easily used, and effective means of preventing births ought to be made accessible by governments to all persons of reproductive age; if necessary, at nominal or no cost.

2. Wide dissemination of full information on all the means of preventing births, on the economic, social, and health benefits of small family size, and on the cumulative nature of the burdens caused by large families should be given high priority both by governments and private institutions.

Information and advice about family planning must be factual and based as far as possible on the special conditions in each country. Very few countries come even close to fulfilling these ideals, not even the developed countries, which can most easily afford their costs. Real freedom of choice of family size with access to the best modern technology of fertility control is completely beyond the reach of well over half a billion families on the earth today.

3. Legal and social barriers to fertility control should be promptly removed and broad social acceptance and support of fertility control should be fostered, including, where health services permit, medically safe abortions and sterilization.

Recommendation two: national population-influencing policies

To serve national objectives of economic development, public health and welfare, and environmental conservation, we recommend that all nations establish policies to influence the rate of growth of their populations and to adopt politically and ethically acceptable measures toward this end that are within their administrative and economic capability. For most nations of the world the major goal of population-influencing policies should be a reduction in fertility.

Responsible population-influencing policies require adequate demographic data and analysis and will always take into account the attitudes and felt needs of the people. They can be formulated best in the light of economic and political analysis of the complex interrelationships between population growth and economic and social development and with full understanding of the benefits to individual families of a small number of children in each family.

1. The highest level of government is the natural locus for leadership in the formulation of population-influencing policies and the coordination of policy-implementing programs.

Many departments of government, including those concerned with education, health and welfare, public laws, food and nutrition, biological and social research, housing, social security, and national service, should be involved in planning and carrying out welfare and other policies that have fertility reduction as one objective. These policies can best be coordinated and resources allocated for their implementation by the planning or budgeting agencies of governments if they are to make a maximum contribution to the national goals of fertility reduction.

2. Public policies and programs pertaining to human fertility require review at frequent intervals to facilitate modification in the light of changing conditions.

There is much room for experimentation because such programs are highly innovative, but the experimentation will be most useful only if the results are realistically evaluated. If they are successful, the programs will pass through a series of stages. At all stages, the attitudes, values, and level of information of the people being served should influence the program planners.

The effects of population shifts, urbanization, mortality reduction programs, and other population-influencing factors must be carefully weighed as conditions change, because age and sex distribution patterns, as well as population density, create a continuously changing matrix for policy.

Recommendation three: short-term growth rate, death rate, and birth rate goals

First: We urge that countries in which rapid population growth is now occurring seek to reduce their rates of natural increase to less than 15 per 1,000 per year over the next 2 decades. Relatively low-fertility countries that are already growing more slowly than this should seek to approach more closely a stationary population level over the next 20 years.

Second: We urge that in high-mortality countries, modernization policies sufficient to accomplish a reduction in fertility be accompanied by policies of equivalent priority in order to reduce death rates to less than 10–15 per 1,000 per year.

Third: We urge that high-fertility countries set as a goal of population policy the reduction of birth rates within the next 2 decades to less than 25–30 live births per 1,000 people per year.

What constitutes a rational fertility level will obviously vary with circumstances, but we urge that significant limits can and should be identified. Thus it seems to us that there are clear disadvantages of a national birth rate above 30 live births per 1,000 people per year. The weight of evidence and rational presumption concerning socioeconomic consequences strongly favors a birth rate of 25 or less over one of 35 or higher. It is unquestionably desirable for the welfare of children and mothers to reduce the number of children ever born in the average family to a much lower level than the range of six or more that now exists in many countries.

Within the proposed limits on birth rates, individual societies and nations would find ample room for specific policies of fertility reduction that meet their criteria of cultural self-determination and socioeconomic prudence.

As death rates are brought below 10–15 per 1,000 in present high-fertility, high-mortality countries, birth rates should be correspondingly reduced. For present low-fertility countries, the recommendation implies an effort to approach a "replacement level" of fertility.

The magnitude of the policy challenge underlying the attainment of the above proposed limits on fertility is extraordinary. For the large majority of the world's population and for nearly all less developed nations, a drop in the birth rate below 25–30 per 1,000 per year would represent a historic break with the past and would be spectacular if accomplished within 1 or 2 decades. Demographically, the fertility targets being urged here represent a call to revolutionary demographic transition, moderated by a precautionary regard for cultural pluralism, and by a generous allowance for different socioeconomic welfare goals in different parts of the world.

Moreover, the central point of the recommendations is that they contemplate the near future—the next 20 years. From a practical point of view, little is gained by proclaiming the virtues of very long-term demographic equilibrium conditions, even if these virtues could be demonstrated uncontestably. Indeed, we see room for harm if such an approach were to usurp the place of considered deliberation by national leaders about needed next steps toward demographic amelioration. A policy approach that proposes an unrealistic goal and threatens disaster if it is not adopted is likely to promote, rather than allay, apathy or opposition.

Recommendation four: accelerating the trend toward the smaller family

Governmental and private efforts should be expanded to accelerate the trend toward the smaller family and the sense of individual responsibility toward society.

Planned and coordinated factual campaigns of public education and communication through television, radio, the press, outdoor advertising, voluntary associations, community leaders, and personal explanation by family planning workers are means to accomplish this end.

True freedom to determine family size can be realized only if it is, like all other human freedoms, tempered by the concern of the individual for the rights and interests of others. The essence of the matter is to protect both society and the individual. In this instance society needs protection from the undesirable effects of high fertility and the individual needs protection from ignorance, coercion, and inequitable access to the technical resources of society.

Recommendation five: multi-objective policies

We recommend that many of the social policies of governments include among their objectives that of increasing the desirability of small families.

The attitudes of parents toward family size are most likely to change if the social environment, opportunities, and personal relations are altered in ways that help parents perceive their interest differently.

Policies that increase parents' interest in small families, while at the same time serving other desirable goals, include days prohibiting child labor; compulsory education and provision of educational facilities; social security, old age insurance, and pensions; employment, educational, and career opportunities for women; improvement in the status of women; improvement in maternal health; and reduction of infant and child mortality.

Other policies, related to methods of financing education and welfare services, allocation of resources and occupancy levels for housing, and various types of compulsory or voluntary national service, can likewise be directed toward reducing fertility, as well as toward other objectives.

Population policies should be understandable and widely acceptable to the people. They should help children and the poor and deprived, not place burdens on them. This approach in reducing fertility is particularly relevant for policies involving tax and welfare incentives and disincentives. The alleviation of poverty and greater welfare both for children and adults is the ultimate objective and should be clearly perceived as such by the people.

Recommendation six: population-responsive policies

We urge that policies designed to deal with the effects of population change be established by government departments concerned with education, health, agriculture, urbanization, transportation, labor, housing, welfare, finance and defense.

Economists and planners who advise these agencies can enhance their effectiveness greatly by seeking greater knowledge and understanding of the ways in which population changes affect their areas of concern and by developing the demographic and economic data and analytical tools needed for this purpose.

The changing effects of age and sex distribution patterns and shifts in population density make population-responsive policies ever vulnerable to short- and long-term demographic changes, many of which can be anticipated by close examination of trends. Policymakers and planners must be alert to these changes as they affect current legislation and administrative practice and as they set the stage for the future.

Recommendation seven: population policy in the international context

We recommend that developed countries expand their multilateral and bilateral technical assistance to developing countries by providing material, technical, and human resources to help carry out policies and programs aimed at lowering mortality and fertility, improving the conditions of urbanization, and solving other population problems.

It is vital to recognize, however, that population programs and support for fertility limitation cannot be regarded as a substitute for long-term assistance designed to raise people's standards of health, education, consumption, and welfare. A rapid decline in fertility may not be possible without rising levels of education and communication.

Technical assistance can often be effectively provided directly by a developed country to a developing one or by one developing country to another.

The developed countries cannot fail to recognize the long-term nature of many aspects of population problems and their profound relationship to national aspirations in the developing countries. Multilateral and bilateral programs of technical assistance require continuity over many years and should emphasize economic and social development as a primary goal.

By virtue of its leadership in population research and its commitment to the enhancement of the lot of the poor of the world, the United States of America is in a unique position to provide continuing support on a long-term and unequivocal basis to help other countries and international agencies carry out voluntary fertility-limiting programs.

1. The United Nations and its specialized agencies, particularly the U.N. Fund for Population Activities, the World Health Organization, and UNESCO, ought to give high priority to helping their member states learn from one another about population goals and the conduct of fertility-reducing programs.

Information exchange among countries has been one of the most successful activities of the United Nations agencies in other fields, and these agencies are uniquely qualified for this function. Among the promising possibilities is the "confrontation" technique of the Organization for Economic Cooperation and Development.

2. The United Nations Development Program and other U.N. agencies and regional organizations, such as the Pan American Health Organization and the Organization of American States, are urged to greatly strengthen their staffs and procedures to increase the effectiveness of their technical assistance for fertility-reduction programs. Multilateral assistance through intergovernmental agencies will often be more acceptable than bilateral assistance to developing countries; therefore it is important to improve its quality.

3. A United Nations agency (such as the World Bank) should take the lead in preparing a world budget of the needs during the next 2 decades to carry out programs of fertility and mortality reduction in all developing countries.

Such a world budget would be comparable to the *Indicative World Plan for Agricultural Development* prepared by the Food and Agricultural Organization. It is suggested that it include, among other things, provision for research; training; collection and analysis of demographic data; public education and communications; contraceptive materials; services of physicians, paramedical and other personnel; transportation and other expenses; program evaluation; and welfare policies that would reduce the desired numbers of children and are feasible in different countries. It will be important to try to forecast alternative sequences of program development and identify potential sources of funds and modes of financing; particularly the requirements for technical and financial assistance among countries.

4. We applaud the work of foundations, voluntary associations, and other private organizations and urge that they be encouraged in research and action programs for fertility reduction.

The private agencies are a superb source to be looked to for innovation, experimentation, and approaches not feasible for governments, rather than for duplication of government services.

Recommendation eight: the need for research

To the student of population problems the need for further research is painfully obvious. Our study on the policy implications of rapid population growth has demonstrated this need to us with extraordinary clarity. It is the habit of scholars to call for more research appears to us to be compelling for the people of the world. Therefore:

First: We urge that governments, in both developed and developing countries, support research on reproductive physiology and methods of fertility control and on the economic, social, and health factors that determine fertility behavior.

International cooperation in such research can contribute greatly to its effectiveness because the many types of research needed in different cultures, the interdisciplinary character of such research, and the numbers of institutions and people involved require global exchange of information and mutual assistance.

Second: In addition to strengthening ongoing efforts, we propose that a number of international research centers on population problems be established and supported, at least in part, through intergovernmental technical assistance mechanisms.

Third: We urge governments and private agencies to expand university research and teaching on the role of demographic factors in economic and social change.

Problems concerning which more information and understanding are needed include the consequences of population change for economic and social development; urbanization and internal migration; labor policy and industrialization; agriculture and nutrition; health and welfare; education and communications; natural resources and environmental quality; and conflicts among ethnic, linguistic, and other social groups.

These recommendations and our comments are not designed to present a comprehensive solution to the world's population problems; they are simply our selection of the most useful options as of summer 1970. We have, as one result of this study, come to realize that comprehensive closure on most aspects of population is impossible simply because we do not know enough. This is our best estimate of the immediate needs in terms of both prompt action programs for the next few years and the research required to make future policies more effective through an expanded base of knowledge.

NATIONAL ASSOCIATION OF COUNTIES HONORS MILWAUKEE

Mr. PROXMIRE. Mr. President, in mid-July of this year the National Association of Counties held their annual convention in Milwaukee, Wis. At that time they presented a "New County Achievement Award" to Milwaukee County for its cultural affairs program.

Milwaukee County richly deserves this recognition, particularly for its outstanding series of "Music Under the Stars" concerts, offered to the public free of charge. This series has won international recognition, being praised by the Spanish Ambassador among others.

Mr. John-David Anello, director of cultural activities for the county, conducted this year's concert series. To Mr. Anello, the Milwaukee Cultural Affairs Department, and the Milwaukee County Parks Department, go my congratulations on their receiving this award. Their fine work has done much to fill a cultural need in Milwaukee.

I ask unanimous consent that two editorials, which appeared in the Milwaukee Sentinel and the AFL–CIO Milwaukee Labor Press on this award, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

National Applause

The 34th annual Music Under the Stars series begins at Washington Park Friday night with a presentation of "The Music Man."

The series of musical programs, presented free of charge in the last several years, has been taken for granted by Milwaukeeans but it symbolizes a dedication to fill a cultural need in the community.

No small contributor to the "Stars" program and other county cultural events has been John-David Anello, director of cultural activities for Milwaukee County, who will be in a familiar post as musical conductor Friday.

And it is encouraging to know that his efforts and those of public and private interests, which have shared in maintaining the high level of cultural fare in the county, will receive national recognition.

This recognition will come in mid-July when the National Association of Counties holds its annual convention here. NACO, as the group is called, has designated Milwaukee County as a recipient of a "New County Achievement Award," for its cultural affairs program.

Congratulations to all who share in the honor of the award.

A Deserved Award

A high honor has been paid Milwaukee County in the announcement by the National Association of Counties that it will present the County Achievement Award to Milwaukee for its outstanding cultural affairs program.

Milwaukee County richly deserves this recognition particularly for its outstanding series of "Music Under the Stars," concerts offered to the public free of charge.

This series has won international recognition and among the many tributes is one from the Spanish Ambassador to the Milwaukee County Park Commission commending it for a concert entitled "A Salute to Spain". Ambassador Jamie Arguelles had this to say: "Your plans for 'A Salute to Spain' program in Malwaukee gives me great pleasure and pride. I am certain that through the endeavors of dedicated individuals and institutions as the Milwaukee County Park Commission, the cultural awareness of the heritage and beauty shared by our countries, through music, will penetrate the minds and spirits of everyone taking part in this celebration."

"Please count on the support of this Embassy to help you realize the praiseworthy undertaking on which your Commission has embarked. I wish you all the best of success."

This year's concert series under the gifted baton and direction of Maestro John Anello will again give our citizenry a wonderful opportunity which is being recognized so well in the award by the National Association of Counties and the message from the Spanish Ambassador.

THE MOTIVATION CRISIS IN THE UNITED STATES

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the Record the text of my remarks on "The Motivation Crisis in the United States," delivered as a lecture before the Aspen Institute on Humanistic Studies at the Institute's Paepke Hall, Aspen, Colo., on August 24, 1971.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Motivation Crisis in the United States

(By Jacob K. Javits)

Something has gone out of the heart of America, and perhaps for the first time in our history, most Americans feel a serious doubt as to our nation's destiny. According to the polls, they say by almost three to one that we are on the wrong track, and they are right.

There is much frustration with government, on the grounds that it has floundered in the quagmire of Vietnam and found it so hard to get out of the inflation and unemployment attributable to it, and out of pollution, urban decay, poverty, racial tension and drug addiction.

There is much frustration with business on the grounds that it has failed to develop adequately economic justice in our country.

There is much frustration with education on the grounds that so much of it is irrelevant to our times and has still not even adequately met the legitimate challenges of students and faculty for a share in its administration.

There is much frustration with the establishments of religion as being no longer satisfyingly real to many.

Now, much in these frustrations may be unjustified, but they are vividly current nonetheless. They have led to the erosion of pride in achievement throughout the American society. They have substituted for interest and curiosity and the zest for learning and doing in our young people a desire to fall away, to opt or drop out, to adjure both the joy and responsibility of self-realization. Young people seek instead the opiate of self-contemplation.

These are all signs of the decay of the nation and the sickness of a people, but must it be so?

We have health and vitality within us as a people. We are still a new land by the calendar of history and our resources are vast. We have the greatest machinery and organization for the production of things mankind wants and needs that mankind has ever known. We are at heart a decent and a compassionate people. What then is holding us back?

I believe that it is the failure to establish new goals and a new destiny for America. The goals of prosperity, national preeminence and world peace are no longer satisfying. We need to be brought forth into new ideals of the dignity of man, world law, world development, and the effective conservation of the world's human and material resources.

We have lost much of our motivation because we have lost much of our idealism. As a nation we need a moral regeneration. We need new forms of organization as well as new goals.

We need a new birth of confidence, that just as the world can be redeemed for most people from the age-old grind of poverty and want by science and technology, so too it can be redeemed from war, injustice and oppression by human intervention. The new tools and the new energy have brought us the unparalleled means to do both.

The authority and therefore the responsibility rests greatly in the hands of the generation over thirty-five. It is our duty to listen, most carefully and respectfully and with the deepest concern, to the views of youth. Yet it is we who can do the most to redeem the nation and our people. If we do, youth will be inspired to work with us. We were born before 1937, and we have got the nation to where it is. Ours must be a passion for justice at home and abroad. What can be done is shown by a few sample contemporary accomplishments.

First, ending—since 1954—the social order of the South which ordained the black as a lesser person and which had persisted for a hundred years. It is by no means finished business, but it is well under way.

Second, granting the vote to those eighteen to twenty-one years of age.

Third, the withdrawal from Vietnam when the people turned against that war and recognized it as one of our greatest blunders as a nation. It is well under way and while not in all its aspects what I and many others would want still signals the end of the terrible tragedy of Vietnam.

Fourth the President's proposal for the Family Assistance Plan for the first time placing a floor under welfare in the United States; and the President's New Economic Plan just announced recognizing for the first time since World War II that severe inflation and unemployment cannot be cured without controls which we have always associated with war rather than peace.

Within these terms I feel that there are five national priorities domestically and four abroad. These are as follows:

First the conquest of poverty and hunger in America. This strugggle is far from won. At the very minimum twelve to fifteen per cent of all Americans are still economically at the poverty level and the power and effectiveness of our country are at stake in the solution of this problem. I believe the first step is the enactment of the Family Assistance Plan proposed by the President and we must strive mightily toward that end.

Second I would put the pollution of the environment. This is a matter of deep concern to all Americans. Air and water and land resources have long been neglected and need prompt remedial action. The establishment of the Environmental Protection Administration by the Federal government is a great step forward but we need more effectively to rationalize protection of the environment and all of the activities of the country without at the same time blocking those activities; and incidentally there is a dangerous tendency toward that latter possibility right now. This is a problem of expediting decision making both in the courts and at all levels of government as well as of increasing public knowledge and sophistication.

Third, I would seek to revise completely the format of formal education in this country. Much education today is irrelevant to the times. Much of it takes a greater amount of time than necessary. And much of it is out of touch in timing with the priorities of the day. One of the startling examples is the tremendous shortage of doctors and our relative slowness in taking up the idea of assistant physicians or other aspects of what the Soviet Union has developed as the so-called Felcher System. We have made some progress in education through the recent passage in the Senate of the new Higher Education Bill which is capable of completely revolutionizing American higher education. This needs to be followed by a review of the Elementary and Secondary Education Act on the federal level and the adoption of the objective of education reform by all states and local units of government which deal with education, as well.

Fourth, and what I consider one of the most important priority areas, is a realignment of the whole question of corporate power and corporate responsibility in the United States, and this includes labor as well as management and investors. There is deep concern about that throughout the country, and yet we know the tremendous capability of the American industrial machine to produce goods and services to the advantage of all the American people and to the peace of the world. What worries us now is a seeming lack of pride in workmanship by the American worker; and a certain slackening by American management in the whole sharpness of its competition with nations throughout the world, especially Japan and the German Federal Republic. A great deal can be accomplished by upgrading basic motivation among the American people. But, more needs to be done with respect to research and development and automation in the American economy, conservation and care for the environment; and its greater rationalization in terms of a world complex of industrial operations rather than simply as a national industrial plant. This can result in a considerable upgrading through technical training of the whole American work force. It is not the subject so often referred to of "the export of jobs," which reflects the narrow view that our economy can remain static in face of tremendous world industrial development. It includes, as well, a greater rationalization of the activities of the so-called multi-national corporations, of which so many are American, and the development of more effective trade relations, especially with the under-developed countries which need to have assistance from the developed countries to enter the industrial age.

Also in the United States, there is a tremendous need for a far greater amount of corporate democracy. Participation in corporate voting by stockholders should be as widespread as political voting by the citizens; reforms in pension and welfare plans are urgent, now covering thirty-million American workers with $130 billion in assets which are growinig at the rate of $20 billion a year in order to give the worker some assurance of effective participation. A great mutualization of the ownership of American corporations is also needed through stockholding and profit sharing. Our estimated 17 million share holders should grow to 70 million, as large as the work force!

A revision of the American antitrust laws is also long overdue, as these are now archaic in terms of modern practice and modern conditions.

All together, a veritable revolution in the private enterprise system is needed, but a revolution which will make it even more the possession of the citizen as an individual rather than the fiefdom of "big business" or a creature of the state. The dominant note should be "Business in the Public Interest" as most characteristic of the best that America can develop for itself and the world.

Fifth is the whole issue of the drug culture, which is so very deeply worrying the American people. This will take large applications of resources, both human and material. It will take massive research and development to find a suitable "antagonist" for heroin and other hard drugs. And, as we relax in respect to the use of hard drugs, because we are able more effectively to deal with them, it will require a much more intelligent view of marijuana, the government's attitude toward the possession and use of which, considering the near barbaric laws in so many states, has engendered a sense of outrage in so many of our young people, especially those on college campuses. Also, much greater efforts will be needed to control the illegal international flow of drugs subject to abuse.

In the international field, of course, our great ideal must be the rule of law over the rule of force. This means constant strengthening of the United Nations and regional organizations; and of the most critical importance, success in the SALT and other talks for a limitation of nuclear armaments. We must strengthen regional organizations for cultural and educational interchange, as well as for security. Even great—and super—powers need to be willing to be guided in their foreign policy by international decisions, in which smaller and weaker powers would join. Within this context I put as objectives for the relatively near term the following:

First, the means to deal with undeclared war, the terrible result of which we have seen in Vietnam. I offer as to this issue my own War Powers Bill which divides the powers to wage undeclared war, to deal with war, between the Congress and the President and which is now under active consideration in the Senate, a similar measure being under consideration in the House of Representatives. Within this context, too, would come a review of the vast network of military commitments which the United States has throughout the world. Twenty-five years after World War II, these need to be tested and evaluated in the light of the new capability of many countries and of the true interest of the United States in attaining world peace. We are engaged in doing that now in the Foreign Relations Committee through a special subcommittee, but this work needs to be forwarded and to have wide public understanding and acceptance.

The second item that I would list is the anomalous position of the United States in aiding military dictatorships, like those in Greece, Pakistan, Brazil and Argentina. And, as a corollary, our relationships with countries still engaged in the remnants of imperialism, like Portugal. We cannot be summary about this, as vast interests are involved and they are by no means simple to manage. But a recognition of the problem and the fact that we need to hold to a high moral tone reflecting it are essential: and if we propose to deviate from it, these are decisions which ought to be made openly and in the Congress, as we are making them right now about military aid to Greece and Pakistan, rather than behind closed doors as was evidenced by the Pentagon Papers.

The third matter with which I would deal in the world is the problem of international segregation, the most blatant example of which is the Union of South Africa. Here, too, we have to hold to a moral tone worthy of the future which we wish the world to have, and willingly cooperate internationally in order to bring an end to this barbaric practice, in what is an otherwise so highly civilized part of the western world.

The fourth item with which we must deal is the international monetary system, which is today, as has just been shown by the suspension of gold payments on the part of the United States, completely out of date and much too limited to deal with the vast expansion of the world's economy which is in progress. A bold attitude on the part of the United States toward the revision of the Bretton Woods Agreements would give the world, and especially the developing world, hope and encouragement for realizing the dreams of their peoples for a better future. For, it is the developing world which suffers so seriously, not only being disadvantaged when compared with the developed world but even looking forward to decades more of the unacceptable economic gap between the developing and the developed world.

Finally, as symbolized by the proposed new relationship between the United States and the Peoples' Republic of China, there is the need for opening wide the doors to the full exchange in the world of ideas, people and goods. This must be in every way one of the prime objectives of ourselves and of all mankind. It is by no means without risk, as we well understand, but the goal is infinitely superior to the risks which need to be run in attaining it. We have hardly begun, even in the Atlantic community, to exploit the benefits and possibilities which are inherent in this concept, and it is one of the most inspiring activities of which we are capable as a naton.

Twenty-six years after the end of World War II, we are ascending to a new plateau, built upon new concepts and new needs at long last disengaged from the liquidation of World War II. We face a completely new world in terms of its physical limitations—we now have attained the moon and will go further than that. In terms of its organizational limitations, we have now shown a sustained capacity for international action, even international action to repel aggression, as was evidenced in Korea. In terms of the recognition of the critical nature of the threat to our whole environment and in moral terms of the evaluation of what is right and what is wrong in international conduct, we are beginning to show a willingness to admit the great mass of humankind to a share in these deliberations. A new burst of power, energy, resourcefulness and constructive action on the part of the United States is essential. There is a deeply moral and spiritual impetus for this purpose in the deep feeling in the hearts of so many Americans that our crisis is one of the soul and the spirit far more than it is physical or in our relations with the rest of mankind or even with one another. It is my deep conviction that the dedication of the generation which brought this on to better preparing the world for the generation which is following, as we are their trustees, will inspire us and will inspire the new generation to again accept America's destiny as an honorable leader for all mankind in the paths of peace, development and enlightenment.

SENATOR MUSKIE'S VIEWS ON BUSING

Mr. THURMOND. Mr. President, the Members of this body and the members of the public generally are always interested in the views of potential presidential candidates on problems of great importance to the Nation.

While our colleague, Senator MUSKIE of Maine, is not yet an avowed presidential candidate, only a cursory glance at the daily newspapers and at the Gallup poll indicates that he is the front runner for the Democratic presidential nomination.

For these reasons, Senator MUSKIE's views on the most important subject of busing students to achieve racial balance are of great interest. I noticed in yesterday's Evening Star where Senator MUSKIE discussed this subject at length, and his views were most interesting.

Mr. President, I ask unanimous consent that the article entitled "Muskie Dislikes Busing but Says It's Needed," which appeared in the Evening Star, Wednesday, September 8, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUSKIE DISLIKES BUSING BUT SAYS IT'S NEEDED

(By James M. Naughton)

SAN FRANCISCO.—Sen. Edmund S. Muskie has joined President Nixon in voicing distaste for the busing of children to desegregate public schools, but he has sharply criticized the President for attempting to prohibit the use of federal funds to acquire the buses.

The senator from Maine, touring California in search of money and support for his undeclared candidacy for the Democratic presidential nomination, yesterday announced this position at a news conference in the Fairmont Hotel.

"Like everyone else. I don't like busing," Muskie said in response to a question. "It's inconvenient to parents, consumes time that students could better use for studying and it uses up resources for the purchase of buses and so on that might be better used."

CALLS IT NECESSARY

"I disagree with the President's position because it has had the effect of disrupting movements that have been under way, plans that have received (or parents) as they accepted the necessity for moving toward the integration of their schools."

But, Muskie said that until the nation successfully integrates its cities "we're going to have to rely on busing to some extent to deal with the problem."

Thus he took issue with Nixon's declaration on Aug. 3 that the attorney general and the secretary of Health, Education and Welfare should work with Southern school districts "to hold busing to the minimum required by law."

Nixon also directed his administration to submit an amendment to the Emergency School Assistance Act to stipulate that none of the act's $1.5 billion in aid to desegregating school systems may be used to acquire buses.

"His proposal to deny federal support for school districts in implementing busing programs, I think, is a disservice to those communities. And it has a disruptive effect on public opinion in those communities."

PARENTS ARE OUTRAGED

Parents of Chinese-American pupils in San Francisco have cited Nixon's statements in expressing their outrage at a court-ordered plan for widespread busing to achieve racial balance in the city's schools.

Muskie said he understands the "fears of parents" about the busing of their children, "but this is a difficult social problem that threatens great division in our country, threatens the peace of the country, really.

"So all of us, including parents, have a responsibility for undertaking to recognize the problem at the same time that we search for better answers."

Asked for his own solution, Muskie said that there is "no perfect answer" to a problem rooted in "a distortion of our values over a long period of time, which has produced communities that are segregated and separated people from each other for reasons that are wrong in terms of the American ideal."

POSSIBLE ALTERNATIVE

As possible alternatives to busing, he mentioned redrawing of neighborhood school boundaries—an approach which federal courts in urban areas of the South have found unsatisfactory—for the creation of new school facilities "in a way that avoids separatism."

One newsman pressed the senator to be more specific in recommending a better solution than busing.

"I'm afraid you're not listening to what I'm proposing, sir," Muskie snapped back. "You're asking me for a blueprint, which nobody has yet proposed."

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? The Chair hears no response, and morning business is concluded.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the unfinished business which the clerk will report.

The assistant legislative clerk read as follows:

Calendar Order No. 328, S. 2007, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to recommit, offered by the Senator from Ohio. Who yields time?

Mr. TAFT. Mr. President, I hope that my motion to recommit S. 2007 and report the same back forthwith, except for the child development portion of that bill, will not fall victim to narrow partisan attitudes on either side.

The child development program is of such critical importance that it deserves broad-based and bipartisan support. I believe that type of support is entirely possible if the committee would simply give adequate consideration to a few of the problems related to the language of this measure.

The reason we are faced with problems with respect to child development is that the committee did not give this matter the thorough review which it deserves. This bill was marked up in great haste and as to the child advocacy portion, for example, there were not even any hearings.

We have not given sufficient attention to the very fundamental question as to whether or not OEO should be an operating agency or a research and development agency.

The issue on the question of earmarking is simply whether the research and development programs, which are bread and butter programs across the length and breadth of this country, are to suffer a disproportionate cutback or even complete elimination in the event of a shortfall in appropriations.

No one here disputes the vital role which child development councils will have to play if this program is to be a success. The question is, however, whether they should be advisory or whether they should have direct control over programs. In other words, is it a sound practice to separate control from responsibility?

The committee has not given sufficient consideration to the definition of "economically disadvantaged."

I think this became very clear yesterday as we discussed the possible family income levels which might be used in deciding whether to charge fees for the services to be provided under the program. Yesterday, I asked the distinguished chairman of the subcommittee and the distinguished Senator from Minnesota (Mr. MONDALE), repeatedly, how many children will be served under this program. I must have asked that question 10 times and the question was never answered. The hard fact is, that this program cannot possibly serve much more than one-half of the 3½ million children from families with incomes of less than $4,200 per year. For every child served free from a family with a higher income, there will be a child from the Nation's most desperately poor who will have to go without child care services. What the proponents of this approach are doing is taking from the poor and giving to those who are better off. This is really the issue. Are we going to give the services where they are most desperately needed?

If this is to be an across-the-board program, and the committee might well have gone that route, then we should face up squarely to the magnitude of the problem rather than restrict the availability of services which are already insufficient to handle the poorest of American families.

Rather than jeopardize the entire bill I would hope that the Senate would agree to recommit the child development portion of this bill so that it can receive some additional consideration by the committee on these important questions. Perhaps then it can be reported back to the Senate with the broad base of support which it surely deserves.

The ACTING PRESIDENT pro tempore. Who yields time?

QUORUM CALL

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. TAFT. I ask unanimous consent that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PELL) to attend the third session, Preparatory Committee for United Nations Conference on Human Environment, to be held in New York, N.Y., September 13–24, 1971.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. NELSON. Mr. President, would

the Chair inform me how much time is left to the Senator from Ohio and to me?

The ACTING PRESIDENT pro tempore. The Senator from Ohio has 13 minutes; the Senator from Wisconsin has 12 minutes.

Mr. NELSON. Mr. President, I hope that the Senate will quickly reject the motion to recommit the bill to committee. Recommittal would be a completely fruitless and unnecessary move.

The Subcommittee on Employment, Manpower and Poverty held a total of 18 days of hearings on the Economic Opportunity Act Amendments of 1971, 5 of which were precisely on the child development title. We also held hearings on the child development proposal in the last session of Congress. We have taken testimony from the outstanding educational, medical, psychiatric, and child development experts in the Nation on this issue.

We held extended executive sessions on the bill both at the subcommittee and full committee level. The child development title of the bill occupied more of our time in the markup sessions than any other issue in the bill. The question of whether the child development issue should be handled as a part of the Economic Opportunity Act was carefully and thoroughly discussed. In the end the committee voted unanimously to report out this bill exactly as it now stands here on the Senate floor.

The junior Senator from Ohio raised the question of separating the child development title of the bill during these deliberations. Members of both the majority and minority strongly expressed the view that these closely related issues should be kept intact in one piece of legislation, and in the end the junior Senator from Ohio made no move to separate the issues in either the subcommittee or full committee, and he joined with the unanimous committee in voting to approve and report out the bill as it now stands.

Thus, it serves no purpose, it seems to me, to send this bill back to committee at this stage after it has been given such detailed consideration and after it has been approved unanimously in its present form.

On the merits of separating the child development title from the Economic Opportunity Act, let me say it is absolutely imperative that these two issues be kept together. We already have a Headstart program under which some 1,700 local agencies run programs in more than 8,000 different locations. There will be substantial similarities between the child development centers authorized in S. 2007 and the existing Headstart programs. It would be unthinkable to set up two completely different systems in two completely different pieces of legislation, both designed to reach the same basic goal of providing medical, educational, and nutritional assistance to children of lower income families during the most crucial years of their development.

I hope that the Senate will reject the motion to recommit and go on to pass this bill including the child development section which is so desperately needed by the Nation.

I wish to say at this time that the hearings on the child development title conducted in the last Congress and conducted this year were handled by the distinguished senior Senator from Minnesota (Mr. Mondale), and I think that all people in the country who are concerned about this very important problem owe a debt of gratitude to the Senator from Minnesota, who devoted so much time in developing this exceptionally fine piece of legislation.

I might point out that at the President's Conference on Children and Youth, the top rated priority project by those who participated in that conference was the development of legislation respecting the question of comprehensive child development. That is what the Senator from Minnesota (Mr. Mondale) has done by his extensive hearings and hard work in preparing this piece of legislation. If it passes, as I hope and trust it will, I think it will be the most important piece of legislation ever passed in this country respecting the rights and interests of children in this country.

I yield whatever time the Senator from Minnesota may desire to speak on the motion to recommit.

Mr. MONDALE. Mr. President, I thank the distinguished Senator from Wisconsin for his gracious remarks. None of the work could have been undertaken without the support of the Senator from Wisconsin, who is chairman of the Subcommittee on Employment, Manpower and Poverty, from which this measure arose. The issue is a terribly important one, and it had the support of the Senator from Wisconsin from the very beginning.

We have had, I think, as much consideration of this proposal as of any proposal the Senate has acted on since I came to the Senate 7 years ago. We have had extensive hearings, which involve three volumes of hearing records in this session alone. Essentially the same measure was introduced in the last Congress, and two volumes of hearings were consumed in considering that measure in the last Congress. Similar deep consideration and hearings have been held by the House Select Subcommittee on Education under the gifted leadership of Representative John Brademas.

In addition to that, this measure had the thoughtful and thorough concern of a coalition of over 20 impressive organizations knowledgeable about and involved in child development efforts.

I ask unanimous consent that the list of the coalition of organizations supporting this proposal appear at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, president, and vice president for Legislation; National Welfare Rights Organization; United Auto Workers, U.S. Catholic Conference, and Washington Research Project Action Council.

Mr. MONDALE. I remind the Senate, in reading that list of organizations, that they constitute the most thoroughly knowledgeable and experienced groups in this field in this country. Their advice and counsel helped lead to the development of the comprehensive child development proposal which is now about to be voted on by the U.S. Senate. They, too, spent literally months assisting us in the development of this proposal.

In addition to that, the President of the United States, Mr. Nixon, convened a White House Conference on Children in December, to which virtually every known child development specialist was invited, together with parents, children, and professionals who are most knowledgeable about the problems of children in this country.

At the conclusion of that conference, a new and unique weighted vote was taken to determine what the delegates thought was most important among all their recommendations. I think it is significant that the delegates concluded that the No. 1, most important recommendation, of the highest priority, was the establishment of a comprehensive, family-oriented child development program, including health services, day care, and early childhood education.

In fact, this proposal is entirely consistent with the recommendation of President Nixon's White House Conference on Children.

Finally, this proposal draws from the enormous experience and knowledge we gained from Headstart. Headstart has now been in being for over 5 years. It has affected the lives of hundreds of thousands of American children. It has been examined, evaluated, and studied by literally hundreds of professionals. The proposal which we act on today draws upon the cumulative experience of all of these efforts concerning Headstart.

Thus it seems to me only fair to say that this proposal to be acted on today is as fully considered as any proposal in the social reform field to come before the Senate in a long time, and perhaps even at all; and it would seem highly unrealistic to now refer the proposal back to the Committee on Labor and Public Welfare. All I can conclude is that such a vote would not be a vote on procedure, but a vote against child development programs—a vote to kill this proposal—because it is hard to conceive of what further steps we could take of a procedural nature to satisfy the opponents of the proposal.

I believe this measure in fact was ready for adoption in the last Congress, and I had proposed it as an amendment at that time, but in deference to requests of the administration and from others, we decided to provide only a simple extension of the Economic Opportunity Act at that time. But if we let this opportunity pass by, it could well be several years before we would be in a position to act on a proposal of this magnitude, and there would be millions of children who would be denied a decent opportunity for the fullness of American life because we failed them. I do not want that on my conscience. I do not think the country should have it on its conscience.

Therefore, I strongly oppose the motion to recommit offered by the Senator from Ohio.

Mr. JAVITS. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. All time of the Senator from Wisconsin has expired. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, I am happy to yield 5 minutes to the junior Senator from New York.

Mr. JAVITS. Perhaps the Senator from Ohio can let me have about 3 minutes when he is through, or whenever it is convenient.

Mr. BUCKLEY. Mr. President, I rise to support the motion of the Senator from Ohio. Its purpose, of course, is to eliminate title V, or the "comprehensive child development program" from what otherwise constitutes a reasonably routine bill for the extension of the OEO programs. Because of its packaging, some may assume that the child development sections of the bill are aimed specifically and exclusively at helping the least privileged members of our society. To overcome any handicaps of their social environment by means of early remedial treatment.

Nothing, however, could be further from the truth of the matter. The program which we are being asked to enact is infinitely wider in scope. It is a program which would revolutionize the concept of child rearing in the United States. It is a program which is intended, initially, to cover the children of 32 percent of all American families—one out of three—a program whose long-term and explicit objective is to extend these federally designed and, therefore, federally controlled programs to encompass all American children, regardless of family income.

I cannot believe, Mr. President, the Congress or the American people are really prepared to embrace a concept so revolutionary in design and so all encompassing in scope as that contained in the child development sections of this bill. Child development may be, as some suggest, an idea whose time has come; but, if so, its hour has not yet arrived—not, at least, on the basis of the far-from-complete evidence so far advanced in its favor.

The very term "child development" is but a few years old. So new is it that no one really seems to know what exactly it embraces. Yet Congress is today being asked to underwrite a massive new program—and it is massive—which involves $100 million in tooling up costs for the current fiscal year and which will commit us to a $2 billion program for fiscal year 1973, and to who knows what thereafter. Thus, in what is laconically styled "A bill to provide for the continuation for programs authorized under the Economic Opportunity Act of 1964 and for other purposes," we find that these "other purposes" will consume almost 70 percent of what is to be authorized for the ensuing fiscal year. It seems that while specialists in the field may not be able to agree on what child development is, they are very much agreed that the Federal Government ought to impose it overnight on the Nation as a whole.

The phrase "child development," to be sure, sounds innocent enough. And there are no doubt those who will support the concept precisely because it does seem so innocent. It all seems quite innocent, Mr. President, until one takes the trouble to sit down and read the bill.

Consider, if you will, the very first section of title V. Section 501(a) states that Congress—

> Finds that million of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years.

It may very well be that millions of children are suffering unnecessary harm these days, Mr. President, but I, for one, am not yet persuaded that it is from lack of adequate federally sponsored child development services. And I am not at all convinced that Congress wants to put itself in the position of declaring once and for all that that is the case. Nor am I at all convinced that Congress wants to go on record as declaring as a matter of law, as the next section would have it, that—

> Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available *as a matter of right* to all children. . . .

This is not mere legislative boilerplate, Mr. President. These are words and phrases carrying profound legal implications. They are words and phrases committing Congress and the American people to a social policy that threatens to destroy parental authority and the institution of the family. What does it mean to say, as section 501(a)(2) does, that "comprehensive child development programs shall be available as a matter of right to all children . . .?" What is the nature of this right? Is it a right that a child will possess over against his parents? Over against the Government? Over against both? Over against school authorities or others who may from time to time be placed in authority over him? Is it a right that he can take into court and sue upon? I do not know, Mr. President. I do not know the answer to any of these questions. And I am not sure that anyone knows. What I do know, however, is that the passage of such seemingly harmless boilerplate is an invitation to legal and social chaos.

How many Senators, I wonder, are truly aware of what this comprehensive child development program entails. I know that I was not aware of it until a few days ago. How many Senators, I wonder, are aware that this proposal would authorize the Federal Government—I quote now from the committee report, at page 43:

> To involve itself in comprehensive physical and mental health, social and cognitive development services; food and nutritional services (including family consultation); special programs for minority groups, Indians, and bilingual children; specially designed programs (including after school, summer, weekend, and overnight programs); identification and treatment of physical, mental, and emotional problems, including programs for emotionally disturbed children; prenatal services to reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation; special activities for the physically, mentally, and emotionally handicapped children and children with special learning disabilities; training in the fundamentals of child development for family members and prospective parents; use of child advocates to assist children and parents in securing full access to other services; and other activities.

The last phrase, Mr. President—"and other activities"—is a grandfather clause to end all grandfather clauses, for it comes at the end of what is surely the most exhaustive list of social services ever assembled in a single paragraph of a Senate report. The imagination boggles at trying to conjure up a single conceivable activity that was not specified in the preceding list. But how many Members of the Senate, Mr. President, are prepared to put the Federal Government fully and finally into the business of caring for each and every aspect of each and every life that happens to be born American? How many Members of the Senate are aware of the all-embracing scope of the proposal before them?

Let there be no mistake about it: The enactment of the child development sections of this bill may prove to be one of the most deeply radical steps ever taken by Congress. I am not alone in this judgment, Mr. President, The highly esteemed head of the Office of Child Development of the Department of Health, Education, and Welfare, Dr. Edward Ziegler, recently declared himself "very apprehensive" about the prospect of establishing a nationwide network of child-care centers. Dr. Ziegler is quoted in a recent article in the San Francisco Examiner as saying that he questions whether "America is ready for them." He continues:

> I am very apprehensive that this nation may set up a system of warehouses for children.

The article goes on to express Dr. Ziegler's fear that day-care centers might supplant the family.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. MONDALE. Is the Senator from New York aware that while Dr. Ziegler testified in favor of modification in some features of this bill such as the delivery system and mechanism, I think it is quite clear from his testimony that he believes the general twist of this bill is toward comprehensive, quality, developmental programs—not custodial centers. In fact he testified in favor of a similar measure introduced in the last Congress.

Mr. BUCKLEY. The Senator from New York is aware of that, and I do want to call attention to the fact that Dr. Ziegler does have some significant misgivings.

Mr. President, I ask unanimous consent that the article referred to be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, Dr.

Ziegler's remarks are potent evidence, indeed, for the proposition that the child development sections of this bill are truly revolutionary. Dr. Ziegler is certainly the most conspicuous—and he may be the most persuasive—proponent of comprehensive day-care in the country. I am, therefore, inclined to grant him a certain authoritativeness when he says that the concept of nationwide, governmentally controlled child care is "quite alien to the American ethos." I would like to put the question flat out, Mr. President: How many Members of the Senate are today prepared to vote for a measure that no less an authority than Dr. Edward Ziegler calls "quite alien to the American ethos"? How many Members of the Senate are today prepared to vote for a measure that the head of the Office of Child Development assures us might very well supplant the family? Very few, I believe, if they truly understood the long-term implications of title V. That is why the Senate ought to support the amendment of the Senator from Ohio, which will have the effect of striking those sections from the bill.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from Ohio has 5 minutes remaining.

Mr. TAFT. I yield 2 additional minutes to the Senator from New York.

Mr. BUCKLEY. Mr. President, I feel very deeply about the matter at hand. I believe that the Senate would be most ill-advised at this time to enact so far-reaching a proposal, so radical an undertaking. We have nowhere near enough evidence so far to justify the enormity of the undertaking proposed by title V of this bill. Expert opinion is itself sharply divided on the issue—although if one were to go by the committe report, he would think professional opinion to be virtually unanimous on the subject. I quote from a recent article in the San Francisco Examiner:

> *A University of Michigan psychiatrist warns that putting children in day care centers can damage them to the point that they become "irretrievable casualties."*
>
> Such services, said Dr. Humberto Nagera, *can* become "dumping places of children who have proven burdensome to some in the new generation of parents."
>
> The damage would result, Nagera said, because the parents as auxiliary super-ego—that is, a substitute conscience that helps the child learn control—would be absent too much of the time.
>
> "Many young mothers," he went on, "are, of course, totally unaware of the potentially damaging effects of such practices to their children's emotional growth, but are led in that direction by the biased activist-feminists who demand equal rights for men and women. *I do have objections to the rights of the child being neglected.*
>
> "Such babies . . . as will grow up under inappropriate conditions in the new day care services will in due time become adolescents. I fear that many of them will be damaged to the point of becoming irretrievable casualties during their own adolescent revolt."
>
> *Nagera is director of the Child Psychoanalytic Study program at Children's Psychiatric Hospital at the University.* He addressed an annual meeting attended by 3000 members of the Cuban Medical Association in exile.

Nor is Dr. Nagera alone. Dr. Jack Raskin, director of the Children's Orthopedic Hospital Psychiatry Service in Seattle, Wash., stated recently.

> There is no good substitute for a mother's presence. The best day-care center in the world cannot begin to compete in this regard with even the average mother. A lot of people are crying for day-care centers. What they are saying is "do something" rather than "what's the problem?"

To rely upon day-care centers as a viable substitute for the family, he concludes, would be a very foolish undertaking indeed.

Mr. President, I ask unanimous consent that an article published in the Seattle Times setting forth Dr. Raskin's views be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BUCKLEY. Mr. President, I do not want further to consume the time of the Senate. Speaking for myself, I believe the pending amendment to be determinative of my position on the entire bill. Despite my sympathy for many of the undertakings of the Office of Economic Opportunity, and despite my desire to see its primary functions extended for another 2 years, I cannot in conscience support a bill which contains a measure so dangerous and so little understood—however well-intentioned—as title V.

I yield back the remainder of my time.

Exhibit 1

[From the San Francisco Examiner, Feb. 10, 1971]

U.S. Aide Fears Child Centers

(By Joel Tlumak)

The U.S. director of child development said here today he was "very apprehensive" of legislation to set up a nationwide network of day-care centers.

"This is a concept quite alien to the American ethos," said Dr. Edward F. Zigler, director of the U.S. Office of Child Development.

While he himself favors extensive and quality day-care services for children in all economic classes, he questions whether "America is ready for them."

This country is in for what amounts to an institutional revolution, according to Dr. Zigler's view of what is inevitable.

QUALITY

"It is not a question of whether we are going to have it (a nationwide network of day-care centers), but what quality is it going to be.

"I am very apprehensive that this nation may set up a network of warehouses for children."

Instead of supplementing the family, Dr. Zigler fears the day-care centers might supplant the family—and thus revolutionize American family attitudes.

Dr. Zigler, who today addressed the South Pacific Regional Conference of the Child Welfare League and talked extensively to newsmen, is in a personal dilemma.

COST FACTOR

He sides with advocates of quality day-care services—estimated to cost $1600 a year for a child—and believes less expensive care is short-sighted and more costly in the long run.

Yet he fears what he favors.

He pointed out to newsmen that the Soviet Union, once oriented toward the day-care concept, is now moving in an opposite direction.

"It seems a metamorphosis took place where the family reasserted itself," he said.

DIRECTION

The United States, however, appears to be headed in an institutional direction.

Dr. Zigler once headed the Head Start program, which is now under his jurisdiction as chief of the Children's Bureau in the Department of Health, Education and Welfare.

Exhibit 2

[From the Seattle Times, Dec. 26, 1970]

Day-Care Centers Can't Fill Child's Need for His Mother

(By Al Dieffenbach)

The lack of a mother's love, warmth and attention in a child's early months and years results in the severest kinds of emotional troubles later, a Seattle psychiatrist said here yesterday.

"There is no good substitute for a mother's presence," Dr. Jack Raskin, director of the Children's Orthopedic Hospital psychiatry service, said in an interview.

"The best day-care center in the world cannot begin to compete in this regard with even the average mother," he said.

"A lot of people are crying for day-care centers. What they are saying is 'do something' rather than 'what's the problem?'," Dr. Raskin said.

Money spent on job-training programs for mothers with small children and on day care for these children would better be spent on financial support and some help from a social worker to keep the mother at home with her child, the psychiatrist said.

A 7-month-old child moved to a day-care center has a major disruption in his life, he said. These are the children who later are seen "flunking out of kindergarten" because of behavior problems, tensions, anger, frustration, or hopelessness, Dr. Ruskin said.

Situations vary, however, he admitted. Some working mothers may feel guilty about leaving their child to the care of someone else, but they may spend their at-home time showing warmth to the child.

These mothers, in fact, may sometimes be doing better than an uncaring mother, who, although she is home all day, is further away from the child, emotionally speaking, than the working mother, Dr. Raskin said.

"The quality of the love given a child is more important than the quantity, but the quantity helps, too," he said.

"Give a child two or three years of love, and he's going to 'make it' in life," the psychiatrist said, adding that "It is the erratic early years that cause future problems."

A child's self-control, learning abilities and cooperation are by products of the emotional stability that come from being loved, being needed and being wanted, he said.

"The unloved child feels worthless and hated, and he hates in return," Dr. Raskin said.

By the age of 2 or 3, the unloved child will show lagging development. By the age of 5 or 7, there are serious management problems in school.

When the child reaches the 10–13 bracket, his self-hate and the hate directed outward may result in anti-social acts of violence. Young adults, who lacked early mother love, feel valueless, angry, degraded and dehumanized, Dr. Raskin said.

"I've heard it hundreds of times in psychiatric clinics: 'I wonder where my mother is' or 'When is my mother coming back?'

"I've said it dozens of times: 'Your kid doesn't listen to you or obey you because he feels and knows that you haven't and don't care about him.'

"The thing that frightens me is to see a child and his mother in my office and his mother in my office with no apparent attachment or involvement between them," the psychiatrist said.

Poverty, poor housing, poor job opportunities and inadequate education can be corrected, but they are superficial, he said. "The

> basic fact is that so many of our so-called problem children never learned that they were loved and never learn to be able to love in return," the psychiatrist said.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TAFT. Mr. President, as we come to the time for a vote on the motion to recommit, I just want to restate again the position I have stated here earlier, to the effect that this is a procedural rather than a substantive question. I have every confidence that if the motion to recommit is agreed to and the child development portions of the bill go back to the Committee on Labor and Public Welfare, it will be reported by the committee in a reasonable period of time. I hope that if that happens, we will have an opportunity to consider, in greater detail than we have, many of the questions which have come up with regard to the makeup of the council and the powers of the council and the method by which these child development programs are going to be operated by the sponsors or the council.

I hope, also, that we can get into some clarification of the very apparent confusion that still exists as to the question of the fee charges being proposed and the family income levels that would be related to those fee charges.

I feel that the present provisions in the bill which I tried, but failed to amend yesterday—are extremely confusing and, unfortunately, arbitrary in their application.

I feel that the child advocacy program has had entirely insufficient discussion in committee, with no real opportunity for expert witnesses to appear on either side of that measure.

I feel that the question as to who may be the prime sponsors of the program is something that ought to be considered further by the committee before the Senate finally acts upon these measures.

The other provisions in the bill—the earmarking provisions and the reorganization provisions—which we failed to amend yesterday could be clarified far more easily in the House and in the conference committee, if we were not complicating them by having them included in the same legislation with the new child development program.

For all these reasons, I feel that the motion to recommit deserves the favorable support of the Senate, and I urge the Senate to support it.

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be recognized for not to exceed 5 minutes, after which the rollcall vote is to begin.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I have asked for this time—and I am obliged to the deputy majority leader for yielding it to me—because I am the ranking Republican member of this committee. I joined with Senator MONDALE in working out the child development title; hence, I wish to express my view about it to the Senate before it votes.

In my judgment, this is the very best result the committee can produce. A significant amount of the thinking of the administration is represented here, and amendments offered by all members of the minority, including Senator TAFT; I deeply believe that to send the bill back to the committee is only a way of saying to the committee, "We disapprove of this title"—not just a matter of reworking some defect which may have been found in the bill.

I am a coauthor of this title, with Senator MONDALE, the chairman of the Subcommittee on Children and Youth, Senator SCHWEIKER, the ranking minority member of the Subcommittee on Employment and Poverty, and Senator NELSON, the chairman of the subcommittee.

We regard the title as a direct and meaningful response to the call of the President's White House Conference on Children, held last December, for the formulation of effective procedures for implementation and administration of child development programs:

> By which all available or committed resources can be identified, coordinated and harmonized into a National effort, having as its goal the enhanced development of the American child through the remaining years of the Twentieth Century."

The establishment of a comprehensive program of child development, with emphasis on local decisionmaking, parental involvement, comprehensiveness of services and adequate funding was identified by the more than 1,500 delegates at the Conference as the top priority for the next decade.

To this recommendation, the sponsors of this bill have tailored a title with specific regard to the four elements identified by the conference which I have just listed.

I consider it important that these elements be highlighted briefly so that the Senate will understand more extensively the rationale behind the title.

First decisionmaking at the local level: In the opinion of the sponsors, essential responsibility must be placed at the local level if truly comprehensive services are to be provided parents and other members of the family are to participate and existing programs are to be coordinated.

This was the thrust of the Comprehensive Community Child Act of 1971 which I introduced last December, and it is the major aspect of this bipartisan proposal which the Senate now considers.

Mr. President, it is vital that this emphasis be maintained. As President Nixon stated in the state of the Union address at the beginning of this Congress—sensing the frustration of the American people:

> We hear you and will give you a chance. We are going to give you a new chance to have more to say about the decisions that affect your future—to participate in government—because we are going to provide more centers of power where what you do can make a difference that you can see and feel in your own life and the life of your own community.

I can think of no more appropriate subject area for the application of this principle than the crucial matter of child development.

Mr. President, in committee the sponsors of this bill have attempted to achieve an appropriate balance—consistent with the concept of community control—between the role of local general governments on the one hand and State governments on the other.

In my opinion, an appropriate balance has been struck as follows:

First, the committee bill provides that any city, municipality, or county having general governmental powers, or combinations thereof, Indian tribe on a Federal or State reservation, and, under certain circumstances, public and private nonprofit agencies are eligible to serve as prime sponsors for comprehensive child development programs.

However, we were mindful that all local units may not have the capability to carry out adequate programs. We included therefore two essential tests of capability into the bill. Section 513 requires that as a further condition to eligibility, prime sponsorship plans must include assurances that—

Administrative expenses for child development councils will not exceed 5 percent, with the authority of the Secretary to make exceptions in certain cases.

The prime sponsor will have the capacity to provide or enter into arrangements to provide family, social, health, educational, nutritional, and related services.

The first stipulation, which I submitted, should test the extent to which the proposed prime sponsorship area is, in terms of cost effectiveness, an appropriate unit for the conduct of programs. If administrative expenses are excessive then it may be assumed that the area is not of an appropriate size to make combined administration worthwhile.

We have chosen 5 percent as the limit, but, in recognition of higher startup costs for the first operational year of the program and other factors that may pertain have given the Secretary the discretion to make exception, pursuant to regulations in certain cases.

The second stipulation, submitted by Senator CRANSTON, deals with the essential relationship between the child development programs to be conducted and the availability of related services that will be necessary if programs are to be truly comprehensive. A unit too small or otherwise unable to enter into appropriate arrangements to link up with hospital services, educational units, would not be able to meet this requirement.

Second, State government is given a significant role in child development programs.

A State government may serve as prime sponsor as to the areas as to which local general governments have not made application or are unable to meet the criteria which I have outlined. This authority is set forth in section 513(e).

The Governor must be given an opportunity to comment upon the prime sponsorship plans and comprehensive child development plans submitted by units of general local government. These authorities are set forth in sections 513(g) and 515(b)(3) respectively.

Up to 5 percent of the funds apportioned for use within a State may be utilized by the Secretary for a number of activities by the States in support of local programs. This authority is outlined in sections 510(c) and 517.

The latter section—which I authored—

is included in recognition of the substantial role that the States may play in providing an overview of activities and achieving coordination.

Specifically, section 517 authorizes grants for the following purposes within the State:

Identifying child development goals and needs;

Assisting in the establishment of child development councils and strengthening their ability to run programs;

Encouraging the cooperation and participation of State agencies;

Developing information useful in evaluating prime sponsorship plans and comprehensive child development plans;

Encouraging the full utilization of resources and facilities for child development programs within the State;

Disseminating the results of research on child development programs;

Conducting programs for the exchange of personnel involved in child development programs within the State;

Assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

Assessing State and local licensing codes as they relate to child development programs within the State; and

Developing information useful in reviewing prime sponsorship plans under section 513(g) and of comprehensive child development plans under section 515(b)(3).

Mr. President, during the Committee on Labor and Public Welfare's consideration of child development legislation, I attempted to reconcile the position of the administration, which favors a straight population requirement of 100,000 for prime sponsorship of localities, with that of the sponsors of this bill, which regard such a limit as inflexible and damaging to the concept of community decisionmaking. I consider it my duty, to make this effort to see if the parties might reach agreement and I felt that there could be little doubt that my preferences were clearly for the undiluted community approach, which I first proposed last year.

When it became clear that the parties could not reach agreement on my proposal—which would have used the 100,000 as a guidepost in shifting the burden of proof—I indicated my opposition to the inclusion of any population cutoff, whether arbitrary or even with some flexibility, and accordingly, I indicated my opposition to the amendment proposed yesterday by Senator TAFT to that end.

Second, parental involvement: The bill requires that parents provide at least one-half of the membership of child development councils, which are responsible for formulating the programs for the area under the title that each project applicant maintain policy committees with similar parental representation. These provisions coupled with sections of the bill encouraging parental participation in the programs themselves, should insure that programs under the title reinforce rather than obstruct the family life and environment.

Third, comprehensiveness of services: The bill emphasizes the need for services that will provide the educational, health, nutritional and related elements necessary for the full development of each participating child.

While child development programs are necessary in many cases to permit parents to work, we should keep in perspective their principal objective of providing adequately for the child. It is appropriate therefore that the bill, takes as its base the Headstart program which has placed great emphasis on such services.

Mr. President, the bill authorizes $2 billion for fiscal year 1973, the first full year of operation for the child development title, as well as $100 million for fiscal 1972 for startup costs. These are substantial sums in terms of present Federal expenditures for child development programs, but, as noted in the committee report, they are in a sense grossly inadequate to needs, at even the present time.

Mr. President, one of the key matters considered in the committee was the desirability of section 581(5) which defines "economically disadvantaged" in terms of the lower income budget defined by the Bureau of Labor Statistics—which may reach $6,900 for a family of four in certain areas of the country, coupled with section 516(a)(8)(A) which provides that no charge may be made for such children; a sliding scale of fees would apply to those above the level.

These sections are designed to insure that this comprehensive program is one that is not limited to those in the poverty category—where the line is drawn at $3,920 for an urban family of four or those who fall within the welfare cutoff—where the line is drawn at $4,320 for such a family—but includes the near poor and other groups, so that each can benefit from the other.

Mr. President, again, although I sought to achieve a compromise between the position of the administration and the bill when the matter was considered in committee, I support generally these provisions as they now stand in the bill.

Mr. President, in response to my colleague from New York, for whom I have the greatest affection and respect, let me say that I will lend myself to an amendment which will make clear that this is a measure in the interests of the Nation and that it does not involve any coercion of the child or the child's parents or guardian. There is no such purpose or intent, either expressly or by implication, and it should not be so construed. Whatever my colleague from New York may feel—we will check it to see that it has no other implications, and will assure those who have to live with this measure of that fact—I will certainly lend myself to endeavoring to bring about its inclusion in the bill. That is only fair and just, and we are indebted to him for pointing out this overriding moral responsibility which remains in the parent and the guardian and the rights of the child to be a child of a parent or under the care of a guardian.

I thank my colleague from West Virginia for giving me this time to make these comments.

In conclusion, we have worked with children and we have had the children's bureau for decades. We have recognized that the child is a care of the State. State law recognizes it. Federal law has recognized it in many affirmative programs. This is but the summation, the articulation, in a sophisticated way, of programs to deal with the care of children insofar as society is interested in a sound, healthy, educated, and well cared for child.

Mr. President, the base of great reforms in this country, including welfare reform, depends upon what we do upon this measure. The question is whether we shall narrowly confine it to the economics of the child? In other words, if it is a poor child or a disadvantaged child, shall we give it assistance, or shall we broaden that concept in order to free the parent for constructive work, which is what we are aspiring to do in our welfare reform, and also to see to the adequate development of the child, whatever may be his economic status, if that development is deficient?

One of the strongest points of this bill, rather than its weakest, is the fact that for the first time it will bring about an admixture in respect of children's development, among children of various economic levels. I wish it could have been greater. But, Mr. President, with the basic statistic that 6 million children need day-care slots—and there are now only 700,000 such slots—we can well see that an appropriation of $2 billion per annum is no monumental revolution in this respect. It will just begin to do something. We should certainly make a beginning on it, in view of our passion for welfare reform.

In my judgment, we would have no right to pass a war against poverty bill at this stage of our national life without this child development title and the concept of child development. The concept of looking after only poor children as it relates to title I of the Elementary and Secondary Education Act, has demonstrated to us why it is too narrow and why the broader concept of child development is absolutely essential to our national future.

For all these reasons, Mr. President, I hope that the motion to recommit will be rejected.

The PRESIDING OFFICER (Mr. STEVENSON). All time has now expired.

The question is on agreeing to the motion of the Senator from Ohio (Mr. TAFT) to recommit the bill, S. 2007.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Having already voted in the negative, I withdraw my vote.

Mr. FANNIN (after having voted in the affirmative). On this vote I have a pair with the Senator from Indiana (Mr. HARTKE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from

Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Mansfield), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), and the Senator from Oklahoma (Mr. Harris) would each vote "nay."

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New Jersey (Mr. Case), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Maine (Mrs. Smith) are absent on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Idaho (Mr. Jordan), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Nebraska (Mr. Hruska) and the Senator from Iowa (Mr. Miller) are absent to attend funeral of the Honorable Bourke B. Hickenlooper.

The Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt), and the Senator from Vermont (Mr. Prouty) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Hruska) and the Senator from Maine (Mrs. Smith) would each vote "yea."

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from New Jersey (Mr. Case). If present and voting, the Senator from Iowa would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 17, nays 46, as follows:

[No. 218 Leg.]

YEAS—17

Allen
Baker
Beall
Boggs
Brock
Buckley
Byrd, Va.
Cook
Dole
Goldwater
Griffin
Gurney
Roth
Stennis
Taft
Thurmond
Tower

NAYS—46

Bentsen
Brooke
Cannon
Chiles
Church
Cranston
Eagleton
Ellender
Ervin
Fulbright
Gambrell
Gravel
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, for.
Fannin, for.

NOT VOTING—35

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Burdick
Case
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Hansen
Harris
Hartke
Hollings
Hruska
Humphrey
Jordan, Idaho
Magnuson
Mansfield
Miller
Moss
Mundt
Muskie
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Young

So the motion to recommit was rejected.

The PRESIDING OFFICER. Under the previous order the Chair recognizes the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

Strike out on page 87, line 9, down through line 3 on page 115 (section 901) and insert in lieu thereof:

"TITLE IX—LEGAL SERVICES CORPORATION

"ESTABLISHMENT OF CORPORATION

"Sec. 901. (a) There is authorized to be established in the District of Columbia a nonmembership, nonprofit corporation to be known as the 'Legal Services Corporation' (hereinafter referred to as the 'corporation'), for the purpose of providing legal services in noncriminal matters to persons financially unable to afford as ascertained pursuant to guidelines established by the corporation under section 905(a)(2) (hereinafter referred to as 'eligible clients'). The corporation shall not be an agency or establishment of the United States. To the extent consistent with this Act, the corporation shall be subject to the provisions of the District of Columbia Nonprofit Corporation Act.

"(b) The initial board of directors appointed pursuant to section 902 of this Act shall take whatever actions are necessary and appropriate to establish the corporation pursuant to the District of Columbia Nonprofit Corporation Act.

"(c) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice of service upon the corporation.

"GOVERNING BODY

"Sec. 902. (a) The corporation shall have a board of directors (hereinafter referred to as the 'board') consisting of eleven members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of a jurisdiction and none shall be a full-time employee of the United States.

"(b) The term of office of each member of the board shall be three years or until his successor has been appointed and has qualified; except that of the members first appointed, five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of two years. For purposes of this subsection, the term of office of the initial members of the initial members of the board shall be computed from the date of incorporation. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of all members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

"(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

"(d) The board shall select a chairman from among its members who shall serve for a term of one year.

"(e) A member of the board may be removed by a vote of seven members for malfeasance in office, persistent neglect of or inability to perform duties and for no other cause.

"(f) Within six months following the appointment of all members of the board, the board shall appoint an advisory council. The advisory council membership shall include persons who meet the client-eligibility standards described in section 905(a)(2) and representatives of the organized bar. The council shall be convened by the president of the corporation, at least twice annually, and shall render advice to the corporation on matters pertaining to the corporation's activities.

"OFFICERS AND EMPLOYEES

"Sec. 903. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a jurisdiction and shall be a nonvoting, ex officio member of the board, and such other officers as may be necessary. No officer of the corporation may receive any salary or other compensation for services from any source other than the corporation during his period of employment by the corporation. All officers shall serve at the pleasure of the board.

"(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees as may be necessary to carry out the purposes of the corporation.

"POWERS, DUTIES, AND LIMITATIONS

"Sec. 904. (a) To the extent consistent with this Act, the corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"(b) In addition to the powers conferred by subsection (a), the corporation shall have authority—

(1) to obtain grants from and to make contracts with individuals, and private and State and local government agencies, organizations, and institutions;

(2) to contract with or make grants to individuals, partnerships, firms, organizations, corporations, or other appropriate entities (hereinafter referred to as "recipient") for the purpose of providing legal assistance to eligible clients;

(3) to represent the collective interests of the eligible clients under this Act before Federal agencies with a view to identifying and resolving issues which might otherwise result in multiple litigation arising out of the administration of the agencies' programs;

(4) to accept gifts, devises, and bequests not inconsistent with the purposes of the corporation; and

(5) to undertake, either directly or by grant or contract:

(A) research;

(B) training and technical assistance;

(C) to serve as a clearinghouse for information; relating to the delivery of legal services under this Act.

"(c)(1) The corporation shall have authority to insure the compliance of recipients and their attorneys with this Act, the corporate charter and bylaws and to terminate funding where a recipient fails to comply.

(2) If an attorney participating in a program funded by the corporation violates the provisions of this Act or the charter, bylaws, or guidelines of the corporation, the recipient shall take appropriate disciplinary action.

(3) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a particular jurisdiction to enforce the applicable standards of professional responsibility which apply to the attorney.

"(d) The corporation shall have no power or authority—

(1) to initiate or defend litigation on behalf of clients other than the corporate entity itself;

(2) to undertake to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members or their committees, unless such bodies, their members or their committees request that the corporation make representations to them.

"(e)(1) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee except as salary or reasonable compensation for services.

(3) The corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"CORPORATE GRANTS AND CONTRACTS

Sec. 905. (a) With respect to contracts or grants to provide legal assistance to eligible clients, the corporation shall—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal services to eligible clients.

(2) Establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client;

(B) the fixed debts, medical expenses, and other factors which affect the client's ability to pay;

(C) the size of the client's family;

(D) the cost of living in the locality; and

(E) such other factors as relate to financial inability to afford legal assistance;

and establish priorities to insure that those least able to afford legal services are given preference in the furnishing of such services.

(3) Establish a graduated schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal services, based on the factors enumerated in paragraph (2) of this subsection.

(4) Insure that grants or contracts are made in such a way as to provide adequate legal representation to persons in both urban and rural areas.

(5) Insure that attorneys employed full time in legal service programs funded by the corporation represent only eligible clients and refrain from any outside practice of law.

(6) Insure that all attorneys refrain from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representatives to such bodies, their members or their committees, while engaged in activities carried on by legal service programs funded by the corporation, unless such bodies, their members, or their committees request that the attorney make representations to them; and that attorneys employed full time by legal services programs funded by the corporation refrain from such lobbying at any time, unless such bodies, their members, or their committees request that the attorney make representations to them.

(7) Insure that all attorneys, while engaged in activities carried on by legal services programs funded by the corporation, refrain from—

(A) any partisan political activity associated with a candidate for a public or party office or an issue specifically identified with a National or State political party;

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation), and insure that attorneys employed full-time in legal services programs funded by the corporation refrain from the above enumerated activities at any time.

(8) The corporation shall establish guidelines for a system for review of appeals to be implemented by each recipient to insure the efficient utilization of resources and to prevent the taking of frivolous and duplicative appeals.

"(b) No funds made available by the corporation pursuant to this Act, either by grant or contract, may be used—

(1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding);

(2) For any of the political activities described in paragraph (7) of subsection (a) of this section; or

(3) To award grants or enter into contracts with so-called "public interest law firms" which intend to expend at least 75 per centum of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both.

"(c) In making contracts or grants for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal services to eligible clients is governed by a body consisting of a majority of lawyers.

"(d) The corporation shall monitor and evaluate recipient programs in order to insure that the purposes of this Act and the charter and bylaws of the corporation are carried out.

"(e) Grants and contracts pursuant to this Act shall be made or refused by the president of the corporation, but the board shall have authority to establish, by rules, which classes of grants or contracts it wishes to review and approve prior to such action by the president.

"(f) At least thirty days prior to the corporation's approval of any grant or contract application, the corporation shall notify the Chief Executive Officer of the State, Commonwealth, District of Columbia, or possession in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"RECORDS AND REPORTS

"Sec. 906. (a) The corporation shall have authority to require such reports as it deems necessary from recipients with which it has made contracts or grants.

"(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

"(c) The corporation shall publish an annual report by April 15 of each year which shall be filed by the corporation with the President, the Congress, and the Commissioner of the District of Columbia.

"AUDITS

"Sec. 907. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of a State; except that for the period ending December 31, 1975, such audits may also be conducted by:

"(1) Independent public accountants who are not certified but who are licensed to practice by a regulatory authority of a State; or

"(2) Independent public accountants who, although not so licensed or certified, meet, in the opinion of the board, standards of education and experience representative of the highest prescribed by the licensing authorities of the several States which provide for the continuing licensing of public accountants and which are prescribed by the board in appropriate regulations; provided that if the board deems it necessary in the public interest, it may prescribe, by regulation, higher standards than those required for the practice of public accountancy by the regulatory authorities of the States.

"(b) The audits shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

"(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the corporation shall remain in the possession and custody of the corporation. A report of any such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

"(d) The corporation shall have a right to require an audit report from any recipient of a grant or contract with respect to funds received from the corporation. The Comptroller General of the United States shall have access to such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipient, which relate to the disposition or use of funds received from the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

"FINANCING

"SEC. 908. There is authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified, notwithstanding that incorporation may not yet have been accomplished. Subsequent appropriations shall be for three-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts.

"RIGHT TO REPEAL, ALTER, OR AMEND

"SEC. 909. The right to repeal, alter, or amend this title at any time is expressly reserved.

"APPLICABILITY OF OTHER PROVISIONS OF LAW

"SEC. 910. In the absence of specific reference to this title, the provisions of other titles of this Act (and references to this Act in other statutes) shall not be construed to affect the powers and activities of the corporation or to have any applicability with respect to programs and activities assisted by the corporation."

SEC. 9. The Economic Opportunity Act of 1964 (78 Stat. 508) is further amended (42 U.S.C. 2701 et seq.) by striking out paragraph (3) of section 222(a) thereof.

SEC. 10. (a) Title IX of the Economic Opportunity Act of 1964, as added by this Act, shall take effect on the date of enactment of this Act.

(b) Section 3 of this Act shall take effect on (1) the date of incorporation of the Legal Services Corporation, or (2) the date on which the first appropriation after incorporation becomes available to the corporation, whichever is later.

SEC. 11. Notwithstanding subsection (b) of section 4, grants and contracts for the provision of legal services and related activities which are made by the Office of Economic Opportunity prior to the effective date of section 3 of this Act shall remain valid until their expiration date or their modification or termination as provided therein: *Provided*, That the corporation shall succeed the Office of Economic Opportunity as a party thereto, and shall have the same supervisory authority and contractual relationship with respect thereto as the Office of Economic Opportunity had on the day prior to the effective date of section 3 of this Act. The Office of Economic Opportunity shall cause to be paid promptly to the corporation the portion of its unexpended balances equal to the unpaid balance of such grants and contracts.

SEC. 12. In employing its personnel, the corporation shall give due consideration to those persons employed in the Office of Legal Services of the Office of Economic Opportunity on the effective date of this Act.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for an inquiry?

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Is it the Senator's intention to ask that the yeas and nays be ordered?

Mr. COOK. Yes.

Mr. BYRD of West Virginia. Will the Senator make the request now?

Mr. COOK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a further parliamentary inquiry?

Mr. COOK. I yield.

Mr. BYRD of West Virginia. Is it the intention of the Senator from Kentucky to ask for additional time from those who control time on the bill?

Mr. COOK. I would think it might be necessary, yes; but at this time I do not know.

Mr. BYRD of West Virginia. I made the inquiry for the purpose of indicating to the Senator that if he stays within the time allotted on the amendment the rollcall vote would occur before the Senate proceeds to the other body, but if the Senator requires additional time—and the Senator is entitled to additional time if he wants it and those in control of the time are entitled to give the Senator additional time—the vote would then go over until after the joint meeting with the House of Representatives.

I thank the Senator for yielding.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. McGOVERN. Mr. President, I respectfully ask unanimous consent that S. 2464, the bill I introduced just before the recess, be referred to the Committee on Post Office and Civil Service.

Mr. BYRD of West Virginia. Mr. President, I do not like to interject, but I must object because this constitutes morning business and the Pastore germaneness rule is still in operation.

Mr. McGOVERN. I misunderstood the situation. I thought the request was in order.

The PRESIDING OFFICER. Objection is heard.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. COOK. Mr. President, this amendment is identical to S. 1769, a bill I introduced along with Senators BAKER, SCOTT, TAFT, and WEICKER on May 5. It substitutes the language of S. 2007, starting with title IX at line 9 on page 87, and running through line 3 on page 115.

The National Legal Services Corporation which is set up in the committee bill actually represents an anomaly that I do not understand. We first have a five-man incorporation board which then appoints an 11-man Clients Advisory Council, then appoints an 11-man Attorneys Advisory Council, then a 15-member board of directors which then appoints a five-member executive committee.

I am not sure how any corporation is going to function under this procedure, but let me get to some of the other serious problems involved here. Under this 15-man board, the President allegedly appoints nine members. In reality, however, he only appoints four because three of his appointees must come from a list of 10 submitted by the Client Advisory Council, and two of his nine members must be appointed from a list of 10 submitted by the Project Attorneys Advisory Council. So in effect the advice and consent of the President's appointments really only affect four of a 15-member board of directors.

Second, it is rather strange, and I think there is a serious constitutional question because of the 15-member board the Senate is asked to advise and consent on only nine of them, and six of them become automatic direct appointments of specific individuals as a result of the offices they hold in private life.

Remember, Mr. President, this Commission is going to handle, if this bill passes, an annual appropriation of $61 million. They are not accountable to the public, but accountable to the individual organizations from which they come.

I believe in legal services for the poor, as I think everyone in the Senate does. However, we do not know if all of these individuals automatically appointed also believe in this concept. Because this bill is mandatory and because this bill provides that part of the board must be the president of the American Bar Association, the president of the National Bar Association, the president of the American Trial Lawyers Association, the president of the Association of American Law Schools, and the president of the National Legal Aid and Defender Association, what do we do if these respective individuals are opposed to legal services, or are opposed to the concept of legal services as expressed by the Congress in this bill. What do we do then if this board, which is supposed to operate and bring these things into existence is opposed to the concept of legal services? We find ourselves in a position where we have frozen ourselves to named individuals and there is nothing we can do about it.

Third, and I seriously raise the question because I think it is important, what of the potential conflict of interest of these board members who come from the presidents of the various organizations. We have three who come from the Clients Advisory Council, and three from the Project Attorneys Advisory Council. Suppose all of these members are within the framework of organizations which are direct grantees of funds that will be appropriated under this act. What do we do with the people on the 15-member board who are direct grantees and who have a direct conflict of interest and are on the board, and from organizations receiving funds as a direct contribution of funds appropriated under this act?

Mr. President, one of the most important questions is the constitutionality of the Congress taking for itself the naming of the members of the board of directors of the Legal Services Corporation and delegating such authority to private groups and to the Chief Justice of the United States.

The Constitution's deliberate separation of powers is one of the most important, fundamental principles of the American system of justice, and each branch of the Government is bound to respect it. Historical and constitutional precedent suggests that S. 2007 is inimical to our system of government. Back in the 1920's, the Philippine legislature had created two corporations, the vast majority of the shares of both being held by the Government, and the legislature vested the voting power in a board consisting of the Governor General, the President of the Senate and the Speaker of the House. Relying on provisions of the Organic Act which established a separation of powers very similar to that in the U.S. Constitution, the Supreme Court of the United States held that the legislature had acted unlawfully and in rendering its decision said that—

> It may be stated then, as a general rule inherent in the American constitutional system, that, unless otherwise expressly provided or incidental to the powers conferred, the Legislature cannot exercise either executive or judicial power . . .
>
> *Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are executive functions." Springer v. Government of the Philippine Islands,* 277 U.S. 189, 201, 202 (1927).

This case is directly related to section 904 of the legal services title, and casts grave doubt upon the constitutionality of that section. The Legal Services Corporation, although stated to be independent of the executive branch, will be carrying out Executive functions. As a matter of fact, it will be charged with carrying out a law, passed by Congress, which provides for a nationwide program funded by general tax revenues. It will be performing the same functions as those currently performed by the Office of Economic Opportunity, which is part of the executive branch. As previously quoted, the power to appoint the agents charged with enforcing the laws is an Executive power. By providing that private groups and the Chief Justice may appoint Directors of the Legal Services Corporation, the section grants away a power which constitutionally belongs to the President.

It may be argued that Congress has previously established independent entities and either appointed the individuals responsible for administering them or delegated that power outside the executive branch without challenge. However, I believe that closer examination will reveal that none of these provides a precedent for the action contemplated in this bill. Either these other entities were legislative or judicial in function, or they were not funded by general tax revenues, or they had other characteristics which would not bring them within the general constitutional doctrines enumerated in the Springer decision.

Let me bring one other case to the attention of Senators which deals with this matter, because in section 906(h), as presently in the bill, if Senators will turn to page 103, it provides:

> No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

We have discussed this matter in this body on many, many occasions, with respect to legal services under the Legal Services Act for criminal matters. I refer the Members of the Senate, for instance, to the May Day activities in Washington. This means that the guidelines of the Corporation—which are not subject to review by the Senate, which are not subject to review by the OEO, which are not subject to review by the executive branch—can be determined and the money of the taxpayers can be used on legal services for any criminal activity in the United States if it is within the guidelines established by the Corporation.

I would suggest to Members of the Senate that in the substitute I have offered, under section (1), on page 10, the language is as follows:

> No funds made available by the corporation pursuant to this Act, either by grant or contract, may be used—
>
> (1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding.

I might say to my colleagues that S. 2007 involves the setting up of a corporation which is not responsible to the taxpayers, which is not responsible to the Congress, and which is not responsible to the executive branch. We have a board that is going to handle $61 million of the taxpayers' money and be responsible to absolutely nobody. They establish the guidelines. They are to meet with 11-member committees twice a year and conceivably deal with a five-man executive committee.

I am not sure how this body was created or how it was written, but I cannot conceive of the Congress approving a 15-man board, of which only nine shall receive the advice and consent of the Senate, and six of whom shall be automatically appointed because of their position, regardless of how they feel on the matter.

I submit to my colleagues that this does not even make sense. I submit to my colleagues that I do not know of any such corporation in the entire United States. Obviously, I do not know of any private one, and I could not conceive of any public one.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, on behalf of the floor manager, I yield myself 3 minutes.

I will respond first to the point about criminal proceedings, because the pending amendment would prohibit under any circumstances the right of project attorneys to defend in any criminal matter.

Referring the Senate to page 38 of the committee report, the committee states:

> Section 906(h) permits representation in criminal proceedings—including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding—only—

I underline that—only—

> Where pursuant to guideline established by the corporation it is determined that such services are not adequately available.
>
> The Corporation's primary purpose is to represent eligible clients in civil matters. However, the Committee realizes that in some areas of the country, there is inadequate representation in criminal proceedings.
>
> The Committee also realizes that even in areas where representation in criminal matters is generally adequate, situations may occur in which it would be necessary and proper for programs funded by the Corporation to provide criminal representation. For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations (as they have been under the present Legal Services Program); a criminal case may arise out of and be connected to a civil matter which is being handled by a program funded by the Corporation, and legal services lawyers may bring cases to reform aspects of the criminal justice system which could not be handled by a public defender office.
>
> These examples are not intended to be all inclusive. The Committee strongly believes that the Corporation's Board of Directors must have the discretion to determine those circumstances in which criminal representation—including the filing of extraordinary writs designed to challenge a criminal proceeding—would be permissible.
>
> As the National Advisory Committee to Legal Services stated in its March 21, 1971 report to the President:
>
> "A restriction on criminal representation (should) not be included as an inflexible charter provision. Difficulties in distinguishing between criminal and civil cases in some instances, variances in state legislative provisions and unavailability of competent defense services in some areas recommend that the formulation of guidelines in the criminal representation area be left to the discretion of the Board of Directors."

Permit me to make it as clear as I can that in no sense was it the intention of the committee to establish a new system of public criminal defenders; but it was recognized that in certain circumstances it may be necessary to permit a project attorney to participate in criminal matters. This is essentially the system we have today, and today there is a very, very small percentage—less than 1 percent—I believe far less than 1 percent—of the activities of the legal services attorneys involved in criminal cases. We would anticipate that that would continue to be the case, and we only wish to have criminal representation under board discretion for extraordinary circumstances.

There is one other point I wish to make. We had hearings——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. I yield myself 2 more minutes.

We had hearings before the committee at which the president of the National Legal Aid and Defender Association and several other bar organizations testified.

Most of those witnesses—as well as the National Advisory Committee to Legal

Services—concluded that there would be occasions on which an attorney would find it essential, under the canons of ethics, to be in a position to defend in a criminal proceeding.

It seems to me that in light of all of these considerations, the work of the committee dealing with these difficult questions of handling criminal offenses was the proper way to proceed.

There was also a question about the constitutionality of this proposal. I do not believe there is any doubt that it is constitutional. We have many, many such boards. Howard University is governed by a board made up of alumni, students, and faculty. Gallaudet College is governed by 18 private citizens appointed by a congressional board. The Railroad Retirement Board, which administers a massive program, is appointed in part from persons recommended by employees and carriers. The Appalachian Regional Commission is made up of representatives other than those appointed by the President.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. MONDALE. I yield myself 2 more minutes. The Farmers' Land Bank is made up of a board of directors from individual banks selected by the members. The Comsat Corp. is made up of members of a board appointed by the communication common carriers and by stockholders. And the enormous FNMA Corporation is governed by a board, 10 of whom—a majority—are selected by stockholders.

The key question, of course, is whether we are going to have an independent board of directors, so that, to the fullest extent possible, these legal services attorneys are going to be free to serve only the interests of their clients—as do other attorneys—or whether it will be a board which has been established for the purpose of imposing certain political and other restrictions upon the activities of these attorneys.

I feel very strongly that there should be an independent board. The National Advisory Committee to Legal Services, which reported this legislation to the President of the United States, felt the same way; it called for legislation almost identical to the committee bill. To say we have got two systems of justice in America, one for the rich—where they can go out and hire their own lawyer, who is not only free but who, under the canons of ethics, must pursue all remedies on behalf of his client—and then another system for the poor—which is dominated by a board selected by the President of the United States, and as such will be answerable to him and thus will be under political restraints and the other restrictions on the attorney found in the administration's bill—is to say to the poor, "We want you to believe in law and order, we want you to believe in a system of justice, we want you to take your grievances to court, we want you to get out of the streets, we want you to abandon violence, and we will decide under what terms and under what circumstances you will be permitted to make your case."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. Under our system of law, I believe there should be the same system of justice for the poor as for the rich, and that primarily means the availability of an independent attorney, qualified and capable, and authorized to pursue all remedies available to him under the law.

That is why I strongly oppose the amendment offered by the Senator from Kentucky.

Mr. COOK. Mr. President, I have listened to the Senator's statement with great interest, because I believe in these services. I am not here to argue about essential justice, and I think the Senator knows I am not.

I am delighted that what the Senator read from page 39 shows that what I said was correct, that this does mean legal services can be utilized for criminal prosecutions and to defend in criminal actions, and although the Senator spoke of "extraordinary circumstances," the language of his bill says that—

> No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

This does not say "extraordinary circumstances." It merely says that a corporation which is free of the scrutiny of Congress, which is free of the scrutiny of the Executive, can establish guidelines, and can provide that some of the $61 million—can be used in defense of criminal actions against individuals.

My substitute says that none of it shall be used for that purpose. As a matter of fact, I am delighted that the Senator read from the report in regard to my remarks, because the committee itself said:

> For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations.

The PRESIDING OFFICER. All of the Senator's time has expired.

Mr. COOK. I ask for time on the bill.

Mr. JAVITS. I yield the Senator from Kentucky 3 minutes on the bill.

Mr. COOK. Which gets down to the very situation I have brought up, that the funds could be used for the entire situation that occurred here, or other situations of mass arrests. This is not what legal services were designed for, or contemplated for.

The Senator said that they should be responsible to the President. I might suggest that the President is responsible to the people; $61 million of the people's funds is going to be expended here, and the Senator wishes an independent board, which is not responsible to the people, which is not responsible to Congress, which is not responsible to the President, to have the absolute freedom to expend $61 million on legal services.

I get back to the same point: Out of a 15-member board, the President of the United States really appoints only four; because, although it says he shall appoint nine, three of them shall come from the client advisory committee, which he must take out of 10; two of them come from the attorneys' advisory committee, and he must take them; and the rest of them are automatically appointed by virtue of their positions in private life.

I suggest to my constitutionalist friend, the senior Senator from North Carolina, that I would like to know of a time when a 15-member board was approved by Congress when nine of them had to receive the advice and consent of the Senate and six of them received no consent of any kind whatever, other than the fact that they fell within the classification or happened to hold an office in a private organization in the United States. These private organizations will be some of the largest grantees of the funds that will be made available under this program.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. NELSON. I yield to the Senator from New York whatever time he desires.

Mr. JAVITS. Mr. President, no one should fail to take Senator COOK's amendment and Senator COOK's argument seriously. I do.

I wish him and the Senate to know that I submitted for the administration many of its proposals on this matter before the committee. It was very seriously contested and very seriously opposed. The measure before the Senate is a compromise worked out by the committee members starting from two different poles, our pole—that is, the minority's pole—being the administration's bill. He and the Senate—whatever decision we decide to make in this matter—are entitled to know why we compromised, and I should like to inform the Senate on that score.

First, as to the nine members, it is understood that not only does the President have the appointment of the four, but also, the Chief Justice of the United States has the fifth. I do not think any of us would oppose that. He, for example, is the Chairman of the Smithsonian Institution, as a matter of law.

As to the members to be appointed from panels submitted by the Clients' Advisory Council and the Project Attorneys' Advisory Council, it is understood that the President can reject as many of those lists as he wishes, and they are lists of 10.

Therefore, for all practical purposes you have to suit the President before you can get those members appointed. I think it is not an unfair compromise, that that point of view of the client, himself, in this kind of situation, and the project attorney, should be represented with great latitude on the part of the President to reject the nominations. The President can reject—I state that as a matter of legislative interpretation, as this is the compromise I worked out myself along with Senators TAFT and SCHWEIKER—as many of those panels as he chooses.

As to the officials of the various organizations, again, it was quite a struggle to include those. I wanted the designees of the particular officials included, and that was finally incorporated into the language. But I should like to point out to my colleagues that we have a very strict provision in respect of conflicts of interest, and that occurs in subsection (f) on page 95, which provides:

> No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

In the event there is a direct conflict of interest, they will disqualify themselves.

One further point in that regard: Should any of these officials be opposed to legal services—they are men of distinction and honor in respect of these organizations—and be unwilling to serve or even to appoint a designee, the board simply would have to function with as many members as it has; and it has an adequate number of members to represent a quorum in order to enable it to do business. It is not unusual that particular places may have remained unfilled.

In conclusion, I believe that the scheme for the establishment of the board is a sound one. But I say frankly to the Senate that it represented a compromise between very opposing views. The majority, as represented by Senator MONDALE, would have named—literally named—on an organizational basis practically all the directors, and our attitude was to have the President appoint them, subject in many cases, to Senate confirmation.

I respectfully submit that we struck a fair middle ground.

Mr. President, we have thus specified Board composition in terms of the three major groups—the organized bar, the clients, and the project attorneys not only to provide a safeguard against political influence, but to increase the effectiveness of the program.

One of the truly heartening aspects of the history of the legal services program has been the support that it has enjoyed—through its many battles—by the organized bar. This in itself is an affirmative of our system of justice, and it should continue.

It is essential, therefore, that the Corporation be given not only the prestige—but the input of the heads of the major bar organizations.

And so it is true also of the clients and project attorney elements. For a program that does not have their confidence cannot succeed and a program which does not have their input in terms of direction cannot retain its relevancy to those that are to be served, as stated by George W. Moore, appearing on behalf of the National Clients Council before the subcommittee on October 9, 1970:

> We clients did not start our believing blindly that the law was our friend, that the courts would do justice, and that lawyers were fighters for equal justice for the poor. In fact, we started by fearing the law as the enemy; fearing lawyers and the courts as part of a system which repossessed our furniture, evicted us, garnished our salaries, and sent our children to reform schools. This program has won the trust—a precarious trust, but a growing trust, among minority groups. What makes this even more amazing is that the legal profession is over 98% white. And we hardly need tell you that racism in this country has bred extreme distrust and hostility. Yet, the clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to insure that the highest standards of professional conduct are maintained. We know, at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. And the client community has a solid basis for believing that regionalization will change all this. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, again, in respect to representation in commission proceedings, this is a compromise which I had a good deal to do with fashioning. The majority point of view would have made all criminal proceedings subject to legal services. I realize that that has been one of the great controversies raised in the legal services program, and the compromise is based very largely upon my experience as an attorney general, just as Senator COOK is very qualified in that regard as well. Based upon that experience, I felt that as legal aid societies and public defenders do not adequately cover the situation throughout the country and in other circumstances of merit some opening should be afforded—with so representative a board as we had provided for—to allow such exigencies as affected the poor and criminal proceedings to be looked after.

Let us remember that, so far as the poor are concerned, this defense in criminal proceedings is probably as critically a kind of representation as they need. Practicing lawyers know that the legal aid society-public defender technique is simply inadequate in various places throughout the country, whatever may be the good will involved to cover the real need of the poor. The poor feel that most keenly that because they cannot be represented by high-priced lawyers; it is they who get the penalties, it is they who are made to take the guilty pleas, it is they who are kept in jail for long periods of time, because they cannot get bail, and that in this respect they are really the oppressed of the community.

So I felt that it was only fair, in view of the fact that we could not arrive at a situation in which no criminal legal representation provided would be, that this kind of provision should be made.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 1 minute on the bill.

I wish to point out that the report states very clearly that the primary responsibility of the Legal Services Corporation is to represent eligible clients in civil matters, so that criminal proceedings are an exception.

As to the control over this corporation, let us remember that we will have to appropriate additional money beyond the reservation and do it every year. If we do not like it, we can either repeal the law or not give them any money or very little money. As a matter of fact, I stood on this floor and fought the battle for the U.S. Information Agency and the Voice of America some years ago. The then majority leader, a former President of the United States, Lyndon Johnson, cut them to ribbons, from $140 million to $80 million, because he wanted to show that the Senate thoroughly disapproved of what the Director of that agency was doing.

So we know how to effectuate control if we want to.

For all these reasons, with the greatest respect for what the Senator is trying to do. I feel that we have arrived at a fairly balanced compromise, that it will work, that it is an equitable one, and that the amendment thereto should be rejected.

Mr. COOK. Mr. President, I ask for 3 minutes on the bill.

Mr. JAVITS. I yield 3 minutes on the bill.

Mr. COOK. Mr. President, I merely mean to conclude by saying that in S. 2007 we have a monstrosity that starts off with five presidents of five private associations throughout the United States who automatically become members of the 15-member board. We have an 11-member clients' advisory council, we have an 11-member project attorneys' advisory council, we have a 15-member board, and we have a five-member executive committee.

I might say again that the President of the United States really has authority to appoint only four. I will agree with the Senator from New York that they have got to be consistent with what the President may like but, if not, they will go back to the private attorneys' council and ask for another list, and another list, and another list. It is conceivable that this corporation could never be set up, because it is necessary that outside organizations submit lists to the President and he must be satisfied with three from one list and two from another list. If not, he can continue to send them back and it could stymie the entire system of legal services throughout the United States. We then find out that of the nine he must appoint five, of whom he must take from submitted lists, only the nine are subject to the advice and consent of the Senate and six are subject to direct appointment by reason of their position, regardless of whether they are ideologically inclined toward legal services for the poor as defined in this bill or not. It makes absolutely no difference.

Second, and I repeat, it is made clear in the language of S. 2007, and in the language of the report, that substantial sums involved in this could be used to defend criminal prosecutions throughout the United States. Defense of criminal activities was never intended to be part of the national legal services. When one reads the language of the report and when one remembers the situation as it occurred in Washington, D.C. last May, this bill could be used for the defense of those activities. The language of S. 2007 does not say "extraordinary circumstances" as the senior Senator from Minnesota explains, but, on page 103 of the bill, it merely says, "guidelines established by the corporation." Attorneys of the Legal Services Corporation might be called upon by judicial officials to relieve the burdens caused by mass arrest situations, so that means that funds expended for legal services could be utilized for criminal matters, which was never the intention of the basis of this legislation in the first place.

The PRESIDING OFFICER (Mr.

STEVENSON). All time on the amendment has now expired.

ORDER FOR VOTE ON PENDING AMENDMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator from Wisconsin (Mr. NELSON) yield me 1 minute on the bill?

Mr. NELSON. I yield the Senator from West Virginia 1 minute.

Mr. BYRD of West Virginia. May I inquire of the distinguished Senator from Kentucky (Mr. COOK), the sponsor of the amendment, whether he would be willing to have the vote on his amendment occur following a brief quorum call immediately upon the return of Senators to the Chamber after the joint session and the joint meeting today.

Mr. COOK. That will be perfectly agreeable to me.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the joint session and the joint meeting today of the two Houses, there be a brief quorum call and that upon rescinding of the quorum call, or the conclusion of the quorum call, whichever may be the case, the rollcall vote on the pending amendment offered by the distinguished Senator from Kentucky (Mr. COOK) then occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE HONORABLE CARL ALBERT, SPEAKER OF THE HOUSE OF REPRESENTATIVES, TO ACCEPT AND WEAR THE ANCIENT ORDER OF SIKATUNA

Mr. BYRD of West Virginia. Mr. President, having discussed this matter with the very distinguished assistant Republican leader, I ask unanimous consent that the Chair now lay before the Senate, without the time being charged to either side on the pending bill, a message from the House of Representatives on House Joint Resolution 850.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair lays before the Senate House Joint Resolution 850, which the clerk will state by title.

The assistant legislative clerk read the resolution as follows:

House Joint Resolution 850. Joint resolution authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

The PRESIDING OFFICER. Without objection, the resolution will be considered as having been read twice.

Mr. BYRD of West Virginia. Mr. President, this matter has been discussed with the very distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), and it is with his acquiescence that I now ask unanimous consent, after having also consulted with the distinguished assistant Republican leader, that the Senate proceed to the immediate consideration of the joint resolution which honors the great Speaker of the House of Representatives and which authorizes him to accept and wear the Ancient Order of Sikatuna, an award conferred by the President of the Philippines.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution (H.J. Res. 850) was considered, read a third time, and passed.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Now, Mr. President, I hope that the cloakroom will alert all Senators to the fact that the Senate will assemble as a body and will depart from the Chamber at 12:13 p.m. today to meet with the other body in a joint session to hear the address by the President of the United States.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum without the time being charged against either side.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana (Mr. LONG) may proceed out of order for 1 minute, without the time being charged against either side.

The VICE PRESIDENT. Without objection, it is so ordered.

WELFARE REFORM?

Mr. LONG. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Shreveport Journal on September 1, 1971, entitled "Welfare Reform?"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELFARE REFORM?

We believe that Sen. Russell B. Long of Louisiana is quite correct in his predictions as to where the so-called Welfare Reform bill sponsored by the Nixon Administration would lead the nation.

The bill proposes that every family be assured of an income of $2,400 a year. This, Senator Long says, would increase the number of people on welfare from the present 13 million to 26 million. But this is not the end, it is only the beginning, the Louisiana lawmaker believes.

"Where the program starts out by guaranteeing everyone $2,400, it will be politically impossible to vote against a starting point of $3,900 instead of $2,400 for the simple reason that the very administration proposing the program defines poverty level for a family of four at $3,900," Senator Long said in a major address to the Senate on Aug. 6.

If the figure of $3,900 were adopted the welfare rolls would swell to 35 million persons and that would constitute a political force with tremendous power. Senator Long predicts that in such a case welfare recipients would be asking one question at election time: "How did this senator or that congressman vote when our welfare increase was before the Congress?"

The senator's speech contains some other very enlightening information, particularly in the field where the government and the states give aid to families with dependent children. In 1960 there was something over three million recipients of Aid For Dependent Children. By 1970 the figure was nearing 10 million, an increase of 215 per cent.

During this same period the number of aged, blind and disabled persons receiving welfare assistance has increased only eight per cent.

The loading of the welfare rolls was accomplished in part by what Senator Long describes as "welfare activists, including the government-paid corps of attorneys for the Office of Economic Opportunity." They succeeded in getting the U.S. Supreme Court to knock out state residency requirements and to abolish the man-in-the-house rule whereby a woman was not eligible for welfare assistance if an able-bodied man were residing in the same house with her.

Senator Long says that under the Nixon proposal a couple who had children but who were not married would actually receive a bonus. He takes the case of a Louisiana man who is not married to the mother of his three children and who makes $5,000 a year. The unwed mother would be eligible for $2,400 in welfare payments. She would receive Medicaid benefits of $250 a year. Thus, the total of the father's salary, welfare and Medicaid is $7,650. But if the couple got married they would lose the welfare and Medicaid totaling $2,650. This, Senator Long says, amounts to a bonus for not marrying.

"What kind of example does this set for the children?" Senator Long asks. "If the mother admits that she knows the whereabouts and identity of the father, the family income is reduced. Therefore she does not admit it. Mother tells the children, 'that man over there is your father, but do not tell anybody. Keep it a secret because if the government finds out about it, we will lose our welfare money.' "

Senator Long goes on to say that "while this society claims to believe in the family unit and the institution of marriage . . . it is pouring out dollars by the billions to bring about the opposite result. The family assistance plan does virtually nothing to discourage this kind of illicit family relations."

Senator Long says that he has worked for 24 years to help construct the program for the aged and disabled and he believes those programs are working reasonably well. It is in the program to assist families with dependent children that the welfare program has gone astray so badly that the children are described as its victims rather than its beneficiaries.

The senator believes that many mothers receiving welfare payments really want to work and would do so if they could make provision for caring for their children. He proposes expansion of child-care facilities.

"I am perfectly willing," he continues, "to subsidize low-income working persons, but we must have an approach that does better than provide a welfare benefit for doing nothing . . . We would do better to supplement an individual's income on an hours-worked basis. For example, suppose a father is earning $1.20 an hour. We might decide to supplement his wages by 40 cents an hour for up to 40 hours a week. With this approach he would start receiving an additional $16 for every week in which he worked 40 hours. He would receive $8 if he worked only 20 hours and he would receive no benefit at all if he worked zero hours."

As the senator pointed out in concluding his address to the Senate, it is easy to make welfare more attractive than work "but no nation, not even this one, has enough fat to sustain such an erroneous course indefinitely."

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side on the bill.

The VICE PRESIDENT. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS

The VICE PRESIDENT. Pursuant to the previous order, the Senate stands in recess.

At 12 o'clock and 13 minutes p.m. the Senate took a recess until the close of the joint session and the joint meeting.

(Thereupon, the Senate, preceded by the Sergeant at Arms, Mr. Robert G. Dunphy; the legislative clerk of the Senate, Mr. James L. Johnson; and the Vice President of the United States, proceeded to the Hall of the House of Representatives.)

(The proceedings of the joint session and the joint meeting in the Hall of the House of Representatives appear in the proceedings of the House of Representatives.)

At 1:35 p.m., on the expiration of the recess, the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. Chiles in the Chair).

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. All time having expired on the amendment offered by the Senator from Kentucky and the yeas and nays having been ordered, the clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, under the agreement, there was to be a quorum call, as the Chair had announced, and following the quorum call there was to be a vote on the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD of West Virginia. Mr. President, with the consent of the Senate, I suggest to the cloakrooms that they announce to Senators on both sides of the aisle that at the close of the quorum call the rollcall will ensue on the amendment of the Senator from Kentucky, in accordance with the order entered. I thank the Chair.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

In accordance with the previous order, all time having expired, the question is on agreeing to the amendment of the Senator from Kentucky (Mr. Cook). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Indiana (Mr. Hartke). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. RANDOLPH (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Mississippi (Mr. Eastland). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Humphrey), the Senator from Montana (Mr. Mansfield), and the Senator from Utah (Mr. Moss) are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), the Senator from North Dakota (Mr. Burdick), and the Senator from Washington (Mr. Magnuson), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Colorado (Mr. Allott), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Baker), the Senator from New Jersey (Mr. Case), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Saxbe), the Senator from Pennsylvania (Mr. Scott), and the Senator from Maine (Mrs. Smith) are absent on official business.

The Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Idaho (Mr. Jordan), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The Senator from Nebraska (Mr. Hruska) and the Senator from Iowa (Mr. Miller) are absent to attend the funeral of Hon. Bourke B. Hickenlooper.

The Senator from Kentucky (Mr. Cooper), the Senator from South Dakota (Mr. Mundt) and the Senator from Vermont (Mr. Prouty) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Hruska), the Senator from Maine (Mrs. Smith), and the Senator from Tennessee (Mr. Baker) would each vote "yea."

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from New Jersey (Mr. Case). If present and voting, the Senator from Iowa would vote "yea" and the Senator from New Jersey would vote "nay."

The result was announced—yeas 28, nays 34, as follows:

[No. 219 Leg.]

YEAS—28

Allen
Beall
Bentsen
Boggs
Brock
Buckley
Byrd, Va.
Cannon
Chiles
Cook
Dole
Ellender
Fannin
Gambrell
Goldwater
Griffin
Gurney
Long
McClellan
Packwood
Pastore
Roth
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker

NAYS—34

Brooke
Church
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Pearson
Percy
Proxmire
Ribicoff
Schweiker
Spong
Stevenson
Symington
Taft
Tunney
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, for.
Randolph, against.

NOT VOTING—36

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Burdick
Case
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Hansen
Harris
Hartke
Hollings
Hruska
Humphrey
Jordan, Idaho
Magnuson
Mansfield
Miller
Moss
Mundt
Muskie
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Young

So Mr. Cook's amendment was rejected.

Mr. JAVITS. Mr. President, I yield 1 minute on the bill to the Senator from Ohio (Mr. Taft).

Mr. TAFT. Mr. President, I take this time to ask unanimous consent to have printed in the Record a letter from Secretary of Health, Education, and Welfare Richardson to me dated September 8, 1971, including certain comments on the bill and including proposed reforms for amendments to the bill on behalf of the administration, some of which have already been covered in amendments which I have introduced and which have been acted on, and others which have not.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., Sept. 8, 1971.

Hon. Robert Taft, Jr.,
U.S. Senate
Washington, D.C.

Dear Senator Taft: Pursuant to our conversations, I am enclosing a series of amendments, and justifications regarding the amendments, to S. 2007, the Economic Opportunity Amendments of 1971, which is currently before the Senate. These amendments would, if adopted, bring S. 2007 into closer conformance with the Administration's specifications for child care legislation which, as you know, I submitted to the Labor and Public Welfare Committee in my letter to Senator Walter F. Mondale of June 15, 1971.

Please note that in one important respect the proposed amendments do not follow our specifications. We still believe that the 500,000 population criterion for prime sponsorship provides greater assurance of achieving program quality. However, it is difficult to determine a precise population criterion which would assure fulfillment of the other requirements in the bill for prime sponsorship. Therefore, we would be amendable at this time to adoption of the 100,000 population criterion as a minimum for this purpose.

The Administration strongly urges that these amendments be adopted so that a single, system of child care can be implemented for the benefit of the Nation's children.

Sincerely,

Elliot Richardson,
Secretary.

Motion To Recommit Child Care Title for Separate Consideration

The child care provisions of S. 2007 are of such importance and character that they should comprise a separate piece of legislation. The comprehensive child development provisions of S. 2007 would establish a service program for which children of all economic groups would be eligible to participate, some on a sliding-scale fee basis, and would create a delivery system which could be utilized for a variety of child development programs. A broad array of services are authorized and many new models of development programs may be created.

Because these programs will have such far-reaching effects on the structure of family life and pre-school education systems, they are worthy of separate attention. Further, S. 2007 contains special provisions, such as the National Child Advocacy program, on which hearings have never been held. This, too, warrants further debate.

Equally important, the new child care program which would be authorized by the provisions of S. 2007 should not necessarily be tied to the Head Start authority. Head Start has been operated as an experimental program under the Economic Opportunity Act, and it was specifically directed at economically disadvantaged preschool children. Head Start has provided one basic model for the delivery of child development services aimed at a specific segment of the total population.

Since the programs established by S. 2007 would be different from Head Start in character and in the population ultimately to be served, it would be inappropriate to tie the new child development system to existing authorities.

Legislation containing the breadth of programs and innovations of S. 2007 should stand as a separate bill and be the subject of separate hearings and debate.

S. 2007

AMENDMENTS

[This amendment would redefine the authority of the child development council and project policy committee and change the number of parents on child development councils, but would not affect the definition of prime sponsor.]

On page 22, strike out everything on lines 12 through 20. Paragraphs (5) and (6), on line 21 of page 22 and line 6 of page 23, respectively, are redesignated as paragraphs (3) and (4), respectively.

On page 28, strike out everything on line 20 and insert in lieu thereof "(1) one quarter of the members of such".

On page 30, strike out everything beginning on line 12 and down through "the prime sponsor," on line 14 and insert in lieu thereof the following:

"(4) such council shall have an opportunity to review and comment on basic goals, policies, actions, and procedures of the prime sponsor.

On page 30, strike out everything beginning on line 18 and down through line 22, and insert in lieu thereof the following:

"(5) such council may, upon its own initiative or upon request of a project applicant or any other interested party, conduct public hearings upon applications for financial assistance submitted by project applicants under this part.

On page 34, strike out on line 17 "under the supervision" and insert in lieu thereof "with the concurrence".

On page 38, strike out everything beginning on line 5 and down through "the project applicant," on line 7 and insert in lieu thereof the following:

"(5) project policy committees shall have an opportunity to review and comment on basic goals, policies, actions, and procedures for the project applicant,

Sections 513, 514, 515(15) and 516(a) of S. 2007, refer to the composition and responsibilities of child development councils and project policy committees. Not less than 50 percent of the CDC membership must be parents of children served by child development programs authorized by the bill, with the remainder appointed by the chief executive of the prime sponsor, subject to approval by the parent members. The Council is given responsibility for developing the comprehensive child development plan and approving basic goals, policies, and actions of the prime sponsor. The prime sponsor must also obtain approval of the CDC with respect to personnel, budgeting, monitoring of projects, and other administrative matters. The agency delegated by the price sponsor to implement the comprehensive child development plan within the prime sponsorship area is placed under supervision of the CDC. The Council is also authorized to conduct public hearings, upon its own initiative or upon request of a project applicant or any other party in interest, before acting upon applications for financial assistance submitted by child development project applicants.

Project policy committees are to be established and maintained by each child development project applicant. Not less than 50 percent of the membership of such committees must be parents of children served or to be served in the project, with the remainder representing the community and approved by the parent members of the committee. The project policy committee is given responsibility for participating in the preparation of project applications and for approving basic goals, policies, actions and procedures for the project applicant.

The amendment would instead require that 25 percent of the membership of a Child Development Council be parents representative of the population to be served and that all members of the CDC be appointed by the chief executive of the prime sponsor. The Council would be responsible for planning and developing a comprehensive child development plan, assuring the coordination of programs assisted under this bill with other child development programs within the prime sponsorship area, assisting in the development of project applications, and reviewing such applications. The Council would review and comment on the basic goals, policies, actions, and procedures of the prime sponsor and could hold hearings on project applications, although it is not required to do so.

The composition of project policy committees would remain as provided in S. 2007, but the responsibilities of such committees would include participation in the preparation of project applications and review and comment upon the basic goals, policies, actions and procedures of the project applicant rather than approval of such actions.

Limiting parent representation to 25 percent of the membership of the CDC would ensure that a broad array of public and private agencies and of child development experts may be represented. It is crucial that all the agencies having responsibility over resources needed by child development programs be a part of the CDC if coordination and integration of services is to occur. Under S. 2007 it is possible that the elected parent members would disapprove the appointment of key State or municipal agency members, thus rendering coordination and integration difficult and creating a Council in opposition to the general purpose government for the sponsorship area.

By modifying the responsibilities of the CDC, the amendment would provide the opportunity for the CDC to share in decision-making rather than to exercise veto power.

The services for children authorized in this bill could be delivered much more effectively if final responsibility for policy and program administration clearly resides with the prime sponsor. Effective coordination and integration of services is most likely to occur when the chief elected officials who are responsible for other necessary resources have authority over child development programs and are held accountable for them.

However, if the chief executive of general purpose government is to be held accountable for child development programs in the prime sponsorship area, he must be free to make key policy decisions and to supervise the actions of the agency designated by him to implement the prime sponsor plan. This would not be possible if the CDC had authority to supervise the agency and to block all actions which it did not approve.

The conduct of public hearings on project applications by the CDC would be optional rather than mandatory. Public hearings could serve as a valuable means of obtaining information, but to require that such hearings be held before any projects could be funded would potentially create delays in resource development at a time when rapid expansion of child care resources will be urgently needed.

The participation of parents and community members in the preparation of project applications and program activities is most desirable if programs are to be truly responsive to local needs. However, project policy committees should have authority to review and comment upon, rather than veto authority over, basic goals and policies of the project applicant. If approval of the committee on such issues were required prior to submission to the prime sponsor of a project application, many delays in the creation of new resources may occur. Again, once a project had been funded, a project operator could not be accountable to the prime sponsor for program effectiveness if his decisions were subject to veto by the policy committee. The amendments instead seek to strike a balance between the need for clear accountability for programs serving children and the need for community participation in the conduct of such programs.

S. 2007

AMENDMENTS

[This amendment limits eligible prime sponsors to States, cities, and counties with populations of 100,000 or more, and Indian tribal organizations, and redefines the roles of the prime sponsor and its child development council.]

On page 21, strike out everything beginning on line 23 and down through line 22 on page 30, and insert in lieu thereof the following:

"Sec. 513. (a) The following governmental units shall be eligible for grants in support of child development programs in accordance with the provisions of this section:

"(1) any State;

"(2) any city with a population of 100,000 or more persons;

"(3) any county with a population of 100,000 or more persons; and

"(4) any Indian tribal organization of a size which the Secretary determines, in accordance with regulations, to be sufficient to assure effective administration of a program under this title.

For purposes of this subsection, the population of any city or county shall be determined on the basis of the most satisfactory current data available to the Secretary.

"(b) (1) Any governmental unit described in subsection (a) which desires to obtain financial assistance for a child development program authorized under this part shall, subject to subsection (d), submit to the Secretary an application for designation as the prime sponsor of a child development plan. Such application shall—

"(A) describe the area to be served by the child development program of such governmental unit (hereinafter referred to as the 'prime sponsorship area');

"(B) provide for the establishment of a child development council which shall be responsible for planning and developing a child development plan which meets the requirements of section 514, assuring the coordination of planning of child development programs assisted under this part with other child development programs operated within the prime sponsorship area, and assisting in the development of and reviewing project applications for such programs;

"(C) in accordance with regulations prescribed by the Secretary, provide adequate assurances that the costs of staff and other administrative expenses for the child development council will not exceed 5 per centum of the total cost of child development programs administered by the prime sponsor (except that the Secretary may permit such expenses to exceed such 5 per centum to give special consideration to initial costs in the first year of operation of such programs or to other special needs);

"(D) provide for the approval by the prime sponsor of a project application submitted under section 515;

"(E) assure, to the satisfaction of the Secretary, that such governmental unit can achieve coordination with State and local agencies to provide—

"(1) related family, social, and rehabilitative services;

"(2) educational services;

"(3) health (including family planning) and mental health services;

"(4) nutrition services; and

"(5) training of professional and paraprofessional personnel; and

"(F) provide for designation (with the concurrence of the child development council) of an agency to implement the provisions of the comprehensive child development plan under section 514.

"(2) the chief executive officer of a governmental unit submitting an application under paragraph (1) shall appoint the membership of the child development council which shall include representatives of public and private health, education, welfare, employment, and manpower and training agencies, and any other agencies serving children in the prime sponsorship area. One quarter (rounded to the next higher whole number, where necessary) of the council membership shall be parents of children enrolled in child development programs or parents of children who have participated in such programs within the five years immediately preceding their selection for membership on the council. The council shall select its chairman from among its membership.

"(3) A State shall include within the area to be served under its child development plan, any city or county, described in subsections (a) (2) and (3), respectively, which lies within such State unless such city or county has submitted an application for designation as a prime sponsor to the Governor of such State in accordance with subsection (d).

"(c) An application for designation as a prime sponsor may be accompanied by a child development plan or by an application for financial assistance for staffing of the child development council or comprehensive and continuing planning for current and future child development needs within the prime sponsorship area.

"(d) An application by a city or county for designation as a prime sponsor, and any accompanying application described in subsection (c), shall first be submitted to the Governor of the State in which such city or county is located for review and comment. At the option of the Governor, his comments shall accompany such application upon its submission to the Secretary pursuant to subsection (b).

"(e) An application submitted pursuant to subsection (b) may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations prescribed by him, has provided—

"(1) written notice of his intention to disapprove such application, or withdraw such designation, for failure to comply or continue to comply with the requirements of this section (or any of the undertakings agreed to thereunder) including a statement of the reasons therefor;

"(2) a reasonable time in which to submit corrective amendment to such application or undertake other necessary corrective action; and

"(3) notice and opportunity for a hearing.

"(f) In the event that—

"(1) a State or Indian tribal organization described in subsection (a) has not submitted an application for designation as a prime sponsor under subsection (b), or a child development plan under section 514.

"(2) the Secretary has not approved an application or plan so submitted, or

"(3) the Secretary has withdrawn such designation or approval of such plan,

the Secretary shall assume the functions of the chief executive officer of such State or Indian tribal organization for the purpose of taking all steps necessary under this part to assure the availability of a child development program within such State or to the members of such Indian tribal organization, except that any city or county, described in subsections (a) (2) and (3), respectively. which lies within such State may, in accordance with the provisions of this section, take all appropriate steps to become the prime sponsor of a child development program. The Secretary may, for this purpose, expend such portion of the applicable allotment under section 503 as he deems necessary.

"(g) In the event that the Secretary determines under section 585, with respect to a particular locality, to withhold a portion of payments which the prime sponsor would otherwise receive, he may approve an application submitted by any public or nonprofit private agency or organization for designation as prime sponsor for such locality which meets the requirements of subsection (b). If no such application is submitted, the Secretary shall assume the functions of the chief executive officer of the unit of government for the locality for purposes of taking all steps necessary under this title to assure the availability of a child development program within such locality.

"(h) (1) If any State, city, county, or Indian tribal organization is dissatisfied with the Secretary's final action under subsection (e) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation as a prime sponsor, it may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which it is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

[Note: Since this section 513 replaces two sections (513 and 514) in the bill, section 515 and all succeeding sections in part A, and all references to those sections, must be appropriately redesignated.]

On page 40, strike out everything beginning on line 5 and down through line 8.

On page 64, strike out on line 21 ", or any combination," and on line 22 strike out "thereof".

On page 69, strike out everything beginning on line 25 and down through "corrected." on line 6 on page 70 and insert in lieu thereof the following:

"applicant of his findings and that further payments will not be made to such sponsor or applicant (or, in his discretion, that payments will be limited to parts of the plan or project not affected by such failure) until the Secretary is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

Sec. 513 of S. 2007, would permit any state, city, county, or other unit of general local government to become a prime sponsor if it could comply with specific requirements. Priority for prime sponsorship would be accorded to local rather than state governmental units, and under certain circumstances nonprofit private agencies and organizations could function as prime sponsors.

The amendment would limit prime sponsor

eligibility to States, cities and counties with populations of 100,000 or more, and Indian tribal organizations. Prime sponsors would thus be limited to those units most capable of ensuring program quality in the projects they fund. Non-governmental organizations would be eligible for prime sponsorship only when the Secretary determined that there had been non-compliance with plan requirements by governmental units. Prime sponsors would be required to demonstrate their capacity to coordinate and integrate services for children such as educational, health and mental health, nutrition and related family, social, and rehabilitative services. They would also be required to limit the administrative overhead of their Child Development Councils to 5 percent of the total child development funds they administer.

State governments now have the authority and control over major resources necessary to ensure that comprehensive child care services are provided by project grantees. Coordination or integration of these resources without state leadership would be most difficult.

General purpose government of cities and counties with populations of 100,000 or more also control and have access to a significant array of resources and could be expected to bring about the coordination and integration essential to the success of child care programs.

While S. 2007 alludes to capability for coordination and integration of resources as a criterion for prime sponsorship, it does not specify the minimum size of the governmental unit which could be considered as meeting this criterion. Thus the Department of Health, Education, and Welfare would be required to process a potentially large number of applications by local units for prime sponsorship and make case-by-case judgments about the capability of each applicant in this regard. It would be difficult and costly to process quickly or fairly so large a volume of applications without some minimum size cut-off. One consequence of this provision would be long delays in the creation of new child care resources.

With the restrictions on eligibility for prime sponsorship proposed in the amendment, the Federal government would have a manageable number of programs to supervise, and would thus be in a position to monitor program quality and provide needed technical assistance. Under S. 2007, DHEW would be placed under great pressure to approve applications for prime sponsorship by small units of local government and non-governmental organizations. The Department would then be responsible for monitoring the quality of the programs of thousands, and perhaps tens of thousands, of prime sponsors. The experience with Head Start, which administers programs of over 900 full year grantees, has demonstrated the difficulty of this task and the impossibility of the much larger task contemplated by the expanded new system.

S. 2007

AMENDMENT

[This amendment would strike out Federal Government child development programs.]

On page 51 strike out everything beginning on line 6 and down through line 9 on page 53.

[Note: Parts D, E, and F, which follow this amendment, as well as the section numbers in such parts, and all reference to those parts or sections, must be appropriately redesignated.]

Part C of Title V of the EOA, as it would be amended by S. 2007, would atuhorize the Secretary to make grants for the purpose of assisting in the establishment and operation of child development programs for the children of employees of the United States Government. Civilian employees of any agency or group of agencies employing eighty working parents of young children would be eligible to set up an agency committee, broadly representative of working parents, submit a plan to the Secretary, and receive 80 percent of the cost of their child development program. The Secretary would distribute grants among the States on the basis of the number of children of civilian Federal employees in that State in relation to the total number of such children.

We recommend that this provision be stricken from the bill. There does not seem to be any reason for the Federal Government to select this particular group of employees to receive the benefits of subsidized child care. If agencies of the Federal Government wish to provide child care for their employer, they should use the same means that other employers use to provide this form of fringe benefit for employees rather than seeking a special subsidy for this purpose. Typically, employers consider the provision of child care facilities as an operating expense of doing business in situations where such incentives are needed to hire and maintain staff.

S. 2007

AMENDMENT

[This amendment would combine the authority for research and demonstration projects and for child advocacy projects.]

On page 53, strike out everything beginning on line 11 and through line 9 on page 63, and insert in lieu thereof the following:

"RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 551. (a) In order to develop effective programs for research in child development and focus national research efforts on such development, to gain a fuller understanding of the effects of organized programs upon such development, and to assure that the results of such research are reflected in programs affecting children, the Secretary is authorized to make grants to or contracts with public or nonprofit private agencies, organizations, and institutions, and contracts with private agencies, organizations, and institutions, and with individuals, for research or demonstration projects, including those designed to:

"(1) test alternative methods for delivering day care, child development, or other related services;

"(2) deveolp innovative approaches for assisting children to achieve their maximum development;

"(3) develop and test model child advocacy programs; and

"(4) develop and test programs for training adolescent youth in child development.

"(b) Payments for projects under this section may be made for not to exceed 80 percentum of the cost of such projects, except that, the Secretary may provide all or a part of the non-Federal share of such a project where he finds it essential to the successful implementation of such project. Such payments may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"CHILD DEVELOPMENT RESEARCH COUNCIL

"Sec. 552. A Child Development Research Council, consisting of representatives of units in the Department of Health, Education, and Welfare (designated by the Secretary) which are concerned with child development and of the Office of Economic Opportunity and the Department of Labor, shall meet annually or at such more frequent times as they may deem necessary, in order to assure coordination of child development activities under their respective jurisdictions and to carry out the provisions of section 551 to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities; and

"(2) agreement (to the extent feasible) on the use of Federal funds in support of research and demonstration projects in the field of child development.

Sections 551 and 552 of Part D in S. 2007 authorize the Secretary of HEW to carry out a program of research and demonstration projects in child development.

Part E of the bill authorizes the creation of up to 20 neighborhood offices for child advocacy in order to explore the feasibility of the establishment of a national advocacy system.

The amendment would eliminate Part E from the bill and include the development and testing of model child advocacy programs under the research and demonstration authority of Sec. 551(a). The child advocacy concept is now very much in the experimental stage, and it would be unwise to devote a major portion of our resources to the one specific model of advocacy proposed in S. 2007. Under our amendment a variety of models of child advocacy could be tested and thus optimal use could be made of the research and demonstration funds allocated to this effort.

Sec. 553 of Part D in S. 2007, provides for the coordination of research within DHEW by the OCD and establishes an interdepartmental Child Development Research Council under OCD chairmanship.

The amendment would delete from these provisions the assignment to OCD of these functions. Authority for assignment of coordinating responsibility within DHEW and assignment of chairmanship of an interdepartmental panel should reside with the Secretary of HEW, so that flexibility will remain during the development of this large new system of child care.

S. 2007

AMENDMENTS

[This amendment would provide for the authorization of appropriations]

On page 10, line 21, strike out "Title" and insert in lieu thereof "Effective with respect to appropriations for fiscal years ending after June 30, 1972, title".

On page 13, beginning on line 4, strike out everything down through line 15 and insert in lieu thereof the following:

"Sec. 502. For the purpose of carrying out this title there are authorized to be appropriated for the fiscal year ending June 30, 1973, and succeeding fiscal years, such sums as may be necessary."

On page 70 insert between lines 16 and 17 the following:

(b) For the purpose of providing training, technical assistance, planning and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of title V of the Economic Opportunity Act of 1964, as amended by subsection (a) of this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1972.

On page 70, strike out "(b)" on line 17 and insert "(c)" in lieu thereof.

Sec. 502(a) of S. 2007 authorizes $2,000,000,000 for the fiscal year ending June 30, 1973, for the purposes of carrying out the provisions of Title V, and $100,000,000 is authorized in Sec. 502(b) for the fiscal year ending June 30, 1972, to prepare for implementation of this title.

We have recommended that these authorizations be stricken and that no dollar amounts be specified in the authorizations.

The Administration has proposed a massive addition to total Federal child care funds in H.R. 1. The total of Federal funds now budgeted for child care after enactment of H.R. 1 is $1.2 billion, more than twice what was spent for this purpose in FY 1971. Even with the anticipated demand for creation of new day care resources in response of H.R. 1, it would be unrealistic to create the expectation that funding levels such as called for by S. 2007 could be effectively utilized. Sufficient facilities and trained child care workers are not available to expand resources by this order of magnitude in such a short period.

Funding levels should be appropriate to our capability to expand the child care system. Authorization of such sums as may be necessary to carry out the provisions of the bill will insure that the quality of child care will not be impaired in an effort to expand too quickly.

S. 2007

AMENDMENTS

[This amendment would provide for charge for child development services, based upon a family's ability to pay.]

On page 38, strike out everything beginning on line 21 and down through line 9 on page 39 and insert in lieu thereof the following:

"(8) charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available.

[This amendment would define 'economically disadvantaged child' in accordance with criteria prescribed by the Secretary.]

On page 64, strike out everything beginning on line 1 and down through line 6, and insert in lieu thereof the following:

"(5) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary (A) in accordance with criteria prescribed by him in regulations, which take into consideration, family size, urban-rural differences in the cost-of-living, and other relevant factors, and (B) consistent with the comparable annual income rates in other Federally-assisted child development programs;

In Sec. 581(5) of S. 2007 "economically disadvantaged children" are defined as those whose families have an annual income below the lower living standard budget as determined by the Bureau of Labor Statistics. This income level is $6,690 for a family of four. Children of such families would be eligible for free services under Sec. 516(a)(8) of the bill.

The amendment would permit the Secretary to assure consistency among all Federal child care programs. It is essential that the definition of the disadvantaged, especially if it is to be the determinant of those eligible for full subsidy, be consistent with definitions used in other Federally-assisted child care programs. Otherwise, children from the same income level might be eligible for full subsidy in one program and only partial subsidy in another or for subsidies of differing amounts under different programs.

The amendment would permit the definition of "economically disadvantaged child" to be determined by the Secretary to conform with definitions applicable under H.R. 1 so that full services would be available only up to the point at which a family is no longer eligible for income maintenance. A sliding scale fee schedule could then be established under which full subsidy would be provided to those receiving family assistance who are unable to contribute to the cost of care and others having greater income would pay according to their ability to do so.

Sec. 516(a)(8)(A) would be amended so that charges for child care under the bill would be based on fee schedules promulgated by the Secretary and all such fee schedules would be consistent with fee schedules promulgated under relevant titles of the Social Security Act.

It would be highly inequitable to permit families whose child care is supported by funds authorized under this bill to receive free services up to an income level of almost $7,000 while families whose child care is purchased with funds authorized under H.R. 1 must contribute to the costs of care at a far lower level of income.

Of equal importance, if eligibility for free services is extended to slightly more affluent families, fewer of the poorest children can be served, unless funding levels are substantially increased.

There is little justification for having less disadvantaged children fill available child care spaces to the exclusion of many of the poorest children. Moreover, the Federal government should not offer a false promise of free services to a broad universe of recipients when it will be able to fund services for only a small portion of that universe. Such a policy creates problems for potential recipients and for States and localities already overburdened by their attempts to meet increasing demands for social services.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that Mr. John Scales of my staff be granted privilege of the floor, except at the time of the rollcall vote.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

CHILD DEVELOPMENT PROGRAM

Mr. RANDOLPH. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

S. 2007

On page 55, between lines 3 and 4, insert the following:

"(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development programs carried out by multicounty local development districts established for purposes of the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended."

Mr. RANDOLPH. Mr. President, the Senate, in passing the Appalachian Regional Development Act Amendments of 1969, later enacted into law as Public Law 92–123, affirmed the declaration that the Appalachian region is "uniquely suited to serve as a 'national laboratory' for early childhood development demonstration programs." In keeping with that characterization, the Appalachian Regional Commission, through its multicounty local development districts, has initiated a number of successful child development programs.

To expand these programs, to improve on them and develop innovations in helping children to grow physically, socially, and intellectually, is an important goal of the Commission. It was the intent of Congress, expressed in the passage of Public Law 91–123, as I have described, to fully support this goal.

In order to assure that these Appalachian region child development programs meet their full potential, I have introduced an amendment to S. 2007 which has been read by the clerk.

The amendment would insure that research and development funds available to the Secretary under part D of title V of S. 2007 would be used to support the Appalachian Regional Commission's "national laboratory" child development programs. Section 552(a)(2) dovetails with the purposes and intent of the Commission's programs. That paragraph states that research and development projects shall include "research to test alternative methods of providing child development and related services, and to develop and test innovative approaches to achieve maximum development of children. . . ."

The development of these worthwhile projects by the Appalachian Regional Commission must be continued. My amendment provides the assurance that such programs are not only retained and continued, but also that they be expanded to be more worthwhile.

Mr. President, I recall that the able Senator from Ohio (Mr. TAFT), now occupying the Chair, had printed in the RECORD a letter from the Appalachian Regional Commission which tended to support the recommittal of the child development portion of the pending bill in the event that agreement on the inclusion of the Commission's programs on child development were not reached.

I am gratified that the Commission has agreed to the language which I have offered in the pending amendment. It is my understanding—and I have had the privilege of the counsel of the able manager of the pending bill, the able Senator from Wisconsin (Mr. NELSON)—that the amendment now pending is agreeable and that he feels the substance of the subject matter is worthwhile.

Mr. NELSON. Mr. President, the distinguished Senator from West Virginia is correct. In the drafting of the bill, concerning this aspect of the measure involving comprehensive child development, there was some oversight in not recognizing that demonstration projects in the fiield of child development have for the past few years been funded under the Appalachian Regional Development Act with some joint funding from HEW funds.

I appreciate it that the Senator from West Virginia has called it to our attention. His amendment provides that in the research and demonstration part of this bill, priority shall be given to these projects. So far as I am concerned, I am willing to accept the amendment.

Mr. RANDOLPH. Mr. President, I thank the able Senator from Wisconsin. I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. RIBICOFF. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Connecticut (Mr. RIBICOFF) offers the following amendment:

On page 49, line 1, after the period insert the following:

(b) Such standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968.

On page 49, line 2, delete "(b)" and insert "(c)".

Mr. RIBICOFF. Mr. President, my proposal would assure that child care standards promulgated pursuant to title V do not fall below certain basic standards; namely, the September 23, 1968, Federal Interagency Day Care Requirements as developed by the Office of Economic Opportunity and the Departments of Labor and Health, Education, and Welfare.

I believe that my amendment will assure that quality day care standards are written into law rather than left solely to the discretion of the executive branch as is the case with S. 2007. The experts on child care in the executive branch will play a major role in the development of standards but Congress will be required to exercise its legislative oversight.

Too often Congress has allowed itself to believe that the seeds of success or failure of new social programs are to be found in the semantics of legislation. But success or failure, as we are learning, depends on implementation of programs based on sound regulations.

By participating in more of the details of regulations; that is, by setting child care standards to some extent, responsibility for the success or failure of comprehensive day care will fall on Congress.

Another reason for a stronger legislative role in standards setting arises from recent experience with the executive branch involving day care standards. Earlier this summer the Office of Child Development circulated for comment on a limited basis the Revised Federal Interagency Day Care Requirements. With the admirable intent of improving the 1968 requirements the administration substantially weakened the day care quality standards necessary to become eligible for Federal child care funds.

For example, the Office of Child Development stated in the letter accompanying the draft revised requirements that "basic requirements regarding staff-child ratio have been liberalized." What this means is that under the draft standards there could be fewer staff members for larger numbers of children. A comparison of the standards of the 1968 requirements, which my amendment requires as the minimum for standards, and the draft concerning child-staff ratios, is illustrative.

I ask unanimous consent that the accompanying charts be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. Mr. President, under the 1968 standards, for example, group day care home ratios would be set at five children to one adult when preschool children—age 3 to 6—are involved. No children under 3 could be placed in this type of care. Under the 1971 standards as proposed by HEW the ratio would be 6 to 1 and no prohibition would be placed on the inclusion of children under 3.

In day care centers the 1968 requirements for children aged 3 to 6 involved a ratio of 7 to 1. The 1971 requirements would set the ratio at 8 to 1.

One final example involves day care centers of school-age children. The 1968 standards ratio was set at 10 to 1 with a maximum group size of 25. The 1971 standards set the ratio at 15 to 1 with no maximum group size.

Other criticisms of the revised requirements draft of 1971 have been raised.

Parent involvement is reduced to token participation in cases where programs are offered by nonprofit operating agencies and effectively eliminated where programs are under profitmaking auspices.

Baby-sitting has been given the status of a federally subsidized service under the new title of "in-home day care" but few standards or procedures for quality control and monitoring have been established.

No attempt is made to carry over the practical portions of the widely acknowledged Headstart Manual of Policies, nor is any reference made to that manual or to other recommended standards developed by national standard-setting organizations.

Under the announced intent of simplifying the existing requirements, the new draft doubles the length of the 1968 document and generalizes to such an extent that the requirements are incapable of enforcement on an objective basis.

My amendment does not provide all the answers to the need for detailed regulations covering every aspect of day care but it does set a floor, below which the Department of Health, Education, and Welfare cannot go in developing comprehensive day care regulations.

Only by assuring that a floor exists under which day care providers cannot go will it be possible to guarantee that day care does not attract the irresponsible providers of care. Without such standards the medicare program saw the entrance of unscrupulous profiteers in the nursing home business.

Finally, my amendment in essence writes into the bill the language of the report:

> It is the expectation of the committee that these standards will be no weaker than the current standards promulgated by the Federal Interagency Day Care Council.

I urge adoption of this amendment which will fully promote the worthwhile objectives of this comprehensive child development program.

EXHIBIT 1

1968 REQUIREMENTS

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-adult ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown.

1. *Family day care home:*

a. Infancy through 6 years. No more than two children under 2 and no more than five in total, including the family day care mother's own children under 14 years old.

b. Three through 14 years. No more than six children, including the family day care mother's children under 14 years old.

2. *Group day care home:*

a. Three through 14 years. Groups may range up to 12 children but the child-staff ratio never exceeds 6 to 1. No child under 3 should be in this type of care. When preschool children are cared for, the child-staff ratio should not exceed 5 to 1.

3. *Day care center:*

a. Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

b. Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 7 to 1.

c. Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1.

Federal Interagency Requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3, State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care.

HEW 1971 REVISED REQUIREMENTS

In regard to those staff members directly responsible for supervising children, an operating agency must maintain the staffing ratio indicated, which is appropriate to the type of day care arrangement provided by the agency.

In-home day care.—One adult over age twenty-one is required. No more than one family of children may receive care:

1 adult for a total enrollment of one family of children.

Family day care homes—One adult over age twenty-one is required. No more than six children under the age of fourteen, including the children of the caretaker, under age six, may receive care at any one time, except that no more than two children under the age of two may receive care at any one time. Children over age fourteen who receive care must be siblings of the younger children in care:

1 adult for a total enrollment of 6 children.

Group day care homes.—One adult over age twenty-one is required, assisted by an additional adult over the age of eighteen when more than six children receive care at any one time. No more than twelve children may receive care at any one time:

1 adult for a total enrollment of 6 children.

Day care centers.—When a child under the age of three receive care in a group, one adult over the age of twenty-one is required for every twelve children, assisted by one adult over the age of eighteen when more than four children under the age of three receive care and a second adult over the age of eighteen when more than eight children under the age of three receive care in the group:

1 adult for a total enrollment of 4 children;

1 adult and 1 aide for a total enrollment of 5 to 8 children; and

1 adult and 2 aides for a total enrollment of 9 to 12 children.

When a child over the age of three, but under the age of six, receives care in a group one adult over the age of twenty-one is required for every fifteen children, assisted by one adult over the age of eighteen when more than eight children receive care in the group:

1 adult for a total enrollment of 8 children; and

1 adult and 1 aide for a total enrollment of 9 to 15 children.

When children over the age of six receives care in a group, one adult over the age of twenty-one is required for every thirty children, assisted by one adult over the age of eighteen when more than fifteen children receive care and a second person over the age of fifteen when more than twenty-five children receive care in the group:

1 adult for a total enrollment of 15 children;

1 adult and 1 aide for a total enrollment of 16 to 25 children; and

1 adult and 2 aides for a total enrollment of 25 to 30 children.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I have discussed the amendment with the distinguished Senator from Connecticut and I believe that the members of the committee are familiar with it. I think it is a perfectly appropriate and acceptable amendment. I am willing to accept the amendment. I yield back the remainder of my time.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows: The Senator from Pennsylvania (Mr. SCHWEIKER) offers the following amendment:

On page 10, line 8, strike "20" and insert in lieu thereof "25".

Mr. SCHWEIKER. Mr. President, very simply, my amendment changes the percentage of funds that the Director of Office of Economic Opportunity can transfer from one program to another from 20 percent to 25 percent, thus giving the administration of this program more flexibility.

I have discussed the amendment with the chairman of the committee, and I believe that he is agreeable to accepting the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. JAVITS. Mr. President, I think the Senator's amendment is a very fine amendment in the way in which it meets a critical problem. I hope very much that the manager of the bill is willing to accept the amendment. I would certainly, as the ranking member of our committee, compliment the Senator from Pennsylvania (Mr. SCHWEIKER), who has been managing the pending bill so ably as the ranking minority member of the subcommittee, for having brought the matter up and made the point so effectively.

Mr. NELSON. Mr. President, the bill as drafted and as it came from the committee provided for the 20-percent flexibility or transferability of the funds in the various categories except local initiative and local services of 20 percent for the first year and 25 percent the second year.

There is not any particular rationale to support the 20 percent for the first year and 25 percent for the second year. I am perfectly agreeable to setting it at 25 percent for the 2 years.

I am willing to accept the amendment. I yield back the remainder of my time.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments read as follows:

On page 118, line 12, insert "or such other qualified non-profit organizations with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe" before the period.

On page 118, line 14, insert "or other qualified organizations" after "education".

On page 119, line 8, insert "or other qualified organizations" after "education".

On page 119, line 10, insert "or organizations" before "to".

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, the pending amendment is cosponsored by the Senator from California (Mr. CRANSTON), who is also author of the youth recreation and sports section. The amendment does not in any way alter the basic purpose of the youth recreation and sports program provision. Rather, it is intended to broaden it to include those organizations which have access to appropriate recreational facilities and which are otherwise qualified to participate in a youth sports program in such a way as to provide, to disadvantaged youth, recreation and physical fitness instruction and competition with high-quality facilities and supervision, and related educational and counseling services—including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education.

As the provision is presently written in the reported bill, subsection (c)—of the new section 227—would authorize grants or contracts only with qualified organizations of colleges and universities. Under the amendment, grants or contracts could also be entered into with "such other qualified nonprofit organizations with access to appropriate recreational facilities" as the head of the program shall prescribe in accordance with regulations and such a qualified organization with a grant or contract could enter into subcontracts with "other qualified organizations."

Adoption of this amendment would make it possible for such organizations as the Amateur Athletic Union—AAU—and its affiliated organizations such as athletic clubs, YMCA's, YMHA's, YWCA's, and YWHA's, Boy Scouts, and certain industrial athletic organizations, to participate in the program either as direct grantees or contractees, or through subcontracts.

However, it is clear that such organizations would have to meet all the program requirements, and that every effort should be made to minimize administrative costs, as the NCAA has done. It is not our intention to see Federal funds under this program substituted for otherwise available local expenditures for recreation programs for disadvantaged youth.

There is no intention through the amendment to dilute or diminish the excellent program which the National Collegiate Athletic Association—NCAA—has carried out during the last three summers under the OEO research and demonstration authority. If additional funds beyond the $3 million which the NCAA has received in the past for this program are available, serious consideration should certainly be given to expanding the NCAA program. Under the amendment, after an appropriate allocation had been made to the NCAA, other qualified nonprofit organizations with access to appropriate recreational facilities would then be eligible for funding to carry out programs fulfilling the purposes of the provision.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. JAVITS. This does seem to me to be an excellent amendment but I would like to suggest a modification to the Senator. I would like to suggest he add the words "active in the field" after the word "organizations" each time it appears. My reason is that we do not want to deal with organizations which are just names or foundations or not active in the field covered herein.

Mr. SCHWEIKER. That is a good suggestion and it is certainly agreeable to me, and I hope it is agreeable to the chairman of the committee.

I might say this amendment is also written, as I discussed with the Senator from California, to include groups such as the U.S. Olympic Committee, which is already active in the field.

Mr. JAVITS. Of course.

Mr. SCHWEIKER. I accept the modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 118, line 12, insert "or such other qualified non-profit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe" before the period.

On page 118, line 14, insert "or other qualified organizations active in the field" after "education".

On page 119, line 8, insert "or other qualified organizations active in the field" after "education".

On page 119, line 10, insert "or organizations active in the field" before "to".

Mr. NELSON. Mr. President, I agree with the amendment as proposed by the Senator from Pennsylvania and I have no objection. I am willing to accept it.

I yield back the remainder of my time.

Mr. SCHWEIKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time

has been yielded back. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCHWEIKER), as modified.

The amendment, as modified, was agreed to.

Mr. METCALF. Mr. President, will the manager of the bill yield to me for 2 minutes?

Mr. NELSON. Mr. President, I yield 2 minutes of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, on August 6, I submitted amendment No. 412 to H.R. 1, the social security bill, to provide that we should utilize services of elderly individuals in the operation of child-care facilities and other facilities. I am delighted to find in the economic opportunity bill in section 516(a)(10) that there is such provision and that it is stronger than the language in my amendment. The program will, "to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons, and persons preparing for careers in child-development programs."

This provision would do everything I sought to do; in fact, it does a little more than I sought to do in my amendment.

I congratulate the committee for including the language in the bill. I will not propose my amendment when H.R. 1 comes before the Senate.

Mr. NELSON. I thank the Senator for his remarks. The Senator from Montana has been interested for a long time in legislation that would afford opportunities for utilization of the talents of our elderly citizens. As the Senator knows, in the foster grandparents program elderly citizens have been working very valuably and usefully in institutions for the mentally retarded around the country, and under the Mainstream program of the OEO Act the elderly citizens have been used in constructive conservation work around the country, and particularly under the Green Thumb program, of which the Farmers Union is a sponsor. It is the one program in OEO where we have yet to receive the first complaint, and where elderly citizens have participated, and that has been acknowledged in States in the North, South, East, and West. We should be expanding opportunities, as we do here, for our elder citizens.

Mr. JAVITS. Mr. President, will the Senator yield so that I may ask for the yeas and nays on final passage?

Mr. METCALF. I yield.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. JAVITS. Mr. President, I again repeat my request.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Who yields time?

Mr. NELSON. Mr. President, I yield 1 additional minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, the chairman has outlined several areas in which our elder citizens have participated in existing Office of Economic Opportunity programs. The bill before us offers further opportunity to utilize this vast manpower pool of talent, ability, energy, and goodwill, of people who, more than anything else, want to work, participate, and join in building their community or in other community efforts.

I congratulate the Senator for bringing them into the bill in this area. As he has said, we have included in the Green Thumb program elderly people who want to go out and plant trees and improve our environment or participate in programs for the mentally retarded and others. It is a vast human resource that we have not utilized to fullest capacity. This bill is a step in the right direction.

Mr. NELSON. I thank the Senator.

AMENDMENTS NOS. 413, 414, AND 415

Mr. BUCKLEY. Mr. President, I call up my amendments, Nos. 413, 414, and 415.

The PRESIDING OFFICER. The amendments will be stated.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments, ordered to be printed in the RECORD, are as follows:

AMENDMENT No. 413

On page 11, line 9, after the word "children," insert the following: "whose parents or legal guardians shall request them".

AMENDMENT No. 414

On page 71, between lines 14 and 15, insert the following:

"SEC. 588. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any action of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

AMENDMENT No. 415

On page 71, between lines 14 and 15, insert the following:

"SEC. 587. Nothing in this Act shall be construed or applied in such a way as to authorize the use of any child in any research or experimentation without the prior, informed, written consent of the parents or legal guardians of such child."

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. BUCKLEY. I do ask unanimous consent that the: be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I send to the desk modifications to the language in amendment No. 414 and amendment No. 415 to reflect some changes to which my colleagues from Wisconsin, Montana, and the senior Senator from New York have agreed. I think we may suspend with the reading of the modification.

The PRESIDING OFFICER. The amendments are so modified.

Amendment No. 414, as modified, is as follows:

On page 71, between lines 14 and 15, insert the following:

"SEC. 588. Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

Amendment No. 415, as modified, is as follows:

The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to expect such child therefrom.

Mr. BUCKLEY. Mr. President, the purpose of these amendments is to make sure adequate safeguards are inserted in the statutory language to eliminate any possible extension in the interpretation of the child development section to make sure the sections will not be interpreted to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians in the upbringing of their children. I think this tightens the provisions to this end.

I express appreciation to my colleagues for their cooperation in reaching agreement on these proposed amendments. I ask that the amendments be voted on en bloc.

Mr. JAVITS. Are we dealing with two or three amendments?

Mr. BUCKLEY. Three amendments. One of them did not need modification. That was amendment No. 413.

Mr. JAVITS. I see no objection to these amendments. We have worked them out with our colleagues, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, does the Senator from New York have some slight addition to make to amendment 415?

Mr. BUCKLEY. I sent that language to the desk. I believe the senior Senator from New York has it.

Mr. NELSON. Mr. President, I have looked at these three amendments which are being acted upon en bloc and I have discussed them with the staff and the senior Senator from New York, who is the senior minority leader on our committee. We find that they are acceptable. I think that they are declaratory of what the intent of the bill is, but they do in fact spell out sharply what I believe the intent of the bill is, and I find the amendments, as far as I am concerned, perfectly acceptable.

Mr. JAVITS. Mr. President, if the Senator will yield to me, as the Senator says, it is quite difficult on the floor to work out the precise language of what we might want. The only implication I wish to rebut—and I beg my colleague from New York to listen to me—is the clause which he is affecting in amendment No. 413, on page 11, line 9, which reads as follows:

> and should be available as a matter of right to all children whose parents or legal guardians shall request them regardless of economic, social, and family backgrounds.

I wish it understood that that is a negative provision in such reference to economic, social, and family backgrounds, and that it will not embarrass us in the fact that we cannot possibly reach all children regardless of economic, social, and family backgrounds whose parents or legal guardians may request services. We simply will not have enough money to do such a job.

In addition, there are priorities among classes of children, among various parts of the child development program, as, for example, the economically disadvantaged.

But we view the fundamental thrust of the Senator's amendments to be that we are not abrogating rights of privacy, rights of control by parents over their children or of legal guardians over their wards, and that we are not in any way affecting moral responsibilities which are parallel. We think what the Senator has suggested will accomplish what we have in mind, but we would not wish any implication to come in here that if we cannot meet the standards for everybody, then we cannot meet them for anybody. I am sure the Senator does not have that in mind.

Mr. BUCKLEY. I thank the Senator for that clarification. That is exactly my intention. I appreciate his putting those remarks in the RECORD.

Mr. NELSON. Mr. President, I yield back my time.

Mr. BUCKLEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing on the amendments, as modified, en bloc.

The amendments, as modified, were agreed to en bloc.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I intend to vote against S. 2007, the Economic Opportunity Amendments of 1971.

I had hoped to support an extension bill authorizing funds for the Office of Economic Opportunity this year. However, a number of subjects within S. 2007 force me to take a stand against the bill. Before I discuss some of the unfortunate and poorly devised subject areas within this bill, I would like to make some general observations on the directions and goals of the programs carried out under the Economic Opportunity Act.

Mr. President, I am pleased by the actions thus far taken by President Nixon in reforming the Office of Economic Opportunity. No doubt the original proponents of OEO had laudable objectives in mind when this Government agency came into existence in the 1960's. However, it has been clear to many that the Office of Economic Opportunity has lacked the ability to coordinate a massive Federal effort against the causes of poverty. Much of this problem was caused simply by the fact that a new agency was unable to effectuate a clear response to the desires of the poor because of the typical bureaucratic syndrome which follows the birth of every new Government agency.

President Nixon has recognized the need for reforming OEO so that it may coordinate the Federal Government's effort in the fight against poverty. Through cooperation with the Congress and various domestic departments engaged in similar efforts, many of the programs originally formulated under the Economic Opportunity Act have been transferred to other Federal agencies which have in the past exercised administrative control over such programs. At the same time, since these programs have been delegated by the Director of the Office of Economic Opportunity to various agencies, the Office of Economic Opportunity maintains a specific overall interest in the programs.

Such a formula which, for instance, has transferred administrative control of the manpower programs under the Economic Opportunity Act to the Department of Labor, relegated the Office of Economic Opportunity to a role in which maximum results can be realized. This is a role of oversight and coordination. It is not, as some have pronounced, a role of dormancy and benign neglect. It does not signal to the poor of America that the Federal Government no longer cares about their welfare.

There are those in this Congress who actually believe that the establishment of yet another superagency to deal with various sorts of domestic problems will bring about instant success in meeting the needs of our citizenry. Our current national predicament testifies to the fact that the Federal bureaucracy in Washington has for the most part failed in delivering on the promises which had previously been enunciated.

Between 1952 and 1969, governmental expenditures increased by $169 billion. This figure means that between 1952 and 1969—prior to the $8 billion cut in military appropriations between 1969 and 1971—outlays for defense increased 74 percent, for domestic services 420 percent: for education 489 percent, for income maintenance 694 percent, for health and hospitals 286 percent, for all other types of domestic services 299 percent. Therefore, despite the fact that three-fourths of this huge amount was allocated for domestic services and only one-fifth for national defense, it is obvious that the American taxpayer has not reaped benefits equivalent to these outlays for domestic social services.

It has been the job of the current administration to redirect the methods used to disburse governmental social services. The President has put forth a package of domestic programs aimed at redirecting the flow of governmental power to local governments which can best administer and initiate programs that will benefit all Americans.

In anticipation of the program outlined in this year's state of the Union address, President Nixon diagnosed the failures of previous and current programs while addressing the 1969 National Governors Conference. The President said:

> We confronted the fact that in the past five years the Federal Government alone has spent more than a quarter of a trillion dollars on social programs—over $250 billion. Yet far from solving our problems, these expenditures had reaped a harvest of dissatisfaction, frustration and bitter division.
>
> Never in human history has so much been spent by so many for such a negative result. The cost of the lesson has been high, but we have learned that it is not only what we spend that matters; but how we spend it.

Mr. President, the pending OEO bill clearly defeats the purposes of this administration's attempt at reform. It negates all of the effort that has gone into the process of evolving the Office of Economic Opportunity into an agency which can coordinate and organize through research and development the Government's fight against poverty. For many reasons the passage of this bill will signal the continuation and expansion of the problems and frustrations that have plagued OEO since its inception.

Certain provisions of the pending bill earmark funds and prohibit the Director of OEO from delegating programs and projects to other agencies of the Federal Government without the prior consent of the Congress. These will clearly force the Office of Economic Opportunity into a position in which it will compete with other governmental agencies rather than coordinate assistance. This represents a certain continuation of a policy of big government emanating from Washington that is now clearly opposed by the majority of Americans. It represents ideas that at one time might have been popular but have since been considered bankrupt insofar as their positive contribution is concerned.

Delegating certain programs to other agencies and allowing the Office of Economic Opportunity to have a research and development role has allowed for a number of clear successes. In my own State, I believe the statement can be made that the Headstart program and the manpower components of the Operation Mainstream program have realized a great deal of success. One of the Mainstream programs, the Green Thumb program which is designed to assist our elderly citizens in finding part-time employment in rural areas, is so popular that there are over 80 counties in the State that have expressed an interest in having the program instituted in their area. While enacted within the Economic Opportunity Act, the Mainstream program is administered by the Department of Labor, the agency most fitted for manpower-related programs.

This bill intends to eliminate the research and development functions of the Office of Economic Opportunity and give that agency direct program responsibility. For just this reason, I can no longer see any justification for the continuation of the Office of Economic Opportunity. There is no rationale for expanding the role of a governmental agency that will work in direct competition with other branches of the Federal bureaucracy. If the American people are to ever believe in the positive contribution of many of these Federal domestic social service programs, there must be a reduction in the bureaucracy for the sake of bureaucracy, and an increase in governmental coordination which results in program success.

Furthermore, S. 2007 contains a number of provisions that should be dealt with separately and should not be tied to the Economic Opportunity Act. For instance, the Comprehensive Child Care Development Act was added as title V of the pending bill. Because of its direct relationship with the issue of welfare reform, I do not believe that this subject should be considered as part of the OEO extension bill. It seems entirely unreasonable that the Senate should consider this new subject before we decide whether or not changes will be made in our welfare system.

Mr. President, in closing I would like to make a few comments on the national legal services program. To begin with, alternate legislation on this most important matter has already been introduced, and therefore, the subject should be taken up separately. Furthermore, I have some strong reservations about the mechanics of the various proposals which have been discussed during the deliberations on this bill.

I have supported in the past the concept of a legal services program designed to help the poor to deal with the complex problems that face them in modern times. Specifically, landlord and tenant cases are of particular significance to those in our Nation who cannot readily avail themselves of proper legal counsel. Likewise, there are other areas of the law where ready access to counsel can be of prime importance to those who cannot otherwise afford it.

Nevertheless, I am very concerned about the current proposals that would place the legal services program in an independent status, free from nearly all executive control. There have been a wide variety of abuses of the legal aid program even where it has been under the control of the executive branch. This is particularly so in Dallas and El Paso in my State. I fear that if an independent bureaucracy is created, no matter who appoints the members of the Board of Directors, that the current problems of this program will only be compounded. I, therefore, oppose both concepts that have been put forth. In fact, if the legal aid program is to continue at all, I believe that its operating spectrum must be more narrowly defined to preclude the abuses that have been prevalent in the past. I do not believe that the creation of still another layer of Federal bureaucracy will help the cause of the poor who are desirous of legal counsel.

Again, I must state my strong opposition to the pending bill as it was reported out of the committee. Moreover, should the bill pass the Congress in the present form, I believe the President will have just cause for vetoing it and sending it back to the Congress for further consideration with the hope that the unfortunate aspects of the bill will be corrected.

ORDER FOR INSERTION OF STATEMENT BY SENATOR FULBRIGHT

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the distinguished Senator from Arkansas (Mr. FULBRIGHT) may be permitted to insert a statement concerning the OEO bill following adjournment today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I want to offer my strong support for S. 2007, to extend the Economic Opportunity Act for fiscal years 1972 and 1973. As one who worked enthusiastically for this legislation at its inception in 1964, I am particularly encouraged that the Committee on Labor and Public Welfare was unanimous in reporting the bill to the Senate, and I commend the committe for its outstanding work.

S. 2007 is designed to extend for 2 years the programs authorized in the 1964 Act. These include programs such as health and medical assistance, family planning, job placement, alcohol and drug counseling and rehabilitation, and Headstart. In addition, it revises programs in four special areas—comprehensive child care, legal services for the poor, employment and training for young men and women, and community economic development. The various programs authorized in the original legislation, and on which the Senate will very shortly vote to continue, have for the most part enjoyed notable success. These programs were imaginatively conceived and have been effective in alleviating the problems of both rural and urban poverty.

I stated during our debate in 1964:

> It is not the purpose or function of this legislation to give material goods to those who have little. It is not a program of charity which will only temporarily release the symptoms of poverty. Its only gift to its beneficiaries is opportunity—opportunity in the form of useful work, vocational training, basic education, literacy training and creation to underwrite their own enterprises. Without initiative and effort by their participants the programs authorized by this bill will have no success.

Mr. President, I can think of no better way to express the success of these programs in Arkansas than to share with the Senate the correspondence I have received from my constituents who deal with these programs on a daily basis and at the local level. I believe it is significant that the several hundred communications I have gotten from Arkansas have unanimously supported the continuation of these OEO programs. While I will not burden the record with all of these letters, I do ask unanimous consent, Mr. President, to include at this point in the RECORD a sampling of typical letters I have received from throughout our State.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KINGSTON, ARK., *June 11, 1971.*

Senator J. W. FULBRIGHT,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This letter is a plea for your vote in the affirmative on the issue of re-funding the O.E.O. project, one that has meant a great deal to the people of this rural area in Arkansas.

In this remote hill section we have benefited in numerous ways from the programs financed by this plan. There have been numerous classes, among them those on nutrition, sewing, art, furniture upholstery, human relations, these in addition to the various recreational and social functions which have been made available to young and old alike.

The withdrawal of O.E.O. would be a very great loss to this community.

Sincerely,

MRS. NORMAN L. PAULSON.

JONESBORO, ARK.

Senator J. W. FULBRIGHT,
Senate Office Building, Washington, D.C.:

Senator Fulbright, the Arkansas League of Women Voters urges you to vote for S2007 Extension of the Economic Opportunity Act without any weakening amendments.

MRS. RANDAL WHEELER,
President, Arkansas League of Women Voters

OZARK, ARK., *September 3, 1971.*

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Some of our mutual friends here in Ozark, Franklin County, Arkansas are vitally interested in the passing of Senate Bill No. 2007.

I would sincerely appreciate anything that you can do in behalf of this bill.

With kind personal regards,

Sincerely,

JETA TAYLOR.

OZARK, ARK., *August 31, 1971.*

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am the secretary of Jeta Taylor, Attorney of Ozark, Arkansas, whom you know well. Mr. Taylor and I greatly admire you for the many good things that you have done and are doing for the State of Arkansas as our Senator.

I am very interested in the Child Development Programs of our state. My heart goes out to the children that are under privileged not only financially but also lacking the love and companionship of a good family home life.

I have a daughter in the Ozark Child Development Center which is operated through ARVAC, Inc. of Dardanelle, Arkansas. This program covers an eight county area and receives Federal Funds.

I have worked with the program for the last four years and I have had the privilege to see the benefit that this program has been to many children.

Unless our Federal Funds are increased or other measures are taken we will have to decrease the number of centers that are now operating as well as the number of children we can serve. The additional funds are needed for necessities of these children.

This program is not a babysitting service. This program gives these children a base on which to build their lives so they will be able to accept their responsibility as the future leaders of our nation.

Please do everything possible in keeping this program going in the rural areas and also give all the support you can to Senate Bill No. 2007.

Your consideration in this matter is deeply appreciated.

Sincerely,

(Mrs.) Eva Patton.

Siloam Springs, Ark., *June 11, 1971.*

Senator Bill Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: This letter is written in hopes of encouraging continuance of the O.E.O. program, particularly through the local community centers.

In Siloam Springs, the center has been an agency through which one can receive both immediate and long-range help. The value of personal contact between the director and the recipient should not be underestimated. Personal contact helps bridge the often-seeming insurmountable gap between the government, society at large, and the individual.

It has meant enough temporary economic relief to foster growth of a natural desire to be productive, and is a growing need for man to see himself as a worthwhile human being, rather than a mere statistic.

Thank you for the opportunity to speak to you.

Sincerely,

Bob Henry,
Mayor, Siloam Springs, Ark.

Madison County
Public Health Center,
Huntsville, Ark., June 8, 1971.

Hon. J. W. Fulbright,
Senate Office,
Washington, D.C.

Hon. J. W. Fulbright: It is my understanding that the OEO program is being cancelled out by a decision made in Washington. If such an act is permitted, I feel it will be one of the most dreadful losses to the people of our country.

Here in Arkansas, especially in my own county, I have seen great help given to the needy and progress has been reported everywhere as a result.

The gardening program alone, especially here in rural areas, has been a tremendous help. People who could raise a garden but had no means to have it plowed up, have accomplished a great deal by having fresh vegetables and also have prepared themselves for this winter by freezing and canning goods.

This a help to the government because if there is no malnutrition, there will be better health and less patients on medicare programs. This is a fact presented by only one of OEO's programs although there are many more beneficial programs which are to numerous to mention.

Believe me that if OEO is cancelled, it will hurt many, many people. I for one feel that would be the best way to turn the people against our present administration. Among all the programs offered by our government to help the elderly and needy, OEO has done the most.

Any effort on your part to keep this program going will be an endeavor greatly appreciated and will be remembered always.

Please accept my note of confidence when I say that I feel you are the person most qualified to help the people in this matter.

Sincerely,

Mrs. Lucile Lewis,
Public Health Nurse.

Dardanelle, Ark., *August 16, 1971.*

Hon. J. W. Fulbright,
Senator from Arkansas,
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: The proposed 100,000 population communities to operate Head Start and Child Development programs is undemocratic. It is the smaller communities that have the greatest needs due to the lack of cultural enrichment programs and facilities.

Unless the 62.5 million is earmarked for Emergency Food and Medical Services program I believe it will be impossible to meet the needs of the disadvantaged at the present level.

Your influence and support to defeat the amendments to S. 2007 will be greatly appreciated.

We do appreciate your interest and efforts in helping to strengthen our anti-poverty programs.

Sincerely,

Elton Toney,
Director for Operations, ARVAC, Inc.

The First National Bank,
Green Forest, Ark.,
June 22, 1971.

Senator William Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator: The C.A.P. Day Care program means so much to Green Forest. It is being conducted in a splendid way. I sincerely hope this program will be continued in our community.

Yours truly,

Nancy Ratzlaff.

Berryville, Ark.,
June 16, 1971.

Senator J. W. Fulbright,
Washington, D.C.

Dear Senator: I have heard the O.E.O. program was being discontinued.

As operator of a small country store and dealing daily with the people of the district I feel the service of the community center and day care center would be greatly missed.

Many of my friends and associates of all ages have benefited from O.E.O. service.

Young working girls with young children can go to their jobs much more relaxed knowing their children are in good hands. Older people who don't have transportation to pay bills and trips to the doctors office appreciate the courtesy and help from the community center workers.

People of all ages enjoy the community center social activities as well as instructions in different crafts.

I can't think of a replacement for this agency that would be any better and I am afraid it would be much worse.

Yours truly,

Mattie Roberts.

Bentonville, Ark., *June 11, 1971.*

Dear Sir: I am writing in regard to the O.E.O. I am the Chief of Police in Bentonville, Arkansas, and my office is located across the hall from the Community Center, (a branch of O.E.O.). We work closely, and I think I am qualified to say that the O.E.O. does a lot of good. Almost every day, I come in contact with people that are hungry or need help in various other ways, and when I send them to the Community Center, they always try to help them if possible. They help these people buy food, find jobs, and even help them find places to live. They work with these people and encourage them to stay at their jobs and give them a little boost every now and then, so that they can stay off welfare. If it wasn't for the O.E.O. I think that more and more people would rely on welfare than ever before. I feel that these people need O.E.O. as much as they need the Police Department, the Fire Station, or our hospitals. It is a necessary part of the community. Won't you please support O.E.O.?

Sincerely,

Craig Holt,
Chief of Police.

Siloam Springs, Ark., *June 10, 1971.*

Senator Bill Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I am writing in regard to the O.E.O. program. In Siloam Springs the O.E.O. agency has a working partnership with every segment of the total community. It involves not just local government, but schools, churches, businesses, industry, civic groups and individual citizens. It is a growing need in our area.

You do know the condition of our people. A very large percentage of the local people are of limited education but are proud and industrious, so the O.E.O. is the one link they have for someone to take the time to explain and help. I feel this way should be expanded.

I am asking your support of legislation in hopes of encouraging continuance of the O.E.O. program, which I think can strengthen the country through strengthening her people.

Thank you for the opportunity to speak to you.

Sincerely,

Mr. C. W. Chrysler,
Executive Director, Housing Authority,
of the City of Siloam Springs, Ark.

Mr. FULBRIGHT. Mr. President, numerous amendments have been proposed on the floor, most of which would have had the effect, in my opinion, of weakening this legislation as reported by the committee. I am pleased that the Senate, in its judgment, has seen fit to reject every amendment offered during this debate, for I believe it reflects the recognition of the enormous benefit that economic opportunity activities have brought to the rural and urban communities of this country.

Mr. NELSON. Mr. President, I yield back the balance of my time on the bill.

Mr. JAVITS. Mr. President, I yield back the balance of the minority's time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

If there be no further amendment to be offered, the question is on the third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Indiana (Mr. Hartke). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Bible), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from

Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. MANSFIELD) and the Senator from Utah (Mr. MOSS), are absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from New Jersey (Mr. CASE), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. JORDAN), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Iowa (Mr. MILLER) are absent to attend the funeral of the Honorable Bourke B. Hickenlooper.

The Senator from Kentucky (Mr. COOPER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Vermont (Mr. PROUTY) are absent because of illness.

The Senator from Alaska (Mr. STEVENS) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from New Jersey (Mr. CASE), the Senator from Kentucky (Mr. COOPER), the Senator from Hawaii (Mr. FONG), the Senator from Iowa (Mr. MILLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 49, nays 12, as follows:

[No. 220 Leg.]

YEAS—49

Beall
Bentsen
Brooke
Cannon
Chiles
Church
Cook
Cranston
Dole
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Griffin
Hart
Hatfield
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Spong
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NAYS—12

Allen
Brock
Buckley
Byrd, Va.
Ervin
Fannin
Goldwater
Gurney
Long
Stennis
Thurmond
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—38

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Case
Cooper
Cotton
Curtis
Dominick
Eastland
Fong
Hansen
Harris
Hartke
Hollings
Hruska
Humphrey
Jordan, Idaho
Magnuson
Mansfield
Miller
Moss
Mundt
Muskie
Pell
Prouty
Saxbe
Scott
Smith
Sparkman
Stevens
Young

So the bill (S. 2007) was passed, as follows:

S. 2007

An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1971".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) (1) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,000,000 for the fiscal year ending June 30, 1972, and such amounts as the Congress may determine to be necessary for the fiscal year ending June 30, 1973.

(2) For the purpose of carrying out Neighborhood Youth Corps programs under paragraphs (1) and (2) of section 123(a) of such Act, there is further authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972. No State shall receive less than $3,000,000 of the amounts appropriated pursuant to this paragraph or six-tenths of 1 per centum of the amounts appropriated, whichever is less.

(b) For the purpose of carrying out the Project Headstart program described in section 222(a) (1) of the Economic Opportunity Act of 1964 and the Follow Through program described in section 222(a) (2) of such Act, there is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, VIII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $950,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding year.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for each fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under sections 221, 226, and 227 of the Economic Opportunity Act of 1964 and not less than $61,000,000 for Legal Services programs under section 222(a) (3) and title IX of such Act, and the remainder of such amounts shall be allocated and made available, subject to the provisions of section 616 of such Act, in such a manner that for each such fiscal year—

(A) $363,900,000 shall be for the purpose of carrying out title II of which $114,000,000 shall be for the purpose of carrying out the Comprehensive Health Services program described in section 222(a) (4), $62,500,000 shall be for the purpose of carrying out the Emergency Food and Medical Services program described in section 222(a) (5), $25,000,000 shall be for the purpose of carrying out the Family Planning program described in section 222(a) (6), $8,800,000 shall be for the purpose of carrying out the Senior Opportunities and Services program described in section 222(a) (7), $18,000,000 shall be for the purpose of carrying out the Alcoholic Counseling and Recovery program described in section 222(a) (8), $18,000,000 shall be for the purpose of carrying out the Drug Rehabilitation program described in section 222(a) (9), and $117,600,000 shall be for the purpose of carrying out programs and activities authorized under sections 230, 231, 232, and 233 of such title;

(B) $38,000,000 shall be for the purpose of carrying out part B of title III (relating to assistance for migrant and seasonal farmworkers);

(C) $18,000,000 shall be for the purpose of carrying out title VI (relating to administration and coordination);

(D) $58,000,000 shall be for the purpose of carrying out title VII (relating to community economic development); and

(E) $45,000,000 shall be for the purpose of carrying out part A of title VIII (relating to VISTA).

If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

(3) In addition to the amounts authorized to be appropriated and allocated pursuant to paragraphs (1) and (2) of this subsection, there are further authorized to be appropriated for carrying out such Act the following sums:

(1) $2,000,000 for the fiscal year ending June 30, 1972, and $62,000,000 for the fiscal year ending June 30, 1973, to be used for the Community Economic Development program under title VII;

(2) $79,000,000 for the fiscal year ending June 30, 1972, and $109,000,000 for the fiscal year ending June 30, 1973, to be used for the Legal Services program under title IX.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting after "July 1, 1970," the following: "and not to exceed 25 per centum for fiscal years beginning after July 1, 1970, and ending prior to June 30, 1972," and by striking out "15 per centum" and inserting in lieu thereof "25 per centum".

(b) Section 616 of such Act is amended by striking out the semicolon therein and all matter thereafter through "$10,000,000", the second time it appears in such section.

COMMUNITY ACTION BOARDS

SEC. 5. The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof "six" and by striking out "six" and inserting in lieu thereof "twelve".

CHILD DEVELOPMENT

Sec. 6. (a) Title V of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE V—CHILD DEVELOPMENT PROGRAMS

"STATEMENT OF FINDINGS AND PURPOSE

"Sec. 501. (a) The Congress finds that—

"(1) millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years;

"(2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children and should be available as a matter of right to all children whose parents or legal guardians shall request them regardless of economic, social, and family backgrounds;

"(3) children with special needs must receive full and special consideration in planning any child development programs and, pending the availability of such programs for all children, priority must be given to preschool children with the greatest economic and social need;

"(4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education;

"(5) comprehensive child development programs not only provide a means of delivering a full range of essential services to children, but can also furnish meaningful employment opportunities for many individuals, including older persons, parents, young persons, and volunteers from the community; and

"(6) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, and State and local government with appropriate assistance from the Federal Government.

"(b) It is the purpose of this title to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs, and services, designed to assure the sound and coordinated development of these programs, to recognize and build upon the experience and success gained through the Headstart program and similar efforts, to furnish child development services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families, to provide that decisions on the nature and funding of such programs be made at the community level with the direct participation of parents of the children and other individuals and organizations in the community interested in child development served in the development, conduct, and overall direction of programs at the community level, and to establish the legislative framework for the future expansion of such programs to universally avilable child development services.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 502. (a) For the purpose of carrying out this title, there is authorized to be appropriated $2,000,000,000 for the fiscal year ending June 30, 1973. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

"(b) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this title, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972.

"ALLOCATION OF FUNDS

"Sec. 503. (a) The amounts appropriated for carrying out this title for any fiscal year after June 30, 1972, shall be made available in the following manner:

"(1) $500,000,000 shall be used for the purpose of providing assistance under parts A, B, and D of this title for child development programs focused upon young children from low-income families, giving priority to continued financal assistance for Headstart projects;

"(2) not to exceed 10 per centum of the remaining amounts so appropriated shall be used for the purpose of carrying out parts B, C, D, and E of this title, as the Secretary deems appropriate; and

"(3) the remainder of such amounts shall be used for the purpose of carrying out part A of this title. "(b)(1) From the amounts available for carrying out comprehensive child development programs under part A of this title, the Secretary shall reserve the following:

"(A) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program;

"(B) not less than that proportion of the total amount available for carrying out such part A as is equivalent to that proportion which the total number of children on Federal and State Indian reservations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children on Federal and State Indian reservations on an equitable basis, and to the extent practicable in proportion to the relative numbers of children residing on each such reservation;

"(C) not less than 10 per centum of the total amount available for carrying out such title, which shall be made available for the purposes of section 512(2)(I) of such part (relating to special activities for handicapped children);

"(D) not to exceed 5 per centum of the total amount available for carrying out such part A, which shall be made available under section 513(f)(3) of such part (relating to model programs).

"(2) The remainder of the amounts available for carrying out part A of this title shall be allocated by the Secretary on an equitable basis, and to the extent practicable such funds shall be apportioned in such a manner that—

"(A) 50 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of economically disadvantaged children in each such State and locality, respectively;

"(B) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children who have not attained six years of age in each such State and locality, respectively;

"(C) 25 per centum of such remainder shall be apportioned among the States and localities within each State in proportion to the relative numbers of children of working mothers and single parents in each such State and locality, respectively.

For the purposes of clauses (A), (B), and (C) of this paragraph, there shall be excluded those children who are counted under clauses (A) and (B) of subsection (b)(1) of this section.

"(3) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

"(c) Not to exceed 5 per centum of the total funds apportioned for use within a State pursuant to subsection (b)(2) may be made available for grants to the State to carry out the provisions of section 517 of this title.

"(d) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by this section.

"PART A—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS

"FINANCIAL ASSISTANCE

"Sec. 511. The Secretary of Health, Education, and Welfare shall provide financial assistance for carrying out child development programs under this part to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans and applications approved in accordance with the provisions of this part.

"USES OF FUNDS

"Sec. 512. Funds available for this part may be used (in accordance with approved applications) for the following services and activities:

"(1) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(2) establishing, maintaining, and operating child development programs, which may include—

"(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(B) food and nutritional services (including family consultation);

"(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(D) programs designed (i) to meet the special needs of minority group, Indian, and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and another language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of minority groups which belong to their communities and the role of members of such minority groups in the history and cultural development of the Nation and of the region in which they reside;

"(E) a program of daily activities designed to develop fully each child's potential;

"(F) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

"(G) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, including programs for preschool and other children who are emotionally disturbed;

"(H) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

"(I) incorporation within child development programs of special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities and, where necessary because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children, including emotionally disturbed children;

"(J) preservice and inservice education and other training for professional and paraprofessional personnel;

"(K) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may participate in such programs;

"(L) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth, and prospective parents;

"(M) use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children;

"(N) programs designed to extend comprehensive kindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including the use of former assistant Headstart teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Headstart or other early childhood education programs, providing for full participation of parents of the children involved in program planning, implementation, and decisionmaking and for career development opportunities and advancement through continuing education and training for the instructional aides involved (including teaching salaries, educational stipends for tuition, books, and tutoring, career counseling, arrangements for academic credit for independent study, fieldwork based on their teaching assignments, and preservice and inservice training) and for the classroom teachers and principals involved; and

"(O) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part; and

"(3) staff and other administrative expenses of child development councils established and operated in accordance with this part.

"PRIME SPONSORS OF CHILD DEVELOPMENT PROGRAMS

"SEC. 513. (a) In accordance with the provisions of this section, a State, locality, combination of localities, Indian tribe on a Federal or State reservation, or public or private nonprofit agency or organization, meeting the requirements of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs under this part, upon the approval by the Secretary of a prime sponsorship plan which includes provisions—

"(1) describing the prime sponsorship area to be served;

"(2) setting forth satisfactory provisions for establishing and maintaining a Child Development Council which meets the requirements of section 514;

"(3) providing that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan for each fiscal year and any modifications thereof;

"(4) setting forth arrangements under which the Child Develoment Council will be responsible for planning, supervising, coordinating, monitoring, and evaluating child development programs in the prime sponsorship area;

"(5) providing adequate assurances that staff and other administrative expenses for the Child Development Council under paragraph (3) of section 512 will not exceed 5 per centum of the total cost of comprehensive child development programs administered by the prime sponsor unless such per centum limitation is increased to give special consideration to initial costs in the first operational year or to other special needs, in accordance with regulations which the Secretary shall prescribe; and

"(6) providing assurances, to the extent necessary to carry out comprehensive child development programs in the area to be served, of the capacity to provide, or to enter into arrangements with appropriate State or local or other agencies for linkages to provide—

"(A) related family, social, and rehabilitative services;

"(B) coordination with educational agencies and providers of educational services;

"(C) health (including family planning) and mental health services;

"(D) nutrition services; and

"(E) training of professional and paraprofessional personnel.

"(b) The Secretary shall approve a prime sponsorship plan submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted a plan which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child development programs in such area.

"(c)(1) In the event that the Secretary determines that a locality fails to meet the requirements for designation as a prime sponsor under subsection (b) of this section for the reason that it lacks the capability of meeting the requirements of clause (5) (concerning the limitation on administrative expenses for Child Development Councils) or clause (6) (concerning the capacity to provide or to enter into arrangements for linkages to provide services related to child development) of subsection (a), he shall take steps to encourage the submission of a prime sponsorship plan, covering the area of such locality, by a combination of localities which are adjoining and possess a sufficient commonality of interest.

"(2) The Secretary shall approve a prime sponsorship plan submitted by a combination of localities if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area covered by the combination of such localities."

"(d) The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe on a Federal or State reservation if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in the area to be served.

"(e) In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a locality or combination of localities covering such area, or by an Indian tribe on a Federal or State reservation or in the event that prime sponsorship designation has been withdrawn in accordance with subsection (h) of this section, the Secretary may, with respect to the impending fiscal year when no such prime sponsorship designation will be in effect, approve a plan submitted by the State which meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive child development programs in each such area.

"(f) The Secretary may approve a prime sponsorship plan submitted by a public or private nonprofit agency, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, employer organization, labor union, employee or labor-management organization, or public or private educational agency or institution, if he determines that the plan so submitted meets the requirements of subsection (a) of this section and includes—

"(1) provisions setting forth arrangements for serving children in a neighborhood or other area possessing a commonality of interest in the area of any locality with respect to which there is no prime sponsorship designation in effect, or with respect to any portion of an area where the prime sponsor is found not to be satisfactorily implementing child development programs which adequately meet the purposes of this part, or for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children; or

"(2) arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers and their families; or

"(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual preschool children.

"(g) The Governor of the State shall, in accordance with regulations which the Secretary shall prescribe, be given a reasonable opportunity to review and offer recommendations to any applicant submitting a plan for prime sponsorship designation under this section, and to submit comments to the Secretary with respect to any plan so submitted.

"(h) A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(i)(1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"CHILD DEVELOPMENT COUNCILS

"SEC. 514. (a) Each prime sponsor designated under section 513 shall establish and maintain a Child Development Council consisting of not less than ten members, comprised as follows—

"(1) not less than half of the members of such Council shall be parents of children served in child development programs under this part; and

"(2) the remaining members of such Council shall be appointed by the chief executive officer or officers of the prime sponsor to represent the public, but (A) not less than half of such members shall be persons who are broadly representative of the general public, including government agencies, public and private agencies and organizations in such fields as economic opportunity, health, education, welfare, employment and training, business or financial organizations or institutions, labor unions, and employers, and who are approved by the parent members described in paragraph (1), and (B) the remaining members, the number of which shall be either equal to or one less than the number of members appointed under clause (A), shall be persons who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (B) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served.

"(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 513 shall provide, with respect to the Child Development Council established and maintained by such prime sponsor, that—

"(1) the parent members described in paragraph (1) of subsection (a) of this section shall be chosen by the membership of Headstart policy committees where they exist, and, at the earliest practicable time, by project policy committees established pursuant to section 516(a)(2) of this part;

"(2) not less than one-fourth of the total membership of such Council shall be persons broadly representative of the economically disadvantaged;

"(3) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this part;

"(4) such Council shall have responsibility for approving basic goals, policies, actions, and procedures for the prime sponsor, including policies with respect to planning, general supervision and oversight, overall coordination, personnel, budgeting, funding of projects, and monitoring and evaluation of projects; and

"(5) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

"COMPREHENSIVE CHILD DEVELOPMENT PLANS

"SEC. 515. (a) Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 513 only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies all child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, including infant care and before and after school programs for children in school with priority to children who have not attained six years of age;

"(3) gives priority to meeting the special needs of economically disadvantaged children by providing that not less than 65 per centum of the total cost of programs receiving financial assistance under section 503(b) shall be for child development programs and services for economically disadvantaged children;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers not covered under paragraph (3);

"(5) provides procedures for the approval of project applications submitted in accordance with section 516;

"(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(7) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(8) provides comprehensive services (A) to meet the special needs of minority group children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the need of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the Nation and the region in which they reside;

"(9) provides equitably for the child development needs of children from each minority group or significant segment of the economically disadvantaged residing within the area served;

"(10) provides, insofar as possible, for coordination of child development programs so as to keep family units intact or in close proximity during the day;

"(11) provides that, insofar as possible, unemployed or low-income persons residing in communities served by such projects will receive jobs providing career ladder opportunities, including in-home and part-time jobs, and opportunities for training in programs assisted under part B of this title;

"(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and of delegate agencies;

"(13) assures that procedures and mechanisms for coordination have been developed in cooperation with preschool program administrators and administrators of local educational agencies and nonpublic schools, at the local level, to provide continuity between programs for preschool and elementary school children and to coordinate programs conducted under this part and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act of 1965;

"(14) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business or financial institutions or organizations, industry, labor, employee and labor-management organizations, and other community groups;

"(15) contains any arrangements for the delegation, under the supervision of the Child Development Council, to any public or private nonprofit agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this part, or for any planning or evaluation services to be made available with respect to programs under this part; and

"(16) contains plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation.

"(b) No comprehensive child development plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served previously responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) the local educational agency for the area to be served, and other appropriate educational and training agencies and institutions, have had an opportunity to submit comments to the prime sponsor and to the Secretary; and

"(3) the Governor of the State has had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(c) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such plan, including a statement of the reasons, (2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(d) In order to contribute to the effective administration of this title, the Secretary shall establish appropriate procedures to permit prime sponsors to submit jointly a single comprehensive child development plan for the areas served by such prime sponsors.

"PROJECT APPLICATIONS

"SEC. 516. (a) Financial assistance under this part may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agency and which provides that—

"(1) funds will be provided for carrying out any child development program under this part only to a qualified public or private agency or organization, including but not limited to a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, private organization interested in child development, employer or business organization, labor union, employee or labor-management organization, or public or private educational agency or institution;

"(2) project policy committees shall be established and maintained, consisting of not less than ten members, composed so that (A) not less than half of the members of each such committee shall be parents of children served in such projects, and (B) the remaining members of such committee shall be comprised (i) of persons who are representative of the community and who shall be approved by the parent members, and (ii) of persons, the number of which shall be not less than one-third nor more than one-half of the number of members appointed under clause (i), who are particularly skilled by virtue of training or experience in child development, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (ii) to the extent that he determines, in accordance with regulations which he shall prescribe, that such persons are not available to the area to be served;

"(3) provision will be made for direct participation of such policy committees in the development and preparation of project applications under this part;

"(4) adequate provision will be made for training and other administrative expenses of such policy committees (including necessary expenses to enable low-income members to participate in council or committee meetings);

"(5) project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, including policies with respect to planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

"(6) programs assisted under this part will provide for such comprehensive, health, nutritional, education, social, and other services, as are necessary for the full cognitive, emotional and physical development of each participating child;

"(7) adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(8)(A) no charge for services provided under a child development program will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party (including a public agency) which is authorized or required to pay for such services; and (B) such charges will be made with respect to a child who is not economically disadvantaged in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a public agency) is authorized or required to make payment for such services;

"(9) children will in no case be excluded from the programs operated pursuant to this part because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(10) programs will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older persons and persons preparing for careers in child development programs;

"(11) no person will be denied employment in any program solely on the ground that he fails to meet State or local teacher certification standards;

"(12) there are assurances satisfactory to the Secretary that the non-Federal share requirements will be met; and

"(13) provision will be made for such fiscal control and fund accounting procedures as the Secretary shall prescribe to assure proper disbursement of and accounting for Federal funds.

"(b) A project application submitted in accordance with subsection (a) of this section may be approved by the Secretary upon his determination that it meets the purposes of this part.

"SPECIAL GRANTS TO STATES

"SEC. 517. Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

"(1) identifying child development goals and needs within the State;

"(2) assisting in the establishment of Child Development Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child development programs;

"(3) encouraging the cooperation and participation of State agencies in providing child development and related services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child development plans;

"(4) encouraging the full utilization of resources and facilities for child development programs within the State;

"(5) disseminating the results of research on child development programs;

"(6) conducting programs for the exchange of personnel involved in child development programs within the State;

"(7) assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for child development programs;

"(8) assessing State and local licensing codes as they relate to child development programs within the State; and

"(9) developing information useful in reviewing prime sponsorship plans under section 513(g) and of Comprehensive Child Development Plans under section 515(b)(3).

"ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"SEC. 518. (a) Applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If any facility assisted under this part shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have with respect to the labor standard specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) Any Federal assistance for construction shall be in the form of grants, and shall not be paid to other than public or private nonprofit agencies and organizations. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this part shall be used for construction of facilities.

"USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 519. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months after enactment of this title report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

"(b) The Secretary may require, as a condition to the receipt of assistance under this part, that any prime sponsor under this part agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child development programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

"PAYMENTS

"SEC. 520.(a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 503 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this part.

"(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay an amount not in excess of 80 per centum of the cost of carrying out programs, services, and activities under this part. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged children.

"(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families under this part.

"(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child development programs for children on Federal or State Indian reservations under this part.

"(c) The non-Federal share of the costs of programs, services, and activities assisted under this part may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, and employee and employer contributions.

"(d) Fees collected for services pursuant to section 516(a)(8) shall be deemed financial assistance for purposes of section 515(a)(3).

"(e) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

"(f) No State or locality shall reduce its expenditures for child development or day-care programs by reason of assistance under this part.

"PART B—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

"PRESERVICE AND INSERVICE TRAINING

"SEC. 531. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child development programs assisted under this title, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child development program, or any institution of higher education, including a community college, or by any combination thereof.

"TECHNICAL ASSISTANCE AND PLANNING

"SEC. 532. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out child development programs.

"EVALUATION

"SEC. 533. (a) The Secretary shall make an evaluation of Federal involvement in child development activities and services, which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities and services;

"(3) determination of the effectiveness of such activities and services;

"(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this title; and

"(5) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this title.

"(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child development programs, and shall report the results of each such evaluation to Congress.

"(d) Prime sponsors and project applicants assisted under this title and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

"(e) The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

"(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, and may reserve for such purposes not more than 2 per centum, of the amounts available under paragraphs (2) and (3) of section 503(a) of this title for any fiscal year.

"FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 534. (a) Within six months after the enactment of Economic Opportunity Amendments of 1971, the Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set for program standards which shall be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. If the Secretary disapproves the Committee's recommendations, he shall state the reasons therefor.

"(b) Such standards shall be no less comprehensive than the Federal Interagency Day Care Requirements as approved by the Department of Health, Education and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968.

"(c) The Secretary shall, within sixty days after enactment of this title, appoint a Special Committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, representatives of public and private agencies administering child development programs, and organizations, specialists, and others interested in the development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under part A of this title and section 222(a)(1) of this Act. Such Committee shall participate in the development of Federal Standards for Child Development Services and modifications thereof as provided in subsection (a).

"DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

"SEC. 535. (a) The Secretary shall, within sixty days after enactment of the Economic Opportunity Amendments of 1971, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 534.

"(b) The special committee appointed under this section shall include parents of children participating in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-third of the membership of the committee shall consist of parents of children enrolled in programs conducted under part A of this title and section 222(a)(1) of this Act.

"(c) Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this title or in which programs receiving Federal financial assistance under this title are operated. If the Secretary disapproves the committee's recommendations, he shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with procedures set forth in this section.

"PART C—MODEL FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

"PROGRAM AUTHORIZED

"SEC. 541. (a) The Secretary is authorized to provide financial assistance for the purpose of establishing and operating model child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of civilian employees of the Federal Government.

"(b) Civilian employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in a program eligible for assistance under this part shall—

"(1) designate or create for such purpose an agency committee, the membership of which shall be broadly representative of the working parents interested in utilizing these services who are employed by the agency or agencies; and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which:

"(A) provides that the child development program shall be administered under the direction of the agency committee;

"(B) provides that the program will meet the Federal Standards for Child Development Services approved pursuant to section 534 and the uniform minimum code for facilities approved pursuant to section 535;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not make payments under this section unless he has received approval of the plan from the official in charge of the agency whose employees will be served by the child development program.

"PAYMENTS

"SEC. 542. (a) Not more than 80 per centum of the total cost of child development programs under this part shall be paid from Federal funds available under this title.

"(b) The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, fees collected from parents, and union and employer contributions.

"(c) If, with respect to any fiscal year, a program under this part provides contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions for the subsequent fiscal year.

"PART D—RESEARCH AND DEMONSTRATIONS

"DECLARATION OF PURPOSES

"SEC. 551. The purposes of this part are to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the results of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of child development and related programs.

"RESEARCH AND DEMONSTRATION PROJECTS

"SEC. 552. (a) In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

"(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional child development personnel, and to determine how child development and related programs conducted in either home or institutional settings affect child development processes;

"(2) research to test alternative methods of providing child development and related services, and to develop and test innovative approaches to achieve maximum development of children and programs for training adolescent youth in child development;

"(3) evaluation of research findings and the development of these findings and the effective application thereof; and

"(4) dissemination and application of research and development efforts and demonstration projects to child development and related programs and early childhood education, using regional demonstration centers and advisory services where feasible.

"(b) In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

"(c) In carrying out this section, the Secretary shall give priority to providing financial assistance for child development programs carried out by multicounty local development districts established for purposes of the Appalachian Regional Development Act of 1965, as amended, or title V of the Public Works and Economic Development Act of 1965, as amended.

"COORDINATION OF RESEARCH

"SEC. 553. (a) Funds available to any Federal department or agency for the purposes stated in section 551 or the activities stated in section 552(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purposes for which the transfer was made.

"(b) The Secretary shall coordinate, through the Office of Child Development, established under section 582 of this title, all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

"(c) A Child Development Research Council, consisting of a representative of the Office of Child Development established under section 582 of this title (who shall serve as chairman), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child development and related activities under their respective jurisdictions and to carry out the provisions of this part so as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this part; and

"(3) recommendation of priorities for federally funded research and development activities related to the purposes of this part and those stated in section 501.

"PART E—NATIONAL CHILD ADVOCACY PROJECTS

"STATEMENT OF PURPOSE

"SEC. 561. It is the purpose of this part, through the conduct of demonstration projects, to explore the feasibility of the establishment of a national child advocacy system which will—

"(1) focus the Nation's resources on the healthy development of children, with special attention to very young children;

"(2) create a focal point of responsibility at every level in American society to guarantee that children and the families of which children are members receive the services needed to prevent, and to cope with, mental and physical disabilities; and

"(3) evaluate existing programs for children and develop better ways of providing services for children.

"DEMONSTRATION GRANTS

"SEC. 562. (a) In order to carry out the purposes of this part, the Secretary is authorized, in accordance with the provisions of this part, to make grants to public or private nonprofit agencies or organizations for the establishment and operation of not more than twenty Neighborhood Offices of Child Advocacy.

"(b) Neighborhood Offices of Child Advocacy established under this part shall be distributed in such manner as to assure, to the maximum extent feasible, that such offices will be located in various geographical regions of the Nation, on an Indian reservation, and in rural areas, and that persons served by such offices will be representative of the various racial, ethnic, and economic groups in the Nation.

"PLANNING ASSISTANCE

"SEC. 563. The Secretary is authorized to make planning grants to and provide technical and other assistance to any public or private nonprofit agency or organization which desires to establish a Neighborhood Office of Child Advocacy.

"DUTIES AND FUNCTIONS OF NEIGHBORHOOD OFFICES OF CHILD ADVOCACY

"SEC. 564. (a) It shall be the duty and function of each Neighborhood Office of Child Advocacy (hereinafter in this part referred to as the 'Office') to—

"(1) provide an assessment of the needs of children who reside in the neighborhood served by such Office;

"(2) publicize its services to all residents of the neighborhood served by the Office and to all professionals and organizations providing services affecting children in such neighborhood;

"(3) provide counseling to any family with children residing within the neighborhood served by such Office which desires counseling assistance;

"(4) provide to any such family appropriate referrals and, in exceptional cases, purchase such services as are determined to be otherwise unavailable and necessary or proper after assessment of needs and counseling;

"(5) collect data and maintain current records regarding its activities and the services provided by it; and

"(6) provide training and related services.

"(b) (1) All purchases of services under subsection (a) (4) of this section shall be reviewed from time to time and at least once every six months to determine the effectiveness and need for continuation of the services.

"(2) No services shall be purchased under subsection (a) (4) for more than twelve months unless a report is submitted to the Secretary. Such report shall state, but shall not be limited to, (A) the reason the purchase was originally necessary, (B) the number of persons in the neighborhood who need or receive similar services, and (C) the steps being taken by such Office and by State and local authorities to relieve the need for such purchase.

"(3) In arranging for purchases of services under subsection (a) (4), the Office shall ensure that the family or guardian of the child has been fully involved in the decision to seek services and agrees with the services chosen to meet the child's needs.

"(c) Each such Office shall make maximum use of volunteer workers and shall attempt to assure the utilization of young people and older persons in carrying out its functions with respect to children (or the families of children) who are in need of services provided by such Office.

"NEIGHBORHOOD COUNCILS ON CHILD DEVELOPMENT

"SEC. 565. (a) (1) Each agency or organization establishing a Neighborhood Office of Child Advocacy under this part shall form a Neighborhood Council on Child Advocacy to serve as the governing body of any such Office and to be composed of not less than nine or more than twenty-one members, who may be either elected or appointed, or a combination thereof, for terms not in excess of three years.

"(2) At least half of the members of any such Council shall be individuals representing residents of the neighborhood served by the Office governed by such Council. One member shall be such an individual who has not attained the age of twenty-one but who has attained the age of fifteen.

"(b) The duties and responsibilities of any such Council shall include—

"(1) the selection and employment of an individual to serve as Director of the Office governed by such Council, which Director shall have authority to secure (through employment or contract) such additional personnel as may be necessary to carry out the duties of such Office;

"(2) the development for the neighborhood served by the Office of a comprehensive plan to provide services for the children of such neighborhood designed to meet, in accordance with priorities contained in the plan, the needs of such children, and to develop new and improve existing services to meet the needs of such children;

"(3) the maintenance of the fiscal responsibility of the Office which it governs;

"(4) the establishment of personnel policies;

"(5) acting as an appeals body for parents who are dissatisfied with services provided for their children by the Office governed by such Council;

"(6) the assumption of responsibility for coordinating and encouraging the development of services for children;

"(7) otherwise taking such actions as many be appropriate to carry out the purposes of this part.

"AUTHORIZATION OF FUNDS

"SEC. 556. For the purpose of carrying out the provisions of this part, the Secretary is authorized to use not to exceed $10,000,000 of the amounts appropriated to carry out this title for any fiscal year.

"ACCEPTANCE OF SERVICES TO BE ON VOLUNTARY BASIS

"SEC. 567. No Neighborhood Office of Child Advocacy shall in any way coerce any family to accept services provided by the Office, but each Office shall actively encourage all eligible residents of the neighborhood served by the Office to accept the services provided by the Office and all interested residents of such neighborhood to participate as volunteer workers in carrying out the activities of the Office.

"CONFIDENTIALITY OF RECORDS

"SEC. 568. (a) (1) Each Neighborhood Office of Child Advocacy shall treat as confidential all records pertaining to children and families who are receiving or have received services provided by the Office and shall maintain such records in such manner as to protect the privacy of individuals with respect to whom such records pertain.

"(2) Such records pertaining to any child shall be available for inspection and review by the parents or guardian of such child. The Office shall make information contained therein available to other persons (including any public or private agency or individual) upon receipt of written agreement to such release from the parent or guardian of such child.

"(b) If any individual divulges, in contravention of the provisions of subsection (a), information referred to in such subsection pertaining to any person, such person may (without regard to the amount in controversy) bring in the appropriate district court of the United States an action against such individual for the recovery of whichever of the following amounts is greater—

"(1) $500, or

"(2) an amount equal to three times the actual damages (if any) sustained by such person by reason of the action of such individual in divulging such information.

"(c) Whenever any person has reasonable cause to believe that any individual is preparing to take any action which would, in contravention of the provisions of subsection (a), divulge information referred to in such subsection pertaining to such person, such person may bring a civil suit in the appropriate district court of the United States to enjoin such individual from taking such action.

"PART F—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 581. As used in this title, the term—

"(1) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(2) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virginia Islands, and the Trust Territory of the Pacific Islands;

"(3) 'child development programs' means programs provided on a full-day or part-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential;

"(4) 'children' means individuals who have not attained the age of fifteen;

"(5) 'economically disadvantaged children' means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

"(6) 'handicapped children' includes mentally retarded, hard of hearing, deaf, speech emotionally disturbed, crippled, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services;

"(7) 'program' includes any program, service, or activity, which is conducted full or part time, day or night, in child development facilities, in schools, in neighborhood centers, or in homes, or which provides child development services for children whose parents are working or receiving education or training;

"(8) 'locality' means any city or other municipality or any county or other political subdivision of a State having general governmental powers, or any combination thereof;

"(9) 'parent' means any person who has day-to-day parental responsibility for any child;

"(10) 'single parents' means any person who has sole day-to-day parental responsibility for any child;

"(11) 'working mother' means any mother who requires child development services under this title in order to undertake or continue full- or part-time work, training, or education outside the home;

"(12) 'minority group' means persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, do not have an equal educational opportunity, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

"(13) 'bilingual' refers to persons who are Spanish surnamed, American Indian, Oriental, Portugese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, do not have an equal educational opportunity;

"(14) 'local educational agency' means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

"(15) 'institution of higher education' means any such institution as defined in section 1201(a) of the Higher Education Act of 1965.

"OFFICE OF CHILD DEVELOPMENT

"SEC. 582. The Secretary shall take all necessary action to coordinate child development programs under his jurisdiction. To this end, he shall establish within the Department of Health, Education, and Welfare an Office of Child Development, administered by a Director, which shall be the principal agency of the Department for the administration of this title and for the coordination of programs and other activities relating to child development.

"NUTRITION SERVICES

"SEC. 583. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this title. Such services shall make use of the Special Food Service Program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

"SPECIAL PROVISIONS

"SEC. 584. (a) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursements, or otherwise allocate or expend funds made available under this title, as he may deem necessary to carry out the provisions of this title, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 585, the Secretary may also withhold funds otherwise payable under this title in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this title or any term or condition of assistance under this title.

"(b) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

"(c) The Secretary shall not provide financial assistance for any program or activity under this title unless he determines that persons employed in the programs under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar occupations by the same employer.

"(d) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(e) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of section 603 of this Act.

"(f) The Secretary shall not provide financial assistance for any program under this title unless he determines that no funds will be used for, and no person will be employed under the program on, the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

"(g) A child participating in a program assisted under this title shall not be required to undergo medical or psychological examination (except to the extent related to learning ability), immunization (except to the extent necessary to protect the public from epidemics of contagious diseases), or treatment, if his parent or guardian objects thereto in writing on religious grounds.

"WITHHOLDING OF GRANTS

"SEC. 585. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor or project applicant, finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 515; or

"(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 516; or

"(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this title there is a failure to comply substantially with any applicable provision of this title or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor or project applicant of his findings and that no further payments may be made to such sponsor or applicant under this title (or in his discretion that any such prime sponsor shall not make further payments under this title to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this title which is being carried out pursuant to such plan or application and which is not involved in the noncompliance.

"PUBLIC INFORMATION

"SEC. 586. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

"SEC. 587. The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

"SEC. 588. Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this title be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law."

(b) In order to achieve, to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this title, the following provisions of law are amended, effective July 1, 1973:

(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

(2) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children but not operation of child development programs for children".

(3) Section 123(a)(6) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children" and inserting in lieu thereof "assistance in securing child development services for children", and adding after the word "employment" the phrase "but not including the direct operation of child development programs for children".

(4) Section 312(b)(1) of the Economic Opportunity Act of 1964 is amended by striking out "day care for children,".

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 7. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

"TITLE VII—COMMUNITY ECONOMIC

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community development corporations and related nonprofit agencies or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate business in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those decribed in part B of title I of this Act.

"(b) The Secretary shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122(e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act and shall be deemed to fulfill the overall economic development planning requirements of section 202(b)(10) thereof.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1971, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to ensure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part, or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1971, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital in vestments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or, in the case of the elderly, will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative associations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative farming, purchasing, marketing, and processing programs. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance;

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives in rural areas eligible for financial assistance under section 722(b) for business, housing, and community development projects which the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect of such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c)(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund and the revolving fund previously established under section 306 of this Act, the assets and liabilities of which shall be transferred to the Rural Development Loan Fund, effective July 1, 1972, and (B) such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of (A) repayments of principal and interest and other receipts from the lending and guaranty operations of such revolving fund, and (B) such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title for any fiscal year in excess of $60,000,000 which shall be available only for grants to community development corporations.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the two succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

(c) Effective after June 30, 1972, part A of title III of the Economic Opportunity Act of 1964 is repealed.

LEGAL SERVICES PROGRAM

SEC. 8. (a) The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title:

"TITLE IX—NATIONAL LEGAL SERVICES CORPORATION

"DECLARATION OF POLICY

"SEC. 901. The Congress hereby finds and declares that—

"(1) it is in the public interest to provide greater access to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

"ESTABLISHMENT OF CORPORATION

"SEC. 902. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'corporation') which shall not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

"PROCESS OF INCORPORATION AND ORGANIZATION

"SEC. 903. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designees: the president of the American Bar Association, the president of the National Legal Aid and Defenders Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within 30 days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section.

"(c)(1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall establish the initial Clients Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among individuals eligible for assistance under this title.

"(2) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall establish the initial Project Attorneys Advisory Council to be composed of eleven members selected, in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program.

"(3) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. n order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the Clients Advisory Council and the Project Attorneys Advisory Council shall each meet and each shall submit a list of individuals as provided in section 904(a) to serve on the initial board of directors.

"(e) During the ninety-day period of incorporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (c) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of fifteen individuals, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) PUBLIC MEMBERS.—One member of the board shall be appointed by the Chief Justice of the United States after consultation with the Judicial Conference of the United States. Nine members of the board shall be appointed by the President, by and with the advice and consent of the Senate, as follows—

"(A) four members shall be appointed from among individuals in the general public;

"(B) three members shall be appointed from among individuals who are eligible for assistance under this title whose names are submitted by the Clients Advisory Council;

"(C) two members shall be appointed from among individuals whose names are submitted by the Project Attorneys Advisory Council.

Appointments under clause (B) shall be made from a list of ten individuals submitted by the Clients Advisory Council for any year, and appointments under clause (C) shall be made from a list of ten individuals submitted by the Project Attorneys Advisory Council for any year.

"(2) LEGAL ORGANIZATION MEMBERS.—Five individuals shall be members of the board by virtue of holding the following offices:

"(A) the president of the American Bar Association or his designee;

"(B) the president of the National Legal Aid and Defender Association or his designee;

"(C) the president of the Association of American Law Schools or his designee;

"(D) the president of the American Trial Lawyers Association or his designee;

"(E) the president of the National Bar Association or his designee.

"(b)(1) The directors appointed under paragraph (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of the directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971;

"(B) the term of the director first taking office appointed by the Chief Justice shall expire at the end of one year;

"(C) the terms of the directors first taking office appointed by the President shall expire, as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (A) of section (a)(1), two at the end of one year, one at the end of two years, and one at the end of three years, (ii) in the case of directors whose names are submitted by the Clients Advisory Council under clause (B) of subsection (a)(1), one at the end of one year, one at the end of two years, and one at the end of three years, and (iii) in the case of directors whose names are submitted by the Project Attorneys Advisory Council under clause (C) of subsection (a)(1), one at the end of two years and one at the end of three years; and

"(D) any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(2) The directors selected under paragraph (2) of subsection (a) of this section shall serve for the term of office for which they are elected and by virtue of which they become members of the board except in no case shall a term exceed three years. If any of the legal organization members' terms will exceed three years by virtue of holding an office for more than three years, the board shall provide for the appointment of a successor by the appropriate organization.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committee of the board, and advisory councils shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the respective advisory councils, provide for rules with respect to the subsequent meetings of the Clients Advisory Council and the project Attorneys Advisory Council.

"ADVISORY COUNCILS; EXECUTIVE COMMITTEE

"SEC. 905. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, shall provide for the selection of a Clients Advisory Council subsequent to the first such council established under section 903(e)(1) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title. Such procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on such council be from any one State. The Clients Advisory Council shall advise the board of directors and the executive director on policy matters relating to the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate, including informational programs in languages other than English. The Clients Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (B) of section 904 (a)(1).

"(b) The board, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of a Project Attorneys Advisory Council subsequent to the first such council established under section 903(c)(2) of this title to be composed of not more than eleven members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among attorneys who are actively engaged in providing legal services under this title. Such procedures must ensure that all areas of the country are represented, and in no event may more than one representative on such council be from any one State. The Project Attorneys Advisory Council shall advise the board of directors and the executive director on policy matters relating to the furnishing of legal services to members of the client community. The Project Attorneys Advisory Council shall submit the list of individuals for appointment as members of the board in accordance with clause (C) of section 904(a)(1).

"(c) The board shall provide for sufficient resources for each Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

"(d) The board may establish an executive committee of not less than five members nor more than seven members which shall consist of the chairman of the board, the executive director of the Corporation, one director appointed pursuant to clause (A) of section 904(A)(1), one director appointed pursuant to clause (B) or (C) of section 904(a), and one director appointed pursuant to section 904(a)(2).

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 906. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to qualified programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 903 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client;

"(8) establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectivenes, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provision of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal services programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date of enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) In any case in which services are performed for the Federal Government by the Corporation, the Corporation shall be reimbursed for the cost of such services pursuant to an agreement between the executive director of the Corporation and the head of the agency of the Federal Government concerned.

"(d) The Corporation shall ensure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(e) The Corporation shall ensure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney make representations to them, and (2) that no funds provided by the Corporations shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractee of the Corporation to ensure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and Code of Professional Responsibility.

"(g) The board shall establish a graduated schedule of fees requiring a client whose income is above the level of poverty to pay all or a portion of the cost of services, but only in the event that such client is financially able to do so.

"(h) No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

"NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 907. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) The Corporation shall ensure that all employees of legal services programs funded by the Corporation, while engaged in activities carried on by legal services programs, refrain (1) from any partisan political activity associated with a candidate for public or party office, and (2) from any voter registration activity other than legal representation or any activity to provide voters or prospective voters with transportation to the polls.

"ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 908. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractees shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractee who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

"FINANCING OF THE CORPORATION

SEC. 909. In addition to any funds reserved and made available for payment to the Corporation fróm appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

"RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 910. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the charges therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(e) (1) Each grantee or contractee, other than a recipient of fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this title. The Comptroller General of the United States, or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

"REPORTS TO CONGRESS

"SEC. 911. The Corporation shall prepare an annual report for transmittal to the President and the Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

"DEFINITIONS

"SEC. 912. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' 'includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities (including in areas where a significant portion of the client community speaks a language other than English as the predominant language, or is bilingual, services to those members of the client community in the appropriate language other than English);

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit', as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

"PROHIBITION ON FEDERAL CONTROL

"SEC. 913. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

"SPECIAL LIMITATIONS

"SEC. 914. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractee has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee or contractee has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

"COORDINATION

"SEC. 915. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractees to the extent not inconsistent with other applicable law.

"TRANSFER MATTERS

"SEC. 916. (a) Notwithstanding any other provision of law, on and after the date of enactment of the Economic Opportunity Amendments of 1971, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function of the Director under section 222(a) (3) of this Act shall be transferred to the Corporation. Personnel transferred (except personnel under schedule A of the excepted service) under this subsection shall be transferred in accordance with applicable laws and regulations and without reduction in classification or compensation for one year after such transfer. The Director shall take whatever action is necessary and reasonable to find suitable employment for personnel to be transferred pursuant to this subsection who do not wish to transfer to the Corporation.

"(c) Collective bargaining agreements in effect on the date of enactment of the Economic Opportunity Amendments of 1971 covering employees transferred pursuant to subsection (b) of this section shall continue to be recognized by the Corporation until altered or amended pursuant to law."

(b) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a)(3), 230, 232, or any other provision, of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financed assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the corporation determines to be necessary.

(c) Effective six months after the date of enactment of this Act, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed.

(d) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

(e) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

"INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title IX, and no reference to this Act unless such reference refers to title IX, shall be construed to affect the powers and activities of the National Legal Services Corporation."

SPECIAL PROGRAM AUTHORIZED

SEC. 9. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE GRANTS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

(1) comprehensive community or area planning and development,

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided, under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area; and

"(2) has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum feasible participation of local residents, especially low-income residents, in the planning and decisionmaking regarding the development of their community.

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profit-making organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual Youth Recreation and Sports Program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation.

"(c) Programs under this section shall be administered by the Director, through grants or contracts with any qualified organization of colleges and universities, or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in-kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources."

FUNCTIONS OF DIRECTOR

SEC. 10. Notwithstanding any other provision of law, unless enacted hereafter in limitation of the provisions of this section, no new transfers or delegations of programs administered by the Director of the Office of Economic Opportunity under titles II, III, VI, and VII of the Economic Opportunity Act of 1964, as amended, shall be made to the head of any other agency, during the fiscal year ending June 30, 1972, and the succeeding fiscal year.

PUERTO RICO

SEC. 11. (a) Notwithstanding any other provision of law, the Director of the Office of Economic Opportunity shall reserve, for the purpose of section 255(a) of the Economic Opportunity Act of 1964, not more than 4 per centum of the appropriated sums for the fiscal year ending June 30, 1972, for Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs.

(b) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(c) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

TECHNICAL PROVISIONS

SEC. 12. (a) The application of the formula prescribed by section 225(a) of the Economic Opportunity Act of 1964 for the allotment of funds among the States may be waived by the Director to the extent he deems necessary to prevent hardship in the allotment of funds for programs under title II of such Act resulting from the discontinuance of the authorization for section 222(a)(1) of such title by this Act.

(b) The Director may extend assistance under sections 221 and 222(a) of the Economic Opportunity Act of 1964 to a community action agency or other agency which is in excess of the maximum prescribed in section 225(c) of such Act, if he determines, in accordance with such regulations as he shall prescribe, that the ability of such agency to provide its share of the program costs pursuant to such section 225(c) has been impaired by virtue of the discontinuance of the authorization for section 222(a)(1) of such Act to an extent which justifies such additional assistance.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NELSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President (Mr. ROTH), I take the floor at this time to inquire of the distinguished acting majority leader if he would advise us concerning the program for the rest of the day and the rest of the week.

Mr. BYRD of West Virginia. Mr. President, before responding to the inquiry, may I take this occasion to express my commendations to the very distinguished Senator from Wisconsin (Mr. NELSON) on his exemplary handling of the measure which has just been passed by the Senate. I would never have thought that this measure could have been passed in less than a day and a half, which has been the case. Heretofore, it has required several days. I think it is a tribute to his generalship, to his thoroughness, to his knowledge of the contents of the bill, to his expertise, to his genuine good nature, and to the splendid cooperation he has given to the leadership and to all Senators in the effort to expedite the handling of the matter.

May I also compliment the distinguished Senator from Ohio (Mr. TAFT) who offered several amendments. May I thank him, on behalf of the majority leader, for his splendid cooperation in agreeing to time on each of those amendments.

While compliments are being appropriately expressed, may I salute the distinguished Senator from New York (Mr. JAVITS) on the efforts he has put forth to expedite the bill. May I compliment all Senators who had amendments, and certainly the leadership on the minority side, for its splendid cooperation in the matter. Regardless of one's viewpoint regarding S. 2007, I pay just tribute to the manager of the bill and all those Senators who had a part in the floor work yesterday and today. Theirs was a job well done.

Mr. NELSON. Mr. President, I thank the distinguished Senator from West Virginia for his kind remarks. It was possible to mark up this bill, which has substantial, creative changes in it, to get it to the floor of the Senate and acted on in a day and a half, because of the bipartisan manner in which the Subcommittee on Poverty operates and the bipartisan way in which the full Committee on Labor and Public Welfare itself works.

The distinguished Senator from New York (Mr. JAVITS), as the ranking member of the full committee, along with the rest of the Republican members on the committee, have been most cooperative in working out all differences of opinion. The objective of the committee at all times has been for the parties with opposing viewpoints to reach a constructive compromise, and that was done.

I have never served on a committee on which members of the other party were more cooperative and constructive in their efforts than in the Committee on Labor and Public Welfare. I emphasize that it would not have been possible to work out the legislation without the cooperation of the minority members.

I also wish to say that the minority staff and the majority staff have been most helpful and creative in drafting and redrafting sections of the bill, in preparing the hearings, and assisting the committee in developing a sound and well drafted bill, as well as a good committee report.

Mr. President, I wish also to commend and to thank those staff members who have worked with us in the development of this bill, particularly William R. Bechtel, Richard E. Johnson, William Spring, Sidney Johnson, Bertram Carp, Steven Engelberg and Jonathan R. Steinberg for the majority, and John Scales, and Richard D. Siegel for the minority.

Mr. President, I also wish to express my gratitude to the distinguished Senator from West Virginia for his kind remarks.

Mr. JAVITS. Mr. President, any statement about the handling of this bill must include the name of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) who was here yesterday in my absence and did, from all accounts, a brilliant job on the amendments and their timing, and the votes thereon. As the ranking member on the subcommittee, I am proud of the work he did.

Let me also mention the name of John K. Scales, the minority counsel on this particular subcommittee, who labored nights and days and weekends to do his part in what the distinguished Senator from Wisconsin (Mr. NELSON) has appropriately described as a monumental job by the staff, whose names he has spread on the record, including Mr. Johnson, Mr. Spring, and Mr. Bechtel of the subcommittee staff, and Mr. Johnson, Mr. Carp, and Mr. Engelberg who have assisted Senator MONDALE. I am very grateful to my colleagues for the fine work they did.

Mr. NELSON. Mr. President, I join the distinguished Senator from New York (Mr. JAVITS) in saying that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) did a magnificent job in assisting in the explanation and the handling of the bill on the floor of the Senate yesterday when Mr. JAVITS was necessarily absent.

Mr. CRANSTON. Mr. President, I join in the tributes paid to the Senator from Wisconsin (Mr. NELSON), floor manager of the bill and the chairman of the subcommittee on Employment Manpower, and Poverty, for his tremendously marvelous handling of the bill through the subcommittee, the full committee, and now the entire Senate, so ably and effectively assisted by the Senator from Minnesota (Mr. MONDALE), and the Senator from New York (Mr. JAVITS). The Senator from Pennsylvania (Mr. SCHWEIKER) who was for the first time acting on the Senate floor in the role of ranking minority member of the Employment Manpower and Poverty Subcommittee on a major poverty measure, also had a great deal to do with the effective and expeditious handling of the bill, as did the Senator from Ohio (Mr. TAFT). Although the Senator from Ohio and I differed on certain amendments, his cooperation speeded the measure through the Senate, and he has been a vigorous champion of the committee provisions on legal services which he was so instrumental in developing.

I wish to pay tribute to another who also had a great deal to do with the expeditious handling of the bill. That Senator is the acting majority leader, the Senator from West Virginia (Mr. BYRD), who was enormously helpful in moving the bill so rapidly through the Senate. Finally, we must recognize the contributions made to the handling of the bill by the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS).

I also call attention to and commend the outstanding staff work of the majority staff of the Subcommittee on Employment, Manpower, and Poverty, William Bechtel, Richard Johnson, and William Spring, and the members of the minority staff, John Scales and Marty Klein, along with the staff members assisting the Senator from Pennsylvania (Mr. SCHWEIKER), Dick Siegel, and the Senator from Minnesota (Mr. MONDALE), Sid Johnson, Bert Carp, and Steve Engelberg, not to mention Jon Steinberg of my subcommittee staff who, I think, all worked night and day for many hours on the important substance of this measure program.

Mr. BYRD of West Virginia. Now, Mr. President, with apologies to the distinguished junior Senator from Michigan——

Mr. GRIFFIN. Mr. President, let me say to the distinguished acting majority leader that if I were not so anxious to get back to the dining room to rejoin the three astronauts, with whom I am having lunch, I would speak for 5 minutes or more about the work of those who have managed the bill on both sides of the aisle as well as others who have participated in the debate.

However, let me say that I join in the tributes already extended by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished assistant minority leader, and now, with apologies to him, I respond to his inquiry.

The Senate will adjourn before too much longer——

Mr. CRANSTON. Mr. President, would the Senate from West Virginia yield so that I may comment on the comments which have just been made regarding the just-passed bill?

Mr. BYRD of West Virginia. Let me continue first, if the Senators please, and then I will ask that the able Senator's remarks appear in the RECORD at the appropriate place with those just made.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so that the acting majority leader may be heard?

The PRESIDING OFFICER (Mr ROTH). The Senate will please be in order.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. President, the Senate will convene tomorrow at 10 a.m. Immediately following the recognition of the two leaders, or their designees, under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the stated order:

Senators JACKSON, DOLE, PERCY, and COOK.

Following the recognition of these Senators under the order which I shall get later, there will be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes; following which the Senate will resume consideration of the so-called military procurement bill, H.R. 8687, which I expect to ask the Chair to lay before the Senate and make the pending business before I yield the floor today.

I have discussed this matter at considerable length with the very distinguished Senator from Mississippi (Mr. STENNIS), who is the chairman of the Committee on Armed Services and who will be the manager of the bill on the floor. In view of those consultations with the Senator from Mississippi, I am inclined to announce that there will be no more rollcall votes today, and that tomorrow will be consumed with respect to opening statements on that legislation. Therefore, Senators need not expect any rollcall votes on tomorrow.

The Senate will adjourn tomorrow, at the close of business, until 10 a.m., on Monday morning next.

In accordance with the wishes of the distinguished majority leader, and in accordance with the arrangements which he made some days ago, the Senate, on Monday next, will proceed to the consideration of the conference report on the extension of the draft. The unfinished business, of course, will continue to be the military procurement bill.

It is anticipated that rollcall votes may occur at any time on any day next week.

The distinguished majority leader indicated also, some time ago, that the Senate might anticipate sessions on Saturdays after this weekend.

Mr. STENNIS. If the Senator will yield so that I may respond briefly to the Senator's remarks about the setting of the military procurement bill, I commend the Senator and the Senate for disposing of the other bill. We are ready to present the military procurement bill. I think it will save time for the Senate, though, later—I am sure it will, if the committee is given the opportunity on the first day to present the overall picture of what is in the bill and the pertinent parts of the report, and such other remarks as the subcommittee chairman, as well as the chairman of the full committee may see fit to make on the overall subjects—and down to the detail level, too.

So, Mr. President, we will be ready tomorrow, when we get to the bill, and if anyone in opposition to it wishes to speak, that will be all right and they will have an equal opportunity to state their views.

Mr. FULBRIGHT. Mr. President, I join my colleagues in commending the leadership, as well as the manager of the bill which has just been passed, on the efficient and excellent way it was handled.

With regard to the military procurement bill coming up, on behalf of the distinguished Senator from Missouri (Mr. SYMINGTON) and myself, he is intensely interested in some aspects of it, as I am, and we wanted to make the request of the leadership that with regard to any anticipated unanimous consent request on votes on the bill or amendments, certainly those in which we would be interested, that we have positive notice of it.

I know it is difficult for the leadership because we are sometimes in committee meetings or not on the floor. However, this is an extremely important bill. By this I do not mean in any way to criticize the leadership for the unanimous consent procedure. I think on most bills it is entirely in order and entirely proper and the most efficient way in which to handle it. However, there are certain bills that involve vast sums of money in which we want to be very sure that we are not precluded from offering amendments.

I hope that is the understanding of the leadership.

Mr. BYRD of West Virginia. Mr. President, it will be the understanding of the leadership. The leadership will certainly keep the wishes of the distinguished junior Senator from Arkansas in mind. The Senator from Arkansas has also included in the request the name of the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Mr. FULBRIGHT. The Senator is correct. I have discussed it with him, and he makes the same request.

Mr. BYRD of West Virginia. The Senator can be assured that any unanimous consent requests concerning amendments of interest to him or to the senior Senator from Missouri will certainly be discussed with them before such requests are presented to the Senate.

Mr. FULBRIGHT. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I might say, in that connection, that the distinguished Senator from Wisconsin (Mr. NELSON) has four amendments to the military procurement bill. He has already indicated his agreement to enter into a unanimous-consent agreement with respect to each of his four amendments, with 1 hour to be allotted to each. The Senator from Mississippi (Mr. STENNIS) has indicated his consent with respect thereto.

UNANIMOUS-CONSENT REQUEST

If the Senator from Arkansas would not think it inappropriate at this time, I would now ask unanimous consent that there be a time agreement with respect to those four amendments only, so that at such time as the Senate reaches those four amendments they would be under a time limitation.

Mr. FULBRIGHT. I am not aware of the substance of the four amendments to which the Senator refers. If they do not involve the subject in which I am interested, I would have no objection. However, I am not aware of the substance of the amendments.

Mr. BYRD of West Virginia. Very well. I will not seek a unanimous-consent agreement at this time, inasmuch as I cannot inform the able Senator as to their exact nature.

Mr. FULBRIGHT. If they cover the same subject in which the Senator from Missouri is interested, we would have objection. We do this with the intention of having flexibility on certain amendments that deal with certain subjects.

Mr. BYRD of West Virginia. The Senator's wishes will be respected.

ORDER FOR ADJOURNMENT TO 10 A.M. MONDAY, SEPTEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT APPROPRIATION AUTHORIZATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent at this time, for the purpose of making it the pending business—and with the understanding that has already been expressed—that the Senate proceed to the consideration of Calendar No. 355, H.R. 8687.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 355, H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $94,200,000; for the Navy and the Marine Corps, $3,256,200,000 of which not to exceed $801,600,000 shall be available for a F–14 aircraft program of not less than 48 aircraft; for the Air Force, $2,989,000,000.

MISSILES

For missiles: for the Army, $1,066,100,000; for the Navy, $704,100,000; for the Marine Corps, $1,300,000; for the Air Force, $1,774,900,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,010,600,000, of which $14,600,000 is authorized only for advance procurement for the nuclear powered guided missile frigate DLGN–41.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $112,500,000; for the Marine Corps, $63,900,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $193,500,000.

OTHER WEAPONS

For other weapons: for the Army, $33,000,000; for the Navy, $1,300,000; for the Marine Corps, $1,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. (a) Funds are hereby authorized to be appropriated during the fiscal year 1972 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,818,256,000;

For the Navy (including the Marine Corps), $2,376,869,000;

For the Air Force, $2,910,744,000; and

For the Defense Agencies, $451,443,000.

(b) Section 40 of Public Law 1028, approved August 10, 1956 (70A Stat. 636; 31 U.S.C. 649c) is amended to read as follows:

"Sec. 40. Unless otherwise provided in the appropriations Act concerned, moneys appropriated to the Department of Defense (1) for the procurement of technical military equipment and supplies and the construction of public works, including moneys appropriated to the Department of the Navy for the procurement and construction of guided missiles, remain available until spent, and (2) for research and development remain available for obligation for a period of two successive fiscal years."

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1972 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—RESERVE FORCES

Sec. 301. For the fiscal year beginning July 1, 1971, and ending June 30, 1972, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 45,849.

(5) The Air National Guard of the United States, 88,191.

(6) The Air Force Reserve, 49,634.

(7) The Coast Guard Reserve, 15,000.

Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Select Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

Sec. 303. (a) Section 270(a) of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member who has served on active duty for one year or longer shall be required to perform a period of active duty for training if the first day of such period falls during the last one hundred and twenty days of his required membership in the Ready Reserve."

(b) Section 502(a)(2) of title 32, United States Code, is amended by adding at the end thereof a new sentence as follows:

"However, no member of such unit who has served on active duty for one year or longer shall be required to participate in such training if the first day of such training period falls during the last one hundred and twenty days of his required membership in the National Guard."

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

Sec. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States, $98,500,000.

(2) Military family housing, four hundred and thirty units, $11,070,000:

Malmstrom Safeguard site, Montana, two hundred and fifteen units,

Grand Forks Safeguard site, North Dakota, two hundred and fifteen units.

(b) There are authorized to be appropriated for the purpose of this section not to exceed $109,570,000, of which not more than $5,200,000 shall be available for community impact assistance as authorized by section 610 of Public Law 91–511.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1972, in the same manner as if such authorizations had been included in that Act.

Sec. 402. Notwithstanding the repeal provision of section 605(b) of the act of October 26, 1970, Public Law 91–511 (84 Stat. 1204, 1223), authorizations contained in section 401 of the act of October 7, 1970, Public Law 914–41 (84 Stat. 905, 909) for the following items which shall remain in effect until fifteen months from the date of this Act and which shall be increased from $8,800,000 to $9,200,000.

(a) two hundred family housing units at Malmstrom Safeguard Site, Montana.

(b) two hundred family housing units at Grand Forks Safeguard Site, North Dakota.

Sec. 403. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic-missile system at any site; except that funds may continue to be obligated or expended for the purpose of advanced preparation (site selection, land acquisition, site survey, and the procurement of long leadtime items) for anti-ballistic-missile system sites at Francis E. Warren Air Force Base, Cheyenne, Wyoming, and Whiteman Air Force Base, Knobnoster, Missouri. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 402 of Public Law 91–441 (84 Stat. 905, 909) is hereby repealed.

TITLE V—GENERAL PROVISIONS

Sec. 501. Subsection (a)(1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a)(1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

Sec. 502. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution.

Sec. 503. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

Sec. 504. (a) The amount of $321,500,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity or the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $321,500,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $321,500,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $321,500,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

REFERRAL OF S. 2464

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGovern) I ask unanimous consent that S. 2464—a bill he introduced to amend the Voting Rights Act of 1965 to require that persons eligible to register to vote in Federal elections shall be permitted to register as late as 30 days prior to the date of such an election—be referred to the Committee on Post Office and Civil Service where other similar bills, I am told, have been referred.

The Senator from South Dakota (Mr. McGovern) asks for this assignment to make it possible for hearings to be held on the bill by the same committee which is holding hearings on other legislation pertaining to voter registration.

Mr. GRIFFIN. Mr. President, reserving the right to object, when the request concerning the other bills to which reference has been made, was made earlier, the junior Senator from Michigan asked unanimous consent that following consideration by the Post Office and Civil Service Committee, those bills be referred to any other committee or such other committee as they might have been or would have been referred to if the unanimous consent request had not been made.

I would make a similar request with respect to this matter. It would be my first impression that such a bill should go to the Judiciary Committee. I do not know whether the Parliamentarian would say it should go there or not. However, if it should go to the Judiciary Committee, I would ask that the acting majority leader so modify the request.

Mr. BYRD of West Virginia. That would be so that the measure would be referred to the committee normally having jurisdiction after having been referred to the Post Office and Civil Service Committee.

Mr. GRIFFIN. After it had been referred to the Committee on Post Office and Civil Service in accordance with the request made by the acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I am in no position to object to the request made by the distinguished Senator from Michigan, inasmuch as he is in a position to object to the request I have made. I do not think that the Senator from South Dakota (Mr. McGovern) would be constrained to oppose the suggestion made by the Senator from Michigan. So, I modify my request accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, the Chair understands that the request has been modified.

Mr. BYRD of West Virginia. The request as modified is as follows: I ask unanimous consent that S. 2464, a bill introduced by the Senator from South Dakota (Mr. McGovern), be referred to the Committee on Post Office and Civil Service, to which other similar bills have been referred, and that if, in the judgment of the Parliamentarian, the contents of the bill are such that in the ordinary course of things, another standing committee—for example, the Judiciary Committee—would have jurisdiction, that bill, S. 2464, along with all other similar bills, be then referred—after having been reported by the Committee on Post Office and Civil Service—to the appropriate committee having regular jurisdiction over such legislation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the order previously entered with respect to the referral of S. 2464 be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may the Record show that my request, with respect to the negation of the order previously entered concerning S. 2464, was made with the approval and understanding of the distinguished Senator from South Dakota (Mr. McGovern).

ORDER FOR RECOGNITION OF SENATORS JACKSON, DOLE, PERCY, AND COOK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators Jackson, Dole, Percy, and Cook.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the completion of the orders previously entered for the recognition of Senators there be a period for the transaction of routine morning business tomorrow for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF H.R. 8687 TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow the Senate resume consideration of Calendar No. 355, H.R. 8687, an act to authorize appropriations for military procurement.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks by the able Senator from Kentucky (Mr. Cook), the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

Immediately following the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized each for not to exceed 15 minutes, and in the order stated: Senators Jackson, Dole, Percy, Cook, and Proxmire.

At the conclusion of the orders for the recognition of Senators there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion of routine morning business, the Senate will resume its consideration of the then unfinished business, H.R. 8687, an act to authorize appropriations for military procurement.

Opening statements will be made by the manager (Mr. Stennis) and other members of the committee.

No rollcall votes will occur tomorrow on that legislation. This will give committees of the Senate an opportunity to hold uninterrupted sessions with respect to legislation which may soon be reported to the Senate for floor action, and the joint leadership hopes that Senate committees will take advantage of that opportunity.

When the Senate completes its business on tomorrow, it will stand in adjournment until 10 o'clock on Monday morning next.

On Monday next, in accordance with the wishes of the distinguished majority leader, the Senate will proceed to the consideration of the conference report on the extension of the draft. The unfinished business at that time will continue to be the military procurement authorization bill.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 39 minutes p.m.) the Senate adjourned until tomorow, Friday, September 10, 1971, at 10 a.m.

EXTENSIONS OF REMARKS

RESOLUTIONS OF THE MASSACHUSETTS LEGISLATURE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. HARRINGTON. Mr. Speaker, on August 11 the Massachusetts Senate, and on August 23 the Massachusetts House of Representatives, adopted resolutions calling for the immediate cessation of all economic and military aid to the Government of Pakistan for the duration of its civil war. It is essential that public officials speak out against the atrocities being committed in Bengal with American arms, and I praise the Massachusetts Legislature for the wisdom and compassion of its action.

With this in mind, I include the texts of the resolutions:

Resolutions Urging the President of the United States, the Congress and the Citizens of the Commonwealth To Take Any Action Appropriate to Effect the Suspension of Economic and Military Aid and Sales to Pakistan, With the Exception of Relief, Supplies, for the Duration of Its Civil War

Whereas, The people of the commonwealth are gravely concerned about the tragedy in East Pakistan and the military action of the Pakistan army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by its army against its own civilian population and is requesting the Congress of the United States to appropriate one hundred thirty one million dollars for aid to Pakistan; and

Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistan army and its persistent brutality against a majority of that country's population; and

Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; now, therefore, be it

Resolved, That the Massachusetts Senate urges the citizens of the commonwealth and all firms, unions and other organizations operating therein to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian rule is restored and a majority of the refugees are able to return to their homes; and be it further

Resolved, That the Massachusetts Senate respectfully urges the President and Congress of the United States to take any action which may be necessary to immediately suspend military and economic sale to Pakistan for the reasons hereinbefore stated; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

Resolutions Urging the President of the United States, the Congress and the Citizens of the Commonwealth To Take Any Action Appropriate To Effect the Suspension of Economic and Military Aid and Sales to Pakistan, With the Exception of Relief Supplies, for the Duration of Its Civil War

Whereas, The Commonwealth of Massachusetts is concerned about the tragedy in East Pakistan and the military action of the Pakistani army which has killed an unknown number of civilians and driven more than seven million refugees to India; and

Whereas, The United States government is continuing to ship ammunition and military equipment to Pakistan for use by the army against its own civilian population and is requesting Congress to appropriate one hundred thirty one million dollars for aid to Pakistan; and

Whereas, In providing military and economic aid to the Pakistan government when all other major aid-giving nations, except China, have temporarily suspended aid, the United States is, in effect, supporting the repressive action of the Pakistani army and its persistent brutality against a majority of that country's population; and

Whereas, American interest and the real interests of Pakistan cannot be served by continuing to assist a regime which savagely suppresses its own people, flaunts the democratic processes demonstrated in the elections of December, 1970, causes a flood of refugees to a neighboring state and threatens the peace and security of the entire Indo-Pakistan subcontinent; therefore be it

Resolved, That the Massachusetts House of Representatives urges the citizens of the Commonwealth and all firms, unions and other organizations operating here to oppose any further military aid or sales to Pakistan and to oppose further economic aid, other than food and other relief assistance distributed and monitored under international auspices, until military action ends in East Pakistan, civilian rule is restored and a majority of the refugees are able to return to their homes; and be it further

Resolved, That the Massachusetts House of Representatives memorializes the President and Congress of the United States to suspend military and economic sales on the basis as stated above; and be it further

Resolved, That copies of this resolution be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

HIGH SCHOOL ESSAY CONTEST WINNERS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. WRIGHT. Mr. Speaker, I often worry that the deluge of newspaper and magazine articles concerning campus violence, drug addiction, and juvenile delinquency may distort our impression of young people.

In order to present an accurate perspective of the true values held by the majority of our young citizens, I am inserting below five essays written by outstanding high school students from my district. These students were the winners of the high school essay contest which I sponsor each year.

The first prize, an expense-paid trip to Washington for the student and parent or other adult chaperon, went to Linda Tyler, 7916 Laura Street, a student at Richland Senior High School, for her essay on "What Can Be Done To Curtail Drug Abuse?"

Four runners-up, each of whom received a $25 U.S. Savings Bond, were Jerry Stanley, 3541 Wooten Drive of Southwest High School; Susan Breen, 4400 Mary's Creek Drive of Western Hills High School; Steve Tatum, 3605 Ledgeview Court of Fort Worth Country Day School; and Cornelia Sheppard, 5620 Shiloh Drive of Como High School.

The contest was open to all Tarrant County high school juniors and seniors In addition to the individual awards, which included congressional pen and pencil sets for those gaining honorable mention, the school libraries of the five winners received clothbound copies of the 1971 Congressional Directory.

Judges were Dr. E. C. Barksdale, chairman of the history department at the University of Texas in Arlington; Mary Crutcher, executive city editor of the Fort Worth Press; and Eden Van Zandt, youth editor of the Fort Worth Star-Telegram.

Each essay was numbered and the judges did not know the identity of school or writer.

Jerry Stanley wrote of "How Can

Peace Be Attained in Vietnam?" Susan Breen wrote on "What Should Be Done To Improve the Draft?" Steve Tatum wrote on "The Generation Gap," and Cornelia Sheppard wrote on "Is There a Generation Gap?"

In addition to the above awards, honorable mention went to the following: Stanley Allen, 2846 Peninsula Drive, Grapevine, Carroll High School; Jim Brumhall, 1031 Lynda Lane, Arlington, Arlington High School; Judith Coppinger, 1304 Park Center, Western Hills High School; Terry Drennan, 7716 Llano, Western Hills School; Richard Hilton, 5113 Roberta Drive, Richland Senior High School; Janis Klein, 2833 Spruce Park, Richland Senior High School; Angelo Rigsby, 1818 East Tucker, Polytechnic High School; Earl D. Sherman, Jr. 3014 Plantation, Western Hills High School; Barbara Tankersley, 1212 Parson's Lane, Diamond Hill-Jarvis High School; Joe William Tuckness, P.O. Box 3010, Masonic Home High School; Deborah Vereen, Route 8, Box 227–A, Brewer High School; Lynn Weldon, 2232 Irwin, Castleberry High School; and Ron Young, 1209 West Devitt, Paschal High School.

The five winning essays follow:

What Can Be Done To Curtail Drug Abuse?

(First Place)

(By Linda Tyler)

"You don't know me," the voice said over the phone. "I read in the paper a report of a talk you gave. I think my daughter, a college student, is using marijuana. What can I do?"

This, says psychologist Dr. Helen Nowles, is the kind of phone call she gets all the time.

"You say, 'Have you talked to her about it?' 'Oh, no, I couldn't. It is too terrible.' "

Parents often go into hysterics when confronted with the fact of drugs in their own families. They avoid talking to their children. "Oh, no, I couldn't!" The generation gap is too wide. How can parents hope to cope with the situation in their own families? Learn some facts, at least as many as their children know. Build some bridges. Straighten out the drug mix-up in their own minds. And it *is* a mix-up. Drugs have become entangled with every social problem in the current history of American society. That fact doesn't help anyone trying to reach solutions.

And who should try for solutions? We can't expect someone else to solve the problem in our local communities. We are all involved. Responsible citizens must not shirk the obligation which rests upon them in the face of so serious and threatening an issue, which if unmet promises social deterioration. Major social cooperation is required and all potential participants should be canvassed for a local effort.

(1) A large burden rests upon the educators.

(2) The medical profession and medical facilities of every type must be included in any successful effort.

(3) Politics must be involved, for it is only here that sufficient authority is available when needed.

(4) Involvement of the religious community is also essential.

(5) Most communities are reasonably endowed with agencies of social service.

(6) The Communications Media have a very important role to play.

(7) Of prime importance is the participation of youth themselves. No program can be successful without their full involvement. Fortunately, there is evidence of their readiness to be so engaged and of their effective performance when they have been involved.

A Community desiring a solution to drug abuse must first acknowledge the problem, then take steps to organize for sustained action. This would involve the cooperation of at least the groups listed above stimulated and sustained by competent public-minded individuals who are willing to commit themselves over the long pull.

All in all the final hope of bringing down drug use—is to approach the potential users on their own terms, with restraint and respect, with solid facts and complete honesty.

One reason this will work is that they want to know. A survey of students indicated that they are curious about drugs; eight out of ten wanted the programs on the campus, but they didn't want the programs merely to try to discourage them from drug use. They wanted "current and objective information about the physical and psychological effects of drug use."

In the last analysis, indeed, personal aims, ambitions, proper use of one's waking hours: these are the keys. The real way to turn youngsters off drugs is to turn them on to something else. Young people of today are looking for serious purposes, missions with concern for others, social commitment.

How Can Peace Be Attained in Vietnam?

(First Runner-Up)

(By Jerry Stanley)

"The scene is a small square in the city of Hue, South Vietnam. A couple of military police were on duty to keep order. On this day one of them had supplied himself with some candy for the children who played in the square and crowded around the Americans. As he started his distribution in a friendly mood, a swarm of youngsters, jumping and reaching, pressed about him. With a laugh, he tossed the candy out on the cobblestones. Immediately the children descended like locusts, each intent on grabbing a piece. A young Vietnamese school teacher happened by at the moment, and seeing the scrambling children, he spoke to them in a stern and emphatic tone. He told them to pick up the candy and give it back to the American. After some hesitation they sheepishly complied. Then, facing the soldier and speaking in measured English with a tone of suppressed anger and scorn, he said: "You Americans don't understand. You are making beggars of our children, prostitutes of our women, and Communists of our men!" [1]

What alternatives have we for attaining peace other than conceding that we became involved in a futile and costly endeavor, finding that the price of victory was too high? Peace cannot be attained by a military victory. War in hope of friendship or alliance is like cutting back the tree in winter. Come spring and it grows to even greater proportions. Peace could not be found by a complete and sudden withdrawal of troops. To do so would be like building a fort of dead soldiers and awaiting the on-slaught. Too many men have died in search for a universal peace to settle for a moment of tranquility.

If we are to remain in Vietnam, making unilateral withdrawals and intensifying our peace talks in Paris, we should review our position. If the attitude of the South Vietnamese people is that of hostility, how can we possibly attain peace? If eighty percent of the South Vietnamese people consider Ho Chi Minh their hero and liberator, do they also consider America the aggressor?

Let us examine possible reasons for our current involvement in Vietnam. Is it that we seek freedom for South Vietnam to choose and shape for itself its own destiny, or a battlefield to prove the endurance of democracy? Is it that we actually seek to drive the Communists from the streets of Saigon, or from the shores of America? Is it that we seek to give freedom of choice to South Vietnam, or establish another democracy in the world?

Perhaps peace can be attained in Vietnam, but does that assure us that within the same year we attain peace that we will not be fighting another war in another country with the same meager prospects of peace? Let us make this war, not a step in the pathway towards peace, but the actual means to its accomplishment. How can we end this war with peace which will conquer aggression and love which will smother hatred?

Mahatma Gandhi led a campaign of nonviolent resistance. He mapped a very simple, yet at the same time very complex plan for peace. Simple because it involves only one word and one idea, complex because it involves all of mankind in order to meet success. The Gandhian concept of peace is that of Satyagraha. Satya is truth which equals love, and graha is force. Satyagraha thus means truth-force or love-force. A note must be made that force is that of magnetism which draws opposites together, rather than the repelling force of magnetism.

In our examination of our involvement in Vietnam we found that our motives were not that of love or even in search of truth. They were that of the wolf disguised in sheep's clothing. An examination of our own personal motives in our dealings with our fellow men might reveal the same. To close I will define that love which is my answer to attaining peace in Vietnam. "Love is very patient and kind, never jealous or envious, never boastful or proud, never haughty or selfish or rude. Love does not demand its own way. It is not irritable or touchy. It does not hold grudges and will hardly even notice when others do it wrong. It is never glad about injustice, but rejoices whenever truth wins out. There are three things that remain—faith, hope, and love—the greatest of these is love." [2]

What Should Be Done To Improve the Draft?

(Second Runner-Up)

(By Susan Breen)

Because of the rising opposition to the present method of drafting young men, a new way of conscription must be found. This plan must not only be fair to all the youth of America, but to America itself. When one plan fails, a new plan must be tried immediately.

In making these plans, the important thing is for all Americans to be involved. Enlistment should not be based on such things as luck or financial situation or even scholastic achievement. In cases where religion or personal convictions are in conflict with the military standards, alternatives such as the Peace Corps and Vista programs would be offered. New groups connected with the welfare department or public health service might be considered.

The handicapped could contribute according to their abilities; giving them a sense of pride long denied to them and freeing the more able-bodied from simple, frustrating tasks. Disabled people can be trained to perform many useful jobs such as janitorial service, light kitchen duties, office work or hospital chores.

It has been proven that women are capable of carrying out certain military and Peace-Corps duties. In Israel women serving in the army have developed a national pride. Enforced enlistment would remove social stigma from military life for women while providing training for large groups normally denied formal education. Many girls, upon graduation from high school, have no chance of work except jobs offering no advancement.

There should be freedom in choosing the organization that you wish to work with aided by vocational guidance tests. Even the decision of when to join would be left to the individual within a limited time, such as seventeen to twenty-five years of age. This would allow time to finish college and graduate from school. The amount of time to be served in each branch would depend on the activity, with military duty and hazardous duty limited to one year plus whatever training was needed. Peace Corps workers stationed in primitive areas would serve two years, with other programs having an enlistment of three years. If additional enticements were needed in favor of the military then the pay scale could be adjusted.

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[1] *Peace in Vietnam*, a report prepared for the American Friends Service Committee.

[2] *The Living New Testament, I Corinthians* 13: 4–6, 13.

Many unforseen problems will arise in these or any suggestions for change of a program involving so many lives. A very flexible and realistic board made up of persons experienced in all fields involved would be needed to oversee the program. Complete information and counselling must be presented to all young people.

IS THERE A GENERATION GAP?

(TIE FOR THIRD RUNNER-UP)

(By Cornelia Sheppard)

It is my belief that there definitely exists a generation gap in our society. This, in my opinion, is not such a startling fact. As long as two or more generations exist in this world at one specific time, there will always be a generation gap. My generation is one that is inquisitive as past generations were, seeking new ideas, as past generations have done, and growing into young men and women, which older generations will agree isn't easy.

It is only logical that people of different generations will have their differences. Older people have walked the roads we have yet to trod. They have, as all humans, made mistakes that they want our generation to escape. They have grown up with apathy, segregation, discrimination and prejudices. Therefore, they remember the past with sorrow in some instances and hold strong biases against others.

My generation realizes that there are many problems in the world—hunger, poverty, apathy, war, social equality—and we are searching for some truths and answers. The problems that have been passed down through the generations have not been solved in the "white collar," "black suit," segregated society that has prevailed. The terms that I used above are my way of symbolizing a conservative society. How humiliating this world would be if things never change.

This is 1971. Men have walked on the moon. Surgeons have transplanted hearts. These are changing times, and we cannot live in this changing society unless we ourselves change. I am aware that there must be rules of society that everyone must obey and an anarchic society would be quite barbaric. But if I don't like what you like, who's to say which one of us is wrong? Society is people. People are human. It is only human to make mistakes. We must consider that the rules of society are not flawless. My generation feels this way and is trying to reevaluate these inherited principles.

Society is a cruel demon. People are judged not as individuals but by their outward appearance—length of hair, mod, vivid clothes, and other unconventional paraphernalia. One is judged by the character of his associates and isn't given a chance to be tried on his own merits. They must realize that we are all human and capable of error. Therefore, no one can pass judgment.

The generation gap is mainly due to an acute communication conflict. Parents seem to forget that they were once teenagers; eager to learn, wanting to assert their independence and trying to accept responsibility. They seem to forget that they were probably somewhat rebellious. If parents would communicate, associate, and relate to their children and cease to dictate, they would have a better relationship.

All the problems will not be solved. Understanding among parents is all that is needed. When a child is small his parents should teach him the things that are right. They should instill in him values that are clean and wholesome. They should be living examples of good citizens and should thereby establish good relationships with their children. Open communication with their children is a very important factor.

After a certain age, a child should be responsible enough, educated enough and mature enough to be trusted to make decisions. When a bird is a certain age, its parents push it out of the nest and destroy the nest. The bird is on his own and must think for itself. Maybe parents should take a lesson from the birds. Parents tend to hold on to their children too tightly and refuse to let them think for themselves. They forget they made mistakes and their children must make those same mistakes. A well-rounded person must experience every phase of life. All we are asking for is a chance and a little understanding.

THE GENERATION GAP

(TIE FOR THIRD RUNNER-UP)

(By Steve Tatum)

Yes, there is a generation gap. What is it? Is it peculiar to our modern times? Is it necessarily a bad situation?

What is it? The generation gap is an overworked phrase used to describe the difference in ideals of the young and the old. It is overworked because it has been used to describe every conflict in values between age groups since the "beginning" of the youth movement in the early sixties. The gap exists today, but in the eyes of the public it has taken a back seat to the war in Southeast Asia, the environment, and the racial problems, as the cause for national concern. Despite its recent lack of publicity, the gap still exists.

Is the generation gap peculiar to our modern times? Hardly! As long as there are young people, there will be a gap. The ancient Greeks described in their young people the same basic characteristics that we associate with our discontented youth: increasing social awareness and disenchantment with the system and its values as set up by the elders. The behavior of the Greek youth seemed just as outlandish to their elders as our behavior seems to ours. As long as there exists the idealism of youth, there will be disagreement with the caustic synicism of old age.

Is the generation gap a bad situation? Not at all. Our governmental system is based on the conflict of ideals we call the generation gap. If it were not for concerned, bright, young politicians, the country would be foundering in the quagmire of corrupt politics that usually develops when one group retains power for extended lengths of time. Our government is based on the system of checks and balances. If the young idealists and the old pragmatists did not continually check and balance each other's power, this country would be in the grips of Congressional tyranny with one group in power as in the case of the Radical Republicans during the Reconstruction period following the Civil War. The two groups do check themselves and the result is a set of laws that benefit the vast majority of the people.

The generation gap does exist; it was and is a problem, and it is an advantageous one.

WARNING AGAINST PREMATURE ADVANCED DEVELOPMENT OF ULMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FRASER. Mr. Speaker, Dr. George W. Rathjens, professor of political science at the Massachusetts Institute of Technology testified May 19 before the Ad Hoc Research and Development Subcommittee of the Senate Committee on Armed Services. In his formal presentation, which focused on the alleged gap between Soviet and United States expenditures for research and development, Rathjens raised the following issue:

> The situation as regards strategic weaponry seems to me drastically different. The present situation is one of great overkill and considerable stability. I do not expect ever to see the strategic weapons used—and if they are, I do not expect this Nation will survive as a going society; and that will not depend on whether or not one side or the other has somewhat superior weaponry. Thus, in the strategic area I submit we need not be much concerned about modest differences in performance between Soviet and American systems or even about whether all of the systems have been thoroughly tested. What we must be concerned about is the possibility of a major technological breakthrough that could so alter the strategic balance that it would be exploited against us politically or militarily. Our best insurance against such surprise will be vigorous efforts in research and possibly in some exploratory development. Such work will let us know what is possible. Until such time as a true breakthrough appears in sight, vigorous efforts at advanced development will be unnecessary and even wasteful. As an example, it would seem to me that freezing the ULMS design and going into advanced development would be premature at this time.

Hyman Fine, a professional staff member of the subcommittee, returned to Dr. Rathjens' comments on premature development of the Navy's Undersea Long-Range Missile System—ULMS—later in the session. Mr. Speaker, Dr. Rathjens' response to Mr. Fine's question points out that today the threat to our submarine nuclear deterrent systems—our Polaris and Poseidon systems—is only a "sort of vague fear." We must not undermine our existing deterrent—by accelerating the already rapid strategic arms race—nor severely cripple our future deterrent—by becoming locked in on an obsolescent system. It is dangerous to forge full speed ahead on the ULMS project without knowing our destination. There is no need to pursue advanced development work now. Continued research and preliminary development work should be the hallmark of our ULMS program until the threat, if any, to Polaris/Poseidon becomes real rather than imagined.

DISCUSSION OF LEAD-TIME

Mr. FINE. I think one other point should be clarified. You made reference to the ULMS program and you indicate that the dollars that were being requested in fiscal 1972 were to be used to freeze design and possibly initiate engineering development. Here again without knowing whether you have specific information as to what is planned to be done in fiscal 1972, I wonder, particularly with your background, recognizing a ULMS type of system has a lead-time which exceeds that of practically every other weapon system we have in the inventory, whether you are giving adequate consideration to that lead-time in making a judgment that we are proceeding too rapidly?

Dr. RATHJENS. Well, let me just make a very brief comment in this regard and then I cannot go as far as I would like because we are in open session.

The lead-time problem is a very severe one with ULMS. I agree with you entirely that it probably has a longer lead-time than any weapon system we can consider. But one of the problems with ULMS that I see is that one is really concerned about two different threats to it. One is the possibility of some kind of breakthrough in Soviet anti-submarine-warfare capability. We do not know what that could be.

I think Dr. Foster and every other responsible scientist would concede at present that the submarine systems are relatively invulnerable. It is only a sort of vague fear that we have that somehow this situation could change. How it would change is very ill defined. It could be that there could be a breakthrough in training. It could be a breakthrough in development of some kind of mines. It could be a breakthrough in sonar, improved localization using large arrays or something like that. Depending on what kind of breakthrough the Soviet Union might achieve you might want to design a rather different kind of submarine. Beyond that, another breakthrough you worry about against which ULMS might be a hedge would be a massive deployment by the Soviet Union of an ABM system. If that were to happen it would become important that ULMS be able to deliver large amounts of payloads so you could deliver many penetration aids, many warheads.

PROJECTION OF SUBMARINE WARFARE

If I can generalize—and I hesitate to do so, but I will at some risk—if the Soviet threat should develop along the antisubmarine warhead line I would think we would not want ULMS. We would want to build relatively large numbers of relatively small submarines as the best hedge. We would probably want to pay a very high premium to minimize the sub noise levels. Some of these things would have to be considered in a tradeoff of calculation.

On the other hand, if the threat should be a massive Soviet ABM system, we would probably want to build very large submarines simply because we could then carry large amounts of ordnance for a given expenditure of money. It is because of these great uncertainties in the potential threat to ULMS that I think one ought to try to put off any decision as long as one can. We may not want to build any. There may be no breakthrough in antisubmarine warfare, or in ABM on the Soviet side, in which case we would want to avoid any expenditure. So the important thing in this particular case would be to hedge as best you can against all of these possibilities. That probably means avoiding freezing the design at this time.

Now one postscript to all of this. I would emphasize that I'm focusing on the strategic area. Although the lead-time for ULMS is going to be long, the lead-time for the development of any Soviet capability that can seriously erode our overall strategic retaliatory capability will also be very long. The development of a massive Soviet antisubmarine warfare capability—one that would be 10 or 20 times or 100 times as effective as we have, and I think it would take that—would take an enormously long time.

So again in this overall area I think the important thing would be a very significant program that would permit us to identify as best we could, as early as we can, real breakthroughs, the real kind of breakthrough we cannot now foresee. The only way that I can imagine doing that is through work at the early part of the R.D.T. & E. cycle research and exploratory.

Senator McIntyre. Would a request for $109 million indicate to you a freezing in design?

Dr. Rathjens. Not necessarily; but it does mean to me more of a move toward development, as distinct from research and studies, than I think is probably warranted.

BUFFALONIANS RESTORE SITE WHERE THEODORE ROOSEVELT TOOK OATH AS PRESIDENT

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. DULSKI. Mr. Speaker, on next Tuesday morning, September 14, the citizens of Buffalo and western New York will see the culmination of a years-long effort to preserve the downtown Buffalo mansion where Theodore Roosevelt took the oath of office as President in 1901.

Research shows that concern for the fate of the mansion extends back more than 35 years when the Theodore Roosevelt-Spanish War Veterans Memorial Association launched a campaign to acquire the mansion as a memorial to Theodore Roosevelt.

That effort of the mid-1930's collapsed in a matter of months and the structure known as the Ansley Wilcox Mansion continued to deteriorate. It had served for a time as the location for a famous Buffalo restaurant.

In the early 1960's there was a rebirth of interest which reached its peak when a local real estate company threatened to demolish the structure and turn the space into a parking lot.

It was at this time that I became actively interested in the preservation of the Ansley Wilcox Mansion as a national historical site. I introduced appropriate legislation for its preservation, but my bill failed to clear the 88th Congress.

I reintroduced the measure in the 89th Congress and—despite endless frustrations—with the help of many Buffalonians, as well as many Members of Congress, the bill was enacted into law and signed by the then President Lyndon B. Johnson in November 1966.

Meanwhile, the mansion had been saved from demolition by the action of the Liberty National Bank which purchased the property as a public-spirited gesture. The bank agreed to hold the property temporarily while local supporters of the memorial mustered the necessary legislative and other support required for its preservation as a national historical site.

Ralph Dibble, reporter for the Buffalo Evening News, has narrated the intriguing story of the dedicated effort of many individuals in the restoration project.

Mr. Speaker, as a part of my remarks I include the text of Mr. Dibble's story on the love and persistence that went into restoring the mansion to the way it appeared that day 70 years ago when Theodore Roosevelt was summoned to Buffalo to take the oath of office as President succeeding the late William McKinley.

I also include a story from the same newspaper telling of the amazement of the National Park Service official at the speed with which the Buffalo committee moved to complete the restoration:

[From the Buffalo (N.Y.) Evening News, Sept. 2, 1971]

Love, Persistence Unravel Wilcox Home's Mysteries

(By Ralph Dibble)

It's a true detective story that began nearly four years ago with an empty old Delaware Ave. mansion and two photographs. In four years, the protagonists of the tale have solved more mysteries than they can count.

The last chapter isn't written yet and there's a good change the finale will be the most dramatic part of the story.

The mansion is what Buffalonians refer to as the Ansley Wilcox home, although Mr. Wilcox never owned it. Only four years ago, it was a forlorn, empty building with plaster peeling from the walls and a weed-grown yard.

The detectives are a determined group of Junior League members who set out to restore the library of the mansion to the way it looked Sept. 14, 1901, when Theodore Roosevelt stood in it to be inaugurated as the 26th President of the United States.

The old home, operated as the Kathryn Lawrence Tea Room and Restaurant for more than two decades, had been saved from demolition by an 11th hour designation as a national historic site.

JUNIOR LEAGUE ASSUMES CHORE

Then, the Junior League of Buffalo decided to take on the formidable task of bringing the mouldering old home back to life. Mrs. Richard S. Gallivan suggested it while she was project research chairman.

All they had were two photographs, taken a couple of hours after the inauguration ceremony.

The nation's leaders had only just filed out of the Wilcox library when a photographer climbed up on a chair in the northwest corner of the room and took two excellent black and white time-exposure pictures.

Mrs. Daniel C. Donaldson remembers how it began with minute examinations of the photographs with each piece of furniture, fixtures and other objects given a serial number, along with the best description possible.

Then, the Junior Leaguers began asking questions of friends, especially those belonging to some of the city's old families.

Gradually, they began finding some of the furnishings of the room in 1901—some in the attic of a Richmond Ave. home, others in an Akron flea market.

COUNTLESS HOURS OF EFFORT

No one could count all the hours of work when a group of Junior Leaguers gathered Wednesday for a briefing session in preparation for the official opening of the old home on Sept. 14 as the Theodore Roosevelt Inaugural National Historic Site.

In the group were the leaders of the restoration project and another group of members who will serve as what the league calls docents—or guides for visiting tour groups.

It was a poignant moment of pride in a labor of love for the project leaders as they stood by the restored north wall of the library and gazed through the wide windows cut into it for viewing.

It's certain that visitors to the mansion will feel some of the same tingle of excitement—the feeling of really traveling into the past.

Unlike the antiseptic rooms of famous homes like Mount Vernon and Monticello, the Wilcox library looks as though it were being lived in—right now.

THE "LIVED IN" LOOK

Books are out of place and clumsily on their sides at the ends of book shelves. A stack of magazines is slightly askew. And the chairs look as though they had been pushed out of place by someone standing in an overcrowded room.

The 1901 photographs were taken in a room that was much lived in and the work of the Junior Leaguers has brought it all back to life.

Leaders of the project walked into the room Wednesday and spoke into a tape recorder to provide information for present and future guides.

Mrs. Donaldson told of early visits to professional antique dealers.

She remembered contacts with members of the Wilcox family, especially a niece of Ansley Wilcox, Mrs. Mary Wilcox Plimpton of Boston. Mrs. Plimpton provided information on one thing the pictures didn't show—the colors of objects in the room.

Also giving a big assist was Mrs. Edwina Mitchell of Lancaster, who had succeeded her mother as a member of Mrs. Wilcox's Literary Club which hed its meetings in the library.

CONSULT THOSE WHO WERE THERE

Another Junior Leaguer, Mrs. Fred W. Eder told of how she discovered that Mrs. Nathaniel K. P. Patch of Richmond Ave. had been at the Wilcox house on the day of the inaugural and was familiar with the house.

Mrs. Eder's conversations with Mrs. Patch provided two vital links with the past. Mrs. Patch told of visiting the Wilcox house years after the inaugural and seeing to her dismay that workers were removing bookcases from the library.

Mrs. Patch persuaded them to give her one of the bookcases and she had it moved to her Richmond Ave. home. After they were given to the Junior League, the original bookcase was turned over to expert furniture makers who made copies of it.

In fact, a game the guides will play with the tour groups will be to ask if they can identify the original bookcase and the copies of it.

CANDLESTICK FROM SPINDLE

Mrs. Patch also had a candlestick made from one of the spindles on the original Wilcox home staircase. Using that for a starting point, craftsmen were able to re-construct the stairway in all its original beauty and grace.

Walls of the library were bare—all the way to the lathe in some places. But around woodwork, there were remnants of wallpaper.

Working from that, craftsmen of the Birge Co. made paper for walls of the restored room.

Mrs. Richard Wagner told of tracing two ceiling light fixtures to an Akron flea market operated by Kevin Hickey, a Buffalo policeman. Mr. and Mrs. Hickey were using one of them in their own dining room and had the other in a barn. They were turned over to restoration project.

It is hoped gas service will be connected in time to provide authentic gas lighting by the reopening date.

A tea table from the room was located in the Lafayette Ave. home of Mrs. Sarah C. Hoff. It had been a gift to her mother.

TITLE SEARCH WAS FIRST

Mrs. Wagner also described a title search by attorneys of the Liberty National Bank. Using that as a starting point, Junior Leaguers did exhaustive research on the Wilcox home which originated about 1840 as part of the Poinsett Army Barracks.

A chair that had been given to a Wilcox chauffeur was turned over to the Junior League by the Seifert family.

Mrs. John M. Montfort told of how she had traced a bronze floor lamp to a Lake Shore home. It was purchased through a $75 gift by the Allentown Art Society, along with a picture of Dexter Rumsey, Ansley Wilcox's father-in-law and actual owner of the house in the early 1900s.

Books for the library shelves come from the Dr. John C. Lord collection of 15,000 volumes, now in custody of the Buffalo & Erie County Historical Society.

Mrs. Theodore J. Stein Jr. told of tracing a black pedestal vase to the Barnabite Fathers who care for the Our Lady of Fatima Shrine in Lewiston. They quickly donated it to the historic shrine.

Mrs. Stein had spotted a picture of the pedestal in another old Buffalo home and traced it to the religious order through questioning members of that family.

CASH, AS WELL AS TIME, EFFORT

In addition to their hours of work, Junior Leaguers have chipped in $50,000 for the project.

It all seemed worthwhile Wednesday as they gazed in pride at the beautiful old room.

Speaking to the docents or guides, Mrs. Edward A. Rath told them, "The great and near great have trod the rooms of this house . . . I think you will love it as we have learned to love it."

Mrs. Rath thinks the end of the story isn't in sight yet.

Hundreds of invitations have gone out to members of the Wilcox, Rumsey and Roosevelt families to attend a pre-opening reception in the old home on Sept. 11.

The Wilcox home, at the turn of the century, is recalled as a house filled with children.

When some of the now elderly people return to the home furnished as they knew it in their childhood, many new links with the past may fall into place.

Mrs. Rath and her fellow Junior Leaguers think there is still more of the Wilcox home story to be told.

[From Buffalo (N.Y.) Evening News, Aug. 27, 1971]

WILCOX MANSION WORK AMAZES U.S. PARKS AIDE

"It's amazing the amount of work that's been done since I last visited here," the landmarks specialist for the National Park Service said today as he stood in the library of the Wilcox Mansion at 641 Delaware Ave.

Floyd B. Taylor who serves as landmarks specialist for the more than 100 historical and natural landmarks in the State of New York was here to see how preparations for the Sept. 14 opening of the Wilcox Mansion were progressing.

The opening will mark the 70th anniversary of Theodore Roosevelt's inauguration as President in the library of Wilcox Mansion on Sept. 14, 1901.

"I came here to make sure that all preparations are going according to schedule for the Sept. 14 opening and to see if the National Park Service can help in any way," Mr. Taylor explained.

"It is difficult to find appropriate adjectives to express my appraisal of the work accomplished here. The job is so complete that I wish we could recruit the staff that accomplished all this."

He added he will report to the director of the National Park Service that preparations for the opening are proceeding smoothly.

"The last time I was here on July 13, the place looked so different," Mr. Taylor said. "The lawn was filled with weeds and dead trees. The interior of the mansion was completely bare.

"But six weeks later, I arrive to find the place has come alive with magnificent landscaping and with books, shelves, staircases and clocks. It's unbelievable."

Mr. Taylor added, "I think this is the first Presidential memorial for which local organizations and staff developed the project plans."

Normally he said, the National Park Service has its own staff develop the plans for a memorial owned by the federal government.

Mr. Taylor cited Dr. Walter S. Dunn, director of the Buffalo and Erie County Historical Society, and his staff for their work in drawing up the project plans which were later approved by the National Park Service.

He also cited the community involvement, particularly the Junior League, in making the plans a physical reality.

Mr. Dunn and Mr. Taylor pointed to one example of community involvement—the wooden mantle surrounding the fireplace in the library.

"I understand that beautiful mantle was built by a local millwork," Mr. Taylor said. "The entire structure was recreated from photographs of the library from the early 1900s."

Mr. Taylor added he will be here for the Sept. 14 opening. "It will be the most important date for this mansion since 1901," he said.

CONSTRUCTIVE CRITICISM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. KEMP. Mr. Speaker, in a democracy, the various institutions—including of course the news media—should maintain a continuing, critical evaluation of the government's policies and programs. However, the news media also has a responsibility to point ou the negative aspects of a political campaign.

David Broder, the outstanding political columnist for the Washington Post, has pointed out the political campaign for the 1972 elections started earlier than ever before in history. Unfortunately, some Americans have interpreted as constructive criticism, phony attacks on the President by announced or unannounced candidates for President.

Perhaps our younger voters have been particularly susceptible to the disguised campaign rhetoric and have not been objective in evaluating economic or foreign policy on a broad basis. As a result, at this point, they may have developed a trend of going against the establishment.

But Bob Curran, writing in the June 26, 1971, issue of the Buffalo Evening News, points out that—

> The future for most "aginners" won't be as bright as the present is.

I commend his article to the attention of my colleagues and include it at this point:

NEGATIVE SIDE OF DEBATE: IS IT ALWAYS A WINNER?

(By Bob Curran)

Four weeks ago today I drove to Niagara University campus near Lewiston to see Taylor Caldwell receive an honorary degree. At the graduation ceremonies I saw two happenings that thrilled me.

At one point the graduating class applauded their parents. Later 24 young men were applauded by the class and the spectators as they received their commissions as second lieutenants in the United States Army.

Because of this experience I paid more attention to the graduation ceremonies at the different schools around here than I usually do. All in all, I was impressed.

As I read the different addresses by the visiting dignitaries, I found myself wondering what I would tell a group of young people who were just graduated from college. And I asked myself if this wouldn't be the best I could tell them: "Go against, young man! Go against!"

For openers I would refer them to the producers of what is usually referred to as "that courageous documentary," The Selling of the Pentagon.

The true description of it is "that phony show." And before those of you who always call me cute names reach for your stationery, I would point out that one of the iciest blasts against the way in which the show was handled came from the Washington Post, which has been the hairshirt of the Pentagon for years.

At one point in the show, we see Col. John A. McNeil talking. The five sentences he utters seem disjointed, but we are given the impression that he said them one after another as speakers normally do.

The first sentence came from page 55 of the text of a briefing Col. McNeil gave. The second is from page 36 of the script, the third from page 48 and the fourth from page 73. A TV editor put them all into one short speech that was a misrepresentation.

McNeil is quoted as saying: "If South Vietnam becomes Communist, it will be difficult for Laos to exist. The same goes for Cambodia and the other countries of Southeast Asia."

Before the taping McNeil made it clear that the above was a quote from Souvanna Phouma, the prime minister of Laos. The TV editor cut out the attribution and led the audience to believe McNeil said it.

In another part we see a Pentagon official at a press briefing say that he doesn't have enough information to answer three of what seemed to be a half-dozen questions posed, but would try to get it. At the press conference there were 34 questions asked and 31 answered. So while we were given the impression that only 50 per cent of the questions were answered, the real percentage was 91.

Now the people who produced the show and many of its adherents say the Pentagon's methods deserve exposure. That's all right with me, but if the case is so strong why is deception necessary in the presentation. And I just mentioned two incidents. There are others of the same nature.

After the program was attacked, it was awarded a Peabody Prize and then an Emmy Award. At the Emmy awards night the producers were given a standing ovation.

"Go against, young man! Go against!'

I guess for my second example I would show the young people a review of a new book by a writer described as "one of America's leading investigative reporters."

Some years back the writer was fired by a newspaper in New York City because the editors said he threw some fiction into one of his exposes to make it zestier.

So the "investigative reporter" turned to books, and being wise to the ways of the marketplace picked a surefire target in the Establishment—the Federal Bureau of Investigation.

Naturally he got a book publisher to print the book and bill him as "one of the America's leading investigative reporters." Who cared if he was known as a faker—his target was the prime consideration.

In this direction I have to advise the people who ask me how to get a book published that I can think of no surer way than by attacking J. Edgar Hoover and the FBI. Many hacks have done well doing that. As a gent said recently, "I have the feeling some people won't let up on Hoover until he apologizes to Dillinger."

"Go against young man. Go against."

Of course we have Representative Paul McCloskey who was an unknown until he announced he would lead a move inside his party to dump President Nixon. Overnight his campaign was financed by a man outside the party and two of his advisers are from Ted Kennedy's camp. Before long he was the party and two of his advisers are from magazine.

"Go against young man, Go against!"

Then we have John Kerry, whose acclaimed speech was written by Adam Walinsky, to this day friendly writers leave that fact out when praising the speech. When Kerry was asked about the bit about throwing medals away, he said that a TV producer told him that only a dramatic gesture like that would give the Vietnam Veterans against the War extensive coverage.

There is a veterans group that supports the administration and it has a lucid spokesman. But young John O'Neill is not getting much attention because he took the wrong direction and is on the side of The Establishment. He certainly didn't get the exposure given to Al Hubbard, who was presented to the nation on TV as a wounded Vietnam veteran and no one asked him for credentials he didn't possess because he had never been there.

"Go against young man. Go against!"

Then we have the Chicago 7, most of whom are getting wealthy from royalties on books. When you see how well they are doing, you can appreciate why Abbie Hoffman would say that if his friends and he didn't have a Vietnam they'd invent one.

But anyway, I wouldn't give that advice about "going against" to our young people because I believe in them. And I am confident the American people are not gullible as some show-biz types think they are. Accordingly I figure the future for most "aginners" won't be as bright as the present is.

PLAN TO REDUCE SOYBEAN LOSES DURING HARVEST

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. FINDLEY. Mr. Speaker, Secretary of Agriculture Hardin has joined with leaders of the soybean industry to support a program to help farmers retain up to 6 percent more soybeans through care during the harvesting process this fall.

I commend Secretary Hardin for this positive step which, without a doubt, will contribute greatly to the net income of the Nation's soybean producers.

Illinois is the leading State in the Nation in the production of soybeans and annually produces one-fifth of the Nation's total soybean crop. This year Illinois farmers alone expect to harvest 7,208,000 acres of soybeans.

The program endorsed by Secretary Hardin for a more efficient harvest could help farmers save 3 bushels per acre. At current soybeans prices, that is nearly $10 an acre, or for the State of Illinois alone, more than $70 million for this year.

The soybean harvest plan endorsed by Secretary Hardin emphasizes that the key to saving more soybeans at harvest time is the efficient adjustment in operation of harvesting combines.

The seven-point harvest plan which was presented to Secretary Hardin by leaders of the soybean production industry is: First, begin harvest when soybean seed moisture reaches 13 percent; Second, harvest at an average combine speed between 2.5 and 4 miles per hour; Third, count lost beans on the ground before combining so preharvest losses are not charged against the combining operation; Fourth, match ground speed to reel speed to reduce shattering; Fifth, cut soybeans as close to the ground as possible to harvest even the lowest pods; Sixth, measure soybean losses from cutting, gathering, and threshing operations to pinpoint necessary adjustments; and, Seventh, continually adjust the combine to changing crop conditions.

I salute Secretary Hardin's initiative in supporting this program which has a potential of saving the Nation's soybeans producers more than $350 million.

THE UNFINISHED APPROPRIATIONS BUSINESS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. MAHON. Mr. Speaker, I should like to just briefly restate the business of appropriations which remains to be finalized in this session. Of the 14 regular annual appropriation bills, nine have been signed into law; one is pending in conference; and four remain to be reported to the House. I should add that there will also be a catch-all supplemental bill.

BILL PENDING IN CONFERENCE

The public works-AEC appropriation bill for fiscal year 1972 has passed both Houses and is awaiting conference. Finalization of action on it can be expected shortly. As passed by the House, that bill was $39.7 million below the related budget requests. As passed by the Senate, it is $100.9 million above the related budget requests.

BILLS YET TO BE REPORTED

The four regular bills for fiscal 1972 yet to be reported to the House are: Defense; military construction; foreign aid; and District of Columbia.

As Members know, necessary authorizations have not yet been provided by Congress for these appropriation measures. In total, the four bills involve budget requests of approximately $80 billion.

The Committee on Appropriations is in position to move promptly once the related authorization bills are sufficiently far advanced to enable the committee to mark up the appropriation requests.

Hearings on the Department of Defense appropriation bill were concluded 3 months ago. The authorization bill, H.R. 8687, is now pending in the other body.

Hearings on the military construction appropriation bill were concluded about 2½ months ago. The authorization bill, H.R. 9844, is pending conference action.

Hearings on the foreign assistance appropriation bill were concluded over 2 months ago. The authorization bill, H.R. 9910, is pending in the other body.

Hearings on the District of Columbia appropriation bill were concluded prior to the summer recess but that bill is significantly dependent on revenue legislation which the House has yet to consider.

We would expect to shortly receive necessary supplemental appropriation requests from the President, and when received the committee will get busy with their consideration.

ACTION ON 1972 APPROPRIATION MEASURES

In addition to the nine regular appropriation bills for 1972 which have been signed into law, there were two special resolutions, one for $1 billion for the emergency employment assistance program and the other for a special summer feeding program for children.

In the 11 measures involved, budget requests for appropriations—new budget authority—of $70.3 billion were considered. Congress, in these 11 measures, approved $72.6 billion, a net increase above the budget requests of about $2.3 billion. I should note that this net increase of $2.3 billion above the budget needs this qualification:

First, in relation to the overall budget recommendations of the President, it is an overstatement of congressional action to the extent of $1 billion which is in the budget as a proposed supplemental for special revenue sharing relating to certain housing and urban development programs as a substitute for only 6-month funding of some of those programs; Congress, in the appropriation bills, funded them on a 12-month basis, and the extra 6 months shows up as an increase—more apparent than real—above the specific budget requests.

Second, likewise, in relation to the overall budget recommendations of the President, the $2.3 billion is an understatement of congressional action to the extent of $400 million in connection with proposed legislation in the budget relating to student loan funds dealt with in the education appropriation bill.

In other words, taking into account these two factors, the net increase is approximately $1.7 billion above the overall budget requests.

COMPREHENSIVE BUDGET SCOREKEEPING REPORTS

The figures I have given relate to the appropriation bills reported out of the Committee on Appropriations.

For general reference purposes of Members and others, it may be of interest to again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriationwise and expenditurewise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures—backdoor bills, bills that mandate expenditures, and so on.

Several such reports have been issued this year—the latest one as of August 6. Copies are sent to the office of each Member.

MAKE GOVERNMENT SURPLUS PROPERTY AVAILABLE TO DAY-CARE CENTERS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. PEYSER. Mr. Speaker, on July 27, 1971, I introduced H.R. 10112 which if enacted, would enable nonprofit day-care centers, both existing and potential, to obtain surplus Federal equipment and supplies. Last year, $254.3 million worth of property was distributed to civil defense, public health, and educational groups. Ninety percent-plus of this went to educational institutions. Unfortunately, day-care centers are deemed social services under the Federal Property Administration Services Act of 1949, so although these centers are often in dire need of capital, they are unable to use this source of equipment. One of the purposes of the Comprehensive Child Development Act is to give day care a positive image; granting centers status on a level with educational services would help accomplish this. By adding day care centers to the list of groups eligible for surplus property, we can increase financial support for them at no extra cost to the taxpayer. I hope the Committee on Government Operations will give this legislation its prompt consideration and report this bill out to the floor.

A BUDGET-BUSTING DAY IN CONGRESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. SCHMITZ. Mr. Speaker, taxpayers who wonder where and how it is that so much of their money goes so fast here in Washington could have witnessed a striking—if rather depressing—object lesson by watching the proceedings of the House of Representatives July 27 on the final version of the appropriation bills for "agriculture-environmental and consumer protection programs" and for the Department of Labor and of Health, Education, and Welfare—except for the Federal aid to education programs—for fiscal year 1972. These two appropriation bills alone represented an increase of more than $1½ billion over this year's budget—already a huge increase over last year's—in the face of a deficit now estimated at $23 billion.

The recent history of the agriculture program appropriations is a particularly graphic demonstration of the continuing process of budget busting by Congress Here is the sorry record:

Budget authority enacted to date, fiscal 1971: $9.559 billion.

Budget authority requested by the administration for fiscal 1972: $12.107 billion.

Budget authority granted by original House appropriation bill this year: $12.426 billion.

Budget authority granted by final version of this year's appropriation bill: $13.279 billion.

As is obvious at a glance, every new step in this process involved added spending. The final total of $13.279 billion represents not only more than a billion dollar's increase over this year's budget request by the administration but a colossal 38.9-percent increase over comparable funding last year. Budget increases of this magnitude cannot possibly be sustained indefinitely, yet no end is in sight. On the contrary, they have become so routine as to rate hardly a line of print in our daily newspapers.

A famous humorist once said that "the people are never safe while Congress is in session." Since Congress is now almost always in session, regularly spending the American people's money in the manner so well exemplified by the proceedings July 27, it appears that the people are never safe any longer.

Later on that same day, the House voted a 17-percent increase over last year's appropriation for the Department of Labor and for all programs of the Department of Health, Education, and Welfare except aid to education. In this case the House added almost $100 million more over and above the budget request, by floor vote, in defiance of its own committee report, after the committee-approved bill had been proudly presented to the House as being already $322 million over the budget and $2.879 billion over last year's appropriation.

Although the agriculture bill, with its 39 percent budget increase, received 162 "No" votes, only 25 of the elected Representatives of the American people could be found to vote against the 17-percent increase for the Departments of Labor and of Health, Education, and Welfare.

As Congressman FRANK T. BOW, of Ohio, said when it was all over:

> I am wondering what they are going to say about inflation now. I wonder whose responsibility it is going to be.
>
> It is about time that we began to stop, look and listen when it comes to expenditures of this kind.

A nation which habitually increases already large government expenditures by percentages so greatly in excess of its combined rates of economic growth, population growth and inflation, is on a toboggan either to bankruptcy or to a completely Government-dominated and Government-absorbed economy—or to both.

THE DILEMMA OF UNEMPLOYMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues the following item on unemployment:

[From the Knoxville (Tenn.) Journal, Aug. 11, 1971]

THE DILEMMA OF UNEMPLOYMENT

The rate of unemployment is an unsteady index of the state of the national economy, as was pointed out a couple of days ago by Clark MacGregor, the President's liaison man with Congress, who is a former member of the U.S. House of Representatives from Minnesota.

He said in an interview that a big factor in economic conditions is the transition between war and peace, asserting that more than a million people "who were getting a paycheck from Uncle Sam are now doing something else or looking for work."

MacGregor added, "Unemployment is not up; unemployment is down . . . People forget that unemployment ran higher when President Kennedy was President than with President Nixon."

As encouraging factors he cited a rise of about $52 billion in the gross national product, record retail sales in June and July, and reduced inventories.

Unemployment, it would seem, will be a perpetual problem. Because the civilian labor force is constantly fluctuating but growing in the long run employment statistics can be rather misleading. Comparison between conditions at one time with those of another is never clearly delineated.

Latest available figures showed the total U. S. civilian labor force at about 84 million with some 4.9 million unemployed. That is 5.8 per cent.

In 1961, according to the Bureau of Labor Statistics, the labor force was only 70.459 million and unemployment was 4.714 million, which was a rate of 6.8 per cent. President Kennedy was then in office, as he was through most of 1963, when the labor force was reported at 71.833 million and unemployment at 4.070 million, or about 5.7 per cent.

A low level of unemployment was 2.817 million in 1968, when Lyndon Johnson was President. By then the labor force had grown to 78.737 million, and the ratio was only 3.6 per cent. But the smallest percentage of unemployment was in 1969, after Richard Nixon took office. The labor force was up to 79.691 million, unemployment was 2.789 million and the rate was but 3.5 per cent.

Since that year, however, the labor force has swelled by more than four million, creating a situation in which the rate of unemployment rises even if total employment remains constant or increases a little.

So the nation has a most intricate problem, one which appears to defy a satisfactory solution—too many potential workers facing an inadequate number of jobs for their expanding ranks. If there is a possible definitive answer, neither the economists nor the politicians have found it yet.

MANY HELP IN RESTORATION OF SITE WHERE OATH TAKEN BY THEODORE ROOSEVELT IN 1901

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1971

Mr. DULSKI. Mr. Speaker, there are many, many persons who have played vital roles in providing authenticity to the restoration of the Buffalo, N.Y., mansion where Theodore Roosevelt took the oath of office as President 70 years ago next Tuesday.

The job of restoring an old and misused property requires much patience, research, and ingenuity when one seeks to carry out all the details of conditions that existed at a specified time in history.

Fortunately, a photographer took several excellent pictures of the mansion interior within minutes after the guests had left the ceremony in which Theodore Roosevelt took the oath.

Widespread research resulted in locating many items of furniture and other remnants which provided the basis for preparing duplicates and replacements.

The fabric responsibility, such as the lace and chair coverings, draperies, rugs, and so forth, was assumed by the Junior League Wilcox Committee which devoted countless hours and contributed considerable dollars to aid in the project.

The Cheektowaga Chapter of the Home Bureau also was active.

After years of effort, the Ansley Wilcox Mansion in Buffalo, where Theodore Roosevelt took his oath, will be dedicated as a national historic site on next Tuesday, September 14.

The authorization for the mansion's designation as a national historic site resulted from legislation which I sponsored and which was signed into law in 1966.

The act provided for the National Park Service to purchase the site for $250,000 and to provide an additional grant of $50,000 toward restoration.

The balance of the cost of restoration has been borne by local contributions, as well as many priceless donations of original Wilcox furnishings which have been located after much searching—and research—around the country.

The work of the women in refurbishing the mansion has been well documented by a story by Betty Ott Plants which I include as a part of my remarks:

[From the Buffalo (N.Y.) Courier-Express, Sept. 3, 1971]

LACEWORK FOR WILCOX HOME SUPPLIED BY CHEEKTOWAGAN

(By Betty Ott Plants)

Thanks to the able fingers of a Cheektowaga woman and an old pattern booklet she saved, crochet work for the Wilcox Mansion will be authentic.

Twelve yards of hand crocheted lace edging the brown velvet cloth on the library table in the restored mansion, the work of Mrs. Paul A. Grau Jr. of George Urban Blvd., Cheektowaga, is one of the many items copied or restored from the past to be seen at the Theodore Roosevelt Inaugural National Historic Site on Delaware Ave.

The lace and chair coverings, draperies, restored furnishings and rugs represent hundreds of hours of time and labor put forth by individuals, organizations and businesses under the supervision of the Junior League Wilcox Committee for the restoration project. The results of these efforts will be seen at a contributor's reception at the mansion Saturday afternoon, Sept. 11, and at the official opening Tuesday morning, Sept. 14.

Mrs. Grau, a member of Cheektowaga Chapter of the Home Bureau submitted samples of crocheted lace when the chapter joined the restoration project after hearing Dr. Walter S. Dunn Jr., director of the Buffalo and Erie County Historical Society, and Mrs. Julia Reinstein, Cheektowaga Town Historian, discuss the subject at a membership tea in 1969.

OLD BOOKLET PROVIDES MATCH

Since hand crocheted lace varies from one person to another, it was decided that Mrs. Grau would make the entire 12 yards of edging for the brown velvet library cloth. The chapter furnished the material.

The pattern was selected from a 10-cent booklet from the Star Book of 100 etchings, published by the American Bread Co., in 1942.

Mrs. Grau laughingly said, "I save many things, but I never believed saving this booklet would mean so much in matching crochet patterns dating back to 1901."

She said it was her mother, Mrs. John Tolom of Nanty Glo, Pa., who taught her to sew when she was about 8 years old. A next door neighbor in Nanty Glo, Mrs. Michael Kalemak, taught her how to crochet.

Mrs. Grau estimated it took her about two months to crochet the 12 yards of edging. She was busy with the needle during much of her free time and while watching late television programs. She has used 1,600 yards of Lily ecru cotton crochet thread to complete the lace for the library table.

Her nimble fingers are still busy as she aims to meet the reception deadline for completion of a lace antimacassar for the headrest on the deep maroon leather, button back Morris chair in the library. She estimated 1,600 more yards of thread will be required to complete it. "Twelve patterned squares are done," she sighed, "and 18 more to go."

HEIRLOOM PILLOW HELPS

The center pattern for the antimacassar was selected from a pattern on an heirloom pillow Mrs. Grau had in her trunk of "things I save." The rest of the design was created by Mrs. Grau.

"It's funny how few young people want to do anything as tedious as this type of work today," she said. "I don't want any medals for my efforts. It's been fun to do and I've enjoyed helping in something so worthwhile."

She recalled one of her mother's anecdotes so often heard at home—"Idle fingers are the devil's playmates"—and said that this training has carried through all these years.

Mrs. Grau said that her daughter, Mary, who was married in July, now Mrs. Joseph J. Falcone of Philadelphia, can sew and do handiwork. The Graus also have a son Paul A. III, who will enter his junior year, studying economics at Oswego State College.

"The 75 members of our Cheektowaga Chapter of Home Bureau are always interested in doing community work," said Mrs. Eugene J. Wozniak of McNaughton, Cheektowaga, chairman, "and handicraft work for the Wilcox Mansion restoration seemed a most fitting project. These efforts will make it possible for other generations to see what members of Home Bureaus can do for the community," she said.

In the past years the chapter has collected toys and clothing for the West Seneca State School and made white shirts into gowns for the patients at Erie County Home and Infirmary at Wende. The group also makes cookies for the patients at Wende.

Mrs. Virginia Hill Inman, who in private life is Mrs. Eber C. Inman of Soldiers Pl., and a member of the American Institute of Interior Designers, has had a deep concern for the preservation of the Wilcox Mansion as well as other Buffalo historical sites. As a representative of the local group of A.I.I.D., she offered her services in an advisory capacity.

TAPESTRY FROM ENGLAND

Mrs. Inman has been attending the monthly meetings of the Junior League Wilcox Restoration Committee with Mrs. Edward A. Rath Jr., chairman, for the past year. Mrs. Fred W. Eber and Mrs. Robert C. Wagner are active volunteers in this committee.

Mrs. Inman tracked down patterns needed for period fabrics to nearly duplicate the original library furnishings. Peter Apel, vice president of the Arthur H. Lee fabric house of New York City, contributed necessary yardage of antique woolen tapestry handwoven in England, suitable for the occasional lady's chair once used by the late Grace Wilcox. The chair is mahogany with small side and back spindles extending from an upholstered back rest.

It was given by Mrs. Wilcox to her former chauffeur, the late John H. Guldner and his late wife. They used the chair in their home until a year ago when they passed it on to their granddaughter, Mrs. Robert F. Seifert and her husband of Lisbon Ave. When Mrs. Seifert learned that the mansion would be restored she felt it belonged in its original setting and gave it to the Historical Society.

The fabric, for this chair in a tulip design of brown, blending to deep blue tones and soft gold to rose shades is valued at $135 per yard. Mrs. Inman had the chair upholstered and supplied the labor for making the draperies in the library and exhibit rooms of the mansion. The drapery fabric was donated by Payne & Co. of Dayton, Ohio, through its Buffalo representative, Robert McGorray.

The draperies in the library are of silk gold-colored gauze, lined with opaque ecru-colored satin. The draperies in the exhibit and orientation rooms are of plain gold fabric with a dull satin finish, lined with ecru satin.

BOOKCASE COMES BACK

The library bookcase, an original piece in the library in 1901, was donated by Mrs.

Nathaniel K. B. Patch of Richmond Ave. The seven-shelf oak bookcase will be filled with period books in time for the opening. A small spindled gallery details the top of the case. Mrs. Patch the former Ethel Chapin, recalls standing out on the lawn in front of the mansion at age 18 watching the inaugural ceremony in 1901. Her father the late William H. Chapin, was New York State inspector general, charged with the safety of the officials inside.

Mrs. Dunn Jr., wife of the Historical Society director, has given an occasional table from her home that looks like one of those in the original furnishings. The table of fruitwood has a scalloped edge and is styled with bowed-legs and matching shelf.

According to O. William Shelgren Jr., architect for the restoration project, the mantlepiece in the library was completely rebuilt to specifications from an enlarged picture of the room taken at the time of the inauguration. He said the wood is of fine, straight quartergrained natural white oak and features a spindled gallery at the mantle top and spiraled and vertical grooved columns at either side.

ORIGINAL WALLPAPER REPRODUCED

The architect and restoration committee found fragments of the original Victorian wallpaper in the mansion which has been reproduced by the Birge Wallpaper Co. It covers walls of the library and hall. After reproducing the paper in a filigreed pattern of a rich, satin finish gold background with a black, white and dark green embossed design, the Birge Company was so pleased with the results that they plan to put it into their new line of papers. They designed a deep border embossed frieze to complement the paper.

The Charles Markarian & Sons, oriental rug merchants will complete the finished look of the room by lending a 60-year-old Herez oriental 6 by 9 rug for the library floor.

It has brown and ivory tones with an all over geometric design. Other throw rugs of oriental designs will cover the open floor areas. Also on loan, will be an oriental prayer rug used over the window seat couch, woven of antique red and gold threads.

It is due to the efforts and generosity of such community-minded citizens, along with many more people behind the scenes, that the Wilcox Mansion will be "dressed" for its grand opening this month.

LET'S GO TO WORK

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. BAKER. Mr. Speaker, President Nixon spoke about the "work ethic" of America in his Labor Day address to the Nation. He says our "work ethic" is another name for the competitive spirit in this country.

To my mind, one of the most significant points in the address came when he said:

> . . . labor is good in itself . . . a man or woman at work not only makes a contribution to his fellow man, but becomes a better person by virtue of the act of working.

In a pre-Labor Day editorial, the Chattanooga News-Free Press had some things to say about the "work ethic" in America and they compliment what the President said in his address the following day.

I wish to call this excellent editorial to the attention of my colleagues. Its title is most apropos as we attack the pile of legislation remaining to be considered in this session of Congress: "Let's Go To Work."

LET'S GO TO WORK

Time was, a father considered the best advice he could give a son going out on his own was to give "an honest day's work for an honest day's pay." Along with that counsel went the suggestion that, whatever the job he took, give it all he had—"if you're a ditch-digger, be the best ditch-digger there is."

Often that was all a young man could become, because educational opportunities and the chances to move ahead in business or industry were limited. But the expansionary movement in all fields of endeavor has ended that era of limitation. It's true that circumstances sometimes smash dreams, but the rewards are there for those who will work for them.

Sadly, however, we've seen the national mood change from the "give-it-your-best" period, which might have been happier days after all. People everywhere, workers and management, want the rewards quickly, and too often they want them with as little effort as possible. Money, and the things it will buy, has taken precedence over productivity.

We're paying for it right now. We are gripped in a "frozen" inflation that has been the result of bad example by irresponsible government spending and the no-win war of goods prices and labor costs. While our international competitors have badly outstripped us in rate of productivity, we have plunged into the gathering storm of skyrocketing wages and prices. It has to end, sometime. It could end in complete financial chaos. The storm will rage anew when (and if) the "freeze" is lifted, unless we find sound fiscal purpose as government and people.

There can be endless debate on blame; there's enough for everybody. Undoubtedly, some management has been overly-keen on profit-taking and has not invested soundly in plant modernization that would encourage greater productivity. Workers have demanded higher pay, often for less work or featherbedding practices and "fringe" benefits that add to costs. We are all victims of the ensuing higher prices, even as we howl with some justification that government is too quick to tax more and more to be and do "all things for everybody."

The time has come to weather the storm. A beginning will be a reversal of national mood from "grab" to "give." Scorn is heaped on harkening to the "good old days," but here we can call it a lesson from history: Give it all we've got, wherever we work at our jobs. If we produce more and better goods and services, our money will be worth more. The solution could be as simple as that.

MARY GROSSO: AN OUTSTANDING UNION LEADER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PATTEN. Mr. Speaker, on October 24, 1971, Mrs. Mary Grosso, of New Brunswick, N.J., an outstanding union leader, will be given a testimonial dinner on her retirement.

Mary has been an active leader in the union field for 27 years and has not only gained the respect of the thousands of union members she has served with such dedication. but has earned the respect of management, as well. And there are valid reasons for this remarkable feeling that both labor and management have for this exceptional person. Mary Grosso is partisan, but she is also fair. She is tough, but she is warm. She is firm, but has wonderful human qualities.

Mr. Speaker, many of the gains that union members often take for granted are due to the efforts of union leaders like Mary Grosso. Higher wages, longer vacations, improved fringe benefits, more equitable grievance procedures, and other gains that members enjoy today, she helped make possible.

What Mary Grosso has done for the Textile Workers Union of America—especially for her beloved Local 630—will always be remembered. She has dedicated her life to helping union members—not for money, not for glory, not for self-gain, but because she believes in unions and knows that they improve conditions for workers.

So, Mr. Speaker, I salute Mary Grosso on her pending retirement. I am grateful for having the privilege of knowing her as a union leader over the years and I can honestly say that she is one of the most dedicated leaders I have ever known. I, for one, will never forget her as long as I live, and neither will any other person who has known her. And to know Mary Grosso is to respect her, to admire her, and even to love her—for her inspiring leadership, for her superb integrity, and above all, for the great compassion she has for people.

CONGRESSMAN WYATT REPORTS ON RESULTS OF HIS POLL

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WYATT. Mr. Speaker, I have just sent to my constituents in the First District of Oregon the results of my 1971 questionnaire. I would like to share these with my colleagues in the House, as I believe the results are most informative, and in some cases very surprising.

TABULATION OF REP. WENDELL WYATT'S 1971 QUESTIONNAIRE

[All figures in percent]

1. To get families off welfare, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this alternative to the present welfare system? Yes, 83.7; No, 10.4; No opinion, 5.8.

2. Do you approve of the way the Nixon Administration is handling the conduct of the Vietnam War? Yes, 32.2; No, 62.4; No opinion, 5.3.

3. Would you favor a federal program which would actively provide information on ways to control the size of families? Yes, 74.1; ;No, 21.3; No opinion, 4.6.

4. Do you favor federal legislation to legalize abortions nationwide? Yes, 60.8; No, 32.9; No opinion, 6.3.

5. Would you favor stringent federal controls on air, water and land pollution by industry even though this may result in higher taxes for you? Yes, 73.7; No. 21.4; No opinion, 4.8.

6. Should the federal government impose wage controls in order to slow inflation? Yes, 67.7; No, 24.1; No opinion, 8.2.

7. Should the federal government impose price controls in order to slow inflation? Yes, 72.3; No, 20.3; No opinion, 7.5.

8. President Nixon has proposed a program of revenue sharing with state and local gov-

ernments. Would you favor returning a share of federal taxes to the states and local governments, with no restrictions on how the funds are to be spent? Yes, 45.0; No, 45.5; No opinion, 9.5.

9. Do you think the federal government should provide a medical insurance program to everyone, even if it meant higher taxes to you? Yes, 38.6; No, 54.9; No opinion, 6.4.

10. The construction of the Supersonic Transport (SST) passenger plane has created controversy because of the noise problem and the possibility of increased air pollution. On the other hand it will provide new jobs and advocates argue that it will help the balance of trade problems of the United States. Do you favor using federal money to support the construction of the SST? Yes, 26.2; No, 68.1; No opinion, 5.7.

11. In general, (a) How would you rate the performance of President Nixon? (b) How would you rate the performance of Vice-President Agnew? President Nixon: Excellent, 7.3; Good, 29.7; Fair, 36.6; Poor, 26.3. Vice-President Agnew: Excellent, 10:2; Good, 24.8; Fair, 26.4; Poor, 38.6.

12. What, in your opinion, are the top domestic issues confronting the United States today? Please rate first, second, third. Inflation, 44.6; Law and Order, 20.2; Environment, 15.7.

FRIENDS OF THE KENNEDY CENTER

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, September 9, 1971

Mr. McGOVERN. Mr. President, on Tuesday of this week I had the privilege of attending the Kennedy Center performance of Mr. Leonard Bernstein's Mass. It was a beautiful experience.

Beyond this, I am convinced that the new Kennedy Center, under the direction of Mr. Roger Stevens and Mr. William Blair, will, for years to come, play a marvelous role in the cultural life of our Nation.

Much of the credit for the creation and launching of the Kennedy Center must go to a voluntary citizen's group first headed by Mrs. Frank Wisner, and now by Mrs. Polk "Lili" Guest.

The Washington Post of Sunday, September 5, carried an excellent article about Mrs. Guest, her remarkable life and personality, and the role of the Friends of the Kennedy Center. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL WORK AND NO PAY, LILI GUEST WINS FRIENDS FOR THE KENNEDY CENTER

(By Sally Quinn)

Last May, 3,000 of the politically and socially elite gathered at the John F. Kennedy Center for the Performing Arts for one of the most widely heralded social events since the Inaugural Balls.

Only this one was bi-partisan. High ranking Republicans and Democrats alike overcame party affiliations and members of the Gala Committee helped them by making sure they found their tables in separate theatres.

Joan Kennedy played the piano with Peter Duchin in the cabaret and Ethel Kennedy danced with Andy Williams. Mamie, Julie and David Eisenhower, in the main ballroom in the grand hall exchanged courtesies with Martha Mitchell and Henry Kissinger.

Most of Washington society had been working for years toward the gala and wouldn't have given up that night in May for anything.

But there was one person—who had been responsible for much of the initial enthusiasm for the Kennedy Center—who wasn't there.

It was Mrs. Polk "Lili" Guest, chairman of the Friends of the Kennedy Center.

She was in the garage manning the complaint center. Wearing a simple evening dress, and a "smile" button ("one paper called to ask if I was planning to wear my grandmother's jewels"). Mrs. Guest spent the evening in the cold dampness by the escalator listening to what people thought was wrong with the Center.

"We had a ball," she says with a smile, "and very few complaints."

"When I first met Lili Guest," says Marilyn Robinson, a black reported for WRC–TV, "I was working in the publicity office for Friends. She walked into the office and she looked regular and she talked regular. But when she left someone told me she was one of the biggest socialities in Washington. I never saw her nose in the air, and I never saw the minks and the diamonds. She came to us for advice, let us make our own decisions and if we needed something down home we'd just go to Aunt Lili for the dirt. She may have been one of the high-mucky mucks but she didn't care if anyone else was."

"Aunt Lili's" upper class New York accent doesn't get in her way.

She likes to eat "high off the hog" at Sans Souci, across the street from the office, or order out Chinese food and eat around her desk with the rest of the staff.

She is as likely to be having a seated dinner for members of the D.C. Youth Orchestra as she would for Ambassadors or Cabinet members.

She could as happily sit in a box at the opera in evening dress as put on blue jeans and tend mules at her farm in Middleburg, Va. (She kept and fed the Southern Christian Leadership Conference mules after Resurrection City had disbanded and they couldn't make it home.)

Lili Guest is a working girl. For the last four years, as chairman of the Friends of the Kennedy Center she has come to work between 9:30 and 10 a.m. each day, left between 5 and 7:30 p.m. and taken off several weeks of vacation just like regular employees. She pays her annual $25 membership fee and until recently "I was paying $600 a year parking just for the privilege of working for the Friends." Eventually she was given a free parking space. That is her only monetary compensation for her hours spent at the Center.

The Friends of the Kennedy Center were originally a group of interested and well placed people in Washington who were told to "go out and make friends for the Kennedy Center" before its was even under construction. With the name Metropolitan Washington Area Fund Raising Campaign under the chairmanship of Mrs. Hugh D. Auchincloss, the mother of Jacqueline Kennedy Onassis, Mrs. Guest, Mrs. Frank Wisner, Mrs. Llewellyn Thompson and others did just that. Later they established the Friends of the Kennedy Center under that name to be an auxiliary organization of the center, paying its own way by having membership subscriptions.

The first year Mrs. Frank Wisner was the chairman and founding membership subscriptions were $25 a year. Now they have gone up to $50 a year for Washington residents and $35 for out of towners. For that they get preferential handling of tickets, better seats, advanced information and a newsletter. There are also $5 a year memberships for those who want just the newsletter and advance information.

Since 1966 the Friends membership has grown to 6,500 people all over the country with three of them recently becoming life time members at $1,000 each.

The membership includes educators, college students, people involved in the arts and "though it's not a social thing it does have its social aspects," says Mrs. Guest. It has been mainly through the National Council of Art's social connections that many of the "Friends" have been made and kept.

The Friends had children from all over the world paint panels to hide the construction site, started the American College Theater Festival, ran the information center at the site and still maintain a speakers' bureau, financing their speakers.

Though the Friends as an organization did not put on the gala in May, the major organizers were all members and they used Lili Guest's office as their own.

If they need to raise money they will put on a benefit such as the picnic box-supper movie two years ago with people paying for the tickets according to their financial situation.

With Friends money Lili Guest helped to support the first black blues festival in Washington, put on by Topper Carew, director of the New Thing Art and Architecture Center.

"You get to know more people in a normal way through the arts," she says. "When people are in the arts you take them for what they're doing, not because they're young or black."

"Lili Guest is a beautiful woman, no . . . say lady, a beautiful lady," says Topper Carew of Mrs. Guest. "She's one of the few artistocrats who's really an aristocrat, and one of the few I choose to relate to. She and I have been very good friends for a few years. Our relationship is one of mutual respect."

Though the Friends is a branch of the Kennedy Center, their offices are on the same floor of the Federal Building on 17th Street as the center. Roger Stevens, Chairman of the Kennedy Center, and William McCormick Blair, general director, pop in and out of her office to ask advice or discuss problems.

"We listen to Lili because she has lots of good ideas and she's a very bright person. You might say she's experienced in the ways of the world," comments Roger Stevens.

The problems of the center Lili Guest considers her own and has quick answers for the two most frequent criticisms.

"People are always saying we're pushing the Kennedys and the center is nothing but a Democratic project. That's simply not true. We're bipartisan. You can't do more than have Mrs. Eisenhower, David and Julie and Martha Mitchell at the gala to prove it.

"If Republicans don't want to come because they think it's a Democratic thing it's the same thing as my saying I can't go to Lincoln Center in New York because he was a Republican."

Criticism number two is that the Kennedy Center is not really for all the people, that it's just for the elite and the rich who can afford the expensive tickets.

"That's just not a valid criticism until we've been open a year," she says. "We have a wide range of programs that will appeal to a lot of different people, we have a lot of $5 memberships and already the upper tier seats, the least expensive, are almost sold out."

To visit Lili Guest in her office one might see her as one of the millions of women in America working to supplement the family income. She sits behind her desk in a large leather chair, dressed simply in a two tone blue denim dress—no jewelry. The dress is well cut, midi length, but still denim. Her steel grey-black hair is cut short enough to run her fingers through without messing it up.

On the wall of her tiny office are pictures of the Kennedy Center under construction, and a large poster—"Homage to Marc Chagall on his Eightieth Birthday" which she found in London in an antique shop. On the floor next to her desk is a plastic "tantrum mat" with two red feet which reads "an easy way to rid yourself of temporary frustrations and hostilities."

A few left over cartons from a just eaten take-out Chinese lunch and a Pepsi cup are still on her desk. When a photographer tries to remove them she says with a wry smile, "What's the matter. Too much of a common touch?"

Later that afternoon Lili Guest receives guests in her modest little white brick Georgetown house. "Shall I put on a ball gown and pose in front of the draperies," she jokes.

She offers a drink, goes up to change into a bright orange cotton shirtwaist dress and returns to the tiny, blue velveted living room.

She buys her furniture and her materials at second-hand furniture stores and mill end shops, she explains.

A picture of the rear ends of three cows graces the space above the door to the hall.

That's called "Flag for Lady Farmers," she says. "Jan Thompson (the wife of Llewellyn Thompson, former Ambassador to Moscow) displayed it in the embassy in Moscow with a plaque saying "From the collection of Mrs. Polk Guest."

Most of the paintings she has are by friends, including a large one by Bill Walton.

She laughs when asked to be photographed in the kitchen. "Nobody would ever believe anybody with the name of Guest would cook." Instead she picks up a bag of needlepoint and begins to work on that. "It keeps me from smoking."

Elizabeth Sturges Polk was born in New York City, then came to Washington with her family because "Pa was Under-Secretary of State during the Wilson administration." She went to Potomac school here, then to Brearley, an exclusive New York girls school, after her parents moved back. After Brearley she chose to attend what is now Juilliard Institute of Musical Art, "simply for my own pleasure."

She doesn't like to talk about her social background. She lights a cigarette when asked about her debut. "Oh, sure, we had a good ole tea in the house for family friends and then a dance at the Pierre or Sherry's. I can't remember which, and I had a temperature of 102 anyway and I can't remember a thing about it."

She brightens when asked about her work with the Musicians' Emergency Fund which she helped start in New York during the depression.

After her marriage to Raymond Guest, former Ambassador to Ireland, they moved to Middleburg, and traveled to Long Island, Florida, anywhere there were horses. "A few more years of the beautiful people. We followed the polo ponies," she said. "It's not that I don't like horses. It's just that I'm one of those people who think of horses as animals."

She does, however, have her own horse in the country which she calls Rat-Fink.

During the war, the Guests moved from Middleburg "over the Shenandoah to the wrong side of the tracks." Her husband was then in the Virginia State Senate.

She later divorced him and has not remarried, keeping the farm in Virginia when he was appointed Ambassador to Ireland.

Lili Guest was a long time between jobs. She did volunteer work at the Washington Home for Incurables and worked on some charity balls but doesn't like them, nor for that matter, large social events. "It's not my bag. I like people more than I do that sort of thing."

She bucks criticism from some contemporaries for her seeming iconoclasm and once asked by a friend who had heard of one of her dinner parties for blacks and arts people, "Lili dear, you don't mean to say you actually have those people in your home?"

She entertains regularly at small dinners at home "for my pals," and her pals can almost always be found in the Social Register.

"Lili is just her own person," said one, "and we respect her for her ideas and her opinions. She always seems to end up on the side of the good guys."

Lili Guest has three children, Liz, 33, who is married to George Stevens; Virginia, 25, and Andy, 32, who is planning to run for Virginia State Legislature on the Republican ticket.

With her children grown and gone she is alone and her time is her own. "They may fire me tomorrow, but I'd love to stay on at the Friends until the Kennedy Center gets rolling," she says. "But I really have no ambition for the future. I might take to drink so that my grandchildren could say let's go see what the old lady's talking about today."

On Sept. 8 the John F. Kennedy Center will have it's second great gala, the time of the official cultural opening. Leonard Bernstein will play his new "Mass," written especially for this event, and some of the wealthiest and most social people in America will be there.

Lili Guest will not be there.

Tickets for that evening ("Mass" is open to the public the 6th, and the 7th will be Congressional and Diplomatic night) were so tight because of big contributors that the "Friends" were alloted only four pair. With 6,500 people clamouring for a seat Lili Guest took her pair and threw them into a box to be drawn along with the other four pair.

"I'll go the night of the 6th," says Lili Guest. "It'll probably be more fun anyway."

GREECE—A PUZZLE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WALDIE. Mr. Speaker, there exists in Greece today a military dictatorship that is effectively stifling all forms of Democratic existence. Recently a paper has come to my attention that deals with the Greek situation and its critical relationship with the United States. Elias P. Demetracopoulos outlines the reasoning behind his questioning title: "Greece—A New Vietnam?"

He presents a widely believed theory on U.S. foreign policy in Greece—that the present Greek rulers are supplying enough economic, political, and military stability to the government and its people to secure U.S. concerns there. This is supposed to negate any possibility of an alternative government ever coming into power.

Mr. Demetracopoulos then takes that hypothesis and step by step, he examines and illustrates the real misconception and delusion behind the expressed premise. The stated examples are devastating evidence against defending the regime and offer a penetrating and perceptive analysis of the matter. Besides the obvious political and moral repugnancy of the junta, it cannot possibly maintain the stability necessary to preserve the country as a whole functioning unit.

Finally, the U.S. position and stature is being undermined by the belief that the United States played a large part in the 1967 coup and is responsible for keeping the colonels in power. Mr. Demetracopoulos reiterates these points and offers specific changes in U.S. policy that "would be both in the interest of the United States and the Greek people." He foresees disaster and another Vietnam-type situation, if they are not heeded soon. Every Member of Congress should be aware of this thesis and for that reason I enter the following:

Greece—A New Vietnam?

(By Elias P. Demetracopoulos)

(Text of speech delivered on Wednesday, April 21, 1971, at the Massachusetts Institute of Technology, Cambridge, Mass.)

I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy toward Greece, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative.

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the Junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the Junta has brought military stability. Both Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment four whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers fought against the communists in the Greek guerrilla war. In fact, the officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers. It is interesting to note that "the hatchet fell with particular alacrity," according to the May 1969 issue of *Le Monde Diplomatique*, "on those officers who, during the German occupation . . . chose the path of resistance, either inside Greece or outside, especially those who served in the 'Sacred Battalion' which distinguished itself in all Mediterranean campaigns alongside the British forces. . . . For any man who was capable of choosing to fight against an oppression (the Nazis) is perfectly capable of fighting a new oppression. . . ."

The usurpers, the officers who seized power four years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, were used by the Johnson and Nixon Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

Let us now turn to the key question of political stability which the supporters of the 1967 coup—including the Junta itself—cite as one of the prime benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of communism—yet even Greek Conservative leaders emphasize the fact that the danger of communism was non-existent in Greece. They overthrew a conservative government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonels' coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece were able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial. Its evaluation needs a detailed recording of the events and the over-all background that preceded the coup.

The fact is that political stability was damaged in the 1965–67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister Constantine Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggregate growth and financial stability.

The victors (the Center Union) promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's institutions which included a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO Alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union Party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The result was the overthrow of the elected government and a series of almost comic-opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966. The agreement of the Conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability, led directly to the Colonel's coup, only a few weeks before the elections were to be held under the conservative government of Mr. P. Canellopoulos—who, by the way, has spent a good part of the last four years under strict house arrest.

The Athens Colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.

Many senior U.S. government officials, at the time of the Colonel's coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a *fait accompli*. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place.

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Goldwater (R–Ariz.) in published interviews with this writer stated: "I am particularly concerned about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggestion made that the establishment of a dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, no. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy; the Chairmen of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H. Cooley; the former Chief of Naval Operations, Admiral A. Burke, the former Supreme NATO Commander in Europe, General L. Norstad, and the Governor of California E. Brown.

They spelled out their views to me in question-answer format, taped, typed and in officially signed press interviews, which received wide coverage both in Europe and America. In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens Colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens Colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the de Gaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well-known publisher of the most influential conservative Greek newspapers, who was forced into exile in London, when, after the Junta seized power, she bravely refused to publish under censorship. Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIA, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but cannot do it, and those who can and will not." In this connection it is very significant that the Johnson Administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the ultra-conservative Greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy towards Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an over-all and thorough congressional investigation of the U.S. role vis-a-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated and a new "Vietnam" is to be avoided.

The European reaction to the Greek coup can be gleaned in the following statements: West German Deputy, Klaus Schultz, said, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Deputy Robert Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the Junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people.

The subsequent referendum on the Colonels' constitution, carried out under conditions of martial law, resulted in a Soviet-style vote of 92.2%. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister.

Let us turn now to the economic stability that allegedly the junta brought to Greece.

Under democracy the Greek economy had achieved one of the highest rates of economic growth in the world together with monetary equilibrium. Greece was officially and repeatedly cited as one of the two or three countries, which made the best possible use of American economic aid and achieved a spectacular recovery from the ravages of war. Sustained sharp increases in domestic saving, coupled with massive inflow of foreign long-term development capital, allowed for an accelerated capital formation and expansion of the industrial basis of the economy. But instead of burdening you with details I may simply refer to assessment of the free Greek economy by the Nobel prize winner Professor Paul A. Samuelson on May 22, 1967 in Newsweek.

In short, the junta inherited a sound and rapidly growing economy the momentum of which somehow survived the Colonels although there are increasing signs of deceleration and strain. It, indeed, takes some time to undo a good thing! . . . Reaping the benefits from the successful development efforts under parliamentary governments the junta in vain strived to buy popular support through measures of utter financial irresponsibility.

For example, a massive giveaway took place when all farm debts amounting to some $280 million to the formerly U.S.-financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans. What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek agriculture.

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guaranteed the latter a handsome annual fee as well as a commission on all investments it induced to come to Crete and the Western Peloponnesus. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. Litton produced some studies and very small investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That is why this contract was terminated.

Although most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Thomas Pappas of Boston has since then managed to avoid, with Junta approval, most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Much has been made of an agreement of the Junta with Onassis to establish a new refinery, aluminum plant and tourist investments, reportedly totaling some $600 million. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through. On April 15, 1971 the Junta publicly and strongly hinted that the agreement with Onassis is likely to be cancelled while Onassis has requested international arbitration.

By contrast to the massive net inflow of capital from abroad for investment purposes in pre-Junta Greece, today this type of capital inflow is equal to zero on a net basis. It is the first time since the end of World War II that Greece has such a heavy short-term debt burden.

The overindebtedness created for the economy by the large amounts of short-term borrowing abroad in order to conceal the impending balance of payments crisis may well lead to external insolvency in the next few years.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

The political anomaly of a new post-war dictatorship in present day non-communist Europe has led to a suspension of some $55 million of European Investment Bank loans to Greece under the Treaty of Association with the Common Market. The long-run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglu, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglu have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation.

I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibilty for the events of April 21, 1967 and December 13, 1967 to conduct a basic and urgent review of U.S. policy toward Greece on the following grounds:

A. The assumption that the current military regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous. If present policies are continued, a new Vietnam could result.

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the Colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like here to make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek Junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the Junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives.

In the light of the Athens Colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the Colonels seized power from a conservative government, I would ask some American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatible reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of colonels in Athens.

Thus, in reviewing U.S. policy towards Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people:

1. A clear-cut public condemnation of the Greek Junta by the Nixon Administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on September 22, 1970 to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision gave in effect official public U.S. government approval to the Athens military dictatorship.

3. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well-coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European communist satellites, non-satellites and the communist parties in non-communist Europe.

4. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

5. Find appropriate ways and means to support actively and effectively all anti-junta, anti-communist elements who represent the vast majority of the Greek people.

6. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

In evaluating the merits of the above basic recommendations it is important to understand the following points:

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and cooperation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in the case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek communist guerrilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe, Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern boarders of Greece is a kaleidoscope of three different kinds of communism: the Peking style in Albania (where hundreds of Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window," an ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic-chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (State Department senior official and former top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-communist governments. This double standard justified accusations all over the world and, naturally, Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard-core Czech communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counter-attacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy—which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberalization tendencies.

While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was, or is, necessary, it is a tragedy that the Johnson and Nixon Administrations played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson and Nixon Administrations, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

THE POTENTIALLY HARMFUL EFFECTS OF FORCED BUSING

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DOWNING. Mr. Speaker, I recently received a letter from a Virginia legislator who represents my hometown of Newport News in the Senate of the Commonwealth, the Honorable Herbert H. Bateman. Senator Bateman is extremely concerned over the situation which has developed in our public school systems as a result of forced busing of schoolchildren in order to achieve a racial balance. His cogent presentation of the potentially harmful effects of this critical situation on all our citizenry, I feel, should be shared with each of my colleagues. Therefore, I include his remarks in the RECORD at this point:

COMMONWEALTH OF VIRGINIA,
August 10, 1971.

To the Honorable Members of the Congress of the United States:

As a private citizen and as a member of the Senate of Virginia I have supported the integration of the public schools and all other public institutions. Denial of any right or privilege of citizenship on account of race is not defensible on legal or moral grounds. The concern which induces this letter is not, therefore, motivated by any notion that segregation of the races is valid or proper, or that integration of our society is improper or undesirable.

I am alarmed at what is happening to our nation and am gravely concerned at the realistic prospect that our representative system of government is in the process of being destroyed, as a result of the means by which the courts are seeking to accomplish a legitimate objective. Specifically, I am referring to federal court decisions requiring massive bussing of school children to accomplish some magic statistical norm based upon the ratio of black to white population in a community.

Integration of public schools is an important and legitimate objective, but it is not the only objective of our society, or the only or paramount constitutional right of American citizenship. To accomplish integration at any and all costs, as the federal courts are insisting, is self-defeating as a social policy and abusive of other constitutional rights.

Surely requiring untold thousands of children of both races to be transported long hours through congested traffic arteries for many miles to schools remote from their homes is not in the best interest of young children. The inconvenience, fatigue, lack of normal recreational time after school and necessity of arising at early hours are incompatible with the schedule and routine which children should maintain. What the courts are requiring obviates the normal opportunities of public school students to participate in leadership, character, cultural and physical development programs and activities which have characterized the public school system. This deprivation is not theoretical, it is a logistical reality.

White parents are virtually unanimous in their opposition to massive bussing as an instrument for integrating public schools. Black parents in substantial numbers, and I believe in the majority of instances, likewise object. In several Virginia cities compulsory bussing has occasioned what is described as "white flight" from the center cities to suburban areas, leaving less integrated public schools, and cities without a tax base with which to continue to provide even existing levels of financial support for public education and social services. As a result of past deprivation and segregation black children need more not less in the quality of education and in social services.

In my city the physical well being of children, the unusual geography and demography of the city, the financial burden and the deep, sincere and virtually unanimous opposition of parents have been consistently ignored in deference to racial norms for every public school. The City of Newport News is over twenty miles long and at some points only three miles wide. A black population once scattered throughout the city has in the last twenty years become increasingly concentrated in the southerly portion of the city. Despite the hardship on children, their parents, and the undue burden on the taxpayer, we are told children must be bussed from the southern extremity of the city to the northern extremity and vice-versa so racial norms can be achieved.

What is being required in my city and in many others in its practical and real implications is irrational. It can and has been said that in the past black children were bussed past nearer public schools to more remote points under a policy of segregation of the races. Without reservation or hesitation I agree that what was imposed upon black members of our society was wrong, immoral and was properly declared unconstitutional. But two wrongs do not make a right. The sins of parents and grandparents should not and cannot be expiated by placing an unconscionable burden on children of either or both races.

Most of you who serve in the Congress are not from the south and many of you represent areas where there is no problem arising from past or present segregation of the races because your constituents are almost all of one race. Many others of your numbers are from large metropolitan areas where there are many black citizens who lead a more segregated existence than black citizens of the south. Recent studies indicate conclusively that the most racially segregated citizens of the United States reside outside the south. Such being the fact, how long can the courts or you in the Congress continue to pursue policies which deal with segregated minorities differently in one part of the country than in another? Even if you agree with me that an integrated society is valid and desirable, would you condone the mass transporting of small children long distances and long hours to and from public school to achieve integration according to arbitrary statistical norms? I don't believe you would and if you did the parents who are your constituents would not continue to support your re-election at the expense and discomfort of their children.

As a legislator and feeling deeply that our representative system of government is of paramount importance, I want you to be aware of the peril that faces our system of government. This peril arises from the broad based and increasingly deep rooted feeling among the body politic that the system of government we have known has broken down and is no longer worthy of their confidence. This wide spread and strong disaffection is in large measure due to the fact that mass bussing of school children is almost unanimously abhorred by the people of whom it is required, yet the only result of their opposition is additional court decreed bussing of their children. A political system based upon representative government by consent of the governed cannot long endure where those who consent to being governed become convinced that their government is acting contrary to their clearly expressed desires. Especially is this true when the governmentally imposed conduct they abhor directly affects their children.

Members of the Congress, I write you out of the depth of my concern and as the instrumentality of our government which can preserve our system of government while protecting the legitimate objective of a fair, an equal and an effectively integrated public school system and society. Our federal court system through a legitimate concern has unfortunately exceeded the bounds of reason. The federal judiciary has unknowingly contributed to hostility and resentment on the part of citizens, which is the greatest deterrent to an integrated society, and to the resolution of the tragic problem that racial discrimination has fostered.

You of the Congress can and should address yourself to initiating an amendment to our constitution establishing a valid, responsible, national educational policy which would recognize the efficacy of integrated schools while preserving the concept of the neighborhood school. One approach would be to constitutionally guarantee the right of a parent to have his child attend the nearest available public school provided in their city or county, or such other public school of the parent's choice in which his child would be of the minority race. By this means the neighborhood school concept would be preserved, yet the right to attend integrated schools under any circumstances anywhere in the country would be extended and protected. This is but one approach. I am sure there are others.

Respectfully and prayerfully I urge you to reflect on this critical matter. If you do I believe you will support efforts to resolve these grave problems by initiating a well conceived amendment to the constitution of the United States. If you do not exert the legitimate prerogative and the high responsibility of the legislative branch of our federal government, I tremble at the fate which will befall our system of government and our nation. An increasingly doubtful and impatient citizenry await your action.

Sincerely,

HERBERT H. BATEMAN.

LEGISLATION TO ESTABLISH A MID-DECADE CENSUS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. BROTZMAN. Mr. Speaker, in the 90th Congress the House passed legislation to establish a mid-decade census commencing in 1975. I was a sponsor of that legislation which, unfortunately, never won approval in the other body. Today I am submitting a proposal like the one the House passed in the 90th Congress.

When the census was conceived, it was adequate for the Nation's needs. But today, with a highly mobile and fast-growing population, it simply is not adequate. Typically, it is badly in error 5 years after it is taken.

This is particularly harmful in States which are gaining population more rapidly than the national average. The rapid growth of my own district, the Second District of Colorado, is a stunning example of this situation. According to the 1960 census, there were 438-974 persons, a number slightly above the national average for congressional district populations. However, by the 1970 census, the second district, which consists of six counties encompassing the suburbs of Denver, showed a population of 718,942. This makes the district the largest and well over the national average.

Because of our shifting and changing population, because of the movement of people from the great core cities to the suburban cities and unincorporated areas and from the rural areas to the metropolitan areas, we need a mid-decade census.

Information which can be supplied only by a census is needed to fairly administer both State and Federal Government programs. The same information can be equally important to private industry in developing new technology and marketing data.

At the present time, Mr. Speaker, more and more Federal assistance programs are being geared toward lending greater support to more populous areas. For these programs to succeed, it is imperative that the population statistics used by government agencies be as accurate as possible. The American people are becoming even more mobile. One out of every five Americans moves each year. Statistically, that means all of the people will change their residence during a 5-year period. If government is to assist people, it must have a fairly accurate notion of where the people are.

When revenue sharing becomes a reality, and I am hopeful that that will not be too far into the future, a quinquennial census will be even more necessary. When preliminary estimates of the distribution of general revenue sharing were released earlier in the year, I was shocked to discover that three cities in my district, with populations between 28,000 and 93,000, were not listed. The three cities had been incorporated during the decade of the sixties, and as far as the Federal Government was concerned, they did not exist yet.

The Census and Statistics Subcommittee of the House Post Office and Civil Service Committee has already held extensive hearings on the need for a mid-decade census. In introducing legislation today, Mr. Speaker, I wish to advise the distinguished members of the subcommittee of my appreciation for the work they have already done, and to urge them to report a bill at an early date so that the first mid-decade census can be taken in 1975.

"OFF LIMITS" FOR HEAVY INDUSTRY

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. CLARK. Mr. Speaker, I believe that the following article from the Evening

Bulletin of July 6, 1971, will be of interest to the Members of Congress:

[From the Philadelphia Evening Bulletin, July 6, 1971]

"OFF LIMITS" FOR HEAVY INDUSTRY

(By Douglas Bedell)

Delaware's Governor Russell W. Peterson landed in the front ranks of the ecology movement last week.

In signing new coastal zoning bill, the governor pulled in the welcome mat from heavy industry on Delaware's side of the Delaware Bay.

For a former research director of the DuPont Co., it was an impressive performance. The governor closed the door, specifically, to steel mills, chemical plants, paper mills and similar processing industries. Also banned are any deepwater shipping terminals in the bay.

The new zoning law has wide public support in Delaware and among conservationists nationally. Nonetheless, its essential precept—that industry and ecology don't mix—is a troubling one.

The law gives the impression that Delaware considers itself something of a coastal island, that it can chart its future without much thought to its location in the East Coast urban complex.

BUSINESS HARBOR

Certain types of industrial activity, the law states, simply aren't compatible with maintaining Delaware as a highly livable state. There is no chance, it decrees, of the new supertankers coexisting with Delaware's beaches and marshes.

Delaware might be a snug harbor for corporate headquarters. Because of its favorable tax laws, hundreds of national corporations have Wilmington or Dover as their addresses of record.

But when it comes to permitting new industrial plants in the state, or supertankers in Delaware Bay, that's something else again.

Delaware has no objection to assembly plants without smokestacks, or to research and distribution centers with relatively few employes.

But Governor Peterson sees the choices facing his state as keeping heavy industry out or having Delaware's shoreline develop in "The Marcus Hook-to-Philadelphia pattern" of grimy refineries and factories placed next door to each other.

This, though, was the pattern of another era. No one is proposing to line the Delaware Bay with steel mills, nor should Delaware let any such disaster happen.

Increasingly these days, industry is recognizing that it no longer has a license to pollute air and water. If a state as small in area as Delaware doesn't feel it can hold industry to enlightment standards, or accommodate varying levels of development in an orderly way, how are larger neighboring states to be encouraged to do any better?

Delaware, moreover, cannot ignore some of the economic forces its location exposes it to.

OIL COSTS

The Delaware Bay is a priceless recreation resource. But it is also a gateway to New York, Philadelphia and Washington, some of the largest concentrations of population in the country.

The people who live in these areas have needs beyond access to sandy beaches and unblighted seascapes, as important as these are.

Take the issue of supertankers being permitted to unload in the bay.

The East Coast cities consume tremendous quantities of energy. They depend on assured supplies of fuel oil at low cost. The economics of the new tankers are such that they will be carrying an increasing percentage of the world's oil. Trading nations will either have to admit them or pay more for their oil.

THE BEACHES

As it happens, Delaware Bay has the only deepwater channel south of Machiasport, Maine. Without the bay as a tanker port, two things can happen:

The East Coast will be short on low cost oil. Or the bigger tankers will be forced to offload at sea, a more hazardous procedure than bringing them into the bay for unloading.

Keeping supertankers out of Delaware Bay won't keep smaller tankers from coming up the Delaware River to the Philadelphia-South Jersey refinery complex. It will only increase shipping movements in the bay, with greater risk to Delaware's beaches.

With the big tankers, oil could be moved upriver in pipelines, and tanker traffic in the bay reduced.

IRON AND COAL

The point in the bay at which oil companies want to build a transfer point is five miles off the Delaware coast. Even if it was expanded to handle iron ore and coal, it would hardly be visible from the shore.

While the possibility of an accident can never be excluded, insurance costs alone require that the big tankers be operated as safely as possible.

What happens on shore would be up to Delaware. It doesn't follow that refineries and factories would spring up around the offshore terminal if the state didn't want them to.

Further consideration of such issues could persuade Delaware that economics and ecology aren't so antagonistic after all.

JUDGE MIZE—A RARE MAN

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FLOWERS. Mr. Speaker, on August 19, Judge Henry H. Mize, a great man and native of my home community, was taken from among us by death. During his 59 years he participated in many worthwhile endeavors—practically everything that is good in our society. "Bene," as he was affectionately known to all, served his family, his community, his State, and his Nation with limitless devotion. Everything he did—he did to perfection, and he deserved and enjoyed the admiration and respect of his fellow man. He will be greatly missed by all who knew him for his life was the essence of citizenship.

In tribute to the memory of an old and dear friend, I insert the following articles from our hometown newspapers in the RECORD at this point:

HENRY H. "BENE" MIZE

Henry H. (Bene) Mize, who died here last week at 59, was a rare man. Tuscaloosa was blessed by his life. We can ill afford to lose him now.

Bene Mize was a loving husband and father, churchman, jurist, teacher, soldier and stalwart citizen. But he was more than all of these. In him there was a sturdiness of character and loftiness of purpose that served as an example to us all.

His earnestness, sincerity and conscientiousness marked Bene Mize as a tower of strength. Whatever he did, he did well. He was a superior man in every way. What he set out to do, he devoted his full intellect and energy to achieve.

As circuit judge since 1966, Bene Mize exhibited a diligence and fairness which made him one of this state's and nation's outstanding jurists. He loved the law and as a practicing attorney and later as judge of circuit court, he served the law faithfully and with great wisdom.

As a student at the University of Alabama, this native of Tuscaloosa was exemplary. He was a Phi Beta Kappa and achieved the highest three-year average in his class. His keen intelligence early attracted attention. As many young men did, he went off to war and served with brilliance and dedication, later retiring from the Army Reserve as a colonel.

Tuscaloosa County knew and loved Bene Mize. He went to the State Senate to represent his home county from 1947 to 1951 and in the Alabama Legislature he earned statewide recognition for the qualities which made him a favorite here.

In the State Senate Bene Mize was identified with every worthwhile movement for the betterment of the state. He took his citizenship seriously and, being state senator from one of Alabama's leading counties, it was only natural for him to set the highest example of unselfish public service.

Bene Mize was marked early in life for great things. He was a friend and inspiration to many. His kind too seldom come our way. We give him up with sorrow, realizing full well that he was a blessing for county and state for which we should be eternally thankful.

BENE MIZE SERVED COMMUNITY WELL

Gentleman and solid citizen. Those words describe Judge Henry H. (Bene) Mize whose death Friday was a shock to this community.

Judge Mize was a gentleman—and a gentle man. His manner was always one of dignity. He was a kind, friendly and gracious person who accomplished much during his lifetime. His wise counsel, his generous nature and his deep and abiding interest in many worthwhile community endeavors will be sorely missed.

Few men have been called to serve in as many leadership capacities as was Judge Mize. And few have a record of accomplishment his equal.

A native of this city, Judge Mize was a scholar. At the University of Alabama he received the bachelor, master's and LL.B. degrees. He was a member of Phi Beta Kappa, scholastic honorary fraternity, and graduated from Law School with the highest average in his class.

He served with distinction in the National Guard and the Army in World War II. He continued his service in the Reserve and at the time of his retirement in 1963 had served his country for 33 years.

In his chosen profession, Judge Mize was a leader. He served as president of the Tuscaloosa Bar Association. He was a past president of the Alabama Association of Circuit Judges.

A state senator from this county he was instrumental in getting legislation adopted that created the Druid City Hospital board of trustees. Later he was a member of that board during a period of great growth for the hospital.

Judge Mize served on the city Board of Education, was chairman of the Tuscaloosa County Board of Pensions and Security. He was a charter member and past president of the Tuscaloosa Lions Club which honored him with the Lion of the Year citation in 1960.

He was a lifelong member of the First Baptist Church, served it in a number of capacities and was secretary of the church's Foundation at the time of his death.

He was devoted to his family. A kind, loving and generous father, his dedication to his wife, children and mother was not distracted by his professional or community responsibilities.

Bene Mize served his native community well. It is a better place because of his great interest and dedicated work. His loss will be felt keenly by a wide range of friends and co-workers.

COORDINATION OF DRUG ABUSE PROGRAMS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FRENZEL. Mr. Speaker, there has been an almost total failure through the years to establish a high-priority comprehensive national program to meet the problem of drug abuse. It is a serious problem on a domestic level as well as an international level; yet the programs to deal with the problem are unrelated, uncoordinated, inconsistent and, consequently, highly inadequate.

In the State of Minnesota, as everywhere else, the problem is becoming increasingly serious and hard to deal with. In Hennepin County alone, the arrests for use and possession of drugs have better than doubled in the past 2 years, and estimates are that there are 25 times as many users as there are people arrested.

There were five times as many overdose deaths last year as the year before, and there were half as many in the first 2 months of this year as there were in all of 1970.

Meanwhile, the users and sellers of these drugs have become more vicious and dangerous; most are found to have loaded guns in their possession and there has been an increase in "rip-offs"—addicts robbing each other.

Estimates range from $2 to $100 million as the amount of goods stolen to support heroin addicts in Greater Minneapolis.

We are fortunate to have many private and State agencies, groups, and clinics, including two methadone treatment centers, whose purpose is to aid and rehabilitate addicts. Unfortunately, very few of these groups have been, or are being, assisted by any Federal programs at all. Most would like some Federal aid and have been unable to get it. Furthermore, those that have Federal aid feel it to be highly inadequate.

This problem cannot be allowed to grow greater. We need a program to establish means of better law enforcement, research techniques and facilities to aid the addicts in the rehabilitation process, and preventative education procedures, on a domestic level.

On the international level, we need a program to effectively discontinue the illegal importation of opium derivatives into this country.

My bill, H.R. 7120, which is currently pending before the Interstate and Foreign Commerce Committee, seeks to establish an Office of Drug Abuse Control in the Executive Office of the President, to which a Director would be appointed The Director would prepare a comprehensive program for the control of drug abuse.

This program would include, among other things, the following:

1. Expanded research efforts to:

(a) create a synthetic analgesic to replace opium and its derivatives in medical use;

(b) develop and disseminate a long-lasting blocking or antagonistic drug for the treatment of drug addiction; and

(c) develop a detoxification agent to ease the physical effects of withdrawal from heroin addiction.

2. Development of a large-scale national program of methadone maintenance.

3. Development of programs for the control of the production and distribution of psychotropic substances.

4. Development and evaluation of the drug abuse prevention education programs.

5. An international program under which the United States would offer advanced technical assistance and effective cooperation with international institutions to:

(a) successfully develop and implement crop diversification programs in opium-producing countries;

(b) enable these countries to offer alternative employment opportunities to persons involved in the drug business; and

(c) develop methods of controlling the international traffic in drugs that are abused.

The most important aspect of the proposal is that the present Federal programs, which are widely scattered in many departments, and the present funds, which are also widely scattered, will be coordinated under the Office of Drug Abuse Control. I feel the present noncoordination has been one of the chief causes for overlapping of the programs, uncooperation, and even competition, between the programs and, simply, the appalling ineffectiveness of the programs.

My bill could have the effect of establishing an effective means to end drug abuse; namely, it would establish an effective organizational framework.

NEEDED: U.S. POLICY ON SCHOOL BUSING

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Tennessee. Mr. Speaker, to say that justice and the American people have been confused and trespassed against by recent court busing decisions is not a statement made lightly. It is, however, a statement of truth and fact.

In a Sunday, September 5, Nashville Tennessean special report, staff writer Jim Squires outlined the busing truths, facts, and history. I include his article in the RECORD:

NEEDED: U.S. POLICY ON SCHOOL BUSING

(By Jim Squires)

In 1954 the U.S. Supreme Court made school desegregation law especially for the South, and the South wept alone. This year the court made more desegregation laws for the South, and the whole nation is crying.

The court's decision to bus school children, coming last April in a Charlotte, N.C., case, was aimed mainly at wiping out the last vestiges of dual school system operation in the South. It affected directly about 70 southern districts.

Now, with some schools open and the rest to begin this week, the busing issue envelops more than 300,000 students in scores of cities North and South.

Polls show at least 78% of all Americans regardless of color or where they live oppose busing. Legislative bodies from city councils to the U.S. House of Representatives have passed meaningless laws against it.

CONFUSION BLAMED

At the core of this din of protest is the simple proposition that busing moves children from schools near their homes to schools far away and parents just don't like it.

But equally responsible for the wave of resistance is that neither the courts nor the national administration have shown any consistency on the question.

In 1969 the Nixon administration had virtually no school integration policy. Instead it was making only strained attempts to distinguish between de jure segregation of the South—that fostered by the deliberate and lawful segregation policies of the past—and the de facto segregation of the North, such as that resulting from housing patterns.

HEW bureaucrats were trying to negotiate voluntary desegregation plans in many stubborn southern districts. But then the Justice Department abruptly went into court seeking delays in court-ordered school integration in slow-moving Mississippi. Immediately about one-third of the districts negotiating with HEW reneged.

HEAVY CRITICISM

Responding to heavy criticism by civil rights advocates, the administration reversed itself in 1970 and began moving quickly toward speeding school desegregation. Many school districts were sued and HEW had cut off federal funds to others.

But busing was not then an issue. The President expressed his opposition to it. School systems were not being asked to bus. either by the courts or HEW.

Then, in February 1970, Federal District Judge James B. McMillan ordered the massive busing of 13,000 more students in Charlotte, N.C., to assure an approximate ratio of 71% white and 29% black in each school. In June the Justice Department asked the 4th Circuit Court of Appeals to weaken McMillan's decision outlawing such "unreasonable factors" as "excessive busing." The appeals court overturned McMillan and again the fear of busing subsided.

INVOLVED IN CASE

As that case and three others traveled to the Supreme Court, Chief Justice Warren Burger gave notice as to what might follow by refusing to stay an integration order in Richmond, Va. schools. A desegregation plan requiring the busing of 13,000 was adopted in that city. The Justice Department had also been involved in that case on the side of an HEW plan which would have provided no busing and left eight all-black schools in Richmond.

Then came the U.S. Supreme Court ruling upholding Judge McMillan in the Charlotte case. In a decision written by Chief Justice Warren Burger, Nixon's own appointee, the court carefully avoided requiring the use of busing but left no doubt busing was constitutional as a means of dismantling dual school systems of the South. Burger upheld enough busing to place white majorities in every Charlotte school and threw out an HEW-drawn plan for Mobile which preserved neighborhood schools and called for little busing.

ANNOUNCE DEADLINE

At the same time the court was considerably less clear on how much busing would be tolerated: "No rigid guidelines as to student transportation can be given application to the infinite variety of problems presented in thousands of situations."

A month later the Nixon administration announced a fall deadline for Southern cities to comply with the decision. The government moved first in Austin, Tex., drawing with considerable attention what would be a prototype plan for all southern districts. Though the President may never have viewed it personally, the final version went to the White House where it was approved by Edward L. Morgan, education deputy to presidential assistant John Ehrlichman, and Leonard Garment, special consultant to the President on civil rights issues.

HEW Secretary Elliot L. Richardson forwarded it May 15 to U.S. Dist. Judge Jack Roberts, who had requested administration guidance.

The HEW plan urged a racial balance for each Austin school—65% Anglo-Saxon, 20% Mexican-American and 15% black. It would have required the busing of 85% of the pupils and 200 new school buses. In a letter to the Austin school board on May 20, HEW Secretary Richardson said he felt busing was the best means of accomplishing desegregation there.

Meanwhile, HEW was busy preparing plans for other southern school districts, including Nashville, Corpus Christi and Columbia, S.C. Action in these four cases goes a long way toward explaining the legal confusion over busing.

The HEW plan for Nashville is well-known. It required the busing of 15,000 students.

The Corpus Christi plan was identical in philosophy with that of Austin and Nashville, requiring the busing of 15,000 of the city's 46,000 students. Reportedly the Nashville and Corpus Christi plans were approved in the same meeting by top-level officials of Justice and HEW.

PLAN LEAVES 7

HEW's plan for Columbia, S.C., where Nixon must deal with Sen. Strom Thurmond, was somewhat different. While requiring some busing, the plan leaves seven all-black schools. A plan that left several all-black schools in Nashville was discarded within HEW before the top level officials ever saw it.

The apparent inconsistency with which four separate courts treated these plans is astonishing.

The Columbia plan was accepted by a South Carolina federal judge virtually intact. In Nashville, Judge L. Clure Morton followed the HEW guidelines closely, modifying the plan but leaving no all-black schools. His plan requires the busing of 15,000 more students than were bused last year.

In Austin, Judge Roberts rejected the HEW plan, choosing instead a school board plan which relies heavily on "learning resource centers" for desegregation purposes. This allows students to attend neighborhood schools, be bused to the centers for some of their classes, then returned to the neighborhood school for dismissal.

HEW's plan for Corpus Christi was accepted by the court, and massive busing ordered.

In Austin, Corpus Christi and Nashville, the courts decision's have been appealed. But again the government's action in these cases defies reason.

On August 3, 49 days after HEW submitted the plan in the Austin case, President Nixon repudiated it. He said the Justice Department would appeal the Austin decision on "constitutional grounds" but he flatly denounced the HEW's work. A few days later the White House warned that government bureaucrats could lose their jobs if they seek to impose widespread busing as a means of desegregating schools.

Again new hope was held out to opponents of busing. This was followed only last week by a statement from Burger reiterating the court's stance that not every school need have a perfect racial balance.

NASHVILLE REFUSED

On Aug. 19 the Justice Department went before the Supreme Court and helped Corpus Christi win a delay in implementing the HEW desegregation plan the Justice Department had fought for in district court. When Nashville attorneys asked Justice to do the same for this city, Justice refused. Another Supreme Court justice turned down the request for a delay. Requested stay orders in cases from Virginia, Louisiana, California and North Carolina have also been rejected within the last week.

Such seeming discrepancies in enforcement of busing exist in all segments of the country. In Dallas a federal court has rejected massive busing in favor of a closed-circuit television plan which allows whites and blacks to watch each other. In Seattle, a state judge has halted all busing for a year. In Savannah, Ga., a federal court has ordered the busing of 3,000 new bus riders, while in Macon, a federal judge has ruled the city "legally segregated" and refused to reshuffle enrollment requiring more busing.

Still another stumbling block in the acceptance of busing as law is that de facto segregation is still immune to court intervention, and untouched by the federal government.

The majority-black school systems of Washington, Atlanta, Chicago and Baltimore, all of which are surrounded by nearly lily-white suburban school districts, have done nothing to further the acceptance of busing among southern parents. More than 38% of black pupils in the South now attend majority white schools, compared with only 27.6% black students outside the states of the old Confederacy.

And the distinction between the legally-segregated schools of the South and the de facto segregation of the North is growing more vague with each new population tabulation.

GONE OVER HUMP

Central cities in every geographical segment of the U.S. are growing ever more black. They have lost 2.5 million whites and gained 3 million blacks since 1960, while suburbs have gained 12 million whites and only 800,000 blacks during the same time. Many Southern cities where school desegregation is still considered the result of legal barriers of the past are now nearing all black majorities.

Atlanta, for instance, has apparently gone over the hump. In the last 10 years the 70% white, 30% black ratio of Atlanta school enrollment has been reversed. There a federal court has held that school desegregation is no different from the North where white students would have to be bused to re-desegregate. For this problem, the courts have offered no solution.

In Richmond, Va., where the city's schools are two-thirds black, a federal court has recommended the merger of city system with the schools of suburban Chesterfield and Henrico counties—which are 90% white. This is also the case in Indianapolis, where a U.S. district judge has ordered a city-county school merger in order to satisfy guidelines of the Charlotte case.

U.S. Dist. Judge Hugh Dillin, in suggesting the city-county merger in Indianapolis, said busing can serve only as a "stopgap measure" against further segregation. At the same time, he said, it may speed the flight of whites to the suburbs and "thwart the effectiveness of long-range plans for racial balance."

STILL UNTOUCHED

Though many school districts outside the South and border states are still directly untouched by the Charlotte case, their so-called de facto segregation is being tested in one way or another.

Examples include Providence, San Francisco, Pontiac, Indianapolis, Evansville and Detroit. Voluntary school integration plans resulting from efforts by state agencies or civil rights groups were also making progress in cities such as Boston, Philadelphia, Pittsburgh and Denver. But in virtually all of them busing has become the major point of contention and resistance, often meaning the slowdown or halting of efforts.

"We're all for integration," said a board member in Denver, where busing opponents had just turned back an ambitious integration plan. "But we just don't think busing is the right way."

Even where intentions are good, the cost of busing students is often prohibitive. In Los Angeles, where a federal judge held that massive busing is the only way to rectify legal segregation brought about by school site selection and boundary designation, school officials estimate an adequate busing program would cost $180 million over the next eight years. It would also require 1,938 buses—enough to stretch 13 miles bumper to bumper.

At the same time the federal government, first the Congress and now the President, is saying it will not finance such costs, and HEW officials have been directed to "work with individual school districts to hold busing to the minimum required by law."

OPPOSITION STIFFENS

This has done nothing but further stiffen the opposition and heighten chaos in a situation which demands cooperation and order. Some relatively acceptable experiences with busing as a means of desegregating schools have been obscured by the loud voice of resistance.

Harrisburg, Pa., for example, has—at the direction of the Pennsylvania Human Relations Commission—used busing to attack de facto segregation with some degree of success.

Testifying before a Senate committee earlier this month, the Harrisburg school superintendent said that maintaining neighborhood schools in ghetto areas only assured that "another generation of children grow into a class consciousness that already was destroying the ability of Americans to get along with one another."

In one section of Harrisburg, five elementary schools were each from 88 to 99% black in the 1969–70 school year. Last year, through computerized pupil assignment, the five schools ranged from 56 to 64% black. The acute racial imbalance was corrected in all of them according to school officials, destroying the pattern of "good" and "bad" schools that had existed.

The Harrisburg school superintendent said:

"We know that the system is working because we live with it every day. We have seen the lid about to blow off two junior high schools and have seen the change in students and administrators as we moved to the middle school concept. There are still problems with student control and discipline but now the answers are within our grasp . . . you can't show it on paper yet, but down inside you know it's working."

CRUCIAL QUESTIONS

Proponents of school desegregation will continue to attack the problem on different fronts, with each new court decision breaking new legal ground. Only last week the California Supreme Court ruled that the state's system of local property taxing is unconstitutional because it provides better education for the wealthy than it does for the poor. This time a court talks about rich and poor, not black and white.

Crucial new legal questions will be asked. Judges must decide whether segregation patterns are de facto—as the judge did in Atlanta—or whether they are de jure and in need of a legal remedy. To what extent will the law follow the judges in Richmond and

Indianapolis who ruled that regardless of housing patterns equal education requirements demand the merger of separate legal jurisdictions such as city and county? To what extent will the law take such mergers, across county lines, state lines? Meanwhile, opposition to busing is widespread.

STANDING IN THE DOOR

In Alabama, busing has George Wallace again standing in the schoolhouse door defying a law, just as he did in 1963 in final defiance of the 1954 court ruling which held school segregation unconstitutional.

In Washington, President Nixon—though against blocking school doors—is sounding like Wallace, interpreting the court decision one way while others in his administration and some federal courts interpret it another.

In Pontiac, Mich., busing opponents have blown up 10 school buses and some parents are on national television saying how proud they are of whoever did it.

For once the protest in a school desegregation controversy is a long way from being all-white and all-Southern.

Last Thursday American Indians, armed with machetes and hatchets, marched on a Pembroke, N.C., school to protest busing. In recent weeks Negroes in Arlington, Va. and Chinese-Americans in San Francisco have been in court attempting to block plans for hauling their children away from neighborhood schools, adding their voices to those of white parents from Miami to Seattle.

A HARBINGER

Regardless of the future of busing, as an issue it has provided common middle ground for school desegregation problems in all areas of the country, demonstrating geographically that school integration is going to be impossible on any large scale as long as suburbs continue to be white and the central cities black.

It has served as a harbinger of what is to come if the problems of equal education continue to be dealt with separately and apart from the real problem of racial division in this country.

A tool for dismantling dual school systems it may be. A tool for dismantling a dual society, it is not.

CHAIRMAN MAO TSE-TUNG'S LITTLE RED BOOK MAKES INTERESTING READING

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. BENNETT. Mr. Speaker, President Nixon's announcement of his planned trip to Red China stimulated me recently to read Chairman Mao's "Quotations," his "little red book," which is among the world's best sellers. I read it as published in Stuart R. Schram, editor, "Quotations From Chairman Mao Tse-tung" (N.Y. Praeger, 1967), borrowed from the Library of Congress. Although parts of it will irritate any good American, or in fact anyone who believes in liberty and freedom of thought, it contains other portions that have valuable thrusts for anyone trying to understand this powerful man, and which can add to our wisdom at this time. Among the irritating passages are ones which condemn the United States, and unfairly, that is, pages 6, 41, 42, 44, 45, 100, and so forth; also those which paint Marxism and Leninism as being the only valid political concept; that is, pages 1, 2, 11, 12, 13, 75, and so forth; and those also which indicate that war is desirable and, in fact, necessary to change the world to a Marxist planet, that is, pages 32 through 38, and so forth. But out of the setting of these irritants the following words from the little book seem to me to be worth everyone reading today; and therefore I include them in the RECORD at this point.

THE NEED FOR MORAL AND OTHER EDUCATION

"Our educational policy must enable everyone who receives an education to develop morally, intellectually and physically and become a worker with both socialist conciousness and culture." (Page 92)

ARROGANCE AND MODESTY

"Even if we achieve gigantic success in our work, there is no reason whatsoever to feel conceited and arrogant. Modesty helps one to go forward, whereas conceit makes one lag behind. This is a truth we must always bear in mind." (Page 134)

"Any specialized skill may be capitalized on and so may lead to arrogance and contempt of others. Even one's age may become ground for conceit. The young, because they are bright and capable, may look down upon the old; and the old, because they are rich in experience, may look down upon the young. All such things become encumbrances or baggage if there is no critical awareness." (Page 135)

"We should be modest and prudent, guard against arrogance and rashness, and serve the Chinese people heart and soul. . . ." (Page 95)

"Anyone should be allowed to speak out, whoever he may be, so long as he is not a hostile element and does not make malicious attacks, and it does not matter if he says something wrong. Leaders at all levels have the duty to listen to others. Two principles must be observed: (1) Say all you know and say it without reserve; (2) Don't blame the speaker but take his words as a warning. Unless the principle of 'Don't blame the speaker' is observed genuinely and falsely, the result will not be 'Say all you know and say it without reserve'." (Page 90)

BE OPENMINDED

"In this world, things are complicated and are decided by many factors. We should look at problems from different aspects, not from just one." (Page 122)

"We must learn to look at problems all-sidedly, seeing the reverse as well as the obverse side of things. In given conditions, a bad thing can lead to good results and a good thing to bad results." (Page 125)

"Communists must always go into the whys and wherefores of anything, use their own heads and carefully think over whether or not it corresponds to reality and is really well founded; on no account should they follow blindly and encourage slavishness." (Page 154)

"A Communist must never be opinionated or domineering, thinking that he is good in everything while others are good in nothing; he must never shut himself up in his little room, or brag and boast and lord it over others." (Page 156)

"Communists must listen attentively to the views of people outside the Party and let them have their say. If what they say is right, we ought to welcome it, and we should learn from their strong points; if it is wrong, we should let them finish what they are saying and then patiently explain things to them." (Page 156)

"We think that it is harmful to the growth of art and science if administrative measures are used to impose one particular style of art or school of thought and to ban another. Questions of right and wrong in the arts and sciences should be settled through free discussion in artistic and scientific circles and through practical work in these fields. They should not be settled in summary fashion." (Page 174)

THE NEED FOR EDUCATION IN POLITICAL PHILOSOPHY

"Education in democracy must be carried on within the Party so that members can understand the meaning of democratic life, the meaning of the relationship between democracy and centralism, and the way in which democratic centralism should be put into service. Only in this way can we really extend democracy within the Party and at the same time avoid ultra-democracy and the laissez-faire which destroys discipline." (Pages 90–91)

DO GOOD ALL ONE'S LIFE

"It is not hard for one to do a bit of good. What is hard is to do good all one's life and never do anything bad." (Page 141)

YOUTH

"The world is yours, as well as ours, but in the last analysis, it is yours. You young people, full of vigour and vitality, are in the bloom of life, like the sun at eight or nine in the morning. Our hope is placed on you." (Page 165)

CHANGE

"Conditions are changing all the time, and to adapt one's thinking to the new conditions, one must study." (Page 175)

SELFLESSNESS

"We must all learn the spirit of absolute selflessness." (Page 95)

"At no time and in no circumstances should a Communist place his personal interests first; he should subordinate them to the interests of the nation and of the masses. Hence, selfishness, slacking, corruption, seeking the limelight, and so on, are most contemptible, while selflessness, working with all one's energy, whole-hearted devotion to public duty, and quiet hard work will command respect." (Page 153)

CONSCIENTIOUSNESS

"What really counts in the world is conscientiousness." (Page 81)

SERVICE TO THE PEOPLE

"Our point of departure is to serve the people wholeheartedly and never for a moment divorce ourselves from the masses, to proceed in all cases from interests of the people and not from one's self-interest or from the interests of a small group, and to identify our responsibility to the people with our responsibility to the leading organs of the Party." (Page 95)

"Our duty is to hold ourselves responsible to the people. Every word, every act and every policy must conform to the people's interests, and if mistakes occur, they must be corrected—that is what being responsible to the people means." (Page 96)

DISCIPLINE AND FREEDOM

"Within the ranks of the people, democracy is correlative with centralism and freedom with discipline. They are the two opposites of a single entity, contradictory as well as united, and we should not one-sidedly emphasize one to the denial of the other. Within the ranks of the people, we cannot do without freedom, nor can we do without discipline; we cannot do without democracy, nor can we do without centralism. This unity of democracy and centralism, of freedom and discipline, constitutes our democratic centralism. Under this system, the people enjoy extensive democracy and freedom, but at the same time they have to keep within the bounds of socialist discipline." (Page 144)

DILIGENCE AND FRUGALITY

"Diligence and frugality should be practised in running factories and shops and all state-owned, co-operative and other enterprises. The principle of diligence and frugality should be observed in everything. This principle of economy is one of the basic principles of socialist economics. China is a big country, but she is still very poor. It will take several decades to make China prosperous. Even then we will still have to observe the principle of diligence and frugality. But it is in the coming few decades, during the present series of five-year plans, that we must particularly advocate diligence and frugality, that we must pay special attention to economy." (Page 105)

WASTE AND EXTRAVAGANCE

"Wherever we happen to be, we must treasure our manpower and material resources, and must not take a short view and indulge in wastefulness and extravagance." (Page 106)

"In order to speed up this restoration and development [of agricultural production and industrial production in small towns], we must do our utmost, in the course of our struggle for the abolition of the feudal system, to preserve all useful means of production and of livelihood, take resolute measures against anyone's destroying or wasting them, oppose extravagant eating and drinking and pay attention to thrift and economy." (Page 106)

SELF-RELIANCE AND REGENERATION

"On what basis should our policy rest? It should rest on our own strength, and that means regeneration through one's own efforts. We are not alone; all the countries and people in the world opposed to imperialism are our friends. Nevertheless, we stress regeneration through our own efforts. Relying on the forces we ourselves organize, we can defeat all Chinese and foreign reactionaries." (Page 110)

ACHIEVEMENT OF IDEOLOGICAL IDEAS

"The only way to settle questions of an ideological nature or controversial issues among the people is by the democratic method, the method of discussion, of criticism, of persuasion and education, and not by the method of coercion or repression." (Page 28)

GET THE FACTS

"You can't solve a problem? Well, get down and investigate the present facts and its past history! When you have investigated the problem thoroughly, you will know how to solve it. Conclusions invariably come after investigation, and not before. Only a blockhead cudgels his brains on his own, or together with a group, to 'find a solution' or 'evolve an idea' without making any investigation. It must be stressed that this cannot possibly lead to any effective solution or any good idea." (Page 131)

"Investigation may be likened to the long months of pregnancy, and solving a problem to the day of birth. To investigate a problem is, indeed, to solve it." (Page 132)

BEING PRACTICAL

"If a man wants to succeed in his work, that is, to achieve the anticipated results, he must bring his ideas into correspondence with the laws of the objective external world; if they do not correspond, he will fail in his practice. After he fails, he draws his lessons, correct his ideas to make them correspond to the laws of the external world, and can thus turn failure into success; this is what is meant by 'failure is the mother of success' and 'a fall into the pit, a gain in your wit.'" (Page 119)

MISTAKES

"Taught by mistakes and setbacks, we have become wiser and handle our affairs better. It is hard for any political party or person to avoid mistakes, but we should make as few as possible. Once a mistake is made, we should correct it, and the more quickly and thoroughly the better." (Page 152)

FIRMNESS

"'Grasp firmly'. That is to say, the Party committee must not merely 'grasp', but 'grasp firmly,' its main tasks. One can get a grip on something only when it is grasped firmly, without the slightest slackening. Not to grasp firmly is not to grasp at all. Naturally, one cannot get a grip on something with an open hand. When the hand is clenched as if grasping something but is not clenched tightly, there is still no grip. Some of our comrades do grasp the main tasks, but their grasp is not firm and so they cannot make a success of their work. It will not do to have no grasp at all, nor will it do if the grasp is not firm." (Page 61)

STRUGGLE AND WORK

"The comrades must be helped to preserve the style of plain living and hard struggle." (Page 111)

"We must thoroughly clear away all ideas among our cadres of winning easy victories through good luck, without hard and bitter struggle, without sweat and blood." (Page 111)

"What is work? Work is struggle. There are difficulties and problems in those places for us to overcome and solve. We go there to work and struggle to overcome these difficulties. A good comrade is one who is more eager to go where the difficulties are greater." (Page 113)

PERSEVERANCE

"There is an ancient Chinese fable called 'The Foolish Old Man Who Removed the Mountains'. It tells of an old man who lived in northern China long, long ago and was known as the Foolish Old Man of the North Mountain. His house faced south and beyond his doorway stood the two great peaks, Taihang and Wangwu, obstructing the way. With great determination, he led his sons in digging up these mountains hoe in hand. Another greybeard, known as the Wise Old Man, saw them and said derisively, 'How silly of you to do this! It is quite impossible for you to dig up these two huge mountains'. The Foolish Old Man replied, 'When I die, my sons will carry on; when they die, there will be my grandsons, and then their sons and grandsons, and so on to infinity. High as they are, the mountains cannot grow any higher and with every bit we dig, they will be that much lower. Why can't we clear them away?' Having refuted the Wise Old Man's wrong view, he went on digging every day, unshaken in his conviction. God was moved by this, and he sent down two angels, who carried the mountains away on their backs. Today, two big mountains lie like a dead weight on the Chinese people. One is imperialism, the other is feudalism. The Chinese Communist Party has long made up its mind to dig them up. We must persevere and work unceasingly, and we, too, will touch God's heart. Our God is none other than the masses of the Chinese people. If they stand up and dig together with us, why can't these two mountains be cleared away?" (Pages 113–114)

BUSING—UP EARLY, HOME LATE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WHITEHURST. Mr. Speaker, yesterday several hundred concerned citizens from Norfolk, Portsmouth, Virginia Beach, and elsewhere in the Tidewater area of Virginia, came to Washington to express their distress over the problems caused by massive forced busing of public school children. The concern expressed by these men and women is sincere and well-founded, and I hope that the Congress will make every effort to produce meaningful legislation that will restore the right of every child to attend his neighborhood school.

To that end, I am working with a number of my colleagues, including Mr. Bennett, Mr. Downing, Mr. Mizell, and Mr. Spence, to produce a constitutional amendment which will preserve the spirit of the Civil Rights Act and enable the schools to return to fulfilling the purpose for which they were intended: the education of all our children.

Two letters appeared in the Norfolk Virginian-Pilot recently, outlining the dislocation and disadvantages caused by massive crosstown busing. I commend them to the attention of my colleagues.

The letters follow:

Letters to the Editor: Up Early, Home Late

Editor, Virginian Pilot: Busing itself is not bad enough! Now we have been introduced to a new school day, 10 a.m. to 4:25 p.m.! I realize that due to busing the schools have to make adjustments, but not to the extent of starting at 10 a.m. This is more than outrageous; it is sad. Let us not consider the situation of the teacher, who probably will not be leaving school until 5 or 5:30, and then will not get home to her own family until 5:30 or 6. Let us concentrate only on the advantages and disadvantages of this new time schedule as it affects the children.

Disadvantages:

1. A working mother will have to leave the house before her 8- or 9-year-old. This may serve either to make our third and fourth graders very independent little men and women, or else increase the enrollment in Juvenile Court.

2. Our children will not be able to go out and play after school. The area is fairly dark at 5 when we are not on DST. This also will eliminate after-school athletics.

3. The children will have no chance to really relax. By the time they arrive at home, it will be time to eat, do their homework, and go to bed.

4. Although school does not start until 10, children still must awaken at an early hour to ride the bus. This makes a very long day for an elementary school child.

5. A child's attention span is longer and sharper early in the morning. By 10 a teacher has lost at least 90 minutes of valuable teaching time.

Enough of the pessimistic view, I am sure the list could go on. Now let us turn to the advantages of the system.

I cannot think of one.

Wendie Branighan.

Norfolk.

School Days

Editor, Virginian-Pilot: It was with great shock and disbelief that I read the Norfolk school times for the coming year.

I was shocked that adults could make up such absurd school hours for small children. Do they realize that children as young as six years who are on the 10 a.m.-to-4.25 p.m. school schedule would be gone from their homes approximately 8 hours a day? That children, for their physical well-being need hours of free time each day to play? That this will mean the curtailment of outside activities such as Scouts and sports for older children? That all the children will lead a drudge-type existence—of getting up, being bused to school, spending 6 hours and 15 minutes in school, being bused home, eating dinner, doing homework and going to bed, only to be faced with the same bleak existence the next day?

Our schoolchildren, who are to be bused farther across town than anyone else, now are being faced with the worst possible school hours. What kind of logic exists in a plan that is formulated by adults and does not take the well-being of our children into consideration?

We are being forced to withdraw from a public-school system that so many of us were willing to support.

ANN PHILLIPS.

Norfolk.

AN EFFECTIVE "BLOOD BANK" PROGRAM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WALDIE. Mr. Speaker, a retirement community in my district, Rossmoor Leisure World, has just recently begun their own innovative blood bank system. This arrangement provides blood when needed at the lowest cost to the member. This kind of service is a positive asset to the community.

The chairman of the Rossmoor Civic Affairs Council and sponsor of the project, John Drenth, wrote an informative series of articles "About The Blood Bank." These commentaries answer the questions raised by the project, in a clear analytical manner. Others can learn from this effort and initiate their own plan into a reality. In this way, more can benefit from Rossmoor's imaginative idea. For these reasons I enter the following:

ABOUT THE BLOOD BANK

WHO IS COVERED?

We all know that blood is the one thing we can not live without, even for a very brief time. When an accident, operation or hemorrhage requires blood to replace that which is being lost, immediate action must be taken to preserve life.

Fortunately blood is available in the hospitals everywhere, it being stored there by blood banks. The blood reserves are never allowed to drop below a level determined for each reserve account.

When blood is used the cost is or seems to be high. For those over 65 Medicare does not pay for the first three pints but does pay for the fourth and following units required. The normal charge is $37 per unit.

For those under 65, unless there is group or personal insurance which covers blood, the patient must pay for all of the blood used.

When a blood reserve account is established by an organization its purpose is to replace the blood used but which is not paid for by Medicare or any insurance.

This is the reason the Rossmoor Blood Bank was organized. It was a new idea and after the preliminary work was done, replacement coverage became effective on April 21, 1971.

This is how it works. Any resident member of Golden Rain Foundation covered under Medicare requests the hospital to bill him for the one, two or three pints used and not paid by Medicare. Present or send this statement to William Sheppard at our Medical Center. He will check and approve the withdrawal of the amount of blood used from the Rossmoor reserve account.

This cancels the charge and pays the amount made against your account for blood used.

For those resident members of Golden Rain Foundation and for all employees of Golden Rain Foundation the same general procedure is followed.

There is no Medicare and if the group or individual insurance does not provide coverage for blood, present the bill for the total amount of blood used. When verified by Mr. Sheppard the replacement blood will be withdrawn from our reserve account and in effect paying the bill for the blood used.

This means that every member of the Rossmoor Community, resident owner or employee of Golden Rain Foundation, can draw on our reserve account for blood needed and, if not covered by Medicare or insurance, have replacement of blood made without cost. (It must be pointed out that in the few cases where there is a deductible on an insurance policy, there is no way to replace or pay for the amount of the deductible.)

The Rossmoor Blood Bank reserve has been established as a community service, covering every member of the community and without cost to any member.

It is a unique approach to community cooperation and a new first for Rossmoor, Walnut Creek. Again we lead, and other communities will follow when they learn that our project is successful.

WHO GIVES THE BLOOD?

In last week's article coverage was described as a program which supplies all blood needed by any resident member or employee of Golden Rain Foundation, without cost, when Medicare or insurance does not provide this coverage.

The next question that is frequently asked is how can an adequate supply of blood be supplied and a reserve maintained? The majority of Rossmoor residents are retired and blood from those over 65 years of age is not accepted.

In order to get the necessary blood reserve established as quickly as possible, contact was made with Diablo Valley College. Arrangements were made to invite students to come to the mobile unit of the Alameda-Contra Costa Blood Bank at its April visit to Walnut Creek at the Elks Club.

Dr. Charles Sweet, Chuck Sweet and Ralph Chamberlain joined me to meet and welcome the young men and women who answered the call.

Between 4 and 6 p.m. on April 20, 12 pints of blood were processed for our reserve account and each of the young donors welcomed the $10 given them.

This enabled us to complete the agreement with the Central Blood Bank and establish April 21 as the effective date for blood coverage in Rossmoor.

Dr. Thurston Hatch accepted the responsibility of cementing the relationship with Diablo Valley College.

When the mobile unit arrived on the afternoon of May 20, students began arriving in such numbers that all could not be examined that afternoon.

It takes 30 minutes to process each blood donor and we were happy the staff was able to accept 72 pints of blood for our reserve account. This brought our total blood purchased to 84 pints at a cost of $840.

Dr. Mandel had been the first to donate blood and one more Rossmoor donor has volunteered and given blood for the Rossmoor reserve account.

In one month the amount of blood received has exceeded the goal set four times over and we know that the project is now an established part of Rossmoor community living, and proof of the real community spirit and desire to help each other in time of need.

Our reserve blood account is now far over the minimum required and we will not buy any more blood for several months unless there is unexpected need due to catastrophe or epidemic situations.

WHERE DID THE MONEY COME FROM?

When the call was made for blood donors the students at Diablo Valley College responded so willingly that our quota requirement was exceeded within 30 days. There was no generation gap or lack of communication between us and those who are almost 50 years younger than the average Rossmoorite.

Since the sum of $850 passed from our hands into those of the young volunteers so that their blood could be passed on to a reserve from which we could obtain blood when needed, the question of where the money came from makes an interesting story.

The first requirement of any new project is money. Usually many ways to get it are considered and one must be chosen which seems to offer the best chances for success without undue delays.

Fortunately the Civic Affairs Council directors are men and women wtih vision and the ability to take action. When the president suggested that the council contribute $50 to the Blood Bank project others suggested that this action and the project be explained to other Rossmoor clubs.

Assignments were made to do such work, and we chose this plan to secure the money needed to establish a blood reserve.

Within a week momentum began to build and the word spread through articles in the Rossmoor News. Kiwanis—Rotary—Lions—Monday Forum—Aahmes Shrine—Staggers—Lawn Bowling—Projects, Ltd.—Womans Club—Shuffle Board—Needlecraft Guild—Ecology Action—Camera Club—W. O. W.'s—Soroptimists—Lapidary and Jewelry—Domino—Tice Valley Mendico's—Residents Association—Ball Room Dance Group all made substantial contributions.

After the Flea Market proved successful, as anticipated, the Rossmoor Activities Council approved the Blood Bank as a worthy cause and this check with many individual contributions brought the total to $2,000 by the end of June and the success of the project was assured.

There was no campaign or money raising drive. The committee presented the program as a community need and the community responded.

Many of the checks came by mail or in personal visits and we did not know who was responsible for the action needed to have the contribution made.

Only in Walnut Creek Rossmoor could such results come from voluntary action in response to a program designed to assist any member of the community when an emergency occurs.

The thanks of the Civic Affairs Council, our Blood Bank Committee and those who have received blood from our reserve account during the past three months is hereby extended to the participating clubs and each person who has helped make the dream a reality.

WHAT TO DO WHEN BLOOD IS NEEDED

The first three articles explaining the Blood Bank in establishing a blood reserve for members of the Rossmoor Community.

The use of blood and its storage and distribution is entirely a function of the medical profession. Our Medical Center keeps all of the records of blood in our reserve and authorizes its withdrawal when needed. Dr. Mandel wrote a news release to tell you what to do when the doctor decides you need the blood and the hospital furnishes it.

YOU CAN GET BLOOD OUT OF A TURNIP

You can, when the turnip is the Rossmoor of Walnut Creek Blood Reserve Account.

The procedure couldn't be simpler. All Golden Rain Foundation members and employees of the Foundation who have received blood in any hospital can have blood replaced without charge.

All that is required is a call to the Medical Center, 939-1220. Ask for Mr. William Sheppard, Office Manager, or in his absence, Dr. William Mandel, Medical Center Director. You report the number of units of blood you were given and the name of the hospital in which you received the blood. Thereafter the Medical Center initiates a process which ends with the hospital being notified that the blood has been replaced, so the charge for the blood is canceled.

The usual way to replace blood is either to buy it at $25 per unit or to have a friend or relative donate it for you. At Rossmoor, the friend or relative is represented by the total community support of the blood bank.

If you are over 65, Medicare will pay for all blood after three units have been given. Medicare pays the handling charges for the first three units. Thus, for those over 65 replacement is one unit for each of the first three units.

For those below 65, the replacement is two units for each unit given.

The Rossmoor community provides blood—the gift of life—to those who are ill and injured. There is no substitute for blood when it is required.

Mr. John Drenth, a director of the Civic Affairs Council, is chairman of the Rossmoor Blood Bank Committee. This committee is currently incorporating itself so that donations will be tax deductible. Any Rossmoor resident or Foundation employee who wishes to contribute should write a check to the Rossmoor of Walnut Creek Blood Bank, and send it to Mr. Ralph H. Chamberlain, Treasurer, 2801 Golden Rain Road, No. 8, Walnut Creek, California 94595.

Any individual below age 65 may donate blood on the third Tuesday of each month from 3:00 p.m. to 6:30 p.m. at the Elks Club, Walnut Creek. This donated blood can be assigned to the Rossmoor Blood Account.

The article last week included the letter from Dr. Mandel outlining the procedure to follow when blood is needed. As this is the final article in the series, there will be some repetition of points covered in the previous articles.

Early in the year legislation was introduced to allow a $25 tax deduction for blood donations. I wrote Representative Waldie asking his support on behalf of the Rossmoor Blood Bank. His reply closed with this firm commitment: "I would like to join you in this important effort and I, therefore, will not only support this bill but will also sponsor it."

On July 8 another bill was introduced in the House of Representatives to amend the Internal Revenue Code to provide that nonpaid, voluntary blood donation shall be considered as charitable contributions deductible from gross income. The purpose is to encourage eligible donors of blood as a preventative measure for hepatitis.

Studies show that drug addicts, skid row derelicts, and others with a predisposition to hepatitis are more likely to lie about past exposure to this disease due to their need for money. The unpaid donor has no reason to hide the facts about the past when asked about illness suffered.

This gives us the answer for a considerable number of persons in Rossmoor. If you weigh 110 pounds or more, have not donated blood in less than 8 weeks and are between the ages of 18 and 65, your blood may be acceptable. The third Tuesday of each month at the Elks Lodge, South Main and Creekside Drive, from 3 p.m. to 6:30 p.m. is the place to go. Take your Social Security Card and ask that the blood be credited to the Rossmoor Reserve.

Last night I received a phone call asking if a contribution could be made in memory of a friend who had died. This morning the check arrived for the blood bank. This memorial gift idea has not been mentioned before, but it is one that all of us can keep in mind and follow when the occasion seems appropriate.

During July additional Rossmoor clubs have sent in checks for the blood bank. We suggest that clubs whose budget did not permit participating this year, plan to share in the program in 1972 by providing for a contribution for the Blood Bank. In a later article a suggestion will be outlined for ways for individual participation. In the meantime, remember the blood containers in the Medical Center are for your use and any loose change is a contribution.

Blood has now been available to all members of the Rossmoor Community for four months. It is too soon to predict future needs accurately but to date it is apparent that there is a need for this service and that we must keep a constant reserve of blood at all times. Two more calls came from the hospitals within the last three days and filling the need has become a routine practice at the Medical Center.

THE HUMAN COST OF COMMUNISM IN CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. SCHMITZ. Mr. Speaker. "If the rains of communism flood the world, humanity will drown. Would you understand me, dear friend, if I told you I saw an old woman weep because the sun had died in China?"—Liu Shaw-tong, out of Red China.

Millions of Chinese have died as a result of communism in China. The immensity of the crimes committed against the Chinese people by Mao Tse-tung, his longtime lieutenant Chou En-lai, and their entourage, is thoroughly documented in a study entitled, "The Human Cost of Communism in China," prepared by Prof. Richard Walker, director of the Institute of International Studies at the University of South Carolina, and just released by the Senate Internal Security Subcommittee.

The magnitude of Mao Tse-tung's crimes is so appalling, the scope of his campaign to pulverize the Chinese people so great, that even with the irrefutable evidence before us it is difficult to comprehend. Hitler appears almost humanitarian when compared to this man, who managed to outdo even his mentor Stalin in sheer numbers of terror victims.

Since coming to power in 1949 the Chinese Communist policy has been divide, liquidate, and rule. Total, all-pervasive terror was, and is, the single governing principle. A continuous succession of purge-drive campaigns such as "the great proletarian revolution," "the great leap forward," the "three-anti and five-anti" campaigns, and the like, each one claiming millions of victims, has been launched against the people of China by Mao Tse-tung and his followers. Intellectuals, students, businessmen, landowners, peasants, each in their turn have been branded "counterrevolutionary groups" and smashed.

In the following table extracted from the study, it is important to note that approximately 90 percent of the victims claimed by communism in China were killed after the Communists seized power. The alternative to resistance against the Communists is not bloodless peace, as some would have us believe. Professor Walker notes in his study that even some of the high estimates given below are probably too conservative.

CASUALTIES TO COMMUNISM IN CHINA

	Range of estimates	
1. 1st Civil War (1927–36)	250,000	500,000
2. Fighting during Sino-Japanese War (1937–45)	50,000	50,000
3. 2d Civil War (1945–49)	1,250,000	1,250,000
4. Land reform prior to "Liberation"	500,000	1,000,000
5. Political Liquidation Campaigns (1949–58)	15,000,000	30,000,000
6. Korean war	500,000	1,234,000
7. The "Great Leap Forward" and the Communes	1,000,000	2,000,000
8. Struggles with minority nationalities, including Tibet	500,000	1,000,000
9. The "Great Proletarian Cultural Revolution" and its aftermath	250,000	500,000
10. Deaths in forced labor camps and frontier development	15,000,000	25,000,000
Total	34,300,000	63,784,000

I strongly urge all Americans to read the entire study. This information is so important that my office has purchased a number of copies of Professor Walker's excellent, though horrifying, treatise and will be glad to supply a copy to anyone upon request. The nature of national leaders can be accurately gaged through their political practices. Mao Tse-tung, Chou En-lai, and the other members of the Chinese Communist Party who have contributed to the greatest blood-letting operation in recorded history are thereby simply revealed as they really are—not as so many Americans, high and low, would like to believe them to be in this age of "Ping-Pong diplomacy."

THE PUGET SOUND AQUACULTURE FRONTIER: A NEW INDUSTRY FIGHTS HUNGER

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. HICKS of Washington. Mr. Speaker, in a series of six articles, Tacoma News Tribune staff writer Malcom MacNey has put together the story of aquaculture development of Puget Sound. Aquaculture, as you may know, is the salt water propagation of marine life under carefully controlled conditions, leading to an highly efficient chain of inexpensive protein production which compares favorably to all other animal protein sources.

Aquaculture has been practiced for decades in Japan, but is an infant in the United States. Presently two projects in the State of Washington's great estuary, Puget Sound, are on the frontiers of domestic aquaculture development. Since cheap sources of high-yield protein are a priority matter in the effort to cope with problems of world hunger, we on the shores of Pudget Sound welcome this promising use of our extraordinarily fertile marine environment.

Mr. Speaker, I commend these articles to the attention of my colleagues:

FARMING PUGET SOUND—I: AQUACULTURE FUTURE BIG

(By Malcolmn Macney)

For centuries and centuries farming has had to do with things like seeds and soils, vegetables and fertilizers, rainfall and climate, and any number of other things. In short, farming has had to do with raising things from the ground.

Now we are about to see man start using parts of Puget Sound as he has the land, cultivating it intensely.

Of course, Puget Sound has been producing harvests of various things for a long, long time. Things such as salmon and oysters and clams.

ABUNDANCE

The Sound Indians found these things in such abundance they paid relatively little attention to the land.

And until recently man has continued to harvest the Sound in much the same way as the Indians.

Oh sure, fishing methods have been refined, hatcheries have been built to try and replace losses due to pollution and the ravaging of rivers and spawning grounds, and conservation methods have been introduced to keep something around to harvest.

STILL HUNTER

But essentially, as one fish biologist explained it, man is still in the hunting stage when it comes to using Puget Sound as a food producer.

However, changes are coming rapidly.

The Lummi Indians are about to start commercial production of an estimated 1.25 million pounds of trout and salmon a year, plus another 2 million pounds of oysters.

Ocean Systems, Inc., is running a pilot program, with the help of a $100,000 federal grant, for raising silver and chinook salmon in nylon-net cages in Clam Bay near Manchester.

The National Marine Fisheries Services is working with Ocean Systems, plus working on the hybirdizing of salmon, and doing research on shrimp and mussels and the raising of salmon at various water temperatures.

UW PROJECTS

The University of Washington, designated as a Sea Grant college by the National Oceanographic and Atmospheric Administration, has a number of projects going. In addition to working with fish, the U.W. Division of Marine Resources is collecting data on temperature, salinity, currents, turbidity and exposure. The College of Forestry is even getting into the act by studying sea Polymers to learn if they have a drug potential.

The State Department of Natural Resources is planning a number of stations in southern Puget Sound to test the growing of oysters and seaweed at depths where they would offer no hinderance to commerce or recreation.

The State Department of Fisheries has been working for years on the proportion of chinook and silver salmon—both by natural and artificial means—and is now moving into the chum and sockeye (pink) fields. The department has also gathered much data on oysters and clams, available to anyone wanting to grow these things. And during the first years at least of salmon farming, the department will be supplying the seeds (eggs).

While fish farming on the Sound is new, with the exception of oysters, some forms of aquacultures have been practiced for hundreds of years.

Tim Joyner, oceanographer with the National Marine Fisheries Service in Seattle, said mussels were cultivated by the Romans.

TUNA IN PENS

The Japanese have been growing oysters suspended from rafts for many years, and are raising yellowtail tuna in ocean pens.

But fish farming in Puget Sound for salmon was only made legal by the last legislature. An act by that body gives the Department of Fisheries authority to issue licenses for fish farms.

Other permits are also needed, from the Corps of Engineers and the Department of Natural Resources, but we'll go into the details in later articles.

The fish farming potential? Nobody really knows.

MUST BE MAPPED

Nor will they until the Sound has been mapped for such things as currents, temperatures, salinity and the like, such as is being done by the U.W. Just as some soils are better for growing certain crops, certain areas of the Sound are richer in their potential for fish growing.

However, some idea of the potential can be gained from just one estimate.

Conrad Mahnken, oceanographer and project manager of the NMFS work in Clam Bay, believes 500,000 pounds of fish can be raised per acre of surface water a year.

Naturally, as with any new enterprise, there are still many bugs to be worked out, not the least being economics.

Jon Lindberg, head of the Ocean Systems project, said:

"There have been a lot of failures, and I suspect there will be more, as there is bound to be in a pioneering industry. We could get clipped, but I'm quite optimistic it will go."

Some of the possible snags, and the potential rewards, will be discussed in detail in succeeding articles.

Farming Puget Sound—II: Lummis Are Farming SSTs—in the Sea

(By Malcolm MacNey)

The farming of fishes right now is about where agriculture was years and years ago.

The hybridizing of salmon, for instance, is just under way in an attempt to produce a fish that will grow faster and be more vigorous.

Data is being collected on salinity, currents, turbidity, available food and temperatures in various parts of Puget Sound to determine what things can be expected to grow best in what areas.

The first oyster hatchery on Puget Sound will be under construction in July, and will offer opportunities for crossing oysters and working toward ever more delectable strains.

And a new SST program is about to get under way. But this one will not be the building of a supersonic transport—rather, the raising of super sea trout. The trout are the products of years of genetic selection by Dr. Loren Donaldson of the University of Washington.

The super-trout have shown even more fantastic growth in salt water than they did in fresh.

The first large-scale commercial sea-farming effort on Puget Sound has been in the making on the Lummi Indians reservation near Bellingham since 1969. Final diking of a 750-acre pond was completed June 4. Within the pond will be grown the SST's, silver salmon and oysters.

The other rather large-scale production of salmon is being undertaken by Ocean Systems, Inc., a subsidiary of Union Carbide. This program, in which up to a million salmon will be raised in nylon-net cages 50 feet square and 20 feet deep, is designed as a full-scale test of the commercial possibilities of salmon farming.

The Lummi project is the brainchild of Dr. Wallace G. Heath, an aquatic ecologist, who did a quick-sell job on the Lummis after hearing they were planning to dredge Lummi Bay for industrial and other types of development.

Dr. Heath had become intrigued with the possibilities of aquaculture upon seeing what was being done in Hawaii. After hearing of the dredging proposal, he called the tribal council.

"They told me to come on out and went for the idea immediately, and we were funded in less than a year," he said.

Since then things have been buzzing around the bay, with the building of test facilities, the training of the Lummis, the enclosure of the first pond, and fighting off the opposition of the Lummi Bay Beach Association.

SOME GRUMBLES

While some grumbles are still heard, opposition was largely blocked when the Corps of Engineers issued a permit for the building of the pond.

The most frantic day in the pond building program came June 4, when 800 feet of dike had to be installed in a 20-hour period. The last big gap had to be closed quickly so the constricted tidal flow would not reach such a velocity that it would start washing away the barrier.

The dike was constructed of a core of sand with shoulders of gravel. Huge rip-rap was placed along the outer side to guard against winter storms and big tides.

One of the project's first efforts was the building of natural-bottom research ponds, to test not only the growing of fish and oysters, but also the use of tidal pumps.

The latter are extremely important, for their function is to keep the water in the pond constantly changing.

Nearly a million gallons of fresh water a day will be required for each of the 750 acres. The new water will bring in nutrients and oxygen, plus providing a cooling factor. The old water will carry away waste material.

In the research work, 4,500 of the Donaldson trout were raised in eight-tenths of an acre of seawater pond. They grew from an average of a tenth of a pound each to 1.25 pounds between April and August, with a mortality rate of about 3 per cent.

POUND FOR POUND

They were given a diet of Oregon moist pellet fish food, and put on a pound of growth for each pound of food. While that represented a production of something over 6,000 pounds of fish an acre, Heath said he will be delighted to average 2,000 pounds in the large pond.

Heath also has high hopes for silver salmon—"good, tough fish"—that showed a five-fold gain in weight in the same five months.

Between the trout and the salmon, he is estimating an annual harvest of 1.25 million pounds of fish, which would bring a gross income of $1 million for the tribe. Another million dollars or more is expected from the sale of oysters.

While other fish biologists think Heath may be somewhat optimistic about the fish, they believe a number of problems may occur in the pond culture. They were almost unanimous in predicting success for the oyster operation.

One goal is to make the entire program self-sustaining, and in order to achieve this two hatcheries will be constructed. One will be to hatch fish, and the other oysters.

OYSTER THUMB

In charge of the oyster program is Richard L. Poole, described by an admirer from the National Marine Fisheries Services as "having an oyster thumb."

The oyster hatchery will be so self-sustaining the Lummis will even grow the algae to provide supplemental food for the oyster larvae.

In addition to raising enough oyster seed for the Lummis project, Poole anticipates selling 50 million seed (there's a good farm word) to other commercial growers. This would meet about 5 per cent of the annual demand by Puget Sound growers.

"In the hatchery," Poole explained, "you have all kinds of options. You can practice genetic selection to improve the stock, for one thing. We're becoming true farmers."

Poole has also experimented with growing scallops and abalone, and though they showed promise, water conditions will not be right in the first pool to warrant a commercial venture.

WARM THINGS UP

Another advantage of a hatchery, Poole said, is that you can fool an oyster into thinking it is summer—spawning time—by raising the water temperature.

Another thing that can be done is to breed for better taste. Of course, once you eat an oyster it's gone, but you can collect the sperm beforehand and preserve it by freezing.

Both the Lummis and Jerry Yamashita at Purdy have found that growing oysters in suspension has one great advantage—growth. Left to their own, oysters take three or four years to reach market size. But in suspension they can be harvested in 15 months or so.

They can be suspended in two ways. The first is by letting the seed attach itself to old shells, then stringing the old shells to wire or rope and hanging them from rafts.

The second, known as the clutchless method, is to grow the oysters on trays of fine wire, with the trays suspended from rafts.

Four oysters are being cultured at the Lummi project—the Pacific, Kumamoto, Eastern and European flat. Yamashita is growing mostly Pacifics, with a few of the gourmet-type European flats.

ECONOMIC LIFT

The Lummis have been fortunate in one big factor—money. Because the reservation has been rated as continually economically depressed, the federal government has picked up most of the $3 million tab for the project.

Not all of the money has gone for construction. A good chunk has gone in training Lummis to make the thing go when it is completed.

Besides being given rather thorough training in fish and oyster biology, they also are taught water quality control. In this phase, they learn to test for such things as sulfite waste liquor control and fluorides, two pollutants that might turn up from nearby industries.

Boss of the entire operation is the Lummi Tribal Council, from Heath on down.

Heath said there are about 2,000 Lummi tribal members, with half of them living on the reservation. When Phase I—the 750-acre pond phase—is in operation, jobs for about 200 Lummis will be provided.

Close to 120 are on the payroll now, both in training and in construction.

If everything works out, the remaining 1,750 acres of tidal land owned by the Lummis may be diked to create more ponds. If this is done, another 400 jobs could be created.

While 50,000 pounds or so of fish may be marketed this fall, the first large commercial crop is not expected until 1972. By 1974, the goal is 3 million pounds of fish and oysters.

The Lummis have also been doing some work with red seaweed, harvesting the natural growth, and starting some tests on growing the seaweed on rope. The project is still too new, Heath explained, to determine whether there are commercial possibilities.

FARMING PUGET SOUND—III: FISH RAISING PROMISES INNOVATION AND PROFIT

(By Malcolm MacNey)

Some of the most exciting work in Puget Sound fish farming is going on in Clam Bay near Manchester.

Here an old coastal vessel, the MV Brown Bear, is tied up alongside a pier that was formerly part of the U.S. Navy Fuel Supply Depot.

The Brown Bear is headquarters for a variety of research projects being carried on by the National Marine Fisheries Service. And she is also located only a few hundred feet from where Ocean Systems, Inc., is launching a pilot program to test the feasibility of farming chinook and silver salmon.

There is marine life all over the place, in nets of woven, knotless nylon alongside the Brown Bear, and in tanks in a small building on the pier—chinook and silver salmon, hybrid crosses of male sockeye and female chum salmon, male spring chinooks and female pinks, even-year Alaska pinks (sockeye), lobsters, Puget Sound spotted shrimp, sea urchins and sickle snouts.

The lobsters, urchins and sickle snouts have little to do with the research. The lobster and urchins are used to help keep things clean, while the sickle snouts are "pets" of a summertime student worker.

The shrimp, the Puget Sound spotted variety, are part of a doctorate research program being carried on by Vincent Price, a graduate student at the University of Washington of Washington from Kenya.

Price is also working with four other varieties of Sound shrimp, but his greatest experience has been with the spotted ones.

FISH BIOLOGIST

From that research, the shrimp "looks like it might be a promising animal," according to Anthony Novotny, NMFS fish biologist.

Indications are the shrimp can be cultured up to about a three-year, or eating, size in one year.

Dr. Kenneth K. Chew, shell-fish expert and advisor in Price's doctoral program, says the Sound shrimp is better eating even than the Gulf shrimp because it is easier to chew and tastier.

The possibility of growing lobsters commercially in Puget Sound is also being considered. Jon Lindberg, head of the Ocean Systems project, said such a possibility is interesting.

The lobster has a high market value and is scarce, but there would likely be a number of problems, he said. For one thing, they grow slowly, taking five to seven years to reach market size and are very cannibalistic.

"You could almost certainly reduce the growing time, but by how much? That's a long time to hold a critter," Lindberg said. He described a look into lobster possibilities as a "far distant kind of thing."

A right now thing is the project to raise 400,000 to a million salmon to market size and sell them. Market size will likely be between a half pound and a pound.

Ocean Systems has about 600,000 little Chinooks, and 400,000 silvers, raised from spawn purchased from the State Fisheries Department last fall. The firm constructed a hatchery on Beaver Creek near Manchester for the spawning and then moved the tiny fish to Glud's Pond near Brownsville.

PLACED IN PENS

Now the chinook are about three inches long and are being put in a pen alongside the Brown Bear.

More than 300,000 of them were in the pen last week.

The silvers, which must remain in fresh water longer than Chinook, will start moving to Clam Bay about the middle of July.

Ocean Systems has received a $100,000 grant from the National Oceanographic and Atmospheric Institute, and is investing another $160,000 of its own money. The grant is for raising of 400,000 salmon, and anything more than that will be up to Ocean Systems alone, Conrad Mahnken explained.

Mahnken is project manager on the Brown Bear for the National Marine Fisheries Service (NMFS), and is just as anxious to see the fish farm program become successful as the Ocean Systems people.

Lindberg is hoping the hybridizing work by Anthony Novotny, NMFS fisheries biologist, is as successful as early results indicate it may be.

Novotny has crossed male sockeyes and female chums and male chinooks and female pinks. The purpose is two fold: "To get hybrid vigor the same as in domesticated animals," and to get a fish with the flesh of a sockeye or chinook that will move into salt water rapidly.

PUT ON WEIGHT

Salt water, Novotny said, is where the salmon put on weight, and a sockeye under normal conditions may take up to a year to make the migration from fresh to salt water.

One batch of the hybrids were introduced to sea water successfully 30 to 40 days after "swim up," when a newly hatched fish stops feeding off its eggs and starts fending other food.

But there is still a long way to go, Novotny said. The experiments cannot be considered 100 per cent successful until the crosses have been raised to adulthood and it is learned whether they will spawn.

However, whether they spawn or not, hybrids could still be farmed if they are as vigorous and make the growth hoped for.

The salmon at the Ocean Systems project will be raised in four pens, 50 feet square and 20 feet deep and will be covered, for blue herons and diving ducks look on little salmon as gourmet meals.

The pens will be anchored to a 20-by-100-foot barge, from which food will be dispensed. This can be done by hand now, but some other means will have to be found later.

When the fish get to be around a half-pound, the logistics become tremendous, Mahnken said. At that time, the fish will be gobbling around 6,000 pounds of food daily, which will require some sort of freezing equipment at dockside for storage.

REQUIRES TRUCKS

To haul that amount of food from the manufacturing plant at LaConner will likely require two or three trucks a week.

And when the fish start reaching market size—Lindberg says a rough estimate would be in February or March—some 30,000 a day will be processed.

Mahnken sees three processing possibilities: On the barge, on the shore or by subcontracting.

He also spoke of the economics involved. Their test work has indicated the salmon will require 1½ to two pounds of food per pound of fish.

Feed, he declared, is by far the biggest cost factor.

Figuring on the high side, a one-pound salmon would take 34 cents of food. Labor and equipment he estimates at 15 cents, packaging at perhaps 5 cents and air freight to East Coast markets at another 10 cents.

That adds up to 64 cents a pound, and in their test marketing work with silver salmon on the NMFS has had offers from 70 to 80 cents a pound.

Mahnken figures that when the fish are actually marketed they may bring a higher return than the testing indicated. Trout being raised in Nova Scotia are bringing $1.29 a pound in eastern Canadian cities, and the salmon are certainly better than they are, he said.

Capital outlay for the nets is not too great an item. The NMFS has one pen 30 feet square and 15 feet deep, somewhat smaller than the ones Ocean Systems will use, that cost about $1,600. The nylon net was purchased for 3 cents a square foot, and then put together by NMFS personnel.

NO POLLUTION

One of the best things about fish farming, according to Mahnken, is that it is a nonpolluting industry, and one of the best uses that can be made of aquatic lands.

But pollution produced by man could give the fish farmers problems.

Mahnken said while an oil spill might not kill the fish it certainly could cause problems.

For one thing, oil would put the fish off their feed, and if that happened when they were making fast growth, the setback could tip the operation into the red.

Oil also puts the fish under stress, and there is a strong indication stress and an increase in disease are connected.

On the subject of nets, both Novotny and Mahnken said they believe that method offers much better possibilities than ponds.

Pens can be anchored in water that stays cool. That is important, they said, as salmon get uncomfortable and more disease prone in water above 55 degrees.

Pens further can be held at a depth that won't disturb surface traffic.

Last fall one pen was submerged so that it was about 20 feet down at the lowest low tide, and 45 at the highest. The fish were kept there for 10 weeks, fed through a tube, and the growth rate was only 10 per cent less than those raised just under the surface.

The suspended pens allow fresh water to wash continually through, bringing oxygen and natural nutrients, and flushing away waste materials.

As mentioned in an earlier article, Mahnken estimates 500,000 pounds of salmon can be raised per acre of surface water. He further estimates there are 10,000 acres of Puget Sound in Kitsap County suitable for salmon farming.

ENTIRE CATCH

"You could equal the entire American catch of salmon," he said.

Many things would have to be worked out, and conflicts resolved involving aesthetics, recreation and commerce.

Jerry Yamashita, the only person now practicing raft culture of oysters commercially, in Puget Sound, also had something to say on the matter. He had a lot of opposition to overcome before he was allowed to install the rafts.

"I think all of us are becoming aware of a responsibility to our fellow man," he said. "I think eventually we will be able to live in harmony, but we are suffering in the transition."

FARMING PUGET SOUND—IV: MUSSELS AN OVERLOOKED CROP FOR FOOD, PROTEIN, CALCIUM

(By Malcolm MacNey)

A little black mollusk that grows like crazy in Puget Sound and gets hardly any attention is believed by at least a few experts to have the greatest potential of all.

No. 1 champion of that mollusk—the mussel—is Tim Joyner, oceanographer with the National Marine Fisheries Services in Seattle.

Mussels produce high quality meat that is delicious, Joyner said, when cooked in any number of ways.

The mussels can be ground up, the meat and shells separated, and the meat processed for use as a poultry, animal or fish food additive.

The shells won't go to waste either. Being practically pure calcium carbonate, they can be used for poultry grit, or as a thickener in paint and asphalt as is being done in Germany.

LOTS OF PROTEIN

But perhaps the greatest use that could be made of mussel meat is extracting the high-grade protein the little bivalves produce so efficiently.

The odorless and tasteless concentrate could be highly important in a world where many people are suffering from malnutrition brought on by a lack of protein.

"No other animal," Joyner said, "can turn feed into high grade protein better than a mussel."

They are the most efficient filter we know, he added. While oysters only digest a little of what they take in, the mussel digests most anything.

So they grow rapidly, can be "pastured" at nearly any depth and are great little water cleaners.

Because they are such "efficient biological filters," mussels do become toxic from time to time by soaking up a paralytic poison. However, there has never been any known paralytic shellfish poisoning inside Admiralty Inlet, Joyner said Dr. Dixy Lee Ray has reported.

This might be a point to capitalize on for mussels grown in Puget Sound.

Joyner also pointed out that in areas where mussels might be intensely cultivated, and might be exposed to the poison such as that found in a red tide, "the presence of paralytic poisoning can be readily detected by regular monitoring."

Then harvesting would be curtailed until the mussels had released the poison and again became safe.

FARMING NOT NEW

Mussel farming is certainly nothing new. They have been raised since Roman times, Joyner said.

An Irishman shipwrecked on the severe southern coast of Brittany in France during winter a couple of hundred years ago accidentally started mussel culture there. Unable to climb the cliffs behind him, the Irishman put together bits and pieces of old fish netting, tied the netting to posts and set them out to catch low flying birds that kept him going through the winter.

Finding mussels clinging to the posts in the spring, he added them to his diet.

When his French farmer rescuers found the Irishman living better than they, the next question was how had he done it. Thus was born a business that has produced some wealthy Frenchmen.

Almost as intriguing is the story of mussel farming in the deep inlets of Spain's Atlantic coastline.

Prof. Buenaventura Andrea found mussels growing profusely in one of the inlets. The natives didn't much care for them, though they did use "mussel mud" for pig food and fertilizer.

But the professor talked the government into supporting research into suspended culture of the mollusks. And he found they grew with amazing speed at almost any depth.

In fact, those grown down where they didn't get any light came out a light brown and brought a premium price on the markets in France.

LEADING PRODUCER

From the idea of that one man, Spain in two decades became the leading mussel producer in the world, selling mainly to markets in northern Europe. On rafts 1-10 acre in size, an average of 55 tons of mussels are grown each year.

They can also be grown on ropes stretched horizontally between posts, or on ropes wrapped around posts.

Holland also has been a producer of mussels for many years, but the highly polluted Rhine River has wiped out some of its "farms."

This should serve as a good example for Puget Sound of what not to do, Joyner believes.

Nutrients to grow all kinds of marine things are constantly being washed into the Sound from the sea, and poured in from the sea, and poured in from the river tributaries.

"We're sitting on a goldmine, if we'll just take cognizance of it," Joyner declared.

"The Sound is just like a great big piece of bottom land . . .

"We have an incredible resource if we choose to use it this way. If we don't, we'll have another Chesapeake Bay by the end of the century."

Not only must any further polluting of the Sound be halted, he said, but it should be restored to its original pristine state.

He cites the formation of Metro around Seattle and the Puget Sound Governmental Conference as steps in the right direction.

"But," he said, "the counties must give up some of their jealously guarded authority. If things remain fragmented as they are, it'll all go down the tube."

But with a clean, fish-producing Sound, the use of the fertile valleys of the Sound tributaries to produce crops, and the growing of farm goods in Eastern Washington, Joyner believes Washington could very well lead the nation in food production.

Joyner spoke of Willipa Harbor, the state's major oyster producing area, as a way not to go.

More and more housing means more and more septic tanks, until seepage from these tanks is "threatening a very valuable industry."

Joyner also spoke of a way to go, if the Sound is not let go down the tube. That is what he calls polyculture, the growing of non-competing crops in the same area.

The crops he suggested are salmon in net pens or cages, and shrimp, mussels, oysters and even scallops beneath the pens. The shellfish would utilize what feed the salmon missed, plus the fish wastes, and at the same time they'd be providing a natural water-cleaning system.

One problem a mussel grower would probably have now is finding markets. But the NMFS is working on this also.

The service is encouraging restaurants to offer the mollusks as a gourmet item. Once this happens, Joyner reasons, the Joneses will want to keep up with the Vanderbilts. And everybody wants to keep up with the Joneses.

FARMING PUGET SOUND—V: OTHER INTERESTS MUST BE WEIGHED IN AQUACULTURE

(By Malcolm MacNey)

Many things have to be considered when it comes to farming Puget Sound for fishes, in addition to the actual growing and marketing processes.

Water skiing, boating, sports and commercial fishing and commercial movement are some of those things.

Both the Army Corps of Engineers and the State Department of Natural Resources will have a hand in trying to keep everybody happy. Any prospective fish farmer will need permits from each organization.

"Our objective is to promote aquaculture compatible with recreation and commerce and environmental considerations," said Dr. David W. Jamison, aquatic land manager for the DNR.

In line with this, the DNR has applied to the Corps for permits to carry on experimental work at 12 sites on Puget Sound, 10 in the south and two in the north.

In its new role as a protector of the environment, the Corps announced factors that would be considered in studying the applications would be "navigation, fish and wildlife, water quality, economics, conservation, esthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people."

The DNR tests are designed to learn if some aquaculture techniques can be developed to meet both the Corps' and its own criteria.

Jamison is proposing to try growing clams, oysters and seaweed at depths that would not disturb surface traffic.

Some naturally grown seaweed, the red iradaea, has been harvested by the Lummi Indians the past couple of summers. The red kelp brings a price of $300 a dry ton because of the carrageenin it contains.

Carrageenin has widespread use in toothpaste, ice cream, milk products, prepared cereals, cosmetics and paints as an emulsifying and smoothing agent.

MARKET FOR KELP

But there is a market for the more common brown kelp, also. Because the price is only $60 a dry ton, however, an inexpensive harvesting method is a must.

Harvesting could likely be accomplished without undue expense if the kelp will grow on lines beneath the Sound.

Seaweed is not found extensively in southern Puget Sound, but there is rather firm belief this is because the bottom does not provide enough things for the kelp to fasten to.

(This belief is partly borne out by the kelp that grows readily and rapidly on ropes hanging in the water around the National Marine Fisheries Service facilities near Manchester.)

Test growing of the kelp will be between minus 15 and minus 60 feet, as will that of the oysters and clams.

Oysters will be grown both suspended on ropes and in trays, while the clams will be tried on trays.

UNSURE OF CLAIMS

"We don't know," Jamison said, "whether claims will grow outside sand and gravel. If they need gravel, that could add a tremendous weight factor."

Littleneck and Manila clams will be used in the test work.

"When it's all over," Jamison added, "we can then say what will grow where and what the possible return might be. I think we'll find some choice areas."

The department is also taking into consideration the private beach owner who might want to do a little home fish gardening.

"We'll be putting out a publication in six or seven months," Jamison said, "on backyard aquaculture."

As an example of the backyard variety, Jamison mentioned growing oysters on ropes or wires suspended from swimming or boating docks.

SELFISH MOTIVE

The work to be carried on by the DNR is far from altruistic. Under the state constitution, the state owns all the lands under the Sound, with certain exceptions too detailed to go into here.

So if aquaculture programs can be developed, they would put "a good monetary price on the bottom of the bay that was not there before," Jamison said.

Some of that land is already under lease for harvesting clams, including geoducks, and oysters.

The price is $5 to $15 an acre for oysters, depending on the grounds, 50 cents an acre plus a royalty on the poundage for geoducks, and a straight royalty on the poundage for other clams.

NO SET SCHEDULE

While no definite schedule has been worked out for raising salmon, Jamison suggested it could be on a royalty basis, or in the form of share-cropping such as on grazing or wheat lands.

"We'd have to be fair to the grower," Jamison said, "as we don't want to drive him out. For the first few years, high development costs will have to be considered."

Land Commissioner Bert Cole, who heads the DNR, is another champion of aquaculture.

"There is no reason why recreational activities and the commercial growing of marine and freshwater products for food and industrial materials cannot occur at one and the same time. Use of these marine areas can be comparable to the multiple use we now make of our forests and rangelands," Cole has declared.

FARMING PUGET SOUND—VI: CROP PRODUCTION PROBLEMS SIMILAR ON LAND, IN THE SEA

(By Malcolm MacNey)

Farming on the land and in the sea have many similarities, as has been pointed out.

Just as certain soils are better for raising certain crops, there are places in the salt water better suited for growing various marine organisms.

Temperatures are important in both aquaculture and agriculture.

Some crops in both activities need feeding or fertilizing.

And in both forms of farming there are dangers of crop losses and failures.

By far the greatest threat to fish farming is pollution.

Unless pollution is checked, Puget Sound can be ruined. Unless reversed, it will never realize its potential. These are the facts of life pointed out by nearly everybody taking part in the propagation and raising of marine life.

NOTHING LIKE IT

"There is nothing else like it in the world," Tim Joyner, of the National Marine Fisheries Service said, referring to the Sound.

Cool and fresh ocean water, carrying oxygen and nutrients, pours in through the bottom of Admiralty Inlet, and continues down the Sound until it hits the "prow" of Vashon Island.

There the water is forced to the top and back out to sea.

The "flush action" is slower in southern Puget Sound, and much, much slower in some of the southern bays and inlets.

This makes the southern part just that much more vulnerable to the pollution threat.

But it is just a matter of degree.

IN MANY WAYS

Pollution can attack in many ways. It can destroy parts of the food chain, including the phytoplankton that are at the start of the chain.

It can cause disease. It can cause retarded growth. And it can just plain make one of the potential Sound crops unsafe to eat.

That is happening now in some areas. Dr. David Jamison, aquatic lands manager from the Department of Natural Resources, pointed out.

"Weeping septic tanks" flowing across oyster and clam beds are creating a problem, as are some sewer outfalls.

The outfall discharges may even meet water quality standards, and still be declared a hazard by health officials through the probability of contaminating marine life.

When this happens, the state charges the polluter for the area withdrawn from production.

Mucking up of the Sound is not the only thing putting a crimp in marine production.

Salmon and steelhead spawning beds and the streams leading to them have been taking a beating for years. Dams, gravel and logging operations, and water removal are some of the things making it tougher and tougher to raise fish by natural means, referred to by Cedrick Lindsay as "a big natural aquaculture program." He is a veteran fish biologist with the Department of Fisheries.

Streams are the brood area and the first natural pasture, he added. Then the fish feed in the "big pasture in the sea," and are usually caught on the return migration.

"We must not forget the bulk of the salmon are being produced from natural production and are not artificial. If we don't protect the natural production, salmon could well go out."

One of the greatest threats to the Sound is oil. Something of its potential force for destruction was demonstrated when 5,500 barrels of light No. 2 diesel oil was pumped into the Sound near Anacortes a few weeks ago.

HARD-HIT AREAS

Hardest hit was the south shore of Guemes Island where much marine life was destroyed.

That type of oil dissipates rather rapidly. If the oil had been a heavier, crude type, the damage could have been much greater.

The threat of oil, or at least of oil drilling, is one big reason many people hope successful acquaculturer programs can be developed in Puget Sound.

They believe that aquaculture and oil drilling are somewhat incompatible, and that a successful fish farming industry would shut the door on any future proposals for Sound drilling.

The basis for this reasoning is a regulation that says when two industries are competing for a resource, the one least damaging to the environment shall be given the nod.

But first a successful aquaculture program must be developed. From the many efforts in that direction, success seems assured.

If the Sound is given the proper protection.

COTTER CALLS FOR NEW $800 DEPENDENCY DEDUCTION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. COTTER. Mr. Speaker, I have listened with interest to the President's remarks today in support of his program to stimulate the economy without increasing the fires of inflation.

There was little new information in his remarks and I believe his tax proposals are misguided and require substantial modification.

While I welcome the President's economic actions, belated though they may be, I believe that the Congress should carefully scrutinize the President's tax proposals to insure that they are designed to attain the goals they seek to achieve. These goals are to stimulate our stagnating economy and thereby lessen unemployment and simultaneously to dampen the fires of inflation that consume the wage earner's salary.

I have the most serious reservations that the 10-percent investment tax credit, and even the total repeal of the auto excise tax, will promote necessary stimulation of the economy. My reasoning is that the current economic problem of unemployment—it is over 9 percent on an unadjusted basis in my State of Connecticut—is more the result of the lack of consumer spending than the lack of new production facilities in big business. Indeed, the latest figures I have seen indicate that the productive capacity of the United States is being used at only 73 percent. This means that 27 percent of our industrial might is not being used. The central reason for this lack of production is that the consumer—the working man and woman—does not have enough expendable money or are too unsure of long range employment to spend. Therefore, the current economic stagnation with its high unemployment is being caused by the lack of consumer's desire or his inability to spend. In abstract terms what this means is that the demand follows supply or more simply put, people are refusing to buy.

Given this state of affairs, I believe that the Congress should substantially modify the President's tax proposals by increasing the personal exemption for each taxpayer and his dependents to $800 per person. This new, higher, personal deduction will be available to all taxpayers and is a more realistic figure for the cost of caring for dependents. What this means is that the workingman will get additional tax relief that will create a greater incentive to spend.

In order to minimize the revenue losses from such a program, I have also suggested in a letter to Chairman MILLS of the House Ways and Means Committee that the investment tax credit be lowered to 5 percent. I have suggested a lower investment tax credit for two reasons. In the current recession, there is no indication that there are now too few goods available. Indeed, 27 percent of our nation's industrial capacity is unused. This adequately demonstrates that the call for plant modernization, while important, should not be passed in lieu of more consumer stimulation. Most businesses that I am familiar with have not shown much hesitancy to modernize, with or without a tax break. If their goods and services are being used by the consumer. I believe that a 5 percent investment tax credit is a reasonable incentive to business to modernize, but I share the concern of many Members that such a modernization program could adversely effect employment. It is necessary to keep in mind that this program is designed for twin objectives—lessening unemployment and combating inflation. I believe that my proposal will help fulfill both objectives.

Mr. Speaker, I believe that there are other elements in the tax structure that should enter into the congressional deliberations. First, the accelerated depreciation which was enacted by administrative fiat should be repealed. This would save $3.4 billion per year, in addition, the Congress should consider moving more forcefully in closing unfair tax preferences: The accelerated depreciation allowance for oil ventures and the intangible oil drilling write-off could be tightened; the loopholes in hobby farming could be restricted; capital gains regulations could be made stricter; and a stringent minimum tax could be adopted.

Mr. Speaker, on this issue of inflation, more remains to be done. Among my first legislative actions was a proposal for effective wage-price controls to combat inflation. I believe that restraint in this area must continue after the 90-day freeze and serious thought should be given to controls on interest, dividends, and profit. Furthermore, no segment of our society should be asked to bear the disproportionate burden of our Nation's economic policy. I believe that fair and enforceable set guidelines should be established after the initial freeze.

Mr. Speaker, I am hopeful that the Congress will change the thrust of the President's tax proposals. I believe that a new $800 deduction for dependents is the most equitable means to stimulate the economy without increasing inflation.

In addition, the new $800 per dependent deduction is a more realistic figure of the cost of raising a family in our Nation today. The effects of such a deduction would be seen in the worker's paycheck.

Finally, I would also like to point out that the 10-percent import tax established by the President could result in higher prices to the consumer. This temporary new import tax, while it might be necessary, requires the consumer to pay increased costs and reinforces the need for more tax relief for the already overburdened wage earner.

RED CROSS COMMENDS MRS. LESLIE PARKER

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Tennessee. Mr. Speaker, today I received word from the American National Red Cross commending the heroism of a young Nashvillian, Mrs. Leslie Parker. I feel this heroism worthy of mention to my fellow House colleagues.

On April 10, 1971, a 14-month-old infant suffering a high temperature accompanying the gastrointestinal disease shingella, drove in with his parents to the Parker's Centennial Boulevard filling station. Suddenly, the child went into convulsions and stopped breathing.

Mrs. Parker, waiting to meet her husband, gave mouth-to-mouth resuscitation and revived the infant. He was breathing on his own when admitted to the hospital.

How long did the resuscitation take? According to Mrs. Parker, "not very long."

She said:

> It seemed like forever, but it was only a matter of seconds before the child was revived.

Mrs. Parker, in 1969, had received Red Cross lifesaving training. On that April day, she showed how valuable it can be. As Mrs. Parker noted:

> When you save someone's life, it's the most precious thing in the world.

"Without this—training and action—I believe the child would have died," she said. The attending physician agreed.

On September 20, Nashville's Red Cross Chapter will recognize Mrs. Parker's training and prompt action. She will be awarded the Red Cross Certificate of Merit, the highest honor given persons using Red Cross first aid, small craft, or water safety training to save a life.

Mrs. Parker's reaction to the award came with these words:

> I'm excited and a little embarrassed.

We should all be excited when someone follows Mrs. Parker's example. There is no embarrassment when someone saves another's life.

I include the following letter:

THE AMERICAN NATIONAL
RED CROSS,
NATIONAL HEADQUARTERS,
Washington, D.C., September 3, 1971.

HON. RICHARD H. FULTON,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FULTON: I wish to bring to your attention a noteworthy act of mercy undertaken by one of your constituents, Mrs. Leslie Parker, 4905 Illinois Avenue, Nashville, Tennessee 37209, who has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills learned in a Red Cross first aid, small craft, or water safety course. The Certificate bears the signatures of the President of the United States, Honorary Chairman, and E. Roland Harriman, Chairman of the American National Red Cross. Presentation will be made by the Nashville-Davidson County Chapter in Nashville.

On April 10, 1971, a 14-month-old infant who was suffering a high temperature, went into convulsions and stopped breathing. Mrs. Parker, who is trained in Red Cross first aid, gave mouth-to-mouth resuscitation and revived the baby. He was breathing on his own when admitted to the hospital. The attending physician stated that: "Without this form of ventilatory assistance the child could not have survived," and he commended Mrs. Parker for her first aid skill.

This action by Mrs. Parker exemplifies the highest ideal of the concern of one human being for another who is in distress.

Sincerely,

GEORGE M. ELSEY.

ADDITIONAL TEXAS JUDGE NEEDED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PRICE of Texas. Mr. Speaker, during the last Congress a public law was enacted which, among other things, increased the number of Federal judges in certain judicial districts throughout the Nation. When the bill this law was based on passed the House, it contained provisions for increasing the number of Federal judges in the Northern District of Texas from six to eight. This number was arrived at on the basis of the recommendations of the Judicial Conference of the United States, which had been studying in depth the problems of the Federal judiciary. Regrettably, the Senate did not make a similar increase in the number of Texas Federal judgeships. And when the bill emerged from a House-Senate conference committee, despite my vocal objections, the House-passed increase for the Northern District of Texas was limited to one additional seat. Thus the judicial needs of the northern district were not fully met in the new public law.

In an effort to redress this state of affairs I am today introducing legislation raising the number of Federal judgeships in the northern district from seven to eight.

To highlight just a few of the major reasons why this judicial district needs another judge, I am inserting in the RECORD excerpts from a memorandum supplied to me by the Honorable Joe Ewing Estes, chief judge of the U.S. district court in the northern district. While the statistics I will refer to represent the status of district cases in the last quarter of 1970, they graphically indicate the judicial predicament this district is in.

The Northern District of Texas is comprised of 100 counties—three times the size of Indiana.

The seven divisions for which court is

held—in Dallas, Fort Worth, Wichita Falls, Lubbock, Amarillo, Abilene, and San Angelo—embrace an area of 95,000 square miles.

The 1970 Census Bureau figures show a population of 3,625,739. The Dallas-Fort Worth metropolitan areas have increased in size from 563,959 in 1960 to 2,296,476 in 1970; an increase of 33 percent.

Since 1961, the northern district was given jurisdiction over habeas corpus applications of State prisoners by the 1966 amendment to 28 U.S.C. 2241, and those that follow. This amendment in effect transferred to this district, from other Texas districts, 40.3 percent of the State prisoner applications by reason of their conviction in the northern district.

Collections of the U.S. attorney's office for fiscal 1970 were $6,943,305, the largest of any district in the Nation.

During the period from 1960 to August 31, 1970, case filings in the northern district have increased, as follows:

Civil case filings in the 12-month period ending August 31, 1970, rose 110 percent over calendar 1960.

Criminal case filings rose 70 percent.

Bankruptcy case filings rose 296 percent.

It is important to note that the figure for civil cases included only 186 docketed habeas corpus cases. Additionally, approximately 400 prisoner papers were considered and disposed of without statistical records being sent to the administrative office because of the critical shortage of help in the clerk's office. Thus, the official figures are understated by approximately 400 civil cases.

The complex, time-consuming nature of the cases now pending in the northern district is reflected in the following issues present in those cases:

There are 617 pending civil cases involving multiple parties, 124 injunctions, 11 trademark, 35 patent and copyright, 52 class actions, 47 antitrust, 45 product liability, 23 stockholder suits, and 19 common disaster cases.

With respect to criminal actions, 62 involve multiple parties and 97 involve securities, fraud, conspiracy, and racketeering cases.

Of the 1,033 pending bankruptcy cases, 547 are pending in the Dallas Division, 58 percent of which are business bankruptcies, 387 of which have liabilities in excess of $10,000. Of the first 37 cases checked by the referee, 33 cases have total liabilities in excess of $9,547,009.29. There are 19,293 claims on file. The appeal to the district court from the referee in bankruptcy in one of these cases requires review of a record of 4,999 pages.

You are aware of the explosion of cases arising here under the Civil Rights Act of 1964. The majority of the 124 pending injunction cases involve civil rights. These cases and criminal cases take precedence over, and therefore delay dispositions of, all other cases, many involving injury and loss of earning capacity or the loss of a person's business or property.

Approximately 50 percent of all insurance transactions in Texas occur in the northern district.

Mr. Speaker, I represent a significant port of the northern district of Texas. I am vitally concerned about the state of justice and the state of the judicial process in this area. And I know the residents of the district share this concern as well.

As President Nixon so aptly put it, "Justice delayed is justice denied." When this principle is applied to the facts of the matter in the northern district of Texas, the conclusion is inescapable. The needs of justice are going wanting in this section of the State. For this reason, the number of Federal judges in this judicial district must be increased to meet the increasing demands on the area's judicial system.

RAISES QUESTION ON RIGHT TO STRIKE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. TALCOTT. Mr. Speaker, David Lawrence, the editor of U.S. News & World Report is an experienced and an astute observer of the labor-management relations scene. His editorial in the issue of September 13, 1971, raises an important question about the "right to strike."

The reasons, techniques and consequences, and effects of strikes on innocent third parties is a dimension that requires more consideration—even legislation.

Appropriate legislation is possible and necessary.

I urge Members, employers, and employees to read the editorial. There may be alternative proposals for solving this social and economic problem.

I commend Mr. Lawrence for his contribution to the better understanding of this problem.

I include the editorial at this point in the RECORD:

IS THE RIGHT TO STRIKE A RIGHT TO INJURE THE INNOCENT?

(By David Lawrence)

For many years now, the right of labor unions to engage in strikes and even to set up picket lines which members of other unions decline to cross has been regarded as virtually sacred. Yet, neither Congress nor any State legislature has ventured to defend the rights of those innocent persons who are adversely affected not only by strikes themselves but by threats of work stoppages which cause slowdowns or interruptions in the flow of products to their purchasers.

When will the Congress of the United States start to protect the individual whose business is hurt by threats of strikes or actual strikes? Again and again, management becomes involved in protracted negotiations until a crisis is reached and perhaps a halt in operations. Customers do not know whether the strike will last days or weeks or even months. Sometimes they must seek out other ways of meeting their needs. Costs can then be considerably increased, but labor unions are not required to pay any of the extra expense inflicted upon the innocent.

Many companies which are not participants in the disputes have paid large sums for interim arrangements. Unions have caused incalculable outlays of funds due to uncertainty created by threats of strikes or the sudden closing down of plants.

If a computation could be made of the amounts of money spent in the last decade by businesses which were not parties to a labor controversy but which had to move their work from one place to another to avoid an interruption, the total would be a huge figure. These losses have been continuing, and there should be compensation to the victims. But most important of all, such damages should be prevented from occurring.

It surely is time for the rights of the innocent to be given consideration. Millions of dollars are lost by customers of industry when strikes are unexpectedly announced and are prolonged beyond the point where readjustments can be quickly made.

The right to strike is in itself legitimate, because nobody should be compelled to work if he doesn't desire to do so. But large labor unions comprise in a single organization many locals in different parts of the country. The national body thus asserts a vast authority in determining wage scales for an industry throughout the land. Employers, however, are not permitted to enter into agreements with each other on the prices they will impose or the wage scales they will pay. The anti-trust laws forbid such collusion.

Labor unions today are exercising in some respects more power than business monopolies ever did. So long as the right to strike is properly used, it must be sanctioned. But when it is manipulated in a manner that is hurtful to innocent parties, the Government must intervene with protective laws.

The issue is not just a conflict between labor and management. It is a matter of simple justice affecting millions of citizens. Certain unions of their own volition are able to force big factories to close and stop production. The Government has the duty to see that this right is not improperly used. Unfortunately, the protection of innocent parties is a step that has been neglected altogether.

There is, of course, a method of dealing with the problem which the labor unions would have to accept. Congress could pass legislation requiring that a labor-management contract should specify the expiration date and that this should be made public. A lockout or a strike would, by law, not be permitted until one month after the date agreed upon for the end of the negotiations. During the fixed interval between the last negotiation date and the day on which a strike would take effect, preparations could be made for the shutdown. There would be plenty of opportunity for compromise settlements to be developed before the 30-day period begins. Businesses which are dependent upon continuous operations should at least be provided with this means of making plans to meet emergencies.

If negotiations are resumed during the 30-day period and no agreement is reached, a new 30-day notice of the forthcoming strike would have to be given. In this way, all parties concerned will get an opportunity to make necessary adjustments. The public should be protected against the uncertainties of present-day negotiations which can bring work stoppages instantly.

There also should be some method whereby a third party who is injured by strikes could recover damages through the courts by suing labor unions or businesses which violated the laws requiring them to abide by the legal formula of a month's prelude to strikes or shutdowns.

These would be constructive measures to help avoid the losses that are being incurred by innocent persons today through threats of strikes or stoppages which sometimes are ordered with less than 24 hours' notice.

CASE AGAINST NO-KNOCK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in the Washington, D.C., Post of Friday, August 6, 1971, by Mr. William Raspberry entitled "Case Against No-Knock." In that excellent article Mr. Raspberry discusses the outrageous shooting of Kenyon Ballew by the representatives of AFTD.

The time is at hand when Secretary Connally must bring his household Gestapo under stern control, and unless he does so, it is almost certain that more citizens will be terrorized and shot and more women dishonored in the kind of brutal, bungling raid which appears to be something of a hallmark of the Alcohol, Tobacco, and Firearms Tax Division of the Internal Revenue Service of the Department of the Treasury.

The article follows:

CASE AGAINST NO-KNOCK

The Kenyon Ballew tragedy, which might have provided the occasion for a hard look at a number of questionable police practices, has been instead the springboard for near-criminal silliness from high places.

The agreed upon facts are that the Silver Spring home of Ballew, a 28-year-old gun collector, was raided by Montgomery County and federal agents acting on a tip that Ballew was keeping illegal hand grenades there.

The raiding party, except for one officer (who was not among the first to enter the premises) were in civilian clothes. They broke through the back door of the Ballew apartment with a battering ram, and Ballew, nude at the time, grabbed an antique pistol to defend himself.

The officers fired eight shots, one of which is still lodged in Ballew's head. (He has remained in the hospital, paralyzed and unable to speak.) Ballew himself fired one shot, and there is some evidence that that one shot was fired after he was already wounded.

That is the tragedy. Here is the silliness:

Montgomery County Executive James P. Gleason issued a report that there was nothing "improper" about the police actions in the raid.

Treasury Secretary John B. Connally (the federal officers were Treasury agents) said that the raid involved "administrative and supervisory deficiencies" but that it was "legally proper."

A Montgomery County grand jury issued a report but declined to indict either Ballew or the men who shot at him.

A fair summation of the three reports is (1) It's too bad that Ballew was shot; (2) The police informer (allegedly a juvenile housebreaking suspect) gave them bad information, and (3) nobody, neither police nor the victim, did anything wrong.

Well, it wasn't an accident. So how can Ballew be lying there near death with a bullet in his head if nobody did anything wrong?

What it comes down to is official reluctance to acknowledge that police officers and federal agents can make tragic mistakes. Bad for morale, you know.

That's silly, too, and worse. Are citizens supposed to have such confidence in their law-enforcement officials that they will overlook official whitewashing of their most grievous errors? No one supposes for a moment that a grand jury would not have returned an indictment if it had been a sweatshirt-clad cop who took a bullet in the head.

Even the most open-minded investigation won't help Ballew's health, of course, but it might have helped police credibility if there had been some indication that they were rethinking their raid procedures instead of pretending that nothing wrong really happened.

It would seem obvious, for instance, that some member of Congress would use the impetus provided by the Ballew case to introduce legislation to repeal the no-knock section of the D.C. crime act.

Someone, it seems, might want to raise questions about the logic of using plainclothesmen in raids of this sort. However frightening Ballew might have been, he might not have tried to shoot if the first men to enter his apartment had been in police uniform.

The raiders insist that they announced themselves as police officers, but acknowledge that they couldn't make out what Mrs. Ballew said in response. (If they had trouble understanding her, isn't it reasonable that she might have had trouble understanding them?)

But even to settle the question of whether the announcement was made and understood is not to settle the more troubling question: Does it make sense to open up to any gang of casually dressed tough guys who say they are cops?

People do lie occasionally, and that includes housebreakers and robbers.

It will rub some tough-guy cops the wrong way, but what's wrong (at least in cases involving contraband that is not easily disposed of) with surrounding the premises and phoning the suspect to say the police are on the way? Or for that matter, what's wrong with giving a suspect time to phone police headquarters to make sure the raid is legitimate?

There may be times when busting in is the only reasonable thing to do. June 7 in Silver Spring wasn't one of them.

GI BILL SCORES WITH VETERAN

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. HAMMERSCHMIDT. Mr. Speaker, we hear a lot of reports about gripes and complaints and demonstrations these days. We hear plenty about what is wrong with anything and everything.

So it was with much pleasure that I read in a recent Mike Causey column in the Washington Post an account of an ex-serviceman who liked the GI bill—and the way the Veterans' Administration took care of his various needs.

It is a refreshing, positive note, and I commend to the attention of my colleagues the pertinent portion of the Federal Diary column in the Washington Post of July 24, 1971:

Veterans' Administration recently received the following thank-you note from one of its millions of clients, a student on the GI bill. He used only his eight-digit service number for identification. It read:

"This will be the last card I'll be mailing in to you at the VA; I graduate next month. This is just to let you know I'm grateful for four years of devoted letter-opening, number-copying and transcript reading.

"Thank you for bearing with all the address changes, the course load adjustments, the messy signatures. Thanks for quickly sending me the raises Uncle Sam allowed, and for somehow managing to always arrive just the day before my car was about to die from lack of repair, and I from lack of food.

"Even if all you do is open my envelopes and stuff my cards into some computer, thank you for not spindling, folding or mutilating me in the process.

"It's been a turbulent four years and I never would have made it without you. How you've managed to sort out order from so much confusion I'll never know, but I'll never forget what you've done for me.

"From the number on the other end of the mailbox: thank you and have a good day."

FEDERALLY EMPLOYED WOMEN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RYAN. Mr. Speaker, the second national conference of Federally Employed Women, Inc., was held on June 26, 1971, in Washington, D.C. The subject of the conference was "The Federal Women's Program—Fact or Fiction?" and it was designed to work out recommendations for improving the program, which is the principal means of implementing the administration's stated objectives of improving the opportunities for women in the Federal Government.

The conference produced a significant set of recommendations, which have been transmitted to the Civil Service Commission and the heads of Federal agencies. Included in these recommendations is the goal of requiring "Agencies to establish goals and timetables specifically for women, including minority women."

The complete compilation of recommendations of Federally Employed Women, Inc., follows. I commend them to my colleagues:

FEW'S RECOMMENDATIONS FOR IMPROVING THE FEDERAL WOMEN'S PROGRAM

TO THE CIVIL SERVICE COMMISSION

Goals

1. Require agencies to establish goals and timetables specifically for women, including minority women, similar to those defined in the memorandum to heads of agencies by the Chairman of the Civil Service Commission dated May 11, 1971.

Organization

2. Retain FWP within EEO as provided in EO 11478, but give separate emphasis in both headquarters and field offices.

3. Require establishment of a Federal Women's Program Coordinator in addition to a Committee. The Coordinator should *not* be the EEO Officer or Counselor.

4. Provide a system for an annual evaluation of the Federal Women's Program, which measures results achieved against established goals and action plans.

5. Establish career fields for FWP Coordinators.

Communication

6. Again require narrative Quarterly Reports on FWP progress from agencies. Have a *Women in Action* newsletter developed from these reports each quarter for distribution government-wide to individuals as well as FWP staffs.

7. Print sex statistics by race.

8. Initiate a new study to update the *Report of the Committee on Federal Employment* prepared by the President's Commission on the Status of Women, Oct. 1963, to measure the progress of women in federal employment in the past eight years.

Placement

9. Review recruitment literature and training materials to remove sex bias and implications of sex preference.

10. Require a statement in all examination announcements that volunteer/unpaid work experience should be stated and will be credited at the same level as paid experience.

11. Develop steps toward elevation of job classifications for clerical/secretarial positions.

Training

12. As one means of implementing EO 11478, establish grade requirement exemption for women and minority employees for attendance at the Federal Executive Institute at Charlottesville and other interagency executive training centers. Take 15s, 14s, and 13s in descending order until a 15% participation target is reached at each training session. This percentage should be increased until it reaches a level reflecting the proportion of women and minorities in the workforce.

Upward mobility

13. Provide greater opportunity for advancement by establishing bridges between lower level white and blue collar jobs and technical/professional/administrative series.

14. Promote interagency mobility for federal employees at all grade levels by expanding and publicizing counselling and placement services of the Career Service Div., Bur. Rec. and Exam.

Merit promotion

15. Amend Chapter 335 of the Federal Personnel Manual to require all agencies to publicize vacancies sufficiently in advance to permit interested employees to apply.

16. Since emphasis on supervisory appraisals leads to a "buddy system," require that no more than 25% of a merit promotion evaluation be supervisory appraisal scores.

R.I.F.

17. Ask the General Counsel of the CSC to clarify the legal basis of RIF procedures and their application as they relate to veterans vs. women. Since the Congress has refused to pass the Equal Rights Amendment (supported by women for 50 years), which would permit women to be drafted, veterans' preference in RIF appears to be illegal. Recent reports indicate that even women volunteers are not accepted on an equal basis with men.

Benefits

18. Review employee benefits to determine sex bias—e.g., in grants for overseas housing and transportation. Initiate action to equalize benefits for both male and female employees.

19. Advise FEW on status of CSC maternity leave study requested by the 1967–68 Interdepartment Committee on the Status of Women.

20. Support legislation for child care which includes provisions for children of federal employees.

21. Request the Office of Management and Budget to clarify its official position on what government funds can be used to help provide federally funded child care facilities in government agencies.

TO THE FEDERAL AGENCIES

Goals

1. Establish goals and timetables specifically for women, including minority women, similar to those defined in the memorandum to heads of agencies by the Chm. of the CSC dated 5–11–71.

2. Report publicly and regularly on results in hiring and promotion of women in relation to goals established by the President in his memorandum of April 21, 1971.

Organization

3. Provide full-time staff personnel for FWP in agencies exceeding 7,000 employees, and provide adequate staff support for FWP in all agencies, including field offices.

4. Clarify responsibility for implementing the FWP by issuing an agency directive to all employees defining the special responsibilities of the EEO staff, the FWP Coordinator, FWP Committees, and the management and line supervisors.

5. Require quarterly reports from field installations on their progress in implementing the FWP.

6. Provide a system for self-evaluation of FWP operations and for assessing results in terms of recruitment, training, and upgrading of women at all levels.

Communication

7. Assure that strong policy statements supporting the purposes of the FWP from the top management levels are thoroughly communicated on a repeated basis throughout the agency.

8. Include FWP discussion as a regular part of all management training and orientation programs.

9. Review recruitment literature and training materials to remove sex bias and implications of sex preference.

10 Assure that award systems provide recognition for actions helpful in promoting equal opportunity for women.

11. Include information on FWP activities in agency newsletters.

Program development

12. Conduct training programs for FWP Coordinators.

13. Make clear that FWP Coordinator and staff should attend meetings of organizations with goals relating to FWP.

14. Assure that EWP Coordinators assigned less than full-time responsibilities are given sufficient time to carry out their functions.

15. Issue guidelines for field FWP Coordinators—steps to be taken, useful procedures, etc.

16. Assure that the FWP is made visible to all employees.

Placement

17. Insure that women are members of promotion review boards, advisory boards, hearing panels, and are on community, interagency and similar committees.

18. Insure that women candidates are given positive consideration for vacancies in top levels of personnel, EEO, and training.

Training and promotion

19. Provide continuing career counselling to all employees and publicize its availability.

20. Since training can now be provided on the basis of potential as well as for job-related reasons, publicize such opportunities to all employees.

21. Develop "bridge training" opportunities for low-level employees to enable them to move into technical, professional, and administrative jobs, utilizing on-the-job training, details, and developmental assignments.

22. As a means of implementing EO 11478, include 15% women and minority employees in each agency management training program, increasing this percentage until it reaches a level reflecting the proportion of women and minorities in the workforce.

Special programs

23. Assure commitment to work toward establishing quality child care facilities for agency employees by determining the degree of employee need and interest.

24. Review employee benefits to determine sex bias. Initiate action to equalize benefits for both male and female employees.

TO INDIVIDUALS

1. Support legislation such as the Equal Rights Amendment, child care, etc., which would strengthen equal employment opportunity for women.

2. Write letters to editors of newspapers on problems of sex discrimination in your community.

3. Ask your EEO Officer for copies of the EEO Action Plan for your agency.

4. Ask for the name of your FWP Coordinator in agency headquarters and field office levels.

5. Remind high level officials of your continuing interest in FWP.

6. Make recommendations to management on FWP via the suggestion system.

7. Educate women to awareness of discrimination problems.

8. Meet informally with other women to exchange ideas on EEO problems.

9. Recommend establishment of an ad hoc committee for focus on FWP.

10. Assist FWP Coordinator, EEO staff, unions, and management to solve problems of discrimination.

11. Encourage other women to advance their federal careers by utilizing available facilities of counseling and training.

12. Request that your name be placed on the mailing list of the Women's Bureau, Department of Labor.

13. Ask to be put on mailing list for CSC publications on FWP, including newsletter "Women in Action."

14. Organize interest in developing a FEW Chapter wherever one does not exist.

STRANGERS IN THEIR OWN LAND: THE PUERTO RICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. BADILLO. Mr. Speaker, for countless years the United States has been heralded as a nation of immigrants. We are considered to be a melting pot of diverse racial, ethnic, and nationality groups—a land in which all persons, both newly arrived and native born, ostensibly enjoy a wide variety of freedoms and virtually limitless opportunities.

Unfortunately, however, this is not an accurate picture as there are many who do not fully or equitably enjoy the benefits this country has to offer. Many persons are treated as second-class citizens and are prevented from fully participating in our political, social, and economic life. One such group is the Puerto Rican.

For many who migrated to the United States from Puerto Rico, their aspirations have not been realized and emigration to the mainland has tragically failed to provide the salvation many had imagined or hoped for. The Puerto Rican is seeking economic security and independence; full access to our educational, social, and political institutions; and the enjoyment of basic human rights and freedoms. Yet this is denied to many of us through ignorance, limited opportunities, prejudice, inadequate facilities and programs, and simple discrimination. There is much to be done to secure fair and equitable treatment for Puerto Ricans.

The tragic plight of the Puerto Rican was vividly presented in an outstanding television documentary earlier this summer. In the first of its three-part series—"Strangers in Their Own Land"—the

ABC television network presented a penetrating and graphic discussion of the many and varied problems experienced by Puerto Ricans in the United States. This program depicted the difficulties Puerto Ricans daily encounter in finding adequate housing, meaningful employment, proper education, in achieving equality with other American citizens, and in enjoying simple human dignity. Puerto Ricans are the newest immigrants and, historically, we are experiencing the greatest difficulty in being assimilated into the American way of life. This is particularly cruel as we already supposedly enjoy the advantage of being citizens.

Mr. Speaker, the ABC television network is certainly to be commended for the important service it has rendered in producing and broadcasting this series. I believe the documentary deserves our most careful attention and reflection, particularly as it focuses on some of the issues I have been discussing in the past months and reinforces my appeals for a concerted effort to relieve the problems which beset the Puerto Rican community. I present herewith, for inclusion in the Record, the transcript of "Strangers in Their Own Land: The Puerto Ricans" and urge our colleagues to closely and thoughtfully consider the issues it raises:

[Broadcast over the ABC television network, July 22, 1971]

Strangers in Their Own Land: The Puerto Ricans

(Produced, written and directed by John E. Johnson, Jr.; narrated by Frank Reynolds; executive producer, Stephen Fleischman)

Frank Reynolds. Puerto Rican Day—1971. A parade in New York salutes our newest immigrants, just as other parades salute those who came before them—the Irish on St. Patrick's Day, the Italians on Columbus Day.

Demonstrator. We're the most discriminated minority in this city and in this country. We have the highest rate of unemployment, the lowest standard of living, we live in the worst housing, we go to the worst schools—there's drugs in our community, there's genocide waged on our people. It's not the land of the free.

Frank Reynolds. There are enough Puerto Ricans in New York to make them a major political force—over a million, more than in San Juan, Puerto Rico's capital city. They come mostly for the reasons the earlier waves of immigrants came: a chance to better their lives and those of their children. This is the story of 15 of them, the Ferrer family.

Good evening. This is Frank Reynolds in Brooklyn. More than one-third of the entire population of Puerto Rico, over a million people, have left the island to live on the mainland USA.

They are our newest immigrants but with a major difference. They come to the United States as strangers in their own land because for over half a century since Congress made their island a commonwealth territory in 1917, Puerto Ricans have been citizens of the United States.

Tonight ABC News begins a three-part series on minorities in America—Puerto Ricans, Blacks and Mexican Americans. All three are in one way or another strangers in their own land. All three face essentially the same problem—making good in a society which no longer needs the sweat and muscle of a man's back—as America did in other times when other unskilled minorities came here and made good. So the question is: Do we have room for the Puerto Rican in America, their own land?

They arrive at Kennedy airport at three in the morning. The economy flight from San Juan costs $61.00 one way. They come to the American mainland, basically unskilled and uneducated—seeking a better way of life. It was only 2 years ago that Manuel Ferrer, his wife Maximina and their 13 children came to New York and settled in Brooklyn leaving hunger, unemployment and health problems behind in Puerto Rico.

Manuel Ferrer. In this country it is more better for about two or three reasons: to look, to look for a job is more better. To the health of the boys it is more better over here. I love my family. I want a larger life for them.

Frank Reynolds. Manuel Ferrer sees a chance for his family here in America. But the statistics do not point to a bright future for Puerto Ricans. They have one of the highest unemployment rates of any group in America but it's worse on their island and so they come.

Congressman Herman Badillo. I consider it a tragedy for Puerto Ricans to have to leave Puerto Rico.

Frank Reynolds. I spoke with New York Democratic Congressman Herman Badillo, the highest ranking Puerto Rican political official in the United States, about the Puerto Rican immigration.

Congressman Badillo. Migration of the Puerto Ricans to New York City and to the mainland is a migration only of poor people, purely for economic reasons. And it is not a migration, by the way, for welfare. Officially, the unemployment rate in Puerto Rico now is 12% which is twice the official rate in the mainland. But unofficially it has been admitted by the governor, the administration, and the newspapers in Puerto Rico—unofficially the unemployment rate in Puerto Rico is 30%. And it is for that reason that Puerto Ricans migrate.

Frank Reynolds. Well, knowing what you know about conditions in New York would you recommend to a young man in Puerto Rico who cannot find a job there that he come here?

Congressman Badillo. He would have no choice. Otherwise he would starve.

Frank Reynolds. Manuel Ferrer had no choice—he had to leave Puerto Rico. In Mr. Ferrer's American experience he has been more fortunate than many others. He found a job. He is the foreman of the janitorial staff of Our Lady of Perpetual Help Church and school in Brooklyn. His two eldest sons, Angel and Hector work with him. Manuel Ferrer earns $80 a week while his two sons earn $88 per week working longer hours. But they are subject to the constant harassment that is so often the lot of the undereducated and the poor. The problem at the moment is housing.

Manuel Ferrer. My problem at the present is the house. You know, because at first we don't have problems with the house, but now, one of my boys, the little one was a lead poison, he ended up in the hospital. Then the Department of Health send a letter to the landlord and the landlord was too angry with me and he said to me you have to move. And you know a big family is no easy to look for an apartment—it is too difficult to look for apartment. It's my bigger problem, just now.

Frank Reynolds. Because the Ferrers reported their son's lead poisoning to city authorities, they got into a fight with their landlord, whom they had been paying $225 a month for their 3-bedroom railroad apartment. The upshot was that they moved out. Even so Manuel feels he's better off in New York. He thinks that back in Puerto Rico no one would have paid any attention to a complaint about housing and health.

It's the same for his retarded son Juanito, aged 10. In Puerto Rico Mr. Ferrer found no help for Juanito. That was another reason why he moved to the mainland. Juanito Ferrer, at 10 years of age, has never been to school. With only the love of the family to provide any kind of training Juanito is becoming more of a problem for his mother.

In Puerto Rico the only public assistance is for the totally disabled, the old, and abandoned children. The Federal Government and the city provide a maintenance income for the Ferrers on the mainland—about $100 a week in payments under the Aid to Dependent Children program and another $50 weekly in groceries through food stamps for the family of 15. The Puerto Ricans, like other minorities, find that if they are really to make good, they will have to help themselves—through organizations like the Puerto Rican Family Institute. The Institute, financed through the Office of Economic Opportunity, employs Puerto Ricans to work with Puerto Ricans.

The Puerto Rican Family Institute which was begun in 1960 by a group of Puerto Rican social workers, due to the lack of other services for the Puerto Rican migrant, has attempted to provide a base for the new immigrant family. The institute's self-help program offers counseling, tutorial programs, job placement, housing information, and psychological assistance. The institute's motivation is to help the new immigrant family before the misery of second-class ghetto living breaks down the Puerto Rican family. Our cameras were at the institution when a typical immigrant family came seeking help, just as the Ferrers had done two years earlier. Miss Cruz Fuentes is in charge of interviewing the new immigrants.

Miss Cruz Fuentes. Well, they came to this country just to—looking for better living and he came to find out a job from Puerto Rico because over there it was not so easy to find a job for him. At present he's unemployed but he has been looking around. He has not a formal education. He went only to the fourth grade of the schooling. The Puerto Rican Family Institute is going to try to get a job for Mr. Vasquez. We also will try to find some furniture for his apartment.

Frank Reynolds. Fedora Porata, the assistant director of the Puerto Rican Family Institute.

Miss Fedora Porata. Us Puerto Ricans we face a lot of problems here. But I think Puerto Ricans, we Puerto Ricans should organize ourselves and we should be helping one another, and I think that is what the Puerto Rican family is trying to do.

Frank Reynolds. As part of the Puerto Rican Family Institute's efforts to prepare the Puerto Rican community for first class citizenship they visit families in their homes. We asked to go along when Fedora Porata and Hector Pou visited the Ferrers. Hector Pou, a recent college graduate, is a volunteer tutor who will act as a big brother to the Ferrer family and will teach English to those members of the family who have language difficulties.

Hector Pou. Do any of the little children have problems with English?

Manuel Ferrer. The little children. But some problem because then in the school gave them an assignment. I can help. I was in the school, to High School. I know read English, I know write the English. Sometime I got a problem on how pronounce the verb word, the verbs is my problem.

Hector Pou. Oh, the verbs.

Manuel Ferrer. Yeah. Sometimes I pronounce in the past tense, sometimes past, first tense, you know. The future, never, because I know the future.

Frank Reynolds. Although Puerto Ricans make up one-quarter of the public school population in New York City, sixty percent do not finish high school. And since education is the key to making good Hector Pou concentrates on helping the older Ferrer boys, Angel, 19, and Hector, 20, in English comprehension and urging them to go back to school.

Hector Pou. The horse's huge chest. Chest. The horse's.

Angel Ferrer. The horse's what?

Hector Pou. Chest. the first mistake here in touch you wrote t-o-c-h. In a way, right, because you wrote what you heard. Ah, touch is spelled this way, t o u c h. As you notice, there are many opportunities for studying. Just because you have been out of school doesn't mean you can't go back.

Congressman Badillo. In our modern times nobody has any use for you unless you have an education.

When the Irish, the Italians and the Jewish people came to New York City fifty, seventy-five and one-hundred years ago, they also came as people who were poor, people who had no education but nobody else had any education either. For most of our jobs in the central city what is required is a trained mind and that is what this generation of migrant Puerto Ricans does not have.

Frank Reynolds. In a conference at the Puerto Rican Family Institute ABC was allowed to film Hector Pou's report on the progress of his work with the Ferrer boys.

Hector Pou. I have one concern, about the two oldest boys, Hector and Angel. They are working now and they're not in school and the job they hold now does not have any kind of a future. Both decided to go back to school and I think now's the time that they should go back and study, to learn some kind of trade.

Carman Fuentes. We'll have to find a school for them so that they can start in September.

Hector Pou. I'm a college graduate and I'm having difficulty in finding employment, and imagine Angel and Hector without any high school diploma trying to find a job today. It's very important, I believe, very important that they go back to school.

Frank Reynolds. Part of the Institute's self-help program concentrates on the Puerto Rican families' human problems. Through the efforts of the Institute, Juanito Ferrer will be tested by Aida Burnett, the Institute's psychologist, with the hope of getting Juanito into a special school.

Augustine Gonzales. We are very proud in the Puerto Rican Family Institute because we do feel that we are providing very badly needed service.

Frank Reynolds. Augustine Gonzales the executive director in charge of the Puerto Rican Family Institute.

Augustine Gonzales. The Puerto Rican Family Institute is a self-help program because it was designed by Puerto Ricans for Puerto Ricans. And we really need self-help programs in the Puerto Rican community because we are in a way a very unique group with our very special needs. I don't think the Puerto Ricans are welcome in this country. The United States has been a country of migrations and I don't know of any group who have been the last who have been fully accepted from the beginning. Newcomers are never welcome because they are a threat to the stability that the already settled groups have achieved.

Frank Reynolds. If the Puerto Ricans threaten the stability of the already established groups then what are their alternatives if they are compelled to come here? Congressman Badillo offers some answers.

Congressman Badillo. What I am trying to do in the Congress is to help bring about a choice, to try to get programs developed through the help of the Congress in Puerto Rico so that we can begin to match the number of jobs with the number of people that join the labor force. I think that as American citizens, Puerto Ricans should have the right to migrate from one state to another or from Puerto Rico to any part of the mainland, but it should be an optional thing—something that people do because they want to, not because they are compelled to do it. Unless the United States helps Puerto Rico it will not be possible to bring about a condition where migration can be a voluntary and not a compulsory thing. Today, you cannot provide employment for people who come to the cities unless they are trained first and the degree of training is much greater than it was even 10 or 15 years ago. And this is what we have got to recognize as a matter of national policy. And that's why we have to recognize transient migration, and begin to train people before they migrate.

Frank Reynolds. But the goal which Congressman Badillo seeks—a higher standard of living for the average Puerto Rican in Puerto Rico, is a long way off. At a time of pressing social needs on the mainland, Puerto Rico's internal problems do not have a high priority in Washington. So the Ferrers will doubtless be followed by thousands of other islanders just as poorly equipped for life here.

On June 13, 1971 Puerto Ricans from all over descended on Fifth Avenue to celebrate the Puerto Rican Day Parade.

Congress Badillo. It has great symbolic importance to the Puerto Rican community because it identifies the Puerto Ricans as one of the major ethnic groups in the city of New York. The tradition has been that when you get to be a major group in New York City you get a parade down Fifth Avenue. And for that reason it has tremendous attendance and it's regarded as a symbol of having arrived. Now it doesn't mean you've arrived but at least one of the status symbols has been attained.

Frank Reynolds. Manuel Ferrer, his wife Maximina, the 13 Ferrer children and an uncle and grandfather also attended.

Manuel Ferrer. I would like to go to the Puerto Rican parade because never in the life I went to the Puerto Rican Parade. That is something good because that belongs to the Puerto Rican people you know.

I would like to go with all the family because I want that all my sons look at the parade because they never see the parade, like me. It is a good day for the family.

Frank Reynolds. But the younger, more militant Puerto Ricans do not share Mr. Ferrer's happiness. To them the parade was one more reminder of oppression and hypocrisy. The Movement for Puerto Rican Independence is part of the Puerto Rican community—young and angry.

Demonstrator. We want to denounce the whole image that the Puerto Rican politicians are trying to present of the Puerto Rican community through this parade. We want to change the content, this image that they want to present. It does not represent our reality as a people. As a minority we are the most oppressed minority in this country right now and there will never be a chance for us Puerto Ricans to make it in this city. There will never be the chance.

Demonstrator. We live under the worst conditions because that seems to be the policy of the United States Government. It seems that those that come last, get the last crumbs. The Puerto Ricans were the last people to come to New York therefore they live in the worst ghettos. We have rats in our houses, the landlords exploit us, the factory workers exploit us. Our people are saying that they are tired. Our people are saying that that's enough. We have our own country, we want to go back to our own country.

Frank Reynolds. Congressman Herman Badillo.

Congressman Badillo. You can't close your eyes to the reality that the Puerto Rican comes to New York City because he has no opportunity in Puerto Rico. But if he had the opportunity for a job he would prefer to stay in Puerto Rico. But as long as Puerto Ricans are suffering the disabilities of American citizenship they should also enjoy the benefits of it and that Puerto Rico should begin to participate in federal programs and on housing and education, and health and manpower training to the same extent that other American citizens do. But what we're doing is wasting one whole generation of Puerto Ricans and it's a personal tragedy to all of them and it's a luxury that I don't think this country can afford.

Frank Reynolds. The question remains: How can the Puerto Rican make good at a time when greater skills and more education are required than when most of the rest of us came to this country as immigrants? For the Puerto Rican to gain economic and political footholds and a fair share in his America, it will take people like the Ferrers, anxious and willing to work and to better themselves. They are not in the least exceptional.

In fact, they are typical. It will also take people like the young, angry radicals who want to force change. We'll need self-help programs and the people to direct them, enlightened and courageous officials and supportive government programs. And that means, of course, the support of all of the rest of us. Perhaps it would be well for us to remember that most of us started not too many generations ago just where the Puerto Ricans are starting today—largely broke, undereducated and speaking a foreign language. It might also be well to remember that when we arrived in this country we may not have been received with open arms but we were given a chance. The chances are fewer in today's highly specialized and industrialized society but it is up to us to make sure that a chance exists for all of America's minorities. We are, after all, a nation of immigrants and that has been one key to our strength and our vitality. How ironic it would be if we did not now at this time provide the opportunities that we had to our newest immigrants. They are after all our own people even though they may be strangers in their own land.

CENSORSHIP ON THE NATIONAL LEVEL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RARICK. Mr. Speaker, the unusual investigation and use of lie detectors by the FBI in probing "leaks" at the State Department gives further indication that the future of this country rests in the hands of two men—Richard Nixon and Henry Kissinger, neither of whom will share his secrets with the Congress or the people.

The State Department has been forbidden to discuss several important foreign policy questions with the press—the only ones who make statements on these issues are the President and Kissinger, who, among other roles in the Cabinet, is the unofficial international Secretary of State.

The list of these forbidden topics is shocking and terrifying: China, disarmament, Pakistan, the South Vietnam election, and new international monetary policies.

The people have no right to know according to our Presidents. I include a related news article detailing the significance of the "investigation" by the FBI into "leaks" at the State Department in the Record at this point:

[From the Memphis Press-Scimitar, Sept. 4, 1971]

Nixon's State Dept. Muzzle: Lie Detectors Seek "Leaks"

(By R. H. Shackford)

Washington.—Richard M. Nixon, who campaigned for the presidency with a promise to "clean house" at the State Department, is successfully removing that establishment from any major role in the formulation or public discussion of important foreign policies.

The latest White House step is a crackdown to inhibit State Department officials in their contacts with the press.

It follows White House directives forbidding the State Department from discussion of several major foreign policy issues including China, disarmament, Pakistan, the South Vietnam election and new international monetary policies.

With the concurrence of Secretary of State William P. Rogers, the White House has initiated an FBI investigation of State Department officials to try to find the source of "leaks" to the press. Some sources say the probe extends to the White House and Pentagon staffs as well.

Lie detectors are being used in the questioning.

Normally, the State Department's own security division investigates leaks to the press that are embarrassing.

Ironically, the task of explaining the FBI investigation—made known by a leak—fell upon State Department spokesman Robert J. McCloskey, whose role has been increasingly difficult with the White House ban on his discussion of important questions.

The two basic questions, which then led to dozens more, were:

Is the State Department using lie detectors, or the threat of them, in investigating leaks to the press?

Has the State Department issued new instructions to its officials regarding contacts with newsmen?

McCloskey confirmed that "we have cooperated with agents of the Justice Department (meaning FBI agents) who have undertaken investigations within the Department of State." He declined to say who initiated the investigation but said Rogers "concurred." Other officials said it was a White House initiative.

McCloskey declined to discuss the "details or anatomy of the techniques" of the investigation—such as the use of lie detectors. Other officials confirmed that such devices were being used in questioning but claimed their use was "voluntary."

McCloskey made a major effort to present the case for the investigation in a good light. He said there had been no disciplinary action yet.

When asked whether such an investigation wouldn't tend to intimidate officials and prevent them from discussing anything. McCloskey said the objective was twofold:

1. Avoid unauthorized leaks of sensitive information.

2. Avoid an atmosphere in which State Department officials would refuse to talk with newsmen.

McCloskey insisted the State Department is the most open foreign office in the world for newsmen.

The White House has made it clear that on all important issues, the President's national security adviser, Dr. Henry A. Kissinger, or the President himself are the only proper spokesmen.

Rogers concurs in this arrangement. After the Pentagon papers were published last summer he is reported to have advised State Department officials not to put anything in writing that might embarrass the White House.

In the closing weeks of the 1968 presidential campaign, Nixon told a Dallas audience: "Foreign policy is my strong suit. I am going to call the tune. I want a secretary of state that will join me in cleaning house in the State Department. It's going to be a Nixon-oriented State Department."

The department may not be as "Nixon-oriented" as the President wishes. But it increasingly has been reduced to playing second fiddle to Kissinger's operation at the White House.

YOUTH PRIDE, INC. IS HAILED

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FAUNTROY. Mr. Speaker, Youth Pride, Inc. was conceived for, designed by, and directed towards inner city blacks. The program began in August of 1967, and is now into its fourth contract with the U.S. Department of Labor.

Since its beginning, Pride has begun to create a new kind of life for the 800 dudes in the organization. Its purpose is strengthening lives through effective skills training, positive racial identification and self-awareness, and functional and relevant basic education. Its direction is a total man, a self-sufficient man.

Pride makes the impossible a reality by using a unique hybrid-type concept in management which is composed of the haves and the have-nots. It distinguishes itself by a special blend of double-barreled manpower and economic development; and the knowledge and experience derived therefrom is used to attack "the status quo", "business as usual", and the "self-hate" philosophies of the present bleak moment. It creates a hunch of the future in the present and thereby sets the tone and the style of the future which is so strongly anticipated and desired by the members and friends of the black community.

Pride's offering of constructive alternatives to hatred, violence, and chaos is reaching the truly hard core, the dropouts, the rejects, the drug addicts, and the jailed. These brothers are learning the value of working and building together. Never before has such responsibility in supervision and consideration in decisionmaking been allowed. Never before has such growth in character and creativity in organization been realized in the inner city.

Pride has not taken the dude off the street, but has brought the street with him. An imaginative use of the equation of an economic development thrust hooked to a manpower base, provides financial independence and social dignity in addition to black ownership.

While blue ribbon commissions, "ghetto" specialists, and urbanologists wearily theorize and grope in frustration, Pride is doing it. Pride treads continually on ground not trod upon before.

Pride has uniquely organized and operated its skills training work in five levels of training, called "multilevel way stations." An unskilled dude who comes to Pride is first put into the neighborhood sanitation unit. The work at this training level is cleaning streets and alleys, vacant lots, and properties; the training in this level focuses on the development of good work habits. Regular attendance, positive attitudes, the ability to take orders, and the dignity that work and self-sufficiency brings to an individual are some of the things that are taught at this entry level.

From neighborhood sanitation, the trainees graduate into either the rodent control unit or the in-house maintenance unit. At these levels, the trainees have passed the basic orientation and education to the world of work, and are now ready for the learning of some basic skills on their road to employability. In rodent control, the trainees learn the facts and habits of rats and how to bait for them. They also learn to relate to the community as they educate and train the residents of the inner city to prevent the spread of rodents and to recognize and bait the various rodent habitats. In in-house maintenance, the dudes learn the various aspects of interior building maintenance and repair.

From the rodent control and in-house maintenance training units, the trainees graduate into either the public housing maintenance and repair unit or the automotive service and repair unit. These two units are the most advanced levels of training within Pride. In the public housing maintenance and repair unit, the trainees are taught basic property maintenance and repair while working at some of the National Capital Housing Authority properties. Areas covered include plastering, painting, carpentry, roofing, plumbing, electrical repair, gardening and lawn maintenance, and masonry. From this training level, graduated trainees are either placed directly on jobs in the area of property maintenance and repair—which is true in the majority of cases—or placed in apprenticeship programs in a given area of specialty—as a trainee gets interested in a given work area and chooses to concentrate there.

In the automotive service and repair unit, the trainees are taught basic automotive maintenance and repair. One section of this unit concentrates on training men to be service station attendants, and uses an on-the-job training facility which is itself a service station operation. The other section of this unit concentrates on training men to be automotive mechanics and repairmen, and teaches basic automotive repair. From this training level, graduated trainees are placed in jobs where they can use their learned skills, usually as station attendants or automotive mechanics.

As may have been surmised by this point, each training level in addition to being a training unit, is also a service entity. While the dudes are training, they are also providing a service to the community, as in neighborhood sanitation, or rodent control, or public housing maintenance and repair. Pride has effectively combined the training aspect to the service aspect, so that all benefit from its efforts.

While the heart of the Pride program is manpower training and reclaiming, in order to do this job effectively several other jobs must be done at the same time. Since Pride attempts to deal with the total man, a number of supportive services have been established to relate to the dudes' problems. In order to deal with basic reading and math deficiencies which most dudes have when they come to the organization, Pride has established an elaborate remedial education unit which works with the trainees on a regular basis to improve their academic skills. Beyond that, the education unit has developed a continuing educational program and a higher education program—in conjunction with American University and Catholic University—in order to aid those trainees that have mastered the basics, but want to continue their education beyond functional literacy.

In order to deal with the health problems of the trainees, Pride has established a health unit which has relationships and contacts with a network of doctors throughout the city. There is a full-time nurse employed by Pride to deal with the routine health problems as they arise, and to refer those situations she cannot handle to doctors who can. Due to the magnitude of drug addiction among inner city youth, a large part of the health unit's work is working with Project Reach, a Pride unit established to aid and rehabilitate the dudes that are on drugs and to educate the dudes and their families and friends that are not, as to the demonic qualities of drug addiction. Pride has attacked the problems of drug addiction "head-on" among its trainees, requiring and challenging them to break their habit and aiding and supporting them as they go through the agony of kicking the habit.

Other supportive services provided by Pride include legal services, family counseling and aid, recreational services, and orientation toward self-awareness and community problems. In each of these areas, Pride has organized a network of professionals and community people who can relate on a referral or consultant basis in the area of their specialty, and thus provide the trainees with the kind of services they need to overcome their problems.

A final area of Pride's overall program, which should be spoken to in more detail, is its thrust toward economic development in the black community. For Pride has sought not just to train dudes and place them in jobs throughout the metropolitan area; but rather to establish businesses that are owned and operated by the trainees that have graduated from the Pride training program. Thus, the principals of Pride, Inc., have created and established Pride Economic Enterprises, Inc. (PEE). PEE was incorporated in March of 1968, and is designed to provide an outlet into which some of the graduated trainees move after completion of their training. To date, PEE has established a landscaping and gardening operation, a painting and maintenance operation, three operating service stations, and a housing and real estate operation.

PEE has suffered some setbacks because of the combination of the economic recession which the entire country is going through, and the special set of difficulties caused by Pride's trying to run businesses with trainees who are themselves still learning and who have not had the experience which most other businessmen have had. But the corporation is alive and doing well—presently in the top 1 percent of black businesses nationally, both in terms of number of employees and gross annual receipts. If present plans for expansion bear fruit, PEE will grow even more in the next year.

In summary, the Pride program is one of the most creative and imaginative programs in the District of Columbia inner city. Community support and enthusiasm for the program has remained high throughout Pride's entire existence. It combines the professionals and the dudes in a manpower training and economic development program which is not outdone in accomplishments throughout the country. Pride is doing it.

MARINE PROTECTION RESEARCH AND SANCTUARIES ACT NEEDED

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. GIBBONS. Mr. Speaker, I would like to take this opportunity to express my support of H.R. 9727, the Marine Protection Research and Sanctuaries Act. I feel that there is a real need for the Congress of the United States to enact strong legislation establishing a national policy on ocean dumping and an effective mechanism for regulating this widespread method of waste disposal. Earlier this year, I was cointroducer of a similar bill, H.R. 4218, which would prohibit the discharge into any navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge. I was also a cosponsor of H.R. 807, a bill to amend the Fish and Wildlife Coordination Act to provide for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States.

At present, no standards exist regulating the dumping of waste into our coastal waters. This lack of adequate regulations is extremely detrimental to the ecology of our coastal waters; not only is our marine life threatened, but the recreational areas are destroyed as well. I am a native of Florida and have lived very close to the sea all of my life so I personally know what ocean dumping does to marine life. Because of the extreme pollution of the waters, many of the fish that once were so plentiful are no longer able to survive. In addition to the filthy waters, the beaches themselves have become booby-traps because the people who use the fishing piers litter the land and sea areas. Some action seems needed in this area as well.

Recent reports have left no doubt that our current practice of haphazard disposal of wastes by ocean dumping has seriously damaged certain areas of our coastal zone and is on the verge of causing worldwide, irreversible environmental effects. Mr. Speaker, because the pollution of our waters is very critical and increasing at a rapid rate, I support H.R. 9727, to regulate the indiscriminate dumping of material in the oceans, coastal, and other waters in the United States.

This bill would prohibit the unregulated dumping of waste material into the oceans, coastal waters and Great Lakes, and would specifically ban the transportation and dumping of radiological, chemical or biological warfare agents and high-level radioactive wastes. The dumping of all other waste material would be prohibited unless authorized by a permit issued by the Environmental Protection Agency or the Corps of Engineers. The latter would be authorized to issue permits for dumping dredge and fill material only, provided those operations conform to criteria established by the EPA.

RISING CRIME NOT SOLELY U.S. PROBLEM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WYMAN. Mr. Speaker, we are not alone in this country as concern mounts over rising criminal conduct. Other nations beset with drugs and permissivism in varying forms also have to act to check rising crime.

Basic to individual assessment of our problem is need for reliance on the principle that there are certain laws that must be obeyed whether or not we agree with them. There is a lawful way to change them and an unlawful way, which is to break them. If the latter course is taken it is up to the courts to make it plain to all citizens that willful deliberate criminal conduct on their part will surely result in the penalty of jail or fine or both.

Ours is a collective responsibility to instill in our young a respect for the law and for the system under which it can be lawfully changed and improved. When this training has been lacking and drugs enter the picture there is chaos in young peoples' lives.

As David Lawrence writes in this week's U.S. News & World Report this is an international tragedy for which the responsibility is a continuing one. It must be faced up to. The article follows:

[From U.S. News & World Report, Sept. 6, 1971]

WHY IS CRIME NOW A WORLDWIDE EPIDEMIC?

(By David Lawrence)

News reports from many countries in the world show that violence and crime are increasing. Americans may think that armed hold-ups and bank robberies and street muggings are peculiar to the United States, but these are occurring also in large cities abroad.

Just a few days ago, the United Press International carried a dispatch from London summarizing the statistics of the substantial rise in crimes of violence in Great Britain over the last five years. Thus, for instance, recently published government data reveal that such crimes went up from 26,716 in 1966 to 41,088 in 1970. Police figures for the first three months of this year show a

16.8 per cent increase over the same period in 1970. In London alone, there were nearly 5,700 crimes of violence in the first six months of 1971, compared with 5,429 for the whole of 1970.

The police as well as the British press are manifesting particular concern over the growing number of assaults on unarmed policemen, including the murder of several. British newspapers are reporting an alarming rise in street and park muggings, and have printed letters from readers that tell of attacks and robberies on the subway trains in London.

"The Times" of London carried on its front page an interview with two police officials who asserted that if violence continues at the present rate, the streets of the British capital will become "as dangerous as those of New York and Washington."

As one reads of happenings in other countries of Europe, the same story is repeated—violent crimes against individuals and a kind of armed warfare against police. Similarly, such acts are commonplace in some of the cities of Latin America.

What is the basic cause of this wave of misbehavior in the world? How can the problem be met? There is a dispute as to whether severe punishment alone will serve as a deterrent. Certainly rehabilitation programs are helping some misguided individuals.

Unquestionably, many persons nowadays are addicted to drugs and will commit any crime to get money with which to buy dope. Narcotics have penetrated community life almost everywhere. Criminal acts have been a tragic by-product of drug abuse.

It is conceivable that, as population has grown, religious influence is not as extensive as it has been heretofore. Parents are perhaps not giving as much time to the training of children in their early years as was the case just a few decades ago.

Today, of course, the atmosphere in which young people find themselves is one that tends to emphasize the right of the individual to do whatever he pleases. The doctrine is that individual "liberty" is supreme.

Pope Paul VI, in a talk to one of his weekly general audiences at his country estate in Italy, provided a significant definition of individual rights. He said:

"If everyone wants to do as he pleases on the pretext of liberty, then we will easily come to the decadence of civil society organized as a state. . . .

"Liberty is extremely precious and delicate. . . .

"It is true that liberty must be able to operate without obstacles, but it must be directed toward good, and this direction is called sense of responsiility, it is called duty.

"It is true also that liberty is a personal right, but it cannot fail to respect the rights of others. It cannot be divorced from charity. . . .

"It is true that conscience must be one's guide, but conscience itself must be guided by the science of things both divine and human."

Government cannot teach morality. This is the function of parents, the church and society. Sectarianism can place an emphasis on the obligation of the individual to love his neighbor and to carry out commandments that are fundamental in all religions—"Thou Shalt Not Steal" and "Thou Shalt Not Kill."

There is much debate going on as to whether children—particularly those away from home attending boarding school or college—get the guidance they need to face up to the duties of good citizenship in the world of today and tomorrow.

Clearly, discipline of young people must have been neglected in many, many cases. Drug addiction would not have reached as far as it has and revolutionary philosophy would not have been idealized to the point of condoning criminal acts if there had been proper training. Parents have a responsibility to teach morality. So do schools and colleges and adult groups.

Analysis of the tendency to criminality leaves lots of questions open. But the simple fact remains—violence and crime are growing in all parts of the world and drug abuse has helped to generate them.

The crime wave is not confined to any country or to any people. It is an international tragedy.

FREEZING OUT FEDERAL EMPLOYEES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. UDALL. Mr. Speaker, President Nixon has once again singled out the members of our armed services and the civilian employees of the Federal Government to bear the brunt of the fight against inflation. He has asked Congress to abdicate its long-standing policy of comparability and equity for the Federal worker by delaying their long-deserved pay raises for 6 months, until July 1, 1972.

Next week a group of Representatives will introduce a resolution of disapproval negating the President's action and restoring the pay adjustments for January 1, 1972. So that my colleagues will understand the equities of the matter, I attach the following editorials which succinctly outlines why our soldiers and civilians should be treated exactly like their private sector counterparts, rather than as pawns of the executive branch:

[From the New York Times]

FREEZING OUT FEDERAL EMPLOYES

The Administration has given repeated signs in recent days of awareness that it must move with all practical speed to evolve a more flexible stabilization program to control wages and prices after the present ninety-day freeze. A major aim of this "Phase Two" program will be to erase manifest inequities of the kind that are inevitable under a total freeze.

Unfortunately, even before the dimmest outlines of this program have emerged, President Nixon has put Federal employes under a much more extended freeze than other Americans will have to suffer. We have little sympathy with the notion that any group of public employes—state, local or Federal—should be exempt from the general freeze. But neither do we see any justification for putting them under special handicaps of the type involved in the President's proposal that Federal workers be denied promised pay increases after the freeze.

Only a few months have passed since the Administration and Congress cooperated to perfect the system under which the wages of all Federal employes are supposed to be kept in balance with those paid for comparable jobs in private industry. That is a proper standard to apply to workers legally deprived of any right to strike, a standard designed to assure equity to taxpayers and public employes alike.

Now the President plans to impose a freeze for at least six months on all the increases scheduled to be paid under that "catch-up" principle—white-collar, blue-collar and military. In addition, he plans to squeeze out 100,000 Federal employes as a budget-cutting measure. And he hints that he may hold up the next round of pay increases when they come due a year from now.

It is all very well for the President to say the Federal Government must set an example in austerity. That example should be in equality of sacrifice. When new rules are worked out for stabilizing future pay policy in line with national needs, those rules should apply to public and private employes on some common basis. No stabilization program can operate with hairline perfection, but no single group of workers should be expected to carry a major share of the sacrifices required for the total good.

[From the Federal Times, Sept. 15, 1971]

A PLEA FOR JUSTICE

We fail to see the justice in asking federal employes to serve as an example to the rest of the nation in the matter of delays in wage increases.

If the economic problems of our nation require the imposition of such controls, then they ought to be levied across the board. To place them on selected segments of the economy is discrimination beyond any reasonable level.

It took a long time for government workers to achieve comparability of salary with industry. For most grades that level has been reached. To turn now and destroy the balance between government and industry doesn't make much sense.

The idea that government service should be a career of sacrifice is lacking in logic. The United States can afford to support the kind of government it needs and wants.

If the people who pay the salaries—the taxpayers—want government services to increase, then they have to expect to pay the higher taxes necessary to meet governmental operating expenses.

We need to attract the best qualified people to government service. This is an economy in the long run since the job probably can then be done with fewer people.

To tell a potential employe that he is doomed to life as a second class citizen hardly serves as incentive toward a career in government.

One basic question continues to arise. Why, when the government must economize, does it always hit personnel first? There are other ways to save money.

For example, a recent GAO report to Congress said the Pentagon, despite White House instructions to cut back on its propaganda program, had spent several million dollars more than it was authorized to on such efforts. Unnecessary printing costs alone probably exceed the amount the President can save by delaying pay increases.

Another recent example was the security classification fiasco. Mr. William G. Florence contends that unwarranted classification expenses run to about $50 million a year.

And, what about the hidden costs of government which the White House refuses to disclose. For example, the recent efforts of the Senate Foreign Relations Committee to determine how much foreign aid we send abroad (much of which apparently goes for military hardware) to such dubious allies as West Pakistan, Greece, Spain and other "bastions of democracy."

These programs go on, yet the only area the President can find for sacrifice is in the salary of federal workers.

Too many people still tend to think of government workers as an army of clerks. They fail to realize the complexity of the present structure and the skills needed to operate it.

The President, in insisting that the government worker bear an inordinate share of the burden, is refusing to recognize both the need for special skills and the need to pay to hire and retain them.

We do not believe the government worker should be shielded from the sacrifices demanded of other citizens. Neither do we believe the government worker should be asked to bear more than his fair share.

ON "PRIOR RESTRAINT"

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. HUNGATE. Mr. Speaker, in these days of conflict we hear much debate about the proper role of the media. Insofar as it relates to the functioning of Congress and a free society, fair trials and a free press, outtakes and prior restraint, the following article by a foremost student of the U.S. Constitution should be some help. Everyone appeals to the Founding Fathers. It is interesting to know what they really did. The article follows:

[From the New York Times, June 25, 1971]

ON "PRIOR RESTRAINT"

(By Paul A. Freund)

Everything secret degenerates, was Lord Acton's warning. Sunlight is the most powerful of disinfectants, was Justice Brandeis' admonition. But concrete issues of disclosure and secrecy have a way of making even the most ardent liberatarians see that the right to know is not one-dimensional, all warp and no woof. Brandeis himself was the intellectual father of a legal right of privacy.

The press itself has not spruned the shelter of the copyright law or legal protection against the pirating of news stories by competitors; and the media are not insensitive to the value of preserving the confidentiality of their sources of information. In the long run, it is perceived, the business of serving the public boldly and zealously may require some protective shelter along the way.

Surely, however, the position is very different in the business of government? Not entirely. The framers of the Constitution scrupulously maintained the secrecy of their deliberations in the convention of 1787. Madison's notes, the best record, were not published until his death, forty years later. Secrecy, it is fair to suppose, promoted free and candid debate within the convention, and vitally encouraged the shifts in voting, the great compromises, calculated ambiguities and deliberate lacunae that made possible in the end a masterful charter. I sometimes wonder irreverently whether we would have had a Constitution at all if the convention had been reported by daily columnists (affectionately called by Charles Evans Hughes the daily calumnists).

The original Constitution contained no guarantee of freedom of speech, save for members of Congress, and none for the press. When the first Congress proposed the First Amendment, the Senate, it is worth remembering, sat in secrecy. For five years the Senate held its debates behind closed doors. Believing in the liberty of the press, at the same time the members believed it right to shield their own discussions from the public and disclose only the final actions taken.

These early precedents, conscientiously inspired as they were, are not cited as models for our day. The point is, on the contrary, that we cannot find ready-made directions for our particular problems of secrecy and disclosure simply by marching to the uncertain trumpets of the Founding Fathers.

The beginning of wisdom is to recognize that there are honest issues to be resolved, and that the critical questions are who shall decide those issues, by what standards and by what procedures. The original understanding of the First Amendment was probably the Blackstonian view that a publisher was not to be subjected to "previous restraint"—that is, precensorship—but would be liable civilly or criminally for a publication that violated the law, whether of defamation or incitement to crime or disclosure of state secrets. Although we have long since recognized limits on prosecution as well, our legal tradition has special repugnance toward prior restraint.

At first blush the distinction may seem absurd, even perverse. If a writer can be imprisoned for publishing the unpublishable, why not subject him to the preventive thrust of an injunction, which simply warns him that publication will bring on punishment for contempt of the court's decree? The question is paradoxical only because it assumes the illegal nature of the publication. In a very clear case there would be no reason to withhold an injunction, the most tolerant judge would doubtless restrain the publication of secret troop movements in time of war, or of draft judicial opinions in a pending lawsuit.

But the general rules are made for the marginal, debatable cases, and in this gray area procedural differences become crucial. In an injunction suit the judge sits without a jury, and the right to a jury trial on all the issues was a hard-won victory for the press against the state, going back to Peter Zenger's case in New York in 1735. There is a further procedural point. If a person publishes in violation of an injunction while the case is being tried or appealed, he is automatically guilty of contempt, even though he ultimately succeeds in having the injunction set aside; in a criminal case, on the other hand, the publisher can gamble on his ultimate vindication, for if he is acquitted he escapes all penalty. In the marginal case, prior restraint could amount to an overkill.

Risk for risk, the law has opted for underkill in duels over publication. That is the meaning and the message behind the seeming technicalities of the law on prior restraint.

The law's preoccupation with the procedural aspects of liberty at the litigation stage suggests that some comparable concern be shown at the earlier stages. The drama of the Pentagon papers, regardless of the immediate outcome, could have its greatest impact by stimulating a full-dress examination of our security classification procedures and the scope of executive privilege in relation to Congress. There, too, the central issue is one of overkill protective of the Government.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Sp5c. Ronald Van Stanton, U.S. Army, [redacted], Birmingham, Ala. Single. Graduate of Rosedale High School. Officially listed as missing October 20, 1968. As of today, Sp5c. Stanton has been missing in action in Southeast Asia for 1,055 days.

BLUE RIDGE POWER PROJECT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to call the attention of my distinguished colleagues to a matter which is of great concern to the citizens of the Fifth District of North Carolina, especially those in Ashe and Alleghany Counties.

The issue at hand is the proposed Blue Ridge power project, which has been the subject of hearings by the Senate Public Works Committee and which will be discussed at greater length in water quality hearings being conducted by the House Public Works Committee, on which I am privileged to serve.

I have been concerned about the proposed project for quite some time, and have actively participated in the prelicensing procedures throughout my congressional tenure.

I have testified before the Federal Power Commission, made several speeches in this Chamber and elsewhere, and petitioned the Environmental Protection Agency to play an independent and aggressive role in this controversy which the Agency has agreed to do.

Further, I have filed a formal brief with the FPC, in which I listed specific and general objections to this project, as presented to me by the people of Ashe and Alleghany Counties.

I have also called on the Environmental Protection Agency to convene an interstate water quality enforcement conference in an effort to provide the greatest possible degree of environmental protection for areas and residents affected by this project.

All of these actions, and several points of contention, are discussed briefly and simply in the formal brief to which I referred a moment ago.

I believe the Blue Ridge controversy has an important bearing on environmental protection efforts throughout the Nation and thus believe it is well worth careful consideration by my distinguished colleagues.

With this in mind, I insert in the RECORD at this time the text of this formal brief:

The Appalachian Power Company, on Roanoke, Virginia, has filed an application with the Federal Power Commission for a license to construct what is known as the Blue Ridge prower project, consisting of an 1,800-megawatt two dam combination pumped storage and hydroelectric installation on the New River in Grayson County, Virginia, with impoundments extending into Ashe and Allegheny Counties, North Carolina.

The very scope of this project is imposing, if not intimidating, and as now proposed, it constitutes a direct threat to the welfare of thousands of residents of Ashe and Alleghany Counties, people whose interests I was elected to represent and protect.

Currently-proposed conditions of this project call for inundation of almost 40,000 acres of land to create two water storage reservoirs containing up to 650,000 acre-feet of water to serve the power plant.

I find the magnitude of this proposed reservoir storage to be extravagant and a cause for needless destruction of valuable property.

Further, much of this water would be stored for use in implementing a "pollution-dilution" theory which has been generally discredited by leading environmentalists.

This pollution-dilution procedure has been advanced by the Department of Interior in 1968 as a means of flushing out and diluting the industrial pollution emanating from several chemical plants along the Kanawha River in West Virginia.

It was for the purposes of this very procedure, now fallen into widespread disrepute, that the 650,000 acre-footage was originally advanced, with absolutely no proof that it would work, and with a wealth of dissenting opinion holding that it would not work.

I believe it would be infinitely more preferable to the people of Ashe and Alleghany Counties for the size of this reservoir storage to be reduced to the originally-proposed 250,000 acre feet.

I further believe that substantially greater progress can be achieved in pollution abatement by attacking the problem at its source—at the chemical plants along the Kanawha River—than by requiring thousands of acres of valuable farmland to be flooded in what may well be a vain hope that pollution can be abated by dilution.

To this end, I have asked the Environmental Protection Agency to convene an interstate enforcement conference on water quality control, with the aim of requiring full compliance with existing environmental protection guidelines by each of the industries operating on the Kanawha.

This conference should be convened before we even consider implementing this massive flooding proposal, which is destined to send a way of life for thousands of people down the drain in the most literal sense.

This course of action—construction of a substantially smaller reservoir and mandatory compliance with anti-pollution standards at the polluting source—is much preferred by a great many interested and concerned citizens of Ashe and Alleghany Counties, and their preference in these and other matters has been flagrantly and inexcusably ignored by your Staff examiner in charge of this project.

Further evidence of this neglect can be found in the case of proposed "drawdown" limitations, or the amount of water to be allowed to escape from the reservoir to produce power and abate pollution.

The examiner's recommendation of a 12-foot drawdown limitation is totally unacceptable to the residents of this area, since it would severely limit development of some 425 miles of lakefront property.

Environmentalists have warned that this level of drawdown would make the area surrounding the lake little more than a gigantic mudhole, infested with mosquitoes and blighting what is now an area of uncommon beauty.

I leave it to others more technically qualified than I am on this subject to suggest a more acceptable drawdown limitation than that proposed by the FPC staff examiner.

But I would insist that any limitation be set with concern for the welfare of affected citizens, and the potential of property development, playing a prominent role in the decision-making process.

Protecting the rights of the citizens of Ashe and Alleghany Counties is my principal concern, in this brief and in the case at large.

Their rights, as I have mentioned earlier, have been neglected by almost every party to this controversy, and their traditional and future ways of life endangered in the course of that neglect.

I have successfully petitioned the Environmental Protection Agency to take an independent and aggressive role in this case, as evidenced by the brief of exceptions the agency is filing with this commission today.

I am hopeful that my request for the aforementioned enforcement conference will be similarly fulfilled since I am convinced that it is in the best interest of all concerned.

The Environmental Protection Agency has begun, and all other parties to this controversy must begin, to show a far greater concern for the welfare of the thousands of people affected by this project.

They have been shamefully shunted aside in the proceedings to date.

The affected citizens of North Carolina will receive absolutely no direct benefit from the increased power-producing capability of the Appalachian Power Company.

These citizens were belatedly, and almost begrudgingly, given the opportunity to develop what is left of their own beautiful property.

They are being made to bear the brunt of a mammoth rearrangement of their homeland, and still they are subjected to callous disregard.

I want to see this insensitivity brought to an end before this project is licensed. I urge the Federal Power Commission to withhold licensing the project until several environmental mysteries surrounding the project are solved, and until the people in the area can be assured full economic and environmental safeguards.

This, the commission must agree, is the most responsible course to be followed.

ROUNDABOUT ROUTE TO HIS GOAL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RHODES. Mr. Speaker, one of the most respected members of the Capitol Press Corps has recently received the Ted Yates Award. In my opinion and in the opinions of all of the Members of Congress I have talked to, no one could deserve this recognition more than does Joseph McCaffrey.

Joe's work as the news commentator for station WMAL is well known. He possesses a knowledge of the workings of Congress which is the envy of most of his colleagues. He has a reputation for being incisive but fair in his reporting. Perhaps, however, his greatest attribute comes from the fact that he likes people—enabling him to translate the complicated workings of the Congress into language which the average individual can understand and appreciate.

The following article appears in the Washington Sunday Star of August 15, 1971, and is entitled "Roundabout Route to His Goal" and written by Ruth Dean, a Star staff writer:

ROUNDABOUT ROUTE TO HIS GOAL

(By Ruth Dean)

In his teens, veteran news commentator Joseph McCaffrey wanted to study law so he could enter politics, "I guess because I always wanted to help people," he said.

Now the recent recipient of the Ted Yates Award seems to have reached that youthful goal by another route. For his "constituency" are the thousands of area television viewers to whom his rugged countenance is a daily familiarity.

Off camera, McCaffrey is a tall, gentle-mannered man who talks with the same sense of purpose that comes through when he delivers his nightly commentaries on WMAL–TV Channel 7's 6 and 11 o'clock news, and on his ten-minute radio "Today in Congress" spot.

This confidence-inspiring rapport brings him thousands of phone calls and letters from his "constituents" who ask his help on everything from social security to, in one case, where to find a television repairman.

M'LEAN HOME

"I feel as if I'm a kind of ombudsman," he said during a recent morning visit with the McCaffreys in the comfortable home in McLean they bought 12 years ago because they wanted to be in the country. They share it with their son Mike, 15, two dogs and a cat. They also have a daughter, Sally Shumaker, married a year ago and living in Fairfax County.

As he rubbed the ears of his pet St. Bernard, Rosebud Michelob, McCaffrey looked back on his career and said: "After being in this business so long, I get letters. Every day people call or write in, some with clippings saying 'what about this', or 'what can we do about that?'

"I've tried to help a lot of people, a lot of causes . . . but I'm not a crusader. I can't get fanatical and stay with something."

His wife interrupted, "You've been with the aged longer than anything else."

"Yes," he agreed, "Ive been with the aged problem for years and years and years. I have been very interested. And I have so many pitiful people who call me."

Added his wife: "The letters he has! They have no one to turn to."

"I think our problem is that we've become so big, and government has become so concentrated in a monolithic structure that these people don't know where to go," McCaffrey added.

INTERESTED IN POLITICS

"When I was a boy I knew my parents could go to an alderman in the city and he would be able to do something for them, be able to advise them. And this is one of the reasons I always thought I'd like to get into politics . . . to help people.

"And I think now Congress has become kind of frustrated in what it's trying to do. So many members come in there thinking they're going to change the world and they're not. I think the only satisfaction they actually can get is helping people with veterans' plans and social security. I feel the same way—that so many people have no place to turn to."

McCaffrey's most notable case of helping people was his assistance to the Alexandria Police Dept. in solving the murder of Judge James N. Colasanto of the Alexandria Municipal Court on Nov. 23, 1970.

A PHONE CALL

It all began with a telephone call to McCaffrey from a man who identified himself as Colasanto's murderer. The newsman tried to persuade him to give himself up. He even went to the man's house after alerting police, but was dissuaded from going in because they were fearful for his safety. Minutes later the man took his life as police broke in, and the gun found beside him was established as the murder weapon.

"It was very sad," McCaffrey recalled. "I still feel he wouldn't have harmed me if I had gone in. But I think it points up so graphically the helplessness of so many people. Here was a man who in the final hours of his life turns to a complete stranger in whom to put some confidence merely because he's seen him and listened to him on the air and on television. It's a rather depressing thing."

The newsman said the phone call was like countless others he's received from people in trouble. Many come from widows and retired oldsters trying to make ends meet on social security and welfare—a problem that is a frequent topic on his commentaries.

In one case, a woman told him that after paying rent, phone and electricity, she had $29 left every month for food and other emergencies. She wondered why welfare cut back its allotment when her social security was raised. McCaffrey found he had to tell her, "after checking with the authorities, that unfortunately it is the law. She gets a cost-of-living raise from social security but it isn't one at all, because welfare takes back with one hand what social security gives with the other."

ANTIWAR

The war in Vietnam which he says "I've been against for years," and its effect on the nation's youth ("I think it has catapulted them into the political arena before they're emotionally and intellectually ready for it") are also frequent commentary topics.

Judging from his mail, his commentaries voice the frustrations of a lot of people. "I think I'll get out of the business if I read the morning, or the evening paper and not see something that doesn't provoke me," he observed.

Sometimes the calls he's received have been amusing, like the one from the woman in a public housing development who wanted him to send someone to fix her broken TV set.

LONG DAYS

The newsman puts in a 10 a.m. to midnight day that begins with an hour's drive into town in an orange Ford Mustang he says his son Mike refers to as "the pumpkin."

His tall figure is a familiar sight as he walks into the House basement corridor and is greeted left and right by everyone from Congress members to page boys. "This is sort of my second home," he says proudly, as he boards an elevator to the House Radio-TV Gallery where he has a desk overlooking the west front pillars of the U.S. Capitol. He is chairman for the second time of the radio-TV galleries, having first served as chairman in 1956.

He usually spends a few hours at the Capitol interviewing Congress members, "getting grist for my radio and television commentaries" as he puts it. Then about 3 p.m., he's on his way to WMAL to begin his "working day." The long drive home after the 11 o'clock news usually gets him home by midnight.

THE FARM

McCaffrey relaxes from his week's labors on a 100-acre farm in Culpeper that he considers "a different world. And I like the people there." His wife Toni has a vegetable garden that produces so abundantly the family can't keep up with its output. And son Mike does most of the ploughing and taking care of the four head of steer and ponies. "When Mike leaves home we'll have to give up the farm," Toni joked.

More seriously she said she felt "Joe wouldn't be alive with his schedule, if he didn't have this place to go to. I think he just makes it through Friday and I think we're fortunate to have it because it keeps him going."

Joe and Toni first met when he was a senior and she a freshman at the State University of Education at New Paltz, N.Y., but didn't marry until the year after he left the Army.

The Poughkeepsie, N.Y., native supported his way through normal school working part time on a Dutchess County Sunday weekly. Upon graduation when he had to make a choice, journalism won out over teaching even though it didn't pay as well.

THE START

A military plane crash cut short his World War II service as an infantry information officer, and he spent a year in Canadian and United States Army hospitals. His final hospital stay was at Walter Reed. By happenstance, a visit from an old friend who had been a radio announcer in Poughkeepsie, set him on his career as a broadcaster.

The friend told him about an opening at WTOP, so he applied for the job and got it as soon as he got his Army discharge. "Otherwise I might have gone back home to my old newspaper job," he recalled.

ADMIRERS

Now after more than 25 years of covering the national scene and Congress, the five times Washington Emmy award winner and dean of Capitol Hill radio and television correspondents has received the most prestigious Emmy of all—the Ted Yates Award.

The award is given annually by the board of governor of the Washington chapter of the Academy of Television Arts and Sciences to the person whose work best embodies the professional and personal qualities of the late Ted Yates, the NBC producer-journalist who was killed covering fighting in the Mid-East.

McCaffrey is the first single station man to receive it.

In presenting the award to McCaffrey, Senate Majority Leader Mike Mansfield praised him for his "personal and professional integrity, his professional excellence," and cited the esteem with which the newscaster is held by members of Congress on both sides of the aisle.

RECOGNITION

Not only do members of Congress hold McCaffrey in high esteem but so do his coworkers at WMAL. One of his greatest admirers "from cub reporter days when we had adjoining desks" is Len Deibert, the station's manager of news and public affairs.

In submitting McCaffrey's name for the Ted Yates Award, he concluded the narrative entry with: "Ted Yates never operated out of an ivory tower—aloof from the pressures and dangers of informing the public. Neither has Joseph McCaffrey—whether it be risking his life in the Colasanto case in Alexander or fighting government intimidation of broadcast journalists. Courageous, personal journalism—putting one's self at the scene of the story—typified Ted Yates. McCaffrey is made of the same fiber."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WHY I AM PROUD TO CALL MYSELF AN AMERICAN

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WARE. Mr. Speaker, it has just come to my attention that earlier this year John N. Nassikas, Chairman of the Federal Power Commission, has singled out for praise one of his agency's employees, a Polish immigrant because "this young man believes in the old virtues which made this Nation great."

The employee, Richard H. Eibel, wrote an award-winning letter as to why he was proud to call himself an American. The George Washington Honor Medal, together with a $100 prize, was conferred upon Eibel by the Freedoms Foundation at Valley Forge, Pa., for his letter which was first published in the Washington Star entitled "A Letter to the Class of 1970." The letter read as follows:

"God, 'I thought,' why was I born here"? I was a teenager then, fond of roaming through the drab streets of Gdynia, a war-damaged Harbor in post-war Poland. My future, I knew, would fall into an entirely different league, beyond any comparison with the glamorous futures of the smiling young men in the picture, I could dream of becoming a shipyard technician, a stevedore foreman, perhaps a local school teacher at the best.

"It was realistic to assume that I would have to spend my life confined forever to a specific geographic area the size of Ohio or Nebraska, to a specific assortment of the topics which I had a liberty to discuss, never forgetting to stick to a specific slant with which I had to interpret everything. Even the song . . . 'Will he be pretty, will he be rich' . . . did not fully apply to me. I could dream of being 'pretty' but it was silly to dream of being rich. The ultimate wealth, in my eyes, as far as material things were concerned, was to have one presentable suit and enough change to buy a ticket to a movie. God must have been listening to my laments, or something, for during the past dozen years I overcame the barrier of a carefully-guarded border, wide ocean, English grammar, college tuition and whatever undesirable conditioning rubbed off on me while in Poland.

"Three years ago, I posed for my own graduation picture on an American campus. It was a picture somewhat different from the one that inspired the days of my youth. 'The times have changed. There were some happy black faces around me, a sign that the injustices of the past were being erased. Not all of the white young men in my picture, though, were well-dressed and neat. Some of them, putting it bluntly, wore weird clothes and were simply filthy. Their shabby appearance, ironically, was not a result of a depression, a foreign occupation, or any other monumental calamity. The GNP, according to the tale my economics teacher told, had doubled and tripled. In the meantime, the astronauts were on their way to the moon and we, the graduates, in the words of my sociology professors, 'just qualified to be among the best-educated 10 per cent of the richest nation in the world.' 'So, we had a reason to look cheerful but we did not. The long-haired ones glanced at me scornfully. In their eyes, I was a freak of nature, a low Polack who invaded what they called 'ignorant Middle American'. I felt hurt and insulted. They did not believe that I, too, had a heart and a conscience, compassion, intelligence and a vision. It was not my fault that they did not go through any real hardships in their lives. 'Yet, they hated me for cherishing the things that they discarded.' Well, so much for whining. My message is this: There is only one real basic conflict between the world of totalitarianism and the world of freedom. If your vision is not clear enough to decide which is which, go to where I came from, live there for a while, and you will know. I hate to sound like a zealot at a patriotic rally, but a spade is a spade. Be proud to call yourself an American. Put your best suit on for your graduation picture and look neat. Someday, some boy somewhere might find it and dream an impossible dream."

RICHARD H. EIBEL.

Eibel, a former member of the Polish merchant marine, is an economist with the FPC's Bureau of Natural Gas. He made headlines 13 years ago after he jumped the Polish freighter, *Chopin*, in New York Harbor and asked for political asylum. He was handed back to the Communist ship by the U.S. Immigration Service but later was taken off the Polish ship by U.S. officials after newspaper publicity concerning the case.

REACTIONS TO THE PRESIDENT'S ECONOMIC PLAN

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DUNCAN. Mr. Speaker, I would like to share with my colleagues some reactions to the President's economic plan. These comments were compiled and printed in the Knoxville, Tenn., News-Sentinel of August 18:

REACTIONS TO THE PRESIDENT'S ECONOMIC PLAN

Newspaper editorials generally have applauded President Nixon's new economic directives, although some criticized certain aspects of the program. A sampling of such comments follows:

Salt Lake City Deseret News: "Something was needed to jolt Americans out of the feeling that prices would keep going up forever so there was no reason for self-restraint . . . By waiting until after 31 per cent increases were granted in the metals industries before taking bolder action, the Administration has put the rest of the country in the position of paying for the greed of a small minority—and for the unwillingness of the White House to unlimber its jawbone."

Omaha World Herald: "The lack of enforcement machinery and the plea for cooperation make it plain that the freeze can work only if there is an overriding will on the part of the country to make it work. Had the President acted sooner to stem inflation, provide jobs and protect the dollar abroad, he might not have had to use the sweeping measures he invoked Sunday night."

Boston Record American said the announcement "was an act of true leadership" and praised Nixon's courage in going before a world audience and admitting "in effect, that he has been making a big mistake."

Phoenix Gazette: "What Mr. Nixon is seeking to end is a very real danger to the American way of life and to bring the country back to a semblance of economic sanity. The method he has chosen relies heavily upon the understanding and cooperation of the people."

Dallas Times Herald: "Nixon . . . has moved forcefully and pragmatically to counterattack the adverse economic forces which have escalated to such decidedly dangerous proportions. The new presidential measures are regrettable only in that they have been so long in coming."

Los Angeles Times: "Reservations are in order about some elements. There is no question, though, that the President's moves reflect a wholesome new willingness by the Administration to face up to unpleasant realities. As a consequence there is reason to hope that the vital ingredient of confidence—an ingredient missing in recent months—can now be restored at home and abroad."

New York Times: "Although the new policy was too long in coming, Mr. Nixon has demonstrated—as he did with his new China policy—that once he makes up his mind, he is capable of bold action and leadership . . . We have varying degrees of enthusiasm about the specific approaches Mr. Nixon plans to employ, but we applaud the scope and daring of his effort to bring inflation under control and to get economy off and running."

New York Daily News: "The temporary freeze may be necessary (though we're dubious even of that), but we should resist all efforts to make it everlasting, with a swelling horde of bureaucrats striving to enforce it. For the boldness and thoroughness with which the President acted, we have nothing but admiration . . . All patriotic Americans, we believe, will cooperate. Failing such cooperation, we'll deserve much more of the economic tough luck we've been having of late."

St. Louis Globe-Democrat: "Without question, President Nixon's bold economic moves have almost overnight given the American people and the world renewed confidence in the United States economy . . . As with all decisive actions, there is an element of risk in President Nixon's bold steps. But, on balance, we believe that his actions were right on target."

Indianapolis Star: "The success of the effort to cut Government spending is vital to all of the other actions and reactions. And cutting needs to go deeper than just balancing any new cuts in revenue. The hard thing that needs to be done is to take the Government off its binge of deficits."

Atlanta Journal: "Finally, the President has acted with the kind of major, comprehensive economic reform program affecting U.S. activities at home and abroad that this nation needs today. This is the President's credit. It should help immeasurably in restoring confidence in international financial circles that the United States is determined to treat a major problem as a major challenge to its moral and economic resolve."

San Francisco Examiner: "His broad new program is more sweeping and far-reaching in its impact than anything seen in this country since the 1930s. It should prove to be the strong tonic needed to get this country moving again. For our part, we not only approve it, we applaud it with cheers and whistles. . . ."

Washington Post: "The President's program does indeed reflect 'bold leadership ready to take bold action.' . . . With respect to two goals—inflation and the balance of payments—we believe the President has probably chosen the course of action most likely to be effective. With respect to the third—domestic employment—we have grave doubts."

Philadelphia Inquirer termed the plan "an act of courage and statesmanship unparalleled by any U.S. chief executive for at least a third of a century," but said Nixon "should have acted long before this. He has summoned the nation to unprecedented economic opportunity but it is an opportunity to be realized only if the nation has the self-discipline required to make the President's program effective."

Chicago Tribune: "The magnitude of President Nixon's new economic game plan has been compared with the audacious changes made by Franklin D. Roosevelt when he took over the White House during the Great Depression . . . Mr. Nixon's price-wage freeze may be compared with Mr. Roosevelt's closing of the banks in boldness; like Mr. Roosevelt, Mr. Nixon has devalued the dollar in relation to gold to spur domestic industry and to put it in a better position with competitors abroad. The revitalized stock market scored a 10-strike."

Chicago Tribune: "The boldness of his (Nixon's) economic bombshell Sunday evening lay mainly in shaking the country—and above all his own Administration—loose from traditions and policies which have so far prevented change. What he is doing is buying time in which to draw up new rules governing wages and prices and foreign exchange. The value of the present gold approach is mainly psychological. It offers the hope of many improvements but the certainty of none."

Baltimore Evening Sun: "Where Mr. Nixon now seems headed . . . is toward an activist flexing of Government muscles not seen since the early Roosevelt experiments. . . For the moment, politics is beside the much larger point that he recognizes the weakness in the economy and that he has unflinchingly put down his own qualms about coming to grips with them."

MURPHY AND PUCINSKI URGE UNITED NATIONS INVESTIGATION OF TERROR IN NORTH IRELAND

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PUCINSKI. Mr. Speaker, last week our colleague, Congressman MORGAN F. MURPHY, and I visited Belfast and other troubled spots in North Ireland.

As a result of our personal observations, Congressman MURPHY and I issued the following statement today:

MURPHY AND PUCINSKI URGE UNITED NATIONS INVESTIGATION OF TERROR IN NORTH IRELAND

Because of the rising wave of death and terror in North Ireland, we today call upon the United Nations to investigate the strife in that beleaguered nation.

It is obvious Britain either cannot or does not want to find a peaceful solution to the problem.

There is no doubt in our minds Northern Ireland is on the verge of a tragic and bloody civil war.

We express deep disappointment in the failure of talks between Britain's Prime Minister Edward Health and Ireland's Prime Minister Jack Lynch to reach a tangible agreement for ending the bloodshed in Northern Ireland.

We reject Britain's contention that the strife in Northern Ireland is an internal matter for the British to resolve.

The United States was a major partner in helping save England from Nazi Fascism in World War II. We doubt that this great American sacrifice was made only to see a resurgence of denial of human rights to a half-million minority citizens in Northern Ireland today.

What is happening in Northern Ireland today should be of deep concern to all who respect human dignity.

Moreover, a full-scale civil war in Northern Ireland could seriously impair England's role in the North Atlantic Treaty Organization, thus creating new problems and burdens for the United States and our other European allies.

It is our firm conviction that the free world can no longer view with impunity the tragedy unfolding in Northern Ireland.

We disagree with those who dismiss the strife as an historical religious struggle dating back many decades.

The struggle in Northern Ireland is against a government which has shown total and wanton disregard for the basic rights of the minority in the six counties of Ulster and this minority's desperate struggle for survival.

The free world has a right to ask why only Catholics, who constitute one-third of the population of Northern Ireland, were arrested under the Special Powers Act of 1922 when it is a known fact that extremists on both sides have participated in the bombings and sniping.

Of 350 people arrested on August 9, we don't find a single person from the majority but only those carefully selected from among the minority.

We were concerned to see Great Britain permit use of the tyrannical Special Powers Act which denies internees bail, the right of habeas corpus, and the right to know what crimes they are accused of having committed, when it was Great Britain that pioneered concepts of habeas corpus and Magna Carta.

During our visit to Belfast, we were appalled to find the unemployment rate among male breadwinners of the Catholic minority reach as high as 48% in some communities.

We were deeply moved by the sincerity of responsible leaders on both sides who want to avoid armed conflict and have earnestly tried to bring about some degree of dialogue between the warring factions. But it became apparent that the presence of British "trigger-nervous" troops and the continued internment of minority leaders by the Ulster Government only escalates the terror and turmoil.

We found no evidence that the Ulster Government is prepared to make any concessions to the minority of Northern Ireland and were deeply concerned to find that not a single responsible position of government is held by a member of the Catholic minority even though Catholics constitute one third of Ulster's population.

We were deeply disappointed when the Ulster Government refused us permission to talk to the internees and to view the conditions under which they live.

The Ulster Government claims it is detaining only 240 internees, but we have reason to believe that the figure is closer to 2000.

We recall the vigor with which the British Government tried to oust the military junta of Greece from the European Council of Unity for holding political prisoners, but apparently the British Government has a dual standard and is now willing to justify its own denial of human rights to minority citizens in Northern Ireland.

It is our hope that Congress will interest itself in the tragic events unfolding in Northern Ireland and help bring about an awareness by the United Nations that the world can no longer view this tragedy with indifference.

The British have proven themselves incapable of dealing with this highly volatile problem. There is no alternative now but for the United Nations to take a position, with or without the acquiescence of the British Government.

It is also our deep hope that the American people will respond with their historic humanitarian tradition of bringing help to the victims of this tragic conflict, whether they belong to the minority or the majority. Much help is needed by the families of the internees, as well as families being driven out of their homes in the wake of the conflict.

Finally, it would be our hope that Congress would seriously consider approving a special immigration quota for some of the refugees as we have done in bringing help to beleaguered Poles, Hungarians, Cubans and other victims of oppression.

THE FIFTH DIMENSION

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. REES. Mr. Speaker, the opening of the John F. Kennedy Center for the Performing Arts marks a cultural milestone for the Nation's Capital, and it is gratifying to call your attention to the group of artists that has been selected to project the spirit of contemporary music during this opening week program. The group selected is the Fifth Dimension, five talented black artists from Los Angeles who are a credit to their profession and their race. Persons familiar with contemporary music know that no more outstanding group could have been selected for this honor. Their music has produced five gold albums and five gold singles—a record that firmly establishes them as exceptional artists. Starting with the uplifting "Up, Up and Away" and continuing with their tremendous success, "Aquarius," the group has brought to all the people music of positive enthusiasm that is inspirational.

This same spirit will be projected when the Fifth Dimension perform at the new Cultural Center on Monday, September 13, as part of the Founding Artists series of concerts, the proceeds from which will be used to establish a special ticket subsidy fund which will enable students, senior citizens, and the disadvantaged to buy tickets to all of the Center's attractions at very substantial discounts.

Who are these fine artists? Their names are Marilyn McCoo, Billy Davis, Jr., Florence La Rue Gordon, Ron Townson, and Lamonte McLemore—five young people who had the talent and character needed for the difficult struggle to gain recognition in the highly competitive music world. Starting as a group in 1967, they combined their talents and energies to achieve worldwide fame in a remarkably short time. Such remarkable success is indicative of the group's determination to make a truly significant contribution to the music of today that is so much a part of our national culture.

The honor bestowed upon these artists by the invitation to take part in the J. F. K. Center inauguration is but one of several major honors the group has received. Later this year they will be the first musical group to be honored by the Friar's Club of New York City with the presentation of an award to be made annually to the top musical artist or artists of the year. At the recent 50th anniversary gala for the Motion Picture and Television Relief Fund held at the Los Angeles Music Center, the Fifth Dimension was the group selected to perform with the giants of the entertainment industry.

This outstanding series of honors is called to your attention to emphasize that this country continues to be the land of opportunity for people who seek positive ways to express their energy and talent. The Fifth Dimension's success is a tribute to the five artists, and to the society which made it possible.

URIL "COMPY" COMPOMIZZO—THE UNOFFICIAL VOICE OF THE CALIFORNIA CAMPER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WALDIE. Mr. Speaker, as an example of the impact a sincere and diligent citizen can have on our Government, I would like to point out the case of "Compy" Compomizzo from my hometown, Antioch, Calif. His efforts in behalf of California campers have been unrelenting and have yielded significant results. Here are two newspaper articles reporting his activities:

[From the Antioch Daily Ledger,
July 22, 1971]

COMPOMIZZO, REMARKABLE MAN

One of the happiest "little guys" around this week had to be Uril "Compy" Compomizzo of Antioch.

The "little guy" designation is not ours—that's what Compy calls himself, although another sobriquet, "the unofficial voice of the California camper" is more to the point.

Compy is happy because his appearance on a San Francisco television program this week caused that station's switchboard to be flooded with calls.

He didn't even mind being called "Campy" by some people, who got his nickname tangled up with his outdoor activities.

The points he made were that both the federal and state park systems are pricing enjoyment of the parks out of reach of the little guy.

Yosemite, for instance, now charges a $3 per day entrance fee for each day spent in the park, plus a camping fee of $4 per day. The Golden Eagle passport plan, which once cost $7 a person and entitled the bearer and his carload to enter national parks without additional charge, now costs $10. Even with that permit, which gets the entrance fee waived, it still costs $4 per day to camp in Yosemite.

At the state parks, the fee for camping is $3 per night, with a charge of 50 cents per night per dog, plus charges for marina and parking lot uses. That's with a tent or camper. It's more for a camper or trailer with electrical hookups.

The fee hikes are "just a start," Compy warned viewers.

His solution is what he has done: Keep after park officials, legislators and others involved in operation of the parks.

As a result of his efforts, which were nearly single-handed, he got the state parks' reservation system changed, to make it more convenient for campers to reserve space. He also has fought for better policing of the parks and for fee reductions for senior citizens.

Why does Compomizzo devote much of his free time to the campers' cause? Because he's a concerned "little guy" who has found that politicians will listen to complaints when the cause is just and the complainer is persistent.

Compy, we're sure, will always remain the "little guy" in his own eyes, but to the California camper he is looming larger and larger.

As television interviewer Jim Dunbar (Channel 7) told him, "You'll be back on the air again soon, Compy."

He already writes for five newspapers, including The Ledger, and accepts numerous speaking engagements. He's a remarkable man, who asks nothing for himself, and we're happy to have played a small part in helping make him, and his cause, known.

[From the Pittsburg (Calif.) Post-Dispatch, July 20, 1971]

CAMPERS UNHAPPY WITH FEES, PHONE IN VIEWS TO 'COMPY'

The switchboard at KGO–TV Monday was flooded with callers unhappy over the upward trend in camping fees after Uril (Compy) Compomizzo of Antioch voiced complaints about the hike on the Jim Dunbar show there.

Compomizzo, the unofficial voice of the California camper, was Dunbar's guest for about a half hour on the morning program on Channel 7 in San Francisco. The Antioch man answered questions on the air, getting more calls than the station could handle.

Additional calls were waiting for him when he got home, plus a copy of a letter indicating that his campaign against excessive fee hikes may pay off in legislation.

U.S. Senator Alan Cranston wrote William Eichelbaugh of Antioch that he was co-sponsoring legislation, S. 1172, which would exempt persons 65 years of age and older from entrance fees to national parks and recreation areas.

Eichelbaugh had written the California senator after reading one of Compomizzo's columns urging readers to make their feelings known to legislators on the fees.

That message was broadcast further Monday when Dunbar read Compomizzo's column urging a squawk on the fee increases, and Compomizzo warned viewers to "get involved" or face the prospect of being priced out of the parks.

Compomizzo said the fees at campgrounds were "just getting out of hand" and were so high that some persons, especially retired persons could no longer enjoy camping.

He said the fee at improved state campgrounds was $3 a night and the fee at state camps with trailer hook-ups was $4.50 a night. The Golden Eagle Pass of the national park service has been raised from $7 to $10.

Even with the Golden Eagle permit, the camping fee at Yosemite Valley is still $4 a day, although $3 entrance fee is waived for purchasers of the annual Golden Eagle permit, he said.

The fee hikes in recent years, Compomizzo told viewers, were "just a start," with more coming.

Dunbar traced the history of Compomizzo's fight against the state campground reservation policy which previously had tied up campgrounds for months in advance.

After his "little guy" campaign against the policy, it was changed to permit reservations no more than 90 days ahead.

Compomizzo was accompanied to San Francisco by his wife, Anna, and youngest son, Walter. When he got home, James Woods of Antioch, presented him with a tape of the broadcast, promising to write Rep. Jerome Waldie, D-Antioch.

In the letter from Cranston, the senator said those who enjoy and use parks should bear part of the cost of maintaining them but added he felt that recreation should be available to all.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following series of five reports on the Nation's economy, the impact of inflation, and the President's new economic policy:

WASHINGTON REPORT NO. 1

There is a general feeling in America today that the economy just isn't working right. As I talk to people, I sense an underlying fear of inflation and unemployment and a fervent hope for economic stability and progress.

The average citizen is trying his best to make some headway against taxes and rising prices. He feels he is losing the battle, and he is uneasy about his own—and his country's—well-being. For him, taxes and prices are too high, government expenditures are too great, and wages and salaries are too low.

These economic worries could become the source of real political instability. If enough people become convinced that the poor are cheating on welfare, and the rich are getting special privileges from the government and are exploiting tax loopholes, that the politicians are living high while spending tax money carelessly—all of this while Mr. and Mrs. Average Citizen are paying the bills—then the country could be in for some troubled times.

The people are persuaded that the government can do a better job in dealing with high prices, and in collecting and spending the public money. If improvements are not made, resentment of the system will increase.

A number of events in recent weeks have added to the concern about the economy:

The President's proposed budget for fiscal year 1971 had a small surplus of $1.3 billion. The actual tally for the year which ended last June 30, however, showed a deficit of $23.3 billion—the second largest since World War II.

The Nation's imports for June marked the third consecutive month in which imports substantially exceeded our exports. The Secretary of Commerce warned that the Nation might incur its first trade deficit for an entire year for the first time since 1893, suggesting that the United States is losing its competitive position in world trade.

The composite economic index of twelve leading indicators turned downward in June.

The cost of living was still rising sharply as the fight against inflation continued to show meager results. The Chairman of the Federal Reserve Board told a Congressional committee there was still no evidence of any significant moderation in the advance of costs and prices.

The stock market dropped substantially.

Consumer confidence continued to slide, as reflected in lower sales volumes and increased savings investments. Consumer attitude surveys showed the American people have lost confidence in the ability of their government to solve the country's economic problems.

The wage settlements of recent weeks foretell further increases in prices for hardware and transportation costs.

The root causes of the anxiety about the economy are, of course, continued inflation and unemployment.

There is some, but not much consolation in knowing that the United States is not alone in having severe economic problems. Some economists refer to this period as the "age of inflation." On the average, prices paid by consumers in the countries of Western Europe, the United States and Japan, rose by about 5¾ percent in 1970.

There is some hope in the fact that price increases have slowed down in the first half of 1971. But this very modest improvement in the inflation rate has been achieved at the cost of substantial unemployment.

Next: The costs and the victims of inflation.

WASHINGTON REPORT NO. 2

Inflation ranks as one of the most serious and persistent problems of public policy in most of the countries of the Western World.

Although inflation does not fall with equal impact on all, everyone thinks he is hurt by inflation, and, indeed, many persons are hurt badly by it. It is a chief contributor to the growing dissatisfaction many people feel with the performance of the country.

The impact of inflation is felt with special severity by the aged, by people who live on fixed incomes, the poor, those who invest in savings accounts, and by buyers of insurance policies.

Arthur Okun, economist and a former member of the President's Council of Economic Advisers, points out that inflation benefits the "sharpies" at the expense of the "suckers." It redistributes wealth, shrinks the value of savings, increases the value of land, buildings, and shares of stock.

On the other hand, it decreases the burden of debt, gives advantage to the skillful person who can arrange his wealth and debt to gain from inflation. It is a handicap to the wage earner and those less sophisticated in the intricacies of economics.

Conversations I've had with constituents lately point up the costs of inflation in the lives of people. One man told me that he had reached the breaking point on taxes, and simply could not pay any more. Young people have said they didn't go to the movies anymore because they cost so much. Several couples said they both have to work to meet family expenses and educate their children. Another couple told of saving for months to buy a new car, only to learn that the price had jumped so much they couldn't afford it. They deferred the purchase.

Most respond to inflation and high taxes by simple, but painful actions. They cut out the pleasures and rewards from their lives. Their wants are simple and decent, for the most part: a comfortable retirement, higher education for their young, home furnishings or a vacation trip.

Inflation also hurts whole communities, as evidenced by the fact that many state and local governments have found it difficult to sell bonds to finance community improvements. Because of inflation, interest rates are too high.

Inflation has contributed to the financial crisis in the cities, as mayors have repeatedly emphasized in Congressional testimony this year. An enormous portion of local government expenditures goes for wages and salaries. The cities must pay these increases to policemen, firemen, utility employees and others, yet the city's revenues, based in major portion on property taxes, have not increased proportionately.

The Nation, faced with a housing shortage of critical proportions, had a sharp drop in housing construction in 1969, and, although it has improved this year, the threat of another construction drop is present because of inflation's impact on the interest rate.

Businesses, too, are finding it difficult to raise capital for growth and development through the sale of bonds. There is no reason for the lender to purchase bonds if inflation is going to eat up the interest return. If that kind of thinking prevails among lenders, the capital needed to propel the economy will dry up. It has happened elsewhere.

Moreover, the United States, and many other nations, depend upon world trade and the international monetary system. This system, in return, is dependent upon a sound and relatively stable U.S. dollar. Without it, world trade would collapse.

Next: How do we control inflation?

WASHINGTON REPORT NO. 3

Anti-inflation policy must be given the highest priority by the government. The major obstacle to containing inflation is not a lack of knowledge, or even a lack of tools to deal with it, but a lack of political will and leadership to take the right action at the right time. There is no single approach to the control of inflation. Some are outlined by economist Gardner Ackley in a booklet entitled "Stemming World Inflation," and the suggestions which follow draw upon his observations.

Fiscal and Monetary Policy: Fiscal and monetary policy are the two most important tools we have to control the demand for goods and services in our economy. The objective is to adjust the stimulus or restraint by fiscal and monetary policy to keep demand at a level which promotes high employment and reasonable price stability.

By utilizing fiscal policy, the government can raise or lower the tax rates and increase or reduce government expenditures. By raising taxes and reducing expenditures, demand is decreased. Lowering taxes and raising expenditures expand demand.

The cost and availability of money also influences the rate of inflation. Demand for goods and services is lessened by increases in interest rates and the tightening of credit conditions. By controlling the supply and the cost of money, the independent Federal Reserve System influences the rate at which money is spent. If the rate of growth of the amount of money which is available can be restrained, inflation can be checked. Raising interest rates, restricting the banks' lending authority, and reducing the amount of bank credit restrains the quantity of money and dampens demand.

Incomes Policy: This approach takes a variety of forms to maintain price and wage stability. The object is to persuade business and labor to reduce inflationary wage and price increases. It includes face-to-face discussions among business, labor and government officials, focusing the spotlight of public attention on wage and price decisions which are inflationary, and threats of withdrawing privileges the government may have.

Because inflation is such a serious problem that no weapon against it should be left unused, I support the creation of a price-wage review board which would be authorized to require advance notice of wage and price changes, suspend the proposed changes while it investigated their inflationary impact, and report its findings to the public with recommendations. The President should have stand-by authority for compulsory control of wages and prices, but subject to Congressional review and veto rights.

Structural Policies: A shortage of trained people, such as exists today in the field of health care, creates inflationary pressures. Improved programs of manpower training and vocational education must be developed and barriers of sex, age, race, and education must be removed to increase the supply of trained labor. Labor mobility must be encouraged so that workers can go where the jobs are, and better information about jobs must be available.

Inflationary aspects of many of the existing labor laws relating to minimum wage and apprenticeship programs, collective bargaining procedures, and labor standards required of government suppliers should be reviewed with special attention given to their inflationary impact. More and better information on products and prices should be made available to the consumer, who is, after all, a front line soldier in the war against inflation.

Trade: The barriers to international trade must be minimized to increase our competitive position and correct our trade imbalance. An open, competitive market will encourage domestic manufacturers to become more efficient, increase the quality of their goods, and hold price stable.

Protection: The government's support and protection of inefficient industries must be minimized. Special supports, although sometimes justified, can push prices above the real market value. They should be examined in light of their impact on inflation.

Competition: Strengthened competition calls for vigorous enforcement of anti-trust laws, re-examination of laws which lead to unfair trade practices, and price discrimination. The anti-competitive effects of unrealistic licensing provisions, building codes and government procurement policies also should be eliminated.

Next: The President's proposals.

WASHINGTON REPORT NO. 4

The President's sudden and dramatic steps to correct the economy demonstrate graphically one of the essential characteristics of the American political system—the President has great political power when he chooses to act.

Whether or not his actions are too little or too late, as some suggest, only time will tell. The President is to be commended for taking action, however. Constituents with whom I have talked have been so worried about the state of the economy, almost any action by the President and the Congress would have been welcome. The country obviously was in the mood for drastic steps to correct the economy.

Although I do not approve of every step which the President chose, I applaud the positive action he has taken to halt inflation and protect the dollar and his abandonment of his steady-as-you-go economic program. Not all of our economic worries are over, of course, but I believe the economic outlook is better as a result of the President's action.

The President may well be right when he said that his actions were the most important economic steps taken by an American President since President Roosevelt's efforts during the Great Depression.

As a result of his announcement, the economic world will never be the same again. He has launched the American economy on a drastically altered course. The President has acknowledged that free markets work with less perfection, and that the pricing powers of economic groups are more potent, than he had realized.

The Nation is now launched on a search for some kind of control over the decision-making processes of big companies and big unions—a control which doesn't fit well with our economic theories of the past. Such an approach may be the only alternative towards breaking up these large and economically-powerful groups.

The Congress should give the President complete cooperation in considering his economic recommendations. Hearings should begin immediately, and the program acted upon promptly. These decisions certainly must be made before the Congress adjourns for the year.

There are several parts to the new policy. The success or failure of one may not depend on the success or failure of the others. Taken together, however, they represent a sweeping design to resolve our economic problems of inflation, unemployment, and a weakening dollar.

The wage-price freeze: Acting under legislative authority granted by the Congress—authority which he had opposed earlier—the President ordered a 90-day freeze, to expire November 12, 1971, on all wages and prices.

I approve of the wage-price freeze, not because it, in itself, will cure inflation, but because it is a vital first step towards the development of a long range program to achieve price stability. The freeze will be beneficial for its shock value in dampening the inflationary psychology which has gripped the Nation, and in slowing the wage-price spiral.

Even though the 90-day freeze is a very short time in which to develop a program of restraints—and may have to be extended—it gives some breathing time to set up more durable machinery for economic stability. If it does not work, we have probably lost for a long time the opportunity to achieve price stability and full employment.

If we are not able to halt the trend of recent years, where every group tried to get what every other group had gotten—plus a little more—then the hardships some Americans are asked to bear now will become greater hardships for all Americans in the future.

Hopefully, individuals and groups will accept some hardships and submerge their private interests in the larger public interest in succeeding in the battle against inflation.

Next: What happens after the freeze?

WASHINGTON REPORT NO. 5

The wage-price freeze is one of the controversial parts of the President's New Economic Policy. The freeze does "seal in" many inequities. At any given moment in the economy, a freeze is arbitrary and produces inequities. No time is a "good time" for a wage and price freeze.

The question now is what happens after the wage-price freeze? It will be difficult to return to the view that wages and prices are none of the government's business. Restraints will be needed which (1.) will not stifle private decision-making, but at the same time recognize the public interest in these decisions, and (2.) will not lift the lid entirely from wage and price levels.

I do not want this country to slip into a period of permanent wage and price controls. I have supported for some time the establishment of a wage-price review board to administer economic guidelines keyed to increases in our national productivity. I hope such a board is established after the freeze expires. We need wage-price standards, backed up by the power of government to recommend, to publicize, and to revoke, if need be, wage and price increases which are inflationary.

Other steps in the President's new economic policy include:

Strengthening the dollar: The President suspended the dollar's connection with gold, thus leaving the dollar to find its own level in relation to foreign currencies, and he imposed a temporary 10 percent surcharge on all non-quota imports. Economists have long recognized that the dollar has been an overvalued currency, as indicated by the failure of the American dollar to be competitive in markets abroad. The realignment of the exchange rates will enable American producers to compete on more equitable terms with foreign business.

By "floating" the dollar and breaking its link to our gold reserves, the President is inducing our trading partners to revalue their currencies upward. He has, in effect, devalued the dollar. This move certainly ends the old international monetary order, and our immediate objectives must be, not only a revaluation of currencies, but a revised international monetary system capable of continuing realignments of currency values.

While I applaud the President's move to rescue the dollar in its relationship to world currencies, I am concerned about his move to impose a 10 percent surtax on imported goods. This is a highly protectionist action and could lead to foreign retaliation. This action should be used only as a bargaining tool to achieve devaluation and should be in effect only long enough to realign exchange rates.

Stimulating the economy: The President has proposed an accelerated investment tax credit of 10 percent for one year, and a 5 percent permanent credit after that. He has asked for the repeal of the 7 percent excise tax on automobiles, and he wants the Congress to advance to January 1, 1972, the scheduled $50 increase in personal tax exemptions. He also has announced reductions in Federal spending, a 5 percent cut in Federal employment, and a 6-month freeze on Federal pay increases.

The benefits of this stimulation will be very great, and even though I have reservations about the specifics of the tax program, I'm pleased with the thrust of the proposals.

The request for an investment tax credit, together with the accelerated depreciation schedule already granted to industry, produces an $8 to $9 billion tax advantage in one year for corporations. This represents a significant shift of benefits to business as compared to other groups. The Congress should examine this double benefit in light of the current rate of business investment, the excess capacity now in parts of the economy, and an appropriate balancing of government help among all economic groups. I am inclined to support the investment tax credit, but with a provision to repeal the depreciation liberalization.

The President's proposal to speed up personal income tax exemptions is commendable and will give relief to taxpayers. Other measures to give relief to low and middle income taxpayers should also be considered by the Congress, including a postponement of the Social Security Tax increase, scheduled to take effect next January.

The President's proposal to repeal the auto excise tax and to cut federal employment by 5 percent also deserves careful scrutiny by the Congress.

CREDO STATEMENT ON SEX EDUCATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. KEMP. Mr. Speaker, CREDO is an association of Catholic priests, religious, and laity, located in Buffalo and quite concerned with the sex education of our children. In a recent press release, this highly respected Buffalo religious group points up the different approaches to this question taken by SIECOP and SIECUS.

SIECOP—Sex Information and Education Council of Physicians—has been organized to combat the permissive and destructive type of sex education.

SIECUS—the Sex Information and Education Council of the United States—according to the press release, promotes the publication of categorical falsehoods which mislead the public.

Mr. Speaker, because of the critical nature of this subject, I include the CREDO press release at this point, and call this to the attention of my colleagues:

CREDO STATEMENT ON SEX EDUCATION

BUFFALO, N.Y.—CREDO of Buffalo releases the following statement:

The social dilemmas posed by rampant drug abuse, crime, alcoholism, and sexual promiscuity flow from a wholesale failure to respect the nature of man in society. As an orthodox and recognized Roman Catholic organization in the Buffalo Diocese, CREDO would comment that these social disorders reflect the widespread refusal of men in the late twentieth century to accept their role as creatures made in the image and likeness of God and subordinate to His Law in all things for their own good. But the American pragmatic mentality pays little heed to such God-centered thinking in the practical matters of our daily lives. Therefore, the following statement is designed to explore the tragic fallacies of some of the social remedies presently in effect. They share the common Socratic defect of naively believing that "knowledge is virtue," and that all that is needed to solve our problems is more money spent on more education—appealing ultimately to the individual's own good judgment above any law, whether human or divine. The present case in point is the new permissive sex education.

While many parents appear to accept the public school's assuming the responsibility for the sexual training of their children, CREDO believes these same parents would not so eagerly embrace such programs if they were aware of the impressive and growing number of medical doctors and mental health professionals who strongly oppose the new sex education in our schools, particularly the type of programs which are being implemented under the guidance of the New York State Department of Education.

The Sex Information and Education Council of Physicians (SIECOP) whose membership includes physicians and psychiatrists from all over the United States has been organized to combat the permissive and destructive type of sex education promoted by SIECUS (The Sex Information and Education Council of the United States). The physicians of SIECOP insist that ". . . many of those who now favor 'sex education' would change their minds immediately if the real facts concerning this issue were aired." This nationwide group of medical doctors points out that World Health Organization figures reveal ". . . overall statistics for venereal disease [including gonorrhea] in Sweden . . . have increased by 175% since 'sex education' was introduced . . ." Likewise, the prestigious national Association of American Physicians and Surgeons has publicly repudiated the amoral SIECUS sex education movement and has passed a resolution (April 12, 1969) opposing ". . . incorporation of instruction in sexual technique or 'Family Living' into the schools of the nation." Among several reasons cited for this action, the AAPS observes that ". . . compulsory education in sexual permissiveness in Sweden has caused medical leaders there to deplore the results. . . ." And while it is true that the American Medical Association's House of Delegates gave *qualified* endorsement to the new sex education programs, it did so *without* polling its membership. Subsequently, the Journal of the American Medical Association and its newspaper published numerous letters from members repudiating the Delegates' action.

The new permissive sex education programs opposed by responsible physicians across the nation are of the same type as the SIECUS-inspired sex education which was adopted by the New York State Education Department as its blueprint for those programs presently infiltrating or now entrenched in our own local schools. Planning sessions were held with Dr. Mary Calderone, executive director of SIECUS, and the SIECUS approach was given primary emphasis by our State Education Department.

Writing in the Fall, 1970, issue of the *New York State School Nurse Teacher's Association Journal*, Dr. Rhoda L. Lorand, a clinical psychologist who has practiced psychotherapy and psychoanalysis for twenty years and is presently a graduate professor of guidance and counseling at Long Island University, points out that "Strand III of the New York State Prototype mirrors every SIECUS error, in addition to borrowing a few dangerous concepts from 3M Company's SHES program." Concerning these as well as the New York City program, Dr. Lorand continues "[They] . . . all share in fundamental errors. They overwhelm the child with concepts beyond his ability to comprehend, undermine parental authority, invade family privacy, disturb the developmental phases and borrow concepts from psychotherapy which are extremely dangerous for classroom use. They exhibit a lack of understanding of the thoughts, feelings, and interests of children at every level of development, and of the processes by which children learn."

Anyone naive enough to doubt that the Mental Health strand of the New York State Education Department's Health Curriculum is SIECUS influenced, is encouraged to examine the texts in use in his own school district and trace their authors, bibliographies, and "recommended readings" back to their SIECUS origins.

Similar concern is being voiced among many medical and mental health professionals about the widespread introduction in our schools of "sensitivity training"—a psychological device which often accompanies classroom sex education. Sensitivity training is introduced in the New York State recommended syllabus in the form of "role playing" and "group criticism." Though "group therapy" in its more extreme forms is considered potentially dangerous by the AMA's Council on Mental Health because of occurrence of psychotic and/or neurotic sequelae, its more mild expressions still represent objectionable psychic manipulation.

Also alarming is the evidence that these local sex education programs may be contributing to the problem of drug abuse. For these programs undermine parental, church, and community authority while teaching a character-destroying situation ethics. As a typical example, one text used in Western New York tells the students that "No one can make this choice [i.e., whether to have pre-marital relations] but themselves," and that while parents, religious advisors, and society can advise you, ". . . it is you who must make the final decision." These programs consistently tell the student that he is the ultimate judge of his own actions—not society, not his parents, not God. When legitimate authority at all levels is reduced to a *merely* advisory capacity, we should not be shocked that our children decide to reject such "mere advice"—not only in sexual matters, but *also regarding the use of drugs.* How are children supposed to sort out the evident adult confusion when, on the one hand, this same textbook extolls the virtues of "the Pill," yet on the other hand, it solemnly warns against the dangers of powerful drugs? The individualistic morality promoted by the new sex education contributes not only to an intellectual climate receptive to further drug abuse but, by undermining authority at all levels, to crime in general. Thus, there may be more than mere coincidence that Sweden, with twenty years of permissive sex education, has more than twice the United States drug addiction growth rate, as reported by Dr. Nils Bejerot, a Swedish physician and foremost authority on Sweden's drug subculture.

It should be pointed out that the New York State Legislature, responding to public complaints, has removed the *entire* Mental Health strand (which includes instruction in human sexuality) from those topics mandated by the 1967 Health Education Act. Any school administrator who denies this is either ill-informed or deliberately deceptive. Yet, unless local school boards act to remove sex education from their regular curriculum, New York State education law makes no provision for parents to exempt their children. Therefore, CREDO urges all parents to demand what is, in fact, entirely within the power of local school boards—that is, that (1) they make any such sex education programs purely elective and thus affirm that in our free society children still belong primarily to the parents and not to an all-powerful state, and (2) such dangerous SIECUS-inspired programs be abolished completely in favor of those voluntary, parent-oriented programs which enhance parental confidence, strengthen parent-child relationships, and promote true mental health and well-being of children.

SUMMARY

Any attempt to build society without regard for religious and moral principles is doomed to failure. A case in point is the new permissive-type of secular sex education whose evil effects on society have been, thus far, suppressed from public view. Sex education programs in our local schools have been developed under the guidance of the New York State Education Department. In turn, the State Education Department has developed its sex education curriculum in consultation with Dr. Mary Calderone, head of SIECUS, and through SIECUS influence the sex education programs being implemented throughout New York State are SIECUS-type programs. It is precisely this SIECUS-type of permissive sex education which is denounced as dangerous and destructive both to the individual and to society by impressive and growing numbers of medical doctors and mental health professionals represented in such organizations as the Sex Information and Education Council of Physicians and the prestigious American Association of Physicians and Surgeons. While the American Medical Association's House of Delegates gave *qualified* endorsement to classroom sex education, its position has been repudiated by many of its knowledgeable members.

CREDO accepts the professional judgment of these physicians across the nation that the character-destroying nature of this permissive sex education will have disastrous medical, moral, and social consequences for our society.

Also alarming is the evidence that these local sex education programs may be contributing to the problem of drug abuse by consistently telling the child that he is the ultimate judge of his own actions—thereby undermining parental, church, and community authority. This, in turn, creates an intellectual climate receptive to the use of illegal and dangerous drugs as well as other forms of anti-social and criminal behavior.

It should be pointed out that sex education is *not state mandated,* but that once local school boards have made it part of the regular curriculum, no child may be legally exempted. Therefore, local school boards should exercise their legal option under present law to make such programs purely elective as befits a free society—or, better, after careful examination of the issues in light of the serious objections of physicians throughout the land, to terminate the new sex education altogether in favor of optional, parent-controlled programs.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART IX

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. HARRINGTON. Mr. Speaker, the Joint Economic Committee held hearings in August on the Soviet economy and military spending. Yesterday, I placed in the Record several of the statements presented at these hearings that most directly examined Soviet defense outlays. Today, I include the remaining statements of the following witnesses: W. Averell Harriman; Richard T. Davies, Deputy Assistant Secretary of State for European Affairs; Prof. Wassily W. Leontief, Harvard University; and John P. Hardt, Research Analysis Corp.

The Joint Economic Committee expects to receive the testimony of officials from the Defense Department in September on Soviet military spending. Hopefully, the DOD officials will present a comprehensive examination of comparative Soviet and U.S. military R. & D. and address the points of controversy that have arisen this year concerning DOD's estimates and claims. The statements of August 9 and 10 follow at this point in the Record:

Statement by W. Averell Harriman Before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, August 9, 1971

Mr. Chairman and Members of the Joint Committee: I appreciate your invitation to testify before this Subcommittee on Priorities and Economy in Government of the Joint Economic Committee. You suggest that I might discuss "the workings of the Soviet system" and "factors shaping their decisions as to the division of resources among competing claims." You also ask about what Soviet reaction might be to alternative lines of action on our part.

These are very broad subjects and can hardly be dealt with adequately in a brief statement but let me say that of prime importance is that we understand that there have been far-reaching changes since the time of Stalin and even of Khrushchev in the character of the Soviet threat, the influences within the Soviet leadership on decision making and indeed the Soviet society itself. It is nonsense and, in fact, dangerous to talk and act in the same manner as we did then.

In the immediate postwar period the possibility of a communist takeover in Western Europe was a real threat. Today, it no longer exists. Western Europeans are our strongest allies. They are more productive, more prosperous and more unified than ever.

Clear evidence of the change in the situation is the current negotiation over West Berlin. Perhaps the most acute and dangerous postwar problem has been our exposed position there.

Stalin's blockade of West Berlin in 1948 was relieved only by the American and British airlift. Khrushchev boasted to me in 1959 that West Berlin was so vulnerable that he could put pressure on us there whenever he wished. He threatened to sign a peace treaty with East Germany which he claimed would end our rights in Berlin. He asserted: "Your generals talk of maintaining your position in Berlin with force. That is bluff. If you send in tanks they will burn and make no mistake about it. If you want war you can have it, but remember it will be your war. Our rockets will fly automatically." In 1961, in the face of Khrushchev's threats against West Berlin, President Kennedy mobilized a part of our reserves and increased our forces in West Berlin.

Now a decade later negotiations are in process between all concerned on an agreement on West Berlin which would end the threat. Uninhibited civilian access would be assured and a compromise reached on the relationship of West Berlin to the Federal Republic of Germany. Encouraging statements have been made by Mr. Brezhnev and Chancellor Brandt has expressed the expectation of an agreement by autumn. In any event, the point I want to emphasize is the fact that serious discussions are taking place with give and take on both sides for an agreement which would remove the hot point of East-West conflict in Europe. Furthermore, the ratification of the treaties which Chancellor Brandt has negotiated with Moscow and Warsaw will follow a satisfactory agreement on West Berlin. The Warsaw Treaty will finally settle the Oder-Neisse line as the German-Polish border. The Poles whose fears of German aggression are thereby reduced will have less reason to cling to Moscow for protection and will feel freer to look to the West.

Also agreement on Berlin would open the way for other potentially constructive moves such as a European Security Conference. With Mr. Brezhnev's recent initiative proposing mutual reduction of forces in Central Europe, negotiations on this subject can now, at last, take place. Agreement on mutual balanced reduction of forces is the soundest way for us to return a substantial number of our men now stationed in Europe.

If these matters are energetically and wisely pursued, there is a real chance of easing tensions in Europe—the very area where the cold war started.

Even though agreement may now be reached on Berlin, on SALT and in other specific areas, we must recognize that there are still certain irreconcilable ideological differences between us and the Kremlin preventing an overall detente. The Kremlin still wants to see the expansion of communist dictatorships wherever possible, whereas we believe our interest and security are best served by governments responsive to the will of the people. This fact, however, should not prevent us from coming to agreements in areas where we find mutual interests. Each agreement makes others easier to reach.

There has been, and I am satisfied there will continue to be, evolution within the Soviet Union. This evolution can be favorably affected by our own attitudes and actions. The changes since Stalin's time are marked. Khrushchev told me that Stalin had become increasingly suspicious, trusted no one and that when the Kremlin leaders were called to his office they did not know whether they would ever see their families again. When Stalin died they were determined not to permit the secret police to be controlled by any one man. To achieve this Beria was shot. He was the last Kremlin leader to be executed. Others including Khrushchev himself have been retired but in a more civilized manner. The Soviet leaders do not want to return to the arbitrary ruthlessness of Stalin which they fear might be used against themselves. While controls of public dissent are still rigid and, in fact, after Czechoslovakia were tightened, they are not as indiscriminate or as arbitrary as they used to be. Individuals are no longer dragged out of their homes at night to disappear without trace. There are hearings, even though inadequate, and sentences are publicized.

Under Stalin, discussion in the Politburo was permitted until he had made a decision; after that, opposition risked a sentence to Siberia if not execution. Now, decisions are made by a group rather than one man and are more subject to continuing review. This review includes allocation of resources in light of the appraisal of any new factors such as American statements and actions.

I believe conditions within the Soviet Union, on balance, are improving. Gradually the pressure by the Russian people for greater freedom will increase and I do not believe the Kremlin will be able permanently to resist them. In spite of the setback in Czechoslovakia and the subsequent tightening of restrictions, there appears to be a continued determination by some intellectuals to resist. While the influence of these intellectuals may not be great, developments are nonetheless significant.

Just last week there were newspaper reports of an unusual article published in the Soviet Union by the distinguished Soviet physicist, Dr. Pyotr Kapitsa, on social decay resulting from wealth, assured income and leisure time in the advanced industrial countries including by implication the Soviet Union. He advocated more liberal education that would produce independent-minded, creative thinkers. From the account, the article sounded as if it might have been written by an American. His colleague, Andre Sakharov, has called for closer cooperation between the United States and the Soviet

Union, particularly in science, to help solve world problems. If we can find more areas in which to cooperate, tendencies towards confrontation and tensions may well recede.

Certainly one of the areas in which the United States and the Soviet Union could cooperate for the betterment of mankind is ecology. This subject came up in a talk with Chairman Kosygin when I accompanied Senator Muskie to Moscow in January. The Senator discussed with him national and international environmental problems. Mr. Kosygin showed detailed knowledge and keen interest in the serious Russian ecological problems, such as the reduced flow of the Volga river and the consequent lowering of the level of the Caspian Sea, and the actions they were taking to overcome them. But he did not appear to have given much consideration to the international problems of the opportunities for useful United States-Soviet cooperation. Since that time, the Soviets have participated in an international conference on ecology in Prague and next year will take part in the major meeting in Stockholm. In his report to the recent Communist Party Conference, Mr. Breshnev announced the readiness of the Soviet Union "to participate together with other states concerned in settling problems like the conservation of the environment."

In my talks with Chairman Kosygin in 1965, the question of our mutual defense expenditures came up and the diversion they caused from other more beneficial uses. He complained bitterly that the increase in our budget had forced them to maintain theirs. Over the years their actions have affected our decisions on military expenditures and it seems clear that our actions have similarly affected theirs.

In this connection it is crucial to recognize that Soviet leadership is not monolithic. The Soviet Union, like the United States, has a spectrum of opinions from hard liners to the more reasonable who believe in devoting more resources to urgent domestic needs rather than for arms or foreign ventures. Our actions should be designed to encourage the more reasonable Soviet attitudes.

Bellicose statements and actions in either country give ammunition to the hard liners in the other country. It is important for both sides to deescalate their rhetoric as well as deeds. In this, surely, we should not be afraid to take the lead. We are the more productive, the more mature, the more sophisticated nation. The Soviets have been fearful that an initiative on their part would be construed as a sign of weakness.

Our defense budget obviously plays a major role in Soviet consideration of their budget. They are not going to accept significant nuclear inferiority and will make whatever economic sacrifices are necessary. Thus the United States was correct in superseding the concept that we must have nuclear "superiority" with acceptance of the idea of "sufficiency." It is apparent that while either side can, by increasing its nuclear expenditures, force the other side to respond, neither side can gain any significant advantage.

Although the Soviets are reluctant to take the initiative in public, I have found them quite ready to talk frankly in private. In my talks with Chairman Kosygin in 1965, he stated bluntly that while the United States and the Soviet Union were the preponderant nuclear powers, it was our obligation to come to agreements to reduce the danger of nuclear war. He specifically suggested that the next step should be a nonproliferation treaty (subsequently agreed to); second, a comprehensive test ban including underground testing; thirdly, reduction in nuclear arms; lastly, he emphasized the desirability of mutual reduction in defense budgets. This could be achieved, he thought, by mutual example.

We are now engaged in negotiations for restraint in nuclear arms. Unfortunately, during the period of these lengthy discussions both sides have escalated the arms race at an unusually high rate. The Soviets have increased their deployment of ICBM's including the giant SS9's and have continued the testing of multiple warheads. The United States, for its part, has gone ahead with the development and deployment of its MIRVs. No wonder the talks have taken so long and now only a limited agreement appears in sight and not a comprehensive one.

It is important that we attempt to look at this subject the way it appears to the other side. We emphasize that the Soviets have substantially increased their ICBM capability in numbers and particularly in the weight of their warheads. For their part, I have been told directly that the Soviets consider our MIRV breakthrough as giving us the potential of multiplying our warheads fourfold. Both sides tend to exaggerate the other's increasing efforts in the race. All this at the very moment we are engaged in negotiating restraint.

How much wiser it would have been if President Kennedy's example had been followed before talks were undertaken. You will recall that on June 10, 1963, in a conciliatory speech delivered at American University, President Kennedy announced that we would refrain from all nuclear testing as long as the Soviets would do the same. In spite of the tensions then existing, this lead Khrushchev to respond favorably. The limited test ban was negotiated, ratified by the Senate and subscribed to by over 100 countries before the end of the summer. In the first part of 1969 President Nixon could well have announced, as he was urged to do, that we would not test or deploy any further sophisticated nuclear weapons (MIRVs or ABMs) providing the Soviets exercised parallel restraint. I believe that the Soviets would have responded at that time. Since we now have achieved a MIRV breakthrough it is far more difficult. However, experts in the field still propose that a mutual freeze for a period of time would be beneficial. In any event, let us hope that at least a useful limited first step will come out of the present talks. I would then hope that a thorough exploration of the resulting situation would be made in which Congress would be included. Restraint in nuclear arms not only gives great promise for the saving of vast sums of unnecessary expenditures, but can contribute substantially to the reduction of the danger of nuclear disaster.

In closing, I would like to underline that Soviet military power is not, as some would think, the principal source today of communist expansion.

The monolithic structure of international communism has been shattered not only by the rupture between Peking and Moscow, but by Tito and by the increasing independence of communist parties in different countries. It is noteworthy that both the Italian and French communist parties criticized the Soviet Union for its invasion of Czechoslovakia. There are numerous communist activities in many parts of the world that threaten independent governments.

There is much that we can do in the nonmilitary field to help those governments and peoples that want to resist communist penetration. Certainly we can continue with wise policies to offer a helping hand for social progress through technical and financial assistance, preferably through international organizations. Our influence in the world would be enhanced if the tragic and divisive war in Vietnam is brought to a close. A small fraction of its continuing cost will do much, if appropriately applied, to help in important areas now being neglected such as Latin America.

The road ahead is not easy. The Soviet Union remains a highly suspicious totalitarian state with aggressive influences. Yet if we take the initiative, exercise patience and good judgment, I am more hopeful now than in the past that constructive agreements can be reached which will reduce the need for vast military expenditures and make progress towards a more stable world.

Statement by Richard T. Davies, Deputy Assistant Secretary for European Affairs, Before the Joint Economic Committee, August 10, 1971

Mr. Chairman, distinguished members of the Joint Economic Committee: I welcome this opportunity to appear before your Committee. Quite apart from the eminent and unique role the Committee plays in the affairs of this country, it performs a notable service by bringing out the series of volumes on the Soviet and other Communist economies and by conducting hearings in this field. Through these publications and hearings, the Committee informs and educates American public opinion—in fact, public opinion in many countries. It contributes greatly to the scholarly study of the Communist world. It even enlightens some Communist officials to whom their governments do not make available the facts and figures Western society takes for granted and who are not permitted freely to debate the economic problems, options, and policies of the societies in which they live. This does not mean that conflicts over resources allocation, reorganization, and reform are absent in the Soviet realm. They do exist, but they are conducted in secret. The muffled voices of dissent reach the public only occasionally in the form of vague rebuttals to unnamed critics.

When we focus on the economic issues facing the Soviet Union, we are far from denying that there are problems in the Western world or in this country in particular. How could we, since those problems are substantiated by facts and figures and are openly discussed from every possible point of view? Thus, as you well know, the US Gross National Product dipped by two-thirds of one percent in 1970. The Soviet GNP, on the other hand, is estimated to have increased by between 7 and 8 percent. This abnormally high Soviet growth rate was the result of a good crop following a bad crop in a country where agriculture still has a large share in GNP statistics. (Incidentally, the GNP of the Chinese People's Republic, rebounding from a decline during the Cultural Revolution, is believed to have increased in 1970 by 12 percent.)

There are several ways to look at last year's Soviet economic performance, as expressed in these GNP data. When you listen to Soviet spokesmen, you will find the American economy depicted as the prototype of "moribund capitalism" in its last phase, fated soon to be overtaken by a triumphant Soviet "socialism". As was the case during the great depression of the 1930's and during the American recessions of the latter 1950's, Soviet ideology has recently stressed the subject of US-Soviet economic competition. This theme will be dropped as soon as the American economy resumes its normal progress. In fact, it is possible to establish an inverse relation between the virulence of the Soviet "challenge" and the Dow-Jones index.

There is another way of looking at the performance of the two economies. This takes a longer view, departing from the fact that during the past decade both economies expanded roughly at the same pace and from the prognostication that, in the 1970's as a whole, the experience of the 1960's is likely to repeat itself. The two nations can be compared with two runners who follow each other at more or less the same distance, one of them maintaining a very considerable lead. Neither moves at a steady speed. Last year, the US happened to stand still and the USSR speeded up. In other years, it is the US that advances faster. But there is an important difference in style. The Soviet style is less effective. It takes the Soviet runner an effort by far greater than that of his American colleague to cover a specific distance. Not that the Soviet runner lacks stamina; he has plenty of it. The difference is due to his less rational method of running. There is one more feature that must be mentioned. Each runner is carrying a heavy shotgun; both stand to gain if this burden could be reduced. Thus—if you will permit me to stay with the comparison for one more minute—each runner has to make up his mind about two problems. First, given his resources of strength and determination, what does he want to accomplish in the order of his priorities? Second, is he able and willing to improve his style—perhaps even by watching his competitor and learning from him—so that he runs faster and with greater ease and steadiness? The two problems are, of course, interrelated since a better performance increases the available resources.

Let me turn first to the problem of resource allocation in the Soviet economy, keeping in mind the technological aspects in which you are interested. It is appropriate to start with a few short remarks on the Soviet defense burden. I wish to do this not only because of our eminent interest in this issue given the interaction of Soviet and U.S. policies, but also because in Soviet thinking defense has precedence on principle. I would like to stress the words "on principle". While the Soviet leaders are willing and eager to feed the proud superpower they are heading and likewise anxious to keep their military establishment content, they will not necessarily endorse every military and space project submitted to them. In the USSR, as everywhere else, it is the project on the margin that engenders conflict among the military or among the civilian leaders or between the two groups.

Previous hearings have been devoted to the size and composition of Soviet military and space expenditures and to the intricate problems of their measurement. I refer, as one example, to the testimony of Mr. David E. Mark, Deputy Director of the Department's Bureau of Intelligence and Research, on June 24, 1969. There is, moreover, that excellent volume your Committee published last year under the title Economic Performance and the Military Burden in the Soviet Union. I do not wish to repeat what was said and written a year ago or two, nor has there since been a major change in Soviet developments or the way in which they strike a Western observer. (Statistical estimates undergo, needless to add, continual refinement and correction.) What has changed since Mr. Mark's testimony is the trend in American defense spending. In real terms, i.e., after taking account of price increases in this country, U.S. defense outlays have declined, while, if our reading of the USSR's defense expenditures is accurate, appropriations on the Soviet side have increased.

Given the reduction of the American defense effort in the recent past, always keeping price changes in mind, we arrive at the conclusion that, when valued at American prices, the Soviet package of military and space goods and services is probably slightly smaller than the corresponding U.S. figure. The cost of Soviet military R & D and all space programs, when expressed in American prices, appears now to exceed American spending. Finally, when we compare U.S. defense spending with the U.S. GNP, in dollars of course, and Soviet defense spending with the Soviet GNP, both in rubles, we find that the share of defense in the resources available is roughly the same in both nations.

Let me briefly point to the difference between these two measurements.

In the first of the two comparisons, Soviet defense goods and services procured in the course of one year are valued at the cost similar goods and services command in this country. There is much merit in such a comparison, provided we are anxious to obtain a rough power ratio of the two military establishments. It rests on the assumption—a rather large one—that costs are a yardstick for the power ratio. There are, of course, other factors, namely plant and equipment and inventories accumulated over the years, and important intangibles which are likely to affect the balance, such as generalship, morale, or inventiveness. But there are enough difficult problems in assessing the goods and services procured in one country in the prices of another. By costing the military personnel of the USSR at American rates of pay and maintenance, we hypothesize that the productivity (or, if you please, the potential destructivity) of the same number of men is equal in the two countries compared.

Quality differences also enter the hardware comparison. This is a particularly ticklish issue in R & D comparisons. Some instrument or procedure may cost relatively much in a technologically backward country—in fact, may not be available because of a lack in sophistication. But unsophisticated equipment is sometimes very effectively used in equally unsophisticated hands.

I mentioned a second comparison, namely, that of the relative shares of defense in the resources of which the two countries avail themselves in a given period. To use two crude examples: if the US with a GNP of $1 trillion should spend $80 billion on defense and the USSR with a GNP of 300 billion rubles should appropriate 24 billion rubles (the figures are arbitrary), then the defense burden would be the same in both countries, namely, 8 percent of GNP. But an expenditure of 8 percent for a largely unproductive purpose—even the technological spill-over into civilian industries is weak in the USSR—is more of a nuisance for a country with less than half the national income than for the richer nation. Conversely, it is true that the gains from disarmament would be greater in the less affluent country than in the one that is better off.

Although the percentage comparison may only inadequately measure the relative burden of defense in two countries, it performs the service quite well when we compare two relatively close years in one country. Such a comparison for the Soviet Union appears to show that, in recent years, absolute defense spending has grown, with a substantial increase in the armed might of the USSR, but that, at the same time, the share of defense in the national income has somewhat receded.

This trend may well continue in the foreseeable future. It may continue as long as the international situation remains unchanged. It ought to continue, because other requirements are pressing, chief among them the quest for improved living conditions and for more rapid technological progress in all but the most preferred sectors of the defense establishment. These two very broad requirements were given prominence in the Draft Directives for the Five-Year Plan 1971–75, endorsed by the 24th CPSU Party Congress three months ago. (Even though it has been operative since the beginning of this year, the plan itself has not been put in final form either economically or legally.) The pronouncements of the leaders about the Plan at and about the time of the Party Congress stressed these same priorities for consumer welfare and technological progress. And, indeed, the might and influence of a nation do not rest on armaments alone, but also on the morale of the population (which is likely to be a function of living and working conditions) and on the general level of technology outside the narrow circle of tanks and missiles.

Let me say first a few words on consumer welfare in the context of the issues under discussion. On principle, communism is not ascetic, though, at one time or another, there have been leaders and parties preaching austerity and preferring selfless enthusiasm to material incentives. Such an attitude is an exception in the latter-day USSR. Almost all the Soviet Leaders have recently expressed concern for the consumer and for the worker in particular. Such expressions of concern have notably increased in intensity in the wake of the Polish strikes and riots of December, 1970. These Polish events have reverberated throughout the USSR and Eastern Europe for two reasons. First, it was the workers who demonstrated against "the workers' state," the proletariat who questioned the dictatorship operated in their own name. Second, the demonstrations showed that, after years of involuntary mass meetings, the workers had acquired an organizational ability which, in case of need, they could use in their own behalf—spontaneously, to use a word Communists dislike intensely.

In discussing Soviet consumption, we should not focus too much on the passenger car. Soviet citizens may dream about a car in their lifetime, but they know that it will remain a dream for all but a small minority. Car sales to the public were in the neighborhood of 100,000 last year and will number only 800,000 by 1975, always assuming that the projections of the planners are actually fulfilled. The Soviet consumer has much more burning problems. There is still a severe scarcity of housing. This, in turn, limits the acquisition of consumer inventories, durable or not, for which you need space and, in the case of appliances, outlets and sufficient electricity. Civic amenities are everywhere a problem; this refers to commuting, shopping, and similar services. Services are hard to obtain and of low quality. Their total value last year—including barber shops, laundries, repair shops, etc.—amounted to roughly 4 billion rubles or 16 rubles per person. This would be enough for a man to have a haircut every other week and nothing else. Among the important inconveniences is, finally, the scarcity of quality foods. Soviet meat consumption per capita, for instance, is 30 percent below that of Poland—where meat shortages contributed to the explosion last December—and 40 percent below Czechoslovakia's. We may recall that, on June 21, 1957, Khrushchev forecast a total meat output of 21 million metric tons by 1960 or 1961. Actual production in 1970 was 10.4 million tons; the meat goal for 1975 is 14 million tons, i.e., two-thirds of the target which was to have been reached a decade ago.

Nevertheless, in the course of the past decade there has been progress for the consumer—for the rural consumer, incidentally, more than for the urban worker. Consumption per capita and per year rose during the 1960's by roughly 3 percent on average, i.e., about as much as in this country. It accelerated in the second half of the decade as compared to the first half, and it is planned to grow at an average 4 percent under the current Five-Year Plan. The question then arises whether this will be enough to satisfy the aspirations of the Soviet population.

I mentioned that, aside from the undisputed preference for defense, consumer-welfare measures and technological progress have been given priority treatment in recent Soviet pronouncements on economic policy. I also spoke briefly about the conditions that explain the current preoccupation with consumption requirements. Consumer-oriented programs run easily into difficulties in the Soviet economy, usually difficulties of a practical type, sometimes those of an ideological kind. But technological progress is not controversial in an ideology that makes the "productive forces" the prime mover of history. In fact, while the advanced industrial countries of the West experience a degree of revulsion against a technology accused of trampling on human values and debasing the environment, the Soviet system still shows the traditional belief in progress through pure and applied science. (Since nobody nowadays escapes concern for the environment, the Draft Directives for the new Five-Year Plan call upon science "to improve man's natural environment".)

The Soviet pursuit of technological eminence has firm roots in the Tsarist past. On the eve of the First World War, though backward in many respects, Russia was the fourth machinery producer in the world, manufacturing automobiles, diesel engines, turbines, and other sophisticated equipment. Still, this was the time when Lenin devised his famous definition of Communism as Soviet power plus electrification of the entire country (electrification serving as a shorthand sign for technical modernization). His earlier variant of this formula was: "Take with both hands all the good things from abroad: Soviet power plus Prussian railroad discipline plus American technology and organization plus American mass education, etc., etc. . . . equals socialism." Fifty-three years later, "socialism" had been fully built, mass education had been achieved, the railroads run on time (while the Prussian model has gone by the board), but American technology and organization still remain a goal for the future. In fact, while the general crisis of capitalism is said to be deepening (it has been deepening ever since Marx wrote the Communist Manifesto), nevertheless General Secretary Brezhnev, addressing the 24th CPSU Party Congress on March 30, 1971, admonished the Party to "study the new processes in the capitalist economy taking place particularly under the influence of scientific technological development".

This quotation is one of many oblique references to what is believed to be a growing technological gap between the advanced countries of the West and the USSR. Soviet spokesmen acknowledge it by reiterating the need to reach the so-called "world scientific standard." If and when they are able to express themselves, critical spirits in the USSR are more outspoken. The letter of Academician Sakharov, physicist Turchin, and historian Medvedev "to the leaders of Party and Government" (March 19, 1970) puts it as follows:

"The newer and more revolutionary an aspect of an economy is, the greater is the gap between the United States and ourselves. We surpass America in the mining of coal but we lag behind in oil drilling, lag very much behind in gas drilling and in the production of electric power, hopelessly lag behind in chemistry and infinitely lag behind in computer technology. The latter is particularly essential because the introduction of computers in the national economy is of crucial importance for fundamentally changing the whole look of the system of production and of the whole culture. This phenomenon has deservedly been called the second industrial revolution. Incidentally, the capacity of our inventory of computer machines is hundreds of times less than in the United States, and as for the use of computers in the economy, here the gap is so wide that it is impossible to measure it. We simply live in another epoch.

"It is no better in the field of scientific and engineering discoveries. And no increase in our role is in sight. More likely the contrary. At the end of the 1950's our country was the first to launch a sputnik and send a man into space. At the end of the 1960's we lost our lead and the first men to land on the moon were American.

"The fact is just one of many that shows the growing difference in the extent of scientific and technical work in our country and the developed countries of the west."

There exists no simple yardstick for measuring a technological gap, quite apart from the secretiveness shrouding Soviet performance. Much of the evidence is impressionistic and in the nature of appraising Soviet equipment at intervals and finding it a growing number of years behind, say, similar U.S. equipment. Within limits, the relative level of technology is indicated by longer-range factor productivity comparisons. They show that Soviet output per unit of capital and labor advanced in relation to the—by far superior—U.S. in the 1950's, but declined in the 1960's.

This is the moment to hark back to the comparison of the two runners. Over time, I said, they have been moving at about the same speed but one of them puts in a far greater effort than the other to keep running. Or, discarding the metaphor, the Soviet-type command economy is less efficient than the type or types of economic structure that have evolved in the advanced countries of what is called the West. Let me provide a few significant examples.

If Soviet technology trails behind that of the advanced countries of the West, above all the U.S., but also Western Europe and Japan, it is not because the regime is stinting. Two interrelated methods of using the country's resources for growth and progress are investment and R & D outlays, and they have been amply endowed.

Comparing the change between 1950 and 1970, Soviet new fixed investment increased sixfold, and outlays for "science" thirteenfold, while the GNP tripled. These figures gain perspective in an international context. In the US, new fixed investment, private *and* public, increased by 75 percent (1969 over 1950; private investment declined in 1970, possibly also public investment). R. & D. and space expenditures went up 14 to 15-fold, whereas the GNP doubled. All these statistics—which are, of course, in real terms—must be taken with a pinch of salt. For instance, there are indications that US investment data have a downward bias.

It would probably be safe to assert that in the long run American investment and GNP grow at roughly the same pace, disregarding cyclical fluctuations and other shorter-term factors. Investment abroad, not included in the investment figures used but rendering yields into the GNP, complicates matters further. Even so, the comparison shows, first, the enormous size of the Soviet effort and, second, its relative inefficiency. The ratio of capital input to GNP growth is by far better in the US than in the USSR (particularly in the 1960's, when a prosperous America increased its GNP by an average annual 4½ percent, with investment increasing by 4¼ percent, as against corresponding Soviet figures of slightly above 5 and 6.7 percent).

Japanese figures for the 1960's show the well-known surge of the GNP, coupled with a moderately steeper increase of gross fixed capital formation and R & D expenditures. In short, given the costs of investment and innovation, Soviet GNP should grow not in the neighborhood of the US growth rate, but closer to the Japanese rate of development. In fact, however, it does not.

Now a few figures which have a direct bearing on the material well-being of the Soviet nation. While the Soviet regime under Khrushchev as well as Brezhnev and Kosygin has greatly strengthened its military potential, it has by no means neglected the consumer. Consumer-oriented programs started long before the commotion during and after the Polish events of December 1970, and they have absorbed and continue to absorb enormous resources.

Nothing sheds more light on the use of resources in the post-Stalinist economy than an analysis of its agricultural measures. Agriculture—which Stalin had ruthlessly exploited—has received increasing attention since Khrushchev changed the course in the mid-1950's.

Let me begin with two quotations: "Agriculture", said Khrushchev on March 5, 1962, "is no joking matter. The entire economy can be wrecked if the lagging of agriculture is not noticed and overcome in time." Brezhnev added nine years later (on March 30, 1971): "Time . . . will not wait . . . we tried other paths to solving agriculture's problems but they did not give the desired results."

To appreciate what has been done and what is planned for the current five-year period, one should compare the USSR with the U.S. Agriculture in this country invested in 1970 $5.8 billion. The capital stock at the end of 1970 was valued at $66 billion after depreciation, at $145 billion undepreciated. These figures include plant and equipment and residential building. Soviet investments in agriculture, using American prices at 1970 purchasing power, exceeded $50 billion in 1956–60, $270 billion during the 1960's, and are scheduled to surpass $260 billion during the current Five-Year Plan. (The rate of exchange includes a 20 percent discount for the inferior quality of Soviet capital goods. If this discount should be on the low side, the dollar figures ought to be reduced, but the disproportion remains enormous in any case.) In other words, if the plan should be fulfilled, agriculture would in the course of 20 years have received an equivalent of close to $600 billion in capital funds (not counting investments in farm supply industries, such as chemicals, or in highways or central warehouses). Soviet agriculture also uses nine times as much labor and half again as much land to produce roughly three-quarters of what U.S. farms produce.

The vast investments of the past fifteen years have inevitably yielded benefits for Soviet agriculture—and consequently for the consumer—but, compared with the U.S., Soviet farms remain underequipped. This is not only a measure of long years of neglect, it is also a measure of inefficient management of agricultural affairs in the long years thereafter. This inefficiency is deeply ingrained in the basic institutions, procedures, and incentives that constitute the Soviet economic system within its ideological framework. The economic reforms which were introduced in 1965, the year after Khruschev's ouster, are actually minor adjustments. If they have not produced more than marginal results up to now, they will not change the picture in the years to come, when, in Kosygin's words, "nuances of the reform will need" [and, we guess, will receive] "further, more accurate definition and development."

The predilection for very large plants continues. When General Secretary Brezhnev said, "Better nearly always means bigger", he was referring to machinery, but the proposed introduction of enterprise "amalgamations" expresses the same philosophy. The wastefulness of Soviet agricultural investment is in part due to the gigantic size of the farms.

The command character of the economy also remains undisputed. Chairman Kosygin asserted "that the guiding and determining factor is directive planning and that commodity-money relations can and must be used in the interests of strengthening plan guidance of the economy and the development of initiative of enterprises. . . . We reject various notions substituting steering through the market for the leading role of centralized state planning." The news media followed up with more explicit attacks on the "revisionist model of a so-called market socialism" (thus Prof. V. E. Modrzhinskaya, Moscow Domestic Service, June 28, 1971). Even more than it did five years ago, the regime stresses central planning, discipline, and "constant control by the Party" (Brezhnev). The so-called "commodity-money relations" do not refer to fluctuating market prices, but are simply the traditional success indicators that are meant to induce managers to act in accordance with the wishes of the customers.

The number and character of the indicators may vary but this does not change the system as such. A few years ago, preceding the reforms of 1965 and shortly thereafter, Soviet news media discussed at length the need to reduce what was called "petty tutelage", namely the number and character of indicators enterprise managers are supposed to observe under the constant prodding of Party supervisors. Actually, the managers were and still are smart enough to concentrate on those success indicators that matter from the points of view of their bonuses and their career. The main success indicator used to be size of output, and though the reforms are supposed to have overcome the concentration on plan fulfillment and overfulfillment in physical terms irrespective of quality and cost, it appears to be still prevalent. Thus, you could read a short while ago in the journal for the building industry (*Stroitel 'naya Gazeta*, May 16, 1971) the article of an architect by the name of Munts who explained that, in window-glass production, plan fulfillment is prescribed in square meters with the result that the panes are extremely thin and fragile and that no less than 46 percent of window glass is smashed before final installation.

With the present desire to innovate and increase efficiency, it appears that new and more success indicators are about to be prescribed for enterprise managers. In their speeches before the recent Party Congress, Brezhnev as well as Kosygin suggested that introduction of "the latest product innovations", of the newest equipment, of raw-materials savings, spare-part production, and so forth, should become "important criteria" for plan fulfillment. Not only will this add to the tasks imposed from above upon management and to daily interference by Party and government authorities, but it is likely to lead to a new waste of resources for technocratic fads and further dispersal of funds.

The question then arises of how imports of up-to-date equipment and of new technology in general would help the Soviet Union to solve the twin problems of modernizing the productive facilities outside the highest-priority sectors and "improving the quality of life" in the old-fashioned sense of more and better consumer goods and services. In pondering the consequences of a transfer of Western technology to the USSR, it is understood that strategic goods and strategic technology would be excluded as a matter of principle. The parties concerned are then faced with another set of twin problems, one primarily a Soviet responsibility, the other a matter that requires Soviet and Western action.

The first question—the question for the Soviets to solve—is: will the Soviet economy effectively use equipment and processes that are known to operate effectively in the advanced industrial West? Under the Soviet economic system, the benefits of Western technology and management may be limited; Western methods may be ill-applied and Western equipment underutilized or abused. What I have in mind is best illustrated by a recent Warsaw broadcast (June 22, 1971) on Polish experience with computers. It said:

"Computer technology, which was supposed to liberate us from the counting frames and slide rules and bring order and organization to all fields of endeavor, has also brought with it a lot of trouble. We are told that losses arising from mistaken investment in computers amount to 60 million yearly. Seventy out of every 100 graduate digital computer experts have no jobs. We produce computers which could fully meet the requirements of our laboratories and design bureaus, yet the majority of engineers prefer their own pencils. . . The great majority of computers installed in Poland are not used. The large, expensive machines are serviced by inadequately trained employees. A good, comprehensive look at this matter must be taken and follow-up measures implemented."

Even if this account should be exaggerated, it brings out the lesson that it is not sufficient to have new equipment. The spirit and the institutions of the economy must be such that the equipment serves its purpose. Otherwise it does nothing but increase the capital-output ratio.

The second problem concerns both the USSR and the technologically advanced West. First, a few figures. Soviet foreign trade as a whole has grown rapidly in recent years, averaging almost 10 percent annually since 1966; it was valued at $24.5 billion in 1970. Two-thirds of Soviet trade is conducted with Communist countries and one-third is with the non-Communist world. Trade with the developed Western countries has grown faster since 1966 than that with any other area, and Japan, the UK, and West Germany are the leading Western trading partners of the USSR. Throughout most of the 1960's, the USSR focused on chemical plant, equipment, and technology in its imports from the developed West, but, in the last few years, these have been supplanted to quite a degree by automotive equipment and technology in a drive to modernize and expand this sector of the Soviet economy.

More than 80 percent of Soviet trade with the developed Western countries is conducted in hard currencies. The failure of the USSR to generate sufficient hard-currency earnings through exports, however, has led to persistent deficits in the Soviet hard-currency balance of trade. This deficit reached $500 million in 1970—exports of $2,196 million and imports of $2,696 million—and as in other recent years, has been financed primarily with Western long-term credits.

Here lies a problem for all the partners concerned. Large purchases of Western equipment and technology, with or without credits, presuppose that the USSR will revamp its export policies and export industries with a view to making them better oriented to the needs of foreign markets (at a minimum, along the lines of the Hungarian reform). This in itself would be a great undertaking requiring a change in institutions (a breakup of the hallowed foreign trade monopoly) and attitudes (willingness to cater to customers), a lot of costly experience, and additional investments not without some risk. The notion is current among Communist governments that, for example, a Western shoe-machinery builder would accept shoes in exchange for his machinery, shoes competing with the products of the Western clients of the machinery factory. This is naive.

Moreover, the USSR would have to shift its exports from bulk materials to manufactured products, including the attendant service and spare-parts delivery. The country is in no way prepared to undertake such a reorientation. This is not to say that Soviet industry is not capable of exporting some advanced products at a comparative cost advantage (lasers, surgical instruments, and devices for high-energy physics research may be such articles).

On the one hand, there are Soviet manufactures that, with a comparative cost advantage, ought to be exported to the West, even to the advanced West. On the other hand, the Soviets want to double rice production by the end of the current Five-Year Plan in order "to completely satisfy the country's demand" (speech before the Party Congress, March 30, 1971) by paying rice producers $480 per ton at a time when the world market price is around $150 and in disregard of the opportunity to purchase rice from less developed countries in exchange for Soviet capital goods.

There is plenty of irrationality in Western economic affairs. No human institution of activity is perfect and no society conforms to its ideal textbook model. It is all a question of relative merits and relative shortcomings and these relative qualities have been put perfectly by a Yugoslav economist, Professor Alexander Bajt, who said: "Imperfect planners are worse than imperfect markets."

STATEMENT BY PROF. WASSILY LEONTIEF BEFORE THE SUBCOMMITTEE ON PRIORITIES AND ECONOMY IN GOVERNMENT, JOINT ECONOMIC COMMITTEE, AUGUST 9, 1971

I accepted the invitation to take part in these hearings neither in the capacity of an expert on the Soviet Union—which I decidedly am not—nor as a person possessing special information on the Soviet Union's present state or future intentions, but rather as an interested and concerned citizen.

Being an economist I have followed with great interest the economic and political development in the second largest power in the world and maintained professional contact with Russian economists and planners as I do with professional colleagues in many parts of the world. As past member of a UN committee on the Social and Economic Consequences of Disarmament and as a member of the American Group at several Pugwash Conferences, I had the opportunity to discuss the economic aspects of the disarmament problem with my Soviet colleagues.

The following observations are addressed to the question of the probable Soviet reaction to a proposed reduction in the U.S. military expenditures.

(1) The Soviet Union Gross National product is about half of that of the United States. As its population is much larger, the per capita income of Soviet citizens, i.e. their standard of living, is less than half of what it is in the United States.

(2) Since it is the total rather than the per capita volume of their respective military expenditures that counts in determining the military balance between the two countries, and since, moreover, the productivity of labor and general productive efficiency is much lower in the Soviet Union than in the United States, the Russians are allocating now, and will have to in the foreseeable future a much higher proportion of their total output of goods and services to military uses in order to be able to maintain proximate military parity with the United States. This means of course that, in per capita terms, the burden of armament expenditure is much heavier in the Soviet Union than in the United States.

(3) Thus, if the United States and the Soviet Union were to reduce their armament expenditure by equal absolute amounts—so that the military balance between the two countries would still be maintained, but at smaller costs to both—the standard of living in the Soviet Union would go up even more—measured in percentage terms—than in the United States. If, for example, a bilateral twenty per cent cut would permit the United States to increase its per capita non military consumption by 2 per cent, the Soviet Union should be able to raise its (much lower) per capita civilian consumption, say by 4 percentage points; and of course it's the percentage change that counts.

(4) Next to maintenance of military parity with the United States, the imperative necessity to increase the civilian per capita consumption (which still apparently is much lower than even, say, in Hungary or Czechoslovakia) seems to be the principal political concern of Soviet leadership. This has recently been confirmed by the fact that the newly inaugurated five year plan gives marked priority to the expanded production of consumers' goods over increased investment; i.e. faster long run economic growth. Con-

sidering last year's trouble in Poland, this is understandable.

(5) Assuming—as the progress of the SALT talks seem to indicate—that the Russian military policies have as their principal aim maintenance of overall equality with the United States rather than attainment of the obviously unobtainable superiority—its reasonable to conclude that a gradual bilateral reduction in armament expenditures (including foreign military and paramilitary aid) would be highly desirable from the Soviet point of view.

Should this country embark on a program of gradual but steady reduction of its military expenditures, the Soviets can be expected to follow suit. On the other hand, if we proceed to yield to the insatiable demands of our military, the Russians will also follow suit. Let us not doubt their capability to do so.

The capability of their centrally planned economy to catch up with us in all-over economic performance can be questioned; the ability of their authoritarian leadership to keep up with us in an armament race, irrespective of the sacrifices that this would impose on the broad masses of the population, should not be doubted.

Testimony by John P. Hardt to Subcommittee on Priorities and Economy in Government Hearings on National Priorities, August 9, 1971

I. INTRODUCTION AND SUMMARY

Mr. Chairman, I am here in response to your kind invitation to testify on Soviet economic priorities in my private capacity rather than as an official representative of Research Analysis Corporation. With your permission, as a professional economist I shall center my answers to the questions you posed on the Soviet economic policy alternatives and rationale for choice. In this I shall draw especially on the Soviet discussions of their Ninth Five Year Plan for the years 1971–1975 inclusive.[1]

May I summarize my comments by a restatement of several of your questions in your invitation letter with my tentative answers:

1. Is the Soviet leadership reordering its priorities in resource allocation as between military production and manpower and civilian investment and consumption needs?

There is some evidence that the Soviet leaders will or perhaps have decided to return to the pre-Cuban missile crisis, Khrushchevian priority for modernizing their technologically backward, slowly growing civilian economy at the expense of a new round of military buildup and may consider a resumption of military manpower demobilization. Certainly the economic rationale for reordering priorities for improving efficiency may be countered by the Soviet leadership's interpretations of their strategic needs related to their assessment of the progress on the Strategic Arms Limitation Talks (SALT), the China threat, the Berlin discussions, or other negotiations or perceptions. Still, however pressing the economic requirements become—I single out energy and manpower problems as highlighted in the current plan—Soviet leaders may determine economic problems to be necessary but not sufficient conditions for a reordering of priorities. If the current plan is overcommitted, as in the past, industrial and agricultural investment and consumer needs may yet be shortchanged as residual claimants after military needs are met. If this results then the projected improvements in economic efficiency, consumer welfare, and economic growth would all likely suffer.

2. Is the primitive Soviet system of economic planning and management likely to change significantly?

We have heard calls for reform associated with the names of Liberman, Kosygin, and others for over a decade, and although professionalism has returned to many of the economic institutes and university faculties in the Soviet Union, the rhetoric of change has not been translated into significant planning and management changes. In the continuing struggle between the expanding cadre of professional economic planners and managers and the Party apparatus-oriented bureaucrats, the bureaucracy appears to hold fast. Although the potentiality of change and the rationale for change may be greatly enhanced, the likelihood or evidence of change is not persuasive to date.

Therefore, as economic problems are apparently not enough to bring about a reordering of priorities and change in the economic system, I would have to pose a third question, beyond my economic expertise, seemingly necessary to justify an expectation of any significant shift away from the military priority and continuation of the old command economy system.

3. How may the institutional or bureaucratic rigidity and resistance to change be broken to permit significant changes in resource allocation and economic reform?

Herein I think the answer must be focused on the top leadership, the General Secretary of the Party, Leonid Brezhnev. If Brezhnev now has the power he did not possess before the Party Congress, then he may perceive a need to reorder priorities away from military claimant and initiate reforms reducing direct Party control of the economy. Paradoxically Brezhnev as Party leader might move to change the character and extent of Party involvement in the economy if by so doing the resultant improved economic performance would redound to his credit and solidify his position as top Party leader. A highly speculative parallel between Brezhnev in 1971 and Khrushchev in 1956 might be drawn to illustrate how the unresponsiveness of the Soviet economy to changes in priorities or mechanisms for planning and management might be broken. Nikita Khrushchev appeared to believe in 1956 that improved economic performance would enhance the position of the Soviet Union *vis a vis* the United States and strengthen thereby his position in the Party. Certainly there are important differences between Khrushchev's position in 1956 and Brezhnev in 1971 and history seldom repeats itself. But this appears to be the closest precedent for the kind of political environment necessary for current economic change. And yet I sense that a similar kind of combination of economic and political factors may be present and change is more possible now, in a permissive SALT environment, than in the past. Therefore the Ninth Five Year Plan may well turn out to be not just a rerun of the Eighth Five Year Plan of rising military priority and civilian muddling through, but a turning point in reordering priorities and economic reform.

The desired efficiency of energy, labor and other factors suggest increasing logic for adoption of new institutional mechanisms of efficiency, even if Party and traditional economic bureaucracy control is threatened. Progress has been made on the establishment of the preconditions for change in economic planning (a shift from maximal, Stalinist-type) is optimal planning. The preconditions have not been followed by the adoption of change: More professional economists are available and doing research. Yet they are not directly involved in planning. The Soviets have developed a macroeconomic tool for better planning (their input-output table for 1959, then a much improved table for 1966, and now we understand one is being planned for 1972). Still input-output analysis has not yet been integrated into the system of planning. However, slow the overall progress of reform, it is possible that they will proceed on an *ad hoc* basis to improve efficiency in industry and agriculture, especially to address specific problems such as those illustrated by energy and manpower deficiencies. Two examples are worth particular note: the Shchekino experiment in industry and the link (*Zveno*) in agriculture. Economic logic suggests they may move ahead in these *ad hoc* reforms even if overall changes in the system are postponed. The removal from the top leadership of Mr. Voronov, long an advocate of the *Zveno*, may suggest a set back for this reform instrument, but another variant may nonetheless be found attractive, or his removal may have been independent of his support of the *Zveno*. And of course even *ad hoc* change, once begun, may develop its own momentum.

II. THE "GAMBLE" ON WESTERN SIBERIAN OIL AND GAS

Many economic problems related to future economic performance might be singled out to illustrate the increasing pressures for change but one of the most persuasive is the plan for the West Siberian oil-gas complex in the current Plan. Petroleum and natural gas is to provide the lion's share of the additional energy for Soviet domestic and export needs. About three quarters of the increased petroleum output is to come from expansion of the West Siberian fields during the Ninth Five Year Plan. The percentage is to be 75–80 percent, according to Soviet Oil Minister Shashin, for the decade as a whole. Although the specific allocation of marginal resources (the annual growth of goods and services) is not clear in the Plan directives, it appears that a large share of *new* investment, industrial production, construction and industrial manpower may be committed to the ambitious, costly, and uncertain development of the West Siberian petroleum-natural gas complex. Natural gas from Siberian fields has a similar pivotal role in development. West Siberian gas output was only 318 billion cu. ft. per year in 1970 and is expected to rise to 4.6 trillion cu. ft. per year in 1975. Tyumen Province will then be the No. 1 gas and oil producer in the USSR.[2] Although investment in other regions (e.g., East Siberia) or other sectors (e.g., electrification, agriculture, nonferrous metals) is ambitious, none of the planning outlays have the apparent priority, interrelated importance to overall development, cost and uncertainty characterized by the West Siberian development. Perhaps this is the reason Robert Campbell referred to the development as a "desperate gamble" before this Committee in June 1970. Campbell elsewhere noted, "The important issue is how costly it will be to keep oil and gas output in the new areas of Western Siberia growing. On the surface there is complete official optimism on this score, but one can't help having doubts because of the difficult conditions and the fact that the Ministry officials seem always to have been much less enthusiastic about the potential of the region than is the Party."[3] A number of factors highlight this uncertainty:

(1) It should be stressed that the development is not just the drilling of more oil wells or tapping natural gas deposits in Tyumen province, west Siberia, but the *integrated* development of output, refining capacity, transportation or transmission facilities, consuming and joint product producing industries. Although each link in the complex is not necessarily the uniquely critical bottleneck to the effectiveness of all other elements, there is a high degree of indivisibility.

(2) The time required for the new projects listed in the Ninth Five Year Plan, i.e., by 1975, is considerably shorter than comparable Siberian projects by a factor of 1:2 (five as compared to ten years).[4] Although there are high placed academicians and Party people

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Footnotes at end of article.

who argue the cost will be less than comparable development in European Russia, their computations appear subject to legitimate question by other Soviet professional economists on grounds that they understate transmission costs and social overhead.[5] For example, A. Probst, the dean of Soviet energy economists would appear to differ with view expressed by Academician Aganbegian the senior economist of the Siberian branch of the Academy of Sciences.

(3) Finally the ambitious and costly nature of the development is compounded by geological uncertainty and technological difficulties relating to climatic and technological problems. Underestimation of the effect of permafrost has been especially responsible for major cost overruns and time delays in oil and gas extraction and transmission development. Most of the gas reserves in West Siberia, for example, are within 200 km (124 miles) of the Arctic Circle. Western petroleum authorities call particular attention to the permafrost problem:

"*Pravda* declared that permafrost was 'obviously guilty' of causing serious discrepancies between data obtained from geophysical work and from drilling in a number of explored areas in northern Tyumen Province.

" 'We would find that wells drilled within the apparent limits of a gas field turned out to be dry holes, each of which cost us 100,000-200,000 rubles ($111,000-222,000). Outlines of gas deposits provided by our geophysical personnel were not sufficiently accurate.'

"Russian scientists expect permafrost to pose particularly difficult problems when giant western Siberian gas fields near the Arctic Circle are put on production. They admit they don't know what will happen, for example, when large-diameter development wells drilled through thick permafrost in the trans-Arctic." [6]

(4) It appears that the attractiveness of the West Siberian deposits was enhanced in part by the unpleasant realization that the Ural-Volga fields (Tatar, Bashkir, Kuibyshev) were peaking out before expected and that new increments would have to come primarily from the Siberian fields.[7]

(5) Also there seems to be some question as to how much of the natural gas in Siberia is "proven" or "explored." [8] An apparent shift of the definition of "proven" to include what in Western and formally in Soviet usage was "probable" has an ominous ring to those familiar with Soviet statistical legerdemain. To paraphrase Nikita Khrushchev's criticism of bloated agricultural statistics, they will not be able to consume statistics. Some Soviet geologists are very bullish about Siberian reserves. Indeed, some of them appear to buttress their arguments with new unproven geological theories—which bring to this observer a reminder of Lysenko and the "solution of the grain problem." [9]

(6) Technological problems also abound as it appears that although the rotary drill worked well for the Ural-Volga fields, it may not do for West Siberian where US-Alaskan technology would be more appropriate in some Soviets' views. As a result the required drilling equipment might have to come from the West.[10] The technological problems do not stop here as drilling in permafrost in temperatures well below freezing require special high test equipment. Then again transmission poses further technical and supply problems.

(7) Possible export advantages are offset by input requirements. Shortages of pipe production capacity and "know-how" alike force use of scarce hard currency or petroleum exports to Germany, Japan, and elsewhere to finance pipe imports on barter arrangements.[11] Thus, part of the expanded output is in effect mortgaged to pay for imported investment goods.

Footnotes at end of article.

All this is not conclusive of overcommitment necessarily leading to nonfulfillment of the Plan. With high enough priority and willingness to accept high resource costs perhaps performance can significantly rise above past norms and bottlenecks can be overcome. Indeed the number of projects related to the West Siberian development specifically mentioned in the Directives suggest high priority consideration. Whereas in 1970 there are 1243 large or "titled" projects in the new Plan less than 100 are specifically referenced in the Directives, good portion of which are directly related to the West Siberian complex.[12] That these specific references were made may be related to the newness of some of the West Siberian projects or it may reflect their possible high current priority. Certainly the majority of the projects were carried over from the Eighth Five Year Plan. Indeed 901 of the current projects were initiated by 1966 tying up some 54 billion rubles. Some projects have been 12–14 years in progress.[13] To have effective priority, these particular new claims of the Siberian projects would appear to be competitive with military hardware output in capacity for high test metals, sophisticated machines, construction crews, etc. It does not, however, necessarily follow that the military programs have been reduced in the classified military project lists but the necessary priority to meet all the technologically advanced equipment and manpower needs of the Siberian projects would appear to pose direct competition with military claimants.

The potential military competition of this major civilian investment project has a special time dimension to it. The further the Siberian development proceeds in time the greater the logic to put in necessary resources to bring it to full effectiveness. Now if the development of new strategic systems, i.e., the SS–9 and SS–11, were also to involve a long, risky and expensive process—the gestation period for such systems is said to be 8–10 years—then the question would arise as to whether the two patterns of resource allocation could be simultaneously supported. Or a more critical question for Mr. Brezhnev would be, assuming a current readiness to initiate or give priority to both programs, at what point could overcommitment be perceived and resources shifted to bring the effort having the priority to timely completion. The spector of both military and civilian programs being underfunded, delayed, and uncertain of completion would not seem an attractive prospect to the Party or its leader.

Likewise if overcommitment is permitted, the military programs begun, e.g., an additional deployment of SS–9 or SS–11 offensive missiles or another model of a Soviet ICBM or ABM, it may be not only very difficult, indeed technologically impossible, to shift resources to civilian programs. It is not by chance that Soviet planning periodically leads to overcommitment in a large number of partially completed projects. This is the other side of the tautness coin. Overcommitment or tautness may lead to squeezing all the results possible out, but there are both technological and management problems in conversion. To say this has always been true in the past misses qualitative changes, the completion times for either regional investment complexes or major strategic systems is now rather long—approaching a decade. And the conversion of resources committed to either the civilian or military development becomes increasingly limited over time.

There is also the overwhelming impression that the West Siberian regional project had the same shortcomings of the political-engineering approaches to regional development of the Stalinist past. Indeed in the lead article in the post Congress publication of the Academy of Sciences, V. Krasovskiy finds it "unfortunate" that a complex regional plan was not drawn up.[14] He recommends what appears to be techniques of modeling of regional development common in the West. By direct reference to the Ural-Kuznetz Kombinat plan for 1931 seems to confirm our impression that the old production-engineer type planning techniques were used in planning the current Siberian projects. Discussions by S. M. Vishneva on bottlenecks and Academician Agenbegian on the economic effectiveness of the West Siberian oil-gas complex further indicate the existence of an internal planning debate in the Soviet Union on this regional complex.[15]

If increases in petroleum and natural gas output planned for 1975 are not met what then? (1) The energy requirements for the Soviet economy will either be met by more coal output, expensive expansion of oil output in older fields, importation of oil or natural gas, or output and consumption might be allowed to suffer. It is possible to produce more coal in European Russia. Indeed, the Ukrainian Party boss Shelest complained at the Congress that no new coal mines had been opened in his Republic in 5 years.[16] The reasons are clear. Coal produced in European Russia is very expensive and of low quality.[17] More oil could be extracted from the Ural-Volga fields but probably at a ratio of 1:1 with water. Importation from Iran of natural gas or oil in exchange for military or other equipment may be attractive, if possible, but hard currency for Arab oil would not be. And finally, energy deficiencies which lead to shortfalls in fulfilling the Soviet Ninth Five Year Plan are not an attractive prospect.

(2) The burgeoning requirements of Eastern Europe for petroleum and natural gas might be cut back. The Soviet Union appears generally unwilling to reduce deliveries to Eastern Europe or encourage them to seek other sources.[18] The recent Polish agreement with British Petroleum being a notable exception.[19] Perhaps the continued dependence on the USSR for oil, grain, and ore is a political lever of critical importance to Soviet influence. The lack of such a lever may help explain Rumanian independence, for example.

(3) Exports to Western Europe to meet import obligations and earn hard currency may be reduced. Indeed, this is precisely what happened in 1969.[20] But surely this is not attractive to Soviet leaders as underlined by the proceedings of the Eighth World Petroleum Congress held in Moscow in June 1971 in which expansion of Soviet petroleum exports was featured.[21]

Petroleum and natural gas development in West Siberia are singled out because of their importance and because the Soviet Plan highlights them. Other civilian investment is expensive, risky and have balance of payment implications, e.g. the car and truck output plans, electric power expansion (including atomic stations), agricultural investment, etc. Also other regional developments in Bratsk Ust-Ilyme, South Tadzhikistan, Tatar Republic, etc. bear critical examination.[22] But none of them appear to have the pressing need for priority, potentially for cost inflation, or interrelated importance of the Siberian petroleum-natural gas complex.

III. LABOR AS A CONSTRAINT

From these sketchy directives we may also single out manpower as a problem area with some characteristics similar to the energy problem. Labor productivity is planned to account for 87–90 percent of the total increment in output during the Ninth Five-Year Plan. While the total labor force is to increase at an annual rate of 1.7 percent, the key industrial force is stipulated to grow by only one percent. This modest increase in the industrial labor force is about one-third the rate realized during the Eighth Five-Year Plan (1.0 as compared to 2.8). To be sure in the past overambitious increases in labor productivity were offset by higher than planned expansion of the industrial labor force at the expense of agriculture, services, etc. As noted by Murray Feshbach, ". . . in most years prior to the 1960's the planned number of workers and employees was met, and in industry the actual number frequently was 200,000–300,000 persons above the plan. In 1965, however, the actual number for industry was barely 25,000 above the plan, and by 1967 there was a shortage of 125,000 industrial-production personnel relative to plan requirements."[23] This graphically measures the end of "buffer" sectors to cover shortfalls in industrial manpower needs.

In the past, labor deficiencies were met by shifts from lower priority sectors (e.g., agriculture) and more intensive use of available labor (e.g. higher participation ratios, longer hours, etc.). Now not only is labor not likely to be released from other sectors to meet industrial needs, but in the current Plan income, investment, and administrative policy is designed to keep skilled workers in agriculture from migrating to urban industrial jobs. Nonetheless, 90 percent of the high school graduates from rural schools still seek urban employment.[24] So likely shortfalls in the improvement in labor productivity will aggravate the labor shortage.

It is well to recall that demobilization of some 3 million members of the armed forces in the late fifties (from 5.8 to 3.0 million in the period 1955–1961) not only eased Khrushchev's labor problem, but coincided with rather good years of economic performance.[25] Although the reduction in military manpower may have been facilitated by technological modernization of the military forces and a reduction of missions such as the withdrawal from Austria after the treaty, the historical reference may have current force. Again in a time when manpower deficiencies are becoming more serious no other ready major source of labor—especially young males to meet civilian needs—is presently available comparable to the military forces. Military demobilization would probably be stoutly resisted but not necessarily with success. Indeed demobilization was apparently quietly revived after 1961 as noted by Nikita Khrushchev in 1963 at the Party Plenum and by 1965 his original target of 2.4 million in military manpower reduction was reached.[26] The military probably did not favor the reduced term of service in the 1967 draft reform yet they were overridden by the Brezhnev-Kosygin leadership. The logic may then have been broader based political indoctrination—a shorter term of service for more Soviet youths. With the China border crisis and the Czech invasion the strength is apparently back above the 1961 level of circa 3 million at 3.5 (including the border guards and internal security forces).[27] The logic for reduction in the size of the military force might now again be improved economic performance, especially if reductions of requirements in Europe may be conducive to a release of say 100–200 thousand men. Certainly the China border holds out little short-run promise for detente.

IV. A NEW SOVIET ECONOMIC GAME PLAN?

As I have suggested, the Soviet leadership may change their economic game plan. Let me again indicate that a particular combination of domestic economic, political, as well as international circumstances appear necessary for change. The absence of any one of the aforementioned may engender or strengthen the internal resistance to a point too strong to be overcome by the will of the current leadership. Permit me to restate the difficulty in postulating a reordering of priorities and economic reform.

I am convinced that Soviet resource priorities should be reordered and the economic system modernized, but is Mr. Brezhnev and the Soviet leadership? Why would Soviet military agree to a diversion of resources from military hardware output to develop projects such as the West Siberian oil and gas complex or stand still for a reduction in military manpower to meet civilian needs—no matter how pressing the economic need? Why should the Party apparatus and their traditional allies in planning and management now in power step aside for new professional economic planners and demand-oriented managers? The only ready answer would seem to be that Mr. Brezhnev is able and willing to convince these entrenched interests to permit a change. Without new power and perception of need of change by Mr. Brezhnev, I fear that my "objective" logic will carry insufficient weight. Therefore I conclude that the stagnation and rigidity of the Soviet system will continue unless Brezhnev has the power and will to break it. For him to do so turns on two assumptions of change:

(1) Leonid Brezhnev has emerged from the recent Party Congress *primus inter pares*, approaching the personal rule of previous First Secretaries, perhaps akin to that of Khrushchev in 1956.[28]

(2) With the new power goes new responsibility for success in the economy, as well as elsewhere, and that Mr. Brezhnev therefore perceives a need to change to reinforce his new position at the Soviet pinnacle.

In this the progress of the SALT talks would seem to have a negative influence, i.e., failure of the talks would strengthen those resisting change, even if Brezhnev indeed opts for change in his own interest.

This kind of scenario is not completely without precedent, although it is not characteristic of the Soviet system or of Brezhnev's style of operation. In 1956, Khrushchev, his Minister of Defense Zhukov, and the Party had agreed to reduce military manpower and modernize the Soviet forces. Zhukov was not only interested in modernization but in reduction of party control in the military. The stimulus to economic growth from the release of resources was a factor in the continued high growth rates and may have led Khrushchev to promise to overtake and surpass the United States. Khrushchev apparently perceived the need to reorder priorities and to temporarily reduce Party control in the armed forces to solidify his power position. It was only later after the first Kennedy budget and the Cuban missile crisis that he apparently reversed these priorities, initiating the buildup of some of the weapons we now see deployed and stopping the progress of military manpower reduction. This reversal and the attendant poor economic performance may have been a factor in his demise.

Even accepting this highly speculative scenario of Khrushchev in 1956, as being relevant to Brezhnev in 1971, it is difficult to expect Brezhnev to opt for change in the three areas simultaneously: a reduction of the military hardware share of industrial output growth; reduction of military manpower, and reduction of Party control and involvement in the economy, military, etc. What then is likely is that all may become issues which may be negatively influenced by external negotiations and foreign developments and positively influenced by Brezhnev's rise in power and perceptions of need to improve economic performance.

Let us leave the subjective leadership speculation and close on a more objective note of the choice between sophisticated civilian investment and military hardware output. There may be a delay in the program for further buildup of the SS–9.[29] Commitments may not yet be made to a new round in strategic weapons buildup. On the other hand, the West Siberian oil-gas complex appears to be moving ahead. If these are viewed as competitive patterns of resource allocation and if at some point in the not too distant future some relatively irreversible decisions on allocations are necessary, this consideration may be so perceived by Mr. Brezhnev and acted upon. That is, to avoid overcommitment to two competitive nonconvertible patterns of resource commitment, Brezhnev may be inclined, by this logic, to direct resources from the potential military program to bring to fruition the civilian investment project. It is also possible he may act to reduce military manpower and to initiate economic reform, but these seem less likely courses of Soviet action in a possible reordering of priorities.

Thus if the options open to the Soviet leadership are reduction of the priority for new strategic weapon systems, a cutback in military manpower, a withdrawal of Party control and involvement in the economy so as to permit economic reform, I would suggest that that is the order of likelihood of change. And even for a downward revision in priority for further military weapons buildup—my most likely candidate for change—not only the economic rationale must be persuasive but also the domestic political and international climate must be favorable to expect a break in the pattern of the past.

FOOTNOTES

[1] See especially *Pravda*, April 11, 1971 and *Voprosy ekonomiki* (Problems of Economics), No. 6, 1971.

[2] *Oil and Gas Journal*, Aug. 24, 1970, p. 128.

[3] *ASTE Bulletin*, Vol. XII, No. 2, Fall 1970, p. 11.

[4] G. A. Prudensky (ed.), *Ekonomika stroitel'stva osvoyeniye novykh predpriyatiy* (Economics of Construction and Break In of New Enterprises), Moscow: Stroiizdat, Siberian Academy of Sciences, 1966, p. 26.

[5] A. Probst, "K prognozi ekonomicheskogo razvitiya proizvodstvennoi spetsializatsii vostochnykh raionov SSSR (Toward a Prognosis of the Economic Development and Productive Specialization of the Eastern Regions of the USSR) *Seriya ekonomicheskaya*, No. 5, 1970, p. 69; T. Khachaturov, "The Economic Effectiveness of Capital Investments," *Kommunist*, Sep. 1966, pp. 66–67.

[6] *The Oil and Gas Journal*, Aug. 24, 1970, p. 128.

[7] *Neftianoye khoziaistvo*, No. 3, 1971, pp 1–62.

[8] N. S. L'vov, *Resursi prirodnogo gaza SSSR* (Resources of Natural Gas in the USSR), Moscow: Nedra, 1969, pp 33, 36.

[9] Academician A. Sidorenko of the Ministry of Geology USSR, "Oil Riches—In Service of the Economy," *Pravda*, Feb 25, 1971. Cf. E. G. Gurari, "Oil and Gas in West Siberia: Prospects, Problems," *Priroda*, No. 1, 1971, pp 16–23.

[10] *Neftyanik* (Oil Worker), No. 1, 1971, p 5.

[11] Interview with Soviet Oil Minister V. C. Shashian, *Oil and Gas Journal*, Aug 24, 1970, p 22.

[12] *Voprosy ekonomiki*, No. 6, 1971, p 3; *Pravda*, April 11, 1971.

[13] *Ibid*, p. 8.

[14] *Voprosy ekonomiki*, No. 6, 1971, p 8.

[15] *Ekonomika i matematicheskie metodi*, Vol 7, No. 2, 1971; A. Agenbegian, Sbornikh "Neft' i gas Tyumeni," No. 5, Tymen, 1970 (cited in *Voprosy ekonomiki*, No. 6, 1971, p 8).

[16] *Pravda*, April 1971.

[17] Fuel deficit in European Russia was 70 million conventional tons in 1965, 140 million conventional tons in 1970, and is expected to grow to circa 350 million in 1975. A Probst, *Voprosy ekonomiki*, No. 6, 1971, p 55.

[18] *Platts Oilgram*, February 13, 1970, p 1. To meet an East European deficit in 1980, 84 m. tons will have to be imported from the USSR or elsewhere.

[19] London *Economist*, July 10, 1971, p 90.

[20] "In 1969—for the first time since 1955 when the Soviet Union became a net exporter of oil—exports to the free world declined, by about 3 million tons . . . Oil exports to the free world have been the largest single source of foreign exchange . . . about $350 million in 1969." J. Richard Lee, "The Fuel Industries," *Economic Performance and the Military Bur-*

den in the Soviet Union, Joint Economic Committee, GPO, 1970, p 35.

[21] *Washington Post*, June 1971; Robert Ebel in *World Petroleum*, June 1971.

[22] *Voprosy ekonomiki*, Krasovskiy, *op. cit.*, p 3.

[23] M. Feshbach, *Manpower Trends in the U.S.S.R.*, Census Bureau, May 1971, pp 1, 18.

[24] Feshbach, p 12.

[25] J. Godaire, "The Claim of the Soviet Military Establishment," *Dimensions of Soviet Economic Power*, Joint Economic Committee, GPO, 1962, p 43.

[26] Confirmed in an interview of Marshal Sokolovsky on February 18, 1965.

[27] Institute of Strategic Studies, *The Military Balance 1970–71*, London, p 6.

[28] See Myron Rush, "Brezhnev and the Succession Issue," *Problems of Communism*, July–August 1970, pp 9–15.

[29] *New York Times*, March 8, 1971, p 1 and March 27, 1971, p. 1.

TOMMY'S TRIP TO THE MOON

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. BOB WILSON. Mr. Speaker, as we honor the three great astronauts today, I want to join in saluting their remarkable achievement and to share with them a little anecdote connected with their trip to the moon.

I watched the televised lift-off of Apollo 15 with my mother, Mrs. Olive B. Flint, at her home in California. We were, of course, thrilled at the smooth start of the astronauts' journey. As they were well started on their first phase, my mother, with the remarkable recall of more than 80 wonderful years, started to recite a poem she remembered from her youth, back before the days of automobiles, airplanes, or television. It dealt with another moon visit, and I include it as a portion of my remarks:

TOMMY'S TRIP TO THE MOON

The crackers cracked and guns went "Bang!"
Folks they shouted and the bells rang,
All hearts were filled with joy and pride
When Tommy took his famous ride.

It wasn't in a big balloon
That he sailed up to meet the moon,
But all the money in his pocket
Was spent upon a single rocket.

He planted it against the wall
And there it towered, slim and tall
Then, silly Tommy—Such a trick!
Must tie himself fast to the stick.

Whizz, went the rocket in the air!
And people stopped to wildly stare;
Dogs barked with all their might
But Tommy soon was out of sight.

The Old Man in the Moon looked out
To see what it was all about.
Said he to Tommy, "Is that you?"
Come in and see me "How do you do?"

Away went Tommy fast and far,
He tried to catch a pretty star
He saw the clouds go sailing by
Like boats of pearl along the sky.

But soon he slower went—and then
Down, down, he fell to earth, again
Down, down, the Old Man in the Moon
Said, "Call again some afternoon,"

Down, down, sweet faces o'er him beam
How lucky!—this was all a dream;
Safe in his little crib he lay
And it was Independence Day.

TRIBUTE TO DR. ORVAL PIRTLE

HON. JOHN DOWDY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DOWDY. Mr. Speaker, Dr. Orval Pirtle, president of Henderson County Junior College for the 25 years of its existence as an institution has retired as president, but will continue service to the school in another capacity. He was a mainspring in the founding of this HCJC, and instrumental in building it to its present place in providing additional fine educational opportunities to the young people of Henderson County and surrounding counties.

I wish to add my commendation to Dr. Pirtle for his outstanding service to our community and to our college.

I request that the two articles and the editorial in the August 27, 1971, issue of the Athens, Tex., Daily Review, which described Dr. Pirtle's splendid work for HCJC.

[From the Athens (Tex.) Daily Review, Aug. 27, 1971]

RETIRING PRESIDENT HONORED AT DINNNER

Friends and colleagues of Orval Pirtle honored the retiring administrator with an appreciation dinner Thursday night, hailing him as the determination behind the growth of Henderson County Junior College.

Pirtle will end over 25 years as president of HCJC on August 31, when Dr. T. M. Harvey assumes the office.

Woodrow Walker, president, First National Bank, presided as master of ceremonies, saying about Pirtle that "never have so many owed so much to one individual in this area; his life touches everyone, either directly or indirectly."

Frank Ballow, HCJC business manager, called Pirtle the most tolerant man in the country, one dedicated to his job, working evenings, week ends and vacations to promote the welfare of HCJC.

Eugene Spencer, one of the early promoters of the junior college and former HCJC trustee, recalled the selection of Pirtle to sell the idea of the junior college to the voters in 1964. Spencer said that Pirtle had campaigned for the college "and no man ever did a better job." Then Spencer said they had a college, and no one to run it. Again Pirtle was selected, and, again, "no man ever did a better job."

J. R. Lowe, superintendent, Athens Independent School District, told the audience that Pirtle had been eager to begin classes a month after the election established the college. He said that the Athens public school buildings were used as summer classrooms, with records being filed in apple crates and registration papers in shoe boxes.

C. O. Dodson, president of the HCJC board of trustees, said that Pirtle will still be around "to help us with the knowledge he has accumulated in the last 25 years and with the 40,000 students who have passed through this institution."

Dodson presented Pirtle with a plaque engraved "To Orval S. Pirtle, In appreciation for 25 years of faithful and dedicated service as president of Henderson County Junior College, 1946–1971."

Dr. T. M. Harvey, incoming president of HCJC, presented Pirtle with a watch bearing the inscription "Orval S. Pirtle, For dedicated service, HCJC, 1946–1971."

In accepting the watch Pirtle said that it would be useful. The watch he had on had been given to him by Rosco Francis, faculty member, in 1945, so was older than HCJC He said he had been wondering how long it would last.

Pirtle said he would not accept anything without recognizing the many friends who have contributed to the college, paying a special tribute to his wife, Hallie Mae, and his family.

"The co-operation of the constituents of HCJC, the people who send their children to school here, the people who pay taxes, and the people outside the district who back the college, have built HCJC," he said. "No man does anything by himself."

He named the public school administrators and faculty, the students, and above all, the HCJC board of trustees, which he called the foundation of the building, as prime forces in the growth of the college.

"You built HCJC by your co-operation," he said, "and I ask that you co-operate with Dr. Harvey as you did with me. I have learned to love him. He's a wonderful man, a wonderful school man, and he can do wonderful things if you work with him," Pirtle concluded.

Finalizing the program was the unveiling of a portrait of the first president. Mrs. Wilson Dees, a member of the dinner's planning committee, said that the portrait would be placed in a prominent spot in the administration building.

Approximately 250 persons attended the program which was held in the HCJC student union building. Members of the planning committee for the dinner included Glenn Reynolds, chairman, Colonel Mills, and Mrs. Dees. Others aiding in the preparations were Barney R. Iles, Mrs. Jerry Rogers, Mrs. Clyde Martin and Rosco Francis.

Dinner music was provided by Mrs. Frank R. Dorsey.

ORVAL PIRTLE—SELF ANALYSIS: A FOOL'S LIFE

(By Cherie Hopkins)

Orval Pirtle sums up his 46 years in the educational profession by saying that he has led a "fool's life." The retiring president of Henderson County Junior College feels that he's been thought a fool for advocating programs before people were ready to accept them.

Pirtle culminates over 25 years as first and only president of HCJC on August 31, when Dr. T. M. Harvey assumes the title.

Pirtle said that he is a fortunate man in that he has been able to serve in "what I consider the best job to serve the most people" within 25 miles of the town in which he was born, Myrtle Springs.

THE BEGINNING

Pirtle received his bachelor of science degree in 1932 from Stephen F. Austin State University, and his master of science degree in 1941 from East Texas State University. He began teaching in the Lockland community when he was 19 years old. He had 48 children in eight grades for two years. He also taught in Little Lot, Shady Grove and Cayuga before going to Cross Roads. He joined the Cross Roads school system in 1931, when it was a newly consolidated school. Between that year and 1946 when he left the system, the school had readied itself for accreditation by the Southern Association of Schools and Colleges, no small feat for the struggling system in depression years.

Pirtle recalls that he was approached concerning the establishment of a county junior college by J. P. Pickens and Eugene Spencer in February, 1946. They asked him if he favored the project, and he replied that he did, emphasizing that the college was to be operated by the county and was to serve the county, providing equal opportunities to all, even to areas of transportation.

Pirtle began to campaign for the approval of the junior college. The voters were asked to approve (1) the establishment of a junior college, (2) a seven man board to head the program, and (3) a 20 cent tax rate for the college district. The election was held on May 4, 1946. The work of the backers paid off. All three points were approved by a 93 per cent vote, with seven per cent dissenting.

Registration for summer classes began on June 3, 1946, in the Athens High School buildings, with the first enrollment reaching 82.

In preparatory work for the college, Pirtle had accepted a position as co-ordinator of the vocational programs being pushed nationally at that time for veterans. His acceptance of this position was conditional: his resignation from the post was effective the date of the election.

"I did so in order that the board would not have any obligations to anyone," Pirtle said. "They needed a free hand in selecting the college president."

The board named Pirtle to the presidency at the first meeting held following the election, May 6, 1946.

Classes were held throughout the summer in the old coliseum on the fairgrounds, now the site of the HCJC campus.

Pirtle said that by the fall of that year the college officials realized that the county was not large enough to support a comprehensive program, and transportation lines were established to points such as Scurry-Rosser, Elkhart, Seagoville and Frankston.

GROWTH

Immediately after the establishment of the school, Pirtle made applications for $2,700,000 worth of buildings from Camp Houze near Paris. His application was approved, and the college was to dole out $27,000, the 10 per cent of salvage cost required. The college didn't have the funds. The election had produced $36,000 tax revenue for the college to operate on the first year. Pirtle made another application. This time he asked that the buildings be donated to the college. The application was again approved, but all problems were not solved.

The buildings must be moved to the campus, and the college had no money to finance these moves. This problem was solved by selling some of the buildings to the Fort Worth school system, thereby raising the money needed to salvage, move and start to work on the buildings on the HCJC campus.

Thereby begins the tale of the physical building of the facility now valued at almost $5 million. From the materials alloted to build what is now the women's gym, two carpentry classes almost doubled the size officially indicated for the recreation hall. When the inspector saw the results he had only praise for the ingenuity.

Another salvage purchase of large equipment ($3,500) netted the college $50,000 plus an additional $15,000 after sale of the equipment which could not be used by the college. In the school year 1947–48 the salvaged buildings were in use on the campus. In 1948, a $200,000 bond issue was voted and the old administration building, (which now serves as liberal arts building) was begun. Another bond election in 1951 netted $110,000 and finishing touches were added to the building programs. In 1959 portions of the present administration building were built, with construction in 1964. In that same building program the men's gymnasium, the technical-vocational building, two dorms and the student union building were begun. The most recent building program was the 7,400 square foot shop building readied for the summer, 1970 session.

Pirtle said that of the $2,700,000 building program, local taxpayers paid for only $1,300,000 worth of it, with the remainder being funded by gifts, local maintenance, grants and donations.

ACCREDITATION

The school grew physically and academically. In 1947, HCJC was accredited by the Texas Education Agency and Texas Association of College and Universities, effective in fall, 1948. In December 1952, HCJC was approved for accreditation by the Southern Association of Colleges and Universities.

The announcement of the accreditation was important to Pirtle. But so was the football game scheduled between HCJC and Navarro Junior College on Thanksgiving Day. He stayed in Athens to see the game, leaving afterward to conduct a program for the Texas State Teacher's Association in El Paso the next day. He left immediately after that meeting for Memphis, Tenn., to accept the accreditation the next morning.

VOCATIONAL SUPPORT

Pirtle has a history of being a supporter of vocational and technical education on college levels. He berates anyone for discouraging college attendance for vocational-technical students, saying that the day of "shade-tree mechanics" is past.

He pushed vocational training programs for veterans in 1946, when the public felt the only benefit the veteran was getting was the $150 check he got from the GI Bill. Pirtle said the veterans knew differently.

He is pleased that vocational-technical education on the college level is now being accepted. He served from 1952–55 as chairman of the Texas Vocational Committee, and was then told by government officials that they would never vote for technical-vocational education in junior colleges. He has been pleased to see their about face.

EVALUATIONS

But Pirtle says his satisfaction does not lie in the building program, the 65 acre campus or in the financial proportions of the college he has headed for a quarter of a century.

"My greatest satisfaction is the fact that durng the better than 25 years I served as president, I could look any student in the face and tell him that he had never been refused to come and visit with me on any problems he thought I needed to know about.

"I also am proud that HCJC has never turned down any individual student who really had a desire for education but had financial problems. Loans are always made available. Anyone able to go has always been able to find a place at HCJC.

"I now hope that the public will give Dr. Harvey the support that they gave me, and it is my full intention in my next four years at HCJC to back Dr. Harvey and the college 100 per cent," Pirtle said.

Pirtle has always been quick to seek publicity for the college, and as quick to shun it for himself. But his service and position brought the recognition: he has served as president of the County Teacher's Association, president of the State Teachers Association, Junior College Division, he has served 22 years on the Executive Committee of the Texas Public Junior College Association, and 16 years as secretary-treasurer of the Texas Public Junior College Association.

His other awards include an Athens Chamber of Commerce Man of the Year Award, a student body award for outstanding services to the student body, and an award from the Texas Public Junior Colleges. He holds an honorary membership in the Future Farmers of America, and has awards from that group for outstanding services. He has represented junior colleges in the Building Program of Texas, he has served on the advisory committee to the Coordinating Board Staff and he was a member of the two year Study Committee of Districting State in Junior College Districts. He has been the recipient of the HCJC yearbook dedication twice. He has also helped draft bills of legislation and secured passage pertaining to junior college education and districting.

Pirtle will continue with the college at full time salary for a year, and the next three years he will be on a part time basis.

These four years will enable Pirtle to fulfill another of his goals: a half-century of service in education.

The time span over which he's seen other goals fulfilled has covered 25 years—from being named president of a junior college that at the time consisted of an administrative board and tax revenue of $36,000 to a $5 million institution with an annual tax revenue of almost $300,000. He has seen enrollment rise from 82 students to a consistent total of from 1,300 to 1,400 students. He is seeing vocational, technical programs stressed on higher education levels.

Now another goal is in sight. The fifty year mark is just a few years away. And it will surprise few if the man who calls himself a kind of fool reaches this new goal, too.

He has a long record of accomplished goals.

As We See It—Orval Pirtle

Last week Orval Pirtle was introducing Dr. T. M. Harvey, president-elect of Henderson County Junior College, to the Athens Rotary Club which Harvey was to address.

Pirtle said of the college, "We have a wonderful institution. It has become what it has because of you, the administration, the staff, the support it has gotten . . . all have made it what it has become."

Twenty five years ago Pirtle who was then with the Cross Roads Schools as superintendent was asked to come by J. P. Pickens' office in the First National Bank. He was president of the bank then and he and Eugene Spencer who was owner of Athens Furniture were together. The two men asked Pirtle if he was interested in seeing a junior college established that would serve the entire county.

He was. And he, Pickens, Spencer and others set about to establish it.

On Thursday evening of this week Orval Pirtle was honored at a dinner for his 25 years as president of HCJC. He will remain with the college in another capacity, stepping down from his post as president. Dr. Harvey will assume that position September 1.

Pirtle asked the Rotarians "as friends of mine, give Dr. Harvey, President of HCJC, the backing you've given me for 25 years." Pirtle told the club that it was Rotarians that started HCJC.

Pirtle thinks very highly of Dr. Harvey and we know the retiring president who has served the college as its head administrator since its founding will continue as he always has to do whatever he can in its behalf as long as he is with it . . . and long after he retires.

All of Henderson County is fortunate that far-sighted men like Johnny Pickens had vision enough to realize there would be a great need for a college to serve the young people of this area, and followed through the maze of work to get the school established. They chose an able and energetic man who has dedicated 25 years of his life . . . working night and day . . . to the school. Thursday evening he was honored for this service and many, many well wishers were on hand for the surprise affair to let him know that they appreciate the work he has done.

Pirtle, many others and the community have built an instituton that has provided education for many hundreds of young people and adults who would not otherwise have been able to go beyond high school. For many other adults it is where they learned to read and write in basic adult education classes.

People of this county are fortunate to have HCJC. They are also fortunate to have had a dedicated person in Orval Pirtle to work with the other founders of the school and to advance it and build it for many years following.

The community expressed its appreciation Thursday evening in the way that communites do . . . by honoring Orval and his wife, Hallie Mae.

We join them in saying that we've enjoyed working with him over the years and appreciate what he has done and what he has tried to do for the community and for the institution he has served for 25 years.

Our best wishes go with him as he continues to labor in behalf of the college and his community.

COUGHLIN POLL ON KEY ISSUES DRAWS HEAVY RESPONSE FROM CONSTITUENTS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. COUGHLIN. Mr. Speaker, I am pleased to report to my colleagues the results of a poll I conducted of citizens in Pennsylvania's 13th Congressional District. I also will send a copy of the tabulation to President Nixon.

Because of the wide interest in public opinion samplings and the excellent response, I feel the results of this poll will prove valuable and interesting. I think the tabulations are especially useful since my congressional district, adjoining and northwest of Philadelphia, comprises a good cross section of Pennsylvania including heavily urbanized areas, less densely populated suburban and residential sections, and rural communities and farmlands.

As usual since I started the poll in my first year in the Congress, the response to the mailed questionnaires was heavy. Questionnaires were printed—not at Government expense—for mailing to every household, apartment, and post office box in the district. Some 190,000 were mailed so as many constituents as possible could take part in the poll.

Before the August 1, 1971 deadline, 28,859 individual responses were received. Answers were tabulated carefully under statistical procedures to guarantee a minimum of error.

Many of my constituents took the time to write notes on the questionnaires and send me individual letters expanding on their views. Their comments were wide-ranging, but all expressed deep concern over various international and domestic issues.

Although I had included a question on the economy in my 1970 questionnaire, many felt that this still was the overriding domestic issue. The President's announcement of his new economic policy took place after the questionnaire had been printed and mailed, so it was not possible for me to determine the reaction to his new plans.

On the question of domestic spending, five of eight programs I listed drew more than a 50-percent response each for more funding. Constituents were asked to reply "more," "less," or "same."

Environmental protection drew the heaviest response for higher funding with 76 percent. This was followed by crime control, 70 percent; mass transportation, 64 percent; aid to elderly, 60 percent; and education, 57 percent.

Drawing less than 50 percent for more funding were: defense other than Vietnam, 13 percent; space exploration, 15 percent; and aid to poor, 36 percent.

On the key issue of Vietnam, 52 percent favor our withdrawal within a specified time contingent only upon the release of our prisoners and safe return of our personnel.

Twenty-five percent approve of staged withdrawal contingent upon a stable South Vietnamese Government able to defend itself successfully. Five percent wrote "immediate withdrawal" while another 5 percent want resumption of bombing and increased military pressure on North Vietnam. Five percent wrote in varying responses.

Other questions included NATO troop commitments, nuclear generating plants, U.S. defense posture with Russia, the President's approaches to mainland China, Israel, and occupied territories, environmental emphasis, national health insurance, the FBI and its director, revenue sharing, national transportation strides, and Federal legislation to protect police and firemen.

I am pleased to share the results of this poll with my colleagues and I insert them into the CONGRESSIONAL RECORD.

The results are:

1. Which best expresses your position on Vietnam? (one only)

Staged withdrawal of our troops contingent upon a stable South Vietnamese government able to defend itself successfully, 25 percent.

Withdraw within a specified time contingent only upon the release of our prisoners and safe withdrawal of our personnel, 52 percent.

Resume bombing and increase military pressure on North Vietnam, 5 percent.

Immediate withdrawal (written in), 13 percent.

None of the above (specify), 5 percent.

2. Which best expresses your feelings about our troop commitment to Western Europe? (one only)

Unilaterally reduce number of our troops, 29 percent.

Reduce troops according to negotiations with NATO allies and Soviet Union, 58 percent.

Maintain present levels, 13 percent.

3. How do you assess the role of nuclear generating plants in meeting our increasing demands for sources of energy? (One only.)

[In percent]

Satisfactory: move ahead as is	23
Potentially good: proceed with caution	59
Unsatisfactory: stop and call moratorium	12
None of above (specify)	6

4. Federal spending involves your tax dollars. Should we spend more, less or the same as presently on the following:

	More	*Less*	*Same*
Defense (other than Vietnam)	13	54	33
Education	57	16	27
Space exploration	15	54	31
Aid to poor	36	29	35
Mass transportation	64	13	23
Aid to elderly	60	5	35
Crime control	70	6	24
Environmental protection	76	5	19

5. Do you believe the United States must maintain at least an equal position with the Soviet Union in defense posture including conventional and nuclear arms?

[In percent]

Yes	71
No	20
Undecided	9

6. Do you favor President Nixon's actions in trying to establish friendlier relations with mainland China?

[In percent]

Yes	77
No	12
Undecided	11

7. Do you believe Israel should withdraw from occupied territories as a precondition to peace negotiations?

[In percent]

Yes	27
No	57
Undecided	16

8. As your Congressman, I have underscored my concern for conservation over the years by introducing a number of bills to abate air, water and land pollution. Do you think enough emphasis is now being placed on environmental protection by the Federal Government?

[In percent]

Yes	23
No	71
Undecided	6

9. Without regard to the relative merits of various proposals, do you feel we need a system of national health insurance?

[In percent]

Yes	55
No	32
Undecided	13

10. The FBI has become the subject of recent controversy.

A. Are you satisfied with the FBI's general performance?

[In percent]

Yes	66
No	25
Undecided	9

B. Do you think the FBI Director J. Edgar Hoover should retire now?

[In percent]

Yes	56
No	33
Undecided	11

11. Do you favor President Nixon's proposal for revenue sharing to return $5 billion in Federal funds to State and local governments for their use?

[In percent]

Yes	60
No	24
Undecided	16

12. Do you favor compulsory arbitration to control nationwide strikes in the transportation industry?

[In percent]

Yes	88
No	7
Undecided	5

13. Do you think Federal legislation is necessary to protect State and local law enforcement officials, firemen and judicial officers in the performance of their duties?

[In percent]

Yes	51
No	36
Undecided	13

Party Preference of Those Responding

[In percent]

Republican	63
Democrat	19
Nonpartisan	17
Other	1

Ages of Those Responding

18 to 21	2
21 to 35	25
35 to 50	36
50 to 65	26
65 and over	11

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by Vice President AGNEW before the International Conference on Urban Transportation in Pittsburgh, Pa., on September 8, 1971:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

Two thousand years ago Julius Caesar found it necessary to ban chariots and other wheeled vehicles from the streets of Rome, during the daytime, because of traffic congestion.

Outside the city, the Romans had constructed the greatest system of highways the world had ever known. Parts of these roads are in use today. Yet they did not solve the urban snarl of ancient Rome.

Two thousand years later we too take great pride in our highways. The Interstate system now nearing completion in this country is the world's finest. But we, like the Romans, still haven't solved the traffic problem on our city streets.

We can fly men to the moon and back without a hitch or a delay, but they don't have to pass through any cities.

We can cross this continent by air in 5½ hours, but then we encounter delays of up to half that time getting from the airport to our office or home.

And going from downtown to the suburbs at rush hour on any week day is a nightmare in traffic dodging that a Caesar could not imagine.

But at least we're working on the problem—your presence here is an indication of that—and I believe we're closer to the answer than we would dare hope.

The answer is not to ban automobiles from the streets—like the chariots of Rome—but to come up with attractive alternatives to do-it-yourself commuting—alternatives that will encourage the citizen to leave his car at home or at least at some way station outside of town.

The alternative is efficient, dependable, low cost public transportation. Not only would this lure commuters off the streets, it would provide an essential service to the one-quarter of our population who don't own or can't drive cars. They include many of our older citizens and those unable to afford private transportation.

The lack of good public transportation is as much a part of the urban dilemma today as housing, schools and jobs. It ties in with all of them and, in fact, may be the key that unlocks the overall problem and revitalizes our cities.

So it is time we stop thinking of transportation as an end in itself and approach it as a part of the whole—a most vital part of the overall urban problem.

I shall have more to say about this in a few minutes, but first I want to extend a word of welcome to those of you who have come from foreign countries to assist in this Fifth International Conference on Urban Transportation. And I would like to congratulate those of you from the transportation and related industries in America who are devoting your time to helping us solve what has become our most visible urban problem. Your know-how is on the drawing boards and available, and it is up to us in government and private industry, in the vernacular, to "put it all together."

I am convinced we are on the threshold of a major breakthrough in the solution of our urban transportation problems in this country. There is a new attitude of determination, a national will, to end this strangulation of our cities that has grown progressively worse for several decades now.

We have seen it reflected in the higher priority assigned to urban transportation problems by the Nixon Administration. Prior to this Administration, Federal funding for public transit never exceeded $200 million a year. Last year, under the Urban Mass Transportation Assistance Act of 1970, it more than doubled to $435 million, and this year it will be $900 million. This funding for capital equipment grants and research and development will continue to grow as we move forward on projects conceived and implemented at the local level. It is the President's purpose to supply long-term, continuing financial aid for urban transportation projects as fully as it can be effectively applied.

This substantially larger funding—$10 billion authorized over 12 years—serves as assurance to State and local governments and private investors that the Federal government recognizes the importance of the mass transit problem. It will be, hopefully, the catalyst that will bring about long deferred action on transit systems too long delayed.

A good transit system is a solid investment in the community. Properly planned, it will pay rich dividends—in increased business, employment, land values, tax base and general urban renewal. It will generate prosperity where it is most needed—in the hard-pressed cities—and, in doing so, it can be of great assistance in meeting other urban problems.

There will be many completely new transit systems starting up in this country within the next 10 years—in San Francisco next year, in Washington in the mid-70's and perhaps in my native city of Baltimore very soon. Other major metropolitan areas are also planning new mass transit systems now that they know Federal funding will be available for their plans to proceed to construction.

Extensions of present systems are planned in New York, in Philadelphia, in Boston and in Chicago.

Involved in these new systems—and extensions of existing major systems—will be hundreds of new rapid transit stations. Many of them will be located in critical poverty areas. Their potential for revitalizing those communities is enormous. They should be thought of in terms of their potential to renew the whole urban environment not just as transit stations. They can become vital parts of planned community centers if sufficient land is acquired to permit such development.

Let's look, for example, at what Sweden has done with this concept. The Taby Center Station outside of Stockholm incorporates in it 14 separate functions—schools, apartments, a shopping center, a medical center, churches, a gymnasium, sports centers. It has become a community within itself, but not one strictly dependent on the automobile. Located along a main transit route, the residents are only 30 minutes away from downtown Stockholm.

Taby is but one of 18 satellite cities that ring Stockholm, all with a population of 10,000 to 50,000 and all of them planned communities on transit lines with easy access to downtown. Some of them are only 5 to 10 minutes away. Although Sweden has the world's highest per capita ownership of automobiles outside the United States, it is estimated that 90 percent of its people travel into Stockholm by the transit system.

What a wonderful opportunity this exciting concept offers for solving the problems of overcrowding people as well as automobiles in our own American cities. I believe the creation of new towns and satellite cities is our best hope for planned urban expansion and relief of many of the problems we now face in the impacted areas of our central cities. I have consistently advocated such development even before I was Governor of Maryland. The successful Swedish experience in planning these new communities around a transit system reaffirms the validity of the proposal. The Nixon Administration has included new town development as a vital part of its national urban policy, and I believe new towns and satellite cities will play an important role in our future urban growth, especially when coupled with the sound planning of transit systems.

Such mutli-purpose use of transit stations as the Taby Center does not have to be extended outside the borders of the city to be effective. There will be many instances when it can be adapted to the central city, with regard to housing, health services, educational facilities, recreation, and other aspects of everyday living—to the great benefit of its citizens.

It has been well established that a good transit system will provide a stimulus to development of a new area or revitalization of an old one. I am convinced that New York's extensive rapid transit system played a major role over a period of many years in the development of Manhattan Island as one of the world's great hubs of commerce.

In Canada, Toronto's old, declining central business district underwent a phenomenal spurt of new growth after the construction of a relatively short 4.5 mile stretch of subway, the city's first. Within a five-year period over five million square feet of new high-rise apartments sprang up in areas that had been formerly occupied by old single-family dwellings. And in the first 10 years of subway operation, the 4.5 mile line attracted over two billion dollars of new construction for every mile of the system. Land values along the right-of-way tripled in two to five years, and went up as much as 10 to 12 times in the vicinity of transit stations.

So we can see the value of a transit system to the economic life of a community, whether the community is new and planned or old and declining. And the location and functions of station areas are of particular importance.

Some station areas will have a high development potential; others will offer little more opportunity than to serve as a transit stop. The important thing is to make the maximum possible use of their potential. And the key to this is good planning. It cannot involve just the local government and the transit officials; it must involve the whole community. At the Federal level it is not just a problem for the Department of Transportation; it also must involve the Department of Housing and Urban Development to explore the potential for housing projects, the Department of Health, Education and Welfare in the planning of schools and health facilities, and the expansion projections of the private sector. The same broad approach should be taken locally, with private enterprise heavily involved to capitalize on the business opportunities in such a center.

If there is one major lesson that I learned as the head of a metropolitan county government some years ago, it is that there is no substitute for sound, comprehensive, long-range planning. And the more divergent views and broader field of expertise you can bring together, the better will be your planning. Instead of being a rival with Baltimore

City, we in Baltimore County should continue to learn to work in partnership with the City and other suburban counties on mutual problems. As plans evolve for the Baltimore area transit system I feel confident that you are going to see a product of local officials working with State and Federal officials to bring about a mutual benefit to their communities. Traffic problems certainly don't stop at the city line. Neither do those of housing and employment. And we have learned that our solutions to these problems must also know no artificial boundaries.

I believe we have now learned in this country that transportation is not a matter of either good highways or a good urban transit system. We need both, one tying in with the other, if it is to be an effective system and really move people. And moving people is what it is all about—mobility, the theme of your conference. We should concentrate on the individual and how to best get him from his home to school or to work or to the store or to the sports stadium or theater—at a price he can afford and without taking all day—whether he drives his own car or rides a bus or train.

For too long we thought in terms of having *either* rapid transit *or* automobiles and trucks as the backbone of a city's transportation. We now know, as our friends overseas have accepted all along, that it is a combination of both. We cannot eliminate the motor vehicle. But we can reduce the dependence on it by enhancing the attractiveness of other forms of transportation.

I am sure that many helpful ideas in a conference of this type will come from those of you from other countries which have developed excellent transportation systems. We, who regard our interstate highway system as second to none in the world, acknowledge you have taken many strides ahead of us in the field of urban transportation.

We are aware, for example, that more new rapid transit systems are being built in West Germany than in any other single country in the world. Lines are being built or extended in Berlin, Cologne, Frankfurt and Munich. And Hamburg's integrated subway, commuter, rail, bus and ferry system—all functioning under a single authority—offers an example of good coordination in public transportation.

Japan's Tokaido Line, with its high-speed train service from Tokyo to Osaka, is coordinated with Tokyo's expanding rapid transit system. Seventy miles of subways are in service in Tokyo with an additional seventy miles under construction. In Osaka the bus and subway system serves 2 million 700 thousand passengers daily.

On our own continent, Toronto, Montreal and Mexico City have all developed outstanding subway systems.

So there is much that we can learn in an international conference of this type.

But the most important change that has come about in this country is the need for better public transportation in our cities—a growing awareness that we are no longer a rural nation and that subways and rapid surface transit are as essential to the healthy growth of all our metropolitan areas as they have been to New York and Chicago.

Ten years ago there were only 16 urban areas in America with populations of more than one million. Today there are 25. By the year 2000 we expect to have 50 cities with a million or more residents. Eight of every ten Americans already qualify as city dwellers, living on less than three per cent of the Nation's land and their numbers multiply daily. So do their motor vehicles.

Last year there were more than 108 million motor vehicles registered in the United States—89.3 million automobiles, 18.7 million trucks and 379,021 buses. Their numbers increase by about 8,000 a day. At 5 p.m. on almost any working day, it seems, you will find most of them gathered on Main Street, U.S.A. starting, stopping, honking and overheating as they creep homeward through a pall of gasoline fumes.

The automobile is still man's best method of personalized transportation, and it can continue to serve that purpose for many years to come if we lick the pollution problem and if we keep our highways and streets open. But there are better ways of commuting in urban areas and we must establish them. Otherwise we will reach a saturation point, as did the Romans with their chariots.

I wish you good luck in your deliberations at this conference, and I look forward with interest to the reports and thoughts that will come out of it. We have the opportunity to bring a new vitality to our beleaguered, impacted and dependent cities if we in government and you in industry have the imagination and foresight to conceive bold solutions to our age-old problems and the courage to put them into effect.

President Nixon put the challenge this way when he signed the Urban Mass Transportation Bill committing the Nation to a larger, sustained effort:

"As we look into the history of this country," he said, "we recall the development of the Western Frontier. It was made possible because of a massive program of transportation which enabled us to develop that new frontier in the West.

"Now we have the challenge of the urban frontier. And it is through this bill and the support that it will provide for new programs in the field of mass urban transportation that we are going to be able to meet the challenge of the urban frontier. Just as the Western Frontier was the challenge of America in the 19th Century, the urban frontier is the challenge of America in the last third of the 20th Century."

DORIS MILLER: AN AMERICAN HERO

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PICKLE. Mr. Speaker, Doris Miller was born in Waco, but reportedly he claimed Austin, Tex., as his home. And Austin is proud to claim him as well.

This young man only lived to be 24. But young Miller packed so much shining example into his short years that the Navy recently proposed to enshrine the message of his life by naming a new destroyer escort in his memory.

It is a fitting memorial. I know his mother and brother are proud. I know Austin, Tex., is proud.

The Austin Statesman tells us the story of Mr. Miller—and that story follows:

DORIS MILLER: NAVY NAMING SHIP FOR HERO

A destroyer escort now under construction at a shipyard in Louisiana will be named for World War II hero Doris Miller, a Negro sailor from Austin who earned the Navy Cross for the heroism he displayed at Pearl Harbor.

According to the Associated Press, the Navy announced the ship is being built at the Avondale Shipyard, West Wego, La.

Miller, who was the ship's cook aboard the U.S.S. West Virginia when the Japanese attacked Pearl Harbor in 1941 aided his wounded commanding officer to cover, and returning to the battleship's deck, manned a machine gun shooting down four enemy planes. He had never been trained in the use of the weapon.

For his bravery he was awarded the Navy's highest honor, and Admiral Chester W. Nimitz commended him for "distinguished devotion to duty, extraordinary courage and disregard of his personal safety during an attack."

On Nov. 24, 1943, at the age of 24, Miller was killed in the western Pacific when his ship, the U.S.S. Lispcombe Bay, was torpedoed and sunk.

Austin named the Doris Miller Auditorium in Rosewood Park in honor of the hero, who called the capital city home.

He was born the son of a sharecropper in Waco in 1919, and attended Moore High School there distinguishing himself as star fullback on the school football team. At 19, he enlisted in the Navy.

Miller's mother and his brother, Arthur Miller, now reside in Waco.

On the 29th anniversary of the attack on Pearl Harbor, a painting of Miller was presented to Austin.

FLY AND PHONE NOW, PAY NEVER

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. GERALD R. FORD. Mr. Speaker, in the CONGRESSIONAL RECORD of September 8, page 30877, the gentleman from Ohio (Mr. DEVINE) gave the details of a loophole in present law regulating political campaigning that is big enough, one might say, to fly a 707 or DC–8 through.

In the other body, due to the diligence of the minority leader, Senator SCOTT, an election reform bill has been passed which would close the loophole by which federally regulated companies, such as airlines and telephone companies, have in effect made illegal contributions to candidates who fail to pay their bills for services charged on credit cards, or who only pay them in part.

I certainly hope that the House committees considering this area of legislation will take similar steps to stop the practice, aptly described by the Wall Street Journal in an August 13 editorial entitled "Fly and Phone Now, Pay Never."

The text of the editorial follows:

FLY AND PHONE NOW, PAY NEVER

Existing law forbids corporations to make loans or advances to individuals campaigning for federal office but this statute, as Senator Hugh Scott said the other day, is widely circumvented.

What especially concerned Mr. Scott was that airlines and telephone companies, both regulated by the federal government, extend large amounts of credit to candidates for federal office and the candidates, to put it mildly, don't always pay their bills.

Reports collected for Mr. Scott by the General Accounting Office showed more than $2 million in outstanding debts for airline and communications service, with many of the debts dating from 1968. "I think it is about time," the Senator said, "that we political candidates adhered to the fiscal responsibility and accountability standards which we set for others."

Mr. Scott proposes to forbid the extension of unsecured credit to candidates by such companies, but would permit normal credit-card transactions as long as routine safeguards are observed. No one wants to keep candidates out of the air or off the phone, but it would be nice if they paid their bills.

THEODORE ROOSEVELT ONCE MARCHED UP HERE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DULSKI. Mr. Speaker, Tuesday, September 14, marks the 70th anniversary of the oath taking by Theodore Roosevelt as President following the assassination of William McKinley.

The oath was administered in the Ansley Wilcox mansion on Delaware Avenue, in Buffalo, N.Y. On the forthcoming anniversary, the National Parks Service will dedicate the refurbished mansion as a national historic site.

It was my privilege to obtain the backing of Congress and then President Johnson for the enabling legislation. The role of the Federal Government is vital to the project, but the enthusiastic participation and contributions of our local citizenry has been a real inspiration.

The fruits of the labors of the Federal consultants and the local committee will become public on Tuesday. I am proud to have been able to get the project underway with Federal legislation and I am delighted with the tremendous help and response which has been forthcoming as the restoration of the site progressed—a real community project.

Mr. Speaker, as part of my remarks, I include the text of a related story published by the Buffalo Evening News:

WILCOX MANSION WILL SERVE AS MONUMENT TO ROOSEVELT AND CONCERNED CITIZENS

(By Kal Wagenheim)

While a visitor explored the front lawn of the Ansley Wilcox mansion, a silver-haired passerby stopped long enough to smile and remark: "Theodore Roosevelt marched up there once."

For those who lack the elder gentleman's sense of history, the mansion at 614 Delaware Ave. will serve as a reminder starting Sept. 14, when it is reopened as the Theodore Roosevelt National Inaugural Historic Site.

Opening of the restored mansion climaxes more than three decades of community effort; it also marks the 70th anniversary of the day Mr. Roosevelt was sworn in as President of the United States, following William McKinley's assassination.

Major contributors to the historic building's revival will be invited to a special preview the night of Sept. 11.

TO BE OPEN EVERY DAY

After the Sept. 14 inaugural, the Roosevelt Site will be open to the public six days a week, from 9 AM to 5 PM, and from 2 to 5 PM on Sunday. An admittance fee of 50 cents for adults and 25 cents for children will be charged, to help cover maintenance costs.

William W. Kimmins Jr., president of the Theodore Roosevelt Inaugural Site Foundation, today said that Vice President Agnew's planned visit to Buffalo on Oct. 7 "would be a wonderful supplement to the official opening ceremonies of the Wilcox House which are scheduled for Sept. 14."

The official opening ceremonies, beginning at 10 AM on Sept. 14, will include Mayor Sedita, County Executive Tutuska, Representative Thaddeus J. Dulski and representatives of the National Park Service and the New York State Historic Trust.

The three front rooms of the first floor will comprise the historic site. The rear and upstairs rooms have been leased to private tenants.

SLIDE FILM ORIENTATION

Visitors will enter through a side door near the parking lot, and be directed to the spacious "morning room" of the mansion, which has been converted into a 40-seat auditorium. There, a rear-screen projector will provide a slide-film orientation on the building's history.

At the front of the mansion—in what was the living room—display exhibits will depict life as it was in Buffalo at the turn of the century.

Across the hallway, an entire wall of the library has been replaced with tinted glass, offering a panoramic view of the room where Roosevelt was sworn in.

The library has been restored to its original condition, with massive polished wood bookcases, and the "elegant clutter" so typical of affluent homes during that period.

Restoration of the former Wilcox mansion is the fruit of teamwork by many persons, spanning several years.

A faded newspaper clipping from January 1935 notes a luncheon meeting of the Theodore Roosevelt-Spanish War Veterans Memorial Association in the Statler Hilton, where they announced "plans to simulate the campaign to acquire the Wilcox mansion . . . for a memorial to Theodore Roosevelt."

HEAD FOR AUCTION BLOCK

Four months later, it was announced that 1000 pieces of furniture and other items from the Wilcox home "will go to the auction block."

But it noted, hopefully, "furnishings of the bedroom in which Mr. Roosevelt slept on his stay here . . . will not go under the auctioneer's hammer. They are being preserved in case the home becomes a Theodore Roosevelt memorial."

Charity funds were exceedingly scarce during the Great Depression, however, and the drive to preserve the mansion fizzled.

There was a rebirth of interest in the early 1960s but progress was slow.

The darkest moment, perhaps, came in 1964, when a bill sponsored by Mr. Dulski to preserve the house as a national historic site was killed.

A local real estate company, which held a 33-year lease on the property and had been paying susbtantial rent and taxes, threatened to demolish the structure and turn the space into a parking lot.

MANSION APPEARED DOOMED

The shock of losing the mansion forever seems to have sent adrenalin coursing through the community.

The Liberty National Bank saved the property from the wrecker's ball, purchasing it for $150,000 and offering to hold it for one year, thus allowing citizen groups to marshal their forces.

Mr. Dulski was the chief sponsor of another bill in Washington, and in November 1966 President Lyndon B. Johnson signed enabling legislation, which permitted federal acquisition of the Wilcox house, providing that local interests put up their share of restoration and maintenance funds.

In December 1969, the U.S. National Parks Service formally purchased the site for $250,000 and gave an additional grant of $50,000 for restoration to the Theodore Roosevelt Inaugural Site Foundation.

Substantial amounts were also received from the New York State Legislature's Historic Trust, Junior League of Buffalo Inc., Erie County Legislature, and via contributions from local companies and individuals.

FUNDS ARE RAISED

With the money assured, there began the task of restoring the building, and the painstaking search for furniture and other items that were in the library when Roosevelt took the presidential oath.

Two of the most persistent "detectives" are Mrs. Richard C. Wagner and Mrs. Fred Eder of the Junior League's Wilcox Committee.

During the past four years they have assisted Walter S. Dunn Jr., director of the Buffalo & Erie County Historical Society, in tracking down objects from the mansion.

They have written letters, made phone calls, and visited homes, antique shops and flea markets in their quest for lamps, chairs, tables, picture frames and other items.

Via interviews with elder citizens and research in newspaper and government files, they have also gathered a treasure of historical data about the mansion.

They have enjoyed every minute of it.

As workmen applied finishing touches of paint to the mansion's interior, preparing for the inaugural, Mrs. Wagner said wistfully: "We look forward to finishing the job, but we're going to miss all this."

She and Mrs. Eder got to know the Wilcox family so well after their research, that they both refer to Mr. Wilcox as "Ansley" in their conversations.

ASHTRAYS OR NOT?

Among other things they found out that "Ansley was a chainsmoker, so it was proper to have ashtrays in the restored library," says Mrs. Wagner.

"One item we're still missing," says Mr. Dunn, "is the pair of pants Roosevelt wore when he was sworn in."

"He rushed to Buffalo for the ceremony without formal attire and borrowed a coat from one person and a pair of pants from another. We've found the coat, but the pants are still at large," he says.

"Residents of the area have been very helpful in volunteering antiques from the library," says Mr. Dunn.

"Sometimes too helpful," claims one official, who says that a few people have tried to donate antiques that never belonged in the Wilcox Library.

"They claim they bought the items at the Wilcox auction in the 1930s, and they insist they belong in the library."

"In a few cases, the items belong in other rooms of the mansion."

"Also, we must remember that at the auction, items from four other estates were put up for sale. The auctioneer, in his enthusiasm, may have sold the authentic lamp from the room where Teddy Roosevelt became president—five times," he said.

HILL-BURTON COMMENDATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. NELSEN. Mr. Speaker, while the health scene is in a state of flux, and we are working to improve care for the people of this country, it is a pleasure to reflect on a successful program which celebrated its 25th anniversary last month.

I refer to the Hill-Burton program which has helped communities throughout the Nation build or modernize more than 6,200 hospitals and other health care facilities; has provided to these and many others consultative and technical assistance through conferences, personal consultation, and guidelines; and has led the way to productive cooperation between Federal, State, and local governments and voluntary organizations.

Over its 25 years, the Hill-Burton program has been responsive to the Nation's health needs, adopting its program tools as necessary to meet changing needs and resources. When hospitals in rural areas were so badly needed 25 years ago, Hill-Burton concentrated on building them and is still doing so. In the sixties, when urban health facilities cried for modernization, the program added a modernization category and shifted emphasis to remodeling and replacement of these outmoded buildings. And today, when ambulatory care is the foremost need, Hill-Burton is again responding by giving priority to grants for outpatient facilities, and has moved on to loan and loan guarantee programs to assist in construction and modernization of hospitals and other inpatient facilities.

I am proud to be able to say that this program has had bipartisan support in Congress from its inception. I know that many of my colleagues will join me in paying tribute to Hill-Burton's silver anniversary with a "thank you" for a job well done.

MODERN AGRICULTURE, ENVIRONMENTAL FRIEND OR FOE?

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FINDLEY. Mr. Speaker, since the current concern over our environment began a few years ago we have seen a lot of fingerpointing by many groups interested in cleaning things up. The Nation's industrial giants have become a symbol for editorial cartoonists intent on showing environmental problems. Farmers have been accused of making a major contribution to dirty water and air through their livestock operations and the use of chemicals so necessary for efficient food production.

The House Committee on Agriculture has completed 17 days of hearings on a bill to more effectively control pesticides. During the hearings the problems created by the use of pesticides on agricultural land were repeated many times.

In an attempt to illustrate the constructive contribution by modern day agriculture to our environment, I am attaching as part of my remarks an editorial by E. V. Stevenson, executive vice president and general manager of FS Services, Inc. published in his firm's publication. His point that agriculture is a true friend of the environment needs to be fully understood by all citizens of our Nation. I encourage my colleagues in the House to read the following carefully:

MODERN AGRICULTURE, ENVIRONMENTAL FRIEND OR FOE?

Thanks to modern agriculture, our nation is the envy of most of the world for the quantity and quality of its food. And, in addition to feeding our own people, we send abroad the production of one acre out of five to feed less fortunate nations.

In spite of this record of human service, agriculture is being sharply criticized by some as a major villain in environmental pollution. There is the implication that if we could somehow return to the "natural" agriculture of old, most of the environmental problems would disappear.

We in agriculture should not expect to be immune from criticism. We have some faults, as does everyone else. In a number of ways we can, and should, do better than we are doing. We may need to accept some additional rules and regulations, to insure that everyone does his fair share to protect our environment.

But agriculture has a positive story to tell. Modern agriculture is already doing more than most to help clean up the environment. Let's look at a few examples.

Long before the current wave of concern, farmers were leaders in promoting the cause of conservation. Starting in the early 30's, more than 3000 local soil and water conservation districts have been organized. More than 15,000 locally-elected directors, mostly farmers, serve without pay, in the interests of better soil and water management. A flight over the Midwest in a small plane permits a person to see the thousands of grass waterways, contour plantings, terraces, and other erosion-control practices initiated by farmers.

What about cleaner air? People and factories and vehicles are using up our oxygen and creating an ever-increasing amount of carbon dioxide. Modern agriculture helps to clean up this air, by converting carbon dioxide back to oxygen. Each acre of 100 bushel corn removes tons of carbon dioxide from the air, and replaces it with 7 tons of oxygen . . . vital to our daily breath. Who else can claim a comparable contribution to cleaner air?

What about cleaner streams? Modern agriculture minimizes the number of acres which need to be cultivated. It has been estimated that without fertilizers and chemicals we would need 50 per cent more acres of cropland. This would mean exposing many millions of additional acres to wind and water erosion. Much of this acreage would be of lower quality and have steeper slopes than present farmlands. The problems of sedimentation of streams and lakes would be greatly aggravated.

What about improving the quality of our land . . . the priceless resource? For more than 200 years the "old" agriculture was depleting our soils. It is only in the last 30 years that we have reached the stage where we are putting more into the soil than we are taking out. Modern agriculture is a soil-builder, rather than a soil-miner.

What about improving the quality of life itself? Modern agriculture makes it possible for our nation's population to eat, at prices they can afford. A return to the "old" agriculture would substantially increase the cost of food. The burden would fall primarily on those who can least afford it . . . the disadvantaged and underprivileged. The efficiency of modern agriculture is making a significant contribution to the quality of life, by keeping the cost of food within reach of the maximum number of people.

On balance, modern agriculture is much more friend than foe to our environment, and to the people in it.

INTEREST RATES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. JACOBS. Mr. Speaker, in today's talk before our joint meeting, the President said:

> Let us join together in placing the national interest above special interests.

Surely, then, the President will want to reconsider whether there should be anything special about interest rates which justifies their special treatment during the current freeze.

Is it unreasonable to suggest that we place the national interest above special interest rates?

AMERICAN NEARS WORLD CHESS CHAMPIONSHIP

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. ROSENTHAL. Mr. Speaker, the United States is on the threshold of a great victory in international chess competition. Robert J. Fischer of Los Angeles, formerly of New York City, has defeated two of the world's leading grandmasters, Mark Taimanov of the Soviet Union and Bent Larsen of Denmark, by unprecedented 6-to-0 shutouts in knockout matches to determine a challenger for the world championship. The title is now held by Boris Spassky, a Russian.

All that stands between Fischer and the match with Spassky is Tigran Petrosian, a former world champion, whom Fischer decisively defeated in a match last year.

No American player has been world champion in this century. The Russians have held the title continuously since 1948, exchanging it among themselves, and until now no Western player has come close to ending this monopoly.

Mr. Fischer first won the U.S. chess championship at age 14, and has won it a total of eight times—on each occasion that he competed. Since returning to active play in 1970 after a 2-year absence, he has astonished the world by finishing far ahead of other famous grandmasters in the interzonal tournament preliminaries for the world championship; by decisively beating Petrosian, who almost never loses, by a 3-to-1 margin in last year's U.S.S.R. versus the world match; and by establishing a 19-game tournament winning streak, unbroken since last year, with not even a draw to blemish his record.

A world championship match between Fischer and Boris Spassky would be the biggest chess event of the century. It might also significantly affect East-West relations. In this era of ping-pong diplomacy, Mr. Fischer has become a hero in the Soviet Union, where chess is a national craze. His unprecedented string of victories and vigorous attacking style of play have captured the imagination of the public there.

Chess in the Soviet Union is subsidized by the Government with chess clinics and even "universities" designed to promote chess as a way of increasing the nation's prestige. But the Russians are at present bemoaning the lack of a new generation of young players to challenge the up-and-coming Western grandmasters. Thus, Russian domination of international chess is seriously threatened for the first time in a generation.

Mr. Fischer had in the past refused to play the Russians, accusing them of rigging games to benefit their own players in tournaments, and of exercising undue influence on the World Chess Federation—FIDE. But his recent change of attitude, and determination to compete directly against the Russians for the championship within the framework of current world chess regulations, has enhanced his stature, and may open the way for a healthy cultural exchange between the American and Russian chess communities.

In the United States, chess is not held in any great esteem by the public, largely because of its undeserved reputation as a stodgy, intellectual game. But Fischer's popularization of an aggressive attacking style, which is a world away from the usual short dull draws which characterize most international tournaments, has begun to revive interest in chess across the country. Membership in the U.S. Chess Federation has been increasing at a rapid rate. And chess competition has spread outside of the east coast and New York City to high schools, college, and local town clubs across the United States.

Mr. Speaker, the prospect of an American holding the world championship would stimulate international chess competition by proving that the Russian Government's—subsidized chess monopoly can be broken by Western players relying solely on their own resources, and the Russians in turn would have to struggle harder to try to regain their old position. The chess player, exemplified by Bobby Fischer, may start to give the traditional football or baseball hero some competition in providing excitement and competitive drama for the public.

MR. THIEU'S TEST IS A SHAM, TOO

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Tennessee. Mr. Speaker, there appeared on Monday, September 6, an editorial in the Nashville Tennessean which I believe pertinent regarding our support of a "democratic" South Vietnamese ruling regime. I include in the RECORD:

MR. THIEU'S TEST IS A SHAM, TOO

President Thieu's declaration that he will consider the October 3 voting as a referendum on his administration would be amusing if it were not so serious.

The South Vietnamese President did not specify what percentage of the vote he would consider to be a vote of confidence or how that percentage would be determined.

In the second place, since Mr. Thieu's soldiers make it pretty clear to the voters that they must go to the polls or face harassment if not arrest, obviously a sizable number will go.

But if there is only one candidate for which to vote, the problem of the voter is obvious. If he takes a ballot marked with President Thieu's symbol, he will be expected to deposit it in the ballot box.

Presumably there are those who will find ways in which to boycott the election, but out in the provinces with the provincial leaders looking on and the army insisting everybody exercise their franchise, the outcome is clear.

And President Thieu can assert, whatever the vote, that it is one of confidence. That is called self-determination—his.

PLEASE LET THE BAND PLAY "DIXIE"

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, it seems that the Federal courts in this Nation are not content to rewrite the Constitution of the United States. Now, they have set about rewriting history.

The scourge of Reconstruction should have been removed from the South before the dawning of this century. It simply has not happened, of course, as evidenced by the recent ruling of a Federal judge that Butler High School in Huntsville, Ala., could no longer use the Confederate flag as its school banner and the song, "Dixie," as its fight song.

One does not have to defend the Stars and Bars as having represented a great and noble cause, if one is so disposed, but one should feel obligated to support another's right to fly the flag, which represents a very important part of American history.

The action by District Judge H. H. Grooms is outrageous, and I find the whole episode sickening. In this respect, I certainly do not stand alone. Dr. Max Rafferty, formerly the top education official in California and now dean of Troy State University in Troy, Ala., has provided some excellent comments on the situation.

The following is one of Dr. Rafferty's widely read syndicated columns. I highly recommend it to all of my colleagues, and I especially remind those colleagues of mine who represent regions outside the South that this kind of judicial abuse will not be confined to Alabama. This is just the beginning.

The column follows:

[From the St. Louis Globe-Democrat, Aug. 19, 1971]

PLEASE LET THE BAND PLAY "DIXIE"

(By Dr. Max Rafferty)

The boys and girls of Butler High School in Huntsville, Ala., are a little uptight this month. It seems that the United States District Judge H. H. Grooms, showing that unerring eye for grave and weighty issues of national importance which so distinguishes our judiciary these days, has outlawed their school banner and their fight song.

No, I'm not putting you on. Their flag for lo! these many years has been the same Stars and Bars under which so many thousands of their great-great-grandfathers fought, and their song—no surprise considering their school's geographical location—is "Dixie."

A few black students out of the school's enrollment of 2,000 found the old flag and song "racist" and "offensive," so naturally the judge fell all over himself to take away from the great majority of the children their right to enjoy and to honor the symbols of their ancestors' gallant struggle.

This isn't the first time judges have tried to stamp out the popular symbols of a vanquished cause. The Irish fought for 500 years to save their harp and shamrock from this kind of tyranny. The Scottish Highlanders had to hide their clan tartans after the Battle of Culloden. And the Jews down the centuries have seen in almost every state in Europe the sacred emblems of their faith confiscated and destroyed by court orders.

Now we are watching this ancient evil thing operating in our own land, casting its long shadow over our own children. In the past decade, we Americans have been told by judges where our children must go to school, what they may wear in class, how they may behave and even what they may or may not read there. And from here on, it appears, even the school songs they sing are to be controlled by the courts.

In California, the Bear Flag flies. It represents the overthrow by the pioneers of Mexican rule in that state. Are Californians now to be forbidden to fly their state flag if some citizen of Mexican descent informs a judge somewhere that he finds it "offensive"?

For that matter, and following the same slack-jawed line of reasoning, may not some court find even the Stars and Stripes "objectionable" to some complaining descendant of a long-dead but stubbornly unreconstructed Tory?

My own great-grandfather was a Union major. He fought grimly against secession. But never in his most belligerent moments would he have dreamed of trying to suppress Dan Emmett's grand old song. "Dixie," you see, has brought joy to so many over the years.

Tinkling from the lazy levee banjos in the summer twilight, soaring across great moonlit rivers from the bright windows of paddlewheel steamboats, hummed slowly and nostalgically around 10,000 open campfires as the wagon trains fought their long way westward across a raw and savage continent, it cheered and solaced a whole people.

It floated blithely on the morning breeze at first Antietam. It rang through Shiloh's gloomy woods and Chickamauga's solitudes. It burst from hoarse throats and laboring lungs at Cold Harbor and at Chancellorsville.

And when at last the "high tide" crested bloodily on the roaring heights of Gettysburg that fateful July morning so long ago, it echoed like a solemn requiem over the dashed and vanished hopes of the greatest "lost cause" in all the annals of our nation.

Ban "Dixie"? As well outlaw joy—forbid courage—censor love. Aye, as well ban the vast and sweeping panorama of our country's past. Ban history herself! For this little song is part and parcel, warp and woof of the great tapestry which is the American story.

REVEREND BREDA

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. JAMES V. STANTON. Mr. Speaker, the Reverend William C. Breda, pastor at Mount Calvary Lutheran Church, has recently retired after a long and distinguished career at the pulpit.

I have known him as a friend for many years. He is a rare man, a devoted pastor, and a gifted judge of character. That is why I have asked him to help me select candidates to attend West Point from the 20th Congressional District.

During his 44 years in the ministry

Reverend Breda has given of himself with unreserved generosity to his parishoners and the people of Cleveland. His outlook on life remains as enthusiastic as in his youth and strengthened with the wisdom of his 70 years.

When asked how he plans to spend his retirement years, Reverend Breda said he hopes it will allow him more time to serve as a board member at the Lutheran Home for the Aged and to interview candidates for appointment to West Point.

May he have many more years to serve the people of Cleveland with all the dedication of a true man of God.

RECOMMENDS IMPORTED CHEESE QUOTA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. OBEY. Mr. Speaker, a few weeks ago the U.S. Tariff Commission sent to the President recommendations to establish absolute quotas for imported cheese selling for over 47 cents per pound and to use 1963–65 for the base period for establishing these quotas.

These recommendations came in a report on an investigation the Tariff Commission made of a price-break feature in present tariff regulations which allow certain cheese selling for over 47 cents to enter the country under no quota restrictions.

For the most part, Mr. Speaker, I consider the recommendations of the Tariff Commission to be very sound ones, and I have sent the following letter to the President asking that he follow these recommendations:

President Richard M. Nixon,
White House,
Washington, D.C.

Dear Mr. President: Two days ago the U.S. Tariff Commission sent to you a report on its investigation of various imported cheeses selling for over 47 cents per pound, imports which accounted for over 24.7% of all dairy imports in 1970.

In that report the Commission recommended that absolute quotas be established for imported cheese selling for over 47 cents per pound and that 1963–65 be used as the "representative period" to serve as the base for computing quotas as provided in the law.

I strongly urge you to follow these recommendations of the Tariff Commission and to promptly issue a proclamation implementing them.

END THE PRICE-BREAK FEATURE

In your request to the Tariff Commission to study whether these imported cheeses adversely affect our domestic price-support programs, you indicated that perhaps the 47 cent price-break feature ought to be retained but at a different price level.

All members of the Tariff Commission have rejected this alternative. I would seriously question, therefore, any attempt to continue any longer the price-break feature now a part of our quota regulations.

The members of the Tariff Commission were unanimous in their feeling that the price-break feature ought to be eliminated and overall quotas established. In fact at least two Commissioners indicated that we have had an increase in imports of certain cheese because of the price-break feature and the fact that it can so easily be evaded through price manipulations and other forms of subterfuge.

I am convinced that if a price-break feature is continued as part of our quota regulations, at whatever price it may be established, we will continue to suffer increased dairy imports which are designed solely to avoid existing quotas.

MAKE 1963–65 THE "REPRESENTATIVE PERIOD"

As you know under the law you cannot establish quotas for imports at less than 50% of imports during a "representative period" which you determine.

The report of the Tariff Commission was unanimous in its belief that the years 1963–65, when imports of the cheeses under investigation were "fairly stable," should be used as the representative period for establishing quotas for these cheeses.

I sincerely hope you follow their unanimous recommendation.

In my opinion it makes little sense to establish quotas based on years, like 1968 or 1969, when imports are already expanding, especially if they are doing so mainly to evade existing quotas. This would make a mockery of the whole idea of a representative period, and would surely decrease the effectiveness of any efforts to tighten our dairy quota regulations.

I am aware of the fact that while all members of the Commission agreed that the new quota restrictions on Swiss, Gruyere-process and the other cheeses in question ought to be combined for quota purposes with existing quotas on these cheeses, they disagreed as to the absolute quotas which ought to be established.

I urge you to accept the recommendations of Commissioners Sutton and Moore. They certainly have not recommended quotas which are unreasonably low. In fact, as these gentlemen pointed out in their findings:

"The overall annual quota quantities we recommended for the cheeses in question exceed the total largest annual imports of each of the cheeses in the representative period by 37% in the case of Swiss cheese, 62% in the case of Gruyere-process cheese, and 28% in the case of 'other cheese.'

Furthermore, they state that:

"A larger quota than recommended for any of the individual cheeses and substitutes for cheese in this investigation would tend to unstabilize the domestic market and add to the costs and burdens of (our domestic price support) programs."

Mr. President, for many years those involved in the American dairy industry have been plagued with evasions of our dairy import quotas which interfered with the U.S. Department of Agriculture's domestic milk price support programs. The recent investigation by the Tariff Commission of imported cheese selling for over 47 cents per pound marks the third time in three years that a President has found it necessary to order such an investigation. In each case we have found that our domestic price support program was being adversely affected, and as a result, government costs for maintaining that program through the purchase of domestic dairy products kept increasing.

I believe it is in the best interests of the dairy farmer and the American taxpayer that we put a halt once and for all to imported dairy products which are designed to evade our import quotas. Cheese selling for over 47 cents per pound is such a product. I am hopeful that you will halt the importation of this "evasion product" by following the recommendations of the Tariff Commission which have just been sent to you.

Sincerely yours,

David R. Obey,
Member of Congress.

I do want to make it clear, Mr. Speaker, that when I recommended to the President that he accept the lower quotas recommended by Commissioners Sutton and Moore, I meant certainly no higher than those recommended by these two Commissioners. As I noted in my letter, their recommended quotas exceed annual imports for 1963–65, and anything higher would disrupt our domestic price support program. If the President were persuaded to recommend quotas lower than those recommended by these gentlemen, however, I would welcome his actions.

Frankly, recent history in this regard indicates that the President is more likely to recommend quotas higher rather than lower than those recommended by the Tariff Commission. The President did this last December, when he established quotas for several kinds of dairy products at levels far higher than those proposed by the Tariff Commission. I strongly objected to his action then. I would strongly object now if he established quotas for Swiss, Gruyere-process, and other cheeses if they were any higher than those which Commissioners Sutton and Moore recommended.

SLOVENIANS DEDICATE CHAPEL AT NATIONAL SHRINE OF THE IMMACULATE CONCEPTION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. ANNUNZIO. Mr. Speaker, on Sunday, August 15, at the Shrine of the Immaculate Conception here in Washington, D.C., two Slovenian bishops dedicated the new Chapel of Our Lady of Brezje and celebrated a solemn pontifical Mass with 35 American priests of Slovenian descent participating.

It was indeed a great day for more than 350,000 Americans of Slovenian descent and marked the culmination of a 4-year drive to raise funds for completion of the chapel in honor of the Slovenian National Madonna, the patroness of Slovenia.

More than 3,000 Slovenian-Americans, as well as Slovenians from Europe and Canada, convened in Washington in mid-August to participate in the ceremony and the festivities connected with the dedication of the Chapel of our Lady of Brezje.

Slovenia forms one of the six South-Slavic groups, known as People's Republics, which make up today's Yugoslavia. The impressive history of the Slovenians goes back more than 1,000 years, and their spiritual and intellectual accomplishments are notable. Although surrounded by other larger nations, the Slovenians have always courageously maintained their national identity and traditions.

As Congressman for the Seventh District of Illinois, where hundreds of Slovenians reside. I take great pride in congratulating the Slovenian-Americans on the dedication of their new chapel in our Nation's Capital. Hon. Vito Marzullo, alderman and committeeman of the 25th Ward, which is part of the seventh district where many Slovenians reside, joins me in extending his greetings to the Slovenian people on this memorable occasion.

A press release and pertinent information on the dedication ceremony follows:

CHICAGO SLOVENIANS OFF TO WASHINGTON THIS WEEK

Chicago Slovenians will head for Washington, D.C. Thursday to take part in the weekend festivities connected with the Dedication of the Slovenian Chapel at the National Shrine of Immaculate Conception. The Chapel Dedication will be attended by some 3,000 American Slovenians from around the country, Canada and Europe.

The event is the culmination of the work of the past four years as the fund drive was conducted among societies, parishes and individuals of Slovenian descent. A great amount was collected under the direction of the Slovenian Women's Union of America whose Home Office is at 1937 W. Cermak Rd. In Chicago, societies and individuals affiliated with St. Stephen's Slovenian Catholic Parish at 1852 W. 22nd Place have contributed heavily.

The group of Chicagoans will include members of the Slovenian Women's Union headed by National Officers, Elizabeth Zefran, Nat'l Treasurer, 1941 W. Cermak Rd., and Corinne Leskovar, Editor of the monthly publication, Zarja—The Dawn, 2032 W. Cermak Rd. Mrs. Zefran is in charge of the local excursion which also includes three days of sightseeing and other events in Washington. They will leave Chicago Thursday at 1 p.m. from Midway Airport and return Sunday evening. The Park Sheraton Hotel in Washington, D.C. will be the headquarters for the entire gathering that will include the most prominent American-Slovenians in fields of religion, government science, arts, education and entertainment. The climax will be the blessing Ceremony itself on the religious holyday of the Assumption of Our Lady, Aug. 15th at the National Shrine when the crowd will be led by hundreds of men and women in Slovenian national costume and carrying banners into the mammoth church. At that time, all voices will blend then in the singing of Slovenian marian hymns in honor of the Slovenian patroness, Our Lady of Brezje, known also as Marija Pomagaj. Devotion to a painting of this Madonna and Child, kept at the original shrine at Brezje in Slovenia, is a long-standing tradition among all Slovenians who have named many churches and chapels for her.

Among four focal points in the Slovenian Chapel at Washington will be a relief by American-Slovenian sculptor France Gorse, depicting the blessing of the Indians by Slovenian missionary bishop Frederic Baraga. Bishop Baraga labored to convert the Indians of the Upper Michigan region from 1832 until his death in 1868. He was named the first Bishop of Marquette and authored the first Indian language dictionary. In his writings are also found references to travel through Chicago then the main supply source for explorers and hunters.

Slovenian historian, Prof. Edi Gobec of Kent University in Ohio recently uncovered another interesting fact pertaining to the great Bishop known as the "Apostle of the Chippawas". In 1915, when the national organization Kiwanis was formed and they were searching for an appropriate name, a Detroit historian C. M. Burton suggested Keewanis, taken from Bishop Baraga's word in Indian for: to announce, to make known or to leave knowledge behind. The 270,000 members of Keewanis thus have a direct reference to the Slovenian Bishop whose work with the American Indians is now being cataloged in line with the Catholic Church's process to gain for him sainthood.

During the Dedication ceremonies, the group will welcome a large contingent of Slovenians from the homeland, Slovenia, headed by Bishops Drzecnik of Maribor and Jenko of Koper. Bishop Drzecnik visited Chicago two years ago and was named honorary Chicagoan by Mayor Daley. Sermons by the two Slovenian Bishops will highlight the dedication, given in the Slovenian language.

In the month of August, visitors to the Smithsonian Institution in Washington are viewing a special exhibition entitled: Slovenes in America: An Instance of Cultural Impact, showing the household objects, folk costumes, religious items and other examples of Slovenian life in America.

In a special message, President Richard M. Nixon has expressed the thought that "this Slovenian Chapel, dedication to our Lady of Brezje, the National Madonna of Slovenia is a monument to the twelve centuries of Slovenian Christinity and to the lasting impression which this proud legacy has made on your lives and on the American Experience."

SLOVENIAN CHAPEL IN THE NATIONAL SHRINE

On Sunday, August 15, at 1:00 p.m. the new Chapel of Our Lady of Brezje will be dedicated in the National Shrine of the Immaculate Conception in Washington. The dedication will be followed by a solemn pontifical mass in the main church of the Shrine. The mass will be said in Slovenian by two bishops from Slovenia, the northwestern republic in Yugoslavia, in concelebration with American priests of Slovenian descent.

The new chapel was built from donations by American Slovenes in honor of the Slovenian National Madonna, the Patroness of Slovenia. A magnificent church to her honor stands in a renowed pilgrimage site at Brezje, near Bled in Slovenia.

The Chapel of Our Lady of Brezje is located in the west (left) side of the Shrine's lower-church Memorial Hall. The basic floor plan of the chapel is patterned after an octagon stub-armed Latin cross, and reminds one of numerous baroque churches and chapels of Slovenia. Thus, the shape of the chapel not only compensates for the starkness of the small, closed-in space but also lends itself artistically to an attractive and harmonious arrangement of its main decorative features.

The focal point of the chapel is the painting of Madonna and Child, a faithful reproduction of Leopold Layer's baroque original in the national pilgrimage shrine of Brezje in Slovenia.

The four diagonal walls of the new chapel in beige marble contain relief panels portraying four prominent events in the more than twelve hundred years of the history of Slovenes as a Christian people. The reliefs are original works by the well-known Slovenian-American sculptor France Gorse.

The panel to the left of the altar represents the beginnings of the Christianity among the Slovenes and depicts the baptism of the Slovenian Prince Gorazd about 745 A.D.

The panel located to the left of the entrance in the rear of the chapel symbolizes the gifts of faith and enlightenment which Christianity has bestowed upon the Slovenes. It portrays Bishop Slomsek, a saintly shepherd, eloquent teacher and zealous enlightener, teaching the Slovenian young and old.

Immediately to the right of the altar, the panel depicting Bishop Frederic Irenaeus Baraga blessing the Indians, represents the great contribution that the Slovenes made to the American continent through Bishop Baraga and other Slovenian missionaries.

The fourth panel, located to the right of the entrance, is an allegorical portrayal of the gifts and talents that the Slovenian immigrants brought to America, their new homeland.

Inside the chapel above the entrance there is carved an English translation of a prayerful thought expressed by the Slovenian writer and poet Ivan Cankar: "The merciful eyes of our Mother of Brezje will look upon you and you will be consoled." This spontaneous expression of faith in Our Lady of Brezje by one of the greatest Slovenian secular writers of all times vividly illustrates how deeply rooted in Christianity is all Slovenian culture and civilization.

The painted ceiling is decorated with a Latin cross and an octagonal medallion, using traditional Slovenia colors and folk motifs. The main decorative light in bronze is centered in the medallion and a smaller light is placed over the entrance in the base of the ornamental cross in the ceiling, darker than the rest of the chapel yet lively, unifies the central altar painting and the lighter chapel walls with their historical panels and inscriptions into a harmonious whole.

TWELVE CENTURIES OF CHRISTIAN HISTORY

Twelve Hundred Years elapsed since the time when Hotimir, the Slovenian Prince of Carantania requested the Bishop of Salzburg, Vergilius, to send missionaries to his people to instruct them in the Christian faith. Hotimir himself had become a Christian several years earlier when he and his cousin Gorazd were baptized as Christians. The missionaries sent by Virgilius were led by Modestus, probably an Irishman like his superior, and the first Bishop of Slovenes. At Gospa Sveta in Carinthia he consecrated the first church in Slovenian lands, and chose it as his episcopal see, thus laying the foundation for a Christian Slovenia. The Church of Gospa Sveta, the Mother Church and cradle of Christianity in Slovenia, also became the final resting place of Bishop Modestus.

Thus the Slovenes became the first Slav people to accept the Christian faith.

Having received the Christian faith, the Slovenes also helped to spread it among other Slavs as a few assisted St. Methodius, a Greek from Salonica, in his 9th century missionary work among the Pannonian and Moravian Slavs. Thus the Slovenes were also the first of the Slav missionary nations, scarcely one hundred years after their own Christianization.

Another Slovenian first was the preservation of a democratic government amidst the feudal Middle Ages. Slovenian Princes of Carantania were enthroned by the people's consent and the solemn and meaningful right of installation near the Church of Gospa Sveta persisted well into the 15th century, even after the Dukes to be installed were no longer Slovenes.

When Protestantism spread across Europe, Slovenia remained one with Rome. But the Reformation left as its legacy the Slovenian printed book and the Bible in the Slovenian language (1584), and thereby set the beginnings of Slovenian literature.

Eastern Orthodoxy which had been adopted by many Slav peoples as their national religion did not sway the Slovenes from their faithfulness to Catholic Christianity. Even more, the Slovenian Bishop Anton Martin Slomsek started the Society of Sts. Cyril and Methodius to promote Christian unity and to work for the reunification with Eastern Christianity. In recognition for his work as a precursor of the new ecumenism, 500 Bishops gathered at the recent Ecumenical Council asked that he be beatified.

CONTRIBUTION TO AMERICA

While Bishop Slomsek looked eastward, our Western continent became the field of missionary work for Slomsek's contemporary, Frederic Baraga. As a man of Christian zeal and piety, he too, has been started on his way toward being proclaimed a Saint of the Church.

After 1856, larger groups of Slovenes began to emigrate to the United States. By 1873 large Slovenian settlements had grown in several Midwestern cities: Brockway, Minnesota; Calumet, Michigan; Cleveland, Ohio; Joliet, Illinois, as well as in California. However, the first great wave of Slovenes that came to the United States began in the last decade of the nineteenth century, when over 30,000 of them settled in America. The high rate of Slovenian migration continued until the new United States immigration laws in 1920's severely restricted the inflow of immigrants. The 1940 United States Census showed 273,000 persons claiming Slovenian parentage. After World War II, under the new legislation which greatly facilitated the immigration of Displaced Persons, a new wave of Slovenian immigrants landed on American shores. American Slovenes live today in almost every state and territory of the United States of America, with Ohio, Illinois, Wisconsin, Michigan, Minnesota, Pennsylvania and New York having the largest number.

The Slovenes' fundamental pattern of belife and behavior paralleled that of the architects of the American way of life. The Slovenes who migrated to America brought along aspirations compatible with the early American dream and have always supported the American concept of human rights. They came to America imbued with a dedication to freedom and the democratic way of life, with physical courage to effectively surmount difficulties, with moral courage to adhere to their moral values and principles and with a desire to improve themselves and to realize their aspirations. They possess strong inclinations toward those fields of human endeavor which encompass humanism, the arts, literature, and music. Portitude and tenacity, industry and integrity are their characteristics regardless of position or occupation.

While a great number of Slovenian Americans have achieved distinction in their fields of endeavor (e.g., Frank J. Lausche, former senior U.S. senator from Ohio and five-time governor of the state, and three current U.S. Congressmen (Hon. John Blatnik of Minnesota, Hon. Philip E. Ruppe of Michigan, and Hon. Joe Skubitz of Kansas) are of Slovenian descent) and in the process have contributed to the progress and variety of the United States of America, the great majority of Slovenian Americans have been people engaged in everyday work, patiently laboring for a better life in this country. And these are the ones, who have vastly contributed to the industrial greatness of America.

It is, therefore, quite fitting that both of these be honored in the Slovenian chapel in the National Shrine of the Immaculate Conception in Washington, D.C. They are so honored in the relief dedicated to the Slovenian people in the United States.

The dedication events which also include a representative dedication banquet and several cultural programs and exhibits have been prepared by a special committee in Washington chaired by Professor Cyril A. Zebot of Georgetown University who initiated the idea and work for the new chapel.

The Fund Campaign for the Slovenian Chapel officially began during the National Convention of Slovenian Women's Union held in Washington, D.C. in May, 1967, on the appeal of the late Nat'l Secretary of S.W.U., Mrs. Albina Novak and the subsequent National Committee was headed by Joseph Nemanich, Presidnt of American Slovenian Catholic Union headquartered in Joliet, Illinois and Mrs. Antonia Turek, President of Slovenian Women's Union, John Susnik, President of American Mutual Life Ass'n and Secretary of the Committee was Frank Turek of Ohio.

IS THE PUBLIC PROTECTED FROM AMBULANCE HUSTLERS?

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. MOLLOHAN. Mr. Speaker, as part of my effort to draw attention to the deplorably inadequate treatment generally provided by ambulance services across the Nation, I wish to submit five articles which appeared in the Chicago Tribune last year. The articles represent months of undercover investigation by Tribune reporter William Jones and a member of a civic betterment organization in the city.

The men discovered shocking abuses and atrocities committed by ambulance attendants against critically ill or injured persons.

As my colleagues read these articles, I urge them to ask themselves if such atrocities are being committed in their own States. After months of investigation and study in this area I feel I can answer that question. In all but a handful of States, there is no assurance that the atrocities committed in Chicago are not repeated every day.

Furthermore, countless numbers of persons are dying at the hands of unskilled attendants.

The reason why the Chicago abuses are probably being repeated is that there are no laws licensing and regulating ambulance service in most of the States.

The articles follow:

[From the Chicago Tribune, June 8, 1970]

SADISM RIDES AN AMBULANCE

(By William Jones)

(A Tribune reporter spent two months uncovering police payoffs, sadism, and other mistreatment of the ill and injured in Chicago's private ambulance business. This is his second report.)

The ambulance siren gave a final growl as we arrived in front of the blighted south side building.

I leaped from the vehicle, my heart pounding. It was my first day on the job as an ambulance attendant and my first emergency call.

I had a good reason to be nervous. Reporting for work less than an hour before, I was immedimately assigned to an ambulance. Now, with no training in the handling of a stretcher or the use of oxygen, I was to be confronted with a reported heart attack victim who could be fighting for her life. The city code requires only first aid training to be licensed as an attendant.

FIRST OF HORROR STORIES

It was the first in what would quickly become a long list of horror stories involving the misery merchants who operate some of Chicago's private ambulance companies. The two-month investigation, conducted in cooperation with the Better Government association, revealed wide-spread mismanagement, welfare fraud, sadism, and payoffs to police in the multimillion-dollar-a-year private ambulance business.

Before this 24-hour shift was over, I would witness some of this mistreatment of the ill and injured. I would also be threatened with a beating when one of my employers suspected I was a private investigator.

On this day, I was working for Mid-America Ambulance company, 5651 W. Madison st., a company that billed the state for more than $130,000 in welfare ambulance fees during the first four months of 1970. The company also operates a subsidiary, A-Alamo Ambulance company, from the same address.

I WAS WARNED, BUT . . .

My partner was David Kuhn, a former cab driver. Earlier after Kuhn learned it was my first ambulance job, he had warned me I would learn things "you never dreamed happened in the ambulance business."

Now, as we prepared to enter the apartment to answer the heart attack call, I learned what he meant.

"We won't need the stretcher," Kuhn said. "I always try to walk these welfare cases out to the ambulance. Some of them are so heavy and you have to watch your back on this job."

The middle-aged black woman was in a rear bedroom of the second floor apartment, moaning and complaining of severe chest pains. Two Chicago firemen were already on the scene. Kuhn immediately took charge.

PATIENT FORCED TO CRAWL

"Do you think you can walk down to the ambulance?" Kuhn inquired. "We'll get you to the hospital a lot quicker that way."

The woman responded with a moan.

"She's faking. I know she's faking," said Kuhn, whose credentials consist of seven months as an ambulance driver and attendant. "But it doesn't look like we can talk her into walking. Go down and get the stretcher out of the ambulance."

I told him I didn't know how to remove the stretcher. "Then go down and open the door and wait for me," Kuhn said. He returned to the bedroom to speak with the firemen. A short time later, with the assistance of the firemen, we carried the victim to the vehicle. Kuhn had won a bizarre victory of sorts, however. He persuaded the woman to crawl from her bed to the stretcher in the hallway.

NO PREPARATION

Before we departed for the hospital, Kuhn inquired if I knew how to operate the oxygen tanks. I told him I had received no training in the operation of anything in the ambulance. He opened the oxygen valve briefly and told me to hold the mask over the woman's face.

Kuhn later explained that he had turned the oxygen on for a few seconds and then closed the valve in order to make the woman think she was getting oxygen. This practice permits the company to charge an additional fee of $10. As he filled out the admitting form at County hospital, Kuhn joked about the oxygen and asked if the patient had indicated it had helped her breathing.

Several days later, after I had quit Mid-America and sought employment with another ambulance company, William Recktenwald, an undercover B. G. A. investigator, rode in the same seat and observed the same horrifying treatment of the ill and injured.

WALKED OFF JOB

Recktenwald became so sickened by what he saw during a 31-hour shift with the firm that he walked off the job. Some of the faces of the victims are still vivid in his memory.

"I remember one call where a very old woman was bedridden with blood clots on her legs," Recktenwald said. "The driver made sure we collected the $44 for the trip; then he said, 'She can walk to the ambulance.' I knew she couldn't make it; so I carried her out to the vehicle in my arms. We never took the stretcher out of the ambulance."

A short time later, Recktenwald recalled, they answered a call regarding a victim with a possible fractured foot in a third floor apartment in Indiana avenue.

VICTIM WALKS DOWN

"The driver told me to wait in the ambulance while he went upstairs," Recktenwald reported. "He came down about 15 minutes later and told me, 'I got the s.o.b. . . . to walk down the three flights of stairs; so we just have to take him from here.' The victim, a man in his forties, was being helped by a sister and a neighbor.

"Next we transported a blind woman in her seventies, who was having a problem with her left foot, from County hospital to her south side home. While tucking in a blanket around her feet, it became evident that [the ambulance driver] was causing some pain to the patient.

"I told him to be careful, that was her bad foot. He replied: 'These damn welfare cases are lying most of the time anyway.' Then he gave the foot another twist."

RIDICULES MOTHER

Responding to another call, for a young woman who needed emergency transportation after an apparent miscarriage, Recktenwald watched the driver hurl insults at the patient's mother for "not having the patient ready."

"The daughter was screaming in the bedroom," Recktenwald recalled. "After insulting the mother, the driver walked into the bedroom and announced: 'She looks all right. She can walk down the stairs.'

"The apartment was on the third floor and I helped her walk down. It was raining outside and the driver ordered her to crawl in a side door of the ambulance. After this call, I didn't know how much more I could take."

CRAWLS ON FLOOR

As I left County hospital with Kuhn that first day on the job, I also wondered how long my nerves would last. Before the day was over, I watched a cancer victim, so weak he couldn't move from his bed, crawl around the bedroom floor on his hands and knees searching for his welfare card while Kuhn ogled a photo of a female relative of the patient.

I also incurred Kuhn's wrath after we arrived in front of a south side tenement in response to an apparent heart attack call. Kuhn sent me inside the building to "take a look" at the victim. The middle-aged woman was slumped across a bed and was having obvious difficulty breathing.

A DRESSING DOWN

I dashed outside and told Kuhn she appeared to be in bad shape.

"I know all that," he barked. "But I sent you in there to see if she would walk out here." He reluctantly removed the stretcher from the ambulance. Once inside the building, Kuhn convinced the woman we would save time if she walked from her apartment to the stretcher in the hallway.

During the day we also were assigned to stand-by for calls at a north side substation of Mid-America. The location, only slightly filthier than the firm's main office, is in a small garage once used as an auto transmission repair shop. I dozed on a discarded auto seat while Kuhn read comic books.

During such breaks, Kuhn also decided I needed about 5 minutes' training in the use of the stretcher and oxygen equipment. While showing me how to operate the oxygen, he exploded a regulator bag.

CAN'T USE SPLINT

I was also shown an inflatable splint, but Kuhn noted he could tell me nothing about it "because I don't know what it is myself."

Late that night, as I waited in the Madison office of the company to begin working the overnight shift with another driver, I was confronted by an owner and the general manager in a small rear office of the building.

The owner demanded to see my "hard card," the laminated ambulance attendant's license issued by the city Public Vehicle commission.

DISCUSSES 'CRACKDOWN'

Moments before he asked me for the license, he had been discussing the "crackdown" by the commission following a 1-million-dollar damage suit filed against Mid-America. The suit charges that while en route to a hospital with a heart attack victim, the ambulance crew was ordered by the dispatcher to make another stop to pick up a pregnant woman.

The suit was filed by the widow of the heart attack victim, who was dead on arrival at the hospital.

"Well, well," said the owner as he looked at my license. "Mr. William Jones—private investigator." The private investigator statement was an apparent attempt to catch me off guard.

'I'M JAMES BOND'

I laughed off the statement and said I was really James Bond.

"I had you pegged for a reliable, long-term man when I hired you," the owner said. "But if you're a private investigator you're going to wind up with a rap in the head. You understand what I'm saying?"

I laughed off the threat and then was ordered to produce my driver's license. They compared it with the ambulance permit and seemed satisfied.

'NO BREAD, NO BED'

Recktenwald and I also received instructions on ambulance fees while we worked for the firm. If the patient is a welfare recipient, we were told, the company was assured of payment from the state. On a cash call, however, the policy was "no bread, no bed."

When I asked what we were to do if a family had no cash, I was told: "Turn around and leave."

Another driver put it this way:

"They [the victim] can go in a blue star ambulance. That's the police. If they're bad enough the police will take them. And if they don't move them while they are sick, they do remove stiffs."

[From the Chicago Tribune, June 9, 1970]

HEART VICTIM IS LEFT IN FLAT; HAD ONLY $2

(By William Jones)

(A Tribune reporter spent two months uncovering police payoffs, sadism, and other mistreatment of the ill and injured in Chicago's private ambulance business. This is his third report.)

The two-man private ambulance crew stood over the gasping middle-age man in his north side apartment, arguing with a friend of the victim.

"That's all he's got is two bucks?" asked one of the attendants. "He's gotta have at least $38 or we can't take him. Ain't he on welfare or medicare or something? We ain't got a chance of collecting on something like this."

The friend shook his head and pointed to the $2 on the kitchen table.

"That two bucks is all I could find," said the friend. "But he's got a job so he'd be good for the money."

Both attendants shook their heads and shrugged. One of them called his office, Mid-America Ambulance company, 5651 Madison st., and said the crew had been ordered to leave the premises without the victim. Then they dragged the victim of an apparent heart attack to a kitchen chair where he slumped over the table.

LEAVE WITHOUT VICTIM

Before leaving the apartment, one of the attendants committed the final indignity. He pocketed the victim's last $2.

The misery merchants were at work. They are the hustlers among the city's private ambulance companies and they have decided there is a price tag on your life.

A two-month investigation by The Tribune and Better Government association revealed widespread mistreatment and sadistic acts toward the ill and injured.

Working within the business, this reporter and William Recktenwald, a B. G. A. undercover investigator, were sickened at what we saw.

As this ambulance crew was ordered to walk out on a man who may have been fighting for his life, the company was confident that its actions would never be known to the public or the city vehicle commission which permits them to operate.

VICTIM WAS INVESTIGATOR

But this apparent victim was different from the thousands of others who are at the mercy of the misery merchants in Chicago each year. This victim was George Bliss, chief investigator for the B. G. A., and his friend was Roland Restle, another B. G. A. undercover agent.

In another room off the kitchen, behind a glass paneled door covered with a venetian blind, William Yates, a TRIBUNE photographer, and this reporter observed and photographed the bizarre event.

The first words uttered by one of the attendants to his companion were, "All he's got is two bucks."

After the ambulance crew received its instructions to desert the victim, they asked Restle if he had any way to get Bliss to a hospital by himself.

"Well, my sister has a car, but I don't know how long it will take to get it," said Restle, who had called the ambulance 10 minutes earlier.

MEANT A CASH CALL

"We got a 1010 call on this and that means it's a cash call," said an attendant. "We could call him some kind of wagon or hold him here in the chair until you get a car."

This grotesque incident is what is known among Mid-America crews as "no bread, no bed." It means, as one driver explained to me when I worked for the company, that if the victims don't have the money or a welfare card, the crew is supposed to leave immediately.

This policy is not unique to Mid-America. At Alert Ambulance company, 3109 N. Cicero av., which also operates Berz and Aero ambulance companies, the code for a cash call is GTM. Recktenwald, my partner in the undercover investigation, explains the code in this report:

"We received a code 3 [lights and siren] call. We found a white male about 75 years old named Joseph, who was blind, doubled up in a chair and screaming about the pains in his left side. We immediately transferred him to Mother Cabrini hospital.

TELLS ABOUT PAYOFF

"When we arrived at the hospital, we received payment for the call from the man's daughter-in-law. As we left the hospital [the driver] remarked to me: "Can you imagine that s.o.b. [his employer] wanted me to GTM.' I inquired as what GTM stood for and he replied: 'Get the money before you put the patient in the ambulance. Can you imagine me asking for the money with the old man screaming the way he was.'"

Recktenwald said such attendants run the risk of having the ambulance fee deducted from their salaries if the victim fails to pay.

Recktenwald also reported this incident of fee gouging while working for Mid-America.

Responding to a call involving an old man in a west side public housing project for the elderly, the ambulance driver first ordered the victim to get up and move himself onto the stretcher. After watching a Chicago policeman accepting a payoff for referring the call to Mid-America, the man was taken to a hospital.

TAKES LAST $2

"Upon arrival, an old lady, in her eighties, who had come along with us to pay the bill, was asked for the money," said Recktenwald. "She was told the cost was $35. She was quite elderly and her hands shook as she paid the money to us. She was confused and only gave us $31, but thought it was $36.

"The driver counted the money and said

'I need 5 more dollars.' The lady became very nervous and opened her purse again. You could see she only had $2 left. The driver said he could reduce the fee to $33 because of the short distance and the woman responded: 'If I give you these two dollars I won't have any money at all, not even car fare to get back home.'

"The driver grabbed the $2 and told the woman: 'Your house is only about a mile and a half away. You could almost walk it. I'm sure they'll help you out here at the hospital.' "

DRAGS CANCER PATIENT

At Scully-Walton Ambulance company, 15 N. Laramie av., an ambulance crew refused to take a cancer patient to the hospital until they were assured that a relative was waiting there with the cash. The patient, whose body was so wracked with the disease that he pleaded to be handled gently, was asked if he could walk from his bed to the stretcher.

"I'm sorry, I don't think I can," he said.

"Well then we're just going to have to move you," said the ambulance driver, who claims to be the south side manager for Scully-Walton. He grabbed the patient under the arms and dragged him to the stretcher where the man was dropped. As the victim's face contorted in pain, the driver said to Recktenwald:

"Next time the guy will walk to the stretcher. We didn't use a sheet on this patient either. I wasn't sure if that nigger was going to pay."

[From the Chicago Tribune, June 10, 1970]

Ten Dollars Is Common Fee: Police Sell Ambulance Cases

(By William Jones)

(A Tribune reporter spent two months uncovering police payoffs, sadism, and other mistreatment of the ill and injured in Chicago's private ambulance industry. This fourth report focuses on police payoffs.)

Sometime on the afternoon of May 11, on Chicago's south side, a black man named William James suffered a fractured hip.

The cause of the accident is not known and even James may not remember where it happened because he is subject to epileptic seizures.

But the story of what happened to this 40-year-old Chicagoan is the story of the hustlers among the city's private ambulance industry who buy and sell human beings. It also is the story of their partners in this grisly business—a group of Chicago policemen who are willing to sell people like James for $10.

BIZARRE PARTNERSHIP

The bizarre partnership, which flourishes in all sections of the city, was uncovered during a two-month investigation of the private ambulance industry by The Tribune and the Better Government Association.

The probe uncovered wide-spread mistreatment of the ill and injured, welfare fraud and a police payoff system so sophisticated that ambulance attendants at some companies receive "drop" (payoff) money before they begin work.

My partner in the undercover probe was William Recktenwald, a B. G. A. investigator who also worked as a licensed ambulance attendant.

The disclosures already have sparked an investigation by the internal inspections division of the police department and all reports were turned over yesterday to Lt. John Harris and Sgt. Morton Lowy of the division.

A DOCUMENTED CASE

William James' case is not unusual. What is unusual is that his horrifying experience has been documented from beginning to end. For James, the end is a bed in Cook county hospital where last week he couldn't remember his name.

After James suffered the fractured hip May 11, he was picked up by police squadrol 273. Instead of transporting the victim to County Hospital, a phone call was made to Mid-America Ambulance company, 5651 W. Madison st., a company that has billed the state for more than $130,000 in welfare ambulance fees during the first four months of this year.

Recktenwald was the attendant on the ambulance that responded to the call. Here is his report:

"We drove with lights and siren to the location (39th street and Indiana avenue), arriving at approximately 3 p.m. There was a Chicago police squadrol, No. 273, parked on Indiana avenue in front of the Brown Funeral home. We pulled up next to the unit and the officers got out and opened the back of their squadrol.

"There was a male Negro in the back of the squadrol. He was complaining of a broken hip. We wheeled our stretcher behind the squadrol and the patient was told to get down on the stretcher.

"The driver then walked to the sidewalk side of the squadrol and handed money to one of the officers. The officer placed his hand in his pocket immediately, smiled, and got in his squadrol.

WAITED TWO HOURS

"On the way to the hospital the patient said he had been in the rear of the squadrol for almost two hours waiting for the ambulance. He also related that he was an epileptic."

Upon arriving at County hospital, Recktenwald noted, the Mid-America driver instructed his attendant how to falsify admission forms when the victim is received from the rear of a police squadrol.

The drive then informed Recktenwald that the report would be falsified to indicate that the victim was picked up in a neighbor's house [he spelled it "nabor"] and was never in police custody. Since James is a welfare recipient, the ambulance fee of approximately $40 will be paid by the state.

James was not an isolated case this day, Recktenwald recalls. At one point, the driver ran out of $10 bills for welfare case bribes and borrowed the money from Recktenwald. The driver later replenished his supply when the main office sent out more money with another driver.

JUBILANT OVER PAYOFF

At Scully-Walton Ambulance company, 15 N. Laramie av., the south side manager of the firm was jubilant over the opportunity to pay $10 to a policeman named Jordan driving squad car No. 716 in the 5900 block of Emerald avenue.

"This is a milestone for us," the manager noted. "The 7th [police] district has been completely tied up with Mid-America. Maybe we can start to get some of their business."

Another welfare patient payoff, also transacted at the rear of a squadrol, involved an apparent mental patient known only as "Jimmy." The Mid-America Ambulance driver was observed handing a $10 bill to a policeman named Murphy at the corner of 63d street and Vernon avenue.

The patient, who babbled about two large dogs chasing the ambulance, was taken to the mental section of County hospital. As Recktenwald waited for the driver to return to the ambulance, he saw "Jimmy" leave the hospital and crawl under the ambulance. The patient was ordered out from under the ambulance, and then crawled under a car.

When the driver returned to the ambulance he said the hospital had indicated "Jimmy" was "all right," and should not be admitted.

HANDS OVER NOTEBOOK

Still another payoff occurred at a nursing home operated in the basement at 6951 Ellis av. In this case, the ambulance driver passed a notebook with an aluminum cover to a policeman in squadrol No. 722 after the driver was observed inserting a $10 in the notebook.

A payoff to police also was witnessed when an elderly hernia victim was picked up in a north side home for the elderly. Recktenwald reported:

"After having the patient get up and move himself onto the stretcher, we wheeled him into the hall. I turned around and saw Dave [the ambulance driver] pass something to Officer Browner, Star No. 3405. I could see it was a folded-up piece of United States currency. I was about 8 to 9 feet away. The officer said, 'Thanks' "

A Scully-Walton driver was ridiculed by his fellow workers for his enthusiasm in making payoffs to obtain welfare clients.

MAKES A "DOUBLE DROP"

After giving a fire department ambulance crew $10, he also paid an emergency room nurse $5 in what his companions termed a "double drop."

During a shift change at Scully-Walton, the crews were mustered in a room and told the payoff system was being expanded.

"Now listen up you guys," said a company executive, "if any of you get a call from [a north side hotel], it's a $10 drop to the room clerk."

The executive also told the attendants they would be receiving all industrial accident calls from a north side factory, but that there were to be no on-the-spot payoffs because "I take care of that myself."

This same company executive regaled his employes the next day with this story about a competitor:

"A couple of guys [from another ambulance company] just brought a fellow into the hospital and just as they're about to collect, the doctor comes out and says he's dead and the wife went into hysterics and won't pay them now."

[From the Chicago Tribune, June 11, 1970]

Ex-State Official Inflates Costs for Ambulances' Welfare Clients

(By William Jones)

(A Tribune reporter spent two months uncovering police payoffs, sadism, and other mistreatment of the ill and injured in Chicago's private ambulance industry. The fifth report deals with inflated welfare fees.)

Two years ago the director of all welfare payments for the state of Illinois decided "welfare business is good business."

He was so convinced that there was a profit to be reaped from the state's multi-million dollar public aid budget that he quit his post in Springfield, formed a company named Welfare Billing Service, and began advertising among Chicago area ambulance operators, doctors and medical clinics.

"YOU AND I KNOW"

"You and I know welfare business is good business," the circulars proclaimed. "Increase your income from welfare and medicare. Be represented [in the Chicago public aid office] by someone who knows ALL the ins and outs of welfare."

His name is Frank Andrew and his Springfield company, now called Illinois Medical Payment Systems, is inflating ambulance welfare bills as much as 40 per cent.

Andrew then charges his clients a 15 per cent fee for this "collection" service. Last year, two of his approximately 25 clients collected more than $150,000 in welfare ambulance fees from the state.

The firm's scheme to charge phony fees and inflate other costs was uncovered during a two-month investigation of the private ambulance industry by The Tribune and the Better Government association. Leonard Roth, who operates Acorn Ambulance company in Chicago, cooperated in the probe by enrolling as one of the company's clients.

Within weeks after Illinois Medical Payments Systems accepted the Acorn account, the state was being billed for extra charges never listed by Roth.

ASKS IBI PROBE

The state department of public aid responded to the disclosures yesterday by signing a complaint against Andrew and his firm with Atty. Gen. William Scott's consumer fraud and complaint division.

Gershom Hurwitz, deputy director of the department of public aid, said he also has asked the Illinois Bureau of Investigation to enter the case since it involves a former state employee receiving funds from a state department.

David Thomas, Illinois auditor general, has ordered Andrew to produce all of his books and records.

Andrew explained during an interview in Springfield that he does increase the bills submitted by ambulance operators "because I know public aid will pay for it."

"I'm like a counselor. I spent five years working for the state. I have a duty to my clients to get as much as I can. I tell them to leave their bills blank and I fill in the amounts. Believe me, a lot of these guys [ambulance operators] don't know what the hell they're doing."

CALLS ROTH IN CHICAGO

Andrew, who was not aware that Acorn Ambulance was cooperating in the probe, insisted on phoning Roth in Chicago while this reporter listened on an extension. Roth did not disclose during this conversation that he was cooperating in the fee gouging investigation.

Andrew: "Say, old boy, aren't you aware that your basic rate of these calls is $36?"

Roth: "No. I charge $35."

Andrew: "How about oxygen?"

Roth: "I charged $6 until a few months ago when I went up to $8. But I sent you some of the bills charging $6."

"I BILL AT $10"

Andrew: "I bill that at $10, you know. We automatically put that down. It could easily be that you put down an erroneous figure."

Roth: "No. I never charged $10 for oxygen and you never told me you would charge $10."

Andrew: "Now Leonard, you know about the night service charge, don't you? I've added an extra $2 on your night calls."

Roth: "I charge a flat $35 rate 24 hours a day."

Andrew: "Well then, maybe you don't want me to make an extra charge for night service. I've been billing at the same rate I bill for Mid-America."

"NOTHING WRONG HERE"

At the conclusion of the phone conversation, Andrew returned to his office and said: "When you're talking about a dollar, you're not talking about much money, my friend. I just took it upon myself to raise it. It looks bad I agree, but there's nothing wrong here.

"It may seem like I increase the costs of welfare, but this is just not true. You see, since I know how to fill out the forms correctly, it actually saves the state money because the computers doesn't reject them and create a lot of extra bookkeeping."

Andrew also managed to collect $41 from the state for a welfare ambulance trip that Roth never made.

One of Andrew's top clients is Mid-America Ambulance company, 5651 W. Madison st., a firm exposed this week for its sadistic treatment of welfare patients. A random survey of 200 Mid-America bills in Springfield showed that a $2 night service charge was paid for 181 of the trips.

CHECK HOSPITAL RECORDS

Some of the 200 bills surveyed later were compared with admitting forms at Cook county hospital and show the night service fee is charged for patients arriving at such times as 10:25 a.m., 11:37 a.m., 2:07 p.m., and 2:52 p.m.

The times are recorded at the hospital by inserting the admitting form in a time clock when the patient is wheeled into the emergency room.

Public aid officials indicated yesterday that they will order Andrew to produce a list of his clients and former clients and that all of their bills will be "thoroughly checked" by the state auditor's office.

[From the Chicago Tribune, June 12, 1971]

Ambulances' Crews Pilfer Hospital Goods for Their Supplies

(By William Jones)

(A Tribune reporter spent two months uncovering police payoffs and the sadistic treatment of patients in Chicago's private ambulance industry. The sixth and final report exposes hospital thefts, vehicle code violations, and cost-cutting schemes that jeopardize the well being of the ill and injured.)

The 79-year-old man had just been pronounced dead in the hospital emergency room, but that was not what was worrying the ambulance driver.

A disposable oxygen mask that sells for 60 cents had been used by the Mid-America Ambulance company crew in an unsuccessful effort to revive the victim and now the mask was missing.

"What happened to that mask?" the driver asked a nurse.

"THREW THAT AWAY"

"We threw that away," the nurse replied, pointing to an emergency room waste pail.

"We take and sterilize them sometimes and use them again," the driver told the nurse as he began rummaging thru the waste container. He located the mask and the crew returned to their ambulance. Then, without even wiping the dead man's perspiration from the vinyl mask, the driver connected it to an oxygen tank to be used by the next patient.

Callous disregard for even the most basic sanitary practices is not unusual among the misery merchants in the city's private ambulance industry. They are hustling 24 hours a day and the public is the victim.

WORKED WITH THEM

The details of their operations were uncovered during a two-month undercover probe by The Tribune and the Better Government association. My partner was William Recktenwald, a B. G. A. investigator. We worked as ambulance attendants with the misery merchants and saw how they worried more about recovering disposable oxygen masks and stealing hospital linen than dispensing proper care to the ill and injured.

While working for Mid-America, I asked a driver how often we would be changing the sheets.

"Well, it all depends," I was told. "We're supposed to change them for every patient, but I don't. Of course, if you get one that vomits or bleeds you don't have much choice."

USED EIGHT TIMES

Recktenwald recalls that while working for Alert Ambulance company, which also operates Aero and Berz Ambulance companies, the same sheets were used for eight consecutive patients. After delivering a patient to a hospital as an Alert attendant, Recktenwald reported this incident:

"After we dropped the patient off we were driving away from the area and I said to the driver, 'Son of a gun, I think I picked up an extra pillow case at the hospital by accident.' He answered, 'Great, I grabbed some towels. That's the way we get most of our stuff.' "

Then the driver reached under the seat and proudly displayed a stethoscope.

"How do you think I got this," he said.

HAVE HOSPITALS' BRANDS

Pillow cases in the ambulances frequently carry the stenciled name of a Chicago area hospital. A former driver for a north side ambulance company told me that at one time the owners ran a weekly contest among their ambulance crews to see who could steal the most from hospital emergency rooms. The weekly prize for the best thief was $25.

The same day they were taking hospital linen, Recktenwald recalled, the company displayed its attitude about city regulations governing emergency vehicles. The use of the red lights and siren on an ambulance are banned by city ordinance unless the case is an emergency.

On this particular trip, however, the ambulance, its lights flashing and siren wailing, was delivering a stretcher to another crew that had forgotten their stretcher.

"WE'LL BE IN TROUBLE"

As the ambulance roared thru the city, the driver told Recktenwald:

"Boy, you know, if we ever get caught using the lights and siren to deliver a stretcher we'll be in trouble."

While I worked for Mid-America, Toby Tindle, the general manager and vice president of the company, ordered me to drive an ambulance to a south side new car dealer where Tindle was taking his personal car for repairs. When I told him I couldn't drive an ambulance with only a city attendant's license, Tindle told me:

"Don't worry about it. The vehicle commissioner's office doesn't come this far south."

FORGET THEIR SPLINTS

A Scully-Walton Ambulance crew arrived at a home on South Woodlawn avenue to transport a victim with an apparent broken ankle, only to find there were no splints in the vehicle. In order to give the victim first aid, they had to ask the family for some old magazines which the ambulance crew folded to serve as a makeshift splint.

Both Mid-America and Scully Walton were banned from transporting public aid recipients Wednesday by David L. Daniel, county director of public aid. Daniel said the order will remain in effect until his office completes an investigation of the sadistic treatment of patients disclosed by The Tribune.

Mid-America and its president, Victor Ferrara, also were charged with having unsanitary premises and emergency equipment yesterday by the board of health.

OPERATED FOOD SERVICE

In 1963, Ferrara and his brother, Leonard, operated Mid-America Food Service, Inc., in River Forest, a company that promised reduced food prices with the purchase of a home freezer. The Chicago Better Business bureau reported at the time that it had received more than 50 complaints against the company during its single year of existence.

A salesman for the firm was found guilty of deceptive practices and fined $500 the same year after a Homewood family alleged they had signed a contract calling for total payments of $392. They later were told by the company that they owed $1,218.

A FINAL NOTE

A final note on the condition of Mid-America's equipment was made while a teenage victim of a street gang shooting was being transported from a hospital to his home.

"While transporting the patient, we hit a bad bump about a block away from County hospital," Recktenwald reported. "The shocks and springs in the rear of the ambulance are very bad. We had hit this same bump several times earlier in the day.

"On this particular occasion, the jolt caused the patient to flinch and the bandages immediately became reddened with blood from the wound which reopened."

COMMISSIONER MARLAND URGES INCREASED CAREER EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, Dr. Sidney P. Marland, Jr., Commissioner of Education, discussed the pressing need for the redirection of the Nation's educational objectives in an interview that appeared in the August 8, 1971 New York Times. Dr. Marland's remarks stress the importance of the development of a comprehensive system of "career education" to replace the traditional vocational and general education curriculums that all too often leave the high school graduate unprepared to compete in the labor market. He also points out the fact that the college degree has been oversold to point that it has become a "national fetish." The Commissioner makes a strong case that career education could bring about the necessary change so that "a first-rate artisan who works with his hands is held in as high esteem as the graduate of a liberal arts college."

Dr. Marland's observations on the revitalization of our Nation's education process were indeed penetrating and deserve to be brought to the attention of the Members of Congress.

The observations follows:

EDUCATION CHIEF URGES MORE CAREER TRAINING

(By Gene I. Maeroff)

Vocational education, far more broadly based than at present, figures prominently in the blueprint that the United States Commissioner of Education is drawing up for the future of American education.

At the same time, he is putting less emphasis than his predecessors did on the importance of a four-year college education, which the nation has considered the most valuable kind of schooling and the principal route to success.

Dr. Sidney P. Marland Jr., the commissioner, discussed his educational philosophy in an interview in Washington last week.

While he does not have the authority to impose his views on local school districts, Dr. Marland can influence local decisions through the power of persuasion and the manner in which the Office of Education allocates approximately $5-billion it has available for primary and secondary schools and for colleges.

"We have hypnotized ourselves," the commissioner said. 'We are so preoccupied with higher education that it has become a national fetish. High schools measure their success by the number of their students who go on to college. People view vocational education as a great thing for the neighbor's children."

Dr. Marland, who is completing his eighth month in office, stressed the following points:

The notion that someone who goes to college is better than someone who does not go must be changed so that "a first-rate artisan who works with his hands is held in as high esteem as the graduate of a liberal arts college."

Opportunities for vocational or "career" education, as he calls the more broadly based kind that he envisions, must be increased, especially at the secondary and community college levels, 'because the nation no longer has a place for a person who is not going on to college and doesn't possess a salable skill."

Minority children must be given "the chance to flourish through education" and educators must "solve the mystery of how to bring effective learning to the poor."

The Office of Education "at this point in history" should not make a major commitment to busing as a means of desegregating school because it "would be an imposition contrary to the intent of the Administration."

Dr. Marland, a former superintendent of schools in Darien, Conn., Winnetka, Ill., and Pittsburgh, will be 57 years old on Aug. 19.

50 PERCENT SET AS GOAL

When asked how he would like his term as commissioner to be remembered, he responded:

"If in the time I am here I can bring about a change in the public attitude so that at least 50 per cent of young people choose career education and if that abomination we call general education were forever dissolved and if every child upon completing high school were ready for a job or for higher education, then I will have felt that I made a difference."

Youngsters who are in neither college preparatory nor vocational education programs often are put in general education courses. The course titles and the content are similar to the college-bound curriculums, but less is expected of the students. The youngsters complete general education with a weak version of the precollege program and a lack of practical knowledge that would help them get jobs.

"General education must be closed out," Dr. Marland said with anger in his voice. "It is a put-on, a watered-down program with nothing at the end of the line—neither college nor a job."

Career education, which Dr. Marland considers the only acceptable alternative to a precollege program, would replace the traditional vocational education. It "would be undergirded with liberal arts courses" related to the student's job interests, he explained.

"For instance, why not offer a high school physics course that would be tailored to the student's interest in electronics?" he asked. "The same could be done in mathematics, history, English and other courses."

START IN FIRST GRADE

In Dr. Marland's plan of education, the career orientation could begin as early as first grade "but would always remain flexible enough that the student who changes interests could spin out of one area and into another."

Currently, according to the commissioner, 12 per cent of the country's high school students are in vocational education programs, 35 to 40 per cent are in precollege programs and 30 to 50 per cent are in general education.

More of this time as commissioner has been given to matters pertaining to career education than to any other area, said Dr. Marland. He has earmarked $50-million in discretionary funds for research and development projects in career education.

An area in which Dr. Marland indicated less willingness to spend Federal funds is busing for the purpose of school desegregation.

"Busing should be paid for out of local and state monies," he said.

The commissioner's position coincided with that of President Nixon, who reasserted in a statement Tuesday his opposition to busing "to achieve racial balance," despite an April 20 ruling by the Supreme Court that upheld busing as a means to "dismantle the dual school systems of the South."

"I do expect," said Dr. Marland, who as superintendent in Pittsburgh was an advocate of busing, "that there are other ways that Federal funds can be used creatively to bring about integration."

Dr. Marland's aspirations have not gone unrecognized. For instance, when Representative Roman C. Pucinski, the Chicago Democrat who is chairman of the House's general education subcommittee, gave a copy of his recently published book, "The Courage to Change," to the commissioner, Mr. Pucinski inscribed the flyleaf:

"To Sid Marland—The architect of the new education."

U.S. TECHNOLOGY IS THREATENED—CURBING R. & D. PROGRESS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PETTIS. Mr. Speaker, at a time when the research and development concept is being deprecated, and when the American commitment to R. & D. is being reduced, it is heartening to find a man of stature point out the peril to which this trend could lead.

The following articles from the New York Times describes how our nationally unfavorable attitude toward science and technology is resulting in a diminished emphasis on and support for the process of research and development. If R. & D. should cease to be a feasible tool for government and the private sector, many of our national goals will not be realized. If Americans are going to be able to continue the standard of living to which they have been accustomed and if our multitude of social ills such as pollution, population, and urban problems, are to be resolved, R. & D. must be fostered. The article follows:

[From the New York Times, Aug. 22, 1971]

U.S. TECHNOLOGY IS THREATENED—CURBING R. & D. CRIPPLES PROGRESS

(By Charles A. Anderson)

The United States must soon face the fact that it is living on its research and development capital and the account is beginning to run low. If we fail to acknowledge this, our technological affluence will be lost.

The assault on America's leadership in science and technology is both external and internal. Externally, Western Europe, Japan and the Soviet Union are making rapid strides in areas that have traditionally been controlled by the United States. In radio astronomy, high energy physics and conventional energy research we have already been surpassed. Internally, a new national distaste for science and technology is undermining the national research and development effort.

The external challenge is beyond our control. But we must correct negative attitudes toward science and technology at home.

To be sure, technology assessment is necessary if individual freedom and the quality of life are to be maintained. Our concern, however, should be with the end-product of technology and its use, not with the research and development process itself. To attack the value of this process is to discard our best tool in achieving whatever goals we might formulate for the nation.

Our technological society is the product of past research and development efforts. We have inherited both the benefits and problems of technology, and one's point of view determines which of those two elements is dominant. One thing does seem clear, however. The solution to our present environmental, population, urban housing and other problems lies primarily with more technology not less. A romantic retreat to cottage industries in a pastoral setting is both undesirable and impossible with a population of over 200 million people.

Our supply of natural resources is shrinking while our demands for such materials are growing. Only research and development can produce the advances in recycling, transportation systems, oceanographic research and nuclear fusion for clean electricity that must be made in the remaining years of this century.

At the same time, we are moving steadily toward a service-dominated economy. By 1980, nine of every 10 new jobs will be in the service area. Service functions have traditionally been resistant to productivity increases. We are still early in the learning process of applying technology to the service industries in order to yield productivity growth. We must succeed in this task if we hope to have the healthy economy necessary to pay for social programs.

The source from which advances will be drawn is not a cornucopia but a pipeline in time. Research and development funds and manpower must be added at this end if new technology is to be produced at the other end 10 years hence. By constricting the flow of funds and manpower into the pipeline now, we are crippling future progress.

A major source of our current problems in R. & D. undoubtedly lies in the financial and spiritual disruptions caused by Vietnam. In addition to aggravating the general inflationary picture and dislocating both the civilian and military R. & D. effort, it has among many people stamped science and technology as a war machine that produces such things as defoliants and napalm. This view is perhaps predominant among the young, which further imperils the future of technology.

In a military sense, the war has been most kind to the Soviet Union. While we have been forced to divert substantial portions of our defense budget from research and development into tactical hardware, the U.S.S.R. has been free to move forward in the development of the next generation of missiles, aircraft and naval vessels. The Soviet military R. & D. input is growing by 10 to 13 per cent annually. If present trends continue, the U.S.S.R. could assume technological superiority over the United States within a few years. Congress is now facing this situation. The cost of military R. & D. and procurement deferred by the war will probably negate and exceed any "peace dividend" generated by the end of our major commitment in Southeast Asia.

The effect of insufficient government funding for high-technology programs, research and development has been predictable; program cancellations, professional unemployment, disbanding of research teams.

While trained scientists and engineers are being forced out of their fields, young professionals are entering at a diminished rate due to the uncertain occupational future and declining reputation of the scientific professions. In aerospace, the hardest hit area, the scientific and engineering labor force is down from 223,000 in 1968 to 154,000 today.

The Stanford Research Institute, a nonprofit contract research organization, has moved against the tide and its 1970 projected revenues of $65-million marked a record high.

Another significant problem is funding continuity. Important programs have been cut back or canceled in midpoint. As a result, budget-wise scientists are now lowering their sights and submitting proposals for shorter-term projects that have a better chance of maintaining funding to completion. Thus, scientists are becoming responsive to finances rather than need, and many worthwhile projects are being shelved in the process.

We've long since passed the time when the individual scientist, working with little equipment, could produce the significant discovery. Research today requires the assembly of men and equipment and the development of programs pointed toward long-term goals. Funding continuity becomes a vitally important element in such an environment.

Basic research is particularly vulnerable in the budget-pruning process. Increasingly, it is considered "irrelevant" and a low-priority item by critics and legislators more concerned with the immediate solution of social problems through infusion of Federal funds.

We cannot go on attempting to judge basic research in physics or biology on the same scale with social programs and determine that one is more relevant than the other. It is not "either-or." All have value, but they must be considered independently. Basic research must be justified first as part of the continuing search for knowledge. At the same time, there is a need for balance between basic and applied scientific work. They are interdependent since knowledge without application is useless and application without knowledge is impossible.

Inevitably, the Federal Government must continue to play the biggest role in supporting basic research in the United States. There are definite limits to the amount of R. & D. risk that can be assumed by the private sector. Only the Federal Government, for example, can afford the immense investment necessary to sponsor research in space travel or astronomy. Government-sponsored research has, over the years, produced the discoveries that have triggered the development of computers, lasers, atomic power and many others. We all benefit from such advances.

Despite our position as the world's leader in science and technology, we are still unsure of their place in our society. How shall they be programed? How shall they be financed? Who shall judge the priorities for research funding allocations?

These questions need to be answered so that a rational science policy can be developed that will avoid the erratic expansions and contractions of recent Federal research and development budgets and the manpower dislocations that accompany them. Like it or not, this country's future is tied to science and technology, and it is time to give that fact its just due.

DISCRIMINATION AGAINST THE SOUTH CONTINUES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RARICK. Mr. Speaker, I have always defended the rights of local school officials to determine what their pupils should or should not wear; however, when such policies are discriminatory and destructive to a central part of American culture, I feel that it is a time to take a second look.

Various American groups across this country have made appeals for courses in their so-called culture. This is well and good, but not at the cost of the destruction of the southern heritage. If every American has the right to perpetuate his culture, then the southern people have the right to play "Dixie" and display the Confederate flag proudly and wear it with honor.

Discrimination cannot be cured by discrimination; two wrongs do not make a right. The southern heritage is a basic part of our American culture; it should not be destroyed because some people claim to be offended by its symbols.

When school officials allow our liberal leftwing leaders to be successful in eliminating all symbols and traditions of the South, they are discriminating against the children and grandchildren of men who fought and died for a noble cause. They are denying the children of the South their precious birthright.

Such an illustration of the destruction of one culture, the southern heritage, so that another might prevail occurred recently in Chattanooga, Tenn., when a young man, a fine student, a leader, was denied the right to wear the emblem of the Confederate flag on the sleeve of his jacket because the Chattanooga Board of Education had adopted a policy that stated that the Confederate flag could not be used as the official symbol of any school nor could "Dixie" be played at any school function.

Unfortunately, these leaders of the school system in Chattanooga have not realized the truth of their mothers' teaching—you cannot suppress a culture—a birthright—by discrimination. "Dixie," a song written by a northerner, was proclaimed by President Lincoln as a war prize belonging to the American people.

I include the related material in the Record at this point:

[From the Chattanooga Times, July 22, 1971]

Meltons Plan To Appeal Confederate Flag Ruling

(By Margaret Leonard)

The parents of Rod Melton, suspended from Brainerd High School last September for wearing a Confederate flag on his jacket, announced Wednesday they will appeal the decision of the U.S. District Court upholding the school's right to suspend him.

Judge Frank Wilson ruled last month that the schools' dress code provision barring "provocative symbols" was too vague but that Brainerd principal Dr. Billy von Schaaf had reason to believe display of the emblem bearing the flag would cause disruption of the school.

Wilson said restriction of the use of the Confederate symbol, "under the circumstances existing within Brainerd High School" at the time of the suspension did not violate the student's First and 14th Amendment rights.

Melton's parents, Mr. and Mrs. Bryan Melton, said Wednesday that Wilson's findings that the code was too vague but the suspension was justified are "contradictory."

They also said that Wilson "ignored" the fact that their son had worn the Confederate emblem to school "the entire previous school year."

Their statement follows:

"We intend to appeal the decision of Judge Frank Wilson, in our case filed last September here in federal district court to protect the constitutional rights of our son, Rod Melton, when he was sent home from school for wearing a jacket bearing a small insignia of the Confederate flag in a peaceful manner.

"Our attorney, Mr. Jack Kershaw of Nashville, will file the appeal at once in the federal court.

"The appeal is based on our belief that Judge Wilson's order ignores both law and fact in this case. He further ignores in the several pages of opinion the "time" element, in that Rod Melton wore this same shoulder patch the entire previous school year of 1969–70 and not for the first time on Sept. 8, 1970.

"We feel, too, that items 1 and 2 of Judge Wilson's order are in direct contradiction in that item 1 states the sentence, 'provocative symbols on clothing are prohibited' in the dress code at Brainerd High School is too broad and vague and must be removed from said dress code, and further that such prohibition is a violation of the students' rights under the First and 14th Amendments.

"In item 2, the order simply says that regarding the suspension of Rod Melton from Brainerd High on Sept. 8 and 9, the court held his constitutional rights under the First and 14th Amendments were not violated nor under any other provision. Inasmuch as he was removed from school by the principal under authority of the dress code, we find this contradictory.

"The appeal is further imperative because of two recent Supreme Court decisions involving and upholding freedom of speech and constitutional rights under the First and 14th Amendments.

"On June 7, the Supreme Court ruled in favor of a young man in California who had worn an obscene slogan relating to the draft on a jacket and it is difficult to understand what's happening to our standards of justice today when that can be tolerated and yet the peaceful continued display of a small Confederate flag on clothing cannot be worn.

"Probably the widest latitude of right of freedom of speech ever to be will be in the case of the court recently holding in favor of The New York Times' right to print the Pentagon papers, which were stolen, secret documents of our federal government.

"This, too, should certainly support the right of any American to display anything as much a part of American history as the Confederate flag.

CALLS RECEIVED

"We have received countless calls and mail regarding the shock at the decision rendered by Judge Wilson, particularly the fact that we did not know of it until we read it in the local papers on Sunday morning, June 20.

"Our attorney, Mr. Kershaw, did not receive copies of the order and opinion until several days after the press received it. We were, indeed, shocked and stunned at such treatment.

"The case was originally filed because we believed a principle was involved in preserving every American freedom we can retain. We feel we did not only lose the court case, but that every American lost another freedom—the right to peacefully wear or display a symbol of American history.

"Needless to say, we have made a sacrifice in many ways and many things have happened to us and to our son, just because others did not agree with our right to take it to a court.

"We have borne all the financial costs with the exception of a small sum given by friends and interested persons from Chattanooga to Dallas, Tex. We have had the support of no organization and have solicited no funds.

"However, because we feel the appeal should be made on behalf of freedom of speech for everyone, we humbly solicit your contributions for appeals costs and your prayers also."

THIS SHOULD NOT HAPPEN IN AMERICAN—IT COULD HAVE BEEN YOU!

On Constitution Day, Thursday, September 17, 1970, there was filed in District Federal Court in Chatttanooga, Tennessee, action by Mr. and Mrs. Bryan U. Melton, on behalf of their 16 year old son, Rod Melton, to defend his Constitutional right to peacefully wear a small Confederate flag emblem on his jacket to Brainerd High School where he is a Senior this year.

When Rod went to school on Tuesday, Sept. 8, for his first day of school he wore a very light weight white nylon jacket with a small embroidered shoulder patch of the Confererate flag at the top shoulder of the left sleeve. By noon that day, the principal asked him to remove the jacket or go home, stating there had been complaints registered about the jacket. Rod had been to classes that morning and throughout the building changing classes and no one said anything to him! He had caused no visible trouble! Rod chose to come home, bringing a letter the principal sent. It stated that on July 8, 1970 the Board of Education for Chattanooga Public Schools voted that the Confederate flag could not be used as an *official symbol* for any school. The board had at the same time ruled that the song "Dixie" (the school pep song for many years) could only be played as often as other songs of like kind. The letter further stated that Brainerd High had a dress code this year which stated that "provocative symbols" could not be worn on clothing. No detailed clarification of "provocative symbols" had been given students, and so the Confederate flag was considered "provocative" and Rod was sent home. It is understood that on that very same day at school a new Negro male teacher wore a tie throughout the day bearing the anti-Christ "peace" symbol!

Brainerd High School was the scene last school year of constant disruption allegedly caused by approximately 170 Negro students out of a total student body of about 1,370. During some disorders and fighting damage was sustained to the building and property at one time, and in another incident a group of some 70 Negro students barricaded themselves in the Auditorium and set fire. School authorities stated there was no way to discipline 70 students in a group and Chattanooga newspapers carried press releases of such statements. There is much evidence which can be documented as to the outside agitation received by the black students from groups and organizations throughout the Chattanooga area. The school was closed for several days at a time on more than one occasion and there are printed public statements made by PTA officials, newspaper editors, city officials and other citizens deploring the failure of school authorities to *administer* discipline.

In court evidence presented in a preliminary hearing on Wednesday, September 23, 1970, it was told that Rod Melton was only identified in two incidents last year defending white girls being attacked. In one instance he was the first to arrive on the scene of a Negro girl and white girl fighting and a teacher was unable to break it up alone. In the second instance the principal stated Rod and another white boy came upon two white girls in a room being attacked by a group of Negro girls and they broke up the attack until the principal arrived.

Brainerd High School was founded in 1960 in a predominantly white area of Chattanooga. Negroes in Chattanooga had a newly built superior large school plant several years before Brainerd was opened. Senior high school students in Chattanooga are allowed the "freedom of choice" to attend any of the several high schools in the city school system. The flag and Dixie had been used "unofficially" at the school for several years before the school was integrated; however, the name "Rebels" had been voted for the school athletic teams early in the school's operation. Last fall when it became apparent that suddenly a few black students objected to the flag and Dixie (which existed before they came to Brainerd!), the students asked to vote on a song and flag officially. The principal, in all good faith, had promised the vote would be held; however, the Superintendent took away the vote before it could be held, stating "a vote by every student would not be an accurate reflection of student opinion," and that the School Board would make the decision!

Rod Melton was deeply moved by the end of the school year because of the things he saw, the failure to enforce discipline of those who, occasionally in roving bands in the school corridors refused to attend class, and disrupted the education of all other students in the school. Teachers and students were injured by black students, and in nearly every instance, they were afraid or refused to identify their assailants in attacks which took place in plain view of large groups of students, so no corrective or legal action was taken in nearly every instance.

Testimony was also presented in the preliminary court hearing on Wednesday, Sept. 23rd, that Rod Melton is a good student! He has always made good grades, has had four summer enrichment courses in electronics which added to his winning Sweepstakes in the annual Science Fair two years ago at the University of Chattanooga out of some 300 exhibits. That same year and the next he was also awarded the United States Air Force Achievement of Merit Certificate for the most outstanding exhibit in Electronics and Communications in the entire Fair. He went out for football in his Sophomore and Junior years at Brainerd and in his Sophomore year he made the honor roll every six weeks that year. His grades suffered some last year as a Junior, as those of hundreds others, because of the many disruptions to the school. He has worked, in the last couple of years, after school and on Saturdays for an electronic wholesale supply company, and this summer he worked full time in a hosiery mill.

Rod felt then, as he does now, that Confederate symbols are not the real reason for all that happened in his school last year. He had his eyes opened to what's happening to America, and did much reading and research on his own last year. He feels that we are simply giving up our Constitutional rights little by little to appease the revolutionary element that is gradually destroying this country. Rod has been reared in a Christian home and the prophecy of the Scriptures became more real to him last year than ever before. He has been out of school nearly three weeks now and even though he has had his textbooks at home to study, he will have some catching-up to do. It will not be easy for him to accept the derogatory remarks when he returns to schol temporarily without the jacket at the suggestion of the judge and his attorney until a formal hearing date can be set very soon.

THE SHOOTING OF KENYON BALLEW

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the RECORD an excellent editorial in the Washington Post of August 7, 1971 entitled "The Shooting of Kenyon Ballew."

One must wonder at the state of the Nation when Federal agencies may so calmly raid the home of an innocent citizen, shoot him in the head, dishonor his wife, and then pass the whole thing off as rather unimportant.

Secretary John Connally of the Treasury Department must demand clear explanations of the circumstances involved and take appropriate steps to prevent repetition.

The article follows:

[From the Washington Post, Aug. 7, 1971]

THE SHOOTING OF KENYON BALLEW

A man lying for two months in a hospital bed, semi-paralyzed, incapable of speech and with a bullet in his brain is a personal tragedy but not necessarily a national issue. And so it may well be possible to read too much into the case of Kenyon F. Ballew. But because U.S. Treasury Department agents joined Montgomery County police in the raid on the Ballew apartment in Silver Spring last June 7, the federal government and, by implication, the Nixon administration, became a part of what might otherwise have been a routine raid and a part of the controversy over the methods and the manner of carrying it out. Not only have county authorities and a grand jury reported on the incident, but the Treasury Department and Secretary Connally have both weighed in with their judgments. So have Mrs. Ballew, who bitterly disputes the police version of events, and her husband's attorney, Mr. John F. Bonner, who has put down the Treasury report as a "complete white-wash."

Under the circumstances it is difficult even now to reconstruct the raid with certainty; although nine shots were fired inside the apartment (only one of them by Mr. Ballew) not even the police and the Treasury men agree on who fired first, and one account has it that Mr. Ballew's pistol discharged accidentally after he was hit. But the bare facts, not in dispute, are enough for our purpose, which is simply to try to find some humanity and some sense in this affair, to reconcile the performance of the law enforcers with the real threat to law and order presented by the Ballews.

The first fact, beyond any questioning, is that Mr. Ballew had an extraordinary collection of guns, hand grenades and other explosive weapons. And there is reason to think that he had assembled some part of his arsenal for practical purposes; the multiple locks on his front door confirmed his and his wife's anxiety about the security of the neighborhood. So it was not surprising, whether justified or not, that the Ballews should react with alarm and suspicion to any suspected intruder. And the commando force of police and Treasury agents which appeared at the Ballew back door was not such as to set one's mind at ease. Although armed with a search warrant, the T-men were in mufti and some of the police, sporting sideburns and mustaches, were dressed in shirts and dungarees; to Mrs. Ballew they looked like "racketeers" or "hippies" and while they observed the formalities of a command to open up, they waited no more than a minute before addressing themselves to the door with a battering ram.

For their part, Mr. Ballew was in the bathtub and his wife had on only underpants; neither, in other words, was in a position, let alone of a mind, to rush to the door. Whether either one clearly heard the shouted identification of the authorities through the door is uncertain in any case; so Mr. Ballew went for the nearest of his guns. Perhaps he shouldn't have—it is hard to say. What is clear is that the raid was conducted largely on a tip from an unidentified informant whose reliability can only be attested to by the police and that it was carried out in a manner almost *calculated* to terrorize and thus to increase enormously the opportunity for mishap.

Or so it seems to us Montgomery County Executive James Gleason saw it "otherwise"; he couldn't think of "anything that could have been done differently." The grand jury did find some fault with the "search and seizure" procedures employed and recommended some specific tightening up. And the Treasury Department's report, somewhat more dispassionate, pointed to "several administrative and supervisory deficiencies" in the conduct of the raid and promised to correct them.

But Secretary Connally stoutly defended the raid as "legally proper under the circumstances" and the department, as if to back up the judgment that led it to act in the first place, was at pains to itemize the weapons haul from the raid and to report its recommendation that Mr. Ballew be prosecuted "should his physical condition permit."

Well, the doctors are not very optimistic on that last count; the odds are that Kenyon Ballew will not go to court—or to jail. The odds are, in fact, that he will be lucky to recover from the paralysis that now very nearly immobilizes him. Meanwhile, the medical bills have piled up to more than $10,000 and though his Pressmen's Union will pay up to $20,000, its resources are hardly limitless—and there is no end in sight.

But it was all "legally proper" and that is all that seems to matter to this administration, whether it is the Vietnam Veterans' right to camp on the Capitol grounds, or the holding of war protesters without charges, or the welfare entitlement of the poor, or the busing of black schoolchildren, or a paralyzed 28-year-old gun buff who was a little slow answering the door.

ADATH ZION SYNAGOGUE—75TH ANNIVERSARY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. EILBERG. Mr. Speaker, in the times we live where our traditional values are under attack from left and right, we look far and wide for those who hold high those ideals which have made this country of ours great. I am talking about commitments to brotherhood, to social justice, to love of one's country, to a commitment to eradicate the blights of pollution, slums and dope addiction. I am talking about a belief in God, in moral values, in justice for all men. I am talking about a belief in our "Nation, under God," an acceptance of the motto "In God We Trust" and practice of the "Golden Rule."

Where do we find institutions which espouse the causes I mentioned above? Where do we find hands, not clenched in a fist but outstretched to help one's neighbors? Where do we find voices, not raised in protest, but in praise to the Father of us all? Where do we find the inspiration, the determination, the will to follow through, no matter how difficult the task or seemingly insurmountable the problem? Nowhere else but in the churches and synagogues of our country.

It is for this reason, Mr. Speaker, that I wish to draw the attention of this body to the significant milestone in the life of just such an institution mentioned above—Adath Zion Synagogue, located in northeast Philadelphia. It is presently celebrating its diamond anniversary. For 75 years, this Jewish institution has served the entire community through educational, social, religious, cultural, and civic activities.

Beside a religious school which has an enrollment of 150 youngsters, the congregation has a very active and challenging adult education program which is open to the entire membership of over 450 affiliated families as well as to the general community at large. This past season, courses were given on Talmud, Hebrew language, the Biblical Book of Proverbs, Jewish philosophy, and ethics. Guest lecturers, such as David Cohen, Thatcher Longstreth, and Paul D'Ortona, spoke about various civic problems. Representatives of SANE and the Bridge spoke about social ills. The sessions were provocative, entertaining, stimulating, and productive.

The congregation has sponsored dances, movies, fashion shows, teas, and parties for the general community. Just a week or two ago, some 40 soldiers from Fort Dix were invited for dinner and an evening of delightful entertainment under the auspices of the Sisterhood. The boys had a well-deserved break from routine and the event will be repeated later in the fall.

An active social action committee is working hard to be effective in helping to alleviate the drug problem in the community. Literature has been distributed, lecturers and films have been heard and seen, and support has been mustered for passage of some legislation and for the raising of funds for worthwhile projects.

This committee is also concerned about pornography, ecology, the women's lib movement, and getting out the vote during elections. It should be noted that the synagogue has served as a polling place for the past 6 or 7 years.

Through its spiritual leader, Rabbi Sheldon C. Freedman, the synagogue membership has learned of the importance of deeds, not just words. He has emphasized the importance of putting into action the values which his flock profess to adhere to. Thus the Friday evening and Sabbath services are geared toward understanding what our roles should be as positively oriented people whose desire it is to create a better society and a better world. Words such as charity, friendliness, compassion, honesty, and commitment are given new meaning through the Rabbi's application of these concepts in everyday terminology into real life situations.

The reason that I listed this aspect of the synagogue's activities in the middle between educational and social, and cultural and civic, is because of the belief that the religious life is really central to all of the other congregational activities.

Cultural activities of the synagogue have included artist exhibitions of painting and sculpture, the cantorial music of world-renowned Cantor David Kusevitsky, the viewing of the latest in fashions from Hess of Allentown, the listening to outstanding lecturers, such as Al Julius of radio station WCAU and Mark Forrest of station KYW. We also heard Rev. John Stanley Grauel and we featured the performance of the Har Zion Youth Group on an original prayer cantata entitled "Chants for Peace." In the foyer of the synagogue, there stands an original commissioned sculptured work of art entitled "The Heritage." It weighs 1 ton and is 12 feet high and 24 feet wide. It has gained wide attention.

Civic activities include the congregation's active role in the Red Cross blood-mobile drive every year. In this way, by acting as host, the synagogue has been able to encourage hundreds of people to help their fellow men buy that which money cannot buy—namely, through contributions of blood.

Adath Zion has opened up its facilities to local schools for school parties and plays. The Sisterhood has entertained inmates at Byberry State Hospital and at convalescent and nursing homes. The congregation has received awards from the Kelkey VFW post and many members are recipients for meritorious service from the Chapel of the Four Chaplains.

So we can truly see that Adath Zion has served all facets of the Philadelphia community and thereby our country. We wish them every success in the years ahead and a Mazel Tov on their anniversary.

THE "DIRTY FARCE" IN SOUTH VIETNAM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RYAN. Mr. Speaker, the political situation in South Vietnam has been described by General Duong Van "Big" Minh as a "dirty farce". His assessment hits the mark. We have been treated to the spectacle of President Thieu's repressive regime manipulating and rigging the law and the political scene to insure its survival. As the August 23 editorial in the St. Louis Post Dispatch states:

> What has been created, of course, is not so much the semblance of the democratic process as a caricature of it.

That caricature is the product of a regime which the administration continues to buttress with arms, money, materiel, and political support. That caricature has been drawn while the American Ambassador has scurried from potential candidate to potential candidate, attempting to create the semblance of a legitimate election. The Washington Post, in an editorial in the September 7 edition, has aptly identified "the seemingly demonic compulsion of American officials, first, to try to manipulate Vietnamese affairs and second, to try to disguise that effort in front of the American people."

If this situation is not refutation of the administration's barren continuation of this war, I do not know what more is needed to demonstrate the folly of perpetuating the war. Death, deceit, and corruption pervade this Nation's presence in South Vietnam. The only reasonable chance for the hapless peoples of Southeast Asia is an end to the war, not the continuation of it and of the dictatorship whose very existence is dependent upon that war's continuation.

At this point, I should like to include several editorials in the CONGRESSIONAL RECORD, one from the August 23 edition of the St. Louis Post Dispatch entitled 'The Dirty Farce' in Vietnam;" another from the August 31 edition of the Philadelphia Inquirer, entitled "Election in South Vietnam: The Emperor's Threads;" a third from the September 7 edition of the Washington Post, entitled "Ripeness in Saigon;" and finally the New York Times' editorial of September 4 entitled "The Thieu-Bunker Tragedy."

The articles follow:

[From the St. Louis Post-Dispatch, Aug. 23, 1971]

THE "DIRTY FARCE" IN VIETNAM

The withdrawal of Gen. Duong Van (Big) Minh from the South Vietnamese presidential race and the refusal of Vice President Ky to run—despite his sudden reinstatement as a candidate by the country's supreme court—can only reflect a galloping political deterioration in Saigon.

Understandably, neither the general nor Ky was willing to participate in an election—if that is the word for it—that President Thieu had patently rigged in favor of himself. Now that the incumbent is without an active challenger, the possibility of a coup d'etat must be seriously considered. Ky, despite a recent dovish turn, still commands substantial backing within the military, and now speaks ominously of "dark days in the history of the nation"; and it was Gen. Minh who led the move to overthrow the Diem regime nearly eight years ago.

Gen. Minh has never been considered brilliant, but in this instance he showed either courage or acumen. He could hardly have hoped to defeat Thieu in the Oct. 3 election, but by playing along with the Americans and providing the facade of a contest where none existed he could have won enough favor with Washington to merit support if fate should look kindly upon him in the future. He killed that possibility, but was applauded by anti-American Vietnamese.

Ambassador Ellsworth Bunker, after a trip to Washington a few days ago, tried to persuade or pressure Gen. Minh into remaining in the race. Gen. Minh refused to be a party to what he termed "a dirty farce that can only make the people disbelieve in a democratic regime." He dropped out, leaving the Americans and Thieu in a "humiliating position," as one of Gen. Minh's supporters put it.

Thieu at once sought to repair the embarassing situation by instructing the court to rescind a previous ruling that had disqualified Ky. The court dutifully obeyed but Ky was not prepared to let either Thieu or Mr. Bunker off the hook so easily. He waited more than 24 hours to announce he would not run and Mr. Bunker, in a desperate effort to inject at least the appearance of the democratic process into the race, urged the Vice President to campaign because "it would be in the best interests of the country."

What has been created, of course, is not so much the semblance of the democratic process as a caricature of it. While Thieu can scarcely be expected to agree to it, we think there is something to be said for Ky's proposal that both the president and vice-president resign and that a new election be held. That would, at least, give the South Vietnamese people the "reasonable chance" to select their own leaders to which President Nixon has so often pledged his support.

What brought this about? Some time back Thieu, the great and good friend of Mr. Bunker, cleverly contrived to obtain a law which enabled him to rig the election. He used it to prevent Vice President Ky from getting on the ballot, but apparently decided for the sake of appearances to let Gen. Minh, a candidate without much chance, qualify. Gen. Minh, playing his own game, upset the applecart.

We attribute this contretemps in considerable measure to Ambassador Bunker, who, by his unwavering support of Thieu, was a party to the election rigging that now has had such a disastrous outcome. Mr. Bunker failed to foresee the consequences of his policy; furthermore, he failed to leave himself a way of escape, a serious diplomatic blunder. We have urged for a long time that Mr. Bunker be recalled to facilitate the formation of a more democratic regime in Saigon than that of Mr. Thieu; now it may be too late to obtain the desired benefits from such a course.

Gen. Minh said that by withdrawing he hoped to give the South Vietnamese "a chance to wake up and create an atmosphere for the people to rebuild democracy and bring peace." We hope that is the result, but no one can be sure. It is certain that so long as Thieu remains in power there will be no negotiated settlement of the war, for he stands opposed to coalition with the Viet Cong. If he is forced out in a coup the situation could hardly be worse than it is now, and might be better.

We see nothing for the United States to do at the moment except be prepared to give its support to such democratic and constructive forces, if any, as may emerge from the current confusion. It is tragic that United States policy has been so ill-conceived that there are no reasonable options.

[From the Philadelphia Inquirer, Aug. 31, 1971]

ELECTION IN SOUTH VIETNAM: THE EMPEROR'S NEW THREADS

Five and a half million South Vietnamese have voted, almost 80 percent of the eligible electorate. A new, 159-member lower house of the National Assembly has emerged from a field of 1,242 candidates.

Democracy? No.

There were endless incidents of repression of minority candidates' campaigns. There were heated charges of polling-place fraud. Vote stealing and short counts were bitterly alleged.

That sounds like the song of democracy the day after an election in Chicago or Boston or Philadelphia—or Brown County, wherever. And there, we are firmly convinced, democracy does—for all its failings—work.

So why not in South Vietnam?

Indeed, even to distant observers convinced that President Nguyen Van Thieu is an anti-democratic demagogue, there seemed to be encouraging signs. On-the-spot analysts speculated his Assembly majority would be cut significantly. Among the winners, more than 40 were political unknowns and some could be expected to join the opposition when they convene on Nov. 1 and form party coalitions.

But democracy is not. Not in any sense of the word in America—or Britain or France or any other country with political foundations of which the working truth is the ultimate power of government is a conditional license lent by the governed.

For the Thieu government has orchestrated and choreographed the Assembly election, just as it has manipulated the Presidential plebiscite scheduled for Oct. 3. Methodically, every potential candidate who represented effective opposition was weeded out: jailed, beaten, disqualified or bought off. In a relatively effortless series of ukases to the Assembly itself, laws were pushed through foreclosing every imaginable threat to the government. Anti-government political expression—including even the pretense of free press—was crushed.

Out of it all comes a new lower house. In a month will come the re-election of President Thieu. And to quibble about polling-place indiscretions is to count the threads in the Emperor's New Clothes.

To Americans of good will, tortured by the war that failed, it is painful almost beyond bearing now to see the emperor naked. The premise had to be that the United States—some time, somehow—had just reason for interfering in South Vietnam. That just reason had to do with democracy—its maintenance, its extension or its defense. If the premise is sound, the latest election and the next one represent a tragic failure. The premise remains contestable. The conclusion does not.

For all of Americans' traditional condescension about European colonialism, the United States too has a heritage of such interference. The Nixon Administration's recent efforts to drape a cloak of democratic appearance on South Vietnam—and particularly the manipulations by Ambassador Ellsworth Bunker—evoke that unfortunate heritage.

We pretend to have outgrown the sense of righteousness in using Marines to make equatorial America safe for the banana trust. No one could prove the point by watching the United States in action in Saigon today.

[From the Washington Post, Sept. 7, 1971]

RIPENESS IN SAIGON

When President Thieu euchred his two opponents, Big Minh and Vice President Ky, out of the South Vietnamese presidential contest, it seemed plain that the bottom had dropped out of the decade-long American effort to assure self-determination to South Vietnam. Frankly, it did not immediately occur to us that things could get much worse. We confess, however, that we had not properly calculated the seemingly demonic compulsion of American officials (1) to try to manipulate Vietnamese affairs and (2) to try to disguise that effort in front of the American people.

Consider the report from Big Minh's honchos that, the night before he withdrew from the election in disgust at his lack of a fair chance in it, Ambassador Bunker offered him "financial assistance" to stay in and campaign. The rationale for the offer was supposedly to compensate him for the very great advantages which were already in President Thieu's hands by virtue of his office. We don't doubt that, had Big Minh stayed in, the election would have been, as they say, the fairest that money could buy. But it would not have been a fair contest by any other measure, as Big Minh for one knew.

Consider, too, the remarkable clairvoyance demonstrated by Ambassador Bunker in his effort to induce Vice President Ky to run. (Mr. Ky is the one who's just publicly threatened a coup.) The South Vietnamese Supreme Court had ruled General Ky off the ballot. So, according to "sources close to Ky," Mr. Bunker visited the good general at 11:30 a.m. on Aug. 21 to tell him, among other things, that the Supreme Court would reverse itself and reinstate him on the ballot. Lo and behold! at noon on Aug. 21, the Supreme Court did exactly that. This is the very same Supreme Court Mr. Bunker has described as "highly respected for its impartiality and integrity."

Let us turn now to the explanations of these events offered by Secretary of State Rogers, in his news conference of Sept. 3. Incredibly, he put the onus for their withdrawal on General Minh and General Ky, setting the United States off not by an inch from President Thieu's intrigues. He made a little joke to the effect that Vietnamese elections are really no less "pristine and pure" than American elections, ignoring the central fact that in American elections *there is a choice*. Condescendingly, the Secretary noted that "democracies are not easy to develop in these countries." In a non sequitur which deserves a high place in the annals of vacuous Vietnam rhetoric, he concluded: "In any event, we want to give the people of South Vietnam the right to solve these problems, so we intend to continue our policy and intend to continue to give them support." The operative phrase, "in any event," can best be translated as: regardless of what President Thieu does.

But take heart. Yesterday President Thieu was right out there campaigning doggedly, as though his political life depended on it. He received Mr. Bunker for the ninth known time since the current phase of the crisis ripened. And for the seventh time in a week he bestowed a major general's stars on a favored officer. This time the promotion went to General Ngo Dzu, the man currently under investigation for drug-running as a result of charges made by Rep. Robert H. Steele.

Our own conclusion is not that Mr. Bunker and Mr. Rogers lack the skill or dedication to do what they are doing, but that what they are doing—seeking to arrange, secretly, an election in another country—is an impossible and an inappropriate mission, replete with the risks which are blossoming into realities now. The appropriate remaining mission is to liquidate the unilateral American political-military role in Vietnam and then, if and as requested, to join with others to help rebuild that unhappy land.

[From the New York Times, Sept. 4, 1971]

THE THIEU-BUNKER TRAGEDY

The promise of South Vietnam's President Thieu to resign if his political police, military governors and bureaucratic minions fail to stuff the ballot boxes adequately Oct. 3 in the one-man plebiscite he has substituted for a presidential election would be laughable if it were less tragic.

For Americans, who have given 45,000 lives in a war that has as one of its principal justifications protection for the right of the South Vietnamese to choose their own government, there is additional tragedy in the role played by Ambassador Ellsworth Bunker in this latest effort to throw sand in the eyes of public opinion both in Vietnam and overseas. Mr. Bunker has been meeting almost daily with Mr. Thieu and urging Washington to be patient pending a statement from South Vietnam's President that would save the situation. But no one can possibly be fooled by this pretense that political cancer is curable with cosmetics.

One shameful sequel to the election travesty has been Mr. Bunker's attempt at a background press briefing last weekend to shield Mr. Thieu by placing equal blame on the two former opposition candidates, General Duong Van Minh and Vice President Ky, whose only fault was insistence on a fair three-way election. That kind of an election can still be brought about, but only if President Thieu will negotiate agreed conditions for it with these ex-rivals, or resign now and let a caretaker government run the balloting.

Instead of more face-saving excuses of the Bunker variety, the wise course for President Nixon now would be to dispatch a special envoy to Saigon instructed to insist on change in a way that could not be disregarded. Unfortunately—and incomprehensibly—the President's disposition seems to be to acquiesce meekly in the Thieu force. A White House statement even lauds the Saigon chief for introducing "an element of popular choice" into the non-election by saying he will treat it as a test of confidence. And Secretary of State Rogers shrugs off all the reports of political chicanery filed by American intelligence officers with the callous assertion that elections in this country aren't "pristine and pure" either.

It is evident now that General Thieu has been seeking since the turn of the year to arrange a riskless two-man race that would have the appearance rather than the reality of a genuine contest. His first move was to force through a restrictive electoral law and then sign up so many of the national legislators and local councilmen that other candidates found it virtually impossible to obtain the required endorsements.

Meanwhile, the presidential palace sent out a secret directive to province chiefs instructing them to slander, harass and arrest the opposition and assure the election of pro-government candidates. The end result was that General Minh, the one candidate able to qualify, decided the cards were stacked against him and pulled out. Air Marshal Ky refused to act as cat's paw in a last-minute effort to give the election a camouflage air of legitimacy by putting him back on the ballot.

After all these switches, it is plain that a final reversal to restore a three-man race and give the Vietnamese people a real choice requires nothing more than a Thieu decision to do so. Several legal means exist to achieve a fair and full contest if President Nixon abandons the helpless stand taken by Secretary Rogers and impresses the necessity for change upon Mr. Thieu.

There might be some loss of face for him and even some political instability if he found it necessary to reverse himself now. But the tears now being shed in Washington and in the American Embassy in Saigon over the supposed risks for South Vietnam in these circumstances ignore the much greater risks involved in the present course. The non-election now under way guarantees instability later on—and perhaps much sooner. The worst course President Nixon can adopt is to keep walking hand-in-hand with Mr. Bunker and acting as if nothing serious has happened to alter the whole moral base for American involvement in Vietnam.

THE POISONING OF THE WEST

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in the Reader's Digest of August 1971 entitled "The Poisoning of the West."

Hopefully, the frightening characters of the article will generate pressure for reform.

THE POISONING OF THE WEST

(By Jack Olsen)

Just after dawn on a recent November morning west of Fort Stockton, Texas, a surveyor, looking for a boundary marker, tugged at a mysterious gray pipe protruding from the chalky soil. There was a sharp report, and something tore into the fleshy part of his hand. A doctor in Fort Stockton administered first aid, but an hour later the surveyor was dead. Investigation showed that the pipe was a "coyote getter," a deadly device set to shoot cyanide into the mouth of any animal that pulled at its aromatic wick.

A few miles east of Craig, Colo., hunting guide Bill Miles came upon several dozen sheep carcasses. By asking around, he discovered that the sheep had been laced with sodium fluoroacetate, or "1080," one of the most dangerous poisons known to man. The carcasses were to be used by government trappers to kill predators said to be harassing sheep. Noticing that a stream which fed Craig's water supply ran near the poisoned meat, Miles protested. Twice in two weeks he saw snow cover the carcasses, then melt into the watershed. He began taking pictures, and shortly thereafter local sheepmen told him to mind his own business or suffer the consequences. When he continued photographing, three of his hunting dogs died on his doorstep, poisoned.

Straddling the border of Colorado and Utah is Dinosaur National Monument. Like all national parks, it is administered strictly in accordance with nature, and the poisoning of animals within its borders is considered the ultimate offense against park law and order. In the spring of 1970, a group of cowhands were searching for strays in the park. Suddenly, in quick succession, two of their dogs stiffened and died. The dogs were four miles *inside* the park, but Dinosaur officials weren't surprised. Said one: "We've plenty of other evidence that the poisoners come right across our borders."

These three incidents, multiplied *ad nauseam*, characterize the programs of wildlife extermination in full swing throughout the entire Western half of the United States. Mounted by sheepmen and government trappers to protect the sheep industry from predators, especially coyotes, the programs have already brought whole animal species to the edge of extinction, and they threaten still others. They also threaten *Homo sapiens*, that poor creature who lately has begun driving six miles out of his way to buy phosphate-free laundry soap, all the while turning his back on a practice that is directly and specifically contaminating millions of acres of his country (and which is funded, ultimately, with dollars from his own pocket).

The poisons being used include the cyanide in coyote getters, arsenic, the thallium in bait carcasses, the strychnine encased in sugar-pill coatings, and 1080, a single ounce of which is toxic enough to send 200 adult humans, or 20,000 coyotes, into writhing, convulsive death.

Flickering Out. At one time the West was protected by its very limitlessness. No longer. To add to the efficiency of miracle poisons like 1080, the poisoners work from planes, trail bikes, snowmobiles and pickup trucks—vehicles that carry them to every corner of the range in a few easy hours. "The whole sheep range out there, why, that whole country's plastered with poison," says Paul Maxwell, former trapper and now president of the National Council of Public Land Users. Adds an equally perturbed Wyoming trapper, "Private poisoning is strictly forbidden on public land, but many sheepmen who use the national forest for grazing go in with sacks and sacks of strychnine pellets and throw 'em around like seed. They kill everything in the area before they bring their sheep in."

The results of such "efficiency" are increasingly clear. There are broad areas of California where the coyote has been completely eliminated. A trapper in southwest Texas was asked when he saw his last wild badger. He shrugged his shoulders and said, "I can't even remember." Black bears and foxes are gone in some areas. The kit fox, a master controller of rodents, has vanished from thousands of square miles of the prairie. The black-footed ferret, never common, is about to flicker out as a species. One of the very few surviving California condors fell to 1080-treated grain. Even the mountain lion, officially listed as an endangered species, is specifically and mercilessly being killed.

Says retired government trapper Charles Orlosky, who lives high in a remote area of the Rocky Mountains: "Even here the poisoners are at work. They've wiped out weasel, marten, mink, fox, badger. And it's not true that 1080 is dangerous only to canine species, as the poisoners claim. I've found all kinds of birds feeding on 1080 stations. Last winter was the first time in years that we didn't have a pair of eagles feeding up here. They just disappeared."

Political Pigeonhole. Such observations are backed up by the government's own figures. Each year, to supplement the frenzied poisoning by ranchers, the U.S. Fish and Wildlife Service fields many of its own "trappers," who distribute tons of 1080-baited meat and bang coyote getters into the earth by the tens of thousands. In 1963—to cite the last year for which such figures are available to "the general public"—these professional poisoners reported a kill of 90,000 coyotes, 300 mountain lions, 21,000 bobcats and lynx, 2800 "red wolves," 800 bears, 24,000 foxes, 7000 badgers, 19,000 skunks, 10,000 raccoons, 1200 beavers, 7600 opossums and 670 porcupines. These figures do not include many animals—and birds—who ate poison and staggered away to die untabulated.

Despite repeated warnings about the dangers of such widespread slaughter—from scientists, conservationists, even some ranchers—hardly a legislative body has paid the slightest attention. This includes the U.S. Congress, where a session is not complete without the introduction of anti-poisoning legislation, a few chuckles and a prompt pigeonholing of the matter.

Arnold Rieder, a former Montana state senator who is now a member of that state's Fish and Game Commission, tells why: "The wool-growers are the best-organized livestock group of all. To a great degree they control the stockgrowers' associations, and that means control of the Western-state capitals and the delegations that are sent to Washington. Invariably, sheepmen get their way."

Consider what happened in Montana while Rieder was still a senator. To prove that neither government nor private poisoners had the slightest intention of following the few anti-poisoning rules written into law, Rieder introduced legislation that superficially seemed absurd. tI simply required the U.S. Fish and Wildlife Service to obey its own poisoning regulations. Immediately, a bulletin went out from the Montana Wool Growers Association to all members: "Senator Rieder of Jefferson County has introduced Senate Bill 196, which places an unnecessary restriction on the use of poison for the control of predatory animals. We need the support of your senator to kill the bill. Would you please wire him immediately. . . ." Rieder's bill lost. With the Wool Growers Association working against him, he was defeated in the next election.

Deliberate Distortion. To prove the need for its "trappers," the Fish and Wildlife Service calls on sheepmen for "statistics" on stock losses caused by predators. Not surprisingly, the figures come in by the mile. Sheepman compile horrifying lists of losses, anticipated losses, possible losses. The Fish and Wildlife Service feeds the statistics into its computers and works up programs accordingly. The result is a galloping Parkinsonism that would drive a privately financed organization out of business within months. Every year the reported stock losses rise, the Wildlife Service poisoning budget climbs proportionately, and the population of wild animals sinks to a new low.

The situation brings to mind a statement made by Charles Orlosky a few years ago: "When I was trapping for the government, the Service decided once to prove how many bears and coyotes were taking sheep. They sent out instructions to take out the stomachs of some of the animals we trapped, tie them up, soak them in formaldehyde and send them to headquarters. Our instructions were to put some wool in the stomachs before we sealed them up. In that way there wouldn't be any doubt about what bears and coyotes ate. It wasn't surprising that all the reports came out showing that a high percentage of bears and coyotes were sheep killers."

The end result of such deliberate distortion is fiscal irresponsibility on an imposing scale. In Colorado, for example, the annual Wildlife Service kill dropped from 10,200 wild animals in 1967 to 8200 in 1970—but even while there were fewer creatures to kill, the poisoning budget rose by $30,000. In 18 national forests in California, the value of sheep lost in one year—1962—was $3500; in that same year, the cost of federal predator-control programs was a walloping $90,000.

Checks and Balances. What is to be done about the drenching of the West with poison? Those closest to the problem—men like crusading Colorado naturalist Alfred Etter and politician-conservationist Arnold Rieder—agree that the first step must be to eliminate certain myths central to the poisoning establishment's rationale.

One such myth is voiced typically by an official of the Fish and Wildlife Service. "Look," he says "we know what the stock loss was before we began poisoning. If we eliminate poisons like 1080, the loss would be more than 20 percent of the herd, maybe 35 or even 50 percent. Coyotes would run the country and put sheepmen out of business." In reply, Etter points out that coyotes did not "run the country" in all the centuries before the invention of cyanide guns and 1080.

A second, and perhaps most crucial, myth is that predator control actually controls predators. The poisoners say it does. Etter says that the poisoners keep themselves in business by aggravating the very problems they are hired to solve, that there would actually be far less destructive predation if nature were freer to operate within its own system of checks and balances. "Where we have starved the coyote," he says, "where we have poisoned indiscriminately, killing the coyote's food supply, there we have uniformly encountered increasing reports of predation."

The most perfunctory investigation of sheep-country losses seems to substantiate Etter's conclusion. Consider, for example, two northwestern Colorado counties, Rio Blanco and Moffet, where it is likely that more predators have beeen put to death than in any area of similar size in the world. What has been the result? A local sheepman named Hugh Seely speaks at a public meeting: "The thing that disturbs me about this control problem is that our losses the last few years have been greater than ever."

Etter explains: "The coyote is normally an animal with a highly developed territorial imperative. By keeping the coyote population harassed and in a constant state of flux, we disrupt his territorial habits and make him, in effect, into a different animal. This different animal—desperate, itinerant—may become a sheep killer. But if he had been left undisturbed, we would probably never have heard from him. The same thing applies to other predators."

Final Darkness. On the whole, concerned Westerners are pessimistic about bringing scientific rhyme and reason into the predator-control programs. "We're in a stranglehold," says Paul Maxwell of the National Council of Public Land Users. "If we talk a legislator into speaking out, the stockmen's lobbies climb all over him in the next election and get him out of there. If we take a complaint to a governor or a commissioner of agriculture, we find him trembling in his socks about the sheepmen, and then he yesses us to death and does nothing."

If there is a logical point of attack, it would seem to be at the poisoning programs on government land. American land in the public domain is more than four times the size of the state of Texas, and every acre of it belongs as much to each citizen as it does to the stockman who runs his thousands of close-cropping, plant-destroying sheep on them.

If these lands are not to be transformed into American Saharas, concerned citizens—especially Westerners—must begin to demand answers to certain basic questions: Is it in the national interest to bring whole species to the brink of extinction? Is the sheep industry as it is presently organized worth it? Or is there perhaps a way to retain both sheep and wildlife?

Unless there are massive changes, the day must come when the last sickened coyote will lift his voice to the skies, and there will be no answer. We animals of the earth are a single family, and the death of one only hurries the others toward the final patch of darkness.

BUSING: A REGIMENTED DESTRUCTION OF CULTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. RARICK. Mr. Speaker, yesterday, I called attention to the principal objection to the busing of schoolchildren—that it is a direct attempt to commit genocide against both the white and black people of this country; that it is a vehicle whereby our liberal leaders seek to destroy the different cultures that make up our society and eliminate the individual character that has been the very basis of the greatest Nation of Western culture.

Recent articles in newspapers across the country have attempted to point out to our leftwing liberal leaders that the opposition to busing is not a question of racism; it is a question of economics and good commonsense and a strong desire on the part of the people to maintain in some manner the heritage of their ancestors. Many people who object to busing of schoolchildren do so instinctively without realizing their reaction is to the threat of genocide.

Busing destroys cultures; it cannot build them. As President Nixon said today in his speech to the joint session of Congress:

> Regimentation and government coercion must never become a way of life in the United States.

I include a series of related news articles in the Record at this point and specifically call the attention of my colleagues to the editorial of the Manchester Union Leader of September 7, 1971, that sets out in rational terms the true opposition to busing and calls the attention of the American people to the fact that "the social planning know-it-alls have decided that future humanity must have a complete racial and color mix." The absurdity of such thinking is both astounding and terrifying, but the threat is a clear and present danger.

[From the Montgomery Advertiser, Aug. 18, 1971]

Busing Assailed by Chinese Suit: Culture Cited

Washington.—A group of Chinese parents appealed Tuesday to the Supreme Court to block the massive transfer of Chinese children away from their neighborhood schools in San Francisco.

They said the reassignment ordered by a federal district court for the new term, are unconstitutional and would destroy the cultural and educational life of the Chinese community in the city.

About 23 per cent of San Francisco's elementary school population is of Chinese or other oriental ancestry. The student-transfer order grew out of a suit brought by blacks claiming children of their race were segregated.

The Chinese parents, Guey Heung Lee, Yung Ngoi Toy and Foon Sit Yee, said they spoke city. They contended the massive reassignments are against the wishes of the Chinese and are illegal because they are based solely on race.

About 6,500 Chinese-Americans are among approximately 48,000 pupils who would be bused to schools outside their neighborhoods under the court order. About 13,700 blacks also are affected.

The Chinese said the neighborhood school system gives their children the opportunity to obtain an education in Chinese language, art and culture in additional facilities maintained by the Chinese community with classes beginning at the end of the public-school day.

If the Chinese children are forced to travel long distances to schools, their own community schools would have to shut down because pupils could not get to them in time, the petition said.

The appeal argued that no court has ever required the racial balancing of Chinese with whites or Chinese with blacks in the schools and that racial balancing itself was disapproved by the Supreme Court in its school decisions last April.

The Chinese said they are victim of discrimination and that no Chinese ever have served on the school board, and there is no provision for Chinese holidays comparable to the observance of Martin Luther King Jr. Day on Jan. 14.

The San Francisco case is the first Northern school desegregation dispute to reach the court since massive busing and other technique were upheld last April in cases from Charlotte, N.C., Mobile, Ala., and Athens, Ga.

On Monday the court received its first Southern school case since then, an appeal by school officials in Corpus Christi, Tex., challenging the ordered massive busing of Mexican-American children.

Later in the day, Thomas M. O'Connor, the San Francisco city attorney, sought a delay from the high court. Like that of the Chinese-Americans, his request was directed at Justice William O. Douglas who has jurisdiction over cases from California.

O'Connor said the district court seeks to compel the racial balancing that has yet to be approved by the Supreme Court.

Moreover, the city official contended, the desegregation order strikes at de facto, or neighborhood segregation, a subject still not expressly covered by the court's school ruling.

[From the Washington Post, Aug. 19, 1971]

Chinatown Parents File Appeal To Block School Busing Plan

San Francisco.—Some parents in San Francisco's Chinatown, determined to preserve their Chinese cultural heritage, are in the vanguard of a campaign to boycott schools this fall if their children are forced to comply with court-ordered busing.

Chinese leaders agree that the busing issue has mobilized unprecedented support in San Francisco's normally reticent Chinatown, the largest Chinese community outside Asia.

Every organization in the densely populated 17-block area has taken a strong antibusing stand. Every school board and community meeting on the issue is crowded with vocal Chinese parents.

One group, saying it speaks for all Chinese families in the city, appealed Tuesday to Supreme Court Justice William O. Douglas for temporary delay of a desegregation order by federal Judge Stanley A. Weigel.

At the heart of the San Francisco dispute is de facto segregation—concentration of blacks, whites, or, in this case, Chinese, in certain schools because families in the neighborhood are predominantly of that race.

About 23 per cent of the elementary school students in San Francisco are Chinese or of other Oriental ancestry. Weigel's order would put about 48,000 elementary pupils, among them 6,250 Chinese children, on buses.

The ruling grew out of a suit brought by blacks.

The Chinese contend that the massive reassignments are illegal because they are based solely on race—and that racial balancing itself was disapproved by the Supreme Court in its decision last April.

Quentin Kopp, attorney for the Chinese-American Citizens Alliance which is appealing to the high court, added: "The court order only involved a plan that balanced the number of black children and white children. The school district went far beyond that and included other non-black and non-white children."

Shortly after the appeal to Douglas, a citywide coalition called WALK (We All Love Kids) announced a boycott for Sept. 13, when the city's 97 elementary schools open on an integrated basis.

"I don't feel the city of San Francisco can provide enough jail cells for all of us who plan to boycott the public schools this fall," said Dr. Dennis Wong, representing the Chinese Chamber of Commerce.

"We (the Chinese) place education on the uppermost of priorities," Wong said in explaining the legal maneuver. We want the children to have the best of Chinese and American education. This means going to public schools and coming back to their Chinese schools in the afternoon and evenings."

If Chinese youngsters are bused out of Chinatown, Wong said, they would be unable to attend afternoon classes in Chinese language, history and art which are operated and paid for by the Chinese community.

It is the culture—the cultural value of the Chinese tradition—that has kept most of us going to obtain as high an education as we can, to be as good a citizen as we can, to do as much for society as we can," he said.

Thomas Hsieh of the Citizens Alliance added: "The people in Chinatown believe busing will change their entire pattern of life and culture."

[From the Manchester Union Leader, Sept. 7, 1971]

The "Frisco" Chinese Are Right!

The large Chinese colony in San Francisco does not dislike whites but it is objecting strongly to a busing program which would break up the all-Chinese schools and force their children to be bused many miles into strange neighborhoods to associate with strange children. On this point all the various groups in San Francisco's Chinatown are united and they carried the battle against busing as far as Supreme Court Justice Douglas, who nevertheless said the busing plan must go through.

In other parts of the nation, black parents are objecting to their children being bused out of their neighborhoods.

The busing problem, in short, is not a matter of race or color. It is simply a question of parents wanting children to go to school in their own neighborhood, instead of spending wasted hours on buses. Parents want their children to associate with the children of their own neigbhorhood and with their own friends.

The basic objection to busing is not based on race, color or creed. Almost everyone in the United States agrees with the idea that no child should be barred from attending school simply because he is of a specific race, color or creed.

Now, however, parents find that their children are being forced to go to a given school precisely because of their color! In other words, the social planning know-it-alls have decided that future humanity must have a complete racial and color mix.

Therefore, they find something inherently wrong in Chinese students all going to the same school because they like to be with each other and because they just happen to live in the same neighborhood. This, you understand—at least according to these know-it-alls, who really have no common sense at all—is all wrong.

Of course, it isn't wrong!

Even if forced balancing of school populations between the races really achieved a proven good, there still might be objections to busing on the grounds of its arbitrary, dictatorial, anti-American nature. But an argument could at least be made that the benefit outweighed the inconvenience.

But no one except a small group of theorists has ever believed that dragging children from a distant neighborhood to a new school and forcing them to associate with children with whom they have nothing in common and who don't even live in the same neighborhood—and who don't have the same interests—is beneficial. No one has ever proved that this really improves education. As a matter of fact, there are many indications that it does not. On the one hand it frustrates those from poorer neighborhoods, who have not had an opportunity to have the intellectual advantages the other children have had, and it keeps back the children who have had the advantages.

Good education should be the prime goal for all children. In the case of poor schools and poor neighborhoods, the answer is not to bus the children out of those neighborhoods. Rather, is it to improve the schools in those neighborhoods by spending the necessary money and adding the necessary number of teachers.

The entire concept of busing is un-American. It smacks of Soviet Russia and Hitler's Germany. It makes absolutely no sense whatsoever.

However, busing will go on, at great cost to taxpayers and at great damage to the children, until the parents of the United States unite in one great organization in favor of neighborhood schools.

Until the parents—in the North, South, East and West and in the Midlands, raise enough uproar and non-violent protest against busing, the politicians will continue a program of busing, regardless of the damage done to the children.

If all parents unite and form an organization and make enough to an outcry, you can be sure the politicians will listen.

THE FREEZE AND REACTION

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DUNCAN. Mr. Speaker, while we are in the midst of the wage-price freeze, I would like to place in the RECORD a very good statement from the Knoxville, Tenn., News-Sentinel on this subject. This item comes from the August 18, 1971, edition of the paper:

THE FREEZE AND THE REACTION

President Nixon faces two tough problems as a result of the wage-price freeze he clamped on the economy this week.

One is making it stick, across the board, despite grips from those who got pinched by the timing—such as labor unions which have not negotiated, or not ratified, new contracts.

The other problem is: What does he do after Nov. 12, when the 90-day freeze expires?

Nixon said Sunday night he would not set up a "huge price-control bureaucracy" to police the freeze. Treasury Secretary John B. Connally Jr. said there would be no exceptions except in rare cases of "extreme hardship." How much bureaucracy will it take to handle such appeals? Human nature being what it is, there may be a flood.

Despite some hardships, it seems quite clear that unless the freeze covers everybody and everything, it won't work. One leak in the roof usually encourages many more. If he gets his, I want mine.

This is the trouble with a freeze, as Nixon frequently pointed out when he was resisting such action. It tends to "lock in unfairness and stifle expansion."

The solace to those who will have to forgo that raise they were expecting or the price boost they were planning is that if the President's action puts the brakes on inflation they won't need it so badly. Any time he chose for the freeze had to be arbitrary, and was bound to catch some of us reaching.

Unless the 90-day freeze has a profound effect on prices, the Administration will have to follow up after Nov. 12 with something new. This is what the new Cost of Living Council, headed by Connally, is supposed to figure out.

If, come Nov. 12, a 90-day period of stability is succeeded by an outburst of new price and wage boosts, we will have gained nothing.

"I am relying on the voluntary cooperation of all Americans—workers, employers, consumers—to make this freeze work," the President said.

What happens next will depend on how well that voluntary cooperation performs. If everybody demands an exception for himself, or finds a gimmick for evading the rules, it won't work.

Inflation has been a costly experience. The question is whether the overwhelming majority of us are willing to tolerate a little more self-sacrifice to abate it.

HOMEOWNERS' TAX DEDUCTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. MIZELL. Mr. Speaker, I am honored today to be serving as a cosponsor of legislation to provide yearly tax deductions of up to $1,000 on costs incurred in the repair and improvement of American homes.

This homeowners' tax deduction is a worthwhile development for many reasons, not the least of which is the fact that it gives the hard-working, wage-earning, taxpaying American—the man who is the bulwark of our society—some much-needed financial relief.

This man, who has always borne the major share of the financial burden for this Nation's military preparedness and for our efforts in education and health care, the man who has patiently paid the cost of a burgeoning welfare clientele—this man needs and deserves our assistance.

Repairs and improvements authorized under this legislation could include painting, papering, carpentry work, electrical work, roofing, and many similar projects.

This is practical legislation, reflecting the practical nature of the people it is designed to assist.

And these people have already responded with overwhelming support for the initial efforts that have been made to secure passage of this legislation.

Hundreds of people from the Fifth District of North Carolina have expressed their strong support for this legislation through petitions and individual letters. Thousands more like them throughout the country have demonstrated the same enthusiasm for this bill being introduced today.

The bill should prove itself to be an instrument of powerful economic stimulation for the Nation as a whole. There are now approximately 39 million homeowners in the United States, and it is not difficult to foresee a great and welcomed increase in private spending generated by this legislation.

Assistance for our homeowners, widespread popular support, and a much-needed economic stimulus—all of these are characteristic of this bill being introduced today by my distinguished colleague (Mr. HALPERN). And all of these characteristics will hopefully assure swift passage of this legislation.

HAVE MEDIA BURIED AGNEW?—I THINK NOT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. KEMP. Mr. Speaker, one of the most revealing and spectacular letters to the editor was buried at the bottom of the column in the September 8, 1971, issue of the Washington Evening Star. This action certainly betrays what is more and more becoming an obvious conspiracy in the media to keep Vice President AGNEW off the ticket in 1972. I include the letter at this point.

DID NOT CRITICIZE AGNEW

SIR: The Star recently carried the headline, "4 Reporters Criticize Agnew Tactics on Tour."

The story dealt with talks to the Washington Press Club by four newsmen who covered the vice president on his recent trip around the world. I was one of them.

The Star headline was erroneous with respect to my own talk. I did not criticize Mr. Agnew or his tactics.

Contrary to the headline and a possible implication in The Star story, I told the audience I believed that Mr. Agnew in his meetings with foreign leaders represented the United States government very ably.

Unfortunately, my statement was not included in The Star story.

EDWARD W. O'BRIEN,
St. Louis Globe-Democrat.

Mr. Speaker, here is a case not just involving a distortion, but an outright falsehood. The damage has already been done. What does the media do to correct it? If it had not been for the high character of Mr. O'Brien, probably nothing. But even in printing the letter, the Star gave it as little play as possible.

In seeing this, the comments of Bill Buckley concerning the Vice President are well taken. Paradoxically, Buckley's column, printed in the same issue of the Star, emphasized:

> Inevitably, the engines of retaliation went to work on Agnew, and before long, the editorials and the columnists and the caricaturists had done their work. It was quite a job, by the way.

At this point I include the Buckley editorial.

HAVE MEDIA BARRED AGNEW IN 1972?

(By William F. Buckley, Jr.)

An organization is aborning the purpose of which is to put pressure on Richard Nixon to name Spiro Agnew, once again in 1972, as the vice presidential candidate. I have been asked to subscribe to the committee, have declined to do so, and am constrained to say why.

The Agnew Story, to begin with, is exhaustively fascinating. The rudimentary background is well known. He was considered a liberal Republican during the two years before his nomination as vice president. A liberal in domestic policies, who had fought and won a gubernatorial contest against a rather unambiguous segregationist.

On the other hand, Gov. Agnew had acted with galvanizing directness when the civil rights militants began to turn to civil disobedience as the imperative liturgy. But the public impression was that here was a pro-civil rights "progressive" Republican governor who was adamant on the subject of law and order. Far from offending the liberals in Miami, Spiro Agnew was accepted as excellently qualified to balance the ticket.

Agnew, on becoming vice president, became suddenly conspicuous in the fall of 1969 when he lashed out at several enemies, successively the network television media, the unruly students, the latitudinarian faculty, and so on. His rhetoric was altogether heterodox.

Spiro Agnew spoke sentiments which cannot reasonably be suspected as being his own exclusively. That is to say, it is unrealistic to suppose that he spoke thoughts which lay athwart presidential conclusions. A president needs to choose his rhetoric rather more carefully than other people. The role of the vice president, on certain occasions, is to give robust expression to a president's point of view.

Inevitably, the engines of retaliation went to work on Agnew, and before long, the editorials and the columnists and the caricaturists had done their work. It was quite a job, by the way.

The recent trip around the world by Agnew is an extraordinary example of the kind of thing the press can do to somebody. Newsweek magazine probably won the Gold Cup by a series of animadversions upon his performance so strikingly unjust as to cause at least one ambassador to write in protest against the distortions.

In any event, what the opinion-press decides about you becomes hardened political fact, and before long the verdict seeps down into the opinion polls. And then you have—or, rather, the president has—a problem. What to do? The President of the United States, if he decides to run for reelection, desires a running-mate who will help the ticket. Always assuming that the president is responsible, and will not designate an unqualified running-mate, the question he faces is: Who will increase my votes in the critical states?

If the President is absolutely certain to carry Ohio, Illinois, and Michigan, he will not find it particularly important to nominate a vice president whose appeal is primarily in Ohio, Illinois, and Michigan. The question Richard Nixon is facing is: Is Spiro Agnew mortally wounded by the same bull he had a hand in killing (to use a metaphor I confess to having used before)?

The pressure from American conservatives is, actually, designed to awaken pressure from the millions of Americans who feel profoundly grateful to Agnew for having taken on a lot of giants, and made a lot of solid points. But the committee that seeks explicitly to intimidate Richard Nixon into renominating Agnew goes about its business with undifferentiated goals.

The question is not whether Agnew is popular with American conservatives; the question is whether the media whose power he has described, have in fact exercised that power successfully to discredit him. Assuming 20 Americans know with the force of certitude that Jones is innocent of the crime of which the majority thinks him guilty, it is an exercise in justice, not in politics, to insist on projecting Jones as qualified.

I hope Nixon selects Agnew, because I admire him greatly. But it is utterly unrealistic to suppose that on such a matter as this, Nixon would be guided other than by the political situation. The obligation Nixon has is to spend the next six months in giving Agnew ample public opportunity to reingratiate himself with those Americans who fear and distrust and condemn him for quite the wrong reasons. That yes; but surely not ultimatums.

Mr. Speaker, the Buckley editorial was quite timely. He points out that the President can play a key role in providing the Vice President with an opportunity to "reingratiate himself."

On the same day, the New York Times News Service ran a story showing the President has indeed adopted a positive position with respect to the Vice President. At this point, I include that story.

APPLAUD RECORD OF AGNEW, NIXON URGES REPUBLICANS

President Nixon is urging members of his administration and party to speak out in defense of Vice President Spiro T. Agnew's performance in office.

The day after he announced his new economic policy in a nationwide telecast, the President startled some subcabinet officials gathered at the State Department for a private briefing on the policy by grasping the vice president's arm and raising it in the air—a gesture identical to the one Nixon made at the 1968 Republican convention.

In public, Nixon's praise of Agnew has been more restrained.

". . . A FINE JOB"

When the Vice President returned in July from a month-long tour of the world amid speculation that he had been kept out of the way during negotiations on Nixon's diplomatic initiative toward China, the President said only, "Welcome back. You did a fine job."

But at a private meeting on Aug. 9 with officials of the Republican National Committee, Nixon urged them to "support the vice president. Do what you can to help the vice president. He's got a tough job and he's doing it well. He's been attacked and maligned unfairly."

Officials who are leaking details of the two incidents are quick to note that they do not represent a guarantee that Agnew will be the President's running mate again next year.

CONSERVATIVES WOOED

There is one school of thought that the White House is merely trying to reassure conservative Republicans, among whom Agnew is a current hero, that the President is not unmindful of their support as his policies appear to be moving leftward on China and the economy.

One group of Republicans, calling itself "Americans for Agnew," is petitioning conservative campaign contributors to let the White House know "we will not accept the elimination of Spiro Agnew from the GOP ticket in 1972." Among them is Lee Edwards, who was the deputy public relations director for the party's national committee in 1964 and 1965.

COOL TO CONNALLY

One member of the group said that its members would not accept Treasury Secretary John B. Connally, a Texas Democrat, as a replacement for Agnew on the Republican ticket.

At the subcabinet briefing on the economic measures, Agnew reportedly rose to commend Connally on his "masterful handling" of questions that morning at a televised news conference.

Agnew added that he was referring "especially to the questions, some pertinent and some not so pertinent, concerning inflation and unemployment—specifically, the inflation of the egoes of certain economic prophets and the much-discussed possible unemployment of the vice president."

The President beamed.

Mr. Speaker, some think that the press has done irreparable harm to the chances for the Vice President to be renominated in 1972. I do not think so. I am confident that the Vice President can impress upon the American public, prior to the Republican Convention, that he is a man of wisdom, ability, and courage.

I consider myself very fortunate indeed to have the Vice President for the principal speaker at a fund raising dinner which is being given by friends in my behalf in Buffalo on October 7. This is the first time the Vice President has been a fund raising speaker for any Member of the House and I am sure the Republicans and Conservatives of Erie County will give him a terrific welcome.

Although the Vice President may be down—he is not out. I hope the October 7 speech will be the beginning of a concerted effort on the part of the Vice President to gain full recognition of his sound and realistic policies.

MIDEAST PEACE MUST BE NEGOTIATED, NOT IMPOSED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. ROSENTHAL. Mr. Speaker, peace in the highly volatile Middle East can only be achieved through direct negotiations between the Arabs and Israelis and not by the imposition of one-sided concessions.

I have, therefore, called upon the Secretary of State to ease up on apparent U.S. pressures to impose a Middle East peace settlement on Israel. I also have urged prompt U.S. approval of Israeli requests for additional military aid at a time when the Soviets, demonstrating no visible interest in a peace agreement, are stepping up arms shipments to their Arab clients.

My experience and view are that no durable, meaningful or lasting peace settlement can be arrived at in the Middle East unless and until the governments of the states there sit down with each other and negotiate directly rather than through big power patrons.

The quest for peace must not be made blindly, overlooking the importance of maintaining the power balance among the nations involved.

I have made these thoughts known to the Secretary of State in a recent letter to him which I am inserting in the RECORD at this point:

WASHINGTON, D.C., *August 25, 1971.*

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: United States efforts to help bring about peace in the Middle East are highly commendable. I know you are sincerely dedicated to a just solution for all involved. It is with that in mind that I wish to suggest that the single most important consideration here is that it is up to the parties themselves—the Arabs and the Israelis—to decide their own future.

A third party acting as an honest broker, with a preconveived plan, no matter how altruistic and noble his intentions, is still an outsider and, therefore, unable to achieve a lasting settlement. Should the big powers, such as the United States, seek to impose their own solutions, the results would, at best, be a very fragile peace.

A fragile ceasefire, for which you deserve great credit, is all we have now. We are all thankful that the shooting and the killing have stopped for the moment; but the long-range outlook is poor because this cease-fire has been imposed from outside and was not mutually agreed upon in direct negotiation by the participants.

My experience and view is that no durable, meaningful or lasting peace settlement can be arrived at in the Middle East unless and until the governments of the states there sit down with each other and negotiate directly rather than through big power patrons.

The quest for peace must not be made blindly, overlooking the importance of maintaining the power balance among the nations involved. Yet there is some feeling that may be happening.

While the United States is faithfully discharging its commitments to send Israel all the aircraft already purchased, there apparently has been no decision with regard to Israel's pending request for additional aid, now about a year old. There are those who interpret this as a form of pressure on Israel to accede to U.S. views on a settlement in the Mideast.

An anti-Israel propaganda campaign is underway which holds that any hope for Arab friendship and goodwill will depend on weakening the U.S. arms policy toward Israel. We have seen over and over again, Mr. Secretary, that while the United States withholds approval of Israel's arms requests, the Soviets continue and even step up arms shipments to their Arab clients.

The Soviet Union is providing the Egyptians highly advanced missiles and aircraft that it has not committed elsewhere outside its own borders, plus the personnel to operate this sophisticated equipment while they are teaching the Egyptians to handle it themselves.

There are those who would tell you that Israel does not need additional aircraft. A look at the statistics shows that this is not so. Egypt now has twice as many aircraft as Israel, including three times as many supersonic planes. It has one-and-a-half times as many tanks as Israel, and the Egyptian advantage in missiles is 20-to-1.

Israel's quantitative disadvantage will grow, not only because the Russians will maintain the supply, but because Israeli aircraft and other equipment will suffer from obsolescence and attrition. Meaningful negotiations depend on Israel's ability to at least maintain parity with those who almost daily threaten to destroy her. Further delay in U.S. approval for additional aid can too easily be seen as eroding Israel's defense posture and weakening the American commitment to her.

It is apparent that because of Israel's dependence on U.S. military and economic assistance, our government is in a strong position to influence the policies of the Israeli government. Such is not the case with the Arab governments in the Mideast.

I am fearful that because it may appear that the U.S. government can exercise considerable influence over the Israeli government, it has become our policy to bear down on Israel in an effort to evoke concessions. If the Soviet government was attempting to force similar concessions from their Arab clients, this policy might bear constructive fruit. But it is clear that the Soviets are not interested, at this time, in putting similar pressures on the Arab nations.

Accordingly, Israel is really being asked to make most of the sacrifices necessary for a permanent settlement, while the Soviets and their Arab clients remain intransigent.

It is my strong hope that the U.S. government will recognize that our ability to influence Israeli policy and our inability to influence Arab policy will not result in an imposition of one-sided concessions.

The world's best hope for peace in the Middle East lies in direct negotiations between the Arabs and the Israelis. I urge you to work toward that goal.

With best wishes.

Sincerely,

BENJAMIN S. ROSENTHAL,
Member of Congress.

QUESTIONNAIRE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit by unanimous consent as official business, the letter and questionnaire I am sending to the homes of the citizens of our congressional district. The purpose of this questionnaire is to obtain the opinions of our citizens and their recommendations for, and opposition to, Federal legislation by the U.S. Congress. These questions are mainly based on the President's executive order of August 15, 1971, and policies relating to our U.S. economy, Federal budget, and taxes.

The material follows:

JAMES G. FULTON,
U.S. Representative in Congress.

Washington Office: House Office Building, Washington, D.C.

Pittsburgh Office: New Federal Building.

Government System Phone Number 644-2876.

Congress of the United States, House of Representatives, Washington, D.C., 8 Sept. 1971.

Not Gov't expense.

DEAR FRIENDS: We are now at a time of historic decision—Congress is now convening. The Fall Session opens today. I am writing to give you recent important developments.

On 15 August 1971, the President has instituted a 90-day freeze on prices, rents and wages in the United States, to stop inflation, expand jobs and stabilize the US economy. Congress must approve or make changes in these policies, regulations, and exceptions to the Executive Order, so hearings and legislation are now beginning.

The President, acting under authority provided by Congress in the Economic Stabilization Act of 1970, established ceilings on all rents, prices, salaries and wages at the level which prevailed during the month ending 14 August 1971. The freeze on prices covers all commodities, rents and services, excepting raw farm products. Even with freeze, runaway inflation caused August wholesale prices to climb most in 6 months.

The US Internal Revenue Service (IRS) will handle complaints and answer questions about the price-rents-wage freeze. If you have any questions on this Executive Order, you can contact IRS in person or by letter at the local Pittsburgh office—Address: New Federal Building, 1000 Liberty Avenue.

Pittsburgh Internal Revenue Service employees will answer inquiries telephoned to 644-5755. You can also call the Pittsburgh Federal Information Center, 644-3456, and the Center will screen and refer your call to the appropriate Internal Revenue Service (IRS) office. On major questions on this Executive Order, you can write to Office of Emergency Preparedness, Washington, D.C., asking for general rulings, new regulations, or exceptions. I hope this will be helpful to you.

Cordially,

JIM FULTON.

We citizens of our District want to have our opinions considered when our Government is facing basic issues on vital questions that will affect each of us and our families for years in the future. I am writing to you to ask your advice as to what policies Congress should adopt or change. I have been spending many hours in serious study on these decisions, that affect every one of us so basically.

Because it is not possible for me to write to every citizen of our District, I have prepared this questionnaire to be sent to a cross-section of the homes of the almost 500,000 people living in our South County Congressional District. So your opinions are important, as they represent 100 people, and will be read carefully. You can really be helpful to me in giving good service and intelligent representation.

Questionnaidre.—Please show you favor by "√," or oppose: "x."

After completing, tear on above dotted line & mail to me in Washington, D.C., at once.

Favor 90 day price-rent-wage freeze order? --Extend freeze after 90 days? --How long?--

Favor permitting increases: merit pay-- fringe benefits-- shorter work hours-same pay-- Social Security benefits-- pensions-- unemployment benefits-- relief payments--

Favor stopping tax increases: Federal-- State-- County-- City-- Boro-- Township-- School Tax--

Favor proposal for excess profits tax?--of 25%-- 50%-- 75%-- or 100%--

Continue 10% import tax after 90 day period?--Favor repeal of 7% Federal automobile tax?--

Favor immediate increase personal income tax exemption from $650 to $700 per person?--

Favor tax credit of 10% for one year on cost of new machinery & equipment to expand jobs and modernize U.S. plants? (In 1971, private business plant investment is reduced)--

Approve dropping of gold standard for U.S. dollar abroad? (U.S. dollar already taken off gold standard for U.S. domestic purposes in 1930's by President Franklin D. Roosevelt)--

Favor my vote against rigid high price supports that push up cost of U.S. agricultural products which increases cost of family food?--

Turn over page for remaining questions.

Remaining questions: Limit interest rates?-- Limit all profits?-- or just corporations?--

Favor President's recommendation to cut U.S. foreign aid by 10%?--

Favor proposal for $5 billion cut in Federal budget for next year?-- ($30 billion Federal deficit expected—chief cause of runaway inflation)

Favor Administration proposed plan increasing present Federal relief costs by $7 to $9 billion and adding 12 to 15 million more people to relief rolls?-- Or do you favor enlarging technical Federal & State training programs?--

Favor Administration releasing almost $6 billion Congress has already appropriated (I voted for) for construction of necessary public works-water supplies, sewers, flood & pollution control?--

Do you favor working out a new program for Federal aid to parochial & private schools to save presently necessary closing of many schools?--

8 SEPTEMBER 1971.

DEAR FRIENDS: The bigger the problems & the sharper the issues, the more important it is that your views be made known in Washington. To give you the opportunity to make your views and opinions count, I am asking your comments on really serious problems that America faces.

It is a pleasure for my office to be of service to you personally. For your convenience we maintain our Pgh office, as well as our Washington Rayburn Bldg office. If there is any way you feel we can be of assistance, write me at Pgh or Washington, & we will be glad to cooperate.

Sincerely,

JIM FULTON.

House of Representatives, U.S. Public Document. Official Business.

(Not printed at Government expense.)

JAMES G. FULTON, M.C.

Postal Patron-local, 27th Congressional District, South Hills, Pittsburgh, Pennsylvania.

P.S.—*Thank you* for your civic & patriotic interest—in giving me the benefit of your judgment, which I really appreciate, & will study carefully.

I will see that the White House is given the results, and will place them in the Congressional Record, and will send you a copy. Your own answers are *confidential*.

JIM.

How am I doing? Bad--OK--Fair--.

To return, just fold with my name and address on outside, stamp and mail.

All your individual answers are confidential.

Please print or type.

Name ------------------------------------
Address ----------------------------Zip----
Ward, Boro or Township-------------------

Check here if 18 to 21 year old new voter.

Place regular stamp here.

To U.S. Representative James G. Fulton, Rayburn Bldg., Washington, D.C., 20515.

Not printed at Government expense.

GLEESON E. HUPP, COUNSELOR TO VETERANS, RETIRES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. DULSKI. Mr. Speaker, the end of August marked the end of a distinguished career for a dedicated public servant, Gleeson E. Hupp, senior veterans' counselor for the State Division of Veterans' Affairs at Buffalo, N.Y.

Before World War II, he was a teacher on Long Island. But after his discharge from the Navy in 1946, he stopped to see friends in the State veterans office and was offered a job. He has been there since.

During the years since World War II, Gleeson Hupp has aided untold numbers of veterans and enjoyed especially the continuing battle to protect the reemployment rights of veterans.

Buffalo and western New York will miss the wise leadership and counsel of Mr. Hupp in his retirement, but the list is long of those who are indebted to him for his counsel over the years.

As part of my remarks, I include an article from the Buffalo, N.Y., Evening News:

A 25-YEAR VETERAN IN VA OFFICE NEARS END OF COUNSELING CAREER

A frayed and graying folder bulging with papers—letters, case histories, infrequent thank you notes and his own Navy discharge papers—forms a capsule souvenir of his career for Gleeson E. Hupp, senior veterans' counselor for the State Division of Veterans Affairs.

"I've made a few friends throughout the area," Mr. Hupp said, summing up a 25-year career with obvious understatement. "A couple of old ladies still call me for help."

Beginning Sept. 1, they'll be calling someone else in the Gen. Donovan Bldg. office. Mr. Hupp, who has supervised 10 counties of Western New York since 1969, retires at the end of this month.

The opportunity to help people and the variety of their problems were the key incentives that kept the former teacher in veterans counseling, he said.

One couple, a World War II veteran and his wife, have been visiting Mr. Hupp since 1949 for advice on schooling, jobs, and hospitalization—or just for reassurance.

"They even brought us their paychecks at times and we paid their bills," Mr. Hupp recalled with a smile.

PLEASANT RECOLLECTIONS

The smile appeared frequently as case after case came to mind.

"You never know who's going to sit in that chair next," Mr. Hupp said, pointing to a seat near his. "It's nice to know when a person gets up and leaves that you've done something for him."

Mr. Hupp's favorite work was "the battle for re-employment rights" for returning veterans. He remembered a meeting with the personnel director of a local company that had been reluctant to rehire discharged servicemen.

"There were 10 lawyers in his office and me with my little pamphlet," Mr. Hupp recalled, laughing. That particular battle was lost, he said, but the division eventually scored a victory on the issue.

OWN REEMPLOYMENT PROBLEM

A re-employing problem of his own led Mr. Hupp to the State Division of Veterans Affairs in 1946. A graduate of Buffalo State University College, he had been teaching at a Long Island high school before World War II.

He still had a job there after his discharge as a lieutenant commander and training superintendent with the Navy—but no housing was available on Long Island.

During a visit home, he stopped to see friends in the state veterans office here and the former senior counselor offered him a job.

On Aug. 28, new friends in the division will honor him with a party, After a six-week trip to Europe, Mr. Hupp, and his wife Rose will spend the winter in their new apartment in North Palm Beach, Fla. But they'll be back in Buffalo with their friends come springtime.

SCHOOL BUSING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise today for the purpose of introducing a House joint resolution proposing an amendment to the Constitution of the United States which would prevent the assignment of pupils in public education to any particular school because of their race, color, or creed.

I have hesitated to introduce such a resolution previously, Mr. Speaker, because of a continuing hope that the Federal Courts would see the fallacy of their decisions which have forced massive busing in many school districts across the Nation, including Amarillo, Tex., in my district.

It is now obvious that the courts have refused to recognize the actions of the Congress in the form of numerous laws forbidding the use of busing as an instrument to achieve racial balance. For this reason I feel compelled to introduce this proposed amendment and urge its prompt adoption by the Congress and the States.

Mr. Speaker, the purpose of this resolution is not to promote segregation or prevent integration. Its purpose is to promote neighborhood schools and to prevent massive busing with its inherent disruptive effects.

In every debate we have had in this body since I have been here, the Congress has maintained its opposition to achieving racial balance simply for the sake of achieving racial balance, as well as adopting numerous laws forbidding busing. Nevertheless, the Supreme Court has refused to recognize our action and has gone ahead with its busing edicts.

This constitutional amendment will go a long way toward reestablishing the policy that public schools are primarily the concern of the local school boards and parents of the community and that the courts should confine themselves to actual legal questions rather than becoming the school board itself.

WILDERNESS AREAS MUST BE REMOTE FROM ACCESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WALDIE. Mr. Speaker, the following letter is one of the truly fine statements I have had the privilege of reading. Mr. Kruger's letter is at once eloquent and descriptive and worth the attention of all those interested in preserving the remaining wild areas of our Nation:

DEAR CONGRESSMAN: With the understanding that you are currently engaged in probing into, or reviewing the Trail Peak roadway situation into the Cottonwood Basin near Lone Pine, California, (also SIRC ski development project etc.) I would like to comment "briefly" on this subject. My name is David Kruger and I Live in Lone Pine, working for the L.P. Unified School District teaching junior and senior high school band and chorus. Realizing that there are many viewpoints involved in any question as large as this one, I nevertheless feel it necessary to bring this particular one to your attention. It is simply the viewpoint of one who turns to the mountains for a lot of spiritual joy, whatever that means. First, I do believe that wilderness can be for everyone. But it should be understood that wilderness per se means different things to different people: to a child, for example, just a backyard campout at night could represent wilderness. To most adults, a wilderness can be a roadhead campground, isolated but often not without substantial accommodations, e.g. toilets, tables, stoves, water etc. And these people undoubtedly receive a gratification from their experiences which align with their particular concept of wilderness, and presumably greatly enjoy it. This is as it should be. For others however, a wilderness means quite something else. Among other things it means a certain solitude as well as isolation. It acknowledges an absence of roads and stores, and tables, and stoves, and restrooms, and showers, and ultimately of signs and even of trails. It means a total commitment to one's own resources. And unless an area is actually as wild and primitive as this, the elemental joy of traveling through the "wilderness" would not be as complete for some, as would be the child's joy at experiencing his first close-to-home campout.

In other words the Trail Peak area which was once, even recently, very close to a true wilderness in the latter sense, is now just another tourist area.

And the problem is this: a great deal of the Sierra Nevada is already heavily used. True wild areas are becoming fewer and fewer. One hates to see this quiet and lovely basin become so fouled with garbage and paint and litter, used and castoff.

It is sad to realize that these people feel no commitment to this land, when it has given so much. So they come and they go, perhaps not to return, while those of us who live in this part of the country by choice are bound to watch its ruination at the hands of others. This is the point: Cottonwood Basin is a delicate region with regard to ground cover and animal life, as is much of the eastern Sierra. The Cottonwood Lakes there represent the sole spawning and breeding ground for the native California Golden Trout. I guess the argument ends there; it is a plea for a bit of wilderness and a vanishing fish.

I would like to suggest that the Trail Peak Road into the Cottonwood Basin be closed permanently at Carroll Creek, and that the great scar of this road be allowed to heal. It should be sealed and abandoned. Even as a fire road it serves no purpose.

If fishermen and hikers, and packers, wish to use the basin it is a beautiful ten mile hike from Cottonwood Canyon on a good trail. If it is not worth a ten mile walk, then the people involved do not appear sincerely interested, and perhaps do not belong there.

There is much more to be said of course, and certainly other points of view. However, it is enough at this point to ask that you please look into this situation carefully and give it your best judgment.

If I may be of help in any way please feel free to contact me, any time at all. I shall return to Lone Pine from South Dakota/Wyoming about the 20th of August. Thanks for listening.

THE SOVIET UNION—THE REAL AGGRESSOR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. WYMAN. Mr. Speaker, behind the Vietnam war, the tensions in the Middle East and almost anywhere else you look in the world, you find the Soviet Union primarily responsible for provoking war. This has been continuing while the Communist press has charged the United States with aggression—in the teeth of the truth, which is that the Soviets have been furnishing guns, ammunition, artillery, and the whole package to Communists in North Vietnam to help them invade and destroy South Vietnam.

I think these facts make all the difference between right and wrong. In this connection the recent column by Hon. David Lawrence, appearing in the Washington Star, merits thoughtful consideration:

SETTING FACTS STRAIGHT ON VIETNAM

(By David Lawrence)

For the first time, the Soviet Union has publicly admitted that it has furnished money and military weapons as well as advisers to North Vietnam since 1955.

It has been generally known, of course, in the last few years that the Soviets were backing the Hanoi government and that the aid given has run into billions of dollars. But the United States government had never said anything about it nor have the American people recognized that their troops have been, in effect, fighting an army trained by the Soviets.

Pravda, the Communist party newspaper in Moscow, has just listed the categories of Soviet war aid and the number of its personnel involved. Hitherto, the Soviets have not revealed any details as to the nature of their assistance to North Vietnam, although there have been news dispatches indicating that large sums were being spent to help Hanoi, Pravda says:

"During the war years, the Soviet Union was sending to the Democratic Republic of (North) Vietnam the arms, ammunition and other military equipment that became the foundation of the republic's antiaircraft defense system . . .

"The support of the Soviet Union was one of the most important factors in helping North Vietnam to survive difficult years and in forcing the United States to stop the war of devastation."

The article adds that about 7,000 North Vietnamese personnel had been trained in the Soviet Union from 1955 on, including 4,000 "specialists."

American military officials have been aware of the assistance given by the Soviets and also the aid furnished by the Red Chinese. The United States intervened in Indochina because South Vietnam was about to be taken over by the Communists in North Vietnam.

Most Americans, however, have never realized that our real opponents in the Vietnam war have been the major Communist countries in Asia and Europe, and that huge sums have been spent by them not only for military supplies and weapons but for the training of armies.

In a sense, American troops have been fighting against the Soviets and Red Chinese, but nobody in our government here or in Asia has said so openly. Today, as American participation in the Vietnam war is being brought to a close, the facts are coming out and the Russians are beginning to claim credit for what they say is a defeat for the United States.

The Soviets are engaged in supplying military aid in different parts of the world, and it is known that they are an active ally of Egypt in the Middle East. Israel has sought help from the United States. Again, the adversaries are not really Egypt and Israel but Washington and Moscow.

Peace can be attained only if an understanding is reached by the diplomats in the United States and the Soviet Union.

Just what has been the purpose of the Russians in playing such a role to strengthen North Vietnam? It is assumed here that the objective has been not so much to thwart the United States as it has been to make sure that Red China would not take over Indochina.

Indeed, some experts believe that the Vietnam war can be brought to an end through the influence of Moscow today only because there is little likelihood that Red China will continue to spend huge sums to aid North Vietnam.

The United States, of course, has built up in South Vietnam a government with a large army and plenty of military supplies. There is every intention to continue military assistance even though American troops may not be present in South Vietnam.

The amazing thing about the Soviet disclosures is that the Communist press has repeatedly charged the United States with committing aggression when actually North Vietnam has been trying to grab South Vietnam while the Soviet Union has been assisting in the process.

Now that the war is almost over and the American government has been denounced by many members of Congress and other critics inside the country, the Communists feel they can continue to argue that their objective was to help North Vietnam repel aggression by Americans.

The facts, however, are clear. South Vietnam was invaded by North Vietnamese aided by the Soviets and were it not for the military help supplied by the Soviet Union and Red China, North Vietnam could never have maintained the military operations of the last several years against both South Vietnam and the United States.

ABANDONING ANTI-COMMUNIST FOREIGN POLICY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. SCHMITZ. Mr. Speaker, like the spreading ripples that cover the whole surface of a pond when a large stone is dropped into it, the consequences of the fundamental shift of policy dramatized by President Nixon's decision to visit Peking and "normalize" relations with Red China are making themselves felt in every part of the world. Most of what remained of our anti-Communist position in the world is being swept away. Surely, it is one of history's greatest ironies that this is occurring during the administration of the President who first came to public notice as the Congressman who exposed Alger Hiss, and proceeded to build a reputation as one of the strongest anti-Communists in America.

Yet, now we find the administration of this President, through its spokesmen in Congress, passing the word that it is satisfied with a Senate change in the bill providing for continued operation of the Export-Import Bank, so as to allow the Bank to make loans to countries known to be supplying North Vietnam. Earlier, under the impression that the administration wanted such loans prohibited, the House had voted 207 to 153 against them. By August 5, informed by the administration that it had no objection, the House voted 219 to 140 in favor of accepting the Senate amendment.

The first vote was taken before the President's Red China announcement; the second after it. The message was clear.

No better comment on this particular action could be made than to quote the scathing words of my colleague, Congressman Blackburn, of Georgia, on the House floor that day:

> Mr. Speaker and Members of the House, I recall a famous old statement that was attributed to a Communist leader some years ago in which he defined a capitalist as being a man who will sell you the rope that you are going to use to hang him.
>
> Under the conference report not only are we proposing to sell the rope, but we are going to do it on credit. We are going to finance its purchase, which is a pretty sweet arrangement for your planned executioner when you get right down to it.

Furthermore, within the last few weeks the State Department has confirmed that approximately $5 million in American taxpayers' money is now going to the Communist Government of Chile, most of it to be used for the purchase of a large transport aircraft—the C-130—of the type used to carry paratroopers. And the administration has approved, over the strong objections of the Department of Defense, the sale of two highly sophisticated model 1906A English computers to the Soviet Institute of High Energy Physics at Serpukhev. These computers, which can be used as prototypes to manufacture others like them, have a magnetic disc memory and a high speed rate which Soviet computer technology has so far been unable to achieve on its own.

While we extend aid to the Communists, we are restricting it to our allies. In debate on the House floor August 3 on the military aid bill, it was explained that the administration was no longer seeking congressional approval of aid to Greece, but was willing to accept a legal prohibition on military aid to this friendly, strongly anti-Communist country, except insofar as the President should decide to grant it under special circumstances. The administration is now in a position, without further action by Congress, to make any further military assistance to Greece contingent on that nation's willingness to go along with our new, no longer anti-Communist foreign policy stance.

Finally, it has been reliably reported in West Germany that in a recent secret meeting, West Germany's Secretary of State Egon Bahr, after consultation with Henry Kissinger, President Nixon's closest foreign policy adviser, agreed to sweeping concessions to satisfy longstanding Soviet demands about the status of West Berlin which have been firmly resisted ever since the days of the Berlin blockade.

The picture emerging from this sequence of events is one of the darkest in the history of our country. A massive sellout of free world interests—including our own—which we have defended for a quarter of a century at the cost of thousands of American lives and vast American treasure, seems to be in the making. That sellout will in all probability continue unless and until the American people let it be known unmistakably that they will not tolerate this kind of truckling to the most dangerous foe we have ever faced—no matter what the past reputation and presently alleged motives of the people who are doing it may be.

PUBLIC INTEREST GROUPS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FAUNTROY. Mr. Speaker, today I am joining with more than 70 of my colleagues in cosponsoring with Mr. Symington a bill that will amend the Internal Revenue Code to allow certain tax-exempt charitable organizations to lobby for the public interest in the Congress on a basis equal to that of private business.

In a society that is as technologically complex and legally oriented as ours, it seems to me to be inherently unfair that organizations whose interest is the public good and welfare are prohibited from becoming involved in the legislative process when the views they express can have the equalizing effect so necessary to counter the efforts of well-orchestrated private business associations. It has been argued that the Congress cannot operate effectively without lobbying groups. Lobbying activities, however, must not be a one-way street in which the articulated interest are those who are backed by well-heeled money persons.

The credibility of our legislative process must not be impaired by a failure to seek all views of those who are potentially affected by the laws we pass and the hearings we hold. Most of the organizations that this bill will affect are civil rights and civil liberty groups, consumer, and environmental organizations.

Whether or not we agree with the individual beliefs of any of these organizations is immaterial. It is contradictory to our constitutional processes to decide that an organization deserves a tax exemption because it serves the public good and yet silence it by taxation when they attempt to speak to that public good in communicating to their legislators. A fundamental function of a legislative process that operates through its committee system is the acquisition and analysis of information supplied by all sources. The issues that come before us today are increasingly complex and possess ramifications far beyond anything that our forefathers, though prescient in their wisdom, could have ever imagined.

This bill does not affect private foundations and their activities, as they are defined in the 1969 Tax Reform Act, nor would it provide an exemption for any organization which participates in political campaigning on behalf of a candidate for public office. Yet, those organizations which are charitable and rely on public support will be able to communicate to Congress without fear of losing their exemptions which are important to their ability to secure gifts for their continued life.

As legislation becomes more complex, the average Congressman becomes further removed from the individual constituent because he must rely on the views of the alleged expert. We must reverse that trend. It is imperative that the views of each individual be effectively heard through their support of the various public interest groups to which they contribute. Their contribution must be effectively articulated in the fields of ecology, health, welfare, civil rights, and civil liberties. The communications that these groups can bring to us is immeasurable. Removal of the impediment of taxation will not only secure the input of a wider constituency, it will make the democratic process more viable and credible.

NATIONAL GALLERY OF ART CALENDAR FOR SEPTEMBER 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1971

Mr. FULTON of Pennsylvania Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

NATIONAL GALLERY OF ART—CALENDAR OF EVENTS FOR SEPTEMBER, 1971

MONDAY, AUG. 30, THROUGH SUNDAY, SEPT. 5

* PAINTING OF THE WEEK—Renoir. *A Girl with a Water Can.* (Chester Dale Collection) Gallery 90. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR—*Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00; Sun. 2:30 & 5:00.

SUNDAY FILM—*The Rise of Louis XIV;* Auditorium 3:30 & 6:30.

FILMS—"Civilisation," XII—*The Fallacies of Hope,* Mon., Wed. & Fri. 6:00 & 7:15. "Civilisation," XIII—*Heroic Materialism,* Tues., Thurs. & Sat. 6:00 & 7:15.

* 11″ x 14″ reproductions with texts for sale this week—25c each. If mailed, 35c each.

MONDAY, SEPT. 6, THROUGH SUNDAY, SEPT. 12

LABOR DAY FILM—*The Rise of Louis XIV;* Auditorium, Monday 3:30.

* PAINTING OF THE WEEK—Memling. *Madonna and Child with Angels.* (Andrew Mellon Collection) Gallery 39. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

TOUR OF THE WEEK—*The Architecture of the National Gallery of Art.* Rotunda Tues. through Sat. 1:00; Sun. 2:30.

TOUR—*Introduction to the Collection.* Rotunda Mon. through Sat. 11:00 & 3:00, Mon. (Labor Day) 1:00; Sun. 5:00.

SUNDAY LECTURE—*Footlights and Fantasy—Italian Stage Design Speaker:* Elaine Evans Dee, Curator of Drawings and Prints Cooper-Hewett Museum, Smithsonian Institution, New York Auditorium 4:00.

For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.

MONDAY, SEPT. 13, THROUGH SUNDAY, SEPT. 19

*Painting of the Week—Canaletto. *View in Venice* (Widener Collection). West Stair Hall—Main Floor; Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*Theater and Festival in Art.* Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture—*The Human Comedy of John Sloan,* Speaker: David W. Scott, Consultant. National Gallery of Art, Auditorium, 4:00.

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215, ext. 272.

MONDAY, SEPT. 20, THROUGH SUNDAY, SEPT. 26

*Painting of the Week—De Hooch. *A Dutch Courtyard* (Andrew Mellon Collection). Gallery 47, Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week—*Theater Designs from La Scala Opera House*. Central Lobby, Tues. through Sat. 1:00; Sun. 2:30.

Tour—*Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday Lecture—*My Reminiscences of John Sloan*. Speaker: Mrs. John Sloan, Teacher, Artist, and Author. New York, N.Y., Auditorium, 4:00.

Sunday Concert—National Gallery Orchestra. Richard Bales, Conductor. East Garden Court, 7:00.

All concerts, with intermission talks by members of the National Gallery Staff, are broadcast by Station WGMS–AM (570) and FM (103.5).

JOHN SLOAN 1871–1951

The National Gallery of Art will mark the centennial of the birth of John Sloan (1871–1951) with the most comprehensive exhibition ever held of paintings and graphics by this important American realist. The exhibition, on view September 18 through October 31 in the central gallery, is the seventh in a series organized by the National Gallery honoring major American artists.

The 176 works in the exhibition represent all periods of Sloan's career, including his little known art nouveau work of the 1890s, the city pictures of 1900–1912, and the later Gloucester, Santa Fe and figurative paintings. Among the paintings is *The Wake of the Ferry* (The Phillips Collection), which has been reproduced as a U.S. commemorative stamp honoring the Sloan centennial.

The exhibition catalog, a major publication on Sloan, will illustrate all works in the exhibition, including 14 in full color. Essays on the artist's life and paintings by David W. Scott, and on his graphics by E. John Bullard, both of the National Gallery staff, will be featured, as well as a personal remembrance by the artist's widow, Helen Farr Sloan.

After the initial showing in Washington, the exhibition will travel to museums in Athens, Georgia, San Francisco, St. Louis, Columbus, Ohio, and Philadelphia.

LABOR DAY WEEKEND FILM

Roberto Rossellini's *The Rise of Louis XIV*, a film that vividly recreates the way of life in 17th-century France, will be shown in the auditorium at 3:30 and 6:30 Sunday and 3:30 Monday of Labor Day weekend; the running time is 1 hour and 40 minutes.

SUNDAY EVENING CONCERTS

The Gallery's 30th Season of Sunday evening concerts will begin on Sunday, September 26. The program will be given by the National Gallery Orchestra, Richard Bales, *Conductor*, and will take place in the East Garden Court at 7 o'clock. The concerts will continue each Sunday through June 1972.

LA SCALA: 400 YEARS OF STAGE DESIGN FROM THE MUSEO TEATRALE ALLA SCALA, MILAN

To coincide with the opening of the John F. Kennedy Center for the Performing Arts in Washington, the National Gallery of Art has scheduled an exhibition of stage designs, miniature stage sets and posters from the Museo Teatrale alla Scala in Milan. These prints, watercolors, drawings and models, on view for the first time in the U.S., are being circulated by the International Exhibitions Foundation and will remain at the Gallery from September 10 through October 17.

The exhibition, depicting the evolution in theater design from the 16th to the 20th century, includes works reflecting the baroque, rococo, neoclassic, romantic and art nouveau styles. An illustrated catalog, with an introduction by the distinguished theater art scholar Mario Monteverdi, will be available in the Publication Rooms. On Sunday, September 12 in the Gallery's Auditorium, Elaine Evans Dee, Curator of Drawings at the Cooper-Hewett Museum will speak on "Footlights and Fantasy—Italian Stage Design."

THE ANNUAL REPORT

For the first time the Gallery's *Annual Report* will be published separately from *Studies in the History of Art*. Scheduled to be distributed early in September, the *Report* will cover all of the many activities of the Gallery through the fiscal year of 1970. The *Report* will be illustrated with photographs and includes a foreword by the Gallery's President Paul Mellon and a personal report by the Director, J. Carter Brown. Copies may be obtained from the Gallery's Publication Rooms.

CHANGE OF GALLERY & CAFETERIA HOURS AFTER SEPTEMBER 6

Regular hours begin September 7: weekdays and Saturdays 10 a.m. to 5 p.m., and Sundays noon to 9 p.m.

Cafeteria hours after September 6: weekdays 10 a.m. to 4 p.m.; luncheon service 11 a.m. to 2:30 p.m.; Sundays, dinner service 1 to 7 p.m.

Summer hours (weekdays and Saturdays 10 a.m. to 9 p.m.; Sundays noon to 9 p.m.) will be in effect through Labor Day, September 6.

SENATE—*Friday, September 10, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, Thou knowest that in our highest and best moments we deeply desire to be the true servants of Thy will. Impart to us now the grace and strength so needful for our solemn responsibilities.

Turn our minds backward that we may learn what the past has to say to the present to guide us in the future. Turn our minds inward that we may discern the clear voice of conscience. Turn our minds outward that we may understand the tragic needs of our time. Turn our minds upward to the vision of Mount Sinai and the divine law and to Mount Calvary and the law of love.

May the larger vision make us more adequate, wise, and strong.

We ask it in the name that is above every name. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 9, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Washington (Mr. JACKSON) is now recognized for 15 minutes.

THE SOUTH VIETNAMESE ELECTIONS

Mr. JACKSON. Mr. President, like so many Americans, I am deeply concerned over the election developments in South Vietnam. The administration should not sanction the one-man referendum President Thieu wishes to hold in October. If necessary to assure a genuine contest, the October "election" should be postponed.

The United States still has a strong presence and significant influence in Vietnam that should be used to permit the South Vietnamese people a choice in a meaningful presidential election. It should be made clear to President Thieu that the commitment of the United States has been to the people of South Vietnam—to "give the South Vietnamese people a chance to determine their own future" as four Presidents from Eisenhower to Nixon have pledged—and not to President Thieu or to any other particular politician.

I consider the failure to have a competitive presidential election in Vietnam a serious and fundamental matter. Should such an election fail to take place, I must reserve my position regarding future U.S. military and economic aid to the South Vietnamese Government.

It is ironic that the sabotage of this presidential election is not by the Vietcong—who no longer seem able to do it—but by the Thieu regime itself.

Unfortunately, the U.S. administration has not only allowed the election situation to deteriorate, it has contributed to the deterioration.

Over the past year, the administration could have acted on the basis of our still significant presence in Vietnam. Instead, it maintained the facade of a "hands off" policy, which could only be construed initially as an endorsement of President Thieu, and more recently his methods.

The administration could have publicized widely a directive to all U.S. representatives, advisers, and personnel throughout Vietnam, stating that our first and foremost commitment is self-determination for the Vietnamese people and democratic development through a fair campaign and voting procedures, accompanying such a declaration by a program assuring the citizenry that the United States supports no candidate but only the rights of all candidates to campaign freely and of all voters to be free of coercion and pressure. Instead, the administration allowed our Embassy to convey the impression that Thieu was really "our man."

And when it became obvious to all that President Thieu was intent on a one-man referendum, the administration should have said publicly that this is not good enough; and it should have brought our influence to bear upon President Thieu to find ways—as he has done before—to unlock the situation and assure a bona fide contest that includes General Minh, Vice President Ky, and any other legitimate candidate. Instead, the administration has issued rationalizations and apologies for the situation, getting President Thieu "off the hook," and in effect sanctioning the one-man referendum.

It is a tragedy that after years of Vietnamese and American sacrifices, the administration has now lapsed into a mood of cynicism about the prospects for positive political development in Vietnam.

The one group that is not cynical is the people of Vietnam. They turned out in record numbers during the recent National Assembly elections. They ignored Vietcong threats, intimidation, and terrorism. Over 5.5 million people went to the polls—that is 78.5 percent of the eligible voters. Of the 159 seats to be filled, 84 went to pro-Thieu candidates, 60 to opposition candidates, and 15 to independents. No doubt there were abuses. No doubt some of the opposition were subjected, at the polls, to questionable tactics. But the increased security, coupled with a healthy antagonism between pro- and anti-Thieu forces, aroused public interest and brought the Vietnamese people into the system at 7,000 polling sites. Their vote did make a difference. And the people sensed it. And this is the beginning of participatory democracy.

But the upcoming presidential referendum is no election.

A contest where the man in power manipulates the laws and intimidates the courts is not an election.

A contest where potential opponents have good reason to believe they will be denied access to the people is not an election.

A contest where the people can vote only to approve of the acts of an administration but are offered no way to express their disapproval is not an election.

A contest where the adversary system of democratic politics is scrapped in favor of a one-man referendum is not an election.

I am not suggesting, of course, that the Vietnamese must have a system which is the mirror image of our own—or any other. But a nonelection plays into the hands of those who wish to see the future of Vietnam settled by an armed struggle. The renewed talk of coups, the polarization and the frustration harden attitudes and encourage violence, rather than a political solution. Moreover, the development of a sense of participation in political life among the Vietnamese is an important way of insuring that they will continue to work for and defend their so costly independence.

Various ways still exist to restore the three-way race that was expected for a period of time, and also open it to other candidates:

The Supreme Court in South Vietnam can reopen the list of candidates, and can postpone the October election for 30 to 90 days to provide the time necessary in which to organize a genuine and open election.

The newly elected National Assembly in Vietnam can be called in special session to amend the electoral law to promote a meaningful election, and if necessary, to vote to postpone the election.

The administration should stop pretending to be helpless, saying there is nothing more to be done. The United States still has sufficient influence in Vietnam to see that a pointless referendum is transformed into a meaningful political contest—if necessary, at a later date.

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Kansas is recognized.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that I may continue with the time that I have remaining.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I am very pleased to yield to the distinguished Senator from Illinois.

Mr. STEVENSON. Mr. President, I am most grateful to the Senator from Washington for yielding to me. And I commend him for what I regard as a most significant contribution to the continuing debate over the U.S. involvement in South Vietnam. I would add a few words of my own, having very recently returned from a trip to South Vietnam where I had occasion to observe the election campaigns then underway.

To fortify the remarks of the distinguished Senator from Washington about the nature of those campaigns and the role that the Thieu government took in rigging the elections, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a document which was furnished to me by General Minh.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, this is a State Department translation of a document which contains instructions from the central government to the province chiefs concerning the conduct of the elections. The document makes it clear that President Thieu's forces are to engage in covert and illicit tactics to assure his reelection. Tactics of harassment and intimidation are outlined in the document. Some excerpts illustrate how extensive the manipulation has been:

"All civilian and military personnel may be used in covert activities."

The document goes on in great detail to outline a blueprint for illicit activities including a variety of forms of harassment, intimidation, and bribery and including, among other things, the arresting of opposition candidates.

Far from aiding the South Vietnamese aspiration for self-determination, our military presence there has become tragically and ironically the greatest single obstacle to a free government for the South Vietnamese people. The South Vietnamese election process has been corrupted by the power of President Thieu. He derived this power from the United States.

The administration, as the Senator from Washington has pointed out, has done absolutely nothing to use its influence to insist on free elections in South Vietnam. So, we have by inadvertence and neglect corrupted the very process we sought to establish in South Vietnam. Our efforts in the war for self-determination have been climaxed by rigged and uncontested elections. A war for self-determination has now become a war for the self-perpetuation of a corrupt and autocratic regime.

The result has been the rigging of the South Vietnamese elections. The only way to avoid this is to withdraw and give the South Vietnamese at last a chance to reconcile their differences and an incentive to make peace.

We may find that when we take his crutch away the patient will walk on his own two feet. He would no longer be perceived as the puppet of the Americans. He may pull himself together, reform his political ways, and generate the will to survive. The Vietcong and the North Vietnamese would have to deal for the first time with a South Vietnamese Government standing on its own.

The conclusion of the Senator from Washington is an extraordinarily significant and a valuable contribution to the debate over Vietnam.

It may be too late for the administration or Mr. Thieu to act. My own feeling is that it is too late for them to bring about fair elections. It is up to Congress to act, and the Congress can do so and help the South Vietnamese by ending our military presence in South Vietnam. It can do so by insisting upon the original language in the Mansfield amendment which requires our withdrawal within 9 months from its date of enactment.

I thank the Senator from Washington for yielding.

EXHIBIT 1

STATE DEPARTMENT TRANSLATION OF DOCUMENT FURNISHED TO U.S. MISSION BY GEN. DUONG VAN MINH

(NOTE.—The translation may omit certain portions of the original text. These are designated "apparent omission.")

Each page of document is marked top secret (toi mat). It has no heading, signature, seal or date.

2. Begin text: this document has the purpose of explaining and delineating the electoral plans of the President in the provinces (reserved for the province chief). This electoral campaign plan includes two aspects:

Overt side: Comprises the campaign procedures fixed by the law such as distributing leaflets, putting up posters, speaking with the voters, radio broadcasting, television, etc. The central government will explain this plan to the provincial representatives of the electoral slate who will be responsible and will carry it out. The province chief will only support it with facilities and guidance.

Covert side: Comprises the secret campaign procedures including schemes, tricks, and maneuvers aimed at blocs of voters such as political parties, religions, organizations, ethnic groups, the military, the government, and the unaligned elements of the mass of the common people in order to hold close friends firmly, fight for fence-sitters, and undermine and paralyse the opposition.

ESTABLISHING THE CAMPAIGN PLAN

The province chiefs must directly draw up a plan for carrying out the covert plan, that is the various forms of secret campaign activities with regard to political parties, religions, organizations, the military, civil servants, government cadre and the people, as well as carrying out measures to paralyse the activities of the opposition slate.

The province chiefs along with the special campaign staff must establish a truly meticulous plan to be applied in all villages, all districts, all organizations, etc. . . . based upon the following guiding points:

Plan to struggle for voters:

(1) Consolidation of the friendly bloc by means of:

Maintaining the friendly bloc.

Blocking the undermining infiltration of the opposition.

(2) Struggling for the fence-sitting bloc. The plan must aim at each group, each village, each urban ward and each district in a detailed and concrete manner.

(3) Undermining and paralysis of the opposition bloc.

Analyze carefully the opposition groups: the leadership element, the weak points which might be exploited in each village, urban ward and district. Analyze the various tricks and maneuvers which might be applied in order to undermine and paralyze these opposition elements in each village, urban ward and district.

For example: Can infiltration be carried out to cause confusion and internal division in any opposition groups? It is possible to buy any leadership elements? By what means? For example, as in the cases of: [Apparent omission].

This basic plan will determine the results precisely because you the province chiefs will define and directly carry out and control it. The guiding principles are: discreet preparation, concrete plans, scientific organization, choice of prudent cadre, logical use of cadre and facilities, and tight control. This document has the purpose of providing guidance so that you, the province chief, may ease yourselves upon accurate data concerning the local situation in order:

(1) Analyse and judge the voters' inclinations.

(2) Establish a campaign plan for each vine.

(3) Fix the guiding index (of votes) to be attained.

(4) Organize and employ human resources for the campaign machinery.

(5) Estimate requirements needed to support the plan.

(6) Fix the time schedule for each task.

Part one

Analyze and judge the voters' inclinations.

A. General explanation

(1) A special staff committee in the province will undertake this task instead of entrusting it to the administrative services to undertake as would be the general rule.

(2) Analyse the basic current situation of the locality based upon the results of the province council and upper house elections.

(3) Pay special attention to the results of the upper house election by means of analysing the results of each ballot box in order to determine thereby the political inclination of the voters in each hamlet and village. From the results of each village, summarize the results of the respective district, then from the results of the district summarize the results of the province.

This analytical work must be sent to the central government before the end of June 1971.

Explanation of analysis:

(1) Record under the headings of political parties, organizations, religions, and ethnic groups, those blocs which are tightly organized and have a unified position, in other words the entire bloc follows the orders of the leadership levels.

Government personnel, the military and a number of organizations which do not have unified attitudes and do not altogether follow the orders of higher authorities in voting should be recorded under the heading of independent voters. The heading "independent" includes the mass of EOL who are not in any group.

(2) The leaders are the figures who stand at the head of the provincial section of the party or group . . . for example, the secretary of a province party committee, the leading Catholic priest of an area, etc. . . . but there are times when these figures have only a symbolic leading role, and actually another figure really has the prestige to command or persuade the members of the group.

(3) Only record the totals of voters in three blocs: Friends, fence-sitters, and opposition.

Detailed analysis at the village or urban ward level.

Two phases:

Phase 1. To be completed before the end of June, 1971, just record the total numbers of the elements of the voters in the villages and urban wards under the headings given in the form, based upon the results of an analysis of each ballot box.

Phase 2. (From July 1 to July 15, 1971) under the leadership of the responsible district cadre, and the cadre responsible for village liaison, and with the direct guidance of the district chief, the village and urban ward campaign workers have the responsibility of completing the analysis done in Phase 1 by replacing numbers with lists of names.

Each campaign worker will be responsible for 300 to 400 voters, and must have a list of the names of the voters for which he is responsible, separated according to whether they are friendly, fence-sitting or opposition elements: Members of groups, political parties, religions, ethnic minorities, belonging to a military unit or to a government agency, etc.

The aim of the village and urban district analysis is:

To know clearly the tendency of all voters.

Help the cadre and campaign workers know clearly their objectives in order to carry out their activities,

Check on the ability of the cadres and campaign workers.

[Apparent omission.]

Position: Clearly supports the government slate, is not directly connected with opposition elements, and is not afraid to speak out and to work.

Must be a local person or have lived many years in the locality so that he is well acquainted and knows thoroughly the situation of the local people.

The list representatives should be chosen among the following elements:

The provincial council.

Notables:

Civil servants and military personnel.

In places where the majority of the voters belong to a religion or some other group with a tight organization and with a close feeling among the members, the official list representative should be chosen from that religion or group. For example the Cao Dai in Tay Ninh or Hoa Hao in Long Xuyen. The supplementary representative should be chosen from young elements who are active, who have initiative, and who are loyal, in order to assist the province chief, particularly with the covert section. However, in places where the number of ethnic minority voters is important (Montagnards, Chams, Vietnamese of Cambodian origin, Vietnamese of Chinese origin), the supplementary representative should be chosen from that ethnic minority.

In the provinces that have cities with the province chief serving concurrently as mayor, the representatives of the list (primary and alternate) will concurrently serve in both province and city.

(b) Cadres with special responsibility for districts. The member of the provincial council who was elected with the highest number of votes in the district or a citizen who has prestige with the greatest mass of voters in the district should be chosen.

Military personnel and government officials serving as cadre in the district should not be chosen and they must not take leave without pay, because they might be objected to for leaving their positions in order to campaign.

(c) District Cadre responsible for liaison with villages. They should be chosen from elements of the district level military officers, the district information chief, the district national police chief, the district military security chief, etc., because they are the people whose positions require them to be in permanent contact with the villages and at the same time they have prestige with the village and hamlet official.

(d) Chiefs of village campaign teams. Each village has one campaign team chief. He should be chosen from the following elements:

Village council chairman.

Village chief.

Prestigious members of the village council.

Deputy village chief for security.

In short, the people in positions of authority in the village who have prestige with the people.

(E) Campaign workers. Each hamlet must have a minimum of one campaign worker. Each one is responsible for 300, specifically, named voters. Campaign workers should be chosen from the following elements:

Hamlet chief.

Chief of PSDF.

RD cadre.

Hamlet military assistant.

Primary school teachers.

Other cadre. It is possible to use public officials and military personnel in two ways, covert and overt. All civilian and military personnel may be used in covert campaign activities. Another group might be used for overt activities. For example:

(A) Information: radio transmitters, loudspeaker posts, news and comment bulletins, regular documents for study can be used to counter the poisons.

(F) The arguments to entice the people which the opposition uses, such as immediate peace. We should arouse hostilities at the cruel acts of the communists, and set forth the successes in pacification, development, social reform, etc., in order to respond to concerns about the present economic situation. Support can be given to the internal publications of government agencies, groups, university and high school students, with the aim of spreading the above points.

(B) RD cadre: It is possible to use these cadre for covert and overt activity, such as putting up posters, distributing leaflets, talking with the people, spreading rumors, following and escorting closely opposition cadre, and observing polling stations.

However, it is necessary to pay attention to the fact that a number of cadre are not popular with the people because they are lacking in manners, are not from the local area, or are banded as members of a political party [Apparent omission.]

Detention of pro-Communist elements.

Oppressing elements who have a questionable past.

Following the key cadre of the opposition.

Transferring outside of their area of activity: cadre at the village level can be brought to the district, cadre at the district can be brought to the province level in order that they no longer have an appropriate opportunty for their activity.

Organizing training camps during the time period before the election in order to concentrate and paralyze elements campaigning for the opposition.

(B) Techniques of meticulous organization in order to struggle for victory.

(1) Study the location of polling stations, study the arrangements for personnel for polling stations, study the organization of polling stations. Study the techniques for controlling the polling stations and training the responsible personnel.

(2) Follow the activities of the opposition in order to establish plans to counter them.

Part three

Fixing the Guiding Index for the Province

The guiding index is the number of votes which must be received expressed as a percentage on the basis of the total voters in the half-the-Senate election last year, plus the increase resulting from the pacification and development program if any.

The guiding index: The number of votes of friends plus the number of votes which can be achieved in the fence-sitting group plus the number of votes which can be broken off from the opposition bloc.

Concerning the number of votes which can be won from the fence-sitting group or broken off from the opposition bloc, state from what elements of the population and from what groups these can be won.

Calculate the guiding index for each village then add them up for each district and finally for the entire province.

Part Four. Organization and Employment of Personnel in the Campaign Machinery

A. Organization of the campaign machinery.

1. The controlling province organization consists of three sections:

(A) Support section: To be taken charge of directly by province chiefs with the necessary special staff which will be established as soon as this document is received.

(1) The special staff will have the mission of:

Carrying out voter analyses at village, district, and province levels:

Organizing the overt and covert sections.

Following the elections situation, both friendly and enemy activities.

Drawing up plans.

Following, checking on and coordinating all electoral campaign machinery.

(2) Personnel of the special staff will consist of loyal and able government employees and military officers among the administrative officials, police, military security and intelligence personnel, phoenix committees, etc. The secrecy of activities and documents must be strictly preserved.

(3) Descending from the province level to the district, the support system will be the responsibility of the district chief; at the village level, the village chief will be responsible (if the village chief is loyal to us, if not, then some other person, one within the village government apparatus, will shoulder the responsibility).

(B) Covert section: to be controlled by the alternate representative of the list if this representative is competent. If not, it is necessary to choose a civil official or military officer to take charge who is of good reputation, able, and with close relations with the political parties, religious groups, organizations, government agencies, and the military. Belonging directly to the covert network are cadres specially charged as follows:

(1) Responsibility for the regular army. Unit commanders in the area will be responsible along with the unit's polwar officer, and they must organize a campaign system down to the company level. This system will include all unit commanders as well as related polwar officers. Province chiefs will coordinate with the responsible regular army officers in the area in order to fix the guiding index for each unit.

(2) Responsibility for the regional and popular forces.

The deputy sector commander will be responsible for campaign activities in regional and popular forces units and in all units directly belonging to the sector. The campaign system will include unit commanders down to the platoon level. The sector commander will fix the guiding index for each unit.

(3) Responsibility for parties, religious groups and organizations, will be assumed by a civil servant of good reputation, for example by the director of cabinet of the province office, etc., but it must be someone loyal.

(4) Responsibility for government offices will be shouldered by the service chiefs if they are friendly. If not, choose an official with power and a good reputation in that particular service office. Importance should be attached to the National Police Forces, rural development cadre, information cadre, and primary school teachers. The common principle which must be applied in the covert section is to keep all responsible cadre for each branch completely separate from each other.

(C) The overt section: That is to say, the representative of the list in the province has the duty to:

Represent the candidate in the local election campaign committee and to the people.

To be the list's disbursing agent in the provinces and cities.

To carry out legal campaign activities: Distribution of posters and handbills, radio broadcasts, talking with the voters;

To train and give guidance in carrying out campaign tasks to cadre and campaign workers in the districts, villages, urban wards, and hamlets;

To discover, check, gather evidence, and oppose all violations by opposition lists.

The central government will supply documents and guidance to the overt section.

II. The district-level campaign agency.

From the district level down to the level of village, hamlet, ward and sub-ward, all cadre and campaign workers must be active, both publicly and undercover. The undercover front is the most important. Mix with the voters as part of campaigning; paralyze the activities of the opposition. Work overly only when pasting up posters and distributing handbills, and when moving to block and gather evidence on violations by opposition lists.

Local district chiefs: Are to direct all cadre and campaign workers in the district and are responsible for attaining the guiding index which has been fixed for the district.

Responsible district cadre: Every district should have a person specially responsible for that district. This cadre should, in practice, only serve as a front for the district chief to arrange activities, because there are many tasks which district chiefs cannot carry out publicly.

Cadre responsible for village liaison: Three to six cadre may be chosen, each one with special responsibility for local liaison with three or four villages or for a part of the subsector. These cadre would receive instructions from the district chief regarding places of village or subsector.

Responsibility: These cadre are a component of the district chiefs campaign staff.

III. VILLAGE CAMPAIGN GROUP

This group of low level infrastructure is that which does the most work and will determine the results. Therefore province chiefs and district chiefs must train this group carefully, must plan its activities meticulously, must guide it personally, and check on its activities closely.

This group of campaign workers will have responsibility of both covert and overt activities but the most important will be cover activities (struggling for the voters by every means).

Special note: In each province containing a city there will only be organized one joint campaign apparatus for the province and the city.

(B) Criteria for choosing personnel.

(1) Cadre within the election campaign apparatus.

(A) List representative: The principal representative and the supplementary representative must fulfill all the following criteria:

Not a lower house candidate.

Has general prestige, does not belong clearly to any bloc of voters (an independent element).

Type of person: Does not have any vices (gambling, debauchery, dishonest business dealings, swindling, traitorous activities, abuse of authority, etc.). Modest.

Ability: A planner, with initiative, courageous, active, with a wide circle of friendships. People who are acquainted only with desk work must be avoided. Therefore retired civil servants who desire only to be left in peace and have a bureaucratic spirit should not be chosen. Should be educated.

(C) Village, hamlet and popular forces cadre: Make use of this group of people as they are close to the population, especially the notables because the people are lacking in education or making judgments about voting. Use even people of bad reputation, for at least they can persuade a number of relatives, acquaintances or persons with similar interests. These cadre may be used for both covert and overt activities.

(D) Police: Use them in particular for covert activities, especially to undermine and paralyze the opposition group.

(E) Military personnel: Make use of the political warfare personnel to operate covertly and overtly in military units and camps of military dependents: putting up posters, distributing leaflets, talking, spreading rumors. This group must work closely with the list representative in the province during the period of campaigning. If commanding officers are used as observers in the military polling places, all the better.

(F) Secondary and primary teachers: This is an element capable of persuading the people, but the majority has an attitude of "standing aside," either from the complexes of intellectuals or because they find it difficult to openly support the government. Nevertheless if they can be attracted it is very advantageous, because the words of a teacher are reflected in the immature judgments of the pupil and influence his family.

Most teachers have an anti-communist point of view, and it is necessary to choose campaign cadre with a high level of knowledge in order to attract them and especially to prevent their leaning toward the opposition.

A good occasion to meet the above elements is during the prize-giving ceremonies at the end of the present school session. The province chiefs should accept invitations to preside over prize-giving ceremonies in all big secondary schools, and all primary school services should organize solemn prize-giving ceremonies for the elite students, presided over by the province chief with the attendance of all teachers, or on the occasion of the opening of the next school session organize a seminar of all the teachers in the province

The list of the special province staff, the list representative, the cadre responsible for the districts, the cadre responsible for liaison with the villages, the chief of each village campaign group, and all other cadre belonging to the covert section must be prepared with complete names and police record before the end of June 1971 and reported to the central government by July 15, 1971, at the latest.

As for the names and police records of the representatives of list principal and supplementary in each province and city, they must be submitted to the central government before June 30, 1971, and the central government will approve them by July 15, 1971.

The entire group of cadre and campaign workers covert and overt will begin real operations starting August 1, 1971 to October 3, 1971. During this period of two months, one month will be in secret and one month will be the period established by law.

The entire group of cadre described above will be used for covert support in the 1971 lower House election. Each province chief must establish a detailed plan for using the above mentioned cadre, because the matter is extremely delicate: for example, a cadre campaigning in support of a revolutionary dia viet (RDV) Lower House candidate against a Vietnamese National Party (VNQDD) Lower House candidate, if they are in the same electoral constituency, later will be opposed by the (VNQDD) party members when he campaigns among them asking votes for the president.

In order to preserve secrecy and in order to control the activities of the cadre, province chiefs must apply strictly the principle of separation between the overt section and the covert section, and between the various branches of the covert section.

Consolidation of the administrative system. Here we only mention the various levels of cadre holding positions in the local administration which are concerned with the organization of the election or, if they are not concerned with the organization of the election, nevertheless because of their present position within the administration might be able to corrupt the voters causing the possible lessening of the guiding index. The following measures must be applied:

Temporary transfer in order to block ATT personnel and cadre working for the opposition.

Concerning officials elected by the people such as village chiefs, who cannot be replaced, use the officials under government control in order to surround them, escort them closely and use all necessary measures in order to paralyze their opposition activities.

Use documents concerning undesirable activities which might be used as the basis for prosecution concerning all officials close to the opposition in order to apply pressure obliging them to follow us or else to prevent them from daring to work for the opposition.

Local authorities must complete the purging of the ranks of all levels of cadre before the end of June 1971.

PART FIVE

Estimates of Requirements to Support The Plan

(A) Financial support (determined and supplied by the central government.)

(B) Support of personnel and other means. The province chief is responsible for:

Secretly temporarily detaching civil servants and military personnel to serve as campaign cadre.

Using the political warfare group to distribute leaflets and put up posters in all units and in all camps of military families.

Detaching for service in the office of the list representative: 1 secretary/typist, 2 chauffeurs, 1 manager and 4 office security personnel.

Assistance with facilities: cars, telephones, typewriters, duplicating machines, office supplies.

(c) Moral support.

(1) Resolve on a timely basis a number of typical problems, complaints, and injustices in various areas in order to create confidence in the regime. And, if necessary, punish a number of officials who have committed irregularities in order to create a favorable reaction, especially in the villages and in urban wards.

(2) Order all agencies earnestly to serve the people to the proper degree. Try to avoid all pressures and irritations which damage the prestige of the government during the period close to the election.

(3) Carry out a number of typical social welfare tasks in order to satisfy the aspirations of the people and to create sympathy for the regime. For example: digging wells, widening roads, repairing markets, digging tunnels, strengthening dams, etc.

Aside from the various facilities of the government it may be possible to mobilize social groups, student groups, etc.

The central government may be able to supply to the local level additional means in order to carry out such tasks (the plan must be submitted to the central government), in these cases there must be a program and definite schedule for the carrying out of these tasks.

Fixing the schedule for activities.

(1) Establish a special staff immediately upon receiving this document.

(2) The document analyzing the situation of the voters along with all plans must be sent to the central government before June 30, 1971.

(3) The establishment of the covert and overt sections must be completed before June 30, 1971, and the list of special cadre responsible for the districts and the special cadre responsible for inter-village liaison and the chiefs of the village level campaign groups must be submitted to the central government before June 30, 1971.

(4) The proposal for list representatives (official and supplementary) at the province level must be submitted before June 30, 1971. The central government will announce its decision as to whether to accept these persons or not before July 15, 1971.

(5) Study the locations of polling boxes and organization of the polling stations and carry out technical training before July 30, 1971.

(6) Purge the ranks of government cadre before June 30, 1971.

(7) The campaign apparatus must actually begin its activities starting August 1, 1971.

(8) Regular reports:

(A) Once each month:

(1) General situation and election campaign situation.

(2) Activities of groups, religious, political parties, senators, deputies, provincial counselors, related to the presidential election campaign.

(B) Twice each month:

Concerning the situation of campaigning for the voters and the rate at which it is increasing or decreasing as reported by village level campaign personnel to the district and province.

PART SEVEN

Note especially:

(1) Order all levels of the government that they cannot promise support for anyone in the forthcoming elections except on order of the province chief.

(2) It is forbidden to copy this document in any form.

Attachments:

An organization table of the campaign apparatus (reproduction forbidden).

This document must be returned to the central government after its use is completed, at the latest after the presidential election on October 3, 1971.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, with respect to the order recognizing Senators this morning, the distinguished Senator from Illinois (Mr. PERCY) be recognized in place of the Senator from Kansas (Mr. DOLE).

The PRESIDENT pro tempore. Without objection, it is so ordered. Under the order previously entered, the Senator from Illinois is recognized for not to exceed 15 minutes.

U.S. ECONOMIC POLICY

Mr. PERCY. Mr. President, I thank the distinguished acting majority leader.

Mr. President, yesterday the President of the United States addressed a joint session of the Congress on the economic dilemma facing our country. He rightfully called upon the American people to support the actions that are necessary at this time, and he rightfully appealed to Congress to expeditiously move forward with considered action on the balanced program that the administration has presented. It incorporates many ideas that have come to the administration from a variety of sources which are the most balanced, creative, bold, and imaginative programs with respect to the economy that have yet been presented.

Mr. President, I fully support President Nixon's package of economic policy measures. Among the individual actions are some that I would not have favored if taken alone. But as a group I believe they are a forceful, balanced, and hopefully effective response to the combination of economic conditions, both domestic and international, that demand decisive Presidential action. I consider these actions to be creative, bold, and responsive to the critical economic conditions faced by the administration as a result of a decade of essentially unbalanced budgets, and failure to take fundamental steps to correct our steadily worsening international monetary position.

We must now consolidate our gains to date and pursue further progress on both the domestic and international fronts.

Domestically, the main tasks are to end the wage-price spiral, and to lay the groundwork for a new prosperity based on rapid productivity growth and a strong rate of economic growth accompanied by price stability and maximum employment.

Strong boosts to economic activity should result both from the job development credit, and the increased purchasing power resulting from personal- and excise-tax reductions. I strongly favor the tax credit, because I believe that it can generate substantial job-creating economic activity.

I very much oppose removal of the tax incentives, to encourage business to expand money and to take capital risks in order to bring the unit cost of production down and to keep our products produced in America competitive with products produced abroad. There is no way to increase employment if we do not keep our products competitive. We know our labor costs are higher than labor costs in the rest of the world. The only way to make up this difference is by investing in capital equipment in order to make American labor that much more productive than in any other country, and there is no better means to make this possible, whether by contribution or capital investment, than to give tax credits through our tax system for so doing.

This, of course, was put in by a Democratic administration and it worked so well that our economy went to levels that never had been equaled prior to that time. We thought it worked so successfully we removed it. That was the mistake we made. I signed the report of the Joint Economic Committee protesting that action when it was taken off. I now support the President, even though it is being restored later than it should have been, but now we should follow through as rapidly as we can.

As I said, a strong boost to economic activity should result both from the job development credit, and the increased purchasing power resulting from personal and excise tax reductions.

I must say that I oppose tax reductions at a time when we have a $20 to $30 billion budget deficit. By any standard today we know the budget deficit this year would equal $28 billion, if not $30 billion. At a time when we face that kind of deficit it seems irresponsible to cut taxes, but the President found the best way in this overall balance program was to reduce taxes by accelerating the personal deductions already provided for in law.

I am less enthusiastic about cutting tax rates at a time when the Federal deficit on the unified budget basis may well reach more than $27 billion and when high rates of saving continue. Congress, in the coming weeks, will hear many proposals for reducing taxes. This can be done in a number of ways, apart from merely accelerating personal exemptions. Among them are various proposals for reducing tax rates. It will take a great deal of courage, in the present environment, to resist tax cuts that will be too extensive and too costly to the Treasury. I strongly urge that we use great restraint when we consider the personal taxation proposals.

We must not underestimate the intelligence of our citizens. They will be responsive and responsible when presented with these issues. I believe Americans want to stop inflation. They recognize that wages must be related to productivity, and that huge Federal deficits contribute to inflation.

Although people like me running for reelection, if I am a candidate in 1972 for reelection, will find it very appealing to go to the people and say, "Let us get these high taxes down," I never want to underestimate the intelligence of our people with respect to reducing taxes at a time when we have a $28 to $30 billion deficit in our budget. In the end it will bounce back on the candidate if he says what the people want to hear rather than to give them the economic facts such as the President did in his speech before the joint session of Congress yesterday.

Stimulating real economic growth is an important objective, but ending inflation is the central and most crucial one. It is difficult to believe that we will have broken the back of the inflation—the product of years of mismanagement—in a brief 90 days. We must, therefore, use the weeks remaining until mid-November to develop effective followup policies for the ensuing phase II.

I have continually stressed that the fundamental key to U.S. economic health and international competitiveness is productivity, and I joined with a group of my Republican colleagues in August to urge new policies to promote productivity. I suggest, therefore, that phase II policy concentrate on linking wage price restraint with industry productivity and with deliberate efforts to increase that productivity. Productivity councils for each major industry should be established immediately to begin studies of productivity in these industries. These councils would undertake two functions—they would establish guidelines for wage and price performance in those industries, and, much more important for the longer term, they would identify the obstacles to increased productivity in each major industry, and recommend changes that would result in improvements.

The council would be established under the direction of the Secretary of Commerce, using the resources of the Bureau of Domestic Commerce which has direct competence in specific industrial sectors, and the Office of Business Economics. The mandates of the councils would be developed by the Council of Economic Advisers and Cost of Living Council. Staff, including professional economists and others, would be drawn from the Commerce Department and from other departments and agencies when necessary. Business and labor representatives would sit on the councils. The councils would have a life of 6 months. They would be linked with the phase II mechanisms the President establishes to continue wage-price restraint in the period following the freeze.

Industries would be asked voluntarily to implement, through unions and trade associations and other industry organizations, the Productivity Council recommendations for increasing industry productivity. The Joint Economic Committee, at the end of the 6-month period, could conduct a review of these findings and recommend to the legislative committees of Congress any legislative steps necessary to implement its findings.

Internationally, we must now indicate to the world our terms for reestablishing more normal conditions. My recent discussions with foreign leaders indicated clearly that our economic partners have refrained from retaliation because, simultaneously with floating the dollar and imposing a substantial import surcharge, we took stringent domestic restraining measures.

Mr. President, I was abroad at the time the President made his dramatic announcement. In talking with leaders of business and industry in Asia I found that economically if we had not disciplined ourselves at home and said that we are going to cut the budget, that we are going to cut Federal employment, that we are going to restrain wage and price increases in this country, if we had not done those things we simply could not have gotten away with the border surcharge that has been imposed.

When they saw that we were willing to sacrifice they said, "We can accept the challenge of the economic dilemma the United States has today and at least go along with this border tax which has been imposed."

I believe we have now reached the point where we should state more clearly what monetary and trade measures we think must be taken before we agree to a new monetary system—such as new parities for major currencies—and most important, removal of the import surcharge. An equally important target for quick elimination is the "Buy American" provision of the 10-percent job development tax credit. Statement of our terms would hasten agreement and lessen the possibility that other countries will take unwise steps, such as government export subsidies, to counteract our own moves.

I think we should give top priority to obtaining the following changes:

Reevaluation of currencies at realistic levels, accompanied by changes in IMF rules to permit easier shifts in currency values.

A substantial shifting of the burden of maintaining adequate NATO forces in Europe to our European allies to take into account our new respective economic capabilities.

Elimination of Japan's restrictions on foreign investment, removal of Japan's remaining import quotas, and other discriminatory measures, such as taxes applying to imported American autos.

I propose in addition that we should, as soon as possible, remove the 10-percent surcharge on imports from developing countries. This would be entirely consistent with President Nixon's proposals to grant tariff preferences to the exports of these countries, would help offset the 10-percent cut in foreign aid the President has announced, and would generally strengthen our policy of encouraging economic development through trade, rather than aid.

A fair, free, competitive international marketplace is the natural counterpart of the kind of domestic economic policy measures we are now framing. Revaluation of foreign currencies, combined with stimulation of domestic investment and increased productivity, should materially strengthen U.S. international competitiveness. A stimulus to exports, such as contained in the proposal for Domestic International Sales Corporation—

DISC—will help further. I applaud President Nixon's call in his address yesterday for an open U.S. marketplace free of unnecessary tariff and quota restrictions.

Finally, though economic policy issues must now indeed receive our fullest attention, and take precedence over other legislation, there are other important programs on which we must continue our work as soon as possible. Chief among these in my view are executive reorganization, welfare reform, and revenue sharing. Certainly we can move ahead with consideration of executive reorganization bills, particularly the bills creating new Department of Community Development and Natural Resources, while the Finance Committee is considering tax proposals. As acting ranking Republican member of the Government Operations Committee, I will do everything I can to act on the President's urgent request for action in this field, and I am sure that my colleagues, the chairman of the committee, Senator McCLELLAN, the chairman of the Executive Reorganization Subcommittee, Senator RIBICOFF, and the many cosponsors of this legislation will wish to join in expediting it, as I am sure the Senator from New York (Mr. JAVITS), a ranking Republican member on some committees, will wish.

Mr. President, for over a year, I have urged that the President undertake a series of high level meetings with the leaders of the Nation's labor, agriculture, and business groups, to appeal for assistance in curbing wage and price increases. I believe these groups will respond to appeals to national need and respond to the moral leadership of the President. I will do everything I can to appeal to these groups to cooperate in stabilizing and fundamentally strengthening our economy.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent again to revise the order for recognition of Senators, and that the distinguished Senator from Kentucky (Mr. COOK) may precede the distinguished Senator from Kansas (Mr. DOLE).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that the order recognizing the distinguished Senator from Wisconsin (Mr. PROXMIRE) be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky is recognized for 15 minutes.

Mr. COOK. Mr. President, I thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Kenucky is recognized.

THE EXCESS PROFITS TAX

Mr. COOK. Mr. President, foremost in the coming work of the Senate and the House of Representatives is consideration of the administration's emergency economic policy, and the programs President Nixon has recommended to implement that policy. Announced on August 15, it is the most extensive and definitive economic program in America since the early 1930's. I have already announced publicly my unequivocal support for the President's program, which I feel is critically needed to prevent a severe setback in our domestic economy, and in the position of the United States in the world economy.

Our economy has been suffering from an intolerable inflationary cycle that has seen prices shoot far ahead of any increases in personal income. These higher prices have also placed U.S. exports at a severe competitive disadvantage abroad, and have given imported products a competitive advantage over our own products domestically. The program proposed by the administration contains strong and effective means of counteracting these adverse trends. Both the domestic and the international actions are obviously necessary, and I commend the President and his advisers for taking such courageous and positive actions.

I also commend the administration for the expediency and efficiency with which it has implemented and operated the emergency measures. Finally, I congratulate the President for the eloquent and inspiring message to the joint session of Congress yesterday. It was certainly a strong message to all Americans and to our world neighbors that the United States is no longer going to play the role of world banker and creditor, and is going to begin to reassert the strengths of her economy.

I was particularly delighted at the careful attention the administration gave to devising a plan which struck directly at some of the major problems in the economy. Where help was most needed it was given—especially in holding down the cost of living and in promoting employment. The investment tax credit, which the Congress must soon consider, will greatly help to stimulate business, while also creating new jobs in construction and in the operation of new equipment. The accelerated increase in personal tax exemptions will give more disposable income to the average American consumer. At the same time, repeal of the 7-percent excise tax on automobiles will make new cars more accessible to the average consumer, and will help to stimulate a vital segment of the economy. All in all, the 'American people can only benefit by these new approaches.

Mr. President, millions of words have followed in the wake of President Nixon's August 15 speech to the Nation. The new economic program has stimulated considerable support, some outspoken criticism, and many additional suggestions. One of the suggestions that is being recommended very avidly by some public officials and labor leaders is the imposition of a tax on excess corporate profits. I rise today, Mr. President, to voice my objections to this concept interjected into this program.

My primary objection to a tax on excess profits is the resultant loss of incentives for American commercial enterprises. An individual could not be expected to do his best work if that effort were not rewarded.

I wish to mention a chart that appeared in the Washington Post this morning showing the difference between wage and price increases from 1967 to 1971. It will be noted that wage increases resulted in 1967, 1968, and 1971, and that cost-of-living increases over wage increases resulted in 1969 and 1970.

Mr. President, similarly, American corporations cannot be expected to perform efficiently and progressively if the incremental profit earned by the added efforts do not accrue to their benefit and the benefit of their stockholders. After a certain point, those corporations could only feel that they were being penalized for their initiative. This would obviously be a destructive precedent for the American economy and the American people.

By taxing excess profits, we would be encouraging widespread waste and inefficiency in corporations, including internal financial abuses, such as increased expense accounts and salaries. After the freeze, and a general disregard for economies within our companies. This would be a great detriment to stockholders and to the Federal Government.

From a strict economic argument, however, we must view such a proposal in light of the status of our economy, and the goals of the administration's economic policy. An excess profits tax would remove incentives for the expansion of facilities, the purchase of new equipment, and the development of new products and new markets. Productivity would necessarily remain relatively constant, and the economy would thus reach a plateau of stagnation. New ideas would die on the drawing board, as companies would prefer to stick with established businesses and forgo the risks of new areas which, although potentially lucrative, would not ultimately benefit their balance sheets.

Not only would these factors relegate the American economy to a secondary world status, but the resources needed to provide for a growing and advancing society would disappear. If we desire a status quo economy, and thus a status quo nation, this course would guarantee it. I know, however, that the American people demand, and the world requires, an America greater than this.

During the 20th century the U.S. Treasury has incurred a monumental national debt. Deficit spending has led to a per capita debt of almost $1,500 and a total national debt of over $300 billion. Only a corresponding increase in the gross national product has allowed our Government to maintain such a burdensome obligation. If, however, our productivity, and thus the GNP, were to level off, our ability to maintain the current debt levels, indeed even our ability to pay the interest, would be in severe jeopardy. In other words, if we desire to provide better and increasing services for America's citizens, we must continue to encourage and stimulate the economy. For our country and our people to prosper, our economy must prosper.

Another serious ramification of a stagnant GNP is a worsening employment picture. There is ready and visible evidence of this economic fact before us today. Productivity has slowed, corporate profits are down from previous levels, and business in general is only now beginning to recover from a severe slump. Unemployment has increased during this slump, from relatively full employment to 6.1-percent unemployment. An excess profits tax would certainly aggravate an already serious situation. This body has approved numerous measures in recent months to stimulate employment and to create more jobs. Would it not be totally inconsistent, therefore, to remove business' primary incentive to hire—namely, the profit potential? This appears to be the most extreme fiscal folly. I often wonder how organized labor can demand an excess profits tax, indeed they have even suggested a limit on corporate profits, when the jobs of their union members would slowly evaporate as a result.

There are other very compelling economic factors which have convinced me of the inadvisability of a tax on excess profits. From the standpoint of Federal revenues, the effects could be disastrous. If, indeed, corporations were discouraged by such a tax from maximizing their business and profits, the Federal Government would be depriving itself of an important source of ordinary tax revenue. It would appear much more prudent to me to encourage America's corporations to strive for greater productivity and greater profitability, thereby increasing revenues to the Federal Government.

Another factor is the trend of corporate profits themselves in recent years. Contrary to popular impression, average return on equity among major American corporations has declined during the past few years. Figures from Fortune magazine's annual report on America's 500 largest industrial corporations indicate that the median return on stockholder's equity for all industries fell from 11.3 percent in 1969 to 9.5 percent in 1970, the lowest level since 1963.

Profit margins have also decreased, due to the increased costs of doing business. For the top 500 corporations, the median return on sales was 3.9 percent, the worst year ever in the history of the industrial system in this country according to Fortune.

In some major industries, such as steel, rubber, motor vehicles, and aircraft, margins are at critical levels. Therefore we must answer the crucial question as to whether there are any excess profits to tax.

Finally we must examine if we could even devise an equitable tax in this area. I believe that any tax we might impose on excess profits would be, of necessity, discriminatory. We would be solidifying the major large corporations in the country that now exist, and denying the smaller companies the means of challenging their competitors. General Motors might well be willing to pay a tax on profits in excess of $2 billion per year, but how could we justify taxing Acme Nut and Bolt Co.'s profits in excess of $2,000 annually? This case is extreme but it poses the significant question as to how any excess profits tax can be equitable.

It has also been suggested, Mr. President, that one might limit profits to equity. Again, this is fine for a corporation like General Motors, whose equity is in the billions of dollars and might never be reached. It might be fine for a bankrupt Penn Central, whose equity is almost $7 billion and could never be reached. But what do you do for a corporation whose equity is $500 million, and which might make $50 million in profits? The incentive for that company to improve, the incentive for that company to produce, would be broken, and that company would be destroyed.

A tax based on return on equity penalizes the lightly capitalized firm and favors the company with heavy capital investments. A tax based on return on sales penalized those industries, such as cosmetics, where these ratios are large, while penalizing industries such as the rubber industry, where profit margins are critically low. A tax based on some average of yearly earnings favors those companies who have constant earning trends, and works against the firms in more cyclical industries, such as housing and other construction.

The question of equity is all important, and I believe it is an impossibility in this case. All in all, the arguments seem overwhelming to me that an excess profits tax would mean financial chaos in this country, and would insure a downward trend for America in the world economic community. I urge my colleagues to reject any measure of this sort, and implore those who recommend this action to carefully reconsider this fatal course upon which they would guide the destiny of our country.

I conclude, Mr. President, by saying that our last excess profits tax was during the Korean war, when it was necessary to stymie production in this country, to stymie productivity, so that major resources could be utilized for the war effort. It was done for the exact and express purpose of holding industry down, of not wanting it to grow and not wanting it to flourish, for the benefit of a war effort.

This is the nature of an excess profits tax. Therefore, it is not suitable now—not at a time when productivity in this country should soar.

Mr. PERCY. Mr. President, will the distinguished Senator from Kentucky yield for a comment?

Mr. COOK. I yield.

Mr. PERCY. I commend my distinguished colleague for a very profound and worthwhile statement on this critical point. I would just like to mention two points from experience that would bear out his argument.

First, we have learned, through the years, that when you have a tax rate above 50 percent, you are going to have waste. When management and labor know that almost all of that excess is going to be taxed away anyway, they are going to find things on which to spend. We are instilling waste in the tax system when we get that tax rate at an exorbitant level. That is just human nature, and any one who has operated under such a tax knows it.

Second, I would hope that when the representatives of management and labor meet with the President, they would give consideration, in their talks, to broadening the concept of profit sharing. I have never known any labor unions that wanted to impose exorbitant taxes on a business when those taxes would tax away profits that would be shared with the workers. When an industry like the Chicago & Northwestern Railroad wants to give the whole railroad to the employees and have the employees run the railroad, it is because they have found it is the best way to give the workers incentive. If that is the best way to run a railroad, I think it might well be the answer to our problem. A sharing of profits would help decrease our unit cost of production, help make American industry competitive in the world markets of today, and help do the job that needs to be done.

I thank the Senator from Kentucky for an excellent statement.

Mr. COOK. I thank the Senator from Illinois. I concur in his statements.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. GRIFFIN. Mr. President, in view of the fact that there is a special order for the Senator from Kansas (Mr. Dole) and he is not here at the present time, and the Senator from Massachusetts (Mr. Brooke) would like to be recognized, I ask unanimous consent that the Chair recognize the Senator from Massachusetts (Mr. Brooke), and that the time he uses be charged against the time allocated for the Senator from Kansas (Mr. Dole).

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered. The Senator from Massachusetts is recognized.

PRESIDENT NIXON'S ECONOMIC PROPOSALS

Mr. BROOKE. Mr. President, I have been greatly encouraged by President Nixon's initiatives to curb inflation while at the same time promoting continued economic recovery.

For too long, this Nation has been caught in the throes of rising inflation and unemployment. Strong measures are needed to curb that inflation and to encourage the expansion of job opportunities.

The President has proposed, and requested the aid of Congress in enacting, tax measures which will stimulate economic growth while increasing the real purchasing power of the wage earners. Most importantly, he has placed primary emphasis on expanded employment opportunity. Coupled with his proposal for a 10-percent surcharge on imports which can expand opportunities for American industry, I believe there is a very good chance that these efforts will succeed.

The wage-price freeze has, so far, received the most public attention. But this is only a temporary measure, designed to place a brake on rising costs and to demonstrate clearly to the American public that certain sacrifices must be made for the long-range good. As one who has long advocated the creation of an advisory wage-price board, I fully support this presidential initiative and hope that the President in turn will support the recommendation which has been advocated by many of us in Congress for the creation of a continuing Wage and Price Board.

We must now turn our attention to the President's legislative proposals and strive to work with the Executive to create an effective economic policy for this Nation. The shape of "phase II," and of the economy of the future, lies largely in our hands. I intend to support the President's basic recommendation, and I am hopeful that Congress will do likewise.

Mr. President, I want to point out that the policies which President Nixon proposed in his speech to the joint session yesterday were sound policies which are needed at this time in order to alleviate the crisis condition which faces this Nation.

I am very hopeful that all the Republican Members of the Senate, joined by many of the Democratic Members of the Senate, will back the President's proposals, for I am sure we all are well aware that this Nation is at a crisis and that we need bold initiatives on the part of the Government.

We applaud the initiatives taken by President Nixon. Now is the time for Congress to get behind the President in a united effort to alleviate the deplorable conditions which have plagued us for so many months.

I think that the President, when he came into office, inherited increasing inflation and increasing unemployment. Much of it has been caused by the war in Vietnam. That war is winding to a conclusion. I am hopeful that a date certain for withdrawal will be set soon, so that we can completely get out of Vietnam. But ending the war in Vietnam has meant the return of thousands of Vietnam veterans and has added to the unemployment problem which the Nation faces.

The President had to take the steps he has taken. I think that a grateful nation has shown its support, because 75 percent of the Nation, in the recent polls, support the President in his economic proposals.

Now he has asked Congress to do that which it can do, under its powers, and I am very hopeful that he will get the support he needs. I, for one, intend to give him that support. I am sure that many of my colleagues will give him that support and that together we can work toward bringing this country to a healthy economic condition, based upon sound fiscal and monetary policies.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the distinguished Senator from Kansas (Mr. DOLE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized for 8 minutes.

PRESIDENT NIXON'S ECONOMIC PROPOSALS

Mr. DOLE. Mr. President, President Nixon yesterday restated the need for the strong economic measures he has taken, and he again outlined those measures. But he went even further, and I think it is well to keep in mind the other things he said.

First of all—and every American who values freedom should be grateful for this—he assured us that wage and price controls are not a permanent fixture; he will not put the free American economy into a permanent straitjacket.

There are those who say that the President should not have told us this, that he foreclosed his options and guaranteed new problems after the 90-day freeze is off. But, fortunately, President Nixon has great faith in the people. The American people can be trusted, and President Nixon knows it.

At the same time, some seem to have a lack of trust in the people and this causes them to place a high value on controls and secrecy. But the President not only trusts Americans enough to keep them informed; he trusts them to rise to the challenges of our times.

And that really was what his address to the Congress was all about yesterday.

He challenged each of us to face up to the needs of today, to work together to build the kind of economy that means a strong America and a free America and an America that can meet its obligations to its own people and to the world.

A faltering economy would mean we could not be able to meet the Nation's needs or the people's needs or the demands that freedom makes around the world.

A strong economy means a healthy Nation, keeping step with the times and building a better society for every American.

I believe that under the President's leadership Americans will work together for that kind of an economy and for the benefits that will flow from it.

I do not suggest that everything the President says is 100-percent correct. I do not suggest that Congress should not work its will and should not make changes where changes are merited. But I would say that this is the time for bipartisanship in the formulation of solutions to our Nation's difficulties and challenges.

We have goals to meet, as the President said—to help those who cannot help themselves, to feed the hungry, to provide better health care, and better education, to aid the aged, to restore and renew the environment, to provide better jobs and greater opportunity.

And, as the President also said, we cannot do these things without a healthy economy, without the revenues generated by 80 million Americans at work.

We cannot do these things, either, if every plan and program is judged, not on its merits, but on whether it is a political plus or minus.

Politics used to stop at the water's edge; although, with some it now seems to begin there. But politics should also stop at the edge of crisis, whether international or domestic. So I would suggest, as the President did yesterday, that this is an area where bipartisanship can work at its best. It is an area that deserves the consideration of every Member of Congress, everyone in the executive branch—every American. There is no doubt in my mind that everyone here is concerned with the economy of America, that everyone in this body wants a strong, healthy American economy. Thus, I would suggest that in the days and weeks ahead, that we move forward in a reflection of the spirit of cooperation and bipartisanship demonstrated by the President yesterday. I believe that the American people will give credit where credit is due if the executive and the Congress cooperate in a responsible way.

Of course, we should not stop meaningful debate or hesitate to offer sound alternatives. But we should not react meanly, in a spirit of partisanship, in an effort to hurt the President or to thwart the President whoever he is—John Kennedy or Lyndon Johnson or Richard Nixon.

Instead let us work together, let us seek together the path to prosperity and a sound and balanced economy and to lasting world peace. For make no mistake about it; only an economically healthy America can be a strong America, and only a strong America can build and insure a lasting peace in the world.

If in our days and our times we accomplish these things, the credit will be due not to the President alone but also to us here in the Congress, in both Houses and both parties. The American people will place the credit where it belongs—as they surely will correctly assess the blame should these efforts fail or be obstructed.

The chief beneficiaries of successful policies will be the American people and they, after all, are who we are here to serve. That is how history will judge us, not on how we advance our own ambitions but on how we serve those who sent us.

Mr. President, I ask unanimous consent to have printed in the RECORD the President's speech and executive order of August 15, 1971, the transcript of Secretary of the Treasury John B. Connally's news conference on August 16, 1971, and the President's proclamation of August 15, 1971.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT ON NATIONWIDE RADIO AND TELEVISION

Good evening: I have addressed the Nation a number of times over the past two years on the problems of ending a war. Because of the progress we have made toward achieving that goal, this Sunday evening is an appropriate time for us to turn our attention to the challenges of peace.

America today has the best opportunity in this century to achieve two of its greatest ideals: to bring about a full generation of peace, and to create a new prosperity without war.

This not only requires bold leadership ready to take bold action—it calls forth the greatness in a great people.

Prosperity without war requires action on three fronts: We must create more and better jobs; we must stop the rise in the cost of living; we must protect the dollar from the attacks of international money speculators.

We are going to take that action—not timidly, not half-heartedly, and not in piecemeal fashion. We are going to move forward to the new prosperity without war as befits a great people—all together, and along a broad front.

The time has come for a new economic policy for the United States. Its targets are unemployment, inflation and international speculation. This is how we are going to attack them.

First, on the subject of jobs. We all know why we have an unemployment problem. Two million workers have been released from the Armed Forces and defense plants because of our success in winding down the war in Vietnam. Putting those people back to work is one of the challenges of peace, and we have begun to make progress. Our unemployment rate today is below the average of the four peacetime years of the 1960s.

But we can and must do better than that.

The time has come for American industry, which has produced more jobs at higher real wages than any other industrial system in history to embark on a bold program of new investment in production for peace.

To give that system a powerful new stimulus, I shall ask the Congress, when it reconvenes after its summer recess, to consider as its first priority the enactment of the Job Development Act of 1971.

I will propose to provide the strongest short-term incentive in our history to invest in new machinery and equipment that will create new jobs for Americans: A 10 percent Job Development Credit for one year, effective as of today, with a 5 percent credit after August 15, 1972. This tax credit for investment in new equipment will not only generate new jobs; it will raise productivity and it will make our goods more competitive in the years ahead.

Second, I will propose to repeal the 7 percent excise tax on automobiles, effective today. This will mean a reduction in price of about $200 per car. I shall insist that the American auto industry pass this tax reduction on to the nearly 8 million customers who are buying automobiles this year. Lower prices will mean that more people will be able to afford new cars, and every additional 100,000 cars sold means 25,000 new jobs.

Third, I propose to speed up the personal income tax exemptions scheduled for January 1, 1973 to January 1, 1972—so that taxpayers can deduct an extra $50 for each exemption one year earlier than planned. This increase in consumer spending power will provide a strong boost to the economy in general and to employment in particular.

The tax reductions I am recommending, together with the broad upturn of the economy which has taken place in the first half of this year, will move us strongly forward toward a goal this nation has not reached since 1956, 15 years ago—prosperity with full employment in peacetime.

Looking to the future, I have directed the Secretary of the Treasury to recommend to the Congress in January new tax proposals for stimulating research and development of new industries and new technologies to help provide the 20 million new jobs that America needs for the young people who will be coming into the job market in the next decade.

To offset the loss of revenue from these tax cuts which directly stimulate new jobs, I have ordered today a $4.7 billion cut in Federal spending.

Tax cuts to stimulate employment must be matched by spending cuts to restrain inflation. To check the rise in the cost of government, I have ordered a postponement of pay raises and a 5 percent cut in government personnel.

I have ordered a 10 percent cut in foreign economic aid.

In addition, since the Congress has already delayed action on two of the great initiatives of this Administration, I will ask Congress to amend my proposals to postpone the implementation of Revenue Sharing for three months and Welfare Reform for one year.

In this way, I am reordering our budget priorities to concentrate more on achieving full employment.

The second indispensable element of the new prosperity is to stop the rise in the cost of living.

One of the cruelest legacies of the artificial prosperity produced by war is inflation. Inflation robs every American. The 20 million who are retired and living on fixed incomes are particularly hard hit. Homemakers find it harder than ever to balance the family budget. And 80 million wage-earners have been on a treadmill. In the four war years between 1965 and 1969 your wage increases were completely eaten up by price increases. Your paychecks were higher, but you were no better off.

We have made progress against the rise in the cost of living. From the high point of six percent a year in 1969, the rise in consumer prices has been cut to four percent in the first half of 1971. But just as is the case in our fight against unemployment, we can and we must do better than that.

The time has come for decisive action—action that will break the vicious circle of spiraling prices and costs.

I am today ordering a freeze on all prices and wages throughout the United States for a period of 90 days. In addition, I call upon corporations to extend the wage-price freeze to all dividends.

I have today appointed a Cost of Living Council within the Government. I have directed this Council to work with leaders of labor and business to set up the proper mechanism for achieving continued price and wage stability after the 90-day freeze is over.

Let me emphasize two characteristics of this action: First, it is temporary. To put the strong, vigorous American economy into a permanent straitjacket would lock in unfairness; it would stifle the expansion of our free enterprise system. And second, while the wage-price freeze will be backed by Government sanctions, if necessary, it will not be accompanied by the establishment of a huge price control bureaucracy. I am relying on the voluntary cooperation of all Americans—each one of you—workers, employers, consumers—to make this freeze work.

Working together, we will break the back of inflation, and we will do it without the mandatory wage and price controls that crush economic and personal freedom.

The third indispensable element in building the new prosperity is closely related to creating new jobs and halting inflation. We must protect the position of the American dollar as a pillar of monetary stability around the world.

In the past seven years, there has been an average of one international monetary crisis every year. Who gains from these crises? Not the workingman; not the investors; and not the real producers of wealth. The gainers are international money speculators. Because they thrive on crises, they help to create them.

In recent weeks, the speculators have been waging an all-out war on the American dollar. The strength of a nation's currency is based on the strength of that nation's economy—and the American economy is by far the strongest in the world. Accordingly, I have directed the Secretary of the Treasury to take the action necessary to defend the dollar against the speculators.

I have directed Secretary Connally to suspend temporarily the convertibility of the dollar into gold or other reserve assets, except in amounts and conditions determined to be in the interest of monetary stability and in the best interests of the United States.

Now, what is this action, which is very technical? What does it mean for you?

Let me lay to rest the bugaboo of what is called devaluation.

If you want to buy a foreign car or take a trip abroad, market conditions may cause your dollar to buy slightly less. But if you are among the overwhelming majority of Americans who buy American-made products in America, your dollar will be worth just as much tomorrow as it is today.

The effect of this action, in other words, will be to stabilize the dollar.

Now, this action will not win us any friends among the international money traders. But our primary concern is with the American workers, and with fair competition around the world.

To our friends abroad, including the many responsible members of the international banking community who are dedicated to stability and the flow of trade, I give this assurance: The United States has always been, and will continue to be, a forward-looking and trustworthy trading partner. In full cooperation with the International Monetary Fund and those who trade with us, we will press for the necessary reforms to set up an urgently needed new international monetary system. Stability and equal treatment is in everybody's best interest. I am determined that the American dollar must never again be a hostage in the hands of the international speculators.

I am taking one further step to protect the dollar, to improve our balance of payments, and to increase sales for Americans. As a temporary measure, I am today imposing an additional tax of 10 percent on goods imported into the United States. This is a better solution for international trade than direct controls on the amount of imports.

This import tax is a temporary action. It isn't directed against any other country. It is an action to make certain that American products will not be at a disadvantage because of unfair exchange rates. When the unfair treatment is ended, the import tax will end as well.

As a result of these actions, the product of American labor will be more competitive, and the unfair edge that some of our foreign competition has had will be removed. That is a major reason why our trade balance has eroded over the past fifteen years.

At the end of World War II the economies of the major industrial nations of Europe and Asia were shattered. To help them get on their feet and to protect their freedom, the United States has provided over the past 25 years $143 billion in foreign aid. This was the right thing for us to do.

Today, largely with our help, they have regained their vitality. They have become our strong competitors, and we welcome their success. But now that other nations are economically strong, the time has come for them to bear their fair share of the burden of defending freedom around the world. The time has come for exchange rates to be set straight and for the major nations to compete as equals. There is no longer any need for the United States to compete with one hand tied behind her back.

The range of actions I have taken and proposed tonight—on the job front, on the inflation front, on the monetary front—is the most comprehensive New Economic Policy to be undertaken by this nation in four decades.

We are fortunate to live in a nation with an economic system capable of producing for its people the highest standard of living in the world; a system flexible enough to change its ways dramatically when circumstances call for change; and most important—a system resourceful enough to produce prosperity with freedom and opportunity unmatched in the history of nations.

The purposes of the government actions I have announced tonight are to lay the basis for renewed confidence, to make it possible for us to compete fairly with the rest of the world, to open the door to a new prosperity.

But government, with all its powers, does not hold the key to the success of a people. That key, my fellow Americans, is in your hands.

A nation, like a person, has to have a certain inner drive in order to succeed. In economic affairs, that inner drive is called the competitive spirit.

Every action I have taken tonight is designed to nurture and stimulate that competitive spirit; to help us snap out of that self-doubt and self-disparagment that saps our energy and erodes our confidence in ourselves.

Whether this nation stays number one in the world's economy or resigns itself to second, third or fourth place; whether we as a people have faith in ourselves, or lose that faith; whether we hold fast to the strength that makes peace and freedom possible in this world, or lose our grip—all that depends on you, on your competitive spirit, your sense of personal destiny, your pride in your country and in yourself.

We can be certain of this: As the threat of war recedes, the challenge of peaceful competition in the world will greatly increase.

We welcome competition, because America is at her greatest when she is called on to compete.

As there always have been in our history, there will be voices urging us to shrink from that challenge of competition, to build a protective wall around ourselves, to crawl into a shell as the rest of the world moves ahead.

Two hundred years ago a man wrote in his diary these words: "Many thinking people believe America has seen its best days." That was written in 1775, just before the American Revolution, at the dawn of the most exciting era in the history of man. Today we hear the echoes of those voices, preaching a gospel of gloom and defeat, saying that same thing: "We have seen our best days."

I say, let Americans reply: "Our best days lie ahead."

As we move into a generation of peace, as we blaze the trail toward the new prosperity, I say to every American: Let us raise our spirits. Let us raise our sights. Let all of us contribute all we can to the great and good country that has contributed so much to the progress of mankind.

Let us invest in our nation's future; and let us revitalize that faith in ourselves that built a great nation in the past, and will shape the world of the future.

Thank you, and good evening.

Executive Order Providing for Stabilization of Prices, Rents, Wages, and Salaries

Whereas, in order to stabilize the economy, reduce inflation, and minimize unemployment, it is necessary to stabilize prices, rents, wages, and salaries; and

Whereas, the present balance of payments situation makes it especially urgent to stabilize prices, rents, wages, and salaries in order to improve our competitive position in world trade and to protect the purchasing power of the dollar:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91–379, 84 Stat. 799), as amended, it is hereby ordered as follows:

Section 1. (a) Prices, rents, wages, and salaries shall be stabilized for a period of 90 days from the date hereof at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly in any transaction prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay in any transaction wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 hereof shall not apply to the prices charged for raw agricultural products.

Sec. 2. (a) There is hereby established the Cost of Living Council which shall act as an agency of the United States and which is hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, and the Special Assistant to the President for Consumer Affairs. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) Under the direction of the Chairman of the Council a Special Assistant to the President shall serve as Executive Director of the Council, and the Executive Director is authorized to appoint such personnel as may be necessary to assist the Council in the performance of its functions.

Sec. 3. (a) Except as otherwise provided herein, there are hereby delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970.

(b) The Council shall develop and recommend to the President additional policies, mechanisms, and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries after the expiration of the 90-day period specified in Section 1 of this Order.

(c) The Council shall consult with representatives of agriculture, industry, labor and the public concerning the development of policies, mechanisms and procedures to maintain economic growth without inflationary increases in prices, rents, wages, and salaries.

(d) In all of its actions the Council will be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

Sec. 4. (a) The Council, in carrying out the provisions of this Order, may (i) prescribe definitions for any terms used herein, (i.i.) make exceptions or grant exemptions, (i.i.i.) issue regulations and orders, and (i.v.) take such other actions as it determines to be necessary and appropriate to carry out the purposes of this Order.

(b) The Council may redelegate to any agency, instrumentality or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each Executive Department or agency is authorized and directed, consistent with law, to furnish the Council with available information which the Council may require in the performance of its functions.

(d) All Executive departments and agencies shall furnish such necessary assistance as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

Sec. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions from any requirement otherwise imposed as are consistent with the purposes of this Order. Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

Sec. 6. The expenses of the Council shall be paid from such funds of the Treasury Department as may be available therefor.

Sec. 7. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be fined not more than $5,000 for each such violation.

(b) The Council shall in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 205 of the Economic Stabilization Act of 1970 whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order.

Richard Nixon.

The White House, *August 15, 1971.*

Statement by Secretary of the Treasury John B. Connally at the Opening of a News Conference, August 16, 1971

Good morning. I have a brief statement that I'd like to read if I might; then I have a brief announcement to make.

As most of you know, the President announced a group of major economic programs last night in his televised speech. There's no doubt that these Administration initiatives will have a significant and favorable impact on most Americans and their economic well being.

I personally believe the President's program contains the most sweeping, courageous and important economic proposals made in the last 40 years in this country. I say that for these reasons:

First, the programs are designed to create more jobs and reduce unemployment in this nation.

Secondly, the Job Development Tax Credits will strongly stimulate the economy and the vitality of this country.

Third, repeal of the automobile excise tax should stimulate car sales by reducing auto prices by approximately $200 each.

Next, the Wage and Price Freeze will provide a period of stability, to bring inflation under control and to provide additional consumer confidence.

Fourth, the program will give the American worker a chance to increase his productivity because companies will be encouraged to upgrade and modernize their equipment and facilities.

Both industry and labor will become more competitive with other countries and will be better able to maintain our standard of living, both literally and relatively.

Next the temporary import surcharge, coupled with the Job Development Credit will help return our balance of trade and balance of payments to a favorable position. The surcharge will help stem the flow of imports and stimulate the purchase of American goods made by American workmen.

The suspension of gold convertibility constitutes an opportunity for us and our principal trading partners around the world to begin negotiations, studies and explorations of methods of improving the international monetary exchange system upon which an expanding world trade depends.

And finally, the combined actions will give the nation an opportunity to assess its position, weigh the alternatives, make the decisions and gather the strength to maintain our vitality and the high sense of moral purpose which has always characterized this nation.

At the request of the President I want to announce to you this morning that he will have a meeting at ten o'clock in the morning (Tuesday) with the bipartisan leadership of the Congress and with the additional presence of the Chairmen of the ranking members of the House and Senate Banking and Currency Committees, the Senate Finance Committee, the House Ways and Means Committee, the House and Senate Appropriations Committee.

The President asked me additionally to tell you he had been in conversation with Mr. Wilbur Mills, Chairman of the Ways and Means Committee. They had a very fine telephone conversation, and he authorized me to say that he felt that Mr. Mills was in agreement with the major proposals which the President enunciated on last evening.

QUESTIONS AND ANSWERS

Secretary CONNALLY. I will be glad to attempt to answer any questions you may have.

MEMBER OF THE PRESS. Mr. Secretary, I have one or two related questions on the application of the wage freeze.

Would it affect, for example, an individual raise—an individual merit raise?

Secretary CONALLY. Yes, it will affect all individual raises; it will affect all merit raises; it will affect all raises under contract.

MEMBER OF THE PRESS. All raises without exception?

Cost of living raises?

Secretary CONNALLY. That is correct.

MEMBER OF THE PRESS. Seniority raises?

Secretary CONNALLY. Yes.

MEMBER OF THE PRESS. Experience raises?

Secretary CONNALLY. Yes.

MEMBER OF THE PRESS. All of these are frozen for 90 days?

Secretary CONNALLY. Yes.

MEMBER OF THE PRESS. What about the situation of a Union which is now in negotiation for a new contract? Will it be required not to negotiate?

Secretary CONNALLY. It won't be required not to negotiate, but they will be bound again by the wages that were in effect in the month preceding August 14.

MEMBER OF THE PRESS. They could negotiate for a future raise?

Secretary CONNALLY. They could negotiate for a future raise, beyond the period when the price freeze—the wage price freeze—will end. But even a contract that was entered into six months ago, where a periodic increase fell during the 90-day freeze period, it would not be permitted to go into effect.

MEMBER OF THE PRESS. It would be permitted later to go into effect?

Secretary CONNALLY. Possibly. We don't know, exactly, what the future holds.

MEMBER OF THE PRESS. Mr. Secretary, now that we have a price freeze, too, without—as you say—any large, new bureaucracy to administer it, or enforce it, what should a citizen do if he finds a price going up, anyway? To whom would he turn?

Secretary CONNALLY. Well, we would hope that the American people would understand that the success of this wage/price freeze, in a large part, is going to depend upon their individual compliance. If an American citizen finds that there is a flagrant violation on the part of someone, they can communicate with the Office of Emergency Preparedness that will be assigned the administrative task of monitoring and supervising this wage/price freeze. But I want to, again, call upon all Americans—business; labor; large and small—American businessmen of whatever kind or character, to live up to, to adhere, and to comply with the spirit and the letter of this freeze. I might at this point make a special plea and a request to all of the American lending institutions with respect to the interest rates they charge. We would certainly expect that they would, also, live up and comply with the spirit of this wage/price freeze, with respect to the interest rates that they charge.

MEMBER OF THE PRESS. Mr. Secretary, isn't this program today an admission that the Administration's policies up to now have failed?

Secretary CONNALLY. Oh, I don't think we viewed it in terms of an admission of anything.

I would characterize it as a new policy, a new economic action, or series of actions, designed to solve the really hard core basic problems that this Nation faces here and abroad.

Now, we again can enumerate those in brief:

We obviously had an unacceptable rate of unemployment. It was too high.

We had an unacceptable rate of inflation.

Now, again, I don't want to be argumentative about it but I can say to you that unemployment has gone down in the last several months.

The rate of inflation in the first six months of this year was less than last year, but it is still too high. It is still unacceptable.

We obviously had an unacceptable situation with respect to our balance-of-trade, where it looked like, for the first time since 1893, we might have a deficit in the balance of trade. This is not acceptable to us. Last year, the balance-of-payments on the official settlement basis was $10.7 billion—much too high. We looked like we were headed for a similar year, this year. It was not acceptable.

So a combination of events and circumstances culminated in the time that the President felt it was important for him to act; to lay down a whole new series of actions encompassed in one broad economic policy directed toward the solution of these problems.

MEMBER OF THE PRESS. Mr. Secretary, the President said last night that, while the wage/price freeze is voluntary, it will be backed by Government sanctions, if necessary.

My question to you is this:

How do you prevent a black market in goods and services from developing, or, put another way, how do you control, without controlling?

Secretary CONNALLY. Well, in the first place, we don't assume that it is going to be the motive of the American businessman to immediately begin gouging. First, I think we attribute somewhat higher motives to the American people generally than that.

Secondly, there are sanctions in the Act, the Economic Stabilization Act of 1970, which if used, provide for $5,000 penalties for willful violations. The Justice Department will be immediately authorized to take action, both in the form of injunctive relief, or otherwise, to impose and prosecute those who willfully violate in a flagrant case of this type; where it is obviously the objective to engage in the black market operation.

MEMBER OF THE PRESS. Isn't a $5,000 fine, Mr. Secretary, something of a slap on the wrist to big business like Steel but a major factor to a small business? So doesn't this hit more directly at the prices of small business than of big business?

Secretary CONNALLY. No, I don't think so, for the simple reason it is inconceivable that a major American corporation would attempt to violate the wage and price freeze. The public reaction would be so immediate and so intense, that no reasonable American business enterprise would want to incur the wrath of the American people to that extent.

MEMBER OF THE PRESS. Mr. Secretary, under what compulsion will lending institutions be to comply with anything under this program?

Secretary CONNALLY. I think they will be under the compulsion that all Americans are under to adhere to it.

Secondly, they know full well that the President, under the Credit Control Act, can ask the Federal Reserve System to impose controls on credit and interest rates.

Now, the reason it was not done is because we felt that it might be counter-productive. We want to make it abundantly clear, as we have in the past, I think, that we think lending institutions have to assume the responsibility for making available, to this American economy and its needs, money at reasonable rates, so that it will not stifle the expansion, the expansion that is necessary.

Now, we felt that an attempt to control interest might, actually, dry up the source of funds and be counter-productive. There was no attempt to exempt them, from the standpoint of exempting them, as such. It was an action that was deliberately taken because we thought—and we still think—they most certainly will comply with the spirit and letter of this freeze, and that additional money will be available under these circumstances, as opposed to what would be true if we tried to control this.

MEMBER OF THE PRESS. Mr. Secretary, what do you think the practical effect of this will be in terms of devaluation of the dollar?

How much do you expect it to slide?

Secretary CONNALLY. I cannot answer that, and I would not characterize the President's action as a devaluation. I know that many of you do. It is a question of what happens. The President's action, as he took it, does not in itself, in my terms at least, mean a devaluation. It means that it possibly could result in some depreciation, depending on what other nations do.

In my own judgment, the dollar is going to rise, vis-a-vis some currencies in the world. It may decline, vis-a-vis other currencies in the world. But to say that it is a devaluation, I think is a premature judgment. I am not prepared to say what is going to happen in the international money markets, now. There is no question but what it shook them up. (Laughter.)

We can just start with that. But in one sense, the President's object has already been achieved. He said, in effect, that we are going to have to enter into new negotiations, looking toward a more satisfactory arrangement with respect to exchange rates, because we cannot continue to have a declining balance-of-trade and a declining balance-of-payments, at the same time we are providing the military and the security shield for the Free World and at the same time that we lead all the nations in the world in the amount of money we contribute in the form of aid of one type or another to the less developed, or under-developed, nations. We cannot continue to spend that money unless we begin to show a favorable balance-of-trade.

Now, I think most countries understand this. They know the position we are in.

MEMBER OF THE PRESS. Could we have your analysis of what this does for American companies that have branches overseas?

Secretary CONNALLY. I would not attempt to generalize because it depends, I think, too much on what type of operations they have; what financial arrangements they have made. I think it is too problematical for me to try to generalize what effect it would have.

I would simply say this: I think as far as American businesses at home are concerned, and American workmen at home are concerned, that, certainly, these combined actions are going to put them in a more competitive position with their competitors around the world. That is part of what this was designed to do.

MEMBER OF THE PRESS. Mr. Secretary, sir, I note that you made an exception of cotton textiles for paying the 10% increase in duty.

What about synthetics and shoes?

Secretary CONNALLY. Cotton textiles was one of those categories. There are two general categories that are exempted from the leving of the 10% import surcharge.

First, it is levied only on those dutiable items as they are now defined, and there are a number of things on which duties are not now levied. So we are not broadening the base at all.

Secondly, there will be exempted from the imposition of the 10% import surcharge, those items that are covered under quantitative quotas, and cotton textiles is one of those. It has been a long standing agreement.

Sugar is another, and so forth.

There are a few of those that will not be affected by the 10% import surcharge.

Member of the Press. Mr. Secretary, is Steel one of those?

Interposing Member of the Press. Mr. Secretary, when you decided to freeze wages, prices, and rents, did you consider at all freezing profits?

If not, why not?

Secretary Connally. There was no authority to freeze dividends, although as you heard the President say last night, he is calling on American businesses to observe the spirit and letter of it.

Again, we felt that to try to analyze and to make it apply to profits over a 90-day period was not a practical manner of proceeding. We felt that, in controlling prices, the profits of American business have not been that big. As a matter of fact, profits generally, in American businesses, have declined over the last several years to unacceptable levels. Very frankly. We felt that by controlling prices during this freeze period, it would take care of that problem.

Member of the Press. Mr. Secretary, when will the Council—the Cost of Living Council—or the Office of Emergency Planning, issue wage/price guidelines?

Secretary Connally. Basically, we have issued them, by simply saying that this freeze is all pervasive. This freeze applies to all wages, prices, and rents. Now, there will be a mechanism through which exceptions can be made but, even in saying that, I am reluctant to even say it because I want to make it abundantly clear to the American people that we don't anticipate making any, except in the most extreme and dire cases of hardship and inequity, because this is a 90–day freeze. We know that there will be some hardships; there will be some inequities; but we think, on balance, beyond any question, this is going to inure to the benefit of the American people in many, many ways. And we are going to ask people to bear what sacrifices they have to bear in terms of the inequities that exist, because we cannot—we do not—intend to set up, we could not physically set up; the bureaucracies necessary to administer the program. This is why the President has been so unalterably opposed to the imposition of wage and price controls. This is why he chose the route of going the wage and price freeze for a limited period of time.

Member of the Press. Mr. Secretary, G.M. and Chrysler have raised new car prices, but little American Motors has not, and Ford has raised them only on two vehicles. All of the car companies have mandatory ignition control and safety regulations.

What happens to the car companies that have not announced price raises?

Secretary Connally. I don't want to get into specific cases here but let me simply say this:

With respect to new car prices, if they were not in effect during the month, and if they did not effect a substantial portion of the trade or transactions during the month preceding August 14, they will be frozen.

Member of the Press. Mr. Secretary—

Secretary Connally. That same rule would apply to every company, so I don't want to get into specifics now, on all of the companies, because I don't have the fact of when the raises occur, and so forth.

You can apply that criteria against all of them.

Member of the Press. Mr. Secretary, will retail food prices be frozen, even though the prices of raw agricultural products will not be?

Secretary Connally. Yes.

Member of the Press. Mr. Secretary, what about denying millions of Americans the lower prices of foreign imports. I think of automobiles; Japanese televisions; the Electronics Industry. Won't this result, really, in an increase in the cost of those items?

Secretary Connally. Yes. The imposition of the 10% import surcharge is going to increase the cost of imported items into the United States. That is precisely the point, to try to provide a means and a time where American Industry and American workmen can regain their competitive spirit and their competitive capabilities.

Member of the Press. That raises a fundamental question, here. Can the American Industry compete with the world market today, without artificial protection, such as the 10% surcharge?

Secretary Connally. We get into a very detailed discussion here, about what other countries do.

Let me make it abundantly clear, and American business and American labor ought to understand this:

It is the President's position that he is not, by his speech last night, or any future actions that he proposes to take, to build a tariff wall, or a wall of barriers around this American market. What he is going to try to do, as a result of the actions that he has taken, he is going to say to all of the nations of the world that, "We believe in fair trade as well as free trade, and we expect to be treated like we have been treating you."

Now, the truth of the matter is that we basically feel that barriers—administrative and otherwise—have been raised against American products by many countries in the world. It is basically unfair, and part of the negotiations that will inevitably occur as a result of these actions is going to be to try to eliminate those instances and to be sure that all of the nations operate on the same basis; and on that basis, we are willing to compete with any nation in the world, on any commodity.

Member of the Press. Mr. Secretary, in effect, would it be fair to say you are relying on the voluntary, good instincts of the American people to enforce this wage and price freeze?

Secretary Connally. Yes, that is basically what I said. For those who are not motivated by such instincts, I want to point out that we have injunctive powers, and we have the power to levy fines of $5,000 per incident; and the Department of Justice will be prepared to exercise those powers if it becomes necessary.

Member of the Press. Mr. Secretary, does this Order supersede Executive Order 11158, as to the Construction Industry?

Secretary Connally. No. It does not.

Member of the Press. It does not?

Secretary Connally. No. It does not.

Member of the Press. Mr. Secretary, a contract between the Bell Telephone System and the Communications Workers of America was ratified at 1:00 o'clock Saturday afternoon by the Union Membership, retroactive two weeks. Will that increase now go into effect?

Secretary Connally. When was it to be effective?

Member of the Press. It was retroactive two weeks. The contract had expired; it took two weeks to ratify it.

Secretary Connally. This is what I said a moment ago I did not want to get into these fact situations. From what I understand of what you told me, probably so, but unless it was in effect during this prior month, it will not be permitted to go into effect.

Member of the Press. Mr. Secretary, you mentioned that there would be some hardships for Americans.

Secretary Connally. Yes.

Member of the Press. Particularly those who are stranded overseas now, with a limited amount of dollars.

What is the Government going to do until the dollar situation stabilizes to help, for example, the $5.00-a-day college kid overseas?

Secretary Connally. He may find his $5.00 is worth $6.00! (Laughter)

You are assuming that just the bottom is going to fall out of the dollar.

Let me remind you that, in terms of the Free World Gross National Product, the United States of America produces 48% of it.

Let me remind you that this is the strongest economy on the face of the earth.

Let me remind you that every country in the world pegs the value of their currencies to the dollar.

Let me remind you that no one kids themselves.

We get into periods of disparity here, and disequilibrium. We have been in one for the last several months, where your short term interest rates drew money out of the United States and created instability in the international monetary field. But to assume that because the President has moved to suspend convertability of the dollar that the dollar is going to hit rock bottom is, in my judgment, a very great mistake.

It may lose a little bit. Look what happened on the market this morning. In the last report I had, the market on the American Market of the Stock Exchange was up 20 points. They traded over 9 million shares in the first hour. They were up to 17½ the first hour, which is the largest trade ever in the history of the United States. Now, this is nothing in the world but a manifestation: The Bond Market is up; Municipals are up; Treasuries are up, the rates; it is nothing in the world but a manifestation of confidence.

The London Times this morning, in the lead editorial: "United States gets tough, at last."

This is a recognition that the action that the President has taken is not only going to stabilize things at home, but it is going to stabilize the dollar around the world.

Member of the Press. Mr. Secretary, have you any indication from the foreign, central banks what they are going to do?

Member of the Press (Interposing). Mr. Secretary, will you count the imports as of the 14th, or will you count the imports at the time they are exported from the foreign country?

Secretary Connally. No. It will apply to goods in transit; anything that enters into the United States after the 14th is going to be subject to the surcharge, if it is not exempted otherwise.

Member of the Press. Have you any indication, Mr. Secretary, from the foreign central banks as to what action they are going to take vis-a-vis this floating dollar?

Secretary Connally. No, I do not. I want to say to those of you who don't already know it that, about midnight last night, Under Secretary Paul Volcker, Under Secretary of the Treasury, left with Governor Dewey Dane of the Federal Reserve to go to London.

A meeting will be held this afternoon with the American Embassy at 4:00 o'clock, with representatives of some of our principal trading partners in London.

Governor Dane will go to Holland, Belgium and, probably, Switzerland, today, or tomorrow, or the next day, I don't know what the itinerary is.

Mr. Volcker might possibly also go to Paris and Bonn.

So our people are there. They are already talking. But so far as the reaction of the central bankers in Europe, frankly, I am unable to tell you what their reaction is.

Member of the Press. Mr. Secretary, since the price freeze, what is going to happen to the imports now coming in with a 10% tax?

Secretary Connally. They are going to have a tax levied on them.

Member of the Press. Prices will go up, right?

Secretary Connally. Right.

Member of the Press. Mr. Secertary, after the initial response of optimism, what is your estimate of the reaction of the international bankers to the United States suspending floating the dollar?

Secretary Connally. Well, I think the reaction is going to be good. They know, as well as we know, that over the past 20 years or, basically since World War II, our reserve assets have been declining; that our liabilities to foreigners, both officially and to individuals, have been increasing; and those lines on the chart cross in 1960, and the situation has been deteriorating since then.

They know that we have problems when we are running a deficit on our balance-of-trade; when we are also doing all of these other things in terms of aid, economic, humanitarian, and military, for other countries around the world; when we are also providing the military shield for the Free World. They know all of this. I think it is going to be pleasing to them. I think they are going to be delighted that the United States has faced up to the facts; faced up to reality; and that we are setting about—the President is setting about—to do something about the basic disequilibrium that exists in our relations with the principal trading partners around the world. It cannot do anything but breed confidence.

Member of the Press. Mr. Secretary, how was the figure of 5%, in cutting the Federal work force, arrived at?

How much of this is going to have to be achieved by firing workers?

Secretary Connally. The President felt this was a very reasonable percentage of reduction. He felt that every Department, through attrition, could lose this percentage of its employees and not do violence to the quality of service which it provided.

We don't now anticipate that there will be any substantial firings at all. Nearly all of this will come about by attrition.

Member of Audience. Mr. Secretary, on the Steel settlement, for the manufacturer who has felt the increase, the 8% increase in prices, as we have, as a manufacturer, we have not had an opportunity to be able to pass this on to our customers.

Is it the President's planning that we would have to freeze our prices for the next 90 days?

Secretary Connally. Who is "we"?

Member of Audience. We are a manufacturing company.

Secretary Connally. We will talk to that at some other time!

I am not unmindful of your problem. Let me answer it in this way: I will answer as I have before. If you have not established—if the substantial portion of your transactions occurred at the price in the preceding month prior to August 14—you cannot impose it.

Member of the Press. Mr. Secretary, won't this action cause profits to accumulate to the very speculators that the President was talking about last night, because anybody who sold the American dollar short will profit by this.

The second part of that question: Won't you be punishing the firms and unions which exercised restraint in the past two or three years, and have not gone into this inflationary cycle, and be rewarding those who got all they possibly could?

Secretary Connally. Are you talking about, strictly, the domestic front now?

Member of the Press. Both on the domestic and the international.

Won't the International speculators—

Secretary Connally (interposing). Let's break it down. You are talking about apples and oranges, here.

On the International front, speculators are not going to be rewarded. The President took no action whatsoever with respect to the price of gold, and doesn't intend to.

Member of the Press. If I could follow that point up; if you sold American dollars and got Yen or Marks in the past two or three weeks, expecting the value of the dollar to go down, can you not buy more dollars now?

Secretary Connally. The speculators—this is exactly what the President was talking about: that the speculators were in the markets overseas, and he suspended the convertability to try to strike at those very speculators. This is precisely the point that partially caused his action.

So far as the American domestic front is concerned, you can always pick at any particular in time—you cannot say that all equity in the United States exists at any particular point in time.

How, I have already acknowledged that there may be some inequities. It is significant that most of the bargaining on the major contracts has taken place and, so far as we know, I don't know of any period of time that you could pick where less inequities, less hardships, would result from the imposition of a wage and price freeze, although that was not a consideration, very frankly, in the establishment at the time.

Member of the Press. This is assumed, and I would like to clear it up.

How about Steel, which is under a voluntary import limitation to foreign countries. It will be included in the surcharge, is that correct?

Secretary Connally. Right.

Member of the Press. How about automobiles from Canada?

Secretary Connally. Well, I am responding now as I told you I would not, to specific cases.

I think the surcharge will apply to Steel. It will not to cars from Canada because of a specific bi-lateral agreement that the United States has with Canada with respect to automobiles.

Member of the Press. Mr. Secretary, how far did you have to fight portions of this program? Did you ever have to lay your job on the line? (Laughter)

Secretary Connally. No. No. No. No. No. On that point, the answer to that is no, a categorical "No."

Over the last several weeks and months, we discussed a great many things. We marched up the hill and down the hill, on acceptability of this plan, versus this plan, and so forth. There has been a tremendous amount of input in to the President on theory, on practice, on pragmatic solutions to these problems. He has never been willing—and thank heaven, he did not—he has never been willing to act in a piecemeal fashion to solve these various problems. He wanted an interrelated, cohesive program. Finally, notwithstanding the divergent views represented among those who were advising him, when the decisions were made, we were all in agreement.

No. Nobody laid their job on the line. There could not have been a more reasoning, intelligent, objective discussion of trying to lay before him alternatives.

Member of the Press. Mr. Secretary, in Steel, does this action postpone the 8 percent price increase for 90 days?

Secretary Connally. On Steel?

Member of the Press. On Steel. It was not in effect the 30 days prior to August 14.

Secretary Connally. If it was not effective, if substantial transactions were not engaged in at that price during the 30 days prior to August 14, it will not go into effect. I don't know the facts on Steel. You have to take all of my responses to these particular products now, you have to take them in the light of my lacking the precise knowledge as to when these prices went into effect, but if you are correct——

Member of the Press. If it was not in effect prior to the 14th, it would not go into effect?

Secretary Connally. That is correct.

Member of the Press. Mr. Secretary, two questions:

First: Will this price freeze affect increases in college tuition that would have taken effect with the beginning of the new semester?

Secretary Connally. I am not going to respond any more to these precise questions. I don't know the answer.

Member of the Press. Mr. Secretary, a general question:

What do you foresee at the end of the 90 days?

Secretary Connally. I don't know. I don't know.

One of the principal charges that the President has given the Cost-of-Living Council is, during this 90-day period, to talk to Business; to talk to Labor; to talk to every interested group; to Consumers; Agriculture; Members of Congress; everybody else throughout this Country, to try to see what are the best plans for following this 90-day wage and price freeze. What actions do we need to take, if any?

Member of the Press. Will the Council have hearings, Mr. Secretary?

Secretary Connally. No. There has been no Council meeting. We had one scheduled for 10:00 o'clock this morning and it obviously has been preempted by the announcement that I made earlier about the President's meeting with the leadership. So we scheduled no hearings, and I don't know.

Members of the Press. Mr. Secretary, would you please say what you mean when you refer to a wage increase being in effect during the base period. If there were some retroactivity for a part of that period, but it had not gone into the pay checks yet, what is the effect?

Secretary Connally. Well, again, I don't want to try to answer fact situations here that I don't have time to analyze.

Let me try to answer it this way:

Let's assume a contract was entered into and became effective last June, we will say, and let's assume that in the month of September—on a specific date—September 15, there was supposed to be a 15% increase per hour under the terms of that contract. That 15% increase could not become effective.

Member of the Press. Mr. Secretary, to what extent did speculation enter into the problem of the dollar?

Secretary Connally. I cannot answer that. I don't know. Beyond any question, there was some speculation of considerable proportions but I don't have the evidence. I don't have the proof to say who was doing it or, really, for what purpose. But beyond any question, there was too much money moving in the markets around the world.

Member of the Press. Mr. Secretary, can you say that the 90-day wage/price freeze will surely end at the end of 90 days; will probably end; or may be dependent?

Secretary Connally. Well, I appreciate your giving me a multiple choice. I have not had any of those since college days but I don't know. I don't know. That is going to be determined by circumstances that occur between now and the end of the 90 days. Let me answer it this way:

The President has not foreclosed any option. He very much hopes that the freeze can end at the end of 90 days. You know his antipathy toward controls over any protracted period of time.

I hope that that will occur, but I don't want to make any categorical statements about what is going to happen because I, frankly, don't know. That is why we have a Council. This is what we are going to devote most of our effort to for the next 90 days; to try to determine what can be done, and what series of steps, even, can be taken, depending on the circumstances.

Member of the Press. Will travel, sir, be included—considered—as an import and/or is there a possibility that a tax may be considered on traveling abroad for Americans?

It is a two-part question.

(1) Would foreign travel be considered an import under the 10% levy.

Secretary Connally. No. I don't think so.

Member of the Press. Where would we put the questions from individuals? Where would we put these questions? To Treasury?

Secretary Connally. Oh, no (laughter). Send them to the Office of Emergency Preparedness.

Seriously, General Lincoln will have the responsibility for the administration of this program. He is trying to gear up, as best as he can, and as quickly as he can. We would hope that we would not have an enormous number of questions. We hope we won't be inundated because our position, I hope, is clear. We intend to make no exceptions, barring an inequity of major, catastrophic proportions, almost; so, for the most part, if people want to satisfy their curiosity, I hope they ask their neighbor instead of writing us because we are not going to be equipped to handle requests from 100 million people.

Member of the Press. How does this affect controlled rate increases, like the ICC might have?

Secretary Connally. It is going to affect all increases.

Member of the Press. Is it your hope, Mr. Secretary, that interest rates will remain at their present levels?

Secretary Connally. No. It is my hope that interest rates will come down.

Member of the Press. Mr. Secretary, if it were offered to you, sir, would you accept the Republican Vice Presidency?

Secretary Connally. Doesn't somebody want to put an end to this press conference?

Member of the Press. Mr. Secretary, will the taxpayer benefit on his 1971 income, from the tax proposals made last night by the President?

Secretary Connally. Yes. One of the proposals that the President made was to recommend to the Congress that the increased exemption that was scheduled to take place on January 1, 1973, be moved forward to January 1, 1972; so that there will be a total, in January 1, 1972, of $100 increase in the exemption, and just the moving forward of the $50 exemption, from '73 to '72, will result in approximately $1 billion of benefit to the taxpayers of the Country.

Member of the Press. That will be on '72 income, not on '71 income?

Secretary Connally. I beg your pardon. I misunderstood your question.

Member of the Press. Will there be any benefit for 1971 income from the tax proposals?

Mr. Nolan. On the automobile excise tax.

Secretary Connally. Yes. The automobile excise tax, most certainly, if the Congress acts favorably on it. We certainly anticipate that it will. This will mean, for the 10 million people who will be buying automobiles, $200 per car.

Member of the Press. Is there a possibility, Mr. Secretary, that the President might ask the Congress to cut its recess short, so it can act on some of these recommendations?

Secretary Connally. No, I don't think so. He has asked and proposed that the effective date of these measures—which have to be acted on by the Congress—be effective as of today, or as of yesterday; and I think if the Congress acts favorably on them, they certainly will act with this retroactive feature in them. So that nothing will be lost by the delay in time. Congressmen are scattered all over this Nation, and all over the world. We don't feel there is sufficient urgency, under these circumstances, to call the Congress back into session.

Member of the Press. A clarification on auto prices, sir.

Must the auto companies charge 1971 prices for their 1972 model cars?

Secondly, on the excise tax—

Secretary Connally. Wait a minute. Let me answer that one because, again, we are getting into fact situations on particular commodities.

Now, I don't know what the facts are. We will find out. I have seen in the Press that some increases have been announced but unless those prices were in effect to a substantial degree, affecting a substantial portion of the market, prior to August 14, then the increases will not be allowed under the wage and price controls.

Member of the Press. Even if it is a new product?

Secretary Connally. Even if it is a new product.

Member of the Press. Mr. Secretary, your Investment Program: Will this affect your proposed administrative changes in depreciation?

Secretary Connally. No, it will not.

Member of the Press. Mr. Secretary, are there any plans for the United States to intervene to keep the dollar at a narrower band that it might go in the market, either upper or lower?

Secretary Connally. We have no plans to do so. The Secretary of the Treasury has the power to do so, if it is deemed to be in the interest of the United States.

Member of the Press. You have no plans now, to do so?

Secretary Connally. We have no plans, now, to do so.

Member of the Press. Mr. Secretary, about a little more than a month-and-a-half ago, at the White House, you defended the President's actions in refusing to go along with a tax cut, in refusing to go along with the Wage and Price Review Board, and you very strongly defended that, and said that was the thing to do, with confidence; that everything was going alone fine.

Don't you fear that you are going to create some kind of a credibility gap, with this kind of a change, that will match the credibility gap on the Vietnam War.

Secretary Connally. No. I certainly do not.

In the first place, I said four things on June 27th, or the 29th, in that press conference:

I said we were not going to a Wage/Price Review Board, and we have not.

I said we were not going to Wage and Price Controls, and we have not.

I did say we were not going to ask for any tax increases. I will eat those words, but I will say this: I will have to eat fewer than a lot of other folks I know. (Laughter.)

But of the four items that I laid down, that we were not going to do, we are not doing three of them.

He is asking for increases—changes in the tax—simply because it is part of a package. Now, I don't think there is any credibility gap. I think we all do a disservice when people in high administrative positions in this Government enunciate a new policy, or change of policy—for heaven's sake, there is a saying that there is nothing constant except change! The American people would think they had a dolt for President if they had one that they thought would take a position, and never change it.

I said to the American people on Face The Nation a couple of weeks ago, that a President who was bold enough to pull off the China policy and the China move, is going to be bold, equally bold, and courageous, in the administration of policies affecting the domestic economy.

Isn't that substantially what I said, Mr. Schorr?

Mr. Schorr. That is substantially what you said in the course of saying you expected no change in policy!

Secretary Connally. I agree with that.

Let me address myself to that, because this does have serious connations.

What has the President done here?

Could we have, two weeks ago, talked about—or three weeks ago, or six weeks ago—talked about the imposition of a wage/price freeze on the American economy?

No! Certainly not! You could not have done it then.

Member of the Press. The Democrats were recommending it.

Secretary Connally. Well, they didn't have to act. When you are out of Office; when you have no responsibility for decisions, you can be a Statesman and say lots of things.

Member of the Press. Were you recommending that two weeks ago?

Secretary Connally. Let me pursue this.

If you had talked about the imposition of a wage/price freeze, what do you think would have happened? Everybody in this country would have rushed to raise their prices; increase wages. You would have destroyed—it would have been a counterproductive move of major proportions.

Now, when we did not announce to the world that we were going to, at some future date, suspend the convertability of the dollar, of course, we could not do that. Of course we could not talk about it; we could not leak it; we could not hint it. If we had, it would have been disastrous in the markets of the world. Billions of tens of billions, of dollars would have changed hands.

So, because an Administration changes its policies, or enunciates a new one, where it contains elements such as these, both in the International and the Domestic front, that require absolute secrecy, I think it is basically unfair to say, "Well, you misled us."

Member of the Press. Are you saying that you had these things in mind?

Secretary Connally. We certainly were talking about them.

Member of the Press. Mr. Secretary, you said yesterday that you did not expect these measures when you went on vacation, which was only last week.

Secretary Connally. I believe the question was: Did I expect them——

Member of the Press. Right.

Secretary Connally. To be announced last night.

I believe that was the question.

In any event, I did not expect them to be announced last evening. I was not in the least surprised that they did occur, within some time frame. If I had thought they were that imminent, I would not have been able to enjoy the one day at home.

Member of the Press. Ninety days from now, where do you want to see the key economic indicators in order for you to be able to say that this program was a success: Industrial production, unemployment, and so forth.

Secretary Connally. I would not want to put any percentages——

Member of the Press. What sort of progress would you like to see?

Secretary Connally. Or figures. Obviously, I would like to see more jobs created. I would like to see more people hired to meet what I believe are going to be the additional demands of Consumers.

Member of the Press. Could you quantify that?

Secretary Connally. I would like to see more orders for machine tool goods, in particular.

I would like to see more orders for dealers for automobiles and the things that basically affect the framework of the economic base of America.

Member of the Press. Could you put some numbers on that, sir?

Secretary Connally. No. No. I don't want to put any numbers on it. I think it is too early.

Member of the Press. Did you consult with the Automobile Industry, particularly Mr. Roche at General Motors, prior to the public announcement of this program?

Secretary Connally. No. Did we consult with him, in what connection?

Member of the Press. Did the Administration advise him of what these plans were?

Secretary Connally. No. No. I talked to Mr. Roche myself about the details of their pricing, to try to get some facts with respect to the Industry, but beyond that, we did not tell him what was in the program.

Member of the Press. Why did the Administration have to act so much more quickly than you had anticipated last week?

Secretary Connally. It was a culmination, I think, of a series of events. I don't know that you could assign any particular cause to it. As I have said, the economy was expanding; but it was not expanding as rapidly as the President really wished it to expand. The job creation was increasing, but not sufficiently to reduce unemployment at the rate he had hoped. We were making progress against inflation—4% in the first six months, versus 5.5% last year—but it still was not good enough.

Some of the indicators led us to believe that it might even worsen in the last part of the year. We could not be sure. I think if you had to assign a proximate cause in terms of the tort language of the lawyers, if you had to assign a proximate cause to it, it would be the deterioration of the balance-of-trade figures; the International monetary situation, where there was a high degree of instability and, in my judgment, considerable speculation.

Member of the Press. What is the balance-of-trade deficit?

Interposing Question by Another Member of the Press. Mr. Secretary, when you say this does not supersede the Construction Industry, do you mean this does not apply to the Construction Industry at all?

Secretary Connally. It will apply, but it will not mean the disbanding of the Order with respect to the Construction Industry. That was my response.

Member of the Press. So the Construction Industry Stabilization Board would use the criteria set up by this Executive Board?

Secretary Connally. Oh, they will have to be under the same rules as everyone else.

Member of the Press. Mr. Secretary, by reducing the Government spending at the same time you cut taxes, don't you blunt the economic impact of the program considerably?

Secretary Connally. No. I don't think so, simply because we tried to eliminate Federal spending in the areas that were least productive from the standpoint of job creation and economic expansion. On the contrary, the President's very strong view is that the Government cannot hire everybody that wants, or needs, work in this Country; that we have to depend upon the private sector to do it. So that the stimulation that is inherent in the various provisions of this program, the economic stimulation, ought to be of sufficient magnitude to far outweigh the reduction of Federal spending.

On the other hand, he felt that it was, also, a part of this entire package to say to the American people that we were committed to fiscal restraint and fiscal responsibility, and that even though he called for a 5% cut in Federal employment, notwithstanding that, we are also—well, let me give you an example. Let me just give you a comparison:

For every 100,000 new cars that are sold, it means 25,000 jobs. It is not inconceivable that we will increase the sale of cars through the elimination of the excise tax of 10% surcharge, the Investment Tax Credit. It is not inconceivable that we will have half-a-million more cars sold next year than this year.

If, indeed, you do, you will provide jobs for 125,000 people by that one thing alone. So that the way that he had to do this was the obvious loss, in terms of the number of people employed by the Federal government, yes. When you cut the number by 5%, you affect some people who want to leave, for whatever reason, because this is going to come by attrition, you affect it adversely. But when you stimulate; when you take the actions that he has to rebuild the confidence, to stimulate this economy in so many ways; when you put so many dollars back in the pocket of the individual Americans, he felt those moves far outweigh the others.

Member of the Press. Following up on that point, Mr. Secretary——

Member of the Press (intervening). Mr. Secretary, 1933 was one of the historic turning points in the Government getting involved in managing the economy. In the light of what you just said, do you now feel that this is another one of those historic turning points; that, hereafter, the Government will have to continue playing an increasingly greater role in the economy?

Secretary Connally. Well, we would hope not. We would hope not. There are people in this Country who call for mandatory control on wages and prices.

Dr. Galbraith is the leading disciple of this theory. This Administration is committed to the opposite concept: That the progress of this Nation, as a Democracy; the success of this system, as conceived, has been the ingenuity, the imagination, the vitality, of the private sector of this Economy. The very thing that we are trying to emphasize here is that the President wants to make abundantly clear that he is not willing to supplant the private initiative; the private vigor and vitality; with Government, and the dead hand of Government. It is just the reverse of what I understood your question to be.

Member of the Press. Governor Connally, you said earlier that the U.S. is facing up to reality.

The Senate Democratic Leader Mansfield said, "Better late than never."

Why did it take the President so long to face up to reality?

Secretary Connally. You know, conditions change; circumstances change. What was reality six months ago is not reality today. What is reality today, will not be reality tomorrow. It will be history.

So that any President must respond to the circumstances that exist at the time of the actions that he takes.

Member of the Press. Mr. Secretary, you did not give a specific answer earlier on the possibility of retroactive wages.

Do you expect an Administrative position on this before the 90 days are over?

Secretary Connally. I would not want to try to anticipate what the Council will do during the next 90 days.

Member of the Press. One final follow-up question, Mr. Secretary.

Why was the Automobile Industry picked out for the $200 cut in the excise tax; plus, they are certainly going to take advantage of the 10% surcharge on these foreign cars coming in, when it is a pretty healthy Industry. They are having a good year. The only real price competition in this Country, any more, has come from foreign cars.

Secretary Connally. I don't believe Ford, and General Motors, and American Motors, and Chrysler would agree that they don't compete with one another. But they were not picked out. It just so happens that the automobile excise tax—outside of the Telephone tax—is about the only excise tax of this kind left.

It is an inequitable tax. It was imposed in 1917; it varied up and down many times since then, but this is a very basic Industry. The manufacturing that it represents is a very basic Industry in America. It has an impact on this whole Economy, particularly on the Steel Industry, which is an even more basic Industry.

It is, I think, estimated—and reliably so—that one out of six people who work in America are directly, or indirectly, affected by the Automotive Industry. So it is a very basic industry. But that was not—there was no attempt to do something particular, or special, for the Automobile Industry beyond this general concept, and it was an area where we felt that, in the final analysis, it is an inequitable tax, imposed upon an industry.

If you just want to go out and pick excise taxes to apply, you could apply them to a whole lot of people. This is, basically, an inequitable tax. It has just been allowed in the light of circumstances that existed. We did not know of any better way—the President did not know of any better way—to give back to 10 million people, who are going to buy a basic commodity produced in this Country, about $200 each, for those who buy a car. I think it is going to have a tremendous impact.

Member of the Press. Thank you Mr. Secretary.

(Whereupon, at 1:00 o'clock, p.m., the press conference was concluded.)

IMPOSITION OF SUPPLEMENTAL DUTY FOR BALANCE OF PAYMENTS PURPOSES

(A Proclamation by the President of the United States of America)

Whereas, there has been a prolonged decline in the international monetary reserves of the United States, and our trade and international competitive position is seriously threatened and, as a result, our continued ability to assure our security could be impaired;

Whereas, the balance of payments position of the United States requires the imposition of a surcharge on dutiable imports;

Whereas, pursuant to the authority vested in him by the Constitution and the statutes, including, but not limited to, the Tariff Act of 1930, as amended (hereinafter referred to as "the Tariff Act"), and the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA"), the President entered into, and proclaimed tariff rates under, trade agreements with foreign countries;

Whereas, under the Tariff Act, the TEA, and other provisions of law, the President may, at any time, modify or terminate, in whole or in part, any proclamation made under his authority;

Now, therefore, I, Richard Nixon, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including, but not limited to, the Tariff Act, and the TEA, respectively, do proclaim as follows:

A. I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

B. (1) I hereby terminate in part for such period as may be necessary and modify prior Presidential Proclamations which carry out trade agreements insofar as such proclamations are inconsistent with, or proclaim duties different from, those made effective pursuant to the terms of this Proclamation.

(2) Such proclamations are suspended only insofar as is required to assess a surcharge in the form of a supplemental duty amounting to 10 percent ad valorem. Such supplemental duty shall be imposed on all dutiable articles imported into the customs territory of the United States from outside thereof, which are entered, or withdrawn from warehouse, for consumption after 12:01 a.m., August 16, 1971, provided, however, that if the imposition of an additional duty of 10 percent ad valorem would cause the total duty or charge payable to exceed the total duty or charge payable at the rate prescribed in column 2 of the Tariff Schedules of the

United States, then the column 2 rate shall apply.

C. To implement section B of this Proclamation, the following new subpart shall be inserted after subpart B of part 2 of the Appendix to the Tariff Schedules of the United States:

SUBPART C—TEMPORARY MODIFICATIONS FOR BALANCE OF PAYMENTS PURPOSES

Subpart C headnotes:

1. This subpart contains modifications of the provisions of the tariff schedules proclaimed by the President in Proclamation 4074.

2. *Additional duties imposed.*—The duties provided for in this subpart are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved. The provisions for these duties are effective with respect to articles entered on and after 12:01 a.m., August 16, 1971, and shall continue in effect until modified or terminated by the President or by the Secretary of the Treasury (hereinafter referred to as the Secretary) in accordance with headnote 4 of this subpart.

3. *Limitation on additional duties.*—The additional 10 percent rate of duty specified in rate of duty column numbered 1 of item 948.00 shall in no event exceed that rate which, when added to the column numbered 1 rate imposed on the imported article under the appropriate item in schedules 1 through 7 of these schedules, would result in an aggregated rate in excess of the rate provided for such article in rate of duty column numbered 2.

4. For the purposes of this subpart—

(a) *Delegation of authority to Secretary.*—The Secretary may from time to time take action to reduce, eliminate or reimpose the rate of additional duty herein or to establish exemption therefrom, either generally or with respect to an article which he may specify either generally or as the product of a particular country, if he determines that such action is consistent with safeguarding the balance of payments position of the United States.

(b) *Publication of Secretary's actions.*—All actions taken by the Secretary hereunder shall be in the form of modifications of this subpart published in the Federal Register. Any action reimposing the additional duties on an article exempted therefrom by the Secretary shall be effective only with respect to articles entered on and after the date of publication of the action in the Federal Register.

(c) *Authority to prescribe rules and regulations.*—The Secretary is authorized to prescribe such rules and regulations as he determines to be necessary or appropriate to carry out the provisions of this subpart.

5. *Articles exempt from the additional duties.*—In accordance with determinations made by the Secretary in accordance with headnote 4(a), the following described articles are exempt from the provisions of this subpart:

Item	Article	Rates of duty	
		1	2
948.00	Articles, except as exempted under headnote 5 of this subpart, which are not free of duty under these schedules and which are the subject of tariff concessions granted by the United States in trade agreements...	10% ad val. (see headnote 3 of this subpart).	No change.

D. This Proclamation shall be effective 12:01 a.m., August 16, 1971.

In witness whereof, I have hereunto set my hand this fifteenth day of August in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-sixth.

RICHARD NIXON.

Mr. GRIFFIN. Mr. President, in joint session yesterday, the Congress heard President Nixon's eloquent call for cooperation in achieving the great goal of "a new prosperity without war and without inflation."

Upon our return on Wednesday from the summer recess, I spoke about the President's new economic program which he had announced on August 15, and I urged prompt enactment of the tax proposals which he has now laid before Congress. I am glad that other Senators today have voiced their support of the President's program.

As the distinguished Senator from Kansas has already emphasized, this is a time for bipartisan cooperation "in meeting the challenge of peace."

This is a time for economic statesmanship of the highest order.

This is not a time for partisan, political rhetoric.

The Nation's overriding need today is for unity, for a coordinated effort from all who serve in Congress, from the leaders of labor and business, as well as leaders in agriculture and other segments of our society to work together and to breathe new life into the economy.

We need a national mobilization for economic recovery, and President Nixon has provided the initiative and the leadership to spark that national mobilization for economic recovery.

He is meeting today with leaders of organized labor at the White House and, as he told us yesterday, he has invited "representatives of the Congress, of business, of labor and of agriculture to meet within the next few days for the purpose of helping plan the next phase."

All the leaders he invited have accepted. The President has accepted a suggestion made by our distinguished majority leader, Mr. MANSFIELD, that the President work closely with the chairmen and the ranking members of the major committees of the House and Senate having jurisdiction over economic affairs.

It is the intention of the majority leader, as I understand it, that the shaping of any economic program, beyond the initial 90-day freeze, be a bipartisan undertaking, above and beyond the partisan political battlefield.

I fervently hope that will be the case, and that President Nixon will have the kind of bipartisan cooperation and support in Congress that the people and the Nation have a right to expect.

SENATOR MATHIAS' VIEWS ON OUR ECONOMIC PROGRAM

Mr. GRIFFIN. Mr. President, the senior Senator from Maryland (Mr. MATHIAS) had hoped to be here today to participate in a colloquy with other Senators concerning President Nixon's economic program. However, it was necessary for him to be absent in order to address a chamber of commerce meeting at Frederick, Md., where, incidentally, he will be discussing the President's economic program.

In the remarks the senior Senator from Maryland had prepared for delivery, he makes several suggestions on what should be done as the Nation moves beyond the initial 90-day wage-price freeze. As Members of the Senate know, the senior Senator from Maryland on numerous occasions this year has contributed significantly to the national dialog concerning our economic situation.

At the request of the senior Senator from Maryland, I ask unanimous consent that there be printed in the RECORD the text of a statement he issued from Maryland on August 16, following the President's announcement of his new economic policy, as well as the text of a recent report by the senior Senator from Maryland to his constituents in which he discussed this subject, along with the remarks he will be making at Frederick, Md., today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MATHIAS' STATEMENT OF AUGUST 16

Over a period of time I have suggested an economic program to deal with what is, in fact, a war economy. I had hoped that by taking early steps more drastic action could be avoided. However, in the economic situation that America now finds itself, both at home and abroad, strong and decisive action is required. While I regret that actions such as freezing wages, postponing welfare reform, and delaying revenue sharing were necessary, I support the principles of President Nixon's new economic policy, and I urge all Marylanders to band together behind the President's program to build a new prosperity without war. All Americans will most especially welcome the prospect of increased income tax exemptions, the new incentives to competitive productivity through additional research and development, and the suspension of the automatic conversion of dollars into gold.

The economic problems of today had their source in the years 1965 and 1966, when our nation became heavily involved in war while trying to live at home as if we had both peace and prosperity. Those days of guns and butter have led to an economy characterized by high inflation, a very large sector based on short-term military needs and deterioration of international confidence in the dollar. Immediate action by the President was necessary, and last night the President took such action.

Marylanders well know that the defense and aerospace sector of our economy has been declining in recent months. America must continue to be second to none in research and development for both defense and civilian purposes. The President's new economic policy, which includes incentives to foster new investment in the machinery of production and the creation of new jobs, should lead to the useful employment of skilled Maryland workers recently laid off and should create new jobs for additional Marylanders.

The President's program includes measures to deal with the evils of inflation which hurt most those who can least afford it—workers, the unemployed, the poor, and the elderly. I welcome presidential action aimed at halting the run-away inflation which has plagued us for seven years.

The President further acted to restore international confidence in the dollar, in

America, and in the international economic system itself. I welcome those measures aimed at bolstering the dollar, and especially the suspension of the automatic conversion of dollars into gold, a practice which until now has kept the dollar prey to international money speculators.

The President's decisive response to the changing economic challenges we confront and his outline of such a comprehensive economic program will contribute to America's surmounting any crisis of confidence at home or abroad.

SENATOR MATHIAS' WEEKLY REPORT TO HIS CONSTITUENTS

Launching a new economic policy.—During the recent congressional recess, I have had an opportunity to talk with many hundreds of Americans who are concerned about our country, our government and our economy. People in every walk of life are worried about the cost of living. A wire fence of the kind commonly used on Maryland farms now costs twice what it did a few years ago. The basic necessities of life, including food, cost much more each year than it did the year before. People are also worried about what this means in terms of America's position in the world. How can we go on trading our goods when they cost so much more than the goods of other nations? In such a situation, how can other nations afford to buy things made in the U.S.A.?

I have urged for many months that the government take positive steps to control the cost of living, to stabilize prices and to invigorate the economy. I am pleased that the President decided to utilize some of the powers given to him by the Congress to help get our economy back on a stable and positive course.

This does not mean, of course, that the actions that the President took on an emergency basis while the Congress was in recess will necessarily be the full economic package decided upon by the whole government. There are judicial questions, legislative questions and administrative questions to be answered as we go down on this new road.

It is a sad irony that, at a time when we are winding down the war in Vietnam and can look forward to peace, we have had to put our economy on a war-time footing. But, perhaps it is a useful lesson in economics. It illustrates for us that nations, like ordinary men, have to make the hard choices and to do the hard things that life forces upon us. There is no escape from the kind of hard economic choices which should have been taken five or six years ago and weren't.

We in the Congress will be debating the various steps that we must take to perform our role in the construction of a new economic policy for America. I thoroughly agree that the time has come for this debate and for these decisions. I look forward to taking part in helping to create a positive, forceful and successful economic policy for the American people so that we can support our families decently while we work and so that the dollar put away for our old age will buy us a dollar's worth of security. All of these things can be done if the American people pull together in this effort. I am confident we will do this and we will create the new prosperity without war which President Nixon has described.

EXCERPTS FROM SENATOR MATHIAS' SPEECH TO THE FREDERICK, MD., CHAMBER OF COMMERCE

1. *Establishment of a Prices and Incomes Commission.*—If our economy were allowed to go from absolute restraint to absolute freedom, Americans would immediately lose the benefits achieved by their 90 days of sacrifice. On June 21 of this year I introduced legislation to create a Prices and Incomes Commission which would be ideally suited to help guide the economy through this difficult period of adjustment. The commission would issue voluntary guidelines on wages, prices, interest rates and dividends. The commission could, if necessary, back up its guidelines with a variety of actions including controls on government procurement, loans and loan guarantees. The commission would be expected to report regularly on the status of the economy and on when the commission itself might become obsolete.

2. *Removal of the 10 per cent import surcharge.*—We must continue to encourage the free trade which has helped build this country and has contributed so substantially to the prosperity of this great state. As the President pointed out, we must "let the challenge of competition give a new lift to the American spirit . . . We cannot remain a great nation if we build a permanent wall of tariffs and quotas around the United States." I agree entirely with this view and strongly urge that the 10 per cent import surcharge be confined to the initial 90-day period set forth by the President.

The American competitive genius would wither and die behind a tariff barrier. A long-term higher tariff could cripple the Port of Baltimore and could mean higher prices for Maryland consumers. If the tariff is removed, however, when the international situation is stabilized, then all Marylanders should applaud the President's leadership.

3. *Convening international trade conference.*—We must look beyond the immediate period and seek to establish the necessary enduring ground rules for this new era. I therefore propose that the United States call an international trade conference. This conference should take place as soon as the current monetary situation is clarified. The members of the International Monetary Fund will meet in Washington at the end of this month and their deliberations will hopefully yield a degree of stabilization in the world's monetary situation. The international trade conference should be convened as soon thereafter as feasible but certainly no more than six months later. It should discuss the total gamut of current trade problems. This conference would help resolve the many violations of the General Agreement on Tariffs and Trade and other trade agreements that have occurred with increasing frequency in recent years. And, most important, it would help equalize the rules of world trade so that America need not further compete, as the President so aptly stated, "with one hand tied behind its back."

As the monetary situation is clarified, America should take the initiative in convening an international conference on trade in order to establish the kind of ground rules necessary to enable world trade to flourish in the coming decades."

4. *Greater emphasis on economic conversion.*—Not only must we spend less, but we must spend more wisely. If we do, then less will buy more. We can spend less by accelerating our withdrawal from Vietnam and by reducing the number of men in the Armed Forces. We can spend more wisely by reapplying some of these funds to research and development for both civilian and defense needs. New technologies will create new jobs and new benefits for all. . . . On July 7, I introduced legislation to restore the income tax credit for business investment in new capital equipment—legislation which is vital if employers are going to be able to meet the challenge of providing needed jobs as quickly as possible. Last March 11, I sponsored major economic conversion legislation designed to meet problems such as those we face today. This bill would provide assistance to industries, workers and communities affected by reductions in defense and space spending and require the maintenance of up to date conversion plans by major defense and space contractors. . . . Just one example of a wise shift of resources could be close at hand. If the government would act on my proposal pending for many long months to convert Fort Detrick from a marginal defense installation to the first rate cancer research institution which it is ideally suited to become, then every American might be freed from the fear of this dread disease.

5. *Greater progress and equity at home.*—The success of the new economic policies will depend on a fair and equitable distribution of economic benefits and burdens among all Americans. We must bend over backwards to assure that the 90-day freeze and the later general guidelines are applied evenly and without favoritism. Furthermore, Congress must redouble its efforts to pass before Christmas two essential programs: welfare reform and general revenue sharing, both of which I co-sponsored. These two programs will help all economic groups and all regions of our country to share the rewards of our new prosperity as well as the current sacrifices. . . . Along this line, I hope that the auto companies will use a substantial part of the profits they reap from added sales of new cars as a result of the repeal of the excess profits tax to speed their development of quieter, safer, less polluting automobiles.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any morning business? If not, morning business is concluded.

MILITARY PROCUREMENT APPROPRIATION AUTHORIZATIONS, 1972

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of H.R. 8687, the military appropriation authorizations, 1972, which the clerk will state.

The legislative clerk read as follows:

H.R. 8687, to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TUNNEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, there was to have been a period for the transaction of routine morning business for not to exceed 15 minutes. The Chair quickly closed the period for the transaction of routine morning business—and quite properly—apparently because no Senators present sought recognition. I was in the reception room talking with a constituent.

In view of the fact that there is still some routine morning business to be transacted, I ask unanimous consent that there again be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes and that the unfinished business be temporarily set aside until the close of that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I thank the distinguished acting majority leader. I was standing by for the morning hour and it just passed me by.

TRIBUTE TO THE CHICAGO SYMPHONY ORCHESTRA

Mr. PERCY. Mr. President, I would like to comment on the tour being made of European capitals by the Chicago Symphony Orchestra. This distinguished body of musicians, accompanied by some of our leading citizens of Chicago, has undertaken for the first time to go abroad.

The Chicago Symphony Orchestra has been considered by many eminent critics throughout the years as one of the most distinguished symphony orchestras in the United States. I have followed its progress with great interest. Having attended its concerts through the years, I can testify to its excellence and its record of performance.

To have this distinguished body of musicians abroad to share its unique abilities with European audiences is a source of great pride to me. I know that many of us in this body feel that cultural exchanges with our friends abroad is a very important part of our effort to promote international understanding.

I commend every member of the Chicago Symphony Orchestra, the eminent conductor, Georg Solti, and the distinguished citizens of Chicago, headed by Mrs. J. Harris Ward, who have made the trip possible. I also compliment Gov. Richard Ogilvie and Mayor Richard Daley, both of whom had the foresight to back this successful endeavor in international diplomacy.

Mr. President, in a recent editorial, the Chicago Daily News noted the remarkable acclaim which has greeted the Chicago Symphony in Europe. I ask unanimous consent that this editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BRAVISSIMO FOR SYMPHONY

The acclaim given the Chicago Symphony Orchestra's triumphant performances at the Edinburgh festival is music to Chicago ears. The Scottish audiences responded with thunderous ovations, and some of Europe's most demanding critics came forth with reviews that border on rhapsodizing: "Second to none of the world's greatest orchestras," said one; "the United States' most accomplished orchestra," wrote another, "a superbly disciplined yet fully flexible ensemble," said a third.

Chicagoans knew the heights of excellence the symphony had attained under conductor Georg Solti before it left on its first European tour, but opinions here might be influenced by hometown pride. These lavish out-of-town notices can be accepted as an accurate gauge of just how superb our traveling musicians are.

And not only are they doing themselves proud, they are helping spread a different kind of word about Chicago, a city that ordinarily gets too few kind words abroad.

ORDER FOR RECOGNITION OF SENATOR MONTOYA ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from New Mexico (Mr. MONTOYA) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there further morning business?

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

Mr. GRIFFIN. Mr. President, the distinguished Senator from Kentucky (Mr. COOPER) was unavoidably absent yesterday and he would like to have participated in the debate on the OEO bill.

I ask unanimous consent to have printed in the RECORD a statement by the Senator from Kentucky (Mr. COOPER) on that subject.

There being no objection, Senator COOPER's statement was ordered to be printed in the RECORD, as follows:

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

(Statement of Senator COOPER)

Mr. President, the Senate has approved a most significant and far reaching proposal—the comprehensive child development program. It is a worthy and proper goal of this nation to provide for the health and early development of its greatest resource and its best hope for the future—its children.

I represent a rural state and in the eastern part of Kentucky, which is in the Appalachian region, there are, unfortunately, isolated and disadvantaged areas. Having lived on the fringe of the area during my lifetime, I have seen the need for and the benefits to be gained from education programs at work in early childhood.

Over a year ago I learned about the work of the pre-school program for rural Appalachian children initiated under the Appalachian Education Laboratory. This laboratory is one of ten regional education laboratories involved in early childhood education established under the Elementary and Secondary Education Act. I was impressed by the possibilities of the program as outlined by one of its originators, Mrs. Katherine Koritzinsky.

The program is composed of three phases: television lessons, home visitations with the parents and a mobile classroom which goes to the children. Many of these activities are carried out by paraprofessionals selected from parents in the area and trained by the Laboratory. This is only one of the early childhood programs being developed around the country, but I mention it because I believe this approach holds promise for other rural areas of the country and urban areas as well where the lack of concentrated resources militate against the effectiveness of a more conventional program.

I support the purpose of the early childhood development program to begin the education of the child during the first five years. Such a program is required if this country is to give to all children—rural, urban, minority and the children of poverty—a chance for a better education, better health and a better opportunity for life.

The means to achieve this are available. What is needed is a comprehensive approach to the problem and a dedication of sufficient resources to accomplish this task. It is essential that the education of the children to be reached by this program begin at an early age. I am hopeful that the Congress will respond and enact an early childhood program during this session.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, SEPTEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the able Senator from New Mexico (Mr. MONTOYA), there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS

A letter from the Chief of Naval Material, Washington, D.C., transmitting, pursuant to law, a report on research and development procurement actions of $50,000 and over, for the period July 1, 1970, through June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Economies Available by Eliminating Unnecessary Telephone Equipment," General Services Administration, dated September 9, 1971 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A petition of the Delaware Tiao-Yu Tai Committee, concerning sovereignty over the Tiao-Yu Islands; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

S. 2495. A bill to amend the District of Columbia Election Act, and for other purposes (Rept. No. 92-361).

ANNUAL REPORT OF THE SUBCOMMITTEE ON SEPARATION OF POWERS (S. REPT. NO. 92-360)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent to file the annual report of the Subcommittee on Separation of Powers pursuant to Senate Resolution 347, 91st Congress, second session.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORT OF A COMMITTEE

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of seven flag and general officers in the Army, Air Force, and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Vice Adm. John A. Tyree, Jr., U.S. Navy, and Vice Adm. James W. O'Grady, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Gen. Joseph R. Holzapple (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list, in the grade of general;

Lt. Gen. David C. Jones (major general, Regular Air Force), U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of general;

Maj. Gen. William V. McBride (major general, Regular Air Force), U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Lt. Gen. George Vernon Underwood, Jr., Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of general; and

Maj. Gen. Gerald W. Johnson, Regular Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general.

Mr. STENNIS. Mr. President, in addition I report favorably 353 appointments in the Navy in the grade of lieutenant commander and below and 291 appointments in the Army in the grade of major and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Howard T. Prince, and sundry other persons, for promotion in the Navy and Army.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bill was introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. NELSON:

S. 2503. A bill for the relief of Francisca Gamino Lopez. Referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2463

At the request of Mr. COOK, the Senator from Montana (Mr. METCALF), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 2463, a bill to permit certain employees to work a 4-day, 40-hour week, and for other purposes.

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

WITHDRAWAL OF COSPONSORS

Mr. BYRD of West Virginia. Mr. President, due to a clerical error, the name of the Senator from Washington (Mr. MAGNUSON) was mistakenly added to the list of those Senators wishing to be added as a cosponsor of S. 1775, a bill to create a National Agricultural Bargaining Board, and for other purposes.

I ask unanimous consent that his name be removed from the list of those Senators cosponsoring S. 1775.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

S. 2369

At the request of Mr. FANNIN, the name of the Senator from North Carolina (Mr. ERVIN) was withdrawn as a cosponsor of S. 2369, a bill to amend the national emergency provisions of the Labor-Management Relations Act of 1947 so as to provide for dissolution of injunctions thereunder only upon settlement of disputes.

ANNOUNCEMENT OF HEARINGS ON INDIAN LEGISLATIVE PROPOSALS

Mr. JACKSON. Mr. President, I wish to announce to Members of the Senate, the Indian people and other interested persons two forthcoming hearings on Indian legislative proposals.

On September 15, the Subcommittee on Indian Affairs will consider S. 1120 and S. 2042. Both of these measures provide for the apportionment and distribution of judgments awarded to the Shoshone Nation of Indians as a result of litigation before the Indian Claims Commission. The recipients of this award have awaited settlement for many years and have many individual and collective uses for the funds. Tribal and administration witnesses are expected to testify on these proposals.

On September 20 the full committee will consider S. 2482, to authorize financial support for improvements in Indian education, and for other purposes. S. 2482 originally appeared as title IV of S. 659, the omnibus education bill of 1971, and is concerned with educational needs of the American Indian and Alaska Native children. During Senate deliberations on S. 659 on August 6 under a unanimous-consent agreement title IV was stricken from S. 659 and reintroduced by Senator PELL, myself, and others and jointly referred to the Committees on Labor and Public Welfare and Interior and Insular Affairs with a commitment to report it back to the Senate no later than October 1.

Major witnesses to be heard at this hearing will include representatives from national Indian organizations and education associations.

Both hearings will begin at 10:00 a.m. and will be held in room 3110 New Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York, vice Edward R. Neaher.

On behalf of the Committee on the Judiciary, and at the request of the distinguished chairman, Mr. EASTLAND, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, September 17, 1971, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce that the Senate Committee on the District of Columbia, at 10 a.m., Thursday, September 16, in room 6226 New Senate Office Building, will hold a public hearing on H.R. 9580, a bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles. Persons wishing to testify on this legislation should notify Robert Harris, staff director of the committee, before noon on Tuesday, September 14.

ANNOUNCEMENT OF HEARINGS ON FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, I wish to announce that the Senate Subcommittee on Constitutional Rights has scheduled hearings for September and October 1971 on the state of the free press in the United States. These hearings have been organized as part of a subcommittee study of the meaning of the first amendment's prohibition against abridgment of freedom of the press in modern America. The hearings will begin on September 28, and will continue over the next few weeks. If necessary, additional hearing dates will be scheduled thereafter.

The subcommittee's study and hearings are prompted in part by recent developments which have caused many Americans to question the vitality and significance of the Constitution's free press guarantee. The increased subpenaing of journalists by grand juries and congressional committees, efforts to secure injunctions against certain newspaper publications, the use of assumed press credentials for investigative "covers," and new fears about Government control and regulation of the broadcast media have brought into sharp relief existing concern about the relationship between Government and the press.

The purpose of the subcommittee's hearings is to examine the constitutional issues and to explore the practical problems surrounding the application of first amendment "free press" principles in contemporary America.

By focusing attention upon the history of the first amendment and its original rationale, we hope to develop a new understanding of its present-day importance to a free society.

On the basis of testimony from representatives of news organizations and the working press, we intend to define more clearly the problems which the "free press" in America today.

From Government officials we will inquire about the nature, the scope, and the reasons for whatever Government control and regulation of the printed and broadcast press now exist.

And, finally, from witnesses with special experience and background in this area, we will hear proposals for altering relationships between Government and the press and other suggestions purporting to secure more completely that freedom of the press which has been so critical to the freedom of our Nation.

Among other matters, the subcommittee will be considering S. 1311, a bill which would grant to newsmen a statutory "privilege" against the compulsory disclosure of confidential information and sources of information. Introduced in this Congress by Senator JAMES B. PEARSON, of Kansas, this bill has been referred to the Subcommittee on Constitutional Rights and has provoked considerable comment from members of the press and press associations. As of this time, 12 other Senators have joined Sentor PEARSON in sponsoring this legislation.

Of particular interest to the subcommittee is the issue of the application of first amendment principles to the broadcast press. This issue has emerged as one of the most troublesome constitutional and practical problems of our day. To promote the most efficient use of the air waves "in the public interest," Government has become involved in regulating the broadcast media in a manner which many Americans believe to be a violation of the first amendment "free press" principles. Some journalists have expressed fear that the existence of such Government regulatory authority in combination with criticism of the media by certain Government officials poses a threat to freedom of the press.

Other citizens believe strongly that the monopolistic tendencies in the broadcast industry have placed too much power in the hands of too few people in determining the kind and quality of programing presented to the public on the public's airwaves. They call for more Government regulation.

In addition to serving as a forum for an analysis of these and other important matters concerning the state of the free press in America, I am hopeful that the subcommittee hearings will ultimately engender a new appreciation for the central importance of a free and untrammeled press to a free society. I am concerned that many Americans, including some Government officials and members of the press, have forgotten the central issue. It sometimes appears that some Government officials assume that the role of the press is to present news about Government policies and actions only in the best possible light. And, it sometimes appears that some members of the press unjustifiably interpret any official response to their criticism, other than acquiescence, as a threat to their freedom to criticize. It is my belief that robust criticism of Government by the press and the consequent skepticism of the press on the part of Government are the necessary ingredients of the relationship between the press and the Government in a truly free society.

Assisting the subcommittee in its hearings will be representatives from a variety of news organizations, publisher associations, broadcast institutions, the working press, Government departments and agencies, and persons with special experience and background in this area. I shall make a further announcement as to witness schedule at a later time.

For further information, please contact the Subcommittee on Constitutional Rights' office, room 102B, Old Senate Office Building.

NOTICE OF HEARINGS ON THE COMMODITY DISTRIBUTION PROGRAM

Mr. PERCY. Mr. President, I wish to announce that the Select Committee on Nutrition and Human Needs has scheduled a series of hearings on the Commodity Distribution Program of the U.S. Department of Agriculture. The hearings, of which I will be chairman, will be held on the following dates and places:

Wednesday, September 15, 9:30 a.m., room 1114, New Senate Office Building.

Thursday, September 16, 10 a.m., room 1114, New Senate Office Building.

Wednesday, September 22, 10 a.m., room 3302, New Senate Office Building.

Thursday, September 23, 10 a.m., room 3302, New Senate Office Building.

ADDITIONAL STATEMENTS

FURTHER EVIDENCE OF THE FARMERS' PLIGHT

Mr. SYMINGTON. Mr. President, when back in Missouri last month, I was told by an outstanding agricultural constituent, a farmer near the town of Centralia, that he was about to give up farming because, under present conditions and policies, despite his lifelong efforts, along with those of his family, he just could not make a go of it.

I ask unanimous consent that the confirming letter of this Missouri farmer to me, dated August 21, be printed in the RECORD upon the completion of these few remarks.

As Congress examines many bills, some worthy, some not so worthy, all designed to improve the lot of urban and suburban citizens of this country and, as we also consider billions of additional dollars to be lent or given to people of other lands, I would earnestly hope that we would also give earnest consideration to the efficient agricultural families who face the necessity of leaving their land.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRALIA, MO.,
August 21, 1971.

DEAR MR. SYMINGTON: In reply to your letter of August 10, 1971, confirming our conversation at the MFA Convention at Columbia, Mo., I want to restate my problems as an average Missouri farmer.

My wife and I were married in 1941 and started farming on mostly borrowed capital and since that time have bought and paid for 550 acres, and we (my son and I, now 28), in addition to owned land, now rent an additional 570 acres of corn and bean land and 250 acres of pasture land, and now find it harder to hold our investment together than it was to buy and pay for it in the first place.

In 1948 I sold my corn crop in the ear in the crib for $2.65 per bushel and this fall I will be lucky to get $1.00 at harvest time.

We bought a 4020 John Deere tractor last spring and will have to buy another next spring and the dealer tells us that with the anticipated price increase due to the steel price increase, the next tractor (same model) will be approximately $1,100 higher (in one year's time) and as you know corn has gone down in price from 35¢ to 40¢ per bushel in the last several weeks, and it is the same story clear across the board for the farmer.

Just why is the farmer supposed to be satisfied with less than 100% of parity, plus interest on his investment. Thanking you for anything you can do to help make the lot of the farmer a little more bearable.

Sincerely,

LEE SCHUNEMEYER.

THE WAGE-PRICE FREEZE

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial concerning the wage-price freeze, published in the New York Times of September 2, 1971.

Historically, it has been the unfortunate policy of some Chief Executives to squeeze economy programs and austerity budgets out of Federal employees. They are invariably the first to be asked or required to tighten their belt. There is no group more dedicated than our 3 million civilian employees in the executive branch, and I know from personal experience with thousands of them that they are ready and willing to help to secure the Nation's economy. But for the President to impose a wage-price freeze for 90 days one month, announce that he will not renew it the next month, and in between times act to deny equitable pay increases for civilian and military employees and servicemen for a period of 7 months beyond the end of the wage-price controls is simply inequitable. Whatever unity among all our people there might have been surfacing to stabilize the economy is severely jeopardized by such action. As the Times editorial so aptly summarized the situation:

> No stabilization program can operate with hairline perfection, but no single group of workers should be expected to carry a major share of the sacrifices required for the total good.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Freezing Out Federal Employees

The Administration has given repeated signs in recent days of awareness that it must move with all practical speed to evolve a more flexible stabilization program to control wages and prices after the present ninety-day freeze. A major aim of this "Phase Two" program will be to erase manifest inequities of the kind that are inevitable under a total freeze.

Unfortunately, even before the dimmest outlines of this program have emerged, President Nixon has put Federal employes under a much more extended freeze than other Americans will have to suffer. We have little sympathy with the notion that any group of public employes—state, local or Federal—should be exempt from the general freeze. But neither do we see any justification for putting them under special handicaps of the type involved in the President's proposal that Federal workers be denied promised pay increases after the freeze.

Only a few months have passed since the Administration and Congress cooperated to perfect the system under which the wages of all Federal employes are supposed to be kept in balance with those paid for comparable jobs in private industry. That is a proper standard to apply to workers legally deprived of any right to strike, a standard designed to assure equity to taxpayers and public employes alike.

Now the President plans to impose a freeze for a least six months on all the increases scheduled to be paid under that "catch-up" principle—white-collar, blue-collar and military. In addition, he plans to squeeze out 100,000 Federal employes as a budget-cutting measure. And he hints that he may hold up the next round of pay increases when they come due a year from now.

It is all very well for the President to say the Federal Government must set an example in austerity. That example should be in equality of sacrifice. When new rules are worked out for stabilizing future pay policy in line with national needs, those rules should apply to public and private employes on some common basis. No stabilization program can operate with hairline perfection, but no single group of workers should be expected to carry a major share of the sacrifices required for the total good.

YOUTH PRIDE, INC.

Mr. BROOKE. Mr. President, for the last 4 years, a very innovative and successful program has been operating in the Washington community. Youth Pride, Inc., was conceived by and for the young people of this city, to redirect their attitudes and to encourage them in worthwhile and fulfilling endeavors.

For many young people of this city, Pride has achieved these goals. It has aided more than 800 young men, bringing them up the ladder from urban sanitation to automotive mechanics and building maintenance. It has established subsidiary organizations—service stations, a real estate company, and landscaping and maintenance concerns. Throughout, Pride's efforts have been directed to education, self-improvement, and community service. This emphasis has enabled Pride to progress in a very short time from a few dozen dudes on rat patrol to a corporation which is presently in the top 1 percent of black businesses in the Nation in terms of number of employees and gross annual receipts.

I am pleased to salute Youth Pride, Inc., and its most able and dedicated director, Marion Barry. And I ask unanimous consent that a report explaining the organization's achievements in more detail be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Youth Pride, Inc.

Youth Pride, Inc. was conceived for, designed by, and directed towards inner-city Blacks. The program began in August of 1967, and is now into its fourth contract with the U.S. Department of Labor.

Since its beginning, Pride has begun to create a new kind of life for the 800 dudes in the organization. Its purpose is strengthening lives through effective skills training, positive racial identification and self awareness, and functional and relevant basic education. Its direction is a total man, a self-sufficient man.

Pride makes the impossible a reality by using a unique hybrid-type concept in management which is composed of the haves and the have-nots. It distinguishes itself by a special blend of double barreled manpower and economic development; and the knowledge and experience derived therefrom is used to attack "the status quo," "business as usual", and the "self-hate" philosophies of the present bleak moment. It creates a hunch of the future in the present and thereby sets the tone and the style of the future which is so strongly anticipated and desired by the members and friends of the Black community.

Pride's offering of constructive alternatives to hatred, violence and chaos is reaching the truly hard-core, the dropouts, the rejects, the drug addicts, and the jailed. These brothers are learning the value of working and building together. Never before has such responsibility in supervision and consideration in decision-making been allowed. Never before has such growth in character and creativity in organization been realized in the inner-city.

Pride has not taken the dude off the street, but has brought the street with him. An imaginative use of the equation of an economic development thrust hooked to a manpower base, provides financial independence and social dignity in addition to Black ownership.

While blue ribbon commissions, "ghetto" specialists, and urbanologists wearily theorize and grope in frustration, Pride is doing it. Pride treads continually on ground not trod upon before.

Pride has uniquely organized and operated its skills training work in five levels of training, called "multi-level way stations." An unskilled dude who comes to Pride is first put into the *neighborhood sanitation* unit. The work at this training level is cleaning streets and alleys, vacant lots, and properties; the training in this level focuses on the development of good work habits. Regular attendance, positive attitudes, the ability to take orders, and the dignity that work and self-sufficiency brings to an individual are some of the things that are taught at this entry level.

From neighborhood sanitation, the trainees graduate into either the *rodent control* unit or the *in-house maintenance* unit. At these levels, the trainees have passed the basic orientation and education to the world of work, and are now ready for the learning of some basic skills on their road to employability. In rodent control, the trainees learn the facts and habits of rats and how to bait for them. They also learn to relate to the community as they educate and train the residents of the inner-city to prevent the spread of rodents and to recognize and bait the various rodent habitats. In in-house maintenance, the dudes learn the various aspects of interior building maintenance and repair.

From the rodent control and in-house maintenance training units, the trainees graduate into either the *public housing maintenance and repair* unit or the *automotive service and repair* unit. These two units are the most advanced levels of training within Pride. In the public housing maintenance and repair unit, the trainees are taught basic property maintenance and repair while working at some of the National Capital Housing Authority properties. Areas covered include plastering, painting, carpentry, roofing, plumbing, electrical repair, gardening and lawn maintenance, and masonry. From this training level, graduated trainees are either placed directly on jobs in the area of property maintenance and repair (which is true in the majority of cases), or placed in apprenticeship programs in a given area of specialty (as a trainee gets interested in a given work area and chooses to concentrate there).

In the *Automotive service and repair* unit, the trainees are taught basic automotive maintenance and repair. One section of this unit concentrates on training men to be service station attendants, and uses an on-the-job training facility which is itself a service station operation. The other section of this unit concentrates on training men to be automotive mechanics and repairmen, and teaches basic automotive repair. From this training level, graduated trainees are placed in jobs where they can use their learned skills, usually as station attendants or automotive mechanics.

As may have been surmised by this point, each training level in addition to being a training unit, is also a service entity. While the dudes are training, they are also providing a service to the community, as in neighborhood sanitation, or rodent control, or public housing maintenance and repair. Pride has effectively combined the training aspect to the service aspect, so that all benefit from its efforts.

While the heart of the Pride program is manpower training and reclaiming, in order to do this job effectively several other jobs must be done at the same time. Since Pride attempts to deal with the total man, a number of supportive services have been established to relate to the dudes' problems. In order to deal with basic reading and math deficiencies which most dudes have when they come to the organization, Pride has established an elaborated remedial education unit which works with the trainees on a regular basis to improve their academic skills. Beyond that, the education unit has developed a continuing educational program and a higher education program (in conjunction with American University and Catholic University) in order to aid those trainees that have mastered the basics, but want to continue their education beyond functional literacy.

In order to deal with the health problems of the trainees, Pride has established a health unit which has relationships and contracts with a network of doctors throughout the city. There is a full-time nurse employed by Pride to deal with the routine health problems as they arise, and to refer those situations she cannot handle to doctors who can. Due to the magnitude of drug addiction among inner-city youth, a large part of the health unit's work is working with Project Reach, a Pride unit established to aid and rehabilitate the dudes that are on drugs and to educate the dudes and their families and friends that are not, as to the demonic qualities of drug addiction. Pride has attacked the problems of drug addiction "head-on" among its trainees, requiring and challenging them to break their habit and aiding and supporting them as they go through the agony of kicking the habit.

Other supportive services provided by Pride include legal services, family counseling and aid, recreational services, and orientation toward self-awareness and community problems. In each of these areas, Pride has organized a network of professionals and community people who can relate on a referral or consultant basis in the area of their specialty, and thus provide the trainees with the kind of services they need to overcome their problems.

A final area of Pride's overall program, which should be spoken to in more detail, is its thrust toward economic development in the Black community. For Pride has sought not just to train dudes and place them in jobs throughout the metropolitan area; but rather to establish businesses that are owned and operated by the trainees that have graduated from the Pride training program. Thus, the principals of Pride, Inc. have created and established Pride Economic Enterprises, Inc. (PEE). PEE was incorporated in March of 1968, and is designed to provide an outlet into which some of the graduated trainees move after completion of their training. To date, PEE has established a landscaping and gardening operation, a painting and maintenance operation, three operating service stations, and a housing and real estate operation.

PEE has suffered some setbacks because of the combination of the economic recession which the entire country is going through, and the special set of difficulties caused by Pride's trying to run businesses with trainees who are themselves still learning and who have not had the experience which most other businessmen have had. But the corporation is alive and doing well—presently in the top 1% of Black businesses nationally, both in terms of number of employees and gross annual receipts. If present plans for expansion bear fruit, PEE will grow even more in the next year.

In summary, the Pride program is one of the most creative and imaginative programs in the D.C. inner-city. Community support and enthusiasm for the program has remained high throughout Pride's entire existence. It combines the professionals and the dudes in a manpower training and economic development program which is not outdone in accomplishments throughout the country. Pride is doing it.

THE EXPORTATION OF AMERICAN JOBS

Mr. FANNIN. Mr. President, I have made numerous statements on the floor of the Senate concerning the exporting of American jobs. My statements have been critical of union officials who have forced companies and entire industries to flee overseas. I also have criticized company and industry leaders who are all too willing to switch rather than fight—those who readily abandon their American plants for the allure of low-cost foreign labor.

Mine has not been a blanket indictment. There are some responsible union leaders who understand the need to keep wages in line with productivity so that their members will continue to have jobs.

There are many companies that have acted responsibly. And this includes "multinationals" which have come under heavy attack recently.

It is a fact of life that many American made goods produced by high-cost labor cannot compete in foreign markets. Because of this, American firms have established plants abroad to produce goods primarily for foreign markets.

One of the "multinationals" that has done this is Goodyear Tire & Rubber Co. An article in the company publication, "The Wingfoot Clan," explains the Goodyear objectives. The article also points out the growing threat of tire imports to our domestic tire producers.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOODYEAR DOES NOT EXPORT JOBS WHEN IT BUILDS PLANTS OVERSEAS

At the AFL–CIO Conference on Jobs in Washington much was said about the exporting of jobs, licenses, technology and patents.

"The impact of the trade job loss is felt by virtually every American worker, teen-agers, blacks, urban and rural dwellers, union workers and non-union workers alike," said Paul Jennings, president of the electrical workers union.

The president of the steelworkers union, I. W. Abel, was critical of American-based multinational companies that produce goods in cheap-labor areas for sale in the U.S.

George Meany, president of the AFL–CIO, said one of the purposes of the job conference was to "consider the export of jobs by multinational corporations that close plants in America and go abroad and produce products with foreign labor under American management, American technique, American know-how, American financing and then they take the product and bring it back to America to sell at American prices."

Meany said the net result is the permanent loss of jobs for people in the States.

The *United Rubber Worker* newspaper has described the "exporting of jobs" and has stated that "multinational corporations are moving 'work' out of the country."

The claim that multinational corporations are exporting jobs is an unfair one, it seems to us.

Let's consider the situation at Goodyear, a multinational corporation with operations all over the Free World.

Goodyear builds and expands overseas only if the market potential and return on investments are promising. If we didn't put up a plant then a competitor probably would.

We can't compete in foreign markets through exports from the United States. Wage differentials, tariffs, other import restrictions and transportation costs make it impossible for U.S. manufactured tires to compete. So, our alternatives are to establish factories abroad or give up foreign markets.

Only a limited number of Goodyear-made tires overseas are imported to the U.S. These generally are special, small sizes required for replacement sales for foreign-made cars sold here where the volume is too low to support local production. These Goodyear-made imported tires help to meet the acute shortages of various sizes and provide our dealers with a complete line to service owners of foreign cars.

Our plants abroad actually increase Goodyear jobs in the United States. Those plants often utilize materials produced by Goodyearites in the United States, machinery made by Goodyearites in the United States and always technical and management support from Goodyearites in the United States. The jobs required to produce those materials, machinery and technical-management support wouldn't exist if Goodyear were shut out of foreign markets.

When Goodyear has gone abroad to build a plant, the objective has been to sell abroad, not here. We have not moved "work" out of the country; we have not exported jobs.

Job losses in the U.S. tire industry are being caused by the ever-increasing rate of imported foreign-made tires. These are tires mostly from Italy, France and Japan, made by foreign-owned companies and not by Goodyear plants in those countries.

For example, Japanese companies are now the number one importer of truck tires into the U.S. and the fastest growing importer of auto tires—up 195 per cent this year from 1970.

A French company, Michelin, the number one importer of passenger tires to the United States, is building a $100-million plant in Nova Scotia with Canadian subsidies, primarily to produce truck tires for the U.S. market.

As we have pointed out in *The Wingfoot Clan* in the past, foreign tires have captured more than 9 per cent of the U.S. market. The extent of their success is shown by the fact that foreign tires had less than 3 per cent of the market five years ago.

Auto and truck tire imports in 1970 (including tires on imported vehicles) totaled 19.4-million units, more than four times the number of units that domestic tire makers exported. The import total represents approximately 8,900 jobs lost for the U.S. rubber products industry.

Tires are being imported into the U.S. at an ever-increasing rate because they can be sold here at competitive prices. President Nixon's recent order imposing a 10 per cent surcharge on imports may slow the number of tires coming into the U.S., but the effect of the surcharge is yet to be seen.

The greater gains abroad in output per worker have enabled foreign tire makers to capitalize on their lower labor costs. Tire industry wages and benefits in the U.S. are in excess of $6 per hour compared with overseas wages of $1 to $3 per hour.

It is true that wages in other countries are increasing, but productivity is going up right along with them. In Japan—between 1963 and 1969—wages increased 100 per cent and productivity increased at the same rate. During the same period, U.S. wages increased 30 per cent. but productivity showed only an 18 per cent gain.

Goodyear is not exporting jobs, but jobs are being lost in the U.S. rubber products industry because of the import squeeze. And, unless great productivity can be achieved at plant levels, the situation will not improve.

EXTENSION OF THE DRAFT

Mr. HART. Mr. President, next Monday the Senate will open debate on the conference report on the bill to extend the draft.

The question of extending the draft has been settled by a majority of both Houses of Congress voting in favor of a 2-year extension.

If the question concerned only the draft, I am not certain that a lengthy debate on the conference report would be merited. And I say that as one who voted against extending the draft.

However, the draft is not the only question.

The bill also includes pay raises for the military, and the Mansfield amendment, which, as approved by the Senate, would establish as our national policy a time certain by which withdrawal of U.S. forces from Southeast Asia would be completed.

In my view, the compromise reached by House-Senate conferees on both these items is unsatisfactory—so unsatisfactory that even standing separately, each provides ample reason to vote against the conference report.

While I will have more to say about the Mansfield amendment at a later date, I will limit my remarks today to one aspect of the question of pay raises for military personnel.

As I understand the situation, the conferees reduced the pay package by about $300 million, taking most of that amount out of raises approved for personnel in the lower ranks.

Not only does this compromise work against developing an all-volunteer army in future, it also continues present hardships on many of our enlisted men, particularly those serving abroad.

Recently, I received a letter from A1c. David R. Hawke, which pointed out the adverse effect the wage freeze, in the face of changing dollar values and rising prices, had on young servicemen stationed in Europe.

I ask unanimous consent that Airman Hawke's letter be printed at this point in the Record, for while it deals with the wage freeze, it also bears directly on the difficulties young servicemen have in making ends meet while serving their country abroad.

There being no objection, the letter was ordered to be printed in the Record, as follows:

August 24, 1971.

Dear Sir: I am writing in regard to a matter which I believe should be brought to the attention of the senate, in regard to the President's "90 day" price freeze and how it has adversely affected the young servicemen, both married and unmarried here in Europe.

My main concern is "Over 2 years" longevity pay and its suspension under the Price Freeze Act. Longevity pay is neither a raise as such nor an allowance, it's part of your basic pay and as much entitled to you as BAQ, "Basic Allowance for Quarters" is for married personnel.

Also for 1st term airmen, and particularly married airmen in the pay-grades of E–2—E–4 it is a very substantial increase and assistance. He may have frozen stateside rent, food, utilities or clothing prices, but it doesn't help the 1st term struggling airmen living on the economy here in Germany. Also with the dollar losing conversion value to the Mark, prices are rising constantly.

With the suspension of longevity pay, the young airmen is doubly hurt. It's as much a change in job status as a promotion is, and as much as increase in pay. For an E–3 who is married, and living in Germany on the economy, it's a definite struggle. His total pay with one dependent, a wife, is $245 a month. Out of this at least $70 for groceries, $85 for rent, then utilities, car and insurance payments or upkeep on a car. The $72 for "Over 2 years" pay is a definite welcome, and helps greatly to ease a deplorable financial situation.

It would be deeply appreciated if you would bring this to the attention of your peers.

I'm only asking for what is entitled to us, not a raise, or allowance, but part of our basic pay which is being withheld, restored to us who become eligible during the 90 day period.

Personally, I don't become eligible until Dec. 18, so this is not a selfish concern.

I and all lower ranked airmen would appreciate your help.

Sincerely,

A1c David R. Hawke.

Mr. HART. Mr. President, on January 29, CBS Evening News ran a segment on living conditions among married draftees living in West Germany.

The conclusion of CBS Reporter John Sheahan was:

> The poorest of the poor here in West Germany are Americans, young men in the United States Army, and they're poor because they're here serving their country.

I ask unanimous consent that the transcript of that news story be printed at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

CBS Evening News With Walter Cronkite:
Roger Mudd in New York

Mudd. For years, the Army's policy regarding married draftees who are sent overseas is not to provide expenses for their families to join them. This is because a draftee is a short-termer, relatively speaking, and the Army does not consider his stay in an overseas zone to be long enough to warrant the expense. So if a married draftee wants his family to join him, he must pay the bills himself, and the going can get rough. John Sheahan reports from West Germany.

Sheahan. The poorest of the poor here in West Germany are Americans, young men in the United States Army, and they're poor because they're here serving their country. Sergeants and officers get along all right; their wives and families are brought to Europe at government expense. The impoverished are men below the rank of sergeant. They have to pay their families' fares across the Atlantic, and get along without government housing. There's no one to protect them from gouging German landlords.

Sp/4. David Pepple. I don't think—I don't see why a major's wife, or a colonel's wife, or even, you know, an E–7 or an E–8 or E–6s wife is more important than mine. I feel that I was drafted, and I was married when I was drafted, and I don't think there's any reason for me not to be with my wife, unless of course I was in a war zone.

Sheahan. We visited Specialist Fourth Class David Pepple and his wife Gayle. He earns $231 a month and pays $85 for this apartment. That's about twice the rent a German would pay. Their apartment is unheated except for an oil-fired space heater in the kitchen. The landlord's cesspool is full, so now the sewage is just pumped out into the backyard.

Pepple. In the summer time it's impossible to even open up the windows to get any air in the house, because all the air is very foul.

Mrs. Gayle Peeple. I used to be a social worker, and I couldn't understand how people could be so bitter about the way they lived, and now I can really understand.

Sheahan. Inflation and the revaluation of the German mark have combined to knock 10 to 15 percent out of the buying power of the dollar here in the last 15 months. Things would be better if their wives could work, but because of the language barrier the only jobs available are connected with the Army itself, and for most wives those jobs are not available.

Who gets those jobs?

Woman. The Germans.

Pepple. There are—there are—in the hospital, I can speak for the hospital, there are secretaries, and all the secretaries, to my knowledge, are either local nationals or have been brought in from other countries. There are some from Ireland, and some from England, and some other countries, but it seems to me that, you know, the United States is so worried about the gold flow, and they have signs in the commissaries, you know, buy American beer, stop the gold flow, and it seems very ironical, the American people are paying out money and to hire local nationals when our wives are just sitting at home and cannot find jobs.

Sheahan. Some GIs have discussed their desperate poverty with Army psychiatrist Major Steve Simring.

Simring. I think that people who want work and want to make it should be provided the opportunity to, and I'd certainly like to see more jobs available for dependent wives of American citizens. If the German government won't provide them I think our government should. I'd certainly like to see the implementation of welfare, public assistance, here, on the same basis as it is in the States, because it seems to me that if someone has the right to get welfare in the States, he should here, and likewise, I'd like to see food stamps be brought here to Germany.

Sheahan. Nineteen-year-old Army wife Linda asked us to give her a ride home from the military hospital. Doctors told her her nine-week-old baby Mike had pneumonia, but the baby was not admitted. She was told to take him home again. When we got to Linda's apartment we found her home was one of the worst we had seen.

It's good that you were able to borrow—borrow a vaporizer. What did they tell you at the hospital?

Linda. Well, the doctor in emergency told me—first of all he asked me if I had a vaporizer, and I had no vaporizer. So he told me to put—turn on the hot water, and I told him we didn't have hot water. And next he told me to put him in the shower and put him near the shower and turn on the hot water so there'd be steam. I told him we didn't have any shower. And so he told me to put him in a bathtub with warm water. We don't have a bathtub. And then he said move his bed next to the heater. And I told him we don't have one, and he said a register, and I said we don't have a register. And I told him we had oil heat, and he said where do you live, you know, and I told him we lived in German housing. He couldn't believe it.

Sheahan. It's notable that no one we've talked with has objected to being in the Army or to being drafted. They're proud to serve their country. What they do object to is being poor. And they're disillusioned—they feel that somehow their country has let them down.

(John Sheahan, CBS NEWS, Nuremburg.)

Mr. HART. Mr. President, subsequent to receiving the transcript, I asked the Department of Defense to comment on the report.

I ask unanimous consent that the text of my letters and the answers from Pentagon officials be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

FEBRUARY 9, 1971.

Secretary MELVIN LAIRD,
Department of Defense,
The Pentagon,
Washington, D.C.

DEAR SECRETARY LAIRD: Enclosed is a transcript of a portion of the January 29, 1971, CBS Evening News with Walter Cronkite.

The segment was concerned with reports about poor living conditions experienced by draftees in Europe.

It would be appreciated greatly if you would comment on the accuracy of the report, particularly as to the case of the nine week old baby who had pneumonia but was not admitted to the army hospital.

If the reports of the living conditions are accurate, I would appreciate additional information on what is being done to correct what can only be described as shocking treatment of American citizens.

With best wishes,
Sincerely,

——— ———.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 22, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in reply to your letter of February 9, 1971 regarding problems of junior enlisted members of the Armed Forces with dependents in Germany, as reported on a CBS–TV news broadcast on January 29, 1971.

Because of the large number of inquiries received on this matter, a fact sheet has been prepared. A copy is enclosed for your information.

Your interest in matters affecting members of the Armed Forces is appreciated.

Sincerely,

LEO E. BENADE,
Major General, USA, Deputy Assistant Secretary of Defense.

PROBLEMS OF JUNIOR ENLISTED MEMBERS OF THE ARMED FORCES WITH DEPENDENTS IN GERMANY

On January 29, 1971, on CBS-TV, a report was given on the problems of the junior enlisted members of the Armed Forces with dependents in Germany. The report concentrated on the inadequate housing available, the need for an increase in pay and allowances, and one example of alleged poor medical care.

The Department of Defense has long recognized that there is not enough adequate housing at fair rental cost for all military members who are required by our Armed Forces in Germany in order for us to meet our NATO commitments. Members of all grades, officers and enlisted, volunteers and draftees, are advised not to move their families into the area unless the local command certifies that adequate housing is available and that the dependents will be "command sponsored." They are advised that if they do move their families at their own expense, they will encounter many difficulties while living on the local economy in what is essentially a tourist status; the fact that they cannot qualify for or enjoy the advantages of command sponsorship (e.g. return government transportation to the continental United States and full logistical support); and the generally high living and transportation costs involved. Where his dependents are not "command sponsored," the tour length of the military member has been shortened by approximately one year in order to partially compensate for the resulting separations.

However, since military dependents enjoy the same rights as other U.S. citizens, the Department of Defense cannot prevent them from traveling at their own expense to the serviceman's overseas duty station and some members do decide to move their dependents at their own expense and take their chances on locating housing. In these cases, the Department of Defense has extended certain entitlements which are vital to the health and welfare of these dependents, such as medical care and the use of commissaries and post exchanges.

In addition, although the member is serving the shorter tour (the "without dependents" tour) and barracks and messing facilities are available for him, commands recognize that when the family is, in fact, in the area, they should be able to live together. Exceptions are made, therefore, to authorize the member to live off base, and he is paid the maximum additional allowances permitted by law. Dependent on the location in Germany, these extra allowances range from $45.60 to $75.60 per month for the member in the lowest pay grades. These are in addition to basic pay and quarters allowance. For example, an E–4 with less than 2 years' service, with one dependent who is not "command sponsored" receives $249.90 base pay, $90.60 quarters allowance, $45.60 commuted rations plus the housing allowance, if applicable in the area where he is stationed. The report that a SPC 4 earns only $231 a month was incorrect.

The allegation that a baby, named Michael, suffering from pneumonia, was denied admission to the U.S. Army Hospital has been investigated. The records of the hospital and discussions with the doctors who treated the baby do not support the allegations. The baby was seen four times at the outpatient clinic; on January 24, January 25 (once during the day when his temperature was normal and later that evening when his temperature was elevated) and again on January 27 when he was greatly improved and had a normal temperature. The diagnosis on January 24 was an upper respiratory infection, but Michael was not in need of hospitalization. A chest X-ray was taken on January 25, which showed no evidence of pneumonia. Hospital records show that during this period, Michael gained two pounds.

The hiring of foreign nationals in Germany is not a condition of a Status of Forces Agreement (SOFA) as was indicated in the news broadcast. Actually, since 1961, instructions have been issued requiring that vacancies in nonappropriated fund activities, such as post exchanges, be filled by the appointment of United States citizens, including dependents and off-duty military personnel, to the maximum practical extent.

At the present time, in all overseas areas where adequate housing is available and dependents are "command sponsored" transportation of dependents, movement of household goods, transportation of a privately owned vehicle and overseas housing and cost of living allowances are entitlements of members of pay grade E–5 and senior, and those E–4's with over four years' service or a six year active duty commitment. The feasibility of extending these entitlements to all service members is under study.

In addition, the Department of Defense after extensive study of military pay allowances, has submitted to the Congress proposed legislation which, if enacted, will substantially increase the basic pay (up to 50%) and quarters allowance of military members with less than two years' service.

MARCH 1, 1971.

Maj. Gen. LEO E. BENADE,
Deputy Assistant Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MAJOR GENERAL BENADE: Thank you for your reply to my inquiry about living conditions among junior enlisted members and their families serving in the Armed Forces in Germany.

So that CBS News may be aware of the points you make, I have taken the liberty of forwarding a copy of the fact sheet to Mr. Walter Cronkite.

In addition, I find that the fact sheet raises several unanswered questions.

Admittedly, creation of an all volunteer army, or significant increases in basic pay for enlisted men, or a decision to withdraw a significant number of our troops from Europe may alleviate some of the problems outlined in the newscast, those changes are at best sometime distant, and we still have the immediate problem about conditions as they exist today.

Apparently, the Defense Department agrees that the newscast did not exaggerate the general conditions under which junior enlisted men and their families live in Germany.

In the fact sheet, you report that the Department of Defense is considering the extension of certain entitlements to junior enlisted men.

Has the Department of Defense made any studies to determine whether or not these entitlements would satisfactorily alleviate the problem?

Is legislation required to extend these entitlements?

How long will be required for the Department to complete its study on the feasibility of extending these entitlements?

Does the Department have any figures to show if the proposed pay increase would alleviate this problem?

And finally, has the Department considered the possibility of extending food stamp and welfare programs available in this country to families of enlisted men living in Germany, as was suggested on the newscast?

With best wishes,
Sincerely,

PHILIP A. HART.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 15, 1971.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in reply to your letter of March 1, 1971, in which you requested further information on junior enlisted members and their families in Germany.

As you know from the Fact Sheet enclosed in my letter of February 22, adequate housing does not exist for all military members who are required by our Armed Forces in Germany in order for us to meet our NATO commitments. This is the basic problem.

In response to your specific questions, the following answers are provided for your information:

Q. Has the Department of Defense made any studies to determine whether or not these entitlements would satisfactorily alleviate the problem?

A. The entitlements in question are (1) transportation of dependents, (2) movement of household goods, (3) transportation of a privately owned vehicle, (4) dislocation allowance, and (5) overseas allowances. Entitlement to these allowances would not solve the problems connected with housing shortages, such as exist in Germany, since the allowances are not paid to any member of any grade if the command advises the member that there is no adequate housing and his dependents will not be "command sponsored."

Q. Is legislation required to extend these entitlements?

A. No.

Q. How long will be required for the Department to complete its study on the feasibility of extending these entitlements?

A. Preliminary reports on the estimated cost of extending the entitlements to members in pay grades 1, 2, 3 and those in pay grade 4 who are not presently eligible show that the minimum cost would be approximately $169.5 million per annum. These reports were based on expected force levels as of January 1972. Considering these cost estimates it would appear that extension of all these entitlements to all members will not be feasible in the near future. However, further studies are being made to see if a phased program might be possible.

Q. Does the Department have any figures to show if the proposed pay increase would alleviate this problem?

A. The proposed pay increase will not solve the problem of lack of adequate housing in Germany. It will help the junior member, wherever he is stationed, to better feed and clothe himself and his family.

Q. Has the Department considered the possibility of extending food stamp and welfare programs available in this country to families of enlisted men living in Germany, as was suggested on the newscast?

A. No. The food stamp and welfare programs are administered under the direction of HEW and the Department of Agriculture by local communities in the United States, where determination of eligibility and distribution of food stamps and welfare benefits are controlled. It is not considered appropriate or feasible for the military departments to request authority to establish welfare offices in every locality overseas to administer such a program. Those members who are eligible to move their families at government expense to their overseas duty stations receive a housing allowance (HA) and/or a cost of living allowance (COLA) where costs exceed those in the United States. For those in the lower pay grades who are not eligible to move their families at government expense but who elect to move them at their own expense, the immediate financial aid which the Department of Defense recommends is the increase in basic pay which is presently before the Congress.

In summary, in overseas locations, such as Germany, where it is known that there is not sufficient adequate housing for all the members who are needed there, the Services will continue to advise officers and enlisted members, both volunteers and draftees, not to move their families into those areas unless they are eligible for government transportation entitlements and the local command certifies that adequate housing is available. For those who do not receive this certification or who are not in any case eligible for entitlements such as transportation of dependents, etc., the tour length is shortened to partially compensate for the resulting separations.

I hope this information will be helpful to you in this matter. Your interest is appreciated.

Sincerely,

LEO E. BENADE,
Major General, U.S.A., Deputy Assistant Secretary of Defense.

Mr. HART. Mr. President, apparently, at least as of March 15, a major portion of this Nation's policy to help young married draftees serving abroad was to discourage wives and children from accompanying husbands and fathers on foreign assignments.

That indeed seems a strange way to build morale, to encourage young people to make a career of the military.

While it may be true, as stated in the letter from Maj. Gen. Leo L. Benade, that pay raises would not solve the housing problem in West Germany, pay raises would certainly help make life more bearable, both at home and abroad, for the Nation's lower grade military personnel.

The letter from Airman Hawke and the transcript of the CBS documentary make a compelling case that the Senate ought to reject the conference report on the draft bill on the basis of the decision to reduce pay raises for enlisted men.

DRAFT CONFERENCE REPORT OPPOSED BY SENATOR BROOKE

Mr. BROOKE. Mr. President, on Monday next, the Senate will take up the selective service conference report. I do not intend to join in any effort to filibuster this measure, for reasons which I have fully explained in the past; namely, that I believe the sole purpose of debate is to educate, not to delay. When reasonable time has been taken to debate an issue, I think the Senate should be allowed to work its will.

However, since coming to the U.S. Senate I have consistently opposed the extension of the draft, and I will vote against it this time, as well.

My opposition to the draft is based on two primary considerations: First, my abhorrence of involuntary servitude; second, my conviction that compulsory military service is more costly, both in social and economic terms, than a volunteer armed service would be.

In addition, I find two other sections of the conference report unacceptable: I refer to the emasculation of the Mansfield amendment and to changes adopted by the conferees in the pay raise provisions.

A sense-of-the-Senate resolution is not what the majority of Senators had in mind when they voted, 61 to 38, in favor of the original Mansfield amendment requiring the withdrawal of all American forces from Vietnam within 9 months. Subsequent electoral practices in Vietnam have obviated any argument for remaining there longer, or for insisting on full flexibility in determining when our commitment shall end. The South Vietnamese Government has demonstrated that it no longer deserves our support.

A reduction in military pay raises below those approved by either the Senate or the House is further reason for opposing the conference report. The men of our Armed Forces have subsisted on pittance pay for far too long. If we are indeed serious about moving, even 2 or more years from now, to an all-volunteer army, we must take steps now to insure that military service will be attractive to the larger number of men and women who will be required to fill the ranks.

I sincerely hope that the conference report will be rejected.

SANTA BARBARA OIL

Mr. CRANSTON. Mr. President, on Wednesday, in the Senate, both my colleague from California (Mr. TUNNEY) and I urged President Nixon and the Secretary of the Interior not to allow two more drilling platforms in the Santa Barbara Channel until Congress has had a chance to review both the environmental impact statement and the pending bills to limit oil development in the channel.

The ill-considered priorities which have allowed the Santa Barbara Channel to continue to be polluted by oil development were excellently analyzed last Sunday in a Los Angeles Times editorial. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SANTA BARBARA DRILLING

Is the oil extracted from the Santa Barbara Channel worth the certain cost of environmental damage and the potential risk of much greater damage?

We, and many Californians, believe it is not. The Nixon Administration believes it is. On this point the difference is basic. The Administration misjudges the temper of California if it thinks Californians will indifferently regard more oil drilling from more platforms in the offshore lands.

The Interior Department, which recently lifted the suspension on exploratory drilling in 14 oil and gas leases in the channel, has now cleared the way for two more platforms to be built and more wells to be drilled from them. In so doing the Interior Department overrode both the objections of the federal Environmental Protection Agency and the strong opposition of the residents of Santa Barbara.

The immediate question is whether more drilling is necessary to relieve the pressure that caused the notorious blowout and oil spill in the channel in 1969, the event, by the way, that was perhaps the principal catalyst for the citizens' environmental movement now under way.

In June, 1969, a White House panel decided that the undersea oil deposits from which the blowout burst should be depleted to avoid another spill. On this point there has been some disagreement among scientists. It is not so clear as the government contends that continuing to pump and to drill will in fact decrease the danger of more blowouts. The Environmental Protection Agency advised more "discussion."

The larger question is whether more oil ought to be taken from the channel at all.

The oil companies want to, naturally enough, because they are in the business of getting oil as cheaply and efficiently as possible. They can hardly be expected to take any other view. But the government's obligations are different. The government's obligations are to weigh the natural interests of the oil companies against the larger public interest. And here the Interior Department has consistently taken the side of the oil companies, sometimes against the advice of the federal environmentalists.

The Interior Department holds to the view that there is a "demonstrated need" for more oil. There is. If the oil from the Santa Barbara Channel were the only oil the country had, or if it were a major portion, the argument would be persuasive. But in fact the oil from the channel is a minor part of the country's oil reserves. It is not needed now. If it is some day, it will be there.

The California beaches with their lovely views, their marine life and their opportunities for recreation, are a limited and precious resource.

In the present state of the art of drilling underwater, there is always, especially in the infirm earth under the channel, a potential for accidents. (Not to speak of inherently unsightly appearance of a huge offshore drilling platform.)

In choosing to accommodate the natural wishes of the oil companies at the expense of the larger interest of the California public, the Interior Department has got its priorities wrong. Evidently only the President can set them straight. It is up to Mr. Nixon now.

GENOCIDE: THE HUMAN COST

Mr. PROXMIRE. Mr. President, veterans of even one session of Congress know well how easily the business of this body can pile up and accumulate. In that sense it is rather like any other business. Life on Capitol Hill assumes its own rhythm, running at a pace somewhat different than the rest of the country.

Indeed, one of the most common complaints levied against lawmakers and other politicians is that they do not pay enough attention to the human side of politicial issues. Sometimes it is not difficult for us to get caught up in a seemingly all-inclusive net of statistics, technicalities, facts, and figures which shroud the actual issues at stake.

We may sometimes forget that, at the root of everything we do, Congress must face up to the ultimate human consequences of our deeds.

The United States did not enter into combat against the suffering and atrocities of World War II without learning something about man's capacity and occasional willingness to commit infamous crimes such as genocide. We met their brutality with our own force—force which we felt was justified—and we were fortunate that we were strong enough to subdue our opponents' brutality.

But I submit, Mr. President, that nations will not always be able to conduct their international affairs from the standpoint of which power possesses the greatest power. Megatonnage statistics means little when the weapons debate is reduced to a comparison of how many times over each nation's arsenal is capable of destroying the earth.

Mr. President, that is why lawmakers must return to more human concerns. How shall we restrict man's awesome destructiveness? How shall we move further toward peace in the world?

Senate ratification of the Genocide Convention would be a step toward peace. It would outlaw genocide and establish procedures for the trial and punishment of genocidal acts. Admittedly, ratification would not make genocide impossible, just as the outlawing of murder does not make murder impossible. But it does make murder punishable. The Genocide Convention would make genocide punishable.

It is hoped that the fact that genocide is punishable would deter the crime; and that if it were not deterred, the criminal could be punished.

Mr. President, if we believe in the legitimacy of rule by law, and if we believe that genocide should be a criminal offense, it is incumbent upon the Senate to ratify the Genocide Convention soon. That is our hope—that the Genocide Convention will help to save human lives.

HERMAN ODOM, ENTERPRISING FARMER OF EVANS COUNTY, GA.

Mr. TALMADGE. Mr. President, the September issue of the farm journal Top Op contains a very fine article about a most enterprising farmer, Herman Odom of Evans County, Ga.

The article outlines the success of Mr. Odom's diversified farming operation, and how he has made hard work and enterprise pay exceptional dividends.

I found Mr. Odom's success story both instructive and informative, and I personally congratulate him for a job well done.

I bring the article to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Top Op, September 1971]

I'LL RAISE ANYTHING THAT MAKES MONEY

(By Norman Cavender)

With this basic idea, Herman Odom turned a one-crop 84-acre operation into an 11-crop 1,200-acre enterprise. He has a management formula that could work for you or anyone anywhere, if you're willing to "double up" as he does.

"A lot of farmers say 'I'm a dairyman, or cattleman, or grain producer,' or something else," says Herman Odom, Evans County, Ga. "They should be saying 'I'm an agricultural businessman.' As soon as you start thinking you're a certain kind of farmer you overlook profits that might be right under your nose."

Odom speaks from experience. He started out as a tobacco producer, but at the present moment he turns a profit from 11 commodities: corn, soybeans, wheat, oats, peanuts, tobacco, sweet potatoes, timber, broilers, layers and catfish.

When he started farming he had "$250 and the mumps." His farm was his wife's half interest in 168 acres, only 75 of that in cultivation. He hasn't had the windfall inheritance or other strokes of fortune that boosted many farmers to the first ranks. But today he operates over 1,200 acres—700 owned, 500 leased—and *his labor expenses alone total more than many farmers gross:* almost $60,000 a year.

He has been in dozens of other enterprises over the years, shifting toward them as he sees profits, shifting away as he spots new profits elsewhere.

Odom insists that his resources give him double or triple duty. "For many farmers this is a neglected area. It kills me to see an expensive machine or building used only 30 days out of the year and sitting there staring at me the other 11 months. Find a way to make that thing produce some more cash."

How do you find a way to double up? Look at what Odom did with his tobacco barns. "Here I had these beautiful bulk-curing barns with automatic temperature and humidity control. Now they're plenty profitable just for tobacco, but I want a second or third profit as often as possible. So I planted some sweet potatoes and started curing them in the tobacco barns.

"It works perfectly," Odom says. "I had everything I needed for sweet potatoes right here on the farm, except the digger. And that only cost $1,500. I plant them with the tobacco transplanter and if the market is good at harvest I can sell them green. But usually I make money by curing and storing them. They come in right after tobacco, and they cure perfectly right in the tobacco barns. Sweet potatoes alone are only marginally profitable. But with curing and storage paid for by tobacco, the picture gets better."

Had he thought of himself only as a tobacco farmer, Odom would never have even glanced at sweet potatoes. And he would have missed that extra profit.

He went yet another step with his barns. He noticed that peanuts, too, were harvested when some of his bulk-curing barns were empty. So he began drying and storing his own peanuts right in the tobacco barns. *Thus a single investment in buildings generated three different profits.*

Another key to good management the way Odom sees it: Don't settle for only one or two harvest seasons a year. Work the farm full time 12 months a year, and keep the cash rolling in year around. Use cash-flow accounting to know where you stand every month and where you're going next.

"That's why I went into broilers and layers," Odom says. "There are farmers who wouldn't even consider chickens. But look at all the advantages. I'm on a contract so I eliminate the risk. The broilers turn my money five times a year; I get a check every nine weeks. With layers, I get a check every month. That's money to count on and use. If you want to make money, you have to keep your dollars moving all the time, and more dollars coming in. So watch for new enterprises.

"On top of that, I've got work for my help year 'round. So I can afford to keep good help. In the winter, when crop work is slow, the men can work on buildings and equipment and haul the manure from the chicken houses."

To see Odom's management abilities in operation, follow a typical year on his farm. You'll see how he fits 11 crops together to keep his resources turning extra dollars 12 months.

January: "We use tractors to move manure from chicken houses and do some early harrowing. We're planting tobacco beds and repairing buildings and equipment."

February: "We're working just about full time breaking land and fumigating tobacco beds."

March: "First we plant tobacco and corn, then early soybeans. We switch the planters over to peanuts, then use the tobacco transplanters for sweet potatoes. We put down five crops with two types of planter."

April: "We finish up the planting, ready the irrigation equipment, and do some early cultivation."

May: "Cultivation and weed control the entire month."

June: "We combine small grains. *If I had planted nothing but corn, my combines would be idle now. And I would need two or three times as many combines when corn harvest hit.* So I stretch the work and use just two combines. Actually I need two and a half combines. But instead of buying a third combine, I went partners on one with a neighbor who needed a little more combine capacity. Sharing it works real well; each pays into the pool for actual use. So we both come out several thousand dollars ahead.

"We're also still running the tractors and planters now . . . planting late soybeans. And we start irrigating. The irrigation is mostly for tobacco, but if it gets real dry we can use the equipment on the sweet potatoes . . . double use of a resource. And I even irrigate a little corn."

July: "This is tobacco harvest, which takes 80% of our total time. We did all the work on the chicken houses back during winter, so we get by there with minimum help."

August: "We're finishing tobacco and bringing the tractors right back into the field to chop stalks and harrow. We're also liming the tobacco land and doing the marketing."

September: "Combines are back in the fields to harvest corn, and we're cutting and harrowing right behind them."

October: "Finish the corn and start digging sweet potatoes, then harvest the peanuts."

November: "Combine soybeans, finish up fall plowing, then prepare ground for the small grains."

December: "Plant small grains and head back to start cleaning chicken houses and getting equipment back into order."

"Tobacco is a basic crop because of its high income: about $1,500 an acre gross," he says. "I grow 100 acres, and there are not many farmers who will take on a headache that big. But we've learned how to handle it by using the latest technology—bulk-curing barns, for example—and by economies of size.

"You need a base crop to concentrate on and build around. For me it's tobacco. For someone else it might be corn, or cattle, or hogs. Find a profitable one and *grow it right;* use the best techniques and equipment. *But don't get blinded by this crop so you overlook all the other money to be made in farming.*

"I added small grains, corn and soybeans because they're fairly easy to manage and equipment needs are the same. *Always look for crops compatible with what you're already doing.*"

Odom stresses compatibility for maximum use of resources. But that doesn't mean he turns down everything else. Take his catfish operation. It doesn't match anything on his farm, except his labor pattern.

"Until recently I always had cattle," he says. "But down here the economics just about require cattle on pasture. And I couldn't get enough pasture in any one place. I was running all over the county keeping a check on cattle. Catfish are a substitute."

Odom points out that a diversified farming system, for all its profit-making advantages, carries a big risk. "If you don't have good controls over it, it can fall apart before you know it. One of the greatest moves I've ever made was to start cash-flow records. The lenders helped me work up the system and I wouldn't abandon it for anything."

Odom's wife, Gwen, handles all the books and keeps the cash-flow records up to the minute. "We lay out a projection every month," she says, "and then record our actual performance beside the projection. That way we can tell how good a job we're doing."

Last year they missed their projections on corn less than $1,000, even with blight damage.

"One thing to remember," Odom says, "whatever you do, make it all fit together. Get extra mileage out of your equipment or labor or your own knowldege. Make everything do double duty."

GOVERNMENTAL SECRECY

Mr. HUGHES. Mr. President, public attention has been directed to so many issues of governmental secrecy in recent months that the Washington Post has called it "the secret summer."

One of the most timely and informative articles I have seen on this subject appeared in Parade magazine for August 22. By showing the extent and failings of current classification procedures, Lloyd Shearer has performed a valuable service in pointing the need for reform. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Open to Discussion—What Price Secrecy?

(By Lloyd Shearer)

Washington.—One of the most shocking snafus in the United States Government is its secrecy classification system.

Like some million-footed, multi-webbed fungus, it grows wild, almost always expanding, practically never contracting.

Would you believe, for example, that someone in the Navy Department has been stamping newspaper clippings "Secret"? and that as a result the Defense Department has had to publish a special directive ordering employees not to classify newspapers?

Would you believe that the Air Force Electronics Systems Division issued the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned an overall classification of Confidential"?

Would you believe that no one in government knows how many people in this country have the right to classify government documents Top Secret, Secret, or Confidential? One Defense Department estimate given to a House subcommittee on June 29, 1971, is "hundreds of thousands."

20 MILLION SECRETS

Would you believe that there are, according to the testimony of William G. Florence, a classification expert with 43 years of experience in government, 20 million classified papers currently held by the government of which 99½ percent should not be classified at all?

Or that unnecessary classification is wasting $50 million of the taxpayers' money each year?

Or that, according to the testimony of Walter Pincus, a former chief consultant to the Symington subcommittee of the U.S. Senate Foreign Relations Committee, classification is used by the government not only to keep valuable information from the nation's potential enemies but to hide the mistakes of government officials, to prevent documentation of White House errors, and to limit the extent of internal opposition to and criticism of government policy?

Whether one believes it or not, the evidence is sufficient that the Federal government suffers from massive overclassification of informtaion.

There is no penalty for overclassification in this country. The result, in the opinion of some critics, is that a small army of "fearful bird-brains" has grown up who believe in classifying everything—and not without cause. For, as William G. Florence recently testified: "To my knowledge, no one in the Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone 'up the line' thinks that a classification should have been applied."

However one feels about Dr. Daniel Ellsberg and his leaking of the once top secret, still classified Pentagon Papers, the fact is that the disclosure of those papers has made imperative a thorough overhaul of a faulty, outdated classification system.

At this moment, in one branch of the government alone, the Armed Forces, there are 31,048 people who have the original authority to classify documents.

Of this number, 803 have the authority to classify them "Top Secret" originally.

Another 7687 have the authority to classify them "Secret" originally.

And all have the authority to classify them "Confidential."

From these 31,048 persons emanates a derivative classification authority flowing to countless civilians, assistants, consultants, and others connected or under contract to the Defense Department. No one seems to know exactly how many.

CAN DECLASSIFY, TOO

In addition to the authority to classify documents, all these 31,048 people have the authority to declassify documents.

"But in most cases," affirms Daniel Z. Henkin, a Defense Department secretary in charge of public affairs, "people are generally too busy to declassify. There are millions of documents still classified 'Top Secret' and 'Secret' which don't belong in that category at all. It is the position of the Secretary of Defense Melvin Laird that as much material as possible be declassified."

History, however, will record Melvin Laird as the Defense Secretary who, from November, 1969, to the end of June, 1971, refused to make available, even on a classified basis, to the U.S. Senate Foreign Relations Committee a single page of the 7000-page-long Pentagon Papers.

At about the time he was publicly espousing declassification, Laird was writing Sen. J. William Fulbright of the Foreign Relations Committee such negations as ". . . Access to and use of this document [the Pentagon Papers] has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely." (Dec. 20, 1969.)

On April 20, 1970, addressing 1500 people at the annual luncheon session of the Associated Press in New York, Laird said: "Let me emphasize my convictions that the American peope have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country."

Months later, Senator Fulbright again asked the Defense Secretary to turn over the Pentagon Papers to the Senate Foreign Relations Committee. Laird ignored the request.

SENATORS REBUFFED

On June 14, 1971, Sen. Stuart Symington, another member of the Foreign Relations Committee, once more beseeched Laird for the Pentagon Papers on any kind of a classified basis. The committee members, he said, might study and glean from them some truth about our involvement in Vietnam so that they could legislate wisely on that prickly subject. Laird refused again, invoking his judgment which held that allowing a handful of U.S. Senators to see the documents would be contrary to the national interest.

Laird certainly did not read all 47 volumes of the Pentagon Papers before he himself refused to show any of them to the Senate Foreign Relations Committee. Says one of his assistants: "God, he was much too busy for that. I assume someone told him about them or he skimmed some of the papers, then decided against releasing any of them."

Had Melvin Laird declassified some of the Pentagon Papers, a large share of which are harmless, repetitious and incomplete history, Daniel Ellsberg might never have leaked them to The New York Times.

COPY TO FULBRIGHT

According to Dr. Ellsberg, he felt that Congress was entitled to know as much about the Pentagon Papers as he who was not a member of Congress. Which, he declares, is why he gave the first copy of the papers to Senator Fulbright in October, 1969. He hoped that Fulbright would get them declassified or made available to members of the Senate Foreign Relations Committee. Instead, Fulbright locked them in his safe and showed them to no one.

Ellsberg waited a year for Fulbright to surface the papers. Fulbright tried. He pressed the Secretary of Defense to release them on any basis. But Laird would not budge. He simply responded to Fulbright with a constant no.

Ellsberg thereupon consulted other members of the government who, themselves afraid to accept the papers, suggested that he leak them to *The New York Times*. Two who accepted the papers were Rep. Paul McCloskey of California and Sen. Mike Gravel of Alaska. Both felt that the people were entitled to some basic truths on how this nation went to war in Vietnam.

It was only after Daniel Ellsberg leaked some but not all of the Pentagon Papers to *The New York Times* two months ago, that Laird finally made the documents available to the House and Senate leadership on a classified basis.

By then two district Federal courts had held that there was noting in the papers which clearly threatened the national interest, and the Supreme Court held that newspapers could not be restrained, prior to publication, from printing the Pentagon Papers or some similar study on the grounds of national security.

Ironically enough, it was not Robert McNamara, the Defense Secretary who originally ordered the Vietnam study, who classified it "Top Secret."

The Pentagon Papers were so classified by Leslie Gelb, the civilian head of the task force whose members wrote them. Says Gelb, now with the Brookings Institution: "I just assumed I had the right to originally declare them 'Top Secret.' I don't know who gave me that right. I remember discussing it with someone. Since some of the material used in the papers was top secret, I classified all of them top secret. I never knew I also had the right to declassify them since I also had the right to originally classify them. That comes as news to me. I guess I don't know the classification setup too well."

If there are 31,048 persons in the Armed Forces who have the authority to classify documents, how many are there in the State Department, the Justice Department, the Atomic Energy Commission, the Secret Service, the Treasury Department, and hundreds of other government branches and agencies?

Moreover, who are these classifiers? Who chooses them? What are their qualifications?

People in and out of government are given the authority to classify and declassify information not by any law legislated by Congress but by virtue of Executive Order 10501 issued in November, 1953, by Dwight Eisenhower and amended in February, 1963, by John F. Kennedy.

There is no section of the U.S. Constitution which grants the President express authority to issue any such order. One can find implied authority in Article II, Section 3, ". . . He [the President] shall take care that the laws be faithfully executed." But that is all.

EXECUTIVE ORDER 10501

Executive Order 10501 empowers persons in and out of government with classification authority by virtue of the position they occupy and not by their qualifications.

What about former Presidents of the United States? Are they allowed to take "Top Secret" documents and draw from them in writing memoirs for private gain? Or take Dean Acheson, Secretary of State under Truman and author of *Present at the Creation*—is it permissible for him mentally to declassify top secret information gleaned from top secret papers and incorporate them in his books? Or how about Acheson's son-in-law, William Bundy, who advised Lyndon Johnson on escalating the war in Vietnam? As the editor-to-be of *Foreign Affairs*, will Bundy filter from his mind all the top secret information he obtained while in government?

Presidents have always had broad discretion in selecting the documents, memoranda and other papers they take with them when they leave office. When Lyndon Johnson departed the White House he took 29 truckloads of documents for transplanting in the LBJ Library in Austin.

AUTHORITY UNTESTED

"Since the authority for classifying information came originally from the President while he was in office," says a Department of Justice spokesman, "the authority of a former President to declassify documents which originated during his tenure has rarely been questioned and never tested. While the government has strict rules prohibiting officials or former officials of the government from selling information which came to them as a result of their government work, these rules have not been applied to Presidential memoirs."

Neither have such rules been applied to the memoirs of generals, former Cabinet officials, secretaries or anyone else in government.

Lyndon Johnson who received a $1 million advance for his soon-to-be released memoirs entitled *The Vantage Point*, was so concerned about what his key White House aides might write about him and his Administration that again, according to the Justice Department, "He gave serious consideration to proposing that his appointees sign an agreement not to disclose information which came to them as a result of their work. Although Justice Department attorneys did considerable research on the legality of such an agreement, the whole project was finally shelved."

INCONSISTENCIES NOTED

All this of course is not to argue that the government has no right to or should not classify certain sensitive information. It *must* have that right. What it boils down to is that the government's present secrecy classification system is an undeniable mess riddled with inequity, stupidity and inconsistency.

It is quite in order for Lyndon Johnson, Walt Rostow, McGeorge Bundy, Dean Acheson and dozens of others in and out of government to make use of the raw materials which constitute the McNamara study. But the public is not allowed to see a single page.

Reform is in order—is it not?

". . . I have read and prepared countless thousands of classified documents and participated in classifying some of them. In my experience, 75 percent of these never should have been classified in the first place; another 15 percent quickly outlived the need for secrecy; and only about 10 percent genuinely required restricted access over any significant period of time.

"Moreover, whatever precautions are taken, leaks occur in a government of fallible men. In short, the classified label in our experience has never been 100 percent respected.

"Let me give a case in point. On March 15, 1968, when I was Ambassador to the U.N., I made certain major policy recommendations relating to the cessation of bombing of North Vietnam in a cable to the President. My memorandum was marked 'for the eyes of the President, Secretary of State, and Secretary of Defense only.' It had a high security rating. This was not the only one of such memos. There were others submitted from my vantage point at the U.N.

". . . Through no disclosure of my own, this document has in recent months been discussed in two books of general circulation authored by former government officials and was the subject of comment by President Johnson in a television interview.

"Although its words may technically still-remain classified, its substance has been disclosed, and, I must add, without injury to any national security interest. Some of those with access to it have described it publicly, but the Congressman and the citizen, the scholar and the critic, the journalist and the student—all who wish to know what their government has done—are presumably still denied the right to see the document.

"Mr. Chairman, in view of the fact that the substance of this document has been made a matter of public record and debate and has not impaired national security, I can see no compelling reason why this committee and the public it represents should not have access to the actual document.

"And as I reflect upon my three years at the U.N., I must conclude that nearly every other memorandum of mine to the President and other high ranking officials relating to Vietnam could safely be disclosed. I would welcome the general release of these and similar documents as an aid in informing Congress and the public."

Testimony of Arthur J. Goldberg before the Foreign Operations and Government Information subcommittee of the House of Representatives, 23 June, 1971.

How To Cure Overclassification Syndrome

William G. Florence, a retired Pentagon security expert, helped during the Eisenhower Administration to write the original document (Executive Order 10501) which defines, top secret, secret, and confidential information.

According to Florence, a former Air Force major, "Executive Order 10501 does not have the force of law and has in fact no application whatsoever to persons outside the Executive Branch of the government.

"A classification is merely an administrative indication," he explains, "to individuals of the Executive Branch that the information requires a certain degree of protection.

"Only one-half of one percent of all the information currently classified top secret, secret, and confidential, deserves such protection. The other 99.5 percent could easily be made public.

"In my 43 years of military and civilian service with the government involving responsibility for safe-guarding defense information, I discovered widespread disorientation at all levels concerning the purpose and meaning of Executive Order 10501.

"The Defense Department has incorrectly imposed all kinds of classification restrictions on the press, its own employees, and government contractors. The basic classification system was originally designed for the very narrow field of military information that could be used by some foreign nation against the United States.

"Now, however, it's become a way of life, and it's used as a cover-up for all sorts of governmental inadequacy and failure, and these rightly should be made public.

"In addition to the 31,000 people in Defense," Florence continues, "about 10,000 of whom are civilians, with the authority to classify documents, there are another 6000 in the State Department with original classification authority, plus thousands in 57 other government agencies which have security information systems.

"Practically anybody in government can assign a classification rating to anything if it's related to something already classified. The problem of unnecessary classification and overclassification has become so serious that it demands immediate corrective action.

"I believe the Congress should enact new legislation to preserve U.S. Government military secrets from disclosure, and that such legislation should be similar to that which applies to the Atomic Energy Act of 1954. That act provides only one category of information to be withheld, and it is known as 'Restricted Data.'

"If Congress doesn't want to do that, then Executive Order 10501 should be revised. The classification system should apply only to official defense information of the government, the unauthorized disclosure of which would affect the national defense, and that no document or other item be incorporated in the system unless it actually contains such information.

"I believe the authority to classify information should be limited to persons specifically designed by the President and their designees and that classification assigned to information be canceled as soon as possible, and automatically at the end of six years unless the President or the head of some department specifies a longer period of time for a particular item of information."

The classification system now in effect, Florence maintains, "is needless, extremely costly and serves mostly to keep useful information from our own people and their representatives."

AUTOMOBILE INDUSTRY AND THE NEW ECONOMIC PROGRAM

Mr. GRIFFIN. Mr. President, as we all know, the automobile industry plays a vital—even dominant—role in the Nation's economy. A column by Nick Thimmesch in today's Washington Post discusses the importance of the industry in President Nixon's new economic program, and includes some pertinent observations by James M. Roche, chairman of the board of General Motors.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 10, 1971]

GM's ROCHE IS OPTIMISTIC

(By Nick Thimmesch)

DETROIT.—Perhaps the best test of President Nixon's new economic program is how the auto industry fares in the weeks ahead. The troubles automakers felt in recent years are symptomatic of all American business—tough foreign competition, so-so productivity, rising costs but flattening profits and declining confidence.

For the moment, morale here is up. "I don't know of any industry that will play a greater role in boosting the economy," says James M. Roche, General Motors board chairman. "Everything we do has a profound effect. If the President's measures work, we'll have a record year and will approach new car and truck sales of 12.75 million units in 1972."

The enormity of the auto industry gives pause. Some 110 million vehicles are on the road. California has 12 million registered, 4 million of them zooming around Los Angeles County. New York and Texas have over 7 million.

Add in all that gasoline, oil, servicing and accessories and this is a $100 billion-a-year business. Half of all radios manufactured go into cars. So does 60% of all the rubber and 21% of the steel. One-fourth of all retail sales are automotive. One of every six persons (13.3 million) depends on this industry for a living.

If you want to move the economy, nudge the auto industry. So the President announced that he would: ask for repeal of the 7 per cent wartime "luxury" tax on cars; impose a temporary 10% surcharge on imports and freeze prices.

One quick result is that domestic car sales soared 20 per cent in late August, and automakers believe the sales spurt in American-made cars will average out at 10 per cent to 15 per cent in 1972. The way the President's economic program is designed, the gains are going to be at the expense of imports, particularly Japanese.

Spurred by Mr. Nixon's "shot in the arm," Detroit beats drums in its inimitable boomer fashion, trumpeting that its Ford Pinto now costs less than Volkswagen's Beetle, and that Chevy's Vega is close. Detroit fires a barrage of "Buy Now" advertising in hopes of setting off a stampede.

But underneath problems persist. More than 1 million 1971 models remain unsold in a market where the 1972s seem to be a better bargain. Labor rates here are four times those in Japan and double Germany's. Some 750,000 members of the United Autoworkers Union expect a hefty pay raise and cost-of-living increase only two weeks after the President's freeze expires, and will that mean higher car prices? If the freeze were to be extended, trouble was promised. UAW President Leonard Woodcock got big cheers recently when he cried: "If they want war, they can have war."

Though Roche nominally opposes wage-freezes and is against the United States erecting tariff barriers, he is thankful that "the President has drawn the line and is getting public support in coming to grips with inflation. If 90 days isn't enough, we'll need another freeze period."

To head the world's largest corporation, preside over seven-hour stockholder meetings, endure bomb threats and six years of Ralph Nader requires the vast poise and grace that Roche (even Nader says "he's a decent man") possesses. GM has caught a fair amount of hell.

"In recent years, there has been a derogatory approach to many problems," Roche says. "We've become a nation of grumblers. Our society isn't perfect, but it's the best in the world. More advantages in education, health, and economic opportunity than anywhere. We have so many good things, we shouldn't lose them.

"We've made mistakes. There was inadequate planning on traffic congestion. We didn't understand the demand for smaller cars and responded too much to demand for performance. But weigh the great benefits of the automobile. The greatest mobility for people and goods on a cost basis unequaled in the world. Automobiles make for the highest standard of living, one we really enjoy."

That's how Roche, whose suit, the tie and shoes are all in black, talks. He is a believer "I've never had a moment in recent years to really worry about the future of General Motors," he says with a smile. "Back in 1920–21 we had a financial crisis, but we've been fine ever since. General Motors will be around for a long, long time."

THE PROBLEM OF POWER GENERATION

Mr. FANNIN. Mr. President, this is an era of militancy, activism, and advocacy. This is good to the extent that it means people are becoming deeply involved in the solution of problems. But it also has some perils. People who become engrossed in the fight to solve one problem often are blind to consequences of the solutions they propose. Strong medicine to cure an illness may cure that illness, but at the same time initiate a new, fatal illness for the patient. A wise physician uses the minimum medication necessary to effect a cure.

I want to make it clear that I believe that we certainly must cure our environmental pollution problems. At the same time, I am very worried about drastic environmental protection proposals that would strangle progress in America.

This problem has come into the spotlight in Arizona because of the development of power generating plants in the Four Corners area.

The Scottsdale Daily Progress, on August 24, 1971, published an editorial which helps to put the problem of power generation in perspective. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

POWER IS NEEDED

This year there has been growing criticism of the power companies for polluting our environment. Much of it is justified, for over the years big business has cared little about the public good when it has conflicted with maximizing corporate income.

At the same time some of the criticism is not based on fact or is unrealistic. In order to be fair and effective, arguments should be based on knowledge rather than emotion.

In Arizona and neighboring states power development in the Four Corners area has been especially controversial.

First we must accept the fact that society demands power. It is needed to produce goods, and it is desired for comfort by all citizens. And our population growth creates increasing requirements.

To meet growing demands industry must expand production. At present the primary sources of power come from water, atomic plants, coal, gas and oil. Harnessing each of these energy sources damages the environment. But until solar radiation and geothermal energy can be utilized efficiently, we are stuck with them.

The Four Corners area has abundant, cheap coal. Therefore power production is economical there. To produce equal amounts of power elsewhere would merely transfer the location of pollution, and in the long run it would be more costly and perhaps more damaging to the environment.

Thus we come to the question of what can be done. Experts tell us that power use by individuals in the United States has increased by more than 400 per cent since 1946. So we will need more power in the years ahead, but if we are to preserve our environment it will have to be produced more efficiently and without pollution.

To accomplish this the first order of business is for the government and private industry to launch a massive research campaign to develop clean, new sources of energy. The second step is to find ways of purifying existing sources of energy production. To accomplish this will take vast sums of money, and industry should be reimbursed through special tax write-offs.

The alternative is to limit the amount of electricity each individual is allowed to consume. We doubt that many people would accept such an alternative.

SENATOR BOURKE B. HICKENLOOPER

Mr. HUGHES. Mr. President, statements of tribute and affection have been numerous since the untimely death a week ago of former Senator Bourke Hickenlooper, who for 24 years was my predecessor in this body. Among the many newspaper editorials written in memory of Senator Hickenlooper, I wanted to share in particular the one that appeared last Monday in the Cedar Rapids Gazette, his hometown newspaper. I ask unanimous consent that the editorial be printed in the RECORD so that Senators may have it as a reminder of the late illustrious Senator from Iowa.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOURKE B. HICKENLOOPER

Bourke Blakemore Hickenlooper who died Saturday, was one of the most popular public officials in Iowa history. Certainly he was the "winningest" Republican the state has ever had.

He devoted 34 of his 75 years to serving his fellow man—34 years without a break, ranging from four years as a state representative beginning in 1935, to 24 as a U.S. senator ending when he retired undefeated champ in 1969. In between, he sandwiched four years as lieutenant governor, two as governor. He is the only Iowa governor and senator to come from Cedar Rapids, where he started practicing law in 1922.

His name was before the voters 19 times. Like most successful politicians, he tasted the dregs of defeat—twice. But these temporary setbacks actually steeled him for the long days ahead, during which he established a reputation as a conservative with a keen sense of humor, a staunch defender of the private enterprise system, an advocate of a farm economy unfettered by government controls and an opponent of excessive spending both at home and abroad.

He was defeated in his first bid for public office, losing his party's nomination for Linn county attorney in 1932. Two years later he won the first two terms as state representative then lost again, in his first try for the nomination for lieutenant governor in 1938. When the man who beat him, Harry B. Thompson of Muscatine, a stranger to politics, withdrew from the race, the G.O.P. state convention lost no time nominating Mr. Hickenlooper to fill the vacancy left on the ticket. He never lost another election.

His early campaigns were arduous and time-consuming. Television wasn't here yet and a candidate had to visit every nook and cranny to acquaint voters with his name—especially when he had a name that was difficult either to believe or to pronounce, like Hickenlooper. That was the lesson he learned from his 1938 defeat—that an unknown with a common name like Thompson could beat an experienced politician with the unlikely name of Hickenlooper.

So he went door-to-door, telling stories involving his name and encouraging people to just call him "Hick," which they learned to do with affection. His favorite story was about when he was a small boy in Taylor county and his mother sent him to a drug store in Bedford, the county seat.

"I asked for a nickel's worth of assafetida and told the druggist to charge it," he related. "He asked my name. I told him it was Bourke Blakemore Hickenlooper. He asked me to repeat it. I did. He said 'here, sonny, take it. It isn't worth a nickel to write both assafetida and Hickenlooper on a charge ticket'."

"Hick" was a devoted public servant. He was No. 1 Republican on the senate foreign relations committee when he retired. He served as chairman of the joint atomic energy committee and was chosen by President Eisenhower as a U.S. representative to the U.N. General Assembly in 1958. President Johnson sent him on a congressional team in 1966 to keep watch on the South Vietnam election.

Only the late Senator William Allison had a longer service record, among Iowans, in the U.S. senate—35 years. But Allison's record was before senators had to stand public election (they were chosen by the legislature), so Hick's was harder to come by.

Indeed, his was an enviable record that will serve as an inspiration to all Iowans with political aspirations.

NBC TELEVISION DOCUMENTARY ON RURAL MIGRATION

Mr. STEVENSON. Mr. President, during the recent congressional recess, on the night of August 27, 1971, NBC television broadcast an important documentary on the enormous public issue of migration from rural to urban America. It was entitled "Leaving Home Blues: An NBC White Paper on Rural Migration."

Filmed in North Carolina, Nebraska, and Texas, the NBC presentation dramatically portrayed the human consequences of this massive migration, terming it both a human tragedy and a national crisis. The facts of this migration are too well known: 30 million rural residents have left the countryside in the last three decades; the number of farms has been cut in half; whole towns have been boarded up and abandoned; the people left behind exist in poverty or near poverty; and, our cities are choking.

As chairman of the Subcommittee on Migratory Labor, I have set forth an outline of hearings that will examine some of the causes of what can only be called a rural revolution. This subcommittee held a hearing on July 22, 1971, that framed the areas of our concern about farmworkers, small farmers, small-town businessmen and others in rural America. Our focus, Mr. President, will be on powerful forces that are determining the destiny of rural America.

In my opening statement for our first hearing, I suggested that we will be attempting to learn about the impact of corporate forces on agriculture and rural America—conglomerates; banks; insurance companies; large family corporations; franchise businesses; processors; chain stores; feed, seed, machinery and chemical companies; packagers; marketers; and tax-loss "farmers." Also, we will examine closely the role of government as a contributor to problems in rural America, ranging from an examination of subsidies to a close look at our land-grant college system. As I observed at our opening hearing:

> Too often the picture of rural America today is one of weathered and empty stores, broken windows, collapsed or unpainted barns, rusted gas pumps, boarded-up houses, unkept farms and eroded soil. Too many rural towns are shabby and declining.
>
> These marks of physical decline are poignant symbols of a continuing human tragedy in rural America.
>
> This tragedy is not the result of chance. It is the result of human choice—and failures to choose—over many years.
>
> It is our purpose, in these hearings, to examine those past choices—in the hope that our choices and decisions in the future will be more rational and more compassionate, with the determination that all rural Americans will share fully in the decisions that deeply affect their lives.

Mr. President, the NBC documentary was a vivid and moving presentation of this rural tragedy, and it probed some of the very problems that the subcommittee will be examining in the coming months. NBC is to be congratulated for raising this most important issue for public discussion. Mr. Martin Carr, whose artistry and social concern have been amply demonstrated in previously acclaimed works, has again done a remarkable job on "Leaving Home Blues." Mr. Carr, his associates of NBC, and the consultants who contributed to the documentary, have performed an important service by framing this issue so poignantly and presenting it to those of us who must now look deeply into the causes and seek solutions.

Mr. President, because Congress was recessed at the time of broadcast, I fear that many Senators missed seeing the documentary. NBC has been kind enough to provide a transcript of the program. I ask unanimous consent that it be printed in the RECORD at the close of my remarks, so that we might all have the chance at least to read it.

Additionally, I have arranged to have a showing of the documentary in the auditorium of the New Senate Office Building, at 12 noon, Thursday, September 16, 1971. Senators, Representatives, staff, and other interested persons are cordially invited to attend.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

LEAVING HOME BLUES: AN NBC NEWS WHITE PAPER ON RURAL MIGRATION

NBC News Correspondents: Garrick Utley, Edwin Newman.

Produced by: Martin Carr.

Broadcast: Friday, August 27, 1971.

BIGNAL JONES. The only way you're going to solve your city problems is to solve your rural problems.

FRANK REAMS. We found that they're all migrating. Everyone, white, Indian, and Negro.

BOY. New York . . .

GIRL. Going North . . .

GIRL. Going straight to New York.

Mr. DAVIS. Well, I'll tell you, it's true, there's nothing down here.

BIGNAL JONES. What I think is going to happen, what you've got to have, you've got to put these folks back in the country because the cities can't take them.

RICHARD STOLLE. Most of them leave this area, because of the lack of opportunity here.

GIRL. Washington, D.C.

BOY. To Chicago.

BOY. I have to go up North to try to make enough money to help myself to go to school next year, and also to help my parents in some way.

Mr. DAVIS. They can't wait to get out of there and head either to Washington, D.C. or New York City.

GRANDMA COTTON. It's hard for your children to leave home. It is hard. Nobody knows how hard it is.

GIRL. Going up North.

BOY. Going to New York.

GIRL. I'm leaving.

TOM BROWN. So this is a tremendous outmigration. And, of course, the reason is simply that if they can't make a living here they can't stay here.

Senator MONK HARRINGTON. If someone comes back down, we'll say, from New York City, he'll tell them all about the great life in New York, and next thing you know two or three carloads is going up there.

HORACE KORNEGAY. They go, and they have an aunt or an uncle or a cousin who has already gone to one of the large cities, and they move in with them, first thing you know, they're running out the doors and the windows.

ROY SOWERS. The day of the small farmer seems to be rapidly leaving us.

BIGNAL JONES. What the farmer gets for his crop, he just can't, he can't do it, so he quits.

JOY HYSLOP. I can't figure out why I remain. I know better, I know I have to get out.

JAMES GARRISON. What do we have in Halifax County at this time? We have the very old, the disabled and the young.

OTHAL BRAND. Once we educate the young people, they're not going back into the fields.

Mr. DAVIS. So there's only one place for the kids to go, as they see it, and that's up North.

JAMES GARRISON. We pat them on the back, and wish them luck as we put them on the bus, and send them to other states.

DANIEL ACEVEDO. So I guess I might have to go up North, either Chicago, Toledo, or some big city.

BOY. There's a lot of money up there in New York, and down here, they don't have any good paying jobs.

Mr. DAVIS. Friday night they graduate, Saturday morning they're going to get on a bus, or hitch-hike their way to Washington, D.C. or New York. That's where it's at.

ACT I

UTLEY. All of us are aware that there are too many people in America's cities. But few of us know why this is so. We have spent the last five months trying to find out why—looking into the causes of Rural Migration. We selected three areas of the country to examine closely. Tonight we present our results.

For most young Americans, high school graduation is the beginning of a bright future. For these young graduates, in Scotland Neck, North Carolina, it is a forced separation from family and friends. The beginning of a long journey north, in search of the work and future they cannot find at home. Going North has become such a standard part of graduation here, it's been said that these youngsters graduate with a dilpoma in one hand and a bus ticket in the other.

A welfare worker in Scotland Neck, North Carolina commented, "These people have only three places to go: heaven, hell and Baltimore." Over 175,000 blacks have left North Carolina for the cities in the last ten years. In the same period, the entire South has seen an exodus of almost one and a half million blacks. Although it is still easier for a white to get a job in the South than a black, the problem is not racial, it's economic. This graduating class would fill more than 20 percent of the town's industrial jobs. But the jobs are not available.

Scotland Neck township hasn't been able to support its children for a long time. Its lost 12 percent of its population in the past ten years.

The town's quiet charm can no longer hide the increasing numbers of abandoned houses along its streets and back roads. Scotland Neck is slowly dying, as are many small towns in North Carolina. Last month, the state legislature passed a bill in which 96 towns were legally wiped off the North Carolina map.

Towns die when people leave. Producer Martin Carr asked Principal Stewart Wooten about the graduation exodus at Scotland Neck High School.

CARR. Of the 147 students who will be graduating, how many of them will be leaving?

WOOTEN. Approximately 96 or 97 percent.

CARR. Is anything done here to prepare the student for the eventual graduation when he's on the job market?

WOOTEN. Yes, we have vocational type courses here. For example, bricklaying.

CARR. Do they go out and actually build brick buildings?

WOOTEN. Yes, now we have students who have built walls in buildings here, to help to develop more classroom space in the school. They have been to other schools in this area that needed work done on buildings and they have done beautiful work.

CARR. Can't any of these students go out and get jobs as bricklayers in this area or do they have to head for the cities?

WOOTEN. Well, they have to go to larger urban areas either in state or out of state. For example, there are probably only two small local contractors here in this community.

CARR. And there are no jobs with them?

WOOTEN. That's right.

DWAYNE WALLS. The kids who get out of high school find when they get out of high school that society has deceived them. Society has told them that they—if they stick it out and get a diploma from high school, that diploma will be negotiable in the job market. And they find that it isn't, and so they leave, and they go straight north into the urban ghettos—and they don't want to leave. That's the tragedy of the rural to urban migration thing. In this country, every man theoretically is guaranteed the right to live where he shall—where he wants to live, and earn a living the way he wants to earn a living. These people are denied those two rights.

CARR. You graduate on Friday and you're leaving on Saturday?

RAYMOND. Yes.

CARR. How come so fast?

RAYMOND. Well, first of all there's no good money down in North Carolina, especially in Scotland Neck.

JOSEPHINE. There are not very many jobs here, and the money is very scarce. And you can barely make a living. Especially if you have a family.

AARON. I think if there were some jobs down here, you could make it down here. But all the jobs are up north.

CARR. Do you want to leave?

WILLIE LEE. Well, not really because I like North Carolina. But as I said earlier, I want to go where I can make it.

CARR. How does your mother feel about your leaving?

WILLIE LEE. Well, she's agreeing to it, but I really don't know.

CARR. How do you feel about his going?

WILLIE LEE'S MOTHER. I would hate to see him go.

CARR. Do you depend on him?

WILLIE LEE'S MOTHER. Well, he is a big help to me.

CARR. How will you be able to get around for instance now that he's gone?

WILLIE LEE'S MOTHER. Be kind of hard to do.

CARR. Do many of the children have their parents living already in northern cities?

WOOTEN. I'd say approximately 56% of the seniors in our class have parents living in Northern areas.

CARR. Who do you live with when you're going to school down here?

ANNIE. My grandparents.

CARR. And you've lived with them since you were how old?

ANNIE. Oh—let's see—oh—well, I don't know—just so long, ever since I was small.

CARR. And you only see your parents every once in a while. Your mama every once in a while.

ANNIE. Yes.

CARR. You've lived in Washington, D.C.

ALBERTA. D.C. for 23 years.

CARR. Where is home?

ALBERTA. My home is in North Carolina.

CARR. You still think of it as home.

ALBERTA. Oh this is—this is it. My home right here. When I left here—it is not the point that I want to go north, but I just want to better myself. But believe it or not, when you go there—it's just a racket. It's something that—really makes you want to come back home. There is nothing up there to really base yourself on. There is nothing up there.

DWAYNE WALLS. The young blacks we are sending into the urban areas are truly gentle people.

They aren't angry, they have been given short shrift all their lives. They have been deceived by society, they get out of high school and they find that they can't live there, even though they don't want to leave. They go into the city afraid, anxious, but not angry. They're not angry people. They are truly gentle people. What happens later. What, when we find the urban rioting, and there are studies which have shown that the place of birth of a great many of those people charged with rioting or looting was the South, but these people were created by the city. The city did that to them. When they left rural America, they weren't rioters and looters. They became rioters and looters at some indeterminate point—they go north looking for the promised land, hoping that this is what will give them that nice comfortable little home. They get there and in a few years they find, no, this is not it. And they feel denied, and I can understand why.

CARR. So you've said goodbye to nine children and four grandchildren are leaving you now—

GRANDMA. Are leaving me now.

CARR. That's 13 people you've said goodbye to.

GRANDMA. Thirteen head of children I've had to say goodbye. And I hope you all well in the world. It is sad. It is hard.

To raise your kids—don't know how they will be in the world. But you hoping and praying that they would do success. I tell them over and over, I say children do the best you can. There is better things in the world for you if you just look for it. Don't stop here, look further in the world.

ACT II

UTLEY. Thirty million Americans in the last thirty years have migrated from rural America. More accurately, they have been driven from rural America. Left home, gone North, toward the cities. 800,000 people for every year of the sixties, and the end is nowhere in sight.

Today 75 percent of us are crowded onto less than 2 percent of the land. In just thirty years from now, the Urban Land Institute predicts that 100 million more Americans will be crammed into the big cities, where 150 million already live.

From Maine to Virginia, 67 million people will live in one continuous urban mass.

59 million people will live in another megalopolis that starts at Utica, New York, extends unbroken all the way west to Green Bay, Wisconsin, and south to Cincinnati.

A California city of 42 and a half million people will reach from San Francisco Bay to the Mexican border.

A fourth concentration of 13 million people will turn the state of Florida into one huge city.

For a nation grown numb to numbers, such statistics may mean little. But when we go beyond the statistics we are confronted with both a human tragedy and a national crisis. The numbers take on new significance when we realize this is forced migration: the movement of people from rural America who don't want to go. Who would not go if they had a choice. But the choice is gone: devoured by markets and mechanization in agriculture and the failure of industry or government to provide new or adequate jobs.

These issues are not confined to any one area of the country. They cut across racial and regional lines. It is a national problem. A national crisis.

If the cause of migration from North Carolina can be traced to any one source, that source is tobacco.

Two-thirds of America's flue-cured tobacco is grown in the fields of North Carolina. It accounts for 60 percent of the state's crop income, and is raised in 83 of its 100 counties.

In the past, tobacco required more hand labor than any other single crop. Now empty tenant houses line the edges of North Carolina's tobacco fields. A change is taking place, reminiscent of the change that occurred in the cotton fields of the Deep South two decades ago.

Modern agricultural techniques have emptied these houses and tobacco harvesting machines just being introduced will empty many more. According to the Department of Agriculture, 300,000 people in the past ten years left the tobacco growing regions of the South; 177,000 from North Carolina alone. And this is just the beginning.

Two years ago, Worthington Farms, one of the largest in the state, listed the depreciated value of its farm machinery at almost $100,000. In 1968, tobacco accounted for more than half of the farm's gross income.

Producer Martin Carr discussed the disappearing farm worker with one of the owners, Chester Don Worthington.

CARR. How many tenant houses were there on this land at one time?

WORTHINGTON. Approximately 40.

CARR. About 40. That's a lot. About how many of them are empty now?

WORTHINGTON. Well, we don't have many empty ones because——

CARR. You rent them out——

WORTHINGTON. We have torn most of them down or burned them.

CARR. You've torn most of them down.

WORTHINGTON. Right. Right.

CARR. How many permanent employees do you have on the farm?

Worthington. Eight besides my family.

Carr. You're very highly mechanized.

Worthington. I think so.

Utley. The Coastal Plains Regional Commission estimates that, in four years, more than 100,000 farm families will be surplus labor. Not only is the farm worker being displaced, the small farmer is forced to leave as well.

Jake Lovegrove told us about some of the problems facing a small North Carolina tobacco farmer.

Lovegrove. We bought this farm by working on it and paying for it, but it is kind of hard to even keep the taxes going on it now.

Carr. Why is that? Is it that the labor costs have gone up?

Lovegrove. Well, it is the labor, the machinery and everything have gone up except what we're raising.

Carr. In other words you need machinery now to run a farm.

Lovegrove. Yep. And by the time you buy a piece of machinery and get it paid for, it is obsolete.

Carr. Do you know other farmers around here who are able to buy the machinery?

Lovegrove. Well, they are still getting them. I don't know how they are paying for them.

Carr. Are they bigger than you?

Lovegrove. Oh, yeah. Much bigger. Looks like the big one is going to be here and the little one is going.

Carr. You think you'll ever have to give up the farm and really work year round, picking up jobs?

Lovegrove. Well, yeah, I think I'll eventually let some big fellow have the farm.

Utley. It might seem unlikely that a university would turn farmers into migrants. But North Carolina State University has done just that, by developing the tobacco combine.

The head of the University's Agricultural Engineering Department, Dr. Francis J. Hassler, was in charge of its development.

Carr. Dr. Hassler, this is the tobacco combine?

Hassler. Yes, sir.

Carr. This machine was developed in this lab?

Hassler. Yes, sir; it was designed and constructed in this lab.

Carr. In general, then, how many years went into the development of the tobacco combine?

Hassler. About 23 years.

Carr. About 23 years. And about how much money would you estimate that it cost to develop this machine?

Hassler. About three-quarters of a million dollars.

Carr. About three-quarters of a million dollars—now that the machine is developed, your work is done.

Hassler. No, we will continue to make whatever improvements that we can. Our ultimate aim is to provide the farmer with the means whereby one man can handle about 20 acres of tobacco.

Utley. A prototype of this tobacco combine was turned over to the Harrington Manufacturing Company which is, at present, producing and selling the machine. The cost of the development of this prototype was paid by the American taxpayer. Last year more than 219 million tax dollars went to 69 colleges across the nation. Called land-grant colleges, they were established to improve agriculture. Over 26 million of these tax dollars went to the School of Agriculture and Life Sciences at North Carolina State.

In other laboratories at this University years have been spent improving the tobacco leaf, the yield per acre, and even the process by which tobacco is turned into cigarettes. All this is of immediate benefit to the large tobacco grower and the cigarette companies; of little benefit to the small farmer, or the farm worker thrown off the land without a job. The Wall Street Journal has described the land-grant college as a "tax paid clinic for major industry."

For the three major tobacco companies in North Carolina, tobacco is a billion dollar business. Six billion dollars a year. Right now, for industry's benefit, North Carolina State University is perfecting a freeze drying process to cut in half the amount of tobacco needed for a cigarette. A loss for the farmer, a boon to the manufacturer.

Recent developments suggest that soon there may be a cigarette requiring even less tobacco. We discussed this with the dean of the East Carolina State University School of business, Dr. James Beardon.

Beardon. In West Virginia a plant is being built now by the Celanese Corporation to develop a substitute tobacco. When you see headlines which say a company is ready to produce a substitute for tobacco and this was a major paper in the state, then—you have to plug that into the possibilities for the future. It has to be discussed. Nobody likes to talk about these things and—yet there has to be a dialogue. I think the responsibility of the company is to at least—enter such a dialogue. At the same time I think there is a responsibility of the government to say what they project their view of tobacco to be 10 years down the pike.

Utley. With the future of tobacco in jeopardy North Carolina has been trying to create new jobs by attracting new industry. At the same time, the major tobacco companies are diversifying outside the State.

Although North Carolina is the 12th most industrialized State in the Union, the type of industry it has been able to attract, mainly textiles, has not been impressive. According to the bureau of labor statistics, as recently as June of this year, only the state of Mississippi paid its workers a lower average industrial wage. The Director of North Carolina's Department of Conservation and Development, Roy Sowers, explained some of the problems involved in attracting industry to the State

Sowers. In some areas of our state, there was an anti-industry attitude. We found that some local communities, that the industrial complexes in some of our places were tied to the status quo, so to speak—they didn't want to have new industry because it would upset their labor supply.

Carr. Their supply of cheap labor?

Sowers. Right.

Carr. In other words, the industries you have attract the unskilled worker.

Sowers. The existing industry, by and large.

Carr. Would you characterize much of the industry in the state as "runaway industry?"

Hobby. A great deal of it is runaway industry, moving down from the North—and most of it is moving into the rural areas. We estimate that anywhere from 50 million to 75 million dollars worth a year of overtime pay, discrimination pay between women making less money, and the fact that the workers are not paid the minimum wage is going on here in North Carolina, and we're catching only about 8% of it.

Carr. The way things stand now, would you blame a worker for leaving the state?

Hobby. No, I wouldn't blame a worker if he could pick up and leave the state, take his family and get a decent job somewhere else.

Carr. Did you apply for any jobs down here?

Batts. Yes, I did. I was interviewed and—they said I was qualified for the job and they would call me. So—I went home and waited and waited. So I never get called. So I never tried for more jobs here.

Carr. Where are you going now that you've graduated from Scotland Neck High School?

Batts. Well, I'm going to Atlantic City first, for a summer job. And then after my summer job ends, I hope that I could go to Delaware and get in GM or Chrysler Corporation.

Carr. You hope.

Batts. I hope I will.

Carr. Do you like it up north?

Batts. Not particularly I don't. Because where I'm going I don't have no relatives and seem like I will always be lonely and I will always think about home and I will always think about my mother.

Carr. Are you lonely when you are up there?

Batts. Yes, I am. You always think—of home—last summer when I was away, when I get up I walk by a telephone booth, I would think of my mother. And—most mornings when I got up I would call her. I would call, tell her I am on my way to work. Then some evenings I will call—even nighttimes when I'm out. I remember one night when I was out I would call her. Just to know how things was going and let her know I'm doing all right. I wish I could get myself a little money, enough money to come back home to North Carolina.

ACT III

Utley. In Nebraska even the small farms are huge—between 500 and 1000 acres—usually covered with grain, and stretching as far as the eye can see.

Huge farms run by small families mean that machines are necessary. And machines cost money. More and more money each year.

Carr. How much does one of these things cost?

Hiemer. Well like this here tractor here, it's a 706 and when I bought it it cost 7,260 dollars.

Carr. Over 7,000 dollars.

Hiemer. Right.

Carr. Have equipment prices gone up?

Hiemer. Oh, tremendous. I remember when I started farming I started out with a Nym tractor and it cost me 1,850 dollars—and look at the difference in the price—and I was farming this same farm.

Carr. About 1800 to 7000.

Haemer. 7,000 for a tractor like this, right.

Utley. Farmer Richard Hiemer pays more for every thing now, as all of us do. Not only is equipment three or four times more expensive; clothing, seed, taxes, even the food he buys at the supermarket, cost much more. But while food prices have risen, the price he receives for what he grows remains the same.

Hiemer. Well, if you buy a loaf of bread for 37 cents, there's only 3 cents of our wheat that goes into that loaf of bread. So, all the rest of that money you're spending on that loaf of bread goes to other areas.

Carr. Right now, you'd like a larger share of the loaf.

Hiemer. Right, right.

Zitek. We have an economic situation in agriculture that is driving people off the land. For instance, we have about a 3% return to investment in agriculture. This compared to better than—a probably—a 20 or 22 percent return to investment in all the related industries in the production and distribution of food.

Carr. If it's so bad, why are you a farmer? and why are you letting your kids, for instance, grow up on a farm? Why aren't you training them for something else?

Zitek. I am not maintaining my sons to be farmers. They are picking that up as a result of the situation here, where I am a businessman and I don't have enough income to be able to hire labor, so I put slave labor to work. We do have child labor laws in this country, but as long as you've got your own kid working, and he doesn't get paid, then it doesn't make any difference, but it does enable me to produce corn for a buck and society benefits.

Carr. Looking ahead, do you think your children will be able to live on the land?

Zitek. As far as my children are concerned, it's their choice. And that's what I do, and I do this because I feel they must have a choice. But the economic situation right now doesn't give them that choice.

Utley. There's a saying in Nebraska. You either marry a farm or inherit it. Land prices are high, driven even higher by the speculation of banks and large corporations. They are now beyond the reach of most young farmers. Claude Jensen is the exception.

Jenson. I started farming, I didn't have any money at all. And then three years ago I bought this farm, and I—got a loan to buy it. And then these cattle, uh—their purchase price. I borrowed that money.

Carr. How much money do you have sunk into the farm?

Jensen. Oh, there's about 45,000 dollars in the farm.

Carr. That's a lot of money.

Jensen. Probably the biggest thing is, getting a hold of some land and some money and some labor, all at the same time.

Carr. Where does your labor come from?

Jensen. Myself. Then I hire some.

Carr. You're not married, are you?

Jensen. No.

Carr. Are there many young ladies left in this neighborhood?

Jensen. Not that uh—are—farming or living on a farm. Most all of them are working in Lincoln or going to school.

Carr. What happens when you, say, meet a girl in Lincoln? I don't want to get too personal, but can you get a young lady to get interested in coming out, living on a farm today?

Jensen. Most of them aren't much interested.

Carr. They don't want to come out here?

Jensen. No.

Carr. What do they say?

Jensen. A lot of them just shrug their shoulders and say "Oh, you're a farmer—" And that's it.

Carr. If you're the only young person, what's it like for you?

Jensen. Well it seems like most everybody is—that's farming is 20 years or more older, and—they just—work and play in different circles than I do.

Neidermeyer. We have a lot of fun here; we do, really. A bunch of us in the evening sometimes—it don't happen too often that enough get together—we have a card game then or something like that. Just a little friendly game.

Carr. Mostly older people now, huh?

Neidermeyer. Yeah. Yes. Old or at the school age . . . of course, they're here yet.

Carr. The ones in the middle are gone.

Neidermeyer. Mostly.

Carr. What about the other little towns around—are they growing?

Neidermeyer. No, I don't think any of them is. Just about the same class this one is—trying to hold her own, but they kind of—slowly keep—

Carr. You think they're dying?

Neidermeyer. Dying, yeah.

Utley. Today, Nebraska competes with Iowa and Florida in having the most aged population in the country. In the last ten years, 73,000 more people moved out of Nebraska than moved in. 20,000 farms went out of business. Family farms, closed down, moved to the city.

Hyslop. I could take you around the countryside here and show you several farmsteads that are vacant, some of them have even been torn down and the buildings are gone and they are actually farming over where someone lived maybe five or ten years ago.

Carr. You say you're going into debt.

Hyslop. That's right.

Carr. How deeply into debt?

Hyslop. Well, quite a bit. My standard of living now, I'm quite a bit below what our government considers poverty level.

Carr. And yet it's your own home. Your own farm.

Hyslop. That's right. Course I don't own it clear. There's a mortgage on it, naturally.

Carr. What are you going to do about it?

Hyslop. I don't really know. I wish so much that I could stay on the farm, because I like it. I like the kind of living, but I guess I'm going to have to go off. I don't know whether I can find, for instance, find a job nearby that I could stay living on the farm or not. A couple of years ago I worked in electronics plants in Lincoln. I worked during the winter, but it was strictly a bench job, setting, you know, 8 hours a day, and I just couldn't set. I like the job, but I was tied to one place, and this I just couldn't seem to get used to. I'm going to have to, I guess.

Utley. Now the only sign of life on many Nebraska farms is a windmill, vainly spinning near an abandoned house.

And the abandoned houses, empty stores, and forsaken churches, stand as mute reminders of a rural America that will no longer be.

Carl Sandburg put it this way:

Two years, ten years, and passengers ask the
 conductor:
What place is this?
Where are we now?
I am the grass
Let me work.

ACT IV

Utley. 20,000 Mexican-Americans come to Houston every year looking for jobs, bringing with them everything that is portable including their unique and distinctive culture.

This is a Mariachi Mass, in Houston's Church at St. Stephen, celebrated just as it was before these people left the Rio Grande Valley in South Texas.

"Magic Valley" they called this land, watered by the Rio Grande which separates it from Mexico. "Magic" because of the fertility and abundance of its more than one and a half million acres which once gave the United States more than 200 million dollars worth of fruit and vegetables a year.

But the magic is gone, along with 95,000 farmers and field workers who have left the valley in the last ten years, heading for the cities—most of them Mexican-Americans descended from families who worked the land before Texas was a state.

NBC News Correspondent Edwin Newman, along with Leo J. Leo, the mayor of La Joya, a small town in the lower Rio Grande Valley, visited a few of the farmers who did not leave.

Leo. You know all these houses were occupied by people who used to work in the farms around here, but now they're gone because there was no work for them here . . . Antonio Vidamontis now owns a little home in Idaho . . . and in this one over here, the Valdez family used to live. I used to deliver groceries for them. I knew them all. We have only two families working in this farming operation where they used to have at least 15 or 20.

Newman. What's the explanation of this, Mr. Leo?

Leo. Well, the tomato patch here belongs to Mr. Cerda—he has no market for his tomatoes. They're only worth a penny and a half a pound right now. He couldn't possibly come out of it if he were to try to market them at the price that they're giving him for it.

Newman. And of course there—used to be a lot of tomatoes planted here. And now, there's what? Just a fraction.

Leo. Very, very, very few tomatoes planted. There were thousands and thousands of acres planted here say as late as ten years ago.

Newman. Well, where have the tomatoes gone then?

Leo. They're over there, across this Rio Grande River of ours.

Newman. And these tomatoes, Mr. Leo, that I see here—what happens to them?

Leo. Well, they'll—they'll rot on the vine.

Foster. The problem here is to do—a tremendous amount of imports coming into this country from Mexico.

Newman. Imports of what?

Foster. You can just about name the produce as far as the vegetable line is coming in, and increasing more every day. The main reason is labor. See Mexico is not selling produce, in my opinion. What they are selling is twenty cent-an-hour labor.

Newman. You say Americans are doing this? They are going into Mexico and they are allowed to ship the stuff out without any customs difficulties?

Foster. The duty is so low on a box of tomatoes, if one used it for a hypothetical example, they pay one cent a pound duty.

Newman. To the United States government?

Foster. To the United States government to cross this produce. They have already set it down on this side for 45¢, whereas just to get it out of our field it costs us 80¢.

Utley. 191 million dollars worth of fruit and vegetables crossed the Mexican border last year, to be sold in every major American city—shipped there not only by American growers, but by packers and distributors who now buy from Mexican farmers.

Griffin and Brand is the largest grower and importer in the Rio Grande Valley. Its 20 million dollar a year business is supplied by three times more acreage in Mexico than it uses in the United States. Othal Brand, president of Griffin and Brand, defends his operation. He claims it benefits the economy.

Brand. We do find ourselves and all others in the business of importing are from time to time under attack and are criticized for bringing in a product in competition with something manufactured in the United States. It's true in steel, clothing, radios. I simply defend what we do in Mexico on the basis that it's legitimate business and needed business both in the United States and Mexico.

Utley. More than fruit and vegetables cross the Mexican border. People come too. They live in Mexico, where the cost of living is low. And they work in Texas, where the wages are higher. In the United States they can earn five times as much as they would in Mexico, and still save money for American employers, who can avoid paying the minimum wage. They enter under an immigration quota which allows 150,000 Mexicans into this country each year. They are called Greencard workers, for they must carry a green immigrant permit to enter the United States. These Mexicans are crossing Reynosa International Bridge—at a time when unemployment is high in the south Texas region; at a time when many American workers must uproot their families and leave home to find work. These people who gather here at dawn every morning are among the poorest of Mexico's poor. They are taking jobs and lowering the wages of some of the poorest of America's poor. This is a result of a deliberate government policy enforced by government officials.

Carr. Mr. Martinez, you're with the Texas Employment Commission?

Martinez. Yes, sir, that's right.

Carr. Who are these people that are standing around down here?

Martinez. Well, they're farm workers that come here from across the river and around the area, coming here to look for work.

Carr. They're what we know as "greencards"?

Martinez. Green cards, yes.

Carr. And why do you, as part of the Texas Employment Commission, come down here in the morning?

Martinez. I know a lot of the crew leaders around here and . . .

Carr. Do the crew leaders give you a list of the jobs that they need filled?

Martinez. Oh yes.

Carr. And you come down here and you fill the jobs here?

Martinez. Yes, right.

Utley. Unemployed Americans are not as fortunate. No government officials come to them with jobs. They must go out and look for work. Last year over 16,000 people visited the McAllen office of the Texas Employment Commission. But as Manager Richard Stolle points out, only a few can be helped.

Newman. What percentage of the people who come in here are you able to help?

Stolle. Oh—we probably are able to help—roughly 10% of the people who come in and this may even be a little high at certain times of the year.

Newman. Is the problem here made more difficult by the amount of production that is being done, for example, in Mexico?

Stolle. The fact that we have farming in Mexico, and the crops are sent into the United States, this decreases the number of farm jobs over here.

Newman. A good deal of American industry has gone into Mexico that didn't come from this immediate area. . . .

Stolle. Yes, sir, that's right, some.

Newman. Could that industry come here? Could it—could it be absorbed here? Wouldn't it help?

Stolle. Tremendously, Yes, sir.

Utley. More than 200 of the best known American manufacturers have Mexican addresses, where they produce goods to ship back to the United States. This plant, owned by Sarkes Tarzian, is in Nuevo Laredo. Here Mexican women are assembling television tuners. Four years ago, Sarkes Tarzian had plants in Mississippi and Arkansas. But the minimum wage in the United States is $1.60 an hour. In Mexico a worker costs 50 cents an hour. And Sarkes Tarzian, sanctioned by official United States policy, moved to Mexico. The 600 women it had employed in Mississippi and Arkansas have been replaced by Mexicans.

Newman. Do you ever say to people who come in here "don't waste your time. Go somewhere else."?

Stolle. We recommend that they go to the cities—primarily to Houston or to San Antonio or to Austin, Dallas.

Acevedo. I've been to Toledo, I been to Chicago, and I went to look for work in Dallas, but I couldn't find it.

Carr. You like living up north?

Acevedo. It's one thing I don't like to be away from my family. I don't like that.

Carr. You had to say goodbye to your brothers—older brothers?

Acevedo. Yeah—uh—most of them—they are all scattered different places. I remember the first one started going up north, then the other one, and the other one, and the other one.

Carr. What about your friends? What about the other families up here, the same thing happened?

Acevedo. Yes, most of them live up north—big cities—working there.

Utley. Houston is the most rapidly expanding city in the Southwest. There is building everywhere. Houston's population has increased 31 percent in the last ten years. Its Mexican-American population has soared 125 percent.

Houston, the sixth largest city in America, now has the same problems as the other large urban areas. Most of the new arrivals settle in the worst areas of the city. According to a recent study by University of Houston sociologist, Dr. Sam Schulman, these Mexican-American ghettos have three times as many sub-standard housing units as the rest of the city, with twenty percent more people crowded into them. Here the average family income is only half of Houston's other citizens; but unemployment is twice as high. The ghettos grow larger every year.

Unable to live in the valley, but not at home in the city, a new type of American has been created by rural migration: the displaced person.

Carr. What made you leave Donna, Texas and head for Houston?

Beatriz. Well, there's no future there for a young person after they graduate from high school. You become a nobody. Because there's no real work that you can do. You can't make very good money. And there's just no future there.

Carr. Did you graduate from high school in the valley?

Beatriz. I graduated, yes. In 1966.

Carr. Were you working down there?

Beatriz. Yes. I was lucky to have a job. And I knew I wasn't making very much money and I couldn't bear to think of living that way for the rest of my life. I don't belong down there. I go down there, I try to to go down there as least as I can and when I go down there I get a real eerie feeling, I get all scared because I don't feel at home.

Carr. What have your jobs been like here in Houston?

Beatriz. I have worked here as an insurance secretary for the last four years and I'm very pleased with it, I enjoy my work. And yet I know that here in Houston I don't feel at home either. And it's really very scary because you're not—where do I belong? I really don't know.

Utley. For most Americans, Atlantic City, New Jersey means vacation, salt water taffy, and the annual Miss America Pageant. For Joseph Batts, it means a summer job; the first step in his journey north from his home in Scotland Neck, North Carolina.

ACT V

Joe Batts. I'm alone now. I live in a West Side boarding house. I have one room—one room, and I pay $7.30 a week for it.

I wash dishes, and that's about all right now. It's not a job that anyone would like for—to have a high school diploma to wash dishes. At least I don't like it. You couldn't get yourself set up off of washing dishes all your life. If you try for another job and someone ask you what kind of experience you have, what was your last job, you said dish-washer, they might tell you you might not be no good to them.

When I'm off, not working, you find me on the boardwalk. It's beautiful at night. Really beautiful. When you get a crowd out, a nice warm night up on the boardwalk, you have a whole lot of excitement up there. People from all over the world come here. It's exciting to me. Most of the time some people stop and they're talking to you and before you wind up you know you're talking to someone from your home town.

Friend. Like man, at night time, man, we ain't got nothing to do. You know, just come out here on the boardwalk, mess around a while.

Batts. That's me, yeah.

The rides on the boardwalk—I don't ever go on them, but I go up and watch them, because they're kind of expensive.

I walk alone sometimes. I think about things that I did when I was home, like going to see my girl friend, playing ball. I know all those days now are over with. It don't feel good to be out in the world alone, by yourself, if you don't have nothing to look forward to, some friends or nothing; you're just lost. I miss my mother very much.

Yes, operator, I'd like to make a long distance telephone call to North Carolina, Scotland Neck, North Carolina.

Operator. The number?

Batts. The number is 826——

Operator. 826.

Batts. Yes, 374.

Operator. 374.

Batts. Yes.

Mother. Well, how are you doing?

Batts. I'm doing all right.

Mother. I miss you so much.

Batts. I miss being there too.

Mother. What time did you get off?

Batts. Well, I got off at two. I went to work, I worked twelve hours yesterday.

Mother. Is that right?

Batts. Yes, ma'am. So I went to work this morning. I worked six hours. Just enough to make eight hours. You know.

Mother. Uh-huh.

Batts. So I been working at that. And I been off all day.

Mother. Uh-huh. What time do you go back to work in the morning?

Batts. I go to work at 5 o'clock tomorrow evening.

Mother. M-hum.

Batts. M-hum.

Mother. What you doing all day tomorrow, rest?

Batts. Play ball.

Mother. What did I tell you about playing ball?

Batts. Yes, ma'am.

Mother. Now, you call me. You know you have a dollar to spare to talk to me at least for two or three minutes.

Batts. Yes, ma'am. I'll call you.

Mother. I'll be so lonesome on the weekends. And when are you going to write me a nice long letter?

Batts. I'm going to sit down and start—I'm going to start on it tonight after I fill my application out.

Mother. I know you hate to write, but anyway, you just take the time sometimes and write me a nice long letter.

Batts. Yes, ma'am.

Mother. All right, Mama's so glad to hear from you.

Batts. Yes, ma'am.

Mother. And you know I love you now.

Batts. And I love you too.

Mother. O.K. now, you take care, you hear?

Batts. Yes, ma'am.

Joe Batts. I don't like the North. I never lived in a place like this before. And I always say I like where I was raised and born in. That's home, and that's where I want to be.

The 1970 Census has just confirmed, if confirmation was needed, that this galloping flight from rural America is continuing, and may even be accelerating. The United States Department of Agriculture predicts that another one million farms will disappear by 1980—a short nine years away. One farm organization says that for every six farmers who quit farming, one rural business is forced to close. More than 150,000 small town businesses can start boarding up the windows.

Yet the President has proposed no measures, and Congress has enacted no measures, that come anywhere near to being adequate in dealing with these problems.

A drive along the back roads of rural poverty, as well as a walk into any urban ghetto, is evidence enough that there is a need for balanced growth in this country.

This is not a rural problem or a farm problem, not a black, brown, or white problem. It is a problem for all of us. Something is leaving our national life. Something that no set of statistics, no matter how accurate, can measure. We just haven't asked ourselves, "Where shall we live?" and "How shall we live?" We haven't asked ourselves whether we can allow private enterprise, guided by short-term economic considerations, to make that determination.

THE PRESIDENT'S ECONOMIC PROGRAMS

Mr. CRANSTON. Mr. President, decisive action on the Nation's economic problems has been long overdue. I welcome President Nixon's initiatives. I applaud his resolve to attack inflation and to stimulate what I hope will be a peacetime economy.

Even before the President acted, I called for a 90-day freeze on wages and prices as a necessary first step to economic recovery. The Nation could not continue to tolerate the burdens of inflation, with annual increases of as much as 10 percent in prices and wages in the major industries. I support the President's freeze decision. I regret it was not made earlier.

I also agree with the President's decision to lift the wage-price freeze after the 90-day period ends. I will join with the President in the search he has now undertaken for new negotiated ways to control inflation in the future. I am confident that he will have the complete cooperation of the Congress in all sound and sensible efforts he makes to restore prosperity to the American economy and provide jobs for all Americans seeking work. He will certainly have my support.

I wish the President had announced a similiar early end to his 10-percent surcharge on imported goods. Since he apparently does not wish to do so now, I do hope he will do so very soon.

Actually, I doubt whether there was really any real need for the imposition of a 10-percent surcharge on imported goods. It seems to me to be a case of economic overkill. Despite the President's insistence that the import tax is not aimed at any foreign country but is designed only to help American producers, it adversely affects some exporting countries far more than others; it also provides only marginal and temporary help to American producers. And it not only hurts American importers, but it badly hurts the American consumer.

Importers in California are already being particularly hard hit. And there are now signs that if the surtax is not ended, there will be foreign retaliation. If the 10-percent surcharge causes a corresponding 10-percent reduction in California's $6 billion annual trade volume because of foreign reactions it would cost the State $600 million in revenue and affect the livelihoods of 45,000 Californians whose jobs depend on foreign trade.

I think it would have been wiser for the President to have refrained from imposing any sort of tariff increase until he could measure the effect of the devaluation of the dollar on world prices. Devaluation, a form of tariff in itself, will raise the price of foreign goods and services purchased with American dollars. It will also increase the market for American produced goods.

I am pleased that Secretary Connally has instituted a major change in the surcharge order by exempting goods which were already in transit, in bonded warehouses on U.S. soil, or tied up by the west coast dock strike. To have enforced the surcharge across the board would have unfairly penalized west coast importers. Senator TUNNEY and I had written Secretary Connally on August 27 to point out this unfairness. I am gratified that he agreed to all our suggestions.

I ask unanimous consent that the text of my letter to Secretary Connally and of the Secretary's announcement be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
August 27, 1971.

Hon. JOHN B. CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR JOHN: We join in strongly urging you to reconsider the imposition of the import surcharge on merchandise in vessels which were in West Coast ports on August 15 but which had not been unloaded because of the dock strike. We do not believe there is equity or justice in the Federal government's collecting a 10% surcharge on this merchandise nor do we believe that the national interest and specifically the President's announced intention of improving the balance of payments would be served by imposing the tax.

At 12:01 a.m. on August 16, there were 87 vessels with cargo valued at $291 million tied up in major West Coast ports, which have been closed since July 1, 1971. West Coast importers purchased and paid for this merchandise long before the President's announcement and in many cases negotiated a resale price which they are contractually bound to observe.

Importers in the other parts of the Nation, not having to absorb the delayed unloading, now have similar merchandise, which was ordered during the same period, on the market and at a price 10% below what their West Coast competitors will be required to charge (unless the West Coast importers choose to absorb the surcharge as an added cost, which in many cases they will be forced to do because of previously negotiated prices.)

Importers generally will be adversely affected by the suddenly imposed surcharge on goods already purchased but not cleared through customs. West Coast importers will share that disadvantage with their counterparts elsewhere in the Nation. But to require in addition that the West Coast importers pay the surcharge on cargo in ships tied up in strike closed ports has the effect of penalizing them for a strike to which they are not a party.

Obviously, this will result in lost sales by West Coast importers, which must necessarily reflect itself in losses of employment and other reductions in the activities of these importers in the U.S. In addition, unexpected but substantial costs have been incurred by West Coast importers resulting from extended credit requirements while the merchandise was strikebound and from the expenses of bringing the merchandise into the U.S. from Canadian and Mexican ports which cannot be passed on to their customers because of the price freeze.

Under these circumstances, the imposition of the 10% surcharge on the cargo which would have been imported except for the dock strike, clearly discriminates against the importers of this merchandise and against the West Coast area where most of this merchandise will be sold. Such a result should not be permitted, particularly where it serves no useful purpose in improving the balance of power position of the U.S. and would create such an extreme hardship on the West Coast economy.

Thank you for your consideration of this appeal.

Sincerely,

ALAN CRANSTON.
JOHN V. TUNNEY.

ANNOUNCEMENT OF TREASURY DEPARTMENT ADDITIONAL DUTY ORDER NO. 3, SEPTEMBER 1, 1971

The Treasury Department announced today that it has exempted from the 10% additional import duty merchandise which had already been exported from foreign countries to the United States when the surcharge became effective on August 16.

The order exempts merchandise exported for the U.S. prior to August 16 which:

Is tied up by the dock strike at West Coast ports,

Was aboard ships on the high seas enroute to the U.S., and

Is in bonded warehouses or foreign trade zones within the U.S.

However, the merchandise in warehouses and zones must be withdrawn by October 1, 1971, in order to qualify for the exemption.

Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement, Tariff & Trade Affairs, and Operations, said that the order is based on the determination that the date of shipment is the preferable date to achieve consistency and equity and to prevent harsh retroactive effects of the application of the additional 10% import duty, while at the same time carrying out the President's purpose of safeguarding the balance of payments position of the United States.

Without the exemption announced today, importers would have been forced to pay the additional duty on merchandise already enroute to the United States and over which they had no control. This would have placed them at an unfair disadvantage compared to importers whose cargoes were already in the United States. Many small importers claimed they faced possible bankruptcy without the exemption.

TREASURY DEPARTMENT ADDITIONAL DUTY ORDER NO. 3

ARTICLES EXEMPTED FROM ADDITIONAL DUTY IMPOSED UNDER SUBPART C OF PART 2 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES

Pursuant to the authority vested in the Secretary of the Treasury by Headnote 4(a) subpart C of part 2 of the Appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in subpart C as set forth in Headnote 5 thereof which I hereby amend to add the following:

(h) Articles exported to the United States before 12:01 a.m., August 16, 1971, provided that any such articles entered for warehouse or placed in foreign trade zone shall be exempt only if withdrawn from warehouse for consumption or entered or withdrawn for consumption from a foreign trade zone under a request properly filed on or before October 1, 1971."

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950 (3 CFR Ch. III), the Commissioner of Customs, with the approval of the Assistant Secretary of the Treasury (Enforcement, Tariff & Trade Affairs and Operations) is authorized to prescribe such regulations and issue such instructions as may be necessary to carry out the purposes of this order.

Mr. CRANSTON. Mr. President, I do not by any means believe that the President's program covers all that must be done to create enough jobs for our millions of unemployed workers, to fully occupy our business and industrial leaders, to solve the problems of our cities, and to prevent the destruction of our environment.

We must proceed to address ourselves to these questions.

Our most important economic task is the restoration of full employment. But the President's proposals will not do this. Our employment rate is more than 6 percent—more than 7 percent in California. Five million men and women are without jobs in America. I support Mr. Nixon's basic view that we must institute tax incentives to help create jobs. But that alone will not be enough. The 500,000 new jobs that he expects his tax package to create in the next 12 months will still leave 4½ million Americans unemployed; 5.4 percent of our labor force will be without work.

The President spoke in his September 9 address of creating 100 million jobs in 10 years. What we really need are 5 million jobs right now.

If we are to move rapidly toward full employment, the President's tax package should therefore be improved. The investment tax credit should be structured to encourage the development of systems and services that will meet our domestic needs. We should give top priority to tax incentives that will encourage civilian applications of aerospace and military technology. This will allow our defense industries to diversify, creating new jobs for those who had been thrown out of work.

I am disturbed by the marked disparity between the tax incentives proposed for the Nation's producers, and those designed to benefit its many millions of consumers. I believe consumer tax relief should be increased over and above the $50 acceleration in personal exemptions that the President has proposed. His program represents only a 7-percent decrease in consumer taxes. A 10-percent cut would surely not be unreasonable, especially in view of the impending increases in social security taxes.

I cannot support the President's repeal of the 7-percent automobile excise tax. The floating of the dollar and the investment tax credit already give the automobile manufacturers substantial relief. I can see no reason to provide the auto industry with additional extraordinary benefits, particularly when other sectors of the economy, such as aerospace, have suffered far more serious setbacks during the current recession. I propose instead that the automobile excise tax be maintained, and that its proceeds be placed in a fund to be used for the development of urban mass transit. In this way, we can improve our Nation's transportation systems, boost employment, and render tremendous assistance to our cities without causing further damage to the environment.

As the price for the President's tax package, he has proposed delaying of family assistance and revenue sharing, continuing the freezing of Federal funds for such purposes as mass transit, urban renewal, public works, and health care, and to cutting back the Federal work force and foreign aid.

The President's cuts have been made in the wrong places, I believe.

We need not sacrifice vital domestic programs in order to place a lid on inflation. We should be cutting back unnecessary military and strategic arms expenditures. We seek to accelerate our withdrawal from Vietnam. We should more vigorously and creatively limit massive nuclear arms expenditures. And we should refuse to give aid and support to military dictatorships in countries like Greece and Pakistan.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT APPROPRIATIONS AUTHORIZATIONS, 1972

The PRESIDING OFFICER (Mr. Spong). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

> H.R. 8687, a bill to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending measure before the Senate?

The PRESIDING OFFICER. The pending measure before the Senate is H.R. 8687, the military procurement authorization bill.

Mr. STENNIS. I thank the Presiding Officer.

Mr. President, I wish to thank the acting majority leader as well as the acting minority leader for their cooperation in getting this matter arranged and for the time I have had this morning while other matters were being disposed of.

We begin debate today on the annual military procurement bill. While varying views of individual committee members are reflected in certain amendments, the bill was approved for reporting in the Committee on Armed Services by a vote of 16 to 0.

Mr. President, the acting majority leader has mentioned to me the proposition of getting unanimous consent with reference to some amendments to be proposed on Monday, so that they be voted on on Monday. I am glad we can get started on these unanimous-consent agreements, and the acting majority leader may present that unanimous-consent request when he wishes to. Of course we would like to look at those amendments or know their substance beforehand.

As a general proposition, the purpose of the committee is to get this bill presented rather fully and to get into the Record today some of the general speeches and overall explanations. Some Members who were planning to speak in connection with the explanation of the bill cannot be here today, but they will be here very early next week. With the report that is presented here, which is extraordinarily complete, and with the explanations to be made today and Monday, I think that the full matter will be before the Senate. I hope we can move—I will not say rapidly—but with reasonable dispatch, in the consideration of these amendments, and dispose of them.

Mr. President, the committee is prepared to enter into almost any unanimous-consent agreement that may be proposed as to limitations of time. Of course, there is always room for interpretation as to what may be considered reasonable under the circumstances and on the subject matter.

Mr. President, I have a unanimous-consent request to make, now, which is the usual one made on bills of this kind. Preliminarily, although the bill before the Senate is the House bill—the House passed the bill and referred it to our committee, and we considered and reported the House bill—everything after the enacting clause was embraced in a substitute which is offered here as an amendment.

Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to, and as agreed to be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. I thank the Presiding Officer and I thank the Senate. That is a step forward, even if it is the usual customary unanimous-consent request that is made.

Mr. President, I believe that this bill, as reported, outlines an austere and prudent program for military procurement and for resource and development which should be funded now. The total requests which the committee considered in this bill amounted to $22,188,337,000. The committee is recommending to the Senate an authorization of $21,018,482,000, or a decrease of $1,169,855,000. This is a committee reduction of 5.3 percent from the total budget request considered.

I repeat, Mr. President, this is for military procurement and for research and development, and does not include all of the military budget, particularly items that we ordinarily call O. & M.—funds that go to pay salaries, travel, and so forth.

Mr. President, as far as I can determine, this is the only major authorization bill that has been cut below the budget request so far in this Congress. I am referring to those bills which authorize appropriations for a given activity.

This bill, as I said, covers research and development plus military procurement items like tanks, ships, planes, missiles, and all of the items that go to make up the hardware. I mentioned planes, and of course that includes, helicopters.

It was the premise of the committee, Mr. President, that the military equipment and the research and development efforts essential for national defense in the years ahead must be authorized now.

I think it is well to remember that most of the items in this bill are not for immediate use, but for the years ahead, as much as 8 to 10 years from now. Of course, some of this money will be used inside that period, but these are programs that reach far into the future.

Mr. President, it was our purpose and intent in the committee that not one dollar more than necessary should be authorized to carry out these programs.

I would note that there is available to each Member of the Senate, the committee hearings which exceeded 4,200 pages in length, together with a detailed committee report. The committee began hearings on March 15 which were not concluded until July 14.

We spent well more than 2 weeks around the committee table, in steady conference, in marking up the bill.

The hearings of the full committee on the bill were supplemented—and very valuably—by the work of the tactical air subcommittee, under the direction of Senator Cannon, and of the research and development subcommittee, headed by Senator McIntyre. Both of these able chairmen will discuss their subcommittee activity during this debate.

THE SITUATION NOW

Before I discuss specifics, Mr. President, I would like to say a word about the situation in which we begin this procurement debate.

First, however, let me say one further word about the report and hearings. A year ago, when this bill was before the Senate, I said I believed they were the most comprehensive hearings and the most complete report that we had in modern times with reference to a bill of this kind. I will modify that statement now, Mr. President, by saying I believe this report and the hearings are more complete and more exhaustive than the ones of last year. In fact, I do not see how they could be more exhaustive than those we held. The report of 140 closely printed pages, with all the tables it contains, is a very valuable document. One can find the details on all the great numbers of items in this bill, with some of the finest tables and analyses that could be found on the subject.

I do not say this in any unduly complimentary way for the committee, but it represents the time and talent of a great many of the members and a great deal of the time and talent of some extraordinarily able and fine staff members. As a matter of fact, the preparation for the hearing and the report has been going on for more than a year. We have already started on the prospective bill for next year.

Turning back to a word about the situation behind these figures, at a time when wages and prices are frozen, and the administration is studying new curbs on inflation, Members of the Senate should understand that defense programs are a major victim of inflation.

Our money is buying fewer costly weapons. Our dollars are supporting smaller Armed Forces. The so-called Vietnam peace dividend, which was supposed to accrue with the winding down of the war, has not been declared. It will not be paid, and more money will be needed each year to buy the same level of defense.

I have felt for some time that the talk about the so-called peace dividend was wishful thinking, because I could see that that dividend was being absorbed faster than it could come into being.

Inflationary pressures—ever increasing costs of goods and services—are not the only cause for mounting weapon costs. Complexity and technological advances compound the cost problem.

For example, a plane-to-plane machinegun burst, fired during the Korean war cost about $20. Tactical air-to-air missiles, now under development, cost in the hundreds of thousands of dollars—an increase factor in the tens of thousands:

As we stated in our report, some of the avionic "black boxes" in new planes are twice as costly as gold.

When I was told that, I had it checked out, because I myself was skeptical.

The F-14, the Navy's new fighter, will be about five times as expensive as the F-4B Navy fighter of the early 1960's.

Parenthetically, may I say that the F-4B was already more costly, by about one-half, than its Russian contemporary, MIG-21. I have to say as far as can be calculated, because comparative costs with the Soviets are highly speculative.

Reporting on this procurement bill, the Armed Services Committee, warned that, under these conditions, there is a great danger that national security, itself, will suffer as the pressures increase.

Under these circumstances, the committee has been working actively with the Pentagon toward procedures designed to improve procurement policies and reduce weapon costs. Yesterday, we met with Under Secretary Packard, who is very well aware of these problems, to discuss his proposals for a wider use of prototypes in the development process, before weapons are actually purchased.

I think I can say that the committee was very favorably impressed with Secretary Packard's presentation. It is important to understand, however, that the payoff for Mr. Packard's plan will not come for several years.

Mr. President, I want to doubly assure the Senate that there is no paragraph, no sentence, no word in this statement that is put in here to sell something or to create an atmosphere or a sales talk. We are trying to get right down to the hard facts of life, and bring to the Senate a realistic report and analysis and some of our conclusions about these problems.

As one member of the committee, I am not in a big hurry about these weapons. I want to be certain we have the best, but I am not in any big hurry about getting them, and thereby running the price up far beyond what it would otherwise be. I think the smart thing to do is to look ahead—do the research, and develop the prototypes—rather than make any contracts for the end product. I emphasize, though, that this plan that I have referred to for prototypes is not for immediate use. It cannot be used immediately, but is for the future years ahead.

By contrast, this authorization bill involves decisions that must be made now on weapons needed for the near future. In at least one case—the F-14—we are now buying a plane to replace another—the Navy F-111—which was canceled by Congress 3 years ago.

COVERAGE OF THE BILL

While most of the funds authorized, totaling slightly over $21 billion, will go to finance research and development and the purchase of military hardware, there are other significant provisions in the bill.

In addition to the procurement authority, for aircraft, missiles, naval vessels, tracked combat vehicles and certain other weapons together with funding authority for R.D.T & E., this legislation:

First. Authorizes the fiscal year 1972 personnel strengths for the selected reserves of each Reserve component;

Second. Provides authority, for fiscal year 1972 as in past years, for financing the free world forces in South Vietnam together with local forces in Laos and Thailand.

This is the fund that is ordinarily referred to as military aid service funded. It is handled in this bill by the Committee on Armed Services, instead of the Committee on Foreign Relations, which handles the rest of the foreign aid. This arrangement, or exception, was started about the time the war in Southeast Asia was stepped up in 1965.

Third. Provides construction authority for the Safeguard ABM program proposed for fiscal year 1972;

Fourth. Includes certain other minor provisions relating to the possible barring of R. & D. funds for universities where military recruiting is denied, and an amendment to existing law which would permit the importation of certain strategic and critical materials.

I mention all of these items, Mr. President, which will be covered in detail, to set forth the scope of this legislation.

MAJOR WEAPONS SYSTEMS

I turn now, Mr. President, to a discussion of the funding authorization for certain of the major weapons systems covered in the bill.

SAFEGUARD-ABM SYSTEM

HOUSE ACTION

Mr. President, as the bill passed the House there was a total authorization of $1,267.6 million for the various elements of the Safeguard system covering procurement, R. & D., construction and family housing. This was the amount in the budget request. Details are set forth on page 23 of the committee report. Procurement funds were recommended as a part of the missile account of the Army. The R. & D. amount of $410 million was in the appropriate R. & D. account.

The House version contained no statutory language regarding the number or the type of sites for which these funds could be used.

The administration has indicated that under its proposal the funds were to be used for full deployment at three sites—Grand Forks, Malmstrom, and Whiteman Air Base—and for steps toward deployment at a fourth site, either Warren Air Force Base, Calif., or a national command location. Under the House bill, the President would decide which of these two latter sites would be selected.

SENATE COMMITTEE ACTION

The Senate committee, just as last year, has recommended specific statutory language which sets forth limits and, at the same time, authorizes the funds for four sites.

In effect, this language—contained on page 13 of the bill, in section 403—provides that no funds authorized by this or any other act may be obligated or expended for the purpose of initiating deployment of an ABM system at any site, except that funds may be used to continue the advance preparation for sites at Frances E. Warren Air Force Base, Wyoming and Whiteman Air Force Base in Missouri, and further, that nothing in this statutory limitation shall be construed as preventing the deployment of the system at Grand Forks, N. Dak., or Malmstrom, Mont.

In effect, therefore, the committee is specifically authorizing a four-site program in certain forms—but only four sites.

However, the prospective site, here, for the national command, is not included in our bill as presented to the Senate.

In terms of funding, Mr. President, the Senate committee is recommending a total of $1,106.2 million or a reduction of $161.4 million below the amount recommended by the House. This reduction is made possible, as I shall shortly explain, by a construction slowdown which has occurred in the past year at the Malmstrom complex.

I would reiterate, Mr. President, that last year the committee effected a fundamental change in limiting the role of the ABM to protection of our land-based strategic deterrent. This same policy is continued this year in the language I have just described, which precludes the funding at any sites other than the four covering our Minuteman forces.

I am being very explicit about this, because I want to make clear that there are four places involved in the Senate bill, but only four, and that all those four are covering our Minuteman forces at the places I have already named in the West.

CONSTRUCTION SLOWDOWN

Mr. President, Senators will recall that last year, Congress approved full deployment at the Whiteman Air Force Base ABM site. This year, approval is granted for only advance preparation at the Whiteman site. Contrary to appearance, this is not, in reality, a backward step, as I shall explain. Despite the approval for full deployment, the Whiteman site is still in the advance preparation stage because of late approval of the fiscal year 1971 budget by Congress, and a slowdown in construction at the Malmstrom complex.

The effect of late approval of the 1971 budget was that construction at Whiteman has not been initiated. To further complicate the situation, the contract to complete construction of the technical facilities at Malmstrom was not awarded as scheduled on April 1, 1971. Bids were excessive and the contracts are still under negotiation. We are now looking at almost a year's delay at Malmstrom. Extending this slippage to Whiteman and Warren postpones the need to start major construction at either site.

That is just a hard fact of life. We put in the money to do the practical things, the realistic things, as to these four bases, and nothing further.

I may add, in further explanation of this slippage that there is a very short working season at some of these bases, and that limits the working time of the contractors.

SAFEGUARD AND SALT

Mr. President, it was the opinion of the committee last year that continuation of the Safeguard deployment would not jeopardize the strategic arms limitation talks. I believe the events of the past 9 months have confirmed that judgment by the committee.

The committee would welcome a SALT agreement which would obviate the need for Safeguard. But until such an agreement is executed, the committee is of the opinion that the Safeguard deployment should be continued. I should point out that the number of operational Soviet ICBM's has increased from 1,100 to 1,440 in the past year—an increase of more than 30 percent.

Mr. President, the committee report—on pages 22 through 26—discusses the Safeguard program in detail and there will of course be much further elaboration on this subject during the course of the debate on this bill.

F-14 PROGRAM

Mr. President, the committee is recommending a total of $1029.6 million for the F-14, of which $801.6 million is for procurement and $228 million for R. & D.

The Senator from Nevada (Mr. CANNON), chairman of the Tactical Air Subcommittee of the Senate Committee on Armed Services, will discuss this program in detail, and in the meantime, I shall cover certain of the main points in connection with the fiscal year 1972 funding authority.

The House Committee on Armed Services reported the full amount of the budget request in the bill. However, due to the lengthy discussion regarding the slippage in the aircraft program together with cost increases, a committee amendment was adopted on the House floor deleting F-14 procurement funds from the bill pending a restudy and recommendation from Deputy Secretary Packard on this matter.

Mr. President, for months, this plane has been going through the processes of evaluation and reevaluation. Some of those reviews were entirely normal. This is a complicated and highly involved mechanism, and it includes the most advanced avionics and all the delicate equipment that can go with such a plane.

So most of these developments were normal. In my opinion, nothing better could have been done than to have asked Deputy Secretary Packard for his special study and analysis of this situation.

This issue was fully restudied in depth by Mr. Packard, and I should emphasize that a further separate hearing was conducted by the Senate Committee on Armed Services on the matter. We did not act on this until Mr. Packard had finished his study and analysis, reached conclusions, made recomendations, and had come before our committee and explained the matter at length. He made at least two appearances before the committee. There was nothing casual about this. It was of the utmost concern to us.

In substance, it was firmly recommended that the best alternative was to proceed with the program as originally recommended in the budget, and this is the program being recommended to the Senate in this bill.

I want to emphasize that the committee adopted specific language in the bill providing, in effect, that the $801.6 million being recommended must be sufficient for the procurement of not less than 48 aircraft. The purpose of this is to make certain—without any doubt—that there will not be cost escalation, beyond this amount, for this lot of aircraft.

We have a letter in the printed hearings from the Grumman Co., in which they say that for this sum of money they can and will deliver the 48 aircraft. This amendment is written in such a way that the money cannot be spent for the purpose appropriated until this point is established, to the satisfaction of the officials of the Department of Defense: they will get the 48 planes for this sum of money. Insofar as any further escalation of this buy is concerned, that is the final word.

The point has been made, Mr. President, that if the contract for the 48 aircraft is not entered into, the Government will face a staggering cost increase in this aircraft program for the reason that the 48 is the minimum buy under the basic contract.

It is anticipated that sizable increases would result if new prices had to be negotiated.

Mr. President, despite some slippage in the program and certain other problems, the F-14 program should be approved by Congress to the extent here recommended.

I want to make it very clear that a modern fighter is required for the Navy to replace the aging F–4. The F–4, while a very fine aircraft today, will not be able to cope with the enemy threat in the 1975 time frame, as the F–4 is an aircraft based on technology of the mid-1950's.

The central fact is that we need a plane that is more modern than anything we have. A better plane in this field has never been made than the F–4, and the F–4s have done wonders. One of the wonderful things they have done has been to satisfy both the Air Force and the Navy. But the technology of the mid-1950's just cannot cope with the technology of the 1970's.

C–5 AIRCRAFT

Mr. President, the committee is recommending a total of $396.4 million for the C–5A program, which represents a total reduction of $75.8 million from the total of $472.2 requested. The reduction being recommended by the committee will not harm the progress of this program. It was made possible, in a real sense, by improved management efficiency in the program, which stretches out the funds which were approved last year. The amount being recommended should be sufficient to meet the financial needs of this program for fiscal year 1972.

Refreshing everyone's recollection, the C–5—which has been debated here so very often including last year and the year before, was the aircraft that ran into extraordinary cost escalation—had a different kind of contract. The DOD has been criticized for that and the congressional committees have been criticized also for recommending it here.

As to the $75.8 million reduction that we are making this year, the reason for it, to put it in more homey terms, is that under improved management efficiency, we will save $75.8 million. In other words, we will be getting more of a return for the dollars spent under the new system. We took the contract over, more or less. The matter has had the personal attention of Mr. Packard as well as some of the men in uniform in the Air Force. Under improved management efficiency, the Government will be getting more for its money. We are very glad to be able to make this report, and we are also very glad indeed to recommend this reduction and save this money.

As I said to Mr. Packard yesterday, we have an expression down my way, "There is more in the man than there is in the land." I am finding out that there is more in the management of these huge contracts than there is in the contract itself.

In addition, the committee has adopted language identical to that contained in the fiscal year 1971 act which restricts as a matter of law the use of these funds to the C–5 program by specifying the uses for which these funds may be expended.

That means that this money cannot be spent on any program except the C–5 program. It is appropriated for that purpose and that purpose alone—no transfers, or anything like that will be permitted, and no reprograming. If any money is saved, it stays in the Treasury and cannot be spent for any other purpose.

I would like to report to the Senate that present estimates indicate that the funding for the C–5A program can be completed in the next fiscal year, and it is presently expected that about $160 million will be required. I am proud that we are so near the end of the program and that we are going to have a good product, although the cost has been enormous.

STATUS OF PROGRAM

I am glad to be able to report to the Senate that the C–5A program in every way is progressing toward completion. Through August of this year, 47 aircraft had been delivered to the Air Force and further deliveries are scheduled at the rate of two per month. The final delivery of the 81st aircraft is still estimated for February 1973. Presently, the contractor has in the early phases of the production line components of the 76th aircraft, a further indication that this production program is progressing toward completion barring any unforeseen strikes or other problems.

The C–5A aircraft is rapidly becoming a useful and productive addition to the airlift capability. The productive utilization of this C–5A as a cargo carrying aircraft, with its low-cost per mile operation, should prove economical and beneficial to the taxpayer in future periods. To date, the C–5A aircraft has flown over 7,100 test hours and 24,000 hours in airlift operations. The aircraft has been used to carry outsized cargo in routine and training flights and has been used in the Military Airlift Command to carry over 22,000 tons of cargo to both the Far East and European areas.

I am one of those who believe in using these big planes, for our cargo airlift on some substantial part of it, rather than just having them sitting on the line. They are expensive. Line them up out there and we can accumulate $2 billion worth mighty quick. I think that they should be used. We are not going to wear them out by putting them to practical use. The C–5 is supposed to be, in operation, an inexpensive plane per ton, per mile.

F–111

Mr. President, the committee recommends a total authorization of $485.7 million for the F–111 program—all of which was contained in the budget request.

I should mention that this sum includes the amount of $112 million to purchase an additional 12 F–111F aircraft, a request which was received in the form of a budget amendment. The remaining sums are for the purpose of covering overtarget costs and other elements in connection with this program.

It should be emphasized that the F–111 is the only Air Force aircraft capable of night and all-weather deep interdiction operations. With only 70 F–111F aircraft already approved, the Air Force would have difficulty operating and maintaining four such aircraft wings. The committee therefore is recommending approval of the additional 12 aircraft in the fiscal year 1972 program.

The record should also be made clear that the problems of last year, involving the structure of this plane, have been resolved and this aircraft has been cleared for operation.

In the course of the years, this plane has been tried and tested. It has given some trouble, but probably no more than any other complicated and involved airplane of that kind. It has now been fully cleared for operation. This question has been cleared up, I think, and the plane ready for action.

F–15

Mr. President, the bill contains $414.5 million for the continued development of the Air Force F–15A all-weather air superiority fighter. This plane is being developed with the capability of engaging and destroying any known Soviet aircraft. Moreover, the program is proceeding on schedule and within the estimated costs. By way of emphasis, the plane is still not in the production phase, but only in development.

There have not been any setbacks or any great disappointments connected with it. So far, there have been no so-called overruns, but the project is staying within the estimated cost. This, of course, is an Air Force plane.

B–1

The committee is recommending $370.3 million for the continued development of the B–1 strategic manned bomber which is the amount of the budget request. It should be emphasized that the plane is still in development and no commitment is involved for fiscal year 1972 for the production of this aircraft.

Mr. President, I want to emphasize the importance of developing this follow-on bomber to replace the aging B–52 fleet. The greatly improved penetration capability provided by the B–1 is vital to the continued effectiveness of our strategic deterrent in the face of the projected improvement in Soviet bomber defense.

MBT–70

Mr. President, the committee is recommending $62.8 million for the main battle tank—XM–803, formerly designated the MBT–70. The budget request totaled $86.6 million with $59.1 million in procurement and $27.5 million in R. & D. The House deleted all of the procurement funds leaving $27.5 million in R. & D., but suggesting that the R. & D. funds be used for developing antitank weapons. Our committee, in recommending $62.8 million, would place all of this money in the R. & D account in order to continue with prototype development and testing.

Mr. President, the committee was not willing to see this program completely terminated. This $62.8 million does not represent a commitment to production in any way. We have made the record very clear and positive and precluded the commitment to production. However, the development program should be completed so that a decision can be made as to whether the tank is to commence production.

I am convinced that the tank will continue to play a vital role in support of the infantry. It is also clear that today's tank—the M-60A1—is not good enough to last forever. The new main battle tank offers the prospect of providing a follow-on tank to the present generation of tanks.

It is in that context that we present this matter again to the Senate. It has taken a long time. However, I am just not willing to leave this unevaluated and leave the GI out there with a rifle without the proper kind of support.

NAVY SHIPBUILDING AND CONVERSION

The committee recommends an authorization of $3,010.6 million for naval shipbuilding and conversion for fiscal year 1972. This sum is $318.3 million less than the $3,328.9 million recommended by the House. The committee is recommending 15 new ships and nine conversions which include six conversions of the Poseidon submarine.

The committee deleted a total of four ships of lesser priority including the provision of lead funds instead of full funding for a submarine tender, and removal of an oiler, and two salvage ships. This sum of over $3 billion for naval shipbuilding and conversion is the largest single amount in the bill. It is considerably larger than like sums for the other services. It recognizes the delay we have had in building up our Navy. At this rate we would certainly be making fair headway in improving the situation in which the Navy needs strengthening. We are committed to a modernization of the Navy and to making it fully capable and modern in every way.

At the same time, the committee added $22.5 million in lead funds for an additional nuclear attack submarine. Included in the sum being recommended for ships is $577.7 million necessary to cover cost overruns for prior year ship programs.

The committee is fully cognizant of the necessity for modernizing the Navy and is firm in its commitment to a modern and capable Navy. The committee report—pages 27 and 28 and 66 through 71—discusses the committee's action in detail.

SUMMARY OF PROCUREMENT PROGRAMS

Mr. President, in the foregoing remarks, I have discussed a number of separate weapons systems. In order to outline completely the sums involved in the bill, however, I will set forth the summaries of the various accounts which are, of course, discussed at greater length in the report.

Army aircraft, 400 aircraft, $94.2 million; Navy and Marine Corps aircraft, 269 aircraft, $3,256.2 million; Air Force aircraft, 188 aircraft, $2,989 million—this is the smallest quantity of planes procured by the Air Force since 1934 with 28 being earmarked for the free world forces in Southeast Asia; Army missiles, $1,066.1 million, which includes $639 million for Safeguard; Navy missiles, $704.1 million, which includes $348.9 million for Poseidon; Air Force missiles, $1,774.9 million, which includes $822.7 million for the Minuteman programs, and $204.4 million for SRAM; tracked combat vehicles, $186.4 million; Navy torpedoes, $193.5 million, of which $148.6 million is the Mark 48.

All of the foregoing with several other lesser categories are fully discussed in the committee report.

RESEARCH AND DEVELOPMENT

Mr. President, Senator McIntyre, chairman of the Research Subcommittee, will discuss the committee's actions in this field in some detail. The fine work accomplished by Senator McIntyre's subcommittee is attested to by the careful review they extended to the hundreds of line items.

I have already discussed some of the more important research and development items in the bill—F-15, B-1, and the MBT-70 tank. In sum, the committee is recommending a total of $7,607.3 million, which is a reduction of $343.5 million from the $7.9 billion requested.

This represents a reduction of 4.3 percent. These reductions cover curtailments and eliminations for 60 programs.

Mr. President, I shall not dwell in detail on the committee's R. & D. authorization since Senator McIntyre plans to discuss it further. Moreover, certain other R. & D. items will be the subject of separate debate as the Senate continues the consideration of the bill.

AUTHORIZATION OF SELECTED RESERVE STRENGTHS

Mr. President, as the Senate knows, existing law requires that there be an authorization each year of the strengths of each of the Selected Reserves, as a condition precedent to any appropriation for those components. This year the committee recommended the strength contained in the budget except for the Coast Guard, which the committee is recommending at 15,000, as compared to the budget request for only 5,000. The recommended strengths are as follows:

Army National Guard	400,000
Army Reserves	260,000
Navy Reserves	129,000
Marine Corps Reserves	45,849
Air National Guard	88,191
Air Force Reserves	49,634
Coast Guard Reserves	15,000

I must emphasize, Mr. President, that the Reserves are a vital element of our national defense and one on which we must place increasing reliance. I would also note that the estimated cost for the Reserves for fiscal year 1972 is $3,090.0 million which indicates the growing size and magnitude of the programs.

This is not materially different from last year. We consider these reserves to be a vital element of our defense and an element on which we must place increasing reliance because, as I shall indicate more than once during the debate, manpower costs have become so great that we will have to reduce manpower to have enough of these modern weapons.

There is, however, another reason I want to shift some of the responsibility to the reserves. It is just a part of Americanism to ask these reserves to carry some responsibility and give us the right kind of dedicated men in the military services.

FUNDING AUTHORITY FOR FREE WORLD FORCES IN SOUTH VIETNAM, LAOS, AND THAILAND

Mr. President, section 501 continues the authority, which has been enacted each year since fiscal year 1966, with respect to the free world forces in South Vietnam, Laos, and Thailand. The Senate will recall that there was long debate on this matter incident to approval of both the procurement authorization and Defense Appropriations Acts.

The language in section 501 is identical with that enacted in the Department of Defense Appropriations Act for fiscal year 1971.

Specifically, this section:

First, imposes a limitation of $2.5 billion on these funds that can be used for the stated purposes to support (a) Vietnamese and other free world forces in support of Vietnamese forces, and (b) local forces in Laos and Thailand, and for related costs, during the fiscal year 1972 on such terms and conditions as the Secretary of Defense may determine;

Second, provides that, except for agreements executed prior to July 1, 1970, free world forces serving in South Vietnam will not be paid, from funds authorized by this section, various special pays in excess of those received by U.S. troops; and

Third, provides that nothing in clause (a), relating to free world forces, shall be construed as authorizing the use of such funds designed to support the Government of Cambodia or Laos, with the further proviso that nothing in this section shall be construed to prohibit support of actions designed to insure the safe and orderly withdrawal of U.S. forces from Southeast Asia or of actions aiding in the release of U.S. prisoners of war.

It is estimated, as indicated in the chart on page 140 of the report, that for fiscal year 1972, the sums appropriated will be $2.3 billion. These do not include totals that may be funded through other agencies.

Mr. President, I want to emphasize that these funds do not relate to U.S. forces in Southeast Asia, but to the free world forces other than U.S. forces. This is the program which supports our Vietnamization efforts in Vietnam and the assistance we give to local forces in Laos and Thailand.

This entire effort is crucial to our efforts toward making the South Vietnamese self-sufficient and to the planned withdrawal of U.S. forces from that area.

SENATE ACTION

In closing, Mr. President, I want to acknowledge the cooperation of all members of the Armed Services Committee in the tedious consideration of this bill. I especially want to thank our ranking Republican member, Senator Smith, whose advice and energy contributed greatly to our efforts. I want the record to show how much I appreciate the support she has provided in this and other committee business.

The Senator from Maine (Mrs. Smith) expects to address the Senate on this bill Monday or Tuesday of next week.

I hope the Senate will give careful and deliberate consideration to this very large authorization bill. I warn the Senate now not to arrive at conclusions on these items until all the facts are in so that the full picture can be developed.

I welcome debate on any item or any policy recommended by the committee bill, but I do hope we can move on with the consideration of these amendments and to final disposition of amendments, and then the bill.

I know other members of the Armed Services Committee will make important contributions to this debate, and I hope other Senators will do so.

At the same time, I would remind the Senate that many weeks of debate have been devoted, already, to military manpower problems, and other related issues covered by the military draft bill. I hope the Senate can move as rapidly as is consistent with full discussion and careful deliberation.

In the end, Mr. President, I am confident that the Senate will continue to vote adequate funds for military procurement, as it has, over the years.

Mr. President, before I conclude I have one other matter. The Senate has heard the explanation about the fine work of staff members in preparing hearings, the report, and this bill. Under the regular rules of the Senate three staff members only are allowed on the floor at the same time. It is a good rule and one which I heartily support. At the same time it is understood that when the need exists a committee chairman can feel free to ask for additional members.

Therefore, Mr. President, with the assurance that I am one of those who believes in keeping these matters to a minimum, and that these gentlemen will be here only in the transaction of official business of the Senate and not just as visitors, I ask unanimous consent that the rule limiting to three to a committee the number of staff members who may be present, be waived during consideration of this bill, with the understanding the chairman of the committee will be responsible and see to it that the number of staff members on the floor of the Senate at one time is kept to a minimum.

Mr. President, I revise my unanimous-consent request. I understand the rule provides for four staff members.

I ask unanimous consent that there be as many as five staff members on the floor at one time, with the understanding that if I run into a situation where the need is for more staff members I will ask the leadership and the membership for additional members. Therefore, I ask unanimous consent that five staff members may be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I also ask unanimous consent that a table showing total authorizations for major weapon systems be included as a part of my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

Selected major systems in the bill, including all funds (procurement, R. & D., spares, etc.)

[In millions of dollars]

	Committee recommendation
Aircraft:	
F-14 aircraft	1,029.8
S3A aircraft	579.9
P-3C aircraft	277.1
A-7E aircraft	89.7
EA-6B aircraft	198.6
F-111 A/D/E/F	427.0
F-15 (R. & D. only)	414.5
C-5A	396.4
B-1 (R. & D. only)	370.3
A-X (R. & D. only)	47.0
A-7D	208.1
International fighter	128.4
AV-8A aircraft	134.0
Heavy lift helicopter (R. & D. only)	30.0
Missiles:	
Lance missile	112.3
Safeguard	1,106.2
Sam-D missile (R. & D. only)	100.5
Dragon missile	38.9
Tow missile	63.3
Phoenix missile	108.0
Sparrow E missile	40.0
Poseidon missile	393.6
Condor missile (R. & D. only)	19.9
Advanced surface missile (Aegis) (R. & D. only)	100.0
Minuteman II/III	999.3
Sram	231.3
Maverick	86.8
Underseas long-range missile system (Ulms) (R. & D. only)	103.0
Ships:	
SSBN, FBM sub conversion	408.4
SSN 688 submarine	903.5
DLGN guided missile frigate	209.2
DLG AAW modifications	104.4
DD 963 destroyer	599.2
LHA general purpose assault ship	109.7
Other:	
Tank, M60A1E2	33.0
MBT-70 tank (R. & D. only)	62.8
MK-48 torpedo	181.7
AMTRAC (LVTP-7/LVTC-7/LVTR-7/LVTE-7)	60.2
AWACS (R. & D. only)	145.1

(The following colloquy, which occurred during the delivery of Mr. Stennis' speech, is printed at this point in the Record by unanimous consent.)

Mr. SYMINGTON. Mr. President, I would take this opportunity to commend the chairman and the staff of the Committee on Armed Services for the report just released in connection with the military procurement bill which is now pending before the Senate.

Although I do not agree with some of the conclusions contained therein, the report reflects unusually thorough research and evaluation.

Length, of course, does not necessarily indicate quality; nevertheless it is interesting to note that, as recently as 1968, the Senate Armed Services Committee report on the military procurement authorization request for some $22 billion consisted of but 31 pages. The report now before us totals 140 pages, and deals with a bill of the same dollar magnitude.

This would appear but one more indication of a new desire on the part of the Senate to first review, and then to question in more detail these very heavy defense expenditure requests.

Every Member of the Senate is anxious to approve all requests that are essential to national security. Because of the admitted economic problems we are now having, however—including what will probably be the largest peacetime deficit in our history—I would again respectfully commend the chairman and the staff for giving us more details about this budget in the report in question.

Mr. President, I would add that one of the more pleasant aspects of my work on this committee this year has been the result of the care and fair consideration and attention given to these all important problems by the chairman of the committee, and also by the chairman of the Subcommittee on Tactical Air Power, the Senator from Nevada (Mr. Cannon), as well as the chairman of the Subcommittee on Research and Development, the Senator from New Hampshire (Mr. McIntyre).

Primarily because of the diligent work of the distinguished Senator from Mississippi (Mr. Stennis), the Senate has before it at this time more detail with respect to what is being requested by the military, along with whether or not it is justified, whether the various items should be approved, than at any other time during my years on this committee.

I thank the chairman for his courtesy in yielding.

Mr. STENNIS. Mr. President, I thank the Senator from Missouri not only for myself, but also for every other member of the committee for his very fine and generous remarks. I also thank him especially for the contribution he has made to this bill. The Senator from Missouri always makes great contributions to any bill, but his work on the pending bill and his counsel on it have been highly valuable to me. Even though we did not reach the same conclusion on some of these provisions, I think we both felt that we were working for the Senate and for the country in trying to get a sound program for as little cost as possible. I want to publicly thank him for his timely assistance.

I appreciate his words and I thank him on behalf of every member of the committee.

Mr. President, the Senator from New Hampshire (Mr. McIntyre) is present. He is chairman of our ad hoc Subcommittee on Research and Development. This is the third consecutive year in which he has made an outstanding contribution, along with his fellow members of the subcommittee and the staff.

I am anxious that today, at some time, we have for the Record the benefit of the Senator's remarks. I therefore yield to the Senator from New Hampshire at this time.

Mr. McINTYRE. Mr. President, I thank the distinguished chairman for yielding to me at this time.

Mr. President, I would like to speak briefly in support of the fiscal 1972 military procurement authorization bill as reported by the Armed Services Committee. At a later time I will discuss in greater detail the research and development portion of that bill which came under the cognizance of the ad hoc Subcommittee on Research and Development, which it is my privilege to chair.

I would like to compliment the Senator from Mississippi (Mr. STENNIS), our esteemed chairman of the Armed Services Committee, for the excellent job that the committee performed on the bill under his very able guidance.

I think that those Senators who have practiced law know what I mean when I refer to a lawyer's lawyer. The Senator from Mississippi (Mr. STENNIS) in my opinion is a chairman's chairman. No man could be more fair. No more opportunity could have been given to members of the committee to have a full opportunity to have their say on the very intricate and difficult problems that were besetting the committee.

I want to say for the record that I consider it not only an honor to serve on the committee but also a very interesting experience for me. That may come as a surprise to many because military affairs are secret and low profile. Much of the time we operate away from the television camera. However, it is an excitement and a challenge to me.

I want to go on record as saying that I feel very deeply about our chairman.

Mr. STENNIS. Mr. President, I thank the Senator from New Hampshire. I want to note that in his very busy days in the Senate, the Senator makes wonderful contributions behind those closed doors he mentions as we delve into every facet of the complicated weapons systems when they are in their infancy and when something can be done. The Senator from New Hampshire does plenty.

Mr. McINTYRE. Mr. President, I thank the Senator from Mississippi.

Mr. President, I could not help but note that in the deliberations of the committee there was a keen awareness of the overriding priority of our national security but at the same time a high sensitivity to the serious state of our economy and the rapidly growing demands of our domestic needs. In my opinion, Mr. President, the bill as reported by the committee strikes a sound balance between the essential requirements which have been recognized by the committee as a result of the extensive and exhaustive review of the details of the program presented, and the resources recommended by the committee to support these requirements.

My colleagues in the Senate may be assured that the committee hit the major issues head on, and the chips flew in many directions in the process of reaching our final decisions. This is a dramatic departure from the sometimes past practice of applying a percentage reduction across the board. In a real sense this latter approach is an admission of an inability to come to grips with the details of the issues and to form sound judgments entirely on the merits of each case. My recollection of the numerous committee meetings is still vivid with the heat of some of the discussions which occurred. I do not mean heat in the sense of emotion, but rather in the sharpness of thinking and number of arguments which were made.

In summary, Mr. President, I might mention that in the final analysis, my colleagues on the committee are men of strong and diverse convictions with the human qualities that always leave some doubt as to the ultimate outcome of their logic. However, I am highly impressed with the depth of experience and competency of the committee membership in this very highly technical area of the budget. It is with a high degree of confidence, therefore, that I strongly endorse the bill as reported by the committee.

Mr. President, now turning to the research and development part of the bill, it has been my privilege during this past year to serve for the third straight year as chairman of the ad hoc Subcommittee on Research and Development of the Armed Services Committee. Serving with me on the subcommittee have been the Senator from Virginia (Mr. BYRD), the Senator from Texas (Mr. BENTSEN), the Senator from Colorado (Mr. DOMINICK), and the Senator from Arizona (Mr. GOLDWATER).

In the performance of its duties, the subcommittee devoted over 65 hours to receiving testimony from principal witnesses of the Department of Defense. Formal hearings were conducted with appearances by the Army, Navy, and Air Force Assistant Secretaries for Research and Development, the Army Chief of Research and Development, and the Air Force Deputy Chief for Research and Development. These hearings also involved representatives from the various defense agencies comprising the Office of the Secretary of Defense. The subcommittee also held an open hearing to receive testimony from the Federation of American Scientists on the so-called technology gap between the United States and Russia.

In addition to these hearings, the subcommittee staff headed by Mr. Hy Fine, was briefed by other Defense witnesses for 54 hours on 46 selected research and development programs considered to warrant special attention. These briefings were supplemented by many additional hours of informal discussion with persons outside the Department with expertise in defense matters. It is only fair that I, on behalf of the subcommittee, commend Mr. Fine for his diligence, his competency, and his valuable assistance to our subcommittee.

It is apparent from these facts, Mr. President, that the Research and Development Subcommittee applied its total energies to as large and as broad a coverage of the research and development program as possible within the time available.

Mr. President, to give an idea of what we faced, this year the request for research and development funds brought the amount to $8 billion, and embraces nearly 500 line items which involve nearly 10,000 individual projects.

Mr. President, would there were an exact science which might permit the application of a formula in determining the amount of money that is needed not only for the Department of Defense as a whole but, even more difficult, for the research and development program. How simple the problem would be if, as in the case of many times of hardware which are procured for our forces, it was only a matter of deciding upon a quantity and multiplying that by a unit cost and thereby arriving at a total dollar requirement. What constitutes an adequate level of research and development? This question is as fraught with complexity as are the frustrations which confront a scientist as he gropes for an evasive solution to a difficult problem. Although my language may be colorful, the sense of it is rather clear. It is perhaps the most difficult decision to be made, not only by the Congress but, I dare say, at every level of government from the President down to the individual laboratory director who must decide how to spread his small slice of the total pie. Perhaps, Mr. President, the answer is vested largely in the unknowns that so typify research and development. There cannot be guarantees of end results that will justify the large amounts of resources applied. It is the nature of the beast in a real sense and perhaps some degree of serendipity which time and again have provided the large payoffs that we have achieved. Our record of superiority in technology over the years is as much a reflection of the high caliber of our scientists and engineers, both in government and in industry, and their dedication to these highly important tasks as it is of the volume of dollars that have been poured into these efforts.

There is one fact, however, which hangs like the Sword of Damocles over our heads and that is the serious and growing threat of our potential enemies. Of what value is a balanced budget or a healthy economy if the price is our national security? How long do we expect that such a utopian situation would continue if in fact we were second instead of first?

An admiral of our fleet the other day in conversation with me said if we were going to be second we might as well be fifth or ninth. These are problems that plague the Subcommittee on Research and Development of the Committee on Armed Services as it attempts to come up with as sound a budget as we can, realizing the security of our country is the paramount desire of our subcommittee.

The real danger is that we in any way subordinate our national posture to any other consideration.

It is with these thoughts in mind that we undertook to consider the details of the research and development program.

In summary, Mr. President, the fiscal year 1972 authorization request for the research, development, test, and evaluation appropriation amounts to $7,950,767,000.

Mr. President, did you ever try to appreciate what a billion really means? If you live to be 30 years of age, you will live 1 billion seconds; if you live to be 60 years of age, you will live 2 billion seconds, and so on. If you manage to reach the grand old age of 90, you will have lived 3 billion seconds. So the request from the military is very nearly $8 billion for research, development, test and evaluation.

The House made little change in its actions on the bill. Of the total of some 475 individual programs included, the House approved the amounts requested for all but two. In addition they made an adjustment which involved a decrease in the missile procurement request for the Navy and Air Force and they transferred these efforts to the R.D.T. & E. programs for these two services. The net effect of their actions resulted in an increase of $12.5 million in the amount requested. By contrast, the actions of the Senate committee involved reductions affecting 60 separate programs which were offset in part by transfers from the missile procurement accounts as approved by the House and an increase of $40 million in the Army main battle tank development program. This increase represents partial restoration of a $59.1 million item which had been proposed in the Army procurement account, but which was deleted by the House. The result of these actions is reflected in the committee recommendation of $7,607,312,000 to be authorized for the R.D.T. & E. appropriation. This is $343.5 million below the amount requested and $356 million less than the amount passed by the House. The committee recommendation is $505.7 million more than the amount authorized and $631.5 million more than the amount appropriated for fiscal 1971. Adjusted for inflation, the authorization recommended is 7.9 percent higher than the amount authorized and 11 percent higher than was appropriated for fiscal year 1971. However, this in reality is only a modest increase since on the same basis, the fiscal 1971 appropriation was the lowest for research and development in 10 years.

I would like to digress at this point, Mr. President, to give appropriate recognition to the officials at all levels of the Department of Defense whose responsibility it is to manage the research and development program. I have acquired sufficient familiarity with their efforts as well as their problems to appreciate the difficulty of their tasks and the decisions which they must make. As a layman, not educated in the sciences, I am impressed with the tremendous responsibility and high degree of trust which is placed upon their shoulders. They more than anyone, are the guarantors of our future. Since the real impact of their judgments and decisions is not felt for periods up to 10 years, the normal incubation period for a major weapons system, the future safety of generations to come must be decided upon now. A decision to support the B–1 development program, for example, today could well spell the difference of their freedom as well as ours in the 1980's and beyond. So the committee relies very heavily on the words of these people. It is with this sober knowledge that we examined with great care the justifications that are presented and our actions in reducing programs were taken only after we were certain that our future military capability was in no way weakened.

This recitation, Mr. President, should provide a better understanding of the specific actions of the committee on this program. Having given credit to the Defense Department research and development managers, I must at the same time express my concern about the loud clamor which they made concerning the rapid advances by the Soviet Union which they state threaten to overcome our lead in technology in the mid to latter part of the 1970's. These statements, which were made by a number of high-level officials of the Defense Department, were of sufficient concern that I requested the General Accounting Office to investigate the logic and facts underlying these statements. I would like to quote in part from the report of the Comptroller General, which states:

> Consequently, although we believe that the DOD methodology with its limited data base may be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries.

The aforementioned report left some doubts in my mind about the degree and imminence of this danger. Therefore, I proposed and the committee approved the inclusion of specific language in the report, beginning on page 94, which acknowledges this possibility and encourages the Secretary of Defense to augment the technology programs during fiscal 1972 by the various means available to him. This would include the reprogramming of funds that are excess to other program requirements, residual balances from terminated or completed programs, the $50 million of emergency funds which are included in the bill, and the transfer authority that he is provided.

At this time I would like to read from page 94 of the report:

> The committee is concerned about the encroachment of Soviet technology on that of the United States. Principally for that reason, the committee recommendation for fiscal year 1972 has left the technology area of the Research, Development, Test and Evaluation program essentially intact.

This is the basic research. This is the exploratory development. This is the beginning of the advanced development. It is not involved in engineering development. We have left these areas essentially intact.

The report continues:

> The committee recognizes and fully supports the need for a strong technology program. Just the fact that there can be statements by responsible Department of Defense officials which sound the alarm, whether or not exaggerated, is sufficient cause for the committee's concern. If they are right, then provision must be made for an orderly and progressive increase in funds, and more judicious application of our resources to those fields of technology which are critical. If the statements are in any way misleading, then the increases in funds for technology should nevertheless serve to improve our technical capability to develop more advanced and more effective weapons systems in the future.
>
> To facilitate an increase in the funds which may be applied to the technology programs during fiscal 1972, the committee strongly urges the Secretary of Defense to encourage the military services to reprogram funds into these areas as funds become available from prior year residual balances terminated programs, and from completed programs. In addition, Emergency Funds in the amount of $50 million are available in the Authorization bill to augment that program. And, finally, the transfer authority which is provided to the Secretary of Defense will facilitate the transfer of funds from other appropriations, if they become available. The committee intends to maintain cognizance over this matter on a continuing basis.

I am convinced that the problem of adequacy of research and development funding can be solved in large measure by better management of the program at all levels of authority. It is common knowledge that it takes from 7 to 10 years to develop, test and deploy a major weapons system. If the Department of Defense is correct in its allegations concerning Soviet technology, then the Department may well be subject to censure. To become aware within a short 2-year period of so serious a situation raises a question, nagging in my mind, of the professional capabilities of some of our military and scientific leaders who are directly charged with the responsibility for having the necessary insight and judgment to insure that the military strength of the United States is not placed in jeopardy. The answer is not simply a flood of money, which too often is considered the answer to all problems, not only in the military departments but throughout the entire Government. Rather, it is a challenge to the ingenuity of our best qualified minds to expose the problems, to identify the most important deficiencies which exist or can be forecast, and then to obtain and apply the necessary resources in a scrupulous and discreet manner so as to insure our continued lead. The recently proposed new approach involving the use of prototypes in advanced development should prove a constructive step in this situation. This approach promises to produce substantial savings in paperwork, time, and money in the process of developing and producing weapons systems.

It is my plan, Mr. President, to conclude at this point and to provide greater detail and further information to my colleagues in a statement which I will deliver at an early and appropriate date.

I thank the chairman of the committee for yielding to me.

Mr. STENNIS. I thank the Senator very much for his remarks and, again, for the fine work he has done. I am glad that he plans, sometime early in the debate, to give the rest of his overall statement. He knows that I have already written a letter asking him and the membership of his subcommittee to be prepared on any amendment that may be filed that touches on the operations of his subcommittee, and I know that he and the other members of the subcommittee will be prepared.

Mr. President, we have present the Senator from Arizona (Mr. GOLDWATER), and I now yield to the Senator from Arizona. He is a valued member of our committee. He is a very valued member of the subcommittee chaired by the Senator from New Hampshire. I appreciate his being here today, and especially his making comments on the bill.

Mr. GOLDWATER. Mr. President, first I would like to join in the accolades that have been paid to both the subcommittee chairmen, the Senator from New Hampshire (Mr. McIntyre), and the chairman of the full committee, the Senator from Mississippi (Mr. Stennis). I have served on the Research and Development Subcommittee since it was inaugurated. The Senator from New Hampshire started literally as a layman in this entire field and has become a fine expert in it.

I cannot think of any subcommittee more valuable than our Subcommittee on Research and Development, because while certainly it has a most important part in any future we may have in this country, military, scientific, and technology-wise, there is also a great problem, because, for many, many years, research and development in the Pentagon has gone virtually unnoticed, and I might say uninspected.

So, with the work of the subcommittee chairman, augmented by the work of the full committee, we are off on a real path that may lead not only to some real savings, but real improvements in production.

To begin with, I endorse the bill that has been reported out of the committee. I, along with other Members, have had some doubts about certain items. We have had our arguments pro and con. I can accept this bill, although I am afraid we are not spending the amount of money we should be spending on defense, and I will discuss that in detail at a later time.

I think we all agree with the significance of the increased cost of defense items. In fact, I would like to read from page 15 of the report one paragraph:

> It is important to realize that there have been significant reductions in the share of our national resources taken by defense over the last 5 years. Due to both inflation and real growth, the gross national product has increased significantly since fiscal year 1968, while defense outlays have not varied greatly. Thus, defense spending since fiscal year 1968 has fallen from 9.5 percent of gross national product to 6.8 percent.

I might interject that the total expenditure of NATO is about 4.1 percent of their combined gross national product.

> The Federal budget has grown during the same period, so that the proportion of Federal outlays taken by defense has shrunk from 42.5 percent of the overall Federal budget to 32.1 percent. Inflation has been severe during these 5 years—although defense outlays were about the same in current dollars in fiscal year 1968 as they are in fiscal year 1972 ($76–$78 billion), the fiscal year 1972 budget buys about $20 billion less. Thus, there is a relatively simple answer to the question of what happened to the $18 billion per year savings realized by our phase-down in Vietnam—it has largely been eaten up by inflation. Meanwhile, our ships, our aircraft, and our other expensive military equipment have aged and they increasingly require replacement and modernization.

Mr. President, I think it is extremely urgent that we pay attention to that portion of the report by the committee, because it constitutes a real problem and at the same time a real threat.

I might mention, for example, that in this year of 1971 we are having built about 350 aircraft. We bought more aircraft than that in 1935, when we had no air corps even to speak of. It is not as bad as it might sound, because we have several research and development ships that await other years' budgets. But one of the problems we have faced over the past years is the reduction in and attention paid to research and development, particularly, for example, in the engine field. I think I can say with safety that we have nothing that is dramatically new coming out in the jet engine field, while a country like France, a country we felt could never equal us in the technology of jet engine propulsion, is rapidly assuming the role of leader in the world as a developer of jet engines.

I hope, Mr. President, that there will not be any serious efforts made on the floor to reduce further the money that we are spending for defense, because I feel that we are not spending enough, and I feel that the President also realizes now that next year's budget will have to be an increase over this year's budget, even if we are going to buy in like amounts what we are buying this year.

Mr. President, at a later time during the course of the debate on this bill, I shall address myself to specific items, particularly in the aircraft field. I feel that, for example, the F–14, the new aircraft of the Navy, is certainly deserving of debate, and I think that the B–1, the Air Force's new carry-on bomber, will certainly receive attention from those people who speak about cutting the budget in half, or reducing it a third, to further cripple our defense efforts.

Mr. President, so my colleagues may have the benefit of what many of us have seen in secret and heard in secret, I have before me a paper that was prepared by the commanding general of the Strategic Air Command, Lt. Gen. Bruce Holloway, in which he has reduced the threat briefing given by SAC from one of extreme sensitivity and secrecy to one that can be given to the American people through the Congressional Record and whatever reports might emanate from it.

"The Threat" is the name of this briefing, and I might say, Mr. President, that the briefing is available to any Senator or any Member of Congress who is cleared for top secret. It is a briefing that I think Senators should hear and see.

I know that many Members of this body feel that these threat briefings produced by the CIA, the DIA, and the Strategic Air Command, as well as other commands, are doctored up so that there can be some excuse made for higher spending in the defense field. Mr. President, I have been in this business too long to believe that any man in the role of the CIA or any other agency charged with the collection of intelligence is going to lie about the information he receives. And these three briefings are almost identical. I might say that the method of collecting information is the reason they have to be so highly classified, but the method of collection is the most foolproof method ever devised.

Furthermore, the briefings that we receive on the so-called threat—and it is a threat—are backed up by the intelligence offices of every country that I have contacted. In fact, the intelligence offices of England go even stronger than we do. They feel that the threat posed by the Soviet Union in a military way today is far greater than the threat as we see it, although we see a very strong threat.

So I want to get into this subject, and will read what has been prepared as a briefed down presentation of the SAC threat briefing:

> ### THE THREAT
>
> #### SOVIET-CHICOM STRATEGIC THREAT
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> This subjest, "the Soviet and Chinese Communist Threat," is one of real concern to all of us. During the past five years, the fine balance of strategic power has shifted in favor of the Soviet Union. Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, disclosed recently "that within the next five years or six years, we could actually find ourselves in a position of overall strategic inferiority." This presentation will highlight the most significant aspects of the growing Soviet strategic offensive and defensive forces, and the emerging Chinese Communist threat. In our judgment, no discussion of Soviet strategic systems would be complete without some mention of the developing Chinese Communist threat. Therefore, we have taken the liberty of including a brief look at the Chicom strategic threat.
>
> #### THREAT TOPICS
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> Three major elements of the Soviet strategic threat will be discussed. Strategic offensive forces, strategic defensive forces and research and development. We have included defensive forces under the general topic of strategic weapons systems, since defenses also play a vital role in our planning and in the strategic balance of power. We conclude with a review of the Chinese strategic threat.
>
> #### ICBM FORCE
>
> The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only four years, the Soviets have increased their ICBM force by a factor of five—

In fact, I might comment, Mr. President, that since the SALT talks have begun, talks aimed at reducing armaments, the Soviet ICBM threat has increased 70 percent—

> The result is an ICBM force of about 1500 launchers, compared with our fixed ICBM force of 1054 launchers, a U.S. force that peaked out this level over five years ago. Perhaps you have heard of the apparent slowdown in the deployment of the Soviet's SS–9 launch system. This development has now been offset by the recent revelation that the USSR is constructing new missile silos. Secretary of Defense Melvin Laird, in this regard, stated "there is evidence of construction of a large missile system" and that "it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system."
>
> #### SS–7 AND SS–8
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> Since initial deployment in the early 1960's, the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. However, their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.
>
> #### SS–11
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> The SS–11 is one of three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers, part of which are associated with MR/IRBM fields. Flight testing of modifications to the

SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities. Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. In 1968, deployment of SS–11's at MR/IRBM complexes in the western U.S.S.R. was begun. These missiles, if used in a variable range mode, could be targeted on both U.S. and the NATO area of Western Europe.

SS–13

The SS–13, Savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and we are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1,000 launchers.

SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction. The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5000 nm. Shown is photography of the reentry phase of one of the multiple reentry tests.

Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

To divert from the text for a moment, FOBS is one of the greatest threats. We are not certain that the U.S.S.R. has deployed one. We know that we can, but unfortunately we stopped research on it, and I hope we can recommence it. The FOBS is nothing but an orbiting platform from which can be launched missiles that cannot be detected upon launching, and they can be launched at any target any place in the world. Once the Soviets achieve it, if they have not already achieved it, we are going to be pretty much at their mercy.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. However, it can be said with assurance that this large payload missile, with its proven versatility provides a variety of options for deployment or employment.

I might say here, Mr. President—it is no secret any longer—that our maximum warhead strength is a little more than 1 megaton. The Soviets can carry 25. The argument is used, "Why use 25 when 1 will do the job?" I have to agree partially with that, if we are absolutely certain that we have achieved 100-percent accuracy. I do not think we have, nor do I think the Soviets have, nor do I think anyone is going to be able to do so. So missing a target with a 1.2- or 1.4-megaton head by 5 miles is one thing. Missing a target by 5 miles with a 25-megaton head is another thing. You can miss by 5 miles and still destroy the target.

ICBM GROWTH

The Soviets have already surpassed the U.S. in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development testing of ICBM's by the Soviets showed the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium and intermediate range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western USSR border.

The MR–IRBM force has remained fairly constant over the past 10 years. However, indications are that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the United States, the MR–IRBM force, including refire capability, represents a threat of over 1,000 missiles to our overseas forces and bases, as well as to our allies.

SLBM FORCE

Turning now to Soviet sea launched ballistic missiles, a situation exists similar to the ICBM growth. In less than five years, this threat has tripled.

OLDER SUBMARINES

The first ballistic missile carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-gold and then the H-hotel class. The hotel class was the Soviet's first nuclear powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nm.

YANKEE CLASS

By far the most significant factor in the expanding sea launched ballistic missile threat has been the development of the Yankee class nuclear powered ballistic missile submarine. Like our polaris subs, the Yankee carries 16 missiles each, with a range of about 1300 nm. At least 17 of the Y-class boats are considered to be operational. However, we believe at least another 15 are presently being outfitted or under construction at two separate facilities, and the build rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the present strike range. This new naval missile may be the sawfly which was first displayed in a 1967 Moscow parade.

SLBM GROWTH

Today, the United States still has the advantage in numbers of sea launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

BOMBER FORCE

Turning now to Soviet bombers, the maintenance of a long range aviation force of about 900 bombers since 1965 is evidence of their continuing importance as part of the Soviet strategic arm.

HEAVY BOMBERS

The heavy bomber force composed of bears and bisons is being maintained at about 195 aircraft of which 50 bisons are normally configured as tankers.

Although the U.S. stopped heavy bomber production about seven years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

MEDIUM BOMBERS

The Soviet medium bomber force, consisting of Blinders and Badgers, totals about 700 aircraft.

I might say here, Mr. President, that Senators may recall that a number of years ago, either tacitly or by an unknown agreement, we scrapped our B–47 fleet. I will not say scrapped. It stands in mothballs at the Davis-Monthan Air Force Base near Tucson. We hear today that the Russian bomber force is very inferior to ours. When we add their medium-range bombers, such as our B–46, to their heavy, they far exceed our strength. These aircraft can fly to and bomb the United States. They may not get back, but that is not of great importance to the Soviets.

The Badger was first introduced in 1953 and some of these aircraft have been revitalized by the addition of air to surface missiles.

A limited production continues on the Blinder. This is a swept wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern USSR staging bases, the medium bombers could be a potential threat to the United States.

FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While we know of no direct military application, the SST could provide valuable engineering data for a follow-on strategic bomber.

I might say, Mr. President, that the Soviets are now constructing a supersonic bomber quite similar in appearance to our B–111. I believe I am safe in saying that it is now being tested.

In fact, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

BOMBER STRENGTH

The long range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early 60's. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down. Recall Mr. Khruschev's famous remark in 1957: "Bombers are obsolete. You might as well throw them on the fire."

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union possesses extensive defensive systems ranging from antiaircraft artillery to antimissile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of inbeing, operational forces, quantitatively greater than the United States.

By way of illustration, with a land area not quite three times that of the United States, they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defense across the board, coupled with significant progress in antisubmarine warfare.

RADARS

An important aspect of Soviet air defenses is the network of radars, numbering in the thousands, which provide complete warning and interceptor control throughout the USSR. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air based radars.

AWACS

A new airborne radar is mounted on the Moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about two hundred miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIDDLER

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, –19 and –21 have good all-weather performance characteristics. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long range interceptor which became operational about five years ago. If used in conjunction with the AWACS, it could patrol well beyond Soviet borders.

FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about two and a half years.

THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region.

That is faster than a 30-caliber bullet goes through the air.

When introduced over five years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a close circuit course. This aircraft was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will remain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

SAMS

Besides innumerable AAA weapons ranging up to 130-mm, there are on the order of 10,000 surface to air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA–1, is still deployed around Moscow.

The SA–2 is the mainstay of Sam defenses in the Soviet Union and pro-Soviet nations, including Cuba, NVN and the UAR. The good high altitude performance of the fixed SA–2 system is complemented by the SA–3 system which is more effective at low altitudes. The SA–2 and SA–3 have figured prominently in the Mid-East.

The SA–4 and SA–6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA–6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA–5 Tallinn system provides an excellent defense against extremely high altitude aircraft; and as a leading U.S. expert has pointed out, could intercept ballistic missiles. More will be said about the SA–5 system later.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: the *Maskva* and her sister ship, the *Leningrad*. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the *Leningrad* has been noted as far north as the Kola Peninsula. The *Leningrad* also played a prominent role in the large scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidently, the widest in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long-range, land-based aircraft for this mission. The mail and the may are probably equipped with a high resolution radar as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba as the Soviets have done with the reconnaissance version the entire North Atlantic could be covered routinely.

BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway.

MOSCOW SYSTEM

The Moscow system consists of 64 launchers, divided among four complexes, and was begun 5 years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the Hen House, provide early warning acquisition and tracking functions.

The first phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense". He also stated that there is "no reason to doubt the effectiveness of the system."

ABM RADAR—ACQUISITION

A second large radar, nicknamed dog house and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, such as this one near Moscow, designated try add.

ABM SYSTEMS

The Moscow System Interceptor, the Galosh is a multi-staged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1 to 2 mt nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited defense against our Minuteman or Polaris missiles on northern trajectories. Competition of this entire system is expected to be two or three years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA–5 missile and it has been said that "if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired, it could coast out to a general intercept area, select its targets, restart and maneuver to kill the incoming warhead.

Projection of Soviet R&D efforts with these new ABM components may find that by the mid-70's, the Soviets could have as many as *2,000* ABM launchers.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the Director of Defense Research and Engineering, "The Soviet Union is now about to seize world technological leadership from the United States." He has based this conclusion on the comparative state of technology today between the two nations and the current level of R&D efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in non-essential or irrelevant areas.

R. & D. PRACTICES

Soviet R&D practices can be characterized by three features:

(1) They are bold in their approach to program concepts. Construction on the large hen house radar, for example, actually began several years before a working interceptor to complement it was available.

(2) The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of USSR fighter aircraft are examples of this methodology.

(3) Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS–9 missile.

R. & D. FUNDING FOR DEFENSE

Looking at military, space and atomic energy R&D, the U.S. is already behind about $3 billion a year. Note that the Soviets have been expanding R&D expenditures by about 13 percent a year since 1960.

CHICOM THREAT

Turning now to a brief look at Communist China. The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike force will act as a deterrent in preventing attacks on the Chinese mainland. They also have noted that this power would greatly enhance their bargaining position throughout the world.

As a step toward attaining this goal, the Chinese have thus far achieved a modest nuclear potential. They have conducted nuclear testing since 1964, including about a dozen detonations. Most are believed to have been thermonuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400-pound payloads provides an insight into their missile potential. Based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR IRBM

The Chinese have been testing a medium range ballistic missile since the mid-1960's. This is a picture of a Soviet MRBM and is much like the type given the Chicoms by the Soviets in the early 60's. From this system, the Chinese have probably developed an indigenous missile.

Emphasis in Chicom missile R&D may have shifted in 1970 to the development of an intermediate range missile system. By the middle of this year, there could be a small number of MRBM's deployed and limited deployment of the IRBM is a possibility within 1 or 2 years. A force of 80 to 100 MRBM's could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium range bomber aircraft. These bombers include about ten B–29 type piston aircraft acquired from the Soviets in the late 50's and a small but growing medium bomber force of Badger type aircraft. The series production of this jet will permit the assembly of a significant force by mid-1972.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft, mostly of Soviet design; however, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface to air missile sites and nearly 4,500 AAA weapons are deployed throughout the country.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with MRBMS, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

STRATEGIC THREAT (SOVIET-CHICOM)

In summary, one can ascertain the Soviet threat is growing. They are still deploying at least three types of ICBM's, and follow-on system improvements are underway. Our advantage in sea based ballistic missiles is rapidly diminishing, and testing is underway of a new missile which would double the range of the missile carried by the Yankee subs. They are continuing to produce bomber and fighter aircraft, and are flying a new bomber.

Although already superior in all aspects of defense, the Soviets are deploying more and better surface to air missiles and improving anti-submarine and ballastic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding R&D programs and provide options for the future.

The Chinese Communist efforts to attain an independent strategic deterrent only complicate our problems further.

IMPACT ON U.S. STRATEGIC FORCES

Looking at the growing threat from the viewpoint of General Holloway in his dual hat capacity as commander in chief, strategic air command, and as director of the joint strategic target planning staff, we see at least three major problems: First, the threat to our forces in their day to day posture, from the Soviet ICBMS, SLBMS and anti-submarine warfare forces.

Second, the penetration of defenses is becoming more difficult, both for our bombers and for our missiles.

Finally, the enlarging and more complex strategic and defensive systems making up the growing threat makes our job of deterrence more difficult.

SAC SHIELD

But even more ominous is the threat to our way of life. This presentation has focused upon the strategic threat, offensive and defensive. However, the Soviet developments in tactical air, land and sea forces are equally impressive.

One would conclude that the Soviets are developing options, options throughout the spectrum of warfare and the growing Chinese Communist threat only serves to complicate an already difficult situation.

Mr. President, let me repeat, I can understand Members of this body and the House, and many other American citizens saying that a statement like this is sort of a scarecrow that is being thrown up to gain more assurance of getting this authorization bill passed. But, Mr. President, at some later date, when I have completed it, I intend to make available to this body a paper I am writing on the U.S. Navy compared with the Soviet Navy.

While I cannot say definitely at this moment that we are second to the Soviets, we are so close to it that it frightens me.

The other day the U.S. Navy asked for $50 billion to rebuild the Navy over a 20-year period.

The average age of a Soviet ship is 10 years. The average age of our ships is 23 years.

Mr. President, I have made this statement today instead of going into more detail, in defense of what I consider to be the very fine bill which has come out of the committee, because it is time that the American people begin to realize we no longer are unquestionably the No. 1 military power in the world. I have gone so far as to say that we are No. 2. Now many people in the Pentagon and in the White House disagree with me on that. But the only concrete evidence that our forces might hold today is the fact—and it is an unfortunate fact—that our men, our pilots, our infantrymen, marines and sailors have had more experience in the business of war than have the Soviets. I say that as a sad comparison to make, but it is true.

Equipment-wise, the Soviets, in most fields, are ahead of us. While they may or may not spend as much or more on research and development than we do, the shocking fact is that at least every 3 years a new fighter aircraft is added to their force and we have not had a new fighter in our inventory since 1957. That is 14 years since we acquired a new fighter for our inventory. The last B–52 was made 17 years ago. They are reaching the age of 17 years now and are fast reaching the point of metal fatigue. When that point has been reached, the aircraft is, of course, of no more value to us.

Mr. President, as I said at the outset, I support the pending bill. I believe that we should be spending more money. I do not believe that we can afford to become No. 2 to anyone. As the subcommittee chairman said, "If we are not going to be No. 1, then go ahead and do a job and be No. 5 or No. 6, because being No. 2 today is not going to be good enough for the protection of our freedom, for the protection of our way of life and for the protection of those countries around the world to whom we have pledged our support and allegiance."

Later, as I indicated earlier, I should like to get into some detail on the F–14 and the B–1, and report my findings. I have visited these aircraft in their planning stages and their construction stages, and have actually flown them.

I say again, I hope that there will be no big effort made to cut this already small budget because I do not believe that we can afford to rebuild our military force, once it goes down the drain, when the Navy talks about $50 billion just to get the Navy into some kind of shape so that it can defend, for example, the Mediterranean against the growing Soviet threat, or so that we can maintain an adequate strength in the far Pacific and maintain our diminishing interests out there.

Let me remind the Senate that the Pacific, for 100 years, has been the focal point of our foreign policy. If we abandon it, we will pretty much abandon the whole future of this country and the future of the Western World.

Thus, Mr. President, I want to thank the distinguished chairman of the full committee, the Senator from Mississippi (Mr. STENNIS). I want to thank him not only for yielding me this time but also for continuing to offer such fine leadership on a committee that I can assure this body very rarely stands unanimously on any one point; nor can it, because when we begin talking about $70 billion or $80 billion, and literally hundreds of thousands of items of materiel, and when we realize that in research and development alone the staff of the subcommittee is able to look into only about 15 percent of such programs, this body should have a fine appreciation of the work that comes out of that committee.

I believe that the Senate as a whole should take very seriously the recommendations made by the Armed Services Committee and its chairman.

Mr. STENNIS. Mr. President, I certainly am very grateful to the distinguished Senator for his contribution to this debate and also for his kind words. His contribution is always a valuable one, whether it is on the floor of the Senate, in a committee, or anywhere else. The Senator from Arizona is highly conversant with a great many aspects of this whole subject matter. With the facts he has at hand, he is able to make very fine judgments.

Mr. President, I want to ask for the floor now for a longer period of time in order to conclude my remarks.

Mr. President, a valued member of the committee here, the distinguished Senator from Virginia (Mr. BYRD), wishes to speak at this time, and I yield to him for such time as he may see fit to use on the bill.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I fully support the Armed Services Committee's approved version of the annual military procurement bill. Its price tag is high—$21 billion—for military hardware and for military research and development.

I would like to point out, however, that—despite its total, $21,018,482,000—the bill is $1.17 billion less than requested by the Nixon administration. Thus the committee effected a reduction of a little more than 5 percent.

Mr. President, I want to commend the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), and the ranking Republican committee member, the distinguished Senator from Maine (Mrs. SMITH), for the leadership which made it possible to effect substantial reductions in this vital but costly legislation.

I might say that without the leadership of the Senator from Mississippi and the Senator from Maine, it would not have been possible to have brought to the floor of the Senate a bill that is 5 percent under the amount requested by the administration.

Mr. President, the committee report on this bill, and the remarks of the chairman, have already highlighted the way in which inflationary pressures combine with technological advances to cause continuing increases in the cost of weapon systems. It is a dangerous erosion of tax dollars.

It is yet another reason the Government must get inflation under control. It now costs more to buy less, militarily, in terms of manpower as well as weapons.

In these difficult circumstances I am gratified that the committee-approved bill will not degrade our strategic deterrent forces or delay improvements proposed for those forces.

I agree with the able Senator from Arizona (Mr. GOLDWATER) in his remarks made on the floor a moment ago that it is vitally important that this Government maintain a strong defense.

Viewed dispassionately, in other, more tranquil times, the so-called "balance of terror" might seem to be a strange way to keep the uneasy peace between the United States and Russia.

In these times, Mr. President, the "balance of terror" and the weapons to maintain it, seem infinitely preferable to the circumstances which could accompany a "terror of imbalance."

In this uncertain period in our history, it is vitally important, I feel, that our Nation maintain a strong defense. In requests for military appropriations we must cut the fat from the requests for military spending, but we must not cut the muscle.

In cutting the fat from the proposals submitted to the Committee on Armed Forces, I think the committee did a commendable job in cutting out what it considered to be fat in the request. However, the committee was careful not to cut the muscle. I think it is vitally important that we as Members of Congress not cut the muscle of our defense organization in cutting the fat in military appropriations.

I want to pay tribute to the distinguished Senator from Wisconsin (Mr. PROXMIRE), who has on many occasions on the floor of the Senate called attention to cost overruns in defense contracts which have occurred in the past. I think that in focusing attention on these matters, the distinguished Senator from Wisconsin has rendered an important service to the Senate and to the Nation.

As this debate proceeds, I may want to say more about this bill and some of its provisions. At the very outset, however, I want to state my firm conviction that this bill authorizes a sensible and responsible—and necessary—level of military procurement and research.

Mr. STENNIS. Mr. President, I certainly thank the Senator for his remarks. I thank him especially also for the many hours of work he put in the bill both in the hearings and in the markup. He has been very valuable. Even though he carries a heavy schedule, he never failed to respond to any request I made of him to help out if it was reasonable in point of time. If I gave him enough notice, he always responded.

I appreciate very much his contribution. His summary was excellent. It was a summary, however, and I am looking forward to his further contributions.

(This concludes the colloquy which occurred during the delivery of Mr. STENNIS' speech and which by unanimous consent was ordered to be printed in the RECORD at this point.)

Mr. STENNIS. Mr. President, I am going to yield the floor. I know the Senator from Wisconsin is waiting to be recognized. I respect him and his purposes in connection with this bill and I welcome his aid in getting it passed. We might run into some disagreement but I believe we can resolve those disagreements and if we cannot, the membership will resolve them.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services. I certainly have great affection and admiration for him and for the way he handles this measure, as well as others.

Mr. President, as we begin once again to debate the annual military authorization bill there are a number of things which should be said from the point of view of those of us who believe that in the recent past military spending has been out of control and that Congress, along with the individual services, the Bureau of the Budget, and the White House, has failed to analyze and criticize and act decisively enough on the military budget.

First of all, let me say that the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Missouri (Mr. SYMINGTON) expressed themselves as wanting to be notified before any unanimous-consent request was made. I also would like to be notified before any unanimous-consent agreement is proposed. This is certainly one of the biggest spending bills we are going to have. It is a $21 billion measure, and it deserves very careful scrutiny. There are many controversial items in it.

It must, in all fairness, be said that the committee has made a substantial cut in this bill. It amounts to a 5.3 percent cut and $1.2 billion below the President's request. If that cut is also reflected in the appropriations bill, it will mean that military spending has been reduced $4 billion to $5 billion.

The committee deserves great praise for this action. On the other hand, this good news is offset by the fact that at the very time when the Vietnam war is being wound down, when the incremental costs of that war are declining from a high of about $24 billion a year to $8 billion at the end of this year—that is on an annual basis—and when almost 1 million men and women have been discharged from the military services—that is, the military services have been reduced by 1 million—this authorization bill and the President's proposed military budget are both going up.

Second, I want to congratulate the committee for its warning to the military forces that the military needs simpler, less costly, and more workable weapons. That is a criticism which some of us in this body have been making for a number of years. It is true. And the excessively sophisticated, "gold plated" weapons systems on which the military have relied have accounted for both an increase in costs and, in my judgment, a decrease in our basic strength.

Earlier today both the distinguished Senator from Arizona and the distinguished Senator from New Hampshire spoke. The Senator from New Hampshire quoted an admiral who said:

> It makes no difference if this country is second. It might as well be fifth or ninth.

I want to make it absolutely clear that the Senator from Wisconsin and virtually all the Senators who may join us in proposing some reductions do not want to see a United States of America second militarily. We feel very strongly that we must have a military force that can match and meet and prevent any kind of aggressive action by the Soviet Union against this country or the interests of this country.

The Senator from Arizona spoke about those who would like to cut the military budget by one-third or one-half. There may be Senators who want to make cuts that large. Certainly the Senator from Wisconsin does not. Two of us proposed a 10 percent reduction in military outlays this year. That would have been an impressive reduction. But 10 percent is not one-third or one-half, and it would not have cut into the military strength of this country. It would have strengthened it.

Having praised the committee for its cuts and for its words of warning to the military establishment, let me mention some additional areas where action may well be taken.

Before I do so, let me mention research and development, because the Senator from New Hampshire does an excellent job in that field, and he did a fine job in his speech today.

RESEARCH AND DEVELOPMENT

One of the biggest parts of this bill are the funds for research and development. Last year the Congress authorized $7.1 billion and Congress appropriated $6.975 billion for these purposes.

But this year the President asked for $7.95 billion in new obligational authority for R.D.T. & E., or a billion dollars more than last year. The House committee authorized $7.96 billion and the Senate committee in this bill is recommending $7.6 billion.

When one considers what is most likely to happen in the conference committee, it appears that the funds authorized for R.D.T. & E. in fiscal year 1972 will exceed those for 1971 by an amount from $700 million to $1 billion. That is a colossal increase of from 10 to 15 percent depending on the final figure.

In the report this increase is justified in part by some unusual thinking. On page 95 the report states that:

> The committee recognizes and fully supports the need for a strong technology program. Just the fact that there can be statements by responsible Department of Defense officials which sound the alarm, whether or

> not exaggerated, is sufficient cause for the committee's concern. If they are right, then provision must be made for an orderly and progressive increase in funds, and more judicious application of our resources to those fields of technology which are critical. If the statements are in any way misleading, then the increases in funds for technology should nevertheless serve to improve our technical capability to develop more advanced and more effective weapons systems in the future.

Mr. President, that is an incredible statement. It appears to say that we should increase funds for technology even if the alarms about the enemy are grossly exaggerated by Defense officials.

It appears to be an open invitation for them to exaggerate. That is the clear meaning of the statement.

And in view of the fact that some of the best scientists in the United States have charged the top official of the Defense Department in charge of research and development of grossly exaggerating the amounts which the Soviet Union expends on military research, as well as charging him with questionable use of the figures, this statement by the committee appears to this Senator as an open invitation for our military officials to continue their policies of "scare 'em" and exaggeration.

This is an incredible way for a country to operate. We need facts and truth and good evidence now as we have never needed them before. In addition, if military officials exaggerate routinely, one of these days we will fail to pay attention to them when the danger is real. There are other considerations, too. At a time when there are great needs in this country for funds for health, housing, antipollution, the cities, and hundreds of other needs, the fact that one agency representing one set of claims on the public purse is given an increase in funds, even if their demands and facts are exaggerated, is an impossible way to determine priorities.

I hope very much that the committee will reexamine the language in this report which I have just read. We should be encouraging truth, not exaggerations We want the facts, not partial facts or doctored facts.

I regret that the committee has appeared to reward the tactics which year by year claim an excessive portion of our national wealth through questionable public relations tactics.

THE F-14 FIGHTER PLANE

With respect to the F-14 fighter plane, this may be one of the most controversial items in the bill and one of the most hotly debated. I intend to raise a number of questions about the Navy's F-14 fighter plane. Its costs have gone through the roof. Mr. President, this is a fighter plane. This is a plane which compares with the cost of our F-4 of about $3 million and the cost of a Russian fighter plane of about $1.5 million. This is a plane that it is officially admitted will cost more than $16 million per copy, and I believe those costs may be expected to increase further, to perhaps $20 million or more.

What we need is a new fighter plane whose costs are one-fourth to one-fifth of that amount.

In addition to its costs, there is a very real question as to whether it is more than marginally better than the existing F-4's, whose costs are in the $3 million range. In most respects, the new plane is no better than the existing fighter plane we have. The F-14 will be a major issue before the Senate in the days to come.

THE B-1 BOMBER

More and more people are questioning the B-1 bomber. Why do we need a new manned bomber in an age of sophisticated missiles? Even if some strategic mission can still be performed by manned bombers, would we not be wiser to refit our existing B-52's into missile-launching platforms to be used at some distance from their intended targets, rather than to send men and planes into a highly defended military target?

There is considerable question as to whether the Soviet Union or this country can, now or in the immediate future, at least, make effective use of missile launching platforms, but there is no question in my mind that both these countries can develop mighty effective antiaircraft defenses.

Mr. President, the B-52 renovated as a launching platform may not only be a better use of bombers, but it would also be far cheaper.

As a result, during this debate that issue and others related to the manned bomber will be raised.

THE MB-70

The money in this bill for the main battle tank will also be questioned. Once again we have a weapons system which is excessively costly and whose performance is only marginally, if at all better than existing or lighter tanks. As in the past, this issue will come before the Senate.

CLOSE SUPPORT AIRCRAFT

The question of close support aircraft is an important one. At the present time the military has three such aircraft, either in research or in production. But the services should choose and Congress should hold their feet to the fire to choose among these various planes.

The Navy has selected the British-built Harrier as its close support weapon. Meanwhile, the Army is still pursuing the illfated Cheyenne helicopter, which has had several reprieves of life, and the Air Force is pursuing various prototypes of the A-X close support craft.

Secretary Packard has just announced that he intends to have a competition between the prototypes of the AX to determine which to buy. I think that is highly commendable. It is another example of the very good job that Secretary Packard often does in the Defense Department. He is a most able man. But what he needs to do is have a competition among the AX, the Cheyenne, and the Harrier to determine which one of these three close support planes the military will adopt. Having three overlapping systems suggests why the military budget is excessive.

This is a battle between the services. Instead of solving it by choosing among them, the military is attempting to solve the problem by developing all three.

The time to choose has come.

ANTISUBMARINE WARFARE

The same problem of waste and duplication is presented by the antisubmarine warfare issue. An ASW program is needed. But the military is unable to decide which system is most effective and which system to use. Instead of pursuing a series of contradictory actions which are excessively costly; at the moment there are at least six different overlapping programs with a total estimated cost of over $23 billion. We are building both land based—P-C3—and sea-based ASW patrol planes—S-3A. There is also the DLGN-38 program—the guided missile frigate—and the DD-963 destroyer antisubmarine program.

The SSN-688 hunter-killer sub is a part of the antisubmarine program as is the Mark-48 torpedo.

This program—the antisubmarine program—is out of control. The military is building everything it can think of as an antisubmarine weapon.

They, too, must choose. They, too, must have a list of priorities.

In the days to come, these issues will be gone into carefully.

MIRV

Early this year the Senator from Minnesota (Mr. HUMPHREY) made an important speech in the Senate on the issue of MIRV's and its relationship to the hope of an agreement to limit strategic weapons between the United States and the Soviet Union. That issue, I am told, may well be discussed in relationship to this bill.

OTHER ISSUES

A group of us who have been working on these and other questions involving our military strength and how we can improve it at less cost may raise other questions as well. There are the issues of conversion of defense industry, why we still have 300,000 troops in Europe 25 years after the end of World War II, what the future should be with respect to our strategic submarine deterrent, and whether we should puruse both ULMS and the EXPO program at the same time. Questions about our policies in Laos and Thailand, the underground testing of nuclear weapons, and the operational testing of weapons before they go into production, are all ones which may well come up in the debate and discussion over this military authorization bill.

Mr. President, I have not mentioned the C-5A. The distinguished Senator from Mississippi did discuss that matter very ably in his statement. The committee has effected, as I recall, a $75 million reduction, and I think it should be commended on that. However, my staff and I are exploring that issue, and it is possible that it may be brought up also.

SECURITY OF AMERICA AT STAKE

What is at stake is nothing less than the security of the United States. Unless we cut the military budget, we may actually weaken the security of this country. There is a basic reason why that apparently contradictory statement is true.

At the present time we are spending such an excessive amount of money on wasteful military items, in cost overruns, for unneeded and duplicate weapons, for excessive goldplating, for redundant bases overseas, and for extravagant logistic and supply items, that the basic and fundamental needs of our military defense are shortchanged for funds.

Instead of producing an abundance of fast, light, and inexpensive fighter planes, we are squandering billions on the F–14.

Instead of putting sums into highly useful, invulnerable submarines such as Polaris and Poseidon, we are pushing for an outdated manned bomber.

Instead of the Navy using its limited funds to modernize the U.S. Navy, they continue to press for new aircraft carriers which almost all unbiased experts consider a sitting duck in a missile age.

REFORM PROCUREMENT

Unless we reform our procurement practices, the funds we spend for military purposes will continue to be wasted, will promote more inflation, and will weaken our defenses.

If we persist in buying weapons which are so sophisticated they do not work; if we continue to follow practices through which the price of weapons routinely exceeds their projected costs by 50 to 100 percent; if we persevere in a system whereby weapons and supplies are regularly delivered late; and if we continue to cut our combat forces, while adding to the logistic tail so that the ratio between those who are trained to fight and those who have desk jobs grows even more disproportionate, the security of the country will suffer.

We are now wasting billions in military spending. Through more prudent policies and through military reform, we can provide a more than adequate defense for the United States for less money. In fact, if we continue to squander our treasure for obsolete or unworkable weapons as we have done in the past, we will weaken ourselves both militarily and economically.

Waste makes us weaker, not stronger. Profligate spending, whether for military or other purposes, does not strengthen the United States.

FINAL ISSUE

Let me raise one final issue. The President has recently announced his new economic policy. We have had a series of the most eminent economists in America come in to comment on that before the Joint Economic Committee. They say economic policy in America will never be the same again, that in fact this is a profound change comparable to the shift that took place under the Roosevelt administration, and there are many complex factors involved. Under it, the wages and salaries of millions of men and women in the United States are frozen. Prices which most businesses charge are also frozen. Millions of Government employees are not to get a wage increase next winter.

The President has also called for budget cuts to offset the increased budgetary deficit occasioned by his tax decrease proposals. In particular he has called for a 10-percent cut in foreign economic aid, and he has proposed that Congress postpone the effective dates for welfare reform and revenue sharing.

The President has proposed that the main burden of the budget cuts fall on the relatively poor and weak both at home and abroad, on the cities and States which desperately need help, and on the ordinary men and women in the country as well as Government employees whose salaries are frozen while prices will most certainly continue to go up even if the President's program is successful.

But why should not the military be asked to make sacrifices in this period? Why should the military budget go up while the pay for Government workers is frozen? Why should we cut welfare and aid to the cities while we increase funds for the military? That is clearly unfair and inequitable, and unwise.

In my view, we should also make a reduction in the military budget.

CONCLUSION

Mr. President, as I have said, I welcome the actions of the committee. I hope very much that the modest cuts in the bill are reflected in even greater cuts in the appropriations bill later in the year. Even more, the President with a stroke of the pen could order a sharp cut in military outlays this year, just as he has already ordered cuts in foreign economic aid and in postponement of the welfare and revenue-sharing programs.

I also welcome the strong words of criticism which the committee made of the defense procurement system. I regret, however, that those words were not accompanied with stronger action in cutting back on the funds for weapons systems which the critics of the defense establishment, which Secretary Packard, and which now the committee itself all state are excessive.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, have the 3 hours under the Pastore rule, with reference to germaneness, expired?

The PRESIDING OFFICER. No. Not until the hour of 2:20 p.m.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until the hour of 2:30 p.m. today.

The motion was agreed to; and (at 1 o'clock and 59 minutes p.m.) the Senate took a recess until 2:30 p.m.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. FANNIN).

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from West Virginia without losing my right to the floor.

Mr. BYRD of West Virginia. I thank my friend, the able and distinguished senior Senator from Virginia.

ORDER FOR RECOGNITION OF SENATOR TALMADGE AND SENATOR GAMBRELL ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the remarks of the distinguished Senator from New Mexico (Mr. MONTOYA), the distinguished senior Senator from Georgia (Mr. TALMADGE) and the distinguished junior Senator from Georgia (Mr. GAMBRELL) each be recognized for not to exceed 15 minutes, and in the order stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 9727 TO REMAIN AT DESK FOR LATER REFERENCE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that H.R. 9727, to regulate the dumping of material in ocean, coastal, and other waters, be held at the desk, for reference at a later date.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I have cleared the following unanimous-consent request with the distinguished manager of the bill (Mr. STENNIS), with the distinguished Senator from Wisconsin (Mr. NELSON), with the distinguished assistant Republican leader (Mr. GRIFFIN), and with the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT):

I ask unanimous consent that, with respect to the five amendments to be offered by the distinguished Senator from Wisconsin (Mr. NELSON) to the pending bill, H.R. 8687, there be a 2-hour limitation on one of the five amendments, the time to be equally divided between the mover of the amendment and the manager of the bill; that there be a 1-hour limitation on each of three of the amendments, the time to be equally divided between the mover of the amendment and the manager of the bill; and that on the fifth of the five amendments there be a limitation of 1½ hours, the time to be divided equally between the mover of the amendment and the manager of the bill; making a total of 6½ hours on the five amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on any amendment to the amendments that I have enumerated be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the manager of the bill (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. This is with the understanding that at such time as the Senate reaches any of these amendments for consideration the time agreement entered into with respect thereto will then be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I have discussed with the distinguished manager of the bill the possibility of laying one of these amendments, by the distinguished Senator from Wisconsin (Mr. NELSON), before the Senate at the close of business today, and at the close of morning business on Monday next the time of 1 hour on that amendment would then begin running, with the vote to occur thereon at the conclusion of the hour alloted.

The able Senator from Mississippi is here and can speak for himself, but he has indicated that this would be agreeable. The Senator from Wisconsin (Mr. NELSON), has indicated it would be agreeable. I very likely will proceed accordingly later in the day.

I realize that the distinguished majority leader some time ago entered an order by unanimous consent that upon the conclusion of morning business on Monday next the Senate would proceed to the consideration of the conference report on the draft. I believe that the majority leader would not object to my making this one alteration in the order for next Monday. It would merely mean that there would be a disposition of one amendment—with a time limitation of 1 hour thereon—to the pending military procurement bill on Monday next, with a rollcall vote on that amendment, after which the Senate would then proceed to the consideration of the extension of the draft. I think this would meet with the approval of the majority leader.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, I do not want to agree to rescinding the agreement that the pending matter Monday would be the conference report on the draft bill, but I would agree to the modification of it to the extent of carrying out the wishes outlined by the Senator from West Virginia to have at least one rollcall vote on the procurement authorization bill.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished manager of the bill. I feel that at the time the distinguished majority leader had the order entered, he may have had in mind the Senate's convening at 12 noon or 11 a.m. I do not know. The majority leader is away at the moment, and I cannot consult with him; but I would feel that he would have no objection—in view of the fact that we are coming in at 10 o'clock—to altering the order of business for that day in this slight degree to allow disposition of one amendment to the pending bill, with a rollcall vote, after which the Senate would then proceed at about 12 noon to the consideration of the conference report on the draft bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, later today Senator NELSON will indicate which of the amendments will be laid before the Senate and made the pending question. It is the desire of the Senator from Wisconsin (Mr. NELSON) that we have a yea and nay vote on that amendment. So the Senate is, accordingly, on notice.

I thank the able senior Senator from Virginia (Mr. BYRD) for yielding to me.

STATE DEPARTMENT EFFORTS TO ELIMINATE SECTION 503 OF THE MILITARY PROCUREMENT BILL

Mr. BYRD of Virginia. Mr. President, today I learned by the grapevine, so to speak, that the Department of State may seek to eliminate section 503 of the pending legislation.

That section was added to the military procurement bill by the Senate Committee on Armed Services.

The purpose of that section is to end the dependence of the United States on the Soviet Union for chrome ore, a material vital to the defense of this country.

If the Department of Defense wishes to make a fight against that proposal, it, of course, has every right to do so.

As one who feels that the United States should not be dependent on Russia for a vital defense material, I shall do what I can to acquaint the membership of the Senate with the facts and the purposes in regard to section 503.

Mr. President, the vote in committee in adding this section to the procurement bill was 13 in favor. Three Senators were absent when the roll was called that day, but it was unanimous among those who were present.

The committee amendment is identical to S. 1404, which I introduced in the Senate on March 29. The cosponsors of that legislation are the Senator from North Carolina (Mr. ERVIN), the junior Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), and the senior Senator from Arizona (Mr. FANNIN).

Hearings were held on S. 1404 by the African Affairs Subcommittee of the Senate Committee on Foreign Relations. Immediately after the hearings, the subcommittee chairman told the press he would recommend against S. 1404. Subsequently, I put into the CONGRESSIONAL RECORD the texts of the statements made by the various witnesses before the subcommittee, both those who opposed the legislation and those who favored it.

Mr. President, the Senate at long last has an opportunity to decide whether it is logical to vote billions of dollars for defense against possible Russian aggression, and yet be dependent on Communist Russia for a vital defense material.

The issue is simple and it is clear cut.

I have no quarrel with how any Senator might vote. I have no quarrel with the State Department. If it is willing for our country to be dependent upon Communist Russia for a vital material, that is its business.

But the issue is clear cut.

The issue is simple.

Is the United States going to continue to be dependent on Communist Russia for a material vital to the defense of our country?

If the State Department attempts to knock out section 503, then the Members of the Senate will need to decide whether they think it is logical to vote $21 billion of tax funds to procure military equipment, aircraft, missiles, naval vessels, and so forth, and at the same time be dependent on Communist Russia for a vital defense material.

Yes, Mr. President, the issue is clear cut.

Section 503 is not a long section. The amendment is easily understood, and I ask unanimous consent that, at this point, the text of section 503 of the pending legislation be printed in the RECORD.

There being no objection, the section 503 of the bill was ordered to be printed in the RECORD, as follows:

SEC. 503. Section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a)) is amended by adding at the end thereof the following new sentence: "On or after the effective date of this sentence, the President may not prohibit or regulate the importation into the United States pursuant to this section of any material determined to be strategic and critical pursuant to section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), which is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law."

Mr. BYRD of Virginia. Mr. President, those who have studied this matter, first the Subcommittee on Stockpiling, chaired by the able and distinguished Senator from Nevada (Mr. CANNON), and subsequently the Committee on Armed Services as a whole, reached the conclusion that something needs to be done so that the United States will not be dependent on Communist Russia for a vital war material.

Now a brief review of this legislation and the need for it:

The United States now faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircraft, missiles, and nuclear submarines.

The legislation is simple in structure. It would amend the United Nations

Participation Act of 1945 to provide that the President could not prohibit imports of a strategic material from a free world country as long as the importation of the same material is permitted from a Communist-dominated country.

That language of S. 1404 is the identical language incorporated in the pending legislation as section 503.

Is not such legislation logical, to say that the President cannot prohibit the importation of a strategic material from a free world country if he permits the importation of such material from a Communist-dominated country?

The legislation actually would apply to only one commodity, chrome ore, and to one nation, Rhodesia.

Late in 1966 the United Nations Security Council imposed selective sanctions on Rhodesia. The embargo later was made complete.

After the action by the Security Council, President Johnson ordered an embargo on trade between the United States and Rhodesia. This was done by unilateral executive action, without consulting the Congress.

Prior to the sanctions, Rhodesia was the largest single source of metallurgical chrome ore imported into the United States.

There is no domestic production of this commodity, so our country now has become dependent on the next largest supplier, the Soviet Union, for about 60 percent of its chrome ore.

Since becoming the prime source for chrome for the United States, the Soviet Union has increased the price per ton of this ore from $25 to $72. This is an increase of about 188 percent.

The increase in price is a disadvantage to the United States, but what concerns me most—and what prompted me to introduce S. 1404—is that the United States has placed itself in a position of dependence upon Russia for a strategic commodity. To me, this is illogical and dangerous.

Yes, Mr. President, it is illogical and dangerous for the United States to be dependent on Communist Russia for a strategic material. Why is the Senate being asked to vote $21 billion—$21 billion of tax funds—for a military arsenal of aircraft, missiles, submarines, naval vessels, and so forth?

The main reason, Mr. President, is to protect this Nation against possible aggression from foreign nations, the foremost of which, as a potential aggressor, I think everyone would recognize, is the Soviet Union.

So how the State Department could come down here and argue against this provision, I frankly do not see. Of course, they will not come down and hit it head-on. They will have a lot of other side issues that they will bring into it.

I want to try to do what little I can to pinpoint precisely the need for this amendment, and precisely what it would do.

And it would do only one thing: It says that no longer will the United States put itself at the mercy of Communist Russia for a vital defense material.

Mr. President, I want to say frankly that I am now and have been from the outset opposed to the policy of sanctions against Rhodesia as being unjust and contrary to the interests of the United States.

However, Mr. President, section 503 of the pending legislation would not require that the United States abandon all sanctions against Rhodesia, much as I wish this could be done.

The only commodity affected by section 503 would be chrome ore.

The reason for singling out this commodity is clear and simple: It is the one item which could be imported from Rhodesia that is vital to the national security of our Nation.

I say again, Mr. President, that I do not believe it is logical for the United States to continue to be dependent on Communist Russia for material vital to our national defense.

We are spending billions of dollars for weaponry as a protection against possible Soviet aggression. If there was no possibility of Soviet aggression, we would not need the $21 billion that we are being called upon to vote upon in the Senate. Russia is the No. 1 reason, and, indeed, almost the sole reason for our huge defense expenditures.

I state again: Section 503 of the military procurement bill addresses itself to only one matter; namely, chrome.

In summary, it does one thing and one thing only: It simply provides that the President can not prohibit imports of a strategic material from a free world country if importation of the same material is permitted from a Communist-dominated country.

For the first time, when this bill comes to a vote, the Senate will have an opportunity to pass upon this question.

I emphasize again that this embargo on trade with Rhodesia, including the embargo on the importation of chrome, was by unilateral action of the Chief Executive, and it was not submitted to Congress for approval.

Mr. President, the issue is clear cut. The State Department has a perfect right to attempt to eliminate section 503. But some of us in the Congress who feel that sometimes the State Department is wrong have a right to resist any such attempt on the part of the Department of State.

Section 503 is a defense matter. This is a matter affecting the security of the United States. That is why this amendment is in this bill. It is a military matter. It is a defense matter.

Senators will have an opportunity to express themselves pro and con, of course, as to whether they wish the arrangement continued whereby the United States must rely on Communist Russia for a vital defense material.

My purpose in commenting today, Mr. President, is try to put into focus the problem involved, the purpose of section 503, the need for it, and the reason why it was incorporated in this measure.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FANNIN). The Senator will state it.

Mr. STENNIS. The Pastore rule is not in application now. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

EXTENSION OF THE SELECTIVE SERVICE ACT

Mr. STENNIS. Mr. President, I intend to address the Senate briefly with reference to a matter that will be pending on Monday—that is, the conference report on the extension of the Selective Service Act. I want to present a brief summary of that report, for the information of the Members of the Senate, so that it will be in the RECORD that is before Senators on Monday morning. I do not intend to detain the Senate very long.

As most Senators are now aware, we have a unanimous-consent agreement that the conference report on the selective service bill will become the pending business of the Senate on Monday, September 13. Today I want to make just a few brief remarks about this report.

The selective service bill was sent to Congress by the President on January 28 of this year. The Senate Armed Services Committee began hearings in February and heard more than 40 outside groups and individuals as well as, of course, Secretary Laird; Dr. Tarr, Director of Selective Service; and Assistant Secretary of Defense Roger T. Kelley. The committee also heard Mr. Kelley testify later in the year on the active duty manpower authorizations for fiscal year 1972, which are also included in the bill. The combined record totals nearly a thousand pages.

The House, on April 1, passed and sent to the Senate H.R. 6521, its version of the bill, which amended the Selective Service Act, authorized certain military pay increases, and set the authorized strength of the active duty forces for fiscal year 1972.

After the bill was reported to the Senate on May 5, we proceeded to debate the bill on the floor for a total of 7 weeks. The bill finally passed by a vote of 72 to 16, on June 24, after cloture had been invoked the previous day. Final Senate action thus occurred only 4 weekdays before the expiration of the President's induction authority. As a result of the Senate action, there were 28 differences between the bill as passed by the House and the Senate amendment. Nevertheless, by July 1 the conferees were able to announce agreement on 27 of the 28 differences.

The conferees went to work immediately and worked assiduously on these matters; and, of the 28 differences, we had 27 resolved by the first day of July.

The month of July was spent attempting to resolve the differences over the Mansfield amendment relating to the war in Indochina. The conferees finally reached agreement on all differences between the two Houses, and the conference report appeared in the RECORD of July 30.

I believe it is abundantly clear that there has been sufficient debate and discussion of this bill.

Procedurely, I believe there were over 60 rollcall votes—I am not certain about the number, but it was approximately that number—with reference to the amendments offered to this bill, and some major subject matters were offered as many as five times. One was the limitation on the power of the President in connection with keeping troops in Vietnam. That amendment finally passed on the fifth attempt, substantially the same each time. That is the amendment we spent a month on in active conference.

The bill includes the necessary extension of the President's induction authority for 2 years. Under the President's program these would be years of transition to a volunteer army. Both those who support the volunteer army and those who are skeptical of its feasibility should be able to see that a period of transition such as this will be necessary. Although enlistments have been reasonably good during these summer months—as they always are during this quarter of the year—we will soon reach a point at which serious shortages will occur in the Armed Forces in important skills if we do not approve this bill soon. The bill includes a number of important procedural reforms in the draft which were approved by the Senate and which the House reluctantly accepted in the House/Senate conference. For example, five of the six procedural reforms proposed by the distinguished Senator from Massachusetts (Mr. KENNEDY) will become law if this bill is passed.

The bill includes the largest pay increase ever given to the military services. There has been some misunderstanding about this pay increase and I will explain that in detail soon.

The bill includes, for the first time, a firm congressional ceiling on the number of men the President may induct. I believe that a ceiling of this type, had it been in effect in 1964–65, would have prevented the rapid buildup of ground forces in Vietnam without more careful consideration and, certainly, without Congress' passing more directly on the matter.

The bill restores the President's authority over student deferments. The President has announced his intention to grant no more student deferments and this will abolish what many have considered to be one of the major inequities in the draft system. The bill does, however, prohibit the President from retroactively withdrawing such deferments from those who had obtained them from the 1970–71 regular academic school year.

The bill contains significant reductions in the manpower requested by the Department of Defense. The end strength of the Army for fiscal year 1972 is reduced by approximately 100,000 men.

The bill includes a modified version of the Mansfield amendment concerning the war in Vietnam. The House had voted 219–176 to table an identical amendment. A New York Times editorial on August 2 pointed out that the compromise reached by the conferees "is probably the most that can be achieved in Congress at this time."

As I pointed out on the floor of the Senate July 31, I believe that a good deal of the substance and philosophy of the Mansfield amendment was agreed to by the conferees. The Washington Post editorial of Sunday, August 1, makes this point quite clearly. For the first time, Congress has approved a policy of withdrawal from Vietnam and a policy of negotiating this withdrawal in exchange for a release of U.S. prisoners of war. As I said then, I believe that any careful study of the words of the amendment as it was approved by the conferees will indicate the importance of this amendment.

I hope that the Senate will consider these matters carefully and that the selective service bill can be passed quickly so that we may proceed to other business of the Senate during this very busy time.

I have some additional remarks to make, Mr. President, with reference to the terms of the pay provisions of the bill. Ordinarily, the pay provisions for the military would not be included in a Selective Service Act renewal, but it was a major part of the bill and was thoroughly considered on the floor of the Senate, and there were several rollcall votes on it.

I want to make a few remarks about the Mansfield amendment as well. There is no doubt that the conferees gave the utmost and the fullest consideration to this matter during the month's period of consideration of the Mansfield amendment. Every effort on the part of the conferees of the Senate was made to get that amendment adopted, first in the form as it passed the Senate, then with the modifications and, finally, we did prevail with some of the substance of that amendment and a great deal of its philosophy.

As I have already stated, this is the first time since the Vietnam war began that there is a legislative determination of a policy question in connection with the war.

I did not vote for the Mansfield amendment but we worked hard to get it adopted. A careful analysis will show that a very substantial forward step was taken in writing into hard law a great deal of the philosophy of the Mansfield amendment.

I have no apologies to make for the action of the conferees on the Mansfield amendment. I have no boast to make about it, either. I am thankful that we were able to get as much of the Senate's position written into it. I, for one, would not yield for anything less than that. I made that well known and stood on that position.

Now I am going to refer to the pay provisions in the law and then make some remarks in summary about the whole report.

The entire matter of military pay will, of course, be discussed in the course of debate. However, at this point, I wish to make certain preliminary observations.

SERIOUS IMPLICATIONS OF REJECTING THE CONFERENCE REPORT BECAUSE OF THE PAY PROVISIONS

Mr. President, I anticipate that the Senate will be urged to reject this conference report on the basis that the pay provisions are inadequate. Before discussing the merits of this issue, I would point out to the Senate the serious implications for the bill as a whole if the report is voted down.

The present parliamentary situation is that the Senate has the option of only approving or rejecting the conference report. A motion to recommit is not in order. If the conference report is rejected, the outlook for having any bill will be seriously jeopardized. Technically, the House conferees have been discharged from this bill. Of course, if the Senate rejects the report, it will be messaged to the House and new conferees of course can be appointed.

Let me point out, Mr. President, that at this point we start over completely and the two bodies are in the same position as when we went to conference initially. All issues will be open.

I state it briefly again, that if the conference report is rejected, it will put the Senate back exactly where it was the afternoon the bill passed the Senate with only 16 votes against it. It would nullify the agreement on the 28 differences in the House and Senate bills. It would nullify that whole month of conferences with reference to the Mansfield amendment. It would put in serious jeopardy the idea of having a bill this year. In fact, I firmly believe that if the bill in its present form cannot be accepted by the Senate, I judge that no bill on the subject matter would be accepted.

The Senate will recall that it was necessary for the House to go before the Rules Committee and waive all points of order under the germaneness rule in order for the bill to be considered as it was in the House. I should note parenthetically that the pay rates themselves would not have been subject to a point of order in the House.

There is considerable risk as to whether they could have all points of order waived if we have to reject this entire process, so there would be serious problems confronting the House if this conference is reopened.

Second, their argument might be made that the Senate can reject the conference report and at the same time instruct the Senate conferees. I am advised that such instructions have only limited meaning. They are not binding on the House and as a factual parliamentary matter, all differences between the Senate and House versions of the bill would again be reopened. There is no procedural device under which they can be kept closed as the report now stands. All of the major 28 differences between the bill as passed by the Senate and House would be subject to adjustment, including, of course, the Mansfield amendment and the various other provisions in disagreement.

If this report is rejected, Mr. President, I think it would be quite some time before a conference report could be passed by both bodies. This delay carries with it the serious implication as discussed later, of having no draft authority.

SERIOUS PROBLEM OF GROWING MANPOWER COSTS

Mr. President, the pay provisions in this conference report represent the largest military pay bill in the history of this country. The annual cost of $2.4 billion exceeds the next highest pay measure enacted in 1963 by over $1 billion. In trying to divide the military money under the constant pressure to reduce the defense budget, we have the serious problem of providing the funds to procure first-rate weapons for our men.

We may be faced with a situation in which the growing manpower cost actually threatens the problem of sufficient weaponry.

Military manpower costs have increased from 43 percent of the defense budget in 1964 to 52 percent in fiscal year 1972. This represents $39.5 billion and, Mr. President, I am using personnel costs here in the narrowest sense, that is, cash payments plus food and clothing.

If we use pay costs in a larger context, Mr. President, to include such matters as medical programs, housing, and training costs, this figure for the fiscal year 1972 budget would be close to $50 billion, or about two-thirds of the total defense budget. By way of comparison, Mr. President, I have been advised that in the Soviet Union only about 25 percent of their defense budget is utilized for personnel costs.

I do not vouch for the figure as to what is done in the Soviet Union. I do not think there is any way to make those estimates anywhere near accurately. However, it is a comparison that is being used, so we try to make some comparison in this field.

My concern is with such a large percent of the budget and with such a rapid increase going for manpower alone, I do not think it is massive or quantity manpower we need. What we need is quality manpower.

Another startling fact, Mr. President, is that since 1964 pay and related costs have risen in dollar terms by $17.5 billion while manpower has been reduced by 285,000 persons. I should note that 7,000 of this figure does represent civilian personnel reductions in defense.

INCREASING MILITARY RETIRED COSTS

I think the Senate should know that military retired pay represents a growing cost that will put an additional strain on the Defense budget and on the Treasury. This cost has increased from $1.2 billion in 1964 to $4 billion for fiscal year 1972. We face the prospect, assuming comparable future increases based on patterns of the past, of an annual cost of $6.9 billion by 1980 for retired military pay alone. Of course, every time we increase the pay to the military, the groundwork is laid for an increase in retirement pay. By 1980 that item alone would run at the rate of $6.9 billion annually. But still there is going to be objection to the conference report on the ground that the pay increase is not enough.

I point out the foregoing, Mr. President, just to urge that all elements of the defense program must be considered as we debate military pay. This element should not be considered in isolation. It clearly has no business in the selective service bill. It ought to be considered in a general military pay bill. However, there was some logic to putting it in this bill because it is an attempt to switch to another system.

HISTORY OF MILITARY PAY INCREASES: RESPONSE TO CHARGE THAT PAY PROVISIONS ARE INADEQUATE

Mr. President, I wish to respond to the premise that the conference report should be rejected because the pay provisions will be inadequate.

With the $2.4 billion annual increase in the report the Senate should know that military pay will have been increased in just 8 short years since 1963 by over $11 billion. Even excluding the conference report, basic pay during this period has been increased 97 percent above the 1963 level and with the conference increases, this percent would be roughly 120.3 percent.

COMMENTS ON DETAILS OF CONFERENCE PROPOSAL

Mr. President, I would make the following points with respect to the pay matter of the conference report.

First, there were seven different pay elements at issue in the conference. While some of these were relatively minor, they were matters to be resolved.

The conferences approached this with a view to adjusting each of these elements. There was no effort to come up with a particular annual dollar cost total.

We were trying to take the developing provisions of the bill according to the various elements involved and make reasonable adjustments therein. We had to have respect for the different positions of the two Houses and come up with a sound military pay pattern or plan. That is still relevant as to what is in the bill. Because we did not just count the dollars, but determined what kind of a pay plan or increased pay plan we would have.

This question was in the hands of men that were not altogether ignorant of this problem and of the methods that have to be adopted to balance it off.

I am certainly not an expert in any line. However, for 15 years, I have dealt with this question of military pay. We were all, certainly, by experience in conferences, capable of getting into this matter. We had traveled this road many times before.

Mr. President, as I say, there was no effort to come up with any particular annual dollar cost. We made an adjustment here that we thought was fair and sound. Some compromises—such as the enlistment bonus—were more matters of principle than matters of large sums of money. The Senate bill included higher totals than the House in some areas and lower ones in others. It is easy to see that in such a case, when one House does not support lower totals on all elements of the package, that a series of compromises could produce a figure that was below the figure in the House bill and was below the figure in the Senate bill. For my part, that was purely incidental. It just happened to add up that way.

I am confident in my own mind that we selected the soundest provisions in the House bill and the Senate bill and put them together. That was what we brought back to the Senate. Let me explain this explicitly.

There were three major differences in pay issues before the conferees: basic pay, housing allowances, and the enlistment bonus.

With respect to basic pay, the Senate had voted for increases, all in the lower enlisted grades, involving an annual cost of $2.667 million as compared to the House increases of $1,825.4 million, which increases were also in the lower grades. The House was adamant that these increases were sufficient and on the basis that the average 68-percent increase for those under 2 years' service was adequate. I might point out that under the House version there was a 99.8-percent increase for the E–1—recruit; 100.6 percent increase for the E–2—private; and a 72-percent increase for the E–3—private first class. The House took due note of the fact that their basic pay proposal would have amounted to an increase since 1952 for enlisted personnel with less than 2 years of service of 189 percent compared to 151 percent for those with over 2 years of service. Under the rates initially approved by the Senate the percentage increase would be 216 percent for those with over 2 years' service.

The next major issue that the conferees resolved was the question of quarters allowances. The original Senate bill had a modest increase of $79 million in Dependents Assistants Act for pay grades E–4—corporal and below. The original House bill, on the other hand, provided for an increase in Dependents Assistants Act of $184.1 million and an increase of $640.1 million in Housing allowance for those in pay grades above E–4, including officers. After considerable deliberation, the conferees decided to compromise on the quarters provisions. Both House and Senate conferees felt it was highly important that the career force be provided with increases in quarters allowances in a pay bill of this magnitude. The compromise was attained by taking 85 percent of the original House quarters rates. This seemed a most reasonable compromise as quarters allowances had not been increased since 1963 and the cost of housing has soared since that time. In addition, the Dependents Assistance Act rates were increased from $79 million under the original Senate bill to $105.9 million to take account of the increased cost of housing for the lower grades. In other words, that was one category that was increased considerably above the Senate bill.

Finally, the question of the enlistment bonus had to be resolved. The original House bill provided for no enlistment bonus whereas the original Senate proposal did. Over strenuous House objections, the Senate conferees prevailed in including the enlistment bonus as part of the conference report. It should be clear that the enlistment bonus is one of the most important changes which could be made in our pay system in order to help create a volunteer army. The Senate conferees felt that this was a highly important accession by the House conferees.

I was not particularly wedded to the enlistment bonus. I defended it on the floor of the Senate and the committee's position was sustained, so we went to conference and by that time I had seen how difficult it was to get even a 2-year provision as an extension of the draft. I thought that in view of that it was all the more important that the position of the Senate on this bonus be sustained because if we were to have a real trial of the volunteer army this was one of the main cogs in the wheel. So we held out on that and even though it did not represent a great sum of money, at least not at this point, it represented quite a concession, indeed, on the differences between the two bodies.

In summary, then it can be seen that the annual costs of $2.4 billion of the conference pay proposal was reached by deliberate and serious consideration of each of the major elements of the original pay proposals of both bills. There was no attempt by either side in conference to work from a single total figure. Rather the approach was to consider the individual elements and the total followed as a result. On no individual issue was the compromise agreed to by the conferees outside the range of disagreement between the House and the Senate.

If that is not a sound way to proceed in conference to try to work out differences and come out with a sound bill, I would like to have someone correct me and give reasons to show that it is not sound.

CONCLUSIONS

It is clear that reasonable men will disagree on some aspects of the pay provisions but in light of what I have said, it should be clear that the conference pay proposals are both fair and adequate for not only the first termers but also the important career force.

With respect to our anxiety about "first termers" let us not get the idea that they are going to be "the" Army or "the" services. As much as they are needed there have to be career men and attractions for the categories they are in.

It was considered vital that the career force not be neglected in a military pay increase of this size and the conferees took due note of this in their deliberations on the pay section. I sincerely feel that the conference pay proposal is the best and wisest apportionment of a $2.4 billion pay increase and I strongly urge that the Senate vote accordingly.

Mr. President, I have certain figures in a comparative table pertinent to what I have said, and I ask unanimous consent that the table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARISON OF FISCAL YEAR 1972 RECOMMENDATIONS

	Administration	House	Senate
Basic pay	908.0	1,825.4	2,667.0
DAA	79.0	184.1	79.0
BAQ	0	640.1	0
BAS	0	37.8	0
Enlistment bonus	40.0	0	40.0
Recruiter expenses	2.9	2.9	2.9
Optometrists	0	0.5	0.6
DAA reservists	20.0	20.0	0
Annual total	1,049.9	2,710.8	2,789.5
Fiscal year 1972 budget deficit	NA	+1,660.9	+1,739.6

Mr. STENNIS. Mr. President, 16 Members of this body voted against this bill when it passed and I judge they did so primarily because they were against a draft bill. I have nothing except the highest praise for them being willing to stand on their convictions and I respect them for it. I want to make that very clear. I respect their wanting to engage in further debate on the bill as a draft bill. But reports are in the press—I do not know whether they are well founded or not—that there is some kind of effort to get together the group that does not want any bill and those who are not too happy in their sentiments about the pay provisions, and have them say, "Well, we will just defeat the whole thing. We will just reject the conference report."

In the final analysis, however one votes, he will not have any complaints or criticism from me, but I want to warn the membership that I believe such an effort is a dangerous course of action. Even though I allow for those who are against the bill because they do not want the draft extended and do not believe in it, I doubt that there are very many in addition to that group who would want to just kill the bill.

As I said, that would put us right back where we were on the 24th day of June. Senate conferees would have to be appointed again. The House would have to appoint its conferees again and all matters of germaneness would have to be waived over there. We would have to go through this conference again, when we have already had 5½ weeks of active conference. Among the questions which we dealt with before were good, controversial ones, such as the war—a fundamental clash between legislative and executive viewpoints—and whether or not we should have any draft or not. These questions will take time to resolve again.

It is all right with me to debate those matters. I have no complaint about that. But I urge my colleagues, on their sense of responsibility, do not make any promises now and do not give the meat ax to this conference report before it has been heard on its merits.

If any Senator wants to get up and accuse the conferees of not approaching these questions in a sound fashion and not trying to reach a sound conclusion, he can make that charge, but if he does so, let him come up with some proof. Do not make it just as an accusation and leave the impression that this matter was not thoroughly and fully considered and worked on and, I think in large part, worked out.

I want to make this clear. I referred to the Mansfield amendment a good deal. In my opinion, there has never been a Member of this body who rose to a greater degree of statesmanship and honesty and honor than did the Senator from Montana (Mr. Mansfield) in some conferences I had with him while the conference was going on. This was no ordinary conference. I can assure Senators of that. That man is big between the eyes and mighty high in his principles and in his obligation to the Senate and to the country. Whatever he does about his final decision on this conference report is up to him, but I will be satisfied with what he says. I want to thank him again publicly for being so high minded and so very understanding about the problem that went into this conference.

Mr. President, the conferees will be prepared to try to answer questions and try to make a presentation in full of this conference report and to engage in debate. I believe in that as a part of our system. All I am saying now is, please do not reach any conclusions and do not reach any agreements.

Regardless, Senators are going to oppose this conference report, and I have asked the Secretary of Defense where he stands on this conference report. I wanted to know explicitly, for the benefit of the Senate. I have here a letter addressed to me, dated today, from Secretary Laird. It will take only a few minutes to read it. I think it is worthwhile. I want to put it in the Record.

It reads, in part:

> Dear Mr. Chairman: In your letter of September 3, 1971, you requested the current position of the Executive Branch on the conference report on H.R. 6531 extending the draft authority.

My request went to the executive branch of the Government:

> We urge prompt adoption of the conference report. Further delay can only impact adversely on our national security.
>
> The need for early renewal of the draft authority is critical and has not diminished. It is my conviction that Department of Defense manpower requirements cannot be met without the prompt extension of the draft authority contained in H.R. 6531.

He elaborates in some paragraphs on that matter and gives his reasons.

I ask unanimous consent that the next two paragraphs of the letter be included in the Record.

There being no objection, the paragraphs were ordered to be printed in the Record, as follows:

> The conclusion some have reached that the draft is not needed because of favorable recruiting results during the temporary absence of draft calls is grossly in error. Analysis of the lottery sequence numbers of enlistments in July show that about half of the men entering were draft motivated. Young men were acting on the assumption that draft calls would be resumed shortly. Another factor to be considered in evaluating recent recruiting results is that the first quarter of the fiscal year is seasonally the most favorable for recruiting. It is a natural time for young men who have finished high school to start a Service career or to enlist for the purpose of discharging their military obligation under the draft act. It is unrealistic to expect enlistments to hold up after the good recruiting months are past if the authority to draft is delayed or terminated.
>
> The delay has had adverse effects which will show up after the first of the year. The Army will suffer shortages of trained personnel who can be assigned to units. On the average, five months are required to complete initial training and processing. Unless draft calls can be resumed in November, I estimate that the expected shortages will adversely affect the readiness of the Army to a significant degree. In addition, the decline in the quality of personnel needed to meet highly technical training requirements in all Services is likely to continue and worsen. There is no question that the draft authority is needed now in the interest of the national security.

Mr. STENNIS. The letter continues:

> We also believe the pay recommendations in the conference report are clearly adequate and fully responsive to Service needs. For enlisted personnel with under two years' service, the pay provisions in the conference

> report would eliminate completely the inequities in pay rates which have evolved since 1952. On a cumulative basis, 1952–1971, the basic pay increases in the conference report represent an increase of 189 percent for the "under 2" category compared to 151 percent for career members.
>
> At the same time, the increases provided in quarters allowances for all grades are both equitable and necessary if these allowances are to continue to fulfill their intended purpose.

These quarters allowances are not just for officers; they are for noncommissioned officers and, under the Dependents Assistance Act, for the lowest grade enlisted men as well if they have families or dependents.

The letter continues:

> It must be remembered that quarters allowances are paid only to those members who are not provided public quarters. For the service family faced with obtaining adequate housing in the civilian community, the quarters allowance should bear a reasonable relationship to actual housing costs. The rates provided in H.R. 6531 will achieve that purpose.

He mentions there one of the major questions in the minds of the conferees in their deliberations—quarters allowances.

The letter is signed: "Sincerely, Melvin R. Laird."

Mr. President, if there are no questions, I yield the floor.

Mr. CRANSTON. Mr. President, I want to compliment the distinguished chairman of the Armed Services Committee for his very able, effective, and thorough presentation of this legislation. I know that he is doing a very remrakable job, in handling two major bills now pending on the floor of the Senate.

I should like to comment very briefly on the pending measure. I was one of the 16 Senators who voted against passage of the measure in its original form. I opposed it in the form in which it passed the Senate. My opposition is now quadrupled because there are at least four major changes in the bill that make it far less acceptable to be than it was when 15 other Senators and I found it unacceptable.

With respect to the Mansfield amendment and the Vietnam war, I was very interested in hearing, that in the opinion of the Senator from Mississippi, we would not have entered into the Vietnam war, or at least would not have become as deeply embroiled in the war as we have been if the draft measure at that time had carried the ceiling which this measure provides, Specifying the number of men the President is empowered to draft without consulting Congress. In my opinion, we would not have gotten into that war at all in a combat sense had we not had a draft at the time the escalation began.

That is one of the reasons why I now oppose the draft. I do not think we need it now, and I think its abolition would make it certain, that any President, now or in the future, will consult Congress in the future before plunging us into a war.

I believe the evidence has continued to mount showing us that we can get along without a draft. The longer we do without it, as we have been doing without it, in effect, since midnight of June 30, the greater that evidence will be.

The Mansfield amendment quite plainly has been watered down into a meaningless provision in conference. Senator MANSFIELD himself, in one of the best speeches I have ever heard, made plain his great unhappiness with the present version shortly before Congress recessed.

The war in Vietnam is not at an end. The end of the war in Vietnam is not even in sight. That is why we need the Mansfield amendment, which is the most effective step yet taken by this body to speed the end of that war.

The rising disillusionment over the self-determination that we are supposedly protecting in Vietnam, gives added reason for our sticking to the Mansfield amendment as the day of that most ludicrous election approaches. I know there are many others who share my concern over the present absence of a meaningful Mansfield amendment in the pending measure.

On the pay raise amendment, the Senator from Colorado (Mr. ALLOTT) offered an amendment that was adopted by a substantial vote. This amendment attempted to bring long overdue justice to those in the Armed Forces in terms of compensation, and also would have done a great deal to move us toward a volunteer army to replace the draft. However, the conference considered the basic pay issue separately from various allowances such as quarters and food, and the subsequent compromise created a figure that, surprisingly and shockingly, is actually below both the Senate and House figures.

This was due to the fact that the greatest differences in the House and Senate measures concerned the basic pay figure. The Senate had granted $2.7 billion and the House $1.8 billion. The committee retained the House figure of $1.8 billion, which was hardly a compromise such as is normally anticipated between the House and Senate figures. The only compromise was on the allowance figure, where the House had $0.9 billion and the Senate $0.1 billion. The resulting compromise was $0.5 billion, which split the difference evenly between the House and the Senate. Therefore, there was absolutely no compromise at all on the matter of pay. Thus the conference committee came up with a $2.4 billion pay raise figure. It seems to me that this should not be accepted. I know that Senator ALLOTT does not intend to accept it if he can avoid it, and I hope that the Senate will take whatever steps are necessary to remedy that situation.

There is a further problem in this particular respect, in that most of the enlisted men in the junior grades do not quality for quarters, housing, and food allowances, and so, by the agreement to lower basic pay rates, the lower grades continue to get the raw end of the deal, which the Allott amendment sought to remedy.

On another aspect of the measure as it came back from conference, I am very much concerned, as are the Senator from Pennsylvania (Mr. SCHWEIKER) and others, over the fact that the House conferees refuse to accept an amendment I offered, with Senator SCHWEIKER as cosponsor, which would have prohibited the induction of young men who fill out their CO claims and file them after receiving their induction notices. Instead, the committee agreed that the local boards should be given discretionary authority to review those cases deemed worthy of alternate service. It has become quite apparent that there are some young men who simply are not fully informed, and who do not know they have the right to file their CO claims prior to the time they receive their induction notices. Under a recent court decision, which reversed what had been the practice, these men are now denied that right. Many young Americans, particularly members of the Amish sect in Pennsylvania, but also many others, are confronted with violating the law or, violating their deeply felt religious beliefs when they discover what the facts really are, and that they are no longer eligible to file for a CO status.

I see no reason for imposing this upon them, and I think we should seek to restore my amendment. If my amendment opens some doors that should not have been opened, as has been suggested, then let us seek another amendment that will not confront these young Americans with this wholly unacceptable choice.

I am also concerned about what happened to the drug rehabilitation amendment, which was designed to improve the handling of the narcotics problem in the service.

The conference committee significantly watered down this amendment in recommending that a study be made by the Secretary of Defense within 60 days of passage, whenever, if ever, that may be, and again I think that is totally inadequate.

There are other provisions in this bill that are not as good as the "ungood" bill which the Senate originally passed. For these reasons and others, I and other Senators intend to oppose this report, and to use every power we have available to us as Senators to prevent its passage.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, would the Senator from Wisconsin be willing to offer his first amendment at this time so that it may be printed?

Mr. NELSON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

AMENDMENT NO. 418

At the end of the bill add a new section as follows:

"SEC. 505. Notwithstanding, any other provision of law, none of the funds authorized by this Act may be obligated or expended in connection with (1) the F–14 aircraft program of the Navy, (2) the B–1 aircraft program of the Air Force, or (3) the F–15 aircraft program of the Air Force until after a final environmental impact statement has been made with respect to such projects pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality."

Mr. BYRD of West Virginia. Is it the desire of the Senator from Wisconsin that the yeas and nays be ordered on this amendment?

Mr. NELSON. Yes. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator ask that time start running immediately on the amendment?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment not start running today.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. FULBRIGHT. Mr. President, on the evening of September 8, the Kennedy Center for the Performing Arts was officially opened with a performance in the Opera House, written and produced by Leonard Bernstein. On the 9th, the Concert Hall was the scene of the initial performance by the Washington Symphony Orchestra. The Eisenhower Theater will be opened within a short time—about the 18th of October.

The completion of this magnificent structure for the performing arts marks the beginning of a new era in the history of our country. It is, I believe, a symbol that our country is growing up, that it is slowly and painfully emerging from its long adolescence and about to become an adult community with a more mature and responsible attitude toward its role in the world. I believe the Center will be a powerful influence upon the attitude of our people toward those activities which promote a cooperative and human society. Its opening comes at an especially propitious time. Not since the tragic Civil War of a century ago has our Nation been so divided and so troubled. This great building will lift the spirits of our people and reassure them about the inherent humanity and the purpose of our people.

Congress, especially the Senate, played an important and indispensable role in the creation of the Center, along with thousands of private citizens who gave some $27 million toward its construction—not to mention their contribution as taxpayers.

The total cost of the Center will be approximately $70 million, of which the taxpayers have given in grants approximately $23 million and have authorized loans of $20 million, and private gifts, including gifts from foreign governments, amount to $27 million.

I might comment that this has been referred to as a very expensive building. This is less than the estimated cost of 1 day of the war in Vietnam, and it is less than one-tenth of the amount we put into the SST, which we canceled, very wisely, a few weeks ago. It is a very small amount, if we view it in the context of some of the expenditures we make which result in little value to the country.

In addition, the site which was acquired long ago by the Federal Government was provided by the original act of Congress in 1958. The land, today, may conservatively be valued at not less than $15 million, although its original cost was but a fraction of that sum. I say $15 million. That is roughly $1 million an acre. It could well be more than that, but it certainly is not less than that, I think, as a commercial value.

Mr. President, on July 18, 1971, I inserted in the RECORD a brief account of the legislative history of this project. Those who are interested can see the part which the Senate and the House played in this project.

It is clear from this history that the project for a National Center for the Performing Arts originated in the Congress, that Congress conceived the idea, provided the valuable site which was indispensable to efforts of private citizens to solicit and obtain the $27 million in gifts; it appropriated the $23 million in grants and $20 million in loans.

It is, of course, true that four Presidents signed the legislation which provided these funds and the land, as they do all legislation, unless they choose to exercise their power of veto. I am, of course, gratified that none of them did veto any of the bills, and I applaud them for their restraint.

A model of the Center prepared by the architect, Edward Durell Stone, was shown to President Kennedy and he approved it, which was very important to the success of the project. President Kennedy was more aware of the importance of the arts than most public officials.

The enormous amount of time and energy necessary to bring the project to completion was provided by hundreds of dedicated public spirited citizens under the direction of Mr. Roger Stevens, the chairman of the Board of Trustees. For 10 years, Mr. Stevens has worked tirelessly, overcoming many difficulties, to complete the Center.

I may interject here that the Kennedy Center, which originally was known, in 1958, as the National Cultural Center, is affiliated—a subsidiary, in a sense—with the Smithsonian Institution by the legislation. The name was changed in the legislation which was introduced in December of 1963 and passed early in 1964.

From the comments and criticisms about the Center appearing in the press, it is obvious that the Center as an architectural structure is controversial, just as the site was controversial in 1965 when determined efforts were made to move the Center to downtown Pennsylvania Avenue, a part of the then proposed Pennsylvania Avenue renewal program.

Without any credentials as an expert, I nevertheless venture the opinion that in time, after acquaintance with the building itself and after people have seen the view from the terraces of the Center, it will be acclaimed as one of the truly great structures of the world, situated on the most beautiful site for such a center, that one can imagine.

In conclusion, I wish to pay tribute to all those Members of the present and past Congresses who have supported the creation of this great Center. It will live long into the future and will bring to our great Nation the approval of the people of other nations. This great Center will be not only a suitable memorial to John Fitzgerald Kennedy, but it is also a fitting tribute to the foresight and the sense of values of the Representatives of the people of the United States in the Congress. Future generations will bless them for it.

Mr. President, I am going to ask unanimous consent to have various articles and other material on this subject printed in the RECORD, which I shall not take the time to relate at this moment, but there are one or two of them which I should like to refer to which particularly attracted my attention.

One of the first is an article written on September 7, and published in the New York Times, before the Center was opened, written by Ada Louise Huxtable. It is a most curious article. I want to read a few paragraphs from it, to show just how controversial this subject is. One can see how controversial this matter is when within the mind of a single writer it arouses such great differences of view.

She starts out:

> This capital city specializes in ballooning monuments and endless corridors. It uses marblelike cotton wool. It is the home of Government of, for and by the people, and of taste for the people—the big the bland and the banal.

Further on in the article, she writes:

> From this point of view, however, it is almost an interesting building. If Mr. Stone has been aiming for an architecture that all America can love, he has found it. This is architectural populism. He has produced a conventional crowd pleaser. It is a genuine people's palace.

Which sems to me to be very appropriate.

Then later, she writes:

> May all the performing arts flourish. Because the building is a national tragedy. It is a cross between a concrete candy box and a marble sacophagus in which the art of architecture lies buried.

Mr. President, how one can reconcile those two different paragraphs in the same article is beyond my capacity to understand.

Mr. President, I now wish to call attention specifically to an article on September 8—three articles—in the New York Times about Mr. Roger Stevens. I shall not read it, but it is an interesting article which relates the history of Mr. Steven's personal career, together with a reference to what he has done in carrying out the burdens of raising most of the money privately.

I may say, at the time of the assassination of President Kennedy, approximately $13½ million had been raised or pledged by private sources. Much of that was during the period in which Mr. Curran Strong, a local citizen of the highest integrity and character, had given very generously of his own funds in the early days, beginning in 1958, prior to the assassination, in order to keep the operation going—that is, the office staff and its operations, pending the time when the organization could be protected and when larger sums could be collected for the purpose of construction.

Mr. Strong deserves a great deal of credit for what he did in those early and difficult days.

In 1961, Mr. Stevens was still the chairman and did, I think, an outstanding job not only in raising money but especially in dealing with all of the innumerable problems that arise in the construction of such a complex building. I believe that this is probably the most complex building ever constructed anywhere in the world. There is no precedent for it. There is nothing that approaches it that incorporates so much of a variety of facilities for the performing arts, whether it be the theater, opera, the dance, music, films—everything one can think of.

Thus I wish to call the particular attention of the Senate to the article on Mr. Stevens, entitled "Master Money-Raiser—Roger Lacey Stevens."

May I also say, in that connection, that the General Services Administration was, in a sense, the supervising agency to which Congress allotted a substantial sum, $1 million I believe, to oversee the construction from the point of view of spending the money and so forth; so that this is genuinely a public-private cooperative venture in which so many people have had an important part to play.

Mr. President, strangely enough, in New York, the critics there seem to have a chip on their shoulders. They seem to resent the fact that Capital City has been so bold and so presumptuous as to undertake to do anything that deals with the performing arts. Their criticisms, particularly on September 9, strike me as being quite snobbish and superficial in their approach.

On the other hand, the local critics had nothing but praise, particularly Paul Hume, not only in regard to the opening work which was written by Mr. Leonard Bernstein, but also especially of interest to the Senate, I think, and to the Congress as a whole, his comments on September 10 as published in the Washington Post, in which he refers to the flawless acoustics. Whatever one may think of any critic's views of a specific production, I think they are eminently qualified to judge as to whether the acoustics are proper. Mr. Hume, along with Mr. Irving Lowens, in an article published in the Washington Evening Star, both give the center the highest marks of perfection with regard to the acoustics which, after all, are the most important single element in any structure built for the performing arts.

There is also an article written about Mr. Edward Durell Stone, the architect, as taken from the program for the opening night, which is succinct and will be of interest to all Senators, I believe, as well as a statement written by the General Counsel Ralph Becker, who has been the general counsel, I believe, since the beginning of this venture, for some 13 years, and he expresses himself in the program. I bring it to the attention of Senators for their convenience. Also there is a statement written by Mr. Roger L. Stevens, chairman of the board, which is carried in the program and is also relevant to this whole subject.

So now, Mr. President, I ask unanimous consent to have printed in the RECORD the various articles and material on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WITH THANKS FROM THE CHAIRMAN OF THE BOARD

The opening of the John F. Kennedy Center is a reflection of the extraordinary support it has received for the construction of its facilities—support from four Presidents, the Congress of the United States, foundations, corporations and thousands of individuals throughout the country, as well as the governments of more than 30 nations. All this is one measure of the promise and purpose of the Kennedy Center: to enrich not just the quality of life in one of the world's most important capitals, but to enrich the whole nation by strengthening the life of the performing arts throughout America and all they can give to all Americans.

Created by an act of Congress in the administration of President Eisenhower, one of its earliest supporters, and helped in a multitude of ways by President Kennedy, whose name it now bears, the Center took physical form thanks largely to the fullest bi-partisan support in the United States Congress and the strong encouragement of President Johnson.

The Kennedy Center's completion and opening takes place in the administration of President Nixon, one of the Center's early contributors, who together with the Congress made possible an additional matching grant to the Center of $7.5 million, bringing the total government contribution to $23 million, not including a garage loan of $20.4 million.

So many people have been involved in making the Center a reality that it is impossible to do justice to all of them. Still, special mention should be made of the efforts of just a few whose support has been indispensable.

Congressional Trustees led by Senator J. William Fulbright of Arkansas and Congressman Frank H. Thompson, Jr., of New Jersey sparked the early drive for the creation of a national cultural center and, during the last few years, the help of Senator Charles H. Percy of Illinois, one of the Center's Vice Chairmen, has been invaluable.

The contributions of the late L. Corrin Strong, a most enlightened philanthropist, involved much more than financial support, though he and Mrs. Strong have been the Center's most generous individual donors. It is only fair to say that without their aid there might never have been a Kennedy Center.

Other long-time Trustees whose help has been invaluable include Mrs. George A. Garrett, Mrs. Jouett Shouse, Ralph E. Becker, the Center's General Counsel and faithful supporter, Floyd D. Akers, Robert O. Anderson, K. LeMoyne Billings and Robert W. Dowling.

The dedication of former Trustees can be best exemplified by the generosity and virtually unlimited help of Mrs. Albert D. Lasker. Special thanks must also go to Ernest R. Breech, who led the Center's early and highly successful drive for corporate support.

Volunteers and friends of the Center have been legion and in the forefront have been Mrs. Frank Wisner, Mrs. Polk Guest, Mrs. Llewellyn Thompson and Mrs. Hugh D. Auchincloss.

We are particularly grateful for the support, financial and otherwise, which the Center has received from the President's Advisory Committee on the Arts and its indefatigable Chairman, Mrs. J. Willard Marriott.

To Leonard Bernstein we owe a debt of gratitude for creating the work whose world premiere marks the opening of the Center. And without the advice and foresight of Julius Rudel in the resolution of many technical problems and in the planning of future programming, we would not have come as far as we have.

Now that the Kennedy Center is open, the Trustees know that its success will be determined by what transpires within its halls, and they pledge their best efforts to making them a monument to creativity and vitality.

ROGER L. STEVENS,
Chairman, Board of Trustees.

KENNEDY CENTER CHRONOLOGY

The September 8, 1971, inauguration of the John F. Kennedy Center for the Performing Arts provides Washington with a cultural center second to none. Four Presidents have participated in making this dream a reality. In 1958, President Eisenhower signed the legislation creating a national cultural center. In 1962, President Kennedy approved a design change to that which we now see on the banks of the Potomac. In 1964, President Johnson signed legislation renaming the Center as the John F. Kennedy Center for the Performing Arts. And in 1971, President Nixon formally inaugurated the Center.

The enactment of the legislation creating the Center was bi-partisan in nature, and the fact that it has been fully supported by four Presidents attests to its wide support. The co-authors of this bi-partisan legislation included Senators Wiley, Saltonstall, and Clark; Congressmen Thompson, Wright, Kearns and Fulton. With the exception of Senator Wiley and Congressman Fulton, they have all served on the Board of Trustees, and Senator Fulbright and Congressmen Thompson and Wright have been members of the Board since its inception in 1958.

When the legislation was first introduced, it provided for a small site on the Mall which would have been insufficient for a performing arts center and which was also being claimed as a site for the Air Museum. Through some very complex negotiations including exchanges of land, the Center was shifted to the beautiful Potomac River site.

The first Chairman of the Center was Arthur Flemming, Secretary of HEW, and its Executive Vice Chairman was L. Corrin Strong, formerly Ambassador to Norway, appointed by President Eisenhower. Mr. Strong provided strong financial support in a time of great need.

Edward Durell Stone was engaged as the architect for the Center in 1959 and produced plans for the Center in 1961. At this time, Roger Stevens was appointed by President Kennedy as Chairman of the Board of Trustees of the Center. Mr. Stevens was instrumental in changing the concept submitted by Mr. Stone; and, in 1962, a new concept evolved which reduced the cost substantially and made the structure even more beneficial and practical. President Kennedy and General Eisenhower approved of this concept.

In 1962, the Center sponsored a telecast across the country to raise money, in which General and Mrs. Eisenhower, speaking from Atlanta, Georgia, joined with President Kennedy on closed-circuit TV to urge public support for the Center. On October 12, 1963, shortly before his assassination, President Kennedy assembled over 100 top business leaders and received their pledge and support to furnish money for the Center. The late President was planning a massive campaign for support when the tragedy occurred.

Although many projects were being renamed for President Kennedy after this tragedy occurred, it was agreed by many members of Congress and other interested persons that because of President Kennedy's dedication and devotion to the arts, the Center would be a fitting memorial to him. His family agreed that it would be appropriate to permit the Center to be renamed after President Kennedy as his sole memorial in the nation's capital. Therefore, in 1964, President Johnson signed legislation authorizing the change in name. The ground-breaking was in 1964 and construction began in earnest in 1967. When President Nixon assumed office in January, 1969, his administration continued to support the Kennedy Center.

In addition to this unprecedented bi-partisan support of four Presidents and the

Congress, millions of Americans—school children, college students, philanthropists, corporations and people from all walks of life—have made individual contributions in memory of the late President. Foreign nations have also memorialized the late President. Austria donated the Opera House chandeliers; Belgium, mirrors; Canada, the Eisenhower Theater curtain; Denmark, artworks and furnishings; Finland, chinaware; France, two Matisee tapestries and two Laurens sculptures; Germany, bronze sculptures; Great Britain, sculpture; Ireland, the Opera House south lounge chandelier; Israel, furnishings for the Concert Hall lounge; Italy, all the exterior and interior marble; Japan, the Opera House curtain; Norway, the Concert Hall chandeliers; and Sweden, the Grand Foyer chandeliers. Congress has furnished matching funds and a borrowing authority for about two-thirds of the cost of the Center.

Thus, four Presidents, untold numbers of Americans and foreign nations have supported and worked unceasingly to provide the nation's capital with a performing arts facility which will equal those found throughout the world. As a result, the American public and foreign visitors may enjoy the finest in the performing arts in this living memorial to John F. Kennedy.

RALPH E. BECKER,
General Counsel.

THE STONES OF STONE

Few Americans of this time have ventured so far in their professional lives or left their imprint in such widely dispersed areas as Edward Durell Stone, who is responsible for the architectural conception of the Kennedy Center for the Performing Arts. For a native of Fayetteville, Arkansas, who graduated from the University of Arkansas to become a professor of his specialty at Yale is, in itself, a millenial transition, but it is only one among Stone's landmark achievements.

Along a scholastic way that included training at Harvard and the Massachusetts Institute of Technology, Stone began his professional career in Boston in the Twenties. His first publicly notable assignment was as an associate in the creation of the Museum of Modern Art in New York in the Thirties, though it was preceded and followed by many involvements with private clients. Along with the celebrated public works, pictured herewith, in Belgium and Pakistan, New Delhi and New York, the stones of Stone stand in Panama and Peru, as well as in many other parts of the United States.

A telling force in the evolution of the so-called International Style, Stone has also been identified with clean lines, relevant detail and a degree of elegance not always associated with contemporary design. He has, in the course of his decades as a distinguished designer, received many accolades and awards, including an honorary degree from the institution of which he is an alumnus. But the badge of merit that transcends all others is the one of his own contrivance which makes a Stone building something more than just another stone building.

ARCHITECTURE: A LOOK AT THE KENNEDY CENTER

(By Ada Louise Huxtable)

WASHINGTON.—This capital city specializes in ballooning monuments and endless corridors. It uses marblelike cotton wool. It is the home of Government of, for and by the people, and of taste for the people—the big, the bland and the banal. The John F. Kennedy Center for the Performing Arts, opening officially Wednesday, does not break the rule. The style of the Kennedy Center is Washington superscale, but just a little bit bigger. Albert Speer would have approved.

It has apotheosized the corridor in the 600-foot long, 60-foot high grand foyer (the length of three New York City Blockfronts), one of the biggest rooms in the world, into which the Hall of Mirrors at Versailles could be cozily nested. It would be a supertunnel without its saving Belgian gift of mirrors.

The corridor is "dressed up," in the words of the architect, Edward Durell Stone, by 18 of the world's biggest crystal chandeliers, with planters and furniture still to come. There is enough red carpet for a total environment.

There are two other flag-hung, polished marble-walled, red-carpeted, 250-foot long and 60-foot high corridors called the Hall of States and the Hall of Nations. They are disquietingly reminiscent of the overscaled vacuity of Soviet palaces of culture. They would be great for drag racing.

The two halls separate the three theaters that are the structure's raison d'être: the Opera House, the Concert Hall and the Eisenhower Theater. The grand foyer is the entrance to them all.

The building itself is a superbunker, 100 feet high, 630 feet long and 300 feet wide, on the Potomac. One more like this and the city will sink.

Because it is a national landmark, there is only one way to judge the Kennedy center—against the established standard of progressive and innovative excellence in architectural design that this country is known and admired for internationally.

Unfortunately, the Kennedy center not only does not achieve this standard of innovative excellence; it also did not seek it. The architect opted for something ambiguously called "timelessness" and produced meaninglessness. It is to the Washington manner born. Too bad, since there is so much of it.

The center sets still another record—for architectural default. What it has in size, it lacks in distinction. Its character is aggrandized posh. It is an embarrassment to have it stand as a symbol of American artistic achievement before the nation and the world.

The interiors aim for conventional, comfortable, gargantuan grand luxe. This is gemütlich Speer.

The Opera House, a 2,200-seat hall with superior sightliness and equipment, looks like one of those passé, red-padded drugstore candy valentines.

Its dark red fabric walls are buttoned down with rows of gold knobs and its Austrian crystal lights suggest nothing so much as department store Christmas displays. To this observer, it is singularly depressing.

The 2,575-seat Concert Hall, its acoustic wood walls painted white, has red seats and carpet and is buttoned down with Norwegian crystal fixtures. This at least is cheerful and suggests 1920's modern.

Restaurants on the top terrace floor are in expense-account French by way of Austria, and nearly Scandinavia. They are red.

There are two ways of defending the center's design. One, already popular, is to say that it doesn't really matter and that the only things that count are those badly needed performance halls and how they work.

But nothing justifies wrapping those halls in $66.4-million of tasteful corn and 17,000 tons of steel—all a conscious design decision—and ignoring it. If you could ignore it, which is hard.

To say that everything else about a landmark structure of this stupefying size is irrelevant is nonsense. The emperor, unfortunately, is wearing clothes. And the world is looking.

The second defense is simply to accept the fact that the center probably represents the norm of American taste. But it is a fallacy to equate the great middle common denomination of popular taste with the country's actual and potential level of creative achievement.

From this point of view, however, it is almost an interesting building. If Mr. Stone has been aiming for an architecture that all America can love, he has found it. This is architectural populism. He has produced a conventional crowd pleaser. It is a genuine people's palace.

People have been pouring in, before the opening, through every available crack, in T-shirts and sneakers, hotpants and bermudas, barefoot and barebellied, backpacking babies, tracking across the red carpet and under the chandeliers. The pre-opening charge of elitism because of all that lush decor was rubbish. They are obviously loving it and perfectly at home.

Because it so lacks the true elegance of imagination, it does not put them off at all. They are awed by the scale and admiring of the decoration, which is a safe, familiar blend of theatrical glamor and showroom Castro Convertible.

Stringent economies have made saving simplicities, but the popular style is loud and clear.

For the more architecturally sophisticated, it is hard to admire a failure of vision and art. And it did not have to be. It is not easy to commission creative courage in Washington, but it can be done, as proven by the current plans for the National Gallery extension.

It is particularly hard to know that the one creative design for a new kind of experimental theater remains an unfinished shell within the building, lacking funds.

The center was probably wrong from the start. It was conceived as a giant economy three-in-one package. If it hasn't cost more than three separate buildings, it certainly hasn't cost less, and it has had formidable construction problems as a result of the "simple" concept.

The three houses have had to be separated and insulated from each other for vibration and sound inside and jets outside, and from other floors and functions.

Suspension and sound-proofing have been achieved through incredibly complex and expensive concrete and steelwork that belies the apparent logic of the plan. Structurally, the achievement is considerable, and economically, it is almost a bargain.

The giant steel trusses hidden behind the scenes are far more impressive than the truly awful, gold-epoxy-paint-steel columns that run visibly through the building, which add decorative aluminum fins along the facades.

Environmentally, the center has been severely criticized for its setting and isolation from city life. But many Washingtonians like the idea of driving to a "safe" bastion of culture. Again, it's what people really want.

As completed, the center's plusses include its public amenities—its entrance plaza, riverfront promenade, eating facilities and outdoor terraces with views. And credit as well as sympathy must go to the dedicated and hard-working sponsors who have actually brought three major performance halls to Washington.

May all the performing arts flourish. Because the building is a national tragedy. It is a cross between a concrete candy box and a marble sarcophagus in which the art of architecture lies buried.

AT LAST, THE PERFORMANCES BEGIN

(By Nan Robertson)

WASHINGTON.—After 171 years, the public finally heard the sounds of music tonight in the first proper opera house ever built in the capital of the richest nation on earth.

About 2,200 people streamed into the John F. Kennedy Center for the Performing Arts for the initial preview of Leonard Bernstien's Mass. Mr. Bernstein had been asked to compose an original work for the center's opening by the assassinated President's widow, now Mrs. Aristotle Onassis.

Tonight's performance was for anyone who could pay between $4 and $15 for a ticket.

Most of the big names and big-money backers will settle back into the plush seats for a second preview tomorrow and the formal premiere Wednesday. Senator and Mrs. Edward M. Kennedy planned to attend all three performances of the Bernstein Mass, a theater piece for more than 200 singers, dancers and players.

NIXONS GOING THURSDAY

Thursday, President and Mrs. Nixon will attend the opening concert in an adjacent hall within the gigantic marble box on the Potomac's edge. The third and last big hall of the complex, the Eisenhower Theater, is scheduled for its premiere next month.

The Kennedy Center, the nation's only formal tribute to that President, at least gives Washington a showcase for the performing arts after a history of embarrassingly makeshift facilities dating back to the city's beginnings.

Thirteen years after Congress approved funds for a National Culture Center, seven years after the name was changed to honor Mr. Kennedy and ground was broken by President Lyndon B. Johnson, the center, almost unbelievably, was open today for business and pleasure.

The last ticket for tonight's preview was sold at 11 A.M. today. Men and women, scantily garbed in the wet heat, waited on line to buy tickets for a spectacular first-season smorgasbord of offerings in music, dance, opera and theater.

To almost the last moment, workmen operating at the end of stuttering, steam-powered engines stood high on scaffolding to chisel quotations from President Kennedy on the outside walls. Tourists had already begun to make wishes and throw pennies—and an occasional nickel or dime—into the fountain on the sweeping riverside terraces.

ON INVITATION LIST

Those invited to tomorrow's preview in the $70-million building comprise Governors; the diplomatic corps, including representatives of countries that have given or pledged contributions ranging from 3,700 tons of Italian Carrara marble to Austrian sunburst chandeliers; and members of Congress. Many in the Capitol Hill group were vociferously opposed to the center for years as a frivolous venture.

Wednesday remains the gala night. Many of the Kennedys will be there, headed by Mrs. Joseph P. Kennedy, in the Presidential box.

But Mrs. Onassis will not be there. After promising to attend, she suddenly informed center officials last week that she had decided against it. Her press spokesman in New York, Nancy Tuckerman, indicated that an appearance by Mrs. Onassis at the glittering opening would cause her "some anguish."

Ten days ago, while attending the funeral burial in Poland of Prince Edmund Radziwill, a brother-in-law of her sister, Lee, Mrs. Onassis was mobbed and chased by enthusiastic Polish admirers. She escaped on a passing streetcar and flew back to her home in Greece. Miss Tuckerman quoted Mrs. Onassis as saying she had been "extremely frightened by the incident.

"She loves the center," Miss Tuckerman said, "but she would prefer to come quietly and anonymously" at a later date.

President Nixon, who said he wanted Wednesday to be "Mrs. Onassis's night," with the limelight on her and the Kennedy family, had previously yielded the Presidential box to them. There was no change in the Nixons' plans to save their appearance for the concert opening Thursday.

PERESS TO CONDUCT

The Bernstein work will be conducted by Maurice Peress, who assisted the conductor and composer at the New York Philharmonic a decade ago and now conducts the symphony orchestra of Austin and Corpus Christi in Texas.

The week to come will see the world premiere at the Kennedy Center of Alberto Ginastera's opera "Beatrix Cenci"; the American Ballet Theater performance of Duke Ellington's only commissioned ballet score, "The River," never given in Washington before; a concert by Eugene Istomin, Isaac Stern and Leonard Rose; and Beverly Sills heading the cast of Handel's "Ariodante" in its first staged American performance.

Both the Handel and the Ginastera operas will be conducted by Julius Rudel, head of the New York City Opera and music director of the Kennedy Center.

FLAWLESS ACOUSTICS

(By Paul Hume)

The National Symphony Orchestra, shining in a new glory like none it has ever known before, opened the Concert Hall of the Kennedy Center last night.

The President and Mrs. Nixon were there, making their initial appearance in the Center. Once the ceremonial opening was over, the true strengths of Washington's new concert hall began to make themselves stunningly evident.

Antal Dorati chose his inaugural program with a keen sense of purpose. He wanted to display as many facets of the hall and the orchestra as he could reasonably combine in a single evening.

To do this he put together two absolute masterpieces in Mozart's G Major Violin Concerto and Stravinsky's "Sacre du printemps." Surrounding these he added works by Beethoven and William Schuman. Neither of these represents its composer at his greatest, but each one has an appropriate tone for festive occasions.

The evening opened with the Handelian overture, "The Consecration of the House," written by Beethoven to mark the opening of the Josephstadt Theater in Vienna in 1823. If the music lacks the kind of energy and thrust of the finest Beethoven, it gave the capacity audience an immediate demonstration of the magnificent quality of classical symphonic sound that Cyril Harris' flawless acoustics provide for the Concert Hall to match those of the Opera House. It was a sturdy reading, but it is not much of a piece.

Stravinsky's epic score, however, is a radically different affair in every way, employing the largest orchestral resources its author ever demanded and testing the largest and smallest areas of dynamics in any hall.

Dorati, having put the orchestra through an unprecedented 12 rehearsals in preparation for the opening concert, enlarged its ranks to 113 instruments to meet the demands of the score. Handsomely seated on risers were the orchestra's strings, brass and woodwinds, augmented to 10 double basses and eight horns, with the requisite battery of percussion on the opposite side, including the necessary double tympani.

Thanks to the risers, and the excellent innovation of keeping the house lights bright during the concert, symphony audiences are now getting their best look at their orchestra.

The virtue of Harris' acoustical plan was nowhere more tellingly demonstrated than at the moment when two tympani play a unison D. It requires an unusual hall to let the ear detect the vital but subtle difference in sound between one and two kettledrums on a single note. Having nothing to do with volume, it has everything to do with the quality of sound.

A third and exquisite kind of music came when Dorati paired Isaac Stern's radiant playing with a chamber ensemble in what is surely the most ravishing of Mozart's violin concertos.

Again, the ear could only delight in the clarity and natural texture of sound as the oboes of the concerto's outer movements gave way to the softer flutes for the slow movement. The infinite variety of ideas that flood this music—instrumental, harmonic, melodic—has not changed over the years. But we have not been able to hear them even in great performances in the past, for only a concert hall of genuine acoustical greatness can offer them to audiences with real fidelity. Last night Stern, Dorati, and the members of the National Symphony seemed as fired up by Mozart as they had in the tumultuous reading of Stravinsky.

In the slow movement, they introduced the new hall to its first touch of genuine greatness.

Dorati takes "Sacre" almost literally, as its creator did. There was nothing lacking when the score reached those barbaric horn barrages, the cellos and violas their barked-out chords, the full brasses their spasmodic shouts, or the percussion its fullest batteries. It was a reading full of proper poetry and frenzy alike.

William Schuman's "A Free Song" is a setting of lines by Whitman, designed for baritone soloist, chorus, and orchestra. At the close of the program it gave the audience a glimpse of what we will often hear in the way of vibrant choral singing, in this case handsomely provided by the singers of the Pauls Hill Chorale and Norman Schribner's Oratorio Society. The Concert Hall had no difficulty in handling and projecting the largest musical forces. This was apparent in one way during the Stravinsky and another as the Schuman reached its final pages with full chorus and orchestra. It created an impatience to hear things like the Mahler Eighth Symphony or Verdi Requiem, not to mention music with orchestra, chorus, and organ.

Simon Estes was the Schuman soloist, singing with easy flexibility. His Whitman text had the needed clarity, and the chorus sent out every word distinctly.

The National Symphony never sounded as well in its entire Washington history. While it has still largely the same players as in recent seasons, it now plays with a new spirit sparked by Dorati, undergirded by a responsive and enthusiastic board of directors, and in an auditorium that is giving every sign of being one of the world's greatest.

The days and week ahead will bring every kind of music to the Concert Hall. Last night's launching before an audience that repeatedly rose to its feet in tribute, was immensely auspicious.

EX-FOES AND SUPPORTERS OF AID TO ARTS HEAR MASS

(By Nan Robertson)

WASHINGTON.—The Congress of the United States, which long frustrated the dream of a national center for the performing arts in this capital, was honored tonight at the almost completed building.

It was Congressional night at the Kennedy Center, with guests from Capital Hill, the diplomatic corps and the nation's governors invited to hear the second preview of Leonard Bernstein's Mass.

Before the performance, Roger L. Stevens, chairman of the board, gave a two-hour reception for Congress at one of the center's rooftop restaurants overlooking the Potomac. It was let bygones be bygones after Mr. Stevens's struggle to get Federal matching money to erect the structure. Historically and until lately, many members of Congress have been suspicious about subsidizing the arts.

Tomorrow's gala premiere of the Mass belongs to the Kennedy family, which will turn out in force. Center officials continued to deny rumors that Mrs. Jacqueline Kennedy Onassis, widow of the President for whom the center is named and who commissioned an opening work from Mr. Bernstein, would be there.

As of today, she was still on the Greek island of Scorpios, which is owned by her husband, Aristotle Onassis, is reported holding to her sudden decision last week not to attend.

On Thursday, President and Mrs. Nixon will lend their presence and prestige when the Concert Hall, the second of the center's great halls, opens for a performance of the National Symphony Orchestra under Antal Dorati. The Eisenhower Theater is still being worked on and is due to open next month.

Congress gave $43-million of the $70-million needed to complete the structure, which is near the Lincoln Memorial, but only after 13 years of goading. The most vigorous proponents on Capital Hill have been Representative Frank J. Thompson of New Jersey and Senator J. W. Fulbright of Arkansas, both Democrats.

They triumphed despite a continual but fading drumfire of scoffing and facetious debates, particularly in the House of Representatives.

Last night's initial preview performance was billed as sold-out by 11 A.M. but as late as 30 minutes before the 9 P.M. dimming of the house lights, visitors off the street were able to buy unclaimed tickets. Among these were a doctor and his wife, Dr. and Mrs. Henry Wise of Bethesda, Md., who picked up a pair for $30 at 8:10 P.M. and found themselves in the Presidential box.

Tonight's repeat performance, which was again conducted by Maurice Peress was by invitation, but tickets remained for public purchase.

A Cornucopia of Events For Center's First Season

(By Howard Taubman)

Washington.—For its opening fortnight the John F. Kennedy Center for the Performing Arts is offering a gala festival of music and dance, and the premieres of major contemporary works such as Leonard Bernstein's Mass and Alberto Ginastera's opera "Beatrix Cenci" and a new production of the rarely heard Handel opera "Ariodante" guarantee that the first two weeks will be impressive.

But the aim of the center's management is to fill it through the first year and in succeeding seasons with a continuous festival of the performing arts. The center hopes to draw on outstanding talent and productions in the United States and other lands on all the continents and, if it can find the means. to stimulate the creation and production of new works.

After the Bernstein, Ginastera and Handel works have completed their runs, the American Ballet Theater will take over the Opera House for a two-week season. It will be followed by the Alvin Ailey Dance Company and Washington's own National Ballet, each of which will appear for a week.

DANCE FESTIVAL LISTED

Later in the season the center will play host to an Afro-Asian Dance Festival and to the dance troupes of Arthur Mitchell and Paul Taylor. The Sierre Leone Dancers will take over the Concert Hall for one evening.

In the Concert Hall, to be inaugurated Thursday evening by the National Symphony Orchestra, which will make the center its home base, a number of visiting orchestras. will perform during the first year. Among the American ensembles will be the New York Philharmonic and the Boston, Philadelphia, Cincinnati, Detroit, New Jersey, Chicago, American Youth, Cleveland and Minnesota orchestra.

One of the most attractive events, Early American in origin, will be a concert presented next Sunday by the Moravian Music Foundation. The Piedmont Chamber Orchestra, which has its roots in the North Carolina School of the Arts; the Westminster Choir and soloists will join in a program called "The Dawn of Glory," devoted in part to compositions written in the 18th and early 19th Centuries by Moravians who immigrated to the new republic and brought with them a highly developed musical culture.

OPERA SCHEDULE

For opera the center, after the opening weeks, will depend on the Opera Society of Washington and the New York City Opera. The Opera Society, which commissioned and is producing "Beatrix Cenci," plans a production of Verdi's "Falstaff" and one other work later, and the New York company will pay a two-week visit next May.

The concert schedule will include such established performers as Isaac Stern, Eugene Istomin, Leonard Rose, Marilyn Horne, Birgit Nilsson, Alicia de Larrocha, Yehudi Menuhin and Andres Segovia.

The center has booked a wide-ranging variety of jazz, rock and popular performers including the Fifth Dimension, James Taylor, Kris Kristofferson, Pearl Bailey, Diahann Carroll, the Modern Jazz Quartet, Victor Borge, Charles Aznavour, Rod McKuen, Henry Mancini and Duke Ellington.

The theater will be represented by musicals performed in the Opera House and drama in the Eisenhower Theater. The first musical, a revival of the Leonard Bernstein-Lillian Hellman-Richard Wilbur "Candide," will open on Oct. 21. Later there will be a revival of "Lost in the Stars," a run by a touring company of "No, No, Nanette" and one other musical.

The Eisenhower Theater will be opened officially Oct. 18 with a visiting production of Ibsen's "A Doll's House."

Master Money-Raiser

(By Roger Lacey Stevens)

Washington.—For a man who has always had supreme confidence in himself, it was galling for Roger L. Stevens to confess to President Kennedy that he was failing in his attempt to build a national center for the performing arts.

The President said what Mr. Stevens wanted to hear: "Roger, you've got the toughest money-raising job in America," and urged him to carry on. It took 10 years for Mr. Stevens, who is chairman of the board of trustees for the center, to raise the money and fight the battles over its location, architecture and size of the three performance halls with sniping Congressmen, stubborn local critics and apathetic potential donors.

But the battles are over and tomorrow night the center—originally called the National Cultural Center but renamed the John F. Kennedy Center for the Performing Arts as the nation's memorial to the assassinated President—will open.

The persistence of the tall, blue-eyed Mr. Stevens in pushing ahead against long odds was exhibited on Broadway long before he took on the job of building the Kennedy Center.

He lost $45,000 in his first venture, a 1949 production of Shakespeare's "Twelfth Night." Instead of discouraging him, the failure excited the gambling instinct that has marked much of his life. Following his own ideas of what is good, he went on to become involved in the production of 125 Broadway plays, including such hits as "West Side Story," "Cat on a Hot Tin Roof," "Mary, Mary," and "Bus Stop."

"If I like a script, I bought it right away," Mr. Stevens explained. "I never asked anybody's opinion whether they liked it."

The result, according to Mr. Stevens: "Twenty-five per cent were hits; 25 per cent were artistic successes (they got good reviews but the public didn't come); 25 per cent of the time the critics were crazy, and 25 per cent of the time I was crazy."

A TRIUMPH, A MISTAKE

The same tenacity and willingness to take a risk made him a millionaire real estate broker. "When I would do something in real estate," he said, "I would go ahead on my own. I never bothered with people's opinions or surveys."

The result: His greatest triumph and his biggest financial mistake.

The triumph was buying and selling the Empire State Building in 1951 as the head of a syndicate. At that time, according to Mr. Stevens, "it was the biggest and toughest deal that had ever been put together."

The mistake, he said, "was letting my pride get the best of me up in New Haven when I rebuilt the downtown area. I should have just let go, but I wouldn't let go until it was done. It cost me a tremendous amount of money, to say nothing of effort and time, but I've closed every deal I've ever started."

Mr. Stevens is still fascinated with real estate (he's now fighting with his neighbors in Georgetown over subdividing his lot), but real estate is not as much fun to him as sitting in the rear of the theater (his favorite spot) and hearing a "cheering, roaring audience on opening night."

"He's stagestruck," according to Agnes de Mille, the choreographer, who has worked with him for years. The shy, soft-spoken Mr. Stevens, who has never acted and doesn't even make a good speech, concedes his infatuation with the theater and its stars: "They always exude charm and have marvelous personalities. To do a production with Noël Coward, for example, is worth the price of putting it on."

For all his success, Mr. Stevens displays a facade of modesty. But underneath that modesty is a rebellious streak that he has nurtured since the days of his admittedly unhappy youth.

Roger Lacey Stevens was born in Detroit on March 12, 1910, and reared in Ann Arbor, Mich. He never got along with his mother or his father, a real estate man who lost all his money in 1927 before the Depression.

LEFT U. OF MICHIGAN

Mr. Stevens, a graduate of Choate School, dropped out of the University of Michigan after one year because of boredom: "There was nothing new to learn."

"I was against everything then," he recalled, "just like everyone these days."

During the Depression he earned a meager living working in gas stations, on the Ford assembly line and in the wheat fields.

With plenty of time available, he haunted the public libraries and became a prolific reader when "nobody was telling me what to do." Inspired by a schoolteacher living in the boardinghouse in Detroit, he devoured Joyce and Proust and plodded through Thomas Mann's "The Magic Mountain" at 100 pages a day. Even now, reading is his only relaxation; he averages two books a week in addition to mountains of scripts.

After earning a total of $1,500 from 1930 through 1934, and trying to deal, at first without success, in real estate, Mr. Stevens put together a series of real estate deals and made $25,000 in 1935. He has not lacked for money since.

On his way to becoming a millionaire he put in an uneventful World War II hitch in the Navy and married Christine Gesell. The couple have a daughter, Christabel, now Mrs. Hugh Gough of New York.

Although Mr. Stevens has mellowed in his 61 years (he supported his parents for 30 years after having rejected them), there is a bitterness that keeps surfacing.

In producing Broadway plays and in making his real estate deals he could, and did, lose his temper. In Washington he found he had to keep his frustrations to himself—a suppression that he is convinced caused a heart attack last year. Now that the Kennedy

Center is built, there is less need to hide his feelings.

"I felt the building should be finished for Jack Kennedy," he said. "It's finished and open. There's not a damn thing anybody can do about it. Congress can scream—anybody can scream. But it's there, and that's what I considered my job."

Nixons Attend Concert at Kennedy Hall

(By Nan Robertson)

Washington.—Richard M. Nixon lent the presence and prestige of the Presidency tonight to the John F. Kennedy Center for the Performing Arts, named in honor of the man who bested him narrowly 11 years ago for the nation's highest office.

This was the opening night of the center's 2,700-seat Concert Hall following the gala premiere last night of Leonard Bernstein's Mass in the adjacent Opera House.

In the Nixon box also were Mrs. Nixon, Mrs. Dwight D. Eisenhower and the contralto Marian Anderson, banned from singing in Constitution Hall near the peak of her art in 1939 because of her race.

Tonight's concert, and those attending it, bore out the sense of both continuity and change that is part of Washington. Mrs. Joseph P. Kennedy, mother of the assassinated President, was there along with her son-in-law and daughter, the Stephen Smiths; Chief Justice Warren E. Burger, and Treasury Secretary John B. Connally, who served in Lyndon B. Johnson's Cabinet and was seriously wounded that November day in Dallas almost eight years ago in the Kennedy motorcade.

SYMPHONY PERFORMS

The President's older daughter, Patricia, who was married in the White House Rose Garden three months ago to Edward Finch Cox, attended with her husband and her parents-in-law, the Howard Coxes of New York City.

Tonight's concert was given by the National Symphony, which fought and lost the battle of acoustics in Constitution Hall here for 40 years and has finally settled into a fitting home at the center.

The performance began with Beethoven's "Consecration of the House" Overture, written more than a century and a half ago to open Vienna's Josephstadt Theater. It ended with "Secular Cantata No. 2, A Free Song," by William Schuman, who formerly headed the Juilliard School of Music and the Lincoln Center for the Performing Arts in New York.

The composer, who won the first Pulitzer Prize given for music for "Free Song" in 1943, sat in the Presidential box with his wife.

Also invited to share the Nixons' box was Roger L. Stevens, chairman of the board of the Kennedy center; David Lloyd Kreeger, a patron of the arts who is president of the National Symphony and gave $50,000 to the center, and their wives.

With them were Mrs. Antal Dorati, wife of the symphony's music director who conducted tonight's concert; and Mrs. Isaac Stern, whose husband was the soloist in Mozart's Violin Concerto No. 3 in G major. Stravinsky's "Rite of Spring" rounded out the program in the tiered, rectangular hall, which has white walls, red seats and 11 huge crystal chandeliers contributed to the center by Norway.

Among other notables in attendance were Sol Hurok, the impressario, and Mrs. John N. Mitchell, wife of the Attorney General.

Mrs. Eisenhower, whose only grandson, David, married Julie Nixon, the President's younger daughter, in 1968, rode from the White House to the center tonight with President Nixon, the First Lady, Patricia and the Cox family.

The widow of President Eisenhower, now 74, is an honorary chairman of the center. It was authorized by Congress during her husband's second Administration.

The center's third great hall, scheduled to open in mid-October, is named the Eisenhower Theater.

Tonight was the Nixons' first appearance at the Kennedy Center for the Performing Arts. They passed up last night's spectacular premiere in the Opera House and turned the Presidential box there over to Mrs. Rose Kennedy, her son, Senator Edward M. Kennedy of Massachusetts, and other members of the family.

Simultaneously with the National Symphony concert, the second official performance of Bernstein's Mass was going on within the building. The two events drew the biggest total so far—5,000 persons—into the Kennedy Center.

Although the huge lobbies can easily contain a bigger crowd, the performances were staggered because of the potential strain on parking and dining facilities within the building.

The Mass began at 7:30, running two hours without intermission. The concert's opening hour was scheduled for 8:30 p.m., running for two hours including the intermission.

Miss Anderson, now nearing 70 and one of the honored guests tonight, was refused permission 32 years ago to give a concert in Constitution Hall by the organization that owns it, the Daughters of the American Revolution. Mrs. Franklin D. Roosevelt promptly quit the D.A.R. in protest against its anti-Negro policies.

The great contralto sang instead at the Lincoln Memorial on Easter Sunday in 1939 before Mrs. Roosevelt, members of the Roosevelt Cabinet and a crowd of 75,000. She went on to establish a world reputation with her luminous voice and presence. She has served for five years of a six-year term on the National Council of Arts appointed to the post by President Lyndon B. Johnson.

Bernstein Mass Reflects Broadway Work

(By Harold C. Schonberg)

Washington.—There were heated arguments about the John F. Kennedy Center for the Performing Arts even before it opened. Wednesday, the big palace on the Potomac was officially inaugurated, with a performance of Leonard Bernstein's Mass in the Opera House. Because of the nature of the music, still one more element about the center will be controversial. Indeed, the arguments had started with the first public rehearsal last Sunday.

There were those who dismissed the Mass out of hand as vulgar trash, saying derisively that it was worthy of the building. There were those who were distressed about the treatment of the Catholic liturgy, especially the moment where the Cross is destroyed. There were those who said that Bernstein had put his finger exactly on what ails the Church today, and that his Mass was a relevant commentary on religious problems.

And there were those, especially among the youthful members of the audiences, who screamed and applauded and cheered and cried and said it was the most beautiful thing that they had ever heard.

The text of the Bernstein Mass follows the Catholic liturgy, from the Kyrie through to the Agnus Dei. But that is only the framework. Additional texts have been supplied by Bernstein and Stephen Schwartz. In some of the orthodox sections of the Mass, Bernstein has created a stylized, chantlike settings, on the order of what Stravinsky did in his "Symphony of Psalms."

Elsewhere, there is a wild mélange of everything. One can hear rock, Broadway tunes that echo "West Side Story" and "Fancy Free," raga, Beatles, ballads, Copland, chorales, revival-meeting tunes, hymns and marching bands.

The work employs huge forces—more than 200 participants—and the list of credits reads like an honor roll of show business. Settings by Oliver Smith. Choreography by Alvin Ailey. Costumes by Frank Thompson. Lighting by Gilbert Hemsley Jr. Produced by Roger L. Stevens.

The conductor was the talented Maurice Peress, who had been selected by Bernstein as an assistant conductor of the New York Philharmonic about 10 years ago. Mr. Peress is conductor of the Austin and Corpus Christi Symphonies, both in Texas.

In this Mass, which the composer describes as a theater piece for singers, dancers, and players, there is a story line and a set of premises. The Priest-celebrant, a Christ-figure, comes from youth and eventually returns to youth. He has symbolized orthodox religion, but orthodox religion no longer works.

Orthodox religion, implies the text of the Bernstein Mass, certainly has not stopped the butchery in Vietnam. Nor has it supported the pacifistic endeavors of the Berrigan brothers. The "Dona Nobis Pacem"—"Give Us Peace"—of the Mass is a strong antiwar statement. It is at this point that the Celebrant goes mad. He breaks the Cross, despoils the altar, rids himself of his vestments. (Mad scenes for men are rare. One previous attempt was Peter Maxwell Davies's "Eight Songs for a Mad King," composed a few years ago.)

What the world needs, says the Mass, along with Ludwig van Beethoven about 150 years ago, is the brotherhood of man. To emphasize the point, there is a great laying-on of hands when choir boys descend into the audience and press the flesh of everybody in sight. "Pass it on," they whisper. The audience is suffused with peace and love.

Leonard Bernstein's Mass, almost two hours long without an intermission, is a very chic affair. It offers a sentimental response to great problems of our time. Musically, it is a stylistic phantasmagoria that uses the fashionable techniques. Amplification, for instance. Everything is amplified, as at a rock concert—the singers, the orchestra, and there also is lavish use of four-track pre-recorded tape. The result can be ear-splitting.

With this kind of score, it was, of course, impossible to guage the acoustics of the Opera House. That will have to wait for the performance of the Ginastera opera, "Beatrix Cenci," Friday night.

The fashionable elements include orchestrations by Hershy Kay and Jonathan Tunick. The musical ideas all are Bernstein, but as is customary in Broadway musicals, other hands have helped dress them up. By far, the best sections of the Mass are the Broadway-like numbers—the jazzy, super-rhythmic sections. Bernstein at his best always has been a sophisticate, a composer of skillful lightweight music who can turn out a snappy tune or a sweet-flowing ballad. That is what has made his work on Broadway so superior. And, fortunately, about two-thirds of the Mass is gay and lighthearted.

But in his more serious music Bernstein has tended to sound derivative. When Bernstein struggles with the infinite, he has generally been thrown for a loss, as in his "Jeremiah" or "Kaddish" symphonies. And so it is in the Mass. The serious musical content is pretentious and thin, as thin as the watery liberalism that dominates the message of the work. At the end, both music and text descend into a slick kind of bathos.

For love and the brotherhood of man will not solve our problems. Better housing, jobs for everybody, and adherence to the Bill of Rights will do a lot more. Anyway, the ones who talk loudest about universal love are generally the ones who are the greatest haters. At times the Mass is little more than fashionable kitsch. It is a pseudo-serious effort at rethinking the Mass that basically is, I think, cheap and vulgar. It is a show-biz Mass, the work of a musician who desperately wants to be with it.

So this Mass is with it—this week. But what about next year?

MUSIC: VERVE IN "FIGARO": KEENE LEADS CITY OPERA'S PRODUCTION WITH A STRONG SENSE OF RHYTHM

(By Raymond Ericson)

The New York City Opera's production of "The Marriage of Figaro," given its first performance of the season on Wednesday night, skims lightly, entertainingly and somewhat superficially through the Mozart work. The production has been around a long time, and it is to the singers' credit that they performed with as much verve as they did.

Christopher Keene may have had something to do with this. The young conductor was leading the opera for the first time here, and he brought to it a very strong sense of rhythm, which kept the score effervescent.

His tempos were not rigid, but he stuck to them more persistently than many of his colleagues do. In a few ensembles this seemed to take the singers by surprise, but Mr. Keene was obviously going to lead, not follow. Yet he showed consideration for the voices by keeping the weight of the orchestral tone down.

The acting was deft, although no one characterization cut deeply. The singing was equally assured, but, in having to sing in English, the cast often had to forgo the nuances in the Mozart vocal line. The best singing came from Michael Devlin's youthful Figaro, Johanna Meier's fine, lyrical Countess (barring some shaky opening measures) and Kay Creed's diminutive Cherubino.

There was a pert Susanna from Patricia Wise, an unusually sweet, noncaricatured Marcellina from Beverly Evans, a fatuous Count from John Darrenkamp, an agreeable Bartolo from Edward Pierson. Bernard Fitch's new and competent Basilio, Jack Bittner's crusty Antonio and Syble Young's lively Barbarina were equally pleasant. For all of them "Figaro" was a light comedy. Of the underlying satire there was no trace.

ENTERTAINMENT EVENTS

THEATER, LAST NIGHT

No Place To Be Somebody, opened at the Morocco Theater; Out of Control, opened at the Actors Playhouse. Reviews will appear in later editions and will be reprinted tomorrow in the editions for which they were not available this morning.

THEATER, TONIGHT

Puerto Rican Traveling Theater, dramatized anthology of Puerto Rican short stories. Metropolitan Museum of Art, 81st Street and Fifth Avenue, 7:30.

OPERAS, TONIGHT

New York City Opera, Charpentier's "Louise," with Meier, Greenspon, Theyard and Hall, Wilson conducting, New York State Theater, 8:15.

Light Opera of New York, Gilbert and Sullivan's "The Gondoliers," 8:30.

CONCERTS, TODAY

Jazz Adventures, Clark Terry Big Band, La Martinique, 57 West 57th Street, noon.

Margaret Ann Harnish, violin, Lincoln Center Library-Museum, 6:30.

Original Rock'n'Roll Show, with the Cleftones, The Cadillacs, Harvey and the Moonglows and the Alan Freed Band, Academy of Music, 126 East 14th Street, 7:30 and 10:30.

Ray Copeland Jazz Band, St. Albans Park, Queens, 7:30.

Albert Armen, Cordovox player, Carnegie Recital Hall, 9.

DANCE, TONIGHT

Lonny Joseph Gordon and Kinetic Theater-Dance. Summergarden, Museum of Modern Art, 8.

New York Dance Festival, Delacorte Theater, Central Park at 81st Street. James Cunningham/Acme Dance Company (Lauren's Dream); Eleo Pomare Dance Company ('Nother Shade of Blue; Las Desenamarados); Bhaskar (Naga Nirtham; Surya Nirthan); Jose Limon Dance Company (La Malinche; The Exiles); Violette Verdy and Helgi Tomasson (Tchaikovsky Pas de Deux), 8, Tickets distributed at 6.

CABARET, TONIGHT

Downstairs at the Upstairs, 37 West 56th Street, Joan Rivers, comedienne.

Dangerfield's, 1118 First Avenue. Kenn Chertok and Joyce Maurer, singers; Rodney, Dangerfield, comedian.

VIGNETTES OF THE OPENING: RICH AND UNRICH MINGLE

(By McCandlish Phillips)

Somewhere in the John F. Kennedy Center for the Performing Arts, WASHINGTON.—Rivers of people moved tonight through the valleys called entrance halls here as the rich, the famous and the mighty came thronging in for the premiere. Liberally mixed among them were the unrich, the unknown and the curious.

A democracy of dress prevails in this cultural center of the American democracy. A student in a gray sweatshirt stood near the velvet robe-barriers of the Opera House, near eight young people in vaguely Indian garb. A man in a screaming red polo shirt looked like a cardinal among penguins.

A stout woman wore cream-tone slacks, a slim woman wore hot pants. A man about 55 kept cool in walking shorts.

Two women pushing baby carriages wheeled within four feet of the foyer bar, where men and women of high station were sipping champagne. A man carrying a shopping bag took the curtains in his fingers and gave them an evaluatory pinch.

"Well, we labeled this, Black Tie Optional—you know what that means," an official of the center said.

The tour group sailed over a sea of crimson broadloom and was washed into the Israeli Room, a quiet backwater of the center, whose appointments are not yet apparent.

"All of the instruments of the Bible will be on the wall," the guide said. "On the ceiling there'll be a mural from a Biblical story, which I can't remember the story."

"Something from the Old Testament probably," a woman in the group said drily.

The guide knew the precise identity of two works of sculpture by Henri Laurens on the box-tier level outside the Concert Hall, "Ocean Nymph" and a reclining figure called "Autumn," but her enunciation lacked finesse.

"Bottom?" a short woman in a yellow dress asked.

"Aut-umn," the guide said in a low voice, but with exaggerated plainness.

The Grand Foyer, with 18 identical crystal chandeliers, runs 600 feet from one end to the other. "Is that side different?" a man asked, having walked about 280 feet to the center.

"No," he was told, "if you've come this far, you've seen it all."

Senator Hubert H. Humphrey came to the center of the foyer and stopped. "It has a majesty about it," he said. "There's a tremendous beauty to it—without being overly ostentatious. It has class, dignity. I love it."

The former Vice President gazed for a moment at the great bronze head of President Kennedy. "He's got the chin up, that's great," Mr. Humphrey said, holding his chin at approximately the same jaunty Presidential tilt.

Either the Grand Foyer swallows noise or it awes people almost into silence. Perhaps 300 people stood milling in it before performance time, making so little noise that a blindfolded man might have guessed himself to be among 40 people looking at paintings in an art gallery.

Hundreds of people sought seats for tonight's premiere but were disappointed. Perhaps the ultimate refinement in ticket espionage was carried out by Lili Samaha, who has homes in Maryland and Beirut, Lebanon. "I followed the young man who had the envelopes with the tickets for the embassies who didn't show up," she said. Even at that she did not get in.

A woman in a black gown with red hair fainted at the entrance to the Opera House. Her escort, and five red-jacketed ushers stood near her fallen form and one of them waved a program over her head. "Are those tickets available?" a bystander asked.

A woman of advanced middle age mixed with the premiere throng, celebrity hunting. "You should see the autographs I've got," she told a friend enthusiastically, waving her autograph book. "Averell Harriman and Gregory Peck."

THE MASS BLENDS MUSIC, DANCE AND DRAMA

BERNSTEIN'S NEW WORK REFLECTS HIS BACKGROUND ON BROADWAY

(By Harold C. Schonberg)

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Animated Ailey Troupe Infuses a Piece With Ritualistic Power

(By Clive Barnes)

Washington, Sept. 8—There is, after all, no business like show business, and the John F. Kennedy Center for the Performing Arts has apparently opened its proceedings with a Broadway musical. It is by Leonard Bernstein, and is called a Mass, but that will deceive few.

All these state and formal offerings that are used to open opera houses tend to be compromises between aspiration and reality, and this compromise, an eclectic, ecumenical, multiracial, multipurpose pageant, is considerably jollier than most. As a Broadway musical it is in the semi-abstract tradition of "Hair." Although it is better groomed, rather shorter and, naturally, as befitting such an occasion, a great deal more respectable.

However, there was a certain wry pleasure in noting Bernstein occasionally slipping his words of peace across in this new tempo of Washington. It is so easy to remember that Bernstein is chic that you sometimes forget that he is also occasionally radical.

The piece begins with an every-man Celebrant (well played by Alan Titus) playing on his guitar and with a sandbox, which is presumably a symbol of time and earth. Then we have Bernstein's asseveration of life and belief in God—expressed in the stylistic outline of a mass, but as one of the songs itself said: "Don't look for content beneath the style."

Thanks to the ingenuity of Gordon Davidson, the director, and Alvin Ailey, the choreographer this is never a staged cantata. They both make adroit use of a limited space offered by Oliver Smith's sparsely effective setting—a row of pews reminiscent of his "Les Noces" setting and separated by a staircase.

In front of this, Mr. Davidson and Mr. Ailey stage a celebration and a fiesta. The dancing—performed by the Ailey Company—has just the right ritualistic power, and Mr. Davidson has combined all his disparate elements—such as a boy's choir, marching brass band and slouching jazzband—into an animated and often even compelling stage picture. He is helped by a very experienced cast, including such Broadway stalwarts as David Cryer and Walter Willison.

The difficulty is the basic triviality of the material. Mr. Bernstein is sincere but bland. He murmurs approvingly of draft evasion and ecology, and he tries rock music as eagerly as he tries to emulate the music of Carl Orff. And yet, it never seems to add up to the sum of his hopes. The writings—by the composer assisted by Stephen Schwartz—is especially banal.

Still, the Opera House is open. It was a cheerful painless occasion, and New York no longer has the ugliest opera house in North America. Washington is to be congratulated heartily on the new complex. It will perhaps never win a beauty prize—but the sightlines are good, the stage is ample and the seats are comfortable. Now it only remains to see what Washington does with its new toy. It should have permanent full-time resident companies of its own—this is too useful a facility to be used merely as a booking house.

Center Will Need Funds To Realize Broad Goals

(By Howard Taubman)

Washington.—Four Presidents—Eisenhower, Kennedy, Johnson and Nixon—have played a direct part in creating the John F. Kennedy Center for the Performing Arts. The man whose memorial the center has become had such an institution partly in mind when he said a few weeks before his death: "I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well. I see little of more importance for the future of our country and our civilization than full recognition of the place of the artist."

It was Dwight D. Eisenhower who on Sept. 2, 1958, signed into law the National Cultural Center Act, which provided for a Government-owned site and specified that funds for the building must be raised by voluntary contributions. When the time limit expired in September, 1963, Mr. Kennedy signed amending legislation extending the fund-raising deadline. Early in 1964, Lyndon B. Johnson pushed through a bipartisan measure making the center a memorial to Mr. Kennedy and authorizing a Federal matching contribution of $15.5-million. Almost two years ago, Richard M. Nixon obtained legislation authorizing $7.5-million more in matching funds.

JOHN ADAMS'S PREDICTION

These four Presidents, like some others before them, had been aware that Washington as a world capital could not afford to be second-rate in the arts. And, indeed, it was John Adams who predicted when the young nation was struggling to establish itself firmly that the time would come when his grandchildren would be able to devote themselves to cultural pursuits.

But does a huge building, however, well-endowed with auditoriums, backstage facilities and opulent foyers for glamorous assemblies, in itself assure the pursuit and enjoyment of worthy cultural goals?

Obviously not, but buildings of some sort are required, and anyone who knows a little of Washington history will agree that there have been occasions when an existing hall or the absence of one led to acute embarrassment. Only 32 years ago a new American star, Marian Anderson, was forbidden the use of Constitution Hall for a concert because she was black. And only several years ago the Australian ambassador, who wished to introduce his country's ballet with the proper diplomatic flourish, had to transport his party by bus to Baltimore because no adequate stage was available in the capital.

A SUITABLE FRAMEWORK

The first significance of the new center, then, is that the capital at long last has a place where all the performing arts, our own as well as those of other lands, can be presented in a suitable framework.

The next question often raised about the center is: Will it be anything more than a showcase for the famous and established?

Roger L. Stevens, chairman of the board, and Julius Rudel, the center's music director, have said repeatedly that they wanted the programing to be creative. With the three opening productions in the Opera House—Leonard Bernstein's new Mass, Alberto Ginastera's new opera, "Beatrix Cenci," and the new production of Handel's rarely heard opera "Ariodante"—they have offered proof of their willingness to be adventurous.

The test of a commitment to be creative will come in the months and years ahead but, as everyone who has been around the arts realizes, such a commitment must be backed with money. World-famous artists and ensembles will surely fill the center. New works and young artists may not, and the Kennedy Center will have to find the means to present them, for it knows that this is one of its obligations.

WELCOME FOR ALL ASPECTS

Another question perturbing some observers is: Will the Kennedy Center, a tax-supported institution, be for the exclusive relaxation and display of the rich and the chic?

The center's board and management have made abundantly clear that they want every aspect of the performing arts, from the most lofty to the most popular, to be welcome and that provisions must be made for people who can afford to pay little or nothing for tickets. On these issues, too, time will tell whether the broadest goals can be realized, and here, too, the goals can become reality only with adequate financial support.

Such support may come from private sources—individual, business and foundation—but much of it, knowledgeable observers believe, must come from government. Resistance is expected from quarters that have cried out against putting tax money into "frills" such as the arts.

LARGE SUMS FOR STADIUMS

But there is now ample precedent in America for government support of amenities that please, excite and enrich the lives of the people. Government units in various parts of the country, including the capital, have provided large sums for stadiums where professional football and baseball teams charge whatever the traffic will bear. Government units have also made considerable contributions toward cultural centers, and it is now fixed Federal and state policy that government has a responsibility for the creation and dissemination of the arts.

The Kennedy Center, even more than such art meccas as Lincoln Center in New York and the Los Angeles Music Center, can be a focal point for all America. With enough financial support, it could bring into being such needed institutions as a national theater and a national opera. Besides attracting creators, performers and audiences to itself, it could help to radiate the performing arts to regions that have had, if anything, no more than a glancing exposure to them.

"Mass" Trembles on the Edge of Greatness

(By Irving Lowens)

The Kennedy Center last night began its official life as a national showcase for the performing arts in the most auspicious fashion, presenting the world premiere of Leonard Bernstein's long-awaited "Mass," an extraordinary work which trembles at the edge of greatness.

"Mass" is most assuredly Bernstein's most eloquent statement of the condition of man in our age of anxiety, a matter which has been something of an obsession with him throughout his career.

And it may well go down in the history books as his finest achievement—at least until Sept. 8, 1971—as a serious composer.

This is not a Mass in the liturgical sense. "Mass" is the title of "a theater piece for singers, players and dancers" (as it is accurately described in its subtitle) utilizing, as its center, portions from the liturgy of the Roman Mass.

The time-hallowed Latin words of the traditional Roman Mass, as evocative as poetry, form the central core of "Mass."

Ringing this central core, as the rings around Saturn, is a stunningly imaginative procession of commentaries and meditations, in music and action.

The chorus sings the solemn words of the Confiteor: "Confiteor Deo Omnipotenti" (I confess to Almighty God).

Instant segue to a rock group. The singer belts out:

> If I could, I'd confess
> Good and loud, nice and slow
> Get this load off my chest
> Yes, but how, Lord—I don't know.

Bang. A blues singer moans:

> Well I went to the holy man and I confessed
> Look, I can beat my breast with the best
> And I'll say almost anything that gets me blessed
> Upon request.

The idea of using a basic text with a series of glosses (Bernstein calls them strophes) is disarmingly simple but most ingenious. Bernstein puts it to brilliant use, developing it into a novel and very convincing dramatic unit.

The larger dramaturgy of "Mass" is, logically enough, determined by the structure of the Roman liturgy.

Gradually, one becomes aware of the fact that the singers, dancers and players on the stage are, in reality, the surrogates for the people who are not on the stage, for the now people, the flower-children, the soul-brothers, the squares, the protesters, the conformists, for all those who are seeking answers to troubling questions.

One also becomes increasingly aware of the significance of the Celebrant of the Mass, of the figure who stands between man and God and speaks to the Godhead in behalf of his fellow-man.

The Celebrant begins as a simple regular guy in blue denims, who doffs his guitar in favor of an unadorned smock. As the piece proceeds, his garb grows increasingly elaborate, almost imperceptibly, until he approaches the splendor of a prince of the church.

And arching over the whole interplay of the evolving drama is the deepening realization of the unbridgeable gap between the human and the divine, the terrible realization that some questions have no answers.

The link between the Celebrant and the Godhead snaps.

He, too, is merely human. And old. And tired. And alone—very much alone—in a universe that he does not understand.

Out of this sense of loneliness, of the most intense poignancy, Bernstein achieves a most remarkable catharsis. Despite the lack of answers, Bernstein tells us, man cannot lose faith. He still must sing "laude, laudatum eum," even though he cannot know that which he is praising.

And as the song of praise grows, the people on stage touch each other, and embrace, and comfort each other in the knowledge that they are not alone.

The yearning of the audience to participate in this strange Mass, has, by this time, become so intense that it is almost tangible. The artificial barrier between those doing and those watching breaks, the boy choristers leave the stage, walk down the aisles, hands extended, to touch those of the men and the women along the aisles.

"Pass it along," the children whisper.

And before you know it, you are reaching over to touch the hand of your neighbor, and to take comfort from his humanity.

The work concludes, as it must, with the inevitable words: "The Mass is ended; go in peace."

The perceptive reader may have noticed that I have studiously avoided any discussion of the musical score of "Mass" until a very late point in this review.

The reason why is linked up with my first paragraph, which points out the work "trembles at the edge of greatness."

It does not achieve it, and I fear that the music is the reason why.

Bernstein is a fantastically gifted man of music. And he is also a fantastically gifted man of the theater. If the score he had written equalled the book . . .

But it doesn't.

The composer Bernstein draws, in "Mass" upon a wide variety of musical idioms, not least of which is that of the Broadway musical. In some instances, the use of Broadway is spectacularly right. But in others, it is just as spectacularly wrong.

Musically speaking, the most affecting portions of "Mass" are those in which Bernstein relies upon his formidable lyrical gift, those in which the melodic line is slow and easy and touching.

The big brassy things don't have it. They have a certain snappiness, a certain vulgarity, that detracts from the power of the dramatic conception.

But "Mass" is a noble failure, daring, creative, and in every way suitable to the occasion and worthy of the plaudits which were heaped on it (and on the composer) by the awed audience in a 10-minute ovation. It is a bigger work in stature, flawed as it is, than many contemporary "masterpieces" by composers of lesser humanity.

As to the production, it was an absolute dream, a delight from beginning to end.

The direction by Gordon Davidson, terse, no wasted motion, expressive, was a knockout.

Alvin Ailey's choreography was exceptionally strong, some of the best I have seen from him, and it was beautifully executed.

The set by Oliver Smith—a starkly simple staircase, with the central section in white, stretching upward into infinity and reaching downard into the audience—was very powerful in its symbolism.

Costumes (Frank Thompson), lighting (Gilber Hemsley, Jr.), musical direction (Maurice Peress), singing (the Norman Scribner Choir and the Berkshire Boys Choir) were everything anyone could ask for.

Of the cast of more than 200, one individual must be singled out for special acclaim—Alan Titus, the 23-year-old American baritone who triumphed in the key role of the Celebrant. The part is, it is true, one of the juiciest that could possibly come the way of a young artist. If the spectacular success he achieves in "Mass" does not rocket him into national prominence very quickly, I will be much surprised.

The other big star of the occasion was the Kennedy Center opera house, which was tested as perhaps no other opera house has been tested by the exceptional range and variety of sounds, both natural and electronic that Bernstein put into it.

I am overjoyed to be able to say that it passed the acoustical test easily. It is a fine house, intimate, with great warmth and good balance between what goes on in the pit and on stage. And miracle of miracles, there was not the slightest indication that outside, only a few hundred feet away, the big jets were coming and going from National Airport on their regular simulated bombing runs. Washington can relax with the opera house—it's great.

Bernstein's Mass: "A Reaffirmation of Faith"

(By Paul Hume)

Toward the beginning of Leonard Bernstein's Mass, its central figure, the priestly Celebrant, turns directly toward the audience in the Kennedy Center Opera House, opens his arms to their full width, and says, "Let us pray: Almighty Father, bless *this* house and protect all who are assembled here."

At that moment, Mass performs the specific function for which it was called into existence: to dedicate a great center for the arts. The entire Mass is a shattering experience that signally honors its creator, the center and the memory of the man for whom the Center is named.

Last night as on two previous evenings the audience shouted its enthusiasm for everyone, but, above all, for Bernstein. He was forced to cross the stage in a slow, triumphal procession, embracing everyone in the company within his reach.

The central message of Mass and its crucial challenge is the place and function of religion in a world of violence. The hope of reconciliation held out in its final moments underscores Bernstein's program note that says, "the intention of Mass is to communicate as directly and universally as I can a reaffirmation of faith."

The emotional impact of Mass on the audience is achieved through a rich amalgam of the theatrical arts. The great Opera House stage is a magnificent setting for more than 200 singers, dancers, actors, and musicians who weave into a luxuriant fabric a thousand details of personal hopes and frustrations, anger and bitterness, and humanity's ultimate plea for peace.

Mass is more than music, more than theater. Essentially plotless, its power to overwhelm comes from what Bernstein and his writing associate, Stephen Schwartz, have perceived in the liturgy of the Roman Mass, and the contemporary commentary in which they frame it. Mass can be interpreted on a variety of levels: theological, social, personal and sacerdotal.

The central action of Mass surrounds its Celebrant from the moment he strikes the first chord on his guitar and gathers around him a swarm of eager, happy choir boys, to the awful, shuddering climax of the "Agnus Dei" when he is attacked and tormented by those he thought were his people, so that he hurls the consecrated sacraments of bread and wine to the floor and, in the words of the score, goes "berserk." It is a terrifying moment that produces a physical shudder in many who have seen it.

Only after the wrenching collapse can the ultimate, healing reconciliation gradually evolve. There is a long moment of planned silence after an orgy of sound that is the largest peak of sheer volume in Mass. Not a person of the entire company on the stage or in the pit moves a muscle. Audiences at previews sat similarly immobilized until finally, quietly through the house there stole the sound of a single flute. It acts like an ointment of miraculous soothing power.

In its wake there stirs throughout the whole congregation, so recently infuriated, a spirit of love that begins as they speak to each other, "Peace be with you." Each turns to his neighbor to embrace him in genuine love. That moment is enlarged to take in the entire audience as the boys of the choir walk out and touch and greet the person sitting on the aisle of every row of the main floor. It has happened on four nights that these people in the audience have turned to those next to them to pass along a kiss or the grasp of a hand or a word of peace.

Bernstein and Schwartz have hesitated to raise the most probing questions of religious belief. Bernstein uses an ingenious technique of having both a formal choir, which sings the entire Latin text of the Mass, and a chorus out of which solo singers interject in English from time to time to interrupt the action of the Mass. Bernstein's own background enters the work with singular power at the one point in the Mass where Hebrew is used. The choir first sings "Sanctus, Sanctus," and then, "Kadosh, Kadosh, Adonai."

The English commentary gives special thrust to the basic tenets of the Mass. For instance, when the choir sings "Credo," a soloist comes in with, "I'll never say credo, how can anybody say credo?"

Even the Celebrant, his mind wracked by intolerable tensions, throws the wine to the floor, and then says, "It's supposed to be blood—it is blood." But somehow a question lingers.

The case of the Berrigan brothers is implicit in the verses Bernstein chose for his Celebrant to read from the Epistle: "Brothers, this is the Gospel I preach, and in its service I have suffered many hardships, yea even unto imprisonment."

One of the young singers reads a letter that begins, "Dear Mom and Dad," and lovingly urges his parents not to worry about him although he is on his way to prison, for, he says, "I am now a man."

Later, his young wife writes about her first visit to him in prison and says, "He spoke of how we will grow through this."

One of the most poignant moments in Mass occurs when the Celebrant prays "for those who have died" and lists some of their names. It is impossible not to think: "and for John, and Robert, and Martin."

The frequent social comments in Mass are barbed. During the "Gloria," the choir sings, "Half the people are stoned and the other half are waiting for the next election."

A soprano sings, "There once were days so bright . . . and I sang 'Gloria' " but she goes on to say, "And now it's strange, somehow though nothing much has really changed I miss the 'Gloria,' I don't sing 'Gratias Deo.' I can't say quite when it happened." Is Bernstein reminding his listeners of how many people find "Gloria" and "Gratias Deo" harder to say these days?

And what of his Celebrant, his priest? Mass throws a spotlight on the terrible pressures that bear down on priests today. At the opening of Mass, the Celebrant is happy with his choir boys and his young parishioners. But each time he takes another step toward carrying out his supreme priestly function of preparing and celebrating the Mass, the sense of separation (and opposition) from his congregation increases.

At the Offering, after he places the vessels for the bread and wine on the table and leaves to put on his final garment, some of his people launch into a "Calf of Gold" orgy in front of the altar, only to stop, suddenly abashed when he returns.

The nature of their final, crushing thrust is clear in Bernstein's score when, in the "Agnus Dei," his directions to the singers and dancers bristle with these words: "menacing, wild, attack, savage, barbaric, nasty, relentless, stamp." The Celebrant is forced to retreat farther and farther from his altar until, just as he completes the Consecration, their threats carry him over the edge of reason.

The bitter sting in their attack is that it comes as they advance toward him singing, "Dona nobis pacem!" It is the insistent, demanding cry of the world to its teachers of religion, "Give us peace!" and the world runs out of patience and will not wait any longer when offered sacraments but no peace.

While Mass is theater and dance, it is above all music. Certainly from the "Agnus Dei" to the end, it is the greatest music Bernstein has ever written.

There is a pit orchestra entirely of strings, plus organ and percussion. On stage are two rock bands, a big brass, marching band, and a woodwind ensemble.

Six loudspeakers placed at the back of the main floor and each balcony carry frequent taped sequences, which in at least two episodes, rise to the huge levels of volume possible only through electronic means.

The opening of Mass is a jubilant outburst of dancing and singing, full of joy at the prospect of celebrating a great sacred mystery but one filled with life. It has the feeling that every Mass should have at its outset.

The first hymn is taped, a brilliant vocal round that leads into the choir's bounding "Kyrie." Bernstein's phenomenal melodic gifts come out in every vein and his genius in choral writing quickly outstrips anything he has done before. Writing for greater instrumental resources than he has previously used, he has given Mass a special richness of texture to which the organ makes a particular contribution.

Mass moves in an unbroken line from beginning to end. But Bernstein scatters through it a brilliant array of musical forms and styles whose variety builds, without interrupting, sustained emotional power. Like a great mosaic it is a work from which no single episode can be removed.

The sermon is a stunning dialogue between Celebrant and congregation on the theme, "You cannot imprison the Word of the Lord." It is followed by a racy, jazzy scherzo on "God said, 'Let there be light,' " that is sheer magic with some nasty overtones.

The "Sanctus" is a bright dancy passage after a Lord's Prayer whose simplicity is beautifully right. The Celebrant has moments of inner doubt and questioning (and affirmation). He sings to himself, "When my courage crumbles, when my faith is tossed and tried, when the things I trust lie shattered in the dust, I go on, right then, I go on to say I will celebrate another day." Who has told Bernstein so much of the self-questioning and doubts, the loneliness that assails priests these days?

The Alvin Ailey Dancers make one of the major contributions to Mass, from the moment of their first, uninhibited happiness to movements that catch the hushed mystery at the heart of the ceremonies. And they add unique thrusts to the scenes of menace and brutal attack.

However, one person dominates the entire work. Alan Titus is the young man who with unerring feeling for nuance of meaning, blessed with an expressive lyric baritone, and able to wear blue jeans and faded shirt or rich ecclesiastical robes with equal ease, carries the role of Celebrant.

The degree to which Titus mirrors the broad emotional range of the part is matched by the beauty of his singing and a manner of convincing sincerity. In an unprecedented "Mad Scene," he proves an actor of convincing power. At the close of this scene, apparently forever broken in spirit, having torn off his ceremonial robes, and crying out, "Can't you see? Underneath there is nothing but me." I am only a man like you," he disappears into the darkness beneath the stage.

But then, as reconciliation goes forward, Titus reappears, completely unobtrusively, to stand at the far side of the stage, once again one with his people, who turn to him and say, "Peace be with you."

Surrounding him is a company directed by Gordon Davidson, who splendidly moves platforms filled with rock bands, large masses of singers and dancers, massive choir stalls and individual actors like single blocks in a grand design. The Berkshire boys and a choir trained by Norman Scribner work beautifully with the chorus and soloists. The stage is filled with glowing colors in simple sets by Oliver Smith and handsome costumes by Frank Thompson.

The guiding hand that controls the whole machine is that of conductor Maurice Peress, a Bernstein protege with a genius for handling the largest forces with authority. At one with the inner spirit of the music, he enhances its subtlest touches of sound, its lovely instrumental lines and huge tonal forces as well as its dramatic probings with consummate skill.

Bernstein does not leave his audience comfortless at the end of Mass.

At its close, as the work of reconciliation is going on, choir and chorus join to sing, "Almighty Father, incline thine ear: bless us and all who have gathered here. Thine angel send us, who shall defend us all, and fill with grace all who dwell in this place. Amen."

And the hushed voice of Leonard Bernstein is heard throughout the house which he has dedicated. He speaks the traditional words of farewell: "The Mass is ended. Go in peace."

Mr. FULBRIGHT. Mr. President, finally I ask unanimous consent that a short statement entitled "John F. Kennedy: Government and the Arts" which also appeared in the program for the opening night be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY: GOVERNMENT AND THE ARTS

In the closing days of the presidential campaign of 1960, Saturday Review submitted the following questions to the candidates. It elicited from John F. Kennedy the comments reproduced (right), probably his most extensive policy statement on the role of government in the arts.

QUESTIONS

1. Are you in favor of a Secretary of Culture (parallel to the Ministry of Fine Arts in some European countries) with cabinet rank and broad authority in this field?

2. To what extent should the Federal Government assist in the support of symphony orchestras, museums, opera companies, etc.?

3. Through its grants to foreign nations, the Federal Government has, in effect, underwritten cultural activities in many friendly nations. What is its responsibility to such activities in this country?

4. Would you, if elected, continue the Cultural Exchange program with the USSR and its satellites?

5. If so, on the same scale as now? On a larger scale? On a reduced scale?

6. Do you believe this comes properly under the jurisdiction of the State Department, or should it be administered by a Secretary of Culture?

7. What are your views on the National Cultural Center which has received a Congressional grant of land in Washington? Would you recommend the use of public funds to bring it into being?

8. Do you consider the encouragement of art, in the broadest sense, and artists a function of the Federal Government or one more properly left to state and municipal authorities?

9. As the the "Voice of America" is broadly representative of the people of the United States, it also represents its culture. How effectively do you think this is being done at the present time?

10. Would you support a program to give pay TV equal status with free network television as it now exists?

ANSWERS

1. The government cannot order that culture exist, but the government can and should provide the climate of freedom, deeper and wider education and intellectual curiosity in which culture flourishes. If I thought the addition of a Secretary of Culture to the Cabinet would insure culture, I would be for it. I do not think such a department would accomplish the purpose. It might even stultify the arts, if wrongly administered. We have more than enough conformity now.

The platform of the Democratic Party proposes a Federal advisory agency "to assist in the evaluation, development and expansion of cultural resources of the United States. We shall support legislation needed to provide incentives for those endowed with extraordinary talent as a worthy supplement to existing scholarship programs."

If the people send me to the White House, I shall push this program. A gifted child deserves the finest education this nation can provide. He is a national asset, whether his gift is to paint, write, design a jet airliner or a dramatic set, or explore the cosmos with a radio telescope. His worth cannot be estimated in the ledgers of the budgeteers.

2. The Federal Government already operates the National Gallery and the Freer and Corcoran Galleries, plus the magnificent Smithsonian museum. The Library of Congress is perhaps the world's greatest repository of culture. The National Archives preserves the historical record of the nation. I favor expansion of all these facilities so that all citizens have easier access to the cultural resources now centered in Washington. I do not believe Federal funds should support symphony orchestras or opera companies, except when they are sent abroad in cultural exchange programs.

3. The Democratic Party has accepted the responsibility of participating in the advance of culture. We fight for an end to apathy and a renaissance of purpose in America. We intend that our children be prepared, in education, health and vision, to challenge a world of exploding technology—of great present danger but unlimited hope. Our children will reach, literally, for the stars. Ours is the renascent party—the party of humanity, of strength, of leadership.

Our philosophy is quite simple. When an organism stops growing, it starts dying. This is true for nations as well as men, and for spirit and mind as well as material things. I am determined that we begin to grow again, and that there be an American renaissance in which imagination, daring and the creative arts point the way.

4. Certainly.

5. On a larger scale. If every student in the USSR and the satellites could tour the United States and compare what they see with what they have been told, I would have little fear of future wars. Conversely, Americans have much to learn abroad. One of our greatest strategic shortages is knowledge of foreign languages.

6. The State Department.

7. The National Cultural Center should be erected as speedily as possible. The private contributions have been welcome and helpful, and I hope will continue.

8. The encouragement of art, in the broadest sense, is indeed a function of government. It has always been so, in a tradition that extends from the most glorious days of Greece. It will be the responsibility of the advisory agency, which will be appointed in accordance with the pledge of the Democratic Platform, to decide in what manner this shall be done.

At this moment, the Federal Government acts as art patron to only one person—the Consultant in Poetry and English at the Library of Congress. And his salary is paid through a private, anonymous bequest.

I think we can do better than that, if only by alleviating the unfair tax burden borne by writers, painters and other creative artists. They may exist on small incomes for years to perfect their skills, and then be plundered by the Treasury in a single year of plenty.

But the problem is not simply one of money. It is one of attitude. It is a question of whether we are more interested in reading books or making book, in Maverick or Macbeth, Zorro rather than Zola, Peter Gunn or Peter Gynt. In this day of crisis, "Wisdom is better than strength . . . a wise man better than a strong one."

If this nation is to be wise as well as strong, if we are to achieve our destiny, then we need more new ideas for more wise men reading more good books in more public libraries. These libraries should be open to all—except the censor. We must know all the facts and hear all the alternatives and listen to all the criticisms. Let us welcome controversial books and controversial authors. For the Bill of Rights is the guardian of our security as well as our liberty.

9. The Voice of America should be revitalized and strengthened. The Voice is only one part—short-wave broadcast—of the United States Information Agency. Shortwave radio is the media best suited to carrying news, commentary and music. At this time, the most popular program is American jazz, which, incidentally, is very good propaganda. The news operation should be speeded. It is in a life-and-death competition with Radio Moscow and Tass. With television becoming more important the world over, I feel that the USIA should also concentrate on producing documentaries for foreign broadcast.

10. Pay TV is currently being tested in both the United States and Canada. I prefer to reserve judgment until these tests give definitive evidence upon whether pay TV is in the current interest.

Sincerely,

John F. Kennedy,
U.S. Senator.

Mr. FULBRIGHT. Mr. President, as I said before, I feel very proud to be a Member of a body which has had a part in the creation of what I believe to be one of the most outstanding centers of the arts to be found anywhere in the world.

DEATH OF FORMER SENATOR BOURKE HICKENLOOPER

Mr. FULBRIGHT. Mr. President, suddenly and with little warning, our former colleague Bourke Hickenlooper from Iowa left this world earlier this week.

Bourke Hickenlooper and I came to the Senate at the same time. We served together on the Foreign Relations Committee for 20 years, and for 6 of those years Senator Hickenlooper was the ranking Republican member while I was the chairman.

Even before this situation threw us constantly together, we had become good friends. He was a man with a wide and deep interest in foreign affairs, a keen sense of responsibility, and a delightful sense of humor. He worked hard at his job and did it well. His interests were varied, including such diverse subjects as atomic weapons and cultural exchanges. He brought a fine legal mind and sense of responsibility to all that he did.

Mrs. Fulbright joins me in extending our deepest sympathy to his son and daughter.

I ask unanimous consent to have printed in the Record at this point an article written by Robert F. Levey and published in the Washington Post on September 5, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 5, 1971]

Ex-Senator B. B. Hickenlooper Dies

(By Robert F. Levey)

Bourke Blakemore Hickenlooper, a four-term Republican senator from Iowa who helped shape the country's atomic and foreign policies after World War II, died in his sleep early yesterday while visiting friends on Shelter Island, N.Y. He was 75.

Mr. Hickenlooper had flown to New York from his Chevy Chase home Friday for a Labor Day weekend visit with Henry R. Holthusen. During dinner Friday, he complained of abdominal pains, and went to bed. He was found dead shortly after 4 a.m. yesterday.

Known as "Hick" to his friends, he had retired from the Senate in 1969, saying he was "all tired out." At the time, only one Republican and seven Democrats outranked him.

Born in Blockton, Iowa, the only child of farmers and the grandson of a state legislator, Mr. Hickenlooper as a child would reportedly stare at a picture of his grandfather orating on the floor of the Iowa House and promise: "I'll be there some day."

ELECTED GOVERNOR

He made it in 1934, after earning a bachelor's degree from Iowa State College and a law degree from the University of Iowa, and practicing privately in Cedar Rapids.

In 1938, he was elected lieutenant governor, and in 1940 he was re-elected. Two years later, partly on the strength of the massive publicity he received when he rescued a Cedar Rapids woman from drowning in the Cedar River, Mr. Hickenlooper became governor.

Urged to run for the Senate in 1944 by the staunchly anti-Roosevelt Iowa Republican Party, Mr. Hickenlooper easily defeated incumbent Democrat Guy Gillette.

In the 24-year Senate career that followed, Mr. Hickenlooper was best known for his 1949 investigation into what he called the "incredible mismanagement" of Atomic Energy Commission chairman David Lilienthal, and for his 1963 "Hickenlooper Amendment"—later defeated—that would have cut off U.S. aid to any country that cancelled prior agreements with American businesses.

LILIENTHAL DISCLAIMER

The Lilienthal affair arose when the senator, as chairman of the Joint Atomic Energy Committee, learned that about a cupful of uranium was missing from an AEC laboratory in Argonne, Ill.

In the course of two weeks of hearings, he castigated Lilienthal for failing to report the missing uranium to the FBI, even though

Lilienthal said he had not known it was missing until shortly before Hickenlooper did.

Lilienthal called the charges against him "un-American," and declined to step down. Meanwhile, a newspaper editorial of the time wondered if Hickenlooper wasn't "seeing Communist spies under his bed."

The affair ended with the committee refusing, 9 to 8, to ask for Lilienthal's censure. But Lilienthal stepped down six months later, charging his career had been ruined.

Mr. Hickenlooper's 1963 trade amendment followed the seizure of three U.S. oil companies in Cuba and Argentina. It was bitterly opposed by the Kennedy administration, which argued that its passage would threaten all U.S. diplomacy, particularly in Latin America.

Mr. Hickenlooper introduced the amendment as a rider to that year's foreign aid bill. It closely followed a Supreme Court ruling that in effect denied the right of an American sugar company to contest the seizure of its profits by the Castro regime.

He saw his amendment as purely a matter of giving the U.S. businessman his day in court. The Supreme Court's ruling, he wrote in a 1964 letter, presumes that "any inquiry . . . into the acts of a foreign state will be a matter of embarrassment to the conduct of foreign policy."

The amendment was finally defeated on the Senate floor, 45 to 35.

In his last two terms, and particularly during President Eisenhower's second term, Mr. Hickenlooper's chairmanship of the Senate Republican Policy Committee and his ranking Republican status on the Foreign Relations Committee made him one of the party's leading spokesmen.

AGAINST RIGHTS ACT

In horn-rimmed glasses and a red-headed crewcut, he twice tried to block Democratic nominees to the post of director of the United States Information Agency.

He objected to the 1964 civil rights act because "it would lead to bureaucrats snooping into every area of American life." And he vigorously supported Republican presidential nominees Richard Nixon in 1960 and Barry Goldwater in 1964.

Meanwhile, Mr. Hickenlooper promoted peaceful uses of atomic energy and railed against a proposal that the U.S. share its atomic secrets with its European allies.

But he often warned, as he did first in 1949, that he would have "no qualms about our using (the bomb) . . . strategically where it would be an efficient means of ending the war."

Mr. Hickenlooper was the "Senate's most doctrinaire Republican" under President Kennedy, a columnist wrote in 1961. He once chided Kennedy—in a foreshadowing of later debate on Vietnam—for "not consulting once with the Congress in advance of decisions."

LIKED CAMPAIGNING

But despite his official position of leadership, he was generally conceded to be below Republican Minority Leader Everett McKinley Dirksen in influence.

Mr. Hickenlooper once told an interviewer that his favorite side of politics was campaigning.

His favorite campaign story had to do with his name—which in a joint column Joseph and Stewart Alsop once described as "exactly the name an English satirist would choose for an Iowa Republican."

Once, Hickenlooper said, in a small Iowa farm town he introduced himself four times to a woman. Each time she asked him to repeat his name. Finally, she said: "You know, there must be something wrong with me. That name sounds like Hickenlooper to me."

After his wife's death last December, Mr. Hickenlooper had reportedly sold the home at 5511 Cedar Pkwy., Chevy Chase, in which the family had lived since 1945. Friends said he was planning to move into a Washington apartment this month.

Mr. Hickenlooper is survived by a son, David, of Bloomfield, Iowa; a daughter, Jane Oberlin, of Des Moines, and four grandchildren.

Mr. STENNIS. Mr. President, will the Senator yield to me momentarily on this subject?

Mr. FULBRIGHT. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I appreciate the remarks the Senator from Arkansas has made, Mr. President, and I join wholeheartedly in the sentiments he has expressed as to the late Senator. I considered him one of the most valuable men that we had in this body. I never saw him go off the deep end on anything without thinking the matter out, and I never saw him lose his patience, though I have seen him under a lot of pressure. I regret very much his passing, and join in expressing condolences to the survivors of this late outstanding Member of this body.

Mr. FULBRIGHT. I thank the Senator. He was a very fine man indeed.

THE EFFORTS OF THE COMMITTEE ON FOREIGN RELATIONS TO OBTAIN THE 5-YEAR MAP PLAN

Mr. FULBRIGHT. Mr. President, since 1969, the Committee on Foreign Relations has attempted, without success, to obtain from the Department of Defense its "5-year plan" for the military assistance program in order to assist the committee in appraising the executive branch's legislative requests for authorization of military aid. Finally, on July 28 the committee, by a vote of 15 to 0, voted to invoke a provision of the Foreign Assistance Act of 1961 which requires a cutoff of funds for the program involved unless within 35 days following a request from an appropriate committee or the General Accounting Office for "any document, paper, communication, audit, review, finding, recommendation, report, or other material" concerning the foreign aid program either the material is furnished as requested or the President, in effect, invokes the doctrine of Executive privilege. As a consequence of the committee's action, on August 30 the President, by memorandum, directed the Secretary of State and the Secretary of Defense "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program."

The issue involved here is far more important than what is being planned for military aid in the years ahead. It goes to the heart of the problem of correcting the imbalance of power between the legislative and executive branches that has come about over recent decades.

Because of the significance of this matter to Congress as an institution, I ask unanimous consent to have printed in the Record the entire series of correspondence on the subject between the committee, the Department of Defense, and the General Accounting Office; statements made by me on August 18 and August 31; and copies of a number of pertinent editorials.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Foreign Relations,
May 21, 1969.

Hon. Melvin R. Laird,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: Sometime ago I asked the General Accounting Office to conduct a review for the Committee on Foreign Relations of the training of foreign military personnel under the military assistance program. It is my understanding that GAO personnel have not been given access to certain planning information and other documents concerning the training program. I hope that you will look into this matter and insure that the GAO investigators are given access to all of the pertinent information necessary to comply with the Committee's request.

Sincerely yours,
J. W. Fulbright,
Chairman.

The Secretary of Defense,
Washington, June 26, 1969.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have your letter of May 21 concerning the review being conducted at your request by the General Accounting Office of the training of foreign military personnel under the Military Assistance Program and the delay in granting access to GAO personnel to certain planning information and other documents concerning the training program.

I understand that GAO representatives have requested copies of documents relating to the training program as follows:

1. "the formal Five Year Plan for the Military Assistance Program, the input of the Military Advisory Groups to the program and information concerning changes made in the program as a result of the reviews of the Unified Commands, the military services and the component elements of the Office of the Assistant Secretary of Defense, International Affairs."

2. Performance Evaluation Group (PEG) reports on Korea and possibly other countries;

3. A copy of a report prepared by your staff at the request of the Honorable Ralph Earle, Assistant Secretary of Defense, concerning the status of foreign military training systems."

I understand that the Military Assistance Program for the current fiscal year—1970—was made available to the GAO prior to receipt of your letter. Information concerning the current fiscal year program is available, as in the past, to the GAO after the President submits his budget to the Congress.

With respect to copies of the entire Five Year MAP plan (1970–1974), I understand that in the past copies have not been made available to the GAO, or to the Chairman, Committee on Foreign Affairs, House of Representatives. I also understand that the reason the entire Five Year Plan was not made available is because it is regarded as a staff study, an entirely tentative planning document at the staff level, which provides in a uniform format certain outside limits to be used by MAAG's and the Unified Commands in the development of a preliminary annual program. It is published as a basis for "further planning only." (A detailed description of the Plan is attached.) The preliminary annual program is usually extensively adjusted when the President makes his decision as to the size of his budget submission. It has been considered that the Congressional presentation is the official Executive Branch position of MAP requirements for the current fiscal year which should be defended and judged on its merits.

The release outside the Executive Branch of all tentative planning documents involving the next five years on a program such as the Military Assistance Program, which is particularly subject to change as world conditions and political considerations may dictate, could be misleading and subject to debate outside the Executive Branch long prior to the time when the Executive Branch finalized its recommendations to the President for the next fiscal year. I seriously doubt that the release of the entire Five Year Plan would be in the public interest. However, since the Committee is particularly interested in the training program, and in order to fully cooperate with the Committee, I would be happy to have responsible officials give a detailed briefing on the Five Year Plan, as it relates to training, to any person or persons designated by you.

With respect to the request for the reports concerning the status of foreign military training systems, some of these contain opinions and recommendations by certain Military Assistance Advisory Groups, the release of which outside the Executive Branch could risk adverse reactions from some of the governments concerned and tend to inhibit the value of future reports. We are, however, preparing copies of the factual material in these reports without statements of opinions and these will be made available to the GAO representatives.

The Performance Evaluation Group Report on Korea is not available at the present time. However, we will try to obtain a copy of this and communicate with you further.

Sincerely,

MELVIN R. LAIRD.

MILITARY ASSISTANCE PLANS

"Military assistance plans" are five-year, time-phased schedules of action, by areas and by countries, intended to assure that each year's Military Assistance Program conforms to a consistent purpose which has been projected well ahead. The five-year period begins with the second year after the fiscal year in which the plans are prepared by the Unified Commands (i.e., the first military assistance plans were prepared in FY 1960 to cover the period FY 1962–66). The military assistance plans are revised annually and projected an additional year, thus maintaining the five-year projection.

Policy guidance for the Military Assistance Program is formulated annually by the Departments of State and Defense. The Department of Defense annually distributed a "Military Assistance Basic Planning Document" to the Unified Commands which includes the agreed guidance together with order-of-magnitude dollar guidelines. Using this guidance and supplementary instructions issued by the Unified Commands, each MAAG, with the assistance of the USOM and Embassy furnishes the Unified Command information for the development of its country section of the Unified Command plan.

The Unified Command military assistance plans are reviewed by the Departments of State and Defense for conformity with policy and by the Military Departments for supply feasibility. As revised in these reviews, the plans are then returned to the Unified Commands *as a basis for further planning only*, including the preparation of the Military Assistance Program for the next budget year.

THE SECRETARY OF DEFENSE,
Washington, D.C., November 21, 1969.
Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of 21 May 1969 regarding GAO access to documents concerning the MAP training program.

My earlier response of 26 June indicated that we would communicate further with you regarding GAO access to the CINCPAC Performance Evaluation Group Reports which are internal inspection reports of the Pacific Command. I am pleased to inform you that our review of this matter has been concluded and that CINCPAC will furnish briefings on the salient training facts contained in these reports at GAO request.

I trust that this action will facilitate completion of the GAO review undertaken at your request.

Sincerely,

MELVIN R. LAIRD.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
February 26, 1971.
The Honorable MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I refer to my letter of May 21, 1969, and your reply of June 26, 1969, concerning the General Accounting Office's request, on the Committee's behalf, for access to the Five Year Plan for the military assistance program. You stated that "the reason the entire Five Year Plan was not made available is because it is regarded as a staff study, an entirely tentative planning document at the staff level which provides in a uniform format certain outside limits to be used by MAAG's and the Unified Commands in the development of a preliminary annual program."

As you know, Section 252(a) (1) (A) of the Legislative Reorganization Act of 1970 requires that each report of a Senate committee include "An estimate, made by such committee, of the cost which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year . . ." In view of this requirement, it is necessary that the Committee be provided with a copy of the Five Year Plan and similar long-range planning materials relating to the military assistance program. It will be impossible for the Committee to arrive at realistic estimates of the long-range cost of the military aid program unless it has access to these materials.

I ask that the Committee be supplied with a copy of the Five Year Plan and a listing of all other planning materials which would be helpful to the Committee in evaluating long-range cost estimates of the military assistance and sales programs.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., March 10, 1971.
Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked that I acknowledge your letter of February 26 requesting that the Senate Foreign Relations Committee be provided a copy of the Five Year Plan and similar long-range planning materials relating to the military assistance program.

Your request is receiving careful consideration and we will be in further touch with you as soon as possible.

Sincerely,

RICHARD G. CAPEN, JR.,
Assistant to the Secretary for Legislative Affairs.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
April 30, 1971.
Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As a former member of the Legislative Branch, I am sure that you understand the need for Congress to have access to reports, records, and other information in the possession of Executive Branch departments and agencies to enable it to carry out its Constitutional responsibilities.

President Nixon, as did Presidents Kennedy and Johnson before him, recognized the importance of Congress's right to obtain such information to the proper working of our system of checks and balances. On April 7, 1969, he wrote to Congressman John E. Moss, Chairman of the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations, that his ". . . Administration was dedicated to insuring a free flow of information to the Congress . . . ," and stated that the doctrine of "executive privilege must be very narrowly construed" and "will not be asserted without specific Presidential approval." I enclose, for your convenience, a copy of that letter and his memorandum which spelled out the procedural steps for invoking "executive privilege."

On a number of occasions in recent years the Department of Defense has refused to supply the Committee on Foreign Relations with specific reports and other information, such as the following:

ITEM, DATE OF REFUSAL, AND REASON

Command and Control Study of the Gulf of Tonkin Incident; April 4, 1968; March 5, 1969; January 16, 1971; "considered to be a privileged Executive document"—"inappropriate to disseminate it outside the Executive Branch."

Five-Year Plan for the Military Assistance Program; June 26, 1969; regarded as a "tentative planning document."

History of U.S. Decision Making Process on Vietnam Policy; December 20, 1969; July 21, 1970; ". . . be contrary to the national interest to disseminate it more widely."

In none of the instances where the Committee has been denied access to reports or documents has the doctrine of "executive privilege" been formally invoked through the procedures outlined by President Nixon. The growing practice of departments and agencies to refuse to provide information to Congressional committees, without the President claiming executive privilege, is a dangerous trend which erodes the authority of Congress and threatens to exacerbate further relations between the two branches. I do not believe that a no-man's land concerning Congress's right to access should exist. I, therefore, respectfully request that either the Committee be furnished with the documents listed or that the President formally invoke "executive privilege" as authority to withhold them.

Another facet of this general problem relates to the right of access of the General Accounting Office to records and information from Departments and agencies. For example, last year the Committee asked the General Accounting Office to make a detailed study of the use of excess materials in the Military Assistance Program. It is my understanding that efforts to perform the study have been hampered by the reluctance, and sometimes refusal, of Department of Defense offices in Washington and overseas to give the GAO access to records and information pertinent to the study. In Greece, for example, the GAO sought to obtain access to U.S. force objectives, lists of Military Assistance Program supported units, and equipment allowance data, all of which are needed to comply with the Committee's request. The GAO staff was advised by officials of the Joint United States Military Aid Group, Greece, that the European Command had prohibited the release of most of the data requested, and that, in some instances, instructions for the prohibition came from the Office of the Assistant Secretary of Defense, International Security Affairs. Furthermore, I was advised that the general problem of GAO access to Department of Defense records and information has worsened in the past year, especially in cases where the GAO has been on assignments requested by this Committee. I am disturbed by the fact that the GAO's review efforts have been hampered by delays and refusals by officials of your Department. The refusal of departments and agencies to give the GAO access to needed information is the same as denying that information to the Congress.

I would appreciate your giving the Committee your views on the access problem in general, as well as advising me if executive privilege is being invoked by the President as authority to withhold the documents listed.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE WHITE HOUSE,
Washington, April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to ensuring that both the letter and spirit of the Public Records will be implemented throughout the Executive Branch of the government.

With my best wishes,

Sincerely,

RICHARD NIXON.

MARCH 24, 1968.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a procedure to govern compliance with congressional demands for information)

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive Branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest. This Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
July 12, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, the Committee on Foreign Relations has on several occasions requested that your Department furnish it with a copy of the Five Year Plan for the Military Assistance Program.

I enclose for your information a copy of my letter to you of February 26, 1971 concerning the need for the document in order to comply with the requirements of the Legislative Reorganization Act of 1970. That letter was acknowledged on March 10. After receiving no further response I wrote to you again on April 30, asking either that a formal claim of executive privilege be invoked as the reason for refusing to furnish the Committee with the Plan, the History of the Decision Making Process on Vietnam Policy, and the Command and Control Study or that the documents be provided to the Committee. After recent disclosures in the press, the History and the Command and Control Study documents have now been made available to the Committee. But there has been no response to the Committee's request for the Five Year Plan for the Military Assistance Program.

As you may know, the Committee has not yet begun its markup of foreign aid legislation. The information contained in the Five Year Plan will be of assistance to the Committee in evaluating the Administration's request for military aid and I believe that this issue should be resolved before the Committee begins mark-up of foreign aid legislation. I would appreciate an early reply stating whether the document will be available or a claim of executive privilege made.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
July 28, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, on the Committee's behalf, I have asked the Department of Defense on several occasions for a copy of the Five Year Plan for the Military Assistance Program to assist the Committee in considering foreign aid legislation and in overseeing the military aid program. On April 30, 1971 and July 12, 1971, following the Department's earlier refusal to furnish it, I wrote to you and asked that either the document be furnished or that the President formally invoke executive privilege as a reason to withhold it. There has been no substantive reply to either letter.

I had hoped that, in the interests of better relations between the Congress and the Executive Branch, your Department would be more cooperative and not force the Committee to use the authority of Section 634(c) of the Foreign Assistance Act of 1961. Under the circumstances, you have left the Committee with no alternative. As you know, this section provides that foreign assistance funds shall be cut off for any activity thirty-five days after the Committee requests a document relating to the foreign assistance program unless either the document has been provided, as requested, or the President certifies that he has forbidden that it be furnished and gives his reasons for refusing to do so. The section is quoted below for ready reference:

"(c) None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing."

Today the Committee on Foreign Relations voted to invoke this authority. Pursuant to that provision, this letter is to request formally that you furnish the Committee with the current Five Year Plan for the Military Assistance Program for all countries. In view of the fact that the document requested involves all countries receiving military aid, the Committee is of the view that under this provision funds for the entire military assistance program shall be suspended thirty-five days from this date until one of the conditions specified is met. The Committee has decided to defer further action on foreign aid legislation until this matter has been resolved.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 5, 1971.

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR BILL: I have received your letter of July 28th in which you again request the "current Five-Year Plan for the Military Assistance Program for all countries" and advised me of the Committee action with reference to the invocation of Section 634(c) of the Foreign Assistance Act of 1961.

Please be assured that I want to be cooperative in furnishing your Committee all the necessary information relating to the administration of the Military Assistance Program for the Committee to perform its legislative functions.

As to your specific request, however, we have no document or documents which constitute a "current Five-Year Plan for the Military Assistance Program" in the Department of Defense. It is, therefore, impossible for us to identify a specific document which would satisfy your request.

At the lower working levels of the Department there has, from time to time, been extensive planning for military assistance programs for various countries. Such planning has taken various forms, none of which have proved entirely satisfactory. In March 1970, a change of the planning format at the Military Assistance Advisory Group (MAAG) level was directed by the Deputy Assistant Secretary of Defense for Military Assistance and Sales (ISA), but due to the uncertainties inherent in these programs, the revised format for MAAG planning was never implemented. Consequently, there has not been a formal submission of five-year plans from the MAAGs since that prepared in 1969 for FY 71–75. We are now moving toward the new format for planning at the MAAG level, and MAAG plans for FY 73–77 should be forthcoming for the several countries this fall. As I am sure you must appreciate, however, the planning at the various MAAGs in no way constitutes an approved program. There is no approved program for Military Assistance for other than the current fiscal year.

In order to be of assistance to you, I have directed the preparation of planning materials and factors, which should be completed by the first part of September, which I will transmit to you.

Since, to the best of our knowledge, there is no such thing as a current Five-Year Plan for the Military Assistance Program, Section 634(c) of the Foreign Assistance Act of 1961 would not in this instance be applicable.

As I indicated to you earlier, this matter was processed pursuant to your letter of April 30th for consideration with respect to the issue of Executive Privilege, but it is impossible to resolve that issue since there is no such document or material such as that you requested.

I understand that you have separately requested the Joint-State-Defense policy memorandum on military assistance and arms transfers, to which request, the State Department will respond.

Sincerely,

MELVIN R. LAIRD.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
August 6, 1971.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I have received your letter of August 5, in which you stated: "... we have no document or documents which constitute a 'current Five-Year Plan for the Military Assistance Program' in the Department of Defense. It is, therefore, impossible for us to identify a specific document which would satisfy your request."

I hope that the Committee's request will not get bogged down in a dispute over semantics. By requesting the "current" plan the Committee, of course, meant that it wished to obtain the *latest* materials available on long-range country-by-country planning for the military assistance program. In view of the lengthy correspondence between the Committee and the Department on this subject, there should have been no doubt about what type of materials the Committee sought.

In your letter of June 26, 1969, a copy of which I enclose, you referred repeatedly to a "Five-Year Plan." You said, for example:

"With respect to copies of the entire Five-Year MAP plan (1970–1974), I understand that in the past copies have not been made available to the GAO, or to the Chairman, Committee on Foreign Affairs, House of Representatives. I also understand that the reason the entire Five-Year Plan was not made available is because it is regarded as a staff study, an entirely tentative planning document at the staff level, which provides in a uniform format certain outside limits to be used by MAAG's and the Unified Commands in the development of a preliminary annual program."

There was a plan then and, according to your letter of August 5, 1971, there is now. You said: "... there has not been a formal submission of five-year plans from the MAAGs since prepared in 1969 for FY 71–75." If these are the latest plans available, this is the information the Committee would like to have. The Committee realizes fully that these are only planning documents and that they do not, in any way, constitute an approved long-range program. As you know, the Committee's requests have never referred to plans for an "approved" program.

The Committee appreciates your offer to provide it with specially prepared "planning materials and factors." The Committee will be glad to have them. However, this does not meet the Committee's need to have direct access to the Executive Branch's basic planning data on military assistance. Therefore, the Committee reiterates its request of July 28. If the latest Five-Year Plans were prepared in 1969, these would be the "current" plans for purposes of the Committee's request. The Committee considers that the thirty-five-day time limit in section 634(c) is still running from July 28, 1971, the day the Committee acted. However, it has submitted the entire exchange of correspondence between the Committee and the Department on the subject to the General Accounting Office in order to settle any doubts on this point.

Since you stated in your letter of August 5 that "... MAAG plans for FY 73–77 should be forthcoming for the several countries this fall," the Committee respectfully requests that it be furnished with a copy of these plans when they are completed.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
August 6, 1971.

Mr. ELMER B. STAATS,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. STAATS: As you know, on July 28, 1971, the Committee on Foreign Relations voted to invoke section 634(c) of the Foreign Assistance Act of 1961 in an effort to obtain a copy from the Department of Defense of a Five-Year Plan for the military assistance program. The Secretary of Defense has replied, stating that it is "... impossible for us to identify the specific document which would satisfy your request."

In view of the extensive correspondence between the Committee and the Department of Defense on this subject, the Committee does not believe that there should be any doubt about what type of materials it seeks and has reiterated the Committee's request to the Secretary of Defense. I enclose a copy of the Committee's entire correspondence on this subject for your information.

I would appreciate having your views as to whether the Committee's request of July 28, considering the history of it, is sufficiently precise to constitute a proper request under section 634(c) of the Foreign Assistance Act for the "Five-Year Plan" or a similar subsequent plan, referred to in Secretary Laird's letter of June 26, 1969. I also seek your views as to whether the thirty-five-day time limit under section 634(c) continues to run from July 28, 1971, notwithstanding the Secretary's letter of August 5.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 31, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With reference to your letter of August 6th, the President has directed the Secretary of State and me not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions.

Enclosed is the President's memorandum, dated August 30, 1971.

Sincerely,

MELVIN R. LAIRD.

MEMORANDUM FOR THE SECRETARY OF STATE AND THE SECRETARY OF DEFENSE

THE WHITE HOUSE,
Washington, D.C., August 30, 1971.

It has been brought to my attention that the Senate Foreign Relations Committee has requested various internal working papers and planning data of the Executive Branch relating to the Military Assistance Program.

As you know, the policy of this Administration, as directed in my memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of the Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise. I have accordingly conducted such an inquiry with regard to the Congressional requests brought to my attention in this instance.

The Senate Foreign Relations Committee has requested "direct access to the Executive Branch's basic planning data on Military Assistance" for future years and the several internal staff papers containing such data. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee do not, insofar as they deal with future years, reflect any approved program of this Administration, for no approved program for Military Assistance beyond the current fiscal year exists. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me, for one-year programs to be approved for the ensuing budget year.

I am concerned, as have been my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

I have determined, therefore, that it would not be in the public interest to provide to the Congress the basic planning data on military assistance as requested by the Chairman of the Senate Foreign Relations Committee in his letters of July 28 and August 6, 1971, to the Secretary of Defense.

I, therefore, direct you not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions.

I have noted that you and your respective Departments have provided much information and have offered to provide additional information including planning material and factors relating to the military assistance program to the Senate Foreign Relations Committee. These planning materials and factors will enable the Congress to consider current year approved programs in light of considerations bearing on the future which can now be foreseen. In accordance with my general policy to provide the fullest possible information to the Congress, I will expect you and the Secretaries of other Executive Departments to continue to make available to that Committee all information relating to the military assistance program not inconsistent with this letter.

RICHARD NIXON.

STATEMENT BY J. W. FULBRIGHT, CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
August 18, 1971.

There is attached a letter to the Committee on Foreign Relations dated August 17, 1971, from the Comptroller General of the United States, Mr. Elmer B. Staats.

It will be recalled that on July 28, 1971, the Committee on Foreign Relations voted unanimously to invoke the authority of Section 634(c) of the Foreign Assistance Act. This authority, which requires the head of any agency to provide to appropriate Congressional committees documents requested for purposes of legislation, has the effect of terminating certain types of foreign assistance provided the documents are not forthcoming or unless the President formally certifies his reasons for denying the request.

The relevant language from the attached letter from the Comptroller General reads as follows:

"Accordingly, upon written notification from your Committee that the thirty-five day period has passed and that neither the latest Five-Year Plan nor an appropriate Presidential certification has been received, we will immediately advise the President and the Secretaries of Defense, State, and Treasury that until such time as the requested documents are furnished or the President makes an appropriate certification that they may not be furnished, funds for the entire Military Assistance Program will not be available for further obligation or expenditure."

It will be recalled that Secretary Laird on August 5, 1971, stated that, ". . . we have no document or documents which constitute a 'current Five-Year Plan for the Military Assistance Program' in the Department of Defense. It is, therefore, impossible for us to identify a specific document which would satisfy your request." In this connection, attention is called to the testimony of Lt. General Robert H. Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, when he appeared June 24, 1971, before a subcommittee of the Committee on Appropriations. At that time General Warren was asked to supply a five-year projection of the Military Assistance Program. He said he had "no authorization" to release this information. He added in an official reply to this request that, "over the years, the Five-Year Plan for the Military Assistance Program has been," viewed, "as an internal tentative staff planning document." This official reply stated further that, "inasmuch as a determination by the President relative to the release of the Five-Year MAP Plan outside of the Executive Branch is required in these circumstances, the Department of Defense is unable to comply with the subcommittee's request pending the Presidential determination."

In making public this letter from the Comptroller General, I am pleased to note that the Comptroller General agrees with the Committee on Foreign Relations in the applicability of the penalty provisions of the Foreign Assistance Act to the request which the Committee submitted on July 28. It is essential to the successful functioning of our Constitutional system that the Executive Branch and the Congress deal with each other in a straightforward manner. I believe the record shows beyond any reasonable doubt that the Department of Defense has a document or documents which it has repeatedly referred to as a "Five-Year Plan" and that any efforts that might be made now by the Department of Defense to deny the existence of such a document or documents or to substitute therefor "planning materials and factors," as suggested by the Secretary of Defense in his letter of August 5, would not be a serious or adequate response to the Committee's request for information essential to the performance of its legislative role.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., August 17, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your letter of August 6, 1971, concerning the Committee's invocation of section 634(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2394(c). The facts giving rise to the questions raised in your letter of August 6th are set forth below.

By letter dated July 28, 1971, you formally advised the Secretary of Defense that the Committee on Foreign Relations had voted to invoke section 634(c) of the Foreign Assistance Act of 1961 to force the furnishing of "the current Five-Year Plan for the Military Assistance Program for all countries." The Committee vote and your letter of July 28 followed several unsuccessful attempts to obtain a copy of the plan from the Department.

In that letter you correctly pointed out that section 634(c) provides that Foreign Assistance funds shall be cut off for any activity thirty-five days after the Committee requests a document relating to such activity unless either the document is furnished or the President certifies that he has forbidden that it be furnished and gives his reasons for refusal.

In response to your letter of July 28, 1971, the Secretary of Defense on August 5, 1971, advised you that it is impossible for the Department to identify a specific document which would satisfy your request as the Department has no document or documents which constitute a "current Five-Year Plan for the Military Assistance Program." On August 6, 1971, you advised the Secretary that the Committee in requesting the "current" plan meant that it wished to obtain the latest materials available on long-range country-by-country planning for the military assistance program. In that letter you pointed out that in view of the lengthy correspondence between the Committee and the Department on this subject, there should be no doubt about what type of materials the Committee sought. As an example, you quoted a letter of the Secretary of June 26, 1969, in which he repeatedly referred to a "Five-Year Plan" and pointed out that according to the Secretary's letter of August 5, 1971, there is a Five-Year Plan now in existence. You stated that if the plans referred to in that correspondence are the latest plans available then that is the information that the Committee would like to have. Finally you reiterated the Committee's request on July 28, and pointed out that the Committee considers that the thirty-five day time limit in section 634(c) is still running from July 28, 1971, the day the Committee made its formal request.

In your letter of August 6, 1971, you requested our views as to whether—considering its history—the Committee's request of July 28 is sufficiently precise so as to constitute a proper request under 634(c) of the Foreign Assistance Act and whether the thirty-five day time limit under section 634(c) continues to run from July 28, 1971, notwithstanding the Secretary's letter of August 5.

While it is of course possible that a formal demand under 634(c) could be framed in such manner that the President and the department involved would be unable to comply because of vagueness or lack of specificity, in view of the long history of the Committee's attempts to obtain the Five-Year Plan and the Department's response to those attempts in which it acknowledge the existence of such plans, we view the July 28 request as sufficiently clear to indicate to the Department the documents or materials desired. For that reason we are of the opinion that the thirty-five day time limit under section 634(c) commenced with the July 28, 1971, request and continues to run. Under the facts and circumstances here involved, any other conclusion would allow the Department to effectively extend the statutory thirty-five day period of section 634(c) and we do not believe that such an extension is proper or allowable under the law.

Accordingly, upon written notification from your Committee that the thirty-five day period has passed and that neither the latest Five-Year Plan nor an appropriate Presidential certification has been received, we will immediately advise the President and the Secretaries of Defense, State, and Treasury that until such time as the requested documents are furnished or the President makes an appropriate certification that they may not be furnished, funds for the entire Military Assistance Program will not be available for further obligation or expenditure. In reaching our decision that all funds for the Military Assistance Program will not be available, we are mindful of the fact that Senator Roberston in explaining an earlier provision in the Mutual Security Appropriation Act of 1960, which parallels the language appearing in section 634(c), took care to point out that the language was drafted to avoid a cut-off of all funds and would only cut off those funds in a country or related to a project under investigation. See 105 Cong. Rec. 19256. However, since the Committee request is for a Five-Year Plan which relates to all countries receiving military assistance, we agree with the position taken in your letter of July 28 that in this case section 634(c) requires the conclusion that all funds for the Military Assistance

Program will cease to be available upon expiration of the 35 day period unless the material or an appropriate certification by the President is furnished to the Committee.

I am sending copies of this letter to the Secretary of Defense and the Secretary of State.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

STATEMENT BY SENATOR J. W. FULBRIGHT IN CONNECTION WITH INVOCATION OF EXECUTIVE PRIVILEGE REGARDING SUPPLYING 5-YEAR PLAN ON MILITARY ASSISTANCE TO THE SENATE

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
August 31, 1971.

I am sorry the President has by invoking the doctrine of executive privilege, refused to give the Committee on Foreign Relations, on behalf of the Senate, the five year projections for the Military Assistance Programs. This was the right of the President under the specific legal provisions of the Foreign Assistance Act of 1961, as amended.

This decision of the President I find hard to understand, especially since the information was requested on a confidential basis and in the light of earlier statements about the desire of this Administration to be open and forthcoming in its relations with the American people and the Congress.

On March 24, 1969, the President instructed members of the Cabinet that, "the policy of this Administration is to comply to the fullest extent possible with Congressional requests for information." He added that, although there might be occasions when disclosure of certain information "would be incompatible with the public interest . . . this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise."

The refusal of the Executive Branch to provide this material for use of the Senate, even on a confidential basis, makes it most difficult to legislate in the area of foreign military assistance. Whether the Senate will feel that it can with its own resources develop sufficient information to provide an adequate basis for an objective judgment of the military assistance program will be a decision which will be made after the present recess when the pending foreign aid proposals of the Executive Branch are examined.

It is my personal view that the state of the American economy and, especially, our balance of payments situation makes it essential that the burden on the United States of outright gifts of military equipment and training to over thirty countries must be scrutinized most carefully this year. That scrutiny requires that the Congress have available to it the Administration projections for military assistance for the next few years—information which is not now to be forthcoming.

The apparent unwillingness of the Administration to provide information essential to the legislative process makes it all the more important—indeed urgent—for the Congress to adopt legislation on the subject of executive privilege. The legislation now under consideration by the Ervin Subcommittee on the Separation of Powers would do no more than generalize the requirement of formal Presidential invocation of executive privilege which now applies only to the foreign assistance program. Perhaps in time it will be found essential to take stronger measures. For the moment, however, it would seem prudent at least to require the President to take personal responsibility and explain his reasons for withholding information from Congress and the people. Senators will await with interest the action of the Ervin Subcommittee. I, for one, would like very much for the Senate to adopt legislation in this field before the end of the current session.

[From the Washington Post, Aug. 20, 1971]

SECRETARY LAIRD, SEN. FULBRIGHT AND MR. STAATS

It is hard to understand why, at this point in time, Secretary of Defense Laird should be playing semantic games with the Senate Foreign Relations Committee on a matter involving secrecy of information. Yet that is what he appears to have been doing early this month when the committee requested a copy of "the current Five-Year Plan for the Military Assistance Program for all countries." Mr. Laird refused to comply on the ground that such a plan doesn't exist and the committee, backed now by a report of the Comptroller General, has threatened to cut off all military assistance funds on the first of September if he persists. As a result, the Defense Department now faces this situation: it must either produce material the secretary says doesn't exist or get the President to invoke executive privilege to shield that same material or lose the funds for a program the administration insists is vital to national security. It is all, we think, pretty silly.

Mr. Laird's defense is that the old system under which such plans were prepared was abandoned in March, 1970, and "the revised format" for new plans "was never implemented." So, he says, there is no "current" plan although there may be new plans forthcoming sometime this fall. Thus, he contends, he cannot meet the committee's request for a "current" plan.

Weak as that defense is, it might stand up if the committee had made its request out of the blue. But Senator Fulbright, its chairman, has been trying for years to get information out of the Pentagon on long-range planning for military assistance. The Pentagon simply doesn't want to provide it and Secretary Laird seems to have hit upon a game of semantics in an effort to avoid the hard issues. But his ploy is so weak that it ought to pain even his staunchest supporters. We find it difficult to believe that since March, 1970, no one in the Pentagon has thought beyond the next fiscal year in planning military assistance budgets. And we find it equally difficult to believe, in light of the long record established by the committee, that Secretary Laird doesn't know exactly what it wants from him.

There may be, of course, some good reasons why the committee is not entitled to this information—although they do not spring readily to mind. The argument advanced most often is that public release of such a plan would embarrass the government in its diplomatic relations, an argument we have heard a great deal about in another context recently. Two things can be said about that. One is that the committee is not asking for public disclosure. The other is that the same argument, if sustained here, can be used to keep from Congress almost any information about international affairs that the Pentagon or the State Department wants to keep to itself.

This particular dispute, however, is only part of a far larger battle, and that is why it is hard to understand Secretary Laird's maneuver. Many members of Congress have set out to try to win for the legislature a greater role than it has had in the last decade or so in the making of military and foreign policy. High among their goals is a greater sharing with the Executive branch of the kind of information sought by the committee in this case. One need only read the record of hearings last month before a Senate judiciary subcommittee to understand how serious this effort on Capitol Hill is and how many delicate questions are involved. Yet Mr. Laird has chosen in the middle of such a discussion to brush off a serious request for information and give Congress still another example of executive secrecy.

It may be that Secretary Laird believes that information about long-range military assistance planning falls into the category of material which must be kept from Congress and over which the President must throw the blanket of executive privilege. If that is the case, he ought to be forthright and draw the battleline. If it is not the case, and we suspect the Pentagon would be well advised not to try to draw the line here, the secretary ought to comply with the committee's request.

[From the Philadelphia Inquirer Aug. 21, 1971]

SECRECY BREEDS DISTRUST

For two years the Senate Foreign Relations Committee has been trying to obtain the Pentagon's five-year plan for military assistance to foreign countries, and for two years Secretary of Defense Melvin R. Laird has refused to release it.

Finally, in July, the committee voted, 15–0, to cut off all foreign military aid unless the plan was turned over or the President formally explained why it was being withheld. Secretary Laird then informed the committee that the "document or documents" it sought did not exist and so he could not produce it or them—a transparent dodge, since Mr. Laird knows perfectly well what information the committee is demanding.

Now, the head of Congress' watchdog agency, the General Accounting Office, has upheld the committee and ruled that the foreign aid funds must be cut off as of Sept. 1 unless the Administration produces the document (or documents) or the explanation.

On the specific issue, it is difficult to understand why Secretary Laird should take such an adamant stand. Conceivably, there would be some inconveniences involved if the Defense Department's long-range plans for military aid spending, country by country, were revealed, but it seems to us that the convenience of Congress, which must appropriate the money—and, for that matter, the convenience of the American public, which must put it up—surely should take precedence.

There are, however, a couple of larger issues at stake, and all those concerned in the controversy are aware of them.

These are issues which were underscored by the uproar over the Pentagon Papers and by the sundry attempts to place restrictions on the President's war-making powers—excessive secrecy in the Executive Branch and Congress' attenuated prerogatives in the framing of national policy.

If the dreary story of our involvement in the Vietnam War demonstrates anything, it is that the Executive Branch does not necessarily know best; it is that an uninformed Congress will make uninformed decisions or none at all; it is that secrecy breeds distrust and that neither Congress nor the public can be expected to support policies unless they have the basic data upon which to make their judgments.

The White House has recently taken action to tighten up on what it considers to be security information. One of the best ways of accomplishing that aim would be to distinguish between what should be secret and what should not and to operate on an assumption which is the bedrock of our free society—that the public can be trusted

[From the Louisville Courier Journal, Aug. 24, 1971]

OPENING THE FILES ON MILITARY AID DISTRIBUTED ABROAD

The military aid doled out by the Pentagon to "friendly" governments around the world plays an important part—in theory if not always in practice—in our self-appointed Cold War role as global peacekeeper. But it is dawning on a lot of Americans these days, as they look at Pakistan and Greece and Taiwan and Spain and some of the other recipients of our arms largesse, that maybe we're due for a spell of rethinking about the moral price of such a policy.

Which is the best reason in the world, it seems to us, for telling the American people more about the military assistance program than the Nixon administration has been willing to tell so far. For while some secrecy is necessary if a government is to function efficiently, the Pentagon Papers have shown clearly how secrecy also can be employed to cover up mistakes or to implement policies that the people might not support if they had full knowledge of how and why decisions were being made.

Military aid can be especially important to the conduct of clandestine foreign adventures—witness the secret war still being fought with American-supplied arms and ammunition in Laos. So it's encouraging to see Congress reasserting its role in foreign affairs by threatening to cut off all military aid to foreign nations by Sept. 1 unless the Pentagon supplies particulars of its Five-Year Plan for foreign military assistance, or unless President Nixon officially invokes the doctrine of executive privilege to keep this information secret.

Defense Secretary Laird has insisted that no such plan has been developed. But that charade was penetrated—inadvertently, no doubt—by the Deputy Assistant Secretary for Military Assistance and Sales, Lt. Gen. Robert H. Warren, who conceded to the Senate Foreign Relations Committee in June that a Five-Year Plan exists and is used as a planning document. Apparently the General's testimony was enough to convince the Controller General of the United States, Elmer B. Staats, who has now ruled that unless the information is released or the President stands on executive privilege, his office will withhold military-aid funds already appropriated by Congress.

According to an analysis by Sen. William Proxmire, the U.S. will spend more than $2 billion on foreign military aid this fiscal year. Mr. Nixon should instruct the Pentagon to tell Congress which "friendly" nations are getting the money, and for what. If he won't tell, his refusal will be instructive, too.

[From the New York Post, Sept. 2, 1971]

BLACKOUT ON SECRET WARS?

Pursuant to its usual policy in such matters, the Nixon Administration is now responding to Senate requests for a look at a new packet of Pentagon papers by insisting that the documents are hush-hush and directing that the Foreign Relations Committee shut up.

The recent history of the case dates from about a month ago, when Secretary of Defense Laird, asked to provide details of long-term Pentagon planning for military aid abroad, informed committee chairman Fulbright (D-Ark.) that "we have no document or documents which constitute a 'current five-year plan for the military assistance program.' "

Laird's talent for elusive semantics being what it is, the committee continued to press for facts and voted in favor of suspending all military aid unless they were produced. Perhaps imprudently, the committee specifically reminded the White House of the President's authority to withhold documents by resorting to "executive privilege."

President Nixon has just exercized that extraordinary option without, however, justifying it in any convincing manner. Laird to the direct contrary, he concedes that pertinent documents exist. Although he seems unsure whether they contain only "tentative planning data" or "basic planning data"—he uses both terms—the policy is the same: the material will be kept from Congress and the public.

Fulbright is curious about how this attitude can be reconciled with the Administration's professed anxiety about the balance of payments problem since millions of dollars' worth of military equipment for giveaways is involved. But that is not the extent of the committee's interest. One of the most fundamental questions is: apart from Laos, how many other secret and semi-secret wars does the Administration plan to finance?

It is vital that Congress pursue its inquiries ever more energetically now—and that it challenge the Administration's apparent view that legislators are supposed to vote blindly for military assistance without getting any factual assistance from the military.

[From the Washington Post, Sept. 5, 1971]

THE SECRET SUMMER

In its own peculiar and even alarming way, this has been what you could call the "secret summer." In case you've forgotten (we have not) summer had just begun when the Pentagon Papers burst on the scene. There were those agonized moans about how their publication would shake the Republic to its foundations and about how desperately the government needs to maintain secrecy and from our side, about the First Amendment and the people's right to know. All that came and went. The Republic, we have noticed, seemed to survive, the First Amendment fared reasonably well, and the administration announced a major project of re-classifying secret material that everyone concedes either is not or should not be secret. That event seemed to set the tone for the rest of the season.

First came the security crackdown at the Pentagon, the Rand Corporation and elsewhere—a program not of re-classifying material, but of misplaced and brutal retaliation. As reports trickled in from those points, it began to seem as if the security officers were treating loyal and diligent people who bothered to use their top secret clearances as suspects. S. L. A. Marshall addressed himself to some of the preposterous, not to say outrageous, aspects of that barn door operation in a column on this page last week.

Even while all this got underway, Secretary of Defense Laird set off to create a new category of secret information. This is information that is cloaked with the mantle of executive privilege although it doesn't exist. If the logic of that sentence doesn't quite parse, bear in mind that this is the secret summer. The information we have in mind is the administration's five-year plan for military assistance abroad. Senator Fulbright and the Senate Foreign Relations Committee wanted it. Secretary of Defense Laird said he couldn't supply it because it didn't exist. When the Senator persisted, President Nixon declared the "non-existent" plan covered by executive privilege. In fact, we have some difficulty understanding just how the doctrine of executive privilege covers that plan, if it does exist, which we assume it does. We hope and expect the capital will be hearing a lot more about that once Congress gets back.

Then this week came the news that some State Department officials have had lie detectors shoved at them in an effort by the FBI to find out who leaked to the press some information about the disarmament talks with the Russians. Under the heading, For the Record, we cite some of Secretary Rogers' comments on that affair elsewhere on this page today. Instead of a nonexistent Defense Department plan we seem to be dealing with a nonexisting State Department crime. Foolishly, it turns out, we had thought lie detectors—a particularly loathsome and demeaning and ineffective instrument of sleuthing—had disappeared from Foggy Bottom along with the sade of the late Senator Joseph McCarthy.

We intend to return to these fruits of the secret summer individually in coming days. For now we thought it might be of some use to look over the harvest as a whole. Security harassment of loyal officers after the Pentagon Papers have been printed, invocation of "executive privilege" to cover the whole future military assistance program, administration of lie detector tests to State Department officials—has it occurred to anyone in government that this systematic misapplication of doctrine and technique does not do much for its legitimate argument about the necessity of preserving national security secrets?

EDWARD P. MORGAN, ABC NEWS WASHINGTON, WITH THE SHAPE OF ONE MAN'S OPINION

What we've got here—with a vengeance—is government by secrecy.

Some secrecy, obviously, is necessary to the transaction of affairs of state. Every regime, Republican or Democrat, unfortunately overdoes it but the Nixon administration is making it a way of life and this is not just alarming, it will be disastrous to the checks and balances of the American system if it isn't headed off.

The pattern of disaster is plain. By calculation, the executive branch is emasculating the power and influence of Congress. The latest example of this emerged yesterday. President Nixon invoked "executive privilege" to block the Senate Foreign Relations Committee from extracting from the Pentagon figures to show what the Defense Department is planning to spend over the next five years on foreign military aid.

Committee Chairman Fulbright has been trying, unsuccessfully, for two years to get Defense Secretary Laird to hand over such information on the hardly unreasonable grounds that the committee needs the data in drawing up aid legislation. Another motive, which would hardly seem unreasonable either, was to find out what the Pentagon might have up its sleeve in terms of new foreign involvements. Fulbright, Senator Symington and others have complained bitterly in the past that the U.S. has been committed secretly to huge military involvement in Laos, for example, without the public or more than a handful of members of Congress knowing anything about it.

On the case in point, Laird has contended, in effect, that the Pentagon doesn't plan five years ahead—how odd!—that what figures it does have are highly tentative and conjectural and therefore would be confusing and damaging to reveal. This is a quibble on the important principle involved, namely that Congress is entitled to know how executive departments are planning to spend the taxpayer's dollar, and Fulbright stipulated that the information was requested on a classified basis anyway.

This is only one instance of presidential power at work. The White House now has the biggest staff in history. Henry Kissinger's office alone reportedly employs more than 150 people, all out of reach of a Congressional committee, including, of course, the president's chief foreign policy adviser himself.

President Nixon has virtually junked the White House news conference. He has met less frequently with reporters than any President in modern times—and has dominated radio and television in prime time to carry his message "direct to the people" more frequently than any chief executive in history.

Mr. Nixon hasn't had a full dress news conference since *June first*. This means that the press has not been able to quiz him directly on such monumental events as his decision to go to Peking barring a couple of questions at a "quickie" encounter, or his 180-degree switch in direction with his new economic plan, both of which decisions were reached in utmost secrecy.

Some secrecy here was admittedly required. But government by secrecy is neither required nor desirable. Congress has one vital power left: the power of granting or withholding funds. It should use it, judiciously, but aggressively.

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion.

UNITED STATES-JAPANESE RELATIONS

Mr. FULBRIGHT. Mr. President, the attention devoted to the President's proposed trip to China should not detract from the more immediately important issues involving United States-Japan relations. Because of Japan's remarkable economic power and dynamism, it can represent a strong force for stability and peace in Asia, and it must not become subordinated in our policy priorities for that area of the world. It is very important to maintain the viability of the Mutual Security Treaty and a continuing attitude of mutual respect and confidence. The Okinawa Reversion Treaty, which I understand will soon be sent to the Senate for its advice and consent for ratification, is an important milestone in the evolution of U.S. policy in East Asia.

It is against this background that we must consider the recent, rather unhappy diversions in the otherwise relatively placid course of United States-Japan affairs. The failure to consult Japan prior to Mr. Kissinger's visit to Peking and the economic problems which have been brought dramatically forward in recent weeks constitute an unfortunate and hopefully transient unsettling influence. It is encouraging that President Nixon has decided to meet with the Emperor of Japan in Alaska during the Emperor's brief stopover on his trip to Europe.

Nevertheless, an ominous event threatens to mar that occasion. Disregarding the concern of many environmentalists and other concerned Americans, as well as the objections of the Canadian and Japanese Governments, the administration has announced it will conduct a gigantic nuclear test at Amchitka, literally in the wake of the Emperor's visit. The tragic irony of this juxtaposition of events is quite clear. At a time when we should pay careful attention to the symbolism of our actions, the triggering of a nuclear experiment in the very State in which the Emperor of Japan will first visit America is patently misconceived. It is all the more disturbing considering the irrelevance of the test to any real security need of the United States—a test of a nuclear warhead for an ABM system which will probably never be used and would probably not work even if it were. The administration has indicated that no final decision had been made on whether to hold the test. It is surely appropriate on this occasion to urge a reconsideration of the desirability of conducting the Amchitka test. The welcoming salute to the Japanese Emperor should not have a nuclear echo.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The Senate continued with the consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT ON NELSON AMENDMENT

Mr. BYRD of West Virginia. Mr. President, what is the number that has been assigned to the amendment which was offered to the pending bill earlier this afternoon by the distinguished Senator from Wisconsin (Mr. NELSON)?

The PRESIDING OFFICER. It is amendment No. 418.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday, immediately upon the conclusion of the period for the transaction of routine morning business, the Senate resume consideration of H.R. 8687 and that the time of 1 hour then begin running on the amendment by Mr. NELSON, No. 418.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF CONFERENCE REPORT ON THE EXTENSION OF THE DRAFT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the disposition of amendment No. 418 to the military procurement bill on Monday, the Senate then proceed to the consideration of the conference report on the extension of the draft. I think that would be in accordance with the wishes of the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I presume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR MONDAY

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators MONTOYA, TALMADGE, and GAMBRELL.

Upon the conclusion of the orders recognizing the Senators named, there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Senate will proceed to the consideration of the pending question before the Senate, which at that time will be amendment No. 418 offered by the distinguished Senator from Wisconsin (Mr. NELSON), an amendment to the military procurement bill, which would provide that none of the funds authorized by the military procurement bill would be obligated or expended in connection with certain aircraft programs until after a final environmental impact statement had been made with respect to such programs.

Under a previous agreement 1 hour has been allotted to amendment No. 418. At the expiration of the time allotted to that amendment, there will be a yea-and-nay vote on the amendment. The yeas and nays have already been ordered. That vote should occur at about 12 noon, unless an amendment to the amendment were to be offered—and there is presently no indication of such.

Immediately upon the disposition of amendment No. 418 offered by the Senator from Wisconsin (Mr. NELSON), the Senate will proceed to the consideration of the conference report on the extension of the draft.

ADJOURNMENT TO 10 A.M., MONDAY, SEPTEMBER 13, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock on Monday morning next.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate adjourned until Monday, September 13, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1971:

U.N. SESSION REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Charles C. Diggs, Jr., U.S. Representative from the State of Michigan.
Edward J. Derwinski, U.S. Representative from the State of Illinois.
Daniel P. Moynihan, of New York.

The following-named persons to be alternate representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

Alan B. Shepard, Jr., of Texas.
Arthur A. Fletcher, of Washington.
Mrs. Gladys O'Donnell, of California.
W. Tapley Bennett, Jr., of Georgia.
Bernard Zagorin, of Virginia.

IN THE ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. John Arnold Heintges, [redacted] Army of The United States (major general, U.S. Army).

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Aceto, Vincent R., [redacted].
Bailey, Robert S., [redacted].
Bonito, Louis J., [redacted].
Fay, Joseph T., [redacted].
Shore, Edward R., Jr., [redacted].
Vander Wende, Martin J., [redacted].

To be captain

Angritt, Peter, [redacted].
Biddix, Harold A., [redacted].
Cadoria, Sherian G., [redacted].
Craft, Thomas H., [redacted].
Curbow, Elmer E., [redacted].
Drew, Joseph E., Jr., [redacted].
Dumas, Edwin H., [redacted].
Duncan, William H., Jr., [redacted].
Englis, Marc G., [redacted].
Gosselin, Raymond A., [redacted].
Harris, James A., [redacted].
Huskey, William J., [redacted].
Johnson, Jorge H., [redacted].
Kester, Kenneth E., [redacted].
King, Edward D., [redacted].
King, Robert A., [redacted].
Kitchell, Gaither H., [redacted].
Kostelnik, Leonard A., [redacted].
Linnen, James R., [redacted].
Logan, James E., [redacted].
Maloof, George E., [redacted].
Matthiesen, Jerry A., [redacted].
Moreau, Donald M., [redacted].
Morton, James M., [redacted].
Mount, Dorothy M., [redacted].
Moye, James M., [redacted].
Murdock, Benton D., [redacted].
Oliver, John B., Jr., [redacted].
Osborn, Thomas E., [redacted].
Parham, Bobby D., [redacted].
Patton, Robert C., [redacted].
Pence, Hobert L., [redacted].
Rigabar, William R., [redacted].
Scott, Leon C., [redacted].
Siebert, Richard J., [redacted].
Snyder, L. B., II, [redacted].
Steinike, Mary L., [redacted].
Vidourek, John C., [redacted].
Williams, Roger D., [redacted].
Wugofski, Eugene T., [redacted].
Ziporin, Philip, [redacted].

To be first lieutenant

Abney, Howard M., Jr., [redacted].
Amick, David B., [redacted].
Aragon, Randall, [redacted].
Balk, Melvin W., [redacted].
Bolick, Miles A., Jr., [redacted].
Bryant, Hurley D., Jr., [redacted].
Burns, Robert H., Jr., [redacted].
Calentine, Jack E., [redacted].
Carpenter, John D., [redacted].
Catalfamo, Francesco, [redacted].
Chapman, Abner B., III, [redacted].
Childs, Ernest L., Jr., [redacted].
Clark, Hugh D., [redacted].
Clausen, Juanita J., [redacted].
Coleman, Charles E., [redacted].
Dabbieri, Ronald A., [redacted].
Dennison, Calvin B., [redacted].
Dumlao, Hernani, [redacted].
Dunn, William C., [redacted].
Fernandez, Federico J., [redacted].
Frankel, Ronald S., [redacted].
Gibson, Richard L., [redacted].
Goffin, Richard W., [redacted].
Haines, Kendall R., [redacted].
Heister, Peter B., [redacted].
Helsel, Robert A., [redacted].
Hines, Jimmy R., [redacted].
Hogan, Joseph E., [redacted].
Howse, Roger E., [redacted].
Humm, Gayle A., [redacted].
Illingworth, Alfred B., [redacted].
Jesse, Norris F., [redacted].
Judkins, James C., Jr., [redacted].
Krejcarek, Donald J., [redacted].
Lauder, Clark H., III, [redacted].
Leftault, Francis E., [redacted].
Lindsay, Jock C., [redacted].
Long, Francis A., Jr., [redacted].
Marsden, Henry H., III, [redacted].
Marshall, Michael, [redacted].
Mulrine, Thomas V., [redacted].
Murphy, Richard L., [redacted].
Newsham, Thomas D., [redacted].
Ozaki, Joe K., [redacted].
Paramore, Ronald L., [redacted].
Peach, Michael J., III, [redacted].
Phillips, Michael R., [redacted].
Pinkerton, Robert C., [redacted].
Porter, David L., [redacted].
Price, Jerry S., [redacted].
Raflo, Charles P., [redacted].
Raines, David R., [redacted].
Rekant, Stanley I., [redacted].
Roberts, James J., [redacted].
Roddy, Michael A., [redacted].
Russell, John C., [redacted].
Ryder, Francis O., [redacted].
Salko, Joseph E., [redacted].
Sandlin, Rodney V., [redacted].
Sax, James A., [redacted].
Schneck, Gene L., [redacted].
Schnyder, Nicholas A., [redacted].
Scott, Robert E., [redacted].
Seibel, James H., [redacted].
Seigrist, Charles D., [redacted].
Shaffer, Suzanne E., [redacted].
Sheil, Timothy J., [redacted].
Small, Richard F., [redacted].
Smith, Charles A., [redacted].
Smith, Edward B., [redacted].
Smith, Thomas G., [redacted].
Stewart, Harry W., [redacted].
Swingler, Judith F., [redacted].
Tartler, Andrew R., [redacted].
Taylor, Wayne A., [redacted].
Thomas, Michael E., [redacted].
Todd, John T., [redacted].
Verbeck, Guido F., III, [redacted].
Viner, Tommy J., [redacted].
Viader, Juan R., [redacted].
Whalen, William J., [redacted].
Wier, Larry T., [redacted].
Williams, Gene, [redacted].
Williams, John J., [redacted].
Wolfe, Jack W., [redacted].
Woods, John G., [redacted].
Zeier, Timothy M., [redacted].

To be second lieutenant

Bailey, Sedell, [redacted].
Bennett, Dennis H., [redacted].
Brito, John S., [redacted].
Bryant, Robert B., [redacted].
Campbell, William J., [redacted].
Coakwell, McConnell A., [redacted].
Cripps, Dennis L., [redacted].
Feuge, Larry E., [redacted].
Folsom, James D., [redacted].
Gall, Roger L., [redacted].
Herzog, Robert C., Jr., [redacted].
Hollander, Bruce W., [redacted].
Hyde, Dean E., [redacted].
Jozwiak, Vincent R., [redacted].
Knapp, George C., Jr., [redacted].
Lathouwers, Janice M., [redacted].
McAteer, Daniel D., [redacted].
McGaha, William R., [redacted].
McLaughlin, Gary F., [redacted].
McNeill, Evan J., III, [redacted].
Meyers, John J., II, [redacted].
Miller, Larry G., [redacted].
Morreale, Dennis L., [redacted].
O'Connor, Donald D., [redacted].
Park, William D., [redacted].
Prondzinski, James H., [redacted].
Rulison, Vernon C., [redacted].
Schwarz, Jerrold W., [redacted].
Shaw, Edward J., Jr., [redacted].
Strube, Richard L., Jr., [redacted].
Thomas, Charles C., [redacted].
Thompson, Bernice D., [redacted].
Vossler, William T., [redacted].
Wahl, Robert G., [redacted].
Witte, Carlton, R. V., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Beadle, Everett T., [redacted].
Bryant, Clarence J., [redacted].
Conatser, Michael A., [redacted].
Cox, Charles W., III, [redacted].
Fernandez, Jaime R., [redacted].
Fine, Darwin E., [redacted].
Freytes, Dennis O., [redacted].
Greene, Robert E., [redacted].
Hayashida, Sander S., [redacted].
Henderson, James H., [redacted].
Hext, Bryan R., [redacted].
Hopper, Michael B., [redacted].
Kepl, Maxwell F., Jr., [redacted].
Landis, Thomas W., [redacted].
Lau, Randall H. C., [redacted].
Lees, Michael A., [redacted].
Magee, Daniel A., [redacted].
Pumphrey, Robert S., [redacted].
Miller, Harry O., [redacted].
Roach, Paul W., II, [redacted].
Siberon, Angel I., [redacted].
Van Dyke, Melvin R., [redacted].
Weeks, Kenneth D., [redacted].
Young, Robert M., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Bishop, Raymond C., [redacted].
Dovich, John J., Jr., [redacted].
Ellis, William H., [redacted].
Forman, Robert W., [redacted].
Saienga, Steven E., [redacted].
Schricker, Jack W., [redacted].
Riccardelli, Richard F., [redacted].
Von Merveldt, Joseph P., [redacted].

SECURITIES AND EXCHANGE COMMISSION

Philip A. Loomis, Jr., of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1972, vice Richard B. Smith, resigned, to which office he was appointed during the last recess of the Senate.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Herman Kleine, of Maryland, to be an Assistant Administrator of the Agency for International Development, vice Albert H. Moseman, resigned.

EXTENSIONS OF REMARKS

THE 100TH ANNIVERSARY OF SHRINE CHURCH OF THE IMMACULATE CONCEPTION, ATLANTA, GA.—RESOLUTION OF GEORGIA STATE SENATE

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Friday, September 10, 1971

Mr. TALMADGE. Mr. President, there has been brought to my attention a resolution adopted by the Georgia State Senate during the last session of the legislature in Atlanta.

The resolution commends the Shrine Church of the Immaculate Conception on its 100th anniversary and also pays special tribute to the Reverend Thomas O'Reilly for influencing General Sherman to spare that church and others in the Battle of Atlanta in 1864.

I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION COMMENDING THE SHRINE CHURCH OF THE IMMACULATE CONCEPTION ON THE OCCASION OF ITS 100TH ANNIVERSARY; AND FOR OTHER PURPOSES

Whereas, on November 22, 1969, the Shrine Church of the Immaculate Conception of Atlanta observed its 100th Anniversary; and

Whereas, during the Battle of Atlanta in 1864, its pastor, Rev. Thomas O'Reilly, influenced General Sherman to spare the five churches and the City Hall in this vicinity; and

Whereas, following the positive action of Father O'Reilly, General Sherman spared St. Phillips Episcopal Church, the Second (Central) Presbyterian Church, the Second Baptist Church, the Trinity Methodist Church, the Immaculate Conception Church and the City Hall; and

Whereas, this heroic deed, in saving these five churches and the City Hall from the torch, will forever be noted in the annals of the history of the City of Atlanta and our State; and

Whereas, the 100th Anniversary Service of Thanksgiving was cocelebrated by The Most Rev. Thomas Donnellan, Archbishop; The Very Rev. Lawrence Schmuhl, S.M.; The Rev. Leonard Kelley, O.F.M.; The Rev. Arthur Murray, O.F.M., Pastor; and The Rt. Rev. Patrick O'Connor; and

Whereas, the Choral Guild of Atlanta, under the direction of Mr. Don C. Robinson, with Mr. Herb Bates as organist, provided music for the occasion; and the Altar Boys were: James Kivlan, Michael Guarber, Robert Hudlowe, Larry Hudlowe, Leo Milam, Thomas Perrian and Joseph Perrian; and

Whereas, the Centennial Committee was composed of: Mr. William Leide, Mr. Eddie Gasperini, Mrs. Fred Ajax, Mrs. Laura Clarke, Mrs. Clifford Schexnayder, Miss Eleanor Camarata, Miss Betty Palmer, Mr. Jerry Giordano, Mr. Van Buren Colley, The Rev. Charles Pfab, S.M., the Rev. Rayner Dray, O.F.M., The Rev. Kevin Farrell, O.F.M., The Rev. Aidan Gara, O.F.M., Mr. R. R. Hallman, and Mr. William Willner; and

Whereas, other assistance for the Centennial Celebration was rendered by Mr. Hughes Spalding, Mr. and Mrs. John Camarata, Mr. and Mrs. George Aseff, Mrs. Flora Graham, Mrs. Jessie Thrasher, and members of the Altar Society, the Holy Name Society and the St. Vincent de Paul Society; and

Whereas, laymen in the procession consisted of Captain Charles A. Moran, Knight Commander of the Holy Sepulchre, grandson of a founder, and a group from the Fourth Degree, Knights of Columbus, headed by Mr. William T. Jordan; and

Whereas, Governor Lester Maddox and the First Lady of Georgia were in attendance; and

Whereas, it is most fitting and proper that the Shrine Church of the Immaculate Conception be recognized and commended on the occasion of its 100th Anniversary.

Now, therefore, be it resolved by the Senate that this Body does hereby recognize, commend and congratulate the Shrine Church of the Immaculate Conception of Atlanta on the occasion of its 100th Anniversary observance.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit copies of this Resolution to the individuals named herein and to the Shrine Church of the Immaculate Conception.

COLUMBUS, IND., CITED FOR ITS ARCHITECTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 10, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article which appeared in the August 21 edition of the Saturday Review which deals with the impact of the unique architectural program in Columbus, Ind.:

DISCOVERING COLUMBUS

(By Katharine Kuh)

Columbus, Indiana (with a population of about 27,000), is commonly called "Athens of the Prairies," a corny misnomer for a town that boasts some of the most interesting modern architecture in the country. Were Columbus located in Europe, Americans would swarm over it in hordes. We can only be grateful that countless tourist buses, to say nothing of countless exhausted tourists, have not yet materialized for their usual hour's visit. As it is, some 10,000 Americans, possibly more, will enjoy Columbus this year on their own terms and in leisurely fashion. The Chamber of Commerce offers free guides and a helpful map.

Today it is not so much private individuals, educational institutions, or museums that act as the most stimulating patrons of art in America; it is big business. Banks, insurance companies, and industrial organizations are becoming increasingly responsible for outstanding architecture and for distinguished semi-public collections of paintings and sculpture. The impetus behind this munificence is varied. At times the aim is to humanize stark environments, to enrich nearby communities, and to expand the horizons of employees and clients. Then, too, there are publicity advantages that in a media-conscious age are scarcely bad business.

As a rule, corporate organizations, unlike museums, are not bound by cumbersome committees, money problems, and inner friction. Art specialists, when engaged by these institutions, are given freedom to operate intelligently and to use their knowledge advantageously. A minor problem sometimes results, however, from overdoses of esthetic paternalism. Nowhere has this danger been more scrupulously avoided and yet more unavoidably present than in Columbus. Precisely because the town is small and dominated by the Cummins Engine company and by this giant's farsighted board chairman, J. Irwin Miller, citizens of Columbus are torn between pride and a kind of tolerant resentment. For, though Mr. Miller, who heads the world's largest independent producer of diesel engines, obviously plays down his role as benefactor and initiator of a modern architectural program without equal in America, he is nonetheless the spark that lit the fire and keeps it going, not only with company and personal auxiliary funds when needed but even more with leadership, know-how, persistence, and a rare sensitivity.

What then does Columbus offer that warrants a special visit? In the first place, there is probably no other small area in the world where the work of so many eminent modern architects can be considered in comfortable proximity. Buildings by Eliel and Eero Saarinen, I.M. Pei, John Carl Warnecke, Harry Weese, Edward Barnes, Kevin Roche, Eliot Noyes, and others are conceived in such intimate juxtaposition as to make comparisons inevitable. Which of these men, despite divergent projects, have succeeded in answering the needs of a particular community? How have they adapted themselves to the flat fertile prairies and the limited dimensions of an environment totally at odds with America's larger metropolitan centers? In Columbus the best buildings always seem to have been designed *"con amore,"* and hence contribute to the surroundings without condescension, for even the ugliest Midwest towns have an honesty that shames sham.

That, to be sure, is one of the charms of Columbus. It has not entirely succumbed to "good taste." Fine architecture from both the nineteenth and twentieth centuries lives side by side with execrable banalities. Each seems to belong, to "fit in." Columbus has not become a model city nor a dead Williamsburg reconstruction; it is a vigorous melange, curiously American, alive, active, and ambivalent.

Memorable are three churches. The First Christian Church, designed by Eero Saarinen and completed in 1942, represents a landmark, for this light-filled, lucid structure was the community's earliest encounter with noteworthy modern architecture. Here nothing was left to chance. The knowing interaction of space, texture, light, and form allows each element to play against its neighbor in sympathetic harmony. The church, envisioning religion as a positive rational force, is in direct contrast to Eero Saarinen's North Christian Church, one of the most moving religious buildings in this country. How to describe its mysterious interior and pure modest exterior is a challenge, for rarely has architecture been better married to landscape than in this low, brooding church with its triumphant linear spire piercing but not disturbing a wide horizon. Of it Saarinen said, "I want to solve [this design] so that as an architect when I face Saint Peter, I am able to say that out of the buildings I did during my lifetime, one of the best was this little church . . . that speaks forth to all Christians as a witness to their faith." He finished the design only days before his unexpected death.

Perhaps to make up for Columbus's lack of visual arts other than architecture, several designers have deliberately featured sculptural forms as functional elements in their buildings. For example, Eero Saarinen, working closely with the organ-maker Walter Holtkamp, turned organ pipes into a dynamic three-dimensional relief, while Harry Weese in his beautiful First Baptist Church perforated his brick choir screen with an abstract mural-like design of noble proportions. Even a newly opened newspaper building exploits in its windows bright yellow printing presses as living sculpture. The town's paper, *The Republic* (though not surprisingly once known as *The Republican*, for Hoosier land is eminently conservative), has recently moved into its new glass enclosed quarters, the first building in Columbus designed by Skidmore, Owings and Merrill.

The only sculptural monument that can compete with the town's architecture is in front of I. M. Pei's superb library. My first reaction was "No, not another Henry Moore discreetly decorating another American public building," but I was wrong. The *Large Arch* is a masterpiece growing mechanically out of the earth, yet so subtly oriented as to seem on the move, offering the viewer innumerable varying vistas. "As a young sculptor," Moore confessed, "I saw Stonehenge, and ever since I've wanted to do work that could be walked through and around," and he might have added, work that assumes infinite guises.

As for Pei's library, it is a handsome brick pavilion where space flows in an uninterrupted sequence and where outer courtyards both extend and control the building's dimensions. The structure may at present seem overlarge for the role it plays in a small community, but it has been so sensitively geared to its milieu that size never obtrudes. Not true, alas, of Columbus's fortress-like new post office, designed by John Dinkeloo and Kevin Roche, which frankly overpowers its surroundings with unnecessary pretensions. Somehow one feels this heavy colossus was conceived as if in a vacuum. Columbus and its human scale cease to exist.

However, Kevin Roche is now at work on what promises to be a radical departure in industrial architecture. He has planned a new factory for the Cummins Engine company where some thirteen acres of work space will be under roof and yet invisible to the surrounding countryside. Already partly up, this enormous structure is located several miles out of town amid farmland and trees. Because it has been sunk into the ground and designed around large open courts, the complex will not disturb its pleasant rural setting. At the same time several thousand employees will look out on an unspoiled natural environment.

Of special importance in Columbus are several new experimental school buildings that in some instances have actually led to freer forms of education. In each case, the architect has tried to solve a specific problem. Take John Carl Warnecke's plan for a grade school situated in a large park. He conceived of the school in terms of separate pagoda-like cottages, providing each classroom with its own light-filled pavilion and its own immediate contact with the out-of-doors. Quite opposed is the downtown Lincoln Elementary School, where Gunnar Birkerts introduced a large multi-purpose gymnasium as the central core of the building, hoping thus to divert the children from playing in the streets. Surely the most controversial school and for that matter the most controversial building in Columbus is John Johansen's beramped, betunneled oddity that struck me as unnecessarily bizarre. I began to change my mind after reading letters in *The Republic* dedicated to the twenty-first century by a group of the school's fourth-graders. One child wrote:

"Hi, 21st Century. Do you want to know about our architecture? We have some very good architecture in Columbus.

"I am a fourth grader and go to a real unusual school. It is built on nine levels that are connected by tunnels and ramps rather than stairs. Our classroom is as large as two rooms because it has no dividing wall. This makes it easy for more children and teachers to share ideas."

Another Indiana child, mindful of the well-tended farms ringing his hometown, hoped that "in the twenty-first century we won't have any more wars. We don't have to fight for land, we can share it. Everybody deserves land." The more I read, the more this "real unusual school" of John Johansen's made sense. It may not be satisfying for adults, but it works for children.

Columbus, now 150 years old, is, whenever possible, preserving its nineteenth-century past, the best example of which is unquestionably the county courthouse. Last May *The Republic* noted: "Today the courthouse stands much the same as it was on its completion ninety-seven years ago." Though renovated several times since then, it still retains its half-European, half-Midwest American presence. What's more, it looks like a courthouse and is successfully operating as one. But the restoration of Columbus's downtown store fronts in a bouquet of colors by Alexander Girard seemed a bit like gilding the lily. These Victorian facades scarcely need dressing up. To preserve them is enough.

The town is a maze of marvelous contradictions. A highly conservative community has backed and absorbed some of America's most advanced architecture. Old and new live together happily; so too do the commonplace and the extraordinary, the vulgar and the refined. A classic dichotomy is separated by only two blocks and forty-four years. It points up America's coming of age and the country's faith in itself as a creative force. First one should visit the now unoccupied shrine-like Irwin home and garden, the latter designed in 1910 after the Casa degli Innamorati of Pompeii. Nothing could be more deliberately alien to the sweeping prairies of Indiana than this absurdly beautiful imitation. Mr. Irwin, by the way, was co-founder of the Cummins Engine company and the great-uncle of J. Irwin Miller. Near his mansion is Eero Saarinen's Irwin Union Bank and Trust Company, a clean modern glass-sheathed structure that no longer imitates but initiates.

SAVING THE GREAT LAKES

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Friday, September 10, 1971

Mr. GRIFFIN. Mr. President, recently, I was privileged to address an international conference on the subject of Great Lakes pollution attended by Great Lakes Governors and Premiers of two Canadian Provinces.

This conference of Great Lakes Governors and Premiers, held August 16 and 17 on Mackinac Island, Mich., was jointly hosted by Michigan's Governor, William G. Milliken, and by the Great Lakes Basin Commission.

I ask unanimous consent that a copy of my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SAVING THE GREAT LAKES

(By U.S. Senator ROBERT P. GRIFFIN)

Along with Governor Milliken, I am highly honored to be here to join in extending a most cordial welcome to this distinguished gathering of international leaders.

It is altogether fitting that, for this historic conference, you have chosen to assemble here in our Water Wonderland . . . at Mackinac Island, which has been the focal point of so much Great Lakes history during the last three centuries.

You gather in this appropriate setting in a new era—let's call it, and make it, an era of environmental statesmanship. Looking on as you assemble here is an international constituency, concerned as never before about international pollution. They eagerly expect results from your deliberations; they impatiently look to those assembled here for coordinated leadership in a vigorous, concerted international effort to restore a balance of power in the Great Lakes—a balance between man and the nature of which he is a part.

Once again, the people of Canada and people of the U.S. are demonstrating through their representatives here at this conference those wonderful qualities of friendship, respect and togetherness which have characterized the relationship between our two countries for so many years.

This conference symbolizes the fact that our two nations have already embarked on a long journey together—a journey that we must take together if it is to be successful. The skyline of our destination is not yet in sight—even on a smog-free day—but it is important that we have begun the journey.

The task which lies ahead is not only difficult and very costly—but it will take time.

Alexander Pope once wrote, "Blessed is he who expects nothing, for he shall never be disappointed." This is no time for that kind of pessimism.

Rather, I suggest, it's time for the measured, patient optimism of a William Kundsen who, you will remember, was in charge of war production for the United States during World War II. Once, he was being subjected to anxious, intensive questioning, by a Congressional Committee about the time it would take to produce the war goods needed to meet the Nazi and Japanese threats. Finally, the embattled Knudsen responded in this way:

"Look, gentleman, it's like this. Despite all the modern hospitals, anesthetics, the obstetricians, psychiatrists and gynecologists—and despite all the advances in research, medicine and science—it still takes nine months."

Now, the period needed for restoration of the Great Lakes will be longer than nine months. But I am convinced that we can, and should be, optimistic about the eventual success of the effort underway to restore and preserve the Great Lakes.

It is a sad state of affairs that the new frontiers of our society must necessarily include the environmental frontier of restoration and preservation.

Earlier in this century a great American tried hard to awaken the people of the U.S. to the developing environmental crisis we confront today. Although the people were not listening, he said:

"To waste, to destroy, our natural resources to skin and exhaust the land instead of using it to increase its usefulness, will result in undermining in the days of our children, the very prosperity which we ought by right to hand down to them, amplified and developed."

Of course, the words were those of President Teddy Roosevelt. He used them in a message to Congress 63 years ago. One can only imagine what the level of Teddy's indignation might be if he were alive today and if he were aware, for example, of the pollution in our precious Great Lakes.

As a contribution to your deliberations, I should like to touch briefly on some developments on the Washington scene which have—

or will—affect the effort to restore and preserve the waters of the Great Lakes.

Some of our great grandfathers wrote—and then apparently forgot about—the legislation that the new U.S. Environmental Protection Agency, under Administrator Ruckelshaus, is now invoking against some U.S. polluters. Suddenly, new life has been breathed into these old laws—perhaps they were passed by a Congress that operated in an echo chamber; at any rate, they were somehow insulated for years from the awareness or notice of law enforcement authorities.

For example, the U.S. Coast Guard has begun to enforce a long-forgotten 1887 law relating to the transportation of toxic and hazardous materials that have long been dumped into the oceans without any controls.

The Corps of Engineers reached back to 1888 for a law to authorize surveillance of refuse dumping in three major East Coast harbors.

And now, the long-forgotten Refuse Act of 1899 is suddenly the basis for court action against polluters.

In Washington, not only have we been dusting off old laws—but we have been writing some new ones. And those charged with enforcement have been moving vigorously on a number of fronts.

Back in April of this year, when I had the opportunity to address the Fourth Annual National Pollution Control Conference sponsored by the Jaycees in Detroit, I pointed to the serious shortage of personnel available to monitor polluters along the U.S. shoreline of the Great Lakes. In April when I made that speech there were only 19 persons to perform this function. Now I can report that there are 56 such personnel.

I suppose an optimist would say the monitoring force has been tripled—but a realist would be quick to point out that this is only a good beginning—that many more enforcement people are still needed—particularly if about 1600 industries and municipalities are to make the improvements needed to meet water quality standards by 1975.

In the meantime, the EPA, under its energetic Administrator, Bill Ruckelshaus, has been enforcing that old, forgotten 1899 law which, by its terms, requires Federal permits to be issued to each industrial discharger of waste into navigable waterways and their tributaries within the continental United States.

In the months and years ahead, with more inspectors on the job and with more facts gathered, we ought to know a lot more about just what, and how much, polluters are putting into the Great Lakes.

During the coming year, many more dischargers will be placed on abatement schedules—and it is likely that some may have to be closed down. Those who closely watch the Nixon Administration in action have noticed that the hard, tough decisions have been forthcoming, particularly when pollution is the target.

Of course, the permit program, by itself, cannot do the whole job of restoring the Great Lakes. By its terms, it is effective against only one part of the problem—industrial pollution. It can serve only as an interim step until more adequate and effective legislation is finally approved by Congress.

Congress has been at work on a major multi-billion dollar program, aimed at another part of the Great Lakes pollution problem. I refer to municipal waste treatment and combined sewers. The National League of Cities' study in early 1971 indicated that cities in the Great Lakes Basin area of the U.S. alone, need $2.3 billion over the next six years for primary, secondary, and tertiary treatment facilities and for interceptor and storm sewer improvement.

The Senate is considering a $20 billion, five-year program for the nation as a whole, mostly for modern, waste treatment plants and for facilities to keep raw sewage in combined sewers from reaching the lakes, rivers and oceans.

It is encouraging that the Federal Government is loosening the purse strings as far as the problem of combined sewerage overflow is concerned. Key votes on appropriations still must be taken in Congress. However, I can report that the prospects look good, in both parties and in both Houses.

EPA has placed a high priority on the combined sewer problem as it affects the Great Lakes. Eleven out of the 35 authorized demonstration projects, to determine the most effective way to deal with this problem, have been assigned to the Great Lakes.

Not long ago it was hoped that the cleaning agent, NTA, would be the pollution-free answer to phosphates. The jury, judging the safety of NTA, is still out. But whatever the verdict we cannot afford the luxury of continuing to ignore this problem.

Many believe that phosphates are the number one pollution menance to the Great Lakes.

When the Senate reconvenes in September, I have legislation to introduce—which by mid-1972 would limit the phosphate content of detergents on U.S. markets to 8.7 per cent phosphorus by weight, expressed as elemental phosphorus. In addition, the bill I shall introduce will authorize EPA to reduce the phosphorus content even further, and eventually to ban all phosphates in detergents when a safe substitute is found.

I am told that today's technology can produce a detergent of sufficient cleansing strength at the 8.7 per cent phosphorus level, which is a substantial reduction from the phosphorus content in most detergents today. I hope this legislation will provide a strong incentive for industry to develop a suitable substitute for phosphorus in detergents.

As you well know, the Canadian and United States governments are committed to conclude, by the end of this year, an agreement to reduce phosphate discharges into the Great Lakes.

In addition to the phosphorus menace, there is an increased awareness of the threat of other toxic chemicals to water quality and human safety.

Our own Governor Milliken, of Michigan, has had his bouts with mercury—and last year he proposed strong measures to deal with toxic chemicals entering the Great Lakes. Since then, the Nixon Administration has proposed legislation at the federal level to require an evaluation of chemicals in terms of their effect on water quality.

Currently in Detroit, the Corps of Engineers is beginning construction of a containment area in which to deposit dredge spoil from the Detroit River. This is a project which will help in cleaning up Lake Erie.

Along with the Environmental Protection Agency, the Army Corps of Engineers is at work examining a number of different ways to handle the wastes of large metropolitan areas. Three out of five of the studies underway for this purpose are being conducted in Great Lakes cities: at Chicago, Cleveland and at Detroit.

When these studies are completed, later this summer, there must be follow-up on the most promising solutions. And some $700,000 has been set aside in the current year's budget to finance such follow-up projects.

Last year I urged EPA to allocate to the Great Lakes area a substantial portion of $200 million in discretionary funds available to the Administrator of EPA for pollution control projects. Since then, EPA has provided more funds—long overdue—particularly for Detroit and Cleveland. As you may recall, last December, those cities had been given 180-day notices requiring compliance by 1975 with Federal-state water quality standards—standards very similar to those adopted by the Canadian-U.S. Ministerial meeting in Washington last June.

Those two cities, working with the Federal government, have responded by undertaking a six-year $1 billion program to meet Lake Erie Enforcement Conference recommendations.

While great emphasis is appropriately focused on programs to prevent future pollution, of course, the restoration of the Great Lakes from damage already done is an equally important goal. Two years ago, the President's Marine Council proposed initial funding of $100 million to find effective ways to clean up the Great Lakes. Some of this money still has not been spent. The big hang-up seems to be that we don't know just what to do.

But there are current studies underway by the National Oceanic and Atmospheric Administration (NOAA), by EPA, and by the Great Lakes Basin Commission to learn more about the hydrodynamics of the Great Lakes and its nutrients so the patient can be diagnosed and properly treated.

Back in 1961 Congress authorized establishment of a Great Lakes Water Laboratory. Ten years later, we are finally getting the project underway. Given the urgent, serious character of the problem, such a delay is inexcusable.

It now appears that the laboratory will be located on Grosse Ile in the Detroit River. A select staff has already gone to work studying the hydrodynamics and nutrients of the Great Lakes.

But a larger, better equipped, better staffed operation is needed for a central field research facility if the laboratory is truly to serve all the Great Lakes.

I could go on and on. There is so much to be done—and there are so many ways the Federal Government could be helpful. But, as those attending this conference know so well, the states and provinces are at least as important as the national government in meeting this challenge and providing solutions.

As we move toward a better understanding of the challenge of pollution—in all its ramifications—reaching as it does across local, metropolitan, state and even national boundaries—it becomes more apparent that there is no choice but to make adjustments in some of our ideas and patterns. Farmers who face limits on the amount of fertilizers they can use, and manufacturers who must seek substitutes for phosphates in detergents, have been among the first to experience this phenomenon.

It is inevitable that local home rule, in some of its aspects, will have to give way to regional control if our environment is to be saved. Surely, we will need wisdom and tolerance to strike a proper balance between man and nature and to assign each jurisdiction of government its appropriate and proper function.

Before concluding, I want to bring you the greetings, and pledge the cooperation, of the Conference of Great Lakes Senators which, as you know, is chaired by my colleague, Senator Proxmire of Wisconsin.

Our Senate group is relatively new; but we have been speaking up and battling for the Great Lakes. We think the group has been effective in the Senate, and we hope it will be even more effective in the future.

I conclude by saluting you for being here and by thanking you for your work and leadership in this great cause.

I thank you for our children and for their children.

STATE UNIVERSITY COLLEGE AT BUFFALO MARKS 100TH

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 10, 1971

Mr. DULSKI. Mr. Speaker, on Monday, September 13, the State University College at Buffalo marks its 100th anniversary.

Over the years since it was created as a normal school, the institution has been providing thousands of teachers for the Buffalo area in particular and New York State in general.

It was entirely devoted to the instruction of teachers-to-be until 1963 when the college became a multipurpose institution and now nearly half of the students are involved in programs leading to vocations other than teaching.

Originally, the school was created to provide teachers for the immediate Buffalo area, but now the college is a part of the State university system.

The 100-year history of the school offers an interesting story of the development of education. Martin B. Fried, a member of the college staff and director of centennial activities, has compiled a history of the school which I include in part as follows:

HISTORY OF THE STATE UNIVERSITY COLLEGE AT BUFFALO

(By Martin B. Fried)

The State University College at Buffalo, New York, a unit of the State University of New York, is observing its Centennial during the school year, 1971–1972.

Located advantageously directly opposite the Albright-Knox Art Gallery and the Buffalo and Erie County Historical Building, the College is on one hundred and twenty acres of land stretching from Elmwood Avenue almost to the Niagara River.

With approximately 10,000 students, and 750 faculty, the College offers courses in teacher education and liberal arts, leading to degrees of B.S., B.A., M.S. and M.A.

Its building program, still in progress represents a capital investment in excess of one hundred million dollars, with a new administration building, an infirmary, and a social science building due to be completed in the near future.

Recently completed were a new Student Union, Communications Center, dormitories, and an addition to the Butler Library, all designed by the architectural firm of Perkins and Will.

ORIGINALLY TEACHERS COLLEGE

For nearly one hundred years the main objective of the College was the preparation of teachers and more than half of the students still have teaching as their goal.

The College continues to graduate more certified teachers than any school in the entire state of New York outside of New York City. It is a major source of teachers of art and of exceptional children, the largest in the United States.

But in 1963 the College became a multipurpose institution, and now almost half of its students are involved in programs leading to degrees not related to teaching.

The faculty of the College is well qualified for its task, with more than one-third having doctors' degrees from universities in the United States and foreign countries. Salaries, teaching loads, and opportunities for sabbaticals and research fellowships compare favorably with other colleges. The faculty is organized under a set of by-laws consistent with the Personnel Policies of the State Universitiy of New York and enjoys a degree of academic freedom that is enviable.

PART OF STATE UNIVERSITY SYSTEM

The College operates according to the Education Law of the State of New York as a part of the State University, which is governed by a Board of Trustees and a Chancellor; the present Board of Trustees includes two Buffalonians, Charles Diebold and Manly Fleischman, and the Chancellor is Dr. Ernest L. Boyer.

A local board, called the College Council, supervises the operations of the College. The present head of the Council is Mrs. James H. Righter, whose father and grandfather served in the same capacity.

The President of the College is Dr. E. K. Fretwell, Jr., a graduate of Wesleyan, Harvard, and Columbia, and the son of a famous scholar at Columbia, E. K. Fretwell, Sr.

STUDENTS HAVE ORGANIZATION

The students of the College are organized into a United Student Government, with by-laws and officers of their own choice, wholly independent of the faculty and administration. They tax themselves and allocate their funds to various student boards without interference.

They publish their own newspaper, *The Record*, which has been in continuous publication as a newspaper for more than forty years, though it was published more than forty years ago as a magazine. The newspaper, which now appears two times a week, is entirely under student control and makes use of modern automated equipment representing a large capital investment.

It has two faculty advisors, who serve only as advisors, and there is no attempt at control or censorship. The newspaper is generally excellent, observing high standards of journalism and often winning prizes in the annual competitions conducted by the Collegiate Press Association.

In 1969 the faculty adopted new by-laws providing for student represenation on faculty committees. Students are already serving on faculty committees within departments and diviisons. In some departments students even have some influence on faculty promotion, retention, and tenure, and there is continuing pressure by students to enlarge their involvement in such decisions.

ABOUT 150 FOREIGN STUDENTS

The College has about 150 foreign students who enjoy a generous tuition waiver granted by the State University to encourage foreigners to come to the College. They come from as far away as Hong Kong, Formosa, Indonesia, and Korea. A large number of Canadians, not included in the above figure, also study at the College.

The College has study-abroad programs in Costa Rica, India, and Italy. The program in Siena, Italy, begun in 1961 under the direction of Dr. Clement T. Tetkowski, has involved approximately 700 students and 15 faculty members in ten years and is highly regarded. A Siena Alumni Club is actively engaged in the program.

The Alumni Association, operating under a new program directed by an executive secretary, Miss Rosalie Turton, has increased its active membership from 1,000 to 4,000 in one year and publishes several times a year an Alumni Magazine which goes out to approximately 30,000 alumni.

ALUMNI BUILDING LOAN FUND

Because most of these alumni are teachers with limited incomes, there has not as yet developed any major effort at a fund-raising campaign, although the Alumni Association is trying to build up a scholarship and loan fund. In 1970 the Association gave 23 scholarships of $100. each and several loans.

All contributions to the College are made to the Alumni Foundation, which has been granted non-profit status by the Internal Revenue Service, and are, therefore, tax-deductible. Mr. Donald L. Volz, a lawyer and a graduate of the College, has served as President of the Alumni Foundation since its inception in 1965.

There is a Development Board, which has been meeting since 1967, headed by Wilton J. Lutwack, honorary chairman of the Board of the Colad Corporation. The Development Board has as its objective the promotion of better relations between the College and the community.

In 1970 it organized a series of campus-city projects in which students, faculty, and advisors from the community worked together on projects designed to improve the community. Its most notable success was a Children's Park. The Board is now working on a plan to provide hospitality in the community for foreign students, a program that is proceeding well under the direction of Mrs. Nancy Jewett, a member of the Board.

NO COLLEGE IS AN ISLAND

In observing its Centennial, the College adopted as its theme, "No College is an island," as an indication of its concern for the quality of life in and around it. One hundred years ago the State Normal School, as it was then named, offered its 86 students a curriculum that consisted of Ancient Languages, Mathematics, Chemistry, Natural Science, Education, Rhetoric, Elementary Methods of Instruction, Singing, Drawing, and Penmanship.

Ten years later the enrollment was 278 students; in 1891, 700; in 1901, 828. All these students were preparing to become elementary school teachers. For 92 years this was the objective of the College. In 1963 preparation of secondary school teachers began and, in the same year, a liberal arts program not related to teaching was also activated.

In 1909 the Normal School had a low enrollment because of a ruling of the State Department of Education that made the completion of a four-year academic course a prerequisite for admission. Apparently many of those admitted from 1871 to 1909 did not have four years of high school.

And the Normal School course was only a two-year course. Thus, many of the elementary school teachers were young and, in modern terms, rather poorly prepared for their positions. The raising of requirement for admission and the professionalizing of the normal school curriculum were attempts to improve the situation. However, we know that many of these who had so little formal education made good teachers.

CURRICULUM MORE SPECIALIZED

In 1915 this preparation became more specialized. Students took the elementary, kindergarten, or kindergarten-primary courses. The curriculum included psychology, principles and history of education, methods of language, grammar and composition, school economy, methods of vocal music, methods of arithmetic and algebra, methods of American history, methods of drawing and elementary handwork, logic, methods of geography, methods of primary reading, spelling, and phonics, methods of nature study, methods of elementary science, methods of manual training or household arts, penmanship, methods of physical training, methods of literature (optional), methods of Latin (optional), and observation and practice.

After the first World War, there was a period of expansion in numbers of students, courses, programs, and faculty. The demand for better preparation of teachers stimulated the requirement of a college degree and in 1928 the normal school became a college which granted the B.S. in Education degree.

AT PRESENT SITE SINCE 1931

The need for a new campus was recognized and met by the move to the present Elmwood Avenue site, where the College opened on January 23, 1931. During the Depression years, the total registration of the College was definitely fixed at 1,000 by the State Education Department.

The size of the College thus remained about the same until after the Second World War, when it became necessary to expand to meet demands of an expanding population and at the same time a demand for a higher standard of teacher preparation, including the requirement of a Master's degree. During these years, the College grew at a rapid rate.

In 1971, in fact, the College is a little city in itself, with all the problems of urban life, including security, traffic, and parking. Especially parking. It is the largest four-year college and the fourth largest unit in the State University of New York.

AID TO DISADVANTAGED

It has one of the largest state programs for the economically and educationally disadvantaged students, the largest undergraduate program in the United States for the preparation of teachers of exceptional children, and the largest program in the country for the preparation of teachers of art.

It prepares more certified teachers each year than any other upstate institution. Its students come from every segment of American society, its faculty from every part of the country, so that it truly represents the rich variety of the American population.

The College opened its doors on September 13, 1871, one hundred years ago, as a State Normal School with only 86 students and a faculty of 16, of whom five were teachers in the practice school and one was the principal.

The purpose of the Normal School was to train teachers for the public schools of the County and City. This remained the sole purpose of the institution for 92 of its first 100 years, during which period it seemed to go through many metamorphoses, changing its title from Normal School to Teachers College, then to College for Teachers, then to College of Education, and finally to State University College.

STILL "STATE TEACHERS" TO MANY

In spite of the changes in title, and in spite of the change in the purpose of the college when it became a multi-purpose institution, the College is still known to many in the community as State Teachers, partly no doubt to avoid confusion with other institutions, but partly also as a tribute to the fact that training teachers is still a major goal of the College.

The original idea for a normal school in Buffalo was, ironically, advanced by opponents of the free high school who proposed a normal school as a substitute for a high school that was badly needed at the time.

They failed in their attempt to prevent the building of a high school, but they planted in the minds of some of the leading citizens of the community the desirability of establishing in the city a state normal school to train teachers. One citizen, in particular, Jesse Ketchum, was later given the title of Father Ketchum, for without his aid, it was said, the Buffalo Normal School would never have come into existence.

In 1866 the State Legislature authorized the establishment of four additional normal schools to be located in different parts of the State. At the annual festival of the teachers of the City of Buffalo, Mr. Oliver G. Steele made the principal address, urging the adoption of suitable measures to secure the location of one of the normal schools in Buffalo.

ROLE OF JESSE KETCHUM

Judge George W. Clinton presented a formal petition asking the Common Council to act on the matter, and on May 21, 1866, Superintendent of Schools John S. Fosdick, urging the Common Council to act promptly, noted that Jesse Ketchum had proposed to donate the block bounded by York, Jersey, Thirteenth, and Fourteenth Streets, for educational purposes.

All Mr. Ketchum asked was the erection by the City of suitable buildings for the Normal School and the payment of three hundred dollars annually for the purchase of books or prizes to be distributed among the scholars of the public schools as rewards for good conduct. (These Jesse Ketchum awards are still being presented each year.)

On November 1, 1866, the County of Erie adopted a resolution offering to contribute a sum not to exceed $45,000 for the erection of a building to house the Normal School. Thus the City of Buffalo and the County of Erie both indicated their genuine interest in, and their intention to support, the establishment of a normal school in Buffalo.

In April, 1867, the State Legislature passed a bill authorizing the establishment of a normal school in Buffalo, and on May 4, 1867, the Common Council of the City appointed commissioners of the Normal School. In August a Building Committee received $45,000 from the Erie County Board of Supervisors, and on April 6, 1868, the Common Council of the City ordered the issuance of bonds to the amount of $45,000 to match the Erie County contribution.

GROVER CLEVELAND ON BOARD

In June, 1868, the architect, J. H. Selkirk, submitted plans for the building, and on July 16, 1868, the contract was awarded to Henry Rumrill for $70,000. The cornerstone of the building was laid with appropriate ceremony on April 15, 1869.

On September 16, 1870, the State Superintendent of Public Instruction, appointed the first local Board of Managers (now called the College Council.) One of the members of this first local board was Grover Cleveland.

The first Principal of the Normal School was Professor Henry B. Buckham and he served for fifteen years.

Some idea of the character of the Normal School at its opening may be derived from the requirements for admission and graduation. Candidates for admission had to be not less than sixteen years of age and to take an entrance examination covering the same ground as that for admission to the Central High School. The time required for graduation was not less than one full year and could be two years or more, according to the attainment of the pupil on entering.

Many of the students who entered the Normal School required instruction in the very subjects they were planning to teach, such as arithmetic, and on a very elementary level. It was not until 1922 that the Normal curriculum was extended to three years, but six years later the Normal School became a college and graduated its first degree class.

INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION OPENS IN PITTSBURGH: VOLPE ANNOUNCES $60 MILLION GRANT TO PITTSBURGH MASS TRANSIT PROGRAM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 10, 1971

Mr. MOORHEAD. Mr. Speaker, Pittsburgh is the scene this week of the Fifth International Conference on Urban Transportation. And it is fitting that my city should be one of the first in the Nation to begin a truly far reaching and futuristic mass transit system to serve the entire Allegheny County.

A $60 million grant for this purpose was announced by John Volpe, the Secretary of Transportation, in a speech to the conference on Wednesday.

The people of Pittsburgh, public and community officials, and numerous civic groups have worked long and hard to bring a viable mass transit system to our county. And that day has officially arrived.

Our city, which has been the host to four of these highly instructive and illuminating conferences, has been a leader—with its many corporate giants—in pioneering new mass transit techniques. And we are looking forward to the accommodation, well being, and transportation ease that will be provided by this new system.

REMARKS BY U.S. SECRETARY OF TRANSPORTATION JOHN A. VOLPE

I am indeed honored and privileged to have been invited to open this distinguished international conference here this morning. Let me be quick to welcome the many visitors here from throughout the world. As our globe undergoes increased urbanization the vital information we share in conferences such as this is truly invaluable. We learn much from all of you, and we are delighted to share information developed here.

Let me also express appreciation to the hard-working organizers of this conference who have helped so much in calling public attention to the great needs in urban transportation.

I am delighted to announce this morning the largest single grant ever made by the Department's Urban Mass Transportation Administration; $60 million to the Port Authority of Allegheny County for a rapid transit system here in Pittsburgh.

These funds supplement an initial $8.7 million grant made to the Port Authority in June of 1970. They are part of a total five-pronged $228 million project that will see a new-type rapid transit line, two rapid transit busways and the rehabilitation of two existing rail transit lines.

We intend to help Pittsburgh help itself. We are working with the city—and the county port authority—to bring this area first-class mass transit service for all their residents.

And let me be quick to point out that we are not investing this sizeable allocation of funds simply because we happen to like Pittsburgh, or for some whimsical, theoretical, experimental purpose. This area has shown the need, has done the planning, has enlisted solid community support and confidence, and has come to us with a program that was ready for funding.

This area came to us with the strong support of two very dedicated and hard-working United States Senators—Minority Leader Hugh Scott, who has been with us at every turn as we developed expanded public transportation legislation—and Senator Richard Schweiker who knows full well that we will not unbind the crisis of the cities without effective alternative transportation facilities for all the people. Indeed, the entire Pennsylvania congressional delegation has given us solid backing—and Representatives Jim Fulton, Joe Gaydos and Bill Moorhead from this area have been in the forefront.

So while I came to Pittsburgh bearing good news, I make the distinction between that and bearing gifts. This is not a gift. This is not Federal largesse. This is a reflection of our very sincere obligation at the Federal level—in the Executive *and* Legislative Branch—to improve the quality of life throughout the Nation. We can do this only by working *with* the States, working *with* the cities, working *with* the Port Authorities and transit authorities across the land.

While this grant to the Allegheny County Port Authority does hold the distinction of being the largest single grant ever to come from the Urban Mass Transportation Administration, we do not intend for that to be a long-standing record. This Administration has made a commitment to the cities of America. We are committed to balanced transportation. We are committed to the basic multi-modal transportation philosophy that is the only way to provide mobility to 200 million people spread (in varying densities) over a million square miles of land.

And that brings me to the theme of this conference—to the very vital question you ask here—"Is mobility the fifth freedom?" How vital is the ability to move freely from point "A" to point "B"—for people and for their goods?

The catch-point of all this is that without the fifth freedom of mobility, the first four—freedom of speech, freedom of worship, freedom from want, and freedom from fear—don't exist either. Our's is a distribution society, a widespread, far-flung society, a highway-oriented society, and nothing is close to home anymore. Yet nothing is so far away we can't get to it one way or another.

Most transportation builders and planners now agree that balanced transportation is the key to urban mobility. Those same planners, however, have shown us how difficult it is to agree on the mix of modes that should comprise that balance. We have had no lack of technology, no limited supply of ideas and proposals, no shortage of reports, studies or summaries. What we have needed is action. We have needed the no-nonsense attitude of people like my good friend Mayor Jean Drapeau of Montreal, who has told us that the best way to build a mass transit system is to "stop talking and start digging."

So we are doing that—in Pittsburgh, Chicago, New York, Boston, San Francisco, Washington, Philadelphia, and Cleveland, and soon in Baltimore, Atlanta, Seattle, Kansas City, Los Angeles, and many other places I could mention as I stand here with my fingers crossed.

But we have a tremendous catch-up job to do. Our emphasis on public transportation—in high gear only since 1969—had lagged far behind other world cities. Since the end of the Second World War, new rapid transit systems have been opened in Stockholm, Oslo, Frankfurt, Cologne, Milan, Rotterdam, Lisbon and Rome.

And the systems in those cities have been built with the full recognition that transit does more than just move people. Rather, it plays a major role in re-structuring our cities to improve the quality of urban life.

We must use this approach here in the United States. Indeed, we have solid indications that this *can* be the case.

Since announcement of the BART System in San Francisco, the value of new commercial construction started in the downtown area has exceeded one billion dollars. And all of the big new buildings will be within five minutes of a transit station. I might add that in the five to six year period prior to passage of the BART Bond Issue in 1962, new high rise office construction in San Francisco averaged $10 million a year. Since 1962, the total dollar outlay has been averaging $50 million a year. It's clear that the BART System will change the living and working patterns of the entire city. This is a very great responsibility for urban transportation planners. It is also our most exciting challenge. And that's the attitude we've taken at the Department of Transportation and in the Urban Mass Transportation Administration.

The largest annual Federal investment in urban mass transportation prior to Fiscal Year 1970 was $175 million. Now we have $3.1 billion authorized for the five year period ending in Fiscal Year 1975, with a total promise of $10 billion for expenditure by 1982, thanks to the solid co-operation between the Administration and the Congress.

And thanks, of course, to the concerned and dedicated individuals and groups of the transit industry—many of you who are here in this room today—who did so much to assure passage of the landmark Public Transportation Act of 1970.

Passage of that legislation has brought us to the point where we will have obligated more money—during the 18 months beginning last January 1—than was obligated for public transportation in all of the previous 6 years. That's what I call action. That's the kind of progress we like to see.

We are making a solid beginning, and none is more promising than the new mass transit undertaking right here in Pittsburgh. Pittsburgh, of course, is one of those urban areas in America where fixed-facility rapid transit is both technically and economically feasible. But this Administration, and the Department of Transportation, are not locked into the position that the only kind of transit is rail—or exclusive, fixed right-of-way—transit systems.

Our policy, of course, is that the decision as to what type of public transportation to utilize is a local decision. We make available technical studies money. We seek a close planning relationship. But in the final analysis, it is up to the local community to decide what sort of public transportation will work best.

And I don't need to tell this group that in the vast majority of cases, the best solution—based on local decisions—has been to optimize existing bus systems all over the country. We are tremendously delighted with the phenomenal success (and "phenomenal" is a conservative word) of exclusive reversible bus lanes in Washington on Shirley Highway, in Boston on the Southeast Expressway, in New Jersey on the Lincoln Tunnel approaches, and in San Juan, Puerto Rico. These innovations save time for commuters, save money for taxpayers, and save trouble for the cities. Utilizing the newest generation of buses available, such projects provide the commuter with air-conditioning, comfortable seats, carpeting, low-pollution engines, flexible routings and courteous service. Not only do fleets of buses in exclusive lanes cut trip times by as much as one-half, they cut into the total number of vehicles on the highway thereby lessening congestion on overcrowded freeways.

And even in smaller cities—where exclusive busways are not yet needed or practical—a simple upgrading of rolling stock has made urban bus travel more attractive and better utilized.

We are especially proud of the 6,500 new buses we have helped purchase in recent years, and the 45 bus systems that have been revitalized with Federal funds. In Pittsburgh, for instance, Urban Mass Transit Administration funds have already helped buy 380 new buses, with 200 more on the way. In a typical smaller city—Erie, Pennsylvania—a fleet of 50 new buses was purchased with Federal assistance. Since then, passenger totals have increased 8½ percent, reversing a 20-year pattern of decline and resulting in the first addition of a new route in 15 years. In Cleveland we provided study funds in order to scientifically plan an entire new bus routing system. The bus routes were based on trolley car routes from decades before, and hadn't been altered to take into account shifting population and land use patterns. Now the buses go where the people are, and they go where the people want to go.

This is the sort of intelligent imaginative and aggressive traffic management that takes advantage of existing knowledge and technology. And it paves the way for further expansion and sophistication as our cities grow and become worthy candidates for efficient, economically sensible fixed right-of-way systems. And—as the Pittsburgh grant today points out—when a city is ready for that sort of system, we are ready to help.

Pittsburgh's approach is both evolutionary and revolutionary—as ambitious as it is promising. It is perhaps not surprising that the progress that has been made thus far has come hard, and not without disagreement and debate. Few of man's great achievements have come without honest doubt; the exploring of new frontiers has often led to dead ends before discovery—detours before destinations. Our freedoms were honed on the edges of adversities. Establishing the fifth freedom of mobility will require sizeable quantities of that pioneering spirit: in selling new ideas, in solving jurisdictional problems, and in developing new technology. We are trying to make a start in each of these areas at the Federal level.

Next summer, at Transpo 72—the International Transportation Exposition to be held at Dulles Airport—we are going to put some of these ideas and systems on display. And I invite every city and nation represented here today to join with us in exhibiting the promises and potentials of transportation.

I am personally making every effort to insure that Transpo 72 will provide the kind of exciting showcase for progress that the world's transportation industry deserves. Just today we are announcing the appointment of one of the top organizers in the country—Bill Bird, Vice President of Kaiser Industries—to be my Special Assistant for Transpo's development. I am confident that Bill's special expertise together with Managing Director Chet Spurgeon's dedication will insure the success of Transpo 72. And I am looking forward to seeing a great many of you—the transportation leaders of the world—at Transpo in 1972.

The United States—and the world—is developing a new awareness for the importance of transportation.

The four freedoms as we know them may have been enunciated by an American president—but they are basic to all citizens of the world. This conference—and every nation—can set no higher goal than to erase that question mark—to help establish the fifth freedom: The freedom of mobility. The greatness to accomplish this task is before us this morning. It's time to get on with the job.

CBS NEWS POINTS TO GROWING CRISIS IN RURAL AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 10, 1971

Mr. HAMILTON. Mr. Speaker, I include the CBS News broadcasts, which were aired last month, dealing with the growing problems of rural America, in the RECORD at this point:

CBS NEWS ON RURAL AMERICA—PART I—AUGUST 8, 1971

KURALT. For years now, the politicians and problem-solvers have been absorbed with the troubles of America's big cities. But now, after all this attention on the urban crisis, a new problem area has been discovered outside the big cities and their suburbs—rural America. Fifty-four million Americans still live in rural America—26 percent of the nation's population. In the cities, one of every eight people is poor. In rural America, one out of four. Infant mortality is higher, doctors are fewer, schools and housing conditions are worse. You name it—it's a problem. Since World War II, twenty million Americans have moved out of rural America to the cities. The major reason—no way to make a living. Tony Sargent talked about that with Democratic Congressman Lee Hamilton, who represents a rural district in Indiana.

HAMILTON. The rate of unemployment in jobs today for the rural poor is two and sometimes three times that as high as unemployment in the cities.

SARGENT. To a certain extent, hasn't a sort of law of the jungle been operative in rural America? Haven't big farmers gotten a lot bigger and displaced a lot of what are now the urban poor in America?

HAMILTON. Oh, I think that's true. You do have commercial agriculture growing larger and larger, but not supplying more jobs. And this has been a significant factor, of course, in the entire picture.

KURALT. Hamilton adds quickly that the disappearing farm is only one aspect of rural America's problems. Most of the people who live in rural America aren't farmers—only a fifth of them are. So what's really needed to revitalize the countryside is new industry, new business opportunities. How to get that is being discussed in Washington, where it's now recognized that rural and urban problems are closely linked. The central issue in the growing debate is whether this country must have a new national growth policy. And also whether—as Hubert Humphrey puts it—people should be guaranteed the opportunity to live where they want to live.

HUMPHREY. Many people today would like to live in what we call rural America. And they ought to be able to stay there and be able to earn a living, to have good schools and good health services, to have cultural and recreational activities. Without those things being available, there really isn't any freedom of choice of residence because it's freedom only in theory. In fact, you have to go someplace else to get those things that mean so much to the full life and the enrichment of life.

KURALT. Until that freedom of residence gets translated into law, however, the exodus from rural America to the cities will continue. A look at what it's meant for one small town in our next report.

This is Charles Kuralt, CBS News.

CBS NEWS ON RURAL AMERICA—PART 2—AUGUST 9, 1971

KURALT. There's nothing quite so melancholy as an empty old house. Travel around rural America and you see thousands of them, once lovely old homesteads, abandoned by families who couldn't make it in the country. One out of every thirteen of the houses still occupied in rural America is officially classified as unfit to live in. The ratio of doctors to population is one-fourth that of the cities. School children graduate with roughly 80 percent of the skills city and suburban children acquire. But such statistics only tell part of the story. Murray Fromson visited one small town in Illinois to get the rest.

FROMSON. The speed limit on State Highway 3 is 55 miles an hour. You can't go any faster or you'll miss the village of Thebes. It's not much of a place anymore, just a spur off the main highway, but like much of rural America, forgotten. It was different once. A lawyer named A. Lincoln once argued a case in the Thebes courthouse. Dred Scott, the runaway slave, spent a night in the local jail. Edna Ferber got some of her inspiration for the novel *Showboat* here in Thebes. But there's not much left to show what the bustling little river town of Thebes used to be like. Thebes, like so many small towns across the nation, is simply stagnating. Population, 445. It has no industry, no jobs, no schools, no doctor, clinic, restaurant, gas station, no up-to-date housing to speak of, no sanitary water system, and even no jail. Young people are leaving here just as soon as they graduate high school, all in search of work. Some of Thebes' citizens talked about their town. Harry Brown came to Thebes in 1905. He ran a general store here for many years.

BROWN. There was times here that this town had been. . . Back during the World War II days, one week I'd order a ton—now that's just one item—a ton of bacon. I'd divide with the fellow across the street. Then the next week he'd order a ton and divide it with me. The two of us sold a ton of bacon a week. (FROMSON: And nowadays?) Nowadays you wouldn't sell a hundred pound a week.

FROMSON. Mrs. Geneva G. Schaefer has been the postmaster since 1943. Mrs. Schaefer, what would it really take to change Thebes' fortunes around now, do you think?

SCHAEFER. Not much really. A small plant that would employ as many as a hundred people would actually be all we'd need, because with that we would get the things that would follow, with filling stations and restaurants and facilities that you need, and perhaps a doctor, that we need desperately.

FROMSON. Old timers say Thebes is a nice place in which to live, but what is only too plain to them is that unless they get some help from the state or the federal government, or from private industry soon, it'll just be a nice place in which to die. Murray Fromson, CBS News, Thebes, Illinois.

KURALT. Between towns like Thebes and America's big cities—the Chicagos, and Detroits, and Clevelands—you might think there's no relationship. That's wrong. There is. A look at the links between rural and urban America in our next report.

This is Charles Kuralt, CBS News.

CBS NEWS ON RURAL AMERICA—PART 3—AUGUST 10, 1971

KURALT. A lot of people in Washington have stopped thinking about the cities and the countryside as if they were two different Americas. Hubert Humphrey is chairman of a Senate Subcommittee on Rural Development, and no stranger to city problems, either. In his words: "Rural and urban America are inseparable. If one goes under, both go under."

HUMPHREY. If there is rural poverty, people leave rural America to go to the city—they think it's going to be better. At least for them, it is better. Therefore you've had a tremendous out-migration from rural America into the cities, and the cities become over-populated. The pressure upon municipal services is almost unbearable.

KURALT. There's almost unanimous agreement on that theme, from liberals, conservatives, Democrats, Republicans. Jack Miller, Senator from Iowa, a conservative Republican.

MILLER. For the first time, I think, many people living in the metropolitan areas are beginning to realize that the problems that they face in the urban areas are the result in large part from this exodus from the rural areas, and that the only way they're going to whip those problems is to do what should have been done a long time ago, and that is to get more economic development in the rural areas to hold the population there and to provide the people in the rural areas with a fair shake as far as the sharing in the good living of this country is concerned.

KURALT. What it gets down to, then, is spreading the people out a bit more evenly. Today, three-fourths of the American people live on less than two percent of the land. Democratic Congressman Lee Hamilton of Indiana.

HAMILTON. We cannot in this country continue to go down the path of crowding 70, 80, 90 percent of our people on one, two, three, four percent of the land in the nation. That is the path of chaos, it's a foolish pattern, and we have to reverse it in this country if we're going to be able to live the kind of life that most Americans want to live.

KURALT. So, the demand really is for a new national growth policy. The Congressman has at least one influential supporter.

NIXON. Between now and the year 2000, over 100 million children will be born in the United States. Where they grow up and how will more than any one thing measure the quality of American life in these years ahead. I propose that before these problems become insoluble, the nation develop a national growth policy. In the future, government decisions as to where to build highways, locate airports, acquire land or sell land should be made with the clear objective of aiding a balanced growth for America.

KURALT. President Nixon's 1970 State of the Union message. In our next report, a look at some of the proposals that have accompanied the words.

This is Charles Kuralt, CBS News.

CBS NEWS ON RURAL AMERICA—PART 4—AUGUST 11, 1971

KURALT. Many a small town is dead. Many more are dying. The American countryside is in trouble. Democrats and Republicans agree that rural America needs some legislative help. It's now a matter of agreeing on the proper form that help should take. Democratic Senators Talmadge and Humphrey last month introduced a bill they call the Consolidated Farm and Rural Development Act. It would provide credit to small towns and rural businesses seeking to expand rural America's industrial base. On the Republican side, Senator James Pearson of Kansas has a bill which would provide tax incentives to attract industry into rural areas, and Senator Jack Miller of Iowa is pushing the Administration approach—a billion-dollar revenue-sharing program for rural development. Arkansas Democrat John McClellan has yet another bill which would give preference in the awarding of federal contracts to businesses that relocate in rural areas. In interviews with several of these Senators, Tony Sargent found general agreement that there may not be any one best way to solve the problems, that ultimately the best points of each proposal may have to be merged. However, Sargent also found that, for all the expressed concern about the problems of the countryside, one major proposal advanced by President Nixon has yet to receive much attention in the Democratic-controlled Congress.

SARGENT. Part of President Nixon's sweeping proposal to reorganize the federal government would set up an organization aimed at stimulating and aiding community development. This proposal is virtually dormant now, largely because Congress balked initially at the President's huge overall reorganization plan. Still, the bill has been examined in a series of House Government Operations Committee hearings. A Committee spokesman says Chairman Chet Holifield of California may start detailed hearings on the community development phase of the package this fall after the August recess. The Senate Government Operations Committee has held hearings on another Nixon reorganization proposal that would set up a Department of Natural Resources, and a spokesman for that Committee indicates some chance the community development plan might get the Committee's attention also, after the summer holiday.

KURALT. It's happened more than once in Washington. There's a problem. The Democrats propose one solution. The Republicans come up with another. They can't work out their differences. And the result is no solution—the problem just gets bigger. Is that to be the fate of rural America? A look, in our final report.

This is Charles Kuralt, CBS News.

CBS NEWS ON RURAL AMERICA—PART 5—AUGUST 12, 1971

KURALT. There are many proposals to help rural America. The question is, are there too many? One powerful Senator, John McClellan, Chairman of the Senate Government Operations Committee, doesn't think that's necessarily the case. He says he has an open mind about his own rural development proposals, as well as those of Senators Pearson and Talmadge and Humphrey and others.

McClellan. There is merit in those proposals. It's just a question of how far the government wants to go in these matters. I'm not opposing their measures. I don't see that there's any conflict. I don't see that what they propose to do would be anything other than a further implementation of what I seek to do.

Kuralt. Hubert Humphrey also adopts a generous attitude about his rural development rivals.

Humphrey. I've been a legislator a long time and I know that the sections and the subsections that one writes in his own bill are not always—do not always come out intact. In fact, we have Senator McClellan, we have Senator Pearson, they have a number of co-sponsors—these are all very good bills. We'll want to take those bills and bring them into concert, and I believe that out of it we will come forth with a proposal that the Administration cannot afford to oppose.

Kuralt. Humphrey never has been known for his pessimism. However, Republican Senator Jack Miller, who favors a rural revenue-sharing approach, told Mike Stanley he's afraid help for the countryside may not be quite so automatic.

Miller. I regret that there seems to be a proclivity for a certain amount of politics—partisan politics. As a matter of tactics, I'm afraid some of them feel that they don't like to have the party in control of the Executive branch get credit for some of these new ideas which are long overdue.

Stanley. You feel that while there is a broad consensus on the importance, partisan politics may so completely muddy the waters that there will not be a bill in the 92nd Congress?

Miller. Well, there's a danger, when you have seven or eight people out here in the Senate all vying to be President of the United States, it's going to be pretty difficult.

Kuralt. Senator James Pearson of Kansas has had little luck with his Rural Job Development Act for two years now. He's also pessimistic.

Pearson. I think this is a low-priority item, not only on the Administration's agenda of public business, but on the Congress's too.

Kuralt. As Senator Pearson sees it, the President and the Congress are overwhelmed by many problems. Rural America is only one, and not the most dramatic one. The country has problems, and the countryside's troubles, urgent as they are—and for all the new concern about them—may have to wait for any genuine solutions.

This is Charles Kuralt, CBS News.

SENATE—*Monday, September 13, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Ellender).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and move and have our being, we thank Thee for the life and work of our fallen comrade, Winston L. Prouty.

We give thanks to Thee for his selfless service to his State, to the Nation, and to the world.

For his dedication to human betterment, the care of the aged, help for the needy, and instruction to the young, we give Thee thanks. For his fidelity to high trust, for his elevated patriotism, and his devotion to the cause of justice and peace at home and abroad, we give Thee thanks. For his gentle manner, his quiet demeanor, and his steadfast faith in Thee, we give Thee thanks. May the memory of his great and good life speak to us of the higher qualities which abide all time and move us to a deeper commitment to be Thy faithful servants all our days.

And now we beseech Thee to be with all who serve in this Chamber, that we may have wisdom and grace to do justly, to love mercy, and to walk humbly with Thee.

In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 10, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY AND IN THE NAVY

The assistant legislative clerk proceeded to read sundry nominations in the Army and in the Navy, which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ANNOUNCEMENT ON SENATE PROCEEDINGS TODAY AND TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, and after discussing the matter with the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott), we wish to announce that tomorrow the Senate will be in session from 10 o'clock in the morning until 1 o'clock in the afternoon. At that time, we will adjourn and the membership will then have the opportunity to attend the funeral services for our late departed and beloved colleague, Senator Winston L. Prouty. The funeral services will be held at 2 p.m. in Georgetown.

On Wednesday, September 15, the Senate will meet and any votes which might be considered that day will be postponed until Thursday, so that Senators who wish to attend the funeral in Vermont will be able to do so on that basis.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the recognition of the leadership on tomorrow, I be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, following my remarks tomorrow morning, that the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF SENATOR WINSTON L. PROUTY OF VERMONT

Mr. MANSFIELD. Mr. President, on my own time now, I yield to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. SCOTT. And if the Senator from Vermont needs more time, I shall be happy to yield it to him on my time.

Mr. AIKEN. Mr. President, for 33 years, WINSTON PROUTY devoted most of his time to public service on the local, State, and National scene.

Eight of these years were served in the U.S. House of Representatives and nearly 13 in the U.S. Senate.

During the 21 years in the U.S. Congress, WIN devoted much of his time to urging assistance to the needy and underprivileged people of this Nation—the sick, the poor, and those in need of educational opportunity.

His record in this field is outstanding.

Last Friday, September 10, his distinguished career came to an end.

The omnipotent power which mankind has never been able to fathom or define and which controls the course and destiny of every one of us, called for my colleague WIN PROUTY to come home.

Since I expect there will be a time set aside for Members of this Senate to pay their respects to our devoted colleague on this floor, I will say no more at this time.

Mrs. Aiken joins me in extending to Mrs. Prouty and the members of the Prouty family our deepest sympathy.

Mr. SCOTT. Mr. President——

Mr. MANSFIELD. If the distinguished minority leader will yield momentarily, and the Senator from Vermont will yield me the remainder of my time, just to join the distinguished Senator from Vermont (Mr. AIKEN) in the remarks he has just expressed about our late beloved colleague, Senator WINSTON L. PROUTY, I would say we will miss him; we will miss WIN PROUTY because of his many outstanding contributions which his senior colleague has just enumerated.

Most especially, I should say that Senator PROUTY held a large place in his heart for the older citizens of this country. He was their advocate and friend. He worked consistently and tirelessly to bring about the betterment of their lives, and the improvement of their condition in our society. No Member of this body understood better or appreciated more the needs of older Americans.

We will all miss him. His will be a place most difficult to fill. His work for educational improvements and his efforts to better the health and welfare of all Americans are a legacy of great distinction. WINSTON PROUTY of Vermont served his Nation with deep devotion and high integrity. His loss is profound; it will be felt in the days, weeks, months, and years ahead. I certainly join in extending the condolences of this institution to his wife and loved ones.

Mr. SCOTT. Mr. President, first, I should like to say, so that the CONGRESSIONAL RECORD will show it, that those Senators who find it possible to make arrangements to be in Vermont on Wednesday next, will, I hope. notify the appropriate Senate officials so that arrangements can be made for them to attend the funeral of Senator PROUTY. I am sure that is what the distinguished majority leader would wish also.

Mr. President, at a later date I shall have more to say about my good friend and colleague, WIN PROUTY.

We served in the House together. We came over here to the Senate on the same day. There were three of us on this side of the aisle who came over as new Senators then, Senator PROUTY, Senator Keating of New York, and myself.

WIN PROUTY and I were associated for a long time togther. We were longtime friends. I was tremendously devoted to him and his dear wife.

We miss him sorely. A very fine and wonderful man has gone on to his reward.

At some future time, we will all have an opportunity to pay a more adequate tribute to him.

Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I send to the desk two resolutions and ask for their prompt consideration.

The PRESIDENT pro tempore. The first resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Winston L. Prouty, late a Senator from the State of Vermont.

Resolved, That a committee of Senators be appointed by the President of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to unanimously.

The PRESIDENT pro tempore. The second resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. RES. 166

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Winston L. Prouty, late a Senator from the State of Vermont, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

The PRESIDENT pro tempore. Is there objection to consideration of the second resolution?

There being no objection, the resolution was considered and agreed to.

ORDER FOR ADJOURNMENT TOMORROW AT 1 P.M.

Mr. MANSFIELD. Mr. President, to nail down the schedule for tomorrow, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment at no later than 1 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from New Mexico (Mr. MONTOYA) is recognized for 15 minutes.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 419

(Ordered to be printed and to lie on the table.)

NOW IS THE TIME FOR TOTAL EXTRICATION

Mr. MONTOYA. Mr. President, the upcoming presidential election in South Vietnam has become one of the saddest political charades in recent history. As the world looks on in astonishment, the United States is being made an unwilling party to the total destruction of what remained of the democratic process in that unhappy country.

After an endless decade of commitment, this is what we have to show for 55,000 dead American boys, more than a quarter of a million wounded, and expenditure of more than $100 billion we could not afford.

President Thieu has blatantly and brutally used his power to manipulate South Vietnam's political institutions so as to effectively bar his opponents from competing against him at the polls in October.

Vice President Nguyen Cao Ky has once been disqualified by South Vietnam's Supreme Court.

Gen. Duong Van Minh managed to qualify in spite of the obviously rigged procedures prevailing in this contest. He, too, saw fit to withdraw from the race, claiming, and I believe correctly, that the poll has already been totally rigged from start to finish.

This, then, is what we have come to. Here, then, is all we have to show for all the unmeasurable agony, bloodshed, strife at home, and disgrace abroad of the last 10 years. It is not enough.

One of the main reasons we established a military presence there was to retain for the people of South Vietnam a right of self-determination, secured by free elections. In due course, representative institutions reflecting some sort of parliamentary democracy would be able to take root and grow. We interposed a shield of military might behind which such activities could transpire. It has all been in vain.

The largest circulation paper in my home State of New Mexico, the Albuquerque Journal, has recently spoken out eloquently and persuasively on this subject. This newspaper, along with many of the people of my State, has shown significant forbearance in the past as far as our Vietnam venture is concerned. Their editorial, which I ask unanimous consent to have printed in the Record, states the case perceptively and pointedly.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Time To Get Out—Now

The withdrawal of Vice President Nguyen Cao Ky from South Vietnam's Oct. 3 presidential election suggests it is a good time for the U.S. also to withdraw from the Indochinese morass.

We hold no brief for the flamboyant Ky. But his pullout is merely the latest in a series of actions that lends strong credence to his claim that "any election organized by (President Nguyen Van) Thieu would not be an honest election."

Ever since Thieu and Ky were first elected in September 1967 it has been known the two most likely would oppose each other in the 1971 presidential contest. But Thieu, smarting from the fact he received less than a majority (about 35 per cent of the vote) in the 1967 election, seemed determined to gain reelection in 1971 at whatever cost.

Last June he gained National Assembly approval of a measure obviously designed to eliminate any serious opposition. It required a presidential candidate to have his nomination paper signed by 40 deputies and senators or by 100 members of the elected provincial councils. Majorities of both the assembly and councils are controlled by Thieu.

As might have been expected, South Vietnamese's Supreme Court ruled Ky's nomination paper inadequate. Brig. Gen. Duona Van (Big) Minh, however managed to qualify.

But last week Minh withdrew from the race declaring the election already had been rigged. And soon afterward the Supreme Court, unexplicably reversing its earlier decision, ruled that Ky's name could go on the ballot. This apparently was a sop to American officials who expressed dismay about reduction of the field to a single candidate.

But Ky, like Minh, apparently wanted no part of an election in which the ballot-counting could be a mere formality.

Ky has proposed a possible solution to this whole corrupt mess: that he and President Thieu resign so that the speaker of the South Vietnamese senate could assume interim responsibility for the country and reorganize the next elections.

Since there is little likelihood that the recommendation will be followed we believe it is time to get out of Vietnam. One of the primary reasons for our vast expenditure of blood and treasure was to give the South Vietnamese a chance to choose officials in free elections, but it now is obvious the elections are no longer free.

Mr. MONTOYA. Mr. President, on August 15, as the outlines of this grotesque farce were becoming more sharply defined, I wrote to President Nixon expressing much the same thoughts as are delineated in the Albuquerque Journal editorial. In that missive, I asked the President to seek an end to such activities on the part of President Thieu. In the likely event that there was a negative response to the use of his good offices, I asked him to formally announce a policy of total U.S. military withdrawal from South Vietnam. Such a movement would be undertaken swiftly and result in total extrication of our forces in the shortest possible time. I ask unanimous consent to have a copy of that letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Mr. President: In the last few days, it has become very clear that President Nguyen Van Thieu of South Vietnam has decided to make a shambles of the democratic processes American boys have been fighting to preserve. He is using the power of his office to prevent opponents from challenging him in the upcoming elections.

This is a negation of democracy. It subverts the very purpose for which we have given so much blood over the past decade. What use are our continued sacrifices, if under the umbrella of our protection, President Thieu throttles political competition that is the life blood of the entire democratic process?

The American people are alarmed and dismayed by this sad display. To permit this to continue under our aegis is to prolong the conflict and our involvement in it. To tolerate it further is to make a mockery of all the past sacrifices made by America, including the death of more than 55,000 of our boys.

I urge you to use your good offices to put a stop to this travesty of representative government. If he does not respond to these urgings, it should then be the formally announced policy of the United States Government to withdraw forthwith every remaining American soldier in Vietnam.

I know you share my concern and will act accordingly.

Mr. MONTOYA. Mr. President, it does not take an on-the-scene-observer to see what is happening. We are now reduced to backing an Asian dictatorship of the most blatant sort. It is all the more degrading for us to maintain massive support of this kind of regime, when the entire world can observe with its own eyes the travesty taking place there with our blessing and help.

It is harmful enough to have pursued our previous course. It is worse yet to cling to such a forlorn hope after it is proven beyond any shadow of a doubt that there is no chance for it to bring to fruition even the slimmest and most remote of our expectations.

Yet perhaps the final degradation is for us to frantically cling to Thieu and his clique in the face of his abrogation of all our publicly stated goals and ideals. We have reached a point where further support for his policies will result in irreparable, far-reaching harm to the long-range interests of the United States.

In light of all these factors and the total picture they reveal to the American public, it is incumbent upon the Congress to do something in the face of the President's obvious reluctance to act accordingly.

Therefore, I shall introduce a measure designed to attain the goal of immediate American withdrawal.

Mr. President, my amendment will require the complete withdrawal of U.S. military forces from Indochina within 4 months after the date of the presidential election to be held in Vietnam in October. My amendment will allow the President of the United States to make a finding, however, which would assure the Congress that the Republic of Vietnam has followed democratic processes in selection of its President.

The effect of such a finding, submitted by the President to the Congress, would be to nullify the military withdrawal provisions of my measure.

Many in this body have demonstrated their commitment to ending our tragic involvement in Southeast Asia in the form of a land war. I have shared their concern and commitment, and have joined in supporting those measures which have been offered by Senators McGovern, Hatfield, Cooper, Church, and our distinguished majority leader, Senator Mansfield. It is not my intention in offering the present legislative measure to in any way subtract from the initiative and leadership demonstrated by my colleagues. I only want to contribute to our collective efforts to terminate a conflict that has divided this Nation and diverted it from attaining vital national goals.

Mr. President, every American understands the tragedy surrounding those service personnel who are held prisoners of war as a result of this conflict. My measure does not advocate in any form that we abandon our prisoners of war; rather, I am firmly convinced that this amendment contains an intelligent and well-reasoned approach to this complex aspect of our involvement in Southeast Asia.

With enactment of this measure, Congress would be on record directing the President to negotiate the release of our prisoners of war, and to withdraw our military forces in concert with their release by North Vietnam and the Vietcong. Such a withdrawal would be completed within 4 months after the end of the South Vietnamese elections.

Mr. President, no constitutional arguments can be made against my amendment. Under article 1, section 8 of the U.S. Constitution, Congress has power to appropriate funds for military purposes, as well as to declare war. Neither is the President being pressured to do anything faster than he had already indicated a desire to do previously. January 1972, as a withdrawal date, is already later than the target he favored for withdrawal in 1969. To those who may claim there is no precedent for such an amendment as this, there is another more than adequate response. No situation has ever demanded such action on the part of Congress. While Presidential action is, of course, preferred, particularly in light of the genesis of this military action, when it is not forthcoming, it is the obligation of Congress to supply such an initiative.

Mr. President, in no way is this amendment and the action I am requesting an abrogation or erosion of the Commander in Chief's executive authority. Rather, it is in direct line with our often expressed reasons for involvement in Indochina. We entered that conflict to preserve for those people the right of self-determination. Representative institutions and free elections have consistently been the justifications for our presence in South Vietnam. Now we are putting the Saigon regime on notice that either past sacrifices are vindicated in the form of free elections, or we shall forthwith totally remove our military support.

To conclude, Mr. President, let me remind my colleagues that we should not expect the ideals of this Nation to withstand our continued support of dictatorial regimes. None of us in this Chamber can take comfort from our tragic history in Vietnam, but all of us share in the responsibility for our Nation's involvement. Now, an additional circumstance has been added to the equation—the total absence of the democratic processes we have at great human cost attempted to give life to in Indochina. The costs of our involvement in Southeast Asia need not be repeated, but our unresponsiveness to the tragedy must not be forgotten.

Mr. President I send to the desk an amendment to the military procurement authorization bill and ask that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 419

At the end of the bill add the following new section:

SEC. 505. (a) The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam. Congress declares that United States military assistance to the Republic of Vietnam has consistently been founded on the concept of free and open elections. These elections should allow meaningful opponents to qualify as candidates, guarantee fair and open competition among these candidates, protect campaign workers from harassment and intimidation by opponents, the government, or private interests, and guarantee that voters are allowed to freely exercise their franchise. This has been the stated policy of the United States Government for many years.

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond four months after the date of the completion of the 1971 presidential elections of the Republic of Vietnam, unless the President submits within 15 days following such election a report to the Congress finding that:

(c) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American armed forces during their withdrawal from Indochina;

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American armed forces, or

(3) to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(d) The Congress hereby urges and requests the President to negotiate with the government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established in subsection (b) of this section.

(e) This section shall not be construed to affect the Constitutional power of the President as Commander-in-Chief.

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times on September 13, 1971, entitled "Last Chance In Vietnam," and an article which was published in the New York Times on September 13, 1971, entitled "Strain of the Vietnam War Weakens Army Elsewhere."

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 13, 1971]

LAST CHANCE IN VIETNAM

Two authoritative voices now have challenged the Administration's hand-wringing act over the political crisis in Vietnam and its claims that it has done all it can to influence President Thieu to turn his single-slate presidential "election" into a real contest.

The threat by Senator Henry M. Jackson of Washington to vote against further economic or military aid to Saigon unless the Administration prevails upon General Thieu to hold a genuine election indicates the distress felt by long-time supporters of United States policy in Vietnam.

South Vietnam's Supreme Court and its National Assembly could constitutionally reopen the race to other candidates, if General Thieu requested action. The Nixon Administration, Senator Jackson said, "should stop pretending to be helpless, saying there is nothing more to be done." The United States, he added, "still has sufficient influence in Vietnam to see that a pointless referendum is transformed into a meaningful political contest—if necessary, at a later date."

This assertion has now been verified by none other than President Thieu himself in an interview given shortly before the Jackson statement but published fortuitously at about the same time. As reported by columnist Rowland Evans and Robert Novak, South Vietnam's President said he could not stand up against an American threat to cut off aid. He disclosed that he had informed South Vietnam's generals that he would resign if the United States Government or Congress cut off aid because of his one-man race for re-election. "We need military assistance to conduct our self-defense," General Thieu said.

There have been other indications of concern within the military junta that rules South Vietnam. But none could be more conclusive than President Thieu's own revelation of the assurances of readiness to quit he felt it necessary to give his colleagues.

The Thieu and Jackson statements refute the Administration's denials of responsibility for the electoral farce now under way in Saigon. Mr. Nixon's failure to intervene to assure the people of South Vietnam an opportunity to choose their own government undermines the moral basis for claims by four American Presidents to justify intervention in Vietnam's civil war.

But Mr. Nixon is not the ultimate arbiter, as the Jackson and Thieu statements demonstrate. A firm position by Congress, making further aid conditional on a fair and contested presidential election in South Vietnam, undoubtedly would set such a contest in motion. What is essential is a three-way race including Vice President Ky and General Duong Van Minh, who is the candidate of the Buddhists and other major opposition forces in South Vietnam. Both Air Marshal Ky and General Minh undoubtedly would reenter the campaign if adequate machinery for joint and impartial supervision of the election were established by mutual agreement.

[From the New York Times, Sept. 13, 1971]

STRAIN OF THE VIETNAM WAR WEAKENS ARMY ELSEWHERE

(By B. Drummond Ayres, Jr.)

WASHINGTON, Sept. 12.—The tremendous strain placed on the United States Army by the Vietnam war has left many of its units that are stationed elsewhere not only demoralized but also unfit for heavy combat.

Officials here say that at least nine of the 11 divisions on active duty outside Southeast Asia are incapable of waging immediate, full-scale war because of manpower and training shortcomings.

Out in the field, at places like Fort Carson, Colo., and Grafenwöhr, West Germany, unit commanders worry aloud about what might happen "if the balloons goes up."

"I'm afraid we're quite a long way from the early nineteen-sixties, when we were about as good as an Army can get," says Maj. Gen. Donnelly P. Bolton, a Defense Department specialist in unit readiness.

The best prepared of the Army's divisions are still tied down in Vietnam—the 101st Airborne and the 23d Infantry. But even these units, which give the Army a total strength of 13 divisions and about a million men, are beginning to have trouble as the war grinds down and boredom and restlessness set in.

The two divisions outside Vietnam that also have combat ready ratings are the 82d Airborne and the First Mechanized. But they, too, have certain important limitations.

For example, the 82d can move quickly from its base at Fort Bragg, N. C., but it is a lightly armed division.

As for the First, it is a divided unit, with some of its troops stationed at Fort Riley, Kan., and others in Germany.

Of the nine Army divisions rated and unfit for immediate, full-scale combat, several—such as the Third Armored in Germany and the Second Infantry in Korea—are capable of strong holding actions, though not for long periods. These units have most of their troops but need at least six months up to first-class condition.

Other divisions with bad fitness reports, such as the Fourth Mechanized at Fort Carson and the 25th Infantry in Hawaii, are incapable even of holding actions. They are at least a year and a half from combat readiness.

MORALE PROBLEMS CITED

"About all we can do is stay ahead of our paperwork," says Maj. Nicholas Waddock, a Fourth Division officer whose battalion is at half strength.

While the unpreparedness within divisions like the Fourth stems mainly from shortages in manpower and training, morale and disciplinary problems caused by the unpopularity of the war and the draft have aggravated the situation. So, too, have race and drug problems.

The deterioration in readiness began about five years ago when the Johnson Administration, taking politics and economics into consideration, decided to expand the Vietnam fighting force without calling up the inactive reserves and without huge draft levies.

This meant that men and equipment had to be siphoned from divisions stationed elsewhere, such as Korea and Germany.

As the war has slowed, most of the equipment has been returned. But because of continuing political and economic pressures, many of the men coming back have been discharged rather than sent to units short of troops.

Only recently has the flow been diverted.

RETRAINING NEEDED

For instance, early this year many of the battalions and brigades in the four divisions in Germany were down to 60 and 70 per cent of their fighting strength. Since then, however, thousands of replacements have been shipped to Europe, and now the divisions there are up to about 90 per cent of fighting strength.

Still, many of the new men must be retrained. Some units have too many infantrymen and not enough mechanics; others have too many mechanics and not enough infantrymen.

And even after the European divisions have reached full strength and trained individual soldiers in the required specialties, units must be trained as a whole—first at company level, then at battalion and brigade levels and finally at division level.

In the last five years, few Army units other than those headed for Vietnam have conducted much training above battalion level.

Some of the Army divisions stationed in the United States have not yet benefited substantially from the new troop replacement effort. Among these are the 25th in Hawaii, the Second Armored at Fort Hood, Tex., and Fort Carson's Fourth Mechanized.

The Fourth has an authorized strength of 17,000 men but has only 11,000, and a disproportionate number of them are officers and sergeants.

MANY ARE EMBITTERED

Thus companies are down to 25 to 40 per cent of their fighting strength. Also, one of every three men is trained in an unneeded military specialty, and one of every two men is a Vietnam returnee, a "short-timer" with less than six months to serve.

The Army says that shorttimers seldom acquire any sense of belonging to the Fourth. Many have been embittered by Vietnam and the draft and are willing to soldier only enough to get by until their discharge arrives.

Because it has a large number of returnees, the Fourth turns over about 15 per cent of its strength every month, about double the turnover rate for the rest of the Army.

"Things are so bad here," says Capt. Kenneth King, a company commander, "that we've had to put some of our vehicles and weapons in storage. We try to train one day a week. The rest of the time we just keep house."

Even divisions rated as combat-ready have problems with turnover and returnees. At Fort Riley, Col. R. D. Tice, commander of a First Mechanized Brigadge, says:

"We've got all our people. But until the war is over they're going to be coming and going so much that we're not going to be as good as we should be."

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered the distinguished Senator from Georgia is recognized for 15 minutes.

THE TEXTILE-IMPORT PROBLEM

Mr. TALMADGE. Mr. President, while I was home last week, we received sad news that the second largest single industrial employer in the State of Georgia will close four of its plants which employ 1,100 people.

The Bibb Manufacturing Co., which has 23 plants in Georgia, announced that a combination of poor business conditions and low-wage import competition were forcing the closing of plants in Macon, Columbus, and Porterdale. Thus, by the end of November, these 1,100 people—who comprise 15 percent of the Bibb Manufacturing Co. work force—will be out of their present jobs.

The Bibb closings were the largest of many which have occurred in Georgia in the past 2 years. The fact is, 17 plants have shut down since 1968, leaving thousands of textile workers to seek other jobs, unemployment compensation, or even face the prospect of having to go on welfare.

The Department of Labor continues to report a serious decline in textile employment in Georgia and throughout the Southeast. In 1 month alone, from June to July of this year, textile employment in the Southeast fell 7,000—with 900 of those jobs being lost in the State of Georgia.

I and other Senators who are equally concerned about this problem have come before the Senate time and time again pointing out that many of these job losses can be traced directly to unfair import competition from the low-wage countries of the Orient. Bibb Manufacturing, for example, produces yarns for carpets and twill. The Japanese have been underselling them in both lines. Imports have taken over more than half of the domestic market for worsted materials for men's suits. They have 25 percent of the overall apparel market.

One does not have to be drawn a picture to see that this type of penetration cannot occur without American working people being thrown out of a job.

Imports currently are running at an annual level of 6 billion square yards. This is more than double what they were 5 years ago. This represents a displacement of the equivalent of 300,000 American jobs.

We hear a good deal from the Japanese about their highly touted, but I submit virtually useless, unilateral controls on textile imports. They would have us believe that the U.S. Government has no business limiting textile imports. They say let Japan do it. They say let the Japanese Textile Federation dictate what kinds and the amounts of textiles that can be sold in this country. They say there is no need to impose quotas on imports. Japanese claim they will themselves use "self-restraint."

I say, what kind of self-restraint can we expect from the Japanese when we look at what has been happening in the last 10 years? It is still happening—Japanese and other Far East imports continue to glut the American market. American workers continue to find their jobs pulled out from under them, while the Nation's unemployment rate goes sky high.

Our overall trade deficit last year with Japan was about $1.8 billion, and it appears that it will increase by another $1 billion this year.

Mr. President, I think the Congress ought to serve notice on the Japanese here and now that this problem must be solved, and it must be solved now. If they are not willing to negotiate in a spirit of fair play and equity for the American textile workers, Congress has no choice but to take the matter in hand. In fact, Congress should have acted a long time ago. For years we have been talking about the problem. We have talked and tried to negotiate voluntary agreements. All the while, textile imports have driven people out of work and, at the same time, we go lamenting the high rate of unemployment.

The time for talk is over. The time to act is now. We have had enough mill closings. We have had more than enough joblessness. We have heard too much tough talk from the exporting countries about what they are going to do if we attempt to protect our basic job producing industries from total destruction. As the President said Thursday in his economic address to Congress, the time is long overdue for the United States to put our own interests first.

It was most ironic to return to Washington to find a Japanese cabinet delegation here "talking tough" on the international trade issue. In the September 9 edition of the Washington Post, Japan's Foreign Minister Takeo Fukuda attacked the 10-percent surtax on imports that has been imposed by President Nixon. He threatened retaliatory action if the import tax is not promptly removed.

In the same issue of the Washington Post, the presidents of four textile and apparel unions signed an advertisement pointing out that in the first 7 months of this year imports of Japanese textiles and apparel are 43 percent higher than last year's all-time record level.

With the United States plagued by serious economic problems, many of which are the direct result of our outdated and overly liberal trade policies, one would think that the Japanese would come to this country in a more conciliatory frame of mind.

Rather than coming over here to complain about the surtax and threaten retaliation, the Japanese should be talking about what can be done to correct this intolerable textile-import situation.

The import surcharge and an upward revaluation of the yen, if it is revalued high enough, can be significant steps to correcting our general balance-of-trade problems.

But, the surcharge is just a stopgap measure designed to get our general trade picture into better balance. It will have little effect on the longstanding and seriously deteriorating textile trade situation. As far as Japanese and oriental textiles are concerned, the 10-percent surcharge is like trying to treat cancer with a bandaid. These imports are produced for wages and under working conditions that would be illegal in this country. They undersell our American made products by such a wide margin that the surtax will not even make a dent in the problem. How in the world can a 10-percent surcharge make any difference, when an American textile worker averages over $2.50 an hour and a Japanese textile worker earns less than $0.50 an hour?

The answer to the textile-import problem is not a surcharge. We are not going to solve the problem by relying on so-called self-restraint by the Japanese. The only way to effectively attack the problem is through import quotas.

Such action is imperative if we are going to protect the jobs and incomes of American workers. I hope the Congress will not let another year go by without stopping the flood of low-wage textile imports into the United States that deprive American people of the means for earning a living and supporting and feeding their families.

SCHOOL BUSING

Mr. TALMADGE. Mr. President, it is my understanding that my distinguished colleague, Senator GAMBRELL, plans to address the Senate this morning on the chaos in public school systems throughout the South resulting from busing.

I have opposed this policy since its inception, and welcome Senator GAMBRELL as a relatively new Member of the Senate and valuable ally in our efforts to restore normalcy to our schools.

Although some other cities in other parts of the country are now being subjected to busing, this ill-advised and I contend illegal policy has heretofore largely been reserved exclusively for the States of the South.

I submit that regardless of wherever busing takes place, it is detrimental to the education and well-being of children—which is the primary purpose of schools. More than that, it is contrary to the law enacted by Congress in 1964. Title IV of the Civil Rights Act reads as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That section of the law was put in expressly to prohibit the kind of idiocy we are witnessing in our schools today. The legislative history shows that title IV was meant to keep children from being bused all over creation simply to overcome racial imbalance. It was voted on by both Houses of Congress and signed by the President. It is the law. It is a mandate of Congress and as such should be obeyed.

I know of no better way to illustrate the chaos and confusion in our schools than to recite what happened to a mother in La Grange, Ga. She has six children, three in grammar school, three in junior high school. They were assigned to five different schools, far removed from her home.

That kind of thing is taking place all over the South, and now it is reaching into other parts of the country. I say the time has come to stop uprooting children and herding them about like cattle.

I commend my colleague's remarks to the Senate and associate myself with them.

I yield the floor. I yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The junior Senator from Georgia (Mr. GAMBRELL) is now recognized for 15 minutes.

BUSING OF SCHOOLCHILDREN

Mr. GAMBRELL. Mr. President, today I address my remarks to a question which has previously been unique to my section of the country, but which is now making its appearance at a number of other points around the country. I predict that it will become an issue of major national proportions, and cannot long be ignored by this body. I refer to the subject which has come to be known as busing. To me, busing means any plan for the placement of public school students which has as its primary purpose the achievement of a racial balance within the schools of a given school system.

Public feeling on this subject has become acute with the opening of schools for the 1971–72 year. The intensity of reaction in the South has been equalled, if not exceeded, in other parts of the country where busing plans have been imposed.

In the limited time available to me today, I will not try to deal extensively with the legal, educational, cultural, emotional, and practical issues involved in the busing question. Rather than go into detail, it will be sufficient to say that I am opposed to busing except where local educational authorities find it to be desirable in the achievement of the educational goals of their community.

On September 8, 1971, the assistant majority leader, the distinguished Senator from West Virginia, Mr. ROBERT BYRD, made an address on this subject on the floor of the Senate. Rather than repeat the brilliant and forceful observations contained in that address, I will simply say that I agree with them wholeheartedly, and ask unanimous consent that this address again be included in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GAMBRELL. Mr. President, also before proceeding further, I will state without any qualification that I and the people of my State accept desegregation decisions of the Supreme Court as the law of the land.

The time for racial discrimination has passed in Georgia, and throughout the South. Southern political leaders have openly taken stands for equality of the races before the law. Southern people, both black and white, are working in harmony, through the enormous social and cultural adjustments made necessary by the overruling of previous Federal court decisions dealing with races relationships. Now the question has become whether southerners, both black and white, will have to bear a further burden, one not borne in other sections of this country. In the long run, I do not think we will, because it is not right.

And things that are not right will not work—this has already been proved in the case of busing.

Just prior to the August recess, on August 6, 1971, I inserted in the RECORD the July 28, 1971, decision of the Federal District Court for the Northern District of Georgia in the case of Calhoun against Cook. There, the Atlanta school board which has three black members, one of whom is the president of the school board as well as president of a predominantly black college in Atlanta, asked that busing not be required as part of the school system's new desegregation plan. This request was granted by the court in a very comprehensive and painstaking review of the situation existing in Atlanta. In short, the court rejected the busing of students on the ground that it was not legally required and would be economically wasteful, as well as educationally and socially unsound.

In its opinion, the district court in the Calhoun case based its judgment upon the Supreme Court decision in Swann against Charlotte-Mecklenburg Board of Education, the Supreme Court's only full bench decision relating to busing. The district court specifically relies upon the Supreme Court's statement that busing might be rejected where "the time or distance of travel is so great as to risk either the health of the children or impinge on the educational process."

I ask unanimous consent that the district court's opinion in the Calhoun case be included in the RECORD, at the end of my remarks, for all of the wisdom it contains.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GAMBRELL. Mr. President, during the recess of the Senate, the Chief Justice of the United States, Mr. Burger, in Winston-Salem Board of Education against Scott refused to grant a stay of the effectiveness of a busing plan ordered into effect by a district court for the Winston-Salem school system. However, the Chief Justice stated that he found disturbing the apparent conclusion by the local school board and the district court that the Swann case required a desegregation plan to achieve a "fixed racial balance." The Chief Justice suggested "the possibility that there may be some misreading of the opinion of the Court in the Swann case. If the court of appeals or the district court read this Court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the Swann case to the countrary."

The Chief Justice then recited the language of the Swann case, appearing at 402 U.S. 824, as follows:

> If we were to read the holding of the district court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that

> approach would be disapproved, and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the composition of the school system as a whole.

From what I have seen in my own State during the past month, and from what I have read is going on in other parts of the country, it is apparent to me that many of the lower Federal courts have misread the requirements of the Swann case. Chaos and confusion exist in areas such as Savannah, Augusta, Macon, Columbus, Cordele, and Albany in Georgia to mention a few. Likewise, confusion seems to exist in other areas of the country such as San Francisco, Calif.; Pontiac, Mich.; Corpus Christi and Austin, Tex.; and in Winston-Salem, N.C., again only to mention a few.

For example, Mr. Justice Black of the Supreme Court, in Corpus Christi District against Cisneros, granted a stay of the enforcement of a busing order stating that "this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full court, but which should be. Under these circumstances, which present a very anomalous, new and confusing situation, I decline as a single Justice to upset the district court's stay, and therefore, I reinstate it."

This "very anomalous, new and confusing situation" is widespread.

What the situation urgently cries out for is leadership, which cannot be provided in the Congress or in the courts. The courts are capable only of acting upon specific situations presented to them, and the Congress is not able to adopt and implement a consistent policy in reference to constitutional issues pending before the courts

Thus it remains for the President of the United States to exercise some degree of leadership in order to avoid a national crisis.

What has the President done?

On August 3, President Nixon announced what has been described as his opposition to busing. He stated that he and officials under his control would seek only the minimum amount of busing required by law. Subsequently, on August 9, he instructed the Secretary of Health, Education, and Welfare, Mr. Richardson, to forward to Congress legislation prohibiting the expenditure of Federal funds for busing purposes. Later on August 31, the President met in a widely publicized conference with the Secretary of Health, Education, and Welfare, after which Mr. Richardson announced only that he agreed with the President's policy as stated.

Mr. President, these announcements can only be taken as a misguided effort to gain politically from the sufferings of others, for taken altogether, they amount to less than nothing.

Neither the President, nor the Secretary of HEW, nor the Attorney General as head of the Justice Department have given any indication of what is considered the least amount of busing required by law, and for sure, none of them have joined the Chief Justice of the United States in suggesting that the lower Federal courts may be misinterpreting the Swann case. In substance, the President and his department heads are way behind the Supreme Court in proposing a slowdown on busing, and the announcement that they are opposing busing is sheer hypocrisy.

What is worse is the proposal to cut off Federal funds for busing purposes. This is like the President saying that he is opposed to solitary confinement and will implement his opposition to it by cutting off bread and water for those confined. He cannot stop or mitigate court and HEW busing decrees by denying Federal funds for that purpose. Denying Federal funds will make busing more of a burden, not less.

What is needed is for the President to announce a clearly defined policy, and then to take action across the board on it. This can be done through the Department of HEW and through the Justice Department, who are participating actively in the many school desegregation cases pending throughout the South and other parts of the country.

To give you an example of what a farce the so-called policy of the President is at this time, I cite two situations which recently occurred in my home State of Georgia.

First, the Federal district court ordered that the school system of Augusta, and Richmond County not be opened until a suitable plan of desegregation could be approved pursuant to the Swann decision. The local school board contended that its own plan provided for a nondiscriminatory pupil placement system, but this was rejected by the court. The court then asked for the Department of Health, Education, and Welfare to aid in the development of a plan to include massive busing of students. The Department of Health, Education, and Welfare failed to appear at the hearing called by the court, and as a result, the district court has appointed two so-called experts from Rhode Island to help him formulate a plan. Is this how the President hopes to achieve the minimum amount of busing required by law?

In Tifton, Ga., the Department of Health, Education, and Welfare has just rejected the plan of the local school board which has been approved for 2 years, and is now seeking to compel the busing of students to achieve racial balance throughout the county. At the same time the Department of Health, Education, and Welfare proposes to deprive the school system of Federal financial assistance until its demands are complied with. Is this the way the President and Secretary Richardson plan to oppose busing? The citizens of Tift County I am sure will be happy to hear that the President is going to cut off funds for the busing he is demanding.

Apparently, the Department of Health, Education, and Welfare is ignoring the Supreme Court's Swann decision, and continues to pursue social aims which the Supreme Court, the Congress and the President have denied are the policy of the Government. They have refused to quit monkeying around in their sociology laboratory, even though their experiment has been authoritatively demonstrated and declared to be a failure in the Atlanta case. They seem to forget that half the children being bused are black, or of some other minority, and that bus rides are just as long for black as for white. They also forget that those who are financially able can move away from such inconvenience, leaving the whole mess to the black and the poor.

All of these developments have left citizens with a feeling of confusion, frustration, and bitterness.

This certainly describes my own feelings at this moment.

First, I am frustrated and bitter because I know that busing under most circumstances is not required by law.

Second, I am frustrated and bitter because I know that requirements are being imposed upon citizens of my State which are not being imposed in other sections of the country, and would not be accepted there if an effort were made to impose them.

Third, I am frustrated and bitter because I know no responsible leader, black or white, Chinese, Indian, or Mexican American, who believes that busing of students should be required by law or court order, against the wishes of persons living in a community.

Fourth, I am frustrated and bitter because I know that as a single Senator, without support from Representatives from other sections of the country who do not have the problem, no remedy can be obtained for what is going on in this area.

Finally, I am frustrated and bitter because the President of the United States, while professing to oppose the busing of students, literally does nothing about it, and in fact proposes programs to make the situation worse rather than better.

Mr. President, in order to bring some order out of the chaos which exists, I call upon the President: First, to publicly declare his opinion that busing is legally required only in limited circumstances, which are largely nonexistent in the South and throughout the country; second, to put an end to efforts within the Justice Department and the Department of HEW to restructure society beyond what is provided for in the implementation of constitutional rights recognized by the Supreme Court; third, to announce and advocate the definition of a "unitary school system" as being one in which race is not a factor in the placement of students; fourth, to support through the Department of Justice and the Department of Health, Education, and Welfare, locally developed school integration plans which contain no element of racial discrimination, through busing or otherwise; and, fifth, to publicly announce that the South will no longer be treated differently from the rest of the country with respect to school integration.

Recent newspaper reports show that less than 5 percent of the school systems under race integration enforcement proceedings in the United States are located outside of the Southern States. On the other hand, statistics released by the Department of Health, Education, and Welfare, show that integration of the races is much more widespread in southern school systems than it is in other parts of the country, and that the rate of integration in southern school systems is increasing more rapidly than elsewhere in the country.

It has been said that the President has a "southern political strategy," but if his actions in regard to school busing are part of it, then he has again failed miserably. The President should not assume that southerners cannot tell the difference between action and mere words. His failure to take action along the lines which I have described have made his words hypocritical and insulting to most southerners.

This admonition might also be heeded by others who aspire to positions of high national leadership. Southerners do not expect to return to conditions existing in former times, nor are we interested in promises to "go easy" in enforcing the law. We would like to know what the law is, what the policy of the national administration is, and we would also like to know that it will be equally applied on all sides. There can be no southern strategy for any party, or any candidate, which does not include a plain and positive commitment to equal enforcement of race integration policies throughout the country.

Mr. President, I hope that members of this body from other sections of the country will join me in this call for executive leadership on the subject of busing, and for equal treatment of the South in respect to integration enforcement. I will have more to say on both of these subjects, and propose to introduce legislation to guarantee equal treatment of Southern States on civil rights matters. Anyone who thinks these issues will go away will be disappointed. I expect to keep them before us until they are resolved.

Mr. President, I ask unanimous consent to have printed in the Record a number of matters not referred to in my remarks. The matters are as follows:

The opinion of Justice Black in the Corpus Christi case.

The opinion of the Chief Justice of the United States in the Winston-Salem case.

An article published in the Augusta Chronicle of August 19, 1971, written by Mrs. B. M. Conley, entitled "Judge's Order Blocks Opening of Richmond County Schools."

An article published in the Augusta Chronicle of August 19, 1971, entitled "Official Defends Muscogee Mix Plan as 'Only Course'," with reference to the school situation in Columbus, Ga.

An editorial entitled "Busing Again," published in the Atlanta Constitution of Wednesday, August 18, 1971.

An article entitled "Chinese And Integration," written by Jack Spalding, and published in the Atlanta Journal, with reference to the Chinese in San Francisco and their problem with busing.

A statement handed to me during the recess by a lady named Mrs. Neal Hawley of Cordele, Ga., with reference to the situation in Cordele.

An editorial entitled "Straight-Faced Phony," published in the Columbus, Ga., Enquirer of September 8, 1971, with reference to the difference between the integration situation in Georgia and that in Chicago, the article having reference to the appearance of Senator Stevenson on national television.

There being no objection, the items were ordered to be printed in the Record, as follows:

Corpus Christi Independent School District et al v. Jose Cisneros et al

Application for reinstatement of Stay Ordered by the United States District Court for the Southern District of Texas (August 19, 1971)

Mr. Justice Black. Circuit Justice.

The district judge in this case ordered the Corpus Christi Independent School District to stop alleged historical practices of discrimination against school children on the basis of race or color. He directed how this was to be accomplished, saying at the same time that he would grant no stays of his order. The school district asked the court to stay its order and a stay was granted by a different district judge who had been assigned to hear the application. The plaintiffs, parents of the students allegedly discriminated against, then asked the United States Court of Appeals for the Fifth Circuit to vacate the stay. A panel of two Circuit Court judges did vacate the stay. The school district then applied to me as a single Justice to reinstate the District Court's stay. The Solicitor General of the United States has joined in requesting me as a single Justice to reinstate that stay. If I reinstate the stay, the District Court's order will not go into effect until the Fifth Circuit or this Court has had an opportunity to pass on it.

It is apparent that this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full Court, but which should be. Under these circumstances, which present a very anomalous, new and confusing situation, I decline as a single Justice to upset the District Court's stay and, therefore, I reinstate it without expressing any view as to the wisdom or propriety of the Solicitor General's position. The stay will be reinstated pending action on the merits in the Fifth Circuit or action by the full Court.

[Supreme Court of the United States,
No. 71-274.—October Term, 1971]

Application To Stay Order of Court of Pending Writ of Certiorari

Winston-Salem/Forsyth County Board of Education v. Catherine Scott et al.

[August 31, 1971]

The Chief Justice, Circuit Justice.

The Board of Education of the Forsyth County, North Carolina, school system has applied for a stay of a decision of the United States Court of Appeals for the Fourth Circuit dated June 10, 1971, and subsequent orders of the United States District Court for the Middle District of North Carolina entered pursuant thereto, pending disposition of the Board's petition for writ of certiorari to review the decision of the Court of Appeals. The operative order of the District Court is dated July 26, 1971; it adopts a plan for pupil assignment designed to desegregate the public schools of Forsyth County. The affected schools were already scheduled to open Monday, August 30.

The application for a stay was filed August 23, 1971, and the response thereto on August 26, 1971, making that date the earliest possible date for this Court or a Justice to act on the stay.

The background is of some importance.

Respondents, who are Negro pupils and parents in the school system, commenced action alleging that the School Board was operating a dual school system and seeking appropriate relief. The school system embraces both rural and urban areas in a county school system. The District Court found that in December 1969 there were 67 schools in the system with approximately 50,000 students.

The total student population was 72.5% white and 27.5% Negro. Of the schools, 15 were all Negro and seven were all white. Of the remaining schools, 31 had less than 5% of the minority race. The school system was operated under a geographical attendance zone system, with freedom of choice transfer provisions for all students regardless of race.

Prior to this Court's holding in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1917), the plaintiffs submitted a plan devised by their consultant Dr. Larsen; it was designed to achieve as closely as possible a mathematical racial balance in all of the schools of the system equal to that in the system as a whole. It employed satellite zoning and extensive cross-bussing. The District Court rejected the plan as not constitutionally required and unduly burdensome.

The School Board then submitted its plan for the 1970–1971 school year to the court for approval. It retained geographic zoning and freedom of choice transfer provisions, but with certain modifications allowing priority to majority-to-minority transfers and increasing the racial "balance" of several schools. The District Court in 1970 approved the Board's plan, subject to alterations which prevented minority-to-majority transfers, made changes affecting three attendance zones, and added a requirement that the Board create "innovative" programs designed to increase racial contact of students.

In rejecting the Larsen plan and approving the modified Board plan, the District Court found that the boundaries of the attendance zones had been drawn in good faith and without regard to racial considerations, and to ensure that, so far as possible, pupils attended the schools nearest their home, taking into account physical barriers, boundaries, and obstacles that might endanger children in the course of reaching their schools. The District Court at that time was of the view that the "neighborhood" school concept could not be the basis of assignment if residence in a neighborhood was denied or compelled because of race, but went on to find that the racial concentration of Negroes was not caused by public or private discrimination or state action but by economic factors and the desire of Negroes to live in their own neighborhoods rather than in predominately white neighborhoods. That finding has not been reviewed. Finally, the District Court found that the School Board had acted consistently in good faith, and was of the view that good faith "is a vital element in properly evaluating local judgment in devising compliance plans."

The District Court's order was rendered in the summer of 1970 and all parties appealed to the Court of Appeals, Fourth Circuit. While that appeal was pending, this Court decided *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971), and related cases. See *Davis* v. *Board of School Commissioners of Mobile County*, 402 U.S. 33 (1971); *McDaniel* v. *Barresi*, 402 U.S. 39 (1971); *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971)).

In light of the *Swann* holding, the Court of Appeals by *per curiam* opinion *en banc* remanded this and several other cases to their respective district courts with instructions to receive from the school boards new plans "which will give effect to *Swann* and *Davis*." In its remand, the Court of Appeals stated in part:

"It is now clear, we think, that in school systems that have previously been operated separately as to the races by reason of state action, 'the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation.' *Davis, supra.*

* * * * *

"If the district court approves a plan achieving less actual desegregation than would be achieved under an alterate proposed plan it shall find facts that are thought to make impracticable the achieving of a greater degree of integration, especially if there remain any schools all or predominately of one race.

* * * * *

"In *Winston-Salem/Forsyth County,* the school board may fashion its plan on the Larson [*sic*] plan with necessary modifications and refinements or adopt a plan of its choice which will meet the requirements of *Swann* and *Davis.*"

On remand, the District Court interpreted the order of the Court of Appeals to mean that because the State of North Carolina formerly had state enforced dual school systems, declared unconstitutional in *Brown* v. *Board of Education,* 347 U.S. 483 (1954), the pupil assignment plan in Forsyth County had to be substantially revised to "achieve the greatest possible degree of desegregation." It concluded that:

"Despite the substantial difference between the findings of this Court, which formed the predicate for this Court's June 25, 1970 opinion in this case, and the findings which form the predicate of the decision of the District Court in *Swann,* it is apparent that it is as 'practicable' to desegregate all the public schools in the Winston-Salem/Forsyth County system as in the Charlotte-Mecklenburg system and that the appellate courts will accept no less. Consequently, this Court can approve no less. . . ."

The District Court then ordered the School Board to comply with the time schedule set by the Court of Appeals in submitting the required plan. Just why the District Judge undertook an independent, subjective analysis of how his case compared factually with the *Swann* case—something he could not do adequately without an examination of a comprehensive record not before him—is not clear.

The school authorities, declaring that they considered themselves "required" to do so, adopted a revised pupil assignment plan which was expressly designed *"to achieve a racial balance* throughout the system which will be acceptable to the Court." (Emphasis added.) Prior to the adoption of the revised plan, the school system transported about 18,000 pupils per day in about 216 buses. The drafters of the revised plan estimated that it would require at a minimum, with use of staggered school openings, 157 additional buses to transport approximately 16,000 additional pupils.

The Board submitted the plan to the District Court under protest and voiced strong objections to its adoption. A Board resolution submitted with the plan stated in conclusion that it was submitted to "accomplish *the required objective* of achieving a racial balance in the public schools . . . [but it] is not a sound or desirable plan, and should not be required. . . ." (Emphasis added.) On July 26, 1971, the District Court accepted the plan, noting that it was "strikingly similar" to the Larsen plan which it had previously refused to implement as not constitutionally required.

On August 23, the School Board applied to me, as Circuit Justice, for a stay pending disposition by the Court of its petition for writ of certiorari, filed the same day, seeking review of the remand order of the Court of Appeals; the response was received, as previously noted, August 26, 1971. The Board states that it has not applied previously to either the District Court or the Court of Appeals for a stay because the language of the decisions and orders of those courts makes it clear that neither would grant a stay and because there was not time to do so prior to the opening of the new school year.

In its present posture this stay application, like that presented to Mr. Justice Black and acted on by him August 19, 1971, in *Corpus Christi Independent School District* v. *Cisneros,* "is in an undesirable state of confusion. . . ."

To begin with, no reasons appear why this application was not presented to me at an earlier date, assuming we accept the explanation tendered for failure to present it to the Court of Appeals. The time available between receipt of the application and response and the opening of the school term August 30 was not sufficient to deal adequately with the complex issues presented. The application for stay is further weakened by the absence of specific allegations as to the time of travel or other alleged hardships involved in the added bus transportation program. Specific reference to the travel time in relation to the age and grade of particular categories of students is not disclosed. To assert, as the applicants do, that the "average time" of travel is one hour conveys very little enlightenment to support an application to stay the order of a District Court, however reluctantly entered by that court, especially an order dealing with a school term opening so soon after the motion was first presented. The "average" travel time may be generally relevant but whether a given plan trespasses the limits on school bus transportation indicated in *Swann,* 402 U.S., at 29, 30, 31, cannot be determined from a recital of a "one hour average" travel time.[1]

The Board's resolution reciting that it was adopting the revised plan under protest, on an understanding that it was *required* to achieve a fixed "racial balance" that reflected the total composition of the school district is disturbing. It suggests the possibility that there may be some misreading of the opinion of the Court in the *Swann* case. If the Court of Appeals or the District Court read this Court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* case to the contrary. Rather than trying to interpret or characterize a holding of the Court, a function of the Court itself, I set forth verbatim the issues seen by the Court in *Swann* and the essence of the Court's disposition of those issues:

"The central issue in this case is that of student assignment, and there are essentially four problem areas:

"(1) to what extent racial balance or racial quotas may be used as an implement in a remedial order to correct a previously segregated system;

"(2) whether every all-Negro and all-white school must be eliminated as an indispensable part of a remedial process of desegregation;

"(3) what the limits are, if any, on the rearrangement of school districts and attendance zones, as a remedial measure; and

"(4) what the limits are, if any, on the use of transportation facilities to correct state-enforced racial school segregation." 402 U.S., at 22.

After discussing the problem the opinion concluded:

"If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, *that approach would be disapproved and we would be obliged to reverse.* The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." 402 U.S., at 24. (Emphasis added.)

Nothing could be plainer, or so I had thought, than *Swann's* disapproval of the 71%–29% racial composition found in the *Swann* case as the controlling factor in assignment of pupils, simply because that was the racial composition of the whole school system. Elsewhere in the *Swann* opinion we had noted the necessity for a district court to determine what in fact was the racial balance as an obvious and necessary starting point to decide whether in fact any violation existed; we concluded, however, that "the very limited use made of the mathematical ratios was within the equitable remedial discretion of the District Court."

Since the second aspect of this case falls within the fourth question postulated by the Court in *Swann* it may be useful to refer to the Court's response to that question. After noting that 18 million students were transported to schools by bus in this country in 1969–1970 the Court concluded:

"The importance of bus transportation as a normal and accepted tool of educational policy is readily discernible in this and the companion case, *Davis, supra.* The Charlotte school authorities did not purport to assign students on the basis of geographically drawn zones until 1965 and then they allowed almost unlimited transfer privileges. The District Court's conclusion that assignment of children to the school nearest their home serving their grade would not produce an effective dismantling of the dual system is supported by the record.

* * * * *

". . . In these circumstances, we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

"An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process. District courts must weigh the soundness of any transportation plan in light of what is said in subdivisions (1), (2), and (3) above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures courts of equity have traditionally employed." 402 U.S. 29–31.

No prior case had dealt directly with bus transportation of students in this context or the limits on the use of transportation as part of a remedial plan, or with racial balancing.

This case is further complicated by what seems to me some confusion respecting the standards employed and the findings made by the District Court and the terms of the remand order of the Court of Appeals. Under *Swann* and related cases of April 20, 1971, as in earlier cases, judicial power can be invoked only on a showing of discrimination violative of the constitutional standards declared in *Brown v. Board of Education,* 347

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[1] By way of illustration, if the record showed—to take an extreme example of a patent violation of *Swann*—that the average time was *three* hours daily or that some were compelled to travel three hours daily when school facilities were available at a lesser distance, I would not hesitate to stay such an order forthwith until the Court could act, at least as to the students so imposed on. The burdens and hardships of travel do not relate to race; excessive travel is as much a hardship on one race as another. The feasibility of a transfer program to give relief from such a patently offensive transportation order as the one hypothesized, would also be relevant.

U.S. 483 (1954). In findings dated June 25, 1970, the District Court sent the case back to the School Board for changes to eliminate the dual school system; it approved the plan submitted subject to several modifications. The modified plan was before the Court of Appeals when this Court decided the *Swann* case. The Court of Appeals in its remand following the decision in *Swann* did not reverse the District Court's findings, but rather directed reconsideration in light of *Swann*. In the circumstances that was an appropriate step. The present status of the findings is not clear to me, but the District Court on reconsideration following the remand seems to have thought that it was compelled to achieve a fixed racial balance reflecting the composition of the total county system. The explicit language of the Court's opinion in *Swann* suggests a possible confusion on this point. I do not attempt to construe that language, but simply recite it verbatim: "The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." 402 U.S., at 24.

On the record now before me it is not possible to conclude with any assurance that the District Court in its order dated July 26, 1971, and the Court of Appeals in its remand dated June 10, 1971, did or did not correctly read this Court's holding in *Swann* and particularly the explicit language as to a requirement of fixed mathematical ratios or racial quotas and the limits suggested as to transportation of students. The record being inadequate to evaluate these issues, even preliminary for the limited purposes of a stay order, and the heavy burden for making out a case for such extraordinary relief being on the moving parties, I am unwilling to disturb the order of the District Court dated July 26, 1971, made pursuant to the remand order of the Court of Appeals which is sought to be reviewed here.[2]

[From the Augusta Chronicle, Aug. 19, 1971]

JUDGE'S ORDER BLOCKS OPENING OF RICHMOND COUNTY SCHOOLS

(By Mrs. B. M. Conley)

A restraining order prohibiting the opening of Richmond County public schools next Tuesday was issued Wednesday in Savannah by U.S. District Judge Alexander A. Lawrence. However, registration will proceed from 9 a.m. to noon today and Friday, Supt. of Schools Roy E. Rollins said after receiving notification of the order.

Judge Lawrence set a hearing for 2 p.m. Aug. 26 in federal court here to decide whether to issue a permanent injunction requested by John Ruffin, attorney for the plaintiffs in the years-old case, or to continue the temporary injunction granted.

The judge will also receive the new desegregation plans drawn by U.S. Office of Education consultants. Judge Lawrence called for the federally-drawn plans at a hearing here July 28 when he rejected the plan submitted by the Richmond County Board of Education. He established an Aug. 15 deadline for the new plans, but last Thursday granted a request for a 10-day extension.

John Fleming, school board president, said he expects to call a special meeting of the board early next week to discuss the restraining order.

"This is a matter that must be given consideration by the full board," he said, adding that the board would "look into ramifications of the order and problems surrounding the opening of school."

Judge Lawrence's restraining order specifically prohibits the board from opening schools "under the plan effective during the 1970–71 school year or under any other plan which has not been approved by this court."

The school board had voted at its monthly meeting last week to proceed with opening of schools under last year's plan since the deadline for the new court-order plan was extended beyond the opening date of schools. The first day of school was to be next Tuesday, which would have been a short day, with the first full day scheduled for the following day.

The plan submitted to Judge Lawrence by the school board was basically the same as last year's plan but with the transfer of an additional 300-400 students for integration purposes. Several other zoning changes were made, but they did not involve race. The plan also kept the faculty mix ratio ordered by the judge last year; which was 61 white to 39 black as nearly as possible in each school.

Last year's plan, in addition to the faculty mixing, had three sets of paired schools at the elementary level and zoning in the remainder of the schools with a provision for minority to majority transfer to any school.

Judge Lawrence rejected the 1971–72 plan, saying it did not meet mandates of the U.S. Fifth Circuit Court of Appeals nor provisions of the April Supreme Court ruling in the Swann vs. Charlotte, Mecklenburg, N.C. case.

Last year's school plan, modified by Judge Lawrence to include the faculty mix and the paired schools, was appealed by the plaintiffs to the Fifth Circuit Court of Appeals in New Orleans. The appeals court held the case in abeyance until after the Supreme Court ruling. The court early in July ruled that the plan which the school board used last year was not acceptable and requested Judge Lawrence to call for a new plan. The new plan which the board submitted was the one which Lawrence rejected.

The school board decided not to submit another plan to the court since the judge had asked Department of Health, Education and Welfare officials to submit a plan. Board members met with Ruffin later to see whether areas of agreement could be reached, but the meeting ended in less than an hour with nothing accomplished.

The school board has taken the position that the plan which it submitted this year is in compliance with the law. Fleming has said the matter is a difference of interpretation by Judge Lawrence and himself and school board attorney Franklin H. Pierce.

[From the Augusta (Ga.) Chronicle, Aug. 19, 1971]

OFFICIAL DEFENDS MUSCOGEE MIX PLAN AS "ONLY COURSE"

COLUMBUS, GA.—Chairman T. Hiram Stanley of the Muscogee County School Board said Wednesday a controversial school desegregation plan was the only course left open to the board by the federal courts.

Stanley defended the plan after the Columbus Metro Council adopted a resolution urging the board to draw up a new one before the start of the fall term of school.

The present proposal, described as requiring "considerably more busing" by a federal judge, calls for a black-white student ratio of 70–30 in elementary schools and 75–25 in junior and senior high schools.

It replaced a freedom of choice plan which was rejected by the 5th U.S. Circuit Court of Appeals.

Stanley said the ratio plan was prepared with the goal of "the least possible busing, least movement of pupils to schools distant from their neighborhood or residence, and the least amount of disruption of the educational process."

He said the board believed in freedom of choice but the appeals court turned that down and called for "desegregation of all schools in the district on a ratio of approximately the same as the percentage of blacks to whites in the total school population.

"We were told that unless the plan we were required to submit from Muscogee County had this standard, it would not be acceptable, and the responsibility for bringing this about would be turned over to so-called experts who would be employed at the expense of the school district."

Adoption of the resolution urging abandonment of the ratio plan came after the Metro Council was told by Mayor J. R. Allen he had received more than 1,000 calls of protest.

The ratio assignment of students has been approved by U.S. District Judge J. Robert Elliott who said it would require a good bit more busing than under freedom of choice.

[From the Atlanta (Ga.) Constitution, Aug. 18, 1971)

BUSING (AGAIN)

We think U.S. District Judge W. A. Bootle of Macon made an eminently sensible ruling in upholding the school desegregation plan under which Bibb County schools are operating.

"The school system is unitary—legally desegregated—and has been such for more than a year," said Bootle, adding: "All racial barriers have been removed from this school system. No longer is a child forced to attend a particular school or refused admission to a particular school because of race."

The ruling on the Macon and Bibb County schools is, in some ways, very similar to the recent ruling on Atlanta schools. In both cases, district judges rejected appeals for widespread school busing to achieve greater distribution of white and black pupils in schools throughout the system.

We can understand how and why Negro plaintiffs have brought such appeals. It relates to a concern peculiar to the school desegregation process in Southern cities. Not smaller communities. Only the fairly good sized urban communities. That concern can be summed up in one word: re-segregation.

In any fairly large city school system, residential patterns inevitably play a part in the assignment of pupils to particular schools. This means that the local school board, even though moving in honest good faith to comply with laws and court decisions, has a certain built-in limitation, specifically the fact that most neighborhoods, whether inner-city or suburban, tend to be predominantly white or predominantly black.

In Atlanta, for example, roughly 30 schools have gone through a process of re-segregation, as various city neighborhoods moved in transition from mostly white to mostly black.

We believe that the appeals for busing in, say, the Atlanta school system spring from a certain frustration on the part of Negro plaintiffs and civil rights spokesmen, a frustration that this re-segregation process often takes place in large city systems. Unhappily, it is no different from the de facto segregation of New York, Detroit, Chicago, or other major non-Southern cities.

Housing patterns are an important and legitimate concern for all citizens. But local schools boards don't create these patterns, nor can they control them.

CHINESE AND INTEGRATION

(By Jack Spaulding)

Life is full of little ironies.

Today we have the big push for integrated schools, the ideal being that a proper mix of races is good for each.

On the other hand we have the example of the Chinese colony in San Francisco, anxious to preserve its Chinaness so to speak. The

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[2] In their petition for a writ of certiorari in this Court, the petitioners have elected to seek review here of the remand order of the Court of Appeals of June 10, 1971, rather than having the substantive order of the District Court dated July 26, 1971, first revewed in the Court of Appeals.

Chinese are a minority, even as the blacks, so court-ordered busing applies to their children.

The San Francisco Chinese appealed. They want their children to stay in neighborhood schools where the daily pap of reading, writing, etc., can be followed by lessons in Chinese hearth and home. Chinatown is a densely populated and rather small area in San Francisco, and it is possible for a Chinese child in a neighborhood school to be conscious of and live by his Chinese heritage from the lessons he learns at home and in the neighborhood.

Alas. The Chinese parents who want their children to have the guidance of their heritage are thwarted. A busing plan, ordered by the courts, stands. The ruling is that the Chinese constitute a minority, therefore court rulings apply to them as to other minorities.

Tough on the Chinese who do not want to be merged.

It is hard to be a member of a proud minority in a country where the majority rules. You assimilate, or else.

Not very democratic when you come to think of it.

A majority in a genteel country would allow its minorities privileges such as the Chinese of San Francisco want. We're not that genteel. There are blacks who don't want to be bused, either.

Monday's report from the coast indicated the Chinese were planning a boycott of the schools, a family tactic, though in this case the boycott is in favor of continued segregation.

Luck to the Chinese.

There's a lesson here. If a minority, such as the Chinese, wishes to hang on to its heritage, besides which ours is green and raw, they should be allowed this. Their children are going to lose something by being bused across town to share in the heritage of Slovaks, Irish, Africans and whatever else.

The Chinese may boycott the public schools, but there is an answer for them if they have the guts and are willing to make the sacrifices.

Not long ago in this country the public schools were not as secular as they might have been. In many areas, including ours, they were strongly under the influence of the majority religion. This being so, children of minority groups were faced with the problem of the San Francisco Chinese. Their heritage was in danger.

So before the Chinese had this problem others had it and overcame it.

The Hebrews opened their academies where their children could learn to be proud of their tradition instead of ashamed of it.

The Roman Catholics opened their parochial schools because anti-Catholicism in some quarters was considered the purest sort of patriotism. They paid taxes to support public schools, but those who cared enough paid something extra so their children could benefit by the rich and ancient traditions of their ancestors.

The Lutherans were faced with the same problem and had the same answer. Other religions responded in the same fashion in lesser degree.

The Nation still is free. The public schools are, and always have been, the foundation of the educational system, and the Nation must support them.

But there always have been, and must continue to be alternatives. We need private schools to keep the public schools from becoming a monolithic brain washing organization. We need to remember that we are a nation of many races and traditions, beginning with the Indian, and each has the right to cherish and preserve and love the things which set it apart. That is our strength. We do not want to become one homogenized blob, without flavor, without tradition, as some would have us be.

A Plea for Understanding and Justice

(By Neal Hawley)

I am a white Southern mother. I am not a racist or a segregationist. My attitude toward the Negro is the same as it is toward the Chinese, the Puerto Rican, the Mexican, or any other minority, although I don't happen to know any of the others. If you found yourself thinking, "But you don't know the Chinese," then you are more prejudiced than I. It is my conviction that every American is entitled to equal treatment by the law and the courts; that every child is entitled to the best education his city can offer, though this will necessarily vary from city to city; and that every parent has a right to decide what is best for his children unless it can be proved that it is physically harmful to the child. I believe our Constitution guarantees these rights. Please try to understand why so many Southerners—Black and White—feel that our court-ordered school desegregation violates them.

I live in Cordele, Crisp County, Georgia. The town has a population of 10.609, the county 17,680, though much of the residential area is not in the city limits. As does every city in the nation that has a minority group, Cordele has certain sections where all the Negroes live. Unlike some cities, this has never been stated by law; it didn't need to be. At the first nudge by the courts—and it did take a nudge—our board of education adopted a freedom of choice plan. This resulted in very little integration. They also talked a few white teachers into teaching in all-Negro schools, and a few Negro students who had switched high schools returned to their former A. S. Clark, but not because of mistreatment of any kind. Each year found a few more Negroes in the elementary and junior high schools. This was not enough to suit H.E.W. or the courts. So last year the board closed a Negro elementary school, which was in need of many repairs, and assigned its students and teachers to the three integrated elementary schools. This upset the Negro parents, but the white parents adjusted very well, even those whose children got the Negro teachers.

Integration was working in Cordele. A private school was formed a year after the first Negro child was admitted to the public schools. Most of the avid segregationists rushed out, and fear has added to its rolls yearly. It now has a waiting list. Two years ago a Negro boy was named Most Outstanding Student in Crisp County Junior High. There were several Negroes in both the junior and senior high bands. They were accepted. They also attended the social functions but largely kept to themselves. What most of the nation can't seem to believe is that most Southerners are not "Nigger-haters." It is simply that segregation was the way of life with which we were raised and didn't think to question until recent years. Lifetime habits are hard to break. Anyone who was raised in the North and now lives in the South can vouch for the fact that there is much less hatred here.

Well, this slow but real progress in human relations was not enough to satisfy H.E.W. and the courts. We still had a Negro elementary school and a Negro junior and high school. Let me tell you a little about these schools. The elementary had the highest P.T.A. participation in the county (unless you consider the private school). Clark also had an active P.T.A., a feat which neither Crisp County Junior or Senior High could match. It had an excellent band, football and basketball teams, and its share of the usual social and service clubs. Its graduates did well when they went on to college. Both were schools of which their students and parents were proud. But their existence meant to the courts that we did not have a "unitary" school system. So they drew up a plan to insure that we did. This is a court order. It must be obeyed. This is how it works.

First, of course, do away with the all-Negro schools. Send all children in grades one through four to the three once all-white schools. Send all girls in grades four through eight to the previously Negro elementary school; all boys in those grades to A. S. Clark. All ninth graders go to the old Junior High, and High School gets the remaining grades, ten through twelve. Can you imagine the busing nightmare this has caused? The buses serving city children have to make two runs, so their riders either arrive at school half an hour early or leave half an hour late. Take your own family and imagine how many different schools your children would be attending if this were done in your town. Of course, if Cordele were larger and had more schools, it could be worse—such as a school for each different grade. Not only that, but since fifty-four per cent of the student body is Black, the teacher percentage must be the same. This means that if a Negro teacher retires or quits (it's almost impossible to fire one) that vacancy must be filled by a Negro, even if unqualified and a qualified white teacher is available. We may not place children in classes according to their level of achievement, for this may have the effect of resegregating the classes. Neither can we do anything else that is educably sound and desirable if it upsets the racial balance. You don't believe a court could be so unreasonable? I'll get you a copy of the order. This could be worse too; some of our Southern counties are as much as 80% black.

I live across the street from an elementary school. The high school is three blocks away; junior high only four blocks. My four children have always walked to school. Now two of them are being bused all the way across town to two different schools. I'm not about to join four P.T.A.'s. Can you blame me, or any other Southerner, for being bitter; about the inconveniences, as well as the educational implications? We are also aware that most of the country is allowed immunity in regards to their own local minority groups, and we are a little bitter about that too. Justifiably, I think.

You may wonder why I haven't sent my children to the private schools, or assume that I couldn't afford to, which is not true. I believe very strongly in the public school system. I believe it is vital to our American way of life. If every family who can afford to send their children to private schools, it will set public education back a generation. It would not only rob the schools of tax support, but community support which is also vital. I am trying to teach my children to be discriminating people, but not prejudiced by outward appearances or labels. I want them to be prepared to live in the 1980's, and I don't think the private school can do this. But I also want them to get a good educational foundation so that they will be able to get into college and succeed there. I am furious that the courts admittedly don't care whether my children, or the Negro children, learn anything while they are in this "unitary" school system so long as the ratio is right.

There is something else the rest of the country, and, especially, some well meaning Congressmen refuse to believe. Freedom of choice has not resulted in massive integration because the vast majority of Negroes simply do not want their children in integrated schools. Some of them feel they can get a better education there, and I agree that any parent should have the right to send his children to any school they feel is best. But most Negro parents no longer have that choice. The schools they felt were best have been taken away. You probably have noticed that most of the protests have been from Negro parents over the closing of all-black schools. You see, not only were they proud of these schools, but many of their social activities were centered in their neighborhood schools. Now this, too, has been taken away. Anyone who doesn't believe this, should make a real effort to talk with some of the parents involved. This is especially true of anyone in public office who thinks he is informed because he has listened to a few liberals who have drawn their own conclusions from hearsay, or textbooks, or a few militant Negroes.

I feel that any thoughtful American can see the implications of this situation. Do you think the courts should decide what is best for your child? Neither do these parents who want their neighborhood schools. Do you believe integration is more important than education? Neither does our school personnel, but they cannot initiate some programs they feel are best. Do you thing a whole section of the country should be dealt with so arbitrarily and vindictively because of its past sins and failures? Do you agree that the South is not getting equal treatment by the courts? Our children are being denied the best education our city can offer, and our parents cannot decide what is best for their children because all possible choices have been eliminated.

We have pled our cause before the courts, with H.E.W. and even with the President, though I'm sure it did not get that far. Now I am pleading it before the American public in the hope and sincere belief that this has been allowed to happen because most Americans did not know the facts. The white Southerner is the most overlooked minority in the nation. Any complaint is automatically classified as racist-inspired, then completely ignored. If you can't get that worked up over somebody else's plight, think of the ancient philosopher's statement that justice can never be realized until the uninjured are as indignant as the injured. If that doesn't prompt you to action, be warned that H.E.W. has already announced that it intends to extend its efforts nationwide—and your city may be next!

[From The Columbus (Ga.) Enquirer, Sept. 8, 1971]

STRAIGHT-FACED PHONY

With a straight face U.S. Sen. Adlai Stevenson Jr., of Illinois was mouthing off on television Sunday about how desirable it is, whatever the cost, to eliminate "de jure" segregation.

It was sickening.

These facts exposed that phony:

The most segregated school system in America is located in Mr. Stevenson's home state of Illinois. Although Chicago has a black enrollment of 316,711 (54.8 percent of that city's total school enrollment), a bare 3 percent of those black students attend schools which are predominantly white.

But that's not the worst of it.

Mr. Stevenson lives in the District of Columbia, but his own children are enrolled in a private school. Schools in the District of Columbia, by the way, are 94.6 black and counting at this writing.

Timidly and apologetically, a newsman on the national television panel asked Sen. Stevenson why it is that his children are not enrolled in the public school system.

Then this great champion of Negro rights mumbled something about inquiring about the neighborhood schools and finding them to be not very good. The race issue, of course, had nothing whatever to do with it.

The State of Illinois has a larger number of black students than does Georgia, although the percentage of Negroes in that northern state is 18.2 compared with Georgia's 33.2 per cent.

But note how the school desegregation records compare (and this was last year):

A total of 14.3 per cent of black students in Illinois was enrolled in predominantly white schools last term compared to 35.9 per cent of black students enrolled in predominantly white Georgia schools.

In Illinois, 60.2 per cent of all black students were enrolled in schools which were 99 to 100 per cent black while in Georgia only 25.4 per cent of all black students were in schools 99 to 100 per cent black.

Although the figures won't be in for a while, the degree of desegregation in Georgia will at least more than double during the current school term.

Here in Columbus, the desegregation rate will increase from a point which was more than four times Chicago's to 100 per cent.

Does anyone want to bet that desegregation in Mr. Stevenson's Illinois will change more than a single percentage point?

In a civilized society the most difficult people to deal with are those who lie to themselves and to others. That precisely is what Mr. Stevenson is doing when he talks, not about improving education opportunities for Negroes, not even about segregation but, about "de jure" segregation.

Mr. Stevenson knows very well there is no longer any such thing as de jure (which means segregation by law) segregation. He and others like him piously salve their consciences by pretending that their neighborhood segregation was caused by reasons totally different from neighborhood segregation in the South.

One of the few national-level voices from the North to publicly recognize and expose this grotesque hypocrisy has been Sen. Abraham Ribicoff of Connecticut.

EXHIBIT 1

SCHOOL BUSING AND FORCED INTEGRATION—A DISSENTING OPINION

Mr. **BYRD** of West Virginia. Mr. President, the issue of busing pupils to bring about forced integration in the public schools is stirring controversy throughout the country as schools open again. Despite what is depicted in some segments of the news media as generally quiet acceptance, such busing is widely resented and opposed. Inasmuch as this emotion-charged issue vitally affects some very basic concepts of American society and American freedom, I propose to discuss it briefly today.

The busing of children is really not the bedrock issue. In fact, it is but the surface manifestation of the basic issue involved—it is really just the tip of the iceberg. That part of the iceberg which is of more basic significance and which does not immediately surface in the emotion-packed discussions and speeches by President, Governors, and outraged parents, is the simple issue of assigning pupils in the public schools on the basis of race.

For the moment, however, I shall eschew the basic issue and direct my attention briefly to that more volatile subject of busing.

There are those who say we have always had busing of students, so why be concerned when there is busing of students now. But such an argument misses the point. True, we have had busing for many, many years in this country—prior even to the 1954 decision in the case of Brown against Board of Education. I remember riding a schoolbus myself back in Mercer County, W. Va., 40 years ago. But it was because the nearest high school was 7 miles away, and the only way to get there was partly on foot and partly by bus—far different from today's denial of access to a neighborhood school and forced attendance—based solely on race—of a school 7 to 10 or 20 miles away just to satisfy some arbitrary formula regarding racial balance.

But, some will say, what about the busing that occurred for years in support of segregation? The answer is that school segregation was the law of the land in that day—by statute and by requirement of many State constitutions and by court decision based on the interpretation of the U.S. Constitution. The people generally—black and white—accepted school segregation as the law; the people generally were satisfied with the law as it was, and wanted it that way; and the people were willing, voluntarily, to pay the financial costs of busing in order to maintain a segregated school system.

Now, the situation has changed. The U.S. Supreme Court in 1954, in the Brown case and in Bolling against Sharpe, ruled out forced racial segregation in the public schools of the States and the District of Columbia. The people, North and South, have now generally accepted that decision as the right one. But the financial costs of senseless, mass busing, arbitrary assignments and attendance ratios based purely on race—unsupported by the Constitution—are not being borne by the taxpayers today either voluntarily or willingly. They are being forced against their will to bear such costs.

Forced integration and busing programs are contributing very materially to the advancing deterioration of the inner cities. Whites who can afford to do so are moving farther and farther away into the suburbs, with the result that shopping centers and other outlying developments are taking away the business and tax base upon which cities—and their school systems—must depend. Busing thus becomes a self-defeating process. When children are going to be hauled willy-nilly away from their homes and neighborhoods it lessens the chances for improvement of the inner city schools which are most in need of improvement.

In Richmond, Va., a suit is presently underway to force the merging of the Richmond city school system and the adjoining Henrico and Chesterfield County school systems in order to rescue the city school from their deterioration. The city schools have become predominantly black because of the flight to the suburbs of whites, while the two county school systems are predominantly white.

But whites are now moving farther into the country, and it could become a physical impossibility to achieve a theoretical racial mix. Are the courts going to require that children be transported 30, 40, 50, 60 miles a day? Where is the line to be drawn? Or, are the Federal courts prepared now to try to impose racially determined housing and residential quotas?

To cite another example of white flight to the suburbs, one need only look at the public school system in Atlanta, Ga., which was 70-percent white and 30-percent black just 13 years ago, in 1958. Successive desegregation orders during this period have resulted in an exodus of white population to the suburbs. Enrollment in the public schools of Atlanta is today the exact reverse of 13 years ago—30-percent white, 70-percent black. Earlier this summer, two Federal judges refused to order further desegregation, saying that it would simply hasten this white flight. They said:

> The problem is no longer how to achieve integration, but how to prevent resegregation.

The same thing has happened—and partly for the same reasons—in Washington, D.C., where the school population is 95-percent black. How tragic that the courts have been so blind, until it is too late, to the reality that parents simply do not intend to trust the welfare or safety or the education of their children—their most priceless possession—to the social experimentation of judges and HEW officials.

White persons alone are not the only persons concerned about the growing trend toward busing. Blacks are also concerned. An all-black school does not, per se, necessarily have to be an inferior school, a school without quality or educational opportunity. The concept that mass busing and racial quotas constitute the only way to improve education for blacks rests on an extremely faulty premise. It should be obvious that the way to improve educational opportunities for blacks is to improve the schools which they attend—and that is what the courts and the Government really should be concerned with. The vast amounts of money that are being used to purchase great fleets of school buses could much better be used for the upgrading of substandard schools. The courts could do much more for the improvement of black education, and for making better economic opportunities available to blacks, if they would require, under the equal protection clause of the Constitution, that equal amounts of money be expended per pupil on blacks and whites. That would be a much sounder approach than the present disruptive busing approach.

The strangest aspect of the forced integration and busing craze is that improving education for all children—and especially for blacks, where their schools have been substandard—has taken a back seat to the achievement of racial quotas in the schools. There is no evidence that I know of to indicate that such quotas enhance education for either blacks or whites—and there are good reasons to think that the opposite is true.

Polarization of the races is intensified when neighborhood and school identities are destroyed and when students find that they cannot compete successfully with other students who may have had superior educational opportunities in the past.

What is most likely to be achieved by busing and forced integration is increasing mediocrity in education. A leveling process will have been set in motion which can have the effect of stifling incentive for the bright and gifted student while discouraging the less well prepared student and the slow learner. In this situation the skyrocketing growth in private schools, as opposed to public education, can be expected to continue—to the detriment of the public schools.

Along with busing, there is the equally nonsensical obsession these days with racial quotas. Education by racial quotas is not quality education. I do not care what court or what HEW bureaucrat says it is. It just is not so. Too many judges and HEW officials, television commentators and newspaper columnists these days believe that unless there is forced integration there can be no quality education. Perhaps I should not say they really believe this; they only act that way. If they really believed it, they would not send their own children to private schools or to predominantly white schools in suburbia. They would live in the inner-city and send their children to schools there where they could help bring about racial balance.

Were the imposition of racial quotas in the public schools necessary in order to conform to the equal protection clause of the 14th amendment, no fair-minded individual could legitimately complain. But can it be seriously contended that in a city, the population of which is, say, 65 percent white and 35 percent black, the Constitution requires the placement of 520 whites and 280 blacks, or some comparable ratio, in each school—with all of the cross-city busing that would be entailed? Does it not all become a little silly to argue that the Constitution requires such?

We are told that forced integration is important because it will teach the races to live together in peace But will it? Judging from the many racial incidents of fighting, knifing, and shooting that are increasingly occurring in the Nation's high schools, there is cause to question the efficacy of such forced race mixing as a way to achieve racial peace and understanding. Would not voluntary integration—based on freedom to choose the closest neighborhood school—be the wiser, more commonsense approach?

Can anyone seriously contend that, to uphold and enforce the constitutional right of Negro students to equal protection, they must be uprooted and forced to travel against their own wishes—by foot or by bus—away from their own neighborhood schools and to some distant school, merely that they may attend classes with white children? How utterly nonsensical have the courts become? What a distorted, twisted interpretation of the equal protection clause.

What kind of national madness has obsessed us. And madness it can only be when courts and Government agencies impose their own arbitrary choice of schools to be attended—a choice based solely upon race—regardless of the wishes, nay, even in complete opposition to the wishes of parents and children, Negroes and whites alike.

The Washington Sunday Star for August 29 said:

"Repeated instances of black parents in the South balking at school desegregation plans are making civil rights lawyers and government officials wonder whether a new outlook toward integration is developing among Southern blacks."

A former Director of the Department of Health, Education, and Welfare's Office of Civil Rights, Mrs. Ruby Martin, now with tht Washington Research Project, a private organization that serves as a watchdog over desegregation, was quoted in the article as saying that blacks "often have a very big feeling of being had" when desegregation plans put the burden of busing exclusively on black children and when the closing of formerly black schools results in black principals and teeachers losing their jobs.

Little wonder that infuriated black parents are threatening boycott. Little wonder that outraged white parents have filed request after request for pupil records as a preliminary to placing their children in private schools.

Would the people of this country tolerate this nonsense if it were sought to be perpetrated on them by legislative bodies? The answer has to be no, because the people then would have the recourse of the ballot in purging from public office those who would visit upon them and their children such a monstrous and costly madness. But the people are helpless in the face of edicts from the courts that obstinately and stubbornly refuse to follow a rule of reason in this most delicate of all problems. And why do the courts—and particularly the Supreme Court—persist in their authoritarian course? Is it because they are unwilling to admit error in having gone too far already and are determined at all cost to force people, over a period of time, to become resigned to the inevitableness of school assignments based on racial formulas?

Any Negro child has a constitutional right to attend the public school of his choice, and State authorities ought to be bound to guarantee and, if need be, to enforce that right. It would seem to be clear that any act of the State to force that child, because of his race, to attend a particular school against his wishes and in preference to the school of his choice would be violative of his constitutional rights.

It is preposterous to maintain that those who wrote the 14th amendment intended that a Negro child should be forced by the State to attend a public school in which his race is in the minority when he may desire to attend his neighborhood school where his race is in the majority. He may just prefer to be with his own race. How can any court seriously contend that it protects that child's constitutional rights when it forces his school to be closed, and forces him to attend—on foot or by bus—a school which is to his cost and inconvenience and which he does not want to attend?

Now, let me proceed to that which is really basic to this whole emotion-packed subject—to wit, forced integration, or the assignment of pupils in the public schools on the basis of race.

Does the Constitution, in fact, require forced integration? Does the Constitution, in fact, countenance pupil assignment on a racial basis?

In dealing with these questions, let us go back to December 9, 1952, when the five cases ultimately decided under the name of Brown against Board of Education were first argued before the U.S. Supreme Court. Mr. Thurgood Marshall, then the chief counsel for the NAACP, arguing the case of Briggs against Elliott, from South Carolina, made some most interesting comments, His point was that what the plaintiffs wanted was the voiding, on constitutional grounds, of the South Carolina statute requiring school boards to segregate children by race. He told the Court:

"(I)f this Court would reverse and the case would be sent back, we are not asking for affirmative relief. That will not put anybody in any school. The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on."

I think it reasonable to say that none of the other attorneys representing Negro plaintiffs said anything to contradict Mr. Marshall's assertion that all that they sought was an invalidation of school assignments by race or color and an affirmative requirement that assignment be on a nondiscriminatory basis, through districting or proximity of schools or some such neutral standard. And that in essence is the relief which the plaintiffs properly received in the Brown decisions.

Today, however, an amazing transformation has been wrought. Now it is not the absence of discriminatory standards in assignment which is the keystone of desegregation law. Indeed, race must be taken into account, because what is now forbidden are all-white or all-black schools or schools made up predominantly of one race or the other. Pupils, teachers, and supporting staff must all now be assigned by race, and by race alone. Racial ratios have become the order of the day.

It need hardly be said that when the States and localities are required to operate school systems to serve the primary purpose of integration rather than education, and to conduct one long complicated experiment in sociological leveling, public support of public education is bound to suffer.

The difficulty simply is that some of the Federal courts leave the impression that they are no longer concerned with adjudicating rights under the Constitution, no longer concerned with determining the meaning of the equal protection clause for school assignments but are, instead, relying on the Constitution to carry out a visionary and impractical program of social engineering which, I am convinced, most Americans would reject out of hand were it to emanate from Congress or the Executive.

Before we can successfully oppose implementation of this grand design which apparently exists as a base plan somewhere so strongly that it has survived a change of administrations and a change in leadership on the Supreme Court, before we can turn things around and put the Constitution and the education of our children in first place, we must get our bearings and take our stand on fundamental things. What we need to do is think long and hard and place our position on fundamentals—the most fundamental fact being that the equal protection clause forbids segregation but it does not command integration.

The distinction has been much belittled by the social engineers on and off the bench in recent years. But Thurgood Marshall was right when he assured Justice Frankfurter that all the plaintiffs wanted was an order ending State-compelled segregation, right because that was all they were constitutionally entitled to. Chief Justice John Parker was eloquently simple in the opinion in Briggs against Elliott on remand:

"Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend."

Or as an eminent successor of Judge Parker, Chief Judge Clement Haynsworth, wrote in 1967:

"If each pupil, each year, attends the school of his choice, the Constitution does not require that he be deprived of his choice unless its exercise is not free."

Judge Haynsworth paid dearly for his adherence to that simple idea. And the Justices of the Supreme Court, however they may qualify their pronouncements, have effectively renounced the idea. The tragedy is that there has been no Justice on the Court who would give voice to the dissent from the majority's edict, no Justice who by example or reason and historical soundness of interpretation would give those of us who deplore the Court's excesses a standard to repair to. In the absence, then, of such a Justice, such a standard, it is up to us the American people, dealing in reason with the issue, to formulate a stand and to urge its acceptance by the U.S. Supreme Court, which cannot long remain ignorant of the trauma which its present standard is inflicting not only on the South but, in time, will also inflict throughout the country.

Let me say for the record that I fully agree with Brown against Board of Education, which forbade pupil assignments on the basis of race. I want that clearly established.

But the district judge in the Swann case brought a new and different rationale into the desegregation picture. He found that the school board had selected school sites in such a way as to promote segregation of the races. This rationale was accepted by both the Fourth Circuit and, incredibly, by the Supreme Court. I think the speciousness of this rationale is going to be more and more recognized inasmuch as it is not only the South which is to be affected but the entire North as well. The social planners now have a theory, a doctrine, a concept, a legal handle, so to speak, by which they can turn aside the de jure-de facto segregation distinction, and it is going to be in the North that the real crunch will come.

If the location of school buildings in all-black or all-white areas is itself discriminatory because it promotes separation, then suddenly every northern jurisdiction is under the gun. Indianapolis was recently held to have maintained de jure segregation by the Federal court. Los Angeles and San Francisco are under court order and the Chinese in San Francisco are up in arms, as they should be. Pontiac, Mich.—where the fire bombing of school buses occurred earlier this week—is under a court order which will require extensive busing. The number of suits is growing daily. And the breakthrough has come primarily because of the argument of discrimination through site selection.

In Swann against Charlotte-Mecklenburg Board of Education, Chief Justice Burger solemnly assures us that it is merely the traditional equity powers of the courts which the Federal courts are using to require the cessation of discrimination. As far as it goes, his statement is correct. But he does not tell us that some concept of constitutional requirements should underlie the judgment of the courts with regard to the way the equity power is exercised. He does not tell us why the undoubted power to remedy past discrimination should be utilized to destroy the neighborhood school system. Why is it that the Federal courts now are to use the standard of race as the criterion of approval of a desegregation plan?

To sum up, I think we must go to the basic question of what the equal protection clauses really requires. Contrary to the social engineers, it does not require that every child must absolutely—and without consideration of the wishes of his parent and himself—attend a school in which he is exposed to children of all racial, economic, and social classes which make up that community. The equal protection clause does require that State and local officials deal fairly with every child, regardless of race, that they not assign him on the basis of race or class, and that in terms of faculty and staff and facilities his school be treated as all others.

It may well be that as a Nation we are bound for a great leveling, of class and status, a homogenization of persons so that eventually we all will seem to have come out of some bland mold all alike. That may well be, though I hope not. But, if it is going to be, let it be the result of policies formulated and executed by elected officials responsible to the people, let it be the result of policies debated and subject to rejection. Let it not be the edict of judges appointed for life and unaccountable to anyone. We have had more than enough judicial lawmaking.

It is time for the Supreme Court to tailor its results more closely to what it says. Time and again in the Swann opinion the Court speaks commonsense. The objective of the Court, the Chief Justice tells us, is to outlaw de jure discrimination in the schools. It is not, in his words, to deal "with—the—myriad factors of human existence which can cause discrimination in a multitude of ways." It is not to achieve broader social purposes. And, yet, after the soothing language, the result approved is the assignment of public school pupils on a racial basis.

In referring to the "tools employed by school planners and by courts to break up the dual school system," the Court took note of "attendance assignments made deliberately to accomplish the transfer of Negro students out of formerly segregated Negro schools and transfer of white students to formerly all-Negro schools." In other words, attendance assignments made deliberately on a racial basis. The Court said:

"As an interim corrective measure, this cannot be said to be beyond the broad remedial powers of the court."

In other words, the Court was willing to condone pupil assignments on a racial basis—which is clearly unconstitutional—"as an interim corrective measure" within the "remedial powers of a court."

And the amazing part of it all is that there was not one Justice among the nine members of the high court who entered a dissenting opinion.

Does it not seem strange that, notwithstanding the deep and unabridged division among the American people—yea, even among distinguished lawyers and judges of lower courts—with regard to the question of forced integration, mass crosscity busing, closing of schools, and imposed racial ratios, the Nation's highest tribunal, composed of nine men, would find itself without a single dissenter on such a debatable question. Think of it. Complete unanimity in its support of school assignment based on race, when not one word of the 14th amendment's equal protection clause has been changed during the 17 years that have passed since the Court in 1954 ruled that school assignment based on race was violative of the equal protection clause of the 14th amendment to the Federal Constitution. A complete 180 degree change in the position of the Court. And complete unanimity. Can the answer be so clear to nine judges and so unclear to 200 million people?

Voices must be raised throughout this country which will move the Nation's highest tribunal to the realization that the position it took in the Swann case—of giving approval to pupil assignments on a racial basis and to racial quotas as "a useful starting point" in shaping a remedy—is going to impair pupil support of the public school system and will continue to produce chaos in the public schools.

Let us now, finally, look briefly at the Swann case and also at what Chief Justice Burger said on Tuesday of last week about that case.

In Swann against Board of Education the Court, speaking through the Chief Justice, stated that—

"Absent a constitutional violation there would be no basis for judicially ordering assignment of students on a racial basis."

While Chief Justice Burger has no greater admirer than I—because I believe that the Court under his leadership is returning to a course of judicial moderation, restraint, and respect for legal precedent—I have to say that I feel that this was specious reasoning. The Court seemed to be saying that, given a constitutional violation, there is an adequate basis for ordering assignment of students on a racial basis. And what is the constitutional violation?

Prior to the year 1954, the assignment of students on a racial basis did not constitute a constitutional violation. But the 1954 decision in Brown against Board of Education made it unconstitutional to assign students to public schools on the basis of race. Now the Court, in April 1971, maintains that if there is a constitutional violation—growing out of the previous State-enforced system of assignment of students on the basis of race—the courts may judicially order assignment of students on a racial basis. In other words, two wrongs will make a right.

I maintain that, if the 1954 Court decision, making it a constitutional violation to assign students on the basis of race, was a correct one—and I believe it was—no pupil assignment on the basis of race can be constitutional, whether ordered by a court or otherwise. In other words, if it is a constitutional violation for school authorities to assign students on the basis of race, it is a constitutional violation for the courts to assign students on the basis of race. A court has no power to suspend the operation of the Constitution, even for a moment; hence, how can the Nation's highest court, speaking through the Chief Justice, maintain that there can be any basis whatsoever for violating the Constitution—to wit, by ordering the assignment of students on a racial basis? Yet, the Court, in effect, has proceeded to suspend the Constitution by taking the position that, given a constitutional violation on the part of school authorities; namely, utilizing various means calculated to maintain a dual school system, the courts may resort similarly to a violation of the Constitution—assigning students on the basis of race—in order to correct that constitutional violation by State or school authorities. I submit that, in the light of the 1954 decision in Brown against Board of Education, there can be no basis whatsoever for the assignment of students to public schools solely on the basis of race, and I further submit that such assignment, even when made by order or approval of a court, is not, by virtue of such court sanction, clothed with constitutional respectability.

The judiciary was created by the Constitution, and it derives its powers through and from the Constitution. The judiciary can interpret the Constitution, but it cannot interpret that document in such a way as to put itself above and beyond the reach of the Constitution. The Court cannot say on the one hand that school assignment on the basis of race is unconstitutional, while on the other hand the Court proceeds to order or approve pupil assignment on a racial basis by judicial decree.

"I deny that any judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved." So wrote Mr. Justice Harlan, the lone dissenter, in his dissenting opinion in the case of Plessy against Ferguson, in the year 1896. What else but a civil right, the right of children to attend their neighborhood school. What else but a civil right, the right of taxpaying parents to select the neighborhood school as the school to be attended by their children. Would that there had been just one dissenting Justice on the Supreme Court of the United States in the Swann case who had said, as did Mr. Justice Harlan 75 years ago:

"It is therefore to be regretted that this high tribunal, the final expository of the fundamental law of the land, has reached the conclusion that it is competent for a state (or for any court) to regulate the enjoyment by citizens of their civil rights solely upon the basis of race."

Because that is precisely how the enjoyment by citizens of their civil rights regarding school assignments are being regulated—solely upon the basis of race.

Let me say in conclusion that I believe the Chief Justice, and possibly other members of the Supreme Court, are now aware of the damage which has been done to many school systems as a result of the Swann ruling.

Only Tuesday of last week, the Chief Justice stated that judges in lower Federal courts were misreading the High Court's opinions if they were ordering busing of pupils in the belief that the Supreme Court has "required" racial balance in every school. Chief Justice Burger said that this is disturbing."

He took the unusual step of writing a 10-page opinion in the Winston-Salem busing case in which he sought to clarify the High Court's position—and in which he revealed his own misgivings over the extent to which some Federal judges and some school districts have gone in ordering busing to bring about racial quotas.

The Chief Justice refused a stay in the Winston-Salem busing plans, but he cautioned that—

"If the Court of Appeals or the District Court read this court's opinions as requiring a fixed racial balance or quota, they would appear to have overlooked specific language of the opinion in the *Swann* (v. Charlotte-Mecklenburg) case to the contrary."

Chief Justice Burger recognized the "confusion" which presently permeates throughout much of the Federal court system in regard to the problem of forced integration in the public schools. It all adds up to a pretty sorry mess, much of which has been created by the Federal courts themselves.

Last week's opinion by Chief Justice Burger—although not binding—I trust, is a straw in the wind which may give us some hope that reason may one day prevail over the utter confusion which today reigns completely in the matter of school desegregation, and that, at some future date—hopefully not too far away—children, both black and white, will no longer be treated as guinea pigs in a social experiment that amounts to pure folly and that the needless hauling of them, like cattle, for countless miles and at a wasteful price will cease to be an obsessional fetish.

EXHIBIT 2

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs v. *Ed. S. Cook, et al.,* Defendants

This case in on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of *Swann* v. *Charlotte-Mecklenburg Board of Education.* Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958, Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to *Brown* v. *Topeka* was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "busing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fare provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1957, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation. Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of tidal, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 9 pct-10 pct enrollment by race as "integrated". Presently, 38 elementary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct. (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 45 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following.

24 have integration of less than 10 pct (ranging from 1 pct-7 pct black and 1 pct-5 pct white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites;

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

THE PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ miles—5
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks by-passed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship and * * * increases in travel time for the children involved or seriously imperils existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers." Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been established to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no buses, no drivers, and no funds with which to acquire and operate them. The pairing of non-contiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholeasle bussing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education and Welfare has long ago approved the present plans.

The remedy of mass busing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass busing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegregation in all but 15 all-black or all-whte schools, or less than 10 pct. of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical re-evaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28th day of July, 1971.

Sidney O. Smith, Jr.,
U.S. District Judge.
Albert J. Henderson, Jr.,
U.S. District Judge.

TEXT OF THE COURT ORDER

[United States District Court, Northern District of Georgia, Atlanta Division]

Vivian Calhoun, et al., Plaintiffs vs. Ed S. Cook, et al., Defendants.

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United States v. Hindus County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, a period of 15 minutes has been set aside as this point for the transaction of routine morning business, with statements therein limited to 3 minutes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. GAMBRELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GALLUP FINDS ONLY 18 PERCENT FAVOR BUSING

Mr. GAMBRELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Poll Finds Drop in Majority's Opposition to Busing," published in the September 12 issue of the New York Times in reference to a poll conducted by the Gallup system as to the opinion of citizens all over the country on the busing question.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLL FINDS DROP IN MAJORITY'S OPPOSITION TO BUSING

The overwhelming majority of Americans continue to oppose busing of pupils to integrate the schools, but opposition has declined since 1970, particularly among certain key groups in the population, according to the Gallup Poll.

In the latest survey, 18 per cent of those questioned said they favored the busing of black and white children from one school district to another as a means of achieving racial balance in the nation's classrooms. Three in four persons, or 76 per cent, expressed opposition.

In the previous survey, taken in March, 1970, 14 per cent said they favored busing, while 81 per cent expressed opposition.

The decline in opposition since 1970 has come about among both blacks and whites and in the South as well as the North.

One of the sharpest increases in support was found among college-trained persons, with the proportion favoring busing having almost doubled since 1970—from 13 per cent to 23 per cent.

A total of 1525 persons, 18 and older, were interviewed Aug. 20–23.

The busing controversy, which has recently erupted in many parts of the nation in connection with the opening of school, has strong political implications for next year's Presidential race—particularly in view of another possible third-party attempt by Alabama's Gov. George C. Wallace, an outspoken critic of busing.

Evidence of the keen interest in the issue is the fact that 94 per cent of persons interviewed said they had heard or read about busing of Negro and white children from one school district to another, a percentage that far exceeded that recorded for many other domestic issues.

All those who said they had heard or read about the issue were then asked this question:

"In general, do you favor or oppose the busing of Negro and white school children from one school district to another?"

Following is a percentage comparison between 1970 and today in the proportion who favor busing:

	Latest	*March* 1970
Nationwide	18	14
Whites	15	11
Blacks	45	37
Northern whites	17	13
Southern whites	10	5
College trained	23	13
High school	16	14
Grade school	17	16
Under 30 years	26	17
30-49 years	16	16
50 and older	14	10
Republicans	11	10
Democrats	23	18
Independents	16	13

When interviewed, a 60-year-old chef from Bayonne, N.J., remarked, "Busing is not the Government's business—let the kids go to school where they live."

A 45-year-old Iowa factory worker said, "I just don't see the reason for the extra expense—all the money being spent on busing could be better used to improve schools in neighborhoods."

However, the wife of a storeowner in New York City said, "Busing may cause immediate problems, but in the long run it will give blacks a better education and improve race relations."

Mr. GAMBRELL. Mr. President, if I may do so on the time allotted me in the morning hour, I should like to add to my previous comments the remark that the article which I have cited from the New York Times shows that only 18 percent of the people of the United States favor busing. A close study of the statistics indicated in the breakdown of that 18 percent indicates that those who favor busing seem to be those who are least involved with it—those who live in the suburbs and those who are college trained. The people, black and white, in my area, and those who are affected by the problem elsewhere, do not seem to be in favor of it. And I would say the fact that only 18 percent of the people nationally favor busing ought to have a strong influence on the thinking of Members of this body.

Mr. ELLENDER. Mr. President, I am in complete accord with the views expressed by the Senators from Georgia on the question of busing.

In my last weekly broadcast to my constituents, on September 11, 1971, I discussed the subject of busing, and I ask unanimous consent that an excerpt from my broadcast dealing with this subject be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE BUSING PROBLEM

Another issue which I found to be causing grave concern all over Louisiana is federal action forcing the transportation of public school students from one place to another for the purpose of integration. This process is being carried out totally without regard to its effect on the education process. I sympathize greatly with the parents who feel their children's education is being adversely affected.

The responsibility for this state of affairs lies with the federal courts and with the Administration now in power. Congress has sincerely tried to ban busing solely for the sake of integration, that is, to balance whites and blacks attending public schools.

During the lengthy consideration of the Civil Rights Act of 1964, the Senate tried to head off such busing. Section 401 of the Civil Rights Act, which deals with education, contains the following language:

"'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

That same section of the law further states that:

"Nothing herein shall impower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the Court to insure compliance with Constitutional standards."

These changes made by the Senate were known as the infamous Dirksen Amendments. In this manner, Senator Dirksen thought he would be able to protect the northern cities from the nefarious actions of the Civil Rights advocates. By so doing, he was able to break the back of our southern filibuster. In other words, he was able to persuade his northern friends to support the bill, in the belief that those in the North would not be affected by the law. His amendments apparently succeeded in doing just that. Our Courts have simply by-passed the very plain language written by the Congress. In 1968 it became clear to many of us that the law was not being followed as intended by the Congress. Therefore, I helped to draft and enact the following language to the HEW appropriations bill:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

It was also stipulated that funds could not be withheld from school districts in order to force them to bus students against their will. Similar language was included by the Congress in the relative appropriations bills for fiscal years 1970, 1971 and 1972.

The Congress has gone on record many times against the forced busing of students. We did our best to insure freedom of choice. Unfortunately, the federal courts ignored the Congress. The courts have been assisted on many occasions by the bureaucrats of the Office of Education.

The argument has been used that southern school districts have been segregated because of de jure segregation; that is, a policy followed under the laws of the past, while the northern school districts are segregated because of housing patterns. We are fast reaching the point where the distinction is no longer valid. Maybe we have already reached that point. I am confident that when and if a national policy can be applied equally to the north, south, east and west, many of our southern difficulties will come to an end. I look forward to the day when reason will be allowed to prevail once again.

We must obey the law as interpreted by the courts. But I am confident the day is coming when the courts will see that the whole nation is more interested in education than in busing our children for forced integration.

THE IMPORTATION OF TEXTILES

Mr. GAMBRELL. Mr. President, I subscribe to and associate myself with the comments of the Senator from Georgia (Mr. Talmadge) with reference to the textile import situation. This problem is getting graver and graver, and I fear that the talk about voluntary restrictions has merely been a smokescreen for increased imports and increased job losses in this country.

NO PLACATION OF REVOLUTIONARIES

Mr. BYRD of West Virginia. Mr. President, in recent years a dangerous philosophy has grown up in this country, a philosophy which holds that our Government and our people should seek to placate the revolutionaries who would destroy our Government and our society.

A very perceptive column by Holmes Alexander, entitled "Forgive George Jackson," appeared in the Welch Daily News in Welch, W. Va., on September 8, dealing with this philosophy of placation.

Biblical commandments do not make the sinner, as Columnist Alexander points out. Society does not make the criminal, nor do governments make the rebel.

I ask unanimous consent that this excellent column by Mr. Alexander be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Forgive George Jackson

(By Holmes Alexander)

Washington, D.C.—"Avenge George Jackson!" read the signs scrawled here on the walls and scaffoldings.

If you've been around awhile, the incendiary language doesn't immediately make you think of a young run-amok black murderer who was trying to shoot his way out of San Quentin prison, or of the five other men who were slaughtered in the course of his thwarted jailbreak.

No, because it hasn't been so long ago that these same surfaces were daubed with other names. Last spring it was Binh, the Communist negotiator in Paris. Before that it was the late Ho Chi Minh, our enemy in Hanoi. A few years back, it was Che Guevera, who was Castro's chief of staff and who later was killed during a phase of his ambitious campaign to revolutionize all of Latin America.

Jackson was a revolutionary, dying a desperado's death. He was a man who had evidently maddened himself on Marxian literature which fed his hatred of the white society in which he lived and the capitalist system which has provided living standards not matched in any Communist nations. By his own writings and by interview, Jackson gave his own impressionistic version of the theory which holds that Commandments make the sinner, Society make the criminal, Government makes the rebel.

Jackson personified the Revolution which we have been trying to contain for fully a decade and which shows no signs of running out of momentum. There are those who believe that the war's end in Vietnam, so long as it is an end that admits American guilt, will help to bring about social calm. These same people and others believe that the solution lies in expansion of the programs for racial and economic equality, using the police power and the taxing power to bring about this balance, or even to achieve a compensating imbalance that will make up for the past.

But Richard Nixon's election in 1968, although a muted and confused mandate, did indicate a certain choice of course by the American people. They clearly wanted the new President to get them out of Vietnam, but only "with honor." This is a nice distinction. It's importance is not whether it is possible, but chiefly that it is what the people desired and demanded at the last national accounting.

Within that concept of honor is the sanctity of contract, embedded in our Constitution, as well as the national intuition which tells us that we cannot afford to lose a war against any Communist enemy. These convictions have not changed in the majority of American minds. It is altogether unlikely that the country will agree to placate its revolutionaries by the sort of surrender in Indochina which would be both disgraceful and a downpayment on future capitulation. There is not a Democratic opponent, nor a Republican renegade, who can defeat Nixon by promising to contain the Revolution on those terms.

Also, there is forming in American minds a belief that measures of self-sacrifice have not been very productive in calming the revolutionary malcontents. Somewhere in the President's mental computer a little cog must have turned and told him that compulsory race-mixing has its limits. It is believable that he has become ambiguous on busing because he senses a mind-changing within the populace.

The white society, hated by George Jackson, has worn itself to a frazzle trying to show its love for the George Jacksons. Since 1954, when there was not a black face on the Supreme Court nor in the Senate, the American Negroes have been overwhelmed with favors to their race that they were in no position to take by force.

Since 1962, they have gained legislative goals which could hardly have been matched if the racial percentages of the nation had been reversed. In three successive Presidential administrations, the white society has strained its capitalist system to provide for the inability and unwillingness of the black population to make its own way.

But this formula of self-sacrifice, which hasn't worked, is not self-perpetuating. On the contrary, it may well be self-reversing.

Avenge George Jackson? Forgive George Jackson, is about all that his friends and foes should ask.

MINING, ENVIRONMENT MIX

Mr. ALLOTT. Mr. President, too often persons interested in the commercial development of our natural resources and persons interested in the preservation of our environmental heritage tend to work at cross-purposes. Out in the Colorado Rockies where the air—and the thinking—is often clearer than it is elsewhere, there is a unique mining development near Empire, 50 miles west of Denver. There the Climax Molybdenum Co., has a $250 million mining operation which was planned and is being carried out with the cooperation of the major environmental groups of the State. A description of this unusual but mutually beneficial arrangement was published in the Denver Post August 18 in an article by Mr. Dick Prouty. I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mining, Environment Mix

By Dick Prouty

Empire.—Can a herculean mining operation costing $250 million and taking eight years just to begin production be compatible with the Rocky Mountain environment?

For the Henderson Project of Climax Molybdenum Company the answer seems to be "yes."

The Henderson Project is a plan to mine molybdenum ore under 12,315 foot Red Mountain 8 miles west of here, about 50 miles west of Denver.

The ore body, with about 4½ to 5 pounds of molybdenum being extracted per ton of ore, is large enough to last 30 or more years, Climax officials say.

50 MILLION POUNDS

Annual production is to be 50 million pounds of molybdenum.

The second of three Henderson shafts now is being put down 3,100 feet into the same mountain from which Climax' Urad Mine is extracting ore. Later a third shaft will be sunk.

To get the ore to the mill, 14.6 miles away, a 10-mile-long tunnel is being bored between the mine, under the Continental Divide to the upper reaches of the Williams Fork River.

Harold Wright, Henderson mine manager, said that when full production gets under way—target date in 1975—six completely automated electric trains with 30 cars each will be shuttling back and forth between mine and mill.

"They're completely automated, there's no one in them at all," Wright said of the trains, which are a low-profile narrow-gauge type.

Each train will have four, 50-ton rated locomotives of the Swedish ASEA manufacture, he said.

At the mill, where a mountain is being leveled for the site of a crusher and mill, two tailings ponds and a water reservoir also are under construction.

According to Bill Reno, Climax construction engineer, the tailings ponds will require about 130 acres of the 18,000 acres of land Climax has bought in the Williams Fork drainage.

The project isn't just Climax. It's also the product of the Thorne Ecological Foundation, Boulder, the Denver-based Rocky Mountain Center on Environment (ROMCOE), the U.S. Forest Service, Colorado Water Pollution Control Commission, the Colorado Open Space Council and others.

But it is Climax, a subsidiary of American Metals Climax, New York City, that's paying the bill. The environmental safeguards were undertaken with "a great deal of apprehension on both sides on how it would work out," said Jim Gilliland, a Colorado native who is director of environmental controls for Climax.

How much the environmental considerations will cost hasn't been calculated. But it's plenty, a company official said.

The first environmental controls were extensions of conservation measures worked out between the U.S. Forest Service and Climax in the early 1960s when the Urad mine was reopened.

The Colorado Water Pollution Control Commission didn't even exist then, but the Climax representative, the late Ernie Jones, pioneered the ecological outlook with Neil Edstrom, former Idaho Springs forest ranger.

The Henderson lode was discovered in the mid 1960s. The scope of mining more than 300 million tons of ore, of having water for milling, tailing ponds for nearly 1,900 pounds of mill waste per ton, power lines, roads, housing for workers and other impacts on the environment generated studies on the ecological significance of the development.

Stan Dempsey, Climax attorney, was active in conservation work and as plans for Henderson were outlined he sought a broader input on environmental aspects from the fledgling Colorado Open Space Council.

Climax officials including Dempsey, Don Stephens and Bill Distler, then Henderson Project director and now in charge of mining operations for it, Urad and the Climax, Colo., mines, met with Roger Hansen, now executive director of ROMCOE; Bob Weiner, of COSC; Dr. Beatrice Willard, of the Thorne Ecological Foundation, and with others worked out what is known as "An Experiment in Ecology."

"The important thing," Distler said, "is that environmental considerations were a part of Henderson from the beginning."

The cooperative attitude of conservationists surprised some company officials and vice versa. But there were environmentalists who weren't—and aren't—happy about another development invading the mountains.

"It can't be hidden," Hansen acknowledged, "the landscape is considerably disturbed. But the impact is definitely minimized. There's no question about it."

"With all the construction, you can't tell now what it's ultimately going to look like," Hansen said.

"But the way it's going, the way it has gone and is intended to go, Henderson will be an ecological model for industrial development. I don't know of anyone in the country who has done the things Climax has done," he said.

WORK WITH PEOPLE

"We've been accused of doing a 'sell-out, of being a turncoat to the environment and all sorts of things," Hansen, a lawyer and planner, said, "but environmentalists have to accept responsibility and to work with people in good faith."

The results of that faith are just beginning to show. For example:

Ute Creek, the Williams Fork River, West Fork of Clear Creek and other streams are flowing clear and sparkling despite the enormity of the earthmoving and other work being done near them.

Clumps of trees at the mine, near the railroad and power line rights of way were left standing instead of being cut down. In one case a spruce-fir stand with trees more than 300 years old still stands—a powerline route was changed instead of cutting the trees.

850 TREES MOVED

More than $20,000 was spent to dig up 850 trees—aspen, fir, spruce, pine—from 4 to 40 feet high and transplant them to provide a 100-yard-long test screen to a huge tailing pond. The test plot, that is watered almost daily, will show what kind of trees can best survive the transplant shock. Eventually more trees will be moved to form a screen more than a third of a mile long.

While more than 300 acres of timber were harvested, much of the waste was chipped for mulch instead of being burned.

Topsoil is stockpiled until final earth moving and construction is complete and then it will be distributed, seeded and planted with grasses, shrubs and trees.

The 10,000 gallons of water needed each minute in the milling process is to be recycled, a process that saves water and avoids pollution.

The 5,000 gallons a minute of warm water encountered in sinking shafts to the working mine level is being aerated to cool and oxygenate it before it goes into Clear Creek via settling ponds.

New concepts in power line rights of way and screening were pioneered by Climax and Public Service Company of Colorado. No more wide, straight swathes through the mountains. The wires and towers are treated to blend instead of contrast with their surroundings.

Acres of grass now green disturbed slopes that would have been ignored before. A tertiary sewage treatment plan, almost a high-altitude experiment at 10,320 feet, is planned for the mine and offices.

In the next century, when mining is over, plans for using the reservoirs and tailing ponds already have been outlined.

Fundamental to all this are the ecological inventories made and continuing under the direction of Dr. John Marr, noted University of Colorado ecologist, and Dr. Richard Beidleman, of Colorado College, and others involved in the Colorado environmental movement.

"This way we know what the situation was, what it is, and if it changes how it's changed so we know what to do about it," Gilliland said.

"We'll have the actual data. Instead of guessing and theorizing, we'll know," he said. He was referring to plant, wildlife, water life and other continuing studies.

One of the really tough problems is tailings, reclamation. Work at the old Climax Colo., mine has proven the challenge. Dr. William Berg of Colorado State University, is seeking reclamation answers under a Climax grant.

PROVIDE ACCESS

Not all the environmental improvements have worked. One that failed was Climax plans to open up thousands of acres of its own land in the Williams Fork Valley, and provide access to the Arapaho National Forest, for hunters and campers.

But the guests drove their vehicles across meadows, mountainsides and in other ways tore up the land. The area is now barred to vehicular access, Don Stephens, Climax, public relations representative, said.

"It's still open," he said, "you just have to walk or ride a horse."

He said Climax is considering running a twice-a-day truck route in the area this fall. Then hunters can haul their deer or elk to the access roads, and it will be brought out in the company truck to the county road.

The impact of the enormous project and anticipated satellite development on the Williams Fork is a major concern of Colorado Game, Fish and Parks officials.

"It's going to change deer and elk migration routes, population concentrations and other factors," Paul Gilbert, area supervisor at Hot Sulphur Springs, said. To the west, across the Williams Fork Mountains, development in the Blue River Valley is affecting deer, elk upland game birds as well as stream life.

He estimated there are 500 elk and about 500 deer in the area now.

WATER COMPETITION

Competition for water by various interests, including Climax, Denver and other developers is also worrying trout enthusiasts, he said.

"They're making every effort they can to keep the stream clean, but it's the combination of effects including adequate stream flows that concern me," Gilbert said.

The opening of once closed ranches and foot access to the national forest is working out "surprisingly well," he said.

Distler said the company spent weeks searching for a mill and tailing site that would minimize the environmental impact. Of 36 sites, only two were environmentally satisfactory.

The result is a small scenic valley just west of the Williams Fork River, north of Ute Pass.

A portion of the two-track, narrow-gauge railroad between the tunnel portal and the mill will be visible from the county road that follows the river back up the valley from the Colorado River.

The tunnel will be more than 52,000 feet long. The Dravo Corporation has bored more than 3,000 feet underground from the Williams Fork side.

The tunnel and train are expected to cost $50 million.

THE RIGHT "MIX" OF STRATEGIC WEAPONRY

Mr. ALLOTT. Mr. President, as the Nation continues to confront the vexing problem of choosing the right "mix" strategic weaponry, it is fortunate to have the services of a dedicated expert of the caliber of Dr. John S. Foster, Jr., Director of Defense Research and Engineering for the Department of Defense.

The August issue of the Air Force magazine contains a most interesting and informative interview with Dr. Foster. So that all Senators can consider Dr. Foster's wise judgments, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The U.S.S.R. Is Headed Toward Technological Superiority

It can now be shown "with high confidence" that the Soviet Union's military technology effort is outstripping that of the

United States, probably between forty and fifty percent.

Expressed in equivalent US costs, this is a difference of more than $3 billion annually. To boot, Soviet spending is growing at a yearly rate equivalent to about $1 billion. This imbalance is being accelerated by the fact that the US chose to curtail its efforts in the field of military technology in 1968, concurrent with the steep, steady increases by the Soviet Union. In 1968, the United States was presumed to be ahead of the USSR in military technology by between two and three years. Now this lead is vanishing at a rate of about one-third of year per year, which means that by 1975, or soon thereafter, the Soviets could lead the world in military technology.

In addition, the Soviet space effort, while not increasing in phase with the Soviet military effort, is, nevertheless, about sixty percent (the equivalent of $2 billion annually) greater than that of the United States. Because of the interplay between space and military technologies, the greater Soviet space effort helps tilt the balance even further in favor of the Soviet Union.

This assessment of the status and trends regarding Soviet and US technology in the fields of defense, nuclear weapons, and space—the three measuring areas—is the product of painstaking, long-term studies involving the broad structure of the US intelligence community.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering and the government's ranking weapons technologist, discussed the significance and nature of these findings in a recent interview with this reporter. The more than $3 billion by which the USSR outspends the U.S., he said, "buys an awful lot in terms of military technology and would support about half a dozen new major weapons systems, including their allocable share of the technological base." Because the intelligence community's estimate of the two countries' levels of technological effort suggested such a stupendous difference and because of its crucial impact on the long-term security of the United States, "we felt we needed to run an independent check," to satisfy the Department of Defense and others that the intelligence/economics experts were indeed accurate to within ten to twenty percent, as claimed.

This reexamination was instituted last year at the behest of the defense R&D community. In the main, it hinged on a systematic "calibration" of past, and therefore presumably measurable, developments and trends in the areas of funding, manpower, and facilities on the one hand, and observable hardware and achievements on the other.

DOUBLE-CHECKING INTELLIGENCE

The period from 1960 to 1968 was selected because it is recent enough to be relevant to the present yet allows sufficient time for technological progress to have "surfaced" during the intervening three years since 1968. The "inputs" that could be deduced from the Soviet All Union Science Budget and other economic indicators were correlated with the "outputs," *i.e.*, the technological products of that period. The published Soviet budget provides only indirect clues regarding military and space technology. Nevertheless, US analysts found that over a period of many years the trends with regard to the size of the unexplained portion of the Soviet budget are generally consistent with the observable combined levels of effort in space, nuclear weapons, and military technology.

In addition, intelligence analysts recently found a way to break out Soviet space activities from the unexplained budget portion, Dr. Foster said. This led to the conclusion that, coinciding roughly with the announcement of the US moon-landing program, the Soviet Union began allocating the lion's share of its annual technological growth to the Russian space program while holding the military/nuclear energy technology effort relatively level.

This trend continued until the Soviet space effort peaked at about $5 billion annually around 1968. In that year the Soviet Union leveled off its space activities and began allocating its annual growth to the military side. The space effort appears to have been kept constant "at the equivalent of about $5 billion since then," Dr. Foster said.

By segregating Soviet space and military activities, intelligence analysts have been able to refine their estimates of the USSR's militarily oriented technology effort. Armed with this knowledge, intelligence analysts designed a comprehensive scheme to double-check and fortify these findings. Dr. Foster described it in detail:

"We asked ourselves, how did the US compare with the Soviet Union technologically in 1960? Were we ahead or behind, and, if so, by how much and in what fields? And we wanted the answers to the same questions with regard to 1964 and 1968. Because we were looking back—in fact were measuring history—we presumably would produce quite factual information. We postulated that, if the economists assert that the overall levels of effort by the two countries were roughly flat and even, then at the end of the eight-year period, things would be in rough equilibrium and there should not be any violent changes in their relative positions.

"What we wanted to know was which country was ahead in equivalent effort and, if possible, in what areas. So we examined the areas of intelligence, strategic weapons, tactical weapons, and civil space activity. We examined more than 100 individual programs in order to achieve a meaningful average."

The analysts covered a number of programs in each area in order to establish differences in objectives that must be taken into account in order to "obtain valid state-of-the-art readings," Dr. Foster said. In the case of aircraft engines, for example, US designers appear to place greater emphasis on thrust-to-weight and fuel economy while their Soviet counterparts seemingly stress minimizing maintenance and maximizing total thrust. Similar slight differences in objectives were recognized in other technological areas.

SOVIET MOMENTUM VERIFIED

By plotting and comparing the respective standing of the two countries at the three measuring points—and in many areas—and by taking into account all intelligence data, Dr. Foster said, it was possible to reach some basic conclusions that, while not startling, could not previously be drawn with any degree of certainty. The study ascertained that whenever one country pulled ahead of the other in any given area, it did so because it had increased its level of effort by a ratio roughly equal to the ratio by which it gained over the other.

Dr. Foster cited ICBM technology as an example. The US and the Soviet Union were approximately even in 1960. But by 1968, the US had moved ahead somewhat in missile technology simply because it tried harder. Similarly, a greater effort propelled the US from second best in space in 1960 to a three-year lead over the Soviet Union by 1968.

Across the board, Dr. Foster said, the United States was found to have been between two and three years ahead of the Soviet Union in military technology in 1960 and held that lead throughout the eight-year period studied. The pivotal conclusion from this intelligence study—and the one considered paramount for reliable future intelligence assessments—was "our firm belief that in 1968 the effective level of technological efforts in the defense field by the two countries was about equal [within a plus or minus ten to twenty percent range]," Dr. Foster emphasized, adding, "We have this high confidence because we 'averaged' over such a long period."

THE DECLINE OF U.S. TECHNOLOGY

By dint of the carefully plotted technological positions and capabilities of the two countries as of 1968, it is now possible to measure more precisely the present level of activities in the Soviet Union, relate them more meaningfully to our own effort, and project more accurately the future trends, Dr. Foster believes. There is, of course, absolute certainty that the United States in the three years since 1968 has reduced its technological efforts in the defense and space sector by about $3 billion—DoD's R&D dropped by about $1 billion and NASA's cut has been almost $2 billion in 1968 dollars.

So far as the Soviet Union is concerned, its budgets and announced plans during the past three years indicate R&D growth.

"On the basis of what we see and don't see happening, the intelligence community's analysts and economists find evidence that this growth is in military technology. The reason is that their civilian R&D effort is so small that an extra $1 billion a year allocated for three years would be very much in evidence by now.

"It is only in the military sector that they can absorb an increase of this size. Unfortunately, it will be another year or two before the Soviet programs started during the past three years will begin to reach a point where we can observe and analyze them. Perhaps the new missile silos that Secretary [of Defense Melvin R.] Laird recently brought to the attention of the public are the first in a series of technological advances that will result from the major growth in military R&D that is currently under way in the Soviet Union. If these trends continue, the Soviet Union could gain superiority over the United States in military technology in the mid-1970's," Dr. Foster said.

SOVIETS LEAD IN RAW POWER

Regarding weapon systems in being, he said, the best estimates indicated that, "while the balance is shifting steadily, there still is rough parity. The Soviets lead in the number of strategic missiles, in payload, and in megatonnage. In short, they are ahead in raw power. The U.S. has fielded technically superior equipment. This makes it difficult to determine the exact balance."

The combination of a Soviet military R&D effort substantially greater than that of the U.S. superimposed on this rough parity and "the high momentum of their weapons deployment, in the judgment of the Department of Defense, will create an unacceptable imbalance in power if present trends were permitted to continue. In the second half of this decade, the Soviet Union would not only have technical superiority in a general military sense but would have accumulated leads that could not be overcome or would be so costly to overcome in a short period that we might face some dangerous years," Dr. Foster predicted.

MANPOWER VS. HARDWARE

The dilemma of the Department of Defense stemming from this convergence of trends is made acute, Dr. Foster said, "because, obviously, we can't go to the Congress and say, 'Let's match the Soviet effort.' Also, the President, in reordering national priorities, has decided to hold the Defense budget to about seven percent of the gross national product [GNP]," compared to about ten percent in previous years. As a result, Dr. Foster stressed, "we won't have any major increases in the immediate future."

Because of inflation, a corresponding reduction in the size of the forces is automatically deemed necessary. But Secretary Laird and other DoD leaders faced another tough decision: "Should we modernize at the cost of manpower? [The decision was] that we could not afford to have a technically and qualitatively inferior force, even if that meant further manpower reductions. With this in mind, we have requested a twelve percent R&D increase in the next budget year in spite of the fact that we are cutting back in other areas," Dr. Foster said.

The justification for this increase "is based not on the fact that the Soviet level of effort exceeds ours but on the merit of the individual programs. Some ninety percent of them were authorized by the Congress last year. The current funding rate of some is to be decreased, and others increased, with the increases exceeding the decreases by about $400 million. There is also provision for new 'initiatives' at a cost of about $300 million.

"These are programs," he said, "that either substantially increase the rate with which we go after a solution to a military problem, or represent the initiation of completely new solutions to problems that have worried us for some time."

TRIAD REDUCES VULNERABILITY

A key factor in preventing technological surprise from expanding into a lasting, decisive vulnerability of the US deterrence capability is, Dr. Foster believes, the triad of land-based and sea-based missiles and manned bombers. "Our deterrence capability rests on weapon systems based on technologies that can never be precisely evaluated short of actual combat. From time to time, we discover, or the enemy can discover, weaknesses in one or the other. This is why we have redundancy in the form of three approaches that are complementary rather than supplementary. Each is necessary because all are different. We don't fly bombers, for instance, because we like to fly. Rather, we do so because bombers have different basing modes, they penetrate differently, and they must be defended against differently. By contrast, ICBMs and SLBMs have certain common penetration characteristics that can be exploited by the defender. However, while the Minuteman trajectories are rather fixed, having to come from the north, Polaris can come from many different directions."

In terms of basing modes, he said, "Minuteman is based on our own soil where we have control over it. Polaris is based at sea where, hopefully, it is hidden. At the same time, we can't be there to watch it."

Dr. Foster elaborated on his recent statement that the Soviets might well invest in major R&D to try to make the "sea transparent": "Nobody can provide the technical assurance that in the next ten years it will not be possible to find Polaris submarines. It appears to us that the Soviets have made a rather major effort in deploying the SS–9s so as to have the capability to attack Minuteman. This effort is in the vicinity of between $10 and $15 billion.

"In attempting to go after submarines, it is certainly not inconceivable that a similar expenditure could produce similar results. For some reason, people who discuss ASW [antisubmarine warfare] think in terms of $1 to $2 billion as being an appropriate level for such a purpose."

Few allow for the possibility that the Soviets might "be willing to spend between $10 and $20 billion, which might well provide them with an ASW breakthrough. However, it is just because of this possibility that the US Navy is making aggressive efforts to maintain the invulnerability of our underwater-launched missile systems," Dr. Foster stressed.

THE B–1'S ROLE

Regarding the Air Force's B–1 strategic bombers, Dr. Foster said: "For about fifty years, bombers have proved to be valuable weapons to fight wars or deter wars. We know of no technology that could change this, now or in the foreseeable future." Development of the B–1 is warranted because of the age of the B–52 force and because of an array of other advantages inherent in the B–1 design, Dr. Foster said. "Also, there are problems with regard to the basing of the B–52's, their relatively slow reaction time, and their slow penetration speed." To some extent, he said, the B–52 can be improved in terms of reaction speed, and "this will be done by the Air Force as it becomes necessary. The Air Force is already correcting the basing deficiencies by moving further inland to protect the aircraft against the possibility of Soviet sea-launched ballistic missiles with depressed trajectories. But there is no way by which the B–52s can be made to penetrate to targets at high speed, which provides a severalfold advantage. There are, of course, many other advantages that accrue to the B–1, including reduced [radar] cross-section and improved ECM capability." (*See June issue of* Air Force, *p. 31.*)

THE 647 WARNING SYSTEM

US deterrence with regard to all three members of the triad is dependent on warning. A highly classified satellite system employing sophisticated sensors and computers and known only as the 647 Advanced Warning System is currently under development. It is said to be capable of providing detailed warning information about Soviet missile shots about one minute after their launch. Dr. Foster declined to discuss specifics but termed the 647 system "a very significant advance that appears to be meeting the specifications we have set for it."

He said the system is not yet fully deployed, adding that when it is, "it can give the President the option to make decisions much earlier than otherwise possible. Advanced warning is terribly important. It gives him the opportunity to contact the other side during the fifteen to thirty minutes before impact, which would be vital if misunderstandings or mistakes are involved."

Soviet capabilities in the field of advanced warning are "not fully known to us, although they are working hard in this area," he said. Dr. Foster added that the Soviets have demonstrated some capability to intercept satellites. The United States does not have "this capability, although we could develop it if we wanted to."

Dr. Foster rejected the suggestion that the 647 system would enhance the survivability of the Minuteman force. "I do not believe that we should rest the Minuteman deterrence capability on the requirement that if it is to be used, it must be fired before it is attacked. Warning is simply no substitute for survivability."

Dr. Foster also expressed opposition to efforts to develop recallable warheads as an extension of ICBMs, as proposed by some military planners. "In my opinion, recallable warheads don't make sense and provide no particular advantage. It is, of course, possible to launch rockets on warning and to have these rockets place warheads in orbit. But once they are in orbit, they are on a given trajectory, and it takes enormous amounts of energy to bring them back to earth on the right trajectory to hit a specific target. The other alternative is to wait for a week or so until they come to the right point, and then deboost them to bring them down. Because it takes a large amount of energy to maneuver them and to deboost them, the payload of such a system is reduced by a factor of three to ten. Also, they have trouble in regard to timing. In addition, I don't believe that, on the long term, the survivability of a warhead in space is any greater than it is on the ground."

ICBM HARDSITE SURVIVABILITY

Dr. Foster pointed out that increased survivability of the land-based ICBMs is being achieved through the development of the US Army's prototype Hardsite Missile Defense System, for which an allocation of $65 million is being requested from the Congress. He described the interaction between the Safeguard and Hardsite systems:

"We remain convinced that the way to defend Minuteman ICBMs is, first, through a high-altitude, long-range capability to knock out the incoming 'swarms' with as big a [warhead] yield as we can put on a reasonably sized missile. The Spartan missile, with its several-megaton warhead does just that. Spartan is coupled with long-range acquisition radar and local-site radar. The latter directs the interceptor to the incoming missiles.

"In addition, we require a high-performance, short-range missile, with a few-kiloton warhead, to function in the lower atmosphere where the bulk filtering [sorting out of decoys from actual warheads] takes place. We obtain this capability with Sprint.

"If we want to provide further defensive capability against larger numbers and greater sophistication of attacking missiles, we can go to larger numbers of Sprints, as opposed to Spartans. The first step in this direction would be to add more missile-site radars, along with additional numbers of Sprint interceptors. Further intensification of the threat could be met with further increases of this type. By contrast, if a steep increase in the threat were anticipated from the outset, a different approach would be more practical. It would consist of a cheaper, less-sophisticated, missile-site radar, simpler computers, and perhaps a less-expensive version of Sprint. We call this package the Hardsite system, and the Army has already started prototype development. Further funding of this effort is being requested from the Congress. In essence, the Hardsite system components are cheaper versions of the Sprint system components optimized for deployment in large numbers. Our present prototype effort consists of setting up a module of the key elements, hooking them up, and testing them."

Dr. Foster said the system will use conventional guidance rather than a homing device, as initially recommended by an Air Force study.

Regarding the effect of Soviet defensive systems on the credibility of US nuclear deterrence, Dr. Foster named as "a most worrisome threat the possibility that they might find a way to design weapon systems that could be used effectively for missile as well as air defense. In such an eventuality, the Soviets could have thousands upon thousands of interceptors deployable against our ballistic systems. For this reason, it is vital that we continue the ABRES [Advanced Ballistic Re-entry System, operated for all services by the Air Force], which could provide us with the means to negate such a potential Soviet technological breakthrough."

With increasing proof of the Soviet Union's accelerating technological momentum in hand, the time would seem propitious for this country to undertake adequate "technological countermeasures" to prevent a condition of "unacceptable imbalance of power" from developing.

F–14 AND F–15 AIR BATTLE APPROACHES

In his interview with Air Force Magazine, Dr. Foster stressed that the intent to build experimental prototypes of future fighter aircraft did not aim at replacing, in part or in toto, either the F–15 or F–14 aircraft currently under development by the Air Force and the US Navy.

"Prototypes should not be looked upon as viable solutions of our near-term needs. At best, they could serve as backups in case catastrophic difficulties were to develop in either the F–14 or F–15 programs, something that we don't expect," Dr. Foster said. He added that the US, "a country that has such a high stake in the air-superiority capability, is indeed fortunate that two major and different approaches to the air-superiority mission are being covered by these two programs."

While both the Navy and the Air Force, in designing their respective fighters, "have backed off from the highest attainable technologies—at least so far as speed and altitude are concerned, and have chosen not to go into the Mach 3 regime, which would require a very costly titanium design—they have picked aircraft with capabilities that cover the two principal approaches to future air combat.

"If fighters with longer range acquisition and increased firepower will dominate future air battles, then we might be better off with the F–14, which carries a long-range acquisition radar and the Phoenix missile system. On the other hand, if the rules of combat, enemy identification, and the nature of engagements are such that the battle that is being fought is really a dogfight, then, obviously, the F–15 is the best approach," Dr. Foster concluded.

How Our New R&D Policy Relies on the Extensive Use of Prototypes

To be able to cope with the momentum of the Soviet effort as well as to be able to carry out the needed modernization of the U.S. inventory, Dr. Foster believes that one issue of overriding importance must be resolved:

"It is the level of competence which the public and the Congress attach to our management of weapons development during this period of reduced and reluctant funding of defense programs."

This is one reason why the Department of Defense and the services are extending and refining the milestone approach to R&D. It was formulated about two years ago and first used on the Air Force's F–15 air-superiority fighter program.

The new approach hinges on hardware experimentation and additional prototyping. "Prototyping is going to be a major thing, now and in the foreseeable future. It is the way industry will tend to go in working with the services; it is the way the services will go to receive DoD approval; and it is the way DoD will go to receive congressional approval. There is consensus up and down the line that this is the right thing to do," according to Dr. Foster. The emerging policies represent an amalgam of management lessons learned, here and abroad, over the past twenty years.

In a way, milestones and prototypes represent common sense. A key function of the new approach is to advance the state of the art steadily, continuously, and at low cost, while permitting the United States to retain first-class design teams that otherwise might have to be disbanded. This reformation of the R&D processes encompasses all the services and DoD, and "is being joined enthusiastically by NASA."

Inherent in the new approach is "a return to some of the practices of the 1950s, as opposed to the policies of the 1960s. In the 1950s we used a heavily empirical approach to weapon systems acquisition. In the 1960s we tried to reduce costs by more analytical 'paper studies,' an approach that was, and continues to be, useful. But we seem to have overdone it—we aren't smart enough to understand all the technical and cost possibilities ahead of time, and that increases costs. So we are 'adding back' prototypes." Dr. Foster explained. At the nub of this is prototyping and "progress that can be demonstrated by hardware at as many milestones as is reasonable," he said, adding, "We must reemphasize prototype development and test before we make major program commitments. We must fabricate and test experimental prototypes as early as possible to assure that we have an adequate base of demonstrated technology and an adequate number of alternate approaches based upon some experience with hardware.

"But at the same time the decision to go the prototype route is made," he said, "the government must establish very precisely what the protoype is needed for and guard against its becoming a mere buzz word. We must take the time to describe not only what specific advance is expected but how we will go about measuring whether or not the expected progress was indeed attained. And the government needs to communicate these criteria not only to its own people but to the contractor as well."

The reorientation toward more prototyping was catalyzed when the Department of Defense recently began to examine US entries in the European air-superiority fighter contest (including Lockheed's CL–1200/X–27, LTV's V–1000, Northrop's P–530, and others) with an eye toward their use as long-term experimental prototypes to advance the state of the art in fighter aircraft design.

In a practical sense, the milestone and prototyping policy, which is likely to be applied in all major defense technology areas, falls into three categories, according to Dr. Foster:

Experimental prototypes can be used to explore promising theories or laboratory findings, or to bridge the gap between theory and application in cases where the technology is "too green" for direct application or meaningful cost estimates. Examples include high-energy laser systems and the so-called supercritical wing that extends the limits of the subsonic flight regime.

Developmental prototypes can be used when the government lacks either the confidence or the urgency to enter a system into full-scale development. The purpose may be to gain information concerning cost or schedule tradeoffs, to reduce deployment lead times without actually deploying, or to reduce technological or manufacturing uncertainties. Examples include the B–1 bomber program, the AWACS radar, and F–15 avionics.

Production prototypes can be used when high-rate, volume production is planned to prove the system, tools, and production methods. This has been the most common form of prototyping and, among the three categories, the one that resembles most the eventual production system in terms of dimension, performance, and features.

SINGLE-SOURCE OR COMPETITIVE APPROACHES?

To advance the state of the art at a maximum rate and minimum cost, in DoD's view, "the government should structure several programs in each of the key areas of defense technology in order to provide [industry and government laboratories] the opportunity to pursue promising approaches on a rather continuous basis. This means, for instance, that we should put several million dollars each year into the ECM field with the expectation that every year, or two, a contractor will come forth with an advancement in the art of ECM, demonstrated on a working model," Dr. Foster explained.

"The way we expect to assure excellence in this process is through competition—by having perhaps two or three contractors working on a given problem area. At this time we don't know what constitutes the optimum number of competitors. This has to be adjusted as we gain experience over a period of time. If a contractor does not perform, obviously we will consider terminating him; conversely, if his performance is good, we will be more willing to have him continue. Since this work generally will be performed on a cost-plus basis, it will not constitute a windfall to any contractors, and we have made this clear to industry leaders at a recent meeting of the IAC [DoD's Industrial Advisory Council]," DoD's research chief said.

While no decisions have been reached, there is the apparent intent on the part of the government to pare down the number of individual companies that need to maintain a continuous research effort in a given technology area. In order to get maximum mileage out of the government-funded programs and to create additional incentives for the participating industry, Dr. Foster suggests that there be an interfacing of "similar skills, such as a company's work on commercial aircraft engines or airframe design," which are transferable between civilian and military applications.

While the new policy could be seen as more of a nationalized or arsenal-type R&D approach, it is meant to retain a basic free-enterprise character by providing for competition in most instances. This will not preclude single-source programs, however, involving either only one in-house laboratory or one outside contractor. This method is to be used, Dr. Foster explained, when it provides lower cost; when there is clear superiority of a chosen system alternative; when only one contractor has a given capability; or when the production investment is low, the development costs high, and the risk marginal.

Competitive prototype development involving the same technology by two or more developers could be advisable, according to Dr. Foster, when production potential exceeds development costs by a significant factor, in the order of ten percent vs. ninety percent; when the system represents a crucial national need; or when a second production source is required.

Yet a third alternative could be utilized when basically different technologies that can satisfy the same need are involved. This might be invoked when no single technology shows up as superior or when the preferred alternative is highly risky and therefore requires a backup design. This approach is already in effect, Dr. Foster pointed out, on the Harrier/Cheyenne/A–X developments, as well as the F–14/F–15 effort.

THE EXTENT OF PROTOTYPING

To use prototypes in an economical fashion, there is to be judicious evaluation of the extent to which it is necessary. That means greater emphasis on development of new components or new subsystems for existing systems, or changing systems through systematic alteration akin to the way the French aerospace company, Dassault, evolved an entire family of combat aircraft from one basic design (*see August '70* Air Force, *p. 32*). This could range from such items as inertial instrumentation to a new avionics package, and to such metamorphoses as the changeover from the A–11 testbed to the YF–12. (Dr. Foster rated as one of the currently most pressing component developments the need for an improved fire-control system for air-to-air combat, which "if deployed on an F–4 would lead to a mission improvement comparable under certain conditions to the step-up from that aircraft to the F–14 or F–15. Advances of this kind are less glamorous but more cost-effective and therefore must be pursued vigorously.")

In the hierarchy of prototypes, one other choice can be made—between "bare-bone models," which contain only a minimum of essential elements and are typified by the Air Force's AWACS development, and complete systems, Dr. Forster stressed.

POTENTIAL PROTOTYPING FIELDS

Principal areas of weapons technology that are being viewed as promising candidates for continuous prototype programs, Dr. Foster told Air Force Magazine, include:

Aircraft—fighters, V/STOL aircraft, and hypersonic vehicles.

Remotely Piloted Vehicles (RPVs)—recce drones and defense suppression weapons.

Missiles—tactical submarine-launched and antiship missiles.

Other separate areas rated as candidates for sustained programs include electronic countermeasures and high-energy laser systems aboard airborne testbeds. In the component and subsystem area, aircraft engines, missile propulsion, tactical-missile warheads, and night sights for small arms are candidates.

No price tag has been placed on efforts of this kind as yet, but several hundred million dollars annually, including about $100 million for fighters and $50 million for avionics, might be considered likely. Dr. Foster pointed out that the present funding level for advanced developments approaches this financial level. The three services are currently reviewing their R&D programs in order to select candidates for prototype efforts and new "initiatives."

Linked with the return to a prototype-oriented R&D philosophy, Dr. Foster said, are new management techniques, including the creation of a DoD-wide Weapon Systems Management School at Fort Belvoir, Va. In the future, Program Directors and other key SPO personnel will be selected from graduates of the Fort Belvoir school, Dr. Foster said. General management thrust will continue to deemphasize contractural commitment and focus instead on tradeoffs "throughout the life of the program. In the past, tradeoffs were considered only during the definition phase. The policy now is to permit and encourage tradeoffs in the hardware phase. It is then that our actual experience permits their use in a far more prudent and practical way.

"This concept includes cost increase situations. In such cases, we don't just want to hear from the program director that the price has gone up by X number of dollars but expect him to state some options, based on tradeoffs, that will enable us to keep the costs in line."

REOPENING OF THE SUEZ CANAL

Mr. ALLOTT. Mr. President, recently there has been considerable speculation about possible methods of achieving reopening the Suez Canal, the great benefits that allegedly would flow therefrom. And there have been reports that U.S. officials have been putting substantial pressure on Israel to force that country to make concessions which, it is vaguely hoped, will result in reopening the canal.

Mr. President, such speculation and reports are dismaying to me.

I am not convinced that the reopening of the canal is an event the desirability of which is self-evident, or even demonstrable. In fact, there are many reasons to believe that reopening the canal at this time would benefit primarily—and perhaps only—the Soviet Union, whose growing naval strength in that area of the world needs no encouraging.

In addition, I continue to believe that the only solid hope for a true and lasting peace in the Middle East rests with a direct settlement arrived at through direct negotiations between the nations immediately involved. As regards the Suez Canal, this means direct negotiations between Israel and the United Arab Republic.

I find my views on this matter strengthened by a recent article that has come to my attention. The article is from the New Middle East, July 1971, published in London. The author is Alvin J. Cottrell.

Mr. President, so that all Senators can profit from this intelligent analysis, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPLICATIONS OF REOPENING THE CANAL FOR THE AREA EAST AND SOUTH OF SUEZ

(By Calvin J. Cottrell)

Secretary of State Rogers' recent visit to the Middle East has brought to the fore again the question of the significance of the Suez Canal and the implications of its reopening. This issue helps to demonstrate one of the recurrent tendencies of U.S. policy, namely, the tendency to compartmentalise problems or, to put it another way, it shows a failure to see problems in broader context. Nowhere has this been more true than in the Middle East, where the United States has not had primary responsibility in the same sense as the British did for so many years and thus never developed in depth the necessary expertise. On the question of the Middle East, the United States has tended to see the problem almost entirely in terms of the Arab-Israel conflict, almost as though this conflict was entirely isolated from the much broader issues for which it unfortunately has come to serve as something of a pawn. At the beginning of the Arab-Israel confrontation when the State of Isratel was established, it was indeed correct to see it as primarily a dispute over Palestine.

When the Arab-Israeli conflict originated, the Soviets were not a Middle East power, but beginning with the period shortly after Stalin's death, and certainly since their decision to finance and help to build the Aswan High Dam and supply Egypt and other revolutionary Arab states with arms, they have emerged as the potentially dominant power in the Middle East. It is clear that they chose to support the revolutionary Arab cause primarily because they considered Israel too small and because they believed their objectives could best be achieved through support of the revolutionary Arab states, large both in terms of geography and demography.

It is probably safe to say that even Soviet objectives have undergone change since the Soviet leaders first committed themselves in the Middle East. Soviet policy has almost certainly had the consistent objective of ending the Western monopoly over the area. The larger objective, namely, to replace the West in this region, has always been a function of the stability or lack thereof among the nations of the area. The Soviet leaders, here as elsewhere, have been tempted by the weakness of the states in the area.

The area over which the Arab-Israel struggle is being waged is obviously larger than the area encompassed in the direct confrontation of the principal combatants in the conflict itself, i.e., Egypt and Israel. Indeed, it can be said that the Soviet Union is now committed in Egypt, *not only to save its investment there, as is often said, but to gain access to areas east and south of the Suez Canal, where they seek to reorient the policies of the riparian states.* The reopening of the Suez Canal has become a vital necessity, given the growing power of the Soviet Navy—a naval power non-existent when the State of Israel was established. Soviet naval power is rapidly becoming the prime instrument for extension of Soviet political influence. It is against this background that the consequences of the proposals for the reopening of the Suez Canal at this juncture should be carefully weighed.

The United States Government has placed great emphasis on the idea of an interim settlement, which would permit the clearing and reopening of the Suez Canal, in the belief that this would further dampen the Arab-Israel conflict and represent a first step in an overall settlement which would return Israeli forces to their June 1967 boundaries and bring about greater stability in the Middle East. It should be said here that, while undoubtedly such a settlement would probably dampen the crisis, the crisis itself has already been fairly dormant for some time, especially since the establishment of the original truce agreement. In this respect the additional gain will not necessarily add greatly to the stalemate which already exists.

In some official and unofficial Washington quarters it is argued in favour of such an interim agreement that the danger is growing that the new Egyptian Government, with the support of the Soviet Union, needs to achieve some victory or favourable progress against Israel in order to bolster its domestic position and, that the Soviet leaders in turn need such a victory also to prove that their intervention—15,000–16,000 troops and much sophisticated equipment—has been beneficial in bringing about a victory for Egypt. There can be no doubt that there is some force in these arguments, but even such an interim settlement will still leave the Arab-Israel confrontation intact. At the same time it will reopen the Canal and widen Soviet naval and hence political influence into areas such as the Persian Gulf, South Arabia, and the Horn of Africa.

There are many rumours in Washington and reports in the American press suggesting that the recent purge in Egypt has demonstrated Sadat's greater independence from Soviet influence. It is argued in some official and unofficial quarters that the people purged by Sadat—and they never fail to mention Ali Sabry—were the pro-Soviet people, and that therefore what happened was that Sadat asserted his independence from the Soviet Union. This may all be true, although so far such views seem to be supported by few facts. Typical of such thinking is the column of two of Washington's most responsible commentators on world affairs, Rowland Evans and Robert Novak. Writing about Sadat's purge and the Suez settlement in *The Washington Post* on May 20, 1971, they state:

"Egypt, which for almost 100 years had been politically and economically oriented to Europe and the United States, came under the dangerous influence of Moscow, with Soviet power threatening the oil-rich Persian Gulf, the east coast of Africa and the Indian Ocean.

"That upward spiral of Soviet influence is now indirectly threatened by Sadat's political purge, but the threat will bite only if Sadat's gamble pays off with an interim agreement with Israel."

It is quite possible to view Sadat's position as well in accord with Soviet objectives, whatever role the Soviets have played in the internal affairs of Egypt, and it is difficult to believe that the Soviet Union lacks influence, given the size of its military presence in Egypt and the obvious and continuing military dependence of Egypt on its Russian support. Nasser was not necessarily the Soviet Union's man, but it seems clear that the Soviet leaders always preferred him to the other possible alternatives. Certainly the same can be said about Sadat.

It might be said that the Soviet leaders had a number of options and it is conceivable that their interests, particularly with regard to opening the Suez Canal, could be achieved no matter who was in power in Egypt, perhaps even more so under Sadat than under more enthusiastic Soviet supporters within the Egyptian hierarchy. Clearly the Soviet leaders prefer to achieve a peaceful settlement of the crisis which would enable them to use the Suez Canal and also enhance their prestige with their Arab clients. Also, equally clear, President Sadat could present to his people the return of the Canal to Egyptian control as an important achievement made under his leadership. Indeed, it is conceivable that one of the reasons for the large-scale Soviet intervention in Egypt was the Soviet leaders' fear of a coup which would see Nasser overthrown by the military and his displacement by elements with a more activist or risk-taking attitude towards confrontation with Israel.

The Soviet leaders face a dilemma when it comes to a settlement in that they must be very careful not to reduce Egypt's dependence upon them, since it is the threat of Israel which provides the basis for their acceptance by the Arabs. An overall settlement of the Arab-Israel dispute at this time would certainly not serve Soviet interests, since it would diminish the need for their presence in Egypt and thus result in a diminution of their influence with their Arab clients.

This is so even though the Soviet Union itself has been extremely reluctant to give back occupied territory since the end of World War II. As the distinguished British Middle East historian, Bernard Lewis, testified before a sub-committee of the United States Senate on March 17, 1971: "The Soviet Union is a weighty protector—but the Arabs are more conscious of the weight than the protection. The Soviets have a great need to gain some sort of victory over Israel in order to convince the Arabs of the value of their protection. For this, they must persuade the United States to provide them with one—a task which is not as difficult as it ought to be."

It seems clear now, whatever the original Soviet motivations for intervention in Egypt and for their general support of the Arab cause might have been, that in addition to extending and consolidating their position within the Arab world, the prime Soviet objective is clearly now to reopen the Suez Canal. Reopening the Canal would enable them to multiply their naval position east and south of Suez and hence increase their political influence in the Horn of Africa and in the Persian Gulf area.

Thus, it is at least worth some thought whether the concentration of United States policy-makers on a partial agreement between Egypt and Israel will not have the effect of triggering off problems east and south of Suez which, while dormant during the long period of British protection, particularly in the Persian Gulf, may now flare up if the Soviet leaders are able to increase their naval forces in the Indian Ocean. And this will certainly follow when the Canal is reopened. One of the great losses suffered by the Soviet Union as a result of the June 1967 War and hence those revolutionary forces which they either support or are sympathetic to in the Horn of Africa and the Persian Gulf and South Arabia—was the closure of the Suez Canal. Since Soviet crisis mismanagement prior to the outbreak of hostilities in June 1967 was partly responsible for the Canal's closure, it has been a key aim of the Soviet Union to redress the situation, and this has pushed the issue of reopening the Suez Canal to a top priority level.

There are those in some circles in the United States who refuse to accept the view that the Soviet Union has a great interest in maintaining a large-scale naval presence in the Indian Ocean. It is difficult to understand how such a conclusion could be reached except on the basis of pure guesswork or wishful thinking. The Soviet leaders have never concealed their interest in the area east of Suez. We need not go back to historical references to Tsarist statements about warm water ports—known to almost every literate person in order to document the abiding Soviet interest in the Persian Gulf-Arabian Sea area. Perhaps it will suffice to mention the much-cited effort of the Soviets to carve out a sphere of influence in this area south of Baku and Batum "in the general direction of the Persian Gulf", which was disclosed when the Molotov-Ribbentrop Protocols of 1940 were opened to the public.

When we join these long-standing and declared interests with the actual presence of anywhere from 6 to 20 Soviet naval vessels in the Indian Ocean—beginning just one month after the British announcement to withdraw was made in January 1968 and the numerous port facility agreements which the Soviet Union has negotiated over the past several years in the area east and south of Suez (e.g., in Yemen, Somalia, India, Mauritius, and their intense interest in the island of Socotra), it seems more than obvious that the Soviet Union has a great interest in maintaining a permanent and relatively large-scale naval presence in this Ocean, just as it has had in the Mediterranean since 1963.

The cost of maintaining the presence of even six naval vessels in this area for the Soviet Union is considerable so long as the Suez Canal remains closed. Indeed, a look at the map of the world tells more than words why the Suez Canal is vital to Soviet strategy. A quick glance at a map of the world will show that the Red Sea, with the Suez Canal closed, is about the farthest point in the world from the Soviet Union by sea. It is a long and somewhat difficult voyage from Vladivostok to the Indian Ocean and it is even further from such ports as Odessa in the Black Sea and the ports in the Baltic. But with the Canal open the sailing time for Soviet naval forces in the Black Sea and from units in the eastern Mediterranean would be reduced by anywhere from 30 to 40 days to no more than five days, and the route presents no hazards. The distance from the Black Sea to the Red Sea through the Canal is about 3,000 miles, around the Cape it is 11,000.

Just to give an interesting example, the United States which deploys two destroyers in the Persian Gulf with Bahrain as base, required 40-odd days sailing time from east coast ports such as the U.S. naval base at Norfolk, Virginia. This is a most costly operation in terms of ships and personnel a fact seemingly unknown to many pundits and civilian policy-makers. The ratio of ships to actual deployment for the United States for such a modest deployment is 3 to 1, i.e, 2 ships deployed, 2 en route, and 2 being readied in Norfolk. Even if we allow that the Soviet Union has only a 2 to 1 requirement and this is certainly a conservative estimate—the cost in ships to maintain any sizeable presence in the Indian Ocean area must be considerable with the Canal closed. But the problem becomes quite simple with the Canal open. The opening of the Canal would thus mean a quantum jump in Soviet naval power east of Suez. It would also mean, as far as the Soviet Navy is concerned, that the Black Sea, the Mediterranean, the Indian Ocean and the Pacific are a single vast area.

The significance of the Suez Canal in a strategic sense has never been clearly understood in the United States, because the United States usually met its military commitments in Asia via the Pacific Ocean. However, from a European strategic viewpoint, the Suez Canal was the shortest route for meeting military commitments in the entire area east of Suez. Therefore, the importance of its reopening in a strategic sense has been better understood by Europeans including the Soviet Union, than has been true in the case of American policy-makers. This important geographic difference in outlook lies at the root of much of the disinterest of the Unied States in the threat of Soviet penetration into the Indian Ocean.

What effect will all this have on the situation east and south of Suez? Of course, there is no clear answer to this, except to say that in this area there is an abundance of unresolved disputes and conflicts that have been held in abeyance by the long period of western domination. As has only too recently been recognised, particularly in the United States, these conflicts have been "frozen" by a small, but acceptable British military presence in the area east of Suez and particularly in the Persian Gulf. Many of these disputes and conflicts will almost certainly surface in the Persian Gulf following Britain's withdrawal before or by the end of 1971.

Revolutionary forces will almost surely make their bid for power in the Arabian side of the Gulf. The British withdrawal is final, and might coincide with the opening of the Canal. The presence of Soviet naval forces in this area is hardly likely to provide a stabilising influence, even if the Soviet leaders themselves did not wish to encourage or accelerate the activities of the revolutionary forces. In fact, the very replacement of the western presence by a Soviet naval presence could have the effect of releasing forces, which have been biding their time until the departure of British forces.

These smouldering disputes are too well known to people familiar with the area to need a detailed examination. Needless to say, most of them are not likely to be resolved by the time of Britain's departure. One of the most urgent and serious claims is that of the Shah of Iran to three islets which are near the entrance to the very strategic 26-mile Strait of Hormuz. The islands are presently under the control of Ras al-Khaimah (The Tumbs) and Sharjah (Abu Musa). The Shah of Iran has stated that he will seize the islands by force if his claim is not settled through negotiation. The islands lie some 30 to 50 miles off the coast of the Trucial States, and the Shah's fear is that they may fall into the hands of revolutionary Arabs if there is any change in the traditional form of government which now prevails in the southern Gulf. Any action by revolutionary forces in that area could force Iran's hand. The cession of these islands to Iran is opposed by the second largest Gulf state, Saudi Arabia. Saudi Arabia's internal situation already leaves something to be desired, and a revolutionary coup by the military, somewhat along the lines of the Libyan example, is always possible. Such forces could also be encouraged by an increased Soviet presence in the area.

There is, of course, also the dispute between Iran and Iraq over the Shatt-al-Arab, which is formed by the confluence of the Tigris, Euphrates and Karun rivers at the head of the Gulf, and also the possible conflict which could result between Iran and Iraq over the Iraqi claims to Kuwait, forestalled in 1961 by the landing of British forces. The British would not be able to perform this deterrent function again. Certainly Iran would have to oppose with force such an attempt by Iraq, and this could draw the great powers into confrontation over this issue if the Soviet Union sided with Iraq. The only hope for the future of the Gulf is its insulation from great power rivalry and the same is true to a large extent of the Horn of Africa.

Nor is an increased Soviet naval presence in this area likely to contribute to its stability when it is likely to occur in the absence of any countervailing or neutralising western naval forces, particularly those of the United States. It is quite clear that the so-called Nixon Doctrine envisages a naval strategy to implement the concept of a lower United States military profile abroad and that the United States Administration thus far appears to have excluded the Indian Ocean from this concept in any operational sense, except for the very limited agreement to build the communications facility with Britain on the small BIOT island of Diego Garcia under an agreement reached in 1966. Congress has just appropriated $19,000,000 for its development, but even this limited expenditure was opposed by some as though it represented some vast open-end military commitment by the United States.

It is interesting to note. to. that not only are United States naval requirements in terms of ships to implement such a Doctrine not being met by the necessary shipbuilding programme, but there is almost a total disinterest, at least in United States political circles, in preparing the United States for the possibility of countering the inevitable large-scale Soviet naval presence in the Indian Ocean, which one must assume will follow a decision to reopen the Suez Canal. In some quarters the idea of the Soviet Union establishing a dominant position in the area is dismissed as alarmist or even accepted as inevitable and not necessarily detrimental to Western and local interests. It may be recalled, however, that similar views were heard during the period of the Soviet naval build-up in the Mediterranean.

It should be axiomatic in the policy of any great power that it be prepared to accept the military and hence political and economic consequences of its own proposed peace plans or settlements by possessing the necessary military and other capabilities. But one somehow obtains the unmistakable impression in Washington that an interim agreement on Suez will somehow solve most, if not all, of the problems of the Middle East area, when in fact it is quite possible that we have not even yet confronted the worst of the problems which still lie ahead in the greater Middle East area. Again this is due in some measure to the fact that we have tended to define the problem of the Middle East in terms of the Arab-Israeli conflict, as though the issues involved and the area encompassed by the dispute remained unchanged since 1948, when Israel received statehood. One is sometimes left wondering whether such vital countries as Iran and Turkey are considered as part of the Middle East, even though they are the two largest and most powerful nations in the area.

It is certainly not my purpose to downgrade the further damping of the Arab-Israel conflict, with all the obvious dangers it holds for continued strife in the Middle East and the world, nor to suggest that a great waterway such as the Suez Canal should remain closed forever. We ought always to be certain, however, that in our haste to ameliorate one, albeit potentially lethal conflict, we do not contribute to the immediate development of others, which to a large extent have been almost totally obscured by the great focus on the Arab-Israeli conflict.

The tendency of the western media to narrow its attention so much on the issue of the day is a contributory factor why there is not a better understanding of the inter-relationship between a probem so complex as that between Israel and the Arabs, and the broader area over which the struggle is being waged. Almost all the conflicts east and south of Suez whether in the Horn of Africa, the Persian Gulf, or in South Arabia—have become an extension of the Arab-Israel War. That conflict has in turn become a pawn in the pursuit of greater objectives in an area which extends from Morocco to the Indian Ocean.

Yet, ironically enough, a partial settlement of that war will not necessarily lead to a lessening of the dangers inherent in the very unstable conditions that exist throughout the larger Middle East area, and particularly in the region east and south of that battleground.

NATIONAL NEW COMMUNITIES DEVELOPMENT PROGRAM

Mr. ALLOTT. Mr. President, since early 1970, the University of Northern Colorado has been working with the Department of Housing and Urban Development to establish a National New Communities Development program through HUD's National Urban Studies "University Without Walls" program. The development of new communities offers us a chance to channel our growth into environments that are both socially and economically viable. I am proud of Colorado's participation in this national need.

Mr. President, so that my colleagues will have an opportunity to review this new communities program, I ask unanimous consent that a summary of the curriculum be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF NORTHERN COLORADO'S NEW COMMUNITIES PROGRAM—CENTER FOR SPECIAL AND ADVANCED PROGRAMS

As a welcome alternative to urban congestion and suburban sprawl, the development of New Communities offers an exciting opportunity to create environments that are both socially and economically viable.

Through careful design and comprehensive programming, an entire community can be planned to meet the needs of all its citizens. Promising new concepts and innovations can be applied; social problems and environmental pollution can be prevented. By making provisions at the outset to include all segments of society, New Communities can set an example of harmony for the rest of the Nation to follow.

Since early 1970, the University of Northern Colorado has been working with the U.S. Department of Housing and Urban Development to shape its contribution to a national New Communities Development Program through HUD's National Urban Studies "University Without Walls" Program. In this connection, UNC has been designated by HUD as the managerial institution in the development and presentation of a national, program of instruction, designed to provide information on the science of New Communities to state and local governments and private developers. UNC is in the process of completing consortia agreements with universities and colleges throughout the United States, providing for a nation-wide exchange of credits and resources. Curriculum for UNC's New Communities Program has been developed jointly with HUD's Office of New Communities Development and HUD's Community Development Training Program, as well as with consultants from the ranks of developers actually doing the work of building and managing New Communities and representatives from consortium universities.

OBJECTIVES OF THE NEW COMMUNITIES PROGRAM

To disseminate information and promote a general understanding of the concepts of New Communities.

To improve the technical competence of private developers, federal agency personnel, and state and local government professional staff members concerned with the planning, development and management of New Communities.

To develop an understanding of the contribution which New Communities can make to national urban and rural balance policies.

To promote understanding of New Communities among the academic community and elected and appointed officials.

To provide new information and reinforcement instruction to staff currently involved in New Community development.

To provide condensed and focused information on New Communities to top-level policy makers in the public and private sector.

WHO SHOULD APPLY

Private Developers and their management personnel.

Professionals in private practice—engineers, planners, economists and architects.

Individuals in the middle management ranks of *state and local governments*—primarily the planning and development agencies. (*HUD University Fellowships* for two-thirds of the cost of tuition are available to eligible employees of state and local public agencies under Title VIII of the Housing Act of 1964).

Federal employees (U.S. Government Employees Training Act applies).

College faculties.

A NEW WORLD MONETARY ORDER

Mr. ALLOTT. Mr. President, we are now entering a period of uncertainty that, hopefully, will be dissipated by creative statesmanship. This statesmanship is needed in bringing order to the international monetary system.

The men charged with bringing order to the current disorder would be well advised to consider the advice offered by the Wall Street Journal in an editorial of August 19.

The basic theme of this editorial is given in one sentence:

> In a free market, the value of anything, even a nation's currency, is subject to change.

Mr. President, surely one of the lessons of this century is that nationalist fervor is not a useful ingredient in economic reasoning. Or, to say the same thing with other words, the long-term advantage of a strong nation lies in economic performance, and not substituting political power for economic power. Or, to say the same thing in still other words, assertions of political power are foredoomed to failure unless they reflect—rather than attempt to create—economical health.

Mr. President, these axioms are directed at recommending two lines of policy for the days ahead.

First, we should not allow misguided nationalism to control the value of the dollar. Recent British history teaches a sobering lesson for those who would attach national prestige to the value of the currency. The British wasted years of growth in a foredoomed battle to prop up the pound. We should not invest similar time, energy, or emotion in protecting any artificial value for the dollar.

In fact, we should welcome the free fluctuation of the value of the dollar in these early days of "floating." We should welcome this because the movement of the dollar is an objective reading of our economic health.

This is no time for cosmetic tamperings that hide from us the truth about the strength of our economy. And the strength of the dollar, relative to other major currencies, is one good guide to the strength of our economy.

Second, Mr. President, we should not allow the 10-percent charge on imports to be anything other than a temporary instrument for facilitating the path of the dollar to a more realistic valuation relative to other currencies. Any nation that needs protection from foreign competition is a nation that even more desperately needs protection from protectionism.

Mr. President, so that all Senators can profit from the thinking of the Wall Street Journal, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEW WORLD MONETARY ORDER

Over the next few weeks Western nations will be deciding the shape of a new world monetary systems. If the new arrangement is to have much chance of success, it will have to include more flexibility than its predecessor.

When the U.S. and other nations planned the old system at Bretton Woods, N.H., in 1944, they did not intend that exchange rates should remain forever fixed. The monetary officials recognized that internal developments in member countries could raise or lower the values of their currencies, so they made provision for regular consultations to determine when or whether various rates should be changed.

The overriding aim of the planners, after all, was to promote the freest possible flow of trade and investment. In a free market, the value of anything, even a nation's currency, always is subject to change.

For several years everything appeared to be working well. World trade expanded enormously, as tariffs and other restrictions were steadily pared away.

To be sure, the U.S. in the early 1950s began suffering regular payments deficits, but most other nations welcomed the outflowing dollars as additions to their currency reserves. More or less accidentally, the world went on a dollar standard.

In the 1960s, however, the monetary order began to crumble. U.S. inflation cut into America's exports and increased its imports. Other nations, recovered from the war, became much more vigorous competitors in markets both inside and outside the U.S. America's surplus of exports over imports, which had limited the outflow of dollars, began dwindling away.

U.S. spending on Europe's defenses, moreover, continued high, and in the mid-1960s the outlay on Vietnam accelerated. Foreigners found that the influx of dollars was inflating their domestic economies and yet, with fixed exchange rates, they were committed to take all the dollars that came their way.

In some nations, such as Britain, domestic inflation stemmed more from domestic policies than from the inflow of dollars. In any case, the dollar, the pound and other currencies came under recurring pressures that, in a free market, would have led to changes in values.

By this time, though, fixed exchange rates had become almost a religion. The U.S. argued, with considerable justification, that the dollar's central position demanded that its value remain unchanged; something had to serve as a benchmark for the system. If there had to be changes in values, in other words, they should come in other currencies.

But other nations also were reluctant to move. When a government devalues the currency it admits the failure of its economic policies. On the other hand, a government that revalues its currency upward makes its exports more expensive, a move that can have highly adverse economic consequences for a nation as export-dependent as West Germany.

So everyone for a long time tried to avoid any such developments. The U.S. defended the dollar by imposing various restrictions on private foreign investment, for instance. Other nations, faced by the prospect of devaluation or revaluation, tried various other curbs on the flow of trade and commerce.

The primary aim of the Bretton Woods planners—commercial freedom—thus suffered because of something the planners never envisaged, a fanatic determination to cling to fixed exchange rates.

Determination, though, was not enough, as those businessmen who must trade in foreign currencies appeared to realize. As pressures mounted to push a currency either up or down, the traders bought or sold to protect themselves—and thus intensified the pressures. Eventually a nation in such a situation was forced either to alter its currency's value officially or to let it float freely in the market as the U.S. has now done with the dollar.

It would have been better if the system has been reshaped through voluntary international action, instead of being compelled by the U.S. move. There was no assurance, however, that other countries were ready to offer such cooperation. The best that can be hoped for is that the U.S. and other nations will now work together toward a new arrangement without the inflexibility that helped doom the old system.

As Commerce Secretary Maurice Stans indicated this week, evolution of a viable new order will permit removal of controls on capital outflows. It also should permit elimination of the new import surcharge, as well as many of the other restrictions imposed not only by the U.S. but other nations.

It should, in sum, permit a long step toward the freedom the planners envisioned in Bretton Woods in 1944.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I have three more short statements. I ask unanimous consent to have my time extended for 2 minutes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, if the Chair will recognize me, I will be glad to yield my 3 minutes to the able Senator.

Mr. ALLOTT. I thank the Senator. I appreciate his courtesy.

THE BEST IN AMERICAN LIFE

Mr. ALLOTT. Mr. President, I am grateful to a constituent, Mr. Robert Reginald Beffie of Boulder, Colo., for calling my attention to a moving editorial printed in one of the Netherlands' great newspapers, De Telegraaf.

The editorial was published August 2, during Apollo 15. It speaks a sober admiration for the best in American life.

So that all Senators can ponder this editorial, and the national virtues that inspired it, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS SUNDAY

While on this radiant, late Sunday afternoon, August 1, 1971, in the Vondel Park in Amsterdam, hippies from many countries—some under the influence of "stickies", LSD, heroin and other mind-expanding drugs—were sprawled while philosophizing about the sinfulness of the world and particularly the United States, residents of homes in the immediate neighborhood plus additional hundreds of millions of other "narrow-minded" folks all over the globe were watching with fascination as an American air force officer with short hair under his space helmet was drilling a hole on the moon. Carefully, and with great patience, he tried to execute a temperature probe at the drilling site, probably the first hole which in the billion-year old history of our solar system was ever bored into another heavenly body.

A greater contrast can hardly be imagined: the youthful "philosophers" in blessed idleness, stretched out on the green grass, and the somewhat older doers on the moon—scarcely a region known for its luxuriant grass and chirping birds, but rather to be compared with the barren inhospitality of the South Pole. Different from the Pole, of course, but equally defiant, equally hostile, equally challenging. Whatever the youthful and somewhat older critics of current U.S. policies may think, for everyone who witnessed these stirring events in his living room, one thing is crystal clear: again the United States has proved to be a great nation, one which is able to perform stupendous feats, a nation which can still offer the world much in enthusiasm, scientific and technological know-how and constructive imagination. A nation which always seems to be ready to take on new tasks, whether these be the liberation of Europe, or the exploration of a completely unknown, hostile ex-terrestrial body.

When a moment later the American flag went up in the living room, and the astronauts saluted (the Dutch TV commentator exhibiting great sensitivity, naturally talked through the ceremony, mentioning something about "a snapshort for the folks back home"), many older ones among us experienced a feeling of unaffected emotion. If ever a small group of Americans earned the right to plant their flag with pride, it was on Sunday afternoon on the moon. Just as earlier in Okinawa. Or on the beaches of France. In the bars of Roermond and in the Vondel Park many remained totally oblivious of this. They missed a great deal, this past Sunday.

THE PRESIDENT'S ECONOMIC POLICY

Mr. ALLOTT. Mr. President, among the important, intelligent, and public spirited commentary on the President's bold and imaginative economic policies, one editorial struck me as particularly admirable.

It was delivered on KLZ radio and television in Denver on August 17. So that all Senators can profit from this wise editorial, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S ECONOMIC BOMBSHELL

President Nixon's dramatic and far-reaching program for economic recovery is more than a government blueprint to guide the financial world. It is a serious challenge to ALL Americans. In ordering a freeze on prices, wages, and rents, the President laid it on the line to the country when he said, "I am relying on the VOLUNTARY cooperation of all Americans—workers, employers, consumers—to make this freeze work." However, included in the executive order was a penalty clause assessing a $5,000 fine for each violation.

If the Nixon Plan does work, the VOLUNTARY approach to national action should produce more than a needed economic upswing. It could go far to unify the country and pinpoint solutions to other equally grave national problems. The way the country responds during the next 90 days and what Congress does next month to implement the President's over-all plan with requested legislation could affect our economic well-being for generations to come. Early reaction, for the most part, has been favorable. But how ALL the people accept the challenge and what they do about it remains to be seen.

Too often we think only of ourselves, our own pocketbooks. But at this critical point in our history, individual feelings must give way to what's best for all. Each of us must be willing to make some sacrifice. It's no time to "let the other fellow do it." Our nation's survival is at stake. We believe a *united* America can solve *any* problem, and the *voluntary* way is the best way.

WELFARE REFORM

Mr. ALLOTT. Mr. President, soon the Senate will be called upon once again to march into the bramble patch known as welfare reform.

Every year the need for reform becomes more pressing; the evils of the present system become more manifold and manifest; and the proper direction of advance becomes less certain. The literature on the welfare crisis is expanding even faster than the welfare cases that are the crisis—but it would be a bold—and wrong—man who would venture to extract a safe solution to the crisis from all this literature.

In the somewhat forlorn hope of being helpful, I call to the attention of the Senate a most illuminating short essay on what the social scientists like to call the basic parameters of the subject.

The essay is by Irving Kristol, journalist, publisher, editor of the Public Interest, Henry Luce, professor of urban values at New York University, and widely respected perceiver of facts that are disagreeable to perceive. The essay is entitled "Welfare: The Best of Intentions, the Worst of Results" and appeared in the August issue of Atlantic magazine.

Says Kristol:

> We do not like to think that our instincts of social compassion might have dismal consequences—not accidentally, but inexorably.

But, he argues, that is the case where welfare is concerned.

Kristol addresses himself to this question:

> Specifically, why has there been such an extraordinary growth in our welfare population after 1964—after, that is, unemployment began to move down toward the unprecedented (in peacetime, anyway) low level of 3.5 percent?

Kristol thinks we now know the answer to the question. So that all Senators can judge for themselves, I ask unanimous consent to have Kristol's article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WELFARE: THE BEST OF INTENTIONS, THE WORST OF RESULTS

(By Irving Kristol)

In 1835, Alexis de Tocqueville submitted an *Essay on Pauperism* to the Royal Academic Society of Cherbourg. The *Essay* addressed itself to a striking contemporary paradox: why, in the most "opulent" (we would say, more timidly, "affluent") nation in the world—that is, England—was there such an extraordinary problem of "pauperism" (what we would now call "welfare": poor people on poor relief)? In France and Spain and Portugal, he pointed out, the people were all much poorer than in England; and the average Spaniard was poor even in comparison with the English pauper on poor relief. But in none of these poorer countries was there a "pauper problem" of the kind that agitated English society and English politics. How could one account for that "apparently inexplicable" phenomenon?

"ENOUGH"

Tocqueville's answer was twofold. First, urbanization and industrialization made the poor more dependent on public charity for a minimum level of subsistence. In an agrarian conomy, it was only in rare periods of famine that the poorest rural laborer could not get enough to eat—"enough" meaning here simply a diet that would avert starvation. In contrast, the poor in a modern city have no such normal, minimum guarantee; they are therefore in frequent need of public assistance, if they are to keep body and soul together.

Second, in an "opulent" society, the idea of poverty itself undergoes a continual redefinition. The poor experience not only the need for a guaranteed minimum; they also suffer from what a modern sociologist would call "relative deprivation." Tocqueville puts the matter this way:

"Among civilized peoples, the lack of a multitude of things causes poverty. . . . In a country where the majority is ill-clothed, ill-housed, ill-fed, who thinks of giving clean clothes, healthy food, comfortable quarters to the poor? The majority of the English, having all these things, regard their absence as a frightful misfortune; society believes itself bound to come to the aid of those who lack them. . . . In England, the average standard of living a man can hope for in the course of his life is higher than in any country of the world. This greatly facilitates the extension of pauperism in that kingdom." [1]

But Tocqueville did not stop with this explanation—a persuasive and not particularly controversial explanation—of why wealthy nations have so many "paupers." He went on to assert that public assistance and "pauperdom" existed in a symbiotic relationship, and he predicted that each would nourish the other, that both would inexorably grow. Behind this remarkable prediction was a view of human nature. "There are," he wrote, "two incentives to work: the need to live and the desire to improve the conditions of life. Experience has proven that the majority of men can be sufficiently motivated to work only by the first of these incentives. The second is only effective with a small minority. . . . A law which gives all the poor a right to public aid, whatever the origin of their poverty, weakens or destroys the first stimulant and leaves only the second intact."

At this point, we are bound to draw up short and take our leave of Tocqueville. Such gloomy conclusions, derived from a less than benign view of human nature, do not recommend themselves either to the twentieth-century political imagination or to the American political temperament. We do not like to think that our instincts of social compassion might have dismal consequences—not accidentally but inexorably. We simply cannot believe that the universe is so constituted. We much prefer, if a choice has to be made, to have a good opinion of mankind and a poor opinion of our socioeconomic system. We shall, for instance, be more sympathetic, if not to the specific argument, then at least to the general approach of Regulating the Poor: The Function of Public Welfare by Frances Fox Piven and Richard A. Cloward recently published by Pantheon.

MYSTERY

Professors Piven and Cloward, both leading "activists" in the Welfare Rights Movement, have written a valuable book—but, alas, a confusing one. The confusion results from the two purposes they have in mind.

The first purpose, which they achieve in an excellent and even masterly way, is to answer the same question that perplexed Tocqueville: why has there been such a fantastic "welfare explosion" in the United States? Specifically, why has there been such an extraordinary growth in our welfare population after 1964—after, that is, unemployment began to move down toward the unprecedented (in peacetime, anyway) low level of 3.5 percent? Between 1964 and 1968, we had general prosperity of a kind not known since World War II.

This prosperity was not, of course, shared equally by rich and poor, white and black; but all did demonstrably and substantially share in it. Nevertheless, it was precisely during those years that the "welfare explosion" took place.

I do not think it is sufficiently appreciated by the public at large just how baffling this event was to our scholars and our policymakers in Washington. For half a decade, our best minds puzzled over the statistics, held innumerable conferences to discuss them, and got nowhere. The only serious effort at explanation was made by Daniel Patrick Moynihan, in his famous and brilliant memorandum on the Negro family, in 1965. He called attention to the fact that most of the new welfare recipients were in the Aid to Dependent Children category, that a growing proportion of families in this category were black and fatherless, and that the disorganization of the Negro family seemed to have gathered a sociological momentum of its own—a momentum impervious to the effects of improving economic circumstances. Why this was happening to the Negro family, however, Mr. Moynihan could not convincingly explain. This permitted a great many liberal-minded scholars to spend all of their energies attacking him rather than the problem.

But, eventually, any social phenomenon yields up its mystery. Or, to put it another way: eventually, all social observers, no matter how blurred their vision may be by tacit ideological presuppositions, come to see the obvious. We now know what caused the "welfare explosion." I would also say—though this topic is still exceedingly controversial—that we are coming to realize what has been causing the disorganization of the Negro family.

All the facts are lucidly and authoritatively presented by Professors Piven and Cloward. Unfortunately, they have felt compelled to wrap their findings in a thin, transparently false general theory of welfare in a capitalist society.

This general theory is so simpleminded, so crude in a quasi-Marxist way, that one is embarrassed to summarize it. I will therefore let the authors state it for themselves:

"Relief arrangements [under capitalism] are not shaped by the impulse to charity . . . [they are] created and sustained to help deal with the malfunctions inherent in market economies.

"Relief arrangements are usually initiated or expanded in response to the political disorders that sometimes follow from the sharp economic downturns or dislocations that periodically beset market systems. The purpose of relief-giving at such times is not to ease hunger and want but to deal with civil disorder among the unemployed. One stability is restored, however, the relief system is not ordinarily eliminated. Instead, it is reorganized to buttress the normal incentives of the labor market. This is done in two ways. The main way is by cutting the 'able-bodied' off the rolls, whether or not there are jobs, and whether or not the wages offered are sufficient for survival. Second, some of those who cannot work or who are not needed in the labor market are allowed to continue on the relief rolls, but they are treated so barbarously as to make of them a class of pariahs whose degradation breeds a fear and loathing of pauperism among the laboring classes."

Now, the objections to this theory—on historical, sociological, and economic grounds—are too numerous to mention. But one objection ought to be definitive: it does not explain what Piven-Cloward elsewhere in the book explain so well—that is, the "welfare explosion" of the 1960s. True, this "welfare explosion" coincided with rioting in the black slums. But according to the general theory, the poor in the black slums should not have been rioting at all, since the economy was booming and black unemployment was at an all-time low; and if they did riot, it should have been because they were being pushed off welfare into low-paying jobs. In fact, they were rioting while they were going on welfare in ever increasing numbers—and while welfare payments were being increased, not while they were being cut back.

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[1] *Tocqueville and Beaumont on Social Reform* edited by Seymour Drescher. Harper Torchbooks.

The true explanation of the "welfare explosion" is available to any reader of *Regulating the Poor* who will ignore the authors' general theory. (This is easily done: once they have stated the theory, they happily forget all about it when discussing the 1960s.) This "explosion" was created—in part intentionally, in larger part unwittingly—by public officials and public employees who were executing public policies as part of a "War on Poverty." And these policies had been advocated and enacted by many of the same people who were subsequently so bewildered by the "welfare explosion." Not surprisingly it took them a while to realize that the problem they were trying to solve was the problem they were creating.

Here, as related in Piven-Cloward's book, are the reasons behind the "welfare explosion" of the 1960s:

1. The number of poor people who are eligible for welfare will increase as one elevates the official definitions of "poverty" and "need." The War on Poverty elevated these official definitions; therefore, an increase in the number of "eligibles" automatically followed.

2. The number of eligible poor who actually apply for welfare will increase as welfare benefits go up—as they did throughout the 1960s. When welfare payments (and associated benefits, such as Medicaid and food stamps) compete with low wages, many poor people will rationally prefer welfare. In New York City today, as in many other large cities, welfare benefits not only compete with low wages; they outstrip them.

3. The reluctance of people actually eligible for welfare to apply for it—a reluctance based on pride or ignorance or fear—will diminish if any organized campaign is instituted to "sign them up." Such a campaign was successfully launched in the 1960s by (a) various community organizations sponsored and financed by the Office of Economic Opportunity, (b) the Welfare Rights Movement, and (c) the social work profession, which was now populated by college graduates who thought it their moral duty to help people get on welfare—instead of, as used to be the case, helping them get off welfare. In addition, the courts cooperated by striking down various legal obstacles (for example, residence requirements).

In summary, one can say that the "welfare explosion" was the work, not of "capitalism" or of any other "ism," but of men and women like Miss Piven and Mr. Cloward—in the Welfare Rights Movement, the social work profession, the office of Economic Opportunity, and so on. It would be nice to think that the "general theory" in *Regulating the Poor* was devised mainly out of an excess of modesty.

CONNECTION

It should be emphasized that Piven-Cloward think the "welfare explosion" is a good thing. They believe more people should be on welfare and that these people should get far more generous benefits than now prevail. One would expect, therefore, that this book would have a triumphant tone to it. Yet it does not. Indeed, it ends rather abruptly, in a minor key.

The reason, one suspects, is that even Piven-Cloward must be less than certain about what they have accomplished. Somehow, the fact that more poor people are on welfare, receiving more generous payments, does not seem to have made this country a nicer place to live—not even for the poor on welfare, whose condition seems not noticeably better than when they were poor and off welfare. Something appears to have gone wrong: a liberal and compassionate social policy has bred all sorts of unanticipated and perverse consequences.

One such perverse consequence, and surely the most important, is the disorganization and demoralization of the Negro family. It used to be thought that a generous welfare program, liberally administered, would help poor families stick together. We now find that as many poor black families are breaking up after they get on welfare as before they get on; and that, in general, the prospect of welfare does nothing to hold a poor family together. Mr. Moynihan was percipient in emphasizing, back in 1965, that there was a connection between family disorganization and the influx of poor black female-headed families to welfare. What we can now see is that the existence of a liberal welfare program might itself have been responsible, to a significant extent, for this family disorganization.

UNMANNED

One must emphasize here that the question of race or ethnicity is of secondary importance. It is true that the Negro family has experienced historical vicissitudes that make it a relatively vulnerable institution. But it is also probable—I would go so far as to say certain—that if the Irish immigrants in nineteenth-century America had had something comparable to our present welfare system, there would have been a "welfare explosion" then, and a sharp increase in Irish family disorganization, too. The family is, in our society, a vital economic institution. Welfare robs it of its economic function. Above all, welfare robs the head of the household of his economic function, and tends to make of him a "superfluous man." Welfare, it must be remembered, competes with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition.

Is it surprising, then, that—unmanned and demoralized—he removes himself from family responsibilities that no longer rest on his shoulders? That he drifts outs of his home—or is even pushed out of his home—into the male street-corner society of the slum? One wonders how many white middle-class families would survive if mother and children were guaranteed the father's income (or more) without the father's presence? And how many white middle-class fathers would under these circumstances, persist at their not-always-interesting jobs?

To raise such questions is to point to the fundamental problems of our welfare system, a vicious circle in which the best of intentions merge into the worst of results. It is not easy to imagine just how we might break out of this vicious circle. One might suggest, however, that we begin by going back and reading Tocqueville more respectfully. We may not find the truth in him; but the exercise may help liberate us from our own twentieth-century illusions.

THE TEXTILE-IMPORT PROBLEM

Mr. JORDAN of North Carolina. Mr. President, I wish to associate myself with the remarks made earlier today by the senior Senator from Georgia (Mr. TALMADGE) about the increasing and disastrous effects of imports of textiles into the State of Georgia.

I have said consistently—and the textile people of the United States have said this repeatedly—that nobody wishes to cut off the imports of anything into the United States. But we have asked for some controls on how much goods of any description can come into the United States. The textile industry has been hit hardest and has continued to be dominated by imports.

The latest problem that hit Georgia, when some of their plants were shut down, is further demonstration of what is happening to the textile industry in this country, and it will continue unless this situation is brought under control.

In my opinion, the serious economic problems in the United States today—and they are serious, or we would not have wage and price controls—are due to the fact that we do not limit imports into the United States, and this has almost destroyed our whole economy. It applies to automobiles and every other product. It does not apply only to textiles.

THE BUSING OF CHILDREN

Mr. JORDAN of North Carolina. Mr. President, I wish to associate myself with the remarks made earlier today by the junior Senator from Georgia (Mr. GAMBRELL) with respect to busing. It is not only a serious situation in Georgia, but also in other Southern States, including my State—in Greensboro, Raleigh, Charlotte, Wilmington, and Winston-Salem. It has particularly affected the larger cities. It has almost destroyed the school systems of those cities.

Some of these children get up at 7 in the morning, to be hauled across town. In the winter, it is dark at that time, and it will be dark when they come home in the afternoon. Some families have children going to three different schools. This is not necessary. On the bus, they pass the schoolhouse to which they previously walked. Not only is this destroying the purpose for which schoolhouses were built—good education—but also, it is creating turmoil and strife in the schools after they get there and on their way to school and on their return from school.

I am certain that the blacks are just as unhappy about this situation as are the whites. No parents want their children picked up and hauled all the way across town just for the purpose of hauling them, and that is about what is happening in a great many cases.

I want to join in any legislation which will right this situation. I voted for the legislation which put into law the very thing the Senator from Georgia (Mr TALMADGE) spoke about; namely, making it illegal to bus our children to achieve racial balance. I helped support that legislation. We were told on the Senate floor that there was no idea ever to bus children simply for the purpose of integration. They assured us that would not happen. But it is happening, as we know, and it is not happening equally throughout the United States.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JORDAN of North Carolina. May I have 1 more minute?

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I will yield 1 minute to the Senator.

The PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. I yield 1

minute to the Senator from North Carolina.

Mr. JORDAN of North Carolina. In conclusion, I want to say that we have seen instances of bombing of buses in the last 2 weeks in northern cities. We have not seen that happen in North Carolina. We have not seen that happen in Georgia or in any other Southern States. Our citizens are law abiding. We try to obey the law as it is interpreted by the courts, and we hope to continue to do that. Other people are not subject to this, and when they are, they go to the extreme of dynamiting the buses and trying to stop them from rolling.

I hope that this situation can be determined by law and stopped before it gets worse.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUMPHREY:

S. 2504. A bill to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietitian. Referred to the Committee on Finance.

By Mr. HANSEN:

S. 2505. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. BENNETT, Mr. GOLDWATER, Mr. STEVENS, Mr. TOWER, Mr. YOUNG, and Mr. GURNEY):

S.J. Res. 154. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 2504. A bill to amend title XVIII of the Social Security Act to include, among the home health services covered under the insurance program established by part B of such title, nutrition services provided by or under the supervision of a registered dietitian Referred to the Committee on Finance.

Mr. HUMPHREY. Mr. President, I am today introducing a bill to amend the Social Security Act to include under part B of medicare nutritional services provided by or under supervision of a registered dietitian from the home health services.

The last few years have seen a growing awareness of the importance of nutrition to health. Congress has significantly expanded and improved the food stamp program as well as the school lunch and breakfast programs. Additional moneys have been appropriated for child feeding programs. Programs under the Office of Economic Opportunity have tried to supplement the quantity of food intake for poor Americans, and there have been changes in the commodity distribution program to provide a wider variety of nutrients in surplus and purchased food.

Just providing the foods, though, is not sufficient. We must also provide the instruction and aid that will enable the food to be prepared in the most nutritious manner.

One method that has been successful in nutritional education is that of nutritional aids. The Department of Agriculture has used this program in conjunction with the food stamp program.

However, for our elderly, there is a glaring omission in their total health care—under medicare, we have failed to make provision for nutrition in the case of home health agency visits.

The legislation that I am introducing would correct this omission.

Presently, under medicare, home visits are a reimbursable expense only for nurses, physical therapists, occupational therapists, speech therapists, and home health aides. The diabetic patient, therefore, is penalized since he must be hospitalized or admitted to an extended care facility in order to benefit from the services of nutritionists.

My amendment would not require a home health agency to provide for nutrition services. It would make it possible for a home health agency to be reimbursed for the home visit made by a nutritionist in the same way reimbursement is provided for a nurse or physical therapist. By emphasizing the preventive aspect of medicine the amendment will make it possible to reduce the need for hospitalization and thereby decrease the costs of medical care under medicare.

A study recently published by the Public Health Service that was authored by F. Douglas Scutchfield, M.D., and Donald K. Freeborn, Ph. D., concluded that home health services reduced the costs of medical care by decreasing hospital use. The physicians participating in the study reported that they would not have hospitalized some patients if home health services were available. The length of hospital stays of other patients would have been reduced if home health services had been available. Nursing services were most often cited as the required home health discipline needed. Counseling in dietetics and physical therapy were next in order of importance to the physicians.

The inclusion of nutrition as a component of health care will significantly reduce the number of people requiring expensive hospitalization under medicare. As Dr. Jean Meyer, Chairman of the White House Conference on Food, Nutrition, and Health recently stated:

> With Government at all levels responsible for an ever increasing proportion of health expenditures, with these expenditures mounting without appreciable effect on the health statistics of the Nation, it is becoming obvious that emphasis must be shifted from purely curative to prevention and rehabilitation. This means that nutrition should assume even more importance than in the past. In terms of money—as in terms of human suffering—one can well argue that every dollar spent on nutrition instruction may save tens of dollars in later medical care.

It is essential that we make provision for nutrition and other preventive health services in all Federal medical care programs.

The Council of Home Health Agencies and the Community Health Services of the National League for Nursing have endorsed the concept of reimbursement under medicare for nutritionists' home visits.

I ask unanimous consent that an article, "Estimation of Need, Utilization, and Cost of Personal Care Homes and Home Health Services" by Drs. Scutchfield and Freeborn, a position paper by the American Dietetic Association on the "Nutritional Components of Health Services Delivery Systems," and the bill be printed at this point in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 2504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861 (m) (1) of the Social Security Act is amended—

(1) by inserting "(A)" immediately after "(1)"; and

(2) by inserting "and" immediately after the semicolon at the end thereof; and

(3) by adding at the end thereof the following new clause:

"(B)" nutrition services provided by or under the supervision of a registered dietitian;".

(b) The amendments made by subsection (a) shall be applicable only to services provided after the month which follows the month in which this Act is enacted

ESTIMATION OF NEED, UTILIZATION, AND COSTS OF PERSONAL CARE HOMES HEALTH SERVICES

(By F. Douglas Scutchfield, M.D., and Donald K. Freeborn, Ph. D.)

(Dr. Scutchfield is director of continuing professional education, St. Claire Medical Center, and field professor of community medicine, University of Kentucky Medical School. Dr. Freeborn was associate director, Ohio Valley Regional Medical Program, Lexington, and assistant professor, department of behavioral science, University of Kentucky Medical School. He is presently senior scientist, Health Service Research Center, Kaiser Foundation Hospitals, Portland, Oreg.

Mrs. Phyllis DeHart, Mrs. Janet Hughbanks, and Mrs. Anne Cook helped in data collection and analysis. Tearsheet requests to F. Douglas Scutchfield, M.D., St. Claire Medical Center, Morehead, Ky. 40351).

Rising costs and increased demands for medical care have forced a search for alternative and less expensive methods of providing optimum health care. Two such methods are home health services and personal care homes.

The concept of home health services is not new; it has been practiced for many years by various groups (1). Financial support through Medicare and Medicaid has stimulated its development. A number of programs have failed, however, because of underutilization of services due to lack of referrals from the physician community. Underutilization has increased costs per patient visit to the point where costs often exceed the guidelines for reimbursement.

Neither are personal care homes a new development (2). Personal care homes, unlike home health services, have not had Federal funding available to stimulate their development. In rural, isolated areas with largely aged populations, personal care homes could have a significant impact on the quality and quantity of medical care, especially if an illness is considered in its sociocultural context.

Many home health services and personal care homes have failed for lack of enough use to insure financial support. To avoid such a pitfall, we have attempted to describe a system for estimating the potential use of these services and also to characterize their potential users.

We have examined the feasibility of these services only on an economic basis. We realize, however, that there are many additional benefits to be gained from a personnal care home and a home health service; for example, improved quality of care and psychological support of the family during an illness.

THE SETTING OF OUR STUDY

Rowan County is in the rugged, rural Appalachian terrain of northeastern Kentucky. Its 17,000 residents are primarily employed in farming. They are older and poorer than the average Kentuckian (3). The county's medical facilities include a 40-bed general hospital, St. Claire Medical Center, and a 50-bed extended care facility, the Daniel Boone Convalescent Center. The hospital and convalescent center serve as the primary health facilities for residents of the surrounding four-county area.

METHOD OF STUDY

From January to March 1970, a questionnaire was included with the charts of all patients admitted to St. Claire Medical Center. The form was designed to gather information about the demographic characteristics of the patients, the extent to which present hospital use could be altered by home health service and personal care homes, the potential use of these services, and the kinds of care required by patients who would use them. Attending physicians filled out the forms when a patient was discharged. Pediatric patients less than 14 years old, obstetrical patients, and the 27 patients who died while hospitalized during the study period were not included in the data analysis.

At the end of the study period, the questionnaires were checked against the list of persons discharged for that period. If a form had not been completed for an eligible patient, the attending physician was contacted and asked to complete one. Questionnaires were at least partially completed for all 318 eligible patients. Health administration personnel in the area provided cost estimates for these programs.

We originally included questionnaire forms with charts of the patients admitted to the Daniel Boone Convalescent Center, but the turnover of patients in that center was so slow that less than five questionnaires were completed. None of the five patients would have been referred to a home health service or a personal care home.

RESULTS

Distribution of the patient sample by age group, sex, and type of payment is shown in table 1. Only 3.1 percent of these patients would have had no method of payment, and approximately 40 percent were over 60 years old.

TABLE 1.—DEMOGRAPHIC CHARACTERISTICS OF PATIENTS ELIGIBLE FOR HOME HEALTH SERVICES AND PERSONAL CARE HOMES

Characteristics	Number	Percent
Age group (years):		
0 to 9	0	0
10 to 19	26	8.2
20 to 29	25	7.9
30 to 39	46	14.5
40 to 49	38	11.9
50 to 59	44	13.8
60 to 69	43	13.5
70 and over	66	27.1
Not recorded	10	3.1
Total	318	100.0
Sex:		
Male	146	45.9
Female	171	53.8
Not recorded	1	.3
Total	318	100.0
Type of payment:		
No method of payment	10	3.1
Medicare	32	10.1
Medicaid	32	10.1
Workman's compensation	9	2.8
Vocational rehabilitation	16	5.0
Private	135	42.6
Medicare and compensation	1	.3
Medicare and Medicaid	71	22.3
Medicare and private	9	2.8
Vocational rehabilitation and private	3	.9
Total	318	100.0

Home health services. The impact of home health services on the present health system was examined by asking physicians whether they would have admitted certain patients if such services had been available. The physicians indicated that they would not have admitted nine patients or 2.8 percent of the St. Claire Medical Center and that 22 patients or 16.9 percent would have been discharged earlier. The physicians were then asked to estimate how much earlier, and they calculated that 22 patients accounted for 87 additional patient days of hospitalization in the absence of a home health service.

The attending physicians indicated that 66 or 20.8 percent of all eligible patients would have been referred to a home health service after their discharge from the hospital. The physicians also estimated that these patients would have required an average of 1.9 hours per week for 3.1 months before they could have been discharged from such a service. Estimating 1 hour per visit, this means that the average patient would have required 24.1 visits from a home health service until discharge.

Two internists, two surgeons, and four family physicians on the hospital staff participated in completing the survey forms.

Type of payment, age group of patients who would have been admitted to a home health service, and specialty of the attending physician are shown in table 2. Predictably, Medicare and Medicaid would have been asked to handle most of the financial support of home health service through payments by the patient. Only 9.3 percent of the patients who would have been referred to a home health service were not covered by at least one of these federally subsidizing health insurance plans.

TABLE 2.—CHARACTERISTICS RELATED TO PATIENTS WHO WOULD HAVE BEEN REFERRED TO HOME HEALTH SERVICES

Characteristics	Home health service patients		Total sample	
	Number	Percent	Number	Percent
Type of payment:				
Medicare only	14	21.6	30	10.1
Medicaid only	8	12.3	32	10.7
Workman's compensation only			9	3.0
Vocational rehabilitation only	1	1.5	16	5.4
Private insurance only	5	7.7	133	44.7
Medicare and workman's compensation	1	1.5	1	.3
Medicare and Medicaid	35	53.9	66	22.1
Medicare and private	1	1.5	8	2.7
Rehabilitation and private			3	1.0
Total	[1]65	100.0	[1]289	100.0
Age group (years):				
0 to 9	0	--------	0	--------
10 to 19	1	1.5	26	8.6
20 to 29			25	8.4
30 to 39	1	1.5	46	15.4
40 to 49	2	3.1	38	12.8
50 to 59	5	7.8	42	14.0
60 to 69	10	15.6	41	13.8
70 and over	45	70.5	81	27.0
Total	[1]64	100.0	[1]299	100.0
Specialty of attending physician:				
Surgeon	7	10.6	183	59.6
Internist	54	82.9	106	24.5
Family physician	5	7.5	18	5.9
Total	[1]66	100.0	[1]307	100.0

[1] Numbers differ because of incompleted questionnaires.

A corollary to this is the larger proportion of patients 60 years old and older who would have been referred to a home health service. Although specialists in internal medicine served only 24.5 percent of the total patient study group, they had 82.9 percent of the patients who would have been admitted to a home health service, a difference that is statistically significant.

If we assume that the January–March experience holds throughout the year, 264 patients would have been referred to a home health service. If these patients had averaged 24 visits by the staff of the home health service, based on estimates of the attending physicians, there would have been 6,336 home health service visits per year.

The following tabulation shows an annual operating cost estimate of $46,800 for home health service. Based on this estimate and the annual number of visits, the cost would have been $7.39 per patient visit or $177.27 for the average patient admitted to these services. At a hospital cost of $44 per day, this amounted to four inpatient days.

Activity	*Cost*
Medical director, 10 percent of time	
Registered nurse director, full time	$7,200
Staff nurse, full time	6,800
5 home health aides, full time at $3,200	16,000
Travel	6,000
Supplies and office equipment	3,000
Administrative costs, 20 percent of salaries	7,800
Total	46,800

The State of Kentucky currently pays $6,300 as a starting salary for a home health nurse director and $3,192 for a home health aide.

The type of service that the physician would have prescribed for patients referred to home health services is shown in table 3. Apparently, most of the time would have been spent with nursing duties; for example, colostomy care, catheter care, and patient education. Counseling in dietetics and physical therapy were next in order of importance, according to the physician.

TABLE 3.—TYPE OF SERVICES REQUIRED BY PATIENTS REFERRED TO THE HOME HEALTH AGENCY

Service	Number of patients	Percent
Nursing only	27	32.5
Nursing and dietetics	17	20.6
Nursing and physical therapy	14	16.9
Dietetics only	10	12.0
Physical therapy only	7	7.4
Nursing, physical therapy, and dietetics	4	4.8
Physical therapy and dietetics	3	3.6
Not recorded	1	1.2
Total	83	100.0

Personal care homes. Similar questions were asked about the use of personal care homes. The attending physicians said 12 patients or 3.8 percent would never have been admitted to the hospital had personal care homes been available, and, based on the physicians' estimates, earlier discharges from the hospital would have saved 77.5 hospital days.

The attending physicians would have referred 23 patients or 7.2 percent to a personal care home if one had been available. These 23 patients would have had an estimated stay of 7.5 months per patient. Extrapolating for a 1-year period, one could have expected 92 admissions to personal care homes. With an average stay of 7.5 months per patient, a 55-person capacity home would have had 100 percent occupancy. Based on the current public assistance payments of $161 per person per month in a personal care home, an estimated $106,260 income would have been realized by the home.

Type of payment, age group of patient, and specialty of attending physician for the sample patients who would have been referred to a personal care home after discharge from the hospital are shown in table 4. As with home health services, only 4.3 percent of the patients who would have been referred to a personal care home were not covered by Medicare or Medicaid. The group who would have been admitted to such a home were older than the sample. While 32.8 percent of the patients with completed questionnaires had a specialist in internal medicine as an attending physician, 73.9 percent of those who would have been referred were attended by an internist.

TABLE 4.—CHARACTERISTICS RELATED TO PATIENTS WHO WOULD HAVE BEEN REFERRED TO PERSONAL CARE HOMES

Characteristics	Personal care home patients		Total sample	
	Number	Percent	Number	Percent
Type of payment:				
Medicare only	7	30.4	30	10.3
Medicaid only	3	13.0	30	10.3
Workman's compensation only			9	3.1
Vocational rehabilitation only	1	4.3	15	5.2
Private insurance only			133	45.9
Medicare and workmen's compensation				
Medicare and medicaid	10	43.6	62	21.4
Medicare and private	2	8.7	8	2.8
Rehabilitation and private			3	1.0
Total	[1] 23	100.0	[1] 290	100.0
Age group (years):				
0–9				
10–19			26	8.6
20–29			25	8.3
30–39			46	15.3
40–49	1	4.5	38	12.6
50–59	2	9.0	44	14.7
60–69	3	13.7	33	11.1
70 and over	16	72.8	88	29.4
Total	[1] 22	100.0	[1] 300	100.0
Specialty of admitting physician:				
Surgeon	3	13.0	183	61.2
Internist	17	74.0	98	32.8
Family physician	3	13.0	19	6.0
Total	[1] 23	100.0	[1] 299	100.0

[1] Numbers differ because of incompleted questionnaires.

Attending physicians indicated that they would have preferred home health services over personal care homes for 49 or 15.4 percent of the patients, personal care homes over home health services for 20 or 6.3 percent, and both services for 12 or 3.8 percent.

DISCUSSION

Implementation of home health services could have saved 348 patient days annually in a general hospital; at current hospital costs the saving would have been $14,616. An annual budget of $46,800 for home health services and approximately 6,000 patient visits apparently would have made such services financially feasible.

The cost of personal care homes were difficult to measure. From our data it appeared that a 50-bed personal care home would have had essentially 100 percent occupancy and would have generated, from public assistance, an annual income of approximately $106,000. If a good-quality personal care home could be maintained at this annual operating cost, such a home would be feasible.

One would have to be extremely cautious in implementing both programs simultaneously as one program could cannibalize the other, produce underutilization of both, and perhaps contribute to the collapse of both.

As pointed out previously it is extremely important to examine the projected need and use of home health services and personal care homes before implementing such programs. If a patient is assigned to a home health service, it must be at a physician's order. The limiting factor then would be the physician's perception about the adequacy of post hospital care.

The best mechanism for ascertaining use would be to project physician admissions to such a service.

Although a physician's order is unnecessary for admission to a personal care home, the physician should have an adequate knowledge of the capacity of the patient or the patient's family to provide for the needs of daily life. It therefore does not seem unreasonable to ask for his judgment when attempting to project the use of that service.

Based on our data, we can also predict that the patients admitted to personal care homes and home health services would be older than the general population, and that the services would be financed by federally subsidized health insurance or public assistance. The old and the poor are more likely to have inadequate home care situations and chronic and debilitating illnesses that would account for their use of these facilities. Also, the physicians providing patient care may not be aware of the importance of home health services in the care of any age and socio-economic group or any diagnostic category, but we have not tested this hypothesis.

Similar points could be made concerning the projected use of such services by the three types of physicians in the area. The internist may have the old, poor patient with a chronic debilitating disease, or the surgeons and family physicians may not perceive the importance of these services to the patient's care. Although our study was not designed specifically to answer such questions, we feel that these hypotheses could be tested by future investigators.

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THE AMERICAN DIETETIC ASSOCIATION POSITION PAPER ON THE NUTRITION COMPONENT OF HEALTH SERVICES DELIVERY SYSTEMS[1]

"Nutrition services under the supervision of qualified nutrition personnel should be a component of *all* health and health-related programs and should be designed to reach the total population with priority given to such nutritionally vulnerable groups as infants, children, and youth in the growing years, women in the child-bearing years, and the older age population." (1) The need for the Association to interpret and expand this policy statement is based on a recognition and concern that:

(a) The need and demand for quality health care by the population is not being met by, and is critically straining, the current health care delivery system.

(b) The alarming increase in the cost of medical care mandates a review and evaluation of the present health care delivery system.

The American Dietetic Association's position is that inclusion of nutrition as a component of health care will significantly reduce the number of people requiring sick care service and, therefore, contribute directly to:

(a) A relief of strain on the nation's health care delivery system;

(b) A decrease in the escalating rate of health care costs;

(c) An increase in physical, mental, and social well-being of people so that they may achieve and maintain productive and independent lives.

Nutrition is a critical factor in the promotion of health and prevention of disease and in recovery and rehabilitation from illness or injury. Evidence mounts that Americans who fail to attain a diet optimal for health can be found at every socio-economic level. The reasons are many and complex, but the impact on the health of the nation is seen in the increased risk of complications of pregnancy in the poorly nourished woman, in the chance that her infant may be of low birth weight with accompanying risk of retarded physical and mental development; in the high incidence of overweight and underweight in school-age children and in adults; in the debilitation of the malnourished elderly; in dental disease, widespread in the total population; and in the high incidence of chronic illnesses that require dietary treatment, monitoring, and follow-up. Since it is apparent that improvements in the nutrition of people will have a direct effect on the level of health and the resulting need for health services the American Dietetic Association recommends that:

I. Nutritional care, as a component of health care, be available to all people on a continuing and coordinated basis. *Nutritional care* is the application of nutrition science to the health care of people. In its broadest sense, nutritional care is provided to the general population through studies of food consumption and nutritional health, mass education and food assistance programs. As applied to patient care, it has the same components (assessment of food practices and nutritional status, nutrition education, and food assistance) plus dietary counseling and the service of appropriate food. These nutritional care services must be combined and coordinated to meet individual needs.

II. Nutritional care be integrated into preventive, diagnostic, curative, and restorative health services. Any contemplated health services delivery system should include a nutrition component in its preventive as well as remedial services, if the maximum benefits to health are to be achieved. The following example illustrates the application of this recommendation:

HEALTH SERVICES AND NUTRITIONAL CARE

Public health service—health promotion: mass nutrition education; supplemental food assistance.

Health-testing service (7): assessment of food intake and other indexes of nutritional status.

Health care service: nutrition education and counseling, food assistance, appropriate food service.

Preventive, maintenance service: dietary counseling, food assistance, appropriate food service.

Sick-care service: for all levels of in-patient care, appropriate food service, diet therapy, dietary counseling.

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[1] Approved by the Executive Board, February 12, 1971, as Position Paper Number 0000E.

III. The planning and supervision of nutritional care be under the direction of persons professionally educated in nutrition as it relates to human health needs. Dietitians and public health nutritionists, with their educated knowledge of foods and nutrition, are the health professionals who are prepared specifically to help individuals and groups improve their diets and their nutritional status. (In this paper, the term *dietitian* shall be interpreted to mean either a public health nutritionist or a dietitian who is qualified for registration in The American Dietetic Association.) Supportive personnel (dietetic technicians, dietetic assistants) extend the knowledge and skills of dietitians to greater numbers of people.

IV. Dietitians function at the planning and policy-making level of federal, regional, state, and local comprehensive health planning bodies to assure that an appropriate nutritional care component is incorporated into all comprehensive health care planning.

V. Comprehensive health care plans include appropriate administrative placement of the nutrition care component; staffing patterns and qualifications for personnel; identification of nature and extent of nutrition problems; standards of nutritional care; methods to be used for delivery of nutrition services; and evaluation.

VI. To assure that a supply of dietitians is available and accessible to those in need of nutritional care, steps should be taken to:

A. Support the expansion of existing education and training facilities in nutrition and dietetics and the development of new facilities.

B. Increase support available to students of education and training in nutrition by means of scholarships, loans, and other financial mechanisms.

C. Explore and establish new approaches to undergraduate, graduate, and technical education.

D. Utilize supportive dietetic personnel and improve their career development and status in the health career system.

E. Explore other means to increase the dietetic manpower supply through such mechanisms as proficiency and equivalency examinations and other recruiting efforts.

VII. Dietitians be eligible for payments as providers of health care services. Future health care legislation should stipulate dietary counseling services as an eligible service for third party payment.

VIII. Adequate funding for preventive as well as curative nutritional care services be provided. Until such time as the nation is geared to deliver comprehensive family health care, nutrition services should be supported in existing specialized programs and services, such as: health services for mothers and children; the elderly; special groups, such as migrant agricultural workers and low-income families; family planning programs; chronic disease control services; home health services, rehabilitation services for drug and alcohol addicts; and group care services in facilities such as hospitals, nursing homes, extended care facilities such as hospitals, nursing homes, extended care facilities, day-care centers, and residential institutions; detention centers, detoxification centers, and prisons.

IX. A careful appraisal be made of the economic benefits of nutritional care in a comprehensive medical care system. Such an appraisal should also include evaluation of the effectiveness of preventive nutritional care, as well as remedial services, on such variables as cost, absenteeism, worker productivity, and so on.

X. Any national health insurance program adopted include incentives for the development of preventive health services. Nutritional care should be identified in the legislation as an essential component of preventive health care service.

XI. Standards for nutritional care services be included in all federal and state guidelines and regulations for health care.

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By Mr. HANSEN:

S. 2505. A bill to amend the Natural Gas Act. Referred to the Committee on Commerce.

Mr. HANSEN. Mr. President, the Nation is facing a critical shortage of one of its most essential, cleanest and convenient fuels, natural gas.

One of the reasons for this developing shortage is because producers have been discouraged from exploring for and developing gas reserves by the delays and uncertainties of Federal Power Commission regulation under existing law. Also these delays and uncertainties have caused gas producers to seek the intrastate market for such gas as they have discovered, thereby denying gas to the interstate market.

The reason they seek the intrastate market is that, as the law now stands, the gas producer who sells gas in interstate commerce does not know:

First, what price he will receive for his gas,

Second, how long he will receive any price approved by the Commission,

Third, how much gas he must deliver, or,

Fourth, how long he must continue deliveries.

There is no way the Commission under existing law can give the gas producer any assurance that the prices and terms of his contract, if approved, will be valid or that the Commission's own orders with regard to them will not be changed.

The bill which I introduce corrects this situation by providing that once the gas producer submits his new contract to the Commission—which he is required to do—and the Commission approves the contract, it is then, and only then, a valid and binding contract. It is a contract that the producer and his banker can use as the basis for loans to enable him to search for more gas.

As to old contracts this bill makes no change in the law except that once the FPC approves a price for gas under such a contract it cannot be lowered.

By removing uncertainties as to contract prices and terms this bill will encourage gas producers to explore for gas to meet the expanding consumer demand. It will also encourage them to sell in the interstate market and thereby permit the interstate market to be competitive with the intrastate market. It is legislation needed to correct a situation which has contributed to the gas shortage now facing the Nation's consumers.

If the situation is not corrected, the Nation will be deprived of the ecological benefits of this most clean-burning of all fuels and the gas consumers will become dependent on unreliable, high-cost foreign sources of energy.

The bill also exempts small producers contracts—for 10,000 million cubic feet per day or less—from FPC control. This is merely a pragmatic provision to relieve the FPC of a large amount of paperwork without adversely affecting its ability to control prices. In the nature of the business prices under small contracts follow those under large contracts.

Mr. President, the need for some form of legislation has become apparent in recent years.

The American Gas Association's latest reserve figures reported this month were 10.3 trillion cubic feet below the 275.1 trillion cubic feet reported at the end of 1969. The Federal Power Commission figures which do not include gas supplied for intrastate use were even more discouraging. FPC said only last week that natural gas reserves available for shipment through interstate pipelines declined by 17.8 trillion feet last year. We used more than 22 trillion cubic feet last year.

The FPC based its estimates on preliminary data supplied by 66 major interstate pipeline companies. The Commission said it was the third consecutive year of declining reserves since the FPC began to collect annual reports of gas supplies in 1963.

Last winter there was a very real threat of actual fuel shortages in parts of the country. A concerted and coordinated effort by Government and industry prevented any actual suffering.

But the gas shortage is not simply threatening, it is here as Forbes magazine pointed out in its issue on August 1. Last winter, cities like Cleveland were so short of supplies that industry had to shut down for brief periods to conserve fuel for space heating. One after another of the major gas companies have announced they will take on no new large industrial customers for lack of additional supplies. New York State, a recent Public Service Commission study indicated, will be short by 25 billion cubic feet of gas this year and probably 50 billion in 1972.

A number of companies, headed by El Paso Natural Gas, are attempting to supplement their supplies by importing high-cost liquefied natural gas from places like Algeria and Nigeria.

Recently the Senate Interior Committee held hearings on legislation to establish a Coal Gasification Development Corporation intended to provide a framework for Government and industry to cooperate in the vital task of bringing the technology of coal gasification to commercial realization.

Undoubtedly all available sources of energy will be needed in the future if this country is to continue as the world's industrial leader but for the immediate and short term future, coal gasification and imported liquefied natural gas would be strictly supplemental to domestic natural gas and would cost substantially more.

But, as I and others have pointed out, we have the gas and the ability to develop it if we are willing to face reality.

Reliable sources—the American Association of Petroleum Geologists, the National Petroleum Council, the Colorado School of Mines, and others—maintain that more oil and gas remains to be discovered in the continental United States and Alaska than has been produced. But it will not be discovered and produced at prevailing prices.

The headline on the Forbes magazine article on U.S. self-sufficiency in raw materials and energy expressed the problem briefly and succinctly:

> YOU GET WHAT YOU PAY FOR
>
> The price of self-sufficiency is high. But if we are not prepared to pay it, the price of dependence could be higher.

Mr. President, in my opinion this bill is a step in the right direction and is certainly in the public interest. It will not in itself solve the natural gas shortage but unless this and other legislation to change Government policy and enhance the economic climate to provide the necessary conditions and incentives is enacted, much of our oil and gas resources will stay in the ground undiscovered and unused.

The time is late and this trend will not be reversed in a year or two but it is long past time that we changed course, and took the legislative steps that will be necessary to reestablish this Nation's fuels and energy self-sufficiency.

I urge my colleagues to join with me in an effort to reverse a growing and dangerous dependency on foreign sources for the most important and vital factor of American prosperity, progress, and leadership—the energy that fuels our economy.

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. BENNETT, Mr. GOLDWATER, Mr. STEVENS, Mr. TOWER, Mr. YOUNG, and Mr. GURNEY):

S.J. Res. 154. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day." Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to authorize the President to proclaim the first day of January of each year as "Appreciate America Day."

The Association for a Strong America, Inc., a nonpolitical, nonprofit organization whose aim is to help Americans to realize the importance of constructive involvement in civil and community affairs and to develop realistic pride in our country, has proposed January 1 to be designated "Appreciate America Day."

This particular day was chosen because it is a holiday with a long tradition as a time for making resolutions for the year to come and because it is a holiday which combines reflective thoughts with enthusiastic anticipation. It is an appropriate time to pause and express appreciation for our heritage as Americans and to dedicate ourselves to keeping this appreciation alive throughout the year.

In furtherance of this goal the Governors of 10 States; Delaware, Colorado, Illinois, Indiana, Kansas, Nebraska, New Mexico, New Hampshire, North Carolina, and South Carolina, have designated January 1 as "Appreciate America Day." Congressman LENT, of New York, has introduced a companion resolution in the House of Representatives, House Joint Resolution 835, which is supported by the Veterans of World War I.

Mr. President, I request that this joint resolution be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 153

Whereas the private citizens and public officials of the United States desire a unified Nation; and

Whereas the people of the United States have a basic appreciation for the many benefits which citizenship bestows upon them; and

Whereas the Association for a Strong America, Incorporated, is a nonpolitical, nonprofit organization which assists in the development of realistic pride in America and endeavors to educate citizens on the importance of becoming constructively involved in civic and community affairs; and

Whereas such association has campaigned since May 1970, to have the first day of January of each year proclaimed as "Appreciate America Day"; and

Whereas the first day of January is an appropriate day to display the American flag and to organize observances for the purpose of showing appreciation for being American and for the beauty, honor, and freedom in America; and

Whereas Federal, State, and local officials have supported the campaign to proclaim the first day of January of each year as "Appreciate America Day": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation each year designating the first day of January as "Appreciate America Day", in conjunction with New Year's Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1615

At the request of Mr. BIBLE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1615, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1800

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 1800, a bill to establish an independent commission to evaluate and assess developments in the fields of commerce and technology.

The PRESIDING OFFICER (Mr. FULBRIGHT). Without objection, it is so ordered.

S. 2412

At the request of Mr. ALLOTT, the Senator from Ohio (Mr. SAXBE), the Senator from Nevada (Mr. BIBLE), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of S. 2412, a bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system.

COVERAGE OF CERTAIN CLAIMS BY GOVERNMENT EMPLOYEES—AMENDMENT

AMENDMENT NO. 420

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. STEVENS. Mr. President, today I submit an amendment to S. 1574 which would authorize retention of employee benefits for teachers who obtain employment in a school system which has been transferred from the jurisdiction of the Bureau of Indian Affairs to a State or local municipality.

Many BIA schools in Alaska are being transferred to State and local jurisdiction. As presently written, S. 1574 would authorize retention of such benefits only for teachers who transfer to Indian tribal organizations. The present language of this bill would, therefore, not resolve the retention problem for teachers in schools which are transferred to a State or local municipality.

This amendment would provide retention of such benefits as compensation for injury, retirement, life insurance, and health benefits to those employees of BIA-controlled schools which are being transferred to Indian, State, or local jurisdiction. This expanded language is necessary if this transition is to be made smoothly in the State of Alaska.

ESTABLISHMENT OF A NATIONAL INSTITUTE OF ADVERTISING, MARKETING, AND SOCIETY—AMENDMENT

AMENDMENT NO. 421

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. MOSS submitted an amendment, intended to be proposed by him, to S. 1753, a bill to establish a National Institute of Advertising, Marketing, and Society.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

A CHRONICLE OF EVENTS IN SOUTH ASIA—THE CRISIS IN PAKISTAN

Mr. SAXBE. Mr. President, during the recent months preceding the congressional recess, Senator Church and I have been attempting to build a record on behalf of our amendment to the Foreign Assistance Act of 1971 which would suspend military and economic aid to the Government of Pakistan until distribution of food and other relief measures supervised by international agencies takes place on a regular basis throughout East Pakistan and the majority of refugees in India are repatriated to East Pakistan. To date there are 33 cosponsors to the Saxbe-Church amendment—amendment No. 159 to S. 1657.

In response to numerous inquiries received by my office during the congressional recess, I would like to list the cosponsors. They are: Senators Scott, Tunney, Case, Pastore, Bennett, Pell, Bellmon, Hart, Roth, Bayh, Boggs, Cranston, Brooke, Metcalf, Gurney, McGovern, Beall, Eagleton, Stevens, Stevenson, Moss, Mondale, Hughes, Hartke, Muskie, Proxmire, Humphrey, Magnuson, Williams, Randolph, and Ribicoff. Today I am happy to announce that the Senator from Oregon (Mr. Hatfield) and the Senator from Wisconsin (Mr. Nelson) have joined us in cosponsoring this amendment and I ask unanimous consent that their names be added to the list of cosponsors previously mentioned.

The PRESIDING OFFICER. (Mr. Stevenson). Without objection, it is so ordered.

Mr. SAXBE. Mr. President, the amendment is currently before the Foreign Relations Committee and will remain there until the Foreign Assistance Act is reported out from the committee. The timing of this action is very much in doubt at this point because of the committee's request for the 5-year military assistance plan and the President's refusal by invoking Executive privilege.

I would like to comment on the recent events in South Asia and have divided the news accounts into the following items: the Soviet-India Treaty, the U.S. shipment of arms, the refugees, the prospect of famine, the trial of Sheikh Mujibur Rahman, events in Pakistan, Senator Kennedy's trip to India, and Senator Percy's trip to India and Pakistan. Press accounts on these issues will be inserted at the end of my remarks along with editorial opinion, news analysis, and letters to the editor.

THE SOVIET-INDIA TREATY

On August 8, the Soviet Foreign Minister, Andrei A. Gromyko, arrived in New Delhi for talks with Indian Foreign Minister Swaran Singh. On August 9 India and the Soviet Union signed a 20-year pact of "peace, friendship, and cooperation." The 12-article treaty does not commit either country to give military aid automatically to the other in the event of an attack by a third nation. Instead the key ninth article says:

> Each contracting party undertakes to abstain from providing any assistance to any third party that engages in armed conflict with the other party.
>
> In the event of either party being subjected to an attack or a threat thereof, the high contracting parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to insure peace and the security of their countries.

The immediate effect of the friendship treaty has been variously interpreted. Some believe that it has contributed to a significant cooling of the crisis atmosphere, others believe that it may embolden India to strike if the repressive regime in East Pakistan continues to force more refugees into India. Although the Soviet-Indian communique has been denounced by the Pakistanis and termed a diplomatic coup for the Russians, India privately has assured Washington that her new friendship treaty with the Soviet Union was not directed against the United States or any of its allies. Finally some believe that President Nixon's trip to China encouraged the Soviet Union to enter into the pact with India.

U.S. SHIPMENT OF ARMS

Ever since the New York Times in June reported the departure of Pakistani ships carrying U.S. military equipment and ammunition, there has been considerable confusion as to the amount and type and extent of deliveries. Earlier the State Department had announced that it had stopped approving sales of military equipment to Pakistan as of March 25, 1971. It later was revealed that U.S. supplies were moving after that date, but the Department said that they were moving on the strength of approval granted before March 25. On August 13, the State Department announced that U.S. arms flow to Pakistan had only $4 million worth of supplies and spare parts to be delivered between now and next March. On August 28 the State Department announced that military shipments to Pakistan since March 25 totaled $3.6 million and that $2.6 million in military equipment was still in the pipeline. However, others have alleged up to $35 million has been in the pipeline since the ostensible embargo of March 25.

On August 19, 1971, it was disclosed that Pakistan was using U.S. jet liners to help move men from West Pakistan to East Pakistan and that two of the planes had been provided in June. These planes are leased from World Airways to Pakistani International Airlines. Although Raymond J. Rasenberger, counsel for World Airways, contended that the planes were leased in July and September of 1970, respectively, long before the current controversy erupted, it is clear that new licenses had to be issued by the Commerce Department in order to substitute the two replacement Boeing 707's and the issuance of the licenses could have been denied. Finally a World official said that by flying the leased planes into a "war zone" PIA would be breaking the terms of their contract.

REFUGEE RELIEF

There are two separate programs of relief: one for persons who have fled into India to escape the fighting at home, and the other for persons in East Pakistan left destitute. The United States has already pledged $70.5 million to help East Pakistani refugees in India. Some may take solace over the fact that this contribution is more than that of the rest of the world combined, except for India. However, India has already contributed over $300 million for the refugee efforts and says it will need an additional $100 million by the end of September. The United States has given $1 million and pledged an additional $1 million to a total of $28 million required for refugee aid in East Pakistan. Finally, the President has named six persons to an advisory panel on south Asian relief assistance to help direct the U.S. Government's efforts for East Pakistan refugees.

THE IMPENDING FAMINE

A Harvard Medical School team has warned that East Pakistan faces the largest food deficit since the Bengal famine in 1943, when 3 million people perished.

These findings have been coordinated by Prof. Stanley Wolpert of the University of California in an article reprinted in the Los Angeles Times. For truly this is where the ultimate tragedy will occur. Alvin Toffler, writer and editor of Future Shock, has called it a planetary catastrophe, a human disaster so massive that it could bathe the future in blood, not just for Asians but for those of us in the West as well.

As heinous as are the crimes described in an article, such as the "Goondas of Saidpur," which describes a final solution not dissimilar to Hitler's, certainly the ultimate in the tragedy lies in the massive starvation sure to follow. The Harvard medical team concluded that there is a lag of 2.28 million tons pre-civil war estimates and a reduction of 20 percent in crop yield:

> East Pakistan was struck in succession by the severest flood in a decade during September, 1970; the worst cyclone of this century which devastated the coastal, rice pro-

> ducing region in November 1970; and a massive military campaign sweeping across the countryside in March 1971. . . . Hundreds of thousands of farmers have fled into India to escape injury and death arising from military actions against civilians . . . lack of fertilizer, pesticides, seed and fuel for irrigation pumps contributed to a lower output . . . urban location of existing imported food stocks will further exhaust the food deficit in rural areas . . . even if large quantities of grain could be delivered and offloaded, the ability to transport these items to deficit areas is severely limited.

If the famine parallels the famine of 1943 we can expect "mass starvation leading to a complete social disintegration; suicide, selling of children and wives into slavery, banditry, and the disruption of existing family structures. . . ."

THE TRIAL OF SHEIKH MUJIBAR RAHMAN

On August 9 the martial law administration office in Rawalpindi announced that Sheikh Mujibar Rahman leader of the outlawed Awami League would be tried by a special military court for "waging war against Pakistan" and other offenses. I along with 10 other Senators urged Secretary Rogers to convey to Pakistan that compassion be shown to Sheikh Mujib. Secretary of State Rogers is to be congratulated in his stern warning that any summary action in the current trial of the Bengali leader would increase the chances of a resumption of warfare are in Pakistan. Secretary General U Thant also warned that the trial of Mujib was a "matter of extraordinary interest and concern in many quarters and that its result would inevitably have repercussions outside the borders of Pakistan." As the Washington Star stated on August 12:

> The execution of Sheikh Mujib even if there were adequate legal basis for it might provide the spark igniting a general war in the Indian sub-continent which could spread to China—which supports Pakistan—and Russia . . . in short there is no alternative to Sheikh Mujib if reconciliation is to be achieved. A Punjabi puppet leader would lack authority and any other politically viable Bengali would almost certainly prove more intransigent than Sheikh Mujib. To execute such a man would be the height of folly. It would increase the danger of war and smash the last point hope of a just and peaceful settlement.

EVENTS IN PAKISTAN

The events in Pakistan appear to be a mixed bag. Pakistan has agreed to allow the United Nations to send in 38 officials who will act to some extent as observers in East Pakistan. Pakistan has accepted the appointment of a number of United Nations and U.S. officials to head food relief and refugee assistance programs in East Pakistan, and finally the Government of Pakistan has relieved Lt. Gen. Tikka Khan from his post as Governor and Martial Law Administrator of East Pakistan and has named a civilian as the new Governor.

On the other hand the Government of Pakistan will prosecute 95 Bengali deputies of the 288 Awami League deputies to win seats in the 310-member provincial assembly. This action followed a ban of 79 of the 167 Awami deputies in the National Assembly out of a total of 313.

Finally, East Pakistan has been ravaged by floods and the attacks of the Mukti Bahini continue.

Just yesterday, West Pakistan leader Zulfikar Ali Bhutto strongly criticized the Government and warned of a civil war in West Pakistan if the military government does not hand over power to the civilians.

SENATOR KENNEDY'S TRIP AND SENATOR PERCY'S TRIP

Both Senator KENNEDY and Senator PERCY after their recent trips to South Asia have urged the cut off of American military aid to Pakistan until the strife in the eastern part of the country ends. Senator KENNEDY also urged the suspension of economic aid. Senator KENNEDY charged that the Government of Pakistan was committing genocide and Pakistan promptly canceled his visit.

SUMMARY

It seems that the passage of time may be on the side of those who favor continued American aid to prop up another government that has shown no regard to the right of self-determination of its people.

I agree with the Toronto Declaration of Concern. And its conclusions which were—

> We urge all governments: 1. to terminate immediately all military deliveries to Pakistan; 2. to suspend all economic aid to Pakistan; 3. to channel all possible resources into a massive emergency program for famine relief in East Pakistan directed and administered by the UN; 4. to make firm continuing commitments to share fairly the economic burden of supporting the refugees in India; 5. to intervene to save the life of Sheikh Mujibar Rahman.

However, we must recognize that a civil war is raging in Pakistan. I am dismayed by India's overzealous efforts in contributing assistance to that civil war. If we are going to avoid further human suffering from disease and famine, both India and Pakistan must contribute to the stability which will be required for the needed international relief.

AMENDMENT NO. 364

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from Indiana (Mr. HARTKE) be added as a co-sponsor of amendment No. 364 to S. 1684, a bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF FURTHER SPEEDY TRIAL HEARINGS—ADDITIONAL COSPONSORS OF BILL

Mr. ERVIN. Mr. President, I am pleased to announce a resumption on Tuesday, September 14, of the speedy trial hearings which the Constitutional Rights Subcommittee began in July of this year. Beginning at 10 o'clock a.m. on that day, we shall hear from Assistant Attorney General William H. Rehnquist of the Justice Department, Congressman ABNER J. MIKVA, and Prof. Dan Freed of Yale Law School.

At the July hearings several of the 49 Senators cosponsoring S. 895 appeared and a number of others submitted statements so that the subcommittee would have the benefit of their very useful suggestions and comments in its deliberations on this important bill. In addition, the subcommittee heard from a Federal and a State judge, both from busy districts, who told us how they have achieved the goal of speedy trial in their own jurisdictions. We were also fortunate to have interested and knowledgeable witnesses with extensive experience in prosecution, defense, and pretrial rehabilitation services who gave us their advice on improving S. 895. All these witnesses provided us with a solid foundation on which to construct sound, speedy trial legislation.

I was most encouraged to find two common threads extending throughout the testimony and statements presented to the subcommittee at that time. First, there was a general agreement that speedy trial is not an unattainable goal—it is a realistic objective within our grasp. Second, I found that a sincere desire to find a practical means to reach that goal speedily pervaded the entire record—everyone has offered constructive comment aimed at realizing our goal just as soon as practically possible.

Thus far, in our hearings, we have learned that the speedy trial goal can be reached where the will to achieve it exists. We have also learned that pretrial services agencies can effectively reduce crime and rehabilitate defendants if that result is sought with sufficient resolve. If we in the Congress apply that same will and resolve to act constructively on this legislation, I am confident that we can give the courts and their related agencies the necessary encouragement, machinery, and resources to accomplish our common goal. So far, all who have appeared have made highly valuable contributions to our work. I fully expect that spirit to continue as we proceed with the hearings.

As I have previously explained, title I of S. 895 would require each Federal district court to establish its own plan for holding trials within 60 days of an indictment or information. Departures from the 60-day requirement would be allowed but only on limited grounds such as a defendant's unavailability or a judicial finding that the ends of justice could not otherwise be met. Title II of the bill contains provisions to enhance operation of the Bail Reform Act of 1966 by establishing demonstration pretrial services agencies in five judicial districts. These agencies would insure that the defendant received the necessary social, employment, and other services to minimize the temptations to crime and delinquency in the pretrial period.

As I have also pointed out on prior occasions, those of us who sponsor S. 895 know that it is not devoid of problems. However, we are all convinced that these problems can be overcome. I believe that we have made substantial progress as a result of the first hearings we held in July, and I am certain that we shall write another chapter of progress when we resume our hearings on September 14.

Our witnesses on that day are all eminently well qualified to assist us in this continuing task. The Department of

Justice will be represented by Assistant Attorney General Rehnquist, accompanied by Associate Deputy Attorney General for Criminal Justice Donald E. Santarelli. Although the subcommittee has had no official notification of the Department's position on S. 895, we have had assurance from Department officials that they share our strong desire to insure speedy trials for all Federal criminal suspects. Another of our witnesses, Congressman Mikva, has been a strong and able leader in the House of Representatives for the much needed speedy trial legislation which we are pursuing in the Senate. Professor Freed, former head of the Justice Department's Office of Criminal Justice, has long been interested in improving the quality of criminal justice in America and firmly believes that speedy trial is an important key to that improvement.

I fully expect that the impending hearings will bring us much closer to the realization of the sixth amendment speedy trial guarantee. Our hearings will begin at 10 o'clock a.m. on September 14, 1971, in room 6226 of the New Senate Office Building. Further information about the hearings can be obtained by contacting the Constitutional Rights Subcommittee office, 102–B, Old Senate Office Building.

Mr. President, I am also pleased to announce that three more Members of the Senate—Senators Nelson, Roth, and Tunney—have joined in cosponsoring S. 895. Our total number of cosponsors have now reached 49. I ask unanimous consent that at the next printing of S. 895 the following Senators be shown as cosponsors: Birch Bayh, Wallace F. Bennett, Lloyd M. Bentsen, Jr., Alan Bible, Quentin N. Burdick, Howard W. Cannon, Clifford P. Case, Lawton Chiles, Alan Cranston, Carl T. Curtis, Robert Dole, Thomas F. Eagleton, Hiram L. Fong, David H. Gambrell, Edward J. Gurney, Philip A. Hart, Vance Hartke, Mark O. Hatfield, Ernest F. Hollings, Roman L. Hruska, Harold E. Hughes, Hubert H. Humphrey, Daniel K. Inouye, Henry M. Jackson, Jacob K. Javits, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., John L. McClellan, Gale W. McGee, George McGovern, Thomas J. McIntyre, Jack Miller, Walter F. Mondale, Frank E. Moss, Edmund S. Muskie, Gaylord Nelson, Robert W. Packwood, Claiborne Pell, Charles H. Percy, Jennings Randolph, William V. Roth, Ted Stevens, Herman E. Talmadge, Strom Thurmond, John G. Tower, John V. Tunney, and Harrison A. Williams.

The PRESIDING OFFICER. (Mr. Stevenson). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LOSS OF SENATOR PROUTY

Mr. STENNIS. Mr. President, I wish to express my regret at the passing of Senator Prouty on Friday, September 10, and to extend my deep sympathy to his family and to the people of Vermont, whom he represented so ably in the Senate.

Winston Prouty was a man of great integrity and courage. Quiet and gentlemanly in manner, he was a dedicated and effective Member of this body. He worked especially hard on behalf of the elderly and the unfortunate, championing their cause with consistency and skill.

Senator Prouty's 20 years in Congress—8 years in the House and 12 years in the Senate—are a testimonial to the esteem with which he was held by the people of Vermont. The memories he leaves with each of his colleagues in the Senate are testimonials to our individual esteem for him, as a Senator, as a man, and as a friend. We will miss him here, and he will be greatly missed by the people of Vermont.

I wish to extend my condolences to Mrs. Prouty, in her time of grief.

TRIBUTE TO SENATOR NELSON AND OTHERS ON PASSAGE LAST WEEK OF POVERTY PROGRAM EXTENSION

Mr. MANSFIELD. Mr. President, I was pleased to note upon my return to the Senate the final passage of S. 2007, an act to extend for 2 years programs administered by the Office of Economic Opportunity. I believe that this measure through the able management of the distinguished Senator from Wisconsin (Mr. Nelson) was passed in record time. In the last several years, this particular program has often taken many days of deliberation before final passage, but with thorough preparation and admirable legislative foresight, Senator Nelson—I noted from the Record—was able to accommodate a very complete and deliberate debate which I think led to its rapid, final passage.

The distinguished senior Senator from New York (Mr. Javits) as ranking minority member lent not only his intimate knowledge of the vast range of subjects and details covered by the bill, but also his articulate voice in helping the Senate more thoroughly to appreciate the far-reaching ramifications of this bill.

Amendments that were offered by Senator Taft, Senator Randolph, and Senator Ribicoff again showed the thoroughness with which Senators approach their individual responsibilities for the enactment of all legislation. The Senate owes them each a note of thanks for their participation.

Contributing to the debate through amendments and their insightful questions, Senator Mondale, Senator Cranston, Senator Schweiker, Senator Williams, and Senator Buckley all contributed to this Chamber's reputation as the world's greatest deliberative body. It is my thought that only when Members are willing to express their thoughts about programs will it be possible for this body to reach a consensus.

Again, to each of the Senators who participated in the debate on the Office of Economic Opportunity programs bill, I wish to say thanks and to say again that I was pleasantly surprised to find this important piece of legislation approved with such rapidity.

SOARING MEDICAL COSTS

Mr. SAXBE. Mr. President, I have frequently taken the floor of the Senate to decry our Nation's overburdened health care system.

There is a manpower shortage—too many people for the number of professionals available. There are simply not enough doctors, nurses, dentists, and technologists to meet the demands of our growing population. People wait for hours in clinics, hospitals, and doctors' offices to receive necessary medical treatment.

Not only is there a severe shortage of medical personnel; there is also an inefficient use of the existing manpower. Nurses and doctors are performing functions that could easily be handled by what I call paramedical personnel. Their special training and skills are being wasted. Thus, the waste of a valuable resource. Other health personnel must be employed to do what the highly trained doctors and nurses now do.

In addition to the manpower shortage and the inefficient use of medical personnel, there is also an unequal distribution of medical manpower. Doctors have followed the middle-class move to suburbia, concentrating medical personnel in the suburbs, and leaving the urban and isolated rural areas virtually unserved. Many people in urban and rural areas go untreated and sometimes die in emergencies, because they have been isolated from proper and readily available medical care.

Mr. President, in today's New York Times, Staff Writer Richard D. Lyons explores the health care dilemma in considerable detail. Because both his article and the subject itself are so timely, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dilemma in Health Care: Rising Cost and Demand

(By Richard D. Lyons)

Washington, Sept. 12.—A decade ago, one medical group in Manhattan charged $35 for a basic physical checkup; today it charges $65. In those same years the going rate for an appendectomy in New York rose from $485 to $1,175 and that the cost of an average hospital stay, for the nation as a whole, rose from $265 to $785.

Indeed, Americans are spending money on health care as if there were no tomorrow.

And while almost everyone is complaining about spiraling health care costs, most of the same people—rich and middle class as well as poor, insurers and providers as well as consumers—are also demanding more and better health care no matter what it costs.

The statistics for medical costs, at a time when accumulated inflation has swollen most economic indications, are staggering. This year Americans—through their own pocketbooks, their Federal, state and local governments, and their health insurance companies—will spend almost $80-billion for such things as 15 million operations, two billion prescriptions and the salaries of the five million people who provide health care.

One conservative Federal estimate sets the nation's total health bill by 1980 at $156-billion, which would be 8 per cent of the gross national product and over five times the peak annual cost of the Vietnam war.

"I think medical care is going to be the Vietnam of the nineteen-seventies—billions and billions of dollars going into a quagmire," says Dr. Frederic Bass, a health planner at the University of Pennsylvania.

In this era of inflation, no other item on the Consumer Price Index has risen so fast over the last decade as health costs. In the last four years alone, they have climbed 30 per cent.

Hospital rates have risen five-fold. Today they are hovering at about $100 a day, an unthinkable sum a decade ago. But a decade from now, according to some projections, hospitals may be charging $1,000 a day. At one Boston hospital, a bed in the intensive care unit for respiratory diseases now costs $425.75 a day.

Such statistics provide only a partial picture, however. Behind them there is a long period of dramatic progress in medical technology and, along with it, an unquantifiable but almost tangible rise in public expectations. And at the conjunction of all these factors are two fundamental questions:

If, theoretically, good health care is now possible for everyone, then how can the nation rationally allow anyone to go without it? But if, practically, the cost of good health care continues to rise so steeply, then how can the nation maintain even its present standards for long without going bankrupt?

Personal "horror stories" of the financial and emotional costs of illness are seemingly endless: A New York couple is financially ruined by the medical costs of a son paralyzed by a football injury; an elderly black couple in Mississippi spend one-third of their meager Social Security check on medicine; a Californian undergoes a kidney transplant to save his life, yet does not have the funds to buy the drugs to keep it viable.

Ranging from Robert Ball, the director of the Social Security Administration, to Paul Stark, the head of a defunct Federal health center in Prestonburg, Ky., many medical administrators feel that the country is either spending too much money on health care or is not getting its money's worth.

REASONS FOR THE INCREASE

The reasons for this surge in spending include:

Inflation, which accounts for half the recent rise in health costs.

More Americans, 20 million more in the last 10 years.

Medicare and Medicaid, which accelerated the demand for services and helped to drive up their prices.

A philosophical shift to the now general opinion that health care is a right of every American, not just a privilege of birth or money.

More sophisticated medical techniques, such as open-heart surgery, that lead to better medical care but at greater cost.

Unionization of hospital workers, which gives higher salaries and more costly fringe benefits to a group that has been among the lowest paid in the nation for decades.

There are other reasons, but they are much harder to document with numbers. Critics of the national health care system—many call it a nonsystem—say it has and is creating vast inequities. For example, in New York City it is at times almost impossible to find a hospital bed, that half the beds in San Francisco hospitals are empty and more hospitals are opening there.

The critics hold that there are vast inefficiencies in the prescription of drugs, the payment for health insurance and the services provided by both hospitals and doctors. For example, a favorite remark of Senator Kennedy, the Massachusetts Democrat who is the chief Congressional critic health care system, is that there are more neurosurgeons in his home state than there are in the British Isles, which have 10 times the population.

Another trouble is that the flood of new money into health care has not been matched by an increase in efficiency. In fact, it seems to have acted in reverse in some permutation of Parkinson's law.

"It costs more and more all the time to stand still," says John G. Veneman, Under-Secretary of Health, Education and Welfare. Mr. Veneman and other Nixon Administration officials were appalled by health costs when they took office, but Federal expenses have continued to shoot up despite their efforts.

Where does all the money go? Principally to hospitals, doctors, drugs, medical appliances, nursing homes and, as overhead, to the health insurance companies such as Blue Cross and Blue Shield that spread the risk of becoming ill.

Portions of the health care pie are divided roughly this way: 40 per cent for hospital care; 20 per cent for doctors' services; 10 per cent for drugs; 6 per cent for dentists' services, and 4 per cent for nursing home expenses. The remaining 20 per cent is divided among such items as medical research, construction of facilities, and administration.

Nearly every critic of the health care system believes Americans are spending too much money on drugs. Dr. Henry E. Simmons, chief drug officer of the Food and Drug Administration, estimates that "Americans spend half a million dollars a year on drugs for which there is no valid proof of efficacy."

Just recently the F.D.A. succeeded in removing from public sale a drug named Panalba after a legal battle that ran on for years. During that time consumers were spending $30-million a year on the product, even though Federal judges as well as Federal scientists had found it to be ineffective.

HIGH DRUG PROFITS

While drug prices have not risen dramatically, the pharmaceutical industry reaps the highest profits in terms of return on investment—20 per cent—of any large segment of American industry. Congressional investigations have revealed huge profits in some specific drugs—of over 1,000 per cent in isolated cases—yet drug companies have successfully turned back most attempts to reduce prices.

Another factor is doctors' fees. "You can't reform the health care system unless you delve into the pocketbooks of doctors," says Dr. Robert D. Eilers, director of the Leonard Davis Institute of Health Economics. He notes that one medical group recently hired a surgeon for a salary of $85,000 a year "plus bonuses."

Doctors, the most highly paid professionals in the country, earn a median income of $40,000 a year—after expenses but before taxes—according to our calculation. Only one per cent of Americans earn as much as this. Federal economists estimate that doctors' fees are almost 70 per cent higher than they were in the late nineteen-fifties, a rise almost double that of the consumer price Index.

Yet doctors have their own economic problem. Premium rates for medical malpractice insurance, for example, have been soaring. One New York surgeon said he paid an annual premium of $50 when he started practice in 1950. He expects that next year's premium will be $5,050, a hundred times as much. This expense he passes along to the consumer in the form of higher fees.

"HAVE TO PUT THE CRUNCH ON"

Despite all the complaints about drug costs and doctors' fees, most of the grumbling over the rise in health costs has been directed at hospitals. For hospitals have been getting the lion's share of health expenses.

The most common criticism has been that the hospitals have never had the incentives needed for them to effect economies. In addition, most hospitals are controlled by doctors who are unfamiliar with the modern management practices that might curb costs.

"Hospitals are the problems, but Blue Cross hasn't pushed them hard enough," says Dr. Herbert S. Denenberg, the new Pennsylvania insurance commissioner. "You have to put the crunch on someone if you're going to control medical costs."

In a rare effort to force economies, the insurance commissioner rejected a $74-million premium rate increase request from Blue Cross of Greater Philadelphia, which has been awarded an annual increase for the last quarter century. He wants to retain Blue Cross, but force it in turn to force hospitals to effect economies.

Dr. Denenberg, one of the new breed of reformers in the health care field and a friend of Ralph Nader, the consumer advocate, also accuses the other private insurance companies of "just shoveling money back and forth—they have not paid attention to cost and quality controls."

The Pennsylvanian is one of 20 new state insurance commissioners who have taken office in the last year. Many of them are determined to force economies in health costs. Others include Kenneth Deshetler, Ohio's Director of Insurance, and John F. O'Leary, chairman of the Massachusetts rate-setting commission.

Mr. O'Leary wants state and Federal agencies to intervene to force down hospital costs and some states, including New York, Maryland, California and Pennsylvania, are considering the creation of hospital rate setting commissions similar to those that regulate transportation, electric and gas rates.

Gordon Chase, head of the New York City Health Services Administration, accuses hospital leaders of using "quality of care" to "obscure inefficiency, obsolescence and traditional ways of operating which will not stand close scrutiny."

Three-quarters of all hospital bills are paid through Blue Cross, which was specifically created to perform the task. Yet Blue Cross has gone almost unregulated. Congressional investigators found recently that some local plans were paying the country club dues of Blue Cross executives, while others were paying for executives' vacations in Hawaii.

The national president of Blue Cross, Walter J. McNerney of Chicago, conceded that the hospital insurance plan "has not done everything as well as it should" to hold down hospital rates. "We have not been sufficiently self-critical and innovative," he adds.

How could hospital costs be brought down? The Good Samaritan Health Service in Phoenix found a way by amalgamating a group of 10 hospitals, thus doing away with duplicating services and overhead. The group saved $90,000 last year by buying all its insurance as a package. Common laundry services and the standardization of linens and uniforms all would help, but relatively few groups of hospitals have done this.

Costs could also be constrained by clusters of hospitals if individual institutions were assigned specific tasks, such as delivering babies and performing open-heart surgery, rather than each offering a full range of services.

Keeping people out of the hospital is uniformly acknowledged as the most effective method of holding down costs.

The patient population of Philadelphia State Hospital dropped from 6,400 to under 3,000 in recent years, aided by the creation of the West Philadelphia Mental Health Consortium, a group of nine community mental health clinics.

Dr. Robert Leopold, the consortium's director, says that while costs per patient are $6 a day at the health centers, they are $15 a day in the state hospital. The Philadelphia program, one of only a few in the nation, "shows that psychiatric patients can be treated near their homes outside the hospital and at far less cost," Dr. Leopold says.

Large cost savings from Pre-Paid Group Plans also are possible through the operation of what are known as prepaid group plans, of which the most familiar are the Kaiser foundation groups of California, Oregon, Hawaii, Colorado and Ohio.

By stressing preventive medicine, that is, treating potentially serious medical conditions before they can grow into costly diseases, persons enrolled in the Kaiser groups spend less than half as many days in hospitals as other Americans. Premiums for Kaiser care are also less than comparable insurance plans, while the annual increase in premium rates has been less than elsewhere.

The money-saving potential of providing preventive services, such as periodic physicals has been demonstrated by the Group Health Cooperative of Puget Sound in Seattle, which was started in 1947 and now provides health care for 140,000 people.

Last year the group health cooperative spent only $37 per member on hospitalization. This compares with $112 for the average American. Yet almost the same amount of money was spent for both groups for physicians' fees and outpatient services such as laboratory tests and X-rays. The lesson would seem to be that preventive medicine, properly run, can substantially reduce costly hospitalization.

A Federal takeover of health delivery systems, as occurred in Britain, has been advocated by some groups here. But at least two experiments with Federal funding in this country have indicated that it is little better economically than the system it is meant to replace.

In Prestonburg, Ky., one such project was canceled by the Office of Economic Opportunity after investigators found it to services but also "totally corrupt." More than half of the $4 million spent on the project went for the salaries of courthouse cronies and overhead expenses.

Another Federally funded project, the Martin Luther King Health Center in the Bronx, spends $75 per patient visit, far more than it would cost to treat a person in a doctor's office.

MAINTENANCE GROUPS

The Nixon Administration is spending $45 million on what might be one partial solution to the health cost problem—the health maintenance organization. The H.M.O., as it is known, has been praised by the President as the prime new method of organizing health care delivery for quality and economy.

H.M.O.'s, a few of which are now in operation, use groups of doctors and facilities to treat the health needs of thousands of persons living in specific areas. In his health message of late February, Mr. Nixon also proposed a $300-million loan guarantee programs to start dozens of H.M.O.'s. If the Administration has its wish, 80 percent of all Americans will be enrolled in H.M.O.'s by the end of the decade.

This percentage is viewed as wildly optimistic even by those health care experts who say that reform of the system is absolutely necessary to bring better medical care to more people at less cost.

One of the new breed of reformers who are leading the attack against wasteful and inept practices in the health care field is Dr. Denenberg of Pennsylvania, who is a friend of Ralph Nader, the consumer advocate. Dr. Denenberg is the type of free wheeling challenger of the medical establisment who, according to one critic, makes Mr. Nader "look like Louis the fourteenth."

"The health delivery system is so full of glaring inefficiencies and abuses that it is easy to give up in despair," says Dr. Denenberg. "For example, the providers of health care saddle the public with unnecessary, underutilized and duplicated services which not only produce astronomical costs, but also often deliver low quality care."

The complaints come from within the medical establishment as well. Dr. Edwin L. Crosby, president of the American Hospital Association, says the Nation has too many hospital beds. And one of the truisms of medical practice holds that too many operations are being performed on too many people.

The result, according to Dr. Murray Hunter, medical director of a clinic in Fairmont, W. Va., is that "for a dollar today we're getting 50 cents worth of health care—if it were done right we'd get 80 cents worth."

Another problem is that merely increasing the money spent on health care does not necessarily lead to better-quality care. A Dr. Donald Harrington, director of the San Joaquin Medical Foundation in Stockton, Calif., puts it: "An open checkbook often leads to bad work."

Yet some doctors seem to be benefitting by such an approach. Dr. Lowell E. Bellin, New York City's first deputy health resources commissioner, says: "If after 2 years in private practice a doctor isn't clearing $35,000 a year, you should strap an electroencephalograph to his brain to find out why."

HOW UNION PACIFIC GATHERS LETTERS OF SUPPORT FOR THE ASTRO PROGRAM

Mr. CHURCH. Mr. President, I cannot speak for other Senators, but in recent weeks I have received numerous letters from people in my State of Idaho expressing their support for aid to our Nation's railroads. Some letters refer to the so-called ASTRO program directly; others simply call for aid to the railroads.

The volume of letters received has been impressive and, like all letters which I receive from Idahoans, I have given them careful study and consideration. However, recently I came into possession of a brochure sent out by the Union Pacific Railroad, signed by its president, E. H. Bailey. I can only say that I was personally shocked and appalled at its contents. In effect, the Union Pacific Railroad, through an extremely thin facade, is attempting to buy influence in the Congress via an overt "bribe" to its employees to write their Senators and Representatives and urge their friends to do the same.

The "bribe" is in the form of a "prize" which is awarded to winners in what is creatively described as the "ASTRO Sweepstakes."

The pertinent section of the brochure states:

Win a $100 Savings Bond!!!

Get as many people as possible to write. Send their names to me. Each week, for six weeks, the employee who turns in the most verifiable names will win a $100 Savings Bond. The first award will be based on signature cards received as of 5:00 p.m., Friday, July 16, with additional awards made each week on the five following Fridays. Use the enclosed signature pad or any paper. I'll send more literature or signature pads if you ask.

Union Pacific needs and will appreciate your help.

E. H. Bailey.

The packet which I received also contained a convenient form for informing Mr. Bailey of how many signatures the competitor for the $100 bond had collected. The form asked for the date and stated:

Today, I contacted —— and he/she promised to write his/her Congressman asking for help for the railroad industry.

——.

Also enclosed was a conveniently self-addressed envelope to Mr. Bailey and a card for the individual the packet was sent to so that he can verify that he has written his Representative or Senator.

I think it would be of interest to Members of Congress to know that the mail they have been receiving from their States may have been motivated by the hope of winning a savings bond either for oneself or helping to win a bond for one's friend, rather than any factual familiarity with the economic status of the Nation's railroads.

Mr. President, the distinguished Senator from Montana (Mr. Metcalf) has estimated the cost of the ASTRO program to be in the neighborhood of $36 billion. It includes proposals for favorable tax treatment from the Federal Government, loan guarantees, low-interest loans, authority for automatic rate increases, and more freedom to abandon service.

When we passed the Railroad Passenger Service Act, we did so with the avowed purpose of preserving and improving national rail passenger transportation. Today we have 50 percent less passenger service in America, and my State of Idaho has, for all practical purposes, been made totally devoid of service. In 1969, we granted railroads special tax breaks under the Tax Reform Act of 1969. No sooner had we done so than the railroads pushed for higher rates and moved to abandon north-south passenger service between Salt Lake City, Utah, and Butte, Mont., via Idaho points. Now the railroads ask for more. Again they say it will mean improved service for Idaho and the Nation. Their past record in fulfilling their pledges is dismal, indeed. Although I will attempt to keep an open mind and study the records and reports on this legislation, should it come before the full Senate for a vote, I will not cosponsor or promote this program.

Mr. President, I ask unanimous consent that the text of the brochure which contains the "ASTRO Sweepstakes" be printed in the Record.

There being no objection, the brochure was ordered to be printed in the Record, as follows:

America's Railroads . . . Who Needs Them? You Do, We All Do . . . And They Need You

With this match-that-writes, you can fire up Congress by writing and asking their support of America's railroads. Ideas in the blue Astro pamphlet may be helpful. Turn this page for your Senators' and Representatives' names.

E. H. Bailey.

P.S.—You may win one of six $100 Savings Bonds in the "Astro Sweepstakes." Details are on the other side of this folder.

U.S. SENATORS AND CONGRESSMEN FROM THE 13 UNION PACIFIC STATES

Write your Senators or Representative in Washington—in your own words—and ask him to help the railroads help themselves.

The correct form of address for your Representative or Senator is:

your address
city, state
the date

The Honorable ———
The United States Senate (or House of Representatives)
Washington, D.C.
(Dear Congressman ———: or Dear Senator ———:)

Please write in your own words.

California

Senators

Alan Cranston.
John V. Tunney.

Congressmen

District 17: Glenn M. Anderson.
District 19: Chet Holifield.
District 23: Del Clawson.
District 24: John H. Rousselot.
District 25: Charles S. Wiggins.
District 29: George E. Danielson.
District 30: Edward R. Roybal.
District 32: Craig Hosmer.
District 33: Jerry L. Pettis.
District 34: Richard T. Hanna.
District 38: Victor V. Veysey.

Colorado

Senators

Gordon Allott.
Peter H. Dominick.

Congressmen

District 1: James D. McKevitt.
District 2: Donald G. Brotzman.
District 3: Frank E. Evans.
District 4: Wayne N. Aspinall.

Idaho

Senators

Frank Church.
Len B. Jordan.

Congressmen

District 1: James A. McClure.
District 2: Orval Hansen.

Iowa

Senators

Jack Miller.
Harold Hughes.

Congressman

District 7: William J. Scherle.

Kansas

Senators

Robert Dole.
James B. Pearson.

Congressmen

District 1: Keith G. Sebelius.
District 2: William R. Roy.
District 3: Larry Winn, Jr.

Missouri

Senators

Stuart Symington.
Thomas F. Eagleton.

Congressmen

District 5: Richard Bolling.
District 6: W. R. Hull, Jr.

Montana

Senators

Michael J. Mansfield.
Lee Metcalf.

Congressman

District 1: Richard G. Shoup.

Nebraska

Senators

Roman L. Hruska.
Carl T. Curtis.

Congressmen

District 1: Charles Thone.
District 2: John G. McCollister.
District 3: David T. Martin.

Nevada

Senators

Alan Bible.
Howard W. Cannon.

Congressman

District 1: Walter S. Baring (at large).

Oregon

Senators

Mark O. Hatfield.
Robert W. Packwood.

Congressmen

District 1: Wendell Wyatt.
District 2: Al Ullman.
District 3: Edith Green.

Utah

Senators

Wallace F. Bennett.
Frank E. Moss.

Congressmen

District 1: K. Gunn McKay.
District 2: S. P. Lloyd.

Washington

Senators

Warren G. Magnuson.
Henry M. Jackson.

Congressmen

District 3: J. B. Hansen.
District 4: Mike McCormack.
District 5: Thomas Foley.
District 6: Floyd Hicks.
District 7: Brock Adams.

Wyoming

Senators

Gale W. McGee.
Clifford P. Hansen.

Congressman

District 1: Teno Roncalio.

Tell Congress railroad jobs are important.

This button [not printed in the RECORD] is yours . . . to wear after you have convinced five friends and neighbors to write their congressmen.

WIN A $100 SAVINGS BOND!!!

Get as many people as possible to write. Send their names to me. Each week, for six weeks, the employee who turns in the most verifiable names will win a $100 Savings Bond. The first award will be based on signature cards received as of 5:00 P.M., Friday, July 16, with additional awards made each week on the five following Fridays. Use the enclosed signature pad or any paper. I'll send more literature or signature pads if you ask.

Union Pacific needs and will appreciate your help.

E. H. BAILEY.

WHY IS UNION PACIFIC CONCERNED?

Healthy as we are now, our railroad is dependent on a sound, nationwide rail network. We'd get sick pretty fast if our connections at Council Bluffs and Kansas City failed. You and Union Pacific have a vital stake in the ASTRO program.

BENEFITS OF THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, some opponents of the trans-Alaska pipeline have argued that the economic benefits to be derived from this project would be only temporary. Thus, they have contended that the construction and operation of the pipeline would create a "boom-and-bust" situation similar to the 1898 gold rush which took place in northern Alaska.

This argument, which was never given any credence by those familiar with the economic situation in Alaska and the potential of the North Slope reserves, has now been persuasively refuted in a scholarly study prepared for the Department of the Interior by the Institute of Social, Economic, and Government Research of the University of Alaska. Entitled "Economic Impact of Trans-Alaska Pipeline," this report examines the structure and recent history of Alaska's oil and gas industry and the expected social and economic impact through the year 2000 of North Slope development and the construction and operation of the pipeline.

The report concludes that construction of the pipeline and related facilities will directly affect the State's economy through increased payrolls, oil royalties, and tax benefits. Moreover, the new transportation facilities which will be built to facilitate petroleum industry activity will most likely encourage an increase in tourism and promote the economical extraction of other resources.

Perhaps even more important are the indirect and secondary economic effects which can be expected from pipeline construction and operation. Thus, this activity is expected to increase personal income originating in Alaska by approximately one-third over 1969 levels in the first full year of construction. Moreover, employment and payrolls will increase by about one-fifth over 1970 figures, and the State's population will grow by about one-sixth over the 1970 level.

Of great importance is the conclusion that while some temporary decline in Alaska employment and personal income can be expected for 1 or 2 years following the peak pipeline construction activity, the beneficial effects to be derived from spending and from petroleum royalties and taxes will just about offset the decline in moneys injected into the State's economy by construction and field development activity. In this connection, total State revenue attributable to the development of the North Slope reserves are expected to be approximately $1 million once the pipeline is operating at full capacity.

Although somewhat speculative in that they rest on factual and methodological assumptions which are sometimes necessarily oversimplified, these numerical projections are persuasive evidence that the beneficial economic effects of the pipeline will be permanent and that a boom-and-bust situation can be avoided. Since there is a high probability that further oil and gas discoveries, some perhaps as large as the Prudhoe Bay field, will be made in Alaska, it is reasonable to expect that similar economic benefits will be derived for many years to come.

GENOCIDE: ADVISE AND CONSENT

Mr. PROXMIRE. Mr. President, the Senate's role in the making of foreign policy has become a matter of increasing public controversy. This is largely due to the widespread malaise over the prosecution of the war in Indochina: many Senators feel that they were misled on this matter, and that their opinions were not taken into consideration when policies were formed.

In other words, the Senate's constitutional duty "to advise and consent" on matters of foreign policy has fallen into a state of disrepair.

Now the Senate has an opportunity to fulfill that historic duty. For 20 years the Convention on the Prevention and Punishment of the Crime of Genocide has lain dormant in the Senate, while 75 other nations have moved forward to ratify it. As a result of our delay, we now stand isolated as the only superpower which has not become a party to that treaty. We are the only superpower which has refused to join the body of world opinion which would reinforce our opposition to the crime of genocide with the authority of law.

Two years ago, Secretary of State Rogers and Attorney General Mitchell cleared the Genocide Convention for White House endorsement, finding no substantive diplomatic or constitutional justifications for U.S. refusal to ratify the treaty. President Nixon then sent a message to the Senate urging its advice and consent to ratification of the treaty. A subcommittee of the Committee on Foreign Relations has held exhaustive hearings on the Genocide Convention, and the committee itself has reported it out to the floor of the Senate with a favorable recommendation.

And that, Mr. President, is where the matter stands today.

As I said earlier, this would be a most appropriate time for the Senate to ratify the Genocide Convention. As a symbolic affirmation of our Nation's basic humane instincts and faith in law, it would counteract the popular cynicism which has begun to shroud the American public image in numerous countries around the world. It might give cause for some people in our own country to be less suspicious about the motives of the Government. And it would present an excellent opportunity for the Senate to exercise its constitutional authority to lend legitimacy to American foreign policy.

Whether the Senate's ultimate disposition is affirmative or negative—and I would hope it is affirmative—let us act on the Genocide Convention. Let us not delay in completing action on this treaty which nobly embodies the best traits of our national character.

DISCOVERY OF THE HISTORY OF ALASKA

Mr. STEVENS. Mr. President, "Economic growth and research are not always compatible bedfellows." These are the opening words of Dr. John P. Cook, assistant professor of anthropology at the University of Alaska, in an article reprinted in the Southeastern Alaska Empire, Juneau, Alaska, on August 6, 1971. Professor Cook goes on to say: "But the trans-Alaska pipeline is an extraordinary story."

And so it is, Mr. President, that the longer and more vigorous the discussion about the soon-to-be-built Alaska pipeline continues, the more and more information surfaces about the ancillary benefits associated with the project.

I ask unanimous consent that Professor Cook's article about discovering the history of Alaska through archeological investigations along the pipeline route be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISCOVERING THE HISTORY OF ALASKA

(By Dr. John P. Cook)

COLLEGE, ALASKA.—Economic growth and research are not always compatible bed fellows. This is especially true in the field of archeology where construction activities often destroy, irretrievably, valuable archeological sites that might have shed some important light on some problem of our historic or prehistoric heritage. This situation is unfortunately true in many parts of the country even in the face of federal laws and many state statutes protecting such antiquities. Although the public is increasingly aware of how much the past has conditioned our present status—physically, culturally and even psychologically—there are simply not enough archeologists, enforcing officials, or concerned industries to cope with the growing destruction through construction. But the trans-Alaska pipeline is an extraordinary story—of exactly the opposite situation.

After the discovery of large oil reserves on the North Slope of Alaska in 1968, a consortium of firms—the Alyeska Pipeline Service Company—was formed to construct a 48-inch pipeline from the oil fields of the ice free harbor of Valdez on the southcentral coast of the state. In an almost 800-mile traverse of the state, the proposed pipeline would cross areas of vital interest to anthropologists.

Why this interest? There are a number of reasons. The original human inhabitants of the New World, and thus the ancestors of all North and South American Indians, migrated from Asia across what is now the Bering Straits. This migration probably took many thousands of years, during which Alaska was a major occupation zone. Theoretically, these were hunters traveling in small bands following herds of bison, horse and mammoth. But, actually, we have virtually no concrete evidence of these early hunters. The pipeline will pass through parts of the state where they must have lived, and it is highly probable that it will uncover some of these sites.

The descendents of these people have perhaps been living in Alaska for 50,000 to 60,000 years. During this time, the environment has changed, changed several times, initiating changes in the cultural life and perhaps even the physical characteristics of the natives. What these changes were and how they came about are important questions whose answers can be applied to the study of mankind everywhere. Archeology along the pipeline route may provide the answers to many of these questions regarding process and change, and adaptation of human populations.

With these problems in mind, the pipeline company has combined forces with archeologists in the state and with federal officials to prevent any possible loss of anthropological-archeological data occurring through construction activities associated with the pipeline. Through contractual agreements with the University of Alaska and Alaska Methodist University the company has provided for a thorough examination of the pipeline, an associated haul road, pumping facilities and all other areas of activity where there might be historic or prehistoric sites. Although the survey has not been completed, a great number of sites has been located.

However, it is not enough to just locate the sites. If they are to be useful, they must be properly excavated. Collections of artifacts themselves tell us relatively little about man's past behavior; it is the relationship of the artifacts to each other, to the soil, and to the environment—the context in which they are found—that provides the insights to cultural processes and changes. So, in addition to the survey, the archeologists will thoroughly excavate each site that might be affected by subsequent construction activities.

The professional archeologists involved are Professor William B. Workman, of Alaska Methodist University, who has completed a preliminary survey of the extreme southern end of the route, and myself, coordinating the efforts of several field parties examining the northern three-fourths of the alignment, from what is known as Hogan Hill, about 30 miles south of Paxson, Alaska, to Prudhoe Bay.

The archeological crews conducted the survey almost entirely on foot, although with helicopter support. They were dropped off at points along the alignment and were picked up again after a day's work examining the ground for any evidence of archeological value. In some cases, during excavation, they camped in the field for several days. As a site was located, it was mapped and excavated as thoroughly as possible. Most of the sites were small prehistoric camp sites and could be completely excavated in a short time. Almost 400 miles of northern Alaska was covered in this manner and another 250 miles will be examined during the summer of 1971. As the data was recovered, it was sent to the laboratory at the University of Alaska for cleaning, cataloging and preliminary analysis. A more complete analysis will be completed by the end of 1971.

The 189 sites discovered so far were spread from Livengood to Prudhoe Bay, the entire length of the pipeline surveyed by the University of Alaska in 1970. The sites range in age from quite recent back to as much as 13,000 years, or possibly even more. Given this vast area and the long time span involved, it is not surprising that very few definitive conclusions can be stated; actually, more problems have been posed than questions answered. Some of these will, hopefully, be more fully explicated with continuing research on the leads provided by the survey. But some tentative theories can be adduced from this recently acquired data.

First of all, regarding the distribution of all the sites, regardless of age, it can be seen that although they were found from one end of the survey to the other, there are two notable gaps. One of these occurs between Sagwon and the Gallagher Flint Station (Site S–10) a distance of some 60 miles. The other major distributional gap straddles the continental divide and extends southward down the Dietrich Pass to Cathedral Mountain; only one site was found in this stretch of some 110 miles. This latter situation seems to be paralleled by a relative paucity of sites on the southern flanks of the Brooks Range to the west; that is, along the John River and the Alatna where Campbell and Irving (Dr. John M. Campbell, executive secretary of the archeological committee of the Arctic Institute of North America, and Professor William Irving, of the University of Toronto) have found relatively little compared to the rich archeological resources of Anaktuvuk Pass, Chandler Lake and Howard Pass. It may be that the prehistoric peoples did not utilize these regions to any great extent for the simple reason that they represent essentially, a single biome (plant community); tundra from Sagwon to the Gallagher Flint Station, and alpine in the other case. The cultures probably were able to exploit ecotones (transition zones between different plant communities) between biomes with much greater effectiveness. Thus, there are a number of sites at the coastal sea-land ecotone, a large number in the northern foothills of the Brooks Range, and an equivalent density in the hill and riverine area of the Yukon-Tanana Upland and its northwest extension, the Ray Mountains. This very general hypothesis seems to hold true in light of the present archeological picture even though there are a few sporadic instances to the contrary.

Changing cultural boundaries between Eskimo and Athapaskan Indian may be seen in the distribution of some of the artifact types. Thus, the apparently Athapaskan related Kavik point (a type of arrowhead associated with an Indian culture which apparently flourished about half a century ago; the first of this type was discovered by Campbell in Anaktuvuk Pass) was found, not only in the interior where it would be expected from the present native distribution, but also well north of the continental divide—as far north as Sagwon. If this point type does, indeed, document an Athapaskan occupation, then the Indians must have utilized a much larger area than at present—at the expense of Eskimo groups. This would have been about 500 years ago if the evidence from the type site at Anaktuvuk Pass, Klokut and Dixthada, is any indication or from the state of preservation of those sites near Murphy Lake and Sagwon. It may, of course, simply reflect either trading parties from the interior or an Athapaskan influence on a resident Eskimo population.

Since it is possible that these apparent extensions of either Eskimo or Indian culture areas may, in fact, be due to diffusion or an acculturative situation, the process of selective adaptation of material culture is an important one. Some of the principles underlying this process in these northern hunting groups may be drawn out of the ongoing analysis of the protohistoric and contact period (when aboriginal peoples contacted representatives of Western culture, usually traders, explorers, missionaries or whalers, about 1800 to 1850) sites in the Galbraith and Murphy Lake areas and along the Sagavanirktok River. This analysis is not complete yet but will be included in a final report on the archeological research to be submitted in December, 1971. This will stress the adaptation of tool types and material from Western civilization by the Eskimo cultures. At least one change seems to be apparent; the form of tent rings in prehistoric times was circular or oval while post contact tent rings are commonly square or rectangular.

In general, it can be said that the bulk of the sites found, and the material recovered from them, have contributed, or will contribute, to the elucidation of regional variations or cultural transitions through archeological times. The survey and excavations this summer can be expected to provide further and equally important data.

Two further considerations, what might be termed "spinoff" from the project, must be noted. First, it has provided invaluable training and experience for a number of potential Arctic archeologists—graduate students at the University of Alaska and elsewhere. At least five M.A. theses and possibly one Ph. D. dissertation will deal with these sites and the problems they represent. This is remarkable in itself.

Secondly, the project represents a very real precedent in northern archeology. A great many potentially valuable sites have been bulldozed and vandalized by federal, state and commercial construction and exploration activities in the past. If a commercial organization can show the concern, cooperation and communication to effect a project of this magnitude, then it will be difficult for others, especially the military and other government operations, to ignore the Federal Antiquities Act.

RECYCLING

Mr. MOSS. Mr. President, during the congressional recess two articles of interest were published on the subject of recycling, and I take this opportunity to bring them to the attention of the Senate. One, an article by Sylvia Porter, published in the Washington Evening Star, sets forth the basic facts and figures about recycling. It is a good introduction to the whole field of resource reuse.

The other article, written by Hartt Wixon for the Salt Lake City Deseret News, tells how one group of concerned citizens, with the cooperation of local businessmen, is working to help to solve our solid waste problems. I commend all those involved in this most worthwhile effort.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

RECYCLING CURE FOR REFUSE ILLS

(By Sylvia Porter)

Solid wastes in the U.S. are now growing at an annual rate of four to six percent—a pace at which they will have more than tripled in less than 30 years. Despite mounting awareness and concern about the problem, this enormous explosion in waste is being relentlessly propelled by basic forces in society: population growth, the steady increase in per capita consumption of goods and ever-rising demands for things.

All disposal techniques—landfill, incineration, ocean dumping—are under strong criticism. Across the land, there has been increasing support for "resource recycling."

Is this—the recycling of valuable materials in the solid waste stream—the most viable answer to the problem? From Judd H. Alexander, vice president of Environmental Affairs for American Can Co. and a spokesman for the steel can industry, come some revealing observations.

Q. In simplest words, what is the so-called recycling revolution?

A. Under development now are new municipal and regional solid-waste disposal systems which will have the technical capabilities of reclaiming such valuable resources as glass, metals, paper fibers, etc., from collected waste. These waste products will then be recycled and reused as new raw materials. That's it, in simplest words.

Q. What kind of an economic return can be expected from that?

A. Take just this one comparison: we lose an estimated $5 billion in valuable metals alone each year in our unclaimed waste. At the same time, we spend an estimated $4 billion a year to collect this waste.

Now take steel cans alone. With more than 60 billion cans produced yearly, the steel recovery potential by itself is eye-stopping. Steel makes up 7 percent of the average trash heap. Including cans and other discarded household items, the steel content of waste output comes to more than 20 million tons annually. Americans discard 20 million appliances a year and from 6 to 9 million autos a year. There's no doubt in steel industry circles that the ultimate solution to the nation's solid-waste problem lies in recycling.

Q. Are any cities doing an outstanding job of recovering dollars from solid waste?

A. The city of Atlanta has incorporated the basic principle of magnetic separation to salvage steel cans from the city's incinerated trash. This operation cost the city $30,000 but, simultaneously, brought in $80,000 in scrap sales—a profit of $50,000 from metal cans alone.

Another system of interest is Chicago's new Northwest Incinerator, basically a European-type model, which will produce saleable steam as a byproduct of incineration. This system will recover close to one-half billion cans a year for recycling.

The Black-Clawson Co. has developed a pilot plant in Middletown, Ohio, where 50 to 70 percent of the incoming newspapers, food containers and other packaging materials can be recovered and remade into paper.

Q. What about proposals to restrict the distribution of non-returnable bottles and cans used for soft drinks and beer.

A. Many of these restrictions are under consideration. As an illustration, beginning in October 1972, sales of all non-returnable beer and soft-drink cans and bottles will be prohibited in Oregon. Also banned are cans that can be opened by pulling rings in their top. Consumers will be required to pay a deposit on all beer and soft drink containers.

Q. Are these restrictions part of the solution?

A. Metal cans and one-way bottles comprise only 1.3 percent of the nation's total solid waste—so even if banned, that would leave 98.7 percent of the solid waste problem to be solved.

A 1969 study by the National Academy of Sciences of roadside litter in 29 states showed that almost 60 percent of litter in paper and about 20 percent represents beverage cans and bottles. A provocative sidelight is that, along any mile of highway that was checked, there were almost as many returnable as non-returnable bottles. For the American who doesn't care about his surroundings, a few cents deposit doesn't make much of a dent on his conscience.

The overall solid-waste problem goes far, far beyond such solutions as this sort of restrictive legislation. Where we must seek the fundamental answers is in resource recycling.

U. STUDENTS OPEN RECYCLING CENTER

(By Hartt Wixom)

"The highest civilization is the one which uses its natural resources over and over."

This is more than a motto to a group of University of Utah students who have opened their own recycling service at the corner of Research Road and Wasatch Boulevard, weekends, 10 a.m. to 4 p.m.

FOCAL POINT

As a focal point of the University of Utah Student Ecology Center, the recycling service recently delivered its first multi-ton truckload of materials to commercial outlets. The service handles newspapers, cardboard, sacks, steel and aluminum cans and glass. Additional information can be obtained by calling the center at 591–8257, or contacting student official Brian Mason.

In addition, several commercial firms in Salt Lake Valley have announced specific payment plans. The Fisher Brewing Co., 160 S. 10th West, will pay 25 cents for the return of every 24 company bottles, or 12 cents for every 24 cans, Monday-Friday, 1–3 p.m., and Saturday, 9 a.m.-noon.

OLD NEWSPAPERS

The Cellulose Insulation Manufacturing Co., Midvale, now accepts newspaper collections by appointment, 255–4583.

There are also many things each of us can do in our own homes, Mason explains.

"Set things up so garbage and dry materials will not be collected in the same container. Re-use writing paper more fully when possible.

"The best time to sort things out for recycling is when you throw them away, so stack newspapers in a pile for binding, and sort steel and aluminum cans.

TELL THEM APART

"One way to tell quickly the difference is aluminum cans lack a seam around the bottom, and are lighter than steel. Labels should be removed and the cans flattened. This is accomplished much more easily if the cover on each side of the can is first removed," Mason adds.

As for glass, remove all metal, including lids and neck rings. Most labels are easily removed by washing.

The university, and most recycling centers throughout the country, do not accept magazines, waxed or other coated paper or cardboard, tissue paper, catalogues, egg cartons, or plastics. However, magazines are readily accepted by invalids in the neighborhood, hospitals etc. and can thus be re-used.

EGG CARTONS

Return styrofoam egg cartons to Cackling Acre, 2666 W. 4700 South, Kearns, the Sierra Club, Uinta Chapter's August newsletter suggests.

"There is no Salt Lake City or county recycling center to lessen the load on area dumpyards which simply continue to fill," Sierra recycling chairman Marqui Bury states. But if discarded materials were used over and over, of course it would place less burden on forests, minerals, and other natural resources, according to ecological studies.

RECYCLE CARTONS

For example, a study by the Ex-Cell-O Corp., Detroit, indicates that milk cartons can be recycled with cooperation of elementary schools and grocery stores, turning out 100 to 125 tons of daily pulp used to make more milk cartons.

Ex-Cell-O claims that for every acre of trees saved, enough oxygen is supplied for 18 persons and is a factor in maintaining the quality of air, as well as aesthetics, watershed protection, recreational and wildlife habitat utilization.

DO YOU NEED IT?

Many conservation clubs and ecology-minded firms also recommend that you consider before you buy. Ask yourself, "Do I need it?" Or can you repair something you've already got in the yard cluttering up the landscape? Many items of furniture can be repainted or repaired, with that much less strain on the environment.

"What each person can do may seem small in the universal scheme of things," one conservationist puts it. "But consider the clean feeling you have knowing you're doing your part. And if everyone did, our environmental problems would be small indeed."

THE TRAGIC SHOOTING OF KENYON BALLEW

Mr. CHURCH. Mr. President, William Pitt once said:

> Necessity is the plea for every infringement of human liberty. It is the argument of tyrants; it is the creed of slaves.

Last June 7, agents of the Department of the Treasury and the Montgomery County, Md., police felt it was necessary to batter down the door of Kenyon Ballew. With Treasury agents dressed in civilian clothes, and some police sporting sideburns and mustaches and dressed in shirtsleeves, they burst through the door of the Ballew apartment. When the smoke had cleared away, nine shots had been fired and Mr. Ballew lay paralyzed on the floor of his apartment. He is still paralyzed today.

The Washington Post has recently published an editorial which puts in perspective the infringement of individual liberties which has taken place because of necessity. I ask unanimous consent that the Post editorial, entitled "The Shooting of Kenyon Ballew," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 7, 1971]

The Shooting of Kenyon Ballew

A man lying for two months in a hospital bed, semi-paralyzed, incapable of speech and with a bullet in his brain is a personal tragedy but not necessarily a national issue. And so it may well be possible to read too much into the case of Kenyon F. Ballew. But because U.S. Treasury Department agents joined Montgomery County police in the raid on the Ballew apartment in Silver Spring last June 7, the federal government and, by implication, the Nixon administration, became a part of what might otherwise have been a routine raid and a part of the controversy over the methods and the manner of carrying it out. Not only have county authorities and a grand jury reported on the incident, but the Treasury Department and Secretary Connally have both weighed in with their judgments. So have Mrs. Ballew, who bitterly disputes the police version of events, and her husband's attorney, Mr. John F. Bonner, who has put down the Treasury report as a "complete white-wash."

Under the circumstances it is difficult even now to reconstruct the raid with certainty; although nine shots were fired inside the apartment (only one of them by Mr. Ballew) not even the police and the Treasury men agree on who fired first, and one account has it that Mr. Ballew's pistol discharged accidentally after he was hit. But the bare facts, not in dispute, are enough for our purpose, which is simply to try to find some humanity and some sense in this affair, to reconcile the performance of the law enforcers with the real threat to law and order presented by the Ballews.

The first fact, beyond any questioning, is that Mr. Ballew had an extraordinary collection of guns, hand grenades and other explosive weapons. And there is reason to think that he had assembled some part of his arsenal for practical purposes; the multiple locks on his front door confirmed his and his wife's anxiety about the security of the neighborhood. So it was not surprising, whether justified or not, that the Ballews should react with alarm and suspicion to any suspected intruder. And the commando force of police and Treasury agents which appeared at the Ballew back door was not such as to set one's mind at ease. Although armed with a search warrant, the T-men were in mufti and some of the police, sporting sideburns and mustaches, were dressed in shirts and dungarees; to Mrs. Ballew they looked like "racketeers" or "hippies" and while they observed the formalities of a command to open up, they waited no more than a minute before addressing themselves to the door with a battering ram.

For their part, Mr. Balew was in the bathtub and his wife had on only underpants; neither, in other words, was in a position, let alone of a mind, to rush to the door. Whether either one clearly heard the shouted identification of the authorities through the door is uncertain in any case; so Mr. Ballew went for the nearest of his guns. Perhaps he shouldn't have—it is hard to say. What is clear is that the raid was conducted largely on a tip from an unidentified informant whose reliability can only be attested to by the police and that it was carried out in a manner almost *calculated* to terrorize and thus to increase enormously the opportunity for mishap.

Or so it seems to us Montgomery County Executive James Gleason saw it "otherwise"; he couldn't think of "anything that could have been done differently." The grand jury did find some fault with the "search and seizure" procedures employed and recommended some specific tightening up. And the Treasury Department's report, somewhat more dispassionate, pointed to "several administrative and supervisory deficiencies" in the conduct of the raid and promised to correct them.

But Secretary Connally stoutly defended the raid as "legally proper under the circumstances" and the department, as if to back up the judgment that led it to act in the first place, was at pains to itemize the weapons haul from the raid and to report its recommendation that Mr. Ballew be prosecuted "should his physical condition permit."

Well, the doctors are not very optimistic on that last count; the odds are that Kenyon Ballew will not go to court—or to jail. The odds are, in fact, that he will be lucky to recover from the paralysis that now very nearly immobilizes him. Meanwhile, the medical bills have piled up to more than $10,000 and though his Pressmen's Union will pay up to $20,000, its resources are hardly limitless—and there is no end in sight.

But it was all "legally proper" and that is all that seems to matter to this administration, whether it is the Vietnam Veterans' right to camp on the Capitol grounds, or the holding of war protesters without charges, or the welfare entitlement of the poor, or the busing of black schoolchildren, or a paralyzed 28-year-old gun buff who was a little slow answering the door.

TRANQUILIZERS LARGEST DRUG CATEGORY IN NURSING HOMES

Mr. MOSS. Mr. President, some time ago Mr. Nelson Cruikshank, president of the National Council of Senior Citizens, called upon Congress to investigate what he called the "dangerous use of tranquilizer drugs on elderly nursing home patients simply to pacify them." In pointing out the dangers of this practice he said:

> Exclusive use of tranquilizers can quickly reduce an ambulatory patient to a zombie, confining the patient to a chair or bed, causing the patient's muscles to atrophy from inaction and causing general health to deteriorate quickly.
>
> Conscientious doctors may use tranquilizer drugs in a carefully administered program to help genuinely disturbed patients. However, it appears that many doctors, who are less than conscientious, give blanket instructions to nursing home staffs for use of tranquilizer drugs on patients who do not need them.

Because of the seriousness of this problem, I have asked my Subcommittee on Long-Term Care of the Committee on Aging, to include this as one of the issues to be examined during the current series of hearings.

Regrettably, up until today we have had limited information as to how many and what kinds of drugs were given to nursing home patients. We have known for some time that the average patient gets about four medications a day and have a pretty firm estimate that the drug cost to patients in nursing homes is $25 per patient per month or $300 a year per patient. With about 900,000 patients

in nursing homes with drug costs of $300 a year, the total projected drug market for nursing homes is about $270 million per year.

It has also commonly been stated that the largest single category of nursing home drugs is tranquilizers, representing a market of $40 million a year, with the next largest category being sedatives and hypnotics at $27 million a year.

In an effort to obtain a little better statistical data, I have asked the General Accounting Office to do an audit of the drugs medicaid pays for in three States. The three States selected were Illinois, Ohio, and New Jersey, and GAO was given instructions to compute this information on the basis of 4 months during 1970. The Illinois portion of this report is now complete and it is quite revealing.

The total expenditures for the medicaid program in Illinois in 1970 was $200 million, with $22 million or 11 percent going for drugs.

The total cost of medicaid for drugs of nursing home patients in the months January, April, July, and October in Illinois was $1,160,467.16. Far and away the largest category of drugs paid for were central nervous system drugs, including tranquilizers, which represented 35 percent or $407,101.32 of this 4-month total of medicaid nursing home drugs. Tranquilizers accounted for $207,015.48 of this total with thorazine, $55,924.11; Mellaril, $53,526.50; and librium, $21,351.37 leading the list.

As far as analgesics are concerned, Darvon compound, which contains aspirin and caffeine, leads the list with about a $59,491.90, Fiorinal with $16,636.09 and aspirin about $7,500 the third highest category.

These statistics certainly do not confirm or deny the allegations of oversedation or indiscriminate sedation of patients in nursing homes.

But it is significant that tranquilizers are the largest single category of drugs dispensed in nursing homes. This is true whether the measure is quantity dispensed or cost. Most common of these drugs are thorazine and Mellaril, both of which are antipsychotic compounds. According to ethical practice, they are prescribed for the acutely psychotic or the elderly chronic schizophrenic patient, that is, both recognized forms of mental illness. Additional use is perhaps indicated "for patients in acute stages of agitation from senile pyschosis or delirium when attempts to control them with minor tranquilizers have failed."

According to Dr. William B. Webb, Jr., of the Hospital of the University of Pennsylvania, "The Use of Psychopharmacological Drugs in the Aged," Geriatrics, June 1971, both of these drugs have the liability of hypotension. Paradoxical reactions characterized by a worsening of the agitated state secondary to reduced cerebral oxygenation, are not uncommon and extreme care must be exercised with the dosage levels employed.

Those who have been taking these drugs for a long period of time may develop jaundice, cataracts, skin changes, and permanent dyskinesias, and a few cases of sudden death presumably secondary to myocardial damage. According to Dr. Webb, these problems and the fact that old people seem to be especially vulnerable to other rare but serious side effects such as hepatic toxicity and blood dycrasias, have marketedly limited the usefulness of these drugs for the over-65 age group.

Even the lesser tranquilizers—that is, Librium, Valium, Miltown, Equanil—can produce dangerous side effects such as impaired memory and judgment, impaired motor behavior, including ataxia in coordination and muscular weakness not to mention the possibility of edema, skin eruptions, nausea, and constipation.

Since the elderly are particularly subject to detrimental side effects and disruptive sedative effects, good medical practice recommends that the use of these medications be strictly time limited and episodic and that they are used as an adjunct to getting at the causes of agitation.

In short, the use of these drugs is fraught with dangers and they must be carefully controlled. The large numbers of these drugs being administered to nursing home patients does tend to support an inference at least that nursing home patients are receiving them in excess. What remains to be established is who administers them, whether they are prescribed by physicians, and at what level for what period of time.

Even though thousands of former mental patients have been discharged to nursing homes I am sure that their number would not necessitate the extremely wide usage of the antipsychotic drugs thorazine and Mellaril. We cannot and will not tolerate the sedation of patients as a means of controlling them. The whole question of the flow of drugs through nursing homes, it seems to me, is in need of serious reevaluation. I look forward to the completed report from GAO reporting on the other States and to further evidence from the Committee on Aging.

Mr. President, I ask unanimous consent to have printed in the RECORD my news release and the GAO audit relating to medicaid drug purchases in the State of Illinois.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM SENATOR FRANK E. MOSS, SEPT. 13, 1971

WASHINGTON, D.C.—U.S. Senator Frank E. Moss, Chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging today released a General Accounting Office Audit which documents that tranquilizers are far and away the largest category of nursing home drugs paid for by the Medicaid program.

"The study by the General Accounting Office result from the recurrent allegations received during hearings by my Subcommittee on Long-Term Care that nursing home patients are excessively tranquilized in nursing homes. While the GAO report itself does not confirm these allegations it documents that the Government is paying for an incredible volume of tranquilizers. The availability of these drugs in such large numbers does tend to support an inference that they are given without proper medical controls," said Senator Moss.

The audit conducted by the GAO at Senator Moss' request covers the State of Illinois, with similar audits of New Jersey and Ohio in progress. The GAO report indicates:

Total 1970 Medicaid expenses in Illinois $200 million with expenditures for drugs equaling $22 million or 11 percent.

Central nervous system drugs accounted for 35 percent of total nursing home drugs. Tranquilizers made up about 18 percent of this category.

The next highest categories were gastrointestinal drugs and anti-infective agents each with about 8 percent of the total.

Among tranquilizers the strongest items, Thorazine and Mellaril together accounted for over 50 percent of the drugs in this category.

The Senator, who plans further nursing home hearings in the near future, made this statement today on the Senate floor:

SCHEDULE I.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR DRUGS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Category	Prescriptions	
	Number	Amount
Antihistamine drugs	6,716	$21,328.43
Anti-infective agents	20,503	103,455.06
Antineoplastic agents	19	73.68
Autonomic drugs	11,045	44,794.87
Blood derivatives		
Blood formulation and coagulation	4,430	9 623.40
Cardiovascular drugs	28,689	81,836.37
Central nervous system drugs[1]	85,234	407,101.32
Diagnostic agents	146	228.34
Electrolytic, caloric, and water balance	24,636	96,896.38
Enzymes	302	2,288.26
Expectorants and cough preparations	3,884	8,842.61
Eye, ear, nose and throat preparations	761	1,572.71
Gastrointestinal drugs	32,650	108,458.43
Gold compounds		
Heavy metal antagonists		
Hormones and synthetic substitutes	13,852	62,212.44
Local anesthetics		
Oxytocics		
Radioactive agents		
Serums, toxoids and vaccines	3,429	10,056.74
Skin and mucous membrane preparations	7,167	24,794.98
Spasmolytic agents	3,228	10,398.80
Vitamins	29,929	84,984.09
Unclassified therapeutic agents	109	638.65
Other unclassified drugs[2]	19,104	85,774.24
Total	293,833	1,165,359.70

[1] This category, which includes tranquilizers, represented about 35 percent of drugs purchased on behalf of nursing home patients during the period.

[2] Includes drugs purchased under national formularies such as the National Formulary and U.S. Pharmacopeia; compounded prescriptions; specially approved drugs, and medical supplies (i.e., cotton, gauze, syringes and hypodermic needles).

SCHEDULE II.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR CENTRAL NERVOUS SYSTEM DRUGS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Category	Prescriptions	
	Number	Amount
Central nervous system drugs:		
General anesthetics		
Analgesics and antipyretics	23,666	$114,943.22
Narcotic antagonists		
Anticonvulsants	2,151	5,554.54
Psychotherapeutic agents		
Antidepressants	3,456	22,496.69
Tranquilizers	32,153	207,015.48
Other psychotherapeutic agents	186	1,367.55
Respiratory and cerebral stimulants	1,615	6,721.23
Sedatives and hypnotics	22,007	49,002.61
Total	85,234	407,101.32

SCHEDULE III.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR TRANQUILIZERS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of tranquilizer	Prescriptions	
	Number	Amount
Combid	323	$1,910.00
Compazine	1,179	5,313.91
Equagesic	189	1,423.81
Fluephenazine dihydrochloride	181	1,157.57
Haldol	258	2,178.01
Hydroxyzine	1,321	10,384.23
Librax	246	1,577.79
Librium	3,265	21,351.37
Mellaril	6,854	53,526.51
Meprobamate	1,738	7,346.58
erax	227	1,542.32
Sparine	2,164	15,006.00
Stelazine	1,100	8,059.72
Thorazine	10,146	55,924.11
Trancopal	19	115.28
Trilafon	895	6,038.73
Valium	1,901	13,270.28
Vesprin	147	889.26
Total	32,153	207,015.48

SCHEDULE IV.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR ANALGESICS AND ANTIPYRETICS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of drug	Prescriptions	
	Number	Amount
Acetaminophen	944	$2,687.44
Analgesic balm	105	111.94
A.P.C	291	314.98
Aspirin	237	279.28
Aspirin, buffered	539	797.14
Aspirin, enteric coated	2,276	6,449.56
Butazolidin	636	3,802.40
Codeine with aspirin, phenacetin and caffeine	1,104	3,079.14
Codeine phosphate	26	68.73
Colchicine	53	138.42
Crystoids	1	1.25
Darvon	1,790	9,087.60
Darvon compound	10,524	59,491.90
Darvon with A.S.A. (aspirin)	341	2,125.43
Demerol HCL	134	445.94
Dilaudid HCL	9	19.44
Fiorinal	236	709.36
Indocin	2,126	16,636.09
Leritine	5	16.42
Methadone HCL	6	16.26
Morphine sulfate	9	28.19
Pabalate	411	1,585.14
Pabalate—sodium free	844	3,579.33
Percodan	72	278.86
Sodium salicylate	637	1,620.97
Talwin	310	1,572.01
Total	23,666	114,943.22

SCHEDULE V.—ILLINOIS MEDICAID DRUG PROGRAM

NUMBER OF PRESCRIPTIONS AND AMOUNT PAID FOR SEDATIVES AND HYPNOTICS PROVIDED TO OLD-AGE ASSISTANCE RECIPIENTS IN NURSING HOMES FOR THE 4-MONTH PERIOD JANUARY, APRIL, JULY, AND OCTOBER 1970

Name of drug	Prescriptions	
	Number	Amount
Amobarbital	277	$545.53
Amobarbital sodium	325	711.99
Butabarbital sodium	1,306	3,157.47
Chloral hydrate	6,141	15,294.31
Doriden	2,964	8,419.60
Pentobarbital sodium	2,187	3,643.83
Penobarbital	4,043	6,579.52
Placidyl	1,932	5,808.53
Secobarbital sodium	2,832	4,841.83
Total	22,007	49,002.61

ILLINOIS MEDICAID DRUG PROGRAM

Selected statistical information on Illinois' medicaid and intermediate care programs for calendar year 1970

	Jan. 1966
Medicaid program:	
Started 1970 expenditures:	
Amount (millions)	$200.6
Federal share (millions)	$100.3
Drugs:	
1970 expenditures:	
Amount (millions)	$22.2
Federal share (millions)	$11.1
Percent of total medicaid expenditures (millions)	$11.1
Nursing home care:	
Skilled nursing care:	
1970 expenditures:	
Amount (millions)	$5.3
Federal share (millions)	$2.7
Percent of total, medicaid expenditures (millions)	$2.6
Patient days of care paid for	598,349
Intermediate nursing care:	
1970 expenditures:	
Amount (millions)	$62.6
Federal share (millions)	$31.3
Patient days of care paid for	7,773,530

ILLINOIS MEDICAID DRUG PROGRAM

General definition of drug categories

Antihistamine drugs—Products used to alleviate the symptoms of hayfever, allergy, and the common cold.

Anti-infective agents—Products used in the treatment of bacterial and viral diseases.

Antineoplastic agents—Products used in the treatment of cancer.

Autonomic drugs—Products whose primary effect is on the nervous system and includes drugs used to treat abnormalities in smooth muscle tone and certain abnormal eye conditions.

Blood derivatives—Products used in blood replacement.

Blood formulation and coagulation—Products used to enhance formation of blood cell products and components, including the treatment of anemia.

Cardiovascular drugs—Products used to treat abnormal blood pressure, heart congestion, and cardiac insufficiency.

Central nervous system drugs—Products whose primary effect is on the brain and are used to excite, sedate, tranquilize, or relieve pain.

Diagnostic agents—Products used to diagnose diseases and in laboratory analysis.

Electrolytic, caloric, and water balance—Products used to restore water balance of body fluids. Also, products are used to help eliminate abnormal water retention in tissues.

Enzymes—Products derived from naturally occurring substances and are generally used to expedite or retard a natural body process. Frequently, these products are used to treat undesirable blood coagulation.

Expectorants and cough preparations—Products used to alleviate coughs and to breakup excessive sputum.

Eye, ear, nose, and throat preparations—Anti-infective, anti-inflammatories, and pain reducers used in treatment of eye, ear, nose, or throat disorders.

Gastrointestinal drugs—Drugs used to treat hyper-acidity of the stomach, diarrhea, nausea, and vomiting.

Gold compounds—Products containing gold and generally used in treatment of rheumatoid arthritis.

Heavy metal antagonists—Products used primarily to treat certain types of poisoning.

Hormones and synthetic substitutes—Products used to treat hormonal deficiencies, inflammations, diabetes, and thyroid conditions.

Local anesthetics—Preparations used for relieving pain on body surfaces, joints, and mucous membranes.

Oxytocics—Products used to control or induce uterine contractions.

Radioactive agents—Radioactive products used most frequently as diagnostic agents or tracers.

Serums, toxoids, and vaccines—Naturally occurring substances generally used to treat or prevent infection and to treat certain types of poison.

Skin and mucous membrane preparations—Products used to treat infections, inflammations, and itching of the skin.

Spasmolytics—Products which act largely on smooth muscle tissue in treating asthma and occasionally in treating gastrointestinal disorders.

Vitamins—Products used to supplement body enzymes.

Unclassified therapeutic agents—Products of naturally occurring substances which are not classified elsewhere.

INTERVIEW OF ADM. THOMAS H. MOORER

Mr. ALLEN. Mr. President, since the business now before the Senate is the military procurement bill, I invite attention to an interview published in the Christian Science Monitor of Thursday, September 9, between staff correspondent George W. Ashworth and Adm. Thomas H. Moorer, America's top military leader.

This interview, I feel, will be of great interest to other Senators and to the public. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

AN INTERVIEW WITH ADM. THOMAS H. MOORER

(By George W. Ashworth)

Q. Admiral Moorer, as you look at the long-range strategic picture, are you concerned particularly more than you were last year, or are things turning out pretty much as you thought they would?

A. Well, let's put it this way, there's nothing happened to lessen my concern; and there's no question about the fact, as I testified in Congress, that the Soviets are going ahead with a momentum leading to a significant expansion of their strategic forces.

This is true not only in land-base forces, but also in their nuclear-powered missile-firing submarine program in which they are building about eight a year.

I never have been one to look at naval forces in terms of balance on the basis of 1 for 1. Just because we have 41 missile submarines, there is no reason why the Soviets must have exactly 41. One should look at these forces in the context of what else you have, and what the overall system can do.

But, nevertheless, eight per year is the current building rate. In the next two or three years, they certainly could equal our current inventory, and there's nothing to indicate that they would even stop at that point.

They will build whatever is necessary to meet what *they* consider to be their requirements, not what *we* consider to be their requirements.

Q. There seems to be interest now in moving ahead with EXPO, the extended-range Poseidon missile submarine, at the expense of ULMS, the new generation of submarines being thought of to eventually supplant Poseidon. Is this shift just for reasons of economy?

A. Well, EXPO is nothing more than a conversion using the basic Polaris submarine. It envisions a missile with substantially more capability than the Poseidon. Consequently, it would be an interim improvement, whereas the ULMS is a modernization—the long-range program to ultimately replace the Polaris basic launching platform.

Q. As you look down the road, sir, and see the prospect of going to ULMS and going to a new bomber possibly and building other new systems, is your concern one of largely replacing equipment that will become obsolete or of meeting a bigger threat? Do we need a bomber, in your view, because we're falling short in one strategic area, or do we just need it because the B–52's are getting very old and may start falling apart?

A. I think the answer to several of those questions is yes. I think that the B–52 is getting old and I think it would be imprudent not to move ahead with the development of the new bomber because I think that certainly one cannot by edict stop technical advancements. There are going to be these developments in every category of technology and the Soviets, of course, apparently feel the same way; they're building a new swing-wing bomber.

I just think that the lead time in these various fields is so long and it's so difficult to start from scratch, that unless we maintain this modernization effort we're apt to get caught with what I call a technological surprise. Then we'll be in real difficulty.

Q. Where are we going now in terms of strategic forces? Are we going to end up with a greater share of them based at sea?

A. I think that there's no question about it that the sea-based system is relatively invulnerable and for this reason provides a stability to the deterrence, because it's impossible to pretarget and destroy.

Going back to your term of first strike, there's no such thing as a first strike against a sea-based system because it's practically impossible to target all the submarines and knock them all out instantaneously. Consequently, this makes them a deterrent force in the mind of the other side. No matter what preemptive action the enemy might choose to take, he's going to suffer a very heavy attack.

Now, at the same time, I think this business of deterrence in avoiding nuclear war is so important that there must be redundancy, you might say, in the systems and that's when you come to the TRIAD concept of having a mixed strategic force of land- and sea-based systems.

In addition to that, so far as the B–1 bomber is concerned, a country such as the United States simply *must* maintain a first-class heavy bomber, in my opinion. Because there are, of course, many, many uses for it in addition to the ones normally thought of, namely the delivery of nuclear weapons.

Q. Do you see impact already among our Asian allies and friends of the administration's latest China move—there seems to be some concern in Southeast Asia, Australia, New Zealand, and elsewhere.

A. I haven't noted any specifically expressed concern. Naturally, there are questions raised in the minds of the Chinese Nationalists which are understandable. I think that you are witnessing in the 1970's worldwide changes.

The Chinese Communists, for instance, are moving out in the development of heavy industry. They now can build more airplanes than they have in the past; they're building ships and submarines that they didn't build in the past; they have satellites airborne; and they are working, naturally, on their nuclear capability.

So they're no longer dependent on the Soviets for production of sophisticated equipment. This throws a little different light on the subject.

In addition to China you see changes throughout the world, changes with respect to what the Soviets are doing, for instance, in terms of establishing a worldwide presence by expanding their Navy and their merchant marine.

So, I think—and I've said this many times previously—the decade of the '70's is going to witness some very significant changes throughout the world . . . in economic and political terms as well as from a military point of view.

President Nixon has moved out with the Nixon doctrine; the effort here is to achieve peace through negotiation from strength and through partnership, and I think that we have more negotiations going now than we've had for some time.

If you take a look, you will note activity with respect to China, the law of the sea discussions, balanced mutual force reductions, strategic arms-limitation talks, the Middle East, Berlin, etc. You will see that all these things are alive that were dormant two or three years ago. This is why I say there are bound to be changes coming out of these discussions.

Q. In a military sense, where will it all lead us by the end of the decade? Will we need our military as much then as now?

A. Well . . . certainly our record speaks for itself in terms of what we have done to provide aid of all types, even to our enemies, subsequent to a war. The effort we've made throughout the world to conduct humanitarian-type operations are monumental. Anytime there is a flood or a fire, or a famine you will find the United States right on the spot.

The nations of the world look up to the United States. We are certainly a world leader. Consequently, the only way one can maintain peace, in my view, is to maintain strength. I don't think you can have what some people call diplomatic credibility when you start negotiations if you don't have strength. In other words, the way to have peace is to have strength.

Look at this century. Look what happened in World War I. Look what happened just before World War II, when we passed the draft law by only one vote. This was noted by the Japanese. It was one of the factors which they used to measure this national will I was telling you about.

And we had, as I recall, an Army exercise down in Louisiana where the soldiers were using wooden guns. And I was shot down in an airplane, myself, in February, 1942, that was far inferior to those our allies as well as our enemies were flying. It was a cheap and simple airplane and it was a death trap.

That experience is the reason I react a bit when I hear so often: "Why don't you buy something cheap and simple?" Well, when that happens, I take my questioner over here and show him this ship (a model in his office).

It is cheap and simple. It has two catapults using human hair and 14-pound rocks. The crewmen stood up on the foretop and they had these little clay containers full of poison snakes that they heaved over the side when the other ships came along. Then out of the very bow there, they installed Greek fire and the ship was propelled by a hundred oarsmen. That's cheap and simple.

I was telling someone the other day—if you want to get a simple and cheap ship, there it is, right there. All you've got to do is sign for it.

But this goes back to what I was telling you about modernization and continuing technological progress because that way you really get taken, you know. It has happened with the tank, for instance, in World War I. The Japanese Zero was partially a technological surprise when we first got into World War II. You can't play catch up ball after the war starts, particularly in 1975 technology.

Q. Should there be particular concentrations of efforts with budgets becoming tighter? There must be hard decisions for things you care about more than other things. Forced into making some choices, what do you care about most as you look ahead?

A. Well, I think first and foremost is the objective to deter a nuclear war—that happens to be the No. 1 objective. However, the situation is becoming such that nuclear war is becoming more and more unlikely, although this may change in the future when other countries choose to build a nuclear capability.

Consequently, if conflicts occur they are most likely to be of the conventional variety so far as the United States is concerned.

You've also got to bear in mind that we have a manpower problem. The cost of manpower is going up in our country—not just military manpower but all manpower. This means we must have mobile forces, ready forces, and we've got to exploit technology to provide more firepower per man—and this will be expensive.

If you're going to go for the cheap and the simple then you can only compensate by great hordes of manpower. But we can't afford to do that, and we mustn't try. Therefore, and this is my personal view, we must press ahead technologically so that we can have maximum firepower and maximum mobility.

There are many aspects to this. . . . There are many things you can do to save manpower in terms of a simple thing like maintenance of radars and equipment. We can make these systems much simpler to maintain. Where it has taken three or four men, we can design equipment so it only takes one. There are many other things we can do. Saving manpower by better designs is just one approach.

Q. Will we get so sophisticated that a small force will maintain a great military establishment?

A. I think that we're taking advantage of the great technical competence in this country. We certainly can build and maintain a ready force with adequate capability to move around—be mobile enough to protect the interests of the United States.

Q. How much will this cost—about what the budget is now with inflation or will it have to cost more than we're spending now?

A. Well, I think it wouldn't cost any less I won't hold out any hope for it to be cheap. One of the problems we're facing right now is that because during the peak of the Vietnam war in '68 and '69 we were to buy for attrition and not for modernization. Those were the instructions. The net effect of that has been to slow down modernization—this has been particularly tight on the Air Force and Navy.

Q. Do you have a final thought on this? Is there something you would have liked to have said and passed by?

A. The point I try to make all the time is that the most important ingredient in the security of this country is the will of the American people. They must want security, they must want to compete, they must want to be No. 1, if we are going to continue to contribute to the well-being of our fellowman as we have in the past—and at the same time discharge the responsibilities we have as a great and democratic nation.

It disturbes me to see people shy away from this because it is a tendency that is developing and it is contrary to the principles on which we've built this country. I worry about this with respect to the young people. In many cases their tendency is to avoid competition. I think that is bad in any field. I'm not just talking about in the military. We must maintain a burning desire to excel.

IDAHO NEWSPAPERS PRAISE LEN B. JORDAN

Mr. CHURCH. Mr. President, 3 weeks ago my colleague from Idaho, LEN JORDAN, announced that at the end of his present term he will retire from the Senate. The announcement sent shockwaves through the Idaho political world, for many had expected Senator JORDAN to seek reelection to another term.

My own reaction was one of regret, as I said at the time. Although we belong to different parties, partisan differences have never come between our friendship or determination to work together for the good of Idaho. LEN JORDAN is all one could ask for in a colleague, and although I understand and respect his decision to retire, it saddens me nonetheless.

Mr. President, it is a recognition of LEN JORDAN's integrity that even those who differ with him on the issues accord to him the respect he deserves. Bill Hall, an editor of the Lewiston Morning Tribune—an outspokenly liberal newspaper—summed this up well in an editorial the day following Senator JORDAN's announcement of retirement:

> It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions . . . perhaps part of the reason it is true with JORDAN is that men of character and fairness also bring out the best in their critics.

Mr. President, I ask unanimous consent that a representative sampling of the editorial tribute paid to Senator JORDAN since his announcement be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Lewiston (Idaho) Morning Tribune, Aug. 25, 1971]

JORDAN WILL NOT SEEK ANOTHER SENATE TERM

BOISE, IDAHO.—Sen. Len B. Jordan, R-Idaho, announced Tuesday he will not seek another term in 1972.

His announcement touched off a flood of speculation regarding potential candidates for his seat.

Jordan, 72, a 10-year veteran of the Senate and former Idaho governor, told a news conference he believes "it is a good time to step down when one has a fair chance for one more term. I believe I am still electable."

He said he had given his decision "careful thought."

"I believe there is no greater legislative challenge in the world than service in the United States Senate," he said. "All I have ever wanted in politics is to be a good public servant."

SUCCEEDED DWORSHAK

He was governor from 1951–1955 and was appointed senator in August, 1962, filling the vacancy caused by the death of Sen. Henry C. Dworshak, also a Republican.

The following November, Jordan was elected to the four years remaining of Dworshak's term and then was re-elected to a six-year term in 1966.

"Up to now," Jordan said, "I have said that an incumbent should be considered a candidate for re-election until he states otherwise.

"The 1972 election is a little more than 14 months away. In fairness to some aspirants who may have been waiting for a decision from me, I now declare that I will not be a candidate for re-election to the Senate in 1971."

Asked if he had any thoughts as to his successor, Jordan replied, "Oh, my, no."

He added, "All residents of Idaho who are over 30 years of age are eligible."

Roland Wilber of Lewiston, Republican state chairman, said Jordan's announcement came as "a genuine surprise."

In a statement, Wilber said there are a number of prospective Republican candidates to succeed Jordan, adding:

"I am sure the entire Republican party will unite behind whomever is the party's nominee."

Rep. James A. McClure, R-Idaho, serving his third term from the 1st Congressional District, said he is "definitely interested" in the job.

But he said he will talk with party leaders "before I begin to arrive at any sort of conclusion."

McClure, who was in Alaska, added in a statement released by his Boise office that the Republican party "must avoid the kind of bloodletting in the primary that would make the nomination itself meaningless."

SMYLIE PRESENT

Robert E. Smylie, who served three four-year terms as governor, was present at Jordan's news conference.

He said he has "no plans at all" at the moment, but added he was "certainly" interested in seeking the seat.

Other Republicans considered potential candidates include former congressman George Hansen, State Sen. Wayne Kidwell of Boise, former state legislator F. W. Bergeson of Pocatello, Robert V. Hansberger, president of Boise Cascade Corp.; former legislator W. D. Eberle, now a New York business executive, and former Gov. Don W. Samuelson.

Lt. Gov. Jack Murphy said that although his future political plans are not certain "the possibility of running for the United States Senate has not been excluded."

Bergeson, whose backers had lined up a campaign organization several weeks ago, commented "for a long time I've had expressions of support prior to Sen. Jordan's announcement. I think his announcement is somewhat of a surprise and since he'd been a dedicated servant to the state, all would have been reluctant to oppose him."

"Now that he has made the announcement to retire," Bergeson added, "it remains to be seen as to the alignment of support to various potential candidates."

WILLIAMS INTERESTED

Edward V. Williams, a former state legislator who is administrative assistant to Gov. Cecil D. Andrus, acknowledged he is a potential aspirant but said "I'll have to give it some thought" before making a decision.

Both State Rep. Vernon Ravenscroft of Tuttle and Lloyd Walker of Twin Falls, unsuccessful candidate for governor last year, are regarded as possible Democratic aspirants for the senate seat. Former congressman Compton I. White also is a possibility.

Sen. Frank Church, Democrat colleague of Jordan throughout the latter's service, said, "I regret very much his decision to retire."

"As a colleague," Church said, "Sen. Jordan has been all a man could ask for. He and I have consistently worked as a team without regard to partisanship in promoting Idaho's best interests in the Senate."

[From the Lewiston (Idaho) Morning Tribune, Aug. 25, 1971]

JORDAN LIVED UP TO HIS SLOGAN

Idaho Sen. Len B. Jordan became secretly outraged at the style and quality of Gov. Don Samuelson's brief administration, so he may never forgive us for the following comment. Just the same, the most honest way to sum up the marvelous metamorphosis of Governor Jordan into Citizen Jordan into Senator Jordan is to say it's quite a bit like hearing 20 years from now that Samuelson is retiring from the Senate amid the general belief that he has been a distinguished, able and progressive standout in that office.

It is nearly as remarkable that Jordan is stepping down from the Senate amid the widespread and bipartisan belief that he is among the best half dozen men Idaho has ever sent to the greatest legislative body in the world.

Jordan was one of the most narrow, parochial and backward governors in this century. His passion for false economy damaged several operations of the state government, not the least of which was the most important—education.

So it seemed ludicrous to many when, in his first campaign for the Senate, his billboards boasted that he would "stand tall in Washington."

Oddly enough, the grandiose claim came true—not in the sense that he became a presidential contender, but in the most important way of all: Len B. Jordan of Idaho has become one of the most respected members of the most respected legislative body in the world. He is regarded by his colleagues—most especially including his fellow Idahoan, Democratic Sen. Frank Church—as one of the most devoted, independent, morally courageous and honest members of that body. Principle looms larger than party. Generally conservative, he is not blindly conservative. He does not give his word lightly and keeps it once he does. He respects honest differences of opinion and never, never questions the patriotism of those who disagree, as some of his colleagues are inclined to do. He uses his mind instead of his label to decide which way his vote will go.

It is the mark of his honesty that this newspaper and others can disagree with more than half of his voting record and yet completely respect his motives and his intentions. That is not true of all members of the Senate, and perhaps part of the reason it is true with Jordan is that men of character and fairness also bring out the best in their critics.

The two rashest slogans ever made in an Idaho Senate campaign were young Church's first billboard bragging that Idaho would be proud of him in the U.S. Senate and Jordan's then-silly claim that he would stand tall.

Jordan's decision to retire and break up the best Senate team in this state's history is all the more regrettable because both boasts came true.—B.H.

[From the Idaho Falls Post-Register, Sept. 1, 1971]

JORDAN REFLECTS ON RETIREMENT

(By Chris Carlson)

WASHINGTON.—Sen. Len B. Jordan, R.-Idaho, is first and foremost a competitor. Paradoxical as it seems, Jordan's competitive sense played a prominent role in his recent decision to retire from the Senate in 1972, though he easily could have been re-elected.

"I like a good scrap. I've never run from anything," Jordan said in a recent interview, and immediately began talking about the Middle Snake. Almost lost among the speculation of who is going to succeed Jordan, was a statement made on the same day in Boise about the Middle Snake.

In the statement, Jordan tore into Sen. Bob Packwood, R.-Ore., Snake National River Bill on which hearings will be held Sept. 16 and 17 before the Senate Interior Committee. Jordan acknowledged that announcing his retirement frees him to concentrate on getting the Snake River moratorium passed.

In short, Jordan's statement of renewed support for the Snake River moratorium was tantamount to a polite declaration of hostility against Packwood and his bill, and for the next 14 months, Jordan will concentrate all of his considerable energies on this one last "scrap."

Another factor in Jordan's decision to retire was the example of Sen. John Williams, R.-Del., who retired in 1970. Williams was one of Jordan's closest friends, but the crusty Delaware senator has always been an advocate of senators retiring when they reached their 70's. Despite having been in the Senate since 1946, Williams stuck to his words.

"I truly tried to talk him out of retiring because the Senate needs men like him," Jordan said. "The time to step aside is when you're on top, and John Williams is the example" Jordan added.

GIVES VIEWS

"I've never crowded my credit to its limits, and I've never wanted to crowd my political fortune to the point where a next term was likely to be the last," the former governor said, and pointed out that such crowding can make one a "lame duck" for six years.

Even this factor, though, is an aspect of Jordan's competitive spirit. "I've been independent since I was 16 and I've always been a competitor even when I was in high school," Jordan graduated in 1915 from the Enterprise (Ore.) high school, and after serving in World War I as a 2nd Lt. at the age of 19, he enrolled at the University of Oregon, where, despite working and playing football, he graduated Phi Beta Kappa in 1923.

Competitors who excel, as Jordan has, always do want to go out while still ahead.

Two other factors which Jordan did not reveal at his press conference, were his desire to do something else, and the long-term best interests of his constituents.

FUTURE PLANS

There's much I still want to do without the 10 to 12 hours a day demand the Senate places on my time," Jordan said. He wouldn't elaborate, but he hinted his future plans might include a book—on the Middle Snake, of course.

Jordan also said he had been looking at the future from his constituents' point of view. "No one knows what the future holds. My constituents are entitled to full efficiency, and while I've never felt that I was impaired in any way, I recognized the possibility something could happen."

Though there were numerous factors in Jordan's almost unprecedented (for Idaho) decision, the dominant factor appears to be his strong feelings on the Middle Snake, the months ahead should see Jordan at his peak, in the midst of a fight for what he thinks is best for the Snake, and best for Idaho.

[From the Idaho Statesman, Aug. 29, 1971]

In Our Opinion—Jordan Has Earned Right To Retire

Len B. Jordan has chosen to retire from the Senate at a time when his effectiveness and his stature are at a peak. Had he chosen to run, he would richly deserve re-election and would have undoubtedly won it.

After a career of public service that has spanned more than two decades, including 10 years of hard work in the Senate, he has earned the right to make such a choice. Idaho will lose an exceptional senator, but it would be unfair to second-guess his decision.

Few office holders bow out in such circumstances. Senator Jordan will apparently be the first senator in Idaho history to do so. It's something like the boxing champion who retires undefeated.

While he was a capable governor, his service in that office is overshadowed by his performance in the Senate. He has grown with the years.

Jordan has teamed with Sen. Frank Church on resource issues to give Idaho an extremely effective combination. The 10-year moratorium on studies of Northwest water diversion is one good example of their achievements.

As governor Jordan proposed the closing of teacher colleges at Albion and Lewiston, on grounds the state couldn't afford them. He weathered the political storm that followed.

In the Senate he has demonstrated the same courage and independence. Despite intense pressure from the administration, he voted his convictions on the Haynsworth nomination to the Supreme Court. He opposed the supersonic transport.

Jordan has been basically but not blindly conservative. A western senator concerned with western resources, he has been sympathetic to urban problems. He responded to the tide of concern about environmental degradation.

He is the kind of man that people like and respect, even when they disagree. Jordan has an abundance of friends in both political parties.

In a speech to a graduating class at Twin Falls last spring Jordan spoke of the threats "of an unwise and destructive war, of domestic violence, of poverty, of pollution and of overpopulation." He asked his young audience to rekindle traditional values, "compassion and understanding; tolerance and justice; faith and truth. And, yes, peace." He told them that a person cannot save himself, but only give himself. And he concluded with a quotation from Thomas Wolfe:

"To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this is the promise of America."

The gentleman from the Hells Canyon country made good on his opportunities, and has given the people of Idaho exceptional service.

[From The Idaho Falls Post-Register, Aug. 29, 1971]

The Editor's Notebook—Senator Jordan's Calm Balance

Senator Len B. Jordan of Idaho is a dedicated public servant who has grown in his decision-making stature with each plateau of responsibility. His decision not to seek another term leaves a political vacuum which will be difficult to fill in the way this balanced Senator has met his Congressional deliberations.

While he has supported the Republican administration consistently, his flexibility and independence on key issues is reflected in some of his opposition to administration-espoused programs—like the SST. He was loyal party supporter but reserved his own sanctuary of judgment where his own attitude and research saw things differently.

Senator Jordan was probably among a half dozen in the entire Congress who brought a penetrating experience to water development programs. He served on the United States-Canadian commission which adjudicated and blueprinted water development policies for the two nations in connection with the Columbia and related rivers of the Northwest and southwest Canada. He was a rancher who used water, knew the soil, and had intimate contact throughout his life with water problems. This kind of experience motivated his support of the seven-year moratorium on the Middle Snake River. The one option he particularly wanted to leave open was the eventual potential of a staircase series of irrigation dams in that river which could provide water to a vast area in Southwest Idaho. While the engineering feasibility of this plan has not yet been completely examined, the Senator felt it was sufficiently potential to warrant any foreclosure against its eventuality by a single purpose hydroelectric dam on the Middle Snake. The moratorium, in our opinion, has other values as well.

He was also a dogged supporter of atomic energy development and stepped aside from an appointment to the Joint Congressional Committee on Atomic Energy so that his junior colleague in the House, Cong. Orval Hansen, could assume that pivotal seat. Congressman Hansen had for some time as well, pursued an intensive interest in atomic energy.

He opposed those conservationists who had been obstructing atomic power development and called upon conservationists in Idaho to persuade the downstream atomic power dissidents "with the facts."

While not labeled a sensitive environmentalist, he supported environmental programs nationally. In his own state, he went along with a Congressional delegation agreement on advancing a park or a wilderness as well as NRA in the Sawtooth country, in last year's delegation proposal. Conservationists would like to have seen him more active in siding with with them on wilderness issues. Some he did and some he didn't.

As a lifetime rancher, prior to his political days, he addressed himself to agricultural problems and brought a special knowledge to Congressional deliberations.

He was a close collaborator with Senator Frank Church in programs which he felt was in the best interests of his state and nation . . . in fact a consistent number of programs. Because of his party faithfulness, he spoke on behalf of Sen. Church's opponents in the last term which Sen. Church won handily—but those close to him were convinced that this was done half-heartedly at best.

He was an astute researcher in government financing matters and could accept the "big picture" on the impact of international diplomacy on import tariffs. But, essentially, Sen. Jordan was a constituent-senator. He listened to Idaho's many voices assiduously . . . although, in rare cases, he departed from what might have been a majority posture at home if he felt he had more and better information in his office.

As a member of the nation's Public Land Law Review Commission, he helped formulate a sweeping new prescription for management of the public lands. The "dominant use" theory which became a hallmark of the commission's final report, had its critics, including this newspaper, but there is much in the report which will bring vitally needed changes in public land management practices. His selection for the commission profiles the land-specialist stature he enjoyed in the Congress.

Sen. Jordan was a big and broad man . . . broad enough to sense and absorb the changing times and yet traditional enough to preserve what he felt was precious in the American heritage. Like few do, he learned and grew in the respect and acceptance of his colleagues as well as his fellow Idahoans.

[From the Emmett (Idaho) Messenger-Index, Aug. 26, 1971]

With Great Affection

Sen. Len Jordan was typically in character this week when he announced that he will not be a candidate for re-election next year, especially so since it had been assumed within both political parties that he would be a candidate.

Always thoughtful and considerate of the people and dedicated to the best for his state, Senator Jordan by his timely and forthright announcement provides the most favorable climate for full consideration of a successor. There of course will be a mad scramble and much political jockeying for the U.S. Senate seat, but Senator Jordan is giving the people of Idaho a full 14 months to make a wise decision.

Jordan is secure in the affection and respect of the people of his state; but before the scramble for his seat becomes too hectic, It is appropriate to reflect on the quality of his character through four years as Governor and what will be 10 years in the U.S. Senate.

For the character of his service is noteworthy. It is constant, predictable, and straightforward.

Jordan will never be tagged as a brilliant politician. He is seldom blessed with that rare insight which permits a few men to see clearly far into the future. The case work of his Washington office in responding to the individual concerns of his constituents has never been outstanding.

But Jordan has applied his own impeccable character as a thorough gentleman to a public service career that never has permitted a question of integrity, and which is both adequate and constructive. At the same time he has remained flexible enough to recognize the validity of such new concerns as the increasing degradation of the human environment.

As a "lame-duck" Senator through the rest of this year and all of next year, he will be as constant and as effective as he has been in the past.

Senator Jordan was 72 years old last May 15. With great affection Idaho wishes him long life and continued good health.

[From the Lewiston (Idaho) Morning Tribune, Aug. 28, 1971]

THE POLITICAL SCENE—WHY JORDAN WON'T RUN AGAIN

(By Bill Hall)

Why would Sen. Len B. Jordan—apparently in good health for his age and facing easy and almost certain re-election next year—announce that he is quitting the Senate after this term?

And why especially when, until a couple of months ago—if the signs were accurate—the senator had virtually decided to go for another six years in the Senate? Why the sudden change of heart?

I'm convinced it was a change of heart, Jordan was undoubtedly sincere in his oft-repeated statement that he would cross the re-election bridge when he came to it. So he had kept his mind somewhat open all along. But every indication the past six months was that—barring the unexpected—he was intent upon announcing for re-election.

STANDARD

First, there was his standard answer to reporters in the spring and summer. He counseled the press that unless an incumbent says he won't run for re-election, you should assume that he will. As the clincher, he would add that he hadn't said he wouldn't seek re-election.

It amounted to his informal declaration of candidacy—his signal to supporters and potential opponents alike—that they should be prepared for a Jordan campaign. The official declaration of candidacy awaited only the dispatching of the obligatory press release and new photograph to reporters around the state.

The behind-the-scenes signs also pointed to a re-election effort. Sources close to the senator said last spring that his Washington office was beginning to map out a campaign.

There were other indications. During an early summer visit to north Idaho, an admirer of the senator—concerned at one of Jordan's weak points with the electorate in this region—took him aside and suggested a tactic that would heal an old wound with some of the north Idaho voters.

TACTIC

The senator said he agreed with the tactic and would use it in the campaign.

Jordan is usually a direct, rather than a coy, politician. He either keeps his peace or says what he means. So it is doubtful that all the indications of another try for six years were cute diversionary tactics designed to throw everyone off.

Besides, cute tactics are normally used to keep the press and people guessing about a campaign that has definitely been decided upon—not to obscure a decision to retire. A retiring senator has no need for tactics; he is pulling out of the wars and need not concern himself any longer with feinting and plotting.

So everything points to a last-minute change of mind. But what caused it?

Perhaps we shall never know. But conversations this past week with Jordan friends and with long-term Jordan watchers have provided a few hints:

ANOTHER ORDEAL

While it is probable that the senator had virtually decided to seek re-election some months ago, his heart wasn't fully in the enterprise. The seeds of reversing the decision were present throughout the early weeks when he was beginning to put together still another effort.

First, there was an arduous campaign to dread. As a virtual shoo-in, he would not have to work as hard as most. But it would be characteristic of Jordan to feel obliged to knock himself out. He believes deeply in our system. That means a belief in the adversary process—in sending two candidates of opposing views before the people as a way of helping the people decide for themselves which path to follow. A non-campaign between a lead-pipe cinch and an also-ran would not fulfill that obligation to the people and to their system.

Jordan no longer had the strength to wage a vigorous campaign. The last one almost did him in.

Election campaigns are difficult for any major contender, but they are so much worse for members of Congress. A campaign lasts a year or more. It means spending most weekends on an airplane between Washington and distant Idaho, on top of the ordeal when you get there.

Jordan does not travel well. Trans-continental travel can be tiring to anyone, but he could never seem to get his time clock readjusted. During the 1966 campaign, he would wake up at 4 a.m. Idaho time and wander around the hotel until the hands that needed shaking were out of bed. And he was expected to remain in contact with those hands until midnight.

He looked gray and exhausted and terrible during that campaign. His staff—and presumably his family—were worried about him. Six years older it could only be worse.

And even if he did opt for the pillow fight—for the minimum campaign against an easy opponent—the minimum is plenty. Even those who are not in hot pursuit of an office must keep up appearances. That means dozens of fund-raising dinners with occasional rodeos and county fairs thrown in.

So one explanation is that Jordan is physically tired and dreaded the inevitable exhaustion of the year ahead. He said in his announcement last week that health was not his reason for retiring. But concern over what campaign would do to his health was probably instrumental in the decision.

There are also indications that Jordan has become emotionally tired.

SADDENED

First, he has been saddened by the course of events in this country. One friend reported that the senator walked among the participants in one Washington anti-war demonstration and saw, not the expected gathering of freaks, but mostly older middle-class straights with whom he could identify. Coupled with his own misgivings on the war and social concerns, the sight was shocking. It took some of the heart out of him.

At another point he declined further service on a Senate committee that had some responsibility for the space program. Three astronauts, practicing on a launchpad, died in a swift and horrible fire. He said he couldn't sleep nights worrying about what would happen to the nation's morale if the astronauts then scheduled to be first on the moon died up there through some technical oversight. The thought of the deaths of those "fine young men" and what it could do to America preyed on him.

He left the committee.

Another friend and long-term observer of the senator noted that Jordan now finds criticism more painful, that he has—critics might say—become too thin-skinned.

"He's a sensitive and proud man," said the friend, "and he suffers the back-biting with less patience than most."

That may be because of the unaccustomed source of some criticism in recent years—the right wing of his own party.

INDEPENDENT

Jordan became increasingly independent of labels and ancient alliances as he hit his stride as a senator and began to feel more keenly the responsibilities of his office. His widening, youthful conscience came to dominate his voting. The results frequently disappointed and angered those who felt he was straying too often from natural factional ties.

So they attacked him, more viciously in private communications than they dared to in public. And, as any tired old liberal—attacked and doubted these past few years by the New Left—can tell you, criticism hurts more deeply when dished out by your own kind.

A conservative Republican senator can almost relish the assaults of liberal and Democratic critics. But when his brothers turn on him—especially when they fail to understand that he is trying to make them proud by rising above the mundane moves of the common, partisan herd—well that is the unkindest cut of all.

Everything combined—the fatigue, the hurt and the confusion over the troubled soul of America that all old warriors feel today during lonely attacks of nostalgia—probably went into the decision.

NOT ALONE

Significantly, the decision was not Jordan's alone. He left it with those who love him most—his proud family. And, into their decision he injected one final element—his concern that he himself had been very unsuccessfully attacked by a mugger and that Mrs. Jordan was afraid to venture alone into the street outside their home.

Mrs. Jordan, still willing to stand by him, is reported to have abstained from the decision by the family.

But the senator said the consensus was "that Dad should retire."

And so he shall.

Though he is the first in Idaho history to voluntarily leave the Senate, the choice was rather simple.

He could continue to run for the Senate until he became one of those stumbling, mumbling, pathetic old creatures who usually just exist, sometimes stifle, but rarely contribute.

Or he could retire at the zenith, the recognized, thoroughly respected and unbeaten champ.

And the second course offered him a chance to advance one rung higher in his career—to become a full-time grandfather living in, rather than merely representing, a wondrous place called Idaho.

MAINTAIN THE IMPORT SURCHARGE

Mr. FANNIN. Mr. President, President Nixon's bold attack on the great problems in international trade already has achieved one of its most important objectives. It has shaken the major trading nations of the world, forcing them to face the realities of the 1970's.

For more than a decade the currencies of certain major trading partners have been undervalued and in the last few years the deterioration of American competitiveness has accelerated. The American Government, without success, had been putting strong pressure on our trading partners to reform the international monetary system and to appreciate their currency as a move toward economic parity. Hence, the action by the President to suspend gold payments and let the dollar find its proper exchange rate in the money markets will force our trading partners to devise a new world financial system capable of meeting the present day requirements of international trade. Further, the imposition of an indefinite 10 percent or more import surcharge should provide the impetus to encourage our trading partners to revise or supplant certain unfair provisions of the General Agreement on Tariffs and Trade—GATT.

The import surcharge should be maintained until our major trading partners halt unfair practices which have allowed them to flood the U.S. market while keeping American products out of their home markets.

As presently constituted, the GATT is not a guide to fair trade. Many of its rules are inequitable and outdated. It was written at a time when the United States held a virtual monopoly over production and trade and when the rest of the world suffered from an acute shortage of dollars. Today, trade is increasingly becoming a movement of goods within an international business complex. The drafters of GATT obviously did not foresee the postwar economic and structural changes. World conditions have changed sufficiently to mandate a new look at GATT.

Mr. President, I have heard unenlightened quotations that the import surcharge is a throwback to Smoot-Hawley, that it will cause a trade war, that our trading partners will retaliate, and as our exports are only just over 4 percent of the gross national product, we should not be concerned with import regulations of other nations.

As I have stated before, a trade war is not coming—it is here and we have been losing it along with the loss of hundreds of thousands of jobs. Further, the suggestion of retaliation obviously ignores the existing situation. Our trading partners do not need to retaliate—their current trade practices are all they need to win the battle of international trade.

The final argument regarding the small proportion of exports to gross national product is precisely why our major trading partners must finally agree to work out an equitable system to conduct foreign trade. Their ratio of exports to GNP is significantly higher than ours and it is in their economic self-interest to institute a program whereby we can begin to receive some semblance of reciprocity.

Mr. President, there have also been curious expressions of concern over the "buy American" provision of the proposal to reinstate the investment credit. Under this proposal, American companies will get an investment tax credit for refurbishing their plants with new capital equipment, but they will get no tax break if they use imported equipment.

This seems fair enough to me, especially when considering the policies of our major trading partners regarding some types of heavy equipment manufactured in their countries. For example, let us look at the situation involving heavy electrical equipment, through the use of discriminatory pricing, foreign manufacturers have obtained a substantial volume of U.S. public and private contracts. In contrast to the U.S. industry, most foreign manufacturers currently enjoy home markets which are insulated from foreign competition. A typical contract abroad would involve a Government agency or Government controlled entity which purchases exclusively from domestic manufacturers.

This policy, eliminating foreign competition, enables their manufacturers to maintain a high home market price and sell their excess capacity abroad at sharply reduced prices which in many instances violates our domestic grade laws. Thus, Mr. President, we should have little symphathy for those spokesmen who are objecting to our "buy American" proposals which merely attempt to reach partial reciprocity.

The principles of GATT and the so-called liberal trade policy have been violated many times over by other countries while the United States, by and large, has adhered to most-favored-nation treatment and the reciprocity principle. The import surcharge should assist us in regaining control of access to the U.S. market. This can be accomplished by making access to our markets conditional on adherence in practice to the above principles by other countries. The President has moved dramatically and we must not lose this leverage and initiative to solve the outstanding problems in the field of international trade.

Let us examine these problems. The variable levy system of the common market is more protective than a quota system, and is more restrictive than the individual country protection was before the formation of the common markets' agricultural policy. The United States attempted in the GATT negotiations conducted pursuant to authority of the Trade Expension Act of 1962 to secure modifications of the community's reference price—levy system of protection for its agriculture.

Reference prices, levies, and export subsidies are a combination of devices which can be used to exclude imports from outside countries and to protect price levels within the domestic market by dumping on the world markets supplies in excess of that which can be consumed by the home market. The use of such a policy is a strangling of foreign trade; this policy creates and perpetuates inefficient industries within the country using such devices.

The most basic GATT principle is that of most favored nation—(MFN). This is the idea that each member should apply to the products of all other members a duty no higher than it applies against the same goods from the most favored nation. The rule also requires that any concession granted the merchandise of one nation must also unconditionally be granted to like products from all nations. The United States generally observes the MFN but GATT permits so many exceptions and our trading partners ignore the remaining principle. Unless the most favored nation principle can be firmly reestablished, the entire structure of the fair trade rules established by GATT will be further, and perhaps fatally, undermined. If our trading partners wish continued access to the U.S. markets, then they must permit U.S. products to enter their market without discrimination.

Another major area of trade discrimination concerns the GATT provisions on subsidies and border taxes adjustments, generally, the GATT provisions on subsidies and border taxes have permitted a rebate of indirect taxes on exports and the imposition of such taxes on imports while denying equivalent treatment for direct taxes such as income taxes, the border tax adjustment theory is based on the assumption that indirect taxes are always and wholly shifted forward into the final price of a product and that direct taxes are always and wholly shifted backward to the factors of production.

Thus, GATT assumes that corporate income taxes are borne by the shareowners, and sales or value-added taxes are passed on to the consumers; consequently, GATT permits countries to impose value-added taxes on imports and to make rebates on exports. In contrast, direct taxes may not be adjusted at the countries' borders, this may have been economic orthodoxy in 1947, but it is archaic today.

Mr. President, it has been fashionable to describe the Kennedy round of trade negotiations as a great success, the finest example of the initiative of the United States in liberializing world trade, regrettably, the Kennedy round was, in fact, a failure, instead of significantly enlarged market opportunities for U.S. exports, we find that the harmonization of the value-added tax and the related adjustment of the border taxes imposed by the common market countries is a major roadblock to fair competition.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a table prepared by the conference board in a publication entitled "Border Taxes and International Economic Competition."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 19—COMPARISON OF COST OF ENTRY ENCOUNTERED BY UNITED STATES PRODUCTS SHIPPED TO GERMANY BEFORE AND AFTER ADOPTION OF KENNEDY ROUND TARIFF REDUCTIONS AND TAX ON VALUE ADDED

	Percentage increase in U.S. price due to cost of entry	
	Before Kennedy Round [1]	After Kennedy Round [2]
Aluminum ingot	14.3	21.5
Electric grade wirebar	14.1	21.4
Alloy billet	18.4	24.6

Footnotes at end of table.

TABLE 19—COMPARISON OF COST OF ENTRY ENCOUNTERED BY UNITED STATES PRODUCTS SHIPPED TO GERMANY BEFORE AND AFTER ADOPTION OF KENNEDY ROUND TARIFF REDUCTIONS AND TAX ON VALUE ADDED—Con.

	Percentage increase in U.S. price due to cost of entry	
	Before Kennedy Round [1]	After Kennedy Round [2]
Foundry alloy ingot	19.0	25.1
Alloy flat sheet	30.3	36.2
Toaster	28.2	34.0
Vacuum cleaner	22.8	27.4
Rotisserie	29.9	36.8
Compressor	15.1	23.1
Centrifugal pump—type 1	17.3	27.5
Centrifugal pump—type 2	16.4	25.8
Control valve	26.1	37.1
Steam turbine	15.9	21.4
Carbon plates	36.5	38.7
Do	37.8	39.9
Hot-rolled sheet	35.5	35.8
Do	36.7	37.0
Cold-rolled sheet	35.3	36.2
Do	38.5	39.4
Wire rods	37.9	40.2
Carbon hot-rolled steel bars	32.6	33.6
Carbon bars	33.6	35.1
High-impact polystyrene	70.3	50.6

[1] From questionnaires submitted by cooperating companies.

[2] Reflects ⅗ of Kennedy round reduction and 11 percent TVA effective July 1, 1968.

Mr. FANNIN. Mr. President, from this table it can be observed that the net effect of the Kennedy round and the adoption of a value-added tax system at an 11-percent rate was to raise the cost of entry for American products entering Germany, in fact, only one of the 23 representative products shown had a lower cost of entry after July 1, 1968. Mr. President, if we project these figures for the entire EEC and raise the rate to a uniform 15 percent, to which the EEC appears to be moving, we can readily see that a 10-percent import surcharge on our behalf does not begin to make our exports competitive, even if we ignore all the other inequities we face in foreign trade.

In early trade negotiations our representatives were willing to incorporate existing commercial practices on border tax adjustments into the GATT agreement, the United States had a $10 billion trade surplus in 1947 and there were much larger problems in international trade than border tax adjustments which at that time were low and limited to a small portion of goods traded.

This failure to appreciate the long-term consequences of excluding indirect tax rebates from the general prohibition against subsidies while including a prohibition against the rebate of direct tax was a mistake of major proportion.

Mr. President, if this Nation is ever to regain reciprocity in world trade, we must now seize the opportunity brought about by the import surcharge to encourage the Japanese to compete fairly in the world markets, currently Japan maintains a closed market to many products, engages in market penetration tactics known as dumping, subsidizes its exports and maintains a close industry-government cooperation.

In order to support her invasion of the U.S. market with the use of extremely low pricing policies, Japan has maintained a closed market to imports and has fixed and kept domestic prices at artificially high levels.

Mr. President, it has long been a well recognized principle in our law that the practice of dumping goods into the United States at prices far less than they are sold for in home or other markets is unfair and illegal. The reason behind this principle is obvious. Dumping is simply selling the same commodities at different prices in different markets. For example, dumping occurs when merchandise is imported into the United States and sold for less than the price for which the merchandise is sold in Japan, taking into consideration the conditions and expense of sale.

It is an undesirable method of competition because the resulting cheapness is not due to basic superiority in production efficiency in Japan. In the area of Japanese Government export subsidies and incentives, there is good reason to believe that the Japanese Government provides many subsidies beginning with the remission of a commodity tax and including such things as exports credits, accelerated depreciation, and a variety of other tax advantages. These bounties and grants are effectively summarized in a State Department memorandum entitled "Japan's Export Promotion Techniques."

In dealing with Japanese competition or in seeking to penetrate the Japanese market, one is struck by the great difficulty in discerning where Japanese business ends and the Government begins. This is why the Japanese Government-industrial combination has been called "Japan, Inc." In many cases the Government has fostered business enterprises as Government functions and private business firms were then formed to take them over. It has been suggested this may explain what still remains as an usually close working relationship between Japanese Government and business.

Mr. President, it was reported recently that the Japanese are in the process of removing certain of the quotas on hundreds of commodities. This so-called liberalization is more mythical than real when we analyze what the Japanese import.

Over 70 percent of our exports to Japan are raw materials or agricultural products with a low labor content while over 90 percent of Japan's exports to the United States are manufactured products with a high labor content. Thus, it is obvious that the working man in this country is the actual victim of these trade practices.

Mr. President, until such time as we can eliminate the abuses and inequities in foreign trade, this country will need a comprehensive trade legislation to effectively regulate our markets from unfair competition.

In the past we have seen legislation introduced to liberalize the escape clause and adjustment assistance provisions of our tariff laws. This is not the solution to our complex foreign trade problems. Such programs as adjustment assistance to workers and firms cost the American taxpayers and are in no way charged to the damage-causing imports and practices. At the heart of the problem is the displacement of workers, and I do not believe the answers to our problems lie in making it easier for such individuals to get relief.

In the area of new legislation, it is important that limits be set on the time given for the Treasury Department to act on dumping and countervailing duty matters. Further, these statutes should be amended to set forth certain specific substantive guidelines. In addition, any trade legislation should provide the President with new authority and direction to act against import restrictions or other acts of foreign countries which unreasonably burden or discriminate against U.S. commerce.

Mr. President, this country, by the forward-looking action of the President in imposing an import surcharge, has been presented with a golden opportunity to reform an archaic system of trade, to remove the surcharge merely because a currency of one or more of our trading partners floats higher would indeed be a shortsighted and improvident move.

The surcharge should not be lifted until we have corrected all of the current inequities in the foreign trade system.

SOCIAL SECURITY INFORMATION FOR YOUNG FAMILIES

Mr. CHURCH. Mr. President, 36 years ago our Nation made a commitment to help older Americans to live a life of dignity and self respect in retirement.

Today, approximately 27 million persons receive social security payments. Without these benefits, 19 out of 20 beneficiaries would not even achieve a moderate standard of living.

But, social security is much more than protection against loss of wages because of retirement. This is often overlooked by many young people. Social security is also family security. It provides protection for today's workers and their families against death and disability. With this protection, the financial burden during a crisis can be greatly eased.

It may also enable the family to remain together. With this protection, a child may still be able to attend college, although the head of the family has been dead for several years. Or, a disabled worker may receive important supportive and rehabilitative services which can lead to gainful employment again.

These are just a few of the benefits for the young, as well as the old. And these are just a few of the reasons why today's workers have an important stake in an effective and sound social security program.

A recent publication—entitled "Social Security Information for Young Families"—provides an excellent discussion of this valuable program for persons who may not be aware of its importance for them now or in the future.

Mr. President, I commend this booklet to my colleagues and ask unanimous consent that the first four pages of this publication be printed in the RECORD at the conclusion of my remarks.

For persons who wish to obtain the complete booklet, copies may be obtained by writing to: Superintendent of Documents, Government Printing Office, Washington, D.C.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY INFORMATION FOR YOUNG FAMILIES

WHAT SOCIAL SECURITY IS TO YOU

How much do you earn? . . . $3,000 a year . . . $6,000 a year? . . . as much as $10,000? What will you have earned by the time you are ready to retire . . . $250,000 . . . $300,000, or even more? But, wait a minute. What would happen if your income was cut drastically, or even stopped altogether because you became disabled or if you should die? What then? Where would your family turn?

There's an answer to this question—one you might not realize exists—social security. Chances are that when you think about social security you think mostly about older people and retirement and Medicare. But that's not the whole social security story, not by a long shot. Social security can also mean a lot to younger people; it can mean monthly cash benefits to disabled workers and their families; it can mean monthly checks to widowed mothers and their children.

Suppose a young father of two small children, both under 5, is killed in an accident. His average earnings covered by social security were $450 a month. His widow and children would receive nearly $390 each month in social security, about $4,680 each year. By the time the oldest child reaches 18, this family could have received $60,000 or more. And this would not be all—the widow could receive monthly benefits when she reaches 60. And the children could receive benefit payments until they reach 22 if they stay in school.

Under the present law, a worker can have average monthly earnings covered by social security of as much as $750 in years to come. This can mean benefits of $517 a month for a family.

Take a minute to think about it. How would your family get along if you became disabled or died?

If you've worked long enough under social security—and most workers have—you could count on a continuing cash income for yourself and your family if you become disabled . . . and your survivors would receive monthly cash benefits if you should die. And, of course, you are also earning retirement protection while you work.

Social security survivors and disability cash benefits can mean that the financial burden will be greatly eased . . . that the family can stay together . . . that children can complete their education . . . that disabled children, including those who are severely mentally retarded, can receive a lifetime income . . . that a disabled worker and his family can be sure of an income that will continue as long as he is unable to work. A disabled person may also receive rehabilitation services to help him return to productive work. These services may be paid for by social security.

That's what this booklet is about—the protection social security has for younger people, about how a worker earns his protection, about the benefits that can be paid. It also contains other information about social security of interest to younger workers.

Over 26 million men, women, and children were receiving monthly cash social security benefits early in 1971. This total included about 1.5 million disabled workers and nearly 1.2 million of their dependents. Nearly 2.7 million children of deceased workers were receiving benefits at that time, and about one-half million widowed mothers were receiving benefits because they were caring for children entitled to benefits. Over 3 million older widows and dependent widowers were receiving benefits.

THE BASIC IDEA

The basic idea of social security is a simple one: During working years employees, their employers, and self-employed people pay social security contributions which are pooled in three special funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid from these funds to replace part of the earnings the family has lost.

Part of the contributions go into a hospital insurance fund; and when workers and their dependents reach 65, money from this fund helps pay their hospital bills.

Voluntary medical insurance, also available to people 65 or over, helps pay doctor bills and other medical expenses. Money to pay medical insurance benefits comes from a fourth special fund. Half of the money in this fund comes from the premiums paid by people who have signed up for medical insurance, and the other half is paid by the Federal Government.

PROTECTION STAYS WITH YOU

The social security protection you earn stays with you when you change jobs; when you move from city to city when you move to another State.

More than 9 of every 10 working people in the United States are building protection for themselves and their families under the social security system. Almost all other people are either covered by another Federal, State, or local government retirement system or are protected under social security as dependents of other workers.

Nearly any job you take is covered by social security; your earnings from any business you go into are covered, too; and you earn protection under social security while you serve in the armed forces. Through 1967, only your military basic pay counted toward social security benefits. Beginning with January 1968, additional earnings credits, generally amounting to $100, are counted for each month of active duty. No additional deductions are made from your pay for these additional credits.

The average earnings of workers in the United States today are such that many young people can expect to receive maximum or near maximum payments under social security when they retire. A husband and wife can expect to receive as much as $443.10 each month after retirement in years to come based on average monthly earnings of $750 a month. A worker whose average earnings covered by social security are $650 and his wife will receive $413.70 per month at 65; a man and wife will receive $360.50 monthly at 65 based on average earnings of $550 a month; with average earnings of $450 a month, and a man and wife will receive $313.20 a month at 65; with average earnings of $350 a month, a couple will receive $266.60 a month; with average earnings of $250 a month, a couple will receive $218.40 each month at 65. And these benefits will be paid regardless of retirement income received from other sources.

Social security benefits are not subject to Federal income tax.

If you are interested in more information about health insurance (Medicare) for people 65 and over, retirement payments, or about benefits to older dependents, ask for a copy of Booklet No. 35 at your social security office.

KEEPING UP WITH CHANGES IN SOCIAL SECURITY

In order to get the full idea of the value of social security to you and your family, you will find it helpful to keep abreast of the changes made in the social security law. Since the social security program began in 1935, it has been changed and improved many times. Benefit amounts have been increased, new kinds of benefits have been added, and the eligibility requirements for many kinds of benefits have been changed to make more people eligible.

The young family of today can expect that benefits will be increased in the future to keep pace with rising prices. In fact, as wage levels rise in the future, benefits can be increased without any increase in social security contribution rates. This is because as wages rise, income to the program increases more than the corresponding benefit liabilities.

By keeping up with changes made in the social security law, you will be able to see fully the role that the social security protection you are earning plays in your plans for the future. Good planning requires that responsible members of the family understand in advance when benefits would be payable and have some idea of what the amount of the benefits would be and how to apply for them.

DEMOCRATIC POLICY COUNCIL COMMITTEE ADVISORY REPORT ON NIXON ECONOMIC PROGRAM

Mr. CRANSTON. Mr. President, the Democratic Policy Council—an arm of the Democratic National Committee—has released an advisory report on the economic program proposed by the President in recent weeks to restore a healthy economy. Those who participated in drafting the report include some of the Nation's most knowledgeable experts in the field of economics: Gardiner Ackley, Walter W. Heller, Francis M. Bator, Stanley S. Surrey, Robert R. Nathan, and David Ginsburg. I believe this report would be most helpful to all Members of the Senate as the so-called Nixon economic program is examined in the weeks and months ahead. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S "NEW ECONOMIC POLICY"

After 2½ years of wishful rhetoric and inaction, President Nixon finally recognized the seriousness of the economic situation that his Administration had permitted to develop, and on August 15 dramatically abandoned his previous economic game plan. This long overdue action has at last given the nation an opportunity to deal with its pressing economic problems.

However, these problems will not be solved without major changes in the President's program. In the following analysis, we set forth our concerns—constructively, candidly, and, where necessary, critically—as a contribution toward achieving the objectives on which all of us agree: a stable, prosperous, and growing economy serving the needs and interests of all citizens.

I. THE CONTROL OF INFLATION

Having waited so long to take any effective action to slow down the spiraling of costs and prices, the Administration's resort to a freeze was an inevitable first step that should at least temporarily halt the rise of prices. Nevertheless, the freeze has also created serious inequities and distortions that would become intolerable if it were extended beyond 90 days. Since no one can believe that the problem of inflation can be solved in three months, a more flexible and viable system is urgently required that will effectively curb inflation yet avoid the present inequities and distortions of the freeze. Among other things, wage rates must be allowed to resume their normal increase relative to prices, in order to distribute fairly the gains of our growing productivity. The Administration bears a heavy responsibility to provide the leadership needed to develop and secure agreement on such a system.

The hardship associated with stopping inflation must not all fall on one part of society. Labor feels that the freeze will be more effective against wage increases than against price increases, because the latter tend to be less easily visible. It is surely the responsibility of businesses, consumers, and the Administration to see to it that the freeze is as fully effective on prices as on wages. It is even more important to assure that the new program of restraints that will replace the freeze after 90 days does not bear unequally on wages, prices, salaries, and other forms of compensation. (Moreover, the Administration's biased fiscal program needs to be altered significantly in ways indicated below.)

An important aim of the phase-two anti-inflation program must be to assure that profit incomes do not increase relative to wage incomes through a looser rein on prices than on wage rates. To be sure, as the economy expands, aggregate profits will rise, just as will aggregate payrolls. And, just as profits have been more curtailed by recession and stagnation than has total wage income, so aggregate profits will rise proportionately faster than aggregate wages as we return toward full employment. If this happens, it will not, in itself, demonstrate that the new restraints are any less effective on prices than on wages. Participation of all groups in our society in shaping the phase-two restraint program can help to assure that the new program is truly as effective on prices as on wages, and that the interests of consumers, business, labor and all other groups are protected.

In contrast with profits, interest rates and interest incomes remained abnormally and regrettably high, even long after the economy became depressed. While interest rates, too, could have been frozen, the even more important requirement is for effective action to keep them well below their high levels of mid-August. We call on the Federal Reserve to accept its clear responsibility under present circumstances to assure lower interest rates and to avoid any emergence of tight money.

The belated action taken on August 15 was but the first step in a long process of restoring price stability. Whether the Administration's program will succeed in this objective depends not on what has so far been done but on what is to come. The Administration now finally recognizes that the problem of inflation will not just go away, and that creating high unemployment is not only a cruel but also a completely ineffective way to stabilize the price level. It must therefore proceed at once to the task of developing the new mechanisms and procedures—other than widespread compulsory controls—necessary to deal with the inflationary pressures that will continue to exist in a high-employment, prosperous economy. These longer-run arrangements must be fully developed and ready to take over as the freeze ends.

The Administration may prefer some other name for these new arrangements, but economists usually describe them as an "incomes policy"—a concerted public policy to assure that major price and wage decisions are consistent with reasonable stability of the overall price level. Such a policy will require a continuing organization possessing limited legal powers; but it must rely for its success primarily on widespread voluntary support and acceptance. There is no need for a far-flung bureaucracy.

Unfortunately, President Nixon has made it more difficult to obtain support and acceptance by repeatedly—and as recently as in his press conference of August 4—misrepresenting what an incomes policy is and can accomplish. He has repeatedly argued that "voluntary methods" of inflation control cannot work, will not work, have never worked; and he has invariably implied that our choice is only between ineffective exhortation and a stifling system of permanent, comprehensive controls enforced by criminal penalties. Unlike the President, we believe that, with adequate leadership, the American public and its great economic interest groups will support an effective incomes policy—one that is fair and equitable, and one that is developed with full participation of all segments of the public. In order to build the basis for the public support needed to make an incomes policy work, the President and members of his Administration must devote their efforts not to accentuating divisions in our society but to bridging them.

II. FISCAL POLICY FOR FULL EMPLOYMENT

Unfortunately, the second promised objective of the President's program, namely to create jobs, is largely rhetoric.

If inflation is effectively curbed, that in itself could have marginally favorable effects on aggregate demand and thus on production and jobs. But the principal reliance of any program to expand employment must be on fiscal changes. The President has proposed the wrong fiscal program:

It will not create the jobs we need;

It is inequitable, inefficient, and not in accord with the priorities of the American people; and

It unnecessarily and permanently impairs the ability of our Federal tax system to raise the revenue we will need to finance high priority programs when our economy returns to full employment.

There is compelling need to create in the neighborhood of 4 million extra civilian jobs over the next year: to provide jobs for those now unemployed and those who become unemployed as they are released from the armed forces; to provide jobs for new entrants to the labor force; and to provide jobs for those who have dropped out of the labor force or failed to enter it because jobs were unavailable. Even 4 million new jobs would not reduce the unemployment rate in the next year from its 6 percent rate of the first 8 months of 1971 to close to the 4 percent goal.

The economy shows no promise of creating these jobs without strong new stimulus to aggregate demand. Recent evidence confirms the weakness of the economy, and the contrast between the Administration's wishful rhetoric and reality. Clearly, 1971 is not a "good year" for the economy, and 1972 will not be a "very good year" under policies past or proposed. Industrial production in July was almost 1½ percent below the same month a year earlier—when we were in a declared recession. Total output (GNP in constant prices) in the second quarter was only 2 percent above a year earlier, which the Administration agrees is less than half of the rate of expansion needed just to hold even with the normal growth of the labor force and its productivity. And the 6.2 percent unemployment rate of August confirms that no real recovery has yet begun.

Could the Administration's new fiscal program create 4 million new jobs within a year? So far as we can tell, it gives only moderately more stimulus to aggregate demand than its earlier fiscal programs that allowed the economy to slip into recession and for total output to remain $70 billion a year below our potential. To be sure the President proposes tax cuts to stimulate private demand. But he proposes to reduce Federal spending by nearly as much as private spending is likely to be stimulated. Moreover, when more than a quarter of factory capacity is idle, tax cuts to spur investment are less effective than tax cuts that go to consumers. The President's program might transfer some production from public to private use; but it is unlikely to stimulate sufficient additional output of goods and services and thereby to create the new jobs we need.

The program is not only inadequate in creating jobs—it is also wrong in terms of achieving valid national priorities and equity in the distribution of rewards and sacrifices. The Administration's package would give $5 billion a year of tax relief to business via the 10 percent investment credit, on top of its $4 billion a year depreciation "reform" earlier this year. The Administration also contemplates a further tax cut for business through its DISC (Domestic International Sales Corporation) proposal. It would give the general taxpayer a one-time $2.5 billion of tax benefit through the speeding up of income tax cuts. Another $2.5 billion of auto excise tax reductions would go only to those taxpayers who buy new cars. Moreover, the budget cuts—especially the postponement of badly needed welfare reforms—would be in large part at the expense of the most needy members of the population. Vital government programs to eliminate poverty, to halt and reverse the deterioration of urban life, to improve education and health care, and to restore and preserve our environment, would be starved. To the extent that the President and the Congress were prepared to increase rather than to decrease appropriations for these purposes, and insofar as these programs could be expanded with sufficient speed, we would prefer that a significant part of our idle productive resources be put to work meeting these high priority public needs.

Equitable tax reductions are also a powerful weapon to spur aggregate demand. They allow idle workers and surplus productive capacity to be put to work to satisfy private rather than public wants and needs. But once full employment returns, we will need rapidly growing tax revenues to finance high-priority government expenditures without generating new inflationary pressures. Thus it is imperative that, so far as possible, tax cuts to spur demand should not permanently impair the revenue-producing capacity of our tax system. The President's program fails this test.

We support a vigorous fiscal program to create jobs—indeed, a considerably more stimulative program than the President proposes. But that program should serve, not undercut, our basic social and economic goals. And it can be accomplished with far less erosion of future tax revenues. Specifically:

(1) We agree with the President's proposal to advance to January 1, 1972, the date of the higher Federal income tax exemption and the higher standard deduction legislated for January 1, 1973.

(2) We strongly urge that, in addition, the increases in Social Security payroll taxes now scheduled or proposed for January 1, 1972, be delayed to a more appropriate time.

(3) Provided that it is substituted for the Administration's earlier depreciation "reform," we support reenactment of an investment tax credit. To provide both forms of tax reduction for business violates every concept of equity. The tax credit would surely be a more effective stimulus to investment than the depreciation change; thus we prefer the tax credit to the liberalized depreciation. However, when 27 percent of our existing factory capacity is idle, the main stimulus to investment can only come from an expansion of other components of aggregate demand.

(4) We strongly oppose the Administration's DISC proposal, that would virtually exempt U.S. export business from the Federal income tax. Congressional sources estimate that this tax incentive for exports would involve close to $1 billion a year in revenue loss. It would not only provide a windfall for existing export trade, but is unlikely to expand exports materially. It goes well beyond what any foreign country provides. Whatever merit it may have had before the dollar was cut loose from gold has now disappeared.

(5) Elimination of the automobile excise tax should be considered only if the Congress is unwilling to provide sufficient fiscal stimulus through other, more socially desirable measures, and ones that do not permanently reduce the tax base.

(6) The President's proposals to cut Federal employment by 5 percent and foreign aid by 10 percent, and to delay revenue sharing

for 3 months and welfare reform for a year would surely negate much of any stimulus given by the tax cuts. Moreover, they are bad public policy, and Congress should reject them. In particular, we urge the Congress under no circumstances to delay welfare reform and, if possible, to accelerate it. Although the Administration's proposals for welfare reform are far from perfect, they do represent a major forward step—indeed, in our view, the Administration's single most constructive initiative in the domestic field.

(7) Instead of cutting Federal expenditures, they need to be increased. A number of constructive proposals for added spending have been made by Democratic members of the Congress. Any of several combinations of these could be shaped into a fiscal program adequate to quickly create 4 million new jobs (taking account of whatever is done on the side of taxes). These proposals include: the further flexible liberalization of unemployment insurance benefits; some form of temporary grants to State and local governments to make up for their loss of tax revenues as a result of the stagnant national economy; higher appropriations (or the release of impounded funds) for such urgent social programs as education, health care, and environmental protection; or further expansion of the Democratic program for public service employment.

III. INTERNATIONAL MONETARY ARRANGEMENTS

We are pleased that the President has cut the dollar loose from gold, even though the weakness of the dollar that forced him to move reflected in part the failure of the Administration's own previous game plan (and *not* primarily the activities of "speculators" or the "unfair" policies of other countries). Clearly the action on gold and the floating of the dollar are only first steps. They must lead to the establishment of new and more realistic exchange rates between the dollar and a number of other currencies. Such changes in exchange rates are long overdue. We recognize that the breakdown of the former system might have been at least postponed if certain other countries had acted differently than they did. But the U.S. government has also made mistakes of policy and exhibited more than a trace of intransigence. The Administration must negotiate without rancor or arrogance, and seek to encourage this same spirit in the other participating countries.

International negotiation and agreement on the new parities should be completed with reasonable speed. Once that is accomplished, the 10 percent surcharge must be promptly removed. In the meantime, no one, at home or abroad, must be allowed to think of it as other than a temporary measure, and it must not be allowed to be interpreted as or to become a weapon in an international trade war.

The initial readjustment of exchange rates needs to be followed by further improvements in the monetary system. Negotiations for this purpose will obviously take some time, and we should not be in a hurry to reach an agreement for agreement's sake. We propose that, in negotiating new monetary arrangements, the following general principles should guide the U.S. position:

(1) The new system should be conducive to small, smooth, and gradual realignments of exchange rates. Thus, it would help to avoid periodic crises of instability—unlike the earlier systems that seemed to provide complete stability of exchange rates, but at the cost of allowing cumulative imbalances to develop, that sooner or later guaranteed the emergency of crises.

(2) The new monetary arrangements should continue and indeed speed up the process, already well under way, of reducing the role of gold in the international monetary system. Consistent with this, the dollar should not be relinked to gold. SDR's should increasingly provide the necessary increments of world reserves.

(3) To the maximum possible extent, the new arrangements should avoid the use or encouragement of direct controls or other barriers to trade and payments—on the contrary, the fundamental purpose of such arrangements must be to facilitate an increasingly free system of trade and payments.

In conclusion, no one can disagree with the basic objectives of the President's new economic program—the halting of inflation, the restoration of full employment, and the creation of a more viable international financial system. But his program is seriously defective in a number of respects. And it is, at best, only a beginning—the crucial tests of the program are still to come. We have made what we hope are constructive suggestions for its improvement. Like all Americans, we will hopefully watch the way it continues to develop, and will not hesitate to criticize or propose alternatives—nor to give our support where we believe the Administration is right.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. GRAVEL). Is there any further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

The **PRESIDING OFFICER**. Under the previous unanimous-consent agreement, the Chair now lays before the Senate H.R. 8687, an act to authorize appropriations during the fiscal year 1972 for military procurement.

The pending question is amendment No. 418, on which there is a time limitation of 1 hour, to be equally divided between both sides.

The Senate resumed the consideration of the bill.

Mr. **NELSON**. Mr. President, time after time, Congress has authorized or appropriated funds for Federal projects without complying with the National Environmental Policy Act of 1969.

The pending amendment which I have introduced is directed to yet another instance of this failure to comply, involving three aircraft projects in the military procurement authorization bill now before us. In addition to the procedural questions involved, these three aircraft pose many of the same environmental concerns as has the SST and also brings up once more the unresolved questions over sonic boom damage in this country.

Procedurally, under the Environmental Policy Act, Federal agencies are directed to file environmental impact statements with their legislative proposals and other proposed actions, in order that the public, Congress and the President's Council on Environmental Quality can consider the environmental implications of these proposals before decisions are made.

In section 102(2)(c), the act says the agencies shall "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official" on the environmental impact of the proposed action, possible alternatives, irretrievable commitments of resources, and other environmental concerns.

Further, before finalizing these statements, the responsible Federal official is directed by the act to "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved."

Yet, bills are coming to the Senate floor containing projects in the tens and even hundreds of millions of dollars that have had only the most preliminary environmental investigation, if they have had any at all.

If the Environmental Policy Act, which is aimed at making the Federal Government an environmental trustee instead of an accomplice in ecological destruction, is not to be eroded into so many meaningless words, we must firmly establish now the principle that Congress will require completed, comprehensive environmental impact studies before it will authorize or appropriate moneys for Federal projects posing significant environmental impact.

To start getting enforcement of this act, I intend to raise this question on every measure that comes to the floor with projects not in compliance, and to request rollcall votes on every such project.

As the first such step, I introduced and a rollcall vote was taken on an amendment July 31 which would have withheld funds on five Corps of Engineers and Tennessee Valley Authority projects in the public works appropriations bill because their environmental impact statements were either not complete or not adequate.

A week later, I introduced another amendment and a rollcall vote was taken regarding nine projects in the military construction authorization bill that were not in compliance with the Environmental Policy Act because final environmental impact statements on them had not been completed.

In reviewing other legislation, we have found that the military procurement authorization bill now before the Senate contains projects not in compliance with the Environmental Policy Act.

The amendment today is the first of several I will introduce to the military procurement bill regarding environmental compliance. The remainder of these amendments—one or more of which will concern the Navy's Project Sanguine in my own State of Wisconsin, and the other of which will concern the failure of the Army's Safeguard ABM and the Air Force's high energy laser program to have final environmental statements—will be taken up at a later point in the debate on the procurement bill.

The present amendment would withhold funds on the Air Force's B–1 strategic manned bomber and F–15 fighter and the Navy's F–14 fighter until their environmental impact statements are completed as required by the National Environmental Policy Act and are reviewed by the President's Council on Environmental Quality.

Mr. President, let me point out as an aside, that the Navy's F–14 final environmental draft statement was filed on Saturday. I was informed of that fact only 30 minutes ago. So, there is no one in Congress who has read it yet, unless one of the members of the Armed Services Committee has, perhaps the distinguished Senator from New Hampshire (Mr. MCINTYRE). But, the principle is the same. The final statement on one of the projects was filed only Saturday and not more than one or two, if any, Senators have read it. Still, we are to vote on the procurement bill prior to the final reading of the statements. The other two have not been filed as yet.

The procurement bill would authorize $370.3 million for three prototypes for the Air Force's planned B–1 strategic manned bomber; $414.5 million for research and development on the Air Force's planned F–15 fighter; and a total of $929.6 million for purchase of 48 of the Navy's new F–14 fighters and further research and development on a new fighter engine.

For all three of these projects, my amendment is aimed not only at obtaining technical compliance with the Environmental Policy Act, but at achieving compliance with its intent by requiring the Department of Defense and other Federal agencies concerned to fully address and take account of the enormous environmental implications involved.

Not only are the final environmental impact statements required by law lacking for each of these three projects, but all of these proposed supersonic military aircraft raise the same globally important and as yet unresolved questions about pollution of the atmosphere as did the SST whose assistance program we debated and halted such a short time ago.

Furthermore, each of these planes will produce sonic booms, which from other military aircraft are even now causing considerable archeological and natural damage in some of our national parks in addition to posing still unresolved concerns about their impact on developed areas and on humans.

First, I will discuss the failure of these three projects to meet the specific requirements of the National Environmental Policy Act, then the atmospheric pollution concerns, then the matter of sonic boom effects.

While preliminary, draft environmental impact statements were filed on each of these projects months ago—March 25 for the Air Force's B–1 bomber and for its F–15 fighter, and May 14 for the Navy's F–14 fighter—the final environmental impact statements, including, as required by law, the environmental comments of other Federal agencies, are still not completed.

Yet, as pointed out earlier in this statement, the National Environmental Policy Act specifically requires that these detailed environmental statements plus the comments of other Federal agencies shall be included with legislative proposals to Congress.

To implement this requirement, the guidelines of the President's Council on Environmental Quality state: "With respect to recommendations or reports on proposals for legislation to which section 102(2)(c) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report." And in checking with officials of the President's Council, my office has confirmed that it is the clear intention of the Council's guidelines as they interpret them that Federal agencies must have final environmental impact statements on their projects filed with the Council and publicly available in any event before House or Senate floor action.

The directive of the Department of Defense issued in August 1970, for the act stated that—

> Necessary comments indicating the impact on the environment shall be included in DOD legislative proposals . . ."

The directive of the Air Force last October acknowledged the specific requirements of the Environmental Policy Act and said:

> An environmental assessment will be a routine part of all actions taken or contemplated by the Air Force.

The directive of the Department of the Navy last October cited in its second paragraph that the act requires—

> That there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment, a detailed five-point statement on the environmental impact of the intended action.

The directive of the Department of the Army last September also specifically cited the act's requirement for environmental impact statements to accompany legislative proposals.

There is no possible excuse for continued delay by these or any other Federal agencies in getting completed, comprehensive environmental impact statements to Congress, to the President's Council and to the public in compliance with the law. The directives cited above were all issued almost a year ago, or more. The act was signed into law nearly two years ago, and it is time that all Federal agencies started complying with it in full.

The pending legislation—the military procurement bill—was transmitted to Congress by the Department of Defense on February 4 of this year. In the letter of transmittal, the Department said:

> Applicable statements related to environmental impact covered by Section 102(2)(c) of Public Law 91–190 will be submitted as required at the earliest possible date.

That was 7 months ago, and as I have pointed out, we still do not have the final statements or the environmental comments of other Federal agencies on these and other projects in the bill.

On these grounds alone, there is ample justification for the Senate to withhold funds on these three aircraft projects until they comply with the Environmental Policy Act, as my amendment would do.

Furthermore, in a new set of guidelines issued by the Defense Department just a month ago, August 9, the Department directs its agencies to withhold the circulation of even preliminary, "draft" environmental studies to other agencies and to the public until their legislative requests have actually been forwarded to Congress, which would further shorten the time available to Congress, the public and the rest of the executive branch to review the environmental factors involved in massive weapons projects, and would make it even more unlikely that final statements will be completed in time for congressional action.

Further narrowing the chances for any meaningful public review, the same recent directive requires high level "advice" before environmental studies with potentially controversial questions are even let outside the Department. The directive says:

> The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications.

Regarding this bill, I would also raise the question why a total of only six projects, including the three aircraft which are the concern of my amendment today, were selected by the Department of Defense as needing the environmental impact statements, when the bill involves hundreds of military projects of all kinds and more than $21 billion.

The concern of my amendment goes far beyond these important procedural questions, however. The draft environmental impact statements that the Air Force and the Navy have prepared on the proposed B–1 bomber and the F–15 and F–14 fighters treat in only the most superficial fashion the grave questions about pollution of the atmosphere by highflying supersonic aircraft and the resulting dangers to man.

Developments since the SST debate last spring have shown more than ever the grave environmental uncertainties posed by high-level, supersonic operations by military and civilian aircraft.

Just last month, Science magazine published the disturbing new findings on this matter by one of the world's most distinguished atmospheric scientists, Dr. Harold Johnston of the University of California at Berkeley.

Dr. Johnston has for the last 20 years been studying the effects of nitric oxide on ozone, which in the stratosphere shields this planet's life from fatal radiation from the sun's rays. Nitric oxide is one of the substances that will break down ozone, converting it to oxygen which does not serve ozone's unique, global protection function in the stratosphere.

Dr. Johnston's latest calculations, published in the Science article, were that large scale operation of supersonic aircraft high in the atmosphere would produce enough nitric oxide to drastically reduce the planet's life-protecting ozone layer.

As the Science article itself is rather heavily interspersed with mathematical equations, I ask unanimous consent just to have printed in the RECORD at the end of these remarks an excellent article by

Claire Sterling in the Washington Post discussing Dr. Johnston's findings and the stir they have caused in the scientific community.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, as the article notes, scientists meeting in Stockholm this summer to study man's potential impact on the atmosphere challenged Dr. Johnston's findings because they were based on experiments in a laboratory rather than on atmospheric tests.

The one conclusion everybody does seem to agree on is that we simply do not know whether SST's and other similar aircraft will pollute the atmosphere or not, whether their operations will cut vital links in the chain supporting the planet's life or not.

Even the scientists who question Dr. Johnston's findings say that we must do the atmospheric monitoring and research work necessary to resolve these grave questions before we proceed with massive, high-level operations of supersonic aircraft.

In a highly regarded report, the 1970 Study of Critical Environmental Problems—SCEP—at the Massachusetts Institute of Technology specifically recommended that "uncertainties about SST contamination and its effects be resolved before large-scale operation of SST's begins." It urged a program to monitor the atmosphere for water vapor, cloudiness, oxides of nitrogen and sulphur, hydrocarbons, and particles and to estimate the actual changes that would be brought by high-level supersonic aircraft operations.

During the SST debate last year, there was no question, even by the administration, of the necessity for the studies of atmospheric effects. Before an SST fleet were allowed, all of the environmental questions must be answered, said EPA Administrator William Ruckelshaus in congressional testimony. He said:

> If the environmental impact proves to be adverse, then the technology must not be used.

During the debate, I urged that a study to answer these questions be undertaken, that the monitoring program be started, and I introduced legislation, S. 1881, to establish a high-level, independent scientific commission and to give it the money to get the job done. This measure is still pending and I plan to request hearings on it.

Yet, to my knowledge, no comprehensive effort to monitor the atmosphere and project the changes posed by high level supersonic flight is being undertaken by this or any other country, even though, as noted by atmospheric scientists at a conference in Stockholm last summer, such a study could be done for something like $20 million, just about one twentieth of the sum we are proposing to spend in the military procurement bill for the F–15 fighter.

Meanwhile, the French and Russian commercial SST's are about to become operational, posing the beginning of the worldwide fights.

Then, according to a recent newspaper report, Russia is designing a new supersonic bomber which appears to include the same engine as that country's SST.

Now, in this military procurement bill, we are proposing to push along three new supersonic aircraft, all with high-level flight capabilities, all with engines that will produce the oxides of nitrogen, the hydrocarbons and other contaminants, all of which have caused such grave concern for the ecological balance of the atmosphere.

The preliminary environmental impact studies on these three aircraft attempt to minimize the dangers, citing some technical improvements, actual or envisioned, then concluding, as the F–14 statement does, that the planes will cause "no additional adverse environmental effects, as compared to present systems." In effect, they are saying that based on the environmental standards and attitudes of the past, these planes will be no worse polluters than previous ones.

The draft statement on the B–1 bomber, an aircraft which apparently will have a mission and design very similar to that of the planned new Russian bomber, says the Air Force will "plan to support programs which will provide stratosphere water vapor measurements; monitor particular concentrations in the regions where high-altitude aircraft are currently operating as compared to regions where no such flights occur; and which will provide benchmark measurements of other constituents of the stratosphere to measure future changes against."

The key word is "support." The Air Force will "support" such a program. But who is actually going to do the program? We still do not know. We still do not have the answer from the Air Force, the President's Council on Environmental Quality, or from any other agency.

We still do not have any assurances that the serious upper atmospheric pollution questions with worldwide implications are going to be answered before we or any other country launch additional supersonic, high flying aircraft into the fragile environment of the atmosphere.

Once again, we are putting the cart before the horse with our new technology. Once again, we are forging ahead with hardware development without anything other than rhetorical gestures to the environmental consequences which may result from the development of the program.

When are we going to learn that the environmental considerations cannot be an afterthought for a successful Federal program? They must be built in at the very beginning of the process, which is exactly what the section 102 requirements of the National Environmental Policy Act are designed to achieve, and which is a major purpose of my amendment today.

Finally, there is the continuing problem of sonic booms generated by military aircraft in this country. In addition to the long standing questions about the sonic booms' impact on urban areas, and on the well-being of people, there is the question of their effects on the natural environment itself.

Recently, George Hartzog, Director of the National Park Service, pointed out in a congressional statement that from January 1967 through March 1971 more than 5,000 sonic booms have been recorded over national park system areas from Everglades National Park in Florida to Olympic National Park in the northwest part of Washington State.

In Canyon de Chelly National Monument in Arizona, overhanging rock which dislodged after sonic shock waves hit the area demolished an ancient Indian ruin. Military airplanes broke the sound barrier over the monument 83 times in a 4-month period.

In the area of the Mesa Verde Indian cliff dwellings in New Mexico, the face of a cliff slid away shortly after military plane sonic booms had hit the area. In Chaco Canyon National Monument south of Mesa Verde, containing perhaps the greatest concentration of Indian ruins of the pueblo type in the Southwest, 485 booms have been recorded during the last 4 years.

And Death Valley National Monument has been bombarded with hundreds of sonic booms as military aircraft "buzz" the area flying below sea level, only 100 or so feet above the ground.

I ask unanimous consent that a National Park Service statement to Congress reporting the damages to national parks from the sonic booms be printed in the RECORD at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NELSON. Mr. President, investigations by my staff indicate that no environmental impact studies have been conducted to measure the effect of these sonic booms on our national parks and to find ways to eliminate the threat of damage to priceless archeological and natural resources, despite years of protests to the Air Force by the National Park Service.

All three planes which are the subject of this amendment will generate sonic booms, and the two Air Force planes particularly will probably be generating them in the same areas of the country as current and past Air Force flights.

Yet there is no indication from the draft environmental impact statements that any environmental studies on sonic boom damage to the parks are being conducted or that the Air Force has any intention of taking steps to alleviate this problem.

Congress should use this opportunity to insist that an environmental impact study on this problem be started immediately and that the Air Force be required to take into account the results.

In sum, it is time we acted to make Federal agencies comply with both the letter and the spirit of the National Environmental Policy Act. It is a historic law, that could serve as one of the most effective tools we have in restoring and protecting the quality of the environment in this country.

But for the act to have a meaningful influence on the course of the environmental policies of the Nation, it must be enforced. And if we do not require compliance with the act at this key decisionmaking point, the vote on the Senate or House floor, there is no guarantee that it will be done anywhere else.

By requiring compliance now, we will be carrying out the spirit of the act, which is to assure that the enormous potential of Federal programs to affect the environment is going to be used to protect it, not to help destroy it.

Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. NELSON. I ask unanimous consent to have printed in the RECORD an article dealing with this subject published in the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SORRY, BUT THERE'S STILL MORE TO SAY ON THE SST

Oxygen—O_2—is a colorless gas whose presence on the surface of the earth sustains human life. The addition of a single atom of oxygen creates ozone, a faintly bluish gas whose presence in the stratosphere protects all forms of life from the lethal ultraviolet rays of the sun. There has been new concern of late that this ozone barrier might be seriously eroded by a new technological development—the supersonic transport

One of the early arguments of those opposed to the SST's, which must fly in this region to be economically viable, was that nitric oxide from their exhaust would set in motion a series of chemical reactions that would deplete the ozone layer of the stratosphere.

With less ozone to absorb the damaging wavelengths of solar ultraviolet, it was said, enough of that radiation would reach the earth to increase the incidence of skin cancer.

ESTIMATES CALLED WRONG

Specialists in atmospheric chemistry dismissed this problem on the ground that the nitric oxide effect would be of minor importance. Last month, however, a leading authority in the field, Dr. Harold Johnston of the University of California at Berkeley, reported privately to the White House that these estimates were in error.

Dr. Johnston, who is credited with being the first (1950) to measure the rate at which nitric oxide breaks down ozone, estimated that a fleet of 500 SST's, operating an average of seven hours a day (which had been predicted by 1985), could reduce the ozone content of the atmosphere by half within less than a year. As a result, he says, "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime."

This would occur, according to his analysis, even for those who never looked up. The reason is that from laboratory experiments it is known that atmospheric molecules strongly deflect, or scatter, ultraviolet rays, which during daylight would therefore strike the eyes from all directions.

Some of his associates at Berkeley believe the searing ultraviolet would also kill all plants except those under water. Without land plants it would be difficult for land animals, including man, to survive.

When news of Dr. Johnston's estimates became known, Senator Edmund S. Muskie of Maine, in a speech at the United Nations on May 21, urged that no other nation fly the SST's until their effect on the ozone layer could be determined by some international group. "We cannot afford to let one nation decide for all mankind," he said. He spoke at the opening of a privately organized conference on environmental protection that took place shortly after the Senate, for the second time, had voted down funds for the American SST.

The issue was highlighted last week as the new Soviet and Anglo-French SST's both flew over Paris as part of the Air Show there. The Soviet craft reportedly was quieter and produced less smoke than the Anglo-French Concorde. However, nitric oxide is expected to be an inevitable product of SST fuel burning. It is estimated that each SST would dump one ton of nitric oxide per hour into the stratosphere.

One of the arguments that has been raised against Dr. Johnston's calculations is that they do not take sufficiently into account the possibility that some nitric oxide, produced by automobiles, industry and aircraft at lower levels, is already "leaking" into the stratosphere. If this has occurred without any noticeable effect on the ozone layer, it is argued, then the Johnston calculations must be revised. It was apparently because of such criticism that publication of his report on this subject in the journal Science has been delayed.

Dr. Johnston answers his critics by saying that his calculations have taken such considerations into account, using a "full range" of possible stratospheric conditions, in terms of temperature and various concentrations of oxygen atoms and nitrogen oxides. He found the role of nitric oxide in breaking down ozone to be "a major one at virtually all of these variables."

The stratosphere is largely isolated from the lower atmosphere, or "troposphere," because of the presence of ozone. As the ozone absorbs solar ultraviolet, it is heated, making the stratosphere warmer than the layers of air below it. When hot air lies below cold air, the warmer air tends to rise into the cooler layer. However, when the reverse situation exists—a so-called temperature inversion—the cold air cannot push up through the warmer layer, which serves as a lid.

For this reason the stratosphere is protected from the turbulence below—except when giant thunderheads break through the barrier. Thus stratospheric air makes for smooth flying and is very dry.

The SST's, to be efficient, must fly at a height of 12 or 13 miles, where thin air offers little resistance. At present only a few planes, such as the SR-71 reconnaissance craft, fly that high. The jet airliners now in operation do not fly at this height because they are most efficient at altitudes of from five to seven miles.

Ozone exists primarily in the lower stratosphere, from 10 to 30 miles aloft, because of a series of chemical reactions that are continuously creating and destroying the substance. It is the delicate balance of these reactions that accounts for the continued presence of this vital gas.

As ultraviolet light penetrates the highest part of the stratosphere from 30 to 75 miles above the earth, the rays of shortest wavelengths are absorbed by oxygen gas. In this process the oxygen molecules are split into individual oxygen atoms.

The surviving ultraviolet then penetrates the region between 10 and 30 miles up, where ozone absorbs the remaining lethal wavelengths. In this process the three-atom ozone molecules are split into oxygen gas molecules and individual oxygen atoms.

The ozone is replenished by a reverse reaction in which single oxygen atoms merge with the two-atom oxygen molecules to form ozone. The process requires the presence of some other atom or molecule to act as a catalyst.

Nitric oxide would rob ozone of one oxygen atom, converting it into oxygen gas, which cannot serve as a complete ultraviolet shield. In this reaction the nitric oxide becomes nitrogen dioxide, with two oxygen atoms, but another reaction quickly converts it back into nitric oxide, and thus it is ready to attack another ozone molecule.

END OF OZONE

In this way, Dr. Johnston believes, SST exhaust would first wipe out virtually all ozone in the lower stratosphere, where the planes would operate. The nitric oxide then would slowly diffuse up through the rest of the ozone region, continuing to deplete it even if an alarmed world suddenly called a halt to SST flights.

Predictions of what would happen if the ozone were sharply depleted are made more uncertain by the role of ozone itself in heating the stratosphere and thus keeping it isolated from the turbulence below. It would be difficult to assess the effect on whether, climate, and rates of ozone production if this heating broke down and a great deal of stormy weather reached into that region.

Another difficulty in assessing the danger lies in using laboratory findings to determine what would happen in the stratosphere, whose conditions are difficult to reproduce—and not fully known. In any case the argument is a reminder that some of the factors that make the world habitable for all higher forms of life are fragile. Their care and sustenance must be mastered before we endanger their survival—and our own.

EXHIBIT 1

WILL THE WORLD'S SST'S DRIVE US ALL UNDERGROUND?

(By Claire Sterling)

ROME.—Now that Science magazine (in its August issue) has finally decided to publish one expert's chilling view of the matter—he believes all living creatures may have to go underground or be blinded once supersonic transport really gets going, in about 15 years—it might help to know what others think.

The expert, rated among the best, is Dr. Harold Johnston of the University of California at Berkeley. He was challenged sharply at an international Study of Man's Impact on the Climate (SMIC) in Stockholm this summer, by 30 of the world's most distinguished scientists.

Dr. Johnston has been studying the effects of nitric oxide on ozone on and off for 20 years. His report, presented privately to the White House and leaked to The New York Times last spring while the editors of Science were trying to make up their minds about printing it, appears to have surprised if not stunned the scientific community. If he is right, the hydrogen bomb would have nothing on the British-French Concorde and Russian Tupolev-144 as a fast way to finish off the planet.

Ozone is what makes the sky blue and saves us from fatal radiation. If it were not for this kindly gas absorbing the sun's ultraviolet rays from 10 to 30 miles above our heads we would be done for. Already, white people are increasingly vulnearble to skin cancer as they near the Equator, where the sun's rays are more direct. A mere drop of one per cent in the atmosphere's ozone content would increase radiation eight times as much on the earth's surface, and ozone itself is so "excitable" that it can go to pieces on exposure even to five parts per billion of some substances.

Nitric oxide is one of those substances. The air is full of it already, from factory smokestocks and the exhausts of cars and planes. But that kind simply goes into the subsonic troposphere, where it may drift away in days or weeks. Supersonic aircraft are the first to put nitric oxide directly into the more rarified stratosphere, where it could linger for years. Furthermore, these aircraft cruise at about a 12-mile altitude, just where the ozone layer is thickest. By latest estimates, a single commercial stratoliner will emit a ton an hour of nitric oxide in flight, each would fly four to seven hours daily, and even if Congress has killed off the American Boeing version for good, there might be a global fleet of 500 to 1,000 SSTs aloft by 1985, or soon after. In other words, SSTs would be dumping up to 7,000 tons a day of nitric oxide into the stratosphere, where five parts per billion in volume are theoretically enough to upset the ozone equilibrium within a year, and even half of one part per billion could do it in a decade.

Dr. Johnston, the first to measure this breakdown process in the laboratory, calculates that 500 SSTs flying an average 7 hours in every 24 could cut the atmosphere's ozone content by half in less than 12 months. What's more, the same nitric oxide could reform after demolishing an ozone molecule and go on demolishing them one after another in an irreversible process. By then it would hardly matter though, since Dr. Johnston predicts that with even half the ozone gone "all animals of the world (except, of course, those that wore protective goggles) would be blinded if they lived out of doors during the daytime." Some of his associates at Berkeley believe practically all plant life would die off too.

To a man, scientists at last July's elite Stockholm conference refused to accept this. Most of them had attended a conference almost as illustrious on environmental pollution (SCEP) the previous summer, where Dr. Johnston had refused to accept their conculsion that SSTs would cause such small ozone changes as to be "not relevant in considerations of man's impact on climate." In the intervening year, they concluded at Stockholm with a pointed snub for their now absent colleague, "no new information has been developed to appreciably alter the SCEP judgment."

In fact, some tantalizing information has turned up that seemingly confirms it. Inasmuch as pollutant gases like nitric oxide are known to "leak" eventually from troposphere to stratosphere, they should presumably be breaking down the ozone right now. But a large majority of the world's weather stations report that ozone has actually been increasing in the stratosphere over the last decade. Nobody knows whether the causes are natural or man-made; as SMIC experts observed, we had better find out. Nevertheless, the phenomenon could scarcely be said to bear out Dr. Johnston's theory.

The trouble with his findings, according to SMIC scientists, was that all his work was done in the laboratory. Neither he nor anybody else has done any sampling in the stratosphere. Our knowledge of conditions there is, accordingly, meager: how much of what substances are to be found, how fast they act on each other chemically, and above all, what forces carry them where, at what speed, under which conditions. Until we can be sure of this transport pattern especially, we can be sure of nothing. In effect, explained a SMIC expert, the Berkeley experiment might be described as a test of carefully measured gases in a perfectly sealed box; the reality would be more like a slatted vegetable crate in which the gases might be moved up, down, sideways—or out—by the air blowing through it.

To anybody standing above this particular fray, what leaps to mind is not so much one scientist's capacity for error as a kind of neo-neanderthal ignorance on the subject in general. Who would have thought it possible, in this age of research and devolpment with billions of dollars already invested in supersonic transport and both the Concorde and Tupolev very nearly operational, that not a single American, British, French or Russian scientist has yet gotten off his laboratory stool and gone out to do some relevant sampling in the stratosphere? Military SSTs have been flying in and out of it for some time after all; and the cost of adequate testing would be almost laughable compared with the amount spent on the SSTs themselves. SMIC delegates think it should not run to much more than $20 million.

Though any scientist will tell you how urgent such research is—those in Stockholm considered it indispensable before SSTs start flying commercially—none of the aircraft industries involved, or their sponsoring governments, has yet made a move to put up the money. Before we find ourselves groping sightlessly around a lifeless planet, it would be nice to think that at least one of them might.

EXHIBIT 2

THE PROBLEM OF SONIC BOOMS IN THE NATIONAL PARK SYSTEM

Sonic booms caused by military aircraft have been a matter of grave concern to the National Park Service since 1966. In the summer and fall of that year, severe damage was inflicted upon prehistoric Indian ruins and geologic formations in National Park areas located in the Southwest region of the country.

In Canyon de Chelly National Monument, Arizona, overhanging rock, dislodged after sonic boom shock waves in August and October of 1966, demolished an ancient Indian ruin in Canyon del Muerto. Military airplanes broke the sound barrier over the Monument 83 times between August 11 and December 22, 1966.

At Bryce Canyon National Park, Utah, on October 12, 1966, some 15 tons of dirt was found to have fallen from a geological formation near the bottom of Navajo Loop Trail following three sharp sonic booms.

Sonic boom incidents have not, however, been restricted to the Southwest area of the United States. From January, 1967, through March, 1971, more than 5,000 sonic booms have been recorded over National Park System areas ranging from Everglades National Park, Florida, to Olympic National Park, in the northwest section of the State of Washington.

One of the Park areas most heavily bombarded by sonic booms is Death Valley National Monument, California-Nevada, which has recorded over 900 such incidents over the past four years. As recently as February 17, 1971, a sonic boom broke 21 windows at Furnace Inn, and five windows at Stove Pipe Wells Village. When the concessioner called a nearby Air Force Base to complain, he was told to supply the number of the plane. Park rangers at the Monument recorded 11 sonic booms between 8:30 a.m. and 3:30 p.m. on that date.

In addition to sonic booms, Death Valley National Monument has been plagued for several years by low-flying military aircraft operating below sea-level in the Furnace Creek area. In April, 1969, for example, rangers reported 10 incidents of military aircraft flying 100 to 800 feet above the ground. Between 500 and 700 such below sea-level "buzzing" incidents has occurred during the past three years at Death Valley.

On numerous occasions, NPS personnel have reported these incidents to near-by Air Force bases, either by phone or letter in an effort to trace the source of the sonic booms, or the low-flying planes. In most instances this has been an exercise in futility because military officials have required positive identification by numbers, of individual planes before taking any action. Such identification of planes—by the numbers has usually been impossible due either to the speed of the low-flying aircraft or the high altitude of planes producing sonic booms. There is no question, however, that they are military planes because civilian aircraft do not have supersonic capacity.

Reports from Mesa Verde National Park state that sonic booms strong enough to shake buildings and rattle windows have been occurring on an average of four to six times a month during the past few years. In one three-month period in the latter part of 1967 some 15 sonic booms were recorded. Because of the great concentration of prehistoric Indian cliff dwellings in Mesa Verde, we are greatly concerned that the continuation of sonic booms of such intensity will damage these fragile prehistoric structures.

Chaco Canyon National Monument, south of Mesa Verde in New Mexico, contains perhaps the greatest concentration of Indian ruins of the pueblo type in the Southwest. A total of 485 sonic booms have been recorded at this Monument during the period 1967–71.

The Superintendent of Chaco Canyon reported that "on January 25, 1971, the Monument experienced the loudest and most severe sonic booms I've ever heard. It shook windows for several seconds and sounded like a dynamite blast." No dramatic example of severe structural damage was noted. However, with continued sonic boom bombardment of this nature occurring in Mesa Verde, Canyon de Chelly, Chaco Canyon and other Park areas in the vicinity, we believe that the fragile walls of Indian ruins are being steadily weakened.

While there has been no documented damage to Mesa Verde Indian cliff dwellings directly attributable to a single sonic boom incident, extensive damage was caused to the face of a cliff in the Park on February 21, 1968, by a rock slide that followed two severe sonic booms in the Park. The sonic booms were noted at 11:30 a.m. and 3:30 p.m., followed by the rock slide at 4:15 p.m., which closed Point Lookout Road and cost some $45,000 to repair.

Following the documented damage at Bryce Canyon and Canyon de Chelly in 1966, the Department of the Interior expressed its concern to the Secretary of the Air Force. The Air Force response suggested that the matter be submitted to the Federal Aviation Agency.

In subsequent letters from the Secretary of the Interior and from Superintendents of National Park areas to Commanding Officers of military bases, we have renewed our expressions of concern and our requests that steps be taken to reduce the impact of sonic booms upon National Park resources.

The effectiveness of these efforts has been diminished, however, by the insistence of the military that positive identification be established on individual aircraft, linking them to specific sonic booms, and/or low-level, high-speed flights.

Low level, high-speed flights by military aircraft also constitute a continuing safety hazard to visitors and facilities at some recreation areas. Lake Mead National Recreation Area, Nevada-Arizona, for example, experiences some 150 to 200 such flights per year. Since 1958, at Lake Mead, there have been several incidents involving military aircraft including one fatal crash, two totally demolished aircraft, the cutting of high voltage power lines over Lake Mohave and two forced landings of helicopters in visitor parking lots.

Sonic booms also are a problem in natural areas of the National Park System. At Grand Teton National Park, for example, 30 sonic boom incidents were recorded during the period May 25, 1970, to May 25, 1971. Windows in the Park headquarters building at Moose, have been broken on several occasions by sonic boom shock waves. Park officials report that sonic booms have increased in numbers and intensity since February, 1971. Coincident with this pattern has been an increase in the number of avalanches.

Officials at Grand Teton and Yellowstone National Parks also are concerned about the potential for harm to birds and wildlife from the repeated breaking of the sound barrier above nesting areas and the range habitat. More than 100 sonic booms were recorded at Yellowstone National Park during 1967–68.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, under the proposed amendment No. 418, none of the funds authorized by the fiscal year 1972 Military Procurement Authorization Act may be obligated or expended in connection with the Navy F–14 aircraft program and the Air Force F–15 and B–1 aircraft programs until after a final environmental impact statement has been made with respect to section 102 (2)(C) of the National Environmental Policy Act of 1969 and reviewed by the President's Council on Environmental Quality.

I would like to state my strong opposition to this amendment, not because I am not in full and complete accord with the purpose and objectives of the Environmental Policy Act of 1969. On the contrary, I was among its strongest supporters, I voted for it, and I have consistently supported legislation on this subject. However, I am convinced that the Department of Defense has acted diligently in implementing that act, as I will explain in detail, and that they have complied with the intent of this act as it has been interpreted by the Council on Environmental Quality and promulgated by the Office of Management and Budget. Moreover, this amendment, if adopted, would seriously interfere with all of these programs, which are among our highest priority defense programs. They are all underway and involve numerous contracts that are already in effect. In fact, this amendment would force contract termination actions to be taken with disastrous results to these programs.

Mr. President, the broad issue involved in the amendment proposed by my able colleague from Wisconsin is not new. It is one that was raised last year by Senator PROXMIRE when he proposed Amendment No. 808 to the fiscal 1971 military procurement authorization bill—and was defeated. It was raised recently by Senator NELSON when the Senate considered the fiscal year 1972 Military Construction Authorization Act, and it was defeated by almost a 2-to-1 majority.

Prior to the vote on the amendment to the military construction bill, Senator NELSON stated his intent on every appropriation and authorization bill, in which an environmental impact statement was required by law, to offer an amendment to provide that moneys may not be spent on such projects until such time as impact statements are filed in compliance with the law. He stated also that he intended to request a rollcall vote in each case where there is no compliance with the law.

It is my understanding, Mr. President, that there will be several additional amendments introduced by my distinguished colleague on this same matter covering other specific programs which are subject to the Environmental Act. I believe, therefore, that an effort should be made at this time to come to grips with the overall problem and, if possible, dispose of it once and for all. This would save the valuable, limited time of the Senate which is being hard pressed to act on a large body of important legislation which still faces this first session of the 92d Congress.

For this reason, Mr. President, I propose to treat this issue in depth and will undertake at this time to address every aspect of the problem, not only as it applies to the three aircraft systems that have been identified in the amendment, but also to three other programs which I understand will be the subject of separate amendments. These latter programs are the Army Safeguard program, the Navy Sanguine program, and the Air Force high-energy laser program. My discussion will address the history of the National Environmental Policy Act of 1969, which I will refer to as NEPA, from the time of its enactment, through the various actions which have been taken by the responsible agencies of the Government who are charged with its implementation, and as it affects the Department of Defense.

These environmental statements are very complex documents. They require in many instances great amounts of scientific and technical study and review. They cannot be prepared in a matter of days, weeks, or, in some cases, even months. This should be kept in mind as we review the history of the statements in question.

I hold in my hand a copy of one draft statement to demonstrate the amount of work which was done on Project Sanguine in compliance with the act. This volume contains almost 550 single-spaced pages. What better evidence is there of the seriousness and thoroughness of the efforts of the Department of Defense on this problem?

To fully understand the issues involved, it is necessary to review the history of the NEPA and its implementation within the executive branch, particularly with respect to legislative items.

NEPA was signed by the President on the first of January 1970. The act established a Council on Environmental Quality. It also contained a section 102(2)(c), which is the one involved in the pending amendment, but required environmental statements on certain types of Federal actions. That section of the law requires the responsible Federal official to include in every recommendation or report on proposals for legislation, and other major Federal actions significantly affecting the quality of the human environment, a detailed statement relating to the environmental impacts that would result from the actions. He is required to consult with and obtain comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact of the action prior to making the environmental statement. This section of the law is the basic requirement for the environmental statements with which we are concerned. I should emphasize that, while the law requires the filing of a statement, it makes no distinction between a draft statement and a final statement.

Executive Order 11514 of March 4, 1970, provided for the implementation of NEPA within the executive branch. The Executive order assigned the responsibility for guidance on the preparation of environmental statements to the Council on Environmental Quality. I ask unanimous consent that, at this point, the text of this Executive order be printed in the RECORD.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11514—PROTECTION OF ENHANCEMENT OF ENVIRONMENTAL QUALITY

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law 91–190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy*. The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The Council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies*. Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures for informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purposes of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for protecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue guidelines to Federal agencies for the preparation of detailed statements on proposals for legislation and other Federal actions affecting the environment, as required by section 102(2) (C) of the Act.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

Sec. 4. *Amendments of E.O. 11472.* [Omitted, See 711:0111 for E.O. 11472 as amended.]

RICHARD NIXON.

THE WHITE HOUSE, *March 5, 1970.*

Mr. McINTYRE. The Council on Environmental Quality published interim guidelines for the preparation of environmental statements on April 30, 1970. I ask unanimous consent that, at this point, the content of these guidelines be printed in the RECORD.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C.

To: The heads of executive departments and establishments.

Subject: Statements on proposed Federal actions affecting the environment.

1. *Purpose.* This memorandum provides interim guidelines to Federal departments, agencies and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2) (C) of the National Environmental Policy Act (P.L. 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 *Fed. Reg.* 4247) of March 5, 1970 that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to the nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB Procedures.* (a) Pursuant to Section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2) (C) of the Act. Consequently, each agency will establish no later than June 1, 1970 its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for their statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal Agencies Included.* Section 102 (2) (C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in Section 102(2) (C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Sec. 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions Included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) recommendations or reports relating to legislation and appropriations;

(ii) projects and continuing activities—

Directly undertaken by Federal agencies;

Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes *major* action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of *significant effect.* The Act also indicates that adverse *significant effects* include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial Significant adverse effects on the quality of the *human environment* include both those that directly affect human beings and those that *indirectly* affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under Section 102(2) (C) of the Act.

6. *Recommendations or Reports on Proposals for Legislation.* The requirement for following the Section 102(2) (C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement). The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in

which the Section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of Environmental Statement*

(a) The following points are to be covered:

(i) the probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set forth in Section 101(b) of P.L. 91–190.

(iii) alternatives to the proposed action (Sec. 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal Agencies to be Consulted in Connection with Preparation of Environmental Statement.* The Federal agencies to be consulted in connection with preparation of environmental statement are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture;
Department of Commerce;
Department of Defense;
Department of Health, Education and Welfare;
Department of Housing and Urban Development;
Department of the Interior;
Department of Transportation; and
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority; and
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in Section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and Local Review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A–95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A–85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by States and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register* (with a copy of environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of Statements in Agency Review Processes; Distribution to Council on Environmental Quality.*

(a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State and local agencies in the legislative and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ *significantly* from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of Section 102(2)(C) Procedure to Existing Projects and Programs.* To the fullest extent possible the Section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91–190 on January 1 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of Environmental Statements and Comments to Public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

13. *Review of Existing Authority, Policies and Procedures in Light of National Environmental Policy Act.* Pursuant to Section 103 of the Act and Section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970 the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary Guidelines; Evaluation of Procedures.*

(a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the Section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

Mr. McINTYRE. The fact that these guidelines were interim is in itself very significant. This was recognized as a new program with many major broad and complex implications. It also contained terms such as "major Federal action" and "significantly affecting the quality of the human environment" that required definition. It was impossible in the interim guidelines to precisely outline all of the types of Federal actions that would require statements. This could only be worked out through experience with the operation of the law. It might be said that the interim guidelines of the Council on Environmental Quality represented but a first step. Subsequent steps would be built on experience, as we made our way. It should be noted that these interim guidelines were not explicit as to what type of statement would be submitted with legislative proposals; that is, whether a draft or final statement would be needed.

One of the matters addressed to the interim guidelines was that of continuing Federal actions which were started prior to the act. The Council determined that Federal acts which were already underway should be reviewed to determine if environmental statements should be prepared. Certainly, it was clear that it was not intended that all Federal action would cease until an environmental review could be made. Logically, the Federal agencies would review their acts with a view toward improving the quality of the human environment and file environmental statements where there appeared to be the possibility of a significant impact on the environment. They would not cease all continuing major Federal actions pending this review.

The interim guidelines of the Council on Environmental Quality stated that the Office of Management and Budget would provide guidance concerning environmental statements on legislative items. This guidance was published by the Office of Management and Budget on August 31, 1970. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

There being no objection, the guidance document was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 31, 1970.

To: The heads of executive departments and establishments.

Subject: Proposed Federal actions affecting the environment.

1. *Purpose.* This Bulletin establishes interim procedures to be followed by Federal agencies in taking or proposing certain actions coming within the scope of Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190). Section 102(2)(C) requires that, in connection with recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, Federal agencies shall prepare detailed statements concerning aspects of the environmental impact of the actions. Such statements are to be prepared after consultation with, and receipt of comments from, appropriate Federal, State, and local agencies. The Council on Environmental Quality has issued interim guidelines to agencies for implementation of this statutory requirement (35 F.R. 7390-7393). The guidelines provide detailed instructions for the preparation and content of environmental impact statements. The interim guidelines also refer to the issuance of these instructions by the Office of Management and Budget to provide for the utilization of existing review mechanisms for certain kinds of actions.

Based on the experience gained from the use of this Bulletin, Office of Management and Budget directives may be revised as appropriate.

2. *Requirements.*

a. *Legislation.* Each agency is responsible for identifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the statements and receipt of the comments required under Section 102(2)(C). When there is doubt as to which is the principal agency concerned, agencies shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed Section 102(2)(C) statements and the required documents shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. At the same time, copies of this material shall be furnished directly to the Council on Environmental Quality for its information. As part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate Federal agencies, and will consult with the Council on Environmental Quality. In certain cases, the clearance process may disclose the need for a Section 102(2)(C) statement where none has been prepared; in this event, the Office of Management and Budget staff will request the appropriate agency to develop and submit such a statement.

After differences with other agencies over the legislative proposal or report have been resolved, and after the legislative proposal or report has been cleared by the Office of Management and Budget, the originating agency shall put the Section 102(2)(C) statement in final form (including such comments and views of the appropriate Federal, State, and local agencies as are pertinent). The final statement and comments shall accompany the proposal or report to the Congress as supporting material. Copies of this final material shall be furnished directly to the Council on Environmental Quality.

b. *Annual budget estimates.* For those agencies having major program actions with significant impact on the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs. In the case of programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment, special summary statements shall include relevant information about general environmental impact and alternatives, and, to the extent possible, important environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include, in the form illustrated in Exhibit 1, the following information by appropriation or fund account:

Column A—*Action, project, or activity.* Identify the agency actions and individual projects and activities, and the amounts of funds involved, that are considered subject to Section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to Section 102(2)(C) and the amount involved.

Column B—*Final statement completed.* Check the appropriate category. If there are significant unresolved issues with other agencies, include a copy of the statement with the submission to the Office of Management and Budget.

Column C—*Statement being prepared.* Gives the status (e.g., awaiting signature of the Secretary) and estimated completion date.

Agencies that prepare Section 102(2)(C) statements for annual authorizing legislation shall submit the proposed Section 102(2)(C) statements in lieu of a special summary statement required by paragraph 2b above, except that the information required for the special summary exhibit shall be submitted along with the proposed Section 102(2)(C) statement. Copies of the special summary statement or proposed Section 102(2)(C) statement (accompanied by information for the special summary exhibit) shall be furnished directly to the Council on Environmental Quality.

c. *Water resource project reports.* Project reports reviewed by the Office of Management and Budget pursuant to Executive Orders Nos. 9384 and 10654 often involve proposed actions that may require application of the Section 102(2)(C) procedures.

In such cases, the Section 102(2)(C) statement shall accompany the project report when the latter is referred for comments to interested Federal, State, and local agencies. The statement and the comments thereon shall accompany the project report when submitted to the Office of Management and Budget for review.

If planning on current projects is so far advanced that conforming with standard procedures in connection with Section 102(2)(C) would cause major problems, the agencies shall consult with the Natural Resources Programs Division to determine whether appropriate modifications of the procedures should be arranged.

All project reports on projects that are considered subject to Section 102(2)(C) procedures received after adjournment of the present session of the Congress will be returned to the proposing agency if the Section 102(2)(C) procedures have not been completed at the time of submission.

3. *Review of Federal actions by State and local governments.* As a part of the preparation of environmental impact statements, Section 102(2)(C) requires agencies to include the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards. The interim guidelines issued by the Council on Environmental Quality (35 F.R. 7390-7393) establish the procedures to be followed in obtaining Federal, State, and local review of proposed actions subject to Section 102(2)(C). In certain cases in obtaining State and local review of major Federal actions having impact on a specific locality, it will be appropriate for agencies to follow the procedures established in the Office of Management and Budget Circular No. A-95.

Pursuant to Part I of Circular No. A-95, a network of State, metropolitan and regional (non-metropolitan) clearinghouses has been established. These clearinghouses serve as review agencies for proposed Federal and Federally supported development projects (including the acquisition, use and disposal of Federal real property) and applications for Federal assistance under a wide variety of Federal programs. These reviews are concerned with the consistency of proposed projects with State, regional, and local plans and programs; with consideration of certain other factors, including development and conservation of natural resources, protection of areas of unique natural beauty, historical, or scientific interest; and with maintenance of high standards of design.

In the case of direct Federal development projects and projects assisted under programs listed in Attachment D of Office of Management and Budget Circular No. A–95, Federal agencies will utilize these clearinghouses in obtaining the views of State and local agencies required under Section 102 (2) (C) procedures. In most cases the agency operating the clearinghouse function will not itself have the environmental responsibilities but will be utilized to obtain the required information from appropriate State or local agencies.

GEORGE P. SHULTZ,
Director.

EXHIBIT 1

STATUS OF SECTION 102(2) (C) STATEMENTS

DEPARTMENT OF GOVERNMENT APPROPRIATION OR FUND ACCOUNT (ACCOUNT IDENTIFICATION CODE)

Column A. Action, Project or Activity.

Column B. Final Statement Completed (Check one Column); Unresolved Issues—. No Unresolved Issues—.

Column C. Statement being prepared—.

Mr. McINTYRE. The directive required Federal agencies to review their authorizing legislation from the environmental standpoint. It also stated that when an environmental statement was required, it would be forwarded with the authorizing legislation. However, here again, no distinction was made between a draft statement and a final statement.

The Secretary of Defense signed a memorandum on September 25, 1970, which was less than a month after the Office and Management on Budget guidance came out, that required the military departments to review the items that they proposed for inclusion in their authorizing legislation for fiscal year 1972, and to identify those items which might have a significant impact on the quality of the human environment. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, D.C., September 25, 1971.

Memorandum for: Secretaries of the Military Departments; Chairman of the Joint Chiefs of Staff; Director of Defense Research and Engineering; Assistant Secretaries of Defense; General Counsel; Assistants to the Secretary of Defense; and Directors of the Defense Agencies.

Subject: Additional Instructions for Preparation and Submission of FY 1971 Revised and FY 1972 Budget Estimates—Environmental Quality Reports.

References:

(a) OMB Bulletin 71–3, August 31, 1970, "Proposed Federal Actions Effecting the Environment"

(b) DASD(C) memorandum, August 28, 1970, "Preparation and Submission of FY 1971 Revised and FY 1972 Budget Estimates"

(c) Deputy Secretary of Defense memorandum, August 8, 1970, "Interim Guidelines on Environmental Statements"

(d) ASD(C) memorandum, July 10, 1970, "Military Construction, Family Housing and Homeowners Assistance Budget Estimates, FY 1972"

This memorandum implements paragraph 2.b. of reference (a) which requires that the annual budget estimates be accompanied by a special summary statement explaining generally the environmental impact expected to result from activities and programs of the submitting agency together with an "Exhibit 1," entitled "Status of Section 102(2) (C) Statements." Accordingly, each DoD Component having major program actions with significant impact on human environment will submit twenty (20) copies of these statements and exhibits. Every effort should be made to submit these items along with the budget estimates which are due September 30, 1970 pursuant to reference (b). If this is not possible the due date for these items may be extended to October 15, 1970.

Instructions for preparation of the special summary statements and the exhibit are set forth in reference (a). Individual actions and projects to be shown on Exhibit 1, "Status of Section 102 (2) (c) Statements," will include all actions and projects proposed for financing from budget year appropriations which require Section 102 (2) (C) Statements pursuant to PL 91–190. The listing will be arranged by appropriation and budget activity.

Reference (c) provides the guidance for determining those actions and projects which require Section 102 (2) (C) Statements. In addition, reference (d) requires that the DD Form 1391 for all military construction and family housing projects include a statement which will indicate whether an environmental impact statement is required. It is intended that the listing one the "Exhibit 1," received from DoD Components will constitute a complete inventory of all FY 1972 DoD actions and projects requiring Section 102 (2) (C) Statements.

T. D. MORAN, Jr.,
Deputy Comptroller for Program/ Budget

Mr. McINTYRE. I should point out that at that time, the annual process for formulating the request for authorizing legislation for fiscal year 1972 was well along the way toward completion, so that insufficient time was available to comply with the law as to the time of filing. In addition, environmental statements were still a new matter within the executive branch, and the procedures needed to produce these were still being developed. For these reasons, the Department of Defense could not complete even draft statements in time to meet the January 1971 submission of the legislative proposals.

The Department of Defense published interim guidelines on August 8, 1970, to implement the guidelines of the Council on Environmental Quality. I ask unanimous consent that, at this point, the text of this guidance document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., August 8, 1970.

Memorandum for: Secretaries of the Military Departments; Chairman of the Joint Chiefs of Staff; Director of Defense Research and Engineering; Assistant Secretaries of Defense; Assistants to the Secretary of Defense; and Directors of Defense Agencies.

Subject: Interim Guidelines on Environmental Statements.

1. *Purpose.* Pending the publication of a DoD Directive on the National Environmental Policy, this memorandum provides interim guidance with regard to the general policies and procedures required by Section 102(2) (C) of Public Law 91–190, the National Environmental Policy Act of 1969 (NEPA); Executive Order 11514; and the Interim Guidelines for Statements on Major Federal Actions Affecting the Environment published by the Council on Environmental Quality (CEQ). This memorandum will amplify these documents by (a) identifying actions requiring environmental statements; (b) clarifying procedures for obtaining the information and reviews required for their preparation; (c) designating officials responsible for the preparation, review and disposition of environmental statements; (d) insuring proper coordination of such actions, including consultation with appropriate Federal, State and local agencies; and (e) explaining requirements for providing timely public information on proposals for legislation and other major actions having potential significant adverse effects on the natural environment.

2. *Background Information.*

Section 101 of the NEPA has established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2) (C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes.

The CEQ has provided Interim Guidelines herewith attached to assist Federal departments, agencies and establishments to implement the NEPA.

3. *Policy.*

a. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of Defense, the Office of the Secretary of Defense, Military Departments, Organization of the Joint Chiefs of Staff, and Department of Defense Agencies (hereafter referred to as DoD components) shall make an assessment of the probable ecological and environmental impacts of that action.

b. In the continuation of an existing program which was initiated prior to the passage of the NEPA, DoD components will similarly assess the environmental impact of the proposed continuing action.

c. If these appraisals indicate that (1) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (2) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this memorandum.

4. *Actions Requiring Environmental Statements.*

a. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the DoD component, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wildlife, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statements is required. To assure that the requirements of the NEPA are met, DoD components will interpret broadly the scope of the term "significant adverse environmental effect."

b. Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

(1) Real estate acquisitions, outleases of land, and developments of new installations;

(2) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;

(3) Initiation of the development of new weapon systems whose noncombat use may adversely affect the environment;

(4) Programs for weapons testing;

(5) Large-scale training operations;

(6) Programs for utilization of pesticides and herbicides;

(7) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

c. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

(1) Improvement projects for the abatement of air and water pollution;

(2) Routine training operations;

(3) Combat operations;

(4) Transportation of munitions;

(5) Activities or actions in foreign countries. (However, the requirements of Section V, I of DoD Directive 5100.50 are to be complied with.)

d. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Department of Defense.

e. *Projects or Programs Initiated Before January 1, 1970.* Consistent with the above guidelines, an environmental statement shall be filed on actions significantly adversely affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on January 1, 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

f. In cases where the DoD component has any doubt about the necessity of preparing an environmental statement for a particular proposed action, the Office of the Assistant Secretary of Defense (Health and Environment) (OASD (H&E)) should be consulted.

5. *Preparation of an Environmental Statement.* An environmental statement shall be prepared by the DoD component which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include the following information:

a. Predictions of the probable *total impact of the proposed action on the environment.* This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

b. A statement of any *adverse environmental effects which cannot be avoided should the proposal be implemented.* This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

c. A list of carefully developed *alternatives to the proposed action* that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

d. Exposition of the *relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity.* For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

e. *An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented.* This section should identify the extent to which the action curtails beneficial uses of the environment.

6. *Processing Environmental Statement Originated by a DoD Component.*

a. *Submission of Draft Statement to the OASD(H&E).* The cognizant DoD component shall prepare a *draft* environmental statement in accordance with paragraph 5 above and submit 3 copies to the OASD(H&E). This submission will be accomplished prior to any formal review outside the DoD.

b. *Review of Draft Statement by the OASD(H&E)* shall review the draft statement and obtain comments from other appropriate elements of OSD. The OASD(H&E) shall then communicate with the originating DoD component, indicating concurrence or recommending changes.

c. *Submission of Draft Statement to the CEQ.* Following receipt of the OASD(H&E) review and concurrence, the originating DoD component shall submit 10 copies of the *draft* or revised *draft* statement to the CEQ. A copy of *revised* draft statements shall be sent to the OASD(H&E).

d. *Review of Draft Statement by Other Federal Agencies.* Immediately after submission of the *draft* statement to the CEQ, the originating DoD component shall solicit the views of other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action in accordance with paragraph 8 of the attached CEQ guidelines.

e. *Review of Draft Statement by State and Local Agencies.* Concurrently with solicitation of the views of other Federal agencies, the originating DoD component shall solicit comments from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. A significant degree of public interest in the proposed action or similar previous actions would be one indication of the pertinence of the issue to State and local agencies. Also, the need for State or local authorizations to enforce environmental standards would necessitate solicitation of their remarks. Comments on the *draft* environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register.* The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

f. *Submission of the Final Statement to the CEQ.* After concluding the review process with other Federal, State and local agencies, 10 copies of the *final* environmental statement including 10 copies of all comments received shall be forwarded to the CEQ. When appropriate, a presentation of the problems and objections raised by other agencies in the review process and the disposition of those issues should be included with the *final* environmental statement. Concurrently, a copy of the *final* submission will be provided to the OASD(H&E) by the originating DoD component.

7. *Processing Environmental Statements Originated by Other Federal Agencies.*

a. When a request for review and comment on an environmental statement prepared by another Federal agency is received by OASD (H&E), the following procedure shall be followed:

(1) The OASD(H&E) shall determine which DoD components or elements within DoD should review the environmental statement. This determination shall be based upon the nature of the environmental impact involved and the DoD expertise available.

(2) The appropriate DoD components or elements will be requested to review environmental statements and shall provide OASD (H&E) with comments.

(3) The OASD(H&E) shall prepare a consolidated review report or designate the DoD component or element with primary interest to prepare such a report. The consolidated review report shall be forwarded to the requesting Federal agency by the OASD(H&E).

b. Should a request for review and comment on an environmental statement from another Federal agency be received directly by a DoD component, these procedures shall be followed. If the DoD component:

(1) Concurs with or without comment—reply directly to the requester and provide the OASD(H&E) with an information copy;

(2) Nonconcurs—send the proposed comments to the OASD(H&E).

c. If it is determined that more than one DoD component has been requested to review and comment on environmental statement prepared by a Federal agency, the reply shall be forwarded through the OASD(H&E) for preparation of a consolidated response.

8. *Processing of Legislative Actions.* Pending definitive guidance from the Office of Management and Budget, the present methods for accomplishing coordinating actions on proposed legislation shall be continued. Necessary comments indicating the impact on the environment shall be included in DoD legislative proposals and in comments prepared by DoD components on legislation prepared by other Federal agencies or introduced by members of Congress and of primary concern to the DoD.

9. *Availability of Environmental Impact Statements and Comments to Public.* The DoD component which has prepared an environmental statement is responsible for making its statement and all comments pertinent to it available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Sec. 552).

10. *Implementing Actions.* DoD components shall comply with the provisions of this memorandum and shall:

a. Designate an individual who will act as liaison with the OASD(H&E) with respect to environmental impact statements.

b. Identify new and continuing actions and advise the OASD(H&E) no later than 60 days from the date of this memorandum of all environmental statements pending preparation or submission.

c. Submit 2 copies of implementing instructions to OASD(H&E) within 60 days of date of this memorandum.

d. Provide OASD(H&E) with recommended changes in the policies and procedures delineated in this memorandum within 90 days of the date of this memorandum.

DAVID PACKARD.

Mr. McINTYRE. These guidelines were, as were those of the Council on Environmental Quality, a first step. Under the Department's policy, all draft environmental statements prepared by the military departments would be reviewed by the Department of Defense before release for comment outside of the Department. The purpose of this requirement was to insure coordination of the content of the statements prepared within the Department of Defense.

In response to the guidelines of the Department of Defense, each of the military departments published their own implementing guidelines during September and October 1970. I ask unanimous consent that, at this point, the text of these documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

INTERIM GUIDELINES ON ENVIRONMENTAL STATEMENTS, RCS OSD–(OT)–1570

(See distribution.)

1. References:

(a) AR 11–21, Army Programs, Environmental Pollution Abatement, dated 3 November 1967 with 2 changes thereto.

(b) PL 91–190, 91st Congress, 1 January 1970, entitled "The National Environmental Policy Act."

(c) PL 91–224, 91st Congress, 3 April 1970, entitled "The Environmental Quality Improvement Act of 1970."

(d) Council on Environmental Quality (CEQ) Interim Guidelines.

2. The National Environmental Policy Act of 1969 (NEPA) established the Federal policy on environmental quality. Section 102 of the NEPA directs that the policies, regulations and public laws of the United States will be interpreted and administered to the fullest extent possible in accordance with the NEPA. Section 102(2)(C) of the NEPA requires, among other things, that there be included with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the natural environment a detailed five-point statement of the environmental impact of the intended action.

The NEPA further directs that prior to submitting the final environmental statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise. Copies of such statements and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards will be made available to the President, the CEQ and the public, and will accompany the proposal through the existing agency review processes. The Council on Environmental Quality has provided Interim Guidelines to assist the Federal departments, agencies and establishments to implement the National Environmental Policy Act. A copy of the Interim Guidelines is attached as inclosure 1.

3. The purpose of this letter is to provide Interim Guidance to concerned commands and agencies pending publication of DOD directives and revisions to AR 11–21 relating to requirements for impact statements.

4. At the inception of a major action, including the preparation of recommendations on reports or proposals for legislation of primary concern to the Department of the Army, the Army proponent agency shall make an assessment of the probable ecological and environmental impacts of that action. In the continuation of an existing program which was initiated prior to the passage of the NEPA, the proponent will similarly assess the environmental impact of the proposed continuing action.

5. If the appraisals indicate that (a) a significant adverse environmental effect will result from a proposed action or a proposed legislation or (b) a proposed action is likely to be controversial with respect to environmental effects, a five-point draft environmental statement will be prepared in accordance with this letter.

6. The necessity for submitting an environmental impact statement should be evaluated in accordance with the attached CEQ guidelines. If in the best judgment of the proponent agency, the proposed action will cause important adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or will result in substantial controversy, submission of an environmental statement is required. To assure that the requirements of the NEPA are met, proponent agencies will interpret broadly the scope of the term "significant adverse environmental effect."

7. Activities or actions of the following types, in particular, should be assessed carefully for the necessity of preparing an environmental statement:

(a) Real estate acquisitions, outleases of land, and developments of new installations;

(b) Construction at installations or major mission changes which will result in a significant impact on the surrounding communities or natural resources;

(c) Initiation of the development of new weapon systems whose noncombat use may adversely affect the environment;

(d) Programs for weapons testing;

(e) Large scale training operations;

(f) Programs for utilization of pesticides and herbicides;

(g) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradations of the environment, forecast changes in the use of land, or alter population concentrations.

8. Examples of some activities or actions which normally would not require submission of an environmental statement include the following:

(a) Improvement projects for the abatement of aid and water pollution;

(b) Routine training operations;

(c) Combat operations;

(d) Transportation of munitions; (except lethal chemical).

(e) Activities or actions in foreign countries.

9. Separate guidance will be issued regarding environmental protection requirements of contractors in their performance of contracts with the Army.

10. Consistent with the above guidelines, an environmental statement shall be filed on actions significantly adversely affecting the quality of the environment even though the actions arise from projects or programs initiated prior to enactment of the NEPA on 1 January 1970. Where it is not practicable to reassess the basic course of action, further incremental major actions should take into account environmental consequences not fully evaluated at the outset of the project or program.

11. In cases where the proponent agency has any doubt about the necessity of preparing an environmnetal statement for a particular proposed action, Headquarters, Department of the Army (DCSLOG) should be consulted.

12. An environmental statement shall be prepared by the agency which is proposing the intended activity, is proposing the legislation, or is the principal agency concerned with the proposed legislation. The statement must include the following information:

(a) Predictions of the probable total impact of the proposed action on the environment. This shall include commentary on the direct impact on some part of the environment such as the clearing of forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing ecosystems. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

(b) A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

(c) A list of carefully developed alternatives to the proposed action that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

(d) Exposition of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

(e) An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented. This section should identify the extent to which the action curtails beneficial uses of the environment.

13. The cognizant Army component shall prepare a draft environmental statement in accordance with paragraph 12 above and submit 7 copies to the DA. This submission will be accomplished prior to any formal review outside the Army. The draft statement shall be submitted through normal command channels for the type of action which requires the statement. The statement will be reviewed by DA and if no modifications are considered necessary it will be submitted to OSD.

14. Subsequent to review and approval of the statement, Headquarters, DA will request publication of a summary notice in the Federal Register. This notice will specify that comments of the relevant State and local Agencies must be submitted within 60 days of publication of the notice.

15. It is requested addressees comply with the provisions of this letter, identify new and continuing actions, and advise Headquarters, DA (DCSLOG) no later than 30 September 1970 of all environmental statements pending preparation or submission.

By order of the Secretary of the Army:

KENNETH G. WICKERSHAM,
Major General, USA,
The Adjutant General.

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[From Chief of Naval Operations, OPNAV Instruction 6240.2]

ENVIRONMENTAL IMPACT STATEMENTS; POLICY REGARDING AND ASSIGNMENT OF RESPONSIBILITIES FOR

Reference: (a) SECNAVINST 6240.6 (current series).

Enclosure: (1) Procedures for Processing Environmental Impact Statement.

* * * * *

5. *Environmental Impact Statements.* In accordance with the above DoD policy, an environmental statement is required if the program or action will cause significant adverse changes in natural surroundings, including effects on man, wild life, plants, fish and marine life, or; will result in substantial controversy with other Federal agencies and/or State and local agencies and communities. Offices, Commands and/or Shore (Field) Activities involved will give the broadest interpretation to the intent of the above terms to assure that the Navy meets the requirements of the National Environmental Policy Act of 1969.

(a, Actions to be assessed carefully for the necessity of preparing an environmental statement include:

(1) Real estate acquisitions, outleases of land, and the planning and programming of new installations.

(2) Construction of a facilitiy or facilities at an installation which will result in a significant impact on the surrounding communities or natural resources.

(3) Major mission changes, or changes in base loadings which will result in a significant impact as above.

(4) Initiation of the development of new weapon systems or modernization of existing systems whose use in peacetime may adversely affect the environment.

(5) Programs for weapons testing.

(6) Large scale training operations.

(7) Programs for the transportation and disposal of chemical munitions.

(8) Programs for utilization of pesticides and herbicides.

(9) Proposed legislation which, if enacted, would initiate commitments of natural resources, result in possible degradation of the environment, forecast changes in the use of land, or alter population concentrations.

(b) Activities or actions which normally will not require submission of an environmental statement include:

(1) Improvement facilities projects for the abatement of air and water pollution.

(2) Routine training operations.

(3) Combat operations.

(4) Routine transportation of munitions, excluding chemicals. (see para 5. b. (7) above)

(5) Activities or actions in foreign countries (however, the requirements of Section V, 1. of DoD Directive 5100.50 are to be complied with).

6. *Preparation and Composition.* An environmental impact statement shall be prepared by the Office, Command, or Shore (Field) Activity which is primarily responsible for the intended action or legislation. The statement shall include:

(a) Predictions of the probable total impact of the proposed action on the environment. This shall include commentary of the direct impact on some part of the environment such as the clearing of the forests or the pollution of air or water resources, as well as the more threatening dangers associated with changes in existing eco-systems. Indirect or secondary significant consequences for the environment should be included for the analysis. Likewise, any benefits to the environment resulting from the proposed action shall be mentioned.

(b) A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented. This would include an evaluation of the extent to which aesthetically or culturally valuable surroundings, human health, high standards of living, and other of life's amenities would be sacrificed.

(c) A list of carefully developed alternatives to the proposed action that might avoid some or all of the adverse environmental effects. Include with these alternatives economic, technical and operational considerations, as well as their environmental impact.

(d) A detailed description of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. For this exposition, assessment of the action's cumulative and long-term effects is required. Short-term uses are to be construed as those not affecting succeeding generations.

(e) An inventory of all irreversible and irretrievable commitments of natural resources which would be involved if the proposed action should be implemented. This section should identify the extent to which the action curtails beneficial uses of the environment.

7. *Responsibilities:*

(a) The Deputy Chief of Naval Operations (Logistics) (OP–04) is responsible for developing and promulgating policy and guidelines with regard to Environmental Impact Statements, and for:

(1) Assuring effective coordination with the President's Council of Environmental Quality, the Assistant Secretary of Defense (Health and Environment) and other DoD Components and Federal Agencies.

(2) Maintaining coordination with the Chief of Information for the release to the public, of environmental statements and all comments pertinent thereto pursuant to provisions of the Freedom of Information Act (5 USC Sec. 552).

(3) Providing a point of contact to assist commands having doubt about the necessity of preparing impact statements for proposed or continual actions.

(b) Addresses shall maintain a continued surveillance of planned or current actions under their cognizance, and when assessments so indicate, prepare/submit draft environmental impact statements in accordance with this instruction. Procedures for processing impact statements within the Navy are outlined in enclosure (1).

R. L. SHIFLEY,
Deputy Chief of Naval Operations (Logistics.)

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PROCEDURES FOR PROCESSING ENVIRONMENTAL IMPACT STATEMENTS

1. Environmental impact statements originated within the Department of the Navy are to be processed as follows:

(a) The cognizant Office, Command, or Activity prepares a draft environmental statement in accordance with paragraph 6. of the basic instruction and submits 6 copies to CNO via the chain of command. If the statement concerns real estate acquisition the statement will be forwarded to CNO via the chain of command and the Naval Facilities Engineering Command (NAVFAC). If the statement concerns reports on proposals for legislation or favorable reports on bills, the Chief of Legislative Affairs shall be furnished a copy of the statement and copies of all subsequent correspondence relating thereto.

(b) CNO coordinates the draft statement with other appropriate Navy components and advises originator of concurrence or nonconcurrence.

(c) If concurrence applies, CNO submits copies of the statement to OASD(H&E).

(d) If CNO does not concur with the statement, the draft together with recommended changes, will be returned to originator.

(e) The OASD(H&E), after review and coordination of the statement with other DOD components, advises CNO of concurrence, or recommends changes.

(f) Following receipt of OASD(H&E) concurrence or recommendations for revision, CNO directs the originator to resubmit 13 copies of the draft or revised draft statement to CNO. To expedite, the originator, unless otherwise directed, may forward copies directly to CNO with copies to the chain of command.

(g) Upon receipt of the draft statements by CNO, actions set forth in either subparagraphs (1) or (2) below are taken:

(1) If the environmental statements are to accompany legislative proposals or reports on bills, CNO submits a copy of the draft statement to the Chief of Legislative Affairs and 10 copies to the Council on Environmental Quality. CNO will concurrently request originator to solicit comments from state and local agencies when the environmental impact of the proposed action is pertinent to those agencies. When CNO is advised by the Chief of Legislative Affairs that the legislative proposal or report has been cleared by the Office of Management and Budget and after review of comments received from state and local authorities, the originator shall forward 10 copies of the final environmental statement, including 10 copies of all comments received during the review process, to CNO for review and forwarding to Chief of Legislative Affairs (1 copy), Council on Environmental Quality (10 copies) and OASD(H&E) (1 copy).

(2) If the environmental statements are not to accompany legislative proposals or reports on bills, CNO submits 10 copies of the draft statement to the Council on Environmental Quality. CNO will concurrently request the originator to solicit the views of other federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action, and to solicit comments from the state and local agencies when the environmental impact of the proposed action is pertinent to those agencies.

After review of the comments and views received from federal, state and local agencies, the originator shall forward 10 copies of the final environmental statement, including 10 copies of all comments received during the review process, to CNO for review and forwarding to the Council on Environmental Quality, and concurrently one copy of same to OASD(H&E).

2. Environmental impact statements orig-

inated by other federal agencies are processed as follows:

(a) The federal agency originating the impact statement submits the statement to OASD(H&E).

(b) OASD(H&E) refers statements of concern or interest to the Department of the Navy to CNO for review.

(c) CNO, after independent review, or after referring the statement to the Command or Activity with the expertise for detailed review and return comments, advises OASD (H&E) of concurrence/non-concurrence with the statement for the Department of the Navy.

AIR FORCE INTERIM GUIDELINES FOR ENVIRONMENTAL ASSESSMENTS AND STATEMENTS

To: ACIC, ADC, AFCS, AFLC, AFRES, USAFA, AFSC, AU, AAC, MAC, ATC, TAC, CIN CPACAF, CINCUSAFE, CINCSAC, USA FSS, HQ COMD USAF, and USAFSO. (Commander.)

1. The National Environmental Policy Act (1 Jan 70) and the implementing Presidential Executive Order 11514 (5 Mar 70) require that all major actions of Federal agencies be assessed for potential impact on the human environment. When such actions are judged to significantly affect the quality of the human environment, then detailed statements must be filed with the President's Council on Environmental Quality. These requirements basically apply to the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. However, formal statements may also be required in certain overseas areas where controversy arises.

2. All current and future Air Force actions must be assessed for potential environmental impact. Each commander must insure that due consideration is given to protect the environment (air quality, water quality, sound control, land resources, fish, and wildlife). Basically, an environmental assessment requires that two questions be considered:

(a) Will the action have a significant adverse impact on the environment?

(b) Will the impact on the environment be controversial? If the answer is "yes" to either question, then a detailed environmental statement must be prepared in accordance with the attached guidelines.

3. The definition of "significant adverse environmental impact" cannot be given in precise, quantifiable terms, nor can the degree of controversy which requires an environmental statement be defined universally. Therefore, to preclude unnecessary effort, HQ USAF will closely monitor the preparation of environmental statements. If the requirement for an environmental statement is in doubt, the case should be referred to HQ USAF, Environmental Protection Group, Directorate of Civil Engineering (AF/PREV) for a decision. However, in certain cases it will be obvious to the command that an environmental statement is required. To conserve time, commands should then proceed immediately with the preparation of an environmental statement and advise this headquarters.

4. In implementing these new procedures the Air Force has been directed to make a one-time assessment of all current continuing actions for environmental impact and to complete formal environmental statements where required. Command Environmetal Coordinators have provided HQ USAF (PREV) with an initial listing of actions which may require an environmental statement. Commanders are requested to review these submittals to determine if there are additional actions which it is felt may require environmental statements and notify HQ USAF (PREV) of any additions to the initial listings by 1 December 1970. You will be advised of further action required.

S. F. MARTIN,
Major General, USAF, Assistant Deputy Chief of Staff, Programs and Resources.

AIR FORCE INTERIM GUIDELINES FOR ENVIRONMENTAL ASSESSMENTS AND STATEMENTS

1. *Purpose:* To provide guidance to all Air Force Commands for making environmental assessments and for preparing detailed environmental statements. These actions are required by the National Environmental Pollution Act (NEPA) and Executive Order 11514 dated March 5, 1970. These guidelines implement the provisions of OSD memorandum, August 8, 1970, Subject: Interim Guidelines on Environmental Statements.

2. *Policy:*

(a) At the inception of every action, all Air Force Commands shall make an assessment of the probable ecological and environmental aspects of that action.

(b) For continuing Air Force actions or programs which were initiated prior to January 1, 1970, Commands shall also assess the environmental impact of the proposed continuing action.

(c) If these assessments indicate that (1) a significant adverse environmental effect will result from a proposed action or (2) a proposed action is likely to be controversial with respect to environmental effects, then an environmental statement must be prepared.

(d) A significant adverse environmental effect is one that alters the ecological energy flow, nutrient cycling, or population self-regulation or one which will physically affect a potential population. The proposed action becomes controversial when there are two or more groups of people who actively advocate a difference of opinion as to whether the proposed action will have an adverse environmental effect and the controversy cannot be resolved by the command.

(e) It is not the intent of this policy to attempt to prevent change. Change is the essence of nature. It is the purpose of this policy to foster a partnership with the balance of nature in the management of our resources and our wastes.

3. *Environmental Assessment:* An environmental assessment will be a routine part of all actions taken or contemplated by the Air Force. For example, a change in the mission of a base, a change in aircraft traffic patterns or operational intensity, construction of engine runup and test facilities, extension of base boundaries, development of a new missile or aircraft, construction of a hospital, increased RDT&E activities, or for that matter, any major construction project, should be related to possible environmental effects. The basic environmental factors to be considered are changes in surroundings which affect man, land use, wildlife, plants, fish, or marine life. Some effects to be considered are:

(a) Local flooding and erosion which could result from changes in drainage patterns.

(b) Pollution of watersheds from wastes,

(c) Pollution of lakes and streams by:

(1) Sedimentation,

(2) Introduction of chemical or organic substances, or

(3) Changing the temperature.

(d) Generation of noise by:

(1) Aircraft on the ground and in the air (including sonic boom).

(2) Industrial operations.

(3) RDT&E activities.

(e) Pollution of the atmosphere by:

(1) Aircraft engine emissions,

(2) Vehicle engine emissions,

(3) Heating and power plant emissions,

(4) Open burning, or

(5) Incinerators.

(f) Depletion of natural resources such as:

(1) Soil,

(2) Ground water,

(3) Vegetation, or

(4) Animal life.

(g) Aesthetic values.

All of these must be considered in view of their biological and physical effects on Air Force bases and on the surrounding community.

4. *Actions Which may Require Environmental Statements:* Air Force Commands should interpret broadly the scope of the term "significant adverse environmental effects." Activities or actions of the following types should be assessed carefully:

(a) Real estate acquisitions which:

(1) Increase the area of the base,

(2) Are near residential areas, or

(3) Include land valued for aesthetics, recreation, or wildlife.

(b) Outleases of lands which change the land use (for example, converting forests or idle land to cultivation).

(c) Planning and programming major new facilities such as:

(1) Airfield pavements,

(2) Aircraft maintenance facilities,

(3) Heating plants,

(4) Power plants,

(5) R&D facilities, and

(6) Medical facilities.

(d) Development of new installations.

(e) Major construction activities (construction noise, dust, traffic, contractor plants, pollution of watersheds, trash, etc.).

(f) Major mission changes which:

(1) Increase the number of personnel significantly,

(2) Increase in tempo of aircraft operation,

(3) Require major construction,

(4) Significantly increase the amount of industrial wastes, or

(5) Introduce new types of industrial wastes.

(g) Weapons testing activities which:

(1) Affect large areas of land,

(2) Will introduce significant additional air traffic near populated areas, or

(3) May deny future access to the area for an extended period of time.

(h) Development of new weapons systems which:

(1) Utilize materials or fuels which could adversely affect the environment (ultimate phaseout and disposal should also be considered),

(2) Could affect the ecological balance of the earth's atmosphere,

(3) Would require extensive basing systems.

(i) Programs for widespread use of pesticides and herbicides.

(j) Major alteration of the flow of ground traffic on and in the vicinity of an air base.

5. *Actions Which Normally do not Require Environmental Statements:* Activities or actions which normally would not require an environmental statement include the following:

(a) Improvement projects for abatement of air and water pollution,

(b) Minor alteration of existing structures,

(c) Combat operations,

(d) Routine training operations,

(e) Routine transportation of munitions.

6. *Environmental Statements:* If the environmental assessment indicates (1) a significant adverse environmental effect or (2) controversy with respect to environmental effects, then the command must forward a draft environmental statement to HQ USAF (PREV). The environmental statement must include the following information:

(a) Predictions of the probable *total impact of the proposed action on the environment.*

(b) A statement of any *adverse environmental effects which cannot be avoided* should the action be implemented.

(c) A list of *alternatives to the proposed* action that might avoid some or all of the adverse environmental effects.

(d) An evaluation of the *relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity* (cumulative effect).

(e) *An inventory of all irreversible and irretrievable commitments of natural resources* which would be involved if the proposed action should be implemented.

(f) *Details of any unresolved controversy* regarding the action. A suggested format for the preparation of an environmental statement is included as Appendix A.

7. *Assistance in Peforming Environmental Assessments and Preparing Environmental Statements:* In cases where the command has any doubt about the necessity of preparing an environmental statement for a particular action, or when additional guidance is needed, this HQ USAF (PREV) should be contacted. Specialized assistance in performing environmental assessments and preparing environmental statements is also available from AFLC, AFSC, and MAC, as detailed in AFR 161-22.

8. *Relations with the Public:* Commanders are encouraged to establish rapport with local and State officials concerning environmental quality. If deemed appropriate, they may be contacted informally at any stage in the development of the statement. However, the release of an environmental statement in its entirety or any related information will be accomplished only in accordance with established procedures governing the security review process and release of information to the public. In addition, release of the environmental statement in its entirety will require approval of HQ USAF (PREV). The Information Officer will provide public affairs counsel to the commander during the preparation of environmental statements. Anticipated public reaction to environmental actions must be carefully considered throughout the preparation process.

DEPARTMENT OF THE AIR FORCE, AIR FORCE COMMAND

ENVIRONMENTAL STATEMENT, AIR FORCE BASE

Date prepared

Prepared by:——————————

Approved by:——————————

(Base Commander)

Approved by:——————————

(Commander, Air Force Command
(or his designee))

(Other approvals may be required by the Commander of the Command, or equivalent level agency.)

CONTENTS

1. Total Impact of the Proposed Action on the Environment.

(a) Description of action which has environmental impact.

(b) Summary of impact:

(1) Air Quality (if applicable).

(2) Water Quality (if applicable).

(3) Sound Control (if applicable).

(4) Land Use (if applicable).

(5) Fish and Wildlife (if applicable).

2. Adverse Environmental Effects Which Cannot be Avoided.

(a) ——

(b) ——

3. Alternatives to the Proposed Action.

(a) ——

(b) ——

4. Relationship Between Local Short-term Uses of the Environment and Maintenance and Enhancement of Long-term Productivity.

(a) ——

(b) ——

5. Inventory of all Irreversible and Irretrievable Commitments of Natural Resources.

(a) ——

(b) ——

6. Details of any Unresolved Controversy.

(a) ——

(b) ——

Appendix I:

A. Supporting documentation of Air Quality evaluation (if applicable).

B. Supporting documentation of Water Quality evaluation (if applicable).

C. Supporting documentation of Sound Control evaluation (if applicable).

D. Supporting documentation of Land Use evaluation (if applicable).

E. Supporting documentation of Fish and Wildlife evaluation (if applicable).

Appendix II—Comments by State and Local Agencies:

A. Summary.

B. Comments from ———.

C. Comments from ———.

(Comments will be solicited from State and local agencies when the environmental impact of a proposed action is pertinent to those agencies. *HQ USAF (PREV) will accomplish this* after receipt of the environmental statement from the command by publishing a summary notice in the *Federal Register,* soliciting comments within 60 days.)

Appendix III—Comments from other Federal Agencies:

A. Summary.

B. Comments from ———.

C. Comments from ———.

(Comments will be solicited from other Federal agencies having jurisdiction by law or special expertise with any of the environmental problems associated with the proposed action. *HQ USAF (PREV) will accomplish this* after receipt of the environmental statement from the command by direct solicitation from those Federal agencies concerned.

Mr. McINTYRE. It should be noted that the guidance relating to environmental statements for legislative items was being acted upon within the military departments, even before they had had an opportunity to publish their own guidelines for the preparation of such statements.

During the months of September and October 1970, the military departments reviewed all items contained in their requests for authorizing legislation. They identified a total of 46 projects that they considered required closer scrutiny. These projects were then carefully reviewed by a group of representatives from the military departments and from the Office of the Secretary of Defense. These representatives decided that only 15 of the projects were candidates for environmental statements. In every instance, it was determined that the project would not significantly affect the quality of human environment. Let me repeat that. It was determined in every instance that none of the 15 projects would significantly affect the quality of human environment. Nevertheless, it was recognized that it either was or might become a controversial project in the minds of others outside the Department of Defense. The identification of these projects was a clear reflection of the intention of the military departments to fully comply with the spirit of NEPA as implemented by the Council on Environmental Quality.

I request unanimous consent that, at this point, this list of 15 projects be printed in the RECORD. I should point out that only six of these are involved in the Military Procurement Authorization Act now under consideration, and these are appropriately identified on the list.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROJECTS RELATING TO THE FISCAL YEAR 1972 MILITARY PROCUREMENT AUTHORIZATION BILL AND THE FISCAL YEAR 1972 MILITARY CONSTRUCTION BILL THAT HAVE BEEN IDENTIFIED FOR ENVIRONMENTAL STATEMENTS

1. Sanguine—Navy.[1]
2. F-14 Aircraft—Navy.[1]
3. B-1 Aircraft—Air Force.[1]
4. F-15 Aircraft—Air Force.[1]
5. High Energy Laser Program—Air Force.[1]
6. Safeguard—Army.[1]
7. Airfield Complex, Phase I, Fort Campbell, Kentucky—Army.
8. Western Medical Institute of Research, Phase II, San Francisco, California—Army.
9. Relocation of Harry Diamond Laboratories, Phase II, Montgomery County, Maryland—Army.
10. New Walter Reed General Hospital, Washington, D.C.—Army.
11. Land Acquisition, Norfolk, Virginia—Navy.
12. Defense Office Building, Bolling Air Force Base—Navy.
13. Land Acquisition, Homestead, Florida—Navy.
14. Land Acquisition, New London, Connecticut—Navy.
15. Land Acquisition, Lemoore, California—Navy.

Mr. McINTYRE. Following this determination, the military departments prepared statements for the 15 projects identified. The statements were reviewed and coordinated in the Department of Defense, a number of recommendations were made on the statements, and the statements were returned to the military departments for revision and release to other agencies for comment. All 15 statements, at least in draft form, have been filed with the Council on Environmental Quality.

I will now address only the six projects which are involved in the bill under consideration. One of the statements, the F-14, already has been finalized and forwarded to the Council on Environmental Quality. Four others are scheduled for finalization by the end of October 1971. The sixth, Project Sanguine, is undergoing review at this time and the determination regarding this program, including the date of filing the final statement will be decided shortly. No significant environmental impact has been documented on any of these projects.

The projects concerned are all ongoing programs, and have been in existence for several years. Let me repeat a point I made earlier. It would have been extremely disruptive to have stopped all actions on these projects until the administrative problems regarding environmental statements were resolved. As I mentioned before, such actions would require contract terminations with the serious waste of time and money that would result. In fact, substantial amounts of fiscal 1972 funds already have been obligated on the F-15 and B-1 programs under continuing authority.

The Department of Defense is vitally concerned about the quality of the environment. This concern did not commence with NEPA, but preceded it. The Department of Defense has had a high level committee for pollution control for a number of years. This committee has in the past recommended environmental policy for the Department of Defense. The military departments have implemented that policy.

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[1] These are the six projects which involve the Fiscal Year 1972 Military Procurement Authorization Bill.

When NEPA was enacted, the Department of Defense increased its organization for environmental control. On June 23, 1970, the Secretary of Defense established the Office of the Assistant Secretary of Defense—Health and Environment—and outlined its responsibilities and functions in the Department of Defense Directive 5136.1.

I request unanimous consent that, at this point, a copy of this directive be printed in the Record. This directive assigned the new Assistant Secretary the responsibility of policy adviser and coordinator for the Secretary of Defense for environmental quality matters. The new office included a Deputy Assistant Secretary of Defense for Environmental Quality and staff assistants.

There being no objection, the document was ordered to be printed in the Record, as follows:

Department of Defense Directive No. 5136.1, June 23, 1970

I. GENERAL

Pursuant to the authority vested in the Secretary of Defense and the provisions of Title 10, United States Code, section 136(b) as amended, one of the positions of Assistant Secretary authorized by law is hereby designated the Assistant Secretary of Defense (Health and Environment) with responsibilities, functions and authorities as prescribed herein.

II. RESPONSIBILITIES

The Assistant Secretary of Defense (Health and Environment) is the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients, preventive medicine, clinical investigations, hospitals and related health facilities, medical material, nutrition, and health personnel and the procurement, education and training, and retention of such personnel. He is also the principal adviser and coordinator for the Secretary of Defense for environmental quality matters.

III. FUNCTIONS

Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) shall perform the following functions within his assigned responsibilities:

A. Recommend policies and guidance governing DoD planning and program development.

B. Develop systems and standards for the administration and management of approved plans and programs.

C. Review and evaluate programs of DoD components for carrying out approved policies and standards.

D. Establish requirements for DoD research and development programs in relevant fields to be carried out by the Director of Defense Research and Engineering, and keep abreast of technical developments to provide their orderly transition to operational status.

E. Recommend appropriate steps which will provide for more effective, efficient and economical administration and operation in the Department of Defense including the elimination, transfer, reassignment, and consolidation of functions.

F. Promote close cooperation and mutual understanding between the Department of Defense, other Federal agencies, and the civil health and medical professions.

G. Provide specific policy and guidance for the procurement, professional development, and retention of medical and dental personnel, as well as such other personnel as may be required to discharge DoD health and environmental quality responsibilities.

H. Insure the identification of environmental quality problems associated with the development, production, and use of new materials and provide for their abatement and control. Where inadequate data exists concerning the effects and control of these materials, conduct studies to develop environmental control policy in consultation with appropriate heads of other agencies.

I. Consult with responsible officials in other Federal agencies at the earliest feasible stage in the planning of new activities to ensure that insofar as practical, the latest antipollution techniques and methods are used in the protection and enhancement of the environment.

J. Such other functions as the Secretary of Defense assigns.

IV. RELATIONSHIPS

A. In the performance of his functions, the Assistant Secretary of Defense (Health and Environment) shall:

1. Coordinate actions, as appropriate, with DoD components having collateral or related functions.

2. Maintain active liaison for the exchange of information and advice with DoD components, other Federal agencies, and professional groups (e.g., American Hospital Association and American Medical Association).

3. Make full use of established facilities in the Office of the Secretary of Defense, and other elements of the DoD rather than unnecessarily duplicating such facilities.

B. The heads of DoD components and their staffs shall fully cooperate with the Assistant Secretary of Defense (Health and Environment) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. AUTHORITIES

A. The Assistant Secretary of Defense (Health and Environment), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees. Instructions to unified and specified commands will be issued through the Joint Chiefs of Staff.

2. Obtain and provide such information, advice and assistance from DoD components as he deems necessary.

3. Communicate directly with heads of DoD components, including the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and the commanders of the unified and specified commands. Communications of the Assistant Secretary of Defense (Health and Environment) to the commanders of unified and specified commands shall be coordinated with the Joint Chiefs of Staff.

4. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Environment) will be referenced in an enclosure to this Directive.

VI. EFFECTIVE DATE

This Directive is effective immediately.

Melvin R. Laird,
Secretary of Defense.

Mr. McINTYRE. Each of the military departments has created an office at departmental level to deal with environmental matters. The location within the headquarters and the staffing of the office varies somewhat according to the organization of the respective military department. Subsequent to the establishment of these offices, the requirements, staffing, and workload have been reviewed and additions to the staffs have been made as necessary. The Department of Defense is organized and geared to meet the requirements of the law.

On April 23, 1971, the Council on Environmental Quality revised its guidelines for the preparation of environmental statements. I request unanimous consent that, at this point, a copy of these revised guidelines be printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

Guidelines for Federal Agencies Under the National Environmental Policy Act

(Issued by the Council on Environmental Quality April 23, 1971)

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91–190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (34 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of section (102)(2) of the Act and of these guidelines is to build into the agency decision making process an appropriation and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or recommendation as a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality not later than June 1, 1970 (and by July 1, 1971, with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971.

its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to section 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A–85. For agency procedures subject to OMB Circular No. A–85 a 30-day extension in the July 1, 1971, deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

6. *Content of environmental statement.* (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iv) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix 1 prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an

action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory; Council on Historic Preservation.
Department of Agriculture.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of State.
Department of Transportation.
Atomic Energy Commission.
Federal Power Commission.
Environmental Protection Agency.
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.
National Capital Planning Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. *Interim EPA procedures for implementation of section 309 of the Clean Air Act, as amended.* (a) Section 309 of the Clean Air Act, as amended, provides:

SEC. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91–190 applies, and (3) proposed regulations published by any department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(b) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the FEDERAL REGISTER. The public may obtain copies of such comment on request from the Environmental Protection Agency.

9. *State and local review.* Where no public hearings has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A–95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A–95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has designated some other point for obtaining this review.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national programs and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects the view of Federal, State, and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to section 102 (2) (C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in sections 6–9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of interagency memoranda when such memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to section 102(2)(C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the maximum extent practicable the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air quality and air pollution control

Department of Agriculture—

Forest Service (effects on vegetation).

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—

Air Pollution Control Office.

Department of the Interior—

Bureau of Mines (fossil and gaseous fuel combustion).

Bureau of Sport Fisheries and Wildlife (wildlife).

Department of Transportation—

Assistant Secretary for Systems Development and Technology (auto emissions).

Coast Guard (vessel emissions).

Federal Aviation Administration (aircraft emissions).

Weather modification

Department of Commerce—

National Oceanic and Atmospheric Administration.

Department of Defense—

Department of the Air Force.

Department of the Interior—

Bureau of Reclamation.

ENERGY

Environmental aspects of electric energy generation and transmission

Atomic Energy Commission (nuclear power).

Environmental Protection Agency—

Water Quality Office.

Air Pollution Control Office.

Department of Agriculture—

Rural Electrification Administration (rural areas).

Department of Defense—

Army Corps of Engineers (hydro-facilities).

Federal Power Commission (hydro-facilities and transmission lines).

Department of Housing and Urban Development (urban areas).

Department of the Interior—(facilities on Government lands).

Natural gas energy development, transmission and generation

Federal Power Commission (natural gas production, transmission and supply).

Department of the Interior—

Geological Survey.

Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic materials

Department of Commerce—

National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare (Health aspects).

Environmental Protection Agency.

Department of Agriculture—

Agricultural Research Service.

Consumer and Marketing Service.

Department of Defense.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—

Agricultural Research Service (biological controls, food and fiber production).

Consumer and Marketing Service.

Forest Service.

Department of Commerce—

National Marine Fisheries Service.

National Oceanic and Atmospheric Administration.

Environmental Protection Agency—

Office of Pesticides.

Department of the Interior—

Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).

Bureau of Land Management.

Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—

Agricultural Research Service.

Forest Service.

Environmental Protection Agency—

Office of Pesticides.

Department of Health, Education, and Welfare (Health aspects).

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

Bureau of Land Management.

Bureau of Reclamation.

Transportation and handling of hazardous materials

Department of Commerce—

Maritime Administration.

National Marine Fisheries Service.

National Oceanic and Atmospheric Administration (impact on marine life).

Department of Defense—

Armed Services Explosive Safety Board.

Army Corps of Engineers (navigable waterways).

Department of Health, Education, and Welfare—

Office of the Surgeon General (Health aspects).

Department of Transportation—

Federal Highway Administration Bureau of Motor Carrier Safety.

Coast Guard.

Federal Railroad Administration.

Federal Aviation Administration.

Assistant Secretary for Systems Development and Technology.

Office of Hazardous Materials.

Office of Pipeline Safety.

Environmental Protection Agency (hazardous substances).

Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal areas: wetlands, estuaries, waterfowl refuges, and beaches

Department of Agriculture—

Forest Service.

Department of Commerce—

National Marine Fisheries Service (impact on marine life).

National Oceanic and Atmospheric Administration (impact on marine life).

Department of Transportation—

Coast Guard (bridges, navigation).

Department of Defense—

Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).

Department of the Interior—

Bureau of Sport Fisheries and Wildlife.

National Park Service.

U.S. Geological Survey (coastal geology).

Bureau of Outdoor Recreation (beaches).

Department of Agriculture—

Soil Conservation Service (soil stability, hydrology).

Environmental Protection Agency—

Water Quality Office.

Historic and archeological sites

Department of the Interior—

National Park Service.

Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood plains and watersheds

Department of Agriculture—

Agricultural Stabilization and Research Service.

Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Department of Housing and Urban Development (urban areas).
Department of Defense—
Army Corps of Engineers.

Mineral land reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.
Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, forests, and outdoor recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and plant life, sedimentation, erosion and hydrologic conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise control and abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical contamination of food products

Department of Agriculture—
Consumer and Marketing Service.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food additives and food sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues.)
Department of Agriculture—
Consumer Marketing Service (meat and poultry products.)

Microbiological contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and radiological health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines.)

Sanitation and waste systems

Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes.)
Bureau of Land Management (solid wastes on public lands.)
Office of Saline Water (demineralization of liquid wastes.)

Shellfish sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects.)
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Airless quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions.)

Waterless quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring.)
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in urban areas, housing and building displacement

Department of Transportation—
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—Bureau of Outdoor Recreation.

Environmental effects with special impact in low-income neighborhoods

Department of the Interior—National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—Urban Mass Transportation Administration.

Rodent control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban planning

Department of Transportation — Federal Highway Administration.
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—Economic Development Administration.

WATER

Water quality and water pollution control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sports Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—Coast Guard (oil spills, ship sanitation).
Department of Commerce — National Oceanic and Atmospheric Administration.

Marine pollution

Department of Commerce — National Oceanic and Atmospheric Administration.
Department of Transportation — Coast Guard.
Department of Defense—Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and canal regulation and stream channelization

Department of Agriculture—Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

Mr. McINTYRE. It is important that I read a specific provision which is included in this document. Paragraph 10(c) states:

> With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. *In cases where scheduling of congressional hearings* on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress *does not allow adequate time for the completion of a final text* of an environmental statement (together with comments), *a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.*

This is now language, which for the first time recognized the need to distinguish between a draft statement and a final statement with respect to the time for submission of recommendations for legislation. In so doing, it clearly recognizes that final statements may not be available at the time that such legislation is being considered by the Congress. The proposed amendment does not face up to this reality. It ignores the transitory nature of the problems for fiscal year 1972 since it is more restrictive than the revised guidelines published by the Council on Environmental Quality.

The Department of Defense has complied with these revised Council guidelines, and implemented this change by publishing Department of Defense Directive 6050.1 on August 9, 1971. I request unanimous consent that, at this point, a copy of this directive be printed in the RECORD.

There being no objection, the directive was ordered to be printed in the RECORD, as follows:

[Department of Defense Directive, No. 6050.1, Aug. 9, 1971]

ENVIRONMENTAL CONSIDERATIONS IN DOD ACTIONS

References (a) through (q) are listed in Enclosure 3.

I. PURPOSE AND SCOPE

This Directive establishes Department of Defense policy, assigns responsibilities, and provides guidance for the implementation of Section 102(2) of reference (a) and references (b) through (k) insofar as those references require the inclusion of environmental considerations in the decisionmaking process.

II. CANCELLATION

Reference (q) is hereby cancelled.

III. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, Unified and Specified Commands, and Defense Agencies (hereafter referred to collectively as "DOD Components").

IV. POLICY

A. At the earliest practicable stage in the planning process and in all instances prior to decision, the environmental consequences of any proposed action shall be assessed.

B. Actions that were initiated prior to the enactment of P.L. 91–190 (reference (a)) and for which the environmental consequences have not been assessed should be reviewed to ensure that any remaining action is consistent with the provisions of this Directive.

C. Insofar as practicable, and with appropriate consideration of assigned missions and of economic and technical factors, programs and actions of all DoD Components shall be planned, initiated, and carried out in a manner to avoid adverse effects on the quality of the human environment. When this is not feasible, all reasonable measures shall be taken to neutralize or mitigate any adverse environmental impact of the actions.

D. Whenever an environmental assessment of a recommendation or report on a proposal for legislation or of a proposed or continuing major action indicates under the criteria in enclosure 1 that that resulting action may significantly affect the quality of the human environment or may be highly controversial with regard to environmental impact, a detailed environmental statement shall be prepared and processed pursuant to the guidance contained in "Statements on Major Federal Actions Affecting the Environment" (reference (f)) and in enclosure 2. The Secretary of the Army may prescribe separate criteria and procedures for determining the need for and the processing of environmental statements with respect to civil functions of the Corps of Engineers.

V. RESPONSIBILITIES

A. The Assistant Secretary of Defense (Health and Environment) shall:

1. Provide assistance and advice relative to environmental statements.

2. Review draft environmental statements submitted by other DoD Components, solicit comments concerning such statements within the Office of the Secretary of Defense and from other appropriate DoD Components, and provide consolidated comments to the DoD Component that submitted the draft statement.

3. Review all directives and instructions of the Office of the Secretary of Defense to determine if environmental statements are required.

4. Maintain liaison with the Council on Environmental Quality (CEQ), the Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB) with respect to the environmental policies affecting the entire Department of Defense.

5. Revise and supplement the enclosures and attachment to this Directive or add additional enclosures or attachments as may be required to implement more effectively the policies set forth in this Directive.

6. Retain a copy of each draft and final environmental statement prepared within the Office of the Secretary of Defense for review by members of the public when such review is requested.

B. The Director of Defense Research and Engineering, Assistant Secretaries of Defense, and Assistants to the Secretary of Defense shall:

1. Monitor the application of policies contained in this Directive with respect to the environmental aspects of continuing and proposed programs and projects within their functional responsibilities.

2. Insure that environmental statements required for actions within their respective offices are prepared and processed.

3. Coordinate as appropriate with other elements of the Department of Defense to preclude duplication or inconsistencies in the preparation of environmental statements for programs or projects within their respective functional responsibilities.

4. Designate a single point of contact within their offices for matters pertaining to this Directive.

5. Assist ASD(H&E) in the review of environmental statesments.

6. Coordinate proposed directives and instructions that have environmental implications with ASD(H&E).

C. The Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Directors of Defense Agencies for operations under their jurisdiction, shall:

1. Establish procedures for assessing environmental consequences of continuing and proposed programs and actions, in accordance with the policies contained in this Directive and for the preparation and processing of environmental statements required for actions within their respective DoD Components.

2. Establish procedures to insure that all regulations, directives, instructions, and other major policy publications are reviewed for environmental consequences, and, when such consequences are significant, withhold publication of issuances until compliance with Section 102(2)(C) of P.L. 91—190 (reference (a)) has been accomplished.

3. Review environmental statements in their areas of expertise in accordance with reference (f).

4. Designate a single point of contact for matters pertaining to this Directive.

5. Designate, in implementing directives, an official responsible for making draft and final environmental staements available to the public.

VI. REPORT CONTROL SYMBOL

Reporting requirements contained herein have been assigned Reports Control Symbol DD–H&E(AR) 1068.

VII. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Three (3) copies of the implementing documents will be forwarded to the ASD(H&E) within 60 days.

DAVID PACKARD,
Deputy Secretary of Defense.

3 Enclosures:

1. Determinations of Requirements for Environmental Statements.
2. Preparation and Processing of Environmental Statements.
3. List of References.

DETERMINATIONS OF REQUIREMENT FOR ENVIRONMENTAL STATEMENTS

I. GENERAL

A. Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190) (reference (a)) requires that a detailed environmental statement be included in "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

B. Executive Order 11514, March 7, 1970 (reference (d)) directs the Council on Environmental Quality to issue guidelines to Federal agencies for the preparation of the environmental statements required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (reference (a)).

C. On April 23, 1971, the Council on Environmental Quality published guidelines for the preparation of environmental statements (Statements on Major Federal Actions Affecting the Environment, 36 Fed. Reg. 79, 7724 1971) (reference (f)). These guidelines contain general guidance for determining when an environmental statement is required.

D. This enclosure interprets and amplifies the general guidelines of the Council on Environmental Quality for Department of Defense actions.

II. GEOGRAPHICAL LOCATION OF ACTIONS

A. Environmental statements are required for actions described in paragraphs III and IV below conducted anywhere in the world, except when conducted in, or partly in, areas which are in or under the jurisdiction of a nation other than the United States. In these latter cases, the DOD Component responsible for the action shall provide to the ASD (H&E) full particulars, a recommendation as to whether or not a statement should be prepared, reasons for the recommendation, and an assessment of the effect of a statement on U.S. foreign relations. The ASD (H&E) shall coordinate these latter cases as appropriate, and shall furnish procedural instructions to the responsible DOD Component.

B. Environmental statements are not required for multi-national activities (such as NATO) when the DOD Component involved does not have primary decision-making authority, or for combat or combat-related activities in a combat zone. (See paragraph IV.C.5.)

C. The DoD Component shall comply with applicable environmental laws and policies, even though an environmental statement is not required. In countries or areas not under U.S. control or administration, projects or activities are subject to the environmental laws, regulations and stipulations of the foreign government concerned.

III. ACTIONS INCLUDED

A. The legislative history of the National Environmental Policy Act of 1969 (reference (a)) and the guidelines of the Council on

Environmental Quality define major actions as including, but not limited to, the following:

1. Recommendations or favorable reports relating to legislation, including that for appropriations.

2. Policies, regulations, and procedures-making.

3. Projects and continuing activities:

a. Directly undertaken by Federal agencies;

b. Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; and

c. Involving a Federal lease, permit, license, certificate, or other entitlement for use.

B. Each of the above categories of actions requires somewhat different considerations in determining whether an environmental statement is required.

IV. EVALUATION OF REQUIREMENT FOR ENVIRONMENTAL STATEMENT

A. Proposals for legislation, annual authorization requests, and favorable reports on legislation:

1. Proposals for legislation (other than requests for inclusion in annual authorization requests). Prior to preparing a legislative proposal, the DoD Component shall assess the environmental consequences of the proposal using the factors in attachment 1. If it is determined that the proposal would significantly affect the environment, an environmental statement is required and shall be submitted with the proposal.

2. Annual authorization requests.

a. Prior to submitting authorizing legislation requests pursuant to Section 412, Public Law 86–149, as amended, (reference (1)) or the annual Military Construction Authorization Bill, the environmental consequences of each item requested for inclusion shall be assessed by the DoD Component making the requests using the factors in attachment 1. Further, the Component is required to prepare an environmental statement for each item that will significantly affect the environment unless the item is part of a continuing project or program for which an environmental statement has previously been processed, and the environmental consequences of the item are not expected to deviate significantly from those identified in the prior statement.

b. Three copies of each required draft statement shall be submitted with the requests (see Section III of enclosure 2).

3. Favorable reports on legislation:

a. If the Department of Defense is not the Federal agency that has primary responsibility for the subject matter involved in the legislative item, no environmental statement is required from the Department of Defense. If it is not clear from the legislative item whether the Department of Defense is the primary Federal agency responsible for the subject matter involved in the legislative item, advice should be sought from the General Counsel, Department of Defense.

b. If the Department of Defense is the Federal agency that has primary responsibility for the subject matter involved in the legislative item, the DoD Component responsible for preparing the DoD report on the item shall assess the environmental consequences of the proposal, using the factors in attachment 1 to this enclosure. If the assessment indicates that the proposal would significantly affect the quality of the human environment, an environmental statement is required and should accompany the report.

B. Policy, Regulations, and Procedure Making.

1. This shall be construed to apply to publications including, but not limited to, directives, instructions, regulations, manuals, or major policy statements of all DoD Components.

2. The DoD Component shall assess the environmental consequences, using the factors in attachment 1 to this enclosure, for each proposed publication. If it is determined that actions generated by the publication will significantly affect the environment, an environmental statement is required unless the publication is an implementation of a publication from another DoD Component and the environmental consequences will not deviate significantly from those of the basic publication. In these latter cases, the DoD Component responsible for the basic publication has the responsibility for assessing the environmental consequences of its publication and preparing an environmental statement.

3. If a proposed publication of a DoD Component is to be published for the purpose of implementing a Federal law or a publication of an agency outside of the Department of Defense, and actions resulting from the law or publication will significantly affect the quality of the environment, an environmental statement is required unless an environmental statement which covers the environmental impact of the DoD Component's publication was submitted in connection with adoption of the law or the other agency's publication.

C. Projects and Continuing Activities.

1. This category includes the majority of the operations and activities of DoD Components. The Components are encouraged to develop plans, programs, and procedures for routine rpojects and continuing activities having an impact on the environment. Environmental statements should be prepared for these plans, programs, and procedures rather than for particular or individual actions taken pursuant to these plans, programs, or procedures. Only when a particular proposed action involves a potential impact on the environment not considered in the environmental statement for the applicable plan, program, or procedure, will it be considered necessary to prepare an impact statement on that individual or particular proposed action.

2. Each proposed project or activity shall be assessed for environmental consequences, using the factors in attachment 1, and:

a. If it is determined that the action will not significantly affect the environment, any written assessment of the environmental aspects of an anticipated action shall be retained by the Component making the assessment until the action is completed. (See paragraph D of attachment 1 to this enclosure.)

b. If it is determined that the action will have a significant effect on the environment, a statement is required, unless it is excepted by paragraphs 3, 4, or 5 below.

3. If an environmental statement was submitted for a project or activity in accordance with paragraph IV.A. of this enclosure, no additional environmental statement is required for that project or activity unless it appears that there will be significant adverse environmental consequences from the project or activity that were not covered by the environmental statement.

4. If a project or activity is being carried out pursuant to a publication for which an environmental statement was submitted in accordance with paragraph IV.B. of this enclosure, no environmental statement is required for that project or activity unless it appears that there will be a significant adverse environmental consequences from that project or activity that were not covered by the environmental statement.

5. Combat or combat-related activities in a combat zone, riot control activities, and other emergency activities do not require environmental statements. However, the intentional disposal of hazardous substances or of other materials in the oceans shall not be construed to be combat or combat-related activities.

6. On occasion, laws other than the National Environmental policy Act (reference (a)), such as those in reference (c), require the Department of Defense to gain approval of another Federal agency before commencing certain types of actions that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing an environmental statement if the proposed action is a major action that would significantly affect the quality of the human environment. However, insofar as practicable, the draft environmental statement format should be used in complying with other laws to minimize duplication of efforts.

Attachment 1: Major Action Significantly Affecting the Quality of the Human Environment.

Major Action Significantly Affecting the Quality of the Human Environment

A. It is impossible to list categorically all DoD projects or activities that are "major Federal actions significantly affecting the quality of the human environment". In making a judgment in a particular case, it will be necessary for the proponent of the action of action be assessed, whether those effects of the action in conjunction with the intent of the National Environmental Policy Act (NEPA) as implemented by the Council on Environmental Quality (CEQ). It is essential that all the environmental effects of an action be assessed, whether those effects are adverse or beneficial. In determining whether or not the effects of an action are significant, the proponent must evaluate the nature and degree of all effects on the environment. These may be significant even though the net environmental effect of the proposed action will be beneficial.

B. DoD Components shall insure that a decision is not made until the environmental consequences of the decision have been assessed. If the assessment indicates that the decision will either affect the environment on a large geographical scale or have a serious environmental effect on a more restricted geographical area, the proposed action shall be considered a Major Action Significantly Affecting the Quality of the Human Environment (MASAQHE), and the decision shall be deferred until Federal agencies possessing special expertise or persons affected by the environmental effects of the decision have had an opportunity to present their views. It is necessary to consider not only the degree of effect on the environment but also the scope of the action and the potential effect of the action on other persons.

1. If a DoD Component or a major military command intends to take an action that will influence subactivities in many subordinate units, and the subactivities will each affect the environment, the action is probably a MASAQHE even though a single subactivity may not be in that category. For example, a limited maneuver or training exercise by small elements of a Military Department might not be a major action nor would it normally affect the environment significantly. However, if a Military Department intended to publish a regulation that includes provisions prescribing the environmental considerations that were to be given to the planning of all training exercises or maneuvers of the DoD Component for an indefinite period of time, then it might be expected that such a regulation would have a significant effect on the quality of the environment because it would govern numerous activities which individually would have some effect on the environment. Thus, the regulation should be construed to be a MASAQHE.

2. An example of an action that should be classified as a MASAQHE because of a localized effect is an extremely noisy activity conducted by a DoD Component near a residential area, where the resulting noise might seriously affect the comfort of residents of the

area. In keeping with the intent of NEPA, no decision should be made to take any action until those residents have been given an opportunity to present their views, and their views have been carefully considered.

C. Just as it is impossible to categorize all actions, so is it impossible to list in advance all of the environmental factors to be considered. The proponent of the action should consider all aspects of the action to determine if it will interfere unreasonably with the living conditions of man, wildlife, or marine life, or with any ecosystems on an immediate, short-range or long-range basis. Examples of factors to be considered are:

1. Effect on water.

a. Will the action:

(1) Introduce toxic or hazardous substances or significant amounts of chemicals, organic substances or solid wastes into bodies of water,

(2) Significantly increase sedimentation in a body of water, or

(3) Significantly alter the temperature of a body of water?

b. Will the action improve the quality of a body of water?

2. Effect on atmosphere.

a. Will the action result in emissions into the atmosphere of toxic or hazardous substances or significant amounts of other pollutants?

b. Will the action result in the creation of excessive noise, considering the proximity of and the likely effects of the noise on humans or wildlife?

c. Will the action tend to reduce the amount of pollution in the atmosphere?

3. Effect on natural resources.

a. Will the action result in significant destruction of vegetation, wildlife or marine life?

b. Will the action enhance the quality of vegetation, wildlife or marine life?

c. Will the action significantly affect soil quality?

d. Will the action result in contamination or deterioration of food or food sources?

4. Other values.

a. Will the action significantly affect, beneficially or adversely, the health or welfare of man, including aesthetic considerations?

b. Will the action significantly affect, beneficially or adversely, other forms of life or ecosystems of which they are a part?

D. Certain types of actions require close environmental scrutiny because of the possibility that they may either affect the quality of the environment or create environmental controversy. It may be desirable in such cases to have a complete presentation of the environmental aspects of the proposed action available for any interested party. For these reasons, consideration shall be given to assessing the environmental effects of the following types of actions in writing even though a detailed assessment indicates that the action is not a MASAQHE.

1. Development or purchase of a new type of aircraft, ship or vehicle, or of a substantially modified propulsion system for any aircraft, ship or vehicle.

2. Development or purchase of a new weapon system.

3. Real estate acquisitions or outleases of land.

4. Construction projects.

5. New installations (bases, posts, etc.).

6. Disposal of biological or chemical munitions, pesticides or herbicides other than in the manner in which they are intended to be used.

7. Intentional disposal of any substances in a significant quantity or on a continuing or periodic basis.

8. Mission changes which increase the number of personnel in an area to a degree that will tax the environmental capability of the local civilian community.

9. Any action which, because of real, potential or purported adverse environmental consequences, is a subject of controversy among people who will be affected by the action, or which, although not the subject of controversy, is likely by the public.

E. Even though a written assessment supports the conclusion that an action is not a MASAQHE, an environmental impact statement should be written on a proposed action which becomes highly controversial because of environmental aspects. The environmental statement may be based on the information contained in the assessment.

PREPARATION AND PROCESSING OF ENVIRONMENTAL STATEMENTS

I. GENERAL

Preparation of environmental statements shall be based on considerations discussed in the guidelines of the Council on Environmental Quality (CEQ) and the following guidance. These directions are intended to assure consistency of effort in preparing statements.

A. A careful, objective detailing of environmental impacts, alternatives, and implications of proposed projects and activities should give reviewers both within and outside the Department of Defense insight into the particulars associated with the action. The general public, environmental action groups, special interest associations, governmental agencies, and Congressional Committees will expect the statements to be a valid source of information on proposed actions, as well as a reflection of how the DoD Component views environmental factors and seeks to accommodate them. Since the statements must whenever possible be made available to the public, it must be assumed that they will receive careful scrutiny. The statements should be systematic presentations of environmental impacts.

B. A statement should describe physical and environmental aspects sufficiently to permit evaluation and independent appraisal of the favorable and adverse environmental effects of each proposal. It should be simple and concise, yet should include all pertinent facts. Length will depend upon the particular proposal and the nature of its impacts.

C. A statement should not be limited to ultimate conclusions, but should contain in support of such conclusions a thorough evaluation of all factors affecting the potential environmental impact of the proposal.

D. Rather than serving as a means for assisting or supporting project justification, a statement should include a complete and objective appraisal of the environmental effects, beneficial and adverse, and of available alternatives. In no case should adverse effects, either real or potential, be ignored or slighted in an attempt to justify an action previously recommended. Similarly, care must be taken to avoid overstating favorable effects.

E. In developing and obtaining the necessary information to prepare a statement, consulting with other Federal, State, and local agencies is encouraged.

II. CONTENT OF STATEMENT

The body of an environmental statement shall contain the following separate sections with the length of each being adequate to identify and develop the required information.

A. *Project description*. Describe the proposal by name and specific location and summarize its objectives and activities which will ensue if it is adopted. Provide technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

B. *The probable environmental impact of the proposed action.*

1. Identify the probable direct and secondary environmental consequences of the proposed action. This shall include commentary on the direct impact on man's health and welfare and his surroundings through such media as air, water, or food. Threats to other forms of life and their ecosystems shall be included. Examples of primary and secondary environmental consequences that should be identified are the primary noise impact on a community from proposed military aircraft operations and the secondary impact on future land use which may result from such operations.

2. Discuss both the beneficial and detrimental aspects of the environmental changes, placing some relative value on the impacts described.

3. Identify remedial and protective measures which could be taken in response to adverse effects of environmental impacts. Such measures taken for the minor or short-lived negative aspects of the project shall be discussed in this section. The adverse effects which cannot be satisfactorily dealt with shall be considered in greater detail along with their abatement and mitigation measures in the following section.

C. *Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.* Discuss the unavoidable adverse effects and the implications thereof, and identify the abatement measures proposed to rectify these and an estimation of their effectiveness. In addition to an evaluation of damage to the natural environment, this would include an evaluation of the extent to which human health or safety, aesthetically or culturally valuable surroundings, standards of living, and other aspects of life will be sacrificed or endangered.

D. Alternatives to the proposed action. Describe the various alternatives considered, their general environmental impact, and the reason(s) why each was not recommended. Identify alternatives as to their beneficial and detrimental effects on the environmental elements, specifically taking into account the alternative of no action. Include with these alternatives economic, technical, and operational considerations, as well as their environmental impact. Discuss any other pertinent points not previously mentioned such as requirements of statutes or DoD Directives that influence or limit alternatives.

E. The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity. Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or post long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosures of future options or needs.

F. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in ecosystems, and other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented.

G. Summary sheet. The environmental statement shall be accompanied by a summary sheet which must provide the following information.

1. Indicate whether the statement is *draft* or *final*.

2. Give the name of the action and indicate whether it is an *administrative* or *legislative* action.

3. Provide a brief description of the action and indicate what geographical region (States and counties) is particularly affected.

4. Summarize the environmental impact and adverse environmental effects.

5. List alternatives considered.

6. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

7. Provide the dates the draft statement and final statement were made available to the CEQ and the public.

III. DRAFT STATEMENT

A. Draft statements are those statements that have been prepared in accordance with the guidance of this enclosure and for which review comments will be requested from other DoD Components, the CEQ, and appropriate Federal, State, and local agencies.

1. Three (3) copies of draft statements relating to Section 412, Public Law 86–149, as amended (reference (1)), or the annual Military Construction Bill must accompany the recommendation through agency review procedures. Distribution to other agencies and to the public for comments shall be withheld until the legislative request has been forwarded to the Congress. At that time, statements relating to specific items included in the proposals shall be distributed, by the DoD Component, as appropriate, for comment.

2. In other cases where premature release would be contrary to existing administrative procedures or otherwise be inappropriate, distribution to other agencies and to the public for comments shall be made at the earliest appropriate time.

3. Normally it should not be necessary for a DoD Component to obtain OSAD(H&E) approval prior to distributing the draft environmental statement outside the Department of Defense. This procedure does not alter any requirement that may exist to coordinate the action itself within OSD prior to public release or to follow appropriate security review procedures.

4. The advice of the Assistant Secretary of Defense (Public Affairs) shall be obtained through established command channels before routing outside of the Department of Defense environmental statements that have significant public affairs implications. The official designated by a DoD Component to make determinations regarding release of draft environmental statements outside of the Department of Defense should consult with Public Affairs' officers to familiarize himself with the subject matter they consider to be newsworthy and to advise them of all requests from the news media.

B. Subject to the requirements of references (m) and (n) pertaining to the identification, safeguarding, and dissemination of classified information and to reference (o) pertaining to security review for public release approval, distribution of the draft statement shall be as follows:

1. Three (3) copies of OASD (H&E). (These copies are in addition to those required by paragraph III.A.1. above.)

2. Ten (10) copies to the CEQ.

3. Five (5) copies to the EPA.

4. Two (2) copies to appropriate Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. (Appendix II of the CEQ Guidelines.)

5. Two (2) copies to State and local agencies authorized to develop and enforce environmental standards when the proposed action affects matters within their jurisdiction. These copies shall be sent to the appropriate State and regional or metropolitan clearinghouses in accordance with the procedures prescribed in OMB Circular No. A–95 unless the Governor of the State involved has designated some other point of contact for obtaining the State and local agency review. The clearinghouses are listed in the Directory of State, Metropolitan, and Regional Clearinghouses under OMB Circular No. A–95 (Revised) of April 19, 1971 (reference (k)).

6. At such time as the draft statement is forwarded to the CEQ, other Federal, State and local agencies, it shall be made available to the public (to any organization or individual upon request) in accordance with reference (p). In appropriate cases, the DoD Component shall solicit the views of public organizations and hold public hearings on the proposed action. Views of public organizations and public hearings are appropriate in the following situations:

a. Where the proposed action by the agency will have a direct or peculiar impact on the people residing in a particular geographical area.

b. Where public organization or members of the public possess expertise concerning the impact of the action that may not otherwise be available.

c. Where no overriding consideration of national security or time makes it illegal or impracticable to involve such organizations or members of the public in the consideration of a proposed action in which there is evidence of wide public interest. No public hearings need be held in connection with proposed legislation in view of the opportunity for public hearing in connection with Congressional consideration of the bill. Public hearings shall be conducted informally and need not be prolonged beyond a reasonable time necessary to obtain a representative view of the various segments of public interest.

7. The DoD Component seeking review comments may establish time limits of not less than 30 days for reply except that whenever an action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator of the Environmental Protection Agency is involved, a period of 45 days shall be allowed for review. If the agency consulted does not reply within the established time limit, it may be presumed that the agency has no comment to make, unless a request for a specified extension of time has been made. DoD Components should endeavor to comply with request for extensions of time up to 15 days.

IV. FINAL STATEMENT

A. Final statements are prepared after receipt of review comments provided by other agencies. In many cases the final statements can be prepared by making minor revisions to the draft statement and attaching the review comments received from other sources. In other cases, it may be necessary to make major revisions to the draft statement. In either case, it may be appropriate to provide a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals and the disposition of the issues involved. Along with the comments received, this discussion should be attached to the final text of the environmental statement.

B. Subject to the requirements of references (m) and (n) pertaining to the identification, safeguarding and dissemination of classified information and of reference (o) pertaining to security review for public release approval, distribution of the final statement shall be as follows:

1. One (1) copy to OASD(H&E).

2. Ten, (10) copies to the CEQ.

3. Five (5) copies of final statements relating to Section 412, Public Law 86–149, as amended (reference (1)), or the Annual Military Construction Authorization Bill to the appropriate Congressional Committees of the Senate and of the House of Representatives.

4. The final statement also shall be made available to the public in accordance with reference (p).

V. WAITING PERIOD BEFORE AN ACTION CAN BE TAKEN

A. It is important that draft environmental statements be prepared and circulated for comment and furnished to the CEQ early enough in the review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken other than proposals for legislation or reports on legislation) shall be taken sooner than 90 days after a draft environmental statement has been circulated for comment and furnished to the CEQ, and, except where advance public disclosure will result in significantly increased costs of procurement, made available to the public. Neither shall such administrative action be taken sooner than 30 days after the final text of the environmental statement (together with comments) has been made available to the CEQ and the public. Consequently, the minimum waiting period after submission of the draft statement is 90 days because the 30-day period and 90-day period may run concurrently to the extent that they overlap.

B. When it is not practical for a DoD Component to comply with the time requirements contained in paragraph V.A., above, the DoD Component shall request the Council on Environmental Quality to waive a portion of the time requirement for that specific action. If negotiations in this regard are not successful, the DoD Component shall advise ASD (H&E).

C. If it is impossible for an agency to comply with the time requirements of paragraph III.B., above, the DoD Component shall forward the draft environmental statement with an explanation of the facts and circumstances that preclude adherence to the time requirements to AED(H&E), who shall attempt to resolve the issues involved. The proposed action shall not be initiated until the time problem has been satisfactorily resolved unless such action is authorized by the Secretary or Deputy Secretary of Defense.

VI. CLASSIFIED ENVIRONMENTAL STATEMENTS

The fact that a proposed action is of a classified nature does not relieve the proponent of the action from complying with the requirements of this Directive. Environmental statements, both draft and final, shall be prepared, safeguarded, and disseminated in accordance with the usual requirements applicable to classified information (references (m) and (n)). When feasible, these statements shall be organized in such a manner that classified portions can be included as annexes, so that the unclassified portions can be made available to the public.

VII. PROCESSING ENVIRONMENTAL STATEMENTS ORIGINATED BY OTHER FEDERAL AGENCIES

A. Environmental statements will be referred to the Department of Defense by other Federal agencies for two reasons:

1. Where a proposed action may affect matters over which Department of Defense has jurisdiction by law.

2. Where a proposed action may have environmental effects in an area where a DoD Component has been designated in Appendix II of the CEQ Guidelines as possessing special expertise.

B. Comments of a DoD Component on an environmental statement prepared by another Federal agency should normally be restricted to the aspect of the action for which the statement was referred.

C. When a request for review and comment on an environmental statement prepared by Federal agency is received by OASD (H&E), it shall determine which DoD Components should review the environmental statement.

1. When it has been determined that a single DoD Component should be responsible for the review, OASD (H&E) shall request that the DoD Component reply directly to the agency involved. The DoD Component shall

provide one (1) copy of the reply to OASD (H&E) and ten (10) copies to the CEQ.

2. When it has been determined that more than one DoD Component should review the statement, the OASD (H&E) shall prepare a consolidated review report or designate the DoD Component with primary interest to prepare such a report. The OASD (H&E) shall forward the consolidated report to the requesting agency and provide ten (10) copies to the CEQ.

D. When a request for review and comment on an environmental statement from another Federal agency is received directly by a DoD Component, that DoD Component shall reply directly to the requesting agency. Also, that Component shall forward one (1) copy of the reply to OASD (H&E) and ten (10) copies to the CEQ.

REFERENCES

(a) Public Law 91–190, "National Environmental Policy Act of 1969", January 1, 1970.

(b) Public Law 91–604, "Clean Air Amendments of 1970", December 31, 1970.

(c) Section 409 of Public Law 91–121, "Armed Forces Appropriation Authorization, 1970", November 19, 1969, as amended by Section 506 of Public Law 91–441, "Armed Forces Appropriation Authorization, 1971", October 7, 1970.

(d) Executive Order 11514, "Protection and Enhancement of Environmental Quality", March 7, 1970 (35 Fed Reg 46, 4247 (1970)).

(e) Executive Order 11507, "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities", February 5, 1970 (35 Fed Reg 25, 2573 (1970)).

(f) Executive Office of the President, Council on Environmental Quality, "Statements on Major Federal Actions Affecting the Environment", April 23, 1971 (36 Fed Reg 79, 7724 (1971)).

(g) Executive Office of the President, Office of Management and Budget, "Proposed Federal Actions Affecting the Environment", Bulletin No. 71–3, August 31, 1970.

(h) DoD Directive 5100.50, "Protection and Enhancement of Environmental Quality", June 23, 1970.

(i) DoD Directive 5500.5, "Natural Resources—Conservation and Management", May 24, 1965.

(j) Executive Office of the President, Office of Management and Budget, Circular No. A–95 (Revised), February 9, 1971 (Parts I and II).

(k) "Directory of State, Metropolitan and Regional Clearinghouses", under OMB Circular No. A–95 (Revised), April 19, 1971.

(l) Public Law 86–149, "To Authorize Certain Construction at Military Installations and for Other Purposes", August 10, 1959.

(m) DoD Directive 5200.1, "Safeguarding Official Information in the Interests of the Defense of the U.S.", July 10, 1968.

(n) DoD Instruction 5210.47, "Security Classification of Official Information", December 31, 1964.

(o) DoD Directive 5230.9, "Clearance of DoD Public Information", December 24, 1966.

(p) DoD Directive 5400.7, "Availability to the Public of DoD Information", June 23, 1967.

(q) DEPSECDEF Memorandum, "Interim Guidelines on Environmetnal Statements", August 8, 1970. (hereby cancelled)

Mr. McINTYRE. This directive contains specific instructions for the processing of environmental statements relating to authorizing legislation. The military departments are currently in the process of revising their regulations to be consistent with the new Department of Defense directive.

In summary, Mr. President, there is no doubt that the Department of Defense has complied with the environmental law as implemented by the President's Council on Environmental Quality; that the procedures which have been established to implement the law are consistent with the intent of that law; and that there is no danger that any program proposed by the Department of Defense which could adversely affect the environment would be authorized. Having set aside this major concern, I am convinced that the amendment proposed by the Senator is not justified, is not needed, and would paralyze these critically important Defense Department programs.

I might suggest that if, in the future, the distinguished Senator from Wisconsin feels that there is a need to change the language of NEPA to clarify or refine its provisions, since this act affects about every agency of the Government and a large number of authorization and appropriation acts, he propose such actions as amendments to the basic Environmental Act, Public Law 91–190. This would bring the matter before the appropriate committees of the House and the Senate which are charged with the responsibility for legislation dealing with the environment. Their considerations would include the important broader implications of such actions as they would apply uniformly throughout the Government.

I conclude now by asking my colleagues to join with me in opposing this amendment.

Now I yield the floor.

Mr. NELSON. I just want to ask a question. The distinguished Senator from New Hampshire says that the F–14 final statement was filed on Saturday.

Mr. McINTYRE. I want to differ with the Senator. I said on Friday; the Senator said on Saturday.

Mr. NELSON. Does the Senator expect that the Senate, acting today, will have any opportunity to take into consideration what is in that impact statement before we vote on the bill?

Mr. McINTYRE. First of all, I think we will not be acting on the F–14 today. It will be quite a while before we get to the final vote, whether it is on the F–14; the military authorization bill probably will not be acted on before October 1. Also, there is a promise that if there is anything that is dangerous to the environment, the Senator will have an opportunity——

Mr. NELSON. The Senator agrees that we will have an opportunity to look at the F–14 environmental final statement prior to the voting early in October. Would he agree that if the final statements are not ready on the other two projects——

Mr. McINTYRE. Well, the whole text of what I have tried to say is that the Senator is rushing the matter too much and that the Department of Defense has done its very best to comply with the Environmental Quality Act. Here is a report of 550 pages. If the Senator will give us time, for next year we will have them in final form. Right now the law does not provide that it has to be in final form. We are filing a draft statement. With the law as passed, we think we are complying with the intent of the law.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield myself 5 minutes.

Mr. President, I would like to point out that the purpose of the act is to provide the Congress, the public, interested citizens, environmentalists, and scientists with an environmental impact statement respecting the impact of the proposed project on the environment. The purpose of having it in an adequate time before the vote is so there is an opportunity to evaluate the impact statement and the environmental considerations involved, and an opportunity, if there is a serious environmental issue involved, to debate it.

The position taken by the Senator from New Hampshire simply makes a fraud out of the bill. We may as well repeal it. We are having projects offered day after day after day, without Congress having in its hands environmental impact statements.

There is not anything unclear about what the Congress passed. The law provides, under (c):

> That it shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment a detailed statement by the responsible official.

If it has any purpose at all, the purpose is that it shall be available a long enough time in advance so that the issues raised, if there are any, may be debated. It has no other purpose.

The Department of Defense, the Army and the Navy, appear to want to change their guidelines so the whole thing will be meaningless. If we permit them to present projects without impact statements and then we authorize them, and then appropriate money to launch the projects without anybody having an opportunity to study the environmental impact statements the law becomes meaningless.

The distinguished Senator from New Hampshire read another guideline from the Council on Environmental Quality:

> In cases where scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

My staff checked with the staff of the President's Council, and they stated that they expected, of course, that before there were votes on the issue, the final statements would be in. The record should be clear on that.

The position being taken by the DOD and the Senator from New Hampshire is that this law really does not mean very much and if we have important programs we want, we pay no attention to the law. We know what that means. We know, for example, that for 15 years, and for $50 million, we proceeded with an irrational project of digging a ditch across the State of Florida. Finally, it was terminated by an injunction in court in Florida, and then by endorsement of the President, after spending tens of millions of dollars, on the ground that the environment might be irreversibly damaged.

That is what this issue is all about.

The Senator refers to the report on the Sanguine project. I requested a report on the Sanguine project in 1968, before there was any law. As soon as they spent $150,000, the Hazeltine Laboratories——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

How much time is left on each side?

The PRESIDING OFFICER. There are 10 minutes left to the opponents and 12 minutes left to the proponents.

Mr. STENNIS. Mr. President, if the Senator from Wisconsin will yield to me, I ask unanimous consent that there be an additional 10 minutes on each side for discussion of this amendment. There was some confusion as to how much time was available. I hope this request will be agreeable.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. I thank the Chair and the Senator from Wisconsin.

Mr. NELSON. Mr. President, the Navy started this environmental report based on my request in 1968, and after some studies done by the Hazeltine Laboratory, the study showed there might be grave environmental implications as a consequence of having a 6,000-mile-long electrified grid 6 feet under the ground for a worldwide communication system. Now they have expanded that study substantially, but in this bill they are putting the money in it for the Sanguine project, without yet having completed the environmental studies. So tomorrow or the next day, at the appropriate time, there will be an amendment on the floor to knock out the money for that Sanguine project, to hold it up until such time as final environmental studies are filed.

That is what this act is all about. If it is not that, why not stand up and confess that this is all a bunch of eyewash, that we are going to continue to engage in massive technological projects without having the environmental studies made, and without giving the scientists, the public, Congress, or anyone else the opportunity to evaluate, discuss, and debate the issue?

If that is the posture of this administration, and if that is the posture of the Armed Services Committee and the Department of Defense, the public ought to know it, and we ought to have some debates, nationwide, on this issue.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, as the Senator from Wisconsin will remember, when earlier this year he introduced a similar amendment to the military construction bill designed to delay construction of several specific sites pending the filing of a final report on the environmental impact of said construction, I stated that, although in sympathy with the thinking behind the Senator's amendment, to accept said amendment would seriously interfere with the current construction program; and this delay could result in heavy additional cost to the American taxpayer.

The same line of reasoning is applicable to the amendment now pending, one which would prohibit the obligation or expenditure of funds for various weapons systems—some of which I believe are not needed but others without question are badly needed—until a final environmental impact statement has been filed.

To delay, and thus stretch out, these on-going programs in this manner would surely increase what are already recognized as costly procurement items.

For this reason I must oppose this amendment as against the best interest of the country.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine statement.

I yield 4 minutes, now, to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise in opposition to this amendment. I think it is very unwise that we begin tampering with our own engine program, especially when it is in such bad shape today. I know it is difficult for Members of this body to believe it, but the United States has not made great progress in the development of new engines, while the French and the Russians have made remarkable progress.

Mr. President, what we are talking about here are the engines for the F–14, the F–15, and the B–1. I suggest, Mr. President, that we are already flying engines comparable to those. Mach III is attained every day. This is not designed for either the F–14, the F–15, or the B–1. There has been no proof so far that any environmental damage is done by either the C–5, the F–4, or the SR–71, all of which are supersonic aircraft, capable of flying at great altitudes.

Mr. President, having had this experience, having learned and knowing of thousands and thousands of flights by airlines across this country—over 600,000 supersonic flights by Air Force aircraft have been cataloged, with no report of any environmental damage—to me that evidence is far more important than waiting for a report from some committee when, No. 1, until these engines can be put in the air on an airframe, there is no way in the world they can be checked for environmental impact.

I go over to England and France and watch what they have done with their supersonic transport, an airplane shot down here by much the same kind of argument. They have recorded no environmental damage from countless flights of their Concorde. The Russians represented to me, in answer to a direct question I put to their air force, that they have experienced no environmental damage, none at all; and this same report was made by the English and the French.

Mr. President, I can say this categorically, because I have lived through these engine developments: The engine developed for the SST—which will, of course, never be used on the SST until we figure out a way to build it—was an engine that gave off absolutely no pollution from the tailpipe. It was much quieter than any engine we use today. In fact, the large engines on the new Douglas 10 are much quieter, on decibelic measure, than any engines we are using today. While we are not making new developments as fast as I think we should be making them, nevertheless the aircraft industry is well aware of the possible threat to our environment from these engines, and they are constantly trying to make them better.

The distinguished Senator, in offering his amendment, says that it raises "the same globally important and as yet unresolved questions about pollution of the stratosphere as has the SST." Mr. President, the only place in the world these questions have been raised is right here on the Senate floor. They were not raised by the aircraft industry, or by the public. They were not raised in England, France, or Russia, where they have developed an airplane. Those countries have proven that there is no impact upon the atmosphere by the flights of these aircraft.

Further, the Senator says—

> Each of the planes will produce sonic booms, which from other military aircraft are causing considerable archeological and natural damage in some of our national parks.

Mr. President, I have heard this charge made. I happen to live in a State that has more national parks and national monuments than any other three or four States put together. I have a deep and lifelong interest in the archeology and the natural beauties in my State, which reportedly would be affected by the sonic boom.

Let me relate a little survey I conducted myself about 5 years ago, in my last trip to the Grand Canyon.

I called on the radio one night to the commander of the Luke Air Force Base and asked that he send an F–100 over my position the next day, and go through mach 1. He not only sent one, he sent five; and if you have ever been on the bottom of the Grand Canyon when someone has broken the sonic barrier 5 miles above you, you will realize what a loud noise that can be.

I had witnesses watching the talus slope; I had witnesses watching for cracked walls; I had witnesses watching every conceivable piece of nature that could be damaged by such a vibration; and, Mr. President, nothing happened.

I do not stand here and say that aircraft flying through mach 1 directly at an object maybe half a mile away are not going to cause damage. But we are not talking about that. We are talking about sonic booms occurring thousands of feet above the earth's surface; and they are not doing the damage people like to report they are.

I oppose this amendment. I think it is unwise. I think we in this body have done enough damage already to our military aircraft and the general defensive position of the United States and its defensive capabilities, particularly when our number one enemy in this world is growing stronger and we are growing weaker.

Mr. NELSON. Mr. President, will the Senator from Arizona yield for a question?

Mr. GOLDWATER. Surely.

Mr. NELSON. The Senator from Arizona commented that he had no knowledge of damage from sonic booms. Is the Senator from Arizona aware that George Hartzog, Director of the National Park Service, recently pointed out in a congressional statement that from January 1967 through March 1971—this is on my own time—more than 5,000 sonic booms have been recorded over national park system areas, and so on, and then he gets to Arizona:

> In Canyon de Chelly National Monument in Arizona, overhanging rock which dislodged after sonic shock waves hit the area demolished an ancient Indian ruin. Military airplanes broke the sound barrier over the monument 83 times in a 4 month period.

Mr. GOLDWATER. I am familiar with the facts.

Mr. NELSON. I have quoted what the director of the National Park Service stated. Is the Senator aware of that statement?

Mr. GOLDWATER. I am very familiar with that. This is Canyon de Chelly. I checked into the matter immediately after that report came out. Nobody can say what caused that rock to drop. I visited the area, and no one could say what caused the rock to fall on that day. The rock fell, as rock has been falling in these canyons for millions and millions of years. Many ancient ruins have been destroyed by cloudbursts, by rock falling. That is how our canyons are made. They have been that way for the last 50 million years. We have been 50 million years watching God build them, and rock falls all the time. This is not unusual. It has yet to be proved that sonic booms have ever caused one of them.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes remaining.

Mr. NELSON. Mr. President, the distinguished Senator from Arizona says that nowhere, so far as he knows, has the question of danger to the upper atmosphere been raised except on the floor of the Senate. Of course, that is not the fact. "The Assessment and Recommendations for Action: Man's Impact on the Global Environment," a report of a study of critical environmental problems sponsored by the Massachusetts Institute of Technology last year, commented on page 107 respecting this problem:

> A feeling of genuine concern has emerged as a result of these facts and conclusions concerning the SST operations, we perceive that man's activities as he flies the projected 500 SSTs can have a clearly measurable effect in large regions of the world where they will fly, and quite possibly on a global scale.

Mr. President, I ask unanimous consent that the rest of that statement from this scientific study be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> RECOMMENDATIONS
>
> A feeling of genuine concern has emerged as a result of these facts and conclusions concerning the SST operations; we perceive that man's activities as he flies the projected 500 SST's can have a clearly measurable effect in large regions of the world where they will fly, and quite possibly on a global scale. The effects will be most pronounced in the stratosphere, but we cannot exclude the possibility of significant effects at the surface. We must emphasize that, due to the uncertainties in the available information and its interpretation, we cannot be certain about the magnitude of the various effects.
>
> Therefore, we recommend that uncertainties about SST contamination and its effects be resolved before large-scale operation of SSTs is implemented.
>
> Specifically, we recommend the following program of action:
>
> 1. Begin now to monitor the lower stratosphere for water vapor, cloudiness, oxides of nitrogen and sulfur, hydrocarbons, and particles (including the latter's composition and size distribution).
>
> 2. Determine whether additional cloudiness or persistent contrails will occur in the stratosphere as a result of SST operations particularly in cold areas, *and* the consequences of such changes.
>
> 3. Obtain better estimates of contaminant emissions, especially those leading to particles, under simulated flight conditions and under real flight conditions, at the earliest opportunity.
>
> 4. Using the data obtained in carrying out these recommendations, estimate the change in particle concentration in the stratosphere attributable to future SSTs and its impact on weather and climate.

Mr. NELSON. I think it should be emphasized here time and time again that distinguished scientists all over the world have raised questions about the seriousness of introducting pollutants into the stratosphere. The question is, Will it create serious damage in the stratosphere? Will it have an effect on the climate? Scientists say they do not know, but they are concerned; and if pollutants would have a significant impact, it will have global implications.

What I do not understand is why Congress has not been prepared to appropriate the money to make the atmospheric pollution studies. Congress has refused to make the studies even though distinguished scientists have repeatedly stated that there is a serious possibility of global damage from flying in the stratosphere.

I have been arguing here since last year, that we should make the study. If the administration had advised the Senate that we have an independent study made, outside the Government, of the possible environmental effects of introducing pollutants into the stratosphere, I would have voted for additional appropriations for the SST and it would probably have passed, but they refused to do it. That issue is much more important than people around here seem to want to concede.

I point out that, whereas Congress has refused to appropriate moneys for a study, the Department of Transportation now is working on a program. It has not yet been announced. But they are so concerned about the possible global effects that they are going to set aside—if the program is finally approved—$4.2 million to make the stratospheric study on the implications of the introduction of pollutants into the environment.

At least somebody within this Government has the commonsense to recognize that something ought to be done about it, and I hope the Bureau of the Budget does not stop the Department of Transportation from proceeding with that study.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senate should reject amendment No. 418 to the fiscal year 1972 Military Procurement Authorization Act.

The importance of the F–14, F–15, and B–1 weapon systems to the future defense of the United States cannot be too strongly emphasized.

In a very real sense the development and deployment of the Navy F–14 carrier-based fighter aircraft is at the very heart of the modernization program on which the Navy has embarked.

The F–15 will provide the Air Force with an air-superiority fighter which will be more than a match for any known aircraft that the Soviet Union can fly.

The B–1 is an essential leg in the triad of land-based, sea-based, and airborne weapon systems which together make up our nuclear deterrent. The aging B–52 fleet will be no match for Soviet bomber defenses in the 1980's and beyond.

The Department of Defense is proceeding with the development of the F–15 and B–1 aircraft and the production of the F–14 in an orderly and expeditious manner. Although some problems have been encountered in developing the Navy F–14 aircraft, we all should hope that these will be solved and that our forces will be equipped with this sorely needed and highly effective weapon system.

The amendment by the distinguished Senator from Wisconsin (Mr. NELSON) would throw these vital programs into confusion and result in serious delays.

Further, there is no evidence that the Defense Department is ignoring the environmental questions which concern the author of this amendment.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I will be pleased to yield on the Senator's time, not mine, when I complete my statement. My time is very limited at this moment.

In proceeding with these three programs the Department of Defense has complied with the requirements of the Environmental Policy Act. The Department of Defense has advised that draft statements have been filed for two of these systems, the F–15 and B–1, and that the final statements on these are planned to be forwarded to the Council on Environmental Quality as required—by October 15, 1971. The final statement on the F–14 was filed last Friday, September 10, 1971. Also, the Department of Defense advises that none of the comments received from other agencies of the Government contained any statements which would require the Department of Defense to delay these programs.

Mr. President, I would also like to make it clear that I am a strong believer in protecting our environment. Whenever there is a clearly determined risk to our environment in the development of any system, military or otherwise, it should be studied and examined in depth. Then the pros and cons must be weighed to determine how our national interests would be best served. A balance must be struck.

Regarding this amendment, however, there is no evidence of any threat to the environment. The Defense Department is meeting the requirements of the Environmental Policy Act.

Mr. President, an examination of the Environmental Protection Act will show that its authors recognized there may be issues such as the one proposed in this amendment.

Thus, we find in the act words which require that implementation of the act must be "consistent with other essential considerations of national policy."

Further, neither the Department of Defense nor any of the agencies it consulted found any likely violations. Therefore, there is no real evidence to show that the three weapon systems cited in the amendment would pollute the environment.

Mr. President, I urge my colleagues to reject this amendment on the grounds cited in my remarks.

Mr. NELSON. Mr. President——

Mr. STENNIS. Mr. President, I yield the Senator from South Carolina 1 additional minute.

Mr. THURMOND. I have finished. I thank the Senator.

If the distinguished Senator from Wisconsin wishes to propound an inquiry, I shall be pleased to answer, on his time.

Mr. NELSON. I yield myself 5 minutes. Has the distinguished Senator from South Carolina read the environmental impact studies that have been filed?

Mr. THURMOND. Mr. President, I have had a report on these. I have not read them in detail.

Mr. NELSON. Has the Senator read the F-14 report that was filed Saturday?

Mr. THURMOND. Mr. President, I have not read that report, and I am informed that no Senator, including the distinguished Senator from Wisconsin (Mr. Nelson), has read it since it was filed only Friday. However, I have reports from the Defense Department on all these matters, as I just said in my statement, which clearly show that the Senator's amendment is not necessary. The Environmental Act provides for a balance in these matters, anyway. In fact, it says that decisions under the act must be consistent with other essential considerations of national policy; and if it is the national policy of this country to keep this Nation prepared, if it is our national policy to provide for our survival, then whatever steps are necessary to provide for that survival must be taken, even if there should be some pollution. However, there is no evidence here that there will be pollution to any extent that will impair the environment.

Mr. NELSON. I thank the distinguished Senator.

I think it is worth noting at this point in the Record, however, that the Senator from South Carolina said in his statement that no environmental problem was involved in any of these draft statements. He states that he has not read the draft statements. He has not read the final report on the F-14, but he is taking the word of the Defense Department. The record should show that.

I think it should be noted, too, that probably no Member of the Senate has looked at any of the draft reports except the Senator from Wisconsin—maybe the Senator from New Hampshire, maybe the Senator from Mississippi. I do not know. But if three Senators have looked at it, that constitutes three out of 100. Yet we are being asked to legislate here without anyone's having read the report, and now the Senator from South Carolina says my amendment would throw confusion into the whole program, and delay an important military project, when the amendment simply provides that money may not be spent on them until such time as the final reports are filed and we are advised by the DOD that the final reports will be filed by October 15.

Well then, what is wrong with being sure that they are filed prior to any action being taken?

We are voting on authorizations. This is an authorization not an appropriation bill for these three airplanes. The amendment simply provides that funds authorized by this bill may not be spent until impact statements are filed. It does not in any way hold up any funds if the final statements are filed. Where we have a law to comply with, the law should be honored. All these pious statements by people in the administration and Congress that they are great defenders of the environment, do not mean much when it gets to the real crunch. Just read the rollcall.

There is no sense at all in not requiring compliance with this law, if this is an authorization bill and the reports are to be filed by October 15. I believe that we should have the opportunity to read the final reports and debate the issues involved, if there are important issues involved. That is all that is at stake here. As I said previously, there will be rollcall votes on every single project of this kind coming from any agency of the Federal Government every time it comes to the floor unless there is a final environmental impact statement already on file and made public with adequate time to study it.

Mr. STENNIS. Mr. President, I yield myself 1 minute. How much time do I have remaining?

The PRESIDING OFFICER (Mr. Fulbright). Nine minutes.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I quote briefly a statement from the Senator from New Hampshire (Mr. McIntyre), who summed up this whole matter very well. He is well versed in this field, as are others on the committee. He made this statement and I stand with him on it.

In summary, he said there is no doubt that the Department of Defense has complied with the environmental law as implemented by the President's Council on Environmental Quality, that the procedures which have been established to implement the law are consistent with the intent of the law, and that there is no danger any program proposed by the DOD which could adversely affect the environment would be authorized.

Having set aside this major concern, I am convinced that the amendment proposed by the Senator is not justified, is not needed, and would paralyze these critically important DOD programs.

Mr. President, we are not talking about small items here. This concerns the Navy's F-14 fighter, a new plane, the Air Force F-15, a new plane, and the B-1, the advanced new bomber. These are major weapons for the future and cannot be lightly or casually considered. It cannot be considered a matter that can be laid aside and put on the shelf. There are so many of these environmental reports coming in, by the way, from all the departments of Government, that they cannot all be decided on at once at the top—that is, the top people making their final decisions. I do not think it was ever contemplated in this bill that the weaponry systems for all our military that had a possibility of affecting the environment in some way would be stopped in their tracks, and that public works projects throughout the entire 50 States that might possibly have some adverse effects on the environment in someone's opinion would be stopped in their tracks.

As I have said before, we have to interpret these things with grains of practical common sense. I am willing to rest the case, and do rest the committee's case on this question, upon what has been said here by other Senators, the Senator from Missouri included, in which he has made special preparation on matters involving military construction, as well as his vital interest and special knowledge with reference to weaponry. Accordingly, I rest the whole case upon their presentations.

Mr. President, how much time remains to me?

The PRESIDING OFFICER. Five minutes.

Mr. STENNIS. Now, Mr. President, I am glad to yield to the Senator from New Hampshire my remaining 5 minutes, now, or whenever he may care to use it.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes. Does the Senator from Wisconsin wish the floor now?

Mr. NELSON. Yes, Mr. President. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, everyone here, as I look around the Chamber as a group, seems to be an opponent of the pending amendment. Several times the statement has been made, by the Senator from Mississippi, the Senator from South Carolina, and others, that if my amendment prevails, somehow or other, it will interrupt an important and ongoing program.

Well, if anyone who is an opponent of the amendment would get up on the floor right now and tell me how the amendment, which provides simply that there may not be an appropriation, or an authorization, or an expenditure of any moneys on these three projects until the final impacted statement is filed on the three airplanes involved in the procurement bill, which is an authorization bill, and on which the DOD says it will have all the final statements filed by October 15, I wish the Senator from New Hampshire or the Senator from South Carolina or the Senator from Mississippi would get up right now and tell me how adoption of the pending amendment would be a massive intervention with an ongoing program. This is an authorization bill and the final statements will be available for us to look at by October 15.

Is any Senator willing to answer that? And on my time?

Mr. McINTYRE. If I understand the Senator's question, he is indicating that the Senator means there will be no time available for a study of the final statements; is that correct?

Mr. NELSON. No. It has been asserted here that my amendment would provide that no expenditures could be made on any ongoing programs until the final environmental reports have been filed on October 15, and that the amendment will somehow delay or interrupt these ongoing programs. I say, how can this interrupt any ongoing program when the final statements will be filed by October 15?

Mr. McINTYRE. All the programs that are embraced in the Senator's amendment, so far as I know, are ongoing programs. The F–14, the B–1, and the F–15 are all in process. If we should suddenly today pass the amendment, indicating that they will be terminated, it would be extremely disruptive to the programs.

Mr. NELSON. There is nothing in the amendment that says they will be terminated. Senator, only that funds authorized by this bill may not be spent until the law is complied with.

Mr. McINTYRE. Any time we restrict obligations for a program or a contract in progress so that they will be subject to a stop order, it certainly raises havoc with the whole process.

Mr. President, my remarks here should be made on my time.

Since the enactment of the National Environmental Policy Act, the DOD has moved with good speed, under difficult circumstances, and has prepared and has on file now all of the statements. We would call it a draft statement in two cases, but in the case of the F–14 it is a final statement on environment.

We feel, No. 1, that the law does not call for a final statement as the law is written. I have suggested to the Senator from Wisconsin that the appropriate place to bring this issue up is in an amendment to the National Environmental Policy Act that could call for a final statement.

I want to say that I think the committee is faced with the practicalities of this. First of all we have the DOD saying that it lives up to the spirit of the law and the intent of the law. Then we are saying that the National Environmental Policy Act sets forth in section 101(b) that in order to carry out the policy set forth in this act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may be aware of and be protected in its environment.

I would simply state in answer to the question as to whether agreement to this amendment would be very seriously disruptive to ongoing programs that there are already on file, for the benefit of the Senator and his staff, substantial statements as to the effect these programs have on the national policy.

Mr. NELSON. Mr. President, the matter speaks for itself. I simply point out that it does not stop a single penny from being expended for these programs. This is an authorization bill, and until it has been passed and an appropriations bill has been passed, there will be no money used from this bill for these three airplanes. The fact that the amendment says that no money will be spent on these programs until a statement is filed does not interfere one bit with this ongoing program.

Senators are making statements that are not correct in evaluating the impact of this amendment.

It seems to me that all of those who are going to vote against the amendment are publicly conceding they do not believe in the Environmental Protection Act and do not believe in its being enforced.

That is exactly what they are saying when they oppose the pending amendment. There is no interference here with any ongoing program in this authorization bill. Let us have that straight for the record. That argument does not hold any water whatsoever.

All we are doing every time we do this is saying:

> Here is a nice piece of legislation which says that there will be environmental evaluations of the impact of Federal activities on the environment and that they will be filed and that Congress can evaluate the impact, but any time we want to ignore the law we will.

What we are really saying is that this law is all eyewash and does not mean anything because we do not intend that the law be complied with. The intent of this law is to provide that, with respect to technological decisionmaking in this country, we must grind into that decisionmaking an environmental consideration so that at the time a decision is made the environmental problems will have been evaluated. And if we do not do that, the statute means absolutely nothing.

Mr. McINTYRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. McINTYRE. Mr. President, to be more specific in responding to the question of the Senator from Wisconsin, I am informed that under the continuing authority provided by Public Law 92–71, signed August 9, 1971, as of July 31, 1971, $363 million of fiscal year 1972 funds have been obligated through contracts on the F–14; $341 million as of July 31, 1971 has been obligated under the B–1; and the F–14 as of September 13, 1971, has obligated to it $143.5 million, making a total of over three-fourths of a billion dollars that is obligated under the continuing authority against our fiscal year 1972 appropriations. That is where the adoption of this amendment would raise havoc with the system of procurement.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I doubt whether anyone will be persuaded to a position of rationality by any further statement by me. So, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN) the Senator from Florida (Mr. CHILES), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from Michigan (Mr. HART) are absent on official business.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HUGHES), the Senator from California (Mr. TUNNEY), and the Senator from Michigan (Mr. HART) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Washington (Mr. MAGNUSON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois, (Mr. PERCY) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOPER) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Iowa (Mr. MILLER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 21, nays 55, as follows:

[No. 221 Leg.]

YEAS—21

Anderson
Bayh
Brooke
Burdick
Byrd, W. Va.
Case
Church
Cranston
Fulbright
Gravel
Mansfield
Mathias
McGee
Metcalf
Moss
Nelson
Packwood
Proxmire
Ribicoff
Schweiker
Spong

NAYS—55

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Byrd, Va.
Cannon
Cook
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Humphrey
Inouye
Jordan, N.C.
Jordan, Idaho
McClellan
McIntyre
Montoya
Pastore
Pearson
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—23

Bentsen
Chiles
Cooper
Cotton
Harris
Hart
Hartke
Hatfield
Hughes
Jackson
Javits
Kennedy
Long
Magnuson
McGovern
Miller
Mondale
Mundt
Muskie
Pell
Percy
Tunney
Williams

So Mr. NELSON's amendment (No. 418) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. FULBRIGHT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today, are printed at the end of Senate proceedings.)

PROGRAM—ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to repeat, with some additions, what the joint leadership agreed to earlier today.

Tomorrow, the Senate will come in at 10 o'clock, and in that connection I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes after the distinguished Senator from South Carolina (Mr. HOLLINGS) has completed his 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The Senate will go out of session at 1 o'clock, so that Members of the Senate may go to the Georgetown Presbyterian Church to pay their respects to our late departed colleague, the junior Senator from Vermont, Mr. PROUTY.

On Wednesday, the Senate will come in early. There will be no votes on that day, but we anticipate there will be a good deal of discussion. The reason there will be no votes that day primarily is that many of our Members will be in Vermont, attending the last rites for Senator PROUTY.

On Thursday it is my understanding at the moment that there is a possibility a motion to table the conference report may be made. I do not know whether or not it will be, but I think the Senate should be on notice of that possibility.

I thank the Chair.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now proceed to consider the conference report on H.R. 6531.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The conference report on H.R. 6531.

Mr. STENNIS. Mr. President, I understand we are not operating under controlled time.

The PRESIDING OFFICER. There is no controlled time.

Mr. STENNIS. Mr. President, I asked for the floor for the purpose of addressing the Senate, but not at length at this time. While Senators are present, may I refresh their recollection that this conference report stayed in conference for 5 consecutive weeks. It was an active conference, in which several major, far-reaching policy questions were involved, as well as many other major points, and the matter was finally reported back after those 5 active weeks of conference with all those points resolved in some way, and it was discussed on the floor somewhat before the recess. We were not able to get a vote at that time. It comes up now for consideration and, I certainly trust, final adoption.

On my own responsibility, I can say to the membership that I do not think there has ever been a bill any more thoroughly considered than this one. Preparations started on it more than 12 months ago. Hearings were held on it beginning in early February, for several weeks. It was very carefully marked up, and all the questions presented in the hearings were thoroughly debated around the table of the committee, and a recommendation was made to the Senate. It came here on the floor, then, with 7 consecutive weeks of very thorough and exhaustive debate in which there were at least 50 or 60 rollcall votes.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats and be quiet, so that we may hear the Senator from Mississippi.

The Senator may proceed.

Mr. STENNIS. Mr. President, I thank the Chair. I was saying there were some 50 or 60 rollcall votes here on major matters, and the bill was passed, then, with only 16 recorded votes against it. I think there were 67 in favor; I know there were just 16 against. At the conference, many of the major points had the most thorough and exhaustive consideration that I have ever seen.

It is late in the calendar year. It is late in the session. The fiscal year has already started. I submit this report for the committee on conference with the belief that it is a balanced, fair, equitable bill, as much so as it is possible to get this year on this subject.

I want to say one special word about the Mansfield amendment with reference to the termination of the war. I know that that matter was considered with the utmost concern. There was an absolute unyielding refusal on the part of the House of Representatives to yield to the Mansfield amendment, and just as firm and determined a stand by the Senate conferees.

It is not often that the termination of a war can be settled by an amendment from the floor of one of the Houses, where the other House has already voted to the contrary. I say it is not often; I do not think it has ever been done. I think we did about as much with it this time as could be done. I know it was as much as could be done under the circumstances, and I believe it is as much as can be done on that subject by these two committees, the Armed Services Committees of the House of Representatives and the Senate.

There may be others who understand the subject better, or who are wiser. I would not pass on that. But it is my opinion that we went as far as these two committees can go; and, frankly, I was very proud, Mr. President, that we were able to bring back as much of the Mansfield amendment as we did. I took very seriously the Senate's position on it. We did bring back enough of that amendment to state a policy and a principle, and it is the first time a real legislative principle and policy on that subject has been stated formally by Congress. If the Senate agrees to this report, it will have a definite, positive statement. There are no dates in it, but it is a definite, positive statement as to policy, and it will be the first legislative voice to be heard on the subject.

It is not as strong as some wanted, of course. Many, on the other hand, did not want anything. But it is certainly a step forward on the question, and it may pave the way for something further. I do not know; I am not predicting it will. But its rejection here now will certainly be killing off the only step forward that has been made in the legislative branch of the Government on this important and very vital subject.

I speak with great deference to everyone, but I hear suggestions that there be a motion to table this conference report. I want to warn Senators now that if the matter is tabled or rejected, it will put us right back at the same place we were on this bill when the final rollcall was announced on the passage of the bill. There would have to be new appointments; the House conferees have already been discharged. There would have to be appointment of conferees by the House and appointment of conferees by the Senate, and when we went back into conference, everything would be at stake again. Everything would be opened up, following, as I say, 5 weeks of the most exhaustive consideration of all these subjects that could be given. We will not have anything on the books with reference to the draft law, and I warn now, we would be racing toward a military manpower crisis if this conference report is rejected.

I do not know whether we would get another bill at all this year in this field. I think it is highly uncertain. But I do know, in spite of some figures that have been developed here about volunteers, that they are seasonal figures. I warn now that in spite of that, we would be facing here, within a few months, a military manpower crisis out in the field, out in our Polaris submarines, out in our ICBM silos, in the Navy, wherever the Navy is, and in the Air Force, wherever the Air Force is. I shall give further details, as will others, with reference to that manpower, and the same is true with reference to the other services.

I wish things were different, but the facts of life are that there has been no real plan or preparation made for this 2-year period to get enough of the necessary, dedicated manpower, except through the Selective Service Act.

I want to say, too, to those who favored the volunteer concept for all of the services so very strongly, that there is enough inducement in this bill—money, quarters allowances, and other inducements—to give that plan a fair trial, and see how well it can be worked out if given a little time. There are already in this conference report many of the major points, the major considerations that were wanted for that program, in fact almost all of them, and this will be a trial run under the most favorable circumstances if this conference report is passed.

For example, we retained this enlistment bonus concept for enlistment, something I was not particularly in favor of, but we put it in the bill of the committee. We considered it here on the floor, and we got it into the conference report, which is a remarkable departure, with our idea of trying to give every facet of this volunteer services concept a chance to operate.

Again I urge the membership of this body, do not go off on a tangent and just say, "Well, we will give it another trial; we will send it back." I say now, everything that can be done in this field, in my opinion, has already been done, and I do not believe we would be able to bring back a bill as favorable and as balanced as this measure is now. I know a lot of time would be lost and uncertainty built up.

If you just do not want any military services or any military program of any consequence, Senators should vote to kill the conference report. If they do not want a draft law at all, under any circumstances, they should vote to kill it.

I point out that all Senators in this Chamber except 16 have voted for the primary concept of this bill, and that is an extension of the Selective Service Act for only 2 years.

But if Senators want to have some margin of assurance that we will have the manpower—and it is not mandatory that anyone be drafted—if they want to have some margin of assurance that we will not lack for the necessary manpower and that they can be had in time to give them the necessary training, the vote should be in favor of the conference report.

Let us permit the Department of Defense to get on with this big job—and it is a big job—of bringing in the necessary manpower, not for the purpose of fighting the war in Vietnam, but for our protection, and get along then with the program of a so-called volunteer service for all the services. There will be plenty of tools and plenty of arsenal material to carry on that battle, there will be plenty of problems, and time will be required to make those corrections.

So, from any viewpoint, I have no doubt that this is the soundest and best balanced bill we can get for this year to fill the needs of this country in this category. The volunteer concept is going to have a chance under this bill, a very favorable chance. The Mansfield amendment idea is moving forward and is having an impact upon the thinking of this Nation, in my opinion—very much so. Of course, the conference report does not close the door on expressions in that field in other places.

Mr. President, I yield the floor now, so that others may speak. Other members of the committee and other Senators will want to be heard later.

Mr. GRAVEL. Mr. President, I will speak briefly, and then yield the floor to the Senator from Colorado.

Let me just say that I think the Senator from Mississippi is much too humble in his assessment of what he could do with a new and fortified conference committee. The last conference committee did not have one Member from the Senate who had voted for the Mansfield amendment. So, obviously, the reconstituting of the committee would certainly be in order. This could take place within this body, to reject or vote for tabling.

I would hope that this body would do so, so that we could appoint another conference committee. The Senator from Mississippi certainly could chair the conference from the Senate side; but I think that propriety and fairness would dictate that more Members from the Senate who had voted for the Mansfield amendment should be appointed to the conference committee. The fact that the House has been intransigent should not be the overriding question.

With respect to a manpower crisis, I think this is highly exaggerated, highly inflated. In fact, the Department of Defense revealed today that accessions, the number of people volunteering and enlisting in the services, are far above expectations; and as they project it today, they will not have to draft more than a small fraction of those they had contemplated drafting.

I submit that, if we do not permit the draft to be reinstated, we will find, to our great consternation, that we will not have to draft anybody this year, that enough people will have volunteered. The volunteering that is going on at this time is without the pay increases that were approved by this body and were projected by the Gates Commission, which indicated that the draft would not be necessary at all. So the manpower crisis of which he has spoken contains highly inflated and exaggerated figures.

When we talk about our defense posture, we should bear in mind that our strategic defense is manned by 134,000 Americans. We have 2,700,000 under arms today, but 134,000 of them are involved in our strategic defense. That involves our submarines, our missiles of all kinds, and our Air Force offense and defense strategy. Compare that to the fact that the Gates Commission indicated in its studies that we had 97,000 men in the armed services doing nothing but mowing lawns, policing butts, and waiting on officers' clubs. We have almost 100,000 people in the armed services doing no more than intelligence work—spying on us, spying on each other, monitoring the activities of the people.

I could go on at greater length, but I think the case is amply made by the fact that we have been without the draft for 2½ months and we have not been subjected to invasion. We are not under any threat of a great emergency, and this country has done very well in the interim, which, to my mind, proves the case that we simply do not need the draft, and that is the full case in itself.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Colorado wish to be recognized?

Mr. ALLOTT. Mr. President, 98 days ago the Senate voted 51 to 27 to raise military pay in accordance with the recommendations of the President's Commission on an all-volunteer armed force—the Gates Commission. This vote was an historic step toward equitable treatment for the military, and toward ending the draft.

The very fact that 98 days have passed, and that more will pass before this bill becomes law, is now of great significance. The fact that new pay rates will not become effective until much later than originally expected removes the only reason anyone had for opposing more generous, equitable, and efficient pay rates.

And, Mr. President, because of the wage-price "freeze," it is doubtful that any new pay increase can or should become effective before mid-November. This is very significant, for the following reason:

When the last conference arrived at its "compromise," it decided the pay rates it favored become effective October 1. The fiscal year 1972 cost of the compromise—October through June—would have been $1.8 billion. But the compromise I will suggest today would promote the basic goals of the original Allott amendment, and would cost less—only approximately $1.7 billion from mid-November 1971, through June 30, 1972. Thus, the next conference can adopt the more equitable pay rates I am proposing; it can take a giant step toward ending the draft; and it can do this without spending any more money that it agreed to spend just a few weeks ago.

I am inclined to suggest that the new conference have the new, more equitable pay rates go into effect in mid-November. This will avoid any conflict with the letter and spirit of the current wage-price freeze.

The fact that we are voting on military pay raises during a wage-price freeze is both significant and insignificant and, in either case, should cause Senators to ponder past policies regarding military pay.

It is significant in the sense that this freeze, although necessary, is unfair to many people. It is unfair to persons who are in an unfair economic position when the freeze is imposed; such persons are frozen into their disadvantaged positions. The case of men and women in lower ranks in the military is a poignant illustration of the unavoidable unfairness of a freeze. And the unfairness they are suffering should spur us on to the completion of the task we began 98 days ago—the task of ending the unfairness inherent in current pay policies. We should be powerfully moved by the reminder that the unfairness the military experiences during the freeze is ancillary to, and derivative from, the unfairness which we in the legislative branch have inflicted on them through more than two decades of unfair pay policies.

The fact that we are in a wage-price freeze is insignificant as regards the question of whether we should insist on a truly equitable and efficient pay raise. Obviously there will be some pay raise involved in the draft extension bill, at some time, regardless of what we do with the conference report. The administration proposed a pay raise; the House of Representatives voted a pay raise; the Senate voted a pay raise; the conference improvised its own version of a pay raise. There is no doubt that the final version of this bill will contain a pay raise. It is up to us to see that it is sensible.

I know there is some dispute concerning the status of a legislated pay raise under the President's wage-price freeze. There are those who argue that the freeze does not affect a raise that is incorporated in a law passed subsequent to the imposition of the freeze. There are others who argue that any pay raise legislated during the freeze will be frozen until the end of the freeze. I am an agnostic on this question; I am content to abide by whatever ruling the appropriate authorities make. The important thing is not the exact date on which more equitable pay provisions become effective; the important thing is that equitable pay provisions become law, and cease to be a cruelly elusive dream.

THE STAKES IN THIS DISPUTE

Mr. President, in establishing a sense of the issues and stakes in the dispute about military pay, it is useful to consider this question. After two decades of neglect of the men in the lower ranks; with morale in the lower ranks suffering; with the public urgently and properly anxious to make the transition to an all-volunteer armed force—with these conditions obtaining, is it reasonable to believe that today generals deserve larger pay raises than privates?

Those who think that is reasonable, and who oppose the opposite view which the Senate endorsed by a 51-to-27 vote, can support the conference report on the draft extension bill. Those who do not think it is reasonable can join me in opposing the report.

Mr. President, after many weeks of debate about the draft extension bill and the scores of amendments thereto, we sent our version to conference. After many more weeks we are now confronted with a product that is less than acceptable. As regards one important particular—the pay provisions—this version just returned to us is needlessly inferior to the Senate version.

I share with many Senators a keen sense of disappointment about this unexpected and altogether unnecessary inadequacy. I would very much like to dispose of this bill on which we have lavished so much energy and far too much time. But the facts dictate that we fight another round.

Mr. President, I hope the conference report will be defeated so that we can ask for another conference. At that next conference it is my hope that the conferees from both bodies will adopt a more equitable compromise on the pay provisions, a compromise that I will detail in these remarks.

The conference committee has produced a pay package that is not a proper compromise at all; it reflects the will of neither body; it does special violence to the will of the Senate; and it does not achieve anything remotely resembling an intermediate position between the differing versions of the bill in the House and Senate.

I want to note one matter in passing. Prior to accepting the Allott amendment, the Senate rejected a pay package offered by the distinguished junior Senator from Iowa. It was a substitute for the pay package in the bill. The following week, this body replaced the pay package in the bill with the Allott amendment, which we designed to implement the Gates Commission recommendations. In fact, throughout the debate the issue of military pay was treated as a package. We did not specifically consider quarters allowance, dependents assistance, subsistence and basic pay as separate items—we treated the question of military compensation as just that—military compensation in toto. We discussed, amended and voted a pay package. Yet the conference committee saw fit to treat each item specially, without its effect on the others. It was in this way that the compromise comes out with such an unfortunate result. The technical definitions of each category of benefit was considered separately in conference, in spite of the fact that the Senate had considered a number of specific items as a pay package and the effect we wanted to create by it. This point is not pivotal, to be sure. It nevertheless indicates damage done to our intent in the Senate. This matter was examined briefly in an interesting column written by Prof. Milton Friedman in the September 6 Newsweek. Mr. President, so that all Senators can examine this column, I ask unanimous consent for it to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, so that all Senators may have before them the relevant facts about the various proposals, including the compromise I will suggest for consideration, I ask unanimous consent to have printed in the RECORD at this point the following tables: First. A comparison of the total costs of the administration, House, Senate conferees agreement, and the compromise I will suggest.

Second, basic pay comparisons between the Senate bill, the compromise I will suggest, the House bill, present pay rates, and the number of persons affected in each pay grade.

Third, comparison of average regular military compensation under the present rates, House and Senate bills, the conferees agreement, and the compromise I will suggest.

Fourth, comparison of the House and Senate bills, and the compromise I will suggest, as regards drill pay for reservists and National Guardsmen.

Fifth, comparison of BAQ rates under the conference agreement and the compromise I will suggest.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—CONFEREES AGREEMENT ON PAY IN H.R. 6531

[Based on 2,553,000 average force as stipulated by the Senate and as accepted in Conference]

	Administration	House (annual total)	Senate (annual total)	Conferees agreement (annual total)	Conferees agreement (cost from Oct. 1)	Suggested compromise: Annual cost	Suggested compromise: Cost from Oct. 1	Suggested compromise: Cost from mid-November
Basic pay	900.9	1,811.2	2,646.2	1,811.2	1,358.4	2,171.8	1,628.9	1,357.4
Dependents assistance act	78.4	182.7	78.4	105.1	[1] 105.1	123.8	92.9	77.4
Basic allowance for quarters	0	635.1	0	406.6	305.0	408.4	306.3	255.2
Basic allowance for subsistence	0	37.5	0	0	0	0	0	0
Enlistment bonus	40.0	0	40.0	20.0	[1] 20.0	20.0	[1] 20.0	12.4
Recruiter expenses	2.9	2.9	2.9	2.9	[1] 2.9	2.9	[1] 2.9	1.8
Optometrists	0	.5	.6	.6	.5	.6	.5	.4
DAA reservists	20.0	20.0	0	20.0	14.9	20.0	14.9	12.4
Totals	1,042.2	2,689.9	2,768.1	2,366.4	1,806.8	2,747.5	2,066.4	1,717.0

[1] Retroactive to July 1.

TABLE 2.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL (85 PERCENT FHA), HOUSE BILL, AND PRESENT RATES

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-5, lieutenant colonel-commander:									
Senate bill	$941.40								
Suggested compromise	$922.20								
House bill	$834.60								
Present	$834.60								
Number	0								
O-4, major-lieutenant commander:									
Senate bill	$844.20	$886.80							
Suggested compromise	$825.00	$867.60							
House bill	$704.10	$856.50							
Present	$704.10	$856.50							
Number	0	0							
O-3, captain-lieutenant:									
Senate bill	$758.10	$791.70	$809.10						
Suggested compromise	$738.90	$772.50	$789.90						
House bill	$654.30	$731.10	$781.20						
Present	$654.30	$731.10	$781.20						
Number	781	2,343	15,253						
O-2, 1st lieutenant-lieutenant (jg.):									
Senate bill	$693.30	$726.00							
Suggested compromise	$674.10	$706.80							
House bill	$570.30	$622.80							
Present	$524.40	$622.80							
Number	13,726	26,103							
O-1, 2d lieutenant-ensign:									
Senate bill	$612.30	$648.90	$672.60						
Suggested compromise	$593.10	$629.70	$653.40						
House bill	$495.00	$515.40	$622.80						
Present	$450.60	$499.20	$622.80						
Number	33,511	2,821	2,828						
O-1E: O-1 with 4 years' previous enlisted service:									
Senate bill				$672.60	$698.40	$722.10	$743.70	$766.50	$790.50
Suggested compromise				$653.40	$679.20	$702.90	$724.50	$747.30	$773.10
House bill				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Present				$622.80	$665.10	$690.00	$714.60	$739.80	$773.10
Number				9	121	193	162	274	293
W-2, chief warrant-commissioned warrant:									
Senate bill	$544.20	$576.60	$576.60						
Suggested compromise	$530.40	$573.60	$573.60						
House bill	$530.40	$573.60	$573.60						
Present	$530.40	$573.60	$573.60						
Number	21	924	851						
W-1, warrant officer:									
Senate bill	$484.80	$517.20	$517.20						
Suggested compromise	$465.60	$507.00	$507.00						
House bill	$441.90	$507.00	$507.00						
Present	$441.90	$507.00	$507.00						
Number	949	558	109						
E-7, sergeant 1st class, petty officer:									
Senate bill	$445.80								
Suggested compromise	$443.40								
House bill	$443.40								
Present	$399.00								
Number	5								
E-6, staff sergeant-petty officer, 1st class:									
Senate bill	$411.30	$431.70	$448.80	$463.20	$480.30	$497.40	$514.20		
Suggested compromise	$392.10	$417.90	$435.00	$453.00	$470.40	$487.50	$505.20		
House bill	$382.80	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Present	$344.10	$417.90	$435.00	$435.00	$470.40	$487.50	$505.20		
Number	180	911	1,051	6,813	17,358	24,347	30,821		
E-5, sergeant-petty officer, 2d class:									
Senate bill	$378.90	$397.80	$413.10	$429.00	$446.10	$462.90	$479.70	$496.80	$505.50
Suggested compromise	$359.70	$378.60	$393.90	$409.80	$426.90	$444.00	$461.70	$478.50	$487.50
House bill	$336.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Present	$297.30	$366.00	$383.70	$400.50	$426.60	$444.00	$461.70	$478.50	$487.50
Number	38,331	63,262	74,315	79,211	50,229	28,368	24,214	15,497	57,706
E-4, corporal-petty officer, 3d class:									
Senate bill	$352.80	$370.50	$387.90	$405.30	$421.20	$430.20			
Suggested compromise	$333.60	$351.30	$368.70	$389.40	$405.00	$405.00			
House bill	$323.40	$341.40	$361.20	$389.40	$405.00	$405.00			
Present	$249.90	$312.90	$330.90	$356.70	$374.40	$374.40			
Number	243,071	174,196	118,420	27,785	8,910	8,700			
E-3, private 1st class, seaman:									
Senate bill	$336.90	$353.40	$367.80	$384.00	$392.40				
Suggested compromise	$320.10	$336.60	$351.00	$367.20	$367.20				
House bill	$311.10	$328.20	$341.10	$354.60	$354.60				
Present	$180 90	$252.30	$269.70	$287.40	$287.40				
Number	292,749	55,928	16,709	6,445	2,453				

TABLE 2.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL (85 PERCENT FHA), HOUSE BILL, AND PRESENT RATES—Continued

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
E-2, private-seaman apprentice:									
Senate bill	$320.70	$336.60	$353.70						
Suggested compromise	$306.90	$306.90	$306.90						
House bill	$299.10	$299.10	$299.10						
Present	$149.10	$208.80	$208.80						
Number	219,692	9,752	2,225						
E-1 (over 4), recruit-seaman recruit:									
Senate bill	$310.80	$326.40							
Suggested compromise	$291.00	$291.00							
House bill	$268.50	$268.50							
Present	$143.70	$191.10							
Number	40,083	3,300							
E-1 (under 4), recruit-seaman recruit:									
Senate bill	$301.50								
Suggested compromise	$291.00								
House bill	$268.50								
Present	$134.40								
Number	89,928								

TABLE 3.—COMPARISON OF AVERAGE REGULAR MILITARY COMPESNATION

Pay grade	House bill	Senate bill	Conferees agreement	Suggested compromise	Present (Jan. 1, 1971) rates
O-10	$43,872	$40,827	$42,725	$42,725	$40,827
O-9	39,169	36,319	38,107	38,107	36,319
O-8	35,772	33,042	34,751	34,751	33,042
O-7	31,654	29,065	30,689	30,689	29,065
O-6	27,197	24,850	26,389	26,389	24,850
O-5	21,821	19,796	21,122	21,122	19,796
O-4	18,234	16,527	17,630	17,630	16,527
O-3	15,025	13,591	14,501	14,536	13,516
O-2	11,474	11,138	11,045	11,754	10,166
O-1	8,985	9,611	8,659	9,782	7,087
W-4	17,653	16,088	17,074	17,074	16,088
W-3	14,537	13,097	14,023	14,023	13,097
W-2	$12,299	$11,108	$11,859	$11,859	$11,104
W-1	10,138	9,195	9,738	9,782	9,033
E-9	14,919	13,417	14,392	14,392	13,417
E-8	12,812	11,571	12,334	12,334	11,571
E-7	11,063	9,980	10,634	10,634	9,980
E-6	9,550	8,647	9,160	9,160	8,611
E-5	7,691	7,248	7,356	7,445	6,889
E-4	6,457	6,329	6,189	6,363	5,253
E-3	5,893	5,831	5,663	5,850	3,931
E-2	5,484	5,530	5,311	5,488	3,345
E-1	5,036	5,320	4,872	5,150	3,165

[1] Regular military compensation is defined as basic pay, basic allowances for quarters, basic allowances for subsistence and the tax advantage which accrues because the allowances are no subject to Federal income tax.

TABLE 4.—EFFECT OF PAY PROPOSALS ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN

[Comparison of 3 proposals]

Pay grade	Longevity	Present drill pay for 1 weekend drill (MUTA-4)	House bill	Senate bill	Suggested compromise
O-3	Under 2 years	$87.24	$87.24	$101.08	$98.52
O-2	do	69.92	76.04	92.44	89.88
O-1	do	60.08	66.00	81.64	79.08
E-7	do	53.20	59.12	59.44	59.12
E-6	do	45.88	51.04	54.84	52.28
E-5	do	39.64	44.84	50.52	47.96
E-4	Under 2 years	$33.32	$43.12	$47.04	$44.48
E-3	do	24.12	41.48	44.92	42.68
E-2	do	19.88	39.88	42.76	40.92
E-1	do	19.16	35.80	41.44	38.88
E-1	Under 4 months	17.92	35.80	40.20	38.88

TABLE 5.—COMPARISON OF BAQ RATES CONFERENCE AGREEMENT AND SUGGESTED COMPROMISE

Pay grade	Without dependents		With dependents	
	Conference agreement	Suggested compromise	Conference agreement	Suggested compromise
O-10	$230.40	$230.40	$288.00	$288.00
O-9	230.40	230.40	288.00	288.00
O-8	230.40	230.40	288.00	288.00
O-7	230.40	230.40	288.00	288.00
O-6	211.80	211.80	258.30	258.30
O-5	198.30	198.30	238.80	238.80
O-4	178.80	178.80	215.40	215.40
O-3	158.40	158.40	195.60	195.60
O-2	138.60	138.60	175.80	175.80
O-1	108.90	108.90	141.60	141.60
W-4	172.50	172.50	207.90	207.90
W-3	155.40	155.40	191.70	191.70
W-2	$137.10	$137.10	$173.70	$173.70
W-1	123.90	123.90	160.80	160.80
E-9	130.80	130.80	184.20	184.20
E-8	122.10	122.10	172.20	172.20
E-7	104.70	104.70	161.40	161.40
E-6	95.70	95.70	150.00	150.00
E-5	92.70	92.70	138.60	138.60
E-4	81.60	86.10	121.50	126.90
E-3	72.30	76.20	105.00	114.00
E-2	63.90	70.20	105.00	105.00
E-1	60.00	60.00	105.00	105.00

Mr. ALLOTT. Mr. President, for those who find large tables somewhat overwhelming, I particularly call attention to table 3 entitled "Comparison of Average Regular Military Compensation." If Senators will examine that table, under Pay Grade, under O-1 and O-2, and E-1, E-2, E-3, and E-4, they will find there the specific figures which show that these particular grades would get less under the conference bill than they would have gotten under either the House or Senate bills.

I will allow these figures basically to speak for the compromise I will suggest when this conference report has been rejected. For now, suffice it to note two things. First, the compromise I will suggest was prepared at my request by professionals in the Department of Defense. This guarantees that the compensation schedules are internally valid—that is, they avoid "inversions." Second, the fundamental achievement of the compromise I am suggesting is that it restores the $300 million cut by the conference, and it restores it to those from whom it was taken—the first termers. I should add parenthetically that I am not suggesting that the fact that I secured the technological data from the Department of Defense in any sense means that this suggestion or compromise represents the opinion or the position of the Department of Defense or the administration.

THE SUBSTANCE OF THE NEW PAY PROVISIONS

Mr. President, the purpose of a conference is to arrive at an equitable compromise between differing versions of a bill. According to my dictionary, a compromise is "a thing intermediate between, or blending qualities of, two different things."

Mr. President, I regretfully must conclude that, where pay provisions are concerned, the work of the conference is no compromise at all.

When I say no compromise at all, I should qualify that by saying no compromise at all with respect to the two versions of the bill.

This conference compromise has three major faults.

First, it does not involve enough money. Both bodies voted decisively to spend at a rate in excess of $2.7 billion annually. This conference compromise falls more than $300 million short.

Second, the money involved in the conference compromise is not going to be spent so as to have maximum visibility for the potential recruit. One of the virtues of the pay proposal passed by the Senate is that it puts the money into basic pay.

Third, and most important, the conference compromise distributes the benefits in a way that reinforces traditional injustices, and in a way that is perfectly designed to discourage progress toward an all-volunteer armed force.

Mr. President, the second of these failings is the least objectionable. I think we all realize that some compromise with the approach adopted by the House version of the bill was inevitable in the legislative process. The House chose to put more money into increases for dependents' assistance, and allowances for quarters and subsistence. While I disagree with this approach, I recognize this is a matter about which honorable men of good will can and do easily disagree.

But the first and third failings are substantial, unnecessary, and unacceptable.

First, consider the matter of fixing a spending total lower than either body considered.

One Congressman has described the work of the conferees in this way:

> What they have done is taken orders for either chocolate or vanilla and couldn't agree on either so they brought back strawberry instead.

Mr. President, I would describe the matter somewhat differently. I think they took orders for a certain amount of ice cream, and have given us a cheaper dish of yogurt. Yogurt may please some people. But we did not order it.

We—both bodies—ordered spending for military pay increases at an annual rate in excess of $2.7 billion. The conference does not like that idea, which the Senate resoundingly endorsed with a 51-27 vote. So both the House and the Senate are losers; evidently we are expected to eat what the waiters chose to serve us.

This should be of special concern to the Senate because the waiters did at least a little better by the House version.

As regards the basic pay component of the House bill, the conference committee was a model of deference. In compromising the basic pay differences between the House and Senate versions, the conference committee took the low House figure and did not give the Senate a single dollar.

An even more astonishing fact is revealed when we consider the average regular military compensation that will result for the various pay grades as a result of the compromise reached by the conference committee. As the following chart reveals, E-1's, E-2's, E-3's, E-4's, O-1's and O-2's will receive less total compensation than they would have under either the House or the Senate version.

Mr. President, tabulation 5 sets out specifically the differences I discussed earlier and shows that the four lower grades of enlisted men and the two lower grades of officers receive less than they would have under either the House or Senate bill.

I ask unanimous consent that this tabulation be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE 5.—COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Conference compromise
O-10	$43,872	$40,827	$42,725
O-9	39,169	36,319	38,107
O-8	35,772	33,042	34,751
O-7	31,654	29,065	30,689
O-6	27,197	24,850	26,389
O-5	21,821	19,796	21,122
O-4	18,234	16,527	17,630
O-3	15,025	13,591	14,501
O-2	11,474	11,138	[1] 11,045
O-1	8,985	9,611	[1] 8,659
W-4	17,653	16,088	17,074
W-3	14,537	13,097	14,023
W-2	12,299	11,108	11,859
W-1	10,138	9,195	9,738
E-9	14,919	13,417	14,392
E-8	12,812	11,571	12,334
E-7	11,063	9,980	10,634
E-6	9,550	8,647	9,160
E-5	7,691	7,248	7,356
E-4	6,457	6,329	[1] 6,189
E-3	5,893	5,831	[1] 5,663
E-2	5,484	5,530	[1] 5,311
E-1	5,036	5,320	[1] 4,872

[1] Conference compromise falls below both House and Senate versions.

Mr. ALLOTT. One hardly need belabor the significance of this.

The privates and corporals, and sergeants and lieutenants—those who have been shortchanged again and again and again in pay raises dating back to World War II—are to be shortchanged again. And this is how we propose to improve the morale of the military.

A private first class will be entitled to less of a raise than a one- or two-star general. And this is how we will encourage volunteers and eliminate the draft.

As we can see by table 1, the compromise would spend over $300 million less on an annualized basis than either House voted. This is particularly important to note because this $300 million came from only one place—the pockets of our first termers. Only the E-1's through E-4's, and O-1's and O-2's, received less in average regular military compensation than either the House or Senate passed. It is these men, and these men alone, who suffer from the conference compromise. The restoration of that $300 million, as proposed by the compromise I will suggest, returns to them the compensation they have lost since the bill left the floor of the Senate.

Mr. President, there is no mystery about why the conference committee did the kind of economizing it did. All economizing is an attempt to save money. That is a noble objective—and it is one for which I have fought many times—until it leads us to consistently take the savings out of the pocketbooks of those who can least afford it.

The injustice of this kind of economizing has been thoroughly documented over the past few months.

What is most striking now is how utterly unnecessary this type of economizing is.

As I noted during the debate on the Allott amendment, there is something—to put it politely—counterintuitive about the notion that our Nation, with its trillion-dollar economy, cannot afford to pay our military men adequately.

But one need not rely on intuition.

One can consult the facts as they stand today, after much delay, and in the middle of a wage-price freeze.

Remember that the Department of Defense has planned all along to spend $2.7 billion in pay increases, but over a 2-year period.

Remember that the spending for the remainder of fiscal year 1972 should be the focus of our interest because DOD's announced intention is to reach the $2.7 billion level of pay increases in a two-step period, the second step coming in fiscal year 1973.

Remember that one of the central reasons for making the $2.7 billion increase in one step was to give us a more decisive, dramatic and informative test of the usefulness of decent pay as an incentive for volunteers.

Remember that the "savings" exacted from the pay checks of the lowest ranks almost certainly will be false savings, because they will have costs—economic and otherwise—which stem from delay in achieving the more efficient volunteer armed force.

Remember that the administration budgeters originally planned for the administration's proposed $1.049 billion increase to become effective May 1. Thus there has been an unanticipated windfall for the Government involving at least 5 months' savings and, if military pay increases do not become effective until—say—November 15, there will be a 6½-month windfall saving.

Remember these facts. And then consider the following five points, which all demonstrate that we can afford the compromise that I will suggest. All of the points dramatize the fact that the compromise I will suggest will require spending less than both bodies originally wanted to spend this fiscal year, and less than the annualized cost of the conference compromise. And if the effective date of legislated military pay raises should be November 15, then the cost of the compromise I am suggesting would be no more than the amount of money which the conference report calls upon us to spend.

First, As I noted above, one thing is certain: there will be pay raises voted for the military this year. If these raises were to become effective October 1—and, to repeat, I do not favor this—the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—would be $300 million less than the annual cost of the conferees agreement.

Second, If pay raises become effective October 1, the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—would be $701.7 million less than the amount—$2,768.1 million—that the Senate voted to spend on military pay increases in this fiscal year.

Third, When the Senate voted its version of the pay proposals, some persons were alarmed at the prospect of spending $1.7 billion more than the $1,049.9 million which the administration proposed to spend on military pay increases in fiscal year 1972. But if the compromise I will suggest should prevail, with an October 1 enacting date, the fiscal year 1972 cost of the compromise I will suggest—$2,066.4 million—will only be $1,016.5 million more than the administration proposed to spend—a drop of $701.7 million under the sum which the Senate, on June 8, voted as an increase over the administration pay proposal.

Fourth, the pay package originally voted by the House of Representatives totaled $2,710.8 million, or $57.3 million less than the Senate pay package. But if the compromise I will suggest should prevail and become effective October 1, then the fiscal year 1972 cost of the pay increase will be fully $644.4 million less than the lowest version—that of the House of Representatives—which the last Conference had before it.

Fifth, The most important point is this. The pay compromise improvised by the conference committee, and scheduled by them to become effective October 1, would have cost $1,807 million in fiscal year 1972. The fiscal year 1972 cost of the compromise I will suggest, if it cannot become effective until November 15, will be approximately $1,717 million. In short, the compromise I will suggest would cost $89.8 million less than the conference committee has called upon us to spend.

Mr. President, there is one additional matter about costs. I note that the conference report attempts to justify its action by referring to the 7.9 percent cost-of-living increase granted last January, and to 7.4 percent cost-of-living increase that is planned for January 1, 1972. Evidently the conferees would have us believe the cost-of-living increases, tacked on to an unfair pay schedule, are an adequate substitute for a more equitable pay schedule.

Mr. President, when you talk about raising inequitable pay schedules by percentages we can only refer to that old, old song that the rich get richer because it perpetuates an inequity upon an inequity.

I thought we had adequately disposed of this line of argument during the debate on the Allott amendment. But I see that I must impose upon the patience of Senators long enough to dispose of this argument again.

The point is that cost-of-living increases are not relevant but extraneous to our consideration here and it is important to understand why they are extraneous.

They are irrelevant because the President has already deemed it necessary to eliminate the fiscal year 1972 cost-of-living increase.

And all cost-of-living increases are irrelevant because the objective of such increases is entirely extraneous to the objectives of the kind of pay raise the Senate clearly desires.

The objective of cost-of-living increases is to maintain pay for Federal employees in whatever relation exists at a given time with regard to rising pay in the private sector during a period in which the cost of living is rising. But this mechanism for maintaining the status quo does nothing to close the deplorable gap between military pay and pay for similar skills and employment in the private sector.

The cost-of-living increases are necessary to prevent a further deterioration of existing deplorable conditions. The purpose of my amendment is to improve the conditions. It is obvious that the cost-of-living increases are mere holding actions on behalf of hard-pressed people.

If anyone doubts that cost-of-living increases are an inadequate solution to military pay problems, they should consider some relevant history—and some stunning facts—cited by Congressman WILLIAM A. STEIGER, in the House of Representatives on August 2, before cancellation of the upcoming cost-of-living increase. Congressman STEIGER, who has done magnificent work on behalf of efficient and equitable pay policies, said this:

> I would make two points, regarding the automatic increases. First, the scheduling of these raises was known well before consideration began on the draft bill. Due to the wisdom and foresight of the late chairman of the Armed Services Committee, Mr. Rivers, military pay was tied to civil service pay in 1967. The "Rivers amendment" assured that military personnel would be given the same percentage increase as Federal civil servants in adjustment of wage rates. On December 31, 1970, over a month before the draft hearings began, Congress approved the Federal employee pay comparability system, which mandated comparability adjustments on January 1, 1971, and January 1, 1972.
>
> Second, I would point out that the automatic increases were designed as a temporary measure, pending complete reform of the military compensation system. Servicemen, particularly in the lower grades, have lagged far behind their civilian counterparts, and the automatic across-the-board raises were merely designed to keep the disparity from growing. These increases, however, have had little impact on the first-termer. For example, the January 1971 increase raised the recruit by only $9.90, while the colonel received a hike of $132 a month. Thus, the colonel's hike was nearly equal to the recruit's total monthly pay of $134.40. Likewise, if the January 1972 formula is 7.4 percent as expected, under the conference bill the major general will get a $204.71 raise, the colonel will get a $133.42 hike, but the recruit would only receive an increase of $19.83 in his monthly pay.
>
> I am not opposed to comparability increases for our careerists, but since the comparative advantage for the first-termer is so small, it is not clear why the automatic increases would justify delaying enactment of a pay bill that was designed to aid the first-termer. I see, in fact, no justification for postponing the correction of a long-term inequity in the pay of junior enlisted men, simply because of a forthcoming across-the-board pay raise.

I think those three figures—$204.71, $133.42, $19.83—refute the notion that cost-of-living increases are the answer to military pay problems.

Mr. President, there were 28 points of difference between the House and Senate versions. These were the pay provision, the Mansfield amendment, and 26 others. In resolving these differences the conference committee did not make any changes that significantly increased costs. Thus, it is remarkable that the conferees felt a desire to improvise economies.

Let us face facts.

For years we have gone along refusing to give the average GI the pay he deserved. Now the conferees would have us compound the sins of the past with a fresh sin. They would have us acquiesce in a broken promise. When both Houses of the Congress agreed that spending for military pay should be increased by $2.7 billion this fiscal year, this constituted an implicit promise to the men and women in uniform. Now the conferees would have us reverse our field, break our promise, and again disappoint the hopes of the GI's.

For too long we have inflicted unjust pay policies on the conscripts and enlisted men in the lower ranks. If the Congress as a whole tolerates this latest attempt to economize at the expense of those who can least afford to sacrifice, then we can expect two kinds of bad consequences. Morale in the military will suffer another unnecessary blow. And young men who are considering volunteering for service—and perhaps for a military career—lose interest. After all, who wants to join the Armed Forces if the Congress does not respect those forces enough to pay them decently?

In short, Mr. President, young men in the military, and young men considering the military, are watching what we do with this bill.

In a speech on July 27 Secretary of Defense, Mr. Laird, said the following:

> We believe we can move away from selective service to zero draft calls and an all-volunteer armed force. The most important thing which we must do in the period of the nineteen seventies and beyond is to see that the military service is recognized by all sections of society as a contribution which is being made by men and women to the peace forces of this nation and the peace forces throughout the world so that the mistakes of the seventies, the mistakes of the fifties and the mistakes of the sixties are not repeated again.

Mr. President, I agree with the Secretary of Defense. I agree that the key to achieving an all-volunteer armed force is regaining for the military the respect which properly is owed it by this Nation. And I agree with the Secretary that we can only help the military if we avoid past mistakes.

That is precisely why I am so deeply opposed to what has been done to the pay proposals passed by the Senate. The conference compromise before us is a classic example of, and a totally unnecessary repetition of, the worst mistakes committed against the military in the past two decades.

Consider the following report by Air Force Times editor Bob Schweitz in the February 3, 1971, issue:

> From 1952 to 1965 there were no pay raises for enlisted men with fewer than two years of service. The raises for all other grades since 1952 have more than doubled those for the "under two's."
>
> Overall, the military force has received a cumulative pay hike of 154.3 percent since 1952, while the junior enlisted men have received only 86%, including the raise effective January 1, 1970. . . .

A few months ago it would have been hard to imagine how the Congress could worsen its deplorable record of callous negligence with regard to military compensation. Alas, now it appears that a way has been formed to do this. The only thing more damaging to morale than years of unjust pay is for each body to vote substantial money for military pay, and then have that money repealed.

Mr. President, before leaving the subject of the substance of the pay provisions, we should note the extraordinary interest and dissatisfaction which this action has generated in the public at large. For example, when the drift of this compromise became apparent, the New York Times, July 3, denounced it with proper vigor. The Times said:

> A Presidential commission has pointed out that current pay scales for the lower ranks are substantially below comparable civilian wages and amount, in effect, to a discriminatory tax on servicemen. If more funds are needed for other items in the defense budget, which we doubt, they should be raised from the general taxpaying public and not taken out of the pockets of men who are being asked to lay down their lives for their country.

Mr. President, I agree with the judgment of the Times in this matter. The action of the conference is an affront to the substantial majorities in both Houses who voted more than $2.7 billion. But, to repeat, it is a most keenly felt affront to the Senate because it does not win for the Senate a single dollar in basic pay. This has been done in the name of economy. It has been done in response to the altogether unconvincing argument that we cannot now afford to pay an equitable wage to our military men and women.

I think this contention was mercifully laid to rest during the debate on the Allott amendment. But that is not the point here. The point is that both bodies have spoken. They have clearly voted their desire to spend more than $2.7 billion for increases in military remuneration this year.

The fact that OMB, or DOD, or some other agency of the executive branch finds this inconvenient is unfortunate, but it is not relevant to the consideration of the conference committee.

These agencies were not parties to this conference. The conference should not have disregarded the unambiguous desires of both bodies with regard to enactment.

Mr. President, for a quarter of a century we have given the men in the lower ranks poor pay in order to promote economy in government. This practice is unjust. It is unconscionable in a nation like this.

The fact that the men in the lower ranks have had a lot of experience with injustice does not mean that they or their dependents are getting used to it.

In addition, the fact that neglect of the men in the lower ranks has become a conspicuous feature of the American military tradition does not mean that this neglect is harmless as regards the ability of the Armed Forces to attract high caliber young men and women as volunteers. In fact, not all our military traditions are equally venerable, and this tradition of neglect is downright unsavory.

We pledge millions of dollars to rescue ailing corporations from economic hardship. Yet by the terms of the conference compromise we are asked to inflict asceticism on the average GI—in the name of economy in government.

We spend billions of dollars on welfare. Yet by the terms of the conference compromise we are asked to impose near poverty conditions on military men—and in some instances poverty conditions—in the name of economy in government.

While Government largess expands in every direction, now, by the terms of the conference compromise, we are supposed to ask the men in the lower ranks to make sacrifices—sacrifices which neither the House nor the Senate asked them to make.

What is this, economics according to Lewis Carroll?

This is a through-the-looking-glass approach to ending the draft. According to the approach adopted by the conference, the best way to end the draft is by penalizing those whose career decisions will determine the feasibility of an all-volunteer armed force.

Mr. President, for reasons I have explained, it is necessary for us to fight another round in what sometimes seems like an interminable dance with this bill.

But as I have suggested, there is no reason why this round should not be short and uncomplicated. The compromise I will suggest, and which is detailed in tables 1–5 is ready at hand. But in the unlikely event that another conference cannot quickly be brought to see the light of right reason, perhaps we can take some solace from the fact that some good may come from whatever delay ensues. And the Nation's security can surely be made compatible with our need for time to legislate properly.

It is most implausible to suggest that, suddenly, the Armed Forces face a desperate need for conscripts, a desperate need that cannot be met without immediate passage today of this draft extension bill.

When the 1972 fiscal year began 5 weeks ago, the authorized strength of the armed services was approximately 2.7 million men. The strength is now in the process of declining to the authorized end strength of 2.407 million men by June 30, 1972. During the first 2 months of this fiscal year—July and August—the total draft calls were only 16,000. Clearly the draft is not carrying such a heavy load of our national security burden that we cannot tolerate any further delay at all in extending the draft.

The Secretary of Defense has stated that, unless the draft is resumed by September, the Armed Forces are going to face a manpower squeeze. But the Secretary also has said that personnel shortages will not show up until mid-1972. I am confident that by that time the U.S. role—if any—in Vietnam will be too minute to be affected by any such shortages. In addition, it should be possible to absorb short-term manpower shortfalls in military units stationed in the United States. Moreover, figures for true volunteers are up dramatically and gratifyingly, as a result of many factors—an increase in the number of recruiters and recruiting stations, a forceful advertising campaign, and, I hope, the evidence that Congress at long last is interested in decent pay for the military.

Frankly, I think a moderate period during which the Armed Forces were deprived of conscripts might dissipate a lot of myths about the relationship between conscripts and national security.

For example, is it not possible that, were conscripts, unavailable for awhile, those responsible for our current military manpower policies might find fresh incentive to review those policies? Is it not possible that a judicious but substantial hiatus in conscription would provoke a salutary reassessment of the uses to which we put conscripts, and the uses to which we could put civilian employees?

Dr. Johnson once noted that the imminence of execution concentrates the mind splendidly. I cannot but suspect that, as each day goes by without a draft bill, minds previously closed against the possibility of an all-volunteer armed force are beginning to open. And somewhere deep in the darkest recesses of the military bureaucracy, some minds are beginning to concentrate on new and more efficient policies of manpower allocation.

Mr. President, for those who doubt that there is room for improvement in our military manpower allocation, I want to call attention to a recent report from the General Accounting Office. It was released May 6 of this year. Its number is B–146890 and its title is "Improper Use of Enlisted Personnel." I urge all Senators to examine this report.

Nevertheless, it is possible that those who support the conference compromise may push for rapid—I should say precipitous—acceptance of it on the grounds that any additional delay in enacting a draft extension will jeopardize national security. I trust that no Senator will allow himself to be stampeded by this argument.

Let me make my position clear.

I hope and I pray that we can soon send a bill to the President. I do not think substantial additional delay is necessary. I do not favor, and will not support, any undue delay.

On the other hand, there is something

patently unconvincing about the notion that the security of this great and powerful Nation will be significantly impaired if we take the time to fashion a responsible bill. This great deliberative body never has time to waste. But by the same token, it always must take the time to do the job right.

We did the job right less than 2 months ago. We should not be immoderate; we should not insist that our will prevail absolutely. But we should have the responsible tenacity to see that at least a respectable portion of our wisdom prevails. This is especially vital because we are clearly advancing to our goal of zero draft quotas.

The Secretary of Defense has announced that draft calls for fiscal year 1972 will be reduced by one-third of the fiscal year 1971 total. The total draft call is expected to be approximately 100,000. Frankly, Mr. President, I think that estimate may be high. I think we may need to draft less than 100,000. There are two reasons for thinking this:

First, when we reject this compromise and when we get proper pay provisions, the pace of recruiting will quicken beyond the rate projected by the Secretary in making his estimate.

Second, the Secretary's projection is based on the conscription needs for an armed force of 2.5 million men. In fact, however, as my distinguished colleague from Colorado has demonstrated—I refer Senators to the supplemental view of Senator DOMINICK in the committee report on this bill—the end strength of the Armed Forces for fiscal year 1972 will be nearly 100,000 less than that, 2.407 million.

Mr. President, I do not want to suggest that there really will be no need for any draftees. We will just have to wait and see how many draftees are needed to meet transitional manpower needs as the Armed Forces manpower is phased down to the 2.407 figure by June 30, 1972.

But I do think it is safe to say this much: Our total draft needs may be significantly less than 100,000. It would certainly not be unprecedented for DOD to revise its draft estimates downward. In the 1970 calendar year 163,000 men were drafted. Earlier this year DOD estimated that 142,000 men would be drafted in the 1971 calendar year, but it now appears likely that, even without any delay in drafting occasioned by problems with this bill, only 130,000 men will be drafted.

If the Secretary's latest projection is correct, monthly draft calls will run at 8,300 per month, which would represent nearly a 2,000-man monthly reduction under the figure the Secretary predicted last April, which was that draft calls would run about 10,000 per month during all of 1971.

Whatever the transitional figures may be, clearly we are nearing the end of the draft. I have reluctantly recognized the need for a 2-year extension of the draft at this time. I do, however, believe that, barring some unforeseen deterioration of relations between nations, I do not expect the draft will need to be renewed 2 years from now.

In fact, I very much doubt that 2 years from now it will be possible to pass a draft extension bill. And if I am still serving in the Senate 2 years from now, it is most unlikely that I will vote for any draft extension.

Thus I and kindred spirits attach special importance to these pay provisions; to the question of simple decency and due respect for the military; and to all other matters which are vital to the prospects of an all-volunteer armed force.

Mr. President, I do not doubt that the conferees acted as they thought best. The distinguished Senator from Mississippi is chairman of the committee. Who could question their effort, their abilities, and their intent? They were struggling with a difficult bill containing many awkward points of contention. Nevertheless, the will of the Senate has not been properly respected by the conference compromise.

Therefore, I urge the Senate to reject this conference report, and to urgently request another conference to give renewed consideration to the equitable compromise that is outlined in the tables above.

EXHIBIT 1

MILTON FRIEDMAN ON THE DRAFT UNCOMPROMISE

The bill to extend the draft and pave the way for an all-volunteer armed force was tied up in a House-Senate conference for many weeks. The conference reported just before the Congressional recess. Its recommendations were accepted by the House but were not voted on in the Senate. This delay is fortunate because the conference report contains a "compromise" on armed-force pay scales that is a far greater threat to achievement of the bill's objectives than the much-publicized Mansfield amendment. Yet it might have been overlooked in the rush to adjourn.

2+2=3

The House bill provided a pay raise totaling $2.7 billion on a full-year basis; the Senate bill a pay raise totaling $2.8 billion; the conference a pay raise totaling $2.4 billion.

How can $2.4 billion be a compromise between $2.7 billion and $2.8 billion? The answer is easy—if you are an expert at parliamentary maneuvering. First, you note that the House $2.7 billion consisted of an increase of $1.8 billion in basic pay and of $0.9 billion in supplements (housing and subsistence allowances, etc.), while the Senate $2.8 billion consisted of $2.7 billion in basic pay and only $0.1 billion in supplements. You now take each part separately. You compromise between $1.8 billion and $2.7 billion in basic pay at $1.8 billion. You compromise between $0.9 billion and $0.1 billion in supplements at $0.5 billion. You add the compromise $1.8 billion to the compromise $0.5 billion and, presto chango, with the help of a bit of rounding off, you have $2.4 billion as a compromise between $2.7 billion and $2.8 billion.

This seemingly minor reduction is critical because, compared with the Senate bill, the reduction is entirely at the expense of first-term enlisted men and officers. Here are the House, Senate and conference proposed annual pay levels for the grades that are relevant for first-termers.

PROPOSED MILITARY COMPENSATION

Pay grade	House	Senate	Compromise
Enlisted men:			
E-1	$5,036	$5,320	$4,872
E-2	5,484	5,530	5,311
E-3	5,893	5,831	5,663
E-4	6,457	6,329	6,189
Officers:			
O-1	8,985	9,611	8,659
O-2	11,474	11,138	11,045

These are the grades for which the draft has provided recruits—either conscripts or "reluctant volunteers," i.e., men induced to enlist by the threat of being drafted. For higher career grades, the conference recommendation is between the amounts proposed by the House and Senate, though generally closer to the more generous House scale.

Because of the draft, first-termers have consistently been shortchanged. From 1952 to 1965 there were *no* pay raises at all for enlisted men in the first two years of service. As a result, first-term enlisted men now receive not much more than half the amount that they could earn as civilians. In sharp contrast, enlisted men with more service and officers above the first two grades receive as much as or more than they could earn. This was and is a glaring and completely unjustifiable inequity. It was and is a major obstacle to recruiting volunteers.

The Senate bill went farther than the House bill in removing this inequity by adopting the pay increases recommended by the Gates commisison as required to achieve an all-volunteer armed force. The conference proposal is worse than either in this crucial respect. Its adoption would seriously hamper the achievement of an all-volunteer force.

IT IS NOT TOO LATE

Senator Allott (Republican of Colorado), the author of the Senate pay amendment, plans to lead a fight in the Senate when it reconvenes to return the bill to the conference with the request that it submit a true compromise. There is every reason to expect that he will succeed. His amendment was adopted by a decisive majority—51 to 27—while an earlier amendment incorporating the House pay scale was decisively defeated. Clearly, the Senate wanted a pay raise concentrated on first-termers. Yet the conference proposal slights precisely this group.

Few matters are more important for the political, social and moral health of this country than ending compulsory military service and returning to this nation's long tradition of relying on the voluntary services of patriotic Americans to maintain a loyal and effective armed force. It will be a tragedy if legislative legerdemain is permitted to frustrate the achievement of this objective.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. CRANSTON. I am deeply impressed by the statement made by the distinguished Senator from Colorado. He has thought very deeply and very wisely through this matter of the pay raises that are so badly needed by the Armed Forces. It was due to his leadership that we managed to get into the pending measure a very substantial and a very sound pay raise. Unfortunately, that was badly distorted and diluted in conference, as the Senator has pointed out. It seems to me that the compromise proposal made by the Senator is a very sound one that would do what is needed for our Armed Forces in terms of paving the way to a volunteer army.

It seems to me, also, that it is a very sound compromise, unlike the noncompromise that came from the conference committee.

Therefore, I want to express my support for what the Senator has proposed as a compromise. I think it is a very sound move, and I would like to be listed as a cosponsor of the proposal when it is submitted as an amendment.

Mr. ALLOTT. I thank the Senator. When that occasion comes, I will be very happy to do so. I thank the Senator for his very generous remarks and his support of the position about the pay raise, which we all have an equal feeling is so important.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. GRAVEL. I should like to join the distinguished Senator from California in paying tribute to the concept just enunciated by the distinguished Senator from Colorado. The Senator from Colorado has done excellent work in this regard, to bring equity to a system of pay and to right the unfortunate concept that this Nation has had; that is, for some unknown reason, because a person dons a military uniform, he is supposed to be employed and paid a wage different from that a person would get if he worked for the Government as a civilian. That concept is in the process of being righted under the leadership of the Senator from Colorado, and I certainly think it is noteworthy.

I compliment the Senator for his efforts in this regard, and I ask him, most humbly, that I, too, be listed as a cosponsor of his legislative endeavors when he feels that this should be presented as an amendment or as instructions.

Mr. ALLOTT. I thank the Senator very much, and I will be happy to do that at that time. I appreciate his remarks.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. TAFT. I thank the Senator for yielding.

I supported the Senator's proposal for the increase in pay which passed the Senate some 90 days ago, and I expect to support in principle again the position he has taken.

I have, however, a question with which I think he might be helpful. Statements have been made to the effect that after the personal tax consequences to the men in our Armed Forces, the compromise version of the conference committee would, in most cases, be as favorable or more favorable, insofar as after tax income is concerned, than the provisions of the Senate bill as it went to conference. Could the Senator comment on that and clarify it?

Mr. ALLOTT. I realize that the Senator has not had an opportunity to examine the contents of all the tables I introduced in the course of my discourse. But if the Senator has a copy of it at hand, he will find on page 12, under table 3, a discussion of this. Note 1, at the bottom, says:

> Regular Military Compensation is defined as basic pay, Basic Allowances for Quarters, Basic Allowances for Subsistence and the tax advantage which accrues because the allowances are not subject to Federal Income Tax.

So that those figures do, as they are set out, involve the tax consequences of the pay raise or the compromise proposal of the conferees.

Mr. TAFT. I thank the Senator for his clarification.

Referring to that table, particularly with regard to the lower grades, the conferees' agreements, for example, in the E–1 pay grade, would indicate a regular military compensation of $5,320 in that category under the Senate bill, as compared with a $4,872 average regular military compensation under the conferees' agreement. Is my understanding correct?

Mr. ALLOTT. That is correct.

The Senator will note, also, that this is true for E–1, E–2, E–3, and E–4—that the conference agreement is less than either the House or the Senate bill, and it is also true for O–1 and O–2, above it.

Mr. TAFT. I thank the Senator for his clarification of that point.

Mr. ALLOTT. I thank the distinguished Senator very much for his assistance in this matter.

Mr. President, I had hoped that certain people would be on the floor at this time, but I want to take a few more moments to explain my situation.

I have said repeatedly that I do support a 2-year extension of the draft. Many of us are looking forward hopefully to the institution of an all-volunteer force. One of the main reasons why I have supported the position I have taken so forcefully is that I believe it is the only way we have any chance of making an all-volunteer force work.

I have just checked with a member of my staff, and find that prior to this bill we had more than 1,000 families in the military drawing welfare. Whether those men entered the service voluntarily or whether they were drafted or whether they entered voluntarily because they knew they were going to be drafted is not particularly significant, in my mind. But we cannot ask people to enter the military service and serve us when they have to subsist at a level which is below the poverty level set in the United States.

Prior to our adjournment, we debated this bill some 7 weeks. I must say that I think the debate has been carried on too far and too long and that this matter should be resolved. I think the country is looking at the Senate and expecting it to resolve the matter. I think the country is looking at us with a jaundiced eye with respect to what might be unnecessary debate.

I have no intention of trying to—nor have I ever in my time in the Senate, in the 17 years, tried to—foreclose debate on any subject. However, because I think we must get about this business and face it, a fair military pay is absolutely one of the essential ingredients of this bill, I am prepared and if necessary I will offer, sometime, not this afternoon, but I do not preclude tomorrow morning—and I hope that this message gets through to those who are interested—a motion to table the conference report.

Although it has been repeated to me that the House will not go to conference, I am a little bit tired, despite the valued efforts of our own conferees, of being told what we will and will not do.

I therefore wish to place the Senate on notice that I will, at such time as I think debate has gone on for a proper length of time, move to table the conference report.

I have discussed this twice with the majority leader and twice with the minority leader, and also with the majority whip and other Senators, so that they are fully aware of my intentions.

If I do not offer the motion, I am informed by several of my colleagues that it is their intention to make the same motion.

Mr. GRAVEL. If the Senator from Colorado will yield at that point, I would like to say that I personally am very happy that my colleague will make that motion. From the testings and the soundings I have been able to make, I think that the most auspicious time for my colleague to make that motion would probably be on Thursday morning. As evidenced by the attendance here today, it seems that the only Senators debating this issue are my colleague and myself. So that the Senator's notice today, to make such a motion to close off debate and vote on the issue, is not inappropriate. I think it would be in good taste.

Mr. ALLOTT. I appreciate my colleague's suggestion. However, as he is aware, the very sad death of our great colleague from Vermont, WINSTON L. PROUTY, will necessarily interfere with the regular meetings of the Senate.

The exact time that I will offer the motion to table will have to depend on developments and other circumstances.

Mr. President, I yield the floor.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROCK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EVINS of Tennessee, Mr. BOLAND, Mr. WHITTEN, Mr. ANDREWS of Alabama, Mr. SLACK, Mr. MAHON, Mr. RHODES, Mr. DAVIS of Wisconsin, Mr. ROBISON of New York, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 850) authorizing the Honorable CARL ALBERT, Speaker of the House of Representatives, to accept and wear The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

Subsequently, the President pro tempore signed the enrolled joint resolution.

TRIBUTE TO COACH "BEAR" BRYANT

Mr. ALLEN. Mr. President, I favor the adoption of the pending conference report on the extension of the draft. However, my remarks at this time will be nongermane to that subject. Before preparing to make these remarks, I cleared with the distinguished Senator from Mississippi (Mr. STENNIS), manager of the draft extension bill, the matter of speaking on a nongermane subject at this time. I told him that I wished to eulogize "Bear" Bryant, head football coach and athletic director at the University of Alabama who, last Saturday evening, had his 200th victory as a head football coach when the University of Alabama defeated the University of Southern California by a score of 17 to 10.

As to the propriety of speaking at this time on this subject, when I mentioned the matter to the distinguished Senator from Mississippi he said:

> Yes, go ahead, those red elephants of Alabama are tough.

He knows that to be a fact and so does the distinguished Senator from Tennessee (Mr. BROCK) who is now presiding over the Senate.

Before making these remarks, I also cleared them with the distinguished Senator from Alaska (Mr. GRAVEL) who plans later to make extended remarks in opposition to the adoption of the conference report.

Mr. President, on last Friday evening, Paul William "Bear" Bryant, the head coach and athletic director at the University of Alabama, moved into one of football's most elite groups when his Alabama Crimson Tide team presented him with his 200th victory as a head collegiate football coach by defeating the University of Southern California, 17 to 10. Coach Bryant thus becomes only the sixth coach in all-time collegiate history to win 200 or more games. I salute and congratulate Coach Bryant on reaching this rare and outstanding milestone.

Long recognized as one of the greatest college football coaches in history, Bear Bryant has more victories than any active coach today. Coach Bryant is starting his 27th season as a head football coach, the last 13 of which have been spent at his alma mater, the University of Alabama. In his 13 seasons at Alabama, Bear Bryant's win-loss record is 108–27–8, and he has directed the Crimson Tide to 12 consecutive postseason bowl games.

Coach Bryant won national championships at Alabama in 1961, 1964, and 1965, and the undefeated 1966 Crimson Tide possibly may have been his best club although it did not win the national title that year.

Paul Bryant is a native of Fordyce, Ark. He came to Alabama in 1931 and played right end for the Crimson Tide and was a member of the famous 1934 Alabama team which went undefeated and beat Stanford 29 to 13 in the Rose Bowl game of 1935. During his playing days at the University of Alabama, Coach Bryant was fondly known as the "other end" inasmuch as Alabama's left end at that time was the fabulous and legendary Don Hutson.

Bear Bryant's first job as a head coach was at the University of Maryland in 1945 after his discharge from the Navy where he attained the rank of lieutenant commander during World War II. That year Maryland won six games, lost two and tied one. In 1946 Coach Bryant went to the University of Kentucky, staying eight seasons and rolling up a 60–23–5 record, winning the southeastern conference title once and going to four postseason bowl games. Texas A. & M. was his next stop in 1954, and he promptly went from a 1–9 season his first year—the only time he has had a losing season—to an unbeaten season in 1956. In 4 years at Texas A. & M. he compiled a 25–14–2 win-loss record, including a southwestern conference title and a bowl bid.

In 1958, Coach Bryant answered the call from his alma mater, and his return to Alabama that year began a highly successful rejuvenation of 'Bama football, as he extricated the Crimson Tide from the morass of defeat and restored the pride and tradition of the great name of Alabama football teams.

Sixteen of Coach Bryant's Alabama players have been cited for all-American honors. He had five all-Americans at the University of Kentucky and four at Texas A&M, one of which, John David Crow, also won the coveted Heisman trophy.

Bryant was named coach of the year in the Nation in 1961, has been the Southeastern Conference coach of the year several times, is on the Board of the American Football Coaches Association and in general has been accorded virtually every honor possible in his profession. Just last week, Coach Bryant was cited by Sports Illustrated magazine as one of the eight outstanding college football coaches in the Nation.

The television networks clamor for the University of Alabama football teams, for they know national viewers will be provided with interesting, fast-paced, and hard-hitting action, which is the trademark of Bryant-coached football teams. The Crimson Tide has appeared on television 27 times in Bear Bryant's 13 previous seasons at Alabama.

Coach Bryant is married to the former Mary Harmon Black of Troy, Ala. They have a son and a daughter and four grandchildren.

Yes, Mr. President, we of Alabama are extremely proud of coach Bryant, his magnificent record and his many contributions to athletics, not only at the University of Alabama but throughout the Nation. No one has served the cause of intercollegiate football with greater devotion than coach Bryant. He has inspired the most profound respect, admiration and affection among his contemporaries, and the example of his accomplishments will indeed be an inspiring challenge to young coaches everywhere.

His great record as a coach and as a man and his ability to lead men have drawn to the college at which he has coached hundreds of the finest athletes in the Nation. The inspiration he has furnished to them and the lessons of sportsmanship, teamwork, training, hard work and drive and the will to win which he has instilled in them have made his teams the great teams that they have been and have better equipped these athletes to excel in the game of life after college days have ended. The adulation and respect that men he has coached have for him attests to his great work as a coach and to his qualities of leadership.

I am sure that in the years to come, coach Bryant will continue to enjoy success and make many, many more outstanding contributions to the cause of intercollegiate athletics.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. ALLEN. I am very happy to yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to be associated with the remarks just made by the Senator from Alabama. I have known Coach "Bear" Bryant for a number of years.

I think he is one of the greatest coaches of all times. He is not only a great coach who has practiced clean sportsmanship and has instilled his players with like principles, but he is also a fine citizen.

I look upon him as a great American. I am very glad that the distinguished Senator from Alabama has made the remarks today that he has.

Mr. ALLEN. Mr. President, I thank the Senator from South Carolina for his kind and friendly remarks concerning Coach "Bear" Bryant. Coach Bryant also will appreciate the distinguished Senator's remarks.

Mr. President, I thank the distinguished Senator from South Carolina.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. GRAVEL. Mr. President, the efforts of the House-Senate conference on the extension and revision of the Draft Act were clearly unsatisfactory from the point of view of this body. Various provisions were adopted here by significant margins and then were severely emasculated or even ignored by the conference. Some areas of difference between the two Houses, such as the extremely important Mansfield amendment, have received considerable attention as being significantly altered by the conference. Others have not been so noted. It is my purpose today to discuss most of the areas of difference in which the will of the Senate was ignored.

First of all, I personally am opposed to further extension of the authority to conscript young men to die in a senseless war in Southeast Asia. I shall vote, in any case, against extension.

But I am also determined that those improvements in the draft bill made by the Senate not be compromised away. The Senate, and I am proud of this, took some important steps toward improving the Selective Service System. Many of the vitally important provisions were gutted by the actions of the conferees.

I do not believe that this body should stand by and see its will trampled upon in such a manner. A new conference with the House is in order, one which will not reconcile the differences between the two Houses by ignoring the position of one House in favor of the other, but a conference which will work earnestly at embodying in the final bill the intentions of both Houses.

Thus, the conference should not dismiss out-of-hand legislation which passed this body, but which was not considered by the other body. How are the conferees to know how the House of Representatives would have voted if they had considered the measure? Surely, the Senate did not consider and pass a provision knowing that the House bill did not contain a similar provision, solely for the exercise. It intended that its wishes would be considered, and barring obvious conflict with the House, would be submitted to both houses in the conference report for final approval.

I, therefore, believe it important that a new conference be held to consider the following areas in which the Senate acted, only to find its will reversed.

THE MANSFIELD AMENDMENT

This landmark legislation passed the Senate by a considerable margin. The conference deleted its central provision, the 9-month withdrawal deadline. Further, the emphasis was shifted from one of national policymaking to one which vaguely expressed the sense of Congress. Such action clearly flies in the face of the will of the Senate. The reason this body passed the amendment was not to say what was on our minds, but to have a clear effect on the Nation's policy with regard to Southeast Asia. The Senate wished to assert its responsibility in this area, not with mealy-mouthed statements of hope, but with action which can bring results. The conference did not effect a compromise on this matter. It destroyed the amendment and the intention of the Senate beyond all recognition.

CONSCIENTIOUS OBJECTION

The conference rejected the Senate amendment prohibiting the induction of an individual who claims conscientious objector status after an induction order is received by him. Instead, the conference stressed that local draft boards could, in unusual cases and at its discretion offer the opportunity for a hearing to the registrant. The action of the conferees is counter to attempts aimed at achieving some measure of uniformity within the Selective Service System. We have seen and, on the basis of this decision, can expect to see, instances of identical cases in which one board grants a hearing, while another denies it. This only continues discriminatory and capricious treatment of registrants by the Selective Service System.

More important, at issue here is the belief of an individual, not the timing of his appeal. It is absurd to have a conscientious objector inducted denied his rights, and forced to act against his convictions, only because he filed an application later than others. Further, should the individual later be discharged from service under criteria which are the same in the Armed Forces as in selective service, the Government will have wasted time and money in training, housing, and paying him.

PAY PROVISIONS

The action of the conference in this area gives the word "compromise" a new and unique definition. Here, a higher dollar amount was passed by one House than the other for specific pay grades within the Armed Forces. The compromise was an amount lower than the two, not one in between.

In pay grades E–1 to E–4, the first termers, the House and the Senate had passed significant increases in regular military compensation—including basic pay, basic allowances for quarters and subsistence, and the tax advantage which is possible because the allowances are not subject to income tax. The conferees agreed to a lower amount than either House had passed. Generally, the Senate measure had been designed to provide increases throughout the lower pay grades of the Armed Forces, with the more significant increases among the first termers to encourage enlistments and to speed progress toward an all-volunteer force. Their increases largely followed the recommendations of the Gates Commission. The House version, on the other hand, was designed to supply sizable increases throughout all pay grades to provide equity with the more significant increases among the careerists to encourage them to remain in the Armed Forces.

What resulted from the conference were across-the-board increases which treated all pay grades to a basic increase. This, in effect, favors the careerists over the first termers, since it is the latter whose pay has not been on a competitive basis with civilian employment for some time.

I ask unanimous consent to have printed in the RECORD a table showing a comparison of average regular military compensation which provides a thorough picture of what the two Houses tried to do, and the conference results.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION

Pay grade	Present	House bill	House increase over present	Senate bill	Senate increase over present	Conference	Conference increase over present
0-10	$40,827	$43,827	$3,045	$40,827	----------	$42,725	$1,898
0-9	36,319	39,169	2,850	36,319	----------	39,107	1,788
0-8	33,042	35,772	2,730	33,042	----------	34,751	1,709
0-7	29,065	31,654	2,589	29,065	----------	30,689	1,624
0-6	24,850	27,197	2,347	24,850	----------	26,389	1,539
0-5	19,796	21,821	2,025	19,796	----------	21,122	1,326
0-4	16,527	18,234	1,707	16,527	----------	17,630	1,103
0-3	13,516	15,025	1,509	13,591	$75	14,501	985
0-2	10,166	11,474	1,308	11,138	972	11,045	879
0-1	7,807	8,985	1,178	9,611	1,804	8,659	852
W-4	16,088	17,653	1,565	16,088	----------	17,074	986
W-3	13,097	14,537	1,440	13,097	----------	14,023	926
W-2	$11,104	$12,299	$1,195	$11,108	$4	$11,859	$755
W-1	9,033	10,138	1,105	9,195	162	9,738	705
E-9	13,417	14,919	1,502	13,417	----------	14,392	975
E-8	11,571	12,812	1,241	11,571	----------	12,334	763
E-7	9,980	11,063	1,083	9,980	----------	10,634	654
E-6	8,611	9,550	939	8,647	36	9,160	549
E-5	6,889	7,691	802	7,248	359	7,356	467
E-4	5,253	6,457	1,204	6,329	1,076	6,189	936
E-3	3,931	5,893	1,962	5,831	1,900	5,663	1,732
E-2	3,345	5,484	2,139	5,530	2,185	5,311	1,966
E-1	3,165	5,036	1,871	5,520	2,155	4,872	1,707

Mr. GRAVEL. The chart demonstrates, for example, in pay grade E–1, the recruit, the present regular military compensation is $3,165. The House increased this by $1,871, to $5,036. The Senate increased it by $2,155 to $5,520. The conference raised it by an amount less than both Houses, $1,707 to $4,872. By contrast, in pay grade 0–10, the present regular military compensation is $40,827. The House raised this by $3,045 to $43,872. The Senate granted no increase, leaving it at its present level. The conference increased it by $1,898, to $42,725.

This shows that the conference report provides the first termers—who were the target of pay reform in the first place—with a lower rate of compensation than they would have received under either the House or the Senate bill. Only the careerists are given a compromise that comes close to splitting the difference between the two bills.

A compromise was possible on this matter, one which would not have redefined the term out of existence, but rather one which would have stayed within the overall dollar limits established by the House and the Senate. This real compromise would insure that no pay grade would be given annual compensation lower than that passed by either House.

The Defense Department has prepared such a compromise at the request of Mr. WILLIAM A. STEIGER of Wisconsin. The Pentagon compromise would provide the E–1 pay grade, the recruit, with an increase to $5,150 in regular military compensation per year. This is $114 over the original House amount, $170 lower than the original Senate amount, and $278 above the conference amount. The same proportions hold true for the other first-term pay grades as well.

At the moment, there is some dispute about the effective date of these pay raises, which could be in violation of the President's wage and price freeze. Shortly after the freeze was imposed, the Department of Defense said that it would ask the Congress to delay the effective date until mid-November, immediately at the end of the 90-day freeze. This past week, Secretary Laird asked that the conference report not be changed, and that the October 1 effective date remain.

Secretary Laird's reasoning was that pay raises specifically mandated by Congress with knowledge of the freeze would supersede the President's authority in establishing the freeze. Surely such reasoning, while perhaps not violating the letter of the law, flies in the face of the wage-price freeze.

It is interesting to note where the October 1 effective date came from. It was not contained in either the House or Senate version of the draft bill. Both had set the same effective date, the first day of the first month following enactment. As part of their redefinition of compromise, the conferees arbitrarily set October 1. If as many hope, the draft bill is delayed in order to remedy other problems, this action by the conferees could make the pay raises retroactive. On the other hand, had the Senate acted promptly in approving the conference report, the conferees' action would have delayed the raises.

SURVIVING SONS

The House-passed version of the draft bill provided an exemption for sole-surviving sons to include all members of a family if a father or brother or sister had been killed in the line of duty, or is totally disabled as a result of injuries during service. The Senate version broadened the provision to those who have lost a member of their immediate family through service in the Armed Forces. It also said that this provision would be retroactive to pertain to those already in the Armed Forces.

The Senate language was adopted by the conference with two important changes which were without basis in the action of either House. First, the provision applies only to those whose family member died after January 1, 1960. Second, it specifies that deceased family member must be of "The Whole Blood."

These changes, particularly that of the effective date, destroy the intent of the Senate in attempting to provide broadened exemption for sons of fathers who were killed or wounded and subsequently died of those injuries incurred during the Second World War or Korean war. Under the conference version, the former sole-surviving son exemption applies in such cases. Thus, the exemption is available only to the sole remaining son in a family which has lost a father, brother, or sister.

COLLEGE REENTRY RIGHTS OF VETERANS

The conference removed the Senate amendment requiring colleges to readmit veterans who earlier had been inducted into the Armed Forces. Because of the section of this amendment dealing with counseling of veterans, the House conferees insisted that the total amendment was not germane to the legislation. While this may be true of the counseling provision, it is not true of the right of reentry into college. Section 9 of the military Selective Service Act deals extensively with redeployment. Certainly if the legislation can go to great lengths in guaranteeing that a veteran can return to his job, it can do the same to assure that he is readmitted to his educational institution.

SIMULTANEOUS REGISTRATION FOR THE DRAFT AND FRANCHISE

The Senate had passed an amendment providing for simultaneous registration to vote in Federal elections for 18-year-olds at the time they register with selective service. The conference deleted this provision on the advice of the director of selective service that it would create "severe administrative difficulties." The maximum burden here would fall not upon selective service but local election officials. In fact, a procedure could be established so that selective service officials would only need to supply a form and envelope to the registrant.

It is difficult to understand how the conference can act in such a cavalier manner in rejecting this decision of the Senate. It is not the duty of the Congress to guarantee the agencies of the Government that their tasks will be easy. Rather, it is their duty to carry out the will of this body. If that produces difficulty and the need for new procedures, that is their problem.

DRUGS AND ALCOHOL

On June 9, the Senate passed by 76 to 0 on a rollcall vote, an amendment which would require the military to accept responsibility of offering prevention and treatment services to members of the Armed Forces found to be dependent on drugs. The amendment outlined the obligation of each military service to locate and identify these individuals, and to encourage them to seek treatment and rehabilitation services without fear of criminal or administrative punishment for addiction itself.

The conference deleted the amendment, citing the administrative difficulties for the Department of Defense and the problems which medical confidentiality would cause the military services in establishing evidence for courts-martial. The conference instead agreed on a limited amendment which requires the Secretary of Defense to prescribe procedures of the identification, treatment, and rehabilitation of members of the Armed Forces who are drug or alcohol dependent, and to inform the Congress within 60 days of his plans and programs.

PROCEDURAL RIGHTS

While four points of this Senate amendment were accepted, the amendment was severely weakened by denying the right to counsel, on the grounds that it would "require an unacceptable increase in the workload of local boards," would require attorneys for each local board, and give advantage to those with economic status.

The Selective Service System is the only agency of the Federal Government which does not allow right to counsel before administrative hearings. This is ironic since it is the only agency empowered to place an individual in a position where he is denied most of his individual liberties, and may well be subject to loss of life and limb. The need for legal counsel is pointed out by the frequent errors in local board procedures and rulings. The simple fact is that thousands of draft registrants are denied due process of law because of erroneous action by local boards, which goes unchecked through lack of right to counsel.

Regarding the need for lawyers in the system, each board is now required to have a Government appeal agent, who is responsible to both the registrant and the board. Legal experts before the subcommittee on administrative practices and procedure of the Judiciary Committee pointed out in 1968 that this probably violated the Cannon of Ethics regarding the confidential relationship between client and lawyer. The appeal agent could be made solely responsible to the board. As to the charge that this would lend economic bias to the system, this is nonsense. Currently the affluent have an advantage in that they can engage private counsel to prepare the necessary materials for appearances and appeals, while the less affluent have no such access to the legal expertise needed to analyze this most complex legislation. However, granting the individual the right to counsel would in fact extend the privilege to rich and poor alike. In practice, existing legal aide and legal services facilities at the moment do not accept clients with draft problems because the law does not afford such clients the right to counsel. Only after criminal charges are leveled against the registrant do such organizations become involved. Granting the individual the right to counsel would have the effect of making available to him the services of lawyers at little or no cost.

As for the charge that it would bog down the system, the conferees are simply admitting that local boards are frequently acting without proper regard for the system's own rules and regulations, for if young men are properly inducted, there will be no case. The right to counsel does not after all, grant additional right to trial or appeal. It simply provides that someone trained in the law will be present to insure that the law is being followed.

STUDIES

Senate conferees receded on requiring a study of housing needs, and also modified a report on manpower requirements.

Conferees said military housing is "already the subject of a sufficient number of studies." This is, in a sense, true. There is a study of the variable housing allowance—which would provide additional benefits to families in high cost areas. There is a study of the "fair rent system"—which would pay to the married GI the difference between the value of his Government housing and the amount of his basic allowance for quarters, instead of having him forfeit the entire allowance.

There are also studies of the relative merits of having bachelors, at different ranks, living on or off bases. Similarly, consideration has been given to equalizing housing opportunities and payments to both married and single men.

In any case, there has been no attempt to integrate these studies, to put priorities on the projects, and to determine what mix of construction and allowances, what mix of on and off post living, is desirable. It is that integrated approach which is essential for swift movement to a volunteer force, which is now lacking in the military construction and military compensation systems. The report is essential for these reasons.

As for the manpower report, it is extremely important that the Congress know precisely what the effects of a 10-percent cut in manpower requirements would be. Throughout society today, there is considerable questioning of our military needs. The excuse that the Pentagon does not wish to study programs which are not those of the administration does not wash. All agencies of Government study alternative programs, either on their own initiative or at the insistence of Congress. Surely this matter is no different. One can only conclude that the real reason is motivated by the fear that evidence will be revealed by such a study confirming repeated charges of manpower waste and inefficiency.

HIGH SCHOOL COUNSELING

The Senate passed an amendment that selective service prepare materials suitable for use in high schools to provide guidance to young men about to register for the draft. In addition, it granted independent organizations and groups the right to provide alternate counseling in the high schools. The conference deleted the provision, reasoning that the Congress had no authority to compel high schools to follow these procedures. This is nonsense, for in fact, the final decision in both areas was left clearly in the hands of local school officials. Further, the good which this provision would do in providing assistance to young men faced with vitally important decisions surely is worth the test of whether the Congress has the authority to make such a law.

Mr. President, these areas are all of utmost importance if we are to have legislation which corrects the admitted faults of the Selective Service System. Acceptance of the conference report would reverse the trend toward those ends which were initiated this year in this body. Moreover, it would discard summarily, the weeks of debate and the work of many Senators in preparing legislation sorely needed if we are to function at all responsibly in conscripting young men to give up their lives and well-being.

We cannot say, "we tried and failed." We must say, "we will try again." Now is not the time to yield on this matter. We must have a further conference, one which will reconcile the differences between the two houses into a responsible piece of legislation which upholds the intent of both houses.

Mr. President, I ask unanimous consent that, without losing my right to the floor and without having my subsequent remarks count as a second speech, I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Under the previous order, the Senator from Alaska has the floor.

Mr. GRAVEL. Mr. President, when I yielded the floor before, I did so with the understanding that my subsequent remarks would not be counted as a second speech. Does that give me the floor automatically? If so, I yield the floor.

Mr. STENNIS. Mr. President, I had understood that the floor had been yielded unconditionally.

Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on adoption of the conference report.

Mr. STENNIS. Mr. President, anticipating taking up the conference report, I have some remarks that were prepared for the purpose of explaining the military pay provisions and other provisions of the conference report. The remarks on the pay provisions were prepared prior to the time the Senator from Colorado (Mr. ALLOTT) had spoken. I would propose to continue the original text of my explanation of the pay provisions and then, at a later time—but not at this time—make a direct response to the arguments of the Senator from Colorado.

Mr. President, the pay provisions of the conference report are rather involved; on first blush they are not easily understood. This matter of military pay is a complicated one. I found that out in 1957, I think it was, when I handled my first military pay bill and held hearings on it. That was the first time I became deeply involved in this subject. It is very complicated. That is one of the reasons why an amendment on pay should be worked out by someone fully competent in all the basic structure of this subject. I am not talking about a Senator but of someone working on it when the original bill was put together, one who really understands all the ramifications and where the different pieces fit in.

We have before us a conference report, one provision of which came in through the House bill that had full, overall preparation, and another one first recommended by the Gates Commission, which did not, in my humble opinion, give as balanced a consideration to the provisions of the pay scale as they could have. But, anyway, this is the only pay bill now before the Senate for the military this year. I think that the probabilities are, if this one is not passed, there will be no pay bill at all this year for the military. I am almost certain that there will not be one any more favorable to the military than the one before us now. It is a long, rugged road to travel to get to the final act of getting a complicated bill like this passed, carrying additional billions of dollars. This one has come to the last step along that road carrying well over $2 billion in increases, and if it is rejected now and does not become law, I think it leaves in jeopardy and in a high degree of uncertainty the question of when a military pay bill will be passed—whether one will be passed this year, if at all, and what the level of pay will be. I do not think it will be a higher level of pay than this one.

On the Senate floor, in the regular give and take of debate, we often talk about pay packages. We lump a number of pay components in tables headed "military compensation." In short, Mr. President, we deal in generalities.

Understandably, the press listens to us and deals in the same generalities. The public, exposed to the media reports, becomes generally familiar with the general questions involved in raising military pay.

At the conference table, however—inside the closed committee room—there is, as Senators know, a very different kind of debate. At issue are specific amendments—the separate components of military pay. Participants in this closed-door debate are often quite expert, and they are often committed, as a matter of principle, to one or another component of the pay structure.

In our long pay controversy, Mr. President, floor debate centered on such lump sums as $2.7 and $2.8 billion—the cost of the whole House and Senate pay packages. Inside the conference committee room, however, there were seven pay elements at issue when Senate conferees faced their House counterparts.

At least three of these elements were controversial, in and of themselves: Basic pay, quarters allowance, and the proposed enlistment bonus. All three were treated differently in Senate and House versions of the bill.

House conferees were particularly adamant, Mr. President, in defending their $1.8 billion basic pay provision. Very simply, they said they would not budge—and did not.

In the end, the House prevailed on the basic pay issue. However, the Senate prevailed on the yes-or-no issue of an enlistment bonus. I might add here that the enlistment bonus is a major and significant innovation in military pay which the House conferees finally acceded after vigorous opposition. That is a matter that I was familiar with. I did not particularly favor it on a personal basis. However, when I saw that the voluntary concept was going to be adopted to the degree that we were not going to have a draft bill extending beyond 2 years, I saw that something had to be done to see if this enlistment bonus could help make it work.

I thought that if we cut out this bonus for enlistment for the man who carries the rifle, we would be throwing away one of the items favored by the President of the United States and the Gates Commission. Senators on the floor favored it. When the matter was attacked on the floor, I defended the bonus measure. The matter was kept in the bill. I defended it and held out for it in the conference, as did others. We finally prevailed. The matter is here now as a part of the conference bill, solely as a Senate provision.

Mr. President, let us not think that that $20 million is a small program. That is just the very tip of the iceberg that shows above the water. If this system is to be used, all of the services are going to want it, and they are all going to want to use it. There will be raging competition among these services. And that is not to their discredit. It is just a reflection of human nature.

Those allowances can run into a billion dollars very quickly over the period of just a fairly short time. That could turn out to be a very large feature of this bill. I do not know what precise calculations have been made. I do not know how far those who say that the Senate yielded on everything have gone in calculating what the bonus enlistment could amount to in the years ahead.

On the question of quarters allowance, pressed by the House with almost equal vigor, a compromise was reached.

That is how the $2.8 billion package became a $2.4 billion package, lower than either House. Procedures and principles were involved, Mr. President, as well as dollars and cents. It was, as Senators who have participated will understand, the resolution of a number of separate but related controversies—not devious parliamentary maneuvering as suggested by a simplistic column in one of the news magazines.

Whatever else is said of the $2.4 billion package, Mr. President, it has apparently accomplished one thing. While all the congressional packages—Senate, House, and conference—are more than double President Nixon's original guidelines, the administration has accepted this fact.

I do not personally favor the high schedule. However, I was pleased to get a balanced package and one that I thought was sound and that fit in well with the military pay compensation and fringe benefits. That is what we finally agreed on.

It was really an incidental matter that this came out to be lower than either the Senate or the House version. I really did not know that until we had reached an agreement on these principles. Anyway, it ought not to have to be apologized for that conferees do not come back with the highest possible figure.

We throw figures around here recklessly at times. I think no one knows how the bill is going to be paid for.

They will have to be significantly over the budget on military pay and allowances, and we do not propose a new tax to pay for it. The budget deficit last year was more than $23 billion. We are faced with an anticipated budget for the current fiscal year that will be closer to $30 billion.

We spend money in this fashion and throw in billions of dollars. Now the proposal is that we reject this conference report because it will not include $300 million extra although no one knows how we will obtain the funds. Some future generations will have to pay for it. We will not have to pay for it ourselves.

I think it would be well to give very acceptable and favorable consideration to the conference report and certainly not reject it because it is not high enough.

The administration has now accepted this great increase that the Congress, the Senate and the House together, has put in, and the conferees have agreed on it and have recommended it. It has been accepted in the House of Representatives, and, as I say, by the White House.

It now gets down to the Senate and the essence of the proposal made by some is that we reject it because it is not enough. That is what it boils down to. It is said that we should turn it down because it is not enough.

Secretary Laird has now asked for prompt approval of the conference report. Considering the vital subject matter of the overall draft bill, there seems to be no doubt that the President would approve the conference version.

That, Mr. President, brings up another question of great importance which should be considered carefully by all Members of the Senate.

I do not want to leave any doubt here about the fact that the President is for the conference report.

Mr. Laird's letter states "the executive department." That means more than the Department of Defense is supporting the conference report.

I believe it is quite clear that, on August 15, when President Nixon ordered his wage-price freeze, conferees for the Senate and House had already agreed on a $2.4 billion military pay package, and, as I have said, it is equally clear that President Nixon—in freezing wages and prices—envisioned the military pay provisions included in the conference report—that is, the $2.4 billion package.

There has been speculation that the White House will act, one way or another, to defer any pay increases once Congress has written them into law. That, of course, is a matter for the President to decide. He could, if necessary, ask Congress to take further action later.

Now, however, with wages and prices frozen, and the President developing a follow-on program of wage and price restraints, it is proposed that the congressional conferees change signals and add an additional $300 million to the package in which President Nixon has, however reluctantly, acquiesced.

If ever there was a situation where we are coming and going at the same time, it would be in this attack, this onslaught on the pay provisions of the conference report. The President told the people—and I think he took a bold and laudable step—that our economy is imperiled, that our dollar is suffering abroad, that inflation is eating up the wages and earnings of the people and sweeping away their savings. He said that, therefore, we have to control the economy so that instead of an upward spiral we will hold in place or make some reductions.

If we were to take this action we would be freewheeling along in the face of the President's position. Most of us have said we thought he was right in freezing wages and prices except that he did not go far enough.

Now it is proposed that we go in a totally opposite direction, completely against what the President said. The Senate is urged to turn down the conference report because it does not increase those wages enough and there is an effort to put $300 million more, on a yearly basis, in the bill.

It the people stop to analyze our position and what we propose to do and what we say on the other side about supporting the freeze, we will not look good at all. I do not know how anyone can say that he backs the President in his effort to meet our economic situation and at the same time vote down the conference report because it is not high enough even though it would provide more than $2.4 billion in extra pay.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. STENNIS. I will yield briefly to the Senator. When I have completed my remarks I will yield to him fully.

Mr. GRAVEL. I was curious about the item of pay for generals. The pay for generals now appears to amount to more than we as Senators make and in addition they have chauffeurs, quarters, and the like. Personally, I was very surprised that we are paying them more than we are paid.

I wonder if the Senator would comment on that.

Mr. STENNIS. Well, there is a very small amount involved in that part of the bill.

Mr. GRAVEL. I was not thinking of that.

Mr. STENNIS. It is something that does not have particular appeal to me but I think it is a very small matter.

Mr. GRAVEL. I was not thinking of the gross amount. I was thinking about the amount compared with the gross value. Maybe I am in error. Maybe generals are worth more in pay than we are as Senators. We make $42,500. If we take the pay of generals, together with the allowance for automobiles, housing, and other allowances, they are receiving $50,000 or $60,000 a year. It does not disturb me that we are paying them that, because I think we are underpaid. I am distressed—maybe the word would be jealous—that I am not making as much as the conferees think they should make.

Mr. STENNIS. It is such an infinitesimal part of the bill that the Senator can put to rest his fears and worries about it. Most of these generals live on the base in Government-owned buildings and do not draw the quarters allowance, which would increase a four-star general's total compensation to just over $42,500. Most of them who do draw a quarters allowance are off on some other mission, sitting as commissioners, or something like that. We have too many of them in that category, but some of them are living in housing that is 150 years old down here in the city. The excess is not enough to count. If I were starting out to write a new pay scale, I would make it different in some places.

I think Senators should carefully ponder the implications of such an action. I know it will be argued that the House, in its initial deliberations, voted for a $2.7 billion package and the Senate approved benefits totaling $2.8 billion. Those actions, however, antedated the President's new economic program. They were prefreeze.

I think the repercussions will be very serious if Congress, now, after the freeze tosses another $300 million into the kitty. It will, for one thing, appear that while President Nixon is at work building an economic fence against inflation, Congress is ploughing through it with a $300 million bulldozer.

They say they have to have $300 million extra to take care of the volunteer army proposition. Who is the father of the volunteer army concept? It is President Nixon himself. He is the man who planned it and recommended it; but he said we have to have this draft bill for a minimum of another 2 years.

We want to see some of these pay increases, but we have gone far beyond the architecture and pay scale of the man who made the original recommendation. We pulled him up from $1 billion to this $2.4 billion. That figure was settled in conference before the freeze, but while the President is trying to hold down these matters we are going to take his program and up it another $300 million annually. How far can we go?

It will surely be said, Mr. President, if the conferees should now reconvene and approve a higher figure, that Congress had authorized another round of wage increases.

Think of that. After this message of the President, which was received by the Nation—and everyone has been applauding the President—Congress comes up here and before there is time to turn around we would revise the conference report and send it back to conference with the idea that we are going to add $300 million per year to it. That would be a good start for everyone else who wants another round of pay increases.

More importantly, this action by Congress, during the freeze, would set a precedent under which labor unions and other groups seeking exemptions from wage restraints will be able to cite Congress as the freeze-breaker in justifying their wage demands.

We can say, as often as we like, that we originally wanted $2.8 billion in wage benefits for the military. Spokesmen for other groups will reply by citing their own prefreeze goals.

May I remind Senators that many Americans have already bought new homes or cars this summer on the basis of wage increases, negotiated and final earlier in the year, which will not be available when the monthly home or auto payment bill comes due.

I suggest that each Senator give careful thought to this very important consideration which, as I have indicated, has implications which go far beyond the question of military pay and allowances.

I am speaking now to just two or three Members of the Senate, but I hope by this process to get these facts into the RECORD, so these facts can be read by more of the membership and more of their staff members. They will get the full implication of just what this proposal is—to reject the conference report and send it back to conference so that more money can be added to it. If the pay scales ever become a subject open for debate, I think we will have amendments to reduce what the conferees have done. If it ever becomes an open question again, I would not mind taking the lead to reduce these levels somewhat. If we are going to be honest with other people, and ask them to take reductions and forgo awards that they think they are entitled to, we make it an open issue again.

There has got to be some fairness somewhere about this freeze. If we open it up now and get it back here on the floor of the Senate for open debate, just as sure as we are standing here there is going to be another kind of thought, to the effect that this conference report now already is too high. I do not want to go back into that. That is why I warn here and now that this is a military pay bill that is right on the brink of being passed and being made law, and I do not know how long it will take to get another one that is this far along, with this much money in it—perhaps not this year.

MILITARY PAY AND MILITARY BUDGETS

Mr. President, I would like to comment, now, on the effect of present military pay scales on the defense budgets of recent years and the force levels which they have financed.

I want to repeat at this time some of the major points I have made before in regard to the serious problem of growing personnel costs: by the narrowest definition of pay costs—that is, cash payments to military and civilian personnel, plus food and clothing issued to them—pay in fiscal year 1972 will amount to about $39.5 billion, or over 52 percent of the defense budget as compared to only 43 percent in fiscal 1964. I have a chart here that provides a breakout of this $39.5 billion figure. If a reasonable estimate is included for indirect personnel costs, such as troop housing and training, then pay and personnel-related costs would be close to $50 billion—about two-thirds of the total defense budget.

I ask unanimous consent that at this point I may insert into the RECORD a summary of direct pay and allowances.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Summary of direct pay and allowances for fiscal year 1972

[Outlays, millions of dollars]

Military personnel, active forces:	
Basic pay	$13,481
Reenlistment bonus and continuation pay	407
Separation pay	414
Incentive pay, special pay, and proficiency pay	$885
Allowances (quarters, officer subsistence, clothing, etc.)	1,980
Subsistence of enlisted personnel	1,189
Permanent change of station travel	1,089
Other costs (death gratuities, and other)	95
Total, active forces	19,540
Reserve and Guard forces	1,349
Volunteer force	2,200
Retired military personnel	4,000
Family housing costs (excl. pay)[a]	578
Civilian payroll	11,851
Total, pay and allowances	39,518

[a] This is the cost of operation, maintenance, and construction of family housing, which housing is largely occupied by military personnel who then forfeit their quarters allowance.

Mr. STENNIS. Mr. President, no discussion of pay costs can be complete without also considering manpower changes and their impact on the budget. In this regard, it is significant to note that military strength in fiscal year 1972 is considerably below the prewar 1964 level—strength is down 278,000. With this in mind, I want to reemphasize that pay and related costs in fiscal year 1972 will have risen by $6.9 billion since fiscal 1968, while manpower has fallen by over 1.4 million. That is, since fiscal 1968, inflation—largely pay increases—has cost us $6.9 billion, plus 1.4 million jobs. Measured from 1964, the picture is even more startling. Pay and related costs have risen by $17.5 billion, while manpower has dropped by 285,000.

In force structure, the Army will have only 13⅓ divisions as compared to 16⅓ in fiscal 1964. The number of aircraft carriers will be 16 as compared to 24 in fiscal 1964. The number of Air Force attack squadrons will be 105 as compared to 119 in fiscal 1964. The number of commissioned ships will be 658 as compared to 932 in fiscal 1964. The number of fixed wing aircraft will be 20,000 as compared to 25,000 in fiscal 1964.

As you can see, Mr. President, the Department of Defense has not only been reduced significantly in manpower, but also in force structure and hardware.

The increase in costs of military retired pay is another significant element in the inflation picture. The cost of retired pay has more than tripled since prewar 1964, from $1.2 billion to $4 billion in fiscal 1972. This growth is the result of increases in the retired population, at the rate of 50,000 per year; of pay increases—97 percent in basic pay since 1963—and of increases tied to growth in the cost of living since 1964—approximately 32 percent. These retired pay increases, from a budgetary viewpoint, are the same as regular military pay raises in that they involve payment of more dollars without adding to current forces or providing additional hardware. I might also add that if the economy continues to grow at its present rate, retired pay costs are expected to exceed $6.9 billion by fiscal 1980, and $16.4 billion by the year 2000.

Military pay increases constitute by far the largest element of the increased personnel costs in the defense budget. For example, the average basic pay of military personnel, not including the conference report increases, in fiscal 1972 is 97 percent—almost double—the 1963 level. If we include the conference report pay increases it will be approximately 120 percent above the 1963 level. If we add the approximately $2.4 billion annual cost increases in military pay proposed by the conference report, we find that military pay has been increased by over $11 billion in just 8 short years since 1963.

Still, those who want to defeat this conference report say that is not enough. In the face of all these facts and in the face of the freeze against all others, they want to put $300 million per year into this bill—$300 million each year hereafter.

At the present time I am having the staff of the Armed Services Committee conduct a major review of military manpower requirements in the Department of Defense. It is my hope that we can achieve some reductions in manpower.

I have intentionally repeated some of these points. I have repeated them because I believe they are of signal importance.

I cannot emphasize enough, Mr. President, the fact that, along with military pay, we must concern ourselves with being able to provide the first-rate weapon systems for our man in uniform amid constant pressures to reduce the defense budget.

One of the strong points about continuing to go up so rapidly in all the costs of personnel is that that is bound to have its inroads into what is actually needed in the way of very expensive weapons that we cannot afford to neglect. I mean the newest and best weapons in the air, on the ground, and on the sea. There is a fierce battle going on now when we see it projected 5 and 10 years in advance. If these personnel costs continue to go up—and I do not want to leave them underpaid; I want to reduce the number of personnel.

But if these personnel costs continue to go up at the present rate, there is not going to be enough money to pay for the weaponry that is necessary. The military budget will rapidly rise to $100 billion a year, and very fast thereafter.

THE CONFERENCE REPORT

Mr. President, I would like now to explain why I think the conference pay provisions are an excellent compromise between the original Senate and House pay proposals.

The conference pay proposal is well balanced and comprehensive in that it provides for attraction of first-term personnel, as well as for retention of vitally needed career personnel.

That is one of the ways in which the House figure appealed to me as being sound. We should not put all our money on these first four lower grades as they are coming in; we should put some of this extra money on the noncommissioned officers, for example, because we want to have some inducement for those men who prove worthy during their first 2 years of service—those who prove worthy and may want to stay. In other words, we want to have a balanced pay increase, across the board, rather than one just for the recruit.

This conference proposal:

Is eminently fair in that it eliminates the inequitable treatment of enlisted personnel with under 2 years of service;

It provides for a badly needed housing allowance increase for all military personnel.

Housing allowances are one of the main items that confronts both the recruit and the sergeant, and their wives and families.

It raises military families above acceptable poverty guidelines.

Let me discuss for a moment each of these points in turn.

BALANCED PAY PROGRAM FOR ALL MILITARY PERSONNEL

The conference pay proposal provides a better balanced pay program for all our military personnel. While $1,573.8 million, or 86.2 percent, of the $1,825.4 million increase in basic pay under the conference agreement goes to personnel under 2 years of service, the careerist—the backbone of our military service—is not ignored. If all-volunteer forces do ever become a reality—assuming that they can—then it will be vitally important to keep the valuable and skilled personnel we already have in the service and not neglect them. They must be retained, because of the investment we have in them. There must be a balance between attraction and retention of qualified personnel if we are going to maintain proper capability in our military services.

With all deference to everyone, that amendment, drafted here in the Senate with only a few having the opportunity to really study it, put all the money on getting the man into uniform. That was the intention of those who proposed the amendment, to put all the emphasis on just getting him into uniform. The conference adopted a compromise scale that would put a great deal of money on getting men into uniform—double what the President requested—but part of the money was put on retaining them there, on keeping the men you want and giving them a chance to go on up the ladder.

The conference proposal is, indeed, very comprehensive. It provides pay increases for 80 percent of the active duty force. That is 134,000 more individuals receiving increases than provided by the Senate proposal. In fact, the only personnel not benefiting from the conference proposal are senior officers and senior enlisted personnel living in base housing.

CONFERENCE REPORT ELIMINATES INEQUITABLE TREATMENT OF UNDER 2 YEARS OF SERVICE PERSONNEL

Some have criticized the conference proposal for giving increases to officer personnel at the expense of the junior enlisted personnel. This could not be further from the truth. As a matter of fact, the conference proposal totally eliminates inequitable treatment for under 2 years personnel which had evolved since 1952. If we include the conference increases in basic pay, cumulative basic pay increases since 1952 for enlisted personnel with less than 2 years of service will amount to 189 percent, compared to 151 percent for those with over 2 years of service. Under the rates initially approved by the Senate the percentage increase would be 216 percent for the under two population compared to 161 percent for the over two group.

Mr. President, this may seem long and tedious, and it is tedious. I am just sorry that there was not a better chance to get over to the membership of this body just what the meaning of that amendment was, in all of its complexities and ramifications, when it was adopted during the debate on this bill. I believe if it had been fully explained and gotten over to the membership just what it meant, it never would have been passed by a majority vote, because I feel that the second thought of this body is not to put all the money on these lower four groups, just to get the man in uniform for the first year or two he is in without also having some funds for retention. This Senate amendment—and I speak with all deference to those who voted for it—did not give any consideration to anyone except those in the grade of corporal and below.

I think it is important here to lay to rest the notion that the conference report neglects first-termers by granting increases in housing allowances to officers. This is clearly not the case. From a dollar standpoint, the impact on the first-termer, that is, the economic loss as a result of providing needed housing increases for officers, is not significant. For example, if the cost of housing increases for flag and general officers was distributed evenly across the board in basic pay to personnel with grade E-4—corporal—and below, each would receive an increase of 25 cents per year. If the dollar cost of housing increases for all officers were distributed evenly in pay to E-4—corporal—and below, each would receive an increase of only $9.83 per month. As you can see, Mr. President, the economic disadvantage to the first-termers by providing housing increases to officer personnel is, indeed, relatively small.

The conference proposal will result in an average increase in basic pay for the first-termer of 68 percent, while the basic pay for the E-1 recruit will increase 100 percent, from $134 monthly to $268. Because of rapid promotions, the average individual can expect to attain the grade of E-4—corporal—within 2 years. In this pay grade the average married individual with under 2 years service will receive $6,316 in total annual regular military compensation—which is the sum of his basic pay, housing, and subsistence allowances and the tax advantage on these allowances.

Under the original Senate bill, the regular military compensation of a married E-4—corporal—with under 2 years of service would be $6,433—only $117, or $10 a month more than under the conference proposal. Why is this so? Because the conference proposal provided greater economic improvement for our military personnel than the $2.4 billion annual costs indicates. Although the conference proposal costs $2.4 billion, it provides an additional $287 million in economic improvement because it puts money into nontaxable allowances rather than into totally taxable basic pay. In other words, for an expenditure of $2.4 billion under the conference proposal, military personnel will receive about $2.7 billion in economic gain. May I again note, Mr. President, that this economic gain does not do violence to the President's wage-price freeze.

CONFERENCE REPORT ELIMINATES HOUSING ALLOWANCE INEQUITY

As for increasing retention of vitally needed career personnel, the conference proposal takes a major step by eliminating the inequity, which now exists, between 1.6 million members living on post and 1 million who are required to secure their housing in the civilian economy. This is accomplished by significant increase in the housing allowance which has remained at 1963 levels while housing costs have soared. The rates proposed by the conference achieves 85 percent of the Federal Housing Authority standard for housing expenses on a national basis. Without these increases, members living on the economy are required to divert significant portions of their basic pay to meet their housing needs. The housing increases under the conference report are substantial; for example, a married E-4—corporal—would have his housing allowance increased from $90.60 to $121.50; a married E-6—staff sergeant—from $110.10 to $150; a married O-3—captain—from $130.05 to $195.60.

Mr. President, none of the increases in quarters allowances which I have enumerated were in the Senate amendment. It did not increase quarters allowances at all. These increases are to take care of and help keep and support properly some of the most vital men in the Army or the other comparable services: the corporals, the line sergeants, the staff sergeants, the lieutenants, and the captains. Anyone who knows letter A about the military services—and we all are acquainted with them to a degree—knows that even though other parts are necessary in the personnel, the vital parts, the essential parts, the basic parts of military personnel are within the groups about which I have talked.

The Senate amendment did not increase their allowance scales one bit. So in the settlement by compromise of the good features of the House bill and the good features of the Senate bill, the Senate, for obvious reasons, yielded to the House demands in the field I have just described.

CONFERENCE REPORT VIRTUALLY ELIMINATES MILITARY PERSONNEL FROM WELFARE

We have heard a great deal about military personnel being at the poverty level. We have heard the poverty plea. There were a few cases in which men with a number of children have been accepted into the services, in which higher-ranking men with numerous dependents have been reduced in grade for disciplinary reasons, or in which new men in the service have married, divorced mothers with a large number of chidren. In some of these cases the pay scales in existence then did not total as much as some scales of what is poverty. In any case, the pay scales that we adopted in this conference report will virtually wipe out the problem of this so-called military welfare group. The best estimate we could find earlier was that, under any circumstances, there could be no more than 90 to 95 military families of the types I mentioned that, by any stretch of the imagination, could be eligible for welfare payments under this conference report. I think it can be said that—however much there was to all those arguments—the problem has been totally wiped out, and the issue has been eliminated, as it should have been.

As I said, under the poverty guidelines or the President's proposed family assistance plan it was previously estimated that 95 military families would still be eligible to receive welfare payments under the Conference pay proposal. These would only be in pay grade E-1—recruit—with a family size 6 or more. I have had the Department of Defense explore this figure further and I would like to report now what the findings have been.

Of 133,000 men in pay grade E-1—recruit—it has now been determined that only 14 men with family size 6 or more would be eligible for assistance under the President's Family Assistance Plan. Of the 14, 5 were said to be E-1s because of a reduction in grade—in other words, due to misconduct. I think that this is a highly significant fact as there has been much said concerning the alleged numbers of military members on welfare rolls. I think it important to point out, even for those in pay grade E-1 with family size 6, that they would have to be in the pay grade for more than 8 months before their annual income would fall below the President's low standard of $5,190 for a member with family size 6. The conferees were very proud of the fact that with the conference pay proposal military members would be eliminated from the welfare rolls.

COMMENTS ON GATES COMMISSION STUDY

Before addressing myself, Mr. President, to a discussion of possible criticisms of the conference report, I would like to make a comment on the Gates Commission Study—the basis for the original Senate pay proposal.

I think that Mr. Gates is a very fine man, and I have nothing but high regard for him. I know the Commission acted in good faith. I know the President thought they acted in good faith when he rejected their proposals. It is no reflection on Mr. Gates that the committee of the Senate did not adopt his proposals, and no one understands that better than Mr. Gates.

The Gates Commission study is certainly not the first to recommend changes in the military compensation system. Some members will recall that the Hook Commission of 1948 and Cordiner committee of 1956 recommended changes in the military pay system. Although these studies made great contributions the Congress did not see fit to adopt all of their recommendations. That, of course, does not reflect on the studies themselves, but on the fact that military compensation is very complex and requires a good deal of analyses and study before changes are made. I think, when one makes an analysis of the Gates Commission recommendations, it will be clear that there is an overemphasis on the under 2 years of service personnel at the expense of careerists. Nothing could be clearer than that.

I mentioned the Cordiner committee of 1956. It was their recommendations that we had in the hearings of 1957, and that required a great deal of work by members of our committee. I had the privilege of being chairman of that subcommittee. Some of the recommendations of the Cordiner committee were accepted and some were not, and the matter moved on to a sound bill for its time.

The Gates Commission has made some very fine contributions, but we do not have to take—lock, stock, and barrel—everything they recommended when they were directing their attention solely to a way to eliminate the draft, as they saw it; the President determined that that recommendation had to be rejected because it could not be done so rapidly and the emphasis also had to be elsewhere.

POSSIBLE CRITICISMS OF CONFERENCE REPORT

Let me speak now to some possible criticisms of the conference report.

As I have noted, the first major criticism that has been directed toward the conference report is that its annual cost of $2.4 billion was at least $300 million less than either the House or the Senate bills provided. As I have indicated, the conferees did not and could not start from one particular dollar figure and work up the package. The conferees took each item in its turn. The House conferees were particularly adamant with regard to the basic pay matter. They felt that their basic pay proposal was the most reasonable in that it provided sizable increases for the first-termers while at the same time coinciding with the Department of Defense's fiscal year 1973 pay program. This was a planned program to make military pay in the lower grades correspond directly to those of the higher grades. On the other hand, the House conferees considered it a considerable concession by agreeing to the important enlistment bonus. To them, that was a big thing; and I say over and over again here that it is a big thing. It is larger than anyone knows, unless they have analyzed it to its depth.

I think that all will agree that the enlistment bonus is a major innovation in military pay and a very important step towards increasing the number of volunteers in the military service. Some of the House conferees had strong reservations on the enlistment bonus but eventually agreed to the Senate conferees' insistence on inclusion of this provision in the conference report. I point this out to indicate the give-and-take that took place on each of the items in the conference.

The Senate and House conferees compromised on the important question of housing allowance increases, which I have already mentioned. The House conferees thought it was particularly important to increase housing allowances for careerists in that these allowances had not been increased since 1963. They were reluctant to agree to an 85 percent compromise of their figures as this was approximately halfway toward what they had originally proposed. So in this matter both House and Senate conferees compromised their original positions.

Another possible criticism to the conference report is that it takes away from the junior enlisted men and gives to the officers. I think an analysis of the facts will show that this is clearly not the case. As I pointed out, the under 2 years service personnel have had their pay increased by 189 percent since 1952, compared to 151 percent for the over 2 years service personnel if we include the conference pay increases. This is clearly not taking advantage of the under 2 years service personnel.

If the conferees had accepted the original pay proposal, the percentage increase for the under 2 population would be 216 percent, compared to 161 percent for the over 2 group. As you can see, Mr. President, this would have been clearly out of line. I must repeat that we cannot go overboard in increasing the pay of new enlisted personnel at the expense of our careerists.

COMPARISON OF CONFERENCE PAY PROPOSALS AND OPPORTUNITY EARNINGS FOR HIGH SCHOOL GRADUATES IN THE CIVILIAN ECONOMY

The conference report provides compensation for first-termers which compares very favorably with earnings for high school graduates in the civilian economy. For example, Census Bureau data, adjusted to October 1971, indicates that the average pay of a high school graduate under 20 years of age is $4,289. Under the conference report, average regular military compensation—basic pay, quarters and subsistence allowances and the tax advantage on these allowances—for an E–3—private first class—with 1-year service is $5,603.

Even if we take the Gates Commission estimates for civilian wages for high school graduates, after 1 year of employment—about $5,590, adjusted to October 1, 1971—the conference report's regular military compensation for an E–4—corporal—with 1 year of service exceeds it at $5,951. That is an important answer to those who said, "You did not increase it enough." We take the Gates Commission estimates for civilian wages of a high school graduate after 1 year of employment, $5,590, adjusted to October 1, 1971. The conference report would allow a man at E–4, who is a corporal, with 1 year service—that means the one that is going up—$5,951, almost $400 more. From this it is clear that the pay rates of the conference report compare very favorably with earnings for high school graduates in the civilian economy. Remember that a high school graduate in the military can also collect some significant fringe benefits, such as free medical and dental care, commissary and exchange privileges, and the like, which are not available to his civilian counterpart. Those who recently paid some bills such as those know what that means.

I do not point out the comparison between first-termers pay and earnings for high school graduates in the civilian economy because I feel that we are overpaying our first-term military personnel. What I want to emphasize, Mr. President, is simply that the conference report does a great deal, indeed, to correct the historical inequities in pay between first-termers and their civilian counterparts. I think this is a highly significant contribution of the conference report and should not be overlooked.

SUMMATION

In summary then, Mr. President, we have noted the serious problem of rising personnel costs in the Defense budget. We have seen that at least $1 out of every $2 of the Defense budget is directly related to personnel costs, and if we include indirect costs, about $2 out of every $3 of the Defense budget is personnel oriented.

I cannot emphasize enough my concern with being able to provide funds needed for first-rate weapons to support our men in uniform in view of the constant pressures to reduce the Defense budget.

I think I have clearly shown the conference report to be a most fair and equitable compromise between the original Senate and House pay proposals when all things are considered. The conference report not only dramatically increases the pay of first termers but also provides badly needed housing allowance increases for career personnel.

In addition, the conference report pay rates eliminates military families from acceptable poverty guidelines while also making the pay of first termers competitive with the earnings of their counterparts in the civilian economy. Mr. President, I think the conferees can be justifiably proud of the conference pay provisions. I sincerely feel that when this matter is fully analyzed, it will be seen that the conference report is the wisest and best apportionment of the significant $2.4 billion annual cost pay increase.

Mr. President, for these and other reasons, I urge the Senate to adopt the conference report and to vote for a fair military pay increase.

This idea that someone is being mistreated because we did not put in a higher figure for the pay bill in the compromise conference report, I submit, is an argument that will not stand up when analyzed, based on the hard facts and figures, when compared to civilian pay, or to any other standard. To the contrary, it shows a more balanced effort not only to attract men into the services but also to keep those that we want to keep.

We do not want to keep all of them. We will be taking in some men on this salary scale that we do not need. They do not turn out well. They do not take to the training. They do not like the discipline. Some of them do not have the dedication nor the aptitude. So we will be paying $5,000 plus per year, and a good deal more than that in the cost of training men that we do not want to keep.

In order to keep the best kind of men in the military services, we have to have some kind of ladder to climb up in the military services for men who take to the training, who are adaptable to the discipline, who have the dedication, the aptitude, and the talent. Those are the kind of men we want to keep.

The conference report provides a built-in pay raise for such men which will induce them to stay in the services. The Senate amendment, in all deference, did not put that ladder in above that lower level.

Now, Mr. President, I want further to review here just a few points about the conference report.

Those who are interested in providing adequate pay and who are also interested in having the safety that goes with the arming of our military services in a proper way should support the report. I am not talking about the Vietnam war. That war has very, very, very little to do with this conference report and this draft bill. The fact that we are still over there will make it somewhat harder to get volunteers; but so far as the men that will have to go there is concerned, in my opinion, that is really not the issue now.

The issue is, are we going to have enough of the right kind of men brought into the services who have the talent and the dedication to which I have referred, so that they can be properly trained to take care of our defenses, to man the submarine crews and the intercontinental ballistic missile sites, to man our bombers and our fighter planes, and all the other military hardware that we need on the ground, with all the intricate matters of radar, computers, and everything else that we now have to contend with? Are we going to have enough of those men to protect this country for the next 2 years?

That is the question here with the draft bill. We do not like to have to pass one. No one wants to do that, but, as I said before and repeat for emphasis, we are racing to the edge of the precipice, we are racing to a crisis in manpower unless we act now and put this bill on the books, so that the machinery of it can be put into operation and we can get enough of the right kind of men, before too many enlistments expire and we are left with a shortage of the necessary kinds of trained manpower that we need.

Now, Mr. President, the conference was hard fought. It was made more difficult because many of the amendments which were added by the Senate were not germane to the rules of the House, and some came under the jurisdiction of committees other than the House Armed Services Committee.

However, let me point out that on the principal issue that divided the conferees, the Mansfield amendment, the House had voted 219 to 176 to table an identical amendment. So that this was not a case where the Senate had sent over the Mansfield amendment as something the House had not acted on and we were merely up against the proposition to persuade them that it had merit and should be adopted. That was not the real story. The Mansfield amendment was sent over, under the wisdom of the Senate, to a House which had voted against an identical amendment, word for word, 219 to 176.

So that was a difficult and almost impossible situation. To send it back to conference will create exactly the same situation—only worse. Let no one tell any Senator there is nothing left of the Mansfield amendment. There is plenty left. The House conferees thought so and all the others that were opposed to that amendment, wherever they were in government, in or out of the White House, on or off Capitol Hill, they thought there was a lot left in it.

When we went to the conference, there were two Members of the Senate who had voted for the Mansfield amendment. They never did sign the conference report because it was not adopted in full. They were the Senator from New Hampshire (Mr. McIntyre), who spoke here today on another matter, and the Senator from Missouri (Mr. Symington).

So, it is an error—unintentional, of course—the statement that there was no one on the conference that supported the Mansfield amendment. It was vigorously supported in the conference by the two Senators I have just mentioned. And there were others on that conference who supported it, otherwise there would not have been anything happen except for it to have been thrown out. To go back now and try to get more of the Mansfield amendment adopted by the conferees on the bill, I just do not believe it will be possible under the present circumstances and the present situation. I could be mistaken about that.

However, I do know that this matter has had its day in court. After all, a war that could not be otherwise settled for the past 6 or 7 years is hardly going to be settled in a conference committee, a matter on which one House voted one way and the other House voted the other way on identical language, and to which there is opposition from other powerful interests besides those in the Congress.

Mr. President, finally I would like to review briefly several other issues in the conference report.

The conference was a hard-fought one and was made more difficult because many of the amendments which had been added by the Senate were not germane under the rules of the House, and some came under the jurisdiction of committees other than the House Armed Services Committee. Moreover, I have pointed out that on the principal issue that divided the conferees, the Mansfield amendment, the House had voted 219 to 176 to table an identical amendment.

As I have pointed out, I believe a good deal of the substance and philosophy of the Mansfield amendment was agreed to by the conferees.

For the first time Congress has approved a policy of withdrawal from Vietnam and a policy of negotiating this withdrawal in exchange for a release of U.S. prisoners of war. As I have pointed out recently, I believe any careful study of the words of the amendment as it was approved by the conferees will indicate the importance of this amendment.

I want to emphasize here some of the reforms and changes to the Selective Service and military manpower system which originated in the Senate and which are included in this report. For the first time a firm ceiling is placed on inductions—130,000 in fiscal year 1972 and 140,000 in 1973. These ceilings can be exceeded only by congressional authorization. The annual authorized strength for the Armed Forces for fiscal year 1972 was reduced by 56,000, a reduction which will mean a cut of approximately 100,000 men in end strength below that recommended by the administration. The administration opposed this cut and the House opposed it in conference, but it is included in the conference report.

The annual authorized strength of 2,553,409 men is a firm congressional ceiling. It can be exceeded only by act of Congress or by declaration of a national emergency in which the President calls up the Reserves or National Guard.

The Senate bill included six reforms, giving registrants improved procedural rights. Five of these were approved by the conference committee. They include: prepublication of Selective Service regulations; the opportunity to appear in person before an appeal board; the right to present witnesses before a local board; requirement of a quorum of a board during a registrant's appearance; and the requirement for a written report when a board renders a decision to a claim of a registrant.

Concern was expressed in the Senate over the President's announced intention to withdraw student deferments retroactively from those students who had received them after April 23, 1970. The House conferees strongly supported the view that the President should retain full discretion in this matter. Nevertheless the Senate provision prohibiting the retroactive withdrawal of these deferments was approved by the conferees.

Other Senate amendments which were approved in substance, some with minor modifications, include: a prohibition on collocation and consolidation of local draft boards without the Governor's approval; an expanded exemption for sole-surviving sons; the provision increasing minority group membership in local draft boards; a study of military use of civilian medical facilities; an expanded manpower report from the executive branch; prohibition of job discrimination against American citizens and their dependents in hiring on U.S. military bases; and several other reforms.

Some of the amendments proposed by the Senate were objected to by the House because they violated House rules of germaneness. These include: provisions relating to reentry rights into college for veterans who had earlier been inducted, and a counseling program for veterans in college. Other nongermane Senate amendments required a waiving of the House's rules.

As I understand it, the Mansfield amendment itself, under the House rules, was not germane. The House does have a rule of germaneness. During the course of the 5-week conference the conferees accepted part of the principles of the Mansfield amendment. However, they had to try to get, and were able to get, a waiver of the rule of germaneness for this purpose. Otherwise those provisions might have been voted down on the floor of the House which so strongly voted against the Mansfield amendment.

These are matters that those who have not served on conferences of this kind do not have a chance to know. They do not have a chance to know how involved and difficult they are, and they do not have a chance to appreciate what was done in trying to come back with a sound bill.

The House conferees also strongly opposed a provision permitting simultaneous registration to vote in Federal elections for men registering with the selective service.

Other differences were compromised by the conferees. For example, the conferees could not agree on changes regarding conscientious objectors. Each House had included two amendments to the conscientious objector section of the Selective Service Act, section 6(j), and these amendments pointed in diametrically opposite directions. Therefore it was agreed that no changes would be made in this section of the law with the exception of an administrative amendment proposed by the House to improve the efficiency of placing conscientious objectors in alternate service through use of the Director's office. The House also opposed many of the three sets of provisions in the Senate amendment which pertained to drug addiction and drug control. The conferees agreed upon a provision requiring a report from the Secretary of Defense within 60 days with respect to his plans, programs, and recommendations in this area.

Finally, Mr. President, I would like to say that I believe this bill, over the last 7 months, has had as much time, care, and attention devoted to it as any piece of legislation with which I am familiar. I do not believe the national interest would be served by our continuing to debate here any longer the question of whether one provision or another is slightly different from that which some of us would prefer. There are several provisions in this bill, as I am sure many Senators are quite aware, which I would like very much to see in a different form. But there comes a time when the Senate must either act on an urgent and timely matter of this kind or face the legitimate criticism that it is not acting responsibly.

There is one final point which I believe is the most important of all.

Mr. President, I think there has been a tendency, throughout this long debate, to treat the approval of this important bill as if it were somehow related—as an integral part—to the war in Vietnam. This is, quite clearly not so, Mr. President.

This bill has vital importance wholly apart from Vietnam, and failure to approve it could have serious implications on a worldwide basis and particularly here.

I would like to remind supporters of the volunteer Army concept—and it is not correct to say volunteer Army, because it involves volunteers for all services—that pay incentives to attract a career Army, Navy, Air Force, and Marine Corps, are included in this conference report. They must be enacted if the concept is to reach the point where it can be fully and fairly tested.

Meanwhile, the draft, as is well known, provides the kind of incentive that makes it possible to keep all the services, not just the Army, up to their strengths necessary to meet today's commitments around the world.

That means that this bill affects not only Vietnam, but also Korea, U.S. forces in Europe, the ships at sea, air bases around the world, and all the rest.

I emphasize, though, that the primary purpose of the bill, after all, is to get the right kind of personnel through the intervening 2 years and get them trained in time for them to be available to man our ships at sea, our planes in the skies, our submarines under the sea, our weapons and our armor on the ground.

As I have told the Senate before, 47 percent of our new enlistees in the Air Force and 42 percent of the new enlistees in the Navy are induced to enlist by the draft. Thus the draft is responsible for the men who need to man our aircraft carriers and submarines, our strategic bomber wings and Minuteman squadrons. And these men cannot be replaced overnight by an entirely new manpower system. It takes 61 weeks to train an aviation electronics technician, 70 weeks to train an aviation machinists mate.

As I pointed out on Friday, enlistment rates are always reasonably good during the summer months and Senators should not be deceived by the short-term phenomenon. I am telling the Senate that, if this bill is not approved, if no time is provided for a transition to a volunteer military, Congress will have taken the armed services to the brink of a serious and continuing manpower crisis. I hope all Senators will give very serious thought to that eventuality.

Mr. President, it will not be the President of the United States who takes us to the brink of that manpower crisis; insofar as this bill is concerned it will not be the House of Representatives, which has already acted upon this matter; but rather that responsibiltiy would rest right here in this body. I think we have never had a more important matter within our military legislation over the years than this matter that is before us now during these critical times. I have hopes that we are headed into some kind of more favorable years if we will not weaken now. But if Congress cannot pass a bill during a transition period from one system to another that will be effective, that, in itself, is proof that we have receded from the strong, firm determination to protect ourselves at home and elsewhere. It would be the first signal to those who are not our friends, and who really are our adversaries, that there is an internal weakness. Every Senator has to use his independent judgment, and with his independent judgment and with his willpower we can bridge this gap. We will prove we can go to a more perfect plan.

Mr. President, I am sure on this final point there has been no intention to mislead anyone. I refer to page 21972 of the Record of June 24, 1971, which shows the members of the conference committee on the part of the Senate. Those appointed included the Senator from New Hampshire (Mr. McIntyre), and the Senator from Missouri (Mr. Symington). On page 28410 of the Record of July 30, there is shown the list of those who signed the conference report. This page does not include the names of the Senator from New Hampshire and the Senator from Missouri. But it is clear they were on the conference. That is taken from the Record. They did not sign the report, and I state as a fact, as these Senators voted in our conference, that they could not sign because of the Mansfield amendment.

Mr. GRAVEL. They had voted for the Mansfield amendment. Is that correct?

Mr. STENNIS. They had voted for the Mansfield amendment.

Mr. GRAVEL. I thank the Senator for correcting the Record. I mentioned that earlier in the day.

Mr. STENNIS. I knew the Senator had gotten the wrong information.

I yield the floor.

Mr. GRAVEL. Mr. President, I will not delay this body any further this evening in making the major rebuttal to the statement of my distinguished colleague from Mississippi.

Let me emphasize there is no threat to this country; there is no real, serious problem within the military. In fact, it was reported by the Department of Defense that the accession rate, the number of people enlisting in the armed services, is far above their projections. We are told that this is some cyclical event that occurs as a result of summertime. If we were subject to such an event it would occur in June when students come out of school and not during the summer.

I think the reason for it is simply because of the economic woes we face and the fact that young people cannot find jobs. That is why they are enlisting in abundant numbers. It is proof of the fact we do not have a threat.

The issue of whether we need a draft very probably hinges on the number of people we need to defend the country. In 1948 when Congress was bamboozled and enacted the draft we were told by the military, at a time when we had 1.3 million under arms, that we needed 2 million men under arms to defend this country. That was before the missiles, the electronic battlefield, and the computerization of our military. Today, with the computerization of our military, missiles, the electronic battlefield, and all the new technology, we have 2.7 million men under arms. Obviously, there is no way of satiating the appetites of those who for one reason or another suffer from a paranoia, who feel that the present number of men under arms is not sufficient.

I have not heard my colleague address himself to the fact, and I bring it up now in this debate, that the administration, that Melvin Laird, Secretary of Defense, and Richard Nixon, President of the United States, are in disobedience of the law as it exists today.

That law is very simple: Congress authorized a little over 2 million men to be under arms and we have 2.7 million men under arms. We find this administration at variance with the law to the tune of some 600,000 men.

I have written a communication to the Secretary of Defense asking why we do not see a plan to conform with the law. Strange to say this administration has made no effort and intends to make no effort in this regard.

I think the case is made amply clear for all to see that the leadership of this administration is in disobedience of a law passed by Congress, a law that found as its rationale that we could ably defend this country, prior to the advance of greater time-saving technology and people-saving technology, with a little under 2 million men under arms.

I think this underscores the very simple case that is clearly made that we do not need the draft because we do not need the troop levels that are requisite because of the draft.

I think the case made by the distinguished Senator from Mississippi is not adequate and I hope the Senate will turn down the draft. I think he skirted the issue when he said that issue is not related to the war in Vietnam. It is directly related to the war in Vietnam. We have fueled this war with human beings and we have acquired those human beings through the process of the draft.

In 1963 we had zero draft calls; in 1965 we were drafting 40,000 young men a month to go to die at the front in Vietnam; and today most of the people serving under arms in Vietnam are draftees and not enlistees. That would be the case tomorrow.

Let me reiterate for myself—and I am sure others who feel this strongly—that if we had a crisis, if we had an emergency, if we had a threat of invasion, or were being invaded, we would be the first to institute the draft. But since we do not have this situation today, since we have, quite the contrary, supposedly a nation at peace and a nation in which there is and should be the spirit of voluntarism, let me underscore that the spirit of voluntarism embodies a country in which we do not have to put a gun at the back of young men to force them into service. This is not for the defense of this country, because there is no problem in getting young men to enlist and serve in the defense of this country; but there is a problem in getting youth to come forward and fight in a vicious, wrong, imperialistic war that we have been party to. We cannot get volunteers to fight it. We can only get young men by putting a gun to their heads.

This Nation was founded by people who came to these shores because they were being pressed into service by despots—princes, and kings. How ironic it is that we have come full circle to the day when our young men leave our shores to go to foreign lands because they are being unjustly pressed into service by despotic rulers. What a tragedy to come full circle in a nation that truly loves freedom and a government representing, supposedly, our freedom- and peace-loving people.

I hope the Senate will have the wisdom and that the American people will evince their resolve to the membership of this body to turn down—to radically and drastically turn down—this irrational and unjust conference report.

Mr. President, I yield the floor.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the recognition of Senators under the previous orders, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF CONFERENCE REPORT ON DRAFT EXTENSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the routine morning business on tomorrow, the Senate turn to the consideration of the pending conference report on H.R. 6531.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the privileged matter before the Senate at this time?

The PRESIDING OFFICER. The conference report on H.R. 6531, the extension and revision of the draft act and related laws.

Mr. BYRD of West Virginia. Mr. President, what is the unfinished business?

The PRESIDING OFFICER. H.R. 8687, providing for military procurement authorization.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

WAIVER OF PRINTING OF CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the provision of the Legislative Reorganization Act with respect to printing of conference reports as Senate reports be waived in regard to the conference report on the draft extension bill, in view of the fact that the conference report was printed as a House report under the Rules of the House of Representatives, and I am informed that there are sufficient copies available for Senators, so as to make it unnecessary to have a printed Senate copy.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Immediately after the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated: Senators MANSFIELD, HOLLINGS, and PROXMIRE.

Following the recognition of Senators under the orders previously entered, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Upon the conclusion of the routine morning business, the Senate will return to the consideration of the privileged matter before the Senate, the conference report on the extension of the draft.

Under the order entered earlier today, the Senate will adjourn on tomorrow not later than 1 o'clock p.m. for the purpose of allowing Senators to attend the services which will be conducted for our late departed colleague, Senator WINSTON L. PROUTY. Those services will be held at the Georgetown Presbyterian Church, which is located at 3115 P Street NW. The services will be conducted at 2 o'clock p.m., with the Reverend Edward L. R. Elson, Senate Chaplain, officiating. The Senate delegation will depart from the Senate steps of the Capitol at 1:15 p.m.

On Wednesday, the Senate will resume consideration of the privileged matter before the Senate, the conference report on the extension of the draft.

As the distinguished majority leader stated earlier today, any votes that might normally occur on Wednesday will be put over until Thursday so as to assure Senators that there will be no rollcall votes on Wednesday, the day on which the interment of our late departed colleague, Senator PROUTY, will take place in his native State of Vermont.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and, pursuant to Senate Resolution 165, as a further mark of respect to the memory of the late Senator WINSTON L. PROUTY, of Vermont, that the Senate now adjourn.

The motion was agreed to; and (at 4 o'clock and 39 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 14, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1971:

DEPARTMENT OF COMMERCE

Harold B. Scott, of Connecticut, to be an Assistant Secretary of Commerce, vice William R. McLellan, resigned.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

Harry E. Halden, III
Stephen J. Herbert

To be surgeons

Louis A. Cancellaro
Delbert H. Dayton
Ernest J. Johnson
Bruce D. Tempest
John A. Vaillancourt

To be senior assistant surgeons

William V. Banks
John A. Benvenuto, Jr
James R. Brown
Laurence M. Epstein
William T. Friedewald
John D. Gelin
Richard T. Griffey
Marjorie E. Harwood
Barry J. Hoffer
Michael P. Hudgins
Charles J. Hudson
Michael J. Kinney
John A. Knight, Jr.
Frederick P. Li
Daniel W. Nebert
Ruth T. Takeshita

To be dental surgeons

Tullio F. Albertini
James N. Bogden
William R. Hall

To be senior assistant dental surgeons

Stanley S. Andrews
Kent L. Angerbauer
Michael C. Beck
Donald G. Burks
Donald P. Butler
John P. Clark
Peter J. Coccaro, Jr.
Charles W. Edwards
Robert C. Fielder
Stephen R. Fred
Albert D. Guckes
Daniel A. Hixon
Gregg S. Hyman
Douglas C. Larson
Rollin C. Mead, II
Franklin N. Quillan, Jr.
David C. Schrupp
Conrad A. Schwalm
Channing D. Smith
Kenneth L. Stasun
David H. Wands
Ronald M. Weitz

To be nurse officers

Rita Chow
Pawnee L. Creson
Marcella H. Dwyer
Carol M. Larson
Helen M. Mangan
Margaret M. Resnick

To be senior assistant nurse officers

Ann J. Eades
Max K. Gearhart
Richard A. Morris
Morris J. Smith
William J. Young

To be sanitary engineer

Lawrence P. Gazda

To be senior assistant sanitary engineers

Ronald K. Anderson
Thomas A. Bartholomew
Philip J. Bierbaum
Virgil E. Carr
Keith E. Enders
Roy B. Evans
Kenneth W. Grimley, Jr.
John L. Hankinson
Grady T. Helms, Jr.
Jack W. Hoffbuhr
Joseph W. Janick
Michael E. Jensen
John N. Leo
Steven J. Levy
William A. Mullin, III
Leonard W. Nowak
Billy F. Pearson
John A. Ruf
James H. Southerland

To be assistant sanitary engineers

Herbert Caudill, Jr.
Ted W. Fowler
Joseph F. Harrison
David C. Sanchez
Gale A. Wright
Gary D. Young

To be senior scientist

Frank D. Arnold

To be scientists

Robert K. Bergman
Arnold K. Fowler
J. Richard Gorham
Michael A. Oxman

To be senior assistant scientists

Bobby J. Gunter
Donald L. Lodmell
Jerry M. Rice
Phillip J. Walsh

To be sanitarians

Harry A. Doutt
Sidney D. Heldersdorf
James H. Hensley
Donald L. Lambdin
Matthew C. Lynch
Eugene R. Meyer
David S. Reid
Philip H. Shoultz

To be senior assistant sanitarians

Ronald K. Ament
Wayne A. Bliss
Gordon Denipah, Jr.
Orin O. Evans
Curtis A. Golden
Frank N. Kanatani
Floyd L. Lashly, Jr.
Walter L. McPartlin
Michael A. Randolph
Leo H. Snyder
Stephen R. Wassersug
Richard D. Wise
Webster Young, Jr.

To be assistant sanitarians

Royce L. Gragg
Thomas J. Hartrich, Jr.
Calvin E. Nowack

To be senior assistant pharmacists

Edgar H. Adams
David R. Anderson
Richard J. Bertin
Ronald A. Gomes
Arthur H. Holmes, Jr.
Ronald W. Horloff

Douglas D. Kapaun
Richard M. King
Jimmy R. Mitchell
Ivan L. Orr
Timothy F. Svoboda

To be assistant pharmacists

George D. Armstrong
Tillman H. Hughes
William C. Robinson, Jr.
Joseph C. Whitaker

To be veterinary officers

Don C. Gibson
Donald K. Hinkle
Robert W. Thomassen
Richard A. Tjalma

To be senior assistant veterinary officers

James W. Ebert
Joseph E. Pierce
Francis W. Chandler, Jr.

To be dietitian

Mary R. Emerson

To be senior assistant dietitians

Marcia A. Broxton
Barbara H. Dennis

To be assistant dietitians

Virginia E. Spangler
Sara E. Stooksbury

To be senior assistant therapist

Arthur J. Plumstead

To be assistant therapists

Robert E. Mansell
Gerald L. Rogers

To be health services officers

Richard H. Gaulke
Dwight W. Glenn
Jonathan Roberts
Walker C. Williams

To be senior assistant health services officers

Harold A. Bond
Joel Bostrom
Joseph A. Brennan, Jr.
Alfred H. Campbell
Troy W. Cole
David L. Duncan
James B. Gill
Thomas O. Harris
Matthew L. Henk
James T. Kelly
Ronald J. Lechnyr
Carl G. Leukefeld
James D. Lutz
Edwin A. Miller
Earl A. Pearson
John H. Peterson
George L. Raspa
Ellery D. Savage
John D. Sexton
Joseph G. Sirmons
Hugh S. Sloan, Jr.
Charles P. Warr, Jr.
John L. Young, Jr.

To be assistant health services officers

Joseph E. Brantley, Jr.
George B. Elder
Robert J. Garrison
William J. Gregory, Jr.
Joan E. P. Holloway
Cary N. Mack
William H. Oates, Jr.
Ralph W. Olsen
James J. Polkabla
Richard A. Tell
David T. Tingey
Peter K. Vaslow

IN THE ARMY

1. Col. Edwin Howell Smith, Jr., [redacted] Dental Corps, U.S. Army, for appointment as Assistant Surgeon General, U.S. Army, as major general, Dental Corps, Regular Army of the United States, and as major general in the Army of the United States, under the provisions of title 10, United States Code, sections 3036, 3040, 3442, and 3447.

2. The following-named officers for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Dental Corps

Col. Surindar Nath Bhaskar, [redacted], Dental Corps, U.S. Army.

Col. Jack Paden Pollock, [redacted], Dental Corps, U.S. Army.

IN THE NAVY

Read Adm. Frederick J. Harlfinger II, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named Reserve officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

Line

Gayle T. Martin
Alban Weber
Frederick A. Wiggin
John B. Johnson
Michael Lorenzo

Medical Corps

Allan D. Callow.
Eugene P. Cronkite.

Supply Corps

Frank E. Raab, Jr.
Harland E. Holman.

Civil Engineer Corps

George Reider.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Abbott, William Benjamin, III
Adams, Robert Lee, Jr.
Aldern, Donald Deane
Alexander, Marvin Gillen
Alexich, Milton Pivar
Allen, Douglas Arnold
Allen, Richard Charles
Altwegg, David Mattson
Anderle, Charles Kenneth
Anderson, Forrest Prentice
Anderson, Paul Leland
Argiro, Vincent James
Arn, Robert Warren
Arnold, John Elwin
Asmus, Paul Allen
Avallone, Eugene Michael
Avrit, Richard Calvin
Baciocco, Albert Joseph, Jr.
Backman, Fred Myron
Badgett, John Jefferson
Baker, James Ellis, Jr.
Baker, James Gilbert
Barnes, Clifford Paul
Barrett, Gardner Stewart
Beck, Donald Ancell
Beech, Wayne L.
Beecher, John Dennis
Bell, Clyde Roberts
Bell, Gerald Robert
Bibby, Lowe Haydn, III
Bird, Charles Scudder
Bos, Roger Charles
Bradford, Gerald Reese
Brady, Allen Colby
Brandel, William John, Jr.
Bress, Allyn Virginius
Brewer, Glenn Milton
Bridge, Daniel Thomas
Brooks, Walter Allen
Brown, Charles Howard
Brown, Larry James
Buck, John Addison
Burkhardt, Lawrence, III
Burnett, James Andrew
Busey, James Buchanan
Butler, Charles Arnow
Byrd, Paul Richard
Cahill, William Anthony, Jr.
Califf, Toxey Haas
Campbell, Ronald Alistair
Carlin, Robert Joseph
Cassani, Henry Louis
Caswell, Frederic Chester, Jr.
Chambers, Lawrence Cleveland
Chasse, Robert Leon
Cherrier, Herbert Alvado
Chertavian, Armen
Childers, Donald Johnson
Chisum, Oscar Clarke
Clare, James Stuart
Clarke, Walter Lewis, Jr.
Clausner, Edward, Jr.
Coiner, John Alfred
Collins, Ferdinand I., Jr.
Collins, Frank Charles, Jr.
Combs, Robert Ebell
Connally, Robert Franklin, III
Connell, Lewis Edward
Connelly, Robert Bailey
Conrad, Peter Corteau
Cornwell, James William
Creighton, Bert Haddow, Jr.
Criner, James Ellis
Cruden, David Selby
Cullins, Peter Kendall
Cunningham, Melville Dexter
Cunningham, Richard Burton
Dallaire, Richard Paul
Dallamura, Richard Anthony
Damico, Richard James
Darrell, Charles George
Davey, John Roderick, Jr.
Davis, Jack William
Davis, Paul Harrison, Jr.
Deaton, Paul
Decook, David Walpole
Demun, Taylor Kent
Dietrich, Henry Thornton, Jr.
Donnelly, Raymond Daniel, Jr.
Drew, Russell Cooper
Drummond, Scott Edward, Jr.
Dudley, Calvin Chester
Eakle, Burke Eldridge
Ebbert, Edwin Leigh
Ekman, Roger Edgar
Engquist, Gordon Wendell
Enos, Ralph Lindsay
Eshman, John Robert
Etchison, Frank Leslie, Jr.
Falconer, Alastair Stewart
Farley, James Walsh
Felt, Donald Linn
Fisher, William Gooding, Jr.
Fletcher, Charles Douglass
Fontaine, Richard Kern
Fowler, John Wesley
Fox, Kenneth
Francis, Thomas Aquinas
Franke, Richard Dean
Gahafer, Joseph Gorman
Fair, Bruce Otto
Galing, Searcy Garlits
Gallotta, Albert Armond, Jr.
Gardner, Ruel Eugene
Gatje, George Carlisle
Gibbins, Gareth William
Gillcrist, Paul Thomas
Glancy, Thomas Joseph, Jr.
Glunt, David Latta, Jr.
Goetschius, Forrest Dale
Grandfield, Francis Joseph, Jr.
Granum, Bradford Simley
Greff, Clarence Henry, Jr.
Grimm, William Francis
Groehn, Gerhard Curt
Hale, William Todd
Hamilton, Leo Langford
Hansen, Merle Charles
Hansen, Ronald Ralph
Hantz, Francis Anthony
Hardisty, Huntington
Hart, Richard Leland
Hawkins, Phil R.
Hayes, Morris Lee
Hays, Estel Wilbur
Hedges, Ralph Richard
Heenan, Richard Dennis
Heffernan, George Aubin
Hetu, Herbert Edmond
Hinkley, Harold Lewis
Hoganson, John Henry
Holgren, Marvin Aubrey
Hollick, Frederick Basil
Hopper, Richard Sabin
Horan, Robert Athanasius
Horne, Charles Francis, III
Hughes, Wayne Philo, Jr.
Hukill, Henry Durbin, Jr.
Hull, George Thomas
Hume, Robert John
Hunt, Albert Monroe
Hunter, Charles Bryan
Ingley, Edmund Wesley
Jaburg, Conrad John
Jackson, Dempster McKee
Jackson, Thomas Lee
James, Charlie Negus, Jr.
Jarvis, Donald Homer

Jayne, Gordon Howland
Jewell, Thomas Allen
Johnson, Arne Christian
Johnson, Guy David
Johnston, Maurice Milton, Jr.
Johnstone, Richard Alastair
Jones, Samuel Oather, Jr.
Karvala, Curtis Arnold
Kauderer, Bernard Marvin
Keane, James Philip
Kelley, Frederick Warren
Kemble, Richard Ellis
Kennedy, Robert Correll
Kennedy, Ronald Willard
Kennedy, Walter Julius
Kersch, Roger Neil
King, William Richard
Kirschke, Ernest James
Knutson, Donald Wayne
Knutson, Wilbert Duane
Kraft, Leroy Marks
Kuhn, Edwin Allan
Kully, Sheldon David
Kurzenhauser, Alfred
Lake, Charles Marshall, Jr.
Lamb, Derwin Taylor
Larocque, George Norwood
Layman, Lawrence
Leahy, John Patrick
Lenox, Glen Walter
Lewis, James Thomas
Lidel, Carl John
Lighter, Elbert Donald
Lloyd, Theodore Leighton, Jr.
Logner, Robert Louis
Loposer, Avery Kenneth, Jr.
Luckett, Thomas William
Lukas, Thomas Edward
Lunt, Vernon Shirley
Lyons, James Aloysius, Jr.
Macfie, Richard Boyden
Mack, Chester Michael
Mackercher, John Cameron
MacPherson, John Joseph
Mahoney, Wilbur James
Malone, Roy Wilson
Manara, Vincent Joseph, Jr.
Manring, Charles David
Marin, William Thomas
Martin, William Raymond
Massimi, Robert Francis
Masterson, Kleber Sanlin, Jr.
Mayberry, Thomas Alfred, Jr.
Maynard Donald James
McCanna, Marvin George, Jr.
McDaniel, Clarence Leonard
McGaughy, Richard Wayne
McGrath, Harold Albert
McIntyre, John Joseph
McKechnie, Russell Roland
McWey, Russell Bartholomew
Meek, Kenneth Leland
Meeks, Thomas Leland
Mehl, James Patrick
Meltzer, Melvin
Meserve, Charles Lemuel
Milius, Paul Lloyd
Miller, Floyd Harry, Jr.
Mills, Joseph Erval
Mischke, Gayland Julius
Mitchell, John Robert Cumming
Mitchell, Leland Gayle
Moffitt, Russell Louis
Mooney, John Bradford, Jr.
Moore, Charles Julian
Moore, Ernest Melvin, Jr.
Moore, Loren Irving
Moore, Virgil Wayne, Jr.
Moreau, Arthur Stanley, Jr.
Morris, Marion Eugene
Mueller, George Edward
Mullin, James
Mulloy, Paul Joseph
Murphy, Gilbert Franklin, Jr.
Murphy, Ray Douglas
Myers, Carroll Eugene
Myers, William Stewart
Nation, William Clarence
Naugle, James Orin
Naylor, Charles Kenneth
Neel, William Charles
Nelson, Eric Abraham, Jr.
Nelson, Jack Herman
Nevius, William Blauvelt
Newsome, James Walton
Nicholson, John Lewis, Jr.
O'Brien, Jerome Leo
Oder, Howard Wayne
Ogara, Patrick Eugene
Olson, Norman Hugo
Organ, James William
Orrik, Frederick John, Jr.
Orvis, Peter Hill
Orzalli, John Benton
Overdorf, Thomas Rogers
Padgett, Harry Elroy
Palmer, Wallace Chester
Pappas, George Theodore
Patch, Irwin Jr.
Patten, Michael Allison
Pauly, Donald Erasmus
Phillips, Charles Alfred
Pierce, Ray Edward
Piper, Harold Leroy
Pollak, Charles Duane
Portnoy, Howard Robert
Powell, William Vogt
Powers, Trent Richard
Pray, Robert Edgar
Prindle, Charles O'Brien
Pringle, Donald Bruce
Quarg, William Frederick
Quinn, Robert Thomas
Rabun, Floyd Kelley
Ramsey, David Goggin
Redfield, John Morgan
Reed, Charles Arthur
Reed, William Howard
Rice, James Orville
Rigsbee, Clifford Marshall
Rivers, Wendell Burke
Roane, Donald Patterson
Roberts, William Eugene
Rodgers, Frederick Alan
Rueff, Eugene Carl
Rumble, Maurice William
Rush, Thornwell Frank
Rushing, Charles Franklin
Saunders, William Hodnett, III
Saylor, Eugene Harrington
Schultz, Ford Joel Elmer
Schutz, Walter Joseph
Scott, John Harold, Jr.
Scull, John Duncan
Seeger, Charles Edward
Service, James Edward
Shafer, Lawrence
Shaid, Robert Allen
Shanahan, Thomas Leo
Shellman, Curtis Barnett, Jr.
Sherar, Robert Cody
Sierer, Payson Dwight, Jr.
Sigsworth, David Eugene
Sinclair, Alexander Malcolm
Skube, Edward Anthony
Smith, Hugh Thornber
Smith, Kenneth Godfrey
Smith, St. Clair
Smith, William Frank
Solterer, Carl Frederick
Sorenson, Curtis Alvin
Span, William Francis
Sprunk, William, Jr.
Stader, John Francis
Stalder, Roy Frederick, Jr.
Stark, Peter Amy, Jr.
Stein, George Daniel, Jr.
Stewart, Rodney Lee
Stierman, Joseph William, Jr.
St. Lawrence, William P., Jr.
Stoehr, Leonard Arthur
Stout, Edward Norton
Stovall, Walter Wayne
Streightiff, Charles William
Strohm, James Joseph
Strunk, Arthur Adolph
Sugg, Ross Edgar
Sullivan, Robert Hayes
Sutherlin, Benjamin Thomas
Tate, Charles Gordon
Taylor, Clinton Wagner
Taylor, Edmund Battelle, Jr.
Taylor, James Dewey, Jr.
Tetrick, Claude Jackson
Thiel, Louis Harry Carl, Jr.
Thomas, Kenneth Glenmore
Thomas, Richard Terry
Thomas, Robert James
Thompson, George Irwin
Thompson, William Summers
Thunman, Nils Ronald
Till, Ernest Anton
Tillerson, Leonard Earl
Treadwell, Lawrence P., Jr.
Treiber, Arthur Edgar
Trimble, Richard Wallace
Troffer, George John, Jr.
Troutman, Burl Abraham, Jr.
Turnage, Robert Lake
Tuzo, Paul Benjamin, III
Valade, Larry Gale
Vanarsdol, Robert Allan
Varley, James Francis
Victor, Francis Ward
Vines, Thomas Edward
Wadsworth, Francis Laughlin
Walden, John Warren
Walker, George Dale
Walker, Henry McDonald
Warren, Thomas Carroll
Webb, James Irwin
Webster, Edward Walter Vincen
Wellman, Harold Nixon
Whelan, Edward Charles, Jr.
Whelchel, Henry Cowan, Jr.
Whistler, Ralph Nelson, Jr.
White, Maurice Gene
White, Paul Geltmacher, Jr.
Whorton, William Robert
Wilde, Stanford Richard
Williams, Charles Dean
Williams, John Thomas
Williams, Ross Norman
Wilson, Jack Leonard
Wilson, James Edgar, Jr.
Wilson, Richard Vincent, Jr.
Wimberly, Tommy Charles
Winkel, Raymond Norman
Winkler, Richard Charles
Withers, Christopher
Wolff, Kenneth Eugene
Wood, Ralph Edwin
Woodbury, John Leland, Jr.
Wright, Richard Taliaferro
Wright, Sidney Victor, Jr.
Wunderlich, Robert
Yamnicky, John David
Yetman, William Raymond
Young, Harold Lawrence
Yount, Tim Buffington

The following named women officers of the U.S. Navy for permanent promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Gore, Mary Augusta
McKee, Fran

In the Marine Corps

The following named officers of the Marine Corps for temporary appointment to the grade of colonel:

Lewis H. Abrams
Donald W. Anderson
Harry E. Atkinson
David B. Barker
William G. Bates
William R. Beeler
James L. Black, Jr.
Vincente T. Blaz
Billy D. Bouldin
Bruce G. Brown
Carl E. Buchmann
Hugh R. Bumpas, Jr.
Duncan D. Chaplin III
Harlan C. Chase
Charles C. Chisholm, Jr.
Donald K. Cliff
James P. Connolly II
Alfred J. Croft, Jr.
Wiliam M. Cryan
Thomas J. Culkin
Jack E. Dausman
Francis L. Delaney
Frank Dicillo, Jr.
Haig Donabedian
William C. Drumright
John E. Fahey
Thomas C. Fields
Charles Fimian
Herbert G. Fisher
William E. Fitch III
George H. Gentry, Jr.
Walter F. Glowicki
Joseph P. Goodson
Edward Z. Grabowski
John J. Grace

Alfred M. Gray, Jr.
Robert E. Haebel
Elvyn E. Hagedorn
Richard S. Hartman
William H. Heintz
Emil W. Herich
Peter L. Hilgartner
Clarence E. Hogan
Harry H. Holmberg
Eugene R. Howard, Jr.
Robert W. Howland
William E. Hutchison
Gerald H. Hyndman
Raymond B. Ingrando
Richard P. Johnson
Thomas M. Kauffman
Charles J. Keever
Thomas R. Kelly
William R. Kephart
Lavern W. Larson
William A. Lawrence
Charles G. Little
Gordon M. Livingston
John R. Love
Frederick F. Mallard
Richard C. Marsh
Val R. McClure
Max McQuown
John G. Metz
Marc A. Moore
Samuel M. Morrow
Roy E. Moss
Frank J. Murray
Neil A. Nelson
Donald E. Newton
Stephen G. Olmstead
Eric B. Parker
John J. Peeler
Edward F. Penico
Charles R. Poppe, Jr.
Francis X. Quinn
James R. Quisenberry
Stanly H. Rauh
Brooke F. Read, Jr.
John J. Reddy
Lee C. Reece
Robert C. Rice
William H. Rice
William R. Rice
Charles D. Roberts, Jr.
Rodger E. Rourke
Jack D. Rowley
William A. Scott, Jr.
Donald L. Sellers
Dale E. Shatzer
Paul L. Siegmund
Eugene A. Silverthorn
William C. Simanikas
Benjamin B. Skinner
Louis Z. Slawter, Jr.
Richard W. Smith
Michael E. Spiro
Broman C. Stinemetz
Richard C. Stockton
Thomas R. Stuart
Lawrence F. Sullivan
Richard B. Taber
Gerald C. Thomas, Jr.
Ralph Thuesen
Frank D. Topley
Bernard E. Trainor
Richard B. Twohey
John J. Unterkofler
Morgan W. West
Peter A. Wickwire
Bobby R. Wilkinson
Charles T. Williamson
Theodore J. Willis
Leonard E. Wood
Tullis J. Woodham, Jr.
Richard E. Wray, III
Gary L. Yundt

CONFIRMATIONS

Executive nominations confirmed by the Senate September 13, 1971:

IN THE AIR FORCE

The following officer to be placed on the retired list, in the grade of general, under the provisions of section 8962, title 10, of the United States Code:

Gen. Joseph R. Holzapple, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of general, under the provisions of section 8066, title 10, of the United States Code:

Lt. Gen. David C. Jones [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. William V. McBride, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. Gerald W. Johnson, [redacted] FR, Regular Air Force, to be assigned to a position of importance and responsibiltiy designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. George Vernon Underwood, Jr., [redacted] Army of the United States (major general, U.S. Army).

IN THE NAVY

Vice Adm. John A. Tyree, Jr., U.S. Navy, and Vice Adm. James W. O'Grady, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

In the Army

The nominations beginning Howard T. Prince, to be captain, and ending John A. Reid, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 5, 1971.

In the Navy

The nominations beginning James A. Kasica, to be ensign, and ending Valentine D. Galasyn, to be permanent lieutenant and a temporary lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 5, 1971.

HOUSE OF REPRESENTATIVES—*Monday, September 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Now, O God, strengthen Thou my hands.—Nehemiah 6: 9.

Most merciful and gracious God, help us to begin this new week with a greater devotion to Thee and with a genuine determination to meet the experiences of these days with courage, to manage them with confidence, and to master them with a creative faith which will lead us and our Nation to the heights of truth, righteousness, and good will. So we come to Thee this morning praying that Thy strength may sustain us as we endeavor to walk the true and living way.

"Just as we are, strong and free,
To be the best that we can be
For truth and righteousness and Thee,
Lord of our lives, we come."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 165

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Winston L. Prouty, late a Senator from the State of Vermont.

Resolved, That a committee of Senators be appointed by the President of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 850. Joint resolution authorizing the Honorable Carl Albert, Speaker of the House of Representatives, to accept and wear The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 942. An act to establish a Commission on Security and Safety of Cargo; and

S. 2007. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

THE LATE HONORABLE WINSTON L. PROUTY

Mr. STAFFORD. Mr. Speaker, I regret to have to announce to my colleagues in the House the tragic death of the junior Senator from Vermont, WINSTON L. PROUTY, who was a Member of this body for four terms. Senator PROUTY passed away on Friday, September 10, 1971.

He was a most distinguished American and Vermonter and a personal friend of mine.

Mr. Speaker, after an agreement with you and consistent with similar activities in the other body later today, may I make note of the time for memorial services for Senator PROUTY and invite the Members of the House who knew him to join in those services.

APPOINTMENT OF CONFEREES ON H.R. 10090, PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972.

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10090) making appropriations for Public Works for Water and Power Development and the Atomic Energy Commission for the fiscal year ending June 30, 1972, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. EVINS of Tennessee, BOLAND, WHITTEN, ANDREWS of Alabama, SLACK, MAHON, RHODES, DAVIS of Wisconsin, ROBISON of New York, and BOW.

PROHIBITING DETENTION CAMPS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 483

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the United States Government except in conformity with the provisions of title 18. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, one and one-half hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and one and one-half hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Internal Security, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the text of the bill H.R. 820 as an amendment in the nature of a substitute for the bill. At the conclusion of the consideration of H.R. 234 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. EVINS of Tennessee, Mr. Speaker, yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 483 provides for consideration of H.R. 234, which, as reported by our Committee on the Judiciary without a single dissenting vote, would prohibit the establishment of emergency detention camps and repeal the Emergency Detention Act of 1950, which authorizes the establishment of such camps. The resolution provides an open rule with general debate limited to 3 hours, of which 1½ hours are to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and the other 1½ hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Internal Security. After general debate, H.R. 234 will be read for amendment under the 5-minute rule.

Mr. Speaker, the resolution also provides that it shall be in order to consider the text of the bill H.R. 820 as an amendment in the nature of a substitute for H.R. 234. The bill H.R. 820, reported by the Committee on Internal Security on a one-vote majority of 5 to 4, would merely amend and not repeal the Emergency Detention Act.

At the conclusion of the consideration of H.R. 234 for amendment, the rule further provides that the previous question shall be considered as ordered on the bill and amendments thereto to final passage, without intervening motion, except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 234 involves a simple but vital question: Is there a place for concentration camps in America?

The answer obviously is "No." But let us examine both the question and answer in greater depth. As Americans we find, particularly in the present national climate, that the possible use of concentration camps as a tool of government is repugnant. We have come to equate concentration camps with Nazi Germany, Communist Russia, and other totalitarian forms of government. Indeed, we cannot justify the establishment of concentration camps under our own form of government by merely giving them euphemistic labels, such as "relocation camps" or "detention centers." Regardless of the appellation used, they in fact are all concentration camps—places where persons are incarcerated merely on the basis of governmental fiat. A democracy such as ours ought not to countenance any law which authorizes the establishment of concentration camps. H.R. 234, therefore, seeks to strike from our statue books a law which authorizes the establishment of concentration camps in America.

The objectionable law is title II of the Internal Security Act of 1950, the so-called Emergency Detention Act. It has also been referred to frequently as America's concentration camp authorization law.

The Emergency Detention Act ought to be repealed, for the further reason that it violates the constitutional guarantees and judicial traditions that are basic to our American way of life. For example, title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion—of a mere probability that, during proclaimed periods of internal security emergencies, the detainee might engage in, or conspire with others to engage in acts of espionage or sabotage. Moreover, the detainee is not granted a trial by jury, or even before a judge; he is assumed to be guilty, for there is no presumption of innocence; and he is denied the right of confrontation for the attorney general, if he deems it to be in the national interest, need not produce any evidence or witnesses in support of his charges against the detainee.

In addition to the chilling effect that the Emergency Detention Act casts upon the full enjoyment of constitutional rights, there is yet another basis for the disquietute that its presence in our statute books causes in our national life. The genesis of title II, enacted in 1950 over President Truman's veto shortly after U.S. troops had landed in Korea to stem the tide of Communist aggression, can be traced to the tragic experience which most Americans now recall, if at all, as unnecessary and unwarranted.

One of the things which disturbed me most while I was serving at the battlefront in World War II, as an officer of the 100th Infantry Battalion, which subsequently became a part of the Nisei 442d Regimental Combat Team, was the fact that while Americans of Japanese ancestry were fighting and dying in American uniform to preserve the American ideal, 110,000 Japanese-Americans and their parents, some of whom were relatives and friends of mine, were being uprooted from their homes in the Western United States and incarcerated in American concentration camps for no reason other than that they wore Japanese faces. It was unbelievable that the Government of this great democracy would throw innocent Americans, including pregnant women, infants, children, and the aged and infirm into concentration camps, complete with barbed wire fences and armed guards.

Today, all historians, scholars, jurists, lawyers, and plain thinking Americans agree that the evacuation and imprisonment of Japanese-Americans in World War II mark the "most shameful chapter in American history." It would be even more incredible, if, despite this blot in our national history, Americans would sanction any law which provides for the establishment and maintenance of concentration camps in the United States.

Fortunately, such is not the case. The proposal to repeal the Emergency Detention Act has gained national attention and support since 1968, when the Japanese American Citizens League, a national organization of more than 25,000 members constituting 92 chapters in 32 States, decided to spearhead a nationwide drive to repeal the repugnant act. By their efforts, members of that organization hope that the humiliation and suffering of the inmates of America's only concentration camps will not be inflicted upon any other group of Americans.

Today, more than 70 State and local legislative bodies, commissions, and agencies throughout the United States, and more than 500 national, regional, State and chapter organizations, representing various professional, business, labor, veterans, social, religious, and civic groups, have asked that Congress act quickly in repealing the Emergency Detention Act. Leading newspapers across the country have lifted their editorial voices in favor of repeal.

In making this appeal, freedom-loving Americans everywhere have recognized the fact that the Congress of the United States is not only a defender of the Nation's security, but also the first line of defense against any encroachment on individual liberty. In the words of President Truman, when he vetoed the offensive law:

> This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of Communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.

The Congress in 1950 disregarded that sage admonition of a great President and overrode his veto to enact the Emergency Detention Act. Fortunately, for ourselves and our country, the full effects of that potentially grave error have not been visited upon any of our citizens. By the grace of God we have been spared a national security emergency during which the act might have been invoked.

We have been granted the time to reflect on our past mistake and the hour has arrived for us to rectify it.

I urge the adoption of House Resolution 483 in order that H.R. 234 may be considered and passed so that we may do this.

Mr. Speaker, I reserve the balance of my time.

Mr. ICHORD. Mr. Speaker, I did not hear the gentleman. Did he ask unanimous consent to revise and extend his remarks?

The SPEAKER. No; he reserved the balance of his time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 483 provides a somewhat different type of rule. It is a little unique, as we occasionally do in the Rules Committee. It provides mainly for the consideration of H.R. 234, reported out of the Judiciary Committee, which repeals title II of the Internal Security Act. It also provides an equal amount of time, 1½ hours of general debate, for the consideration of H.R. 820, which was reported by the Internal Security Committee.

So far as I personally am concerned, I am not upset about title II being repealed, but I am certainly concerned about the additional language in the repealer, which was inserted as an amendment into H.R. 234 by the Judiciary Committee.

Title II has never been used. It was passed in 1950. The people they are complaining about, and lots of them are upset about, were taken into custody as citizens in 1942 by the Army. This act was passed in 1950 over former President Truman's veto. It has never been used. I do not see how it can possibly be used nowadays with the many court decisions and the changes in the law. Recently, in connection with some of the problems in Washington, D.C., we found that a conviction could not even be obtained against somebody for disturbing the peace, even though they had their clothes off out in front of the House of Representatives and were raising lots of trouble.

So now we are talking about something which, in my opinion, is "much ado about nothing."

By the same token I will say that I have no objection to title II being repealed, but the language added by the Judiciary Committee as an amendment, instead of a straight repealer, provides as follows:

> (a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Why have that language in the bill? That language is not necessary. If title II is bad, let us repeal it.

On December 7, 1941, when Japan attacked Pearl Harbor in the early morning, Congress was not in session. We had a number of problems at that time taking aliens into custody. I happened to have been supervisor of the Los Angeles office of the FBI that had to do with that. About 8:30 that night the President issued orders. There were warrants out. The Attorney General had them. I did not have them in my hands. But in any event, I supervised hundreds of officers, and we took into custody a good many aliens.

That is not comparable to this bill, which has to do with citizens, but by the same token it is comparable from this standpoint: if the President were absolutely handicapped by this language that no citizens shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress, what could he possibly do if there were an emergency?

Some people have indicated that the President has sovereign powers. I asked the Department of Justice what those sovereign powers were, and I asked them to give me a review of those powers. I have received no information from them. If we place this language in the bill, with the various court decisions that we now have, with individual orders signed by various judges of the various courts, nobody would know what might happen if an emergency did arise.

As I have said, I have no objection to repealing title II. But why make it more difficult by having Congress say that nothing can be done, taking away whatever powers the President or anybody else might have, by saying that it cannot be done except by an act of Congress? We might not be in session. It might be a week or two after an emergency should arise before the Congress could act. If the Congress had adjourned, or was in recess and Members were away on business we might have difficulty getting Congress convened quickly.

The Internal Security Committee is taking a little different approach. They are attempting to take away all the fear. They have reported an amendment to the Internal Security Act which says nobody can be placed into any camp because of race or color or creed. I think a great deal of this fear has been manufactured because some Communists or some marchers feel that possibly they may be picked up and placed into a camp wrongfully, and maybe now some good honest citizens are genuinely concerned about it. If we are going to have the language added to the repealer which the Judiciary Committee suggested, then I intend to support the Internal Security Committee bill, I hope the Judiciary Committee will give consideration to accepting language to strike out the provision which says:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress—

And simply proceed to repeal title II of the Internal Security Act, which the newspapers, as the gentleman from Hawaii (Mr. MATSUNAGA) has said, and others seem to think ought to be repealed.

If that is what should be done, fine, then let us do it, but do not let us hamstring the President or anybody else with some language we cannot interpret in the future.

If Members are going to insist upon that language, then I am going to oppose that repealer with that language, and I am going to support the Internal Security Committee, which I think has attempted to do a pretty good job.

I do not believe anybody is going to be locked up and placed in a concentration camp. Those days are gone forever so far as the United States of America is concerned.

At any rate, Mr. Speaker, I do support the rule, and I hope Members will pay attention, when it is presented—as they always do, of course. I believe the gentleman from Missouri (Mr. ICHORD) and the gentleman from Ohio (Mr. ASHBROOK) in their recent two-page letter have set forth the situation very uniquely so far as the difficulty is concerned with the added language, and what might occur.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, initially I believe the fears that the gentleman harbors might be entertained by many Members of Congress, but the committee amendment which is proposed, known as the Railsback amendment, does not in any way detract from the powers which the President already has, and the President may act under existing laws passed by Congress as well as by exercising his constitutional powers.

In reply to a question by the chairman of the Internal Security Committee on September 10, 1970, Mr. Yeagley, who was then Assistant Attorney General in charge of the internal security, had this to say:

> There is a considerable amount of statutory authority to protect the Internal Security interests of our country from sabotage and espionage or other similar attacks.

This would seem to indicate, and I hope the gentleman from California will review this matter as we go into further debate in the Committee of the Whole, that by the statement of the Attorney General's office itself, we have no fear expressed relative to any emergency situation wherein the lack of law may hamstring the President.

Mr. SMITH of California. May I say to the distinguished gentleman that the testimony we are talking about occurred on the original bill in 1970. This bill was reported in 1971. There is not any statement or any letter any place on this particular language. I have asked the Department of Justice and the Attorney General, and I have inquired of the White House. They do not want to get into it, and I will put it into the RECORD, because of the political reasons. I believe that they are against that language, but they do not want to say so.

The gentleman from Hawaii talks about the Japanese being taken into camp. He wants to repeal title II of the Internal Security Act. Then why does not the gentleman support what he has in mind and not talk about other language which has nothing to do with title II of the Internal Security Act? That is something I cannot quite get myself to understand.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I am happy to yield further.

Mr. MATSUNAGA. Actually the Railsback amendment, merely reiterates what is the law.

In answer to the query raised by the chairman, this year, in testifying before the Subcommittee No. 3 of the House Committee on the Judiciary, on March 18, 1971, Mr. Mardian, who succeeded Mr. Yeagley as Chief of the Internal Security Division of the Department of Justice, had this to say in answer to a question by the gentleman from Wisconsin (Mr. KASTENMEIER):

> Mr. KASTENMEIER. Would you tell the committee what statutory means are at the disposal of the Department in dealing with internal security emergencies?
>
> Mr. MARDIAN. Yes; there are numerous statutes on the book that relate to the commission or attempt to commit acts of sabotage. I think the most relevant statute is title 18, 2152, which is the sabotage statute. Title 18, 2388 is relevant. We have the Smith Act. We have title 50, section 21, which provides for the authority of the President in time of declared war or any invasion or predatory incursion by an enemy.

Then he goes on to say:

> I could recite numerous other statutes, all of which deal with the commission of crimes against the United States or attempt to commit crimes against the United States that have been on the books for some considerable period of time, that we feel are sufficient to treat the problem.

I repeat, "that we feel are sufficient to treat the problem."

So the amendment itself, as I pointed out to the gentleman earlier, would not in any way diminish the powers of the President, given to him under laws mentioned by Mr. Mardian.

Mr. SMITH of California. I am very familiar with the statutes the gentleman has read. I taught the law on espionage and sabotage and national security all over the United States. I am familiar with it.

We do have those laws the gentleman says we have, adequate laws. He cites the testimony. Fine. Let us rely on the adequate laws the Department of Justice says we have and not clutter them up by adding language which might cause confusion. That is the point I will stick with.

Mr. ICHORD. Mr. Speaker, will the gentleman yield, since my name was mentioned?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. ICHORD. I did not intend to participate in the debate on the rule. As the gentleman knows, I testified before the Committee on Rules and I do intend to vote for the rule.

I cannot help but make a point, since the gentleman from Hawaii mentioned my name, that the two gentlemen to whom he referred, Mr. Yeagley and Mr. Mardian, also expressed at the same time opposition to the Railsback amendment.

I happen to feel very strongly about some of the issues that have been presented in the debate today. I feel that my position is the true libertarian position.

I did want to make it clear at this point in the RECORD that the Department of Justice did not and has not expressed favor for the Railsback amendment.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I want to begin by thanking the gentleman for yielding.

My friend and colleague from Missouri, I believe, is correct when he says that they do not favor it. What he means is they have not taken a position. There is no doubt about that; they have not taken a position.

I believe it is a little bit—and I know he does not intend it—almost misrepresentive when he says they do not favor it. The point is they have really not taken a position.

I want to address myself to the question of the gentleman from California to the gentleman from Hawaii about, Why support this extra language? I believe the answer is very simple. By repealing title II of the Internal Security Act we knock out a statute that was passed in the year 1950. If we are concerned about what happened in 1942 when there really was not a statute existing upon which the President relied, then we have to do something in addition if we really want to prevent some kind of a recurrence of what happened in 1942.

In other words, the Internal Security Act was not even in existence in 1942.

Mr. SMITH of California. I can understand the gentleman's point. I repeat, and then I will close, that title II of the Internal Security Act has never been used. It was passed in 1950. You are talkabout a World War II problem, where the Army took action pursuant to a Presidential order. There was a lot of concern at that time about various situations. You will recall back before World War I we had the Black Tom explosion which blew up an ammunition dump in New Jersey, and costs ran into millions of dollars of damages. We had all kinds of sabotage that occurred. Now, neither the gentleman from Illinois nor the gentleman from Ohio nor the gentleman from California can anticipate what may happen in the future. We do not have a crystal ball. I say that if title II is the problem, then let us repeal it. It has never been used or will be used, so why go ahead and put more language in on it? Why create an additional problem here that we do not now have?

Mr. RAILSBACK. Let me say I understand your position, but frankly simply repealing title II does not, in my opinion, have a chance. I think the gentleman from Missouri, who is on the opposite side, would agree. I think what that does simply is it leaves it in limbo. If you want to follow what he has proposed, that is one thing. If you want to prevent what happened in 1942, then that is something else.

I want to make one additional point here. Even under the amendment that will be offered by the gentleman, I believe there are three events which trigger or can trigger a Presidential proclamation. Two of them would now require in his amendment some kind of congressional action in the near future. The other thing is that under martial law, if there were an invasion of this country and the courts were not able to operate, there is no question but what the President would retain his powers in that event.

Mr. SMITH of California. I will say to the gentleman from Illinois those are some of the things that bother me. In other words, this amendment has been added by the Committee on the Judiciary. Why does not the Committee on the Judiciary repeal title II and then start hearings and find out what laws we have now? You say you think the President could do this or could do that. It seems that we have different thoughts on these matters. Why do we not get a staff study out to the Department of Justice and let them look at this language and say that they are either for this language or they are not? Do not let them play politics with it. You could do a good job on it, but I just do not think you have had the necessary hearings with regard to that language yet. This is my personal opinion. You can do a good job on it and review it and come in with legislation if it is needed.

Mr. ICHORD. Mr. Speaker, will the gentleman yield since my name was mentioned again?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman from Illinois may have inferred that I perhaps intentionally misled the House when I said that Mr. Mardian and also Mr. Veagley had expressed opposition to the Railsback amendment. I hold in my hand a letter dated May 14, 1971, and I read from that letter from Mr. Mardian which says that at the March 3 hearings before the House Committee on the Judiciary, Subcommittee No. 3, "I objected to this provision."

Now, it is true that the amendment at that time only applied to title 18. It applies now and it has been revised.

This is my position. I think that the House Committee on the Judiciary has not done its work well. I think it has jumped from the frying pan into the fire. I hope during the course of this debate to hold your feet to the fire. I think that we can discuss these very difficult, profound constitutional issues without being disagreeable. If we do disagree, I think we can disagree without being disagreeable. I do not wish to say any more at this time and I appreciate the gentleman from California yielding.

Mr. SMITH of California. I was happy to yield to the gentleman from Missouri.

Mr. MIKVA. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Speaker, I appreciate the efforts of the gentleman from Missouri in trying to clear up the record, and I know that no one feels that the gentleman from Missouri has tried to mislead the House. However, if I could clear it up a little bit more I would like to be able to do so, because I am sure that the gentleman from Missouri had no intention to misinform the House.

Mr. Speaker, I think we can agree on the fact that Mr. Mardian appeared before our subcommittee. He appeared and stated—and I can quote his testimony, if necessary—his opposition to a provision that was in the bill that the gentleman from Hawaii (Mr. MATSUNAGA) and I had introduced, along with other proposals which stated that no one should be detained or imprisoned except under the provisions of title 18. He pointed out, very wisely, that many of the provisions that do allow detention and imprisonment appear in other sections than title 18. He made reference to them including 26 and 49, and in response to the Department of Justice opposition to that over extension, the Railsback amendment came into being, which made it very clear that we are not talking about title 18 but any detention authorized by an act of Congress.

So, I am sure that the gentleman from Missouri would agree that Mr. Mardian's statements all refer to the earlier bill which would have said that imprisonment could only be pursuant to title 18 but he correctly added that there were many other titles which allow for imprisonment.

Mr. SMITH of California. Mr. Speaker, I will say to the gentleman that I assume this question can be resolved during the 3 hours of general debate, but the gentleman's statement is another reason why I think I am correct in that there is a difference here about what the testimony of Mr. Mardian was—whether he was for it or against it or whether there are already existing adequate laws. Why does not the Committee on the Judiciary find out and spell them out and see if we need this language? If they need this language, I shall support a rule providing for it, but I do not think we ought to legislate without full knowledge, and so many Members of the House who are on the floor have differing opinions as to the testimony of Mr. Mardian.

Mr. Speaker, let us find out what it was. Let us find out what we are talking about. In other words, are you for it or against it and leave politics out of it.

Mr. ICHORD. Mr. Speaker, since my name has again been mentioned, will the gentleman yield?

Mr. SMITH of California. I yield further to the gentleman from Missouri.

Mr. ICHORD. I appreciate the kind remarks of the distinguished gentleman from Illinois, but I thought I made myself clear. I do not know whether I said what I meant, but I think I meant, and I am quite sure I meant what I said, and I quote again from the letter dated May 14, 1971, by Mr. Mardian in order to make my position clear. Of course, I am not here to defend Mr. Mardian's position. I am here to defend my position and the position of my committee. Mr. Mardian stated:

> Of course, the Department of Justice has maintained, and continues to maintain, the opinion that title II of the Internal Security Act of 1950 should be repealed outright without any provisos attached thereto.

The amendment which the gentleman from Illinois (Mr. Railsback) proposes to offer is a proviso, and I hope to be able to show the gentleman from Illinois they jump from the frying pan into the fire, and I say again I intend to hold your feet to the fire.

Mr. SMITH of California. Mr. Speaker, I urge the adoption of House Resolution 483 and reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I have no further requests for time on this side.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ICHORD. Mr. Speaker, reserving the right to object—and I will object, Mr. Speaker, if the request for a revision and extension of the remarks includes extraneous material.

Mr. ANDERSON of Illinois. Mr. Speaker, I am sorry that the gentleman from Missouri (Mr. Ichord) feels obliged to invoke a rule of that kind in connection with what is a normal and routine request. Actually, I had not intended to include any extraneous material——

Mr. ICHORD. With that understanding, that the gentleman does not include extraneous material—and I will make my point very clear later on in the debate.

Mr. ANDERSON of Illinois. Mr. Speaker, I do not yield further.

Mr. ICHORD. If the gentleman will permit me to continue, I will not object as long as the request does not include extraneous material.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Speaker, before I begin, I think it is appropriate to note with great pleasure the return to the floor of the House of Representatives this afternoon of the distinguished ranking member of the House Committee on the Judiciary, my friend and colleague, the gentleman from Ohio (Mr. McCulloch).

Mr. Speaker, I think that the rising and spontaneous ovation that my friend, the gentleman from Ohio (Mr. McCulloch), has just received, speaks volumes, and far more eloquently than any words that I could summon, of the deep feeling of affection that we hold for the gentleman, and the fact that during these many weeks of his enforced absence because of illness, that we have missed him, that we have missed his wise counsel, and that we have missed his support on those great issues because I think there is no man with a reputation for being a greater civil libertarian and a greater supporter of the cause of civil rights than the gentleman from Ohio (Mr. McCulloch). We are indeed happy that he has come back to us today.

Mr. Speaker, I do not intend to speak at length on this bill. I merely wanted to express my pleasure that, after these many, many weeks, if not months of preparation that we have come to the moment of decision on what I think is a highly important piece of legislation.

I sense from the attitude of my friend, the gentleman from Missouri (Mr. Ichord)—and he is my friend—that there is a little testiness in the air on this matter, and maybe it is because it stems from the fact that I believe the committee which that gentleman chairs so ably, feels some preemptive or some proprietary rights on the subject matter of the Internal Security Act of 1950, and there is maybe just a bit of feeling over the fact that we are considering it today——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, by the fact that we are considering it today, but not from his committee, but from the House Committee on the Judiciary.

I believe I would agree with my friend, the ranking member of the Committee on Rules, the gentleman from California (Mr. Smith), that we have attempted to deal with this matter fairly and equitably by providing a rule that will allow each of these committees an equal amount of time to discuss their respective approaches to this matter.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. In just one moment.

I further join the gentleman from Hawaii in the effort that he has made to secure the total and outright repeal of title II.

When I testified many weeks ago before the House Committee on the Judiciary I referred at that time to some testimony by the Deputy Attorney General, Richard Kleindienst, when in 1969 he testified in behalf of the Department of Justice in support of the repeal of title II, and what he said at that time I thing bears repeating: that this statute has aroused among many of the citizens of the United States the belief that it may one day be used to accomplish the apprehension and detention of citizens who hold unpopular beliefs and views.

And it is because of that fear, even though it may be unjustified, and even though it may be indeed even fanciful to believe that such things could happen in this Republic, I believe it is important that we recognize that the fear does exist, and that fear can be corrosive, it can be destructive so far as our democracy is concerned, so that, therefore, we ought to completely allay and bring to rest those fears once and for all by wiping from the statute books title II of the Internal Security Act of 1950.

Mr. Speaker, I support the rule, and I support the legislation that would make that come to pass.

Now I am pleased to yield to my friend, the gentleman from Missouri, the chairman of the Committee on Internal Security (Mr. Ichord).

Mr. ICHORD. I want to say, insofar as the rhetoric of the gentleman from Illinois is concerned, I agree with him wholeheartedly. I do not, however, agree with his emotion and with his logic.

I want to assure the gentleman from Illinois that I am not piqued that the House Committee on the Judiciary might have infringed upon the jurisdiction of the House Committee on Internal Security. But my objection goes to the substantive issue and I will insist, and I want to watch it very closely, that no extraneous material goes into the Record, in order to observe the issues, unless it is moved and ordered by the House.

Mr. ANDERSON of Illinois. I had not intended to discuss the substitute. I felt there would be adequate time during the 3 hours of general debate for that to take place.

But, the gentleman has raised the point—and let me say why I am opposed to the substitute that he would offer. It is simply for the reason that it would, to be sure, for the first time, provide that no one could be detained or imprisoned for reasons of race and ancestry. But that does not include language to the effect that it would bar the imprisonment of someone holding unpopular beliefs. It does not go to the very important matter, I think, of possible thought control. So I would salute the gentleman for going as far as he has gone in suggesting we would never want to return to the days of 1941 and 1942, imprisoning people on the basis of ancestry. But I think we ought to go the whole way—we ought to go the whole route and repeal the title and thereby achieve the objective of making sure that we do not detain people for holding unpopular beliefs as well.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield again since he has mentioned my name?

The SPEAKER. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

Mr. MATSUNAGA. Mr. Speaker, does the gentleman from Missouri wish time?

Mr. ICHORD. I do not wish to participate in this debate, but as I stated previously, if the gentleman is going to——

Mr. MATSUNAGA. Mr. Speaker, does the gentleman from Missouri wish time?

Mr. ICHORD. I do not desire any time, but I will object to the inclusion of extraneous material in the unanimous-consent request of the gentleman.

Mr. MATSUNAGA. Mr. Speaker, there being no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. DICKINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 345, nays 1, not voting 87, as follows:

[Roll No. 252]

YEAS—345

Abernethy
Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gude
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDonald, Mich.
McFall
McKay
McKinney
McMillan
Mahon
Mailliard
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stokes
Stratton
Stubblefield
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Reid, N.Y.

NOT VOTING—87

Abbitt
Addabbo
Anderson, Tenn.
Badillo
Baker
Biaggi
Blatnik
Brasco
Bray
Brooks
Brown, Ohio
Burke, Fla.
Clancy
Clark
Cleveland
Corman
Cotter
Delaney
Derwinski
Diggs
Donohue
Dulski
du Pont
Edwards, La.
Eilberg
Esch
Eshleman
Fish
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fulton, Tenn.
Gallagher
Goldwater
Griffin
Gubser
Hagan
Haley
Halpern
Harrington
Harsha
Howard
Jarman
Keating
Kee
Keith
Landrum
Lent
Long, La.
McCloskey
McDade
McEwen
McKevitt
Macdonald, Mass.
Madden
Mann
Mills, Md.
Murphy, N.Y.
Podell
Powell
Preyer, N.C.
Price, Tex.
Pucinski
Rees
Reid, Ill.
Roe
Roy
St Germain
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Steiger, Wis.
Stephens
Stuckey
Sullivan
Talcott
Terry
Thomson, Wis.
Vander Jagt
Whalley
Widnall
Wilson, Bob
Wolff
Wyman
Young, Fla.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mrs. Sullivan with Mr. Baker.

Mr. Addabbo with Mr. Mills of Maryland.

Mr. Blatnik with Mr. Price of Texas.

Mr. Brasco wtih Mr. Bray.

Mr. Macdonald of Massachusetts with Mr. Clancy.

Mr. Fulton of Tennessee with Mr. Cleveland.

Mr. Murphy of New York with Mr. Smith of New York.

Mr. Cotter with Mr. Talcott.

Mr. Clark with Mr. Esch.

Mr. Brooks with Mr. Eshleman.

Mr. Delaney with Mr. Goldwater.

Mr. Howard with Mr. Harsha.

Mr. Sisk with Mr. Gubser.

Mr. Slack with Mr. Brown of Ohio.

Mr. St Germain with Mr. Burke of Florida.

Mr. Roe with Mr. Reid of Illinois.

Mr. Gallagher with Mr. Powell.

Mr. Foley with Mr. Keating.

Mr. Donohue with Mr. Whalley.

Mr. Diggs with Mr. Podell.

Mr. Dulski with Mr. Terry.

Mr. Eilberg with Mr. Badillo.

Mr. Mann with Mr. Keith.

Mr. Biaggi with Mr. Halpern.

Mr. Anderson of Tennessee with Mr. Derwinski.

Mr. Madden with Mr. du Pont.

Mr. Pucinski with Mr. Widnall.

Mr. Preyer of North Carolina with Mr. Bob Wilson.

Mr. Flynt with Mr. Young.

Mr. Wolff with Mr. Wyman.

Mr. Stuckey with Mr. Fish.

Mr. Smith of Iowa with Mr. Gerald R. Ford.

Mr. Jarman with Mr. Thompson of Wisconsin.

Mr. Kee with Mr. Thone.

Mr. Landrum with Mr. Lent.

Mr. Abbitt with Mr. McCloskey.

Mr. Edwards of Louisiana with Mr. McEwen.

Mr. Long of Louisiana with Mr. Martin.

Mr. William D. Ford with Mr. McDade.

Mr. Griffin with Mr. Steiger of Wisconsin.

Mr. Stephens with Mr. McKevitt.

Mr. Harrington with Mr. Rees.

Mr. Hogan with Mr. Haley.

Mr. Corman with Mr. Roy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I

move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 234, with Mrs. GRIFFITHS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 3 hours, 1½ hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 1½ hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Internal Security.

Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 45 minutes; the gentleman from Virginia (Mr. POFF) will be recognized for 45 minutes; the gentleman from Missouri (Mr. ICHORD) will be recognized for 45 minutes; and the gentleman from Iowa (Mr. ASHBROOK) will be recognized for 45 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Madam Chairman, I yield myself 10 minutes.

Madam Chairman, I rise in support of H.R. 234, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18, and I yield myself such time as I may consume.

WHAT THE BILL DOES

As amended by the Committee on the Judiciary, this bill does two things: First, it prohibits the imprisonment or other detention of citizens by the United States except in situations in which some congressional statutory authority for their incarceration exists; and, second, it repeals the Emergency Detention Act—title II of the Internal Security Act of 1950—which provides general authorization for the establishment of detention camps and imposes certain conditions on their use.

I hasten to add that no President has ever used or tried to use the provisions of the Detention Act. Nevertheless, repeal of these provisions is of vital symbolic significance. The issue is whether or not a free people will knowingly tolerate intimidation of fellow citizens by the maintenance of repressive legislation. The enactment of this repeal measure is needed if we wish effectively to answer the question: Do we, in America, need detention camps?

BACKGROUND

H.R. 234 is one of 17 identical bills sponsored or cosponsored by 159 Members of the House. Its salient purpose is to prohibit the establishment of detention camps and to repeal the existing Emergency Detention Act of 1950 which grants authority for the establishment of such camps.

The Emergency Detention Act was enacted as title II of the Internal Security Act of 1950, the year in which the Korean war began. It established procedures for the detention of individuals—not who are charged with or arrested for committing crime, but individuals who are "deemed likely" to engage in espionage or sabotage during a period of "internal security emergency."

Although no President has invoked these provisions, their mere existence has aroused much concern among American citizens, including especially minority groups, lest the Detention Act become an instrument for detaining American citizens who hold unpopular beliefs and views. Groups of Japanese-American citizens regard the act as potentially permitting a recurrence of the roundups which resulted in detention of Americans of Japanese ancestry in 1941 and subsequently during World War II. I join the 159 sponsors of the legislation in urging that the Emergency Detention Act should be repealed.

LEGISLATIVE HISTORY

In the 91st Congress, H.R. 11373 and a number of identical measures that would have prohibited detention camps and would have repealed the Emergency Detention Act, were referred to the Committee on the Judiciary. On the other hand, H.R. 1157 and a number of House bills which would have had a comparable effect, were referred to the Committee on Internal Security. In addition, S. 1872, which provided for the repeal of the Detention Act, was passed by the Senate and thereupon was also referred to the Committee on Internal Security.

In the interest of expeditious and conclusive action—the Senate bill, S. 1872, having been referred to the Committee on Internal Security—Chairman Celler indicated to the chairman of the Internal Security Committee that if that committee was planning early action on S. 1872 the Committee on the Judiciary would defer consideration of the legislation before it. Subsequently, hearings were held by the Internal Security Committee. Ultimately, on September 14, 1970, that committee reported a clean bill, H.R. 19163, introduced by Chairman ICHORD and the gentleman from Ohio (Mr. ASHBROOK).

By that date, the Internal Security Committee had completed its 11 days of hearings. It had heard testimony from 28 Members of the House, all of whom advocated—and none of whom opposed—repeal.

Notwithstanding the action of the Senate and notwithstanding the views and testimony of Members of the House in favor of repeal, the bill reported by the Internal Security Committee, instead of repealing the Emergency Detention Act, would retain and amend that act by adding a number of new provisions to it. The 91st Congress adjourned before a rule was granted, so that floor consideration of the Ichord-Ashbrook bill was not accomplished. In the present Congress, the Committee on Internal Security favorably reported without amendment H.R. 820, a measure identical with H.R. 19163 which it had reported in the 91st Congress.

As I have indicated, 159 Members of the House have, in the present 92d Congress, reiterated their support for measures repealing the Emergency Detention Act. They have done this by sponsoring identical measures which would be, and have in fact been, referred to the Judiciary Committee.

In view of this large number of Members who, with full knowledge of the fact that in the 91st Congress the Internal Security Committee rejected the idea of repeal and substituted a bill merely amendatory of the Emergency Detention Act, have nevertheless introduced repeal bills that would be and were referred to our committee, we concluded that respect for the wishes of these many Members called for action on the bills pending before us.

JUSTICE DEPARTMENT VIEWS

At the hearing before the Judiciary Subcommittee, the Justice Department witness testified that—

> The Department of Justice is unequivocally in favor of repealing Title II of the Internal Security Act.

He added that—

> In the judgment of this Department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. *This benefit outweighs any potential advantage which the Act may provide in a time of internal security emergency.* (Emphasis supplied)

More recently, in a communication addressed to the chairman of the Committee on Internal Security in response to his request for the views of the Department of Justice on H.R. 820, the Deputy Attorney General declared:

> *The amendments to this Act, contained in H.R. 820 do not alter the Department's opinion that the Emergency Detention Act should be repealed.* (Emphasis supplied)

The Department of Justice has thus made clear that it believes that the effective discharge of the Attorney General's responsibility for coping with subversion does not require the continued existence of title II. In these circumstances, the continued existence of title II can serve no purpose other than the intimidation of minorities.

THE COMMITTEE AMENDMENT

At the hearing the Department of Justice witness criticized sections 1 and 2 of the bill as introduced. The purpose of these sections was to prohibit detention camps. He said that these sections, which provided that no citizen might be detained in any facility except in conformity with title 18, United States Code, mistakenly assumed that all provisions for the detention of convicted persons are contained in title 18. He pointed to a number of criminal provisions that appear in other titles; for example, titles 21—narcotics; 50—selective service; 26—internal revenue; and 49—airplane hijacking.

To alleviate these problems raised by

the Department of Justice, the committee recommends an amendment that would take the place of sections 1 and 2. The amendment provides that no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

In this way, the legislation also avoids the pitfalls that might be created by repealing the Detention Act by leaving open the possibility that people might nevertheless be detained without the benefit of due process, merely by executive fiat.

In other words, the requirement of legislative authorization would close off the possibility that the repeal of the Detention Act could be viewed as simply leaving the field unoccupied. It provides that there must be statutory authority for the detention of a citizen by the United States. Existing detention practices are left unaffected. Incarceration for civil and criminal contempt, and detention of mental defectives, for example, are already covered by statutes.

COMMITTEE CONCLUSIONS

The committee without dissenting vote agrees with the Department of Justice and the sponsors of repeal legislation that the Emergency Detention Act serves no useful purpose, but, on the contrary, only engenders fears and resentment on the part of many of our fellow citizens.

What is more, the constitutional validity of the statute is subject to grave challenge. The act permits detention of "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage."

This criterion would seem to violate the fifth amendment by providing imprisonment not as a penalty for the commission of an offense or as part of an arrest in the presence of probable cause, but on "mere suspicion that an offense may occur in the future." The act permits detention without bail even though no offense has been committed or is charged. In a number of ways the act violates the first amendment. In a number of ways, also, the provisions of the act for judicial review are inadequate in that they permit the Government to refuse to divulge information essential to a defense.

The concentration camp implications of the legislation render it abhorrent and there is no compensating advantage to be derived from permitting this law to remain on the books. In the committee's opinion the Emergency Detention Act is beyond salvaging, cannot be adequately amended, and should be repealed in toto.

But the committee believes that it is not enough merely to repeal the Detention Act. The act, concededly, can be viewed as not merely as an authorization for, but also in some respects as a restriction on, detention. Repeal alone might leave citizens subject to arbitrary executive action, with no clear demarcation of the limits of executive authority. It has been suggested that repeal alone would leave us where we were prior to 1950. The committee believes that imprisonment or other detention of citizens should be limited to situations in which a statutory authorization, an act of Congress, exists. This will assure that no detention camps can be established without at least the acquiescence of the Congress.

The CHAIRMAN. The gentleman from Wisconsin consumed 12 minutes.

The Chair recognizes the gentleman from Virginia (Mr. POFF).

Mr. POFF. Madam Chairman, I yield myself such time as I may consume. Madam Chairman, I rise in support of H.R. 234.

The central purpose of the bill is to repeal title II of the Internal Security Act of 1950, the Emergency Detention Act of 1950. Since the Emergency Detention Act has never been implemented, since its constitutionality is under challenge, and since it is a source of genuine apprehension for many Americans, I support its repeal.

However, the bill, as introduced and as reported by the committee, does more than repeal; it also prohibits. By amending section 1 of the bill to provide that "no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress," the committee sought to assure that no detention camps will be established without the acquiescence of the Congress. My purpose is to explain the committee's intent in reporting H.R. 234 with the section 1 amendments.

The bill's sponsors and the committee did not content themselves with a simple repeal of the Emergency Detention Act, because it is far from certain what effect a simple repealer would have on the President's powers to detain persons during an internal security emergency. By viewing the Emergency Detention Act, with its limited procedural safeguards, as a limitation on rather than authorization for the establishment of detention camps, one can argue that, by removing an existing restraint on the President's power, a simple repealer operates to expand rather than contract the Executive's emergency detention powers.

Indeed, House Report No. 92–94, the Internal Security Committee's report on H.R. 820, a bill to amend, and not repeal the act, noted at page 12:

> Surely a consideration of the fact that a repeal of the act removes all restraints upon the Executive and would return us to the status existing in World War II should give us pause.

Although the question of the President's exclusive power to establish internment camps was raised in *Hirabayashi* v. *United States,* 320 U.S. 81 (1943), and in *Korematsu* v. *United States,* 320 U.S. 214 (1944), the question was never decided because the Court found that Congress did, in fact, approve the Executive orders which restrained American citizens by curfew in the former and excluded citizens from a defined area in the latter.

Rather than relying on the uncertainty of a simple repealer, the committee elected to take the more prudent course of insuring that the bill contained an affirmative prohibition against the establishment of detention camps without the consent of the Congress.

As introduced, H.R. 234 contained such a prohibition. The thrust of the first two sections of the original bill was to prohibit the detention of any person except in conformity with title 18 of the United States Code. However, as Assistant Attorney General Robert Mardian accurately observed at the subcommittee hearings on H.R. 234, there are crimes in titles other than title 18 for which a person may rightfully be detained.

Instead of enumerating all of the titles of the United States Code which authorize imprisonment, the committee decided to replace the original sections 1 and 2 with a single provision:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

The sole purpose of this amendment is to assure that no detention camps can be established without the consent of the Congress. It is not the committee's intent to eliminate any detention practices presently authorized by statute or judicial practice and procedure.

"Stop and frisk" powers by law enforcement personnel; searches by border patrolmen and customs officials; detentions of suspects for identification—all would remain unaffected by the committee's amendment. Detentions incident to judicial administration such as those authorized by the judicial authority to maintain order in a courtroom, judicial contempt powers, and the judicial authority to revoke bail or parole, are not within the intendment of the committee's amendment. Certainly, the committee does not propose that detentions presently permitted in the normal course of law enforcement and judicial administration be influenced in any way.

A substitute bill will be offered, I profoundly respect those who will offer it. They are one and all patriotic, highly motivated Americans, I find it painful to oppose them. I must do so.

I must do so because the Judiciary Committee bill affects a complete repeal. The substitute bill is less than that. Less than that is less than enough. Only repeal is adequate.

It is altogether immaterial that the Emergency Detention Act of 1950 has never been used. It is irrelevant that it is unlikely ever to be used. Its simple existence is the predicate for the fear that it might be used. The fear will continue to have some credibility so long as its predicate remains alive.

A wise man once said that if it is unnecessary to have a law, it is necessary not to have it. That is why I prefer the Judiciary Committee bill to the substitute bill.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. HALL. Madam Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Ninety-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 253]

Abbitt
Abourezk
Addabbo
Anderson, Tenn.
Badillo
Baker
Biaggi
Blatnik
Brasco
Bray
Brooks
Brown, Ohio
Burke, Fla.
Carey, N.Y.
Chamberlain
Chisholm
Clancy
Clark
Clay
Cleveland
Corman
Cotter
Delaney
Derwinski
Diggs
Dingell
Donohue
Downing
Dulski
du Pont
Edwards, La.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Foley
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Gallagher
Goldwater
Griffin
Gubser
Hagan
Haley
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Horton
Howard
Jarman
Keating
Kee
Keith
Landrum
Lent
Long, La.
McCloskey
McDade
McEwen
McFall
McKevitt
Macdonald, Mass.
Madden
Mann
Mills, Md.
Mitchell
Morse
Murphy, N.Y.
O'Hara
Pepper
Pike
Podell
Powell
Preyer, N.C.
Roe
Rooney, Pa.
Roy
St Germain
Sandman
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Talcott
Terry
Thomson, Wis.
Tiernan
Vander Jagt
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wyman
Young, Fla.
Young, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 234, and finding itself without a quorum, she had directed the roll to be called, when 322 Members responded to their names, a quorum, and she submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Madam Chairman, I yield myself 15 minutes.

Madam Chairman, at the outset I believe I should make it clear why I objected to the inclusion of extraneous matter in this debate. I shall continue to object to extraneous matter being included in any revision and extension of remarks. I want to make my reasons perfectly clear.

It is not for the purpose of obstructing this House, but for the purpose of making a substantive point. I happen to feel very strongly on some of the issues presented in this measure. I also happen to feel that my position and the position of a majority of my committee is the true libertarian position.

I am making this point for the purpose of getting the Members of the House to look at the real issues involved in this measure, because, Madam Chairman, as I have said, we are all so busy legislating on everything from the regulation of switchblade knives, which is a city council matter—and I saw that bill come over my desk the other day—to the building of missiles, going to the defense of this Nation, that 90 percent of us do not know what we are voting on 90 percent of the time—and that includes yours truly.

Madam Chairman, we meet today to consider bills which would either repeal or amend the Emergency Detention Act of 1950. As agreed, the bill, H.R. 234, a bill reported from the Judiciary Committee which would repeal the Emergency Detention Act, will be called for consideration. It shall, however, be in order to consider the text of the bill H.R. 820, a bill to amend the act, reported from the Committee on Internal Security, as a substitute for H.R. 234. Other amendments will be in order under the 5-minute rule. I rise in opposition to the enactment of the bill H.R. 234 either as introduced or as amended by the Judiciary Committee.

Based upon intensive investigation of this problem by the Committee on Internal Security, which has primary jurisdiction over the act, I would urge that the text of the bill H.R. 820 be enacted as a substitute for the provisions of H.R. 234. Such an amendment will retain the Emergency Detention Act and at the same time strengthen its liberal aspects. However, should this amendment fail, and it be the will of the House that the act should be repealed, I would then urge a necessary and vital amendment to the bill H.R. 234 in lieu of the Judiciary Committee amendment, the terms of which I have previously advised the Members in a circular letter.

As introduced, the bill H.R. 234 would essentially do two things: It would, first, prohibit the imprisonment or detention of any person, except in accordance with the provisions of title 18, United States Code. Second, it would repeal the Emergency Detention Act of 1950 in toto. The bill in this form was opposed by the Department of Justice. The Department objected to those sections of the bill which would prohibit the detention of persons other than by the provisions of title 18. Title 18, commonly known as the penal code, does not embrace all penal sanctions, many of which are scattered in various other titles of the United States Code. Hence this section of the bill was obviously objectionable. It was accordingly stricken by the Committee on the Judiciary which reported in lieu thereof an amendment providing that—

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

With this amendment the committee jumped from the proverbial frying pan into the fire. The bill as reported would now do two things:

First, it would repeal the Emergency Detention Act of 1950; and, second, it would also by this most dangerous committee amendment deprive the President of his emergency powers and his most effective means of coping with sabotage and espionage agents in war-related crises. Hence the amendment also has the consequence of doing patent violence to the constitutional principle of separation of powers. While favoring the repeal of the Emergency Detention Act, the Department of Justice likewise opposes the committee amendment, although it takes the position that any such unconstitutional provision could be ignored by the President.

Quite obviously, in light of what this bill H.R. 234 would do as reported, I cannot believe that the Members of this House would agree to its enactment in its reported form. Although many Members of this House are committed to the repeal of the Emergency Detention Act of 1950, they have no purpose, I am sure, to confound the President in the exercise of his constitutional duties to defend this Nation, nor would they wish to render this country helpless in the face of its enemies.

In order to assess the alternatives with which we are faced in our deliberations today, I believe it would be helpful to review briefly the rather complex circumstances leading to the introduction of bills on this subject. It is interesting to note that in the 20 years following the adoption of the Emergency Detention Act of 1950, there was a notable lack of general public interest on this subject until within the past few years. The Communist Party, through the activities of one of its hitherto obscure front organizations, known as the Citizens Committee for Constitutional Liberties, succeeded in focusing national attention upon the act. It was able to do so by playing upon the sensitivities of various minority groups in the context of the riots and developing crises within our cities during the late 1960's.

By means of the widespread dissemination of alarming misinformation concerning the terms and effect of the act, the Communist Party created, first, a widespread concern among black militants that they might be interned under the provisions of the statute which authorizes its application in the event of an insurrection in aid of a foreign enemy. At the same time, they were able to involve Japanese-Americans by making it appear that this act was in some way related to the unfortunate experience of Americans of Japanese ancestry who were detained in World War II. We will recall that during World War II about 112,000 persons of Japanese ancestry, residing in Western States, approximately two-third's of whom were natural-born citizens of the United States, were removed from their homes and placed first in temporary camps and later in 10 "relocation centers" situated in several Western States. At its national convention in 1968 the Japanese-American Citizens League embarked upon a well-organized campaign to seek enactment of legislation to repeal the Emergency Detention Act of 1950. However, the Emergency Detention Act can only be a symbol of what happened to the Japanese. It must also be a false symbol because title II was not enacted until 1950.

The simple fact is that the Emergency Detention Act of 1950 stands as the only legislative barrier to the detention of persons on the basis of race, color, or ancestry. Indeed, if it had been in force in World War II, it would have prevented such indiscriminate detention as then occurred. The act is, in fact, a civil libertarian measure designed to preclude such action as was taken against the Japanese-Americans. It was introduced in the 81st Congress by Senators Kilgore, Douglas, HUMPHREY, Lehman, Graham, Kefauver, and Benton. Who would question their libertarian credentials? It was offered by them as a substitute for title I of the Internal Security Act of 1950. It was subsequently enacted as title II of the act, and thus established a controlled system of preventive detention with due process safeguards as an effective and reasonable means of coping with sabotage and espionage agents in war-related crises.

To deal with this realistic prospect, the statute enacted a system of preventive detention of hard-core revolutionaries during the period of any proclaimed emergency, with detailed procedures for its administration and the specification of rigorous due-process safeguards.

The Emergency Detention Act may be applied only in the event of, first, an invasion of the territory of the United States or its possessions; second, a declaration of war by Congress; or, third, an insurrection within the United States in aid of a foreign enemy. In any one of such events, and upon the further finding by the President that a declaration of "internal security emergency" is essential to the defense and safety of the territory and people of the United States, the President is authorized, during the period of the proclaimed emergency—which may be terminated by proclamation of the President or by concurrent resolution of the Congress—to apprehend and by order detain "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage."

Persons can be apprehended or detained only upon probable cause and in making the determination of the existence of such cause the apprehending and detaining agencies are authorized to consider evidence of first, whether such person has knowledge of, or has received or given instruction or assignment in, the espionage or sabotage service or procedures of a government or political party of a foreign country, the Communist Party, or any other organization or political party which seeks to overthrow or destroy by force and violence the Government of the United States; two, any past act or acts of espionage or sabotage committed by such person; and, three, activity in the espionage or sabotage operations of, or membership in, the Communist Party or any other organization seeking to overthrow or destroy by force and violence the Government of the United States.

Persons can be apprehended on warrant of the Attorney General who then applies to a "preliminary hearing officer" for an order authorizing the detention of the person in question. On the basis of criteria I previously mentioned, it is the function of the preliminary hearing officer to determine initially whether there is probable cause to detain such person. For this purpose the individual is given a full due-process hearing before the preliminary hearing officer, with right to retain counsel, notice of grounds upon which application for his detention was made, the right to introduce evidence on his own behalf, and to cross-examine witnesses who appear against him, but the Attorney General shall not be required to furnish information the revelation of which would disclose the identity or evidence of Government agents or officers which he believes it would be dangerous to the national safety and security to divulge.

And finding of probable cause by the preliminary hearing officer is subject to review by a Detention Review Board to which the detainee may apply, consisting of nine members, appointed by the President, by and with the advice and consent of the Senate. He is entitled to a full hearing before the Board with all the rights as hereinbefore set forth with respect to his appearance before the preliminary hearing officer. Any person aggrieved by an order of the Board is entitled to judicial review and judicial enforcement in the U.S. court of appeals, with the further right to petition the Supreme Court for review of the action of the court of appeals. Moreover, it is provided that nothing contained in the act shall be construed to suspend or authorize the suspension of the privilege of the writ of habeas corpus.

The rights of the individual do not stop here. If any person suffers a loss of income because he has been compelled to undergo detention without reasonable cause, the board may issue an order for his indemnification. In addition, the Attorney General is authorized at any time to modify the order under which any detainee is detained and to apply lesser restrictions on his movement and activity. It is also provided that no person detained under the title shall be required to perform forced labor any tasks not reasonably associated with his own comfort and well-being, or to confine him in company with persons who are confined pursuant to the criminal laws of the United States or any State.

In short, Madam Chairman, what we have in the act is a practical, necessary, and reasonable program providing detailed safeguards and protection for the rights of individuals thoroughly consistent with the libertarian record and reputation of the sponsors of the act. It was stances which gave rise to the passage of also a far-sighted program. The circum- the act remain very much in existence today. Present events suggest an even more compelling need for such legislation.

Nevertheless, the atmosphere has been polluted by rumors that the Emergency Detention Act would authorize the establishment of "concentration camps" for the incarceration of racial groups and that such camps are presently in existence. We have been advised by the Department of Justice that such disquieting rumors were stimulated and started spreading in 1966, probably as a result of allegations contained in a pamphlet captioned "Concentration Camps, U.S.A." prepared at the request of, and disseminated by, the Citizens Committee for Constitutional Liberties, a front of the Communist Party to which I have already referred. This pamphlet, reviewed by the Internal Security Division of the Department of Justice, was found to be "replete with inaccuracies." It is understandable that many of our loyal citizens might be disquieted by rumors of the existence of concentration camps.

Indeed, the subject thus became a matter of national controversy. In an appearance on NBC's Meet the Press in April 1968, the former Attorney General, Ramsey Clark, had to address himself to the question. He denied without equivocation that concentration camps exist in this country, although he recognized the threat posed by fears that they existed. He is quoted as saying:

> Fear itself is a great threat, and people who spread false rumors about concentration camps are either ignorant of the facts or have a motive about dividing this country.

Nevertheless, however, contrived or maliciously stimulated, it is no wonder that such fears have impelled some of our loyal citizens to seek the outright repeal of an act which they have been led to assume authorizes the establishing of "concentration camps" for the internment of racial groups.

In order to assess this perhaps overly simplistic solution—the repeal of the act—it may be helpful to reflect upon the circumstances surrounding the World War II detention of Japanese Americans.

You will recall that the attack on Pearl Harbor resulted in the destruction of a substantial portion of the U.S. Navy and opened the gates wide to a possibility of an invasion of the United States itself, which we were then ill-prepared to meet. On the west coast, which was the likely path of any invasion, there was a vast concentration of installations and facilities for the production of military equipment, especially ships and airplanes. Of the 126,000 persons of Japanese descent in the United States, citizens and noncitizens alike, about 112,000 resided in California, Oregon, and Washington, and were concentrated in and near the cities of Seattle, Portland, and Los Angeles.

Reacting to the apparent urgencies of the situation, and reflecting the general state of hysteria, every Member of both Houses of Congress from the three west coast States joined in the demand that all persons of Japanese ancestry should be immediately removed regardless of citizenship or of loyalty. Joining in this demand were many distinguished leaders in government and of public opinion, including the Attorney General of California, Earl Warren, lately Chief Justice of the United States, and the influential commentator, Walter Lippmann.

In these circumstances, the President, on February 19, 1942, promulgated Executive Order 9066 in which he recited that the successful prosecution of the war required every possible protection against espionage and sabotage and that by virtue of authority vested in him as President and as Commander in Chief of the Army and Navy, he thereby authorized and directed the Secretary of War, and the military commanders whom he may designate, to prescribe military areas from which all persons may be excluded and with respect to which the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate military commander may impose in his discretion. On February 20, General DeWitt was designated as the military commander of the

Western Defense Command. Then on March 18, 1942, the President by Executive Order 9102 established the War Relocation Authority headed by a Director, the first of which was Milton Eisenhower, charged with the responsibility of formulating and effectuating a program for the removal, relocation, and supervision of persons designated under Executive Order 9066.

Philip M. Glick, a witness before the House Committee on Internal Security who had served as the solicitor for the War Relocation Authority, advised us that the President and Attorney General Biddle, together with Commanding General DeWitt, were of the opinion that while all, or even a substantial majority, of the evacuees were not probably dangerous, that minority which did present a potential danger of espionage and sabotage would be difficult to sift and sort in a short time, and "to play it safe" in the face of a known danger all persons of Japanese ancestry should be evacuated on a group basis. However it is important to recall, said Mr. Glick, that J. Edgar Hoover and the Federal Bureau of Investigation did not concur in this judgment and recommended against the evacuation. It was Mr. Hoover's view that, on the basis of the Bureau's investigation, he could probably within a reasonable period of time identify the relative small number of persons of Japanese ancestry who were potentially seriously dangerous, and that they might be rounded-up by special procedures.

Nevertheless, in the United States, and in Canada likewise, a decision was reached to evacuate all persons of Japanese ancestry from the Pacific coast. A series of civilian exclusion orders followed by which all persons of Japanese ancestry, both alien and nonalien, were excluded from portions of the designated military area, and required to report to a designated civilian control station for orderly evacuation and settlement.

This program in its essential features was supported by a unanimous court consisting of Chief Justice Stone, and Associate Justices, Roberts, Black, Reed, Frankfurter, Douglas, Murphy, Jackson, and Rutledge. The President was upheld in the first test of the program in *Hirabayashi* v. *United States,* 320 U.S. 81 (1943), and subsequently in *Korematsu* v. *United States,* 323 U.S. 214 (1944). In the former, it was held that an American citizen could be restrained by a curfew; in the latter, that he could be excluded from a defined area. However, in *Ex parte Endo,* 323 U.S. 283 (1944) it was held that a citizen of Japanese ancestry, whose loyalty was conceded by the Government, could not be detained against her will in a relocation camp.

Now, Mr. Chairman, there are important lessons to be derived from this experience. It was a simple, direct response to fear, unfounded in fact, which lead to the detention of a racial minority during World War II. I have branded this act as a black page in American History. It was not necessary but it was done. It is a curious fact that an equally unfounded fear now impels that same racial minority to seek the repeal of the one law—the Emergency Detention Act of 1950—which remains as the only existing barrier against the future exercise of executive power which resulted in their prior detention.

It is certainly clear from the plain terms of the act that had it been in existence during World War II, it would have precluded a summary detention, evacuation, or relocation of persons on a racial basis. Nor would it authorize or countenance detention or apprehension of persons for the prevention of sabotage and espionage on any basis without regard to loyalty or probable cause. On principles reiterated in the steel seizure case, *Youngstown Company* v. *Sawyer,* 343 U.S. 579 (1952), undoubtedly if this act were in force during World War II, the group evacuation of American citizens of Japanese ancestry would not have occurred, nor would any such action have been upheld by the court.

That case teaches that where the Congress has acted on a subject within its jurisdiction, sets forth its policy, and asserts its authority, the President might not thereafter act in a contrary manner. Thus the continuing seizure by President Truman of the steel mills, as an exercise of his executive powers during the Korean war, was enjoined because he had not proceeded in accordance with the policies laid down by Congress in the Defense Production Act of 1950 and earlier in the Labor Management Relations Act of 1947. The Court held that he was bound to proceed in accordance with the pronounced policy of the Congress.

The question then is whether the Congress shall express its policy as to the means by which the President, in a war-related emergency, shall be authorized to apply the detention remedy for the protection of the Nation against the ravages of spies or saboteurs, or whether we should wipe the slate clean of such restraints as are now imposed on the executive power by the Emergency Detention Act of 1950. In deciding this important issue, we must clearly divorce ourselves from certain emotional considerations which, if allowed to dictate our course of action, can have only the most unfortunate consequences for the very rights of individuals we seek to protect, including the rights even of those revolutionaries, principally Communist, who do indeed have something to fear from Emergency Detention Act, and would involve others in doing their dirty work to effect its repeal.

We must thus ask ourselves in whose interest would repeal operate? Would it help the present plight or advance the future welfare of the uninformed and the innocent? Or would it redound to the benefit of potential enemies that would seek to destroy the United States of America? Once these questions are squarely faced, and once these implications are dispassionately examined, I believe that the true answer will be plain.

Of course the Emergency Detention Act can be improved and perfected. So can any other measure which has slumbered for 20 years. We can also clarify its provisions. This is precisely what we have sought to do in the terms of the bill H.R. 820.

This bill should serve to relieve the act of those fears expressed by racial minorities by making explicit what is already implied in the act—that no person shall be apprehended or detained pursuant to its provisions on account of race, color, or ancestry. The bill further places in Congress the sole authority for making the determination of fact with respect to insurrections in aid of a foreign enemy, so as to relieve the act of any fears that it will be applied ill advisedly by the President acting alone. In addition, the bill expands the rights of counsel and assures to each individual adequate representation, not only by counsel, but investigative, expert or other services necessary to his representation in all stages of the proceedings, including judicial review, if financially unable to obtain such assistance. It also clarifies criteria which may be applied to individuals for the purpose of determining probable cause for apprehension or detention. I submit that the enactment of the text of the bill H.R. 820 as a substitute for the text of H.R. 234 is the reasonable and libertarian course that should be adopted under the circumstances.

That the act should be retained is the position taken by a majority of the members of the Committee on Internal Security who have lived with this problem and explored its issues in two Congresses. This is indeed the view of a number of constitutional lawyers and scholars whose exceptional expertise on this particular subject is unquestioned. This is indeed a position which finds support in the views of a majority of the Attorneys General of the States of the Union who took occasion to express themselves, at my request, on this issue. All of this appears in the very extensive record of the committee's hearings, a record numbering close to 1,000 pages.

Nevertheless, I am fully aware that reasonable men may differ with respect to the question whether or not we should simply repeal the act and keep the slate clean in nonwar periods with a view toward enacting legislation of this type, or on this subject, only in the period of the emergency it is intended to serve. It is my opinion that a straightforward and outright repeal of the act on that basis would not impair the security interests of this Nation. These interests, however, would be grievously impaired by attaching any condition to that repeal, or to qualify it with any proviso, such as the amendment proposed by the Judiciary Committee which provides that—

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Such provisos are also opposed by the Department of Justice, and with good reason. They would deny to the President the means of executing his constitutional duties, and could have the effect of rendering him helpless to cope with the depredations of those hard-core revolutionaries in our midst who, in the event of war, may be reasonably expected to attempt a widespread campaign of sabotage and bloodletting, including the assassination of public officials, in aid of the enemy.

Moreover, I would suggest that because of the very nature of technological progress, it is no longer feasible to deny authority to the President to cope with these problems until that day of crisis. The amendment would neither permit the President to act, nor does the Congress act. On the contrary, the Judiciary amendment insists that the Congress should not act and that it should postpone all action until that day of crisis. But this is the nuclear age. We cannot expect an enemy to hold to the ancient etiquette of war by making formal declarations before undertaking their attack. In this nuclear age we should not expect to be forewarned. Nor is it likely that Congress will be able to sit. If it cannot sit, it cannot legislate. Under no circumstances, therefore, can we afford the luxury of an amendment which is so clearly unwise, unnecessary, and dangerous.

I know it is frightening to some to talk about even the possibility of a nuclear war. But it might happen and I want this Nation prepared if it does happen. We could possibly encounter a situation where the enemy has a Harry Truman, a man who will use the atomic bomb. I fervently hope not, but it could happen.

Hence, if it appears to be the will of the House that the Emergency Detention Act be repealed, I urge that the Judiciary Committee amendment be rejected and the following amendment in the nature of a substitute for it be adopted as follows:

> That the prior enactment and repeal herein of provisions of Title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) shall not be construed to preempt, disparage, or affect the powers accorded to or the duties imposed upon the President under the Constitution and other laws of the United States: provided, however, that no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry.

This amendment would not disturb the President's constitutional powers, while at the same time it would allay the fears of racial groups against such action as was suffered by the Japanese Americans in World War II. This will enable the sponsors of the bills to effect that purpose for which such bills had been introduced by them. Certainly this must be regarded as a satisfactory alternative in the balancing of the vital interests of national security with rights of individuals. It is a solution that should commend itself to the House. It is a result that will be accepted by the vast majority of the people of this Nation.

I feel very strongly that if I can get the attention of the Members of this House, my views will ultimately prevail. I say that because I have a great deal of confidence in the commonsense and in the good judgment of the majority of the Members of this House.

Most people think that when you are talking about title II you are talking about a bill that was drafted by McCarran, that was drafted by MUNDT, and that was drafted by Nixon, who is now the President of the United States. But, my friends, if you think that, I am sorry to advise you that the language you are considering repealing today was not drafted by those three gentlemen; it was drafted by former Senator Douglas from the State of Illinois. He was one of the sponsors. He had his name on the language of the bill. It was drafted by Senator HUMPHREY, it was drafted by Senator Lehman. I do not think there is a man in this body who would question the libertarian credentials of any of those three gentlemen I have mentioned.

There has been, I say, Madam Chairman, more misrepresentation and more false stories printed in the newspapers of this Nation about the real issues involved in this bill, so that I must be constrained to object to any editorial and I must be constrained to object to any radio or television editorial. Since we are living in a day when the editorial page is so often moved up to the front page with the idea of new journalism or advocacy journalism, I will also object to any news articles that might be included.

Mr. CONYERS. Madam Chairman, will the gentleman yield?

Mr. ICHORD. I do not yield to the gentleman at this time. I will be very happy to yield later on, because I think that the reasons of the gentleman who has just arisen are based on rhetoric, they are based on emotion, and they are not based upon logic and commonsense. If you will let me get to my point, I will yield later on, but I do not yield at this time.

On July 26, 1971, I made a speech on the floor of this House about a certain editorial which appeared in the Washington Post. Let me say I am quite blunt sometimes. I happen to be a great defender of the freedom of the press, but I also say quite bluntly that the fourth estate is not living up to its responsibilities in a free society. Let me give you the reason why. I refer you to the RECORD of July 1971, page 27192 where I referred to an editorial of the Washington Post attacking me for doing mischief. I sent a copy of my remarks to the Washington Post, and they have not said "Boo" about it. Here is what the Washington Post said back in 1950 when the language of title II was proposed:

> We think the proposed bill aims at intelligently selective internment in the real interests of security and not the indiscriminate punishment of persons for the mere holding of disloyal or odious opinion.

But on July 20, 1971, they took after me for doing mischief, as they put it, for trying to retain this bill on the statute books.

Madam Chairman, I was rather amused when the phone calls went out of the whip's office saying this—and I do not question the sincerity of TIP O'NEILL; I do not question his integrity—but the question went out of the whip's office something like this: "Are you for H.R. 234 which would prevent concentration camps, or are you for H.R. 820 which would provide for concentration camps"?

If I had been the whip, I would have asked the question the other way. If you want to deal in emotions, in rhetoric, I would have asked the question: "Are you for H.R. 234 which would prevent apprehension of espionage agents or sabotage agents in time of war, or are you for H.R. 820 which would permit the apprehension of espionage agents or saboteurs in time of war"?

Madam Chairman, I have brought many measures since I have been chairman of the House Committee on Internal Security to this floor. There has never been a close vote on any of the questions presented. I hope, Madam Chairman, that I have always prevailed upon those questions because of reason and logic and not upon the ground of emotion or rhetoric. And I do believe if I can get the attention of the House in these busy days my views will prevail on this matter.

I do not disagree with many of the speeches made on the floor of the House today or with the rhetoric, but I do disagree very vehemently with the logic and let me say to the gentleman from Illinois (Mr. RAILSBACK)—and I shall yield to the gentleman since I mentioned his name, if he so desires, at a later time—that the House Committee on the Judiciary has not done its work well. You have jumped from the frying pan into the fire. I do not think you can sustain your position, if the House will proceed to be governed by logic and commonsense.

Madam Chairman, H.R. 234, the bill reported by the Committee on the Judiciary, and H.R. 820, the bill reported by the House Committee on Internal Security, deal with some very profound, complex, and, I might say, interesting and serious constitutional and philosophical issues. Title II which H.R. 234 repeals and which H.R. 820 amends has a very interesting origin, as I have stated before and I will say it again. Its original authors were not McCarran, Nixon, or MUNDT, but Senators Douglas, Lehman, HUMPHREY, and Kefauver, men whom I doubt anyone in this Committee of the Whole House on the State of the Union would question their libertarian traditions.

It was originally offered by its authors as a substitute to head off title I. In fact, Madam Chairman, the distinguished chairman of the Committee on the Judiciary offered a very similar bill in the House.

So the issues involved here are not easy if one really examines the problem.

For example, the Department of Justice—and I hope that the Members listened to the gentleman from California (Mr. SMITH) in his presentation of the rule—the issues are not simple.

The Justice Department apparently had real difficulty in making up its mind. One of those "leaked" editorials that we see so often around Washington, written by Evans and Novak, said at one time that the Department of Justice had decided to come out against repeal of title II of the Internal Security Act. And I will be quite frank with you, we cannot get a position out of the Department of Justice on this nefarious amendment which the Committee on the Judiciary has attached to the bill.

Let us look at the report of the Department of Justice on H.R. 234, and let me quote to you from it:

> In the judgment of this Department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens.

Since when, Madam Chairman, do we ask a legislative body in a free society to legislate on the basis of unfounded fears? If there are unfounded fears, then let us educate the people and eradicate those unfounded fears, but do not ask me as a legislator to legislate on the basis of unfounded fears.

Now, I have a great deal of respect for the gentleman from Hawaii (Mr. MATSUNAGA). We might not agree, but I think we have always disagreed without being disagreeable, but let us look at the position of the gentleman from Hawaii, the original position—and the Committee on the Judiciary has jumped around until I do not even know where they are, and I highly suspect they do not know where they are at the present time.

Look at the hearings. These are the hearings of the Committee on the Judiciary, and these are the hearings of the House Committee on Internal Security. I want to say that the Committee on the Judiciary's hearings consisted of 105 pages and 23 pages of the hearing record covers a report of the House Committee on Internal Security. They held 1 day of hearings. They heard no witnesses on the other side.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Madam Chairman, I yield myself 10 additional minutes.

They heard no witnesses on the other side.

These are the hearings of the House Committee on Internal Security on this difficult problem, 1,000 pages.

Mr. KASTENMEIER. Madam Chairman, will the gentleman yield?

Mr. ICHORD. I do not yield at this time.

There were 37 witnesses that appeared on both sides of the question.

I do not think that the subcommittee from the Committee on the Judiciary really understands—if you examine its position—really understands the issues in this matter.

Let us go back to the position of the gentleman from Hawaii. He uses title II as a symbol of what happened to the Japanese in World War II—and I can well understand that, and I have said that it is a black page in American history when the Federal Government picked up 112,000 Japanese without regard to their loyalty, without even any regard to whether they were American citizens or whether they were aliens. And you know who was hollering the loudest at that time for the picking up of the 112,000 Japanese? Walter Lippmann was one of them, Chief Justice Earl Warren was another one—and the truth of the matter is if there had not been so many Japanese in Hawaii they would have picked up every Japanese in Hawaii and moved them inland some place in the United States of America.

I contend that my position is a true civil libertarian position. I think that what the committee has done—and I recall the words of a great Roman legislator in the early days of the Roman Republic who said, "You can destroy liberty in the name of liberty." This may well be what we are about to do if you pass this measure—destroy liberty in the name of liberty.

When this matter first came up containing outright repeal only, this was the question I raised. I said, "I have no objection to the outright repeal—except—and this was a measure originally introduced by the gentleman from Hawaii—except that if we repeal it, are we really not back where we started from in World War II?

Title II can only be a false symbol of what happened to his people because title II was not on the books in World War II. If title II had been on the books, I think that what did happen—and I again brand it as a black page in American history—what happened to the Japanese people would not have happened because you would have had to look at the individual case. They would not have been able to detain a whole race of people.

Do you know, I remind the gentleman from Hawaii, who the man was who complained about what was being done to the Japanese? Do you know who the lone voice was? He is a man who, in these unrestful and emotional times is known by many in this body as an authoritarian, a man by the name of J. Edgar Hoover who objected to the picking up of a whole people and moving them away from the west coast. While the great people who called themselves liberals, Chief Justice Warren and Walter Lippmann were shouting that all the Japanese people be placed in concentration or detention camps.

So do not talk to me in terms of liberal and conservative. Do not talk to me in terms of rhetoric or emotion. Talk to me about facts and logic because I am just as much opposed to concentration camps or detention camps as the gentleman from Hawaii.

Today, you had better watch what is going on in the world. What happened here in Washington just a few months ago? Do you think they were not using detention when they arrested 13,000 people as fast as they did? There is one way to talk liberty and there is another way to act liberty. I want to be governed by law. I do not want to be governed by the discretion of man.

So when I raised those questions, what happened? They went to work and they came up with the Railsback amendment. It said—we repeal title II and no person shall be detained except in accordance with the provisions of title 18 of the United States Code. The Department of Justice then really complained—they objected to the amendment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. Not at this time. I will yield briefly, but the gentleman will be able to use his own time because I am running short on time. But I will gladly yield to the gentleman later because I want to get at the guts of this issue.

The Department of Justice objected and they still object to the Railsback amendment. Then at a later time, you amended your amendment to read:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

What kind of double talk are we dealing with here? Let us go to page 5 of your report.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I do not yield at this time. I shall later on. Let us look at your report: Page 5, the middle of the page, the last two lines:

> It has been suggested that repeal alone would leave us where we were prior to 1950. The Committee believes that imprisonment or other detention of citizens should be limited to situations in which a statutory authorization, an Act of Congress, exists. This will assure that no detention camps can be established without at least the acquiescence of the Congress.

I repeat:

> The Committee believes that imprisonment or other detention of citizens should be limited to situations in which a statutory authorization, an Act of Congress, exists.

What kind of double talk is that? You repeal the only statuory authorization that permits you to pick up a potential saboteur or espionage agent—one whom you have reasonable cause to believe is a saboteur or espionage agent, and then you say that they must be apprehended under statutory authorization. These are the points, I would say to the gentleman from Illinois, that I am complaining about, and I have the lessons of history, the promise of history on my side. All you have is the altruistic hope of the future.

Let me go back to World War II when this dastardly act happened to the Japanese. There was no law on the books. President Roosevelt, in the hysteria of war—and we are dealing with a wartime measure, let us get that straight; we are dealing strictly with a wartime measure—President Roosevelt issued the order, Congress very quickly acquiesced, and the Supreme Court of the United States confirmed. This was the issue in the Hirabayashi case, a unanimous opinion of the Supreme Court. Do you know what the Supreme Court said in that opinion? I am talking about law—I am talking about facts, law, logic—do you know what the Supreme Court said in that case?

They said that the power of the President in a wartime emergency situation is the power to prosecute war successfully and, Members of the House, that is a pretty broad power.

So without any act on the books, we had this dastardly act happen to the Japanese. If it had been on the books in 1942, it could not have happened. Now I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I thank the gentleman for yielding.

I wish to begin by saying that in the Hirabayashi case, if the Members want to check the accuracy of your statement and read that case, I think they will find that there was an act of Congress which ratified the Executive order——

Mr. ICHORD. I suggest to the gentleman from Illinois, let us get down to the question. Was I inaccurate in my statement when I said that Chief Justice Stone, writing the unanimous Supreme Court opinion, said that the power of the President in wartime is the power to prosecute the war successfully? All you have got to do is to read my hearings.

Mr. RAILSBACK. I think that statement is accurate, but what the gentleman is forgetting to include is the fact that there was an act of Congress——

Mr. ICHORD. Tell the Members of the House what it was. There was no act of Congress authorizing President Roosevelt to set up relocation camps, and you are not telling the Members of this House that; are you? Are you telling the Members of this House that Congress authorized the relocation of the Japanese? Are you? Answer yes or no.

Mr. RAILSBACK. Are you yielding to me?

Mr. ICHORD. Yes; I yield to you.

Mr. RAILSBACK. All I am suggesting is that the best thing Members of the House can do is to read the case and decide for themselves what that case held.

Mr. ICHORD. Right. Do you feel the Members of this House will have the opportunity to do so?

Mr. RAILSBACK. I think that many of them probably will, if they want to take the time. If they want to decide for themselves, that is the best thing they could do.

Mr. ICHORD. Right.

Mr. RAILSBACK. You are not denying that there was an act of Congress which generally ratified all the actions that were taken by the Executive, are you?

Mr. ICHORD. Let me say to the gentleman from Illinois you will not find enough in your hearings for the Members to decide for themselves, because you did not even hear the opposition to the repeal of title II. I will say to the gentleman, however, that Congress never specifically ratified the detention of Japanese-Americans in relocation camps, but it was done anyway and no one stopped it, not even the Supreme Court.

Mr. RAILSBACK. Was not the gentleman asked to come before our committee?

Mr. ICHORD. The gentleman's committee has 33 pages of my report included in this little 100 pages of hearings.

Mr. RAILSBACK. It is my understanding that the gentleman was asked to come before our committee.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Madam Chairman, it is very obvious from listening to the debate, as I have since about noon, that there are many facets of this controversy. It is a controversy, and let us clearly call it that. It is not my intention in these few minutes either to broaden the controversy or to try to cover all the points. If I could, I would like in my own way to zero in on at least one or two facets which concern me and throw those out to the committee for its decision.

I am somewhat reminded, as I listen to the debate and particularly to the statements of my friends who are supporting H.R. 234, of a story told by Will Rogers at the time of the First World War, when the U-boat menace was top news. He came onto the stage and said in his inimitable fashion: "I have figured out a way to lick the U-boat menace. All you have to do is heat the English Channel up so all the U-boats will come popping out." Somebody in the audience said, "But how do you heat up the channel?" He said, "Oh, I leave that to the experts. I have the ideas, and I leave the details to the experts."

I get the feeling that is not unlike what my friends have in mind when they say we should wipe everything off the books and we should let the President, Justice Department, and Supreme Court work out the details when the time of national peril comes again.

I happen to think anybody who supports H.R. 234—and I say it without rancor or bitterness—is putting the Congress in the position of saying that after 30 years of experience we, in effect, are going to completely move out of this field of dealing with national security emergencies. I happen to believe—and I believe it very honestly, and I hope the gentleman from Virginia will listen to my remarks because, certainly, I would like his comments because I respect his constitutional sagacity and ability—that in many ways we may have opened up a Pandora's box if we follow the course that seems indicated and totally repeal title II.

Again I am not going to try to broaden the controversy. Let us look at it only from the point of view of an act of Congress. I suggest H.R. 820 is an act of Congress which would constrain the President's power, whereas H.R. 234 would open up the President's power. Why do I say this? One of the things is that I have observed and been concerned about in my 10 years of service here is all the laws on the books passed by the Congress giving the President reserve or standby powers. For example, we have only to look back to August 15 of this year—I have the President's statement here. He started out by saying, "I hereby declare a national emergency," and he went on to make a statement on our economic problems and the actions his administration was taking.

How many Members in this Chamber know of all the laws on the books that give the President authority to call a national emergency and take certain actions? Look at H.R. 234 in that light. H.R. 234 supposedly on the basis of the statement of its proponents would constrain the President's action, because it says:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

All right. There are many statutes, and we could detail them here, which give the President the authority and the power to declare a national emergency. I particularly point this out to the gentleman from Virginia. What position are we going to be in if the President of the United States declares an emergency under one of the many acts of Congress giving him the right to declare an emergency? What if he then, as a part of that declaration, says it is necessary to round up x number of persons, whoever they might be, if the President feels they may contribute to or pose a threat. What position are we going to be in at that time to contend that the President does not have that broad power? He has acted under an act of Congress? We have said we allow him any number of areas where he can enact or declare a national emergency in his discretion at the time as he deems it necessary.

In his discretion, at the time he deems it necessary, he can take the actions necessary, just as President Nixon took certain actions on August 15 after saying, "I declare a national emergency."

Compare that situation to H.R. 820. In H.R. 820 Congress says the exact opposite. We are saying the President cannot do this alone but can only take broad actions on a specific declaration; not on a general proposal on the books already given to the President, but on a specific declaration of a national emergency with the concurrence of Congress.

There is the restraint. There is the check we are all looking for—the concurrence of Congress. Otherwise, we have, in effect, given our concurrence in advance by authorizing him to declare an emergency and take those steps he deems necessary.

I happen to believe that the President, under the Railsback proposal—any President at a future time—after declaring a national emergency, pursuant to authority granted by an act of Congress, could do the very thing we are trying here to check. I believe this honestly and sincerely.

Let us look at some of the Supreme Court cases, to see if they back up this contention.

In the first place, I am greatly concerned by the statement in one of the cases during the Truman administration, Youngstown Sheet & Tube Co. against Sawyer. The Supreme Court very specifically said since Congress had refused the President the power to seize plants in the past the President could not thereafter undertake to seize the plants on his own.

That is an excellent precedent for what we are talking about. If we by legislation tell the President he cannot seize or detain, then it would be unconstitutional for him to do it. It is doubtful that he would even try to do this in the face of a stated legislative proscription. What if there is no statement?

If, on the other hand, we remove every vestige of restraint and legislative control that we put in H.R. 820, and make it open to what Mr. RAILSBACK has said, an act of Congress, at that point I think the exact opposite reasoning, under Youngstown Sheet & Tube, prevails, and the Supreme Court can logically say:

> Congress removed themselves from this field; therefore, the President, under his actions as a part of a national emergency, has the built-in power to take those steps necessary to fulfill the prescribed goals as set out in the act of Congress.

Moreover, these powers exercised by President Roosevelt were upheld so the precedents would be against what seems to be the mood of the House today.

I believe we would make a great mistake in not pinning this power down. This, as I see it, is the major difference between H.R. 234 and H.R. 820.

Again, trying to keep it in this narrow area, and not opening it up to rhetoric or opening it up to a wide debate on what the Justice Department means when it says this or that but just staying on that one point of a restraint on

Executive power, I happen to believe H.R. 234, if enacted, will virtually leave us stripped naked against the great power, the ability to exercise power, which the President has.

On the other hand, H.R. 820 very carefully delineates what the President can do. H.R. 820 clearly states that Congress must by concurrent resolution on that specific question, on that specific case, agree that there is an insurrection, before any broad power would be given to the President.

I believe very strongly, if we have any understanding, as a few of us try to do—and I am certainly no constitutional expert—it is very, very clear under the Constitution that the Government right now has the power to detain those who are reasonably deemed to threaten violence or to threaten the safety of the community, even in time of peace.

There is no question that the Government has the power to protect itself. Time after time justices have said the Constitution of the United States is not a suicide pact, that the Government at certain times has to take certain actions.

In the great depression, when many actions were taken by the President—for example, Home Building & Loan Association against Blasdell—the Supreme Court said at that time:

> While emergency does not create power, emergency may furnish the case for the exercise of power.

This is basically what upheld the President of the United States in 1941, for his exercise of Executive power in a situation that created peril at that time.

Who is to say the same thing could not happen 5 or 10 or 15 years from now? I, for one, would feel very much better if all the written restraints in H.R. 820 were on the books, operating to restrain the President, operating to prevent the President from the abuse of power under a declaration of national emergency.

If I make no other point, I hope in all of your minds you will try to bring back all of the emergency enactments of standby authority that we have had in the last 20 years giving the President the right to declare emergencies in specific instances and then take further steps. If he has the right to act and if we have given him that right to act, then in what way have we restrained him from taking whatever steps he may deem to be necessary at that time? I feel that we have taken very little initiative in the past in checking the great powers that we have given the President. I understand certain aspects of the original declaration of emergency of 1950 are still in existence at this time. The President of the United States still has certain powers rooted in that declaration of emergency under a statute enacted by the Congress and which President Truman exercised in 1950. Some authority of the President still stems from that original declaration of emergency.

So we have all of this talk here. I say to you—and I am saying this without rancor or bitterness or carping, but I say this honestly as a concerned constitutionalist—all of the talk about H.R. 234 restraining or filling the gap misses the mark, because in most cases Congress has already acted in this field. How could you possibly say in reading H.R. 234 again—how could you possibly say that there would not be this authority if we have already given the President such authority to declare an emergency? It says "No citizen shall be imprisoned or otherwise detained except pursuant to an Act of Congress." Every declaration of emergency, I say to my fellow Members here, would come from an act of the Congress which would be the enabling act and which would give the President the precise power that we are here trying to check.

Contrast that, on the other hand, without going far afield, with the very carefully delineated exercise of authority that the President can have under H.R. 820, only with the concurrent approval of the Congress and with all of the other rights written into the law.

Bear in mind, in keeping with the Youngstown case, the Supreme Court clearly tried to address itself to that area where Congress acted and to those areas where it has not acted.

H.R. 234 will in effect put us in a position of not acting in the area and allowing the President to go ahead with whatever he deems necessary under the exigencies which may arise in a national emergency. We see what happened in 1941 and 1942. Why would we choose to return to that legal situation?

Mr. PUCINSKI. Will the gentleman yield?

Mr. ASHBROOK. I make that point specifically, and I am glad to yield to the gentleman.

Mr. PUCINSKI. I believe that the gentleman raised an excellent point in drawing a distinction between the two bills. Perhaps it is wise that the committee does not go into the many different aspects of the bill raised here.

It is not true that H.R. 234 deals only with detention camps and only with eliminating those detention camps, forbidding their maintenance? We do not go into the other things that you have been discussing. That is why it seems to me to bring these extraneous issues into this debate, meritorious as they may be, is to mislead the House as to what the bill is designed to do.

Mr. ASHBROOK. That is not exactly correct, I say to my friend, because what we are doing is repealing title II in H.R. 234 which provides for the very precise things that I am talking about. If you take all of these off the books, you go back to the situation that we had in 1941 and 1942 with no restraints whatever on the President and no delineation of congressional intent as to due process of law, and so forth.

Mr. PUCINSKI. If the gentleman will yield further?

Mr. ASHBROOK. I yield to the gentleman.

Mr. PUCINSKI. We will not disturb any of those rights of the President. We say clearly that we have an act of the Congress to do these things. We are dealing precisely with the detention camps themselves as a physical structure. We do not disturb all of the other powers of the President. That is the very point I am making.

Mr. ASHBROOK. That is not so, because there are powers in title II that you are taking off by removing the entire section. So, that is not, I will say to the gentleman, that is not accurate. What we are trying to do in H.R. 820 is to go further and say that the powers granted under title II—yes, we think they are a little bit strong and therefore we are circumscribing them with specific actions that the Congress has to take.

Mr. PUCINSKI. As you have properly stated, every one of the President's actions must be taken under specific provisions. We say that no person shall be imprisoned or detained except pursuant to an act of Congress.

So, we do not disturb the machinery now set up to deal with espionage and all these other things. What we are saying in this bill, simply stated, is that we are not going to continue the existence of detention camps in the United States any longer.

The gentleman from Missouri talked about the situation in Washington and, granted, there was a large number of young people arrested but the authorities found the accommodations with which to handle them and did not have to send them to a detention camp.

So, when there is an emergency—when the President declares an emergency or when the police declare an emergency—there is a manner in which to deal with that situation. But we are saying in H.R. 234 that we are striking down the maintenance and operation of detention camps.

Mr. ASHBROOK. I think it would be far simpler to pick up 112,000 people under H.R. 234 than it would be under H.R. 820. I do not think the gentleman can dispute that.

Mr. YATES. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. But we will have eliminated detention camps and the onerous stigma that detention camps have.

I think the essential purpose of title II is to get rid of detention camps.

If you want to, under another bill, formulate another system by which you propose to channel the areas of Presidential power to deal with a situation or situations such as have been described here, we can deal with that in another bill at another time. But the main thing here is to get rid of detention camps.

Mr. ASHBROOK. Do I understand my good friend to say that you can probably pick them up better under H.R. 234 than H.R. 820?

Mr. YATES. Well, we have jails and other detention facilities. Why use detention camps?

Mr. ASHBROOK. Yes, we have jails in this country. The gentleman knows we do not have detention camps. If 100 are arrested, they must be detained somewhere whether it be in a jail or a baseball field. The same is true if 1,000 or 10,000 are involved.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman from Illinois has asked a "wife beating question." There are no detention camps in the United States and I hope there will never be any detention camps.

Mr. YATES. There were detention camps. There were detention camps in which the Japanese Americans were placed.

Mr. ICHORD. Yes; and that was not done by operation of law. That was done by Executive order.

Mr. YATES. That may very well be, but the fact remains that there were detention camps, and the purpose of this bill is to rid the United States of detention camps or the possibility of their use in the future.

Mr. ASHBROOK. I am glad the gentleman has made that point because just as surely as we are here today debating this bill, if a situation arises 10 years from now there will be some detention facilities provided for people, if needed. I think it would be far better to have the specific authority written into law. I think we must recognize the fact that when and if an emergency arises that some people are going to be rounded up whether saboteurs, insurrectionists or anarchists, just as it was true when President Roosevelt took action along this line. I think we would be far better off in having some written congressional intent.

Mr. YATES. There is no need for detention camps today, is there?

Mr. ASHBROOK. I do not think so.

Mr. YATES. Of course there is not. That is why title II should be repealed.

Mr. GIAIMO. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Connecticut.

Mr. GIAIMO. The gentleman in his responses is disturbing me very much. The gentleman sounds like he is saying, if I understand the gentleman correctly, that in an emergency we are going to be faced with the fact that Americans in large numbers are going to be rounded up and detained.

Mr. ASHBROOK. I think I indicated people may be picked up—saboteurs, insurrectionists, anarchists. This is probably so, I would say to the gentleman.

Mr. GIAIMO. I am hoping that we are not ever going to repeat historically the dastardly act which we committed in World War II of rounding up well over 100,000 Americans. Further, I would like to say, with the highest regard for my friend from Missouri when he was speaking of the Japanese, they were not Japanese. They were American citizens who were rounded up and put in detention camps and without justification. As long as I am a Member of this Congress I shall do everything possible to help pass a law which will prohibit any President from rounding up citizens and putting them into a detention camp.

Mr. ASHBROOK. I would merely respond to my colleague by asking—do you feel that is what is going to happen under H.R. 234?

Mr. GIAIMO. It happened in World War II. As I understand the present bill it will prohibit a President from doing that in the future.

Mr. ASHBROOK. If I felt as sure as you do in that statement, I would have no qualms whatsoever in supporting H.R. 234.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, I would say to the gentleman from Ohio that I do not entirely agree with the gentleman. I do feel that the language of the amendment drafted by the gentleman from Illinois under the Youngstown Steel case would prohibit even the picking up, at the time of a declared war, at a time of an invasion of the United States, a man whom we would have reasonable cause to believe would commit espionage or sabotage. Now, I do feel, I would say this to the gentleman from Connecticut (Mr. GIAIMO) that if this bill, as amended in H.R. 820, had been on the books in World War II when this dastardly act happened to the Japanese, that would not have occurred.

Mr. GIAIMO. Japanese Americans.

Mr. ICHORD. Japanese Americans. They were all Nisei. They were American citizens, and I will say further to the gentleman from Illinois that this was done without regard to whether they were aliens or American citizens, and there were some aliens among them, but most of them were American citizens. If this proposed statute had been on the books I do not think what happened to the Japanese in World War II would have happened.

I am just as strong against detention camps and concentration camps as the gentleman from Connecticut is.

Mr. GIAIMO. If the gentleman will yield further, really what I am concerned about is that the gentleman in the well is sounding as if he is justifying detention of American citizens in time of war.

Mr. ASHBROOK. No, I do not believe the gentleman understands my point. My point was that I said that if President Roosevelt could do this in 1942 that future Presidents might do the same thing at a future time, and we just cannot predict what the circumstances might be at any particular future time. That is why I think that H.R. 820 is superior to H.R. 234, and I feel that it is far better to have the congressional intention on the books, as to how such a situation should be handled. If H.R. 234 would do that, then I would support it, but I do not believe it does.

Mr. WILLIAMS. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Madam Chairman, I would like to call the attention of the Members to the fact that H.R. 820 contains a provision which would specifically prevent the type of action that was taken in 1942 8 years before the Internal Security Act of 1950 was adopted. The provisions in H.R. 820 would prevent the rounding up of American citizens from all over the country and placing them in detention camps. These questions would have to be considered on an individual basis.

Mr. ASHBROOK. Madam Chairman, may I inquire how much time I have consumed?

The CHAIRMAN. The gentleman from Ohio (Mr. ASHBROOK) has consumed 22 minutes.

Mr. ASHBROOK. Madam Chairman, I have several commitments for time, and I will therefore reserve my time at this point.

Mr. POFF. Madam Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Madam Chairman, I think that at the very beginning we ought to try to clarify what is involved in the two bills, the so-called Railsback amendment, and what the major sections of the two bills are.

In respect to the bill, H.R. 234, there really are two major actions that are taken. One, title II of the Internal Security Act of 1950 is repealed. This is the title of the Internal Security Act which has never been employed. That is true—it has never been used. It is offensive to many people because it represents something to them that occurred in 1942 before there was ever any kind of act on the books. Namely, President Roosevelt by Executive order, with a very broad-based support from people in both parties including Attorney General Warren of California, issued this order, the effect of which was subsequently ratified by the Congress. That Executive order had the effect of clearing people out of certain areas, primarily in States on the west coast—Oregon, Washington, California, and the western part of Arizona. It provided a curfew in some areas, and people of Japanese descent, whether they were American citizens or not, were required to be in their homes during the night.

But beyond that, the Executive order did one thing that many of us feel was very offensive. It required the detention of Japanese American citizens. It is very true that this was not done initially pursuant to an act of Congress, but an act of Congress ratified it and this was used to justify the detention in some of the cases that came before the Supreme Court.

Now, to correct something that the gentleman from Missouri said, and which I did not have a chance to answer. He mentioned that originally the bill, H.R. 234, contained a Railsback amendment which referred to title 18, United States Code. It would require that an executive official could detain citizens only under title 18.

That was not my language. That language was in the original Matsunaga bill. There were objections to that language by the administration, and this adminstration strongly and unequivocally endorsed the repeal of title II. There is no dispute about that. Our administration came out "four square" for the repeal of title II of the Internal Security Act.

Then during the hearings it became apparent that what was said in the Internal Security Committee report might be true. If we struck that reference to title 18, which the administration felt was tomorrow and repealed title II, we would not be correcting what happened in the year 1942 when the citizens were rounded up, because that was not done pursuant to the Internal Security Act. The Internal Security Act came at a later time.

Let me just continue by saying that the Committee on the Judiciary felt that it would be wise not only to repeal title II but to try to do something about what occurred in 1942 through President Roosevelt's Executive order.

So we came up with an amendment that says:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

In other words, an Executive has to have some kind of congressional authorization before he can detain a citizen.

I want to talk just for a minute about remarks made by my friend, the gentleman from Ohio. He pointed out that if an emergency today were declared, this language would permit more internments and more detentions than would otherwise be the case.

We are talking about detention camps. With the language I have added, we are not preventing American citizens from being arrested if there is probable cause to determine that they may be guilty of committing an offense or conspiring to commit an offense. That can still be done. My amendment has no intention to affect the present operation of the criminal law in any way. It does only one thing: It takes from the Executive whatever authority he would have in the absence of statute to detain citizens in camps. Of course, no act of Congress can take from the Executive any powers guaranteed to him by the Constitution. But the Executive does not have a constitutional right to set up detention camps.

My amendment does not affect the criminal law. It does not affect current Executive practices, such as stop-and-frisk, or judicial detention, such as that upon the denial of bail or that following contemptuous conduct.

Now that brings me to the bill that has been introduced—and the amendments are the Internal Security Act itself.

As one of the members of Subcommittee 3 of the Judiciary Committee which held hearings on this legislation, and as one of 159 cosponsors, I urge my colleagues to support H.R. 234. Quite simply, this vital legislation would accomplish two objectives. It would prohibit the establishment of detention camps and would repeal the existing Emergency Detention Camp Act of 1950 which grants authority for the establishment of such camps.

It is my understanding that a substitute bill will be offered which would modify the Emergency Detention Act by adding a number of so-called procedural safeguards. I should briefly like to explain why prohibition and repeal, not cosmetic modification, is both a moral and legal imperative.

During World War II, in an episode everyone today agrees was one of the darkest pages in this country's history, approximately 112,000 Japanese on our west coast, approximately two-thirds of whom were natural-born citizens of the United States, were forced to leave their homes and placed in 10 "relocation centers" situated in several Western States. This action was taken by the President by Executive order as an exercise of his war powers and without explicit direction of the Congress. The purpose of this step was said to be the prevention of espionage and sabotage. No criminal or civil charges of any kind were ever brought against any individual evacuee, or against the evacuees as a group.

Subsequently, Congress in 1950 enacted, over President Truman's veto, the Emergency Detention Act as title II of the Internal Security Act of 1950. This act gives the President the power to proclaim an "internal security emergency" in the event of any of the following: First, invasion of the United States or its possessions; second, declaration of war by Congress; and third, insurrection within the United States in aid of a foreign enemy. Following such declaration, the President, acting through the Attorney General, is given authority to detain persons—

> If there is reasonable ground to believe such person probably will engage in, or probably will conspire with others to engage in acts of espionage or sabotage.

The act details the procedures for apprehension, detention, and continued incarceration of such persons.

Title II has been surrounded by controversy from the very beginning. It was passed during a time that some have termed a period of national hysteria and uncertainty. The expansion of the Soviet Union into the countries of Europe and Asia, the blockade of Berlin, the invasion of South Korea, the concern at home about a Communist conspiracy against the institutions of our Government, were the background events of and set the climate for the enactment of the Emergency Detention Act. The chairman of the House Judiciary Committee, then as now, the distinguished gentleman from New York, led the fight against it on the floor and characterized it as "vicious, totalitarian, un-American." Senator McCarran, chairman of the Senate Judiciary Committee, criticized it as "a concentration camp measure, pure and simple." And Senator MUNDT voiced opposition to the establishment of "concentration camps into which people might be put without benefit of trial, but merely by executive fiat."

Since the authority conferred by title II has never been invoked, the constitutionality of its provisions has never been tested. In my opinion, title II violates a number of our established freedoms and constitutes a serious threat to our constitutional rights. Before detailing the specifics, I would briefly like to examine three cases decided by the Supreme Court during World War II which are often cited as upholding the legality of detention camps.

In Hirabayashi, the Court upheld the validity of a curfew order directed at all persons of Japanese ancestry. In Korematsu, the Court upheld the validity of an order excluding a citizen of Japanese ancestry from the area where he resided. Whatever the merits of these cases, and whatever they may say about the increased power of government in time of war, they do not sanction the use of detention camps. In the third case, Ex parte Endo, the Court unanimously refused to sanction the detention of a citizen conceded to be loyal. The latter case was decided on the question of leave procedure at the relocation center, and for that reason, the Court did not rest its decision on constitutional issues. The Court, in reviewing the constitutional safeguards against the infringement of individual liberty, did state, however:

> The Constitution is as specific in its enumeration of the civil rights of the individual as it is in its enumeration of the powers of his government. Thus it has prescribed procedural safeguards surrounding the arrest, detention, and conviction of individuals. Some of these are contained in the Sixth Amendment, compliance with which is essential if convictions are to be sustained. And the Fifth Amendment provides that no person shall be deprived of liberty (as well as life or property) without due process of law. Moreover, as a further safeguard against invasion of the basic civil rights of the individual, it is provided in Art. 1, Sec. 9 of the Constitution that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or invasion the public Safety may require it."

The provisions of the Emergency Detention Act raise serious constitutional questions.

Following declaration of an "internal security emergency," the President, acting through the Attorney General, is "authorized to apprehend and by order detain each person as to whom there is a reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or sabotage." Detention of a person is thus authorized not on the basis of an overt act committed in violation of law, but on the basis of a mere suspicion that a person may in the future engage in acts or conspiracies which are, in fact, already prohibited by Federal law. Such reasonable belief could presumably be based upon rumor, association, relationship, or membership in a group. Former Justice Goldberg, in commenting on this part of the act, stated:

> I suggest to you that there is no precedent in our law for incarcerating—or, indeed even prosecuting—on such a theory. In my judgement, the constitutional right to due process precludes incarceration on the basis of the alleged probability of some future action.

Other provisions likewise run against traditional judicial process.

The warrant which authorizes an individual's apprehension is issued neither by a court nor magistrate, but by officers designated by the Department of Justice, the prosecutor in the case. Such a procedure is foreign to our judicial process and cause for serious concern.

Once in custody, the detainee may request a hearing but there is no guarantee of a prompt arraignment—only that a hearing is to be held "within 48 hours after apprehension, or as soon thereafter as provision for it may be made." The person detained is not brought before an impartial judge but before a "preliminary hearing officer" appointed by the prosecution. And if the hearing officer sustains the detention, the only appeal is to a detention review board appointed by the President.

And how, under such procedures, does a detainee prove his innocence? How does he defend the vague charge that someone believes he will commit a criminal act sometime in the future?

At both the hearing and review board level, the detainee is deprived of substantial due process guarantees.

There is no right to a jury trial.

The right to be appraised of the grounds on which detention was instituted or of the full particulars of the evidence, the right to confront one's accusers, and the right to cross-examine witnesses, are all severely limited if not eliminated if, in the Attorney General's—not a court's—opinion, to divulge information would be dangerous to national security.

Further, while an adverse decision of the Review Board does finally give the detainee the right to seek judicial review, such review can occur only after the detainee receives a written order of the Review Board. There is no time limit which the Board must meet in rendering such an order. Additionally, review is not before a trial judge with power to hear evidence on the validity of the arrest and detention, but only before a Federal appellate court which is bound by the fact-findings of the Board if supported by reliable, substantial and probative evidence. And here again, the Attorney General may withhold information the revelation of which would be dangerous to U.S. security.

Before leaving the constitutional deficiencies inherent in the Emergency Detention Act, the still valid 1886 decision of the Supreme Court in *Ex parte Milligan,* 4 Wall. 2, 120–121, wherein the military trial of a civilian during the Civil War was invalidated. The Court rejected the Government's claim that the traumas of war required a dimunition in personal liberties, and held that no citizen may be tried before a special tribunal or denied the right to a jury trial while the civilian courts remain open. The Supreme Court, in reaffirming, and quoting in part from Milligan in 1962—Kennedy against Mendoza-Martinex—stated:

> The imperative necessity for safeguarding these rights to procedural due process under the gravest of emergencies has existed throughout our constitutional history, for it is then, under the pressing exigencies of crisis, that there is the greatest temptation to dispense with fundamental constitutional guarantees which, it is feared, will inhibit governmental action. "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." *Ex Parte Milligan,* 4 Wall. 2, 120–121. The rights guaranteed by the Fifth and Sixth Amendments are "preserved to every one accused of crime who is not attached to the army, or navy, or militia in actual service". *Id.*, at 123. "If society is disturbed by civil commotion—if the passions of men are aroused and the restraints of law weakened, if not disregarded—these safeguards need, and should receive, the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution."

The court said that there was only one exception to its rule—that of impossibility; that is, situations calling for martial law. The Court made quite clear that the exception was a very limited one:

> Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration.
>
> It follows, from what has been said on this subject that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, *then,* on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this government is continued *after* the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late Rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one state, when, in another, it would be "mere lawless violence!" 4 Wall. at 127

Title II of the Internal Security Act of 1950 does not square with Ex parte Milligan on constitutional grounds.

In addition to the constitutional weaknesses of the Emergency Detention Camp Act, there are at least two other aspects of the act which deserve the attention of the Members. Both were clearly stated by representatives of the Justice Department in support of its unequivocal position favoring repeal of the act.

The first, quite simply, is that the act is unnecessary. Repeal of title II would in no way jeopardize the internal security of the United States since "there is a considerable amount of statutory authority to protect the internal security interests of our country from sabotage or espionage or other similar attack."

The second and more complex reason was stated by Deputy Attorney General Kleindienst as follows:

> (The statute) has aroused among many of the citizens of the United States the belief that it may one day be used to accomplish the apprehension and detention of citizens who hold unpopular beliefs and views.

He concluded that "the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens," and that "this benefit outweighs any potential advantage which the act may provide in a time of internal security emergency."

In view of the above, we must ask to what extent can anything less than repeal be satisfactory.

In my opinion, none of the modifications which will be offered by the gentleman from Missouri can cure the constitutional defects or the apprehension engendered by the Emergency Detention Camp Act. The only solution is repeal, not modification, of title II.

But if Congress is to go on record as against detention camps, simple repeal is not sufficient. The committee bill provides an affirmative prohibition against detention camps except as authorized pursuant to an act of Congress. It was the opinion of the committee that the absence of a Supreme Court decision on the constitutionality of detention camps might permit a return to pre-1950 status if repeal was the only action. Thus, in order to prohibit arbitrary executive action, H.R. 234 assures that no detention of citizens can be undertaken by the Executive without the prior consent of the Congress.

To those who would view such a prohibition as in derogation of the Executive's wartime powers, I would refer them to the Youngstown steel seizure case—343 U.S.C. 579—where the Supreme Court indicated even though a President might have broad wartime powers, they can be limited by acts of Congress.

As stated by the report of the Committee on Internal Security in reporting H.R. 820, the bill offered as a substitute to H.R. 234:

> (The Youngstown) decision teaches that where the Congress has acted on a subject within its jurisdiction, sets forth its policy, and asserts its authority, the President might not thereafter act in a contrary manner . . .
>
> The question then is whether Congress shall express itself upon this subject, or whether it shall wipe the slate clean of sucn restraints as are now imposed on the executive power by the Emergency Detention Act of 1950. Are we, in short, to be returned to the open period of World War II?

Neither modification nor repeal can remove what amounts to a national disgrace. There can be no justification for detention camps on constitutional, national security, moral, or other grounds. I urge you to vote for H.R. 234 as presently constituted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ICHORD. Madam Chairman, I yield 2 minutes to the gentleman for the purpose of answering a question.

The CHAIRMAN. The gentleman from Illinois is recognized for 2 minutes.

Mr. RAILSBACK. I yield to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, I was rather interested in one point the gentleman from Illinois made. That was in regard to potential espionage agents and saboteurs. I would ask the gentleman from Illinois one question. Does the gentleman believe that in this country today there are people who are skilled in espionage and sabotage that might pose a possible threat to this Nation in the event of a war with nations of which those people are nationals or citizens?

Mr. RAILSBACK. Yes.

Mr. ICHORD. Does the gentleman believe then that if we were to become engaged in a war with the country of those nationals, that we would permit those people to run at large without apprehending them, and wait until after the sabotage is committed?

Mr. RAILSBACK. I think what would happen is what J. Edgar Hoover thought could have happened when he opposed the actions that were taken in 1942. He suggested the FBI would have under surveillance those people in question and those persons they had probable cause to think would commit such actions. Does the gentleman know that J. Edgar Hoover was opposed to detention camps, because he thought he had sufficient personnel to keep all these potential saboteurs under surveillance, and that they could prosecute the guilty in accordance with due process?

Mr. ICHORD. I agree, but we were in the hysteria and the emotions of war. On what ground does one pick up and apprehend and arrest the trained saboteur and espionage agent?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ASHBROOK. Madam Chairman, I yield the gentleman 2 minutes for the purpose of answering a question.

The CHAIRMAN. The gentleman from Illinois is recognized for 2 minutes.

Mr. ASHBROOK. Madam Chairman, I thank the gentleman from Illinois for his statement. I think he has helped to clarify one point. In some of the readings I have seen some people—certainly not the gentleman from Illinois—try to promulgate the idea that H.R. 234 would make it impossible to detain such persons. I think the gentleman correctly stated that any rights the Government now has would operate under his proposal. I think that is accurate.

Mr. RAILSBACK. I agree.

Mr. ASHBROOK. So certainly it does not operate in any way as a restraint against any powers the Government now has.

The gentleman did make one statement I would like to have amplified, because I did not quite understand it. The implication was people would have due process, and I am wondering what due process would be available to any detainee picked up for similar reasons now or in the future under operation of his proposal that was not available to the 112,000 Japanese in 1941 or 1942.

Mr. RAILSBACK. He would have the right for one thing to have a complaint signed, and he would have the right to confront his accusers, and he would have the right to a trial, and so on.

Mr. ASHBROOK. Did they not have those rights at the time?

Mr. RAILSBACK. My understanding is that they were not arrested and charged. They were simply herded up. I think the gentleman is correct in pointing out his bill may afford some additional privileges that were not employed under the 1942 Executive order, which incidentally delegated authority to the military instead of civilians to execute the order. H.R. 820 does contain some additional safeguards but violates other constitutional probations I have mentioned.

Mr. ASHBROOK. That may be true, but is it not accurate, when we get right down to it, there are no constitutional provisions available now which would not have been available to the Japanese then?

Mr. RAILSBACK. That is not true at all.

Mr. ASHBROOK. I believe we had a right to those things then.

Mr. RAILSBACK. We cannot just order a group of people to herd themselves up and evacuate a particular area.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ASHBROOK. I yield the gentleman 1 additional minute.

Madam Chairman, if the gentleman will yield further, I would certainly point out to my friend, the gentleman from Illinois, the right to a trial by jury is not new. It was available to those people in 1941 and 1942.

The only exception is that they did not get it.

Mr. RAILSBACK. That is right; they did not get their constitutional right.

Mr. ASHBROOK. There is no guarantee. From what the gentleman is saying, he thinks there would be these guarantees in the future. The same laws were on the books. The same Constitution was operating. They did not get it. How can he say they would get it now?

Mr. RAILSBACK. Because we are saying in here that detention cannot occur unless pursuant to an act of Congress.

Mr. YATES. Madam Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Illinois.

Mr. YATES. What we are worried about is the question of mass arrests. That is what the gentleman from Ohio talks about and that is what the gentleman from Missouri talks about.

On the question of mass arrests, we have the hysteria of the time, which was evident.

I have here the interrogation by the Congress of the general who was in charge of the Japanese-American evacuation from the west coast.

Mr. McCLORY. Madam Chairman, I rise in emphatic support of H.R. 234 which, if enacted, would repeal title II of the Internal Security Act of 1950—better known as the Emergency Detention Act.

As a cosponsor of one of the bills whose provisions are embodied in H.R. 234, I must say to my colleagues that, in my opinion, the Emergency Detention Act has no place in our free society. In fact, a leading constitutional authority at one of our national law schools has predicted that although Congress in the Internal Security Act has authorized the detention not only of enemy aliens but also of American citizens without conviction of any crime, "it can be anticipated that the legislation will be held unconstitutional as violative of the fourth, fifth, and sixth amendments." Nevertheless, Mr. Chairman, it would be unfortunate if the patently unconstitutional provisions of this law should attach to one more U.S. citizen before it could be declared unconstitutional and stricken from our laws. That is why we must pass H.R. 234 today.

Madam Chairman, during the course of hearings in the Judiciary Committee, my colleagues and I were reminded that in World War II, more than 110,000 persons of Japanese origin—more than two-thirds of whom were native-born citizens—were ordered evacuated and excluded from the west coast, on the grounds of "military necessity." One of these individuals was rescued from the detention camp at Poston, Ariz., and came to our home to live with our family. This young man spent about 3 years with Mrs. McClory and me and our children and I became, in a sense, his stepfather. The loyalty of this young Nisei and his devotion to our Nation and its high principles was evidenced throughout this entire experience. Madam Chairman, there is nothing in the account of that period which can justify or excuse legislation of the type which we seek now to repeal.

In reference to the repeal legislation which we are considering today, Deputy Attorney General Richard Kleindienst recommended the elimination of this offensive law in a message to the House Judiciary Committee in which he said:

> In the judgment of this (Justice) Department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the Act may provide in a time of internal security emergency.

Madam Chairman, the Emergency Detention Act has been referred to by some as "a hangover from the fear-ridden 1950's." Whether we view it on this light or in the light of past experience, we must now act to remove this abominable law from the books of the greatest government ever devised by man.

Madam Chairman, I implore you in the name of human justice and decency to cast a resounding vote in favor of H.R. 234.

The CHAIRMAN. The Chair would advise the gentlemen that the Chair will recognize for participation in the debate in a manner to equalize time, and the gentleman from Wisconsin (Mr. KASTENMEIER) will have the right to close debate at the end.

Does the gentleman from Wisconsin care to yield time?

Mr. KASTENMEIER. Madam Chairman, I yield 10 minutes to the distinguished chairman of the Committee on the Judiciary (Mr. CELLER).

Mr. CELLER. Madam Chairman, I heard with interest the statement made by the distinguished gentleman from Missouri, the chairman of the Internal Security Committee. He proclaimed his liberalism and believes that liberalism to be consistent with the setting up of a detention camp.

We all have memories of totalitarianism and memories of what Hitler did and what Mussolini did under the aegis of totalitarianism, and how they set up concentration camps.

So the very idea of a detention camp connotes Hitler and Mussolini, and I need not assure the Members that those gentlemen were the very antithesis of liberalism.

I suggest that the gentleman from Missouri might check his thoughts, when he indicates he is an advocate of liberalism, and realize that he might be an advocate of liberalism if he helps to do away with the idea of detention camps.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman, although the gentleman was not too generous in his yielding.

Mr. ICHORD. I want to point out to the gentleman from New York that I did yield to the gentleman from Illinois for a question. So long as I have time I will yield to other Members.

I am very happy that the gentleman corrected his comment, since I am not from Illinois but I am from Missouri. I am from Missouri, and I have to be shown.

Mr. CELLER. That is a good State, too.

Mr. ICHORD. I might disagree with the gentleman, but I do not question his motives. I am sure the gentleman does not question my motives and sincerity, also.

Mr. CELLER. I cannot swallow the idea of liberalism in juxtaposition with detention camps, because under the detention camp provision men can be boxed and put into enclosures without trial, without hearing, without knowing who is accusing them, without due process—all of which is unconstitutional and is the very opposite of liberalism.

I ask what is conjured up when we mention detention camps? I am sure there are conjured up the horrors and cruelties of Hitler and of Stalin.

What are the portents when we give the Government the right to herd people into barbed-wire stockades or camps? It is that we are heading into a Mussolini Fascist, Peronista Falangist, or Communist regime?

Are Nazi or Fascist detention camps consistent with our much vaunted freedoms? You will all agree emphatically "No." Are these camps essential for our Nation's preservation or for the welfare of our citizens? There is not a scintilla of evidence in support of such a contention except in the imagination of those beknighted ones who see a Communist or saboteur under every bed. Should our statute books be cleansed of every semblance of detention camps? Yes. The very term is as obnoxious as an alligator. Does the detention camp provision violate the Constitution? It certainly does in many respects. The fifth amendment is violated since there can be imprisonment not as a penalty for the commission of an offense but upon the mere suspicion that an offense may occur in the future. It is offensive also from the constitutional viewpoint that the detention is permitted without bail even though no offense has been committed or even charged.

Does the Ichord substitute provide for the retention of detention camps? Yes. It is indeed, in my humble opinion, a monument of repression. The detention camp provision was made law in 1950, some 21 years ago. The provision was never used. Only a foolhardy President would have used his power to set up such a disgraceful institution.

Who supports the elimination of the detention camp provisions? There are 157 cosponsors. The group is bipartisan in nature. Repeal has the unanimous support of the Committee on the Judiciary. It has the support of the administration. There is the emphatic objection of the Department of Justice to the detention camps, and the Senate has also, in the 91st Congress, passed a bill eliminating the Detention Act.

Who supports the retention of detention camps? The distinguished gentleman from Missouri (Mr. ICHORD) and several members of his committee. However, he seeks to make the retention substitute more palatable by sugar coating it with some procedural changes. However, there is an old saying that you cannot make a purse of silk out of a sow's ear. You might be able to put a dog's tail in a mold, but you cannot make the dog's tail straight. Try as hard and as sincerely as the gentleman from Missouri will—and he is sincere—he cannot remove the evil out of the substitute. He can change the label, but he cannot change the contents of the bottle.

Mr. ICHORD. Will the distinguished gentleman yield to me?

Mr. CELLER. I yield to the gentleman again.

Mr. ICHORD. I greatly appreciate the eloquence of the distinguished gentleman in the well, and I want——

Mr. CELLER. I want to say that I have the highest respect for the gentleman.

Mr. ICHORD. I want to assure the gentleman in the well that I am just as much opposed to detention camps as the gentleman in the well is. However, has the gentleman in the well had the opportunity to check the bill which the gentleman introduced in 1960 and which is much more harsh than title II?

Mr. CELLER. Conditions and circumstances alter cases. And, in those days we were faced with matters that would be deemed entirely alien today.

Mr. ICHORD. But, my friend, that is exactly the point.

Mr. CELLER. Consistency is the hobgoblin of fools.

Mr. ICHORD. I will say to the gentleman in the well that I always try to be consistent. I may not be consistent but I endeavor to be consistent. I do disagree with the gentleman.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. The record will show that the gentleman in the well led the fight in the House against the enactment of title II. The gentleman in the well labeled title II as being "vicious" and "dictatorial." He led the fight against the enactment of title II.

Mr. CELLER. You know, I want to thank the gentleman from Hawaii for making that statement. Sometimes one forgets. You know there are some qualms of old age and I suffer from some of those qualms. There are three qualms of life. First is the lapse of memory, and now I cannot remember the other two. [Applause, laughter.]

Mr. ICHORD. I want to applaud the gentleman in the well——

Mr. CELLER. I am glad the gentleman from Hawaii reminded me of my opposition to what the gentleman from Missouri is proposing.

So, I want to close, with all due respect to the gentleman from Missouri, by asking, "Are we not already adequately protected against the sappers and miners of our national security?"

I would say that the Department of Justice testified beyond peradventure of doubt that we are fully covered against espionage and sabotage and treason and the like and that there is no need whatsoever for the detention camp provision.

Madam Chairman, great harm and havoc can result from a long unused provision providing for detention camps.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KASTENMEIER. Madam Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. CELLER. The detention camp provision is like a carbuncle or canker on the body politic and must be removed.

Second, there is manifest fear, especially among blacks and other minorities that the detention camps may be used against them. Shivers run down the spines of these people at the very thought of detention camps. They fear that some beknighted one might issue an order establishing detention camps and that they might find themseves detainees behind barbed wire.

Madam Chairman, I rise to endorse and support the cogent remarks of the gentleman from Wisconsin (Mr. KASTENMEIER) and to urge prompt and favorable action on H.R. 234, as amended, and reported by the Committee on the Judiciary.

This long-overdue measure would repeal the Emergency Detention Act—title II of the Internal Security Act of 1950—and would forbid the imprisonment or detention of citizens by the United States, except pursuant to legislative authority and due process.

The Detention Act was passed over President Truman's veto in 1950, shortly after the outbreak of the Korean war. I share the view of the more than 159 cosponsors of repeal. Although the Detention Act has never been used, it provokes fear and distrust, violates the civil rights of citizens, and serves no useful governmental function. It belies our much vaunted freedom. It is as loathsome as a hangman's rope to the convict. The act should be repealed outright. Its mere continued existence creates a nagging anxiety among minority groups of citizens, lest the Government repeat the tragic error of the detention of thousands of Japanese Americans at the beginning of World War II. True, this was before title II but the evil prevailed.

Grave constitutional questions raised by the Detention Act have been well stated by Justice Goldberg, testifying before the Internal Security Committee, when he said:

> The law is unconstitutional, unnecessary, and imprudent. There is hardly a sentence contained in the statute which can pass constitutional muster. The tragedy which might result from failure to repeal this legislation is that in order to establish the act's invalidity, large numbers of Americans could be incarcerated for months and even years while the legislation is tested in the courts. Its very existence has caused needless controversy and fear. *Hearings on repeal of the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950)*, 91st Cong., 2d sess., at 2936 (1970).

To recapitulate: If the President should decide that "insurrection—in aid of a foreign enemy" is taking place, then detention could be in order if there is "reasonable ground to believe that a person will" either commit or conspire to commit certain crimes. The act does not require that any law shall have been violated; it provides no trial before a judge or jury; it affords no paid counsel; it offers no presumption of innocence. A person could be detained for 48 hours without a hearing. The Government could, in its own discretion, refuse to reveal evidence that might jeopardize the secrecy of its informants.

This lack of procedural safeguards makes it clear why the existence of the Detention Act constitutes a hostile provocation to members of minorities. It has naught to do with the present campaign against crime. Nor is it in the interest of law and order.

I recognize that the distinguished chairman of the Internal Security Committee, in his bill H.R. 820, has attempted to save the Emergency Detention Act by eliminating some of its most glaring faults. That is like trying to cure a cancer with a bandaid. This well-intentioned effort would provide for congressional determination of the existence of an emergency, would prohibit racial or ethnic discrimination in detentions, would provide counsel and compensation of counsel where needed, and would eliminate mere knowledge of subversion as a ground for detention. But the detention camp would remain.

These proposals, however well intended, cannot prevent the Emergency Detention Act from serving as an abhorrent symbol and reminder of totalitarian absolutism. To attempt to dress it up with the habiliments of respectability is like asserting that one can make a piece of silk out of a sow's ear.

The Department of Justice which, after all, has substantial operating responsibility for national security, has unequivocally recommended the repeal of the Emergency Detention Act. It has formally stated that the amendments to the act contained in Chairman ICHORD's bill, H.R. 820, do not alter the Department's opinion that the Detention Act should be repealed.

With this I emphatically agree. The Ichord amendment should be cast into limbo. H.R. 234 should be enacted without further amendment.

Mr. ASHBROOK. Madam Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Madam Chairman, I rise in support of H.R. 820 as a substitute for H.R. 234. I am motivated by three considerations.

In the first place, I have a deep and abiding concern for the protection of individual rights and civil liberties. I do not wish to see the people of this Nation unprotected by duly constituted authority as some of them were in 1942 when the President of the United States exercised arbitrary and capricious powers to incarcerate Americans of Japanese ancestry. Such an injustice must never again be permitted to happen. H.R. 820 would clearly and firmly prevent detention of any person on the basis of race, creed, or national origin.

In the second place, I do not want to see the President's hands tied by the language of the Kastenmeier subcommittee proposal which would require an act of Congress before any likely subversive or would-be saboteur could be detained. Why lock the barn door after the horse has escaped?

Certainly, we cannot expect a Chief Executive to await congressional action once the Nation is under attack. To adopt H.R. 234 with the Kastenmeier subcommittee amendment would represent an arrogant invasion of the emergency powers of the President. It would also raise the question of the legality of detention for any reason under the whole body of our laws, not just U.S. 18 of the Criminal Code.

Finally, I am convinced that the principal opposition to title II of the Internal Security Act of 1950 has been, and is still, generated by the Communist Party, U.S.A. CPUSA has waged a concerted campaign against the act from the time of its passage to the present day.

As far back as 1952, a freelance writer named Charles R. Allen, Jr., wrote about title II and in one article, published by the New Statesman, he entitled his critique of detention centers established under the act as "concentration camps in the U.S.A." This was promptly reprinted in Communist journals throughout the world, ultimately appearing in 40 different languages although it received scant notice in the United States.

On June 5, 1961, the U.S. Supreme Court agreed with a Subversive Activities Control Board finding that CPUSA was, in fact, an instrument of world Communist Party headquarters in Moscow and that CPUSA was "a disciplined organization operating * * * under Soviet Union control with the purpose of installing a Soviet-style dictatorship in the United States."

By June 6, Moscow radio was beaming a propaganda barrage against the Court's decision and against the Internal Security Act. On June 11, 1961, CPUSA's general secretary, Gus Hall, issued a blistering statement, leading to an announcement 1 week later that Communists must conduct a "massive educational campaign" against title 2. Statements indicated CPUSA members considered themselves the most likely target of title 2 if any of the three conditions precedent for invoking the act occurred.

Through that summer and into early fall, Communist propaganda organs beat the drums for a late September rally in New York City where a so-called national assembly for democratic rights would be held to coordinate the drive against title 2. The rally was dominated by CPUSA leaders who lost little time in creating a Red "front" to be known as the Citizens Committee for Constitutional Liberties. CCCL was to be directed by Miriam Friedlander. The Attorney General of the United States has identified Miss Friedlander as both an organizer and paid agent of CPUSA and as a member of the party's national committee.

Since that time, CCCL has published an updated version of the Allen article which they called "Concentration Camps U.S.A." and carried on an effective lobbying program to distort the actual provisions of title 2 in order to upset and confuse minority segments of our population with alarmist propaganda.

Many well meaning and sincerely motivated citizens have been persuaded to believe Communist charges without realizing the speciousness of them. As a result, the climate of public opinion is not conducive to any security legislation and the cry for repeal of title 2 is louder than reason. Mark my word, if H.R. 820 is not adopted and if H.R. 234 does pass, the CPUSA will celebrate the greatest single victory achieved by that party in America since its inception.

I shall try to see that reason does—in truth—prevail by voting for the Ichord-Ashbrook-Scherle bill, H.R. 820—as opposed to the Kastenmeier subcommittee legislation, H.R. 234—and I urge my colleagues to do likewise.

Mr. MATSUNAGA. Madam Chairman, will the gentleman yield?

Mr. WILLIAMS. I will be happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Madam Chairman, the gentleman has made a statement that I believe should be corrected.

The most ardent opponents in the Senate, when title II was offered as an amendment to the Internal Security Act of 1950, were Senator KARL MUNDT and Senator Pat McCarran.

Mr. WILLIAMS. I thank the gentleman. I do not believe that anything that I have said would dispute that very fact. I do say that it is my opinion that the principal opposition has come from the sources I have already mentioned.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman criticizes provisions of H.R. 234 because it requires an act of Congress before the whole detention machinery can go into play.

Is it not true that President Roosevelt after Pearl Harbor was unable to do anything until the following morning when the Congress declared war?

Why does the gentleman fear a requirement that before this huge machinery will come into play that the Congress must first approve it. When we have a declaration of war—and this bill—this bill requires that there must be a declaration of war as one of the three instances in which this bill can become effective.

Mr. WILLIAMS. Does the gentleman want me to answer his question now?

Mr. PUCINSKI. Yes, please do.

Mr. WILLIAMS. I think you are using a very poor analogy. Any time that this country is blatantly attacked as it was on December 7, 1941, I think this Congress is going to respond very quickly with a declaration of war.

On the other hand, we are not going to have the time to work out anything as adequate as the Internal Security Act of 1950 has proven to be.

Mr. PUCINSKI. Your logic totally escapes me.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Missouri.

Mr. ICHORD. I certainly agree with the gentleman from Pennsylvania. What the gentleman from Illinois would have us do would be to work out libertarian provisions at a time when we are subjected to the emotions and hysteria of war. I would point out to the gentleman from Illinois that back in 1942 there were incidents of Negro people attacking Chinese, thinking they were Japanese. Again I say, Chief Justice Warren—and you are not going to question his libertarian credentials.

Mr. PUCINSKI. Do you want to bet?

Mr. ICHORD. Chief Justice Warren was the one who was hollering the loudest for the picking up of all the Japanese, as well as Walter Lippmann.

But I asked the gentleman from Pennsylvania to yield for the purpose of correcting one statement which has been made on the floor of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WILLIAMS) has expired.

Mr. POFF. Mr. Chairman, I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. The proponents of H.R. 234 talk about this terrible bill which President Truman vetoed, and which the Congress passed over his veto under the emotions and hysteria of the period of the Korean War.

I want to read this. I have the record here from that veto message. Listen to what President Harry Truman had to say:

> It may be that legislation of this type should be on the statute books, but the provisions of H.R. 9540 would very probably prove ineffective to achieve the objectives sought, since they would not suspend the writ of habeas corpus, and under our legal system, to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended.

The objections of Harry S. Truman to the bill went to title I, not to title II. He wanted to go so far as to suspend the writ of habeas corpus.

The gentleman from Illinois talks about the right of jury trial and due process. But here Harry Truman would want to suspend the writ of habeas corpus. We do not do that in H.R. 820. We retain the right of the writ which is a most sacred American right.

Mr. WILLIAMS. I appreciate the gentleman's comment.

I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. The gentleman indicated that the principal advocate for the repeal of title II was the Communist Party of the United States. Does the gentleman mean by that statement that the 157 Members who have cosponsored the repeal of title II and the scores of organizations that favor its repeal are dupes of the Communist Party?

Mr. WILLIAMS. No, I do not, and I want to call your attention to the fact that I said the principal opposition to title II of the Internal Security Act of 1950 has come from the Communist Party, and the reason for their opposition is that they believe that title II could be applied to them if we ever entered into a war with Russia and they had a very fine plan to sabotage already set up to be carried out within a matter of 24 to 36 hours.

Mr. YATES. But the fact remains that the organizations, the ethnic organizations in this country are opposed as well to title II and are in favor of its repeal because of what has happened in the past and what may happen again in the future unless title II is repealed. Is that true?

Mr. WILLIAMS. In my remarks I clearly stated that it has been Communist propaganda that has caused this fear on the part of the minority group, alarmist propaganda, and I stay with that statement.

Mr. POFF. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ECKHARDT).

The CHAIRMAN. The Chair recognizes the gentleman from Texas.

Mr. ECKHARDT. Madam Chairman, I would like to clarify one point that has been discussed in this debate concerning the provision on page 2 beginning at line 13 of H.R. 234. The provision here simply says, as it should say, that—

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

You have got to have an act of Congress to detain, and the act of Congress must authorize detention, as I read that language. I did not understand my friend from Ohio to so read it, but I think that is clearly what my friend from Missouri believes it to mean, and I believe it means what it says. There may be no detention unless detention is authorized by statute.

Let me proceed for a minute to the provisions of the other bill, H.R. 820. What the gentleman from Missouri would do is to provide a kind of process before a board which detains without trial. Title II permits detention without trial. A man is not found guilty of anything, but, under title II, if there is merely a probability that he belongs to a class of persons that might be dangerous, he may be detained.

I submit to you that there is nothing in the provisions of the bill before this House, H.R. 234, that would prevent some subsequent passage of a new title II, revised with Mr. ICHORD's perfections and with his due process attached, if such a situation should become necessary.

Certainly today we should not authorize, under the facts that we have before us, the rounding up and detention of persons merely because they belong to a group which has come under public suspicion.

I am of German ethnic origin. My people have lived in Texas for five generations. But in the First World War there were some doctors who doubted the propriety of my father, a doctor whose grandfather had fought in the battle of San Jacinto and whose father had fought in Hood's brigade, to examine persons for the draft because we bear a German name.

We made a mistake about German Americans then. In the Second World War we had our Eisenhowers and our Kimmels, and the German ethnic group was not suspect, but the Nisei were suspect in exactly the same way that persons of German descent had been in the First World War.

In the next war, who will it be? Perhaps it will be persons of Slavic extraction. Let men be judged by their actions, and let their actions be considered under due process of law. Let no man be incarcerated upon the basis of suspicion and the prejudices of the times.

The CHAIRMAN. The Chair would like to advise Members that the gentleman from Virginia and the gentleman from Wisconsin have 22 minutes remaining each, the gentleman from Missouri has 17 minutes remaining, and the gentleman from Ohio has 10 minutes remaining.

Would the gentleman from Virginia care to yield time?

Mr. POFF. Madam Chairman, I defer, if I may, to the gentleman from Wisconsin.

Mr. KASTENMEIER. Madam Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Madam Chairman and members of the Committee, I believe perhaps the first extraneous fact which ought to be cleared up is that our distinguished colleague from Missouri, in his zeal to take care of the opposition, killed off a constituent of mine. I want to assure all the friends of Paul H. Douglas that he is alive and well. He may be an erstwhile Senator, but he is a very much alive citizen.

I will emulate the chairman of the committee and tell him that I will yield to him later. I will be glad to yield to him on his own time, if he would care to yield time, or I will be glad to yield later.

Let me say that, after all the discussion about the two bills, it seems to me there are really three kinds of situations we are talking about.

If any statute of the Congress now or hereafter authorizes the detention of a person, nothing in the House bill before this committee in any way interferes with that detention—nothing in the House bill that is before this committee interferes with that detention.

If there is any inherent power of the President of the United States, either as the Chief Executive or as Commander in Chief, under the Constitution of the United States, to authorize the detention of any citizen of the United States, nothing in the House bill that is currently before this Committee interferes with that power, because obviously no act of Congress can derogate the constitutional power of a President.

So that leaves, really, a third kind of detention, which is what the Judiciary Committee bill is aimed at, and it is the kind of detention, I might add, I have heard nobody on this floor, including the gentleman from Ohio and the gentleman from Missouri, defend; namely, the kind of detention to which the Japanese Americans were subjected in 1942.

The so-called Railsback amendment specifically would preclude the President of the United States from causing that kind of detention, from authorizing that kind of detention without an act of Congress.

So really what we are left with are those who feel that the President or somebody else, some unnamed executive member, ought to have the power to detain people without an act of Congress and without there being any inherent emergency power set forth in the Constitution, and I guess they are opposed to the repeal of the Detention Camp Act and want to keep it on the books.

They ought to vote "No" on the House bill. However, if you do not believe in the detention of the Japanese Americans and if you do not believe in some kind of wholesale mass roundup without sanction of law, then you ought to be for the House bill. Certainly you ought not to be for the substitute, the ersatz substitute offered by the Committee on Internal Security of the House, because what that bill says is we are going to allow some detentions so long as they are not on the grounds of race, color, or creed. They can be on any other matter or on any other extraneous basis so long as they are not on the basis of race, color, or creed. So, presumably, if we hark back to 1942 and if the military commander who picked up all of the Japanese Americans also had picked up a few German Americans at the same time, then under the substitute, that would be legal.

It seems to me with all of the discussion about what the cases did say and did not say, the fact of the matter is that the Supreme Court of the United States never did authorize the detention of Japanese Americans in 1942. Fortunately or unfortunately, they very carefully evaded that question as they went into other problems of constitutional law.

But I certainly know of nobody in this Congress who is prepared to say that we ought to allow detention without some sanction either by the Constitution or by statute. If that is so, then you ought to vote for the House bill.

Mr. PUCINSKI. Will the gentleman yield?

Mr. MIKVA. I yield to my colleague.

Mr. PUCINSKI. Is it not true under existing law, if you look at page 9 of the committee report, besides a declaration of war by the Congress, the other two instances in which the President may invoke all of the powers spelled out in the existing act are invasion of the territory of the United States or its possessions, which means that Guam or the Aleutians or some other possessions 9,000 miles away, possessions of the United States, may be invaded and then the President may invoke this law? Furthermore, it says that he may invoke the law in cases of insurrection in the United States by foreign enemies. The burning of five buses in Pontiac, Mich., might conceivably also constitute a case of insurrection. So you are giving the President very broad powers here to invoke all of the machinery of this detention simply because of the provisions. What we say is, if you are going to give the President the right to detain people and arrest them, then let the Congress at least speak out on it. That makes sense to me.

Mr. MIKVA. I may say to my colleague from Illinois that is exactly our position on the Committee on the Judiciary.

If the gentleman from Missouri has the confidence in the Congress that he said he had at the beginning of his remarks, then what is his concern about leaving it to the determination of the Congress to sanction the arrest and detention of citizens of the United States, which is what H.R. 234 calls for?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Madam Chairman, I yield the gentleman 1 additional minute.

Mr. ECKHARDT. Will the gentleman yield to me?

Mr. MIKVA. I yield to my colleague from Texas.

Mr. ECKHARDT. Will the gentleman clarify this point for me? As I read title II, after the President has recognized the emergency described in the bill, it gives authority to the Attorney General to issue an order in which a man is placed in a detention camp without being charged with a crime or convicted of one and then gives the person detained the right to judicial review before a board which may determine whether or not he had a right not to be picked up and detained. It seems to me this does not go to the question as to whether or not he is in fact guilty of a subversive act. It goes to the validity of the order.

Mr. MIKVA. That is exactly correct. The board would have nothing to do as far as the gentleman's guilt or innocence is concerned. They could only ask him whether he wanted to be hanged or drawn and quartered.

Mr. ECKHARDT. Therefore, H.R. 820 only gives the accused person the right to counsel and the right to further try the question of the validity of the order. It does not give him a right to go into the merits of guilt or innocence.

Mr. MIKVA. That is correct.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ICHORD. Madam Chairman, I yield the gentleman 2 additional minutes if the gentleman will yield to me.

The CHAIRMAN. The gentleman from Illinois is recognized for 2 additional minutes.

Mr. MIKVA. I would be happy to yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman from Illinois said nothing insofar as his rhetoric is concerned with which I adamantly disagree.

I disagree with the gentleman from Illinois (Mr. PUCINSKI) when he says that the Congress is retaining no control, particularly in the third condition under which the President can invoke this power.

I want to make it clear that we are not dealing with a present power at all. We are dealing with a future power that is predicated upon the happening of one of three or even four conditions.

First, a declaration of war.

Second, an invasion of the United States.

Third, insurrection within the United States in aid of a foreign enemy.

In H.R. 820, because that is ambiguous, I have retained the power of Congress to authorize the President to have the power. The Congress, of course, would have the power anyway to repeal or amend the act at any time.

But let me ask the gentleman this question: Is the gentleman maintaining that title II is unconstitutional?

Mr. MIKVA. No; I am not. I am maintaining that title II is an unwarranted delegation of unnecessary power to the President of the United States at a time and under circumstances where the decision to do so is unnecessary.

We would prefer to exercise the kind of confidence in the Congress that the gentleman stated he had, and leave it to the Congress to judge under what circumstances an American citizen should be detained.

Mr. ICHORD. I would have more confidence, I would say to the gentleman from Illinois, in the Congress drafting a measure that will protect the liberties of the individual citizens a lot more in a period of peacetime than I would during a period of hysteria and the emotions of war. We should not wait until there is a declaration of war or an invasion of the United States and then legislate under the resulting emotions and hysteria.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. ICHORD. Madam Chairman, I yield the gentleman 1 additional minute.

Mr. MIKVA. Let me say to my colleague, if I can paraphrase my distinguished friend, the gentleman from Virginia (Mr. POFF), if there is a law on the books that is unnecessary, it is necessary that it be repealed.

As I read through every page of the hearings of the witnesses that came before the distinguished gentleman from Missouri's committee——

Mr. ICHORD. Did the gentleman read all 1,000 pages?

Mr. MIKVA. All of them. Most of your pages, I might add, were in opposition to the gentleman's position; it became more and more apparent that the best that could be said for title II or your substitute for it, was that it was unnecessary, and that means it is necessary to repeal it.

Mr. ICHORD. Did the gentleman read the statement of Professor Frederick Wiener whom Justice Douglas recognizes as the foremost authority in the Nation on this question; did the gentleman read his statement in its entirety?

Mr. MIKVA. Yes; and I think it is the same Frederick Wiener that some of us recognize in some other context as well.

Mr. ICHORD. I would ask the gentleman from Illinois, is he maintaining that the Department of Justice supports the amendment of the gentleman from Illinois (Mr. RAILSBACK)?

Mr. MIKVA. Notwithstanding the blandishments of the gentleman from Missouri, the Department of Justice has very carefully refused to oppose it. They requested such an amendment initially because they were opposed to the bill in its original form before the committee because of its overbreadth.

There has been an attempt by some opponents of H.R. 234 to argue that by repealing the Emergency Detention Act, Congress would somehow be cutting back or undercutting the power of the President to act in an emergency.

Repealing title II of the Internal Security Act would do no such thing. This is a patently specious position which should neither serve as a shield for those who favor retention of the Emergency Detention Act for other reasons, nor as an obstacle for those who would otherwise favor repeal of this odious law.

The issue of the extent of the Federal Government's power to undertake extraordinary measures in times of war or of national emergency has been debated vigorously since the early days of the Republic, but the repeal of the Emergency Detention Act will neither add to nor detract from whatever emergency powers exist at present in the Congress or the President.

Let me first dispose of the strawman. It has been argued by some that the constitutional rights of the people of America are better protected by continuing the Emergency Detention Act than by repealing it. The allegation is that by repealing the statute, Congress would leave the President with untrammeled authority to take emergency measures without the restraining guidelines set out in the statute. But a more critical examination of the nature of Congress and the President's respective powers in this area makes it clear that repeal of title II will in no way affect whatever inherent power the Executive may enjoy.

As the war powers issue is framed in court cases arising from the Civil War, the Korean conflict, and two World Wars, there are two basic questions involving war powers and the Constitution. First, what extraordinary powers can the Federal Government claim in a time of national emergency; and second, to the extent that one is willing to grant that some such additional powers are available, who is entitled to exercise which ones—what can the President do on his own authority, and what actions must first be authorized by Congress?

There are three possible positions one can take, and I am sure that all three are represented to some extent in this chamber today. The point I wish to emphasize is that none of these three positions on the war powers issue requires or even justifies voting against repeal of the Emergency Detention Act.

The first position would be that of those who maintain that the Federal Government has no additional powers in times of war or insurrection, except as specifically provided in the Constitution, or as necessary in order to uphold the Constitution. The clearest example is found in Article I, Section 9 of the Constitution, wherein Congress is prohibited from suspending the privilege of the writ of habeas corpus, "unless when in cases of rebellion or invasion the public safety may require it." The strongest judicial exposition of this view of the war powers of Congress and the President in the case of *Ex parte Milligan,* decided in 1866. Milligan was tried during the Civil War by a military tribunal, and was sentenced to death after being convicted of conspiring to release and arm some rebel prisoners in Indiana. The Supreme Court ruled the trial and the conviction unconstitutional. Neither in war nor in peace, said the Court, does either Congress or the President have the right to discard the Constitution. In a much quoted opinion, Justice Davis wrote:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace . . . No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government . . . The theory of necessity on which (such a doctrine) is based is false; for the government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence.

The Court went on to say that martial law cannot be justified so long as the civil courts are open and functioning. In other words, if Milligan committed an offense against the Government, he must be tried in a civilian court in accordance with the Constitution, unless the normal order had broken down to the point where the civil administration was no longer functioning.

Those who adhere closely to the position I have just described would probably argue that the Emergency Detention Act is unconstitutional. They would not be concerned about whether repeal of title II frees or constricts the so-called inherent powers of the Executive, for they would probably deny that the Constitution provides any such inherent powers. Whether Congress presumed to speak on the subject or not would be irrelevant to them.

The next group of opinion would hold that the Federal Government does have certain emergency powers which can be exercised if necessary for self-preservation. Some in this group would give extensive latitude to the President to exercise such war powers, finding the justification in his position as Commander in Chief of the Armed Forces, as well as in his sworn duty to uphold the Constitution and to preserve the Republic. Once again, it is difficult to see how proponents of this view could consistently oppose H.R. 234 on the grounds that it would undercut the President's ability to act in an emergency. After all, if the President's war powers are inherent, he must have the right to exercise them without regard to congressional action. Arguably, any statute which impeded his ability to preserve and protect the Republic from imminent harm could be suspended from operation. It is a contradiction in terms to talk of Congress limiting or undercutting an inherent power given by the Constitution or some higher authority.

The last group consists of those who agree that the Federal Government does have certain extraordinary powers in an emergency, but who feel that the Constitution gives Congress the responsibility for authorizing such actions. To the proponents of this view, the President has no inherent powers—only those powers granted to him by the Constitution. With respect to war powers, they would see the President's powers as restricted to his role as Commander in Chief. The Supreme Court has firmly rejected the argument that the role of Commander in Chief alone invests the President with extensive prerogatives to do whatever he feels is necessary in time of war, specifically in the Youngstown against Sawyer case which overturned President Truman's seizure of the steel mills during the Korean conflict. For those of this persuasion, the argument about the residual powers of the President after repeal of title II is moot. By repealing the statute, Congress would terminate the President's ability to incarcerate people whenever he determines that an emergency exists. It would be Congress responsibility to restore that power to the President if necessary, along with whatever other emergency powers he might require, in the event that Congress found a state of emergency to exist. It is difficult to envision a situation in which the President would need this particular kind of authority on an emergency basis without even the 24 hours notice which would be necessary for Congress to act.

The conclusion to be drawn from all of this is that, historical and philosophical questions aside, the repeal of the Emergency Detention Act which is proposed in H.R. 234 would have no measurable effect on the war powers of the President, whatever those powers are deemed to be at present.

Before yielding the floor, I would like to make brief mention of one line of argument and case law which has received much misunderstanding. It has been suggested by some that repeal of title II of the Internal Security Act would leave us back where we were in the 1940's when President Roosevelt authorized by Executive order severe restrictions on the freedom of Americans of Japanese origin. It is not true that the constitutionality of those detention camps was ever upheld. In the Hirabayashi case, the Court merely held that the curfew order which required Japanese Americans to remain in their homes after dark was not unconstitutional. In the Korematsu case the Court dealt only with the Executive order which excluded Japanese Americans from certain areas of possible military operation. In both these cases the Court studiously avoided reaching the issue of the constitutionality of the order which authorized the mass round up and detention of thousands of Americans whose only crime was the unpopularity of their national origin. Both decisions were clearly influenced by two important factors. First, the traditional reluctance of the Court to interfere with an ongoing war effort; and second, the critical fact that at the time of those decisions the 14th amendment guarantee of equal protection of the laws did not apply to the Federal Government—only to the States. It was not until more recently that the equal protection standard has been extended to the Federal Government through the due process clause of the fifth amendment.

What is crystal clear is that the Emergency Detention Act must be repealed. It stands as a blot on our history as a free Nation. Its mere continued presence on the statute books is an affront to Japanese Americans, and lends credence to rumors and fears that such gestapo tactics might be employed again in the future, perhaps directed this time at black political activists. By every principle on which this Nation was founded, this repugnant law must not be allowed to stand.

The CHAIRMAN. The time of the gentlemen from Illinois has again expired.

Mr. ADAMS. Madam Chairman, will the gentleman yield?

Mr. MIKVA. I am glad to yield to my colleague from Washington.

Mr. ADAMS. Madam Chairman, I rise in support of H.R. 234 as a cosponsor of a companion bill. This legislation would remove the evil provisions of the Emergency Detention Act which is title II of the Internal Security Act of 1950—50 U.S.C. 811–826. It would then amend section 4001 of title 18 of the United States Code to prohibit the establishment of emergency detention camps, and would provide that no citizen of the United States would be detained or imprisoned in any Federal facility except a penal or correctional institution which is established pursuant to the general provisions of the criminal code contained in title 18. It would thus preclude the administrative establishment of concentration camps and abolish penalties connected with such detention found in title 5.

The present Emergency Detention Act which would be abolished has always raised serious constitutional questions. This act presently gives the President or his agent, during a declared "internal security emergency," the power to apprehend and detain, without trial, persons "if there is a reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." Thus detention of a person is authorized on the basis of mere suspicion that he might commit a crime. This is not part of the American system of justice but instead resembles the powers often misused by autocratic regimes.

In addition, the title II detention camp legislation raises ominous implications for racial and ethnic communities which was demonstrated during the detention of west coast Japanese during World War II. Over 100,000 Americans of Japanese descent were placed in camps by a determination of the Government without the due process protections of the Constitution. Many of these citizens later served our Nation in the armed services in World War II. This should be enough to tell us that administrative detention camps should be repealed. I remember those injustices well because I was in high school at the time and one-third of my high school class was sent to detention camps.

There is the fear that history may repeat itself unless the law is repealed. Many of our citizens who fear that this law may be directed at them find little comfort in the fact that the provisions of the act have never been applied and that there is nothing specifically directed towards persons of a particular race or creed. The vague wording of the law and the thrust of the concept combined with the history of the 1940's is certainly enough to raise suspicion and fear. This is unnecessary and should be changed.

Beyond the fear perpetuated by this act, I question the advisability of investing such power in the office of the President. If a real threat to our internal security should arise, it should be passed on first by the legislative branch and then administered by the executive branch.

There is a great deal of support among concerned Americans for repeal of this act. I have in my files letters from more than 20 organizations from the congressional district which I represent, and I have also received resolutions from the Seattle City Council and the King County Council both urging repeal. In addition, the Asian Coalition for Equality has forwarded to me petitions containing more than 7,000 signatures in support of repealing title II.

The dangers to our democracy from a law which provides for the setting up of concentration camps and internment of citizens without the right to trial are real and we should not leave such machinery in existence. I believe that such a law has no place in our country and I urge the immediate repeal of the law authorizing these concentration camps.

Madam Chairman, I ask unanimous consent to revise and extend my remarks immediately following the remarks of the gentleman in the well.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. ICHORD. Madam Chairman, reserving the right to object—and I shall not object—I want to make it clear that the gentleman does not have newspaper editorials or radio editorials and he does not include extraneous matter in the unanimous-consent request.

Mr. ADAMS. Absolutely not. It is just the remarks, as I made before the gentleman when I testified on my own.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. YATES. Madam Chairman, earlier in the debate when I asked the gentleman from Illinois (Mr. Railsback) to yield, I was unable to complete the point I had begun to make. That point was based upon the oppressive policies of the existing law. The evil of title II relates to the possibility of mass arrests based only on suspicion, condemning a whole ethnic group for no reason of violation of law but solely because of membership in the group in the same way that Americans of Japanese ancestry were condemned and detained in detention camps during World War II.

History has a way of repeating itself—even sordid chapters like the detention of the Japanese Americans. We are appalled now by the attitude revealed by General DeWitt in his testimony before the Committee on Armed Services of the House in 1943 when in response to the question asked by Congressman Bates, the following interchange took place:

> Mr. Bates asked: I was going to ask—would you base your determined stand on experience as a result of sabotage or racial history or what is it?
>
> General DeWitt. I first of all base it on my responsibility. I have the mission of defending this coast and securing vital installations. The danger of the Japanese was, and is now—if they are permitted to come back—espionage and sabotage. It makes no difference whether he is an American citizen, he is still a Japanese. American citizenship does not necessarily determine loyalty.
>
> Mr. Bates. You draw a distinction then between Japanese and Italians and Germans? We have a great number of Italians and Germans and we think they are fine citizens. There may be exceptions.
>
> General DeWitt. You needn't worry about the Italians at all except in certain cases. Also, the same for the Germans except in individual cases. But we must worry about the Japanese all the time until he is wiped off the map. Sabotage and espionage will make problems as long as he is allowed in this area—problems which I don't want to have to worry about it.

The Emergency Detention Act was bad law when it was first passed by the Congress, it is worse law today.

Other sections of the Internal Security Act have long since been stricken from our laws as unconstitutional. Only title II remains to remind us of the hysteria and unreason of the early postwar era. Eminent legal authorities believe that title II would meet the same fate were it ever challenged.

It is unfortunately true, however, that a legal challenge of the act is unlikely in the foreseeable future. The question of the justiciability of the statute remains unclear so long as it is not enforced. Since the conditions for invoking title II are not in prospect, the "threat of enforcement" of the law may not be sufficient to sustain a constitutional challenge.

The act is most likely to be challenged in the courts only when the threat of enforcement is substantially more pressing than is presently the case—in other words, during a crisis. The courts, despite all the buffers which have been erected to shield them from political pressure and transitory change in public sentiment, are nonetheless subject to the strong popular currents which are loosed in a wartime situation or during periods of civil unrest.

In the Japanese-American concentration camp cases, the Hirabayashi case and the Korematsu case, the Supreme Court, acting during wartime, upheld as constitutional acts of the Government which are now widely recognized as unjustified and excessive. It is likely that any judicial challenge of the Emergency Detention Act would take place under the similarly stressful conditions which would make extremely difficult an objective decision on the constitutional merits of the case. For that reason it is especially appropriate that the Congress move now, during a period of relative safety from external threats, to remove title II from the law of the land.

Conservative assumptions about the threat of sabotage or espionage inevitably take over during a wartime situation. In such a case, it is possible that title II would be enforced in indiscriminate manner which characterized the Japanese-American incarceration during World War II, and that must not be allowed to happen again. The freedom and reputation of innocent, law-abiding citizens must not be allowed to be compromised. Unfortunately, we have never had a shortage in this country of people who would be willing to sacrifice our freedoms in the name of security. Title II, combined with fear and a little demagoguery, would be a potent mixture indeed—a mixture that could cause irreparable harm to our democratic traditions.

It is between fear and freedom that we choose today. Let us put an end to the threat to our traditions which is posed by title II. And let us do it quickly and cleanly by outright repeal of the Emergency Detention Act.

Mr. ASHBROOK. Madam Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. ZION).

Mr. SCHMITZ. Madam Chairman, will the gentleman yield?

Mr. ZION. I yield to the gentleman from California.

Mr. SCHMITZ. Madam Chairman, I rise to support the Ichord amendment to H.R. 234 which will be brought before the House tomorrow for a vote. It is absolutely necessary that title II of the Internal Security Act of 1950 be retained on the statute books. The Ichord amendment will retain the statute in a form which should help to alleviate false fears which have been organized in opposition to this act.

Briefly, the Ichord amendment simply says that no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry. This modification of title II is necessary because of the unnecessary apprehension about the existence of this act which has arisen among certain segments of our population, particularly Japanese Americans. As has been mentioned previously in the discussion, title II was not even in existence during World War II when the indiscriminate detention of many Japanese citizens of our Nation took place. Repealing it, therefore, can hardly prevent a reoccurrence of such an unhappy event.

In fact, by repealing title II we will eliminate detention procedures now on the books which would help to prevent this type of indiscriminate mass incarceration. It is unfortunate that the situation has been completely turned around and title II is seen by some to be an "ominous foreshadowing of fascist repression." If this section of the Internal Security Act of 1950 is an "ominous foreshadowing of fascist repression" it is the slowest moving shadow in history.

Title II was enacted to deal with Communist insurrection in support of the foreign powers to which they owe allegiance. Section 811 of the act begins with the congressional findings which make the act necessary, and contain 15 subsections. Subsection (1) reads:

> There exists a world Communist movement which in its origins, its development and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all countries of the world, through the medium of a world-wide Communist organization.

There have been no congressional findings of fact since 1950 to refute this assessment. History since 1950 has confirmed it. I bring this point up simply to show that the act was in no way aimed at Japanese Americans or any other minority group in our Nation. The United States was not even officially found to be a racist society until the Kerner Commission came upon the scene in the late 1960's.

Not only was the Congress in 1950 concerned with the protection of our society from those who have sold their birthright for a mess of dialectical pottage, but they were also well aware of the need for safeguarding individual rights. Subsection (15) of section 811 states that—

> It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted, and reviewed as to prevent any interference with the constitutional right and privileges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States.

Recognizing the existence of the enemy and the need to maintain individual freedom the Congress saw fit to pass title II. I think they did a good job in putting together this act. The declaration of "internal security emergency" under which the detention procedures go into effect was specifically spelled out to include only the following: First, invasion of the territory of the United States or its possessions; second, declaration of war by Congress; and, third, insurrection within the United States in aid of a foreign enemy. So it is not just a question of the Executive declaring a national emergency and proceeding to ship various people off to the detention camps but a case where specific types of emergency situations bring into effect the legislation necessary to cope with the emergency.

For example when President Nixon recently put into effect the across-the-board 10-percent tariff on foreign goods he stated in Presidential proclamation 4074 that—

> I hereby declare a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States.

This declaration of national emergency does not carry with it the power for the President to go out and round up the "international money speculators" or whoever else he would like to blame for our international balance of credits problem.

There are only certain times when title II comes into effect and these are times when I think everyone would agree it might be necessary for our survival to detain certain individuals. Those who think that some form of increased internal security precautions will not be taken in any one of the three above mentioned situations, invasion, war, or insurrection in aid of a foreign enemy, are living in a dream world. The important thing, and this is what title II does, is to have established guidelines for maintaining internal security already on the books so that crisis does not provoke extreme, intemperate, and unnecessarily harsh measures against loyal citizens.

Testifying before the House Committee on Internal Security on the advisability of retaining title II, Dr. Walter Darnell Jacobs, professor of government and politics at the University of Maryland, pretty much summed up my views on this entire matter.

"Hopes—and prayers—that actual use of title II will never be necessary should not blind the Congress to its potential value in controlling threat to internal security.

"Today, the Soviet Union is dedicated to a revolutionary program which is supposed to culminate in "victory for socialism" and in the "elimination of capitalism and imperialism" everywhere in the world. Attempts by persons in the West to ignore or rationalize away this reality will not change the nature of existential Soviet approaches to the world. A better part of wisdom would be to recognize the content of the Soviet world view and of Soviet plans for "anti-imperialist" alliances inside the United States of America and to provide ourselves with tools and devices for our own protection, if they are needed."

I hope that my colleagues will consider this matter on the basis of facts rather than emotions and vote with me tomorrow in favor of the Ichord amendment to H.R. 234.

Mr. ZION. Madam Chairman, in times of crisis, the fabric of democracy undergoes its most severe strain. It is easy to be philosophical about civil liberties in the abstract. But the tests come when danger is imminent, when strong emotions are aroused.

The best way to assure the protection of constitutional rights in a period of turmoil is to establish procedures for due process during a period of calm before the storm rages.

This is precisely the purpose of H.R. 820, a bill to amend the Emergency Detention and Internal Security Acts of 1950.

The original act of 1950, also known as title II of the Internal Security Act, was designed to protect the Nation in time of danger and at the same time to preclude the use of martial law and other Executive powers under which the lamentable incarceration of innocent Japanese-American citizens was conducted during World War II. By an overwhelming vote, Congress acted in 1950 to prevent the recurrence of this abrogation of constitutionally guaranteed liberties, realizing that preparation for an emergency is the surest way to prevent hasty action, born of hysteria and panic.

The purpose of H.R. 820 is to spell out additional constitutional safeguards: To assure that no citizen shall be apprehended or detained because of his race, color, or ancestry; to make certain that any person detained by the act is provided with counsel and such other experts as are necessary for his defense; and to insure that, in case of insurrection, the President cannot invoke the act unless Congress affirms by concurrent resolution that an insurrection does, in fact, exist within the United States.

Much of the opposition to H.R. 820 is based upon misinformation, disseminated in large part by the Communist Party, U.S.A. A recent example appeared in the People's World for August 28. This west coast Communist newspaper urges its readers to visit, write, and telegraph their Congressmen to repeal title II. The publication also falsely represents H.R. 820 as a bill which "goes beyond the McCarran Act to broaden the base of those liable to be interned by including 'movement' people."

This is just one example. Throughout the Nation the party press, front organizations, and spokesmen are busy trying to whip up opposition to this proposed legislation.

Naturally, the Communists want to promote confusion on this vital issue. From the earliest days of the party up to the present moment, the Communists have fought any form of internal security, and confusion is their best weapon. They know, as we also must know, that if the issue is presented clearly and honestly to the American people, the choice will be to protect this country from its enemies within, including espionage agents and saboteurs. Due process is vital—that is why I support H.R. 820—but so is survival. And when times of severe crisis come, the American people will not sit still to see their country torn apart "by due process." They will applaud whatever means necessary to preserve the Nation, as they did the incarceration of the Japanese Americans during World War II.

The irony is that instead of being the "concentration camp" bill charged by the Communists, H.R. 820 is the kind of legislation that would have helped prevent the tragic persecution of loyal Japanese citizens during World War II.

As the attorney general of New Jersey, George F. Kugler, Jr.—Republican—put it so well:

> The problem which existed in the Japanese Exclusion cases was that no procedural protection existed when such executive authority was implemented by the President.

What title II and H.R. 820 provide is a viable and sensible alternative to suspending the writ of habeas corpus and to imposing martial law when crises arise. Civil librarians, including Japanese Americans and other minorities, should support H.R. 820. They should not be misled by the absolutely and patently false claims that the enforced detentions of the 1940's were caused by the Internal Security Act of 1900. They should be eager for the safeguards embodied in H.R. 820.

Madam Chairman, we must see this issue in concrete and very human terms because it can be a matter of life and death for millions of our citizens. In very realistic terms we must weigh the costs and the consequences.

Detention is not pleasant but it is not a horrible fate. The use of the words "concentration camp" is an obvious cheap Communist propaganda trick to arouse the emotions we all have regarding Dachau, and so forth. Nothing like that is contemplated.

I hope no innocent person is ever detained. H.R. 820 is designed to prevent that. But if it happens, in a time of national emergency, that will be one of its costs. And it will be a small cost in comparison with the suffering and death of our citizens due to the planned destruction of our vital services.

The organized opposition to H.R. 820 is not an isolated phenomenon. It is part of a general attack on all the safeguards needed to preserve this country. Name any agency, person, or organization dedicated to maintaining the integrity of the United States—the police, the FBI, the prison authorities, the military—the "Establishment," the Congress—yes, even the House Committee on Internal Security—and you have named a target for those who want to tear this country apart.

We who love a free America must put its survival first.

Mr. POFF. Madam Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Madam Chairman, this day I have heard obviously learned men spout believably learned reasons relating to the repeal of amendment of the Emergency Detention Act of 1950.

Some have argued H.R. 234 would repeal the Emergency Detention Act, and in doing so deprive the President of emergency powers to cope with sabotage and espionage in war-related crises.

Some say quite succinctly—and I would say, quite accurately—such deprivation would render the country helpless.

To this I must speak: let us not forget our Constitution does not guarantee its own destruction. It was ever intended that our Government should prepare and provide for our national defense. Every significant case in our Nation's history has held it so. For example, can one doubt the wisdom of McCulloch against Maryland which says in unequivocal language that our Constitution was "intended to endure for ages to come and consequently to be adapted to the various crises of human affairs."

We must remember the Emergency Detention Act was designed to protect the Nation in time of peril from potential activity of individuals as to whom there was then probable cause to believe dangerous. It does just that. Should our country be denied the right to self-defense? It is preposterous to think so.

H.R. 820 will maintain this protection because the Emergency Detention Act should be retained. At the same time H.R. 820 maintains and promotes the public welfare, it provides protection for individual civil rights.

As Frederick Bernays Weiner, one of our foremost military law authorities, said in testimony before the House Committee on Internal Security during extensive hearings on title II, repeal of the Emergency Detention Act would be against and injurious to the national interest. In this I wholeheartedly concur.

He said, further, that minor objections to the bill could be removed by amendments. Again, I agree, for I am convinced H.R. 820 removes those objections yet retains title II which is so necessary for this Nation's good should we be faced with declared war, invasion, or insurrection in aid of a foreign enemy. H.R. 820 is a simple measure and a restricted measure, incisive, and to the point. It is limited in its application to identified saboteurs and espionage agents trained as hard-core revolutionaries. And this is as it should be. It is an excellent bill and I urge its adoption.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. LLOYD. Madam Chairman, will the gentleman yield?

Mr. HUNT. I yield to the gentleman.

Mr. LLOYD. Madam Chairman, tomorrow the House of Representatives will vote on H.R. 234, a bill to repeal the Emergency Detention Act of 1950 and to prohibit the establishment of detention camps in the United States.

As one of the original cosponsors of this legislation in the 91st Congress, I give it my unqualified support.

The Emergency Detention Act authorized the Federal Government to set up these detention camps to hold individuals on the probability that they would engage in espionage or sabotage during a proclaimed security emergency. Six detention camps were set up after passage of the act and maintained by the Department of Justice from 1952 until 1958, when Congress halted appropriations for them. At that time, the camps were either abandoned or converted to other uses, and they were never used for detention purposes.

This law which remains on our books is repugnant to many of the basic constitutional guarantees and judicial traditions of our free society. Defendants incarcerated under this law receive no trial by judge and jury, and are assumed to be guilty. The Government is not even required to inform the defendant of the charges against him. All that is required is an appearance before a preliminary hearing officer appointed by the Attorney General. The accused need not be confronted by the facts which led to his detention, for under the law, the Government is not required to produce any evidence of wrongdoing.

We remember with a sense of national dismay the tragic experience of Japanese Americans living on the west coast during World War II. At that time, about 110,000 persons, over two-thirds of them native-born American citizens, were rounded up and placed in the only concentration camps ever maintained in America.

One of the largest of these camps, the Topaz Relocation Center, was located in my own congressional district in Millard County, Utah. Topaz was set up for a capacity of 10,000, and at its peak population in January 1943 contained 8,232 Japanese-American prisoners.

Mr. Bill Hosakawa, author of the book "Nisei," reports that the initial plan was to have 50 to 75 small relocation camps throughout the West, but at a meeting in Salt Lake City, the western Governors refused to cooperate, and the Federal directors of the relocation decided that large camps would be necessary.

At Topaz, families were given one-room in barracks-type buildings, with no furniture except for sleeping cots and a stove. Mess halls were set up to feed 300 people each, and sanitary facilities were separate and distant from the living quarters.

Mr. Hosakawa relates that someone with a sense of humor called Topaz "the Jewel of the Desert." One of the prisoners, a woman, described her first sight of the camp after being transferred from a train to buses:

> Suddenly, the Central Utah Relocation Project was stretched out before us in a cloud of dust. It was a desolate scene. Hundreds of low black barracks covered with tarred paper were lined up row after row. A few telephone poles stood like sentinels, and soldiers could be seen patrolling the grounds. The bus struggled through the soft alkaline dirt . . . when we finally battled our way into the safety of the building we looked as if we had fallen into a flour barrel.

The camps were watched by armed soldiers who regulated movements in and out of the camp by the prisoners. At night, floodlights illuminated the barbed wire fences. The soldiers meant business, as they demonstrated by shooting an elderly Japanese who wandered too close to the fence, Mr. Hosakawa states.

As it turned out, the Japanese were enormously helpful in the agricultural areas around the camps, which were suffering from a labor shortage due to the war, and eventually, one-half of the adult male labor pool was engaged in work outside the camps. Some Japanese farmers stayed in Utah after the war.

The Japanese also organized themselves politically within the camps for the purposes of self-government, maintenance, care, and feeding of the inmates, and so forth. The Japanese-American Citizens League was formed and moved to Salt Lake City during the concentration period. Some of its officers, including the present and past directors, are from Salt Lake City.

Madam Chairman, although the Emergency Detention Act was not used as a basis for the World War II experience, the detention of the Japanese has become associated in many minds as an example of the suspension of constitutional rights and individual freedoms made possible by the present law. Some argue that the law should be amended and remain on the books as a protection against insurrectionists in the event of real emergency. However, I believe there are other laws sufficient to safeguard American security. It is not enough for the Government to say that it has no intention of enforcing this emergency detention law. The fact is that it remains, and that it represents a threat to the individual rights so important to our free society. I, therefore, encourage the House of Representatives to act swiftly to abolish it.

Mr. ICHORD. I want to ask the gentleman one question, because I do know that the gentleman has had considerable police experience. I had asked the distinguished gentleman from Illinois (Mr. Railsback) a question about what he was going to do under his legislation with a trained espionage agent and a trained saboteur, and he never did get to answer the question, but he did state something about putting an FBI agent on his tail and start following him around. Do you think that that would be done in a period of an invasion of the United States, that we would follow such a person around all the time waiting until he blows up a defense plant or commits some other act of sabotage before he was apprehended?

Mr. HUNT. In answer to the gentleman's question, it would be ridiculous even to assume that we could place someone as a surveillance on a known saboteur. I wonder how long other nations would wait to handle our espionage agents if we had them in their country? I think we should treat the enemy accordingly. The enemy to our Nation is an enemy to the Nation, and I do not care how you slice it, you cannot make it any thinner.

Mr. ICHORD. I agree with the gentleman in the well wholeheartedly. I think that one great Chief Justice in the past answered this problem very clearly and very succinctly. He said that doctrinaire logic must always be tempered with practical wisdom. I do not think the position of the gentleman from Illinois (Mr. Railsback) contains any practical wisdom.

Mr. HUNT. I have been associated with this type of work for a number of years, and I can assure you of one thing, that there is only one way to handle a hard-core saboteur or revolutionary in my opinion, and that is to incarcerate him and to incarcerate him immediately in a place where he shall stay incarcerated until he has either been tried or the war has come to a conclusion.

Mr. ICHORD. And the gentleman would make it clear that we are dealing with an emergency situation, a war situation; we are not dealing with a peacetime situation.

Mr. HUNT. The only thing we are dealing with today is a wartime situation, because when we start talking about getting rid of detention camps, how can you get rid of something you do not have?

(Mr. BLACKBURN (at the request of Mr. Poff) was granted permission to extend his remarks at this point in the Record.)

Mr. BLACKBURN. Madam Chairman, today, midst the controversy surrounding the Emergency Detention Act, title II of the Internal Security Act of 1950, I hear wild statements that almost any group of American citizens, blacks, chicanos, Japanese Americans, at the whim of "the establishment," "the man," can be swept into detention centers under the provisions of title II, and that the purpose of H.R. 820 is to reinforce that possibility.

That patently is untrue.

Misinformation regarding the terms and possible application of the act has received wide dissemination. This misinformation has been accepted by a small minority as factual and consequently has become a matter of concern.

Black Americans fear that participation in riots and disturbances might be construed as "insurrection within the United States in aid of a foreign enemy"—hence they fear the very existence of the act like a Black Maria.

Nothing could be further from the truth. Indeed, I see H.R. 820 as the friend of every American citizen.

First, under the bill, any operation of the act initiation or termination—rests with both the President and Congress.

Second, the bill would make explicit that no citizen of the United States can be apprehended or detained on account of race, color, or ancestry.

Third, the amendment assures any person detained full opportunity for counsel and adequate assistance for representation in all stages of proceedings.

Every Tom, Dick, and Harry is not subject to apprehension or detention under the act. The language specifically restricts and clarifies the criteria so they can be applied only on an individual basis and only to those persons who have received or given assignment, or training or instruction in procedures and techniques, for the commission of espionage or sabotage.

Even this is limited in that such assignment, training, or instruction shall have been under the supervision and in service or preparation for service with, or on behalf of, a foreign government, foreign political party, organization, or movement.

And this, too, is narrowed—that unit must be either Communist or have as its purpose the overthrow or destruction by force or violence of the Government of the United States or its political subdivisions.

One can only conclude that H.R. 820 is the friend of every American, a bulwark for the protection of the Constitution, and necessary for the well-being of this country.

The passage of H.R. 820, it seems to me, is the only route logical men can take to protect both public and individual liberty in times of crises.

Mr. POFF. Madam Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. Stokes).

Mr. STOKES. Madam Chairman, I thank the gentleman from Virginia (Mr. Poff) for yielding to me.

Madam Chairman, I rise in support of H.R. 234 now before this Committee.

Madam Chairman, I served as a member of the House Internal Security Committee. It was during the course of my service as a member of that committee that the Ichord bill was passed out of that committee. I had the benefit of hearing all of the witnesses and the testimony regarding title II of the Emergency Detention Act of 1950. I also participated in extensive debate during that time with the distinguished chairman of that committee, the gentleman from Missouri (Mr. Ichord). I rise today in support of H.R. 234 which is now pending before this Committee.

Madam Chairman, I think that it is necessary for us to immediately get to the core and essence of the grievousness of title II. The fact is that in our Nation, by virtue of the Constitution of the

United States, we have a history of not depriving people of their liberty before they have committed a crime. The real evil of title II is that it has the effect of detaining citizens of this country of their liberty based solely upon the suspicion of their Government. This, to me, seems to violate everything that this country stands for.

I think only brief reference has to be made to two of the changes which would come about as a result of passing the House internal security bill. First, would be the provision which takes the power to invoke the provisions of the Act away from the President and gives it to Congress. This particular provision would, of course, have the dual advantage of diminishing the possibility of arbitrary action and also that of making public the deliberations surrounding invoking the act. The second change would afford any indigent person detained under this act the benefit of appointed counsel. In my opinion, this is a right which is probably already available under the Constitution. However, this provision would have the beneficial aspect of eliminating the necessity of litigating this constitutional issue while indigent detainees go without representation.

However, Madam Chairman, as I said in my minority view which was filed with the House report of the same bill in the 91st Congress, these mild modifications form but two blades of grass in a weed patch of constitutional and other problems. I base this opinion upon the eloquent and articulate testimony before that committee of ex-Supreme Court Justice Arthur Goldberg. In his testimony he said to us:

> There is barely a sentence contained in the statute which can pass constitutional muster.

The fact is that the gruesome procedures of the act can still be triggered by the President upon declaration of war or "foreign invasion," regardless of the actual degree of threat to the United States. If Congress declared war on North Vietnam tomorrow afternoon, the President could begin detention before nightfall, despite the unanimously accepted fact that our Vietnamese enemies constitute absolutely no direct menace to our shores. Similarly, detention could begin after an "invasion" by a minuscule foreign force of our most farflung possession even though this overreaching maneuver posed no threat whatsoever to our national security.

The eminent danger as I see it is that this act permits the Attorney General to apprehend each person whom he "has reasonable ground to believe will probably" either engage in or conspire to engage in an act of espionage or sabotage. It is not customary under our legal heritage to detain private citizens because some public official, whatever his rank, believes that that person may some day in the future commit a crime.

Now title II of the act does attempt to offer some standards to guide the Attorney General's actions, but it is obvious that some of the criteria set forth therein is clearly unconstitutional.

For instance, section 109(h) 3 indicates membership in certain organizations can be grounds for detention. There have been Supreme Court decisions which have made it patently clear that membership in any organization is an insufficient reason to subject a person to criminal liability. This was set forth in both *Scales* v. *U.S.*, 367 U.S. 203 (1961) and *United States* v. *Robel,* 389 U.S. 258 (1967). In his testimony with reference to this section of the act, Ambassador Goldberg stated to our committee:

> Bad laws have sometimes been enacted in the nearly 200 years we have been a Nation, but for insensitivity to our legal tradition and for potential for abuse, this aspect of the 1950 act is truly extraordinary.

One of the most serious constitutional problems of this act is the clear violation of the fourth amendment to the Constitution of the United States. Under this act the warrant authorizing the pickup of a person to be detained is not issued by any court or magistrate who would be subject to judicial control, but the act permits the issuance of a warrant by "such duly authorized officers of the Department of Justice as the Attorney General may designate." In other words, Madam Chairman, the warrant proceeds from the prosecutor which is clearly an unconstitutional concept and is foreign to our judicial process. This section has been made unconstiutional by virtue of *Johnson* v. *U.S.*, 333 U.S. 10 (1948).

Now after we get the detainee in custody, it is clear that he is still not given his constitutional right to a prompt arraignment. Instead, he is guaranteed only a hearing within 48 hours after apprehension, or as soon thereafter as provision for it may be made. Additionally, the hearing is not before a judicial officer but is before what they call a "preliminary hearing officer who has also been appointed by the prosecution.

Now if this hearing officer sustains the detention, the arrested person's only appeal is to a Detention Review Board appointed by the President, where he is offered a second hearing no sooner than 15 nor later than 45 days after his notice. Thus, the petitioner could now have been held at least 47 days on nothing more than the Attorney General's suspicion, his own officers warrant, and his appointed hearing officer's decision.

The detainee's hopeless position is further compounded by the elimination of his sixth amendment rights of a jury trial, cross-examination, and the opportunity to confront his accusers. There is no right to a jury trial at either the preliminary or review board level. And at both the preliminary and review levels the Attorney General may refuse to furnish evidence or produce witnesses which in his—not a court's—opinion would be dangerous to security.

Madam Chairman, I could go on and on because title II is, in my opinion, fraught with many troublesome constitutional problems. But over and above its constitutional problems is the fact that the Justice Department of our Nation has recommended repeal of this act. While I was a member of this committee, Mr. Richard D. Kleindienst, Deputy Attorney General, advised us that the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the act may provide in a time of internal security emergency.

I heartily endorse the position of the Department of Justice and urge my colleagues to support H.R. 234.

Mr. ICHORD. Madam Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Madam Chairman, I thank the gentleman. I hope my comments shall not take the entire 5 minutes.

The name of former President Truman has been raised in this debate, in connection with his veto message before the vote to override his veto. I have before me here that message, dated September 22, 1950. As I read his veto message, he was not vetoing the Internal Security Act of 1950 because of title II but as a matter of fact because of title I.

I read from page 15630 of the RECORD for September 1950. President Truman said:

> But the provisions of H.R. 9540 would very probably prove ineffective to achieve the objectives sought, since they would not suspend the writ of habeas corpus, and under our legal system, to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended.

I call to the attention of Members that in spite of some of the comments which have been made that the veto was based upon title II, it was actually based upon title I.

I ask the gentleman from Missouri, the chairman of the Internal Security Committee, is that also his understanding? As I read it, that is what happened in 1950.

Madam Chairman, this debate may seem to be confusing. I say this because there are two committees involved here. The time has been divided between the majority and the minority of both committees which means a 4-way division of the time.

I am grateful to the chairman of the House Internal Security Committee for yielding to me because I wanted to quote from the veto message of President Truman back in September of 1950 in an effort to set the record straight that his veto was not based upon the much-discussed title II of the Internal Security Act of 1950 which sometimes has been referred to as the "Emergency Detention Act of 1950."

In my remaining time I may have I wish to make it quite clear that I am as much opposed to the existence or use of detention camps as any Member of this body. I well remember that Sunday afternoon of December 7, 1941. I remember the hysteria that swept the West Coast when over 100,000 Americans of Japanese decent were placed under detention. I think it should be clearly put in perspective, however, that title II of the Internal Security Act of 1950, with its section known as the Emergency Detention Act, was obviously not in force at the time of detention of those Japanese-Americans in 1942, but had it been in force it would have undoubtedly prevented such indiscriminate detention as that which occurred.

In my opinion, it is worth repeating

to point out once again that title II of the Internal Security Act was drafted, supported and passed by such champions of civil liberties as former Senator Douglas of Illinois, Senator HUBERT HUMPHREY of Minnesota, the late Senator Estes Kefauver of Tennessee, the late Senator Herbert Lehman of New York, and the late Senator William Benton of Connecticut. Title II was not the handiwork of such men as Senator McCarran, or Senator MUNDT, or even the late Senator Joseph McCarthy. A review of the record will show that Senator McCarthy voted against the amendments which later became title II. Who can possibly believe that the men who supported title II when it was passed were seeking to restrict civil liberties or to pass legislation repressive of our citizens?

The true facts are, Madam Chairman, that this original legislation we are talking about today, passed in 1950, aimed to prevent such unfortunate happenings as the roundup and indiscriminate detention of loyal American citizens in time of crisis.

Some men whom we regard as the most reasonable men in American history unfortunately may not seem to be reasonable in times of crisis or emergency. The roundup of Americans of Japanese descent occurred during the tenure of the late President Franklin D. Roosevelt. The Honorable Tom Clark, now a retired Supreme Court Justice was Attorney General at that time. Also involved in the detention was the Honorable Earl Warren, now retired Chief Justice of the Supreme Court. Yet, it would be difficult to name three men who have proven more their interest over the longrun in preserving the liberties of our citizens.

Madam Chairman, as we consider the repeal of title II, we should keep in mind only the facts and not let ourselves drift into emotionalism. If we intend to follow the facts, we should see that the retention of title II of the 1950 Internal Security Act with the added revisions or amendments as proposed by some of the members of the Internal Security Committee, will assure us of an even greater guarantee of civil liberties than now exists.

It is my hope that when the vote is taken our colleagues will give thoughtful consideration to a proper balancing of the vital interests of national security against some of the rights of individuals. Although most of the membership is interested in the repeal of the Emergency Detention Act of 1950, I do not believe we want to leave the United States helpless or deprive the President of an effective means of coping with sabotage or espionage in time of crisis. It is for this reason, Madam Chairman, that H.R. 820 should be adopted as an amendment in the nature of a substitute for H.R. 234. Such makes it explicit that no citizen of the United States shall be detained on account of race, color, or ancestry. This language should put to rest the many unfounded fears that exist because of misinformation. Yet we must not cripple ourselves by throwing out the tools to deal with subversivies in time of crisis.

Mr. ICHORD. I say to the gentleman from Missouri, that is the way I read the veto message.

I would again make it very clear that we are not dealing with a present power of the President of the United States today. We are dealing with a war-time power of the President of the United States today.

The issue is not detention camps. There are no detention camps in the United States of America. I sincerely hope that there will never be any detention camps in the United States of America.

I say again that if title II had been on the books in 1942 it is my sincere opinion that what happened to the Japanese would not have happened.

These are my intentions: To prevent that dastardly act from again happening. I say that it would not have happened because if the act had been on the books the Federal Government would have been required to look at the loyalty and to look at the actions of the particular individuals.

They would not have been permitted under title II as amended to pick up a whole race, as they did, and locate them in what was called relocation camps. It is pure rhetoric whether you use the term relocation camps, concentration camps, detention camps, or jails. This is the point I made in regard to the recent demonstrations in Washington, D.C. That bullpen out there was just as much a relocation camp as it was a jail or whatever you want to call it. People were detained there, and some of them were probably innocent people.

At the same time I am not criticizing the Washington, D.C., police. I know, and it is my feeling, that if the police had not done what they did, the city of Washington would have suffered millions of dollars worth of damage, because Rennie Davis, who was the leader of the wild ones, made it clear that it was his intention he was not only going to close down the Congress, but he was going to completely disrupt the city of Washington, D.C.

I think that probably—and this is my point—in an emergency situation there is no need to permit that to be done by the discretion of man. If it is to be done in an emergency situation, I want it to be done by law and I want the liberties of the individual protected as much as possible.

As the gentleman from Missouri pointed out, title II does retain the writ of habeas corpus.

Mr. POFF. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Chairman, I thank the gentleman for yielding.

In all the discussion surrounding the question of whether or not to repeal the Emergency Detention Act, I think we have failed to take into full consideration the recommendations of those with the most expertise on the subject.

The House Committee on Internal Security has been represented here as a house divided while the House Committee on Judiciary offers an apparently unanimous front. Is that a criterion? I think not. The House Committee on Internal Security held 11 days of hearings in the 91st Congress, heard the testimony pro and con of some 35 witnesses, accepted into the hearing record 230 statements from authorities in all walks of life and compiled a record of testimony nearly 1,000 pages in length.

The members of that committee wrestled seriously and sincerely with the problem posed by the issue of repeal of title II. After lengthy deliberation, a majority of that committee voted against outright repeal and in favor of what has been placed before us today as H.R. 820. The members of that committee, whether for or against, are experts now on the subject and the majority are experts against, not for, repeal.

Contrast this with the consideration the Kastenmeier subcommittee gave to the question. They heard the testimony of six witnesses—all of them in favor of repeal, accepted 16 statements for the record and then reprinted the report of the HCIS and the brief account of Senate proceedings with respect of title II. They did all of this in 1 day and met a second time merely to give unanimous support for repeal after accepting an amendment providing that no person may be detained under any circumstances without an act of Congress.

It is obvious to me that the momentum of the Kastenmeier subcommittee was emotionally generated. The much more deliberate and balanced manner in which the House Committee on Internal Security debated the matter generated the type of calm reasonableness that the House has a right to expect of its standing committees. The very fact that there is division on such a complicated and delicate issue as the Emergency Detention Act within the ranks of the HCIS is a testimonial to the thoughtful approach taken by that committee's chair man and members.

For these reasons, I urge the adoption of H.R. 820 and the defeat of H.R. 234. In other words, I believe this House should support the majority of the committee that has undisputed claim to expertise on the subject of the Internal Security Act of 1950. Thank you.

Mr. MATSUNAGA. Madam Chairman, will the gentleman yield?

Mr. CRANE. Yes, I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. The gentleman, of course, realizes that the Internal Security Committee reported H.R. 820 out by a majority of only one vote, the vote being 5 to 4.

The gentleman I am sure does not mean to impugn the Judiciary Committee which reported the bill out by a unanimous agreement, not a single dissenting vote came out of that committee.

Mr. CRANE. To be sure.

Mr. MATSUNAGA. The gentleman also realizes, I am sure, that the Department of Justice which is charged with the responsibility of administering title II has recommended its repeal?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ICHORD. Madam Chairman, I yield the gentleman 2 additional minutes for the purpose of answering some questions.

Mr. CRANE. I thank the chairman of the House Committee on Internal Security.

I would like to reiterate the point I made previously: You cannot begin to compare the length of time spent on this matter by the Judiciary Committee with that length of time and in-depth study which was made by the House Committee on Internal Security. I do not think anyone would dispute that, including the gentleman from Hawaii.

I would add in addition to this that notwithstanding the fact that that margin of majority vote of the House Committee on Internal Security was only one that is not the point.

There was a detailed and in-depth examination, as I have indicated, and after a full hearing of both sides of the issue that committee made its determination to recommend H.R. 820 by a majority vote. This body operates under the principle of majority decisions.

Mr. ICHORD. Madam Chairman, will the gentleman yield to me?

Mr. CRANE. I yield to the chairman of the Committee on Internal Security.

Mr. ICHORD. Let me correct the gentleman from Hawaii also. I believe if he will check the record, he will find that the vote was 5 to 3 rather than 5 to 4.

I would like to also point out to the gentleman the fact that I think it is very understandable why the Judiciary Committee came out with a unanimous opinion. They did not even hear any opposing witnesses.

Mr. KASTENMEIER. Madam Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. The gentleman from Missouri was invited to attend and testify before us if he wanted to. And, I might say that we had the benefit of the testimony of opposing witnesses. The gentleman from Missouri has been holding up the two volumes in front of this Chamber, suggesting how that the heavy volume is the work of their committee and that the slender volume reflects the work of his committee. The fact is that we had the benefit of what they did and in examining that I would say that the support for their position in that volume is slight the evidence in support of repeal of title II, consuming nearly entirely the heavy volume.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. ICHORD. Madam Chairman, I yield the gentleman 1 additional minute.

The CHAIRMAN. The gentleman from Illinois is recognized for 1 additional minute.

Mr. ICHORD. Madam Chairman, if the gentleman will yield to me, to put the matter in proper perspective. I ask the gentleman from Wisconsin if he heard any witnesses in opposition to the repeal of title II?

Mr. KASTENMEIER. We had the same opposing witness that you had as far as submitting material.

Mr. ICHORD. And who was that?

Mr. KASTENMEIER. The Liberty Lobby.

Mr. ICHORD. Did they appear?

Mr. KASTENMEIER. They chose not to appear.

Mr. ICHORD. Did you have any other witness appear where you could subject them to cross-examination? You have been talking about cross-examination. Did you have any other witness before the committee where you could subject them to cross examination?

Mr. KASTENMEIER. Frankly, we do not know of anyone who is opposed to the repeal of title II except the Liberty Lobby.

Mr. ICHORD. Oh, no, no. The gentleman from Wisconsin——

Mr. KASTENMEIER. Then, the three or four individuals that you had testify before your committee and we are very familiar with them.

Mr. ICHORD. The Liberty Lobby did appear and we know what the gentleman from Wisconsin is endeavoring to do. The gentleman says that you had the entire 1,000 pages before you?

Mr. KASTENMEIER. That is true.

Mr. ICHORD. Has the gentleman read the entire 1,000 pages?

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KASTENMEIER. Madam Chairman, I yield myself 1 minute.

Madam Chairman, unlike the gentleman from Illinois from my committee, I have not read the entire volume of the hearings of the Internal Security Committee. I have read much of it. I have examined, I think, every area of testimony contained in this thousand-page volume. I know who testified against the repeal of title II, and who did not. That is why I say to the gentleman that it is this somewhat slender volume that reflects the number of those that support the position taken by the gentleman, and most of this heavy volume expresses the relatively heavy opposition to the gentleman's position.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, as long as the gentleman is going to participate with that kind of rhetoric and emotion we will deal with it in that way. And I also know——

Mr. KASTENMEIER. The gentleman himself has started it.

Mr. ICHORD. I will take my own time to reply to the gentleman.

Mr. KASTENMEIER. The gentleman from Missouri started it before the committee today.

Mr. ICHORD. Also I would ask the gentleman from Wisconsin if he read the testimony of Miriam Friedlander before my committee? I do not believe that the gentleman has.

Did she not appear before your committee?

Mr. KASTENMEIER. No; she did not.

Mr. ICHORD. She did not? Have you read her testimony before my committee?

Mr. KASTENMEIER. Yes; I have.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair at this time recognizes the gentleman from Missouri for his final 5 minutes.

Mr. ICHORD. Madam Chairman, let me say first of all that I do not question the sincerity or the motives of the gentleman from Wisconsin. I believe that he desires the same objectives as I do.

The gentleman from Wisconsin brought out the point that the Liberty Lobby opposed the repeal, which organization the gentleman from Wisconsin considers a rightwing, conservative group——

Mr. KASTENMEIER. Madam Chairman, would the gentleman yield on that?

Mr. ICHORD. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. You are characterizing my position, and it is something I did not say at all, and they were highly gratuitous remarks, as I think the record will show, on the part of the gentleman from Missouri, to impugn to me that view.

Mr. ICHORD. Well, how does the gentleman characterize the Liberty Lobby?

Mr. KASTENMEIER. I do not presume to characterize them.

Mr. ICHORD. I am happy to hear that. But I would also point out on the other side that there were other people appearing before the House Committee on Internal Security urging repeal, and that was the Committee for Constitutional Liberty headed by one Marian Friedlander, who represents the extreme leftwing of the political spectrum, and who is a known and identified Communist Party member, and who definitely has led the campaign for the repeal of title II.

Let me make it perfectly clear to the gentleman—and this is documented in the RECORD, and I ask each and every Member of the House to read the testimony of Marian Friedlander before the House Committee on Internal Security—now, I am not making the argument that just because the Communist Party wants to repeal title II that we should be for H.R. 820. My argument is that the House Subcommittee of the Committee on the Judiciary has not done its work. It endeavored to rush these hearings through. It heard no opposing witnesses—and there were opposition witnesses available.

I believe that the reason why the subcommittee did not do its homework well is that they were trying to beat the House Committee on Internal Security committee in reporting a bill.

I would say to the gentleman from Wisconsin that this is my belief—that this is why the Committee or the Subcommittee on the Judiciary considered this matter so hurriedly and the reason why you did not inquire in depth into the issues surrounding this matter—and the reason why you jumped from the frying pan into the fire—you have changed your position—how many times now?

First of all, you were ready to report a bill that would just repeal title II. At one time I considered doing that.

Next, you jumped to the support of the title amendment which would repeal it and add or state:

> No person shall be detained except in compliance with title XVIII.

Then you jumped to another position and as a consequence modified the title

18 amendment, and you do not have the support of the Department of Justice on your latest amendment, commonly known as the Railsback amendment.

This is a point that I am making.

Mr. KASTENMEIER. Madam Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. The bill, H.R 234, as originally introduced in this Congress and supported by 160 Members is the only bill of this type that was considered by the subcommittee of the Committee on the Judiciary. It was not the Railsback amendment. The Railsback amendment is included as the one amendment we did make in this bill, and it is included in the bill presently before you.

We are taking—I should tell the gentleman—the recommendation literally of the Department of Justice or at least the implication of their testimony.

Now the gentleman himself admits that the committee did not take the bill as presented to him either, but you also modified the bill.

So I fail to see how this business comes up that the gentleman mentions.

Mr. ICHORD. I did hear opposition witnesses. I heard witnesses for the repeal and we heard witnesses against the repeal.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

(Mr. EDWARDS of California, at the request of Mr. KASTENMEIER, was granted permission to extend his remarks at this point in the RECORD).

Mr. EDWARDS of California. Madam Chairman, H.R. 234 would repeal the Emergency Detention Act, title II of the Internal Security Act of 1950, and amend title 18 of the United States Code to prohibit the establishment of detention camps similar to those which were used to incarcerate Americans of Japanese ancestry during World War II.

At the time of the passage of the Emergency Detention Act, the United States had just recovered from 4 years of a world war, and the ambiance of fear and hate that led to the evacuation and internment of Japanese Americans during that war. We were physically in the midst of the Korean war, and, psychologically, in the midst of the "cold war." McCarthyism and anticommunism had reached the highest of emotional levels.

Today, times and conditions have changed, and laws and institutions must, of necessity, also change. In the words of one our Founding Fathers, Thomas Jefferson:

> Laws and constitutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.

We should discard laws that no longer fit the mood and progress of the country. Because the tense and narrow-minded atmosphere of 1950 is no longer with us, we must carefully review and reconsider those laws whose constitutionality was and is questionable. The Emergency Detention Act is a prime example.

Let us assume that the Emergency Detention Act is invoked. All accused persons would then be faced with the following inconsistent and unjust situations:

First. Warrants of arrest would be issued by the Department of Justice. If the accused were charged with violating any other State or Federal law, the warrant would be issued by a court or a magistrate with all its constitutional controls.

Second. In order to test the validity of his arrest, the accused would go before a preliminary hearing officer appointed by the President. If the accused were charged with violating any other State or Federal law, he would go before an impartial judge, who is not subject to political removal.

Third. If the validity of the arrest were sustained by the preliminary hearing officer, the accused would be required to seek review before a detention review board, and not a court of the United States.

Fourth. Potentially, the accused would be denied a trial by jury, the right to confront his accusers, and the right to cross-examine—all sixth amendment rights.

In sum, the existence of the Emergency Detention Act creates the following contradictory situation: A person who actually commits a crime, such as espionage or treason, will be accorded all of his constitutional rights—indictment, trial by jury, bail, and full judicial review. But someone about whom there is "reasonable ground" to believe that he "probably will engage" in a crime in the future may be imprisoned by an administrative proceeding without any regard to his constitutional rights. The result of all this is that the accused person is assumed to be guilty throughout the entire proceeding. This is clearly in violation and contravention of the fundamental premise of our system or justice—innocent until proven guilty.

Title II goes beyond the bounds of the law in still another way. In article I, section 9, the Constitution provides for emergency measures for internal security "when in cases of rebellion or invasion the public safety may require it." But title II provides emergency measures even when the public safety is not threatened. Under title II, the President is authorized to set the procedures of the statute in motion in any of three circumstances: First, invasion of the territory of the United States or its possessions; second, declaration of war by Congress; or third, insurrection within the United States in aid of a foreign country. It is conceivable, then, that title II could go into effect if a small and distant territory were invaded, or if Congress declares war on a country on the other side of the globe.

It has been said that if we repeal title II, there would be inadequate internal security measures for the country. On the contrary, we already have an abundance of internal security measures. Title 18, United States Code 2385, provides penalties for advocating the overthrow of the Government. Title 18, United States Code 2152, is designed to protect fortifications, harbor defenses, or defensive sea areas. Title 18, United States Code 2388, provides penalties for engaging in seditious activities affecting the Armed Forces in time of war. Title 8, United States Code 1185, authorizes the President to regulate the movement of aliens in and out of the United States during a war or a national emergency. Title 18, chapters 39 and 40, title 18, United States Code 793, 794, and 798, title 50, United States Code 797, and more and more. It can hardly be said that we have insufficient internal security measures. It would be more accurate to say that the measures we have should be examined to see if they are not psychologically, if not legally, repressive.

It has also been said that it is better to have title II as a limit and restraint on the executive branch, rather than allow the executive branch a completely free hand. This argument is pure cloud cover. In the first place, title II gives the executive branch virtually a free hand anyhow. Second, title II only states what the executive branch can do, not what it cannot do. Finally, the argument assumes that the executive branch can do anything it wants to do, even in the face of our constitutional system of "checks and balances."

Finally, it has been said that the furor in support of the repeal of the Emergency Detention Act is ridiculous because the detention of the Japanese Americans during World War II was done under the authority of an Executive order, and not the statute in question—which, it is true, has never been invoked. This statement is true in and of itself, but not within the context of the argument for the repeal of title II. The experience of the Japanese Americans during World War II was not mentioned because their internment was caused by title II. The Japanese-American experience has only been cited as an example of what can happen under the fear and stress of external conditions. The fact that the Japanese Americans were not interned under the authority of an existing law lends even greater credence to the argument for repeal. Most Americans today believe that the interment of Japanese Americans was a tragic error. Since title II legally provides for a similar situation, can it not be said that its enactment is also a tragic error? The Japanese American experience, then, serves only as a clear example of a denial of constitutional rights.

The movement for the repeal of the Emergency Detention Act has hundreds of individual and group supporters. Even the present administration supports the repeal of title II. Mr. Robert Mardian, Assistant Attorney General of the Internal Security Division of the Department of Justice, on behalf of the Department of Justice, said in his statement to the House Judiciary Committee:

> The Department of Justice is unequivocally in favor of repealing title II of the Internal Security Act.

The distinguished chairman of the House Judiciary Committee, Mr. EMANUEL CELLER, in leading the floor fight against the enactment of the Emergency Detention Act in 1950, said that title II is "vicious, totalitarian, un-American."

In 1950, President Truman in his veto of the Internal Security Act said:

> This kind of legislation is unnecessary, ineffective and dangerous.

Congress overrode Mr. Truman's wise and rational veto.

Former Supreme Court Justice Arthur Goldberg has said that the Emergency Detention Act has given many Americans the grounds to fear that in a crisis, the procedures exist for sending them to "concentration camps." He feels that some of this fear is well-founded on the basis of the potential of title II. And as former Ambassador to the United Nations, Mr. Goldberg has said:

> This statute was thrown in my face as an illustration of something in United States law which would sanction what the Soviets and other communist countries have themselves provided [concentration camps].

Of all those who support H.R. 234, one person in particular deserves special thanks as the initiator and "sparkplug" of the repeal of title II, Congressman SPARK MATSUNAGA. Mr. MATSUNAGA was not interned during World War II, although many of his relatives and close friends were. During the war, Mr. MATSUNAGA fought courageously as an infantry officer of the famous 1st Battalion of the 442d Regimental Combat Team. He was understandably irritated by the fact that he and other loyal Japanese Americans were fighting and dying for the very country that imprisoned their families and fellow Japanese Americans. Since Mr. MATSUNAGA came to Congress in 1962, in the same freshman class as I, he has fought passionately to repeal the law that holds the potential for another tragic internment.

In considering H.R. 234, I hope that Mr. MATSUNAGA's struggle for justice will be remembered. I join him in strongly urging the passage of H.R. 234 in unaltered form.

Mr. KASTENMEIER. Madam Chairman, I yield 6 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Madam Chairman, I thank the gentleman for yielding and I will try not to use the full 6 minutes.

Madam Chairman, I am one of the 52 Members who are now serving in the House of Representatives who were serving when the title II legislation was passed 21 years ago. I voted against the title II legislation at that time with a deep feeling that I was doing the right thing. I voted to uphold President Truman's veto at that time.

But I want to go back to the time of the executive detention camp order of 1942. I was campaigning for Congress at that time in my district and a few months later I was elected to the Congress. I personally saw the oppression of the Japanese people in California. Many of them were my neighbors. Their liberties were taken away from them. Their properties were confiscated. They were incarcerated without due process of law in any way in camps and in racetracks and old buildings and different places like that. Their treatment in those camps for a long time was lacking in what I would call decent humane treatment. It was, as the gentleman from Missouri—and I respect the gentleman from Missouri (Mr. ICHORD)—it was as the gentleman from Missouri said—"A dastardly deed." It was a dastardly deed.

I publicly opposed the action at that time, and in the following years in Congress I continued my opposition openly to the whole spirit of that incarceration and to the treatment that was being given to those people.

In the fall of 1944, in my first reelection campaign, I was faced with the opposition of one of two major newspapers in Los Angeles and many, many conservative and patriotic organizations that labeled me with names which I shall not repeat, but all of which were names that indicated a lack of fidelity to the best interests of our Nation. I think we ought to wipe this legislation from the statute books. I think we ought to do the one thing we could do that would be understood to make amends to the people who were mistreated in those years, and I think we could only do this by repealing title II, which was born, I might say, in the McCarthy years, in the Korean War years, when hysteria was running high and everyone who had a liberal though was suspect and many times labeled as being "Commie" sympathetic and even Communist. I went through some of that myself and I know what I am talking about.

I am also aware that many of my friends whom I consider just as liberal, conscientious and dedicated as I am, yielded to the tremendous hysteria and propaganda at that time, and they went along. Some of their names have been used here. They went along with this at that time because of the pressure of the hysteria propaganda. But I also know that many of them recanted their action in later and cooler years and were sorry that they did take part in support of this action against 112,000 Japanese, most of them in California, a few in other Western States.

Then I point to the fact that during the war those very people who were put into the camps, young Nisei men, wanted to volunteer and fight the common enemy of the United States, and the 442d Regiment was formed. The gentleman from Hawaii (Mr. MATSUNAGA) was a member of that regiment. And I say to you today that regiment, composed completely, with the exception of one or two officers, of Nisei Japanese, received more casualties, both of wounded and deaths, and received more medals than any other regiment in the U.S. Armed Services, and the records will prove that.

So, who are we in times of hysteria and propaganda to gather 112,000 people—men, women and children—and tie them up into camps and keep them without the just process of law, to which every human being should be entitled, whether he is an American citizen or a native, if he lives within our shores?

So I will support H.R. 234, and I am going to vote against the bill, H.R. 820 of my friend from Missouri. I am doing this for the reasons I have stated, and I urge my friends to do likewise, because I know what this means to thousands and tens of thousands of Japanese who carry this stain upon their honor and upon their souls. I ask that the Members when they vote to consider these points.

Madam Chairman, 3 years ago, I joined with my colleague from Hawaii, the Honorable SPARK M. MATSUNAGA, in introducing legislation to repeal title II of the Internal Security Act of 1950. More than 130 members on both sides of the aisle joined us in cosponsoring that bill. This session, I again joined with Mr. MATSUNAGA in reintroducing this legislation, along with the Honorable ROBERT KASTENMEIER of Wisconsin and the Honorable ABNER MIKVA of Illinois.

More than 150 members representing both parties have joined in cosponsoring this bill. The Nixon administration has endorsed it. And the House Judiciary Committee has reported it without a single objection.

Title II, as most of you know, authorizes the detention of American citizens on the basis of mere suspicion that they might commit espionage or sabotage in case of declared war, an invasion of U.S. territory, or an insurrection in aid of a foreign enemy.

As I have said, I am one of the 50 Members of the present House of Representatives who were serving in the Congress when this legislation was passed. I mention this only to stress the fact that those other Members and I remember that the Emergency Detention Act was passed during a time of great national hysteria and uncertainty.

We had concluded World War II only 5 years previously. We had weakened ourselves militarily and economically, through pressures brought upon the Federal Government to bring the boys home, and demands for removal of wage and price controls.

Not so short-sighted as we, the Soviets had continued to build militarily and to subvert Europe and Asia. We saw the blockade of Berlin and the invasion of South Korea.

We heard wild accusations of Communists in Government, and witnessed spectacular trials of members of the Communist party, espionage agents, and conspirators.

The terms "fifth column," "fellow traveler," and "soft on communism" filled every newspaper and broadcast. Any Congressman or public official who spoke in defense of basic human and constitutional rights was labeled a Communist sympathizer.

Good men went down to defeat at the polls for defending civil liberties. Others were able to gain high public office by catering to the public hysteria.

I opposed the Emergency Detention Act in 1950, and I voted to sustain President Truman's veto of that legislation. My reasons for opposing it then are identical to my reasons for supporting a bill to repeal it.

The provisions of the Emergency Detention Act were apparently inspired by the action taken against our Japanese

American people during World War II, another period of public fear and hysteria.

I was a freshman Congressman then, and I clearly remember my Japanese neighbors being systematically rounded up and placed in detention camps, where they remained until the end of the war.

In World War II more than 110,000 persons of Japanese ancestry, over two-thirds of whom were native born citizens—men, women, children—were ordered evacuated on the grounds of "military necessity."

Three thousand miles to the west in Hawaii there was no similar "military necessity" that required incarceration of Japanese Americans in Hawaii. Keep in mind that Hawaii was the territory that was actually attacked and was far closer to the enemy than the Pacific Coast of the mainland United States.

But, nevertheless, those in charge of the Western Defense Command, in consultation with other civilian officials of the coastal regions persisted in their claim that the Japanese American population on the west coast alone was dangerous and disloyal to the United States. No sabotage had been committed. No evidence of espionage had been discovered. The FBI had already "picked up" and were detaining individual Japanese aliens against whom any suspicion of possible disloyalty was feared.

In spite of this selective detention, on the "mere suspicion of disloyalty," 110,000 human beings, the majority of them American-born citizens, were forced to give up their homes, businesses, and properties, to be herded like animals into what euphemistically were called war relocation centers located in the barren, desolate wastelands of the interior.

Even American citizens who had but one-sixteenth Japanese blood were forced into what amounted to concentration camps. In another part of the world, Hitler in Nazi Germany decided that people with only one-eighth Jewish blood had to go to his concentration camps.

None of the evacuees were charged with any overt act or crime against the United States. The sole justification for the incarceration was that the Japanese American might be disloyal because he was of Japanese ancestry and thereby might have "an affinity with the enemy." None were given a trial or a hearing of any kind. In the history of the United States, even the most treacherous murderers or obvious traitors are presumed to be "innocent until proven guilty." The Japanese Americans in World War II were not afforded this right.

I support the repeal of the Detention Act on other grounds. I believe that all men should be free to walk the earth, unless proved to be a danger to society.

This principle goes back more than 700 years through the Anglo-American system of justice to the Magna Carta. That document reads in part:

> No freeman shall be taken or imprisoned, or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him except by the legal judgment of his peers or by the law of the land.

This provision is the basis for the "due process" and "jury trial" clauses in our Federal Constitution. It is with respect to these fifth amendment rights that I find the Emergency Detention Act most troublesome.

The law deprives an individual of his liberty on the basis that he probably will engage in acts or conspiracies which are already prohibited by Federal law.

Further, the law permits arrest and detention on the basis of a warrant issued by an administrative official of the Justice Department—not a commissioner or judge. This authority to order arrest could be delegated to agents of the Federal Bureau of Investigation, to Federal marshals, or to commissioned or noncommissioned officers of the Armed Forces assigned to the Justice Department.

Arrest and detention need not be based upon probable cause, but only upon a nebulous reasonable belief. This reasonable belief could presumably be based on rumor, association, relationship, or membership in a group. The individual who has lost his liberty, reputation, property, employment, or business would have no right to confront or cross-examine witnesses if the claim of national interest were made. There is no provision for bail.

The law creates the following incredible situation: One person who actually commits sabotage or espionage will be accorded all of his fifth amendment rights—indictment, bail, a jury trial, confrontation of witnesses, compliance with the rules of evidence, and full judicial review.

On the other hand, one about whom there is a "reasonable belief" that he "might" commit these acts may be imprisoned by an administrative proceeding, similar to that utilized by the Federal Trade Commission, without regard to his constitutional rights.

I believe that the Emergency Detention Act runs counter to the thrust of constitutional law since the time of adoption of the fifth amendment. Its substances invade the concept of liberty guaranteed by the Constitution. Its procedure violates the fifth amendment guarantee to "due process of law."

In my view, we, in Congress, should not leave patently unconstitutional laws upon the books awaiting action by the judicial branch. To do so is to lend credence to charges of congressional irresponsibility and indifference. Congress should take the initiative and correct its own mistakes.

In urging repeal of the Emergency Detention Act, I am mindful of the hundreds of responsible persons and organizations which also support that action. Among these are the legislature and the Governor of the State of California.

I urge repeal of the act with the knowledge that there are many other laws which amply protect our national security, and I urge repeal out of the same concern voiced by President Truman in his veto message, and I will quote this portion:

> It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions.

Madam Chairman, as we all know, there was no title II on the statute books in World War II, since the Internal Security Act of which it is a part was not enacted until 1950. Accordingly, there has been much speculation as to what might have happened had there been a title II or similar legislation on the books at the time and the question is asked whether such legislation would have provided some safeguard to those of Japanese ancestry in that time of hate and hysteria against the Japanese enemy.

My estimate of what might have happened if there had been a title II is similar to that of Mike Masaoka, the Washington representative of the Japanese American Citizens League who in the spring of 1942 was the national secretary and field director of the JACL.

In testimony to congressional committees, Mr. Masaoka, whom many of us know and respect, declared that if there had been a title II on the statute books at that time the arbitrary mass evacuation would have been promulgated sooner and on a much wider scale, for title II would have served as the instant guide for the Government to act against those who, by accident of birth, happened to look like the enemy.

In his judgment, Hawaii might not have been placed under martial law and all those of Japanese origin placed under immediate detention in concentration camps if title II were operative at that time. Moreover, even on the continental mainland, all those of Japanese descent—everywhere, in every State—would have been placed in custody and in concentration camps right after December 7, 1941, instead of only those residing in California and the western halves of Washington, Oregon, and Arizona, and then only several months after the attack on Pearl Harbor. If there had been a title II effective then, almost half a million Japanese, most of whom would have been citizens, instead of 110,000, would have been unnecessarily and arbitrarily evacuated and imprisoned in concentration camps.

Because there was no title II in operation then, there were no congressional guidelines to follow and it took weeks and months for the Executive and the Army to decide what should be done and how. Had there been title II on the books then, with the procedures for immediate detention set forth in the law, more people would have been forced to suffer the tragedy, the travail, and the indignity and humiliation of being sent to concentration camps simply because they happened to look like the enemy.

Title II then would not have been a safeguard for those of Japanese ancestry, only the legal sanction to have acted more quickly in sending more people to concentration camps than actually happened.

Today, as the Department of Justice emphasizes, there are many who—rightly or wrongly—fear that this title II would be used to imprison them because some in authority who disagree with their thoughts and philosophies might suspect that they might conspire with others to commit subversive acts at some future time.

To restore confidence in the judicial process and in the American way, we must repeal title II and eliminate the authorization for emergency detention. Not only is there no need for such repressive and retrogressive legislation but there is no need for the concentration camp concept or mentality in American life.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Missouri.

Mr. ICHORD. I was only 16 years old, a high school youngster in the interior part of the United States, in Missouri, when this thing happened to the Japanese, and my attention was not directed to it. I hope if I had been in the position of the gentleman from California—and I think that I would have—I would have stood with the gentleman from California. And I point out that he was standing with J. Edgar Hoover at that time He was also opposed to it.

Mr. HOLIFIELD. And I have stood with him many times, and I have not criticized him once on the floor of this House.

Mr. ICHORD. I cannot understand the rationale of the gentleman from California as to why this should be a symbol of what happened to the Japanese, because this is not on the statute books. If it is a symbol, it has to be a false symbol, because this act was not passed until 8 years later.

(Mr. WYATT, at the request of Mr. POFF, was granted permission to extend his remarks at this point in the RECORD.)

Mr. WYATT. Madam Chairman, I am a cosponsor of the bill the House is considering today, and I have a special feeling for this legislation. Prior to entering the Marine Corps in World War II, I served as a special agent in the FBI during the latter part of 1941 and the first half of 1942.

Commencing in January 1942 my office of assignment was Seattle. During the next months, I personally observed the almost indiscriminate rounding up of alien Japanese and U.S. citizens of Japanese ancestry. This was official executive policy of the United States. I observed many, many injustices, not only with respect to persons, but also property rights. I witnessed forced sales of personal property, and many tearful goodbys.

We know now, but did not realize then, that we acted out of hysteria, and needlessly.

It is for these reasons that I can fully appreciate the spectre which still to this day haunts Americans of Japanese ancestry and others who were close witnesses to those events.

The present title II was not law in those years, but its existence must serve a very powerful purpose if we maintain it in view of the very real and reasonable fears of those who went through the horrible experiences of the 1940's.

We have never used the title II authority. We never will use this authority. We have adequate laws without title II to protect the internal security of the United States. If our situation should drastically change, requiring new legislation, we can legislate responsive to the current requirements.

Mr. POFF. Madam Chairman, I yield 4 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Madam Chairman, I thank the gentleman for yielding. I realize there are many who are interested in this legislation.

Madam Chairman, I rise in support of H.R. 234 as approved by the House Committee on the Judiciary.

The points have been well debated today, and very little can be added to the remarks that have been made in support of the bill. It will remove from the statute books an act which was approved at a time when fear was a dominant consideration in our land, and set forth a clear policy that no repressive acts, or wholesale detention will hereafter be permitted, which, I believe, is consistent with the basic concepts upon which this country has been built.

The need to repeal the Emergency Detention Act completely has been argued by many organizations, despite the contention of the opposition. The Emergency Detention Act stands as a harsh symbol of repression in our country, and its continued presence is viewed as repugnant by thousands of Japanese Americans as well as other minority groups. So long as it remains in existence there will be fears among our people that the Government will repeat its massive error, which it made in World War II, when about 112,000 Japanese Americans, residents of our Western States—9,000 of whom came from my State of Hawaii—were forcibly removed from their homes, without due process of law, without trial, and placed first in temporary camps and later in 10 concentration camps established in several Western States.

About two-thirds of these people deprived of their liberty and rights by arbitrary governmental action were native-born citizens of the United States, and there was never established any reason whatsoever to question their loyalty or their dedication to our Nation, except their ethnic background, which was the only basis for suspicion. Despite the incarceration of these people, thousands of them volunteered for active duty to fight in the defense of this country.

Ironically, the loyalty of Japanese-American citizens had to be proved in combat during the war. It was conclusively proved, with a proud record, which the gentleman from California has just enunciated. Theirs was the most decorated unit in the history of the United States.

But by the time this was established and this was generally acknowledged by the country everywhere, it was too late to remove the stain of this great outrage which was committed against all the patriotic citizens these men represented in battle.

While these detentions were made long before the adoption of the Emergency Detention Act, as the gentleman from Missouri has reiterated many times, its provisions seem designed to provide legislative ratification and sanction of this dastardly act and to provide blanket authority for future capricious banishment of citizens to political concentration camps because of their ethnic background.

The act is patently unconstitutional because it allows the deprivation of rights purely on the basis of "reasonable ground to believe" that a person "probably" will engage or conspire to engage in acts of espionage or sabotage. It thus states that a person may lose his freedom merely on suspicion, and may be placed in a concentration camp merely on suspicion.

How does a person prove that, in the mind of someone else, there is not a probable suspicion against him? There is no way in which one's innocence can be established, when there are no specific charges!

This is the only legislation we are asking the House to repeal today. I know that the act has never been used, and for that reason there is no judicial interpretation on the issue of constitutionality, but we should not, as members of the legislative branch, abdicate to the judiciary our own constitutional responsibility to make sure that the laws of our land are in conformity with the Constitution.

Therefore, I urge the Members of this House to vote for H.R. 234.

The CHAIRMAN. Will the gentleman from Ohio please use or yield the 4 minutes remaining to the gentleman.

Mr. ASHBROOK. Madam Chairman, I yield myself 4 minutes.

Madam Chairman, as we draw to the close of our debate, I believe several things are clear; maybe patently clear, maybe not.

It appears to me it is obvious from all of the debate that eradicating facilities for detaining insurrectionists will not remove that threat. After listening to the debate, it is equally obvious that eradicating facilities for insurrectionists or marking off the books title II will still not remove the threat of their incarceration. Everyone who spoke on this issue recognizes that there is the potential threat of incarceration of insurrectionists in a time of peril. Whether we like it or not, it is there.

Recognizing that, I maintain there is a far greater likelihood that due process will be observed in time of national peril if some congressional guidelines such as those embodied in H.R. 820 are enacted by the Congress. I totally fail to see the logic of saying that due process of law in time of national emergency will be more likely to be observed with nothing on the books when the history of the executive actions of 1941 and 1942 are ominously in the past. I do not think it is enough to say, as some of the proponents of H.R. 234 have said, that jury trials and constitutionally appropriate safeguards will be observed at any time when such an emergency, God forbid, should again present itself in this country. It is sufficient at this time to reiterate that they were not observed in 1941 and 1942. Jury trials and constitutionally appropriate safeguards are not new. They were there and they were not observed.

In which case is it more likely that we

will have these safeguards observed? I happen to believe if a congressional statement is on the books, such as it would be in H.R. 820, that there is less likelihood that some future President confronted with a similar situation as President Roosevelt was will usurp the power as he did then under the exigencies of the moment and take actions which today are being called dastardly. Obviously they were. H.R. 820, in my judgment, the amendment of the Internal Security Committee, has a great restriction on the President's power vis-a-vis insurrection. The Presidential power would be circumscribed under this bill but it would not be circumscribed under H.R. 234. In fact, I would say that H.R. 234 does nothing to dispel the very fears expressed by previous speakers. It does nothing to dispel the fear that what was done in 1941 and 1942 cannot be revisited on us.

For that reason I encourage and, indeed, urge the House to vote for the amendment H.R. 820 when the time comes under the parliamentary procedure.

Mr. KASTENMEIER. Madam Chairman, I yield such time as he may use to the gentleman from New York (Mr. RYAN) a member of the subcommittee.

Mr. RYAN. Madam Chairman, I rise in support of H.R. 234, which repeals the invidious Emergency Detention Act—title II of the Internal Security Act of 1950. I am a cosponsor of this bill which will erase from the statute books an act which contradicts protection of our civil liberties and which is freighted with the aura of repression.

The Emergency Detention Act, which H.R. 234 repeals, embraces a view of the world and of the exercise of first amendment rights of speech and association which is regressive and offensive. Its minimal protection for the individual against unwarranted detention is unacceptable in a society which enshrines due process as a basic bulwark of freedom.

The time is particularly apt for repeal. The tide of repression is growing, and our action can help to stem that tide. We see this tide in assertions by the executive of virtually unrestricted power to tap telephones. We see it in administration espousal, and congressional support, of no-knock laws and preventive detention. We see it in hostility to the rights of the poor, and in repudiation of civil rights.

The Emergency Detention Act proceeds on the assumption that, in times of "internal security emergency," it is justified to detain "persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage." Making the usual ritualized obeisance to "constitutional rights and privileges" common to these repressive measures, the Emergency Detention Act—not even premised on "probable cause"—gives three criteria to determine "reasonable ground" to believe a person will engage in or conspire to engage in espionage or sabotage:

> (1) whether such person has knowledge of . . . the espionage, counter-espionage, or sabotage service or procedures of a government or political party of a foreign country . . . and whether such knowledge . . . has been acquired by reason of civilian, military, or police service with the United States Government . . .;
>
> (2) Any past acts or acts of espionage or sabotage . . . against the United States . . .;
>
> (3) . . . The holding at any time after January 1, 1949, of membership in the Communist Party of the United States. . . . (Section 109(j)).

This first subsection is so broad as to cover virtually anyone. And the third makes association a basis for warranting detention. And, on top of all this, the standard is not probable cause, but "reasonable ground to believe" that someone will "probably" act or conspire. Such broadscale repression is dangerous. It must be overturned.

Equally obnoxious—apart from the minimal essay at setting a constitutionally acceptable standard for determination of detention—are the offices established to detain persons. Preliminary hearing officers make the determination under section 104(d), and a detention review board reviews petitions of detainees under section 109. The judiciary affords little protection, only being available after the board has acted, and in habeas corpus proceedings.

Thus, the power to imprison is lodged in persons neither chosen for their legal skills nor immunized from political pressures by having lifetime appointments—that special prerequisite, together with salaries immune from reduction—which affords Federal judges freedom to act according to their consciences.

The only thing that can be said favorably about the Emergency Detention Act is that it has never been implemented. That is small solace, and certainly no justification for its continued existence. As President Truman stated in vetoing this act:

> It is not enough to say that this (enforcement) probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

I urge support for H.R. 234 to repeal the Emergency Detention Act.

Mr. KASTENMEIER. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Madam Chairman, the question before us is a simple one: Do we want to have concentration camps in America, or do we not?

If we vote for the Ichord amendment, we will be saying we want them. We will be saying we are not going to throw people in camps because of their color, religion, or national origin, but we may want to do it because of their political beliefs or the way they wear their hair.

I do not see this as much of an improvement. Continuation of concentration camps in any form is unjust, undemocratic, and—if I may coin a phrase—un-American. I urge that we repeal title II unconditionally, and leave concentration camps to those governments which require them.

I commend the gentleman from Hawaii (Mr. MATSUNAGA) for the excellent work he has done on this bill. I note that he has the support of such conservatives as Attorney General Mitchell and Governor Reagan, and I hope his position will prevail. It was a sad day for America when the Congress overrode President Truman's original veto of this bill, and it will be a sadder day if we do not avail ourselves of this opportunity to repeal it.

Certainly nothing we do here today in passage of the Matsunaga repeater affects the right of government to try and imprison persons for espionage—the bill does repeal the power of the Chief Executive to detain persons in camp on suspicion without trial—the threat of Prussian repression must cease.

Mr. KASTENMEIER. Madam Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Madam Chairman, I support the bill which has been filed by the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. KASTENMEIER. Madam Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Madam Chairman, I rise in support of H.R. 234.

We are today presented with the opportunity to do away with a vestige of some of the darkest days of American history.

The great individual rights guaranteed by our Constitution are always important to Americans. But the time when their importance is the greatest is when we are under pressure as a nation, when the forces of fear, hysteria, and darkness are trying to seize power. Twice in our recent history—during the Second World War and during the days of McCarthyism—we have succumbed to these forces and have to a considerable degree let civil liberties fall by the wayside.

One of these instances, the internment of Japanese Americans during World War II solely on the basis of their race, was accomplished without the aid of any statute. By Executive order, thousands of individuals who were neither charged with nor suspected of any crime were driven from their homes and imprisoned without trial.

During the McCarthy period, there was no use of detention camps, though many other grave breaches of constitutional rights were countenanced at the highest levels of government. However, the use of concentration camps for politically "dangerous" individuals was seriously considered, and the legislation whose repeal we are considering today resulted.

Title II of the Internal Security Act authorizes the establishment of "detention" camps and permits the Attorney General, during an internal security emergency, to detain any person if there is "reasonable ground" to believe that such person "probably" will engage in or conspire to commit acts of espionage or sabotage. Its clauses go to great lengths to recite the supposed constitutional bases for it, but there can be no disguising the fact that it represents a blatant attempt to undermine, ignore and destroy the constitutional rights on which this country's greatness is built.

The basic, incredible theory behind

title II, as nearly as I can make it out, is that although one accused of a crime is entitled to full constitutional safeguards, one who is detained without being accused of any crime is not.

Needless to say, I doubt the ability of this theory to withstand constitutional scrutiny. The Supreme Court handed down three decisions during World War II which many mistakenly feel upheld the legality of detention camps. But a reading of those cases makes clear that the Supreme Court never decided that issue. In *Hirabayashi* v. *United States*, 320 U.S. 81 (1943), the Supreme Court upheld the validity of a curfew order directed at specified ethnic groups and in *Korematsu* v. *United States*, 323 U.S. 214 (1944), the Court upheld the validity of an order excluding a citizen of Japanese ancestry from the area where he resided. Those decisions—in my opinion—are of little value today in view of the Supreme Court's subsequent incorporation of the Equal Protection Clause, which limits the States, within the perimeter of the fifth amendment's Due Process Clause, which limits the Federal Government, *e.g., Bolling* v. *Sharpe*, 347 U.S. 497 (1954). And in the third case, *Ex parte Endo*, 323 U.S. 283 (1944), the Supreme Court held unanimously that the United States could not detain a citizen whom it conceded was loyal.

But what about those whom the United States suspects are disloyal? The three World War II cases do not answer. However, I find considerable guidance from a decision handed down during the Civil War, *Ex parte Milligan*, 4 Wall. 2 (1866). Milligan was accused during the Civil War of being a member of a secret political conspiracy dedicated to overthrow the Federal Government. He was a resident and a citizen of the State of Indiana where at some time during the Civil War and prior to detention actual fighting had taken place. Milligan was arrested and his case presented to the grand jury. It drafted no indictment. Milligan was tried before a military tribunal for conspiracy and was found guilty. Claiming that his detention was illegal, he petitioned for a writ of habeas corpus. The Supreme Court held that the Constitution in its entirety applies in full force in all cases, except where the pitch of battle does not permit the holding of court. Four Justices concurred, holding that the military tribunal did not have jurisdiction to try the defendant.

The Court said:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government within the Constitution, has all the powers granted to it, which are necessary to preserve its existence. . . . 4 Wall. at 120–21.

The Court spelled out clearly what law generally governs such emergency situations:

> If it was dangerous, in the distracted condition of affairs, to leave Milligan unrestrained of his liberty, because he "conspired against the government, afforded aid and comfort to rebels, and incited the people to insurrection," the *law* said arrest him, confine him closely, render him powerless to do further mischief; and then present his case to the grand jury of the district, with proofs of his guilt, and, if indicted, try him according to the course of the common law. If this had been done, the Constitution would have been vindicated, the law of 1863 enforced, and the securities for personal liberty preserved and defended. 4 Wall. at 122 (italics in original).

The Court said that there was only one exception to its rule—that of impossibility; that is, situations calling for martial law. The Court made quite clear that the exception was a very limited one:

> Martial law cannot arise from a threatened invasion. The necessity must be actual and present; the invasion real, such as effectually closes the courts and deposes the civil administration.
>
> It follows, from what has been said on this subject that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, *then*, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this government is continued *after* the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the last Rebellion it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed, and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one state, when, in another, it would be mere lawless violence. 4 Wall. at 127 (italics in original.)

Title II of the Internal Security Act of 1950 does not square with Ex parte Milligan. In fact, title II falls so far short of the constitutional mark that no cosmetic amendments, such as those proposed by H.R. 820, can save it. The only solution is repeal. H.R. 820, the substitute proposed by Mr. ICHORD, would make a few relatively minor changes in this horrendous law, such as prohibiting the use of race as a detention criterion. But it is not merely the form or the precise wording of title II to which I object. Everything about it—its wording, its genesis, its purpose and its "protections"—is an affront to the concept of democratic government based upon respect for the rights of the individual.

The argument is made that title II has not been used at all, much less abused, and that we should keep it handy, "just in case." It is true that no formal use of title II has been made, but the fact that it is a powerful temptation to Government cannot be denied—the Mayday dragnet and its thousands of "nonarrests" made that painfully clear.

H.R. 234 not only repeals title II; taking cognizance of the fact that the wartime internment of the Japanese Americans was accomplished without the authority of any statute, it also provides that no citizen may be imprisoned or detained except pursuant to an act of Congress.

Title II was an outrage when it was conceived and enacted. It is an outrage today. I urge its repeal by the passage of H.R. 234.

Mr. KASTENMEIER. Madam Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Madam Chairman, I rise in support of H.R. 234, the Matsunaga resolution. At the same time, I recognize the sincerity of the gentleman from Missouri (Mr. ICHORD) and the logic of some of his arguments. This debate is but one chapter in the age-old history of civilized man's efforts to reconcile the often conflicting goals of individual liberty and the security of society.

It seems to me that the fundamental weakness in both title II of the Internal Security Act of 1950 and title II as it would be amended by H.R. 820, the so-called Ichord substitute, is this: That by attempting in advance to legislate so grave an exception to our fundamental constitutional liberties, H.R. 820 opens up a breach in the Bill of Rights of unknown scope.

The idea of incarcerating any citizen for an indefinite period of time without overt criminal action, without trial, and without even any evidence of criminal action is impossible to reconcile with the Bill of Rights. It is basic constitutional law that, even in time of war or civil insurrection, the Government may not constitutionally suspend due process of law, except where it is impossible to cope with the particular situation through the normal functioning of government.

The Government's failure to follow this principle during World War II led to the shameful incarceration of thousands of Americans of Japanese ancestry. It is no answer to say that we may prevent another similar outrage by putting in languange, as would H.R. 820, to the effect that no citizen shall be detained "on account of race, color, or ancestry." The implication is that it would be permissible to detain a citizen on other grounds, such as his political views, appearance, dress, or length of hair. We have seen all these used by the police in recent days and months as criteria for deciding which individuals among groups of innocent citizens would be seized and held in clear violation of their constitutional rights. Only last week, such an incident occurred, in my own State of Ohio, at Wright Air Force Base in Dayton, during Mr. Nixon's visit to dedicate a new Air Force museum. Apparently, military police decided to seize anyone with long hair or an unkempt appearance or wearing a peace emblem, regardless of their particular actions, and without even inquiring as to their background or their purpose in being present.

It is time we stopped giving congressional sanction to this kind of conduct. The Emergency Detention Act of 1950 should be repealed. The Matsunaga resolution should be adopted.

Mr. KASTENMEIER. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. Pucinski).

Mr. RAILSBACK. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Madam Chairman, as one of the cosponsors of H.R. 234, I address the House today out of personal conviction, conscience, and what I sincerely believe to be a duty to my country.

Title II of Public Law 81–831, must be repealed. There is no nation in the world wise enough to endure that would employ the legal excesses permitted in this legislation.

In the past 2 weeks I toured the city of Belfast with my friend and colleague, Congressman Morgan Murphy. What we saw and what we heard deeply shocked us. The so-called internment or detention policy instituted by the British Government should be of concern to every man, woman, and child in the free world. For if this ancient country that established the principles of the Magna Carta and common law for the protection of the individual can so brutalize its own history in regard to these ancient legal traditions, what of the rest of the "democratic" nations of the world.

The indiscriminate rounding up of civilians and confining them without bail, without trial, without even the formality of a hearing of any sort, without access to legal counsel, without contact with family and friends is an outrage. At least 300 people are now "officially" designated as interned under this policy in Belfast, but Congressman Murphy and I spoke to knowledgeable people who claimed the number may be as high as 2,000.

Madam Chairman, perhaps the world is a long way from accepting the legal precepts of habeas corpus and the presumption of innocence until guilt is proved. But we must not allow our own Nation to accept as a workable policy the notion that people may be arrested and detained on the suspicion that they may, perhaps, commit a crime.

That is no policy for the United States of America to adopt. It cannot be our policy in the future.

The past 10 years in this Nation have been filled with excesses and disturbances and outrage. Never, in all those turbulent years, have we had to resort to confining large numbers of individuals for weeks on end totally incomunicado.

The present excesses in Belfast have been compounded by the brutality and carelessness of the British Government in dealing with the situation. The differences between the opposing factions are farther than ever from resolution owing, in large measure, to the heavy-handed policies of the British Government that have totally ignored basic human rights.

Madam Chairman, our Nation made a tragic mistake in World War II when we confined hundreds of thousands of American citizens of Japanese ancestry in so-called detention camps. This error must never be allowed to be repeated. We are not so deficient of leadership in this country that we need to fear our own people, nor are we lacking the means to protect the population from the predatory attacks of groups who advocate the destruction of our system of government.

H.R. 234 is a significant milestone in our progress as a wise and mature nation. I urge my colleagues—whose memories surely recall the horrors of Nazi Germany and our own national dishonor in depriving law-abiding American citizens of their rights simply because of their ethnic heritage—to support this legislation before us today. Neither the President nor the Justice Department requires access to such unjust legal language to keep the domestic peace in the United States.

Detention camps must have no place in America's future, just as they deserve no place in any nation professing to believe in the dignity of the individual.

Mr. RAILSBACK. Madam Chairman, I yield back the balance of my time.

Mr. KASTENMEIER. Madam Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Wisconsin has 6 minutes remaining to close debate.

Mr. KASTENMEIER. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. Danielson).

Mr. DANIELSON. Madam Chairman, I rise in support of H.R. 234.

Madam Chairman, I rise in support of H.R. 234 as reported by the Committee on the Judiciary.

The concentration camps provided for by title II of the Internal Security Act embody a concept that is offensive and repugnant to the basic principles of human dignity and due process of law.

These principles are the heart of the Constitution of the United States.

There is no need for such camps, nor for the law which creates these camps, and there is no place for such a law in American jurisprudence.

I urge every Member to vote to repeal the law.

Mr. KASTENMEIER. Madam Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Conyers), a member of the subcommittee.

Mr. CONYERS. Madam Chairman, how does a Member of this body rise to speak against detention centers? What arguments can we pose to each other as to whether or not we should allow this provision to remain on the books? The mere fact that we would debate this provision justifies the fear on the part of many of my constituents that black people could be victims of the same oppression as that of the Japanese Americans. Although I have repeatedly stated publicly that there are no detention centers in America, there are still citizens who refuse to accept that fact.

Since we have allegedly never used the law, let us take it off the books. I am indeed heartened by the fact that the leadership of both sides of the aisle has indicated that they will support without exception the provisions of H.R. 234 in its entirety.

So, maybe, we can still make America what it ought to be. Under the laws of this country we must allow every citizen to defend himself when charged with a crime, even if that crime is against the Government.

I am amazed at some of the arguments that I have heard during the debate on this matter. Opponents of this measure advocate concentration camps with the provision that we will allow detainees their civil rights. The insincerity of such a proposal is obvious. Those who would advocate allowing those detained in concentration camps fail to realize that while the detainees are allowed access to counsel that the Government is not obligated to list any charges against them. These advocates of concentration camps seek to insure those detained a speedy hearing, but fail to realize that a speedy hearing accomplishes little if a defendant and his counsel know nothing of the charges against them.

Well, democracies can succeed, and democracies can fail, but I think in our hands today and tomorrow will rest a decision that I am sure will be comforting to most Americans, the striking of title II providing for the elimination of detention centers.

Mr. KASTENMEIER. Madam Chairman, I yield the remainder of the time to the gentleman from Hawaii, (Mr. Matsunaga) the author of the bill.

The CHAIRMAN. The gentleman from Hawaii is recognized for 3 minutes.

Mr. MATSUNAGA. Madam Chairman, having heard a few surprising statements made by the opposition, I am somewhat apprehensive that what I am about to say may be misinterpreted by some of my colleagues as an appeal to their emotions, rather than to their considered good judgment. However, as a member of the only racial minority group ever to be incarcerated in American concentration camps, I am compelled by my deep and fervent convictions on the matter now before this House to relate certain personal experiences of mine, in the hope that they may contribute to a better understanding of the issues now before us.

As I stated earlier during the debate on the rule, one of the things which disturbed me most while I was serving at the battlefront in World War II, as an infantry officer of the 100th Infantry Battalion—which subsequently became the 1st Battalion of the 442d Regimental Combat Team—the so-called go-for-broke outfit, made famous by Van Johnson in the movie called "Go-for-Broke"—was the fact that while Americans of Japanese ancestry were fighting and dying in American uniform to preserve the American ideal, 110,000 Japanese Americans and their parents were being uprooted from their homes in the Western United States and incarcerated in American concentration camps, for no reason other than that they were Japanese faces.

Today, all historians, scholars, jurists, lawyers, and plain-thinking Americans agree that the imprisonment of Japanese-Americans in World War II marks the "most shameful chapter in American history." While it is almost unbelievable that the Government of this great democracy would throw innocent Americans—pregnant women, infants, children, and the feeble included—into concentration camps, complete with barbed wire fences and armed guards, it is true that it did actually happen to Americans of Japanese ancestry.

It may seem even more incredible that freedom-loving Americans would permit the continuance of a law which provides for the establishment and maintenance of concentration camps in America. But the shocking truth is that this sad situation does exist in the form of title II of the Internal Security Act of 1950. While it is true that title II was not in existence at the time of the evacuation and internment of the Japanese Americans, it serves as a grim reminder of what Eugene Rostow, dean of the Yale Law School described as "our worst wartime mistake."

It is to remove this horrible reminder of the terrible blot on our Nation's reputation that 160 Members of this body joined in cosponsoring legislation to repeal title II of the Internal Security Act of 1950 and to prohibit the imprisonment of any person other than in accordance with laws passed by Congress.

In the 91st Congress a slightly different bill, designed to repeal the "Emergency Detention Act" and cosponsored by 130 Members of the House, was referred to the House Internal Security Committee. That bill was killed in that committee by a 4-to-4 tie vote, after lengthy and dragged-out hearings.

The bill introduced in this Congress—the 92d—contains additional provisions which effected a shift in its referral to the Committee on the Judiciary, which reported the bill out without a dissenting vote. The able gentleman from Wisconsin (Mr. KASTENMEIER), chairman of the subcommittee which exercised jurisdiction over the bill, and the distinguished gentleman from New York (Mr. CELLER), chairman of the full Committee on the Judiciary, deserve much credit for their cosponsorship and strong support of the measure.

The main thrust of this year's bill, H.R. 234, as it was last year, is aimed at the repeal of title II of the Internal Security Act of 1950, the so-called Emergency Detention Act.

Briefly, title II provides that upon the President's declaration that a state of "internal security emergency" exists in this country, the President, acting through the Attorney General, may apprehend and detain any person as to whom "there is a reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage and sabotage." Detention of a person is thus authorized not on the basis of an overt act committed in violation of law, but on the basis of mere suspicion that he may commit a crime.

Moreover, title II fails to provide for either a trial by jury or hearing before a judge. A preliminary hearing before an administrative hearing officer is substituted instead. The suspect is assumed to be guilty, contrary to his traditional right to a presumption of innocence. The accused is also denied the right of confrontation with his accusers and need not be made aware of the facts which led to his detention, for the Government is not required to produce any witnesses or evidence in support of its action against the detained.

There is no appeal from the decision of the administrative hearing officer to the courts, only to another administrative hearing body, a board consisting of members appointed by the President, who is also the prosecutor. The decision of this board on the question of emergency detention is final and nonappealable.

The elementary safeguards guaranteed by our Federal and State constitutions and our judicial practices to the most hardened of criminals would be denied to the most innocent of our citizens during declared emergencies under title II.

The gentleman from Missouri (Mr. ICHORD) has, with obvious delight, pointed to the fact that such libertarians as Senators HUMPHREY, Douglas of Illinois, and Lehman of New York, supported title II when it was offered as an amendment to the Internal Security Act of 1950. But the gentleman from Missouri (Mr. ICHORD) failed to mention the fact that all three of these Senators voted to sustain President Truman's veto of the bill.

And Senator HUMPHREY, incidentally, is now a cosponsor of a bill to repeal title II. The gentleman from Missouri (Mr. ICHORD) also failed to note that such conservatives as Senators Pat McCarran and KARL MUNDT vehemently opposed title II when it was offered as an amendment to the proposed Internal Security Act during Senate consideration of the measure in 1950. Senator McCarran, then chairman of the Senate Judiciary Committee, speaking against title II, branded it as "a concentration camp measure, pure and simple." Senator MUNDT characterized its authority as "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat."

Despite such strong criticisms against the legislation, Congress passed the Emergency Detention Act in 1950. President Harry S. Truman promptly vetoed the measure with the admonition and warned:

> The bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

However, the Congress overrode his veto in the then prevalent atmosphere of the Korean conflict, when being "soft on communism" was thought by many to be treasonable.

Pursuant to the enactment of the Internal Security Act of 1950, six detention camps were prepared and maintained by the Department of Justice from 1952 to 1958—two in Arizona, and one each in Pennsylvania, Florida, Oklahoma, and California.

Since 1958, Congress has refused to appropriate funds for their continued maintenance, and these camps have either been abandoned or converted to other uses. With these concentration camps no longer maintained as such, and with the hysteria of anticommunism of the early 1950's gone, title II was more or less forgotten.

About 3 years ago, however, rumors were rampant that the Government was again preparing detention camps, under the authority of the Emergency Detention Act, for dissidents, activists, militants, and others with whom those in control of the Government might disagree.

These wild rumors spread through the black ghettos, across the college and university campuses, and among war protesters. They were publicized by the underground press and given credence by some authors of books, magazine articles, and other publications.

The rumors reportedly are still being exploited by certain self-styled leaders of present-day movements to escalate confrontations and to foment unrest and violence.

Consequently, Deputy Attorney General Kleindienst, in a letter dated December 17, 1969, to Chairman CELLER of the House Judiciary Committee stated:

> The continuation of the Emergency Detention Act is extremely offensive to many Americans. In the judgment of this Department, the repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens. This benefit outweighs any potential advantage which the act may provide in a time of internal security emergency.

At the lengthy hearings held last year by the House Internal Security Committee, Judge Walter B. Yeagley, then head of the Justice Department's Internal Security Division, echoed this position and testified that the Department favored repeal of the Emergency Detention Act because the statute has been a source of deep concern and irritation to many Americans. And Judge Yeagley's successor, Assistant Attorney General Robert C. Mardian, in testifying before House Judiciary Subcommittee No. 3, on March 18, 1971, stated:

> The Department of Justice is unequivocally in favor of repealing Title II of the Internal Security Act.

In the opinion of many lawyers, including former Justice of the Supreme Court Arthur Goldberg, who testified before the House Internal Security Committee last year, the provisions of title II on the emergency detention of a person under the stated conditions are clearly unconstitutional. They believe that the courts will invalidate title II when confronted with an appropriate case. However, since litigation on the merits may not be possible until title II has been invoked, and litigation must necessarily follow the possible imposition of grave injustices on innocent Americans, it seems that the responsibility rests with the Congress now to erase this repugnant law from the statute books before its potential injuries are inflicted on anyone.

In my humble opinion, the Emergency Detention Act of 1950 is nothing more and nothing less than a concentration camp authorization law, and the simple but vital issue which we are called upon to decide today is:

Is there a place for concentration camps in America?

The answer is obviously "No," and by defeating the substitute bill, H.R. 820, and approving H.R. 234 without crippling amendments we can eliminate the specter of future American concentration camps.

Madam Chairman, I believe we can all agree that the turbulence of our times has engendered an unprecedented debate on the nature and future of the American way of life, as we have been accustomed to living it. The erosion of faith, among our youth and minority groups, in our institutions and the so-called establishment is shockingly evident in the increasing demand for change—by open dissension and demonstrations, frequently violent. If we are to return fully to peaceful means of resolving our problems and stem the rising tide of extremism, we need to eliminate those irritants in our existing system which give rise to extremism. The Emergency Detention Act is definitely one of those irritants. The Justice Department says we do not need it. Let us repeal it.

Mr. ALBERT. Will the gentleman yield?

Mr. MATSUNAGA. I would be most happy to yield to the distinguished Speaker of the House.

Mr. ALBERT. The record of the distinguished gentleman from Hawaii (Mr. MATSUNAGA) and of the Japanese Americans in World War II is well documented. I commend the gentleman for his leadership in the effort to repeal a law which has become a symbol of this country's tragic mistake in World War II.

Mr. MATSUNAGA. I thank the distinguished Speaker for his kind remarks and for his support.

Mr. JOHNSON of California. Madam Chairman, 29 years ago this country, confronted with the crisis of a global war, had the misfortune of resorting to the tactics of a totalitarian power and thus wrote one of the most disgraceful pages of its history. One would want to say, "It could never happen in the United States of America," but the bitter fact is that it did. The Army, empowered with a Presidential proclamation and fortified with an enabling act of Congress, uprooted 110,000 persons of Japanese ancestry and detained them in War Relocation Authority centers. For those American citizens who suffered the tragedy and humiliation of evacuation, these were no different than concentration camps.

The surprise attack on Pearl Harbor by the Japanese Navy momentarily placed the Government and people of the United States in a state of total shock and confusion. With returning calm, our leadership sought ways and means of overcoming this Nation's ill-preparedness; and a determined few racists, in and out of all levels of government and from all walks of life, sensed a golden opportunity to rid their communities of persons of Japanese ancestry. By means of half-truths and outright lies, they succeeded in the name of the war effort, in arousing public hate and prejudice against the American of Japanese ancestry. Although fear of invasion had subsided and preparations were underway to take the war to the enemy, the clamor for prompt and total evacuation of both alien and citizen Japanese from the west coast did not subside but grew louder and more demanding. Once the campaign of hate took hold, there was to be no stopping or turning back for the duration of World War II. Everyone, including those in the high places of our legislative, executive, and judiciary branches, was without immunity against the poisoning of the mind and was soon swept into the mainstream of wartime hysteria. The bigots were in the small minority but the great majority condoned and gave encouragement by their utter silence.

Evacuation and confinement were tragic and irreparable events in themselves, but the greater tragedy lay in the acceptance of the totalitarian concept of judging one's guilt or inferring one's disloyalty because of race, creed, color, class or national origin. We may want to believe and say that the evacuation of our Japanese people was dictated by "military necessity" as was claimed, or was required to safeguard their persons and property from external harm, but the truth of the fact is otherwise. These people had learned to live with bigotry and prejudice of individuals, but their industry, patience, lawfulness, patriotism and other virtues inherent to them were no match to the military might of their own Government. Bewilderedly they submitted to the military order for mass evacuation and detention but proudly gave their pledge, God willing, to somehow disprove and discredit their accusers and adversaries and remove for all times the cruel brand of disloyalty or questionable loyalty to the country of their birth or adoption. Not one act of sabotage or espionage was brought to light by the FBI, military intelligence, and other law enforcement authorities in spite of the intensive investigations and counterespionage activities. Their youths went forth from their confinement centers to serve their country at war and earned the highest respect and praise of their fellows in arms. They proved their merits again in the Korean war and in the current involvement in Vietnam. If patriotism and belonging are to be founded on "blood and guts," they have earned theirs selflessly and at the price of supreme sacrifice.

My own State of California must shoulder much of the blame for this shameful wartime hysteria and bigotry, but I am proud to say that the Government and the people of California have responded admirably since World War II to the irredeemable injustice imposed upon their fellow Californians and other evacuees of Japanese ancestry from the neighboring Western States. Today, perhaps no group is more respected and welcome as neighbors and friends than our Japanese Americans. In the face of unbelievable hardship and obstacles, they strove to be "Better Americans in a Greater America," the motto of their Japanese Citizens League. They have taught us the true meaning of loyalty to one's country, good will toward their fellow man, and democracy at it best.

Mindful of their own humiliating and heartbreaking experiences, Japanese American Citizens League, in voicing the hearts and minds of all persons of Japanese ancestry of America, has resolved that never again must innocent person or groups of persons be subjected to forcible detention and confinement without due process of the law and never again shall guilt or innocence, disloyalty or loyalty, be dounded on or because of race, color, creed, national origin or difference in political belief.

Accordingly, the league has brought to the attention of their fellow Americans the inherent danger underlying the provisions of title II of the Internal Security Act of 1950. The act attempts to give the President, through the Attorney General, the power to detain "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage." The tragic evacuation of persons of Japanese ancestry was carried out at the outset of World War II under the ruse of "military necessity." Under the Internal Security Act of 1950, the same kind of irreparable detention of innocent persons may be accomplished by the Attorney General, during the proclaimed period of "internal security emergency," on the pretense that "there is reasonable ground to believe that such person probably will" commit or conspire to commit an act against the internal security of this country. The next step may lead to initiation of thought controls and rules of a police state.

The gravest danger lies in the possible extremism of thought and action by those delegated with the power to adopt and administer national policies. In time of stress, if enough pressure was brought to bear at the right place by the wrong people, bigotry, hate and witch hunt may become the accepted way, and with it, innocent persons may become unwilling victims of forcible detention in violation of our basic principle of equal protection and due process under the law. Internal Security Act of 1950 predicates guilt or disloyalty of the person by class or association and as such is a bad law and has no place in our statute books.

Many city and county governments, civic and community organizations and, above all, the citizens of the great State of California, individually and through their duly elected representatives to the State Legislature and in the person of Governor Ronald Reagan, have enthusiastically endorsed and proclaimed their support for the repeal of title II of the Internal Security Act of 1950.

Until recent past, our Japanese Americans strove to gain legal equality and justice rightfully theirs; they now seek and ask for equality and justice under the law for all Americans.

These thoughts of mine are shared by Japanese Americans of my own constituency and elsewhere and by their many respecting friends as is reflected by the volume of messages and resolutions I have received calling for the repeal of title II of the Internal Security Act of 1950. No higher endorsement for their effort has come forth than from President Richard Nixon himself. The Senate has responded to this just cause; let the House of Representatives react accordingly.

Thank you.

Mr. BEVIL. Madam Chairman, we have before us two suggested changes in the 1950 Internal Security Act. Let us examine them.

One is proposed by a hastily assigned Judiciary Subcommittee that studied the 1950 Internal Security Act for just a few short hours before arriving at the conclusion that the Act's title II which deals with potential subversives and saboteurs in wartime should be expunged.

The other proposal is that title II be retained but revised so that in no way could it be aimed, even in time of crisis, at any minority group and that any person detained under it in time of crisis be guaranteed due process of law. That is something of an oversimplification but essentially describes the heart of the revision.

Now this proposal is advanced by three men—Congressmen ICHORD, ASHBROOK, and SCHERLE—who are knowledgeable, educated experts in the Internal Security field, particularly on title II of the Internal Security Act.

Their proposal was not made after a mere cursory study accomplished in a matter of hours. It was advanced after 2 years of study by the House Committee on Internal Security. The Honorable RICHARD H. ICHORD of Missouri is chairman of that committee. The Honorable JOHN M. ASHBROOK of Ohio is the committee's ranking Republican member. The Honorable WILLIAM J. SCHERLE was a very active member of that committee during its thorough and extensive hearings on title II of the Internal Security Act.

As I have stated, these men are the leading authorities on this matter. During their 2-year investigation of title II they attended 11 days of public hearings in addition to markup sessions, heard more than 35 witnesses and examined more than 230 statements submitted by witnesses. The Internal Security's documentation of those hearings runs to almost 1,000 pages.

Madam Chairman, the gentlemen from Missouri, Ohio, and Iowa know what they are talking about in the field of the internal security of this country. The subcommittee, well intentioned as it no doubt was, simply did not have time to examine this matter as thoroughly as did Mr. ICHORD, Mr. ASHBROOK, and Mr. SCHERLE.

Madam Chairman, I suggest that this matter is of far too great import for it to be decided on a recommendation made after only superficial study.

There is one common misconception about the entire matter, Madam Chairman. This is that revocation of title II, as proposed by the subcommittee, would simply restore to the President the powers enjoyed by President Roosevelt when he ordered the roundup of the Japanese-Americans.

That is not so. Under one dangerous subcommittee amendment, the President would be stripped of any power to deal with potential saboteurs and spies in time of war-related crisis. This country would be officially powerless to deal with espionage.

Title II, if revised in accordance with H.R. 820, could be invoked only—and I quote—"in time of war, invasion or insurrection in aid of a foreign enemy." It has ample guarantees of civil liberties in its provision for due process of law rights for any person detained under the act.

And, as I said, it was written by experts in the field who know what they are talking about.

Madam Chairman, I say we need this legislation on the books as an important tool that we hope we never have to use.

Mr. PELLY. Madam Chairman, I rise in support of H.R. 234, to repeal the Emergency Detention Act and eliminate the specter of American concentration camps.

We do no more than look back at the grave injustices done to the many thousands of loyal Japanese American citizens during World War II to realize that this must not be allowed to occur in our free society again. Those of us from the west coast, particularly, remember the incarceration without due process of law of Japanese Americans.

Madam Chairman, I support the repeal of the Emergency Detention Act and oppose its mere amendment.

Mr. BURTON. Madam Chairman, I support H.R. 234 and commend my distinguished colleague from Wisconsin (Mr. KASTENMEIER) for his leadership and demonstrated legislative skill in managing this vital legislation.

H.R. 234 is a long-overdue repeal of the Emergency Detention Act and a measure which I support and which I have coauthored.

I should also like to commend the dean of the California delegation, CHET HOLIFIELD, and my distinguished colleague from Hawaii, SPARK MATSUNAGA, for their continued and tireless efforts to eliminate the provision on detention camps which have no place in a free and democratic society.

When we enact this legislation, we will be removing a stain from the fabric of our democratic society which we have already too long endured.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 4001 of title 18, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that he may not operate any facility, prison, farm, industry, or camp for the imprisonment or detention of any citizen of the United States except in conformity with the procedures specified in this title.".

SEC. 2. Subsection (a) of section 4082 of title 18, United States Code, is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: "except that no person shall be committed to imprisonment or otherwise detained except in conformity with the provisions of this title.".

SEC. 3. (a) Title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) is hereby repealed.

(b) Section 8312 (c)(1)(C) of title 5, United States Code, is amended by striking out ", 822 (conspiracy or evasion of apprehension during internal security emergency), or 823 (aiding evasion or apprehension during internal security emergency)".

(c) Clause (4) of section 3505(b) of title 38, United States Code, is amended to read as follows: "(4) in section 4 of the Internal Security Act of 1950.".

Mr. KASTENMEIER (during the reading). Madam Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. POFF. Madam Chairman, reserving the right to object, and I shall not object—on the contrary I concur—may I inquire of the distinguished gentleman from Wisconsin if it will be his purpose, after the Chairman has ruled on his request, to move that the Committee do now rise and resume further consideration of the bill on tomorrow?

Mr. KASTENMEIER. The gentleman from Virginia is correct.

Mr. POFF. Madam Chairman, I withdraw my reservation of objection.

Mr. ICHORD. Madam Chairman, reserving the right to object, we are in a rather unusual parliamentary situation.

The rule does provide that it would be in order to offer H.R. 820 as a substitute for H.R. 234. Does the gentleman intend to move that the Committee rise before I offer the amendment that I have pending at the desk? I would like to know what the gentleman's intention is.

Mr. KASTENMEIER. If I may respond to my friend, the gentleman from Missouri, that is my intention and I would assume that the gentleman, as the first order of business tomorrow when we resume, would offer his bill as a substitute.

Mr. ICHORD. Madam Chairman, with that understanding, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 234), to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

GENERAL LEAVE TO REVISE AND EXTEND

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend and revise their remarks during general debate on H.R. 234 and H.R. 820, an amendment in the nature of a substitute.

Mr. ICHORD. Mr. Speaker, reserving the right to object, I observe that the gentleman did not in that unanimous-consent request make the specific point of including extraneous material. Therefore, I will not object, as long as I have the understanding that extraneous material, particularly newspaper editorials, radio editorials, television editorials, and editorials which may or may not appear on the front page will not be included in the RECORD. I understand the gentleman did not make any request relative to extraneous material.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. My request did not include materials of that sort.

Mr. ICHORD. Then I do not object.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. KASTENMEIR. Mr. Speaker, I make the same request, asking 5 legislative days for all Members to revise and extend their remarks on the bills to which I have referred.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 1, 1971.

The Honorable SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum by the U.S. Attorney in Washington, D.C., that was issued by the U.S. District Court for the District of Columbia. This subpoena is in connection with The United States vs. In re possible violations 1341, 602, 371, Title 18 U.S. Code.

The subpoena commands me to appear in the said U.S. District Court for the District of Columbia on the 16th day of September 1971 and requests certain House records of former staff members and employees of Congressman James M. Collins (3rd Congressional District, Texas) that are outlined in the subpoena itself, which is attached hereto.

House Resolution 9 of January 21, 1971, and the rules and practices of the House of Representatives indicate that no official of the House, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,
W. PAT JENNINGS, *Clerk,*
House of Representatives,
By BENJAMIN J. GUTHRIE.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia]

In re possible violations 1341, 602, 371, Title 18 U.S. Code

Report to United States District Court House between 3d Street and John Marshall Place and on Constitution Avenue NW., Room 3800, Washington, D.C.

The President of the United States to Honorable W. Pat Jennings, Clerk, or authorized representative, House of Representatives, Washington, D.C. and bring with you: All original official payroll and personnel records relating to the following former staff members and employees of the Honorable James Collins, M.C. (3d Cong. Dist., Texas) from August 1968 until April 1970 including Clerk-hire forms, personnel files, address cards, payroll ledgers, correspondence relating to payroll matters.

You are hereby commanded to attend before the Grand Jury of said Court on Thursday, the 16th day of September, 1971, at 10 o'clock A.M., to testify on behalf of the United States, and not depart the Court without leave of the Court or District Attorney.

Witness: The Honorable George L. Hart, Acting Chief Judge of said court, this 1st day of September, 1971.

Gene S. Anderson, Assistant U.S. Attorney, Attorney for the United States; phone: 426-7043.

JAMES F. DAVEY, *Clerk.*
By EULALIA M. KOESTER, *Deputy Clerk.*

AUTHORIZING W. PAT JENNINGS, CLERK OF THE HOUSE, TO RESPOND TO A SUBPENA DUCES TECUM ISSUED BY THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 591) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 591

Whereas in the investigation of possible violations of Title 18, United States Code sections 1341, 602 and 371, a subpena duces tecum was issued by the United States District Court for the District of Columbia and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him or his authorized representative to appear before the grand jury of said court on September 16th, 1971, at 10:00 antemeridian and to bring with him certain and sundry papers in the possession and under control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or his authorized representative, be authorized to appear at the place and before the grand jury named in the subpena duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding, and then always at any place under the orders and control of this House, and take copies of any documents or papers; and the Clerk is authorized to supply certified copies of such documents or papers in possession or control of said Clerk that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The SPEAKER. Is there objection to agreeing to the resolution?

Mr. HALL. Mr. Speaker, reserving the right to object, a parliamentary inquiry: Has the party to these proceedings been notified that this action would be taken in the House at this time?

The SPEAKER. The Chair understands he has.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL FACILITIES IN AREAS OF LOW POPULATION DENSITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture:

To the Congress of the United States:

I am transmitting today the first annual report on the location of new Federal facilities in areas of low population density.

This first report describes the beginnings of an organized effort to place more Government facilities and activities in rural areas as required by the Agricultural Act of 1970. I believe it will serve as a bench mark demonstrating this administration's commitment to a healthy and balanced revitalization of rural America.

During the period covered by this report, more than 60% of all Federal workers placed in newly located activities were employed in areas of low population density. I would emphasize, however, that the location of Federal facilities and activities in rural areas is only one part of our comprehensive program for rural development. This overall program—which also includes a variety of efforts to provide more financial assistance and better Government services to rural communities—has had a considerable impact for good in many locales, expanding employment and training opportunities, stimulating industrial and other economic growth, and generally improving the social environment.

The potential impact of our relocation policies was dramatized recently when a new Internal Revenue Service facility was located in the low population density area of Holtsville, New York. That single facility will provide new jobs for some 2000 permanent, full-time employees and for another 2000 temporary employees as well. We expect that such examples will multiply rapidly in the future.

All of the major departments and agencies of the executive branch are now giving priority consideration to locating new facilities in areas of low population density. The heads of these agencies are committed to establishing a sound balance between rural and urban America—a commitment which they share with the Congress. This report documents many of the ways in which this commitment has recently been carried out; it provides a detailed tabulation of all new offices and other facilities located during the last seven months of Fiscal Year 1971 as well as a summary of the highlights of that tabulation.

Obviously, the social and economic impact on the host community cannot be the *only* consideration in placing Federal facilities. Each facility has a specific job to do and it should be located so that it can do that job in an effective manner. But the criterion of effective performance is usually met by a variety of sites—urban and rural—and it is essential that Government officials appreciate the implications of their siting decisions on the growth patterns of our country.

Of course, rural communities are not the only areas that can benefit from the stimulus of new Government activities. The location of Federal facilities can also make a major difference in development patterns within metropolitan areas—revitalizing impoverished inner city neighborhoods, for example, or stimulating the growth of new communities or satellite cities on the periphery of our urban centers. For example, a new Geological Survey facility recently located at Reston, Virginia will provide some 2600 fulltime jobs. Reston is a relatively new community—but it is only 18 miles from Washington, D.C.

The philosophy of this administration concerning the location of Federal facilities was expressed in Executive Order 11512 in February of 1970:

> Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in that area. . . .

We have since moved to carry out this philosophy through a wide variety of actions. The Agricultural Act of 1970 is serving as a further stimulus in this same direction. I am confident that the result of all of these efforts will be a balanced pattern of national growth which will serve the best interests of all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1971.*

THE 10-PERCENT ADDITIONAL IMPORT DUTY

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, since the imposition of the supplemental duty of 10 percent on about half of our imports went into effect many complaints have been aired by other countries. No one knows today precisely what the effect will be across the board.

One reason the effects are difficult to forecast lies in the variable impact of the new impost on different countries. Since duty-free goods and those that are under import quota limitations are not subject to the additional levy, the impact on particular countries depends on the particular products they export to the United States.

Mr. Speaker, some much needed light has been thrown on this subject in a brief study made by O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy.

His analysis shows the very uneven impact of the new duty on different countries. This unevenness impairs the equity of the levy and its value as an instrument to regulate the import competition that works great hardship on many of our industries. What is needed in its place is early action on import legislation such as was passed by this body in the last Congress. The imposition of the 10-percent additional duty does not in any way remove the need for broad legislation as soon as possible.

I offer Mr. Strackbein's analysis at this point in the RECORD, and commend it to the attention of all Members:

THE 10-PERCENT ADDITIONAL IMPORT DUTY

(By O. R. Strackbein)

The assessment of an additional duty on dutiable and nonquota imports as provided by the Presidential proclamation of August 15, 1971 has stirred a live interest in the comparative effect of the levy on the different countries from which our imports come.

The incidence is quite uneven, because of the different duty levels applicable to different products and the specialization of various countries in particular products. Another source of uneven effects arises from the duty reductions since 1934.

Some countries, for example, ship to us most heavily certain products, such as coffee, on which we have no duty at all. The 10% additional duty does not apply to duty-free items. Therefore such countries will find their principal products unaffected by the new impost.

In the case of Canada, for example, her two principal exports to this country escape the new duty entirely, namely, automobiles and newsprint (the paper on which newspapers are printed). These are both heavy-volume imports by us and Canada supplies the lion's share of each. In the first half of 1971 no less than 69% of our total imports of $6.33 billion from Canada was free of duty. Beyond that, our duty on dutiable goods coming from Canada, or the remaining 30% carried an average duty of only 5%. If the duty we collected on total imports from Canada in the first half of 1971 is averaged over all imports from there, free and dutiable alike, the burden is only 1½% of the total value ($117.7 million in duty collected on imports of $6.33 billion).

In the case of Brazil and Colombia we encounter similar low duties because a high percentage of our imports from those countries is free of duty. In the case of Brazil 62% of our total imports in the first half of 1971 were free of duty, while the average duty on the remaining 38% of our imports which was dutiable, was 9.6%. We collected only $13.1 million in duties on total imports (January through June, 1971) on imports of $359.5 million or 3.6%. The principal import was coffee.

Colombia during the same period enjoyed a 79% duty-free entry into our market. We collected $1.9 million in duties on total imports of $119.8 million or 1.6%. On dutiable items of a value of $24.9 million the collected duty of $1.9 million represented an average duty of 7.5%. Again, the principal import was coffee.

The peculiarity of the new levy is well illustrated by our imports from Venezuela. Of total imports of $615 million in the first half of 1971, 77% were dutiable and only 23% free of duty, or almost the reverse of our imports from Brazil and Colombia. Yet the total duty collected on imports from Venezuela averaged only 3.04% on the dutiable imports. If the duty collection of $14.5 million is averaged over the total imports it comes to only 2.3%.

The explanation lies in the character of our imports from these countries. Coffee, which is free of duty, as already noted is the principal import from both Brazil and Colombia, while petroleum is the principal import from Venezuela. The latter is dutiable, but the rate of duty is very low. Therefore the average rate of duty on Venezuela duitable imports is low—only 3.04%.

Because of the nature of the Presidential proclamation another peculiarity is encountered. The 10% additional impost also does not apply to petroleum imports because these are subject to a quota limitation. Therefore Venezuela escapes the additional 10% impost on most of her exports to this country.

The country upon which our import duty falls most heavily in Latin America is Uruguay. Not only are most of our imports from there dutiable (86%) but the rate is relatively high. Our average duty on dutiable imports from Uruguay was 25.75% in the first half of 1971. Even if the duty is spread out over our total imports from that country the average rate is still over 22%. The principal import from Uruguay is wool.

Mexico also ships us goods that are predominantly dutiable (80%) and the average duty was 11.1% in the first half of 1971, or appreciably above our general average of 9.04% on all dutiable items from all sources, and yet still higher than the average level of 7.92 on our imports from all the 20 Latin American republics.

Countries from which we import heavily of sugar and meat are relieved of the 10% added duty because these products are under our import quota. Heavy beneficiaries are the Dominican Republic and the Philippines with respect to sugar, and Australia and New Zealand with respect to meat.

Other peculiarities appear as the application of the new impost is examined.

Japan, which is second only to Canada as the source of our heaviest import total, is in strong contrast to Canada in the percentage of our imports subject to duty. Nearly all our imports from Japan are dutiable, or 97% compared with 30% for Canada. The average duty on Japanese imports is, however, only a shade above our average duty on worldwide imports—or 9.74% for Japan against 9.07% for the whole world.

However, imports of cotton textiles are free from the new impost because they are under a quota limitation. Such textiles are an important import item from Japan. The impost does, however, apply to man-made textile fibers and apparel. Imports of these items from Japan in recent times have outstripped cotton textile imports by a margin of more than 2 to 1.

Automobile imports from Japan, another important item of import from Japan, will pay 6½% in place of 10% additional because of another peculiarity of the provisions of the Presidential proclamation. The current rate is 3½% while the 1934 rate was 10%, and the new impost must not, if added to the current rate, exceed the 1934 rate. Canada is an exception. Our automotive trade agreement of 1964 with Canada placed automobiles and original parts on the free list when imported from Canada, but not when imported from other sources. Automobile imports, as just noted, are an important import item from Japan. So also is steel. On the latter product the new import levy of 10% will be applied because, while steel exports to this country have been restricted by an arrangement with leading export countries, the limitation is not regarded as an import quota and therefore does not qualify as an exempt product.

The net result is that most of the imports from Japan are subject to the 10% additional levy.

Less fortunate than Japan are Hong Kong, Taiwan and South Korea from the combination of which we imported a little over $1 billion in the first half of 1971. From 95–98% of our imports from these sources were dutiable, much the same as in the case of Japan. However, whereas the average duty on dutiable items in our imports from Japan was 9.07%, the average rate on dutiable imports from the Republic of Korea was 23.8%, from Hong Kong, 18.1% and from Taiwan (Republic of China), 19.6%, or double the rate on imports from Japan. Cotton textile imports from these three sources are, of course, free of the impost but other imports from these three areas far exceed cotton textiles.

The communist controlled countries will not be affected (Poland and Yugoslavia excepted) because the 1934 rate of duty still applies to imports from these countries. The two exceptions will feel the impost because the duty reductions made in trade agreements since 1934 have been extended to both Poland and Yugoslavia. The average rates of duty (1st half 1971) on imports from the other communist countries were, East Germany, 37.7%; Czechoslovakia, 26.0%; Hungary, 17.5%; U.S.S.R., 20.5%; Romania, 30.2%; Bulgaria, 21.5%. On imports from Yugoslavia, which benefits from our duty reductions since 1934, the average was much lower or 9.6% and on Polish imports still lower, or 6.7% (both beneficiaries of the Most-Favored-Nation Clause). Nearly all the imports from these two countries are on the dutiable list. Total imports in the first 6 mos of 1971 were, however, only a little over $100 million from the two countries combined.

Imports from Europe enjoy moderate duty rates coming into this country but the great predominence consist of dutiable items, namely, 87% in the first half of 1971. The average rate on dutiable items was 8.6%, or distinctly lower than the average on imports from Japan (9.74%).

The Common Market Countries (European Economic Community or E.E.C.) paid an average duty of 8.11%. The E.F.T.A. (European Free Trade Association) average was a little higher or 9.06%.

Europe is the source of heavy imports of automobiles, and, unlike Canada, must pay the additional impost, but not the full 10%, as already noted with respect to such imports from Japan. Only 6½% will be levied. None of the quota items to which the 10% does not apply come in heavy volumes from Europe. Cotton textiles, while imported from several European sources, do not reach high volume. The same may be said of dairy products. Very little meat or petroleum comes from Europe and no raw cotton, wheat or sugar, worthy of note—all items that are free of the additional levy because of quota limitations on imports.

Therefore the great bulk of imports from Europe are subject to the levy. However, since we have no value-added taxes, no border taxes and no export rebates of the kind that are common in the E.E.C. countries, the 10% additional levy we impose may act roughly as an offset or substantial offset against such Common Market practices.

As for the African countries not much impact should be felt by them since 79% of our imports from them are free of duty. The duty on dutiable items averaged only 6.30% in the first half of 1971. The total duty collected on *total* imports from the 50 odd African countries was only 1.3%.

However, once more, the incidence of our duty varied widely from country to country. From a high average duty on dutiable items of 36.9% on our imports from Rwanda and 33.1% on our imports from Upper Volta, to the low levels of 1.4% on imports from the Malagasy Republic and 3.5% on imports from Ghana, most of the rates were very moderate. Our leading source of imports were from the Republic of South Africa ($149 million in the six-month period, 1971) and the average duty was relatively high, or 9.1%. Other leading sources of African imports were Ghana, the Ivory Coast, Nigeria, Angola, Ethiopia, Liberia, Uganda and the Malagasy Republic. The average rate of duty on dutiable items was low, mostly from 3 to 5%. Raw foodstuffs and minerals were the principal imports.

This brief review is sufficient to underline the inequity of the new assessment even though in a strictly mathematical sense it is nondiscriminatory. The 10% rate is applicable to all countries without exception if the products they export to us do not fall into one or more of the exceptions. Also, the exceptions are applied equally to all countries that ship us products that qualify as exceptions.

De facto, however, the effect is very uneven, as we have seen. Moreover, the lower the present rates the harder may be the impact. For example, if the current rate is 20% and the 1934 rate was 30%, or higher, the added tax will bring the rate back to 30%, but no higher. This represents an increase of 50% in the duty.

If the current rate is 5% and the 1934 rate was 15% or over, the new rate will go to 15% (5% plus 10%) and the increase will be 200%.

The new impost may therefore cause upsets where none is expected and may create little disturbance where it appears most likely on the surface. Much depends on the comparitive competitive level of each country exporting to us.

CONCLUSION

The imposition of the new duty is justifiable only as a stopgap and not as a permanent regimen. New legislation designed for more equitable treatment of the countries exporting to us, and tailored to meet the real import problems confronting many industries, is urgent, and should be shaped for early action to take the place of the new inequitable impost.

MR. A. M. GRANT CELEBRATING 101ST BIRTHDAY

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, a constituent of mine, Mr. A. M. Grant, of Sneads Ferry, N.C., is today celebrating his 101st birthday. A remarkable man, Mr. Grant is held in highest regard and esteem by all who know him.

Last year, on the occasion of the celebration of his 100th birthday, his son-in-law, Rev. Paul L. Merritts, currently pastor of the Georgetown Baptist Church here in Washington, delivered a birthday sermon in honor of his father-in-law in the Salem Baptist Church of Snead's Ferry, N.C. In his remarks, Reverend Merritts recalls many facets of older days and times and his words call back to our minds many thoughts worth remembering. The sermon delivered by Mr. Merritts on this occasion follows:

Sermon Delivered by Mr. Paul L. Merritts

I consider this a very special honor to speak from this pulpit again after these years. This is also a rare privilege few ministers ever enjoy, to participate in a service in celebrating the hundredth birthday of a relative, in fact any relationship to a centenarian, even to being acquainted. But we the family do not lay all claim to him. He is also your Mr. Gus, your first centenarian, and we want to share him with you all. I would like to be one of your next centenarians. I am to deliver a sermon and they say a good sermon should have three points, so I shall arrange my remarks under three headings: Reminiscent, progress, and stability. A strange combination of ideas, but you will see how they relate to each other, as we proceed. One point, the third, will have to be religious as a discourse without doctrine is but a lecture and I am obligated to deliver a sermon, this being a church.

The first is reminiscent of long ago—April 9, 1865, the struggle in civil war came to an end, a struggle in which it was being decided if we were to be one nation or two. General Robert E. Lee, Commander of the armies of the South, surrendered to General Ulysses S. Grant, Commander of the armies of the North. It was early enough in the spring for the men to return to their farms and start a crop for that year. We surmise that they dropped everything where they were and headed home as quickly as possible, that is, those who were fortunate enough to be alive and able and had a way. Many likely had to walk and some probably hobbled or even crawled in their desperation to get home again, and be with their loved ones.

A young courier, lucky enough to have his own horse, which he used in carrying messages in the service of his southland, was glad to straddle his mount and ride off to his log cabin home, wife and small children. The oldest boy, Jim now seven, was only two when South Carolina seceded and the war was starting. The courier had possibly been home on occasions when convenient as he traveled from place to place, to replenish the wood pile and do other chores to provide for his little family. Now he could plow and plant his clearings, peace having returned to the land. The sound of musket was heard no more, except an occasional shot by someone hunting squirrels, and the fear of attack from the enemy was gone. Now to settle down to a normal country life in pursuit of a livelihood and happiness. He probably had a feeling of satisfaction in having done a good job. Though his side had lost, they had won a great deal.

Five summers later, the year General Lee died, when memories of war had faded, and those awful experiences seemed but almost forgotten nightmares, a little better footing in life was attained. The usual shift in fall weather had taken place, and the mulletts were running on the beach not far away, and another son was born. That little family in the log cabin, warmed only by a fireplace and lighted only by a candle, that night in September, little suspected that that little life that came into the world would still be alive a century later to celebrate his hundredth birthday, not far from that very spot.

That light that lighted that first night was a candle of tallow carried from room to room as needed, that is, if there was more than one room. His first bath was in water toted from a well dug in the yard near the house and heated in a cast iron kettle hung in the fireplace. Food was cooked in the same way, and bread baked in a spider, a three-legged cast iron pan placed on the hot coals and often covered with hot coals to hurry the baking. They named the baby Augustus Merrimon, probably after someone the courier had met or known during his travels in the war.

Those were the good old days but it was a hard life as well. It took lively stepping to till an acre of land in a day with one mule. Travel was by horseback or by mule and cart. Transportation from a distance was by water which was accessible not too far away. The creeks and sound provided a good supplement of food to the little raised on the farm but it took much effort to obtain it. An acre did well to yield 20 bushels of grain and much of it was used to feed the stock. One rarely ever got more than 30 miles from home and it usually took a couple of days to make the trip. Clean living and habits, wholesome food, and little pollution along with home remedies contributed to good health. It was really the "survival of the fittest" theory in operation. The hard work of clearing land for an increasing family also supplied fuel for cooking and heating.

In just a few years a new house was built, this time with lumber rather than logs. The timbers had to be hewed by hand and the boards smoothed with a hand plane. It must have been an especially great day for the boys when they moved into the new home. still heated by fireplace and lighted by candle. That same house, though remodled some, is still there. It wasn't until some years later that kerosene lamps were available and coal-oil could be purchased. Also, a cast iron stove was installed in the kitchen to cook on. Much of the work around home had to be done by mother and the boys as the courier was usually riding herd on his cattle or off somewhere trading or bartering on some deal that would net him some cash hard to be obtained in any other way. He was ingenious and industrious enough to provide a little better than average living for his family and to acquire more land.

The older boys began to be of more help as they learned the important lesson that hard work is the biggest part of life and that the Bible is right when it says "he that doesn't work shall not eat." The philosophy that "we won't have what we don't produce" is a lesson that some of our young people need to learn today.

Few inventions had been perfected thus far that would share part of the burden of work and make it possible to produce a litle more with less effort. The steam boat, the railroad locomotive, and the cotton gin were the principal ones. The grist mill also was a familiar facility of the time where they might throw a bag of corn across the mule's back and carry it to be ground into meal. One of the early local mills was one powered by wind instead of water. It had a wheel with veins made like sails of a ship. Progress was slow but it was progress, that being the beginning of the century of progress. It was the starting of the age of invention and advance, a part of the industrial revolution. The greatest change was beginning to take place that has ever been known to man in his 60 to 70 centuries on the earth, and all this during the lifetime of that boy born five years after the war. It is unbelievable that such progress should take place in such short time after so long a period of struggle in getting started. Of course, the ground work was being laid and we have taken advantage of the ideas and discoveries of past generations—the accumulated knowledge of antiquity. If Mr. Gus or any person had been told that he would see what he has he would have recommended psychiatric care for the dreamer—"the insane asylum then." Even looking back it still seems unbelievable and incredible.

Let us consider some of the contrasts between the beginning and the latter part of the period of his lifetime, the first and the last few years. The best heat that could be had then was some good oak wood and a handful of lightwood splinters and then the warmth was not constant and only one side could be comfortably warm at a time. Now a completely constant automatically controlled warmth is enjoyed by most people—no effort, no attention, no worry. Then a few candles or possibly a light-wood faggot provided inadequate illumination. They usually retired at dark and arose again when daylight came at dawn. The house was in darkness nearly as long as outdoors. Progress in this area was very slow over this hundred-year period, but now a flick of a switch and the whole house is adequately illuminated and the outdoors as well. In fact, in many cases, the lights come on automatically when it gets dark and off again at break of day. And, although lightening may strike the transmission lines leading to homes a gadget cuts off the current to avoid damage and then in a moment restores it again. Travel too was slow, thought interesting, especially if on horseback. People seldom if ever got more than 30 miles from home. Now the lack of desire is about the only thing that seems to limit travel. Time and distance are insignificant in our day, anywhere in our country and even foreign lands are accessable in but a very short time. Contrast with that: "Over the river and through the woods to grandfather's house we go," usually on oxcart vs. making a trip to the moon 240,000 miles away in just several days. Mr. Gus still doesn't think they were ever up there! In his boyhood days it would have seemed utterly impossible to make that kind of trip. In fact, it probably was never thought of at all. Even imagination would not have suggested such a ridiculous idea. The significance of what we are saying is the tremendous change that has taken place in these few short years. Contrast from oxcart to jet propelled rocket. From 20 to 150 bushels of corn to an acre. From an acre of land tilled in a day to a whole farm in a couple of days. From fifty cents a day for a farm hand to $2 an hour. From a few scrawny-razor backed hogs to several tons of pork a year. Several bushels of corn picked in a day to hundreds shucked and shelled in one operation, in the field and already loaded in a truck. From a spider on the hearth to a modern gas or electric range controlled automatically—just put the roast on and go to church and dinner is ready to serve when you return. No water to tote, no wood to cut, no fire to build. From hoop skirts all the way to the ground made of yards of cloth to practically no skirt at all. Some would consider that real progress, or is that regression? Change is the characteristic of Mr. Gus' lifetime—almost nothing is the same.

But fortunately there are some things that do not change. There is stability. There are constants. Things we can depend on being static. The seasons still come and go. The sun still rises and sets as usual. The Bible says that summer and winter, springtime and harvest will be as long as the earth exists. There are some variations in weather but that is for the best. Our bodies continue to manufacture energy from the food we eat. Metabolism is one of the miracles of nature, a really marvelous thing. In spite of modern medicine we still have to depend on the natural inclination of the body to heal itself. Keep your body healthy and it will combat disease of its own accord. Many things are the same, not only in the last hundred years but since creation. They remain the same since man was placed on this earth.

Though we waste much oxygen needlessly, nature seems to replace it. The land properly tended could well produce enough food for many times the present population. Many laws of nature never change. God's plan to water the earth still operates, not altogether to our liking, but with a little supplement it proves adequate. Whatsoever a man sows that shall he also reap is a timeless principle. There are spiritual laws as well as natural laws that are constant. Not only does a certain seed reproduce itself under favorable conditions but the laws of cause and effect unalterably demand that moral acts have their consequences. Such laws cannot be bypassed either in the physical or the spiritual realm, in spite of our modern techniques.

Also, encouragingly, the same God who watched over that mother and little family during the war is still on the throne watching over and caring for those of us who trust and depend on Him. In fact, He constantly heaps blessings on His whole creation. He has not only provided for us sustenance, protection, and pleasures materially, but has given us faith for today and promise for tomorrow and eternity. He has given His unerring Word to comfort and guide us daily—the Old Testament as well as the New. The Old is not obsolete. The identical principles that were true then are true now. God is not dead as some would have us believe, nor is His Word out of date. The faith, trust, and guidance He gave to the first parents in the Garden of Eden, and to each succeeding generation of their decendents is ours for today. Jehovah, Savior of Adam, Abraham, David and all the rest, is Jesus our Savior today. Give me that old time religion—it was good enough for Paul and Silas—it is good enough for me.

It has always been true: "If we walk with the Lord in the light of His word, what a glory He sheds on our way. If we do His good will, He abides with us still, and with all who trust and obey. Trust and obey—for there's no other way to be happy in Jesus but to trust and obey." So goes the beautiful and practical old hymn.

The Bible says: "All have sinned and come short of His glory"—that is, short of what He expects of us. It also says: "The wages of sin is death." It says: "The soul that sinneth shall die." And it says: "Without the shedding of blood, there is no remission of sin." This was true of Adam and

Eve. It was true of David, of Samson, of Peter, of Martin Luther, of Billy Graham, and of you and me. But it is equally true that it says Christ died for our sins. It pictures the Lamb of God that taketh away the sin of the world.

The provision God made for Adam and Eve in slaying the lamb to provide clothing for them, the requirement of the blood on the doors of homes of Israelis in Egypt and others were options on their salvation from sin, promises pictured of Christ our Passover sacrificed for us. The same God with the same plan, the plan that involves faith in His promises. Abel's sacrifice was better than that of Cain, that is, more acceptable because of his faith in the blood of atonement—one life forfeited for another, a picture of what Christ did for all mankind. That it was in obedience to God's eternal plan, the plan He instituted before the foundation of the world.

"There is none other Name under heaven given among men, whereby we must be saved." *Acts 4:12.* Jesus said: "I am the way, the truth, and the life: no man cometh unto the Father but by Me." *John 14:6.* "There is one God, and one mediator between God and men, the Man Christ Jesus." *I Timothy 2:5.* Now is this modern age—in this age—old way we trust Christ as our Savior and confess our sins and He is faithful and just to forgive us our sins and cleanse us from all unrighteousness. These truths Mr. Gus taught in his Sunday School class over the years have ever been true and will ever be true. They are the most basic constants known to man. Jesus Christ, the same yesterday, today, and forever. Lo, I am with you always, even to the end of the age. I will never leave nor forsake you. There is no shadow of change with Him, the Bible says. Some other verses of Scripture are appropriate here:

Hebrews 1:8–12. "But unto the Son He saith, Thy throne, O God, is for ever and ever: a scepter of righteousness is the scepter of Thy kingdom. Thou hast loved righteousness, and hated iniquity, therefore God, even Thy God, hath anointed thee with the oil of gladness above thy fellows. And, Thou, Lord, in the beginning hast laid the foundations of the earth; and the heavens are the work of Thine hands. They shall perish; but Thou remainest, and they all shall wax old as doth a garment; And as a vesture shalt Thou fold them up, and they shall be changed: but Thou art the same, and Thy years shall not fail."

There is a promise of His coming in the flesh found in the Old Testament. *Micah 5:2:* "But thou, Bethlehem Ephratah, . . . out of thee shall He come forth . . . that is to be ruler in Israel; whose goings forth have been from of old, . . . from everlasting." *John 1:1:* "In the beginning was the Word and the Word was . . . God. *Vs. 14:* "And the Word was made flesh and dwelt among us, and we beheld His glory, the glory as of the only begotten of the Father. . . ." Also, *Colossians 1:13–17:* "Who hath delivered us from the power of darkness, and hath translated us into the kingdom of His dear Son: In whom we have redemption through His blood, even the forgiveness of sins: Who is the image of the invisible God, the firstborn of every creature: For by Him were all things created, that are in . . . earth visible and invisible, whether they be thrones, or dominions, or principalities, or powers; all things were created by Him, and for Him: And He is before all things, and by Him all things consist." For it pleased the Father that in Him should all fulness dwell. Again, *Hebrews 1:1–3:* "God, who at sundry times and in divers manners spake . . . unto the fathers by the prophets, Hath in these last days spoken unto us by His Son, whom He hath appointed heir of all things, by Whom also He made the worlds; Who being the brightness of His glory, and the express image of His person, and upholding all things by the word of His power, when He had by himself purged our sin, sat down on the right hand of the Majesty on High."

So, in spite of the startling changes having taken place in our lifetime, the universe (outer space) is still under the control of a living, unchangeable God. And, as well, (inner space) our hearts can rest in the unchanging love of a considerate, constant and condescending Lord and Saviour. So let us take heart—enough change to keep from monotony—enough stability to keep from anxiety, and frustration.

PROPOSED REORGANIZATION OF THE TRANSPORTATION OF FEED GRAINS INTO NEW ENGLAND

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, on June 1, 1971, I wrote to George Stafford, chairman of the Interstate Commerce Commission, asking him to evaluate a study of a modernized system of transporting feed grain by water-rail cooperation from the Midwest to New England. Chairman Stafford replied on August 25 and I am delighted the Commission has scheduled an informal open staff conference September 16 on the proposal by the Water Transport Association. At the end of my remarks I will include, along with other material, an editorial from the New York Journal of Commerce which sets forth some facts about the hearing.

Mr. Speaker, the ICC is to be commended for holding a staff conference on this proposal. It is, indeed, an honor to have been requested by John Creedy, president of the Water Transport Association, to deliver the opening statement. I am certainly looking forward to being present at this important meeting. At this point I include the following extraneous matter: My letter to Chairman Stafford; his reply; a speech by John Creedy entitled "Action Program for Accelerating Growth of Great Lakes Region; and an editorial from the August 27, 1971, issue of the Journal of Commerce:

JUNE 1, 1971.

Mr. GEORGE STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing a copy of a Water Transport Association Study for your consideration. Briefly, the study proposes a modernized system of transporting feed grain by water-rail cooperation from the Midwest to New England that would cut costs about in half.

The cost of feed is decisive in competition between regions of the country, but New England appears to be handicapped because of high rail freight rates on feed grains from the Midwest into the Northeast.

There are economic advantages in this proposal for everyone, and I hope that the railroads will cooperate as a willing partner for the common good. The proposition should be attractive financially to both railroads and lake carriers because much greater utilization of equipment is proposed.

I have been in contact with Buffalo with Francis Dee Flori, trade development manager for the Niagara Frontier Transportation Authority, and he has informed me that the port has what is needed with regard to space, storage facilities and a loop railroad track at dockside. Preliminary plans are ready for each of these needs. With facilities for quick transfer, the port of Buffalo would also stand to gain millions of tons of new traffic in a variety of bulk cargoes.

Thus, I am urging that the Interstate Commerce Commission take the lead in applying moral suasion to assure more efficient freight service. More specifically, I propose that the Commission issue a policy statement suggesting that rail and water carriers examine the potential for improving the efficiencies of services into New England and propose joint rail-water rates reflecting unit train efficiencies commonly available for commodity movements in that section of the country.

I understand that there is a traditional reluctance of the railroads to work with water carriers, but railroads could not ignore the Commission's proposal.

Let me know your thoughts on this proposal. Thank you for your time and consideration.

Sincerely,

JACK KEMP.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., August 25, 1971.

Hon. JACK KEMP,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEMP: This is in further response to your letter of June 1, 1971, concerning the study entitled A Proposed Reorganization of the Transportation of Feed Grains into New England, which was prepared for the Water Transport Association by G. W. Fauth & Associates. On June 10, 1971, we acknowledged the receipt of the letter. Also on August 17, 1971, we contacted your office by telephone regarding this matter.

By notice served August 18, 1971, the Commission has notified all those indicating an interest in the study, as well as others, that an informal staff conference will be held at the Commission's offices in Washington, D.C., on Thursday, September 16, 1971, at 9:30 A.M., for the purpose of obtaining details of the study as well as to hear the positions of the interested parties. For your ready reference, a copy of the notice is attached.

I hope that I have been of service to you in this matter.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

FEED GRAINS TO NEW ENGLAND—NOTICE OF INFORMAL STAFF CONFERENCE

A proposal for lake-rail transportation of feed grains from certain midwestern States to New England has recently been brought to the Commission's attention. The operation contemplates the use of self-unloading Great Lakes vessels and unit-train rail movements from the lake ports to destinations. The stated objective of the proposal is to make feed grains available in New England at transportation costs lower than those now borne by shippers and receivers, and thus enable New England poultry producers to compete more effectively in the principal middle Atlantic and northeastern markets. The Farm Bureau Association, the New England Governors' Conference, the Special Assistant to the President for Consumer Affairs and the Water Transport Association have expressed an interest in the proposal. This notice is being served upon their representatives. In addition, this notice is being served upon all Class I and Class II line-haul railroads serving New England; the line-haul railroads serving Buffalo, N.Y., connecting with the Class I and Class II line-haul carriers serving New England; the Association of American Railroads; the nationwide association of motor carriers, namely the American Trucking Association; and the nationwide association of shippers, namely, the National Industrial Traffic League.

Considering the responsibilities of the Commission under the national transportation policy to administer the Interstate Commerce Act "to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, "and the public interest evinced in the proposal, the Commission has designated a task force composed of members of its staff to participate in an informal conference with all interested persons. The objective of the informal conference will be to obtain details, as well as to hear the positions of the interested parties on a record.

It is expected that the parties will at least supply the following information:

(1) A factual explanation of the proposal;

(2) The provisions of the Interstate Commerce Act applicable to the proposal, if any;

(3) A statement of position regarding the proposal.

The informal conference will be held in Hearing Room B, at the Commission's offices in Washington, D.C., on Thursday, September 16, 1971, beginning at 9:30 a.m.

Notice of this informal conference is being given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C.

ROBERT L. OSWALD,
Secretary.

ACTION PROGRAM FOR ACCELERATING GROWTH OF GREAT LAKES REGION

(By John A. Creedy)

It is certainly a privilege to be invited to speak to the Great Lakes Task Force today and to ask you to take part in a program we all believe to be essential to the economic health of the Great Lakes region—the most efficient use and development of the region's resources so that the people of the region may improve their quality of life.

Let me tell you where we fit in. Water Transport Association is composed of the leading steamship and barge operators on the Great Lakes, on inland rivers, in the container trades, in the coastwise, intercoastal and ocean barging trades. Our members have pioneered in the last 10 years radical improvements in productivity and reductions in cost. Just to give you an idea of the contribution domestic water transportation makes to the economy, I'll give you one figure—Great Lakes and inland barge operators receive in revenues only one per cent of the nation's freight bill, but they do about 16 per cent of the work of hauling freight.

When we talk about efficient use of the nation's resources, obviously encouragement of intensive use of water transportation is high on the list of any regional development organization because efficiency in freight transportation is such an all-pervasive and all-important factor in production, amounting to $1 out of every $10 in the Gross National Product. Any region that can cut its transport costs under that of another region is ahead in a most significant way.

I don't need to tell this group that one of the principal advantages of the Great Lakes region is the low cost water highways of the Great Lakes themselves.

Now something very fundamental is happening to erode the natural advantage of the Great Lakes region. The effect of it is beginning to turn up in the national statistics of regional growth. The Great Lakes region still produces about half of everything manufactured in the nation, but gradually, slowly the rate of growth is slipping. The Gulf Region and the Southeast are growing more rapidly. The slippage isn't much yet but it's enough to light a warning light. It's uneven; some parts of the region do better than others. But the statistics are beginning to show a trend.

The time to reverse that trend is now—before it starts accelerating. I don't pretend to know all the complicated reasons for this development. But I do know something about transportation. The region has problems with transportation. The ICC has received testimony from almost every railroad in the region which states that the railroads are not making enough investment in new equipment and facilities to keep up with the growth of the region. The biggest railroad of them all is in bankruptcy. We're trying to help meet that issue by supporting The Surface Transportation Act of 1971, a bill introduced last week by Senator Vance Hartke of Indiana and Representative Brock Adams of Washington to improve the economic position of all modes of transportation and stimulate the flow of new investment into railroads, motor carriers and water carriers. The measure has the whole-hearted support of the Water Transport Association, the American Trucking Associations and the Association of American Railroads. We'll be working together with the truckers and the railroads and enlightened shippers to stimulate the development of better service, greater productivity and, in the end, stable and perhaps lower rates.

But, at the same time, the Great Lakes region is missing a tremendous opportunity in not insisting that the best efficiencies of rail and lake transportation be coordinated. We're dealing here with the problem of breaking the crust of decades of thinking and decades of anti-competitive practices, practices which would not be tolerated for one second in the unregulated segment of the economy.

We are working closely with the railroads and the truckers on issues of common interest which will benefit the general public. We also hope that we can work closely with them on such controversial issues as improved intermodal coordination, which, if resolved, will benefit the public through the stimulation of greatly improved efficiency. As to the truckers, we have never had a problem. As to the railroads, there has been a problem.

For 25 years we've been bogged down in law suits and the result is that the failure of coordination of water and rail—the natural partners in the low cost movement of vast quantities of commodities—has been considered a private matter between the railroads and the water carriers. We've won all the law suits; but they've had very little effect because, under the Intertsate Commerce Act, unlike the antitrust acts, there are no penalties for anti-competitive behaviour.

The problem has been intensified recently by the rail mergers. Before the mergers, there was at least a little scrambling for traffic among the carriers serving the lake ports. Now the huge merged systems are in a position to squeeze the lake service out entirely in many major trades. If current trends are not reversed, certainly within a few years, lake transportation and its tremendous contribution to regional productive efficiency will be greatly reduced and could be eliminated.

What is the problem? It can be best illustrated by a story. The story goes that a man visited a friend in the hospital who had had a heart attack and was being given oxygen. As they chatted, the man in the tent began turning blue and waiving frantically at his friend. He finally grabbed a pencil, scribbed a note and turned to the wall and died. The note said "You're standing on my oxgyen hose."

And that's the problem with the relationships between the railroads and the water carriers. The lake carriers on movements of grain, coal and many other basic commodities are wholly dependent on their connections with the railroads. By manipulating the rates to and from the ports compared to the all-rail alternative, the railroads can in effect step on the oxygen hose and effectively kill off the water-rail route as a competitive alternative to the all-rail. The efficiency of lake transportation cannot be applied, the railroad is not used as its best efficiency, the prod of competition is removed, and inefficiency in the use of resources results. They are in fact in a position to determine whether they have any competition at all.

The traditional railroad response is to insist that it must have the longest possible haul on its line. But this is no different from the urge of enterprises in any field to expand their business volume. All are interested in enlarging their share of the market. The crucial point is that none has a right to do so by exploiting a position of superior economic power to squeeze a dependent competitor. Success or failure of individual competitors should reflect comparative economic merit rather than comparative economic power.

The absence of competition can have severe adverse effects on the economic development of a region. No better or more dramatic illustration of this fact is to be found than in the livestock and poultry industry of New England. There the railroads have a complete monopoly of transportation of corn and soybeans—the chief feed grains. New England, like the Southeast, does not grow grain to feed its dairy herds and its poultry.

Down in the southeast, the southern railroads have the competitive prod of Tennessee river barge transportation and truck transportation. When the Tennessee River was canalized in the depression years, farmers in Alabama and Georgia, desperately in need of an alternative crop to cotton, began raising chickens. Low cost barge transportation of feed has made this industry possible. The railroads saw the business growing and reduced their rate on corn and now Georgia and Alabama are the leading poultry producers in the nation.

The contrast between the Southeast and New England is quite ironic. Less than three decades ago, the State of Georgia brought a famous action against the northeastern railroads alleging discrimination in freight rates which prevented the development of industry in the Southeast. They won the case. The discrimination was removed. Today the situation is reversed. Rail freight rates on feed grains for the northeast have risen continually until they are now double the rates, for comparable distances, of those applying to the southeast. The New England poultry industry is in a sharp decline and New Englanders buy poultry in their super markets raised in Georgia. New England farmers are shut out of their home markets by freight rates which discriminate in favor of the southeast. For years the New Englanders have been complaining strongly but so far have been totally ignored by the railroads and the ICC.

After more than a year of work the Water Transport Association published a study suggesting a combination of the best efficiencies of lake transport and rail transport into New England using technologies readily available in other parts of the country—Great Lakes self-unloaders delivering grain to Buffalo, much improved efficiency in transloading to unit trains, domestic unit train service hitherto reserved for the export traffic, and improved capacity and efficiency in the handling of grain in New England. Put together all those efficiencies and we believe a reduction of about 50 per cent in transport costs would be possible and, as a result, the delivered cost of grain to New England would make it feasible for New England farmers to compete in their own home markets. We did the study for the Northeastern Association of State Departments of Agriculture. Naturally, they were interested and the proposal caused quite a stir, particularly when it was pointed out that the unit train rail rates we proposed were higher than the rates the railroads had already published to Albany, New York for export which they claim are highly profitable. The study said that the rates would, in fact, although lower than the present levels, be more profitable for the railroads involved than the current high rate levels because of the greatly improved utilization of the freight cars in unit trains.

But, we said, the thing would die before it was born if the rail rates out of Buffalo are not published which are comparable, cost and distance considered, with an all-rail alternative. It is no use investing in new transloading facilities in Buffalo employing the latest bulk handling techniques, it is no use shaking up the methods of loading steamships or large barges at lake ports, no use developing new wrinkles in grain marketing and grain sources, no use improving Great Lakes water transport technology if the railroads can cancel the effect of all such improvements by manipulating rates from the ports in relation to the all-rail rates.

A lot has happened since April.

In the first place, the WTA study focussed a bright spotlight on the fact that the railroads were presiding over a monopoly of a declining business. Instead of 2,000,000 tons a year in traffic, they have a chance to build that to maybe six million tons and make much more net money in the process.

Next, the New England Grain and Feed Council endorsed the study. That was followed by endorsement of the Northeastern Association of State Departments of Agriculture. That, in turn, was followed by a strong resolution addressed to the railroads and the ICC by the New England Governors' Conference urging action on the study. The Niagara Frontier Transportation Authority became very active in support of action as did the Buffalo Chamber of Commerce.

There have been many enquiries to the Commission about the study from Congress. It is urged that a Commission task force be appointed to examine the question of comparability of rates from Buffalo to New England, why such rates would serve the public interest, why train load rates or unit train rates are not available for domestic service on the same levels as for export and finally why the Commission should not use its powers to prescribe ex-lake rates from Buffalo which are comparable, cost and distance considered, to alternative all-rail rates.

That's the basic issue. If you and we can't win that issue for the Great Lakes ports, we can all forget the contribution of the low cost Great Lakes water highways to the efficient performance of the Great Lakes region.

So we have the possibility of a Commission task force examining this issue for the Buffalo-New England situation. That would be an unprecedented thing for the Commission to do and would indicate that the Commission intends to take leadership in this general area.

Next we have some reaction from the railroads.

First the Penn Central, which had previously met the pleas of the New England Governors and farmers for reduced rates with rate *increases*, has proposed a special three-car rate which does not go nearly far enough to put the New Englanders on a competitive basis with the Southeast, but it is at least a step in the right direction. It is a reduction graduated by mileage up to $2 a ton for the farthest distance. The Traffic Executive Association of the Eastern Railroads has refused to go along with this proposal, but the Penn Central has published the plan independently for Penn Central destinations. Thus, all the talk since April of the need for competition in transportation to New England has been worth something, at least to Penn Central customers.

Second, the Penn Central is proposing trainload grain rates from Illinois, Indiana and Ohio origins to Morrisville, Pa., near Trenton—one of the first breakthroughs on trainload rates for domestic use. The rate levels are at about $\frac{9}{10}$ths of a cent per ton-mile compared to the $\frac{7}{10}$ths of a cent WTA had proposed in its study and the half a cent or ton mile commonly available for export services. Thus at least the principle of domestic unit train or trainload rates is now being advanced, again pioneered by the Penn Central.

Now our objective must be to hook that trainload rate—or a lower one if productivity increases would seem to warrant a lower rate—out of Buffalo into New England with comparability of the rate levels strictly observed.

If that can be achieved, New England will have a competitive water-rail service to the all-rail service and a permanent competitive prod will be introduced into the transportation of feed grains into New England.

The WTA has aroused widespread interest in its proposal. It seems to me that anything that can be achieved at Buffalo on ex-lake rates can be achieved at any other lake port. The time to make our breakthrough is now.

Just as the Northeastern Association of State Departments of Agriculture have seen the need for water-rail coordinated service as a competitive prod for the railroads, so the Great Lakes Task Force can play a similar role in educating the public on the urgent need for water-rail coordination elsewhere in the Great Lakes region.

Our study has focussed the problem. Rates to and from the ports must be comparable, cost and distance considered, with the all-rail alternative. If they are not, the late carrier can be destroyed just as surely as the patient whose friend had his foot on the oxygen hose.

This is not an easy fight to win. The water carriers have worked hard to lay a firm legal foundation for this principle with many trips to the Supreme Court over 25 years. That legal structure is now built. The Commission, which allowed the railroads to destroy the coastwise and intercoastal water carrier industry with precisely these tactics is now much more aware of the anti-competitive consequences of rate disparities on traffic to or from ports than it has ever been before. Indeed, many of us think this Commission is much more competition-oriented than any Commission in recent years. If it succeeds in developing policies and standards which stimulate competition, it will exceed in fame and public usefulness the Commission of the great days of Joseph Eastman.

Believe me, the New Englanders are on the war path. Railroads are great institutions. Such institutions do not move of their own accord; they have to be pushed where new thinking is concerned. It is clear that they are starting to move, at least the Penn Central, under enlightened new management, is showing practical concern for applying the best efficiencies of railroading to the needs of the region.

But there is much to be accomplished. More people have to join the New England Governors on the war path if this principle of comparability of rates is to be firmly established and new investment is to flow into greatly improved productivity at the ports, on the lakes, and on the receiving end.

It would indeed be ironic for the Great Lakes to lose out to other regions in the constant fight for its proper share of the nation's production. The Great Lakes region has the financial resources, the skilled labor, the expert management, and a remarkable concentration of educational establishments constantly turning out inventive and creative people in every field, but its transportation plant is faltering. A short cut to improved efficiency in transportation—particularly at a time when the railroads claim they cannot find the money to invest in modern equipment and facilities sufficient to keep up with the growth of the region—is the energetic promotion of water-rail coordination.

The economic health of the Great Lakes region is at stake. Our objective is improved efficiency in transportation and the most efficient use of available resources. If we keep our eyes on that objective, we'll win through in the end.

Rules of the Game

One of the least exciting of the Washington announcements that followed the posting of Game Plan No. 3 came from the Interstate Commerce Commission. It disclosed simply that ICC will "conduct an informal staff conference Sept. 16, 1971, to hear a proposal to make feedgrains available in New England at transportation costs lower than those now borne by shippers and receivers."

Coming just three hectic days after Mr. Nixon had exploded his economic bombshell, this was largely lost in the news shuffle. After all, what rating does an ICC informal staff conference get against a de facto devaluation of the American dollar, a 90-day wage price freeze, changes in the tax structure and a 10 per cent ad valorem surtax on imports?

Very little, naturally enough. Yet within the flat phrasing of this routine announcement could be the germ of something significant. Is the commission at last going to assume some kind of role in promoting joint intermodal rates? It is supposed to do so under the Interstate Commerce Act, but up until now has seemed oddly reluctant to take even a cursory look at the subject, especially as it applies to rail-water and water-rail rates.

It has had plenty of opportunities. On many occasions during the past two decades water carriers have asked ICC to rule that they are entitled under the law to the same treatment the rails offer to each other on connecting movements. In other words, if a rail carrier offers to move a certain commodity from point A to point B to another connecting rail carrier, or to a particular shipper, it should offer the same rate to a water carrier intending to move the shipment to a more distant destination.

On some occasions, and with respect to certain movements, some railroads have accepted this, and developed new business in consequence. Most, however, have not. The issue is not merely one of a single railroad being unwilling to short-haul itself (which could be the case if its lines ran directly into point C, also served by the water carrier). It is over the unpublished, almost unspoken, rules of the game, namely, that no railroad should offer a favorable connecting rate to a water carrier if another railroad might lose some business in consequence.

Citing the Interstate Commerce Act, the water carriers have challenged this practice a number of times, and in practically every major case (the so-called ingot molds case being the landmark) have won in the courts. But court decisions, like ICC decisions, have tended to be one-shot affairs, and have ruled on one proceeding without making it clear that the same principles should apply to all others akin to it. Court decisions, moreover, are very expensive and drawn-out affairs. In consequence the water carriers tried persuasion on the railroads, and when that didn't seem to produce many dividends, turned their attention to the shippers and receivers.

That is what the New England feed-grain case is all about. It is not the first of its kind, but it is currently the focal point of efforts to force some kind of change in the railroad-sponsored rules of the game.

Some years ago water carriers, acting independently, and railroads, acting likewise, promoted the growth of a thriving broiler business in Northern Alabama and Georgia. They did it by cutting feed-grain rates from the Midwest. It thrived, at least, until the EEC countries adopted variable import levies that halted a flourishing broiler export business in its tracks. New England poultry growers did not benefit from this because they were never offered comparable cuts in their delivered costs of feedgrains. In fact, they found themselves hard pressed by the new competition from the South.

After failing to win over the railroads, the Water Transportation Association went to New England with the following message: If the rails would give them equitable rates on feedgrains delivered to Great Lakes ports, they could deliver the shipments to broiler producers in the Northeast far more cheaply than could the rails alone. They won the ear of the New England governors and of many other economic groups in that area.

A catch was that this would require the use of unit trains, the erection of special self-unloading facilities and other types of capital projects for which the water carriers were willing to put up the money, but only on condition they had some assurance that the investment wouldn't be wiped out if the rails subsequently had a change of heart.

It is this problem that is to be discussed at the "informal staff meeting" ICC has scheduled for Sept. 16. Within the present terms of reference it is not very large in context. But in view of what it could produce, it could have wide application.

We see no reason why, every time this issue comes up, it should have to be appealed to the courts at the expense of many legal costs and a vast waste of time for all concerned, especially when nobody seems to agree that a ruling handed down in one case can be construed as applicable to any other case.

There is no reason, either, for large-scale coercion. ICC itself should establish some rule of reason governing such problems. Even if it has to shake its stick a bit, it would be better to have a set of rules that everyone understands than a foggy method of procedure that no one does.

EXPLOSIVE SITUATION AT PANAMA FURTHER EXPOSED

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, one of the greatest difficulties in clarifying the problems of the Panama Canal has been, and still is, the silence of the mass news media of the United States. Because of this our people are fortunate in having civic, patriotic and other groups that are alert and are not misled by self serving propaganda, official or unofficial.

Among the organizations that have been in the forefront of those warning the Congress and the Nation of the dangers in the Caribbean, including Panama and Cuba, has been the Defenders of the American Constitution, Inc., Post Office Box 1776, Annandale, Va. 22003, of which one of our Nation's great soldiers, Lt. Gen. P. A. Del Valle, USMC (retired), is president.

This patriotic organization, in addition to its regular monthly periodical, Task Force, publishes, as the occasions require, a one-page Alert dealing with crucial issues and outlining plans to secure political action. Its Alert No. 77 on the Panama Canal treaty situation drew some fire from one of the persons named in it in the form of a letter on August 18, 1971, to General Del Valle from a State Department official.

In a most comprehensive reply on August 30, General Del Valle, an experienced officer with extensive service in the Caribbean and a careful scholar, presents facts in what amounts to a devastating exposure of distorted State Department thinking that should be available to all Members of the Congress. This material should be helpful to all concerned with the forthcoming hearings on September 22 and 23 on pending Panama Canal sovereignty resolutions before the House Subcommittee on Inter-American Affairs, both members of the Subcommittee and others offering as witnesses.

To make the texts of Alert No. 77 and the resulting exchange of letters, which General Del Valle sent me, readily available to all Members of the Congress and the Nation at large, I quote the two letters and the two documents cited by Colonel Sheffey as parts of my remarks and commend them for careful reading.

DEPARTMENT OF STATE,
Washington, D.C., August 18, 1971.

Lt. Gen. P. A. DEL VALLE, U.S.M.C. (Ret.)
P.O. Box 1776
Annandale, Va.

DEAR GENERAL DEL VALLE: Your Alert No. 77 appears to be based upon a great deal of misinformation, the least of which is misspelling my name and quoting out of context a statement by me that gives a quite erroneous impression of the meaning of my total statement (see note at the bottom of the enclosed copy).

I am also enclosing a summary of the background of the current negotiations.

Since 1961 three Presidents and their Secretaries of State and Defense have sought ways of making adjustments in our relations with Panama that would protect U.S. interests on a mutually acceptable basis. I have been directly involved for the entire period, and know firsthand the struggle of dedicated and patriotic men to find a course that would meet the more reasonable aspirations of Panama without hazarding continued control and defense of the canal by the United States. Your allusion to the actions of these many highly responsible individuals as treasonable can be excused only as resulting from ignorance of their motives and objectives.

Ambassador Mundt has asked me to invite you to meet with him to better inform yourself of the U.S. objectives in the current negotiations and discuss the practicable steps you would advise for their accomplishment. Please call me at 632-2715 to arrange a mutually convenient appointment.

Sincerely,
JOHN P. SHEFFEY,
Colonel, U.S. Army (retired),
Office of Interoceanic Canal Negotiations.

(Alert No. 77: July 15, 1971—Calling all Patriots!)

PROVIDING AID AND COMFORT TO THE ENEMY IS TREASON

(By P. A. Del Valle, president Defenders of The American Constitution, Inc.)

(NOTE.—Top Secret—We dare the New York Times, the Washington Post, etc., etc., to print this Alert—Ed.)

FACTS

1. The Canal Zone and Panama Canal, owned, governed and operated by the United States with full sovereign rights, power and authority, is the most strategic crossroads of the Western Hemisphere, indispensible for interoceanic commerce and the security of the United States. They were acquired by the United States under treaty with Panama following its secession from Columbia of its own free will with terms that were the inducement to construct the isthmian canal at Panama instead of Nicaragua.

2. Its construction and subsequent maintenance, operation, sanitation and protection, including defense, from 1904 to June 30, 1968, represent a net total investment of more than $5,000,000.000, all provided by the taxpayers of the United States.

3. The report of the Atlantic-Pacific Interoceanic Canal Study Commission headed by Robert B. Anderson was submitted to the President on December 1, 1970, and recommended the construction of a second canal of so-called sea level design about 10 miles west of the existing canal at an estimated initial cost of $2,880,000,000, exclusive of the cost of the right-of-way and an inevitable indemnity to Panama.

4. According to Colonel John P. Sheffer.* former Executive Director of the Anderson panel, the main purpose of the sea level proposal in Panama is to obtain "better treaty relationships" with that country, that if these concessions to the Panamanians are not obtained the project is "not warranted", that "it is not justified economically", and that it "may never be constructed". (Cong. Record, 24 March, 1971, p. 7839.)

5. Certain elements of Washington Officialdom are now negotiating with Panama for a new canal treaty, or treaties, which hinge upon the surrender by the United States to Panama of our treaty-based sovereign rights, power and authority over the Canal Zone and its vast installations.

6. The United States negotiators for the surrender to Panama are Robert B. Anderson and John C. Mundt, who hold the personal rank of Ambassadors, appointed by the President.

7. The time table for the negotiations calls for completion and signature of the treaty, or treaties, in August, 1971, submission to the Senate for advice and consent in October and ratification before 1972. Meanwhile our State Department negotiators have stated that no problem is expected in securing approval in the Senate.

8. These diplomatic maneuvers are being obscured from public view by barriers of secrecy that are self-imposed by officials of the State Department.

9. The U.S. Constitution (Art. 1, Sect. 3, clause 2) vests the power to dispose of territory and other property of the United States in the Congress (House and Senate).

SIGNIFICANCE

1. The continued control of the Panama Canal by the United States is absolutely necessary for the needs of both, interoceanic commerce and Hemispheric security.

2. Surrender of the canal by the United States would inevitably result in Panama becoming another Cuba and the Panama Canal another Suez Canal, both under the control of the U.S.S.R.

3. The great challenge on the Isthmus is

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* What John Sheffey actually said in a speech at the Smithsonian Institution (misquoted in the Congressional Record) was that the higher cost of a sea-level canal, in comparison with the cost of additional locks for the existing canal, could not be justified on economic grounds alone. A U.S. decision to build a sea-level canal in Panama would have to be based in part on its significant military advantages and in part upon the promise of a new relationship that would be mutually acceptable and enduring.

not United States control versus Panamanian but continued U.S. sovereignty over the Canal Zone versus U.S.S.R domination; and this is the challenge that should be debated in the Congress.

4. High officials of our government, without authorization of the Congress, are preparing another betrayal of the vital interests of the United States at Panama.

ACTION INDICATED

1. Write the President, your Senators and your Congressman opposing the surrender of any United States sovereign rights, power and authority over the Canal Zone or Panama Canal, or anywhere else, enclosing a copy of this Alert.

2. Write your Congressman demanding the impeachment and punishment before the bar of any high official who makes such recommendation.

3. Write letters to editors of your local papers along the same line.

4. Urge supporting action from your local business, civic and patriotic organizations.

5. Work for the election to national political office in 1972 only of those candidates for President, Senate and House of Representatives who will support continued United States sovereign control of the Panama Canal and its indispensable protection of the Canal Zone territory.

Lt. Gen. P. A. Del Valle,
U.S.M.C. (Ret.), President.
Lt. Col. M. P. McKeon,
U.S.A. (Ret.), Executive Vice President.

Department of State,
Washington, D.C.

Background on Panama Canal Treaty Negotiations

1. Panama has been discontent with the Treaty of 1903 since its inception and has sought more generous terms with increasing intensity in recent years. Revisions were made in 1936 and 1955. But the most objectionable feature from Panama's viewpoint—US sovereignty over the Canal Zone in perpetuity—remained unchanged. Neither did the increases in payments and other economic benefits for Panama in the two revisions provide what Panama considers to be its fair share.

2. Panama's discontent led to destructive riots along the Canal Zone border in 1958 and 1964. The 1964 upheaval and subsequent criticism of US policy in the OAS, the UN, and in other international forums underscored the timeliness of President Johnson's decision that the reasonable aspirations of Panama could be met in a new treaty that continued to protect vital United States interests. On December 18, 1964, the President stated:

"This Government has completed an intensive review of policy toward the present and the future of the Panama Canal. On the basis of this review, I have reached two decisions.

"First, I have decided that the United States should press forward with Panama and other interested governments, in plans and preparations for a sea-level canal in this area.

"Second, I have decided to propose to the Government of Panama the negotiation of an entirely new treaty on the existing Panama Canal.

"Today we have informed the Government of Panama that we are ready to negotiate a new treaty. In such a treaty we must retain the rights which are necessary for the effective operation and the protection to the Canal, and the administration of the areas that are necessary for these purposes. Such a treaty would replace the Treaty of 1903 and its amendments. It should recognize the sovereignty of Panama. It should provide for its own termination when a sea-level canal comes in operation. It should provide the effective discharge of our common responsibilities for hemispheric defense. Until a new agreement is reached, of course, the present treaties will remain in effect."

3. The basic U.S. treaty objectives established by President Johnson in 1964 and supported by Presidents Hoover, Truman, and Eisenhower were to maintain U.S. control and defense of a canal in Panama while removing to the maximum extent possible all other causes of friction between the two countries. To this end, new treaties were negotiated between 1964 and 1967 which contained the following major provisions (as summarized in the December 1970 final report of the Atlantic-Pacific Interoceanic Canal Study Commission):

The first of the proposed treaties, that for the continued operation of the present canal, would have abrogated the Treaty of 1903 and provided for: (a) recognition of Panamanian sovereignty and the sharing of jurisdiction in the canal area, (b) operation of the canal by a joint authority consisting of five United States citizens and four Panamanian citizens, (c) royalty payments to Panama rising from 17 cents to 22 cents per long ton of cargo through the canal, and (d) exclusive possession of the canal by Panama in 1999 if no new canal were constructed or shortly after the opening date of a sea-level canal, but no later than 2009, if one were built.

The second, for a sea-level canal, would have granted the United States an option for 20 years after ratification to start constructing a sea-level canal in Panama, 15 more years for its construction, and United States majority membership in the controlling authority for 60 years after the opening date or until 2067, whichever was earlier. It would have required additional agreements on the location, method of construction, and financial arrangements for a sea-level canal, these matters to be negotiated when the United States decided to execute its option.

The third, for the United States military bases in Panama, would have provided for their continued use by United States forces 5 years beyond the termination date of the proposed treaty for the continued operation of the existing canal. If the U.S. constructed a sea-level canal in Panama, the base rights treaty would have been extended for the duration of the treaty for the new canal.

The Panamanian President did not move to have these treaties ratified. Consequently, no attempt to ratify them was made in the United States.

4. President Nixon has established negotiating objectives similar to those of President Johnson in 1964, modified by developments since 1967. Primary US objectives are continued US control and defense of the existing canal. The rights (without obligation) to expand the existing canal or to build a sea-level canal are essential to US agreement to a new treaty, with the exact conditions to accompany these rights to be determined by negotiation. The US is willing to provide greater economic benefits from the canal for Panama and release unneeded land areas, again with the exact terms to be developed by negotiation.

5. Panama has expressed willingness to negotiate arrangements for continued US control and defense of the existing canal though it remains to be seen what they mean by this. Panama has not indicated its specific views on the acceptable duration of a new treaty. Panama is determined to terminate current US treaty rights "as if sovereign" and extend the jurisdiction of the Government of Panama into what is now the Canal Zone. The 1967 draft treaties would have terminated US jurisdiction in the canal area (but not control and defense of canal operations) with the construction of a sea-level canal. While the United States is now prepared to negotiate for the reduction in the extent of US jurisdiction in the canal area, it remains to be determined whether a mutually acceptable compromise can be worked out between US and Panamanian objectives in this area.

6. In the area of economic benefits Panama has indicated intent to seek a greater direct payment than it now receives ($1.93 million annually), the opening of the present Canal Zone to Panamanian commercial enterprise, increased employment of Panamanian citizens, and increased use of Panamanian products and services in the canal operation. All of these points were agreed upon in 1967, and the US remains willing to negotiate new arrangements along similar lines, provided they do not hazard US control of canal operations, the continuation of reasonable toll levels, and the continued financial viability of the canal enterprise

7. Renewal of violence in Panama, possibly more extensive than experienced in 1964, might be unavoidable if the treaty objectives considered by the Panamanian people to be reasonable and just are not substantially achieved. While the U.S. has no intention of yielding control and defense of the canal to the threat of violence, it is certainly in the U.S. interest in Panama, in Latin America, and worldwide again to demonstrate, as in 1967, our willingness to make adjustments in our treaty relationship with Panama that do not significantly weaken the United States rights to control and defend the canal.

8. It is our intent to show Latin America and the world that the United States as a great power can develop a fair and mutually acceptable treaty relationship with a nation as small as Panama. Such a treaty must, therefore, be founded upon common interests and mutual benefits.

9. The Provisional Government Junta of Panama has expressed intent to ratify a new treaty by plebiscite to ensure that it is acceptable to the Panamanian people.

10. The negotiators for the United States are Ambassador Robert B. Anderson, former Secretary of the Treasury and Secretary of the Navy. Ambassador Anderson is chief negotiator. His deputy is Ambassador John C. Mundt, formerly a senior vice president of Lone Star Industries and presently on leave from the State of Washington as State Director for Community College Education.

The Panamanian negotiators are Ambassadors Jose Antonio de la Ossa (Panamanian Ambassador to the United States), Carlos Lopez Guevara, and Fernando Manfredo.

Office of Interoceanic
Canal Negotiatiors,
August 1971.

Defenders of the
American Constitution,
Annapolis, Md., August 30, 1971.

Colonel John P. Sheffey,
Office of Interoceanic Canal Negotiations,
Department of State, Washington, D.C.

Dear Colonel Sheffey: Your letter of August 18, with attachment, relative to Alert No. 77 of the Defenders of The American Constitution, Inc., was read with much interest.

First, I am sorry for having written an "r" for a "y" in printing your name, which mistake will be corrected in an appropriate manner at an early date. Next, as a career U.S. officer of Latin American birth and heritage, who has served in the Dominican Republic, Canal Zone, Panama and Cuba, and has specialized in the study of U.S. Caribbean policy, I wish to comment on certain features of your letter, with respect to the August, 1971 State Department attachment to your letter, entitled: "background on Panama Canal Treaty Negotiations". It accepts as a fait accompli a Presidential pronouncement of willingness to negotiate for the cession to Panama without authorization of the Congress of territory and property of the United States, in direct violation of Article IV, Section 3, Clause 2 of the U.S. Constitution, apparently on the ground that failure to do so might lead to "renewal of violence in Panama". This is nothing but acquiescence to political blackmail by a supine avowal of readiness to surrender in advance, which illustrates the type of unrealistic thinking that involved our country in the disastrous Korean and Vietnam wars.

As you may recall, it was the original plan of Lenin to separate the Americans by taking over Guatemala, Cuba and Panama. The attempt at Guatemala failed, it succeeded in Cuba, and, according to recent reports, it is well along in Panama, under the Torrijos Revolutionary Government. Yet the State Department memorandum ignores the grave dangers involved, which to any thoughtful observer is incomprehensible.

High Panamanian officials in recent years have publicly admitted that the purpose of their government for 50 years has been to gain sovereign control of the Canal Zone. This was authoritatively confirmed in Panama when the present Panamanian negotiators, just prior to leaving the Isthmus for the current negotiations, made a public announcement that the objective of their government was full sovereignty over the Canal Zone.

Your statement about the struggle of "dedicated and patriotic men" to find a course that would meet Panamanian aspirations, without hazarding continued United States control and protection of the Canal implies the surrender of the Canal Zone to Panama, but retention of responsibility for the operation and defense of the Canal by the United States. This placement of responsibility without control of the strip that frames the Canal would create an impossible situation of responsibility without capability. It would be as if the Chief of the U.S. Executive Protective Forces, in order to appease Washington mobs, as a means for providing further protection for the President were to recommend opening the White House grounds for unrestricted public development.

The main point in the 1903 Treaty to which Panamian radicals object is the grant of full U.S. sovereignty in perpetuity. Their strategy is obvious: gain sovereignty over the Canal Zone, treat the Panama Canal Company as a private corporation, and then expropriate it, for which action it will have strong support in the United Nations, by the U.S.S.R. and its satellites. Thus, as has been repeatedly emphasized in the Congress, the issue at Panama is not U.S. sovereignty versus Panamian, but U.S. sovereignty versus Soviet control. What our country needs in the Canal situation is not more "dedicated and patriotic men" of the type that you have in mind, but another Secretary of State like Charles Evans Hughes, who in 1923 had a proper conception of the role of the United States as a defender not only of the United States but also of all the Western Hemisphere, including Panama.

As is well understood by scholars and others in Latin America, one of the prime purposes of the Canal Zone is the protection of the Canal itself. These two features, Zone territory and the Canal, are so inter-related that they cannot be separated, as was dramatically illustrated in the 1964 mob attacks on the Zone. Instead of giving away any part of the Canal Zone, as certain elements in the State Department seem determined to do, I would urge that the present Zone to be extended by securing a grant of full sovereign control over and purchase of the entire drainage area of the Chagres River. It is my recollection that such recommendation was made as a result of World War I experience by General Clarence Edwards when he was in command of our forces on the Isthmus. So far as known, no U.S. negotiator has made this proposal in the current negotiations.

In regard to your comments with respect to what you said in your speeches at the Smithsonian, my Alert was based upon a thoughtful address to the U.S. Senate on March 24, 1971 by Senator Strom Thurmond, whom I have known many years and found to be a very accurate and careful student. Furthermore, I do not see any substantial difference between what he quoted you as saying and what you state that you said, except that your footnote, superimposed on my Alert No. 77, evidently does not include some of the main points that you made, such as, that a sea level canal "may never be constructed". This seems to be confirmed by the words "without obligation" to construct a canal of sea level design in paragraph 4 of the previously cited "background" memorandum.

It is also noted that among the rights listed in paragraph 4 is one to "expand the existing canal." Inasmuch as the term maintenance in the current treaty provisions includes "expansion and new construction" for the purpose of maintaining, operating, sanitating and protecting the existing canal, why should there be a new treaty to give a right already possessed? Why create the opportunity for such extortion in the event of the major modernization of the existing Panama Canal, which requires no Treaty?

It is most unfortunate that you and others in positions of authority as regards canal Policy matters seem absolutely oblivious of the responsibility of the United States in the premises. What is perpetual for Panama is also perpetually binding for the United States.

Panama's geographical position may be an asset but it is also in equal degree a liability of that country, because predatory nations are committed to a policy of getting control of the Panama Canal and driving the United States from the Isthmus. Though you and the United States negotiators sweep this peril under the rug as if it did not exist, Soviet control of Cuba was the first major step in implementing this policy. All of you fail to recognize the fact that the U.S.S.R. has never disavowed its purpose to isolate the United States and to conquer the world for the International communist system, and you never discuss the danger of a Red takeover of the Panama Canal. Why do you not discuss every angle and feature involved? All of you seem to aim at appeasement of demogogic demands of a non-Constitutional and violent government of Panama, whose leaders hope to gain a firmer control of the country by an unmatched policy of tirade and abuse against the United States.

It is because of such attitudes that whatever may be the intentions of you and your associates, their effort is to achieve what amounts to a treasonous surrender of indispensable rights of our country that were constitutionally acquired and which have been exercised continuously since our legal and lawful occupation of the Canal Zone by the United States. In fact, I can think of no worse blow that could befall our country other than a direct nuclear attack on the continental United States. If any status quo ante of the Isthmus is to be revived, then the Canal Zone should be surrendered not to Panama but to Colombia, which in such event would quickly extend its authority over present day Panama.

You and your associates are equally heedless of the vast net investments of the United States tax payers in the construction, maintenance, operation, sanitation and protection of the Canal. All of you seem absolutely indifferent, as far as the tax payers of our country are concerned, for unwarranted appeasement seems to be your impelling motive.

You and your associates are not elected to office by the voters of the nation, and appear to be without the proper sense of responsibility, as far as national interests are concerned, even though you are under the direction and control of an elected official. It is for such reasons that the House of Representatives, which controls the purse strings in our government, has developed a powerful opposition to the proposals and efforts of those associated with you in the indicated connections. It is perfectly clear that the House will never consent to the disposal of the Canal Zone territory and other properties on it; and any treaty to the contrary will be fought in the Congress, and—if must be—in the courts and the country.

Our government should never have recognized the present sanguinary government of Panama, which maintains its powers by methods of despotism, the threats of confiscation of property, and the punishment of Panamanians who do not support it. To say the least, no treaty should be made with a government thus founded and sustained, and which may fall at any moment. Negotiating with a government of such ephemeral qualities for a treaty of such importance as that now being considered is sheer stupidity and folly. Moreover, the campaign of hatred now being leveled by this revolutionary government against the United States and its citizens, and the truculence and blackmailing methods now being employed by it as regards a new treaty are undoubtedly the result of Soviet collaboration and should never be tolerated by our government.

The acquisition of Cuba, the establishment of a Red regime in Chile, Soviet infiltration of other Latin American governments, and the presense of Soviet submarines in Latin American waters shows that the U.S.S.R. means business and has the audacity to continue its long established policy of taking over the Republic of Panama and wresting control of the Panama Canal from the United States. There are none so blind as those who will not see.

In writing you as I have, I realize that you are not the controlling influence in the present moves to bring about a surrender at Panama. They have a long history going back to 1917 and involving many others. Important State Department officials connected with the preparation of the disgraceful 1967 proposed treaties included Robert B. Anderson, John N. Irwin II, and Robert M. Sayre, all three of whom have strategic positions in the State Department at this time: Ambassador Anderson again as Chief Negotiator, Mr. Irwin as Under Secretary of State, and Mr. Sayre as U.S. Ambassador to Panama. To say the least, their appointments form a strange series of coincidences.

In view of all the above and many other facts too long for inclusion in a letter, I can see no point for any meeting with Ambassador Mundt. However, I would appreciate your sending me a copy of his biography and your advising me what responsible experience he has had with the Panama Canal prior to his present assignment.

Yours sincerely,

P. A. Del Valle.

THE SHARPSTOWN FOLLIES—XXXII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am not alone in wondering what it is that the Assistant Attorney General did for the Sharpstown gang, and what he knew about their crooked deals. I am not alone in wondering how little he knew, or how much, and his explanation of it all.

Thus far we have had a lengthy statement from Mr Wilson, but it tells precisely nothing about the main question, which is whether he was a front man or patsy for a gang of crooks. Mr. Wilson allows as how on at least one occasion he was a patsy; one can only wonder how many times over he was a patsy.

None of Mr. Wilson's comments to date have been convincing. One newspaper, observing it all, has said that Wilson ought to resign. Mr. Speaker, I offer for the enlightenment of the House the views of the New York Times of August 27, 1971:

MR. WILSON'S SHARP DILEMMA

Assistant Attorney General Will R. Wilson Jr. was for at least two years a close associate and chief counsel to Frank W. Sharp, a man whose financial manipulations give those of his fellow-Texan, Billy Sol Estes, an air of amateur innocence. Mr. Wilson, who repeatedly borrowed large sums of money from Mr. Sharp, besides giving him detailed advice, can only compromise the Nixon Administration if he remains as head of the Justice Department's Criminal Division.

It may be years before authorities unravel the complex maneuvers whereby the aptly named Sharp, according to the Securities and Exchange Commission, defrauded banks and insurance companies, manipulated stocks, bought and sold unregistered securities and tainted, if indeed he did not corrupt, a major segment of Texas officialdom. The Governor and key officials in the State Legislature took loans from him, bought his manipulated stocks and made handsome profits in the process.

Brought into court, Sharp was tried, not for "systematically looting" large enterprises, to use the commission's phrase, but only for making a false entry in a bank record and for selling unregistered securities. He was convicted. The penalty? A puny $5,000 fine and a three-year jail term—suspended.

At this point the Justice Department made the strange and wholly unwarranted move of asking the court for immunity for Mr. Sharp from all further prosecution. Theoretically, such a grant of immunity would encourage him to tell all. In practice, it meant that the Justice Department was ready to trade off a field marshal to go after two or three corporals.

Representative Henry B. Gonzales of Texas has long charged a cover-up, with strong suggestions that Deputy Attorney General Kleindienst has been protecting his subordinate, who, it should be said, did not himself take part in the immunity request. Mr. Wilson's general line of defense, culminating in yesterday's official statement, has been that the Sharp crimes occurred after he had left that highbinder's service. But Mr. Gonzales has documented an impressive case to the contrary. Mr. Wilson, he charges, was intimately involved in some of his principal's major transactions. As general counsel for three of Sharp's chief enterprises, he had to be. And on this all-important point he is still unresponsive.

When Mr. Wilson was his state's Attorney General, he was cited by the National Association of Attorneys General as the outstanding occupant of such office in the country. Either he deserved that tribute and was therefore keen enough to know, subsequently, what his client was up to, or he was enormously over-rated. In either case can he do justice to his present job or do the Administration a better service than to resign.

A BILL TO SET UP A PRICE-WAGE REVIEW BOARD

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the President on August 15 took his first meaningful action to combat inflation when he announced a 90-day wage-price freeze.

Unfortunately, he has encumbered his program with two actions which seriously diminish its effectiveness. First, by his failure to impose a ceiling on interest rates, and by his efforts to enormously enhance corporate profits through the "asset depreciation range" guidelines issued earlier this year and the proposed 10-percent investment tax credit, he has so distorted the social compact that a disproportionate burden falls upon the wage earner. Secondly, his announcement of last week that he will eliminate the price-wage freeze on November 13, was, to say the least, premature.

Because of these presidential errors it is more important than ever that an anti-inflationary regimen be established to succeed the now largely frustrated first step.

To that end, I have today introduced H.R. 10592, to set up a Price-Wage Review Board. At a press conference earlier today, its provisions were explained by myself and UAW President Leonard Woodcock.

H.R. 10592 has the following main provisions:

It establishes a three-member Price-Wage Review Board, with members representing, respectively, labor, business, and the general public. Members are appointed by the President with the advice and consent of the Senate and serve 3-year staggered terms.

Within each product category large enough to have a significant effect on overall price stability—steel, automobiles, et cetera—the Board is required to designate as "price-dominant" the largest corporation in that category, provided it accounts for 25 percent or more of sales. In addition, the President may designate as price-dominant other corporations whenever he has evidence that they have taken or are about to take action which threatens overall price stability.

Any such price-dominant corporation must give the Board 60 days' notice before instituting a price increase.

The Board would then hold hearings on the proposed increase at which the corporation and other interested parties would be heard. If the corporation asserted that the price increase was necessary because of union wage demands, the union would be brought in as a party.

At the conclusion of the hearing, the Board would publish findings of fact on such matters as corporate profits, wages, and productivity, in order that public opinion could focus in an informed way on the proposed price increase.

I would envisage that the general public and policymakers would apply whatever guideposts are arrived at in a labor, business, and Government "social compact" to the findings of fact made by the Board, in order to determine whether the proposed price increase is justified.

The full text of H.R. 10592 follows:

H.R. 10592

A bill to provide a procedure for the development of facts necessary to the creation of an informed public opinion with respect to price policies pursued by corporations in administered price industries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CITATION AS THE PRICE AND WAGE REVIEW ACT

SECTION 1. This Act may be cited as the Price and Wage Review Act.

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that there exists industries within the economy of the United States in which the economic power to determine the pricing policies of the industry rests with a small number of corporations. The Congress further finds that within such industries, price competition is either nonexistent or too weak to serve as a substantial restraint on price increases.

(b) It is the purpose of this Act to bring an informed public opinion to bear upon price policy in the industries described in subsection (a).

PRICE-WAGE REVIEW BOARD

SEC. 3. (a) There is hereby established the Price-Wage Review Board (referred to hereinafter in this Act as the "Board"). The Board shall be composed of three members, representing respectively labor, business, and the general public, each of whom shall be appointed by the President, and by and with the advice and consent of the Senate, for a term not exceeding three years and which term expires on June 30 of a year in which no other member's term is scheduled to expire, as designated by the President at the time of nomination. Not more than two members of the Board may be of the same political party. Vacancies on the Board shall not affect its powers, except that two members shall be required for a quorum. Any member of the Board may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and confirmed.

(b) The President shall from time to time designate one member of the Board as Chairman, to serve as such at the pleasure of the President. The Chairman shall be the chief executive officer of the Board.

(c) The Board may appoint such professional, clerical, and other staff as it determines necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

CONSUMER COUNSEL

SEC. 4. There shall be a Consumer Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term expiring at the same time that the term of office of the President who appoints him is scheduled to expire. The Consumer Counsel may appoint a deputy and such attorneys, accountants, economists, and other personnel as may be necessary to carry on the work of his office. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay with respect to such appointments may be without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

DESIGNATION OF PRICE-DOMINANT CORPORATIONS

SEC. 5. (a) The Board shall by regulation establish product categories for the purposes of this Act. The Board shall establish categories only with respect to products which it determines to have a significant effect on overall price stability. Within each product category so established, the Board shall by order, after notice and opportunity for hearing, designate as a price-dominant corporation each corporation, if any, whose value of sales (1) accounts for 25 percent or more of the value of all sales within that product category and (2) is greater than the value of sales within that category of any other corporation. Any such designation shall remain in effect until revoked or by the Board of its own motion or on application of the corporation.

(b) The President may, after notice and opportunity for hearing, by order designate any corporation as a price-dominant corporation for a period not exceeding one year if there is evidence to indicate that a price action taken or about to be taken by the corporation, alone or contemporaneously (whether or not in concert) with other corporations, threatens overall price stability.

(c) (1) The President or the Board, as the case may be, shall determine whether to designate a corporation as a price-dominant corporation not later than sixty days following the issuance of a notice under this section that an order making such a designation is under consideration.

(2) No corporation may, during the sixty-day period referred to in paragraph (1), increase the price of any product within any product category in connection with which their designation as a price-dominant corporation is being considered, unless the corporation elects to proceed under section 7.

(d) As used hereinafter in this Act, the term "price-dominant corporation" means a corporation currently so designated under this section.

NOTICE OF PROPOSED PRICE INCREASE: NOTICE PERIOD

SEC. (a) No price-dominant corporation may increase the price of any product within any product category in which it is price-dominant unless (1) it has filed a notice of proposed price increase under this section, and (2) either (A) the notice period has expired, or (B) the corporation elects to proceed under section 7.

(b) The notice of proposed price increase shall be filed with the Board. It shall describe the product affected and shall set forth all data which the corporation considers pertinent to the increase. The name of the corporation, a brief description of the products, the magnitude of the proposed increase, and the date of filing shall be promptly published in the Federal Register. Any notice filed with the Board under this section, or a copy thereof, shall be available for inspection and copying by members of the public.

(c) (1) The notice period begins on the date on which the notice is filed pursuant to this section, and ends on the sixtieth day thereafter, unless the Board permits or prescribes a different period, which, except as provided in paragraph (2), shall in no event exceed 120 days.

(2) The Board may suspend the running of the notice period at such times as the Board determines that a price-dominant corporation subject to such period is needlessly delaying its participation in connection with any investigation conducted by the Board with respect to a proposed price increase.

EMERGENCY PRICE INCREASES

SEC. 7. (a) A corporation my file with the Board

(1) during the sixty-day period referred to in section 5(c),

(2) at the time it files its notice under section 6, or

(3) at any time after it files its notice under section 6

a statement that an increase in production costs creates an emergency which requires that a proposed price increase be effective on a date set forth in the statement prior to the expiration of such sixty-day period or the expiration of the notice period, as the case may be. Subject to the liability created under subsection (b) of this section, the corporation may effectuate the price increase in accordance with the statement.

(b) In any case in which a statement is filed under subsection (a) of this section, the Board shall, in addition to its findings under section 12 (if applicable), make and publish a finding as to whether such an emergency in fact exists, and if so, whether the price increase was in excess of that required by the emergency, and the amount of the excess, if any. If the Board finds that such an excess in fact exists, the corporation shall be liable to each consumer-purchaser in an amount equal to three times the excess applicable of the purchases of that purchaser prior to the expiration of such sixty-day period or the notice period, whichever applies, except that where the identity of any consumer-purchaser is not reasonably ascertainable, the liability to that purchaser otherwise created under this section shall exist in favor of the United States.

NOTICE OF PROBABLE DESIRABILITY OF PRICE DECREASE

SEC. 8. Whenever, in the judgment of the Consumer Counsel, there is reason to believe that the prices of one or more products or lines thereof of any price-dominant corporation should be reduced, the Consumer Counsel may serve notice on the corporation to that effect, specifiying the products or lines thereof. The Consumer Counsel shall file a copy of the notice with the Board, and such notices shall be open for inspection by the public.

HEARINGS

SEC. 9. (a) Promptly upon the filing with the Board of any notice under section 6 or section 8 the Board shall determine and publish in the Federal Register a date or dates for hearings thereon, and shall hold such hearings unless the question becomes moot by reason for the corporation's rescinding its proposed price increases or announcing price decreases in amounts satisfactory to the Consumer Counsel.

(b) The purpose of any hearing under this section shall be to adduce for the benefit of the public the facts bearing on proposed or actual prices of products of price-dominant corporations. All testimony taken at such hearings shall be under oath.

(c) The price-dominant corporation which is the subject of the notice under section 6 or section 8 shall appear as a party at any hearing under this section. At least one principal officer of such corporation shall appear on behalf of the corporation. Whenever a price-dominant corporation contends that a proposed price increase, or a refusal to institute a price decrease, would be necessary as a result of its granting the demands of one or more unions, those unions shall be parties to the hearing.

(d) With the permission of the Board, labor unions, consumer organizations, corporations purchasing products whose prices are the subject of the hearings, and interested Federal, State, and local governmental agencies may appear by their authorized representatives as voluntary witnesses at any hearing under this Act. Any such witness shall be subject to cross-examination and, with the permission of the Consumer Counsel, shall be permitted to cross-examine witnesses for the price-dominant corporation.

(e) It shall be the duty of the Consumer Counsel to represent the public interest at all hearings under this section.

(f) All hearings under this section shall be open to the public, the press, radio, and television, except that closed hearings may be held when the Board finds it necessary to protect competitive secrets.

(g) (1) If the Board, with the consent of the Consumer Counsel and after a reasonable time has been permitted for all interested parties to examine pertinent data, determines that a hearing is not required to carry out the purposes of this Act, the Board may waive a hearing under this section. In any case in which a hearing is waived under this section, the Board shall state in writing its reasons for so doing.

(2) In any case in which a hearing is waived under this section, the notice period, if applicable, shall be held and considered to have expired and any price increase with respect to which such notice period applied may be placed in effect.

OBTAINING OFFICIAL DATA

SEC. 10. The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act.

SUBPENAS

SEC. 11. (a) The Board, or any member thereof, shall, upon application of the Consumer Council or of any party to a hearing who is a party pursuant to section 9(c), or on its own motion, forthwith issue to the applicant subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such hearing requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion the evidence whose production is required does not relate to the subject matter of the hearing, or if in its opinion the subpena does not prescribe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any territory or possession of the United States at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena issued under this Act, any district court of the United States for any territory or possession of the United States, within the jurisdiction wherein the hearing is carried on or within the jurisdiction wherein the person charged with contumacy or refusal to obey is found, or resides, or transacts business, upon application by the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its members, agents, or agency, there to produce evidence if so ordered, or there to give testimony touching the subject matter of the hearing; and any failure to obey such an order of the court may be punished by the court as a contempt thereof.

(c) The several departments and agencies of the Federal Government shall furnish the Board, upon its request, all records, papers, and information relating to the subject matter of any hearing before the Board.

FINDINGS

SEC. 12. The Consumer Counsel and each party appearing pursuant to section 9(c) or 9(d) at any hearing held under section 9 may submit to the Board a statement of its contentions as to matters of fact which it deems relevant to an evaluation of the justification for or desirability of the price action which was the subject of the hearing. The Board shall determine what matters of fact it deems relevant to that action, and shall make and publish prior to the expiration of the notice period its findings of fact with respect to those matters.

CRIMINAL PENALTY FOR FAILURE TO GIVE NOTICE

SEC. 13. Except as provided in section 7, any price-dominant corporation which sells any products on which it has effected a price increase with respect to which a notice is required to be given pursuant to section 6 without giving such notice, or prior to the expiration of the notice period, shall be fined not less than one but not more than three times the amount of the unit price increase multiplied by the number of units sold at the increased price.

RULES AND REGULATIONS

SEC. 14. The Board shall prescribe such rules and regulations as may be necessary for the carrying out of this Act.

SALARIES

SEC. 15. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(55) Chairman, Price-Wage Review Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(93) Consumer Counsel, Price-Wage Review Board.

"(94) Members, Price-Wage Review Board."

APPROPRIATIONS

SEC. 16. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

BUSING—THE WORST PROBLEM BEFORE THE SCHOOLS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I doubt seriously that any issue now before the American public is more emotion laden or has more potential for destruction of community stability than forced busing of America's schoolchildren. It was mandated by the courts—despite recent denials—and these rulings have in effect taken it out of the hands of the lawmakers and the school executives. The result has been to create one of the greatest social and educational crises of our times. It is serving to destroy the neighborhood school system which we recognize as one of the basic foundations of America's greatness. The present situation must be resolved outside the courts. The Supreme Court apparently is trapped in the quicksands of its own confusion. It has substituted race-mixing as the goal for the Nation's schools rather than education, and in doing so, lost sight of the very purpose for which schools exist. Forced busing compounds the problems of education and makes it almost impossible for school heads to return to sound and effective education as the real goal of the schools.

The need to obtain relief is paramount. In Alabama and in Mississippi, the Governors have attempted to achieve this by State laws to negate the busing requirement. This will have popular appeal but there is little probability of lasting accomplishment. The Federal courts will be quick to slap down this effort for self-determination. It should be possible to solve the problem through a constitutional amendment. A number of proposals to accomplish this are pending in Congress. Most of them are simple in wording and meaning, and they are intended to return the operation of the schools to locally elected officials and to take social experimentation out of the schools. I am one of the sponsors of proposed constitutional amendments.

Sadly, I must admit that we are far from passage of such proposals. Congress has not yet received a clear message from the people on the need to end forced busing. In those districts where the pinch has been felt, the Congressmen have been very fully apprised of the feelings of their constituents. However, the protest is not yet general. In consequence, the committees of Congress, both House and Senate, have refused to act. The administration, while purporting to oppose forced busing has made no visible effort to obtain the passage of a constitutional amendment to bring this abominable practice to an end. Until there is more vigorous expression from the people back home, there is little likelihood that Congress or the administration will take the necessary action to place the question of busing directly before the people so that it can be resolved once and for all. The tide is running for a referendum, but more work must be done at the local level to impress upon those in government the dissatisfaction of the American public with this unconscionable requirement which has been thrust upon our children and our schools.

In forced busing the children lose, the schools lose, and the Nation loses. The parents and the school officials are frustrated but they are not helpless. There is a way to get action if they want it enough.

CHARLES RANGEL'S ALL-OUT FIGHT AGAINST DRUGS BEGINNING TO PAY OFF

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of our colleagues who happens to be a friend has established himself in the less than a year that he has been in Congress as one of the foremost fighters against drug addiction.

I have known CHARLES RANGEL so many years that it came as no surprise to me that he would quickly, because of his expertise, ability, and commitment in doing something major to stop the importation of heroin into the United States, become one of the leaders in this crucial fight.

I was pleased today to read in the New York Times an article by Richard L. Madden bringing to the attention of the American public CHARLES RANGEL's struggle which met with great success when the House recently adopted a bill which permits the President to cut off economic and military aid to foreign governments refusing to act against illegal drug trade taking place within their respective countries.

I believe that the passage of that bill and the Turkish Government's having now agreed to end the growing of the opium poppy is in large measure due to our colleague's leadership.

I am appending the New York Times article which describes in more detail CHARLES RANGEL's efforts and ultimate success in this matter. As Congressman RANGEL points out, this is a continuous battle and he will not rest nor should anyone of us until we end the smuggling of heroin into our country and the dire effects drug addiction has had and is having upon the estimated 300,000 heroin drug addicts in the United States.

The article follows:

[From the New York Times, Sept. 13, 1971]

RANGEL FINDING ALL-OUT FIGHT AGAINST DRUGS BEGINNING TO PAY OFF

(By Richard L. Madden)

WASHINGTON.—Representative Charles B. Rangel was surprised when President Nixon telephoned him a few weeks ago, but not nearly so excited as his secretary, who exclaimed to the rest of the Rangel office: "I just had the President of the United States on 'hold'!"

It was a bit unusual. The President probably does not call up freshmen members of Congress every day, particularly one who is a Democrat and a black from Harlem.

"My grandfather wouldn't believe I got a call from the President of the United States," Mr. Rangel recalls telling Mr. Nixon.

"My grandfather wouldn't believe I made this call," he said the President replied.

In any case, Mr. Nixon was extending a bit of recognition to the caucus of the 13 black Representatives in the House (Mr. Rangel is secretary of the caucus) and to the narcotics issue that has dominated Mr. Rangel's activities since he displaced Adam Clayton Powell as the Representative from Harlem at the beginning of this year.

Mr. Nixon's call was to give advance word to him and to the black caucus that Turkey had agreed to eliminate within a year her production of opium poppies, which are said to account for nearly two-thirds of the illegal heroin reaching the United States.

To Mr. Rangel—the 41-year-old former Assemblyman and the man who beat Mr. Powell in the Democratic primary last year—the call from the President was perhaps one more example of what he calls the "strange coalitions" he has found since coming to Congress in January and concentrating most of his attention on the drug problem.

The other day in New York, as he sat in his office on West 125th Street overlooking the skeleton of the State Office Building going up across the street, Mr. Rangel said:

"Sure, when you come from a district like Central Harlem, you should be involved with such things as housing, education and health. But everything like that that I would concern myself with has been corrupted either physically or morally by the drug addiction problem."

The effort, he said, is beginning to show a few results, with even Southern Democrats starting to show concern about the problem of the returning veterans from Vietnam who are addicts.

"Damn it," Mr. Rangel exclaimed, "they're going to have to answer their supporters. The veterans are coming back to Mississippi and Alabama and Georgia, and they're going to be mugging the farmers. It's no longer just Harlem's problem."

One of Mr. Rangel's proposals would have cut off economic aid to foreign governments that refused to act against the illegal drug trade. Senator James L. Buckley, Conservative-Republican from New York, proposed a similar idea.

Illustrating the problems a freshman has in getting legislation adopted, he said when the foreign-aid authorization bill got to the House floor last month, a more senior House member, Representative John S. Monagan, Connecticut Democrat, won approval of a modified version. It would have authorized the President to cut aid to any country that failed to take steps to control drugs transported through its territory.

"Had I been more forceful," Mr. Rangel said, "I might have gotten a chance to offer my amendment, but it was still a good day for me."

PRODDING FRANCE

His next effort, he said, will be to prod the Government into taking stronger efforts to get France to curb the processing of heroin before it is smuggled into the United States. If necessary, he added, he is prepared "to organize a national boycott of all French imports."

Mr. Powell, who spent 12 terms in the House (not counting the two years he was excluded), was regarded as something of an institution in Harlem until Mr. Rangel upset him in the primary last year by 150 votes.

Mr. Rangel, a stocky, affable high-school dropout who became a decorated infantryman in Korea and returned to New York to earn a law degree and to become an assistant United States attorney—has spent considerable time being visible in his district since his election to the House.

His absentee record in the early months of this year was high. Of the first 160 rollcall or recorded teller votes in the House up to the August recess, he was listed as absent on 53 votes, or about one-third the time.

CONCEDES A RISK

He acknowledged that missing some votes was "a political risk," but he felt he had to spend extra time at the outset in his district to "solidify my base." His primary victory margin was narrow and he was not too well known outside his former Assembly district.

Mr. Rangel's name also cropped up in newspaper accounts of the municipal loan program, which has been under investigation by New York City authorities. The Representative called a press conference at the end of July to deny reports that he had improperly received a loan to rehabilitate the building in which he lives at 74 West 132d Street.

He said the loan was made in 1965 when he was "an unpaid district leader with a fledgling law practice" and thus was qualified for a low-income loan.

In the shifting alliances of Harlem politics, where this year's running-mate may be next year's primary opponent, Mr. Rangel has sought to establish regular meetings on community problems with state legislators and City Councilmen from the Harlem area. "It's been working," he said.

He has been doing some campaigning for Assemblyman Frank G. Rossetti, the New York County Democratic leader, who is facing a primary fight for district leader in part of the Harlem area.

Recalling a campaign appearance the other night, Mr. Rangel declared:

"I said I would be a millionaire if I had a dollar for every argument I had with Frank Rossetti, but at least I could always find Frank Rossetti to argue with him."

PERSONAL EXPLANATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on Thursday, September 9, I was returning from a trip I made to Israel during the recess, and I was therefore unable to be present for the vote on H.R. 9727.

Had I been present, I would have voted "yea" on rollcall 251, the vote to pass H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971.

I am pleased to note that this bill passed by a vote of 304 to 3.

HUD REPORT UPHOLDS BANKING AND CURRENCY COMMITTEE ON SECTION 235 HOUSING PROGRAM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Department of Housing and Urban Development assisted by the General Accounting Office recently completed a nationwide study and survey of the quality of the houses that had been sold under the low- and moderate-income section 235 housing program. The results of the survey are shocking. They confirm the major findings made by the staff of the Committee on Banking and Currency last year.

BACKGROUND

Section 235 of the 1968 Housing Act provided an opportunity for the first time to many families of low- and moderate-income to own their own home. The Federal Housing Administration was given the major responsibility of administering the program.

Last summer the committee looked into the operation of the program after receiving many complaints from citizen groups, legal aid societies, and individuals about the quality and price of some of the housing sold under the program. These complaints and the staff findings of the administration of the program in Washington, D.C., together with cases uncovered by the House Select Committee on Crime in Philadelphia were submitted to HUD in hopes that a thorough review of the program would be made.

HUD's response was very disappointing. Instead of a thorough review, HUD limited itself to a review of the specific complaints in Washington and Philadelphia. While the review of the program in Washington pointed out the need for some improvement, the Philadelphia review, which was conducted by some of the same field personnel who were responsible for approving these homes, completely exonerated its actions.

COMMITTEE INVESTIGATIONS

Because of the limited nature of the response, and of additional complaints received, the matter was reconsidered by the committee on September 29, 1970, and by unanimous vote of 35 to 0, instructed the staff to make further inquiry into abuses of low- and moderate-income housing programs.

The staff investigation, which covered 10 major cities across the country, revealed numerous examples of substandard and defective housing being sold at highly inflated prices as well as other abuses.

The committee met with Secretary Romney and FHA Administrator Gulledge on December 16 and went over the details of the staff investigation. The committee released its report which included Secretary Romney's testimony on January 6.

The report charged that—

> The Department of Housing and Urban Development and its Federal Housing Administration may be well on its way toward insuring itself into a national housing scandal.

It went on to state:

> FHA has allowed real estate speculation of the worst type to go on in the 235 program and has virtually turned its back to these practices.

It further stated:

> The construction of these houses is of the cheapest type of building materials; and, instead of buying a home, people purchasing these houses are buying a disaster.

At that time, Secretary Romney conducted a press conference in which he described the committee report as "inaccurate, misleading, and very incomplete." To his credit, however, Secretary Romney, 8 days later, changed his position somewhat and stated to the press that—

> It is apparent that abuses are more prevalent than had previously been evident.

HUD INVESTIGATION

Secretary Romney then announced suspension of the FHA 235 program as it relates to existing houses and launched an investigation within HUD. It is the results of this investigation which have recently been released.

The investigation which was made from a scientifically selected sample of houses across the country found that 42.7 percent of the existing houses insured under the program had significant deficiencies which were potential hazards to the occupant's health and safety, and other matters which were so severe that the conditions should have been repaired before the house was insured.

The investigation of new houses sold under the program, houses which require periodic inspections by FHA as they are being constructed and then final approval by FHA before they can be sold, found that 10.9 percent had significant deficiencies which were potential hazards to the occupant's health and safety. An additional 14.8 percent had evidence of poor workmanship or materials, making a total of 25.7 percent of all new houses sold under the program which did not meet the basic requirements.

OTHER DEVELOPMENTS

Since the committee's investigation began, grand juries have indicted over a dozen people who had victimized unsuspecting and often unsophisticated home buyers because of the laxness in administration of the program. At least one FHA appraiser has been indicted for bribery. Several other FHA personnel have been either suspended or fired. Many cases have been referred to the FBI for investigation and it is my understanding that some of these are now under grand jury consideration. The mayor of Washington, D.C., recently announced after a lengthy investigation of his own, that no FHA or VA insured house could be sold in the District until it had been inspected for deficiencies by one of the District's own housing inspectors.

HUD has issued new guidelines and procedures concerning the sale and insuring of these houses. It has instituted retraining programs for many of its appraisers and inspectors. It is my fervent hope that these steps will prevent any further occurrence of abuses in our country's housing programs. It is also my hope, and I strongly urge HUD, to make a strong and sincere effort to see that previous mistakes and wrongdoings are corrected and that every home buyer who has been victimized, because of the Department's earlier mistakes be made whole.

NUMBER 200 FOR THE "BEAR"

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the Record.)

Mr. FLOWERS. Mr. Speaker, although college football is over 100 years old, up until several days ago only five men had coached teams to as many as 200 victories. Now there are six with such a record. Coach Paul W. "Bear" Bryant was presented win number 200 when his underdog University of Alabama team defeated the highly ranked Trojans of Southern California in Los Angeles by the score of 17 to 10 last Friday night.

Named "Coach of the Decade" of the 1960's when his Crimson Tide won three national championships, could there be more of the same in the offing this 1971 season?

In any event, Mr. Speaker, I am happy to bring this outstanding record of accomplishment to the attention of the House, and to offer my congratulations to coach Bryant and his staff and the entire Alabama team as well.

MILITARY ASSISTANCE TO GREECE

(Mr. BOW asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOW. Mr. Speaker, on Thursday I spoke of the dissatisfaction of Americans of Greek ancestry and of some leading American political analysts with the negative action of the House of Representatives when it endeavored, in the foreign aid bill, to prohibit military assistance to Greece. I submitted the resolution on the subject by the Order of Ahepa and an editorial by Henry J. Taylor.

As I stated at that time, these expressions support my own feelings about this amendment. I have grave misgivings as to the wisdom of it both in relationship to national security and international harmony, and the implications of interference in the internal affairs of another nation.

Today I should like to offer additional supportive material including a resolution by the board of trustees of the Society of Castorians of New York and an editorial by William L. Buckley, a resolution of the Third Annual Heritage Groups as reported by the Washington New Approach, and a news release by the American Legion.

The items follow:

Resolution

The Board of Trustees of the Society of Castorians of New York "OMONOIA", having been called into session on the 1st of September 1971, discussed in detail the question of military aid to Greece and whereas it is with great sorrow that it has followed the actions of certain members of Congress who asked for the discontinuance of the military aid to Greece, faithful ally of the United States and of all the Western World.

It is with surprise that it has learned of these acts of political leaders of our great country, protector of the free world who naively believe that they will thus be able to impose their own views about democracy; in reality what they will only attain is the weakening of the NATO alliance; the strengthening of the foes of Democracy and Civilization, and will imperil still more that part of the Free World which rivers of blood have thus far kept free and unmolested by the red miasma.

Now therefore the Board of Trustees unanimously decides

(1) to address an appeal to the leaders of the American Nation to reexamine this delicate question and think profoundly on the consequences before casting their final vote.

(2) Send a letter to the U.S. Senate urging the Senators to vote for the continuation of military aid to Greece.

(3) Ask the members of the Castorian Society and all other Americans of Greek ancestry to write to their Senators accordingly.

(4) Consult with other Societies of our brethren of Greek descent to the same end.

(5) Publish this present resolution in the Press.

[From the Washington New Approach, July 1971]

Foreign Policy Resolution Submitted by Delegates to Republican Nationalities Council

We, the delegates to the Third Annual Heritage Groups (Nationalities) Conference, assembled in Washington, May 21–23, 1971, adopt the following resolutions with regard to U.S. policies affecting Europe.

on greece

Whereas, Greece is a vital cornerstone of defense of freedom in the Eastern Mediterranean; and

Whereas, Greece is an important member of the North Atlantic Treaty Organization; and

Whereas, Greece has proved to be a loyal and trusted friend of the United States and a staunch supporter of NATO

Be it resolved that all necessary military assistance be given to Greece.

Legion Objects To Cut in Military Aid to Greece

Washington, D.C., July 22.—It has long been the policy of The American Legion to endorse a strong military and naval posture in the Mediterranean to assure the safety of the NATO flank.

For this reason, we must heartily disagree with the position taken by the House Foreign Affairs Committee to cut off military assistance funds for Greece—most certainly one of our staunchest Mediterranean allies—or to restrict those funds to 1970–71 levels if President Nixon determines such aid is in the national security interest of the United States.

While we would hope for an early return for parliamentary rule in Greece, we firmly believe the chances for this happening would be jeopardized rather than enhanced should military aid funds be cut off. There is no question about the strategic importance of Greece and its armed forces to the NATO alliance and our own security.

Without bases in Greece, securely protected by capable Greek military forces, the southern shield of NATO comes into question as does U.S. ability to influence events in the troubled Middle East.

Greece helped bring American power into play last September to stabilize the Jordan-Palestinian-Syrian conflict that threatened to erupt into another general Middle East war. Jordan's position appears precarious once again.

The importance of Greece in carrying out the United States, clear moral commitment to the survival of Israel also is evident.

For the past three years The American Legion in national convention has overwhelmingly endorsed military assistance for the Greek nation.

Each of these endorsements has been accompanied by the hope that the Greek government will undertake an orderly return to parliamentary rule. We share the Foreign Affairs Committee's concern for democracy, but we also recognize that without security the prospect of parliamentary rule in Greece is discouraged, not encouraged.

[From the Washington Evening Star, June 8, 1971]

Some Thoughts on Withholding Aid to Greece

(By William F. Buckley, Jr.)

The vote by the House to strip Greece of $118 million in military aid asserts the continuing intellectual disarray of our foreign policy makers. It goes without saying that anyone who asks himself, "Who voted to suspend aid, who voted to give it?" could compose his answers—without cheating—by listing the anti-Greeks from among those congressmen most enthusiastic about our detente with Red China.

It is not exaggerating to suppose that if a motion were made to pass along the money to Red China instead of Greece, a substantial vote in favor of the measure would be cast precisely by those who castigate the colonels for their undemocratic practices.

It is true that in many countries we dispense "military aid" because it is simpler to do than to dispense mere aid. Easier to get by Congress; easier, in general, to transact. So that many have become accustomed to the notion that military aid is just plain "aid"; that the Greeks have now been punished by being deprived of power plants, or rolling stock, or fertilizer.

But in fact the Greek military commitment is very real. It is an important member of NATO, and an associate member of the Common Market. It was Greece through which the Russians struck the first post-war salient. We won that one, thanks largely to the defection of Yugoslavia, which at a critical point closed the border to the Soviets' provisioning of the insurrectionists. Even so, there was a bloody war.

Greece has been for the whole of this century a bloody forum for democracy. There have been eight successful coups, three civil wars: And the menace of communism hangs over the country, and may be imminent if, after Tito dies, the Russians elect to extend the Brezhnev Doctrine to occupy Yugoslavia. If they do, and go on to threaten Greece, the moment of truth for NATO—and for the West—will have arrived.

Concerning the internal situation in Greece, it is plainly a fact that Colonel Papadopoulos has found ruling without a parliament, and with a constitution kept in the locker, for inspection by political scientists of professional curiosity, altogether comfortable. He appears to be in no hurry at all to implement the provisions of the constitution, notwithstanding that he went to great pains to have it ratified over a year ago.

Paradoxically, he is not in a position to plead, in extenuation, that unruly elements within Greece prevent him from restoring a measure of liberty. In fact, although there are pockets of resistance in Athens, the colonel is, one gathers, enormously popular. I say this because not long ago when the Greek soccer team beat the Yugoslav team the Athenian multitudes, carried away with the delight of it all, stormed the colonel's heavily guarded residence, easily overwhelmed the guards, and carried Papadopoulos on their shoulders through the streets of Athens. Not the kind of thing that is done to a ruler despised by the masses.

Granted, the demonstration is no certification of Papadopoulos's virtue. But the point is that there are fewer and fewer bases for the stability of the Mediterranean, and Greece is one of them—perhaps an irreplaceable one. We have in the Mediterranean a fleet that is generally considered to be indispensable to the security of the area. And without Greece, the usefulness of the fleet is gravely impaired.

These arguments will no doubt strike the moralists as evasive of the moral point, and that indeed is what they are, unless one agrees that there is a larger moral point to be made in defense of the preservation of such freedoms as survive in the Mediterranean.

In any event, the action by the House of Representatives underscores the failure of Congress to understand the importance of keeping out of the way of internal arrangements of other countries.

Senator Fulbright put it very well a few years ago when he said that the United States, notwithstanding how noxious it finds the domestic policies of a particular nation, has no special quarrel with that nation unless it undertakes to export its government. Greece is not attempting any such thing.

We, by our negative action, are attempting to export our own forms of government in Greece. Granted we think them superior—on this point I am myself far more emphatic than the gentlemen who voted against Greece—but we are not in a position to know the internal Greek situation. So that, not even to save $118 million (nobody cares about the economy), we are reestablishing our position as a Wilsonian moralist.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Despite its smaller size, the United States operates twice as many freight cars which handle three times the tonnage of those on Soviet railroads.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Eshleman (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of medically ordered recuperation.

Mr. Corman, for Monday, September 13, on account of official business.

Mr. Lent (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Terry (at the request of Mr. Gerald R. Ford), for today and tomorrow, on account of official business.

Mr. Young of Florida (at the request of Mr. Gerald R. Ford), for September 13 and 14, on account of official business.

Mr. McKevitt at the request of Mr. Gerald R. Ford), for today, on account of official business as member of House Select Committee on Small Business.

Mr. Murphy of Illinois, for Wednesday, Thursday, and Friday, September 15, 16, and 17, on account of wife's operation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Archer) and to revise and extend their remarks and include extraneous matter:)

Mr. Archer, for 10 minutes, on September 14.

Mr. Kemp, for 5 minutes, today.

(The following Members (at the request of Mr. Davis of South Carolina) and to revise and extend their remarks and include extraneous matter:)

Mr. Flood, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Reuss, for 10 minutes, today.

Mr. Montgomery, for 60 minutes, on September 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances.

Mr. McClory, immediately following the remarks of Mr. Railsback during general debate in the Committee of the Whole today.

Mr. Yates, following the remarks of Mr. Mikva in the Committee of the Whole on H.R. 234.

Mr. Randall in two instances and to include extraneous matter.

(The following Members (at the request of Mr. Archer) and to include extraneous matter:)

Mr. Pettis.
Mr. Kuykendall.
Mr. Hunt in three instances.
Mr. Zwach.
Mr. Ruth in five instances.
Mr. Frenzel.
Mr. Shriver in two instances.
Mr. Michel in two instances.
Mr. Schwengel in three instances.
Mr. Goldwater in two instances.
Mr. Whalen.
Mr. Skubitz.
Mr. Schmitz in four instances.
Mr. Mizell in three instances.
Mr. Snyder in two instances.
Mr. Horton.
Mr. Kemp.
Mr. Duncan.
Mr. Steele in 10 instances.
Mr. Price of Texas.
Mr. Bow.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Reuss in six instances.
Mr. Fisher in four instances.
Mr. Dingell in three instances.
Mr. Sisk in five instances.
Mr. Harrington in three instances.
Mr. Begich in five instances.
Mr. Roybal in 10 instances.
Mrs. Griffiths in two instances.
Mr. Clay in six instances.
Mr. Hébert in four instances.
Mr. Annunzio in two instances.
Mr. Stubblefield in two instances.
Mr. Rarick in three instances.
Mr. Drinan.
Mrs. Hicks of Massachusetts.
Mr. Hamilton in two instances.
Mr. Waldie in six instances.
Mr. William D. Ford in two instances.
Mr. Gonzalez in two instances.
Mr. Adams.
Mr. Galifianakis in two instances.
Mr. Pickle in five instances.
Mr. Mikva in eight instances.
Mr. Leggett.
Mr. Long of Maryland.
Mr. Boland.
Mr. Aspin in 10 instances.
Mr. Dow in two instances.
Mr. Patten.
Mr. Dellums in eight instances.
Mr. Brinkley in two instances.
Mr. Rooney of Pennsylvania in two instances.
Mr. Rosenthal in five instances.
Mr. Hungate in two instances.
Mr. Giaimo in 10 instances.
Mr. Dulski in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 942. An act to establish a Commission on Security and Safety of Cargo, to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 850. Joint resolution authorizing the Honorable Carl Albert, Speaker of the House of Representatives, to accept and wear The Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 850. A resolution authorizing the Honorable Carl Albert, Speaker of the House of Representatives, to accept and wear the Ancient Order of Sikatuna (Rank of Datu), an award conferred by the President of the Philippines.

ANNOUNCEMENT OF FUNERAL SERVICES FOR THE LATE HONORABLE WINSTON L. PROUTY

(Mr. STAFFORD asked and was given permission to address the House for 1 minute.)

Mr. STAFFORD. Mr. Speaker, as I said I would earlier this afternoon when I announced the tragic passing of Vermont's junior Senator, Winston L. Prouty, formerly a Member of this House for four terms, I am now prepared to advise the membership of the House of the arrangements for memorial services and so on in connection with the late Senator.

The funeral arrangements are in the hands of Joseph Gawler Sons, Inc., of Wisconsin Avenue and Harrison Street NW.

Visiting hours today, September 13, at Gawler's Funeral Home at that address, Wisconsin Avenue and Harrison Street NW., are from 5 to 8 p.m.

Tomorrow there will be memorial services in Washington, D.C., at the Georgetown Presbyterian Church, 3115 P Street NW., at 2 p.m., with the Rev. Edward L. R. Elson, Senate Chaplain, presiding.

Those wishing to attend should know that a delegation from Congress will leave the Senate stairs for the services at 1:15 p.m.

On Wednesday, September 15, the congressional committee will depart the Senate stairs of the Capitol at 8:15 a.m. and planes will leave Andrews Air Force Base at 9 a.m. for a flight to the Burlington, Vt., airport, from which transportation will be provided for memorial services at the United Church of Newport at Newport, Vt., at 2 o'clock.

Interment at Newport will follow immediately after the church services, and planes will return to Washington in time to be back at Andrews Air Force Base at 7:15 p.m.

May I also inform my colleagues of the House that the family requests that in lieu of flowers contributions be made to the Winston L. Prouty Memorial Fund for the North Country Hospital and Health Center, Newport, Vt. 05855.

THE LATE HONORABLE WINSTON L. PROUTY

Mr. STAFFORD. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 592

Resolved, That the House has heard with profound sorrow of the death of the Honorable Winston L. Prouty, a Senator of the United States from the State of Vermont.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following Members on the part of the House: Mr. Stafford and Mr. Chamberlain.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 5 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 14, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1131. A letter from the Chief of Naval Material, Department of the Navy, transmitting the Annual Report for Fiscal Year 1971 on Department of the Navy research and development procurement actions of $50,000 or more, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1132. A letter from the Secretary of the Interior, transmitting the sixth annual report on the minerals exploration assistance program, pursuant to 30 U.S.C. 641–646; to the Committee on Interior and Insular Affairs.

1133. A letter from the Administrator of Veterans' Affairs, transmitting two reports for fiscal year 1971 on the sharing of medical facilities and on the exchange of medical information, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

1134. A letter from the Acting Comptroller General of the United States, transmitting a report on economies available by eliminating unnecessary telephone equipment, General Services Administration; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9634. A bill to change the name of the "Nebraska National Forest", Niobrara division, to the "Samuel R. McKelvie National Forest"; with an amendment (Rept. No. 92–473). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 10538. A bill to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961 Rept. No. 92–474). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONAGAN:

H.R. 10590. A bill to provide for the establishment of an American Council for Private International Communications. Inc., to grant support to the activities of private American organizations engaged in the field of communication with foreign peoples; to the Committee on Foreign Affairs.

By Mr. FAUNTROY (for himself, Mr. Badillo, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Edwards of California, Mr. Hawkins, Mr. Mitchell, Mr. Roybal, and Mr. Stokes):

H.R. 10591. A bill to establish an equal employment opportunity program for the protection of employees of the Library of Congress; to the Committee on House Administration.

By Mr. REUSS:

H.R. 10592. A bill to provide a procedure for the development of facts necessary to the creation of an informed public opinion with respect to price policies pursued by corporations in administered price industries, and for other purposes; to the Committee on Banking and Currency.

By Mr. ANNUNZIO:

H.R. 10593. A bill to amend the Internal Revenue Code of 1954 to permit an exemption, in an amount not exceeding the maximum social security benefit payable in the taxable year involved, for retirement income received by a taxpayer under a public retirement system or under any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 10594. A bill to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 10595. A bill to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House—The Robert E. Lee Memorial; to the Committee on House Administration.

By Mr. DIGGS:

H.R. 10596. A bill to modernize the duties of the clerk of the Superior Court of the District of Columbia with respect to the issuing of marriage licenses; to the Committee on the District of Columbia.

By Mr. EDWARDS of Alabama:

H.R. 10597. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

By Mr. FAUNTROY:

H.R. 10598. A bill to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. HALPERN:

H.R. 10599. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. HALPERN (for himself, Mr. Moss, Mr. Morse, Mrs. Hicks of Massachusetts, Mr. Mayne, Mr. Forsythe, Mr. Horton, and Mrs. Grasso):

H.R. 10600. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN (for himself, Mr. Madden, Mr. Myers, Mr. Spence, Mr. Cotter, Mr. Yatron, Mr. Denholm, Mr. Mizell, Mr. Byrne of Pennsylvania, and Mr. Sarbanes):

H.R. 10601. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 10602. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOGAN:

H.R. 10603. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOLIFIELD:

H.R. 10604. A bill to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 10605. A bill to amend section 1681 (b) of title 38, United States Code, to provide for payment of the educational assistance allowance in certain cases where a veteran transfers from one approved educational institution to another educational institution; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Pennsylvania:

H.R. 10606. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to extend certain financial assistance for construction of waterworks to private corporations; to the Committee on Agriculture.

By Mr. LONG of Maryland:

H.R. 10607. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. MIKVA (for himself and Mr. MATSUNAGA):

H.R. 10608. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

By Mr. MILLER of Ohio:

H.R. 10609. A bill to amend the Public Service Act to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself and Mr. FRENZEL):

H.R. 10610. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control prorgam; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 10611. A bill to establish the Flagler National Monument; to the Committee on Interior and Insular Affairs.

By Mr. QUILLEN:

H.R. 10612. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. SCHMITZ:

H.R. 10613. A bill to amend the National Labor Relations Act to provide additional protection of the rights of employers and employees in connection with labor disputes; to the Committee on Education and Labor.

H.R. 10614. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 10615. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system; to the Committee on Banking and Currency.

H.R. 10616. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

H.R. 10617. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

By Mr. STEELE:

H.R. 10618. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan; to the Committee on Armed Services.

By Mr. ULLMAN:

H.R. 10619. A bill relating to mineral resources in lands comprising the Three Sisters Wilderness, Oregon; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO:

H.R. 10620. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 10621. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 10622. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. FASCELL (by request):

H.R. 10623. A bill to amend section 2 of the act entitled "An act to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem," approved September 19, 1966, to remove the limitation on the annual authorization for costs of operation and maintenance of the drainage conveyance canal constructed thereunder, and for other purposes; to the Committee on Foreign Affairs.

H.R. 10624. A bill to amend section 3 of the act entitled "An act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty With Mexico, and for other purposes," approved August 10, 1964, to remove the limitation on the annual authorization for necessary maintenance of emergency flood control works constructed thereunder, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HAYS:

H.R. 10625. A bill to amend the Public Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 10626. A bill to amend the Housing Amendments of 1955 to extend certain financial assistance for construction of water works to private corporations; to the Committee on Banking and Currency.

By Mr. KOCH:

H.R. 10627. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. MAILLIARD:

H.R. 10628. A bill to authorize the Secretary of Housing and Urban Development to establish a national catastrophe insurance program, under the Federal Insurance Administrator, which will enable residential property owners to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from natural perils occurring in the United States; to the Committee on Banking and Currency.

By Mr. RODINO:

H.R. 10629. A bill to extend to hawks, owls, and certain other raptors the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHWENGEL:

H.R. 10630. A bill to authorize indemnity payments for dairy cattle contaminated with chemicals; to the Committee on Agriculture.

H.R. 10631. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. SNYDER:

H.R. 10632. A bill to provide that the Consumer Price Index prepared by the Bureau of Labor Statistics shall give appropriate weight to Federal, State, and local taxes; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON:

H.R. 10633. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. ARCHER:

H.J. Res. 861. Joint resolution to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week"; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.J. Res. 862. Joint resolution authorizing the President to proclaim the second full week in October each year as "National Legal Secretaries' Court Observance Week"; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.J. Res. 863. Joint resolution establishing a commission to consider and formulate plans for a permanent memorial to Herbert Clark Hoover; to the Committee on House Administration.

By Mr. TAYLOR:

H.J. Res. 864. Joint resolution to provide for the establishment of a scientific commission on smoking and health; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORHEAD:

H. Con. Res. 397. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 10634. A bill for the relief of Ruby S. Coyle; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 10635. A bill for the relief of William E. Baker; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 10636. A bill for the relief of Mrs. Dominga Pettit; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 10637. A bill for the relief of James R. Dean; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 10638. A bill for the relief of John P. Woodson, his heirs, successors in interest, or assigns; to the Committee on Agriculture.

By Mr. MORSE:

H.R. 10639. A bill for the relief of Antonio Leone, Giuseppa Leone, Francesco Leone, Rosa Leone, Anna Leone, and Antonella Leone; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LEO RENNERT AND THE "NEIGHBORHOOD WHAT HAVE YOU" CONCEPT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, the high-principled and inspirational leadership provided Americans by their President in his efforts to assist an orderly implementation of the Court-ordered integration of the public school system has been in the highest traditions of a political ward boss in a machine-dominated city.

His choice of language in these inspirational efforts to "bring Americans together" on this issue and to inculcate in them a sense of respect for the Supreme Court and the authority of law, has been questioned by some who have suggested the President is motivated by political expediency rather than a desire to help the Nation over a difficult period of social transition.

Mr. Leo Rennert, a capable and distinguished reporter for the McClatchey Newspapers, has wryly suggested to the President another area where he might contribute his leadership in "bringing us together."

I include a copy of Mr. Rennert's recent column in that regard for the interest of my colleagues:

REQUIEM FOR THE NEIGHBORHOOD TEAM

(By Leo Rennert)

WASHINGTON.—President Richard Nixon, who is a devoted sports fan, might want to re-examine his defense of the neighborhood school and opposition to busing of students in the light of the New York Giants' decision to play their home football games in New Jersey come 1975.

With greener pastures, a new stadium and more ticket sales beckoning across the Hudson River at the Hackensack Meadowlands, the Giants announced they are leaving the old neighborhood at Yankee Stadium.

Mind you, even though they are moving to another state, they still consider themselves full-fledged, 100 per cent New Yorkers.

It's just that the concept of home and familiar surroundings has expanded a bit—at least in sports.

The new stadium, in East Rutherford, N.J., will be only seven miles from Manhattan and before you know it Giant fans will feel just as comfortable there as they have been in the House that Ruth built.

Wellington T. Mar, the president of the Giants, does not even plan a change of name for the team. He said:

"It was always the New York Giants and it always will be the New York Giants."

Assure—And to assure everybody the familiar neighborhood feeling will not be lost, Sonny Werblin, the head of the Jersey stadium-building group, remarked:

"The Giants aren't leaving New York. They're just moving to another part of the megalopolis."

If sports fans can accept these wrenching moves from familiar surroundings, why can't No. 1 Fan at the White House apply the same soothing words to opponents of school busing?

For example: "Your child isn't leaving the neighborhood. He's just going to attend school in a different part of it. You see, the neighborhood has grown a little."

Or: "Don't you fret, Sen. Tower, all kids in Austin are still going to go to class in Texas."

And: "Why, Gov. Wallace, even football fans love to use the bus to get to their new stadium."

Cue—The President might take his cue from New Jersey Gov. William T. Cahill, a Republican, who proudly announced his state would make major highway improvements to make the Giants' new stadium more accessible to New York fans.

Exclusive bus lanes, he disclosed, will be reserved on highways leading from the George Washington Bridge and the Lincoln Tunnel to the Hackensack Meadowlands.

So, you see, they're actually going to bus frail, innocent fans through treacherous traffic under and over the turbulent Hudson River to another state! Just think of the traffic hazards, the traumatic partings with family and friends, the mind-bruising shocks of venturing into unknown territory.

Will football really be a better sport by integrating New York and New Jersey?

And what if Gov. Cahill should use federal funds to build those exclusive bus lanes to the stadium?

If only this weren't an isolated instance. But the Boston Patriots are now the New England Patriots and playing in a new stadium in Foxboro, Mass. One sports home for fans in six states. No quibbling about cross-town busing there.

Angels?—And what about the California Angels? Aren't conservatives in Orange County dedicated enough to the neighborhood concept to insist that they be called the Anaheim Angels?

As the President so often has pointed out, the world of sports can be a great source of inspiration to guide us in our daily lives.

But if there are a few more franchise transfers and stadium switches; there is a danger that we might want to redraw the geographic boundaries of every neighborhood in the country.

And kids might even get the idea that riding a bus is fun. At least it's going to be for all those New York fans on their way to East Rutherford, N.J.

DR. CARL W. BLEGEN

HON. ROBERT TAFT, JR.

OF OHIO

IN THE SENATE OF THE UNITED STATES

Monday, September 13, 1971

Mr. TAFT. Mr. President, on August 23, 1971, the world, and particularly the university community, lost a great man with the passing of Dr. Carl W. Blegen. Dr. Blegen was the University of Cincinnati's distinguished service professor emeritus.

He was recognized as the world's outstanding authority on ancient Troy and as one of the top savants in the field of Greek archaeology.

History has recorded his many achievements in the field of classical archeology, but mankind also must see in him a most remarkable figure as a human being towering with the strength and confidence that make men great.

His great wisdom in his chosen field was like a lighthouse in a sea of darkness pointing the way toward hidden knowledge.

He was director of UC's seven annual expeditions to the Asia Minor site of Troy. His findings included a complete new chronology for the many successive cities there and were published in an 11-volume work.

After concluding diggings at Troy, he brought to light the palace of King Nestor, also of Homeric fame, at Pylos, Greece, and directed 15 seasons of excavations there.

Among findings at the site of Troy were the oldest written records uncovered in Europe up to that time in a vast store of clay tablets covered with the famous "Linear B" inscriptions going back to about 1200 B.C.

He was a giant in his chosen field, possessing the rare combination of intuition which penetrated the unknown and the personal warmth that endeared many of his associates to him.

He will be missed by many and most certainly by students of archeology the world over.

To his surviving relatives, we extend our sympathy.

I ask unanimous consent to have printed in the RECORD data about Dr. Blegen and the honors he richly deserved.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

DR. CARL W. BLEGEN

DEGREES RECEIVED

B.A., Augsbury College and University of Minnesota.

Doctorate, Yale University.

M.A. (hon.) Yale University.

Ph.D. (hon.) University of Salonika, Greece, and University of Oslo, Norway.

Doctor of Letters, Oxford University, Cambridge University, England, and University of Athens, Greece.

Doctor of Humane Letters from Hebrew Union College, Jerusalem, Israel.

Doctor of Laws from UC.

AWARDS AND MEDALS

The Rosa F. and Samuel B. Sachs award from the Cincinnati Institute of Fine Arts, 1952 and 1957.

The gold medal from the Archeological Institute of America, 1965.

The Society of Antiquaries of London, 1966.

A gold medal from the University of Cincinnati in 1969.

The Wilbur Lucius Cross Medal of Yale's Graduate School Association in 1967.

HEALTH CARE FOR ALL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HARRINGTON. Mr. Speaker, anyone who has been to a hospital lately knows that being sick is growing more and more expensive. Hospital rates, now running at an average of $100 a day, but some projections place the cost at $1,000 a day in just 10 years. Clearly, we are facing a health crisis.

Although many individuals are covered by private health insurance agencies or through their employment, many are not. And even the private insurance companies do not meet the demands of their customers. Senator EDWARD M. KENNEDY's subcommittee looking into various national health insurance proposals has heard of many cases where family savings, of both the insured and the uninsured, were wiped out because of extensive medical care.

In today's New York Times, Richard D. Lyons details what the newspaper calls the "Dilemma in Health Care: Rising Cost and Demand." Inflation, the article says, has hit the medical industry as it has others with a in cost rise of 30 percent in the last 4 years. Duplication of services, more sophisticated advances, and a higher population has contributed to the rising costs.

Mr. Lyons' article notes that some hospitals are consolidating their services to avoid some of the wasteful duplication. And the need for preventive care rather than hospital care will also lower costs. The patient population in Philadelphia's State Hospital, for example, dropped from 6,400 to under 3,000 once the area established the West Philadelphia Mental Health Consortium, a group of clinics.

The demand for excellent health care for all has never been louder or more eloquent. Health should not be a luxury reserved for the rich, left to the whim of circumstances. Nor should anyone be denied entrance to a hospital because he or she cannot afford to pay the bill for the care required. Health, for the body and the mind, should be a part of our birthright. At this time, I am inserting the article from the Monday edition of the New York Times because I believe it outlines some of the problems facing us which must be dealt with in establishing a system of adequate medical care in a national health insurance program:

DILEMMA IN HEALTH CARE: RISING COST AND DEMAND

(By Richard D. Lyons)

WASHINGTON, September 12.—A decade ago, one medical group in Manhattan charged $35 for a basic physical checkup; today it charges $65. In those same years the going rate for an appendectomy in New York rose from $485 to $1,175 and the cost of an average hospital stay, for the nation as a whole, rose from $265 to $785.

Indeed, Americans are spending money on health care as if there were no tomorrow.

And while almost everyone is complaining about spiraling health care costs, most of the same people—rich and middle class as well as poor, insurers and providers as well as consumers—are also demanding more and better health care no matter what it costs.

The statistics for medical costs, at a time when accumulated inflation has swollen most economic indications, are staggering. This year Americans—through their own pocketbooks, their Federal, state and local governments, and their health insurance companies—will spend almost $80-billion for such things as 15 million operations, two billion prescriptions and the salaries of the five million people who provide health care.

One conservative Federal estimate sets the nation's total health bill by 1980 at $156-billion, which would be 8 per cent of the gross national product and over five times the peak annual cost of the Vietnam war.

"I think medical care is going to be the Vietnam of the nineteen-seventies—billions and billions of dollars going into a quagmire," says Dr. Frederic Bass, a health planner at the University of Pennsylvania.

In this era of inflation, no other item on the Consumer Price Index has risen so fast over the last decade as health costs. In the last four years alone, they have climbed 30 per cent.

Hospital rates have risen five-fold. Today they are hovering at about $100 a day, an unthinkable sum a decade ago. But a decade from now, according to some projections, hospitals may be charging $1,000 a day. At one Boston hospital, a bed in the intensive care unit for respiratory diseases now costs $425.75 day.

Such statistics provide only a partial picture, however, Behind them, there is a long period of dramatic progress in medical technology and, along with it, an unquantifiable but almost tangible rise in public expectations. And at the conjunction of all these factors are two fundamental questions:

If, theoretically, good health care is now possible for everyone, then how can the nation rationally allow anyone to go without it? But, if, practically, the cost of good health care continues to rise so steeply, then how can the nation maintain even its present standards for long without going bankrupt?

Personal "horror stories" of the financial and emotional costs of illness are seemingly endless: A New York couple is financially ruined by the medical costs of a son paralyzed by a football injury; an elderly black couple in Mississippi spend one-third of their meager Social Security check on medicine; a Californian undergoes a kidney transplant to save his life, yet does not have the funds to buy the drugs to keep it viable.

Ranging from Robert Ball, the director of the Social Security Administration, to Paul Stark, the head of a defunct Federal health center in Prestonburg, Ky., many medical administrators feel that the country is either spending too much money on health care or is not getting its money's worth.

REASONS FOR THE INCREASE

The reasons for this surge in spending include:

Inflation, which accounts for half the recent rise in health costs.

More Americans, 20 million more in the last 10 years.

Medicare and Medicaid, which accelerated the demand for services and helped to drive up their prices.

A philosophical shift to the now general opinion that health care is a right of every American, not just a privilege of birth or money.

More sophisticated medical techniques, such as open-heart surgery, that lead to better medical care but at greater cost.

Unionization of hospital workers, which gives higher salaries and more costly fringe benefits to a group that has been among the lowest paid in the nation for decades.

There are other reasons, but they are much harder to document with numbers. Critics of the national health care system—many call it a nonsystem—say it has and is creating vast inequities. For example, in New York City it is at times almost impossible to find a hospital bed, that half the beds in San Francisco hospitals are empty and more hospitals are opening there.

The critics hold that there are vast inefficiencies in the prescription of drugs, the payment for health insurance and the services provided by both hospitals and doctors. For example, a favorite remark of Senator Kennedy, the Massachusetts Democrat who is the chief Congressional critic of the health care system, is that there are more neurosurgeons in his home state than there are in the British Isles, which have 10 times the population.

Another trouble is that the flood of new money into health care has not been matched by an increase in efficiency. In fact, it seems to have acted in reverse in some permutation of Parkinson's law.

"It costs more and more all the time to stand still," says John G. Veneman, Under Secretary of Health, Education, and Welfare. Mr. Veneman and other Nixon Administration officials were appalled by health costs when they took office, but Federal expenses have continued to shoot up despite their efforts.

Where does all the money go? Principally to hospitals, doctors, drugs, medical appliances, nursing homes and, as overhead, to the health insurance companies such as Blue Cross and Blue Shield that spread the risk of becoming ill.

Portions of the health care pie are divided roughly this way: 40 per cent for hospital care; 20 per cent for doctors' services; 10 per cent for drugs; 6 per cent for dentists' services, and 4 per cent for nursing home expenses. The remaining 20 per cent is divided among such items as medical research, construction of facilities, and administration.

Nearly every critic of the health care system believes Americans are spending too much money on drugs. Dr. Henry E. Simmons, chief drug officer of the Food and Drug Administration, estimates that "Americans spend half a million dollars a year on drugs for which there is no valid proof of efficacy."

Just recently the F.D.A. succeeded in removing from public sale a drug named Panalba after a legal battle that ran on for years. During that time consumers were spending $30-million a year on the product, even though Federal judges as well as Federal scientists had found it to be ineffective.

HIGH DRUG PROFITS

While drug prices have not risen dramatically, the pharmaceutical industry reaps the highest profits in terms of return on investment—20 per cent—of any large segment of American industry. Congressional investigations have revealed huge profits in some specific drugs—of over 1,000 per cent in isolated cases—yet drug companies have successfully turned back most attempts to reduce prices.

Another factor is doctors' fees. "You can't reform the health care system unless you delve into the pocketbooks of doctors," says Dr. Robert D. Eilers, director of the Leonard Davis Institute of Health Economics. He notes that one medical group recently hired a surgeon for a salary of $85,000 a year "plus bonuses."

Doctors, the most highly paid professionals in the country, earn a median income of $40,000 a year—after expenses but before taxes—according to our calculation. Only one per cent of Americans earn as much as this. Federal economists estimate that doctors' fees are almost 70 per cent higher than they were in the late nineteen-fifties, a rise almost double that of the consumer price index.

Yet doctors have their own economic problem. Premium rates for medical malpractice insurance, for example, have been soaring. One New York surgeon said he paid an annual premium of $50 when he started practice in 1950. He expects that next year's premium will be $5,050, a hundred times as much. This expense he passes along to the consumer in the form of higher fees.

"HAVE TO PUT THE CRUNCH ON"

Despite all the complaints about drug costs and doctors' fees, most of the grumbling over the rise in health costs has been directed at hospitals. For hospitals have been getting the lion's share of health expenses.

The most common criticism has been that the hospitals have never had the incentives needed for them to effect economies. In addition, most hospitals are controlled by doctors who are unfamiliar with the modern management practices that might curb costs.

"Hospitals are the problems, but Blue Cross hasn't pushed them hard enough," says Dr. Herbert S. Denenberg, the new Pennsylvania insurance commissioner. "You have to put the crunch on someone if you're going to control medical costs."

In a rare effort to force economies, the insurance commissioner rejected a $73-million premium rate increase request from Blue Cross of Greater Philadelphia, which has been awarded an annual increase for the last quarter century. He wants to retain Blue Cross, but force it in turn to force hospitals to effect economies.

Dr. Denenberg, one of the new breed of reformers in the health care field and a friend of Ralph Nader, the consumer advocate, also accuses the other private insurance companies of "just shoveling money back and forth—they have not paid attention to cost and quality controls."

The Pennsylvanian is one of 20 new state insurance commissioners who have taken office in the last year. Many of them are determined to force economies in health costs. Others include Kenneth Deshetler, Ohio's Director of Insurance, and John F. O'Leary, chairman of the Massachusetts rate-setting commission.

Mr. O'Leary wants state and Federal agencies to intervene to force down hospital costs and some states, including New York, Maryland, California and Pennsylvania, are considering the creation of hospital rate setting commissions similar to those that regulate transportation, electric and gas rates.

Gordon Chase, head of the New York City Health Services Administration, accuses hospital leaders of using "quality of care" to "obscure inefficiency, obsolescence and traditional ways of operating which will not stand close scrutiny."

Three-quarters of all hospital bills are paid through Blue Cross, which was specifically created to perform the task. Yet Blue Cross has gone almost unregulated. Congressional investigators found recently that some local plans were paying the country club dues of Blue Cross executives, while others were paying for executives' vacations in Hawaii.

The national president of Blue Cross, Walter J. McNerney of Chicago, conceded that the hospital insurance plan "has not done everything as well as it should" to hold down hospital rates. "We have not been sufficiently self-critical and innovative," he adds.

How could hospital costs be brought down? The Good Samaritan Health Service in Phoenix found a way by amalgamating a group of 10 hospitals, thus doing away with duplicating services and overhead. The group saved $90,000 last year by buying all its insurance as a package. Common laundry services and the standardization of linens and uniforms all would help, but relatively few groups of hospitals have done this.

Costs could also be constrained by clusters of hospitals if individual institutions were assigned specific tasks, such as delivering babies and performing open-heart surgery, rather than each offering a full range of services.

Keeping people out of the hospital is uniformly acknowledged as the most effective method of holding down costs.

The patient population of Philadelphia State Hospital dropped from 6,400 to under 3,000 in recent years, aided by the creation of the West Philadelphia Mental Health Consortium, a group of nine community mental health clinics.

Dr. Robert Leopold, the consortium's director, says that while costs per patient are $6 a day at the health centers, they are $15 a day in the state hospital. The Philadelphia program, one of only a few in the nation, "shows that psychiatric patients can be treated near their homes outside the hospital and at far less cost," Dr. Leopold says.

Large cost savings from Pre-Paid Group Plans also are possible through the operations of what are known as prepaid group plans, of which the most familiar are the Kaiser foundation groups of California, Oregon, Hawaii, Colorado and Ohio.

By stressing preventive medicine, that is, treating potentially serious medical conditions before they can grow into costly diseases, persons enrolled in the Kaiser groups spend less than half as many days in hospitals as other Americans. Premiums for Kaiser care are also less than comparable insurance plans, while the annual increase in premium rates has been less than elsewhere.

The money-saving potential of providing preventive services, such as periodic physicals has been demonstrated by the Group Health Cooperative of Puget Sound in Seattle, which was started in 1947 and now provides health care for 140,000 people.

Last year the group health cooperative spent only $37 per member on hospitalization. This compares with $112 for the average American. Yet almost the same amount of money was spent for both groups for physicians' fees and outpatient services such as laboratory tests and X-rays. The lesson would seem to be that preventive medicine, properly run, can substantially reduce costly hospitalization.

A Federal takeover of health delivery systems, as occurred in Britain, has been advocated by some groups here. But at least two experiments with Federal funding in this country have indicated that it is little better economically than the system it is meant to replace.

In Prestonburg, Ky., one such project was canceled by the Office of Economic Opportunity after investigators found it to * * * services but also "totally corrupt." More than half of the $4-million spent on the project went for the salaries of courthouse cronies and overhead expenses.

Another Federal funded project, the Martin Luther King Health Center in the Bronx, spends $75 per patient visit, far more than it would cost to treat a person in a doctor's office.

MAINTENANCE GROUPS

The Nixon Administration is spending $45-million on what might be one partial solution to the health cost problem—the health maintenance organization. The H.M.O., as it is known, has been praised by the President as the prime new method of organizing health care delivery for quality and economy.

H.M.O.'s, a few of which are now in operation, use groups of doctors and facilities to treat the health needs of thousands of persons living in specific areas. In his health message of last February, Mr. Nixon also proposed a $300-million loan guarantee program to start dozens of H.M.O.'s. If the Administration has its wish, 80 per cent of all Americans will be enrolled in H.M.O.'s by the end of the decade.

This percentage is viewed as wildly optimistic even by those health care experts who say that reform of the system is absolutely necessary to bring better medical care to more people at less cost.

One of the new breed of reformers who are leading the attack against wasteful and inept practices in the health care field is Dr. Denenberg of Pennsylvania, who is a friend of Ralph Nader, the consumer advocate. Dr. Denenberg is the type of free wheeling challenger of the medical establishment who, according to one critic, makes Mr. Nader "look like Louis the Fourteenth."

"The health delivery system is so full of glaring inefficiencies and abuses that it is easy to give up in despair," says Dr. Denenberg. "For example, the providers of health care saddle the public with unnecessary, underutilized and duplicated services which not only produce astronomical costs, but also often deliver low quality care."

The complaints come from within the medical establishment as well. Dr. Edwin L. Crosby, president of the American Hospital Association, says the nation has too many hospital beds. And one of the truisms of medical practice holds that too many operations are being performed on too many people.

The results, according to Dr. Murray Hunter, medical director of a clinic in Fairmont, W. Va., is that "for a dollar today we're getting 50 cents worth of health care—if it were done right we'd get 80 cents worth."

Another problem is that merely increasing the money spent on health care does not necessarily lead to better-quality care. A Dr. Donald Harrington, director of the San Joaquin Medical Foundation in Stockton, Calif., puts it: "An open checkbook often leads to bad work."

Yet some doctors seem to be benefiting by such an approach. Dr. Lowell E. Bellin, New York City's first deputy health resources commissioner, says: "If after two years in private practice a doctor isn't clearing $35,000 a year, you should strap an electroencephalograph to his brain to find out why."

SUMMARY BILL LISTS THE CHARGES FOR A TERMINAL CANCER PATIENT IN A NEW YORK HOSPITAL

Description of charges	Total charges	Blue Cross or other insurance coverage	Patients charges
47 days at $113	$5,311.00	$4,620.10	$690.90
63 days at $121	7,623.00	5,209.90	2,413.10
Room and board	12,934.00	9,830.00	3,104.00
Laboratory	2,177.40	2,062.90	114.50
X-ray	852.00	852.00	
Pharmacy	800.80	653.80	147.00
Medical and surgical supply	431.55	405.55	8.00
Inhalation therapy	20.00	10.00	10.00
Cardiogram	35.00	35.00	
X-ray therapy	1,085.00		1,085.0
Phone	20.78		20.78
Total charges	18,338.53	14,223.50	4,115.0

THE RUSH TO RED CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHMITZ. Mr. Speaker, while it is true that words are one thing and action another, and that many political figures do not consider it necessary that the two coincide, words and diplomatic gestures have a tremendous effect of their own. The President's proposed trip to the court of Oriental despot Mao Tse-tung and the abandonment of our long-standing policy of opposing the admission of Red China to the United Nations, has had the same effect on foreign nations as the starter's gun has on Olympic sprinters. The race to embrace Mao and Chou is on.

Actually the administration has been making overtures toward the Chinese Communists for more than 2 years. In July 1969 the State Department announced that certain restrictions on travel to Red China were being lifted. This was followed by the lifting of trade restrictions, approaches to Peking through third nations, and beginning to refer to Red China as the People's Republic of China in official announcements. These clear signs of changing U.S. policy encouraged countries such as Canada, Italy, Kuwait, and others to recognize Peking and consequently to sever their ties with the Republic of China. However, the announced trip closely followed by the changed U.N. policy were the final cracks in freedom's dike which loosed the flood.

The momentous changes in international alinements taking place at this time cannot be reversed by U.S. fiat if the President's "risk for peace" does not actually induce the Red Chinese to become paper tigers. In the eyes of foreign nations we are committed now to Red China. Uncertainty about the determination of the United States to continue opposing Communist expansion, aroused in the minds of many foreign leaders by our demonstrated inability to defeat a fifth-rate power like North Vietnam, has been transformed into certainty that we no longer have that determination. Nation after nation is scrambling to get into bed with Peking, permanently altering the diplomatic balance against the Republic of China.

For example, both Great Britain and Turkey have announced that they will vote in favor of seating Red China in the United Nations and ousting Nationalist China from the Security Council. Since the President's visit to Peking was announced, Turkey has withdrawn its ambassador from Taipei, capital of Nationalist China, and has sent one to Peking. Japanese business firms are making a dramatic shift away from trade with Taiwan and toward trade with mainland China. These are only a few instances of a worldwide trend.

Although the administration says it will fight against expulsion of Nationalist China from the United Nations, while at the same time favoring admission of Red China to the General Assembly and assuring its membership on the Security Council by not opposing it, our changed policy has so stacked the international deck at this point that, barring complete reversal of our present course, successful opposition to this expulsion for more than 1 year is virtually impossible. In view of this evident fact, and the unwavering refusal of Red China to negotiate diplomatic recognition and U.N. admission on the basis of "two Chinas," it is difficult to believe the sincerity of our official talk about such a policy. Those like Henry Kissinger who have been negotiating directly with the Peking Government on this point must know that any such policy will have to be abandoned. Perhaps they think that holding out this illusory hope will lull the conscience of the American people so that most will not object to this sellout of our ally.

A recent news report quoted a Western European ambassador whose government plans to support Nationalist China in the United Nations this year as saying: "If you Americans really go out twisting arms, you may succeed in keeping Taiwan in the United Nations—but I'm not convinced that you will."

Neither am I.

UNIQUE CONCERT AT J. F. K. CENTER FOR THE PERFORMING ARTS

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. GALIFIANAKIS. Mr. Speaker, I should like to call to the attention of my colleagues a truly history-making event which occurred yesterday in the Concert Hall of the John F. Kennedy Center for the Performing Arts. It was a unique concert that pointed up and underscored one of this Nation's greatest musical heritages. I refer to the contribution to our cultural life of the Unitas Fratrum, the United Brethren, or as the denomination is more commonly referred to, the Moravians. These sturdy people emigrated in the 18th century from that area of Europe which is modern-day Czechoslovakia, to Pennsylvania and North Carolina. In the North Carolina wilderness they established three tiny communities called Bethabara, Bethania, and Salem.

From Bethabara, Bethania, and Salem to the banks of the Potomac—from Moravian Composer John Frederick Peter to Leonard Bernstein, is a long, long way in distance and in time. And the road to America's cultural maturity that found its apex in the magnificent structure that is the Kennedy Center, had its beginnings in the rolling Pennsylvania countryside around Bethlehem, and wound its way through the lush, green Piedmont North Carolina forest the first Moravians called the Wachau, or the Wachovia Tract.

The friends of Haydn and Handel braved a wilderness, and brought to it their unique and high heritage. They most certainly contributed enormously to our cultural world today. How very appropriate that one of the first sounds to echo through the halls of our new national cultural center was that of Moravian music—a sound that echos down two centuries of American life. How very appropriate that Sunday's concert, entitled "Dawn of Glory," was performed by faculty musicians of the North Carolina School of the Arts under the able direction of Nicholas Harsanyi. For these men and women work and live in the very shadow of historic Salem Square where John Frederick Peter served as pastor and produced some of the most lovely and moving anthems and chamber music pieces of the 18th century.

The names of those who were responsible for this moment of history are legion, and we are truly grateful for their perserverence in bringing this dream to reality. But I should like to pay singular tribute to seven special people who inspired this effort and kept it alive during months of comprehensive and painstaking planning. Those people are Mrs. Gordon Hanes, Mr. R. Arthur Spaugh, Mr. R. Phillip Hanes, Mrs. Paul Kolb, Mrs. Ira Julian, Mrs. Claude Strickland, Jr., and Mr. Roger Hall of Winston-Salem, N.C.

Perhaps Sunday's performance can best be summed up by quoting the words of Peter himself who 200 years ago wrote a warm and loving anthem in praise of the Saviour's grace. In his native German, Peter wrote, "Es ist ein kostlich Ding"—"It is a precious thing." "It is," indeed, "a precious thing."

PUBLIC LAND LAW REVIEW COMMISSION REPORT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent commentary on the Public Land Law Review Commission's report sent me by Mr. Roland C. Clement, president of the National Audubon Society, which I believe merits inclusion in the CONGRESSIONAL RECORD at this point:

EDITORIALS

MARCH 10, 1971.

CONSERVATION COLLEAGUES: The following four editorial comments on the Public Land Law Review Commission's recent report will not be run in Audubon magazine during 1971.

We hope this advance copy of our drafts will prove interesting and helpful in your own examinations of the implications of the PLLRC report.

ROLAND C. CLEMENT,
National Audubon Society.

NEW YORK CITY.

1. ONE-THIRD OF THE NATION'S LAND

The Congress is no spontaneous generation chamber. Its lawmaking is much less national policy-making than trouble-shooting and plain regional privilege-seeking. When, therefore, the Public Land Law Review Commission was given its commission in 1964, Public Law 88–606 simply articulated the impatience of the Western States for more economic growth; and in a region where 48% of the landscape is in federal ownership, such growth can be most easily attained by "maximizing commodity production" on these same public lands. This is the task the Commission set itself, and this is what it cheerfully heard as "the will of the people" during five years of public hearings, a wide assortment of farmed-out research reports, and discussion sessions that cost over a million dollars a year for five years.

The Commission's conclusions and recommendations were issued in June, 1970 as a 342-page volume, One-Third of the Nation's Land. Before assessing this, however, let us look at another interesting political vehicle institutionalized by Congress: the public hearing. Whatever its original, town meeting justification, in practice the public hearing has become a device for reflecting the views of those who know what they want. In our country, industry groups best know what they want, are well-funded, and well-organized to lobby for what they want. More often than not, therefore, it is industry that speaks for the public at public hearings, since the general public is not organized, has diffused interests, and little understanding of the political mechanisms for pressing its needs where it counts. The Boston hearing of PLLRC, for example, was dominated by investment banking interests who told the Commission how important it was to transform all natural resources into economic goods; the Washington, D.C., hearing was dominated by the mining industry's lobbyists; and timber and grazing interests who are the other beneficiaries of federal largesse in public land policy, held sway in most of the western hearings.

These hearings (seventeen in number) were also ideal settings for airing every local grudge against the public land management agencies, and this too was done. Even though the public lands are mostly the left-overs of our original public domain set aside to prevent a recurrence of the gutting of the Great Lakes pineries; or lands that no one wanted—deserts and mountains, or tax-reverted lands whose slow organic accumulations had been stripped off in a few decades of greedy overuse—our hold-over "rugged individualism" continues to bridle at any federal ownership of land. It is symptomatic of this commodity orientation, for example, that economist Milton Friedman still advocates that the National Parks should be a private enterprise.

Even so, something quite unforeseen by the advocates of turning the public lands to private production happened while the Commission deliberated. The Environmental Awareness Revolution came upon us, and the PLLRC probably felt its impact as much, or more, than anyone. Exploitation—necessary and appropriate, in moderation—became suspect because the public once again grew aware of the abuse that has characterized so much exploitation since the first public alarm created the conservation movement in Theodore Roosevelt's day. The public began demanding that Environmental Quality should at least be given equal status with Economic Growth. We are, in short, in that uneasy, half-aware state of wanting our cake but wishing to eat it, too. We are not sure how to do this, or whether it can be done at all, but we want to try. Chapter Four of the report is a formal acknowledgment of the potency of this new public will, an idealistic set of recommendations to take care of the environment. Unfortunately, too many other recommendations are in direct conflict with Chapter Four, as also our land-use habits, our statutes, and our narrow professionalism. But one has to start somewhere.

Expensive as it may seem, the Commission's review of our conflicting public land laws, overlapping agency responsibilities, and its recommendations, are a valuable crystallization of the Nation's problem in forging a better policy for the future than has guided our past. Sugar-coated and often half-hidden the problems nevertheless reveal themselves to a careful reading of the report; they alert us to hazards and needs, and for this we must be thankful. The Commission, history will probably conclude, came along little more than two years too late to implement its original concepts of public land use. The task of redefining needs has shifted to the environmentalists, who are today's more broadly, more people-oriented conservationists of yesteryear.

The conflicts and problems are many and real, but not insolvable. We need a truly national policy on land use, and the Congress and the Administration are both at last beginning to address this question. We would suggest to them that an intelligent policy will require contrasting truly national needs with those expressed by the regions, i.e., of recognizing the existence of low resource base (carrying capacity) in some regions, of oversaturation in others; and the need to set priorities to bring order out of threatening chaos. National policy requires an end to the piecemeal decision-making that now characterizes our water policy, our agricultural programs, our human welfare programs, and requires facing the ecosystem integrity questions that underlie so many of our assumptions about the carrying capacity of the planet itself. When the Commission disbanded on December 22, 1970, the curtain came down on what may be considered the first act in a new national drama. The characters have been introduced, the cues heard. The play will go on, and one hopes that the drama will unfold a constructive response.

2. TOWARD A NATIONAL TIMBER POLICY

Few resources areas have sparked more emotionally-charged controversy than the Nation's forests. Since most of the national forests are in the West, it is understandable that our colleagues of the Sierra Club, based in San Francisco, have taken the lead in questioning timber policy and opposing many of the emphases. They are not alone in this, however, even though Congressman Wayne Aspinall, chairman of the PLLRC, recently claimed that of all the national conservation groups, only the Sierra Club was critical of one-third of the nation's land.

With few exceptions, the defendants of current timber policy in both industry and the forest services have unfortunately often been quite paranoid in attempting to justify their stance while countering what they considered emotional criticisms. Ironically, also, although the government services have been under consistent attack from private enterprise forestry, they have, for the most part, made a common defense against outside critics. This is perhaps most easily explained by recalling that almost all forestry schools have been industry-oriented. Most professional foresters, therefore, still think in terms of timber harvest rather than of forest ecosystems.

The PLLRC's chapter on Timber Resources reflects this orthodoxy faithfully, viz.:

> Regardless of the reasons why the Federal Government became by far the country's leading owner and manager of forest lands and timber, and regardless of the relevancy of these reasons to today's conditions, the facts are:
>
> Federally-owned timber is vital to the wood economy of the country;
>
> Federally-owned timber is vital to the economies of many communities;
>
> Federal policies with respect to the sale of this timber can result in the life or death of firms that use it.
>
> The federal Government's dominance as a supplier of timber will continue in the future.

This quotation reflects the distorted philosophy which led industry and government foresters to try to foist The Timber Supply Act of 1969 on an unwilling public. Both propositions are false because they disregard that "the wood economy" of the country is a minor fraction of the total economy, that wood is increasingly easily substituted for as a building material, and that this makes it less vital than its exploiters have presumed; because, traditionally, communities and firms which have depended on maximizing net returns from mature forests have been left derelict since this is a resource liquidation process; and because of what foresters call cutting rotations. Economic stability for the timber industry and its associated communities can come only from sustained yield operations that involve sufficiently rapid growth or extensive enough a cutting circle to maintain a forest-dependent economy. This is possible in pulpwood production, and for timber production where good soil, sun and abundant moisture make for rapid growth, and providing the firms and the communities do not overreach themselves. The PLLRC failed to see the conflict between the rigorously economic practices it advocated, and its desire to protect small firms and timber-dependent communities. This is a result of confusing the personal view of the economy—income and commodities—with economics as the social science of allocating scarce resources efficiently.

A breach of fresh insight was cast on forest policy in November. In a critique stimulated by a controversy over management practices in the Bitterroot National Forest, a Select Committee from the school of Forestry at the University of Montana, Missoula, reminded us that the central tenet of professional forestry, sustained yield timber management, was drawn from very different economic conditions prevailing in western Europe over a century ago. Because Germany and France then prohibited imports, they had created a self-imposed scarcity which warranted the application of the relatively more abundant resources of labor and capital to increasing the production of timber. Transferred to this country, where land is cheap relative to labor and capital, the forester's dogma was unfortunately applied unchanged, and "management" has unquestioningly been assumed to mean timber cutting.

The same Montana group drew an important distinction between "forest management" and "forest mining". "Mining", which deserves status as a technical term, is all timber cutting on sites that do not warrant the capital reinvestments that distinguish "forest management". In short, mining is the liquidation of natural surpluses that accrue too slowly to repay the opportunity costs of capital. The taking of such surpluses is warranted but it is just justifiable only under such conditions as leave the forest community relatively undisturbed, i.e., on a very selective cutting basis, no matter whether the forest is even-aged or not. The U.S. Forest Service currently classifies as "commercial timber land" all those areas capable of producing 25 cu. ft. of wood per acre per year. This figure is probably much too low. Indeed, we must now ask whether the government should not own all forest lands which do not warrant private management investments. In the Northeast, certainly, only state or federal ownership can protect the land long enough to allow it to recover from the abuse it suffered these last 300 years.

If we will accept these insights and redesign our national forest policy accordingly, the forest will first be valued in its own right—as the Earth's vegetative coat which graces the landscape, provides shade, shelter, oxygen; protects soil, helps water percolation, and furnishes the matrix for a living community; and, secondly for the commodities its surpluses may afford a prudent husbandry. Such a policy would be a proper denial of the PLLRC's dictum that "as national resources (the public lands) have little value unless their values are made available for the use of our people." It is obvious that "use" has a narrow connotation here. Forests always have ecologic utility; they may or may not have private economic value.

3. HOME ON THE RANGE

The only reason Americans eat more meat than other people is that they have plenty of land. Less fortunate people cannot afford the waste of grains involved in allowing stock animals to process cereals to meat. We are the only Nation that pays its citizens *not* to grow crops.

Federal agricultural price supports for crops, originally designed to stimulate production, now vainly seek to cushion the impact of too much productivity. Too successful, they now make the problem worse. Recently, the retiring president of the American Farm Bureau Federation expressed publicly what every student of American agriculture has known for a long time: price supports are not an agricultural program, but a form of economic relief for farmers caught in the squeeze of technological obsolescence. The tragedy is that most of the "relief" goes to the wealthy top producers, and that is costing us $5 billion when we plead poverty in helping the cities, education, and other essential public services.

Equally tragic is the fact that price subsidies, by encouraging excessive production, depress the prices farmers get for their products and induce them to try to bring ever more land into production, draining prairie potholes essential to nesting waterfowl, clearing riverbottom swamps, and irrigating deserts. The "farm program" is destroying the diversity of America.

After the Civil War, little more than a century ago, the buffalo and the Plains Indians having been dispossessed, there began a great westward movement led by stockmen who came to exploit the great "commons" of grass on the plains, in the mountains, and in the subdeserts. A single generation saw the rise and fall of baronies built on free grass before homesteaders forced a partitioning of the land.

Europe's need for wheat during World War I induced us to rip open the grazing lands of the High Plains, and the price support programs instituted during the Great Depression of the 1930s finished the conversion to cropland. The depression is history but the price supports are still with us. Grazing became confined to the less productive lands, often with a small private holding in a favored valley dependent upon seasonal grazing on adjacent public land, perhaps in the high country of the National Forest, or in the semideserts controlled by the Bureau of Land Management. Small fees for such grazing were first imposed by the Forest Service in 1905, and by BLM in 1934. Attempts to bring these grazing fees into line with values rendered were beaten down by western Congressmen until 1971 when the first of a graded series of increases was implemented. The ranching community has tried persistently to assure itself statutory rights in the public lands it rents, and one third of the Nation's land pleads for a continuation of many of the privileges already accorded the stockman.

The prestigious Committee for Economic Development has estimated that the current federal price support system keeps some 20 million excess acres in crops—mostly wheat—that would be more efficiently used for grazing if the price supports were abandoned. Such a restoration of market efficiency to agriculture—in wheat and other crops—would save some $5 billion in taxes, though during the first few years the farm budget should be retained to help farmers make the transition via retraining programs, etc., since two million people would be involved. Such a policy shift would not only make American agriculture more efficient, but would have far-reaching implications for national land use policy. It would allow our taxes to be used constructively elsewhere. It would reduce the pressure on marginal lands by slowing cropland expansion. Increased livestock production on the more productive prairie lands would lower meat prices and make much public land grazing uneconomic, thus leaving these more fragile lands for wildlife and recreation. The current excuses for the federal predator control program would vanish, and here too more tax savings would result.

In the economic literature, when a reallocation of resources makes everyone better off, that nearly ideal circumstance is called a Pareto Optimum. The PLLRC failed to orient grazing as part of the larger agricultural policy problem. It therefore failed to see and propose the broader program suggested here.

4. HARD ROCKS, OIL, ETC.

"Our standard of living and our national defense are heavily dependent upon the availability of fuel and nonfuel minerals." In this opening sentence to the chapter on Mineral Resources in ONE THIRD OF THE NATION'S LAND, the Public Land Law Review Commission pinpoints both what is wrong with its outlook and what is wrong with national policy.

Current mineral policy, a tangle of legal complications, is based on three systems of exploitation: the original location-patent system that allows any prospector-explorer to establish claims wherever he may find minerals, so long as he has obtained a permit to explore, without paying the Nation for the resources he may eventually exploit. This is the wide open windfall system institutionalized under the Mining Law of 1872. In 1920 a Mineral Leasing system was superimposed whereby the exploiter pays a royalty for the resources extracted on public land. And more recently a Materials Disposal system was added to regulate the mining of gravel, sand, etc. The PLLRC report toys with the desirability of combining these systems into a single Mineral Leasing system, but eventually recommends the *status quo* with minor modifications.

Despite its powerful defenders, our national mining policy, most students agree, has been profligate in extraction, use, and in its environmental effects. So, of course, has been the "standard of living" built on this profligate extractive system. This could hardly be otherwise with the built-in obsolescence that characterizes industrial production, a level of consumption which is made possible only by exploiting the whole world for resources (⅓ of our minerals are imported), and a price system that disregards environmental costs. These flaws in our policy thus lead to premature resource exhaustion (through excessive extraction), to inefficiency in American industry (which is increasingly outcompeted abroad), and to a monstrous pollution problem. Lake Superior is being polluted by the taconite tailings of Reserve Mining Company's operations; thousands of streams have been made sterile by coal and other mine wastes; we have poisoned the air with sulfur because it seemed cheaper to mine it than to recover it from coal and oil used as fuels; lead, mercury, oil, PCBs, radioactive wastes, and other destructive materials have been spewed around the world; and current solid waste disposal loads and methods are destroying environmental diversity.

If, as the Commission says, minerals are relatively rare, this is of course exactly why we should stop wasting them; why we should constrain extraction in order to make recycling "economic"; and why built-in obsolescence should be recognized as the crime against human welfare it truly is. Like most resources in a highly evolved technological society, minerals are often substitutable one for the other, so there are many alternative ways of satisfying real needs. The bogey of national defense is a favorite smoke screen for protecting inefficiency privilege, or worse sins, but—our mistaken foreign adventures aside—the more important a mineral is to our future, the more we should hoard it and prevent its use in unimportant areas. Minerals, unlike trees, are non-renewable resources. All we can do is to use them prudently, and to recycle them.

It is in its discussion of Mineral Resources that the PLLRC's controversial "dominant use" concept becomes most arrogant. Because minerals are rare, it says, their extraction must be given dominance, and the mining industry must be given free access to the public lands! Economist M. M. Kelso of the University of Arizona has made the best comment on dominant use theory (in a new book by the Natural Resources Council of America, *What's Ahead For Our Public Lands*). It is, he writes, unsound economics because maximum public benefit will rarely be achieved by managing an area of public lands to the maximum degree for any single use. This is so because secondary uses will add more to the total benefit than the reduced (marginal) production they impose on a dominant use when a properly balanced (multiple use) program is the guiding policy.

The PLLRC recommends, again and again, that "the Federal government should rely on the private sector for mineral exploration," but we would reverse this and suggest that the Public Lands should be explored by government geologists—or under contracts let by the government—and exploitation allowed, again under contract by private firms, only when the Nation definitely needs the mineral involved. As is true of the controversial oil shales of the Colorado Plateau, private mining companies already own enough mineralized lands to supply a more conservative national economy. We should, then, abolish the Mining Law of 1872, and close all public lands to mining except as a National Materials Policy indicated real need, whereupon private firms should be allowed to bid for the privilege of extracting and selling the resource in the open market after having paid appropriate royalties.

ADDRESS BY MR. EDWARD P. MURPHY BEFORE THE GREATER BOSTON LABOR COUNCIL, AFL-CIO

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, at the annual Labor Day breakfast of the Greater Boston Labor Council, AFL-CIO, held at the Statler Hilton Hotel in Boston, Mass., on Monday, September 6, 1971, Mr. Edward P. Murphy, secretary-treasurer of the Union Label and Service Trades Department, AFL-CIO, gave the following informative and enlightening speech to all present, which I would like very much to share with my colleagues in the house:

ADDRESS BY EDWARD P. MURPHY

On this Labor Day, we in the trade union movement face a more complicated set of problems than we've been up against for a long time.

We have an unemployment problem. We have an inflation problem. And now we have the problem of a "New Economic Policy" that nobody understands.

All we can be sure of, as George Meany says, is that this "New Economic Policy" wasn't intended to do the workingman any good.

These complications have even had an effect on the union label.

There was a time, not many years ago—we can all remember it—when the union label was a trade union issue, pure and simple.

A good union man not only worked union, he bought union.

The union label was the difference between goods that were made in an organized shop, under union conditions, and goods turned out by unorganized workers under non-union conditions.

That's still the issue—but it's not simple any more.

It's not just a trade union issue; it's a national issue. And it's getting more serious.

We still have battles to win against the goods produced in America by non-union and anti-union companies—by the runaway shops and the union-busters.

We still have, and we will always have, our unfair lists, our "Don't Patronize" lists, both local and national.

We're still a long way from winning all those battles; and of course, there will always be new ones. Yet on this Labor Day, in this very complicated year of 1971, we find ourselves wishing that these were the only battles we faced. The truth of the matter is, they are the least of our problems. And I say that in the full knowledge that they are very important to us all.

These domestic battles are overshadowed today by a world struggle—a struggle that involves the job security of every wage-earner in America, organized and unorganized. It is a struggle to determine whether the goods America needs will be produced in America by American workers. And the outcome will decide whether the average American will be able to afford to buy the goods he needs.

If you think I am exaggerating, let me give you a few facts. Do you know that more than a third of all the shoes sold in the United States are made in countries where shoe workers earn 50¢ an hour or less? Many come from countries like Korea or Nationalist China, where the pay is 11¢ an hour.

Those shoes are only part—a small part—of a flood of imports amounting to 48 billion dollars a year. Not millions—billions.

Do you know that when it comes to consumer goods—household appliances and all the rest—you can really "be sure if it's Westinghouse"? What you can be sure of is that it wasn't made in America. The nation's second biggest electrical manufacturing company no longer makes any of its consumer products in the U.S.A.

I don't mean to single out Westinghouse. It is just doing what it always does—following the pattern set by General Electric. Brand names don't mean anything any more. They don't mean anything because American companies have invested their profits overseas, setting up factories to make goods for the American market.

Do you know by next year there won't be a single radio set made in this country? Do you know only a handful of TV sets are made here now? The rest are produced in foreign countries but selling under the familiar American trade names.

Or look at the auto industry. We all know where Volkswagens are made. There's no secret about that. And the same goes for Toyotas and Datsuns. But wait. General Motors sells a car called the Opel. Buick dealers handle it. It's just as German as the VW. Chrysler has a new little car called the Cricket. You must have seen the ads—and heard the song—on television. The ads say "Chrysler designed, Chrysler engineered." That's not what the ads say in England. In England the same car is called a Hillman. That's where it's made—in the Hillman factory. When they bring it over here they put a different nameplate on it.

Chrysler has another car called the Colt. That one's made in Japan. And what about the Pinto? Sure, it's a Ford. But so far, the engines are made in the Ford plant in England. To be fair about it, Ford is building a Pinto engine plant in this country. My guess is that Mr. Ford thinks that Americans are getting sick of all the imports; he wants to be ready with an all-American entry in the small car field.

But Ford and the other members of the Big Three, General Motors and Chrysler, all have solid connections with Japanese car manufacturers. It's still possible that in a few years all our cars may be the way so many other products are right now—an American name on the front, with Japanese works underneath.

Now we in the Union Label and Service Trades Department don't make policy for the AFL–CIO. We know that foreign trade is a complicated affair. We know that our country has to buy and sell goods in the world market. And we will leave it to our own experts, our own trade union economists, to figure out how this can be done on a fair and reasonable basis. But we also know something else. We know that the kind of foreign trade that's taking place today is not fair and reasonable. We know it is taking tens of thousands of jobs away from American workers—from American union members—and shipping them overseas.

You people here in New England don't need to hear this from me. You were among the first to be hurt and you are among the hardest hit.

You know what happened to your textile mills and your shoe factories—as though the anti-union south hadn't hurt enough. You know about watches and electrical goods, and all the rest. And you know that adjustment assistance, as they call it, is no substitute for a job.

Speaking of substitutes, now we have another one—the 10% surtax. There's an old expression that fits it—too little and too late.

And so we say this: Under these circumstances, there's only one sensible course for American trade unionists to take—Buy American.

And there is only one way, in these times, to be sure of buying American—and that is to buy union, by demanding the union label. It's not enough for a product to carry a familiar American name, or a brand that is a household word. You can't be sure unless it carries an American label—a union label. This is the message we must spread among our members, and among their wives and children—the 40 million or more consumers who belong to AFL–CIO families. And we must spread it among our friends and neighbors, among the professional people, the self-employed and all the rest, who aren't union members. Because today, it is their struggle as much as ours. We say to everyone who works in America, everyone who depends upon American wages: Help our country, help yourself in these troubled times; buy union and you will re-build America!

FINANCIAL STATEMENT BY WILLIAM E. FRENZEL, FOR U.S. CONGRESS VOLUNTEER COMMITTEE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. FRENZEL. Mr. Speaker, this week, two committees of this House will probably begin markup sessions on election reform bills. An important question before each committee is that of possible restrictions on campaign spending.

Like all Members, I have previously certified my personal expenditures per the Federal law. At this point in the RECORD I would like to insert, in addition, the financial statement made by my volunteer committee and filed, per Minnesota law, with the Minnesota secretary of state:

STATE OF MINNESOTA, DEPARTMENT OF STATE

I, Arlen I. Erdahl, Secretary of State of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original filing in my office of Financial Statement by William E. Frenzel, for United States Congress Volunteer Committee, dated December 3, 1970, and that said copy is a true and correct transcript of said filing and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol in St. Paul, this 8th day of September A.D. 1971.

ARLEN I. ERDAHL,
Secretary of State.

WILLIAM E. FRENZEL FOR U.S. CONGRESS VOLUNTEER COMMITTEE

I, John G. Lindell, hereby state that I am Treasurer of the above named committee, and that said Committee received a total of $144,325.44 in contributions through December 2, 1970. A total of $144,155.21 of said sum was expended for travel, meals, transportation, printing, postage, mailing, advertising, personnel fees, rent, telephone, utilities, and miscellaneous expenses as of the aforementioned date.

Dated: December 3, 1970.

JOHN G. LINDELL,
Treasurer.

CRIME STATISTICS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HARRINGTON. Mr. Speaker, during the last presidential campaign, John N. Mitchell was President Nixon's campaign manager. And during that campaign, the voters were frequently told about the rise in crime during the Democratic administrations. Crime was so bad, candidate Nixon said, that if he were President, he would fire Attorney General Ramsey Clark. As a Republican, I never expected President Nixon to make Attorney General Clark part of his cabinet—even though Clark was one of the best and most humane Attorneys General ever to serve.

But all this brings me back to Mr. Mitchell, our present Attorney General. It seems that he is still following the path of political expediency.

Last week, an article by Fred P. Graham in the New York Times detailed how Mitchell's office has manipulated crime figures to make the administration look good. The manipulation is done through percentages which show the rate of increase in serious crime for 1970 up 11.3 percent, down seven-tenths of a percent. This statistic is touted as showing that although crime is up, it is rising slower than before. Using that same statistic, it looks like 1970 was the best year, with one exception, since 1964.

But looking at another statistic, the numerical increase, a different story appears. As the Washington Post noted in an editorial in Saturday's paper, 1970 was also the year when numerically, crime showed the highest increase over the preceding year, and that the increase in the last 2 years has been greater than the increases in 1965, 1966, and 1967 combined.

Crime was an issue in 1968. It still is. People do not feel safer walking streets at night with a Republican President. We need to lower the crime rate, but rhetoric will not do that. We need a system of justice free of court tangles. We need a system of justice where police are equipped with the education to handle the increasingly difficult job we ask them to perform. We need a system of justice where the root causes are dealt with. Crime is a symptom of a disease which requires preventive medicine, not preventive detention. Using crime figures to distort the issue for expediency is wrong. For that reason, I am inserting the New York Times article and the editorial from the Washington Post for my colleagues:

[From the New York Times, Sept. 8, 1971]

MITCHELL AND HOOVER: FOCUS DIFFERS ON CRIME DATA

(By Fred P. Graham)

WASHINGTON, September 7.—For the last year, the office of Attorney General John N. Mitchell has been rewriting the Federal Bureau of Investigation's interpretations of the nation's crime statistics, which for four decades had been within the sole control of J. Edgar Hoover.

As a result of the interpretations placed on the crime situation by Mr. Mitchell's public relations staff, it has been made to appear that the F.B.I. believes the crime rise that began under a Democratic administration almost a decade ago is tapering off.

The figures, however, show that reported crime is rising at about the same velocity as before.

Mr. Mitchell's efforts with the crime figures are in line with the Nixon Administration's law-and-order political strategy. President Nixon won office in 1968 on a campaign of criticism of the high crime rates under the Democrats, coupled with promises to do better.

The Federal Bureau of Investigation has often been accused of presenting crime figures in a way that emphasizes the crime increases, supposedly because this will justify larger F.B.I. budgets. Attorneys General before Mr. Mitchell have tended to stress what good news could be found in the figures, as if to say that Justice Department programs were succeeding.

UNIFORM CRIME REPORTS

Documents have come to light illustrating how the Attorney General began last June to change the interpretation placed on the crime figures without altering the figures themselves or omitting crucial statistics.

The F.B.I. Uniform Crime Reports are compilations of local police departments' statistics on crimes reported to them. Each year, the bureau issues the figures in four quarterly reports and an annual report.

The reports are presented in virtually impenetrable form, consisting of tables of figures plus some explanatory passages. So the public's impression of what the figures show is largely influenced by a press statement that is always issued on F.B.I. stationery with the reports.

Ever since the bureau began releasing crime figures in 1933, Mr. Hoover, the director, has drafted the statements to explain the figures. This changed last June 22, when Mr. Hoover's office prepared a statement, under his letterhead, that characterized the statistics to be released that day as follows:

"For release Monday P.M. June 22, 1970—according to figures made available through the F.B.I.'s Uniform Crime Reports and released by Attorney General John N. Mitchell, serious crime in the United States continued its upward trend, recording a 13 per cent rise nationally for the first three months in 1970 when compared to the same period in 1969."

ANOTHER VERSION

The Statement, rewritten in Mr. Mitchell's office, and as it was actually issued under Mr. Hoover's letterhead, began as follows:

"For release Monday P.M., June 22, 1970—Attorney General John N. Mitchell announced today that the F.B.I.'s Uniform Crime Reports show that the rate of increase of violent crimes in the first three months of 1970 slowed by 7 per cent in the major cities of the nation—and by 3 per cent in the nation as a whole."

It was not until the third paragraph of Mr. Mitchell's release that it was disclosed crime had risen by 13 per cent.

Since then, each release of F.B.I. figures has revealed a difference in tone between the explanatory material written by the bureau and printed in the crime reports themselves, and the statement authorized by Mr. Mitchell and published under the F.B.I. letterhead.

The bureau's explanation invariably stated how much reported crime had risen. Mr. Mitchell's accompanying statement began with a passage that explained how the crime rise had slowed in certain respects.

The difference between Mr. Hoover's view and Mr. Mitchell's view of the crime figures came into sharp focus last week when the annual figures for 1970 were released. They showed that, in the two years since the Republicans took office, reports of major crimes have risen from 4.4 million in 1968 to 5.5 million last year—a rise of 25 per cent. The crime rate has also risen, but not as rapidly—from 2,235 reported major crimes per 100,000 United States residents in 1968 to 2,741 per 100,000 in 1970.

EXPLANATION MATERIAL

The explanatory material written by the F.B.I. in the report said that reported crime increased by 11 per cent in 1970 over 1969, and that it rose by 144 per cent since 1960. "The risk of becoming a victim of crime in this country is increasing," it concluded, and "population growth cannot alone account for the crime increases."

When the figures were released on Tuesday, some news reports said that crime was rising, others said that it was "tapering off," and others quoted Mr. Hoover as having said that the risk of being a crime victim was rising, and then quoted Mr. Mitchell's statement that the crime rise was slowing down.

Commenting in response to questions about the revisions of the release, Jack W. Hushen, a Justice Department spokesman said:

"Press releases come up to us from various divisions and we are continually changing things, putting emphasis on more newsworthy items and significant points that we find have been overlooked.

"What they send us is a proposed press release. We review them to see that they are set in the proper context. I can show you a lot that have been rewritten a lot more than that. After all, these are reports put out under the Attorney General's name."

Spokesmen for the F.B.I. and Mr. Mitchell's office said that the releases were being handled as always, with the Attorney General's office giving final approval to the press statements. Comparisons between the F.B.I.'s explanatory material and the press statements of past years make it clear that only in Mr. Mitchell's tenure has Mr. Hoover's copy been edited.

A MATTER OF STRESS

In no case has Mr. Mitchell's statements changed the figures or omitted crucial statistics. But he has stressed certain figures that tend to show that the crime picture has improved under the Nixon Administration, and the pattern seems clear enough by now to establish that the Republican candidates will probably stress certain points in discussing crime.

One is the "rate-of-increase" argument. It points out that, while the volume of reported crime was 11 per cent higher in 1970 than 1969, and 12 per cent higher in 1969 than 1968, this is a slower rate of increase than in 1968, when it rose 17 per cent over 1967, and 1967, when it rose 16 per cent over 1966.

Statisticians say that there is some validity to this argument, but that it also contains a built-in distortion because, as the volume grows, the rate of increase usually shrinks. They cite the following example:

If there were one million crimes in 1968, two million crimes in 1970, crime would have increased by 100 per cent in 1969, but by only 50 per cent in 1970. It could thus be said that the rate of crime increase had been cut in half in 1970.

[From the Washington Post, Sept. 11, 1971]

THE ATTORNEY GENERAL AND CRIME

Each year about this time, it becomes necessary to try to take out some of the political spin that the Department of Justice under Attorney General Mitchell has imparted to the FBI's annual crime report. This year, we regret to say, is no different from the last two. Mr. Mitchell and the department have demonstrated again their ability to find the golden lining in a dark cloud.

Take, for instance, the press release accompanying the FBI's report. Its first paragraph said, "Serious crime in the nation continued to increase in 1970, Attorney General John N. Mitchell announced today, but at a slower rate than in 1969. It marked the second year in a row that the crime statistics showed a tapering off of the sharp upward swing recorded during the mid 1960s." This claim is based on the undisputed fact that the *rate of increase in serious crime* was 11.3 per cent in 1970—a rate lower than the rate of increase in 1969, 1968, 1967, 1966, and 1964. But if you look at the figures in another way, the impression conveyed is quite different. It is equally fair to write that the *numerical increase in serious crime* in 1970 over 1969 was the second highest in the nation's history and that the increase in the last two years has been greater than the increases in 1965, 1966 and 1967 combined. That is based on the undisputed numbers reported by the FBI. The following table may make this clearer—it lists the so-called index crimes reported to the FBI for each calendar year, the increase in each year's total over the preceding year, and the rate of increase (the figure Mr. Mitchell likes to talk about):

	Index crimes	Numerical increase	Rate of increase (percent)
1970	5,568,200	566,700	11.3
1969	5,001,400	534,800	12.0
1968	4,466,600	664,300	13.8
1967	3,802,300	538,000	16.5
1966	3,264,200	334,000	11.4
1965	2,930,200	175,200	6.4
1964	2,755,000	319,100	13.1

The rate of increase figures do give the illusion of statistical progress against crime; when the number of crimes goes from three to four million, for example, the rate of increase is 33 per cent; when the number moves from four to five million, the rate of increase is only 25 per cent. That's what Mr. Mitchell would call "progress." But the numerical increase from one year to another in both instances is still one million crimes—and for the one million victims, there is not much comfort in the thought that the rate of increase is decreasing. By our way of looking at it, even the fact of constant, continuing increase of, say, a half million in the number of crimes every year is difficult to translate into "progress," and an actual increase in the number of additional crimes each year, which is what happened between 1969 and 1970, can only be put down as retrogression if we are going to face the facts honestly.

There is a second example this year of how Mr. Mitchell lets rhetoric outrun facts. He told a meeting of law-enforcement officers Thursday that the monumental effort of local and state police in the last couple of years has resulted in fear "being swept from the streets of some—though not all—American cities." We suspect that the average person would believe, upon reading that statement, that American cities are safer today than they were when the Nixon administration took office. Yet in only two of the 25 largest cities—Pittsburgh and Baltimore—was there less serious crime, according to the FBI report, in 1970 than there was in 1968. In 16 of those cities, the serious crimes reported increased more than 20 per cent between those two years. If you measure only crimes of violence—murder, rape, robbery and assault—two of the 25 cities showed a decrease (Seattle and Milwaukee) and 16 showed an increase of more than 20 per cent. These figures lead to only two possible conclusions if Mr. Mitchell is right and fear is being swept from the streets: either the fear in 1968 was created by the words of the man whose campaign he managed, not by the facts, or people now have a false sense of security.

We have gone through this exercise in numbers not to paint the picture blacker than it is nor to discourage the law-enforcement personnel from trying harder but in an attempt to keep the record reasonably straight. There was a crime problem in 1968. There is a worse crime problem now. In some places, like the District of Columbia, the situation has improved within the last year. In others, it has deteriorated. (Remember how the administration talked about New York City a year ago when it showed a slight drop in crime? Nothing has been said about the 8 per cent increase this year.) One of those crimes of the sort that make up the FBI's annual survey was reported for every 45 citizens two years ago and one for every 36 citizens last year. We find it difficult to believe anyone thinks that is an improvement.

READING ABILITY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. BRINKLEY. Mr. Speaker, the excellence of a letter I have just received from Mr. W. R. Giddings enclosing a copy of his letter to the President with the attached editorial from WDAK radio, merit the close attention of the House of Representatives. My joint resolution, House Joint Resolution 43, reintroduced on January 22 of this year, meets the formula this good citizen recommends. It provides that—

> The involuntary busing of any student to a school or the required attendance of any student at a school outside the student's local school zone for the purpose of achieving racial balances or quotas is prohibited.

May I commend all of this to the membership and in particular the last sentence of Mr. Giddings' letter which evidences penetrating perception.

The two letters and editorial follow:

COLUMBUS, GA.,
September 10, 1971.

Hon. JACK BRINKLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: Although you are an extremely busy man, you have the reputation of listening to us common folk. Therefore, I would like to pass on to you some of my thoughts and comments.

First of all, I never thought I would see the day that this great country of ours would take away the rights of its citizens which are guaranteed by the Constitution. But, the recent events here in Columbus, Georgia, have conclusively proven to me that the Federal bureaucracy has effectively reduced the rights of the U.S. citizen to a level that is no better than that of a citizen under a totalitarian type government.

This week, I have been informed by the Muscogee County School Board that my child cannot be admitted to the school of his choice simply because of the color of his skin. If I understand it correctly, this same thing has happened to your child. *How can this be justified and enforced by the courts?* The inequities that have been forced upon the citizens of this country by the Supreme Court rulings are far too numerous to repeat in this letter, besides, I am sure you are aware of most of them. Locally, there are many problems to be resolved which, though you may be concerned, are outside of your area of responsibility. However, I, along with many other concerned parents in Muscogee County, specifically ask your support and urge you to present legislation to prohibit forced busing merely for the sake of achieving racial balance. In addition, I ask that you use all the powers of your office to bring back equity and the civil rights of all people in this country so that it will continue to represent liberty, justice and equality for all.

I am enclosing a copy of an editorial which I received from one of the local radio stations, WDAK. I believe this expresses the feelings of most of the people in our country today. Hopefully, you will be able to use the example cited to help restore the quality of education to a reasonable level and prevent the courts from playing games with our schools and our children.

In conclusion, I would like to correct the image of the local dissenters that the news media has attempted to project. All opponents to fixed racial balance in our schools which can only be achieved by forced busing are not racists. I was born in the North, educated in desegregated schools in the North, lived among and worked with all races. None of my children have racial problems (except those promulgated by the local school board). I work for the Government where, rightfully, we do not discriminate against race, creed or color. I am sure that the majority of other local citizens who are now protesting the mass busing of school children are no more racists than I am. We just find it hard to believe that the courts of our land practice and enforce racism.

Sincerely yours,

W. R. GIDDINGS.

COLUMBUS, GA.,
September 10, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Although you probably will never see this letter, I am sure someone on your staff will file some of my thoughts and comments in the statistical computer which you use to feel the pulse of the populace.

First of all, I never thought I would see the day that this great country of ours would take away the rights of its citizens which are guaranteed by the Constitution. But, the recent events here in Columbus, Georgia, have conclusively proven to me that the Federal bureaucracy has effectively reduced the rights of the U.S. citizen to a level that is no better than that of a citizen under a totalitarian type government.

The first fifty years of my life, I resided in the Northern part of our country and have spent the last five years in Columbus, Georgia. It is indeed revealing to see the difference in application of federal laws in the northern states and in the southern states. While living in Michigan, I was constantly reminded of the fact that, although the Civil War was over, prejudiced southerners were still maintaining racial segregation. Recent events have proved what your Vice President has been saying all along—that the news media definitely distorts facts. Southern citizens are way ahead of people in northern cities in their acceptance of racial equality. Even though many of them don't agree with this policy, nonetheless, they practice it.

If citizens were permitted to run their affairs without the constant interference of the Federal Government, the situation we all desire, of racial harmony, would surely be attained. Today, one of the clearest examples of governmental interference is that practice by the Federal bureaucracy—supposedly under orders of the United States Supreme Court—to segregate all schools in the nation to achieve racial balance.

This week, I have been advised by the Muscogee County School Board that my child cannot attend the school of his choice simply because of the color of his skin. How can this be justified and enforced by the courts when our Constitution guarantees all citizens their civil rights, regardless of race, creed or color. This one incident has been multiplied thousands of times throughout the country and is a direct result of governmental meddling in the school system. School boards throughout the country can no longer devote their time and resources to educating our children because they must spend most of their time fighting legal battles which insist upon racial balance of students and teachers with no regard whatsoever to education. I, along with a lot of other citizens of this great country of ours, believe this tragic upheaval of our educational system is far more serious than some of the wars we have engaged in.

How can our children, who will be running the country in a few years, cope with its complexities without the necessary education? A country cannot survive without intelligent, educated leaders. Where will we get competent leaders twenty years from now if we stand by and allow our schools to be destroyed? I am enclosing a copy of an editorial which I received from a local radio station, WDAK, that I believe expresses the feelings of most people in this country far better than I can. Hopefully the example cited will help to restore the quality of education to a reasonable level and prevent the courts from playing games with our schools and our children.

In conclusion, I beg you to use every power and avenue of action available to you to correct this appalling injustice being forced upon the citizens of the United States which can lead to the destruction of our country through the lack of educated people to govern it.

Respectfully,

W. R. GIDDINGS.

[Special editorial, WDAK radio, Columbus, Ga., September 8, 1971]

BIG JOHNNY REB

The State of Virginia's school authorities didn't want to release the information—in fact, they fought like tigers against it—but the news is finally out in Richmond that the quality of public education in the Old Dominion has been slipping and sliding steadily since the federal bureaucrats moved in and took over. Every state supposedly runs regular tests to measure the learning achievements of its children. The controversial report concerning school children in the State of Virginia discloses that there has been an appalling drop in reading ability. Indeed, in those areas where the forced integration impact has been greatest, *seventh* grade children tested out to have a reading ability at the *fourth* grade level.

Not surprisingly, Virginia officials, from the Governor on down, are saying that a crisis situation is at hand. What everybody is talking about is the result of the real crisis—the crisis that began when the federal government began taking control of the schools built, owned and operated by the states and local communities.

The test results demonstrate, ironically, that it has not been merely white students whose reading ability has been seriously diminished. The black children—the ones whom the political sociologists promised would be helped—are dropping far behind their previous level also. So, in a word, everybody's the loser.

It's really not surprising. Virginia's schools, like schools everywhere else, have been plagued by disruption, violence and student strikes, all calculated to reduce the level of efficient teaching. Moreover, like everywhere else, Virginia has been forced to swallow forced busing. Children are tired and hostile by the time they reach the schoolhouse each morning; they are in no mental or emotional condition to learn. So . . . who cares about reading, writing, and arithmetic? Yet, there are some federal judges who apparently intend to press on with wild demands for percentage enrollments. It may be that President Nixon has managed to tone down the Department of HEW—for the time being. The federal judges are something else again.

Out in Indiana, there's a federal judge who is threatening to consolidate seven separate county school systems in order that he may order forced busing from the seven counties into a city whose school enrollment happens to be predominantly black. The same notion has been proposed for Washington, D.C., where 90 per cent of all the public school children are black. The idea is being kicked around to bus tens of thousands of children from Maryland and Virginia *into* Washington, and an equal number of black children *from* Washington to schools in Virginia and Maryland. The point, of course, is: What is happening to the children as a result of such manipulation by federal bureaucrats and judges? The test results from Virginia's school children tell the story. The *children* are being harmed, permanently and perhaps irreparably—and all because federal bureaucrats and politicians and judges have been obsessed with integration at the expense of education, and have therefore chosen to use the law for purposes for which the law was never written. It is a strange record of stewardship.

EXPORT FINANCE ACT AND THE WYLIE AMENDMENT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 10, 1971

Mr. HUNT. Mr. Speaker, recently the House passed a bill to extend the life of the Export-Import Bank of the United States. My distinguished colleague from Ohio, the Honorable CHALMERS P. WYLIE, offered an amendment which would prohibit the Bank from extending loans to countries in which the United States is involved in armed conflict. As a result of Mr. WYLIE's efforts, WTVN radio and WTVN–TV in Columbus, Ohio, presented the following editorial which I commend to my colleagues:

EDITORIAL

Central Ohio Congressman Chalmers Wylie recently put up a valiant fight on the floor of the House against a portion of a bill on the Export Finance Act of 1971. The bill gave continued life to the Export-Import Bank of the United States.

Congressman Wylie fought to add an amendment to the bill that would terminate the possibility of any export-import bank financing of trade with those nations which might be trading with other nations engaged in combat with this country. In other words, he was saying that American money should not be used to ultimately supply our enemies with weapons that could be used to kill American fighting men.

But, for some strange reason, his amendment was defeated. The bill was passed and now the President has the authority to approve the loans.

However, letters from you might convince the President to follow Congressman Wylie's philosophy on the export-import loans. And we applaud Congressman Wylie for his dedicated and patriotic effort.

FIRST TERM CONGRESSMAN ON THE JOB

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr KUYKENDALL. Mr. Speaker, it is with great pleasure that I call to the attention of the House an article which appeared recently in the Harding College Bulletin. This article highlights the activities of the last 2 years of Tennessee's Third District Congressman, LAMAR BAKER. This article is a fine tribute to my conscientious colleague from east Tennessee.

FIRST TERM CONGRESSMAN ON THE JOB

(By David C. Crouch)

The rising hum of activity was clearly audible as the 435 representatives of the 92nd Congress assembled in the House chamber for the opening ceremonies of the first session. Bipartisan greetings between the representatives were evident, and legislators, who in the coming months would square off in legislative confrontation, appeared quite jovial.

The increasing rumble of voices and the rustling of paper by page boys beginning their task of daily distributing bills and copies of the legislative calendar were suddenly silenced by the resounding echo of Speaker Carl Albert's gravel as he called the first session to order.

For 48 freshmen representatives, two years of perpetual motion had begun. The sound of the gavel had ended the welcome rest after the November elections and had initiated the seemingly endless committee meetings, general House sessions, personal appearances and routine daily appointments that crowd a congressman's schedule. Somewhere among the throng gathered in the House chamber sat E. LaMar Baker, the newest member of the Tennessee congressional delegation.

More than six months after this eventful moment the freshman representative appears to have mastered "the most hectic personal schedule" he had ever encountered and has begun the "most tremendously challenging task" of his career.

The first term in the House of Representatives is often considered to be one of the most unique learning situations a new Congressman will ever experience. His position as low man on the seniority totem pole provides an additional incentive for developing a keen sense of legislative priorities and is conductive to party loyalty. Many varied descriptions of that first term have been heard on Capitol Hill and Congressman Baker has his own synonym for these unique experiences.

"I would describe my freshman year as a jigsaw puzzle. After you have enough of the pieces in the right places you begin to know what the entire picture will look like as soon as all the pieces are fitted into place. That first experience with the national legislative body is a puzzle that must be solved," he noted.

A 1942 Harding graduate, Congressman Baker came to the United States House of Representatives with a wide variety of political experience. He ascended the political ladder from precinct worker to county chairman to state legislator and finally to his present position in a span of ten years. In 1966 he won a seat in the Tennessee House of Representatives and two years later he served as a state senator.

He pointed out that it was a big step from the floor of the Tennessee Senate in Nashville to the Congress of the United States, but his background in state legislative proceedings has been a big asset in his work on Capitol Hill. With more than one-fourth of his term already gone he admitted that he had learned a "tremendous amount about the procedures of national government."

"There is no limit to how much of the 'action' a freshman congressman can have, but I would consider it the better part of wisdom to know what you are doing before you get too deeply involved in the legislative mill. If you are not careful, you might hamper yourself in the future by being too aggressive as a freshman," he noted.

The new congressman was a part of a Republican wave that swept across the state of Tennessee during the 1970 elections. The native of Chattanooga polled 51 percent of the votes to win the third congressional district race over his Democratic opponent. Republican Bill Brock, former third district representative, defeated incumbent Albert Gore in the race for the senate seat and Winfield Dunn became the first Republican in 50 years to win the governor's seat in Tennessee.

The third congressional district is a compact group of ten counties in the southeastern portion of the state. Nestled around the winding Tennessee River, the district is a hub of activity for the Tennessee Valley Authority. For this reason, Representative Baker asked to be assigned to the Public Works Committee of the House. "I am the only Tennessean on the committee. I think it is proper for a Tennessee representative to be on this committee because of the work of TVA and the effect it has on this particular district and also many other districts of this state."

Congressman Baker considers his office as a unique bridge between his constituency and various agencies of the federal government. Fifty per cent of the job of a good congressman is the office service he and his staff perform. The office of the representative should be a citizen's "best information service." He pointed out that his office daily handles questions concerning social security, military status, veterans' benefits, passports, tax problems and various other inquiries about other aspects of federal government.

On the other side of the coin, the actual legislative process consumes the other half of a congressman's schedule. Sometime during any 24-hour period he attempts to study pending bills to determine a priority for each particular piece of legislation. A staff of 12 assistants helps review and compile national and local opinions on all pending bills.

As a member of the minority party Congressman Baker sees his job as no different from that of any other congressman. "Contrary to popular belief, party affiliation is not everything. Each congressman was elected to represent his district and the best interests of the nation. A representative is obligated to vote according to the best interests of his constituency. Whether he is a Democrat or a Republican, he should respond to these interests. Being a Republican, I naturally try to follow President Nixon's program with some reservations, of course, as to what is best for the third district."

"Keeping in touch" with the folks back home sometimes turns the representative's work into hours of analyzing editorials, letters to the editor, letters from constituents and replies to questionnaires concerning major bills pending before the House. Public opinion is a powerful force in a democratic society and representatives have found that a forgotten constituency sometimes forgets to re-elect an incumbent on election day.

The rapid-pace schedule of Washington does not elude Representative Baker on his frequent trips to Chattanooga. In addition to his regular office duties, he is owner and president of Commercial Janitors, Inc., and Floormaster Rug Cleaning Company of Chattanooga. He serves as an elder of the St. Elmo Church of Christ and is a member of the American Legion, the Chattanooga Civitan Club and the Chamber of Commerce.

Adaptability has become the key word to describe the congressman's freshman year. "The only adjustment that must be made involves basic temperament, and I think I have adapted to my new schedule. You find yourself stopping in the middle of one task in order to begin or complete another task. However, considering all things, when you ask for something and work hard to achieve it, you appreciate your job."

Noting that his family would prefer to be at home in Chattanooga, he indicated they too had "adapted" to life in Washington. He and his wife, Sue, maintain a residence in Washington in addition to the family home in Chattanooga. Their daughter, Susan, is a freshman at David Lipscomb College and their son, Edward, is a medical student at Baylor University.

Characteristic of most politicians, LaMar Baker is already casting an eye toward the 1972 elections. With less than half his freshman term completed he smilingly described the life of an elected representative as a "disease" and commented that barring ill health he plans to seek re-election in 1972.

PRISONERS AND MISSING

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. MILLER of Ohio. Mr. Speaker, at the request of my colleague from Indiana, the Honorable ROGER ZION, I insert the following:

Mr. Speaker, seven years, one hundred and seventy-one days ago, Captain Floyd Thompson was captured in South Vietnam and subsequently became America's first prisoner of war in Southeast Asia. In addition to Captain Thompson, more than 1600 Americans are now listed as either captured or missing in Southeast Asia. And while they wait in the POW compounds of Hanoi or the makeshift bamboo cages of the Viet Cong, the search for an honorable peace goes on.

Thanks to millions of concerned Americans who have decried the callousness of North Vietnam, we have seen some shift during recent years in the official Communist attitude regarding the prisoners. The flow of mail has increased, propaganda movies have filtered out of North Vietnam and an occasional visit by Westerners have indicated that Hanoi has heard our protest loud and clear.

One fact remains clear: any settlement of the conflict in Southeast Asia must include the safe return and full accountability of the prisoners and missing. For whatever else this nation does in Indochina, we must place the highest priority of the POW/MIA issue. Captain Thompson and hundreds of his fellow servicemen interned or missing in Indochina have waited helplessly for a solution that will send them home. They are counting on us, just as we once called upon them, to resolve this impasse as promptly as possible.

WHEN GUNS ARE OUTLAWED, ONLY OUTLAWS WILL HAVE GUNS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHMITZ. Mr. Speaker, some slogans obscure the truth, while others clarify it. The familiar, punchy statement just quoted is an excellent example of a slogan that clarifies and points up a vitally important fact.

It should be obvious that a man intending to commit a crime with a gun is not likely to be deterred from doing so because it is also a crime to have a gun. He may be deterred if there is a much stiffer penalty upon conviction of a crime committed with a gun, and a reasonable prospect of his apprehension, conviction and the infliction of this stiffer penalty upon him. But he is not much more likely to worry about laws against illegal possession of a firearm in this situation than about accumulating parking tickets.

Nor will gun control laws prevent such a criminal from obtaining the weapon needed for his crime. If a gun is essential, he will obtain it outside the law; if not, he will use some other weapon, perhaps more bloody, but just as final.

His law-abiding victim, on the other hand, will be disarmed.

Our first line of defense against crime is our local police, just as our first line of defense against enemy attack are our national armed forces. But first lines of defense become much stronger and more effective when backed up by adequate reserves. Citizens capable of and willing to defend themselves are the reserves in the fight against crime. They make the task of the police easier and that of the criminal harder. Such citizens also give pause to foreign aggressors or homegrown would-be tyrants who might seek to deprive us of our liberties by force.

The ability of the Swiss people to defend themselves, with one or more firearms in almost every home, helped keep Switzerland free during World War II when it was entirely surrounded by Nazi Germany and its allies. When Hitler seemed ready to invade England in 1940, it was discovered that because of the tight English gun control laws, the people had almost no ability to resist on their own should the invasion come, for lack of suitable weapons. Enemy airmen parachuting down in some cases had to be captured with nothing better than pitchforks. In that moment of crisis, it was too late to do anything to remedy this lack.

Yet the agitation for the forcible disarming of law-abiding American citizens never ceases, despite the explicit guarantee in the Constitution of their right to keep and bear arms. Much is made of the fact that this provision of the Bill of Rights is introduced by a clause referring to militia. We are told that because we have no organized body today called a militia, this guarantee of our rights no longer applies. But a militia in essence simply consists of law-abiding citizens, still living at home, who are prepared to defend their country when necessary by force of arms. It does not always have to be established in organized units, but may remain a potential reserve available in time of crisis—if the right to keep and bear arms has been preserved.

The latest step in the apparently never-ending campaign against guns in the hands of law-abiding citizens is H.R. 8828, introduced in Congress this June by EMANUEL CELLER of New York, chairman of the House Judiciary Committee which will hear and decide upon the bill.

H.R. 8828 would: first, require the registration of all firearms; second, require the purchasers of firearms and ammunition to be licensed; third, outlaw the possession of handguns by private individuals, with only a few exceptions; fourth, reinstate the recordkeeping requirements on rifle and shotgun ammunition sales which were first imposed in 1968 and then removed by Congress last year; fifth, require the States to enact gun-owner licensing laws on their own or lose the revenue they receive from the Federal excise tax on sales of firearms and ammunition, which is now applied to fish and game programs.

As the California Rifle and Pistol Association well said in its July newsletter, this bill, if enacted into law, would "accomplish about all that the gun abolitionists have hoped for except the outlawing of rifles and shotguns which will come later."

H.R. 8828 or any similar bill must be unwaveringly resisted. The very last thing we need, in a country so deeply threatened from both within and without as the United States is today, is to disarm its law-abiding citizens, leaving them helpless before any degenerate or destroyer who can get past our first lines of defense.

CALIFORNIA SAVES ITS TREES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. LEGGETT. Mr. Speaker, the State water project in California has been one of the great on-going public works projects in our Nation's history. It has transformed tens of thousands of acres of arid land into fertile area, and has diminished the flood threat along many natural waterways.

Unfortunately, in the past, the economics of a particular project have often outweighed the scenic or environmental concerns. This was especially true along the levees which were often denuded of vegetation during repair and construction.

This has now changed, and the Army Corps of Engineers is now making every effort to spare the trees lining the levees. In one case, 14 trees have been left standing along a stretch of levee near Sacramento, Calif., during an embankment repair. I say 14 trees is worth saving.

I enclose the following article from the September 3, 1971, edition of the Sacramento Bee which testifies to the Army Corps concern for its environment and its new policy for the seventies.

"SPARE THAT TREE" IS NEW ARMY ENGINEERS POLICY IN DELTA LEVEE WORK

(By Dorothy Augusta)

WALNUT GROVE.—If the poet who wrote "Woodsman, Spare that Tree!" were alive today and traveling down a Sacramento River delta levee highway, he could take heart.

No longer are trees being indiscriminately torn out by their roots by the claws of bulldozers when levee repair work and rocking must be done by the Army Corps of Engineers. The corps says only those trees are being removed which are very old and which might topple in a storm, taking a huge chunk of levee with them.

Every effort is being made to preserve as many trees as possible, an abrupt about-face from former repair methods.

Fourteen valley live oaks have been left standing on a stretch of Highway 160 levee now under repair between Walnut Grove and the Paintersville Bridge. While rock revetment work is being carried on all around them, they stand as a verdant testimonial to the "new look" in levee repair.

"It is the policy of the US Army Corps of Engineers to save every tree possible," said Joe Roberts, general inspector for the engineers.

"We are also conducting experimental replanting in two areas where levee repair has been completed. One is upstream on the left bank from Elk Horn Bridge, and the other is about five miles downstream from the same bridge."

The work is being conducted out of the Valley Resident Office in West Sacramento.

"This new method is more costly," said James Ferry of Sacramento, the contractor doing the levee repair. "All brush is removed by hand, and the trees left standing have been shaped and pruned by tree surgeons. Formerly all stripping was done with machinery."

One farmer whose land fronts the levee bank under repair estimates it cost $85,000 to leave the 14 trees standing.

Some 15 years ago, when levee stripping first started, it evoked a public outcry. Thousands of signatures appeared on petitions, both from landowners and boaters. Public hearings were held, asking engineers to reappraise their methods of conducting bank repair operations. The engineers countered that they did not build the smooth-sided levees, but were only called in to repair them, and complete tree removal and rocking was the most economical method to accomplish this. It costs $10 a lineal foot to put rock on a levee face.

The delta has become so popular, and its use so widespread as a vacation spot for the boating public that the new policy being adopted by the engineers should do much to keep everyone happy.

ON NATIONAL DEFENSE AND THE MARINES

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HÉBERT. Mr. Speaker, Gen. Ray G. Davis, Assistant Commandant, U.S. Marine Corps, recently gave an address to the Marine Corps personnel at the Eighth District in New Orleans.

I was privileged to be in attendance and thoroughly enjoyed what General Davis had to say. His words are most pertinent in view of the antimilitary feeling which is so prevalent in the country today, and I want to make them available to every Member of Congress.

I insert it at this point in the RECORD:

ADDRESS BY GEN. RAY G. DAVIS

Mr. Hébert, Distinguished Guests, Ladies and Gentlemen:

Mrs. Davis and I are delighted and highly honored by your presence here this evening. This is our first visit to this charming city, and in just a half day we have noted how much we have denied ourselves by not coming before—we know we must come again.

Being in the presence of your great Chairman Hébert provides somewhat of a key note for any concerns tonight.

Members of a recent Presidential Blue Ribbon Panel sounded a general alarm in their report . . . "In a dramatic shift of power, largely unnoticed by the public, a quarter century of clear United States strategic superiority has ended. If these observable trends continue, the United States will become a second-rate power, incapable of insuring the future security of the freedom of its people."

The distinguished Chairman of the House Armed Services Committee, who is with us here tonight, brought into clearer focus some of the specifics. "Unless we do something about it in the next year or two, Russia is going to have the best Navy in the World. It is an amazing thing when you look at it and see what has happened to us. Here was a nation that was land-locked. Today they have more submarines than the Germans had at the outbreak of World War II. They have diluted our effectiveness in the Mediterranean . . ."

Let us consider the military threat which is indicated by these changes. Look at the missile picture. In 1965, we had 954 ICBM's, when the Russians had only about 220. We have made few additions to our supply, while the Russians have increased theirs to almost 1500, of which about 300 are the SS9 type with a warhead explosive power equal to 25 megatons—several times the power of our large missiles.

The Russians have modernized and expanded their fleet to an all-ocean Navy. Only one percent of the Russian Navy is over twenty years old, while 41% of our fleet is in the over-twenty category. They now have the largest submarine fleet in the world. In nuclear powered submarines, the superiority in numbers now held by the U. S. will be bridged by 1975. The U. S. Merchant Fleet has declined by more than one-half since 1949 . . . The Russian Merchant Fleet has been tripled.

Since World War II the communists have seized seventeen Free World countries. We had had further direct confrontations in Greece, Berlin, Iran, Lebanon, Cuba, and now in Vietnam. All of this while they were relatively weak, and we enjoyed great strengths. It would be irrational to believe with their growing strength they will now prove to be less hostile.

These gains have gone largely unnoticed. The gradual change did not alarm us. But, over a period of twenty years, these changes drastically altered the total balance of world power.

How has it happened?

In the simplest terms, during this 20 year period, the Soviet Union has been spending on defense three times more of its gross national product than we have. Aggravating this during the last five years, the Vietnam War has cost us approximately 22 dollars for each dollar that it cost the Russians. After the new military pay raise, the United States will expend about 60% of its defense dollar to pay personnel. The Soviets on the other hand, use only 25% to pay their people. That means that our Defense Department has only about ½ as much of each dollar to spend on equipment and material, plus research and development, as the Soviets have.

As the Soviet Union moves to a position to superiority I don't expect them to attack us militarily. My concern is that the Soviet Union will use the great power they have developed for political and economic purposes. Their Merchant Fleet presently numbers about 1700 ships, with a goal of a tenfold increase by 1980. In the markets of the world, they can underbid us. They can carry more cargo, at a better rate, than we can. This alone could present a challenge to our national economy because of our dependence on world trade.

We have successfully fended off the communist threat thus far, but we are weakening. Our resolve is being questioned. President Nixon expressed his concern recently in Kansas City when he said:

"Great civilizations of the past, as they have become wealthy, as they have lost their will to live, to improve, then have become subject to the decadence that eventually destroys the civilization. The United States is now reaching that period." The President continued: "I am convinced, however, that we have the vitality . . . the courage . . . the strength . . . across this nation that will see to it that America not only is rich and strong, but that it is healthy in terms of moral and spiritual strength. . . ."

As our nation faces the challenge of the future much of what will happen to us rests in the hands of our youth.

With this conclusion, it becomes abundantly clear that young Americans must be of prime concern to all of us. We, as adults, must appreciate their problems and encourage them to triumph over today's challenges. Only we can provide the leadership and example required as our youth face a future much different than today's world. A discernable shift in world power is under way which will make free peoples less and less secure. During the troubled times ahead our young people are the potential strength on which this nation must draw. They must be inspired to raise their sights. Unfortunately, the road is strewn with those who have dropped out. Studies show that more than one third of our young people have little desire to face the challenge. These want neither physical nor mental contest. They disdain leadership, discipline and participation. There is no way for them to be launch into a successful future. They pose no real competition for the others who have set their sights high. However, we must erect bright sign posts which say "don't join them, and don't be misled by their false claim of a miraculous new life based on the belief in 'Nothing'."

Nothingness, as a belief, highlights a need for leadership from within the present generation. There is a growing minority of American youth setting a pattern of conduct and self destruction far worse than is found in any other civilized country on earth. Statistics show we suffer the highest ratio of drug abuse, the greatest incidence of venereal disease, and the highest frequency of crimes among those under 25 years of age—the worst in the world.

Contrary to those who drop out, most young Americans are of great spirit—the kind of spirit upon which the freedom of the world will depend. This great spirit can manifest itself in countless ways. One of these is inherent in the words of John Stuart Mill which I saw inscribed over a mantelpiece in Vietnam:

"War is an ugly thing, but not the ugliest of things; the decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is worse. A man who has nothing for which he is willing to fight;

nothing that he cares about more than his own personal safety; is a miserable creature who has no chance of being free, unless made and kept by the exertions of better men than himself."

I am not entirely dismayed, because I see in the faces of young Americans the will to succeed—the will to become the leaders.

I compare them with the young men with whom I have served in the desperate days of Guadalcanal in World War II, when the Japanese controlled the sea and the air. Men on short rations, sick with malaria and dysentery. The men who trod in deep snow over the mountains of North Korea, the Chinese enemy on all sides—the thermometer reading 24 degrees below zero! And, more recently, the men who spent countless hours each day on the trails, in camps and villages in Quang Tri, the Northernmost of South Vietnam's Provinces, along the Demilitarized Zone.

A typical infantry man in Vietnam operated in the mountains and in enemy hide-a-ways. Our fighting men stayed out for as long as sixty days at a time. They cut or blasted a hole in the forest to get supplies and replacements by helicopters. After long periods on the trail, units were rotated to rear bases, but in a few days these men were ready, and often anxious, to go out again. This aggressive, can-do attitude was indicative of their strong desire to get on with the job. Also typical, in a different role, was Corporal Jackson and his Combined Action Platoon. Corporal Jackson had ten Marines, one Navy Corpsman, and thirty-five Popular Force troops in his unit to provide protection for three hamlets. He conducted troop training and supported the village rebuilding program. The village leaders sought his assistance and advice, entrusted their stores of rice and other goods to his care, and reported to him when the Viet Cong mined a bridge or a road. What more rewarding experience could a 20-year old American such as Corporal Jackson have, than to assume such responsibility and to see and feel the faith and rising hopes of these people? Not one of the scores of villages where we established teams like that of Corporal Jackson's fell back into Communist hands. Isn't it ironic that we so seldom hear about men like Corporal Jackson? They are the men who know how it is to crawl through the deep jungle after the enemy—the shock, the grief, and the growing old over-night—the loss of friends in no-name villages—the anguished wail of orphaned children and bewildered old people. They also know the value of trusted comrades and the fuller meaning of manhood which comes to those who serve.

How reassuring to know that these young Americans, who will assume much of the leadership in the coming generation, have had their characters forged in a crucible of gallant service to others; young Americans, many of whom had never before broken out of their shells of self-interest; who never before realized the rich reward which comes from unselfish service and sacrifice; who have been able to broaden their experience and deepen their understanding in ways and to degrees not attainable in any other endeavor. They gained many virtues as an enduring cement; self-reliance, self-discipline, individual responsibility, contempt for cowardice and softness, surrender of private interest, obedience to law, integrity and loyalty; firm rocks upon which successful states and great societies are built.

From the news, you are aware of the existence of problems, which we all face. These have to do with drugs, cross-cultural communications and, currently, the public concern over war crimes. These problems must be kept in perspective. Just in our small Corps, more than 700,000 Marines served honorably in Vietnam while, as one example, less than 50 Marines have been charged with war crimes. A few others—now out of the Corps—have identified themselves (according to the Congressional Record) as being associated with war crime situations.

Far over-shadowing these few, were those hundreds of thousands of Marines who wanted to serve in Vietnam. During the war, 42,000 Marines voluntarily extended their tours in the combat zone—particularly those involved in constructive programs with the people.

This underscores surveys which show that our men knew what their mission was. They believed in their task and got it done! No one could have a more fervent desire for peace, but they demand a just peace. And they know of their great contributions in Vietnam.

Since 1965, the number of children in school was multiplied 15 fold—200,000 up to 3 million. From one university of 2,000 students, to five universities with over 40,000. In five years, 12,000 classrooms were built; 14 million textbooks were printed. A great feeling of personal security and well-being has spread throughout the population of RVN. To our troops, lack of concern for the people of Asia is immoral, for the notion that the men and women of Asia "are not worth the effort"—as voiced by some about us today—is immoral. These young men see our resistance to the massive invasion from the North as a noble effort by any Christian standards.

The greatest tragedy for them would be for us here at home, reacting to doubt and confusion being spread by the vocal activists, to give away their great accomplishments. Other Americans here at home need somehow to catch up with these young men—with their exceptionally high morale, their enthusiasm and rock-solid belief in what they have done.

A great debt is owed these fine Americans. Our great institutions, religious beliefs, culture—the creative arts, the sciences, the humanities, the noblest achievements of our works and our minds—all these exist and grow only as long as free men like these make such sacrifices. As these young men return, their attention to things here at home must carry great weight. They join a generation of Americans who have accomplished much; a generation which has built more schools and colleges, more hospitals and libraries than all previous generations combined.

Also, that generation has trained more physicians, surgeons, dentists, lawyers, teachers, scientists, and engineers, than did all our ancestors in a thousand years. Diseases such as smallpox, polio, tuberculosis, and pneumonia have been brought under control.

Personal gifts to private charities exceed 14 billion dollars per year. Minority groups have been provided greater dignity, more equality and opportunity than in any other generation in any nation. In one lifetime, we have eliminated the animal-like totalitarianism of Adolf Hitler in Germany and Mussolini in Italy; Tojo in Japan—plus suppression of the terrible scourge of communism which threatened *South* Korea and now *South* Vietnam. In this, we have not coveted a single acre of land or sought to take one dollar—making liars of those about us who proclaim America is an aggressor and imperialist, or cry that our efforts are immoral or unChristian. Much remains to be done! The great challenge for all of us is to undergo the vital infusion of spirit demonstrated by these veterans. Essential though it is to continue technical development and social and scientific explorations, a prerequisite to our success will always be the availability of dedicated, smart, highly skilled individuals—large numbers of men and women of great spirit! Whatever else we do, the proper nurturing of young Americans will ensure that the bright torch of our great heritage as champions of freedom with justice continues to light the way in this troubled world. We must encourage every young American to possess that essential spirit.

I want to assure you that the Marine Corps is prepared, as it always has been, to meet such a challenge. We will maintain our professional quality. The individual Marine is the key to our success.

For nearly two centuries we have kept our standards high and our ranks small. We have men who are proud of their country, and who wish to serve it in an elite Corps. We have men who are not conformists, but who are disciplined; men who believe in principles, who have made the decision themselves; men who are not following fads.

We have good men who know that war is not a game, who feel that, while nobody likes war, somebody has to know how to wage a war and win.

We are continuing to train Marines the way we have always trained them. No compromises, no shortcuts, no promises except one—they will be Marines, with all that title conveys. They will stand with other men of like quailties—other Marines.

They are ready to go anywhere, anytime—not with emotion, but with purpose. And that purpose is the defense of their country.

Adversity builds character in the strong, but it can destroy the weak. Our great need is to kindle this burning spirit in those who possess the adequate physical and mental ability, but who lack the heart. To those of strong heart who suffer from physical or mental defects, we must offer even more support.

Your great challenge is to aid the young in choosing their intellectual endeavors wisely, and combine this choice with self-discipline and unselfish service which offer the best opportunities to participate in the effort to maintain a strong America. This requires more than dreamers who occupy themselves with distant concerns. It requires active participants who tackle the problems and ills immediately at hand. There is a strong temptation for the young to become impatient and frustrated with the slow pace of events and to lose heart, while some resort to violence. This impatience which can tear down the community must be redirected. We must energize this sense of frustration, not toward destruction, but toward the building of a strong community—one which will be capable of fulfilling the needs of all.

We must pledge them our full support. We must heed their complaints and appreciate their frustration, but guide them to greater effort. Together with them we must fend off those who threaten us, and go forward hand in hand toward a better America. With the many changes in the world of the 1970's, one fact remains true: American strength is the keystone in the structure of world peace

Thank you.

"BERLIN ACCORD" GRAVEST EXAMPLE OF RETROGRESSIVE ACTION THAT IS BEING DESCRIBED AS PROGRESS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HUNT. Mr. Speaker, I detect in Government policies of late a very discouraging tendency to engage in retrogression while labeling it progress.

The House has passed and the Senate is considering a welfare reform bill which nearly doubles the number of welfare recipients and more than doubles the cost of welfare. In the process it employees updated versions of many of the old gimmicks for reducing the welfare rolls which have already been proven ineffective or even counterproductive. This is retrogression and deterioration, labeled as progress and reform.

Or take the President's proposed China visit and the accompanying cacophony calling for admission of Red China to the U.N. at the expense of our Nationalist Chinese allies. We have, ever since the U.N. was established, taken the position that this inherently less than effective organization would be rendered utterly useless, if not potentially destructive of world order, if self-proclaimed belligerents like Red China were admitted to membership. Nothing has happened to indicate that Red China has become a peace-loving nation or moderated its avowed intent to achieve world domination. Yet the President has agreed to a state visit which, whether intended or not, adds tremendous new pressures to the cause of Red Chinese admission to the U.N.—a cause which has been steadily gaining strength over the years without American help. This is a retrogressive step toward international quarreling and chaos, labeled as a new initiative toward world peace and progress.

I could cite other examples, but the purpose of my remarks today is to discuss the Four Power Agreement on Berlin—the so-called Berlin Accord—signed on September 3. It occurs to me that this is the latest and certainly the gravest example of a retrogressive action that is being described as progress.

Billed as a "solution" to the the Berlin problem, it is, in fact, not a real solution at all, but rather a long step backward to the 1945 three-power occupation status for West Berlin, complete with the "separate sectors" concept. In the process this "solution"—rhetorical assurances to the contrary notwithstanding—abrogates arrangements for the German administration of West Berlin instituted in 1949 and officially recognized in 1954.

Under the new "accords," Berlin is to be divided into three Western sectors while the former Soviet sector becomes officially part of East Germany.

The division of West Berlin into three Western sectors abrogates the complex process of consolidation into a single entity under German administration, with the three powers as protectors and overseers, which was taking place in recent years.

Progress then, it seems clear, would have involved negotiating an agreement which, at very least, would have enhanced this process and provided for an increased security and political integrity of a German-administered West Berlin, permitting the United States, Britain, and France to further reduce their involvement there with the ultimate goal to withdraw entirely without jeopardizing the security of the area.

We have been in Berlin since 1945. We have now negotiated for 17 months to find a solution which would, as the "accord" itself expresses it, "promote the elimination of tension and the prevention of complications" there. And what did we achieve?

Is the United States out of Berlin or less deeply involved there? No. Is there any new administrative authority for the German people of Berlin over their own lives and destinies? No.

All that has been achieved in the name of reduced tensions and the prevention of complications is this: a reemphasis on "sectorizing" West Berlin but recognition of East Berlin as an integral part of East Germany; elimination of even that degree of German self-administration and West German authority over West Berlin which, be it de facto or de jure, has existed; the creation of a new source of tensions; and the addition of new complicating factors giving East Germany and the Soviet Union renewed power to infringe upon and to interfere with the freedom of West Berlin.

The Soviets get considerable advantage from the new agreement. Not only is their complete domination of East Berlin and East Germany officially recognized, thus providing the first official acceptance of the Brezhnev doctrine, but they are accorded the right to establish a consulate-general in West Berlin, while all laws and constitutional provisions of the Federal Republic of Germany—West Germany—and of West Berlin which treat West Berlin as a constituent part of the Federal German Republic are suspended and the political presence of West Germany in West Berlin is being gradually eliminated.

Let me itemize the practical effects of this last and grandest item of surrender.

First. West Berlin cannot participate in the election of the President of West Germany any more, as was the case in previous elections.

Second. The President of West Germany cannot exercise any constitutional power over West Berlin. His acts in this respect can be vetoed by the Soviet General Consul residing in Berlin.

Third. There are 23,000 Federal employees in West Berlin. In spite of the formal arrangements permitting them to remain there, the elimination of constitutional authority accomplished by the "accord" will force the reduction of this Federal employment in the city.

Fourth. The Bundestag cannot have its sessions in West Berlin as was the case between 1955 and 1971. The last full session of the Bundestag took place in 1965.

Perhaps as significant as the restrictions imposed on German administration of West Berlin and its relations with West Germany is the fact that the wording of the "accord" constitutes de facto recognition by the United States of the East German Republic and establishes its "sovereignty."

The matter of the Consulate-General to be established by the U.S.S.R. in West Berlin also betrays the extent to which the Soviets achieved hard concessions in return for vaguely worded promises, and illuminates their motives in pursuing with such diligence the finalizing of the "accord."

The General Consul will be responsible, not to the Soviet Ambassador in West Germany or in East Germany, but directly to Moscow, thus, underscoring the independent position of West Berlin, as a "Third Germany." West Berlin is not only to be once more "sectorized" under the three-power administration, but, for all practical purposes, is to have imposed upon it a three-and-a-half power administration, the Soviet General Consulate constituting the additional one-half administrative power. The result is clearly to create rather than prevent new complications in West Berlin.

More significantly, it is indicative of Soviet motives in negotiating the "accord." The Soviets have a history of actions designed to neutralize, humiliate, and "Finlandize" West Germany. And they regard West Berlin as the first target, the soft underbelly, the vulnerable strike point on the way to domination of West Germany. The establishment of a General Consulate there is only the opening wedge, the first salvo, in what can be expected to be ever-mounting crescendos of overt and subversive attacks on West Germany through West Berlin.

What then, ostensibly, did we gain from the agreement. On the surface it appears that we made the foregoing concessions in order to obtain improved and increased access by West Germany to West Berlin and by West Berliners to East Berlin and East Germany.

The promise is there, but any serious study of the wording of the agreement confirms the suspicion that the promise is a highly illusory one.

For example, under the wording of the new agreement, those seeking access to West Berlin from West Germany become "transit traffic" rather than "access traffic." It may seem a minor point but it is highly significant. What it means is that, for the first time since 1945, we have officially recognized the supreme authority of East Germany over this traffic and the sovereignty of the territory over which such traffic must pass.

The recognition of East Germany's authority over this traffic as supreme and official makes the "accord's" vague assurances of "unhindered" traffic and "most favorable treatment" subject to possible future unilateral interpretation by the "supreme authority" of East Germany. For East Germany may pass any new regulations it sees fit regarding the transit traffic across its own territory.

Who is to blame for this sellout? The answer to that is not entirely clear. It is quite clear that the agreement was reached at the insistence of the Brandt government in West Germany, as the first step along the road to the fulfillment of Brandt's vision of Ostpolitik. Egon Bahr, West Germany's representative at the Four Power Talks, has been in the United States three times this year to insist that the United States accept the position that West Berlin is not a West German "land" which is the view of his government.

Yet, disrupted voting patterns in recent elections in Schleswig-Holstein, Bavaria, and Berlin, itself, indicate rather conclusively that the German electorate is opposed to the Brandt policies of Ostpolitik.

The first voter reaction to the approved Berlin agreement will come in elections in October in Hamburg. It will, of course, be too late to reverse or repeal the agreement itself. But it should be earnestly hoped that the voters of Hamburg will take the opportunity to register their strong opposition to these policies and signal a warning to both German and American leaders as the Prague negotiations begin and Chancellor Brandt negotiates in the Soviet Union.

Perhaps the true measure of the Berlin Accord can best be perceived in a little-publicized incident the day following the signing of the agreement. On that day a young East German tried to cross the Berlin Wall. Perhaps he had taken seriously the assurances of his freely elected Chancellor and the new agreement that tensions were to be relieved, freer travel and communication permitted between East and West Berlin and complications eliminated. If he did, he found out in a very dramatic and painful way just how mistaken he was. East German border guards promptly shot both his legs from under him and carted him away to an uncertain fate which would hardly be less than prison or more than execution. Is that the "solution" to the Berlin problem?

MAMMOTH ECOLOGY PROJECT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. VANIK. Mr. Speaker, last Saturday, over 1,000 young people, from Girl Scout, Brownie, Cadette, and Boy Scout troops in my congressional district launched the mammoth ecology project to clean up the once beautiful Sunset Pond in North Chagrin Reseservation, a valued park in our district.

This project was under the direction and guidance of a very imaginative and talented young women, Michele Stevens. Notwithstanding a recent leg operation which impaired Miss Stevens, she directed all of the "action" of these 1,000 volunteers and dozens of interested parents in an effort to save this dying lake. The project was a great success.

It was my pleasure to spend a little time with these inspired young people helping to dispose of uprooted lilypads which were choking off life in the pond. Many of the Scouts were literally up to their heads in the water, having to stoop in the water to pull up the plants by their roots to assure that they would not grow back. It was an extraordinary sight to see this swarm of mud-laden young people going about such a difficult task with all of the energy and enthusiasm they could muster.

The Scout movement, its leaders, all of the young people and our community will now have a small but significant monument to the commitment of these volunteers. That monument will be a living and thriving Sunset Lake filled with wildlife, fish, and birds. What better monument can any person have than to have saved a natural resource for the whole community to enjoy for generations to come. We extend our congratulations for an enormous task well done. It is my hope that many more projects like this one at Sunset Lake will soon follow. If the people of any community do not assume these great burdens for their own betterment who will?

Mr. Speaker, at this point I wish to insert in the RECORD copies of the various instruction sheets for the mammoth ecology project, and a clipping from the News-Herald, by Irene Neden, and the Cleveland Press, by Joe Collier, who was instrumental in encouraging this project:

MEP: MAMMOTH ECOLOGY PROJECT, SUNSET POND, NORTH CHAGRIN RESERVATION

1. Objectives:

a. Clean up pond and surrounding area.

b. Education of scouts and public.

c. Publicity.

2. Date and Time:

a. September 11, 1971 (Saturday).

b. 9 a.m.–5 p.m.

c. Pond will already be partially drained when we arrive.

3. What will be going on:

a. Seniors—Digging out excess lilies in the pond. Leading a sing-a-long. Working as nurses assistants.

b. Cadettes—In charge of conservation display. Run sign in and out stations. Load lilies from edge of pond to waiting trucks. Stationed around area to answer questions. If OKd—paint picnic tables or latrine.

c. Juniors—Pick up litter around pond. Pass out litter bags with information included. Serve food including sandwich making. Keep good supply of water for Muckey seniors.

d. Brownies—Pick up litter around park. I am a tree (nature assignment).

The girls will be working on two hour shifts, there will be four shifts.

There will be a nurses station across from the pond.

Forest Lane shelter house will be divided into three parts—

a. refreshments.

b. entertainment.

c. Conservation display.

Outside the shelter will be sign in and out stations—Everyone will be required to sign in upon entering.

MEP CHAIRMAN

Brownies: Mrs. T. E. Lusk (Nel), Lyndhurst.

Cadetees: Mrs. C. J. Surace (E. J.), Mayfield Heights.

Display: Mrs. Walter Pawlak (Eva), Highland Heights.

Food: Mrs. Gordon Oltmanne (Joan), Mayfield Heights.

Mrs. Arnold Stone (Diane), Mayfield Heights.

Mrs. Marvin Hallberg (Jimmy), Lyndhurst.

Juniors: Mrs. Robert Grunwald (Doris), Lyndhurst.

Mrs. F. Michalk (Cathey) Lyndhurst.

Pond: Mrs. B. F. Sauer, Jr. (Mac), Gates Mills.

Traffic: Mrs. J. R. Hauser (Sonny), Lyndhurst.

Nurse: Mrs. Thomas Gorgas (Doris), South Euclid.

Mrs. Robert Jewell (Sue), Mayfield Heights.

Publicity: Mrs. Elbert Thurman (Marion), Mayfield Heights.

Director: Miss Michele Stevens (Mickey), University Heights.

PARTICIPATING TROOPS

List of Troops participating from Mayfield Heights, Mayfield Village, Highland Heights, Richmond Heights, Lyndhurst, Euclid, Cleveland Heights, Chagrin Falls, South Euclid, and Gates Mills:

BROWNIE TROOP, 7 AND 8 YEARS OLD

49, 106, 421, 822, 1491, 1845, and 1847.

JUNIOR TROOP, 9 TO 11 YEARS OLD

137, 1278, 605, 1932, 185, 1183, 513, 479, 736, 1001, 1058, 1856, 1534, 1633, 1842, 727, 1373, 161, 1432, 108, 1474, 1541, 228, and 93.

CADETTE TROOP, 12 TO 14 YEARS OLD

107. 156, 385, 1318, 1173, 1067, 1058, 1101, 1611, and 1052.

SENIOR TROOP, 15 TO 17 YEARS OLD

427, 474, 1038, 1420, 1166, 1915, 1408, 1704, 941, 1107, 1318, 987, and 1325.

[From the News-Herald, Sept. 2, 1971]

SCOUTS REHABILITATE POND

(By Irene Meden)

When some of the Senior Girl Scouts, in the Greenwood Community Association Division, heard about the plight of Sunset Pond they wanted to do something about it.

So do something, they did. They organized, what they call "A Mammoth Ecology Project."

For those of you who are not familiar with the background information of Sunset Pond, here's the low down.

The pond is located in the North Chagrin Metropolitan Park and is also known as 'Duck Pond.' Water lilies and other debris are choking the pond and making it almost uninhabitable for the ducks.

The Pond was cleaned out seven years ago by bulldozers but the Park Officials claim it can't use bulldozers again. So the Senior Girl Scouts will actually be in the pond pulling the water lilies and debris out.

Some farmers already have made arrangements to pickup the water lilies to use as mulch.

Cadette Girl Scouts will be loading trucks for the farmers.

Other Cadettes and Juniors will be scrubbing and painting picnic tables and outdoor rest rooms in the park area.

The little Girl Scout Brownies of the organization will be wearing nature fact signs and have their noses painted red, and when anyone presses their red nose, the Brownie will relate facts about the sign she is wearing. Examples given are, "I am poison ivy," or names of different trees. The Brownies will also be picking up litter in the park area.

The Forest Lane Shalter House in the park will be divided into three areas, food, entertainment and an Ecology Display area.

In the food area, the girls who finish their shifts at muckraking and litter picking will be able to eat and enjoy some of the guitar playing and singing in the entertainment area. The ecology display area will have a contest for the best exhibit shown on ecology.

The project, which will involve over 800 Girls Scouts in areas of Highland Heights, Mayfield Village, Mayfield Heights, Gates Mills, Euclid, South Euclid and Lyndhurst, will take place on Sept. 11. Hours are set from 9 a.m. to 5 p.m.

Thus far, the group has been offered 1,500 hot dogs, 15 tanks of Pepsi and the Willoughby Hills Fire Department has offered to furnish water tank trucks for the girls to use for cleaning up.

The Project Leader for the 'Mammoth Ecology Day' is a sophomore of John Carroll University, Michelle Stevens of University Heights.

Also included in the project are Mrs. Nel Lusk, Mrs. Elaine Surace, Mrs. Eva Pawlak, Mrs. Jean Oltmanne, Mrs. Diane Stone, Mrs. Jonny Hallberg, Mrs. Doris Grunwald, Mrs. Cathey Milchalk, Mrs. Marilyn Sauer, Mrs. Sonney Hauser, Mrs. Doris Gorgas, Mrs. Sue Jewell and Mrs. Marion Thurman.

[From the Cleveland (Ohio) Press, Aug. 31, 1971]

LILIES THREATEN POPULAR PARK—GIRL SCOUTS TO CLEAN OUT POND

(By Joe Collier)

About 900 Girl Scouts and their leaders will labor Sept. 11 to rid Sunset Pond of most of its water lilies and all of the man-made junk that clutters it.

The event—called the Mammoth Ecology Project of the Lake Erie Girl Scout Council—is the idea of Miss Michele Stevens, who is the project director.

Ordinarily water lilies are pleasant natural decorations, but at Sunset Pond they have become too much of a good thing. They are crowding the entire five-acre surface, threatening to reduce the pond to a marsh.

Sunset Pond for many years has attracted, for rest and recreation, a variety of water fowl—Canada geese, mallards, black ducks, teal, wood ducks, great blue herons, green herons, bittern, kingfishers and their associates.

Two Canada geese families, and about five wood duck families were reared there this summer, contributing about 50 young birds to the environment.

The water fowl have in turn attracted all kinds of people, who visit the place every day of the year, offering more bread and other food gifts than the birds can consume.

The excess food has supported a large and growing population of goldfish, bullheads, bluegills, catfish and a community of lesser creatures. And from the shore foxes watch and eat now and then.

All of this has made Sunset Pond the centerpiece of the North Chagrin Reservation and the second best attended feature in the parks system.

The pond creatures would be dispossessed if the lilies are allowed to convert the pond to a marsh.

Last summer Harold Wallin, the parks' chief naturalist, spoke discouraging words about the future of the pond. The Press reported them and Miss Stevens resolved to mobilize the Girl Scouts to the rescue.

After a winter of organization and planning, with the help of Mrs. Marilyn Sauer, Mrs. Elaine Surace, Mrs. Sonny Hauser, Mrs. Marion Thurman, Mrs. Jean Oltmans, and many others in Mayfield Heights, Mayfield Village, Lyndhurst, and other communities, the day approaches.

The water level will be lowered, and about 90 senior scouts, called muckrakers for the day, will wade in and dislodge tons of excess water lilies. Park trucks will haul them away.

Other scouts will collect litter from the surrounding park and some will feed the other workers.

Wallin has expressed the deep gratitude of himself, the park system and visitors to Miss Stevens, her aides and all the Girl Scouts.

THE NEED FOR A COMPREHENSIVE NATIONAL HEALTH CARE PLAN

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mrs. GRIFFITHS. Mr. Speaker, the need for a comprehensive national health care plan is becoming increasingly apparent. Today, I am providing for the RECORD two articles from the New York Times of September 13, on the present dilemma of health care in the United States. Should there remain any doubt in the minds of my colleagues that this is the year that H.R. 22, the Health Security Act, must be enacted, they should read these articles.

The spiraling costs of health care in this country must be halted. President Nixon's health insurance proposals will not do this. Unless we move immediately to construct a comprehensive national health care plan, many more Americans will be priced-out of the health care services they need and deserve.

The articles follow:

DILEMMA IN HEALTH CARE: RISING COST AND DEMAND

(By Richard D. Lyons)

WASHINGTON, Sept. 12—A decade ago, one medical group in Manhattan charged $35 for a basic physical checkup; today it charges $65. In those same years the going rate for an appendectomy in New York rose from $485 to $1,175 and the cost of an average hospital stay, for the nation as a whole, rose from $265 to $785.

Indeed, Americans are spending money on health care as if there were no tomorrow.

And while almost everyone is complaining about spiraling health care costs, most of the same people—rich and middle class as well as poor, insurers and providers as well as consumers—are also demanding more and better health care no matter what it costs.

The statistics for medical costs, at a time when accumulated inflation has swollen most economic indications, are staggering. This year Americans—through their own pocketbooks, their Federal, state and local governments, and their health insurance companies—will spend almost $80-billion for such things as 15 million operations, two billion prescriptions and the salaries of the five million people who provide health care.

One conservative Federal estimate sets the nation's total health bill by 1980 at $156-billion, which would be 8 percent of the gross national product and over five times the peak annual cost of the Vietnam war.

"I think medical care is going to be the Vietnam of the nineteen-seventies—billions and billions of dollars going into a quagmire," says Dr. Frederic Bass, a health planner at the University of Pennsylvania.

In this era of inflation, no other item on the Consumer Price Index has risen so fast over the last decade as health costs. In the last four years alone, they have climbed 30 percent.

Hospital rates have risen five-fold. Today they are hovering at about $100 a day, an unthinkable sum a decade ago. But a decade from now, according to some projections, hospitals may be charging $1,000 a day. At one Boston hospital, a bed in the intensive care unit for respiratory diseases now costs $425.75 a day.

Such statistics provide only a partial picture, however. Behind them there is a long period of dramatic progress in medical technology and, along with it, an unquantifiable but almost tangible rise in public expectations. And at the conjunction of all these factors are two fundamental questions:

If, theoretically, good health care is now possible for everyone, then how can the nation rationally allow anyone to go without it? But if, practically, the cost of good health care continues to rise so steeply, then how can the nation maintain even its present standards for long without going bankrupt?

Personal "horror stories" of the financial and emotional costs of illness are seemingly endless: A New York couple is financially ruined by the medical costs of a son paralyzed by a football injury; an elderly black couple in Mississippi spend one-third of their meager Social Security check on medicine; a Californian undergoes a kidney transplant to save his life, yet does not have the funds to buy the drugs to keep it viable.

Ranging from Robert Ball, the director of the Social Security Administration, to Paul Stark, the head of a defunct Federal health center in Prestonburg, Ky., many medical administrators feel that the country is either spending too much money on health care or is not getting its money's worth.

REASONS FOR THE INCREASE

The reasons for this surge in spending include:

Inflation, which accounts for half the recent rise in health costs.

More Americans, 20 million more in the last 10 years.

Medicare and Medicaid, which accelerated the demand for services and helped to drive up their prices.

A philosophical shift to the now general opinion that health care is a right of every American, not just a privilege of birth or money.

More sophisticated medical techniques such as open-heart surgery, that lead to better medical care but at greater cost.

Unionization of hospital workers, which gives higher salaries and more costly fringe benefits to a group that has been among the lowest paid in the nation for decades.

There are other reasons, but they are much harder to document with numbers. Critics of the national health care system—many call it a nonsystem—say it has and is creating vast inequities. For example, in New York City it is at times almost impossible to find a hospital bed, that half the beds in San Francisco hospitals are empty and more hospitals are opening there.

The critics hold that there are vast inefficiencies in the prescription of drugs, the payment for health insurance and the services provided by both hospitals and doctors. For example, a favorite remark of Senator Kennedy, the Massachusetts Democrat who is the chief Congressional critic of the health care system, is that there are more neurosurgeons in his home state than there are in the British Isles, which have 10 times the population.

Another trouble is that the flood of new money into health care has not been matched by an increase in efficiency. In fact, it seems to have acted in reverse in some permutation of Parkinson's law.

"It costs more and more all the time to stand still," says John G. Veneman, Under Secretary of Health, Education and Welfare. Mr. Veneman and other Nixon Administration officials were appalled by health costs when they took office, but Federal expenses have continued to shoot up despite their efforts.

Where does all the money go? Principally to hospitals, doctors, drugs, medical appliances, nursing homes and, as overhead, to the health insurance companies such as Blue Cross and Blue Shield that spread the risk of becoming ill.

Portions of the health care pie are divided roughly this way: 40 per cent for hospital care; 20 per cent for doctors' services; 10 per cent for drugs; 6 per cent for dentists' services, and 4 per cent for nursing home expenses. The remaining 20 per cent is divided among such items as medical research, construction of facilities, and administration.

Nearly every critic of the health care system believes Americans are spending too much money on drugs. Dr. Henry E. Simmons, chief drug officer of the Food and Drug Administration, estimates that "Americans spend half a million dollars a year on drugs for which there is no valid proof of efficacy."

Just recently the F.D.A. succeeded in removing from public sale a drug named Panalba after a legal battle that ran on for years. During that time consumers were spending $30-million a year on the product, even though Federal judges as well as Federal scientists had found it to be ineffective.

HIGH DRUG PROFITS

While drug prices have not risen dramatically, the pharmaceutical industry reaps the highest profits in terms of return on investment—20 per cent—of any large segment of American industry. Congressional investigations have revealed huge profits in some specific drugs—of over 1,000 per cent in isolated cases—yet drug companies have successfully turned back most attempts to reduce prices.

Another factor is doctors' fees. "You can't reform the health care system unless you delve into the pocketbooks of doctors," says Dr. Robert D. Eilers, director of the Leonard Davis Institute of Health Economics. He notes that one medical group recently hired a surgeon for a salary of $85,000 a year "plus bonuses."

Doctors, the most highly paid professionals in the country, earn a median income of $40,000 a year—after expenses but before taxes—according to our calculation. Only one per cent of Americans earn as much as this. Federal economists estimates that doctors' fees are almost 70 per cent higher than they were in the late nineteen-fifties, a rise almost double that of the consumer price Index.

Yet doctors have their own economic problem. Premium rates for medical malpractice insurance, for example, have been soaring. One New York surgeon said he paid an annual premium of $50 when he started practice in 1950. He expects that next year's premium will be $5,050, a hundred times as much. This expense he passes along to the consumer in the form of higher fees.

"HAVE TO PUT THE CRUNCH ON"

Despite all the complaints about drug costs and doctors' fees, most of the grumbling over the rise in health costs has been directed at hospitals. For hospitals have been getting the lion's share of health expenses.

The most common criticism has been that the hospitals have never had the incentives needed for them to effect economies. In addition, most hospitals are controlled by doctors who are unfamiliar with the modern management practices that might curb costs.

"Hospitals are the problems, but Blue Cross hasn't pushed them hard enough," says Dr. Herbert S. Denenberg, the new Pennsylvania insurance commissioner. "You have to put the crunch on someone if you're going to control medical costs."

In a rare effort to force economies, the insurance commissioner rejected a $73-million premium rate increase request from Blue Cross of Greater Philadelphia, which has been awarded an annual increase for the last quarter century. He wants to retain Blue Cross, but force it in turn to force hospitals to effect economies.

Dr. Deneberg, one of the new breed of reformers in the health care field and a friend of Ralph Nader, the consumer advocate, also accuses the other private insurance companies of "just shoveling money back and forth—they have not paid attention to cost and quality controls."

The Pennsylvanian is one of 20 new state insurance commissioners who have taken office in the last year. Many of them are determined to force economies in health costs. Others include Kenneth Deshetler, Ohio's Director of Insurance, and John F. O'Leary, chairman of the Massachusetts rate-setting commission.

Mr. O'Leary wants state and Federal agencies to intervene to force down hospital costs and some states, including New York, Maryland, California and Pennsylvania, are considering the creation of hospital rate setting commissions similar to those that regulate transportation, electric and gas rates.

Gordon Chase, head of the New York City Health Services Administration, accuses hospital leaders of using "quality of care" to "obscure inefficiency, obsolescence and traditional ways of operating which will not stand close scrutiny."

Three-quarters of all hospital bills are paid through Blue Cross, which was specifically created to perform the task. Yet Blue Cross has gone almost unregulated. Congressional investigators found recently that some local plans were paying the country club dues of Blue Cross executives' vacations in Hawaii.

The national president of Blue Cross, Walter J. McNerney of Chicago, conceded that the hospital insurance plan "has not done everything as well as it should" to hold down hospital rates. "We have not been sufficiently self-critical and innovative," he adds.

How could hospital costs be brought down? The Good Samaritan Health Service in Phoenix found a way by amalgamating a group of 10 hospitals, thus doing away with duplicating services and overhead. The group saved $90,000 last year by buying all its insurance as a package. Common laundry services and the standardization of linens and uniforms all would help, but relatively few groups of hospitals have done this.

Costs could also be constrained by clusters of hospitals if individual institutions were assigned specific tasks, such as delivering babies and performing open-heart surgery, rather than each offering a full range of services.

Keeping people out of the hospital is uniformly acknowledged as the most effective method of holding down costs.

The patient population of Philadelphia State Hospital dropped from 6,400 to under 3,000 in recent years, aided by the creation of the West Philadelphia Mental Health Consortium, a group of nine community mental health clinics.

Dr. Robert Leopold, the consortium's director, says that while costs per patient are $6 a day at the health centers, they are $15 a day in the state hospital. The Philadelphia program, one of only a few in the nation, "shows that psychiatric patients can be treated near their homes outside the hospital and at far less cost," Dr. Leopold says.

Large cost savings from Pre-Paid Group Plans also are possible through the operation of what are known as prepaid group plans, of which the most familiar are the Kaiser foundation groups of California, Oregon, Hawaii, Colorado and Ohio.

By stressing preventive medicine, that is. treating potentially serious medical conditions before they can grow into costly diseases, persons enrolled in the Kaiser groups spend less than half as many days in hospitals as other Americans. Premiums for Kaiser care are also less than comparable insurance plans, while the annual increase in premium rates has been less than elsewhere.

The money-saving potential of providing preventive services, such as periodic physical has been demonstrated by the Group Health Cooperative of Puget Sound in Seattle, which was started in 1947 and now provides health care for 140,000 people.

Last year the group health cooperative spent only $37 per member on hospitalization. This compares with $112 for the average American. Yet almost the same amount of money was spent for both groups for physicians' fees and outpatient services such as laboratory tests and X-rays. The lesson would seem to be that preventive medicine, properly run, can substantially reduce costly hospitalization.

A Federal takeover of health delivery systems, as occurred in Britain, has been advocated by some groups here. But at least two experiments with Federal funding in this country have indicated that it is little better economically than the system it is meant to replace.

In Prestonburg, Ky., one such project was canceled by the Office of Economic Opportunity after investigators found it "totally corrupt." More than half of the $4-million spent on the project went for the salaries of courthouse cronies and overhead expenses.

Another Federally funded project, the Martin Luther King Health Center in the Bronx, spends $75 per patient visit, far more than it would cost to treat a person in a doctor's office.

MAINTENANCE GROUPS

The Nixon Administration is spending $45-million on what might be one partial solution to the health cost problem—the health maintenance organization. The H.M.O., as it is known, has been praised by the President as the prime new method of organizing health care delivery for quality and economy.

H.M.O.'s, a few of which are now in operation, use groups of doctors and facilities to treat the health needs of thousands of persons living in specific areas. In his health message of last February, Mr. Nixon also proposed a $300-million loan guarantee program to start dozens of H.M.O.'s. If the Administration has its wish, 80 per cent of all Americans will be enrolled in H.M.O.'s by the end of the decade.

This percentage is viewed as wildly optimistic even by those health care experts who say that reform of the system is absolutely necessary to bring better medical care to more people at less cost.

One of the new breed of reformers who are leading the attack against wasteful and inept practices in the health care field is Dr. Denenberg of Pennsylvania, who is a frend of Ralph Nader, the consumer adocate. Dr. Denenberg is the type of freewheeling challenger of the medical establishment who, according to one critic, makes Mr. Nader "look like Louis the fourteenth."

"The health delivery system is so full of glaring inefficiencies and abuses that it is easy to give up in despair," says Dr. Denenberg. "For example, the providers of health care saddle the public with unnecessary, underutilized and duplicated services which not only produce astronomical costs, but also often deliver low quality care."

The complaints come from within the medical establishment as well. Dr. Edwin L. Crosby, president of the American Hospital Association, says the nation has too many hospital beds. And one of the truisms of medical practice holds that too many operations are being performed on too many people.

The result, according to Dr. Murray Hunter, medical director of a clinic in Fairmont, W. Va., is that "for a dollar today we're getting 50 cents worth of health care—if it were done right we'd get 80 cents worth."

Another problem is that merely increasing the money spent on health care does not necessarily lead to better quality care. A Dr. Donald Harrington, director of the San Joaquin Medical Foundation in Stockton, Calif., puts it: "An open checkbook often leads to bad work."

Yet some doctors seem to be benefitting by such an approach. Dr. Lowell E. Bellin, New York City's first deputy health resources commissioner, says: "If after two years in private practice a doctor isn't clearing $35,000 a year, you should strap an electroencephalograph to his brain to find out why."

DOCTORS' MEDIAN INCOME—$40,550—SPURS FEE DEBATE

(By Nancy Hicks)

There is probably no more emotional, controversial or complex issue in the current debate over health care reform than the earning power of the physician.

Critics of doctors' high salaries—the organized poor, health consumer groups, some economists and many doctors themselves—say it is unconscionable that one professional group of 334,000 individuals should earn a median income of $40,550 a year or more.

They cite such current practices as the use of incorporation to allow doctors tax and pension benefits, which the Internal Revenue Service has opposed but has been unable to stop, and fee fragmentation, which might mean that last year's flat-fee checkup is now broken up into individual charges that add up to more than the old fee, with no announced increase.

Doctors say their critics fail to take into account the long years of study, internship and even "apprenticeship" before a doctor can begin to earn a good living. They also cite the high cost of a medical education, and doctors' long working hours and their responsibilities.

HIGHEST PAID WORKERS

Whatever the merits of the arguments are, a look at the available figures shows that doctors are the highest-paid workers in the country, even when salaries are adjusted for business expenses, hours of work and delayed earning power.

During the last two decades, the cost of doctors' services has risen at a rate almost double the increase of the consumer price index, Federal economists have estimated. This is in direct contrast to the trend in the post-World War II era, when doctors' fees lagged behind the cost of living.

In the last decade, doctors' fees have risen faster than any other medical cost except hospitalization, and there are no figures on which to estimate the proportion of hospital operating costs that go to interns, residents, chiefs-of-service, physician-administrators, salaried physician-researchers and to a growing number of salaried staff specialists.

In general, figures for recent years are relatively scarce. The Bureau of Labor Statistics does not keep data on doctors' incomes as it does, say, for office workers'. Most information comes from the journal, Medical Economics, from individual surveys by economists on professional societies, or from the Census Bureau or the Social Security Administration, neither of which has current figures available.

According to the continuing survey of Medical Economics, the median income of physicians under 65 in private practice in 1969 was $40,550 a year, after expenses but before taxes. A comparable survey by the American Medical Association showed an average annual income of $35,510 in 1968. By way of contrast, lawyers' average income, according to a 1970 survey by the American Bar Association, was $27,960 a year.

REASONS FOR HIGH INCOMES

There are various theories that attempt to explain why doctors' earning power is so great.

The first is the Adam Smith principle of supply and demand, which says that doctors earn more because they are in short supply. Estimates of manpower shortages in medicine range up to 50,000 trained physicians, a shortage that some critics attribute in part on past efforts of the A.M.A. to keep the supply limited.

In 1910, when the influential Flexner Report on Medical Education called for an increased emphasis on science in medical education—there were 164 doctors per 100,000 population in this country. In 1967, there were 130 per 100,000, up from 124 per 100,000 in 1963.

More than a decade ago Lee Loevinger, an Assistant Attorney General in the Kennedy Administration tried to figure out why doctors were earning more money than lawyers.

Mr. Loevinger attributed the differential to the stringent controls over accreditation that physicians had maintained. These led to the certification of fewer schools, he said, and therefore, to the graduation of fewer doctors.

An attempt has been made to reverse this trend. Twenty new medical schools have been created over the last 10 years. The number of graduates increased by 33 per cent in 1967, when compared to 1950.

POLICIES EFFECTS PERSIST

But the effects of old policies are still being felt. Although the number of physicians who graduated has increased, the general population has also increased by 30 per cent during the same period. And an analysis of last year's medical school applications showed that the schools rejected for lack of space a total of 100,000 "qualified candidates," twice the number of the estimated shortage.

Although most doctors must now undergo about 10 year's post-high school education, the American physician in the mid-1960's completed an average of 17.5 years of education. This was compared to 17.3 years for dentists, 17.4 years for lawyers and judges and 17.1 years for clergymen.

Based on 1960 census figures, which do not reflect the post-Medicaid surge in all medical costs, the net average lifetime earning for doctors was $717,000, compared to $589,000 for dentists, $621,000 for lawyers and $175,000 for clergymen.

The Census Bureau took these same figures and ranked 321 occupations according to their median annual incomes. Physicians placed first, followed by bankers, dentists, professors of medical sciences and lawyers. Clergymen were 245th on the list.

Another analysis of the same figures was made by a team of economists who tried to take the census figures and compute "real earnings," if the costs of education, including tuition and living expenses, were taken into account. By rank, and without giving figures, they concluded that on this basis dentists earned the most. Physicians were fifth and lawyers were 14th, after toolmakers and draftsmen.

The growing number of medical specialists is another acknowledged factor in the high incomes of doctors. Specialists charge an average of two to three times the fee of the general practitioner.

According to a Department of Commerce survey, 26 per cent of the nation's physicians were specialists in 1929. In 1959, 46 per cent were. An April, 1969, study by the American Academy of General Practice said that only 21 per cent of the nation's doctors were general practitioners.

The 1970 Continuing Survey of Medical Economics showed that 11 per cent of general practitioners, 13 per cent of the internists, 19 per cent of the obstetricians and 22 per cent of the general surgeons sample earned $60,000 a year or more. This compared with 5 per cent of the pediatricians, the so-called workhorses of medicine.

In the end the important question is not how much a doctor charges or earns, in the view of medical economists like Anne R. Somers of Princeton, for the affluent consumer who equates high fees with high quality will almost always pay what he is charged without complaint.

The real focus of attention according to to Mrs. Somers, should be on how doctors' present economic status may become an obstacle to attempts to make good health care more widely available, especially to the poor.

REVENUE SHARING LOSES TALENTED SUPPORTER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHWENGEL. Mr. Speaker, the August 15 edition of the Washington Post featured a story on Murray Weidenbaum, former Assistant Secretary of Treasury for Economic Policy. While, Mr. Weidenbaum's departure is certainly understandable as a result of his academic interests, it is indeed a set back to the forces fighting for revenue sharing. Mr. Weidenbaum's skilled efforts on behalf of revenue sharing are well known, and are further documented in the Post article.

I would like to take this opportunity to wish Mr. Weidenbaum the best of luck as he returns to Washington University. Also, I would like to take this opportunity to urge our colleagues on the Ways and Means Committee to report favorably on the President's revenue-sharing program.

[From the Washington Post, Aug. 15, 1971]

WEIDENBAUM FINISHES TREASURY TOUR

One of the most able and conscientious economists in the Nixon administration, Murray L. Weidenbaum, finished a two-year tour of duty yesterday, and returned to Washington University in St. Louis.

Weidenbaum, 44, will become Edward Mallinchrodt Distinguished University Professor, resuming his teaching of economics.

As Assistant Secretary of Treasury for Economic Policy, Weidenbaum will best be remembered here for his work on the President's revenue-sharing proposals.

Weidenbaum, in fact, concentrated his attention on revenue-sharing after his views on the general management of the economy began to run counter to the official Nixon line. As far back as June, 1970, Weidenbaum forthrightly told a congressional committee that some sort of wage-price incomes policy would be necessary.

Rejecting compulsory wage-price curbs, as well as less effective jawboning, Weidenbaum urged two things: a set of guideposts for acceptable wage-price behavior; and a watch-dog commission or board to spotlight offending wage-price decisions.

This is almost precisely the formula soon to be discussed in hearings sponsored by leading congressional Republicans. It's too bad the administration didn't listen then to Weidenbaum, and to Arthur Burns, whose wage-price review board proposal is much the same thing.

Weidenbaum, in his two years at the Treasury, delivered himself of other courageous observations until—practical man that he is—he decided to limit his public comments to revenue-sharing. He warned, for example, that the twin problems of inflation and unemployment could not be solved without reducing the concentration of "private economic power;" he also had the courage to suggest that the tax system be used to shift the cost of pollution from society (which now foots the bill) to the polluter.

With respect to the troubled aerospace industry, Weidenbaum (once an economist for Boeing) warned in Congressional testimony against special favors designed to employ the industry's resources for the emerging environment or other markets.

"Change is an essential aspect of a modern society," Weidenbaum declared. He didn't reject some transitional assistance to laid-off aerospace employees, but bluntly said he would "give greater weight, in post-Vietnam planning, to the needs of the lower-income veterans who are returning from Vietnam and who merit our great support and understanding."

Later, however, Weidenbaum did back a loan for Lockheed as "the most effective way" to help that hard-pressed company.

To the Administration's credit, it never pressured Weidenbaum to commit himself to programs in which he didn't believe; and Weidenbaum conducted himself in a dignified way, with no sniping at his associates, however much that might have been welcomed by Democratic critics of Mr. Nixon.

Secretary of the Treasury John B. Connally did his best to keep Weidenbaum; but the modest professor from Washington U., who never got Potomac fever, believed that his best contribution to economic knowledge would be in the academic surroundings he knows best.

Weidenbaum carefully shunned the Sans Souci circuit, and rode the bus to work instead of appropriating a Treasury car ("I don't want to get used to it," he would say).

Washington, D.C.'s loss is Washington U.'s gain. We wish him well.

THE PENTAGON PAPERS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DOW. Mr. Speaker, with your permission, I would like to append below an article entitled "The Pentagon Papers and Social Science" by Dr. Irving Louis Horowitz, editor-in-chief of the periodical Trans-action, a magazine of social science and modern society published at Rutgers University.

Since I was chairman of a recent conference sponsored by a number of Congressmen which sought to analyze the Pentagon Papers and their significance for us, I want to say that Dr. Horowitz' critique of the papers is pungent and cogent. In some respects, he pinpoints conclusions that can be drawn about the Pentagon Papers that are more nearly on target than the points brought out by our congressional conference.

Dr. Horowitz' analysis is addressed to the community of social scientists. Accordingly, it focuses on matter in the Pentagon Papers which is of direct concern to them. Yet, even with this special social science orientation, Dr. Horowitz' insights about the Pentagon Papers are among the best to be found anywhere. His article follows:

THE PENTAGON PAPERS AND SOCIAL SCIENCE

(By Irving Louis Horowitz)

Today, no major political event, particularly one so directly linked to the forging of American foreign policy as the publication of the Pentagon Papers by the *New York Times* and the *Washington Post* can be fully described without accounting for the role of the social scientist. In this case, the economists clearly performed a major role. From the straightforward hawkish prescriptions offered in 1961 by Walt W. Rostow to the dovishly motivated release of secret documents on the conduct of the war in 1971 by Daniel Ellsberg, the contributions of social scientists were central. As a consequence, it is fitting, nay imperative, that the import of these monumental events be made plain for those of us involved in the production and dissemination of social science information and insight.

The publication of the Pentagon Papers is of central importance to the social science community in at least two respects; social scientists participated in the development of a posture and position toward the Vietnam involvement; and at a more abstract level, the publication of these papers provides lessons about political participation and policy-making for the social sciences.

We live in an age in which the social sciences perform a special and unique role in the lives of men and in the fates of government, whatever be the status of social science theory. And because the questions of laymen are no longer "is social science scientific," but "what kinds of recommendations are offered in the name of social science," it is important that social scientists inquire as to any special meaning of the Pentagon Papers and documents, over and above the general and broad-ranging discussions that take place in the mass media. Thus, my effort here is not to be construed as a general discussion of issues, but rather a specific discussion of results.

I. FINDINGS

The Pentagon's project director for a History of United States Decision-Making Process on Vietnam Policy (now simply known as The Pentagon Papers), economist Leslie H. Gelb now of Brookings, remarked: "Writing history, especially where it blends into current events, especially where the current event is Vietnam, is a treacherous exercise." Former Secretary of Defense Robert S. McNamara authorized this treacherous exercise of a treacherous conflict in 1967. In initiation and execution this was to be "encyclopedic and objective." The actual compilations runs to 2.5 million words and 47 volumes of narratives and documents. And from what has thus far been made public, it is evident that this project was prepared with the same bloodless, bureaucratic approach that characterizes so much federally inspired, social science and history. The Pentagon Papers attempt no original hypothesis, provide no insights into the behavior of the "other side," make scant effort to select important from trivial factors in the escalation process; they present no real continuity with past American foreign policy and in general eschew any sort of systematic survey research or interviewing of the participants and proponents. Yet, with all these shortcomings, these materials offer a fascinating and unique account of how peace-keeping agencies became transformed into policy-making agencies. That this record was prepared by 36 political scientists, economists, systems analysts, inside dopesters and outside social science research agencies provides an additional fascination: how the government has learned to entrust its official records to mandarin types, who in exchange for the cloak of anonymity are willing to prepare an official record of events. An alarming oddity is that, in part at least, the chronicle was prepared by analysts who were formerly participants.

For those who have neither the time nor the patience to examine every document thus far released, it might be worthwhile to simply summarize what they contain. In so doing it, becomes clear that the Vietnam War was neither a Democratic nor a Republican war, but a war conducted by the political elite, often without regard to basic technical advice and considerations, and for reasons that had far less to do with curbing communism than with the failure of the other arms of government in their responsibility to curb executive egotism. The publication of these papers has chronicled this country's overseas involvement with a precision never before available to the American public. Indeed, we now know more about decision-making in Vietnam than about the processes by which we became involved in the Korean War. For instance, we have learned that:

1. The United States ignored eight direct appeals for aid from Ho Chi Minh in the first half-year following World War II. Underlying the American refusal to deal with the Vietnamese leader was the growth of the cold war and the opposition to assisting a communist leadership.

2. The Truman administration by 1949 had already accepted the "domino principle," after the National Security Council was told early in 1950 that the neighboring countries of Thailand and Burma could be expected to fall under communist control if Vietnam were controlled by a communist dominated regime.

3. The Eisenhower administration, particularly under the leadership of Secretary of State John Foster Dulles, refused to accept the Geneva accords ending the French-Indochina war on the grounds that it permitted this country "only a limited influence" in the affairs of the fledgling South Vietnam. Indeed, the Joint Chiefs of Staff opted in favor of displacing France as the key influence rather than assisting the termination of hostilities.

4. The final years of the Eisenhower administration were characterized by a decision to commit a relatively small number of United States military personnel to maintain the Diem regime in Saigon and to prevent a détente between Hanoi and Saigon.

5. The Kennedy administration transformed the limited risk gamble into an unlimited commitment. Although the troop levels were indeed still quite limited, the Kennedy administration moved special forces units into Vietnam, Laos and Cambodia—thus broadening the conflict to the area as a whole.

6. The Kennedy administration knew about and approved of plans for the military coup d'état that overthrew President Diem. The United States gave its support to an army group commited to military dictatorship and no compromise with the Hanoi regime.

7. The Johnson administration extended the unlimited commitment to the military regime of Saigon. Under this administration between 1965 and 1968, troop levels surpassed 500,000 and United States participation was to include the management of the conflict and the training of the ARVN.

8. After the Tet offensive began in January 1968, Johnson, under strong prodding from the military Chiefs of Staff, and from his field commanders, moved toward full scale mobilization, including the call-up of reserves. By the termination of the Johnson administration, the United States had been placed on a full-scale war footing.

Among the most important facts revealed by the Papers is that the United States first opposed a settlement based on the Geneva accords, signed by all belligerents; that the United States had escalated the conflict far in advance of the Gulf of Tonkin incident and had used congressional approval for legitimating commitments already undertaken rather than as a response to new communist provocations; and finally that in the face of internal opposition from the same Department of Defense that at first had sanctioned the war, the executive decided to disregard its own policy advisers and plunge ahead in a war already lost.

II. DECISIONS

Impressive in this enumeration of policy decisions is the clinical way decisions were made. The substitution of war game thinking for any real political thinking, the total submssion of the Department of State to the Department of Defense in the making of foreign policy, and the utter collapse of any faith in compromise, consensus or cooperation between nations, and the ludicrous pursuit of victory (or at least non-defeat) in Vietnam, all are so forcefully illustrated in these Pentagon Papers, that the vigor with which their release was opposed by the Attorney General's office and the executive branch of government generally, can well be appreciated.

Ten years ago in writing *The War Game* I had occasion to say in a chapter concerning "American Politics and Military Risks" that "a major difficulty with the thinking of the new civilian militarists is that they study war while ignoring politics." The recent disclosure of the Pentagon Papers bears out that contention with a vengeance; a kind of hot house scientology emerges, in which the ends of foreign policy are neatly separated from the instruments of immediate destruction. That a certain shock and cynicism have emerged as a result of the revelations in these papers is more attributable to the loss of a war than to the novelty of the revelations. The cast of characters that have dragged us through the mire of a bloody conflict in Southeast Asia, from Walt W. Rostow to Henry A. Kissinger, remain to haunt us and taunt us. They move in and out of administrations with an ease that belies political party differences and underscores the existence of not merely a set of "experts," but rather a well defined ruling class dedicated to manufacturing and manipulating political formulas.

The great volume of materials thus far revealed is characterized by few obvious themes: but one of the more evident is the utter separation of the purposes of devastation from comprehension of the effects of such devastation. A kind of Howard Johnson sanitized vision of conflict emerges that reveals a gulf between the policy-makers and battlefield soldiers that is even wider and longer than the distance between Saigon and Washington. If the concept of war gaming is shocking in retrospect, this is probably due more to its utter and contemptible failure to provide battlefield victories than to any real development in social and behavioral science beyond the shibboleths of decision theory and game theory.

III. "SCIENTISTS"

A number of researchers as well as analysts of the Pentagon Papers were themselves social scientists. There were political scientists of considerable distinction, such as Morton Halperin and Melvin Gurtov; economists of great renown, such as Walt W. Rostow and Daniel Ellsberg; and systems analysts, such as Alain Enthoven. And then there was an assorted group of people, often trained in law, such as Roger Fisher and Carl Kaysen, weaving in and out of the Papers, providing both point and counterpoint.

There are the thoroughly hawkish views of Walt Rostow; and the cautionary perspective of Alain Enthoven; and the more liberal recommendations of people like Roger Fisher. But it is clear that social scientists descend in importance as they move from hawk to dove. Walt Rostow is a central figure, and people like Carl Kaysen and Roger Fisher are at most peripheral consultants—who in fact, seem to have been more often conservatized and impressed by the pressurized Washington atmosphere than to have had an impact on the liberalization or softening of the Vietnam posture.

The social scientific contingency in the Pentagon, whom I christened the "new civilian militarists" a decade ago, were by no means uniform in their reactions to the quagmire in Vietnam. Political scientists like Morton H. Halperin and economists like Alain C. Enthoven did provide cautionary responses, if not outright criticisms of the repeated and incessant requests for troop build-ups. The Tet offensive, which made incontrovertible the vulnerability of the American posture, called forth demands for higher troop levels on the part of Generals William C. Westmoreland and Maxwell Taylor. Enthoven, in particular, opposed this emphatically and courageously:

"Our strategy of attrition has not worked. Adding 206,000 more U.S. men to a force of 525,000, gaining only 27 additional maneuver battalions and 270 tactical fighters at an added cost to the U.S. of $10 billion per year raises the question of who is making it costly for whom. . . . We know that despite a massive influx of 500,000 U.S. troops, 1.2 million tons of bombs a year, 200,000 enemy killed in action in three years, 20,000 U.S. killed in action in three years, 200,000 U.S. wounded in action, etc., our control of the countryside and the defense of the urban areas is now essentially at pre-August 1965 levels. We have achieved stalemate at a high commitment. A new strategy must be sought."

Interestingly, in the same month, March 1968, when Enthoven prepared this critical and obviously sane report, he wrote a curious paper on "Thomism and the Concept of Just and Unjust Warfare," which, in retrospect, seemed to be Enthoven's way of letting people like myself know that he was a dissenting voice despite his earlier commitment to war game ideology and whiz-kid strategy.

As a result of these memoranda, Assistant Defense Secretary Paul Warnke argued against increased bombing and for a bombing pause. He and Assistant Secretary of Defense for Public Affairs, Phil G. Goulding, were then simply directed to write a draft that "would deal only with the troop issue;" hence forcing them to abandon the internal fight against an "expansion of the air war." And as it finally went to the White House, the report was bleached of any criticism. The mandarin role of the social scientists was reaffirmed: President Johnson's commitments went unchallenged. The final memo advocated deployment of 22,000 more troops, reserved judgment on the deployments of the remaining 185,000 troops and approved a 262,000 troop reserve build-up; it urged no new peace initiatives and simply declared that a division of opinion existed on the bombing policy, making it appear that the division in opinion was only tactical in nature. As the Pentagon Papers declared:

> Faced with a fork in the road of our Vietnam policy, the working group failed to seize the opportunity to change directions. Indeed, they seemed to recommend that we continue rather haltingly down the same road, meanwhile, consulting the map more frequently and in greater detail to insure that we were still on the right road.

One strange aspect of this war game strategy is how little the moves and motives of the so-called "other side" were ever taken into account. There is no real appreciation of the distinction between North Vietnam and the National Liberation Front of South Vietnam. There is not the slightest account taken of the actual decisions made by General Giap or Chairman Ho. The Tet offensive seems to have taken our grand strategists by as much surprise as the political elites whom they were planning for. While they were beginning to recognize the actual balance of military forces, Wilfred Burchett had already declared, in 1967 to be exact, that the consequences of the war were no longer in doubt—United States involvement could not forestall a victory of the communist factions North and South.

Thus, not only do the Pentagon Papers reveal the usual ignorance of the customs, languages and habits of the people being so brutally treated, but also the unanticipated arrogance of assuming throughout that logistics would conquer all. Even the doves like George W. Ball never doubted for a moment than an influx of a certain number of United States troops would in fact swing the tide of battle the way that General Westmoreland said it would. The argument was rather over tactics: is such a heavy investment worth the end results? In fact, not one inner circle "wise man" raised the issue that the size of the troop commitment might be basically irrelevant to the negative (from an American viewpoint) outcome of the Southeast Asia operations. One no longer expects good history or decent ethnography from those who advise the rulers, but when this is compounded with a heavy dose of impoverished war gaming and strategic thinking in the void, then the question of "science for whom" might well be converted into the question of "what science and by whom."

All of this points up a tragic flaw in policy-making by social science experts. Their failure to generate or to reflect a larger constituency outside of themselves made them continually vulnerable to assaults from the military and from the more conservative sectors of the Pentagon. This vulnerability was so great that throughout the Pentagon Papers, one senses that the hawk position is always and uniformly outspoken and direct, while the dove position is always and uniformly ubiquitous and indirect. The basis of democratic politics has always been the mass participation of an informed electorate. Yet it was precisely this informed public, where a consensus against the war had been building, that was cut off from the policy-planners and recommenders. Consequently they were left in pristine isolation to pit their logic against the crackpot realism of their military adversaries within the bowels of government.

IV. DISCLOSURES

Certain serious problems arose precisely because of the secrecy tag: for example, former Vice President Hubert Humphrey and Secretary of State Dean Rusk have both denied having any knowledge whatsoever of these papers. Dean Rusk went so far as to say that the research methodology was handled poorly: "I'm rather curious about why the analysts who put this study together did not interview us, particularly when they were attributing attitudes and motives to us." (*New York Times*, Saturday, July 3, 1971.) Perhaps more telling is Dean Rusk's suggestion that the Pentagon Papers have the characteristics of an anonymous letter. Along with Dean Rusk, I too believe that the names of the roughly 40 scholars connected with the production of these papers should be published.

To do otherwise would not only prevent the people involved from checking the veracity of the stories attributed to them, but more important, would keep the social science community from gaining a clearer insight into the multiple roles of scholars, researchers, professors and government analysts and policy-makers. The nature of science requires that the human authorities behind these multi-volumes be identified, as in the precedent established by the identification of the authors of the various bombing surveys done after World War II and the Korean War.

One serendipitous consequence of the Pentagon Papers has been to provide a more meaningful perspective toward the proposed "Code of Ethics" being advanced by so many social science professional associations. They all deal with the sanctity of the "subject's rights." All sorts of words guarding privacy are used: "rights of privacy and dignity," "protection of subjects from personal harm," "preservation of confidentiality of research data." The American Sociological Association proposals for example are typical:

> Confidential informaiton provided by a research subject must be treated as such by the sociologist. Even though research information is not a privileged communication under the law, the sociologist must, as far as possible, protect subjects and informants. Any promises made to such persons must be honored. . . . If an informant or other subject should wish, however, he can formally release the promise of confidentiality.

While the purpose of this code of ethics is sincerely geared to the protection of individuals under study, if taken literally, a man like Daniel Ellsberg would be subject to penalty, if not outright expulsion, on the grounds that he was never allowed by the individuals concerned to make his information public. What so many professional societies forget is that the right to full disclosure is also a principle, just as significant as the right of the private subject to confidentiality, and far more germane to the tasks of a social scientific learned society. The truly difficult ethical question comes not with the idea of maintaining confidentiality, but with determining what would be confidential, and when such confidentialty should be violated in terms of a higher principle. All social science codes of ethics presume an ethical standpoint which limits scientific endeavor, but when it is expedient to ignore or forget this ethical code, as in the case of the Pentagon Papers, the profession embarrassingly chooses to exhibit such a memory lapse.

The publication of the Pentagon Papers should once again point the way to the highest obligation of social science organizations: to the truth, plain and simple, rather than the preservation of confidentiality, high and mighty. And unless this lesson is fully drawn, a dichotomous arrangement will be made between making public the documents of public servants whose policies they disapprove of and keeping private the documentation on deviants whom supposedly the social scientists are concerned with protecting. This is not an ethical approach but an opportunistic approach. It rests on political and professional expediency. The need therefore is to reassert the requisites of science for full disclosure, and the ethics of full disclosure as the only possible ethics for any group of professional scientists. If the release of the Pentagon Papers has done nothing else, it has reaffirmed the highest principle of all science: full disclosure, full review of the data, full responsibility for what is done, by those who do the research.

V. SECRETS

Another area that deeply concerns the social scientist and that is highlighted in the Pentagon Papers is the government's established norms of secrecy. While most officials in government have a series of work norms with which to guide their behavior, few forms of anticipatory socialization have applied to social scientists who advise government agencies. The professionalization of social scientists has normally been directed toward publicity rather than secrecy. This fosters sharp differences in opinion and attitudes between the polity and the academy, since the reward system for career advancement is so clearly polarized.

The question of secrecy is intimately connected with matters of policy, because the standing assumption of policy-makers (particularly in the field of foreign affairs) is not to reveal themselves entirely. No government in the game of international politics feels that its policies can be candidly revealed for full public review; therefore, operational research done in connection with policy considerations is customarily bound by the canons of government privacy. But while scientists have a fetish for publicizing their information as a mechanism for professional advancement no less than as a definition of their essential role in the society, the political branches of society have as their fetish the protection of private documents and privileged information. Therefore, the polity places a premium not only on acquiring vital information, but on maintaining silence about such information precisely to the degree that the data might be of high decisional value. This leads to differing premiums between analysts and policy-makers and to tensions between them.

Social scientists complain that the norm of secrecy oftentimes involves yielding their own essential work premises. A critical factor reinforcing an unwilling acceptance of the norm of secrecy by social scientists is the allocation of most government research funds for military or semi-military purposes. Senate testimony has shown that 70 percent of federal funds targeted for the social sciences involve such restrictions.

The real wonder turns out to be not the existence of the secrecy norm but the relative availability of large chunks of information. Indeed, the classification of materials is so inept that documents (such as the Pax America research) designated as confidential or secret by one agency may often be made available as a public service by another agency. There are also occasions when documents placed in a classified category by sponsoring government agencies can be gotten without charge from the private research institute doing the work.

But the main point is that the norm of secrecy makes it extremely difficult to separate science from patriotism and hence makes it that much more difficult to question the research design itself. Social scientists often express the nagging doubt that accepting the first stage—the right of the government to maintain secrecy—often carries with it acquiescence in a later stage—the necessity for silence on the part of social researchers who may disagree with the political uses of their efforts.

The demand for government secrecy has a telling impact on the methodology of the social sciences. Presumably social scientists are employed because they, as a group, represent objectivity and honesty. Social scientists like to envision themselves as a wall of truth off which policymakers may bounce their premises. They also like to think that they provide information which cannot be derived from sheer public opinion. Thus, to some degree social scientists consider that they are hired or utilized by government agencies because they will say things that may be unpopular but nonetheless significant. However, since secrecy exists, the premises upon which most social scientists seek to work are strained by the very agencies which contract out their need to know.

The terms of research and conditions of work tend to demand an initial compromise with social science methodology. The social scientist is placed in a cognitive bind. He is conditioned not to reveal maximum information lest he become victimized by the federal agencies that employ his services. Yet he is employed precisely because of his presumed thoroughness, impartiality and candor. The social scientist who survives in government service becomes circumspect or learns to play the game. His value to social science becomes seriously jeopardized. On the other hand, once he raises these considerations, his usefulness to the policy-making sector is likewise jeopardized.

Social scientists believe that openness is more than meeting formal requirements of scientific canons; it is also a matter of making information universally available. The norm of secrecy leads to selective presentation of data. The social scientist is impeded by the policy-maker because of contrasting notions about the significance of data and the general need for replication elsewhere and by others. The policy-maker who demands differential access to findings considers this a normal return for the initial expenditure of risk capital. Since this utilitarian concept of data is alien to the scientific standpoint, the schism between the social scientist and the policy-maker becomes pronounced precisely at the level of openness of information and accessibility to the work achieved. The social scientist's general attitude is that sponsorship of research does not entitle any one sector to benefit unduly from the findings—that sponsorship by federal agencies ought not place greater limitations on the use of work done than sponsorship by either private agencies or universities.

VI. LOYALTIES

A major area that deeply concerns social scientists is that of dual allegiance. The Pentagon Papers have such specific requirements and goal-oriented tasks that they intrude upon the autonomy of the social scientist by forcing upon him choices between dual allegiances. The researcher is compelled to choose between participating fully in the world of the federal bureaucracy or remaining in more familiar academic confines. He does not want the former to create isolation in the latter. Thus, he often criticizes the federal bureaucracy's unwillingness to recognize his basic needs: 1) the need to teach and retain full academic identity; 2) the need to publicize information; and above all 3) the need to place scientific responsibility above the call of patriotic obligation—when they may happen to clash. In short, he does not want to be plagued by dual or competing allegiances.

The norm of secrecy exacerbates this problem. Although many of the social scientists who become involved with federal research are intrigued by the opportunity to address important issues, they are confronted by some bureaucracies which oftentimes do not share their passion for resolving social problems. For example, federal obligations commit the bureaucracy to assign high priority to items having military potential and effectiveness and low priorities to many supposedly idealistic and far-fetched themes in which social scientists are interested.

Those social scientists, either as employees or as consultants connected with the government, are hamstrung by federal agencies which are in turn limited by political circumstances beyond their control. A federal bureaucracy must manage cumbersome, overgrown committees and data gathering agencies. Federal agencies often protect a status quo merely for the sake of rational functioning. They must conceive of academicians in their midst as a standard bureaucratic type entitled to rise to certain federal ranks. Federal agencies limit innovating concepts to what is immediately useful, not out of choice and certainly not out of resentment of the social sciences but from what is deemed as impersonal necessity. This has the effect of reducing the social scientist's role in the government to that of ally or advocate rather than innovator or designer. Social scientists begin to feel that their enthusiasm for rapid change is unrealistic, considering how little can be done by the government bureaucracy. And they come to resent involvement in theoryless application to immediacy foisted on them by the "new utopians," surrendering in the process the value of confronting men with the wide range of choices of what might be done. The schism, then, between autonomy and involvement is as thorough as that between secrecy and publicity, for it cuts to the quick well-intentioned pretensions at human engineering.

The problem of competing allegiances is not made simpler by the fact that many high ranking federal bureaucrats have strong nationalistic and conservative political ideologies. This contrasts markedly with the social scientist, who comes to Washington not only with a belief in the primacy of science over patriotism but also with a definition of patriotism that is more open-ended and consciously liberal than that of most appointed officials. Hence, he often perceives the conflict to extend beyond research design and social applicability into one of the incompatible ideologies held respectively by the social scientist and entrenched Washington bureaucrats. He comes to resent the proprietary attitude of the bureaucrat toward "his" government processes. The social scientist is likely to consider his social science biases a necessary buffer against the federal bureaucracy.

VII. ELITISTS

The publication of the Pentagon Papers sheds new light on political pluralist and power concentrationist hypotheses. When push finally did turn to shove, President Nixon and the government officials behaved as members of a ruling class and not as leaders of their political party. President Nixon might easily have chosen to let the Democratic party take the burn and bear the brunt of the assaults for the betrayal of a public trust. Indeed the Nixon administration might have chosen to join the chorus of those arguing that the Democratic party is indeed the war party, as revealed in these documents; whereas the Republican party emerges as the party of restraint—if not exactly principle.

Here was a stunning opportunity for Mr. Nixon to make political capital at a no risk basis: by simply drawing attention to the fact that the war was constantly escalated by President Truman, who refused to bargain in good faith with Ho Chi Minh despite repeated requests, by President Kennedy, who moved far beyond anything President Eisenhower had in mind for the area, by making the fatal commitment not just to land troops but to adopt a domino theory of winning the war, by President Johnson, whose role can well be considered as nefarious: coming before the American people as a peace candidate when he had already made the fatal series of commitments to continuing escalation and warfare. That the president chose not to do so illustrates the sense of class solidarity that the political elites in this country manifest; a sense of collective betrayal of the priesthood, rather than a sense of obligation to score political points and gain political trophies. And that too should be a lesson in terms of the actual power within the political structure of a small ruling elite. Surely this must be considered a fascinating episode in its own right: the reasons are complex, but surely among them must rank the belief that Mr. Nixon behaved as a member of the ruling elite, an elite that had transcendent obligations far beyond the call of party, and that was the call of class.

One fact made clear by the Pentagon Papers is the extent to which presidentialism has become the ideology and the style in American political life. The infrequency of any reference to the judicial situation with respect to the war in Southeast Asia and the virtual absence of any reference to congressional sentiments are startling confirmations of an utter change in the American political style. If any proof was needed of the emerging imbalance between the executive and other branches of government, these papers should put such doubt to rest. The theory of checks and balances works only when there are, in fact, groups such as senators or stubborn judges who believe in the responsibility of the judiciary and legislative branches to do just that, namely, establish check and balance. In the absence of such vigor, the war in Southeast Asia became very much a series of executive actions. And this itself should give pause to the advocates of consensus theory in political science.

The failure of the Vietnam episode has resulted in a reconsideration of presidentialism as the specific contemporary variant of power elite theory. The renewed vigor of Congress, the willingness, albeit cautionary willingness of the Supreme Court to rule on the fundamental points of constitutional law, are indicative of the resurgence of pluralism. In this sense, the darkest hour of liberalism as a political style has witnessed a liberal regrouping around the theme of mass politics. Even the domestic notions of community organization and states rights are indicative of the limits of presidentialism—so that Mr. Nixon, at one and the same time, is reluctantly presiding over the swan song of presidentialism in foreign affairs, while celebrating its demise in domestic affairs.

The collapse of the Vietnam War and the trends toward neo-isolationism are in fact simply the reappearance of political pluralism in a context where to go further in the concentration of political power in the presidency would in all likelihood mean the upsurge of fascism, American style. If the concept of a power elite was reconfirmed in the Pentagon Papers, so too, strangely, was the concept of political pluralism in the public response to them. The countervailing influence of the Supreme Court was clearly manifested in the ringing affirmation of the First Amendment, in the denial of the concept of prior restraint and prior punitive actions, and in the very rapidity of the decision itself. This action by the judiciary, coupled with a show of muscle on the part of the Senate and House concerning the conduct of the war, military appropriations, boondoggles and special privileges for a select handful of aircraft industries in their own way served to underscore the continued importance of the open society and the pluralistic basis of power. Even executives, such as Hubert H. Humphrey, have declared in favor of full disclosure and reiterated the principles guiding the publication of the Pentagon Papers.

Power elites operate behind a cloak of anonymity. When that cloak is lifted, an obvious impairment in the operational efficiency of elites occurs. What has happened with the release of the Pentagon Papers is precisely this collapse of anonymity, no less than secrecy. As a result, the formal apparatus of government can assert its prerogatives. This does not mean that the executive branch of government will be unable to recover from this blow at its prestige, or that it will no longer attempt to play its trump card: decision-making by executive fiat. It does mean, however, that the optimal conditions under which power elites operate have been seriously hampered. The degree of this impairment and the length of time it will obtain depend exclusively on the politics of awareness and participation, no less than the continuing pressures for lowering the secrecy levels in high level international decision-making.

Probably the most compelling set of reasons given for President Nixon's bitter opposition to the release of the Pentagon Papers is that provided by Melvin Gurtov, one of the authors of the secret Pentagon study and an outstanding political scientist specializing in Asian affairs. He speaks of three deceits in current American Vietnamese policy: "The first and most basic deceit is the Administration's contention that we're winding down and getting out of the war." In fact, Vietnamization is a "domestic political ploy that really involves the substitution of air power for ground power."

The second deceit is that "we're truly interested in seeing the prisoners of war released." Gurtov notes that "as far as this administration is concerned the prisoners of war are a political device, a device for rationalizing escalation, by saying these are acts that are necessary to show our concern for the prisoners." The third deceit "is that under the Nixon Doctrine the United States is not interested in making new commitments in Asia." In fact, the administration used the Cambodia coup "as an opportunity for creating for itself a new commitment in Southeast Asia, namely the survival of a non-Communist regime in Pnompenh." This outspoken position indicates that the defense of the power elite of the past by President Nixon might just as well be construed as a self-defense of the power elite in the present.

VIII. CONSPIRACIES

The Pentagon Papers provide much new light on theories of power elite and power diffusion and also provide an equal measure of information on conspiracy theory. And while it is still true that conspiracy *theory* is bad theory, it is false to assert that no conspiracies exist or are not perpetrated by the government. It might indeed be the case that all governments, insofar as they are formal organizations, have secrets; and we call these secrets, conspiracies. From this point of view, the interesting question is how so few leaks resulted from an effort of such magnitude and involving so many people as setting policy in the Vietnam War. Rather than be surprised that these papers reached the public domain four to six years after the fact, one should wonder how the government was able to maintain silence on matters of such far-ranging and far-reaching consequence.

Cyrus Eaton, American industrialist and confidant of many communist leaders, indicates that the Vietnamese almost instantaneously were made aware of United States policy decisions. But I seriously doubt that they actually had copies of these materials. Rather, like the American public itself, they were informed about the decisions but not the cogitations and agitations that went into the final decision. Perhaps this is the way all governments operate; nonetheless, it is fascinating—at least this once—to be privy to the process and not simply the outcome, and to see the foibles of powerful men and not just the fables manufactured for these men after the fact.

These papers tend to underwrite the common-sensical point of view that governments are not to be trusted, and to undermine the more sophisticated interpretation that governments are dedicated to the task of maintaining democracy at home and peace abroad. As bitter as it may seem, common sense cynicism has more to recommend it than the sophisticated, well elaborated viewpoints which take literally the formal structure of government and so readily tend to dismiss the informal response to power and pressure from men at the top.

The constant wavering of Lyndon B. Johnson, his bellicose defiance of all evidence and information that the bombings were not having the intended effect, followed by shock that his lieutenants like Robert McNamara changed their position at midstream (which almost constituted a betrayal in the eyes of the president) were in turn followed by a more relaxed posture and a final decision not to seek the presidency. All of this forms a human drama that makes the political process at once fascinating and frightful; fascinating because we can see the psychology of politics in action, and frightful because the presumed rationality is by no means uniformly present.

The publication of the Pentagon Papers, while a considerable victory for the rights of a free press and of special significance to all scientists who still uphold the principle of full disclosure as the norm of all political as well as scientific endeavor, is not yet a total victory for a democratic society—that can only happen when the concept of secrecy is itself probed and penetrated, and when the concept of undeclared warfare is finally and fully repudiated by the public and its representatives. The behavior of the government in its effort to suppress publication of the Pentagon Papers cannot simply be viewed as idiosyncratic, but rather as part of the structure of the American political processes in which the expert displaces the politician, and the politicians themselves become so beholden to the class of experts for information, that they dare not turn for guidance to the people they serve. For years, critics of the Vietnam War have been silenced and intimidated by the policy-makers' insistence that when all the facts were known the hawk position would be vindicated and the dove position would be violated. Many of the facts are now revealed—and the bankruptcy of the advocates of continued escalation is plain for all to see. Hopefully, this will strengthen the prospects for peace, and firm up those who, as an automatic reflex, assume the correctness of the government's position on all things military. It is to be hoped that the principle of democracy, of every person counting as one, once more becomes the source of fundamental decision-making and political discourse.

AEROSPACE UNEMPLOYMENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, the State of California has experienced great economic difficulties as a result of the current recession. Unemployment has soared to record heights and industrial activity has dropped sharply. Bearing the burden of joblessness and business losses is the aerospace industry.

An August 5, 1971, article printed in the Manchester Guardian provides a perceptive analysis of the effects of this economic crisis on the aircraft industry. It describes the extensive unemployment of aerospace technicians, the difficulty they experience in finding other jobs which employ their skills and their resultant emigration from California.

The article follows:

[From the Manchester Guardian, Aug. 5, 1971]

CALIFORNIA EXPORTS PEOPLE AS AIR INDUSTRY FALTERS

(By John O'Callaghan)

California's population used to grow by 1,000 immigrants a day. Now, for the first time, the State is exporting people and expects a net loss this year. By saving the Lockheed TriStar, the American Government has only prevented bad unemployment in the Pacific coast aircraft industry from assuming disastrous proportions. A quarter of America's aerospace workers live on the West Coast where jobs have gone down from 615,000 in 1967 to 435,000, a drop of nearly 30 per cent.

There has been a 16 per cent drop since this time last year. In Seattle, where Boeing has its plant, 105,700 workers in July, 1968, dwindled to 39,400 in May of this year, and unemployment is 12 per cent. In Los Angeles local unemployment is 7½ per cent. The upper target limit for unemployment in America is 4 per cent.

About a quarter of those made redundant by reduced defence spending and a blank future in commercial aviation are highly trained technical workers. Those who came to California as part of the brain drain from Europe are going back. Germany has vacancies for its own nationals, and for Americans too. Secor Browne, chairman of the American Civil Aeronautics Board, said last week: "Other Governments are buying our brains and therefore our technology."

Most of the displaced men are not leaving the State. Almost all are cushioned for between six and nine months by payments from voluntary contributory schemes but after the effect has worn off, a skilled engineer drops from £120 a week to £26 a week.

At the moment courses in law and creative writing are filled to overflowing according to Mr. Kaye Kiddoo, Lockheed's labour director: "We are just beginning to feel the first big hurt in unemployment," he said. Cuts in employment have lagged behind falling business. Last year's drop in business was only 5 per cent, but 15 per cent of the workers lost their jobs.

Those not embarking on study are taking ordinary clerical jobs in the hope that, as so often in the past, the aerospace industry will pick up. But Mr. Kiddoo, a believer in the cyclical character of international crises likely to induce more Government defense spending, can see no better prospect than that business will soon level out at about present figures. Lockheed thinks that civil aviation will grow at 10 per cent a year in this decade as compared with the exceptional 14 per cent in the sixties.

AFFLUENCE

Those dismissed by Lockheed are warned that it might be better to make a radical change. In Los Angeles a group called Task Force for the Re-employment of engineers has started giving advice to men, hitherto the elite in a seller's market, on the skills of finding and securing a new job—and they are having to be taught how to write a career synopsis.

Employers are said to look askance here at aircraft workers for being overpaid, and inbred. Whatever truth there is in this—very little in Lockheed's opinion—the industry has now lost so much of its glamour that enrollments for aeronautical and allied engineering places at universities have dropped substantially.

For the West Coast the signs and portents are gloomy, and new. The area's ability to sustain serious unemployment has never been tested, and its whole free-way based infrastructure is geared to nothing but affluence.

So alarming has the situation become that the unions at Lockheed have allowed the ending of their three year contracts to go by unremarked. When the loan guarantee came through the Senate this week the president of the machinists' union rang Lockheed and said, "All right you've got the $100 millions to pay us higher wages: What are you going to do about paying for the aircraft?"

"We think," said Dr. Harry Biedermann, Lockheed's senior economist, "that he was joking."

ASSURED SURVIVAL

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHMITZ. Mr. Speaker, the following article appeared as chapter 6 of an excellent new book on the U.S. military posture entitled, "The Strategy of Technology: Winning the Decisive War," coauthored by Dr. Stefan T. Possony and Dr. J. E. Pournelle. Both these men have had practical experience in the field of strategic weaponry and an excellent grasp of the general theoretical considerations which underlie any defense posture.

This chapter of the book argues for the adoption of a U.S. defense posture which they characterize as "assured survival" in opposition to the posture of spasm response against Soviet civilians known as "assured destruction." President Nixon indicated that he, too, was opposed to the doctrine known as "assured destruction" when he commented in his last state of the world message that—

> I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges.

However the administration has not taken the steps necessary to unchain us from the posture of spasm response. The only difference between today and 5 years ago as far as our strategy goes is that instead of delivering a massive bang in retaliation for a Soviet strike on the United States we may be able to manage only a feeble burp.

Dr. Donald G. Brennan of the Hudson Institute has characterized our past and present posture of mutual assured destruction as, "almost literally, mad, mad" and goes on to discuss some of its drawbacks:

> The first is that, in spite of our best efforts, a major nuclear war could happen. An institutionalized MAD posture is a way of insuring, now and forever, that the outcome of such a war would be a nearly unlimited disaster for everybody. While technology and politics may conspire for a time to leave us temporarily in such a posture, we should not welcome it—we should rather be looking for ways out of it. And they can be found.
>
> The second fundamental difficulty is, in essence, political: The body politic of the United States did not create a Department of Defense for the purpose of deliberately making us all hostages to enemy weapons. The Government is supposed, according to the Constitution, to "provide for the common defense," and plainly most Americans would revolt at the idea that a mined-city system is a sensible way to do this. They would be quite right. The Defense Department should be more concerned with assuring live Americans than dead Russians.
>
> The third fundamental difficulty is moral. We should not deliberately create a system in which millions of innocent civilians would, by intention, be exterminated in a failure of the system. The system is not that reliable. If we accept a MAD posture as an interim solution, we should be seeking ways out of it, not ways to enshrine it.

It is difficult to disagree with Dr. Brennan. Drs. Possony and Pournelle argue that in order to exchange a policy of assured survival for that of assured destruction we need, "active defenses coupled with sufficient counterforce capability to threaten the enemy's residual or holdback forces." The holdback forces they are referring to are the 900 SS–11's and 100 SS–13's—both similar to our Minuteman—which the Soviets currently have deployed.

Some people seem to have confused counterforce weaponry with a first strike posture. While a first strike posture necessarily includes counterforce weapons, this does not mean that possession of counterforce weapons gives one a first strike capability. Those who downgrade the Soviets' ability to achieve a first strike capability because of either the nature of our triad system precluding successful elimination of all three parts of our deterrent through a first strike—the Soviets also have a triad posture—or the fact that the Soviets do not have the quantity of missiles necessary for a successful first strike at this point, imply this when speaking against modest improvements in the U.S. forces. That is, they imply that it is possible to have counterforce weapons without necessarily having a first strike capability. A level of U.S. counterforce weaponry which is not sufficient to reduce the Soviets' retaliatory capability to the point where they would not have sufficient forces remaining to render unacceptable damage to the United States, basically any nuclear damage to our civilian population whatsoever, is not a first strike posture and cannot therefore be considered either provocative, destabilizing, or in any way jeopardizing successful arms control negotiations.

Failure to construct damage-limiting forces capable of foreclosing the option the Soviets are fast developing of holding back an SS–11, SS–13, countercity reserve force in conjunction with a devastating first strike in order to compel U.S. capitulation encourages Soviet planners to continue constructing just such a force. While this option may never be exercised, why open up the possibility that it will by limiting our own forces capability to deny them the capability to successfully utilize this particular attack pattern?

A very good point was made in the congressional colloquy which took place last August 4 in an essay read into the RECORD by my colleague Hon. JOHN HUNT. Speaking in regard to the SALT talks, Prof. Morton Kaplan of the Committee on International Relations of the University of Chicago stated that—

> People treat the arms race as if the proper analogy would be poker. They assume that finite deterrents will work under all circumstances, that no objective is likely to justify the Soviet's use of first strike and that

the world will develop in benign directions. Therefore they wish to place their bets on the probably winning hand. Yet the more appropriate analogy would be that of Russian roulette. It could be pointed out in defense of Russian roulette that there is only one chance in six that the chamber will have a bullet in it and the person be killed. Yet any sensible person would refuse to play the game in the first place. The truth is that we live in a world with one history, that we are seldom able to correct past mistakes, and that a catastrophe will be irrevocable. In this kind of world, a relatively small payment to insure that the game is not one of Russian roulette would be quite worthwhile, even if we could be assured that there are forty chambers to the gun and that only one chamber will have a bullet in it.

As any intelligent and honest social scientist will admit, we are unable to predict the future and many surprises will occur. In a regime or bloc crisis, a first strike against the United States might prove tempting to the Soviet Union, provided that some reasonable calculations could be provided by the Soviet high command."

The probability of successful Soviet attack increases the possibility that such an attack will be launched. By failing to include a damage limiting capability within our general force posture we are opening up an avenue for possible successful attack. We are engaging in what Professor Kaplan rightly calls Russian roulette on a national scale.

The arms race argument against active defense measures is successfully refuted on all points in the article which follows. I might point out that those who argue against the ABM by projecting a Soviet reaction to our defense of our strategic offensive land based missile force by increasing their own strategic offensive missile force not only imply that the Soviets are building nuclear rocket weapons in a quantity necessary to destroy our forces but also that we should allow them to achieve such a capability.

In the event of a Soviet strike we must have a surviving war fighting capability capable of disarming the enemy. This is consonant both with Christian ethics, the doctrine of just war, and obviously in the interests of our survival as a free nation. The genocidal strategy of assured destruction first generated by McNamara theorists and now determined by our weakness relative to the Soviet Union must be discarded for a strategy of assured survival.

This posture must include both adequate active defenses of our forces and strategic counterforce weapons capable of limiting damage to our people. By adopting this posture we will still have deterrence and, more importantly, we will have a defense should deterrence fail.

Chapter 6 of the Strategy of Technology, Winning the Decisive War, follows:

ASSURED SURVIVAL

ASSURED DESTRUCTION

Former Secretary of Defense McNamara based the strategic survival of the United States on a policy of Assured Destruction. This was defined as the capability to assure the destruction of some specified fraction of the population and industry of the potential enemy after the U.S. Strategic Offensive Forces (SOF) had absorbed the best possible attack the enemy and his allies could launch.

To this end, the U.S. SOF was designed to be survivable, although little was done to make it flexible. Polaris missiles and nuclear submarines were built. A force of 1,000 Minuteman missiles was deployed, although a larger force was deemed necessary by the Air Force. The Minuteman silos were hardened as best they could be, which did not make them invulnerable, and the Minuteman command structure was given redundancy. The bomber force, thought to be vulnerable to the enemy first strike, was allowed to become obsolete and decline in numbers. The bombers were not replaced by newer types, although statements were made to the press about an altogether imaginary strategic bomber version of the TFX. Now, in 1970, Congress has approved research and development of a long-range supersonic bomber, the B-1, but it will not appear in inventory for years; McNamara had intended, consistent with his strategic doctrine, that the strategic bomber would vanish forever.

Missiles that were slow to react and were believed not to be survivable were eliminated from the inventory. Overseas-based missiles were withdrawn, chiefly because of explicit or implicit executive agreements made during the Cuban incident of 1962. The capability of the U.S. high command to fight a nuclear war was regarded as far less important than the capability to achieve assured destruction of the aggressor.

McNamara began his reign by denouncing the "spasm war," the sole purpose of which was destruction of the enemy society, and said he was replacing the spasm war plan with a policy of flexible response; however, by the time he left office the entire strategic offensive force was geared to Assured Destruction and therefore to a spasm reaction. By forsaking flexible systems such as manned bombers, mobile ballistic missiles, onboard guidance systems for ease of retargeting, and the large-yield Titan which could have been installed in the abandoned silos of the obsolete Atlas missiles for use against very hard targets,[1] the United States had technologically locked itself into a situation in which the only flexibility of the response would be "how much of the enemy are we still able to launch against." Much of even this limited flexibility was illusory. The enemy's reserves and refire capabilities made our surviving missile force vulnerable to renewed attack unless it was launched quickly after the initial strike. Because of our lack of adequate air defenses, the enemy could destroy our unlaunched missile force with manned aircraft (even aircraft as inappropriate as refueled medium-range bombers). Without counterforce capabilities to destroy the Soviet strike forces, the United States had no choice but the spasm reaction to any enemy attempt to eliminate our strategic systems. We could not seek to reduce or destroy his ability to make war on us, because we had chosen not to construct forces capable of flexible operations. We had, almost completely, predetermined our strategy for years to come.

Thus, the United States had no alternative but Assured Destruction. If deterrence failed, the thermonuclear holocaust would be upon the earth with certainty, because we could fight no other kind of war. With our land-based systems dependent upon early launch to assure that they could be launched at all; with no flexible retargeting capability for this force; with no reconnaissance capability to allow us to know which enemy sites were empty and which were being prepared for refire; and with the Polaris force having no capability for firing a full volley and having insufficient accuracy for anything other than a countervalue strike, flexible response took on a note of irony.

SOVIET STRATEGIC DOCTRINE

In contrast to the United States, it would appear that the U.S.S.R. adopted a policy of Assured Survival. That is, the Soviets installed substantial defenses and counterforce weapons to ensure that the United States would be unable to destroy more than a portion of the Soviet Union and its satellite countries. Whether they were successful in this policy is questionable, but the point is that they chose a reasonable strategy while our professed strategy led to deployment decisions that forced us into a posture that was the opposite of what we intended.

Presumably the Soviets were unable to reduce the fraction of destruction below a level which they regarded as low enough. On the other hand, since the United States had conceded the initiative of striking first, the Soviets did not need to be overly concerned about the U.S. policy of Assured Destruction; the level of destruction is essentially a function of the level of success in the first strike. The lack of active defense on the part of the United States augmented the chances that such success might be considerable and made it unnecessary to use any large part of the Soviet strategic budget for development of penetration systems. They could and did concentrate on large payload capacity, accuracy improvement, and sheer numbers of offensive weapons, hoping to exploit their numbers and large payloads more fully when multiple reentry vehicle technology was adequately developed. The rest of their budget could go to testing and development of strategic defense, to which they traditionally have allocated huge resources.

REQUIREMENTS OF ASSURED SURVIVAL

At this time (1970) the United States has not even begun to adopt a policy of Assured Survival. Our defensive Safeguard is intended to protect the SOF, not our people. Whatever doctrine we have is still based on a policy of Assured Destruction, although strategists can easily conceive of situations in which destruction might be not assured or might be visited largely on this country.

The United States is locked to a policy of *offensive á outrance*. Suppose, however, the Soviet attack could be carried to our strategic force only to reduce the amount of assured destruction that our damaged force, further reduced by Soviet defenses, would be able to accomplish. This could be a level at which we would question whether the surviving force would be sufficient to destroy the enemy's war-making capability. The Soviets could then, at least in theory, point out that the launch of our surviving force would be suicide for unprotected U.S. cities. They would, of course, have held back hardened forces sufficient to destroy many American cities, using their soft-based and space weapons in the initial strike. Our president would be faced with a most difficult moral choice. He could either launch the SOF against Soviet industry and population centers or surrender. Doubtless, the surrender terms would be made easy to accept—initially. Whether the terms would be kept is another question. It is highly likely that whatever the eventual fate of the United States, Europe would have no choice but unconditional surrender and incorporation into the Communist "peace zone."

Because the United States concedes the first strike to the Soviet Union, Assured Survival is a policy more expensive for us than for the enemy. We must have an Assured Destruction capability as a part of Assured Survival; but we must also have active defenses and forces capable of defeating the enemy in nuclear aerospace battle. The most pressing military problem of the free world is to provide active defense against the strategic striking power of any would-be aggressor. Active defense is also the most technically difficult of the current military problems. It becomes no easier with time, the longer defense technology is held back, the more difficult the problem becomes because offensive power is growing. Yet strategic analysis indicates that a strategy of Assured Survival will be far more valuable to the free world than one of Assured Destruction.

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[1] A limited number (56) of Titan IIs, previously deployed, were retained; but the Atlas silos, which could have been modified to allow more Titan II deployment, were sold.

There are two basic methods to provide Assured Survival. The first, construction of a force sufficient to destroy the enemy striking force in a preventive attack, is probably not feasible for an open society; if it were constructed it could not be launched by Western statesmen without severe provocation. Even a preemptive strike appears to be very difficult. The problem, it should be noted, is not symmetrical. A secretive society without scruples about aggression can achieve a decisive first strike capability far more readily than an open and peaceful government. In addition, the size and the distribution of population and industry of the United States and of the U.S.S.R. make the problem of achieving a full first-strike capability much simpler for the Soviet Union, as they are capable of absorbing many more nuclear weapons than we for any given level of population casualties. Finally, U.S. concession of the first strike to the other side allows the Soviets to employ large missiles launched from soft pads such as space exploration launchers as a part of their first strike. (At this time they are deploying the soft-liquid SS-9 in great numbers.) Thus to say the United States may be unable, given the present state of weapons technology and sociological factors, to achieve a full counterforce capability is not the same as saying that the Soviets cannot achieve it.

The second method of achieving Assured Survival is through active defense, coupled with sufficient counterforce capability to threaten the enemy's residual or holdback forces. Active defense also serves to prevent destruction of the United States by a third power, whether it be Red China or some other country that in the future acquires nuclear weapons. In fact, an adequate program of active defense will ensure that, whatever our capability against the U.S.S.R., the American people will not be hostage to anyone else. There are at present no other powers capable of overcoming the defenses we could construct with present technology, and by the time others achieved penetration capability the United States could easily update the system to accommodate new technology. There are other benefits to active defense, such as control of accidental or catalytic nuclear war, which we will discuss; but the primary value of defense is its contribution to a policy of Assured Survival.

THE CASE AGAINST ACTIVE DEFENSE

There are two primary arguments against active defense, each in turn divided into two schools. The two broad classes of arguments against defense are theoretical and technical-economic.

The basic theoretical argument against defenses is that they might work. By so doing, they reduce the casualties that would be incurred in a nuclear war, and thus make that war more "rational" or possible. If decision makers know their national survival is assured, or believe this to be the case, the argument goes, they will be more reckless in making nuclear threats, and sooner or later the war will begin. According to this theory, the American and Soviet populations are hostage to each other, and ought to be. Through this massive exchange of hostages, we ensure peace.

The second theoretical argument against defense, often made by the same people who support the first argument above, is that the system will not work. Instead, all the defense systems will do is force each nation to construct strategic offensive forces that can penetrate the enemy defenses. This, they say, will trigger another round in the arms race, resulting in great increases in SOF on both sides. The defenses will then be useless and vast sums of money, which should be put to work by other agencies of the government, will have been wasted. Most adherents of this view have a number of projects they believe the government should support with what might otherwise have gone toward a policy of Assured Survival.

The primary technical-economic arguments against defense are, first, that it cannot work, or that we simply cannot afford a system that will work. Complete defense is not possible at any price, and partial defense is prohibitively expensive. A second school contends that this argument is probably true, but that even if it were not, we would be better off using the money to construct new Strategic Offensive Forces, on the basis that the aggressor will be more easily deterred by the prospect of more complete destruction of his homeland than by the possibility that his attack will not be successful.

There are many variations on those themes, including some unlikely combinations of them, but they all reduce to one or more of the basic points.

DISCUSSION

The first and last of the above contentions reduce to the argument for deterrence as opposed to defense: Assured Destruction against Assured Survival. They are vulnerable to the same objection as is the deterrence thesis itself, namely, that an opponent with a rationality that differs from your own may not accept your logic; a stupid one may not understand your rationale; a very clever one may devise a method of neutralizing your force, either through a first strike, defense, or a combination of the two with psychological means; and a timid, frightened, or simply humanitarian president might prefer surrender to the deliberate killing of millions of nonbelligerent enemy nationals. The deterrence thesis of a balance of terror runs counter to Christian ethics and the doctrine of Just War, although, if there is nothing else to depend upon, preservation of the peace **through Assured Destruction is in our judgment preferable to surrender or war, even on purely humanitarian grounds.**

Furthermore, by abandoning defense on entirely theoretical grounds we fail to take advantage of inevitable breakthroughs in defense technology. It is becoming more and more conceivable, for example, that some form of ray or energy beam might be devised which could destroy all incoming warheads, whether delivered by aircraft, short-range submarine-launched missiles, spacecraft, or ICBM. This possibility, long considered remote, has become more than a theoretical possibility in the past 10 years.[2] But if we do not have the radars and computers to detect and track incoming enemy missiles, perfection of laser kill mechanisms will do us little good.

We cannot stress often enough that technology has a habit of being richer than even the most imaginative planners predict. Technological breakthroughs in missile defense are inevitable, and we must be in a position to take advantage of them. It is obvious that the unilateral achievement of good defense, or offense-defense combinations, by the U.S.S.R. would hardly have a stabilizing effect on international politics. We doubt that the free world would become safer through such an event. If we want to survive, we cannot concede the initiative in active defense to the enemy. Defense technology is at the moment in the lower left-hand quadrant **of the technology S-curve. We see no reason why it should not continue to a breakthrough.**

The second argument, although theoretical in form, is in fact technological and economic, and reduces to a special case of the third argument. If a defense could be achieved that could not be countered by the offense, the argument against such defense on technical grounds vanishes. If this defense were obtainable at any reasonable price, the nation would be faced with the alternatives of continuing to live with the balance of terror or making the necessary sacrifices to end it through Assured Survival.

In the real world, of course, it is unlikely that a leakproof defense will ever be found. This does not mean that no defense is preferable to a partial defense. In any rational view, survival of some of the nation is preferable to complete extermination. We hope that those who fear that nuclear war will result in the extinction of all life on the planet would be the first to agree. The question of whether partial or substantial defense can be obtained is, of course, technological, and cannot be answered here. It is sufficient to say that the best-informed scientists, fully aware of all available data including the most highly-classified material, believe that effective defense can be obtained at a price which, although high, is still within the capability of the nation. Scientists with more fractional knowledge are often negative. We are reminded of the hydrogen bomb controversy, in which one school of scientists was convinced that the weapon could never be built, and that even if it could be it could never be transported. Another group believed the opposite, and was proved to be correct. As it happened, they stood at the threshold of the sharply rising portion of the S-curve.

The arms race argument is perhaps one of the most spectacular; it is also the most overworked. According to this view, all that defense would accomplish would be to raise the levels of strategic offensive forces in the inventories of both the United States and U.S.S.R., encumber each with defense systems that could not cope with the new offensive weapons, and waste a great deal of money all around. In addition, it is usually said that these mutual increases in SOF levels are themselves dangerous because they make nuclear war more probable.

The latter statement is most certainly not correct. As the mutual inventories of SOF increase, the destructiveness of nuclear war also increases, so that it becomes less and less rational to initiate nuclear hostilities for any but the most compelling reasons. In addition, the defense system will presumably be able to cope with small, unsophisticated attacks such as might be launched by enemy generals against orders, insane local political leaders, or small nations hoping to trigger (or catalyze or provoke) a war between the superpowers. Thus, the chances of nuclear war, initiated for whatever reason, are reduced by this new round in the arms race, even if the race works as predicted.

More important, the prediction is almost certainly wrong. It is far more likely that as each side develops defense technology, the defense systems will become more, not less, useful. Offensive systems to cope with the new defenses will become more and more expensive, so that fewer of them can be built. The price of the Technological War will increase rapidly. The first result of this price increase will be to force all minor powers out of the strategic picture. They may continue to be threats to each other, but after the first round of offense-defense deployment, the minor powers will never again be a threat to the superpowers. The Nth country problem vanishes, and in the highly unlikely event that detente is ever achieved, this achievement will be meaningful. There will be no pressures from allies to complicate the agreements made by the superpowers.

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[2] See, for example, "Laser Weaponry Seen Advancing," *Aviation Week and Space Technology*, January 12, 1970. There is little likelihood that laser defense weapons will be operational for years, so Sprint and other ABM missiles will be required to achieve a defense capability in time to counter the growing Soviet SS-9 threat; however, such weapons are now a real possibility, not a science-fiction device as they were thought to be only a few years ago.

Still more important is the effect on the U.S.S.R. of a dramatic rise in the price of the Technological War. Soviet resources available for expansion and weapons are really quite limited compared to those of the United States. Even without U.S. mobilization, we are able to spend substantially more on the Cold War than our opponents—as indeed we must so long as the objectives of the United States and the U.S.S.R. are asymmetrical. Stabilizer powers always require larger forces than disturber powers because they have abandoned the initiative in military action; they must not also abandon the technological initiative, or else they no longer have the capability of stabilizing.

Soviet resources consumed in the Technological War of offensive against defensive strategic systems will not be available for other aspects of the Protracted Conflict. They would not be available, for example, to subsidize Soviet allies in the Middle East. They would not be available to subsidize Communists in Asia. Soviet naval strength would suffer. The threat to Europe would be eased. The consequence of a real escalation in the nuclear arms race, in which the weapons may be destined to sit unused, anyway,[3] is to deescalate the arms race in the sphere where armed conflicts are fought. If the costs of the strategic arms race of defense and offense are really not high enough to accomplish that result, then they have been exaggerated, and the argument against defense weapons fails. If they are that high, the result will be well worth the expenditure. The cost of the war in Vietnam has already exceeded the cost of a proper defensive system. The United States enjoys economic superiority over the U.S.S.R., and proper exploitation of this priceless advantage can result in real gains for the free world.

Finally, there is no good reason to suppose that, even though the United States fails to install defensive systems, the U.S.S.R. will not continue to increase the SOF. The evidence is to the contrary.[4] Soviet SOF deployment has been dependent on U.S.S.R. technology and resources, not U.S. armament levels. When the United States ceased to deploy ICBM systems for several years in the McNamara era, the Soviets redoubled their efforts to add to the SOF inventory and gain ascendancy. Since they continue to add to the SOF whether we install defenses or not, we would prefer that they be forced to divert some part of this budget to penetration aids and increased sophistication of their devices, rather than that they simply accumulate more and more missiles that could be used either to exterminate the last survivors or to launch highly sophisticated and effective attacks against our SOF. With very large numbers in inventory, a pin-down attack becomes far more than a theoretical possibility.

In our judgment, the arguments against strategic defense are basically those used against any attempt to win the Technological War. They stem from an incorrect view of Soviet motives, or an incorrect appreciation of the decisiveness of the technological theater of combat, or an incorrect understanding of the S-curve of technology. They stem from wishful thinking about the advantages of using the money that would be spent on the Technological War to eradicate poverty, or crime, or disease, or whatever other cause is favored at the time. We share the reluctance to spend money on unnecessary weapons. We have no desire to waste the resources of the American people on defense and weapons simply for their own sake. However, we recognize the grim reality of the times. The silent and decisive Technological War will be won or lost by weapons, not wishful thinking; and in time of war, especially in the early nuclear age, a nation must choose survival as the primary goal.

THE CASE FOR A NEW STRATEGY

The benefits of a strategy of Assured Survival are presented in outline form on Chart 15. Most of these have already been discussed elsewhere, and demonstrate how strategic analysis should influence technological decisions.

CHART 15

The benefits of assured survival

Ensure Survival of National Leadership.

Allow political control of the war.

Increase time for decision on retaliation.

Increase Effectiveness and Flexibility of U.S. Second Strike.

Increase Cost and Complexity of Enemy First-Strike Capability.

Increase Credibility of U.S. Guarantee to Allies.

Decrease Likelihood of Thermonuclear Holocaust.

Retaliation need not be launched on early warning.

Intercept and negate small attack.

Control accidental war.

Control catalytic war.

Advance defense technology to breakthrough; brings defense and offense to better balance.

Minimize Losses.

Civilian.

Natural resources.

Prevent Genocidal Strategies.

By protecting national leadership against nuclear attack, a defensive capability gives political leaders time to assess the nature and purpose of the enemy action and decide on appropriate responses. Without this assurance of survival of the highest authorities, the United States has no choice but to delegate launch authority to the surviving commanders or launch on mere warning of attack. Because survival of a general staff cannot be assured, the attack must follow a preplanned pattern, which means in effect that it must be directed against the enemy as a national entity. This is hardly in keeping with the Christian doctrine of Just War, yet, if decision makers cannot survive a first strike they have no choice but to preprogram the most deadly retaliation possible. We do not argue against such preprogramming, and in fact recommend it; but we would prefer to have the option of a careful post-attack assessment, and a rational response to enemy action. This can only be gained if an authority with the means of countermanding and modifying the preplanned strike can survive.

Active defenses will preserve more flexible means for carrying out retaliation. By protecting our strategic offensive forces, we will have more of them, and have more options. This surviving war-fighting capability may be sufficient to disarm the enemy, thus avoiding the necessity for mutual extermination.

Active defenses may prevent the first strike from coming at all. If a technological breakthrough allows the enemy a capability of destroying our undefended missile force, it does not follow that this new technology will also be sufficient to allow him to overcome those weapons if they are defended. There was considerable discussion of electromagnetic pulse (EMP) during the 1964 election. Without discussion of the technical merits of the arguments, it is obvious that if there were such an exotic kill mechanism that could disable our missiles in their silos, the carrier of the weapon with this mechanism still would have to be delivered on target. A defense capability would keep the carrier at a distance, require a much heavier attack, and disrupt the aggressor's attack pattern.

When the enemy must counter active as well as passive defenses such as hardening and dispersal, he must devote major resources to the effort. This diversion is beneficial, provided only that we have not wasted resources we might have used against him. But since the United States holds a defensive grand strategy and is a stabilizer rather than a disturber power, active defense is very much in keeping with our overall strategic posture; at the same time it requires the enemy to devote resources that might have been used to destroy us to the penetration or destruction of our defense network. At any given time, resources have a constant magnitude and are not expandable at will.

Another dramatic effect of Assured Survival is on our allies. The United States may be willing to commit national suicide to prevent the takeover of France or Germany, but it would be more comforting to allies to know that, if we had to launch a strike against the U.S.S.R., we did so with strong expectation of survival. It would make it a lot easier for allies to believe we would in fact launch the strike. More important, it would be easier for the Soviets to believe it.

Finally, by making possible a counterforce type of war, with interception of small or uncoordinated attacks against us before they destroyed much of the nation, Assured Survival through active defense would make less likely the thermonuclear holocaust that paralyzes so many of our intellectuals with fear. Accidental and catalytic war as well as war caused by third parties would no longer be total. National authority would be able to assess the effects of the enemy attack, which, if the defenses were effective at all, would have caused no great harm to our cities. It would be possible to determine whether a flight of missiles directed at us were the first wave of an attack, a pin-down maneuver intended to create a local environment through which we could not launch our missile force, or an unauthorized act. We could tailor our response accordingly.

In addition to active defense, we also require counterforce weapons. Assured Survival cannot be entrusted entirely to defense, because deterrence cannot be achieved except through offensive threats. So far as it goes, the idea is valid that the enemy will be deterred if we have an assured capability of inflicting enormous damage on his society. But if our strategic objective is to ensure that we do not suffer mass destruction, and will not have to kill millions of his noncombatants, we must be able to fight a war through to a successful conclusion. Pure defense is obviously no strategy at all; we need counterforce weapons as well.

The Soviets have grasped this essential point and unlike us have been deploying the SS–9, which carries a nuclear payload of up to 25 megatons as a single warhead, or can be equipped with multiple reentry vehicles to strike many targets with the same missile. Their SS–11 is a weapon like our Minuteman and is essentially designed for countercity operations. Thus their most probable attack would be a launch of the SS–9 force against our missiles, keeping the SS–11 in strategic reserve to use against our cities. We must have a capability of destroying that reserve force before it can be launched against us.

In summary, given acceptance of a strategy of Assured Survival, we must consider active defense and strategic counterforce weapons as the means for achieving that posture.

THE TECHNOLOGY OF ACTIVE DEFENSE

The following brief and admittedly incomplete discussion of the technology of active defense is presented to put the problem in focus and to illustrate the nature of technological warfare. Active defense is one of the most complex and difficult problems posed to the planners of the Technological War. For precisely this reason, it could be one of the most decisive engagements in that silent and apparently peaceful war.

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[3] They will be unused if and only if they succeed in averting the war.

[4] This observation was made in early 1969. Now, in 1970, it is obvious that the U.S.S.R. has accelerated construction of offensive weapons, including the nonsurvivable and supposedly provocative SS–9.

THE NATURE OF THE THREAT

We can define the defensive problem more concretely by examining the many kinds of weapons that could be used against the free world. The list of weapons is formidable.

The threat of air power is still posed against the free world. This includes tactical fighters and bombers; long-range subsonic bombers; and supersonic bombers. These aircraft carry a variety of nuclear and nonnuclear gravity munitions and guided air-to-ground missiles. The Soviet air force is a formidable threat, only minutes away from NATO countries and Alaska, but still hours away from the continental United States.

Surface-based missiles have considerable variations in range. The Soviets began their program with the development of short-range and medium-range land-based and submarine-based missiles. The total force could carry a considerable weight of attack against Europe and Asia. The submarines also pose a direct threat against the continental United States. Furthermore, the subs could launch their missiles from locations outside the detection sector of our Ballistic Missile Early Warning System. Warning times of attack from the sea against the United States could be in minutes.

The intercontinental ballistic missiles pose the most direct and formidable threat against the United States. They can reach any part of the country. They carry large nuclear warheads. Furthermore, the ICBMs in existence today are fairly accurate second-generation systems, with more capability to come. Global ranges have been achieved with FOBS (fractionally orbiting systems) and in due course will be augmented by fully orbital systems, including those with highly eccentric and very high orbits. The Soviet missiles carry large payloads, and can accommodate decoys, multiple warheads, maneuvering warheads, and target seekers.

The missiles have paved the way for threats from space. Bombs of great size can be put into orbit. Khrushchev claimed these could be 100-megaton area weapons. Numbers of them could be orbited simultaneously so that at least one would be over the United States or Western Europe at all times. Warning of attack would be measured in minutes. There is some speculation that offensive systems will not be limited to nuclear weapons. New laboratory devices could result in exotic weapons, such as energy beams, that could be used for operations in orbit. While such concepts are years away from reality, it is important to realize that the state of offensive power is dynamic and that defensive power can and must be even more dynamic.

Hence, the aggressor has extreme flexibility in tactics. He could use a mass launch of his many systems, varying the time of impact of his weapons. He could use varying times of launch and strive for near-simultaneous impact. He could attack in waves, depending on which targets he thinks he must eliminate to attain overall success. For example, he could attack warning, reconnaissance, and defense systems on the assumption that he would sacrifice giving warning in order to ensure penetration of defenses. He could use feints and threats on the assumption that he could wear down our alert force and thus facilitate his later strike; or he could try to maximize surprise in all its forms.

DEFENSE PROBLEMS

The extreme complexity of possible attacks greatly complicates the defense effort. It is therefore not surprising that many theorists have thrown up their hands in despair, and turned to a doctrine of *offensive à outrance* as the sole possible answer. They contend that against these highly sophisticated and complex attack mixtures the only tactic is one of deterrence through a threat of a counterattack directed, not at the enemy's weapons, but at his value systems. Many officers of the Strategic Air Command have held this view, claiming that technology limits the strategic choices to Assured Destruction. We do not agree.

The defense picture is easier to comprehend if we break it into parts and examine each of them. Additional analytical divisions are possible, but for our illustrative purposes we divide the problem into the following categories:

ICBMs and Space.
Sea-launched Systems.
Aircraft.

The first category, ICBMs and Space, is perhaps the most complex. Underseas warfare technology also is difficult, with few promising approaches, but for the submarine to deliver its weapons, either ballistic missiles or air-breathing cruise missiles, it must launch them through the aerospace. If these can be intercepted, the threat of the submarine is largely negated. Moreover, although the time of flight, and thus warning time, of the sub-launched missile is short compared to that of the ICBM, the payload is small, allowing the submarine-launched weapon fewer penetration aids.

We will examine the ICBM defense problem. We will not discuss undersea warfare and air defense, not because they are uninteresting but for the sake of brevity.

THE ABM PROBLEM

The Nature of the Attack. ICBM weapons go through three reasonably distinct phases on their way to target. They are the Boost Phase, Midcourse, and Re-entry. Each phase has certain characteristics.

Boost Phase. The boost phase lasts from the time of launch until the rocket engines are shut down (burnout). The phase is characterized by relatively slow flight, necessity for exact guidance, infra-red and perhaps other radiation, and high vulnerability. Given an interceptor vehicle with the proper homing equipment in the vicinity of the missile, boost phase interception is theoretically the simplest method of active defense.

Mid-course. The midcourse phase lasts from burnout to reentry of the warhead into the atmosphere. A purely ballistic missile during this phase is passive; it is cold, gives off no radiation, and most of the time moves at tremendous speed. It could reach a height of 700 miles or more. Some ICBM systems are designed to make use of midcourse correction, a maneuver in which the course of the missile is determined, its impact point predicted, and some kind of power applied to the vehicle to move the impact point closer to the target. If midcourse corrections are applied, the missile must radiate, and will be easier to detect and track.

Multiple independently targeted systems will also radiate during some part of midcourse flight, as the warheads are deployed from the booster.

Geography dictates that the midcourse phase for missiles directed at the United States from the U.S.S.R. must pass over large uninhabited areas such as the Arctic icecap, or Antarctica. This is a theoretically desirable location for interception, as damage caused either by the interceptor warhead or by premature detonation of the missile warhead will be negligible. At the same time, interception in this region of flight is more difficult, as decoys of small weight cannot be distinguished from the bomb-carrying reentry vehicle or vehicles.

Reentry. In the past few years the reentry phase, in which the incoming warhead must pass through some or all of the atmosphere before it reaches its target, has received a great deal of attention. By reentry time, the reentry vehicle (RV) has long since separated from its powered booster and is flying a more or less predictable path, although the shape of the RV, plus sophisticated techniques for moving its center of gravity, allow limited maneuvering capability for evasion or target-seeking.

The RV leaves a detectable ionized wake in the atmosphere. It is small but vulnerable, particularly in its initial stages where limited distortion of its shape or damage to its heat shield will destroy it completely. This phase takes place over the United States, and thus requires that the interceptor vehicle use a very clean warhead of limited yield to avoid damage to the population below.

INTERCEPTION POSSIBILITIES

Boost Phase and Pin-down. The most intriguing intercept possibility is some form of destruction during the boost phase of the enemy missile. This was once studied as Project BAMBI (Boost Anti-Missile Ballistic Interception), but the results (1959) were discouraging. Since that time, more promising approaches have been developed, but unfortunately they are more available to the enemy than to the United States.

The tactic that appears to have the largest prospect of success is a pin-down attack. In this attack, warheads fired from the defender's homeland or from space are detonated in the atmosphere over enemy missile bases. As the boost phase of an ICBM lasts several minutes, and the missile is quite vulnerable during that time because its guidance system is active and it is undergoing acceleration, any nuclear detonation nearby will render it useless if it takes place during the first few minutes of launching. The missile is no longer in its protected silo, and it is moving slowly through the atmosphere. Blast can push it off course; electromagnetic pulse can negate its guidance commands; hard radiation can destroy its guidance computer; or heat can even detonate its unburned fuel. A multimegaton warhead detonated within several miles of an ICBM in boost phase can destroy the missile.

To employ a pin-down tactic, then, it is necessary that a string of nuclear warheads be timed to arrive and explode at two to five minute intervals over each missile farm. This pin-down attack continues until other weapons arrive to destroy the missiles in their silos; none will rise through the pin-down detonations. Successful pin-down attacks require many warheads, but not an excessive number; for example, the entire Minuteman force of the United States might be pinned down with about 100 warheads per hour. Given multiple warheads, this could require as few as 20 enemy missiles per hour, surely not an impossible number.

The advantage of this technique goes mostly to the surprise attacker, who may begin his strike with a much smaller level of effort. He does not have to destroy the entire enemy missile force in his first attack wave; he merely pins them down until other weapons, for example manned bombers, arrive to finish the job. Only a few warheads are seen by the defender's early-warning system if pindown tactics are employed; by the time the victim realizes what has happened, it is too late to launch his missile force. If the original pin-down detonations come not from ICBM but from apparently peaceful satellites, there may be no warning at all before the force is trapped. Unless the defender has space weapons and manned bombers already in flight, he will not be able to employ pin-down tactics of his own because his force cannot get through. He has been denied access to space.

An alternate technique for boost-phase interception requires that space interceptors be constantly over the enemy territory. In order to keep a sufficient number of interceptors continuously ready for action and over the enemy territory, astronomical cost will be incurred. On the other hand, a smaller number of space-based interceptors employing pin-down tactics can be highly useful. Moreover, even a few boost-phase interceptors with large yield weapons in random orbits severely complicates the enemy's first-strike planning. He must plan to make this launch when there is no interceptor over his country (assuming that he knows what is and what is not an interceptor). If he sends his attack out in waves, a single explosion in their midst can destroy a very large part of his force. The satellite-based, boost-phase interceptor can be useful to the attacker and it is also a possibly valuable component of the defensive arsenal. It can be coupled with manned, defended satellites that control the interceptors.[5] Manned space components can be useful in any phase of interception.

Midcourse. Theoretically, midcourse interceptors would best be based in the geographical area in which interception is to take place. That is, they should be based in the Arctic, probably on mobile platforms that could be either airborne or seaborne. Radars and other components of midcourse interception can be based in space or on land or at sea.

The midcourse interception problem is complicated by the fact that detection of the ICBM is hardest in this phase of flight. Its altitude is very great, and it is or can be cold and nonradiating. It may be accompanied by decoys, and it leaves no wake. However, the problem of intercepting large clouds of incoming warheads is not insuperable. Our ability to intercept this type of attack would complicate the attacker's war plan: not only must he invest in decoys at the expense of warheads but he cannot be certain how much of his attacking force will get through. The fact that midcourse interception *can* be made difficult or impossible does not mean that it *has* been made so. Whether this kind of intercept capability is a prudent investment for the free world is a technical question, depending on how many resources will be consumed in achieving the capability; but it should be noted that a relatively small capability will still greatly complicate the attacker's planning problems and decrease his confidence.

If we remember that the purpose of defense capability is Assured Survival, and that this is best achieved if the attack never comes off at all, the midcourse interception problem assumes more manageable dimensions. We are not greatly interested in a capability for midcourse interception of a few small warheads or decoys. These can be destroyed by area and point defenses based in the United States, near the potential targets. What is desired is a capability for complicating the attacker's battle plan, and for diminishing or destroying clouds of salvoed weapons launched at us. Thus, not only can antimissiles with relatively large but standard or improved warheads be employed but also the tactic of "threat-tube sterilization" is applicable.

This techique is based on the fact that an ICBM leaving a known location for a known destination can fly only one path, predictable in advance. It must travel through a "threat tube" in space. Properly designed weapons that vector their effects along a single direction rather than in a spherical burst can be used to destroy everything in the threat tube.[6] The presence of decoys becomes irrelevant. Such directional weapons are highly expensive (because they must be boosted into space), and would hardly be employed against single warheads, but as a system to be used against a heavy attack they show promise. Spoofing the interceptor system with decoys designed to look like a cloud of RVs is highly dangerous and uneconomical.

Midcourse interception becomes a matter of area defense in the latter portions of ICBM flight. A long-range, high-yield interceptor designed to defend against enemy RVs over a wide range and area can be used in midcourse interception as well as in the terminal phase or end-game. It can also be used to deliver threat-tube sterilization devices. Thus, although the best theoretical midcourse interceptors should be based in the geographical area of intercept (to cut down time of flight before intercept, allow larger payloads, etc.), it is not absolutely necessary that they be based there. Area defenses in Alaska and Greenland would, of course, be useful for both missions.

If it is technically feasible, a sea-based area defense system for midcourse or terminal interception could be valuable. Problems of location, guidance, and payload complicate the matter, but the mobility of a sea-based system would allow it to be used in defense of allies. A capability for forward deployment to provide allies with not only deterrent protection but active defense would be of immense value. Sea-based systems could also be used for area defense, employing high-altitude reentry interception. Because the system remains on an American warship, political problems of control and access that complicate land-based active defense are rendered irrelevant. Sea-based ABM systems are receiving new attention in 1970.

Space-based defense systems, which might make use of vectored effect weapons or, in years to come, energy beams, including laser weapons, could also be useful in defense of allies. Technical problems of space-based systems, as well as of systems self-defense, indicate that these systems will not be feasible in the immediate future; but space exploration should be designed with this possibility in mind.

Reentry. Interception of the incoming RV after it has entered the atmosphere is the most-discussed type of ABM system, and has been adequately summarized in many publications. We confine the discussion below to a few observations.

End-game or atmospheric interception can be roughly divided into two types: area and point. Area defenses employ relatively long-range interceptors which can be used over a broad geographical area. Because of their time of flight, they must make interception at relatively high altitudes, but for the same reason they can employ larger warheads than point defenses.

Point defenses, in contrast, can defend only specific targets. The point-defense concept, however, has two advantages. It may make use of somewhat smaller interceptors (although the tremendous accelerations required because of their short time of flight make their design and construction very complex); and, because interception takes place at lower altitudes, low-weight decoys have been stripped away from the warhead by the atmosphere and target identification is more or less assured. It is not worthwhile for the enemy to employ high-weight decoys, because the cost of their delivery is sufficiently high that it would be preferable simply to add another warhead.

Discussion. This general and nontechnical description of some of the problems of active ICBM defense is intended to serve as a background for the recommendation we make below. Our purpose is to show strategic considerations, and how they affect technological decisions and the management of the Technological War.

The offense-defense duel is summarized on Chart 16.

CHART 16.—INTERCEPTION CONCEPT

Technical problem	Pin-down	Boost phase	Midcourse	Reentry
Detection		Simple	Very difficult	Feasible.
Acquisition		do	Difficult	Do.
Tracking		do	Very difficult	Feasible; fast action required.
Decoy discrimination.		Problem nonexistent.	Very difficult to impossible.	Feasible to simple.
Interceptor launch	Routine ICBM.	Highly difficult; interceptor must be in target area.	Routine	Very fast response required; feasible but difficult.
Timing and guidance.	Routine	Routine; present state of art.	Feasible	Feasible but difficult.
Vulnerability of target.	Highly vulnerable.	Highly vulnerable.	Less vulnerable; large yield weapon employable; directed-effect for sterilization employable.	Atmosphere attenuates weapon effect.

PASSIVE DEFENSE

All active defense programs must be coupled with passive defense or shelters. The usual objections to shelters are expense and their so-called provocative nature. Although limitations of space prevent detailed analysis of these arguments, we will briefly discuss each.

To deal with the second objection first, shelters are no more provocative than any other defense measures, and less so than offensive weapons. Providing a capability for protecting the civilian population can provoke only those who intend to kill American citizens. We have not found the well-known Soviet civil defense programs provocative.

With regard to cost, no one imagines that even partial shelters will be cheap; yet, with minor modifications or new construction, many shelter spaces can be created at very low cost. Urban renewal and highway construction offer excellent opportunities. Bridge abutments, overpasses, etc., provide heavy concrete and earth-filled structures that could be made with hollow spaces to provide shelter. Basements of new office buildings supported by public money can also be used. Shelters are costly if they are constructed as shelters but if they are included in new construction the additional costs are small.

Assured Survival will not require a massive expenditure for shelters. It will require intelligent analysis of existing structures and future construction to provide passive defense to protect the population. Combined with active defense, intelligent shelter identification and construction can greatly reduce the possibility of "assured destruction" of the United States.

LASER WEAPON SYSTEMS

There are many indications that laser technology is on the threshold of a major breakthrough. The laser offers such outstanding potential advantages for missile defenses that it cannot be ignored; it may be the defensive answer to the preponderance of offensive power generated by the ICBM. Lasers already seem to be the proper defense of ships against missiles such as the Soviet-constructed Styx with which the Egyptians sank the Israeli destroyer *Elat*. Some strategists even foresee the end of the ICBM as a modern weapon. They say the laser has sufficient potential to eliminate the ICBM threat and usher in a new era when defense has the preponderant advantage, rather than offense. This may be far-fetched, but it is something to think about.

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[5] Such satellites are, of course, vulnerable. However, their destruction would provide unambiguous warning of immanent attack.

[6] One approach to a vectored-effects weapon is to employ debris, steel slugs, or other physical objects—a sort of atomic grapeshot. Another is to focus radiant energy.

The laser is a kind of energy beam; it projects a tightly-focused beam of high-energy coherent photons with power sufficient to melt holes in aircraft and reentry vehicles. The range at which it can do this is at present rather short; but this is a function of the focusing of the beam, and research now indicates that it may be possible to extend this range to enormous distances. Specialized short-range Army lasers have already punched fist-sized holes in armor plate at ranges of several hundred yards.

The primary advantage of the laser for missile defense is that it acts almost instantaneously; the killing power travels at the speed of light, 186,000 miles per second, and consequently the capability to locate an incoming RV is sufficient to aim the weapon; the enemy vehicle need not be tracked for long distances. As the laser is a multi-shot weapon, decoy discrimination becomes less important; there is time to shoot down many incoming objects. Unlike an atomic ABM warhead, the laser kill mechanism does not contaminate the detection environment; the laser leaves no ionized cloud behind to blind its own radars.

Thus, laser systems offer enormous potential. Tracking enemy reentry vehicles is simplified; multiple installations become possible; there is little chance of running out of ammunition, as is possible when defenders must use interceptor vehicles. Shipboard installations become a distinct possibility, thus giving mobility to the defense and making a surprise attack on defensive installations much more difficult.

The present state of laser technology is, of course, highly classified. However, it is obvious that many of the early technological difficulties such as low efficiency and impossible power requirements have been overcome. We can expect continued advances in this field, and the Department of Defense is investing in laser technology. A Congressional appropriation committee member has questioned the value of research into "something that is away in the distance, 5 or 6 or 10 years," demonstrating again the problem of a nation without a strategy for the Technological War; but despite this there is great enthusiasm for laser technology in the military services. If the Congressman's estimate is correct, we could have an entirely new concept in weapons within a decade.[7]

Planning for Assured Survival, therefore, should include provision for making use of the laser, and for compatibility of laser guns with future defense installations. Laser weapons will still require heavy investment in radar and other ICBM detection and location equipment.

WHAT KIND OF DEFENSE?

At present, the U.S. strategic force structure is essentially responsive to the Soviets. Our penetration aids are designed to counter what we believe their defensive forces to be, and have required hasty redesign each time Soviet performance improved. Fractional Orbital Bombardment or Fully Orbital Bombardment Systems (FOBS) have required another hurried examination of our strategic defense concepts. Every U.S.S.R. deployment causes a fundamental reevaluation of our force structure.

It would be preferable to seize the initiative in the Technological War by designing and deploying dual-purpose systems capable of both offense and defense. This is technically feasible, and can save a surprising amount of money as well as force the enemy to spend resources providing for contingencies.

A dual-purpose system deploys missiles, aerospace ground equipment, basing, and logistics, all of which can be used to support both area defenses and strategic offensive weapons. Of course, the same missile cannot be used simultaneously for defensive and offensive missions. It is necessary to choose which mission the particular missile will perform, and before the mission can be changed modification would be required. However, the silo in which it is based, the maintenance crew that services it, the aerospace ground equipment that launches it, possibly the crew that controls it, and the logistics net that supports it are largely identical for both missions. It is quite probable that the same flight article can be used for both missions, with some modification of the warhead or warheads, arming and fusing, and probably the nose-cone reentry vehicle. It is likely that different guidance systems as well will be required for the two missions, but there is no theoretical reason why a general-purpose guidance system could not be developed if it is required. Microminiaturization makes on-board guidance computers feasible.

In addition to missile bases, the dual-purpose system would require radars to acquire and track incoming enemy warheads. These, however, may be used also to control other defensive systems, such as point defenses near cities, missile bases, and the radars themselves. Radars and computers are highly-expensive elements of a strategic defensive system, but the savings achieved by dual-purpose forces would be substantial. These components would be compatible with use of lasers for actual kill of incoming ICBMs, if laser technology develops as expected.

The advantages are more far-reaching when we consider the effect of these systems on the enemy. He cannot know which missiles in a given complex are defensive and which are offensive. He must prepare to penetrate defenses; yet, if he achieves sufficient capability, probably at great cost, there may be no defenses at all, all the birds having been converted to offensive purposes. On the other hand, if he develops defensive systems of his own, we would be capable of restructuring our force to achieve an optimal balance between defense and offense, while if he abandons defensive systems we could divert a larger part of the general-purpose forces to defensive missions without compromising our Assured Destruction capability. Dual-purpose forces allow us to engage in technological pursuit at low cost compared to enemy expenses, and to take the initiative in the Technological War.

Given dual-purpose forces, we can select the type of defense system that offers the greatest prospect for technological success and also creates the largest problems for the enemy. Proper strategic analysis must consider not only technology and feasibility but also the entire strategic picture. To some extent, technology can be created on demand. More important, less technical effectiveness may be preferable if the system achieves greater strategic effectiveness. In our judgment, this is the case with active defense systems.

Of the active defense concepts, the one most compatible with the dual-purpose force is the area defense system that intercepts the enemy either in midcourse or at high reentry altitudes. The same defense system can be used for both types of interception. Radars used for tracking and guidance of midcourse interception are also useful for tracking enemy RVs during their midcourse flight, even though they will not be intercepted until reentry or later. The midcourse interception concept is admittedly one that poses severe technical problems, and it may well take years before an operational capability can be achieved. The high-altitude reentry intercept, on the other hand, is as feasible today as is point defense at lower altitudes. By deployment of area defense systems we preserve an option for midcourse interception, threat-tube sterilization, or laser interception at a later time. The enemy, however, must take this into account, and divert resources to counter this threat even though neither the enemy nor we know what the future capability will be. If it turns out that offensive technology for penetration of midcourse defenses is more easily developed than defensive technology, we have forced the enemy to prepare for a problem he will never have to meet, since we are not forced to deploy or use the midcourse system. On the other hand, if we do choose to develop the midcourse interception system, we will have a powerful head start and will realize considerable savings.

It is easy enough to plan a dual-purpose force capability before the technology for defensive systems is fully developed. Actually, we can achieve still more force flexibility, by designing our basing concepts to be capable of launching any one of several possible flight articles, such as: several small ICBMs; one large ICBM; one large area defense missile; several small point-defense missiles; or one large area-defense missile capable of midcourse interception. The enemy cannot know which of these is in each silo, and, for that matter, we can change the configuration at will. He must prepare for all possible contingencies. We will have seized the technological initiative. When he responds, we can adjust our force to his maximum disadvantage, thus engaging in technological pursuit.

All of these can be real options as opposed to the paper options of the past, in that at least two of the possible birds for the system can be built with present (1970) technology. Thus, even if the research programs for the other possible configurations fail, we have added materially to the force while requiring the enemy to respond to several possible contingencies; if all of them pay off as expected, we will have achieved a real capability for deploying them at satisfactory savings in cost.

Instead, we have in the past preserved paper options. Technology was not carried past the research and development stage and thus made no useful additions to the force. Real options through multipurpose installations can create the military base for a strategy of Assured Survival. The analysis given above is not intended to be definitive or final. It is illustrative of applying the elements of strategic analysis to a contemporary strategic decision. Note also that the options we argue for are intended to prepare the base for deployment of a new generation of systems, such as the laser, that are not expected for some years.

Assured Destruction as a strategy is insufficiently flexible. To stay ahead in the decisive Technological War, the United States must strive for a real option of Assured Survival.

BENEFITS OF SPACE TECHONOLGY ARE GREAT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. GOLDWATER. Mr. Speaker, the American people seldom hear of the tremendous benefits of aerospace technology as applied to the problems of daily life. To those who reap these benefits, the change in their lives is often dramatic. I am indebted to Mr. J. Griffith-Jones of Temple City, Calif., for bringing to my attention one small but important way in which aerospace research has pushed forward medical frontiers.

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[7] "Laser Weaponry Seen Advancing," *Aviation Week and Space Technology*, January 12, 1970, p. 16.

Mr. Griffith-Jones, like thousands of other Americans, was completely crippled with rheumatic arthritis, a disease which had destroyed his hip joints. Now he walking normally, with the aid of two artificial hip joints installed during a major operation at Hollywood Presbyterian Hospital.

Until recently, surgeons in this country were reluctant to perform this surgery because of an unacceptably high infection rate. However, thanks to techniques developed for the space program by NASA, the operation is safely performed under supersterile conditions which are seldom, if ever, achieved in ordinary operating rooms.

The operation is performed in a special 20- by 20-foot plexiglass operating enclosure, set up within a standard surgical operating room. Inside the enclosure air is cleansed by a laminar air flow technique developed by NASA. The same El Monte, Calif., firm, Moore and Hanks, which makes the environmental controls for "clean rooms" used for missile parts assembly, developed the new "supersterile surgery." Surgeons wear special bacteria-proof suits which are adaptations of the suits developed by Garrett Air Research to monitor the metabolic rates of astronauts working on the moon.

Mr. Speaker, perhaps the best statement of the importance of these developments has been made by Mr. Griffith-Jones himself:

> Were it not for the Space Age technology, I and literally thousands of other people would be hopelessly and helplessly confined to a wheelchair, stripped of all dignity. This perhaps explains why I am so enthusiastic about your efforts in furthering Space Age technology, as I know if this hip breakthrough can be accomplished, then similar medical feats can be accomplished in other areas.

CONGRESSMAN ANNUNZIO SUPPORTS PROPOSAL TO EXEMPT A PORTION OF RETIREMENT INCOME FROM FEDERAL INCOME TAX

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. ANNUNZIO. Mr. Speaker, today I am introducing a bill which will provide equitable tax treatment for elderly Americans whose retirement income is derived from sources other than social security.

Under present law, benefits paid under the Social Security Act are fully exempt from Federal income tax. The retirement income of individuals retired under other pension plans, public or private, is fully taxed once the employees' contributions are recovered. My proposal will provide equal treatment for individuals retired under other publicly administered systems and those 65 years of age and over who are retired under private pension plans by excluding from gross income an amount not exceeding the maximum social security benefit payable in the taxable year involved.

With the 10-percent increase in benefits effective January 1, 1971, maximum annual social security benefits now total $2,557 for a single person and $3,835 for a married couple. In addition, legislation has passed the House which would increase social security benefits by an additional 5 percent in June 1972 and provide for future automatic increases tied to the cost of living.

A comparison of social security with the Federal civil service retirement system points up the inequity of present tax treatment. Under social security, the present employee tax or contribution is 5.2 percent of annual earnings with a maximum taxable wage base of $7,800. Federal civil service employees, on the other hand, must contribute 7 percent of their total base salary, regardless of amount.

The unjust discrimination against retired Federal employees in our tax laws should be corrected. Federal civil service employees are not eligible for benefits under the Social Security Act. Federal employees pay full income taxes on their salaries at the same time they are making larger contributions toward their retirement than their counterparts under social security. There is no sound reason why social security beneficiaries should be singled out to receive this special tax treatment.

Present tax law ostensibly provides relief for employees retired under plans not covered by social security. The retirement income credit, which was enacted in 1954, was designed to extend to all retired persons benefits somewhat comparable to the exemption enjoyed by persons receiving tax-free social security payments. However, the maximum amount for completing the credit has not been updated since 1962. In addition, the retirement income credit requires an entirely separate income tax schedule with a labyrinth of complicated computations to be filed with the income tax return. This complexity has resulted in an estimated one-third of eligible elderly taxpayers foregoing the benefits since they find themselves incapable of computing the credit themselves and cannot afford to seek professional assistance.

Since the maximum income subject to the retirement income credit has not been revised for 9 years, obviously the credit no longer provides equivalent relief to those receiving social security benefits. My proposal, by being based on maximum social security benefits, provides for an automatic adjustment in the amount of retirement income to be exempt from taxation whenever an increase in these benefits is enacted. This feature is absolutely essential if equity is to be maintained.

We have an obligation to help older people living on fixed incomes. Tax inequity should not be tolerated for any age group, but it is much worse for those who have worked for a lifetime only to find that the security they had sought through retirement savings is diminished by inequitable taxation. I urge my colleagues to enact this legislation.

NATIONAL DEFENSE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ALEXANDER. Mr. Speaker, I want to congratulate my colleague from South Carolina on his initiative in leading this dicussion today of the disturbing position in which we find our national defense system.

I share the alarm which has been expressed here over the U.S. declining ability—not to launch a military offensive in protection of its interests, but its ability to defend our people and our interests against attack. My colleagues who have already addressed you today have provided excellent documentation of the reasons for the alarm which we express. Therefore, I have no intention of repeating that material.

There are a number of points upon which I would like to touch, points which are inevitably raised in any serious discussion of national defense. These points, I feel, merit frequent and repeated emphasis until we, as Members of Congress, and our people, as a nation, manage to forget rhetoric and to put the needs of the country in proper perspective.

I, like a growing number of Members of this deliberative body, am concerned with the urgent need for realining the objectives of our efforts on behalf of the Nation. I, too, am convinced that increased emphasis, effort and funding must be channeled into the work of finding and carrying to completion solutions to the social ills and economic crises which torment our national life.

And, I have long been convinced that our foreign policy, particularly the character of military and economic aid, must be revamped.

Yes, I believe there should be changes made in the spending and research and development programs for our defense system. Working with our defense experts, military and civilian, we in the Congress and the administration must seek hardnosed remedies to the inefficiencies which seem to have become the nemesis of efforts to get full value from our defense dollars.

But, at this point, I am convinced that we are seriously in danger of crippling this Nation's ability to defend itself from attack. I fear that the current popularity of defense budget cuts is perhaps blinding some national leaders and opinion makers to the peril of this Nation's inability to present a sane, do-not-tread-on-me defense posture.

We, as a nation of free men and women, are irrevocably opposed to oppression and warfare. We hold our liberties as inviolate. And, the majority of us have in decades past believed that men essentially want to be free to choose and operate their own forms of government. We, as a nation, operate under the assumption that most of the men and women in other nations are honorable and just.

Yet, we have repeatedly seen the strong nation, led by ambitious men and women, engulf the weak nation by overt force and covert subversion. We know this tendency is real. We have repeatedly been forced to fight wars and "police actions" because of the greed of the few who have gained domination over their fellow countrymen.

We know all these things, but we seem to be becoming increasingly oblivious to the fact that as we strip our own defense system of its capacity for national defense, we negligently open our shores and interests to foreign domination.

Instead of taking positive actions to improve the morale, the technological capabilities and the administrative capacity of our defense system to do its job, we snipe at its operation. We fall into the trap of an antimilitary stance. This is an attitude promoted by elements which have an interest in polarizing the people of the Nation and the men and women charged with the job of protecting our freedoms.

The people who founded this Nation did the job through dramatic action. Their descendants who explored it dared much to accomplish the task of spreading modern civilization across the land. And, we have achieved our technological accomplishments in a stunningly short timespan.

Moderation has rarely been the basic element in our Nation's movement through history. We Americans tend unfortunately to believe that if a small dose of a solution will bring improvements, a large measure will bring instant utopia. We find it difficult to remember that our problems took many decades to create and will take many years to completely alleviate.

We long for the drama and satisfaction of racing to a goal as soon as a solution has been settled upon. We are impatient in the face of national needs. We do not like moving with deliberate speed. So, we cut and trim, or slash and attack, programs which have lost their immediate glamour and urgency and have settled down to the day-to-day task of keeping the Nation free.

I fear we have grown bored with the indispensable task of providing and maintaining a sufficiently strong defense system. There is an undeniable threat to our national security which is being directed by groups with interests alien to our doctrine of freedom. This threat, real as it is, though, lacks the drama which stimulates big, bold headlines in newspapers and magazines or television and radio news specials. So, we grow weary with the never-ending, grinding, demanding task of keeping the Nation secure from outside domination.

I would urge you, my colleagues and the people of our Nation to have the patience required to maintain a defense posture which will keep us free. Or, to resign yourselves to losing the freedom of self-government and self-determination.

Thank you, Mr. Speaker.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART X

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HARRINGTON. Mr. Speaker, in May 1971 the Center for International Studies at the Massachusetts Institute of Technology released an excellent study by Dr. Robert Mikulak, "A Second Look at U.S. and Soviet Research and Development." Dr. Mikulak, who has been assistant professor of chemistry and political science at Hamline University in St. Paul, Minn., has since August 1971 been employed by the Science and Technology Bureau of the Arms Control and Disarmament Agency.

Dr. Mikulak is particularly critical of the statistics regarding comparative technical manpower used by Dr. John Foster, Director of Defense Research and Engineering, to back up the Defense Department's assertion that the United States is losing its leadership in military technology to the U.S.S.R. Dr. Mikulak concludes:

> Foster's estimates substantially understate American production of scientists and engineers and significantly overstate Soviet graduation figures. . . .
>
> Current overall manpower trends favor the United States rather than the Soviet Union. If current trends continue, the Soviet Union will fall behind the United States in trained manpower. . . .
>
> Predictions made by DOD about the number of scientists and engineers who will be employed in R&D in the U.S. and U.S.S.R. in 1985 are nonsense. The DOD figures are useful only to scare Congressmen into increasing appropriations for military R&D.

Perhaps in response to the criticisms of the scientific and engineering manpower figures used in DOD's analyses, Dr. Foster has recently played down the significance that DOD attributes to comparative manpower data in building its case for the military R. & D. gap. For example, Dr. Foster has stated:

> This yardstick is at present the least accurate, because the data are in raw, unstructured form and as a consequence have been used to support, not determine, our conclusions. . . .
>
> Our discussion of the production of scientists and engineers in the U.S. and the Soviet Union was not intended to establish any absolute level of such employment.

Such statements are apparently intended to minimize DOD's responsibility for or need to defend any particular set of figures.

It is interesting to note, however, that in his testimony before the House Defense Appropriations Subcommittee on June 1, 1971, Dr. Foster featured a discussion of comparative Soviet and U.S. technical manpower, emphasizing that subject before any other in presenting DOD's request for an increase in appropriations for research and development.

Dr. Robert Mikulak in April 1971 also prepared for me a memorandum that discusses DOD estimates of Soviet manpower engaged in R. & D. as presented in Dr. Foster's statement to Congress this year. I request that that memorandum and Dr. Mikulak's MIT study be printed at this point in the RECORD. Unfortunately, it has not been possible to print several charts and figures that accompany these two papers:

A SECOND LOOK AT U.S. AND SOVIET RESEARCH AND DEVELOPMENT

(By Robert Mikulak)

Since the early 1950's government funding in the U.S. for research and development has been half of a closely coupled, mutually reinforcing, almost symbiotic system. Its partner, the Soviet effort in science and technology, supplied what American R & D could not provide for itself—a convincing rationale for rapid, continued expansion. U.S. spending for R & D has been propelled rapidly upward by the successive crises of Soviet-American competition: The Korean War, the "bomber gap," the "space race," and the "missile gap." Since the mid-50's, R & D connected with what is called "the external challenge," that is, the R & D expenditures of the Department of Defense, NASA, plus half the AEC R & D outlay, has represented 75–90% of the entire federal R & D budget. For 20 years the American people have been warned that the Russians are right behind us, ready to subjugate us if we ever falter in our research efforts. No doubt the same argument in reverse has been a powerful prod to Soviet R & D.[1] Each side has tried to outdo the other in devising new weapons and better defenses, and in winning international prestige, through science and technology.

After two decades the cry of "Wolf! Wolf!" no longer brings the automatic response from the American public or the Congress that it once did. Often what looked from a distance to be a pack of hungry Soviet wolves has turned out on closer inspection to look more like a group of American generals, politicians, and defense contractors dressed up in Russian bearskin coats. Other problems, the war in Southeast Asia and domestic social and economic issues, have moved to the forefront of our national consciousness. Federal R & D funding first levelled off and is now dropping.

In the spring of 1970, at a time when the defense research and development authorization bill for the 1971 fisal year was being voted on in the House of Representatives, the Defense Department unveiled a program to "make more Defense information available to the American people. . . ." As part of this effort, Dr. John S. Foster, Director of Defense Research and Engineering, discussed Soviet military research and development activity in a speech before the American Newspaper Publishers Association.[2] Once again Dr. Foster sounded the warning: ". . . the Soviet Union is now about to seize world technological leadership from the United States." He went on to support his statement by comparisons of trends in research and development activity in the U.S. and the Soviet Union. To clinch the argument, Dr. Foster quoted an address made in April 1970 by Soviet Party Chairman, Leonid Brezhnev:

> Listen to Soviet Communist Party Leader Brezhnev last week. In a speech on national goals and priorities he stated: 'The Central Committee has constantly stressed in this connection the importance, above all, of accelerating scientific and technical progress.

Footnotes at end of article.

The fundamental questions of the scientific and technical revolution and the rapid development of science and technology will continue to be given priority by the party and the government.[2]

Is the wolf really at our door this time? Although such warnings have often been mistaken in the past, Foster's assertion deserves to be taken seriously. Military power in the world today, after all, is largely based on technological capability.

First, we will examine the evidence presented by Dr. Foster to see if it is reliable. Secondly, the future of American military research and development will be discussed.

One would suppose from Dr. Foster's remarks that Brezhnev's speech dealt with increasing Russia's military might, which in turn would pose an increasing threat to America's security. In fact, as the Washington Post pointed out,[3] Brezhnev was emphasizing the need to devote more effort to peaceful economic development in the Soviet Union—to speed economic growth by raising productivity. The speech was delivered while presenting the Kharkov tractor works with an award for superior production.

The Post discovered that the quotation cited by Dr. Foster had been doctored—pieced together from two separate portions of Brezhnev's address. In order to make the tone of the speech clear, it is worth quoting at length from the Current Digest of the Soviet Press translation of Brezhnev's remarks, as they were reported by Pravda, the newspaper of the Soviet Communist Party's Central Committee.[4] The two phrases which went to make up Foster's citation are italicized:

How should we strive for the solution of the problems that have been placed on the agenda by the whole course of our development?

In this connection, *the Party Central Committee constantly emphasizes above all the importance of the acceleration of scientific and technical progress* and the broad and timely introduction of its achievements in production.

Enormous, still unused possibilities are inherent here. To bring about the acceleration of scientific and technical progress means to introduce new technology in production more quickly, to replace old equipment with new equipment, to ensure a rise in labor productivity, a reduction in the unit cost of output and an improvement in output quality in other words, to accelerate the whole process of communist construction and a rise in the people's living standard.

The advanced achievements of science and technology must be made the property of each branch of the national economy, of each enterprise, as quickly as possible. I should like to note in passing, Comrade L. I. Brezhnev continued, that the tractor builders and all the personnel in farm machine buildings are responsible not only for scientific and technical progress in agriculture, for its full changeover to industrial methods and forms of production.

The creation and introduction of new equipment is a matter not only for scientists, designers and engineers but also for millions of rank-and-file toilers. The searching thought, knowledge, experience, energy and creative initiative of the workers' guard-front-line workers and production innovators is a mighty accelerator of our forward movement. The director and every worker, the Party committee secretary and every Communist should be concerned about scientific and technical progress at the enterprise.

"The fundamental questions of the scientific and technological revolution and the accelerated development of science and technology will remain at the center of attention of the Party and government. This is a highly important task of our economic strategy, not only for the current year but also for the entire foreseeable period of the country's development."

For the most part the statistics cited by Dr. Foster in his speech were drawn from a more detailed, less dramatic comparison of Soviet and U.S. research and development presented to a House subcommittee in March 1970 during hearings on the military procurement authorization bill for fiscal year 1971.[5] Before taking a look at the figures used by Dr. Foster, the difficulty in estimating Soviet national security expenditures must be emphasized. Without access to classified intelligence information, the task is especially difficult. But it is not impossible to make an informed judgment about what Dr. Foster and others in the Defense Department have said about the level of Soviet research and development activity.

The Soviet budget lists, without details or substantive discussion, an item labeled "defense." Most Western experts believe that the "defense" item, however, represents only a fraction of the actual national security expenditure.[6-7-8-9-10] The consensus is that the scope of the "defense" item does not include such items as the procurement of nuclear warheads, research and development for new weapons systems and the military part of the space program. It is generally agreed that a substantial part of the "science" allocation in the Soviet budget is spent for military R & D on aircraft, missiles, and other weapons systems, and for nuclear energy and space activities. Since 1957, expenditures for "science" have increased very rapidly. The planned expenditure for 1970 is almost five times greater than the estimated outlay in 1957. The increasing proportion of military R & D in the "science" budget is indicated by the failure to publish a detailed breakdown of the "science" budget since 1957. Even at that time, 60% of the "science" budget could not be accounted for by the breakdown published [11-12-13] In addition, some military R & D expenditures may be hidden in the large unexplained residuals in the overall budget and in the national economy sub-budget and in the unlisted allocations to such ministries as aviation industry, defense industry, electronics industry, shipbuilding, and medium machine building. Further funds for R & D may be provided under "education" and through bank credits.[14-15] Korol has thoroughly discussed the problem of deducing what is and is not covered in the "science" item.[16] In the absence of any better measure, the "science" allocation is commonly described by Western analysts as the "Soviet expenditure for science."

Direct comparison of the very uncertain estimate of Soviet national security expenditures and the outlay of the United States is further complicated by controversy about the correct factor to use in converting rubles to dollars: [17]

TABLE 1. *Ruble-to-dollar conversion factors*

	Ref.
0.90 ruble equal $1.00	a
0.50	b, c
0.45–0.50	c
0.42	b
0.28–0.40	d
0.35	e

(a) official exchange rate

(b) William T. Lee, "Calculating Soviet National Security Expenditures." *The Economic Basis of the Russian Military Challenge to the United States,* Joint Economic Committee, Subcommittee on Economy in Government, 91st Cong., 1st Sess., 1969, p. 934.

(c) Emile Benoit and Harold Lubbell, "The World Burden of National Defense," *Disarmament and World Economic Interdependence.* ed. Emile Benoit (Oslo: Universitetsforlaget, 1967), p. 40.

(d) R. W. Davis, G. R. Barker and R. Fakiolas, appendix II (Soviet research and development statistics), in C. Freeman and A. Young. *The Research and Development Effort in Western Europe, North America and the Soviet Union: An Experimental International Comparison of Research Expenditure and Manpower in 1962* (Paris : Organization for Economic Cooperation and Development (OECD), 1965), p. 128.

(e) Calculated from: (1) The Soviet R&D expenditure for 1967 ($23.7 billion) cited by Joseph P. Kozlowski, "R&D in the U.S.S.R.," *Science and Technology,* No. 87 (March 1969), p. 10, and (2) total expenditure for 1967 given in Eugene Zoleski, "Central Planning of Research and Development in the Soviet Union," *Science Policy in the U.S.S.R.* (Paris: OECD, 1969), table 8, p. 100.

Two relatively independent agencies, the Stockholm International Peace Research Institute [18] and the Institute for Strategic Studies (London) [19] use the conversion ratio 0.42 ruble=$1.00. Use of this factor leads to expenditure values considerably higher than those cited by the Department of Defense. A Stanford Research Institute study [20] estimated that in 1965 one dollar was equivalent in military purchasing power to 0.45–0.50 ruble. Without doubt the relative worth of the ruble depends on the area of expenditure. Benoit and Lubbell,[21] who used the average conversion ratio 0.42 ruble=$1.00 for Soviet military expenditures, employed 0.50 ruble=$1.00 for research and development outlays. In the following discussion the value 0.475 ruble=$1.00, the mid-point of the 0.45–0.50 range cited by Lee,[22] will be used. This ratio gives estimates for Soviet R & D expenditures which are very close to the DOD figures. In view of the large uncertainties involved in using the "science" item as the measure of science expenditure and in estimating the purchasing power of the ruble relative to the dollar, the difference between the ratios 0.475 and 0.50 is not meaningful. Foster estimated his expenditure figures for the U.S.S.R. to be accurate only within 10 to 20 percent.[23] For the same reason only the current conversion factor is used even though the value of the ruble relative to the dollar has apparently declined slightly during the last decade.[24] In any case the trends are clear enough that we can give DOD the benefit of the doubt by using the conversion ratio which they appear to have used.

With the difficulties of estimating the true Soviet outlay for national security and of calculating the equivalent purchasing power of the dollar and ruble in mind, let us take a look at Dr. Foster's comparisons of Soviet and U.S. research and development efforts:

(1) Ten years ago, Soviet spending for all of their national R & D was half of ours. Today Soviet funding is estimated to be only 20% less than ours. In another few years, if the trends continue, we will clearly be in second place.[25]

The following table gives U.S. and Soviet R & D expenditures in current dollars for the period 1960–1970:

Footnotes at end of article.

TABLE 2.—TOTAL R. & D. EXPENDITURE IN CURRENT DOLLARS, UNITED STATES AND U.S.S.R.

Year	United States	Percent inc.	U.S.S.R.	Percent inc.	United States-U.S.S.R.
1970	*27.2×10^9	3.8	‡21.5×10	13.0	5.78×10^9
1969	*26.2	3.7	‡19.0	14.0	7.3
1968	†25.3	7.0	‡17.0	10.0	8.7
1967	23.7	6.2	‡15.0	11.0	8.5
1966	22.6	9.0	‡14.0	8.3	8.6
1965	20.4	6.4	13.0	11.0	7.8
1964	19.2	10.7	11.0	10.0	7.9
1963	17.4	10.9	10.0	14.0	7.0
1962	15.7	7.7	9.0	13.0	6.6
1961	14.6	6.0	8.0	15.0	6.6
1960	13.7	9.6	7.0	18.0	6.8

*Estimated.
†Preliminary.
‡Planned.

Note: Soviet figures are for allocations from the budget science item and from the resources of enterprises. Capital investment is not included.

Source: United States: National Patterns of R. & D. Resources, 1953–70 (Washington: Nationa Science Foundation, 1969), NSF 69-30, p. 27. U.S.S.R.: (in rubles) 1960–68, Eugene Zalesk "Central Planning of Research and Development in the Soviet Union," in Science Policy in the U.S.S.R. (Paris: OECD, 1969), p. 100. 1969 plan, Pravda, Dec. 11, 1968, translated in CDSP, vol. XX, No. 51, p. —. 1970 plan, Pravda, Dec. 17, 1969; translated in CDSP, vol. XXI, No. 51, p. 15.

The data show that the Soviet R & D expenditure rose from about 50% of the U.S. expenditure in 1960 to almost 80% in 1970, as Dr. Foster claimed. Starting from a much lower base, Soviet spending for research and development grew more rapidly than the U.S. outlay on a percentage basis. The accompanying graph (figure 1) shows that if U.S. expenditure continues to grow at the annual rate of 4% characteristic of the 1969–1970 period and Soviet expenditure grows at only 10% per year, Soviet R & D expenditure will exceed the U.S. outlay after about 1974 or 1975; at a compounded rate of 13% per year, the cross-over would occur in 1972 or 1973.

Foster's conclusion that Russia will overtake the United States in R & D effort in the next few years is not the only one which is consistent with the data. During the entire 1960–1970 period, the difference between U.S. and Soviet R & D expenditures was almost constant at 6.5–8.5 billion dollars. As the rate of growth of U.S. R & D spending has diminished, the Soviet outlay has also grown more slowly. The parallel decrease in rate of growth may be no more than another indication that high growth rates demand larger and larger absolute increases each year, which become increasingly burdensome when the economy is growing at a much slower rate. Judging from the relatively constant difference, however, the Soviet government may be concerned only with maintaining approximate parity with U.S. research and development rather than trying to overtake it.

"(2) Looking exclusively at the funding for defense, space and atomic energy technology, the cross-over point has already occurred. In equivalent purchasing power, we find the Soviet effort funded at a rate of about $16 to $17 billion a year, while the United States puts $13 to $14 billion into comparable activities. The Soviet effort has been growing steadily at an average annual rate of 10% to 13%—which would mean a doubling in the next six to eight years if their current commitment holds. Measured in terms of effort, our research and development is actually declining.[26]

Without access to classified intelligence data, it is impossible to estimate precisely the level or rate of growth of Soviet defense, space and atomic energy R & D spending. Lee[27] estimates that 60–75% of the "science" expenditure goes for national security purposes. Presumably for research and development. If these figures are accurate, an expenditure of 12.9–16.1 billion dollars is calculated for Soviet military R & D for 1970. If one uses the 20% proportion for nonmilitary R & D, cited by Foster later on in his speech, the Soviet military R & D outlay is estimated as 17.2 billion dollars. Within the rather large degree of uncertainty these estimates are consistent with Foster's figure of 16–17 billion dollars.

Since military-related R & D makes up the major proportion of the Soviet research and development expenditure, the growth of the "science" allocation must be closely related to growth of military research and development. Between 1960 and 1970, "science" spending grew from 3.3 billion rubles to 10.2 billion rubles, giving an overall growth rate of 12% per year. By comparison, the U.S.S.R. state budget has grown at a rate of only 7% annually since 1960.[28] As a result of the difference in rates of growth, the "science" share of the budget has risen from 4.5% to 7.0%. The planned increase in the "science" outlay for 1970 is 9.3%.[29] It is likely that the growth rate of "science" spending in the U.S.S.R. will decline appreciably in the 1970's as "science" absorbs a larger and larger share of the state budget.

"(3) About 40% of U.S. R & D is for non-defense-related purposes. Only about 20% of Soviet R & D is for such purposes.[30]"

In other words, about 60% of the U.S. R & D expenditure *is* for defense-related purposes. In 1969 the estimated R & D spending of DOD, NASA, and the AEC totaled 14.0 billion dollars, roughly 53% of the total U.S. research and development expenditure of 26.25 billion dollars. The estimated 1970 R & D spending by these agencies is slightly less, 13.0 billion dollars, leading to a decrease to about 48% in their share of the total U.S. R & D effort.[31] Using the 60% figure, one estimates the defense-related portion of the U.S. R & D effort at 16.4 billion dollars in 1970. Interestingly, there is a sum of 3.4 billion dollars of apparently "defense-related" expenditure in the United States which is not covered by the DOD, NASA, and AEC expenditures.

According to Foster, "about" 20% of the total Soviet R & D outlay goes for non-defense-related purposes. That means that "about" 80% is devoted to national-security-related programs. The key word here is the very uncertain and ambiguous "about." The kind of uncertainty inherent in estimates of Soviet military R & D expenditures is shown by the 10–20% uncertainty Foster acknowledged in his own figures.[32] Foster's "80%" might reasonably be 75% or even less. It is interesting that Lee's estimate[33] of 60–75% is substantially lower than Foster's estimate. In the most recent detailed breakdown of the "science" budget, published in 1957, 60% of the total was unaccounted for. This sum probably included both military and top-priority civilian industrial R & D.[34]

"(4) During the past fifteen years, the Soviet Union has almost quadrupled its training of engineers—and today is turning them out at a rate six times ours. We are still ahead in the training of scientists, however, so in over-all research and development manpower we are roughly even. In another ten to fifteen years, the Soviet Union will be ahead by a clear margin if present trends continue.[35]"

At the hearings in the spring of 1970 before a subcommittee of the House Armed Services Committee, Foster made some more specific projections.[36] He estimated that the U.S.S.R. would graduate 275,000 university-trained scientists and engineers in 1970 compared to 116,000 in the United States.

Foster's estimates substantially understate American production of scientists and engineers and significantly overstate Soviet graduation figures. The number of scientists and engineers graduated from American universities in 1970 can be calculated from projections made in late 1969 by the U.S. Office of Education:

TABLE 3.—*Projected graduation of scientists and engineers in the U.S. in 1969–70*

Field:	*Number of bachelor's and first professional degrees*
Mathematics and statistics	30,480
Engineering	39,900
Physical sciences	20,740
Biological sciences	38,500
Total	129,70C

Data taken from: Table 23, "Earned bachelor's and first-professional degrees, by field of study: United States, 1958–1969 to 1978–79," in *Projections of Educational Statistics to 1978–79* (preliminary 1969 edition, mimeographed, Washington: U.S. Department of Health, Education, and Welfare, 1970). To obtain the estimate for scientists, the estimates in the table for mathematics and statistics, physical sciences, and biological sciences were added together.

The most recent Soviet figures available are for 1968.[37] The number of scientists and engineers graduated from Soviet institutions of higher education in 1968 can be estimated in the following way:[38]

total number of specialists graduated from VUZy[39]	510,600
subtractions:	
agricultural and forestry specialists	38,500
economists	55,200
legal specialists	8,800
specialists in health and physical culture	37,300
university graduates X 0.5[40]	20,150
graduates of teaching and library institutes	130,200
specialists in art	5,600
total subtractions	295,750
scientists and engineers graduated from VUZy in 1968	214,850

In 1955 an estimated 7,800 scientists[41] and 66,000 engineers[42] were graduated.

The discrepancy between the estimate derived above for Soviet production of scientists and engineers in 1968 and the numbers cited by Dr. Foster for 1970 cannot be accounted for by a large increase in graduation figures between 1968 and 1970. Both graduate and undergraduate enrollments started to level off in 1965. A generous estimate would be a 10% increase in annual graduation of scientists and engineers since 1968. If these estimates are accurate, the Soviet Union is graduating only about 236,000 scientists and engineers per year rather than the 275,000 claimed by the Defense Department.

Since 1960, over 90% of the Soviet science and engineering graduates have been engineers.[43] Using the Pentagon's 275,000 figure,

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Footnotes at end of article.

one predicts 248,000 new engineering graduates in the Soviet Union in 1970. Dividing this number by Dr. Foster's factor of six, the U.S. output of engineers in 1970 should be about 41,300, which is close to the Office of Education projection of 39,900. In fact, however, the Soviet Union will graduate considerably fewer than 248,000 engineers this year. In 1968, 190,000 engineers were graduated from the VUZy.[44] Allowing for 10% growth between 1968 and 1970, the 1970 graduation figure will be roughly 215,000. The Soviet advantage over the U.S. in the training of engineers will be a factor of 5.4, rather than the 6.0 claimed by the Defense Department.

Although Dr. Foster noted in passing that the U.S. trained more scientists than the U.S.S.R., he did not make clear the substantial U.S. lead in this area. The U.S. will graduate about 90,000 scientists in 1970,[45] 4.0 times as many as the roughly 22,200 to be graduated in the Soviet Union.[46] According to a leading Soviet science educator, Academician S. Beliaev, director of Novosibirsk State University, each year the Soviet Union graduates five times as many engineers as the U.S., but only one-fourth to one-sixth as many physicists and chemists, one-tenth to one-fifteenth as many mathematicians, and only one-fiftieth as many biologists.[47]

As the numbers in Table 4 indicate, the Pentagon has underestimated the 1970 U.S. production of scientists and engineers by 13,000 and overestimated the corresponding Soviet figure by almost 40,000. When the corrections are made in the Pentagon's figures for the "scientist-engineer gap," the Soviet advantage diminishes from 160,000 to 106,000. As we shall see later, closer examination of the Soviet situation shows that the U.S. has the advantage in capability and productivity.

TABLE 4.—GRADUATION OF SCIENTISTS AND ENGINEERS IN THE UNITED STATES AND U.S.S.R., COMPARISON OF DOD AND INDEPENDENT ESTIMATES FOR SELECTED YEARS

[In thousands]

	1955	1960	1965	1970
U.S.S.R.:				
Scientists	7.8 (23)	13.0 (33)	15.4 (33)	22.2 (35)
Engineers	63.8 (67)	100.3 (102)	1357.4 (176)	215 (240)
United States:				
Scientists	23.6 (22)	43.0 (43)	62.6 (68)	89.8 (71)
Engineers	22.6 (26)	37.7 (31)	36.6 (36)	39.9 (45)

Note: DOD estimates are given in parentheses. The independent estimates were obtained as follows:

United States: 1955-Earned Degrees Conferred by Higher Educational Institutions 1954–55 (Washington: U.S. Government Printing Office, 1956), table 3, p. 6. The bachelor's and first-professional degrees in biological scientists, mathematics and physical sciences were added to obtain the number of scientists. Data for 1960, 1965, and 1970 were taken from Projections, Office of Education (see table 3).

U.S.S.R.: 1955—engineering graduation statistics from Nicholas De Witt, Education and Professional Employment in the USSR (Washington: National Science Foundation, 1961), p. 133. Number of scientists calculated in footnote 29.

1960—In 1960 245,800 specialists, were graduated from higher educational institutions, including 15,600 from universities; Narodnoc khoziaistvo SSR v 1961 godu (Moscow: Tsentral'noe statisticheskoe upravlenie, Gosstatizdat, 1961) p. 816. The number of engineers graduated was estimated by subtracting nonengineering specialties from the total as in the calculation for 1968.

1965—Joseph P. Kozlowski, "Scientific and Engineering Resources in the USSR: 1961–1966," in Science Policy in the USSR (Paris: OECD, 1969), table 3, pp. 140–141.

(Figures 2 and 3 are not reproduced in RECORD.)

In his speech Dr. Foster warned that the Soviet Union will be substantially ahead of the U.S. in trained manpower in ten to fifteen years if current trends continue. What are these current trends?

The number of Soviet undergraduate and graduate students began to level off in 1965. Soviet statistics indicate a very slight *decrease* since 1966 in the number of students entering institutions of higher education, as shown in figure 2. Unless the percentage of students completing their studies improves substantially the annual Soviet production of scientists and engineers at the "diplom" level will not grow substantially in the next five years and may even decrease slightly in 1972 or 1973. Perhaps even more important, the number of scientists and engineers receiving advanced research training will probably not increase to any great extent and may even decrease somewhat in the early 1970's.

The Office of Education projections show a strikingly different manpower trend for U.S. in science and engineering. The number of scientists graduated is expected to grow from approximately 90,000 in 1969–70 to 130,000 in 1977–1978, a gain of 45%. The annual graduation of engineers will grow more slowly; an overall 17% increase is expected by 1977–1978. However, the projections indicate that the number of doctorates awarded in the natural sciences and related professions will more than double from about 12,400 in 1969–1970 to almost 26,000 in 1977–1978.[48] Figure 3 shows the projections for bachelor's degrees in science and engineering.

Recent cuts in R & D funding and student support by the federal government make these projections appear somewhat too high The substantial decrease in real R & D purchasing power in the last several years has led to a lower demand for scientists and engineers. The drop in demand will be reflected particularly in graduate student enrollment, but also in the career choices of undergraduates, causing the supply of scientists and engineers to grow more slowly than projected by the Office of Education. However, it is highly improbable that the annual graduation total of scientists and engineers will level off or decrease.

Current overall manpower trends favor the United States rather than the Soviet Union. If current trends continue, the Soviet Union will fall behind the United States in trained manpower.

In his testimony to the House Armed Services Committee, Dr. Foster predicted that although both countries currently employ 550,000 full-time scientists and engineers in research and development work, by 1985 the Soviet Union will have 800,000 full-time scientists and engineers in the R&D work force and the U.S. only 600,000.[49] These predictions are meaningless. The direct relationship between financial support for R&D and the number of scientists and engineers employed in R&D is obvious. As the science community in the United States is suddenly learning, the funds available for science are determined by political processes which cannot be predicted reliably even a year in advance. The way in which domestic and international developments will influence the level of R&D effort in 1985 cannot be predicted at even a low level of confidence in 1970.

Up to this point the discussion has been focused exclusively on the statistics used to back up Dr. Foster's assertion that the U.S. is losing its leadership in science and technology to the U.S.S.R. But as Dr. Foster himself noted, there are important qualifications to be added about the efficiency and quality of Soviet research work.

Soviet R&D is probably less productive, per man, than U.S. R&D, except possibly in a few high-priority fields.[50] In addition to institutional barriers to development of research results, the Soviet scientist simply does not have the high level of instrumentation, scientific equipment, pilot plant facilities, and assistance by technicians available to his counterparts in the United States. The need to increase R&D productivity has been a constant theme in the Soviet press in the last decade.[51]

Secondly, data concerning Soviet engineers must not be taken at face value. As a recent study of Soviet manpower resources pointed out:

"Soviet engineering graduation figures are considerably inflated by the addition of extension-correspondence and evening school graduates, who in some years comprise over 40 percent of the engineering graduates. Since these are "shorthand" graduates, i.e., their course of training is considerably "watered down" as compared to the full-time day course engineering students. Soviet annual engineering graduation statistics have to be viewed with a somewhat jaundiced eye.[52]"

The same warning undoubtedly applies to estimates of the number of engineers employed in R & D. Foster's figures on R & D manpower are further inflated by the fact that, in his own words, ". . . . some Soviet engineers are actually engaged in nontechnical tasks as well as tasks that in the United States are adequately performed by technicians and foremen rather than engineers." A substantial number of engineers are also employed in management positions, since until recently the Soviet Union has not had specialized programs for training industrial managers and business executives.

Furthermore, Soviet R & D purchasing power may be increasing less rapidly than the expenditure figures in Table 2 would indicate. The relative rates of inflation in the U.S. and U.S.S.R. must be taken into consideration. While inflation in the U.S. is considerably more conspicuous, Lee wrote recently that ". . . the scattered indicators available indicate that the cost of developing and producing technologically advanced equipment in the USSR has risen more rapidly than in the U.S." [53]

Finally, the high proportion of the total Soviet R & D expenditure devoted to defense, space and atomic energy programs is likely to diminish somewhat in the future. The OECD study of Soviet science policy points out that:

". . . while rapid technological advance could be achieved in the past by adapting Western technology to Soviet conditions, the advance in Soviet technology in a number of major industries is increasingly dependent on innovations by Soviet scientists and technologists." [54]

In recent years the rate of economic growth in the U.S.S.R. has declined to a point where the Soviet margin over the U.S. is only one percentage point in the annual rate of growth.[55] In order to sustain even this level of growth, the Soviet Union will have to devote an increasing share of its R & D effort to improving its industrial productivity in non-military areas.

To sum up the discussion:

(1) Total Soviet R & D expenditure is now 80% as large as U.S. spending for the same purposes and is growing more rapidly. The rate of growth of the Soviet R & D outlay has decreased significantly in recent years and will probably continue to decline. Barring a drastic reversal of current trends, however, total Soviet R & D expenditure may surpass the U.S. outlay within the next several years.

(2) The 80% share of Soviet R & D spending attributed by Foster to defense related projects is the upper limit; the actual value may be somewhat lower. Even a lower value, say 70%, would give an expenditure comparable to the U.S. expenditure. The Soviet outlay for military R & D is undoubtedly larger than the comparable U.S. outlay and growing more rapidly. At the same time an increasing portion of the Soviet R & D expenditure is likely to be devoted to non-military purposes.

(3) The Defense Department has underestimated the 1970 U.S. graduation of scientists and engineers by 13,000 and overestimated the corresponding Soviet figure by almost 40,000.

In the 1970's, the U.S. supply of scientists and engineers will increase at a higher

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Footnotes at end of article.

rate than the scientific and engineering manpower pool in the Soviet Union, contrary to Foster's estimates.

(4) Pentagon estimates of Soviet engineering manpower should be decreased substantially in order to be comparable to U.S. data in terms of level of training and type of employment.

(5) Predictions made by DOD about the number of scientists and engineers who will be employed in R & D in the U.S. and U.S.S.R. in 1985 are nonsense. The DOD figures are useful only to scare Congressmen into increasing appropriations for military R & D. Unpredictable domestic and international developments in the early 1980's will be the principal factor in establishing the level of the U.S. and Soviet R & D efforts in 1985, not the trends prevailing in the late 1960's.

(6) Soviet research and development is considerably less productive than the U.S. R & D effort, except in a few high-priority areas. Even if the U.S.S.R. puts more financial and human resources into R & D than the U.S., the U.S. has a good chance of staying ahead in research productivity.

U.S. RESPONSE TO THE SOVIET R & D EFFORT

The analysis of Soviet R & D and of its implications for U.S. security presented in Foster's speech, perhaps best characterized as "the-Russians-have-it" analysis, is not a sufficient guide to rational decision-making for U.S. research and development. From this kind of oversimplified and superficial analysis has grown the arms race spiral of the 1950's and 1960's. Each side has strained to keep ahead of the other, driven by the fear that his adversary might somehow achieve a decisive technological advantage. The moves and countermoves have come almost automatically, without adequate evaluation of their real effect on American security.

It does not follow automatically that ". . . the Soviet Union is now about to seize world technological leadership from the United States"[56] simply because R & D spending is increasing more rapidly in the Soviet Union than in the United States. Even if the U.S.S.R. spends more than the U.S., nothing is proven by comparison of expenditure levels. More money and more results are not necessarily two sides of the same coin.

Neither is it true that falling slightly behind the U.S.S.R. in some fields, if it should happen, would lead to our subjugation. After all, the Soviet Union has achieved military parity with the U.S. while continuing to lag badly in a number of important areas of science and technology, including development of automation techniques and computers, chemical industry, biology, and overall industrial R&D.

The crucial question which the Congress must answer in voting funds for the 1971 and succeeding fiscal years is whether or not the national security of the United States requires an increase in R & D funds for military purposes or even that current funding levels be maintained. Furthermore, Congress must decide how the Defense Department's R & D funds should be distributed along the research-development spectrum shown in Table 5.

In his speech Dr. Foster emphasized what he called the U.S. "research hedge." Dr. Foster and Secretary Laird made it clear in their testimony before the House Armed Services Committee that the term "research hedge" referred to the research and exploratory development categories of the DOD R & D budget, plus some parts of the advanced development item.[57][58] Another name frequently used for this relatively fundamental end of the research-development spectrum is "technological base." Foster and Laird believe that by doing certain exploratory work, the U.S. will ". . . know what developments in weapons are possible and practical, for ourselves and for potential enemies."[59] Armed with this knowledge, the U.S. will be able to understand and even to anticipate Soviet weapons development. Having done the exploratory work, the U.S. could quickly produce and deploy the "defensive" systems needed to counter any perceived Soviet threat to American security.

TABLE 5.—DEFENSE DEPARTMENT R. & D., BY ACTIVIT

Activity	Purpose	Estimated distributions of obligations, fiscal year 1970 (percent)
Research	Phenomena-oriented research, often supported more heavily in areas where possible future military applications exist.	5.0
Exploratory development.	Exploring feasibility of breadboard devices, prototype components, and systems; pointed toward a military problem area.	11.5
Advanced development.	Producing experimental hardware for operational testing and experimentation in military use.	12.6
Engineering development.	Designing weapons systems for operation; major line item projects.	13.7
Operational systems development.	Development, test design, improvement of systems or equipment approved for production and development.	40.0
Management and support.		16.2
Emergency fund		1.0

Note: Marvin Berkowitz, The Conversion of Military-Oriented Research and Development to Civilian Uses (Praeger; New York, 1970), pp. 106–107.

By emphasizing the "research hedge" in his speech, Foster obscured the reality that research and exploratory development together account for only a small proportion of the Defense Department's R & D expenditures. In 1969 and 1970 these two categories received a total of only 16.8% of the military's R & D funds.[60] The real emphasis in military R & D is in readying weapons systems for production and deployment, not in acquiring information which may have a long-term payoff.

It is extremely difficult to judge how much money should be spent on military research and development. Each proposed project must be evaluated individually to see if the resources are really needed more for this item than for other purposes. Critics have long charged that vast amounts of money are wasted by research and development of unnecessary weapons systems and by the common practice of "concurrency" in development and production of new weapons. In his recent book, *Report from Wasteland*, Senator William Proxmire has thoroughly documented these very serious shortcomings.[61] The Defense Department itself has lent credence to claims that many weapons systems lack clearly-defined missions by changing the rationale of the proposed multi-billion dollar American ABM system again and again. Critics' claims that "concurrency," that is, simultaneous development and production of new weapons systems, has caused costs to skyrocket, have been substantiated by the Defense Department's recent shift to the so-called "fly-before-buy" policy under which prototypes will be thoroughly tested before decisions are made about production and deployment of a new weapon. It is probable that several billion dollars could be saved each year by eliminating "systems without a mission" and by implementing the "fly-before-buy" policy.

Although assessing the desirability of producing a new weapons systems is far from simple, it is still less difficult than determining how much should be spent in the "technological base" area. Research and exploratory development are risky; the benefit to the nation of any particular project is neither obvious nor immediate. Yet, as Secretary Laird and Dr. Foster emphasized, U.S. military capability "5, 10, and 20 years in the future" will depend on basic and applied research being done now.[62]

In recent years the Department of Defense has placed too little emphasis on the initial stages of the R & D process, research and exploratory development, and too much on the middle and final stages of advanced development, engineering development and operational systems development. The statistics in Table 6 and Figure 4 show that as the U.S. involvement in Southeast Asia deepened, increasing emphasis was placed on areas with a short-term payoff.

TABLE 6.—SUMMARY OF RESEARCH AND EXPLORATORY DEVELOPMENT FUNDING—NEW OBLIGATIONS. DEPARTMENT OF DEFENSE, FISCAL YEARS 1964–71

[In millions of dollars]

	Fiscal years—							
	1964	1965	1966	1967	1968	1969	1970	1971
Research and exploratory development:								
Current dollars	1,511	1,511	1,523	1,455	1,319	1,279	1,226	1,267
Index	100	100	101	96.3	87.3	84.6	81.1	83.9
Constant (1964) dollars, index	100	96.5	94.0	87.9	77.7	72.0	64.0	61.4
Percent of all R.D.T. & E	21.6	23.5	22.7	20.3	18.0	16.5	16.5	17.2
Index	100	109	105	94.0	83.3	76.4	76.4	79.6

Note: Current dollar expenditure. Data for (a) 1964–68, from Berkowitz, Conversion of Military-Oriented Research, p. 111, (b) 1969–71, from U.S. Congress, House of Representatives, 91st Cong. 2d sess., Committee on Armed Services, Subcommittee No. 3, Hearings on Research Development, Test and Evaluation Program for Fiscal Year 1971, N.A.S.C. No. 91–53, pt. 2. (Washington: U.S. Government Printing Office, 1970), pp. 7948. Corrections to 1964 dollars were made using data on Federal Government purchase of goods and services. The index value was calculated as below:

$$\text{R. \& D. expenditure for fiscal year 196x, measured in 1964 dollars} = \frac{\text{Fiscal year 196x R. \& D. expenditure in current dollars}}{\left(\dfrac{\text{Fiscal year 196x deflator}}{\text{Fiscal year 1964 deflator}}\right)}$$

$$\text{deflator for a given year} = \frac{\text{Fedcral purchase of goods and services in given vear. current dollars}}{\text{Federal purchase of goods and services in given year, 1958 dollars}}$$

Data on Federal purchase of goods and services in current dollars and in 1958 dollars were obtained from Survey of Current Business, vol. 46, No. 2, vol. 47, No. 2 and vol. 50, No. 6; (Washington: U.S. Department of Commerce, Office of Business Economics).

Footnotes at end of article.

(Figures 4 and 5 are not reproduced in the Record.)

Research and exploratory development decreased from a high of 23.5% of the overall DOD RDT & E budget in 1965 to 16.5% in 1968 and 1969. Measured in current dollars the decrease was from $1,511 billion in 1964 to $1,225 billion in 1970. When these figures are corrected for monetary inflation, the drop is much steeper; the FY 1970 expenditure for the "technological base" is only $965 million when measured in 1964 dollars. In other words, real expenditure on our "technological base" has dropped at least 40% since 1964. If the costs due to the growing complexity and sophistication of research, usually estimated to rise at 5% annually,[63] were included, the calculated drop in purchasing power would be even more drastic. The estimated level and distribution of Defense Department RDT & E funds for FY 1971 is shown in Figure 5.

In the book *The Economics of Defense in the Nuclear Age,* Charles Hitch and Roland McKean singled out several reasons why basic and applied research were likely to be persistently underemphasized by the military. The military bureaucracy undervalues future outputs and, like all bureaucracies would prefer to avoid ventures of uncertain success. The authors pointed out that

"Here there seem to be no countervailing tendencies of any importance. Fascination with high performance hardware reinforces the emphasis on weapons systems. So does optimism about the prospects of advanced weapons systems. It is allegedly much easier to get money from Congress for the development of impressive weapons systems with undoubted military utility if they succeed, than to get it for components with no highly specific end use in mind, or for basic or applied research that is even further from practical military applications." [64]

These more or less traditional constraints have been further strengthened since 1964 by diversion of resources to the immediate and expensive task of fighting a war in Southeast Asia. As the U.S. gradually withdraws its military forces from Southeast Asia, the defense budget may decrease substantially. This, coupled with the inevitable urge to cut back on long-term payoff items in times of fiscal problems, could lead to a further decrease in funds for research and exploratory development. It is encouraging to see that DOD has kept the "technological base" at the same level in the FY 1971 budget as in FY 1970, although cutting back on the RDT & E total.

The American response to the rapidly growing Soviet R & D outlay should not be an indiscriminate increase in expenditures for military research and development. By making sure that only those systems are developed which will demonstrably meet an urgent need and by putting more emphasis on thorough testing of prototypes before making production decisions, the overall military R & D expenditure might even be decreased.

In the area of research and exploratory development, however, funds should be sharply increased, at the expense of weapons systems development if need be. It is here, in basic and applied research, that any revolutionary developments will occur. Concern about protecting our technological base in weaponry must not be cast in terms of outspending the Soviet Union. Let us be more concerned about what the U.S. needs to spend than about how much the U.S.S.R. can spend. By shifting our military R & D emphasis towards the "research hedge," we can de-escalate the arms race, yet be able to respond quickly to any threatening technological development in the Soviet Union.

Note added in proof: The most recent projections by the U.S. Office of Education are not signicantly different from those made in late 1969. Graduation of scientists is projected to increase from 88,000 in 1969–70 to 125,500 in 1977–78, a gain of about 46%. The number of engineers graduated will rise from an esitmated 41,100 in 1969–70 to 49,000 in 1977–78, a 19% increase. The annual award of doctor's and first professional degrees in science and engineering is projected to increase by more than 100%.

Data compiled from U.S. Office of Education, *Projections of Educational Statistics to 1979–80* (prepublication data, tables 23 and 25) cited in *A Fact Book on Higher Education* (Washington: American Council on Education, December 1970), p. 70.223, p. 70.227.

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FOOTNOTES

[1] "When one Soviet physicist was asked by an American colleague the cost of an accelerator, the physicist said he did not know. 'To get the money, all we had to say was that you had one'." "Brahmins of Redland," Time, June 2, 1958, p. 21; cited by Mark G. Field, "Soviet Science and American Society," Journal of International Affairs, Vol. XIII, No. 1, p. 24.

[2] Dr. John S. Foster, Jr., speech before the American Newspaper Publishers Association, New York, N.Y., April 23, 1970.

[3] Washington Post, editorial, May 1, 1970.

[4] Pravda, April 14, 1970; translated in Current Digest of the Soviet Press (hereafter abbreviated CDSP), Vol. XXII, No. 15, p. 6.

[5] U.S. Congress, House of Representatives, Committee on Armed Services, Subcommittee No. 3, Hearings on Research, Development, Test and Evaluation Program for Fiscal Year 1971, 91st Cong., 2d Sess., 1970, H.A.S.C. No. 91–53, Part 2.

[6] Emile Benoit and Harold Lubbell, "The World Burden of Nation Defense," *Disarmament and World Economic Interdependence,* ed. Emile Benoit (Oslo: Universitetstforlaget, 1967), p. 30.

[7] Abraham S. Becker, *Soviet Military Outlays Since 1955,* RM–3886–PR (Santa Monica, California: The Rand Corporation, 1964), pp. 12–13, 34–45.

[8] William T. Lee, "Calculating Soviet National Security Expenditures," *The Economic Basis of the Russian Military Challenge to the United States,* U.S. Congress, Joint Economic Committee, Subcommittee on Economy in Government, 91st Cong., 1st Sess., 1969, p. 932.

[9] Institute for Strategic Studies, *The Military Balance 1969–70.* (London: The Institute for Strategic Studies, 1969), p. 5.

[10] J. G. Godaire, "The Claim of the Soviet Military Establishment," *Dimensions of Soviet Economic Power, U.S. Congress,* Joint Economic Committee, 87th Cong., 2d Sess., 1962, p. 37.

[11] Becker, *Soviet Military Outlays*, pp. 12–13, 34–35.

[12] Godaire, "Soviet Military Establishment," p. 37.

[13] Lee, "Soviet National Security Expenditures," p. 933.

[14] Becker, *Soviet Military Outlays*, pp. 12–13, 34–35.

[15] Lee, "Soviet National Security Expenditures," p. 933.

[16] Alexander G. Korol, *Soviet Research and Development* (Cambridge, Massachusetts, The M.I.T. Press, 1965), pp. 199–234.

[17] *Ibid.*

[18] Stockholm International Peace Research Institute, *SIPRI Year Book of World Armaments and Disarmament 1968/69* (New York: Humanities Press, 1970), pp. 200–203.

[19] Institute for Strategic Studies, *Military Balance*, p. 5.

[20] Lee, "Soviet National Security Expenditures," p. 934.

[21] Benoit and Lubbell, "World Burden," p. 40.

[22] Lee, "Soviet National Security Expenditures," p. 934.

[23] Committee on Armed Services, Subcommittee No. 3, *Hearings*, p. 7957.

[24] Lee, "Soviet National Security Expenditures," p. 933, 934.

[25] Foster, speech, April 23, 1970.

[26] *Ibid.*, p. 934.

[27] Lee, "Soviet National Security Expenditures," p. 933.

[28] Budgeted expenditures: 1960, 73.1 billion (new) rubles, T'sentral'noe statisticheskoe upravlenie, *Narodnoe khziaistvo SSR v 1960 godu* (Moscow: Gostatizdat, 1961), p. 885; 1970, 144.5 billion rubles, V. Garbuzov, *Pravda*, December 17, 1969, translated in *CDSP*, Vol. XXI, No. 51, p. 15.

[29] Garbuzov, *Pravda*, Decmber 17, 1969.

[30] Foster, speech, April 23, 1970.

[31] For FY 1970 the estimated figures are: DOD $7.76 billion; NASA, $3.79 billion; AEC, $1.35 billion, giving a total of $12.9 billion. "Science Resources Studies Highlights." NSF 70–28, (Washington: National Science Foundation, August 14, 1970), p. 3.

[32] Committee on Armed Services, Subcommittee No. 3, *Hearings*, p. 7957.

[33] Lee, "Soviet National Security Expenditures," p. 933.

[34] Nancy Nimitz, *Soviet Expenditures and Scientific Research*, Memorandum RM-3384-PR (Santa Monica, California: The Rand Corporation, 1963), p. vii.

[35] Foster, speech, April 23, 1970.

[36] Committee on Armed Services, Subcommittee No. 3, *Hearings*, p. 7956.

[37] Tsentral'noe statisticheskoc unpravlenic, *Norodnoe khoziaistvo SSR v 1968 godu* Moscow: Izdatel'stvo "Statistika," 1969), p. 689.

[38] Joseph P. Kozlowski, "Scientific and Engineering Resources of the USSR: 1961–1966," *Science Policy in the USSR* (Paris: Organization for Economic Cooperation and Development, 1969), Tables 3 and 4, p. 689.

[39] VUZ is the Soviet acronym for "Vysshee uchebnoc zavedenic," meaning higher educational establishment. VUZy is the plural of VUZ.

[40] Based on the composition of graduates from forty USSR universities in 1965. Science graduates were 50.6% of the total, Kozlowski, "Scientitic and Engineering Resources," Table 4, p. 143.

[41] In 1954–55 there were 15,600 university graduates; Nicholas DeWitt, *Education and Professional Employment in the USSR* (Washington: National Science Foundation, 1961), p. 333. In 1955–56, 50.5% of the students in Soviet universities were enrolled in mathematics and the physical sciences; DeWitt, p. 213. Assuming the same proportion of students holds for the 1955 graduates, there were 7,880 scientists graduated from the universities in 1955. Almost all Soviet Scientists in the physical and life sciences and in mathematics are trained in the universities; Kozlowski, "Scientific and Engineering Resources," p. 144.

[42] DeWitt, *Education*, p. 333.

[43] Based on data for 1961–1966 given in Kozlowski, "Scientific and Engineering Resources," Table 3, pp. 140–141, and graduation figures for 1967 and 1968 in *Norodnoe Khoziaistvo* (1968), p. 689.

[44] In 1968, 20,150 scientists were graduated from the universities (university graduates x 0.50). Subtracting this from the total of 214,850 scientists and engineers gives 194,600 engineers.

[45] See Table 3. Subtraction of the 39,900 engineers from the total of 129,700 scientists and engineers leaves an estimated 89,800 scientists.

[46] The estimated 20,150 scientists graduated in 1968 plus 10%.

[47] S. Beliaev, "A Strategy for Education," *Izvestia*, September 20, 1969, p. 2; translated in *CDSP*, Vol. XXI, No. 38, p. 12.

[48] Data for bachelor's degrees taken from Table 23. "Earned bachelor's and first professional degrees, by field of study: United States, 1958–59 to 1978–79," in *Projections of Educational Statistics to 1978–79*, (mimeographed, preliminary 1969 edition; Washington: Office of Education, U.S. Department of Health, Education and Welfare, 1970). To obtain the estimate for scientists, the figures in the table for mathematics and statistics, physical sciences, and biological sciences were added together.

Estimates for doctor's degrees were obtained in the same manner from Table 25. "Earned doctor's degrees (expect first-professional, by field of study: United States, 1958–59 to 1978–79)."

[49] Committee on Armed Services, Subcommittee No. 3, *Hearings*, p. 7956.

[50] R. Amann, M. H. Berry, and R. W. Davies, "Science and Industry in the USSR," *Science Policy in the USSR* (Paris: OECD, 1969), p. 392.

[51] For recent examples see: G. Migirenko, "The Tempos of Scientific Search," *Pravda*, March 28, 1970, p. 2, in CDSP, Vol. XXII, No. 13, p. 9 (problems of raising labor productivity in science); Yu, Tsaregorodtsev, "The New Machine: From Blueprint to Series Production," *Pravda*, March 30, 1970, p. 2, in CDSP, Vol. XXII, No. 13, p. 9 (incentives for introducing new methods in factories still inadequate): M. A. Lavrentyev, "From Idea to Machine," Literaturnaya gazeta, January 1, 1970, p. 10, in Current Abstracts of the Soviet Press, Vol. II, No. 4, p. 5 (problem of innovation in industry).

[52] Kozlowski, "Scientific and Engineering Resources," p. 159.

[53] Lee, "Soviet National Security Expenditures," p. 933.

[54] Amann, Berry and Davies, "Science and Industry," p. 382.

[55] Joseph S. Berliner, prepared statement, in Joint Economic Committee, Subcommittee on Economy in Government, *The Economic Basis of the Russian Military Challenge*, p. 908.

[56] Foster, speech, April 23, 1970.

[57] U.S. Congress, House of Representatives, Committee on Armed Services. *Hearings on Military Posture and Legislation to Authorize Appropriations During the Fiscal Year 1971 . . .* 91st Cong., 2d Sess., 1970, H.A.S.C. No. 91–53, p. 6858.

[58] Committee on Armed Services, Subcommittee No. 3, Hearings, p. 7948.

[59] Ibid., p. 7953.

[60] *Ibid.*, p. 7948.

[61] William J. Proxmire, *Report from Wasteland: America's Military-Industrial Complex* (New York: Praeger Publishers, 1970).

[62] Committee on Armed Services, Hearings, p. 6858.

[63] President's Task Force on Science Policy, "Science and Technology: Tools for Progress" (Washington: U.S. Government Printing Office, 1970), p. 24.

[64] Charles J. Hitch and Roland N. McKean, *The Economics of Defense in the Nuclear Age* (New York: Atheneum, 1966), p. 255.

HAMLINE UNIVERSITY,
St. Paul, Minn., April 27, 1971.

To: Congressman Harrington.
From: Robert Mikulak.
Re: DOD estimates of Soviet manpower engaged in R & D.

I. Number of scientists and engineers engaged in R & D.

(a) There is a critical distinction between the *total number* of scientists and engineers who do some R & D work and the number of *full-time equivalents*. A scientist or engineer may spend considerably less than full-time on his R & D activities. Comparisons must be made on the basis of full-time equivalents—not total number.

(b) Calculation of full-time equivalents from total number depends critically on a detailed knowledge of the tasks performed by various categories of workers. There are two formidable problems involved here (at least two). Soviet data on manpower engaged in "science and scientific services" includes activities of a routine nature (geological surveying, hydrometeorological data collection, museums, libraries) which are not included in Western statistics on R & D. Secondly, detailed job descriptions which would allow one to calculate full-time equivalents are not published. The best independent Western study of Soviet R & D manpower (Davies and Berry, for 1966) results in two estimates which differ by 30%, depending on the assumptions made. It is difficult to believe that the DOD estimates are any more certain.

(c) Foster's FY 1971 posture statement referred to "full-time R & D scientists and engineers" while the FY 1972 document speaks of "qualified scientists and engineers employed in research and development." As you can see from the table below, the estimate for 1968 (FY 1972 statement) is about 40% higher than the estimate for 1969 (FY 1971 statement). DOD has either: 1) shifted to citing total numbers rather than full-time equivalents, 2) adopted a new definition of R D, 3) suddenly come upon much different base data than was used last year, 4) made grossly inaccurate estimates. Furthermore, why is the DOD estimate of U.S. R & D manpower for 1968 about 50,000 lower than the NSF estimate?

COLLECTED ESTIMATES OF UNITED STATES AND SOVIET SCIENTISTS AND ENGINEERS ENGAGED IN RESEARCH AND DEVELOPMENT

	1965	1966	1968	1969
United States	[1] 498,500		[1] 565,000	
			[2] 515,000	[3] 540,000
U.S.S.R	[4] 588,000 (engineers)			
	[5] 454,000	[5] 476,000	[2] 745,000	[3] 550,000
	[5] 631,000	670,000		

[1] "National Patterns of R. & D. Resources (Washington, D.C.: NSF, 1970, NSF 69-30), p. 11.

[2] DOD fiscal year 1972 posture statement on R. & D.

[3] DOD fiscal year 1971 posture statement on R. & D.; U.S. total=800,000.

[4] Joseph P. Kozlowski, "Scientific and Engineering Manpower Resources of the U.S.S.R.: 1961-66," in Science Policy in the U.S.S.R. (Paris: OECD, 1969), p. 1968.

[5] R. W. Davies and M. J. Berry, "The Research and Development Effort in the Soviet Union: A Reconsideration of the Manpower Data," Appendix C in Science Policy in the U.S.S.R. (Paris: OECD, 1969), p. 534. The lower figure is their cautious estimate, the higher their more generous estimate.

II. Annual graduation statistics for scientists and engineers.

(a) There have been substantial changes since the FY 1971 posture statement in DOD estimates for 1970 graduations of scientists and engineers: U.S.—22% (26,000), U.S.S.R.—down 10% (28,000). The effect is to narrow the difference between the two countries graduations by 34% (54,000). If DOD's estimates for 1970 are revised downward 34% between March 1970 and March 1971, how reliable are the predictions five years ahead?

(b) The following information is useful

in trying to estimate the number of scientists and engineers graduated annually in the Soviet Union:

(1) There is approximately a five year lag between admission to and graduation from a higher educational institution. Admission statistics are available through fall 1970; the plan figure for 1971 has been published. Briefly, enrollment in higher educational establishments (VUZy), which expanded rapidly in the early '60's, is no longer increasing significantly (1960–1965, +44%; 1966–1971, +2%). (see graph).

(2) Recent discussion of the plan for 1971–1975 indicates that admissions will not expand more rapidly than the population. The emphasis will be on quality, not quantity. This appears to be a continuation of the policy followed from 1966–1970.

(3) Between 1950 and 1968, the annual number of graduates in all fields amounted to an average of 69.5% of those admitted five years earlier. The success rate has been highest among students in the day division and lowest among correspondence students. Since the relative proportion of day students relative to evening and correspondence students is being increased slowly, the overall success rate will probably increase in the future. Data for 1969 and 1970 indicate an overall 74% success rate.

(4) The proportion of science and engineering graduates in the total graduation figure has fluctuated. The 1965–1968 average is 42.5%. The most recent breakdown of enrollment by field (for 1968) does not reveal any increase in the proportion of science students. Interestingly, the proportion of scientists and engineers among the graduates has consistently been several percentage points below the proportion of science and engineering students in the total enrollment.

(c) The DOD estimate of 359,000 scientists and engineers to be graduated in 1976 may have been derived by linear extrapolation of graduation figures from the middle '60's. As shown on the accompanying graph, this would yield an estimated 1976 graduation total of 845,000. Assuming that the proportion of scientists and engineers remains at the 1965–1968 average of 0.425, the estimated 1976 graduation of scientists and engineers would be 360,000.

This kind of linear extrapolation is grossly misleading since it does not reflect the virtual plateau in admissions since 1966. A graduation total of 845,000 for 1976 would represent 93% of the planned entering class for 1971. This is a far higher success rate than that currently attained by the day students (1969, 83%)—not to mention the evening students (72%) and correspondence students (59%). The two latter categories accounted for 49% of the admissions in 1968.

The plateau in admissions should result in a leveling off in graduations five years later. In other words, graduations should reach a plateau value in 1971 and remain approximately constant at least until 1976 and possibly longer.

My best estimates of scientists and engineers in the U.S.S.R. and those from DOD posture statements are listed below:

	Mikulak	DOD (March 1970)	DOD (March 1971)
1960:			
United States	[1] 81,000	74,000	83,000
U.S.S.R	113,000	135,000	145,000
1970:			
United States	[1] 129,000	116,000	142,000
U.S.S.R	[2] 236,000	275,000	247,000
	[3] 268,000		
	[1] 162,000		181,000
1976: United States	[4] 270,000		359,000
	[3] 290,000		

[1] To obtain this estimate U.S. Office of Education data were used (Projection of Enrollment Statistics to 1979–80) (prepublication data), table 23, cited in A Fact Book on Higher Education (Washington: American Council on Education, 1969). P 70.223. The figures for mathematics and statistics, engineering, physical sciences, biological sciences were added together.

[2] Assuming the increase in graduation of scientists and engineers between 1968 (last published figures) and 1970 to be proportional to the increase in admissions between 1963 and 1965 (10.5 percent). This assumes a constant success rate (69.5 percent) and a constant proportion of scientists and engineers among the graduates (42.5 percent).

[3] Calculated from a higher success rate 1970 (74 percent) than the 1950–65 average (69.5 percent). This assumes that the proportion of scientists and engineers remained at the 1965–68 average value of 42.5 percent of total graduates.

[4] Calculated using the 1950–68 average success ratio of 69.5 percent.

(e) One final comment. The category "scientists and engineers" is inadequate. In the USSR about 90% of the science and engineering graduates are engineers. In the U.S. on the other hand, engineers made up about 32% of the 1970 total of science and engineering graduates. The proportion of engineers is slowly decreasing. Subdivision of the graduation figures for 1968 gives the following:

Scientists:

U.S.	75,200
USSR	20,150

Engineers:

U.S	37,400
USSR	195,000

The U.S. produced almost four times as many scientists as the USSR. This lead appears to be increasing.

FARMERS DO GOOD WORK

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SHRIVER. Mr. Speaker, we often take for granted the productive genius of the American farmer. One American farmer today can produce enough food for 46 persons. The Newton Kansan recently editorialized on the productivity achieved by Harvey County, Kans., wheat farmers on the 1971 crop. Significantly, the editorial points to the willingness of farmers to use better methods in wheat farming which are the result of research conducted by State agricultural schools and extension services.

Under leave to extend my remarks in the RECORD, I include the editorial and also take this opportunity to salute the Newton Kansan which recently started its 100th year of service to the Newton community:

FARMERS DO GOOD WORK

Harvey County wheat farmers did themselves proud with the 1971 crop.

The tentative official report released earlier this week shows that they produced a record 41 bushels an acre of the grain on 86,000 acres. That's a total production of 3,526,000 bushels.

It's more than 200,000 bushels above what they produced on 90,000 acres the year before.

And it's far higher than the 1,822,000 bushels that went through the combines that traversed 135,000 acres back in 1953.

Part of the difference, of course, was the weather. The 1971 crop in most places had almost ideal weather throughout the season. Weather at harvest time also was good for the most part.

But part of the difference is the willingness of the farmers to use better methods in wheat farming. Many of these methods have been worked out by state agricultural schools and extension services.

The real test comes, however, with the acceptance of these methods by the wheat producer. If he refuses to accept the tests, then the research work goes for naught.

But in most cases the farmers are eager to try these new methods for they know that their proper use means more money in the bank.

And in these days when the farmer is caught in the squeeze between what he has to pay for what he must buy, and what he sells his produce for, any new method that can hike his income is not only a help to him, but it also is a help to the community, for it means more money will be in circulation.

1971 HUNT PUBLIC OPINION POLL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HUNT. Mr. Speaker, so that I might better represent the views of my constituency on the major current issues, I prepared my fifth annual public opinion questionnaire which was delivered to every household in the First Congressional District of New Jersey. The results have now been tabulated by a private, independent firm and I would like to share them with my colleagues.

1. Do you favor President Nixon's proposal to reorganize the Executive Branch by reducing the twelve cabinet departments to eight?

Camden: Yes, 58.2%; no, 19.5%; undecided, 22.3%.

Gloucester: Yes, 59.3%; no, 19.6%; undecided, 21.1%.

2. Regarding consumer protection, do you think the federal government should: a. limit its role to consumer education; b. push for more stringent controls of manufacturers; or c. continue to enforce existing laws?

Camden: a. 10.2%, b. 74.9%, c. 14.9%.

Gloucester: a. 10.2%, b 70.8%, c. 19.0%.

3. Do you favor returning a share of federal tax revenues to state and local governments to help solve local problems?

Camden: Yes, 76.5%; no, 16.7%; undecided, 6.8%.

Gloucester: Yes, 78.2%; no, 16.5%; undecided, 5.3%.

3. Do you favor additional state taxes instead of revenue sharing?

Camden: Yes, 8.5%; no, 83.8%; undecided, 7.8%.

Gloucester: Yes, 9.4%; no, 83.3%; undecided, 7.3%.

5. What policy do you favor for Vietnam: a. The President's policy of withdrawing U.S combat troops by stages while strengthening the South Vietnamese to assume responsibility for their own security and negotiating for release of U.S. prisoners; b. withdraw all troops immediately leaving our POWs in Communist hands; c. publicly setting an absolute date for withdrawal, regardless of events in the meantime and without securing release of our prisoners of war?

Camden: a. 78.5%, b. 11.9%, c. 9.7%.

Gloucester: a. 86.0%, b. 7.5%, c. 6.5%

6. To fight inflation and unemployment, which actions are you willing to have the federal government take: a. impose wage and price controls; b. reduce domestic program spending; c. reduce national defense spending?

Camden: a. 64.6%; b. 15.9%; c. 19.5%.
Gloucester: a. 58.3%; b. 17.0%; c. 24.7%.

7. Regarding national health insurance, which do you favor: a. a program financed and operated by the federal government with a tax increase to finance it; b. a federally-operated program financed by employer and employee contributions; c. income tax credits for the cost of purchasing private health insurance; d. no new legislation in this area?

Camden: a. 17.6%; b. 32.6%; c. 29.6%; d. 20.2%.
Gloucester: a. 14.8%; b. 31.1%; c. 30.1%; d. 24.0%.

8. Do you favor: a. more vocational training at the high school level; b. more federal grants and loans to college students; c. school bussing to effect racial quotas?

Of a total of 11,854 resonding from both counties, the preferences in absolute numbers for each of the choices are as follows:

a. 10,016.
b. 1,552.
c. 286.

CURRENT ECONOMIC POLICIES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DUNCAN. Mr. Speaker, I would like to put in the RECORD the following statement from the Knoxville, Tenn., Journal of August 19 concerning the current economic policies we are following and labor's opposition:

CURRENT ECONOMIC POLICIES

President Nixon's dramatic shift in economic policy has been matched in abruptness by the change in opinions expressed by union chieftains on the concept of wage-price controls.

Organized labor has sharply attacked the President's new plan, as evidenced by the spate of anti-Nixon comments in recent days. Typical was that of AFL–CIO President George Meany, who said the new Nixon plan favors business and is "patently discriminatory as far as American workers are concerned."

The tune coming out of the AFL–CIO only a few days ago, however, was different. At the organization's executive council meeting in San Francisco earlier this month the official position of the labor federation on wage and price curbs was outlined as this:

"If the President determines that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate so long as such restraints are equitably placed on all costs and incomes including all prices, profits, dividends, rents and executive compensation, as well as employes' wages."

Under the orders announced Sunday by Nixon ALL wages, prices and rents are frozen for 90 days. "Profits" as such are not frozen beyond the freeze on prices. Dividends also are not frozen because the legislation passed by Congress enabling the President to enact controls does not include the power to freeze dividends.

This may be enough of a loophole, albeit tiny, to enable Meany to ignore the federation's Aug. 9 statement. Judging from the total reaction, organized labor is far more interested in politics than economics, anyway. (One labor official reportedly answered an inquiry as to what could be done about the situation in this manner: "Vote Democratic.")

The new economic policy does at least postpone raises already scheduled for many workers, but it also adversely affects many businesses and industries. Some have been caught in the middle by having experienced increases in the prices of their raw materials but not yet having increased their own prices to compensate. Others, who deal in imported goods, for instance, will find themselves paying much higher prices due to the 10 per cent surcharge on imports but will be unable to raise their selling prices due to the freeze.

There are adequate adverse effects to go around. It is hard to justify Meany's change of position on the basis that workers have been harmed more than business has been, especially when it is acknowledged that the workers also will be enjoying the benefits of not having to pay higher prices on the goods they purchase. That is the same, in effect, as getting a raise in salary.

AN ANALYTICAL HOUSEWIFE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. ZWACH. Mr. Speaker, many times in the past I have pointed out that our high cost of living is not caused by high prices to our producers who are today lagging 30 percent behind the rest of our economic structure.

I would like, at this time, to insert in the CONGRESSIONAL RECORD, an editorial by Peter Johnson of the Royalton Banner in our Minnesota Sixth Congressional District, which dwells on this subject.

Editor Johnson's words need to be remembered by all of those who complain about high food prices.

The editorial follows:

AN ANALYTICAL HOUSEWIFE

Part of the "inflation" that we complain about is due to changing standards of living rather than to the declining purchasing power of the dollar. That is the conclusion of one housewife who compared her food budget in 1960 with one of a more recent date. She took a typical current shopping list that rang up a total of $24 on the supermarket's cash register. On going over the list. She discovered that much of what she is now buying at the grocery store is not groceries.

There were paper towels and paper napkins itemized at $1.66. In the old days, people took time to home launder and reuse cloth towels and napkins. Then there was 59 cents for dog food. In the old days, Rover used to eat table scraps. There was an item of $1.79 for bug spray on the current shopping list ". . . to execute what we used to swat—and 89 cents for fabric softener where we formerly depended on a windy day." There was also $1.59 for shampoo and band-aids—"in 1960 some of us were shampooing with soap and bandaging with strips of worn-out shirts." Another item, $3.75 for light bulbs and a thermos bottle would formerly have shown up on the "hardware" bill. This housewife discovered that of her $24 grocery bill, groceries cost less than $16. Summing up, she found that her food bill for 1960 was $971.57. Household items that year came to $347.98. This past year, she paid only $3 more for food, for household items she paid $725.82!

In spite of the kicking about inflation, consumers so far have shown little inclination to turn their backs on the conveniences and luxuries that have been brought to them by the world's most efficient, retail, mass-distribution system.

WORK IS PREFERABLE TO WELFARE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. RARICK. Mr. Speaker, last Thursday in the President's address to a joint session of Congress, he referred to the ever-increasing burden of welfare, including many able-bodied people who simply refuse to work, borne by the working element of our society. In his speech, President Nixon said:

> A strong and healthy spirit means a willingness to work.
>
> Hard work is what made America great. There could be no more dangerous delusion than the notion that we can maintain the standard of living that our own people sometimes complain about but the rest of the world envies, without continuing to work hard. The "good life" is not the lazy life, or the empty life, or the life that consumes without producing. The good life is the active, productive, working life—the life that gives as well as gets.
>
> No work is demeaning or beneath a person's dignity if it provides food for his table and clothes and shelter for his children. The thing that is demeaning is for a man to refuse work and then ask someone else who works to pay taxes to keep him on welfare.
>
> Let us recognize once and for all that any work is preferable to welfare.

At the same time, the President was chastising those who misuse welfare.

Recent newspaper reports indicate that the number of people on the District of Columbia welfare rolls increased by 52 percent over the last year's total, that 11.4 percent of the Nation's Capital is on welfare. Further, the District's Director of Social Services admitted the possible presence of ineligible welfare recipients.

At the same time newspapers carried accounts of members of the black caucus here in Congress criticizing President Nixon for stating "that any work is preferable to welfare." The District delegate reportedly accused the President of "shallow racist rhetoric," and stated further, "I know who is on welfare in this country." The delegate's retort seems to be racism in reverse considering that while the population of Washington, D.C., is 71 percent Negro, the records indicate that only 11.4 percent of the District's population are on the welfare rolls. On the contrary, this low welfare percentage speaks highly of the District's Negro population.

But, since there are admittedly ineligible welfare recipients in the District and the President has now accepted the leadership in a back-to-work move, the American people will be expecting positive action from the Chief Executive directed toward the freeloaders in his Federal City. Perhaps the President could induce his Justice Department attorneys to be as aggressive against those who take advantage of welfare as they are against busing little children; and in fact, he might even institute a program to require welfare recipients to carry identification cards with photographs and fingerprints to eliminate the temptation of dual addresses and dual checks.

One thing is certain, there are still more working taxpayers in the United States than there are welfare recipients, and the taxpayers want the welfare messes cleaned up, including the Federal judges who have a consistent record of accommodating every welfare complaint and grievance.

I include several newsclippings which follow:

[From the Washington Star, Sept. 10, 1971]

Blacks in Congress Assail President's Welfare Comment

(By Ronald Sarro)

President Nixon's remarks on welfare recipients in his address to a joint session of Congress have angered black members of Congress.

Members of the House's Black Caucus charged the President with using racist invective in the speech yesterday, and said his economic program apparently is geared to help the rich at the expense of poor blacks.

And the only Negro in the Senate, Edward W. Brooke, R-Mass., said he wished the President had not included the remarks, which Brooke said detracted from an otherwise solid economic message.

The 13 members of the black caucus, of which Brooke is not a member, boycotted Nixon's State of the Union message in January. But at least six black congressmen were at yesterday's session for the President's economic message.

Plugging his welfare reform proposal, Nixon said welfare is suffocating taxpayers, and has become "a massive outrage against the people it was designed to help. Let us get rid of a system where going on welfare is more profitable than going to work."

Emphasizing the need for hard work to keep America great, Nixon said "The 'good life' is not the lazy life, or the empty life, or the life that consumes without producing. The good life is the active, productive, working life—the life that gives as well as gets."

He said. "No work is demeaning or beneath a person's dignity if it provides food for his table and clothes and shelter for his children. The thing that is demeaning is for a man to refuse work and then ask someone else who works to pay taxes to keep him on welfare.

INTERRUPTED BY APPLAUSE

"Let us recognize once and for all in America that any work is preferable to welfare," The President said.

While Nixon was interrupted by applause five times during his welfare remarks, blacks reacted sharply to them, particularly his call for any work in preference to welfare.

Rep. Ronald V. Dellums, D-Calif., said the speech was "hypercritical, political and prejudicial." When Nixon says any work is better than welfare, he asked, is he suggesting prostitution, gambling or narcotics peddling as suitable alternatives?

Del. Walter E. Fauntroy, D-D.C., said Nixon engaged in "shallow racist rhetoric. I know who's on welfare in this country.

"When we get the oil-rich millionaires off the welfare of depletion allowances, and the farmers off the $55,000-a-year welfare of the soil bank program, maybe I'll be willing to at least consider whether a family of four limited to $1,600 a year should be adjudged unwilling to work," Fauntroy said.

NIXON "A RACIST"

Rep. William Clay, D-Mo., said the remarks 'smack of racism because our President is a racist." Clay said welfare recipients should not be expected to work for less than a "living wage." He suggested that Nixon trade places with a recipient to learn the facts.

Brooke, the most moderate of the blacks in Congress, said Nixon should have left out his statement that no work is too demeaning for any man. He said it was "rhetoric that didn't add anything and can only alienate."

Brooke said, "There are demeaning jobs in the nation" and most are held by blacks and poor whites.

Others joined the black congressmen in criticizing the remarks. Sen. Daniel K. Inouye, D-Hawaii, said the "sweeping indictment of welfare recipients was a grossly unfair one. Certainly most recipients would rather be working . . . but hasn't the President read the unemployment list—6.2 percent?"

[From the Washington Post, Sept. 12, 1971]

District of Columbia Welfare Investigations Urged on Hill

Charging that the District's public assistance caseload includes thousands of ineligible recipients, members of the House subcommittee that controls the city budget have told city officials that Congress should order a return to the practice of welfare investigations.

Rep. William H. Natcher (D.-Ky.), chairman of the House District Appropriations Subcommittee, said the city has "hundreds on the rolls—it might even run into the thousands—that are not entitled to welfare payments."

Welfare rolls have doubled here in the two years since the welfare investigators were phased out, local officials say. But they deny the increases are due to the lack of investigators, attributing the increased caseload to other factors.

Rep. William J. Scherle (R-Iowa), a new member of the subcommittee, told the city's welfare director that "it is cheaper in the long run to provide the funds for investigators to ferret out these people than to let them hang on and bleed the taxpayers of funds that should go to some other constructive purpose."

If the city government abolished the use of welfare investigators because of public opposition, Scherle added, "then I think it is time for Congress to insist that these investigators should be provided whether they like it or not."

The comments of both men were made in July during the subcommittee's closed hearings on the District's billion-dollar 1972 budget request. A transcript of the hearings was released yesterday.

The welfare department's staff of 92 investigators, at one time the largest of any city in the United States, was eliminated by the city government two years ago. Investigation and surveillance of welfare recipients here reached its height between 1962 and 1968 with the backing of Sen. Robert C. Byrd (D-W. Va.), then chairman of the Senate District Appropriations Subcommittee.

The city quit using investigators after court decisions struck down the "man-in-the-house rule," eliminated residency requirements for welfare, and held that welfare recipients can refuse to allow investigators into their homes. Winifred Thompson, director of social services, has also testified in the past that unannounced midnight visits by investigators undermine welfare clients' sense of self-respect.

Miss Thompson told Natcher that the city's public assistance caseload has doubled in the two years since the investigators were phased out, from 14,880 cases in fiscal 1939 to 34,182. Her department anticipates a caseload of 36,000 by the end of the current budget year.

However, Miss Thompson and Human Resources Director Philip J. Rutledge emphasized that the increase in the caseload, which rose by 52 per cent during the last year alone, was not due to ending the use of investigators. They said the increase can be traced to court decisions, higher unemployment, new federal programs, more attempts being made to seek out those who are eligible for benefits and changes in local policy.

"What we are doing, we are beginning to catch up with a very restricted welfare policy in the District of Columbia that existed over many, many years," Miss Thompson testified. "In the last three years there has been a softening of that policy and certainly it is reflected in the increased rolls."

The city now checks for ineligible recipients through a "quality control system" required by the Department of Health, Education and Welfare. It includes taking a 10 per cent sample of the caseload, checking information given by those recipients' homes. Miss Thompson said she would like to hire 45 more social workers so the sample could be expanded to 20 per cent.

Natcher, who has not concentrated publicly in the past on the issue of welfare, called the 10 per cent sample system "not adequate" and "not in the best interests of our capital city."

"The welfare program in our capital city has been operated in an excellent manner up until the time that we started the increase, which cannot be laid completely at the door of the Supreme Court," Natcher said.

". . . People that are hungry and suffering in Washington should be taken care of . . . If they are entitled to be on the welfare rolls, we want them there. At the same time, if we have thousands on there who are not supposed to be there, they ought to come off. It is not right to the taxpayers and the city of Washington to have them on the rolls."

In a recent interview, Miss Thompson said there are some ineligible welfare recipients, but not the thousands indicated by Natcher and Scherle. She said her department's samples have shown that in Aid to Families with Dependent Children—with a caseload of 19,692, the largest type of welfare—the number of ineligible recipients is about 7 per cent of the total. She said this is slightly above HEW's "tolerance level" of 5 per cent.

"We don't want to go back to the old type of investigations, but we do believe there has to be a careful policing of the rolls," she added.

[From the Washington Star, Sept. 11, 1971]

District of Columbia Welfare Rolls Up by 52 Percent in Year

(By Stephen Green)

The District's welfare case load has increased 52 percent during the last year.

Winifred Thompson, director of social services, said last night that 84,176 persons—11.4 percent of the District population—now are on the welfare rolls.

The welfare population in the Nation's Capital will continue to soar, Miss Thompson said, citing projections that by July of next year about 112,000 District residents will be on welfare.

According to federal statistics, the percent of the District population on welfare is second only to Los Angeles which has more than 12 percent of its residents on welfare. The District's population is 756,000.

The rate of growth of welfare recipients in the District was the highest in the country as of February, according to the statistics.

Miss Thompson's figures were given in response to inquiries about the welfare rolls based on congressional claims that a lack of inspections leads to welfare frauds in the city.

Rep. William H. Natcher, D-Ky., chairman of the House District Appropriations Subcommittee, had told Miss Thompson he thinks "you have hundreds on the rolls—it might even run into the thousands—that are not entitled to welfare payments."

He complained of a lack of inspections at a July closed hearing of his subcommittee. A transcript of the hearing was released today.

Miss Thompson, according to the transcript told Natcher the city eliminated its welfare investigators two years ago after court decisions ruled welfare recipients may refuse to let investigators into their homes.

However, at Natcher's request, she proposed that she be permitted to hire additional employees to increase the "sampling" of welfare eligibility to 20 percent of the cases from the current 10 percent.

Miss Thompson told the subcommittee the city welfare case load has more than doubled in two years. In fiscal year 1969 there were 14,880 cases. Last year there were 22,488 and now there are 34,182. One case may include several members of the same family.

". . . There are other reasons than the lack of inspections that have caused the rolls to double. Miss Thompson said, citing liberalization of eligibility requirements by courts and other branches of government.

"I am not going to say that we don't have ineligibles on the rolls. I think it would almost be impossible and prohibitively costly to police the rolls to assure 100 percent pure rolls," she said, adding that a "field inquiry" is made of all complaints and few cases of fraud are discovered.

The biggest chunk of District welfare cases—more than half—falls into the category of aid to dependent children, followed by aid to the disabled.

Mayor Walter E. Washington has asked Congress for a $20 million increase in the welfare budget.

CALIFORNIA RURAL LEGAL ASSISTANCE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, I have recently received a letter from a lawyer in San Mateo County, Calif. In the letter, Mr. Moriguchi expresses his support of the California Rural Legal Assistance program. I wholeheartedly agree with Mr. Moriguchi's statements, and hope that my colleagues will note this letter as representative of the acclaim this fine legal services organization has received from members of the legal profession in California. The letter is as follows:

JUNE 30, 1971.

Re: Your letter of June 14, 1971.

Hon. JEROME R. WALDIE,
Civic Center,
Concord, Calif.

DEAR CONGRESSMAN WALDIE: I have read with great interest your letter and the enclosures. It is quite tragic to see the actions of certain politicians in trying to deny access to courts and adequate legal representation to the poor.

California Rural Legal Assistance represents one of the best legal services program in this nation. Its record in representing its clients is outstanding and is a goal that other legal services programs should strive for. This is not limited to the so-called "impact cases," but also includes the day-to-day cases of its clients.

To allow politicians and other special interest groups to manage, by financial means, lawyers who aggressively, with reason, represent their clients, even though it creates extreme embarrassment to those in established positions, is a very sad state of affairs. It is tantamount to say that the present distinctions of rich—poor, majority—minority, representative—non-representative, and the like, should exist, especially at the expense of the poor, oppressed and minority groups.

I strongly believe that those administering the OEO and other poverty programs should be aware of the problems of the poor and disadvantaged, and be sympathetic to the plight of the class. In reality, in many cases, we see an antithesis of the situation. Mr. Lewis K. Uhler would seem to be one of the prime examples of putting a "square peg in a round hole." Obviously he is put in his position as a means of control—to preserve vested interests, an obvious conflict of interest. Mr. Uhler's political background also strongly indicates the above assertion.

I wholeheartedly agree with your position as to CRLA and CSOEO. Needless to say, your statements are succinct and to the point. As a legal service attorney with the Legal Aid Society in San Mateo County, it is quite evident to me that due to the controls placed upon poverty programs—both political and monetary—that the War on Poverty is, in fact, a means to merely control and not to provide affirmative programs to meet the needs of the poor.

Very truly yours,
EUGENE T. MORIGUCHI,
Attorney at Law.

ADOPT A VETERAN

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. PETTIS. Mr. Speaker, one of the great tragedies of our time is the fact that many of our brave and loyal veterans, who have so selflessly served their country, are living out their lives in a bleak and lonely existence. It is incumbent upon all of us to see that these men are not forgotten.

For this reason I have inserted a letter written by Mrs. Helen Walraven of Victorville, Calif., encouraging people to adopt a veteran. I wish to salute Mrs. Walraven on her endeavor and urge all citizens to participate in this most worthy effort.

The letter follows:

"ADOPT" A VETERAN

About two months ago I read an article about a veteran who died of lung cancer. When he was buried there were no friends or relatives to attend his funeral.

He died alone.

I wrote the chaplain at Wadsworth Hospital about it. The answer I got back was that there were a lot of veterans who have no relatives and are alone. And it would be nice if there were people who would like to write to them, because they are alone and receive no mail.

Maybe there are more people in this area who would like to adopt a veteran and write to him and even send him a package on his birthday.

They have given so much; can't we give some back by adopting one of them?

Some of the veterans have to be in the hospital for a long time. Most of them are forgotten and by adopting one of them, we can show them we still do care and they are not forgotten. If you are interested in adopting a veteran write to: Chaplain Dean W. Geary, Hospital (Wadsworth), Sawtell and Wilshire Blvds., Los Angeles, Calif., 90073.

Also if you want to contribute to the Chaplain's Fund, it will help many patients who need things such as toothpaste, razor blades, soap, etc. Many times the patients come to the hospital with none of these things and the VA does not furnish them. And these funds will enable the chaplains to help more needy patients. May God bless you all.

HELEN WALRAVEN.

NATURAL GAS SHORTAGE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. PICKLE. Mr. Speaker, when the fuel shortage began to be felt in the east coast area in the fall of 1970, a large Eastern newspaper expressed editorial astonishment at the alarming development. The shortage came, the paper said, as "a stunning surprise."

It was stunning enough, all right; but the shortage came as no surprise to the people whose business it is to produce the Nation's fuel supplies. For some years they had been warning that the United States was in danger of running out of low-cost energy. And they had explained why this danger was imminent.

The reasons they gave them are valid now. And it is interesting to note that some of those reasons appear in a report, released a few days ago, of the Interior Department's Advisory Committee on Energy.

Two of the causes of what this report calls "the prospect of serious and costly shortages of energy in the near future" are of special significance when considered in connection with recent announcements by major gas companies that they must curtail their deliveries to industrial consumers.

The report of the Advisory Committee on Energy—which is headed by Dr. John J. McKetta, Jr., professor of chemical engineering at the University of Texas—points a finger at Federal regulation of natural gas "at artificially low levels which caused demand to exceed supply" as one factor which has discouraged expansion of investments to develop new energy supplies. The report says another such factor is found in attacks on price increases for energy even though the increases still left real prices of fuel lower than they were 10 years ago.

In a section dealing specifically with natural gas, the report cited the results of the general ignoring of warnings by men in a position to know that Government regulatory policies inevitably would lead to an energy supply shortage.

What happened in the case of natural gas is that discovery of new reserves has not kept pace with production during a period when consumption was steadily increasing year after year. Expenditures for exploration and development remained constant over the last 14 years, while new reserves found per dollar spent dropped sharply.

The average cost of drilling, completing, and equipping wells has more than doubled during this period—rising from $72,000 per well in 1953 to $147,000 in 1969. In the face of this greatly increased cost, wellhead prices have not kept pace with prices of other commodities. In fact, the real wellhead price has actually declined since 1960.

The irony is that even as artificially depressed wellhead prices caused a drastic slowdown in discovery of new reserves, strictly regulated wholesale prices at the marketplace accelerated the trend. The predictable result was an adverse effect on industry aggressiveness and industrial competence.

The genesis of this situation may be traced back to the Supreme Court's ruling in the midfifties that the wellhead price of natural gas sold in interstate commerce came under the jurisdiction of the Federal Power Commission.

After this ruling, the Commission took the stand that its obligation was to keep natural gas prices low even in the face of skyrocketing costs. The push of these costs against the controlled price ceiling discouraged investment in the gas industry, reducing funds available for exploration and development.

Along with this, gas producers are forced to operate under sales contracts that may blow up in their faces at any time.

Such contracts between producers and interstate pipeline companies are valid as to price and delivery terms only so long as the Federal Power Commission chooses to regard them as valid. This is so even though the Commission approved the contracts in the first place. It can step in at any time and order changes in the terms.

This can be accomplished without removing the power of the FPC to control prices. Enactment by Congress of legislation to make these contracts valid and binding would be a step toward meeting the present gas supply shortage and avoiding the national crisis which lies ahead unless effective action is taken.

We should make this beginning during the present session. I hope we will.

SERGEANT BECKWITH DIES IN ACTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Sgt. Harry M. Beckwith, was recently killed in action in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

[From the Baltimore Sun, Aug. 20, 1971]

SERGEANT BECKWITH DIES IN ACTION

The only son of an Army sergeant major now stationed at Fort Meade was shot down by hostile fire while serving in Vietnam as an observer in a helicopter, the Department of Defense reported yesterday.

The Department had listed Sgt. Harry M. Beckwith 3d as missing after the helicopter was shot down in flames March 24 while on a mission in the area of the border-demarcation zone.

The body was recovered, but the helicopter carrying it encountered hostile fire, and during a quick maneuver, the body rolled out and fell in the jungle. It was found later and identified only recently, Sgt. Maj. Harry M. Beckwith, Jr., said yesterday.

Born in Flint, Mich., Sergeant Beckwith was a graduate of the Seoul High School, in Korea. Returning to the United States with his father in 1966, he enlisted and received his basic training at Fort Dix, N.J.

The first of his four tours of duty in Vietnam began in March, 1968, as a radio operator. When he returned in March, 1969, he asked for retraining in armored reconnaissance, volunteered and returned as a member of AA Troop 3d Squadron, 5th Cavalry Regiment in October, 1969.

WOUNDED TWICE IN '70

Sergeant Beckwith had been wounded when his vehicle struck a mine in February, 1970. In April of the same year he was critically wounded in a night battle while commanding an armored unit.

He received the Silver Star for holding off the enemy with another track commander while other units escaped. His father, who was in Vietnam at the time, was present at the ceremonies.

Returning to the U.S. for treatment, "he beat two Army medical boards" and returned to join his old outfit near the border zone, according to his father.

Besides his father, Sergeant Beckwith is survived by his mother, Evva Beckwith, and his grandparents, Mr. and Mrs. Harry M. Beckwith, Sr., of Flint. Memorial services were being planned last night.

DAVENPORT PROJECT FOR NATURE STUDY BY HANDICAPPED CHILDREN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHWENGEL. Mr. Speaker, the August issue of Soil Conservation features an article on a program developed at Fairmount School to enable handicapped children and others, to learn more about nature. While the end results of the project are most commendable, I am even more impressed with the manner in which the project was developed. This project is an excellent example of the results which can be achieved by cooperation between local voluntary and civic organizations, and local, State, and Federal governments. The article follows:

BIRDS AND BEES AND FLOWERS AND TREES

(By Herb Davison and Lynn Betts)

Davenport loves children—children in wheelchairs, children on crutches, children wearing braces. This Iowa city has designed a nature-study center especially for them.

The 6-acre center, now in its second year of operation, is a project in outdoor education complete with turtles, frogs, birds, and snakes. It even has its own patch of poison ivy.

The center is located behind Fairmount School, which houses both a center for children with learning problems and a preschool for children with cerebral palsy.

Dr. Paul Staskey, research director for the Muscatine and Scott counties school system, which includes Fairmount, estimates that 1,000 physically, mentally, or socially handicapped children from a 5-county area visit the center ever year. Boy Scouts and other groups are permitted to use the center on weekends and at other times when handicapped children are not using it. Dr. Staskey says that he wants teachers, students, and other visitors to the center to return home with ideas on how they can develop similar areas.

Plans for the center were started in 1969 when $87,000 in federal funds was offered through an Elementary and Secondary Education Act (ESEA) Title III grant. The money is to be used over a 3-year period for educational materials and a nature observation building.

Local people took it from there. Community Health Services, Inc., donated the land. United Community Services pledged $100 annually for maintenance. The city of Davenport allowed the use of a 125-foot strip of city property. The United Cerebral Palsy Association of Scott County pledged more than $1,300.

Volunteers from local organizations did most of the work. Davenport Jaycees blazed a trial for the cement path. They were followed by 14 Marine reservists and 7 cement finishers from Local Union 544. A local Navy Seabees unit offered more young muscles.

Builder's Cement Company of Davenport opened its plant on several Sundays and provided a truck and driver to deliver cement. Boy Scouts, members of the Wheel and Canvas Club, and local members of the National Campers and Hikers Association planted trees and shrubs donated by the Scott County Conservation Board. Girl Scouts served lunch to volunteer workers.

Many other organizations and businesses offered their services, including the Scott County Soil Conservation District and the Soil Conservation Service. SCS helped school officials with a conservation plan for the nature center and the design for a 3-foot deep pond.

The center has a section of prairie grasses, several small spaces for gardens, a small campfire-picnic area, and restroom facilities.

Volunteers didn't do all the work in preparing the center, according to Miss Clara Emlen, who was hired last fall as outdoor education consultant for Fairmount and other schools in all or part of five counties around Davenport. "Each child attending Fairmount School planted his own tree, put his name on it, and is taking care of it," Miss Emlen says.

Explaining how the use of the outdoor center can be incorporated into all areas of learning, she says, "The children can use trees for exercises in math, or collect samples of tiny organisms from the pond for study under a microscope."

Fairmount School children call Miss Emlen the "nature lady." She says, "The children are learning conservation as a way of life. They're diligently following the rule that nothing is yours to keep—it's yours to look at and put back for someone else."

THE LIBRARY OF CONGRESS AND ITS EQUAL OPPORTUNITY PROGRAM

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. BOW. Mr. Speaker, in recent months, numerous statements have been made with respect to the Library of Congress and its equal opportunity program. In my capacity as the ranking minority member of the full House Appropriations Committee and particularly as ranking minority member of the Subcommittee on Legislative Appropriations, I have long taken an interest in the Library of Congress. I would find it abhorrent if the Library of Congress failed to adhere to the basic principles of democracy in which we all believe. However, I feel that recent criticisms of the Library's employment policies are totally unjustified and I feel it is necessary to make known certain basic facts in order to set the record straight.

First of all, may I address myself to

the statistics of minority employment in the Library. Approximately 36 percent of the Library employees are black employees. Although there are a substantial number of black employees in the GS–1 to GS–4 levels, it is important to remember that of the 1,327 employees in the GS–5 to GS–8—$6,938 to $12,337—category, 45.2 percent of these are black and the GS–9 to GS–11—$10,470 to $16,404—category 13.9 percent are black. Recently the Library, through its intensified recruitment efforts has appointed two highly qualified blacks to supergrade positions at salaries of $28,129 and $32,546.

Late in June of this year 11 staff members of the Library were separated because they participated in a 4-day illegal work stoppage, sitting in the main reading room. Repeatedly, those persons participating were urged by Library officials and the Library's fair employment practices officers to return to work and present their grievances in an orderly manner.

When certain employees on the fourth day continued their sit-in and work stoppage, they were informed both orally and in writing by the General Counsel that if they did not return to work, they would be separated from the staff. Four returned to work, 11 persons who did not return on this warning were indeed separated. Although the separated employees were black, the issue was a job grievance—that is, the grade classification which is allocated by standards issued by the Civil Service Commission—not a racial one and none of those involved had presented their grievances through established channels.

To the charge that the Library of Congress does not have an affirmative equal opportunity plan, I must answer that the Library was one of the first in the Federal establishment to set up a fair employment practices program. In January 1962 such a program was instituted. Fair employment practices officers were appointed and given wide latitude in investigating individual charges of discrimination. At that time the Librarian of Congress met with a representative group of black employees and with all administrative and supervisory personnel to stress the Library's total commitment to fair employment practices. Since then the fair employment practices officers have been available to all staff members who had a complaint of discrimination. In all instances since that time a majority of these officers have been black. Their responsibilities as fair employment practices officers have taken precedence over their regular job duties. In fact, the Librarian appeared before the Appropriations Committee in fiscal year in 1963, and requested a full-time staff to handle the fair employment program but was instructed by the committee to handle it through regular administrative channels.

With respect to the Library's regulations for grievances and appeals, the Library has long had a published policy statement which has been made available to the staff. Under the terms of this regulation, the aggrieved staff member may select one member of the board from the staff of the Library, the Librarian appoints a second member of the board from the staff and these two members select a third member who serves as chairman. The aggrieved staff member has a right to counsel. Although the functions of the appeals board are advisory, the findings and considerations of the board are given great weight by the Librarian in his decisionmaking process.

In November 1970, the Librarian of Congress met again with supervisory personnel to discuss his firm intention to have no discrimination in the Library as well as to reiterate the importance of staff communications and later he appeared at a staff association meeting to answer questions including those relating to fair employment practices. In May 1971 an announcement was issued to the staff assuring them of the Librarian's intent to appoint persons solely with reference to their fitness for their duties. He also announced a concerted and sustained effort at recruitment of minority staff, an improvement in the internal system of posting vacancies, his intention to conduct a statistical survey of minority employment in the Library in line with Government-wide procedures, the immediate expansion of the fair employment practices program to make it responsive as possible to current needs, and a further emphasis on the improvement of communication between supervisors and staff.

On July 26, 1971, the Librarian announced an expanded fair employee practices program to be renamed the equal opportunity program and the creation of counselor positions in addition to equal opportunity officers. A coordinator was named and the Deputy Librarian of Congress was designated as the Library officer responsible for the program.

The provisions of the expanded equal opportunity program were announced to the staff on September 1. Three equal opportunity officers in addition to the coordinator were named as well as seven counselors. Ten of these 11 positions are presently held by blacks. These individuals are spread geographically in the Library's permanent buildings and rental space. Under this regulation, a staff member or a group of staff members or a qualified applicant for a position in the Library of Congress can communicate his charge of discrimination to a counselor. The counselor will attempt to resolve the matter to the satisfaction of the complainant. If he cannot, he will forward the matter to the coordinator along with his findings and conclusions. It may then be assigned to an equal opportunity officer who will conduct any further investigations necessary and will resolve the matter if possible. If the complainant is not satisfied with his findings the matter will be brought before the coordinator and the other equal opportunity officers for an appropriate recommendation to the Deputy Librarian of Congress. The Deputy Librarian may concur or not concur in the recommendation. If the complainant is not satisfied with the Deputy Librarian of Congress' conclusion, he may appeal to a hearing officer. Upon notification of such an appeal, the Library will request another agency of the Government to provide them with a qualified hearing officer who has had training in discrimination cases and who is so certified by the Civil Service Commission.

The director of personnel shall receive the findings of the hearing officer and shall take corrective action if necessary.

I think it is in the wisdom of the Congress to commend the Library in taking these most appropriate steps and allow them to proceed without interruption.

I have made the above points for those interested Members of Congress who no doubt have been somewhat concerned about the Library's employment practices which have, I believe, been improperly represented in public announcements during recent months.

WASHINGTON REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a monthly newsletter at my own expense to keep my constituents in the 18th District of Texas advised of my activities in their behalf. The following is the text of my latest Washington report:

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

As a result of the statewide Congressional redistricting recently effected by the Texas Legislature, 13 new counties have been combined with 22 other counties which are presently part of the 18th Congressional District. As the U.S. Representative of the 18th District, I am taking the opportunity provided by the August Congressional Recess to travel through several of the 13 new counties. Even though this new Congressional District will not become effective until January of 1973, I want to become better acquainted with the residents of these counties as soon as possible.

In an effort to meet and talk with as many people as time permits, I am holding the following series of public meetings:

TOWN HALL MEETINGS

August 24, 1971

Archer, 10:30 am: Prairie Grove Ranch, 6 miles south of Windthorst, Hwy. 281.

Henrietta, Noon: District Courtroom, Clay Court House.

August 25, 1971

Knox City, 2:30 pm: Knox County, City Cafe.

Crowell, 4:00 pm: Foard County, Community Center.

Vernon, 7:30 pm: Wilbarger County Auditorium, Forum Room.

August 26, 1971

Quanah, 9:30 am: Hardeman County, First National Bank, Community Room.

Spur, 3:30 pm: Dickens County, East Ward School Auditorium.

Childress, 7:30 pm: Childress County, Junior High School Auditorium.

HORSE SLEEPING SICKNESS

Secretary of Agriculture Clifford Hardin has acted swiftly in the face of critical dangers to horses and human health posed by the disease Venezuelan equine encephaiomyelitis (VEE) which has spread from Latin America through Central America and Mexico and into South Texas. This dreaded disease, which takes the form of a rare type of sleeping sickness, is a real health hazard to people and is fatal to horses.

In response to my urgings and those of other concerned individuals and organizations the Secretary has declared a state of national emergency, a declaration that has enabled the Federal government to focus all necessary resources on the problems of curing the effects of this deadly disease and preventing its spread to other parts of Texas and the Nation.

I have also written to the Secretary and requested him to meet with Public Health Department officials for the purpose of releasing for commercial production and distribution the experimental vaccine that has proved so effective in combating VEE.

AGRICULTURE LEGISLATION

Pesticide Control: The Agriculture Committee, of which I am a member, is now working on a third version of the Administration's Pesticide Bill. While many areas of agreement have been reached, chief disputes center on: the role of a Scientific Advisory Committee, penalties for violations, judicial review procedures, and the question of payments to farmers and others owning pesticides deemed unsafe.

Rural Development: The Agriculture Committee rural development hearings have been focusing on a bill proposed by the Farm Credit Administration which would greatly expand Federal Land Bank and Production Credit Association operations. Present committee disagreements center on whether: farm real estate loans should be raised to 100% of appraised value; Federal land banks should finance middle-income rural housing; land bank operations and controls should be centralized in Washington; and, land bank reserve requirements should be reduced.

Payment Limitations: In a surprise move, House urban and suburban representatives succeeded in attaching a $20,000 payment limitation to $10 billion USDA appropriations bil for fiscal year 1972. The Senate refused to take similar action and after a great deal of persuasive arguing on the part of farm state members, chief backers of the amendment agreed to drop their proposal. I spent a lot of hours on this; I am glad my efforts paid off.

FARM TRUCK RULES BEING CHANGED

It is most gratifying that the Transportation Department has rethought its new farm truck and driver regulations and has proposed a series of appropriate revisions patterned along the lines of legislation I had previously introduced (see June–July Washington Report). Under these revisions: minimum driver age will be 18; no investigations need be made into driver background, character, and driving record; and, no Federal special written or road tests need be taken.

THE ATOMIC ENERGY COMMISSION SPEAKS WITH FORKED TONGUE

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SKUBITZ. Mr. Speaker, I have read with great interest a Reuters dispatch from Geneva, Switzerland, that appeared in the Washington Post of September 9. It tends to prove once again how the Atomic Energy Commission talks out of both sides of its mouth—with a forked tongue, as our Plains Indians would note.

This House is aware that its Members from Kansas have repeatedly expressed their concern about the safety to human life and the environment in Kansas if a proposed atomic waste depository is established in abandoned salt beds in our State.

We have convinced the Congress to deny authority to purchase the salt mine lands until many additional tests are carried out and the safety factors are more assured than they are now.

The Atomic Energy Commission ostensibly has gone along with these limitations. It has now promised in two recent scientific meetings in Kansas that it intends to carry out the very tests that we have noted were not carried out. It knows that the test facility is, at best a contingent enterprise. It must know, if its people can read the plain meaning of the English language, that if burial of high-level dangerous nuclear waste proves unsafe, there can be no burial. If for example, the geology of the Kansas salt beds will allow atomic particles to be carried into water basins and endanger the lives of people a thousand miles south of Kansas for thousands of years in the future, the Kansas site is untenable. And now it has been determined that there are substantial water flows in adjacent salt mines at Lyons—an indication of great hazard.

But Atomic Energy Commission spokesmen apparently are not very concerned about the law or the Commission's obligations under it or the scientific test findings.

The AEC representative, attending the United Nations Atoms for Peace Conference in Geneva told the gathering of European nuclear scientists that our Government plans to bury, and I now quote from the Reuters dispatch from Geneva:

> All highly radioactive waste products 1,000 feet deep in salt deposits under the State of Kansas.

The point is that before the Kansas facility has been proved safe, before the AEC can even begin to know, much less guarantee, that it has found a safe place to bury atomic wastes, the agency is publicly declaring its firm plans to bury the waste in Kansas.

Well, Mr. Speaker, I have said it before and I repeat it now. Kansas and Kansas officials will have something to say about these plans.

The majority of the people of Kansas are no longer impressed with this Government agency. They may ultimately reject the waste facility whatever the tests will show.

Mr. Speaker, I include the Reuters dispatch from Geneva, together with an additional story written by Thomas O'Toole, of the Washington Post, dealing with the Atoms for Peace Conference in the RECORD at this point:

UNITED STATES MOUNTS DRIVE TO EXPORT

(By Thomas O'Toole)

GENEVA, Sept. 8.—The American plan to export uranium enrichment technology envisions a pair of giant diffusion plants, in Western Europe and western Canada, producing enough uranium fuel by 1984 to handle the needs of as much as 20 per cent of the world's atomic power plants.

The plan, still in the formative stage, is by no means inflexible, but from the way it's being discussed by United States experts at the fourth Atoms for Peace conference here this week, it appears almost certain that the United States will push for one plant to serve the nations of Western Europe and a second plant to serve the countries of the Pacific Basin such as Australia and Japan.

"We're a long way from selling any of our gas diffusion technology to anybody," an official of the Atomic Energy Commission said here today, "but we're optimistic that discussions will be fruitful once they begin. The trouble right now is getting the negotiations under way."

Negotiations are likely to begin soon with the six Euratom nations: France, West Germany, Italy, Belgium, Luxembourg and the Netherlands. Hard on Euratom's heels will be Japan, Australia, and Canada and Britain. Japan and Australia will likely be a combine, and Canada may turn out to be a third partner to the Japanese-Australian team.

Long opposed by Congress on security grounds, the plan that the United States will push with these 10 nations will be straightforward but tough.

For a royalty, for a share of plant ownership and for a strong say in making sure that no uranium and none of its secrets get lost in the shuffle, the United States will open up for the first time the methods it uses to enrich uranium at Oak Ridge, Tenn., Paducah Ky., and Portsmouth, Ohio.

Some Europeans are frankly skeptical that what the United States has to offer will be attractive enough for Western Europe to pay the price, if only because the U.S. technique of enriching uranium (the gas diffusion process) requires huge quantities of electricity.

"At the current cost of electricity in Europe, a gas diffusion plant of the U.S. type is just not feasible," said Dr. Maarten Bogaardt of the Netherlands. "I think it is not realistic at all to expect that Europe will embrace gas diffusion just because the U.S. is getting ready to open up its technology."

Bogaardt claims that it would cost Western Europe at least $1 billion to construct a gas diffusion plant of the size it will need, and as much as $60 million a year in power costs just to run the plant.

"That's too much," Bogaardt says. "It would never pay to own such a plant. Nobody in Western Europe could raise the money to even build this plant."

U.S. officials say that Bogaardt is talking from ignorance, that when he and his West European colleagues see the blueprints of the American gas diffusion process they will see that it is not as costly as they think.

Whatever it costs, the U.S. gas diffusion process is still the best method available today to enrich uranium so it can be used as a fuel in power reactors. It is twice as cheap as the diffusion process developed by the French, and it is 20 years ahead of the centrifuge process that the Dutch, Germans and British have been developing for the past five years.

"Centrifuge is a very attractive process because it requires low power consumption," one U.S. official confided, "but it is unbelievably difficult to carry off on a large scale. I frankly think the Dutch, Germans and British will still be working to get the bugs out of the centrifuge when the time comes later in this decade for the countries of this world to have their own supplies of enriched uranium."

The United States today eniches uranium for almost all of Western Europe and Japan, but the time is coming when United States domestic needs for uranium fuel will be greater than the total U.S. capacity to produce the fuel. While the United States plans to double its capacity in the next 10 years, it can no longer guarantee its foreign customers that it will be able to supply all their needs past 1982.

The U.S. plan to share uranium enrichment secrets began as a plan to stop other countries from going into the centrifuge business, because the centrifuge method of making enriched uranium could be concealed from the eyes of inspectors wanting to know how that uranium is being used.

While the United States would still like to see other nations stay out of centrifuge, it has today embraced the sharing plan as a way of winning other countries' cooperation as well as their dollars. The Japanese market alone for enrichment services by 1990 might be as much as $200 million a year, and the European market more than double that.

The tentative plan to win those markets for the United States centers on putting plants in low-cost power regions that would be politically acceptable to all concerned. A European plant might be located in Norway, a Pacific plant in western Canada where hydroelectric costs are still low.

Wherever they're located, such plants could be supplying a fifth of the world market by 1984. By the turn of the century, they could be expanded to take over one-third of the world market or as much as $1 billion worth of business a year.

"We don't want to be stampeded on this," one official of the Atomic Energy Commission said here today, "but we can't afford to drag our feet, either.

UNITED STATES TO BURY WASTES IN KANSAS SALT DEPOSITS

GENEVA, Sept. 8.—The United States plans to bury all highly radioactive waste products 1,000 feet deep in salt deposits under the state of Kansas, the United Nations Atomic for Peace conference was told today.

An official of the U.S. Atomic Energy Commission said that the radioactive wastes that would be produced between now and the year 2000, would fill up about 1,200 acres of the salt deposits near the town of Lyons.

IF THAT'S THE ACROPOLIS, HOW COME IT DON'T CHIME?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HUNGATE. Mr. Speaker, at a time when we should be doing more to encourage tourism in the United States, perhaps this article outlining English ingenuity in this field can be of assistance:

IF THAT'S THE ACROPOLIS, HOW COME IT DON'T CHIME?

(By Alan Coren)

"Robert P. McCulloch imports great European architecture for reassembly in new American cities. It was he who got the idea of buying London Bridge and bringing it to the planned community of Lake Havasu City, Arizona. He admits now that he thought he was buying the more picturesque Tower Bridge, but adds: 'That bridge is going to bring in five million tourists a year'." Newsweek.

5TH MAY.

ROBERT P. MCCULLOCH,
MCCULLOCH CORP.,
Los Angeles, Calif.

DEAR MR. MCCULLOCH: Thank you for your wonderful brochure and miraculous unrepeatable offer. Yes, we here at Hogsnout Aerospace Engineering Model Township sure would like to increase our cultural status as mentioned on page 4, and we are over 21. We are a community of forty thousand souls, average family income in excess of $16,000 p.a., and as our town was built during the night of August 10, 1969, we don't have nothing of what you might call hallowed antiquity, always expecting the portrait of my father, Simeon Hogsnout III, painted in 1949 in genuine oils, but this is presently hanging in our boardroom and in consequence not available for our community to enrich its cultural life from. Also, it don't pull in tourists all that good.

Some old European stuff would be just great! My wife and myself went on this $2899 all-inclusive world trip last Fall and we saw a hell of a lot of stuff that would look damn good in the middle of Simeon Hogsnout III Plaza downtown, especially if you have something that would fit in between the Hogsnout Motor Inne and the Simeonburger Parlour and Grill. The area available is about 20,000 sq. ft., with mains drainage and convenient all freeways.

Naturally, I wouldn't want to interfere with no expert authority, but one thing Miriam and me did see was at this Italian place, I guess you'd call it, and they had this old tower, it was leaning over. We went up the top and dropped stuff off like the guide said, on account of they invented gravity up there. This strikes me like a very appropriate cultural thing to have in the middle of the fastest-growing little aerospace industry township in the world!

I know a tower like that would cost approx. $100,000 new, construction industry rates being crazy right now, but this one is extremely secondhand and, like I say, in a very advanced state of lean and God knows about dry rot et cetera, and I reckon I would be doing them a favour taking it off their hands cheap.

I look forward to hearing your esteemed comments.

Yours very truly,
SIMEON HOGSNOUT,
President, Hogsnout Aerospace, Inc.

MAY 18TH.

SIMEON HOGSNOUT IV,
Hogsnout Aerospace Inc.

DEAR MR. HOGSNOUT: Thank you for your letter of May 5. I apologize for the delay in replying, but we have been going through our files of old leaning things in an effort to locate the cultural gem of your choice. There is a lot of stuff like you describe in Europe, but I think what you have in mind is the Leaning Tower of Pisa, and a very wise choice if I might say so, except it will set you back a good five million, if I'm any judge, plus postage and packing. I haven't seen the treasure in question personally, but I guarantee that setting it up in Simeon Hogsnout III Plaza will not only enrich your township but also pull in the hicks, especially if you can get it to lean across the Hogsnout Motor Inne swimming-pool, so's they can maybe dive off it at ten bucks a throw, which has a thick edge over Pisa on account of the cobbles underneath.

I have taken the trouble to enclose a brick of the Leaning Tower, collected by my European sales manager, in the hope it will give you some impression of the quality. A deposit of $50,000 secures.

Yours,
ROBERT P. MCCULLOCH.

24TH SEPTEMBER.

ROBERT P. MCCULLOCH,
McCulloch Corporation,
Los Angeles, Calif.

DEAR MR. MCCULLOCH: Very many thanks for your communication of the 3rd ultimo, also the five truckloads of Leaning Tower of Pisa at $5,000,000, plus ten per cent discount for cash. However, there's one or two things I'd like to enquire about, if you'll excuse me.

I do not pretend to be a leading authority on Europe culture, but we have now unpacked the item and put it up, and it don't seem to be exactly the way I remember it. I could be wrong, but I don't want people should turn up in our community and start being suspicious about our cultural gem, also not shelling out the ten bucks to go up it. Which, as a matter of fact they can't, right now, on account of we got it up all right but when we tried to get it to lean a little, it kind of broke. And when it broke, the top fell off, and when we took a close look at it, this top turned out to be a cement guy with one arm and one eye and a triangular hat. Miriam says she don't remember no guy on the top.

Yours truly,
SIMEON HOGSNOUT.

OCTOBER 3.

SIMEON HOGSNOUT IV,
Hogsnout Aerospace Inc.

DEAR MR. HOGSNOUT: Like I told you originally, I have not inspected this Leaning Tower personally, but I was always under the impression that it had a guy on the top, plus four lions underneath which you will notice I threw in free, gratis and for nothing As these lions alone would normally run out at a minimum of ten grand apiece, I do not understand all the beefing on your part. It is my opinion that the cement guy is Sir Isaac Garibaldi, who invented gravity, like you say. It may be that when you and your lady wife was up the tower on your original trip, you was standing underneath the statue and didn't notice it. No doubt when you finally get the thing in one piece and leaning like it's supposed to, you will recognze it. It's no good looking at a cultural treasure like this in bits, unless it's the Eiffel Coliseum, or something, which is way outside your price range, anyhow.

Yours,
ROBERT P. MCCULLOCH.

OCTOBER 3.

ROBERT P. MCCULLOCH,
McCulloch Corp.,
Los Angeles, Calif.

DEAR MR. MCCULLOCH: Never mind the cracks about my price range, I already had had to pay out another fifty thousand bills to repair this thing which is beginning to cause adverse comment in our community, particularly from Jack Hammell, our foremost used car dealer and a person of some standing, who has been to Europe in both wars and reckons that what I have bought is the British Great Fire Monument, only the big brass ball is missing from the top, rendering it worthless in Jack's opinion, and mine, too, if you want to know. What we appear to have is the cheap part of a Leaning Great Fire Monument, and there ain't nobody going to pay good money to see that, especially as the only way we can get it to lean and stay up is by propping it against the Hogsnout Motor Inne, which has now been condemned as unfit for human habitation on account of it's got this giant thing leaning on it.

However, I do not wish to appear a sore loser. If you will agree to remove this item and replace it with something similar in a nice lightweight plastic, I am prepared to consider the matter closed.

Yours truly,
SIMEON HOGSNOUT IV.

LUXEMBOURG'S FOREIGN MINISTER CALLS FOR INTENSIFIED U.S.-EUROPEAN TALKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the

RECORD, I include the following remarks to the U.S. delegation to the Interparliamentary Union Council by Luxembourg's Foreign Minister, Gaston Thorn. His Excellency, in greeting the delegation at a luncheon in Luxembourg, called for intensified talks between the United States and the leaders of the European nations to prevent hasty, unilateral decisions which might jeopardize the interests and beliefs of not only the nations involved, but of the free world.

The Foreign Minister's statement reads as follows:

STATEMENT OF FOREIGN MINISTER THORN

Excellencies, Ladies and Gentlemen, it is one of the minor occupational hazards of being a minister, that every now and then you have to tell yet another distinguished gathering how particularly glad you are to be with them and to be able to share with them a few thoughts, usually carefully homogenized and immunized so as not to upset the digestive processes too much. But when I tell you today how much we have appreciated and enjoyed having you as our guests in Luxembourg, I want you to know that I mean it.

The first reason is that although there are many lunches, there are relatively few where the austerity of professionalism is enlightened of the presence of those who bring a sound of colour, and encharment and gentleness to our lives. I thank you, ladies for being here.

Not so very long ago, when I had the privilege to address the Miami University convocation. I apparently shocked some people when I contrasted the wealth and diversity of the exchanges and links between the two sides of the Atlantic in the cultural, commercial and industrial fields with their near nonexistence on the political level, and I particularly deplored the absence of any meaningful and continuous dialogue between the political decision—and, more important even, opinion makers in Europe and in North America. We may yet cure our problems, dispel the misunderstandings, right the wrongs. I *still* believe there is *no unmanageable crisis yet* in the relations between our two continents. But I cannot help but dream of the better uses to which so much energy and ingenuity could have been put, had we been able through better knowledge and understanding to prevent some of the problems we are facing from rising or at least to defuse them before they become potentially explosive issues.

After all nothing dramatic or even unpredictable has happened over the last 25 years. Europe is still very important for America's security and even more for her forum of civilization. Europe still needs the America commitment, physically vouched for by a credible military presence to help ensure our own safety vis-a-vis the ever encreasing Soviet military capabilities. As the world biggest trading partners we share a common interest in harmonized, stable and free commercial and industrial exchanges. More admittedly in the economic than in the political and defence fields Europe has been shaping up to play its role of equal partner. And I would like to stress again that developments in this sphere ever since the war have constantly reflected the official IS policy, that what has been achieved, including the enlargement of the Communities, has had the encouragement and backing of your Government. And so the flow of investments across the Atlantic is huge and profitable, cultural exchanges and tourism are varied and generous traditional diplomatic links are excellent and amicable. And yet, recently a tendency seems to grow to become impatient with one another and irritable. Unilateral action is threatened and even now sometimes taken as if in despair over the possibility of concerted and common action growing out of our shared interests and beliefs. NATO, the Global Tariff Agreement of 1967, and now the Berlin Agreement, hopefully soon to be completed, show what we can achieve when we work together and in harmony. Wider negotiations are in store. We are together preparing for meaningful negotiations on mutual and balanced force reduction, on the wider issues of European security that will make detente a safe and stable reality not just a dangerous sell out. Now that enlargement is well under way, the Communities will be able to gear up to a general review of their relations with the rest of world, foremost with America. Would it not be folly to put it all in jeopardy because we also experience a number of no doubt delicate and complex, but by no means unmanageable problems such as one ought to expect to arise in the highly sophisticated relationship between the world's biggest trading partners with all the political connotations such as a relationship implies? Would it not be a tragedy if, so close to our mutually agreed goal of equal partnership, hasty unilateral decisions and action were to ruin the basis of generous confidence and patience on which so much has already been built.

This confidence, this patience can only be nurtured by constant communication at all levels—including the political. And that is, Ladies and Gentlemen, why I so much welcome your presence here today. That is also why I hope your visit is not just a late summer spree of political tourism, but the beginning of a period of intensified meetings and get togethers of political leaders on both sides of the Atlantic, so that there may be sympathy in the true sense of the word where it matters most: where policies are conceived, options defined, decisions prepared and taken.

I feel confident that we will be able yet to find common solutions to our common problems, and to this hope, to this faith I raise my glass.

BOTH WORKERS, MANAGEMENT EMBARK ON NEW POSTAL ERA

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DULSKI. Mr. Speaker, the revolutionary Postal Reform Act of 1970, which came into full operation July 1, already has resulted in major changes affecting both management and labor.

There has been considerable attention given to the changes in management and procedures. But what of changes to date affecting postal workers?

For more than 50 years the development of craft organization in the postal service created a pattern involving a dozen or more separate unions looking after the specialized concerns of their members.

That era now rapidly is ending.

On July 1, 1971, for example—the very same day that the U.S. Postal Service supplanted the Post Office Department as a quasi-corporate institution—five of the major postal unions formally merged into a single new organization called the American Postal Workers Union with a new charter from the AFL–CIO.

The APWU, as it is usually identified, brought together more than 300,000 members—the largest postal union in the world.

MONTHS, YEARS OF EFFORT

This, of course, did not happen overnight. The giant merger represented months and even years of effort on the part of farsighted union leaders in persuading their respective members to bury old jealousies and deep-seated rivalries for the common good.

How well they succeeded can be measured by the results of a referendum election earlier this year within the five unions which ratified not only the concept of merger but also the constitution and bylaws of the new organization drafted earlier by individual merger committees.

Nearly 96 percent of those voting favored the merger. The total vote was 152,460 to 6,453. The near-unanimity of the rank and file was a pleasant surprise to even the most optimistic observers.

FIVE UNIONS JOINED

The American Postal Workers Union, AFL–CIO, is composed of the memberships of these former unions:

The United Federation of Postal Clerks, the largest of the groups involved, which held national exclusive representation rights in the clerk craft.

The National Postal Union, created in 1958 by dissident elements of the UFPC in a breakaway action.

The National Association of Post Office & General Service Maintenance Employees.

The National Federation of Post Office Motor Vehicle Employees.

The National Association of Special Delivery Messengers.

All but the National Postal Union were affiliates of the AFL–CIO.

The new general president of the APWU is Francis S. Filbey, formerly president of the United Federation of Postal Clerks. Second in command is General Executive Vice President David Silvergleid, formerly president of the National Postal Union.

The former presidents of the other three unions continue to serve as presidents of their respective craft divisions within the new union.

They are Monroe C. Crable of the Post Office and General Service Maintenance Employes; Chester W. Parrish of the Post Office Motor Vehicle Employees; and Michael J. Cullen of the Special Delivery Messengers.

HEADS CLERK CRAFT UNIT

In addition, the new National Executive Board of the APWU selected Philip E. Dooley as president of the clerk craft division.

Of special interest to us on Capitol Hill is the leadership of the APWU Legislative Department by Patrick J. Nilan who held the same position in the United Federation of Postal Clerks. Edward L. Bowley, legislative director of the former National Postal Union, has joined the APWU legislative staff as legislative aide.

The new union is headquartered in the five-story structure at 817 14th St. NW., here in Washington, which formerly housed the United Federation of Postal Clerks.

The emergence of the APWU simultaneously with the U.S. Postal Service would in itself be a matter of the utmost significance in terms of labor-management relations in the postal service. But the story does not end there.

Formal negotiations looking toward an additional major merger have now started between the American Postal Workers Union and the National Association of Letter Carriers, AFL–CIO, headed by President James L. Rademacher.

FURTHER MERGER SOUGHT

Merger committees, including both top officers and rank-and-file members from each organization, already are actively engaged in the search for acceptable merger conditions. Both unions report progress is satisfactory.

Should the APWU and the NALC find common ground, most of the 600,000 employees of the postal service ultimately will be joined together in one big union. They already have demonstrated their ability to work together.

Last September four of the five unions now merged into the APWU, plus the Letter Carriers Union, the unaffiliated Rural Letter Carriers Union, and the Mail Handlers' Division of Laborers International formed the Council of American Postal Employees—CAPE. This is as an ad hoc body to conduct the first contract negotiations with the Post Office Department, which resulted in the existing contract signed on July 20, last.

CAPE continues to function as an umbrella organization for these unions in their continuing negotiations with the postal service on items not resolved in the original contract.

Both workers and management—indeed and also the Congress and the general public—are watching closely the progress of postal reform. Changes are both necessary and inevitable to meet the challenges of today and tomorrow.

RADIO LIBERTY AGAIN SHOWS THAT IT MUST BE SAVED

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. STEELE. Mr. Speaker, on Thursday, June 24, 1971, I joined my distinguished colleague from New York (Mr. REID) in sponsoring of H.R. 9330, a bill to provide for the creation of an American Council for Private International Communications, Inc., as a funding and management mechanism to guarantee the future of Radio Liberty and Radio Free Europe. I believe that the unique value of Radio Liberty was highlighted again this weekend by the key role it played in reporting the death of former Soviet Premier Nikita Khrushchev to the people of the U.S.S.R.

Failure of Soviet news media to report the death of Nikita Khrushchev until many hours after it took place gives us a timely reminder of the way in which Soviet citizens are systematically deprived of information. It also reminds us of the important role of Radio Liberty in keeping Soviet listeners abreast of their country's internal developments.

I received today the following report on Radio Liberty coverage. I believe it offers a dramatic illustration of the station's effectiveness.

From Saturday afternoon, when the first unofficial word reached the West that Khrushchev was dead, until Monday morning, when the Soviet press carried a brief item, the people of the Soviet Union heard nothing from their own media about the passing of a man who had run their country for a decade, and who had stood out as one of the most colorful and influential men of his time.

Listeners to Radio Liberty were, however, fully informed. A news flash was carried in the Russian program on Saturday at 4:37 p.m. Moscow time, followed by fuller news items about the circumstances of his death, word of the Monday funeral, and reactions of world leaders. Varying treatment of the event by media in other Communist countries was reported. Broadcasts in Radio Liberty's 17 other languages followed suit.

I believe the most politically significant part of Radio Liberty coverage is the fact that the station has begun to rebroadcast—in daily half-hour installments—the full text of Khrushchev's famous "Secret Speech" of 1956 in which he tore Stalin from his pedestal; this is particularly timely now the forces of re-Stalinization are at work in the U.S.S.R.

Soviet citizens, to whom Khrushchev has become a virtual "nonperson" during the past 7 years, will be able to hear recorded excerpts—in the late Premier's own force—of his speeches and press conferences, thanks to Radio Liberty broadcasts.

Since the Soviet authorities constantly attempt, with varying success, to jam Radio Liberty's broadcasts, the station will continue to devote considerable time to programs about Khrushchev, repeating them as required, for some time to come. The editorial desk's broadcasting in the country's minority languages are, in addition, carrying special programs devoted to Khrushchev's activities in policies toward their own areas—the Ukraine, where he was boss in his early career, the Turkic areas of Soviet Central Asia—scene of Khrushchev's famous "Virgin Lands Campaign"—and in the Caucasian republics.

It is clear that, by filling in such deliberate gaps in the Soviet citizen's knowledge of his past and present, Radio Liberty is making a significant contribution toward the country's healthy evolution and its emergence as a responsible, peaceable neighbor in the world community.

SPEAKER ALBERT'S KENTUCKY ANCESTRY

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. STUBBLEFIELD. Mr. Speaker, the Green River Republican of Morgantown, Butler County, Ky., published in its issue of August 12, 1971, a letter from Maurice H. Thatcher telling something of the Kentucky ancestry of yourself in which your Kentucky ancestry is depicted.

The letter sets forth the fact that you have a Kentucky ancestry because your great, great, great grandfather was Jacob Albert, son of Simon Albert, whose descendants went from Butler County to Illinois and thence to Oklahoma.

As I understand, the Albert family went from western Pennsylvania to Kentucky. In Pennsylvania, the Alberts were a part of the so-called Dutch settlers—in fact German.

Former Congressman Maurice Hudson Thatcher, of the Louisville district, was reared in Butler County, though afterwards he went to Louisville and practiced law there, excluding his tenure in the Canal Zone, where he served as a member of the Isthmian Canal Commission and Civil Governor—1910–13; until he came to Congress in 1923, from the Louisville district, to serve five terms. He reached his 101st milestone on August 15, 1971, and is now the oldest surviving member of Congress. He is now domiciled in Washington, D.C., where he is yet active in various public welfare activities. He has always been very loyal to Butler County and its people and is grateful for every opportunity to serve them and to broaden its historic background.

Butler County is in my district, and I am glad to have its people as my constituents. It has a fine and patriotic history.

The indicated letter, Mr. Speaker, is both interesting and informative. I am including it as a part of these remarks:

CONGRESSMAN CARL ALBERT'S FAMILY ORIGINALLY CAME FROM BUTLER

MY DEAR MR. EDITOR: Your readers may be interested to learn that Congressman Carl Bert Albert of Oklahoma was elected last January as speaker of the present 92d Congress of the U.S., and whose great, great, great grandfather was Jacob Albert, son of Simon Albert, whose descendants went from Butler County to Illinois and ultimately to Oklahoma where the Albert family has since resided.

Speaker Albert, in a recent conversation with me, advised me that the triple great grandparent was a native of the section of Butler County when it was a part of Logan County, and that when Butler County was formed and detached from Logan County, he continued to reside in the Butler County area.

The Speaker is grateful for his genealogical relationship to Butler County, and I am sure that in turn Butler County is grateful for this link with the Speaker of the House.

The Speaker has been very successful in his public career and through his energy, pleasing personality and all-around ability has achieved election to the highest honor in the House of Representatives; and is discharging his duties as such with distinction.

He represents the Third Congressional District of Oklahoma and his home is McAlester, and the Congressional Directory of the 92nd Congress carries this brief sketch of his biography, which is now given.

Third District——Counties: Atoka, Bryan, Carter, Choctaw, Coal, Cotton, Garvin, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Love, McCurtain, Marshall, Murray, Pittsburg, Pontotoc, Pushmataha, Seminole, Stephens (22 counties). Population (1960) 396,161; (1970), 393,233.

Carl Bert Albert, Democrat, of McAlester, Okla.; born in McAlester on May 10, 1908;

oldest of five children of Ernest Homer and Leona Ann (Scott) Abert; University of Oklahoma, B. A., B.C.L.; Oklahoma City University, B. A., B.C.L.; Oklahoma City University, LL.D. (honorary) board of trustees, Southern Methodist University; Oklahoma Hall of Fame; World War II service; lawyer; married Mary Harmon of Columbia, S.C., daughter of David Henry and Mary Isabelle (Strange) Harmon; two children, Mary Frances and David Ernest; elected to 80th and succeeding Congresses; Democratic Whip, 84th, 85th, 86th, and first session 87th Congresses; Majority Leader, second session 87th, 88th, 89th, 90th and 91st Congresses; elected Speaker, 92nd Congress, 1st Session.

If this letter is reproduced in your column, I would be grateful to receive an extra copy of the Green River Republican to be given to Speaker Albert, and it most likely will be published in the Congressional Record.

Butler County has contributed in a substantial manner to the settlement of Oklahoma. Congressman and Senator from Oklahoma was John William Harreld, also Everett B. Howard, Congressman of the Tulsa District. It came to pass that Harreld, Howard, the writer and John W. Moore (of the Morgantown district) finally met under the dome of the Capitol of the U.S. in their respective capacities, and all were young men together in Morgantown. My own district, of course, was Louisville and Jefferson County.

With best wishes, I remain,

Sincerely,

M. H. THATCHER.

SALUTE TO PATRICK J. MANGAN, JR.

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. KEMP. Mr. Speaker, although Congress was in recess, August 10 was a red letter day for the Fire Research and Safety Act as the President signed the 1972 appropriation bill providing $300,000 for the operation of the National Fire Commission. On May 25, 1971, the President had previously signed a supplemental appropriation bill for fiscal year 1971 which included $50,000 to get things off the ground in the area of fire research and safety. A lease has already been signed for 1,500 square feet of office space located within two blocks of the Firefighters International office here in Washington.

This Commission will become a powerful weapon in the fight to publicize the problems in the struggle against fire. The Wall Street Journal is just one of several major publications that have been lately focusing public attention on the plight of the Nation's firefighters who must not only fight fires but rocks and sticks and verbal abuse. At the end of my remarks I shall include the article.

Mr. Speaker, some cities are also fortunate to have outstanding leaders among their firefighters who do much to promote a better understanding in the community of the hazards of firefighting. One such man is Pat Mangan of Buffalo.

Pat has been a Buffalo firefighter for 19 years and is presently president of the Buffalo Professional Firefighters Association, Inc. He is also president of local No. 282, International Association of Firefighters, AFL–CIO. Pat also finds time to serve on the executive board of both the Buffalo Port Council and the maritime trades department of the AFL–CIO. In addition, he is the international representative for the International Association of Firefighters.

Mr. Speaker, Buffalo just dedicated a new $800,000 Erie County Fire Training Center. I am sure my good friend Pat Mangan is very pleased that technology now exists for, or is nearly available, that can materially improve the efficiency of fire suppression and prevention forces in Erie County.

Pat has always been one to be concerned about his men and his community. In addition to his firefighting, he has found time to be active in the following:

American Arbitration Association.

Christian Firefighters Guild of the United States and Canada.

Western New York Industrial Relations Research Association.

Capitol Hill Club.

Knights of Columbus, 3d degree.

Rutgers Labor Alumni Association.

Member Honorable Order of Kentucky Colonels.

St. Joseph Labor Guild.

New York State Supreme Court Uniformed Officers Association.

Honorary Attorney General, State of Louisiana.

Appointed to Erie County, N.Y., Sesquicentennial Committee, 1971.

AMVETS—Post No. 68.

Mr. Speaker, we are indeed fortunate to have Pat Mangan in Buffalo. At this point I include the article from the June 6, 1971, issue of the Wall Street Journal:

SMOLDERING DISPUTE: FIRE FIGHTERS' MILITANCY GROWS AS THEY PROTEST INCREASED HARASSMENT—FALSE ALARMS, ROCK THROWING IRK FIREMEN; THEY BOOST PAY DEMANDS; SOME STRIKE—"THERE'S NO TIME FOR PINOCHLE"

(By Elliott Carlson)

BALTIMORE.—Sweaty and tired, fireman Ronald Baker hoists himself into the big rig as it pulls away from the still-smoldering house. It was a routine blaze, easily put out. But for Mr. Baker and the men of Engine Co. 58 there were other perils. On their way into the old darkened slum building some men narrowly escaped injury when they stumbled in a thinly covered hole in the floor. Nearby a band of youths, watched by police, stood snickering.

"We've become a form of recreation for these people," growls Mr. Baker, a 22-year-old rookie fireman. Like many veterans here, he believes such fires often are deliberately set in abandoned booby-trapped houses just to harass white fire fighters. These firemen complain that stonings, verbal abuse, nuisance fires and false alarms have become nearly commonplace in many predominantly black slum areas.

As a result, the city's firemen are becoming militant and demanding greater rewards for the mounting hazards they say go with the job. Last month the Baltimore local of the International Association of Fire Fighters (IAFF) broke off wage talks with city bargainers, who were offering firemen a 2½% annual pay increase. Deriding the offer as paltry, the IAFF local put pickets around city hall and warned of tougher measures unless the city sweetens its terms by next Wednesday, when the current contract expires. Today the union plans to surround city hall with more than 500 pickets.

Fireman Baker grumbles: "What they're paying us simply isn't enough for what we have to put up with."

PUTTING PRESSURE ON CITIES

Firemen in many other cities feel much the same way. And increasingly they are showing their discontent. New York firemen, recently showered with rocks and bottles from ghetto dwellers, have threatened to cut off service to certain neighborhoods unless they have police protection. Responding to such complaints, Senate Judiciary Committee Chairman James Eastland of Mississippi has proposed making it a federal crime to assault a policeman or a fireman. But mostly fire fighters, like teachers and many other public employes, are demanding that city governments bargain with them—and grant generous pay raises.

Firemen increasingly are turning for help to the 53-year-old IAFF, for years little more than a social club for aging captains and small-town firemen. But with members in a rebellious mood, the union in 1968 began switching more power to big-city locals, removed the "no-strike" clause from its constitution and voted out some older vice presidents. It also elected a new president, W. Howard ("Howie") McClennan, a veteran Boston hoseman and a man who now, even at 63, projects a militancy that appeals to young rank-and-filers.

Aided by laws in 31 states that extend firemen some form of bargaining power, the IAFF is organizing more and more fire departments. The union's U.S. membership has risen to 138,000 from 115,000 three years ago. As a result, it now represents an unusually high 75% of its potential jurisdiction and ranks sixth in size among public-employe unions.

THE PROPERTY OF THE STRIKE

The IAFF's militancy is raising vexing questions. Among them: Are such unions acquiring too much leverage over financially strapped city governments? And, more important, is the strike a proper weapon for firemen? Nearly all states forbid such tactics by law, but since 1968 firemen have staged at least 16 illegal strikes, the longest a 14-day walkout last year in Sacramento.

New crises loom now. Fire fighters in Flint, Mich., have authorized a strike, and union men say there's no telling how long the men can be held in check. This year there have been a wildcat "sick-in" in Schenectady, N.Y., and strike threats in Milwaukee and Youngstown and Columbus, Ohio. And in March New York firemen staged a work slowdown before getting an offer of a 12% pay rise to $14,180 annually after three years. The firemen, however, turned down the offer and are still negotiating.

Behind such wrangles is a bundle of frustrations, union men say. Mostly, firemen feel underpaid for their long hours (nationally, firemen average about $8,060 annually for what is usually a 55-hour workweek). They also complain that in many cities they are losing their historic bid to keep wage parity with police. And, finally, they complain that the job is getting more perilous. (In 1969 fire fighting edged out mining as the most dangerous occupation, measured in terms of deaths per 100,000 workers; police work ranked fifth.)

ENTER THE NEW BREED

Making things even more volatile is a new breed of fire fighter. "Back in the old days the men were content to have a pension and job security," recalls Mr. McClennan, a heavyset, plainspoken man and the first private ever to achieve the IAFF presidency. "But pensions don't have the glamor any more. Today's fire fighter wants part of the action." He means more cash now.

Typical of the new breed is Baltimore fireman Baker, an eight-month rookie who has been doing some of the picketing. "We just don't like risking our lives for meager wages," grouses Mr. Baker, a slight, dark-haired youth who always wanted to be a fireman. The problem, he says, isn't just his $7,880 starting salary or the traditional dangers that go with the job; now there's harassment as well.

"It gets awfully discouraging when they keep calling you out on false alarms to the same old areas," he complains. "The people just stare as you go by, and you know they did it, but you can't prove it. We've also had fires where people threw aerosol cans into the flames so they could go off in fire fighters' faces."

What's more, firemen contend, the job belies the popular image of men playing cards and sleeping. Little loafing occurs at Engine Co. 58, where the men alternate between 10-hour day shifts and 14-hour night shifts in a 48-hour week. When they aren't fighting fires, the men spend their time drilling, inspecting buildings for fire hazards, maintaining equipment and scrubbing the aging, 48-year-old firehouse.

"People think we play pinochle, but we have no time for that," one fireman says.

AFTER DARK, THERE'S TROUBLE

The trouble comes after dark, and riding with Engine Co. 58 even during a routine night leaves a vivid impression of the problems. The 14-hour stint is marked by only six calls; four fires in large outside trash bins, a false alarm at 3:12 a.m. and a trash fire in an auto junkyard at 5:28 a.m. When the alarm sounds, the firehouse lights flash on automatically, and the men groggily slide down the poles (an art form considered too tricky for visitors). They are still buttoning their shirts as the truck highballs around corners and down narrow side streets. A false alarm leaves a bitter aftertaste.

On this night no violence occurs. Still, a visitor senses the tension at several fires as teenagers mill around the apparatus. One evening recently the same crew was pelted with rocks and bottles as the truck backed down a deadend alley to put out a minor trash fire. No one was seriously injured, although the driver, Thomas Patke, was hit on the arm with a baseball bat. (The men have kept the bat as a souvenir and show it off to visitors.) The company's new $35,000 truck bears the scars of several skirmishes.

Despite such woes, few men at Engine Co. 58 favor striking, although they concede that sentiment for more drastic action is growing. At its headquarters in Washington, the IAFF has only limited means to influence local tactics. With little real control over the 1,800 locals, the national leadership derives its power strictly from its ability to provide some financial help, bargaining data and know-how. The IAFF also lacks a strike fund. "We're reluctant to encourage strikes," says Raymond Perry, IAFF's director of services. "We're not equipped to help the guys like the big unions."

BIDS FOR COMMUNITY BACKING

Yet once a strike occurs, the union usually rushes in all the help it can. Vice presidents, public relations people and sometimes even Mr. McClennan himself converge on the city in hopes of mustering community support, keeping rank-and-filers unified and, if possible, getting bargainers back to the table.

Such tactics occasionally pay off. In Madison, Wis., firemen in 1969 won a 17% pay increase to $8,736 after a four-day strike. More frequently, strikes have ended inconclusively or even disastrously. Two years ago the 70 firemen of Rapid City, S.D., went on strike and as a gesture of protest, offered their resignations. Only a few ever got their jobs back.

Another case in point is Sacramento, where 418 fire fighters last fall walked off their jobs. They returned two weeks later after Gov. Ronald Reagan ordered 140 employes of the State Division of Forestry to man the fire stations and a state supreme court judge found the strike illegal. Not only did the strikers fail to win a pay rise, but, according to the IAFF, a dozen firemen were demoted in rank.

Critics charge that strikes and strike threats have marred the historically benign image of the firemen—and have seriously complicated the running of the fire departments and even of city governments.

"It's very difficult to manage a fire department with all this militancy," grumbles Fire Chief Leonard Bell of San Diego, the scene of a bitter three-day strike last year. "The local wants a say in everything, like where a man works and a number of things that should be up to the chief."

HOW MUCH CAN THE CITIES PAY?

A second problem is when "the union makes end-runs around municipal bargainers to the electorate," without regard to cities' ability to pay, says a spokesman for the International City Management Association. He cites St. Louis, where in a special election last year firemen won voter approval for wages matching police pay. The city government is fighting the election outcome in court.

To improve firemen's relations with blacks and others, the IAFF has tried a number of approaches. Among them was adoption of the slogan, "fire fighters fight fires, not people." But after being plastered on billboards and auto bumpers around the country, the slogan was dropped this year. Police departments had complained that the slogan implied police, unlike firemen, fought people.

Also firemen in Dayton, Ohio, and Washington established "community referral centers" in predominantly black neighborhoods. The centers were manned by firemen trained to direct people in trouble to the city or private agency best able to provide help. Dayton's center is still operating, but Washington firemen abruptly terminated theirs last year after contending they were still being harassed.

Arguing that fire departments have lagged in hiring blacks, civil rights groups blame the union for failing to spur recruiting of Negro firemen. No current statistics exist on how many of the country's firemen are black (in 1960, according to census data, 97.5% of U.S. firemen were white). The IAFF says it is trying to do something about the problem. Recently the union asked the Labor Department for a $440,886 grant to finance a 12-city pilot program aimed at preparing up to 1,200 minority-group members for firemen's examinations.

Black firemen say their relations with whites are especially sensitive because fire fighting is among the few occupations in which fellow workers sleep in the same room. "This makes some whites very nervous," says Samuel Golden, a Negro in the Oakland, Calif., fire department. "A few really believe that blacks are going to pull out knives and stab them during the night."

PRESIDENTIAL COURAGE NEEDED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. ROSENTHAL. Mr. Speaker, the measure of a nation, like that of a man, can be found in the ability to concede error, accept the consequences and proceed constructively from there. No amount of vengeful seething or pitiful brooding can substitute for the real courage needed to recognize a difficult situation and work to rectify it.

Our Nation is currently entrenched in such a difficult period. The war in Southeast Asia has torn our spirit and strained our muscle. We need more than rhetorical promises to restore our faith, and more than vain hopes to reclaim our national pride. We need strong and courageous national leadership to rescue us from the muddy roads of war and place us back onto the highway of peace and prosperity.

We need, as Robert Shnayerson writes in the September 1971 issue of Harper's magazine, an "American President brave enough to lose a war for the sake of a greater national victory." The greater victory of saving human lives and national moral character. It is a victory that all Americans can derive pride and strength from.

I insert into the RECORD at this point the following article from the current Harper's by Mr. Shnayerson, the new editor in chief of that prestigious journal:

SIGNS OF LIFE—WANTED: THE FIRST PRESIDENT BRAVE ENOUGH TO LOSE A WAR

(By Robert Shnayerson)

According to the Madison Avenue sages, the last thing I should be writing about these days is Vietnam. Americans, I'm told, are sick of the subject and an editor is well advised to avoid it. It just doesn't sell magazines. Well, I'm fed up too, really fed up. Which is why I can't help wishing in print that somebody official would give us a decent answer to a simple question: why are we in Vietnam—still in Vietnam?

It's not that I don't believe we're withdrawing, but the process does seem to be taking far too long. So long, in fact, that I have begun to nourish a small theory. It is that much of our agony in Vietnam derives from a single unfortunate maxim: "I am not going to be the first American President to lose a war."

Truman, Eisenhower, Kennedy, Johnson, Nixon—all five Presidents in the past two decades have repeatedly uttered the same or similar words to justify their miscalculations in Indochina. It makes you wonder how often supposedly rational policies are really based on emotions. In this case, a slogan represents the unthinkable, a Presidential refusal to concede that America can ever be defeated by any nation on earth—and surely not by a third-rate Asian Communist power.

The attitude is understandable. No leader in history, including the pacifist Nehru, has ever willingly presided over his country's defeat in war. That way lies personal shame, political oblivion, perhaps execution. No, we cherish implacable Churchills and despise appeasing Chamberlains. We abhor even those pragmatists (sometimes called traitors) who claim to save a defeated people by collaborating with the victor; history reserves a special contempt for men like Laval, Pétain, Kadar, and their ilk. Such is national pride, the modern form of tribalism, that most of the world honors glorious defeat rather than inglorious surrender, even if a nation is destroyed in the process.

Nonetheless, I like to think that most of us have begun to put aside such primitive feelings, especially in the era of the H-bomb. It may even be time to heed a competing tradition, common among certain weak countries that know the delicate art of surviving in the shadow of powerful neighbors. The practical-minded Thais, for example, have thrived for centuries by flattering the world's winners rather than fighting them. When the winds of power shift, the Thais merely smile in a new direction. Another point to ponder is that some winners who become losers tend to outgrow jingoism and even benefit by losing. The argument can be carried too far, of course, because utter defeat can be so embittering as to arouse a ghastly yearning for national revenge. But if a losing country is not badly frustrated, if it rises from the ashes with renewed hope, defeat may conceivably be therapeutic. It might even be said that every people needs at least one defeat—together with leaders who understand the uses of tragedy—in order to find a revived sense of common purpose.

All this is by way of noting the obvious, that America only now confronts a dismal experience that most other nations have suffered several or many times in the past. Until recently, we viewed ourselves as permanently undefeated, the only country that took its victories for granted as a virtual law of history. Thus five Presidents have recoiled from any hint of cowardice in Vietnam; they have insisted, moreover, that our involvement is a profound test of our credibility as a nation, of our willingness to help other American allies in their resistance against Communist aggressors. We're a chosen people, the self-elected guardians of all the globe's dominoes. Or so say our Presidents.

Not many of us would disagree with this in principle; culturally we are trained to come running in emergencies ("Lafayette, we are here!"), and we hate to lose at anything, whether in war, business, sports, or love. America *is* competition. Still, we do have another aspect to our character: a willingness to "cut your losses," close unprofitable branches, head for a new frontier, start over at something more profitable. "There are no second acts in American lives," insisted Scott Fitzgerald. But he was wrong: nothing so marks this country as our urge for self-renewal.

Unlike the Thais, of course, we don't smile benignly at anyone who attacks our country. But when it comes to foreign entanglements, in Washington's phrase, our patience is clearly not limitless. More than we are given credit for these days, we are still a people able to distinguish between the workable and the unworkable, between true challenges and deluded follies. In this sense, it would seem that all those Presidents have suffered a certain cultural lag, a misreading of our limits. Isolated from the rest of us by virtue of their enormous responsibilities, they have understood power but not people, whether Americans or Vietnamese. Imprisoned in their own concerns, unable to share them frankly with us, they have tended to become emotionally tone-deaf—a failing oddly common to many politicians, including several of those preening Democratic doves now posturing toward the White House.

Meantime, we have Richard Nixon, an earnest leader with global visions, who somehow so lacks the human touch that he often appears to have stopped trying to acquire it. What does come through is the President's deep concern about "defeat," which at least suggests that he is worried about something we can discuss—his place in history. The need for plain talk is obvious. Unless Nixon feels widely supported in his efforts to end the war, unless he feels truly released from the old Presidential imperative, our Vietnam involvement may be longer and bloodier than most Americans expect.

The trouble is, of course, that this President is an intensely private man who tends to speak only to certain people he trusts, and he does not trust many. Even if we only wanted to express our sympathy, which he surely deserves, the odds against our getting in to see him seem pretty astronomical. I feel so dubious about it, in fact, that I propose we voters settle for a strictly imaginary conversation with Nixon. It might go like this:

Voters (after appropriate salutations, obeisances, etc.). Mr. Nixon, if we can speak hypothetically and in total candor, what do you think would happen to the first American President to "lose" a war?

Nixon (slightly paling). Are you sure this is strictly off the record?

Voters. Absolutely.

Nixon. No attribution? Not even to a "high Administration official"?

Voters (with more obeisances, etc.). We wouldn't dare tell anyone what the President thinks.

Nixon. Security, you know. It's bigger than any of us.

Voters. Sir, we understand you completely.

Nixon. In that case, let me make one thing perfectly clear: you've asked a fascinating question. In fact, it's just the one I sit here pondering while Haldeman guards the door. Now, if you're talking about me . . .

Voters. Only hypothetically.

Nixon. . . . then I'm afraid the answer is that Nixon would be a one-term President, and this country would languish under twenty more years of Democrat administrations.

Voters. But doesn't the answer really depend on how we ourselves define "loss"? For example, if we quit the war tomorrow and insist we've won it, how can we feel anything but victorious?

Nixon (smiling, as if upon schoolchildren). According to Senator Aiken's quaint theory, that's what both sides ought to do. And don't think I haven't tried hard to head in that direction. Unfortunately, the enemy won't cooperate. He keeps fighting. And any time our people see either of two things—American boys retreating or an ally falling to the Communists—well, I can't imagine the people using any other word for those events but "loss," or worse, "defeat." Sheer defeat.

Voters. Frankly, we thought our boys were already retreating by your orders. And beyond a few generals and so forth, we haven't heard many Americans complaining about it.

Nixon (stiffly). My orders have nothing to do with retreat. They call for an orderly disengagement consistent with the Republic of South Vietnam's soaring capacity to defend itself from Communist aggression. Prudent disengagement is proceeding very rapidly. And I warn any other Presidential candidate that, by next year, our commitment will be curtailed to an all-professional force of about 50,000 men, perhaps half that. By Election Day, Vietnam simply won't be an issue.

Voters. Mr. President, we read the newspapers . . .

Nixon. Ugh.

Voters. . . . but we'd like to pass over all the speculation about the various contingencies that might delay your schedule.

Nixon. Thank God.

Voters. How seriously do you take this losing-another-ally-to-Communism problem?

Nixon (gesturing with his hands). Very seriously. If we let Vietnam go down the drain without doing *something*, then I fear a new isolationism, a disregard for our responsibilities as a great power that will ultimately endanger world peace.

Voters. But won't Americans become more isolationist the longer we stay in Vietnam, the more we become disillusioned?

Nixon. That's why I'm pulling out as fast as possible, but I refuse to let our South Vietnamese friends be massacred.

Voters. We couldn't agree more—assuming we have that many friends left. But how do we protect them?

Nixon. Very delicate negotiations on that point are going on right now in Paris and other places. I just can't comment.

Voters. Would you trust Communist assurances?

Nixon. Not if I can help it.

Voters. Maybe the real point is that mass reprisals will hurt only the Communists. Even Communists can't afford to alienate a whole country if they hope to govern it.

Nixon. You're assuming they'll get that chance.

Voters. Don't you?

Nixon (irritably). I'm sick and tired of idle speculation. I have a program to guarantee South Vietnam's independence. I know it's working.

Voters. Forgive us, but we may never have another chance like this to ask you questions. For example, do you still believe in the domino theory, the notion that a North Vietnamese victory in the South would send the Communists into nearby countries?

Nixon. Since this is off the record, I don't mind saying that North Vietnam is a shattered country and its postwar energies are likely to be focused on rebuilding, not conquest.

Voters. Doesn't that undercut one of the chief arguments used to get us into Vietnam in the first place?

Nixon. Only if you assume, which I don't, that the North had no aggressive ambitions before we shattered it.

Voters. Quite a few people in Asia and elsewhere seem to think that we were the aggressors, not the North Vietnamese.

Nixon (more irritably). Sheer twaddle. That's the "war criminal" argument, and I simply won't go into it. If you really care about world peace, what we really should discuss is how our Vietnam performance is likely to affect countries elsewhere. Are we still believable as an ally? If not, will a lot more countries, friendly as well as unfriendly, plunge into nuclear proliferation because it's now relatively easy and they think they have to? Tell me, if you were Golda Meir, and you thought America no longer had the nerve to help Israel in a crisis, would you start building H-bombs?

Voters. We would rephrase your question. If we thought America was foolish enough to continue wasting its resources on a war not in its national interests, would we start building those bombs? Answer: Yes, because we could no longer count on America's power, to say nothing of its reason.

Nixon. In other words, you think staying in Vietnam actually weakens our credibility?

Voters. Yes.

Nixon (serenely). You simply don't understand *realpolitik*. That's a word Kissinger will be glad to translate.

Voters. Frankly, Mr. President, you haven't given us many very good reasons for hanging on in Vietnam much beyond next month. We have to say this, but we tend to think you're mainly worried about domestic politics.

Nixon. You're overlooking the fate of seventeen million South Vietnamese we're sworn to protect, though I grant you that most of them only want peace, no matter which side provides it. Beyond that, you're substantially right. I concede I'm in political trouble.

Voters. We'd like to be as honest as you're being. We don't think you're in all that much trouble, at least not on the losing-a-war issue.

Nixon. How so?

Voters. According to a recent Gallup Poll, only 36 per cent of Americans still want to go on fighting long enough to preclude a Communist takeover. That's a drop from 62 per cent in 1968. In fact, a clear majority (55 per cent) want to get out now, even though that leaves South Vietnam to the Communists.

Nixon. I saw that poll too, and it certainly did seem to give me a free throw on the "defeat" issue. But read it more closely. The trouble is that most of the antiwar majority consists of chronically anti-Nixon voters. They're mostly young or black or Easterners who don't trust Nixon in any situation. That leaves me with the hawks, who worry about defeat and could switch to someone like Reagan. Meantime, I've got to think about the economy. That's the real issue in '72.

Voters. No one has to tell *us* that. If the economy doesn't improve, you've really had it. Which is precisely why we came here to talk about the war: why don't you quit Vietnam and galvanize the country in your favor?

Nixon (hopefully). Tell me more.

Voters. To be blunt, you need a masterstroke to stay in office. It won't come about through slow withdrawal in Vietnam. Your big hope, we think, may lie in dramatically ending the war and appealing to exactly those people who distrust you. You need them, and we think you can still make them respect if not love you.

Nixon (fervently): In all candor, I'd like nothing better. Nothing.

Voters. We suggest that one clue may lie in that same Gallup Poll, which contained a startling finding. Despite all our new personal fulfillment, it said, too many Americans feel that the United States has "slid backward" in the past five years. Few other nations on earth feel that way today. But 50 per cent of Americans believe that national tensions are now grave enough to "lead to a real breakdown in this country." Significantly, the poll suggests that we are worried less about personal ills than about common social problems—drugs, crime, the environment. We are also tired of a status quo that doesn't work; more and more of us have lost faith in national leadership and institutions. Some may welcome demagoguery, but most of us yearn for something saner—basic, "systemic" reform and real leadership to carry it out. How's that for a Presidential agenda?

Nixon: I entered this office with precisely all that in mind. I could not have been more determined to heal this country's wounds; read my Inaugural Address. But sometimes I've had bad luck and worse advice. The war, of course, has overshadowed everything.

Voters: Then get rid of it. Seize peace and run with it. How did de Gaulle extract the French Army from Algeria, surmount talk of "defeat," and stem the very real threat of a "stab-in-the-back" civil war? He did it by insisting that the war was foolish, by appealing to every Frenchman's higher loyalty to the mystic chords of nationhood, of *gloire*. He did it by offering hope—a new common purpose in restoring France to intellectual and technolgical preeminence. We are very different people, but we too yearn for great leaders with a powerful sense of the true national interest. In his time, Lincoln stated the proposition: "My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could do it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that." In short, our greatest President, the first Republican, believed that a leader's paramount duty is national preservation.

Nixon. I sense and respect your call for me to articulate true priorities, but I am still not sure what specific actions you advocate.

Voters: Start by heeding General Ridgway's advice that we quickly resolve the prisoner issue and forthwith "remove every U.S. uniform from the mainland of Vietnam except Embassy guards." In other words, don't leave any "residual" force; that way lies more enemy attacks and more fighting. Face the facts and get out cleanly. Stand fast against any charge that America was defeated; instead, stress that we have won a greater victory—a new freedom to focus on the problems that are tearing this country apart. Then *lead* us in solving those problems. Above all, risk being a one-term President: that way, you may even get reelected. But if you do not, be assured that history is likely to reserve a far more luminous place for a leader with the moral courage to quit a useless war than for one who extends it for expedient reasons.

Nixon: What you are asking for, in short, is the first American President *brave* enough to lose a war for the sake of a greater national victory.

Voters: Precisely.

Nixon (standing and nodding at Haldeman): Thank you, ladies and gentleman, and I herewith order this entire dialogue to be strictly on the record.

Voters: Thank you, Mr. President.

URIL "COMPY" COMPOMIZZO—UNOFFICIAL VOICE OF THE CALIFORNIA CAMPER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, one of the roles a Congressman must perform is that of the ombudsman. As a public official, he investigates activities of Government agencies that may infringe upon the rights of his constituents. He is the intermediary between the often confusing Government bureaucracy and the inquiring citizen.

A constituent of mine, Uril "Compy" Compomizzo, makes this role a joy to carry out and my task as a Representative that much easier. As a legislator, I appreciate his keeping me apprised of the grievances of the camping American, an activity I too, participate in and enjoy.

Compy is the "Unofficial Voice of the California Camper." In that role, he helps the person he calls the "little man" in his travels to camping areas around the State and country. As an example, he was largely responsible for changing the California State Park's reservation system into a more efficient and convenient arrangement. Recently, he has lobbied for reasonable camping rates at State and national parks. His persistent and very effective "voice" has carried from a newspaper column he publishes through the Halls of Congress. This kind of service deserves recognition, and for this reason I enter the following:

[From the Antioch Ledger, Aug. 11, 1971]

Camping Report

(By Compy Compomizzo)

This past week has been very exciting here at Russian Gulch for the Compy family and the many friends camped with us.

The fishing has been the best in many years, so everyone is getting their fill of good fresh ocean fish. No trouble to limit out.

The surf fishing has also been hot. In about one or two dips of the net we have gotten enough to supply the whole camp. Its just hard to believe, but even the weather has been nice.

One thing I was excited about was being asked to be a guest on radio station K.M.F.B. at Mendocino. Ed Bowen the announcer, invited me to take part for a half hour on his program (View Point). It was very interesting and we received many calls on park problems.

On Saturday evening, 29 of us camped here at Russian Gulch went in to Fort Bragg to The Footlighters Little Theater. This is an annual event for all of us and the name of the play was In The Good Old Summer Time. Its a must on your list if you get up this way. The whole cast is great, but the antics of Pal Lima are outstanding. Ask for front row seats if you plan on attending.

Its best to call ahead for reservations as its on Saturday evenings only. Call 707–964–3798 or write care of Footlighters Little Theater, P.O. Box 575, Fort Bragg, Calif. 95437. I'm sure these people will show you a good time.

Also if you get up this way the Point Cabrillo Lighthouse is open for tours on Saturday and Sunday. This is one tour children would enjoy.

One of our side trips we are planning while camped here is a trip up to Eureka, so more about this in my next article.

Compomizzo, Remarkable Man

One of the happiest "little guys" around this week had to be Uril "Compy" Compomizzo of Antioch.

The "little guy" designation is not ours—that's what Compy calls himself, although another sobriquet, "the unofficial voice of the California camper" is more to the point.

Compy is happy because his appearance on a San Francisco television program this week caused that station's switchboard to be flooded with calls.

He didn't even mind being called "Campy" by some people, who got his nickname tangled up with his outdoor activities.

The points he made were that both the federal and state park systems are pricing enjoyment of the parks out of reach of the little guy.

Yosemite, for instance, now charges a $3 per day entrance fee for each day spent in the park, plus a camping fee of $4 per day. The Golden Eagle passport plan, which once cost $7 a person and entitled the bearer and his carload to enter national parks without additional charge, now costs $10. Even with that permit, which gets the entrance fee waived, it still costs $4 per day to camp in Yosemite.

At the state parks, the fee for camping is $3 per night, with a charge of 50 cents per night per dog, plus charges for marina and parking lot uses That's with a tent or camper. It's more for a camper or trailer with electrical hookups.

The fee hikes are "just a start," Compy warned viewers.

His solution is what he has done: Keep after park officials, legislators and others involved in operation of the parks.

As a result of his efforts, which were nearly single-handed, he got the state parks' reservation system changed, to make it more convenient for campers to reserve space. He also has fought for better policing of the parks and for fee reductions for senior citizens.

Why does Compomizzo devote much of his free time to the campers' cause? Because he's a concerned "little guy" who has found that politicians will listen to complaints when the cause is just and the complainer is persistent.

Compy, we're sure, will always remain the "little guy" in his own eyes, but to the California camper he is looming larger and larger.

As television interviewer Jim Dunbar (Channel 7) told him, "You'll be back on the air again soon, Compy."

He already writes for five newspapers, including The Ledger, and accepts numerous speaking engagements. He's a remarkable man, who asks nothing for himself, and we're happy to have played a small part in helping make him, and his cause, known.

[From the Pittsburg Post-Dispatch, July 20, 1971]

Campers Unhappy With Fees Phone in Views to 'Compy'

The switchboard at KGO-TV Monday was flooded with callers unhappy over the upward trend in camping fees after Uril (Compy) Compomizzo of Antioch voiced complaints about the hike on the Jim Dunbar show there.

Compomizzo, the unofficial voice of the California camper, was Dunbar's guest for about a half hour on the morning program on Channel 7 in San Francisco. The Antioch man answered questions on the air, getting more calls than the station could handle.

Additional calls were waiting for him when he got home, plus a copy of a letter indicating that his campaign against excessive fee hikes may pay off in legislation.

U.S. Senator Alan Cranston wrote William Eichelbaugh of Antioch that he was cosponsoring legislation, S. 1172, which would exempt persons 65 years of age and older from entrance fees to national parks and recreation areas.

Eichelbaugh had written the California senator after reading one of Compomizzo's columns urging readers to make their feelings known to legislators on the fees.

That message was broadcast further Monday when Dunbar read Compomizzo's column urging a squawk on the fee increases, and Compomizzo warned viewers to "get involved" or face the prospect of being priced out of the parks.

Compomizzo said the fees at campgrounds were "just getting out of hand" and were so high that some persons, especially retired persons could no longer enjoy camping.

He said the fee at improved state campgrounds was $3 a night and the fee at state camps with trailer hook-ups was $4.50 a night. The Golden Eagle Pass of the national park service has been raised from $7 to $10.

Even with the Golden Eagle permit, the camping fee at Yosemite Valley is still $4 a day, although $3 entrance fee is waived for purchasers of the annual Golden Eagle permit, he said.

The fee hikes in recent years, Compomizo told viewers, were "just a start," with more coming.

Dunbar traced the history of Compomizzo's fight against the state campground reservation policy which previously had tied up campgrounds for months in advance.

After his "little guy'" campaign against the policy, it was changed to permit reservations no more than 90 days ahead.

Compomizzo was accompanied to San Francisco by his wife, Anna, and youngest son, Walter. When he got home, James Woods of Antioch presented him with a tape of the broadcast, promising to write Rep. Jerome Waldie, D-Antitoch.

In the letter from Cranston, the senator said those who enjoy and use parks should bear part of the cost of maintaining them but added he felt that recreation should be available to all.

CONGRESSMAN KYROS REVIEWS URBAN PROBLEMS

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. ADAMS. Mr. Speaker, since Congressman Peter Kyros was first elected to the Congress, I have had the pleasure of working with the gentleman from Maine in many areas of importance to our Nation's urban communities. Our work together as members of the Committee on Interstate and Foreign Commerce and the Committee on the District of Columbia has made me more aware of the common problems of cities in our respective States, despite the tremendous geographical distance between the coast of Washington and the coast of Maine.

I was most interested, therefore, to recently read of Congressman Kyros' meetings with officials of Portland, South Portland, and Westbrook, Maine, during the recent congressional recess. I think the issues discussed at these meetings are important to all of us, and I would like to bring to the attention of my colleagues two articles which appeared in the Portland Evening Express of August 28, 1971, and September 3, 1971:

[From the Portland (Maine) Evening Express, Aug. 28, 1971]

Rep. Kyros Bends Ear to Woes of Two Cities

(By David McNabb)

Rep. Peter N. Kyros got a broad view yesterday of the myriad of problems which beset the cities of South Portland and Westbrook. His visit left officials of both communities a bit more hopeful about their chances of resolving some of the more complex issues with which they are faced.

Taking advantage of the current congressional recess, Kyros has returned home to spend some time with his family but true to form he has decided to mix business with pleasure.

During yesterday's discussions with South Portland's City Manager Ronald E. Stewart and Westbrook Mayor Donald K. Saunders he touched upon a host of topics including transportation, urban renewal, health, drug abuse, and recreation.

The talks showed that the same basic problem areas are common to both cities though the priorities which they have been assigned differ substantially. The session with South Portland officials perhaps proved more productive as Mayor Saunders, who has been without the services of an administrative assistant for some time now, was unable to delve very deeply into specifics.

Stewart put sewage treatment at the top of South Portland's list of concern, citing as major worries funding delays and some proposed legislation which could put a damper on local initiative.

He said the city has been ready for some time to begin construction of the treatment plant but the state won't commit any money for the project before next July. The money in fact may not be available until 1973.

Stewart is also concerned about legislation being sponsored by Sen. Muskie, which calls for the elimination in 1974 of all federal support to sewage treatment projects not being planned and managed by a single, state-controlled agency. He's not sure whether the bill's passage would leave the city holding a very expensive bag should it continue to proceed on its own initiative.

Kyros promised to see what, if anything, can be done to "accelerate" funding. He further promised an immediate ruling on the implications of Muskie's bill.

Sewage treatment is not a particularly troublesome area in Westbrook because no major steps have been taken beyond those required for compliance with the regional plan now being put together. It's possible that residents could reject the regional project, but Mayor Saunders feels the chances of that are fairly remote.

The problem with which Saunders was most concerned is the city's lack of expertise in availing itself of federal programs. He feels the city is not quite large enough to justify the expense of hiring a full time man to dig out those programs for which the city could qualify.

Kyros, who has suggested the formation of a state level task force to assist rural schools with that very problem, said that state officials perhaps could be induced to form a similar type force to aid smaller cities and towns.

Though he realizes that federal program applications need some "innovative punch," the congressman said his role concerning such applications is pretty much limited to giving them a push after they've been filed.

Of particular concern to Kyros was the apparent lack of facilities in both cities for delivering health services.

Stewart agreed, noting that besides its obvious lack of normal medical care facilities, the city has only the limited capability of its Child and Family Services clinic for dealing with serious mental and social problems.

But Saunders, noting that there's "very little criticism" about health services, said he felt Westbrook's existing program probably is adequate.

Kyros however dismissed lack of criticism as an indicator and emphatically said, "The time has come for all communities in the state to have community health centers."

He was very much in favor of both cities having facilities which could offer a wide range of health services to everyone including those with drug problems.

Both Stewart and Saunders expressed satisfaction with progress in the area of public housing, though Stewart said the city needs and is ready for another 100 units besides the 150 which it already has been allocated.

They were more concerned about the area's public transportation problem. Stewart particularly wanted to know whether or not federal aid will be available to assist with the acquisition publicly owned facilities should the Greater Portland Transportation Co. leave the area.

Kyros, who said his own experiences here during rush hours has convinced him of the need for improved mass transit, promised to talk with Department of Transportation officials to determine if help would be available should a publicly owned system become necessary.

[From the Portland, (Maine), Evening Express, Sept. 3, 1971]

Kyros Chats, Listens to City Officials

(By Brian Arsenault)

Rep. Peter N. Kyros sat down with City Manager John E. Menario and other city officials today to discuss Portland's problems and what can be done about them.

For the most part Kyros took on the role of listener. He heard city officials discuss their concerns in areas ranging from unemployment to housing, asked questions, and pledged his efforts and cooperation in Washington.

A major part of the session was taken up by Menario again leveling a blast at the way Emergency Employment Act funds are being distributed in the state. Under the distribution scheme devised by the Maine Employment Security Commission Portland will receive $140,096 of a $4.5 million grant provided to the state.

MENARIO CLAIMED

Portland's share of the grant does not equal Portland's unemployment problem which the city manager said has reached over 7 per cent. He said the distribution formula is inequitable.

Kyros pledged to go to the U.S. Department of Labor to seek answers on how funds should be distributed. The representative was also interested in how Portland plans to spend its share of the funds.

Menario replied the city was interested in establishing six police cadet programs and positions in city departments to work on the Dutch elm disease problem, park maintenance and improvement, and rodent control.

An issue raised by Menario that Kyros has closer personal contact with was one concerning legislative efforts to establish a trust to govern the development of islands in Casco Bay. Menario said the city was concerned about Kyros' support of such legislation because they feared it would take control of city land out of the hand of elected officials.

Kyros replied that he did not think city officials and he were as far apart on the issue as it might seem.

"This legislation was sold to me with the proviso that local people would compose the trustees," Kyros said. "I wouldn't go ahead with enabling legislation until a local input is guaranteed."

On the question of housing, Kyros was briefed by John S. Dexter, director of the Public Housing Authority.

Dexter told him that after several years of slow growth activity in public housing is starting to move quickly. "We have 500 units under management, 450 under construction, and 100 on the drawing board," Dexter said. "We're seeking a federal reservation for 800 more units that we need."

Kyros told Dexter to keep him appraised of any aid needed to secure the reservation.

Accompanying housing the question of demolishing dilapidated structures was raised.

Menario said the city is currently using a $50,000 federal grant to get down as many as possible but that the funds would soon run out. He noted the city will apply for more federal demolition grant money and expressed hope it would be available.

Kyros reacted: "Let me know when that application goes in."

Other topics of conversation were the development of Portland Harbor, school construction and revenue sharing. Menario is a strong supporter of both state and federal revenue sharing.

Kyros observed that there was little chance of revenue sharing making it through the legislature and that President Nixon is not even pushing hard for it although it is his proposal.

AWARD WINNING DRUG ABUSE ESSAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, in this day of drug addiction with its related questions concerning why and how it could possibly happen, it is refreshing to read an article written not by a reformed addict, nor a physician, nor a psychiatrist, but by a young junior high school student who was asked to write her own thoughts on the subject of drug addiction.

Miss Cindy Goddard, daughter of Mr. and Mrs. Leigh D. Goddard of Westland, Mich., has enabled us to read her mind, to view her musings about how this very important problem relates to her own life, what she thinks might actually tempt young people into involvement with potential tragedy.

For her efforts, Cindy won first prize in the Wayne-Westland Parents Drug Abuse Committee contest, which solicited her thoughts, and had her article printed in her community paper.

Her achievement has given us the benefit of reading a sincere, questioning account of a young person's place in our present society, and at this point I would like to share it with my colleagues in the House of Representatives:

WHO ME? A DRUG ADDICT—YOU MUST BE KIDDING!

(By Cindy Goddard)

Who me? A drug addict—you must be kidding! This is my first thought as I sit here in my room and think about writing an essay on drugs and drug abuse. I can only say I'm a little sick of hearing about all this. I know that it's important to tell me all of these things, but the warnings follow me wherever I go. I tell my teachers and family and friends that I don't want drugs, and that I don't need them. It seems to me they should trust me and ease off the subject. No one seems to understand, and they keep on with the same warnings. I wish they would believe me. I honestly don't want drugs!

Sometimes I wonder what runs through my parents' minds about drugs and the kids of today. I suppose that most kids who start taking drugs never actually picture themselves as being addicted to them. They must feel that it would be all right to try them just once. It's hard for anyone to feel honestly that they're an addict—real hard. The thought of myself as one seems very remote to me.

I know that adults feel that if I know the danger of drugs, I won't try them, and I suppose they are right. I think what scares me the most is not knowing what you're doing while you are under the influence of these drugs. I guess you could even kill someone and not know the evil you had done. What kind of 'fun' would that be?

I believe most kids probably take drugs because they are bored. Free and easy seems to be the feeling they want to get. The way it looks to me, though, there isn't much in this world that is free and easy!

Even drugs cost money. And some of those trips surely can't be easy! The answer to "why shouldn't I try it?" is very common. All the adults do is tell us how much of a mess this world is in. It would be easy to say, "Why shouldn't I live it up while I'm here?" The thought then comes to me—if most of us were to float around on psychedelic clouds, of a sort, there would be no one able to think of any way to do something about the problems we have to meet right now.

I guess we could say we didn't create these problems. But after all, this line of reasoning won't make them go away either. You just can't turn your back to problems when they arise. I think the world must be in rough shape if kids have to resort to drugs to have a good time. It seems in so many cases the adults of a family are all working and there isn't anyone at home to talk to or really care about what the kids are doing.

In such a circumstance, it is rather easy to look in the wrong direction for excitement and attention. I wonder how I would feel if I knew a good friend of mine were taking drugs? I really don't know just what my reaction would be! Maybe pity, disgust, awe, shame; I could possibly feel any of these. Would I still be a friend, or would I back off? I know I wouldn't tell anyone, because I just don't believe in this. The thought of being put in a scene like this does make one wonder.

Could I honestly be of any help? I doubt it. Usually, if a person decides to "turn on" he has a pretty deep reason for doing so. I don't think I would be able to give that person the understanding they would rightfully deserve, but I do know I feel terrible watching this happen.

I presently have some friends who like to wear army jackets, jeans, and long hair. But do you know it is really funny to me to watch people and their reactions to these kids? They automatically label them as addicts or undesirable. The odd note to all this is that usually it is the clean cut boy or girl "down the street" who turns out to be the true addict. It seems you just never know.

The more I think about these things, the more I wonder about the answers to all the questions I've been thinking about. I can feel very secure in my own home, saying I'll never take drugs. I think this is what it's all about; the worry and the warnings. When I'm placed in a different situation away from parents and home, and perhaps put with people who live within the drug scene, then would I remain true to the things I've said above? Would I have the courage to be different?

I hope so, because I honestly don't believe I would have much of a chance by following the drug way of life. I surely hope the day will come when the world won't be in such a mess that kids will have to be aware of these things. Maybe then there won't be a drug problem.

Maybe then. Maybe then!

SOULVILLE FOUNDATION GIVES CHANCE TO SOUTHEAST LOS ANGELES CHILDREN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DELLUMS. Mr. Speaker, it is not easy to "make it" if you are a ghetto kid.

I know. I came from west Oakland ghetto.

No one means for enabling a ghetto child to break out exists. Both Government and private efforts are imperative.

For many black youngsters the way out has been through the opportunities offered by professional sports. One such youngster was William "Willie" Naulls. Willie Naulls, a product of the southeast Los Angeles ghetto, was an all-American basketball star at UCLA, then went on to play professionally in the National Basketball Association for 10 years and was a member of one of the fabled Boston Celtics world's championship teams.

Now, as a businessman and real estate developer in Los Angeles, Mr. Naulls has established the Soulville Foundation to help children of the southeast Los Angeles area receive quality assistance in physical education, health, and nutrition information, remedial academic education, and contemporary issues and recreation.

I am very impressed with the program that Mr. Naulls and his associates are developing. I hope that the public will support the Soulville Foundation, and I see it as a model to be applied in other areas of the country.

Mr. Naulls has put together a brochure describing the foundation, and I insert it into the RECORD.

The brochure follows:

THE SOULVILLE FOUNDATION

A FOREWORD

I have wanted to create The Soulville Foundation for a long time. I suppose one reason is that as far as I have sometimes come from those Southeast Los Angeles streets, I have never forgotten how it was to play in them.

Most Black professional athletes have the same story that I do . . . a story filled with such words as "poverty", "prejudice", "ignorance" and "luck". How lucky were those of us who made it, and how well we knew it. We certainly had talent which we worked hard to develop, but every one of us can recall some gifted natural athlete who played along with us and stayed behind when we left.

Why? Perhaps he fell down one day and was unaware that he would go lame without medical attention. Maybe he quit high school because his family's need for food seemed more important than a diploma. Or perhaps the Navy Recruiter made the service sound more interesting than the ghetto, and he signed up for six years. The possibilities are many, and they apply not only to unrealized potential athletes. Most of the kids in the streets and schoolyards never really succeed for generally the same reasons.

There is an ingredient to success other than how the chips fall, however, and that is the belief that it is possible to succeed. That would seem obvious, but a child who sees much more failure than success—and not for lack of trying—expects nothing different for himself. He might even conclude that it was smart not to try.

Through The Soulville Foundation, we hope to reach the children who don't believe that they can win.

Please be generous.

WILLIAM D. NAULLS.

THE FOUNDATION

The Soulville Foundation has been created to bring to the children of Southeast Los Angeles a variety of programs in the areas of physical education, health and nutrition information, remedial academic education, contemporary issues and recreation. Concentrating ostensibly on physical education and recreation. The Soulville Foundation will be using the magnetism of these to channel participating youth into the other vital programs. With the vehicle of organized and supervised play, the Foundation will attempt to give direct and personal guidance to the many children who have been shut out of the overcrowded, understaffed and inadequately financed programs currently offered in the local schools and city parks. In many cases these same neglected children make poor academic showings, not for lack of ability, but because a child's logic reasons that the disinterest shown him should be reciprocated. It is hardly surprising that he ignores the warning that he is only hurting himself when it comes from those who notice him only if he is doing poorly. In a time when the school system is facing bankrupcy, when athletics and other so-called inessential curricula may be eliminated, and when social and recreational programs are suffering cutbacks, we cannot depend upon public funds to finance the specialized programs needed in the underprivileged community. Rather than continue to lobby for programs that have been repeatedly denied, The Soulville Foundation will apply private funds to direct action within the community.

THE HARVEST OF NEED

Daily we hear through the media of the deprivation that pervades all sectors of communities such as Southeast Los Angeles. Unemployment, educational deficiency, inadequate housing, poverty, hunger, high infant mortality, poor medical services, drug abuse, criminality, lack of local job opportunity, discriminatory credit practices, archaic or nonexistent public services—an avalanche of vicious conditions. We have let ourselves believe that token changes such as a growing Black middle class and War-on-Poverty programs are indicators that such conditions, which were allowed to fester into the civil disorders of the mid-sixties, are now being alleviated.

But the facts indicate the contrary. In April of 1971 the unemployment figure for Blacks was 10%, four points higher than the national average and its greatest level since 1964. The Census Bureau revealed that in the decade since the last census, the number of people falling beneath the poverty level has increased. The California Superintendent of Public Instruction declared that, were the school system a public corporation, it would be forced to declare bankruptcy. As a matter of course, inner cities are described as "dying," and the crime rate is automatically "high." In 1969, prior to the full effects of the current recession, unemployment in the community of Watts was two full points higher than the figure for the "civil rights" year of 1964—16% as opposed to 14%. Unemployment rates for Black teenagers range from 20% to 45% depending on the community; in 1969 the Watts figure was an unspeakable 42.9%. All of this has inflated the welfare rolls, and to meet these costs governments cut back or abandon the programs that solve rather than feed the problems.

A ghetto child ten years of age is growing up under conditions which are actually worse than those existing before he was born. There is no reason to project that he will escape a situation more decayed than the one which trapped his parents.

When we fail to answer the needs of a child, we are party to the creation of a problem adult. Untrained and uneducated, he will one day be unemployed. Underfed, he will be sickly and he may steal. If he is neglected, he will become apathetic or hostile; if he's bored, he'll look for kicks. The time to tackle drug addiction, hard-core unemployment and the high school drop-out rate is long before they happen.

THE INVESTMENT OF TIME

One of a child's biggest needs is for play. Children will play with nearly anything, and most parents know the experience of the gift that is set aside for the wrapping paper. Magnificently resourceful, in the absence of organized games or toys children will always make do—from inventing games to be played with sticks to constructing private club houses out of cardboard boxes. A child alone will find a game for one.

Children love to play with other children, but one thing that will lend excitement and importance to a child's play is the participation and interest of an adult. At both ends of the social scale, children bitterly miss the parent who can never be there to play a little ball with him or see what he has made. So important is this simple human experience that children denied parental or adult attention for various reasons carry a deep feeling of deprivation and even resentment into their adult lives. The adult who will spend time with a child and share his interests is an important figure in his life. The relationship that develops between the two will be bound by trust and respect, and the child readily accepts the adult's guidance and authority.

In the poverty pockets, where there are many one-parent families and where survival demands the time of most adults, children suffer a widespread lack of adult interest in this vein. Circumstances force those responsible for the child to be concerned more for his immediate physical needs; thus he is robbed of this relationship and the influence and guidance which is the normal result.

Chances are slim that a child will find this adult attention at school. Teachers are swamped with the demands of overcrowded classes and athletic directors are forced by understaffing to be more concerned with the supervision of the facilities than the individual needs of the youngsters. At best he may latch onto some older youth, a hit-or-miss proposition which carries the possibility of negative influence.

The feeling that something is missing from one's life oftentimes impairs the ability to function. An adult who has experienced a personal loss or had a totally dissatisfying job knows that it is difficult to overcome the disinclination toward work, and the overwhelming desire to escape. Children are no different, and having less discipline they easily fall into patterns of neglecting schoolwork, avoiding classes, and seeking diversions—until they have fallen behind. The added complication of not understanding what is going on in the classroom serves to reinforce the original pattern. These children are still in grammar school; yet the seeds of a tragic life have been sown.

GETTING THE ROOT

The Soulville Foundation wants to face the problem of neglect head on and treat as well the serious side effects. The following comprehensive program is designed to answer the need and consequently arouse the normal curiosity and love of learning which the ghetto environment has suffocated.

ORGANIZED PLAY

Emphasizing a child's natural need for play and the importance he places on adult participation, a multi-sport program will be operated year-round. Plentifully staffed with professional and student leaders, all will be trained to function both as coaches and as guidance counselors for these youngsters.

Applying the benefits of team play, all participants will be assigned to specific standard-sized teams under a regular coach. This will teach through personal experience the importance of teamwork, the pride of achievement, the correlation between effort and success, and will help to overcome any fear of competition.

In coordination with the athletic program, the youngsters will be taught the benefits of physical fitness and the importance of caring for the body.

HEALTH AND EDUCATION PROGRAMS

The American public in general is poorly informed in the areas of health and nutrition, and ghetto youth particularly so. Every youth involved in the program will attend regular seminars in the subjects of health care, dental care, vitamins, diet and calories. The Foundation will research and compile information on the nutritional values of foods which Black children eat most.

Children who have academic handicaps will be steered into classes in remedial math, English, spelling, and reading. These classes will be staffed by professionals and trained college students who will use some of the methods perfected by the Direction Sports Program. Great success has been achieved with hard-to-teach children by orienting the subject matter to athletic situations.

Seminars will be held in the area of educational aids. Instruction in the use of a dictionary, use of library catalogues and reference materials, and tips on study habits are frequently overlooked.

CONTEMPORARY ISSUES

Workshops for the discussion of issues of interest and permitting the direct participation of the members will be organized. Suggested topics: Law Enforcement, Drug Abuse, Race Relations, etc.

A Speakers' Program to feature figures in Sports, Black Leadership, Politics, etc., will be offered to the youth.

THE ULTIMATE GOAL

If The Soulville Foundation is to succeed, it will need a facility. Not only do the children of Southeast Los Angeles need the program we have outlined, but they need as well basketball courts, baseball diamonds, football fields, indoor gymnasium equipment, a swimming pool, handball and tennis courts—to name a few. The facilities operated by the schools and parks are inadequate and congested. At every school, facilities for certain sports are nonexistent.

To operate the Foundation's program out of these facilities would only reduce if not annihilate its efficacy. Poor lighting makes the parks practicable only during daylight hours; regular and after-school use limits the availability of school facilities. In both cases, use of the facilities is subject to approval and must be scheduled around the activities of other applicants. Working under these conditions, the time spent with the children would be in direct proportion to the availability of facilities. The effort to make personal contact with the youngsters would be severely hampered, and many children would be lost in the constant shuffle between parks and schools. Above all, our activities would contribute to the congestion and inadequacy which are excessive already.

To do the work, we must build an athletic center complete with the indoor and outdoor facilities needed, as well as showers, locker rooms, public address system, classrooms and offices. Without such a center, it will be virtually impossible to develop the educational and social dimensions of the program. With the finest facility in the area we will attract the children we are seeking to help, and their parents will be secure in the knowledge that they are safe and supervised.

SUCCESS OR FAILURE?

The scope of The Soulville Foundation's program and its indispensable requirements are dependent upon a generous response from you. Underfunding will turn a progressive and ambitious program into another inadequate one—limited in its function and serving only a fraction of the children in need.

We are asking you, therefore, to contribute wholeheartedly to The Soulville Foundation. The tax dollars that you are now spending with the slim hope that they will reach projects such as this will be reduced by the tax-deductible dollars which you can invest in the efforts of a group of private citizens whose goals you know. Anything you give will be spent entirely on the various programs and the facility. The directors are donating their work to the Foundation, and they will not receive salary or compensation of any kind.

Your generosity is the major ingredient for The Soulville Foundation's success.

DIRECTORS OF THE SOULVILLE FOUNDATION

William D. Naulls, President; ex-professional basketball star, Boston Celtics; real estate developer and businessman.

Rosey Grier, Vice President; ex-professional football star, Los Angeles Rams; entertainer.

Bill G. Naulls, Secretary/Treasurer; General manager, Kentucky Fried Chicken of Rosecrans and Central, Inc.

Ernie Shelby, Director of Public Relations; ex-All American track star; commercial artist, song writer.

Herbert B. Avery, M.D., obstetrician and gynecologist.

David E. Barnett, Certified Public Accountant.

Marty Freedman, clothing manufacturer; owner/operator, Mr. Marty of California.

Samuel Gilbert, developer of high rise construction; owner/operator, Wilson Gilbert Construction Co.

Myrtle U. Caton, M.D., Internal Medicine; health care administrator, Charles R. Drew Postgraduate Medical School.

Bill Russel, ex-professional basketball star and coach, Boston Celtics; entertainer.

Augustus A. White, III, M.D., orthopedic surgeon; assistant professor of orthopedics, Yale University Medical School.

Daily Naulls, Foundation's Father.

Bettie R. Naulls, Foundation's Mother.

LT. GEN. H. M. ELWOOD DELIVERS EXCELLENT ADDRESS TO 48TH ANNUAL MARINE CORPS LEAGUE CONVENTION IN SAN ANTONIO

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. FISHER. Mr. Speaker, a month ago Lt. Gen. Hugh M. Elwood, USMC, Chief of Staff for Plans and Programs, addressed the Marine Corps League convention in San Antonio. It was well received by a large audience of marines and visitors.

General Elwood is one of the most distinguished aviators in the U.S. Marine Corps. During combat service in the South Pacific he was credited with downing five enemy aircraft and was designated a Marine Corps ace. He took part in both the Korean campaign and in Vietnamese operations. The general was first assistant wing commander of the 1st Marine Aircraft Wing and subsequently Chief of Staff of the Third Marine Amphibious Force. He was nominated by the President for promotion to three-star rank in October of 1970 and now serves as Deputy Chief of Staff for Plans and Programs at headquarters, U.S. Marine Corps.

This distinguished American was well qualified to speak about problems related to our national security. The address follows:

SPEECH OF LT. GEN. H. M. ELWOOD

It is indeed a pleasure to be here in San Antonio to represent General Chapman on the occasion of the Marine Corps League's 48th anniversary. This is my first visit to San Antonio and I am impressed more than even a Texan could convey. You all know that Marines join the corps to see the world. Now, after two days in beautiful San Antonio, as my teen-age daughter would say, I have finally "made the scene." Using another of her expressions, I have concluded there is "no way" to reach San Antonio over the vast spaces of Texas except by air. In contemplating this trip I remembered the experience of a defense department official who was about to make a trip by air to Europe. Viewing the recent rash of mad bombers on aircraft with some discomfort, he asked one of his statistics experts to compute for him what were the odds that a bomb would be aboard his plane. Slide rules and computers revealed the odds to be one in a million. Not bad, but still disturbing. The statistician, seeing his boss's continued uneasiness, added brightly, "but don't worry sir, we have the answer. You carry your own bomb aboard. The chances of two bombs being aboard an aircraft are only one in a billion.

First, I bring you the special and warmest regards of the Commandant of the Marine Corps, General Chapman, and his regret that he cannot be here himself. Iron Mike and Dicky Chapelle are both names that stir the hearts of all marines and to be present for their commemoration through the medium of these Marine Corps league awards is a privilege indeed. And I know I speak for all Vietnam marines in expressing our particular pleasure that you chose two fellow Vietnam campaigners as the recipients this year. The league's "Marine of the Year" award appears to be a "family affair" for you leaguers but it is also a privilege to be on hand for this occasion.

It is interesting to note that these awards are relatively recent in the history of the Marine Corps league, these, and other activities of the league, such as your youth physical fitness program, reflect a recent vigor and vitality in your organization which are heartwarming to the commandant and must also be to every thinking American worth his salt. For in the days ahead this country is going to need all of the vigor it can find to combat the problems of drugs, personal disconduct and patriotic lethargy.

The Marine Corps league is attacking the problem at the best of all places—with our young people. With wisdom which could accrue only to some old duffers who had once upset their share of outhouses, you have accurately perceived the problems of disspelling youthful energy and exuberance in an environment of psychadelics, mind-blowers and "do-your-own-thing." For many youngsters, these problems are insurmountable without some help.

You know that the first place to start is with the honest sweat of competitive, body-building physical workouts. You know that youth's dormant instincts are really with you in this effort and need only to be aroused and channeled, in order to get them over the adolescent hump. To do this takes adult concern, adult leadership and hard, hard work. But consider: with a voting age of only eighteen our span of concern for each individual youth need cover hardly more than a brief four years. It is that period, from the time his adolescence begins to nudge him temporarily out of the human race until he returns again, to vote the future destiny of our country.

You obviously have considered this, and you are doing something about it. In the youth physical fitness program which you sponsor, you are nurturing the very roots of America's salvation. In Marine terms, you are putting to bed early a lot of dog-tired kids and in the doing, they have cheated the flesh pots for another day. And as the statistics experts of my earlier story would observe, surely there is a direct relationship between boy-nights in bed and man-months in correctional or charity institutions.

Your program is yet new but already it is showing significant progress and with your continued efforts it is bound to accelerate. The Commandant and all Marines are proud of you. Your country will some day be grateful to you.

So, with this bond which is between us, I should speak for a moment to the motherlode—your Marine Corps, today and tomorrow.

As you undoubtedly know, the Marines completed their ordered withdrawal from Vietnam on July 1 of this year. I shall not detail the luster of their performance in that conflict for you have among your number—and among your honored guests—many who can speak to this from intimate knowledge. I shall tell you that they came out of Vietnam as real "pros" should with their equipment intact and their combat readiness unimpaired. They have resumed their posture of readiness in strategic places and, are stronger, more battle wise and better equipped than ever. Further, it should be said that in no other war were the conflicting needs for valor and compassion so compelling and the Marines handled both, with distinction.

In anticipation of the post-Vietnam posture, and the need to slim down, the Commandant redoubled his efforts to demand—and get—a higher level of professionalism from his forces in all areas. This has ranged the gamut, from more and better military education to better housing and facilities, to tighter standards in training, deportment, and waistlines. And be assured that the denominator of his every move is founded on the requirements for combat. The corps, which numbered 317,000 in 1969, is now back to a lean 211,000, with a bit of trimming yet to go.

While tending to the present, the corps still casts its eye to the future and is moving ahead on all fronts. In the equipment field, we are already flying the new and revolutionary harrier aircraft. This British-developed jet attack aircraft fills a large and perhaps final gap in our vertical assault concept. This concept you will recall involves the landing of major combat units by helicopter. The marines pioneered this concept over 16 years ago and it is now a commonplace reality in both the Marine Corps and

Army. What was lacking was a high-performanced, attack aircraft which could provide close air support to our troops on the ground without regard fcr the availability of paved, sophisticated airfields. As an interim measure, the marines developed a short airfield ashore, utilizing techniques and equipment similar to those on a Navy aircraft carrier. The Harrier, we believe has put an end to this problem for, while it has attack performance akin to our current A-4 Skyhawk, it can also take off and land vertically: with this added performance, its possibilities are tremendous both in aerial maneuvering and in individually dispersed, camouflaged, basing just behind friendly troops.

For the ground marine there are also many innovations, in the fields of laser techniques, infra-red devices, electronics and weapons systems. And for our traditional amphibious role, a completely new, 20-knot amphibious ship has been designed and the initial equipment is being built. One of its features is a special acclimatization gym where the troops can be conditioned to the environment in which they will fight. It can conduct helicopter or Harrier flight operations from her flight deck. It will permit the launching of the landing craft directly into the sea from a flooded well deck. No longer, perhaps, need one contemplate that hazardous trip via cargo net from ship to landing craft.

Concurrently with the design of new equipment, new tactics and techniques are being developed. To keep the logistical tail up with the combat devil-dog the "sea-based concept" is being evaluated, whereby the assault ships remain as the marines' logistical and operating base during an assault. Under this system the reserve units might even be able to slip back aboard for a quick shower and a brace of fresh eggs.

These things are all designed to permit the marine to do his job a little better. But at that final point of contact with the enemy, John Wayne's script for "The Sands of Iwo Jima" still applies, where the fighting man must prevail or stand and die. Recognition of this grim immutable fact must guide the policies of the Marine Corps into the many tomorrows of the future, without regard for current modes or mores. We think it only honest to reveal this fact at the very outset, so it is the theme of our recruiting pitch. Some of our pitch goes like this: "Nobody likes to fight but someone has to know how", or, "we don't promise you a rose garden but long hours, hard work, and satisfaction are guaranteed." I think you are familiar with it.

Are we going to find any takers? It's a little early yet to tell, but we think we shall. Based upon a lot of recent, close observation of young marines in combat in Vietnam, we are convinced that there is nothing really wrong with today's young Americans if they are handled right and you level with them. Further, we are convinced that, regardless of how self-indulgent or material-minded is our society, there will always be a lot of clean-living, adventuresome, patriotic youngsters who will respond to a challenge in service to their country. How else do we explain the regular weekly mayhem on the amateur gridirons? *Either*, we have every reason to be encouraged in our convictions by the superb, tangible efforts which you and similar organizations are making toward strengthening the moral fiber, as well as fitness of our youth. *Further*, with the only acceptable outcome, to a war for survival being to *win* it, there is really no other alternative.

Finally, the relatively small size of the Marine Corps suggests that our procurement problem will be manageable, to steal a final line from our recruiting campaign:

"The marines are looking for a *few good* men."

THE CENTER FOR A PEACETIME ECONOMY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WHALEN. Mr. Speaker, for a long time, I have shared the grave concern about the changing economic needs of our Nation which has been expressed by many Members of the House. This concern is centered in the belief that we can, and should, actively redirect our priorities rather than permit them to be altered in a haphazard manner.

The Center for a Peacetime Economy has been formed to provide an overall direction in this effort. Mr. William Raspberry, the Washington Post columnist, recently discussed the Center's goals and structure. In my opinion, congressional encouragement of organizations of this type can only be extremely beneficial to our society and its changing needs. Therefore, I take this opportunity to bring Mr. Raspberry's column to the attention of the House by inserting it at this point in the RECORD:

[From the Washington Post, July 28, 1971]

LET'S PREPARE FOR PEACE

(By William Raspberry)

It is possible to argue—as Michael Reich and Davide Finkelhor do so convincingly in "Up Against the American Myth"—that the liberal talk about economic conversion is a lot of nonsense, that one cannot have capitalism in this country without also having militarism.

But there are people who cannot bring themselves to Reich's and Finkelhor's down-with-capitalism view but who nonetheless have to believe that good things are possible if only we will work at them.

The good things include a new set of priorities to replace our orientation toward the things of war. And the believers include the practical optimists who are behind the Center for a Peacetime Economy.

Among them are Edie Fraser, former urban consultant, who is running the center's temporary office in borrowed space at 1750 Pennsylvania Ave. NW, Suite 1200; Mark Battle, management consultant and former Labor Department executive; Gerson Green, former research and demonstration chief at OEO, and Ernest Fitzgerald, the former Pentagon deputy who blew the whistle on the C5A overruns.

The Center is based on two main theses: that there will be a conversion from a wartime to a peacetime economy, and that for the conversion to make sense it must have an overall direction based on good information.

"At present," according to the organizers' proposal, "no institution or organization exists that is totally committed to the collection and dissemination of information and the development of the knowledge which will assist this country in attacking its economic transition and policy priority problems. The Center for a Peacetime Economy proposes to fill that void."

Its plans for doing so reflect a sort of hard-nosed realism that sets it apart from many another liberal scheme.

For example, instead of aligning itself against big business interests, it is going out of its way to bring big business into the operation. The board of directors probably will include a handful of industrial giants of the Henry Ford sort. The center will also seek support from the whole gamut of political opinion, while avoiding identification with politics as such.

Among the issues to which the center proposes to address itself are:

How to develop alternatives to defense-oriented industries.

How to establish both the goals and the mechanisms for shifting the economy to new and socially useful priorities.

How to assist workers displaced by the transition—including returning veterans.

The founders believe that these problems, though admittedly difficult, are amenable to an informed, coordinated attack—a belief that is reflected in the center's structure.

The proposals are for two divisions, one a clearinghouse and the other concerned with research and analysis.

"In the nation's capital and throughout the country, there are varied and unrelated important resources of information," the proposal observes. "Although studies are undertaken, reports issued, conferences held and legislation proposed to ease the process of transition from a wartime to a peacetime economy, no single entity has ever collected, assembled, reviewed and properly disseminated the material. Nor has any organization pointed up clearly the gaps in data available and thus assisted in expanding our knowledge base."

The research and analysis division will treat specific issues in some depth and produce "fairly straightforward review, critical commentary, summarization statistical examination" of private and public programs.

It also plans to sponsor seminars and studies by staffers and outside experts.

Central to all the center proposes to do is its founders' belief that most Americans want to see the country move away from a wartime economy—and the belief that it can be done without revolution or even major disruption.

As evidence of their optimism—and of their fear of becoming merely another establishment—they propose that the center go out of business after five years.

That in itself is almost revolutionary.

GIVE NIXON A CHANCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. MICHEL. Mr. Speaker, those of us who have been involved in political campaigns over the years have become accustomed to having our hides taken off and have not been reluctant to take the hide off of our adversaries in return. That is to be expected—during a campaign—but I must admit that I have become concerned by the knee-jerk type of negative reaction we have heard from certain quarters to almost any proposal which President Nixon might be advocating.

I think we can agree that the problems facing us both here at home and abroad are much too serious for that kind of political practice and hopefully those who engage in these tactics will stop and think a bit before issuing what become almost automatic denunciations of any Nixon program or policy, often before the full extent of that program or policy is known.

An editorial appearing in the August 28, 1971, edition of the Peoria Journal

Star entitled "Give Nixon a Chance" discusses this new political phenomenon and I include the text of the editorial in the Record at this point:

Give Nixon a Chance

It seems to us that instant opposition to anything President Nixon says or does is a somewhat unique current political phenomenon, and a crippling and destructive one.

The President is not insane.

Not being insane, whatever other special cares he may have, it ought to be obvious that every conceivable pressure on this man requires that his first consideration in any policy must be that it works. He must seek and he has access to the best advice and information, a workable answer to the economic problems, a workable answer to the international problems, and a workable answer to the domestic humanitarian problems.

It is entirely illogical to conceive that such is not the first necessity that confronts him as President regardless of any other personal wishes, hopes, or ambitions. All depend on his finding answers that actually work.

Such must be the basis for any political aims of the man who actually has achieved the White House and holds the power he does.

It is irrational to assign other priorities to him.

It is not irrational to suspect a "politics first" attitude among those who do not have the direct responsibility now and who fanatically seek power.

Yet seldom have we seen an era in which the frantic and bitter opposition has been so flagrant in its eagerness to damn any and everything the President tries to do, to assign vicious and patently false motives to every such thing, and to go to excess and extremism in attacking every proposal.

This has become a patently irresponsible exercise of politics, and it is increasingly clear that this country is in enough trouble without these strenuous efforts to PARALYZE every effort of the government to deal with our problems.

Our situation is serious.

We need to succeed as a nation in some of these efforts.

It is no time for sabotage for its own sake. It is no time to paralyze and cripple this country just to hit at Nixon.

We cannot afford the present political practice of automatically cutting up every proposal, every policy, and every effort the White House makes to meet a problem situation.

Nobody is that wrong! Not 100 per cent!

As an old joke goes, referring to a fellow being 100 per cent wrong: "Nobody is that perfect!"

Yet we have a set of politicians these days that have adopted the tactics that anything whatsoever that comes from the White House must be attacked in the most lurid terms, instantly, on whatever grounds can be found or invented.

None of them wants to give Nixon or any Nixon proposal one-hundredth of a per cent of the benefit of the doubt. It is a settled "tactic" regardless of the merits and regardless of the COST, obviously.

This country simply cannot afford this level of political extremism, which disregards the welfare of the country in its single-minded effort to destroy the President.

The destruction assured is much wider than that, and it's too high a price to pay for political gamesmanship.

We have examined our own performance and find this to be a doctrine we have pursued regarding Kennedy and regarding Johnson, as well as Nixon.

There are areas for political fighting—and areas for a decent regard for the welfare of the nation.

There is no instance wherein we have not earnestly supported some policies of any president, and as bitterly criticized others, and we feel no great obligation to Nixon, different from any other.

The difference is the torrent of abuse which reveals the unreasoning animosity of his political enemies—and their blindness to the national interest in pursuing it.

We have to face the reality, that if there are going to be any real answers to our pressing problems, we are going to have to give an honest try to some of Nixon's.

If he fails, we can change fast enough in 1972, but the country needs a fair chance and a full effort, first!

It is as if those who condemn policies the strongest really fear that they might work—because only thus would Nixon be re-elected and their own plans go down the drain.

That seems to be the one chance they refuse to take . . . even though it is the chance on which the national welfare depends.

The people who act so are forfeiting any claim to respect and any legitimate claim to responsibility.

They are revealing themselves as totally selfish, unreasonable and irresponsible—at the very time they bid for power! (C. L. Dancey).

ADVANCED STRATEGIC MISSILES

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHMITZ. Mr. Speaker, an excellent short guide to understanding strategic missiles and the relationship between offensive and defensive strategic missile systems was recently brought to my attention. So that all my colleagues will have the chance to acquaint themselves with this very informative and easily understandable study I would like to insert it into the Congressional Record.

One point to which I would like to call particular attention is the author's comments on the real difference between MRV's—multiple reentry vehicles—and MIRV's—multiple independently targeted reentry vehicles:

There has been a tendency recently to draw a firm distinction between multiple re-entry systems which can achieve comparatively little separation between the impact points of the separate warheads and more advanced systems which are designed to achieve the much wider separation needed to attack separate 'hard' targets. The former have been described as MRVs (Multiple Re-entry Vehicles), and the latter as MIRVs (Multiple Independently-targeted Re-entry Vehicles). A distinction exists, but it is one of limited utility and the way in which it has been employed tends to be misleading. It suggests, apart from anything else, that the warheads of a system which does not have the means of achieving wide separation are scattered at random in a general area, as though they were the pellets of a shot-gun charge. In fact, however, it is theoretically possible to predict with some accuracy the individual impact points of these warheads. The important point is that neither those impact points nor the paths which the individual warheads follow from the moment of separation can be as far apart as in the case of more advanced re-entry systems which release their warheads at varying times or at varying angles from the original flight path of the missile. This distinction is an important one, but it is not well indicated by the use of the terms MRV and MIRV, especially as the former must logically include the latter. It is more useful to speak of a single category of Multiple Re-entry Systems (MRESs) and to ask two questions about any particular system within that category:

—Can the re-entry bodies which form the payload of a single missile present more than one target to an exo-atmospheric ABM system?

—Can the warheads delivered by a single missile successfully attack several separate targets on the ground?

A good grasp of the strategic weapons situation on the part of all Congressmen is necessary to forestall what Senator Harry Byrd characterized last Friday on the floor of the Senate as the "terror of imbalance."

This paper was prepared by Mr. Ian Smart, assistant director of the London Institute for Strategic Studies and appeared as Adelphi Paper No. 63 published in December 1969. The study follows:

Advanced Strategic Missiles: A Short Guide

(By Ian Smart)

II. THE LANGUAGE

One reason why so few laymen have entered the debate about strategic weapons is that the discussion seems to be conducted by experts in a special, private language of initials, acronyms and terms of art. In reality, the appearance is deceptive; the language is less esoteric than some experts may pretend. Understanding a few comparatively simple terms can enable anyone to interpret the meaning of most of it and to guess at the meaning of the rest.

The first idea to grasp is that of a *delivery system*. This only means the collection of components—aircraft, missiles or submarines, with their supporting equipment—which gets a weapon to its target. The main component of a delivery system which is designed to carry nuclear weapons to their target is a *nuclear delivery vehicle* (NDV).

A nuclear delivery vehicle may be a bomber or a missile. If the NDV is a missile, it may be fired from a site on land, at sea (e.g., a submarine) or in the air (an aircraft). Any missile fired from an aircraft against a target on the ground is called an *air-to-surface missile* (ASM).

Missiles fired from sites on land or at sea against surface targets are further subdivided, depending on whether they are hurled out of the earth's atmosphere by rockets before being allowed to fall freely back to earth under the influence of gravity or remain within the atmosphere, supported by wings and propelled by rocket or jet engines. Members of the former group are called *ballistic missiles;* members of the latter are called *cruise missiles*. In World War II, the German V–2 was therefore a ballistic missile, while the V–1 ('flying bomb') was a cruise missile.

A missile launched from a submarine is called, reasonably enough, a *submarine-launched missile* (SLM). If it is a ballistic missile, it is called a *submarine-launched ballistic missile* (SLBM).

Ballistic missiles launched from sites on land are called by names which indicate the maximum range they can travel, measured along a line on the earth's surface. The main categories are the *medium range ballistic missile* (MRBM), the *intermediate range ballistic missile* (IRBM) and the *inter-continental ballistic missile* (ICBM). There has been no absolute consistency in the use of these terms, but a convenient guide is to regard MRBMs as having a maximum range of up to 1,500 miles, IRBMs as having a range of between 1,500 and 4,000 miles and ICBMs as having a range of 4,000 miles or more. The range of a ballistic missile depends upon the relation between its *payload*—the weight the rockets have to lift—and the power of its rocket motors. The latter are commonly arranged in a series of *stages* which are fired in sequence. By removing or adding stages, the range of a missile can be reduced or increased.

In addition to strategic offensive missiles (ICBMs, IRBMs, MRBMs, SLMs and ASMs), there are defensive missiles designed to destroy offensive NDVs. A missile launched from the earth's surface to intercept a target in the air is called a *surface-to-air missile* (SAM). A missile fired to intercept an offensive missile is called an *anti-ballistic missile* (ABM) missile. ('ABM,' incidentally, is an adjective, although it often seems to be used as a noun.) ABM missiles are combined with radars and control equipment to form a *ballistic missile defence* (BMD) system.

All missiles, with the exception of some cruise missiles, are propelled by rocket motors. These rocket motors combine to form the *propulsion system* of the missile. The motors may use either a *liquid propellent* or a *solid propellent*. Many liquid propellents are highly corrosive and cannot be placed in the missile until immediately before launch. Some, however, can be stored in the missile for long periods. Such a relatively inert liquid is called a *storable liquid propellent*. Solid propellents, which are essentially similar to the propellents used in rockets for firework displays, can also be stored for long periods inside the missile.

The accuracy with which a ballistic missile adheres to its planned path and arrives at its destination is controlled by a *guidance system*. There are numerous types of guidance system appropriate to different kinds of missile. Some rely upon commands from an external controller, human or mechanical (command guidance). Some require a missile to 'ride' a radar or radio beam (beam guidance). Some permit a missile to calculate its own position by reference to radio beacons or to natural phenomena such as stars (reference guidance). Some enable a missile to identify its own target, either visually or by using means to detect the heat which it emits or the radar reflections which it returns (target-seeking or 'homing' guidance). In general, however, the basic guidance for all ballistic missiles is provided by an *inertial guidance system*. This consists of a platform within the missile, stabilized by gyroscopes, on which are mounted accelerometers to detect any deviation from the planned trajectory or velocity and to order suitable corrections to be made. As with all other guidance systems, such corrections can only be carried out while the missile has the ability to manoeuvre. Within the atmosphere, air resistance can be exploited for that purpose. Outside the atmosphere, where this is impossible, the ability to manoeuvre depends upon modifying the strength or direction of the missile's own propulsion effort. In practice, therefore, a ballistic missile has no power to manoeuvre, and thus no effective guidance system, after its rocket motors have burned out.

The explosive charge, nuclear or conventional, to be delivered by a missile is contained in the *warhead*. In the case of a ballistic missile, this warhead forms part of the re-entry system (RES), which only means the part or parts of the missile intended to fall back into the earth's atmosphere under the influence of gravity. The RES may include more than one separate warhead, each of which will be contained in its own package known as a *re-entry vehicle* (REV or R/V). More generally, each part of the RES which is intended to fall back separately through the atmosphere is sometimes called a *re-entry body* (REB).

The force of a nuclear explosion—which is known as its *yield*—is expressed in terms of the number of tons of TNT which would have to be exploded to produce the same energy. A nuclear explosion with a yield equivalent to that of 1,000 tons of TNT is described as 1 kiloton (1 KT) explosion, while one with a yield equivalent to 1 million tons of TNT is described as a 1 megaton (1 MT) explosion. As a point of reference, each of the bombs dropped on Japan in 1945 had a yield of about 20 KT.

The accuracy with which offensive missiles deliver their warheads against a target on the ground is measured in terms of the *circular error probable* (CEP). This is the radius of a circle centered on the target within which 50 per cent of the warheads can be expected to fall. Figures for the accuracy of missiles (as well as their range) are given in this paper in nautical miles (n.m.). A nautical mile equals 1.152 statute miles. A missile system with an accuracy of 0.5 n.m. CEP is therefore one which can be expected to deliver 50 per cent of its warheads within a radius of half a nautical mile around the target.

Having discovered how strategic offensive NDVs work, it remains to see how they may be used—assuming that their primary strategic purpose of deterrence fails and that they actually have to be launched. There are two important distinctions here. The first distinction depends on whether the NDVs are used to launch an initial nuclear attack or are used only to retaliate against such an attack. The launching of an initial nuclear attack—before the opponent attacked has used any strategic nuclear weapons himself—is called a *first strike*. The launching of retaliation against such an initial attack is called a *second strike*. The second distinction depends on whether the NDVs are aimed at civilian targets (population centres and industry) or at military targets (opposing missile sites and bomber bases). Weapons aimed at civilian targets are said to be *counter-value* weapons, because they attack the intrinsic economic and human resources of the country affected. (They are also called *counter-city* weapons.) Weapons aimed at opposing strategic weapons—missiles or bombers—while they are still on the ground are called *counter-force* weapons. A counter-force first strike is thus an initial attack aimed at an adversary's strategic weapons, while a counter-value second strike is a retaliatory attack aimed at his cities or industries.

Finally, there is an important distinction to draw between the wider purposes to which strategic nuclear weapons are put. Since the advent of nuclear weapons, countries have sought both to deter their use by threatening retaliation in kind and to reduce the injury which they could cause if they were used. In practice, they have found it necessary to consider these two objectives separately and to place them in some order of priority, partly because the combination of weapons most useful for one purpose often differs from the combination most appropriate to the other. Separate terms have therefore been found to describe the purposes of retaliation, on the one hand, and restricting damage, on the other. The former is called 'assured destruction', and has been defined as the infliction of an unacceptable degree of damage upon an aggressor, even after absorbing a surprise attack. The latter is called 'damage limitation', and might be defined as the minimization of the injury which a nuclear attack could cause if deterrence were to fail. The difference between 'assured destruction' and 'damage limitation' is a difference of use and purpose, rather than a difference between types of weapon. Although many strategic weapons are more appropriate to one purpose than to the other, most of them are potentially adaptable to both.

III. TASKS AND METHODS

The task of an offensive missile, as of any other offensive weapon, is to reach a specific target and to deliver a blow of sufficient force with sufficient accuracy to cause a prescribed degree of damage. In examining the utility of an offensive nuclear weapons system, the two critical elements are, therefore, the ability to reach the target area and the ability, having done so, to deliver a big enough warhead accurately enough to cause the required damage.

The task of any defence against a nuclear missile attack is to prevent the attacker from causing greater damage than the defender is prepared to tolerate. The defence may accomplish this by preventing offensive missiles from being fired, by intercepting them in flight or by providing means of reducing to an acceptable level the damage they can cause when their warheads explode.

There is a constant and dynamic interaction between offensive and defensive tasks. Measures taken by the defence to intercept offensive missiles interact with the development of offensive techniques for reaching the target. Measures taken to improve the yield or accuracy of offensive warheads interact with defensive measures to 'harden' potential targets against their effects.

In the interaction between offence and defence, it is of paramount importance to both sides to have reliable information concerning the capabilities and actions of the other. Planning the procurement of an offensive or defensive missile force must depend upon having adequate information about the forces deployed by any potential adversary, including information about testing programmes as well as about operational deployment. Beyond that, if a nuclear exchange should take place, a defence, to be effective, must have adequate warning of a missile attack and adequate information about it. Similarly, plans for a successful attack may be negated if information about defensive deployments or developments on the other side is inadequate.

For these reasons, developments in the techniques of intelligence gathering and analysis may be of just as much importance to the strategic relationship between offence and defence as changes in the characteristics of weapons themselves. Information gathered by reconnaissance satellites, by radar and electronic surveillance or by visual observation makes a critical contribution to the planning of strategic offensive and defensive forces. These means would have a still more vital part to play were a nuclear attack ever to be launched. The development of efficient reconnaissance satellites, of equipment capable of detecting the launch of strategic missiles and tracking their course and of rapid electronic or mechanical means of collating, analysing and disseminating the large quantities of data collected has made a contribution to the development of strategic systems during the last twenty-five years which can hardly be over-estimated. Indeed, without that contribution, work on more advanced propellants, guidance systems and nuclear warheads would have been wasted. It is not too much to say that the most effective arms-control measure which could have been adopted during the last quarter of a century might have been to limit the development of the digital computer.

If we assume that adequate information is available to both sides, the tasks of the offence are relatively simple; its performance is limited only by the technical capabilities of its weapons when pitted against the defensive measures of an adversary. The defence, however, faces a more difficult choice between three basic strategies: to prevent an attack by pre-emption, to intercept an attack in the air or to absorb an attack on the ground.

Pre-emption means that the defence chooses to seize the initiative by launching a counter-force first strike against an opponent's missiles before they can be fired. As a defensive measure, a counter-force first strike marks a decision that deterrence by the threat of intolerable retaliation has failed. Even though its purpose may be thought of as defensive, it is therefore to be considered more properly as a form of attack. Indeed, of all types of attack, it is the one which demands the highest reliability in performance. A retaliatory second strike is intended, by definition, to exact a penalty for previous action. Any penalty exacted is a net gain to the side launching the second strike. In the case of a counterforce first strike, however, the assumption must be that the action will itself attract a retaliatory penalty, the scale of which will be conditioned, in large part, by the success of the first strike itself. *Prima facie*, therefore, any degree by which the success of a first strike falls short of 100 percent must be considered a potential loss to the side launching it.

Intercepting an attack means the deployment and use of an ABM system. This is known as *active defence*. Countering it entails finding means of evading or penetrating an ABM system. The offence may be able to evade the defence by firing only at undefended targets or by taking undefended routes to its objectives. If this is impossible, the defence must be confronted and overcome.

Absorbing an attack means either removing the targets in question from offensive reach or protecting them *in situ* against the effects of nuclear explosions. In either case, this tactic, which can be called *passive defence*, is intended to deprive the attack of its prey. Countering it entails either extending the reach of the offence or achieving such a favourable relationship between the yield and accuracy of offensive warheads that the static protective measures adopted by the defence are overwhelmed.

From this summary, two main areas of interaction between offence and defence emerge for consideration:

—the interaction between active defence and offensive penetration;

—the interaction between passive defence and the yield and accuracy of offensive weapons.

The former involves the competition between ABM systems on the defensive side and specialized re-entry systems on the offensive side. The latter involves pitting defensive measures, such as shelters for people and blast protection or mobility for missiles, against improvements in the yield or accuracy of offensive nuclear warheads. One area is concerned with whether offensive weapons can reach their targets, while the other is concerned with what they can accomplish if they do.

IV. ACTIVE DEFENCE AND OFFENSIVE PENETRATION

Defensive methods

A great deal of technical progress has been made since work on the development of ABM systems began in the mid 1950s. The essential problem, however, remains the same: to intercept one missile with another missile and to explode a charge in the vicinity of the former which is sufficient to destroy or to disable the warhead. In order to accomplish this, defence must have adequate warning of the approach of an offensive missile, must be able to reach it swiftly and must thereafter be able to destroy or disable it. The ability to detect, identify and track an incoming missile attack is a function of information technology. The ability to intercept it is, in addition, a function of missile technology. The ability to destroy an offensive warhead is, to a large extent, a function of defensive warhead design.

INFORMATION

The detection of an offensive missile launch is a task for sensors, passive or active. A passive sensor, in this connection, is one which receives and identifies phenomena produced by the offensive missile itself. A missile, for example, has a plume of flame at the exit from its rocket motors which radiates strongly in the infra-red band of the spectrum. A passive infra-red sensor will be able to detect this radiation and communicate its findings to a defensive system. An active sensor is one which must radiate energy itself in order to obtain evidence. The obvious example of such a sensor is a radar set, which sends out pulses of radio waves in order to receive back their reflections from solid objects.

Passive sensors are potentially of considerable value in detecting offensive missile launches. One of their limitations, however, is that infra-red sensors, in general, operate on a line-of-sight basis. In order to detect a missile during its boost phase, when the rocket motors are burning, the sensor must therefore be close to or over the territory of the launching state. In practice, this means that the sensor must be mounted on a space satellite platform. When so mounted, an infra-red sensor may have some advantage over a radar sensor, since the infra-red radiation of a missile is detectable, and may be identifiable, from the moment of launch, whereas the radar image of the missile may be difficult to distinguish from the ground reflections until somewhat later in its flight. Detection apart, however, the ability of an infra-red sensor to track and predict the flight path of the missile is severely limited in comparison with that of radar.

In many ways, radar of the type which emerged from World War II provides an admirable means of tracking a moving object such as a ballistic missile. Once its narrow beam of radio signals has been reflected back from the missile to the radar receiver, the beam can be locked on to the missile and the radar slowed in order to follow the missile's course. This technique suffers, however, from two serious disadvantages. In the first place, radar of this conventional type is a line-of-sight system. In other words, it cannot see around corners, including a 'corner' of the type created by the curvature of the earth. This means that a ground-based radar must wait until an object such as a missile has risen above its horizon before it can detect it and begin to track its course. In the second place, a radar of the World War II type sends out only a single beam of energy. Once it has been committed to the tracking of a single missile, it is impossible for the radar to switch its attention swiftly or effectively to other missiles in the same attack pattern. Because of this, no radar system based only upon individual, mechanically steered antennae can hope to cope with a multiple missile attack.

The first of these disadvantages can be offset, to some extent, by raising the radar transmitter above ground level in an aircraft or a space satellite. Aircraft platforms are of limited utility for this purpose, because they cannot fly high enough to extend the radar's horizon by any significant amount, but satellite platforms offer much greater advantages, and the use of satellite-based radars for missile tracking is one of the developments of most interest in the near future. Meanwhile, the limitations of line-of-sight radar have been partially offset by the development of over-the-horizon (OTH) radar. This system relies upon the fact that a body, such as a missile, passing through the ionosphere causes a disturbance which can be detected by radar waves of particular frequencies bounced between the ionosphere and the earth to special receivers.[1] By this means, a disturbance of the ionosphere can be detected even when it is below the line-of-sight horizon of the radar. OTH radar cannot, however, track the course of missiles whose passage through the ionosphere has been detected, although it may be able to give a rough indication of the general direction in which they have been launched.

The second disadvantage of conventional radar—the inability to change the direction of the beam quickly enough to cope with a multiple missile attack—stood for many years as one of the principal obstacles to the development of effective ABM systems. By about 1963, however, a new type of radar had been designed which has since reduced that problem to insignificance. This system, which is known as a phased array radar, dispenses completely with mechanical means of steering the radar beam. Instead of the conventional single antenna, with its own reflector, a phased array radar consists of a large flat face in which are mounted numerous separate antennae, each transmitting a radar beam in a constant direction. The directions in which the thousands of antennae on a single face transmit their beams are organized to provide extremely flexible coverage at a considerable range. A missile detected by one part of this composite beam is handed over, by a process of electronic switching, to other parts of the beam's capacity as its course passes through the field of coverage. The first part of the composite beam is then free to pick up further missiles. In this way, a very large number of missiles can be detected and tracked by the beams of a single face. Supported by extremely high speed switching and computing equipment, the phased array radar, even though subject to the line-of-sight limitation, can thus make it possible for the first time for a ballistic missile defence system to cope with the approach of a large scale missile attack.

From whatever source the information about a missile attack may come, it is of no use to the defence unless it can be swiftly collated and effectively analysed. There is a dominant requirement, then, for high speed and high capacity computers, without which no ABM system would be possible. Indeed, so swift is the reaction required of a missile defence that computers must be used not only to analyse information about the attack but also to prepare, fire and guide the defensive missiles until they have intercepted their targets.

All types of static information equipment—radars, computers and communications links—are extremely fragile. Apart from the general fragility of electronic components, no installation, such as a radar set, which relies on transmitting waves of energy can be protected by any material which is not transparent to such waves. This fact seriously limits the intrinsic 'hardness' of the radars in an ABM system. These radars, on which the whole operation of the system depends, thus become attractive targets for an attacker, as do other electronic components of the defensive detection, command and control systems. One essential purpose of an active defence must therefore be to protect its own nerve centres.

MISSILES

An offensive strategic missile passes through three phases during its flight. The first is the boost phase, during which the missile is thrust upwards from its launching pad by the rocket motors of the propulsion system. The second phase—the mid-course phase—begins when these motors have burned out. The remainder of the missile continues upwards for some way, without power, until the force of gravity overcomes the impetus given by the rocket motors. It then begins to fall back to earth, pointing at its target and following a ballistic path. Finally, as its downward course approaches the upper limit of the earth's atmosphere, it enters the third phase of its flight, known as the terminal phase. In the case of an ICBM, the boost phase lasts 3–5 minutes, the mid-course phase about 25 minutes and the terminal phase 1–2 minutes.

In theory, it would be possible for a defensive missile to intercept an offensive vehicle during any of these three phases. In practice, the ballistic missile defence systems now being deployed are limited to interception during the later part of the mid-course phase and the whole of the terminal phase.

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Means of intercepting offensive missiles during the boost phase or during earlier parts of the mid-course phase have been, and are, under study, but none has yet proved practicable.

The transition from mid-course phase to terminal phase can be considered to take place at the moment when an offensive vehicle reenters the earth's atmosphere. A defensive missile intended to carry out an interception during the mid-course phase is therefore described as an exo-atmospheric interceptor, while one intended to intercept during the terminal phase is described as endo-atmospheric. Exo-atmospheric interception requires missiles of considerable range, equipped, as we shall see, with explosive warheads of a particular type. It has the advantage of defending a wider area than a shorter range system. Against this, it requires the maximum possible warning time for the missiles to reach the altitude of interception. Endo-atmospheric interception demands missiles with extremely high acceleration and with good accuracy. Without the former, no interception would be possible. Without the latter, the defensive warhead might have to be so large that it would cause damage on the ground when it exploded at a relatively low altitude. An endo-atmospheric system has the advantage that it is more likely to be fired only against valid targets.[2] In its nature, however, it is a last ditch defence. If it fails, no further active defensive measures are possible.

The design of an exo-atmospheric defensive missile is basically similar to that of a strategic offensive missile (ICBM, IRBM or MRBM). In order to have sufficient range and a heavy enough punch, it will almost certainly have to be a multi-stage launcher equipped with a large nuclear warhead. It must be capable of swift reaction, and a solid or storable liquid propellent is therefore mandatory.

The design of an endo-atmospheric defensive launcher is a more complicated matter. In order to intercept at a sufficient altitude during the extremely short reaction time available, it must be capable of quite unusual acceleration. This means that it must be fired from its silo by an explosive charge or by some other auxiliary force and must be equipped with motors which are thereafter capable of building up very rapidly to their maximum thrust. Moreover, its construction must include advanced materials capable of withstanding the high friction temperatures generated by this acceleration within the atmosphere.

Once fired from its launching site, an exo-atmospheric missile, like an endo-atmospheric missile, can be guided in any direction. Because this flexibility, coupled with its long range, enables it to protect a relatively large area, an exo-atmospheric missile is often called an area defense missile. An ABM system made up of such missiles is called an area-defence system. An endo-atmospheric missile, with its much shorter range, can only protect a single target area. It is therefore often called a point defence (or terminal defence) missile, and a system of such missiles is called a point-defence system. Area defence and point defence missiles can each engage incoming offensive vehicles within areas of the sky, dictated by their range and speed, the horizontal limits of which can be drawn on the ground below. This terrestrial reflection of its maximum coverage is known as the missile's 'footprint'.

WARHEADS

Both exo-atmospheric and endo-atmospheric defensive missiles must deliver nuclear warheads. Ideally, there would be advantage in equipping endo-atmospheric interceptors with conventional high explosive warheads, in order to minimize the risk of damage on the ground, but the accuracies obtainable have not so far been great enough to permit this.

The general effects of a nuclear warhead exploded within the earth's atmosphere are well enough known from the literature about nuclear weapons.[3] The warhead delivered by an endo-atmospheric interceptor depends for its effectiveness upon these common characteristics, which include the effects of blast, of electro-magnetic radiation (including heat) and of nuclear radiation. In other words, the warhead of an endo-atmospheric interceptor may destroy an incoming offensive warhead by blasting it to pieces, by burning it up or by so irradiating it with atomic particles, such as neutrons, that it is disabled.

The characteristics of exo-atmospheric atomic explosions are less well known. Outside the atmosphere, the effects of blast can be disregarded, since for all practical purposes there is no material through which shock waves can be transmitted. To all intents, this also applies to the effects of thermal radiation (heat), except within the fireball of the explosion itself. Outside the atmosphere, therefore, a defensive nuclear warhead relies for its effectiveness principally upon radiation in parts of the electromagnetic spectrum other than the thermal area. Any nuclear explosion yields a very high proportion (60 to 75 per cent) of its energy in the form of X-rays. Within the atmosphere, these X-rays are absorbed in an extremely short distance by the molecules of the atmosphere and are, in part, transmuted at the point of absorption into thermal energy or heat. Indeed, the distance which they travel at sea level before adsorption can be measured in inches. Outside the atmosphere, however, there is effectively no material capable of absorbing this X-ray radiation, which therefore expands from the explosion over extremely long distances without losing its intensity.

X-rays themselves vary considerably in frequency. High frequency (shorter wave) X-rays are known as 'hard', whereas those of lower frequency (longer wavelength) are known as 'soft'. If X-rays from an exo-atmospheric explosion encounter some material object, the energy which they carry is transmuted within that object into a form of thermal energy. This effect is particularly strong in the case of 'hard' X-rays, the proportion of which can be increased by the careful design of powerful, thermonuclear warheads with yields in the megaton range. If the X-rays—and especially the 'hard' X-rays—from a larger explosion of this type outside the atmosphere encounter an incoming offensive warhead while their own intensity is still sufficiently high, they will implant so much thermal energy in the materials of the warhead itself that many of them will, as it were, explode from within. Some materials, and especially some materials used in electronic equipment, are more susceptible than others to this effect. One of the main objectives of planning an exo-atmospheric defensive system is therefore to design a large nuclear charge which, when exploded sufficiently close to one or more incoming warheads, will saturate them with enough 'hard' X-rays to destroy the electronic circuits and other components on which their successful operation depends. An offensive warhead so affected becomes an inert mass of material, incapable of exploding when it reaches its target. The potential of this X-ray effect, and especially the very long range over which it can operate, offers a large part of the attraction of exo-atmospheric systems of interception.[4] Without it, exo-atmospheric interception would demand a quite unrealistic degree of accuracy.

Offensive methods

There are two main components of an offensive ballistic missile: a propulsion system and a reentry system, the latter consisting of a nuclear warhead, with control and firing mechanisms, protected by an ablative heat shield from the very high temperatures generated during reentry into the earth's atmosphere.

In ballistic missiles which have already been deployed, the re-entry system can be taken to have no propulsive ability of its own. After separation, it follows a ballistic path, as though it were a ball thrown into the air, with no power to alter either the basic direction or the initial velocity imparted to it at the moment of separation. Its accuracy depends almost entirely upon the efficiency with which the propulsion system has performed.

In the past, provided that the propulsion motors operated with the designed efficiency, the re-entry system of an offensive missile could have been reliably expected to arrive in its target area. The rate of mechanical failure during the mid-course and terminal phases would certainly have been extremely low. The introduction of ABM systems, has altered this calculation drastically. Even if the propulsion system operates with complete success, the designer of an offensive missile, in order to ensure that the re-entry vehicle reaches its target, must now provide means of overcoming an ABM defence.

An attacking force, if it cannot fly around a ballistic missile defence, can seek to penetrate it in one or more of three basic ways. It can neutralize the defence by making it either impossible or irrelevant for defensive missiles to be fired at it. It can deceive or mislead the defence, by prompting it to fire at non-existent or unimportant targets. It can exhaust the defence, by presenting it with so many different targets that, once all the defensive missiles have been fired, enough offensive warheads survive to destroy the targets.

NEUTRALIZATION

A ballistic missile defence might be neutralized by mounting a successful preliminary attack upon its radar installations or control centres, both of which are relatively 'soft' targets.[5] The attraction of this tactic may be diminished, however, if the targets in question lie within the coverage of the defensive missile system.

Alternatively, an attacker may attempt to neutralize a ballistic missile defence system by 'blinding' its radars. A nuclear explosion at a very high altitude, even outside the atmosphere itself, has the effect of establishing a large area of ionized particles which act, in relation to a radar system, as an opaque cloud.[6] This cloud will absorb or refract radar beams in such a way as to make it difficult, if not impossible, for many types of defensive radar to detect or track offensive warheads approaching from the other side of the cloud. An attacker may therefore choose to launch a preliminary attack, the objective of which is to establish this 'blackout' effect and thus to screen a subsequent wave of offensive missiles from the radars of the defence. This is one form of what has been called a 'precursor attack'.

A third way in which an attack may neutralize an ABM defence is by giving it so little warning of the attack that, although the spatial coverage of the defensive system's missiles has not been evaded, they cannot be fired effectively in the time available. In practice, this means that the attacker must avoid defensive radar surveillance until a late stage in the flight of the attacking missiles. Radar coverage cannot be complete, either vertically or horizontally. A mobile offensive system, such as a submarine, may be able to launch its missiles from a direction which the defensive radars are unable to cover. A static offensive system may also, conceivably, be able to launch a missile which will approach the target area from a unexpected angle.[7] As an alternative, offensive missiles fired from static or mobile launchers may be designed to fly in under the floor of the defensive radar

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coverage, at too low an altitude for successful detection and tracking.

Finally, a defensive system may be neutralized by providing the attacking warheads with their own means of protection against the explosion of ABM warheads. The 'hardening' of offensive warheads has become an important area of research. Careful selection of materials for the warhead components, coupled with the provision of suitable protective shielding, can significantly reduce the vulnerability of a warhead to the effects of a nuclear explosion. In particular, it can reduce its vulnerability to the X-ray effect generated by an exo-atmospheric explosion.

DECEPTION

Misleading a ballistic missile defense is a matter of presenting the defensive radars with what appears to be a legitimate target (that is, an incoming warhead) but is, in fact, something quite different. Outside the earth's atmosphere, this is, in theory, a comparatively simple affair. An offensive missile may, for example, release balloons with a coating which will reflect radar waves in such a way as to look, on a radar screen, like warheads. Alternatively, it may release a cloud of light reflective objects ('chaff') which the defensive radar will be inclined to read as a solid object. Inside the earth's atmosphere, the problem of misleading defensive radars becomes more difficult. The atmosphere has the effect of retarding light bodies, such as balloons or 'chaff', more quickly than heavy bodies, such as live warheads. It is a comparatively simple task, therefore, for the defensive system to distinguish between the light decoys which have been effective outside the atmosphere and the warheads which they have been designed to conceal. Within the atmosphere, misleading the defensive radars becomes a matter of presenting them with decoys which have all the external characteristics of live warheads but which are, in fact, inert. Such decoys, to be convincing, must, of course, display not only the characteristic mass of a live warhead but also the shape or 'crosssection' which it makes when detected on a radar screen.

Attempts to neutralize or to mislead a ballistic missile defense may be supplemented by various electronic counter-measure (ECM) devices carried in the offensive vehicle. These may be designed to "scramble" the radar signals of the defensive system or to provide it with misleading information.

EXHAUSTION

The whole area of neutralizing, misleading or confusing ballistic missile defense systems has been explored extensively by the nuclear weapon states. For obvious reasons, very little information about the results has ever been published. There is no doubt, however, that a country developing or deploying an effective offensive missile system in the 1970s will have to make full use of these categories of penetration aids ('penaids'). Even then, this use will be matched by efforts to improve defensive radar systems. Much has already been done, in response to the development of 'penaids', to make radars more accurate and more discriminating and to render them more effective, for example, in penetrating areas of intense ionization.

For this reason, one of the most attractive "penaids" will always be the tactic of exhaustion. Whatever counter-measures the defensive system may employ, it can always be exhausted by an attack which presents a larger number of targets than the defensive missiles can engage. To present this surplus of targets by deploying and launching more individual offensive missiles than the defence can cope with is expensive. Deploying so many additional missiles may also be highly provocative. It is largely for this reason that the major nuclear weapon states appear to systems which enable a single offensive missile to deliver several warheads at once. These multiple re-entry vehicles can be so spaced as they approach their target that the defence must engage each warhead separately with a defensive missile. In this way, a comparatively small number of offensive missiles may contrive to exhaust, and thus to penetrate, a comparatively heavy defensive system. Whether it can do so effectively will depend not only upon its ability to deliver a sufficient number of individual warheads but also upon its ability to separate the warheads from each other, in time and space, by amounts which are sufficient to make it impossible for the explosion of a single defensive nuclear weapon to destroy several warheads at once.

MULTIPLE RE-ENTRY SYSTEMS

The desire to exhaust a ballistic missile defence is not the only possible reason for equipping an offensive missile with a multiple re-entry system. It may be, for example, that several smaller warheads delivered within a given area can cause more damage than a single large warhead delivered in the centre of that area. This will not often be the case where the target is a small "hard" one, such as a missile silo, heavily protected against the effects of blast. But it could well be true in the case of large "soft" targets, such as population centers or industrial complexes. Indeed, multiple re-entry systems would almost always have such an advantage against "soft" targets if the choice were between delivering one large warhead or several smaller warheads with the same aggregate yield. However, the need to provide each separate warhead with a heat shield, as well as with separate control and firing mechanisms, seriously limits the weight of fissile material which the warheads in a multiple system can carry. For this reason, the total yield of the multiple warheads delivered by one missile will always be considerably less than the yield of a single warhead delivered by the same missile. How much less will depend upon the exact characteristics of the system and the number of multiple warheads which it contains, but the reduction in yield may well range from 40 to 80 per cent.

Another reason for adopting a multiple re-entry system may be to enable a single missile to attack more than one target at once. In order to do this, it is obviously necessary that the separation between the warheads and the yield of each of them should be sufficient to reach and to destroy the separate targets concerned.

If we ignore the use of closely spaced multiple warheads to increase the damage which one missile can cause to a single 'soft' target, it is clear that the question of separation is central to the design of a multiple re-entry system. Multiple re-entry bodies which are simply separated from the propulsion system after the latter has burned out, as though they were a single re-entry body, will tend to follow identical ballistic paths. Small deviations from that path may be secured, but the separation between the points at which the warheads reach the ground cannot ever be large. This method may, therefore, serve to increase the missile's effectiveness against a single 'soft' target but it will not be sufficient to present more than one target to an ABM system or to attack several widely separated targets on the ground. The effect will be as though a ball thrown into the air had broken into several pieces after leaving the hand. The points at which the fragments will reach the ground will all bear reference to the ball's original line of flight and its original target. In that sense, they will not be independently targeted.

There are several possible ways of achieving the wider separation needed to attack, or to present, independent targets. Longitudinal separation, along the axis of the missile's flight, could be achieved by securing some time interval between the release of the individual re-entry bodies. Assuming that the re-entry bodies thereafter followed normal ballistic trajectories, this would have the effect of spacing them out along a straight line which was that of the flight axis. Lateral separation could be achieved in a variety of ways. The individual re-entry bodies might be mounted within the re-entry system on what were, in effect, rails, arranged to point in slightly different directions. The re-entry bodies, even if released simultaneously, would then leave the re-entry system by running down their separate rails at somewhat different angles and would achieve lateral separation as a result. Alternatively, the re-entry system as a whole might be caused to rotate as it released the individual re-entry bodies, thus spinning them off in different directions by centrifugal force. Finally, the re-entry system as a whole might be mounted in a powered vehicle (a 'bus') which could be controlled and steered after separation from the booster in such a way that it was pointing in slightly different directions or moving at slightly different speeds when it released each of the re-entry bodies. Clearly, these different methods are not mutually exclusive. Any combination of them might be adopted in order to secure the particular longitudinal and lateral separation desired.

One point should be made quite clear. Nothing in any of these methods has the effect of making the warheads delivered by multiple re-entry systems arrive more accurately than those delivered by single re-entry systems. Indeed, the reverse may be true. Especially in the case of systems which release re-entry bodies sequentially, the effect of releasing the first body may be to alter the attitude and velocity of the carrier vehicle very slightly. Unless these alterations can be predicted with great precision, this will mean that the accuracy with which subsequent re-entry bodies are released and delivered will be somewhat degraded. It follows that the fears of multiple re-entry systems being able to attack "hard" targets, such as missile silos, with unprecedented accuracy are based not upon the multiple characteristics of the system but upon general improvements in the guidance and control—and thus in the accuracy—of re-entry bodies. The same fears would be justified even more clearly in the case of single re-entry systems equipped with similar guidance and control mechanisms.

There has been a tendency recently to draw a firm distinction between multiple re-entry systems which can achieve comparatively little separation between the impact points of the separate warheads and more advanced systems which are designed to achieve the much wider separation needed to attack separate "hard" targets. The former have been described as MRVs (Multiple Re-entry Vehicles), and the latter as MIRVs (Multiple Independently-targeted Re-entry Vehicles). A distinction exists, but it is one of limited utility and the way in which it has been employed tends to be misleading. It suggests, apart from anything else, that the warheads of a system which does not have the means of achieving wide separation are scattered at random in a general area as though they were the pellets of a shot-gun charge. In fact, however, it is theoretically possible to predict with some accuracy the individual impact points of these warheads. The important point is that neither those impact points nor the paths which the individual warheads follow from the moment of separation can be as far apart as in the case of more advanced re-entry systems which release their warheads at varying times or at varying angles from the original flight path of the missile. This distinction is an important one, but it is not well indicated by the use of the terms MRV and MIRV, especially as the former must logically include the latter. It is more useful to speak of a single category of Multiple Re-entry Systems (MRESs) and to ask two questions about any particular system within that category:

Can the re-entry bodies which form the payload of a single missile present more than one target to an exo-atmospheric ABM system?

Can the warheads delivered by a single missile successfully attack several separate targets on the ground?

ORBITAL AND DEPRESSED TRAJECTORY SYSTEMS

We have already seen that one way of neutralizing an ABM defence is to take it by surprise. This means either travelling outside the horizontal limits of defensive radar coverage or sliding underneath its lower limits.

All ground-based radar has great difficulty in detecting objects flying towards it at very low altitudes. This is largely because of the so-called "ground clutter" effect, which confuses the radar image of the incoming object with other low-altitude images, ranging from flocks of birds to mountains. Great efforts are being made to develop radars which can overcome this problem. Meanwhile, one way in which an offensive vehicle may avoid defensive radar is by flying, throughout the time it is within radar range, below an altitude at which its image can easily be distinguished from the images of other objects. In practice, this option is so far only available to aircraft and to air-breathing cruise missiles. The latter have a good chance of avoiding radar detection during much of their flight because of their low altitude, but suffer from the disadvantages that they have comparatively short ranges and travel at comparatively slow speeds.

At present, no ballistic missile can hope to avoid radar detection completely by traveling below (or above) the vertical limits of defensive radar coverage. As we have seen, however, tracking radars are subject to a line-of-sight limitation: they cannot see around the curvature of the earth. Ballistic missiles fired at much lower angles than usual will consequently rise above the line-of-sight radar horizon at a later stage in their flight. The re-entry systems of such missiles still follow a ballistic path, but their path rises to a much lower height above the earth than the conventional path of an ICBM traveling on what is known as a minimum energy trajectory. Low-angle missiles of this kind are known as depressed trajectory missiles.

Because it is not fired at the optimum ballistic angle, a depressed trajectory missile requires more energy to reach the same range as a conventional ballistic missile. If still more power can be made available, the missile may be able to escape completely from the restrictions of ballistic flight. It may, in fact, be able to achieve what is called orbital velocity, which means the speed necessary to maintain a body in orbit, without assistance from the atmosphere and in defiance of gravity, during at least one complete revolution around the earth (i.e. about 15,400 n.m. per hour at 100 miles altitude). In other words, it may become an earth satellite.

It would, in theory, be possible to equip an earth-orbiting satellite with a missile armed with a nuclear warhead, and to launch that missile at a target on the earth's surface on command from a ground station after the satellite had completed several orbits of the earth. Apart from the fact that such a use of orbiting satellites would contravene the Outer Space Treaty, it would also be a highly provocative manoeuvre. Moreover, the orbiting satellites themselves would be highly vulnerable to destruction by defensive missiles in a time of crisis, since their flight paths would already have been calculated and predicted during earlier orbits. For these reasons, as well as for reasons of cost and effectiveness, no nuclear weapon state appears to have been attracted by the idea of such an orbiting weapon in space. More interest has, however been shown in what has been called a Fractional Orbital Bombardment System (FOBS). This is a missile which achieves an orbital velocity but which fires a set of retro-rockets before the completion of one revolution in order to slow down its re-entry system and to drop the warhead which it carries into a normal ballistic trajectory towards a target on the earth's surface.

The principal advantage of a FOBS lies in the comparatively low altitude of its flight path. While a conventional ICBM reaches a maximum altitude of about 800–900 miles, the higher velocity FOBS will travel at an altitude of not more than about 100 miles above the earth's surface. In this way, it avoids the surveillance of line-of-sight detection radars for a considerable time. Over a typical inter-continental range, a line-of-sight radar at the target itself will give something like 10 minutes warning of an ICBM's arrival. With a FOBS, this warning time may be cut to as little as 3 minutes.[8]

To balance against this advantage of surprise, a FOBS suffers from two disadvantages. In the first place, the need for the missile's motors to have enough fuel to achieve orbital velocity severely limits the payload which can be carried. In the second place, the fact that a FOBS warhead, ejected from its lower orbit, must approach the earth at a somewhat flatter angle than the warhead of a higher altitude ICBM means that any vertical deviation from the planned flight path will have a comparatively larger effect on the accuracy with which the warhead is delivered.

To a lesser extent, missiles fired on a depressed trajectory enjoy the same advantage of surprise as a FOBS. Again, a line-of-sight defensive radar will not be able to detect the approach of a depressed trajectory missile until later in its flight path than is the case with a conventional ICBM. An ICBM fired in this way is known as a depressed trajectory inter-continental ballistic missile (DICBM).

Submarine-launched ballistic missiles may also be fired on depressed trajectories. By this means, a submarine system can take advantage of two potential assets: the asset of mobility, which enables it to fire from unexpected horizontal angles, and the asset of depressed trajectory, which enables it to fire its missiles at angles low enough to avoid defensive radar coverage for a large part of their flight. Current SLBMs are, in any case, fired over shorter ranges than land-based ICBMs, and therefore reach a lower apogee even when fired at an optimum angle. When fired on depressed trajectories, SLBMs could travel at such low altitudes that a defensive radar system might have only about 3 minutes warning of their approach.

V. PASSIVE DEFENCE AND OFFENSIVE DESTRUCTIVE POWER

Defensive methods

Several countries have given sporadic attention to the problem of protecting civilian population, civilian industry and vital administrative centres against the effects of a nuclear attack. How effective any of these measures would be in practice, especially in the case of a surprise attack, is open to doubt. More consistent thought has been given to the protection of strategic forces themselves against the effects of a nuclear attack. The protection of static land-based missiles against blast and the provision of mobile missile systems have been subjects of heavy expenditure during recent years by at least four of the nuclear weapon states.

MISSILE SILOS

The early generations of ICBMs and of other strategic missiles (IRBMs and MRBMs) were deployed on open launching pads, known as 'soft' sites. The missiles themselves being extremely fragile pieces of machinery, they were highly vulnerable to the effects of a nuclear explosion anywhere in the general vicinity. Their vulnerability was all the greater because these early generations of missiles required liquid fuels which could not be stored inside the vehicle. This meant that there had to be a considerable internal for fueling between the warning of an attack and the moment at which the missile could be launched. They were thus very likely to be caught on the ground and destroyed by a surprise attack of any size.

As the improvement in missile accuracies made this problem more acute, both the United States and the Soviet Union began to explore ways of protecting their missiles against the effects of a nuclear attack. The principal method adopted by both in the case of static missile systems was to emplace the missiles in strong underground silos. These were constructed of reinforced concrete which could withstand very strong blast shocks without the missile inside the silo being disabled.

The accuracy of missile systems has continued to improve, until missiles emplaced in hard silos of existing patterns are again considered to be vulnerable to a surprise attack. The silos provided for the United States land-based ICBM force, for example, are capable, on the average, of withstanding a blast of about 300 pounds per square inch over the normal atmospheric pressure (300 psi overpressure). That level of protection is inadequate, however, against the surface explosion of a 1 MT nuclear weapon 2,200 feet away. Such an accuracy is well within the reach of proposed systems.[9]

One possibility, in these circumstances, is to harden missile silos still further. By strengthening their construction and by sinking them into natural layers of hard rock, rather than earth, it would, in theory, be possible to provide protection against a blast of anything up to 3,000 psi overpressure. This would be enough to preserve the missile inside the silo from all but a very near miss. Beyond a certain point, however, consideration of blast effects alone becomes irrelevant. A 1 MT nuclear explosion, on a surface of ordinary soil will pile up debris over an area which extends about a quarter of a mile from the point of the explosion. Any missile silo within that circle will almost certainly be unable to eject its missile once the debris has been deposited.

Another possible way of preserving emplaced missiles against the effects of a nuclear attack is, of course, to fire the missiles as soon as warning of the attack has been received and before the attacking warheads can reach the earth. At least in public, this tactic, which is known as 'launch on warning', has repeatedly been rejected by the United States Government. It has to be remembered, however, that a public rejection of this sort may not carry complete conviction to a potential adversary. Any missile power considering a surprise attack upon another missile power must take into account a greater than zero probability that the latter will, in the event, decide to launch a retaliatory strike as soon as it considers that persuasive warning of an attack has been received.

MOBILE SYSTEMS. Unless a country is prepared to adopt a policy of 'launch on warning', there are clear limits to the degree of passive defence which can be provided for static missile systems. There is no apparent limit to possible improvements in the accuracy of strategic missiles. It has, indeed, been suggested that future re-entry systems may be able to place a satchel charge on the silo door of a missile site. Against such accuracy, no static measures of passive defence have much chance of success. Attention has therefore switched increasingly to the advantages of mobile missile systems which will not offer such an easy target for surprise attack.

The original delivery vehicle—the bomber aircraft—is itself a mobile system. Equipped with stand-off ASM missiles and effective means of confusing, evading or suppressing

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air defence systems, the strategic bomber is still a useful delivery vehicle. While on the ground, however, a strategic bomber force presents an even easier target for surprise attack than a static missile force, since much less accuracy is required to hit a bomber base than a missile silo. In order to be able to exploit its advantage of mobility, a strategic bomber force must therefore have its own means of surviving a first strike. This means dispersing the force to a large number of bases, in order to present the greatest possible number of targets, giving it the maximum possible warning of missile attack and keeping a large proportion of the force at a state of readiness which will permit it to take off before the attacking missiles can arrive. As in the case of other defensive measures, adequate and swift intelligence concerning an offensive missile launch is of vital importance.

Another way of procuring a mobile force which can better withstand a surprise attack is to take land-based ICBMs out of their silos and to place them on mobile launchers. This would have been almost impossible with the earlier generations of ICBMs, which required liquid fuels to be pumped into them before they could be launched. Solid-propellent missiles, which are ready for launch at any time, make the prospect of mobile ICBMs more attractive. So far, however, no country has deployed mobile land-based ICBMs, although mobile launchers for shorter range missile systems have become a commonplace.

Without doubt, the most important mobile offensive missile system is the submarine. Its advantages are obvious. It is extremely hard to detect and even harder to track and destroy. It can move with considerable freedom around the sea frontiers of a target country and, equipped with missiles of adequate range, can mount its attack from any one of an extremely large number of launch points. Against this, the accuracy with which its missiles can be delivered depends heavily upon the accuracy with which the submarine itself can be navigated. Navigation of unprecedented precision has been made possible by the development of navigation satellites, but it is still the case that the accuracy of submarine-launched ballistic missiles is inherently less than that of land-based ICBMs. Another possible disadvantage is that, like the strategic bomber aircraft, the missile submarine is vulnerable while within its base area. Nuclear propulsion, however, has provided such long endurance that a large proportion of any submarine force can be kept in firing position all the time. All in all, the ballistic missile submarine is the most convincing means so far found of providing what is, in effect, a passive defence against a first strike.

Hard silos on the ground, strategic bomber aircraft in the air and missile submarines at sea all provide different versions of passive defence. With this range of alternatives available, both the largest nuclear weapon states have recognized the advantages of diversification. To rely on any one version of passive defence alone would render the country concerned vulnerable to a technical breakthrough or even to a particular form of surprise attack. Although they have given different priorities to the three environments, both super-powers have therefore been inclined to maintain strategic forces on the ground, in the air and at sea. In present circumstances, it would be quite impossible for either to destroy all three elements of the other's force in a surprise attack. A retaliatory ability would therefore survive. In this sense, the diversification of strategic forces is itself an aspect of passive defence.

Offensive Methods

The direct counter to an improvement in passive defence, at least in the case of static targets on land, is an improvement in the yield of an attacking warhead, in the accuracy with which it can be delivered or in both yield and accuracy at once.

The relationship between the yield and accuracy of a nuclear warhead is of critical importance. About half the energy released by a nuclear explosion on the surface of the earth is converted into blast or shock waves. These are naturally attenuated by distance. The blast from a weapon of a particular yield exploding a short distance away will be as great as the blast from a weapon of higher yield exploding further away. There are mathematical laws, called scaling laws, which govern the relationship between yield and distance. The important point about them is that the effect of varying the distance from the point of explosion is much greater than the effect of varying the size of the explosion itself. To be more specific, a given amount of blast, measured in pounds per square inch (psi) of overpressure, will occur at a distance from an explosion which is proportional to the cube root of the energy yield. Roughly speaking, this means, that doubling the yield of a nuclear explosion will increase the blast at a particular distance by about two-thirds, whereas halving the distance will increase it by about four or five times.

The implications of this are obvious. It means that the success of a nuclear attack depends more heavily upon the accuracy with which the weapon is delivered than upon the size of its yield. To take an example, the blast from a 100 KT weapon exploded on the surface half a mile away from a target will exert a pressure on that target of about 32 psi over the normal pressure of the atmosphere. Doubling the yield of the weapon and exploding it at the same distance from the target will increase the blast effect by about 63 per cent. But halving the distance between the explosion and the target while maintaining the yield at 100 KT will increase the blast effect by about 350 per cent. In other words, the dividend from doubling the accuracy turns out to be about 5½ times the dividend from doubling the yield. For that reason, it is important not to become over-impressed by the sheer size of nuclear weapon yields. Size is significant, but accuracy of delivery is normally even more significant.

Increasing the accuracy of offensive missiles depends upon developing more efficient guidance systems. The basic guidance mechanism for all strategic missiles has always been an inertial system. Once a re-entry system has been separated from its booster, however, there is little which any inertial guidance system can do to correct aberrations in its course. A warhead re-entering the earth's atmosphere is affected by atmospheric inconsistencies and by such natural phenomena as winds. For these and other reasons, it is intrinsically unlikely that any guidance system based only upon inertial techniques can achieve accuracies at an intercontinental range of much better than 0.25 n.m. CEP. In order to obtain a higher accuracy than this some form of terminal target-seeking guidance which can correct the course of the reentry system within the atmosphere is needed.

VI. THE SYSTEMS

Although most of this paper has deliberately been cast in general terms, it may be useful to give some details of specific systems which have already been deployed or which are under development.

In the case of defensive systems, the details given cover both active and passive defence. The emphasis, however, is on the former. In the case of the offence, the details have been confined to multiple re-entry and orbital systems. This should not be taken to mean that conventional, single warhead missiles are outmoded or are irrelevant to the penetration of an active defence, but only that their characteristics are considered to be well enough known from published literature.

Performance characteristics have been ascribed to most of the weapons mentioned. They should be read with caution. Governments are secretive about the characteristics of their own missile systems (although they are sometimes more loquacious about other people's). In many cases, therefore, first-hand information is not available. In others, estimates of performance vary within remarkably wide margins. This is hardly surprising. It is difficult for a country to extrapolate reliable operational performance statistics about its own missiles from test data alone. It is even more difficult to extrapolate such statistics about the missiles of other countries from surveillance of their testing programmes. Finally, it is very difficult indeed to assess, from design specifications alone, the operational performance of a missile which has not been fully tested at all Estimates based on design specifications will often be more favourable than those based upon test data. Above all, the standards set in testing may not be achieved if a system is ever used operationally.

This element of uncertainty is more important in the case of some weapon characteristics than others. An error of a factor as large as two in the estimate of the yield of a nuclear warhead may not be particularly important in the particular context of its use. Such an error in the accuracy of an offensive missile would, however, be of very great importance indeed since, as we have seen, the effectiveness of such systems, especially against 'hard' targets, is critically dependent upon their accuracy. Figures for the accuracy of offensive missiles should therefore be read with particular caution.

No figures have been given for the reliability of individual missiles, largely because reliability statistics based upon test data are more than usually subject to degradation in operational conditions. As a rough guide, however, it can be considered that between 70 and 80 per cent of both United States and Soviet ICBMs and SLBMs would perform as designed.

Defensive systems

United States Systems

No active ballistic missile defence has yet been deployed by the United States. Work has been going on since the early 1950s, however, on the development of ABM radars and missiles. Initially, this work centred around a longer range version of the Nike system of air defence missiles, known as Nike-Zeus, which had a range of approximately 200 miles and was intended to operate in conjunction with a series of four mechanically slewed radars.[10] Although this missile showed its exo-atmospheric capability during live interception tests over the Pacific in 1962 and 1963, its range and power were barely adequate for a genuine area defence, while the system as a whole suffered from the fatal disadvantage that its mechanically slewed radars could not cope with an attack by more than a very few offensive vehicles. Moreover, the system included no shorter range, high acceleration missile as a backup to the long range Nike-Zeus. It was decided, therefore, that three problems would have to be solved before an effective ABM defence could be deployed. The missile designed for exo-atmospheric interception (Nike-Zeus) would have to be given a considerably longer range. A shorter range missile would have to be designed for endo-atmospheric interception. Finally, some major improvement in radar technology would have to be made in order to cope with a multiple attack.

At least on paper, two of these three problems were solved between 1961 and 1963. A new, high acceleration missile known as Sprint had been tentatively designed for endo-atmospheric interception, while the de-

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velopment of phased array radars had at last made it possible to cope with a multiple attack. At that point, the Nike-Zeus programme was formally abandoned and a new programme was announced under the title of Nike-X. It remained to produce a longer range exo-atmospheric missile which would be genuinely capable of area defence. This third requirement was approached in 1964, when a programme was started to construct a much longer range interceptor together with a new warhead which would destroy incoming vehicles by the use of 'hard' X-rays. The missile, based on the old Nike-Zeus, was originally known as the DM15X–2 but has since been named Spartan.

The radars designed for Nike-X were all based upon the phased array principle. The intention was that attacking ICBMs should first be detected, at a range of some 2,000 miles when they were about ten minutes away and flying at an altitude of about 500 miles, by a very long range radar operating on a compratively low frequency and known as a Perimeter Acquisition Radar (PAR). At a certain point, the PAR would hand over the tracking to a shorter range but very high capacity radar known as a Multi-function Array Radar (MAR or to a slightly scaled down version known as a TACMAR. The MAR or TACMAR would, in turn, hand over the tracking task to a Missile Site Radar (MSR) at a DM15X–2 missile site. The MSR, with its ancillary equipment, would compute interception points, launch an appropriate number of the DM15X–2 missiles for which it was responsible, and guide the interceptors to their targets. If intercetpion with the DM15X–2 was impossible or unsuccessful, one or more high acceleration Sprint missiles would be fired, also guided by the MSR, to engage incoming vehicles within the atmosphere at a height of about 100,000 feet.

A great deal of effort was put into the development of specialized warheads for both DM15X–2 and Sprint. The former required a multi-megaton warhead which could create extremely intense "hard" X-rays outside the atmosphere. The latter required a very much smaller nuclear warhead, the detonation of which at a comparatively low altitude would not cause damage on the ground, to destroy incoming warheads by blast or neutron irradiation.

Despite pressure from the United States Army and from a number of Members of Congress, it was three years before any decision was taken to deploy a version of the *Nike-X* system. Finally, in September 1967, the US Secretary of Defense announced that a limited deployment was to be undertaken, under the title of *Sentinel*, ostensibly in order to counter an expected Chinese ICBM threat during the latter part of the 1970s. The *Sentinel* system was to consist of 15 missile sites in the continental United States, with additional sites in Alaska and Hawaii, together with six PAR sites along the Canadian border. Sixteen of the seventeen sites were to be equipped exclusively with *Spartan* (DM15X–2) missiles. The seventeenth, in Hawaii, would have only shorter range *Sprint* missiles. *Sprints* would also be deployed around the six PAR sites. Each of the seventeen missile sites would have its own MSR installation. (The restricted scale of the system and expected improvements in PAR and MSR performance made it possible to leave out the intermediate MAR or TACMAR radars.) The first missile site was to become operational in October 1972, and the system might have been fully deployed by 1975. It would then have provided a thin-area defense for the whole territory of the United States. This area defense would not, however, have been supported by any significant terminal defence, except around the six northern PAR sites. It would therefore have had little ability to cope with a heavy missile attack of the sort which the Soviet Union might have been expected to launch. Its capability was effectively restricted to a defence against light missile attacks, by China or by any other small nuclear power. However, it could clearly have provided the basis for the eventual construction of a much thicker system, with a capability against the Soviet Union. Indeed, one of the reasons for the location of the majority of the *Spartan* sites within urban areas was to permit the later co-location of *Sprint* missiles as elements in such a "thick" defence. Another option left open by the design of the *Sentinel* system was that of deploying *Sprint* missiles around *Minuteman* ICBM sites. Mr. McNamara, in fact, made this possibility explicit when he announced the adoption of the *Sentinel* programme in September 1967. Nevertheless, the general pattern of the *Sentinel* system, as originally described, was that of a "thin"-area defence designed to protect civilian population and industrial capacity against attack by a small missile force.

A major amendment of this principal purpose was revealed by President Nixon on 14 March 1969, when he announced the initiation of a new ABM programme to be called Safeguard. In many respects, the Safeguard system is no more than a new version of the Sentinel system. The missile and radar components are identical, including both Spartan and Sprint as well as PAR and MSR radars. The purposes and pattern of the deployment, however, have been heavily amended. Instead of the "thin" area defence of the whole country against attacks on population centres, industrial capacity and missile sites alike, Safeguard is to have as its first priority the defence of Minuteman silos. The provision of an overall area defence, especially against a Chinese attack, is explicitly relegated to a lower position in the order of priorities. The six PAR sites along the Canadian border designed for Sentinel are to be replaced by five sites in the same area. In addition, two PARs are to be located in the south-western and south-eastern United States, largely to provide warning of an attack by submarine-launched ballistic missiles (SLBMs). Moreover, four of the PARs are to be given additional faces in order to make them multi-directional. The fifteen Spartan missile sites which the Sentinel plan had proposed for the continental United States are to be replaced by twelve sites, each of which will have both Spartan and Sprint missiles in addition to its own MSR. Seven of these sites will be colocated with the PARs. None, with the exception of a site at Washington, DC, will be within urban areas. Above all, the first two sites to be constructed will be positioned to defend parts of two of the six principal areas of Minuteman deployment, at Malmstrom Air Force Base in Montana and at Grand Forks Air Force Base in North Dakota. Deployment at these two sites, with the construction of the five northern PAR sites, is to be Phase I of the Safeguard programme and is to be completed during 1974. The cost of Phase I, excluding the cost of the necessary warheads, is estimated at $2,100 m.

Three options are left open for Phase 2 of the Safeguard programme. Option 2A would involve adding two further Spartan/Sprint sites to protect the Minuteman fields around Whiteman Air Force Base in Missouri and Warren Air Force Base in Wyoming. It would also increase the number of Sprints and Spartans in the Phase 1 installations. Finally, it would establish a separate Spartan/Sprint site to protect the capital at Washington. The additional cost of Option 2A would be $1,300 m. Option 2B was designed specifically to counter a possible Soviet SLBM threat to United States strategic bomber bases. This option would involve the addition of two PARs, in Florida and California, and the establishment of an additional ten missile sites, bringing the total to twelve, at an extra cost of $4,200 m. over that of Phase 1. In addition to providing a defence of Strategic Air Command (SAC) bomber bases, this would have the effect of establishing again a thin-area defence of almost the whole continental United States. Option 2C would be designed to meet an increasing Chinese ICBM threat, in circumstances in which the Soviet SLBM threat to the United States bomber force was less than expected. Again, a total of twelve missile sites would be deployed, but the two PAR installations in Florida and California would be omitted and the MSR coverage would be less extensive. The extra cost of Option 2C over that of Phase 1 would be $3,900 m. If all three options under Phase 2 were to be pursued together, the total cost, including the Phase 1 cost, in terms of investment by the US Department of Defense, would be $6,600 m. In addition, there would be an attributable research, development and testing cost of $2,500 m. Finally, the development, testing and production of warheads for the system would cost $1,200 m. Altogether, therefore, Phases 1 and 2 of the Safeguard programme would cost the United States $10,300 m., spread over about eight years.[11] Expenditure on the operation and maintenance of the complete system, at 1969 prices, is estimated at $350 m. a year.

Few performance details of the missiles to be included in the Safeguard system have yet been released. It is known, however, that the long-range Spartan has an overall length of 55 feet, a three-stage, solid-propellent booster, a warhead giving a yield of several megatons and a range of about 400 miles. Each Spartan costs about $1.5 m. The short-range Sprint, which is fired from its silo by a gas-driven piston in order to give it initial acceleration, has a two-stage solid-propellent booster, an overall length of 27 feet, a diameter of 4½ feet, a range of about twenty-five miles and a warhead in the kiloton range. Each Spartan costs about $1.1 m.

Soviet systems

After what seems to have been a false start around Leningrad in 1962, based upon missiles and radars which proved inadequate, the Soviet Union began to deploy an ABM system for the defense of the Moscow area in about 1964–65. In November 1966, the U.S. Secretary of Defense admitted publicly that there was "considerable evidence" of such deployment. The system, which now consists of 67 missile launchers around Moscow, relies upon radars which are powerful but somewhat crude by American standards, together with a single missile, known in the West as the Galosh, which is designed for exo-atmospheric interception only. Galosh, with an estimated range of 200 miles, provides a "thin" area defense of Moscow and its surroundings. It is not, apparently, supported by any shorter range, terminal defense missiles. Nor has the system so far been extended to cover other areas of the Soviet Union. Nevertheless, Galosh, which is capable of delivering a multi-megaton warhead presumably with "hard" X-ray capabilities, gives the Moscow area a degree of protection which the United States purports to take seriously in assessing her own second-strike capability. The limitations of this restricted system have apparently, however, been recognized by the Soviet Union. The deployment of Galosh slowed down significantly during 1968 and has now, it seems, been almost suspended. In its place, the Soviet Union is reported to be testing a new generation of more sophisticated radars and a new long range interceptor missile.

While installing the Galosh defense around Moscow, the Soviet Union was also deploying another defensive missile system known as the Tallinn system from the place at which its components were first observed. This system, based upon a missile known in the West as the SA–5 Griffon, has been established in

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several areas around the perimeter of the Soviet Union. It is clearly designed only for endo-atmospheric interception, and the general view amongst Western experts is now that its primary, and possibly its only, role is defense against high speed, high altitude aircraft and ASMs. In theory, however, it would be possible to adapt such a system to perform a limited ABM function by associating it with more capable radar and control equipment. This, however, could also be said about other Soviet surface-to-air missile (SAM) systems such as the SA-2, as well as about United States SAMs such as Nike-Hercules and even Hawk.[12] Whatever longer term Soviet intentions may be in this respect. therefore, there is no evidence that their ABM defense consists at present of anything more than the Galosh deployment around Moscow.

FUTURE PROSPECTS

Research is continuing in the United States in an attempt to develop more capable components for later stages of the Safeguard system. In particular, attempts are being made to improve Spartan and Sprint. In the case of Spartan, these efforts have been directed towards providing the missile with greater range and with what has wrongly been described as a "loiter" capability. The latter, which should more properly be called a re-ignition capability, means enabling the missile to shut down its motors on command at some stage after launch and thereafter to coast briefly until a suitable target has been selected, at which point the motors are re-ignited. In the case of Sprint, the main effort has apparently been directed towards developing a version which can be fired from sites some way from the controlling MSR installation. The products of these developments—Improved Spartan and Remote Sprint—would presumably be used in Phase 2 of the Safeguard programme.

Looking further ahead, the advantages of intercepting an offensive missile during the earlier stages of its flight are considerable. During the initial boost phase, which lasts for 3-5 minutes, the missile, which is carrying a heavy load of fuel as well as its payload, is accelerating comparatively slowly and presents both an easier and a larger target. Moreover, interception during the boost phase or the early part of the mid-course phase would preserve the defending country from any risk that the detonation of its own warheads would either cause damage to its territory or "blind" is defensive radar system. Finally, multiple warheads would have no opportunity to separate widely from their booster or from each other. Early interception of this type demands, however, both longer warning of an ICBM or SLBM launch and the ability to maintain defensive missiles at some distance from the borders of the defending country.

Attention is therefore being paid to the possibility of positioning the components of an ABM system beyond the territorial limits of the United States. The United States Navy has proposed a system known as SABMIS (Sea-based Anti-Ballistic Missile Intercept System), which would install both tracking radars and missiles in surface vessels. In theory, given sufficiently powerful missiles this would permit the interception of ICBMs during the early part of their mid-course phase. Missiles which have been proposed for this purpose, include both *Spartan* and *Polaris*. At the same time, the United States Air Force has suggested a system known as ABMIS (Airborne Ballistic Missile Intercept System), which would install radars and missiles in C-5A transport aircraft. This would also permit the earlier interception of ICBMs. In addition, the ability of airborne radars to "look down" at missiles, over what would be the radar horizon of a land-based defence, might give this system an advantage against submarine-launched ballistic missiles.

The United States has embarked upon a number of more speculative research programmes, under titles such as Hibex and Upstage, designed to produce very advanced types of endo-atmospheric ABM missiles. Several of these programmes are co-ordinated under the name of Project Defender. Their intention is to develop sophisticated short range missiles, capable of extremely high acceleration and also of maneuvering in order to counter the evasive action which may be taken by later generations of re-entry vehicle.

Finally, there is the possibility of mounting an ABM system in earth-orbiting satellites. During the early 1960s, the United States, under the title of Project Bambi, examined the deployement of a large number of low altitude satellites armed with interceptor missiles for this purpose. The object would have been to detect and destroy offensive missiles very soon after launch. The project was abandoned in 1964, both on the grounds of expense, and on the more obvious grounds of its intrusive and provocative quality. It has been reported, however, that the US Department of Defense is again examining a proposal for a satellite-based missile defense system which would fire large numbers of solid, non-explosive darts to destroy offensive missiles shortly after launch.

There is no obvious reason why ballistic missile defence should always be based on the interception of one missile by another. One possibility, which has already been widely discussed, might be to use laser beams as a defensive mechanism. It it were possible to provide the very large quantities of energy needed for such lasers and also to develop lasers which combined adequate destructive power with a sufficiently quick reaction time, this method would have the advantage of almost instantaneous interception. Apart from anything else, a laser of this type could repair any error in its performance by firing again at the same missile. This tactic, which has been called "shoot-look-shoot", is one which it is difficult-although not impossible—to adopt in the case of missile interceptors.

In the field of radar technology, the United States has been concentrating upon obtaining longer warning of a ballistic missile or FOBS attack. At the moment, the Ballistic Missile Early Warning System (BMEWS) radars in Alaska, Greenland and Britain can give the United States about 20 minutes warning of the approach of conventional ICBMs within their coverage but have little precise tracking capability. The much newer OTH radars such as the System 440L can give even longer warning (up to 30 minutes) but have no tracking capability at all. The solution seems to be the installation of tracking radars nad passive sensors in earth satellites. Two systems have been proposed one based upon satellites in polar orbit and the other based upon satellites in synchronous orbit.[13] Operational tests of these are expected to begin in 1970, and a full system may be deployed by 1972. Once it is in place, it will be able, in theory, to detect and track any missile, ballistic or FOBS, from the moment of its launch.

Very little is known about ABM research programmes on the Soviet side. As already mentioned, the Soviet Union is reported to have embarked upon the development of more advanced ABM radars and also upon the development of a new exo-atmospheric interceptor with a re-ignition capability similar to that planned for Improved *Spartan*. Given this evidence of continued interest, it is surprising that there has not been any indication that the Soviet Union is also attempting to produce an endo-atmospheric interceptor missile on the lines of the American *Sprint*.

In the area of passive defence, the United States has carried out a major programme of providing fallout shelters (but not blast shelters) within existing civilian buildings, and has made some effort to prepare plans for the evacuation of parts of the population to safer areas in the case of nuclear war. The Soviet Union has also claimed to have elaborate plans for civilian evacuation in such a circumstance, capable of reducing urban population density by as much as a factor of ten.

As part of the passive defence of strategic forces, all United States ICBMs, both *Minuteman* and *Titan 2*, are already emplaced in underground silos hardened to withstand a blast of about 300 psi overpressure. With the exception of about 140 older missiles, Soviet ICBMs are also in underground silos which can be assumed to have the same protective capability. The United States has embarked upon a research project, known as the Hard Rock Silo (HRS) programme, to identify areas of natural rock formation in the United States suitable for the construction of underground missile silos and launch control centres. About twenty possible areas have already been identified. A missile silo constructed in solid and relatively unfaulted rock would have a theoretical ability to withstand blast pressures of between 1,000 psi and 3,000 psi overpressure. The difficulty of identifying areas with such a potential has apparently, however, been considerable. The process would also be extremely expensive: preliminary estimates of the cost of placing 1,000 *Minuteman* missiles in Hard Rock Silos range between $6,000 and $7,000 million. Nevertheless, protecting part of the United States ICBM force in this way would significantly increase its ability to survive a Soviet first strike, especially if the missile fields were also protected by an ABM system. Logically, this prospect might also attract the Soviet Union to emplace at least some of her own ICBMs in hard rock. There is no indication, however, that the Soviet Union is studying this possibility actively.

Offensive methods

United States Systems

(1) Polaris A-3. It seems to be widely believed that multiple re-entry systems are in general, new, untested and undeployed. In fact, a multiple re-entry system is fitted to the Polaris A-3 missile which is in service with both United States and United Kingdom forces and has been operational since 1962. The Polaris A-3 is a two-stage, solid-propellant missile with a maximum range of 2,500 n.m. (2,880 statute miles) and an inertial guidance system.[14] Its accuracy is likely to be about 0.8 n.m. CEP. Of the 41 United States Polaris submarines in service, 28 are equipped with the Polaris A-3 (the remainder having the A-2 model). Each of these submarines carries 16 missiles. In addition, the Polaris A-3 has been sold to the United Kingdom to equip the four British missile submarines which it is planned to deploy from 1970. The United States version of the Polaris A-3 is fitted with a multiple re-entry system which contains three separate warheads. The yield of these warheads has not been published but, from the total payload carried by the missile, it is reasonable to deduce that the yield of each warhead is in the neighborhood of 200-300 KT. The British version of the Polaris A-3 carries a re-entry system of British design which also contains multiple re-entry vehicles. The number of re-entry vehicles has not been revealed but it is likely that, like its American counterpart, it is capable of carrying three warheads. Both the British and American multiple re-entry systems for the Polaris A-3 are apparently designed only to enable a single missile to cause more damage to a single 'soft' target. Because of the limited separation obtainable, they would not be suitable for a successful attack with the payload of a single missile on more than one "hard" or "soft" target. (A 200 KT weapon with a CEP of 0.8 n.m. would in any case have less than a 5 per cent chance

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of destroying a 300 psi missile silo.) Nor could the warheads in a single missile present more than one target to an area defense ABM system.

(ii) Poseidon C-3. The United States intends to replace Poseidon missiles on 31 out of its 41 missile submarines with the Poseidon C-3, at an estimated total cost of about $7,000 m. The first flight test of the Poseidon missile took place in August 1968, and the testing programme is due to be completed during the summer of 1970. Although several submarines are already being converted to accept the Poseidon system, installation of the missiles themselves will not begin until the latter part of 1970. The first Poseidon submarines will be deployed operationally in early 1971, and deployment is due to be completed during 1974-75. The Poseidon C-3 has been designed to deliver a multiple re-entry system known as the Mark 3. This system, which will reportedly be capable of carrying at least 10 warheads, each having a yield of 40-50 KT, is of the steerable or "bus" type. In other words variations in the speed and direction of the carrier vehicle are used to eject the separate warheads on slightly different paths. This makes it possible to achieve a large degree of longitudinal and lateral separation between the warheads, both during flight and on impact. The extent of this separation has not been revealed, but it will certainly be measured in tens of miles. The Poseidon C-3 itself is a two-stage, solid-propellent missile with a maximum range of 2,500 n.m. (2,880 statute miles). Its guidance system is inertial and its planned accuracy is about 0.5 n.m. CEP. With that accuracy, a single 50 KT weapon would have somewhat less than a 5 per cent chance of destroying a 300 psi silo. However, there are plans, which have been temporarily delayed by budgetary difficulties, to install an improved guidance system during the later stages of the Poseidon programme of a type which will significantly improve the accuracy with which warheads can be delivered against "hard" targets.

(iii) Minuteman 3. The present United States land-based ICBM force consists of 1,000 Minuteman 1 and 2 missiles, in addition to about 48 Titan 2 missiles. It is intended to replace some 510 of the 1,000 with the Minuteman 3 system, at an estimated total cost of about $5,000 m. The first flight test of the Minuteman 3 missile took place in August 1968 and the test programme will be completed during the summer of 1970. Deployment will begin shortly after that date and will be completed during 1974-75. The Minuteman 3 is a three-stage, solid-propellent missile with a maximum range of about 6,850 n.m. (7,900 statute miles).[15] It has an inertial guidance system and a planned accuracy of 0.25 n.m. CEP. Minuteman 1 and 2 carry single warheads of 1-2 MT. Minuteman 3, however, will be equipped with a multiple re-entry system, known as the Mark 12, containing three warheads, each with an estimated yield of 170-200 KT. As in the case of the Mark 3 system for Poseidon, the Mark 12 is designed to release its warheads sequentially in slightly different directions as a result of changes in the velocity and direction of the carrier vehicle. The warheads can thus achieve wide separation, both in flight and on impact. A single 200 KT weapon with a 0.25 n.m. CEP would have a 40 per cent chance of destroying a 300 psi silo. Three such warheads would have almost an 80 per cent chance, but this is still lower than the chance given by an equally accurate single warhead of 2 MT.

Soviet Systems

(i) *SS-9 Scarp*. The Soviet Union has been producing and deploying the missile known to the West as the SS-9 *Scarp* since 1965. The SS-9 is an extremely powerful, three-stage, liquid-propellent missile with a maximum range of about 8,500 n.m. (9,800 statute miles), an inertial guidance system and an estimated accuracy of about 0.5-0.8 n.m. CEP. According to United States estimates, each SS-9 launcher costs about $25-$30 million. As originally deployed, the SS-9 was apparently designed to deliver only a single warhead of between 10 and 25 MT. In August 1968, however, the Soviet Union began flight tests of a multiple re-entry system for the SS-9 which is reportedly capable of delivering three separate warheads with individual yields estimated to be as high as 5 MT.[16] The exact nature of the multiple re-entry system for the SS-9 is a matter of dispute. Official American spokesmen have said that it involves sequential separation of individual warheads, and that the time intervals involved can apparently be varied. This would provide a degree of longitudinal separation between the impact points of the warheads but, without some other mechanism, would not achieve lateral separation. There is presumably, therefore, some additional mechanism to release the warheads at varying lateral angles from the original flight path. The degree of separation which can be achieved by this means with the SS-9 has not been revealed, but official American spokesmen have said that it is considerably less than the separation obtainable with American multiple re-entry systems for *Poseidon* or *Minuteman 3*. It might therefore be in the region of ten miles. American experts have been persuaded by their observation of SS-9 tests that the system is designed to attack separate *Minuteman* silos, the average distance between which is about ten miles. Whether or not this is the case, a separation of approximately ten miles would also be needed in order to maximize the damage which individual warheads of 5 MT could cause to a single "soft" target. American fears are additionally based, however, on the prediction that the SS-9 multiple re-entry system might attain an accuracy as high as 0.25 n.m. CEP. A 5 MT weapon with a 0.25 n.m. CEP would have almost a 99 per cent chance of destroying a 300 psi silo. If the accuracy were 0.5 n.m. CEP, the probability would be reduced to 67 per cent. The capability of the SS-9 MRES system against multiple "hard" targets may be restricted, however, by limitations on the available separation between warheads. It has been estimated that a more advanced multiple re-entry system, capable of greater separation, could be fitted to the SS-9 by 1973. It is also estimated that the Soviet Union, which has already deployed about 250 SS-9s, could raise that number to 500 by 1975. There is, of course, no way of knowing whether the SS-9 deployment programme will continue at such a pace or how many of the SS-9s added to the Soviet force will be equipped with multiple re-entry systems. It is most unlikely that any such multiple re-entry system for the SS-9 has yet been deployed, although one American official has estimated that deployment of the system already under test might begin during the second half of 1970.

(ii) Fractional Orbital Bombardment System (FOBS). The Soviet Union has carried out several tests of a FOBS missile which uses the same launcher vehicle as the SS-9. The range of such a missile is notionally indefinite, but it is assumed that the warhead would, in practice, be directed to its target before the completion of the first orbit. Because of the very high power/weight ratio required for FOBS flight, the warhead carried by this missile could not be nearly as large as that delivered by the SS-9 in ballistic flight. Nor could a FOBS re-entry system without any independent manoeuvring ability achieve an accuracy better than about 1 n.m. CEP. The FOBS has the advantage, however, of flying at a much lower altitude (about 100 miles) and thus of giving much less warning to defensive radars of its approach. For that reason, the American Government considers it to present a particular threat to SAC bomber bases. It is worth noting that the power necessary for FOBS flight could also be used, more economically, to fire the missile on a depressed ballistic trajectory. This would achieve at least a part of the advantage of surprise, without imposing such a heavy penalty upon the payload which could be carried.

STRATEGIC BOMBERS. For reason of both brevity and consistency, this study has not considered the air-to-surface missiles (ASMs) carried by strategic bomber aircraft. It should be noted, however, that there is a close parallel between these and other forms of multiple re-entry system. An aircraft armed with several nuclear weapons is equivalent, in some senses, to an ICBM or SLBM armed with several warheads. A bomber system capable of delivering only free-fall bombs can certainly achieve, in theory, the separation needed to attack individual targets, but it cannot present more than one target to a defensive system because the bomber must reach the target area or areas before releasing its bomb. Multiple targets may, however, be presented to a defence by a bomber armed with long-range, stand-off ASMs which can be launched outside the coverage of defensive aircraft and missiles. Bomber aircraft and their missiles may also be able to exploit the limitations of defensive radar coverage by approaching from unprotected directions, or by flying at very low altitudes. The advantage they may gain by doing so is offset, of course, by the comparatively slow speed of both bombers and ASMs.

In addition to three or four free-fall bombs, United States B-52 bombers can each carry one or two ASMs, known as the AGM-28B Hound Dog, which have an estimated range of 700 miles and are capable of delivering warheads in the megaton range. These are now to be augmented by smaller, faster and more accurate shortrange attack missiles (SRAMs), which will be used to equip both B-52s and the newer FB-111s which are about to come into service. At a slightly later stage, these aircraft will also be provided with Subsonic Cruise Armed Decoys (SCADs), which have the dual role of acting both as nuclear ASMs and as decoys capable of simulating the radar cross-section of a bomber in order to confuse the defense. SRAMs and SCADs might also provide the initial armament of the Advanced Manned Strategic Aircraft (AMSA), now designed the B-1A, which is being designed but which could not enter service before 1977.

The Soviet Long-Range Air Force has about 150 intercontinental aircraft, some of which carry a nuclear ASM with a stand-off capability, known in the West as Kangaroo.

FUTURE PROSPECT. Partly as a result of studies carried out under the heading of Strat-X, the United States has been designing a new ICBM known as the WS-120A or improved capability missile (ICM). This missile would be a static silo-launched weapon with a longer range, a higher accuracy and a much larger payload than Minuteman 3.

Even more exotic ICBM concepts are reported to be under study in the United States. These include dual purpose missiles, suitable for use as either ICBMs or ABM interceptors (Project Janus), "dormant" ICBMs to be deployed in waste areas or on the sea bed and fired by remote command (Project Nemesis). ICBMs to be launched from extremely deep silos, up to 3,000 feet below the surface (Project Vulcan), and mobile ICBMs which could be dispersed from their protected sites on warning of an attack (Project Ranger).

No improvement of kind, rather than degree, seems likely to affect the design of nuclear explosives themselves during the foreseeable future. In two directions, however, the design of the re-entry systems which deliver the warheads seems to be susceptible of fairly rapid improvement. As we have seen,

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multiple warheads are intrinsically no more accurate than single warheads; the accuracy of both depends upon the design of their guidance systems. They are also just as vulnerable as single warheads to interception by ABM missiles; their advantage on this score lies in their numbers. Research efforts are now directed, therefore, to the design of re-entry vehicles which will have extremely high accuracies, and which will provide a defensive system with the minimum opportunity to intercept them.

In order to achieve both higher accuracy and a better chance of avoiding interception, individual re-entry vehicles must be given the ability to manoeuvre within the atmosphere. The most obvious way of doing this is to provide them with their own guidance systems and with independent means of propulsion. Thereafter, by modifying the direction and strength of their propulsive effort, they will be able to adopt a flight path, possibly by approaching at very low altitude, which will reduce to a minimum the warning time given to the defence. In addition, they may be enabled to detect the approach of defensive interceptors and to take appropriate evasive action. Finally, they will be able to correct for any deviation from their exact aiming points.

Even without independent means of propulsion, it will be possible in the future to provide individual re-entry bodies with some ability to manoeuvre. By giving them an aerodynamic shape to obtain lift from the atmosphere during re-entry and control surfaces with which they can be steered, they could be made to manoeuvre, without power, over a fairly large area. Tests of such "lifting bodies" have already been carried out in the United States.

Even if re-entry bodies can be made manoeuvrable, their accuracy will depend upon more precise guidance than an inertial system alone can provide. A number of methods for very accurate terminal guidance have been proposed and studied. One of the most interesting is a system which would equip each armed re-entry vehicle with a "memory" in which would be stored an extremely detailed map of its target, taken from reconnaissance photographs. The re-entry vehicle, on approaching the target area, would scan the ground visually until it had matched the ground image with the map retained in its memory. Provided that its manoeuvrability was good enough, it would then be able to strike its target with theoretically absolute accuracy. It is on systems such as this that recent predictions about placing a satchel charge on a silo door have been based.

Attention is being paid by the United States to all these techniques in designing more sophisticated multiple re-entry systems for future generations of offensive missiles. One proposal is for an Advanced Re-entry Vehicle (ARV) which would have an integral propulsion system enabling it to correct its course after re-entry and to choose a flight path calculated to evade an ABM defence. Another proposal is for a Self-Aligning Boost Re-Entry (SABRE) system which, in addition to these advantages, would have sensors to scan the ground and identify the target, towards which the re-entry vehicle could then steer. Other proposals include a Boost Glide Re-entry Vehicle (BGRV) and a Manoeuvring Ballistic Re-entry Vehicle (MBRV), both of which would apparently take advantage of atmospheric lift to manoeuvre during their terminal phase.

Any of these advanced re-entry systems could be used for submarine-launched missiles as well as for land based ICBMs. One or other would presumably be fitted to the Underwater Long-range Missile System (ULMS) which is being considered as the successor to Poseidon and which would apparently be the first submarine launched missile to have a genuinely intercontinental range.

One further American programme which deserves to be mentioned has developed (but not yet deployed) a means of allowing a missile to signal the successful release of its re-entry vehicle to the launch control. This is much more than a pedantic refinement, since it would in theory, permit an attacker to fire additional missiles to replace vehicles which had failed in flight.

Hardly anything is known about Soviet research in this field. There is no reason, however, why the use of multiple re-entry systems should be confined to the SS–9. Either the liquid-fuelled SS–11, which is already in service, or the solid fueled SS–13, which is just being introduced, would be capable of carrying such a system, as would the longer range SLBM now being installed in the new Soviet Y-class submarines.

FOOTNOTES

[1] The *ionosphere* is a composite layer of the upper atmosphere, *extending upwards from an altitude of about 40 miles above the earth*. It has the ability to reflect radio and radar waves of particular frequencies.

[2] See p. 1 below.

[3] The best general guide is still *The Effects of Nuclear Weapons* (Washington: US Atomic Energy Commission, revised ed. 1962).

[4] *Exo-atmospheric systems may also be able to profit from the very strong electro-magnetic pulse* (*EMP*) effect produced when *a nuclear explosion* in space *distorts a part of the earth's magnetic field*. This can *disrupt electro-magnetic circuits,* including communications circuits, at considerable range and for a long time. Its effects, however, are indiscriminate; defensive communications, as well as offensive electronics, may suffer.

[5] See p. 7 above.

[6] There are, in fact, *two areas of ionization*. One, the *fireball of the explosion itself,* is intense but relatively small. The other, the so-called *beta patch created by the expulsion of free electrons from the molecules of the upper atmosphere, may extend over thousands of square miles and may last for some minutes.*

[7] This might be possible if a FOBS missile (see pp. 13 ff.) were to be fired on a south polar, rather than north polar, trajectory.

[8] These warning times are, of course, increased by placing the radar *ahead* of the target.

[9] To be specific, each re-entry vehicle in a system with a CEP of 0.25 n.m. would have a slightly better than 75 per cent probability of landing within 2,200 feet of its target.

[10] The radars concerned were the Zeus Acquisition Radar (ZAR) for long-range detection, the Discrimination Radar (DR) to analyse incoming objects, the Target Track Radar (TTR) to track offensive vehicles within Zeus range and the Missile Track Radar (MTR) to guide the Zeus to its target.

[11] The inclusion of sites in Alaska and Hawaii would bring the total cost to about $10,800 m.

[12] SA–2 (Guideline) is the Western name for what has been the standard Warsaw Pact SAM system for some years. It is also the system which has seen service in Vietnam. Nike-Hercules and Hawk are current American SAM systems, the former having a longer range and the latter having greater mobility and a better low altitude capability.

[13] A polar orbit is one which carries a satellite around the earth in a series of loops from north to south and back again. A synchronous orbit is one which places a satellite at an altitude of about 22,240 miles above the Equator, at which height the satellite travels eastwards at the same speed as the earth's rotation and thus remains constantly over the same spot on the earth's surface.

[14] The ranges given in this and subsequent paragraphs are theoretical maxima. They may be reduced, sometimes significantly, by the weight of the particular payload involved (cf. p. 23 footnote).

[15] With a full 2,000 lb payload, Minuteman 3 would have a range of 5,300 n.m. (6,100 statute miles).

[16] This estimate would imply a more favourable ratio between the yield of multiple warheads and the yield of a single warhead carried by the same missile than is the case with either the Poseidon or Minuteman 3 system. It may therefore be somewhat high.

SECOND ANNUAL REPORT ON ENVIRONMENTAL QUALITY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DINGELL. Mr. Speaker, in the interest of assuring that the information therein contained will be available to my colleagues, I insert the text of the August 1971 issue of the Council on Environmental Quality's "102 Monitor" at this point in the CONGRESSIONAL RECORD:

[From the 102 Monitor, Council on Environmental Quality, August 1971]

CEQ PUBLISHES SECOND ANNUAL REPORT ON ENVIRONMENTAL QUALITY

On August 6, President Nixon transmitted to Congress the Second Annual Report of the Council on Environmental Quality. The following is a summary of the Report.

CHAPTER 1: THE PAST YEAR—FEDERAL AND INTERNATIONAL ACTIVITY

Chapter 1 discusses the wide range of activities of the Federal Government, other nations, and international organizations undertaken in the last year to improve the quality of the environment.

Executive branch actions.—Several major administrative actions were taken during the last year. The $2.45 billion 1972 Budget request for EPA is almost a 90 percent increase over the 1971 level. Under the recently initiated Refuse Act program, a permit must be obtained for all industrial discharges into navigable waters of the United States. Permits will be conditioned on the adequacy of steps taken or to be taken to meet water quality standards. Enforcement activity through both criminal and civil suits has accelerated dramatically in the past year.

The Federal Government spent $113 million in FY 1971, and the FY 1972 Budget requests $250 million to control air and water pollution from Federal facilities. The average annual appropriation for the previous 3 years was only $52 million. EPA has initiated proceedings to cancel registration for DDT, aldrin, dieldrin, and Mirex. GSA is now requiring recycled paper in its procurement specifications, and CEQ is working with EPA and other Federal agencies on a study of recycling, looking toward incentives to encourage more re-use and recycling of wastes.

AEC has proposed new regulations to reduce human exposure to radioactivity from reactor effluents to less than 5 percent of background levels and to 1 percent or less of exposures permitted under present environmental standards. A joint HEW–EPA National Toxicology Center for testing potentially toxic substances has been established at Pine Bluff Arsenal in Arkansas.

Executive branch legislation.—The report describes many of the President's 1971 environmental proposals, including: a tax on lead in gasoline and a sulfur oxides emissions charge; a $12 billion nationwide program for the construction of waste treatment plants and strengthened water pollution standard setting and enforcement authority;

regulation of toxic substances, noise, and ocean dumping; a National Land Use Policy Act; a greatly expanded open space and recreation program, bringing parks to the people in urban areas; and controls over siting of power plants and reclamation of strip and underground mines. Most have been sent to the Congress, and many have been the subject of hearings.

Organization.—In the past year, significant Federal reorganization has occurred or been proposed. Federal pollution control programs were consolidated in EPA, and oceanic and atmospheric research and monitoring programs were consolidated in NOAA in the Commerce Department. The President's proposed Department of Natural Resources would bring together natural resources programs, including energy, water, and recreation resources, and land management activities. NOAA would become part of the new Department.

International activities.—At least 12 nations have created new environmental organizations. Japan, for example, created the first new cabinet position in 100 years for environmental quality activities. The United States is working with Canada on a comprehensive agreement to curb Great Lakes pollution, with Japan to establish joint programs on air and water pollution control problems, and with a number of specialized international bodies on joint environmental action. The member nations of NATO, through its Committee on the Challenges of a Modern Society, have agreed to a goal of reducing intentional oil discharges from vessels by 1975, if possible, and no later than 1980. This goal was confirmed by the Intergovernmental Maritime Consultative Organization, the chief international agency developing controls over oil pollution. The Organization for Economic Cooperation and Development is looking at the impacts of environmental quality standards of international trade. The Economic Commission for Europe provides a forum for the East and West to meet on environmental problems. Preparations are being made for the 1972 U.N. Conference on the Human Environment, which will bring together both developing and developed nations.

CHAPTER 2: THE PAST YEAR—STATE AND LOCAL ACTIVITY

Chapter 2 covers activities of State and local governments, including enforcement activities, organizational reforms, funding and manpower, program innovations, and increased State regulation of land use.

Controlling pollution.—Many States are strengthening their programs to control pollution. As a result of California State, local and voluntary actions, ocean dumping along the Pacific Coast has been reduced from one million tons to 24,000 tons between 1968 and 1971, excluding dredge spoils. Colorado has initiated a comprehensive regulatory program to control subsurface disposal of liquid wastes. Six States and many localities have enacted measures to control phosphates in detergents in order to slow eutrophication. The Illinois Public Utility Commission has imposed both air and water pollution controls on a major electric utility as part of a rate regulation action.

Action by New York resulted in mercury reductions of 97 percent in State waters—down to 2 pounds a day. Under its Pure Water Program, 358 municipal sewage treatment plants, costing approximately $2.2 billion, were built, were being designed, or were under construction as of March 31, 1971. State funds of $1 billion have been committed to these projects. A new Michigan law requires industries discharging effluents to pay a fee for effluent and water quality monitoring. Oregon became the first State to require deposits on beverage containers in order to reduce litter.

Organization.—Illinois, New York, and Washington are among the States that have consolidated environmental activities. New York created a Department of Environmental Conservation, covering pollution and natural resource programs. Washington's Department of Ecology includes only pollution control programs, but has pioneered a functional rather than media or pollutant oriented internal structure. In Illinois three institutions are responsible for environmental pollution: a full-time Pollution Control Board to set standards and adjudicate enforcement actions, a State EPA for enforcement and other program activities, and an Institute for Environmental Quality to conduct long-range policy planning and research.

Program innovations.—Maryland followed New York and Ohio in setting up a public corporation to finance waste management facilities statewide. Such corporations can help to achieve economies of scale by stimulating regional waste management systems. Vermont has enacted an effluent charge, the first State to do so. Muskegon County, Michigan, with assistance from EPA, is demonstrating a new waste disposal and land treatment system that will keep sewage out of Lake Michigan by using it productively.

Land use.—Several States now control critical areas and types of land use. New State land use regulation extends to protection of wetlands, controls over new electric power plant siting, and broad authority to restrict potentially harmful development. Vermont enacted a comprehensive law requiring statewide land use planning and permits for new development, and Maine passed a new industrial site location law. Delaware has chosen to protect its coastline for recreation by prohibiting certain heavy industries from locating there. New York acted to protect agricultural lands.

CHAPTER 3: THE PAST YEAR—PRIVATE ACTIVITY

Chapter 3 describes industry's progress in meeting environmental quality standards and the challenges it still must meet, as well as citizen actions to preserve the environment.

Industry spending for pollution control.—Available data show that industry expenditures for control technology increased by 50 percent between 1969 and 1970 and will increase by a projected 46 percent in 1971. If expenditures increase as projected, it appears that industry will meet EPA's $4 billion estimate of needed capital investment for waste water treatment over a 4-year period. Anticipated expenditures also should equal the $8 billion investment that CEQ estimates will be needed for air pollution control over the next 6 years. When compared to industry's own larger estimates of needed investment, expenditures at projected 1971 levels would delay meeting standards beyond presently projected timetables in several major industries. Thus, if these estimates are correct, some industries will need to substantially increase planned expenditures.

Citizen organizations and activity.—There are an estimated 3,100 environmental organizations in the United States: approximately 2,500 local, 250 national and regional, and 400 State. Combined membership in the five largest national environmental organizations rose by almost one-third, from 1.2 to 1.6 million during the year ending June 1, 1971. The Nature Conservancy doubled its acquisitions in 1970 over the previous year—to 86,000 acres. By court action, environmental groups have often halted or forced reconsideration of activities that may harm the environment. Voters approved all five bond issues in 1970 identified by underwriters for "pollution control", valued at more than $1 billion. In addition, 90 percent of bonds designated for sewage treatment plant construction were approved, compared to a 60 percent approval rate for all bonds. A new environmental coalition of seven major conservation groups is advocating pollution charges and is pushing for enactment of a sulfur oxides emissions charge.

CHAPTER 4: THE ECONOMY AND THE ENVIRONMENT

Chapter 4 discusses the relationships between economics and environmental quality: the damages to society, the costs of control facilities, their impact on the economy, economic incentives for abatement, and assistance strategies to ease transitional adjustment.

Damages from pollution.—The costs of air pollution are realized in increased health services, lost productivity, lowered property values, and direct damage to crops and materials. The estimated annual $16 billion in air pollution costs to health, vegetation, materials, and property values amounts to over $80 for each person in the United States. These figures are based on a wide variety of assumptions and can only be considered illustrative of the actual damages from air pollution.

Nationwide costs of water pollution are less well documented, but damages in the billions of dollars are indicated. The losses of ocean and coastal fisheries and shellfish production by pollution have been substantial. Over one-fifth of the Nation's shellfish beds have been closed. The loss of recreational opportunities, destruction of valuable ecological systems, and the loss of scenic amenities represent other costs from water pollution. The costs of noise, congestion, or the aesthetic and other damage to the environment from mining or transmission lines have not been calculated. Many potential types of damage—e.g., from minute changes in world climate—remain unknown.

Cost of pollution control.—Available pollution control cost data cover only air pollution control, water pollution control, and solid waste management expenditures. The data are limited in that they do not cover all sources and all pollutants, they are not all based on recent studies, and the basic assumptions in the cost studies vary widely. In all probability, they underestimate the actual expenditures to be incurred—probably substantially. Cumulative expenditures for air, water, and solid waste control are estimated at $150.2 billion for 1970 to 1975: $38 billion for water, $23.7 billion for air, and $43.5 billion for solid waste. About $62 billion is estimated to meet air and water quality standards, while the $43.5 billion is for collection and disposal of solid waste. Growth in annual control cost is: air, from $0.5 billion in 1970 to $4.7 billion in 1975; water from $3.1 billion in 1970 to $5.8 billion in 1975; and solid waste, from $5.7 billion in 1970 to $7.8 billion in 1975.

Costs and benefits.—Decisions on the level of environmental quality to be achieved need to take into account both benefits to be attained and costs to be incurred. The annual damages from air pollution in 1968 have been estimated at over $16 billion. Reducing the bulk of the damages is estimated to result in an annualized cost of $4.7 billion by 1975. When comparing 1968 benefits with 1975 annualized control costs, the identified benefits are over three times the costs. As the report discusses, the data on both costs and damages are too imprecise to draw any firm conclusions as to benefits versus costs, although they appear to be very favorable.

The costs of curbing the amount of wastes discharged vary at different levels of control. Usually the higher the level of abatement, the higher the per unit cost of control. Because dischargers have different control costs, achieving any given level of ambient quality can result in very different total abatement costs depending on the levels of control that different emitters are required to attain. Examples of such cost savings possibilities are discussed.

Impacts of costs on the economy.—Protecting the environment requires adjustments in the economy. Some firms and activities will find it difficult to adjust, and a few will find it impossible. However, these effects are transitional and will affect only a few sectors. In the aggregate, the economy should not suffer employment losses or significant changes in economic growth, because pollution costs for one industry or firm are jobs and production for others. Further, environmental control costs, although large in the abstract, are only a small percentage of total GNP. In general, U.S. exports and imports are not goods with high pollution control costs. Also, whatever immediate competitive advantages foreign products enjoy will shift as other nations upgrade environmental quality and as the U.S. exports technology and expertise in pollution control. The chief transitional problems will occur from closing marginal plants at a faster rate than would be the case without pollution controls, which may create some localized employment problems.

Strategies for attaining environmental goals.—Enforcement has been the keystone of environmental quality control efforts in the U.S. However, enforcement remains an uncertain and continuing problem, because delays are relatively easy to obtain and public bodies must prove violations and feasibility of control techniques. With pollution charges, it would be cheaper to stop pollution than to continue to pollute. Charges would provide a strong incentive to industry to install control equipment, change processes and manage wastes better. The CEQ believes that an optimum strategy for dealing with environmental problems is to employ both regulatory authority and pollution charges. The Administration's proposed lead tax and sulfur oxides emissions charge are examples of how this would work.

The effects and limitations of subsidies to aid transitional problems, such as tax write-offs, guaranteed loans, and grants, are discussed, as well as assistance targeted to specific problems arising from pollution control requirements.

CHAPTER 5: THE LAW AND THE ENVIRONMENT

Chapter 5 analyzes recent legal developments, including court decisions giving force to the National Environmental Policy Act (NEPA) and similar Federal laws, action to give more consideration to environmental factors in Federal administrative decisions, stronger Federal pollution laws, and innovative environmental developments in State law.

Impact of NEPA.—Under Section 102(2)(C), NEPA requires an environmental impact statement from all Federal agencies proposing a major action with significant environmental impacts. Over 20 Federal district court and several appeals court decisions involving citizen challenges to Federal action under the Act have been reported. The administrative and court interpretations given to NEPA and other environmental protection laws are discussed.

Burden of proof.—More and more, those discharging certain materials into the environment are required to show that their actions will *not* be harmful, rather than the Government having to prove the danger after the fact. When EPA finds that an air pollutant is a health hazard, industry must either comply with the emission standards or prove that the hazard does not exist. This new approach to burden of proof is explicit in the Administration's proposed bills to regulate ocean dumping and to control toxic substances.

Citizen enforcement.—The Clean Air Act created a major precedent in giving citizens the right to sue to enforce air pollution standards against Government and private entities. A similar provision has been recommended by the President in proposed amendments to the Federal Water Pollution Control Act.

The citizen as "environmental ombudsman."—The right of citizens to participate in and seek review of administrative decisions affecting the environment has been greatly expanded by NEPA and a number of court decisions. The Freedom of Information Act, the Administrative Procedures Act, NEPA, executive branch actions, and provisions giving citizens the power to enforce Federal pollution control standards have made the citizen a powerful "environmental ombudsman."

State action.—A number of States have added environmental protection provisions to their constitutions; others are considering doing so. Since enactment of NEPA, several State legislatures have passed "action forcing" provisions similar to NEPA's environmental impact statement requirements. Other State legislatures have bolstered the citizen's right to challenge activities detrimental to the environment in court. Similarly, State public nuisance laws have been used to enforce control of pollution.

CHAPTER 6: THE INNER CITY ENVIRONMENT

Chapter 6 discusses the environmental problems of the inner city—the decaying, older urban neighborhoods in which the poor generally live.

Air pollution.—Surveys in several large cities indicate the heavy air pollution of the inner city. Concentrations of particulates, carbon monoxide, and sulfur oxides have been observed to be highest in the areas of highest population density, which often correlate with poverty neighborhoods.

Lead.—A test of 87,000 New York City children showed that 2,649 suffered lead poisoning. Tests in other cities have revealed high blood lead levels in a significant proportion of children from poverty neighborhoods. These lead levels were attributed to eating flaking paint containing lead.

Water.—Older water pipes containing lead have contributed to a lead content of as high as 920 micrograms per liter of water in some inner city areas; the nationwide average is 20 micrograms.

Sanitation.—Inner city neighborhoods accumulate more litter and garbage than other parts of urban areas, even though garbage is often collected more frequently. Lack of refuse containers and overcrowding are partly responsible in some cities for this problem. As a consequence, rats often thrive in the inner city. An estimated 60 to 90 percent of rat bites occurs in inner city neighborhoods.

Neighborhood deterioration.—Dilapidated and abandoned buildings are concentrated in many inner city neighborhoods. It is estimated that there are more than 100,000 abandoned dwelling units in New York City, between 20,000 and 30,000 in Philadelphia, and more than 10,000 in St. Louis. In a St. Louis Model Cities area, 16 percent of residential structures were abandoned. Overcrowding in adjacent dwellings is often found in neighborhoods containing many abandoned units.

Open space and recreation.—Of 491 million acres of public recreation area in the U.S., about one-tenth lies within urban areas. Studies now underway for HUD and Interior show that in recent years more than 22,000 acres of urban parkland have been lost. The President's legacy of parks program is planned to greatly increase urban parks and recreational opportunities, particularly in the inner city.

Transportation.—Inner city and conservation groups have united in some cities to seek greater balance in the transportation system. In Boston, a coalition effected a deferral in construction of several highway segments until overall transportation needs were reviewed. Transportation planners are showing more sensitivity to the problems highways raise, especially in avoiding the displacement which disproportionately affects low and middle income neighborhoods. New rapid transit rail systems are being considered, are planned, or are under construction in 16 American cities.

Need for flexibility.—Because most funds available to deal with urban problems are raised locally, local governments will have to take the lead in tailoring solutions to specific inner city conditions. Services are often inadequate due to inadequacy of the property tax base on which localities depend. As the environment deteriorates, middle class residents move out and income from the property tax declines. Federal general and special revenue sharing and welfare reform will add to the funds available to the inner city and will remove Federal constraints on use of funds.

CHAPTER 7: STATUS AND TRENDS

Chapter 7 presents data on the status and trends of traditional pollution problems of air and water, solid wastes, radiation, and pesticides. It also covers toxic substances, wildlife, population, and land use.

Monitoring.—Evaluating the condition of the environment is especially difficult because meaningful data are few, technology is lacking to measure accurately many pollutants, and there is not yet any general agreement on requirements for environmental quality indices. Nevertheless, there are fairly extensive Federal monitoring programs; OMB estimates direct Federal expenditures on such programs at $40 million in FY 1971, excluding State, local, and industrial activities.

Air pollution.—Overall, measured ambient levels of sulfur dioxides and carbon monoxide have decreased in large urban areas, particulates have remained relatively constant, while estimated nationwide emissions of air pollutants rose slightly in 1969. Control programs and dispersion of industry apparently account for this difference. Emissions from automobiles decreased as a result of pollution control devices on newer cars. Because data on total emissions are based on extrapolations from various sources and not on actual measurements, and because urban concentrations vary from site to site within the same city, the validity of the data is uncertain.

Water pollution.—The most commonly used measure of the effect of wastes on water quality is 5-day biochemical oxygen demand (BOD). Although total BOD produced doubled during the period from 1957 to 1968, due primarily to greatly increased manufacturing activities, this was about matched by increased municipal and industrial waste treatment. The result is that the BOD of wastes discharged into receiving waters in 1968 was only slightly larger than in 1957. Yet the overall quality of the Nation's waters has probably deteriorated in recent years because of accelerated eutrophication, increased discharges of toxic materials, greater loads of sediment, and other factors. EPA estimates that almost one-third of U.S. stream miles are characteristically polluted. Less than 10 percent of U.S. watersheds was characterized by EPA regional offices as unpolluted or even moderately polluted. These data are only partly based on actual monitoring but rather represent the best judgment of EPA personnel.

Radiation.—Environmental radiation levels have declined markedly since the early 1960's because of the moratorium on nuclear weapons tests in the atmosphere. However, radiation exposure from X-rays and other uses has probably increased.

Pesticides.—Use of persistent pesticides has been declining and should eventually alleviate some of the adverse environmental effects from their use. Yet they are being replaced by more toxic materials which will probably result in a higher incidence of accidental poisonings. The level of particular pesticides found in a typical diet, with one exception (aldrin-dieldrin), has been well below allowable standards established by the World Health Organization. Fish, birds, and other wildlife populations, on the other hand, have been affected by pesticides in the environment, especially rising concentrations of persistent pesticides that impede reproduction. Levels lethal to wildlife have been documented; eagles, for example, have been killed by dieldrin and thallium.

Toxic substances.—Evidence indicates that mercury-laden sediments may cause a more acute mercury problem. The mercury is absorbed by micro-organisms, which, in turn, move up the food chain to higher forms of life. As this process continues, mercury becomes more concentrated in fish tissues. Levels of lead in the air have increased significantly over the past 7 years at several locations in 3 cities—Cincinnati, Los Angeles, and Philadelphia; all the sites monitored showed increases ranging from 2 to 64 percent. Ambient levels at San Diego are rising at a rate of 5 percent per year.

Solid waste.—Market and other incentives have tended to work against recycling materials. Consumption of packaging materials has increased from 404 pounds in 1948 to 578 pounds per capita in 1970 and is expected to reach over 660 pounds by 1976. Use of waste material for making paper, aluminum, copper zinc, and lead is declining, as is the percentage of tires made from old tires.

Wildlife.—Public use of wildlife for nonhunting, noneating purposes has increased by 25 percent on Federal lands administered by the Bureau of Land Management. Interior's Endangered Native Species list now includes a total of 101 different species, a significant increase since the last list. Populations of many species of non-game wildlife seem to be declining, with species high on the food chain such as predators most affected. A new threat to wildlife habitats comes from such vehicles as snowmobiles, dune buggies, and motorcycles.

Population.—The Interim Report of the Commission on Population Growth and the American Future reports some of the difficulties that would be incurred in maintaining a constant population. Because of the large number of persons in the child bearing age, the Commission reports that to stabilize population growth now, each couple could have an average of only one child. Thereafter, this small generation would have to have two children to maintain a constant population, and their grandchildren three. Then the process would have to reverse. Although stabilization of population at current levels does not seem possible, population growth is recognized as a problem that must be explicitly considered in government planning and policy.

Land Use.—Wetlands and open space are under particular pressure from development. In the Atlantic Coast States, new housing construction is the single greatest cause of coastal wetland losses. From 1954 to 1964, New York and Connecticut lost more than 29 percent and 12 percent, respectively, of their coastal wetlands. The trends of wetland loss in coastal States continues. Federal acquisition of land for national forests and parks has grown steadily in recent years. The parkland-people ratio remains approximately constant but is rising slightly in a number of cities, partly because of diminishing populations in some central cities.

CHAPTER 8: ENVIRONMENTAL QUALITY 1971: A PERSPECTIVE

The last chapter reviews many points raised in the report and discusses technology assessment as a tool to prevent unwanted and unanticipated environmental problems.

Highlights.—Environmental quality as an issue is maturing. The "rules of the game" are shifting to make environmental quality part of decision-making processes and institutions. Organizations concerned with the environment are being strengthened at the Federal, State, and international levels. Changes in the law provide a new base for citizen actions, but such actions must be joined with effective government efforts if success is to be achieved. Pollution control costs are being factored into economic decisions and are being reflected in the prices of products. The need for economic incentives to supplement regulatory authority is a major conclusion of the Council's report.

Technology assessment.—Although technology assessment is a relatively recent term, it has been practiced for many years. It has been applied in our food, drug, and pesticide control laws. However, there is increased recognition of the need for two important elements of technology assessment. It must take place before a technology is widely dispersed, and it must include consideration of secondary and tertiary effects of the technology. For example, the automobile not only brought about air pollution and congestion but it also changed land use patterns and the very nature of urban life. The environmental impact process of NEPA, as well as such proposals as the Toxic Substances Control Act, provide a mechanism for technology assessment. The chapter emphasizes the need to tie technology assessment to specific policy machinery so that the information developed can guide decisions on the use of new technology.

SOURCE FOR ENVIRONMENTAL IMPACT STATEMENTS

In order to receive more efficient and prompt service, requesters are urged to order draft and final impact statements from NTIS rather than the preparing agency. Each statement will be assigned an order number that will appear in the *102 Monitor* (at the end of the summary of each statement) and also in the NTIS semi-monthly Announcement Series No. 68, "Environmental Pollution and Control." (An annual subscription costs $5.00 and can be ordered from the NTIS, U.S. Department of Commerce, Springfield, Virginia 22151.)

Final statements will be available in microfiche as well as paper copy. A paper copy of any statement can be obtained by writing NTIS at the above address and enclosing $3.00 and the order number. A microfiche costs $0.95. (Paper copies of documents that are over 300 pages are $6.00.)

NTIS is also offering a special "package" in which the subscriber receives all statements in microfiche for $0.35 per statement.

Statements will still be available for public scrutiny in the document rooms of the various agencies. However, only limited copies will be available for distribution.

Yet another possible source of statements is from the Environmental Law Institute, 1346 Connecticut Ave., N.W., Washington, D.C. 20036. Envelopes bearing orders should be marked "Document Service." The Institute charges $0.10 per page. The number of pages is indicated at the end of each summary in the *Monitor,* as well as an order number. Please enclose the correct amount of money with your order. It is not necessary to be a subscriber to the *Environmental Law Reporter,* available from the Institute for $50.00 per year, to take advantage of this service.

ON THE FOLLOWING PAGES ARE ENVIRONMENTAL IMPACT STATEMENTS RECEIVED BY THE COUNCIL FROM JULY 1 THROUGH JULY 31, 1971

(NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545 (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973-7531.

Draft

Title, description, and date of transmittal

Reactor Testing During FY 1972: Nuclear Rocket Development Station, *Nevada.* (Statement issued jointly by AEC and NASA.) Activities of this on-going testing program are limited in FY 72 to a new type of reactor, the Nuclear Furnace. Purpose: to test advanced nuclear rocket fuel elements. (NTIS Order No. PB 200-774-D) (ELR Order No. 28, 37 pages) 7/2.

Fast Flux Test Facility (FFTF): Benton County, *Washington.* Involves construction of this nuclear reactor complex at AEC's Hanford Reservation. Purpose: irradiation testing of fuels and materials to be used in future Liquid Metal Fast Breeder Reactor (LMFBR). (NTIS Order No. PB-200-970-D) (ELR Order No. 117, 65 pages) 7/12.

Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Plant. Development of a 300 to 500 megawatts electrical sodium cooled, fast neutron reactor, fueled with a mixture of plutonium oxide and uranium oxide. Research and development, construction and testing will be achieved by a cooperative arrangement with selected organizations. Purpose: to demonstrate the feasibility of commercial application of the LMFBR to electrical power generation. (NTIS Order # PB-200 778-D) (ELR Order # 134, 89 pages) O 7/12.

Application for a construction permit by the Cincinnati Gas & Electric Company Columbus Southern Ohio Electric Company, & the Dayton Power & Light Company to build the Wm. H. Zimmer Power Station Unit 1 (Docket No. 50-358). To be located 24 miles SE of Cincinnati, on the *Ohio* side of Ohio River, on a 509 acre site. Consists of boiling water reactor of 2436 megawatts thermal, a turbine generator with gross electrical output of 840 megawatts electrical, etc. About 12,000 gallons of water per minute will be required. (ELR Order # 192, 62 pages—draft, 441 pages—applicant's Report-441) (NTIS Order # PB-201 203-D) 7/19.

Final

Title, description and date

Enrico Fermi Atomic Power Plant, Unit No. 2: Frenchtown, *Michigan* (Docket No. 50-341). Detroit Edison Company has applied for a construction permit and operating license for Unit 2. This plant will utilize a boiling water reactor, which is designed to provide 1,150,000 kv of electric power. (Statement also includes consideration of unit 1). Comments made by DOD, HUD, HEW, USDA, DOI FPC, and various State of Michigan agencies. (NTIS Order # PB-200 545-F) (ELR Order # 61, 153 pages) 6/29.

Quad-Cities Nuclear Power Station, Units 1 and 2. Proposed issuance of an operating license to the Commonwealth Edison Company and the Iowa-Illinois Gas and Electric Company. (Docket Nos. 50-254 & 50-265). Site location is on the east bank of the Mississippi River in Rock Island County, *Illinois.* The plant will utilize 2 boiling-water reactors and turbine generators; each unit to operate at a power of 2511 thermal megawatts. Will result in displacement of wildlife and warming of the Mississippi River. Comments made by Commerce, DOD, DOI, EPA, DOT, and the Office of the Governor of Illinois. (ELR Order #150, 102 pages). (NTIS Order #PB-200 952-F) 7/13.

Proposed issuance of a special nuclear material license to the Jersey Nuclear Company for operation of a Uranium Oxide Fuel Fabrication Plant. (Docket No. 70-1257). Construction of the plant in Richland, *Washington* has been completed and tests have been conducted. Primary environmental considerations associated with operation of plant involve off gases and liquid wastes resulting from the conversion of UF_6 to UO_2. Comments made by USDA, DOD, DOI, & HEW. (NTIS Order #PB-200 953-F) (ELR Order #149, 72 pages) 7/17.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388-7803.

Forest Service

Final

Title, description, and date

Proposed Gallatin land exchanges Nos. 2 and 3 with Burlington Northern Inc., *Montana*. These exchanges are part of a larger ongoing land exchange program as authorized by the General Exchange Act of 1922. These particular exchanges will result in the U.S. receiving private inholdings totalling 21,479 acres that are of value in establishing the integrity of Yellowstone National Park, the Spanish Peaks Primitive area, the Hyalite Basin, and other areas within the Gallatin National forest. In return, the forest service will relinquish title to 10,243 acres of land within Gallatin National Forest, all of which is located on the West Fork of the Gallatin River west of U.S. 191 between Bozeman and west Yellowstone. Some of the land forfeited by the U.S. will involve acreage to be sold for the "Big Sky" development by Chrysler Realty Corp. Some details of this proposed development are included. Comments made by USDA, DOI, COE, various State of Montana agencies and private citizens (NTIS Order # PB-200 620-F) (ELR Order # 100, 172 pages) 7/1.

Management of French Pete Creek, drainage, Willamette National Forest, *Oregon*. This statement outlines the management objectives of Forest Service for this controversial area on the west slopes of the Cascades. The management plan provides for dispersed recreation and some timber harvesting. Certain areas within the drainage basin will receive special attention, and road development will be kept to the minimum needed for timber harvesting and some public access. Comments made by DOI, HEW and various State of Oregon agencies. (NTIS Order # PB-200 954-F) (ELR Order # 183, 25 pages) 7/16.

Rural Electrification Administration

Draft

Title, description, and date

Hayden Unit 2 (Coal fired generating station): Hayden, *Colorado*. Statement relates to loan application of the Colorado-Ute Electric Association, Inc. to finance a portion of the construction of 250-megawatt generating station. The Salt River Project Agricultural Improvement & Power District is financing the remainder of this additional generating station. The unit will utilize a boiler steam generator-condenser cycle and will consume about 3,000 tons of coal per day. Purpose: to meet increased demand for electrical power through 1981. (NTIS Order No. PB-200 523-D) (ELR Order No. 18, 135 pages) 6/29.

Transmission line: Hayden to Wolcott to Vail, *Colorado*. Statement relates to loan of $9,016,000 to Colorado-Ute Electric Association, Inc., together with funds from other sources for financing about 70 miles of 230 kv transmission line between the Hayden generating station and Wolcott and about 20 miles of kv transmission line between Wolcott and Vail. Will cross agricultural and grazing lands. (ELR Order No. 248, statement 14 pages, Applicant's Environmental Analysis, 102 pages) (NTIS Order No. PB-201-330-D) 7/22.

Soil Conservation Service

Draft

Title and description, and date

North Sector Upper Walnut Watershed: Butler and Chase Counties, *Kansas*. Involves conservation land treatment and construction of dams. (Statement describes work on both the North and South Section). Purpose: reduce erosion, reduce floodwater and sediment damages, etc. (NTIS Order No. PB-200 794-D) (ELR Order No. 116, 15 pages) 7/6.

Winnebago-Bean Creek Watershed, Richardson County, *Nebraska*. Involves conservation land treatment of 3,100 acres over 5-year period, construction of 16 grade stabilization structures, including sediment pools, etc. Purpose: reduce gully erosion and sediment damage. 90 acres will be inundated by detention pools. (NTIS Order # PB-201 254-D) (ELR Order # 237, 12 pages) 7/20.

Yaeger Ditch Project Measure, Southeast Texas Resource Conservation and Development Program Orange County, *Texas*. Involves additional land treatment measures supplemented by about 12,135 ft. of channel work. Of this 10,735 ft. will be to increase capacity of the Yaeger Ditch and about 1,400 ft. will be new construction of a lateral channel. Purpose: reduce flooding, erosion and sediment damage. (ELR Order # 252, 16 pages) (NTIS Order # PB-201 305-D) 7/26.

Headwater—Yellow River Project Measure, Gwinett County Resource Conservation and Development Project, *Georgia*. Consists of a floodwater retarding structure (earth embankment) and a spillway, designed to form a 32 acre sediment pool and work on 11.3 miles of channel (removal of trees and debris). Purpose: reduce flood damages, bank erosion, etc. (ELR Order # 280, 7 pages) (NTIS Order # PB-201 331-D) 7/28.

Final

Title, description, and date

Watershed project, Big Creek Watershed, *Kansas* (Lyon, Greenwood and Woodson Counties). Involves conservation land treatment on 7,000 acres and 9 dams. Possible adverse effects described include elimination of 350 acres of croplands and grasslands due to inundation by the sediment pools. Comments made by COE, DOI, HEW, EPA, Governor of Kansas and Budget Div. Dept. of Administration, State of Kansas. (NTIS Order # PB-200 808-F) (ELR Order # 128, 31 pages) 6/23.

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230 (202) 967-4335.

National Oceanic and Atmospheric Administration

Final

Title, description, and date

Hurricane Modification Research (Project STORMFURY). Project is a collaborative effort by Commerce and Defense. Involves seeding the clouds surrounding the eye of a mature hurricane with silver iodide crystals to release the latent heat of fusion. Current plans for modification experiments call for a minimum of 5 seeding missions with 200 kilograms of silver iodide to be distributed. Purpose: explore ways of reducing intensity of hurricanes. No draft statement received. Comments made by DOI, Army Corps of Engineers, Governor of Texas, and State of Florida Dept. of Air & Water Pollution Control. (NTIS Order No. PB-201 257-F) (ELR Order No. 208, 18 pages) 7/8.

DEPARTMENT OF DEFENSE—DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Ave, SW., Washington, D.C. 20314 (202) 693-6329.

For the reader's convenience we have listed the numerous statements from COE by State in alphabetical order.

Draft

Title, description, and date

Red River Waterway and Red River bank protection project, Mississippi River to vicinity of Index, *Arkansas*. Involves realigning and improving a 9 ft. by 200 ft. navigation channel, bank stabilization work, 9 locks and dams, from the Mississippi River via the Old and Red Rivers to Shreveport, Louisiana, and continuing through Twelve Mile and Cypress Bayous near Dangerville, Texas. Purpose: improve navigation, flood control, irrigation, etc. (NTIS Order # PB-200 799-D) (ELR Order # 104, 37 pages) 7/2.

Big Creek and Tributaries, Lower White River Basin, *Arkansas* (flood control project). Involves straightening, enlarging and clearing 68 miles of channel and also work on 46 miles of upstream tributaries. Purpose: contribute to the economic growth of the basin by assuring flood protection. (NTIS Order # PB-200 789-D (ELR Order # 115, 9 pages) 7/8.

White River navigation project, *Arkansas*. Involves snagging and dredging in order to maintain a low water channel 4½ ft. deep between Newport and Augusta and a low water channel 8 ft. below Augusta. Purpose: enable passage of barges carrying farm commodities. (NTIS Order # PB-932-D) (ELR Order #175, 8 pages) 7/9.

DeQueen Lake, Rolling Fork River, Sevier County, *Arkansas*. Project will consist of a 160 foot high earth filled dam which includes a 12 foot diameter reinforced concrete conduit with grated control works to handle all flows in the river except maximum flood flows. Purpose: reduce annual flood damages occurring downstream from the dam. Project will require relocation of wildlife on Sevier County roads and loss of wildlife on land that is permanently inundated. (NTIS Order #PB-201 256-D) (ELR Order #209, 14 pages) 7/15.

Tijuana River flood control project, San Diego County, *California*. Involves constructing a concrete-lined trapezoidal channel (5 miles), diversion structures, stone jetties, etc. Will require 310 acres to 430 acres of land. Purpose: flood control. May result in a loss of fertile agricultural lands and open space areas to residential and commercial development. (NTIS Order #PB-200 440-D) (ELR Order #25, 52 pages) 6/24.

Trotters Shoals Lake hydroelectric power project, *Georgia* and *South Carolina*. Involves construction of a concrete dam, 4 electrical generating units, public recreation facilities, etc. Requires 59,760 acres of land, some of which will be for public use. Purpose: supply hydroelectric power during periods of peak demand to 3 FPC power supply areas. Will result in loss of natural stream section. (NTIS Order #PB-200 441-D) (ELR Order #26, 8 pages) 7/1.

Peacock Creek (flood control project), Liberty County, *Georgia*. Involves 24.4 miles of channel alignment, snagging and clearing on the creek and swamp areas. Purpose: provide protection from a 2-year frequency flood and supply major drainage on about 1,600 acres. Will remove high quality hardwood from right-of-way areas. (ELR Order #289, 9 pages) (NTIS Order #PB-201 389-D) 7/23.

Spewrell Bluff Lake, Flint River, *Georgia* (flood control project). Consists of land acquisition, construction of a dam 211 ft. high and 2,000 ft. long and an intake works and powerhouse. The lake will have a surface area of 13,300 acres. Purpose: flood control, hydroelectric power, recreation, etc. Will result in loss of free flowing stream fisheries. (Project presently awaiting funding) (ELR Order # 290, 19 pages (NTIS Order # PB-201 390-D) 7/23.

Yatesville Lake flood control project: Lawrence County, *Kentucky*. Involves construction of dam on Blaine Creek. Purpose: water storage which will be used for flood control, water quality control, recreation, and fish and wildlife enhancement. On the 20,800 acres that will be acquired for the project, there are 213 dwellings, 6 churches and 93 cemeteries. (NTIS Order # PB-200 941-D) (ELR Order # 186, 13 pages) 7/6.

Mermentau River navigation project, *Louisiana*. Involves enlarging and realigning channels in the Mermentau River, Lake Arthur and Bayous Nezpique and des Cannes, accumulative length, 43 miles. Project also includes replacing the SH-14 bridge. Purpose: improve navigation for commercial use and also aid in agricultural and development of area. (NTIS Order # PB-200 776-D) (ELR Order # 131, 18 pages) 7/9.

Anacostia River and Tributaries, Prince

George's County, *Maryland* (flood control project). Consists of widening, deepening and realigning channels in the Northwest and Northeast Branches and Indian Creek (20,410 ft). (NTIS Order # PB-200 797-D) (ELR Order # 88, 7 pages) 7/6.

Longview Lake, Little Blue River Lake, *Missouri*. Consists of constructing a dam. Lake will inundate 930 acres of land. Purpose: control run-off from a drainage area 50.3 square miles, recreation, etc. (NTIS Order # PB-200 795-D) (ELR Order # 113, 7 pages) 7/6.

Libby Dam and Lake Koocanusa project, Columbia River Basin, *Montana* (flood control project). This multi-purpose project included in the International Water Resource Development Plan of the Columbia River Basin in this country and Canada has been under construction since 1966. At the present time, it consists of completing construction of the dam (scheduled to be operational as flood control storage by 1973), constructing a powerhouse on the west bank with four 105,000 kW generators (4 additional units to be installed later), etc. The lake will have a surface area of 46,500 acres (28,850 in the United States and 17,650 in Canada). Purpose: provide flood protection, 854,000 kW of firm power initially, and land for public recreation use. (NTIS Order No. PB-200 538-D) (ELR Order No. 45, 43 pages) 6/24.

Loup River flood control, Columbus, *Nebraska*. Consists of constructing a 28,450 ft. levee along the left bank, adding channel riprap, etc. Purpose: provide flood protection. (NTIS Order No. PB-200 796-D) (ELR Order No. 114, 6 pages) 7/8.

Mill Creek Lake, Mill Creek, Scioto River Basin, Delaware and Union Counties, *Ohio*. Construction and operation of a dam and other facilities. Purpose: flood control, recreation and water quality control. It will regulate the runoff from a 181 square mile watershed. Will result in loss of farm land and some types of aquatic and terrestrial habitat. (NTIS Order No. PB-200 949-D) (ELR Order No. 152, 10 pages) 7/6.

Conneaut Harbor navigation project, *Ohio*. Involves construction of an inner dike and dredging entrance and dock front channels. Purpose: provide a small boat mooring area. (NTIS Order No. PB-200 930-D) (ELR Order No. 177, 9 pages) 7/9.

Clayton Lake flood control project, Jackford Creek, *Oklahoma*. (Revised draft—1st draft sent April 6). Involves construction of an earthfill dam and lake, relocation of highway, roads, pipelines, etc. 44 miles of natural stream will be inundated. Purpose: flood control, water supply, recreation, etc. Archeological survey to be conducted as sites near project may contain historically significant artifacts. (NTIS Order #PB-200 810-D) (ELR Order #89, 13 pages) 7/1.

Applegate Lake, Rogue River Basin, *Oregon* (flood control project). Involves constructing a rockfill embankment dam about 232 ft. high and 1,200 ft. long. The lake will be 4.6 miles long with a surface area of 988 acres at maximum pool. Purpose: flood control, irrigation, fish and wildlife enhancement, water quality control, etc. Will result in loss of 5 miles of free-flowing river. (NTIS Order #PB-200 792-D) (ELR Order #90, 20 pages) 7/1.

Beaver Drainage District, Columbia River, *Oregon* (flood control project). Improvements on existing project consists of constructing a new pumping station, relocating discharge lines of a second pumping station, raising and reinforcing the main levee, etc. Purpose: increase flood protection capabilities. (NTIS Order #PB-200 793-D) (ELR Order #118, 37 pages) 7/6.

Shobe Canyon channel clearing project, Heppner, *Oregon*. Involves clearing, snagging and channel reshaping at various intermittent locations throughout a 1-mile reach of Shobe Creek. Purpose: provide temporary solution to flooding caused by thunderstorm runoff. ELR Order #297, 7 pages) (NTIS Order #PB-201 388-D) 7/28.

Wynoochee Lake, Wynoochee River, *Washington*. Involves constructing a central concrete gravity dam 633 ft. long and 175 ft. high. The lake will be 4.4 miles longer with a surface area of 1,140 acres. Purpose: provide water storage for flood control, assure a 385 c.f.s. flow during low period at the Aberdeen diversion for industrial use, etc. Will result in a loss of 5.4 miles of stream fish habitat and anadromous trout spawning. A fishery and hatchery will be developed as replacements. (NTIS Order #PB-200 798-D) (ELR Order #103, 15 pages) 7/1.

Mud Mountain Dam and Reservoir, *Washington* (flood control project). This project has been in operation on the White River since 1948. Present plans call for lining a test section of the 9-ft. tunnel with abrasion-resistant steel. If works will line entire tunnel in 1972. Purpose: minimize downstream turbidity. (NTIS Order # PB-200 931-D) (ELR Order # 176, 11 pages) 7/12.

Final

Title, description, and date

Klutina River flood control project, Copper Center, *Alaska*. Consists of an earthfill levee 4,400 ft. long, etc. Purpose: Provide flood protection from winter glaciation. Comments made by DOI, EPA and various State of Alaska agencies. (NTIS Order # PB-200 544-F) (ELR Order # 58, 21 pages) 6/30.

Hidden Lake, Fresno River, *California*. Initiation of construction consisting of a cemetery relocation in 1971 with construction of an earthfill dam scheduled for 1972. Other aspects of the proposed project include 4 small dikes, downstream clearing and enlarging of channel, levee construction, etc. Possible loss of values associated with riparian habitat and changes of water quality have resulted in a coordinated effort to resolve these issues. Purpose: flood protection, stabilize distribution of downstream water, irrigation, etc. No draft statement received. Comments made by HEW, DOI, Planning Director in Madera County, Resources Agency of Calif. (NTIS Order # PB-200 445-F) (ELR Order # 11, 26 pages) 6/29.

"S" Street channel improvements, Needles, *California*. Involves constructing 3,160 feet of concrete channel and associated diversion structures. Purpose: to protect residential, commercial and public properties against flooding and debris. Comments made by EPA, HUD, DOI, Resources Agency of California and San Bernardino County Flood Control District. (NTIS Order # PB-200 547-F) (ELR Order # 54, 30 pages) 6/30.

New London hurricane protection project, *Connecticut*. Consists of constructing 5,900 ft. of earthfilled rock protected barriers with navigation openings. Purpose: provide protection against hurricane tidal flooding and enable development of area for manufacturing, open space, etc. No draft statement received. Comments made by DOI, EPA, various State of Connecticut agencies and Director of Public Works in New London. (ELR Order No. 251, 19 pages) (NTIS Order No. PB-201 310-F) 7/26.

Martins Fork Lake flood control project, Harlan, *Kentucky*. Involves construction of a concrete-gravity dam 106 ft. high and 465 ft. wide. Lake will have a surface area of 578 acres. No draft statement received. Comments made by DOI, various Commonwealth of Kentucky agencies. (NTIS Order No. PB-200 619-F) (ELR Order No. 101, 15 pages) 7/6.

Willard flood control project, *Kentucky*. Consists of using highway fill as a barrier levee by installing a flap gate on a culvert. Purpose: prevent backwater flooding from the Dry Fork. No draft received. (NTIS Order No. PB-200 604-F) (ELR Order No. 102, 7 pages) 7/6.

Lagoon Pond Navigation project, Martha's Vineyard, *Massachusetts*. Dredging a channel 100 ft. wide and 8 ft. deep and extending a stone jetty 200 ft. Purpose: to provide adequate access to a deep water mooring basin. Comments made by DOI, EPA, Massachusetts Dept. of Natural Resources and Town of Tisbury, Mass. (NTIS Order No. PB-200 542-F) (ELR Order No. 56, 27 pages) 6/30.

Beach erosion project, Oak Bluffs Town Beach, *Massachusetts*. Consists of beach raising and widening and construction of a stone groin at the southern end. Purpose: to provide a greater beach area and protect it from erosion. Comments made by DOI, EPA, COMMERCE, USDA and various Commonwealth of Mass. agencies. (ELR Order No. 249, 22 pages) (NTIS Order No. PB-201 309-F) 7/26.

Esopus Creek flood control project, Hudson River, *New York*. Consists of constructing levees, and floodwalls. Purpose: flood protection for area being developed commercially. No draft statement received. Comments made by DOI, USDA, EPA and various State of New York agencies. (NTIS Order #PB-200 543-F) (ELR Order #57, 28 pages. 7/1.

Wilson Harbor Navigation Project, *New York*. Involves dredging a 6-foot entrance channel through Tuscarora Bay and disposing of dredged materials on State Park land. When sufficiently dry the dredged materials will be used for park purposes. Channel will enable recreation craft to use bay. Comments made by DOI, EPA, State of New York Dept. of Environmental Conservation. (NTIS Order #PB-198 708-F) (ELR Order #263, 17 pages) 7/27.

South Ellenville flood control project, Rondout Creek Basin, *New York*. Consists of constructing levees, concrete chute, floodwalls, etc. Purpose: provide protection of Ellenville from the overflow of North Gully. Will result in loss of natural stream section, etc. (Project presently awaiting funding). No draft statement sent. Comments made by EPA, USDA, DOI, State of New York Dept. of Environmental Conservation, County of Ulster and Mayor of Ellenville. (ELR Order #287, 21 pages) (NTIS Order #PB-201 375-F) 7/27.

Susquehanna River navigation project, Williamsport, *Pennsylvania*. Improvement of navigation depths to provide 5-foot depths and varying widths in the West Branch for a distance of 11.4 miles. Purpose: to improve the safety and quality of recreational navigation by removing 3 sections of obstructions in the main channel. Comments made by DOI, EPA and various Commonwealth of Pennsylvania agencies. ELR Order #250, 13 pages) (NTIS Order #PB-201 311-F) 7/26.

Corpus Christi ship channel, Nueces County, *Texas*. 45 foot navigation project. Deepening and widening various channels and turning basins and constructing a turning point and 2 mooring areas. Comments made by EPA, USDA and various State of Texas agencies. (NTIS Order #PB-200 641-F) (ELR Order #55, 26 pages) 7/1.

Berwind snagging and clearing project, Big Sandy River, West Virginia. Consists of snagging and clearing the channel of Dry Fork, a tributary of Tug Fork. Purpose: increase discharge capacity of the channel in order to reduce flooding. No draft statement received. Comments made by HEW, DOI, State of West Virginia Dept. of Natural Resource and the County Court of McDowell County, West Virginia. (ELR Order No. 286 17 pages) (NTIS Order No. PB-201 376-F) July 27.

Oconto Harbor navigation project, Wisconsin. Involves rehabilitating the stone-filled piling structure by providing a rubble-mound, stone covered breakwater and maintenance of the channel by hydraulic dredging. Purpose: allow for expansion of recreational boating and fishing activities. No draft statement received. Comments made by DOI, HEW, Coast Guard, COMMERCE, various State of Wisconsin agencies and the Izaak Walton League of America. (ELR Order No. 262, 22 pages) (NTIS Order No. 201 329-F) July 27.

Office of the Assistant Secretary

Contact: Col. William P. Gardiner, Chief of Construction Division Office, Deputy Chief of Staff for Logistics, Washington, D.C. (202) OX 4-4380.

Final

Title, description, and date

Project EAGLE—Phase I, disposal of excess bulk mustard stocks at Rocky Mountain Arsenal, *Colorado*. Phase I consists of destroying 3071 tons of bulk mustard stocks by incineration. (Was previously scheduled for ocean burial—OPERATION CHASE.) Discusses air pollution control procedures, etc. No draft statement sent. Comments made by HEW, DOI, EPA, State of Colorado, Denver Regional Council of Governments. (NTIS Order # PB-200 540-F) (ELR Order # 30, 18 pages—draft statement; 267 pages for attachments) 7/2.

Disposal of Anti-Crop Biological Agent at Beale Air Force Base, *California* and Rocky Mountain Arsenal, *Colorado*. Inactivation of agent will be achieved by prolonged exposure to carboxide gas. After inactivation, material will be disposed of by incineration and burial. No draft statement received. Comments made by USDA, HEW, DOI, EPA, and various State and local agencies in California and Colorado. (NTIS Order # PB-201 259-F) (ELR Order # 207, 81 pages) 7/22.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. George Wright, Environmental Clearance Office, Washington, D.C. 20410, (202) 755-8192.

Draft

Title, description, and date

New Community of Maumelle near Little Rock, *Arkansas*. Proposed offer of commitment to guarantee up to $7.5 million in obligations to finance costs of land development over a 20 year period to Maumelle Land Development, Inc. Projected population is between 45,000 and 60,000 on this 5,319 acre site. The site has a 3.5 mile frontage on the Arkansas River. (The Army Corps of Engineers has underway presently a flood control project in this area.) (NTIS Order # PB-201 236-D) (ELR Order # 206, 42 pages) 7/1.

Pike Plaza redevelopment project, Seattle, *Washington*. The City of Seattle is requesting a loan and grant contract for this project. It will involve clearance and redevelopment of 22.81 acres except for a group of buildings comprising the Public Market. Redevelopment will include shops, markets, apartments, office buildings, etc. Purpose: provide more usable urban space, alleviate congested traffic, etc. (NTIS Order # 201 252-D) (ELR Order # 238, 8 pages) 7/21.

Final

Title, description, and date

Statement on HUD's Circular, "Noise Abatement and Control: Departmental Policy, Implementation Responsibilities and Standards." Sets policy on noise abatement and control and interim minimum standards which must be met as a condition for HUD's approval of insurance or assistance applications. Comments made by HEW, DOT, EPA. (NTIS Order # PB-200 450-F) (ELR Order # 12, 12 pages) 6/29.

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C., 20240 (202) 303-6416.

Bureau of Land Management

Draft

Title, description, and date

Outer Continental Shelf Oil and Gas Drainage Sale. Involves offering oil and gas leases for 19 tracts of submerged lands offshore Louisiana in the Gulf of Mexico. (NTIS Order # PB-200 359-D) (ELR Order # 8, 340 pages) 6-26.

Open pit phosphate mining operation, within Los Padres National Forest, Ventura County, *California*. Proposes to issue a preference phospate lease to the U.S. Gypsum Co. The U.S. Gypsum Co. would strip off the overburden (waste rock) before mining the ore. The proposed mining site, comprised of approximately 2433.8 acres, is located between 2 condor sanctuaries. (The condor is on the endangered species list.) (NTIS Order # PB-200 775-D) (ELR Order # 130, 37 pages) 7/12.

Bureau of Reclamation

Draft

Title, description, and date

San Angelo cumulus cloud seeding project, San Angelo, *Texas*. Project consists of warm and cold cloud seeding over a 3-year period. Will seed clouds primarily with sodium chloride but a few will be seeded with silver iodide. Purpose: to produce greater rainfall in Concho River Basin in order for soil to support crop growth. (NTIS Order # PB-200 537-D) (ELR Order # 46, 20 pages) 7/2.

O'Neill Unit, Pick-Sloan Missouri Basin Program, *Nebraska*. Project consists of constructing Norden Dam and Reservoir, an onstream regulatory and storage facility, Springview pumping plant; 362 miles of canals and laterals, etc. Purpose: provide irrigation to 77,000 acres, flood control, etc. (NTIS Order #PB-200 773-D) (ELR Order #129, 16 pages) 7/12.

Pecos River Basin Water Salvage project, *New Mexico* and *Texas*. (Revised draft—1st draft sent 3/31/71). Involves clearing saltcedars and other undesirable phreatophytes (they absorb a lot of water). Estimated acreage still to be cleared is 29,000. Clearing is done with chemical sprays and by mechanical means. A major concern is the disruption of nesting areas for the mourning dove. Project began in 1966, is now more than 60% complete. Comments made on 1st draft by Army Corps of Engineers, various Bureaus within DOI, EPA, FPC, COMMERCE, USDA, various State of Texas agencies and State of New Mexico agencies. (NTIS Order #PB-201 253-D) (ELR* pages) 7/12.

Black Mesa Coal Mining Operation, Navajo Project, *Arizona*. (Revised draft—1st draft sent 1/13/71). Peabody Coal Company has leased 64,858 acres of land from the Navajo and Hopi Indians to develop a coal mine for supplying fuel to the Navajo and Mohave Steam Generating Stations. Strip mining methods to be used. Will involve loss of grazing land, relocation of 53 Navajo families, use of water from a dep ground water supply, etc. (ELR Order #247, 70 pages) (NTIS Order #PB-201 336-D) 7/22.

Final

Title, description, and date

Colorado River Basin Pilot Project for weather modification. Located in San Juan Mountain area, southwestern *Colorado*. Seeding of 1,300 square mile area with 250 kilograms of silver iodide. To be continued for a period of 4 years. Snowfall will be increased by 16%. Purpose: to provide scientific and engineering evaluations of snowfall increases as a result of cloud seeding techniques. Comments made by DOT, DOD, COMMERCE, USDA, National Science Foundation, National Center for Atmospheric Research and various State of Colorado agencies. (NTIS Order #PB-201 086-F) (ELR Order #196, 32 pages) 7/16.

Lower Teton Division, Teton Basin project, *Idaho*. Includes construction of Teton Dam on the Teton River. A 17 mile long reservoir will form. At the dam, a combined power and pumping plant will be constructed. A fishery in the canyon portion of the river is now one of the finest in Idaho and contains a self-sustaining population of cutthroat trout. Dam and reservoir will eliminate summer and winter range utilized by big game animals. Purpose: irrigation, power, flood control. Comments made by Army Corps of Engineers, USDA, FPC, Commerce, DOT, private citizens, local businessmen and organizations, various State of Idaho agencies, etc. (NTIS Order No. PB-198 688-F) (ELR Order No. 223, 94 pages) 7/23.

Bureau of Sport Fisheries and Wildlife

Title, description, and date

San Marcos National Fish Hatchery: Hays County, *Texas*. Facilities will be located on 126 acres of land, formerly part of the Southwest Texas State University. Will consist of 52 ponds, associated drains and supply lines, a water treatment and recirculation system, etc. Purpose: to serve as a national fish hatchery and as a development center for new fish rearing techniques. Comments made by Texas Parks and Wildlife Dept. (NTIS Order No. PB-199 463-F) (ELR Order No. 60, 10 pages) 6/30.

Office of Coal Research

Draft

Title, description, and date

Coal gasification plant, Homer City, *Pennsylvania*. Building and operating pilot plant which will use the BI-GAS process for testing purposes in converting coal to synthetic gas. Will operate for 2 or 3 year period. (NTIS Order No. PB 200 800-D) (ELR Order No. 122, 19 pages) 7/7.

Office of the Secretary

Draft

Title, description, and date

Proposed "prototype" oil shale leasing program: *Colorado, Utah* and *Wyoming*. Involves public and industry participation in selecting up to 6 oil shale tracts, 2 in each of the above states. These tracts will be offered for lease by sealed, competitive bid late in 1972. After specific sites have been selected and core drilling tested, a complete draft will be made. In addition to this preliminary draft statement, a program statement describing the proposal and reports on the potential environmental impact by the 3 States are attached. (NTIS Order No. PB-200 436-D) (ELR Order No. 17, 116 pages—statement) NTIS will charge $6.00 for all 5 reports. 6/29.

Final

Title, description, and date

Exploratory drilling operations on Federal oil and gas leases, Santa Barbara Channel off the *California* coast. Program began in 1967. 70 exploratory wells have been drilled. Proposed administrative action is the issuance of permits to allow further exploratory drilling. Comments made by EPA, Coast Guard, DOD, Commerce, various state and local agencies of California, concerned individuals, industry and associations. (ELR Order No. 222, 97 pages—also all title) (NTIS Order No. PB-198 979-F) 7/30.

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 7th Street, S.W., Washington, D.C. 20590 (202) 462-4357.

For the reader's convenience we have listed the numerous statements from DOT by State in alphabetical order.

Federal Aviation Administration

Draft

Title, description, and date

Airport project, Klawock, *Alaska*. Proposes development of a new airport involving land acquisition, construction of a landing strip, etc. (NTIS Order # PB-200 363-D) (ELR Order # 2, 8 pages) 6/29.

Nut Tree Airport, Vacaville, *California*. Involves acquisition of land, extending, overlaying and widening of runway and taxiway, channel relocations, runway light system, etc. (NTIS Order # PB-201 226-D) (ELR Order # 202, 27 pages) 7/19.

Monmouth Municipal Airport, Warren County, *Illinois*. Consists of obtaining reimbursement for land and a navigation easement. Action will make the airport a part of the Federal Aid System of Airports. (ELR Order # 261, 75 pages) (NTIS Order # PB-201 306-D) 7/27.

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*Order by title, department and agency.

Wheaton Municipal Airport project, Wheaton, *Minnesota*. Involves surfacing runway, connecting taxiway and installing lights along runway and VASI, etc. (NTIS Order # PB-200 364-D) (ELR Order # 1, 16 pages) 6/29.

McCarran International Airport Project, Las Vegas, *Nevada*. Involves land acquisition, runway extension, etc. Purpose: accommodate larger aircarrier aircraft. (NTIS Order No. PB-200 801-D) (ELR Order No. 87, 30 pages) 7/61.

Final

Title, description, and date

Grand Canyon National Park Airport, Grand Canyon, *Arizona*. Extension of runway and taxiway, construction of a fire and rescue equipment building, etc. Purpose: to enable Air West to use DC-9's instead of F-27's. Comments made by USDA, DOI, DOA, EPA, HEW, HUD, DOC, and Four Corners Regional Commission and Arizona Dept. of Aeronautics. (NTIS Order No. PB-200 600-F) (ELR Order No. 50, 44 pages) 7/1.

Arapahoe County Airport, Denver, *Colorado*. Includes land acquisition, taxiway construction, etc. Purpose: provide space for future runway, noise abatement, and to prevent airport encroachment. Comments made by HUD, DOI, ARMY-COE, FPC, USDA, COMMERCE, EPA. (NTIS Order No. PB-198 984-F) (ELR Order No. 53, 46 pages) 6/30.

Marion County Airport, Buena Vista, *Georgia*. Includes land purchase, runway and taxiway construction, installation of medium intensity lighting, etc. Comments made by HEW, EPA and Bureau of State Planning & Community Affairs. (NTIS Order No. PB-198 982-F) (ELR Order No. 148, 18 pages) 7/9.

Airport project at Algona, *Iowa*. Involves runway extensions, lighting, etc. Purpose: to accommodate twin engine aircraft and to make it an all weather airport. Comments made by DOI, USDA, various State of Iowa agencies. (NTIS Order No. PB-199 329-F) (ELR Order No. 170, 34 pages) 7/13

Airport project at Eureka, *Kansas*. Extending runway and low intensity lighting, etc. Purpose: to serve larger aircraft. Comments made by USDA, DOI, various State of Kansas agencies. (NTIS Order # PB-198 997-F) (ELR Order # 92, 14 pages) 7/2.

McPherson City County Airport Project, McPherson, *Kansas*. Consists of the final phase of paving the runway and taxiway and extending the north end of the runway, etc. Comments made by USDA, EPA, DOI, various State of Kansas agencies. (NTIS Order # PB-199 603-F) (ELR Order 154, 22 pages) 7/13.

Oakland-Pontiac Airport Project, *Michigan*. Includes land acquisition, E/W runway and taxiway construction, ramp and runway extension, etc. Will mean increase in noise level for some houses near the north boundary of the airport. Comments made by State of Michigan agencies and local agencies. (NTIS Order # PB-199 234-F) (ELR Order # 153, 23 pages) 7/13.

Sedalia, *Missouri* airport project. Involves land acquisition, construction of new runway, installation of medium intensity lighting, etc. Purpose: to accommodate larger aircraft. Airport will be especially useful during construction of a safeguard installation nearby. Comments made by USDA, DOI, various State of Missouri agencies. (NTIS Order # PB-198 876-F) (ELR Order 169, 30 pages) 7/13.

Glacier Park International Airport, Kalispell, *Montana*. Involves 1,000 by 150 foot extension to instrument runway. Increased frequency of Air West flights not anticipated. Comments made by DOI, Flathead County Airport Board, Morrison-Maierle, Inc. and State of Montana Aeronautics Commission. (NTIS Order # PB-200 598-F) (ELR Order # 52, 13 pages) 6/30.

Mifflin County Airport, Reedsville, *Pennsylvania*. Involves runway extension and widening to incorporate increasing number of larger corporate aircraft. Comments made by DOT, COMMERCE, USDA, EPA, Fisher Electronics, Inc., Sitkin Smelting & Refining, Inc. Standard Steel, etc. (NTIS Order # PB-200 599-F) (ELR Order # 51, 21 pages) 7/1.

Everett-Stewart Airport project, Union City, *Tennessee*. Includes acquisition of 17 acres, construction of a 100′ x 100′ extension to runway, runway resurfacing, taxiway construction. Present airport is unable to accommodate the larger corporate and business jet aircraft. Comments made by ARMY-COE, EPA, DOT, HEW, various State of Tennessee agencies. (NTIS Order # PB-199 233-F) (ELR Order #94, 23 pages) 7/2.

Hayward Municipal Airport, Sawyer County, *Wisconsin*. Involves runway extension and overlay, taxiway construction, relocation of town road, etc. Purpose: allow larger aircraft and business jets to use the facility. Comments made by various State of Wisconsin agencies, USDA, DOI, ARMY-COE (NTIS Order # PB-198 889-F) (ELR Order # 147, 23 pages) 7/8.

Airport project, Mosinee, *Wisconsin*. Involves construction of parallel taxiway, cross runway, runway extension, at Central Wisconsin Airport. Comments made by USDA, DOT, DOI, various local agencies. (NTIS Order # PB-200 950-F) (ELR Order # 156, 29 pages) 7/13.

Federal highway administration

Draft

Title, description, and date

Federal Aid Secondary Route No. 62-12: Tallapoosa County, *Alabama*. Project consists of bridge replacement over the South Fork of Sandy Creek. New structure will be adjacent to and west of present bridge. Project S-6212( ). (NTIS Order No. PB-200 531-D) (ELR Order No. 39, 6 pages).

FAS Route 5910: Shelby County, *Alabama*. Reconstruction provides for widening and realigning portion of route 3 miles west of Helena and .7 mile south of the Shelby County-Jefferson County Line. Involves replacing 2 bridges. Highway project S-5910 (101). (NTIS Order No. PB-200 767-D) (ELR Order No. 75, 9 pages. 7/2.

I-59 & I-459: Jefferson County, *Alabama*. I-59 consists of constructing 10.5 miles from Bessemer to Fairfield; I-459 consists of constructing a connective highway between Old Route 11 and I-59. Project Nos. I-59-1(29) (34) (35) & I-459-4( ). (NTIS Order No. PB-201 233-D) (ELR Order No. 211, 15 pages). 7/16.

FAS Route 17: Chilton County, *Alabama*. Replacement of gravel surfaced road with 2-lane bituminous road to serve as a connection between US-31 and FAS Route 12. Highway project S-1117(102). (NTIS Order No. PB-201 249-D) (ELR Order No. 228, 6 pages). 7/21.

Alabama Highway 20: Lauderdale County, *Alabama*. Construction of a 2-lane, ultimate 4-lane section of highway on new location beginning at intersection with the Natchez Trace Parkway northwest of Florence to a point 1.5 miles southeast of McGee (9.3 miles). Highway project F-401( ), State project 202-E. (ELR Order No. 293, 9 pages). (NTIS Order No. PB-201 397-D). 7/26.

US-43: Washington County, *Alabama*. Widening road to 4-lanes from Calvert to Leroy (23 miles). Approximately 40 families and 30 businesses will be relocated. Highway project S-24-D. (ELR Order #291, 6 pages) (NTIS Order #PB-201 395-D) 7/27.

Wasilla-Palmer Highway: Widening and improving horizontal and vertical alignment from intersection with Anchorage to Fairbanks Highway (FAP Route 35) in Wasilla, Alaska to intersection with Glenn Highway (FAP Route 42) near Palmer, *Alaska*. Highway project S-0572(1). (NTIS order # PB-200 762-D) (ELR Order # 67, 12 pages) 7/2.

I-10 (Hohokam Expressway): Maricopa County, *Arizona*. Construction of about 2.5 miles of highway from 48th Street Interchange and terminating at junction of 44th St. and Washington Street. Also includes construction of a bridge to span the Salt River. 4(f) determination attached as route requires use of a portion of Park of Four Waters. Highway Project F-034-(1) and F-043-1(3). (NTIS Order #PB-201 093-D) (ELR Order #200, 30 pages) 7/8.

Colorado River Bridge (Joint Project): Yuma County, *Arizona*. Construction of the dual-span Yuma Bridge and Approaches (3,000 feet). Structure is portion of I-8, connecting the States of California and Arizona. Highway project I-8-9(2). (ELR Order # 255, 14 pages) (NTIS Order # PB-201, 301-D) 7/26.

US-270: Hot Springs County, *Arkansas*. Upgrading from 2- to 4-lane non-controlled access highway. Located between Town Creek in Malvern and SH-51. Highway projects F-016-2(16) and U-016-2 (17). (NTIS Order # PB-200 783-D) (ELR Order # 140, 8 pages) 7/9.

Ferrel-La Brucherie Road (FAS 1261): Imperial County, *California*. Completion of highway construction between SH-98 and Wahl Road (approximately 3 miles) near city limits of El Centro. Highway project S-1261(3), 11-Imp-1261-CR. (NTIS Order # PB-200 764-D) (ELR Order # 72, 4 pages) 6/30.

Route 4: Alpine County, *California*. Development of a controlled access highway between the North Fork of the Mokelumne River and Route 89 (17.9 miles). Most of the project is within either Stanislaus or Toiyabe National Forests. Highway project 10-ALP-4, 13.5/32.0. (NTIS Order # PB-201 242-D) ELR Order # 232, 17 pages) 7/23.

State Route 15: San Diego, *California*. Project consists of converting a 4-lane highway to a freeway. Construction runs from I-805 to just south of I-8. 4(f) determination to be forwarded as route requires parklands. Highway project FAP-95, 11-SD-15, 3.2/6.2. (ELR Order # 278, 9 pages) NTIS Order # PB-201 333-D) 7/27.

Colorado State Highway 82: Garfield County, *Colorado*. Widening 1.9 miles of highway between Carbondale and Basalt (from a 2- to 4-lane facility). Highway project S 0082(3). (NTIS Order # PB-200 939-D) (ELR Order # 185, 9 pages) 7/15.

I-84: Widening and realigning highway in Newtown and Southbury, *Connecticut* (2.5 miles). Involves constructing a second bridge over the Housatonic River for the westbound lane, adding a westbound lane in Newtown, etc. Highway project I-84-2(44)15; State project 96-114 & 115. (NTIS Order # PB-200 805-D) (ELR Order # 124, 23 pages) 7/7.

I-86: Adding additional travel lane in each direction in Ashford and Union, *Connecticut* making it a 6-lane facility (7.2 miles). Highway project P.E. I-86-2(26)16. (ELR Order #245, 73 pages) (NTIS Order # PB-201 299-D) 7/20.

Route 8: Seymour, Beacon Falls, and Naugatuck, *Connecticut*. Project involves improvement and relocation between the vicinity of North Street in Seymour and the vicinity of Route 63 in Naugatuck (5.8 miles). 4(f) determination attached as route requires land from Naugatuck State Forest (presently being considered as recreational area). (ELR Order # 256, 37 pages) (NTIS Order # PB-201 302-D) 7/23.

South Wilmington Connector: Wilmington, *Delaware*. Discusses 3 alternate corridors (River Route, 4th St., and Front St.). Purpose: serve as a direct connection between the Civic Center and I–95. (NTIS Order #PB–200 766–D) (ELR Order #74, 33 pages) 7/7.

US–93 (SR–30): Walton County, *Florida*. Widening of highway to 4 lanes beginning at the Okaloosa-Walton County Line and terminating at the intersection with SR–30–A (7.4 miles). Purpose: to serve as connector for ultimate plan of multi-laning US–98 from Pensacola to Panama City. Highway project F–017–1(26). NTIS Order #PB–200 534–D) (ELR Order #42, 25 pages) 6/28.

State Road 424—A (Fairbanks Avenue): Orange County, *Florida*. Improvement of highway from SR–400 (I–4) to SR–15–600 (US 17–92) (1 mile). Involves construction of a median strip, curb system, sidewalks, and installation of storm water treatment, etc. Highway project US–707(1). (NTIS Order #PB–200 524–D) (ELR Order #32, 40 pages) 6/29.

Maitland Boulevard interchange and connector road (SR–528): Orange County, *Florida*. Provides for an interchange with SR–400 (I–4) between existing interchange at SR–438 (Lee Road) and SR–436 and a connecting roadway corridor from SR–400 (I–4) to SR–600 near Maitland. Highway project UI–4–2(65)108, State project 75280–1438 and 75504–1601. (NTIS Order #PB–200 536–D) (ELR Order #44, 50 pages) 6/29.

US–92 (SR–600): Volusia County, *Florida*. Upgrading of 10.4 miles of highway from 2- to 4-lanes between S–430A (Kepler Rd.) and the junction of SR 400 (I–4) and the SR 600 connector. Highway project F–010–1(19), State project 79060–1509. (NTIS Order #PB–200 769–D) (ELR Order #77, 30 pages) 6/30.

US–41 (SR–90): Dade County, *Florida*. Widening of Tamiami Trail from 2-lane, one-way corridor to 4-lane, 2-way corridor. Construction will run from the Palmetto Expressway, along southwest 8th Street, east to US Route 1 (8 miles). Highway project U–012–2 (10) F–012–2(11); State project 87120–1503. (NTIS Order # PB–200 750–D) (ELR Order # 80, 12 pages), 7/2.

I–75: Manatee County, *Florida*. Construction of 8.3 miles of highway from US–301 to US–19. Portion of highway that will ultimately connect Tampa and Miami. Highway project I–75–6(1)375. State project 13075–1405, 1406. (NTIS Order # PB–201 092–D) (ELR Order # 201, 7 pages), 7/9.

State Road 424 (Edgewater Drive): Orange County, *Florida*. Upgrading from 2-to-4-lanes of 1.9 miles of highway from Par Avenue to Lee Road in Orlando. Roadway involves 2 consecutive projects. Highway projects US–432(2) & US–432(3). (NTIS Order # PB–201 089–D) (ELR Order # 191, 22 pages), 7/16.

US–319 (State Road 377): Franklin County, *Florida*. Replacement of existing timber-concrete bridge over Ochlockonee River with modern concrete span (0.17 mile for bridge and approaches). (NTIS Order # PB–201 095–D) (ELR Order # 195, 25 pages), 7/16.

I–185: Muscogee County, *Georgia*. Construction of new highway from Double Churches Road southerly to the Columbus-Manchester Expressway. Project is portion of highway that will connect Atlanta and Columbus. Highway project I–185–1( ). (NTIS Order # PB–200 529–D) (ELR Order # 37, 15 pages), 6/28.

SR–155: DeKalb County, *Georgia*. Relocation of route to provide a bypass of the central business district of Decatur (1.8 miles). Will involve relocation of a church. Highway projects SU–865(4) and SU–866(5). (NTIS Order # PB–200 768–D) (ELR Order # 76, 57 pages), 7/6.

Highway 341: Walker County, *Georgia*. Upgrading and widening route along existing alignment beginning at a point just southwest of Chickamauga, extending northerly through the city to a point near the northwest city limits. Highway project S–1025(1). (NTIS Order #PB–200 945–D) (ELR Order #163, 34 pages) 7/8.

Birdsville Road: Jenkins County, *Georgia*. Reconstruction of road beginning at SR–17 extending northerly and northwesterly via Birdsville and ending at S–1320. A 4(f) document is attached since route goes the Birdsville Plantation. Highway project S–2114 (PR 2832–C). (ELR Order #295, 10 pages) (NTIS Order #PB–201 396–D) 7/16.

Cherokee Road Extension (PR 700): Cobb County, *Georgia*. Construction of a 4-lane, free access facility linking Cherokee St. in Smyrna to Windy Hill Road at I–75 interchange. Highway project PR 700 (S–2565). (ELR Order #299, 17 pages) (NTIS Order #PB–201 400–D) 7/16.

Waycross Bypass, US–82 and SR–50: Ware County, *Georgia*. The statement relates to 3 highway projects. *F–119–1(1)* (Waycross Bypass) provides for a bypass route for US–1, US–23, US–82, SR–4, SR–50, and SR–38 around Waycross (6.4 miles). *F–105–1(6)* involves relocation of US–80 and SR–50 beginning northwest of Waresboro to intersection with the Waycross Bypass (3.5 miles). *F–026–2(13)* provides for improving the geometrics of US–82—SR–50 from intersection with SR–158 to point northwest of Waresboro (2.2 miles). (ELR Order #296, 5 pages) (NTIS Order #PB–201 392–D) 7/22.

I–75: Cobb-Cherokee-Bartow Counties, *Georgia*. (Revised draft—1st draft sent 2/10). The first 102 statement related to a proposed corridor for closing a 20.3 mile gap existing in I–75 from Robert Road in Cobb County to US–411 in Gordon County. Due to opposition to this proposed routing, the Georgia Highway Dept. restudied the project, asking the assistance of the National Recreation and Park Association, the Institute of Ecology, Univ. of Ga. and many others. The new recommended route ("T") which would go through an area already changing from open to built-up lands was based on the recommendations of these groups and individuals and the studies done on the environmental impact. A 4(f) determination is included since project requires use of public lands known as "Blockhouse." (NTIS Order #PB–201 337–D) (ELR Order #260, 302 pages) 7/23.

US–95: Adams County, *Idaho*. Construction of 7.3 miles of highway beginning just south of the Alpine Store area and ending one mile south of Cottonwood Creek. Involves 2 projects: Mesa North which is to be constructed first, with Mesa South to be constructed as funds are available. New concrete bridge will be constructed over Middle Fork of the Weiser River. Highway projects are, respectively, F–3112(21) & F–3112(30). (NTIS Order #PB–200 533–D) (ELR Order # 41, 20 pages) 6/24.

FAS Route 613: Relocation and improvement of route beginning near the corner of College & Johnson Sts. in Jacksonville, *Illinois* and extending northeasterly for about 1 mile to a connection with the existing road. Highway project S–613(103). (NTIS Order # PB–200 444–D) (ELR Order # 21, 16 pages) 6/29.

FAS Route 765: Madison County, *Illinois*. Proposed construction of 2-lane highway between Illinois Route 111 and Bluff Road. Highway project S–765(104). (NTIS Order # PB–200 752–D) (ELR Order #120, 14 pages) 7/9.

Illinois 43: Madison County, *Illinois*. Reconstruction and widening of route from west of Illinois 159 to 0.5 mile southeast of Illinois 3 (3.9 miles). Highway project F–368. (NTIS Order # PB–201 225–D) (ELR Order # 203, 30 pages) 7/20.

Supplemental Freeway FAP Route 408: Sangamon & Morgan Counties, *Illinois*. Freeway construction with full access control from interchange with US–36–54 near Curran to an interchange with US–67 south of Jacksonville. (ELR Order # 294, 244 pages) (NTIS Order # PB–201 394–D) 7/23.

West Sixth Street Bridge: Grant County, *Indiana*. Replacement of 56-ft concrete bridge over Back Creek and improvement of approaches. 4(f) determination attached as project would require land from a public park owned by the Town of Jonesboro. Highway project S–1068(1). (NTIS Order # PB–201 235–D) (ELR Order # 224, 10 pages) 7/16.

SR–26: Tippecanoe County, *Indiana*. Widening road to a 4-lane divided expressway extending eastward from its intersection with U.S.–52 Bypass of Lafayette to the interchange of I–65 with SR–26 (1.8 miles). Highway project S–271(7). (NTIS Order # PB–201 238–D) (ELR Order # 205, 7 pages) 7/19.

US–31: Miami, Fulton, & Marshall Counties, *Indiana*. Widening and upgrading highway, partially on new location, from north of Peru to south of Plymouth (32.5 miles). A 10.4 mile portion of construction from 1 mile south of SR–5 to south of SR–110 is a different highway project. Highway projects F–85(27), F–85(29), & F–85(23). (NTIS Order # PB–201 230–D) (ELR Order # 204, 13 pages) 7/19.

I–380: Cedar Rapids, *Iowa*. Construction of 6-lane segment of highway from point near 10th St. NE and J Ave. NE. (NTIS Order # PB–200 765–D) (ELR Order # 71, 9 pages) 7/2.

I–670: Wyandotte County, *Kansas*. Construction of 1.6 miles of new highway from I–70 near Mill St. easterly to the Kansas-Missouri line. All but 350 ft. of the construction will consist of viaduct or bridge structures. Proposed segment of highway will provide interchange with I–70. Highway project 670–105 I–670–6(25). (NTIS Order # PB–200 784–D) (ELR Order # 143, 44 pages) 7/6.

I–35: Lyon County, *Kansas*. Construction of 4-lane divided facility beginning near east city limits of Emporia and continuing easterly for 9.7 miles. Requires 550 acres of land. Highway project 35–56 I–35–2(3)133. (NTIS Order # PB 200 772–D) (ELR Order # 125, 8 pages) 7/7.

K–177: Chase County, *Kansas*. Replacement of bridge over the Cottonwood River and widening road to 4-lanes through Cottonwood Falls (1.2 miles). Highway project 177–9 S–1167(13). (NTIS Order # PB–200 803–D) (ELR Order # 123, 24 pages) 7/7.

US–69 (Switzer Bypass): Johnson County, *Kansas*. Construction of 2.9 miles of highway from 127th St. northeast to point just south of I–435. Involves construction of 10 bridges. Switzer Rd. will be relocated to the west of 111th St. Highway project (SF) 69–46 F 083–3(20). (NTIS Order # PB–201 251–D) (ELR Order # 234; 11 pages) 7/22.

Paris Bypass (Section 2): Bourbon County, *Kentucky*. Construction of 2-lane (ultimate 4-lane) highway around city of Paris for through traffic on US–27, US–227, US–68 and US–460. Highway project F 558(1) & S 67(6). (NTIS Order # PB–200 749–D) (ELR Order # 81, 7 pages) 7/2.

I–410 New Orleans Loop Route: Orleans Parish, *Louisiana*. Construction of a 6-lane controlled access segment (generally on Paris Road) beginning at the Mississippi River Gulf Outlet and ending at I–10 (2.6 miles). Will cross some swamps and marshlands. (NTIS Order # PB–200 749–D) (ELR Order # 281, 12 pages) 7/27.

Maryland Route 235: St. Mary's County, *Maryland*. Widening and constructing dual highway from point about 400 ft. northwest or Rue Purchase Road to Peggs Lane (1.4 miles). Highway project 414–15–571. (NTIS Order # PB–200 760–D) (ELR Order # 68, 5 pages) 7/2.

Maryland Route 235: St. Mary's County, *Maryland*. Widening route from Laurel Grove, continuing in a southerly direction on the west side of Summerseat Village and Oakville, and terminating at the beginning of the present dual highway in Hillville (3.9 miles). Highway project SM 414–005–571. (NITS Order # PB–200 761–D) (ELR Order # 69, 9 pages) 7/2.

Route 11 & West Wilson Boulevard: Washington County, *Maryland*. Project provides for elimination of 2 crossings of the Norfolk & Western Railroad at Virginia Ave & Wilson

Blvd. and relocation of Route 11, southeast of existing route—and relocation of Wilson Blvd., just north of present location in Hagerstown. Highway project US–UGS 9465 (1). (NITS Order #PB–210 241–D) (ELR Order # 231, 12 pages) 7/23.

I–391: Chicopee, *Massachusetts*. Construction of 6-lane highway elevated 23 feet above ground level in the Willimansett section of Chicopee. This 1,500 foot viaduct will go from the Boston and Maine Railroad tracks to the Connecticut River. Highway project I–391–3 (1)8. (NTIS Order # PB–200 522–D) (ELR Order # 31, 8 pages draft, 72 pages Joint-Use Study) 6/29.

US–131 Freeway: Miscota and Osceda Counties, *Michigan*. Freeway construction to serve as major travel route between metropolitan areas located in southern Michigan, northern Indiana and Illinois and recreation areas, etc. Evaluates 3 alternative corridors. (NTIS Order # PB–200 937–D) (ELR Order #180, 38 pages) 7/12.

Trunk Highway 94: Stearns County, *Minnesota*. Involves construction of a 4-lane freeway from just northeast of Collegeville to just southeast of St. Augusta (18 miles). Represents last segment of corridor to connect Minneapolis to the west State line. Highway propect F 094–2( ). (ELR Order # 254, 17 pages) (NTIS Order # PB–201 307–D) 7/26.

Route 63: Phelps County, *Missouri*. Relocation and widening route beginning at the Maries-Phelps County Line just north of Rolla and extending southerly for about 5.6 miles. (NTIS Order # PB–200 936–D) (ELR Order # 178, 4 pages) 7/12.

Routes 210, 10 & 13: Clay & Ray Counties, *Missouri*. *Route 210* provides for an initial 2-lane, ultimate 4-lane limited access facility, running from east of Route JJ to relocated Route 10 southwest of Richmond (15 miles). *Route 10* provides for a 2-lane limited access facility, running from just east of Route C to 2.7 miles east of Route 13. *Route 13* provides for a 2-lane limited access facility north of Richmond, a 4-lane limited access facility through Richmond to the interchange with Route 10 and an initial 2-lane, ultimate 4-lane limited access facility south of Route 10 (4 miles). Highway projects, respectively, 4–P–210–35, 4–P–10–28, & 4–P–13–29. (NTIS Order # PB–201 228–D) (ELR Order # 219, 6 pages) 7/21.

Route 13: Stone County, *Missouri*. Construction/upgrading of highway from just north of Route 248 southerly to 1.2 miles south of Bailey Creek. Involves replacement of 3 bridges. (NTIS Order #PB–201 246–D) (ELR Order #225, 6 pages) 7/23.

I–90: Mineral County, *Montana*. Construction of 4-lane highway from 6.4 miles west of to 1.3 miles east of St. Regis (7.7 miles). 4(f) determination to be submitted in the future as land for an undeveloped park will be required. (NTIS Order #PB–200 535–D) (ELR Order #43, 62 pages) 6/25.

Sixth Street Southwest: Great Falls, *Montana*. Reconstruction of 1.3 miles, including the replacement of the present bridge over Sun River. Highway project U–FG 218(10). (ELR Order #288, 16 pages) (NTIS Order # PB–201 399–D) 7/28.

Nebraska Project S–37(11): Keith County, *Nebraska*. Construction consists of 1 mile of spur roadway connecting I–80 and US–30. Highway project S–37(11). (NTIS Order # PB–200 527–D) (ELR Order #35, 11 pages) 6/29.

I–80 (Sidney Airport-East Sidney) and Highway N–19 (Sidney South): Cheyenne County, *Nebraska*. I–80 involves constructing 4-lane divided facility from Sidney Airport to East Sidney Interchange (3 miles). Highway N–19 consists of relocating road north of Airport and ending on US–385 & N–19 east and north of Sidney (5.4 miles). Highway project I–80–2(4) & F–130(15). (NTIS Order # PB–201 237–D) (ELR Order # 214, 12 pages) 7/19.

I–80: Constructing highway to connect 2 segments of I–80 near Winnemucca, *Nevada* (6.9 miles). (NTIS Order # PB–200 934–D) (ELR Order #173, 9 pages) 7/14.

I–78: Warren County, *New Jersey*. Construction runs from New Jersey-Pennsylvania line to Still Valley. 4(f) determination attached as route requires 8.6 acres of undeveloped recreation area. Highway project I–78–1(0)O. (NTIS Order # PB–200–532–D) (ELR Order #40, 30 pages) 6/30.

I–195: Monmouth and Ocean Counties, *New Jersey*. Construction of 13.1 miles of highway from County Route 527 to the intersection of SH–34 and SH–38. 4(f) determination attached as route requires 37 acres of land from Allaire State Park. Highway project I–195–8(1)82. (NTIS Order #PB–201 234–D) (ELR Order #218, 35 pages) 7/21.

Amador Avenue: Las Cruces, *New Mexico*. Widening of 2 miles of highway from I–10 to Alameda Street. Highway project US–1136(3). (NTIS Order #PB–201 243–D) (ELR Order #223, 16 pages) 7/23.

US–56: *New Mexico*. Upgrading highway from 5.5 miles southwest of Clayton northeasterly for what appears to be 4.5 miles. Highway project S–1441(5). (ELR Order #279, 5 pages) (NTIS Order # PB–201 334–D) 7/27.

County Road 19, County Road 60 and New York State Route 17: Cattaraugus County, *New York*. Reconstruction of portions of these 3 routes between relocated West Five Mile Rd. in Allegany and SR–16 in Olean. Highway project PIN 5240.00. (NTIS Order #PB–200 397–D) (ELR Order #22, 9 pages) 6/28.

New York Routes 347 & 25: Suffolk County, *New York*. Construction consists of upgrading to expressway standards 8 miles of Route 347, between Browns Road and Route 25A. Also included in project is reconstruction of 2 miles of Route 25, from Sunny Road to Hawkins Road. Highway projects PIN 0041.00 & PIN 0054.01. (NTIS Order #PB–200 530–D) (ELR Order #38, 11 pages) 6/30.

Nassau Expressway: *New York*. Involves 4 highway construction contracts. Contracts 3 and 4A provide for constructing a multi-lane expressway facility from Van Wyck Expressway to the New York City-Naussau County line (3.9 miles); Contract 4 (Rockaway Blvd.) provides for relocation and widening road between Springfield Blvd. and the New York City-Nassau County line (1.6 miles); and Contract 5 provides for a westbound roadway portion of a multi-lane expressway facility between Cross Bay Blvd. and 150th St. (2.9 miles) Highway projects: PIN 009.00, PIN 0072.00, PIN 0072.08, and PIN 0031.00. (NTIS Order #PB–200 763–D) (ELR Order #66, 17 pages) 7/1.

Route 209, 52, & 55: Ulster County, *New York*. Relocation and construction of an ultimate 4-lane limited access facility from the Sullivan County line to a recently reconstructed section of Route 209 at Hurley (27 miles). Also involves relocation of short sections of Routes 52 and 55 to connect with Route 209. Highway project PIN 8425.00 (NTIS Order #PB–200 443–D) (ELR Order #23, 28 pages) 6/30.

Route 8: Delaware and Otsego Counties, *New York*. Relocation of route beginning at a point near Thorp Hill Road proceeding northerly as a connector interchange on I–85 and continuing on a parallel line with Sidney Village line to intersection with Route 7. Highway project PIN 9067.00. (NTIS Order #PB–200 757–D) (ELR Order #64, 16 pages) 7/1.

Newburgh Riverfront Arterial: Orange County, *New York*. 4(f) review attached as alternatives discussed involve various historic sites and parkland, i.e. Headquarter's Washington Park and the residency of James Clinton House. Highway project PIN 8117.00 (NTIS Order #PB–200 770–D) (ELR Order #65, 40 pages) 7/1.

New York Routes 3 & 86: Franklin and Essex Counties, *New York*. Reconstruction of about 0.5 mile of highway in Adirondack Park. 4(f) documentation to be received later from DOT as highway is within this Park. Highway project PIN 1332.00. (NTIS Order #PB–200 802–D) (ELR Order #127, 65 pages) 7/2.

Route 304 (Coyles Corners-Short Clove): Rockland County, *New York*. Reconstruction of route, adding 2 lanes for northbound traffic, between Old Turnpike Road and Bardonia Road (.7 miles). Highway project 3155.00. (NITS Order #PB–200 805–D) (ELR Order #85, 14 pages) 7/6.

IR–88 (Susquehanna Expressway): Otsego and Schoharie Counties, *New York*. Relocation of highway from a point just east of Oneonta to the Schoharie-Schenectady County Line (12.3 miles). Highway project PIN 9337.08–9337.17. (NTIS Order #PB–200 781–D) (ELR Order #138, 30 pages) 7/6.

Route 94: Orange County, *New York*. Upgrading of route between Chester and Florida (4.3 miles). Highway project PIN 8041.00. (NTIS Order #PB–200 E48–D) (ELR Order #84, 13 pages) 7/6.

Lindley-Caton County Road 120: Steuben County, *New York*. Involves replacement of bridge across Church Creek and upgrading approaches. Highway project PIN 6243.02. (ELR Order No. 162, 15 pages) (NTIS Order No. PB–200 788–D) 7/13.

Interstate Route 88 (Susquehanna Expressway): Albany and Schenectady Counties, *New York*. Construction of 4-lane divided express highway from Schoharie-Schenectady line eastwardly to I–890. (18 miles). Highway to be built in 3 sections. 4(f) documentation attached as project requires land from Darby Hill Wildlife Preserve, the Knights of St. John Golf Course, and the Whispering Pines Golf Club. (NTIS Order No. PB–200 942–D) (ELR Order No. 189, 55 pages) 7/13.

SH–1410 (Main Street) & SH–1496: Essex County, *New York*. Replacement of bridge over Hoisington Brook and improvement of approaches. 4(f) determination attached as project requires 0.7 acre of Lee Park. Highway project PIN 1164.00. (NTIS Order No. PB–200 943–D) (ELR Order No. 188, 61 pages) 7/18.

US–70 Bypass: Craven County, *North Carolina*. Construction of 4-lane divided highway between Clarks and James City, bypassing New Bern (approximately 9 miles). Will pass through the Trent River Marsh. Highway project 6.801751. (NTIS Order No. PB–200 362–D) (ELR Order No. 3, 33 pages) 6/28.

US–29: Upgrading highway from 2- to 4-lanes beginning at intersection with Secondary Road 1767 north of Ruffin, *North Carolina* and ending at the Virginia State line (7.4 miles). Highway project 6.801735. (NTIS Order No. PB–200 753–D) (ELR Order No. 121, 13 pages) 7/8.

North Carolina 24: Onslow County, *North Carolina*. Construction of 7 miles of improved highway from Camp Lejeune at Thubert to Swansboro. Roadway will be widened from 2- to 4-lanes. Highway project 6.801743, part II. (NTIS Order No. PB–200 782–D) (ELR Order No. 139, 17 pages) 7/9.

I–40: Wake-Johnson Counties, *North Carolina*. Construction of 37.3 miles of highway from 2.5 miles west of Raleigh to near Smithfield. Road will provide "missing link" between I–85 (Durham) and I–95 (Smithfield). 68 families and 12 businesses will be relocated. Highway project 8.1475201, Federal Aid Project I–40–4(5) (268). (NTIS Order No. PB–201 229–D) (ELR Order No. 216, 26 pages) 7/22.

Raleigh Beltline: Wake County, *North Carolina*. Construction of a 4-lane divided freeway from US–64 east of Raleigh, *North Carolina* to proposed I–40 southeast of Raleigh (3.2 miles). 4(f) documentation attached since project requires use of land from Worthdale Park. Highway project 6.801782. (ELR Order # 246, 28 pages) (NTIS Order # PB—201 335–D) 7/23.

US–64, (Rocky Mount Bypass): Nash-Edgecombe Counties, *North Carolina*. Construction of a 4-lane divided freeway from west of Rocky Mount to east of Rocky Mount.

Highway project 6.801773. (ELR Order # 253, 22 pages) (NTIS Order # PB–201 303–D) 7/26.

North Carolina-24: Cumberland County, *North Carolina*. Construction of a 5-lane highway and bridge from US–301 across the Cape Fear River to the NC–24—NC–53—NC–210 intersection. 4(f) determination attached as highway requires 1.1 acres of Pope Park. Highway project 9.8062023. (ELR Order # 277, 34 pages) (NTIS Order # PB–201 332–D)

North Carolina-107: Jackson County, *North Carolina*. Relocation and widening of route beginning just north of SR–1728, continuing along the Tuckaseigee River, passing the western boundary of Western Carolina Univ. in Cullowhee, to a point near East Laport (5.9 miles). State Highway project 6.801869. (ELR Order # 292, 18 pages) (NTIS Order # PB–201 398–D) 7/29.

State Route 229: Gambier, *Ohio*. Relocation of 1.3 miles of highway from intersection of present SR–229 and Gambier's northwest corporation line on general alignment of County Road # 7. Highway project S–1194(3). (NTIS Order # PB–200 528–D) (ELR Order # 36, 6 pages) 7/2.

US–30: Van Wert, Putnam, & Allen Counties, *Ohio*. Project consists of connecting relocated US–30, east of Van Wert, to relocated US–30N, east of Delphos (2.1 miles). Also to be constructed is a connection on new location between US–30S & US–30N. Highway project VAN/PUT/ALL–30–16.28/0.00/0.00 (unprogrammed) (NTIS Order # PB–200 751–D) (ELR Order # 119, 12 pages) 7/8.

State Route 39: Holmes County, *Ohio*. Emergency construction of new bridge over Lake Fork on new location just north of present structure. Bridge will be 2 lanes wide and .4 mile long. Highway project HOL–39–2.05. (NTIS Order # PB–201 097–D) (ELR Order # 197, 7 pages) 7/19.

Fairpark Blvd: Stephens County, *Oklahoma*. Construction of highway on new alignment from a point east of 13th Street, .6 mile to just east of East Road. FAS project SU–6919 (100) c. (NTIS Order # PB–200 785–D) (ELR Order # 142, 29 pages) 7/6.

US—60: Garfield & Major Counties, *Oklahoma*. Three-phased construction project, involving widening, resurfacing, and reconstruction beginning approximately .3 mile west of Lahoma to a point 2 miles south of Cleo Springs (20.2 miles). Highway project F–180. (NTIS Order # PB–200 759–D) (ELR Order # 70, 9 pages) 7/7.

Shaniko-Fossil Secondary Highway (Clarno-Porcupine Butte Section): Wheeler County, *Oregon*. Reconstruction of 2 miles of unpaved crooked mountain road and construction of a bridge on new location at Clarno on the John Day River. Highway project S–295(–). (NTIS Order # PB–201 096–D) (ELR Order # 198, 13 pages) 7/19.

FAS 23–015 (Succor Creek Highway): Malheur County, *Oregon*. Proposed project is to replace a bridge over the Snake River. Associated work such as approach construction, grading and paving will also be accomplished. (NTIS Order # PB–201 247–D) (ELR Order # 226, 12 pages) 7/21.

I–80N Interchange: Union County, *Oregon*. Upgrading of Island City section of the Wallowa Highway from 2-to-4 lanes including parking lands and a wide median strip. (NTIS Order # PB–201 227–D) (ELR Order # 217, 12 pages) 7/21.

Legislative Route 1094, Section 2 (Warren Bypass): Warren County, *Pennsylvania*. Construction of a limited access expressway beginning at the end of L.R. 88 (Section 14) in Starbrick to US–6 and T.R. 59 in Rogertown (2.1 miles). 4(f) documentation since project requires land used for recreational facilities. (NTIS Order # PB–200 438–D) (ELR Order # 24, 34 pages) 6/30.

Legislative Route 1070 (US–20 Relocated): Adams County, *Pennsylvania*. Construction of a 4-lane bypass around Gettysburg beginning 1 mile north of McKnightstown and ending near Granite Hill (10.1 miles). (NTIS Order #PB–200 747–D) (ELR Order #82, 11 pages) 7/7.

I–78 (L.R. 1045, Section HOO): Lehigh County, *Pennsylvania*. Describes 2 alternative corridors (North and South) between Haafsville and Lehigh-Northampton County line in Colesville. (North corridor—14.5 miles; South corridor—17.6 miles). Outlines the environmental impact of each alternative. (NTIS Order #PB–200 754–D) (ELR Order #86, 50 pages) 7/7.

L.R. 44, Section 9 (Waynesboro Bypass): Franklin County, *Pennsylvania*. Relocation of L.R. 224 (West Main Street) and L.R. 44 (East Main Street) beginning just west of the Waynesboro Borough Line and terminating at Traffic Route 16 in Rouzerville (4.7 miles). (NTIS Order #PB–200 946–D) (ELR Order #159, 13 pages) 7/13.

L.R. 20104 (STR–89): Crawford County, *Pennsylvania*. Relocation of route north of Titusville (2 miles). Present route will be inundated by the Church Dam project. (NTIS Order #PB–200 948–D) (ELR Order #157, 6 pages) 7/13.

L.R. 22004 (Section 2): Dauphin County, *Pennsylvania*. Reconstruction of segment beginning at the Dauphin Borough Middle Paxton Township line extending northerly for 1.3 miles. (NTIS Order #PB–200 947–D) (ELR Order #158, 9 pages) 7/13.

L.R. 1061 (sections 4 & 5) and L.R. 1101 (sections 3, 4, & 5): Blair County, *Pennsylvania*. L.R. 1101 construction begins on new location in Carson Valley and ends near Blairmont Country Club Golf Course (4.9 miles). L.R. 1061 construction begins on new location south of Duncansville Borough continues through Altoona to point near Route 884 (4.4 miles). Will provide a limited access highway. (NTIS Order #PB–201 245–D) (ELR Order #235, 39 pages) 7/22.

L.R. 21051, Section 10 (Valley Road): Cumberland County, *Pennsylvania*. Relocation of .8 mile of road in East Pennsboro and Hamden to eliminate substandard horizontal and vertical curves. (NTIS Order # PB–201 248–D) (ELR Order # 227, 8 pages) 7/22.

L.R. 1023, Section 1 (Beaver Valley Expressway): Allegheny County, *Pennsylvania*. Would extend from L.R. 1057 (Airport Parkway) to a connection with Beaver Valley Expressway now under construction, near McCutcheon Road. The project would consist of 6 lanes, running for about 3.7 miles. (ELR Order # 282, 10 pages) (NTIS Order # PB–201 304–D) 7/27.

Humacao South Bypass: Humacao, *Puerto Rico*. Construction of bypass involves 4 concrete overpasses and 1 bridge over Mariana Creek. Length of project is 1.9 miles. Highway project F–30–1(10). (NTSI Order # PB–200 780D) (ELR Order # 137, 5 pages). 7/7.

Meeting Street Expressway: Richland-Lexington Counties, *South Carolina*. Construction of multi-lane facility between Columbia and West Columbia, primarily on new location. (NTIS Order # PB–200 526–D) (ELR Order # 34, 10 pages) 7/2.

US–15: Lee County, *South Carolina*. Widening to 4 lanes 1.2 miles of existing highway between S.C.–154 and I–20. Highway project F–061–2( ). (NTIS Order # PB–201 094–D) (ELR Order # 199, 6 pages) 7/14.

Citadel Parkway: Charleston County, *South Carolina*. Construction of multi-lane highway facility extending from proposed Lockwood Boulevard Extension on the Charleston peninsula westerly across the Ashley River to the proopsed Inner Belt Freeway. Includes new crossing of Ashley River (3.7 or 5.6 miles depending on alignment of Inner Belt). (NTIS Order # PB–201 240–D) (ELR Order # 230, 11 pages) 7/22.

SH–24: Wise County, *Texas*. Relocation and widening highway from 2 miles west of Decatur, bypassing downtown Decatur, to point on existing highway 1.5 miles east of Decatur (7 miles). Will require 130 acres for highway right-of-way. Highway project S 623. (NTIS Order # PB–200 756–D) (ELR Order # 63, 11 pages). 7/6.

SH–146: Galveston County, *Texas*. Construction of 6-lane limited access facility from .5 mile north of Dickinson Bayou to F.M. 1764 in Texas City (4.9 miles). Involves building new bridge over Dickinson Bayou. Highway project F 1081. (NTIS Order # PB–200 758–D) (ELR Order # 62, 14 pages) 7/6.

Loop 485: Gregg County, *Texas*. Initial construction of a 2-lane (ultimate 4-lane) facility from US–271 and Pine Stret in Gladwater, continuing east and north to US–80 (2.1 miles). Highway project S 3234. (NTIS Order # PB–201 239–D) (ELR Order # 213, 21 pages) 7/20.

I–80: Summit County, *Utah*. Construction of 4-lane divided highway (eastbound lane will generally follow US–30) from point east of Emory Overhead to 1 mile east of Castel Rock (6.5 miles). Will go through Echo Canyon. Highway project I–80–4(11)175. (NTIS Order # PB–200 439–D) (ELR Order # 19, 38 pages) 6/30.

US 50 & US–6: Carbon County, *Utah*. Widening and realigning highway from point 2.5 miles south of Helper to point about 1.5 miles southeast of Price (from Blue Cut to Cat Canyon). Purpose: provide bypass around Price and Wellington. Highway project F–028–2(12). (NTIS Order # PB–200 755–D) (NTIS Order # 78, 26 pages) 7/7.

Vermont Route 102: Lemington, *Vermont*. Statement describes 2 interrelated projects. The first runs from Bloomfield-Lemington Town Line north for 2 miles. The second runs from just south of the Lemington-Canaan Town Line northerly for 1.8 miles. Involves replacing gravel roads with paved roads. Highway projects, respectively, S 0275 (5) & S 0271 ( ). (NTIS Order # PB–200 525–D) (ELR Order # 33, 9 pages) 6/25.

Vermont Route 100: Washington County, *Vermont*. Project consists of widening and realigning route from "Piggery Bridge" northerly to US–2 (about .8 miles). Highway project S 0213(3). (NTIS Order # PB–201 231–D) (ELR Order # 210, 18 pages) 7/8.

I–182: Construction of highway from a connection with I–82 near Prosser, *Washington* to Pasco, *Washington* (34 miles). Will cross portion of the Yakima River located in the McNary Game Range. (NTIS Order #PB–200 360–D) (ELR Order #6, 13 pages) 6/29.

SR–2: Construction of 4-lane divided highway with interchange on new location about a mile northwest of Peshastin, *Washington* (2.7 miles). Highway project F–024–2 ( ). (NTIS Order # PB–200 371–D) (ELR Order # 4, 6 pages) 6/29.

SR–12: Columbia County, *Washington*. Upgrading and widening route to an ultimate 4-lane facility between Dayton and Delaney. Highway project F–018–5. (NTIS Order # PB–200 933–D) (ELR Order #181, 10 pages) 7/13.

SR–12: Widening route, partially on new location, from Waitsburg to Dayton, *Washington* (11 miles). 4(f) report attached since project involves the Lewis and Clark Trail State Park. Highway project F–019–5. (NTIS Order # PB–200 929–D) (ELR Order # 179, 29 pages) 7/13.

SR–97: Relocation and upgrading road to create bypass around Chelan, *Washington* and replacement of bridge with 2 bridges over Chelan River (3.6 miles). Highway project F–029–1. (NTIS Order #PB–201 232–D) (ELR Order # 212, 12 pages) 7/20.

STH–13 (Ogema Bypass and Prentice Bypass): Price County, *Wisconsin*. Two separate statements have been prepared on these projects. Since in close proximity, however, FHWA in Wisconsin recommends they be reviewed together. Ogema Bypass involves relocation of highway with STH–864 extending north-northwest for 2.2 miles. Prentice Bypass involves realigning highway about a mile south and west of Prentice and extending northerly for approximately 3 miles. Highway project F 04-5 ( ). (NTIS Order # PB-200 437-D) (ELR Order # 20, 7 pages [Ogema], 8 pages [Prentice]) 6/30.

Ryan Road (STH-100): Milwaukee County, *Wisconsin*. 2.8 miles of widening and upgrading of road on partial new location in Oak Creek. Highway project P 059-1(6) ID 2040-4-00. (NTIS Order # PB-200 746-D) (ELR Order # 83, 12 pages) 7/6.

US-41: Brown County, *Wisconsin*. Relocation and upgrading to freeway standards beginning in West De Pere and extending northerly through Ashwaubenon to junction with Lombardi Ave. in Green Bay. Highway project F 03-2( ); ID 1151-3-00. (NTIS Order # PB-200 771-D) (ELR Order # 126, 12 pages), 7/9.

USH-41: Winnebago County, *Wisconsin*. Construction of 7 miles of highway between Oshkosh and Neenah. Highway project F 03-2( ) ID 1120-4-00. (NTIS Order No. PB-200 940-D) (ELR Order No. 187, 13 pages) 7/15.

USH-18 & USH-151: Iowa and Dane Counties, *Wisconsin*. Relocating and upgrading of 21 miles of highway between Dodgeville and Mount Horeb. Highway between Dodgeville and Mount Horeb to be upgraded to freeway standards and through Dodgeville, upgraded to expressway standards. Highway project F 012-1( ), F 017-1( ), & F 017-2( ); ID 1203-0-00 & ID-1666-1-00. (NTIS Order No. PB-200 938-D) (ELR Order No. 184, 18 pages) 7/15.

Gratiot-Argyle Road (STH-78): Lafayette County, *Wisconsin*. Construction of a highway, generally following existing roadway except for two sections on new location. Purpose: to improve vision, drainage, and safety. Some pasture and cropland will be taken out of productivity. Highway project S 0252 (6). (NTIS Order No. PB-201 250-D) (ELR Order No. 229, 10 pages) 7/22.

Mills Spur Road: Natrona County, *Wyoming*. Project involves upgrading of 2.2 miles of highway connecting Primary Highways Wyoming 220 & US-20 & 26. 4(f) documentation attached as route requires land from Fort Casper Park. Highway project U-021-2(30). (ELR Order No. 242, 60 pages) (NTIS Order No. PB-201 300-D) 7/23.

Final

Title, description, and date

Ala. 229, Elmore County, *Alabama*. Construction of 1.4 miles of 2-lane road. Purpose: to eliminate 3 unsafe horizontal curves and sub-standard bridge. Project S-2607(101). Comments made by DOD, EPA, DOT, DOI, USDA, Alabama Dev. Office. (NTIS Order No. PB-200 612-F) (ELR Order No. 106, 21 pages) 7/7.

Alabama S.R. 50, Lafayette, Alabama. Construction of 2.13 miles of highway from 500 ft. west of US-431 south of Lafayette to Alabama Highway 50, .06 mile east of eastern city limits. Project S-262-B. Comments made by HUD, EPA, DOI, DOT, COMMERCE, DOD, USDA (ELR Order No. 240, 24 pages) (NTIS Order No. PB-201 312-F) 7/21.

US-280 upgrading and realigning road between Opelika and Phenix, *Alabama*. Length of project is about 2 miles. Federal Project No. 422. Comments made by DOI, USDA, DOD, COMMERCE, HUD, several State of Alabama agencies. (NTIS Order No. PB-200 597-F) (ELR Order No. 166, 30 pages) 7/13.

US-231 Elmore County, *Alabama*. Construction of a 4-lane facility between Wetumpka and Riddle. Includes new bridge over Sofkahatchee Creek. Highway project S-475-F. Comments made by AEC, USDA, EPA, FPC, HUD, COE, COMMERCE, various State of Alabama agencies. (ELR Order No. 271, 33 pages) (NTIS Order No. PB-201 327-F) 7/23.

US 43: Clarke County, *Alabama*. Improving this highway to 4 lanes from Grove Hill to Thomasville (about 13 miles). Project F-231, S-1080-F, Comments made by HUD, DOI, USDA, FAA, DOD, COMMERCE (ELR Order No. 267, 22 pages) (PB-201 321-F) 7/26.

S.R. 49, Tallapoosa County, *Alabama*. Construction of a rural type 2-lane facility (1.7 miles). Involves relocation of section over the Central of Georgia Railroad. S-6203( ). Comments made by DOI, DOT, COE, USDA, HUD, COMMERCE, State of Alabama Development Office. (ELR Order No. 272, 26 pages) (NTIS Order No. PB-201 326-F) 7/26.

Tucson, Oracle Junction, Globe Highway, Oracle West Section: *Arizona*. Construction of 7.81 miles of highway on new location. Will bypass business area of Oracle. Comments made by DOI, Arizona Game & Fish Dept. Highway Project F-031-1(9). (NTIS Order No. PB-198 843-F) (ELR Order No 98, 13 pages) 7/7.

I-8 (Yuma-Casa Grande Highway) Yuma, *Arizona*. Surfacing of 1.5 mile segment of interstate highway, from 4th St. to 16th St. (Railroad underpass). Federal project I-IG-8-1(62). Comments made by DOI, and City Administrator of Yuma. (NTIS Order No. PB-200 611-F) (ELR Order No. 105, 13 pages) 7/7.

Santa Cruz Wash—Junction I-10 section of the junction I-10—Casa Grande—Picacho Highway Pinal County, *Arizona*. Construction of 5.7 miles of 4-lane highway, with fenced right of way, etc. Construction will be along existing highway or right of way. Project F-014-1(5). Comments made by DOI, Arizona Game & Fish Dept, State Clearinghouse. (ELR Order #241, 16 pages) (NTIS Order # PB-201 314-F) 7/21.

I-10 (Ehrenberg-Phoenix Highway), Maricopa County, *Arizona*. Statement covers 3 sections: Tonopah-Buckeye, Buckeye-Cemetery, Cemetery-Perryville. Construction of grade and drain for new 4-lane highway across 21.9 miles of scenic desert. Plan to relocate major specimen ocotillo and saguaro cacti presently in path of construction. Federal projects I-10-2(16), I-10-2(28), I-10-1(31). Comments made by USDA and various State of Arizona agencies. (ELR Order #265, 17 pages) (NTIS Order # PB-201 320-F) 7/26.

Springerville-Clifton Highway (Sycamore Gulch-Silver Creek section). Also known as Duncan-Alpine Highway (US-666) "Coronada Trail". Present US-666 is being displaced by expansion of the Morence open pit mine. Involves construction of 1.93 miles of 34 ft. wide roadway, *Arizona*. Federal Project F-051-2(2). Comments made by USDA, DOI, several State of Arizona agencies. (ELR Order #268, 17 pages) (NTIS Order # PB-201 317-F) 7/26.

Holbrook Interstate Freeway, Unit I, Navajo County, *Arizona*. First of 2 projects which will replace US 66 through Holbrook, from Leroux, Wash. 2 miles west of Holbrook to just west of 8th St. on the north side of town. Project I-40-4(30). Comments made by DOI, and the Town Manager of Holbrook. (ELR Order #275, 8 pages) (NTIS Order # PB-201 319-F) 7/26.

I-15, Mohave County, *Arizona*. From Littlefield to the Utah State line. Four projects are involved: Littlefield traffic interchange, I-15-1(21); Cedar Pocket T.I. Rest area, I-15-1(30); Littlefield to Cedar Pocket surfacing, I-15-1(27); and Cedar Pocket to Utah surfacing, I-15-1(29). Comments made by USDI and various State of Arizona agencies. (ELR Order #258, 16 pages) (NTIS Order # PB-201 316-F) 7/26.

U.S. 17, SR 15, 20 and 100: St. Johns River Bridge at Palatka, Putnam County, *Florida*. A high level 4-lane structure is planned. Some realignment of the river channel will be needed. Comments made by DOD, HUD, DOI, DOT, USDA, COMMERCE, various State of Florida agencies and local organizations. (ELR Order No. 276, 58 pages) (NTIS Order No. PB-201 328-F) 7/26.

I-2, West side of Pearl City, Oahu, *Hawaii*. Construction of 4.4 miles of highway from Waihole Ditch to Waikakalaua Gulch. Will be parallel and Supplementary to existing Kamehameha highway. Comments made by DOI, HEW, USDA, various State of Hawaii agencies. (NTIS Order No. PB-200 618-F) (ELR Order No. 112, 68 pages) 7/7.

I-16-1, Truelton, Emanuel, Candler and Bulloch Counties, *Georgia*. Completion of construction of 164.96 miles of highway between Macon and Savannah. Much of this highway is already completed. Comments made by USDA, DOA, DOT, DOI, HUD, EPA, various State of Georgia agencies. Project I-16-1(13)77. (NTIS Order No. PB-200546-F) (ELR Order No. 47, 34 pages) 7/1.

Athens East Bypass: 4-lane, 2 mile long highway beginning ¼ mile east of US 441 and west Whitehall road, to a terminus with US 441 south of the Clark-Oconee County line, *Georgia*. Project FFG-055-1(6) Comments made by HUD, DOI, BR, EPA and various State of Georgia agencies. (NTIS Order No. PB-200 617-F) (ELR Order No. 111, 37 pages) 7/2.

US-27 (S.R.1), Chattooga County, *Georgia*. Construction of 4.5 miles bypass from US-27 at end of S.R. 48 to point ½ mile north of Trion, Georgia. Purpose: provide alternative to congested travel through Summerville and Trion. Project F-017-3(17). Comments made by USDA, HUD, EPA, COE, various State of Georgia agencies. (NTIS Order No. PB-201 088-F) (ELR Order No. 151, 27 pages) 7/13.

S.R. 166 and 61: Carroll County, *Georgia*. The "Carrollton Bypass". Construction of about 6 miles of highway to relieve congestion on city streets. Comments made by EPA, USDA, HUD, DOI, COE, various State of Georgia agencies. (NTIS Order # PB-201 308-F) (ELR Order # 270, 25 pages) 7/26.

S.R. 316: construction of 6.26 miles of 4-lane highway from 1 mile west of Lawrenceville to 1 mile west of Dacula, *Georgia*. Purpose: more direct route between Atlanta and Athens. Will aid industrial development. Project F-108-1(4). Comments made by COE. USDA, EPA, DOI, HUD, and various State of Georgia agencies. (ELR Order # 264, 28 pages) (NTIS Order # PB-201 315-F) 7/26.

K-10: Douglas and Johnson Counties, *Kansas*. Upgrading of 12 miles of highway to 4-lane freeway, to relieve present congestion. Projects 10-23 F-078-6(18), 10-46 F-078-6 (19). Comments made by USDA, COE, DOI, FAA, OEO, concerned citizens and local agencies. (NTIS Order # PB-200 606-F) (ELR Order # 93, 71 pages) 7/2.

K-260: Upgrading of existing FAS 307 and FAS 451 in Moundridge, *Kansas* (identified as the Moundridge Loop). Length of project from intersection of Christian Avenue and Cole Street north to I-35 and east to I-35 are 1.7 miles and 1.5 miles respectively. Projects 260-59 S-112(9) and 260-59 S-233(15). Comments made by USDA, COE, DOI, HUD and several State of Kansas agencies. (NTIS Order # PB-200 609-F) (ELR Order # 97, 22 pages) 7/7.

K-61: construction of 0.9 miles of highway in Reno County, *Kansas*. Purpose: to complete the last segment of relocation and upgrading of K-61 through Hutchinson. Project U-030-1(13). Comments made by HEW, DOI, USDA, COE and various State of Kansas agencies. (NTIS Order # PB-200 959-F) (ELR Order # 171, 27 pages) 7/14.

US 24: Kansas City, *Kansas*. Widening of 0.47 miles to 4-lanes from 385 feet east of the intersection with 43rd St., east to 36th St. Project 24-105 U-072-1(22). Comments made by EPA, DOT, FAA, DOI, HEW, COE, USDA, and various State of Kansas agencies. (NTIS Order # PB-200 955-F) (ELR Order # 172, 22 pages) 7/14.

LA-1: Relocation of route to improve alignment, construction of new Bayou Pierre bridge. Natchitoches Parish, *Louisiana*. Project S-48(4). Comments made by HEW, COMMERCE, USDA, AEC, DOI, various State of Louisiana agencies. (NTIS Order # PB-200 615-F) (ELR Order # 109, 35 pages) 7/7.

Relocation of Route 28 in *Louisiana*. (Vernon Parish) about 10.13 miles of 2-lane road are planned from the junction of La-28 and La-1214, to a junction with La 465. Comments made by DOT, HEW, DOI, DOD, AEC, FPC, various State of Louisiana agencies. (NTIS Order # PB-200 616-F) (ELR Order #110, 29 pages) 7/7.

Route 740: Boone County, *Missouri*. Construction from business Route 63 east to route 63. Roadway will provide better access to Univerity of Missouri. Comments made by HUD, DOI, Mid-Missouri Regional Planning Commission and Mo. Dept of Community Affairs. (NTIS Order # PB-200 602F) (ELR Order # 48, 10 pages) 6/30.

S.R. 14: realignment and upgrading of highway from a point 8 miles south of Tijeras, *New Mexico* to a point 4 miles south. Seventy percent of land adjacent to the project lies within Cibola National Forest. Project S-1500(11). Comments made by, USDA New Mexico Highway Dept. and several other State of New Mexico agencies. (NTIS Order # PB-200 960-F) (ELR Order # 168, 16 pages) 7/13.

First section of new freeway from Hamilton, *Ohio* to I-71, all new location. This section is from I-75 in Butler County to I-71 in the vicinity of Western Row Road. Will require part of a golf course and the relocation of some homes and businesses. Project BUT/WAR-129-15.32/0.00. Comments made by DOT, DOI, EPA, ARMY, State of Ohio Dept. of Natural Resources and City of Masm. (NTIS Order # PB-200 605-F) (ELR Order # 99, 14 pages) 7/7.

State Route 151: Harrison County, *Ohio*. Construction of 2-lanes from junction of S.R. 212 and S.R. 152, to .9 mile east of Scio. Ohio project S-780(8): Comments made by DOI, USDA, COE, Ohio Dept of Natural Resources. (ELR Order # 269, 12 pages) (NTIS Order # PB-201 323-F) 7/26.

Boring Road section, Mt. Hood Highway, *Oregon*. Proposal to build a freeway type interchange and grade separation structure over Mt. Hood Highway. Comments made by DOT, HUD, various State of Oregon agencies, and concerned citizens. (NTIS Order # PB-200 613-F) (ELR Order # 107, 28 pages) 7/2.

S-33 (Trenholm Road): Upgrading of 3.1 miles from 2 to 4 lanes from point near Beltline Boulevard to point near Rockridge Road, Columbia, *South Carolina*. (3.3 miles) Comments made by DOT and the Central Midlands Regional Planning Council. (NTIS Order # PB-200 806-F) (ELR Order # 145, 11 pages) 7/9.

US-18: Tripp and Gregory Counties, *South Dakota*. Rebuilding of highway from Winner, South Dakota to a point 43 miles southeast. Widening, flattening of some curves, etc. Comments made by USDA, DOT, COMMERCE, DOI, HUD, EPA. Project F-010-5 & F010-6. (NTIS Order # PB-200 447-F) (ELR Order # 15, 20 pages) 6/25.

US-85: upgrading from 7.5 miles north of Redig, *South Dakota* to 5.0 miles south of Redig. Involves flattening curves, raising grade, widening roadway, etc. Comments made by HUD, DOI, USDA, DOT, EPA. Project F-011-5 & F-011-6. (NTIS Order # PB-200 448-F) (ELR Order # 14, 12 pages) 6/25.

S.H. 37: Davidson County, *South Dakota*. Four lane Highway project originally scheduled to begin at the Sanborn-Davison County line, is now designed to begin 1 mile south of the Sanborn County line continuing along existing route for 5 miles. Comments made by HUD, DOI, USDA, COMMERCE AND EPA. Project F-047-3. (NTIS Order # PB-200 449-F) (ELR Order # 13, 15 pages), 6/25.

S.H. 50: rebuilding of ½ mile through Wagner, *South Dakota*. Project F-012-1. Comments made by DOI, USDA, HUD, EPA, (NTIS Order # PB-200 446-F) (ELR Order # 16, 12 pages) 6/25.

US-85: Rebuilding (flattening curves, widening, raising grade) from North Dakota line south for about 8 miles to Ludlow, *South Dakota*. Includes new bridge at Crooked Creek. Comments made by EPA, DOT, DOI, HUD, USDA, Project F-011-6. (NTIS Order #PB-200 807-F) (ELR Order #146, 15 pages) 7/9.

Secondary Route 4340: Hamilton County, *Tennessee*. Reconstruction from Hixon Pike to the new Seguoyan Stream plant access road (about 2.3 miles north of New Salem). Federal project S-4340(1). State project 33064-1301-03. Comments made by DOT. (NTIS Order #PB-200 607-F) (ELR Order #95, 7 pages) 7/2.

State Route III, White County, *Tennessee*. Project is a north-south bypass. 3.4 miles in length of Sparta. It will be a 4-lane divided highway. Federal project APD-100-1(1). State Project 93052-1201-04. Comments made by USDA, COE, HUD, DOI. (NTIS Order #PB-200 608-F) (ELR Order #96, 13 pages) 7/7.

S.R. 42: Construction of 2.85 miles of 4-lane highway to replace a sub-standard section. Pickett County, *Tennessee*. Comments made by DOI, USDA, COE, FHWA and State of Tennessee office of Urban and Federal Affairs. (NTIS Order #PB-200 614-F) (ELR Order #108, 21 pages) 7/7.

Secondary Route 2591: Knox County, *Tennessee*. Construction of highway from Neubert Springs Road to State Route 71. Federal Aid Project S-2591(7), State Project 47057-0308-03. No specific comments were received on draft statement. (NTIS Order #PB-200 809-F) (ELR Order #141, 6 pages) 7/9.

Loop 256: from State Highway 155, north of Palestine, west and south to US-79. Anderson County, *Texas*. Construction on new location of an ultimate 4-lane highway. On map provided, project looks to be a little over 1 mile in length. Purpose: bypass of Palestine, Texas S2479. Comments made by DOT, Commerce. (NTIS Order #PB-200 956-F) (ELR Order #165, 22 pages) 7/14.

US 17: Construction of 24 foot pavement parallel to the existing road, making a 4-lane divided facility. Starts about 2 miles east of the Caroline-Spotsylvania County line, *Virginia*, and ends about 1 mile west of this county line. (4.82 miles). Highway project F-012-2. Comments made by DOI, several Commonwealth of Virginia agencies. (NTIS Order # PB-200 951-F) (ELR Order # 155, 8 pages) 7/13.

US 460: Giles County, *Virginia*. Involves construction of segment of a planned partial bypass of Parisburg and the Ripplemead community. Project AC-ADD-02301 (35), F-023-1. Comments made by Commonwealth of Virginia, Commission of Outdoor Recreation and Air Pollution Control Board. (NTIS Order # PB-200 958-F) (ELR Order # 167, 6 pages) 7/13.

Bridge and approaches: Lynchburg, *Virginia*. Rivermont Ave. over Norfolk and Western Railway and Blackwater Creek. Purpose: to replace deteriorating bridge. Comments made by various Commonwealth of Virginia agencies. (ELR Order # 266, 9 pages) (NTIS Order # PB-201 318-F) 7/22.

Route 646: Charlotte County, *Virginia*. From the intersection of routes 360 and 47 to the Charlotte-Mecklenburg County line. Replacement of existing road with one that has better alignment and grades. State project 0646-019-127, C-501, Comments made by Commonwealth of Virginia Air Pollution Control Board and Commission of Outdoor Recreation. (NTIS Order # PB-198 866-F) (ELR Order # 274, 6 pages) (PB-201 325-F) 7/26.

Chippewa River Bridge and approaches: Sawyer County, *Wisconsin*. Replacement of "Ketcha Bridge" and relocating approaches. Comments made by DOI, USDA, DOT, COE, Northwestern Wisconsin Regional Planning & Development Commission. Highway Project S 0691(6) (NTIS Order # PB-200 601-F) (ELR Order # 49, 32 pages) 6/30.

STH-72 (Ellsworth-Elmwood Road). Reconstruction of existing road between Cave Creek and a point near the junction of STH 183 at Waverly, *Wisconsin*. Realignment of a portion of the road near Cave Creek requires 28 acres of tillable land. Highway project FAS 075. Comments made by DOI, USDA, HUD, DOT and Mississippi River Regional Planning Commission (ELR Order No. 273, 15 pages) (PB-201 324-F) 7/26.

C.T.H. "F": Taylor County, *Wisconsin*, Reconstruction from Lubin Northeasterly 3.1 miles to the junction of STH 64. Wisconsin project S 052(17). Comments made by USDA, HUD, DOT, DOI. (ELR Order No. 257, 11 pages) (NTIS Order No. PB-201 322-F) 7/26.

FHWA 4(f) Statements

The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under Section 4(f) of the Department of Transportation Act. 49 U.S.C. Section 1653(f).*

Title, description, and date

US-101: Humboldt County, *California*. Highway construction requires land from Benbow Lake and Richardson Grove State Parks. (ELR Order No. 144, 5 pages) 7/8.

Project S-1554(1): Hamilton County, *Kansas*. Project requires use of 4.7 acres of right-of-way and 6 acres for a temporary construction easement from the 432.4 acre Hamilton County State Lake property. (ELR Order No. 161, 3 pages) 7/13.

I-275: Wayne County, *Michigan*. Project requires the use of parklands of the Huron-Clinton Metropolitan Park Authority. (ELR Order No. 284, 6 pages) 7/23.

US-71: Kansas City, *Missouri*. Highway construction requires the use of parklands where the project crosses the undeveloped Blue River Park. (ELR Order No. 164, 3 pages) 7/13.

US-224: Mahoning County, *Ohio*. Highway construction requires .6 acre of land from Boardman Park. (ELR Order No. 7, 3 pages) 6/30.

Construction of I-90 in the city of Cleveland, *Ohio* requires the acquisition of about .5 acre from Buckley Playground. (ELR Order No. 239, 5 pages) 7/22.

Improvement of US-224: Mahoning County, *Ohio*. Involves taking 3.15 acres of Mill Creek Park. (ELR Order No. 285, 4 pages) 7/23.

Carverton Road (FAS Route 1257): Luzerne County, *Pennsylvania*. Requires the use of public lands from Frances Slocum State park. (ELR Order No. 283, 4 pages) 7/22.

State Trunk Highway 100: Oak Creek, *Wisconsin*. Highway project requires 1.15 acres of city park land. (ELR Order No. 160, 6 pages) 7/13.

U.S. Coast Guard

Contact: William R. Riedel, DOT Coordinator, Water Resources, 400 7th Street, SW., Washington, D.C. 20591 (202) 426-2274.

Final

Title, description, and date

Testing of an oil containment barrier developed by the Johns-Manville Products Corp. Testing site is 50 miles west of St. Petersburg, *Florida* at sea. Phase I is to be conducted without oil. Phase II will be conducted in late June with soybean oil. Purpose: to verify prototype design with regard to the combined effects of waves and currents on barrier and oil retention efficiency. Comments made by Florida Departments of Natural Resources and Air and Water Control. (NTIS Order No. PB-198 607-F) (ELR Order No. 29, 13 pages), 6/29.

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* These statements cannot be ordered through NTIS.

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. George Marienthal, Acting Director of Environmental Impact Statements Office, 1129 20th Street—Room 608, Washington, D.C. (202) 254-6806.

Final

Title, description, and date

Sewerage project, eastern Lake County, *Illinois*. Application for construction grants by the North Shore Sanitary District. Project divided into 2 sectors. Northern sector includes expansion of present North Chicago plant, addition of advanced waste treatment at Waukegan plant, construction of new advanced treatment plant at Gurnec, and treatment for storm overflows. Southern sector of project involves changes from draft statement intentions. Clavey Road facility will be expanded to 18 mgd with advanced waste treatment before discharge to Skokie River. The storm water retention basin will be covered to protect the local residents from objectionable odors and potential airborne infections. Additionally five small lakeside plants will be phased out, and a site for another plant on the Des Plaines River will be obtained. Comments made by members of Congress, Departments of Agriculture, Commerce, Interior, HEW, Transportation, Army, HUD, EPA, and various Illinois State agencies. (NTIS Order No. PB-198 692-F) (ELR Order No. 221, 378 pages) 7/16.

Sewerage project, Cobb County, *Georgia*. Consists of interceptor sewers, treatment facilities and outfall sewers, pumping stations and force mains serving 7 drainage basins. Construction of interceptors will be along creek beds. In particular, construction of the Scope Creek Interceptor through the Chattahoochee River palisades will occur in an area of recreational and scenic value proposed as a future natural recreation area. Comments made by Departments of Agriculture, HUD, Interior, Corps of Engineers, OEO, Advisory Council on Historic Preservation, and environmental groups. (NTIS Order No. PB-198 858-F) (ELR Order No. 259, 191 pages) 7/28.

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426 (202) 386-6084.

Applicant's Drafts.—(These are not official FPC drafts. They will be followed by staff-prepared draft statements. The FPC requests that any person desiring to be heard, to present evidence, to be advised of all hearings and proceedings, with reference to these statements, and to receive notice of proposed subsequent draft statements, file with the FPC on or before 60 days from the publication of this document in the Federal Register.)

Great Lakes Gas Transmission Company's application seeking authority to transport natural gas for Northern Natural Gas Company (Northern.) Proposes construction of a 36-inch diameter parallel loop line for 168.7 miles between a point near Emerson, Manitoba (Canada) and a point near Carlton, *Minnesota*, and adding 12,500 horsepower of compression to an existing compressor station. (NTIS Order #PB-200 791-D) (ELR Order #73, 15 pages) 7/6.

Draft

Title, description, and date

Application for new major license for continued operation by Pacific Gas & Electric Co. of the Bucks Creek Project No. 619. Project is located on Bucks, Grizzly and Milk Ranch Creeks and on North Fork Feather River, in Plumas County and Plumas National Forest, *California*. Project has been in operation for 40 years and is comprised of 4 dams forming 3 lakes, a powerhouse having a capacity of 55,000 kW, switchyard, recreation facilities, etc. (NTIS Order #PB-200 779-D) (ELR Order #136, 52 pages) 7/13.

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration-AD (202) 343-4161.

Draft

Title, description, and date

Disposal of 141 acres of Fort Snelling Hospital Reservation, St. Paul, *Minnesota*. Involves assigning this land to the Bureau of Outdoor Recreation for transfer to the State of Minnesota. Purpose: provide park and recreation. Fort Snelling is an historic landmark. (NTIS Order # PB-200 786-D) (ELR Order # 135, 9 pages) 6/30.

Disposal of 1,037 acres of Blythe Island Military Reservation, Glynn County, *Georgia*. 61 acres will be transferred to the FHWA for I-95 right-of-way. 976 acres expected to be allotted to State agencies for use either as a wildlife area or for expansion and development of the Brunswick port. (NTIS Order # PB-201 244-D) (ELR Order # 236, 8 pages) 7/22.

Disposal of the Caven Point Army Reserve Center, Jersey City, *New Jersey*. Proposes to sell center to a consortium made up of the State of New Jersey, the City of Jersey City and the Port of New York Authority. Property to be disposed includes 217.18 acres of fee land, 63 acres of which are under water, 18 obsolete buildings, fuel tanks, a pier and miscellaneous utilities and structures. Planned use: containerized marine terminal and marine related industry. (NTIS Order # PB-201 255-D) (ELR Order # 215, 10 pages) 7/22.

Disposal of a portion of AEC's Argonne National Laboratory, Argonne, *Illinois*. Plans to convey 2,040 acres and several buildings either to the State of Illinois or to DuPage County for park and recreation uses. (ELR Order #298, 10 pages) (NTIS Order #PB-201 387-D) 7/29.

Final

Title, description, and date

Disposal of 288.75 acres of the Missouri Valley National Guard Facility, Harrison County, *Iowa*. Would go to HEW for transfer to Iowa Western Community College. Comments made by HEW, EPA, Harrison County, the County Engineer and Office of the Governor. (NTIS Order #PB-198 865-F) (ELR Order #59, 10 pages) 6/30.

Arkabutla Reservoir, Coldwater, *Mississippi*. Plan for sale of five non-contiguous parcels totaling 25.25 acres to the public for commercial uses. Comments made by DOI, HUD, HEW, Army Corps of Engineers, State of Mississippi clearinghouse and various State of Mississippi agencies. (NTIS Order #PB-201 258-F) (ELR Order #220, 6 pages) 7/21.

INTERNATIONAL BOUNDARY AND WATER COMMISSION—UNITED STATES AND MEXICO

Contact: Joseph F. Friedkin, Commissioner (915) 532-5476.

Alternate Contact: T. R. Martin, ARA/Mex., Department of State, Room 3906 A, Washington, D.C. 20520 (202) 632-1317.

Draft

Title, description, and date

Retamal International Diversion Dam and US dike, Lower Rio Grande flood control project. A joint construction project with Mexico of a gated diversion dam on Rio Grande in Hidalgo County, *Texas* and Tamaulipas, Mexico and a 3-mile dike in this country to connect dam with present levee system. Purpose: enable Mexico to divert one-half the excess floodwaters. (NTIS Order #PB-200 777-D) (ELR Order #133, 6 pages) 6/9.

Modified Hackney floodway and closure of Mission floodway, Lower Rio Grande flood control project, *United States* and *Mexico*. Construction by the US of extension and enlargement of existing Hackney floodway from Anzalduas Dam on Rio Grande to Main floodway, Hidalgo County, *Texas* and closure of existing Mission floodway. Purpose: improve floodway system to reduce damages from flooding. (NTIS Order #PB-201 090-D) (ELR Order #193, 10 pages) 6/18.

Final

Title, description, and date

Hidalgo-Reynosa International Channel Project, *Texas*. Proposed relocation of 1.6 miles of Rio Grande channel through land now in Mexico. Will transfer sovereignty of 481.68 acres to the U.S. as partial accomplishment of the objectives of the treaty signed November 23, 1970. Comments made by EPA, HEW, USDA, DOI, USDI, various State of Texas agencies and local organizations. (NTIS Order #PB-201 087-F) (ELR Order #194, 26 pages) 6/3.

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, (615) 755-2002.

Draft

Title, description, and date

Gas Turbine Peaking Plant Addition, Colbert Steam Plant, Florence, *Alabama*. Involves construction of an 8-unit gas turbine plant with a capacity of 475,600 kW. Units designed to use natural gas or distillate fuel oil. Project scheduled to be completed by May 1972. (NTIS Order No. PB-200 365-D) (ELR Order No. 9, 11 pages) 6/29.

The Duck River Project, Upper Duck River area, *Tennessee*. Involves construction of 2 dams, one near Normandy and the other near Columbia. Approximately 12,600 acres of wild life habitat at Columbia and 3,200 acres at Normandy will be inundated. Purpose: flood control to enable land development and increase employment opportunities. (NTIS Order No. PB-200 442-B) (ELR Order No. 27, 23 pages) 6/30.

Browns Ferry Nuclear Plant, Units 1, 2, and 3, Limestone County, *Alabama*. Involves constructing and operating plant consisting of a reactor containment building, turbine building, radwaste building, sewage treatment plant, etc. Will have total capacity of 3,456 megawatts. Plant on 840 acre site. (NTIS Order No. PB-200 944-D) (ELR Order No. 182, 187 pages) 7/15.

REGIONAL FEDERAL HIGHWAY ADMINISTRATORS

Region 1 (Conn., N.H., R.I., Mass., Puerto Rico, Me., N.J., Vt., N.Y.)

Administrator: Gerald D. Love, 4 Normanskill Blvd., Delmar, N.Y. 12054 Tel: (518) 472-6476.

Region 2 (Del., Ohio, Md., W.Va., D.C., Penna. Va.)

Administrator: August Schofer, Rm. 1633, George H. Fallon Federal Office Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201 Tel: (301) 962-2361.

Region 3 (Alabama, S.C., Georgia, N.C., Fla., Tenn., Miss.)

Administrator: Harry E. Stark, Suite 200, 1720 Peachtree Rd., N.W., Atlanta, Georgia 30309 Tel: (404) 526-5078.

Region 4 (Ill., Ky., Wisc., Indiana, Mich.)

Administrator: Fred B. Farrell, 18209 Dixie Hwy., Homewood, Ill. 60430 Tel: (312) 799-6300.

Region 5 (Iowa, Neb., Minn., Mo., Ka., N.D., S.D.)

Administrator: John B. Kemp, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 Tel: (816) 361-7563.

Region 6 (Ark., Oklahoma, La., Texas)

Administrator: James W. White, 819 Taylor St., Ft. Worth, Texas 76102 Tel: (817) 334-3232.

Region 7 (Arizona, Hawaii, Calif., Nevada)
Administrator: Sheridan E. Farin, 450 Golden Gate Ave., Box 36096, San Francisco, Calif. 94102 Tel: (415) 556-3951.

Region 8 (Alaska, Montana, Wash., Idaho, Oregon)
Administrator: Ralph M. Phillips, Rm. 412, Mohawk Bldg., 222 Southwest Morrison St., Portland, Ore. 97204 Tel: (503) 226-3454.

Region 9 (Col., Utah., N.M., Wyoming)
Administrator: William H. Baugh, Bldg. 40, Denver Federal Center, Denver, Colorado 80225 Tel: (303) 233-6721.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH JULY 31, 1971 (BY AGENCY)

Agency	Draft 102's for action on which no final 102's have yet been received	Final 102's on legislation and actions	Total actions on which final or draft 102 statements for Federal actions have been received
Atomic Energy Commission	28	23	51
Appalachian Regional Commission	1	0	1
Delaware River Basin Commission	3	0	3
Department of Agriculture	34	72	106
Department of Commerce	1	6	7
Department of Defense	3	2	5
Air Force	1	0	1
Army	3	3	6
Army Corps of Engineers	127	208	335
Navy	7	0	7
Department of Health, Education, and Welfare	1	0	1
Department of Housing and Urban Development	9	2	11
Department of the Interior	44	24	68
Department of Transportation[1]	709	169	878
Department of Treasury	2	1	3
Environmental Protection Agency	1	8	9
Federal Power Commission	12	4	16
General Services Administration	20	4	24
International Boundary and Water Commission—United States and Mexico	3	2	5
National Aeronautics and Space Administration	21	0	21
National Science Foundation	2	0	2
New England River Basins Commission	1	0	1
Office of Science and Technology	0	1	1
Tennessee Valley Authority	11	0	11
U.S. Water Resources Council	1	0	1
Total	1,045	529	1,574

[1] Separate 4(f) statements not incorporated in 102 statements received from DOT are not included.

SUMMARY OF 102 STATEMENTS FILED WITH THE CEQ THROUGH JULY 31, 1971 (BY PROJECT TYPE)

	Draft statements for actions on which no final statements have yet been filed	Final statements on legislation and actions	Total actions on which final or draft statements for Federal actions have been received
AEC nuclear development	9	6	15
Aircraft, ships, and vehicles	2	1	3
Airports	17	85	102
Buildings	2	3	5
Bridge permits	18	2	20
Defense systems	2	0	2
Forestry	1	3	4
Housing, urban problems, new communities	9	0	9
International boundary	4	2	6
Land acquisition, disposal	18	7	25
Mass transit	3	0	3
Mining	5	1	6
Military installations	6	1	7
Natural gas and oil:			
Drilling and exploration	5	2	7
Transportation, pipeline	2	2	4
Parks, wildlife refuges, recreation facilities	5	7	12
Pesticides, herbicides	5	9	14
Power:			
Hydroelectric	16	2	18
Nuclear	23	16	39
Other	12	1	13
Transmission	6	4	10
Railroads	2	0	2
Roads	591	75	666
Plus roads through parks	78	5	83
Space programs	7	0	7
Wa te disposal:			
Detoxification of toxic substances	3	1	4
Munition disposal	1	3	4
Radioactive waste disposal	1	1	2
Recycling	0	0	0
Sewage facilities	0	4	4
Solid wastes	1	0	1
Water:			
Beach erosion, hurricane protection	1	20	21
Irrigation	13	7	20
Navigation	31	80	11
Municipal and industrial supply	4	0	41
Permit (Refuse Act, dredge and fill)	3	0	3
Watershed protection and flood control	106	168	274
Weather modification	7	3	10
Research and development	16	1	17
Miscellaneous	10	7	17
Total	1,045	529	1,574

THE MAOIST PLOT AGAINST THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. RARICK. Mr. Speaker, I would like to call the attention of our colleagues to an editorial quoting Chairman Mao that appeared in the April 27, 1971, edition of the People's Daily, a Red Chinese newspaper, that indicates the relationship between the Communist threat which has caused the racial problems that have troubled America over the past decade by exploiting a segment of our society.

I insert this editorial and an essay that uses this editorial to detail the Maoist threat to the United States in the RECORD at this point.

[From Peoples Daily, April 27, 1971]

RENMIN RIBAO—SALUTE TO THE AMERICAN PEOPLE WHO ARE FIGHTING VALIANTLY

A new revolutionary storm is surging up vigorously among the American people against the U.S. imperialists' aggressive war in Indochina. Thousands of ex-servicemen continuously took protest actions in the past few days. On April 24, over a million people held demonstrations and rallies on an unprecedented scale in Washington and San Francisco, pushing the struggle to a new high. Their powerful actions showed that the American people stand on the same front as the three Indochinese peoples and the people of all other countries who are fighting against U.S. imperialism. The Chinese people salute the American people who are fighting valiantly!

The demonstrations and rallies which took place in Washington and San Francisco recently assumed a more distinct mass character than all past protest actions. Answering the joint appeal of hundreds of worker, Afro-American, student and women organizations, people of various strata, regardless of occupation, belief, nationality and age, joined the ranks of demonstrators, carrying placards, inscribed with the slogan "All U.S. troops out of Southeast Asia" and shouting, "We don't want your war," in indignant protest against U.S. imperialism's slaughter of the Indochinese people. U.S. imperialism's armed forces are tools of the U.S. monopoly capitalist class for committing aggression abroad and suppressing the people at home. However, besides veterans back from the Indochina battlefield, about ten thousand active servicemen took part in this struggle. All this shows a new awakening of the American people.

Friedrich Engels once pointed out: "No nation can become free and at the same time continue to oppress other nations." By launching the war of aggression against Indochina, U.S. imperialism has amassed huge profits for a handful of monopoly capitalists and brought endless calamities to the broad masses of the American people. While savagely slaughtering the Indochinese people, the U.S. reactionaries have also intensified their onslaught on the American people. The harsh reality provides food for deep reflection by the broad masses of the American people: What on earth is the purpose of driving hundreds of thousands of American youth across the ocean to die on the Indochina battlefield? What connection is there between the inflation, soaring prices, heavier taxes and rising unemployment in the United States and the war raging in Indochina? All the lies invented by the reactionary U.S. ruling circles to justify their aggression can no longer hoodwink and deceive the masses. More and more people have come to realize that the United States is fighting a "dirty war" in Indochina. Today, no force on earth can curb the American people's will to put an end to the war of aggression in Indochina. The mass movement against the war of aggression in Indochina has become an important part of the American people's revolutionary struggle.

The American people's antipathy to U.S. imperialism's war of aggression in Viet Nam and Indochina has been growing stronger and stronger year by year and their struggle has been spreading with each passing year. It is indeed a rare case in history that the people of a country oppose with such indomitable courage the aggressive war launched by the imperialists of their own country. Last May, the American students took the lead in plunging into the struggle against U.S. imperialism's dispatch of troops to invade Cambodia, and then the workers, the black people and broad sections of other people also rose in struggle. Four students in Kent University even laid down their lives in this struggle. They are the true heroes of the American people. Now, defying the U.S. Government's ban and intimidation, several hundred thousand American workers, black people, students, teachers, women, ex-servicemen, soldiers and people of religious circles took to the streets, demonstrating once again their will and strength in face of the U.S. reactionaries. The American people are worthy of the name of a valiant and militant contingent in the struggle of the people the world over against the common enemy, U.S. imperialism.

Our great leader Chairman Mao has said: "I am convinced that the American people who are fighting valiantly will ultimately win victory and that the fascist rule in the United States will inevitably be defeated."

The American people are a great people. Lenin once said: "The American people have a revolutionary tradition." More than 190 years ago when there was only a population of about 3 million in the North American colony, the American people dared to hold aloft their revolutionary banner, carried out a struggle for independence and defeated the self-styled "biggest power," the British Empire. The American working class is one of the largest working class contingents in the world. The overwhelming majority of the 22 million black people in the United States, who are suffering most bitterly from racial discrimination and class exploitation, are a great latent force of revolution which is most rebellious. They are the gravediggers of the American monopoly capitalist class. Such a people can never be the "silent majority" as Nixon described. They are bound to rise and overthrow the imperialist system and take their destiny in their own hands. The Chinese people and the people of the world place high hopes on the American people. We are deeply convinced that the daily awakening American people—who continuously temper themselves in struggle, accumulate experience step by step, realize and grasp the revolutionary truth—will through repeated trials of strength with the U.S. reactionaries and in unity with the people of the world in the struggle certainly achieve complete emancipation and make new and positive contributions to the progress of the history of mankind.

(*"Renmin Ribao" editorial, April 27*).

[From Issues and Studies: A Monthly Journal of Communist Problems and World Affairs, August, 1971]

Ping-Pong Diplomacy, United Front Work and Subversive Activities

(By Liu Mao-lan, Assistant Researcher, Institute of International Relations)

I.

We are now in the middle of 1971 and none of us can be sure what will happen during the rest of the year. However, there is one thing we can be sure of, that is, the so-called "ping-pong diplomacy" initiated by the Maoists will rank among the 10 most important news items of 1971 voted by the press at the end of the year.

There have been numerous comments on Peiping's recent diplomatic maneuvers which may be summarized as follows:

1. The Maoists intend to break their international isolation.

2. They are seeking expansion of foreign trade.

3. They are seeking to improve relations with the United States in order to alleviate military pressure from the Soviets.

The foregoing conclusions, reasonable as they are, have been reached by observers in the free world but, as a rule, they tend to underestimate the ambitions of the Chinese Communists.

In a recent news analysis, the New York Daily News observed that most of the correspondents who have been in mainland China, regardless of their impressions about what they witnessed, cannot answer the following questions: (1) What are the feelings of the women on mainland China who wear the same clothes as men, who have to labor all day, who cannot marry before the age of 25 and are allowed to have only two or three children after marriage? (2) What are the effects on those children who have been raised in nurseries and can only see their parents on weekends? (3) How can one explain the situation in which Red Guards who were set free in 1966 and ordered to demonstrate their "revolutionary zeal" by insulting their parents and teachers have now been subjected to military control and sent down to the countryside to perform manual labor? (4) What are the feelings of students who have done manual labor for three years or served in the military for three years? (5) What are the feelings of intellectuals who have to leave their libraries and laboratories and undergo manual labor? [1]

In fact, it is not difficult to answer these questions. They are, in a word, a result of the human practice of the Communists who regard all materials as their property and all human beings as their tools. Mao Tse-tung has remarked: "There is only human nature in the concrete, no human nature in the abstract. In a class society there is only human nature of a class character; there is no human nature above class." [2] In other words, for the Chinese Communists, human nature in a free and democratic world represents the interests of the bourgeois class, which is of course absurd. Therefore, we, as normal human beings, often fail to understand the behavior of the Maoists, just as the *New York Daily News* was puzzled by those questions.

However, the *Daily News* also pointed out that the treatment accorded the American correspondents during their visit to mainland China was more a diplomatic maneuver than a sincere expression.[3] This indicates that some of the Americans are also aware of the real nature of Peiping's ping-pong diplomacy.

II.

During their stay in Japan the Chinese Communist ping-pong players always carried a banner with them which read: "Friendship first, competition second." This reflected the Maoist tactic of "giving prominence to politics," however, it has not yet received due attention from Westerners. According to a dispatch filed by the Yugoslav news agency on April 25, Chou En-lai spoke in Peiping in the evening of April 24, saying that ping-pong diplomacy had no effect of Peiping's support of its "people for resisting US aggression." Apparently, despite its recent diplomatic offensive, the anti-American policy of the Maoists remains essentially unchanged.

On April 25 Chou told a gathering in Peiping in celebration of the first anniversary of the "Summit Conference of the Indochinese People convened upon the initiative of Samdech Norodom Sihanouk . . . has closely united the three peoples of Indochina into a staunch united front against U.S. imperialism and pushed their war against U.S. aggression and for national salvation to a new stage."

Sihanouk, the symbol of the remnant influence of the Cambodian feudalistic system, should be a deadly enemy of Communism. However, he has now become a mainspring of Peiping's united front activities as part of the Maoists' efforts for expansion in Southeast Asia.

With the fighting in South Vietnam gradually being taken over by the Vietnamese troops, the Maoists, feeling less pressure, are beginning to indulge more and more in the dream of "exporting revolution." To attain the goal of infiltration and subversion on a world-wide scale, they have adopted a smiling-face diplomacy of which the current ping-pong tactic constitutes an important link.

Following their ping-pong diplomacy, the Chinese Communists initiated a series of united front activities on the international scene, notably:

(1) In mid-May, three Peruvian journalists, were invited to visit mainland China. They toured Peiping, Canton, Nanking, Changsha and Shaoshan and returned home on May 15.[4] In mid-June a trade delegation from Peru led by General Javier Tantalean Vanini, minister of fisheries, was invited to visit Peiping. Chou told the visitors on June 14: "Peru is one of the oldest countries in Latin America with a long and praiseworthy history and culture. The struggle waged by the Peruvian Government and people to defend their right over 200 nautical miles of territorial sea waters is worthy of praise. The Chinese Government and people firmly support the people of Peru and other Latin American countries in their struggle to safeguard national independence and to defend their state sovereignty. One or two 'super powers' oppose you but the people the world over support your struggle." [5]

(2) On June 17 an economic and technical delegation arrived in Peiping from Iraq. The 11-member group led by Sadun Hammadi, minister of oil and mining, was welcomed at the Peiping airport by Fang Yi, Chinese Communist "minister of economic relations with foreign countries." These were "revolutionary masses" shouting: "We firmly support the Palestinians and other Arab people in their just struggle against the US-Israeli aggression," and "People of the world unite and defeat the US oppressors and all their running dogs." [6]

(3) The 17th Session of the Council of Ministers of the Organization of African Unity (OAU) opened on June 15 at Addis Ababa, capital of Ethiopia. Attended by 37 members, the meeting was going on in an atmosphere hostile to the free countries of the West. Auxence Ikonga, foreign minister of the People's Republic of Congo said: "We cannot build our future upon an arrangement with imperialism and its by-products. . . . The only chosen way is violence for the enslaved peoples in Africa to recover their own freedom and dignity." Sarin Chak, foreign minister of Sihanouk's exile govern-

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Footnotes at end of article.

ment, was sent by the Maoists to attend the opening ceremonies of the council.[7]

(4) Vfernando Murillo Viana, secretary-general of the Chilean Committee of Solidarity with the Afro-Asian Peoples, and his wife were invited to visit mainland China where they met Kuo Mo-jo, Wang Hsiao-i, Wu Hsiao-ta and Li Yen-nien.[8]

(5) A women's basketball team was sent by the Maoists to visit Guinea. It arrived in Conakry on June 17. When received by Mme. Jeanne Martin, secretary-general of the All-African Women's Confederation, the team members told their host that the purpose of their visit was "friendship first, competition second."[9]

Other groups visiting mainland China included the Komeido Delegation from Japan and the Romanian Tourist Ministry Group.

In conjunction with these diplomatic activities, the Maoists were doing propaganda and educational work among CCP members and the general masses. For instance, (1) On April 24 of this year the *New China News Agency* (NCNA) released 32 slogans for the celebration of the International Labor Day on May 1, 11 items of which were anti-American. (2) on May 20 the *People's Daily*, the *Liberation Army Daily* and *Red Flag* published a joint editorial entitled "A Program for Anti-Imperialist Struggle," saying that Mao's statement—"People of the World, Unite and Defeat the U.S. Aggressors and All Their Running Dogs"—made on May 20, 1970 has become the program for "anti-imperialist struggle" of the "revolutionary people" of the world. The editorial stated: "A new high tide of struggle against U.S. imperialism is rising vigorously throughout the world . . . The Nixon government has landed itself in a blind alley and is at the end of its tether."

In view of the accounts cited above, we may conclude by saying that the Maoists have been concocting an unprecedented plot, that is, they have been stepping up subversive activities in the cultural, economic and political fields in an attempt to establish an extensive international anti-American united front to isolate the United States. They hope to damage American prestige by giving vigorous support to the Viet Cong and by sabotaging US-aid facilities in other countries. Once the opportunity presents itself, they will create chaos in the United States and seek to topple the American government from within.

The "united front" has been a consistent tactic of the Chinese Communists. Mao has made a telling revelation about CCP's three "magic weapons." He said: "Our eighteen years of experience have taught us that the united front, armed struggle and Party building are the Chinese Communist Party's magic weapons', its three principal magic weapons for defeating the enemy in the Chinese revolution."[10]

III.

On the surface, "united front" is not a very special term, suggesting the meaning of "united action." However, our painful experience has taught us a completely different story. Although the Chinese Communists have never given the term a clear definition, we may offer the following explanation by analyzing and summing up Communist activities in the past. The "united front" tactic does not necessarily need a specific organization, nor does it necessarily imply united action with a friendly party, army or country. It means exploitation of the other side during a certain period and under certain conditions. Since, the Communists always manage to hold the initiative, they are always the beneficiary while the other side is always the loser. The application of the tactic requires the division of the target into two; sometimes called the majority and the minority or sometimes called the Leftists and the Rightists, and the Communists will seek to "unite" with the majority to strike at the minority or to unite with the Leftists to strike at the Rightists. After the enemy at a certain stage is eliminated, the "friends" will again be divided into two, one group is to be united with and the other is to be attacked. This process of division will continue until finally the target is completely obliterated by the Communists.

When receiving members of the American ping-pong team on April 14, Chou En-lai told his guests that "a new page has been opened in relations between Chinese and American peoples." Many Americans have been fascinated by Chou's statement without probing into the real meaning of his words. To the Chinese Communists, the word "people" refer to the masses of workers and peasants as well as all "progressive" (pro-Peiping) elements. American government officials, industrialists, enterpreneurs and bankers are not considered as "people" by the Maoists. One of Peiping's slogans for the Labor Day this year said: "We firmly support the just struggle of the American people against the U.S. government's policies of aggression." Here we may get an idea about the Maoist meaning of "people."

In applying the "united front" tactic, the Maoists try to divide every country into two parts, one they need at this moment and the other they do not. Then they will seek to "unite" with the desired side to oppose the undesired one. Finally, when the country is considerably weakened by this tactic, they will seek to stage an open revolt to overthrow the government. A case in point was the abortive coup staged by the Indonesian Communists in September 1965 under the direction of the Peiping Communists. Peiping's relationship with Burma provides another example. Burma, the first Asian country to recognize Peiping, soon became a target of Communist aggression just like India. A report published in *Newsweek* on August 28, 1956 said that more than 700,000 Chinese migrants had secretly entered Burma in the previous two years. Professor Thompson of Wisconsin State University, after describing how the Chinese Communists infiltrated into Burma through both military and civilian channels, concluded that unless the world paid more attention to the situation in that area, Burma was doomed to be a victim of Communist expansion.[11] The Chinese Communists have always adopted a two-level policy toward Burma—while expressing willingness to "coexist peacefully" with the Burmese government they have continued to engage in sabotage activities in that country, including the dispatching of troops. The experience of Burma may serve as a good lesson to the present international appeasers.

On April 14 of this year President Nixon announced that materials of a nonstrategical nature would be permitted to be shipped from the United States to mainland China. Two months have passed since the announcement and yet the Maoists have not made any response. Obviously, they are not so much interested in exporting or importing goods as in "exporting revolution."

Recently, under the camouflage of ping-pong diplomacy, the Maoists have managed to put on a smiling face in their dealings with other countries. However, this does not mean an abatement of their hostility toward the United States. In addition to direct attacks through their mass media, they have played up reports on anti-American activities overseas. For instance:

1. An *NCNA* dispatch reported on June 15: "On June 14, 22 Latin American countries jointly submitted a document to the United States protesting the new sugar import quotas approved by the U.S. House of Representatives recently to the detriment of the economic interests of the Latin American countries. The document demanded the elimination of the coercive measures against the Latin American countries stipulated in the new U.S. Sugar Bill. The Latin American countries further decided to designate representatives of Mexico, the Dominican Republic, Argentina, Brazil and El Salvador to maintain contracts with the U.S. representatives over this issue."

2. An *NCNA* dispatch of June 14 said: "People of all strata in Cuba continue to issue statements and hold demonstrations in strong protest against the kidnapping of Cuban fishermen by US imperialists and the outrageous sentences passed on them. The aggression cannot frighten us but has increased our hatred for US imperialism and all its running dogs."

3. *NCNA* reported on June 15: "Workers, peasants and students held demonstrations and rallies in many places of the Philippines on June 12 strongly denouncing and protesting U.S. imperialism's aggression against their country. Seventy-three years ago on June 12 the Philippine people staged an uprising and proclaimed independence after defeating Spanish colonialism. In Manila 2,500 workers and students gathered in front of the U.S. Embassy that day and held a demonstration indignantly protesting the U.S. imperialists' stranglehold over the Philippine economic, political and military affairs and foreign relations. The demonstrators pointed out that U.S. imperialism is the biggest enemy of the Philippine people."

4. *NCNA* reported on June 22 that some countries and areas in Africa such as Angola and South Africa are still being ruled by imperialism and colonialism. Both new and old colonialists led by "U.S. imperialism", the report said, are exercising cruel Fascist rule and undertaking economic exploitation in these countries and areas. But the people have been putting up greater and greater resistance and their armed struggle for independence has already made considerable progress.

The Maoists have not only encouraged anti-American activities overseas, they have also set up subversive organizations within the United States itself. At a symposium sponsored by the Korea Chapter of the World People's Anti-Communist League in November 1969, Father Kyan pointed out that the American Communists had been using the "Islam movement," the "movement for revolutionary action," the "Committee for Racial Equality," and the "Students' Coordinating Committee for Non-Violence" for subversion and anti-war purposes in the United States. He stressed that this kind of Communist activities in other countries had in fact become an extension of "people's war."

A recent report in the *Herald Tribune* indicates that the American government has already been aware of the Communist conspiracy. It said: "The [US] government maintains a super-secret listing of so-called potential subversives—a file which would be the basis for numerous arrests in the event of war or an 'internal security emergency.' It is called the 'security index.' Although it has been in existence since at least the 1930s, the government does not admit it, even when Congress makes an inquiry. The index is a loosely-held list of the names, addresses, jobs and phone numbers of thousands of 'suspicious' Americans. A conservative guess based on public figures on subversives is that 10,000 are kept under scrutiny."[12]

The Chinese Communists have never abandoned their policy of expansion, including infiltration and subversion. Presently, they are not yet strong enough to have a direct confrontation with other big powers but, they are making active preparations for this possibility as can be seen from their Labor Day slogans such as: "The danger of a new world war still exists, and the peoples of all countries must get prepared. Revolution is the main trend in the world today. People of the world, unite and defeat the U.S. aggressors and their running dogs!" "We firmly

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Footnotes at end of article.

support the just struggle of the American people against the U.S. government's policies of aggression and war and racial discrimination! We firmly support the struggle of the working class and revolutionary people of various countries in North America, Europe and Oceania!"

On April 27 the *People's Daily* published an editorial entitled "Salute the Heroically Struggling U.S. People." The article considered demonstrations in Washington and San Francisco on April 24 as indicating that the struggle between the American people and their government had entered a new stage. It said: "The American people deserve to be called a brave fighting contingent in the struggle of the peoples of the world against their common enemy—U.S. imperialism." "Chairman Mao said: 'I believe that the brave American people will finally win, while U.S. fascist rule will surely be defeated.'" In concluding, the article pointed out: "Lenin said: 'American people have their revolutionary tradition.' More than a century ago, when the population of the North American colony was slightly over 3 million, these people had the courage to hold high the revolutionary banner, struggle for their independence, and defeat the great British Empire. . . . The overwhelming majority of the 22 million black people, who suffer most from racial discrimination and class exploitation and whose opposition is the strongest, have strong revolutionary potential. They are the grave-diggers for the U.S. monopoly capitalist class. . . . They will surely completely emancipate themselves."

The editorial lays bare the Maoist plot against the United States.

FOOTNOTES

[1] *Central News Agency* (*CNA*), June 15, 1971.

[2] Mao Tse-tung, "Talks at the Yemen Forum on Literature and Art," *Selected Works*, Vol. III Foreign Languages Press (Peking 1965), p. 90.

[3] *Ibid.*

[4] *NCNA*, Shanghai, May 15, 1971.

[5] *NCNA*, Peiping, June 14, 1971.

[6] *NCNA*, Peiping, June 17, 1971.

[7] *NCNA*, Addis Ababa, June 16, 1971.

[8] *NCNA*, Peiping, June 19, 1971.

[9] *NCNA*, Conakry, June 18, 1971.

[10] Mao, *op. cit.*, Vol. II, p. 288.

[11] *Lessons of History*, New China Publishing Co., Taipei, p. 105.

[12] *International Herald Tribune*, June 19, 1971.

COLONIALISM LIVES IN SOUTH AMERICA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a perceptive article with regard to our foreign policy in Latin America. This article, entitled "Colonialism Lives in South America," is written by Father Eugene K. Culhane, S.J., the managing editor of America magazine from 1956 to 1969 and now the director of the Latin American bureau of the U.S. Catholic Conference.

The following article written by an acknowledged expert in Latin American affairs appeared in the August 7, 1971, issue of America magazine, the National Catholic Weekly:

COLONIALISM LIVES IN SOUTH AMERICA

(By Eugene K. Culhane, S.J.)

It is hard to believe today that when slave ships brought their human cargoes to our shores, so few protested: the excuse was, I suppose, that the cotton economy needed slaves. And at the end of the 19th century, when our rugged-individualist business barons were devastating forests by their logging, and mountainsides by their stripmining—and paying starvation wages to immigrant workers—most pulpits and newspapers were silent. Wasn't that the necessary price of progress through capitalism?

Something very close to such villainy is going on today in our country's dealings with Latin America. And I am amazed that so few objections are raised here. Whether we realize it or not, our country's corporations, with our government's support, are engaged in a vast and highly integrated plan to keep Latin America in colonial status. We still talk in the lyric terms of the Alliance for Progress: about providing houses and schools, stressing social as much as economic gains, giving a cool handshake to dictators but a warm abrazo to democratic rulers. But those who have eyes and use them can see that the United States—through its corporations and its government—is exploiting the Latin American continent unmercifully.

I had long suspected that behind the bumbling and mishandling of our Latin American relations there was not only ineptitude but also some deliberate dirty dealing. But then it is hard to be certain—and one hates to impute motives without being completely sure. In the last year, however, I spent most of my time reading the Latin American press, and I now see that Latin Americans *think* we are enslaving them. A three-month visit to Latin America during that year strengthened my suspicions about our actions.

The picture came into sharper focus for me as I read a recently published book, *Revolution Next Door. Latin America in the 1970's* by Gary MacEoin (Holt, Rinehart and Winston. $6.95). MacEoin is no novice to Latin America, and he loves the United States as much as you and I do. But he is angry, as angry as you and I will be if we ponder the case histories he produces of our business world's and our government's collusion to bleed Latin America. In a word, U.S. government and U.S. business are keeping colonialism alive and well in Latin America.

Let us hear a Latin American whom MacEoin quotes: "The rich countries, both of the so-called free world and of the Soviet bloc, claim that they are trying to help us catch up with them, but their actions belie their words. We now know that our underdevelopment is an integral factor in their progress. They moved ahead in the first instance at our expense, and the continuance of their growth requires the maintenance of our backwardness. Naturally, they prefer that we should co-operate, but they have demonstrated—as in Brazil—that they will also use whatever force is necessary. The economic ministers of Latin America declared in a joint statement in 1969 that the poor countries are tired of carrying the weight of the development of the rich countries, especially those of North America."

They are tired, too, of our so-called aid. It will never make Latin America our equal. It isn't intended to; it is meant to keep that continent a colony within our empire, one that supplies our raw materials and buys our manufactures. Although in 1945 the UN promised to terminate the colonial system throughout the world, and in 1960 called for a decade of development, Latin Americans have lost faith in all that. They don't even want development: they want liberation. After twenty years of pursuing development, and seeing where it has gotten them, they will have no more of it. Like the man with the broken ankle who was advised to cure it by constant exercise, Latin America learned the hard way that development is not the remedy. It wants all foreign exploiters—but especially the big exploiter, the United States—off its back.

The Alliance for Progress completed Latin America's disillusionment. As I recall those days back in 1961 when it was announced, the man in the street here in the United States really wanted to help Latin America to make a new start, to escape from its economic and, especially, its social backwardness. But those on the inside must have known from the start that the words at Punta del Este were phony, that our few grants and many loans (most U.S. citizens think that under the Alliance everything is *given*) would change nothing substantial in the pattern of domination, but simply plunge Latin America deeper into debt. Anyway, that's how it has worked out: the grants have enriched the rich, the loans are paid off by the poor, and the domination is worse than before.

Latin America is so deep in debt today that a huge chunk of its GNP is garnisheed each year to service its foreign debt. "The more help we receive, the more debt we incur," a Chilean told MacEoin. The loans and even the grants have brought prosperity to the United States, though, because the money was almost always advanced with conditions, e.g., that it be used to purchase goods in the United States, that U.S. technicians be hired to install the new equipment, that U.S. vessels carry the goods, etc. How were such decisions reached? Corporation lobbies pressured Congress to attach those conditions. The loan company is not the poor man's friend.

Last January I was struck by the fact that when a group of Latin American editors met in Washington, D.C., they all talked enthusiastically about a publication from our country that one seldom hears of: the *NACLA Newsletter*, a monthly of the North American Congress on Latin America, whose articles research the techniques used by U.S. businesses to despoil Latin America. What it prints, stridently sometimes but accurately, evidently says something to Latin Americans. The liberal press here rarely takes on the enormous firms that advertise in *Fortune*. But the *NACLA Newsletter* does. And those are precisely the conglomerates that, as MacEoin shows, buy out successful Latin American businesses and squeeze out the others—as the supermarket chains in our country do to self-owned groceries.

I find it disconcerting that people in Latin America are increasingly anti-Yankee, that they increasingly look on you and me as the enemy. MacEoin thus describes what our economic power does to them: "Outsiders call the shots. Rapid fluctuations in the world prices of raw materials prevent any long-term planning. In addition, and particularly since World War II, the growth of science and technology in the rich countries has steadily eroded the base of the export market for raw materials. The plastics and other man-made material, first introduced as strategic substitutes for materials unavailable in wartime, are steadily improving in quality and falling in cost. In consequence, while factors within the rich countries cause the prices of their manufacturers to continue upwards, the price they pay for imported raw materials goes inexorably down."

Latin America, of course, is populated by people, and some of them down there are as venal and as quick to team up with Big Brother from the North for mutual gain as their counterparts anywhere else. Latin Americans call those plant bosses and other collaborators salaried by U.S. conglomerates "Herodians," because like Herod they collaborate with the foreign imperialist to crush their countrymen and share in the profits.

But the second part of our oppression of Latin America—the vicious role our government plays to support our business interests—is even more upsetting. The Rockefeller Report, on which the President relied when he drew up his policy for Latin America in 1969, unblushingly advocated more repression to preserve the status quo, more police and military assistance to stamp out "subversion." Yet if ever there was a time when the free play of political feelings and a legitimate "subversion" of an obsolete social, economic and political order were needed in Latin America, it is today. But our government's contribution to the needs of that continent is to freeze the status quo. If Britain had had a CIA two centuries ago, the unrest in its American colonies would have been squashed in short order and the rebel leaders blackballed by instant teletype connections between the Redcoats' barracks throughout the 13 colonies. Thomas Jefferson and his co-signers of the Declaration of Independence would have been refused employment, denied press coverage, harassed by the police—and had their mail opened. That is what our anti-subversive military assistance brings about in Latin America—and you and I are being hated for it. We train police by the hundreds and thousands, from every country (Haiti is reported to be soliciting such help now, God save the mark), to set up an international file of information on "unsocial elements," on organizers of any groups even remotely classifiable as a challenge to the rotten, established order.

In his chapter on "La Cia" (the CIA), MacEoin documents instances of U.S. police instruction in the "third-degree" (torture) and other sophisticated methods of repression. "AID boasts that in fiscal 1968, 16,000 Brazilian police were trained under the Public Safety program, with the number increasing in each successive year . . . between 1964 and 1968, AID people gave counterinsurgency courses to more than 55,000 police officers in the Northeast alone." As of 1970, 50,581 Latin Americans had been trained under the military assistance program funded and staffed by AID. And these U. S. government specialists serve regimes that no impartial observer could call representative, that cling to the status quo, and that often are led by Herodians profiting from a sweetheart arrangement with U.S. economic interests. Meanwhile, under this umbrella of protection, the U.S. business takeover of Latin America's economy goes on. Once again, in the case of Brazil: "Foreign capital exceeds local private capital 72 to 28 in the production of capital goods; 78 to 22 in that of durable consumer goods; and 52 to 48 in that of nondurables. Only in commerce and services is local private capital still in control." Transfer to Latin America Jean Jacques Servan-Schreiber's judgment on what we are doing to Europe. Then realize how much weaker Latin America's economy is than Europe's—and you will understand what neocolonialism, backed by U.S. military, diplomatic and technological power, means there.

In its war on change, our government also tries to manipulate Latin America's labor relations and university life—two sensitive areas where an outsider would do well to tread warily. A Latin American labor organizer told MacEoin: "The AFL–CIO functions as an instrument of the State Department and the CIA to divide and control our trade union movement. This imperialist organization uses your American Institute for Free Labor Development to corrupt and control popular movements in all parts of the world, as we in Latin America know all too well. The AIFLD financed an 11-week strike in Guyana to the tune of $70,000 to bring down the Jagan government. It backed the invasion of Cuba and U.S. intervention in the Dominican Republic." If our goal were to benefit Latin America's labor, rather than integrate it into our economic plans, we would help the Christian Democratic labor unions too, which are grassroot groups, even if fiercely nationalistic. But while millions of dollars go to the affiliates of our own U.S. labor organizations, hardly a penny goes to other labor groups.

The U.S. also manipulates its educational assistance. Listen to the climax of MacEoin's account of what happened at the University of Antioquia, in Medellín, Colombia: "The U.S. methods and texts were producing a more thorough integration into the economy of the United States and also reinforcing the already enormous cultural invasion. Revelations in the mid-1960's that CIA funds were underwriting studies that had been presented as strictly academic, and that CIA agents sometimes masqueraded as university professors, brought student riots." That is only one case, it is true; and students can misinterpret bona fide aid plans. But our interference in Latin America's universities goes back to long before Project Camelot in Chile, and did not stop with it.

An intrinisic weakness in the democratic system is that when it gets too big for the town meeting kind of direct involvement by those responsible, then remote and faceless committees take over. In our case, we ask Congress to take over. But Congress depends on—and is the target of—lobbying, much of it by billion-dollar business interests. And back in the main offices of those mammoth businesses the directors are hounded to produce more and more profits, while the shareholders rarely inquire how the dividends are earned. Thus the poor Congressman is caught between the velvet threats of the lobbyist representing gigantic economic power and God knows how many votes, and his more or less well-informed conscience.

MacEoin has no suggestions about how to stop the abuses of U.S. capitalism. That is for another book, presumably by someone else. The Chileans and Cubans have despaired of the possibility of making capitalism work justly, out there where the raw materials come from. (It was U.S. big business they were thinking of when they repudiated capitalism, no doubt.) At the CICOP Conference last January, Dr. Helan Jaworski of Peru said he thinks it is now too hard and too late for us to change our tactics in Latin America, and that Latin America will therefore have to break clean with us, shut itself up in a closed world for several generations of isolated growth—deprived of our company, but at least liberated from our domination and thereby able to lift its head in freedom.

Meanwhile, who is worrying about whether our business interests in Latin America are too big for their britches, too powerful to bridle in the name of justice and respect for the other guy? A lot of us who love Latin America, who are unwilling to be involved in oppressing any people, go on unaware of the existing oppression. MacEoin's book is clear and cogent, but how wide a public will it reach? No doubt those highly placed leaders in our business and government circles who see what is happening, but go ahead none the less, will skim through this book. But they are unlikely to change their policies. They are guilty, and history will judge them harshly. But one can wonder if enough other Americans will read MacEoin's indictment—and do something about it—before the rupture between us and Latin America takes place.

DRUG ADDICTION, CAUSES AND PREVENTION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. PATTEN. Mr. Speaker, I am pleased and honored today to place in the CONGRESSIONAL RECORD a speech by my good friend, Dr. Herbert Boehm.

Dr. Boehm is the director of the Neuropsychiatry Section in the Department of Medicine at Perth Amboy General Hospital. In addition, he is a diplomat of the American Board of Psychiatry and Neurology, a fellow of the American Academy of Psychotherapy, the Academy of Phychosomatic Medicine and the Royal Society of Psychiatry of Great Britain. For many years, Dr. Boehm has served as a consultant to the World Health Organization and to the medical service of the United Nations.

In his recent speech entitled, "Drug Addiction — Causes and Prevention," which he delivered before the Royal College of psychiatry in London and the World Health Organization in Geneva, Dr. Boehm has summed up medical thinking in recognizing that drug addiction is more appropriately termed drug dependence. I know that my colleagues will be interested in Dr. Boehm's statements, because he outlines the effects that many drugs have on the mind and body. More important, however, is his insight into the causes of drug use as they relate to other problem areas in our society.

DRUG ADDICTION, CAUSES AND PREVENTION

(By Herbert Boehm)

Drug addiction was formerly classified under sociopathic personality disturbance, but otherwise not defined. The World Health Organization (W.H.O.) has recently replaced the terms, drug addiction and drug habituation, with the new term, drug dependence. We define drug dependence as a state arising from repeated administration of a drug on a periodic or continuous basis. We have to consider the drug dependence for each drug individually.

The World Health Organization definitions stress a desire or need to continue taking the drug, or let us say, a compulsive drug use or habituation. The drug dependence is with different substances psychologically, while other drugs, e.g., heroin, lead to bodily dependence, a persistent desire for the drug, a torturing abstinence symptom, which in turn leads to a tendency to a dosage increase of the drug involved. The chronic abuse of the drug causes a change of personality with several social sequels.

Drug abuse is a flight from a presence which is unacceptable to the artificial paradise of the dream world. The dependence on drugs is different with the various drugs. The patient may develop disturbances in contacts with people, pain and tension symptoms, fear, sleeplessness, and psychological disturbances.

Inadequate personality changes, neurotic disturbances, a broken home, puberty reaction, existence crises, and other crisis situations may develop. The drug abuse depends on the increased amount of drugs. Sociocultural factors and enjoyment have led in the last years to a considerable dependence on the drugs.

The drug dependence may show a dependence from harmless drugs to dangerous (Cannabis, Heroin), and from simple to severe dependence, with tranquilizers, sedatives and alcohol. The choice of the drug depends on the environment—Marihuana parties, trips in a group, the availability of the drug, and the personality of the individual. The make up of the individual may bring about an effect accordingly. For each drug and dosage, a pharmacodynamic effect exists and brings about euphoria, hallucinations, more vitality, depersonalization and increase of alertness. According to their existence, we have to distinguish between primary and secondary drug dependence.

Primary drug addition is a primary desire for the drug because of an unacceptable situation. The secondary drug dependence has caused a constant desire for the drug because of long use, and thus develops as secondary desire for the drug. This drug is very important during the time of abstinence with crimes, and diminishes ability to stand trial.

The Bureau of Narcotics 1970 report of U.S.A. reports that the total number of active addicts is less than 150,000. The ratio of males to female in the list is generally about 3 or 4 to 1, and somewhat more than half the total are minority groups. Slightly more than half are between 21 and 30 years of age, and about a third are 31 to 40. Juveniles (under 20 years of age) constitute less than 4 per cent of the total. About 12 per cent are over 40.

The majority of present day addicts are derived from the most depressed districts in metropolitan slum areas. In such districts, relationships between parents and children are likely to be much more disturbed than in the typical middle class American family. The mother is likely to be the breadwinner, and the father, if he is present at all, is chronically unemployed. It is not surprising that delinquency is common. The relationship between addiction and delinquency is not a simple one. Studies have shown that there are areas with high delinquency but low narcotic addiction rates, and that in areas where both rates are high, crimes against property tend to be greater, and crimes against persons tend to be smaller in proportionate number. This suggests that narcotic addiction does not increase criminal activity in general, except for narcotic laws offenses. There is no doubt that sociological factors contribute greatly to the genesis of addiction, and we assume currently that personality factors interacting with sociological and pharmacological factors, constitute the major detriments of addiction.

Problems related to drug dependence come to the physician in several ways. Cases of acute or chronic toxicity usually come to medical attention if the individual himself or someone close to him decides he is sick or out of control. A patient may seek psychiatric contact for difficulties associated directly or indirectly with drug use. The patient may be suffering from obvious toxic or withdrawal effects of the drug.

The problem of drug dependence may come up unexpectedly in the course of medical management of other conditions, especially accidents, venereal disease, tuberculosis, pregnancy and hepatitis.

SOCIALLY ACCEPTABLE DRUGS

Alcohol bears the distinction of being the only potent drug that is universally accepted by society. The effects and toxicity of this drug are too well known to warrant a lengthy discussion. We are not sure of the exact concentration of alcohol in the blood that causes intoxication. It is generally agreed that a concentration of 200 mg percent is associated with mild to moderate intoxication. The fatal concentration lies between 500–800 mg per cent. Ironically, it is the one drug which is taken to make you feel "high," and yet it is socially acceptable. We can classify coffee and tea as drugs. Many British and Americans cannot begin their day without a morning cup. Caffeine is a potential central nervous system stimulant. It can stimulate all portions of the cortex. In 1928, nicotine was isolated from the leaves of tobacco. It has no therapeutic value now, but it was used at one time medically as a central nervous system stimulant. The dangerous effects of nicotine in tobacco are universally known.

Investigators have demonstrated that long-time users of heroin cannot be distinguished from the effects of heroin and morphine. The illicit popularity of heroin is probably due to the fact that on a weight basis, it is approximately two to three times as potent as morphine. Heroin is either inhaled like snuff, injected subcutaneously, but most often is administered intravenously. The addict often uses crude and sometimes filthy equipment. This is the reason for the high incidence of hepatitis among users.

The first time the drug is taken, the person may develop an anxiety reaction and physical reactions, such as nausea, vomiting and sweating. On the following occasions, he experiences a euphoric spasm, lasting approximately one minute. This has been likened by many addicts to a sexual climax. This in turn may be followed by a lethargic somnolent state in the addicts—he wants neither food, sex nor companionship. One addict has described heroin as "having all the advantages of death without its permanence." As with other narcotic drugs, tolerance develops to the respiratory depressant, analgesic and euphoric effects.

Recently there has been a higher mortality rate among addicts due to heroin overdosage, because the purity and strength of the drug is not known to the taker. Packets sold by pushers generally contain about 5 per cent heroin diluted with lactose or quinine. Sudden cessation of the drug without treatment causes withdrawal symptoms. These include lacrimation, running nose, yawning, perspiration, nausea, vomiting coryza. Gooseflesh indicates pilomotor activity. The skin resembles that of a plucked turkey, thus the common expression, "cold turkey."

C.N.S. DEPRESSANTS

The effects produced by barbiturate and nonbarbiturate hypnotics are similar to alcohol, depending on the dosage, situation and personality of the user. The drugs generally produce a physical and mental lethargy, slurred speech and loss of coordination.

As with alcohol and the opiates, a physical tolerance develops. An overdose can result in apnea, convulsions or respiratory arrest.

C.N.S. STIMULANTS

Stimulants and amphetamines are often used to increase mental awareness and create a feeling of well being. The sympathominetic amines are abused exclusively because of their euphoric effect. Unfortunately, no tolerance develops, and a toxic psychosis may occur after several weeks or months of use.

Cocaine causes a mood elevation, anorexia, analgesia, and is considered to be the most potent antifatigue agent known. The abuser frequently overestimates his ability to perform. Euphoria caused by the amphetamines and cocaine is reported by addicts to be very similar. If the dosage is large enough, toxic manifestations, including visual and auditory hallucinations, may occur. Death may come from respiratory depression.

HALLUCINOGENICS

L.S.D. is the most powerful and most frequently abused of the hallucinogenic drugs. "Acid" used to be eaten on sugar cubes; now tablets or capsules are usually used. The effects of this drug are very complicated, seeming to create visual distortions. It tends to distort emotions and perception. What was pretty becomes beautiful, what was annoying becomes terrifying. A so-called "trip" may last from 1 to 10 hours. Acts of suicide or violence indicate the profound influence of L.S.D. on the mind. Even months after the drug was taken, new occurrences may occur. This may happen if the drug user is particularly fatigued or under the influence of another drug. L.S.D. was first believed to cause birth defects. Mescaline and peyote are chemically related to amphetamine and produce acute color effect. They may cause an overestimation of the visual cortex.

D.M.T. (Dimethyl triphamine) is usually smoked with marihuana. It gives a similar but shorter effect than L.S.D. Its popularity has declined since it reportedly causes brain damage.

S.T.P. gives results similar to L.S.D., but the effect may last up to 90 hours. Emergency room personnel may think that the S.T.P. user has taken L.S.D. If Thorazine is administered, the patient may die of respiratory arrest.

Apparently none of these hallucinogenics produce physical dependence. Their danger lies in their psychological effects.

Cannabis (marihuana, hashish) is not pharmacologically a narcotic, but legally it is. Marihuana is not the plant, but the resinous preparation of brown and black flakes from the plant. Marihuana does not dilate the pupils. The active ingredient in the resin is a chemical known as T.H.C. (Tetrahydrocannabinol). The strength used varies, depending upon the part of the plant from which the dose is obtained. The concentrated resin, approximately six times as powerful as the leaf derivative, is called hashish. It is most often smoked. The drug can be mixed into foods and taken orally. The effects from marihuana use are relaxation, tranquility, light-headedness, some loss of bodily coordination, intensified sensory perception and a distortion of time.

We may find great joy or, on the other hand, acute anxiety. Hallucinations may occur. The drug may cause tachycardia, appetite for sweets, and conjunctivitis. While marihuana is not physically habit forming, an individual may develop a psychological dependence upon the drug, using it as an anti-depressant.

MISCELLANEOUS CHEMICALS

Volatile chemicals, such as glue and furniture polish, may achieve a hallucinogenic effect. Delusions of grandeur and delirium may be experienced. Side effects include blood dyscrasias, possible brain damage, conjunctivitis, dizziness, and swollen nose. One youth in New York City leaped from a 6th-floor roof while inhaling glue.

Seeds and spices, such as nutmeg and mace, are rarely considered drugs. Nutmeg, for example, has been used by prison inmates and may produce feelings of depersonalization and unreality.

TREATMENT PROBLEMS AND TECHNIQUES OF MANAGEMENT

There are a large number of drug users who regard themselves as neither criminal nor ill. The social drinker sees no reason why he should tell his physician or other advisor about his occasional use of alcohol, and the users of marihuana view themselves in the same way.

Acute drug reactions should be treated as medical problems. Not only is such care safer and more effective, but a larger fraction of patients can be induced to accept after-care from a purely medical facility than from a police physician or probation officer.

The compulsive drug user should seek psychotherapy, (including religious and self-help group.) Group therapy may be of use after treatment, for the acute withdrawal symptoms in a hospital. Conventional psychotherapy is far less effective than directive psychotherapy.

Another alternative is the access of the drug in some countries. Such a program continues to impose jail sentence for criminal activity, but not for mere use, or possession. It insists that the addict accept treatment and supervision.

British law permits dispensing narcotics to an addict. The British population has characteristics different from the U.S.A., but the fact remains that in 1970, with a population of 50 million, there were only 1,125 known heroin as addicts in England, in comparison with an estimate of 80,000 in the U.S.A. Associated criminal activity in England is neglible when compared to that in the U.S.A.

The goal of society's effort is control and prevention rather than retribution. Only education and counseling offer any real hope.

The analogy of the boy who cried wolf is hard to avoid here since it is the professional drug expert's obvious duty to maintain his credibility among those groups who are most apt to need his advice as more and more new compounds come into the hands of the experimenters.

This must be done even at the risk of disapproval from others in the medical community who might hope that the prescriptions against all drugs will be uncritically heeded. Unfortunately, the young people who must be dealt with in this context are already partially alienated from the establishment we represent, and they have reserved to themselves the decision about what to believe.

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MORAVIAN MUSIC

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. ROONEY. Mr. Speaker, I would like to call the attention of my colleagues to the Kennedy Center's first Sunday afternoon concert yesterday, September 12, when the Moravian Music Foundation presented a program composed almost entirely of Moravian music.

In 1741, the Moravians settled in northeastern Pennsylvania in Bethlehem, Nazareth, and Emmaus. Rich in talent and love of music, the Moravians established the first "collegium musicum" in this country only 3 years after the founding of their settlements.

Anthems, symphonies, and a variety of chamber music became famous in this early American center as well as in other colleges of music modeled after the first Moravian establishment.

This important era in the development of American music was recalled yesterday at the Kennedy Center concert.

With the single exception of a sinfonia by Johann Christoph Freidrich Bach, one of the sons of Sebastian Bach, the program was composed entirely of Moravian music. Included in the program were an overture by Charles Hommann, a quintet by Johann Friedrich Peter, and a "Water-music Suite" entitled "For a Boatride on the Lehigh" by David Moritz Michael. The Piedmont Chamber Orchestra, conducted by Nicholas Harsanyi, was joined by 34 members of the Westminster Choir in the highlight of the afternoon, a cantata entitled "The Dawn of Glory" by Christian Ignatius Latrobe.

The Moravian concert provided a fitting finale to the opening week of presentations at the magnificent Kennedy Center for the Performing Arts.

THE IDEAL SEVERANCE-TAX SOLUTION

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SNYDER. Mr. Speaker, an editorial which appeared in the Louisville Times on September 7, 1971, was called to my attention. I found it to be a fair evaluation of a bill I introduced in this session of Congress. This legislation would assist the States in raising needed revenues by making more uniform the incidence and rate of tax imposed by the States on the severance of minerals from mineral property located within the United States.

We are all only too well aware of the need of the States and localities for more revenues to finance necessary expenditures. At the same time there are many States that have found it a difficult task to impose such a severance tax, because such States run the risk of placing some mineral companies operating within the State at a competitive disadvantage relative to companies operating where there are no severance taxes. These States are conscious of the fact that enactment of such a State severance tax would reduce mining activity within the State.

Such Federal legislation would bring about an equitable means of taxation for sorely needed revenue not only in Kentucky, but by most States with the ever-increasing demands for improving State public services.

I call this editorial to the attention of my colleagues:

[From the Louisville Times, Sept. 7, 1971]

THE IDEAL SEVERANCE-TAX SOLUTION

If the current drive for a Kentucky severance tax on coal succeeds, it might prod Congress into encouraging similar legislation in other mining states. This the lawmakers could do by levying a federal tax on minerals with its proceeds made available to the states for the asking.

Bills for this purpose have been before Congress since 1968. Sponsored by Kentucky's Rep. Gene Snyder, a Republican, and Sen. Lee Metcalf, a Montana Democrat, they call for a federal tax of 5 per cent of the gross income from all minerals removed from the earth, but with a provision that state severance-tax payments would be credited against the federal levy up to the full amount.

This obviously would put producers in the various mining states on an equal footing competitively, thus removing what until now has been a formidable argument against tax action by the states individually.

Coal operators particularly have benefited from the competition argument. Some 20 states have a severance tax on oil and gas, several also tax the various ores, but only a small handful tax coal and none of these is a major producer. In short, Kentucky and the other big coal states have let fear of competition cause them to neglect this lucrative source of badly-needed revenue.

The federal legislation that would end this costly dilemma has attracted little attention in the past. However, with Kentucky's current gubernatorial race generating fresh interest in a state severance tax, there are signs that the picture may be changing. As Ward Sinclair of our Washington bureau has pointed out, some Kentucky coal men are beginning to look upon the Snyder-Metcalf proposal as the lesser of what they regard as two evils.

As one Kentucky producer has expressed it: "Our position is that, if there is a severance tax on coal, we prefer that it be handled in such a way as not to discriminate in the price of coal from one state to another."

That is the whole purpose of the proposed federal legislation, and it is more than a little ironic that it has attracted so little notice among those who have been loudly clamoring for revenue sharing. As Senator Metcalf has remarked, here is "a type of revenue sharing" that would benefit both federal and state governments. He estimates the states would realize nearly $700 million annually from resources they now are letting go untapped, while the federal government would come out $430 million ahead from a companion tax on minerals imported from abroad.

Kentucky's stake in the Snyder-Metcalf proposal is estimated at $30 million a year or thereabout. In view of this state's education and other needs, that should be incentive enough for Mr. Snyder's Kentucky colleagues in House and Senate to lend him a hand in getting his bill moving. Maybe they will if the governor's race continues to generate pressure for a state severance tax regardless of what Congress does or doesn't do.

SENATE—*Tuesday, September 14, 1971*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind,
Forgive our foolish ways;
Reclothe us in our rightful mind,
In purer lives Thy service find,
In deeper reverence, praise.

In simple trust like theirs who heard,
Beside the Syrian Sea,
The gracious calling of the Lord,
Let us, like them, without a word
Rise up and follow Thee.

Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace. Amen.
—*John Greenleaf Whittier.*

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON THE LOCATION OF NEW FEDERAL OFFICES AND OTHER FACILITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting today the first annual report on the location of new Federal facilities in areas of low population density.

This first report describes the beginnings of an organized effort to place more Government facilities and activities in rural areas as required by the Agricultural Act of 1970. I believe it will serve as a bench mark demonstrating this administration's commitment to a healthy and balanced revitalization of rural America.

During the period covered by this report, more than 60% of all Federal workers placed in newly located activities were employed in areas of low population density. I would emphasize, however, that the location of Federal facilities and activities in rural areas is only one part of our comprehensive program for rural development. This overall program—which also includes a variety of efforts to provide more financial assistance and better Government services to rural communities—has had a considerable impact for good in many locales, expanding employment and training opportunities, stimulating industrial and other economic growth, and generally improving the social environment.

The potential impact of our relocation policies was dramatized recently when a new Internal Revenue Service facility was located in the low population density area of Holtsville, New York. That single facility will provide new jobs for some 2000 permanent, full-time employees and for another 2000 temporary employees as well. We expect that such examples will multiply rapidly in the future.

All of the major departments and agencies of the executive branch are now giving priority consideration to locating new facilities in areas of low population density. The heads of these agencies are committed to establishing a sound balance between rural and urban America—a commitment which they share with the Congress. This report documents many of the ways in which this commitment has recently been carried out; it provides a detailed tabulation of all new offices and other facilities located during the last seven months of Fiscal Year 1971 as well as a summary of the highlights of that tabulation.

Obviously, the social and economic impact on the host community cannot be the *only* consideration in placing Federal facilities. Each facility has a specific job to do and it should be located so that it can do that job in an effective manner. But the criterion of effective performance is usually met by a variety of sites—urban and rural—and it is essential that Government officials appreciate the implications of their siting decisions on the growth patterns of our country.

Of course, rural communities are not the only areas that can benefit from the stimulus of new Government activities. The location of Federal facilities can also make a major difference in development patterns within metropolitan areas—revitalizing impoverished inner city neighborhoods, for example, or stimulating the growth of new communities or satellite cities on the periphery of our urban centers. For example, a new Geological Survey facility recently located at Reston, Virginia will provide some 2600 fulltime jobs. Reston is a relatively new community—but it is only 18 miles from Washington, D.C.

The philosophy of this administration concerning the location of Federal facilities was expressed in Executive Order 11512 in February of 1970:

"Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in that area. . . ."

We have since moved to carry out this philosophy through a wide variety of actions. The Agricultural Act of 1970 is serving as a further stimulus in this same direction. I am confident that the result of all of these efforts will be a balanced pattern of national growth which will serve the best interests of all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of William J. Bauer, of Illinois, to be a U.S. district judge for the northern district of Illinois, which was referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 13, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES AND NATO; TROOP REDUCTION—X

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD set No. X of articles relative to the U.S. troop position in Europe in relation to NATO. Included in this insertion are a series of articles from the Washington Post written by Haynes Johnson and George C. Wilson, an article which appeared in the Rome Daily American of September 7, 1971, written by Col. Robert D. Heinl, Jr., entitled "Answer to Pentagon Woes," and an article which appeared in the National Observer of September 18, 1971 by James C. Furlong entitled "Germans Fear Loss of 'Little America'."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 12, 1971]

THE U.S. ARMY: A BATTLE FOR SURVIVAL

(By Haynes Johnson and George C. Wilson)

NUREMBERG, GERMANY.—The stadium where Hitler reviewed his legions by torchlight is just down the road, all gray and ghostlike and covered with weeds. The old Nazi SS barracks still stand, a compound of massive stone pockmarked by shells, long since occupied by a conquering American Army.

Above an archway a sign proclaims the new name, "Merrell Barracks," headquarters of the 2d Armored Cavalry Regiment, a unit that parades with battle streamers from Palo Alto in the Mexican-American War of 1848, from Gettysburg, from the Indian campaigns, from the Normandy beachhead. If Pvt. Joseph F. Merrell, a valorous young soldier who gave his life at the end of World War II, could see the compound that bears his name he would recognize those old pennants that once flew over armies confident of their purpose and certain they fought for freedom and justice.

Merrell would recognize little else. What he would find today is an Army in anguish.

The Army Merrell knew no longer exists. Today's American Army is fighting its most threatening battle, a struggle for survival as an institution. It faces what top commanders agree is the most complicated crisis in its history. The scene at Merrell Barracks contains all the elements of the chaotic conditions that afflict the contemporary United States Army wherever it is stationed, in Germany or Vietnam or at home; crime, drugs, racial conflict, rebellion against officers, boredom, and attitudes that always have been anathema to armies.

Outside the barracks, young soldiers in floppy hats, wide dark glasses. T-shirts and long hair stroll across cobblestones which 27 years ago resounded with the rhythmic stomp of storm-trooper boots. The young American GIs on work detail carry out garbage cans whose metal sides are brightly painted with peace symbols.

Inside Merrell, the atmosphere is oppressive. Many of the windows are broken. They have not been replaced. Narrow corridors are dimly lighted by naked bulbs. Plaster drops from gapping holes in the ceiling. The building itself seems to be falling apart.

The soldiers testify to something more than this physical neglect and disintegration. They speak of a breakdown in spirit, in ethics and in discipline. One of the privates who talked about it is only 17. Thin, pale and frightened, he has been at Merrell less than a month. Already, he said, he has been beaten twice by fellow soldiers in senseless acts of violence.

"Sure, I've got fear," he said as he stood in the darkened entry way of Merrell Barracks. "I'm afraid to walk around in here."

Part of his fear stems from the organized drug traffic within his barracks.

"The first thing" when a guy gets here, just arrived you know, the first thing is a pusher comes along and says he has some good stuff and wants you to use it. This happened to me on my second day here. They take you to their room, maybe to a certain spot where they've got their stuff, and they let you get a look at it.

"At first, you know, after they give you this inventory, they keep an eye on you for about a week—two weeks—three weeks. To make sure you're not either CID [Criminal Investigation Division] or an informer or something like that."

Terror, the private explained, is the pusher's weapon for achieving silence. "They sent messages to one of my friends that 'if we find out you're CID, we're going to do this or that.' Beat the s— out of me. Make me feel like if I was an informer that I'd never be able to inform anybody of the stuff again."

After he refused the offer of hashish, which he had never used before, and satisfied the pushers in his barracks that he was not an informer, the soldier said they laced one of his regular cigarettes with hash without his knowing it.

"In your mind, it's almost a force, the way they work," he says. "See here in this building we've got juicers [who drink alcohol] and heads [who take drugs]. When I came in, I was in between them. A loner. I don't drink. See, alcohol I don't like. But I did smoke grass. So when they took me to that room and offered to share a bowl [of hashish, eight to ten times more powerful than marijuana], I says 'No thank you, I'm not familiar with what it does and doesn't do.' "

Now, he admits he smokes hash regularly. He is a customer the pushers made for themselves right there in the Army barracks.

Drugs are a key factor in barracks crime, whether assaults or robberies. Few soldiers feel safe—either inside or outside their barracks.

Another soldier interviewed at Merrell picked up a bayonet from a desk in his room and said: "The only way I'd walk around here at night is if I'm carrying this with me."

He spoke of break-ins. "Do you see my door there? It's been jimmied; completely busted through two or three times. You see, sir, the Army doesn't pay very much and people get broke and they steal things to sell. You know, for dope and stuff. And that's it right there."

His roommate talked about everyday living in the barracks on those days and nights when there are no break-ins.

"The other problem is that we've got people all around here throwing stuff out their windows. Coke bottles, beer bottles, smoke grenades—you name it. Just for the hell of it; just to raise hell because it's fun or because of some other reason. Stereos are turned up full blast. People throw stuff down the stairwells. It sure makes it miserable."

Those soldiers had been speaking in front of their own commanding officer. When they finished, the officer was asked why commanders don't enforce discipline, perhaps by calling out everyone in the middle of the night to compel order. "I could do that," he said. "And it would be fine until my relief arrived the next morning. There is no control. The word is 'don't harass the troops.' "

The problems his men had described came as no surprise to him. He referred, in despairing tones, to a break-down in unit pride and discipline. "These barracks," he said, "are a disgrace to the American people, and you can quote me on that.

"If we repaired them 100 per cent they would be only half as good as they were when Hitler's troops lived in them. Why the Nuremberg Zoo is in better shape than these barracks where my men live. This creates a fantastic morale problem. What bothers me most right now is the problem of the living conditions of my men and the problem of drugs."

Another commander in that same unit pointed to another problem—gang assaults clearly breaking down along racial lines. "This is what defeats me and is so frustrating," he said. "I haven't been able to beat it."

These problems afflicting Merrell Barracks are not an isolated Army phenomenon. They are symptomatic of the present trauma of the American Army, whether on duty here in Germany where 180,000 troops are garrisoned or in the Delta of Vietnam or the Foothills of Korea or in bases back in the United States. They are among the reasons why some officers express fear the Army will not change fast enough to save itself.

Nuremberg and Merrell Barracks, though, add an ironic dimension to the Army's problems. On that April day more than 26 years ago when this city fell under the combined attacks of the American 3d, 42d, and 45th Divisions, Nuremberg was the symbolic scene of one of the Army's greatest triumphs.

It was here that the Nazi leaders were tried, and some were executed, as war criminals. The Army emerged from that respected and praised. Its leaders, Dwight D. Eisenhower and George C. Marshall, were so esteemed they went on to become President and Secretary of State.

In today's Army, many young soldiers are saying openly that their own generals should be tried as war criminals. They reject the slightest semblance of military discipline. They do not accept the rationale, mission or role of this Army. Even their songs, unlike those of a generation ago, bitterly condemn war and the men who wage it. These soldiers know no heroes, hate no Nazis or Communists and fail to subscribe to the old adage about their country, right or wrong. They live among conditions of crime, racial turmoil and drug use more intensive than anything Americans soldiers have experienced.

On top of these, they hear their commander-in-chief, President Nixon, directing the Army to make military service so attractive that today's young men will volunteer for duty and not have to be drafted. They do not see that happening.

Taken together, all these add up to probably the most difficult period since the Second Continental Congress established the Army by authorizing the enlistment of riflemen on June 14, 1775.

The generals will tell you that essentially the Army is no different from any other American institution. It is a mirror of society. Its problems are America's problems.

That is certainly true. Drugs, assaults, petty acts of extortion and intimidation, racial conflict and rejection of authority exist in America's high schools and cities as well as in its Army. In that sense, the Army is correct in saying it doesn't creat the problems; it inherits them from society at large.

What the Army faces, however, is a problem of even greater magnitude. Within the last year alone a series of widely publicized events have combined to further intensify American antimilitary feeling. Mylai and the Calley court-martial and the documentation of American atrocities; scandals touching the Army's top enlisted man and the commandant of West Point; the public disciplining of generals ("God help us if we have any more of these court-martials," one Pentagon official said with passion); the scene of veterans returning home to throw the medals they earned in combat toward the United States Capitol steps; the voices of other veterans speaking bitterly about their experience with bloody body counts, useless Hamburger Hills and naplaming of women and children; "fraggings," or assaults and murders, against officers and noncoms by other American soldiers, and alarming evidence of the increasing use of hard drugs—these are among them.

It is not uncommon to hear high-ranking generals refer to these incidents and say that never in their experience has public respect for the uniform been lower. To strengthen that point, they often will recall, in personal terms, how some soldier has told them he always takes off his uniform whenever possible before appearing in front of his fellow citizens. Neither is it unusual to hear such commanders say it may take 5 to 10 years to repair the damage.

All of them, everywhere, point to one factor as the principal source of their problems: Vietnam.

The longest, most unpopular war in American history "has truly stretched the Army almost to its elastic limit," Gen. William C. Westmoreland, the Army chief of staff, told The Washington Post. Here in Germany, Gen. Michael S. Davison, the new commander in chief of Army forces in Europe and the man who led the Cambodian incursion a year ago, put it another way. "The price of Vietnam has been a terrible one. A terrible one. In terms of the casualties, in terms of national treasure of both men and dollars that have been spent, it was a terrible price the Army had to pay. The 7th Army here in Europe is still suffering today as a result of Vietnam because we had to wreck the 7th Army in order to keep Vietnam going . . ."

He meant, as he explained, that the Army never had enough people to support Vietnam without drawing on the 7th Army for replacements. As a result, the 7th Army was left with battalions led by one lieutenant colonel, one major or captain, and 18 to 20 lieutenants. Company commanders were being rotated every three or four months—with an entire company often turning over completely every nine months. The legacy was chaos in terms of morale, discipline and combat readiness.

As the Vietnam experience appears to be drawing to an end and, it is hoped, a new period of peacetime service begins, the aftermath for the Army is uncertainty and introspection. The Army in Germany reflects both moods.

It is here, as Gen. Davison says, that the Army's future lies after Vietnam becomes a page in history. And it is here that the physical and psychological damage of the past are clearly visible.

The Army in Europe, like American forces in Korea and other countries, has been desperately scraping the bottom for money and material. This has created turbulence in its ranks and resentment among careerists and recruits alike. One result is that garrisons such as those in Europe are critically short of even basic housing needs, to say nothing of money to implement ambitious new programs to deal with such problems as drugs and to reshape a modern, volunteer Army.

While the Army is trying desperately to win back the respect of American citizens, young and old alike, it no longer can count on the draft nor even on generous appropriations from Congress. Congressional debates over the draft this year hammered home that last point. The voices from Capitol Hill indicate that the Army may wither, if not die, unless it can rehabilitate itself.

These problems, specific and general, will be explored in a series of articles, of which this is the first. For the past three months these reporters have interviewed civilian leaders from the past and present and a score of generals from Westmoreland on down to officers and privates in the ranks. We traveled from the Pentagon in Washington to Ft. Dix, N.J.; Ft. Bragg, N.C.; Ft. Benning, Ga.; Ft. Carson, Colo.; Ft. Ord, Calif.; 10 Army bases in Germany and one in Italy. Other Washington Post correspondents have conducted similar interviews in the field in Vietnam. Accompanying each article will be extensive tape-recorded comment from commanders and men. The Army itself agreeing that identifying the problems is a step toward solving them, cooperated fully and urged its personnel to speak freely and candidly. They have.

Subsequent articles will deal with crime, extortion, intimidation, race, drugs, leadership problems and techniques, the views of the generals and the future.

Lest this initial report take on a doomsday air, one fact should be made clear. While a consensus of generals interviewed holds that in many ways this is the most difficult period for the Army, no sense of hopeless despair grips its leaders.

On the contrary, the commander sees the Army coming out of this crisis stronger, if smaller, more proficient and more professional.

"I would say that we are perhaps at a very difficult crossroad, and indeed this is an important benchmark in the history of the Army," Gen. Westmoreland said. Then he added: "I feel that I'm fortunate to be in the position I am and to play a part, and a key part in revitalizing and rebuilding the Army at this important part of its life.

"We're going to come out of this a stronger Army; I have absolutely no doubt about this. We have been dealing in the last two years in an exercise of introspection, realizing that we are at the crossroad, realizing that we have got to look critically at our past practices and procedures and methods . . .

"Actually, we have the most exciting future. It's a real challenge to the young officers and noncommissioned officers that we have to evolve a group of men into a team with esprit de corps and high standards of discipline, by dealing in enlightened leadership techniques which are sensitive to the feelings of others and teaching them to learn their profession and be highly proficient in it."

That may be the prescription for the future. But for the present, the Army's problems are critical.

[From the Washington Post, Sept. 12, 1971]

MAJ. GEN. GARTH: "A BIT IN REVOLT"

(NOTE. Maj. Gen. Marshall B. Garth, an officer with a reputation as a soldier's soldier, commands the 3d Infantry Division, a key element of American strength in Europe. Here he talks about the problems facing his command.)

We have some fairly tough discipline problems. I don't know whether we call it classic dissidence—maybe not. But we have some hard-core toughies, both black and white. And whether they came to us that way or whether we made 'em or not, I'm not sure.

My analysis of it is that they came to us. They came out of the bowels of the big cities and they lived by fist and knives and bludgeons, etc., and they're trying to conduct their business here pretty much the same way. Some of them are not sold on the Army—certainly the Vietnam situation. They're a bit in revolt. And they tend to affect the whole barrel of apples, as I call it.

So I put a great deal of time and attention on these men—those that cannot conform and will not soldier and continue to cause major problems in the way of breach of the peace and so forth, and then I take action to eliminate them from the service.

Drugs is a problem almost on the same level. We, however, notice a small decrease in the drug situation in the division. On the other hand, we notice a little increase in the hard drug use. Whether this is some kind of design on the part of the big operators in the business, I don't know.

I suspect a lot of this (the problem of crime) is tied in with drugs. The larceny in the barracks, of course—I think a man runs out of money and he wants another fix, another smoke—why, he takes advantage of his roommate sometimes, or somebody down the hall. Also, some of these barracks larcenies, I believe, are tied in with owing someone some money as a result of sales that have been put on the cuff. I've been able to prove a few, so this is the reason why I say this. In fact, we've just broken one here in the last couple or three weeks, and it's all tied in with drugs.

And then the others that are just outright banging each other on the head—some of these are legitimate fights that just come out of drinking down at the bar or something of this type.

There are others where I think it's just a carry-over from civil life where the black man today has a tendency to want all of these rights and privileges and so forth, maybe which the laws and systems are not providing fast enough. And he has a tendency to kind of take the situation in his own hands. But I don't think they are the larger numbers of them. But I'm afraid by seeing this that there's greater polarization rather than a growing together.

[From the Washington Post, Sept. 12, 1971]

GENERAL DAVISON: "TOUGHEST PERIOD . . . EVER"

(NOTE.—Gen. Michael S. Davison, 54, who took over command of the United States Army in Europe on June 28, is one of the youngest four-star generals and thus will play an important role in the Army's future. In World War II he commanded a battalion at the age of 28, and he commanded the Cambodian incursion while serving in Vietnam. Of the American Army today he says: "I see this as the toughest period we've faced." In this tape-recorded talk with The Washington Post, Gen. Davison spoke about his Army career and some of the dimensions of the present crisis.)

Of course, we have had difficulty after every war. I know following World War II I thought the Army was so screwed up that I really didn't think I wanted to stay in it. I came back from World War II having been a battalion commander and Corps G-3 and was lucky and got promoted when I was 28 years old. After all this experience I came back to the United States and it took the Army three months to decide what they wanted to do with me, which was all right because I learned how to play golf and how to fly an airplane and had a pretty good time around El Paso.

But then they sent me to Leavenworth to school and then from there I went to headquarters U.S. Army ground forces at Ft. Monroe. They put me to work designing a table of organization and equipment for a mounted infantry regiment. Now they called it a mounted infantry regiment because some old guys wanted to bring the horse back and they were afraid to use the term cavalry.

Then right after that they put me in charge of John Eisenhower's wedding which was held at Ft. Monroe, and I really didn't feel too good about the Army. I thought it was not a very good place to be. And then we had our troubles again in Korea and the aftermath of Korea; of course we're having them right now.

Nevertheless, with respect to the future I remain basically confident about the ability of the Army to overcome, or at least ameliorate, its problems. I don't think we will overcome the drug problem in the absolute sense, nor will we overcome the racial problem in the absolute sense, either, but I think we will be successful in ameliorating these two problems. In fact, I think we're 'way ahead of society at large right now in coping with both the problems.

This is what I tell my people in Europe: As Vietnam winds down and the Army withdraws, if there is to be an Army of the future, and I think there is a clear requirement for an Army of the future, and I think our country deserves the best that we can give to them in the way of an Army, that future is going to be determined right here in the United States Army, Europe. And this is the challenge and this is the mission, and I hope everybody's going to see it as a challenge by meeting it, through which they can render a great service to the country.

I think the toughest problem we have, and this is almost too frank to say, is the leadership problem within the Army. Whether it be drugs or whether it be race or whether it be combat readiness, fundamentally the task is getting your subordinates to work wholeheartedly toward the mission.

The only way in my opinion that you can really generate public respect is to produce the goods. And I think if we can show to the public a mission-oriented Army over here that is combat ready, that has a minimum of disciplinary problems in the racial area, in the drug area or in any other area, then I think that public respect will follow.

I think that many of our leadership failures have occurred through inability on the part of the leader, whether he be a platoon, company, battalion, brigade or even a division commander, to communicate to his subordinates his appreciation of them as individuals. And I think that once you get that line of appreciation established, you're 90 per cent of the way toward solving your problems.

I've already seen areas here in Europe where they had, for example, terribly serious racial problems a year ago. It was just on the verge of being completely riotous and out of control. They turned that around completely. It took about a year's time, but the fundamental point was that the commander got everybody appreciating their subordinates as individuals and listening to them. It opened up the channels of communication.

I think the thing that scared me the most out of my Vietnam experience was the drug problem. When I say drugs I'm talking about one drug—I'm talking about heroin. Conservatively, I would say 10 to 15 per cent of E–5s and below were on heroin.

Now the reason this scared the hell out of me is not because there were 10 to 15 per cent of the soldiers on heroin but a couple of things behind that figure. Between the 1st of October 1970 and the end of May when I left in 1971 we had slightly over 700 patients in our rehabilitation center. And 60 per cent of these were heroin addicts before they ever entered the Army.

But the thing that is really eye-opening about it is that these kids, and they were kids, 19, 20 years old as a median age, looked like an exact cross-section of the young men coming into the Army. This business about ghetto kids and high school dropouts—that's a myth. It's a bunch of bunk. These kids are cross-section of what the Selective Service was picking up throughout America. And this is what really shatters you.

I've been told by my people that hashish is a big problem over here in Europe. Heroin is only beginning to make its appearance. Well, that's enough to scare me right there—when they say it's only beginning to make its appearance—because heroin is most insidious. It's hard to detect. A guy could be on it with light to moderate addiction and you'd never tell because he could still fly an airplane or do a complicated task. It's a very insidious thing.

We've got, and this is a generality, two distinct subgroupings in the Army now. And we've got to get across the gap. I have a 26-page letter on my desk right now that was written to me by a young sergeant E-5 who worked with me in Vietnam on the drug program. He is a fine arts major with a master's degree from the University of Florida who was a tremendous help to me. He felt so strongly about the conditions of the Army when he left that he wrote this 26-page letter about this very thing, these two subsocieties within the Army, the young soldier and the old sergeants and lifetime careerists, and this enormous communication chasm between them.

One of the myths now circulating among the younger people is that the Army is really a collection of brutalized guys who've been taught nothing but to kill, kill, kill. It's going to be difficult to break through that and present the Army as a constructive institution which is a very necessary and useful part of the overall national fabric. That's going to be very, very difficult to do.

But I think once you make that breakthrough we ought to be able to present to the young people that the Army is a profession within which there are certain ethical standards that anyone should be willing to subscribe to and live by. Indeed, it represents a set of ethical values that idealistically inclined young people can work for—the duty, honor, country thing. I think these ethical values are salable values.

I see this as the toughest period that we've ever faced. And yet I retain my confidence. I think it is a tremendous challenge, and as I indicated earlier I think it's a challenge that ought to motivate all of us to do our damnedest, because if we're successful in restoring the worth and value of the Army then we've done the country a great service.

As long as we have to cope with the imperfectability of man, there are going to be conflicts of one kind or another. This is everything that recorded history tells us. If we as a national society expect to endure in the future, we should have some element of society that is devoted toward its protection.

[From the Washington Post, Sept. 13, 1971]

GI Crime, Violence Climb Overseas—Race, Drugs, Idleness Mix Together in Explosive Combination

(By George C. Wilson and Haynes Johnson)

Bamberg, Germany.—Shortly before 11 p.m. on March 22, three black soldiers entered Room 312, Building 7089 at the Army's Warner Barracks here. At knifepoint, they called out to four white GIs: "Give us your dope."

As the intruders were leaving, with no dope but with all the cash the soldiers had, $35, one of the bandits pressed his knife close to a victim and said: "You know the paper you signed? I think you're about three months behind on your insurance policy."

The policy was an agreement to pay the gang leader $10 every payday to stay healthy—the old protection racket, right there in the Army barracks. The traditional refuge of the soldier when day is done is no longer safe.

"Crimes of violence, such as robbery are at an all-time high and climbing, said Maj. John T. Sherwood Jr., staff judge advocate at the Nuremberg Trial Center, which encompasses Bamberg, "I'd just hate to live in the barracks. The guy who just wants to be let alone isn't being let alone."

A field officer who reads Army sense reports coming in from all over Germany said that "obviously" much of the crime "is a matter of race—groups of blacks against whites."

Such views were not universal among officers interviewed in Germany, with one black major who investigates the robbery-extortion ring in Bamberg stressing that it should not be considered typical of the type of crime being committeed in the Army.

However, the predominant viewpoint was that there are no longer safe firebreaks between black militancy, violence and drugs. They are all mixed together in an explosive combination. Idleness, broken-down vehicles, poor housing, German hostility, no sense of mission—all those facets of garrison life in Germany today seem to be aggravating the problem.

Terror is such that one of the distinguishing features of the Bamberg robberies last March was that they were even reported at all. The bandits evidently felt their knives would insure silence, because they hit two other rooms in the same barracks complex the next two nights. It was blacks robbing whites in those cases, too.

"I gather this has been going on for a year," Sherwood said, "and no one has ever said anything to anyone. No one has ever turned it in."

Four men were brought to trial this time, however, and two have received jail sentences. The trial record shows how they terrorized their victims. In the second ripoff at Bamberg, when a soldier was slashed with a knife across his chest, one of the assailants warned against reporting the robbery.

"Do you want to die?" he said. "Every day, people die in Germany." He is quoted as claiming that he recently killed a man and dropped his head in a wastebasket.

Bamberg, overburdened with GIs in proportion to the population, long has had race problems. But the following Army crime reports from a recent two-day period are the kind of evidence that Army commanders and legal officers cite in expressing alarm about the black vs. white aspects of much GI crime, not only in Bamberg, but also in other areas of Germany:

"Building 8002, Room 309, McPheeter Barracks, Bad Hersfield, Hesse, Germany . . . four unidentified Negro males entered Room 309, where the victims were sleeping, and woke up the victims and threatened them with a small-caliber pistol and switchblade knife. The victims were forced to open up their wall locker and give up their wallets. The subjects took approximately $250 in currency and $200 worth of watches and jewelry and then fled the scene . . ." (The report said the five soldiers robbed were white.)

". . . Outside the Ambrose Bar, 23 Block K–2, Mannheim, Baden Wuerttemberg, Germany . . . SP 5 Richard A. Mitacek, Cau., age 22 . . . was approached by sever. unidentified Negroes at the above location. The Negroes asked Mitacek for five marks. Mitacek stated that he did not have any marks at which time the Negroes demanded to see his wallet. Mitacek refused to show the Negroes his wallet. Mitacek was then knocked to the ground, kicked and robbed of his wallet containing 30 dollars by the Negroes who then fled on foot . . ."

". . . Club 49ers, Daeher Caserne, Kaiserslautern, Rhineland Pfalx . . . Approximately 40 Negro and Caucasian males were involved in a verbal argument and calling each other names of a racial nature. Military police patrols were called to the scene to disperse the crowd. Bodle (white) and Walker (black), who were among the military policemen dispatched to the scene, spotted Wilcox (white), who was agitating the crowd and apprehended him. Wilcox continued to agitate the crowd after he was apprehended. The crowd turned on Bodle and Walker, took Wilcox from them and began to advance. At this time Bodle verbally requested help from any military policemen within hearing distance. When no assistance arrived, Bodle drew the 45-caliber pistol issued to him and instructed the crowd to halt.

"When the crowd continued to advance Bodle fired a warning shot into the air. Again the crowd advanced and Bodle fired another round into the air. The crowd continued to advance, but other military police patrols in the area assisted Bodle and Walker in dispersing the crowd and apprehended Wilcox . . ."

Some blacks claim that the crime reports do not reflect the true dimensions of racial conflict because, they say, many blacks feel it is futile to report to white authorities if they are attacked by whites. Instead, they say, these blacks simply recruit help from fellow blacks and then retaliate.

GI crime goes beyond racial polarization and encompasses features common to civilian lawlessness, according to commanders here.

Part of the reason for rising crime in Germany, according to Army investigators, is the influx of gangsters coming into the Army—some of them sent there by judges as the alternative to going to jail.

Another reason is rival hashish dealers attacking each other in the style of bootleggers during prohibition. And still another is militancy, sometimes taking violent expression, filling the vacuum created by relaxed discipline as the Army tries to bend to today's more rebellious and sensitive recruit.

Partly because there is a fine line between militancy and violence, if not crime, troop commanders in Germany are worried about the growing polarization between blacks and whites in the American Army in Europe.

"I am convinced there is some dedicated direction behind the hard-core group's so-called antiwhite movement," said Maj. Gen. Marshall D. Garth, commander of the 3d Infantry Division headquartered at Wurzburg.

"I'm just as convinced in my own mind," he added, "that the black soldiers would also like to see this hard-core element out" of the Army.

Col. Matthew R. Wallis, commander of the 2d Armored Cavalry Regiment at Nuremberg, said black militancy is his most frustrating problem.

"What defeats me," Wallis said, is this attitude of many black soldiers that "regardless of who is right or who is wrong, if he is black, he is right. I haven't been able to beat it."

Black soldiers, of course, don't see it that way at all. No amount of crime statistics or theories from high-ranking white officers about the possible causes begins to gauge the depth of black resentment and frustration.

Rightly or wrongly, black soldiers still believe the American Army reflects a racist society—and they are reacting against it. And while racial tensions are present in every Army command, Germany appears to be particularly acute and complex.

Early this year, the NAACP sent a team to West Germany to assess the problems of black soldiers here. The findings are far from reassuring.

"A principal cover for leadership failure is to characterize those who resist the status quo as 'militants,' " the NAACP report said. "It is important to understand the sweeping effect this label has taken in the military. It covers all aspects of black consciousness, black civil liberties, even the expectation of equal treatment.

One black GI voiced a common feeling.

"These whites," he said, "think that every time colored guys get together, well he's a Panther. He's a militant."

Blacks interviewed gave bitter expression to a number of grievances. They believe that the military justice system is discriminatory and unjust; that white soldiers are not punished for behavior which, on the part of a black, would result in swift criminal action; that there are two sets of rules, one for blacks, another for whites; that blacks are discriminated against in housing—and in Army promotions.

They also believe that the social climate in Germany is hostile to blacks.

Many Army officers contended there is a definite link between crime and drugs. And many Army enlisted men in service said smoking hashish was better than doing absolutely nothing.

Consequently, a case can be made that the idleness of the American Army in Europe contributes, at least indirectly, to the crime problem.

"I can't give my men any useful work to do," complained an Army company commander in Bamberg. "We do not have any ground to maneuver on—except one training field my men are all sick of and know by heart. They go nuts doing nothing over here."

"If I could order a part on Monday and get it by Friday," said a platoon leader in an armored unit near the East German border, "90 per cent of my problems with the men would be solved. But how can I order them to pull maintenance when they can't even start the vehicle. The parts never come. I have to deadline the vehicles."

Nothing to do on or off the job, no sense of being needed—these complaints repeatedly expressed by Army troopers in Italy as well as in Germany.

"My most important job is to guard the officers' horses," said a soldier interviewed in Vicenza, Italy, home of the Southern European Task Force (SETAF).

"Tell Mansfield to come over here if he wants to get some headlines," said another trooper at SETAF, referring to Senate Majority Leader Mike Mansfield (D-Mont.), who has proposed U.S. troops cuts in Europe. "The most I ever work is two days a week."

His job is helping Italian soldiers man Nike Hercules antiaircraft missiles—weapons considered so ineffective for guarding the continental United States, let alone the NATO front, that many have been phased out.

[From the Washington Post, Sept. 13, 1971]

THE MILITARY REFLECTS CIVILIAN COMMUNITY

(NOTE.—Maj. John T. Sherwood Jr. in his job of staff judge advocate at the Nuremberg Trial Center has an overview of the crime problem within the American Army in Germany. His views were tape-recorded by The Washington Post in his Nuremberg office.)

Question: We have been hearing about soldiers being robbed right in their own barracks. Is there much of that in this area?

Sherwood: One of our big problems is how to protect the soldier in his own barracks. It's a tremendous problem.

Q. In all of Germany or just sections?

A. Mainly the 1st Armored Division area. Most of the combat troops in Europe are here (in the Nuremberg area) as opposed to the Frankfurt-Stuttgart area.

I'd just hate to live in the barracks. I wouldn't like that at all. Crimes of violence, such as robbery, are at an all-time high and climbing.

There's a serious effort underway now to provide individual locks on all doors inside—big individual security—because the soldier is at the mercy of these people. The guy who just wants to be let alone isn't being let alone.

Q. The soldiers say they're afraid to report what is happening, so I gather it is hard to gauge the extent of the problem with any precision?

A. On these cases we're having now, I gather, from what the witnesses have said, that this has been going on for a year, and no one has ever said anything to anyone. No one has ever turned it in. All it took was putting that one man in jail. [The cases he referred to were the extortion and assault cases described in the accompanying article.]

Before that conviction it was not at all uncommon to provide special protection for witnesses. We had a special court-martial involving a racial incident at the 3d Squadron at Amberg. This is just one case. And the man was told in no uncertain terms that he had better not show up on trial date to testify. So he was immediately spirited down here to work at regimental headquarters. He showed up and testified and we got a conviction. But he was petrified—with good cause.

In the past two months we have not had to provide such special protection of witnesses. On the extortion case we were just talking about at the 2d Squadron [of the 2d Armored Cavalry Regiment at Bamberg] where we had these four defendants, as soon as the first of the four people was put in pretrial confinement—then and only then did the witnesses come out from the woodwork. And that's why the other three went to jail, because then we got the picture of the whole organization. But not until that key man was put in jail did anyone come forward.

Q. So it's terror which keeps soldiers from reporting the robberies and violence?

A. Well, often victims can't afford to report it because they're dealers themselves.

Q. Is it the money that puts so many people in this hashish dealing?

A. It's such a lucrative business that many GIs consider anybody who stays out of it an idiot. The No. 1 man can make $100,000 a year. He goes to Munich about the 25th of the month and brings back a sizable load of hashish by car. There's a regular marketing chain. A plank of hashish is about three inches wide and one-quarter inch thick. Peshawar black is one kind. Peshawar is so proud of their brand that they put their seal on it.

When the hash comes back from Munich it goes to subdealers. There will usually be five or six subdealers per battalion of 600 men. There is a 100 per cent profit at each stop.

Q. You say the No. 1 guy makes $100,000 a year. How about the other hash dealers down the line?

A. I really couldn't give you any figures, but I think the lowest dealer exceeds his (Army) income. I'm sure he doubles it.

I just talked to a man about 15 minutes ago who is pending German trial now. He was in one of the cavalry squadrons. I defended him once in a court-martial. He told me of a couple of people who went home with $150,000. This is out of one squadron of six companies. (An armored cavalry squadron at full strength consists of 1,200 men.)

Q. Really. Out of one squadron a couple of guys went home with $150,000?

A. After spending nearly three years over here.

Q. Why is Munich the center for this hashish dealing?

A. Well, your trains all come in there. It's a center, a commercial center. For some reason the Greeks and Turks are in this big. In fact, here the CID (Criminal Investigation Division of the Army) for a while were so frustrated at trying to shut off the market that they started independently setting up arrests and handing the people over to the Germans so the Germans could do something about it. You know, instead of fooling around with the petty user they wanted to go to the source and cut off the supply.

Q. The Germans themselves apparently are not really involved with using hash to any great extent?

A. They are where we were about five years ago right now. Their college students are all beginning to use it now and it's . . .

Q. Beginning to move up?

A. Yes. And they're getting a little worried, but they haven't been worried up till now.

Q. Do you have some specific instances where a young soldier was forced to smoke hash when he had no interest in doing so?

A. Well, no (documented cases). This is talk, you know. It's the type of thing you hear over and over again.

I heard about a soldier in Bad Kissingen who, before he even put his suitcase down, was confronted by a guy who came up to him and said, "Do you smoke?" This peer pressure, backed up by muscle, makes it terribly hard. One of our big problems is how to protect the soldier in his own barracks. It's a tremendous problem. And those dudes who have been smoking hash are never going to smoke grass (marijuana). Many of those studies on drug abuse are irrelevant because they don't take in hashish.

Q. Do you see a linkage between the violence in the barracks and hash? Is the soldier who holds a gun to another soldier's head in the middle of the night trying to get money to buy hash for himself or is he trying to take over the distribution—fighting for the dealership, so to speak?

A. Well, the mass stuff with gangs is concerned with the distribution end of it.

Q. Is that one gang knocking off another gang?

A. Trying to get them out of the distribution picture altogether.

Q. This four-on-one or ten-on-one type of violence in the Army. Is this a Mafia type action—beating up a user who didn't pay his hash bill? Or is it beating up a dealer who tried to cut in on their action?

A. It's hard to make a generalization. A lot of the armed robbery—where there are three or four people together—is taking hashish away from dealers.

Q. But then they're robbing their own boys—their own distributors, aren't they?

A. No, not their own. It is the other guy's. See, a lot of the robberies are black-white situations. In fact, I saw some statistics in a meeting with the commanding general of the 7th Corps recently—you know, everybody is statistic happy; they have a racially oriented chart on all of the assaults. Aggravated assaults. And the trend is very obvious. It's blacks assaulting whites, and the blacks are in groups. There are very few one-on-one situations. It's usually three-to-five-on-one.

Q. Well, when the assaults are against hash dealers, is that also black against white or whites against blacks?

A. There are two chains. It is usually one black chain and one white chain.

Q. Beyond those kind of robberies—one chain trying to close up the dealers in the other chain—how do you explain all this violence we are hearing about right in barracks?

A. Well, the military just reflects what's going on in the civilian community. We're getting a lot of the blacks who are militants coming right from the ghetto, so it's not really surprising. There is a more violent—how should I put it—violent reaction to authority than there used to be.

Q. Could many of these robberies simply be soldiers getting money to buy hash for themselves?

A. I doubt, really, whether there's a great deal of crime involving motivation to get money to buy hash, as a user. It's so cheap that it's no real problem.

But there is so much money in the hash distribution racket that unprecedented numbers of soldiers are getting European outs—the are staying here to get discharged [so they can remain in the illegal drug business].

WE NEED TO MAKE CHANGES IN . . . ARMY

(NOTE.—The following taped interview was with an Army field grade officer who declined to be identified. His jobs—past and present—have brought him into direct contact with the problems of black militancy and crime, both as a commander in an airborne division and now in a high staff job in Europe.)

Officer: In the Army we do have a problem, a race problem. And it's almost one in reverse. In the Division back in the States, I found that I could never get—no matter what I tried to do—I couldn't get the 17, 18 and 19-year-old black soldiers. I couldn't surface what was bothering them—why in the Army that they felt that way. They just wouldn't really say what was bothering them. So I set up special councils with the blessing of the division commander, in hopes of penetrating into the problems.

One day the division commander—a general—called in some blacks to discuss their problems. One of them was a young, radical Black Panther. He said right to the general that all white people were pigs and that the general was a pig. And the general said: "That's O.K. Fine. Just tell me what the situation is." And the soldier replied: "I burned buildings in Chicago and shot whitey, and it doesn't bother me one bit. And I'd just as soon shoot at whitey as the VC." That's quote-unquote what the soldier said to his general.

How do you get to a young fellow like this and say, "We recognize the problems in society, but we don't have the same philosophy in the Army that they do in society or in some places. We have no feelings of prejudice aboard, no policies of it and anyone who does show any tendency this way is relieved immediately."

Q. How did you and the general deal with this type of man?

A. The general listened, and he found that the problems really on the minds of these blacks were really the same as those of any young soldier—black or white. They needed better leadership, from the non-commissioned level on up to perhaps my own.

After they listed the usual complaints—too many court-martials, Article 15 punishments and no promotions—the general laid out everything from the unit right in front of these blacks: Court-martial figures, Article 15s, promotion rates. The blacks found out that they had been 100 per cent incorrect.

So the militant black brigade disbanded, right on their own. They said: "The division is taking care of us. Cool it."

I built on this idea of getting the problems on top where everybody could see them and grapple with them. I let each company elect two of their own from grade E-2 and below, but they had to be elected by their own people. They met with the battalion commanders twice a month and they just said whatever they wanted to say, whatever the problems were.

The key to all of this was the fact that once the problem was surfaced, it had to go back to the leader closest to the man, and that man then was given all of the assistance to resolve the problem . . .

A. All right. That was back in the States. You said there were special, severe problems in Germany as hard or harder to solve. What are they?

A. Looking at the reports coming into staff, the problem here in Germany is that groups of blacks are roaming with the aim of terrorizing the whites. There will be groups walking down the street and for some unknown reason will stop a couple of outnumbered whites, hold them up and rob them. Right on the street.

It's mostly at night. There's quite a bit of it. Much too much. And they always seem to go unpunished. I don't condone this. No one would—black, white or anything else. But I think it's a pretty serious business.

The crime in the barracks is the same sort—black against white; fights; muggings; robberies. Armed robberies in the barracks, although not as widespread as that in the streets.

I think there's a downgrading of discipline, and that perhaps comes from our society. We do need to make many changes in our Army—we can't go down the old traditional roads. I'm not a harsh disciplinarian myself and I wasn't as a commander. But when you make a regulation, I think it should be obeyed. A man—whether it's long haircuts or something else—should be made to live within the regulation. And I don't think this is being done.

GI SOLIDARITY: "IF HE IS BLACK HE IS RIGHT"

(NOTE.—Col. Matthew R. Wallis commands the 4,000-man 2d Armored Cavalry Regiment in West Germany as well as Merrell Barracks complex in Nuremberg, the regimental headquarters. Wallis is Georgia born, a West Point graduate and a Vietnam veteran. Here he talks about problems confronting his command.)

One thing, in all candor, I must point out to you. If we could just get it so that when two soldiers have a fight, and one is black and one is white, that everyone would stand around and cheer on their man, this would be a return to the old Army.

But now, if a fight exists between one black and one white, within minutes there will be three to 15 blacks who will join it without even knowing what the fight is about. They will literally beat that white soldier to a pulp—without even knowing what it's about.

It happened recently in one of the training areas. One, of my squadrons was there, and two soldiers had a little altercation at the club—drinking, both of them. They came back to the barracks area where my unit was. And right behind it, within 50 feet, was another unit from a different part of Germany.

The two men proceeded to argue again. They started to fight again. And do you know that from out of that other barracks—where the other people didn't even know them—black soldiers turned out and started to get into the fight to support this unknown black? Just because he was fighting a white.

Now this gets back to this emphasis of the black soldier on brotherhood and togetherness, and "we've got to stick together." The black soldier, I assume, feels that other people—people like me—are not sticking up for him and protecting his rights, and therefore the only way to protect the black man is black solidarity. Therefore, they've gone to this extreme of, "Right or wrong, he is black; get in there and pitch with him."

And that is what defeats men.

And that is what defeats me. And it's so frustrating—that regardless of who is right or who is wrong, if he is a black, he is right. And therefore all these blacks immediately join the fracas.

If we could get over that, and treat people as individuals, then we've got it licked. But I haven't been able to beat it.

LIKE ORDERS TO MISSISSIPPI

(NOTE.—*A group of black GIs who served in Germany responded in a tape-recorded session to the complaints about blacks ganging up on whites there.*)

"If the brothers are ganging up on them (the whites), they're taking revenge. This is what they're doing . . ."

"I've been to Vietnam, I've been to Korea and I've been to Germany. OK. I don't want any more orders to Germany. It's just like me getting orders to go to Mississippi.

"Those white commanders when they get over in Germany turn 180 degrees. Once they get in Germany they consider that this is their home and here you (the blacks) are walking on my carpet with mud on your boots, and we're going to treat you accordingly.

"Say, for instance, that you go for help to a white platoon sergeant. There is only one in a million that will really help you. He's surrounded by whites.

I had a black platoon leader—excuse me, I had a colored platoon leader—and everyone around him was white; the battalion commander; the company commander. So he was not about to help me . . ."

"In the stockades in Germany, the MPs do what they want to do to the brothers. We had guys who went to the Nuremberg stockade and other stockades and when they got there the MPs told them to lay down their bags. By the time the brothers had laid down their bags, the MPs had kicked their ass. But when the Army survey about this stuff came down it said, 'Naw, everything is lovely.'

"They have white guys in clubs who said we couldn't come in. And then they turn around and tell you that we are ganging up on them . . ."

"You got to consider something about those crime reports they showed you. The brothers got a lot of pride in a lot of things, see. If I went outside and three white guys jumped on me, I'm not going up there and tell the desk sergeant. I'm going to go and get some brothers together and coming back.

"A white guy, if some brothers jump on him, now he is going to report it because all his life he has been used to running to the authorities—to the police. If a brother goes to the police, he knows he isn't going to do anything for you no way. So what's the use of going to him? The brothers don't even bother with the police.

"Blacks have nothing else going for them but their solidarity. If you go down by yourself to one of the guest houses where the whites hang out, you can rest assured you're going to get your head bashed in. The only threat that the blacks have, especially if it is a small caserne, is that they have to return back. This way the whites know that if they jump a brother, the brother is going to a black guest house and get some others and this is going to cause a riot. . . ."

"There are no black girls in Germany to fool with. The blacks have no other women to fool with but the Germans.

"O.K. Say, for instance, that a black guy runs into a nice German family and they introduce him to a nice German girl and he happens to bring her on post. He's marked. They're all after him: the platoon sergeant, the company commander—everyone is after him until he leaves . . ."

"The German women won't speak to you for the simple reason that their mind has been poisoned against you. The whites tell the girls that if they fool around with one of the brothers, then they're not going to fool with you. The girls are afraid to go with us."

[From the Washington Post, Sept. 14, 1971]

OUR STRUNG-OUT TROOPS AND THE BIG O

(By Haynes Johnson and George C. Wilson)

SCHWEINFURT, GERMANY.—He set up his charts and diagrams at the back of the stage and then stepped to the microphone.

"The reason I'm here is very simple. The reason is because every day our hospitals here in West Germany are admitting people who are having bad reactions from drugs and people who are dying and have died—right here in this caserne, as a matter of fact—from drugs, and I can assure you that you'll continue, here in the Army, to hear about drugs as long as people continue to get sick and continue to die from these problems. It's as simple as that."

While he was speaking, his enlisted assistants walked through the auditorium passing out the "flash" comics with the groovy drawings and hip language about pot, acid, speed, hash, opium, bummers, trips and flashbacks. Most of the soldiers remained slumped in their chairs, dozing or asleep. A few—and only a few—picked up the papers casually and read:

"June was really awful—like terrible month in the drug scene. Check these reports . . ."

The drug incidents reported were from Army installations throughout this area of Germany and they were listed in the argot of the user: Harvey Barracks, dude with hepatitis from brown morphine injection, been in Germany only three weeks, his first hit, morphine contaminated . . . Another dude in hospital vomiting his guts out from bad opium, black type, lots of junk in it; Hindenberg, freakouts from hash and wine; Giebelstadt: freakout from "blue cheer"; Bad Kissingen, Auburg, Wildflecken: bad freakouts from mixing hash, acid, dude tore up stomach with ANI juice and . . .

After the enlisted men, former junkies all, had put on their drug education skits, the officer again stepped to the microphone. This time, his tone was sharper.

"Now, I'll tell you why I'm really here this morning," he said. "I'm here because of opium. The big O. I'm here because sitting right out there, in this battalion, are pushers who are dealing in opium. You know who you are and I want you to know I know you're out there. I know because two GIs from this unit wound up in my hospital from opium overdoses, and one of them nearly died, and he told me where he got it.

"Now I'm here to tell you I'm going to be back every morning, and every night, until you understand how dangerous opium is and until we stop this thing. I'm here to tell you this Army is not going to get strung out on opium the way the Army in Vietnam is strung out on heroin."

His enlisted assistants again circulated throughout the auditorium, passing out drug use questionnaires. When the soldiers turned them in, the battalion was dismissed. "That's the scruffiest bunch I've seen yet," said Major Forest S. Tennant Jr., a surgeon attached to headquarters of the 3d Infantry Division at Wurzburg. "You could tell that some of them were on it right out there. Take a look at these returns. They'll show you some of the dimensions of the problem."

He handed over the sheaf of questionnaires with check marks beside the use of various drugs. At the end, the soldiers had been asked to offer personal comments. They spoke for themselves.

"Man, I am spaced out to the limit . . ."

"Tell Captain—to get off his high horse and talk to the troops."

"Help me get out of . . ." (The sentence was uncompleted).

"The truth has been said."

"They're all freaks."

One soldier who said he uses hashish more than three time a week merely commented: "It's my thing." Another, in answer to a question about what specific means can be employed in his unit to decrease drug abuse, replied: "None."

Day after day, Dr. Tennant has been conducting these drug education seminars for American troops stationed here. From the data he has gathered in nine separate Army communities, he has reached some arresting conclusions.

His studies indicate that 46 per cent of all Army personnel in Europe have tried an illegal drug at least once. Sixteen per cent are using illegal drugs more than three times a week. Thirty per cent of that last group have used drugs more potent than hashish, itself eight to 10 times as powerful as marijuana.

Two other figures show another side of the drug problem: 78 per cent of the soldiers now using drugs first started *before* coming to Germany; and 65 per cent began *before* entering the Army. That means 22 per cent of the drug users first began in Germany.

The European drug situation is unique in one respect. Hashish, relatively uncommon in the United States and Vietnam, is used by the vast majority of soldiers. Hashish, a resin extract from the hemp plant *Cannibus sativa*, is imported from the Middle East and Mediterranean areas. It is easily available in every Army installation. The soldiers buy it in small, compressed brickettes that are named according to their color and source—Turkish green, Afghanistan black, Lebanese red. They pay from $1.25 to $2.50 a gram for it (in the United States, prices would be from $5 to $30 a gram). It is smoked in pipes. In their terminology, they "break a bowl."

"It makes you feel real funny," one user said. "Like I'm numb and floating. That's about the only thing it does for you; it makes you relax."

The doctors think otherwise. They say the use of hashish, or hash, can produce marked personality changes. It instills apathy, confusion, fatigue, passivity and paranoia. Hardly the ingredients for an effective Army. And it is related to serious bronchial disorders.

As Dr. Tennant says:

"The overwhelming observation regarding hashish in West Germany is the tremendous abuse rendered it by some American soldiers. Some soldiers report the spending of the majority of their monthly paycheck on hashish and the smoking of the drug on an hour-to-hour habitual basis, just as tobacco is smoked. The smoking of 150 to 200 grams of hashish per month—that's the equivalent of many hundred marijuana cigarettes—is frequently described by soldiers."

Dr. Tennant is probably the leading expert on drug usage among American troops in Germany. He has been conducting virtually a one-man drug education crusade. It was Tennant who set up the first drug abuse center, called the Now House, for soldiers in Europe. How the Now House was established at Wurzburg says a great deal about the Army's initial steps to handle its drug problem.

"I didn't ask permission to do it," he says, "I just did it and told them about it later. If I had put in to do it they'd still be agonizing about it."

He not only established the clinic under the Army's drug amnesty program, where a soldier is promised judicial immunity from what he tells his doctor, chaplain or commander. He also provided his own money for it.

With his own $500, Tennant began paying for the drug education charts, the drug newsletter in the form of comic strips, and for the gasoline and meals for the six volunteer workers who travel with him from base to base. When two of President Nixon's closest White House advisors, Robert Finch and Donald Rumsfeld, were in Germany, Tennant briefed them on the drug situation by using his charts. They didn't know those charts were prepared by private donations, including money raised from a drug abuse booth at a German carnival. Even today, Tennant is still paying expenses from private sources.

What worries him most about the drug scene today is new evidence about one of the deadliest narcotics—opium. "Our opium drug usage rate has almost tripled in the last three months," he says.

His alarm is reflected at the highest levels. As Gen. Michael S. Davison, newly arrived from Vietnam as the top American Army commander in Europe, says: "A drug addict is a walking suicide." He also says: "Heroin is only beginning to make its appearance over here. Well, that's enough to scare me right there—when they say it's only beginning to make its appearance—because it's most insidious. It's hard to detect. A guy could be on it with light to moderate addiction and you'd never tell because he could still fly an airplane or do a complicated task. It's a very insidious thing."

Gen. Davison was speaking from personal knowledge. He knows from his experience in Vietnam what heroin can do to the Army. "Conservatively, I would say 10 to 15 per cent of E-5s and below in Vietnam were on heroin," he says. That figure is even more alarming because the heroin used in Vietnam is infinitely more powerful than that available elsewhere. One drug expert, for instance, estimates that good quality Southeast Asia heroin is 20 times stronger than what a user could get in the District of Columbia.

At this writing, there is no way to estimate accurately the extent of heroin usage at Army posts in the United States. There is no question it is widespread. Like hash in Germany, it is easy to get—everywhere. At Ft. Dix, N.J., you can buy it for $5 a bag. At Ft. Bragg, N.C., you can get it for $10 a hit. At all bases the story is the same: American soldiers, deeply involved in the hard drug culture, either willingly or through gang coercion or group pressure, forced to find money to support an expensive and destructive habit.

For the pusher, the rewards are immense. Some soldiers are earning from $500 to $600 a week dealing in drugs. "One week ago," said a medic working in the drug program at Ft. Bragg, "a guy told me he had just made $2,000 from one trip to Miami where he gets his stuff. And he was bragging about using Army gasoline for the trip."

For the addict, the tragedy is immeasurable. There are American soldiers at Army bases in the United States earning $280 a month who are spending from $100 to $200 a week for heroin. And where do they get the money? The answer is simple. They steal.

Or, as a psychiatrist at Ft. Bragg put it: "They have to steal."

"Look at this way," he said. "Let's say you have just a hundred soldiers spending $3,000 a month for heroin. You're talking about $300,000 a month from just that one small group. It adds up to millions and millions of dollars. They steal from the Army, and they steal from their fellow soldiers. They steal anything from shoes to T-shirts, but stereo tape decks, record players and Army blankets are the most common items."

The soldier then pawns the items, and uses the money to buy more drugs.

Serious as the resulting crime is, it pales into insignificance beside the human wreckage. Take the sight these reporters encountered on their first night on an Army base as research for this series began.

The base was Ft. Dix. Walking back to the post from a motel, we noticed a group of young soldiers in uniform sitting on the grass, literally outside the main gate. They were sniffing cocaine out of cellophane bags, and they were incoherent. One of the soldiers suddenly jumped up and began flapping his arms like a bird in flight. Then he ran to a pine tree several feet away, first trying to climb it, and then simulating making love to it. All the time, he uttered squawking sounds.

It was a scene straight out of Dostoevsky.

Later a colonel at Ft. Bragg told this story. On a Sunday in one of the barracks in his battalion, he said, a soldier began to go into convulsions from drugs. Four other soldiers were in the barracks at that time. They sat and watched the soldier thrashing on his bunk, but did nothing to help him. A sergeant happened to walk into the barracks at that moment. He immediately called for help, took the soldier to the hospital, and saved his life.

"I called in those four soldiers, one by one, after that happened," the colonel said. "Two of them were the best soldiers in that group. And I asked them why they hadn't done anything.

"Basically, the answer that came back was that soldier on drugs had been causing a lot of problems in the barracks. They had tried to do something about him, and had failed. They had given up on him. So when he went into convulsions they felt it was his own decision, and his own funeral."

Such incidents do not answer, of course, the harder question: why the soldiers turn to drugs. Dr. George F. Solomon, associate professor of clinical psychiatry at Stanford University's School of Medicine, offered one opinion when he testified in mid-June before the Senate Subcommittee on Veterans Affairs, Alcoholism and Drug Abuse. He cited the example of a pilot whom he called "X."

"'X' was considered a 'gung-ho' soldier," he testified. "He deeply resented antiwar demonstrations at home. After Vietnamization of the Delta, he was involved in ferrying ARVN (South Vietnamese) troops by helicopter to areas of operations in the Delta. Frequently the South Vietnamese soldiers were reluctant to land and had to be forced from the 'choppers,' sometimes by beating their hands as they clung to the runners. Two of X's friends were killed by bullets from U.S. M16 rifles shot by resentful ARVN troops after they had been landed. 'X' turned to heroin in order to be able to keep flying, while many of his friends refused flying status. He is now militantly antiwar."

Obviously, there are other factors. Not only the Army but American society is attempting to understand them all.

But understanding the problem is a long way from solving it. Only in recent months has the Army even conceded it has a major drug problem. It wasn't until May 11, for instance, that Ft. Dix initiated a drug abuse program. A drug educational center at Ft. Ord, California, didn't open until last January.

"When we started we had no guidance from anybody," said an officer at the Ft. Ord center.

That isn't to fault the Army for a lack of effort, will or good intentions. What comes over after visiting a number of drug abuse center programs both here in Europe and in the United States, however, is the multitude of problems associated with them. Everywhere, there is confusion among those running the programs about what they can and cannot do; about whether their mission is to treat and rehabilitate, or treat and discharge; about following up the patients after they are sent back to their units; about how to stop the ubiquitous pushers and dealers. Money and trained personnel are critically short, and at this stage the Army is only barely beginning to penetrate the layers of the drug culture in its ranks.

More important are the attitudes of some noncommissioned officers and unit commanders. No matter what Army policy may be, in reality these men all too often regard the drug user as a criminal to be punished.

The officer in charge of one of the Army's major American drug centers, at Ft. Benning, Ga., spoke candidly about the drug amnesty program as it is preached—and practiced.

"By and large, the drug amnesty program is bull—," he said. "It's a step in the right direction, but when it comes to the implementation of the amnesty regulation, it's just so much crap. It serves to con a kid into surfacing. It cons him into identifying himself as a drug abuser, but in asking for help he's said, 'Look, I'm one. I have a big X on my chest—you'll know me from here on in.' Well, from that point they won't say 'Take him down and throw him in the stockade immediately' for having said this. Again, they comply to the letter of the regulation. But the spirit of the regulation says to help the man to help himself. Instead, the reality is this guy winds up on a host of unpleasant tasks.

"He's being ostracized by the hierarchy of his particular unit. There are a lot of adverse things happening to him that add to his problem. They make life a hell of a lot more frustrating for him. Finally, he throws up his hands and says, 'To hell with it. Why should I do this?'"

The officer gave two personal examples that came to his attention recently. A young soldier on drugs who had sought help from the amnesty program was held for two hours after his company was released from duty for the day. Another soldier from an infantry unit was placed on what he called "dum-dum duty"—permanent telephone duty in the orderly room.

"And I can't use this example too clearly because it might identify him," he went on, "but we've had a high-ranking officer taken from a fairly effective position to a noneffective position like cleaning out the commodes."

The soldiers know these situations all too well. Consequently, only a handful of actual drug users seek help through the amnesty program. They also know that some officers are more interested in protecting their fitness reports—and their chances of promotion—than to concede they have a serious problem.

A commanding general illustrates that attitude by telling of the time he visited a captain. "What's your drug problem like, captain?" the general asked.

"No problem, sir," the captain replied briskly.

The general looked hard at the captain, and said: "Captain, you've got your head up your ass."

Like the problem of crime in the barracks already described in these articles, the one of drugs cannot be overstated. In the long run, it is probably the most vexing of all—not only for what it does to the soldier's ability to function, but for what it says about his mental outlook.

"About 90 per cent of the people I deal with say they take hard drugs because it helps them to forget the Army," said a medic working with drug patients at Ft. Bragg.

Then, in a reflecting moment, he added: "I go back to the barracks at night and feel very contemplative. I wonder how many people are using it, and I wonder why I haven't. At times, it gets a little depressing."

He also confessed to another emotion.

"Futility. Not futility at the Army, but futility at the task to be done."

Key to GI Drug Taking: Cause, Not Treatment

(Note.—Capt. Dean M. (Mike) Steffy, a Ph.D. in anthropology from Penn State, has been working for a year with the Army's drug education program at Ft. Bragg, N.C., one of the Army's showcase drug center operations Here he gives his personal—and candid—observations of that program, and how it works within the Army.)

The general had just started his drug program and the deputy G–1, Col. Nelson, talked to me and he said, "We need somebody to work in education. Do you have any ideas?" And I said, "Do I have ideas!"

I was a little bit snowed at the beginning because I know the Army has the potential to be much more efficient than civilian life because it has a more clearly defined structure. Civilians are messed up because there's no responsibility and you can't ever find anybody to say, "why did you do it?" But in the Army at least you don't have that, I thought. And here was a general that looked like he was trying to do something about the problems and in the beginning I was snowed. I said, "This is fantastic. I never dreamed I could get involved in something like this."

So I began to work, but then I began to realize that they knew they had a problem but they just weren't sure what the problem was.

They were at this very naive stage of saying "these young people just don't understand what drugs are and don't know how they can hurt themselves. If we just tell them everything will be all right, then they'll understand." You and I know it's much more complex than that.

So I realized I had to put together an education program which looked like the one I was supposed to be doing, and that's educating the troops, but my program actually was going to have to be to educate the people I was working for first—before we could get to a point where we could talk to the troops.

One of the things that bothered me was the main thrust of the drug program here was to put people into the hospital. They emphasized treatment of the individual drug user.

It isn't really a medical problem. It isn't really a psychiatric problem, although it might be a community health problem. It's a cultural problem; it's got to be looked at in a much broader perspective than simply treatment. If we attempted to solve the drug problem by treating each individual through psychiatric evaluation and inneraction we would have to turn half this nation into psychiatrists to deal with the other half that are using drugs. It just does not work that way.

A young person today is ripe to get involved with drugs because the whole cultural context of the drugs in the beginning was that these will put your head in the right place. They'll show you where it's at; they'll tell you what to do.

What this requires is some cultural understanding. And what has been happening in the last 20 years has not been understanding. Communications have broken down. People are not communicating. That scares me to death.

The people up in headquarters, the general: he doesn't know or begin to understand what's going on out there. And it destroys me because his leaders don't tell him. I always thought one of the principles of leadership was to tell your boss what the hell was going on. And I've tried to follow that principle, but I've discovered that it's gotten to my boss and hasn't gone any further.

I'm not really concerned about turning people on or off drugs. People work out their understanding about drugs themselves. Personally, I don't think there's too much we can do to turn people off them. You just can't convince anyone that drugs are bad.

The simple fact is that there is overwhelming evidence that cigarettes are bad. People know this, but they still say, "All right, I'll risk it. I'll still smoke cigarettes." And I happen to believe that they have a right to decide.

We're suffering from the fact right now that we have a bunch of young people in the military who, having been prepared by all the institutions in society—the family, the church, the schools, everything—haven't been prepared for what's going on here in the military. They hate the Army. They just hate it. It blows their minds. And some of them use drugs to rebel. There are are number of reasons why individuals use drugs. Lots of guys do drugs because they're bored. There's nothing better to do.

Here at Bragg the major emphasis on drugs is heroin and psychedelics.

It's cool to be a junkie, you know. You're doing illegal, underground activities that are sort of anti-society, which a lot of young people are anyway. And they're excited about it. And it gives you something to do you think is valuable and worthwhile while you're waiting to get out of the Army.

We have guys who come into the rehabilitation program who say, "Will you help me get off drugs?" We say, sure, why do you want to get off? And they say, "Because I'm going to leave the Army." Then you ask: "If you were going to stay in the Army would you get off?" And they say, "Hell, no, I'd stay on."

It's impossible to estimate how many are on it, but there's a lot of drug use here. I think we ought to put this Bragg drug situation in perspective. There is certainly much more heroin in New York, Washington, Baltimore, even Richmond. But I think the per capita use of heroin in this area is probably larger.

What's it do to the Army? It worries a lot of people. But I don't think that drugs in themselves have done very much to the Army, frankly. Everybody would like to point to drugs as a major cause, but it's merely a symptom of some problems that were happening to the Army long before drugs ever became popular.

Now, there's an economic factor to all this. The guy can't get $200 a day to sustain his habit, but he might get $60 or $80. To get that kind of money, he deals drugs. He's a hustler. He cons people. He probably owes 6,000 different people money. Another way is to steal. He steals from the Army and from the other soldiers. He takes the stuff downtown and sells it. He get money from a businessman to buy his own drugs. That guy is in business to make money and he makes it by helping the drug trade.

The Army is just beginning to become aware of how complex and inter-related its problems are. One of the things I'm pushing for the general here to do is to create a council on human resources in command that advises him directly on his human resources problems. Right now they have recognized two problem areas that are related to the big problems—drugs and racial issues.

These are part of the big problem in the Army. And so they've created two programs that they've sort of stuck into the headquarters structure up there. The programs are less than they should be because they are being coordinated by a guy who's also supposed to be doing 6,000 other things at the same time.

The end result is nothing gets done. There are very few full-time people working on developing programs.

[From the Rome (Italy) Daily American, Sept. 7, 1971]

Answer to Pentagon Woes

(By Col. Robert D. Heinl, Jr.)

Washington, Sept. 7.—In 1780 after Horatio Gate's disastrous rout at Camden, George Washington despairingly wrote Congress, "what we need is a good army, not a large one."

By its summer paralysis of the draft, Congress may be doing the national defense an unintended service.

Conceivably, this dog-days deadlock may even have compelled the Pentagon to relearn what George Washington so succinctly stated: in war it is quality that counts.

Even now, after only a few weeks of congressional cold turkey, military manpower planners already appear to be experiencing withdrawal symptoms and are looking harder and sooner at the stern implications of a no-draft situation that Congress seems in no hurry to remedy.

The death's head that grins at Defense Secretary Melvin Laird, at the Joint Chiefs of Staff and, of course, the manpower people is that, without the draft, we may simply be unable to raise anything like the number of soldiers required to maintain 13½ divisions and, as they say, "meet our commitments."

Meet our commitments. The phrase is a portentous one.

Under current contingency plans we have to be ready to fight at least one-and-a-half wars (until recently it was two-and-a-half). We have to keep eight divisions earmarked for NATO (four actually in position in West Germany). We have to maintain a strategic reserve. X plus Y plus Z equals 13⅓ divisions.

Yet the hard reality, given the present collapse of their morale, discipline, self-esteem, and battleworthiness, is that the armed forces, by private admission of numerous senior officers, are today not fit to fight half a war, let alone one-and-a-half—even if we had 33½ divisions and a thousand percent military pay-raise, too.

In the recent uproar over Montana's Democratic Sen. Mike Mansfield's proposal to cut U.S. forces in Europe—again, a controversy over commitments—what nobody seemed to recognize is that an American division in West Germany right now virtually amounts to a gap disguised as a combat division.

If the Russians were to march next week, the true state of affairs would become quickly evident, just as the condition of our division in the Far East became quickly apparent in July 1950 when we tried to stem the North Korean onslaught.

Gap Disguised as GI

Moving from the macroscopic to the microscopic, an unwilling, demoralized draftee is, under today's conditions, a gap disguised as a soldier.

To test that proposition we have only to look at our remaining forces in Vietnam: seditious, near-mutinous, avoiding combat, drug-ridden, murdering their officers, racially tormented, and unfit and unwilling (save among such brave exceptions as the chopper pilots and the advisers) to fight.

In Europe (according to senior commanders who will speak frankly) disintegration and loss of military control, though less dramatic, are nearly as appalling.

Given these awful givens, certain facts have to be faced, and Congress, by stalling the draft, may be forcing the public and the Pentagon to face them.

—The armed forces, with some exceptions, need to be rebuilt from the ground up. Nothing less will do.

—The only serviceable building materials for the new armed forces will be men who want to be soldiers, sailors, or airmen. "True volunteers" is what the Gates Commission called them, and true volunteers alone will serve the purpose.

[From the National Observer, Sept. 18, 1971]

Germans Fear Loss of "Little America"

From Kirch-Goens, Germany.—Wilhelm "Willy" Brauner is making a commercial desert bloom here with the aid of a monetary irrigation system controlled from Washington, D.C., but he's nervous in his prosperity. Herr Brauner worries that the tap will be turned off, either by U.S. Sen. Mike Mansfield or by East-West moves toward *detente*.

Herr Brauner's combination clothing store, laundry, and dry cleaners is on the edge of Kirch-Goens, a tiny farming village 25 miles north of Frankfurt. It's hardly an ideal location—except that the U.S. Army's Ayers Kaserne (barracks) is smack across the street. The 4,000 clothes-conscious GIs of the 1st Brigade of the 3rd Armored Division provide Herr Brauner with what he terms a "good business."

How long it will stay good is problematical. Senator Mansfield was defeated last May when he attempted to get Congress unilaterally to have the 300,000-man U.S. garrison in Europe. But two later developments—the floating of the German mark and the Sept. 3 Big Four accords on Berlin—could significantly affect the U.S. Community in Germany.

The German mark has risen about 8.3 per cent in value against the dollar since Germany began floating its currency last May. Last week U.S. Army authorities in Heidelberg said that this rise, an effective devaluation of the dollar, will increase the Army's European operating expenses $31,500,000 this fiscal year. Heidelberg asked for supplemental funds to cover the increase.

Senator Mansfield's aides said last week that he will reintroduce troop-reduction legislation in Congress, but that the form and timing of his planned bill are still undecided. He lost his first battle partly because the Nixon Administration adamantly opposed him, partly because Russia surprised everyone by announcing its readiness to negotiate mutual East-West troop withdrawals from Central Europe.

Individual members of the North Atlantic Treaty Organization (NATO) have been discussing these withdrawals with the Soviets. Their progress will be reviewed at a high-level NATO meeting in Brussels next month.

A NATO spokesman said last week that there is no direct connection between the Berlin accords and the Brussels meeting. However, the accords certainly can't hurt the discussions of mutual reductions. And if the East-West talks make no progress, Senator Mansfield will still be in the wings, ready to push for unilateral U.S. cutbacks. If so, he might find many more backers than before in a nation made acutely aware of its balance-of-payments problems by the sudden flotation of the dollar.

Either way, things don't look too good for Willy Brauner. "If they pull out, I'll open a shop in Frankfurt," he says. "I speak German, English, French, and Italian. I have studied commercial science. Besides," says the dapper, silver-haired Herr Brauner, "I didn't think it [his business] would last this long. I thought when I started, maybe 10 years. And now it's 15."

That's how it is with the peacetime U.S. military community in Germany. No one has ever known how long it would last; now it's 26 years old. Along the way it has become a highly developed, permanent-looking little America. And it has acquired a corps of men and women who have grown old in its service.

The community occupies huge tracts of land and hundreds of millions of square feet of building space. Its population, outnumbering Wyoming's, is served by American schools, hospitals, newspapers, AM and FM radio, a limited TV network, garages, shops, department stores, banks, and several Alpine resorts in such chic locations as Garmisch-Partenkirchen and the site of Hitler's "Eagle Nest" retreat, Berchtesgaden.

THE COMFORTS OF HOME

A large cut in force could so alter the U.S. military community in Germany that it would become more of an encampment than the state-within-a-state that it is today.

Consider first its vital statistics:

Although down from its peak, the community's population of 375,000 is greater than Wyoming's by about 47,000, according to Government statistics. It includes 220,000 military personnel, mostly Army, 15,000 U.S. civilian employes; and 140,000 dependents. In fiscal 1970 there were 12,363 births and 391 deaths in the Army's 15 hospitals in Germany.

Land used by the Army alone (excluding the Air Force) totals 460 square miles, or more than one-third the area of Rhode Island. The Army occupies 254,000,000 square feet of building floor space.

The community is served by 779 installations of the Army and Air Force European Exchange Services (EES), a higher-powered relative of the American PX. At EES stores military men can buy, tax-free, such items as refrigerators, furs, TV sets, groceries, automobiles, and furniture. EES service stations sell gasoline to the community for as little as 21 cents a gallon, about one-third of the local price. Sixty-five American Express offices on military installations provide banking and travel services.

Some 2,500 teachers instruct American dependents in military-run U.S. schools. The Nuremberg stadium where Hitler conducted rallies in the 1930s now is used for American high-school football games.

The Armed Forces Network, with European headquarters in Frankfurt, broadcasts 24 hours daily, bringing to the community (and to millions of Europeans) news, sports, platter-chatter shows, and such golden oldies as *Suspense, Fort Laramie, Our Miss Brooks, Dragnet,* and *Gunsmoke.* AFN also has a separate FM-music service. Television (which isn't receivable throughout the community) is run by the Air Force. Print media are numerous. Stars and Stripes, the authorized military daily, is supplemented by other publications, best known of which is the racy, muck-raking tabloid, Overseas Weekly. American books and magazines are sold at Stars and Strips-run newsstands.

THE COMMUNITY'S THREE LAYERS

Viewed broadly, the community has three main layers. The outer layer consists of German businessmen such as Willy Brauner who sell to the community; retired U.S. soldiers who shop at EES; and former GIs now in military-related businesses. The community's foreign and American civilian employes comprise its middle layer. At the center are the military men.

Surrounding and intermingling with the community are German citizens. One measure of this interaction: Between 1945 and 1969, the German Federal Statistics Office says, 120,000 to 130,000 German women married U.S. soldiers.

James Carter, 25, a slim, bearded, black Chicagoan, works in the community's outer layer. An assistant in Willy Brauner's shop, Mr. Carter was an Army data processor in Giessen and served in Frankfurt before being "separated" last January. He returned to Chicago—for two weeks. Disillusioned by race prejudice and black unemployment, he says, he "called Pan Am and said, 'Get me out of here.' " Over his family's protestations he flew back to Germany and got a job with Herr Brauner.

BLACKS FIND ACCEPTANCE

"The whole feeling [in America] is, 'I'm for me and to hell with you,' " says Mr. Carter. "It's a rat race. It's all, 'Get that dollar.' People may look at me over here, but that's just curiosity. In the states, they try to push you into a corner because you're black." Mr. Carter intends to stay in Europe even if the troops leave.

Just down the road, near the Kirch-Goens railroad station, another black former GI, Alfonzo Kennedy, 32, runs a bar. He first came to Germany in 1962 and was assigned to the Army Fire Department at Friedberg. In 1967 he also began managing a civilian club for GIs, and he decided to get a European separation. "I intended to stay just one year," he says. "But business was going good, I was having a lot of fun, so I'm here right now."

That's not unusual. Each month some 300 soldiers elect to take their separations in Europe (mostly in Germany). They're guaranteed a Government-paid trip home for one year. Many don't take the free ride. Some never go back.

A year ago Mr. Kennedy and a German partner took over the Gasthaus Winter, a languishing GI bar in Kirch-Goens, renamed it the Playboy Club, and added a strobe-lighted discotheque. Mr. Kennedy says he gets 150 to 250 customers nightly when the troops aren't in the field.

WHITHER GI BUSINESSES?

The bar's customers are 95 per cent American, most of them black. But Mr. Kennedy is convinced that if the troops should leave Kirch-Goens, he'd be able to find new customers. "Once you know the business," he says expansively, "you can shift people. I get people from Berlin, Denmark, Munich. . . . The people come here because of the way I live. I know how to do it."

By no means all the GIs who stay behind are black.

Outside the large U.S. Army base at Fuerth, near Nuremberg, Ronald Price, 33, a soft-spoken, reflective former Oklahoman, runs a combined Volvo dealership and auto-financing and insuring agency.

The community is a good market. Army personnel in Germany own some 80,000 private cars, trailers, and motorcycles, and insurance is compulsory. Studies have shown that the average Army man in Europe spends $1,000 a year locally. For the 220,000 military men in Germany, that totals $220,000,000.

AN UNCERTAIN LIFE

Mr. Price took an overseas Army separation in 1961 after serving in Bamberg. "I wanted to do a little traveling and, as it usually happens, I didn't have the money, so I started working," he says. He hasn't been back to the states since. His German-born wife and his children, ages 5 and 11, have vacationed with his parents in Oklahoma, and his parents have visited him in Germany. But for himself, "I don't really miss anything—put it that way."

The possibility of troop cuts maintains uncertainty in his life, Mr. Price concedes. "It doesn't do anything, of course, for the family's settling down into a permanent groove sort of thing." His children, who have dual citizenship, go to German schools. His wife would like to move to America.

Mr. Price isn't sure he'd go back if a substantial troop cut came. A former printer, he's fluent in German and believes that if necessary he could reorient his business to a German clientele. "But the competition would be fierce," he says. "I'd have to start all over again."

THE ARMY'S GERMAN ('DEPENDENTS')

The community's middle layer is the 70,000 foreign civilians and the 15,000 U.S. Government civilians working for the military. A big troop cut would substantially alter their lives too.

Government statistics show that 16 per cent of the Army's foreign employees in Germany have worked in Uncle Sam's vineyards for more than 21 years. Hundreds have celebrated 25 years' service in the last two years.

Similar statistics aren't available for U.S. civilian employes, but many have been in Germany since World War II ended. Although they probably could get Government jobs in the U.S. if their positions here were wiped out by a reduction in forces, some are so deeply involved in Germany that they might never leave.

"More German than American" is a comment frequently heard about them. A 58-year-old former Army captain, an Army civilian employe in Germany since 1946, says he "might or might not" go back if he lost his job. "My wife [a Viennese] and I have no children, so I have no family in the states. I'm not a worrier. I've been reading for a long time about possible troop cuts. I'll wait and see."

PRIDE, STATUS AT STAKE

A high-ranking, German-civilian Army employe, in the Nuremberg area—call him Herbert Reich—is less tranquil. A middle-aged man who slightly resembles West German Chancellor Willy Brandt, he says of himself and his fellow workers: "These people have developed a certain status in their community. They have their pride, they have had their job for many, many years. And everything centers around it: their house, their children, their futures."

A reduction in forces "will be a definite cut in their lives," no matter what compensation the Army gave dismissed employes, he says. Forty per cent of the Army's German employes in his area are over 50 years old. Herr Reich says that Germany's low unemployment rate (less than 1 per cent) and the demand for workers that has built up a 2,200,000-member foreign-labor force in the country don't guarantee a job for Germans whom troop cuts would leave unemployed. "Our jobs don't necessarily match those in the economy," he explains. "We don't manufacture a product that has to be sold."

WHY DID THEY STAY?

Why have some Germans stayed for 25 years in jobs they knew might not last? An American colleague of Herr Reich's who also prefers anonymity observes: "After the war the country was absolutely devastated and the occupation forces provided the only real work. These jobs started putting people back on their feet. These were only temporary jobs. Who knew how long the occupation forces would stay? Five, six, seven years? Everybody was only a temporary employe. And here they are, 26 years later."

German employes don't get any special retirement benefits from the U.S. Army. They get a German-government social-security pension from a fund to which the Army, like other employers, must contribute.

Strategic implications of a U.S. troop reduction weigh as heavily as economies on many Germans' minds. Herr Reich, emphasizing that he is now speaking as a German citizen and not an Army employee, voices the worry of many Germans: "From a strategic point of view, if the Russian armies are reduced 50 per cent, what has anyone gained except them? If they move back entirely from East Germany, they still are in Poland. If the Americans [reciprocally] leave Germany, well, they have left Europe."

West German Defense Minister Helmut Schmidt wrote in the U.S. quarterly Foreign Affairs last fall: "An opinion poll recently conducted in Germany [showed that] 66 per cent of those polled—and 79 per cent of all *Bundeswehr* [German armed forces] soldiers—felt that without American troops, Germany would be overrun in the event of Communist aggression. Thus [a hasty or premature] American pull-out might indeed cause a psychological landslide and impel a despondent Western Europe toward its first major reorientation since the end of World War II."

WILL IVAN REPLACE JOE?

This is the view too of Klaus Ronge, 32, a police first sergeant in Butzbach, a town of 17,000 near here. At Butzbach is Schloss Kaserne, a 1,000-man U.S. communications and artillery garrison. From the ground floor of Butzbach's Seventeenth Century town hall, Sergeant Ronge gazes out the window at the fountain in the main square, where young men and women are rendezvousing on a Saturday night. He doesn't mention it, but before the night is out he may have to deal with an incident involving one of the numerous drunken U.S. soldiers who will be roving the streets. Nevertheless, he says, "If the U.S. left, the Russians would be here within half a year."

Sergeant Ronge notes philosophically that foreign troops are nothing new to Butzbach. Workers digging foundations for the Army's housing area there found relics left by a Roman garrison.

German opinion about U.S. troops divides along generational lines, says an officer at headquarters, U.S. Army Europe (USAREUR) in Heidelberg. "Older people fear invasion if we left. The younger people want everyone to withdraw and think everybody would love each other then."

THE YOUNG SPEAK

Hans ter Wolbeek, an 18-year-old student from Baden-Baden, says: "I don't think troops are the way to keep peace in Europe. We should have mutual withdrawals by East and West."

His companion, Heinz-Juergen Hinninger, 19, adds: "It is too expensive for Germany to keep the troops here. Yes Germany is rich. The capitalists are rich, but many of the people live under poor conditions."

The cost he refers to arises largely from arrangements under which the Germans "offset" the balance-of-payments strain on other governments arising from maintaining troops in Germany. It costs the U.S. $1.2 billion in foreign exchange annually to support its German garrison, but the German government takes steps to return a large part of that amount to the United States. The Germans have said, however, that they won't increase their "offset" payments to cover U.S. deficits caused by their currency's higher value in relation to the dollar.

At the core of Germany's Little America—and the reason for its existence—are the U.S. soldiers. In Heidelberg a USAREUR spokesman maintains that it is for America's statesmen, not its soldiers, to determine the level of U.S. troop strength in Germany.

INFLUENCE AT STAKE

But the spokesman also adds: "The fact is that there is a threat here. The Navy, I guess, is scared to death in the Mediterranean. The Russians have got a whole potful of divisions in East Germany and Czechoslovakia. They've got them equipped with the most modern equipment. They're training hard. One of the factors you've got to weigh is, do you want to have any influence in this part of the world?

"If national objectives deem that we should remain here as part of NATO, then we'd better take care of our soldiers," the spokesman continues. He says many of the barracks, some predating World War I, are "deplorable" and that military police consider poor living conditions a prime factor behind crime in the military. USAREUR confirms as "substantially correct" an estimate that crime by U.S. soldiers in Germany rose 24 per cent in 1970 over 1969. Racial clashes, drug use, and disciplinary problems abound.

EYES ON THE PENDULUM

USAREUR officers say a basic problem has been Vietnam, which has drained money, soldiers, and officers from Germany, but these officers (and some in the field too) assert that things are looking up. "For a long time we suffered from a drawdown for Vietnam," a spokesman says. "Justifiably so, top-rate equipment and top priority went to Vietnam." With demands from Vietnam dropping, "the pendulum is starting to swing, and in the last year we're getting modern, up-to-date equipment like the M-16 rifle, which has been the standard combat infantryman's weapon in Vietnam for years."

The spokesman adds that past manpower needs of Vietnam meant that "we were turning over people at a very fast rate. Now we've stabilized. Company commanders will have companies for a year and battalion commanders have been stabilized for 18 months." These changes should help control drug and race problems, he says.

The whole Vietnam experience may have heightened the possibility that Americans may seek major troop withdrawals from here. But meanwhile, most Germans, at least, seem to want their "Little America."

QUORUM CALL

Mr. MANSFIELD. Mr. President, on my own time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Montana (Mr. MANSFIELD) is now recognized for not to exceed 15 minutes.

THE NEW ECONOMIC PROGRAM AND WESTERN EUROPE

I. INTRODUCTORY

Mr. MANSFIELD. Mr. President, this statement to the Senate is in the nature of a summary of my impressions of reactions in Western Europe to the administration's new economic program. In due course, I shall file with the Committee on Foreign Relations a formal report on this subject. The observations which I make now and others which will be contained in my subsequent report flow from a recent visit to various European states and, briefly, to Morocco. Some of these states are members of the European Economic Community and others are on the verge of membership. All of them are affected directly or indirectly by the new economic policy.

I held direct exchanges with U.S. Embassy personnel and government leaders in seven countries. These conversations were supplemented, under my direction, by staff reports from still other areas. The journey culminated in Paris at the 59th Interparliamentary Union which I attended for 2 days. The focus of the study was the new economic program although in Morocco and elsewhere other subjects were raised. In Paris, I made it a point to eschew discussions of Vietnam with the various delegations to the Paris Peace Conference.

My principal concern was to weigh European reactions to the new economic program for communication to the Senate. Wherever I went, however, I also took occasion to emphasize to European leaders the urgency of the economic problems at home which had led to the promulgation of the program. I pressed for their understanding of our situation even as the people of the United States have shown understanding to theirs on many occasions in the past. Invariably these exchanges were frank and friendly and, at the same time, reassuring of the continuance of a high degree of mutual consideration between Western Europe and the United States.

II. EUROPEAN REACTIONS TO THE NEW ECONOMIC PROGRAM

The European nations have been aware of the economic difficulties which have been gathering for the past several years in the United States. They have watched the unchecked inflation, the persistent high level of unemployment, and the shifting trade flow with deep interest and concern. Indeed, a number of major European countries have long been pressing the United States to take strong measures to correct its payments deficits.

The alarms which had been rung in the Senate and elsewhere had reached Europe. Closer at hand, European governments also had evidence of the ineffectiveness of the initial remedies for this Nation's difficulties. European central banks were witness to gyrations in gold prices, periodic speculative rushes of dollars from one currency to another and other manipulations in the European financial markets.

Notwithstanding these harbingers, the first reaction to the new economic program was one of stunned surprise. European nations groped for a proper response to the administration's new course and for new footholds for their monetary policies. Under EEC leadership, an effort was made to find a common European approach. It was not successful, largely in consequence of the great divergencies between the positions of France and Germany. For the present, therefore, the European nations are acting individually and with a variety of responses. All of the reactions, however, to one degree or another, involve some degree of free market determination of the present value of the dollar. Nor are the forthcoming monetary conferences expected to make much difference in the situation.

There was a certain inevitability in the initial European shock. The administration's course was a drastic change in direction which for three decades, had assigned to a stable dollar-gold relationship the central role in the commerce of the North Atlantic nations and much of the rest of the world. Moreover, the impact was intensified by the suddenness of the announcement as well as by the nature of certain of the specific remedies which the administration chose to pursue.

The first wave of reaction has now passed. In a calmer aftermath the Europeans tend to acknowledge that the need to shore up this Nation's financial position was long past due. If there ever was any tendency to gloat over our economic difficulties, as some earlier press reports indicated, it has long since passed. The fact is, that the European stake in the outcome of the President's program is very great. The stability of the U.S. economy still lies at the base of North Atlantic commercial relationships. In turn, the well-being of all of Western Europe is still intimately woven into those relationships.

That the European governments are understanding does not mean that they concur in every aspect of the administration's new program. On the contrary, they are articulate in setting forth differences. Certain European nations, for example, would have preferred that the currency readjustments take the form of a revaluation in the price of gold rather than the suspension of the relationship between the metal and the dollar. The preference for what might be termed gold levitation over dollar floatation is not too difficult to understand. As the Europeans see it, a rise in the fixed price of gold would not only have forestalled the necessity for revaluations of their currencies but it would also have increased greatly European exchange reserves which are now held extensively in gold.

There is also concern that the proposed investment-tax credit is to apply exclusively to purchases of U.S. origin. From the point of view of European self-interest, a tax incentive for U.S. industries to "buy American" can only serve to reduce the competitive effectiveness of many European manufacturers—notably of machinery—in the U.S. market. The proposed repeal of the excise tax on automobiles is similarly regarded as a blow on a blow to European exports in most of those nations which are heavily committed to the sale of vehicles in the U.S. market.

III. THE TEMPORARY 10-PERCENT ADDITIONAL IMPORT DUTY

The most universal reaction to the new economic program, however, is reserved for the general 10-percent add-on, or surcharge, with regard to U.S. import duties. All of the European governments oppose the provision although certain countries are hit more directly and painfully than others. Recession and unemployment are now anticipated among certain European exporters of highly competitive commodities such as shoes, jewelry, and watches. On the whole, however, the European economies do have alternative sources of trading strength—notably the inner market of the European Economic Community and they appear sufficiently stable to be able to absorb the increase in duty without widespread disruption.

There is little disposition to challenge this increase under the General Agreement on Tariffs and Trade. Nor is there any inclination to engage in or to threaten reprisals. The fact is that there are unchallenged European precedents for the action which has now been taken by the United States.

Objections to the increase in duty are expressed largely on philosophical grounds. It is described as a step back from freer international trade which, to call a spade a spade, is what it is even on a temporary basis. As noted, however, it is not the first happening of that kind in the Western trading community. Other nations have made similar retrogressions. That the step now looms as a giant one in European eyes is because it has been taken by the largest nation and over the past several decades one of the most consistent advocates of freer trade.

Hence, great stress is laid on the "temporary" tag which has been attached to the provision. The word is, at once, both reassuring and disturbing in Europe. On the one hand, the Europeans find themselves able to adjust to a "temporary" increase and they can also appreciate that a "temporary" lapse in the economic philosophy which has fueld U.S. trade policy for decades need not be permanently disruptive of the economic relationships in which they have invested so heavily. On the other hand what troubles them is the possibility that "temporary" may become permanent. The fact is that the Europeans are far more heavily dependent on international trade than is the United States.

In the circumstances, the question weighs heavily; what if the add-on is only the opening breech? The European nations do not dismiss the possibility that the breech may be widened by subsequent unilateral U.S. measures should the new economic program prove inadequate in showing us the way out of the economic doldrums. The President has taken the lead in offering the reassurances of his administration on that score. During the course of my visit I emphasized that both the administration and the Congress were not predisposed to retreat to the days of Smoot-Hawley and the Great Depression. There is no gainsaying the fact, however, that a doubt persists in Europe as to our course in the future. The fear is real.

If developments were to bear out this fear of further restrictive measures, the consequences would be portentous for both Europe and the United States. For two decades, the people of both regions have profited greatly from a vigorous economic interflow. The growing movement of goods and capital and, increasingly, skills and people across national borders has done much to raise living levels and enrich the mutual human experiences of Europeans and Americans.

A reversal of that pattern on a temporary basis may have been unavoidable but it is nonetheless regrettable. Should there be further retrogression, the most serious damage could be done to the well-being of both the European nations and the United States. In the end, both might well be cut loose from the moorings of a commonly sustained stability which has contributed so much to the evolution of peace in Europe and the North Atlantic.

In the circumstances, too much stress cannot be laid on the significance of the word "temporary" as it is applied to the increase in duty. The increase in the import duty is, at best, an awkward and dubious remedy for the Nation's economic difficulties. It does not combat inflationary pressures; it accommodates to them and, hence, contributes to higher prices at home. It serves as a relief for inefficiency rather than as an incentive to more efficient production. To be sure, the add-on may provide a breather for the dollar abroad but, in any durable sense, it will do nothing to pump new breath into the international financial position of the United States.

IV. NATO AND THE NEW ECONOMIC PROGRAM

A more pointed correction of the weakness in that position would involve ending excessive governmental expenditures and especially those which are made in other nations. Many of these expenditures seem to persist out of resistance to change rather than out of any significant relationship to the Nation's current needs or interests.

It is only too obvious, for example, what damage has been done to the Nation's economic position by an outflow in the range of $130 billions of dollars for the tragic and wasting war in Indochina. Yet the war goes on; so, too, do the expenditures, not to speak of the tragic waste of life and resources.

On a smaller scale, the expense of military bases abroad and of foreign aid illustrates the same point. With regard to the latter, year in and year out, billions have poured abroad. In many cases, constructive results have been scarcely perceptible and, sometimes, as in the India-Pakistan situation, the consequences have been downright deplorable. Yet the indiscriminate outflow for aid continues and even spreads further afield.

The cut of 10 percent in aid which has been proposed this year by the administration is to be welcomed even though it seems to me that it is far too meager. Moreover, no distinction is drawn in the proposed cut between what might be constructive and what is ineffective or worse in aid.

For the purposes of this report, the most pertinent example of the kind of excessive government expenditure which tends to erode the financial position of the United States is the outlay for NATO at the present level. Clearly, the billions which are spent every year, directly and indirectly, for this enterprise bear a significant relationship to the weakness of the dollar abroad. In my judgment, these expenditures come from the hand of an outdated policy. It is a heavy hand which, fixed on the Treasury, diminishes the capability of the United States for dealing with contemporary economic realities.

That is not to say that expenditures for NATO should be eschewed for reasons of economy if they are required to meet urgent security needs in accordance with the North Atlantic Treaty. However, there is nothing in that treaty which constitutes a commitment to make expenditures at the present level. The phrase "at the present level" is emphasized because what we do in the way of contribution to NATO is the consequence of our own national decision. Consultation with NATO allies may be desirable but the question of a reduction in U.S. Forces from their present level, however, is not one of international consent but of unilateral determination.

This question was reviewed by the Senate a few months ago and a cut in the U.S. contingency in Europe on the basis of legislative initiative was rejected at that time. However, the fact that the administration has now found it necessary to resort to urgent economic salvage operations underscores the necessity for further consideration of this question. It is to be hoped that a cut might now be brought about by Executive action. If it is not, the question of a legislative initiative may be raised once again in the Senate this session.

V. OBSERVATIONS ON NATO

For the present, however, I would only set forth certain observations on the status of NATO which derive from my recent study abroad. It seems to me that—

First. The Western European nations remain firmly wedded to joint defense of the West under the North Atlantic Treaty. May I add, it is my hope that such will also be the case with regard to the policies of the United States because the mutual stake in the North Atlantic Treaty is very high.

Second. When it comes to material support of NATO, the European nations are prepared to urge the United States not to make reductions in its contribution. There is no indication, however, that any NATO nation is ready to make a substantial increase in its support of NATO. On the contrary, it is not far-fetched to anticipate further reductions in the present European effort under the organization. Even now what the Western Europeans are doing in the name of NATO probably differs very little from what they would be doing, in any event, for their national defense establishments in the absence of NATO.

Third. The reluctance of the European nations to take over any major part of the heavy U.S. burden in NATO is part and parcel of the present mood of Europe. The mood is one of detente and peace not of confrontation and war. It may be that this mood derives from a dangerously deceptive sense of security. It may be that the NATO command is still well-advised to think and plan in terms of imminent military conflict between East and West. That is not, however, the contemporary idiom of either peoples or governments on the European continent. Quite the contrary, the talk in Europe is of peace and so is the action. Words of reconciliation flow across the line of separation accompanied by accelerating trade, technological exchange, and travel. Indeed, Communist workers from the East form a part of this flow as they move on contract into labor-short Western Europe even as European private enterprise operates in Eastern Europe.

The detente has been gaining momentum in Europe for several years. Even the Czechoslovakian intervention in 1968 slowed it only momentarily. Now it is extending rapidly from the cultural and economic realms into the political. The SALT talks, for example, were reported to me in Helsinki as making very good progress. I spent a whole day going over the progress being made. Moreover, while I was in Europe, an agreement was reached by the Soviet Union, the United States, France, and the United Kingdom which is designed to defuse the Berlin situation—incidentally, President Nixon played a very significant and important part in this—Germans of East and West are now engaged in itemizing this accord. Thereafter should come the formalizing of the Soviet-West German and Polish-West German pacts which have already been negotiated and which will settle, for all practical purposes, the border questions carried over from World War II.

To be sure, the unexpected could intervene to rewrite this diplomatic scenario. For the present, however, developments in Europe underscore the antiquation of NATO in its present form. That is not to deprecate its past contribution nor the continuing value of the Western Alliance in order to meet unforeseen contingencies. The problem is not with the desirability of the North Atlantic Treaty; it is desirable and, perhaps, vital to all concerned. The problem, rather, is the form and content of a NATO two decades old. Despite its so-called policy of "flexible response," NATO has remained rigid in its design for conventional warfare even as the confrontation which might give rise to that warfare has been receding for many years. Moveover, NATO has continued to be overstaffed, overmanned, and overfinanced by the United States long after the Western Europeans have gained the capacity to play the preponderant part in whatever conventional defense they may deem necessary for their security.

In the circumstances, NATO engages in exercises designed for an era of cold war while the climate in Europe warms to the prospect of an all-European peace settlement. In the circumstances, an enormous effort in manpower and funds disappears from the coffers of the United States, at the expense of the national economy and the international strength of the dollar. All the while, Europe uses its resources more pointedly for the economic well-being and progress of its people. This situation highlights the need, in my judgment, to face up to the anachronism of the current consignment of U.S. military forces in Europe. The presence of over half a million American servicemen and dependents in Europe is irrelevant to the political situation on the continent. The great cost of maintaining the consignment is damaging to this Nation's interests both in Europe and at home.

VI. INDICATED CHANGES IN NATO POLICIES

With or without mutual force reductions, it seems to me highly necessary that there be a substantial and graduated reduction in U.S. forces in Europe. Indeed, what value in any negotiations is the debilitating waste of our financial resources? To follow the line of reasoning that suggests we should keep U.S. forces in Europe in order to increase our bargaining power with the Soviet Union is to argue that if the present forces were doubled in size our bargaining power would be doubled.

It should be noted that there have been some administrative reductions in U.S. force levels in NATO below the maximum of several years ago. However welcome, these limited economies are not to be confused with the financial benefit to the Nation which could be derived from an updating of the policies which govern present troop-numbers in Europe. A realistic reading of the current situation, in my judgment, indicates possible changes which should contribute effectively to the recovery of the Nation's financial health without in any way impairing its security. Specifically, the following measures may be practicable:

First. A reduction in the U.S. military contingent in Western Europe on a graduated basis within the near future. The critical factor in maintaining the North Atlantic Treaty in present circumstances is not the size of the U.S. military contingent but the reliability of the total U.S. commitment. In my judgment, two divisions or less of U.S. forces would be as effective in the latter connection as four or more.

Second. A substantial cut in U.S. command participation in NATO. It would seem most appropriate, in particular, that a European be designated as the next Commander in Chief of the organization and for the United States to take the initiative in encouraging such a selection.

Third. A substitution of multinaval NATO forces in the Mediterranean for the conspicuous and overwhelming presence of the 6th Fleet.

Fourth. A development of effective techniques for keeping alive the vital concept of the North Atlantic Treaty while at the same time NATO, as it presently exists, is cut to streamlined essentials, ready for prompt remobilization in the event of emergencies. If present political trends in Europe continue, this conversion of NATO to standby status might well be possible within 5 years.

VII. ADJUSTMENTS IN U.S. POLICY AND ADMINISTRATION

As already noted, the trends in Europe are toward detente. In this Nation's economic interest, and in the interest of maintaining a constructive diplomatic role in the evolution of peace in Europe, we should adjust our policies, in all respects, to those trends and do whatever we can to encourage them. To that end, it seems to me that—

First. All parts of the Federal machinery, involving the administration of U.S. policies regarding Europe should be reexamined by the President and the appropriate congressional committees in order to update procedures which may be still out of harmony with present trends.

Second. Our policies with regard to Germany should be redesigned to stabilize the existing situation. To that end, these policies should accept the permanence of the two Germanies for the foreseeable future and encourage peaceful and developing contacts between them. They should provide affirmative support for ratification of the West German-Polish Non-Aggression Pact and for the West German-Soviet Union Non-Aggression Pact.

Third. Finally, our policies should endorse, without reluctance, an all-European choosing for the purpose of seeking among other things, a non-aggression treaty between the NATO and Warsaw Pact nations. And this meeting should be attended by both Canada and the United States.

VIII. CONCLUDING COMMENTS

To give the direction which has been outlined to U.S. policy, as I see it, would be to point it by the compass of the Nixon doctrine. It would be a direction in accord with the mood in Europe, in accord with the Nation's domestic and international economic interests, and in accord with the needs of a stable peace.

Europe may well be at a most decisive moment in intra-European relations and in relations with the United States. It is a moment which contains promise along with pitfalls. It would be tragic if we were to turn away from this moment which may offer us an opportunity to cement the peace of Europe either because of a delayed and faulty reaction to the financial difficulties of years of diplomatic and military overextension or because a topheavy and aging machinery for the conduct of our European policy continues to flail at the ghosts of the past.

If we fail to grasp this moment, the possibilities loom large for the rapid growth of economic sniping and intrigue. From that point, it is a short distance to a militant economic nationalism and blocism and the crumbling of Western political unity in a general fit of recrimination and reprisals.

There need not be this slide in the Western community into what, in the end, may well be self-destructive. It should be possible to move out of that era which since World War II has had the United States at the core of responsibility and burden without these consequences. We should be able to move into a new and fruitful age of mutuality with Western Europe, within a peaceful Europe, if we will set aside the fears of the past and act in timely fashion on the facts of the present.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from South Carolina (Mr. Hollings) is recognized for 15 minutes.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLINGS. Mr. President, I yield at this time to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to join with the Senator from Montana and express my agreement with what he has just said. I think what he has said has been dramatically highlighted and fortified by the articles which have recently been published in the Washington Post with respect to our Army in Europe.

I would hope that the Senator from Montana would and I urge him again to offer his well-directed and well-known amendment for the reduction of our troops in Western Europe.

I congratulate the Senator on his preliminary report, and I agree that it is high time in our own interest to reduce our presence there and approve of these various moves that have taken place.

I certainly agree with the Senator from Montana and I congratulate him on a very fine statement.

I wish to ask the Senator a question. I ask the Senator, in view of his observations and the reports on the military regarding the demoralizing effect on our troops in occupation, if it would not perhaps be proper to again raise this question for a vote in the Senate?

Mr. MANSFIELD. I would agree with the distinguished chairman of the Committee on Foreign Relations, and I wish to say to him that it is my intention to do so at an appropriate time in connection with an appropriate bill. There are a number of measures to which the amendment seeking to bring about a substantial reduction of U.S. forces in Western Europe on a graduated basis could be attached.

Mr. FULBRIGHT. I hope the Senator will do so. To me the reports coming out about the demoralization of our forces are absolutely horrible. I can think of nothing more serious with regard to our own military defenses and, in addition to that, to our reputation, to our influence generally in Europe and over the world. I hope the Senator will do so. I assure the Senator my support and I think he has a great deal of other support. I thank the Senator for his report.

Mr. MANSFIELD. I have inserted in the Record the three articles by Haynes Johnson and George Wilson, which were published in the Washington Post over the past 3 days. If everyone will take the time to read them the articles will be found to be eye-opening. I am disturbed at the lack of morale of our troops in Europe. I am disturbed greatly about the drug traffic, the crime increase, and the shabby conditions under which our enlisted men live, and I emphasize the word "enlisted." I think something should be done because what I want there is an effective and lean army and not the kind of army we have there at the present time, which I think is far from lean. It is quite to the contrary. Certainly, in view of the race problem, the drug problem, the crime problem, and the slackness of morale, it is not efficient at this time.

Mr. FULBRIGHT. I thank the Senator.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I would also congratulate the distinguished majority leader for one of his typically wise and constructive observations to the Senate, this one based on his recent trip.

On the floor of the Senate it has been stated and restated that we have over 7,000 nuclear warheads in Europe. With that type and character of defense in Europe it still seems incredible to me that we have to continue to keep these hundreds of thousands of our conventional military over there. Surely these countries can handle more of this problem of military bodies.

I would join the chairman of the Committee on Foreign Relations in hoping that, as soon as he considers it proper, the majority leader will again introduce the resolution for a reduction of our troops in Europe.

A prominent physician only this morning told me that once a person is really "hooked"—that was his expression—on heroin, there is no out from his standpoint except suicide.

In reading these three articles referred to it would seem that the Army, not contributing in a real sense, is creating the probability of additional Atticas. Regardless of who is wrong or right in the dreadful situation that developed in that town in the State of New York—a sad business, indeed—all this is something in which every American as well as every Member of the Senate should be, and I am sure is, deeply interested.

Putting it mildly, the drug problem in the most recent article in question was verified to Senator Pastore and me by officers and enlisted men of the Army when we visited Europe last April.

I would hope, therefore, again inasmuch as I believe in Germany we are creating additional Atticas, that we would look further into these articles entitled "Army in Anguish," published in the Washington Post and written by two responsible newspapermen.

With that in mind I have requested the chairman of the Committee on Armed Services to establish a subcommittee to investigate thoroughly the allegations in these articles. It is about time, from the standpoint of our military posture, that we begin to look at the vital problem of morale in the services, a characteristic of military preparedness that is just as important as any weapons system or group of weapons systems.

So again I congratulate the distinguished majority leader for the thoughtful position he has presented this morning.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator and to say that I believe we have to have an army based not on numbers but effectiveness. There is a job to be done in rebuilding the Army, and I am sure the Congress as a whole stands ready and willing to participate in that effort, which must be undertaken for the security of the United States.

Mr. SYMINGTON. Mr. President, of course, I agree. We should have a mighty fine Army. I would hope this matter could be cleared up, not only in the Armed Services Committee but also, from the standpoint of commitment, in the Foreign Relations Committee, of which the majority leader is a member.

Mr. AIKEN. Mr. President, will the Senator from South Carolina yield to me without losing his right to the floor?

Mr. HOLLINGS. Mr. President, I am glad to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the remarks of the majority leader, the Senator from Montana, are very timely and should be heeded and will be heeded, not only in this body but in the rest of the country as a whole.

I was at home on August 15 when the President made his unexpected and startling announcement relative to our national economy and the action he proposed to take. I think that, with very few exceptions the President's statement and proposed plan were very well received even by those who disagree with him on many, many other things. But there is also a feeling that this statement must be followed up by action without much delay. That action must not be a party issue, it must not be an issue between the Congress and the White House, it must not be an issue between industry and labor, because the stakes are too high and the situation is too serious to indulge in that kind of play.

It was only natural that other countries showed resentment at this statement. It came unexpectedly. They were surprised. Many of them thought it was directed at them, so they were not very happy. They do not feel very happy at having anyone in authority in the United States telling them how much they should revalue their own currency, which runs from 15 percent in Japan down to almost nothing in some of the other countries. But these other countries have a share in this responsibility themselves. They forced the President to take the action he did, in a way. They have in the past subsidized their own products through dumping them on the rest of the world, particularly the United States.

They have made internal restrictions against products imported from the United States which have been very costly to us and are largely responsible for the imbalance of our economic situation. Many of them have failed to observe the mandates of the United Nations while expecting the United States to fully observe those mandates.

Finally, I think Western Europe has to bear a great deal of the responsibility for forcing the hand of the President in doing what he did, because the time has now come, as the Senator from Montana has said, for Western Europe to assume the responsibility for their own defenses. I agree with him that the next commander of the NATO forces should be a European.

The situation now calls for consultation and cooperation, not confrontation. There can be no delay if the damaging conditions of the 1930's are to be avoided, because what hurts the United States hurts these other countries as well, and even more. Reverting to fortress America is not in the interest of the United States. It could be popular at first. It is not in the interest of the rest of the world.

I am very, very hopeful that all nations, we share responsibility too, for the present situation and threatening situation in the world will be able to sit down together and work out fair and equitable trade agreements.

I do not want to see this country slide back into isolation, although there are people in this great Nation of ours who are advocating steps that would have that very result.

I think the Senator from Montana performed a real service, and I thank the Senator from South Carolina for yielding me time to say so.

Mr. MANSFIELD. Mr. President, I want to express my thanks to the distinguished senior Senator from Vermont and to assure him I appreciate what he had to say. I agree with him. There is much more I would like to say in view of the interest generated, but I do not want to intrude myself further on the generosity of the Senator from South Carolina.

RECENT TRIP BY SENATOR MANSFIELD AND SENATOR HOLLINGS TO EUROPE

Mr. HOLLINGS. Mr. President, I wish to join in the distinguished leader's report to the Senate on our recent trip to Europe. I should say at the outset that the majority leader appeared in several of the capitals of Europe just as I appeared—an individual Senator expressing individual views and learning from the experience gained. However, the man from Montana is too well known and too highly regarded to appear as an individual Senator. Whether it be the President of the country in Finland or Italy, whether it be the King of Morocco or the Prime Minister or Foreign Minister in Sweden, Norway, Denmark, or France, the majority leader appeared as the leader of the U.S. Senate. And I should emphasize, having participated in each conference, that MIKE MANSFIELD left his politics at home. At no time did he speak in a partisan way. The regard for Senator MANSFIELD as the true leader of the Senate rather than party leader was completely justified. Of course, my major role was to listen. I enjoyed listening and returned from the trip effusing pride in Senator MANSFIELD and in our United States.

My main concern for the Appropriations and Commerce Committees was to test the reactions to President Nixon's economic and trade policy; to study closely our troop commitment in Europe; to test the Nixon initiative toward the Peoples Republic of China; and to gage the reaction to the Nixon policy in the Middle East.

I find our European partners sophisticated, knowledgeable, and understanding. Contrary to the clamoring headlines of the European press in late August, their government officials quietly expressed understanding of our economic plight here in the United States. They know that you should not kill the goose that laid the golden egg. They realize that they have been the beneficiaries of the golden egg Marshall plan, and they know full well the economic strains of our defense, aid, and domestic policies. Those policies had just about cooked our goose here at home. European leaders realize that President Nixon had to do something. They did not quite understand, however, why the policy reversal had to be announced so dramatically. I have the feeling that the test of the American Government abroad is the same as it is here at home. It is a test of credibility. While we wonder at home whether or not Government can respond, they wonder abroad whether or not we can be relied upon.

France and Great Britain were stung at the time of the Suez crisis. Eastern Europeans were misled by American talk of "captive nations" and the liberation of Europe. When the Hungarian revolution came along, however, our performance did not bear out our rhetoric. The recent sudden moves on mainland China caught Europe off balance just as much as it caught Washington off balance. The sudden move to impose a 10-percent surcharge, in light of our present mood of withdrawal, raises a red flag in their mind of "What is next?"

It was good, then, to be with Senator MANSFIELD to assure the various leaders that the United States had no intention to withdraw into its own shell. Senator MANSFIELD and I both emphasized President Nixon's statement in Springfield, Ill., that we were not going to build a wall around the United States; that we were not escaping into isolationism or neoisolationism; and that we were not reverting to protectionism in the Congress of the United States. In trade matters, I emphasized that since the economies of Europe had been revived and are fully competitive, we in the United States want to compete fairly. In order to do so, our economy must be viable. Our exports have to be brought more in line with our imports. I stressed that we did not wish to impose a unilateral solution. Senator MANSFIELD stated that America was not looking so much for leaders in the world as for equals—that nations should be able to meet on the same level and deal freely as equals. And, of course, the burdens of freedom must be borne more equally.

Here I would emphasize Senator MANSFIELD's support of the North Atlantic Treaty Organization. The Senator, of course, needs no one to explain or elaborate for him, as we all know. But as a third party I can emphasize that the author of the Mansfield amendment is no opponent of NATO. Nor does he advocate a complete withdrawal of American troops from Europe. He so stated in each of the European capitals we visited. He stands firm for a graduated and orderly withdrawal, for a substantial cutback of troops and dependents. He wants to adapt NATO to the needs of the 1970's, not the antiquated needs of the 1940's and 1950's. He repeatedly stated his personal view of the value of NATO and his belief that we give it support sufficient to leave no doubt about the American commitment.

I did find apprehension on this point from the leaders of the nations we visited. And I also discovered a certain myopia on their part. They enthusiastically support the Nixon doctrine insofar as it applies to the East, to the Orient. But they still seem to want a Marshall plan for the West, for Europe. Norway is proud, for example, that no foreign troops are on her soil, but she does not want any withdrawn from the German soil.

The ACTING PRESIDENT pro tempore. The time of the Senator from South Carolina has expired.

Mr. PROXMIRE. How much additional time does the Senator wish?

Mr. HOLLINGS. Three minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is now recognized.

Mr. PROXMIRE. I yield 3 minutes to the Senator from South Carolina.

Mr. HOLLINGS. I am grateful to my friend from Wisconsin.

Senator MANSFIELD and I both talked in support of President Nixon's initiative toward the Peoples Republic of China, and in support of the Nixon policy in the Middle East. We found general approval for these policies in the capitals we visited. I will have a more detailed report on the troops in a later statement to the Senate, and I will also join in the general report of the delegation as Secretary to the International Parliamentary Union. To me this was one of the most meaningful of Parliamentary Union sessions, with some 900 delegates representing 65 countries. We tackled the knotty problems of refugees from Pakistan and of aid to the underdeveloped countries. These and other issues can best be described by the resolutions adopted by the conference.

In the many conversations I had with either President or Prime Minister or Foreign Minister or other leader, I attempted to give an accurate appraisal of America as she finds herself. I pointed out that in the 1950's our role was rebuilding the world as it rose from the ruins of the Second World War. In the 1960's, rightfully or wrongfully, we tried to act as the policeman of the world. But now in the 1970's, we find our largess depleted and our resources called into question. The issue of the 1970's is how do we govern here at home. No longer can we afford to act as policeman of the world, or as a global Santa Claus. Generally, in each of the European countries that I visited, they had no unemployment problem. We have. They had no crime problem. We have. They had no pollution problem, no health problem, no constant fiscal crisis. We have them all. They had no urban problem. We have. They have no race problem. We have. They have no welfare problem. We have. They have no drug problem. We have. They had no maritime or shipping problems. We have. And, they had no war problem. We have.

Our task, then, is to put our own house in order. Until we do that, we will be unable to make our maximum contribution toward the making of a better world for all mankind. And unless we do that, we will betray the hope and the promise that have always been America.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. Mr. President, let me say it was a distinct privilege and honor for me to have the opportunity to travel in the company of the distinguished Senator from South Carolina. I wish to state for the RECORD that he did a great deal of intensive work, especially in the Scandinavian countries, on the matters of health, medical care, hunger, and employment and other social questions. I look forward with anticipation to what he will have to report. May I say that I was tremendously impressed with the way the Governments of Finland, Norway, Denmark, and Sweden took care of the medical needs of their old people at such little cost, in some instances without charges. The services were paid for in taxes, but the disparity was striking between the care given to the people in Scandinavia and the lack of care which is too often the case with people in this country.

Mr. HOLLINGS. I appreciate the Senator's statement, and I would respond that I shall report further, but I am now on the graciously tendered time of the Senator from Wisconsin, so I conclude by thanking him.

Mr. PROXMIRE. I thank the Senator.

WHY WE DO NOT NEED THE F-14 FIGHTER

Mr. PROXMIRE. Mr. President, the bill which was pending and has been set aside is the military authorization bill. One of the most controversial programs in that bill, and certainly one of the most expensive in the long run, is the F-14, the fighter aircraft carrier plane, which will be the subject of considerable debate, and I should like to speak on that for the next few minutes.

Mr. President, there are many issues to be resolved in deciding whether to buy the F-14, but they reduce themselves essentially to two.

First, how reasonable is it to build an airplane, equip it with a terribly complicated and expensive air-to-air missile, and then stick it on an attack aircraft carrier to protect that carrier and its task force from the spectrum of threats which the Soviets can throw against them?

Second, how reasonable is it to rely on that airplane, with all the performance compromises caused by carriage of that missile, as our next generation Navy fighter?

These are the questions I want to answer. I will talk today about the Phoenix missile and the fleet air defense mission of the F-14. I will then address myself in a few days to the dogfighting capabilities of the F-14 and several of its competitors.

SUMMARY

These are the points I hope to make today:

First, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. Even if it could, it could not be resupplied to carry out its offensive operations.

Second, there is no substantial evidence that the more than 10-year-old, yet still untested, Phoenix missile system could give it a new lease on life. The Phoenix probably could not handle the Soviet bomber threat against which it was designed, let alone those facets of the overall Soviet anticarrier capability which have been expanding in recent years.

Third, only the Soviet Union has the power to neutralize our carriers. China does not, nor do the lesser powers against which we might be involved. Therefore, we should plan now on a force level of nine attack carriers and the systems needed to defend them in conflicts where Soviet naval forces are not involved.

Finally, I will add a caveat: If these arguments are not accepted—if we do want to provide fleet air defense against the Soviet anticarrier threat—we do not need the F-14 to do it. There are other equally effective yet much less expensive alternatives available. We could put the new Sparrow missile on either a modified F-14 or the F-15, or we could put the Phoenix itself on a modified A-6. In addition to saving money, these approaches would give us what the F-14 does not—a chance of getting the first-rate Navy fighter which our national security may require.

I. THE BASIC VULNERABILITY PROBLEM

The main function of attack carriers is to serve as floating air bases, which can be used to provide tactical air support to deployed land forces. No respectable defense expert has ever questioned the need to maintain some aircraft carriers for this purpose. The carrier debate has focused instead on important subsidiary issues: how many carriers do we need and in what kinds of conflicts do we plan to use them?

The relative costs of land-based and sea-based tactical air forces and the uncertain availability of land bases in other countries are important factors to be considered in answering this question. But the most critical factor of all is the growing vulnerability of our carriers. It goes without saying that we should not employ our carriers in situations where they and the aircraft on them are certain to be neutralized or destroyed.

The Navy argues correctly that it is very difficult to sink an aircraft carrier and that no modern carrier—*Essex* class or later—was sunk in the Second World War. But the significance of this admitted truth should be placed in context at the outset. It is true as far as it goes, but it does not go very far.

The fact is that it is comparatively easy to damage a carrier enough to make flight operations impossible and force the ship to return to port for a long period of time for repairs. In anything but a very protracted conflict, to force a carrier out of action for 3 months or more would be almost as good, from the enemy's point of view, as sinking it.

WORLD WAR II EXPERIENCE

It is against this background that World War II experience should be evaluated. As one former defense analyst has noted:

> In the Second World War, 60 percent of the carriers that took one hit by a Kamikaze and all the carriers that were hit more than once were forced to return to port for repairs. New carriers with improved damage control features that came into action toward the latter part of the war—*Essex* class and later—did not fare any better.

The anticarrier weapons available today to the Soviet Union are a lot more sophisticated than the Kamikaze tactics of World War II. In testimony last year during the joint hearings on the CVAN-70 aircraft carrier, the Navy listed the following threats to the carrier in the following alleged order of their severity today: nuclear weapons, submarines with cruise missiles, long-range bombers with cruise missiles, cruise missile-equipped surface ships, tactical aircraft, long-range bombers with conventional weapons, gun equipped ships, and ballistic missiles.

Granted that we must size all our conventional forces on the assumption that nuclear weapons will not be employed at the outset of a conflict and granted that some of the latter threats can probably be defeated, the list is nonetheless impressive.

SUBMARINE TORPEDOES

Interestingly enough, one threat not included in the Navy's list is submarine torpedoes, one of the oldest and surest forms of enemy attack against any surface shipping. Submarine torpedoes were used with devastating effect by the Germans in World War II, as indicated in more detail later. The Russian submarine force today is about seven times as large as the force with which the Germans entered World War II. Moreover, these submarines are a great deal quieter and more difficult to detect than the German subs. Using wolfpack tactics they would have a significant chance of penetrating close enough to our much more detectable carriers to launch their torpedoes against it. These torpedoes, now of the acoustic homing variety, will still wreak substantial damage. The Navy's devotion to its own Mark 48 torpedo program itself makes the point rather well.

Moreover, these advances in anticarrier weaponry have been accompanied by advances in the surveillance capabilities needed to bring these weapons to bear. Satellite and long-range aircraft reconnaisance have greatly reduced the ability of naval task forces to hide in the broad expanses of the oceans. More sensitive submarine sonars and higher speed submarines make it much easier for submarines to find and attack the carriers.

For all these reasons it is virtually impossible today to find a single defense expert outside the Navy who believes that our carriers could effectively survive a determined onslaught by the Soviet Union even with nonnuclear weapons.

Many observers have noted, for example, that four or five hits by Soviet cruise missiles—whether from aircraft, surface ships, or submarines—would force a carrier to retire. Similarly it has been suggested that a few hits on the carrier's four screws by submarine-launched acoustic homing torpedoes would cause enough loss of propulsion power to make normal flight operations impossible and to greatly reduce the carrier's ability to avoid further damage.

ANTISUBMARINE LIMITATIONS

The problems of defending against this limited number of hits has also been pointed out. The effectiveness of antisubmarine warfare—ASW—measures in any particular engagement is limited by the inherent variability of the underwater acoustic environment and the unreliability of sophisticated sonars. Antiair warfare—AAW—improvements are likely to be overwhelmed by improvements in offense, such as higher speed and lower altitude missiles. The net effect is that both types of defense can cause substantial enemy attrition over a long period of time but cannot provide strong assurances that a carrier could survive a determined attack.

And that is precisely the kind of attack which the Soviets would throw against them. Testimony to Congress by Navy spokesmen in recent years has stressed the Soviets' growing anticarrier capability. Attempts have also been made to calculate the effects of a concentrated attack against the two or three carriers we could hope to have deployed somewhere at any one time.

One such calculation is set forth in the Brookings Institution analysis of the fiscal 1972 defense budget. It suggests that the modest Soviet bomber force alone could completely neutralize our carriers:

> This fundamental point is worth elaborating by a purely illustrative and highly simplified model. Suppose the USSR is willing to expend twenty-five bombers, each capable of carrying one air-to-surface missile, and their fighter escorts, in order to disable one carrier. (The Soviets have in their naval aviation force some three hundred ASM-capable bombers, whose primary mission would be to attack U.S. carriers.) Suppose also that the ASMs have 80 percent reliability and, very optimistically, that our fighter defense would have a 40 percent chance of shooting down a bomber in a single engagement and our surface-to-air missile systems (SAMs) an 80 percent probability of shooting down an incoming ASM. With these assumptions, the bombers would get six hits on the carrier, more than enough to force it to retire. Less optimistic assumptions on defense would sharply reduce the number of bombs needed to put a carrier out of action.

If anyone thinks this is an exaggerated analysis, let me stress its assumption that each Soviet bomber is capable of carrying but one ASM. According to testimony last year in the CVAN-70 hearings, some of these Soviet aircraft have a multimissile capability.

Another calculation, by former defense official Leslie H. Gelb in testimony before the Senate Defense Appropriations Subcommittee this year, reached even more pessimistic conclusions. Gelb's calculations were based on the realistic assumption that the Soviets would not rely on their bomber force alone but use submarine cruise missiles and surface-to-surface antiship missiles as well:

> The Soviet Union would, in all probability, launch a large number and variety of missiles against our carriers. Assuming the carrier defenses against this attack could destroy as many as 80 percent of the incoming missiles (and this is a very optimistic assumption), the probabilities amount to a virtual certainty that our carrier would take about a dozen hits. . . . Recent tragic experience with the Forrestal and Enterprise—where in each case an accidental firing of one of our rockets led to many deaths and extensive damage by fire and explosion—indicate how little it might take to put a carrier out of operation and force it to retire.

And some analysts suggest that these calculations are conservative, that even one well-placed hit might put a carrier out of action. They note that carriers have to be moving into the wind at a fast clip to permit normal flight operations and that one hit alone might prevent this. They also note that the Soviets might use incendiary cluster bombs as the warheads of their cruise missiles and that one such missile could wipe out most of the aircraft sitting on the carrier's deck. Even more conservative is the complete omission of the torpedo threat.

NAVY INITIATIVE TO CRITICISM

None of these arguments are new, however. The carrier debate has raged for years, with little apparent effect within the Navy itself. The Navy admits the increasing vulnerability of its carrier force, but refuses to admit that the danger point has been reached. It cites the defenses of the carrier against possible attack. It notes that all carriers present mobile targets, and that nuclear carriers have unlimited endurance at high speed. And it cites the extensive protection features, such as armor flight decks and torpedo side protection systems, designed into our latest carriers.

I am simply not persuaded by these arguments. Little confidence should be placed in a carrier's 30-knot speed as a means of preventing detection of its position—particularly in view of the tremendous increase in underwater noise generated at this speed. Moreover, the carrier can maintain this speed for extended periods only if it foregoes the protection of its slower escorts and while not conducting flight operations. As far as carrier protection features are concerned, great progress was made during the course of World War II, but developments since have been much slower, since there was really little more left to do.

I am firmly convinced that our carriers are already sitting ducks for the kinds of multiple attacks the Soviets could mount against them. And whatever the situation which exists today, it will clearly be worse yet when the new nuclear carriers already under construction finally enter the fleet.

II. THE PROBLEM OF RESUPPLY

Nonetheless, I would like to turn briefly at this time to one element of the carrier vulnerability problem which has received too little attention to date. The vulnerability of carriers on station against the Soviets is bad enough. But the vulnerability of their logistics systems and the carriers themselves in the process of being supplied is actually a good deal worse.

The Navy itself has recognized as much.

First, Admiral Holloway on the comparative aspects of the problem: During the CVAN-70 hearings last year—

> All ships are vulnerable to the anti-ship missile. Most vulnerable are the unarmored tankers, ammunition ships, and troop carriers which support our overseas allies and our own deployed forces. Also vulnerable are our attack carriers, but due to their high speed, protective armor, and self-defense capability, attack carriers are the least vulnerable of any of our forces at sea.

Next, Admiral Rickover on the actual magnitude of the supply ships' problems, in testimony earlier this year to the Joint Committee on Atomic Energy:

> *The World War II experience:* "I am sure you remember the large number of tankers sunk in World War II by German U-boats—submarines that were much slower and far less capable than those the Soviets have today. Moreover, Germany started the war with only 57 submarines. The United States lost over 130 tankers in the Atlantic Campaign, mostly to German submarines. By mid-1942 the situation was desperate. So many tankers were being sunk that the supply of military fuel to Europe and the Pacific was threatened. Then, too, the deciding factor in our defeat of Japan—also an island empire—was the ability of United States submarine and air forces to interdict the flow of oil from overseas to the Home Islands; this strangled Japan's industrial and military effort and brought about her collapse.
>
> *Tankers then and now:* "During World War II we had a large number of small tankers. Most tankers were of 10,000 to 15,000 tons full load, with the largest about 25,000 tons. Therefore sinking a tanker at that time did not have anywhere near the impact as would be the case if one of the large tankers we have today were sunk. Presently, many tankers are over 100,000 tons, and plans are being made to build tankers of 500,000 tons and larger. One such tanker carries many times the oil of the World War II tankers; also they offer a much larger target and so can be sunk more easily.
>
> *Present military implications:* "The greatest vulnerability of surface warships results from operating restrictions required to conserve propulsion fuel and to supply the propulsion fuel. The refueling ships must steam at slow speeds and on fixed courses. They would be "sitting duck" targets for attack by torpedo or missile firing submarines. Further, the fuel oil must be brought to the warships by tankers which themselves are slow targets vulnerable to enemy submarines and air attack.
>
> "As I see it, in a war the Russians would immediately sink the tankers, which would immediately shut off oil supplies to Western Europe and to our oil-powered forces at sea. It would then make no difference what supplies we tried to get across. Without propulsion fuel modern armies are powerless. In a short time prepositioned fuel would be used up and we would be facing overpowering odds. . . . Ships with short cruising radius will not survive a war with the Soviets."

These are rather forthright statements and it is important to recognize the purpose for which they were made. Actually, they form the backbone of the Navy's argument that any future carriers we build—and their escort ships as well—should be nuclear-powered rather than conventional models.

NUCLEAR SHIP LIMITATIONS

Nuclear ships, the Navy argues, are not dependent on external fuel for their own propulsion. They can transit the oceans to a new station at high speed and without refueling. They can hold these stations without the periodic reductions in a task group's readiness which would be occasioned by refueling. Tanks otherwise used to store carrier and escort fuel can carry aircraft fuel instead. And the higher speeds of nuclear ships reduce vulnerability and increase target coverage.

But while the Navy points out the great difficulties of resupply operations at sea in order to shore up its case for more nuclear-powered surface ships, it fails to call any attention to another implication of these difficulties.

Nuclear-powered carriers may not need refueling to propel themselves, but they must be supplied with aircraft fuel and ammunition if they are to provide any punch in the first place. And the supply problems here are every bit as grave as the tanker problems to which the Navy admits.

There is no single answer to the question of how long a carrier can go without being resupplied with aircraft fuel and ammunition. Nuclear carriers have twice the capacity for aircraft fuel and 50 percent more for ammunition compared with conventional carriers. And any carrier's consumption rates are obviously going to depend on the intensity of the operations conducted.

But in conflicts involving the Soviet Union the operations would be intense, perhaps approaching one sortie per day at maximum gross weight of ammunition and fuel for each aircraft on the carrier. Even granting the differences between carriers, the simple fact of the matter is that no carrier could hope to keep operations going under these conditions for more than a few days at a time.

The precise time involved is not important, but its relative shortness is critical. After only a very short time, the carrier would be in need of resupply, and its logistics system—composed of underway replenishment ships, tankers, and ammunition boats—would be subject to all the difficulties of other surface shipping. These supply vessels would move slowly, having to be refueled, and without the many defensive systems protecting the carriers themselves.

HOW DO WE GET SUPPLIES THROUGH

The implications are devastating. Even if we could succeed in protecting our carriers through multibillion-dollar investments in sophisticated defensive gear, we would still be unable to get through to them the supplies needed to permit continuation of the offensive operations they provide. The front door might be guarded, but the back door would still be ajar.

Suppose that a few supply ships did get through, Navy statements above notwithstanding. Our carriers would have to reduce their own readiness in order to be supplied. They would have to leave their stations, move to a replenishment area out of range of land-based enemy aircraft, and then slow down for the actual transfer.

At this point they would still be in range of Soviet submarines, with both their acoustic homing torpedoes and their cruise missiles. It is clear from published sources that these missiles, touted by the Navy as the most serious threat to the carriers, can be launched from a submerged position, many miles away, on the basis of intelligence received. With the missile traveling at the speed of sound, probably undetected before launch—we cannot have ASW planes everywhere at the same time—it poses a formidable threat indeed.

III. FLEET DEFENSE AND THE F-14

Much more could be said about the vulnerability of attack carriers. But where does the F-14 fit into this basic picture?

The Navy's interest in providing its carriers with a means of defense which would permit their use in high intensity—even nuclear—conflicts with the Soviet Union dates back a good many years. In the 1950's the main concern was Soviet employment of their new nuclear capability against the carriers.

It was clear even then that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. The Navy desperately wanted a weapon that would destroy 100 percent of the Soviet's missile launching bombers—then the chief nuclear threat—in a massed attack against the task force. The original proposal was called Eagle-Missileer and work was started on it in 1958. The F-14 is a rather straightforward outgrowth of that work.

The Missileer was a low performance, long loiter aircraft capable of functioning as a missile platform, and its objective was the simultaneous tracking and firing of six missiles against the postulated threat of massed Soviet naval bombers. The Eagle was the missile it would launch.

Eagle-Missileer was canceled in 1961 due to technical infeasibility, and a similar verdict was soon pronounced on the use of carriers in any future nuclear wars. But the Navy never abandoned its basic concept for the missile. As our conventional forces were beefed up in the early 1960's, the Navy resubmitted its requirement for an antibomber fleet air defense missile to protect the fleet against the new threat of nonnuclear bomber attack in the performance of its tactical air support role.

THE PHOENIX

Appropriately enough, the new missile was named the Phoenix, and until 1968 it remained tied to the ill-fated F-111B airplane. This is neither the time nor the place for a complete analysis and apportionment of blame for the TFX fiasco, but a few words are necessary to place in context the decision to proceed with the F-14.

Whatever the wisdom of Secretary McNamara's insistence on a single plane to meet the Air Force's desire for a deep interdiction bomber and the Navy's desire for a fleet air defense interceptor, the Navy was opposed to the F-111B from the outset. One of the initial concessions it extracted in return for participation in the program was the right to incorporate in the new plane both a new version of the canceled Eagle missile and the canceled TF-30 engines which had been developed for the Missileer.

Little consideration was given by anyone at the time to the dogfighting capabilities of the new plane. The F-111B was regarded simply as an interceptor. The main advantage it offered over the Missileer was a significantly increased speed and acceleration capability which was intended to enable it to get into its intercept position more quickly than the old plane. The Phoenix itself could shoot everything out of the sky, the Navy said, so forget maneuverability.

It would not be unfair to say that the Navy first became concerned with the dogfighting capability of the F-111B when it saw this as an opportunity to kill the plane and get a true Navy aircraft of its own. Working together with several aerospace companies, such as Grumman Aircraft Co.—then a subcontractor to General Dynamics on the F-111B—it encouraged the design of new airplanes which would still carry the Phoenix missile but also be better dogfighters than the F-4 Phantom, then and now our first-line Navy fighter.

The improved capabilities of alternative planes—and the technical problems with the F-111B—were argued vigorously in testimony on Capitol Hill, and in 1968 both the Senate and House Armed Services Committees deleted all funds for the F-111B from the budget. Working feverishly, the Navy then saw to it that a contract with Grumman for the F-14 was rushed through before the Nixon administration could carefully review if after taking office.

STILL AIR DEFENSE INTERCEPTOR

The F-14 is thus the third Navy plane to carry the Eagle-Phoenix missile and to be powered by a version of the TF-30 engine. And it is still primarily a fleet air defense interceptor. After the F-111B was killed, the Navy never seriously evaluated the possibility of incorporating a Phoenix fleet air defense missile capability in a first-rate fighter aircraft. But this was then and remains now a technical impossibility, as I hope to explain in a few days. Unfortunately, our need for a first-line carrier-based fighter to replace the F-4 is a good deal greater today than in either 1958—when the F-4 was itself in development—or 1968.

Another thing which has changed since 1958 is the nature of the Russian threat to our carriers. What was envisaged then was a dramatic increase in the number of Russian naval bombers, the threat against which the Phoenix was designed. While there is extreme doubt whether the Phoenix could handle the Russian bomber threat which exists today, that threat has never expanded as predicted for the past 10 years. As House Appropriations Committee Chairman GEORGE MAHON noted in 1968:

> The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has, of course, not developed to date.

What has developed is the many faceted threat described earlier. It is worth evaluating the role of the Phoenix in the spectrum of defenses we have now erected against this threat to see why it would almost surely be ineffective.

Let me explain what is wrong with the Phoenix. The Phoenix is a long-range air-to-air defensive missile, which the Navy claims will be capable of destroying "multiple targets in a heavy electronic countermeasures environment in all weather conditions." It will be guided bythe F-14's AWG-9 fire control system, which is also designed to handle six single-shot Sparrow missiles.

According to the Navy, the Phoenix already has an enviable test record on which to stand, with a success record of approximately 70 percent in the 40 or so firings to date. This claim deserves some rather careful scrutiny.

In the first place, Navy statistics do not include the substantial number of unsuccessful firings in which the missile never left the launch rail because the launch system failed prior to the actual launch. These failures, which should obviously be included on any realistic score sheet, must be carefully distinguished from the much smaller number of recorded "no test" firings—firings in which the missile was launched but failed to hit its target due to defects in the test conditions not related to the missile system itself.

ARTIFICIAL TESTING

Moreover, all the tests conducted to date have been engineering tests, held in a laboratory-controlled environment, and almost all have been against single targets with artificially augmented radar signals and little or no maneuvering capability. Operational tests, under conditions representative of actual combat experience, have yet to begin. Due to the incredible amount of concurrency in the whole F-14 program, these operational tests are not scheduled to be completed for another several years, by which time any decision on the F-14 will long since have been made.

Finally, this terribly artificial test program has itself been very limited in scope. Virtually all of the test firings to date have been tests of the old AWG-9 Phoenix system developed for the F-111B. The new version for the F-14 has more than one-third less weight and has been completely redesigned for tandem seating and to accommodate the Sparrow missile.

And despite the Navy's claim that the system will be capable of near simultaneous launch against up to six widely separated targets, no more than two simultaneous firings—even of the old version—have been attempted at any time to date. Thus it is difficult to evaluate the argument of some critics that the AWG-9 tracking capacity would be swamped if it ever attempted to fire six missiles simultaneously in the presence of one or two dozen targets on the radar scope. Yet even in the last multi-shot test, one of the two missiles missed its target.

THE SPARROW EXPERIENCE

But one need not dwell on the scarcity of test data on the Phoenix. It is really quite similar to other air-to-air missiles which have entered our inventory in the past several years. Some of these missiles had initial test records every bit as promising as the Phoenix but exhibited serious deficiencies when used in Vietnam. Our experience with the Sparrow missile is instructive in this regard. It is a radar guided missile like the Phoenix, but somewhat less sophisticated and expensive. The present version of the Sparrow costs $40,000 per shot, the Phoenix $400,000.

One problem the Sparrow has had has been its inability to distinguish between friendly and enemy targets. It has been designed for launch at a range of roughly 15 miles, well beyond the range of visual contact. Unfortunately, its radar system can pick up aircraft blips at this distance, but cannot tell who the blips belong to.

This has had a significant effect on use of the Sparrow in Southeast Asia. Despite the fact that it was designed for standoff launch, orders have been in effect prohibiting its standoff use at times when friendly aircraft might be present. Until billions of dollars had been spent, nobody realized that we would not be able to fire at will on nonresponding radar blips—because they might be Laotian airliners flying to Hanoi or Air Force planes not tied in to the Navy's communications system. And part of the reason for the Sparrow's poor record under visual launch conditions has been the fact that many of these launches were from inside its minimum effective range.

Another problem of the Sparrow has been its poor reliability—its failure to even launch and fly. The artificial nature of its initial test program has been only partly responsible. More important has been the fundamental complexity of design which made it unable to withstand rigorous combat handling procedures.

When conditions did permit its use and it was able to be fired, the Sparrow and its radar search system may have scared away as many enemy aircraft as they found. The explanation is simple. One of the problems of all airborne search radars and active radar missiles is that they broadcast their position for miles around, thus alerting enemy aircraft to their presence.

LIMITATION OF AIRBORNE RADARS

Moreover, these airborne radars have an effective search pattern only in a very narrow cone directly in front of the airplane and cannot locate more dangerous and undetectable targets flying elsewhere. As a result, enemy aircraft guided from the ground have been able to avoid this narrow search pattern and pop up unsuspected and undetected on the tails of our aircraft.

When we have in fact acquired enemy aircraft—almost always visually—they have often been able to outmaneuver the Sparrow by hard turns at normal combat g's. This has been the result of inherent physical limitations in the maneuverability and response times of the missiles themselves.

Finally, the Sparrow has shown itself susceptible to simple electronic countermeasures which degrade its performance.

The actual performance record of the Sparrow in terms of targets killed per firing remains classified, but this much can be said. Due to the target differentiation problem, it simply has not been used much of the time under the conditions for which it was designed. When it has been used, its demonstrated performance has been only 10 percent as good as the performance originally expected.

PHOENIX NO IMPROVEMENT

There is every reason to believe that the Phoenix will fare no better and might fare worse. Much of what has just been said is directly applicable, but let me cite a few particulars.

First, one of the advertised advantages of the Phoenix is its significantly longer range than the Sparrow. According to the DMS Market Intelligence Report:

> Phoenix was initially intended to have a range of more than 200 nautical miles, but has since been scaled down to an estimated 80 n.m. range.

Yet tests conducted by Hughes Aircraft Corp., manufacturer of the Phoenix system, confirm that it has no capability against maneuvering targets over the shorter stretches of its range. Beyond a certain point, the tests showed, the Phoenix rocket motor burns out and it cannot get the maneuver energy needed to keep up with a target which can quickly change directions.

Second, hardware tests at the Naval Weapons Center's Corona Laboratory have shown that the Phoenix can be effectively countermeasured by simple low-power techniques.

Third, a study has been conducted which indicates that the Phoenix will have severe reliability problems due to many of the same complexity of design features which have made the Sparrow unable to withstand rigorous combat handling procedures.

Fourth, the very nature of the F–14's dual role as fighter aircraft and fleet defense interceptor aggravates the target discrimination problem; that is, distinguishing friendly aircraft from foes. About the only time a long-range Phoenix launch could be used to protect the carrier is when there are no friendly attack aircraft or F–14 escorts carrying out tactical air operations from the carrier. But one of the main reasons for having and protecting carriers in the first place is to conduct such operations.

Opinions differ as to whether a solution to this identification problem will be found, but there is no demonstrated solution yet in sight. And even if a secure and reliable communications system were established between our own airplanes, it would still be very risky to fire at will against unresponding radar blips in all theaters. Crowded areas like the Mediterranean, for example, would still contain friendly aircraft not tied in to our communications system. The E–2C—essentially a Navy AWACS—might keep track of some of their movements, but it is far from foolproof and terribly vulnerable.

EXPANDING U.S.S.R. CRUISE MISSILE THREAT

These deficiencies would be serious enough if the Phoenix had nothing but Russian bombers to defend against. But they would be magnified if it were pitted against the expanding Soviet cruise missile threat, to say nothing of the highly maneuverable fighter aircraft which would be well within range of a carrier in the Mediterranean.

As far as cruise missiles are concerned, there must be doubt in the first place whether the Phoenix would have the maneuverability to correct for errors in its estimates of their direction and velocity. Even if it were successful in meeting its design specifications against high speed, low flying targets with small radar cross sections, the F–14 would have to be in a narrow cone directly ahead of the missiles if it were to see them at all. The search patterns of airborne radars, it should be noted, is especially limited in the look-down mode. It is also significant that the more clutter suppression one designs into such a radar, the more vulnerable it will be to countermeasures.

But let us suppose that these problems were solved. The Russian bombers might still be able to defeat the system by a simple choice of tactics. A simple example, without specific numbers, will suffice to demonstrate the point.

LIMITED F–14'S

We will have only a limited number of F–14's aboard a carrier and only a handful—with a maximum of six Phoenix missiles each—will be in the air at one time. Against these F–14's the Soviets could concentrate a significantly larger number of naval bombers, since the bombers could strike at a time of their choosing and would not be on serial airborne alert. These bombers could then be deployed in waves, the first bombers exhausting the limited number of missiles in the air and the next wave moving in on the carrier before reinforcements reached the scene. These tactics would be aided, moreover, if the bombers were able to maneuver out of the way when warned that a Phoenix was coming, if they were preceded by more maneuverable fighters, if they carried the jamming equipment we already know works, or if a few submarine-launched missiles were used to create a diversion.

There is one other related point. If a war at sea ever did break out between the Soviet Union and the United States, it would probably be initiated by a surprise Soviet attack on our carriers, at a time when their defenses were low. We have worked very hard since the dawn of the nuclear age to minimize the chances of any direct engagements with the Soviets, and it is very unlikely that we would initiate one. Such an engagement would probably come, therefore, only if we miscalculated the Soviet response to one of our actions or if the Soviets made an irrational and unprovoked move of their own. Under these surprise-attack conditions we could expect only a small fraction of the F–14's aboard a carrier to be either in the air or serviced for immediate use.

STAGGERING COSTS OF PHOENIX

I have purposely saved until last a discussion of the staggering costs of the Phoenix and its fire-control system. When the missile first rose from the ashes in 1962 and became a part of the F–111B program, total development costs, according to DMS Market Intelligence report, were estimated at $175 million. They have now risen, the report says, to well over $500 million and development is far from complete.

More worrisome are the likely production costs of the Phoenix, already estimated at $400,000 per shot, without any allowance for deficiency correcting modification costs. Another factor which could drive costs upward is a smaller than anticipated Phoenix buy. Published estimates of the buy have ranged from a low of 1,400 to a 3,700 high, with the lower part of the range associated with the small F–14 buy which is probably inevitable even if the program continues.

It cannot be stressed too much that the cost of one F–14's six Phoenix missiles, even at the $400,000 price, would be $2.4 million. That is the approximate price for three Mig–21's and for one of our own F–4 fighters. And this would be in addition to the $16 million price tag on the F–14 itself.

Actually, the high costs of the Phoenix would do more than affect our pocketbooks. They would also have an adverse impact on the already poor effectiveness of the missile.

For one thing, these high costs would inevitably affect Navy training programs for the Phoenix, just as training programs for the Sparrow have been affected by its comparatively cheaper costs. With the costs of each Phoenix firing approaching a half million dollars, very few Navy aviators would be allowed even one training shot. Most of their training would consist of dry runs, where they locked on targets with the AWG–9 system and then pressed the button which in battle would launch the Phoenix. There would be some value in this limited training, but it would not inspire confidence for combat use.

ENORMOUS MISSILE REQUIREMENT

Moreover, it is doubtful whether any purchase within the 1,400 to 3,700 range now contemplated would provide us with the number of missiles combat could realistically require. A buy of 2,000 missiles, for example, would give us only one full load for 300 F–14's, with 200 extra for training and spares. One full sortie per plane is not a very comfortable margin. Looked at another way, these 2,000 missiles would be wholly expended if 12 planes a day flew fully loaded sorties in a 30-day conflict with the Soviets—even if all the missiles somehow could be rushed to the scene.

I recognize that these calculations make no allowance for the fact that on many sorties some or all of the missiles would not have to be fired. It is highly unlikely, however, that all unfired missiles would actually be brought back on board the carrier. There are two aspects to this problem.

The first aspect concerns the degradation of its already limited dogfighting capability which the F–14 would suffer if it attempted to engage in aerial combat carrying a full load of Phoenix missiles. Navy planning for the F–14 fully recognizes that the extra weight and drag of these missiles would significantly degrade the plane's maneuverability. Accordingly, the Phoenix is designed to be carried in readily removable pallets, attached to the plane's fuselage. When programed for a dogfighting mission, neither these pallets nor the missiles would be carried. And when they were carried for fleet defense purposes and a dogfight situation arose, they could be dropped in the ocean to maximize fighter capability.

This last prospect is rather disturbing. In the Mediterranean, for example, it would not be possible to operate out of range of land-based fighter aircraft when configured for the fleet defense mission. Under these circumstances, the F–14 could be set upon by enemy fighters at any time. When this occurred, the prospect is that $2.4 million worth of missiles—more than the likely cost of the enemy aircraft itself—would be quickly released to the ocean depths.

CAN FLY LOADED—LAND ON CARRIER

The second aspect of the problem is more serious. Notwithstanding Navy statements that F–14 "design specifications require that any combination of fuel and unexpected ordnance up to a total of 10,000 pounds can be brought back aboard the carrier," there remain serious doubts about the ability of the F–14 to land on a carrier with a full Phoenix load."

For one thing, Navy pilots have an understandable aversion to landing on a carrier with a dangerous ordnance load, especially in bad weather conditions, and might be tempted to lighten up.

Moreover, the weight of six Phoenixes and their pallets has been publicly estimated at between 6,000 to 7,000 pounds, which reduces to 3,000 to 4,000 pounds the margin of error remaining. This margin is reduced even further if allowance is made for necessary fuel landing reserves, dogfight missiles, and the cannon pallet, and it could be estimated altogether by weight increases on the plane. It is worth noting in this regard that the Navy is already projecting a 700-pound weight increase for the F–14, an increase which will be slightly more significant without the "B" engine, given its own lesser weight than the "A." Any further weight increases, perhaps necessitated by modifications work, could easily break the camel's back.

III. THE POLICY IMPLICATIONS

Mr. President, the vulnerability of the attack carrier has reached the point where it is as obsolete today for a war at sea with the Soviet Union as the battleship proved to be for World War II. The carrier could not stand up to a concentrated Soviet attack against it. Even if it could, it could not be resupplied to carry out its offensive operations.

Nor is there any evidence that the more than 10 years old yet still untested Phoenix missile system could give it a new lease on life. The Phoenix probably cannot handle the limited threat against which it was designed, let alone those facets of the overall anticarrier capability of the Soviets which have been expanding in recent years.

These considerations do not mean that we should retire all our carriers from the force. Only the Soviet Union possesses the spectrum of threats capable of jeopardizing the carriers. China could not do so, nor could the lesser powers against which we might be involved. All these countries have is a small and obsolete bomber threat, a few old and noisy submarines—about 30 in the case of China—and possibly some new Soviet-provided patrol boats with their Styx missiles. They would also have some new fighters exported by the Soviets, but these could best be defended against by a new lightweight fighter of our own.

If we made the needed decision to size our carrier force for use in conflicts involving these countries, it would reduce to nine the force level required. This force level would allow one carrier to be continuously on station in the Mediterranean and two in the Pacific, or vice versa. Each of these deployed carriers could be reinforced during a crisis by one or two of the back-up carriers. In a war-time situation, an even larger number could be rushed to the scene.

BIG SAVINGS AVAILABLE

Such a decision would also permit a drastic reduction in the large number of programs now underway to protect the carrier, programs which make no sense except in terms of the Soviet anticarrier threat. Consider for a moment some of the presently ongoing programs designed to provide carrier protection against the Russian cruise missile threat alone:

The Condor missile, which can be fired from attack aircraft at long range against ships, patrol boats, or surfaced submarines;

The Harpoon missile, which is being developed to do the same job from our surface warships and from aircraft.

The E–2C long-range detection aircraft;

The S–3A carrier-based antisubmarine warfare aircraft;

The LAMPS helicopter which will operate from escort ships;

The AEGIS surface-to-air missile system;

The improved point defense missile system;

The close-in weapon system;

Advanced electronic warfare systems such as SHORTSTOP; and of course

The F–14 and the Phoenix.

Many of these programs—some with problems of their own—would not be needed to protect our carriers in non-Soviet engagements. In other potential conflicts, we could rely on a much less complex but probably more reliable set of defenses. The primary elements of these defenses would be simple electronic countermeasures, antiaircraft guns, and existing shipboard surface-to-air missiles. We might also want to keep reliable modifications of a few other systems in which we have invested so heavily.

ADVANTAGE OF SHIPBOARD MISSILES

As far as defensive missiles are concerned, it is important to recognize that any reasonably reliable shipboard missiles have a significant advantage over their airborne counterparts. They would not be chasing elusive aircraft and missiles on their way to other targets, but would instead be located with the targets themselves and have the much easier task of intercepting directly incoming missiles. We could complement these shipboard missiles with a fleet air defense capability, but we would not need the F–14 or Phoenix. We could if we wanted to use the F–4 and the Sparrow. But all we would need against the few obsolete bombers of other countries is a good new fighter with antiaircraft guns and reliable missiles like the Sidewinder.

If steps of this kind were taken, significant economies could be realized and funds made available for other high priority Navy programs, such as submarine fleet expansion and programs to reduce the carrier dependence of our surface Navy itself. It makes little sense and is highly dangerous to keep concentrating our surface forces around an increasingly vulnerable focal point. Some means must be found to disperse those forces if their abilities are to be preserved.

IV. A FINAL CAVEAT

I have discussed the problem of carrier vulnerability and the failings of the Phoenix in such detail for three reasons.

First, the fleet defense mission is central to the basic rationale of the F–14. What the Navy has wanted for almost 15 years is an airplane from which to launch the Eagle-Phoenix to protect its carriers. The Missileer, the F–111B, and the F–14—all have been fleet defense interceptors above all else. Just how poor a fighter the F–14 is I shall explain in a few days. Its fleet defense syndrome is why.

Second, I wanted to explain in full what I think is a basic truth—that any money spent on air-to-air missile defense against the Soviet anticarrier threat will be money down the drain. It will be money diverted not only from important domestic programs, but from other defense programs which could serve our interests better.

Third, the fleet defense emphasis in the F–14 program is symptomatic of a far more pervasive problem in the Navy today. There are many other items in the Navy budget at this time which make no sense at all except in terms of the Soviet anticarrier threat. Money spent on them may be wasted too. We should keep this in mind as other carrier-related issues keep coming before us.

F–14 NO ANSWER IN ANY EVENT

But I would like now to make a final caveat. If, despite all the evidence of its futility, we still want to provide air-to-air missile defense of our carriers against the Soviets, we do not need the F–14 to do it. There are other ways which would be equally effective or ineffective, far less expensive, and which would not rob us of the first-rate Navy fighter our security may require at this time.

One approach would be to put the Phoenix itself on the A–6, one of the Navy's interdiction aircraft. This option was seriously considered by the Navy during the dying days of the F–111B. It might well have been chosen if so much emphasis had not been placed on the F–111B's own inability to carry the Phoenix and still be a fighter in the attempt to finish it off.

The A–6 would be similar to, but an improvement over, the old Missileer. It has all the range, loiter, and payload capabilities needed in a fleet air defense interceptor. It would be able, in all probability, to loiter longer and to carry even more than the six Phoenix missiles carried by an F–14. The only possible advantage of the F–14 would be the greater acceleration it could provide. It is supersonic, while the A–6 is subsonic, so it would get into its intercept position faster. It is doubtful, however, that this advantage would ever matter. The F–14 itself would have poor acceleration with a full external Phoenix load, poor enough that it is highly doubtful that an F–14 not already on station could be brought to bear in defense against a fast bomber raid. The key to such a defense would be loiter time on station and here the A–6 would get the nod.

We already have a great many A–6's. We have been buying them for almost 10 years and 12 of the latest version, the A–6E, are included in this year's budget. The basic cost of an A–6 inframe, without avionics, is under $3 million.

We could buy more A–6's for the fleet air defense role. With the AWG–9 avionics system substituted for the avionics now on board, the cost would be about $6 to $7 million per plane.

Or we could change avionics packages on some of the planes we now have. Another thing the Navy does not need is more interdiction aircraft. It already has about twice as many aircraft supporting the interdiction mission as it has fighters aboard its carriers, despite the limited payoffs of interdiction.

SOLVE DECK CROWDING PROBLEM

This restructuring of its aircraft mix would also solve any deck crowding problem which might result if we were to add both A–6 interceptors and a new fighter to the carrier air group. The real source of the crowding problem in any event is no longer the aircraft deck space available, but an inability to house the large number of maintenance personnel needed to handle the increasingly complex and difficult to maintain expensive new aircraft we like to buy.

Another approach would be to rely on the Sparrow missile for fleet air defense. It might actually be better for the job than the Phoenix.

I spoke earlier about the performance record of the Sparrow in Vietnam. It should now be noted that Raytheon Corp., manufacturer of the Sparrow, is at work on a completely new version—the AIM–7F—which hopefully will solve some of its problems. The new version is expected to have fully twice the maximum range of the old, as well as a shorter minimum range to permit use under conditions when the presence of friendly aircraft prevent its standoff launch. It will be solid state and will fly dormant until activated just prior to launch in an attempt at better reliability—its ability at least to launch and fly. It is hoped it will have much greater capability against maneuvering or high-speed enemy targets. These points should be kept in mind in comparing the capabilities of the two missiles.

PHOENIX ADVANTAGES

The Phoenix would appear to have two advantages.

The first is its significantly longer range. This advantage is greatly minimized, however, by the fact that the Phoenix has poor capability against maneuvering targets, especially over those stretches of its range which are beyond the maximum of the new Sparrow.

The Phoenix also has a simultaneous multiple-shot capability which the new Sparrow lacks. But here too the advantage may be small. The AWG–9 fire control system, by the Navy's own admission, cannot launch six Phoenix missiles at precisely the same time. What it can do is launch successive missiles at sufficient speed that six might be simultaneously in the air. And even this has never been demonstrated.

Moreover, a simultaneous multiple-shot capability is more a function of an aircraft's fire control system than a function of the missile itself. And AWG–10 contractor, Westinghouse, has already completed Navy-funded design studies of new F–4 fire control systems designed to accommodate the new Sparrow. One design would replace the present AWG–10 analog system with a more reliable digital version, the AWG–14. Another would simply give the present AWG–10 system a simultaneous multiple-shot capability.

Range and simultaneous shot capability aside, the advantages would lie with the Sparrow. It would be more maneuverable over its range. It would not have to be dropped into the ocean if a dogfight developed, but could be used in theory as a dogfight weapon. It would cost only one-fourth as much, so we could afford to buy a few more.

NEW SPARROW

The new Sparrow could be carried on either of two planes. As indicated, there are new F–4 fire control systems which could handle it. It is already earmarked for use on the F–15, which might well be adaptible for carrier use.

These, then, are clear alternatives to fleet air defense against the Soviets. I do not mean to endorse them. I have already made clear my basic feelings in this regard. But they are available and if we want an anti-Soviet fleet air defense system, we do not need the F–14 to get it. In fact, these alternatives have three clear cut advantages over the F–14 in addition to costing far less.

To the extent timing were considered critical, it should be noted that both the A–6/Phoenix and F–4/Sparrow alternatives could be deployed ahead of the present schedule for the F–14.

More important, if we were reasonable, these alternatives would give us an opportunity to conduct realistic operational tests of both the Phoenix and the new Sparrow before billions of dollars were committed on the missiles themselves or on any plane designed to use them. The F–14 alternative simply will not permit this, tied as it is to a hopelessly concurrent contract schedule. I am convinced that realistic operational tests would only confirm what I have suggested here—that the Phoenix could be easily outmaneuvered and hopelessly countermeasured, while proving totally unreliable in the field. Nor am I sanguine about the prospects of the new Sparrow. It was originally expected to enter production this year, but it has encountered sufficient disasters even in its articifial engineering test program to be kept in development for more debugging. It is also certain to cost at least $100,000 per missile—much less than the Phoenix, but more than twice as much as the old Sparrow.

Most important of all, these alternatives would not rob us of the new air superiority fighter the Navy and our security may badly need. But that is my subject for next time. I shall try to prove in a few days that the F–14 costs the most yet, and has the poorest performance of all the fighter options that we have.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. CHILES). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Moss when he introduced S. 2510 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RANDOLPH:

S. 2506. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 2507. A bill to amend the Gun Control Act of 1968. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 2508. A bill to protect the concept of neighborhood schools. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT (for himself, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Bennett, Mr. Bible, Mr. Boggs, Mr. Cannon, Mr. Cranston, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Inouye, Mr. Jordan of Idaho, Mr. Moss, Mr. Packwood, Mr. Pastore, Mr. Pell, Mr. Schweiker, Mr. Stevens, Mr. Talmadge, Mr. Thurmond, Mr. Williams of New Jersey, and Mr. Fong):

S. 2509. A bill to incorporate Pop Warner Little Scholars, Incorporated. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2510. A bill to establish a corporation for the development of new energy sources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 2511. A bill to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GURNEY:

S. 2512. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 2513. A bill to amend the Social Security Act. Referred to the Committee on Finance.

By Mr. BENNETT:

S. 2514. A bill for the relief of Jose Maria Ibaibarrioga. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. Williams, Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Schweiker, Mr. Stevenson, and and Mr. Tunney):

S. 2515. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RANDOLPH:

S. 2506. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes. Referred to the Committee on Labor and Public Welfare.

LEGISLATION OFFERED TO AMEND RANDOLPH-SHEPPARD ACT TO FURTHER BENEFIT BLIND CITIZENS

Mr. RANDOLPH. Mr. President, one of the most overworked words in government today is "priority." This label is attached to almost every proposal that comes before us, to convey a sense of urgency and necessity.

But the weakening of the word through overuse should not diminish the urgency and necessity of improving certain programs which, over the years, have proven to be beneficial to our society.

Such a program was signed into law by President Franklin Delano Roosevelt 35 years ago. The Randolph-Sheppard Act, authored by Senator Morris Sheppard and myself, established the program of granting preference to blind persons in the operation of vending facilities in Federal buildings.

This is, in every sense, humane legislation. It was a privilege for me, as a Member of the House of Representatives, to sponsor with Senator Sheppard a measure which provides blind men and women the opportunity to become self-supporting, taxpaying and productive citizens, Moreover, the Randolph-Sheppard Act has demonstrated to the public that individuals with this handicap are capable of self-sufficiency. It is seldom that a Federal program demonstrates such success that it is adopted and enlarged by the private sector of the economy. Yet today, three out of every four blind vending operations are located in business and other government facilities outside of the Federal establishment.

Congress authorized the program. Blind people themselves did the rest. They have worked diligently as small business entrepreneurs serving government employees and the public in snack bars and other types of vending facilities. In the late thirties, when employment opportunities for blind persons were severely limited and the public equated blindness with helplessness, these concessionaires contributed greatly to changing the image of a handicap. Their demonstrations of ability eased the acceptance of other handicapped workers by industry and influenced the establishment of public policy to provide training and job opportunities for our handicapped citizens.

Over the years, the vending stand program has provided gainful employment for thousands of blind persons, enabling them to support themselves and their families and lead normal lives.

Today, there are more than 3,350 licensed blind operators employed in more than 3,000 vending stands throughout the country. In fiscal 1970 they did a gross business of almost $94 million. Average earnings of blind stand operators amounted to $6,300.

Since 1936, the Randolph-Sheppard Act has been amended only once—that was in 1954, which updated its provisions in light of practices and conditions at that time.

In June of 1969, I introduced a bill to amend the act to provide expanded opportunities for blind vendors. Last June, during hearings conducted by the Senate Special Subcommittee on Handicapped Workers, which I chaired, we received testimony that if the bill, S. 2461, became law, the Randolph-Sheppard program could be expanded to more than double the number of blind vendors by the year 1975. Still this increased figure would be only a small percentage of the potential work force; there are approximately 450,000 legally blind persons in the United States. One million citizens have severe visual impairments.

The changes considered necessary in this legislation have been carefully considered over the past few years. Among the organizations consulted in preparing this bill were: The American Association of Workers for the Blind; the American Council for the Blind; the American Foundation for the Blind, General Council of Workshops for the Blind; Goodwill Industries of America; International Association of Rehabilitation Facilities; the National Rehabilitation Association; the National Council of State Agencies for the Blind; the President's Committee on Employment of the Handicapped; the National Federation of the Blind; National Industries for the Blind; International Association of Rehabilitation Facilities; National Rehabilitation Association; National Center for Deaf-Blind Youths and Adults; and the American Optometric Association.

Representatives of four Federal agencies also indicated general support for this legislation in our hearings. Witnesses were heard from the General Services Administration, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, the Committee on Blind-Made Products, and the President's Committee on Employment of the Handicapped.

It is gratifying to report that S. 2461, which had a total of 51 cosponsors, was approved by the Senate without a dissenting vote. Hearings were held by Representative John Brademas, chairman of the House Select Subcommittee on Education last December, but the House of Representatives did not have sufficient time to act on the legislation before adjournment.

Since its enactment in 1936, as I have indicated, the Vending Stand Act has been amended only once, when improvements to it were included in the Vocational Rehabilitation Act of 1954. At that time, there was little indication that the tremendous growth of automatic vending machines would rise to offer stifling competition to the program.

To meet that challenge, and to expand and improve the opportunities for thousands of blind persons to become self-sufficient citizens, I am introducing a new bill to effect needed changes.

This bill would change the term "vending stand" to "vending facility" to more accurately cover the wide variety of concessions operated on Federal property by blind persons. It also defines a vending facility to include various types of concessions, including vending machines. Since the assignment of vending machine income has adversely affected blind vending stand operators in some instances, the bill tightens the procedure for making this assignment.

Present law requires licensed blind operators to be at least 21 years of age. My bill would make it possible for the State licensing agency to license responsible and capable blind men and women who are under 21. Such individuals are now actually employed in vending stands but, because of the restrictive language, they are designated as trainees until they are 21.

The measure authorizes food, beverages, and other items—as may be determined by the State licensing agency—to be prepared on the premises, as in fact, is presently being done in many locations. It also eliminates the 1-year residence requirement as a prerequisite for licensing of blind concessionaires, an archaic provision already eliminated from the Vocational Rehabilitation Act.

An important new provision is the requirement for inclusion of sites for vending facility locations in the design, construction, or substantial alteration of Federal buildings of those leased by Federal agencies. This provision will help to assure growth of employment opportunities for persons while providing a valuable service to employees and the public. The requirement for consultation between the officials of the agency controlling property, the Department of Health, Education, and Welfare, and the State licensing agency will insure installation of the proper facility, if one is justified on the basis of potential business.

The fair hearing mechanism for aggrieved licensed blind operators now in the law is expanded to include an arbitration procedure if there is a dispute which cannot be settled otherwise. There is also a provision for arbitration of disputes between agencies controlling Federal property and State licensing agencies. In addition, a blind person or State licensing agency is authorized to seek judicial review of any agency action if they are adversely affected by that action.

Mr. President, these are the major provisions of my measure. If enacted into law, the bill will bring present law into conformance with accepted practice in the vending stand program and affect additional needed improvements.

The need for improvements in the Randolph-Sheppard Act was called to my attention by representatives of organizations of blind persons, and organizations of workers who serve blind persons in every State. Its provisions were carefully arrived at and agreed on after several conferences. The organizations giving active support are the major national organizations of and for the blind—the American Association of Workers for the Blind, American Council of the Blind, American Foundation for the Blind, Blinded Veterans Association, National Council of State Agencies for the Blind, and National Federation of the Blind. Their cooperation in working together to solve problems and meet changing needs is an excellent example of cooperation between consumers of service and providers of service.

Mr. President, I ask unanimous consent that the bill together with a section-by-section analysis of my amendments be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2506

A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Randolph-Sheppard Act for the Blind Amendments of 1971."

PREFERENCE FOR VENDING FACILITIES ON FEDERAL PROPERTY

Sec. 2. Section 1 of the Act entitled "An Act to authorize the operations of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936 (20 U.S.C. 107), is amended to read as follows:

"Section 1. For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal or other property. In authorizing the operating of vending facilities on Federal property, preference shall be given, so far as feasible, to blind persons licensed by a State agency as provided in this Act; and the head of each department of agency in control of the maintenance, operation, and protection of Federal property shall, after consultation with the Secretary and with the approval of the President, prescribe regulations designed to assure such preference (including exclusive assignment of vending machine income to achieve and protect such preference) for such licensed blind persons without adversely affecting the interests of the United States."

CONCESSION VENDING SURVEYS

Sec. 3. Section 2(a) (1) of such Act of June 20, 1936 (20 U.S.C. 107a), is amended to read as follows:

"(1) Make surveys of concession vending opportunities for blind persons on Federal and other property in the United States;"

VENDING FACILITY

Sec. 4. Such Act of June 20, 1936, is further amended by striking out "vending stand" and "stand" wherever they appear and inserting in lieu thereof "vending facility" and by striking out "vending stands" and "stands" wherever they appear and inserting in lieu thereof "vending facilities".

ELIMINATION OF AGE REQUIREMENT AND VENDING OF FOOD AND BEVERAGES

Sec. 5. Section 2(a) (4) of such Act of June 20, 1936, is amended by (1) striking out "and at least twenty-one years of age", (2) striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section:" and inserting in lieu thereof the following: "foods, beverages, and other such articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency:".

DELETION OF CERTAIN LIMITATIONS IN LICENSING BLIND OPERATORS OF VENDING FACILITIES

Sec. 6. Section 2(b) of such Act of June 20, 1936, is amended by (1) striking out "and have resided for at least one year in the State in which such stand is located", and (2) striking out "but are able, in spite of such infirmity, to operate such stands."

PROVISION OF VENDING FACILITY LOCATIONS

Sec. 7. Section 2 of such Act is further amended by adding a new subsection (d) at the end thereof:

"(d) In the design, construction, or substantial alteration or renovation of each public building after January 1, 1972, for use by any department, agency, or instrumentality of the United States, there shall be included, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. No space shall be rented, leased, or otherwise acquired for use by any department, agency, or instrumentality of the United States after January 1, 1972, unless such space includes, after consultation with the State licensing agency, a satisfactory site or sites with space and electrical and plumbing outlets and other necessary requirements suitable for the location and operation of a vending facility or facilities by a blind person or persons. All departments, agencies, and instrumentalities of the United States shall consult with the Secretary (or his designee) and the State licensing agency in the design, construction, or substantial alteration or renovation of each public building used by them, and in the renting, leasing, or otherwise acquiring of space for their use, to insure that the requirements set forth in this subsection are satisfied. This subsection shall not apply (1) when the Secretary (or his designee) and the State licensing agency determine that the number of people using the property is insufficient to support a vending facility or (2) to a vending facility operated by a blind person on privately owned property partially leased by a department, agency, or instrumentality of the United States wherein the lessor or his tenant (prior to the making of such lease) already has in operation a restaurant or other food facility in a part of the property not included in such lease and when such a vending facility operated by a blind person would be in direct and proximate competition wtih such restaurant or other food facility.

ARBITRATION BETWEEN OPERATORS AND LICENSING AGENCIES

Sec. 8. Section 3(6) of such Act (20 U.S.C. 107b) is amended by substituting a comma for the period at the end thereof and adding the following new wording: "including binding arbitration by three persons consisting of one person designated by the head of the State licensing agency, one person designated by the licensed blind operator, and a third person selected by the two, who shall serve as chairman."

DEFINITIONS

Sec. 9. (a) Section 6(b) of such Act (20 U.S.C. 107e) is amended to read as follows:

"(b) The term 'blind person' means a person whose central visual acuity does not exceed 20/200, in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an optometrist, whichever the individual shall select."

(b) Section 6 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The term 'vending facility' includes, but is not limited to, automatic vending machines, snackbars, cart service, shelters, counters, and such other appropriate auxiliary equipment (as the Secretary may by regulations prescribe) as are necessary for the sale of the articles or services referred to in section 2(a) (4), which are, or may be operated by blind licensees, and such term also includes cafeterias, but only upon a demonstration by the State licensing agency of the feasibility of the inclusion of such facilities, as evidenced by a program of training and supervision of blind licensees commensurate with the proposed operation."

ARBITRATION BETWEEN AGENCIES

SEC. 10. Such Act is further amended by redesignating section 8 (20 U.S.C. 107f) as section 9 and by inserting the following new section after section 7:

"SEC. 8. (a) An arbitration board of three persons consisting of one person designated by the Secretary who shall serve as chairman, one person designated by the head of the Federal department or agency controlling Federal property over which a dispute arises, and a third person selected by the two who is not an employee of the departments concerned shall hear appeals as provided in subsection (b) of this section.

"(b) If, in the opinion of a State licensing agency designated by the Secretary under this Act, any department or agency in control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act, or any regulations issued thereunder, it may appeal to the board. The board shall, after notice and hearing, render its decision which shall be binding. If the board finds and determines that the acts or practices of any such department or agency are in violation of this Act, or the regulations issued thereunder, the head of the affected department or agency shall promptly cause such acts or practices to be terminated, and shall take such other action as may be necessary to carry out the decision of the board. All decisions of the board shall be published."

JUDICIAL REVIEW

SEC. 11. Such Act is further amended by adding the following new section:

"SEC. 10. Notwithstanding other provisions of this Act, any blind person or State licensing agency suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of this Act or other relevant statutes, shall be entitled to and shall have standing for judicial review thereof."

APPLICABILITY

SEC. 12. Such Act is further amended by adding the following new section:

"SEC. 11. Notwithstanding any other provision of law, the provisions of this Act are applicable to any agency, establishment, or other entity created within the Government of any department or agency of the United States."

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall become effective January 1, 1972.

SECTION-BY-SECTION ANALYSIS

The bill amends the Randolph-Sheppard Act as follows:

SECTION 1. Short title. This section provides that the Act may be cited as the "Randolph-Sheppard Act for the Blind Amendments of 1971."

SEC. 2. Preference for Vending Facilities on Federal Property. This section amends Section 1 of the Act of June 20, 1936, as amended, under which preference is granted to blind persons licensed by State agencies designated in the act to operate vending facilities on Federal property. It provides for exclusive assignment of vending machine income in order to assure, achieve, and protect the preference granted. Inconvenience to departments and agencies of the Federal Government is eliminated as a criterion for the establishment of a vending facility; however, such a facility would not be authorized if the interests of the United States would be adversely affected thereby.

SEC. 3. Concession vending surveys. This section amends section 2(a)(1) of the act by changing the term "concession-stand" to "concession vending."

SEC. 4. Vending facility. This section substitutes the term "vending facility" or "vending facilities" for vending stand(s)" or "stand(s)" throughout the act in order to reflect the broader variety of concessions in the program.

SEC. 5. Age requirements; articles and services available. This section amends section 2(a)(4) of the act to eliminate the requirement that a licensed blind operator must be at least 21 years of age. It also alters language in the same section of the act to broaden the types of articles and services available in vending facilities to accord with current actual practice.

SEC. 6. Deletion of limitations. This section amends section 2(b) of the act to eliminate the unnecessary 1 year residence requirement before blind persons can become licensed operators. It also eliminates archaic wording contrary to rehabilitation principles referring to blindness and infirmity.

SEC. 7. Provision of locations. This section adds a new subsection (d) to section 2 of the act, providing for inclusion after January 1, 1972, of sites for vending facilities operated by blind persons, after consultation with the State licensing agency, in the design, construction, or substantial renovation or alteration of public buildings for use by the Federal Government. Similar provisions cover public buildings rented or leased by the Federal Government. The new subsection also requires agencies controlling Federal property to consult with the Secretary of Health, Education, and Welfare (or his designee) and the State licensing agency to insure inclusion of suitable vending facility sites unless it is determined that the number of persons using the building will not justify operation of a vending facility, or that lessors retain facilities that would compete with nearby vending facilities.

SEC. 8. Arbitration between operators and licensing agencies. This section amends section 3(6) of the act to expand fair hearing procedures for aggrieved licensed blind operators to include binding arbitration. It provides that the arbiters shall consist of one person named by the head of the State licensing agency, one person named by the licensed blind operator, and a third person selected by the two, who shall be chairman.

SEC. 9. Definitions. This section amends section 6(b) of the act to substitute the current legal definition of blindness for the obsolete terminology presently in the act of also adds a new subsection to section 6 of the act defining the term "vending facility" to cover the broad variety of concessions presently in use in the program, including automatic vending machines and cafeterias upon demonstration by the State licensing agency of feasibility.

SEC. 10. Arbitration between agencies. This section redesignates section 8 of the act as section 9 and establishes a new section 8 providing for arbitration of disputes between a State licensing agency and an agency controlling Federal property. It provides that the three arbiters shall consist of a person designated by the Secretary of Health, Education, and Welfare; one person designated by the head of the agency controlling Federal property over which the dispute has arisen; and a third person selected by the two who is not an employee of the departments concerned. It also provides that all decisions of the arbitration board shall be published.

SEC. 11. Judicial review. This section adds a new section 10 to the act providing for judicial review in the event a blind person or State licensing agency suffers a legal wrong or is adversely affected or aggrieved by the action of an agency.

SEC. 12. Applicability. This section provides that, notwithstanding any other provisions of law, the provisions of this act are applicable to any agency, establishment or other entity created within the Government of the United States to carry out the duties and functions of the Post Office Department or any other department or agency of the United States.

SEC. 13. Effective date. This section provides for an effective date of January 1, 1972.

By Mr. BAYH:

S. 2507. A bill to amend the Gun Control Act of 1968. Referred to the Committee on the Judiciary.

RESTRICTION OF THE SALE OF "SATURDAY NIGHT SPECIAL" HANDGUNS

Mr. BAYH. Mr. President, I introduce for appropriate reference an amendment to the Gun Control Act of 1968.

This bill would prohibit the sale of the domestic "Saturday Night Special," the gun that has taken the place of the imported "Saturday Night Special," which was precluded from importation into the United States under the provisions of the Gun Control Act of 1968.

The effect of the amendment would be to prevent the transfer or sale by a federally licensed dealer of any firearm, other than a rifle or shotgun, to anyone except law enforcement officials unless the Secretary of the Treasury determines that the gun is suitable for lawful sporting purposes.

I shall emphasize, however, that this bill would not interfere with the legitimate, sporting use of the long guns, the rifles and shotguns, because the amendment does not cover them. In addition, handguns designed for and suitable for sporting purposes would not be affected by the amendment, for these firearms would meet the necessary criteria for sale to the public.

Mr. President, today in these United States we are faced with the increasing misuse of guns in murders, robberies, and in aggravated assaults.

For the first 3 months of 1971, murders increased 11 percent over a similar period of 1970.

In addition, robberies were up 17 percent and aggravated assaults increased 8 percent.

It is in these three categories of violent crime that guns are most often used.

We know that guns are used in 36 percent of murders, and in two-thirds of all armed robberies.

Since 1964, murder by gun has increased 100 percent, and gun robberies have mushroomed 198 percent.

Of the 633 law enforcement officers killed in the line of duty from 1961 through 1970, firearms were used in 95 percent of the incidents.

The reasons that I am introducing this bill to restrict the availability of these inexpensive, small caliber handguns is that they have no sporting use and were found in previous subcommittee studies to be used in one-third of all this Nation's gun murders.

The domestic "Saturday Night Special" now being produced by the millions in this country must be brought within the purview of the Federal law in the same manner in which the imported firearms were embargoed in 1968 by the Gun Control Act.

What are the types of firearms with which this amendment is concerned?

First, these weapons are basically the small caliber, inexpensive revolvers, usually of .22 caliber or .25 caliber design.

Second, these firearms are useless for sporting purposes because they are neither designed nor suitable for such purposes.

Third, these guns are crime guns, and are used in substantial numbers of murders, in armed robberies and in aggravated assaults.

Fourth, they are the weapons that began to be produced in quantity after the enactment of the Gun Control Act of 1968, which prohibited the importation of these very firearms. In other words, their increased domestic production is a circumvention of congressional intent in barring the importation of these guns made in foreign countries.

In the decade of the 1960's, the imported "Saturday Night Special" became the gun of choice in some 30 percent of all gun murders, armed robberies and aggravated assaults.

The reasons are obvious.

The gun was inexpensive to buy.

It was easily concealed, and it was lethal.

During our inquiries into the gun problem in the United States, virtually every public official who appeared before this subcommittee urged that this particular class of gun, the small caliber, inexpensive, pot metal revolver, be prohibited from importation into the United States.

With no questions asked, it was sold by mail order to nonresidents, to immature juveniles, to criminals.

Then in 1968 in response to the urgent plea of law enforcement officials throughout the United States, Congress enacted legislation prohibiting these deadly weapons from importation into the United States.

At that time there was no substantial comparable domestic manufacturer of these firearms. However, with the prohibitions of the Gun Control Act of 1968, entrepreneurs who had been in the importing business suddenly became firearms manufacturers and began to make the very gun that had been embargoed by Federal law.

Names familiar to this subcommittee as firearms importers began to produce these guns in large volume in the United States.

And, instead of millions of these weapons being imported into the United States, we began to witness the production of hundreds of thousands of "Saturday Night Specials" here in this country.

During subcommittee hearings on the matter in August of 1968, Associate Deputy Attorney General Donald Santarelli testified that some 60,000 cheap, domestically manufactured "Saturday Night Specials" were manufactured in the United States in 1968 and predicted substantial increases in production with each succeeding year.

Santarelli concluded that the crime problem caused by the "Saturday Night Specials," "has not abated, but, in fact, has exacerbated."

Two other witnesses representing the National Commission on the Causes and Prevention of Violence, called for an extension of the Gun Control Act to "prohibit the domestic production" of these "junk guns."

In response to these facts and urging of congressional action, this subcommittee developed legislation which was introduced in September of 1969.

No action was taken on this bill, and as Mr. Santarelli had pointed out in his testimony, the problem of the "Saturday Night Specials" has continued to grow.

In testimony before an Appropriations Committee of the House of Representatives, Randolph Thrower, the former Commissioner of the Internal Revenue Service, the Federal agency which administers and enforces our Federal gun laws, said that the cheap handgun known as the "Saturday Night Special" "is the one most frequently used for illegal purposes and in conflict between humans."

He went on to say:

> While I can see the difficulties of reopening the gun legislation problem, if, in some way, this technical correction could be made, it would resolve a problem and permit local efforts to be effective in getting these non-sporting, irresponsible, and wholly lethal weapons out of full circulation.

He referred, of course, to the technical correction which would prohibit the domestic production and sale of these crime guns.

Mr. President, the amendment that I introduce today would effectively preclude the sale of these weapons to the public.

I believe that we must act upon this amendment without undue delay, before the incidence of criminal misuse of these guns reaches astronomical proportions.

We cannot afford the delay that occurred with regard to the foreign imported "Saturday Night Special."

For 10 years prior to 1968, hundreds of thousands of those weapons were imported each year, and many of them were either used in crime or are now lodged in the hands of potential abusers.

A similar situation cannot be allowed to develop with the domestic variety.

The subcommittee has surveyed law enforcement officials throughout the country. We have reports from major U.S. cities which reflect the criminal use of the domestic "Saturday Night Specials."

As has been the case in the past with the foreign imports, our Nation's largest cities, including Chicago, Detroit, Los Angeles, New York, and others are bearing the brunt of crime committed with these domestically made weapons.

The foreign imported "Saturday Night Special" became a murder-a-day gun; we cannot allow this to happen with regard to its American counterpart.

Only Congress can prevent such a tragic situation from developing.

The legislation that I propose today provides the necessary controls to restrict the manufacture and sale of these weapons, the production of which reached a staggering 630,000 in 1970. If this trend continues, we can expect millions of these weapons to flood the market each year, and we can expect substantial numbers of these guns to be involved in crimes of violence.

This would be deplorable.

The Senate must act to assure our citizens an additional measure of safety from armed criminals. The enactment of this bill will, I am certain, guarantee that measure of safety.

I urge Senators to give this amendment their earnest consideration and support, so that we may move it through the Senate toward enactment into law.

I ask unanimous consent that the text of this bill be printed in its entirety at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 922(b) of the Gun Control Act of 1968 is amended by—

(1) striking out at the end of paragraph 4 thereof the word "and";

(2) striking out at the end of paragraph 5 of such section the period and inserting in lieu thereof a semicolon and the word "and"; and

(3) adding after paragraph 5 thereof the following:

"(6) any firearm, other than a rifle or shotgun, to any person, which the Secretary determines to be unsuitable for lawful sporting purposes based upon standards established by him pursuant to section 925(d) of this title."

By Mr. CHILES:

S. 2508. A bill to protect the concept of neighborhood schools. Referred to the Committee on Labor and Public Welfare.

Mr. CHILES. Mr. President, I am sending to the desk a bill entitled the Neighborhood School Act of 1971. I ask that a copy of this legislation be printed in full at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2508

A bill to protect the concept of neighborhood schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Neighborhood School Act of 1971".

SEC. 2. (a) It is the policy of the United States to encourage the concept of the neighborhood school so that students are assigned to a public elementary or secondary school solely on the basis of residence within the geographic zone which that school serves.

(b) It is further the policy of the United States that no student may be denied attendance at the neighborhood school serving the geographic zone in which he resides on the basis of race, creed, color, religion, or national origin.

SEC. 3. (a) It is also provided that any student has the right to transfer and be provided transportation out of the neighborhood public elementary or secondary school serving the geographic zone in which he resides if such a student is a member of a minority group and that minority group constitutes at least fifty percent of the students enrolled in that school.

(b) For the purpose of this section—

(1) "minority group" means any individuals who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary pursuant to regulations, and combinations of any such individuals;

(2) "Spanish-surnamed American" means an individual of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

SEC. 4. (a) Federal funds shall be made available under the Elementary and Secondary Education Act of 1965 or any other provision of law to pay the cost of the assignment or transportation of students in accordance with the provisions contained in Sec. 3 (a) of the Act.

(b) Notwithstanding any other provision of law no officer or employee of any department of agency or the Federal Government shall order or require the assignment of transportation of students inconsistent with the policy set forth in this Act.

Mr. CHILES. Mr. President, few issues dominate the thinking of the people of my State of Florida today more than the assault on the neighborhood school, which traditionally has been the bulwark of our public educational system for over a hundred years.

In my walk across Florida, I talked with over 40,000 people, and I found this was one of the problems that more people talked with me about than anything else. So many people told me that they bought a home in a neighborhood paying more than they really could afford to pay specifically so they could send their child to a certain school and now they find that they have got to bus their children across town, many times on split sessions where one child goes at 6 and one goes at 12. This certainly upsets people tremendously. And I was unable to explain to them how this would help the education of their children. I have found both black and white people are very upset by the idea that they must bus children just to have a mathematical formula of the races.

The legislation I have introduced today in the Senate would define this neighborhood school concept. This legislation would say no student would be denied the right to attend his neighborhood school on the basis of race, color, religion, or national origin.

This would accomplish the obvious benefits of having the parent and the teacher close to each other, having the parents close to their children for emergencies such as sickness or injury, requiring the child to spend less time in transportation so he would have more time for his homework and extracurricular activities and, of course, lowering the item of costs.

At the same time this legislation would not deny a student the right to transfer and be provided transportation out of his neighborhood school when he is a member of a minority race and his race constitutes a majority of his neighborhood school. Legislation has already passed the Senate making funds available to school boards to assist in this purpose.

Just to close a disadvantaged school is not the long lasting solution. The primary effect a closing has is to shut out and close a community center. Congress needs to face the problem of providing Federal funds that could be matched by the State for disadvantaged schools which would allow a lower pupil-teacher ratio and would provide additional funds for guidance counselors, vocational technical education and recreational equipment. I am presently working on legislation to key in on these schools and make prize schools out of them. This would allow children in a deprived neighborhood a chance to catch up. It would meet the child's needs where they are, raise educational requirements, and would provide for a center for the community, giving a point of pride from which to build the neighborhood and develop leadership.

With the fall school term now underway, there are those who would seek to prey on the emotions and fears of our parents and children. We must remember that our courts represent the law of our land and interpretation of the U.S. Constitution as it is now written and I sincerely hope that parents will not seek to disobey the law and Constitution because of their dissatisfaction with the busing of their children.

I believe busing will affect the quality of education but I am convinced that open defiance by parents will be much more damaging.

We must work under our American system to make changes which will assure children of a good education. We want and ask our young people to work within the system. We all should do the same with this problem.

By Mr. SCOTT (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. CANNON, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. INOUYE, Mr. JORDAN of Idaho, Mr. MOSS, Mr. PACKWOOD, Mr. PASTORE, Mr. PELL, Mr. SCHWEIKER, Mr. STEVENS, Mr. TALMADGE, Mr. THURMOND, Mr. WILLIAMS of New Jersey, and Mr. FONG):

S. 2509. A bill to incorporate Pop Warner Little Scholars, Inc. Referred to the Committee on the Judiciary.

POP WARNER LITTLE SCHOLARS, INC.

Mr. SCOTT. Mr. President, I am pleased to introduce legislation similar to that which I sponsored in the 91st Congress to provide a Federal charter for Pop Warner junior league football.

I support this program because of its inestimable value not only to the youth of the Commonwealth of Pennsylvania, but also to the many young people of over 30 other States.

The issuance of a Federal charter to this splendid organization would protect the Pop Warner name and insignia and also recognize its broad scope. The nonprofit charter granted by the State of Pennsylvania is not sufficient to cover the expanding program of Pop Warner football.

Pop Warner's method of combining exceptional athletic accomplishments with high academic standards in our young citizens is a worthwhile endeavor. This program is an asset to the maintenance of a strong nation by building healthy and intellectually competent youth who can assume the burdens of leadership in the future.

I am proud to include the following distinguished Senators as cosponsors of this bill: Senators ALLOTT, BAKER, BAYH, BENNETT, BIBLE, BOGGS, CANNON, CRANSTON, FANNIN, GOLDWATER, GRAVEL, HART, HARTKE, HATFIELD, INOUYE, JORDAN of Idaho, MOSS, PACKWOOD, PASTORE, PELL, SCHWEIKER, STEVENS, TALMADGE, THURMOND, WILLIAMS of New Jersey, and FONG.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2509

A bill to incorporate Pop Warner Little Scholars, Incorporated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Herbert Barness, 1352 Easton Road, Warrington, Pennsylvania; Joseph J. Tomlin. 1004 Western Saving Fund Building, Philadelphia, Pennsylvania; G. Martin Brill Watts, 571 Sycamore Mills Road, Media, Pennsylvania; James T. Bryan, Junior, 67 Wall Street, New York, New York; Milton Clark, 5401 Walnut Street, Philadelphia, Pennsylvania; George M. Ewing, Junior, 611 Maplewood Road, Wayne, Pennsylvania; Donald C. Osgood, 1000 Miramar Place, Fullerton, California; Anthony F. Visco, Junior, 1418 Packard Building, Philadelphia, Pennsylvania; Maurie H. Orodenker, 6004 North 13th Street, Philadelphia, Pennsylvania; Charles A. Barsuglia, 7246 Marsden Street, Philadelphia, Pennsylvania; Stanley M. Bednarek, 2607 East Allegheny Avenue, Philadelphia, Pennsylvania; Mitchell N. Daroff, Rittenhouse Plaza Apartments, Philadelphia, Pennsylvania; John D. Scott, City Hall, Philadelphia, Pennsylvania; David G. Tomlin, 3664 Richmond Street, Philadelphia, Pennsylvania; and their successors, are hereby created and declared to be a body corporate by the name of Pop Warner Little Scholars, Incorporated (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession. Such corporation shall have the powers and be subject to the limitations and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, and the doing of such other acts as may be necessary to complete the organization of the corporation.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to inspire youth, regardless of race, creed, or color, to practice the ideals of sportsmanship, scholarship, and physical fitness; and

(2) to bring youth closer together through the means of common interest in sportsmanship, scholarship, fellowship, and athletic competition.

CORPORATE POWERS

SEC. 4. (a) The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers and employees as its business may require and define their authority and duties;

(4) to adopt and amend bylaws, not inconsistent with this Act or any other law of the United States or any State in which it is to operate, for the management of its property and the regulations of its affairs;

(5) to make and carry out contracts;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to acquire by purchase, lease, or otherwise, such real or personal property, or any interest therein, wherever situated, necessary or appropriate for carrying out its objects and purposes and subject to the provisions of law of the State in which such property is situated (A) governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold, or (B) otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, lease, and convey real or personal property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject to all applicable provisions of Federal or State law; and

(10) to do any other acts necessary and proper to carry out its objects and purposes.

(b) For the purpose of this section, the term "State" includes the District of Columbia.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Philadelphia, Pennsylvania, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation. Service upon, or notice mailed to the business address of, such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as set forth in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act, the membership of the initial board of directors of the corporation shall consist of the persons named in the first section of this Act.

(b) The initial board of directors shall hold office until the first election of a board of directors. The number, manner of selection (including filling of vacancies), term of office, and powers and duties of the directors shall be set forth in the bylaws of the corporation. The bylaws shall also provide for the selection of a chairman and his term of office.

(c) The board of directors shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and programs of the corporation and for the control of all funds of the corporation and for the control of all funds of the corporation. The board of directors may appoint committees to exercise such powers as may be prescribed in the bylaws or by resolution of the board of directors.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. The officers of the corporation shall be those provided in the bylaws. Such officers shall be elected in such manner, for such terms, and with such duties, as may be prescribed in the bylaws of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws applicable thereto.

TRANSFER OF ASSETS

SEC. 16. The corporation may acquire any and all of the assets of the Pennsylvania corporation known as "Pop Warner Little Scholars", upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation, and upon complying with all laws of the State of Pennsylvania.

EXCLUSIVE RIGHTS TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name "Pop Warner Little Scholars", and to have and to use such emblems, seals, and badges as may be required in carrying out its program. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

SEC. 18. The corporation shall continue to comply with the laws, rules, and regulations governing nonprofit organizations issued by the Commonwealth of Pennsylvania including, but not limited to, the filing of annual financial and other reports with the appropriate State office as may be requested. The corporation shall continue to be subject to the laws of Pennsylvania applicable to nonprofit organizations as well as the Federal laws applicable to corporations chartered by Congress.

RESERVATION OF RIGHTS TO AMEND OR REPEAL CHARTER

SEC. 19. The right to alter, amend, or repeal this Act is expressly reserved.

By Mr. MOSS:

S. 2510. A bill to establish a corporation for the development of new energy sources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, when the Senate Interior and Insular Affairs Committee conducted its hearing in July on S. 1846, a bill to establish the coal gasification development corporation, we heard witness after witness testify to the energy shortage and to the urgency of the needs of our country to meet its energy requirements in coming years.

Research in the coal gasification industry is making great progress. Through the legislation introduced by Senator JACKSON and I it is hoped to accelerate work in this area. But we still face deficits in our energy ledger.

The Congress must assist, encourage, and stimulate the production and conservation of all our energy sources.

Energy experts emphasize that new measures must be found to augment the potential to be realized from synthetic gas from coal. We look to LNG, Canadian imports, the Alaskan possibilities, but we must also look to other new energy sources.

Every possibility must be examined.

For example, we have vast oil shale formations, estimated to contain 2 trillion barrels of oil and we have for too long been without meaningful direction in developing these resources.

Over 80 percent of such deposits are on Federal lands and the administration has been unable to come up with a plan of development which would bring industry into the development picture.

Oil shales, tar sands, and solar resources will all have to be tapped in order to meet the needs of our burgeoning energy-demanding society.

To that end, I am today introducing a bill which will authorize a New Energy Sources Corporation to be jointly managed by Government and industry to demonstrate commercial methods of producing energy from tar sands, oil shale, solar resources, and other new energy sources, as they may develop.

The function of the Corporation will be to bring into commercial reality new sources of energy. The Corporation will dissolve upon the completion of its work.

I look to the ingenuity of American industry to produce new alternatives to solve our energy needs with the help of Government, operating through such a corporation.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

By Mr. BELLMON:

S. 2511. A bill to permit national banks to invest in agricultural credit corporations. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, as a member of the Senate Subcommittee on Rural Development, I have been surprised and distressed to find the great handicap which faces the farmers and ranchers of our country in trying to secure farm operating credit.

Because of limitations placed on rural banks by existing laws and regulations, and low lending limits coupled with the accelerating size of farm units, farmers and ranchers have been forced to seek credit from other institutions outside of their local area. Many would prefer to do business with their local banker. When these banks have tried to establish what is defined by the Farm Credit Act as an "Other financial institution," they have been stopped by a legal barrier. The purpose of establishing the OFI was to utilize the existing Federal intermediate credit bank system to mobilize deposits and make them available for loans in agriculture areas where currently small banks could not meet the loan demands. Legal prohibitions have prevented banks from investing in the total capital stock of OFI's. I have introduced today a bill which would lift this prohibition against the ownership of stock by national banks when an association is organized for the purpose of extending credit to farmers and ranchers for agricultural purposes.

I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof a new sentence as follows: "Notwithstanding any other provisions in this paragraph, the association may invest for its own account an amount which shall not exceed at any one time 10 per centum of the association's unimpaired capital and surplus, in the stock, bonds, or other obligations of any corporation engaged solely in providing credit to farmers and ranchers for agricultural purposes."

By Mr. GURNEY:

S. 2512. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age survivors, and disability insurance system, to make improvements in the medicare, medic-aid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes. Referred to the Committee on Finance.

Mr. GURNEY. Mr. President, today I am introducing a comprehensive social security-medicare reform bill entitled the Social Security Improvements bill. My bill is meant to serve as an alternative to H.R. 1, which has been presently set aside because of the high priority of the economic and tax reform legislation.

We are now into fall and it is crystal clear that H.R. 1, with its controversial welfare reform, will not be enacted this year. There will not be enough time remaining after the economic and tax reform has been processed.

My bill eliminates welfare reform and other controversial matters. It includes only that social security and medicare reform which is badly needed and upon which most of Congress agrees.

When last year's social security bill was introduced, many greeted it as necessary and indispensable legislation. By the time the Congress had finished with it, it contained items on international trade, and a family assistance plan, none of which related to the original intent of the bill. The only purpose these two additions served was to prevent the aged and disabled from benefiting from the legislation they so vitally needed.

The Special Committee on Aging has called the problems of the elderly an "unnoticed crisis." It is a crisis which affects a majority of 20 million elderly Americans, and which threatens to engulf many more millions now near retirement age.

John B. Martin, the Commissioner on Aging and Special Assistant to the President, has said:

> Aging is not easy to "sell," to raise high in a list of national priorities. Much of America still looks for a fountain of youth. . . It is true that a minority of the national population is in the later years today. . . . One in ten Americans is an older American. But 70 of every 100 Americans born today may expect to live into their 70's. . . . And so we truly speak for a majority. Let us speak well and loudly.

We need to get on with these amendments and bring our social security system up to date.

Contained in my bill is a 5-percent benefit increase to social security beneficiaries. This increase would bring social security payments into a more realistic balance with the recent cost-of-living increases. The bill provides that in the future years, the benefit increases, earnings test, wage base, and tax rate will be adjusted automatically on a cost-of-living scale. The time to do this is long past due.

The earnings test, or the amount of social security an annuitant can earn without losing his benefits, will be raised to $3,000 per year in my bill.

It provides that men, who must presently be 65 before drawing full social security retirement benefits, or 62 before drawing reduced benefits, will be put on a par with women. They will be able to draw full benefits at age 62, and reduced benefits at age 60.

The bill also provides for a reduction in the waiting period for social security disability benefits. Under present law, a person who becomes disabled in January must wait until July before he begins drawing disability benefits. My bill reduces the waiting period to 4 months. About 140,000 people would benefit by this provision. About $185 million in additional benefits would be paid out during the first year.

My bill also provides disability insurance benefits for the blind. About 225,000 people, blind workers and their dependents, will become eligible for monthly benefits. About $225 million in additional benefits would be paid out during the first year under this provision.

Title II of the bill, the medicare/medicaid provisions, provides a much needed cleanup of the medicare program. In my bill, the Secretary of Health, Education, and Welfare would be given authority to terminate payment for services by a supplier of health and medical services found to be guilty of abuses. Program review teams would be established to furnish the Secretary professional advice in carrying out this authority.

Probably the most important provision of the medicare section of my bill relates to the coverage of disability beneficiaries under medicare. Certainly we all realize the difficulties that disabled persons have in obtaining adequate private sector health insurance. Extending the medicare program to these individuals will give them an urgently needed coverage.

Other provisions of my bill relating to medicare are much like those same provisions in H.R. 1. I have added, however, certain amendments made by the Finance Committee last year to H.R. 17550. These include establishment of professional standard review organizations, inspector general for health administration, treatment in mental hospitals for children, and public access to records concerning an institution's qualifications.

In my view, this last addition is perhaps the most significant addition to my bill over and above H.R. 1. The President recently spoke about the ghastly conditions in our nursing homes. My own mail indicates that many of our elderly are frightened and alarmed by the prospect or being "shut away" in a nursing home. Section 274 of my bill provides that if a hospital or extended care facility fails to meet the qualifications for coverage under medicare, but that the failure is not sufficient to justify termination of such coverage, the nursing home or hospital will be notified of the failure, and if after 90 days this deficiency still exists, it shall be made known. Florida has made dramatic improvement in nursing homes in recent years. However, I believe that this provision will force the bad nursing homes to measure up to reasonable standards while not providing difficulties for the good nursing homes.

Title III of my bill relates to welfare. I have not attempted to deal with the major problems of welfare, since I feel any major welfare legislation should be divorced from social security.

My bill then provides only that old-age assistance and aid to the blind and disabled shall be raised to $150 per month.

It also provides that should social security benefits be increased by certain amounts, the State shall increase their standard of need by an equal amount. This would stop the unfortunate practice in many of our States where a person who is entitled to both the social security and aid to the blind is short changed even though his social security has been increased. When his social security is increased, his aid to the blind or disabled is decreased an equal amount. The bill provides that the States shall raise their level of need, but that the Federal Government will take over the cost of this increase.

Certainly there is nothing in my bill of which the Senate is not well informed. We considered H.R. 17550 last year, and we passed it. The problem was that we passed it too late for it to become law. We need to get on with the business of improving our social security and medicare systems. We have already waited too long, while our elderly, our blind, and our disabled wait for us to enact legislation to bring the social security system up to date. In the strongest possible terms, I urge your support and favorable consideration of this legislation.

We must not and cannot continue to callously ignore the very real and pressing problems confronted by the sick and the elderly. It is time that the United States, the greatest nation on earth, fulfills its greatness, meets their challenge, and gives our elderly a share in the amenities of life which we associate with an American standard of living.

By Mr. HARTKE:

S. 2513. A bill to amend the Social Security Act. Referred to the Committee on Finance.

AN ECONOMIC GAME PLAN FOR ELDERLY AMERICANS

Mr. HARTKE. Mr. President, during the last few weeks, the attention of the Nation has been focused on proposals which will end inflation and bolster the status of American products on the world market. A national plan is long overdue. Yet, in far too many respects, the Nixon plan is the wrong plan at the wrong time.

During the next several days, I plan to discuss alternatives to the President's proposals—alternatives which are more equitable and more effective. This Congress must take the initiative where Mr. Nixon has failed to exercise leadership. That initiative should begin with the enactment of the most far-ranging and progressive social security package in more than 30 years.

More than 4.7 million elderly Americans live in poverty. That is a proportion far higher than any other age group in this country, and it is growing rapidly. We have it within our power to enact legislation which will end the threat of poverty which hangs over the heads of 20 million senior citizens and millions more in years to come. By taking the action I propose today, we not only end a social and economic injustice; we also provide elderly Americans with money they need—and will spend—for food, clothing, and other basic necessities.

The elderly of this country are entitled to a life of dignity and economic security. Indeed, they have a "right" to expect that the country they served through their most productive years will not forget them in their time of need. The legislation I introduce today, "The Older Americans' Rights Act of 1971" acknowledges this obligation and makes numerous, broad-gaged changes in the social security system. Specifically, "The Older Americans' Rights Act" would accomplish the following objectives:

First. A 10-percent increase in cash benefits: Many social security beneficiaries have little or no income other than their social security benefits and must turn to welfare to supplement their meager income. A 10-percent increase in benefits—rather than the 5-percent increase provided in H.R. 1—will provide some improvement in benefit adequacy as well as offset the price increases that have occurred since last January. Furthermore, the increase I propose would be payable 6 months earlier than the 5-percent increase provided in H.R. 1. This change in the effective month of the benefit increase will provide not only quicker relief for the beneficiaries, but it would also aid the economy as a whole by boosting consumer spending at a time when increased spending is urgently needed.

Second. Special minimum benefit: I propose that the Congress provide a special minimum benefit equal to $6 multiplied by the number of years coverage up to a maximum of 30 years of coverage rather than the $5 per year of coverage up to a maximum of 30 years as proposed in H.R. 1. This rather modest change will help to eliminate poverty among those who have worked a substantial number of years in employment covered by the social security system.

Third. Increased retirement test: The amount of money which an older American can earn without suffering any loss in benefits should be raised from the present $1,680 to $2,400—rather than the H.R. 1 increase to $2,000. Above the $2,400 level, there should be a $1 reduction in benefits for every $2 earned. This change will enable more older Americans to remain active and contributing members of our society.

Fourth. Increase in taxable wage base: In order to provide adequate earnings protection for the average and above-average worker under the social security program, the maximum amount of earnings that is taxable and creditable toward benefits should be increased from $10,200 as in H.R. 1 to $12,000 in 1974.

Fifth. Age 62 computation: In order to correct the present inequities of benefit computations for men and women, H.R. 1 proposes to phase in over a 3-year period an age 62 computation of benefits provision for men. While this proposal is laudable, it would fail to benefit those who reached age 62 before 1972. To correct this deficiency, I propose to extend the age 62 computation provision to those on the benefit rolls when the provision becomes effective. At the same time, the proposal in H.R. 1 to change the number of quarters of coverage needed for insured status for men would also be fully effective for January 1972, rather than the 3-year period under H.R. 1.

Sixth. Waiting period for disability benefits: I propose to reduce the waiting period for disability benefits from the present 6 months to 3 months. This change is needed to assist those disabled workers whose private disability benefits expire after the first few months of disability.

Furthermore, additional disabled workers would be eligible—and presently eligible workers will be eligible sooner—to have vocational rehabilitation services financed from social security trust funds. Rehabilitation services are generally more effective if begun as soon as possible after disablement.

Seven. Eliminate test of recent covered work: Workers should be able to qualify for disability benefits without having to meet a test of recent covered work. This is a test which does not have to be met to qualify for other social security benefits. Some workers lose their disability protection when, because of progressive illness, they are unable to work with the regularity necessary to give them the required 20 quarters of coverage during the 40-quarter period ending with the quarter in which the worker becomes disabled. All too many of those who fail to meet this requirement have worked under social security for 20 years or more. The determination of disability has progressed to such a point that valid determinations can be made without reliance on a recency-of-work test. In fact, such determinations are presently made for widows, widowers, and adults who became disabled in childhood without regard to whether they have done recent work or whether they have ever worked.

Eight. Liberalized disability definition: Under the definition of disability in the present law, a worker cannot be considered disabled unless his impairments are so severe as to render him unable to engage in any substantial gainful activity. An exception is provided for blind workers age 55 and older who can qualify for benefits under a less stringent test of disability. A severe but not totally disabling impairment has a much greater impact on an older worker than on a younger worker who has a greater potential for retraining and adjustment to new work. All too many older workers drop out of the work force in their fifties and early sixties, because of impairments that are not totally disabling but which nevertheless prevent them from continuing their regular jobs. As a practical matter, they cannot get another job and are therefore without earnings. This inequity can be eliminated by making disability benefits available to a worker aged 55 or older if he is so disabled that he can no longer engage in substantial gainful activity in his regular work or in any other work in which he has engaged with some regularity in the recent past.

Ninth. Additional dropout years: In computing average monthly earnings on which benefit amounts are based, H.R. 1 provides that 1 year of low earnings—in addition to the 5 years that may be disregarded under present law—may be disregarded for each 15 years of coverage a person has under social security. The method used in averaging earnings has a substantial effect on the protection afforded under the program. Since benefits payable to a man who retires at 65 this year are based on earnings averaged over 15 years, average earnings under the program now generally bear a much closer relationship to earnings just before retirement than they will in the future, when benefits are based upon earnings averaged over a period of 38 years for men and 35 for women—or 35 for both men and women under H.R. 1. This is so because, in most cases, the number of years used is equal to 5 less than the number elapsing after 1950—or, if later, after the year in which the worker reaches age 21. Earnings averaged over a period of 35 years will not, in the great majority of cases, provide an accurate reflection of earnings in the period just before retirement. In order to make it possible for benefits to more accurately reflect recent earnings, I propose that 1 year of low earnings—in addition to the 5 permitted to be dropped under the present law—for each 10 years of coverage could be dropped in computing the average monthly earnings on which benefit amounts are based. This proposal would be more effective than the additional dropout year provision in H.R. 1, since a man who worked from age 22 to age 65, for example, would use 4 years less in averaging his earnings than would be used under the present law, rather than the 2 years less that he would use under H.R. 1.

Tenth. Current cost financing: The financing of the social security program should be on a current cost basis, with the trust funds maintained at a level approximately equal to 1 year's expenditures. The cash benefits contribution rate schedule in H.R. 1, as under the present law, will build up large trust fund accumulations in the near future, because the ultimate contribution rate in the law—5.15 percent each for employers and employees under the present law and 6.1 percent each under H.R. 1—is higher than necessary to finance benefits and administrative costs for many years to come. As a result, the cash benefits trust funds will grow to nearly three times the amount of benefit expenditures and administrative costs by the end of this century. Under a compulsory social insurance program, it is not necessary to rely on interest earnings from large trust fund accumulations to assure future payment of benefits. One year's benefit payments is an amount that should be sufficient to meet benefit costs during those temporary situations when current outgo is larger than current income. By limiting the contribution rate to a steady level for the next 40 years or so, major improvements in the program can be financed at a rate far below the ultimate rate provided for in H.R. 1 or in the present law.

Eleventh. Rising earnings assumption: Actuarial estimates of income to the hospital insurance part of the social security program are based on assumptions that earnings levels will continue to rise in the future, as they have in the past, and that the contribution and benefit base will be increased proportionately as earnings levels rise. The cash benefits program, on the other hand, is presently based on the assumption of level earnings and level benefits. This assumption seriously understates the dollar figures of program income and outgo over the long-range future. For this reason, the actuarial cost estimates for the cash benefits program should be based on the assumption that earnings levels will rise, that the contribution and benefit base will be increased as earnings levels rise, and that benefit payments will be increased as prices rise.

Twelfth. Part A medicare coinsurance: H.R. 1 imposes a coinsurance amount equal to one-eighth of the inpatient hospital deductible for each day of inpatient hospital coverage during a benefit period, beginning with the 31st day and extending through the 60th day. If enacted, this would mark the first time any Congress has passed legislation to reduce social security benefits. Medicare is a program which affects nearly all Americans. Not only are most of the 20 million people age 65 and over dependent on a certain level of protection, but many younger and middle-aged family heads have been helped by not having to pay large hospital bills of older parents. While there is strong sentiment for controlling the costs of the program, this should not be done by way of reducing benefits. This provision in H.R. 1 is not necessary to put the hospital insurance program on a sound financial basis. Revised financing to accomplish this end is provided for in H.R. 1, and there is no reason to believe that such financing will not be effective. The H.R. 1 provision also introduces considerations that may affect the physician's medical decision about the need for continued hospital care. To that extent, it carries with it the potential for impairing the quality and appropriateness of care furnished to medicare beneficiaries. Under present medicare regulations, a physician's certification of medical necessity for continued hospitalization is required in each case of a hospital stay in excess of 12 days. Therefore, it must be assumed that in the great majority of such cases, the medical necessity for this continued care has been established professionally. The provision in H.R. 1 would also place an additional burden on the States which pay for the deductibles and coinsurance for their medicaid recipients. The present payments of such costs already represents a substantial portion of the States' medicaid expenditures and could affect some State budgets seriously.

Thirteenth. Routine eye care, eyeglasses, dentures, and hearing aids: The health insurance program now covers nonroutine eye, ear and dental services. However, expenses incurred by individuals in connection with even relatively routine eye, ear and dental care can be quite substantial, particularly where an individual requires medical attention in two or more of these areas. Moreover, the medical appliances often required with such care—that is, hearing aids—can be costly items. I, therefore, propose that the supplementary medical insurance program cover expenses incurred for routine eye care, eyeglasses, dentures, and hearing aids subject to a deductible of $100 in a calendar year.

Fourteenth. Maintenance drugs: Prescription drugs represent the largest single personal health expenditure the aged are now required to meet out of their own resources. A Department Task Force of Prescription Drugs, a special committee of nongovernmental drug experts, and the 1971 Advisory Council on Social Security all recommended that prescription drugs be covered under medicare. Because of this recognized need, I propose that the medicare program cover those drugs which are important for the treatment of certain specified chronic conditions afflicting the aged and disabled—heart conditions, high blood pressure, diseases of the circulatory system, diabetes, respiratory conditions, and kidney conditions, for example. In addition to identifying these conditions, my proposal would provide that the Secretary of Health, Education, and Welfare, with the assistance of an expert committee on drugs, would establish a list of covered drugs which are important in the treatment of these diseases. Such coverage would apply to all persons entitled to protection under the hospital insurance plan including disability beneficiaries under the social security and railroad retirement programs, as well as persons age 65 and over. Beneficiaries would be responsible for a flat copayment of $2 per new prescription and $1 per refill prescription. Medicare payment would be to the drug vendor who would be responsible for maintaining necessary records and initiating claims.

Fifteenth. General revenue financing of cash benefits: Under present law, regular social security cash benefits are financed from contributions made by employees, employers, and the self-employed. General revenues are used only to finance, first, special payments made on a transitional basis to certain uninsured people age 72 and over; second, benefits attributable to military service before 1957; and third, noncontributory wage credits provided for members of the military service after 1967. General revenues are also used to finance part of the costs of the medicare program. In order to make the social security program effective in its early years, full-rate benefits are being paid to people who were already old, or in their middle years, at the time their work was first covered under the program. Only a small percentage of the actual costs of the benefits being provided to these people is met by the contributions they and their employers paid. The cost of paying full-rate benefits during the early years of the program is equal to about one-third of the total cost of the program. Thus, a substantial part of the contributions to the program goes to meet the cost of getting the program started. If this cost were to be met by a Government contribution, all of the contributions paid by future generations of workers and their employers would be available to furnish protection for them. Social security contributes to the well-being of the Nation as a whole as well as that of the individual beneficiaries. It is, therefore, appropriate that the Nation as a whole, through phased-in Government contributions from general revenues, contribute to the financing of the program. This idea is not a new one. The majority of foreign social security programs have provisions for Government contributions. General revenue contributions were recommended in

1935 by the committee which helped to formulate the original social security program and were further endorsed by social security advisory councils in 1938 and 1948. While many who advocate the general revenue financing of cash benefits have suggested that the Government's share be one-third, the cost to the Government of such a program and its consequent impact on our economy would be substantial. In order to reduce this impact, I propose that general revenue financing of the cash benefits program be phased in over a period of 9 years, eventually reaching one-fifth of benefit outgo. Under this proposal, the general revenue contribution for the cash benefit program would be equal to one-twenty-fifth of the fiscal outgo in fiscal 1973, three-fiftieths of the benefit outgo in fiscal 1974, two-twenty-fifths in fiscal 1975, one-tenth in fiscal 1976, three-twenty-fifths in fiscal 1977, seven-fiftieths in fiscal 1978, four-twenty-fifths in fiscal 1979, nine-fiftieths in fiscal 1980, and one-fifth in each fiscal year after 1980. I estimate that the general revenue contribution would amount to roughly $2 billion in fiscal 1973 and would be needed to meet the significant increase in benefit outgo that would be provided under the proposed benefit improvements that I have outlined above.

Sixteenth. General revenue financing of medicare: Under present law, general revenues finance hospital insurance benefits on a transitional basis for those who do not meet regular medicare requirements and one-half of the most of the benefits payable under the medical insurance part of the program. The Government contribution thus amounts to about one-fifth of the program costs. Under the hospital insurance program, the protection provided for each insured worker is the same regardless of his earnings. For this reason, the cost of health insurance for workers who pay contributions that are less than the value of their benefit protection should be met in part by the Nation as a whole through general revenues. If this cost is not met through general revenues, the regular worker and his employer, particularly the higher-paid regular worker, will be paying contributions in excess of the value of his protection in order to subsidize those who do not pay their own way. I, therefore, propose that the combined parts A and B of medicare be financed by a one-third contribution from employees, one-third from employers, and one-third from general revenues. The general revenue contribution would be graded in over a period of 4 years, beginning with a contribution equal to one-fifth of benefit outgo in fiscal 1973, one-fifth in fiscal 1974, one-fourth in fiscal 1975, and one-third in each fiscal year after 1975. I estimate that the general revenue contribution for medicare in fiscal year 1973 will amount to about $3 billion. Under H.R. 1, the general revenue contribution for medicare would be about $2¼ billion in fiscal year 1973.

Mr. President, I believe "The Older Americans' Rights Act of 1971" sets a series of realizable goals, which if obtained would better guarantee the security and dignity of this Nation's elderly.

By Mr. BYRD of West Virginia (for Mr. Williams, Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Church, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Ribicoff, Mr. Scott, Mr. Schweiker, Mr. Stevenson, and Mr. Tunney):

S. 2515. A bill to further promote equal employment opportunities for American workers. Referred to the Committee on Labor and Public Welfare.

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished Senator from New Jersey (Mr. Williams), I offer on his behalf for introduction a bill entitled "Equal Employment Opportunities Act of 1971."

Mr. President, I ask unanimous consent, at his request, that the text of the bill and a section-by-section analysis be printed in the Record; and I further ask unanimous consent that a statement by the Senator from New Jersey be printed in the Record in conjunction with the introduction of the bill.

I also ask unanimous consent that a statement by the Senator from Massachusetts (Mr. Kennedy) be printed in the Record.

There being no objection, the bill, analysis, and statements were ordered to be printed in the Record, as follows:

S. 2515

A bill to further promote equal employment opportunities for American workers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunities Enforcement Act of 1971".

Sec. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(1) In subsection (a) insert "governments, governmental agencies, political subdivisions," after the word "individuals".

(2) In subsection (b) strike out all before "*Provided further*", and insert in lieu thereof the following:

"(b) The term 'employer' means a person engaged in an industry affecting commerce who has eight or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5 of the United States Code), (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1970, persons having fewer than twenty-five employees (and their agents) shall not be considered employers."

(3) In subsection (c) beginning with the semicolon strike out through the word "assistance".

(4) In subsection (e) strike out between "(A)" and "such labor organization," and insert in lieu thereof "twenty-five or more during the first year after the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971", or (B) eight or more thereafter,"

(5) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

Sec. 3. Section 702 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e–2) is amended to read as follows:

"EXEMPTION

"Sec. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its religious activities."

Sec. 4. (a) Subsections (a) through (e) of section 706 of the Civil Rights Act of 1964 (78 Stat. 259; 42 U.S.C. 2000e–5(a)–(e)) are amended to read as follows:

"(a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission upon the request of any person claiming to be aggrieved, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') as soon as practicable thereafter and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawuful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered or certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and a copy shall be served upon the person against whom such charge is made as soon as practicable thereafter, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other person a right to intervene or to file briefs or make oral arguments an amicus curiae or for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the Rules of Civil Procedure for the district courts of the United States.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organizations, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful employment practice and the commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsections (l) through (n) and the provisions of those subsections shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsections (h) or (i) of this section shall be determined on the record. Sections 554, 555, 556, and 557 of title 5 of the United States Code shall apply to such proceedings.

"(k) Any party aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any United States court of appeals for the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days after the service of such order, a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to any other party to the proceeding before the Commission, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of the petition the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant to the petitioner or any other party, including the Commission, such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside, in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) The Commission may petition any United States court of appeals for the circuit in which the unlawful employment practice in question occurred or in which the respondent resides or transacts business, for the enforcement of its order and for appropriate temporary relief or restraining order, by filing in such court a written petition praying that its order be enforced and for appropriate temporary relief or restraining order. The Commission shall file in court with its petition the record in the proceeding as provided in section 2112 of title 28, United States Code. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the Commission. Upon the filing of such petition, the court shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant to the Commission, or any other party, such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the

Commission and enforcing the same to the extent that such order is affirmed or modified. Any party to the proceeding before the Commission shall be permitted to intervene in the court of appeals. No objection that has not been urged before the Commission, its members, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(m) If no petition for review, as provided in subsection (k), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Commission under subsection (l) after the expiration of such sixty-day period. The clerk of the court of appeals in which such petition for enforcement is filed shall forthwith enter a decree enforcing the order of the Commission and shall submit a copy of such decree to the Commission, the respondent named in the petition, and to any other parties to the proceeding before the Commission.

"(n) If within ninety days after service of the Commission's order, no petition for review has been filed as provided in subsection (k), and the Commission has not sought enforcement of its order as provided in subsection (l), any person entitled to relief under the Commission's order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the unlawful employment practice in question occurred, or in which a respondent named in the order resides or transacts business. The provisions of subsection (m) shall apply to such petitions for enforcement.

"(o) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by attorneys appointed by the Commission.

"(p) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding, the Commission shall, after it issues a complaint, bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, or until the filing of a petition under subsections (k), (l), (m), or (n) of this section, as the case may be, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection.

"(q) (1) If a charge filed with the Commission pursuant to subsection (b) is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d), whichever is later, the Commission has neither issued a complaint under subsection (f) nor entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to the person aggrieved, the Commission shall so notify the person aggrieved and within sixty days after the giving of such notice a civil action may be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon the commencement of such civil action, the Commission shall be divested of jurisdiction over the proceeding and shall take no further action with respect thereto, except that, upon timely application, the court in its discretion may permit the Commission to intervene in such civil action if the Commission certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending termination of State or local proceedings described in subsection (c) or (d) or the efforts of the Commission to obtain voluntary compliance.

"(2) The right of an aggrieved person to bring a civil action under paragraph (1) of this subsection shall terminate once the Commission has issued a complaint under subsection (f), or has entered into an agreement under subsection (f) or (i) which is acceptable to the Commission and to the person aggrieved: *Provided*, That if after issuing a complaint the Commission has not issued an order under subsection (h) within a period of one hundred and eighty days of the issuance of the complaint, the Commission shall so notify the person aggrieved and a civil action may be brought against the respondent named in the charge at any time prior to the Commission's issuance of an order under subsection (h): *Provided further*, That if the person aggrieved files a civil action against the respondent during the period from one hundred and eighty days to one year after the issuance of the complaint such person shall notify the Commission of such action and the Commission may petition the court not to proceed with the suit. The court may dismiss or stay any such action upon a showing that the Commission has been acting with due diligence on the complaint, that the Commission anticipates the issuance of an order under subsection (h) within a reasonable period of time, that the case is exceptional, and that extension of the Commission's jurisdiction is warranted."

(b) Subsections (f) through (k) of section 706 of such Act and references thereto are redesignated as subsections (r) through (w), respectively.

(c) Section 706(r) of such Act, as redesignated by this section, is amended by adding at the end the following sentence: "Upon the bringing of any such action, the direct court shall have jurisdiction to grant such temporary or preliminary relief as it deems just and proper."

(d) Section 706(u) and (v) of such Act, as redesignated by this section, are amended (1) by striking out "(e)" and inserting in lieu thereof "(q)", and (2) by striking out "(i)" and inserting in lieu thereof "(u)".

SEC. 5. Section 707 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(c) Effective on the date of enactment of the Equal Employment Opportunities Enforcement Act, the functions of the Attorney General and the Acting Attorney General, as the case may be, under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Commission hereby as may be necessary to enable the Commission to carry out its functions pursuant to this subsection, and the Commission shall thereafter carry out such functions in the manner set forth in subsections (d) and (e) of this section.

"(d) In all suits commenced pursuant to this section prior to the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America or the Attorney General or Acting Attorney General, as appropriate.

"(e) Subsequent to the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by a member of the Commission: *Provided*, That all such actions shall be in accordance with the procedures set forth in section 706, including the provisions for enforcement and appellate review contained in subsections (k), (l), (m), and (n) thereof."

SEC. 6. (a) Subsections (b), (c), and (d) of section 709 of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e-8(b)-(d)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class or persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

(b) Section 709 of the Civil Rights Act of 1964 is amended by: (1) redesignating section 709(e) as 709(f) and (2) by adding immediately after section 709(d) as amended, the following subsection (e):

"(e) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission or its representative, or to the Attorney General or his representative, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the members of the Commission nor its representative, or the Attorney General, nor his representative shall diclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grant jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper."

Sec. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"Sec. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply:

Provided, That no subpena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

Sec. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act is amended by inserting the words "or applicants for membership" after the word "membership".

(c)(1) Section 704(a) of such Act is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(d)(1) The second sentence of section 705(a) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: *Provided,* That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearings examiners, and employees as he deems necessary to assist it in the performance of its functions and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided,* That assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(e) Section 705(g)(1) of such Act is amended by inserting at the end thereof the following: ", and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))".

(f) Section 705(g)(6) of such Act is amended to read as follows:

"(6) to intervene in a civil action brought by an aggrieved party under section 706."

(g) Section 713 of such Act is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i), (k), and (l) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided,* That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(h) Section 714 of such Act is amended by striking out "section 111" and inserting in lieu thereof "sections 111 and 1114".

Sec. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(55) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

Sec. 10. Section 715 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended to read as follows:

"Sec. 715. All authority, functions, and responsibilities vested in the Secretary of Labor pursuant to Executive Order 11246 relating to nondiscrimination in employment by Government contractors and subcontractors and nondiscrimination in federally assisted construction contracts are transferred to the Equal Rights Employment Opportunity Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Commission hereby as may be necessary to enable the Commission to carry out its functions pursuant to this subsection, and the Commission shall hereafter carry out all such authority, functions, and responsibilities pursuant to such order."

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new section:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), and in those portions of the government of the District of Columbia, and the legislative and judicial branches of the Federal Government having positions in the competitive service, shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice, given pursuant to subsection (b), of final action taken on a complaint of discrimination based on race, color, religion, sex, or national origin, or after ninety days from the filing of the initial charge until such time as final action may be taken, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706(q), in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 706 (q) through (w), as applicable, shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Office of Management and Budget determines relate to nondiscrimination in Government employment are transferred to the Equal Employment Opportunity Commission.

"(f) This section shall become effective six months after the date of enactment of this Act.

"(g) Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

SEC. 12. The amendments made by this Act to section 706 of the Civil Rights Act of 1964 shall not be applicable to charges filed with the Commission prior to the enactment of this Act.

Section-by-Section Analysis of Equal Employment Opportunities Act of 1971

SECTION 2

This section amends certain definitions in section 701 of the Civil Rights Act of 1964.

Section 701(a).—This subsection defines "person" to include State and local governments, governmental agencies and political subdivisions.

Section 701(b).—This subsection would extend coverage of employers to those with 8 or more employees one year after enactment. The standard for determining the number of employees of an employer, that is, "employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year", would apply to employers of 25 or more employees during the first year as well as the final coverage of eight or more employees. This subsection would broaden the meaning of "employer" to include State and local governments and the District of Columbia departments or agencies (except those subject by statute to procedures of the Federal competitive service as defined in 5 USC 2102).

Section 701(c).—This subsection eliminates the exemption for agencies of the United States, States or of political subdivisions of States from the definition of "employment agency" in order to conform with the expanded coverage of State and local governments in section 701(a) and (b).

Section 701(e).—The subsection is revised to include coverage of labor organizations with 8 or more members one year after enactment.

SECTION 3

Section 702 is amended to eliminate the exemption for employment of individuals engaged in educational activities of nonreligious educational institutions. It continues the exemption for employment of aliens outside the United States and to a religious corporation, association, educational institution or society with respect to employment of individuals of a particular religion to perform work connected with religious activities.

SECTION 4(a)

This section amends sections 706 (a)-(e) of the Civil Rights Act of 1964 entitled "Prevention of Unlawful Practices."

Section 706(a).—This subsection would empower the Commission to prevent persons from engaging in unlawful employment practices under sections 703 and 704 of title VII of the Civil Rights Act of 1964.

Section 706(b).—This subsection prescribes the procedures to be followed when a charge of an unlawful employment practice is filed with the Commission. The Commission must serve a copy of the charge on the respondent, investigate the charge and make its determination on whether there is reasonable cause to believe that the charge is true. If it finds no reasonable cause, the Commission must dismiss the charge; if it finds reasonable cause, it must attempt to conciliate the case. The subsection makes a number of changes in existing law:

1. Under present law, a charge may be filed only by a person aggrieved under oath. This subsection would permit a charge to be filed by or on behalf of a person aggrieved, and eliminates the requirement of an oath.

2. The Commission would be required to make its determination on reasonable cause as promptly as possible and, "so far as practicable," within 120 days from the filing of the charge or from the date upon which the Commission is authorized to act on the charge under section 706 (c) or (d).

3. This subsection and section 8(c) of the bill add appropriate provisions to carry out the intent of the present statute to provide full coverage for joint labor-management committees controlling apprenticeship or other training or retraining, including on-the-job training programs. While these joint labor-management committees are prohibited under section 703(d) of the present act from discriminating, they were not expressly included in the prohibition against discriminatory advertising or retaliation against persons participating in Commission proceedings (sec. 704 (a) and (b)) or in the procedures for filing charges in section 706(a).

Section 706(c).—This provision retains the present requirement that the Commission defer for a period of 60 days to State or local agencies functioning under appropriate anti-discrimination laws (or 120 days during the first year after the effective date of such law). The only change in the present law is to delete the term "no charge may be filed" by an aggrieved person in such State or locality. The present statute is somewhat ambiguous respecting Commission action on charges filed prior to resort to the State or local agency. The new language clarifies the present statute by permitting the charge to be filed but prohibiting the Commission from taking action with respect thereto until the prescribed period has elapsed.

Section 706(d).—This subsection, requiring deferral to State or local anti-discrimination agencies in the case of charges filed by a member of the Commission, follows the language of the present statute.

Section 706(e).—This subsection prescribes the time limits for the filing of a charge. Under the present statute, the charge must be filed within 90 days after the alleged unlawful employment practice occurred. In cases where the Commission defers to a State or local agency, the charge must presently be filed within 210 days of the occurrence of the alleged unlawful practice, or within 30 days after the person aggrieved receives notice that State or local agency has terminated its proceedings, whichever is earlier. This subsection would permit charges to be filed within 180 days of the alleged unlawful practice—a limitation period similar to that contained in the Labor-Management Relations Act, as amended (29 U.S.C. 160(b)). Where the Commission defers to a State or local agency, the time limit is extended to 300 days after the occurrence of the alleged unlawful practice or 30 days after receipt of notice that the State or local agency has terminated its proceedings. This subsection also requires that the charge be served on the respondent as soon as practicable after its having been filed.

Sections 706(f) through 706(p).—These subsections, which are new, set forth the procedure to be followed where the Commission, after finding reasonable cause to believe that the allegations of the charge are true, is unable to conciliate the case. The hearing and review requirements are similar to those found in most statutes governing administrative agencies.

Section 706(f).—Under this subsection, if the Commission is unable to secure a conciliation agreement pursuant to section 706 (b) that is acceptable to the Commission and to the person aggrieved, it would promptly issue and serve upon the respondent a complaint and notice of hearing. The Commission's determination that it is unable to secure such an agreement would not be reviewable in court. Conciliation agreements entered into by the Commission would be enforceable in court in accordance with the provisions of section 706(l). If a Commissioner files a charge, he shall not participate in a hearing in any complaint arising out of such charge, except as a witness.

Section 706(g).—This subsection prescribes certain statutory procedural requirements after a complaint is issued by the Commission. The respondent would be provided an opportunity to file an answer to the complaint, and to amend its answer upon a showing of reasonableness and fairness. The respondent and the aggrieved person are full parties and permitted to appear at any stage of the proceeding. The provision for active participation of the aggrieved persons differs from the Labor-Management Relations Act (29 U.S.C. 160 (b)), under which the person filing the charge is permitted to intervene only in the discretion of the person conducting the hearing. The Commission could also, in its discretion, grant to other persons the right to intervene, to file briefs, or to make oral argument, as it deems appropriate. Testimony at hearings must be under oath and reduced to writing and proceedings shall, so far as practicable, be conducted in accordance with the rules of evidence in the district courts of the United States. This last provision is similar to that contained in the Labor-Management Relations Act (29 U.S.C. 160(b)). As specified in section 706(j), all hearings must be conducted in accordance with the Administrative Procedure Act. The only persons, in addition to members of the Commission, who may preside at hearings are hearing examiners appointed under section 3105 of title 5 of the United States Code.

Section 706(h).—This subsection provides that if the Commission, following a hearing, finds that the respondent has engaged in an unlawful employment practice, it shall state its findings of fact and issue an order to be served on the parties, requiring that the respondent cease and desist from its unlawful conduct and take such affirmative action, including reinstatement or hiring of employees, with or without backpay as will effectuate the policies of the Act. Interim earnings or amounts earnable with reasonable diligency by the aggrieved persons would operate to reduce the backpay otherwise allowable. The order could also require that the respondent make reports from time to time to the Commission. If the Commission finds no unlawful employment practice, it would state such findings and issue an order dismissing the complaint. This provision is intended to give the Commission wide discretion in fashioning the most complete relief possible to eliminate all of the consequences of the unlawful employment practice, caused by, or attributable to the respondent.

Section 706(i).—This subsection would make clear the authority of the Commission, any time after a charge has been filed until the record is filed in court, to end proceedings by agreement with the parties for the elimination of the alleged unlawful employment practice. Agreements entered into under this section or section 706(f) would be enforceable in the appropriate court of appeals under section 706(l) through (n). The Commission would also be able, upon reasonable notice, to modify or set aside, in whole or in part, any finding or order made or issued by it.

Section 706(j).—This subsection requires that findings of fact and orders made or issued under subsection (h) or (i) be on the record in accordance with Administrative Procedure Act.

Section 706(k).—This subsection would permit a party aggrieved by a final order of the Commission—the respondent or the person or persons on whose behalf the charge was filed—to seek review of such order in a U.S. court of appeals within 60 days after the service of the Commission's order. The subsection specifies the procedures to be followed after a petition for review is filed, including:

1. The clerk of the court transmits a copy of the petition to the Commission and to any other party to the proceeding before the Commission;

2. The Commission files in court the record in the proceedings pursuant to 28 U.S.C. 2112 at which time the court of appeals has exclusive jurisdiction.

3. The Court of Appeals is authorized to grant such temporary relief, restraining order, or other orders as it deems just and proper and may enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The findings of fact by the Commission are conclusive if they are supported by substantial evidence on the record considered as a whole.

4. Any party to the proceedings before the Commission may intervene in the court of appeals and a party may apply for leave to adduce additional evidence before the Commission, which could then modify its original findings. Modified findings would also be conclusive if supported by substantial evidence on the record considered as a whole.

5. Objections not urged before the Commission, its members, or agents, will not be considered by the court unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

6. Commencement of proceedings under this subsection would not stay the Commission's order unless ordered by the court.

7. The courts of appeals are required to hear petitions expeditiously. This requirement is intended to emphasize to the courts of appeals the need for promptly acting on petitions in order to have speedy resolution of these cases.

Section 706(l).—This subsection would authorize the Commission to petition a U.S. court of appeals for enforcement of its order. The prescribed procedures in the case of petitions for enforcement under this subsection are similar to section 706(k) except that no time limit is specified for the enforcement petition (but, see section 706(m) regarding the self-enforcement procedure), and the Commission would be authorized to seek an order from the court for temporary or preliminary enforcement of its order pending compelte review by the court of appeals.

Section 706(m).—Under this subsection, if there is no petition for review filed within 60 days as provided in section 706(k), the Commission's findings of fact and order would become conclusive in connection with any petition for enforcement filed pursuant to section 706(l). If the Commission petitions for an enforcement order, the clerk of the court of appeals would enter a decree enforcing the order of the Commission and transmit copies to the Commission, the respondent, and any other parties to the proceeding before the Commission.

Section 706(n).—This subsection provides that any person entitled to relief under a Commission order could obtain enforcement of the order if within 90 days after service of the Commission's order there has been no petition for review filed under subsection (k) or no petition for enforcement filed by the Commission under subsections (l) or (m). The procedures and provisions of subsection (m) would apply to such petition for enforcement.

Section 706(o).—This subsection provides that the Attorney General would conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other Commission litigation, including litigation arising under section 706(k), (l), (m), (n), (p), or (q), litigation arising in connection with the Commission's recordkeeping requirements under section 709, the enforcement of the Commission's authority to conduct investigations under section 710, and private litigation in which the Commission is involved as amicus curiae, as well as judicial proceedings in which the Commission intervenes, shall be conducted by attorneys appointed by the Commission.

Section 706(p).—Under this subsection, if, after a charge is filed under section 706(b), the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve its power to grant effective relief in the proceeding, it must bring an action for appropriate preliminary or temporary relief in the United States district court in the judicial district in which the unlawful employment practice is alleged to have been committed, where the person would have been employed but for the alleged unlawful practice, or if the respondent is not to be found in any of these districts, in the judicial district where the respondent has its principal office. The subsection further provides that for purposes of 28 U.S.C. 1404 and 1406 (which permit the court to transfer an action to another judicial district where the action might have been brought) the district in which the respondent has his principal office is to be considered a judicial district where the action might have been brought.

This subsection, in addition, would make rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, applicable to proceedings under section 706 (p). Rule 65 prescribes procedural requirements for the granting of temporary restraining orders and preliminary injunctions. Paragraph (a)(2) of rule 65 permits the court to advance the trial on the merits and to consolidate the trial on the merits with the hearing on the application for injunction. This provision would be inapplicable to proceedings under section 706(p).

Any relief ordered by the court under this subsection would be permitted to run until such time as a court of appeals has assumed jurisdiction of a review or enforcement petition.

Section 706(q).—This subsection preserves the private right of action by an aggrieved person, under this subsection, the aggrieved person may bring such an action within 60 days after being notified by the Commission that it has dismissed the charge, or that 180 days have elapsed from the filing of the charge without the Commission either issuing a complaint or entering into an agreement under section 706 (f) or (i) which is acceptable to the Commission and to the person aggrieved.

The subsection would also divest the Commission of jurisdiction over any pending proceedings upon the filing of a private action. Conversely, the right of an aggrieved party to bring a private action would terminate once the Commission issued a complaint under subsection 706(f) or entered into conciliation agreement under subsection 706 (f) or (i) which is agreeable to the Commission and to the person aggrieved. If the Commission does not issue an order within 180 days after it issues a complaint, the aggrieved person may also institute a civil action. If such action is instituted within one year of the issuance of the Commission's complaint, the Commission may request that it be stayed or dismissed upon a showing that it has been acting with due diligence, that it anticipates issuance of an order within a reasonable time on the complaint, that the case or proceeding is exceptional and that extension of exclusive jurisdiction of the Commission is warranted.

SECTION 4 (b) AND (d)

These sections redesignate the paragraph numbers of subsections of section 706 (e) through (k) of the Civil Rights Act of 1964 that would be retained as section 706 (q) through (w), and also redesignate other paragraph numbers to be consistent with the changes made in section 706.

Section 4(c).—This section adds a sentence to subsection 706(a) relating to an action by a District Court that would permit just and proper preliminary relief.

SECTION 5

Section 707, establishing the Attorney General's "pattern or practice" action, is amended to provide for a transfer of this function to the Commission upon the enactment of the bill. The subsection would provide that currently pending proceedings would continue without abatement, that all court orders and decrees remain in effect, and that the Commission would be substituted as a part for the United States of America or the Attorney General or Acting Attorney General as appropriate. The Commission would have authority to investigate and act on pattern or practice charges except that any action would follow the procedures of Section 706.

SECTION 6

This section amends section 709 of the Civil Rights Act of 1964, entitled "Investigations, Inspections, Records, State Agencies."

Section 709(a).—This subsection, which gives the Commission the right to examine and copy documents in connection with its investigation of a charge, would remain unchanged.

Section 709(b).—This subsection would authorize the Commission to cooperate with State and local fair employment practices agencies in order to carry out the purposes of the title, and to enter into agreements with such agencies, under which the Commission would refrain from processing certain types of charges or relieve persons from the recordkeeping requirements. This subsection would make two changes in the present statute. Under this subsection, the Commission could, within the limitations of funds appropriated for the purpose, also engage in and contribute to the cost of research and other projects undertaken by these State and local agencies and pay these agencies in advance for services rendered to the Commission. The subsection also deletes the reference to private civil actions under section 706(e) of the present statute.

Section 709(c).—This subsection, like the present statute, would require employers, employment agencies, labor organizations, and joint labor-management apprenticeship committees subject to the title to make and keep certain records and to make reports therefrom to the Commission. Under the present statute, a party required to keep records could seek an exemption from these requirements on the ground to undue hardship either by applying to the Commission or bringing a civil action in the district court. This subsection would require the party seeking the exemption first to make an application to the Commission and only if the Commission denies the request could the party bring an action in the district court. This subsection would also authorize the Commission to apply for a court order compelling compliance with the recordkeeping and reporting obligations set forth in the subsection.

Section 709(d).—This subsection would eliminate the present exemption from recordkeeping requirements for those employers in States and political subdivisions with fair employment practice laws or for employers subject to Federal executive order or agency recordkeeping requirements. Under this subsection, the Commission would consult with interested State and other Federal agencies in order to coordinate the Federal recordkeeping requirements under section 709(c) with those adopted by such agencies. The subsection further provides that the Commission furnish information obtained to State and local fair employment agencies, on condition that the information would not be made public prior to the institution of State or local proceedings.

Section 709(e).—Under this subsection, the Commission, or the Attorney General, would have the authority to direct the person having custody of any record or paper required by section 709(c) to be preserved or maintained to make such record or paper available for inspection or copying by the Commission or the Attorney General. The district court of the judicial district where the demand is made or the papers are located would have jurisdiction by appropriate process to compel the production of such record or paper. The subsection further provides that the members of the Commission and its representatives or the Attorney General and his representatives, would not, unless ordered by the court, disclose any record or paper produced except to Congress or a congressional committee, to other governmental agencies, or in the presentation of cases before a court or a grand jury.

SECTION 7

This section would amend section 710 of the Civil Rights Act of 1964 to make section 11 of the National Labor Relations Act (29 U.S.C. 161), except for one provision thereof, applicable to Commission investigations. This section would require the Commission or a member thereof, upon application of a party, to issue a subpoena requiring the attendance and testimony of a witness or the production of any evidence in a proceeding. The person served with the subpoena could petition the Commission to revoke the subpoena within 5 days. On application of the Commission, an appropriate district court could order a person to obey a subpoena and failure to comply with the court order would be punishable in contempt proceedings.

Under this section, the Commission would not be authorized to issue a subpoena on the application of a private party before it issues a complaint and notice of hearing. This provision, which is in accord with the actual practice of the National Labor Relations Board, would give the Commission exclusive authority to conduct the prehearing investigation.

Section 11 of the National Labor Relations Act also contains provisions relating to privileges of witnesses, immunity from prosecution, fees, process, service, and return, and information and assistance from other agencies.

SECTION 8(a) AND (b)

These subsections would amend sections 703(a)(2) and 703(c)(2) of the present statute to make it clear that discrimination against applicants for employment and applicants for membership in labor organizations is an unlawful employment practice. This subsection would merely be declaratory of present law.

SECTION 8(C)(1) AND (2)

These subsections would amend section 704(a) and (b) of the present statute to make clear that joint labor-management apprenticeship committees are covered by those provisions which relate to discriminatory advertising and retaliation against individuals participating in Commission proceedings.

SECTION 8(d)(1)

This subsection would amend section 705 of the present statute to permit a member of the Commission to serve until his successor is appointed but not for more than 60 days when Congress is in session unless the successor has been nominated and the nomination submitted to the Senate, or after the adjournment sine die of the session of the Senate in which such nomination was submitted.

SECTION 8(d)(2)

The subsection is substantially the same as present section 705 and would make the Chairman of the Commission, on behalf of the Commission, responsible for the administrative operations of the Commission and for the appointment of officers, agents, attorneys, hearing examiners, and other employees of the Commission in accordance with Federal law.

SECTION 8(e)

This subsection would amend section 705(g)(1) of the present act to permit the Commission to accept uncompensated services. It is intended to permit the Commission to utilize these services for such purposes as education, publicity, and the collection of data. It would not be expected to accept such services in connection with the prosecution or decision of cases before it except in extraordinary situations.

SECTION 8(f)

This subsection would eliminate the provision in present section 705(g) authorizing the Commission to request the Attorney General to intervene in private civil actions and instead permit the Commission itself to intervene in such civil actions as provided in section 706(q).

SECTION 8(g)

This subsection would, subject to certain exceptions, permit the Commission to delegate any of its functions, duties and powers to such persons as it may designate by regulation. A number of other agencies have broad authority to delegate functions; for example, the Securities and Exchange Commission (15 U.S.C. 78d-1), the Interstate Commerce Commission (49 U.S.C. 17(5)) and the Federal Communications Commission (47 U.S.C. 155(d)). The exceptions are as follows:

(1) The Commission could not delegate its powers to make decisions on the merits after administrative hearings under section 706(h) or to modify or set aside its findings or make new findings under section 706(i), (k), and (l). However, like the National Labor Relations Board (29 U.S.C. 153(b)), the Commission would be authorized to delegate this power or any of its other powers to groups of three or more members of the Commission.

(2) The Commission could not delegate its authority under section 713(c) to make rules of general applicability. A similar limitation is imposed on the Securities and Exchange Commission (15 U.S.C. 78d-1(a)).

(3) The Commission could not delegate its authority under section 709(b) to make agreements with States under which the Commission agrees to refrain from processing certain charges or to relieve certain persons from the recordkeeping requirements.

(4) The Commission could not provide for the conduct of administrative hearings except by members of the Commission or by hearing officers appointed in accord with 5 U.S.C. 556.

SECTION 8(h)

This subsection would afford additional protection to officers, agents, and employees of the Commission in the performance of their official duties by making 18 U.S.C. 1114 applicable to them.

SECTION 9(a), (b), AND (c)

These subsections would make certain modifications in the position of the Chairman of the Commission and the members of the Commission in the executive pay scale, so as to place them in a position of parity with officials in comparable positions in agencies having substantially equivalent powers such as the National Labor Relations Board, the Federal Trade Commission and the Federal Power Commission.

SECTION 10

Section 715.—This section transfers the functions of the Secretary of Labor under Executive Order 11246 concerning non-discrimination in employment by government contractors to the Commission. Under existing organization, the Executive Order is enforced by the Office of Federal Contract Compliance.

SECTION 11

Section 717(a).—This subsection would make clear that personnel actions of the U.S. Government affecting employees or applicants for employment shall be made free from any discrimination based on race, color, religion, sex, or national origin. All employees subject to the executive branch and Civil Service Commission control or protection are covered by this section.

Section 717(b).—Under this subsection, the Commission would have the authority to enforce the provision of subsection 715(a). The Commission would be empowered to issue rules, regulations, orders and instructions as it deems necessary. The head of each executive department and agency and the appropriate officer of the District of Columbia would be required to comply with such Commission directives. Employees or applicants must be notified of final action on their complaints.

Section 717(c) and (d).—The provision of section 706(q) concerning private civil actions by aggrieved persons would apply to aggrieved Federal employees or applicants. They could file a civil action within 30 days of notice of final action on a complaint given pursuant to subsection 717(b), or after 90 days from the filing of an initial charge.

Section 717(e).—This section would transfer nondiscrimination functions of the Civil Service Commission to the Equal Employment Opportunity Commission.

Section 717(f).—This subsection would make the effective date of section 717 six months after the date of enactment of this Act.

Section 717(g).—This subsection provides that nothing in this act relieves any Government agency or official of his existing nondiscrimination obligations under the Constitution, other statutes, or executive orders.

The present section 715 relating to a special study by the Secretary of Labor is repealed by the substitution of the new provisions. That study has been completed and the section has no more effect.

SECTION 12

This section provides that the amended provisions of section 706 concerning the cease and desist enforcement powers would not apply to charges filed with the Commission prior to the effective date of this act. In addition, those new or amended sections of title VII not specifically stated in this section to be inapplicable to current charges, such as the amendments to section 705, 709, 710, 713, and 715 would cover existing charges.

STATEMENT BY SENATOR WILLIAMS

Mr. President, on behalf of myself and other Senators, I introduce a bill that would strengthen and broaden the enforcement powers of the Equal Employment Opportunity Commission.

Title VII of the Civil Rights Act was enacted by Congress in 1964. This Act, signed into law just a little more than seven years ago, recognized the prevalence of discriminatory employment practices in the United States and the need for Federal legislation to deal with the problem of such discrimination. The goal of assuring equal employment opportunity for all of our citizens was made a national commitment by that Congressional Act. Unfortunately, however, the machinery we created for achieving this goal was not in all respects equal to the commitment.

The deficiency in the 1964 Act was that the Equal Employment Opportunity Commission, which was established to administer Title VII, was not given the authority to issue judicially enforceable orders to back up its findings of discrimination based on race, color, religion, sex, or national origin. Its authority in such cases has been limited to conciliation efforts.

As a consequence, unless the Department of Justice concludes that a pattern or practice of discrimination is involved, the burden of obtaining enforceable relief rests upon each individual victim of discrimination, who must go into court as a private party, with the resultant expense that entails, in order to secure the rights promised him under the law.

Thus, those persons whose economic disadvantage was a prime reason for enactment of the Equal Employment Opportunities provision, find that their only recourse in the face of unyielding discrimination is one that is financially prohibitive.

A further consequence is that the Commission's lack of enforcement authority reduces its ability to achieve compliance and conciliation efforts. Obviously respondents are less willing to cooperate in arriving at a satisfactory resolution of a discrimination complaint when they know that the Commission's power is merely exhortive. The experience of the Commission has substantiated this conclusion for the fact is that conciliation efforts have been unsuccessful in more than half of the cases in which it has found that discrimination has occurred.

The economic consequences to those whom the Act was designed to help have been extreme. The statistics are vivid and I would like to recite just a few of the more significant results. Last month the nation's overall unemployment was 6 percent of the labor force. The unemployment rate for Negroes and other minorities was 9.8 percent. By comparison, the rate of white unemployment was 5.6 percent. The unemployment rate of non-white teenagers at this time last year was 28.7 percent. This horrendous figure has increased to 31.3 percent compared with 15.4 percent for white teenagers.

Moreover, the burden of unfair employment practices does not just fall on our minority citizens. A major area of compliance ignored by employers is the rights of female workers.

About 40 percent of all workers are women. Current figures indicate that two-thirds of all working mothers are either widowed, divorced or separated from their husbands, or had husbands whose incomes were below $7,000.

The discrimination against women in employment continues particularly with regard to earnings. The average American woman who works full time earns only $60.50 for each $100 earned by the average American man.

Unfortunately, it must also be noted that discrimination, primarily in the executive suite, is still practiced on the basis of religion and nationality.

The time has come to bring an end to job discrimination once and for all and to ensure to every American the decent self-respect that goes with a job commensurate with one's abilities.

The hopeful prospects that Title VII offered millions of Americans in 1964 must be made a reality in fact if we are to maintain a healthy society and a Nation dedicated to justice.

Last year I introduced similar legislation as S. 2453. That bill, after extensive deliberation by the Senate, was passed providing the needed enforcement machinery for equal employment opportunity for the first time. Unfortunately, the House of Representatives did not act on the bill before adjournment.

Our bill provides the Equal Employment Opportunity Commission with the power to conduct administrative hearings if conciliation efforts fail after a complaint and to issue cease and desist orders that would eliminate discriminatory employment practices.

Similar procedures have long been available to other administrative agencies, and there is clearly no valid reason for any longer depriving this Commission of similar machinery for performing its assigned responsibilites. To ensure due process, the Commission's orders will be subject to judicial review in the United States Courts of Appeal upon petition by any party to the proceedings.

In addition, the bill consolidates three areas of Federal civil rights activities in the Equal Employment Opportunity Commission. Since the enactment of the Civil Rights Act of 1964 there has been increased activity by the Federal Government in eliminating employment discrimination through its procurement power under Presidential Executive Order. In addition, the Federal Government has moved to eliminate employment discrimination within its own house through the President's authority over the Civil Service Commission.

In its most recent report, the Civil Rights Commission commented on the need for consolidation of Federal Government anti-discriminatory efforts:

"In October 1970, the Commission concluded that only by transferring OFCC's contract compliance responsibilities and Justice's litigation responsibilities to EEOC could effective coordination of Federal equal employment efforts be achieved. In the light of continued ineffective coordination, the Commission continues to believe that consolidation of equal employment opportunity functions is necessary."

Consequently, the bill provides that the present authority of the Attorney General to bring cases involving a pattern or practice of resistance to Title VII would be transferred to EEOC. Second, the activity under Executive Order 11246 relating to equal employment opportunity by government contractors would be transferred from the Secretary of Labor to the Commission. Third, the overall supervision for Equal Employment Opportunity for Federal employees would be transferred from the Civil Service Commission to the Equal Employment Opportunity Commission.

The bill also contains other significant provisions. The Commission's jurisdiction would be extended to include employers and unions with eight or more employees and members, State and local Government employees, and teachers.

Finally, the bill makes a number of changes relating to the organization of the Commission recordkeeping requirements and the procedures involved in administrative enforcement.

I believe that by enacting this bill we will be able to finally make the Commission a truly effective instrument for preventing discrimination in employment and fulfilling the Congressional commitment to equal employment opportunity made several years ago.

STATEMENT BY SENATOR KENNEDY

Mr. President, I am cosponsoring the Equal Employment Opportunities Enforcement Act of 1971 because I believe that its grant of cease and desist power to the EEOC is vital to the accomplishment of the national goal of equal access to jobs for all Americans, and because we have waited too long to extend the provisions of the 1964 Equal Employment Act to state and local government and to additional private employers.

I wish to express, however, my serious concern that the bill's transfer of all equal employment functions from Department of Labor, Department of Justice and the Civil Service Commission to the EEOC at this point in time may impose an unmanageable burden on that already overworked and underfunded agency. Moreover, this transfer may place all of the equal employment eggs in one basket—a basket that might turn out to be a weak one if a majority of the Commission members is not enthusiastic and courageous about implementing the mandate of the 1964 Civil Rights Act.

But, I am confident that these concerns will receive full consideration in the hearings and debate on the bill, and that the final version of the legislation will reflect such changes or protections as may appear necessary. I therefore am pleased to cosponsor the bill at this time as evidence of my desire for its speedy processing and its passage at the earliest possible time.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 73

At the request of Mr. Byrd of West Virginia, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 73, amending rule XVI of the Standing Rules of the Senate.

NOTICE OF HEARING ON NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Committee on the Judiciary, and at the request of the distinguished chairman, Mr. Eastland, I desire to give notice that a public hearing has been scheduled for Tuesday, September 21, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

John A. Field, Jr., of West Virginia, to be U.S. circuit judge, fourth circuit, vice Herman S. Boreman, retired.

Sherman G. Finesilver, of Colorado, to be U.S. district judge, district of Colorado, vice William E. Doyle, elevated.

William Brevard Hand, of Alabama, to be U.S. district judge, southern district of Alabama, vice Daniel H. Thomas, retiring.

James Hunter III, of New Jersey, to be U.S. circuit judge, third circuit, vice William F. Smith, deceased

James Rosen, of New Jersey, to be U.S. circuit judge, third circuit, vice William H. Hastie, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan), and the Senator from Nebraska (Mr. Hruska).

NOTICE OF HEARING IN PROVIDENCE, R.I., ON CUTBACKS IN MEDICARE AND MEDICAID COVERAGE

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record an announcement by the Senator from Maine (Mr. Muskie) with regard to a hearing to be held in Providence, R.I., September 20, 1971, on "Cutbacks in Medicare and Medicaid."

There being no objection, the statement by Senator Muskie was ordered to be printed in the Record, as follows:

Statement of Senator Muskie

Mr. President, the Subcommittee on Health of the Elderly of the Senate Special Committee on Aging will continue its study of the impact on older Americans of proposed cutbacks in Medicare and Medicaid coverage. The subcommittee's first hearing was held in Los Angeles, California, on May 10, 1971, and a second hearing was held in Woonsocket, Rhode Island, on June 14, 1971.

Our next hearing on this subject will take place on September 20, 1971, in Providence, Rhode Island, at 10 a.m., at the Sts. Peter and Paul Auditorium, Franklin Street. Senator Claiborne Pell will preside.

ADDITIONAL STATEMENTS

SENATOR WINSTON L. PROUTY, OF VERMONT

Mr. McGEE. Mr. President, it is with a deep sense of loss that I rise to pay my respects to the memory of a very esteemed colleague, Winston Prouty. His death last week came as a shock to all of us who deeply respected his attributes.

Winston Prouty was a man of high integrity and honor, who totally committed himself to the work of public service.

Few of us now in the Senate can forget the hard and articulate fight he led for the social security program in 1968. His pleas for a guaranteed annual income at that time clearly indicated he was a man of vision. I know the rest of my colleagues share this sense of loss and mourn the passing of a great statesman. This has been a tragic loss, not only for the people of Vermont, but for the Nation as well.

Mr. RIBICOFF. I was saddened to learn of the death last Friday of the distinguished junior Senator from Vermont, Winston L. Prouty.

Senator Prouty had served the people of Vermont well over the last 33 years, first as mayor of Newport, then as a State representative, and later as the chairman of the State water conservation board. In 1950, he was elected to the first of four terms in the House of Representatives and in 1958 won the first of three elections to the Senate.

All of us who served with Win Prouty will remember his distinguished work on the District of Columbia, Rules, Labor and Public Welfare, and Commerce Committees, especially his efforts on behalf of the elderly, the St. Lawrence Seaway, and Federal aid for school construction.

Senator Prouty's reflective manner and effective advocacy will be sorely missed by the Senate, the citizens of Vermont, and the entire Nation.

Mr. BYRD of Virginia. Mr. President, I am deeply saddened, as is every Member of the Senate, at the death of our esteemed colleague, Senator Winston L. Prouty, of Vermont.

Senator Prouty, a native and resident of Newport, Vt., gave 33 years of his life to the public service of his State and Nation.

During the 21 years he served in Congress, Senator Prouty was a steadfast patriot, one who championed the causes of education, the workingman, and the elderly.

Senator Prouty was a thoughtful man and an effective legislator. Spare of frame and quiet in manner, Senator Prouty showed a dogged persistence and attention to detail that always helped the Senate to produce sounder legislation.

Senator Prouty may be best remembered for his efforts in behalf of senior citizens, but in every area where he turned his attention, he proved himself a faithful, dedicated public servant.

Mr. INOUYE. Mr. President, Senator Winston Prouty was noted for his tenacious perseverance in carrying out his responsibilities as a U.S. Senator. He represented his State and his people well.

In addition to his State constituency, today there are millions of Americans who grieve his passing, in particular, the elder citizens of our Nation for whom he was in the forefront proposing legislation to provide a better life for them.

Win Prouty will be missed. I join my colleagues in expressing my deepest condolences to his beloved wife.

PRISON REFORM

Mr. BELLMON. Mr. President, I am sure that other Members of the Senate are as stunned and outraged as I am at the bloody and violent episode at New York State's Attica State Prison which left 38 hostages and inmates dead. The slaughter of human life that occurred yesterday was more horrifying than any such event in recent times. However, it followed by only a few weeks the disturbance at San Quentin Prison in California, in which three guards and three inmates were killed.

While these incidents are indelibly impressed on the minds of Americans because of their current nature, the prison system throughout the country has been marred by similar uprisings all too often in recent years. In fact, America's penal system has become a breeding ground for rebellion.

Prison riots are a blot on the fabric of our society. Yet they are inevitable as long as our prisons remain in the condition they are in. No decent citizen can condone the actions of the prisoners at Attica in assigning executioners to murder hostages in cold blood. But the shock of this unnecessary massacre should create an awareness among thinking citizens of the problems of the prisons, and move us to look into the causes for such violence and take steps to reform our inhuman and ineffective correctional efforts.

The problems in our present prison system are not new ones. They have existed since man first began placing his fellowman in captivity for defying the laws of his society. The problems begin with the prisoner himself. The average prison inmate is a man lacking in education, lacking in skills, lacking in self-respect. Chances are he has a history of drug abuse and probably is suffering from emotional difficulties. Also, and this is an important point to remember, more than likely he has had at least one prior conviction.

Take a man with that kind of background, put him in prison for 5 years, and what happens? Under the present system, this amounts to an interminable period of confinement in a world of sterile walls, steel bars, long corridors, and chain links. As a result, the factors that led a man to commit a crime in the first place are augmented; and when he is released, all too often he ends up back in prison within a short time.

Our prisons are severely lacking in the kind of activities to keep a prisoner suitably occupied. Training programs are inadequate and are not geared to real-life situations in business and industry.

The term "corrections system" is a misnomer, because there is neither a system nor much correction. Only 2 percent of the Nation's jail population of more than 400,000 is exposed to any kind of innovative corrections programs. Only 20 percent of our corrections officials are actually involved in rehabilitation programs. The other 80 percent are performing security and administration work.

The Law Enforcement Assistance Administration has not used its resources to change the system, but rather to perpetuate it. There is a critical and pressing need to invest public funds in prison reform research and programs. Last February, I introduced a bill, S. 662, to promote the development and reform of penal and correctional systems. It is aimed at developing the basic knowledge of successful prison operation which is presently missing. It is also intended to involve prison systems of all levels in the development of this information and in establishing a system of evaluating the results and disseminating the information throughout the Government.

The bill establishes a Commission on Penal and Corrections Systems Development and Reform. A State or States would submit to the commission a plan for comprehensive correctional reform which would include provisions for the discipline, treatment, care, rehabilitation, education, training, and motivation of inmates in innovative State or Federal prison systems.

Hearings were held on the bill last May by Senator BURDICK's Subcommittee on National Penitentiaries. At that time, witnesses from all parts of the country, representing various levels of prison operations, gave supporting testimony. I have been joined by a number of other Senators in sponsoring this reform legislation.

Mr. President, I believe the people of the country are looking to Congress, not to the States, to find the solution to this serious problem. States should not be expected to attack the problem separately. The Federal Government has both the resources and the responsibility to develop and support a correctional system that corrects instead of aggravating crime.

Now, in the emotional aftermath of the Attica tragedy, is an appropriate time for action to correct the mistakes of the past and to lay the groundwork for a better system of truly correcting those who are imprisoned for breaking the law.

NATIONAL SCHOOL LUNCH PROGRAM

Mr. RIBICOFF. Mr. President, today I have joined with several Senators in a letter to President Nixon urging that proposed cutbacks in the national school lunch program be rescinded.

Under new regulations issued by the Department of Agriculture the Federal Government would reduce its reimbursement rate per meal to 35 cents, although the actual cost of meals averages above 50 cents per meal and present regulations allow reimbursement of up to 60 cents.

This means that unless the regulations are modified or additional revenues are raised at the State or local level, school districts throughout the Nation, including those in Connecticut, will have to reduce or eliminate their lunch programs. In short, the new regulations assure the continuation of hunger for thousands of schoolchildren.

In Connecticut the continued progress and indeed the very existence of the school lunch program is threatened. On a statewide basis Connecticut can anticipate a loss of $700,000 in Federal funds from the new reimbursement schedule. Under such fiscal restraints it will be virtually impossible to increase the number of free or reduced-cost school lunches served in the State from the 4.8 million served in 1970–71 to the 5.3 million meals which should be made available in 1971–72.

In such cities as Hartford, New Haven, and Bridgeport, it is predicted that the low-cost lunch programs will have to be terminated by the end of the year unless the regulations are modified or massive amounts of State and local revenues are found.

In Hartford, for example, the new guidelines will amount to a subsidy reduction of $180,000—a cutback of 17 cents per meal. Since the Hartford Board of Education is already subsidizing the school lunch program at a rate of $400,000 per year, the added deficit of $180,000 means that the board will either be forced to increase its subsidy to $580,000 or stop feeding poverty children when the money runs out. The Hartford money will run out on or about December 15, 1971.

Given the acute fiscal crisis facing Government at the State and local level, it is realistic to assume that towns and cities will be forced to cut back on these vital nutrition programs.

The Federal Government must therefore continue to meet its moral and legal duty to keep these vital food programs in operation. The regulations which I and a bipartisan group of Senators have proposed will insure the continued vitality of these programs.

I hope the Nation will never reach a point where it places a higher priority on budget-cutting than it does on feeding America's hungry children.

I ask unanimous consent that the letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS,
Washington, D.C., September 9, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing you out of a deep concern regarding the purpose of proposed school lunch regulations issued by the Department of Agriculture on August 13, 1971. The proposed regulations concern the use of federal funds to carry out the mandate of Public Law 91–248 which provides that "any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines *shall* be served meals free or at a reduced cost." Thus, the real test of the adequacy of the proposed new regulations is whether or not they will make it possible for the states and localities to meet the obligations and requirements which Public Law 91–248 imposes upon them.

After careful study and analysis, it is our judgment that the proposed regulations will not meet this basic test. Therefore, we find ourselves in agreement with the unanimous conclusion of the State Directors Section of the American School Food Service Association that the proposed regulations in their present form pose a very real threat to the continued progress of the National School Lunch Program.

If these regulations are not altered we believe the following events will occur. Many schools will be forced to eliminate Child Nutrition Programs. There will be further hardships to the nation's economy through unemployment and reduced consumption of raw resources such as food and equipment. Absenteeism, dropouts and apathetic students will negate the benefits of the multibillion dollar investment for public and private schools. And finally, and most important, there will continue to be hungry children in America's schools.

The adverse effect of the proposed regulations is compounded by the fact they were announced only three weeks before school was to open, creating chaos in the states. The anticipated loss to the states in the 1971–72 school year under the 35 cent reimbursement rate set by the proposed regulations, as compared to what the states would have received under the rates instituted by the Department of Agriculture last March, will run into millions of dollars. For example, the state directors have estimated Missouri will lose $4,000,000; California $9,000,000; Massachusetts $3,240,000; Ohio $5,565,000; Oregon $1,476,175; Tennessee $2,772,000; Georgia $4,100,000 and West Virginia $2,661,300. The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitation of available funds. Therefore, many needy and eligible children will go without school lunches.

Certainly, this was not the intent of Congress when it passed Public Law 91–248, nor your intent when signing it into law on May 14, 1970.

In regard to the School Breakfast Program, the proposed regulations have not only placed a limitation on the expansion of this program but have also precipitated a situation where several states will be forced to cancel the School Breakfast Program this school year. In the past, the Department of Agriculture has set a precedent in that many states in 1970–1971 used Section 32 funds for breakfast expansion. These funds were provided as a bloc grant to be used where needed in the individual states for expanding food programs to eligible needy children. However, the proposed regulations have made no provisions for continuing the authority to transfer such funds from Section 32 to the School Breakfast Program.

In addition to this matter of transfer of Section 32 funds, there is another important question which needs to be answered in regard to the Breakfast Program. According to Public Law 92–32 (Section 2), the Department of Agriculture is authorized to use $25 million for the School Breakfast Program. Only $18.5 million, however, has been allocated to the states. A memorandum of September 1 from the Department stated that the remaining $6.5 million will be allocated only to those states, "demonstrating the need for these funds to maintain their program at the April level." The response from several state directors has strongly indicated that there is a need for this $6.5 million to be allocated immediately.

For example, in the State of Kentucky, the Breakfast Program will need to be cancelled at the beginning of October unless more money is allocated. In the reality that cancellations will occur, we implore that there be a reconsideration by the Department of Agriculture to transfer Section 32 funds to the Breakfast Program and to immediately allocate the remaining $6.5 million of the authorized $25 million to those states who face a possibility of cancelling their Breakfast Programs.

We, therefore, request that the proposed regulations be withdrawn and be replaced with regulations that would provide for a maximum reimbursement rate of 48 cents from Section 11; a maximum reimbursement rate of 12 cents from Section 4 for free and reduced price lunches; and guaranteed reimbursement from Section 4 of 5 cents for generally assisted lunches. We also suggest that the regulations pertaining to the use of Section 32 funds allow an immediate allotment of these funds for free or reduced priced lunches to all states based on need accompanied by transfer authority. In this way we could be certain that the funds Congress made available to the Secretary under this authority would be fully utilized.

We further suggest that before any proposed regulations are published that they be submitted to the National Advisory Council, created by Public Law 91–248, and the State Directors Section of the American School Food Service Association in order that these regulations could be instituted with the greatest degree of cooperation so that any further delays in the implementation of the intent of Public Law 91–248 may be avoided.

Respectfully,

Marlow W. Cook,
Philip A. Hart.

NEW LIVES FOR OLD—THE STORY OF PROJECT SENIOR ABILITIES—SENATE BILLS 555 AND 1307 OFFER POSITIVE PROGRAMS

Mr. RANDOLPH. Mr. President, today only about 17 percent of all persons 64 years and older are gainfully employed and such employment is usually in part-time jobs. However, earnings from this work account for approximately 30 percent of the total money income of all aged persons. This ranks second only to income from retirement benefits, such as social security, railroad retirement, and private pensions.

For many older Americans, a job can supplement inadequate retirement benefits. It can also help to break the poverty cycle for those who did not become poor until they entered the senior citizen category. But for others, a job is much more. It can be a most rewarding and satisfying experience for those who want to remain more active during their later years.

Several pilot programs have clearly demonstrated that our older citizens have a wealth of experience and talent. Older persons, I strongly believe, should have a wide range of choices, depending on their needs and desires:

To work or pursue more leisurely activities;

To work part time or full time; or

To work for pay or as a volunteer.

A classic example of the value of employment for older Americans is Project Senior Abilities, which is conducted in New York. This program has helped provide temporary job opportunities for elderly persons in a wide range of capacities, including quality control engineers, secretaries, clerks, key punch operators, security guards, and teachers.

Programs such as Project Senior Abilities provide additional compelling evidence in support of two measures I have sponsored to maximize employment opportunities for older persons, as well as middle-aged workers. For example, S. 555—the Older American Community Service Employment Act—would provide new opportunities for public service employment for low-income persons 55 and older. Elderly participants in these programs would serve in a wide range of useful endeavors, such as antipollution activities; health care; community beautification; day care; and others. In addition, my Middle-Aged and Older Workers Employment Act, S. 1307, would authorize financial assistance for nonprofit volunteer groups seeking to locate new job opportunities for older persons.

An article published recently in Rehabilitation Record describes in very human terms the impact of Project Senior Abilities on the lives of older Americans.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Lives for Old—The Story of Project Senior Abilities

(By Henry Viscardi, Jr., LL.D., and James P. Gelatt)

Dr. Viscardi is president of Human Resources Center, Albertson, N.Y., and Mr. Gelatt is director of public relations. H. Gordon Graham is the project director of the SRS-supported study described in this paper.

Many of us are fast approaching the age when some days we are beginning to feel old or at least older. If you don't believe you are getting over-the-hill, just listen to a 9-year-old explain "orbital rendezvous" or try the modern math.

In approaching the problems of the older citizen, we have applied many of the considerations which apply to the disabled, in fact to all men.

To begin with, there are 20 million men and women age 65 and over—nearly 1 out of 10 Americans. Thirteen thousand of them have passed their 100th birthday. One American reaches 65 years of age every 20 seconds. They include the rich and the poor, the educated and the untaught, the hale and the sick, the skilled and the unskilled.

Our older citizens constitute a larger population than the total of 20 smaller states. By the turn of the century, there will be 28 million of them in America.

For their benefit we must reject the notion that retirement is a status, that old people are nice and have done their part.

Whatever aches and maladies our aged may suffer, none is so bad or so common as loneliness. The idea that people are well off when they have ample things to consume is hardly enough. Consuming things is only part of being well off. We also get happiness out of producing and creating things. "Pride of work," it used to be called. For many today it is only a memory.

Our attitude must change so that retirement from active productive living should be by choice and not by compulsion of age. Many of our older citizens have no desire to stop work. They want to be useful. Social Security and retirement benefits are not a satisfactory substitute for a pay check. Many are able to work and want to work. Modern methods of business, government, and industry must be altered if they are not to be denied the opportunity to do so.

Project Senior Abilities (PSA) at Human Resources Center, Albertson, New York, grew out of the realization that for thousands of individuals in our country, retirement meant being relegated to second-class citizenry. Recognizing that there are a great many men and women whose skills and talents are being wasted when they are forced into retirement, and understanding the pressing needs of the business community for temporary personnel who are capable of doing quality work, Human Resources Center sought to establish Project Senior Abilities.

Its purpose, as stated in the application to SRS, was to act as a liaison between the skilled senior worker and business and industry. The Center, through its research and training faculty, would evaluate a number of retired workers for the purpose of determining who best might be employed by firms in the greater New York area.

Through the development of this project, Human Resources Center is seeking, as it has with the disabled and retarded whom it serves, to alleviate some of the problems and frustration of the senior worker by helping him to maintain his dignity and independence. By developing a program of temporary employment, it was the Center's intent to avoid affecting existing pension and insurance plans, thereby establishing a more favorable climate for the employment of the senior worker. By carefully evaluating each senior worker before recommending him for employment, the Center was assuring businesses and industries that they would have available a supply of skilled temporary personnel.

On November 14, 1969, the first step was taken. The Center had received the support of SRS and business, and proceeded with a conference in which prominent businessmen in the Long Island community were invited to learn of the new program. On the dais that day were executives from several well-known businesses in the New York area, including the Insurance Company of North America, Franklin National Bank, and the Grumman Corporation, who are also giving the Project their active support.

Over 125 businessmen attended and left convinced that the program had potential. They had suggested areas in which job skills were needed and had become aware of the existence and availability of a temporary work force which might serve their particular needs.

THE RECRUITMENT

Having set the stage, the next move was to secure the personnel. This has proved to be an ongoing program, with recruitment throughout the greater New York area. The project staff traveled to wherever it had an opportunity to share the news of the project with interested senior citizens.

Preretirement clubs in industry, senior citizens auxiliaries, church and social groups, all were contacted so that their members might learn of the opportunities being opened for them should they desire part-time, temporary work.

Sensing that the project had a unique appeal, the media became interested; spot announcements were begun, and still continue on a regular basis on some 20 radio and television stations. The project's director, H. Gordon Graham, himself a senior citizen, appeared live on talk shows and on WNEW's Focus program. Local press coverage proved particularly effective, and articles on Project Senior Abilities were placed weekly.

All of the efforts were coordinated through close contact with the Nassau County Office of Aging and the New York State Employment Service, and frequent contact was made with the New York Division of Vocational Rehabilitation, to make other professionals aware of the program underway in behalf of the senior worker.

Each applicant receives careful evaluation, so that he might be placed in a temporary position to his liking and ability. Where necessary, training and retraining are provided by the personnel of Human Resources Center.

THE FOCUS

The focal point of PSA was and is the development of a "work force supplement" or temporary employment program for older Americans. Each employee is placed on the payroll of Human Resources Center. His employment with a cooperating corporation might be full-time or part-time, short term or long term. He might perform his duties at the facility of the cooperating agency, at home, or at the Center, but by being listed on the Center's payroll, the older employee does not adversely affect the retirement or other programs of the cooperating corporation. Thus, for example, if the retirement program at a company demands that a highly skilled individual be retired at age 65, he could "retire" and yet continue to be productively employed working on tasks of vital interest to that company while not affecting its employee benefit programs, since he would now be an employee of Human Resources. Further, seasonal employment demands, or short term business emergencies, may be effectively handled without disrupting the normal operations of the cooperating organizaiton or requiring relatively great amounts of time in recruiting, screening, and training.

Thus, it should be clear that the program does not "disenfranchise" qualified full-time employees. If the job in question can be effectively performed by a full-time employee of the corporation, it does not come under the province of this project. The characteristics of the employment opportunities are these: (1) that the job be of a part-time and/or short term nature; (2) that there be no career opportunities appealing to the younger worker associated with the job; and (3) that qualified professionals believe that it would be inefficient to train a younger person to do the job when there are older employees available who already possess appropriate skills.

Many jobs today are fast becoming obsolete. This is especially true in an era of computer services and data processing. There is little or no value in training younger workers for a job which will be obsolete in 3 to 5 years. Yet the job must be done. To the older worker, the future obsolescence is not important. He brings to this job environment, a reservoir of lifetime skills and an attitude of respectful gratitude for the opportunity to be productive.

THE IMPACT

Part of the evaluation of a program as unique as PSA must focus on the economic impact it creates. The evaluation must include the number and percentage of clients placed, the average length of employment, and their dollar earnings. In order for the program to be successful in other localities there must be a description and an identification of the type of companies, jobs, and individuals which are found to be appropriate for the successful employment of older workers. Data with regard to the amount and type of retraining necessary to bring older persons to a productive level will be tabulated and discussed by the research faculty. Thus, evaluation of Project Senior Abilities is attempting to relate characteristics of older workers in the program to success on the job. Data, such as the sex, age, amount and previous type of work experience, attitudinal characteristics, etc., of each client will be correlated with indicators of successful job placement in an attempt to identify those properties of older employees which are predictive of job success. In this way, PSA can serve as a model for the creation of similar programs across the country.

THE PROGRESS

As PSA completed its first year, it boasted a temporary work force of over 200 retired persons, having placed some 75 of them in work opportunities in the Long Island area. Among the occupation categories in the skills bank are: clerk, secretary, keypunch operator, switchboard operator, security guard, sales personnel, draftsman, teacher, proofreader, teletype operator, bench worker, addressograph operator, quality control engineer, lawyer.

Project Senior Abilities is naturally feeling the squeeze of the current economic recession, but as Frank Gentile, Vice President of the Center puts it, "We have a program in Project Senior Abilities which has great potential. We are confident that if our progress has been this successful considering we are a new organization in somewhat trying times, we have at least demonstrated that the senior employee has a place not only in business or industry, but in society as well. He need not become a passive recipient in the welfare state, but can continue to be a happy, contributing member of the American economy." It would appear that the employers who have taken part in PSA would agree. Among the comments by business executives:

From the manager of one of the country's largest detective and security agencies: "We have found Mr. W. to be competent and conscientious, and would like to take this opportunity to thank you personally and the Human Resources Center for your efforts in providing this referral. Be assured that we will call upon you in the future for assistance in filling other positions within our organization." From an equipment company in New York: "We are now very happy with a bookkeeper, Mr. F., and also a part-time secretary, Mrs. M."

And from the plant manager of a color corporation, "I believe I have talked to a dozen or so employers who have at one time or another been in the same situation. They are very interested in my result . . . I have spread the 'word' to many people and I only hope that they will take advantage of this opportunity as I have."

Perhaps as important as the opinion of businesses who have become involved in PSA are the feelings of those for whom it is a source of independence and self-sufficiency. One man puts it this way: "I still feel, at the risk of being thought immodest, that I'm a very young 68. I'm not so much concerned about money as I am about being alert. I want to be part of the mainstream of society."

THE TIME IS NOW

For our older citizens and for everyone, if we are ever to enjoy life, now is the time—not tomorrow, nor next year, nor in some future life after we have died. The best preparation for a better life next year is a full, complete, productive, joyous life this year. Right now, at any age. Our beliefs in a rich future life are of little importance unless we translate them into a rich present life. There are really no twilight years. Today should always be the most wonderful day.

Human Resources Center has found working with its older citizens as rewarding as the experiences it has known with the disabled. Chronological age is not our true age. Every person is different and no two people born on the same day are really as old as each other by the time they get past middle age. Experts on aging around the world are working on a whole new calendar of human life, based not on months or days or years, but on the analysis of factors which will determine how far you have traveled along a normal life span.

The great Satchel Paige will long be remembered for his endurance record as a pitcher. He was one of the baseball greats. This was his advice for staying young:

> Avoid fried meats which angry up the blood. If your stomach dispute you, lie down and pacify it with cool thoughts. Keep the juices flowing by jankling around gently as you move. Go light on the vices, such as carrying on in society. The social ramble ain't restful. Avoid running at all times. Don't look back. Something might be gaining on you.

PRESIDENT NIXON'S TAX PROPOSAL

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of the statement made last week by Secretary John B. Connally before the House Ways and Means Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE JOHN B. CONNALLY, SECRETARY OF THE TREASURY BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, SEPTEMBER 8, 1971

Mr. Chairman and Members of this Distinguished Committee, I appear before you today to voice strong and urgent support for the tax proposals embodied in President Nixon's New Economic Policy. Early enactment of these measures, substantially in the form recommended by the Administration, is essential if the comprehensive program announced by the President on August 15 is to have maximum success—and if it is to fulfill the great expectations of the American people.

Literally millions of words have been written about the New Economic Policy and I shall not take the Committee's time today to describe the measures in detail. However, a brief outline of the thrust and implications of the President's policies can serve as a useful framework for discussion of those legislative proposals which are of direct interest to this Committee.

Stated briefly, Mr. Chairman, President Nixon on August 15—

Instituted a 90-day wage-price freeze to break the back of inflation and speed the return to stable economic growth;

Established a temporary 10-percent surcharge on imports and suspended temporarily the convertibility of the dollar into gold or other reserve assets, in order to improve this country's position in world trade and provide the base for improving international monetary and trading arrangements;

Proposed acceleration of tax reductions now scheduled for 1973 to 1972, thus raising total individual income tax reduction next January to $4.9 billion (of which $2.2 billion will result from the acceleration);

Asked for repeal of the 7 percent excise tax on sales of new automobiles, a step which will bolster demand for new cars and will result in over $2 billion in tax savings to car buyers;

Proposed enactment of a 10 percent Job Development Credit (5 percent after August 15, 1972) to:

(1) Create jobs by stimulating spending on new productive equipment,

(2) Increase productivity, which is the only effective way of achieving reasonable price stability *and* steadily rising real income for workers and savers,

(3) Enhance the competitive position of American industry and labor in an increasingly competitive world;

Called for legislation to remove the bias in our tax system which leads to the export of jobs (the proposed Domestic International Sales Corporation); and

Balanced the losses of revenue from the tax changes with reductions in Federal budget outlays, a necessity if inflationary pressures are to be contained.

The President's New Economic Policy is a comprehensive and cohesive program. This coordinated approach promises a much greater impact than could be expected from the sum of its parts. Each of the measures has been proposed from time to time by others. But, by putting all the pieces together, the President's proposals constitute an effective attack on a complex set of economic problems.

Mr. Chairman, we urge prompt action on the part of this Committee. This carefully balanced program will be seriously impaired if any of its important parts are not enacted.

The key point to emphasize is the job-creating impact of the President's program. Jobs will be created in the private sector, not in the public sector by expanding government payrolls.

Take the automobile industry as an example. At least one out of ten jobs in this country is related to automobile production and sales. It is distressing to note that the most recent figures (discounting seasonal slack) show close to 50,000 men out of work in the automobile manufacturing industry. I know of no analyst who disagrees with the view that the repeal of the excise tax (which will be passed on to the consumer), combined with the temporary import surcharge, will increase domestic automobile production and sales in the months ahead. Some industry leaders predict an increase of 5 to 10 percent. If we split the difference, and assume a 7½ percent gain, domestic car sales may rise from the previously estimated 8,000,000 to 8,600,000.

Mr. Chairman, 600,000 additional domestic automobile sales can be translated directly into 150,000 additional jobs, not counting dealer employees.

I disagree with the arguments of those who maintain that the excise tax should remain on autos as a penalty tax on pollutants. If tax penalties are to be used for environmental purposes, they should be specifically tailored and carefully implemented.

The President's tax proposals have been characterized by some as a "business bonanza." This charge implies that nothing is being done for individuals. It also suggests that profits are high and should be reduced.

What are the facts?

Enactment of the President's proposals, plus the $2.7 billion of tax cuts already scheduled to take effect in January, will mean an income tax reduction in 1972 of $4.9 billion for individuals, most of whom are in the lower income brackets. The increased reduction will result from the President's proposal to accelerate the cuts scheduled in 1973 to 1972.

Nor is the elimination of the auto excise tax a "business bonanza." It is the car buyer —not the producer—who will get the break as the auto companies pass on the tax cut.

What is the overall result for individuals? In 1972 the combined effect of the cuts already scheduled, plus enactment of the President's program, will mean a reduction in individual tax payments—income and excise—of about $7 billion.

How have profits been doing? Measured as a percentage of Gross National Product profits today are lower than at any time since 1938.

During the past five years, while total wages and salaries have increased 37 percent, from $394 billion to $541 billion—a jump of $147 billion, corporate profits have decreased over 10 percent, from $84 billion to $75 billion—a drop of $9 billion.

These figures should be disturbing to all of us. It now takes many thousands of dollars of investment to sustain one job in American industry. Where will this money come from?

In our economic system, profits are a prerequisite to attracting and retaining this needed capital. If sufficient profits are not earned by a business, it can neither attract outside equity capital nor justify the retention of its own capital.

At a time when there is an acute shortage of risk capital—not only in the United States but throughout the world—it is imperative that American businesses, owned by millions of Americans, generate profits sufficient to attract such capital.

Too often when we talk about profits, people think only in narrow terms—of the wealthy individual receiving a dividend on his stock. The fact is that millions of working Americans are capitalists in their own right. They own equity interest in pension plans, insurance companies, mutual funds, profit sharing plans, and in thousands of individual firms. Thus, over 100 million Americans directly or indirectly provide this capital—the lifeblood of our economy—and hence share in the benefits of its productive use.

This question of business benefits versus individual benefits must be put in perspective; they are not separable. I know of no better way to gain this perspective than to go back to January 1969, and compare business and individual tax actions since that time. Many of us tend to forget that Congress, in enacting the Tax Reform Act of 1969 granted a massive tax cut to middle and low-income individuals, while raising taxes sharply on business corporations and individuals in the top brackets. Let's look at the record.

To be complete, the record must include the impact of the Tax Reform Act, plus the Administration's change in depreciation regulations and the tax proposals of the New Economic Policy. If the impact of these measures is spread over the five years, 1969 through 1973, the result is startling:

Federal income tax payments of individuals will have been reduced by almost $34 billion. Tax payments on corporate profits will have declined by slightly more than $1 billion.

The record is clear. Enactment of the President's recommendations, given the perspective of the three years of the Nixon Administration, will *not* be a bonanza for business.

The President's program is also fiscally sound. In fiscal year 1972, the $3.8 billion in net revenue reductions will be offset by $4.9 billion in expenditure cuts, resulting from a 5 percent reduction in Federal employment and proposals to freeze the Federal pay increase and defer, for a short while, proposals for revenue-sharing and welfare reform.

The President's support for these programs has not diminished. These legislative deferrals are just that and no more, and in fact they reflect primarily realistic legislative time-tables for these high-priority measures.

The fiscal balance, which is highly desirable from a fiscal and debt management standpoint, does not significantly detract from the net expansionary thrust of the New Economic Policy. This is because the elements of the program which create jobs are extremely powerful relative to the spending cuts.

In effect, the President is proposing a "mix" in fiscal policy, between tax and expenditure, which places maximum reliance on our private, free enterprise economy, and less reliance on expanding the already large Government sector.

Mr. Chairman, it would be a mistake to leave the Committee with the impression that the President's New Economic Policy is geared solely to the solution of short-run problems. Every major measure that the President proposes has significant long-run benefits.

The short-run, job-creating effects of the President's program have been emphasized. But too many observers have overlooked the long-run relationship between productivity, jobs and a rising standard of living. Building upon the highly favorable experience with the investment credit, the new Job Development Credit can create literally hundreds of thousands of jobs in the years ahead as American industry tools up to be a vigorous competitor in an increasingly competitive world.

And in the long run, only rising productivity can provide the increase in *real income* that means a rising standard of living for all Americans.

As the President said in his Labor Day address:

"Productivity really means getting more out of your work.

"When you have the latest technology to help you do your job, it means you can do more with the same effort . . .

"When you have the training you need to improve your skills, you can do more . . .

"When you are organized to do away with redtape and duplicated effort, you can do more . . .

"And when you have your heart in what you're doing, when it gives you respect and pride as well as a good wage—you naturally do more . . .

"Those are the four elements of productivity: investment in new technology, job training, good management and high employee motivation. Taken together, they raise the amount each worker actually produces."

The President's program is a program to protect and enhance the well-being of the American working man, by assuring him a job—a job that rewards him through more dollars which maintain their value at home and throughout the world. This is the real thrust of the New Economic Policy.

Mr. Chairman, the President, as you know, imposed a temporary additional duty of 10 percent ad valorem on all dutiable imported merchandise, effective at 12:01 a.m., August 16. The President acted principally under the authority contained in the Trade Expansion Act and the Tariff Act of 1930, both of which are within the responsibilities of this Committee. For that reason I would like to tell you very briefly what has been done under the Proclamation to date.

Instructions have been issued to Customs officers for the collection of the duty. No unanticipated major problems have been encountered in the administration of this program which is going forward smoothly. Under the authority to grant exemptions from application of the duty, several orders have been issued. Those orders exempt all articles exported to the United States before the effective date of the President's action, including those at sea, strike-bound on the West Coast, or in warehouses or foreign trade zones which in the latter case, are withdrawn under requests filed not later than October 1.

Also, in accordance with the President's statements at the time of release of the Proclamation, specific commodities have been exempted because they are subject to mandatory quotas, including certain meat products, dairy products and other staples, sugar and sugar products, petroleum and cotton textiles. The full details of these exemptions have been published.

Mr. Chairman, this completes my introductory remarks. Inasmuch as productivity will play such a vital role in this nation's progress in the years ahead, let me turn first to the most important proposal now before this Committee—the enactment of the Job Development Credit.

A. JOB DEVELOPMENT CREDIT

We recommend enactment of a Job Development Credit, similar to the old investment credit but with two major differences:

1. The credit should be 10 percent for property acquired in the one year period beginning August 16, 1971, including property ordered before August 16, 1972, and delivered by February 15, 1973. The credit should then drop to 5 percent—the permanent rate.

2. No credit should be allowed for foreign-produced property as long as the temporary import surcharge is in effect. The credit should then be allowed for foreign-produced property ordered after the surcharge has been terminated. Foreign-produced property should be defined to include not only property produced abroad, but also property produced in the United States if more than 50 percent of the value is attributable to imported materials or components.

Other differences from the old investment credit are described in the General Explanation filed with the Committee.

The Job Development Credit is the key element in this tax program. It is designed to:

1. Increase the number of jobs in the United States.

2. Improve productivity by allowing our workers to produce with the newest, most technologically advanced machinery and equipment available; and

3. Increase the competitiveness of United States industry in relation to foreign producers, both in our domestic markets and in world markets.

The credit will provide an effective incentive for investment in new productive facilities—to expand our productive capacity and our output of goods and services.

The benefits of this program will be shared by workers, consumers, and savers or investors alike:

Workers because it will more quickly reduce unemployment, and because increases in productivity provide a permanent foundation for wage increases which are not eroded by higher prices;

Savers or investors because these results will restore corporate profits to reasonable levels, and because this will provide adequate incentive to sustain investment for a continuing high level of economic activity and future growth in the United States; and

Consumers because greater efficiency and productivity will help stabilize prices, and because greater output will encourage development of new products and services.

The United States *needs* to increase its real output. The specific goals we seek as a nation today require more real economic growth. In addition to higher wages without higher prices, we seek as a society to deal more effectively with poverty, inadequate educational and health facilities, undesirable living and working conditions in our congested cities, the deteriorating quality of our physical environment, and other pressing human problems.

Thus, we seek to improve our standard of living. The only way of achieving all of our objectives in the future is to increase our real output, that is, to insure the existence of sufficient resources to achieve these goals. We will provide this base for future growth by directing a greater portion of our current income *now* into the productive assets which will provide these resources in the future. The Job Development Credit is the method for achieving this result.

Unless there is growth in real output, the average working man will see little gain in his own real income. Continuing pressure for wage increases would lead to continued inflation. The result would almost surely be a loss of popular support for the expenditure programs required to meet the needs of our society for poverty relief, environmental control, urban rebuilding, and other objectives.

The essential elements of productivity growth are more capital, more efficient markets, more worker training, and more research and development. Except for encouraging the investment of more capital, government is already an enthusiastic supporter of productivity growth. Thus, federal, state, and local governments together spend about $55 billion for education and worker training. The federal government encourages research and development at a revenue cost of nearly $14 billion annually, supplementing about $8 billion of private funds for these purposes. Through consumer programs, enforcement of antitrust laws, and other means, government contributes to the efficiency of our markets.

In the tax area, however, we have gradually, and inadvertently, adopted a structure that weighs heavily on the accumulation of capital. We have a highly progressive estate tax. We have a corporate tax that imposes a double burden on income earned in corporations and paid as dividends.

The shortage of business capital at full employment acts as a barrier to full use of the advantages of increased research and development and increased training. A machinist thoroughly trained to operate a newly developed, highly efficient machine is wasted in the U.S. economy unless business has adequate capital to replace its old inefficient plant with such new equipment.

There are good reasons for the existing structure of our tax system. Every American should on reflection, however, be deeply concerned that this structure impinges on the formation of capital that we need for growth. We must reconcile our progressive tax structure with our need for capital by providing a tax incentive within the system for resources going directly into growth. This is exactly what the Job Development Credit accomplishes.

This need for a growth policy was recognized by prior Administrations both in the adoption of guideline depreciation and a 7 percent investment credit in 1962. The experience with the investment credit in 1962, however, was that there was a delay before business responded to the credit by increasing investment. In the present situation, we want a faster response so that increased investment demand will contribute to improving employment in the short run. Accordingly, we recommend a 10 percent credit for property acquired in the immediate future, then dropping to 5 percent for the long run.

To have maximum incentive in creating jobs quickly, the extra stimulant represented by the 10 percent credit should be available immediately, and it is of major importance that the period of the 10 percent credit should not be extended. We are seeking to provide a special incentive for increased business activity in the short run, and this effect diminishes in direct proportion as the period of the 10 percent credit is extended. At the same time, it should be long enough to avoid undue business disruption. Roughly 90 percent of all machinery and equipment has a normal production lead time of less than 18 months, and acceleration of delivery of the balance can often be accomplished by the producers. Further, in the case of long lead-time equipment, purchasers who ordered equipment in 1969 or 1970 when the credit was not in effect will obtain the 10 percent credit for property acquired within the next 18 months. The proposed system will achieve reasonable equity.

Any extended delay in adoption of the Job Development Credit would be counter-productive because of the business uncertainty that would exist. I earnestly urge its early enactment.

B. ACCELERATION OF 1973 TAX REDUCTIONS TO 1972

We recommend that tax reductions presently scheduled for January 1, 1973, be moved forward to January 1, 1972. This acceleration, combined with the tax reductions already scheduled for January 1, 1972, will result in tax reductions, and hence an increase in consumer purchasing power, of $4.9 billion per year, of which $2.2 billion in the calendar year 1972 is attributable to our proposed actions.

The personal exemption is presently at the level of $650 per person and is scheduled to increase to $700 on January 1, 1972, and to $750 on January 1, 1973. The increase to $750 should be moved to January 1, 1972.

The standard deduction is presently at the level of 13 percent of income with a $1,500 maximum and is scheduled to increase to 14 percent with a $2,000 maximum on January 1, 1972, and to 15 percent with a $2,000 maximum on January 1, 1973. The increase to 15 percent should be accelerated to January 1, 1972.

The benefits and distribution of the tax reductions are illustrated in tables filed with the Committee. The liability of a single taxpayer with an income of $7,500 will be reduced $53 effective January 1, 1972. The tax liability of a family of four with an income of $10,000 will be reduced $114.

We propose this additional income tax relief for individuals because the present level of unemployment calls for increasing consumer purchasing power through income tax reductions. These reductions will more than offset scheduled increases in social security taxes ($2.8 billion), and they will create increased demand as well as increased investment. The combined increase in consumer purchasing power from this acceleration and from the repeal of the automobile excise tax, a total of $7.1 billion, even after reduction by the social security tax increases, will be a powerful stimulus to business activity. Business may be expected to increase production immediately to have goods and services available by January 1, 1972.

The resulting increase in the number of jobs, in the level of business activity, and hence in the level of tax revenues in the future, will contribute, as will the Job Development Credit, to financing the costs of a better society in the future. The genius of the President's program lies, as our young people would say, in "Getting it all together." We propose increased tax relief to create increased demand, and the incentives created by the credit for increased investment will provide productive facilities to meet that demand.

C. REPEAL OF THE AUTOMOBILE EXCISE TAX

We recommend repeal of the 7 percent automobile excise tax effective August 16, 1971. The repeal will result in refunds to consumers who purchased cars after August 15, 1971, and before the date of actual repeal; purchasers after the date of repeal will pay reduced prices for their cars.

The present tax is 7 percent of the manufacturer's price. This works out to slightly under 5.5 percent of the final price to the purchaser, an average amount of $200 per automobile. The distribution of automobile purchases is roughly a constant proportion of income, so this reduction amounts to a fairly uniform benefit among all income groups. While a higher proportion of used cars are purchased by lower income groups, the repeal of the tax on new automobiles will result in a reduction in the price of used cars, so the lower income groups will obtain proportional benefits.

The four major United States automobile manufacturers have given assurance that the benefits of the repeal will be passed on to the consumers.

Lower automobile prices will mean an increase in the demand for automobiles. The tax reduction when coupled with the temporary import surcharge will result in even a larger growth in sales of domestic cars.

The repeal of the automobile excise tax will result in a revenue loss for 1972 of $2.2 billion. Since roughly nine out of ten automobiles are purchased by individuals, the commitment of the automobile companies means that this largely represents additional tax relief to individuals. This provides further balance in our proposals between individual and business tax reductions.

D. DISC AND OTHER BALANCE-OF-PAYMENT MEASURES

Finally, we recommend adoption of the DISC proposal, providing for tax deferral for export income of Domestic International Sales Corporations if such income is used in export-related activities. Our proposal is almost identical to the provision favorably reported by this Committee and adopted by the House of Representatives in 1970 in H.R. 18970, except that we recommend that the provision become fully effective on January 1, 1972, rather than providing for a phase-in period. A copy of a draft bill and Technical Explanation have been filed with the Committee.

The need for the DISC proposal has been fully explained in previous public testimony before this Committee. In general, it is designed to provide the same type of U.S. tax treatment for U.S. companies engaged in exporting as is presently available if they manufacture abroad through foreign subsidiaries. The DISC proposal is designed to create and preserve more jobs in the United States by causing a healthy expansion in U.S. exports, and by making it as attractive from a tax standpoint for U.S. companies to produce goods in the United States for export to world markets as it is for them to build their factories in foreign countries and produce abroad.

In addition to serving the interests of labor by creating more jobs in the United States, the DISC proposal serves the interests of business and consumers as well. The interests of business are served because our present tax laws and those of other countries tend to favor overseas production; many United States businessmen would prefer to continue producing in the United States for foreign markets if the tax treatment for U.S. production could be equalized. The interests of consumers are served because a higher level of exports is needed to support continued expansion in imports.

The DISC will tend to focus greater interest among U.S. businesses on the potential of the export market which to a considerable extent has been neglected by our companies because of the more favorable tax consequences from producing abroad. A much smaller proportion of our total sales are for export as compared to most other major industrialized nations, and we need to concentrate more effort and activity in the promotion of export activity.

The DISC proposal, when fully effective, will result in a revenue deferral of approximately $600 million annually before allowing for the effect of increased revenues from the feedback benefits to the economy. This amount may be only $300 million in the first full year of its operation while exporters arrange to take full advantage of its provisions. We estimate that it will result in an increase in annual export sales of $1.5 billion, which will mean more gross national product—more tax base in the United States and more tax revenues.

Mr. Chairman, members of the committee, you have before you now comprehensive tax proposals, broad in concept and detailed in formulation, which will help provide the tools for this nation to fashion a new era of economic prosperity. Again, I would like to point out that these tax proposals are an integral part of a new policy which offers constructive solutions to our major economic problems—domestic and international, production and consumption, in the public sector and in the private, inflation and unemployment. They are balanced between the needs of all members of our production team—labor, business and government—to benefit all Americans.

WHAT'S A SURPLUS?

Mr. CHURCH. Mr. President, in the past several weeks, many of us watched with amazement as the Nixon administration, in all seriousness, announced that a deficit of $23.2 billion is really a surplus of $2.5 billion.

I do not think it is any wonder that the administration's so-called full employment surplus has become the brunt of so many jokes. Columnists have had a field day with this bit of nonsensical arithmetic.

One of the best columns to comment on this numerical wonder of the new, new math comes from Dwight Jensen, writing in the Boise, Idaho, Intermountain Observer of August 28, 1971.

Writes Jensen:

> Like so many statements of the Nixon administration, especially those about the war, this one cheapens the language by robbing words of real meaning—"surplus" comes to mean "deficit," just as, in the State Department, "peace" comes to mean "war." You can read about it in detail in Orwell's 1984. Newspeak. Nixonspeak.

Mr. President, I ask unanimous consent that Mr. Jensen's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Intermountain Observer, Aug. 28, 1971]

REMARKABLE—NIXONESE & JENSENESE

(By Dwight Wm. Jensen)

(Note: The following was written before the President announced the price wage freeze, etc. While we wait to see if the new economic game plan works, let's not forget the dubious thinking already displayed by the President's economic advisors:)

On the typing table rests (if twisting, writhing lies can be said to rest) a copy of a Treasury Department press release labeled "Joint Statement of Treasury Secretary John B. Connally and George P. Shultz, Director of the Office of Management and Budget, on budget totals for Fiscal Year 1971."

It runs four paragraphs. The last paragraph simply totes up some numbers—In the fiscal year in question, the United States government took in $188.3 billion (it also tried to take in a lot of gullible voters, with varied success, and that's what the press release is aimed at doing), spent $211.6 billion, and thus showed a deficit of $23.2 billion. But this counts as a surplus of $2.5 billion, by Nixon arithmetic, and the government is to be praised for coming out in the black.

The first three paragraphs explain that inincredible numbers game in a language that has to be known not as English but as Nixonese:

"For the third year in a row, a full employment balance or surplus has been achieved in the fiscal year 1971 after three successive years of full-employment deficits totalling more than $40 billion.

"In fiscal 1971, which ended June 30, there would have been a surplus of $2.5 billion had the nation's economy operated at full employment throughout the year.

"This record is in sharp contrast to that of fiscal years 1966 through 1968, when full employment deficits totaled more than $40 billion."

No kidding. That's really what it says. Who says the government lacks imagination, or has no sense of humor?

You may think it a total waste of time and money for the government to put out such baloney. In fact, a more serious case can be made against it: Like so many statements of the Nixon Administration, especially those about the war, this one cheapens the language by robbing words of real meaning—"surplus" comes to mean "deficit," just as, in the State Department, "peace" comes to mean "war." You can read about it in detail in Orwell's 1984. Newspeak. Nixonspeak.

But the release has a certain usefulness. Taking it as my cue, I have composed the following letter, which I intend to mimeograph and mail to my creditors, if I can afford the postage:

"For the thirteenth year in a row, I have achieved a stunning surplus of income over expenditures during the past year, if you assume that I am entitled to count the money I would have made if I had worked to my full capacity.

"In the twelve months just ended, my total income on a full-capacity basis would have exceeded my total expenditures and encumbrances by $6,498.23. This amount, added to a savings account which, if it existed, would include all the full-capacity surpluses since they began to accumulate, would now amount to $107,335.95, including interest.

"This would mean that I probably would not have incurred my bill with you in the first place and, if I had, would have long since paid it.

"Please adjust your books accordingly and send me a receipt.

"I realize you may think that I am settling this account with Imaginary Money. Let me assure you, however, that the currency I am using is recognized by the Secretary of the Treasury himself as Coin of the Realm, and is used by him to balance the Federal budget. Therefore, I suggest that you use this letter to pay your income tax."

JOBS FOR SCHOOL DROPOUTS

Mr. BAYH. Mr. President, the National Council of Juvenile Court Judges held their annual convention in July of this year in New Orleans and elected James H. Lincoln, a Detroit, Mich., juvenile court judge, as its new president. I had the honor of being the principal speaker at that convention and the opportunity to meet and become acquainted with Judge Lincoln at the time.

He has served on the bench for 11 years in a city plagued with high unemployment rates for youth, poverty-ridden ghettos, riots, and a general lack of funds which compounds the difficulties. After 11 years of direct experience with these problems, Judge Lincoln has urged the Nation to develop a program providing high school dropouts with a relevant work experience. As he wisely put it, we must begin a "massive apprentice work program subsidized by the Federal government in which private firms would be paid public money to hire young dropouts off the street and train them to succeed at something."

This suggestion must be taken as seriously as any proposal to solve our national problem of juvenile crime. As chairman of the Senate Subcommittee on Juvenile Delinquency, I particularly commend Judge Lincoln's proposals to increase Federal aid to education for development of combined work-study programs and to provide additional special schooling for youths who could benefit from this schooling. We must begin now to invest the resources necessary—and they will be large—to deal meaningfully with the huge problem of juvenile delinquency. As Judge Lincoln relates, a work-study program will cost billions of dollars, but we spent $4 billion just last year alone fighting juvenile crime.

Mr. President, we must also mobilize public opinion in order to transform existing concern into a truly national effort to provide broad education for our youth. At the Conference of Juvenile Court Judges, I urged that all the judges investigate the administration of juvenile justice in their own juvenile court systems, and to give legislators the benefit of new constructive proposals.

For unless the juvenile court judges are prepared to roll up the sleeves of their judicial robes there is no hope for the kind of broad-based public response that the problems of juvenile delinquency and crime require. Judge Lincoln has taken on this challenge and I highly commend him.

I only hope that this administration will not fail, as it has in the past, to put the facts and demands of juvenile delinquency much higher in its list of national priorities than at the bottom.

I ask unanimous consent to have printed in the RECORD an article relating to Judge James H. Lincoln's program, entitled "We Must Give Jobs to School Dropouts," written by James H. Dygert, and published in the Washington Post, of August 29, 1971.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE MUST GIVE JOBS TO SCHOOL DROPOUTS

(By James H. Dygert)

DETROIT, MICH.—Millions of teenagers will drop out of American high schools in the next ten years and will end up terrorizing the nation's cities in roving street gangs spoiling for trouble because they have nothing else to do.

Crime rates will shoot upward from already alarming levels.

Unless—says the new president of the National Council of Juvenile Court Judges, Detroit's outspoken James H. Lincoln—unless jobs are found for 15-, 16- and 17-year-olds.

"It's as big a problem as the atomic bomb," says Lincoln, "the biggest internal problem confronting the U.S."

Lincoln is seeking to sell the nation on what he is convinced, on the basis of his 11 years as a juvenile court judge in a big city with an angry, poverty-ridden ghetto, is the only solution; namely, a massive apprentice work program subsidized by the Federal government in which private firms would be paid public money to hire young dropouts off the street and train them to succeed at something.

UNDERLYING CAUSES

This proposal has evolved from the judge's conclusion that failure, boredom and the lack of something constructive to do are the underlying causes of crime, and only an all-out national effort can cure these ills in modern circumstances of overpopulated cities, galloping technology and complex economics.

Lincoln hinted at this in his 1968 book on the ghetto's 1967 explosion in Detroit, *The Anatomy of a Riot*. He wrote, "The time will come when our society will guarantee employment for all who are willing to work . . . Without job opportunities, all else is futile."

There are only two possible areas of success open to most juveniles—school and work. Lincoln says, "What do you do with a 15-year-old boy who's reading at fourth-grade level? School is not every kid's bag; a lot of them just don't make it. The only possibility is work."

BUT WHERE ARE THE JOBS?

But there is no work for them. "How do we get jobs for kids," asks the judge, "when their fathers are laid off?"

The job situation will no doubt improve, but dropouts will be the last to benefit. They have it roughest in normal times. Having neither education nor skills, they're the least productive of workers and the least desirable from the standpoints of insurance rates and dependability. Unskilled jobs are close to extinction.

Yet a job can be pivotal. One boy got a job that paid only $35 a week, but it was enough. He stayed out of trouble until he lost his job through circumstances not his fault eight months later, and was soon back in Lincoln's court. "It wasn't much of a job," says the judge, "but it was the margin of difference between being in trouble and not. It's that way for many of them."

One of the main reasons why these youngsters turn to mischief and crime, according to Lincoln, is boredom. "They have nothing to do."

THE FAILURE HABIT

Another is the failure habit. "The common denominator of crime and delinquency is failure in school," says Lincoln. "Most chronic delinquents read at three or four grades below their average grade placement. They're the lowest achievers among dropouts. They account for 90 percent of the severe behavior problems in this country."

Lincoln recently told Detroit's city council that all 16 youths in a troublesome street gang had been school truants for years. "The problem is not this gang, however," he added, "but what to do with the gang of 100,000 dropouts in Detroit in the next decade. Nothing will change much until we come up with a program to put thousands of juveniles in some kind of employment alternative to school."

The judge explains, "We have to give them some means of success experience. The way to attack behavior problems is not preaching, but substituting a worthwhile activity. We must find something for them to do."

That's the logic behind Lincoln's proposal for a Federally financed apprentice program in which the government would reimburse employers for training wages paid to young dropouts—"like $1.60 an hour or whatever it takes. The boy might wash cars or dishes, or learn to be a mechanic, depending on his abilities. Part of it would be just to teach him some stability, to get there in the morning and stay on the job. And I'm not talking about a week or a month. He'd have to stay in this for perhaps several years."

Lincoln's program would include massive increases in Federal aid to education for development of combined school-work programs as well, and additional or special schooling for kids who could benefit from it. This must also be a national effort, he says.

Procedural changes in juvenile courts have actually impeded progress, Lincoln believes, by producing Pharisees who fret more over procedural perfection than problem solving. "I'm all for reforming the procedures and giving juveniles all their constitutional rights, but after we've done all that, the problem is still there.

"GIMMICKS" WON'T DO

"Gimmicks won't solve it either. I have seen all kinds of innovative programs and most of them are good. I'm not against that, but they're not enough and they've become such a fixation in people's minds that they're prevented from coming to grips with the problem."

The community care concept of dealing with young offenders, for instance, is a good idea but certainly no panacea in Lincoln's view. Michigan is among the states turning to this enlightened approach. It stresses the treating of a delinquent on probation or in a small group home of five or six juveniles in the youngsters' own community instead of institutionalized confinement in a reform school that's actually a crime school.

This works fine in suburban communities that can offer job opportunities and extra school services, says Lincoln, but not in a big city ghetto. "What do you do with them there? It does no good to send them back to school and there aren't any jobs. You haven't solved the basic problem."

TOUGHNESS WON'T HELP

Get-tough laws aren't the answer, either, the judge says. "I'd use a whipping post, myself, if it would work. But it doesn't work."

There's another factor in crime and delinquency for which Lincoln puts much of the blame on the older generation. "We've given people in the lower-third income group middle-class values before they can afford them. TV advertising comes on every five minutes selling poverty-area people on having material things. They feel degraded if they don't have them."

The younger generation may be rebelling against materialism, but not the segment of it that comes into Lincoln's court. "They all feel they have to have material things. And money in their pocket. One of the main things they steal is a car, which is a very important status symbol. They feel big when they're driving a car.

"The drug problem is bad, and makes all of it more difficult, but even if that were eliminated, the crime and delinquency would remain high."

NATIONAL EFFORT NEEDED

No real headway can be made, Lincoln is convinced, without an organized, national effort to give young people a legitimate way to acquire cars and other material things and at the same time something constructive to do; namely, a job.

"I'm trying to outline the problem in new terms," says Lincoln. "To get going in a new direction. There are no jobs for these young people, so we're going to have to make some."

The big obstacle is cost. Lincoln admits the apprentice work program would cost billions. "But it's the only way. The issue is how to make millions of people succeed who are failing. What other reasonable alternative has been proposed? The nation has to focus on making juveniles feel successful in their day-to-day life. This means a vast shift in national resources, but we'd better take it on. There's no other way."

TORONTO DECLARATION

Mr. CHURCH. Mr. President, an important international conference of distinguished parliamentarians, scholars, administrators, and editors, meeting in Toronto from August 19 through August 21, focused on the serious crisis in East Pakistan. The participants called upon all governments to stop supplying military arms and economic aid to Pakistan until a political settlement can be achieved.

The South Asia Conference, sponsored by the private relief agency, Oxfam, was chaired by Mr. Hugh Keenleyside, former director-general of U.N. Technical Assistance and former Canadian Ambassador to Indonesia, and vice chaired by

Prof. John Kenneth Galbraith, of Harvard, former U.S. Ambassador to India.

I recommend to the Senate the declaration issued by this international assembly of South Asia experts, urging all governments:

(1) To terminate immediately all military deliveries to Pakistan;

(2) To suspend all economic aid to Pakistan;

(3) To channel all possible resources into a massive emergency program for famine relief in East Pakistan, directed and administered by the United Nations;

(4) To make firm continuing commitments to share fairly the economic burden of supporting the refugees in India;

(5) To intervene to save the life of Sheik Mujibar Rahman.

I ask unanimous consent that the Toronto Declaration of Concern and Mr. Galbraith's statement to the South Asia Conference be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE TORONTO DECLARATION OF CONCERN

We are horrified by the events of recent months in East Pakistan which have resulted in one of the major disasters in man's history. Millions of refugees have fled in the wake of atrocities and military operations which continue to this day.

The spectre of famine threatens those who remain in East Pakistan. In India, the influx of a rising tide of some 7.5 million refugees to date has created grave problems.

The present situation is a threat to peace both in the subcontinent of South Asia and throughout the world, with danger of great power involvement in a familiar pattern of escalation. In spite of repeated warnings, including those of Secretary-General U Thant, the world remains largely indifferent. The staggering cost of the refugee operations have been left predominantly as a burden for India to carry. No effective political pressures have been brought to bear by the world community to end the mounting tragedy.

This conference calls for an immediate end to all killing. This can be achieved only in the context of a political settlement. There can be no lasting political solution without the democratic consent of the people of East Pakistan.

The secret military trial of Sheik Mujibar Rahman offends against the principles of the rule of law, outrages world opinion, and militates against the possibility of conciliation. His execution would end hopes of a peaceful settlement of the crisis.

In the longer view there can be no solution that does not allow the refugees to return and to live in security in their villages and homes.

All evidence points to the certainty of famine in East Pakistan by October. Food must be supplied from outside and distributed directly to rural areas on a neutral basis under the supervision and administration of a greatly augmented United Nations staff with the mandate and facilities necessary for effective action. We urge the Government of Pakistan and the leaders of the Bangla Desh movement to co-operate with this emergency humanitarian programme.

We urge all governments:

1. To terminate immediately all military deliveries to Pakistan;
2. To suspend all economic aid to Pakistan;
3. To channel all possible resources into a massive emergency programme for famine relief in East Pakistan directed and administered by the UN;
4. To make firm continuing commitments to share fairly the economic burden of supporting the refugees in India;
5. To intervene to save the life of Sheik Mujibar Rahman.

We appeal with the utmost urgency to all people in all countries to prevail upon their governments to act while there is still time.

This declaration is made by an international conference of people meeting in Toronto who are deeply concerned about events in East Pakistan. We have sought to be impartial and objective. We regret the distinguished individuals from West Pakistan who had indicated their willingness to attend were unable to do so.

THE TORONTO DECLARATION OF CONCERN—LIST OF ORIGINAL SIGNERS

Rev. E. Johnson, N.C. Dahl, G. Papanek, J. T. Thorson, Gen. J. N. Chaudhuri, Patrick P. McDermatt, Niall Macdermot, Chester Ronning, James Barrington, Hanna Papanek, Bernard Braine, M.P., John Holmes, Ajit Bhattacharjea.

Nurul Hassan, Jon E. Rohde, M.D., Rev. Eoin A. Mackay, Gerard Lachene, Thomas A. Dine, Hugh L. Keenleyside, Rev. Ernest Long, Judith Hart, M.P., Cornelia Rhode, Stanley Wolpert, Robert Dorfman, Homer A. Jack.

STATEMENT BY JOHN KENNETH GALBRAITH TO THE SOUTH ASIA CONFERENCE, TORONTO, AUGUST 20, 1971

I am sorry that a fall, together with a cautious doctor, is keeping me grounded for a few days. There is no conference in the past year that I have so regretted missing.

Could I have been present I would have urged first of all the importance of the world-wide effort, using both public and private funds to alleviate the hardships of the refugees now in India in such vast numbers. Nothing else is so important; no other task of our time should be more firmly on the conscience of mankind. I hope the conference will convey a full sense of urgency of this problem.

In the longer view we must recognize there can be no solution that does not allow these people to return to their villages and homes. This they must be able to do in safety. The requisite security will only exist when there is full autonomy and self-government in East Bengal. However it may be wished otherwise, continuing rule by West Pakistan will involve a state of well or badly suppressed revolt.

All friends of Pakistan wish for this solution. Otherwise the resources of this progressive and vigorous country will be absorbed by the problems in the East. Economic development in West Pakistan will falter. And the people and soldiers of West Pakistan will achieve in the eyes of the world a reputation for cruelty and oppression. They are not cruel and oppressive people. This is the reputation that is the fate of all armies, including that of the United States in Viet-Nam when faced with the task of sustaining an unpopular government.

While the conference must be clear as to this solution, it should be equally clear that it is a solution that no nation or group of nations can impose. This applies to India; all must urge her to continue her present policy in restraint in face of the great burden she is carrying. But equally, there should be no national policy that interferes with the resolution I have just mentioned.

This is, of course, a firm argument against military aid by the United States to Pakistan, for even symbolic assistance suggests support of present policy. It means also that economic aid to Pakistan should now go to the Pakistan refugees; otherwise it serves to cover the cost of the present East Pakistan policy.

Let me return now to my first point. Important as are these longer-range solutions, the one thing that can be done now is to make life for the refugees tolerable. Full attention must now be concentrated on this task.

AN ARKANSAS TRAVELER AT KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, agriculture and classical music are strange bedfellows to most, but not to Miss Lily Peter.

A quite remarkable woman, Miss Lily, as she is known to the farming community in her hometown of Marvell, Ark., once mortgaged her 4,000-acre plantation to bring the Philadelphia Philharmonic to Arkansas.

Miss Peter, who was in Washington this past weekend as a sponsor of the concert of Moravian music at the Kennedy Center, was the subject of an interesting article entitled "Arkansas Traveler—an Arkansas Farmer at Kennedy Center," written by Henry Mitchell, and published in the Washington Post of Monday, September 13, 1971.

I ask unanimous consent that Mr. Mitchell's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARKANSAS TRAVELER

(By Henry Mitchell)

Lily Peter, of Marvell Ark., who knows she is a good farmer and hopes she is a poet, stood up for rural America at the Kennedy Center yesterday, merely by being present. For she is an enthusiastic Friend of the Center, and a link with the music of both yesterday and tomorrow.

A sponsor of the concert of Moravian music—the first chamber music concert in the new Center—she also is a descendant of Johann Friedrich Peter, who in the 18th century was one of those learned Moravians who produced the first body of chamber music in America. His second quintetto, composed the year the American Constitution was adopted, was featured yesterday.

The music, like the descendant, was neat, polished; and if the composers were farmers, you are pretty sure they had fine barns and careful records.

Miss Peter sat in a box at the curve of the horseshoe, said she thought the Center was charming and its music glorious. She wore a high-necked, long-sleeved brown silk dress, with a cross of white and blue enamel that belonged to the last Russian czarina.

But most of the year she's out in her fields. She is one of the few women in the world who operates a complicated cotton and soybean plantation. She lives in a plain house, got up at 5 a.m. for years to open the farm store, can run a cotton gin herself, and the Lord only knows the last time she ever lounged on the gallery with a julep.

She is the first woman ever to build two sky-blue cotton gins. The usual old-gray-wood-and-tin gins look dilapidated and she decided a gin might as well look nice. (She is also quite proud of the plantation's safety record).

Her home plantation, out from Marvell, is the one on which International Harvester tested its prototype cotton-picking machines back in the '30s—an invention that as much as anything changed the Delta Country. On her farm (she did not own it then) in those days there were 95 tenant families. Now there are 11.

In the old days, nobody on a cotton farm would have upped and come to Washington the second week of September.

In the Delta Country it doesn't rain in September and October, but it pours in November. The trick is to get the cotton picked before the late rains. But with cotton machinery, you don't start picking until a great deal of the crop is ready—fewer and later pickings, but vastly cheaper than hand labor. So now you don't have to be home in early September.

Though she has seen a few changes in her day, Miss Peter is not altogether old-fashioned. She spends much of her year racing her farm truck over Big Cypress Bayou to the Elaine Equipment Co., 40 miles away, for machine parts. And from time to time she's spotted in small Delta towns looking snappy in her polished black vinyl knee-height boots.

An authority on Hernando de Soto's route through her country in 1541 (though as she points out she was not actually present at the time) she once sent a picture of a locally famous cypress tree to a magazine, as an example of a tree de Soto passed by and must have seen.

A photographer among other things, Miss Peter shot the top of the tree at a distance, then moved in and shot the great base of the tree. The center of the ancient giant she could not shoot at all, since a forest of lesser trees obscured it. When the editor complained the tree didn't have a middle, she said why not just run the top of the tree at the top of the page and the bottom of the trunk at the bottom and just sort of fill in with type. Which was done, and the effect was fine.

A very serious farmer, she knows cocklebburs are botanically Xanthium and she's a walking encyclopedia on the uses of alpha, alpha, alpha-trifluoro-2, 6-dinitro-N, N-dipropyl-p-toluidine, one of the well-known weedkillers.

She has also published books of poetry, is an enthusiastic amateur historian and, perhaps above all, a music lover.

Two years ago she sat down and wrote Eugene Ormandy on her plain farm note paper and asked if he'd consider bringing the Philadelphia Orchestra to Arkansas for some concerts.

Ormandy later told reporters he was afraid, at first, that Miss Peter didn't understand the Philadelphia Orchestra didn't just pick up and plop down in Arkansas for the hell of it, but the upshot was the orchestra went to Arkansas, presented some sell-out concerts, and Mr. Ormandy kissed Miss Peter right in front of half of Little Rock on the auditorium stage—a thing Miss Peter remembers with pleasure.

She mortgaged her land for the concerts and dictated that no ticket could cost more than $5—otherwise how could anybody but the rich afford to attend?

Yesterday's program hugely supported by North Carolinians and Pennsylvanians, nevertheless found in the farmer of Marvell a sponsor. Roger Stevens, Kennedy Center chairman, was saying at a luncheon before the concert (attended by box ticket holders at the Watergate Terrace) that the Center really belongs to the nation, not just Washington, "in spite of what some Washingtonians think."

But the problem, as one guest said in a whisper, is whether Lily Peter may not get the whole thing shipped down to Arkansas.

IN OPPOSITION TO PRESIDENT NIXON'S CRIME REVENUE-SHARING PROPOSAL

Mr. BAYH. Mr. President, I wish to address remarks to the first of the special revenue-sharing messages that the President has sent to the Senate. I refer to his message of March 2, which concerned crime.

I must take exception to it, to its intended purpose as a crime-abatement technique, and to the legislation that has been introduced in the Senate to implement that proposal, S. 1087.

The concept of assisting our financially strapped States is not the central issue of my concern.

I know full well the financial plight of our States; however, I am further mindful of the serious problems that our cities face, not only in the area of crime and delinquency, but also with regard to poverty, unemployment, disease, and soaring welfare costs.

However, I do have serious reservations about the concept of crime revenue sharing concerning its deterrent effect upon crime and delinquency, concerning the making of our streets safe for its citizens, and concerning the strengthening and improving of our overall criminal justice system, including that which deals with youthful offenders.

These concerns are only intensified by a recent testimony before a subcommittee of the other body that Federal anticrime funds doled out to State planning agencies by the Law Enforcement Assistance Administration have been misused.

It has been charged that such misuse has occurred in Florida, in Alabama, and even in my own State of Indiana. Such allegations cast doubt over the manner in which Federal funds are currently being allocated and expended. Under a system of revenue sharing, with no Federal controls, as proposed by the administration, the possibility of further abuse will be vastly increased.

There is a definite need for Federal guidelines to insure that Federal anticrime funds are used for just such purposes: the improving of our criminal and juvenile justice systems throughout this Nation.

However, if crime revenue sharing is approved by Congress, we will have relinquished our responsibility to insure that Federal funds are utilized to optimum success in curbing crime in America.

How then would S. 1087 affect the funding of anticrime programs in the States?

Under the President's proposal, revenue sharing would be made applicable to provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The Federal agency to administer these crime revenue sharing funds, the Law Enforcement Assistance Administration, has recently had its authority in the crime and delinquency area greatly expanded with amendments made to the 1968 Crime Act, enacted last year.

If revenue sharing is adopted, then vast sums of Federal moneys will be made available to State planning agencies for delinquency prevention and rehabilitation endeavors both through special revenue sharing under part C of the 1968 act and through grants and revenue sharing under part E of the act, which part only went into effect on January 2, 1971.

I want to insure that Federal funds are allocated on a priority basis that will insure a reduction in juvenile crime and that will produce a positive and effective approach toward rehabilitation of youthful offenders.

Mr. President, I am not confident that revenue sharing, as proposed through S. 1087, will accomplish those goals.

Further, I am not convinced that revenue sharing, as proposed, will have the impact where it is most needed.

Basically crime is a problem faced by this Nation's large cities.

Youngsters under the age of 18 years, according to arrest statistics, now account for approximately one-half of the serious crimes that are committed in the United States each year.

These index crimes include murder, robbery, rape, aggravated assault, burglary, larceny, and auto theft.

A disproportionate share of this crime and delinquency within the States is committed in urban cores, those densely populated cities, which have concomitant problems of disease, hunger, and neglect.

I am certainly mindful of the ever increasing costs facing our Nation's cities in combatting crime and delinquency, in attempting to strengthen and improve upon their justice systems, and to rehabilitate persons either convicted of crimes or adjudicated as delinquents.

It is with regard to these above problems that I have serious reservations with reference to the President's revenue sharing message on crime, which would apportion funds to the States based on population.

There is ample evidence in hearings before the committees of Congress that sufficient funds have not been channeled through State planning agencies to our largest and most crime-ridden cities.

I have addressed myself to this problem during the Senate Judiciary Committee's consideration of amendments to the 1968 Omnibus Crime Control and Safe Streets Act of 1968, which were conducted during 1970 and which amendments were enacted in early January of this year.

Further, in a statement presented to the Joint Economic Committee by the National League of Cities and the U.S. Conference of Mayors on October 12, 1970, that organization indicated:

> Presently cities are excluded from eligibility to receive the local share of planning funds in 29 states.

That statement pointed out further that, because regional planning units have been established in a number of States, planning funds have been allocated to those regional units rather than to units of local government.

I question whether the "revenue sharing concept" will only further exacerbate that condition in many of our States, a fact which, if so, will only serve to lessen the impact of revenue-shared funds as a crime-reduction endeavor.

I do not mean to intimate that coordination of effort and cooperation within the States are not essential, but I make the above point to emphasize that such units may very well serve to insure that "everyone gets a piece of the pie" rather than allocating funds on high-crime-incidence priority.

In fact, certain of the 1971 amendments to the Omnibus Crime Control and Safe Streets Act of 1968 were intended to insure an adequate and fair distribution of grant funds to cities, to assist them in their efforts to improve upon their criminal justice systems and thus to reduce crime.

In discussing the President's message on revenue sharing and crime, I would now turn to a brief legislative history of the Federal Government's efforts in assisting the States with their crime and delinquency problems.

I do so because this legislative history has an important bearing on the concept of revenue sharing as embodied in S. 1087, the bill that our distinguished colleague from Nebraska has introduced to implement the President's new crime revenue-sharing proposal.

This Federal endeavor had its genesis with the enactment of the Law Enforcement Assistance Act, which established within the Department of Justice an Office of Law Enforcement Assistance to engage in a rather modest grant program, designed and intended to strengthen and improve our law enforcement system.

The next element in the process was predicated on the findings and recommendations of President Johnson's Commission on Law Enforcement and Administration of Justice. That Commission has been characterized as representing the most comprehensive study of crime in the history of the United States. Its final report has been described as a landmark in crime research and the needs of law enforcement.

Its several task forces included those on juvenile delinquency and youth crime, on corrections, on the police and the community, and in sum it was all pervasive in an examination and evaluation of the entire criminal justice system.

In short the Commission's findings reflected a fragmented and often neglected criminal justice system within the States and the Commission recognized the need to develop, strengthen, and improve that system with the assistance of the Federal Government.

Thus in 1967, President Johnson proposed the Safe Streets and Crime Control Act, and as that act evolved from the Congress in 1968, as title I of the Omnibus Crime Control and Safe Streets Act, its purpose was to "assist State and local governments in strengthening and improving law enforcement at every level by national assistance."

The vehicle through which the planning and action grants were to be made available to the States was through the establishing at the State level of State planning agencies. In addition to this block grant approach toward allocation of funds, the Law Enforcement Assistance Administration, which was established by the act, was to have the authority to award discretionary grants.

A key provision of the legislation was that the Federal Government was to exercise some degree of control of fund allocation through the approval of comprehensive State plans, a provision which S. 1087, the Law Enforcement Revenue Sharing Act of 1971, would delete from the Federal law.

Mr. President, this proposal to delete that which provides for the approval of comprehensive State plans from the Federal law disturbs me to a great degree. In effect the Federal Government will turn over vast amounts of Federal revenues to State planning agencies, with absolutely no guarantee other than post audit control, that these plans will be truely comprehensive and representative of the needs of the criminal justice system within each State.

In addition, S. 1087 would delete from the act an amendment which I emphasize was only added thereto on January 2 of this year and which provided:

> No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity.

Mr. President, when the Judiciary Committee of this body considered the amendments to the Omnibus Crime Control and Safe Streets Act of 1968, which were adopted on January 2 of this year, the committee stated:

> By one yardstick, that of national reported crime rates, the Committee believes that it is too early to evaluate the LEAA program. The national crime rates have not declined in the past two years. (See Table No. 2.)

Thus, it seems to me that it is premature to drastically overhaul a program whose status in the words of the Senate Judiciary Committee, only last September, was that it was in a stage of development that was too early to evaluate in terms of its impact upon crime, and in terms of crime reduction.

To impart through revenue sharing vast sums of Federal moneys to a program that has not yet been adequately evaluated in the language of the Senate Judiciary Committee, appears to me to be inappropriate.

I would add one further excerpt at this juncture from the committee's report for that language and the amendments to which it pertains have a direct bearing upon the problem of rehabilitating juvenile and youthful offenders.

The report states:

> Perhaps most significantly, it retains the provisions authorizing LEAA to establish a new matching grant program to improve correctional facilities and techniques. Of all the activities within the criminal justice process, corrections appears to offer the greatest potential for significantly reducing crime. Ironically, it has been the most neglected component of the system, principally because of the very high cost of building or renovating prisons and other correctional facilities.

A significant paragraph of the amendment to the act, part E, to which the above statement is directed is as follows:

> (4) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for readjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees;

While S. 1087 retains the basic grant approach toward part E of the act, revenue sharing funds would be made available to the States as "matching funds," for projects and programs undertaken under that part.

I would hope that S. 1087 does not in effect subvert the intent of part E of the act, nor serve as a means of devoting less funds to this part than the Congress had intended.

Mr. President, I believe that the authority of the Law Enforcement Administration has been expanded, if by virtue of definition changes alone embodied in the 1971 amendments to the Safe Streets Act.

In fact the definition of "law enforcement" has been expanded in specific terms to reach the entire criminal and juvenile justice systems.

As this body moves to consider S. 1087, I would remind Senators of the interstate nature and characteristics of crime. Crime does not stop at a State border. The Careers in Crime Profile developed by the FBI reflects the mobility of offenders. Many crimes committed locally have national significance such as narcotic violations, organized crime, auto theft, and gambling.

If for no other reasons than these, I would urge Senators to give careful consideration to the President's proposal concerning special revenue sharing and crime.

That message and the legislation to implement it would negate the Federal Government's authority to approve comprehensive State planning as they endeavor to combat crime, and to rejuvenate and improve upon their criminal justice systems. I believe that this authority is essential if we are to achieve these goals.

I urge that the Senate reject S. 1087 for the reasons that I have set forth.

IACOCCA DISCUSSES NIXON ECONOMIC PROGRAM

Mr. GRIFFIN. Mr. President, in a speech last Friday before the Sales Executive Club of New York, Lee A. Iacocca, president of the Ford Motor Co., discussed President Nixon's new economic program.

I ask that an account of his address which appeared in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IACOCCA URGES BACKING FOR NIXON PLANS; FORD PRESIDENT PRAISES TAX CREDIT—INEFFICIENCY OF WORKERS ASSAILED

(By William D. Smith)

Lee A. Iacocca, president of the Ford Motor Company, gave strong support yesterday to President Nixon's New Economic Policy although he contended that the 90-day wage-price freeze would cost the company $130-million in pre-tax profits.

In a hard-hitting speech to the Sales Executives Club of New York, the Ford president praised the tax investment credit, suggested that increases in wages be tied to productivity, attacked worker inefficiency, and lashed out at those who would impose an excess-profits tax on industry.

The speech, spiced with laugh lines, received a standing ovation from the more than 1,000 executives gathered in the grand ballroom of the Waldorf-Astoria Hotel.

COMMITMENTS ASKED

The 46-year-old executive, who looks more like a football coach than a corporate officer, asked the businessmen to offer their personal commitments to the success of the President's program. "The stakes are big and it is our own fate we are talking about. If the time has come to rally round the flag I suggest that we had truly better do it," he said.

Mr. Iacocca added that arguing about who was getting the best of the deal under the new economic program was foolish. He commented:

"The truth of the matter is that the economic package with its price-wage freeze doesn't favor anybody. It calls for temporary sacrifices and imposes them on everybody so that in the end everybody, business, labor, consumers, taxpayers, all of us, can benefit.

"The arguments really aren't over who's getting the most out of it but who's having to make the least sacrifice. Trickle up or trickle down, what we all better be paying attention to is making the program work. If it doesn't there aren't going to be any winners, just lots and lots of losers."

Mr. Iacocca drew a laugh from the audience by saying. "I don't deny that there are inequities. But there are enough inequities to go around."

The Ford official said that "the key to restoring competitive muscle to American industry is higher productivity." He added:

"No matter what you read in the paper that's what the new game plan is all about. A Labor Department study shows that during the nineteen-sixties the United States had the smallest gain in output per man-hour of any large industrial nation. Japan's productivity gain, for a pretty significant instance, was 188.5 per cent in that decade. Ours was 34.7 per cent."

Mr. Iacocca contended that the key to higher productivity was an increased level of capital investment. "One of the secrets of success of Germany and Japan in world markets is their very high level of capital investment," he stressed. "Over the last three years American business put 10 per cent of the gross national product into fixed investment. In Japan the figure was 25 per cent, the highest in the world."

The business leader said that "industry in countries like West Germany and Japan can maintain high rates of investment because they've got a lot going for them; a lot of Government incentives to expand, modernize and export."

He continued:

"Modest as it would be compared to in-incentives like those, restoration of the investment tax credit at 10 per cent temporarily and 5 per cent permanently for American business is, in my opinion, one of the most important and constructive features of the President's whole economic program.

"Those who try to discredit it as a windfall for business are fogging the issue. Its real purpose and effect will be to stimulate investment in better tools and facilities and thereby help to keep American industry and American workers in the running."

Mr. Iacocca went on, his voice rising in intensity:

"Important as the tax-relief provisions of the President's program are, they deal with only one aspect of the productivity problem. Frankly, there is no way that we at Ford can invent enough processes and techniques to increase productivity enough to offset the increases in labor costs that are baked into our labor contracts, not to mention absenteeism and featherbedding.

"I think it's time to face up squarely to the fact that increases in labor costs which exceed increases in productivity of the economy are inflationary. It's that simple and there's no way to get around it. You can't keep paying out more than you are producing."

He added: "What we really have is a better balance between labor costs and productivity. If we don't accomplish that we're just slipping our wheels on the inflation problem."

Mr. Iacocca accused those who favored an excess-profits tax of playing "good politics but lousy economics."

He added:

"A higher general level of profit on investment will lead to more innovation and more economic growth, more and more economic growth, more and better products for consumers, more and better jobs for employes.

"And right there is the fallacy of taxing excess profits, whatever that term is supposed to mean. All it does is encourage * * * of the dollar is going to get skimmed off anyway. And if there is anything this country, its economy and its people can't afford it is efficiency. We have enough unplanned inefficiency and goofing off right now without putting in planned efficiency and goofing off right now without putting in planned inefficiency."

In another development in the automobile industry, Pehr Gyllenhammar, chief executive officer of A. B. Volvo, the largest industrial complex in Scandinavia, said he did not think that President Nixon's new policies would have much effect on the sales of the Volvo cars over the short-term period.

The Swedish executive, who is in New York on business, noted, however, that he was worried about the long-term effects, not just on his company but on the world economy in general. "It may trigger animosity among nations and destroy long efforts to promote free trade."

Meanwhile, Toyoto Motor Sales announced that, under a recent Treasury ruling, approximately 12,000 buyers of Toyota cars and trucks would receive refunds ranging from $61 to $138. The Treasury stated that the 10 per cent surcharge on imported goods would not be applied to products in transit to the United States on or before Aug. 15.

IMPACT OF INDOCHINA WAR

Mr. CHURCH. Mr. President, the results of the Indochina war on and around the battlefield are still inconclusive. However, at the request of Senator J. William Fulbright, chairman of the Committee on Foreign Relations, the Library of Congress has prepared a summary on the impact of the war from January 1961 through February 1971. The compilation includes, in addition to American casualties, the terrible toll inflicted on the inhabitants of Vietnam, Laos, and Cambodia, and the long-lasting damage to the area's physical environment. For example, the U.S. herbicide spraying program has destroyed 6.2 billion board feet of timber, enough to have met the country's domestic needs for 31 years.

Sam Day, of the Intermountain Idaho Observer, has recounted the details of this important study on the war's impact both in Indochina and at home. I ask unanimous consent that Mr. Day's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Impact of the War

(By Sam Day)

Everyone knows that the war in Indochina has killed and wounded a lot of people, caused a lot of destruction and cost a lot of money. But what has been the full impact? Sen. J. William Fulbright, chairman of the Senate Foreign Relations Committee, has asked the Library of Congress to research the question. The answers, made public by the committee a few weeks ago, are worth recording.

First, the human toll:

From January, 1961, through February, 1971, the United States suffered 44,610 dead and 295,406 wounded, for a total of 340,016 casualties, making it a costlier war than World War I and the Korean War in terms of U.S. manpower. (World War II was worse, with 1,076,245 U.S. casualties.)

But the American casualties are only the tip of the iceberg. To the U.S. military dead add 135,970 from South Vietnam, 4,330 from other Allied military forces and an estimated 714,984 from North Vietnam and the National Liberation Front, making a total of 899,894 combatants killed. (That doesn't include forces from Laos and Cambodia, for whom there are no figures.)

Military wounded from all sides (again excluding Laos and Cambodia) total 1,706,916, raising the total military casualty figure to 2,606,810. But this is still far from the end of it.

The civilian toll from the war is estimated at 325,000 dead and 725,000 wounded in South Vietnam, raising the grand total killed to 1,224,894, the grand total wounded to 2,431,916 and the grand total casualties to 3,656,810. And that doesn't include the extensive casualties from years of heavy bombing in North Vietnam and heavy fighting in Laos and Cambodia.

Refugees are estimated at 5,000,000 in South Vietnam, 1,400,000 in Cambodia and 300,000 in Laos. The study estimates that in addition to this there have been one million "war victims" (widows, orphans, disabled and those who have suffered property damage) and one million evacuated from their homes and relocated elsewhere for military reasons in South Vietnam.

Thus, the total killed, wounded, homeless, widowed, orphaned, evacuated and otherwise directly hurt by the war is 12,350,810, the bulk of them residents of South Vietnam, a nation of only 17-million. If the figures from other parts of Indochina were fully known, the total would probably exceed 15-million.

Next, the financial cost:

The Library of Congress estimates the U.S. budgetary outlay for the war over the past seven years at $119.6-billion in military expenses, $2.4-billion in additional economic assistance for Indochina and $60-billion in veterans benefits to be paid out over the next 100 years. The total is $182-billion. The cost includes the expending of 11,444,533 tons of munitions in Indochina, more firepower than was deployed in any previous war, and the loss of 7,602 aircraft worth $5.7-billion.

The government of South Vietnam has budgeted about $3.5-billion for the war (about two-thirds of its national budget) over the past five years.

Finally, the physical destruction:

In South Vietnam alone, production losses from the war are estimated at $50-billion and capital assets destroyed at $304-million. The latter are offset somewhat by the construction of airports, harbors and other productive facilities. Inflation, induced by the war, has brought a seven-fold increase in prices. The country's trade deficit last year totaled $588-million.

Perhaps the most extensive and long-lasting damage to South Vietnam came from the U.S. herbicide spraying program, which covered 5,767,410 acres, almost one-seventh of the land area of the country. The spraying destroyed 6.2 billion board-feet of timber, enough to meet the country's domestic needs for 31 years. It laid waste to croplands capable of raising enough food to feed 600,000 persons for a year.

The figures convey only a part of the impact of the Vietnam war, says Senator Fulbright in an introduction to the report. They "merely hint at the vast destruction of the social fabric and economies of Indochina wrought as a consequence of this tragic war. There is no way of measuring the true cost of a shattered social structure, lost opportunities for development, persistent inflation black marketeering, corruption and prostitution . . .

"Nor can (we) quantify the effects of this experience on U.S. society—not only the direct economic costs realized through our own inflation, high interest rates and balance-of-payments deficits, but also the intangible costs in terms of erosion of respect for law, further disruption of the constitutional system of checks and balances, increased distrust of government, and the growing use of violence as a political tool. These indirect and intangible consequences of the war will have an enduring effect on our future."

SEX DISCRIMINATION AND THE 14TH AMENDMENT

Mr. BAYH. Mr. President, I had the privilege recently of representing the National Federation of Business and Professional Women's Clubs as amicus curiae in two major cases involving sex discrimination now pending before the Supreme Court. These cases, Reed against Reed and Alexander against Louisiana, present the issue of the degree to which the equal protection clause of the 14th amendment guarantees equality of treatment for women under the law.

I have long believed, and have firmly advocated in this body, that women are entitled to equal protection of the laws under the 14th amendment. Sex discrimination has as substantial an adverse impact on our society as the other forms of discrimination which the Supreme Court has struck down in the past. Women have as great a claim to the benefits of the equal protection clause as do aliens, indigents, and members of racial minorities. The same premises of human dignity and fundamental equality that give rise to the 14th amendment demand that its full protection be extended to strike down discrimination on account of sex.

I ask unanimous consent that the entire amicus brief be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, Nos. 70–4 and 70–5026]

SALLY M. REED, APPELLANT, *v.* CECIL R. REED, ADMINISTRATOR, IN THE MATTER OF THE ESTATE OF RICHARD LYNN REED, DECEASED, APPELLEE

CLAUDE ALEXANDER, PETITIONER, *v.* STATE OF LOUISIANA, RESPONDENT

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

The National Federation of Business and Professional Women's Clubs, Incorporated, hereby respectfully moves for leave to file the attached brief *amicus curiae* in these cases. The consent of both attorneys of record has been received in *Alexander* v. *Louisiana*. In *Reed* v. *Reed* the consent of the attorney for the Petitioner has been received, and the consent of the attorney for the Respondent was requested but refused. Neither case has yet been set for oral argument, and Respondent's brief in *Reed* v. *Reed* is not due to be filed until September 7, 1971. Therefore, *amicus* respectfully submits that granting of this motion will not cause hardship to any of the parties or delay the resolution of the causes.

The interest of the National Federation of Business and Professional Women's Clubs in these cases arises from the fact that they squarely present the issue of the degree to which the Equal Protection Clause of the Fourteenth Amendment guarantees equality of treatment for women under the law. One of the primary policy objectives of the Federation, which has approximately 180,000 members and is open to all working women, has been to eradicate laws and practices that perpetuate invidious sex discrimination. It is believed that the brief which *amicus curiae* is requesting permission to file will contain a more complete argument on the constitutional issue and a fuller description of the factual background surrounding these cases than any of the other briefs. If this argument is accepted, it would be dispositive of these cases.

Respectfully submitted,
BIRCH BAYH,
Attorney for National Federation of Business and Professional Women's Clubs, Inc.
WASHINGTON, D.C.

[In the Supreme Court of the United States, Nos. 70–4 and 70–5026]

SALLY M. REED, APPELLANT, v. CECIL R. REED, ADMINISTRATOR, IN THE MATTER OF THE ESTATE OF RICHARD LYNN REED, DECEASED, APPELLEE

CLAUDE ALEXANDER, PETITIONER, v. STATE OF LOUISIANA, RESPONDENT

BRIEF AMICUS CURIAE OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.—INTEREST OF AMICUS

The National Federation of Business and Professional Women's Clubs, Inc. (hereinafter referred to as BPW), is a nationwide non-partisan organization dedicated to promoting the interests of business and professional women. It is a federation composed of 53 state federations, which in turn are composed of 3,800 local clubs. These clubs are in operation in every state of the United States as well as in the District of Columbia, Puerto Rico, and the Virgin Islands. The BPW has approximately 180,000 members. Membership is open to any working woman, and the Federation's membership includes secretaries, lawyers, assembly line workers, clerks, and in short, women engaged in virtually every occupation.

In its 52 year existence, the BPW has been particularly concerned with securing equality of treatment for women under the law. One of its primary policy objectives is to eradicate laws and practices that perpetuate invidious sex discrimination in violation of the guarantee of Equal Protection of the Laws. The BPW has long been a supporter of the proposed Equal Rights Amendment to the United States Constitution, and has testified on behalf of its adoption before both the House and Senate Committees on the Judiciary. As an advocate of the strict enforcement of the sex discrimination prohibition of Title VII of the Civil Rights Act of 1964, BPW filed an *amicus* brief in *Bowe v. Colgate-Palmolive Co.*, 416 F.2d 711 (7th Cir. 1969).

The cases at bar involve the direct application of the Equal Protection Clause of the Fourteenth Amendment to State laws which patently discriminate against women on the basis of sex. The proper application of the Equal Protection Clause is of immediate and substantial importance to the BPW, to the purposes which it endeavors to serve, and to women throughout the United States.

STATEMENT OF FACTS

Both cases at bar involve constitutional challenges under the Fourteenth Amendment to State laws that systematically exclude women from the full and equal exercise of certain rights because of sex.

In *Reed v. Reed*, No. 70–4 appellant, as the mother of an intestate decedent, filed her petition for probate of the estate. Decedent's father, appellee herein, also petitioned for letters of administration. Both parties were equally entitled to letters of administration under § 15–312, Idaho Code. The probate judge ruled in favor of the father on the grounds that § 15–314, Idaho Code, required that males must be preferred to females as between persons equally entitled to administer an estate. The probate court order was reversed by the Fourth Judicial District Court of Idaho which held that I.C. § 15–314 violates the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. The Idaho Supreme Court, reversing the district court, upheld the constitutionality of I.C. § 15–314.

In *Alexander v. Louisiana*, No. 70–5026, petitioner's conviction by the District Court for the 15th Judicial District in Lafayette Parish, Louisiana, was affirmed on appeal by the Supreme Court of Louisiana. Petitioner challenged the validity of the original indictment on the ground, among others, that women were systematically excluded from the grand jury list and venire and from the grand jury empaneled. The evidence below established that women were totally excluded from juries in Lafayette Parish because of the operation of Article 402, Louisiana Code of Criminal Procedure, which prohibits the selection of a woman unless she has filed a written declaration of her desire to serve. The Supreme Court of Louisiana rejected petitioner's challenge to the grand jury venire, relying on *Hoyt v. Florida*, 368 U.S. 57 (1961), to uphold the exclusion of women. Petitioner contends that the indictment against him was invalid and illegal because it was returned by a grand jury empaneled from a venire made up in violation of the Fourteenth Amendment to the Constitution of the United States.

SUMMARY OF ARGUMENT

Sex discrimination is a massive affront to our fundamental concepts of equality. It imposes a massive psychological and economic burden on American society. In those areas in which the costs can be documented—for example, average annual income—and in its immeasurable impact on personal dignity, sex discrimination may well take an even greater toll than racial discrimination.

Much of the discrimination stems directly from State action. Federal, State, and local governments employ more than 20% of the labor force, and their practices are followed by many other employers. Despite the fact that these institutions ought to serve as a model of nondiscriminatory employment, available studies indicate that women are relegated almost exclusively to the lowest grades of government service. State action in the area of education shows a clear and persistent pattern of discrimination against women, both in admissions and in access to teaching and supervisory positions. Some States continue to discriminate against women in their criminal laws. The vast majority of States continue to enforce archaic laws—"protective" labor legislation, limitations on the right to contract and the right to enter business, and so forth—which severely restrict women who wish to advance and earn promotions in their work.

This Court has never struck down any law on the ground that it denied the Equal Protection of the Laws to either sex. Instead, in a line of cases beginning in 1872, the Court has determined that State action fostering or permitting sex discrimination is constitutionally permissible if it appeared "reasonable"—and the Court has found every instance of sex discrimination with which it has been presented to be "reasonable." As a result of these cases, the Equal Protection Clause has been effectively rendered a nullity as far as sex discrimination is concerned.

Today there is increasing recognition in all parts of our society that it is neither constitutionally permissible nor morally justifiable to subject the majority of our population to second class status. Employment opportunities have been expanded under decisions construing the sex discrimination provisions of Title VII of the 1964 Civil Rights Act. In addition to action in the courts, there has been substantial action in State legislatures and by State Attorneys General, important changes in private institutions and customs, and even increased pressure for fundamental constitutional change—all directed at the problem of sex discrimination in our society. Moreover, a number of courts have challenged the wisdom of—and in some cases effectively overruled—this Court's earlier decisions in cases directly attacking the constitutionality of State laws discriminating on the basis of sex. These cases implicitly—and on occasion explicitly—rejected the premises on which this Court's earlier decisions rested.

At the same time, a series of Supreme Court cases has struck down other forms of personal discrimination by requiring that all such discrimination be "subject to the most rigid scrutiny" under the Equal Protection Clause. The Court has recognized that when "fundamental" and "individual and personal" rights are involved, "strict scrutiny" must be exercised by the courts lest such important rights be abridged or infringed. This standard of review has been used by the Court to overturn discrimination in voting power, discrimination against aliens, discrimination against the poor, and most importantly, instances of racial discrimination.

Women, too, are entitled to Equal Protection of the Laws under the Fourteenth Amendment. Sex discrimination has as substantial an adverse impact on our society as the other forms of discrimination which this Court has struck down. Women have as great a claim to the benefits of the Equal Protection Clause as do aliens, indigents, and members of racial minorities. The same premises of human dignity and fundamental equality that give rise to the Fourteenth Amendment demand that its full protection be extended to strike down discrimination on account of sex.

In the cases at bar, both the Idaho law which automatically prefers males over females in the administration of estates, and the Louisiana law under which women are effectively precluded from jury service discriminate entirely on the basis of sex, without regard to the personal capabilities or circumstances of the individuals involved. Accordingly, neither can survive the "most rigid scrutiny" mandated by the Equal Protection Clause of the Fourteenth Amendment, and both decisions below should be reversed.

ARGUMENT—I. SEX DISCRIMINATION IS A MASSIVE AFFRONT TO FUNDAMENTAL HUMAN LIBERTY AND DIGNITY, WITH PERVASIVE AND DEMONSTRABLE ADVERSE IMPACT ON OUR SOCIETY

The evidence is overwhelming that persistent patterns of sex discrimination permeate our social, cultural, and economic life. Much of this discrimination is directly attributable to State action, both in maintaining archaic discriminatory laws and in tolerating and perpetuating discriminatory practices in employment, education and other areas. The social and economic cost to our society, as well as the individual psychological impact of sex discrimination, are immeasurable. That the majority of our population should be subjected to the indignities and limitations of second-class citizenship is a fundamental affront to personal human liberty. We submit that State action which in any way perpetuates this invidious sex discrimination should be subject to the strictest application of the Equal Protection Clause.

Startling as the revelation might be to many Americans, it is a fact that sex discrimination takes an even greater economic toll than racial discrimination. In 1968 the median earnings of white men employed year-round full-time were $7,396, of Negro men $4,777; of white women $4,279, of Negro women $3,194. Women with some college education, both white and Negro, earn less than Negro men with eight years of education.[1] That sex discrimination was eloquently demonstrated by Congresswoman Shirley Chisholm in her testimony on the Equal Rights Amendment: "I have been far oftener discriminated against because I am a woman than because I am black." Hearings on the Equal Rights Amendment Before the Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, 91st Cong., 2d Sess., at 35 (May 1970).

Federal, State, and local governments bear a substantial responsibility for perpetuating these pervasive patterns of sex discrimination. Through discriminatory employment practices, through financial support of public institutions such as universities, and by permitting archaic discriminatory laws to remain in effect, government at all levels is implicated in subjecting women to second-class treatment. The effect of governmental involvement in sex discrimination is magnified far beyond its actual scope since governmental policies have traditionally set a standard for practices in the private sector.

Sex discrimination in employment

Although the vast majority of the labor force is employed in the private sector, State, local and federal governments, including the military, employ more than 15,000,000 people—more than 20 percent of the labor force.[2] More important than the actual numbers suggest, governments are often looked to by private employers as models in relation to employment practices. Therefore, it is especially disturbing that studies of government employment practices reveal patterns of sex discrimination as pervasive as those in the private sector.[3] For example, although women constituted 34 percent of all full-time white collar federal Civil Service employees in 1967, they filled more than 62 percent of the four lowest grades and only 2.5 percent or less of the four highest grades.[4] In October, 1969, of the 665,000 women in full-time white collar Civil Service positions (33.4 percent of the total), 77.8 percent were in the six lowest grade levels. In the three-year period 1966–1969, women's share of jobs in grade levels GS–13 and above rose only slightly, from 3.5 percent to 3.8 percent.[5]

Equally pervasive patterns of sex discrimination persist in the private sector.[6] Whatever the occupation, there is a dramatic differential in earnings between men and women at every level. The median salary income for women is only 60.5 percent of that earned by men. The gap in earnings is largest for sales workers; women in this category earn less than half—41 percent—of what men doing similar work earn. While the wage gap is smallest in clerical, professional, and technical fields, women still earn only 65 percent of what men earn in those same fields. In 1969, less than 5 percent of all full-time women workers earned over $10,000 a year, compared with 35 percent of all male workers. At the lowest end of the salary scale, 14.4 percent of women, but only 5.7 percent of men, earned less than $3,000.[7]

Women have traditionally been employed in jobs which have less prestige or policy-making power than those to which men have access.[8] In 1969, women constituted 59 percent of all service workers, exclusive of private household employees.[9] A survey of industry conducted the same year revealed that while women account for more than 40 percent of all white collar jobs, they hold only one in ten managerial position and one in seven professional jobs.[10]

The startling disparities in income and employment opportunity between male and female workers cannot be explained by differences in education. In 1968, the median number of years af school completed by women in the total work force was 12.4 compared with 12.3 for working men.[11] Yet, women with four years of college education made only silghtly more than men with an eighth grade education.[12] Nor can the disparities be explained by the assumption that women work only for their personal interests, rather than for their livelihood. In 1969, at least 12 million women, or 40 percent of working women, were self-supporting; further, 5.4 million families were totally dependent on the earnings of women.[13] The conclusion is inescapable that the inferior economic position of working women is the direct result of pervasive sex discrimination in both the private and the public sector. This discrimination has massive adverse impact on the economy of the entire nation, as well as on the lives of working women and on the people who look to them for economic support.

Sex discrimination in education

Another area in which state action contributes directly to sex discrimination is in the educational field. Colleges and universities have a critical role in determining employment opportunity for women by providing access to professional training and careers. Yet widespread patterns of sex discrimination are found in the admissions policies and hiring practices of institutions of learning throughout the country.

Such discriminatory practices are inextricably tied to government both at the state and federal level, in that even privately endowed institutions receive substantial federal assistance directly through specific grants or indirectly through service contracts, research grants, and student loan programs. Further, the vast majority of college graduates come from state supported institutions, some of which expressly discriminate against women. The University of North Carolina at Chapel Hill, for example, published in the fall of 1969 a "Profile of the Freshman Class" which stated that "admission of women on the freshman level will be restricted to those who are especially well qualified." At Texas A & M, a land-grant, state-supported university, women students are admitted only for summer school sessions, and never to the regular academic curriculum, unless they are related to employees or students, and they wish to pursue a course of study otherwise unavailable.

Discrimination against women does not end with admission to college or graduate school; it pervades every level of the teaching profession. Although more than two-thirds of the teachers in public elementary and secondary schools are women, they constitute only 22 percent of the elementary school principals and only 4 percent of the high school principals. A recent survey by the National Education Association reported that of 13,000 school superintendents, only 2 were women.[14]

At the college faculty level, sex discrimination becomes even more pronounced. A report on the distribution of women faculty at ten high endowment institutions of higher education in 1960 showed that the proportion of women faculty ranged downward from 9.8 percent of instructors to 2.6 percent of full professors.[15] A survey of 188 major departments of sociology revealed that women accounted for 30 percent of the doctoral candidates, but comprised only 4 percent of full professors and 1 percent of departmental chairmen.[16] Similar studies conducted in public and private colleges and universities throughout the country confirm this dismal picture of pervasive sex discrimination in the academic world.[17]

Sex discrimination in State regulatory and criminal laws

Although shockingly archaic in the second half of the twentieth century, State laws which severely restrict the activities of married women in the business and professional

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world continue to exist. Four States require a married woman to obtain a court order before establishing an independent business. Eleven States place special restrictions on the right of a married woman to contract. In three States, a married woman cannot become a guarantor or surety. In only five States does she have the right to establish her own domicile. In seven of the eight community property States, the husband has control over the community property.[18]

State laws also discriminate against women in other ways. In many States, only a woman can be prosecuted for prostitution, and only her conduct, not her male partner's, is criminal. Female juvenile offenders are also subjected to a double standard; in New York State, for example, they can be declared to be "persons in need of supervision" for noncriminal acts until age 18, while boys are covered by the statute only until age 16.[19] Yet most States permit girls to marry without parental consent at an earlier age than boys, presumably because of some State determination that early marriage is more appropriate and proper for women than for men.

Similar assumptions are reflected in State criminal laws which discriminate against women. In Arkansas, for example, a woman can be sentenced to 3 years in jail for habitual drunkenness, while a man can receive only 30 days for the same offense.[20] In Texas and Utah, the defense of "passion killing" is allowed to the wronged husband, and not to the deceived wife.[21]

The provisions of Idaho and Louisiana laws challenged in the cases at bar are further examples of invidious sex discrimination perpetuated by State action. In light of the pervasive nature and adverse effect of sex discrimination throughout American society, such laws should be subjected to the most rigorous judicial scrutiny under the Fourteenth Amendment.

II. IN THE PAST, THIS COURT HAS SANCTIONED SEX DISCRIMINATION WHENEVER IT WAS THOUGHT TO BE BASED UPON SOME "REASONABLE" GROUND

Since the ratification of the Fourteenth Amendment in 1868, numerous cases challenging State practices and laws perpetuating sex discrimination have been brought before this Court. Yet despite evidence that sex discrimination is at least as invidious, pervasive, and damaging as racial discrimination, this Court has never struck down any law because it denied the Equal Protection of the Laws to either sex. Because this Court has found every instance of sex discrimination to be "reasonable" and therefore—according to its standard—constitutional, the Equal Protection Clause has been effectively rendered a nullity as far as sex discrimination is concerned.

The first significant case involving sex discrimination was *Bradwell v. Illinois*, 83 U.S. 130 (1872), in which the Court upheld only the refusal of the Supreme Court of Illinois to allow women to practice law.[22] Although the Court relied on the Privileges and Immunities Clause of the Fourteenth Amendment and not the Equal Protection or Due Process Clauses, the presumptions and attitudes which were to govern later decisions sanctioning sex discrimination were already apparent:

"The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . . The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator." (Bradley, J., concurring, 83 U.S. at 141)

Two years later, the Court held that the Fourteenth Amendment did not confer on women citizens the right to vote, in *Minor v. Happersett*, 88 U.S. 162 (1874), a position which stood until ratification of the Suffrage Amendment in 1920.

The test of "reasonableness" for determining the validity of sex discrimination under the Fourteenth Amendment was first expressly stated in the landmark case of *Mueller v. Oregon*, 208 U.S. 412 (1908), which upheld an Oregon maximum hour law for women. It is ironic that *Mueller*, which represented the most progressive thinking of its time, should have become the cornerstone of a judicial philosophy which upheld almost all forms of discrimination against women as "reasonable," and therefore not in violation of the Equal Protection Clause.

In *Mueller* the Court was responding to the demonstrated need for legislative protection of working conditions, a protection which it subsequently upheld for both men and women. *Bunting v. Oregon*, 243 U.S. 426 (1917). Yet the assumptions about women on which the Court based its decision in *Mueller* have become firmly entrenched in judicial doctrine. Finding that the apparent difference in physical endurance and strength between men and women justified the State's restriction on women's right to work, the Court stated:

"That woman's physical structure and performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious . . . as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race . . ." 208 U.S. at 421.

Under similar reasoning, the Court sustained other restrictive labor laws for women in subsequent years as "reasonable" under the Fourteenth Amendment. *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937) (minimum wage law for women upheld as reasonable exercise of State's police power); *Radice v. New York*, 264 U.S. 292 (1924) (law prohibiting night-time employment of women in restaurants not unreasonable or arbitrary classification); *Miller v. Wilson*, 236 U.S. 375 (1915) (women's eight-hour labor law not an arbitrary invasion of liberty of contract nor unreasonably discriminatory).

Applying the standard of "reasonableness," the Court failed to find constitutional fault with later labor laws which appeared to have little if any reasonable justification. A good example is the case of *Goesart v. Cleary*, 335 U.S. 464 (1948), in which the Court upheld a Michigan statute prohibiting all females—other than the wives and daughters of male licensees—from being licensed as bartenders. The Court reasoned that,

"Bartending by women, may, in the allowable legislative judgment, give rise to moral and social problems against which it may devise preventive measures. Since the line drawn is not without a basis in reason, we cannot give ear to the suggestion that the real impulse behind the legislation was an unchivalrous desire of male bartenders to monopolize the calling." 335 U.S. at 466–467.

The Court in *Goesart* assumed that such patently discriminatory legislation could be sustained if it were "reasonably related to the State's objective in making such a classification. The Court did not even explore the possibility that a more rigorous constitutional standard should be applied. It specifically refused to consider whether the statute might reflect an "unchivalrous desire" of males to monopolize the bartending trade—as the Court itself noted. Moreover, the Court's concern for protecting women from the noxious "moral and social" influences of the barroom was misplaced, since Michigan permitted women to work in bars, prohibiting them only from employment as bartenders. Furthermore, the statute itself exempted the wives and daughters of bartenders from its supposed protection.

More recently, in *Hoyt v. Florida*, 368 U.S. 57 (1961), the Court upheld a Florida statute providing that no female would be called for jury service unless she had registered to be placed on the jury list. The Court found that such discrimination was permissible under the Fourteenth Amendment, since it was reasonable

". . . for a state, acting in pursuit of the general welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities." 383 U.S. at 62.

It is this predetermined, generalized conception of the nature and role of women that underlies the Court's past decisions finding sex discrimination a "reasonable" exercise of the State's police power. Women as a group have been judicially viewed primarily as being limited to the home and family. Further, they have been regarded as weaker in strength and endurance than men and as less able to protect themselves against moral corruption and economic exploitation. While this view may be accurate for some women, it might also be accurate for some men. As a generalization, it is clearly inapplicable to the vast majority of women in our society today. Because of the continued application of this outdated conception of the role and nature of women, the majority of our population has been subjected to massive discrimination in the labor market, in education, and in virtually every significant aspect of American life.

In the 63 years since *Mueller* was decided, there has been great progress in securing adequate protection for all people in the labor force. The need for government to establish protective discriminatory legislation has been overcome by progress in the private sector, primarily through the recognition and use of collective bargaining to protect the interests of workers. The benevolent intent of *Mueller* is no longer needed today; in fact, the sex discrimination which the Court upheld in *Mueller* has become a pernicious force in excluding women from the full range of opportunity available to men. The Equal Protection Clause is flexible enough to incorporate this change. State action which perpetrates sex discrimination should no longer be subjected to the test of "reasonableness;" rather, it should be subjected to the most rigorous judicial scrutiny under the Fourteenth Amendment.

III. THERE IS INCREASING RECOGNITION IN THE COURTS AND THROUGHOUT AMERICAN SOCIETY THAT SEX DISCRIMINATION CAN NO LONGER BE JUSTIFIED

In the past few years, there has been significant and substantial recognition throughout our society that sex discrimination can no longer be tolerated. Increasingly, the American people have come to recognize that it is neither constitutionally permissible nor morally justifiable to subject the majority of our population to second-class status. This growing trend to reject sex discriminatory practices is apparent in the following areas:

Title VII enforcement actions

In August 1969, the Equal Employment Opportunity Commission, which administers Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e (1964), ruled that State laws which restrict the employment of women are invalidated by Title VII. 29 C.F.R. 1604.1 (1970).

Following the lead of the Commission, the Federal courts have struck down a number of State restrictive laws and private discriminatory practices. Although Title VII does not apply "in those certain instances where . . . sex . . . is a bona fide occupational qualifica-

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tion reasonably necessary to the normal operation" of a particular business or enterprise, 42 U.S.C. 2000e-2(e) (1964), the Court of Appeals for the Fifth Circuit, in the landmark case of *Weeks v. Southern Bell Telephone & Telegraph Co.*, 408 F.2d 228 (5th Cir. 1969), construed this exemption very narrowly. The Court held that the company could not rely on an arbitrary weight limit to justify its refusal to promote women unless it could show "that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

The Court stated that hiring and promotion rules differentiating on the basis of sex were generally unacceptable under Title VII: "Moreover, Title VII rejects just this type of romantic paternalism as unduly Victorian and instead vests individual women with the power to decide whether or not to take on unromantic tasks." 408 F.2d at 236.

The Seventh Circuit Court of Appeals followed the *Weeks* lead in *Bowe v. Colgate-Palmolive Co.*, 416 F.2d 711 (7th Cir. 1969). The Court held that Title VII proscribed a company-imposed weight restriction applied to women only, and specifically stated that the company could retain the weight lifting limit only if it were applied as a general guideline to all employees, male and female alike.

Perhaps the most significant decision in this area is *Phillips v. Martin Marietta Corporation*, 400 U.S. 542 (1971). The Court of Appeals for the Fifth Circuit had held below that Title VII allowed an employer to refuse to hire mothers of pre-school age children, since sex was not the only factor involved in the decision. 411 F.2d 1 (5th Cir. 1969). This Court granted *certiorari*, making *Phillips* the first case of sex discrimination under Title VII to be heard by the Supreme Court. In a unanimous decision, this Court ruled that the Fifth Circuit had erred in interpreting Title VII as permitting one hiring policy for women and another for men—each having pre-school age children. In remanding for a fuller development of the record, the Court held that Title VII requires persons of like qualifications be given employment opportunities irrespective of their sex. Like *Phillips*, the cases at bar present another fundamental question of degree in dealing with substantial allegations of sex discrimination.

Within the past few months, the Court of Appeals for the Ninth Circuit *Rosenfeld v. Southern Pacific Company*, 3 FEP Cases 604 (June 1971), has struck down a California weight and hours law which applied only to women, finding that Title VII was intended to invalidate just such discriminatory laws. The Court stated, "The premise of Title VII . . . is that women are now to be on an equal footing with men . . . Equality of footing is established only if employees otherwise entitled to the position, whether male or female, are excluded only upon a showing of individual incapacity." 3 FEP Cases at 608.

Another important recent decision from the Ninth Circuit in the area of employment discrimination is *Mengelkoch v. Industrial Welfare Commission*, 437 F.2d 563 (9th Cir. 1971).[23] While remanding a challenge to a California maximum hours law for women brought under both the Fourteenth Amendment and Title VII, the Court struck a blow at the continuing viability of *Mueller v. Oregon, supra*. It pointed out that the employment conditions which led to the *Mueller* decision are no longer wholly relevant today. As the Court stated, "Women still differ physically from men and still perform maternal functions. It may be seriously questioned, however, whether some or all of the other conditions referred to in the *Mueller* opinion exist today or, if they do exist, whether they have the same importance as was attributed to them sixty-two years ago." 437 F.2d at 567.

The Federal District Courts have also struck down a number of State restrictive labor laws applicable only to women on the ground that such laws conflict with Title VII and are therefore invalid under the Supremacy Clause of the United States Constitution.[24]

As the Courts have recognized in striking down sex discrimination in employment, working conditions have improved dramatically in the past 63 years. Since 1908 when *Mueller* first established the validity of restrictive labor laws for women, the overriding and understandable concern for protecting women and children from harmful working conditions has been the motive force in leading the Courts to avoid a strict application of the Fourteenth Amendment to sex discrimination. It is undeniable, however, that collective bargaining has become an effective means of protecting workers from exploitive employer practices. Thus, the cases which have arisen under Title VII in the past few years should be viewed not only as interpretations of Title VII; they should also be viewed as implicitly giving judicial recognition to the fact that "protective" legislation for women is no longer necessary or appropriate. The United Auto Workers, one of the largest and most progressive labor unions in the country, has long recognized that State protective laws have been used by employers to deny women as a class opportunities to work overtime, to bid on certain jobs, work in certain departments and on certain shifts, regardless of the fact that an individual woman might have had the seniority, skill and ability which should have been recognized in any of these situations. See UAW Administrative letter, Vol. 21, No. 10, Nov. 6, 1969, reprinted in Hearings on the Equal Rights Amendment Before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, 91st Cong., 2nd Sess., at 595 (May 1970). The UAW has urged strict enforcement of Title VII and has strongly supported all efforts to eradicate sex discrimination, especially through the adoption of the Equal Rights Amendment. Mrs. Olga Madar, Vice-President of the UAW, testifying for the adoption of the Equal Rights Amendment, stated that ". . . a very strong tide is running in behalf of the proposition that American women, while they may like candy and roses, really need basic rights still denied them. Rights not roses is the watchword for an increasing number of American women . . ." *Id.*, at 611.

Sex discrimination held unconstitutional

In the past few years, courts across the country have increasingly recognized the unconstitutionality of State action which perpetuates sex discrimination. Many of these decisions are based squarely on the ground that sex discrimination must be reviewed under the strictest Fourteenth Amendment standard and that seldom if ever can such discrimination withstand careful judicial scrutiny.

Perhaps the most striking progress in eradicating sex discrimination is in the area of occupational restrictions. In effect, this Court's decision in *Goesart v. Cleary*, 335 U.S. 464 (1948), has been rejected by the Supreme Courts of New Jersey and California, and by the Federal District Court for the Northern District of Illinois. Each of these cases involved challenges to laws prohibiting women from employment as bartenders, laws which were similar to the Michigan statute sustained by this Court in the *Goesart* decision, held that the sex discrimination embodied in such occupational restrictions could not be sustained under the Fourteenth Amendment. *McCrimmon v. Daley*, 2 FEP Cas. 971 (N.D. Ill. 1970); *Sail'er Gun, Inc. v. E. J. Kirby*, 3 CCH Employment Practices Decisions, para. 8222 (Cal. Supreme Court, 1971); *Paterson Tavern & Grill Owners Ass'n v. Borough of Hawthorne*, 57 N.J. 180, 270 A, 2d 628 (1970).

Some of the principal cases striking down sex discrimination in other areas can be grouped in the following categories:

(1) *Criminal law:* Longer prison terms for women than for men convicted of the same crime have been declared unconstitutional under the Fourteenth Amendment. *United States ex rel. Robinson v. York*, 281 F. Supp. (D. Conn. 1968) (differential sentencing laws for men and women constitute "invidious discrimination" against women in violation of the Equal Protection of the laws guaranteed by the Fourteenth Amendment), *Commonwealth v. Daniel*, 430 Pa. 642, 243, A.2d 400 (1968) (statutory scheme fixing the maximum term of imprisonment for women but not for men convicted of the same crime creates an arbitrary and invidious discrimination in violation of the Fourteenth Amendment).

(2) *Public accommodation:* Exclusion of women from liquor licensed public taverns has been held to violate the Fourteenth Amendment. *Sidenberg v. McSorleys' Old Ale House, Inc.*, 308 F. Supp. 1253 (S.D.N.Y. 1969). See also, *Mollere v. Southeastern Louisiana College*, 304 F. Supp. 826 (E.D. La. 1969), in which a federal court held unconstitutional a requirement that unmarried women under 21 live in the State college dormitory when no such requirement was imposed on men.

(3) *University exclusion:* Exclusion of women students from state-supported "prestige" institutions has been held to violate the Fourteenth Amendment Equal Protection guarantee. *Kirstein v. Rector and Visitors of University of Virginia*, 309 F. Supp. 184 (E.D. Va. 1970).

(4) *Mandatory maternity leave:* A regulation requiring a female teacher to leave her job in the fifth month of pregnancy has been held to violate her right to Equal Protection. *Cohen v. Chesterfield County School Board*, Civ. Action No. 678-79-R (E.D. Va. May 17, 1971).

(5) *Exclusion from promotion examination:* The exclusion of policewomen from the examination required for promotion to sergeant solely because of sex has been struck down as an impermissible denial of constitutional rights. *Matter of Shpritzer v. Lang*, 234 N.Y. Supp. 2d 285 (1st Dept. 1962), *aff'd* 13 N.Y. 2d 744, 241 N.Y. Supp. 2d 869, 191 N.E. 2d 919 (1963).

(6) *Inheritance tax:* Inheritance tax imposed on certain property when devised by husband to wife, but not when devised by wife to husband, has been held to violate the Equal Protection guarantee. *In re Estate of Legatos*, 1 Cal. App. 3d 657, 81 Cal. Rptr. 910 (1969).

(7) *Jury service:* The statutory exclusion of women from jury service has been held to violate the Fourteenth Amendment's Equal Protection Clause. *White* v. *Crook*, 251 F. Supp. 401 (N.D. Ala. 1966).

The judicial trend apparent from even this small sample of cases is clear. Courts across the country are beginning to recognize that laws or practices which subject women to differential or inferior treatment because of their sex are no more constitutionally permissible than other forms of invidious discrimination, particularly racial discrimination. In striking down sex discrimination, some courts have adopted the "rigid scrutiny" test of the strictest Fourteenth Amendment Equal Protection standard.

Increased pressure for adoption of an equal rights amendment to the United States Constitution

The growing recognition that fundamental changes must be made in the legal status of women in this country is reflected in the widespread support for an Equal Rights Amendment. Although such an amendment

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has been introduced in Congress for the past 48 years, the mounting pressure in recent years to eradicate sex discrimination resulted in its adoption last year by the House of Representatives. The Amendment failed in the Senate by only a narrow margin.

Much of the motive force behind the proposed Amendment is due at least in part to the past unwillingness of this Court to apply the Fourteenth Amendment Equal Protection guarantee to cases of sex discrimination, as demonstrated by *Goesart v. Cleary,* 335 U.S. 464 (1948), and *Hoyt v. Florida,* 368 U.S. 57 (1961). As a result, many women feel that the right for full legal equality cannot be won in the courts. As Congresswoman Martha Griffiths stated in her recent testimony in support of the Equal Rights Amendment:

"You may ask why a constitutional amendment is needed to correct the problem of unfair sex discrimination. Why won't the Fourteenth Amendment do the job? Because the Fourteenth Amendment has been with us since 1868, and in all those years the Supreme Court has never once held unconstitutional a law which discriminated on the basis of sex. No woman has ever won a case before the Supreme Court on the Fourteenth Amendment." Hearings on the Equal Rights Amendment Before Subcomm. No. 4 of the House Comm. on the Judiciary, 92nd Congress, 1st Session, ser. 2, at 41 (March 1971).

Many other women who testified in support of the Equal Rights Amendment expressed similar views on the Court's unwillingness to strike down sex discrimination under the Fourteenth Amendment. They also recognized, and we agree that when this Court does act to end sex discrimination, an Equal Rights Amendment would still be desirable, if only because of its immense symbolic value. As Caroline Byrd, author of "Born Female," has stated:

"Even if the equal rights amendment did nothing but state the principle, it would be worth it . . . the time has come when this . . . amendment is both needed and politically feasible. Women are beginning to see their situation. They can never go back so we must all go forward." Hearings on the Equal Rights Amendment Before Subcomm. on Constitutional Amendments of the Senate Comm. on the Judiciary, 91st Cong., 2nd Sess., at 347 (May 1970).

State legislative action to end sex discrimination

An equally significant indication of the growing recognition that sex discrimination can no longer be tolerated in our society is the increasing number of States that have voluntarily rescinded or invalidated restrictive labor legislation which applies only to women. In 12 States attorneys general have ruled that Title VII and state fair employment practices legislation supercedes state legislation restricting the employment of women. Since the effective date of Title VII, July 2, 1965, eight States and the District of Columbia have amended or repealed discriminatory legislation, thereby substantially expanding employment opportunities for women.[25] It seems clear that State governments as well as federal and State courts are coming to recognize that sex discrimination is anachronistic and unjustifiable both because of the broad application of Title VII and because of the unconstitutional nature of such discrimination.

Elimination of sex discrimination at all levels of American society

Women now participate in occupations and activities which were unthinkable in even the recent past. They serve as pages in the U.S. Senate, work as professional clowns and jockeys, and even play professional football. The U.S. Army and Air Force have recently sworn in the first women Generals. The Executive Protection Service, an arm of the United States Secret Service, has hired a woman agent. Many religious orders are opening their highest ranks to women.

The trend towards eliminating sex-role stereotypes has increased the number of opportunities available for men as well as for women. Men now work as nurses, airline attendants, and nursery school teachers, professions previously considered to be particularly limited to women.

Organizations and institutions which have traditionally been almost exclusively male have begun to recognize the need to afford women greater representation. Only this year, the National Press Club admitted women members for the first time in its 50 year history. The New York Stock Exchange, exclusively male for 176 years, now permits a woman to hold a seat on the Exchange. The Democratic National Committee recently adopted a resolution that women be represented in State delegations in reasonable relationship to their presence in the populations of each State. The Republican National Committee last month recommended that each State delegation have equal representation of men and women. The American Bar Association has established a new committee on rights for women.

In short, there has been significant, substantial recognition throughout our society, that sex discrimination can no longer be tolerated. Increasingly, the American people have come to recognize that women, like all citizens, must be accorded equal treatment under law and equal access to opportunities in every field of endeavor. In harmony with these developments, this Court should explicitly hold that State laws discriminating on the basis of sex will be subjected to the "most rigid scrutiny," as required by the Fourteenth Amendment.

IV. THIS COURT SHOULD REVIEW CASES INVOLVING SEX DISCRIMINATION WITH THE "MOST RIGID SCRUTINY," IN ORDER TO STRIKE DOWN STATE ACTION WHICH DISCRIMINATES ON THE BASIS OF SEX, JUST AS THIS COURT HAS STRUCK DOWN OTHER FORMS OF PERSONAL DISCRIMINATION AFFECTING FUNDAMENTAL HUMAN FREEDOMS, PARTICULARLY RACIAL DISCRIMINATION

The Fourteenth Amendment forbids any State to "deny to any person within its jurisdiction the Equal Protection of the laws." State power to prescribe regulatory laws, including laws which determine the right to administer an estate and the right to serve on juries, is limited by the Equal Protection Clause. This Court has traditionally recognized that when fundamental individual rights are infringed by State action, such action must be "carefully and meticulously scrutinized" under the Fourteenth Amendment.

Thus, in *Reynolds v. Sims,* 377 U.S. 533 (1964), the Court held unconstitutional a State apportionment scheme not based substantially on population, stating that

"A predominant consideration in determining whether a State's legislative apportionment scheme constitutes an invidious discrimination violative of rights asserted under the Equal Protection Clause is that the rights allegedly impaired are individual and personal in nature. . . . (A) ny alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized. 377 U.S. at 561–62.

"Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race, *Brown v. Board of Education,* 347 U.S. 483, or economic status, *Griffin v. Illinois,* 351 U.S. 12, *Douglas v. California,* 372 U.S. 353." *Id.* at 566.

One year after *Reynolds,* this Court struck down a State limitation on voting qualification in *Carrington* v. *Rash,* 380 U.S. 89 (1965), reasserting the principle that State action which infringes "matters close to the core of our constitutional system" cannot be sustained under the Equal Protection Clause. The Court stated ". . . By forbidding a soldier ever to controvert the presumption of nonresidence, the Texas Constitution imposes an invidious discrimination in violation of the Fourteenth Amendment." 380 U.S. at 96.

The standards of Equal Protection are not static, but move with the times. Thus, in *Harper v. Virginia Board of Elections,* 383 U.S. 663 (1966), in which the Court held unconstitutional the Virginia poll tax, the Court stated

"The Equal Protection Clause is not shackled to the political theory of a particular era. In determining what lines are constitutionally discriminatory, we have never been confined to historic notions of equality, . . . Notions of what constitutes equal treatment for the purposes of the Equal Protection Clause *do* change." 383 U.S. at 669 (emphasis in original).

Notions of what constitutes equal treatment for the purposes of the Equal Protection Clause have changed dramatically in the past 50 years. Within the expanding concept of Equal Protection, this Court has subjected an increasing number of State laws which impair the exercise of fundamental rights to the strictest Fourteenth Amendment review. Further, this Court has recognized that State infringement of fundamental rights cannot be justified when such limitation of personal freedom is applicable only to one specific group within the community.

Thus, in *Truax v. Raich,* 239 U.S. 33 (1915), this Court invalidated a State law which discriminated against aliens in private employment. In *Takahashi v. Fish & Game Commission,* 334 U.S. 410 (1948), the Court held that California could not prohibit aliens from making a living by fishing off the State shore line, stating that

"The Fourteenth Amendment and the laws adopted under its authority thus embody a general policy that all persons lawfully in this country shall abide 'in any state' on an equality of legal privileges with all citizens under non-discriminatory laws." 334 U.S. at 420.

Just last Term this Court struck down State laws which deny welfare benefits to resident aliens or require them to meet longer residence requirements than citizens in order to qualify for welfare benefits. *Graham v. Richardson,* 39 U.S.L.W. 4732 (1971).

Nor can a State deny fundamental rights to citizens because of their poverty. Thus, in *Griffin v. Illinois,* 351 12 (1956), this Court held that Illinois could not block effective appellate review for the indigent by refusing to furnish them trial transcripts without cost. And in *Douglas v. California,* 372 U.S. 353 (1963), this Court overturned a California rule of criminal procedure limiting free counsel for indigent defendants on appeal to those cases in which the court, after a preliminary screening of the case, thought counsel would be useful. More recently, in *Shapiro v. Thompson,* 394 U.S. 618 (1969), the Court struck down a one-year State residency requirement for welfare benefits, stating that

"Since the classification here touches on the fundamental right of interstate movement, its constitutionality must be judged by the stricter standard of whether it promotes a *compelling* State interest. Under this standard, the waiting period requirement clearly violates the Equal Protection Clause." 394 U.S. at 638 (emphasis in original).

In *Goldberg v. Kelley,* 397 U.S. 254 (1970), the Court ruled that the State's interest in minimizing administrative costs did not justify the termination of welfare benefits without a prior hearing. And last Term in *Boddie v. Connecticut,* 401 U.S. 371 (1971), the Court held that a State could not deny access to

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Footnotes at end of article.

the courts in divorce cases solely because of a party's inability to pay court costs.

The most significant use of the Equal Protection Clause within the past twenty years, of course, has been in the area of racial discrimination. In response to the clearly adverse economic, social, and cultural impact of racial discrimination on our society, this Court in 1954 announced the landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), which outlawed racial segregation in the public schools. Relying on the Equal Protection Clause, the Court stated:

> "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." 347 U.S. at 495.

Since the *Brown* decision, the Court has strictly applied the Fourteenth Amendment to all cases involving racial discrimination. Thus, in *McLaughlin v. Florida*, 379 U.S. 184 (1964), the Court struck down a State law prohibiting cohabitation of unmarried couples of different races, stating that

> "(T)he central purpose of the Fourteenth Amendment was to eliminate racial discrimination emanating from official sources in the States. This strong policy renders racial classifications 'constitutionally suspect' and subject to the 'most rigid scrutiny' and 'in most circumstances irrelevant' to any constitutionally acceptable legislative purpose." 379 U.S. at 192.

The Court used similar language about the reach of the Equal Protection Clause to strike down a State anti-miscegenation law in *Loving* v. *Virginia*, 388 U.S. 1 (1967):

> "Over the years, this Court has consistently repudiated 'distinctions between citizens solely because of their ancestry' as being 'odious to a free people whose institutions are founded upon the doctrine of equality.' At the very least, the Equal Protection Clause demands that racial classifications, especially suspect in criminal statutes, be subjected to the 'most rigid scrutiny,' . . ." 388 U.S. at 11 (citations omitted).

More recently, in *Hunter* v. *Erikson*, 393 U.S. 385 (1969), the Court held unconstitutional a city charter amendment imposing special barriers to the enactment of fair housing ordinances. Reasserting the principle that State imposed deprivations of fundamental rights must be subjected to the most rigorous judicial scrutiny, the Court said

> "Because the core of this Fourteenth Amendment is the prevention of meaningful and justified official distinctions based on race, racial classifications are 'constitutionally suspect' and subject to the 'most rigid scrutiny.' They 'bear a far heavier burden of justification' than other classifications." 393 U.S. at 391–92 (citations omitted).

Sex discrimination has had at least a substantial and adverse impact on our society as the other forms of discrimination which this Court has struck down under the Fourteenth Amendment. Women have as great a claim to the protection of the Fourteenth Amendment as do aliens, indigents, and members of racial minorities. As demonstrated above, women have been subjected to pervasive, invidious discrimination in employment, in education, and in every field of endeavor. Their basic rights as citizens have been denied through the operation of archaic, discriminatory State laws and practices which have reduced them to inferior status as second-class members of this society.

Until the Court recognizes women as persons entitled to the full Equal Protection of the Laws, they will continue to be denied the equality of treatment basic to our concept of democracy. The challenged provisions of Idaho and Louisiana law perpetuate the legal inequity accorded women throughout our history: they preclude women from the exercise of basic statutory rights because of erroneous legislative assumptions about the nature and capabilities of women as an entire class. In harmony with this Court's previous holdings that laws which deny fundamental human rights must be subjected to the most thorough judicial scrutiny, State action which perpetuates sex discrimination should be held unconstitutional.

V. UNDER THE FACTS OF THE CASES AT BAR, AND UTILIZING THE RIGID SCRUTINY DEMANDED BY THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT, THE CHALLENGED STATE ACTION MUST FALL

A. The absolute preference given by section 15–314, Idaho Code, to males over females as between persons equally entitled to administer an estate, is invalid under the equal protection clause

As indicated by the court below, Section 15–314 embodies a legislative judgment that men are in general better qualified to act as administrators than are women. No evidence was provided, however, that the male contestant, as an individual, was more capable in financial matters than the female contestant, appellant herein. Thus, on the basis of a vast and inaccurate legislative classification, appellant was deprived of the substantive right to administer the estate of her deceased son.

It is precisely this type of sweeping legislative classification based on sex that this Court should subject to the most careful judicial review. Even on its face, the legislative assumption underlying Section 15–314—that women are generally less able than men to administer an estate—is invalid. As discussed above, the participation of women in the business world has grown dramatically in the past decade. Further, women represent an increasingly significant portion of those professions particularly related to financial management. In 1968, women constituted 20 percent of the total number of accountants in this country, 10 percent of the total number of mathematicians, and 33 percent of the total number of statisticians.[30] In light of the demonstrated competence of some women to perform these highly technical jobs, the Idaho legislature was clearly proceeding on unwarranted, inaccurate assumptions about the abilities of women as a class.

Moreover, it is questionable whether extensive business experience is necessary for the performance of the duties of an administrator under the Idaho Code. The Code confers very limited authority upon the administrator, and empowers the court to supervise the estate closely during the entire period of administration. It is probable that most women, many of whom handle the daily financial affairs of their family units, would be as qualified to perform the duties of an administrator as most men would be.

Although the Idaho Supreme Court recognized that Section 15–314 discriminates against women on the basis of sex, it sustained the provision as a legitimate exercise of the State's interest in curtailing litigation over the appointment of administrators. The court stated,

> "While this classification may not be entirely accurate, and there are doubtless particular instances in which it is incorrect, we are not prepared to say that it is so completely without a basis in fact as to be irrational and arbitrary." 465 P.2d 635, 638 (1970).

However, Section 15–314 achieves the presumed legislative objective of curtailing litigation *only* when a contest arises between males and females who are otherwise equally qualified under the Idaho Code to administer an estate. In most situations in which there are more than one contestant from the same eligibility class, hearings must be held. In fact, the Idaho Code invites hearings by providing that "any person interested" may challenge the competency of an administrator. Idaho Code, Sec. 15–322. It is only when one of the contestants within an eligibility class is female that the absolute statutory preference for males operates, thus eliminating the necessity for hearings.

This Court has held that certain basic statutory rights cannot be sacrificed to considerations of administrative efficiency. In *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Court ruled that the Fourteenth Amendment requires that hearings be held before welfare benefits are terminated, even if such hearings cause the State substantial expense and administrative inconvenience. More recently, in *Boddie v. Connecticut*, 401 U.S. 371 (1971), the Court held that the Fourteenth Amendment prohibits a State from denying indigents access to the courts in divorce cases solely because of their inability to pay court fees and costs. The Court reasserted the fundamental principle that:

> "The State's obligations under the Fourteenth Amendment are not simply generalized ones; rather, the State owes to each individual that process which, in light of the values of a free society, can be characterized as due." 402 U.S. at 380.

Idaho, by automatically preferring male over female contestants as between persons equally qualified to administer an estate, has denied petitioner the right to a hearing on her individual capabilities as an administrator. This statutory denial of an opportunity to be heard was justified by the court below solely on the grounds of administrative convenience. Such a deprivation of fundamental rights because of sex cannot withstand the strict judicial scrutiny required by the Fourteenth Amendment.

B. The exclusion of women from juries through the operation of article 402, Louisiana Code of Criminal Procedure, is invalid under the equal protection clause

The Louisiana statute raises two different but related Fourteenth Amendment issues for the Court's consideration: first, whether the Equal Protection Clause permits a State to establish a different system of jury selection for women than for men; and second, whether petitioner's right to due process was violated by the operation of a State law which systematically excludes women from juries.

The challenged provision places an affirmative burden on women who wish to serve on juries by excluding them automatically from jury duty unless they file with the Court a declaration of willingness to serve. This statutory burden is made even greater by the official interpretation of Article 402. The jury commissioners obtain an initial list of potential jurors from a variety of sources and preliminary questionnaires to determine eligibility. However, questionnaires are deliberately not sent to women. As a result of this official policy, the jury list, the grand jury venire, and the grand jury that indicted petitioner contained no women at all, even though women constitute a majority of the persons eligible to serve in Lafayette Parish. Thus, the effect of the challenged provision is to exclude systematically all women from jury service.

Through the operation of Article 402, all women are placed in an inferior position to exercise their right to serve on juries. Jury service is a fundamental prerequisite of citizenship; it is generally denied only to those groups who are considered to be incapable or untrustworthy, such as felons and mental incompetents. In Louisiana, women are placed in a similarly excepted category. Thus, the effective exclusion of women from jury service clearly labels them as second-class citizens.

Presumably, the legislative assumption underlying the challenged provision is that women as a class are more likely than men to have family responsibilities that would make jury service a hardship. It was precisely such a purpose that this Court found constitutionally permissible in *Hoyt v. Flor-*

Footnotes at end of article.

ida, 368 U.S. 57 (1961), holding that a State could reasonably conclude "that a woman should be relieved of jury service unless she herself determines that such service is consistent with her own special responsibilities." 383 U.S. at 62. *Amicus* submits that *Hoyt* was wrongly decided.

Although *Hoyt* also involved a statute which did not absolutely prohibit women from serving on juries, the operation of the Florida statute did not exclude women as systematically as does the challenged Louisiana provision. In *Hoyt* the Court found that there were women on the jury rolls in the county, and that efforts had been made to include all eligible women on the rolls. In the case at bar, no women whatsoever were included on the jury lists, and virtually no effort seems to have been made to solicit their participation. Thus, the Louisiana provision, as interpreted by the State, effectively prohibits women from serving on juries. This case is just as compelling as *White v. Crook*, 251 F. Supp. 401 (N.D. Ala. 1966). There, a three-judge Federal district court struck down an Alabama statute which absolutely excluded women from jury service. The Louisiana statute, like the Alabama statute in *White v. Crook*, should be viewed by this Court as "arbitrary in view of modern political, social and economic conditions . . ." 251 F. Supp. at 409.

The systematic exclusion of all women from juries in order to relieve those women whose family responsibilities might make jury service a hardship cannot be sustained under a strict application of the Fourteenth Amendment. It is precisely this type of vast legislative overclassification based on sex that the Court should not allow. First, many women do not have children to care for. Second, in some cases, as where the father is a widower, the absence of a male parent can be just as detrimental to a child's welfare as the absence of the female parent, and jury duty may place an equally great burden on him. Third, even when both parents are alive and well, the mother is not always the individual primarily responsible for child care. Thus, the Louisiana statute sweeps too broadly in effectively excluding all women from jury service if in fact its purpose is to relieve only those persons whose parental responsibilities would make jury service unduly onerous. A more effective and constitutionally permissible means of achieving this purpose would be to excuse from jury service those persons, male and female, whose family responsibilities preclude them from serving. By discriminating against women as an entire class, the statute effectively denies women the Equal Protection of the laws, and should be struck down.

The operation of the Louisiana statute also denies petitioner his due process right to a jury venire from which no class has been arbitrarily excluded. This Court has specifically recognized that a jury must be "a body truly representative of the community." *Carter v. Jury Commission of Green County*, 396 U.S. 320 (1970). A system of jury selection that totally excludes women cannot be said to be truly representative of the community. In *Ballard v. United States*, 329 U.S. 187 (1946), the Court applied this principle to the administration of federal jury selection statutes, finding that ". . . a distinct quality is lost if either sex is excluded. The exclusion of one may indeed make the jury less representative of the community than would be true if an economic or racial group were excluded," 329 U.S. at 194. In the case at bar, over half of the persons eligible for jury service were women. The systematic exclusion of this group from jury selection clearly denied petitioner his right to be judged by a cross-section of the community.

The denial of this fundamental constitutional right cannot be justified unless a compelling need for the classification is shown. *Shapiro v. Thompson*, 394 U.S. 618, 634 (1969). As discussed above, the State has not met the burden of demonstrating that the purpose of the statute, which presumably is to exempt women whose family responsibilities would make jury service unduly burdensome, cannot be met by more narrow means that will not result in the denial of basic constitutional rights. On the contrary, the Louisiana provision effectively excludes all women, regardless of their family responsiities, from jury selection. Accordingly, this Court should strike down Article 402 under the strictest interpretation of the Fourteenth Amendment.

CONCLUSION

For the reasons stated above, the "reasonableness" standard for reviewing State action which discriminates on account of sex should be abandoned. Such action should be subject to the very strictest scrutiny under the Equal Protection Clause. The challenged provisions of Louisiana and Idaho law which perpetuate invidious, unjustifiable sex discrimination should be struck down under the very strictest application of the Fourteenth Amendment. In *Reed v. Reed*, this Court should reverse the decision below so that an administrator can be chosen wihout regard to sex. In *Alexander v. Louisiana*, this Court should reverse the decision below so that petitioner may be indicted by a properly constituted grand jury.

Respectfully submitted.

BIRCH BAYH,
Attorney for National Federation of Business and Professional Women's Clubs, Inc.
Washington, D.C.

FOOTNOTES

[1] "A Matter of Simple Justice," Report of the President's Task Force on Women's Rights and Responsibilities, 18–19 (1970).

[2] U.S. Bureau of the Census, Statistical Abstract of the U.S.: 1970, Table 325, p. 218.

[3] The discrimination has persisted in spite of Executive Order 11357, 3 C.F.R. § 320 (1967), and Executive Order 11478, 3 C.F.R. § 133 (1970) which prohibit sex discrimination in the executive agencies of the Federal government, in competitive positions in the legislative and judicial branches, and in the government of the District of Columbia.

[4] U.S. Civil Service Commission, Bureau of Management Services, "Study of Employment of Women in the Federal Government, 1967," at 17 (1968).

[5] Statement of Irving Kator, Asst. Executive Director, U.S. Civil Service Commission, Hearings on Sex Discrimination Before the Special Subcommittee on Education of the House Committee on Education & Labor, 91st Cong., 2nd Sess., Part 2, at 728–729 (1970) (hereinafter cited as *Education Hearings*).

[6] Congress has made several major efforts to alleviate some aspects of this discrimination. The Equal Pay Act of 1963, 29 U.S.C. 206(d) (1964), requires that employees engaged in interstate commerce receive equal pay for equal work. The Act does not cover administrative, executive, and professional women, nor government employees. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e (1964), prohibits discrimination based on race, color, religion, national origin, or sex by employers with 25 or more employees, employment agencies which procure employees for an employer, and labor unions which maintain a hiring hall or have 25 or more members. Title VII excludes from coverage instrumentalities of the Federal, state, or municipal governments except for the U.S. Employment Service, and the system of state & local employment services receiving Federal assistance.

[7] U.S. Department of Labor, Women's Bureau: "Fact Sheet on the Earnings Gap" (Feb. 1971).

[8] Recruiting policies are in part responsible for the concentration of women in less prestigious jobs. For example, a 1969 survey showed that of 208 companies recruiting at Northwestern University, only 63% were considering female graduates. "Special Report: Why Doesn't Business Hire More College Trained Women?" in *Personnel Management—Policies & Practices* (April 1969), reprinted in *Education Hearings*, Part 1, at 174.

[9] U.S. Dept. of Labor, *supra* note 7.

[10] Equal Employment Opportunity Report No. 1, "Job Patterns for Minorities and Women, 1966" (1969).

[11] U.S. Dept. of Labor, Women's Bureau, "Background Facts on Women Workers in the United States" 11–12, 1970.

[12] President's Task Force, *supra* note 1.

[13] U.S. Dept. of Labor, *supra*, note 11; U.S. Dept. of Labor, Bureau of Labor Statistics: Monthly Labor Review (May 1970).

[14] Testimony of Dr. Peter Muirhead, Associate Commissioner of Education, Dept. of Health, Education & Welfare, *Education Hearings*, Part 2, at 644.

[15] See *Education Hearings* for statistical reports & statements on the status of women at the following colleges & universities: Brandeis at 336; Univ. of Buffalo, SUNY, at 212; Cal. State College at Fullerton, at 202; Univ. of Cal. at Berkeley at 1143; Univ. of Chicago at 753, 994; Columbia Univ. at 242, 260; Cornell Univ. at 1077–78; Eastern Ill. Univ. at 1222, 1223; Harvard Univ. at 183; Univ. of Illinois at 1225; Kansas State Teachers College at 1226; Univ. of Maryland at 1024; N.Y.U. Law School at 584; Univ. of Wisconsin at 190.

[16] Rossi, "Status of Women in Graduate Departments of Sociology 1968–69," 5 *American Sociologist* 1, Feb. 1970.

[17] Murray, "Economic and Educational Inequality Based on Sex: An Overview," 5 Valparaiso U. L. Rev. 237, 247–268 (1971).

[18] These statistics are drawn from Freeman, The Legal Basis of the Sexual Caste System, 5 Valparaiso U.L. Rev. 203, 210–216 (1971).

[19] New York Family Court Act, § 712(b).

[20] Ark. Stats. Ann., §§ 46–804, 48–943.

[21] Texas Penal Code 1220; Utah Code § 76–30–10(4).

[22] See also *In re Lockwood*, 144 U.S. 116 (1893), in which the Court held that the Fourteenth Amendment did not prohibit Virginia from denying women admission to practice before the highest state court.

[23] *Mengelkoch v. Industrial Welfare Commission*, 284 F. Supp. 950 (C.D. Calif.), *vacated*, 393 U.S. 83, *rehearing denied*, 393 U.S. 993 (1968), *rev'd and remanded*, 437 F.2d 563 (9th Cir. 1971), *rehearing denied*, 3 FEP Cases (May 3, 1971).

[24] *Kober v. Westinghouse Electric Corp.*, 3 FEP Cases 326 (W.D. Pa. 1971) (Penn. statute limiting hours of work of female employees invalid); *Ridinger v. General Motors Corp.*, 3 FEP Cases 280 (S.D. Ohio 1971) (Ohio weight and hours law applicable only to women invalid); *Garneau v. Raytheon Co.*, 3 FEP Cases 215 (D. Mass. 1971); (Mass. law limiting maximum hours of employment for women invalid); *Local 246, Utility Workers v. Southern Calif. Edison Co.*, 320 F. Supp. 1262 (C.D. Cal. 1970) (California law prohibiting female employees to lift over 50 pounds invalid); *Caterpillar Tractor Co. v. Grabiec*, 317 S. Supp. 1304 (S.D. Ill. 1970) (Ill. Female Employment Act hours limitation void); *Richards v. Griffith Rubber Mills*, 300 F. Supp. 338 (D. Ore. 1969) (Order of state wage and hour commission setting 30 pound lifting limit for women employees invalid).

[25] These statistics are drawn from Task Force on Labor Standards, *Report to the Citizens' Advisory Council on the Status of Women* 56–58 (1968), and Ross, "Sex Discrimination and Protective Labor Legislation," in Hearings on the Equal Rights Amendment Before Subcomm. No. 4 of the House Comm. on the Judiciary, 92nd Cong., 1st Sess., at 186 (1971).

[26] U.S. Dept. of Labor, Bureau of Labor Statistics: Occupational Handbook Bulletin No. 1650 (1970).

POSTMASTER GENERAL BLOUNT WRITES ABOUT PORNOGRAPHY

Mr. THURMOND. Mr. President, Postmaster General Winton M. Blount has written an excellent article which is featured in the September issue of Nation's Business.

Mr. Blount's article, entitled "Let's Put the Smut Merchants Out of Business," puts the business of pornography into proper perspective. As his article indicates, pornography is a very large business. Smut dealers are capitalizing on permissive court decisions and are permeating every aspect of our society with the worst kinds of filth. Their business and the fervor in which they pursue it are increasing at an alarming rate, a rate that will lead us into further decadence if prompt remedial action is not taken.

Mr. President, I urge Members of both Houses of Congress to give Mr. Blount's article their very careful attention. After doing so, I am very hopeful that we will move on to the business of enacting the necessary laws which will effectively protect our society from the continuation of the pornographic filth which is being forced upon us.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN APPEAL FROM THE HEAD OF THE U.S. POSTAL SERVICE: LET US PUT THE SMUT MERCHANTS OUT OF BUSINESS

(By Winton M. Blount)

The first thing that must be understood about smut is that it is a business.

It is a very large business because, though it requires limited capital, it permits enormous markups and therefore enormous profits. According to a recent news article, a $2 reel of eight mm. color film will sell for $40 as pornography.

The profits are so high, in fact, that the costs of almost any conceivable legal difficulties under present laws can be included as a virtually negligible part of the already rather negligible overhead.

Pornography is profitable, finally, because it appeals to human weakness in ways which are difficult to define in law, and in a time when the question of civil freedoms—including the freedom of self-abasement—is undergoing lengthy re-examination by opinion-makers in America.

I have faith in the ultimate good sense of even the leaders of America's periodic fads in what passes for thought. But on the evidence alone, I also believe the pornographers can make maximum use of this period of confusion in American jurisprudence.

A great deal of conceivably irreversible damage is being done to the quality of American life. The ultimate irony, of course, is that it is being done under the protection of the First Amendment to the Constitution, originally conceived as the ultimate defense of social, cultural and political quality in American life.

In the shadow of the provision that Congress shall "make no law . . . abridging the freedom of speech or of the press," the dirt merchants have erected a multimillion-dollar empire dedicated to, and predicated on, human degradation.

America's postal system has been used as a major link between the producers of pornography and their buyers.

The number of dealers in mail-order pornography has increased in recent years to something over 400. Of that number, however, only about 20 at any one time are considered major dealers. These are big-league operators, who use direct-mail advertising on a scale comparable to the nation's large mail-order houses.

They regularly send two and three million advertising pieces into American homes during an advertising campaign, frequently with little or no discrimination as to the recipient. As a consequence, young children are commonly subjected to printed and graphic matter of the vilest sort.

However liberal or permissive the protagonists in the pornography issue, it is rare to find anyone willing to argue that smut has a salutary influence on impressionable minds. To the contrary, in any discussion of the problem of pornography, the potentially adverse effect of pornography on the young inevitably emerges as a central issue.

Ultimately, however, the effect on children is not the real question. The real question is, or ought to be, the effect of pornography on any human being, and on the civilization of which each human being is a member.

WHAT IT IS ALL ABOUT

If we consider for a moment those values which underlie our country's institutions, we find that what America is all about can be summed up in two words: Human dignity.

We seek freedom for our people because freedom is the condition most conducive to human dignity. For the same reason, we seek security—and prosperity; poverty crushes the human spirit.

At our best we honor diversity—because the right to be what he chooses, to act and live as he chooses, is vital to the dignity of the human being.

As a people we believe each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve and sustain these, we preserve and sustain human dignity.

As we violate these for sensation or for profit, we act against the dignity of man, and against all that we have struggled to build for more than two centuries on this continent.

So pornography is not simply a threat to the best interests of our children. It is an act of violence against the human spirit.

Nevertheless, it is being proposed with disturbing frequency that pornography be legalized.

The arguments of those who favor such a course are numerous and, frequently, specious. One of the most compelling, and least credible, is the argument that censorship of pornography violates the First Amendment's prohibition against interference with freedom of speech and of the press.

If this prohibition were absolute, the argument would be sound. But First Amendment freedoms are not absolute.

It was Justice Oliver Wendell Holmes who pointed out that the First Amendment would not protect a man who falsely shouted fire in a crowded theater. Such an act created the sort of clear and present danger that Congress has not merely the right, but the obligation, to prevent.

In a different way, but to the same effect, we have laws against libel which make freedom of the press relative—not absolute.

The argument that pornography cannot be censored without destroying our civil liberties is fundamentally wrong. We have censored pornography since the nation was established, and there is no evidence of adverse effect on our civil liberties.

There is the argument that we cannot be sure pornography has an effect on children. But if we are to take this seriously, we then must ask if any book if any picture has an effect on children. Indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to.

At the risk of appearing simplistic, when we suppose that a good book has a good effect on a child, must not the concomitant supposition be that a bad book has a bad effect?

JUST IN THE BEHOLDER'S EYE

The libertarian retort to reasoning of this nature is that it contains a value judgment. The accusation is that filth is in the eye of the beholder and that those who think pictures of people making love are "dirty" must be people with dirty minds.

Without violating the purity of that touching bit of naivete, let me make it clear that "people making love" is not what pornography, circa 1971, is all about. The material in question involves graphic and literal depictions of beatings and other torture for sexual gratification, mass fornication, and bestiality—to name just part of what is under consideration here.

This dismal catalog is by way of indicating that we are not concerned here with "September Morn," but with the most vile, distorted and degraded representations of abnormal and dehumanized behavior.

Are we then willing to accept—in the service of a specious argument about the limits of civil liberty—the argument that we cannot be sure pornography has an effect on children, and that therefore it ought not to be prohibited?

We have the argument that there is no evidence that pornography has an adverse effect on adults. While it may be difficult to establish a cause and effect relationship between an anti-social act and an avid interest in pornography, it is certainly possible to suggest that an inclination toward anti-social behavior may be reinforced and even encouraged by pornography.

In the course of investigating and prosecuting cases for illegal use of the mail, the Postal Inspection Service is constantly exposed to those who traffic in pornography. We find those who enjoy pictures and stories of sadistic behavior and masochistic behavior and who indulge themselves in this behavior.

Which came first—the pornography or the practice?

There is a pornographer who uses preteen-age boys in lewd poses for his productions. He has previous sodomy convictions; the record shows a history of indecent behavior with children.

Is there a cause and effect relationship here? And is it necessary to establish a cause and effect relationship before we can agree that he shouldn't be producing pornography with children—or with anyone else, for that matter?

We have the couple who used pornographic material to seduce a young girl. Was pornography a critical factor here? Or would the seduction have occurred anyway?

These are things we are told cannot be determined. I find that difficult to believe, but perhaps it is true. If so, it is because research looks for an absolutely scientific precision in making a determination.

In the clinical context, that is proper. But the potential effect of pornography is not solely of scientific consequence. And the decision to have it or not to have it is not properly a scientific decision. This is a matter of social, political and cultural consequence.

Some have seriously argued that pornography may have a beneficial effect. This is the theory of catharsis; it maintains that pornography provides a harmless outlet for sexual energy which might otherwise be expended in some objectionable manner.

FISHY REPORT FROM DENMARK

The logic of this position would require that sex crimes should go down as the availability of pornography goes up. All the evidence indicates this doesn't happen.

It is well known that Denmark has lifted certain restrictions on pornography. This has had a dual effect on the United States. It has, on one hand, substantially increased the flow of pornographic material coming into the country. And it has, at the same time, increased the pressure from proponents of the legalization of pornography in America.

Those who argue for legalization make the claim that there has been a drop in the sex crime rate in Denmark.

The evidence suggests that this is largely a statistical trick. Pornography used to be a crime there and now it isn't. Therefore the crime rate dropped.

Statutory rape used to be a crime there; now it isn't. So this contributed to the drop in the crime rate.

Minor crimes, such as indecent exposure, are scarcely even reported.

The "crime rate" argument is a misleading and foolish bit of whimsy. Postal officials have gone to Denmark and talked to the authorities there and found the real sex crime rate has not dropped.

Finally, in the past decade, some of our courts have been persuaded that the virtual impossibility of defining pornography precisely is sufficient reason for granting absolute license.

But there are few, if any, precise definitions in Western jurisprudence. What mathematical formula identifies a "preponderance" of the evidence in a civil suit? At what precisely defined point is guilt established beyond any "reasonable doubt"? And what is a reasonable doubt? What is an unreasonable doubt?

There is a problem here, certainly. We are giving fallible men the responsibility for making judgments that go to the heart of our democratic freedoms.

But it is difficult to suppose that, by weighing the content of a work and the apparent intent of its creator and purveyor, we cannot tell what is pornography and what is not. And where we cannot tell, then let the presumption be in favor of the contested work, and we will still be adequately protected.

The tunnel vision which puts the focus of the defense of pornography on the First Amendment to the Constitution obscures the larger purpose of the Constitution, which is stated at the very outset: "We, the people of the United States . . . in order to . . . promote the general welfare . . . do ordain and establish this Constitution. . . ."

If there is anything conducive to the general welfare in the common availability—or, more precisely, the general unavoidability—of the most repulsive filth imaginable, it escapes me. It apparently doesn't escape some of our courts, unfortunately.

NOT AT ANY PRICE

Perhaps the single greatest contributor to the problem is that fact cited at the outset: Pornography is a very big business. So we have to find a way to reduce the profits of that business and make it impossible for it to operate at any price.

At this point the matter remains in contention, but we are making progress in the courts against pornography, and the Postal Service has been a key factor in bringing these cases to the courts.

The United States Supreme Court recently handed down two important decisions in this area. In the first case (U.S. vs. 37 Photographs), the court upheld the constitutionality of a customs statute that provides for the forfeiture of obscene materials coming into the country from abroad. In the second (U.S. vs. Reidel), the court again upheld the constitutionality of the Postal Obscenity Statute, which makes it a federal crime to send obscenity through the mails.

This is the same statute under which a notorious California dealer in pornography was convicted in 1968. He filed an appeal, however, and continued his mailing. The Postal Service developed new evidence and he was indicted again in September, 1969. Last September, in a significant victory against pornography, the Court of Appeals of the Ninth Circuit Court in San Francisco upheld the 1968 conviction. In February of this year, the man was convicted on the second indictment. He now faces a total of seven years' imprisonment and $67,500 in fines against him and his corporation.

So the Postal Service is putting a great deal of effort into this battle, and we are having some success.

THE PRESIDENT'S PROGRAM

In addition, the President has thrown the full weight of his office into the struggle. He has asked Congress to make it a federal crime to put into the hands of anyone 18 years old or under sex materials that are unsuitable for people of that age; to make it a federal crime to exploit a prurient interest in sex through advertising; and to broaden the ability of the homeowner to prevent sexually-oriented advertising material from entering his home through the mail.

Now Congress has begun to respond; it has passed legislation that enables homeowners to protect themselves from unwanted sex-oriented advertising, and it is, we hope, going to enact the remainder of the President's legislative requests in this area.

But the deciding factor is going to be the American public. If the people decide against pornography, we can do away with it. If we refuse to patronize the pornographer, we can put him out of business. Movies show violence because it shows a profit. They show cheap sex because it shows a profit. It is the same with all media. If it isn't profitable, it doesn't play.

I am not suggesting a witch-hunt. It is certain that a lot of heavybreathing crusaders are waiting in the wings for the call to arise.

I think we can, and must, do this job without bringing the lunatics and smear artists out of the woodwork.

Pornography is a symptom of decadence. This is the judgment of history. Civilizations from ancient Rome to Germany in the 1930s, have turned in their decline to sensationalism, to exploitation of man's sexual nature, and to indifference to his humanity.

We are not taking this road.

America has a covenant with the future. We are going to keep it.

NEED FOR NEW DECLASSIFICATION PROCEDURES

Mr. PROXMIRE. Mr. President, during the congressional summer recess, an article published in Parade magazine for August 22 deserves the attention of every Senator. The article, entitled "What Price Secrecy?", was written by Lloyd Shearer, Parade's editor at large.

The article details the abuses in our Government classification system. There are presently some 20 million papers currently labeled top secret, secret, or confidential. According to one classification expert, 99½ percent of these should not be classified at all. This unnecessary classification is costing the taxpayers $50 million a year.

In just one branch of the Government—the Armed Forces—there are 31,-048 people who have the power to classify documents. All of these people also have the power to declassify documents. However, once a document is classified—and the decision to classify is made routinely countless times every day—it inevitably remains classified, long after the need for secrecy is past. Classification is routine; declassification is the exception.

Secretary Laird has indicated that he would like to see "as much material as possible be declassified." This Senator could not agree more, and I would strongly support any legislation which might be needed to achieve this.

Mr. President, I ask unanimous consent that Mr. Shearer's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT PRICE SECRECY?

(By Lloyd Shearer)

WASHINGTON, D.C.—One of the most shocking snafus in the United States Government is its secrecy classification system.

Like some million-footed, multi-webbed fungus, it grows wild, almost always expanding, practically never contracting.

Would you believe, for example, that someone in the Navy Department has been stamping newspaper clippings "Secret"? and that as a result the Defense Department has had to publish a special directive ordering employees not to classify newspapers?

Would you believe that the Air Force Electronics Systems Division issued the following statement for use on selected documents: "Although the material in this publication is unclassified, it is assigned an overall classification of Confidential"?

Would you believe that no one in government knows how many people in this country have the right to classify government documents Top Secret, Secret, or Confidential? One Defense Department estimate given to a House subcommittee on June 29, 1971, is "hundreds of thousands."

THE 20 MILLION SECRETS

Would you believe that there are, according to the testimony of William G. Florence, a classification expert with 43 years of experience in government, 20 million classified papers currently held by the government of which 99½ percent should not be classified at all?

Or that unnecessary classification is wasting $50 million of the taxpayers' money each year?

Or that, according to the testimony of Walter Pincus, a former chief consultant to the Symington subcommittee of the U.S. Senate Foreign Relations Committee, classification is used by the government not only to keep valuable information from the nation's potential enemies but to hide the mistakes of government officials, to prevent documentation of White House errors, and to limit the extent of internal opposition to and criticism of government policy?

Whether one believes it or not, the evidence is sufficient that the Federal government suffers from massive overclassification of information.

There is no penalty for overclassification in this country. The result, in the opinion of some critics, is that a small army of "fearful bird-brains" has grown up who believe in classifying everything—and not without cause. For, as William G. Florence recently testified: "To my knowledge, no one in the Department of Defense was ever disciplined for classifying information, regardless of how much the classification cost for unnecessary security protection or what damage resulted from the restriction against releasing the information to the public. But I have seen how rough a person can be treated for leaving classification markings off of information which he knows to be officially unclassified if someone 'up the line' thinks that a classification should have been applied."

However one feels about Dr. Daniel Ellsberg and his leaking of the once top secret, still classified Pentagon Papers, the fact is that the disclosure of those papers has made imperative a thorough overhaul of a faculty, outdated classification system.

At this moment, in one branch of the government alone, the Armed Forces, there are 31,048 people who have the original authority to classify documents.

Of this number, 803 have the authority to classify them "Top Secret" originally.

Another 7687 have the authority to classify them "Secret" originally.

And all have the authority to classify them "Confidential."

From these 31,048 persons emanates a derivative classification authority flowing to countless civilians, assistants, consultants, and others connected or under contract to the Defense Department. No one seems to know exactly how many.

CAN DECLASSIFY, TOO

In addition to the authority to classify documents, all these 31,048 people have the authority to declassify documents.

"But in most cases," affirms Daniel Z. Henkin, a Defense Department secretary in charge of public affairs, "people are generally too busy to declassify. There are millions of documents still classified 'Top Secret' and 'Secret' which don't belong in that category at all. It is the position of the Secretary of Defense Melvin Laird that as much material as possible be declassified."

History, however, will record Melvin Laird as the Defense Secretary who, from November, 1969, to the end of June, 1971, refused to make available, even on a classified basis, to the U.S. Senate Foreign Relations Committee a single page of the 7000-page-long Pentagon Papers.

At about the time he was publicly espousing declassification, Laird was writing Sen. J. William Fulbright of the Foreign Relations Committee such negations as ". . . Access to and use of this document [the Pentagon Papers] has been extremely limited. It would clearly be contrary to the national interest to disseminate it more widely." (Dec. 20, 1969.)

On April 20, 1970, addressing 1500 people at the annual luncheon session of the Associated Press in New York, Laird said: "Let me emphasize my convictions that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country."

Months later, Senator Fulbright again asked the Defense Secretary to turn over the Pentagon Papers to the Senate Foreign Relations Committee. Laird ignored the request.

SENATORS REBUFFED

On June 14, 1971, Sen. Stuart Symington, another member of the Foreign Relations Committee, once more beseeched Laird for the Pentagon Papers on any kind of a classified basis. The committee members, he said, might study and glean from them some truth about our involvement in Vietnam so that they could legislate wisely on that prickly subject. Laird refused again, invoking his judgment which held that allowing a handful of U.S. Senators to see the documents would be contrary to the national interest.

Laird certainly did not read all 47 volumes of the Pentagon Papers before he himself refused to show any of them to the Senate Foreign Relations Committee. Says one of his assistants: "God, he was much too busy for that. I assume someone told him about them or he skimmed some of the papers, then decided against releasing any of them."

Had Melvin Laird declassified some of the Pentagon Papers, a large share of which are harmless, repetitious and incomplete history, Daniel Ellsberg might never have leaked them to *The New York Times*.

COPY TO FULBRIGHT

According to Dr. Ellsberg, he felt that Congress was entitled to know as much about the Pentagon Papers as he who was not a member of Congress. Which, he declares, is why he gave the first copy of the papers to Senator Fulbright in October, 1969. He hoped that Fulbright would get them declassified or made available to members of the Senate Foreign Relations Committee. Instead, Fulbright locked them in his safe and showed them to no one.

Ellsberg waited a year for Fulbright to surface the papers. Fulbright tried. He pressed the Secretary of Defense to release them on any basis. But Laird would not budge. He simply responded to Fulbright with a constant no.

Ellsberg thereupon consulted other members of the government who, themselves afraid to accept the papers, suggested that he leak them to *The New York Times*. Two who accepted the papers were Rep. Paul McCloskey of California and Sen. Mike Gravel of Alaska. Both felt that the people were entitled to some basic truths on how this nation went to war in Vietnam.

It was only after Daniel Ellsberg leaked some but not all of the Pentagon Papers to *The New York Times* two months ago, that Laird finally made the documents available to the House and Senate leadership on a classified basis.

By then two district Federal courts had held that there was nothing in the papers which clearly threatened the national interest, and the Supreme Court held that newspapers could not be restrained, prior to publication, from printing the Pentagon Papers or some similar study on the grounds of national security.

Ironically enough, it was not Robert McNamara, the Defense Secretary who originally ordered the Vietnam study, who classified it "Top Secret."

The Pentagon Papers were so classified by Leslie Gelb, the civilian head of the task force whose members wrote them. Says Gelb, now with the Brookings Institution: "I just assumed I had the right to originally declare them 'Top Secret.' I don't know who gave me that right. I remember discussing it with someone. Since some of the material used in the papers was top secret, I classified all of them top secret. I never knew I also had the right to declassify them since I also had the right to originally classify them. That comes as news to me. I guess I don't know the classification setup too well."

If there are 31,048 persons in the Armed Forces who have the authority to classify documents, how many are there in the State Department, the Justice Department, the Atomic Energy Commission, the Secret Service, the Treasury Department, and hundreds of other government branches and agencies?

Moreover, who are these classifiers? Who chooses them? What are their qualifications?

People in and out of government are given the authority to classify and declassify information not by any law legislated by Congress but by virtue of Executive Order 10501 issued in November, 1953, by Dwight Eisenhower and amended in February, 1963, by John F. Kennedy.

There is no section of the U.S. Constitution which grants the President express authority to issue any such order. One can find implied authority in Article II, Section 3, ". . . He [the President] shall take care that the laws be faithfully executed." But that is all.

EXECUTIVE ORDER 10501

Executive Order 10501 empowers persons in and out of government with classification authority by virtue of the position they occupy and not by their qualifications.

What about former Presidents of the United States? Are they allowed to take "Top Secret" documents and draw from them in writing memoirs for private gain? Or take Dean Acheson, Secretary of State under Truman and author of *Present at the Creation*—is it permissible for him mentally to declassify top secret information gleaned from top secret papers and incorporate them in his books? Or how about Acheson's son-in-law, William Bundy, who advised Lyndon Johnson on escalating the war in Vietnam? As the editor-to-be of *Foreign Affairs*, will Bundy filter from his mind all the top secret information he obtained while in government?

Presidents have always had broad discretion in selecting the documents, memoranda and other papers they take with them when they leave office. When Lyndon Johnson departed the White House he took 29 truckloads of documents for transplanting in the LBJ Library in Austin.

AUTHORITY UNTESTED

"Since the authority for classifying information came originally from the President while he was in office," says a Department of Justice spokesman, "the authority of a former President to declassify documents which originated during his tenure has rarely been questioned and never tested. While the government has strict rules prohibiting officials or former officials of the government from selling information which came to them as a result of their government work, these rules have not been applied to Presidential memoirs."

Neither have such rules been applied to the memoirs of generals, former Cabinet officials, secretaries or anyone else in government.

Lyndon Johnson who received a $1 million advance for his soon-to-be-released memoirs entitled *The Vantage Point*, was so concerned about what his key White House aides might write about him and his Administration that again, according to the Justice Department, "He gave serious consideration to proposing that his appointees sign an agreement not to disclose information which came to them as a result of their work. Although Justice Department attorneys did considerable research on the legality of such an agreement, the whole project was finally shelved."

INCONSISTENCIES NOTED

All this of course is not to argue that the government has no right to or should not classify certain sensitive information. It *must* have that right. What it boils down to is that the government's present secrecy classification system is an undeniable mess riddled with inequity, stupidity and inconsistency.

It is quite in order for Lyndon Johnson, Walt Rostow, McGeorge Bundy, Dean Acheson and dozens of others in and out of government to make use of the raw materials which constitute the McNamara study. But the public is not allowed to see a single page.

Reform is in order—is it not?

GENOCIDE: WHEN YOU ARE WRONG, YOU ARE WRONG

Mr. PROXMIRE. Mr. President, one of the most memorable lines of dialog from the celebrated film "Z" is spoken by a young leftist who remarks, in explanation of his tactics, that:

> You can always blame it on the Americans—even when you're wrong, you're right.

That line of dialog says much about the public image of the United States abroad. This hostility toward us is not universal. It is not deserved. Nevertheless, anti-Americanism persists as a constant theme of our relations with other peoples.

How can we combat this distrust and disrespect for America?

One concrete step which is clearly within the scope of reality is ratification of the Genocide Convention. Seventy-five nations have become signatories of this treaty; the United States has not. Seventy-five nations have agreed to establish genocide as a crime and to create procedures for trying and punishing violators; the United States has not.

Hence it may seem reasonable for people in other countries to ask why the United States has refused to band itself with other nations under this covenant against mass murder. Why, they might ask, will the United States not formally recognize genocide as a criminal offense? Do the Americans have something to hide? Have they done something to shame themselves in the eyes of the world? Do they consider themselves so superior to the peoples of other countries that they exempt themselves from the protection of international law?

Mr. President, those of us in this body know the answers to these questions. But the mere asking of these questions tends to raise doubts which can serve malignant purposes.

I do not wish to imply that the U.S failure to ratify the Genocide Convention is the sole cause of anti-Americanism abroad; I would doubt that public consciousness of the treaty is much higher abroad than it is in this country, where it cannot be said that the treaty is a ranking public concern at this time. But it seems to me that Senate ratification of the treaty could do much to enhance America's image abroad, as well as further advance cooperation among nations. Ratification would come at a time when reaffirmation of our Nation's basic instincts is sorely in need; to outlaw genocide and establish legal procedures to try and punish violators would be completely consistent with the traditional American belief that criminal acts must be punishable by law. Ratification would say to the world that the United States officially condemns genocide as immoral and wrong, and that when you are wrong, you are wrong.

That is why the Senate should ratify the Genocide Convention soon.

DRUG ABUSE

Mr. SAXBE. Mr. President, I do not think anyone will deny that our Nation is in the grips of a serious drug abuse problem. It is the kind of tragic problem that will only get worse if we try to pretend it doesn't exist; if we tend to look the other way: if we underestimate its proportions.

Mr. President, in an eloquent speech prepared for delivery later today at the United Nations, TV entertainer Art Linkletter demonstrates one way of meeting the drug problem—head on. Mr. Linkletter serves as president of the nonprofit, independent, Washington-based National Coordinating Council on Drug Education.

In his speech, he noted that drug abuse is not an American problem, but one that is worldwide. He said that past reliance on treaties, agreements, and enforcement has not curbed worldwide drug abuse, and that new emphasis should be placed on behavior, life styles, and human motivation in finding an answer to addiction.

Mr. Linkletter called on the world body to use its resources in a total global investigation of the underlying causes of drug abuse. Such research, he said, would enhance the work of specialists in medicine, sociology, law enforcement, and human development.

Mr. President, I ask unanimous consent that some of the key excerpts of Mr. Linkletter's fine speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SPEECH BEFORE THE UNITED NATIONS ASSEMBLY BY ART LINKLETTER

May I begin with a word of deep gratitude for your invitation to speak here today. I believe sincerely that the United Nations is a repository for man's highest ambitions—the focus for the world's will to live at peace with itself.

And what is so remarkable about the United Nations, and the generous invitation to talk with you, is that I am here *not* as an official of my country, *not* as a minister of any cabinet or chief of any bureau. Yes—a great strength of this global organization is its sensitivity to one voice. So I come here today as a concerned citizen of the world, and a member of the human family—nothing more.

My mission is to focus our attention on the members of our human family who are caught by drug misuse or abuse. . . .

Most of my generation had fixed ideas about drug addicts and dope that have been radically altered through research and knowledge based on fact—not myth. Until recently, we thought that marijuana was addictive and invariably led to narcotics. We thought all "pushers" were evil criminals sent to school yards to entice small children into becoming dope fiends. We thought that people who took any drugs for excitement and fun, or to forget their problems, were criminals and should be put in jail.

Today, we have learned that excessive users and abusers of psychotropic or narcotic drugs are sick people and only incidentally criminals. We have learned that pushers are often our own children searching for status or thrills or extra money. We have found out that you cannot stop drug abuse by making stricter laws, bigger jails, or by hiring more policemen. We have learned that drug abuse is a complex, perplexing subject that can never be simply, miraculously solved by some new drug or by some push-button method. And we have learned that it is not a passing fad that will go away with acid rock music or mod clothes. Drug abuse is on the doorstep of the world to stay. It is no new problem. . . .

There was a time when an American would look at other nations with disdain, and conclude that the rest of the world was going to ruin. But, not now. Now, as an American, I must report to you that drug abuse is every bit as damaging in my country as in yours—perhaps more so.

Drug abuse is as complex and contradictory as it is damaging. It has been easy in the past to pose a simple cause-effect-solution syndrome. For example, we say, "The person took drugs. The person met with tragedy. Eliminate the drugs, and you have eliminated the possibility of tragedy."

I can report to you from my experience that such a simplistic model is invalid. There are too many factors at work, too much uncertainty about human behavior and human interaction, to dismiss the drug abuse problem by talking only about the drugs.

The phenomenon of drug abuse touches our hearts, our minds, our courage and our imagination. A simple answer simply will not do. . . .

It will not be easy to map out a worldwide plan to combat drug abuse. Perhaps it is wisest to begin by taking note of some of the things we should *not* do, some of the pitfalls we should avoid, as we begin to attack the problem.

First, let no nation speak with arrogance or false wisdom on the subject of drug abuse. Chauvinism and political pride have no place in our deliberations. My country has made this mistake in the past, and our present crisis makes a mockery of our boasts. I am confident that the United States will learn from its own mistaken attempts to prescribe drug abuse cures for the world, and I am equally confident that other nations will exercise good judgment in this regard.

Second, let no nation be guilty of what we call "passing the buck"—that is, ducking out from responsibility with the lame retort that "it's somebody else's business." No nation in the world is free from at least some form of drug abuse and no nation should attempt to excuse itself from the worldwide effort to combat it.

Third, let us avoid secrecy and intrigue in our work. The medical, scientific, academic and law enforcement communities of the world must be allowed to cooperate freely if we are to make any headway. There is nothing to be gained by refusing to share resources and insights with each other. In fact, there is everything to lose.

Fourth, let us refrain from making wrong-headed assumptions about alleged "character flaws" on the part of one people or another. It might be popular in some circles for one country to dismiss another's drug abuse problem as the result of ethnic or cultural deficiencies. Clearly, though, it would be incorrect. If any character is being tested, it is the spirit and strength of the whole human family.

Finally, let us not fall prey to those who would use drug abuse as an excuse to divide the world. Let us resist the fear-mongers and the wall-builders. I do not think there is much chance for success in a worldwide campaign of repression, recrimination and revenge. Nor do I think the people of the world would tolerate any attempt to drive wedges between countries or hemispheres. . . .

My list of things we must *not* do is based on the belief that rational men everywhere do not want to waste any more time arguing fault, blame, position, stature, advantage. Instead, rational and compassionate men want to get on with the urgent business of saving lives.

Indeed, our whole focus now should be on life—on the mystery and awesome complexity of human life. We know so much about the stars and the planets, and so little about ourselves. Our best effort must now be directed at finding out how, and why, drugs become so tragically intermixed with human life.

I think we do this by looking at the people, not the drugs. It seems to me that the challenge before us is to get to know each other, and ourselves, so that we can begin to understand how drug misuse and abuse can happen.

This kind of global investigation cannot be deferred to another time, nor delegated to another group. The United Nations, through the Economic and Social Council and the World Health Organization, must seize this moment to act with imagination and courage. Only an organization as comprehensive and prestigious as the United Nations can carry out the kind of quest I have in mind.

On April First of this year when the United Nations fund for drug abuse control was established, a cheer went up from all of us who are so personally motivated in this crusade. You will recall that Secretary General U Thant appointed Carl Schurmann, former ambassador of the Netherlands to Washington, as his personal representative in charge of the fund, and George Bush, permanent representative of the U.S. to the United Nations, pledged two million dollars for 1971 as this nation's first contribution.

Yet, in spite of the global nature of drug abuse, and the universal admission that this menace is spreading throughout the developed as well as the developing countries all over the world, to date there have been contributions from only two other countries: Turkey and the Holy See.

I consider this significant because too often I find the same situation in my travels throughout the United States of America. In small towns or big cities I have found that there is unanimous "head nodding" to my warning statements but too often no action. Until you have personally been touched by the degradation and death that follows drug abuse, the inclination is to "Let Joe do it." The defensive statements from every segment of our society are repudiated by what I like to call "universal" guilt. All of us, in one way or another, are partly responsible for the drug abuse epidemic.

To begin with, we are living in a drug-oriented world. Especially in the United States we find people of all ages, and from every walk of life, increasingly turning to chemicals for relief from stress. Advertisements in the mass media cajole us into believing that there is a pill for every ill . . . real or imagined. Doctors, pharmacists, and drug manufacturers have reinforced our hope that relief from any kind of anxiety is only a swallow away. In this country, it would be safe to say that four out of every five adults use some kind of mood-inducing chemical regularly: Nicotine . . . alcohol . . . caffeine . . . amphetamines for a pick-up . . . barbiturates to tranquilize or put us to sleep . . . and in the last few years, hallucinogens of every imaginable type to shut out grim reality and transport us to a fantasy dream world. With this as their model, is it any surprise that our young people have turned to drugs in ever increasing numbers? . . .

America is aroused. America is doing something about it.

But trying to get people to stop taking drugs just because society decrees them illegal is trying to bail the Atlantic with a teacup.

Perhaps a better way of stating it would be to compare the drug scene with a dangerous intersection where cars are crashing into each other and causing death and destruction. What we are doing now is like putting up danger signals . . . stop signs . . . warning lights . . . hiring more policemen . . . giving prompt attention to the wounded and dying with doctors and ambulances . . . and holding driver education courses in safe driving. What would be more effective and less costly in the long run would be to engineer and build an overpass so the intersection would be eliminated.

However, this is like asking for a restructuring of society to eliminate the injustice . . . poverty . . . ignorance . . . and hunger we see about us. Much of the drug abuse springs from this malaise of living. Perhaps it is too much to expect. But we can try.

We must try. Because we are obligated to do everything in our power to save our young people from the worldwide curse of drug abuse.

I recommend that the Economic and Social Council begin at once to find answers to the basic questions we must face if we are to put an end to drug abuse. These questions have to do not with methods of detection, or techniques for investigation, or codified approaches to human behavior; instead, they are questions about human life.

How do drugs become a part of daily life for millions of people? We know that some people reject drug abuse while others are caught by it? Why does this happen?

What about human goals and aspirations? Is there anything left to accomplish, or have we done everything there is to do? Is drug abuse a substitute for other risks we no longer need to take?

How do dangerous drugs get a death-grip on young people in underdeveloped nations, and in slum neighborhoods of rich nations? If an empty, agonizing life drives people to drugs, how do we change that life?

Why are there so many suicides in the world? Why do so many people arrive at a personal crisis unable to face it, resolve it, overcome it? Why is drug abuse so often a part of the tragic picture?

Is life boring? In the final analysis, do we turn to drugs because life holds so little challenge, so little meaning?

Can we talk to each other anymore? Some have said that communication is easier now than ever before, because of technology. But has technology helped us communicate, or has it merely hastened the flow of empty words over the great gulf that divides us?

These are the kinds of questions that must be answered if we are to do away with the abuse of drugs. I do not pretend that finding the answers is all that we must do, but it is certainly the first thing we must do.

The United Nations, through the Economic and Social Council and the World Health Organization, will serve all mankind if it begins the dialogue on these compelling questions. Working in this way, you will be going to the heart of the drug abuse crisis, and the results of your labors will enrich the understanding of the specialists in medicine, sociology, education, law enforcement and human development.

An independent council I head may serve as an example of this point. This national council combines the energies and skills of more than 100 diverse groups, agencies and institutions. It allows its member organizations to share information and resources, and by so doing, develops an interdisciplinary approach to our struggle with drug abuse education and treatment.

The operating philosophy of the council is that no one approach is likely to be sufficient in the face of the staggering complexity of the problem. Therefore, a multidisciplinary approach is required, one in which a sharing of insights and skills is not only necessary, but possible.

I would recommend this operating philosophy to the United Nations, because I believe it holds the most promise for our work: it is based on cooperation and interaction, and its goal is material improvement in the programs we develop to combat drug abuse.

But it matters little how you organize your attack on drug abuse if you do not begin with love and concern for the human family.

I began by saluting you for listening to the individual voice, and I will close by asking you again to hear the small sounds of the people. Listen carefully to the cry of the drug abuser. Consider what he is saying to us by his actions.

For the sake of the human family, the United Nations must reach out to those in trouble. Our world is torn by great debate, but the outcome will not matter if our children are wasted. Our scientists chart our course to the heavens, but we need not make the trip if we leave behind a world in pain.

Drug abuse is human misery compounded by human misunderstanding. Your great organization can begin to end the misery by cutting away the misunderstanding. My personal and professional energies are yours to use in this work. The United Nations says "We Believe" and I ask you now to believe, to care and to help.

THE 50TH ANNIVERSARY OF THE GAO

Mr. RIBICOFF. Mr. President, this year marks the 50th anniversary of the establishment of the General Accounting Office. In recognition of this event, the Sunday magazine of the Washington Star, Washington, recently published an excellent article by Miriam Ottenberg describing some of the current activities of the GAO.

The article points out that much of GAO's work is shifting from review of financial management practices in Government to evaluation of the effectiveness of Federal programs. The GAO is also emphasizing efficiency and economy in the procurement of the many civilian and military items which the Government buys.

Mr. President, I commend the GAO on its 50 years of service to Congress and the Nation, and ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SNIFF, SNIFF, THE GAO

(By Miriam Ottenberg)

The young trainee handed over a tube of the stuff that killed babies. "I found it in a store right in downtown Washington," he said, "and there was more on the shelf." His chief was looking at the first hard evidence of killers at large. Until then, he had a paper case and he knew it. This wasn't a scene at police headquarters but, of all places, at the General Accounting Office. The fiscal sleuths are coming on strong in a new role—as the consumer's protector—after half a century of exposing the myriad ways that government agencies manage to waste the taxpayers' money.

More than a score of GAO studies either in the works or recently completed affect the everyday life of people—the meat and poultry they eat, the water they drink, the trains the ride, the drugs they use, the pesticides they spray, even the air they breathe. A new investigation deals with the processing of fruits and vegetables.

GAO gets into the act because, somewhere along the line, government money is being spent. It is GAO's job to see the money is spent legally, efficiently and as Congress intended.

In the case of the baby killer, GAO had wanted to find out whether the Agricultural Research Service was carrying out its regulating of pesticides the way Congress had in mind when it passed the basic consumer protection law in the area of pesticides—the Federal Insecticide, Fungicide and Rodenticide Act. The GAO inquiry precipitated a congressional investigation, and control of pesticides moved from the Agriculture Department to the Environmental Protection Agency.

It all started with Morton A. Myers, now assistant director of the GAO civil division, leafing through Agriculture Research Service reports with the critical eye of the investigator. How, he asked himself, could 150 people in the agency's pesticide regulating division register and police 60,000 pesticides—each one a potential killer?

On "location" in Agriculture's south wing, he and auditor Richard Chervenak studied the agency's procedures, pored over reports, asked questions and became convinced the job couldn't be done—not the way the pesticide regulators were doing it.

The regulators were sampling pesticides in retail stores, not at the wholesale level. If they found misbranded, adulterated or contaminated pesticides, they could take action to get them off the shelf; but they never got the shipping records that told them how much of the same poisonous stuff was going elsewhere—or where they could find it.

Myers started following the trail of products made with the chemical thallium—used mostly for rat and roach killers. There were those reports from the Public Health Service that thallium products had poisoned 400 children during 1962 and 1963—even after the Agriculture Research Service had limited the amount of thallium in pesticides. Finally, in August, 1965, the agency cancelled the registration of all products containing thallium.

It was two years later when Myers gave a GAO trainee named Cameo Zola $10 to go shopping. Zola came back with a tube of thallium-heavy rat killer and reported another 100 packages on store shelves. He handed over other long-banned products, and GAO had proof that the public wasn't being protected. When it reported to Congress, GAO particularly noted that the agency hadn't cited any violators to the Justice Department for prosecution in 13 years—even where major violators repeatedly flouted the law.

That was the report that triggered congressional action. It also demonstrated that GAO has become so involved in protecting the interests of consumers that it's even willing to see Congress spend more money in their behalf. Much of the justification for increasing the GAO budget request for pesticide regulation from $3.9 million to $6.7 million was based on GAO reports.

In its traditional role of checking on how government money is spent, GAO devotes 40 percent of its manpower to military spending, because that's where the largest chunk of the money goes. But GAO is getting more and more involved in consumer-oriented projects because Congress is getting more and more interested.

"We're attempting to identify areas of major concern to Congress, and we see consumers as one of them," says Comptroller General Elmer B. Staats, the head of the GAO. "We also see the interest of Congress in the environment, so we look at how environmental protection programs are being run. A third area of congressional interest is the cost of medical and welfare programs."

An investigation can be precipitated by a committee that is planning hearings, by a senator worried about defense spending or by a congressman tipped off by a constituent. Or it can be launched by the GAO on its own initiative.

Since GAO frequently gets far more requests for investigations than it can handle—particularly in January, when congressmen come back to work loaded with ideas—some priorities have to be established. That is done by Deputy Comptroller General Robert F. Keller and the three attorneys of GAO's Office of Legislative Liaison. The importance of the request and the requestor is measured in determining which investigations come first. Needless to say, the chairman of the Senate Appropriations Committee is likely to get action before a first-term congressman.

GAO says it doesn't use paid informants in its investigations, but it does get some mileage out of public complaints, inquiries and tips. The most reliable source, however, is the GAO auditor on the scene, the member of the team assigned to a department where a lot of public money gets spent.

"The longer you're in, the more you hear, the more you pick up," said Myers, whose pesticide investigation required endless questioning. "We spend a lot of time on location, try to maintain a professional attitude, avoiding fraternization, going back again and again to interview. The cooperation we get is variable."

Sometimes, the cooperation is nonexistent. Agencies will claim "executive privilege" and balk at giving information, or they'll delay until they think congressional interest—and GAO interest—has evaporated. In the end, they're forced to fork over the information, and GAO's report on the case in one of its variously feared and admired blue books will say just what roadblocks it encountered. Usually, GAO summarizes its difficulties in a single paragraph. But there was one Air Force slowdown, unbeknownst to the high command, that the GAO took a full page to report.

Rarely does GAO find attempts to cover up a situation. That's not very easy to do in any case since the agency doesn't know exactly what GAO is looking for when the team arrives. GAO does announce its visit ahead of time, but not its actual target.

A GAO team once was looking into the newly computerized payroll procedures of the Department of Health, Education and Welfare for 106,000 employes from coast to coast. In the course of the investigation, a GAO auditor noticed an unlocked file drawer. When he opened it, his eyes popped. The drawer was full of money. There was over $500 in cash, but most of the money was in check form—checks where the payee couldn't be found, personal checks from workers trying to return overpayments, 1,661 checks in all totaling $308,000. He didn't stop to count it all then. Instead, he ran back to tell his boss. In the few minutes he was away, the file drawer was moved out of the room. HEW finally returned it at GAO's insistence, but the 1968 report on that caper was pretty rough.

GAO is no longer a collection of green-visored accountants crowded into one Washington office, devoting its time exclusively to finding out how government agencies spend the taxpayers' money. Now GAO's missions take its people all over the world. They can be found ducking bombs in Viet Nam, diving in a submarine in the South Atlantic, checking on foreign-aid spending in Nigeria, auditing an Air Force contract at Thule, Greenland, observing the Navy's combat readiness from the flight deck of an aircraft carrier in the Mediterranean.

While GAO devotes 40 percent of its time to checking defense spending and 10 percent on international programs, the remaining 50 percent is allotted to the civil division, covering all the other federal departments and agencies. That can take a team into a midwest meat plant before dawn to see whether the steak destined for a dinner table has been processed under sanitary conditions. Dan Statler, audit manager of GAO's Kansas City regional office, was one of the 3 a.m. risers during the GAO's big meat investigation.

"We're not veterinarians," Statler explained. "I wouldn't know a diseased animal if I saw one. What concerned us was whether the plants were complying with the Agriculture Department's Consumer and Marketing Service standards in effect, how well the C&MS inspectors were carrying out their sanitation duties. We saw meat hanging from rusty hooks, water dripping from coolers, cockroaches and mice, dirty equipment in use, carcasses contaminated with hair. We found enough to conclude these conditions didn't happen overnight, that whatever the inspectors were doing wasn't enough."

The GAO men went the rounds with Consumer and Marketing Service supervisory inspectors, hitting 40 federally inspected plants and eight non-federally inspected plants receiving federal grading service. As they later reported to the Agriculture Department and Congress, they found that at almost all the plants, animals were being slaughtered and meat food products were being processed under unsanitary conditions. And at most of them, the meat was contaminated.

The Agriculture Department, concerned by both the meat report and GAO's equally critical poultry report earlier, stepped up efforts to strengthen its inspection service, discontinued federal inspection at some plants, which put them out of action, and stopped providing grading service at others, because they couldn't meet sanitation standards. Most of the plants were brought up to standard, and the Agriculture people met with the major meat packers to get the industry to shape up.

Investigating nursing home care isn't the sort of thing GAO would have done a decade ago; but Congress is interested now in how Medicare and Medicaid money is spent. Checking one nursing home, the GAO man noticed a number of patients had been transferred to another home. From talking to nurses on the floor, he found that the transfers weren't prompted by better care in the other home. Instead, the patients were transferred because the attending physician had a financial interest in the other home.

The GAO turns up case after case where nursing homes continued to get Medicaid money for patients who were dead. Or the GAO men examine misleading ads for nursing homes, depicting facilities that don't exist and boasting fully equipped physical therapy rooms where investigation discloses only a set of parallel bars. In that case, GAO got on HEW to assure California that somebody cared what kind of advertising the nursing homes put out. Or GAO looks into how a nursing home takes care of its patients' own money, usually the monthly pension check. When GAO found the money was being stuffed into envelopes with no record made of money put in or taken out, GAO recommended that nursing homes be required to set up records for keeping track of the money.

Sometimes, GAO finds itself in a person-to-person relationship with a recipient of government benefits—or nonrecipient. For some reason, when they don't know where to turn, they write GAO.

One old man wrote the Comptroller General that he hadn't gotten his welfare check and that he was having a terrible time trying to get through to anybody. A GAO auditor met with the man and then with the welfare agency. It turned out that the check had been stolen and he was getting a runaround. He got the check.

In the last fiscal year, GAO issued 1,168 reports stemming from its work in Washington, across the country and around the world. Of the reports, 203 were sent to Congress by GAO on its own initiative; 321 were made for congressional committees or individual members, and 644 reports on less significant matters were addressed to officials of government departments and agencies.

Although the conclusions are often sharp, they are not as scathing as they used to be in the way they are phrased. That has led some to describe GAO as a "one-eyed watchdog of Congress" or the "toothless watchdog." The language may be blander, but GAO denies it has lost its punch. And in that it is supported by such stalwarts as Sen. William Proxmire, D-Wis., chairman of the Joint Economic Committee, and Sen. Abraham Ribicoff, D-Conn., who heads the executive organization subcommittee of the Senate Government Operations Committee.

Neither Proxmire nor Ribicoff believes the GAO was defanged, as some contend, by a set of hearings that took place in 1966. Rep. Chet Holifield, D-Calif., now chairman of the House Committee on Government Operations, which is GAO's parent committee, headed the subcommittee which went after GAO for blasting defense contractors.

GAO had been turning up numerous cases of excessive prices, improper reimbursements, overstated costs, wasteful practices and unwarranted charges. And GAO said so publicly. They exposed the contractors one by one, naming them and sometimes suggesting that the Justice Department should look into certain deals. Holifield, whose constituents include many defense contractors, contended GAO was being too tough, too biased.

The hearings were the roughest that GAO had encountered in its long honeymoon with Congress. The leadoff witness, Assistant Secretary of Defense Paul R. Ignatius, contended that GAO was in effect violating the integrity of the government's contracts by coercing contractors into voluntary refunds. The Pentagon, he said, would not seek the refunds in a number of cases where GAO had recommended them. A parade of contractors charged GAO with using sensational language which could easily give the misleading impression that most military procurement was unsound and there might even be—heaven forfend—some profiteering.

Before the inquisition was over, Comptroller General Joseph Campbell resigned, giving ill health as the reason. President Johnson replaced him with Staats, who had been deputy director of the Bureau of the Budget under four presidents. He became the fifth comptroller general of the GAO.

New to GAO, Staats was an old hand at government. He sees government in terms of the effectiveness of the whole program, not an isolated segment. Even if Holifield hadn't complained about naming individual contractors and issuing reports about each of them, Staats wouldn't do it that way. If 20 contractors are overcharging, one report now takes care of all of them. Individual contractors are now named only in flagrant cases. Staats prefers the broad-gauge approach, because what concerns the GAO is what the involved government agency did and not especially what the contractor did.

Although a recent *Washington Monthly* magazine article criticized Staats for "timidity" about demanding Defense Department records wanted by Proxmire on the controversial C-5A contract with Lockheed, Proxmire says he got a lot of information about C-5A through the GAO, and "it's done so much for us."

A Phi Beta Kappa man with a master's degree and a Ph.D., Staats believes in getting many different areas of training into the GAO. Just as GAO grew from one little office in Washington to a block-square edifice at Fourth and G Streets NW, 15 regional offices and five offices overseas, so its staff has expanded from a few hundred accountants to 3,000 professional men from a variety of disciplines. The bulk are still accountants, but last year only half of GAO's college recruiting was for accountants. The other half was for economists, engineers, mathematicians, statisticians and operation research specialists to join the ones already on the job.

Currently, GAO has about 4,500 employes, and its operating expenses last year amounted to $71.7 million. Usually, Congress gives GAO what it asks, because what it collects and its "measurable savings" for fiscal 1970 amounted to over three times what it cost to run GAO. The savings that counted up to $250,101,000 ran from multi-million-dollar saves to those that added up to only a few thousand.

This year the "watchdog of Congress" celebrates its 50th anniversary. GAO was established in 1921 in the same measure that created the Budget Bureau, because Congress was becoming increasingly concerned about how the money was being spent in the aftermath of World War I. Actually, the country had a money-watching comptroller in the Treasury as far back as 1789, but the 1921 act abolished that post and created the GAO, headed by the Comptroller of the United States. It started out by auditing virtually every document sent in by all the departments and agencies. Those early accountants were on the lookout for erroneous or illegal expenditures. But, as government spending got bigger, as the New Deal expanded government to ever larger dimensions, as Congress became uncomfortably aware of possibilities of waste as well as fraud, GAO's role changed.

The Legislative Reorganization Act of 1946 directed the GAO to analyze expenditures of every executive agency annually and report on "whether public funds have been economically and efficiently administered and expended." A 1950 act broadened the GAO role further by giving GAO specific authority to verify that agencies carried out the intentions of Congress in spending their money. In fact, GAO had already started these "performance" reviews, which are becoming their mainstay. The 1970 Legislative Reorganization Act spelled it out a little further by directing GAO to "review and analyze the results of government programs and activities carried on under existing law, including the making of cost-benefit studies."

Now, Sen. Ribicoff wants to give GAO even more authority, plus changing its name to "Office of the Comptroller General of the United States." The measure passed the Senate last fall and has been reintroduced in the new Congress. It would give GAO more and better paid professional employes, enlarge its authority to audit government contracts, particularly in the defense industry, and empower it to go to court to protest certain federal expenditures.

"For years, the GAO has assured the honesty of the federal government's financial dealings," said Ribicoff in reintroducing his bill. "Now it is time to expand its mission—to bring its resources and unquestioned competence to bear on the legislative problems of the '70s."

AHEAD OF HIS TIME

Mr. SAXBE. Mr. President, I have often contended that cooperative medical practices, instead of individual practices, are one answer to the pressing manpower shortages in the health field today.

I was gratified to read recently a speech on that subject by Dr. D. C. Houser, of Urbana, Ohio, near my home in Mechanicsburg. Dr. Houser notes that cooperative practices would, among many other things, lure some of our young doctors into smaller cities where they could set up their business. He went on at considerable length, and I shall place his speech in the RECORD.

Incidentally, Dr. Houser delivered his speech at the 85th annual meeting of the Ohio State Medical Association, on May 12, 1931. To say that his ideas were ahead of their time is putting it mildly.

I ask unanimous consent that Dr. Houser's speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INDIVIDUAL, CO-OPERATIVE AND GROUP MEDICINE

(Inaugural Address of the Incoming President, D. C. Houser, M.D., Urbana)

It is not an easy matter to choose a subject as a basis for an address, on an occasion like this, as about all phases of organized medicine have been extensively discussed in the last decade.

It is not my thought that I will be able to bring to your attention anything new or original, but I hope to say some things in such a way that you will, at least, give them some consideration.

I have chosen as my subject: "Individual, Cooperative and Group Medicine".

Individual practice of medicine of an earlier age was largely the service rendered by the individual practitioner without the aid or assistance of other physicians. At the present time, even the most individualistic practice includes and requires consultation with other physicians and the reference of patients to specialists.

Co-operative practice may be defined as a modern development of professional relationship through which physicians, by the interchange of facilities, through the development of mutual assistance, such as those located in the same or neighboring buildings, or attached to the same hospital staffs, promote the same end, i.e., the alleviation of suffering and the cure of disease. Even in such co-operative practice, each physician works more or less independently, establishes his own fees, and makes his own collections for services rendered, not on a partnership or specialized clinic practice basis.

Group practice may be defined as that arrangement wherein several physicians, usually specializing in separate branches of medicine, are united in a partnership or clinic, usually with proportionate interests in property and with an arrangement for a proportionate distribution of income from services rendered.

Individuals have administered aid to the sick since the dawn of civilization; however, but little was known about disease in ancient times. In fact most people of that time believed that sickness or indisposition was due to some sin which had been committed by the one afflicted or by some relative. The sick person possessed of an evil spirit, visited some healer, who had the supposed power to relieve him. As time advanced individuals began treating the sick with various concoctions of crude drugs.

Time advanced and more and more was learned about drugs and other methods of treatment.

It is not my intention to trace the development of medicine from its beginning by naming the advances made in the perfection of drug and other modes of treatment down to the present era. Time would not permit, and it would be presumptuous for me to recite the history of the development of medicine to an audience like this. Medicine as you well know, was old in the days of Hippocrates.

Its beginnings were lost in the dim prehistoric period of the Greeks, but in that intellectual period of Grecian life when Phidias carved his magnificent sculptures; when Sophocles and Euripides wrote their immortal tragedies and Aristophanes his comedies; when Socrates and Plato represented philosophy and Herodotus and Thucydides recorded history, medicine could hardly have remained at a standstill.

However, it is my intention to call to your mind the tremendous developments and progress which medicine has made, and remind you that individualistic practice of medicine is being replaced more and more by co-operation in practice, and incidentally to prophesy that if co-operative medicine does not remedy the economic conditions confronting physicians today, then we may expect complete State Medicine to be developed.

The health of a people is one of the prime objectives of civilization, and some system whereby the best medical and surgical attention can be given *to all who are ill* probably will come eventually. Salus populi suprema est lex. (The welfare of the people is the supreme law.) The nation may shape its health problems if the medical profession does not do so.

The discovery of antisepsis and anesthesia has enabled the surgeon to make rapid advances until almost every part of the body can now be safely approached. Clinical medicine, by more accurate diagnosis is able to prevent disease, and reduce morbidity and mortality.

Virchow, Cohnheim, Ludwig and many others, by the aid of the microscope, placed physiology, and pathology on a rational basis.

The discovery of the specific cause of tuberculosis led no doubt, to the study of serology and the first great contribution in this field was diphtheria anti-toxin in 1895. The discovery of the Roentgen Ray in 1896 made possible the study of anatomy, and today, when we think of the numerous fields in which the X-ray can be used, we are made to wonder how we ever practiced without it.

The nineteenth century gave to us the birth of public health and preventive medicine naturally followed. Today millions of dollars are expended each year on public health and preventive medicine. Numerous diseases have been almost entirely abolished and scores of others rendered less severe.

Volumes have been written on the developments, discoveries, and inventions pertaining to medicine. It is a far reach of the imagination from the present physician, with his modernly equipped office, containing all the necessary means for diagnosis and treatment, to the physician of even a quarter of a century ago, whose office consisted of one or two rooms, poorly furnished, dimly lighted, perhaps none too clean, containing a few chairs and a table, on which might be found a magazine or two, which had seen better days. He drove over the country with a horse and rig, and was able to carry with him about all that was provided by medicine in his day. He attended the rich and the poor, no call was left unanswered; he was very proficient in clinical symptoms and was able to make diagnoses that seemed almost uncanny.

But the time has passed when the physician can live an isolated life, take no part in medical societies, buy no new text books, take no medical journals, do no post-graduate work or visit none of the clinics in the larger cities. In fact, the successful physician of today is thoroughly awake to all the problems confronting the medical profession.

The numerous inventions and discoveries in medicine have naturally led to specialties, until at the present time one or more specialists may be found in any city of any size in Ohio. This in my opinion is as it should be. The honest, conscientious specialist of today is one of the great advances in medical science. No physician can be proficient in all lines of medical science and art, "Non omnia possumus." (We cannot do all things.)

A fable that comes to us out of an unknown antiquity, states that in the beginning the Gods divided man into men, in order that man might be more helpful to himself. Just as the hand was divided into fingers, the better to answer its ends. Emerson in his American Scholar says: "This old fable covers a doctrine ever new and sublime; that there is one man, present to all particular men only partially or through one faculty; and that you must take the whole society to find the whole man. Man is not a farmer, or a professor, or an engineer, but he is all. Man is minister and scholar, and statesman, and producer, and soldier and physician. In the divided or social state these functions are parcelled out to individuals, each of whom aims to do his part of the joint work, whilst each other performs his. The fable implies that the individual to possess himself, must sometimes return from his own labor to embrace all the other laborers."

Not so many years ago, each individual physician was qualified to render to his patients about all that was known in the way of treatment and diagnosis. I need scarcely remind you that such is not the case today. The physician of today is divided into many physicians in order that he may better serve mankind. He is not surgeon or internist, or roentgenologist, or bacteriologist, or gynecologist, but he is all, and in the divided state he must do his part of the joint work. It is imperative then that we return from our own labors to embrace all the other laborers, in order to learn what our part is.

We are forced to remember that any profession is as strong and outstanding, as a profession, as its weakest members and not as its strongest members. It behooves us then, in the coming years to pay particular attention to the weaker members in the medical profession and endeavor to correct them or at least render them less weak.

The doctors of the State of Ohio have passed through two periods in the State's development, viz: horseback period and buggy period, and we are now in the automobile period.

In the horseback period the roads were bad, in most places, mud roads only, some places the roads were mere trails. Every hamlet and village had one or more stores, which were trading centers. These stores kept for sale everything needed in the community, hence were known as general stores. In each of these hamlets and villages, a doctor was located, sometimes more than one. The doctor was the big man in the community for he did all that was to be done, and all that was known at that time. These community stores and doctors are practically all gone.

The buggy period saw most of the mud roads, improved by grading and graveling. Stores began to specialize. Some general stores remained, but there were added other stores, viz: hardware, grocery, dry goods, drug stores, etc. As the roads became better, the people were able to extend their horizon.

The automobile period or present time is experiencing a great change in roads. Hard surface roads are seen almost everywhere now, and millions of dollars are being expended each year on new roads and upkeep of the old roads. All class of trade is being centralized, i.e., the people are going to the cities to buy. What has happened to the physicians in hamlets, villages and small towns? Many people are going to larger cities for medical services, especially those who have money. This leaves a greater per cent of those who can not pay in the rural sections.

The rural physician's income has greatly decreased until it has become difficult for him to make a living, and in many instances he has moved to a larger city. Likewise the people are going where they think they can secure the best services. Tempora mutantur, et mos mutamer in illis. (The times are changed and we are changed with them.)

Is there any remedy for these conditions? During the horseback period, buggy period, and up to the present time, (the automobile period) in the rural sections the practice of medicine has been mostly individual.

Imagine a town of fifteen hundred people, having a rural radius of about six miles, good roads in every direction, excellent farming community, up to date stores, all streets paved, water works, sewerage system, electric lights, four doctors. Let me tell you about the doctors. Each doctor maintains a separate office, has an X-ray machine, diathermy, violet ray and other up to date appliances. They are all splendid physicians, attend society meetings, take several medical journals, buy new text books, do post-graduate work.

Do they hold the medical work in their community? I would say that they do about 80 per cent of the work in their community, and receive about 50 per cent of the money extended for medical care. They are barely making a living. What is the remedy for the physicians of this town?

I would suggest as the answer—co-operative instead of exclusively individual practice; all located in the same building, central waiting room with attendant, one X-ray, one diathermy, one violet ray and one of all other up to date appliances instead of four. Let each doctor subscribe for two or three medical journals which treat different subjects; each buy a different medical book. Have a library in the building; hire a technician to take care of all X-ray work and other physical appliances, also do simple laboratory work, such as blood count, urine analysis, etc. Country calls may often be attended to by one physician, when in the same direction from town. They should consult together freely, forget all petty jealousies and remember that the people, your people, are demanding the best from you at all times.

Co-operative practice, as described in this town of fifteen hundred, may be applied to all other towns and cities of the state. I have purposely avoided, up to this time, mentioning practice in the larger cities, because much of the medical work is now co-operative or group practice of some sort.

Most specialists of the cities do co-operative practice, and most of the general practitioners do co-operative practice. Why should the doctors of rural sections and smaller cities continue to do strictly individual practice, instead of co-operative?

The clinics of the larger cities are forms of group practice concerning which type of business or commercial organization much has been said in the past few years. There seems to be considerable difference of opinion among members of the profession, as well as among the public, on the development of clinic practice, especially the clinics which are organized frankly for profit. New questions have developed for which the medical profession may be required to find answers in the near future. Among these questions may be listed: What effect are such clinics having on medical practice? How do the people value them? Are they an asset to the profession or the public? Are they increasing in numbers and influence? What good, if any may be expected from them? What are the objections to them and how are they to be overcome?

Of course difficult and serious cases must have the advantage of specialized knowledge.

I am of the opinion that if the rural communities were well organized in co-operative practice, a great many of the younger men would locate in smaller cities.

Complete State Medicine which destroys healthy and friendly competition and pauperizes a people will stand less chance of being adopted, if cooperative practice is more largely instituted throughout the state.

It is true that a large per cent of the practice of medicine will always be individual, but cooperative organization would certainly be a great help, especially economically.

Aristotle was right when he said that "Incredulity is the source of all wisdom." We should think for ourselves closely, carefully, patiently and independently upon everything that may come under our notice, that may be at all cognate to our profession, and never be satisfied that we know enough about anything so long as anything about it remains unknown. Take nothing for granted that may seem inconsistent with correct reason or established facts, simply because someone of acknowledged authority may have said it, and reject nothing as unworthy of our investigation on account of its apparent insignificance, or because it does not seem to square precisely with the preconceived theories of the faculty. In short, the man who makes himself truly great in any calling is the one who has sense enough to know a good thing when he sees it, and decision of character enough to make it useful whenever he may find it.

Whatever we may accomplish, however, in our professional career, we should make up our minds not to be surprised to find ourselves deprived of much of the credit that may be justly due us. In our profession as in all others,

> "Full many a flower is born to blush unseen.
> And waste its sweetness on the desert air;"

while on the other hand, full many a name shines upon the envied page of history, with a borrowed light to which it is not entitled, and which its owner himself would not pretend to claim.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE PARLIAMENT OF SOUTH AFRICA

Mr. McGEE. Mr. President, we have with us in the Chamber today a visiting delegation from our counterpart, the Parliament of South Africa.

I find, in our discussions with them, that they have many of the same kind of problems we have been wrestling with here. This is one of the elements that we find as we talk to our contemporaries in other governments all over the world, regardless of where they may be, and it is one of those factors that brings us closer together in understanding the mechanics as well as the problems of the reponsibilities that go with governing.

I ask unanimous consent to make a part of the RECORD a list of the names and the interesting backgrounds that we have of the members among our visiting dignitaries.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR GERHARDUS RENIER WESSELS

Address: P.O. Box 10327, Johannesburg.

Date of birth: 7th October, 1912.

Party and constituency: National Party—Transvaal. Elected to the Senate in 1955.

Marital state and family: Married; 3 children—1 son and 2 daughters.

Profession: Minister of the Church; at present farmer and businessman.

Education: High School; 4 Years theological training.

Special interests: Chairman, Social Welfare Study Group; Chairman, Bantu Affairs; Chairman, Information Study Group; Chairman, Tourist Study Group; Chairman, Sport Study Group; Chairman, Health Group; Member of Labour Group.

Recreation: Swimming, Books and Reading.

General: Founder of various orphanages and homes for elderly people.

MR. LOUIS LE GRANGE, M.P.

Address: 16, North Street, Potchefstroom.

Date of birth: 16 August 1928.

Party and constituency: National Party—Potchefstroom. Elected to Parliament in 1966.

Marital state and family: Married; 4 Children—2 sons and 2 daughters.

Profession: Attorney.

Education: B.A. Political Science and Roman Dutch Law; B.A. Hons.—Political Science; LL.B.

Special interests: Bantu Affairs, Foreign Affairs and Irrigation matters; Secretary—Parliamentary Defence Group; Secretary—Justice Group; On panel of temporary Chairman of Committees of the House of Assembly.

Recreation: Golf, squash and target-shooting.

General: South African National Target-shooting Association—President.

MR. JOHN OSWALD NEWTON THOMPSON, M.P.

Address: Gwelo Lodge, Newlands Avenue, Newlands, C.P.

Date of birth: 2nd December 1920.

Party and constituency: United Party—Pinelands. Elected to Parliament in 1961.

Marital state and family: Married; 4 children.

Profession: Advocate (Lawyer) (Barrister).

Education: B.A.—University of Stellenbosch; M.A.—Oxford University, England.

Special interests: Group relations in plural societies; Foreign relations; Secretary—Bantu Affairs Group; Chairman—Sport and Recreation Group.

Recreation: Tennis, Cricket, Rugby, Fishing and Theatre.

General: Opposition Whip; Served S.A. Air Force 1941–1945 (Fighter Pilot); Cape Province Rhodes Scholar; Played rugby for University of Stellenbosch and for England.

MR. HENDRIK HANEKOM SMIT, M.P.

Address: P.O. Box 150, Stellenbosch.

Date of birth: 31st October 1925.

Party and constituency: National Party—Stellenbosch. Elected to Parliament in 1962.

Marital state and family: Married; 4 children—2 sons and 2 daughters.

Profession: Farmer; Chief Information Officer of the National Party.

Education: B. Com.—Stellenbosch University.

Special interests: Defence (Chairman, Parliamentary Study Group).

Recreation: Riding and target-shooting.

General: Ex-journalist; Interested in Education, Youth Affairs and Communication Systems.

DR. GEORGE DE VILLIERS MORRISON

Date of birth: 31st July 1921.

Party and constituency: National Party—Cradock. Elected to Parliament in 1966.

Marital state and family: Married; 3 children—one daughter and 2 sons.

Profession: Medical Doctor.

Education: M.B., Ch.B.—Pretoria University.

Special interests: Member—Study Groups—Bantu Affairs, Health, Defence, Agriculture and Water Affairs. Member—Standing Committee on Bantu Affairs. Member—Standing Committee on Government Land.

General: Hon. Colonel—The Piet Relief Regiment. Member—Council, National Party, Cape Province. Member—Council, University of Fort Hare.

Recreation: Golf, Hunting and Music.

DR. GIDEON FRANCOIS JACOBS, M.P.

Address: 9a, Sturdee Avenue Rosebank, Johannesburg.

Date of birth: 21st January, 1922.

Party and constituency: United Party—Hillbrow, Johannesburg. Elected to Parliament in 1966.

Marital state and family: Married; 3 children—2 sons and 1 daughter.

Profession: Psychologist.

Education: B.A. (Psychology, Economics and Political Science); M.A. (Psychology); D. Phil. (Psychology) (Cum Laude).

Special interests: Defence, Education, Labour, Planning and Foreign Affairs.

Recreation: Mountaineering.

General: Awarded O.B.E. Services World War II; Author of *Prelude to the Monsoon* and *Anatomy of South Africa*.

RECESS

Mr. McGEE. Mr. President, I move that the Senate may stand in recess for 2 minutes so that Members of this body who are available will have an opportunity to meet our colleagues, Members of the Parliament of South Africa.

The motion was agreed to; and at 11:35 a.m. the Senate took a recess.

During the recess, the distinguished visitors were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. CHILES).

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CHILES). The Chair lays before the Senate the pending business, the conference report on H.R. 6531, the extension of the Military Selective Service Act, which the clerk will report.

The legislative clerk as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ARMY

Mr. THURMOND. Mr. President, the U.S. Army in particular, and the Nation's defense forces as a whole, are rapidly approaching a "mission impossible" situation due to the Senate delay in passing the draft bill.

The Members of this body should realize that failure to act affirmatively on the draft bill within a very short time will strain our already weak position in Vietnam and permit our minimum baseline forces in Europe and the United States to fall below strength.

This manpower problem looms because of these three reasons. First, past administration policy of placing force levels at the bare minimum. Second, a 50,000 average year cut of the Army contained in the pending bill. Third, the complete shutoff of draftees after June 30 which resulted from the failure of the Senate to extend the 1967 Selective Service Act.

Mr. President, in supporting my call to the Senate for passage of the draft bill, I wish to briefly discuss each of these three points.

First, the Senate should realize that the Nixon administration has drastically reduced military manpower since coming to office in 1969.

The Army has been cut from 19 divisions to the present 13⅓, with manpower reductions trimming a total of 1.5 million men in fiscal year 1968 to approximately 1 million men in fiscal year 1972. That represents a reduction of one-third in just a few years.

These reductions are in line with the Nixon doctrine which calls for a reduction of U.S. military personnel abroad, but offers instead firm financial support and military equipment.

It is significant to note that before entering Vietnam we had a baseline force of 16 divisions. Now, although we are still involved in Vietnam, our baseline Army strength is down to slightly above 13 divisions.

Mr. President, there is a serious question in my mind as to whether or not this country can meet likely military contingencies with a standing Army that small.

Indeed, the threat has certainly not diminished in the past 10 years. At a time when we had 16 Army divisions this Nation was clearly superior to the Soviet Union. Today, the Soviets have a decided lead in intercontinental ballistic missiles, a 3-to-1 margin in submarines and maintain a large standing Army which has a decided tank advantage over NATO forces.

Thus, one might ask why we have 13-plus divisions when the threat is so much greater than when we had 16 divisions?

In drawing down our military forces the Defense Department is cutting manpower requirements to the bare minimum in hope of reaching that elusive goal—an all-volunteer Armed Forces. The end year strength set for the Army next June is 942,000—a sizable reduction from the 1.1 million men on hand in fiscal year 1971.

In summary of this first point, let me say that the Defense Department on its own initiative has sharply reduced our military manpower despite the fact we still have men being shot at in Vietnam.

These voluntary reductions by the administration bring me to my second point—the congressional cut of 50,000 average year spaces imposed on the Army in the pending draft bill.

This cut will take the Army below the previously planned end year strength of 942,000. It requires that the Army accelerate its losses. Further, this 50,000 reduction is an average strength reduction and not an end strength reduction. Thus, more than 50,000 men will have to be cut from Army rolls to achieve this average year reduction.

To clarify the average strength reduction I offer this example. Assume the Army is making its previously scheduled reductions during the first half of the 1972 fiscal year, then to meet the additional 50,000 average year strength cut it would be necessary to cut 100,000 men off the rolls effective December 31, 1971. Since these men will be off the roster only half of the remaining 1972 fiscal year, the cut must be 100,000 to make up for the failure to get those men off the rolls in the first part of the 1972 fiscal year, which in this case is now.

Mr. President, the congressional cut will bring the Army down close to the low point of its manpower between the Korean and Vietnam wars—a total of 856,233 on May 31, 1961.

Although the draft bill containing this reduction remains tied up here in the Senate, the Army has already initiated actions to meet this cutback.

The Secretary of the Army, Robert Freohlke, announced last month that as many as 43,000 GI's scheduled for release between this month and next June will be sent home early.

The majority of these men have already been to Vietnam or Korea and can no longer be sent overseas due to their short time remaining in service. In order to maintain an even flow of men entering and leaving the service, the Army is permitting these draftees to be discharged early rather than cutting off those badly needed new men entering through recruitment or conscription.

Mr. President, it now appears that the 50,000 cut will force the Army to involuntarily release servicemen in order to meet this congressional mandate. This is an unbelievable situation when one thinks of the millions of dollars we are spending to induce people to enter the service voluntarily. It certainly will not picture Army service as an attractive career when men who wish to remain on the Army team are being separated against their will.

The third point impacting on the pending manpower problem involves the fact that since July 1 not one man has entered military service through the conscription process.

In the next few days some will stand on the floor of the Senate and declare that the Army and the other services have met their recruitment quotas for the no-draft months of July and August.

This is generally true, but it leaves a false impression and fails to tell the whole story reference our manpower needs.

The Army needs 240,000 new accessions in fiscal year 1972, some 20,000 per month, to fill spaces of the privates, private first class, and corporals rotating out. These men are the backbone of any ground fighting force.

Voluntary enlistments in the Army during July and August averaged 14,000 each month. These numbers may have met the quotas for those months, but on average they are 12,000 men, or 6,000 men per month, short of the average numbers needed during fiscal year 1972.

The Senate must understand that July and August are usually good enlistment months and that a downtrend in enlistments will set in as the winter months approach. Also, these enlistments were draft-induced as the draft bill is still pending. If the likelihood of not passing this bill increases through further delay, then some of the potential voluntary enlistees for the months ahead will have second thoughts.

Mr. President, it is important to keep in mind that the sole purpose of the draft is to achieve the size and quality of military force necessary to protect the security interests of the United States.

Even as we wind down our involvement in Vietnam and thus reduce the size of our Armed Forces, a requirement still exists for approximately 240,000 new soldiers this fiscal year for the Army alone to meet its manpower needs. This averages about 20,000 men per month any way you figure it. Later this year, or more likely during the election year of 1972, draft calls will go up sharply.

As the services initiate actions designed to improve the attractiveness of a military career and Congress approves legislation designed to help achieve a volunteer army, reliance on the draft should be significantly reduced. However, forecasts indicate for the remainder of the fiscal year manpower needs will exceed expected enlistments by approximately 80,000.

Already the absence of a draft during July and August, and the possibility of no draft until October has forced the Army to modify its training program and the distribution plan of the new soldiers who enlisted.

There is a 5-month lag between the time a man enters the service and the time he completes training. Without the draft the next few weeks a deficit in deployable lower grade trained enlisted personnel will occur during the December 1971–March 1972 time frame. This deficit will require that soldiers newly assigned within the United States and possibly in European units be reassigned to support our Vietnam commitment. Equally dangerous, this shortfall will not permit the manning of other units to desired baseline levels.

Another significant point should be made reference to the no-draft situation. The draft is responsible for approximately 90 percent of the personnel who enter the Army with a civilian acquired skill adaptable to the Army's needs. Without those individuals in the numbers projected for fiscal year 1972, training programs will have to be revised to avoid a shortage in these critical skill areas.

Of equal importance is the adverse effect that a delayed draft is having on the Reserve components. Already slippages in assigned enlisted strength have occurred since July. A recent survey has indicated that many personnel are responding that they are "not interested" when contacted regarding reserve enlistment.

Enlistment in Reserve and Guard units is clearly in a downtrend. A high-level Army paper shows that based on results of the last 8 weeks the Guard is losing 1,500 men per week—I repeat, 1,500 men per week—a potential 1-year loss of 78,000 men.

This same paper indicates that based on the loss rate during the last 5 weeks, the Army Reserve is losing about 568 men weekly, for an annual loss rate of 29,535.

Since the draft has been a major motivating factor for Reserve component enlistments, unit strength and unit readiness will be adversely affected as the no-draft situation continues.

Mr. President, the House acted favorably on the Selective Service Act extension over a month ago. This matter has been before the Senate since last May. In my remarks today I have already outlined the dangers in allowing the draft to remain inoperative. We must not permit our military strength to drop to a level where "mission impossible" will be the situation facing our military commanders.

In conclusion, Mr. President, I ask unanimous consent that the article entitled "Strain of the Vietnam War Weakens Army Elsewhere," written by B. Drummond Ayres, Jr., in the September 13, 1971, issue of the New York Times be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRAIN OF THE VIETNAM WAR WEAKENS ARMY ELSEWHERE

(By B. Drummond Ayres, Jr.)

WASHINGTON, Sept. 12.—The tremendous strain placed on the United States Army by the Vietnam war has left many of its units that are stationed elsewhere not only demoralized but also unfit for heavy combat.

Officials here say that at least nine of the 11 divisions on active duty outside Southeast Asia are incapable of waging immediate, full-scale war because of manpower and training shortcomings.

Out in the field, at places like Fort Carson, Colo., and Grafenwohr, West Germany, unit commanders worry aloud about what might happen "if the ballon goes up."

"I'm afraid we're quite a long way from the early nineteen-sixties, when we were about as good as an Army can get," says Maj. Gen. Donnelly P. Bolton, a Defense Department specialist in unit readiness.

The best prepared of the Army's divisions are still tied down in Vietnam—the 101st Airborne and the 23d Infantry. But even these units, which give the Army a total strength of 13 divisions and about a million men, are beginning to have trouble as the war grinds down and boredom and restlessness set in.

The two divisions outside Vietnam that also have combat ready ratings are the 82d Airborne and the First Mechanized. But they, too, have certain important limitations.

For example, the 82d can move quickly from its base at Fort Bragg, N.C., but it is a lightly armed division.

As for the First, it is a divided unit, with some of its troops stationed at Fort Riley, Kan., and others in Germany.

Of the nine Army divisions rated and unfit for immediate, full-scale combat, several—such as the Third Armored in Germany and the Second Infantry in Korea—are capable of strong holding actions, though not for long periods. These units have most of their troops but need at least six months of intensive training to work up to first-class condition.

Other divisions with bad fitness reports, such as the Fourth Mechanized at Fort Carson and the 25th Infantry in Hawaii, are incapable even of holding actions. They are at least a year and a half from combat readiness.

MORALE PROBLEMS CITED

"About all we can do is stay ahead of our paperwork," says Maj. Nicholas Waddock, a Fourth Division officer whose battalion is at half strength.

While the unpreparedness within divisions like the Fourth stems mainly from shortages in manpower and training, morale and disciplinary problems caused by the unpopularity of the war and the draft have aggravated the situation. So, too, have race and drug problems.

The deterioration in readiness began about five years ago when the Johnson Administration, taking politics and economics into consideration, decided to expand the Vietnam fighting force without calling up the inactive reserves and without huge draft levies.

This meant that men and equipment had to be siphoned from divisions stationed elsewhere, such as Korea and Germany.

As the war has slowed, most of the equipment has been returned. But because of continuing political and economic pressures, many of the men coming back have been discharged rather than sent to units short of troops.

Only recently has the flow been diverted.

RETRAINING NEEDED

For instance, early this year many of the battalions and brigades in the four divisions in Germany were down to 60 and 70 per cent of their fighting strength. Since then, however, thousands of replacements have been shipped to Europe, and now the divisions there are up to about 90 per cent of fighting strength.

Still, many of the new men must be retrained. Some units have too many infantrymen and not enough mechanics; others have too many mechanics and not enough infantrymen.

And even after the European divisions have reached full strength and trained individual soldiers in the required specialties, units must be trained as a whole—first at company level, then at battalion and brigade levels and finally at division level.

In the last five years, few Army units other than those headed for Vietnam have conducted much training above battalion level.

Some of the Army divisions stationed in the United States have not yet benefited substantially from the new troop replacement effort. Among these are the 25th in Hawaii, the Second Armored at Fort Hood, Tex., and Fort Carson's Fourth Mechanized.

The Fourth has an authorized strength of 17,000 men but has only 11,000, and a disproportionate number of them are officers and sergeants.

MANY ARE EMBITTERED

Thus companies are down to 25 to 40 per cent of their fighting strength. Also, one of every three men is trained in an unneeded military specialty, and one of every two men is a Vietnam returnee, a "short-timer" with less than six months to serve.

The Army says that short-timers seldom acquire any sense of belonging to the Fourth. Many have been embittered by Vietnam and the draft and are willing to soldier only enough to get by until their discharge arrives.

Because it has a large number of returnees, the Fourth turns over about 15 per cent of its strength every month, about double the turnover rate for the rest of the Army.

"Things are so bad here," says Capt. Kenneth King, a company commander, "that we've had to put some of our vehicles and weapons in storage. We try to train one day a week. The rest of the time we just keep house."

Even divisions rated as combat-ready have problems with turnover and returnees. At Fort Riley, Col. R. D. Tice, commander of a First Mechanized Brigade, says:

"We've got all our people. But until the war is over, they're going to be coming and going so much that we're not going to be as good as we should be."

Mr. THURMOND. Mr. President, I would like to remind the Senate of what Secretary Laird of the Defense Department had to say about the urgency of acting on the draft conference report in a letter to the Senator from Mississippi (Mr. STENNIS), chairman of the Armed Services Committee on the Senate, dated September 10, 1971. I quote certain excerpts from that letter:

> We urge prompt adoption of the conference report. Further delay can only impact adversely on our national security.
>
> The need for early renewal of the draft authority is critical and has not diminished. It is my conviction that Department of Defense manpower requirements cannot be met without the prompt extension of the draft authority contained in H.R. 6531.
>
> The conclusion some have reached that the draft is not needed because of favorable recruiting results during the temporary absence of draft calls is grossly in error. Analysis of the lottery sequence numbers of enlistments in July show that about half of the men entering were draft motivated. Young men were acting on the assumption that draft calls would be resumed shortly. Another factor to be considered in evaluating recent recruiting results is that the first quarter of the fiscal year is seasonally the most favorable for recruiting. It is a natural time for young men who have finished high school to start a Service career or to enlist for the purpose of discharging their military obligation under the draft act. It is unrealistic to expect enlistments to hold up after the good recruiting months are past if the authority to draft is delayed or terminated.
>
> The delay has had adverse effects which will show up after the first of the year. The Army will suffer shortages of trained personnel who can be assigned to units. On the average, five months are required to complete initial training and processing. Unless draft calls can be resumed in November, I estimate that the expected shortages will adversely affect the readiness of the Army to a significant degree. In addition, the decline in the quality of personnel needed to meet highly technical training requirements in all Services is likely to continue and worsen. There is no question that the draft authority is needed now in the interest of the national security.

Mr. President, those are the words of the Secretary of Defense, the Honorable Melvin Laird. I ask the Senate to heed those words. He says that our national security is going to be jeopardized unless this draft bill passes promptly. I hope the Senate will not delay the passage of this bill, and will act promptly to enact it into law.

Mr. President, I suggest the absence of a quorum.

Mr. GRAVEL. Mr. President, will the Senator withhold that suggestion?

The PRESIDING OFFICER. Will the Senator withhold, at the request of the Senator from Alaska?

Mr. GRAVEL. Mr. President, I seek recognition.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THURMOND. Mr. President, I object at this time.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alaska is recognized.

FEASIBILITY OF VOLUNTEER ARMY

Mr. GRAVEL. Mr. President, the past 2 months have given us an unmatched opportunity to see what would happen when young men were not being conscripted into the Armed Forces. As we all know, the authority to induct men ended at the end of June.

Many would have had us believe that enlistments would fall drastically were the draft not there to act as a club in stimulating young men to enlist. The same people have been using this argument to speak against final termination of the draft and against a totally volunteer force.

I am happy to report that the nay sayers have been proven wrong by the experience of the past 2 months. Instead of declining, enlistments actually increased over the number for the same months a year ago.

In July of this year, 35,800 men enlisted compared with 32,200 in July of 1970. In the month of August, 39,500 men enlisted compared with 32,400 the year before. These increases, amounting to 10,700 men, are significant. The experience over the past years indicates that enlistments decline in July and August from a high in June. This year there was such a decline but the actual number who enlisted was higher than the year before.

It is also very significant that the increase in enlistments during August over July this year, of some 3,700 men, is a great deal higher than the increase between the same 2 months last year when it was only 200 men.

These figures are truly surprising. Nothing which the Department of Defense has done can completely explain the increases. In fact, it appears that the factors which are generally seen as motivating enlistments were dormant during these months, and yet the enlistments rose.

What are those motivating factors? And why were they not functioning during these months?

First, the draft can correctly be considered a motivating factor for enlistments, but only in a limited way. The primary effect of the carrot-stick function of the draft is upon the young man who receives an order to report for his physical, knowing that an induction notice would soon follow. He then rushes to his local recruiter to sign up and, hopefully, negotiate for better treatment than he would receive as a draftee.

I need not point out that there was no fear of induction notices being mailed in the months of July and August, and yet enlistments went up appreciably.

Another motivating factor is the paid advertising program with which the Army has experimented this year. We are told that its effects were considerable—a 600-percent increase of enlistments into the combat arms during the months that the advertisements were seen. The first wave of the program concluded in June. A second wave was postponed. The Department of Defense has explained to me that it was because Congress had not approved the draft bill. The reasoning was that the advertising program was to focus on the pay increases, and since they had not been authorized by Congress, the advertising program was forced into postponement.

This argument does not convince me, and I believe that there are other reasons for the postponement of the advertising. I am unconvinced, because I am sure that advertising would have been in preparation long before the specific dollar amounts were approved by either House of Congress. This would have been necessary if the campaign were to begin in July. Further, what was in preparation must have been based upon the fact of an increase, not specified dollar amounts. The debate in Congress has never been on whether there would be any increase. Rather it has been on the amount of such increase. I fail to see why the advertising program could not have continued especially in light of other steps taken by Selective Service during the same period of time, when the authority was lacking.

These steps include the holding of the lottery for next year's pool of potential draftees and the ordering of young men to preinduction physicals. Further, one new provision in the current unapproved draft bill has already been acted upon. Selective Service Director Curtis Tarr has said that student deferments will not be granted to students entering college for the first time. This is in keeping with a new provision of the draft bill. It is interesting that the President has said he would never eliminate student deferments without specific authorization by Congress. Now, with such authorization pending, but not approved, he has acted.

I do not understand the logic which can permit the Director of Selective Service to anticipate pending law while at the same time an advertising program can not proceed if Director Tarr is not acting illegally, I fail to see how an advertising program based on the fact of a pay raise would have been beyond the scope of the law.

The experience of July and August indicates to me that a volunteer army can be a reality. I am disappointed, however, that the Pentagon did not take advantage of this time to conduct a true experiment on recruiting an entirely volunteer force.

If it had tried to prove that it was possible with aggressive recruitment and the massive advertising campaign which had been scheduled, we may have found that the total manpower needs could have been met in both months without the draft. The intended draft call had been only 16,000 men for the 2 months combined. Considering that 75,000 men enlisted during those months, it does seem possible that an additional 20 percent could have been attracted by advertising.

Instead, it appears, at least as far as the advertising campaign is concerned, that the Defense Department tried to prove that a totally volunteer force was not possible. Fortunately, such a case was not made convincingly.

Mr. President, I am convinced by the facts which I have related that an all-volunteer force is possible, not next year or the year after, but today. I therefore will do all I can to end the draft now.

APPOINTMENT OF A CONFEREE ON PUBLIC WORKS APPROPRIATION BILL H.R. 10090

Mr. BYRD of West Virginia. Mr. President, at the request of the distinguished chairman of the Appropriations Subcommittee on Public Works, the Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that the distinguished Senator from New Mexico (Mr. ANDERSON) be named as a conferee on the public works appropriation bill, H.R. 10090.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, I am prepared to proceed with a speech in response to points which have been made which claim to be grounds for not approving the conference report. The material in the speech is condensed but is important. I prepared it for delivery today. However, in view of the hour and the approaching time when we will be going to the funeral services of our late lamented colleague, Winston L. Prouty of Vermont, I think it will be better to pass the opportunity now and wait until more Senators can be present.

I shall therefore make this presentation tomorrow but I did not want the

Record to be blank as to why the proponents of the conference report have not made some response to some of the things which have been said.

I have given the reasons why and I hope to have a chance tomorrow, or again on the next day, to make this presentation.

I yield the floor.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971—JOINT REFERRAL TO COMMITTEE ON COMMERCE AND COMMITTEE ON PUBLIC WORKS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the bill (H.R. 9727) relating to the Marine Protection, Research, and Sanctuaries Act of 1971, which is being held at the desk, be referred jointly to the Committee on Commerce and the Committee on Public Works.

The PRESIDING OFFICER laid before the Senate a bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY, SEPTEMBER 16, 1971, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock Thursday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders under the standing order tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONFERENCE REPORT ON EXTENSION OF THE DRAFT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the routine morning business tomorrow the Chair lay before the Senate the conference report on the extension of the draft, which is highly privileged.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON EXTENSION OF THE DRAFT ON THURSDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Thursday, the Senate return to the consideration of the conference report on the extension of the draft, which is a privileged matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Byrd of West Virginia when he offered on behalf of Mr. Williams the introduction of S. 2515, and two statements, an analysis, and text of the bill are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon.

After the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Following the period for the transaction of routine morning business, the Senate will return to the consideration of the privileged matter which is before the Senate, the conference report on the extension of the draft.

There will be no rollcall votes on tomorrow. Any votes which would otherwise occur will be put over until Thursday.

During the afternoon of tomorrow, I understand from the distinguished majority leader, the Senate will stand in recess for a brief period while the funeral services are being conducted in Vermont for our late departed colleague, Senator Winston Prouty.

Following the services there, the Senate will resume its consideration of the conference report.

When the Senate completes its business tomorrow, it will stand in adjournment until 10 a.m. on Thursday next.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and as a further mark of respect to the memory of the late Senator Winston L. Prouty, of Vermont, that the Senate now stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 32 minutes p.m.), the Senate adjourned until tomorrow, Wednesday, September 15, 1971, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate September 14, 1971:

U.S. District Courts

William J. Bauer, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Joseph S. Perry, retiring.

HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Bear ye one another's burdens and so fulfill the law of Christ.—Galatians 6: 2.

O Thou whose love seeks us all our days and whose light follows us all our ways, may we feel Thy presence near as we set out upon the duties of this day. Our strength is unequal to the tasks and the tests of this troubled time. So we bow our heads and our hearts before the altar of prayer, praying that Thy wisdom may make us wise, Thy strength may make us strong, and Thy love may make us loving.

Reveal to us the path of Thy will and give us the insight and the inspiration to walk in it. Then with clear eyes, courageous hearts, and clean hands may we make our decisions and enact our laws always endeavoring to meet the needs of our people.

Bless our beloved Nation and make her a blessing to all mankind, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE LATE HONORABLE GEORGE HUDDLESTON, JR.

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, it is with great sadness that I inform the Members of this body of the death this morning of my good friend and former colleague, the Honorable George Huddleston, Jr.

George Huddleston was an outstanding Member of this body for 10 years, beginning his service with the 84th Congress. He served with singular distinction, and the people of Birmingham and the old Ninth Congressional District of Alabama realized his special abilities and his tireless efforts on their behalf. He served his city, his State, and his Nation well in the U.S. House of Representatives, as did his father, the Honorable George Huddleston, Sr.

It was a pleasure to have served with George Huddleston, Jr. He was a warm and affable person, and his sudden passing early this morning comes as a terrible shock and profound personal loss.

I know that those in this body who knew George Huddleston share this personal grief.

Alabama and the Nation have lost one of their truly outstanding statesmen.

My wife and I extend our deepest sympathy to his dear wife, Alice Jeanne, and his fine family.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the distinguished majority leader, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, I was deeply shocked when the distinguished gentleman from Alabama (Mr. Andrews) informed me just a few moments ago about the sudden and untimely passing of George Huddleston, Jr. I know that all of us who served here with George join with the distinguished gentleman from Alabama in the beautiful expressions that he has made here with respect to the work of George Huddleston here in the House of Representatives, and his life, his character, the friends he made, his dedication to his State and his country.

One is always at a loss for words to speak adequately in expressing grief at the passing of a friend and former colleague, and that is increasingly true when it happens so suddenly.

Mrs. Boggs joins with me in expressing to Mrs. Huddleston and her family our deepest sympathy.

Mr. ANDREWS of Alabama. Mr. Speaker, I thank our distinguished majority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I am happy to yield to the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished gentleman from Alabama for yielding to me.

Mr. Speaker, I believe that I speak for all of the Members on our side of the aisle in saying that we share the sentiments expressed by the gentleman from Alabama (Mr. Andrews) and the gentleman from Louisiana (Mr. Boggs) concerning George Huddleston, Jr. He was a friend of all of us. He did an outstanding job as a legislator, and it certainly was a shock to me to learn of his passing.

I extend to his family our deepest condolences, and I can say without reservation that George Huddleston, Jr., has left a fine record, together with many friends in the House of Representatives.

Mr. ANDREWS of Alabama. I thank the distinguished minority leader.

Mr. Speaker, I would like to express the profound shock and sympathy of our former colleague, Laurie Battle, in the loss of George Huddleston.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentlewoman.

Mrs. GRIFFITHS. Mr. Speaker, George Huddleston came to the Congress when I did and along with other members of the 84 Club knew and respected George Huddleston. On behalf of all of them, I would like to extend my sympathy and the sympathy of the rest to the family of George Huddleston.

Mr. ANDREWS of Alabama. I thank the gentlewoman.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. BUCHANAN. Mr. Speaker, I thank the dean of the Alabama delegation for yielding. He has spoken for the members of the Alabama delegation and for the people of the city of Birmingham which it is now my privilege to represent.

The shock and sadness on the passing of this distinguished son of our city will be felt by many of its citizens, and I thank the dean of our delegation for his remarks.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. WHITTEN. Mr. Speaker, I want to associate myself with the statements that have been made. I knew George Huddleston well.

He was one of the ablest Members that I have ever served with in the Congress. It was a privilege to serve with him here.

He was an outstanding American and a really great figure both here and back home.

His loss is going to be felt not only by his friends here, but by all of the people of Alabama and in the country. To his family I extend my deepest sympathy.

Mr. ANDREWS of Alabama. I thank the distinguished gentleman.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PEPPER. Mr. Speaker, I thank my able friend in the well for yielding to me.

I am very strongly in sympathy with and share the sentiments that have been so eloquently expressed about our late lamented colleague, George Huddleston. I knew him for many years. He was deeply dedicated to the performance of his important public duties. He was a man with a high sense of patriotism and concern for his country and was always diligent in the service of his constituents.

He was a friend whose friendship every one of his many friends cherished.

Mr. Speaker, I join in honoring the memory of our late colleague and in extending deepest sympathy to his bereaved family.

Mr. ANDREWS of Alabama. I thank the distinguished gentleman.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. COLMER. Mr. Speaker, I should like to associate myself with the tributes paid here to the memory of our former colleague, George Huddleston, Jr. I had the privilege of serving with his distinguished father in the House of Representatives, who was also a most able legislator and chairman of the House Interstate and Foreign Commerce Committee. Of course, I had occasion to associate myself more with George Huddleston, Jr., as he served longer here during my tenure of office.

George was really a very capable young man and his untimely death is a shock to all of us who served with him. He was far above the average in intelligence and he made his mark and his presence felt here during his all-too-brief service in this body.

Mr. Speaker, I would like to express my sympathy to his widow and to the other members of his family. They can always be proud of George's outstanding record in the U.S. House of Representatives and to his country.

Mr. ANDREWS of Alabama. I thank the gentleman from Mississippi.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. PASSMAN. Mr. Speaker, I thank the distinguished gentleman from Alabama for yielding.

Mr. Speaker, I would like to join with my colleagues in paying tribute to our former late colleague, George Huddleston of Alabama. I knew George intimately. He was a personal friend of mine. I was shocked to learn of his passing and I want to extend my heartfelt sympathy to the members of his family and his friends. We know this world is a better place in which to live for George having lived in it.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to my colleague from Alabama.

Mr. BEVILL. I thank the dean of the Alabama delegation for yielding. I would like also to associate myself with the remarks of my colleague, Congressman GEORGE ANDREWS, regarding the passing of Congressman George Huddleston and to express my sympathy to his lovely wife, Alice Jeanne, and family. George was one of my very close friends.

I want to take this opportunity to express my sympathy to his loved ones.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. RHODES. Mr. Speaker, I was saddened today to learn of the death of my former colleague, George Huddleston. During the 10 years we served together in the House I came to know him well, and to like and admire him and all he stood for. He was an able man of honesty and integrity who served his country with devotion and loyalty. I have valued our friendship and I will miss him, as will all who had the privilege of knowing him.

Mrs. Rhodes and I extend our heartfelt sympathy to his beloved wife, Alice Jeanne, and their family in their bereavement.

Mr. EDWARDS of Alabama. Mr. Speaker, the untimely death today of former Alabama Congressman George Huddleston, Jr., has created a pall of sorrow which will not easily be forgotten among those who knew and respected him so highly during his tenure in the House of Representatives.

During his time in office, the "fiery redhead from Birmingham," as he came to be known, gained the trust and confidence of all loyal Americans who grew to admire his consistent and zealous support of this Nation's national defense posture. He loved America and as a member of the House Armed Services Committee for 10 years, he fought vigorously to maintain the country's international respect as a strong, tenable bastion of freedom. His work with veterans organizations nationwide, and especially those in his beloved Birmingham, will long be remembered. It was primarily as a result of his efforts in working with Birmingham veterans organizations that the annual Veterans Day observances in Birmingham were established as one of the Nation's most outstanding displays of patriotic commemoration.

Upon his departure from Congress in 1964, Mr. Huddleston moved his family from Potomac, Md., to a peaceful setting of a farm in Middleburg, Va., where, until the time of his passing early today, he commuted to Washington, working as a legal adviser to North American Rockwell Corp.

George Huddleston's tenacity and integrity as a hard-working member of Congress will long be remembered. He was a great American living in a great time.

Mrs. Edwards joins me in extending our deepest sympathy to his lovely wife and family.

Mr. JONES of Alabama. Mr. Speaker, I rise in great sorrow to pay tribute to the memory of our former colleague, George Huddleston, Jr., who passed away earlier today.

Mr. Huddleston was a well-liked member of the Alabama delegation for 10 years. He had the distinction of serving from the same district which had sent his father to Congress years earlier.

However, he did not rely on his father's reputation but established an enviable record on his own as an untiring worker and a friend to all in this Chamber.

He had served with distinction in the Navy during World War II and with that experience was a valuable member of the Armed Services Committee. He was steadfastly loyal to our country and was proud to be a zealous patriot.

George had an open and winning personality which served him well in his public and private life. His genteel deportment and thoughtfulness for others were hallmarks of his character during and after his service in the House. His host of friends in this Chamber and throughout the country will miss him.

To his beloved wife, Alice Jeanne, and his lovely children, I join with his host of friends and companions in extending my deepest sympathy in this their great loss.

Mr. FLOWERS. Mr. Speaker, along with other members of the Alabama delegation and everyone else who knew him, I was greatly saddened to learn this morning of the sudden death of this distinguished Member from our State. Congressman Huddleston served his country with gallantry and devotion during his naval career in World War II. As a member of the Alabama bar before his election to Congress, he was active in professional legal circles. He was elected to the 84th Congress and served here with distinction for many years. His political career carried on a family tradition in that his father, George Huddleston, Sr., also represented Jefferson County in Congress for many years.

I want to express my deepest sympathy to the Congressman's wife, Alice Jeanne, and to their children. In the difficult days ahead, I hope that the high esteem in which George Huddleston was held by so many Members of the House and other friends might serve as a source of comfort.

GENERAL LEAVE TO EXTEND

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the passing of George Huddleston, Jr.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRANSFER OF MOTIONS TO SUSPEND THE RULES UNDER RULE XXVII IN ORDER ON MONDAY, SEPTEMBER 20 TO MONDAY, SEPTEMBER 27

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that motions to suspend the rules under rule XXVII, in order on Monday, September 20, be transferred to Monday, September 27.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, what was the gentleman's request? I apologize for not hearing it fully.

Mr. BOGGS. I will be happy to restate it. The request, simply stated, is to transfer suspension day from next Monday to the following Monday. The upcoming Monday is a traditional Jewish holiday, and it has been our practice not to conduct such business on that day.

Mr. GROSS. I suppose with the postponement of a week we can look forward to about 35 bills under suspension?

Mr. BOGGS. I would not suspect that there would be that many.

Mr. GROSS. I thank the gentleman for his explanation. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LAUREL LEA SCHAEFER—MISS AMERICA

Mr. DEVINE. Mr. Speaker, it is a great pleasure to formally acknowledge that one of my constituents in the 12th District of Ohio won the title of Miss America in the recent pageant in Atlantic City, N.J., Saturday, September 11.

Miss Laurel Lea Schaefer, 22, daughter of Mrs. Eleanor Schaefer of 2453 Plymouth Avenue, Bexley, Ohio, certainly is endowed with beauty, talent, and poise, and I may add considers herself as a conservative Republican. Ohio and the Nation can be most proud of her selection.

I wish to take this opportunity to congratulate her on this distinct honor, and wish her much success and happiness in reigning as the 1972 Miss America. I am confident she will represent the United States with much dignity, charm, beauty, warmth, and intelligence.

BUSING TO ACHIEVE RACIAL BALANCE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, this past Sunday in Savannah, Ga., more than 10,000 concerned parents assembled and protested the forced busing of their children out of their neighborhoods into other areas.

In Augusta, Ga., I was privileged to attend a meeting where there were more than 8,500 parents protesting the crosstown busing for the sole purpose of achieving racial balance.

Mr. Speaker, we have gone beyond the question of desegregation and now we are entering the era of trying to force children out of their neighborhoods in order to achieve what someone else considers to be social well-being.

I noticed that in Pontiac, Mich., the people there have protested by shutting down the General Motors plant.

I will call for several quorum calls today, Mr. Speaker, to give the Members of the House an opportunity to sign the discharge petition, in order that we may vote on this matter. The people of America have a right to have their Representatives in Congress vote on a resolution to prohibit forced busing of students.

BIRTHDAY GREETINGS TO THE HONORABLE DURWARD G. HALL, OF MISSOURI

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I rise at this time to call the attention of the House to the fact that this is the birthday of the genial gentleman and my friend from the Ozarks, Dr. Hall. He says he is 92 reaching for 93. I do not believe it.

Last June he had a few questionable remarks to make about my birthday. I am going to return good for evil and just wish him many, many more happy birthdays.

BIRTHDAY GREETINGS TO THE HONORABLE DURWARD G. HALL, OF MISSOURI

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, I should like to join my friend from Iowa in wishing the gentleman from Missouri, Dr. Hall, a happy birthday. I believe all of us do. And I hope that he has many, many more happy ones.

I was really amazed, however, by the ingratitude of the gentleman from Iowa, because I felt that the tribute paid by his personal physician to him on the occasion of his birthday was an extremely gracious and kind one. I hope the gentleman from Iowa has consent to revise and extend his remarks so that he can be a little bit more kind to his elderly friend.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Iowa.

Mr. GROSS. The only trouble was that he did not bring his bugle with him last June and give a recital for the benefit of the Members.

Mr. THOMPSON of New Jersey. Now I understand.

HEARINGS BEFORE SUBCOMMITTEE ON JUDICIARY OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA IN RESPECT TO FINANCIAL ARRANGEMENTS FOR THE ROBERT F. KENNEDY STADIUM

Mr. HUNGATE. Mr. Speaker, the District government and the Federal Office of Management and Budget have submitted a draft bill which develops a financial arrangement for the Robert F. Kennedy Stadium. The District of Columbia Subcommittee on Judiciary will hold public hearings on this bill Monday, September 20 at 10 a.m., room 1310, Longworth House Office Building. To avoid holding hearings on a bill that has not yet been introduced, I am introducing this bill today, for that purpose only, and invite study or testimony by any interested Members.

PERSONAL ANNOUNCEMENT

Mr. DRINAN. Mr. Speaker, because I was detained by official business on Thursday, September 9, 1971, I was unable to cast my vote with regard to H.R. 9727, the Marine Protection, Research, and Sanctuaries Act of 1971. Had I been present, I would have voted in favor of this bill, the objectives of which I fully support. I am gratified that the measure passed by a record vote of 304 in favor, 3 opposed.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 254]

Abourezk
Addabbo
Ashley
Badillo
Belcher
Blanton
Bray
Burke, Fla.
Celler
Clark
Clay
Corman
Delaney
Dellums
Dent
Diggs
Dulski
Edwards, La.
Eshleman
Gallagher
Garmatz
Goldwater
Haley
Halpern
Hanna
Hathaway
Hébert
Hogan
Jarman
Kee
Long, La.
McCulloch
McEwen
McKay
Madden
Pelly
Pike
Rosenthal
Ruppe
Scheuer
Sisk
Sullivan
Symington
Talcott
Teague, Calif.
Terry
Vander Jagt
Widnall

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 10090, PUBLIC WORKS AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Managers may have until midnight tonight to file a conference report on the bill (H.R. 10090), making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROHIBITING DETENTION CAMPS

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 234, with Mrs. Griffiths in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday, it had agreed that the bill would be considered as read and open to amendment at any point.

The Chair recognizes the gentleman from Missouri (Mr. Ichord).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ICHORD

Mr. ICHORD. Madam Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Ichord: Strike out all after the enacting clause and insert in lieu thereof the text of the bill H.R. 820, as follows:

That section 102(a)(3) of the Emergency Detention Act of 1950 (50 U.S.C. 812(a)(3)) is amended to read as follows:

"(3) Concurrent resolution of the Congress declaring the existence of an insurrection within the United States in aid of a foreign enemy,".

Sec. 2. Section 103 of such Act (50 U.S.C. 813) is amended by adding at the end thereof a new subsection as follows:

"(c) No citizen of the United States shall be apprehended or detained pursuant to the provisions of this title on account of race, color, or ancestry."

Sec. 3. Clause (2) of the second sentence of section 104(d) of such Act (50 U.S.C. 814(d)) is amended to read as follows: "(2) of his right to be represented by counsel, or to have counsel appointed to represent him if he is financially unable to obtain counsel as provided in section 109(f) of this title,".

Sec. 4. (a) Subsection (f) of section 109 of such Act (50 U.S.C. 819(f)) is amended to read as follows:

"(f) Every detainee shall be afforded full opportunity to be represented by counsel at the preliminary hearing prescribed by this title and in all stages of the detention review proceedings, including the hearing before the Board and any judicial review, and he shall have the right at hearings of the Board to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine adverse witnesses. The Board shall establish a plan for furnishing representation for detainees who are financially unable to obtain adequate representation in proceedings under this title. Unless the detainee waives the appointment of counsel, the Board or its designee, if satisfied after appropriate inquiry that the detainee is financially unable to obtain counsel, shall appoint counsel to represent him. If at any time after the appointment of counsel the Board finds that the detainee is financially able to obtain counsel or to make partial payment for the representation, the Board may terminate the appointment of counsel or authorize payment in whole or in part as provided in this subsection and as may appear in the interests of justice. Counsel for a detainee who is financially unable to obtain investigative, expert, or other services necessary to adequate representation of the detainee may request them in an ex parte application to the Board. Upon finding, after appropriate inquiry, that the services are necessary and that the detainee is financially unable to obtain them, the Board shall authorize counsel to obtain such services on behalf of the detainee. The Board may, in the interests of justice, and upon a finding that timely procurement of necessary services could not await prior authorization, ratify such services after they have been obtained. Counsel appointed pursuant to this subsection, or a bar association or legal aid agency which made counsel available for appointment, shall, at the conclusion of the representation or any segment thereof, be compensated by the Board and reimbursed for expenses reasonably incurred, including the investigative, expert, or other services authorized, to the extent and in accordance with the schedule of payments at the highest rate thereof as provided in subsections (d) and (e) of section 3006A, title 18, United States Code, and the expenditure therefor shall be included as an expense of the Board authorized under section 106(b) of this title."

(b) Subsection (h)(1) of section 109 of such Act (50 U.S.C. 819(h)) is amended to read as follows:

"(1) Whether such person has received or given assignment, or training or instruction in procedures and techniques, for the commission of espionage or sabotage, under the supervision and in service or preparation for service with or on behalf of any foreign government, foreign political party, organization, or movement which is Communist or which has as a purpose the overthrow or destruction by force or violence of the Government of the United States or any of its political subdivisions;".

Mr. POFF (during the reading). Madam Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes in support of his amendment.

Mr. ICHORD. Madam Chairman, I ask unanimous consent that I may be permitted to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mrs. ABZUG. I object. I would like to point out——

Mr. ICHORD. Regular order, Madam Chairman.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. ICHORD. The lady has objected. I see that she wants to proceed upon emotion and rhetoric alone and not upon facts and logic. This is a point, Madam Chairman, that I have made throughout the general debate. I made the charge—and it is a very serious charge—that the subcommittee of the House Committee on the Judiciary has not done its work well; that it has jumped from the frying pan into the fire; that it is trying to legislate on unfounded fears and not on facts and logic, and now you do not want to hear the facts and the logic.

Let me say, Madam Chairman, that I bow to no one in this body for devotion to libertarian principles and particularly to the Bill of Rights enshrined in the Constitution of the United States.

I will say to the lady from New York that I am a libertarian, yes. I am not a libertine. I am a disciplinarian, yes——

Mr. ROONEY of New York. Will the gentleman from Missouri yield?

Mr. ICHORD. I yield to the gentleman from New York.

Mr. ROONEY of New York. Our colleague is not the lady from New York; she is the gentlewoman from New York.

Mr. ICHORD. I stand corrected. To the gentlewoman from New York.

I am a disciplinarian.

Mrs. ABZUG. Will the gentleman yield?

Mr. ICHORD. I refuse to yield at this time.

I am a disciplinarian, but I am not a governmental disciplinarian. I pointed out many times that there is no society which demands more self-discipline than a free society. You do not need self-discipline in a totalitarian society. Those who are the rulers can give you the discipline with the iron fist.

I rise to address the House on libertarian principles. My position is very, very simple. I say that the true libertarian position is not to repeal title II, which was drafted by some real libertarians, namely, Senator Douglas; namely, Senator Lehman, and namely, Senator Humphrey—and I do not think anybody in this body would question the libertarian principles of those gentlemen—but I will point out to the Members of the House that in these emotional, unrestful times it is very easy to destroy liberty in the name of liberty. I am afraid that is what the Committee on the Judiciary would have us do if we do not look very closely at the facts involved in this debate.

Madam Chairman, I want to correct one error that I made in debate yesterday.

I referred to the original proviso prohibiting detention except under title 18 as the original Railsback amendment. I will yield to the gentleman from Illinois on that. It is my understanding that you had no part in the drafting of the measure prohibiting detention under title 18. Is that correct?

Mr. RAILSBACK. Will the gentleman yield?

Mr. ICHORD. Yes. I yield to the gentleman.

Mr. RAILSBACK. The gentleman is correct.

Mr. ICHORD. I hope that I have straightened out the error.

I would like to briefly advise the Committee of the Whole House on the State of the Union as to what the procedure was.

During the last session, the 91st session, there were several bills that were introduced providing for the outright repeal of title II of the Internal Security Act of 1950. Some of those bills were referred to the House Committee on Internal Security. Other bills were referred to the House Committee on the Judiciary.

I pointed out in the hearings that we had on the measures that what would we accomplish if we merely——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Madam Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mrs. ABZUG. Madam Chairman, reserving the right to object, I want to just point out to the gentleman from Missouri (Mr. Ichord) this fact. I do not know what the situation is in other States, but in New York State and in New York City today a good number of the Members of the House from that area have to go back for New York elections which are very important.

We had 3 hours of debate yesterday on this matter in which the gentleman expressed his views very fully on this amendment. Many of us gave up our opportunity to speak yesterday and will give up our opportunity to speak today. I think we have had adequate debate on this subject under the 3-hour rule. Those of us from New York would appreciate it if we could have the opportunity to have an expeditious vote on this question. That is my reason for objecting to the unanimous-consent request.

The CHAIRMAN. Does the gentlewoman from New York insist upon her objection?

Mrs. ABZUG. Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Madam Chairman, I have pointed out the fact when the bills were originally referred to the House Committee on Internal Security that if we merely repealed the section we would really not accomplish anything, because we would be returning to our position in World War II when this black page in American history occurred.

I would point out to the members of the committee that title II can only be a false symbol of what happened to the Japanese, because title II was not on the books in the year of 1942.

My position is that if it had been on the books what happened to the Japanese would not have happened.

Then, Madam Chairman, the distinguished gentleman from Hawaii added an amendment, "No person shall be detained except pursuant to title 18."

The Department of Justice objected to that and then the gentleman from Illinois drafted the so-called Railsback amendment.

Now, let us look at this matter in proper perspective.

We are not dealing with a peacetime measure. We are dealing with a wartime measure.

The Supreme Court has said in a unanimous opinion that the President's wartime power is very broad. It is the power to prosecute a war successfully. It is a power which, however, can be restricted by Congress.

This principle was set down in the Youngstown case when President Truman seized the steel mills and that seizure was declared unlawful because he did not proceed under the Defense Production Act or the Taft-Hartley Act.

That is why I say that title II is in fact a restriction upon the power of the President. That is why I say that the support of H.R. 820 is the true libertarian position.

Title II is a wartime measure stating that the President shall have the authority to apprehend those whom he has reason to believe would commit espionage or sabotage. That power can only be invoked upon the happening of one of three conditions.

First, a declaration of war by Congress.

Second, an invasion of the United States.

Third, insurrection within the United States in aid of a foreign enemy.

Madam Chairman, it is the third condition that has caused all of the trouble. It is the third condition that has permitted the so-called Citizens Committee for Constitutional Liberties, which is a Communist front, and the executive secretary of that Citizens Committee on Constitutional Liberties, who testified at the hearings, a known Communist—it is that third condition that permitted them to raise all of these unfounded fears.

The gentleman from Pennsylvania is correct in his statement on the floor of the House yesterday.

Now, what I have done in H.R. 820 is this: that third condition I have cleared up. I have stated that it cannot be used except by a joint resolution of the two Houses of the Congress. Second, we have guaranteed the right of indigent detainees to counsel. Third, we have made it clear that what happened to the Japanese in World War II when this act was not on the books could not happen again by stating that no person can be detained by reason of race or ancestry and, fourth, we have clarified the criteria by which a potential espionage agent or saboteur can be detained. In addition the writ of habeas corpus is retained.

It is for these reasons, Members of the House, that I contend that amendment of title II rather than repeal of title II is the true liberatian position, and I state very frankly that if this House accepts the bill and committee amendment reported out by the House Committee on the Judiciary it may well prohibit the apprehension of saboteurs and espionage agents in time of war.

Madam Chairman, I move the adoption of the amendment in the nature of a substitute.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RAILSBACK. Madam Chairman, I rise in opposition to the amendment in the nature of a substitute.

Madam Chairman, I think that the 3 hours of debate we utilized yesterday makes it really unnecessary to cover all of the same ground that we covered then. It is my hope that we can be very brief, too, and that we can reach a vote at an early hour.

Let me just say for those of you who were not on the floor yesterday that the issue is: should we repeal title II of the Internal Security Act of 1950—which although never used is without question offensive to many Americans, including Americans of Japanese descent who have memories of what happened back in 1942, when about 112,000 persons of Japanese descent, many of whom were American citizens were ordered by an Executive order, to abide by a curfew which applied only to them, were ordered to evacuate certain areas, primarily in the western States of Oregon, Washington, and California, and I believe the western part of Arizona, and to report to a detention camp without what we normally regard as any kind of due process—should we repeal title II and prohibit detention camps?

I think it is important to realize that simple repeal of title II of the Internal Security Act of 1950 does not solve the problem which occurred in 1942.

The reason is, of course, the act of 1950 came after the events of 1942.

What is the difference between the two bills? The Committee on the Judiciary took the Matsunga bill, and after objections from the Department of Justice which were directed at those provisions, which refer to title 18 and prevented any kind of detention except pursuant to title 18, amended it to require that no action may be improvised or otherwise detained by the United States except pursuant to an act of Congress. This eliminates whatever authority the President would have on his own to establish detention camps except in those cases of emergency when martial law may properly be invoked. The Supreme Court noted this exception in ex parte Milligan. Nothing Congress does can affect executive martial-law powers which arise when the processes of government cannot function in an orderly way. For that is truly a "nonlaw" situation. But short of that Congress can limit Executive authority. That is what article I, section 8, means. That is what Chief Justice Marshall wrote for the Supreme Court in the Flying Fish case. That is what the Supreme Court said in Youngstown Sheet & Tube Co. against Sawyer.

My amendment that—

> No citizen shall be imprisoned or detained by the United States except pursuant to an Act of Congress.

Would allow that all of the acts that are presently in existence to be utilized. And if Congress saw the need for further authority, we could act.

As far as the amendment sponsored by the Internal Security Committee is concerned, let me just allay the apprehension that I think was generated by a letter that was sent around that we would, in effect, hamstring the President.

It is important to realize that the new amendment offered in the gentleman's bill, H.R. 820, that congressional action is required in two of the three events that triggered the personal proclamation which under their bill could still result in detention camps.

The case of a declaration of war requires congressional action. Now under the new bill, H.R. 820, congressional concurrence with respect to the declaring of an insurrection is required.

So that means that we are talking about one instance that would not be covered, and that is the case of an invasion.

It is my belief that under existing law, if an invasion reached the proportions that it would disrupt our civil processes or would interfere with the operations of our courts, we would be in a state of martial law. In that kind of situation, the President could act. He would not be hamstrung. This is the exception implicit in my amendment which I have noted before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the gentleman from

Illinois has just stated what the question is—it is whether or not the House of Representatives will repeal title II of the Internal Security Act of 1950.

The testimony before the Internal Security Committee last year was from 27 Members of the House, and was entirely for the repeal of the act; and from a former Supreme Court Justice; and from a U.S. Senator; and from the Department of Justice itself, and was uniformly in favor of repealing title II.

The Internal Security Committee itself, when the matter came up, was deeply divided as it still remains divided. Title II was rejected in the House Internal Security Committee last year on a 4 to 4 vote.

The question still remains then for us —shall title II be repealed? The Department of Justice still insists that it should be. There are those who feel, as was expressed yesterday, that the House Committee on Internal Security is expert on the matter. But I suggest to you that the officer charged with the internal security of the United States is the Attorney General and particularly the Assistant Attorney General for Internal Security, Mr. Mardian.

There are several reasons why one would oppose title II. One might indeed entertain some constitutional questions about the title. One might view it with all the repugnance that rhetoric could command. There are others who simply —and this pertains to the Justice Department—oppose it because it is not necessary, contrary to what the gentleman from Missouri has suggested, and I refer you to the House Judiciary Committee hearings, page 74. I asked Mr. Mardian, Assistant Attorney General for Internal Security—

> It is quite clear, then, that the Department's position is that the Emergency Detention Act of 1950 is not needed in the performance of its internal security functions; is that correct?

The answer Mr. Mardian gave was: "Yes, sir."

Mr. Mardian went on to suggest why this law is not necessary. He, the officer charged with the security of the United States, went on to say—

> There are numerous statutes on the book that relate to the commission or attempt to commit acts of sabotage.

And he submitted, and I refer you again to pages 74 and 75, a series of statutes that the Justice Department is confident, in war or in peace, it can rely on for the purpose of protecting the internal security of the United States.

So it is to this moment that the Justice Department supports repeal. It does not support mere amendment to title II, as suggested by a bare majority of the House Internal Security Committee. It supports repeal.

Mr. ICHORD. Will the gentleman yield at that point?

Mr. KASTENMEIER. I yield to the gentleman from Missouri on that point.

Mr. ICHORD. I think the gentleman is correct, and I think we should also make it clear that the Department of Justice does not support the amendment offered by the gentleman from Illinois, which is also the committee amendment.

Mr. KASTENMEIER. And it does not oppose it either. It is, as was pointed out yesterday, silent on the question. But the committee did address itself to the objection posed by the Justice Department in formulating that amendment. If this is indeed, to quote the gentleman from Missouri in his letter to colleagues, "a most dangerous committee amendment," do you believe that the Justice Department, the Internal Security Division of the Justice Department would be silent to this day on that matter, if indeed it holds such a threat? No, indeed.

I suggest the question is whether or not title II should be repealed.

I would further suggest that should, by any consequence, the substitute prevail, we will have nothing. There is no one in the Senate who supports this, nor does the administration.

Madam Chairman, I oppose the substitute.

Mr. ASHBROOK. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. ASHBROOK. Madam Chairman and members of the Committee, I certainly agree with much of what has been said. There were many variations yesterday in the debate on exactly what the situation is. There are different views today. I think the facts are clear what happened in 1941 and 1942. A great amount of our attention has been directed to what has happened in the past to loyal Americans. I think in many ways we have overlooked the situation that the amendment offered by the gentleman from Missouri primarily directs itself to, and that is the situation where we have disloyal Americans, where we have saboteurs, where we have insurrectionists, where we have those who are bent on changing our Government by war, by invasion, by subversion.

So I think we should not let the emotional Japanese-American situation in 1941 and 1942 cloud the basic purpose of the bill.

I happen to feel that in H.R. 234 its sponsors are asking us, in effect, to go back to the 1941 or 1942 era. They admit defeat. With 30 years of hindsight, we still are not going to do anything about these past errors if we adopt H.R. 234.

Constitutionally it seems to me that situation is very clear. Like it or not, in times of national peril a President of the United States has immense power. I happen to believe that most of us do not really comprehend how much power the President has when he acts unilaterally in time of emergency. It is very clear that the courts on many occasions have upheld the exercise of those powers, and all we have to do is look at the 1941–42 situation regarding the detention of the Japanese-Americans. If this is true, it is even truer that where the Congress backs up the President in times of emergency, that power is enhanced.

Are we going to allow the Executive in the future to have unlimited power because we have chosen not to act in any way limiting his power? I particularly would call the attention of Members to the statements made by my good friend, the gentleman from Illinois (Mr. Railsback) who, in colloquy yesterday, said on several occasions that those detained have all these constitutional provisions and protections. I asked the question then and I ask it now: What constitutional provisions and protections would be available to a detainee in the future that was not available to the Japanese-Americans in 1941 and 1942?

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, the gentleman makes a very important point. Would what happened to the Japanese-Americans in 1942, have happened under title II?

Mr. ASHBROOK. Under title II, without the amendment of the gentleman from Missouri, I feel it may have. I would say there is a much less chance of it happening with H.R. 820.

The President acting alone has great power, almost unlimited power. Acting with the acquiescence of the Congress, he has almost unlimited power in times of peril. Contrast that situation with the President acting in times of peril with the limiting language on the statute books, if it is passed by the Congress. I think everyone of the Members knows this would limit his power.

What we are being asked to do in H.R. 234 is to go back to the situation where the President has this power without any restraint and merely say that all the constitutional provisions the gentleman from Illinois referred to, such as the right of being confronted by the accuser and the right of trial by jury—all of these constitute his protection. We have already seen they will not protect, as in 1941–42. For the Congress to go to the position of removing any limitations on the powers of the President is to invite a similar situation to what happened in 1941–42. This I do not think we should responsibly do.

I see many points where we could disagree with title II and with the thrust of it, but frankly I think it is important that we do put some limiting language on the statute books, so that the actions of any President or any future President would be circumscribed. All we have to do is view the cases. The President's power is vast, acting alone and in what might seem to be sometimes unlimited or unconstitutional ways.

The President has always been given this power by the Supreme Court, or generally has been in times of peril. I happen to think the President would have less power if the courts at some future time would look at the statute books and see the Congress did not mean for the President to take this kind of action.

Mr. SEIBERLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the gentleman from Missouri (Mr. Ichord) has described himself as a libertarian. I am not sure that the word has an exact meaning, but if we are going to discuss what is essentially a constitutional question, I submit there is no better authority as to the principles we are dealing with than the words of the Constitution itself. I think we tend to get off on tangents if we do not go back and take a look at the fundamental instrument on which our free institutions are based.

Article V of the Bill of Rights starts out this way:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . .

Does the Congress have the power, therefore, to hold a person when he is not indicted for a crime? Clearly not. Yet that is the purport of title II, even as amended by the Ichord bill.

I go now to amendment VI of the Constitution:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed;

And, reading further—

> and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him;

Mr. ICHORD. Madam Chairman, will the gentleman yield, on the question of the Constitution?

Mr. SEIBERLING. I do not yield at this time.

Are we to say that what we cannot do in criminal prosecutions we can do when no crime has been committed or even charged, and still live within the Constitution?

I turn now to amendment VIII of the Constitution:

> Excessive bail shall not be required . . . nor cruel and unusual punishments inflicted.

What is the purpose of preventing excessive bail except to prevent any detention that is not in accordance with the Constitution?

There is no use debating whether the President would exceed his powers less if we had the Ichord bill, than if we did not have the Ichord bill. The question is whether the President has any power under the Constitution to incarcerate persons not charged with any crime, except when the processes of civil government have broken down or cannot contend with an emergency situation.

I submit that under the language of this Bill of Rights and the decisions of the Supreme Court, the answer is a clear "No".

I do not believe that the Congress, by passing this amendment and reaffirming the principles of title II, should give its sanction to what is basically a usurpation of power and violation of the Bill of Rights.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Missouri.

Mr. ICHORD. The gentleman raises a point as to the unconstitutionality of title II. It is true, I would say to the gentleman, that the Department of Justice recommended repeal on the basis of unfounded fear, but they did testify before the committee that there was no doubt as to the constitutionality of title II. So insofar as the committee is concerned, and the Department of Justice, there is no question about the constitutionality of title II.

Mr. SEIBERLING. The lawyers, who, for the time being constitute the Department of Justice, are entitled to their opinion. I submit that whether title II is constitutional in a particular fact situation depends on whether there were no other ways to cope with an emergency except by a temporary suspension of constitutional due process, as in the case of martial law. That is really what we get down to.

Mr. ICHORD. I believe the gentleman will agree with me when I say that the detention of the Japanese in World War II was a black page in American history.

Mr. SEIBERLING. It was infamous and clearly unconstitutional.

Mr. ICHORD. I would say clearly it was unconstitutional. However, it happened. It was proclaimed by the Executive. It was acquiesced in by the Congress. And it was confirmed by the Supreme Court of the United States.

This is my reason for saying that I am taking the true libertarian position, because it does operate as a restriction upon the power of the President in time of war.

Mr. SEIBERLING. In my opinion, you would not prevent the President from doing the same thing all over again, even if we have the Ichord amendment on the books. I do not believe the Congress should give sanction to this kind of thinking. It opens up too big a breach in the Bill of Rights.

Mr. WRIGHT. Madam Chairman, it seems to me that the force of what we do here today will be primarily symbolic, for we seek to repeal a statute which has never been invoked, and in a sense we do it in expiation for sins that were committed before the statute existed.

Obviously it could not be said that the Government was powerless to protect itself before the Emergency Detention Act of 1950. Obviously it cannot be contended that this act has been a vital instrument in our national self-preservation, because it has never been brought into play.

I think we should have to say also, though, that no good case could be made that any real, palpable harm had been created because of the existence of the statute, because the powers it confers have never been exercised. So basically the question comes down to the kind of symbol that we want to raise here today.

It seems to me, as has been suggested earlier—and this is the reason why I joined the gentleman from Hawaii as a coauthor of this bill—that one of the truly grievous wrongs this Nation has committed and one of the dark moments in our history of individual liberty in this country occurred in the days of World War II when many thousands of loyal, law-abiding U.S. citizens were arrested, detained, separated from their homes and property without due process of law, and held in custody for many months on no other ground than their ancestry. That to me, seems anathema to all that we proclaim and hold dear in this country.

That did not come about because of the Emergency Detention Act. Yet the Emergency Detention Act in one sense placed an official retroactive sanction on that abhorrent deed.

To see it in proper perspective perhaps we ought to look back to the period in which the Emergency Detention Act of 1950 was enacted. It was a product of its times. The hysteria that ran like a fever in the national bloodstream in those immediate postwar and Korean war years; the almost paranoid preoccupation with internal security; the willingness to see ourselves as dupes of some diabolical conspiracy; the tendency to permit denunciation to take the place of evidence, in the words of the late Justice Learned Hand. All of these were symptoms of a temper and a fever and a sort of virus that infected our national life and too often dominated our political thought in those years.

Now, what do we want to do here today? Do we want to ratify that feeling, or do we want to say that we have moved on to a time in which we believe we no longer need any semblance of detention camps or concentration camp authority in the United States?

I believe we possess, inherent in the laws of this country, and in the emergency powers of the President, sufficient and adequate safeguards for the internal security of this Nation. We do not really need the elaborate framework of legal authority embodied in the Emergency Detention Act.

I should like to come down on the side that the gentleman from Hawaii has staked out, which is the side of individual freedom.

There exists a fear—and perhaps it is an unreasoning fear—on the part of some that the Emergency Detention Act of 1950, if allowed to remain on the books in any form, could some day be used by injudicious administrators as a means of political persecution. I do not adhere to that view. I do not feel that such a thing would likely happen.

Yet I should like for us today in the Congress to reaffirm our basic belief in the soundness and loyalty of the average American citizen. I think I will plead allegiance to those words expressed by Thomas Jefferson in his first inaugural address when he enunciated a principle precious to American liberty:

> If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

He was speaking, of course, not of overt deeds. We have the power to deal with those who commit such deeds. He was speaking of the freedom of man.

We need no concentration camps, no procedures for the institution of detention barracks. What we need is a restoration of faith in the basic principles of individual freedom which have sustained us so long and served us so well.

Mr. FLYNT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Ichord amendment. I think that the sentiment and feeling of the House may be detention camps such as those used in World War II would be prohibited by the repeal of the section of the 1950 act.

The idea of those camps is repugnant to all of us. On the other hand, this is like insurance, fire insurance, casualty insurance, liability insurance and, yes, life insurance. It is better to have it and not need it than it is to need it and not have it.

I remember very well the days of early 1942 to which my dear colleague and friend, the gentleman from Texas (Mr. WRIGHT) referred a moment ago in his remarks and other Members who have preceded both of us have also referred.

I remember those days in early 1942 very well. As a matter of fact, 2 days after December 7, 1941, the unit to which I was then assigned was immediately ordered to California. We were ordered there in the judgment of the Secretary of War and the Chief of Staff to defend this country for its very survival. Now, some of the things that happened after that with regard to the camps that were set up I did not particularly like.

In retrospect I do not like them now much better than I did then. But I say with all candor I would rather that the President had acted as he did than to have seen this country lose its fight for survival. That, very simply stated, Madam Chairman, is what is involved here. I fervently hope and reverently pray that the need to invoke the provisions of the act of 1950 will never arise, but if it does arise and if the survival of the United States of America depends upon it, like life insurance and fire insurance, I would rather have it and not need it than to need it and not have it.

Mr. MIKVA. Madam Chairman, will the gentleman yield?

Mr. FLYNT. Yes; I yield to the gentleman from Illinois.

Mr. MIKVA. Does the gentleman think that the survival of the United States in World War II depended upon putting 112,000 Japanese Americans in these camps?

Mr. FLYNT. We do not know. I will say to the gentleman from Illinois that if the survival of this country depended on such action, I would do it again without hesitation.

Mr. MIKVA. Madam Chairman, if the gentleman will yield further, then I gather that the gentleman would do it again? I hope the judgment of the House is to the contrary.

Mr. FLYNT. I would do it again in a minute if the survival of this country depended upon it. However, I hope we do not have to.

Mr. ICHORD. Madam Chairman, will the gentleman yield to me?

Mr. FLYNT. I yield to the gentleman from Missouri.

Mr. ICHORD. I do not agree with the statement of the gentleman, but I agree with his position on this amendment. I have said many times that I considered it a black page in American history when 112,000 Japanese Americans were picked up and placed in detention camps, without regard to their loyalty, without even any regard as to whether they were American citizens, but this did happen during the emotion and hysteria of war. But, who was hollering the loudest?

Who was hollering the loudest for this to happen? Former Chief Justice Earl Warren, he was hollering the loudest in California, and also the great columnist, Walter Lippmann, who most of us would consider libertarians, but you know the man who was hollering not to do it?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. FLYNT) has expired.

(By unanimous consent, Mr. FLYNT was allowed to proceed for 3 additional minutes.)

Mr. FLYNT. Madam Chairman, I continue to yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding me this time, and I state to the gentleman in the well: Do you know who was complaining about the action? The man who many in this House today brand as a great authoritarian, none other than J. Edgar Hoover. He thought it was not necessary to pick up 112,000 Japanese.

And I also do not believe it was necessary to have picked up the 112,000 Japanese. And I will state further that if this act and this amendment had been on the books that would not have been done. That is my position.

Mr. FLYNT. Madam Chairman, I thank the gentleman from Missouri for his remarks. I would like to say further that I think the amendment in the nature of a substitute offered by the gentleman from Missouri, the distinguished chairman of the House Committee on Internal Security (Mr. ICHORD), should cure every opposition that anybody could have to this piece of legislation. I do not think it cripples the bill. I do not think it cripples the principle in which all of us believe. As a matter of fact, I think it strengthens it. And if I may so so, Madam Chairman, and my colleagues on the committee, this substitute, while not perfect—and I know of very few pieces of legislation that are perfect—but I think that the amendment in the nature of a substitute offered by the gentleman from Missouri is better than the committee bill; I think it is better than existing law, and I hope the Committee will adopt the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD).

Mr. MATSUNAGA. Madam Chairman, I move to strike the last word.

Madam Chairman, we are being asked today to choose between two bills, H.R. 234, and H.R. 820. In making our choice we must decide one issue. That issue is: is there a place for concentration camps in the United States? The issue is as simple as that.

H.R. 820, the substitute, says yes, we do need concentration camps. H.R. 234 says no, we do not need concentration camps in the United States, and that there is no place for concentration camps in the United States.

I think the answer is rather obvious: certainly there is no place for concentration camps in the American scene. We associate concentration camps with Nazi Germany under Hitler, with Fascistic Italy under Mussolini, and with Communist totalitarianism, but certainly not with American democracy.

Who supports H.R. 820 which provides for the establishment of concentration camps in America?

Five members of the Committee on Internal Security which reported H.R. 820 out and which killed the bill which I first introduced, merely to repeal title II, by a 4-to-4 tie vote.

Now, who is against concentration camps, and who supports repeal of title II? The administration, the Department of Justice, the House leadership on both sides of the aisle, 160 cosponsors of H.R. 234, nearly every major newspaper in the country, more than 500 national, regional, and local organizations including the labor organizations, the chambers of commerce, civic and social organizations, the Council of Churches, the veterans organizations—you name them—they have all written to me and they have all passed resolutions calling upon the Congress to repeal this infamous law.

At least one Member of this august body said here on the floor yesterday, and surprisingly, that those who advocate the repeal of title II are mostly Communists—or perhaps dupes of Communists.

For the benefit of that Member and others who may entertain similar views, let me say that I have received an unsolicited message of support from our good friend, the former Speaker of the House of Representatives, John W. McCormack. If ever there was an anti-Communist, and an ardent anti-Communist such as he, he has never lived.

This is what he said—and I repeat that this was unsolicited. He said:

> Spark, you tell my friends in the House that John McCormack is 100 percent for the Matsunaga bill. There's no place for concentration camps in the American scene. The Emergency Detention Act serves too much as a grim reminder of the grave injustice we inflicted on law-abiding Americans of Japanese ancestry in World War II. It should be repealed. We should have listened to Harry Truman in the first place and let his veto stand in 1950.

Much has been said about the libertarian position to delete title II and that libertarians such as Senators HUMPHREY, Lehman, and Douglas supported the bill when it was introduced as an amendment to the Internal Security Act of 1950 in the Senate.

The gentleman from Missouri has repeatedly stated this—but what he has failed to mention is that all three of those Senators voted to sustain the Presidential veto.

What the gentleman from Missouri has also failed to mention is that the most ardent opponents of title II were conservative Senators Pat McCarran and KARL MUNDT.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. ICHORD. The gentleman is correct. Senator Lehman, Senator HUMPHREY and Senator Douglas were among the original authors of title II and it is true that they did not vote to override the veto. They voted to sustain the veto.

I would point out to the gentleman that there was much more in that legislation than title II. There was also title I which was the primary basis upon which Harry Truman vetoed the legislation.

Mr. MATSUNAGA. The fact is that the so-called libertarians which the gentleman from Missouri has mentioned so frequently on this floor in debate yesterday and today—the fact is that they, after hearing the admonishment of President Truman, voted to sustain the veto.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

(Mr. MATSUNAGA asked and was given permission to proceed for 3 additional minutes.)

Mr. MATSUNAGA. Madam Chairman, I have had and do have a deep personal interest in this matter. I am a member of the only racial minority group that suffered incarceration in American concentration camps, and I am dedicated to the proposition that no individual, or group of individuals, will ever suffer the same fate that the Japanese Americans suffered during World War II.

Mr. BURKE of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. BURKE of Massachusetts. Madam Chairman, I wish to associate myself with the remarks of the gentleman from Hawaii (Mr. MATSUNAGA).

During World War II, I served with 15 of the Nisei men who served in the South Pacific. Of that 15 there were several whose parents were in internment camps. I think it was a sad day in the history of this country to question even the loyalty of those people, whose sons were members of the 100th Infantry Battalion which served in Italy, France, and Germany in World War II and which was the most highly decorated battalion in the military history of this Nation—men who sacrificed their blood and limbs—who laid down their very lives for this country. We certainly should support the position of the gentleman from Hawaii (Mr. MATSUNAGA). He is speaking the truth here, and we now have an opportunity to correct a mistake of the past by supporting him and his bill.

Mr. MATSUNAGA. I thank the gentleman from Massachusetts (Mr. BURKE) for his generous remarks. As a cosponsor of H.R. 234, he has been a stanch supporter and a source of encouragement to me.

Mr. PUCINSKI. Madam Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman from Missouri in his bill proposes one change to section 3 in which he calls for a concurrent resolution of the Congress for all this machinery to trigger off. But he does not touch section 1, which provides that this machinery could go into play upon an invasion of the territory of the United States or its possessions.

Do I understand correctly, then, that any assault upon some far-off Aleutian island, or some other possession of the United States thousands of miles removed from the mainland, could trigger all of this machinery, this counterinsurgency machinery?

Mr. MATSUNAGA. The gentleman is correct in his assumption.

Mr. ICHORD. Madam Chairman, will the gentleman yield again?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. ICHORD. I just wish to say to the gentleman in the well that I know personally of his great service to his country. But I still want to ask the gentleman how did title II bring about what happened to his people, when title II was not on the books in 1942?

Mr. MATSUNAGA. I will remind the gentleman, as I did yesterday——

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. MATSUNAGA was allowed to proceed for 2 additional minutes.)

Mr. MATSUNAGA. I will remind the gentleman that yesterday I made the statement that title II was not in effect at the time of World War II. It was enacted in 1950. But it serves as a grim reminder of what happened to people of Japanese ancestry during World War II and what could again happen. And, if the gentleman will please let me proceed, if title II were in effect during World War II, I contend that it would have been much easier to have confined the Japanese Americans than without title II, for the reason that title II, immediately upon the declaration of war, as was the case, could have gone into operation and the Attorney General could have been authorized by the President of the United States to proceed to round up the Japanese Americans, or any person who probably might engage in, or probably might conspire with others, to engage in espionage or sabotage. This is the language of title II to which I am strongly opposed, and which many legal minds, including former Justice of the Supreme Court Arthur Goldberg, believe makes the act unconstitutional.

Any person who is suspected that he probably will engage in or conspire with others to engage in acts of espionage or sabotage could be picked up. This means that a person could be arrested and detained, not for having committed an overt act in a crime, but for the mere probability that he may commit espionage or sabotage.

The elementary safeguards guaranteed by our Federal and State Constitutions and our judicial practices to the most hardened of criminals would be denied to the most innocent of our citizens during declared emergencies under title II.

The CHAIRMAN. The time of the gentleman from Hawaii has again expired.

(By unanimous consent, Mr. MATSUNAGA was allowed to proceed for 1 additional minute.)

Mr. MATSUNAGA. I would like, if the gentleman from Missouri will permit, to finish my statement. We are being asked today, my colleagues, to decide between repeal and amendment. H.R. 234 would repeal. It is supported by the Department of Justice, by the administration, because it has served no good. It has never been used. It will never be used, according to the Department of Justice. Leaving it on the books is bad because it has served as a source of irritation and source for demonstrations, dissensions, and even violence.

Some mention was made about Communists wanting title II repealed. The very opposite would be true, I would say, for the reason that as long as this law remains on our books, the Communists can point to this law and say, "Look, the United States has a law on its books which calls for the establishment and maintenance of concentration camps."

For the greatness of our country, let us strike a resounding blow for individual freedom by defeating H.R. 820 and voting for H.R. 234.

Mrs. GREEN of Oregon. Madam Chairman, the approval of detention camps is a law before the fact, which many feel is necessary to the security of the country in the face of events unseen and unforeseeable, but I rise in support of the bill offered by the gentleman from Hawaii, the bill to repeal title II of the Internal Security Act. I oppose retention of title II for practical reasons, for legal reasons, and most importantly, as the gentleman from Texas so eloquently stated, because I think its provisions violate the spirit of the Nation itself.

In the New Testament the following question is posed to us as individuals:

> What does it profit a man if he gain the whole world and lose his own soul?

I think it is an appropriate question for nations to answer as well. An individual is much more than his physical being, the real person, we would most generally concede, consists in the qualities of one's heart and mind. And so it is, too, for a community or a group or a country. In seeking to protect our country against acts of sabotage and espionage, we surely can do it without authorizing methods which violate the spirit of this Nation.

Many have made reference to that sad chapter in the life of our people during World War II and those of us especially who live on the west coast remember with humiliation what happened to our neighbors, our friends—purely because of their ancestry. They were summarily imprisoned; their property was confiscated; their rights were suspended, and a whole segment of our citizenry was detained in concentration camps without trial, convicted in a most demeaning fashion, and en masse, on mere suspicion. Repeal of title II will not guarantee that this cannot ever happen again, but its presence on our lawbooks, even in amended form, is a recurrent reminder of that haunted time. It is a continual affront, as I see it, to loyal citizens, and most importantly, an affront to the justice and decency which I believe is our national aspiration.

In the final analysis, Madam Chairman, if we would keep our territory intact but surrender all the principles by which our Nation was established, we have betrayed our country as surely and as irrevocably as any traitor in our midst. I urge support of the Matsunaga bill.

Mr. HOLIFIELD. Madam Chairman, I move to strike the last word. I rise in support of H.R. 234 and in opposition to the substitute bill H.R. 820.

Madam Chairman, it is very seldom that I take the well of the House on matters that do not pertain to my committee, but I did take the well yesterday on one occasion, and I take it again at this time because of my deep feeling on this subject matter. I lived in the little town of Montebello, Calif., at that time, and we had quite a number of Japanese citizens. I might say we also had Japanese aliens. They participated in the community activities. And I might say also that most of them were registered Republicans, so it was not a matter of political support, because I was running for Congress at that time and was elected a few months after President Roosevelt's Executive order authorized General DeWitt to set up the camps.

I want to make this point, that I saw brutal treatment of these Japanese people, both citizens and aliens. I saw their property confiscated. I saw their agricultural equipment—most of it truck farming or flower raising machinery—put up at distressed prices, with their trucks and automobiles and equipment sold at distressed prices, because the owners were going to be imprisoned.

The Japanese did not know who would take care of their property and whether their property would be available when and if they were released from the detention camps. Most of their properties were sold at 10 to 20 cents on the dollar.

I want to speak of this experience. Some of these people I knew personally. This experience never has left my mind.

Another point I wish to make. I want to talk just for a minute about J. Edgar Hoover, whose name has been mentioned, and the position he took at that time. He did take a position against setting up these camps, and he did make the statement that the FBI already had picked up those people that they had been watching, the people who had made trips back and forth to Japan and so on. They had already picked them up. In other words, those were the people against whom the FBI had espionage evidence and these people were tried under law. There were very few, I might add.

Mr. Hoover said there was no use for mass detention at that time. I honored him at that time, and I have honored him ever since. I have never taken this floor and denounced him, although there are things he has done I did not agree with.

But at that time—at a time of hysteria, at a time of fear, at a time of hate deliberately fostered by certain groups of people claiming themselves to be superpatriots, on that occasion—he did stand up for civil liberty.

Now, I want to say something to my friend from Georgia (Mr. FLYNT). He said he was ordered out there, as were many others at that time, to California. I honor him for his service, as I honor every man for his service to the United States. But he was not needed. Time and events have proved that the concentration of those people in detention camps was not necessary. It was not based on urgent danger of any kind then or later.

Here is another point I wish to make: At that time they had, as I remember, about 475,000 residents in Hawaii of which there were about 146,000 Japanese. They did not put the Japanese in Hawaii in detention camps. There was some talk about bringing them over to the mainland, because here was Hawaii, an outpost, which had suffered the attack, but they did not put them in concentration camps. So far as I know there were never any acts of sabotage. If so they were very small, on the part of the Japanese on the island, because they were not recorded.

There is a third thing I want to say. There came a time during World War II—I believe it was in late 1943 or early 1944—when a Texas regiment was surrounded in the Vosges Mountains in Germany, and the 442d Regiment was sent in to rescue the Texas regiment that was surrounded. The record will show that they lost more men in that attempt, had more men killed in the 442d Regiment, than the Texas soldiers who were rescued.

Our friend from Hawaii was a part of that 442d Regiment. He is too modest to speak about it. I will speak about it, because he was one of those who went to the rescue of the Texas regiment. I was told later on that the State of Texas recognized this tremendous service and honored the 442d Regiment.

Mr. BOGGS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, soon we will celebrate the 200th anniversary of this great Republic. But we were not able to become a nation until those learned men who drafted our Constitution submitted for the consideration of the original States the Bill of Rights.

It was not until those first 10 amendments became part of the fundamental Constitution of the United States that that Constitution became the basic law of a new American nation called the United States of America.

Over the now almost 200 years of the history of the United States the Bill of Rights has been the subject of frequent and constant but, fortunately, always unsuccessful attacks. I would say if there is one thing that has distinguished this Nation in the 19th and 20th centuries it has been our consistent devotion to the Bill of Rights and the Constitution of the United States.

Madam Chairman, I rise here today in support of the Matsunaga bill because I think that this bill is drafted totally and completely in the American tradition of preserving those concepts set forth in that document.

Why do I say that? As I read the existing law, the Attorney General or his agent has the power to imprison individuals on the mere suspicion that they may have or that they may in some unspecified future time engage in espionage or sabotage or conspire to do so. That, in my opinion, is probably the broadest grant of any statute in the whole United States Code. It turns upside down all of the time-honored premises of American justice, one of them being the statement that a man is innocent until proved guilty. It permits indefinite imprisonment without charges having been made or a hearing having been set thereon.

There is no right to a trial by jury or even to a hearing before a judge. There is no chance for the accused to confront or cross-examine his accusers. There is not an appeal to a court of law from a purely administrative decision imprisoning and taking away the liberty of a citizen.

So it seems to me that here we deny to those who may be totally innocent, as the gentleman from Hawaii has so eloquently testified, the basic concept of the American Bill of Rights, which is the very protection that we afford to the most hardened criminal who goes into a criminal court of justice.

Maybe I have reduced these essential issues to their basic simplicities, but these rights that we enjoy as Americans, although simply stated, are the most precious things we have.

One of the things that the men who wrote the Bill of Rights feared and admonished against was the incursion and the encroachment of government and the agents of government into the liberties of the people.

So I hope, Madam Chairman, that the members of this committee will support the gentleman from Hawaii.

Mr. PUCINSKI. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the substitute.

Our colleague from Missouri said that we are legislating here today from emotion. I have waited for some time to cast a vote on this issue because in my judgment title II has no business being on the statute books of our Republic.

Madam Chairman, on Pennsylvania Avenue, in front of the National Archives Building, we have two monuments on which are inscribed the words, "What is past is prologue. Study the past." We should study the past to understand the full meaning of this legislation.

Thank God we have never had to use this counterinsurgency act and I hope we never do.

But, let us look at what happened to some of the countries which have had to use their counterinsurgency laws. It was my privilege to be in Greece shortly after the military junta took over that country in 1967. You will remember that it was a bloodless revolution. Within the span of 3 hours, the military took over that entire nation. In 3 hours they arrested 6,000 people, many of them Communist conspirators; seized the nation's newspapers, the television stations, the radio stations, and placed them under junta control without one shot being fired. It was a bloodless revolution, designed to save Greece from falling into Communist hands. The entire revolt was perfectly legal and carried out in what they honestly believed was in the best interest of Greece.

Shortly after the takeover, it was my privilege to have dinner with some of those who masterminded that uprising. I asked one of the leaders, "How do you achieve this short of a takeover? How do you take over a country? How do you stage a coup like this without firing a shot that makes it so complete in so short a time?"

He said, "It was very simple. For 10 years we have been developing a counterinsurgency plan in this country with the full knowledge, cooperation, and support as well as the acquiescence of the civilian government. We have a law which permits us to do this and all we needed was for someone to push the button; for someone to proclaim that the survival of Greece was being threatened by an insurrection."

The plan went into effect and 6,000 people were arrested including members of the legislature. I talked to some of them on one of the offshore islands where the prisoners were being held.

I can understand why Greece needed a counterinsurgency law. Greece was surrounded on three sides by three Communist neighbors and on the fourth side by Turkey, historically hostile to Greece. One could argue that the detention law was needed in Greece. But what can happen under this kind of a bill? It is important for Americans to understand the price you pay for such a law. Under existing law we provide that this whole machinery for mass arrests of suspects can come into play and all of the things that our distinguished majority leader talked about can become a reality whenever the President wishes to invoke this act. In other words, if someone invades some obscure island in the Aleutians, thousands of miles removed, for instance, this law could come into play. So, you had better think about this. You better ask yourself as Americans if you are willing to pay the price the present law requires in personal freedom.

Thank God, Madam Chairman, we have never had to use this law. But it is there and it can be used.

Let us look at a current situation which exists in the world today. England developed the Magna Carta and habeas corpus. But now, England has what is known as the Special Powers Act of 1922 and right now, at this minute as I speak to you, 300 Irish Catholics are languishing in a ship off the coast of Belfast since August 9, 1971, with never a charge placed against them. The law provides that the British may make an arrest if one's behavior is of such a nature as may be reasonably considered for suspecting that he has acted or is acting or is about to act in a manner prejudicial to the preservation of peace or the maintenance of order. So, there are these 300 Irish Catholics imprisoned on a ship off the coast of Belfast even though no charges have been placed against them. They have never been admitted to bail, they have not been indicted, they have had no right to counsel and to this day they do not know with what they are charged.

I cite this outrageous arrest of Irish Catholics because I wanted to show you what can happen in countries that have laws like this. I want you to join the gentleman from Wisconsin in voting down this substitute and then voting down title II.

Madam Chairman, as the distinguished majority leader said, in another 5 years we will observe the 200th anniversary of this Nation. This Nation has endured many hardships and crises. We do not need this detention law to preserve this Republic.

Madam Chairman, I yield back the balance of my time.

Mr. CARTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we do know of the heroic actions during World War II of the distinguished gentleman from Hawaii (Mr. MATSUNAGA), and that he shed his blood for his country and ours. I submit that greater love has no man than this. The wrong our country unwittingly perpetrated on our Japanese citizens has never been righted, and can never be righted. Homes were taken, property sold, citizens incarcerated, and little or nothing has been done to right this tragic wrong.

The vast majority of all races in our country, colors and creeds, are loyal to the United States. We have no need for a Buchenwald; we have no need for an Auschwitz. Let us hope that never will we need the idea of such a concentration camp.

I deeply respect the gentleman from Hawaii (Mr. MATSUNAGA) and I want the Members to know that I will strongly support the legislation offered by the gentleman from Hawaii (Mr. MATSUNAGA).

Madam Chairman, I yield back the balance of my time.

Mr. SCHERLE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we have heard a great number of dissertations here this afternoon concerning symbols. First of all, Madam Chairman, let me state that I have served on the Committee on Internal Security, and was present and took part during much of the vast testimony received by our committee. For this reason I support the amendment in the nature of a substitute offered by my colleague, the gentleman from Missouri (Mr. ICHORD).

You know, talking about symbols, an interesting aspect of this whole thing is that my father came over here from Germany in 1913, and fought for America in World War I; 25 years later, four of his sons enlisted to serve this country during World War II. Yet, because my father was a native of Germany, when we enlisted in 1942, we still had to sign affidavits forsaking all allegiance to Germany, even though he fought in World War I as an American citizen. I did not find this offensive, not in the least. In fact, I was proud to do it, because I did not want my country to have anyone in the military who did not have the patriotism and loyalty to fight for the United States.

Further, I have many relatives behind the Iron Curtain in Hungary and East Germany today, probably as many as I have in this country, but I still want this country to remain safe. If this legislation is necessary to secure the protection of this country, then I think it is imperative.

Again I am not saying that the action taken in 1941 or 1942 was justified. In fact, many innocent people were harmed, and I sympathize with those people. But it should be remembered that our Nation was at war at the time.

The Internal Security Act itself did not go into effect until 1950, 8 years later.

I am not offended by this law designed to retain the security of this country. I hope it will never have to be used. But, by the same token, I am glad it is there, because if such procedures must be used there should at least be some guidelines.

All Members of this body should pay particular attention to the gentleman from Ohio (Mr. ASHBROOK) and to the gentleman from Missouri (Mr. ICHORD). They have for over 2 years attended the hearings held by the Committee on Internal Security and—and I repeat this is 2 years and not a few hours—they have listened to more than 35 witnesses and studied more than 230 submitted statements. The committee has compiled almost 1,000 pages of testimony. If you are looking for someone knowledgeable, then these two men particularly can guide us here this afternoon.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD).

The question was taken; and on a division (demanded by Mr. ICHORD), there were—ayes 22, noes 68.

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, strike out line 3 and all that follows down through page 2, line 8, and insert in lieu thereof the following:

"That (a) section 4001 of title 18 of the United States Code is amended by designating the first and second paragraphs thereof as '(b) (1)' and '(2),' respectively, and by inserting at the beginning thereof the following:

'(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

'(b) The section heading of such section 4001 is amended to read as follows:

" '§ 4001. Limitation on detention; control of prisons.'

" '(c) The chapter analysis of chapter 301 of such title 18 is amended by striking out the item relating to section 4001 and inserting in lieu thereof the following:

" '4001. Limitation on detention; control of prisons.' "

AMENDMENT IN THE NATURE OF A SUBSTITUTE FOR THE COMMITTEE AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Madam Chairman, I offer an amendment in the nature of a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ICHORD in the nature of a substitute for the committee amendment: Strike out matter proposed to be stricken and insert in lieu thereof the following:

"That the prior enactment and repeal herein of provisions of Title II of the Internal Security Act of 1950 (50 U.S.C. 811-826) shall

> not be construed to preempt, disparage, or affect the powers accorded to or the duties imposed upon the President under the Constitution and other laws of the United States: *Provided, however,* That no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry."

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. ICHORD. Madam Chairman, I offered the previous amendment purely on the basis of libertarian principles. It was my firm belief that what happened to the Japanese would be less likely to happen if we would retain title II on the books. We heard a great many libertarian speakers, gentlemen who are much more eloquent than I. And I would state at the outset that I agree with all those libertarian principles stated.

However, the gentleman from Hawaii overlooked the fact that in title II is a guarantee of the writ of habeas corpus. That is the reason why I maintained very firmly that what happened to the Japanese in World War II would not have happened if title II had been on the books.

I ask the Members of the House today to legislate, not on the basis of unfounded fears, but on the basis of fact and logic. As a matter of fact, at one time we had considered reporting out the repeal of title II as a straight repealer, but after studying the problem—and we did study the problem very intensely we decided to amend rather than repeal. These are the hearings of the House Committee on the Judiciary; these are the hearings of the House Committee on Internal Security, 1,000 pages of testimony, witnesses heard on both sides; 101 pages, consisting of 33 pages of the House Committee on Internal Security report. No witnesses heard on the opposing side.

Madam Chairman, at this time I rise in the security interest of the country. It is the Railsback amendment to which I am adamantly opposed. The office of my good friend "Tip" O'Neill, in making the whip calls around to the Members of the House, stated, "Are you in favor of 234, which would prohibit detention camps, or are you in favor of 820, which would maintain detention camps?"

I would have asked the question like this: Are you in favor of H.R. 234, which would prohibit the apprehension of saboteurs and espionage agents, or are you in favor of H.R. 820, which would permit the apprehension of saboteurs and espionage agents?

Let me tell the Members of the House why. I hope that the Members were on the floor yesterday when I questioned the gentleman from Illinois (Mr. Railsback) as to just how the FBI was going to prevent espionage agents and saboteurs from working in the country in the event of war. And let us bear in mind we are strictly dealing with the wartime powers of the President.

He said that we would put FBI agents on their tails. But I asked the gentleman—and I will yield to the gentleman at this time—how are we going to tail the saboteurs and espionage agents which the gentleman agreed were in the United States of America? We surely will not wait until the sabotage is committed.

Mr. RAILSBACK. Madam Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Madam Chairman, let me just repeat the answer so that everybody knows what the answer was. We would do exactly what J. Edgar Hoover said could have been done in 1942 without the Executive order which was issued by President Roosevelt. In other words, J. Edgar Hoover had enough confidence in himself, as the gentleman from California in debate mentioned a short time ago, that he could keep those suspicious persons under surveillance. We have on the statute books normally available tools in the espionage statutes. They guard against conspiracies to spy as well. We would not have to wait for the mischief to be worked. Planning a crime is itself a crime. The difference is we would have to use legal process. We would have to have probable cause that a crime was committed. We would have to arrest and to charge and grant the right to confront the accusers and the right to a jury trial.

Mr. YATES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I take this time to find out what is in the amendment offered by the gentleman from Missouri. He did not tell the House what it contained. I yield to the gentleman from Missouri to tell us what is in his amendment.

Mr. ICHORD. Madam Chairman, let me say to the gentleman from Illinois that we are dealing with the wartime powers of the President of the United States. The Department of Justice has said that it is not in favor of the amendment of the gentleman from Illinois (Mr. Railsback). They do not consider that it is necessary. However, it is my contention that if the amendment is adopted, the amendment of the gentleman from Illinois will keep the President and his executive agents from protecting the security of the United States.

Mr. YATES. Then the genleman's amendment is to strike the amendment of the gentleman from Illinois.

Madam Chairman, as I understood the purpose of the amendment of the gentleman from Illinois—and he can correct me if I am wrong—as I understood what he said yesterday in explaining it and as it was explained by other members of the committee, the purpose of the gentleman's amendment was to make sure that in the event there were to be detentions of a mass nature, of more than one individual person, that it would require an act of Congress in order to do this. Is this the basic purpose of the gentleman's amendment?

Mr. RAILSBACK. That is right. The amendment says this. It says:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

In other words, this would require that before anything happened similar to what happened in 1942, there would be at least an act of Congress.

Mr. YATES. In other words, there could not be the same kind of executive action that was undertaken by President Roosevelt in his Executive order of detention of the more than 100,000 Japanese Americans at the time without there having been an act of Congress. Is that the purpose of the gentleman's amendment?

Mr. RAILSBACK. That is exactly right. It applies to citizens. It does not affect what can be done with enemy aliens. It applies to American citizens.

Mr. YATES. I thank the gentleman. I shall vote against the Ichord amendment, and I shall vote for the committee bill.

Madam Chairman, the time has come to erase from the statute books this last vestige of the iniquitous Internal Security Act of 1950. I voted against the act when it was before the House at that time. I have opposed it ever since. As we predicted at the time of its passage, most of its provisions were unconstitutional, an agreement since sustained by the Supreme Court of the United States.

I would urge the House to overwhelmingly vote to rescind title II.

Mr. ASHBROOK. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to ask a question to clarify one point. In the colloquy with the gentleman from Illinois I think something was left in the minds of the House that was not accurate on the legislative history up to this point.

The gentleman from Illinois (Mr. Yates) implied in a question of the gentleman from Illinois (Mr. Railsback) that a statute would have to be passed in order to have some protection that the gentleman did not intend to give by his amendment. From what the gentleman said yesterday that would not be accurate. It applies to statutes already on the books and does not apply to what would be an enabling statute.

Mr. RAILSBACK. Let me say I agree with the gentleman. This can be any act of Congress. I do not think the gentleman from Illinois meant to imply otherwise.

Mr. YATES. That is correct.

Mr. RAILSBACK. It simply says that arrest or internment of an American citizen must be under an act of Congress. There are already many acts that would permit, with all the safeguards, people to be confined, such as the Espionage Act, the Narcotics Act, and the Internal Revenue Act.

It would involve all the criminal code which is already in existence.

What I say to the gentleman is, if we had a situation which required action—say that there was an invasion and say that the courts were disrupted and the courts could not operate—there is not any question in my mind but what we would be in a state of martial law in that event, and I believe the gentleman wants to make this clear.

Mr. ASHBROOK. We should make that clear. I got the implication when the gentleman said that Congress must act that it would not necessarily apply to those acts already taken, which, as I understand it, was not the intention of the gentleman from Illinois.

Mr. RAILSBACK. It would not require a prospective act. It would involve all acts on the books.

Mr. ASHBROOK. That could be taken or have been taken.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ICHORD. I would point out to the Members of the House that the gentleman from Illinois, by offering this committee amendment, first repeals the only act on the books which would permit the authorities in the United States to pick up people whom we have reasonable cause to believe would commit espionage and sabotage.

They repeal the act, and then they say that no one shall be picked up unless there is an act on the books. This is the point I am making. The security interests of the United States of America are not protected.

This is the reason why I am opposed to the Railsback amendment and the reason why I have offered the substitute.

The gentleman from Illinois well knows that the Department of Justice has not agreed to this amendment. I read from a letter from Mr. Mardian dated May 14, 1971. The last paragraph thereof states as follows:

> Of course, the Department of Justice has maintained and continues to maintain the opinion that title II of the Internal Security Act of 1950 should be repealed outright without any provisos attached thereto.

The amendment of the gentleman from Illinois is a priviso. I will go along with the repeal of title II of the Internal Security Act outright. I have always maintained that. But do not harm the security interests of the United States of America. This is what you are doing by the Railsback amendment, and it is not agreed to by the Department of Justice.

Mr. CELLER. Madam Chairman, I move to strike the requisite number of words.

The amendment offered by the committee reads as follows:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Now, the Ichord substitute would strike out that clear language—clear as a crystal spring—and would substitute rather arcane, strange words, language susceptible to many interpretations.

This is certain: If by some unusual construction of our statutes the President could set up a detention camp then this substitute amendment would not prevent such an action. We want to prevent such action. We want with constitutional limits to prevent any authority, any mere semblance of authority given to the President to set up any kind of detention camp.

As a matter of fact, the substitute language, in my estimation, would encourage the setting up of detention camps despite all the assurances of the gentleman from Missouri. I would say indeed that the speeches of the gentleman from Missouri are like cypress trees—they are stately and tall, but they bear no fruit. There is no fruit in the substitute amendment that he offers.

The President under his substitute amendment could detain without let or hindrance; he would have carte blanche. The Ichord substitute indeed places the stamp of approval for the executive to establish detention camps. I emphasize this amendment would have the tendency to permit detention camps. That is what we on the Committee on the Judiciary object to. Prevention of such camps is the whole purport of the Matsunaga bill.

This Ichord amendment is dangerous. It is presented in glittering language, but indeed there is no steel behind the shine. The whole drive and purpose of the Matsunaga repeal legislation would be indeed set at naught, and I hope that the committee therefore will reject the substitute and vote for the committee amendment.

Mr. DENNIS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to suggest to the membership that the issue on the pending amendment is quite different from the issue on the previous substitute.

I opposed the Ichord substitute a moment ago because I favor repeal of title II of the 1950 act both as an act which contains many provisions which are naturally unpalatable to an American and because I think it is entirely unnecessary.

I believe that the war powers of the President of the United States in a situation of war or invasion or insurrection, to which the 1950 act was addressed, are adequate without having the 1950 act and its unpalatable features on the books. Therefore I was glad to support the repeal.

However, the issue here is quite different. What we are doing in this amendment is accepting the fact that the 1950 act should be repealed and we are merely trying to strike out the language of the Railsback amendment which goes beyond repeal, and does something in addition.

What it does in addition I really do not know, and that is one of the reasons why I am not in favor of it at the present time without further consideration of it.

The gentleman from Illinois (Mr. RAILSBACK) thinks that it in some way restricts the war powers of the President under the Constitution, because he said during the hearings:

> Maybe we should do something affirmatively other than just repeal to make sure that we have restricted the President's wartime powers.

The gentleman from Missouri (Mr. ICHORD) thinks it does that, too. Frankly, I do not know whether either of them is right or not.

My feeling is that we cannot restrict the President's constitutional wartime powers very materially by what we do here by legislation and that they will probably remain pretty much the same whether the Railsback amendment is in there or not. But, without any further hearings or consideration, I am not prepared to attempt to restrict or to affect the wartime powers of the President, or to go beyond repealing the detention camp law here this afternoon.

I do not agree with my distinguished chairman that this amendment puts this detention business back in the law at all. It is gone when we repeal it, as we should repeal it. All this amendment does is to say that, whatever we have done, we have not affected the constitutional wartime powers of the President, whatever they may be. We leave what they may be up for future reference, and to determination by the courts. I think a clean repealer of title II with nothing further in the way of language would be best. But, that is essentially what this amendment is.

As a member of the committee that wrote the Railsback amendment, I regret and apologize for the fact that I did not think this thing through at the time. However, I have had the benefit of 2 days of debate and of considerable consideration, and, after reflection, this is the way I feel about it.

I am not prepared here today to go into the question of the general war powers of the President. I think the gentleman from Illinois and the gentleman from Missouri may have a point here, but to vote beyond the repealer of title II of the 1950 Internal Security Act and, perhaps put, or attempt to put, some undetermined restriction on the constitutional powers of the President of the United States, I am not prepared to do that here this afternoon.

Unless you are in favor of doing that, I would suggest you ought to support this amendment; and you should support it if you are opposed to title II and favor its repeal, as I do.

Mr. MIKVA. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the substitute amendment which has been offered by the gentleman from Missouri (Mr. ICHORD).

Madam Chairman, I would like to clear up one small point since I do not think the gentleman from Missouri desired to mislead the committee. The gentleman's amendment, whatever its merits or demerits, contains some provisos and I think the committee ought to be aware of that.

Mr. ICHORD. Madam Chairman, will the gentleman yield to me at that point?

Mr. MIKVA. I shall be glad to yield to the gentleman from Missouri in a moment.

Madam Chairman, the substitute amendment not only repeals the Railsback amendment, but also provides some language which is very mischievous. I do not know what it means. The first sentence says that nothing in this bill shall repeal the Constitution. That is rather obvious. The second sentence says that we should not discriminate on account of race, creed or color. I do not see how anyone could gain any comfort in voting for the substitute amendment, particularly the proviso which states that we are not repealing the Constitution. That is the best example of surplusage that I can imagine.

Therefore, I urge the committee, however it might feel about anything else, to vote against the substitute amendment.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. ICHORD. I will say to the gentleman from Illinois that the purpose of the amendment is to make—if you will read the case of the Youngstown Steel Co.—I feel very strongly that if we repeal title II, which we have already done; title II is not now in the legislation—but if we repeal title II and then place this amendment in we will be restricting the powers of the President in an emergency situation. I thought we made a mistake on the repeal of title II.

Mr. MIKVA. Is the gentleman from Missouri suggesting that there is something this Congress can do to alter the constitutional powers of the President? Does the gentleman say this Congress can take away the constitutional powers of the President?

Mr. ICHORD. I will say to the gentleman from Illinois that the Hirabayashi case stated that the war powers of the Presidency are to wage war successfully. But if you will look at the Youngstown Steel case you will find that that is a power which can be restricted. It is a joint power shared by the President of the United States and the Congress, and if the Congress takes the action of repealing title II and does not make it clear that the President will have the power to protect the security interest of the United States, we are getting into a situation where the President will not have the power to pick up known espionage agents and saboteurs.

Mr. MIKVA. I would simply say to the gentleman that the powers of the President are set forth under the Constitution and are not subject to limitations by this Congress or any future Congress. The first sentence of the substitute amendment talks about nothing but the constitutional powers of the President.

With all due deference to my colleague, the gentleman from Missouri, I would say that I have read the Hirabayashi case several times, and I reread it yesterday after the gentleman quoted from it, and if the gentleman from Missouri can find anything in the decision at all that says the Congress has the power to repeal the Constitution then I will eat the whole decision.

Mr. ASHBROOK. Madam Chairman, will the gentleman yield

Mr. MIKVA. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Would it not be more accurate to say, I will ask my friend, the gentleman from Illinois, that we are talking about situations where we are not certain what the constitutional power of the President is? If it is clear the President has the constitutional power to act, then I think the gentleman is right, the Congress cannot do so. Take the present wage freeze, for example.

Mr. MIKVA. I would remind the gentleman from Ohio that the language before the House, and we are dealing with the specific language in the substitute amendment, says that nothing "shall be construed to preempt, disparage, or affect the powers accorded to or the duties imposed upon the President under the Constitution."

And to me, as I say, it seems that those words are at best surplusage and, since they may be mischievous, that they ought not be enacted.

Mr. BROWN of Michigan. Madam Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Madam Chairman, I have listened to the debate here with great interest, and it seems very evident that if you do not have to recite these things to protect the President then you also do not need to recite them in order to protect the rights of the Congress.

Mr. MIKVA. But that is what happened in 1942; that is the issue before the House, and that the answer of the House is that we would not like to see that action repeated.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLYNT. Madam Chairman, I move to strike the requisite number of words.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, I would point out—and I wish to thank the gentleman from Georgia for yielding to me—and I am back again to what happened in 1942, and again I say that that did not happen under title II, which we have just repealed.

But the Youngstown Steel case lays down the principle that the war powers are the powers that are lodged jointly in the Congress and the President. Now, we have just repealed title II, and as a matter of construction, if we take that action without making certain that the Presidential wartime powers are retained, we will get into a situation where we cannot protect the security of this Nation, and that is the purpose of the amendment. We are not going back to the issue of detention camps or concentration camps, or whatever you want to call them; that is not involved at all. It is purely a matter of making certain that we do not inhibit or prohibit the President of the United States from exercising his constitutional war powers.

Mr. YATES. Madam Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. FLYNT. Madam Chairman, I yield to the gentleman from Illinois for that purpose.

PARLIAMENTARY INQUIRY

Mr. YATES. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. YATES. Madam Chairman, the gentleman from Missouri (Mr. ICHORD) keeps referring to the fact that we have repealed title II. My parliamentary inquiry is: Have we done so?

The CHAIRMAN (Mrs. GRIFFITHS). The Chair will state that we have voted on the amendment in the nature of a substitute, and that was rejected.

Mr. YATES. So that the fact is that we have not repealed title II.

The CHAIRMAN. The Chair will state that that is the correct answer to the parliamentary inquiry of the gentleman from Illinois.

Mr. YATES. I thank the Chairman.

Mr. ICHORD. Madam Chairman, if the gentleman will yield further, I will agree that I was in error in that statement, but I have always stated that I would vote for repeal under certain conditions. Now we are on a completely different issue. I do intend to vote for the repeal of title II, but I do not intend to do so if the Railsback amendment is in the bill. That is what the Department of Justice is not in favor of, and what I am opposed to.

Mr. ECKHARDT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I would like to point out here that, just as the gentleman from Illinois says, there is nothing that can be done by statute that will disparage the constitutional powers of the President in an emergency situation.

But if you do not include the language, which is called the Railsback language—that no citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress—you get right back to the situation that existed at the time of the imprisonment of the Nisei. Now the law would be precisely the same as that which existed at that time except for the additional language that the gentleman from Missouri purports to put in. But I cannot understand that language for the life of me.

If you notice the reading of this language, it says:

> Provided, however, that no citizen of the United States shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry.

Why persons were never purported to be detained on those bases. They were purported to be detained, not because they were Japanese, but because people thought that those persons of Japanese ancestry might be tempted to espionage or sabotage and therefore the safest thing was to detain them.

So if we adopt this amendment, we will put the law in precisely the same position as it was when we had the detention camps which were established under the purported implied authority of constitutional executive authority.

Now all that we need to do is to repeal title II and to provide clearly that no one shall be detained unless he is detained as a result of an act of Congress. Then, if we get to some point that we need detention camps—and God forbid that that time will ever come—we could pass such a law. But such a law must be within the safeguards of the Constitution. Presently, if we repeal title II and if we include the provision that no person shall be detained except by an act of Congress, we cannot possibly disparage any implied powers in the Constitution of the United States.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. ICHORD. I would say to the gentleman that the purpose for the inclusion of the language "race, color or ancestry" is this. Many of the witnesses who appeared before the House Committee on Internal Security contended that Japanese-Americans were detained in World War II purely because of their race or their ancestry.

In regard to the other point that the gentleman made, I am sure the gentleman will recall during the Korean war——

Mr. ECKHARDT. I have yielded to the gentleman for a question and I am still waiting for the gentleman's question.

Mr. ICHORD. I am sure the gentleman will recall that during the Korean war, President Truman seized the steel mills. There was a 6-to-3 Supreme Court decision to the effect that that seizure was unlawful. It was a divided opinion. But if you will read the opinion closely, the court held that President Truman could not seize the steel mills under his wartime powers because the Congress had enacted the War Defense Production Act as well as the Taft-Hartley Act and that would require the President to act under those two laws rather than under his constitutional wartime powers.

Mr. ECKHARDT. I am still waiting for a question from the gentleman. But I do not think this touches on my discussion.

Madam Chairman, I yield back the remainder of my time.

Mr. ALBERT. Madam Chairman, I move to strike out the last word.

Madam Chairman, with all the legalistic arguments brushed aside, I think it remains a fact, and a sad fact and a sad chapter in the history of America that there was a time when it was believed that many persons of Japanese origin—just because they were Japanese—might be guilty at some future date of sabotage.

I do not think there is any more reason for believing that than there would have been reason to believe that Americans of English ancestry might have been guilty of sabotage during the War of 1812.

In fact, I have often thought of a great speech delivered several years ago by a great former Member of the House, the late gentleman from Maine, Mr. Frank Fellows, whom older Members will remember.

Here is what he said:

> Whenever these matters are under discussion there immediately come to my mind the histories of two native-born white Americans: one first saw the light of day in Massachusetts, the other in Kansas. Each has acted as chairman of the Communist Party. According to House Report No. 209 it was Kansas-born Earl Browder who read to 2,000 applicants for Communist Party membership in the New York district in 1935 the following solemn pledge: "I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism."
>
> On the other side of the picture I see what was to me pleasantly surprising, as it may be to you.
>
> Before the House Subcommittee on Immigration and Naturalization frequently appears what we would term a Japanese-American, although I dislike cataloging any group as hyphenated Americans. This young man, 1 of 5 boys in a large family born in Utah to Japanese parents, with each of his brothers, was the recipient of a Purple Heart. They were members of the Four Hundred and Forty-second Regiment Combat Team of the United States Army, which saw desperate fighting in Italy. Immediately after Pearl Harbor, the property in the West owned by this family was taken, and the mother was interned behind barbed wire. Notwithstanding this, the mother encouraged her sons in their desire to enlist, which all 5 did. One boy was killed in action. One is still in the hospital. All were wounded. They were but 5 of 33,300 sons of Japanese parents who served in the United States armed services during the Second World War—part in the Pacific and part in Europe. Thirty-one thousand saw overseas service. After 120 days of fighting, what started out as a team of a little over 3,000 men had total casualties of 9,486. During its rescue of the Texas battalion of 189 white Americans in the Vosges Mountains of northeast France in October 1944, 200 Japanese-Americans were killed, and more than 1,500 casualties suffered. They were a much decorated group.

The mother of those boys was Mrs. Masaoka. One of these five sons was Mike Masaoka, who, along with his wife, has been a friend of Mrs. Albert and myself for many years. I can testify that they are good neighbors and fine Americans.

Madam Chairman, if I understand this matter correctly, this is an attempt to erase from the statutes of the United States a law which has been enacted since those concentration camps were built the last vestige of any authority to incarcerate people because they are related to people who are at war with us.

Mr. SCHERLE. Madam Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. SCHERLE. I yield to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. I thank the gentleman for yielding.

Madam Chairman, I would point out that the speech of our distinguished and beloved Speaker was not directed to the substitute amendment for the committee amendment. It was directed to title II, and title II is not in issue at this time.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from Wisconsin (Mr. KASTENMEIER), one question which makes me feel very strongly that there is a need for the substitute amendment. The Senate of the United States during the 91st session did pass a bill repealing title II.

The subcommittee of the Committee on the Judiciary has reported H.R. 234 to this House repealing title II with the Railsback amendment. Is there any other difference between the measure and the bill reported by the Senate and sent to the House which was not acted upon?

Mr. KASTENMEIER. If the gentleman will yield, in reply to my friend, the gentleman from Missouri, I would say yes.

Mr. ICHORD. Other than the Railsback amendment?

Mr. KASTENMEIER. If the gentleman will permit me, the House bill does not view as necessary the retention of the findings of the section 101 of the Senate bill, which the Senate did.

Mr. ICHORD. Then the bill reported by the subcommittee of the Committee on the Judiciary repealed the findings of the Congress passed in regard to the existence of a Communist conspiracy. Is that correct?

Mr. KASTENMEIER. That is correct.

Mr. ICHORD. This is my main reason, Madam Chairman, for favoring the adoption of this amendment.

Mr. KASTENMEIER. Madam Chairman, I am curious why the gentleman from Missouri raised that question, because I think he is as familiar with the matter as anyone else, and should be, that those findings are already included in toto in title I of the Internal Security Act of 1950. If anyone cares to compare them, he will find them in the Committee on Internal Security committee print on the Internal Security Act of 1950. Title I lists the first 13 findings, most of which are precisely the same as those in title II which is now being repealed. To keep those would be a ridiculous redundance to say the least, because they would be hanging there without an object, duplicating findings found as a preface to title I.

I think in that regard the Senate made a legislative mistake. We have attempted to correct that.

I will also say in conclusion, and I want to make this brief, that I think the amendment offered by the gentleman from Missouri is, indeed, a serious and mischievous one. He would put himself back where he claimed we might be, that is to say, he would attempt to reserve in some sense the authority which the President does have or is supposed to have unilaterally and without respect to act of Congress, to install camps, without benefit even of the safeguards that he had recommended in his own substitute.

I suggest, Madam Chairman, that to adopt the amendment would undo much of what we are attempting to accomplish this afternoon, and I urge it be rejected.

Mr. ICHORD. Madam Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield briefly to the gentleman from Missouri.

Mr. ICHORD. Madam Chairman, I observe that the Senate only repealed 14 and 15, but they kept these findings, and I read section 101 which the gentleman is repealing by his bill:

> SEC. 101. As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress hereby finds that—
>
> (1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement . . .

I still do not understand why the gentleman's committee repealed these findings, while the Senate refused to repeal them.

Mr. KASTENMEIER. The gentleman has just read and the House has heard the findings that started out as one of 13. Let me review in the same act title I:

> There exists a world Communist movement which in its origins, its development . . .

It is precisely the language which the gentleman is reciting, and which would be a redundant expression related to nothing. It already exists in title I and relates to title I.

Mr. ICHORD. Then what was the purpose of the Senate in not doing that?

Mr. KASTENMEIER. I do not know. In my humble view I think the Senate made a legislative mistake.

Mr. POFF. Madam Chairman, I move to strike the last two words.

Madam Chairman, on yesterday this House for a period of 3 hours addressed itself articulately and eloquently to precisely the issue which is here involved in this amendment. Nothing more can be said that has not already been said.

I pause parenthetically to pay tribute to this House. I am proud, as one of its Members, of the conduct and demeanor of the participants in this debate, of the high tone and the scholarly approach all have taken, and the result which apparently is about to be achieved.

Mr. GERALD R. FORD. Madam Chairman, will the gentleman from Virginia yield?

Mr. POFF. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Madam Chairman, in light of the emotion that has been generated, in light of the very fine legal arguments that have been made, I believe it is time for this House to make a decision. So far as I am personally concerned, I intend to support the House Committee on the Judiciary. I support the Railsback amendment in the version of the Committee on the Judiciary. Therefore, I oppose the amendment offered by the gentleman from Missouri.

It seems to me that this matter, which is one of considerable controversy and considerable honest legal differences, can best be decided by the Members making their choice here and now. The well is dry. No further debate will sway the conviction of any Member.

For myself, it seems to me the weight of the evidence and the argument favors the action proposed by the Committee on the Judiciary, with the Railsback amendment, in opposition to the amendment offered by the gentleman from Missouri.

Mr. POFF. Madam Chairman, I rise in opposition to the amendment. I support the Judiciary Committee language, that language will not leave this Nation powerless to defend itself against internal threats in wartime.

The Judiciary Committee voted both to repeal and to prohibit detention camps. Repeal alone is insufficient.

The prohibition is not absolute. There is an emergency exception. In appropriate circumstances, the President can declare martial law and take whatever steps are necessary to execute the law of national self-defense.

The Supreme Court in the case of Sterling against Constantin, 287 U.S. 378 (1932) defines the President's discretion in the following language:

> The nature of the power also necessarily implies that there is a permitted range of honest judgment as to the measures to be taken in meeting force with force, in suppressing violence and restoring order, for without such liberty to make immediate decisions, the power itself would be useless. Such measures, conceived in good faith, in the face of the emergency and directly related to the quelling of the disorder or the prevention of its continuance, fall within the discretion of the executive in the exercise of his authority to maintain peace.

Of course, whether the executive has correctly determined to declare martial law is ultimately a question for the courts to decide. As a practical historical matter, judicial scrutiny has followed well after the crisis had passed. It was not until the Civil War had ended that the Supreme Court ruled that it was unconstitutional to deny one charged with conspiring against the Government a trial so long as the courts were open. It was not until after the Japanese had been turned back in the Pacific that the Supreme Court decided that a concededly loyal detainee in a detention camp was entitled to an immediate release. It was not until after World War II ended that the Supreme Court ruled that martial law had been improperly declared in Hawaii.

What the Judiciary Committee language means is that the executive branch cannot detain unless Congress has provided the authority except in those cases where law no longer binds, that is, in cases where martial law may be declared.

The Judiciary Committee bill would not leave this Nation defenseless in wartime.

Nothing in the bill would affect the validity of 50, United States Code 21, which authorizes the apprehension of aliens during wartime. It was this law which the President used to defend the Nation in December 1941. In less than 3 days after the attack on Pearl Harbor, the FBI had taken into custody 3,846 enemy aliens without violence and without any authorization for detention camps.

In the event of another Pearl Harbor, this statute would be used again. A number of similar or related statutes are available, including 8, United States Code 1185, 18, United States Code 2152, 18, United States Code 2385, and 18, United States Code 2388.

If additional statutes prove necessary, the President can request emergency war powers within a matter of hours.

If his request is denied or delayed, and if the emergency justifies martial law, he can act without benefit of statutory authority, subject only to subsequent judicial restraint.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri (Mr. ICHORD), for the committee amendment.

TELLER VOTE WITH CLERKS

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were ordered.

Mr. ICHORD. Madam Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. POFF, ICHORD, KASTENMEIER, and ASHBROOK.

The Committee divided, and the tellers reported that there were—ayes 124, noes 272, not voting 38, as follows:

[Recorded Teller Vote]

[Roll No. 255]

AYES—124

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Casey, Tex.
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Fisher
Flowers
Flynt
Fountain
Fuqua
Griffin
Gross
Grover
Hagan
Hall
Harsha
Hébert
Henderson
Hogan
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Landgrebe
Landrum
Latta
Lennon
McMillan
Mahon
Martin
Mathis, Ga.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Natcher
Nichols
Passman
Patman
Pirnie
Poage
Price, Tex.
Purcell
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schmitz
Scott
Sebelius
Shipley
Shriver
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Thomson, Wis.
Veysey
Waggonner
Wampler
Whitten
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—272

Abourezk
Abzug
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clay
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dellums
Dent
Derwinski
Dingell
Donohue
Dow
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros

Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schneebeli
Schwengel
Seiberling
Sisk
Skubitz
Slack
Smith, Iowa
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Teague, Calif.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Watts
Whalen
Whalley
White
Whitehurst
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—38

Addabbo
Badillo
Bray
Burke, Fla.
Conable
Delaney
Denholm
Diggs
Dulski
Edwards, La.
Eshleman
Evins, Tenn.
Frelinghuysen
Gallagher
Garmatz
Goldwater
Gubser
Haley
Hammerschmidt
Hathaway
Jarman
Kee
Long, La.
McCulloch
McEwen
McKay
Michel
Scheuer
Shoup
Sikes
Staggers
Steed
Sullivan
Symington
Talcott
Teague, Tex.
Terry
Widnall

So the amendment in the nature of a substitute for the committee amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA TO THE COMMITTEE AMENDMENT

Mr. THOMPSON of Georgia. Madam Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia to the committee amendment: Page 2, line 15, after "Congress", strike out the period and quotation marks and insert "nor shall any citizen, including students, be forcibly transferred from one group to another group or be forced to be a part of a particular group because of his race, creed, or color by the United States except pursuant to an Act of Congress."

POINT OF ORDER

Mr. CELLER. Madam Chairman, I make the point of order that the amendment offered by the gentleman from Georgia (Mr. THOMPSON) to the committee amendment is not germane.

The CHAIRMAN. Does the gentleman from New York desire to be heard on his point of order?

Mr. CELLER. Madam Chairman, I simply wish to state that the amendment offered by the gentleman from Georgia (Mr. THOMPSON) to the committee amendment, which has just been read, is nongermane because it practically amounts to an antibusing amendment, and therefore is not germane to the purposes and purport of the bill in question.

The CHAIRMAN. Does the gentleman from Georgia (Mr. THOMPSON) desire to be heard on the point of order?

Mr. THOMPSON of Georgia. I do, Madam Chairman.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Madam Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Michigan will state his parliamentary inquiry.

Mr. GERALD R. FORD. Madam Chairman, my parliamentary inquiry is this: As I understand it, the point of order against the amendment has been made by the gentleman from New York (Mr. CELLER). It is my understanding that the gentleman from Georgia (Mr. THOMPSON) is responding to the arguments made by the gentleman from New York (Mr. CELLER) on the point of order. Is my understanding correct?

The CHAIRMAN (Mrs. GRIFFITHS). The Chair will state that the gentleman is correct in his statement.

The Chair will now hear the gentleman from Georgia (Mr. THOMPSON) on the point of order.

Mr. THOMPSON of Georgia. Thank you, Madam Chairman.

Madam Chairman, I understand the objection by the gentleman from New York. He maintains that this is not germane because, in his words, it is "an antibusing amendment."

Madam Chairman, I would like to point out that we are talking about a detention bill, an emergency detention bill, a bill whereby we are striking the provisions.

Madam Chairman, the bill before us strikes title II of the Emergency Detention Act. It pertains to the forcing of American citizens from one place against their will into other areas.

The amendment I have offered in no way includes busing. It does not include the word "busing." It may be construed by some to be an antibusing amendment, but I would like to read the amendment so that the Chair may realize my argument.

My amendment states:

"Nor shall any citizen, including students, be forcibly transferred from one group to another group or be forced to be a part of a particular group because of his race, creed, or color by the United States except pursuant to an act of Congress."

That wording practically duplicates the wording that is in the Railsback amendment, except that the Railsback amendment states:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

So I am simply taking the imprisonment part that they have in there and I am increasing it or extending it, Madam Chairman, to the forcible transfer from one group to another, or the forcible participation in a group that a citizen does not desire.

I maintain, Madam Chairman, that it is germane and while it may be considered in some instances to be deforcing the busing of children, you must bear in mind that we do have compulsory attendance laws in these United States and to compulsorily require an individual, a student to attend a particular school, is a form of detention.

So, Madam Chairman, I maintain that it is in order and it should be debated and a vote taken on this amendment.

The CHAIRMAN. The Chair is prepared to rule.

The purpose of the bill before the committee is: first, to restrict the imprisonment or other detention of citizens by the United States to situations in which statutory authority for their incarceration exists, and second, to repeal the Emergency Detention Act of 1950—title II of the Internal Security Act of 1950—which authorizes the establishment of detention camps and imposes certain conditions on their use.

The amendment offered by the gentleman from Georgia is not germane to either of these purposes and, under clause 7 of rule XVI, is not in order.

The Chair sustains the point of order.

Mr. ICHORD. Madam Chairman, I move to strike out the last word.

Madam Chairman and Members of the House, we come to the close of debate. I want to say to the Members of the House, I have one more vote which I insist that the House take, and that is on the committee amendment.

If the committee amendment is defeated, it is my intention to vote for H.R. 234. However, if the committee amendment is adopted, I intend to cast my vote against H.R. 234. I want briefly to tell you the reasons why I intend to cast my vote against H.R. 234 if the committee amendment is adopted. This is an amendment which has not been agreed upon by the Department of Justice. There is considerable question as to what the amendment means. It was my position, I would say to the House, that the true libertarian approach would be, rather than to repeal title II, to keep it on the books in order to keep from happening what happened back in 1942.

I point out that a lot of people have been talking about what happened to the Japanese in 1942, and I say again this was a black page in American history.

Members of the House, you are not legislating on the facts. Title II was not even in existence in 1942. When these bills were originally referred to the House Committee on Internal Security, I first thought that it would be all right to repeal title II as requested by the Department of Justice. However, upon examination, I thought that keeping title II on the books and amending it to take out of it all harsh measures would be the proper libertarian approach. The Department of Justice has not agreed to the committee amendment, and this is the reason I am going to insist on rejection of the committee amendment. I read from a letter dated May 14, 1971, from Robert C. Mardian, Assistant Attorney General, page 2 thereof:

Of course, the Department of Justice has maintained, and continues to maintain, the opinion that Title II of the Internal Security Act of 1950 should be repealed outright without any provisos attached thereto.

This committee amendment is a committee proviso. I wrote a letter to the Department of Justice in reference to the committee amendment. They do not favor repeal of title II with this committee amendment. I say, Members of the House, if you adopt the committee amendment, you are going to make a serious mistake.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. ICHORD. Madam Chairman, I demand tellers.

Tellers were ordered.

Mr. ICHORD. Madam Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Kastenmeier, Ichord, Poff, and Railsback.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Madam Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. If a Member favors the committee amendment of the Committee on the Judiciary, he should vote "aye"; if he opposes the committee amendment of the Committee on the Judiciary, he should vote "no."

The CHAIRMAN. That is correct.

The Committee divided, and the tellers reported that there were—ayes 290, noes 111, not voting 33, as follows:

[Roll No. 256]

[Recorded Teller Vote]

AYES—290

Abourezk
Abzug
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Camp
Carey, N.Y.
Carney
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Dow
Drinan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Johnson, Pa.
Karth
Kastenmeier
Kazen
Keating
Keith
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Ware
Watts
Whalen
White
Whitehurst
Wiggins
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Zablocki
Zwach

NOES—111

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Belcher
Betts
Bevill
Blackburn
Blanton
Brown, Mich.
Buchanan
Burleson, Tex.
Burlison, Mo.
Cabell
Caffery
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Fisher
Flowers
Flynt
Fountain
Griffin
Gross
Grover
Hagan
Hall
Henderson
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kemp
King
Kuykendall
Landgrebe
Landrum
Lennon
McMillan
Martin
Mathis, Ga.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Nichols
Passman
Patman
Pirnie
Poage
Powell
Price, Tex.
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Ruth
Satterfield
Scherle
Schmitz
Scott
Shriver
Sikes
Smith, Calif.
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Thomson, Wis.
Veysey
Waggoner
Wampler
Whalley
Whitten
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOT VOTING—33

Addabbo
Badillo
Bray
Burke, Fla.
Byrnes, Wis.
Conable
Delaney
Diggs
Dulski
Edwards, La.
Eshleman
Frelinghuysen
Garmatz
Goldwater
Haley
Hathaway
Hébert
Jarman
Kee
Long, La.
McCulloch
McEwen
McKay
Rousselot
Scheuer
Shoup
Staggers
Sullivan
Symington
Talcott
Teague, Tex.
Terry
Widnall

So the committee amendment was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 22, strike out "Sec. 3." and insert in lieu thereof "Sec. 2.".

The committee amendment was agreed to.

Mr. WIGGINS. Madam Chairman, I move to strike the last word.

(Mr. WIGGINS asked and was given permission to revise and extend his remarks.)

Mr. WIGGINS. Madam Chairman, since its enactment by the 81st Congress, title II of the Internal Security Act of 1950 (50 U.S.C. 811–826) has been a topic of public controversy. Its unresolved constitutionality and its unclear terminology have subjected this legislation to misunderstanding and to conflicting interpretation. It is to this controversial legislation that I would like to direct my remarks in order that I might clarify my vote supporting congressional action to secure its repeal.

Title II, known as the Emergency Detention Act, was enacted in the emotion-charged aftermath of the Communist invasion of South Korea. It constituted an expression of a very real concern in this country with a possible Communist-directed conspiracy against the institutions of our Government. In view of these circumstances, the objectives of this legislation were indeed worth while. It sought not only to preserve the internal security of the Nation in the face of a perceived Communist threat, but also to prevent, during a time of high emotion, the arbitrary detention of persons and groups as had occurred during the Second World War with regard to Americans of Japanese ancestry.

In general, title II constituted an attempt by Congress to provide the executive with a procedure for the granting of due process to persons apprehended, during a national emergency, upon suspicion as a possible participant in acts of sabotage and espionage. In addition, it provided legislative authorization for the establishment of facilities for the detention of such suspected saboteurs.

Under the provisions of title II, once the President has declared the existence of an internal security emergency because of an invasion, declaration of war, or insurrection in support of a foreign enemy, the Attorney General is authorized to issue a warrant for the arrest of, in the words of the statute:

> Each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in acts of espionage and of sabotage.

A person thus apprehended is brought before a preliminary hearing officer who determines from the evidence presented, whether that person should be detained.

If "reasonable ground" for such detention is determined, a detention order is issued, but may be appealed by the detainee to a Board of Detention Review.

After such administrative procedures, provision is made for a detainee to appeal his case to a U.S. court of appeals and subsequently to the Supreme Court. In all proceedings, however, the Attorney General is authorized to withhold any information, the disclosure of which in his estimation would be detrimental to national security.

The provisions for the administrative internment of suspected sabateurs contained in title II have existed within the body of public law during two of the most troubled decades in our Nation's history. This period has witnessed our involvement in a cold war of unprecedented scale with the Soviet Union, our participation in two armed conflicts in support of our Asian allies, and the straining of our national unity by political and racial unrest and violence. Not once during this period, however, has an American President deemed it necessary to invoke these provisions. This is indeed a tribute to the ability of our governmental system to cope with difficult situations without resorting to the suspension of the political and civil rights of even a minority of its citizens.

Despite this record, however, the continued existence of title II has become an irritation to many Americans. There has developed around this legislation a so-called "concentration camp psychosis;" a fear that the statute might be utilized as a potential instrument for the apprehension and detention of individuals holding opinions unpopular with those in control of the Government. While such viewpoints are unfounded, they cannot be ignored. In recent years our Nation has experienced considerable stress as a result of racial violence and our involvement in the war in Vietnam.

This stress has resulted in the corosion of the confidence of various segments of our society in the institutions of our Government. The fear generated by rumors of Government plans to utilize title II to "round up" militants and dissidents has served to increase mistrust and inspire disorder. To this extent, title II can be said to contribute to polarization and disorder in that it provides a focal point for those who seek to bring about such a weaking of our society.

The present national climate has heated to the degree where it is not enough for the Department of Justice to simply deny the existence of such plans. Opponents of this legislation, as well as the Department of Justice, have asserted that only the repeal of title II will ally the fears and suspicions, unfounded as they might be, of many of our citizens. This benefit is deemed more important than any potential advantage which title II may provide in times of national emergency. I concur in this opinion.

However, in determining whether or not title II should be repealed, we must address ourselves to more than the emotional considerations which surround it. Such considerations, while important, are insufficient to provide logical ground for determining the propriety of this legislation. The basic issues upon which such a determination should be made are questions of the legislation's necessity, its constitutional propriety, and the relevancy of its measures to the objectives to be attained. It is upon these questions that title II must ultimately stand or fall.

My opposition to the continued existence of title II, even in amended form, is based in large part upon my belief that at present this legislation is unnecessary. Enacted for use in the eventuality of a Soviet-directed invasion or violent conspiracy during the period of intense United States-Soviet confrontation of the early 1950's, title II appears obsolete in the light of present realities. While the threat of such occurrences may have been very real at that time, the persistence of such a threat is not of the same degree today. The eventuality of an armed invasion of this Nation appears unlikely in the foreseeable future as does the occurrence of a conspiracy in support of a foreign enemy. This is not meant to infer that internal difficulties, often Communist inspired, are not likely to arise at some point in the future. Should they arise, however, I am of the opinion that they will not be of the nature for which the provisions of title II are applicable. It is most likely that internal difficulties will occur not as a direct result of a foreign conspiracy, but because of internal strife, nurtured by economic inequalities and by racial and political dissension. It is to the conditions which foster such strife, rather than to our fear of foreign conspiracy, that we must now direct our attention and our efforts.

Regardless of the nature of a future emergency situation, I believe it will not be met with existing legislation but with new measures tailored to the specific need of new situations. I am confident of the continued flexibility of our political system to cope effectively with any situation as it arises.

I further oppose title II on the grounds that it raises serious constitutional questions. Ostensibly, this legislation appears to violate a number of the most basic safeguards of our Constitution. In particular, I am concerned with the aspect of this legislation which provides for the apprehension and internment of individuals within an administrative framework which parallels our civil court system. Under these provisions an individual suspected of espionage is apprehended on a warrant issued not by a court of law, but by an official of the Department of Justice. The individual thus apprehended is authorized to present a defense to the charge of his potential danger to national security not before a judge or an impartial jury, but before a hearing officer and a review board appointed by the administration. In such proceedings, the Attorney General is authorized to withhold any information or witnesses which he deems detrimental to national security. In short, a procedure is provided in which the Department of Justice occupies the roles of accuser, apprehender, prosecutor, and judge.

The administrative procedure provided in title II appears to violate article III, section 2 of the Constitution, which asserts that the Judiciary, not the executive branch, shall resolve "all cases" arising under the Constitution and the laws of this Nation. It may also be viewed as an infringement of the due process and trial by jury guarantees of the fifth and sixth amendments to the Constitution. Furthermore, this procedure is contrary to the legal precedent established by the Supreme Court in *Ex parte Milligan, 4 Wall. 2(1866)*, which has never been overruled. In this case, the Supreme Court invalidated the military trial of a civilian, asserting that so long as a civilian court remains open, a civilian may not be tried before any other tribunal. The Court stated further:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequence, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Assistant Attorney General Yeagley testified last year that the repeal of title II in no way jeopardized our internal security since, in his words:

> There is a considerable amount of statutory authority to protect the internal security interests of our nation from sabotage and espionage . . .

There seems little logic in continuing a law on the statute books when even those for whose use it was intended find no necessity for it.

When the necessity for legislation is nebulous, when its constitutionality is questionable, and when it constitutes a source of irritation and mistrust among the American public, such legislation should be repealed.

For these reasons, I support the repeal of title II of the Internal Security Act of 1950 and urge favorable Congressional action on H.R. 234 as reported by the Committee on the Judiciary.

Mr. BIESTER. Madam Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. Madam Chairman, I urge the committee to approve and pass H.R. 234 intact and with the Railsback amendment. The events of 1942 are a shame to the Nation, but it is not enough merely to characterize them, we must do all we can to prohibit any repetition of them. Reasonable minds can and have differed on how far the Congress can effectively go in prohibiting Executive action to detain American citizens without arrest or trial. It is my conviction that we should go as far as we can to curb such action by Executive fiat.

It has been argued that we need not repeal title II since it is not used. Well, Madam Chairman, the best thing to do with unnecessary laws is to repeal them. But there is an additional reason to repeal. Laws live not only as print in the books of statutes, they also live in the awareness of the public; and they are more than symbols, they are warrants of authority. The American public, the people, are entitled to know that the warrants of authority couched in title II no longer threaten the liberty of any citizen. The driving force behind repeal is not, as some have suggested, the Communist Party, rather it is the conscience of the American people which demands repeal.

Madam Chairman, we do not want concentration camps in America, we do not need them, and by H.R. 234, as a Congress, will say that we shall not have them. I urge passage of H.R. 234 without substitutes for the Railsback amendment.

Mr. HANSEN of Idaho. Madam Chairman, I rise in support of the legislation before us to repeal title II of the Internal Security Act of 1950 and prohibit the establishment of emergency detention camps in this country. I am a cosponsor of a bill similar to H.R. 234, which also provides that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government, except pursuant to an act of Congress.

Title II was originally enacted to cope with certain aspects of a threat posed by an alleged Soviet-directed conspiracy against the institutions and laws of the United States. Specifically it was designed to deal with activities of espionage and sabotage which one might anticipate would be undertaken by hard-core revolutionaries during such an emergency. The language of the act stipulates that the President has the power to proclaim an internal security emergency only in certain instances of national peril and that the President or his agent has the power to detain persons believed to be likely to engage in acts of espionage or sabotage. The act also details the procedures for the continued detention of a person arrested under those conditions.

Title II violates basic constitutional principles and American judicial traditions. It authorizes the President under certain circumstances to apprehend and detain persons if there is reasonable ground to believe that they may engage in certain acts contrary to the national interest. Upon a finding of probable cause for detention, the person may be imprisoned. The detention and imprisonment is not authorized on the basis of an overt act committed in violation of law, but on the basis of mere suspicion that he may commit a crime. Thus, the elementary safeguards guaranteed by our Federal and State constitutions and judicial practices to the most hardened criminals and the most dangerous of traitors are denied to the most innocent of our suspected citizens under the Emergency Detention Act.

The fact is that in 20 years no persons have been detained under the provisions of the Emergency Detention Act of 1950. However, there were camp sites designated as available under the act. At the present time the camp sites exist as minimal security prisons or as farms or as privately owned subdivisions.

Disuse of a law essentially is not a major factor for the necessity of the law's repeal. In 1968 feeling ran high and rumors were rampant that the President could, and probably would, determine that the national peril was great enough that members of radical and militant groups could be detained with no recourse in the courts. The rumors, widely circulated, have been believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. The House Un-American Activities Committee, in May 1968, recommended the possible use of these detention camps for certain black nationalists and for Communists. Some elements of our society have deliberately encouraged these rumors and no speeches by lawmakers or officials have been able to dispel the misgivings.

We can look at the record to see that any arrests of members of radical and militant groups have been made on specific criminal charges under the due process of law. This is the only procedure which should be followed and repeal of the Emergency Detention Act of 1950 will insure that due process will always be followed. In addition, it will be a rebuttal to those who found it easy to believe the worst of the "establishment" in this country.

H.R. 234 offers more insurance of due process than the repeal of title II. It provides, under title 18 of the United States Code, positive affirmation of the arrest and detention of persons under the process, with no exception. The purpose of the positive language is to forestall action, by the Executive, for the wholesale detention of a group of persons arbitrarily determined to be a danger to the United States. The unfortunate experience of the Japanese Americans in the 1940's provides dramatic and sobering evidence of what can happen in this country when power is misplaced.

The evacuation and incarceration of some 110,000 persons of Japanese ancestry in 1942 is one of the saddest chapters in the history of our Republic. It stands as a permanent blot on the record of a nation whose history and traditions have been dedicated to the cause of bringing to all Americans the blessings of individual liberty and equality of opportunity.

Most of these evacuees were native born American citizens. The rest were aliens who were denied the right to become American citizens by our discriminatory laws. Many were placed in a detention camp located in my own State of Idaho. All suffered great personal hardship at the hands of a country that had no reason whatever to question their loyalty. We must make certain that this tragic mistake is not repeated.

Repeal of the Emergency Detention Act of 1950 and insertion of the positive language assuring coverage by due process will create an atmosphere of trust in this country. I am happy to join with my many colleagues who share my concern, with the Justice Department, with dozens of local government bodies, churches, and other organizations, and editorial voices across the land in urging the prompt passage of this legislation to strike from the statute books a law that is so repugnant to America's principles.

Mr. PODELL. Madam Chairman, the time is long past for Congress to repeal the archaic Emergency Detention Act that authorizes the Government to establish and maintain concentration camps in America. The Emergency Detention Act was bad law when it was passed in 1950. It is worse law today.

The Emergency Detention Act violates fundamental constitutional guarantees and judicial traditions that we cherish and which are basic to our American way of life. For example, title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion—of a mere probability that during proclaimed periods of internal security emergencies, the detainee might engage in, or conspire with others to engage in, acts of espionage or sabotage, acts already prohibited by Federal law. Such probability could presumably be based upon rumor, association, relationship or membership in a group. Moreover, the detainee is not granted a trial by jury, or even before a judge. He is assumed to be guilty. There is no presumption of innocence. He is denied the right of confrontation. The Attorney General, if he deems it in the national interest, need not produce any evidence or witnesses in support of his charges against the detainee.

Former Supreme Court Justice Arthur Goldberg, in commenting on this part of the the act, stated:

> I suggest to you that there is no precedent in our law for incarcerating—or indeed even prosecuting—on such a theory. In my judgment, the constitutional right to due process precludes incarceration on the basis of the alleged probability of some future action.

Other provisions of the Emergency Detention Act likewise cast a chilling effect upon the full enjoyment of constitutional rights.

The warrant which authorizes an individual's apprehension is issued neither by a court nor by a magistrate, but by officers designated by the Department of Justice, the prosecutor in the case. Such a procedure is foreign to our judicial process.

Once in custody, the detainee may request a hearing but there is no guarantee of a prompt arraignment—only that a hearing is to be held "within 48 hours after apprehension, or as soon thereafter as provision for it may be made." The person detained is not brought before an impartial judge but before a "preliminary hearing officer" appointed by the prosecution, and if the hearing officer sustains the detention, the only appeal is to a detention review board appointed by the President.

At both the hearing and review board level, the detainee is deprived of substantial due process guarantees.

The right to be appraised of the grounds on which detention was instituted, the right to confront one's accusers, and the right to cross-examine witnesses, are all severely limited if not eliminated if, in the Attorney General's—not a court's—opinion, to divulge information would be dangerous to U.S. security.

The Emergency Detention Act is a vestige of an earlier era in our history that is repugnant to all Americans. During World War II, 109,650 Americans of Japanese ancestry were arrested and their property was confiscated. They were detained in various relocation camps.

In retrospect, they were uprooted from their homes in the Western United States and incarcerated in American concentration camps for no reason other than that they wore Japanese faces.

Even American citizens who had but one-sixteenth Japanese blood were forced into what amounted to concentration camps. In another part of the world, Hitler in Nazi Germany decided that people with one-eighth Jewish blood had to go to concentration camps.

None of the Japanese-American evacuees were charged with any overt crime or act against the United States. The sole justification for their incarceration was that the Japanese American might be disloyal because he was of Japanese ancestry and therefore might have an affinity with the enemy. None were given a trial or a hearing of any kind.

Today, historians, scholars, jurists, lawyers, and plain thinking Americans agree that the evacuation and imprisonment of Japanese Americans in World War II was one of the most shameful chapters in American history.

Eugene Rostow, then dean of the Yale Law School, described the west coast evacuation as "our worst wartime mistake," while President Truman's Civil Rights Commission declared that it was "the most striking mass interference since slavery with the right to physical freedom."

Today, more than 70 State and local legislative bodies, commissions, and agencies throughout the United States and more than 500 national, regional, State, and chapter organizations, representing various professional, business, labor, veterans, social, religious, and civic groups have asked that Congress act quickly in repealing the Emergency Detention Act. Leading newspapers across the country have lifted their editorial voices in favor of repeal.

As Americans, we have come to equate concentration camps with Nazi Germany, Communist Russia, and other totalitarian forms of government. Indeed, we cannot justify the establishment of concentration camps under our own form of government by merely giving them euphemistic labels such as relocation camps or detention centers. Regardless of the appellation used, they in fact are all concentration camps—places where persons are incarcerated merely on the basis of governmental fiat. A democracy such as ours cannot countenance any law which authorizes the establishment of concentration camps.

I urge all my colleagues to support H.R. 234, which would repeal the Emergency Detention Act, restore confidence in the judicial process and in the American way and remove the last remnant of a shameful blot on the pages of our Nation's history.

Mr. HALL. Madam Chairman, I have listened very diligently to the debate that began yesterday on H.R. 234 and the substitute, H.R. 820, the former of which would repeal provisions of the Emergency Detention Act of 1950, and the latter of which would amend this same act. It seems that in reviewing history since the days of World War I and the Wilson administration, this country has always possessed some fear of internal subversion and sabotage. I fear many policies are based on such fears. This fear was manifested at the end of World War I by the wholesale rounding up and deportation of many aliens. The fear was likewise manifested in World War II, and I might say quite unjustly by the rounding up and placing in detention camps of American citizens of Japanese ancestry. I might add also that detention of our Japanese citizens was not done under the act being debated today. It was done by such great so-called civil libertarians as Franklin D. Roosevelt and Earl Warren. It was quite ironic that an arch enemy of American liberals, Senator Robert A. Taft, Sr., was one of the few to speak up at the time of detention, vigorously opposing the Government's action. The same applies to FBI director J. Edgar Hoover. However, Madam Chairman, this is in the past, and we must now deal with the factual situation here at hand, and plan adequately for the future as best we can in a bespoiled world.

Without going into the history of the Emergency Detention Act of 1950, I am still convinced that some type of legislation is needed in this area. To repeal and strike from the statutes, as H.R. 234 would do, would lay this country open for even larger types of civil disorders than have been seen in the past. I am firmly convinced that the President needs some type of power and authority to act in this area. I am even willing to say that I am for overprotection in this area since the internal security, the national security, and the very life of the Republic, would essentially be at stake. For this reason, I see no alternative but to support the substitute as offered by the distinguished chairman of the House Internal Security Committee.

Now, Madam Chairman, there has been much talk on this proposed legislation regarding minority groups, discrimination, false imprisonment, and so forth. However, I have yet to see a documented case where any individual or any group was detained or imprisoned under the Emergency Detention Act of 1950. What concerns me more is the fact that thousands upon thousands of mental patients and alleged mental patients are languishing in Federal institutions throughout this country. These questionably designated mental incompetents have absolutely no civil rights and have no redress through any form of due process. I can and have cited specific examples. In the past four Congresses, I have introduced legislation that would protect their constitutional rights. Again in this Congress, I have introduced H.R. 9185, which would help one of the most oppressed and discriminated groups in our society, the mental incompetent. The bill basically would: first, require a preliminary motion for a judicial determination that the mental competency of the accused to stand trial be supported by a sworn, written statement based on personal observation by a responsible adult as to the mental condition of the accused; second, require a hearing on a preliminary motion at which the accused and his attorney should be present; third, authorize a psychiatric examination or temporary commitment for such an examination only upon an initial determination of the court "that there is reasonable cause to doubt the mental competency of the accused"; fourth, limit the commitment, if commitment is ordered for a "reasonable period not to exceed 30 days as the court may determine"; fifth, require a further hearing on the issue of mental competency to stand trial if the initial report of the physician "indicates a state of mental incompetency"; and sixth, guarantee to an accused found mentally incompetent and committed pursuant to the provisions of the statute, the right to a periodic reexamination, not more frequently than every 6 months, on the application of his attorney, legal guardian, spouse, parent, or nearest adult relative.

My bill is no outlandish demand to protect the individual over the rights of society. They are but reasonable, proper, equitable, and just provisions to protect a neglected segment of our society. We have passed much civil rights legislation in the past 10 years, but here is one area of civil rights that has been neglected. Madam Chairman, at this time, I would like to again ask the distinguished chairman of the House Judiciary Committee to ask for departmental reports and to hold hearings upon my bill, H.R. 9185. If the distinguished chairman is interested in protecting civil liberties, I can think of no better place to begin than the area of protecting the alleged and ofttimes "shanghaied" mental incompetents of this country.

Mr. ROYBAL. Madam Chairman, I rise in support of H.R. 234, which would repeal the Emergency Detention Act of 1950. H.R. 234 would eradicate a dangerous and unconstitutional weapon which Congress gave to the President 21 years ago over his veto.

In a state of panicked concern, Congress enacted this law legalizing the imprisonment of American citizens in detention camps during times of crisis without trial, without due process, in violation of our constitutional freedoms.

Although the Emergency Detention Act has never been invoked, it carries totalitarian and Fascist elements, for it usurps individual liberties arbitrarily. First, it violates first amendment freedoms of speech, press, assembly, and association. It violates the fifth amendment by depriving citizens due process; it authorizes arrest and imprisonment not for a commission of crime but on suspicion that such may occur in the future. By this act, probability and the presumption of guilt are installed as our guiding principles of justice.

It violates the sixth amendment by denying the accused the right to trial by jury, the right to confront his accusers, the right to cross-examine the witnesses against him.

It violates the eighth amendment by imposing cruel and unusual imprisonment by permitting indefinite detention without any proof that a crime has been committed.

It violates our basic overriding principle which we have affirmed throughout our history, that the accused is assumed innocent until proven guilty. Imprisonment is based on governmental belief, not proof; the Government determines the fact and rationale, not the courts. The Government need not prove that the accused committed or attempted to commit sabotage or overthrow the Government. In effect, an administrative tribunal replaces our constitutional guarantee of trial by jury.

The whole matrix of procedural due process is twisted by this act; the preliminary hearing officer deciding the validity of an arrest is appointed by the prosecutor; the detention review board hearing appeals has no time restrictions in arriving at a decision; the accused must wait for that decision before appealing to an appellate court; the appellate court replaces his right to a trial by jury and to a complete examination of the facts.

This star chamber approach with its secret faceless informers and its lack of guarantees for cross-examination is repugnant to our constitutional tradition. It replaces hysteria and panic for our basic freedoms. I do not believe that we preserve our national security or serve national interest by maintaining such laws à la the Alien Sedition Act of 1798 or the Executive order of February 29, 1942, establishing relocation camps against 110,000 Japanese Americans.

The memory of that experience is still fresh among Japanese Americans who have led the fight today to repeal this latter day detention law. There is deep concern among minority groups in this country that during a time of continued strife they would be the first ones imprisoned in these camps. It may appear unreal, impobable to some of us today, but we cannot ignore the past experience of the Japanese Americans. Who can say that at another point in history we may turn unreflectingly to this abhorrent act as a ready made tool of oppression.

The Justice Department has already testified that this act is unnecessary, that repeal "will not lesson the inherent authority of the President under the war powers," that "considerable amount of statutory authority" already exists "to protect the internal security interests of our country from sabotage and espionage or other similar attack."

The act is clearly not in the interest of law and order. It can only serve as an undemocratic stigma of our past. It is therefore our congressional responsibility to vote for H.R. 234 to repeal this constitutionally dangerous and unnecessary law.

Mr. ANNUNZIO. Madam Chairman, as a cosponsor of H.R. 234, I urge Members to support this bill which would repeal the Emergency Detention Act of 1950 and which would prohibit detention of persons by Executive order in a time of national emergency.

The briefest summary of the Emergency Detention Act suffices to indicate the unjust and unconstitutional character of its provisions.

Under the act, the President may proclaim an "Internal Security Emergency" if the country is invaded, or if Congress declares war, or if there occurs an internal insurrection in aid of a foreign enemy. With issuance of such a proclamation, the Attorney General has power to apprehend and by order detain each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage. The disposition of any one so arrested is then in the hands of a hearing officer. The hearing officer is not a judge; he is an officer of the executive branch. There is no judge and there is no jury. It is up to the hearing officer alone to decide whether the detainee shall be released or whether he shall be incarcerated for the duration of the emergency. It is true that the act grants to the detainee the right to counsel and the right to cross-examine the witnesses, but at the same time the Act authorizes the Attorney General to withhold evidence or witnesses if their disclosure would endanger national security. The detainee is likely to be deprived of the means of defending himself—the means which we call due process of law. And the detainee may not even appeal the decision of the hearing officer to a Federal court—his appeal is to an administrative tribunal called the Detention Review Board. Only after the Board has made a decision about him may he appeal his case to a U.S. Court of Appeals. And even in proceedings before the Board and before a court of appeals the Attorney General may withhold evidence or witnesses—that is, he can deprive the detainee of any real opportunity to appeal at all.

But the power which this act gives to the executive branch to deprive a detainee of the safeguards of due process is less appalling than the power it gives to incarcerate an individual who has not committed any criminal act whatever. The executive branch may put a man away in a concentration camp for an indefinite period of time merely on suspicion that he might commit espionage or sabotage at some time in the future. This would be nothing else than a system of political terror.

And it is not likely, therefore, that an individual's arrest and incarceration will be based—not on commission of any criminal act—but on his political beliefs and associations?

Madam Chairman, I urge Members to consider how the system of political terror designed in this act may inhibit the exercise of first-amendment rights. A person may think twice before joining a politically radical group if he believes that he might thereby render himself suspect in the eyes of the Justice Department and that he may in consequence be arrested some day even though he has done nothing illegal. The Emergency Detention Act does not take effect only in a time of emergency; it may be having an effect right now in restraining personal liberty.

Not only has it the effect of restraining personal liberty guaranteed by the first amendment, but it has also the effect of arousing apprehension among groups in this country—especially racial and new left groups. Such apprehension is not conducive to overcoming political divisions among the American people.

Madam Chairman, the Internal Security Committee proposes in its bill—H.R. 820—that we retain the Emergency Detention Act with certain amendments. Let me say that these amendments would do little to mitigate the threat to liberty posed by the act. But I should like to address myself to one point which the Internal Security Committee makes. It says that if we merely repeal the act we will remove all direction and limitation imposed by Congress on the President, so that in a national emergency the President could detain individuals or whole groups of people by executive order under his war powers, as he did in relocating Japanese Americans in World War II.

In order to meet this possibility, H.R. 234 prohibits any such executive action; it provides in section 1 that:

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Madam Chairman, I urge Members to reaffirm their commitment to civil liberties by passing H.R. 234.

Mr. ANDERSON of California. Madam Chairman, I rise in strong support of H.R. 234, a bill to prohibit the establishment of emergency detention camps in the United States.

Since entering Congress, I have joined with my good friends and colleagues, Mr. MATSUNAGA and Mr. HOLIFIELD, in efforts to repeal the obnoxious Emergency Detention Act.

The Emergency Detention Act, enacted in 1950 over President Truman's veto, would allow the Government "to imprison each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage."

The authority granted in this act violates the human and civil rights which are guaranteed under the Constitution. The act would allow the incarceration of an individual on the basis of suspicion that an offense may occur in the future. It would allow the imprisonment of innocent individuals without due process similar to that blot on our history which occurred during World War II to Americans of Japanese ancestry.

During the hysteria of World War II, the Government uprooted some 110,000 Japanese Americans from their homes, deprived them of due process of law, and incarcerated them in detention camps for the duration of the war. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied American citizenship by the laws of their adopted country. At the time, no criminal or civil charges of any kind were brought against any individual evacuee, or against the evacuees as a group.

President Truman's Civil Rights Commission declared that this incarceration was "the most striking mass interference since slavery with the right to physical freedom."

The victims of the World War II incarceration—the Japanese Americans have been the vanguard in efforts to insure that innocent persons are never subjected to that treatment again. It is little wonder that the Japanese-American Citizens League, especially their Washington representative, Mike Masaoka, and, most recently, his able assistant, Dave Ushio, has effectively supplemented the efforts of Congressman MATSUNAGA to repeal the Emergency Detention Act.

The fight to repeal the Emergency Detention Act is not a recent phenomena. In 1950, Senator McCarran, then chairman of the Senate Judiciary Committee, opposed the act as "a concentration camp measure, pure and simple." President Truman, in his veto message, stated that—

> They would very probably prove ineffective to achieve the objective sought . . . it may well be that persons other than those covered by those provisions would be more important to detain in the event of emergency.

Unfortunately, President Truman's veto was overridden.

Today, support for the repeal of the Emergency Detention Act comes from many quarters. The Assistant Attorney General testified that:

> Repeal of this legislation will allay the fears and suspicions . . . of many of our citizens. This benefit outweighs any potential advantage which the Act may provide in a time of internal security emergency.

The Los Angeles County Board of Supervisors supports this bill before us today in order to avoid any "repetition of the infamous treatment accorded loyal Japanese Americans who were uprooted from their homes and moved into concentration camps during the hysteria of World War II."

Gardena, Calif., a beautiful community located in my district, has many residents who were deprived of their freedom during World War II. The City Council of Gardena has adopted resolutions in support of the abolition of the Emergency Detention Act. The city council states that:

> The Act is an unnecessary statute of the United States which could possibly be used to unjustly deny a person his Constitutional Right.

In addition, I have received resolutions adopted by the city councils of Carson, Compton, Hawthorne, Redondo Beach, and Torrance, Calif., seeking the repeal of the Emergency Detention Act.

Madam Chairman, if a person is to be imprisoned, let us follow established judicial procedures, let us require that charges are prepared, let us insure a fair and impartial trial, let us uphold the very Constitution that thousands upon thousands of Americans have valiantly fought and died to protect.

Let us pass H.R. 234 and thereby repeal the Emergency Detention Act.

Mr. HECHLER of West Virginia. Madam Chairman, I strongly support and am proud to vote for this legislation. It was my honor to have the opportunity to work as a special assistant to President Harry S. Truman, on his personal staff at the White House, at the time he penned his classic veto message on the Internal Security Act of 1950. Madam Chairman, in those days when McCarthyism was running rampant through the Nation, and legislators were turning tail on the issue of witch hunts against subversives, there were some legislators of high courage in this body who stood up to be counted on the side of the U.S. Constitution when this iniquitous bill was before this body, and again in sustaining President Truman's veto.

The veto message which President Truman sent to the Congress, 21 years ago next week, reads even better in 1971 when we consider the conditions of the times. It took that rare brand of courage which President Truman possessed to express so eloquently and cogently his support of the Constitution of the United States, as he stood up to defend the civil liberties protected by that historic document.

The text of President Truman's veto message of September 22, 1950, follows:

To the House of Representatives:

I return herewith, without my approval. H.R. 9490, the proposed "Internal Security Act of 1950."

I am taking this action only after the most serious study and reflection and after consultation with the security and intelligence agencies of the Government. The Department of Justice, the Department of Defense, the Central Intelligence Agency, and the Department of State have all advised me that the bill would seriously damage the security and intelligence operations for which they are responsible. They have strongly expressed the hope that the bill would not become law.

This is an omnibus bill containing many different legislative proposals with only one thing in common: they are all represented to be "anticommunist." But when the many complicated pieces of the bill are analyzed in detail, a startling result appears.

H.R. 9490 would not hurt the Communists. Instead, it would help them.

It has been claimed over and over again that this is an "anticommunist" bill—a "Communist control" bill. But in actual operation the bill would have results exactly the opposite of those intended.

It would actually weaken our existing internal security measures and would seriously hamper the Federal Bureau of Investigation and our other security agencies.

It would help the Communists in their efforts to create dissension and confusion within our borders.

It would help the Communist propagandists throughout the world who are trying to undermine freedom by discrediting as hypocrisy the efforts of the United States on behalf of freedom.

Specifically, some of the principal objections to the bill are as follows:

1. It would aid potential enemies by requiring the publication of a complete list of vital defense plants, laboratories, and other installations.

2. It would require the Department of Justice and its Federal Bureau of Investigation to waste immense amounts of time and energy attempting to carry out its unworkable registration provisions.

3. It would deprive us of the great assistance of many aliens in intelligence matters.

4. It would antagonize friendly governments.

5. It would put the Government of the United States in the thought-control business.

6. It would make it easier for subversive aliens to become naturalized as United States citizens.

7. It would give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech.

Legislation with these consequences is not necessary to meet the real dangers which communism presents to our free society. Those dangers are serious and must be met. But this bill would hinder us, not help us, in meeting them. Fortunately, we already have on the books strong laws which give us most of the protection we need from the real dangers of treason, espionage, sabotage, and actions looking to the overthrow of our Government by force and violence. Most of the provisions of this bill have no relation to these real dangers.

One provision alone of this bill is enough to demonstrate how far it misses the real target. Section 5 would require the Secretary of Defense to "proclaim" and "have published in the Federal Register" a public catalogue of defense plants, laboratories, and all other facilities vital to our national defense—no matter how secret. I cannot imagine any document a hostile foreign government would desire more. Spies and saboteurs would willingly spend years of effort seeking to find out the information that this bill would require the Government to hand them on a silver platter. There are many provisions of this bill which impel me to return it without my approval, but this one would be enough by itself. It is inconceivable to me that a majority of the Congress could expect the Commander in Chief of the Armed Forces of the United States to approve such a flagrant violation of proper security safeguards.

This is only one example of many provisions in the bill which would in actual practice work to the detriment of our national security.

I know that the Congress had no intention of achieving such results when it passed this bill. I know that the vast majority of the Members of Congress who voted for the bill sincerely intended to strike a blow at the Communists.

It is true that certain provisions of this bill would improve the laws protecting us against espionage and sabotage. But these provisions are greatly outweighed by others which would actually impair our security.

I repeat, the net results of this bill would be to help the Communists, not to hurt them.

I therefore most earnestly request the Congress to reconsider its action. I am confident that on more careful analysis most Members of Congress will recognize that this bill is contrary to the best interests of our country at this critical time.

H.R. 9490 is made up of a number of different parts. In summary, their purposes and probable effects may be described as follows:

Sections 1 through 17 are designed for two purposes. First, they are intended to force Communist organizations to register and to divulge certain information about themselves—information on their officers, their finances, and, in some cases, their membership. These provisions would in practice be ineffective, and would result in obtaining no information about Communists that the FBI and our other security agencies do not already have. But in trying to enforce these sections, we would have to spend a great deal of time, effort, and money—all to no good purpose.

Second, these provisions are intended to impose various penalties on Communists and others covered by the terms of the bill. So far as Communists are concerned, all these penalties which can be practicably enforced are already in effect under existing laws and procedures. But the language of the bill is so broad and vague that it might well result in penalizing the legitimate activities of people who are not Communists at all, but loyal citizens.

Thus the net result of these sections of the bill would be: no serious damage to the Communists, much damage to the rest of us. Only the Communist movement would gain from such an outcome.

Sections 18 through 21 and section 23 of this bill constitute, in large measure, the improvements in our internal security laws which I recommended some time ago. Although the language of these sections is in some respects weaker than is desirable, I should be glad to approve these provisions if they were enacted separately, since they are improvements developed by the FBI and other Government security agencies to meet certain clear deficiencies of the present law. But even though these improvements are needed, other provisions of the bill would weaken our security far more than these would strengthen it. We have better protection for our internal security under existing law than we would have with the amendments and additions made by H.R. 9490.

Sections 22 and 25 of this bill would make sweeping changes in our laws governing the admission of aliens to the United States and their naturalization as citizens.

The ostensible purpose of these provisions is to prevent persons who would be dangerous to our national security from entering the country or becoming citizens. In fact, present law already achieves that objective.

What these provisions would actually do is to prevent us from admitting to our country, or to citizenship, many people who could make real contributions to our national strength. The bill would deprive our Government and our intelligence agencies of the valuable services of aliens in security operations. It would require us to exclude and to deport the citizens of some friendly non-Communist countries. Furthermore, it would actually make it easier for subversive aliens to become United States citizens. Only the Communist movement would gain from such actions.

Section 24 and sections 26 through 30 of this bill make a number of minor changes in the naturalization laws. None of them is of great significance—nor are they particularly relevant to the problem of internal security. These provisions, for the most part, have received little or no attention in the legislative process. I believe that several of them would not be approved by the Congress if they were considered on their merits, rather than as parts of an omnibus bill.

Section 31 of this bill makes it a crime to attempt to influence a judge or jury by public demonstration, such as picketing. While the courts already have considerable power to punish such actions under existing law, I have no objection to this section.

Sections 100 through 117 of this bill (title II) are intended to give the Government power, in the event of invasion, war, or insurrection in the United States in aid of a foreign enemy, to seize and hold persons who could be expected to attempt acts of espionage or sabotage, even though they had as yet committed no crime. It may be that legislation of this type should be on the statute books. But the provisions in H.R. 9490 would very probably prove ineffective to achieve the objective sought, since they would not suspend the writ of habeas corpus, and under our legal system to detain a man not charged with a crime would raise serious constitutional questions unless the writ of habeas corpus were suspended. Furthermore, it may well be that other persons than those covered by these provisions would be more important to detain in the event of emergency. This whole problem, therefore, should clearly be studied more thoroughly before further legislative action along these lines is considered.

In brief, when all the provisions of H.R. 9490 are considered together, it is evident that the great bulk of them are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism, they would strike blows at our own liberties and at our position in the forefront of those working for freedom in the world. At a time when our young men are fighting for freedom in Korea, it would be tragic to advance the objectives of communism in this country, as this bill would do.

Because I feel so strongly that this legislation would be a terrible mistake, I want to discuss more fully its worst features—sections 1 through 17, and sections 22 and 25.

Most of the first 17 sections of H.R. 9490 are concerned with requiring registration and annual reports, by which the bill calls Communist-action organizations and Communist-front organizations, of names of officers, sources and uses of funds, and, in the case of Communist-action organizations, names of members.

The idea of requiring Communist organizations to divulge information about themselves as a simple and attractive one. But it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist Party is likely to register voluntarily.

Under the provisions of the bill, if an organization which the Attorney General believes should register does not do so, he must request a five-man Subversive Activities Control Board to order the organization to register. The Attorney General would have to produce proof that the organization in question was in fact a Communist-action or a Communist-front organization. To do this he would have to offer evidence relating to every aspect of the organization's activities. The organization could present opposing evidence. Prolonged hearings would be required to allow both sides to present proof and to cross-examine opposing witnesses.

To estimate the duration of such a proceeding involving the Communist Party, we need only recall that on much narrower issues the trial of the 11 Communist leaders under the Smith Act consumed 9 months. In a hearing under this bill, the difficulties of proof would be much greater and would take a much longer time.

The bill lists a number of criteria for the Board to consider in deciding whether or not an organization is a Communist-action or Communist-front organization. Many of these deal with the attitudes or states of mind of the organization's leaders. It is frequently difficult in legal proceedings to establish whether or not a man has committed an overt act, such as theft or perjury. But under this bill, the Attorney General would have to attempt the immensely more difficult task of producing concrete legal evidence that men have particular ideas or opinions. This would inevitably require the disclosure of many of the FBI's confidential sources of information and thus would damage our national security.

If, eventually, the Attorney General should overcome these difficulties and get a favorable decision from the Board, the Board's decision could be appealed to the courts. The courts would review any questions of law involved, and whether the Board's findings of fact were supported by the preponderance of the evidence.

All these proceedings would require great effort and much time. It is almost certain that from 2 to 4 years would elapse between the Attorney General's decision to go before the Board with a case, and the final disposition of the matter by the courts.

And when all this time and effort had been spent, it is still most likely that no organization would actually register.

The simple fact is that when the courts at long last found that a particular organization was recruited to register, all the leaders of the organization would have to do to frustrate the law would be to dissolve the organization and establish a new one with a different name and a new roster of nominal officers. The Communist Party has done this again and again in countries throughout the world. And nothing could be done about it except to begin all over again the long dreary process of investigative, administrative, and judicial proceedings to require registration.

Thus the net result of the registration provision of this bill would probably be an endless chasing of one organization after another with the Communists always able to frustrate the law enforcement agencies and prevent any final result from being achieved. It could only result in wasting the energies of the Department of Justice and in destroying the sources of information of its FBI. To impose these fruitless burdens upon the FBI would divert it from its vital security duties and thus give aid and comfort to the very Communists whom the bill is supposed to control.

Unfortunately, these provisions are not merely ineffective and unworkable. They represent a clear and present danger to our institutions.

Insofar as the bill would require registration by the Communist Party itself, it does not endanger our traditional liberties. However, the application of the registration requirements to so-called Communist-front organizations can be the greatest danger to freedom of speech, press, and assembly, since the Alien and Sedition Laws of 1798. This danger arises out of the criteria or standards to be applied in determining whether an organization is a Communist-front organization.

There would be no serious problem if the bill required proof that an organization was controlled and financed by the Communist Party before it could be classified as a Communist-front organization. However, recognizing the difficulty of proving those matters, the bill would permit such a determination to be based solely upon the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of the Communist movement.

This provision could easily be used to classify as a Communist-front organization any organization which is advocating a single policy or objective which is also being urged by the Communist Party or by a Communist foreign government. In fact, this may be the intended result, since the bill defines "organization" to include "a group of persons permanently or temporarily associated together for joint action on any subject or subjects." Thus, an organization which advocates low-cost housing for sincere humanitarian reasons might be classified as a Communist-front organization because the Communists regularly exploit glum conditions as one of their fifth-column techniques.

It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists.

The basic error of these sections is that they move in the direction of suppressing opinion and belief; this would be a very dangerous course to take, not because we have any sympathy for Communist opinion, but because any government stifling the free expression of opinion is a long step toward totalitarianism.

There is no more fundamental axiom of American freedom than the familiar statement: In a free country, we punish men for crimes they commit, but never for the opinions they have. And the reason this is so fundamental to freedom is not, as many suppose, that it protects the few unorthodox from suppression by the majority; to permit freedom of expression is primarily for the benefit of the majority because it protects criticism, and criticism leads to progress.

We can and we will prevent espionage, sabotage or other actions endangering our national security. But we would betray our finest traditions if we attempted, as this bill would attempt, to curb the simple expression of opinion. This we should never do, no matter how distasteful the opinion may be to the vast majority of our people. The course proposed by this bill would delight the Communists for it would make a mockery of the Bill of Rights, of our claims to stand for freedom in the world.

And what kind of effect would these provisions have on the normal expression of political views? Obviously, if this law were on the statute books, the part of prudence would be to avoid saying anything that might be construed by someone as not deviating sufficiently from the current Communist propaganda line. And since no one could be sure in advance what views were safe to express, the inevitable tendency would be to express no views on controversial subjects.

The result could only be to reduce the vigor and strength of our political life—an outcome that the Communists would happily welcome, but that free men should abhor.

We need not fear the expression of ideas—we do need to fear their suppression.

Our position in the vanguard of freedom rests largely on our demonstration that the free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement. Let us not, in cowering and foolish fear, throw away the ideals which are the fundamental basis of our free society.

Not only are the registration provisions of this bill unworkable and dangerous, they are also grossly misleading in that all but one of the objectives which are claimed for them are already being accomplished by other and superior methods—and the one objective which is not now being accomplished would not in fact be accomplished under this bill either.

It is claimed that the bill would provide information about the Communist Party and its members. The fact is, the FBI already possesses very complete sources of information concerning the Communist movement in this country. If the FBI must disclose its sources of information in public hearings to require registration under this bill, its present sources of information, and its ability to acquire new information, will be largely destroyed.

It is claimed that this bill would deny income-tax exemption to Communist organizations. The fact is that the Bureau of Internal Revenue already denies income-tax exemption to such organizations.

It is claimed that this bill would deny passports to Communists. The fact is that the Government can and does deny passports to Communists under existing law.

It is claimed that this bill would prohibit the employment of Communists by the Federal Government. The fact is that the employment of Communists by the Federal Government is already prohibited and, at least in the executive branch, there is an effective program to see that they are not employed.

It is claimed that this bill would prohibit the employment of Communists in defense plants. The fact is that it would be years before this bill would have any effect of this nature—if it ever would. Fortunately, this objective is already being substantially achieved under the present procedures of the Department of Defense, and if the Congress would enact one of the provisions I have recommended—which it did not include in this bill—the situation would be entirely taken care of, promptly and effectively.

It is also claimed—and this is the one new objectve of the registration provisions of this bill—that it would require Communist organizations to label all their publications and radio and television broadcasts as emanating from a Communist source. The fact is that this requirement, even if constitutional, could be easily and permanently evaded, simply by the continuous creation of new organizations to distribute Communist information.

Section 4(a) of the bill, like its registration provisions, would be ineffective, would be subject to dangerous abuse, and would seek to accomplish an objective which is already better accomplished under existing law.

This provision would make unlawful any agreement to perform any act which would substantially contribute to the establishment within the United States of a foreign-controlled dictatorship. Of course, this provision would be unconstitutional if it infringed upon the fundamental right of the American people to establish for themselves by constitutional methods any form of government they choose. To avoid this, it is provided that this section shall not apply to the proposal of a constitutional amendment. If this language limits the prohibition of the section to the use of unlawful methods, then it adds nothing to the Smith Act, under which 11 Communist leaders have been convicted, and would be more difficult to enforce. Thus, it would accomplish nothing. Moreover, the bill does not even purport to define the phrase, unique in a criminal statute, "substantially contribute." A phrase so vague raises a serious constitutional question.

Sections 22 and 25 of this bill are directed toward the specific questions of who should be admitted to our country, and who should be permitted to become a United States citizen. I believe there is general agreement that the answers to those questions should be: We should admit to our country, within the available quotas, anyone with a legitimate purpose who would not endanger our security, and we should admit to citizenship any immigrant who will be a loyal and constructive member of the community. Those are essentially the standards set by existing law. Under present law, we do not admit to our country known Communists, because we believe they work to overthrow our Government, and we do not admit Communists to citizenship, because we believe they are not loyal to the United States.

The changes which would be made in the present law by sections 22 and 25 would not reinforce those sensible standards. Instead, they would add a number of new standards, which, for no good and sufficient reason, would interfere with our relations with other countries and seriously damage our national security.

Section 22 would, for example, exclude from our country anyone who advocates any form of totalitarian or one-party government. We, of course, believe in the democratic system of competing political parties, offering a choice of candidates and policies. But a number of countries with which we maintain friendly relations have a different form of government.

Until now, no one has suggested that we should abandon cultural and commercial relations with a country merely because it has a form of government different from ours. Yet section 22 would require that. As one instance, it is clear that under the definitions of the bill the present Government of Spain, among others, would be classified as "totalitarian." As a result, the Attorney General would be required to exclude from the United States all Spanish businessmen, students, and other nonofficial travelers who support the present Government of their country. I cannot understand how the sponsors of this bill can think that such an action would contribute to our national security.

Moreover, the provisions of section 22 of this bill would strike a serious blow to our national security by taking away from the Government the power to grant asylum in this country to foreign diplomats who repudiate Communist imperialism and wish to escape its reprisals. It must be obvious to anyone that it is in our national interest to persuade people to renounce communism, and to encourage their defection from Communist forces. Many of these people are extremely valuable to our intelligence operations. Yet under this bill the Government would lose the limited authority it now has to offer asylum in our country as the great incentive for such defection.

In addiion, the provisions of section 22 would sharply limit the authority of the Government to admit foreign diplomatic representatives and their families on official business. Under existing law, we already have the authority to send out of the country any person who abuses diplomatic privileges by working against the interests of the United States. But under this bill a whole series of unnecessary restrictions would be placed on the admission of diplomatic personnel. This is not only ungenerous, for a country which eagerly sought and proudly holds the honor of being the seat of the United Nations, it is also very unwise, because it makes our country appear to be fearful of foreigners, when in fact we are working as hard as we know how to build mutual confidence and friendly relations among the nations of the world.

Section 22 is so contrary to our national interests that it would actually put the Government into the business of thought control by requiring the deportation of any alien who distributes or publishes, or who is affiliated with an organization which distributes or publishes, any written or printed matter advocating (or merely expressing belief in) the economic and governmental doctrines of any form of totalitarianism.

This provision does not require an evil intent or purpose on the part of the alien, as does a similar provision in the Smith Act. Thus, the Attorney General would be required to deport any alien operating or connected with a well-stocked bookshop containing books on economics or politics written by supporters of the present government of Spain, of Yugoslavia or any one of a number of other countries. Section 25 would make the same aliens ineligible for citizenship. There should be no room in our laws for such hysterical provisions. The next logical step would be to "burn the books."

This illustrates the fundamental error of these immigration and naturalization provisions. It is easy to see that they are hasty and ill-considered. But far more significant—and far more dangerous—is their apparent underlying purpose. Instead of trying to encourage the free movement of people, subject only to the real requirements of national security, these provisions attempt to bar movement to anyone who is, or once was, associated with ideas we dislike, and in the process, they would succeed in barring many people whom it would be to our advantage to admit.

Such an action would be a serious blow to our work for world peace. We upheld—

or have upheld till now at any rate—the concept of freedom on an international scale. That is the root concept of our efforts to bring unity among the free nations and peace in the world.

The Communists, on the other hand, attempt to break down in every possible way the free interchange of persons and ideas. It will be to their advantage, and not ours, if we establish for ourselves an "iron curtain" against those who can help us in the fight for freedom.

Another provision of the bill which would greatly weaken our national security is section 25 which would make subversive aliens eligible for naturalization as soon as they wtihdraw from organizations required to register under this bill, whereas under existing law they must wait for a period of 10 years after such withdrawal before becoming eligible for citizenship. This proposal is clearly contrary to the national interest, and clearly gives to the Communists an advantage they do not have under existing law.

I have discussed the provisions of this bill at some length in order to explain why I am convinced that it would be harmful to our security and damaging to the individual rights of our people if it were enacted.

Earlier this month, we launched a great Crusade for Freedom designed, in the words of General Eisenhower, to fight the big lie with the big truth. I can think of no better way to make a mockery of that crusade and of the deep American belief in human freedom and dignity which underlie it than to put the provisions of H.R. 9490 on our statute books.

I do not undertake lightly the responsibility of differing with the majority in both Houses of Congress who have voted for this bill. We are all Americans; we all wish to safeguard and preserve our constitutional liberties against internal and external enemies. But I cannot approve this legislation. which instead of accomplishing its avowed purpose would actually interfere with our liberties and help the Communists against whom the bill was aimed.

This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of Communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security.

There is no reason why we should fail. Our country has been through dangerous times before, without losing our liberties to external attack or internal hysteria. Each of us, in Government and out, has a share in guarding our liberties. Each of us must search his own conscience to find whether he is doing all that can be done to preserve and strengthen them.

No considerations of expediency can justify the enactment of such a bill as this, a bill which would so greatly weaken our liberties and give aid and comfort to those who would destroy us. I have, therefore, no alternative but to return this bill without my approval, and I earnestly request the Congress to reconsider its action.

HARRY S. TRUMAN.

THE WHITE HOUSE, *September 22, 1950.*

Mr. DRINAN. Madam Chairman, I rise in support of H.R. 234, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be detained or imprisoned in any facility of the U.S. Government except in conformity with the provisions of title 18.

H.R. 234 repeals the Emergency Detention Act—title II of the Internal Security Act of 1950—which authorizes the establishment of detention camps. Madam Chairman, I have the honor to be a member of both the Committee on the Judiciary, which unanimously reported out H.R. 234, and the Committee on Internal Security, which, over my dissent and the dissent of others—indeed by a two-vote majority of 5 to 3—reported out H.R. 820, which would amend but not repeal the Emergency Detention Act.

I fully participated in the consideration of both measures by these committees. I disagree with the conclusion reached by five of my colleagues on the Internal Security Committee, but that disagreement certainly does not arise out of any disrespect for the integrity of those gentlemen. Rather it arises—if I may attempt to synthesize the hundreds of thousands of words uttered in both committees—out of the fundamental conviction that our society does not need and cannot tolerate the placement of its citizens in detention camps without trial, without proof of guilt, without presumption of innocence, without procedural due process, without any of the badges of liberty which our Constitution compels. No verbal disclaimer of discrimination can sanitize such a process; no statements of goodwill made in the course of our debate can legitimize the imprisonment of American citizens on the basis of a conclusive presumption of guilty.

If somehow there should occur the national emergency which the Detention Act contemplates as a precondition for internment, procedural remedies under the Emergency Detention Act could not protect us. If such an emergency should ever occur, surely our country would be in no conceivable temper or condition to tolerate either judicial appeal from abuses under the act, or the prudent balancing of procedural rights. If, then, some such type of preventive detention is ever again thought necessary by American citizens, we shall either manage that crisis with the established judicial apparatus, or we shall not be able to cope with it at all by means of barbed wire.

I shall not here trace the unhappy history of the Emergency Detention Act or describe the provisions of the bills which are today before this House. That analysis was eloquently made yesterday.

Nor shall I here measure the merits of this controversy on the basis of the very large number of our colleagues who have supported repeal of the act, or the numbers of citizens, groups, and newspapers which have so vigorously fought for its repeal. The opposition of the President and the Department of Justice, the original veto of the Emergency Detention Act by President Truman, the opposition by the former and present Speakers of the House—Speaker McCormack and Speaker ALBERT—the outcry by the people—these are well known to all of us.

I would make only this closing comment in urging my colleagues to vote for H.R. 234: By passing this bill, the Congress will proclaim to the American people that notwithstanding the tragedies of misjudgment and death into which our Government has led our people overseas, and notwithstanding the enormous clamor at home for order over justice, and notwithstanding the fear which all men have of future and unknown events—notwithstanding all these pressures of life in the United States in 1971, the U.S. Congress again directed that citizens are presumed to be innocent of crime. The entire structure of our society is based on that presumption.

Mr. GUDE. Madam Chairman, today, we have before us legislation designed to repeal title II of the 1950 Internal Security Act, known as the Emergency Detention Act. As an American citizen proud of his Nation's heritage of equal justice and due process of law for all citizens, I cannot help but wish that the Emergency Detention Act had never been a part of the law of the land. As a Member of this body of Congress and cosponsor of H.R. 234, I cannot urge my colleagues strongly enough to support this repealer of title II of the Internal Security Act.

That U.S. citizens could, under present laws, be placed into prison camps in the United States, without having been tried or convicted of committing a crime is a concept totally alien to the American philosophy of justice. All historians, jurists, and right thinking Americans agree that the imprisonment of 110,000 Japanese Americans during World War II, while at the same time, other Japanese-Americans were fighting and dying in the American uniform to protect and preserve the principles of freedom and justice, is indeed a black page in our history.

Under title II of the Internal Security Act of 1950, detention of a person is authorized not on the basis of an overt act committed in violation of the law, but on the basis of suspicion that the person may commit a crime. Those safeguards guaranteed by our Constitution to all criminals are, under present law, denied to the most innocent citizens.

The possibility that prison camps could once again be established in this great Nation is indeed frightening. H.R. 234 would fully remove from our laws those sections which stand today as both a terrible reminder of the Japanese situation which stains the pages of our history and as a potential threat to the rights and security of all Americans. H.R. 820, which is offered as a substitute measure, would not only retain title II but would in fact expand its definitions to include purely domestic groups. Hardly designed to allay anyone's fears, this measure, if adopted, would only compound the problems of the existing law.

Madam Chairman, the strength of our system of government is measured by our ability to operate within the limits of the Constitution, even in times of stress. The Emergency Detention Act stands as a monument to our inability to do so. I believe that this act should have long ago been repealed. I urge my colleagues to vote to totally repeal this act and vote for H.R. 234. No half-way measures will be acceptable.

Mr. COUGHLIN. Madam Chairman, I rise in support of the bill as reported from the Committee on the Judiciary.

The issue we face is clear and simple.

Nothing in the bill—including the Railsback amendment—limits the power of the President in a martial law situation where the courts are unable to function. Indeed, it would be beyond the power of the Congress to so restrict the presidential authority.

But to authorize detention camps and deprivation of due process at a time when the courts are able to function—which is what the amendment proposes by implication—is contrary to the basic system of American jurisprudence, let alone the spirit of freedom and liberty upon which our Republic is founded.

This certainly cannot—and must not—be the intent of Congress.

Let me say it another way.

In the case of invasion or insurrection, the President has the power to proclaim martial law and take extraordinary measures to maintain order. There is no argument, to my knowledge, that the President should not possess such power.

The bill simply says that in the absence of a martial law situation and when the courts are functioning, then we should use the judicial process. I cannot see how anyone can quarrel with this principle.

I recognize the concerns of the distinguished gentleman from Missouri and have supported the Committee on Internal Security.

I cannot support it, however, when it proposes to supersede the judicial process and permit detention without due process of law.

Our Founding Fathers wisely provided the judicial process to protect the rights of all. When the means are available to the President for action in insurrection or invasion, I cannot believe that this Congress intends otherwise to permit or condone incarceration without the judicial process.

I ask my colleagues to join in defeating the amendment.

Mr. CLAY. Madam Chairman, who ever heard of "detention" camps in the United States? Anyone who is familiar with the Internal Security Act of 1950—the McCarran Act—knows of the possibility. Title I of that law establishes the Subversive Activities Control Board. Title II, referred to as the Emergency Detention Act, provides that:

> The President of the United States may declare an internal security emergency when any of the following occur:
>
> 1. Invasion of the territory of the United States or its possessions.
>
> 2. Declaration of war by Congress.
>
> 3. Insurrection within the United States in aid of a foreign enemy.

Under any or all of these situations, or an interpretation by this Government that such a situation exists—the Attorney General can move into action to apprehend and detain citizens about whom there may be reasonable belief—not proof—that they might engage in acts of espionage and sabotage, individually or with others. A person merely needs to be suspicioned to be apprehended, without trial, without any determination of basis for detention.

Over 2 years ago, I joined with other Members of the House in sponsoring legislation to repeal title II of the Internal Security law. The Senate passed this measure unanimously on December 22, 1969—however, the House failed to act on this vital piece of legislation.

The bill being considered by the House today has some 160 cosponsors. Since enactment of the law, no President and no officer of this Government has ever put the detention authority to use. The fact that it exists—is sufficient provocation for taking action to repeal it. The implications of this detention provision for black people seem clear. The temper of our times and the posture of the present administration make it imperative that our efforts to repeal title II succeed.

This effort is being effectively led in the House by the gentleman from Hawaii, SPARK MATSUNAGA. This man vividly recalls and represents people who remember the torment of Japanese Americans throughout the duration of World War II. Because of ancestry, Japanese Americans were immediately made suspect of treason and detained in so-called relocation camps. Americans throughout this Nation should recall the Japanese Americans who gave their lives honorable service and distinction in performance of duties in the Armed Forces of this—their country—America. Only those who succeeded in a release from these camps were able to dedicate such service. The injustices endured by these Americans, whose color and foreign ancestry alone made them suspect, are sufficent to arouse our anxiety now for other Americans who might, under title II of this act, be subjected to similar or worse indignities.

No one can predict when this Nation may see fit to seize upon a witch hunt. Those of us who are sensitive to the nature of protest and to the hasty and violent reactions to dissent—feel warranted in our anxiety.

The climate created by our Nation's leadership worries me deeply. It is this administration which urged a breach of our constitutional rights by recommending prevention detention to implement a war on crime. The Nixon administration pressed for adoption of legislation which provides that law enforcement agencies may "prevent the return to the community of alleged crime repeaters"—while they are awaiting trial. In the past, these sorts of unconstitutional acts have been used against political dissidents—not burglary and rape criminals. The administration succeeded in having Congress pass a preventive detention bill for the District of Columbia which is to serve as a model for the Nation. With passage of this legislation on the national level, the jails probably could not hold all the civil rights marchers, ghetto residents, peace demonstrators and political activitists who would be the criminals subjected to preventive detention.

The existence of the Emergency Detention Act and the pursuit by this administration for preventive detention authority rightfully instills fear in American citizens. It should, however, also stimulate all our energies and resources to exercise the responsibilities of our citizenship toward a protection of the rights guaranteed us by the Constitution.

I urge my colleagues to reject H.R. 820, the alternate bill now being offered which would merely amend title II, retaining the offensive detention provisions. I urge the Members to support passage of H.R. 234 and repeal title II once and for all.

Mr. GALLAGHER. Madam Chairman, I rise today to express, in the strongest possible terms, my support for H.R. 234 to repeal title II of the 1950 Internal Security Act. I was one of the original cosponsors of the first proposals advanced by our distinguished colleague, SPARK MATSUNAGA and we would not be approaching the final end of the thought of detention camps in the United States if it were not for his intelligent hard work.

There is no room in the United States for concentration camps and, perhaps even more important, there is no room in our law for legislation which even suggests that concentration camps are a measured alternative. Interestingly, the repeal of title II has been seen as having some relation to the imprisonment of Americans of Japanese descent during World War II. Of course, this is not relevant in the sense of strict construction, because the Japanese Americans were imprisoned in 1942 and the Internal Security Act was a product of 1950. But in a symbolic sense, many groups in our Nation feel that they might meet the same fate as did the Japanese Americans and the provisions of title II would give congressional authorization for repeating actions which many have called the most grievous mistake made by the United States in World War II.

Let us be very clear about what we are debating today. We are not proposing to tear down concentration camps which have been constructed in the United States, nor are we proposing to release people who are now imprisoned in such camps. I am convinced that no detention camps, of the type allowed under title II now exist, nor do I believe that political prisoners have been imprisoned under its provisions. Nor do I believe that this administration, or any administration for that matter, has consciously moved to implement the Emergency Detention Act, or has the act figured in precise contingency planning.

Madam Chairman, you and I may know this to be true, but there are many in our land who do not share our faith in those who have occupied, or do occupy, power in the executive branch. Repeal of title II today will remove one irritant, one very real source of concern, one major roadblock to domestic tranquillity; I say that the House should take this symbolic step as a way to help restore unity.

We should make our action unequivocal. We should repeal the entire title II and not merely amend it, as has been proposed. I was especially interested to learn that the administration favors repeal, not amendment and this agreement with the actions taken by our Committee on the Judiciary, under its distinguished

Chairman EMANUEL CELLER, should convince the majority of this House to end with total finality the possibility of detention camps for our citizens.

Madam Chairman, the provisions we repeal today are a part of another generation's politics of lost confidence. But it takes no particularly astute observer of the American scene to see that exactly the same kind of mistrust that permitted Americans of Japanese descent to lose their civil rights after World War II is now being directed toward other minorities today. By repealing title II we remove a blatant example of fear and suspicion and I would hope that we can begin to move forward here in the House on dozens of other items which create division.

What we need to do is to concentrate on ways to unite our people and to find ways to begin to trust each other again. Title II was an anachronism when it was passed in 1950, and yet it has taken us 20 years to undo the damage. The Emergency Detention Act was conceived in fear, passed in suspicion, and nurtured in an atmosphere of hate. By repealing it today, we give an indication that we may now be prepared to practice the politics of hope, and discard the politics of lost confidence.

Mr. DRINAN. Madam Chairman, in considering the proposed amendments to the Emergency Detention Act which are before this House today, I have been truly fortunate to have the counsel and wisdom of my very distinguished colleague on the Internal Security Committee, the gentleman from Florida (Mr. PEPPER). In using the words "very distinguished" I do not speak lightly or out of mere formality, Madam Chairman, for the gentleman's career as a teacher, attorney, member of the Florida Legislative, U.S. Senator, and Member of this House has been one of the most extraordinary careers of public service and accomplishment in our Nation. Every Member of this House has benefited from his calm judgment and expertise. I have benefited from his counsel enormously.

Therefore, I am particularly gratified to have joined with the gentleman in our minority views on H.R. 820, which was reported out of the Internal Security Committee in March, and I respectfully commend those views to my colleagues:

MINORITY VIEWS ON H.R. 820: CONGRESSMAN ROBERT F. DRINAN AND CONGRESSMAN CLAUDE PEPPER

"The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances." *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866).

With these words in mind, we must take sharp issue with the majority of this committee which has voted to retain title II of the 1950 Internal Security Act—the Emergency Detention Act—as part of the laws of the United States. We do not believe that the minor procedural changes which the majority proposes to make in that act correct those essential defects which cause us to urge its total repeal.

The United States is a democracy, a country created by people fleeing political and religious persecution in Europe. Essential to our system is the belief that freedom of political beliefs and associations must be protected, so that free debate of important public issues can flourish. In contrast, the hallmark of totalitarian societies is the governmental imprisonment of its political opponents and critics in order to silence them. Yet the Emergency Detention Act authorizes precisely this kind of totalitarian conduct in the United States. For it authorizes the jailing of American citizens because of Government suspicions about their future conduct based solely on their political beliefs and associations. In the words of former United Nations Ambassador Arthur Goldberg "as one who has . . . urgently condemned forced labor camps in the Soviet Union and in other totalitarian states, I can tell you from personal experience that the mere existence of this statute is a grave embarrassment to us as a people. If we are to practice the freedom we profess, this statute must be eliminated."

It is for this reason that we have joined with more than 150 of our colleagues to seek, not procedural changes, but total repeal of this law.

THE CONSTITUTION AND DETENTION

Our Constitution is designed to prevent imprisonment of people under such circumstances except in the gravest of cases. In Article 1, section 9, it provides that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." In the case cited at the outset of this dissent, *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866), the Supreme Court ruled immediately after the Civil War that so long as civilian courts remain open, a civilian cannot be tried before any other tribunal or denied the fundamental right of trial by jury. Said the Court:

"No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of [the Constitution's] provisions can be suspended during any of the great exigencies of government." 4 Wall. at 121.

The Supreme Court affirmed this doctrine after World War II in *Duncan* v. *Kahanamoku*, 327 U.S. 304 (1946), where it rejected the assertion that wartime security required continued military jurisdiction over civilians in Hawaii. Yet this is precisely what the Emergency Detention Act contemplates. People detained under it will not get a trial in a civilian court. They will not get a jury trial. They will not be allowed to confront and cross-examine their accusers. Although the act purports to be operable only in times of "rebellion or invasion," there is clearly no intention to restrict it to situations where our civilian courts have ceased to operate. As Congressman Louis Stokes wrote in his dissent to this very bill in the 91st Congress:

"If Congress declared war on North Vietnam tomorrow afternoon, the President could begin detention before nightfall, despite the unanimously accepted fact that our Vietnamese enemies constitute absolutely no direct menace to our shores. Similarly, detention could begin after an invasion by a minuscule foreign force of our most farflung possession even though this overreaching maneuver posed no threat whatsoever to our nation security."

We cannot leave the issue of the underlying unconstitutionality of the act without a mention of the wartime cases upholding certain aspects of the relocation of Japanese Americans during World War II. Whatever *Hirabayashi* v. *United States*, 320 U.S. 81 (1943), and *Korematsu* v. *United States*, 323 U.S. 214 (1944), may have said about the increased powers of Government in time of war to order curfews and evacuations, they did *not* sanction detention camps. For that matter, in *Ex parte Endo*, 323 U.S. 283 (1944), the Court unanimously refused to sanction the detention of a citizen of Japanese ancestry conceded to be loyal. These cases contribute nothing to efforts to find this act constitutional.

Once the act is declared in effect, the Attorney General is authorized to apprehend and detain "each person as to whom there is reasonable ground to believe that such person *probably* will engage in, or *probably* will conspire with others to engage in, acts of espionage or sabotage." (Emphasis added.)

Detention of the individual, it must be emphasized, is not on the basis of an overt act committed in violation of the law, but on the basis of mere suspicion that he may commit a crime. The act, thus, contemplates a form of "preventive detention" which, to avoid the crimes of espionage and sabotage at some unpredicted time in the future, completely suspends the presumption of innocence. It would be bad enough for people already charged with a particular crime to be deprived of this presumption. Here, however, the presumption is lost because of conduct which has not yet occurred and might never happen. Thus, a vital safeguard guaranteed by our system of government to persons accused of the most dangerous and serious crimes is denied to persons merely suspected of some conduct in the future.

H.R. 820 ALSO DEFECTIVE IN PROCEDURAL SAFEGUARDS

As is so often the case with laws which authorize the destruction of substantive constitutional rights, the act emphasizes procedural safeguards. However, no elaborate system of safeguards can cure the basic wrong of jailing citizens who have committed no crime, but who hold unpopular political beliefs. Even, however, if this were possible, most of the safeguards given in the current act, as well as those proposed by the bill approved by the majority of this committee, are no safeguards at all. The remainder merely repeat protections already guaranteed by the Constitution.

The act gives the detainee a right to a speedy preliminary hearing after detention. However, the right to an expeditious hearing is withdrawn in almost the same breath in which it is given. In the words of the act, a hearing is to occur "within 48 hours after apprehension, *or as soon thereafter as provision for it may be made.*" § 104(d). (Emphasis added.)

The procedure under which the detainee is picked up and given a hearing involves no neutral magistrate or court. The prosecutor acting alone can issue a warrant. The "preliminary hearing officer" who gives the detainee his hearing is appointed by the prosecution, as is the Detention Review Board to which the individual is given a right of appeal.

At none of these hearings is the detainee afforded a right to jury trial, to cross-examination, or to confront his accusers. For, if in the opinion of the Attorney General "it would be dangerous to national safety and security to divulge," the detainee can be denied "the grounds on which his detention was instituted" or the "full particulars of the evidence . . . including the identity of informants."

The act *appears* to give the detainee judicial review of the decision to detain him. However, the Attorney General may again withhold information "the revelation of which in his judgment would be dangerous to the security and safety of the United States." The judicial review provision, moreover, makes the findings of the Government conclusive, so that the reviewing court can do nothing if the Government decision appears to be supported by substantial (if secret) evidence.

The greatest deception, however, in the offer of judicial review is one which could make it totally illusory. The detainee's right to judicial review only accrues after he receives a *written* order of the Detention Review Board. And there is nothing in the act which places a time limit which the Board must meet in rendering such an order.

THE CHANGES IN H.R. 820 DO NOT CURE ITS DEFECTS

What improvements does the majority's bill propose to make in this act? One change would require that both the President and the Congress decide to activate the law during an insurrection, instead of allowing the President alone to make that decision. The assurance of some kind of public debate before the act is invoked is no doubt an improvement, but it hardly outweighs the other dangers which cause us to oppose retention of the act in any form.

A second change would guarantee appointed counsel to any detainee unable to pay a lawyer. However, as the courts would no doubt ultimately hold that appointment of counsel in these circumstances is constitutionally required in any event, the provision appears more generous than it actually is.

One allegedly significant change proposed by the majority of the House Internal Security Committee supporting H.R. 820 is a provision guaranteeing that "no citizen of the United States shall be apprehended or detained pursuant to the provisions of this title on account of race, color, or ancestry." Inclusion of this language represents a direct attempt to quash the rumors rampant in black ghettos and among ethnic minorities in the past few years to the effect that the Government planned to use detention camps.

The minorities of today who hear these rumors cannot escape the recollection of what happened to those of Japanese origin during World War II. When compared to the treatment afforded citizens of German origin in that same war, there can be no doubt that the treatment of the Japanese was racially motivated. These fears were brought sharply into the 1960's by a report of the predecessor to this committee which suggested in a report that detention camps "might well be utilized for the temporary imprisonment of warring guerrillas." "Guerrilla Warfare Advocates in the United States," H. Rept. 90–1351 (May 6, 1968). Shortly thereafter, the chairman of that committee was publicly quoted as indicating that the reference had been to "mixed Communist and Black Nationalist elements across the Nation."

Unfortunately, the "race, color, or ancestry" language offers no real assurance that these fears will be quieted. First, the amendment is careful to omit "national origin," a phrase which is normally used in antidiscrimination legislation. Its omission therefore is significant. The broad freedom to imprison people because of their membership in groups could be used to detain groups on the basis of their "national origin." The act thus allows detention on the basis of standards other than the three criteria expressly prohibited. Moreover, under any standard, it would be an awesome task for any individual detainee to prove that his particular detention had been based on race.

What we need is a real assurance to all our citizens that detention camps are not part of the Government's plans for our minorities. Minor changes in this law will not do that. As the spokesman for the Department of Justice and the Nixon administration stated, in urging outright repeal of the act "continuation of the Emergency Detention Act is extremely offensive to many Americans . . . [T]he repeal of this legislation will allay the fears and suspicions—unfounded as they may be—of many of our citizens."

We could not agree more.

Before concluding, we feel a need to deal with one last argument which has been offered in support of the retention of the Emergency Detention Act. It is that it would be better to have legislation on the books limiting Executive discretion and guaranteeing procedural safeguards to those apprehended. Such an argument is meaningless. In the first place, this law itself confers almost complete discretion on the Government. Second, this law contemplates a rather wholesale suspension of constitutional rights when it is operative. *Ex parte Milligan, supra*, should teach us that the Government does not have this power under the circumstances contemplated under this act. Yet the law would purport to suspend those rights anyway. Should the day come when Government feels free to take this step, the existence of statutory safeguards will have little meaning. In this connection, it should be pointed out that the Nixon administration, through its officials directly responsible for internal security, has taken the position that the other laws on the books regulating espionage and sabotage are more than adequate to handle any situation that might arise and that this particular law should be repealed.

CONCLUSION

We suspect that some members of this body may dismiss the furor over the Emergency Detention Act with an "it can't happen here" attitude. We feel compelled to point out once again that it has happened here. During World War II, detention camps were a reality for more than 110,000 people of Japanese origin, more than two-thirds of whom were citizens of this country. That we all now agree that it should never have happened does not make the memory any less real. At the same time, today conduct unthinkable in the past appears to be becoming commonplace. A vast record of surveillance of the peaceful political activities of American citizens has been uncovered. The Attorney General invokes the "national security" to wiretap and eavesdrop upon domestic groups which by no stretch of the imagination pose any kind of threat to this country.

Viewed in this light, repeal of the Emergency Detention Act has become even more urgent. We must remove the law from the books so that there will be no temptation to use it because it is there. The amendments proposed by the majority would leave untouched the heart of the law. Its total repeal, however, will stand as a clear signal that this Government has repudiated once and for all the use of powers fundamentally incompatible with a free society.

Robert F. Drinan, M.C.
Claude Pepper.

Mr. RARICK. Madam Chairman, I feel it is past time that this body give consideration to tightening our internal security laws rather than abolishing them. Especially is this so in lieu of events over the past several days at Attica, N.Y., which have resulted in the Governor of that State stating that the prison riots and violence were the provocation of revolutionaries and subversives at work in our country.

I, as much as anyone in this body, am opposed to the use of concentration camps and places of detention without due process of law. As a former prisoner of war, I have been in a concentration camp and know firsthand what it means to be denied one's liberties without recourse and with little hope except for escape. I am satisfied also that many of our captured fightingmen in South Vietnam, Korea, and Red China would have the same feeling about illegal detentions and concentration camps.

However, I also believe that those who have once lost their liberties would join with me in putting aside personal emotion to support the safety and protection of their country and their people as a whole. In fact, we would be better serving our people and country today by debating how to free real American prisoners from real concentration camps behind the Communist curtain than by extended debate over a bill that would abolish nonexistent detention camps that contain no one.

The first order of our business must be to preserve our country and to protect our people. This is the primary reason for our existence. Everyday experience should emphasize the need for those in control of our Government to have authority to detain organized, identified saboteurs and espionage agents trained as hard-core revolutionaries.

To say that such a threat does not exist in our country is to be oblivious to everyday news, the warnings of our police and law enforcement officials, and the turmoil sweeping our land.

I, too, regret the highhanded action taken against our Japanese-American people on the west coast during World War II. I hold our colleague, the gentleman from Hawaii (Mr. Matsunaga) in high regard, but I am hopeful that in 1971 we are not being urged to strip our country of all security laws merely as a token gesture to the gentleman from Hawaii as if we can cleanse the guilt from our ancestors' hands. We are living in 1971, not 1942. I know of no reported instances where any Japanese is being detained anywhere in our country because of his nationality.

There are many immigrant races and national origins in our country, but to my knowledge, none has been identified as posing as any threat or enemy of the American people bent on the overthrow of our constitutional form of government. On the contrary, the identified enemy does not come at us identified by race, creed, or color, but rather by ideology—as atheistic and Communist.

The only identified faction in this country heard to complain about the threat of mass detention has been the Black Panthers and their white Communist overseers. The Panthers' fear of retaliation by their fellow countrymen is far offset not only by the fear and violence that the Panthers have performed, but also by what they promise in the future. Those who fear application of police state tactics must understand that it is they who are being exploited to bring about the conditions which they fear. Yet, like so many paranoids, they would dig their own grave and complain that it is too deep.

Others, in their glee to abolish nonexistent emergency detention camps are not heard expressing concern over the turning of our country into a concentration camp. While every libertarian present has expressed deep concern and remorse over the Japanese-American detention in 1942, not one tear has been shed for the repressive action being taken this very week against American children also including Chinese Americans in the State of California.

Can the supposed libertarians explain a difference between massive detention of a race for national security reasons and massive forced busing of children because of race for the express purpose of breaking down their traditions and culture? I mention this because even though there are no Japanese Americans in any concentration camps today or even being so threatened, there are today Chinese Americans being denied their individual liberties under color of de facto U.S. laws.

I am opposed to section 2 of title II of the Internal Security Act of 1950 and support its repeal. In fact, I have so told the gentleman from Hawaii (Mr. MATSUNAGA) but I cannot support his bill in its present form because I fear we go too far in that committee amendments handcuff our internal security apparatus to the point where the bill could prove more destructive to the protection of our people than the law in its original form.

I expect to support the Ichord amendments and if either are adopted, plan to vote for the bill on final passage.

Mr. WILLIAM D. FORD. Madam Chairman, today I am joining with 159 of my colleagues in the House of Representatives in support of H.R. 234, the bill to repeal the Emergency Detention Act of 1950. The effect of the passage of H.R. 234 would be to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall ever be committed for detention or imprisonment in any Federal facility other than a penal or correctional institution.

I am extremely pleased and relieved that today Congress has the opportunity to eliminate this repugnant act. I find it incredible to believe that a nation which was founded to guarantee the rights of free speech and expression and whose judicial system is based upon the concept that an individual is innocent until proven guilty could have enacted a law which so seriously violates these principles. The Emergency Detention Act of 1950 permits the detention, during "internal security emergencies," of any person who is felt will "probably" engage in or conspire to commit acts of espionage.

Madam Chairman, the history of this century can only serve to remind us of the tragedies and injustices which can occur when governments have the authority to imprison large groups of people on the grounds of mere suspicion. Congress now has the chance to eliminate this unjust legislation from the statutes and to assure that, once and for all, the threat of its provisions will never be implemented in this country.

Mr. DELLUMS. Madam Chairman, the mere fact that no one has ever used the power to employ detention camps can not be a justification for continued existence of law authorizing them.

Last year as a candidate for Congress, I promised constituents of California's Seventh District that I would work to repeal title II of the Internal Security Act. I was proud this year to join with my colleague, the gentleman from Hawaii, in sponsoring H.R. 4241—a bill identical to the measure before us today.

I would like to take this time to explain my opposition to this type of remedy for social disorder. Too often, detention camps serve as part of the panacea thinking typical of the establishment. Serious human problems develop, and the response by the establishment is to call for more detention camps, for more police funds, for higher defense budgets.

Instead of dealing with causes, the solutions focus on effects. The establishment calls for massive spending for so-called "internal security" while denying the needs and rights of millions of people who are forced to exist under inhumane conditions.

All of us understand the legal and/or political factors behind the need for H.R. 234. I agree with my colleagues in their analyses based on those grounds. And, of course, I am well aware of this country's tragic past history of concentration camps and why that tragedy can never be fully dispelled, why it should never be repeated under any conditions.

But I must emphasize the ethical corruption of any system which must resort to devices such as "emergency detention camps" as a method of solving serious human problems.

I urge passage of H.R. 234.

Mr. KOCH. Madam Chairman, I rise in support of H.R. 234, of which I am a cosponsor, repealing the Emergency Detention Act of 1950. That legislation authorizes the establishment of emergency detention camps. This is not a complicated bill. Those of us supporting the bill wish to undo as best we can the great damage done to our Constitution when in 1942, 110,000 Japanese Americans were placed in American concentration camps for no reason other than that they were of Japanese extraction. It will be to our eternal shame that we did that and it is to our further discredit that we have let remain on our statute books a provision for the detention of innocent people. Our concentration camps were not, thank God, comparable to those of Nazi Germany where the incarcerated were tortured and killed. Nevertheless, our concentration camps tortured the souls of those innocent persons who were not guilty or even charged with a crime.

There is an attempt on the part of the chairman of the House Internal Security Committee to put a better face on the existing law by making some procedural changes, but the facts are that with those changes we will still have a law which will permit the United States to maintain concentration camps detaining people who have not been convicted of any crime. I will vote "no" when the Ichord substitute amendment is proposed and will vote "yea" in support of the Matsunaga bill on final passage.

Mr. DEVINE. Madam Chairman, I wish to cite two excellent examples of why there is an imperative need for a legislated procedure for detention of potential saboteurs in time of war.

One is the recent herding into Kennedy Stadium of several thousand persons holding a violent protest demonstration in our Nation's Capital. The civil libertarian, American Civil Liberties Union, has already protested that the facilities were inadequate for such a large number of detainees in the stadium and is demanding that the city have a plan and adequate facilities in the future.

Now I am not suggesting that there should be a Federal law providing for the detention of mere demonstrators, antiwar demonstrators, or any other kind. I only cite this as an example of what chaos would most likely occur if there were no adequate legislation available to deal with potential saboteurs in time of war, invasion, or insurrection in behalf of a foreign power.

The other example I wish to cite concerns our friend and neighbor to the north, Canada. Not long ago Canada found herself confronted with insurrection from a group that was composed of French-speaking, Communist-oriented revolutionaries who sought separation from the mother country.

In order to accomplish this, they abducted two men, Pierre Laporte, Minister of Labor for the Province of Quebec, and James Cross, the Trade Commissioner in the British Embassy. Apparently just to prove they were deadly serious in their purpose, these revolutionaries strangled Laporte and left his body to be found by authorities.

Thus confronted, the Canadian Government thought it must move swiftly and forcefully to end this revolt and the accompanying bloodshed.

But the Canadian Government found itself helpless to act without employing drastic and dramatic measures. There was simply no adequate legislation on the books to deal with such a situation.

Therefore the Canadian Government had to actually declare war upon its own citizens. It put into force the War Measures Act which had been used only twice before—in World War I and II. Not even during the Korean war when Canadian forces fought under the United Nations flag was this drastic measure resorted to.

Once the War Measures Act was imposed, authorities immediately rounded up more than 340 persons suspected of belonging to or supporting the Front for the Liberation of Quebec—the FLQ—the revolutionary group who pulled off the kidnaping.

The police solved the case and ultimately arrested all the suspected kidnapers but not before they killed Mr. Laporte.

Madam Chairman, it is a pretty drastic move to have to actually declare war against a group intent on overthrowing your country. This would be similar to our declaring actual war against the Black Panther Party or the Socialist Workers Party.

After the War Measures Act was imposed, the Canadian Parliament hastily sat down and wrote a less repressive law to deal with the situation. But apparently the Parliament did not profit from its experience in this emergency because the new act was permitted to lapse when its time limit expired.

Madam Chairman, I do not propose that we have any legislation on the books even similar to that written in Canada.

I do propose that we have legislation adequate to deal with potential saboteurs, kidnapers, and assassins during time of war, invasion, or insurrection in support of a foreign enemy. I think it is imperative that we do.

I would also like to point out, Madam Chairman, that the legislation proposed by the Judiciary Committee would not merely return our internal security situation back to what it was prior to the Internal Security Act of 1950.

With the unwise amendment written by the subcommittee chaired by the Honorable Mr. KASTENMEIER, the President would be powerless to act swiftly in time of national crisis.

I do not believe, Madam Chairman, that it is wise to tie Presidential hands in a situation where emergency action is required. I do not believe it is wise to strip powers from a President that have been traditionally his.

Mr. FRENZEL. Madam Chairman, I am proud to be listed as one of 160 cosponsors of H.R. 234, a bill to repeal the Emergency Detention Act included as title II of the Internal Security Act of 1950. The bipartisan support of Congress, the overwhelming support of the Department of Justice and the strong backing given this measure by the administration are tributes to the need for the passage of this bill.

There is little justification for including among the laws of our land a statute allowing the establishment of detention camps. The fact that the law has not been invoked during the past 21 years does not make it any less distasteful, nor does it lessen the need for its removal.

What the hindsight of 21 years tells us was a mistake, can be corrected today by the passage of H.R. 234 with the committee amendment, I urge an affirmative vote.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mrs. GRIFFITHS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18, pursuant to House Resolution 483, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASHBROOK moves to recommit H.R. 234 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 356, nays 49, not voting 28, as follows:

[Roll No. 257]

YEAS—356

Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—49

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Baker
Baring
Bevill
Blackburn
Burleson, Tex.
Burlison, Mo.
Chappell
Colmer
Crane
Daniel, Va.
Devine
Flynt
Fountain
Griffin
Gross
Hall
Hunt
Ichord
Jonas
Landgrebe
Mathis, Ga.
Mizell
Montgomery
Nichols
Passman
Patman
Poage
Price, Tex.
Purcell
Rarick
Roberts
Robinson, Va.
Ruth
Satterfield
Scherle
Schmitz
Scott
Spence
Steiger, Ariz.
Teague, Tex.
Waggonner
Whitten
Williams
Wyman
Zion

NOT VOTING—28

Addabbo
Badillo
Bray
Burke, Fla.
Conable
Delaney
Dulski
Edwards, La.
Eshleman
Frelinghuysen
Garmatz
Goldwater
Haley
Hathaway
Jarman
Kee
Long, La.
McCulloch
McEwen
McKay
Scheuer
Shoup
Sullivan
Symington
Talcott
Terry
Widnall
Winn

So the bill was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Frelinghuysen.
Mr. Dulski with Mr. Bray.
Mr. Garmatz with Mr. Conable.
Mrs. Sullivan with Mr. Eshleman.
Mr. Hathaway with Mr. McEwen.
Mr. Delaney with Mr. Widnall.
Mr. McKay with Mr. Shoup.
Mr. Kee with Mr. Talcott.
Mr. Haley with Mr. Burke of Florida.
Mr. Jarman with Mr. Goldwater.
Mr. Symington with Mr. McCulloch.
Mr. Scheuer with Mr. Terry.
Mr. Edwards of Louisiana with Mr. Winn.
Mr. Long of Louisiana with Mr. Badillo.

The result of the vote was announced as above recorded.

The title was amended so as to read: "To amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks announced that Mr. Anderson be appointed as an additional conferee on the bill (H.R. 10090) entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes."

PERMISSION TO FILE SUPPLEMENTAL REPORT ON H.R. 9212, EXTENDING BLACK LUNG BENEFITS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FARMERS HOME ADMINISTRATION

(Mr. PURCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PURCELL. Mr. Speaker, I am introducing today a bill which would consolidate and focus through one point in the Federal Government the commitment which Congress made last year, in the Agriculture Act of 1970, to the needs of rural America. It is a good bill, predicated upon our needs as a nation, not upon the needs of one section of the country, or of just one section of the economy.

This legislation is designed to overhaul the Farmers Home Administration, turning it into the driving force behind our efforts to revitalize a region so huge that, if it were a separate country, it would rank in area as the world's ninth largest. This section of our country contains the highest proportion of our poverty, the lowest average per capita income, the most inequitable distribution of educational opportunity and the bulk of our inadequate housing.

Today the Farmers Home Administration has the authority to make loans and grants to finance housing, water and sewer systems, telephone systems and recreational facilities. This authority is subject to a number of limitations including population and spending ceilings. Basically, my bill would add to this list of authorized projects the financing of small- and medium-sized industrial projects.

Statistics confirm the pattern that the Nation's urban areas accommodate over 73 percent of the people on just over 2 percent of the land. Thus, in our rural areas, we have more room than people—more than enough space to expand—and a real need for the advantages that business and industry can provide.

If we are to do anything about the population migration which is stifling the cities, it must be to build opportunity in rural America. Opportunity means job opportunity, educational opportunity, opportunities in the areas of recreation and other community facilities.

By remodeling the Farmers Home Administration within the Department of Agriculture, we could have at our fingertips one of the most effective agencies in the Federal Government structured to accommodate all the needs of a concerted rural development program.

Consistent with the national need to hold the line on spending, my bill would create no new levels of Federal bureaucracy. With its 1,700 local county offices, Farmers Home Administration is one of the most highly decentralized agencies of the Government. It has achieved an outstanding record of working closely with local people. This bill would put that record to work for all of rural America's needs.

Under an administration proposal, Farmers Home and the other agencies of the Department of Agriculture would be scattered among four new superdepartments. I believe this would fragment rural development efforts to even a greater degree than at present. By streamlining the Department of Agriculture, rather than by abolishing it as the administration suggests, my bill would give rural America the benefit of a truly nationwide, comprehensive program. Up to now no department or agency has been able to provide this.

The most significant change which this bill would make is to expand the traditional application of Farmers Home Administration loans. The agency would be authorized to finance small- and medium-sized commercial and industrial establishments.

Presently, there is a $100 million ceiling on loans which may be made from the Agriculture Credit Insurance Fund. My bill would raise that ceiling to $500 million. At the same time it would transfer the direct loan account to the Agriculture Credit Insurance Fund. In this way, by having more money to guarantee loans from private banks, money can flow within rural America—not between rural America and Washington.

Industry will not come to rural America on its own, however. Community facilities must be attractive enough to support the development of small businesses. Under the present Consolidated Farmers Home Administration Act there is a $100 million ceiling on grants for water and sewer system development for the entire Nation. My bill proposes the removal of that ceiling. The administration's revenue-sharing program proposes the removal of the whole program.

There is currently a maximum loan and grant total for any water or waste disposal facility of $4 million. This bill would raise this to $10 million.

Generally, the bill I have introduced would extend the authority of Farmers Home to a sweeping category of "Rural Area Development." It would increase the population limit of rural areas eligible for this assistance from 5,500 to 10,000. Last year Congress granted authority to Farmers Home to make housing loans in rural areas up to 10,000 population.

The bill would give the Farmers Home Administration the authority to raise funds for these rural area development projects by allowing the sale of insured loan paper on the private market in the same way it now obtains funds for its housing, community facility, and farm ownership loans. This would channel billions of dollars of private capital into rural areas without destroying dozens of successful programs as suggested by the administration's rural revenue-sharing program.

Rural area development is not a partisan issue, Mr. Speaker. Neither is it a sectional issue. The population patterns which have sent most of our population to 2 percent of the land are simply wrong. We owe it to the Nation to make the changes which we know must be made. This bill is a serious effort to do just that.

BEVILL OPPOSES FORCED BUSING

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I rise today to voice my strong opposition to the forced busing of schoolchildren which is taking place throughout the country. I fail to see any good that can come from this forced busing, but I can see many reasons why it should be stopped.

Forced busing is causing much confusion and disrupting the orderly educational process. We must not lose sight of the fact that schools are supposed to educate children. Teachers should teach. They should not be required to bring about social change.

The continued use of forced busing is interrupting the orderly process of hundreds of school districts throughout the Nation, bringing about chaos and distrust and pushing us toward the brink of violence.

Almost without exception, parents and educators in all parts of the United States have voiced opposition to forced busing

In literally thousands of instances, children are being bused many miles from their homes to attend school. This is often being done when the children are in walking distance of their neighborhood schools. And, of course, this busing is costing the taxpayers of this Nation a considerable amount of money.

I do not believe the people of this Nation will continue to put up with such nonsense. So far, Congress has been able to do little in the matter. As you know, Congress has passed a number of bills forbidding the use of busing as an instrument to achieve racial balance. The U.S. Supreme Court, however, has refused to recognize this action and has proceeded to require that busing be used wherever a lower court judge decided to use it.

I predict that within the next few months we will see such a ground swell of public opinion against forced busing that Congress will have to face up to the issue.

Along with a number of other Members, I am supporting a constitutional amendment which would put a stop to the mass busing of children attending public schools. This amendment would prevent the assignment of pupils in public education to any particular school based on his race, creed, or color.

It would go a long way toward reestablishing the policy that public schools are primarily the concern of local school boards, parents, and the community.

I urge my colleagues in the House of Representatives who believe this forced busing, which has been thrust upon us by the U.S. Supreme Court without the consent or desire of the people, is wrong to join with me in getting this proposal out of the Judiciary Committee for a vote by the Members.

Our primary objective is, and must always be, to provide the best possible education for every child in this country. Forced busing is preventing us from doing this. Forced busing has made it necessary for school personnel to devote their time and energy to maintaining order in the wake of the confusion, upheaval, and often confrontations brought about by this massive movement of children.

Our goal of providing a good education for every child can best be reached, in my judgment, by making good schools available to every community and letting local elected educational leaders control these schools. Just think what progress could be made in the academic programs with the money being used on forced busing.

The neighborhood school is the foundation of the American system of education. In many areas it is being torn apart by HEW edicts and Federal court rulings.

To protect the constitutional rights of every citizen, we must adopt this constitutional amendment to allow citizens to attend the school of their choice.

After we have done this, we can once again channel our efforts into developing programs that will provide unlimited educational opportunities for every child in America.

FORCED SCHOOL BUSING DEFEATS THE PURPOSE OF DESEGREGATION

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, the purpose of desegregation is, or ought to be, to improve the education of millions of black and white schoolchildren. This purpose cannot be achieved by busing of children many miles from their familiar neighborhoods, diverting scarce school revenues to the needless purchase, operation and maintenance of buses, making close parent-teacher relationships impossible because of the distances between them, and creating community animosities.

The busing extremists are driving white families to the suburbs and destroying community support of public schools. A remedy to these and other evils lies in enactment of House Joint Resolution 651, of which I am a sponsor. I ask unanimous consent to insert in the RECORD at this point an impressive article by a distinguished commentator relating to this matter.

POLITICS, BUSING AND SCHOOLCHILDREN AS HUMANS

(By James K. Kilpatrick)

With his statement of Aug. 3, intervening personally in the matter of a desegregation decision in Austin, Tex., President Nixon stirred up a crackling summer storm. He brought down the lightning of the Civil Rights Commission, and he drew some ominous gulf wind from Alabama's Gov. Wallace.

It added up to a splendid uproar, full of political reverberations. Before the echoes could subside, the President produced a new thunderclap with his economic message of Aug. 15. All of a sudden, these are noisy times. Let us approach one uproar at a time.

The President was quite right, in my own view, in publicly emphasizing his own determination to oppose, not busing as such, but rather the excesses of busing. In his recent preoccupation with foreign affairs, it is understandable that Nixon could have spared little time for the details of the school plans being cooked up in his own Department of Health, Education and Welfare. No President can keep his eye on everything.

What Nixon has done, and all he has done, is to take firm command of a situation that had been getting badly out of hand. As a matter of administration policy, he will recommend no more than the minimum busing acceptable to federal courts; he will expect HEW Secretary Elliot L. Richardson to comply with his policy; and some heads will roll if the policy is circumvented by bureaucratic obstruction. This is not "defiance" of the courts. It is a manifestation of wisdom by a President who clearly understands, if zealous judges and doctrinaire sociologists do not, what fearful damage is being done to Southern schools by a new racism as evil as the old.

The Civil Rights Commission, of course, does not accept this view. To the commission, the President's policy "almost certainly will have the effect of undermining the desegregation effort." *But the commission's view is too narrow; it fails altogether to see the one transcendent goal. The whole purpose of desegregation is, or at least it ought to be, to improve the education of several million schoolchildren, black and white alike; and if the techniques of desegregation fail to contribute toward that goal, they fail totally.*

This is the point that so often is lost. The experts at HEW had cooked up an elaborate plan for Austin. The school population there is roughly 15 percent black, 20 percent Chicano, and 65 percent white. By a massive reordering of the elementary system, involving 20,000 children from 5 to 12 years old, the experts proposed to achieve roughly these ratios in fulltime "clusters" and "pairs" of 39 schools.

But *the plan gave no consideration to the problems created by the busing of thousands of children many miles from their familiar neighborhoods.* The plan was simply, in this regard, inhuman: It did not see the children as humans. It saw them as drawing-paper figures—black, brown and white—mere symbols on a city map. This was the plan Nixon disavowed. It deserved to be disavowed.

Such computerized "solutions" are not solutions at all; or at least they are not solutions to the main problem. This problem, again, is to improve the education of children. *You cannot solve that problem by diverting scarce school revenues to the needless purchase, operation and maintenance of buses. You cannot preserve desirable parent-teacher relationships if parents are 15 miles away. You do not reduce race prejudice by creating community animosities that are directly the product of racial obsessions.*

Talk of "undermining" the desegregation effort! *This effort is being undermined not by President Nixon, but by the fanaticism of the busing extremists. They are the ones who are driving white families to the suburbs and destroying community support of public schools.* This folly cannot be halted altogether, but perhaps the saddest consequences can be avoided by the "minimum" program Nixon has in mind.

PROPOSED AMENDMENTS TO THE EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

(Mr. DENT asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DENT. Mr. Speaker, the Equal Employment Opportunities Enforcement Act of 1971—H.R. 1746—will be brought up for consideration tomorrow. It is my understanding that we will be engaged in general debate on the bill at that time, and read it for amendment on Thursday.

Mr. Speaker, although the bill was reported by the Committee on Education and Labor some time ago by a rather substantial vote, I would be less than realistic if I did not recognize the deep concern many Members have with certain of its provisions. Unfortunately, the bill has been the object of considerable—and often unfair—criticism by at least one large employer association. In spite of our explanations, the fact remains that some provisions appear onerous to a majority of my colleagues.

In an effort to make the bill conform to the will of a majority, I propose to offer three significant amendments on Thursday. I will be joined by colleagues who previously found H.R. 1746 unacceptable.

For the benefit of all Members, I now include the amendments and a brief description in the RECORD:

No. 1—Amendment to H.R. 1746

(SECTION 4)

On page 8, line 3, after the word "allowable.", add the following new sentence:

"*Provided further,* That no order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint."

On page 26, line 3, after the word "practice).", insert the following new sentence:

"No order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission."

No. 2—Amendment to H.R. 1746

(SECTION 11)

On page 29, at the end of line 18, add the following new sentence:

"The Commission shall be prohibited from imposing or requiring a quota or preferential treatment with respect to numbers of employees, or percentage of employees of any race, color, religion, sex, or national origin."

No. 3—Amendment to H.R. 1746

(SECTION 4)

On page 5, strike lines 21 through 25, and on page 6, strike lines 1 through 11, and substitute the following:

"(e) A charge shall be filed within one hundred eighty days after the alleged unlawful employment practice occurred except that in a case of an unlawful employment practice with respect to which the persons aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. The Commission shall within ten days of the filing of the charge serve a copy of such charge upon the person against whom the charge is made.

My first amendment would impose a 2-year "statute of limitations" on the awarding of backpay and reinstatement under title VII. Thus, if the EEOC or, in the case of an individual action, the Court, found that an unlawful employment practice existed, backpay liability could not be extended further than 2 years from the time the charge was filed with the Commission. I would also like to point out that the existing law requires a setoff from any award of the amount which the complainant did, or reasonably could have, earned.

My second amendment would forbid the EEOC from imposing any quotas or preferential treatment of any employees in its administration of the Federal contract-compliance program. This responsibility, which is now vested in the Office of Federal Contract Compliance of the Department of Labor, would be transferred by H.R. 1746 to the Commission. Such a prohibition against the imposition of quotas or preferential treatment already applies to actions brought under title VII. My amendment would, for the first time, apply these restrictions to the Federal contract-compliance program.

My final amendment would require that copies of charges brought before the Commission be served upon respondents within 10 days. The existing law only requires that notice be given "as soon as practicable."

THE PRAYER AMENDMENT

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWENGEL. Mr. Speaker, for the first time in the Nation's history a serious movement has developed to amend a key provision of the Bill of Rights in the Constitution. Specifically involved are the "religion clauses" of the first amendment which have stood as a bulwark for religious liberty since the approval of the Bill of Rights on December 15, 1791.

These clauses state: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This prohibition of government authority in the realm of religion was extended to all governments—State and local as well as Federal—by the 14th amendment and by the decisions of the U.S. Supreme Court.

The clamor for a constitutional prayer amendment has arisen because of two of the most misunderstood, misinterpreted, and misapplied decisions by the Supreme Court. In 1962—Engel against Vitale—the Court declared that Government composed and authorized prayers violate the first amendment of the Constitution. In 1963—Abington School District against Schempp, and Murray against Curlett—the Court ruled that devotional exercises in schools authorized by law are also prohibited by the first amendment.

Thus it is seen that the Court rulings were restrictions on Government in the area of religious faith and practice. The rights and freedom of schoolchildren or schoolteachers to pray or to read the Bible were not involved in these cases.

Many people have mistakenly thought that the Court threw God out of the schools and that people who want to pray have been denied that right. Nothing could be farther from the facts in these cases.

Nevertheless, an emotion-laden movement has developed to undo what the Supreme Court is mistakenly charged with doing. This movement has crystalized into a proposed amendment to the Constitution, which reads as follows:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

At first glance many people react by saying, "What's wrong with a simple amendment like that? It is harmless, and it might do some good because the Nation needs more prayer."

Others seem to think that the proposed amendment is meaningless, and if it is so harmless why make a fuss about it. "Let's go ahead and adopt the amendment," they say, "and get this bothersome religious question out of the way."

These are inadequate and irresponsible reactions to any proposal that affects in any way the basic principles of religious liberty that have served the American people so well the past 180 years.

Any effort to amend the Constitution, and especially the Bill of Rights, should not be made without full public discussion of all of the issues and without understanding the possible effects of such an action.

Without claiming a complete analysis of the effects of the proposed prayer amendment, I offer the following observations of some of the more obvious defects in this attempt to amend the First Amendment.

First, the proposed prayer amendment is supposed to correct an action by the Supreme Court which the Court never took. The proponents of the amendment in their anti-Supreme Court zeal and in their zeal to see to it that schoolchildren pray have set up a straw man. By a Constitutional amendment they propose to knock over this straw man. This is no way to amend the Constitution or to tamper with the Bill of Rights.

In the next place, the prayer amendment does not do what its proponents claim for it. They say that it puts God back into the classroom. They forget, however, that God is not moved around like a chessman either by the Supreme Court or by the prayer amendment zealots.

They say that such an amendment enables school children to engage in voluntary prayer, which, they mistakenly claim was prohibited by the Supreme Court. This right to voluntary prayer is already adequately protected by the First Amendment. It would be restricted rather than enhanced by the new proposed amendment.

What then would the prayer amendment do if it were placed in the Constitution? A cursory analysis reveals the following:

First. It protects only the "right of persons lawfully assembled." What do we mean by "lawfully assembled?" What about the rights of persons not in a "lawful assembly?" To provide constitutional rights for such a selected class of people is highly questionable and most unwise.

Second. It locates the places to which this "right" is applicable. The amendment would restrict the exercise of this right to "any public building which is supported in whole or in part through the expenditure of public funds." The right to pray should not be circumscribed in any such manner.

Third. It limits the kind of prayers in which people can participate in public buildings. Specifically, according to this amendment, the right to pray is limited to "nondenominational prayer."

This restriction on the prayer life of the people raises a number of questions which may not have been asked by the prayer amendment proponents, but which are certain to be asked by lawyers and administrators in future cases.

For instance, some arm of government, the teacher, the school superintendent, the school board, or other—must make a decision as to which prayer is denominational and which is not denominational. Government, by this act and to this extent, will be authorized by the Constitution to regulate the prayers in which people can participate. This was what the first amendment was intended to prohibit—the authority of government in the religious life of the people.

Thus the proposed amendment, which professes to provide for the rights of people in reality extends the powers of government into areas now prohibited by the first amendment.

Another effect of the prayer amendment, if it becomes a part of the Constitution, would be to introduce new and unlitigated principles into constitutional law. Such changes in constitutional principles would affect Government at all levels—legislative, judicial, and executive.

While the effects of such new constitutional principles might not be immediately apparent, only a fool would attempt to predict what actions Government might take 25 or 50 or 100 years from now. As for me, I do not want to take the risk of authorizing Government to participate in any way in regulating the religious life of the people.

The first amendment as it now stands adequately provides for the "free exercise" of religion by the people and adequately restricts Government from any activity that might be called "an establishment of religion." Both the State and the church have fared well under the first amendment. We want it to remain that way. Let us not spoil our unique arrangement in church-state relations in the United States by adding new, questionable and restrictive amendments to the Bill of Rights.

PRESIDENT WANTS INCOME STABILITY—SHOULD RESCIND RICE ACRE CUT

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, for 1972, the Department of Agriculture has decided to reduce rice acreage allotments by 10 percent. This follows a 15-percent cut in 1970 and a 10 percent cut in 1969.

In my view all of these cuts are unconscionable.

First, because they wreak financial hardship on the rice farmers. In California, which produces the short-grain and medium-grain rice popular in Oriental countries, the economics of the situation are such that a 10 percent in acreage translates almost directly into a 10 percent cut in income.

The decision was announced early this year, ostensibly so that rice farmers would have time to plant other crops on the land in question. But unfortunately, much of this land is now so wet that it cannot be profitably used for anything but rice.

Second, because there are people all over the world who need this rice. It is hard for us to realize this here in the United States, but the average citizen of the world is just one step ahead of starvation.

The ostensible reason for the cut was an anticipated reduction in foreign demand for rice, but this is just not supported by the facts.

Last summer, Korea consummated an agreement for 400,000 tons of rice, which wiped out the California surplus. There is no reason to expect demand to be weaker this year. The same is true of Okinawa and Indonesia.

We can expect the demand from the Philippines to be stronger this year than it was last year, as a result of the typhoons which seriously cut their domestic rice production.

In addition, there is Pakistan. While Pakistan has not been a major outlet for American rice in the past, the recent brutal repression of East Pakistan, for which our Government must bear a considerable share of the blame, is expected to result in a major famine next year. It will be tragic if the actions of USDA today prevent our feeding these people when they need it.

The real reason for the reduction in acreage allotment is of course budgetary. I can understand the administration's desire to reduce its deficit, but this is not the place to do it. If we cannot use such a small portion of our national wealth to help feed the people of the world, our priorities are in a bad way indeed.

In addition if the President is going to stabilize wages and prices, the rice farmers, should not begin from a destabilized position. The rice cut should be rescinded.

RESOLUTION OF INQUIRY ON VIETNAM ELECTIONS

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, I rise today to inform my colleagues that I once again have felt compelled to invoke that privileged procedure known as a resolution of inquiry to obtain certain information which the House of Representatives in my opinion cannot function without. That information is the true state of affairs regarding the presidential election in South Vietnam scheduled for October 3d, and the involvement of the U.S. Government in those elections.

I invoke the procedure reluctantly, because of the heavy press of business facing us during this closing portion of the first session of the 92d Congress. I nonetheless do so because of the seriousness of the issues involved.

To everyone knowledgeable about Vietnam, except this administration, the very thought of "free" elections in South Vietnam has been ludicrous from the outset. Mr. Thieu nationalized the police force under his control this past spring; Mr. Nixon still talked of free and impartial elections. Mr. Thieu jailed many of his articulate political and journalistic opponents—including my fellow alumna from Columbia Law School, the brilliant and dedicated Madame Thanh—and still the administration makes U.S. withdrawal contingent upon the elections, instead of on serious consideration of the seven-point proposal presented at the Paris Peace Talks on July 1 by Madame Binh.

From the outset the elections could be nothing but a farce. The forthright resignation of General Minh from the race has forced us to come out from behind our rhetoric of democracy and to confront that reality. There is no longer any basis on anyone's terms for the United States remaining in Southeast Asia at all. The elections are not going to be free and impartial, as Mr. Nixon assured us they would be if there were no plan for immediate withdrawal; the POW issue is no longer even a point of contention as a result of the very first point of the seven-point peace proposal setting a date certain would insure the prisoners' release. That, of course, was conveniently and completely ignored by the perpetuators of this war in the executive branch—and, I might add, in this Congress, where my resolution urging its consideration drew only 13 cosponsors.

To discover the depth of U.S. cosmetic attempts to cover up the true nature of these elections, I am today calling on the Secretary of State to inform the House of the precise nature of this assistance by providing us with all directives and communications relating to the elections both from State to Mr. Bunker and from Mr. Bunker to Messrs. Thieu, Ky, and Minh.

The news that Mr. Bunker had offered financial assistance to one of the candidates in the race was shocking and merits his immediate replacement. The very instructive document on page 31347 of the Friday, September 10 issue of the CONGRESSIONAL RECORD outlining in clear and precise language Mr. Thieu's methods for "winning" in the provinces provides even more shock. They should be only a small hint of what we in Congress stand to learn when this resolution is adopted and complied with.

Perhaps such revelations will stir this body to the action necessary to end once and for all—now—this interminable and senseless war. At the very least they should muster the 218 signatures to set a date and the 218 votes necessary to cut off funding for the war as soon as we can do so. We will be given six or eight opportunities to do this between now and the end of this session in votes on defense authorizations, appropriations, and conference reports.

At this point I present the text of the resolution:

RESOLUTION

Resolved, That the Secretary of State be directed to furnish the House of Representatives within 1 week after the adoption of this resolution with the complete text of all communications pertaining to the forthcoming Vietnamese Presidential election between the Department of State and the United States Embassy in Saigon and between the United States Embassy in Saigon and Messrs. Thieu, Ky, and Minh since January 1, 1971.

According to the rules, the resolution of inquiry must be reported out of the committee to which referred in 7 days and reported to the floor. I urge your support.

The administration can no longer continue to have it both ways: To declaim on the democratic election and at the same time to covertly manipulate those elections. We in Congress have a right to know what is being done in our name.

KOREA, VIETNAM, AND CAMBODIA ECHO KATYN FOREST MASSACRE

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, as former chairman of the Congressional Katyn Forest Massacre Committee in the 82d Congress, I have been receiving considerable mail, especially from the younger generation for information and facts concerning the massacre by the Soviets of approximately 14,000 Polish leaders in the early part of World War II, which took place in the winter of 1939–40. Evidently some of the same barbarous murders which the Communists committed in Korea and now in Vietnam and Cambodia are reminding the public that they are merely smaller blue prints of the atrocious Katyn Forest massacre of 30 years ago.

I was invited recently by the Indiana Historical Society to speak at their conference held in Hammond, Ind. last Saturday on the subject of the Katyn Forest massacre.

Mr. Speaker, I am hereby submitting excerpts from the speech which I made to the Indiana Historical Society on that evening.

SPEECH BY CONGRESSMAN RAY J. MADDEN

More than thirty years have passed since the horror of the Katyn Forest massacre in 1940, yet the blame for this monstrous war crime has never been officially placed although the guilt has clearly been established. The Katyn massacre involved the execution of some 4,243 of the 15,400 Polish army officers and intellectual leaders who were captured by the Soviets during the Soviet invasion of Poland in September 1939. The Katyn massacre was one of the most barbarous international crimes in world history which has never been officially resolved. The captured Polish officers were interned in three Soviet prison camps. After that date all trace of these men was lost until mass graves were discovered in the Katyn Forest near Smolensk, Russia by Nazi troops in April 1943.

The Soviets immediately blamed the Germans for the crime, charging that the Poles fell into Nazi hands when Germany invaded Russia in the summer of 1941. Germany, in turn, accused the Soviet Union of responsibility for the massacre. At the time, it was most difficult to determine which was the guilty party. However, the select committee of the Congress, which I had the honor to chair, established in 1952 to investigate the Katyn massacre, unanimously agreed that the evidence dealing with the first phase of its investigation proved that the Soviets committed the massacre not later than the spring of 1940. The committee further concluded that the Soviets had plotted the criminal extermination of Poland's intellectual and political leadership as early as the fall of 1939—shortly after the Soviet invasion of Polish territory.

STALIN FEARED POLISH LEADERS

Stalin clearly did not want any sort of opposition to his planned domination of Poland and the rest of Eastern Europe. Those brave individuals at Katyn presented a threat to Soviet plans of communizing Poland and because of their courage and loyalty to a free Poland were ruthlessly executed by the Communists. These men made up a large core of Poland's future leadership, or as a former Polish ambassador to Moscow described them, "the flower of the Polish intelligentsia." Their anti-communist attitudes would have been formidable obstacles to overcome. As we now know and have seen, a communist government in Warsaw was vital to Stalin's plan to surround the Soviet Union with a buffer zone controlled by Moscow.

Memoirs of those few who survived the three camps describe not only the deplorable living conditions, but also the repeated communist indoctrinations and interrogations by NKVD. Clearly, these tactics were not successful and Stalin decided that extermination was the only answer.

The tragic history of Poland during World War II began with the Molotov-Ribbentrop Pact signed on August 23, 1939, Among the provisions of the non-aggression pact between the Soviet Union and Nazi Germany was the agreement to carve Poland in half.

On September 1, 1939 Nazi Germany declared war on Poland and World War II began. On September 17, 1939 the Soviets crossed the Polish border, under the now familiar guise of coming to the Poles' assistance, and occupied the eastern part of Poland. From September 1939 through March 1940 well organized NKVD detachments moved in and arrested civilians as well as members of the armed forces. Many of those captured or arrested were deported across the Soviet border to serve in labor camps, namely Kozielsk, Starobielsk, and Ostashkov. Those from Kozielsk were found in the mass graves at Katyn; more than 10,000 from the other two camps have never been found. The precise motives behind this heinous and shocking crime, as incomprehensible as they may be, have never been fully established.

SOVIET DUPLICITY

Following the Nazi invasion of the Soviet Union, the USSR and the Polish Government-in-Exile signed an agreement re-establishing diplomatic relations. Under the agreement all Poles interned were to be released by the Soviets. The agreement further provided for the formation of a Polish Army whose commander was to be appointed by the Polish Government-in-Exile in London. General Wladyslaw Anders was released from Lubyanka prison in Moscow to organize and lead the new force. After the war, Anders wrote that one of his greatest problems was that he had to do this without more than 8,000 commissioned and some thousands of non-commissioned officers whom he expected to find in Soviet hands.

General Anders detailed a special staff to investigate the matter and discovered that the bulk of the missing men had, in fact, been in the three NKVD camps previously mentioned. Despite dozens of diplomatic overtures, Stalin was evasive concerning the whereabouts of these men. The new Polish ambassador to Moscow, Stanislaw Kot, made repeated requests for information but was repeatedly told that all Polish prisoners had been released.

The German announcement in 1943 concerning the discovery of the mass graves at Katyn prompted the Polish Government-in-Exile to appeal to the International Committees of the Red Cross to investigate the true facts at the Katyn Forest near Smolensk. The Soviet Union, in turn, severed diplomatic relations with the Polish Government. In a furious rage Stalin charged the Polish Government with pro-Hitlerite elements and collaboration with the Nazis. After finding the graves at Katyn, the Germans proceeded to exhume the bodies, arranging for an international medical commission composed of individuals from German occupied and neutral countries and a separate German Medical-Judiciary Commission to examine the bodies in order to establish the time of the massacre.

COMMUNIST MASSACRE METHODS

The commission set about its grisly task and discovered the true horror of the situation. The commission found 4,143 bodies, some punctured with bayonet wounds, many with their hands tied behind their backs. All were shot through the back of the head by revolvers manufactured by Genschow & Company which had been exported to the USSR and the Baltic states.

Although the evidence, the war-time circumstances, as well as the Soviet-German charges and counter charges seriously confused the facts of this barbarous incident, nothing appeared as incriminating against the Soviets as their own report published in 1944 following an investigation at Katyn by an all-Soviet Commission. The Soviet report quotes Russian natives who allegedly saw Polish officers working on road gangs and construction projects in the Smolensk area prior to the German invasion. These witnesses were further quoted to substantiate the Soviet allegation that all the officers were transferred from Kozielsk, Starobielsk, and Ostashkov by the Russians in March and April of 1940 to three camps in the Smolensk area designated only as ON 1, ON 2, and ON 3. However, had this in fact been true the officers' boots would have shown much more wear, yet when examined did not.

Furthermore the Soviet allegation that the commanding officer of the three camps was unable to obtain transportation to evacuate the prisoners while the Germans were advancing, conflicts with known facts. Testimony before the Congressional select committee from a former Soviet official established that under no circumstances were Russian prisoners of war to fall into enemy hands. In the report a witness is quoted as saying that the round-ups of Polish war prisoners took place until September 1941, were then discontinued and that no one ever saw Polish war prisoners after that. Thus, this account fixed the date of the executions at September 1941. However, the bodies at Katyn were found in winter garb while weather reports showed that temperatures during August and September of 1941 in the Smolensk area ranged between 65 and 75 degrees Fahrenheit.

The Soviet report is inconsistent with the facts in its claim that there were 11,000 Poles massacred at Katyn. The Polish Red Cross definitely established that there were no more than 4,143 bodies exhumed and 110 were found, but not exhumed.

SOVIET FAKE TRIALS

During the International Military Trials held in Nuremberg after World War II, evidence was heard relating to the Katyn massacre. In accordance with the London Agreement of 1945, the Soviets were in charge of war crimes allegedly committed in the eastern zones. Hence, the Katyn massacre was the direct responsibility of the USSR to prosecute the individuals responsible. At Nuremberg, the Katyn massacre appeared as a charge against Herman Goering, the highest ranking German officer. The Soviet prosecutor produced three witnesses to establish German guilt; the German defense counsel also produced three witnesses for the defense. The select committee of the House, in the course of its hearings in Frankfurt, heard testimony from the three German Witnesses, that is, Colonel Ahrens, General Oberhaeuser, and Lieutenant Von Eichborn. Contrary to the Soviet report which mentioned the 537th Engineer Battalion, the three testified that they were with the German Signal Regiment 53F and had arrived in the Smolensk area after September 1, 1941. The Soviet report also stated that the Polish war prisoners in the three camps west of Smolensk remained there until September 1941, yet the German witnesses denied ever having seen a Pole in the area. The Soviet prosecutor's failure to prove the charges against the Germans resulted in the case being dropped by the Tribunal. No mention is made of this atrocity in the long list of inhuman crimes proved to have been committed by the Nazis. The significance of this is shocking—since it was impossible to prove that the Germans had committed this crime, one of the most brutal atrocities of the war was ignored and the responsible party escaped with impunity.

The Katyn affairs lay dormant until the late 1940's when public and private individuals and organizations pressed for further investigation of the Katyn crime. The American Committee for the Investigation of the Katyn Massacre, headed by Arthur Bliss Lane had been active for two years amassing evidence and combatting the indifference shown in this matter. Americans of Polish descent in Chicago launched the idea of appointing a congressional select committee for the investigation of the Katyn massacre. Resolutions on this subject were introduced by myself and several of my colleagues and on September 18, 1951 my resolution (H. Res. 390) was unanimously approved by the House. The select committee consisted of myself, as chairman, Thaddeus M. Machrowicz, Democrat from Michigan, Foster Furcolo, Democrat from Massachusetts, Daniel J. Flood, Democrat from Pennsylvania, George A. Dondero, Republican from Michigan, Alvin E. O'Konski, Republican from Wisconsin, and Timothy P. Sheehan, Republican from Illinois. The committee began its investgiation by hearing the evidence of a number of witnesses in Washington, Chicago, London, and Europe. At the beginning of 1952 the committee sent letters to the Polish Government in London, the Soviet Government, the Communist Government in Warsaw, and to the German Federal Republic authorities asking for their cooperation.

The Soviet Government refused its cooperation and in its memorandum of February 29, 1952 stated:

"The question of the Katyn crime had been investigated in 1944 by an official commission, and it was established that the Katyn case was the work of the Hitlerite criminals, as was made public in the press on January 26, 1944. For 8 years the government of the United States did not raise any objections to such conclusions of the Commission until very recently."

The Communist Government in Warsaw also refused its cooperation and labeled the committee's efforts as a part of aggressive war preparations.

In April 1952 the members of the Select Committee arrived in London and in the course of four days heard thirty Polish witnesses. A mass meeting of Poles commemorating the 12th anniversary of the Katyn massacre was held in London and attended by our committee. On behalf of the U.S. Congress I assured the Poles gathered there that the brutality of the Katyn massacre would not go unpunished and that Katyn was not just a Polish issue, but one that affects the conscience of the entire civilized world.

News of the completion of the preliminary investigation by the committee prompted the legitimate President of the Polish Republic to express Poland's gratitude in a cablegram sent to me in Washington. President August Zaleski said:

"By exposing this plot to eliminate those who subsequently would have opposed the communizing of Poland, you have rendered a great service not only to Poland but to humanity as a whole."

His message continued with:

"Your action proves that the U.S. Congress stands always as a defender of justice and righteousness. I am sure that I express the sentiments of the whole Polish nation which I express to you and your colleagues our most sincere thanks."

In the fall of 1952 the select committee heard important witnesses, including Robert H. Jackson, Associate Justice, U.S. Supreme Court, former Under Secretary of State Sumner Welles, former American Ambassadors George E. Earle, W. A. Harriman, Arthur Bliss Lane and Adm. William H. Standley, and S. Mikolajczyk, President of the International Peasant Union. The committee completed its efforts as the 82nd Congress drew to a close.

COMMITTEE RECOMMENDATIONS

On December 22, 1952, the committee held a press conference when it released the text of its final recommendations urging the House to approve the committee's findings and adopt its resolutions. The select committee requested the President to forward the committee's findings to the U.S. delegate at the United Nations: requested the President to instruct the U.S. delegate to present the Katyn case to the General Assembly of the United Nations; requested appropriate steps to be taken by the General Assembly to seek action before the International World Court of Justice against the USSR for committing a crime which was in violation of the general principles of law recognized by civilized nations; and finally, requested the President to instruct the U.S. delegation to seek the establishment of an international commission which would investigate other mass murders and crimes against humanity.

Our recommendations that the Katyn case be followed up before the forum of Congress was presented at the beginning of 1953 but, unfortunately, was shelved on the request of the State Department under Secretary of State Dulles and also by a majority vote of the Foreign Affairs Committee in the House on June 18, 1953. The Report of the Congressional Select Committee on the Katyn Massacre, comprising 2,437 pages of testimony and other evidence, still awaits action.

The Katyn Massacre evokes horrible memories of other senseless, brutal annihilation of peoples during World War II, as well as the brutalities of past centuries. In the course of its investigation, the select committee observed a striking similarity between Katyn and the events which were then taking place in Korea, Vietnam, and Cambodia. The Polish loss at Katyn stands as a constant reminder that neither the passing of time nor amicable diplomacy can erase the fact that such brutality is a capability of men in our age, regardless of impressive technological progress. It is indeed the responsibility of every individual in society as well as every nation to combat this inhumanity in man, and to ensure that the horrors of Katyn are not repeated.

The Katyn Massacre was the only international crime in World History where one tyrant accused another tyrant of guilt. Stalin accused Hitler and Hitler accused Stalin of the most brutal and sadistic mass-murders in the annals of international crime.

We must all continue to strive toward the day when men are not senselessly executed for their courage, spirit and loyalty to a free nation. Although the Katyn massacre no longer occupies the international forum, the conspiracy of silence continues to hover over the mass grave and to quote from an article which appeared in International Affairs, "the unquiet dead of Katyn still walk the earth."

DESPERATE NEED FOR PERMANENT LEGISLATION DEALING WITH LABOR-MANAGEMENT DISPUTES IN TRANSPORTATION INDUSTRY

The SPEAKER. Under a previous order of the House the gentleman from Texas (Mr. ARCHER) is recognized for 10 minutes.

Mr. ARCHER. Mr. Speaker, the recent railroad strike fortunately was settled without congressional action, which has characterized rail strikes in recent years; but it again served to point up the desperate need for permanent legislation dealing with labor-management disputes in the critical transportation industry. Three times during the last 2 years—and this strike came close to becoming the fourth—Congress has been forced to enact emergency measures to avert national economic disaster. That it was avoided this time is a credit to the efforts of the Nixon administration. But the settlement contains nothing to preclude future transportation crises. More than 18 months ago, President Nixon submitted to Congress a proposal for dealing with critical transportation strikes. Congress still has acted only when an emergency has forced 11th-hour, stop-gap measures.

Clearly, the procedures outlined by the Railway Labor Act are inadequate for resolving major transportation strikes. This inadequacy creates a void which can be filled all too easily by government intervention. The probability that Congress will eventually settle any major dispute in turn acts as a disincentive for any serious negotiations between the parties involved. There is a glaring need for change.

I do not challenge labor's fundamental right to strike. It is the workingman's primary tool in collective bargaining with his employer over wages and benefits. As long as a dispute is a matter between an employer and his employees, the Federal Government should not interfere. In the railroads, however—in the entire transportation industry—large-scale work halts affect so much more. During the limited rail strike in July, California lettuce growers, faced with no means for getting their produce to market, had to plow under their entire crop; more than 200 coal mines were forced to shut down; and a major automobile corporation announced the closing of several assembly plants. The economic impact of rail strikes has, in fact, generated more Government intervention than is desirable.

The real loser is the average consumer who must pay the higher prices and suffer the shortage of goods resulting from the strike. A transportation strike creates ripples in the economic pond that spread to many other sectors. If a strike stalls delivery of papermill products, for example, the newspapers and printers that use them may also stop production. The extent of this ripple effect has been measured in a study conducted by the State of Texas. Paper industries, which allocate 80 percent of their transportation expenses to railroads, have a production multiplier of 1.8. For every $100 of undeliverable paper products, the Texas economy loses $180. I am including in the Record a table compiled by the State of Texas which lists production multipliers for certain industries.

In Texas, 20 to 25 percent of all transportation expenses for agriculture, business, and industry are allocated to the railroads.

Mr. Speaker, economic facts of life demand that we devise a lasting, effective method for dealing with major labor disputes in this vital industry. President Nixon has proposed legislation to establish a mechanism for resolving these strikes with minimal Government intervention, before they severely damage the economy. The bill gives the President three options in the event of a national emergency precipitated by a transportation strike. If a settlement seems imminent, he can extend by 30 days the "cooling off" period during which work is continued during negotiations. His second option is to name an impartial board which can order partial operation of the industry, to dilute the economic impact of a work dispute. This option has a 6-month limit. Third, if negotiations seem deadlocked, the President may direct each party to submit a final offer. If no agreement on the final offers can be reached within 5 days, an impartial three-man board shall select one of the offers and make it binding. The board would be appointed by the parties involved; if they could not agree on its composition, the President would appoint it. The Government cannot participate in its hearings and deliberations. Since the board must select one of the final offers, with no compromise solution, each party would be encouraged to offer a reasonable solution.

Although there is perhaps no simple panacean solution, this legislation provides a means urgently needed for resolving major transportation disputes and limiting the damage to our economy. Its provisions can encourage labor and management to resolve voluntarily their differences, with minimal Government involvement. Currently this bill, H.R. 3596, is in the Committee on Interstate and Foreign Commerce. I strongly urge prompt congressional action on the legislation.

INDUSTRIES WITH TOTAL TRANSPORTATION EXPENSES MORE THAN 80 PERCENT RAIL

Name	Annual production (millions)	Production multipliers	
		Texas	United States
Grain products	$356	2.0	2.6
Paper mill products	185	1.8	2.2
Fibers and plastics	324	1.8	2.2
Synthetic rubber	411	1.9	2.2
Tires	114	1.7	2.1
Blast furnaces	200	1.5	2.0
Primary steel and iron	200	1.2	2.0
Nonferrous swelting	241	1.8	2.2
Nonferrous rolling	370	1.6	2.3
Farm products (wholesale)	316	1.3	1.5
Lumber yards	140	1.2	1.5
Automotive dealers	1,853	1.3	1.5

THE MILWAUKEE PROJECT—NEW HOPE FOR DISADVANTAGED PRESCHOOLERS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Steiger) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call the attention of my colleagues to an educational project conducted in Milwaukee, Wis., to improve the intelligence levels of disadvantaged children from low-income families. The Milwaukee project, now in its fifth year of operation, seems to dispel many of the myths which have surrounded the learning abilities of disadvantaged children.

The project was undertaken in 1964 by a team from the University of Wisconsin directed by Rick Heber, professor of education and child psychology. The intent was to find the correlation between poverty and mental retardation. The team worked with children who came from low-income families where the parents had IQ's bordering on the level of retardation. Through intensive stimulation, from an early age, the project has demonstrated that these children can break away from the bonds of mental and intellectual disadvantage from which their parents suffer. In comparison with children of similar background, but without the advantage of active stimulation, the children in the project were found to have an average IQ 33 points above their peers.

Recently, several directors of the project established a new company to develop, produce, and market preschool and special education material and programs which apply the benefits of their study. This material will be available on a worldwide basis.

Following are two articles describing the Milwaukee project. One is by Carl Rowan, a nationally syndicated columnist, and the other is by Stephen Strickland, a health and education consultant:

[From the Sunday Star, June 27, 1971]

Milwaukee Study Explodes the Inferiority Idea

(By Carl T. Rowan)

The nation was buzzing a couple of years ago over Prof. Arthur R. Jensen's theory that heredity, not environment, renders blacks 15 IQ points dumber than whites.

The scientific community recently was embroiled in controversy over Dr. William Shockley's thesis that blacks lack a certain gene common to Caucasians and that this makes them mentally inferior. Shockley is unhappy because the National Academy of Sciences won't conduct studies to verify his thesis.

Some educators—and politicians around the White House—have raised the question of whether it is a waste of money to try to educate the slumdwelling poor in conventional ways. The suspicion is that most of these youngsters are uneducable and might better be taught simple vocational skills.

Jensen, Shockley and the doubting "educators" ought to take a close look at a remarkable project in Milwaukee that has shown disadvantaged children to be capable of educational achievements far beyond anyone's expectation.

A University of Wisconsin team has taken infants from the worst slums of Milwaukee, all of whose mothers had IQs of less than 70 and subjected them to "every aspect of sensory and language stimulation."

This massive intervention into the lives of these children included occupational training for the mother as well as training in home-making and baby-care techniques.

After four years, the IQs of the youngsters have jumped more than 50 percent, with some scoring as high as 135.

Dr. Rick Heber, a professor of education and child psychology at Wisconsin and director of the project, said recently:

"We have seen a capacity for learning on the part of extremely young children surpassing anything which, previously, I would have believed possible. The trend of our present data does engender the hope that it may prove to be possible to prevent the kind of mental retardation which occurs in children reared by parents who are both poor and of limited ability."

Heber noted at the start of the project that of the 6 million mentally retarded people in the United States, almost 5 million have "no identifiable gross pathology of the nervous system." These 5 million are almost exclusively residents of economically distressed urban and rural areas.

Moreover, Heber and his team saw that mental retardation in the slums is strikingly concentrated within individual families where the intelligence of the mother is low.

At first this was thought to support the "heredity is more powerful than environment" school. After all, if children of normal IQ mothers lived in the slums and still achieved, while children of low IQ mothers were retarded, could anything but heredity be the reason?

The Milwaukee project has shown, however, that a mother of low IQ creates an especially crippling environment for her children—above and beyond the ordinary handicaps of the slums.

Heber's Infant Education Center and project workers have in effect supplanted the retarded mothers of a group of youngsters (where cognitive development is concerned) and shown that "heredity" did not doom the infants to retardation.

It should be clear that such massive intervention into the environments of disadvantaged children is not now applicable to public education. The cost of the Milwaukee project has averaged about $10,000 per child.

But some lessons from the project are applicable.

"Our data suggests that even Head Start is getting children when they are too old," says Dr. Pat Flanagan, a Heber associate.

The most important impact of the Milwaukee project could be in changing attitudes about the potential of America's disadvantaged children.

If teachers and school administrators

simply start to believe these children are educable, and earnestly take whatever "compensatory" intervention is now feasible, it could make a world of difference for a lot of children and for the nation.

[From American Education, July 1971]

CAN SLUM CHILDREN LEARN?

(By Stephen P. Strickland)

Disadvantaged children may be capable of educational achievements far beyond anything heretofore imagined if a remarkable project in Milwaukee is the guide it clearly seems to be.

In the project, now in its fifth year, children from poor, illiterate parents living in the city's most depressed section have shown sustained high performance on a variety of tests administered from infancy through their fourth year. During that period the youngsters' intelligence quotients jumped by better than 50 percent, with some of them achieving as high as 135.

This and other evidence gathered during the project seems to demonstrate that while early environmental circumstances have a powerful impact on a child's intellectual growth, the slum environment in and of itself does not necessarily form a lifetime trap for the disadvantaged.

Taken alone, that finding may not seem novel—although convictions about the success of various educational "intervention strategies" sometimes have appeared to be based more on hope and sympathy than on scientific evidence. The Milwaukee Project provides hard data to support the belief that, under the right circumstances, intervention can be successful even in the most difficult situations. Beyond that, the project suggests that some factors affecting learning capability and intelligence quotients which at first glance could be interpreted as matters of inheritance are instead matters of environment.

The implication of the latter finding is one of the things that makes the Milwaukee Project important. In fact, the project's implications relate to several educational concerns from compensatory education to mental retardation. Broadly, they justify our paying greater attention to the availability, the kind, and the quality of education programs for the very young child.

The Milwaukee Project was launched in 1964 when a multidisciplinary team from the University of Wisconsin under the direction of Rick Heber, Professor of Education and Child Psychology, began a series of surveys designed to learn more about the relationship of poverty to mental retardation. The team included professionals from the fields of psychology, psychiatry, sociology, and speech therapy as well as education.

The Wisconsin group knew that by some estimates more than six million persons in the United States are considered to be mentally retarded and that, although the great majority of them have no identifiable pathology of the nervous system, all have exceptionally low I.Q.'s and are functionally if not physiologically retarded. They also knew that mentally retarded persons are found in particularly large numbers among the populations of economically distressed urban and rural areas. What had not been documented was a view that was nevertheless gaining increasing acceptance: that the retardation so frequently encountered in the slum was produced by the overall environment characteristically found there—a combination of ignorance, illiteracy, malnutrition, and economic, mental, and psychological depression.

That view overlooked two rather obvious facts: by far the great majority of disadvantaged persons living in slum areas are not retarded, and the majority of children reared by economically disadvantaged families develop and learn in a relatively normal fashion. These facts suggested that the heavy concentrations of mentally retarded persons in slum areas were related to certain specific factors rather than the general environment, and the Wisconsin group set out to find them.

The area selected for the surveys was that residential section of Milwaukee which, according to census data, had the lowest median family income, the greatest population density per housing unit, and the most dilapidated housing in the city. It was, in short, a classic urban slum. And predictably, it yielded a much higher rate of mental retardation among school children than any other area of the city.

The first survey was conducted in 1964, with all families in the area whose children included a newborn child being invited to participate. The most important finding to emerge from that initial study was that maternal intelligence was the most reliable single indicator of the level and character of intellectual development of the children. Although mother with an I.Q. below 80 made up less than half the total group of mothers in the study, they accounted for about four-fifths of the children with I.Q.'s below 80. The survey data further showed that the lower the mothers' I.Q., the greater the possibility of their children's scoring low on intelligence tests.

Fathers were not evaluated in the first survey. In a second survey, focused on 519 newborn infants in the area, intelligence tests were given to fathers, mothers, and children over two years of age. While the results showed that the father's intelligence level tended to be strikingly close to that of the mother, members of the team felt that the constant proximity of infant and mother and the fact that often the father did not reside in the home made maternal I.Q. a more dependable gauge.

As a result of their surveys and analysis, the University of Wisconsin group became convinced that the exceptional prevalence of mental retardation in the slums of American cities is not randomly distributed or randomly caused. Rather, it is concentrated within individual families that can be identified on the basis of maternal intelligence. In other words, the reason for the unusually high concentration of mental retardation in slum areas is not the slum environment generally, but the retarded parent residing in that environment.

Examined superficially, the population survey data from the Milwaukee study could be taken as suggestive evidence that "cultural-familial" mental retardation is more a matter of heredity than of environment. But what the team of educator-scholars actually observed in their repeated visits with hundreds of families was that the mentally retarded mother creates a social environment for her offspring that is distinctly different from that created by her neighbor of normal intelligence level.

Challenged by that observation, Heber and his associates determined to discover whether the kind of retardation that perpetuates itself from parent to child in the slum-dwelling family could be prevented, and if so, how.

Under the auspices of the university and with grant support from the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare, the multidisciplinary team established an Infant Education Center in 1966 in the area where their surveys had been conducted. Knowing that only children of mothers with I.Q.'s less than 80 show a progressive decline in mean intelligence as they grow older, the Wisconsin group decided to focus their attention and their efforts on such youngsters. They wanted to work with children who, according to the record, were virtually certain to show characteristics of mental retardation as they grew older.

The challenge was to see whether intellectual deficiency might be prevented—as opposed to cured or remediated later—by introducing an array of positive factors in the children's early life, displacing factors that appeared to be negative or adverse. The Wisconsin team knew that any sound conclusions would have to be based on data developed over a period of years and for a relatively stable population group.

The teachers in the Milwaukee Project are both men and women and come from many different backgrounds. Not all of them are teachers by training. Indeed, not all of them have college degrees. They are chosen by the project directors from any applicants on the basis of personal interviews as well as comprehensive written information. What is sought is an ability for sensitive interaction with infants and small children and an ability to work within a system of special instruction that is both structured and flexible, requiring both discipline and initiative. Each teacher undergoes eight months of training before beginning work at the Infant Education Center. At present, six of the nine teachers teaching the two-to-four-year-olds have been with the program from its early days.

For the last four years some 40 mothers with I.Q.'s of less than 70 have, with their newborn children, participated in the Infant Education Center Project. When asked if they wished to have their children take part in such a program, all mothers who were offered the opportunity seized it quickly. The newborn babies of these mothers were divided into two groups, with two-thirds of them being placed in the experimental program and the remaining one-third in a control group. Beginning in the first few weeks of life, the project team launched a comprehensive "intervention" into the lives of those infants in the experimental program.

Shortly after the mother returned from the hospital, teachers began visiting the home for several hours each day, focusing most of their attention on the baby. Some weeks later, as soon as the mother and the teacher together decided that the time was right, mother and child joined programs at the Infant Education Center. The infant child, usually three to four months old, was exposed to mental stimulation of a wide variety for several hours each day under a one-to-one ratio with trained adults. Meanwhile the mother was encouraged—but not required—to take part in a center program designed to teach her improved homemaking and baby-care techniques and in some cases to provide basic occupational training.

The oldest children are now moving toward their fifth birthdays. For the last four-and-a-half years they have been picked up early each morning at their homes and brought to the Infant Education Center. Each child in the school has his own teacher until he is 24 months old. At that point small group learning begins, with two-year-olds being placed in a class with five other youngsters. When the children are three years old, the size of the class is increased to eight; when they are four, it's increased to 11. Throughout, three teachers are assigned to each class. This formula enables every teacher to specialize in a given area—reading, language development and expression, or mathematics—while providing a constant relationship between each child and several adults and constant relationship among the children.

ACTIVITIES ARE STRUCTURED

The education program is made up of a series of activities including important aspects of sensory and language stimulation.

These activities are precisely structured, though the setting is arranged to encourage flexibility and initiative by both the infant and the teacher.

The schedule during four days of each week is firmly set for the children two years old and older. They arrive at the center by 9:00 a.m., and after they are given breakfast, they begin their classes at 9:30. Each of the three teachers engages a third of the pupils in learning activities in his or her special area, using both standard equipment and techniques, materials, and methods that have been developed at the center. For example, the Peabody Language Development Kit for primary level is used for children two, three, and four years old in their afternoon group language class. In the more individualized morning language class, the teacher usually uses equipment and methods developed over the last several years by Heber and his colleagues, and she may occasionally adapt variations from standard methods and equipment for particular purposes.

In his language class, which lasts a half hour, a child is guided by the teacher for 20 minutes of stimulatory exercises; in the remaining 10 minutes he may use the equipment or materials or continue in any way he wishes the activity the teacher began. His second class, also of a half-hour's duration, is likewise divided into 20 minutes of structured activity and 10 minutes of unstructured continuation of that activity. After a half-hour of free play, a third half-hour class brings the children to 11:30, when they decide whether they wish to watch "Sesame Street" on television—which the Milwaukee Project professionals rate highly—or to continue one of the activities begun previously that morning.

After lunch and a nap, there are two additional classes in the afternoon, once more of a half-hour each. For these two classes, each age group is divided into two sections with one teacher working with three to six children. The group language class emphasizes communication and problem-solving. The teacher might ask, for example, "What if you woke up in the morning and could find only one shoe?" The point is to stir the children's imaginations and encourage free verbalization of thought.

A second teacher engages her section in lessons on topics that vary from week to week and include science, art, and music. As in the morning classes, there are 20 minutes of structured activity and 10 minutes of free use of equipment or free exploration of topics introduced earlier. Meanwhile, the third teacher uses this period to work individually with any child needing special help in any subject.

Both the morning and afternoon class groupings are based on a combination of ability and behavior. Hence there is, once more, flexibility within the structure. A child may have his language class at 9:30 on some days and at 11 on other days. For children less than two years old, the day's activities are not as structured as they are for the older youngsters. And on Fridays, the day is less structured for all the children, often allowing for such special occasions as field trips.

The program for mothers continues after the children have begun their classes at the center. Following the initial emphasis on child care and homemaking, the program offers opportunities for vocational training and has assisted a number of mothers to secure steady employment for the first time. The center does not employ any of the mothers but supports an active parents organization in which the majority of them participate.

From the very beginning of their participation in the infant education program the youngsters have been tested as well as taught. At given intervals a number of experimental measures of learning and performance—in language development and motor skills, among other areas—have been applied and standardized tests of intelligence and intellectual development administered.

DIFFERENCES IN PERFORMANCES

Starting when they were 18 months old and continuing at six-week intervals thereafter, the children have been given a series of language performance tests, including both "free speech samples" (recordings of their conversations made at random intervals) and formal language tests. Over a period of three years, striking differences have developed in the performances of children in the experimental group and those in the control group. When the children in the experimental group reached 19 to 25 months of age, their vocabulary production began to accelerate rapidly. For those in the control group, vocabulary production did not begin in any instance until the child was 28 months old, and a number of the control group children still could not speak at that age.

An interesting phenomenon the University of Wisconsin team observed was that at approximately 28 months the children in the experimental group seemed to reach a vocabulary plateau lasting for one to two months. At that stage, as the children began to concentrate on grammatical structure, they produced fewer new words. Three or four months later, however, the children in the active program were able to express themselves in full sentences, some relatively complex, while most of the children in the control group were for the most part still producing unconnected words.

The children in the active stimulation program advanced rapidly not only in expression but in comprehension as well. A test given first at 36 months and thereafter at three-month intervals measured the children's comprehension of 16 different grammatical features or rules of the English language. At every point, the children in the experimental group showed significantly superior performance.

Indeed, on a whole range of tests—from simple matching and sorting to comprehension and motor skills to tests of intellectual development and intelligence quotient—the children who have been exposed since infancy to the daily routine of mental stimulation have shown remarkable development in contrast with the children in the control group. This holds true even when the performance of the experimental group is measured against the norms established by age peers generally.

Naturally it was hoped and expected that the concentrated, carefully constructed program of stimulation of which one group of children was to be exposed would result in some noticeable differences. But the original specific goal was to test ways of preventing decline in intellectual development in children for whom such decline was predictable on a variety of grounds. What was not anticipated by Heber and his colleagues was the marked acceleration in a range of intellectual skills that has in fact occurred over the last four years on the part of the children in the experimental program.

Those differences are dramatized in the finding that at 42 months of age, the children in the active stimulation program measured an average of 33 I.Q. points higher than the children in the control group, with some of them registering I.Q.'s as high as 135. Equally remarkable, the children in the experimental program are learning at a rate that is in excess of the norm for their age peers generally.

The results of four years of effort and analysis that have gone into the Milwaukee Project obviously are extremely promising. The professional educators, social scientists, and teachers involved are nevertheless cautious in their interpretation of those results. For one thing, they want to collect and analyze data on the children participating in the project for another two years or more.

Further, the children have doubtless become "test wise," and the project team would like more time to assess the possible effect of this kind of sophistication. Nevertheless, the children in the control group have been tested as often as those in the experimental program, and so the difference in their performances obviously results from differences in their educational environment.

Whatever their caution, members of the University of Wisconsin group do say that, as far as they know, the intellectual stimulation and training given the children in the Milwaukee Project have been more comprehensive and intensive than that to which any comparable groups of infants have ever been exposed. In the course of their efforts, members of the team have developed particular techniques—especially in the area of verbal skill development and reading comprehension—that seem to have affected the progress of the children, though team members are reluctant to suggest that those techniques and approaches are unique or even completely novel. They are, in any case, planning a series of instructional materials based on their research and teaching experience in infant education.

Despite the scientific caution and personal modesty of the Wisconsin group, their excitement at the possibilities they have developed shows through.

"We have seen a capacity for learning on the part of extremely young children that previously I would not have believed possible," says Heber. "While the results are by no means fully conclusive and must continue to be tested, the least that I am willing to say is that it is difficult to conceive of the children in the experimental program ever falling back to the level of their age peers in the lagging control group."

In any case, the trend of the data being developed in the Milwaukee Project engenders real hope that mental retardation of the kind that occurs in children whose parents are poor and of poor ability can be prevented. If the effort is begun early and remains constant in the early years, even very serious kinds of mental and intellectual disadvantage can possibly be forestalled.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

Over the past 5 years, there has been a calculated campaign to make pessimism our national creed. Commenting on this "disaster lobby," Thomas R. Shepherd, Jr., publisher of Look magazine, pointed out some pertinent facts:

> Environmentalists to the contrary, there is precisely as much oxygen in the air today as in 1910; despite pollution, drinking water is safer than ever before, certainly safer than that which caused Philadelphia's 1793 epidemic which killed one of every five resi-

dents; if the present drop in United States birth rates continues, nobody will be here in the year 4,000, but don't worry about that either; fish caught 44 years ago contained double the mercury as any fish processed this year; while 50 species of wildlife will probably become extinct in this century, the same number disappeared in the 90's. Life expectancy of Americans has doubled in 150 years . . . and our economic system with all its faults is the world's best.

THE CONSUMER PRODUCT INFORMATION INDEX

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in October 1970, the administration took an important step forward in the interests of the American consumer.

Through an Executive order, President Nixon established the Consumer Product Information Coordinating Center within the General Services Administration.

The Center is responsible for encouraging the development of relevant and meaningful consumer product information as a byproduct of the Government's research, development, and procurement activities. It is also charged with promoting greater public awareness of existing Federal programs.

As a part of the consumer product information program, the General Services Administration, through the Consumer Product Information Distribution Center, released last April the first edition of the Consumer Product Information Index. The first edition contained a list of 211 low-cost publications by 11 agencies. As new and relevant publications are issued, they will be included in subsequent editions of the index.

In July, the second edition of the Consumer Product Information Index was released. Included in this edition of the index are 194 selected publications by 13 Federal agencies. Throughout this 15-page index, the consumer is advised on how to buy, use, and take care of products. The publications cover many areas, including budget, shopping, building, buying, and financing houses, home repairs and improvements, and health.

I serve on the Consumer Affairs Subcommittee of the Committee on Banking and Currency and I have introduced a comprehensive Consumer Protection Act, so I have a keen and continuing interest in the subject. I think this booklet is a valuable consumer tool.

I am pleased, at this point, to insert the second edition of the Consumer Product Information Index into the RECORD:

CONSUMER PRODUCT INFORMATION: AN INDEX OF SELECTED FEDERAL PUBLICATIONS ON HOW TO BUY, USE, AND TAKE CARE OF CONSUMER PRODUCTS

APPLIANCES

Buying Your Home Sewing Machine. 1969. 12 pp. 0100–0839. 10¢.

Facts About Microwave Oven Radiation. 1970. 9 pp. 7700–003. Free. Safety aspects in use and maintenance.

Sewing Machine Use and Care. 1966. 52 pp. 0100–0510. 40¢

What's Being Done About X-Rays From Home TV Sets? 1971. 12 pp. leaflet. 7700–010. Free. Federal standards controlling the manufacture of color TV, plus information on safe use and servicing.

AUTOMOBILES

Brakes: A Comparison of Braking Performance for 1971 Passenger Cars. 1970. 31 pp. 5003–0025. 40¢.

Cost of Operating an Automobile. 1970. 11 pp. 7700–004. Free. Costs of maintenance, accessories, parts, tires, gas, oil, insurance, etc. for a moderately priced sedan.

Motor Vehicle Safety Defect Recall Campaigns.

Sept. 9, 1966 to Dec. 31, 1967. 5003–0013. 30¢
Jan. 1, 1968 to Dec. 31, 1968. 5003–0015. 30¢
Jan. 1, 1969 to Dec. 31, 1969. 5003–0017. 40¢
Jan. 1, 1970 to Dec. 31, 1970. 5003–0030. 45¢
Jan. 1, 1971 to April 1, 1971. 5003–0033. 15¢.

A report of the recalls occurring within the interval covered by each volume. Data include: make, model, model year, brief description of defect and corrective action, number of vehicles recalled, and date of manufacturer's notification of defect.

Tires: A Comparison of Tire Reserve Load for 1971 Passenger Cars. 1970. 34 pp. 5003–0926. 40¢.

Tires: Their Selection and Care. 1970. 28 pp. 0303–0681. 65¢.

Performance Data for New 1971 Passenger Cars and Motorcycles. 1970. 256 pp. 5003–0024. $2.00. Includes acceleration performance data plus all information contained in the separate publications: Brakes: A Comparison of Braking Performance for 1971 Passenger Cars and Tires: A Comparison of Tire Reserve Load for 1971 Passenger Cars.

BUDGET, CREDIT, AND FINANCE

Be a Good Shopper. 1965. 8 pp. 0105–0003. 10¢. Elementary guide to shopping.

A Guide to Budgeting for the Family. 1970. 13 pp. 0100–0779. 10¢. Steps in developing a budget with charts for estimating income, planning family spending, and recording expenses.

Helping Families Manage Their Finances. 1968. 51 pp. 0100–0982. 40¢. Comprehensive budget planning guidance with information on credit, savings, and life insurance.

Managing Your Money. 1964. 12 pp. 0105–0038. 15¢. Elementary plan for analyzing the family spending pattern and planning for better money management.

Planning for the Later Years. 1969. 51 pp. 1770–0003. 35¢. Comprehensive guide for retirement, planning with discussions of income, health maintenance, housing, legal problems, and use of leisure time.

What You Should Know About Truth in Lending. 1970. 6 pp. 7700–001. Free. Tips to help the consumer understand and use credit; summary of the provisions of the Truth in Lending Law.

When You Use Credit for the Family. 1965. 12 pp. 0105–0001. 10¢. Elementary guide to use and costs of credit.

CHILD CARE

Playing Safe in Toyland. 1971. 4 pp. 7700–012. Free. Safety considerations in toy selection and use.

Selecting Automobile Safety Restraints for Small Children. 1970. 6 pp. 1701–0372. 10¢.

Watch Out for Lead Paint Poisoning. 1971. 2 pp. 7700–027. Free. Protecting the child from lead paint poisoning by eliminating hazards in the home.

Your Children's Feet and Footwear. 1964. 13 pp. 1791–0055. 10¢. Guidance for selecting and assuring proper fit in footwear.

Prenatal Care. 1970. 92 pp. 1791–0144. 20¢. Discussion of medical care during pregnancy; nutrition; physical change and mental attitudes of the mother; preparing for the baby's arrival; includes a list of clothing and equipment necessary to properly care for the infant.

Infant Care. 1970. 108 pp. 1791–0140. 20¢. Care of the infant; includes advice on selection and laundering of clothing. Behavior of infant; focuses on intervals of one to four months, four to eight months, and eight to twelve months.

Your Child From 1 to 6. 1970. 98 pp. 1971–0069. 20¢. Behavior of the pre-school child and the role of the parent during these years; includes suggested play activities and toys.

Your Child From 6–12. 1970. 98 pp. 1971–0070. 55¢. Behavior of the school-age child and role of the parent.

Katy's Coloring Book About Drugs and Health. 1970. 20 pp. 2704–0011. 35¢. Teaches the young child safe use of medicines, also includes guide to help parents encourage a proper attitude towards medicine and drugs.

CLOTHING AND FABRICS

Clothing Repairs. 1970. 30 pp. $100–0778. 25¢. Twenty-five repairs that can be done in the home to prolong the usefulness of garments.

Dangers of Flammable Clothing. 1968. 4 pp. 7700–002. Free. Characteristics of flammable and non-flammable fabrics; lists fabrics that burn readily and those that resist or retard fire.

Fibers and Fabrics. 1970. 28 pp. 0303–0680. 65¢. Basic information about the properties, uses, and care of the principal natural and man-made fibers.

Fix New Clothes to Make Them Last Longer. 1966. 10 pp. 7700–032. Free. Illustrated instructions for strengthening new garment construction.

Look for That Label. 1968. 8 pp. 1800–0016. 15¢. Mandatory labeling requirements for fiber content of fabrics and furs.

Measure Before You Buy Used Clothes for Your School Age Boy or Girl. 1966. 8 pp. 7700–035. Free. How to assure proper fit of used clothing.

Protecting Woolens Against Clothes Moths and Carpet Beetles. 1970. 7 pp. 0100–1087. 20¢. Identification of insects and guidelines for the selection and safe use of pesticides.

Removing Stains From Fabrics, Home Methods. 1968. 32 pp. 0100–0850. 20¢. Recommended stain removers and instructions for removing 142 common stains safely.

FOOD

General

Caffeine (FDA Fact Sheet). 1970. 1 pg. 7700–014. Free. What it is, amounts in common beverages and drugs, and use as a stimulant.

Cereals and Pasta in Family Meals. 1968. 32 pp. 0100–0811. 20¢. Varieties, nutritional importance, buying, cost, storage, preparation, and recipes indicating calories per portion.

Family Food Budgeting. 1969. 16 pp. 0100–0873. 15¢. Food plans for adequate diets at four income levels.

Family Food Buying: A Guide for Calculating Amounts to Buy and Comparing Costs. 1969. 60 pp. 0100–1117. 35¢.

Freezing Combination Main Dishes. 1967. 19 pp. 0100–0840. 20¢. Selection of ingredients and packaging materials, preparation, recipes, packing, freezing, and reheating.

Home Care of Purchased Frozen Foods. 1967. 6 pp. 0100–0853. 5¢. Shopping pointers, storage periods, procedures to follow when the freezer stops operating due to mechanical or power failure.

How to Use USDA Grades in Buying Food. 1969. 12 pp. 0100–0511. 15¢.

Keeping Food Safe To Eat. 1969. 12 pp. 0100–1068. 10¢. Sanitation and food handling techniques necessary to prevent foodborne illnesses.

Meat Tenderizers and Monosodium Glutamate (FDA Fact Sheet). 1968. 1 pg. 7700–016. Free. Composition and safety aspects.

Money-Saving Main Dishes. 1966. 46 pp. 0100–0841. 30¢. Selection of ingredients, preparation, and recipes for nutritious, economical entrees.

Some Questions and Answers About Canned Foods (FDA Fact Sheet). 1971. 2 pp. 7700–013. Free. Most frequently asked questions on storage and safety.

Some Questions and Answers About Food Additives (FDA Fact Sheet). 1970. 2 pp. 7700–015. Free. Most frequently asked questions on composition, uses, and safety.

Storing Perishable Foods in the Home. 1971. 12 pp. 0100–0859. 10¢. Storage methods, times, and temperatures for maintaining quality.

Your Money's Worth in Foods. 1970. 25 pp. 0100–1170. 25¢. Guides for budgeting, menu planning, and shopping for best values. Tables for comparing portion costs of various forms of food and package sizes.

Diet and nutrition

Calories and Weight: The USDA Pocket Guide. 1970. 76 pp. 0100–0813. 25¢. Calories per portion of common foods and information on planning weight reduction diets.

Conserving the Nutritive Values in Foods. 1965. 16 pp. 0100–0869. 10¢. Methods of selection, storage, and preparation of food to prevent the loss of nutritive values.

Diet and Arthritis. 1969. 6 pp. 1701–0033. 10¢. Importance of professional guidance in special dietary problems and a warning against promotors of phony cures.

Eat a Good Breakfast to Start a Good Day. 1967. 8 pp. leaflet. 0100–0170. 5¢. Ideas for nutritious and economical breakfasts.

Facts About Nutrition. 1968. 24 pp. 1740–0108. 35¢. The relationship of good nutrition to health, sources of essential nutrients, sample menu plans, and nutrition in weight control, pregnancy, infancy, and old age.

Family Fare—A Guide to Good Nutrition. 1970. 91 pp. 0100–0770. 45¢. Guide to daily nutritional requirements along with recipes and information on buying, storing, and preparing food.

Food and Your Weight. 1969. 30 pp. 0100–0857. 15¢. Suggestions for gaining, losing, or maintaining weight, plans for nutritious weight reduction diets, and a listing of calories per portion of commonly used foods.

Food Guide for Older Folks. 1970. 16 pp. 0100–0827. 10¢. For persons over 60 years of age, information on meal planning, buying, and preparing foods to assure adequate nutrition.

Nutrition: Food at Work for You. 1968. 15 pp. 0100–0877. 10¢. Selected information on nutrition, meal planning, buying, and storing foods extracted from Family Fare—A Guide to Good Nutrition.

Nutritive Value of Foods. 1970. 41 pp. 0100–0855. 30¢. Nutrient content (including saturated and unsaturated fat content) of common foods, plus recommended daily dietary requirements.

Some Questions and Answers About Dietary Supplements. (FDA Fact Sheet). 1969. 3 pp. 7700–017. Free. Most frequently asked questions on multi-vitamin and multi-mineral preparations and on enriched and fortified foods.

Dairy and eggs

Cheese in Family Meals. 1966. 22 pp. 0100–0782. 15¢. Varieties, nutritional importance, buying, storing, preparation, and recipes indicating calories per portion.

Eggs in Family Meals. 1971. 0100–0774. 15¢. Nutritional importance, buying, storing, menu suggestions, and recipes indicating calories per portion.

How To Buy Butter. 1968. 8 pp. leaflet. 0100–1284. 5¢.

How To Buy Cheddar Cheese. 1967. 8 pp. leaflet. 0100–0791. 5¢.

How To Buy Eggs. 1968. 8 pp. leaflet. 0100–0806. 10¢. Differences in USDA grades and sizes, comparing costs, and proper storage.

How To Buy Instant Nonfat Dry Milk. 1967. 8 pp. leaflet. 0100–0802. 10¢.

Milk and Milk-Type Products. (FDA Fact Sheet) 1970. 1 pg. 7700–018. Free. Composition and labeling requirements.

Milk in Family Meals. 1967. 22 pp. 0100–0790. 15¢. Nutritional importance of milk and milk products, buying, storing, menu suggestions, and recipes indicating calories per portion.

Fruits and vegetables

Fruits in Family Meals. 1970. 30 pp. 0100–0789. 20¢. Nutritional importance, types available, buying, storing, and recipes indicating calories per portion.

Home Canning of Fruits and Vegetables. 1969. 32 pp. 0100–0860. 20¢. Selecting ingredients and equipment, preparation, and processing.

Home Freezing of Fruits and Vegetables. 1969, 48 pp. 0100–0771. 20¢. Selecting ingredients and equipment, preparation, packaging, freezing and suggestions for use.

How To Buy Canned and Frozen Vegetables. 1969. 24 pp. 0100–0825. 30¢. Differences in USDA grades, labeling requirements, and yield of cooked vegetables from standard cans and packages.

How To Buy Dry Beans, Peas, and Lentils. 1970. 12 pp. 0100–1242. 25¢.

How To Buy Fresh Fruits. 1968. 24 pp. 0100–0803. 15¢. What to look for and what to avoid in the selection of various fresh fruits.

How To Buy Fresh Vegetables. 1967. 24 pp. 0100–0805. 15¢. What to look for and what to avoid in the selection of various fresh vegetables.

Vegetables in Family Meals. 1970. 32 pp. 0100–0776. 20¢. Nutritional importance, types available, buying, storing, preparing, and recipes indicating calories per portion.

Meat and poultry

Bargain? Freezer Meats. 1970. 14 pp. 1800–0026. 10¢. Warning against deceptive advertising in the sale of freezer meats.

Beef and Veal in Family Meals. 1970. 30 pp. 0100–0786. 20¢. Nutritional importance, identification of cuts, yield of boneless cooked meat from various cuts, buying, storing, preparation, and recipes indicating calories per portion.

Home Freezing of Poultry. 1970. 24 pp. 0100–0854. 15¢. Selecting poultry and equipment, buying, preparing, packaging, freezing, and recipes for poultry combination dishes.

How To Buy Beef Roasts. 1968. 16 pp. 0100–0808. 10¢.

How To Buy Beef Steaks. 1968. 16 pp. 0100–0807. 10¢.

How To Buy Meat for Your Freezer. 1969. 28 pp. 0100–0824. 20¢.

How To Buy Poultry. 1970. 8 pp. 0100–0816. 10¢.

Lamb in Family Meals. 1970. 22 pp. 0100–1276. 20¢. Nutritional importance, identification of cuts, buying, storing, menu suggestions, and recipes indicating calories per portion.

Meat and Poultry, Care Tips for You. 1970. 12 pp. 0100–0832. 20¢. Inspection and grading, selection, storage, sanitation, and preparation.

Pork in Family Meals. 1969. 28 pp. 0100–0819. 20¢. Nutritional importance, identification of cuts, label requirements for cured pork, buying, storing, menu suggestions, and recipes indicating calories per portion.

Standards for Meat and Poultry Products. 1971. 4 pp. 7700–019. Free. Minimum meat and poultry content for approximately 125 food products (e.g. chili con carne, frozen dinners, etc.).

Seafood

Common Sense Fish Cookery/Arte de Cocinar Pescado Con Sentido Comun. 1971. 34 pp. 7700–049. Free. Elementary guide contains instructions in both English and Spanish for buying and preparing fish; includes recipes for nutritious, low-cost fish dishes.

Fish and Shellfish Over the Coals. 1965. 24 pp. 2410–0110. 40¢. Selection, preparation, and recipes.

Fish for Compliments on a Budget. 1967. 20 pp. 2410–0143. 15¢. Buying information and receipes for 18 low cost fish entrees.

Let's Cook Fish. 1967. 54 pp. 2410–0142. 60¢. Nutritional importance, selection, storage, preparation, and recipes.

Seafood Slimmers. 1966. 19 pp. 2410–0141. 25¢. Nutritious recipes for weight watchers.

Tips on Cooking Fish and Shellfish. 1958. 10 pp. 2410–0008. 10¢. Nutritional importance, selection, preparation, and recipes.

The following publications include information on varieties, sizes, selection, preparation, and recipes.

How To Cook Clams. 1964. 13 pp. 2410–0116. 30¢.

How To Cook Crabs. 1964. 14 pp. 2410–0106. 30¢.

How To Cook Lobsters. 1964. 13 pp. 2410–0107. 30¢.

How To Cook Oysters. 1964. 13 pp. 2410–0112. 30¢.

How To Cook Scallops. 1959. 17 pp. 2410–0109. 35¢.

How To Cook Shrimp. 1964. 13 pp. 2410–0115. 30¢.

How To Cook Tuna. 1964. 14 pp. 2410–0108. 20¢.

HEALTH

Cigarettes

If You Must Smoke—Five Ways to Reduce the Risks of Smoking. 1970. 5 pp. 7700–0046. Free.

No Smoking—Pamphlets for Parents, Teenagers, and Grade School Children. 1967. 5 pamphlets. 1791–0003. 65¢.

Facts About Smoking and Health. 1970. 12 pp. 7700–033. Free.

Tar and Nicotine Content of Cigarettes. 1970. Card. 7700–034. Free.

Hearings Aids

Choosing a Hearing Aid. 1965. 12 pp. 1791–0057. 15¢. Consideration in selection; types and models.

Hearing Aids—Veterans Administration News Release. 1971. 8 pp. 7700–005. Free. Results of brand name testing.

Medicines

Aspirin (FDA Fact Sheet). 1970. 2 pp. 7700–022. Free. Composition, quality controls, and safe use.

First Facts About Drugs. 1970. 9 pp. 1712–0112. 15¢. Includes over-the-counter, prescription, and drugs of abuse.

Medicines: Prescription and Over-The-Counter (FDA Fact Sheet). 1970. 2 pp. 7700–024. Free. What the patient should know about his prescription medicine, plus safe use of non-prescription medicines.

Self Medication (FDA Fact Sheet). 1971. 2 pp. 7700–026. Free. Responsibility of individual using non-prescription medicines. Dangers of over-use and of combining medicines.

Some Questions and Answers About Medicines (FDA Fact Sheet). 1970. 2 pp. 7700–025. Free. Quality of over-the-counter drugs, amounts to buy, and storage information. Effectiveness of weight reduction pills.

HOUSING

Building, buying and financing

Consumer Protection—Interstate Land Sales. 1970. 8 pp. 7700–030. Free. Precautions in the purchase of land by mail, telephone, and other methods which discourage on-site inspection.

Designs for Low Cost Wood Homes. 1969. 30 pp. 0101–0019. 25¢. Sketches, and eleven model floor plans; with information on selection of economical, durable materials.

Fireplaces and Chimneys. 1968. 24 pp. 0100–

0018. 20¢. Selection of materials, construction, and maintenance.

Home Buying Veteran. 1971. 29 pp. 7700–006. Free. Useful home buying information for nonveterans as well as veterans.

House Construction: How to Reduce Costs. 1970. 16 pp. 0100–0826. 10¢. Guidelines for savings in location, style, interior arrangements, selection of materials and utilities, and in construction.

Know the Soil You Build On. 1967. 13 pp. 0100–0655. 15¢. Advice on how to choose land suitable for building.

Let's Consider Cooperatives. 1970. 8 pp. 7700–028. Free. FHA mortgage insurance program for cooperative housing. Advantages of cooperative ownership.

Low Cost Wood Homes for Rural America. 1969. 112 pp. 0100–0747. $1.00. Useful do-it-yourself information on selection of materials and construction. Also of interest to the consumer building a vacation home.

Making Basements Dry. 1970. 10 pp. 0100–1088. 10¢. Selection of building site and selection and care of materials and dehumidifying equipment.

Pointers for the Veteran Homeowner. 1971. 28 pp. 7700–007. Free. Protecting your investment through proper home maintenance; financial obligations including taxes and insurance; resale and renting.

Preventing Cracks in New Wood Floors. 1966. 6 pp. 0100–0246. 5¢. Guidelines for assuring the quality of wood flooring before construction.

Selecting and Financing a Home. 1970. 24 pp. 0100–1127. 15¢.

Soils and Septic Tanks. 1971. 12 pp. 0100–1023. 15¢. Information on installing and maintaining septic tanks.

Wood-Frame House Construction. 1970. 223 pp. 0100–1232. $2.25. Comprehensive guide for prospective homeowners and contractors in selecting materials and constructing wood frame-houses; includes instructions for laying foundations.

Heating and cooling systems

Equipment for Cooling Your Home. 1970. 8 pp. 0100–0772. 10¢. General comparison of installation, operation, maintenance, and costs of fans, evaporative coolers, air conditioners, and heat pumps.

Heat Pumps for Heating and Cooling Homes. 1966. 9 pp. 0100–0617. 10¢. Installation, operation, maintenance, and cost.

Home Heating: Systems, Fuels and Controls. 1968. 24 pp. 0100–0088. 30¢. Installation, operation, maintenance, and costs of the most commonly used heating systems.

Seven Ways to Reduce Fuel Consumption in Household Heating Through Energy Conservation. 1970. 10 pp. 7700–001. Free.

Eleven Ways to Reduce Energy Consumption and Increase Comfort in Household Cooling. 1971. 19 pp. 7700–020. Free.

Home repair and improvement

Exterior Painting. 1968. 12 pp. 0100–0815. 10¢. Selection of equipment and paint, surface preparation, and application.

Interior Painting. 1971. 12 pp. 0100–1141. 10¢. Selection of equipment and paint or finish, surface preparation, and application.

Fixing Up Your Home: What To Do and How To Finance It. 1970. 10 pp. 7700–029. Free. Advice on selection of contractors and obtaining a loan.

Planning Bathrooms for Today's Homes. 1967. 20 pp. 0100–0876. 15¢. Arrangement, location, and selection of fixtures and materials.

Planning Your Home Lighting. 1968. 22 pp. 0100–0800. 20¢. Lighting requirements and the selection and maintenance of lighting fixtures.

Simple Plumbing Repairs for the Home and Farmstead. 1970. 14 pp. 0100–1033. 10¢. Equipment requirements and methods of repairing faucets, valves, leaks in pipes and tanks, frozen pipes, water closets, and clogged drains.

Wood—Colors and Kinds. 1956. 36 pp. 0100–0678. 75¢. Colored pictures of 32 varieties of wood along with information on properties and uses of each.

Wood Decay in Houses, How To Prevent and Control It. 1969. 17 pp. 0100–0856. 20¢. Selection, preservation, and maintenance of lumber exposed to high moisture levels.

Wood Siding, How To Install It, Paint It, Care For It. 1962. 14 pp. 0100–0844. 15¢.

LANDSCAPING, GARDENING, AND PEST CONTROL

General

Better Lawns. 1971. 32 pp. 0100–1102. 25¢. Preparation for planting, selection of grasses, planting, and care.

Growing Ground Covers. 1970. 16 pp. 0100–0833. 15¢ Uses of low-growing plants, varieties, selection, planting, and care.

Growing Ornamentals in Urban Gardens. 1971. 22 pp. 0100–1329. 15¢. Selection of flowers, shrubs, and trees suitable for urban conditions; lists plants which are resistant or sensitive to smog. Selection of containers, preparation of soil and planting.

Home Planting by Design. 1969. 22 pp. 0100–0822. 25¢. Guidelines for landscape planning and selection of ground covers, shrubs and trees.

How Much Fertilizer Shall I Use? 1963. 6 pp. 0100–0172. 5¢. Guide for converting quantity per acre into quantity per row or plant.

How To Buy Lawn Seed. 1969. 6 pp. 0100–1286. 10¢.

Landscape Development. 1967. 128 pp. 2402–0006. $1.25. Comprehensive illustrated manual on design, construction, and maintenance of landscaped areas; selection of plants and tools.

Lawn Weed Control With Herbicides. 1971. 24 pp. 0100–1665. 15¢. Identification of crab grass and other weeds; selection of the most effective herbicide for each, care of equipment, and precautions in the use of pesticides.

Selecting and Growing House Plants. 1968. 32 pp. 0100–0863. 15¢.

Selecting Fertilizer for Lawns and Gardens. 1965. 8 pp. leaflet. 0100–0868. 10¢.

Flowers, fruits, and vegetables

Minigardens for Vegetables, 1970. 12 pp. 0100–0821. 15¢. For the home gardener with limited planting space, instructions for growing vegetables in containers; includes information on selection, planting, and care.

Suburban and Farm Vegetable Gardens. 1970. 46 pp. 0100–1016. 40¢. Selection of garden site, buying plants or seeds, planting, and care.

The following publications include guides to selection, planting, and care.

Growing Flowering Annuals. 1970. 16 pp. 0100–0870. 10¢.

Growing Flowering Perennials. 1970. 32 pp. 0100–0783. 25¢.

Growing Tomatoes in the Home Garden. 1970. 12 pp. 0100–1169. 10¢.

Roses for the Home. 1970. 24 pp. 0100–1039. 15¢.

Spring Flowering Bulbs. 1967. 14 pp. 0100–0798. 10¢.

Summer Flowering Bulbs. 1968. 16 pp. 0100–0812. 10¢.

Trees and shrubs

Maple Diseases and Their Control: A Guide for Homeowners. 1970. 8 pp. 0100–0862. 10¢. Identification and control of six common maple diseases that can be treated by the homeowner.

Selecting Shrubs for Shady Areas. 1970. 16 pp. 0100–0804. 10¢.

Trees for Shade and Beauty, Their Selection and Care. 1970. 8 pp. 0100–0785. 10¢.

Pest control

Hand Sprayers and Dusters. 1970. 12 pp. 0100–0851. 10¢.

Insects and Related Pests of House Plants. 1970. 16 pp. 0100–1072. 10¢.

Pointers on Pesticides. 1971. 8 pp. leaflet. 7700–031. Free. Safety precautions in use of pesticides.

Rats—Let's Get Rid of Them. 1968. 8 pp. 2410–0022. 5¢. Selection and use of traps and poisons.

Spraying and Other Controls for Diseases and Insects That Attack Trees and Shrubs. 1968. 52 pp. 2405–0148. 35¢. Selection and safe use of pesticides.

The followng publications are guides for identification of insects and selection of appropriate pesticides; also precautions in the use of pesticides.

Ants in the Home and Garden. 1969. 8 pp. 0100–0837. 10¢

Controlling Mosquitoes in Your Home and on Your Premises. 1970. 8 pp. 0100–1086. 10¢.

Controlling Wasps. 1970. 8 pp. 0100–1211. 10¢.

MISCELLANEOUS

Adhesives for Everyday Use. 1970. 15 pp. 0303–0682. 40¢. Selecting and applying adhesives in the home.

Consumers All. 1965. 496 pp. 0100–0112. $2.75. Information on houses, furnishings, home equipment, finances, food and nutrition, health and safety, gardening, clothing, and recreation.

Official U.S. Coast Guard Recreational Boating Guide. 1966. 93 pp. 5012–0002. 60¢. Boating regulations, minimum equipment requirements, operating responsibilites, safety hints, and emergency procedures.

Pool Drownings and Their Prevention. 1967. 14 pp. 7700–009. Free. Principal causes of pool fatalities, selection and construction of barriers against trespass, and safety in pool design and operation.

Safety of Cooking Utensils (FDA Fact Sheet). 1970. 2 pp. 7700–008. Free. Safety of Teflon and aluminum cooking utensils.

Selection and Care of Common Household Pets. 1968. 24 pp. 0100–0665. 15¢.

Summary of Information For Shippers of Household Goods. 1970. 17 pp. 7700–023. Free. Selecting a mover, making a physical inventory record, estimates and actual costs, preparing articles for shipment, mover's liability for loss or damage, and filing claims.

Householder's Guide to Accurate Weights. 1971. 6 pp. 7700–045. Free. Useful addition to Summary of Information for Shippers of Household Goods. Guidelines for determining the accuracy of the mover's weight estimate of goods to be shipped.

OTHER PUBLICATIONS OF CONSUMER INTEREST

Consumer News. 4113–7001. $1.00 Annual Subscription. Monthly, four-page newsletter to provide information about federal government rulings and actions affecting the consumer; to explain new consumer laws; to report public hearings of interest to the consumer, and to list new federal consumer interest publications.

Guide to Federal Consumer Services. 1971. 151 pp. 4000–0073. $1.00. A summary of the consumer related services and programs offered by each Federal agency.

Federal Benefits for Veterans and Dependents. 1971. 27 pp. 7700–047. Free. Describes benefits in education, insurance, loans, medical care, employment, burial, and other veterans' benefits.

How the Consumer Can Report to the Food and Drug Administration. 1970. 4 pp. 7700–021. Free. Procedures for reporting suspected safety hazards, mislabeling, or false advertising of food, drugs, and cosmetics to the federal government.

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FINANCIAL RELIEF FOR FAMILIES OF PRISONERS OF WAR

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, it is an honor for me to rise at this time and join my distinguished colleague, Mr. RAILSBACK, and others in sponsoring legislation to provide a measure of financial relief for the families of American servicemen being held as prisoners of war by the North Vietnamese and Vietcong.

This bill was first introduced earlier in this session by the distinguished gentleman from California (Mr. WILSON), and it would amend the Internal Revenue Code to exclude from income tax purposes all compensation received by members of our Armed Forces who are prisoners of war, missing in action, or in detained status during the Vietnam conflict.

Present law exempts all taxable income for enlisted personnel, but only the first $500 of taxable income for commissioned officers serving in combat areas. The bill being reintroduced today extends full exemption to all servicemen, officers, or enlisted men, for as long as they are in a "missing or detained" status.

This bill would serve to correct a basic inequity in the law, while at the same time giving a measure of aid and comfort, however small, to the families of the men now being held prisoners.

As I told my colleagues during the National Week of Concern for POW/MIA's last March, the families of these men have won a place of great respect and deep admiration in the hearts of Americans across the country.

The rest of us cannot know their private anxiety, but we can sympathize with them. We cannot match their remarkable courage, but we can continue to encourage them just the same.

And it is in this spirit that I join the effort being renewed today to do what is within our power to ease the financial, if not the emotional, suffering with which POW families must sometimes live.

This is good legislation, and a measure which every American must surely support. I urge its swift consideration by the appropriate committee so that the House may act to help these courageous families without delay.

THE UNITED STATES FACES AN ENERGY CRISIS

The SPEAKER. Under a previous order of the House the gentleman from Connecticut (Mr. STEELE) is recognized for 5 minutes.

Mr. STEELE. Mr. Speaker, the United States faces an energy crisis which is becoming more urgent each day. This crisis has, in fact, reached the point where the development of new, environmentally acceptable sources of energy must be treated as a top national priority.

Mr. Lelan F. Sillin, Jr., chairman and president of Northeast Utilities, recently made one of the most constructive and ambitious proposals I have encountered for dealing with the Nation's electric power needs. In a speech to the Engineering Foundation Conference in Andover, N.H., on August 16, 1971, Mr. Sillin proposed a major three-pronged industry research effort: One directed to the development of the nuclear breeder technology; the second, to the wide variety of generation and transmission equipment which will be required during the transition period pending the development of a new system; and the third, which would be the primary goal, to a 30-year research effort to achieve abundant, cheap, pollution-free energy from a system that would be essentially without risk to the environment.

Mr. Sillin further proposed that the electric power industry itself finance the entire program by committing the equivalent of about 2 percent of gross annual revenues to research, making available an estimated $40 billion over the 30-year period.

I believe that this proposal represents strong business leadership and could do much to reinvigorate large-scale private initiative in America while at the same time solving our power crisis, boosting our economy, improving our environment, employing scientists and engineers, and eventually providing the United States with an important new export industry.

Mr. Sillin's proposal clearly deserves the widest possible attention by both Government and the entire energy industry.

The full text of Mr. Sillin's speech follows:

A PROJECT FOR PROMETHEUS

(By Lelan F. Sillin, Jr.)

In his controversial book Future Shock, Alvin Toffler observed, "Can one live in a society that is out of control? That is the question posed for us by the concept of future shock. For that is the situation we find ourselves in. If it were technology alone that had broken loose, our problems would be serious enough. The deadly fact is, however, that many other social processes have also begun to run free, oscillating wildly, resisting our best efforts to guide them.

Another author tells us that the changes we are experiencing are so deep and lasting that we are in the midst of a social revolution as significant as the Reformation. Jean-Francois Revel in his book Without Marx or Jesus characterizes the central issue of this revolution as:

"A radically new approach to moral values; the black revolt; the feminist attack on masculine domination; the rejection by young people of exclusively economic and technical social goals; the general adoption of non-coercive methods in education; the acceptance of guilt for poverty; the growing demand for equality; the rejection of authorization culture in favor of a critical and diversified culture that is basically new, rather than adopted from the old cultural stockpile; the rejection of both the spread of American power abroad and of foreign policy; and a determination that the natural environment is more important than commercial profit."

To this inventory of change one might add a host of other social trends to describe our turbulent times and the reason for our present shock. We see new definitions of work, new pressures for direct interventions by business into social issues, demands for the sharing of authority and power, the rise of consumerism, the questioning of the concept of growth, the exploration of new forms of consciousness, new forms of institutional organizations. We sense social fragmentation, the uncertainty of the direction of change, challenges to our sense of morality; society appears divided, beset with fear and a lack of self-confidence.

It was in the context of this state of broad social conflict and the Nation's struggle to reorder its priorities that I prepared recently a list of what I chose to call "gut issues" specifically affecting the electric utility industry. These dealt with such fundamental and familiar questions as public confidence, the financial capacity of the industry, investor confidence, the industry's organization and structure, and how well prepared and suitable that structure is to deal with the contemporary crises; the regulation of the industry and the qualifications of the agencies which have fundamental and comprehensive control of our affairs. The list included questions about power technology, the involvement of the public in our business, the effectiveness of managements and the degree to which we are responsible for the difficulties now facing us. I reviewed these issues with two eminent Americans who are not associated with our industry. Both of them, independent of one another, concluded that our effectiveness was being seriously handicapped because of the absence of a national consensus against which utilities could test policies and programs in terms of the public interest.

For example, voices are raised expressing grave concern over the adequacy of power supplies at the same time others are urging a moratorium on the development and expansion of the industry. Another chorus is expressing the view that they are prepared to pay whatever costs are associated with environmental improvements, although we know that many others intervene and strenuously oppose necessary applications for increased rates. Voices are raised depreciating technology, while responsible opinion reasons that solutions in a technologically based society will have to come from the technology. The dichotomy is accompanied with a high degree of emotionalism, polemics and suggestions for instant solutions which are clearly unattainable.

I presented to the Pacific Coast Conference some questions about the industry which I would like to submit also to you with the thought that they might be helpful in your deliberations concerning future power systems.

Are the individual utilities in the private sector properly organized and structured to deal with our contemporary technology and environmental issues?

How much importance do we attach to the unity of management principles involving authority, responsibility and accountability? I wonder if you agree that utility managements are clearly accountable today, but are dangerously close to losing the essential authority and responsibility for many of our major activities and policies.

How fully are the new concerns of the Nation being reflected at our top policy levels and how much time is being devoted to examining these issues?

How effective are the spokesmen for private enterprise really applying its principles and embracing some of its most fundamental concepts to produce the salutary synergistics that innovation, risk-taking, responsiveness and perception can contribute in relating our industry to the changes that are occurring around us?

What are we doing about the growth question and our marketing practices to make them most responsive to changing consumer concerns, values and attitudes?

What views do we have regarding the importance of encouraging the wise use of all energy sources including electric power?

How aggressively are we pressing the technological research necessary to provide the earliest possible answers to new public concerns?

In discussing these matters at the California Conference I made this general observation about the national power situation: first, the electric industry is intrinsically sound, but finds itself today in a situation containing the seeds of crisis; second, it will take the best efforts of the industry, the public, and government alike to keep these seeds from taking root; and, third, the outcome will hinge as much on the common sense and good judgment of the average citizen as on any other factor.

Imagine a power supply system which could produce and transmit abundant, reliable and cheap power without depletion of natural resources. A system which even our severest critics would view as an ally of man and essential to his harmonious relationship to the world's physical environment and enhancing the prospects of the elevation of his social well-being.

My proposition is that the search for such a future system should be a central purpose for our industry. The object of my talk is to explore how we might embark on this search for a virtually risk-free system and how we might arrange our affairs in the meantime so that current systems and those in what must be viewed as the transitional period are accepted as necessary to the achievement of this "ultimate" goal.

Since the system we seek, according to most experts, probably cannot be made available for thirty years or so, its development will require a historic sustained effort, and a major reversal of some of the extreme attitudes in current environmental vogue. In recent history I can think of no project which has extended over a period as long as this. The Panama Canal took only 15 years from treaty to completion; the Manhattan project 5, and the Apollo program only 10 years. When we decide to tackle a program which is apt to span a generation we have to be dedicated to the future. We have to have an image, a concept, which will survive us; which will fire the enthusiasms of our peers and our progeny. The objective will have to be viewed by society as important enough to warrant the calculated risks which must be assumed along the road.

The proposition must be viewed in the context that the survival of a high level of human endeavor and civilized communities will absolutely depend upon the availability of abundant sources of energy. We must, therefore, see the goal as freeing man of his dependence on the world's limited fossil fuel resources. Any course which places reliance on such resources imposes a time limit on civilization as we know and perceive it. Some experts' current estimates of fossil resources indicate that, when viewed within realistic environmental and economic constraints such resources are limited to about a 50 year supply. It will, therefore, become increasingly crucial that fossil fuels be wisely conserved and assigned ever higher and more selective uses.

There is developing a road map which suggests the course we are ultimately bound to follow in our pursuit of the elusive goal of abundant pollution-free energy sources. This road map broadly suggests the use of nuclear power augmented by the breeder technology during the intermediate period of transition to the ultimate source based on fusion, solar energy, or some other esoteric system.

Bridging the gap to the time of the abundant pollution-free power system will be a precarious process for the electric industry. If the seeds of crises of the power industry should take root, that dream and hope for future generations could be lost.

If our present technology were not so uncomprising, the problem would be less severe. We need significant improvement in this existing technology to meet stringent air and water quality standards. We need improved technology which will reduce the severity of its physical impact on the land, both at the power station and in the transmission of the energy. Unfortunately, these improvements to our present technology may be critical years away. Much is being done by the industry and there has been an acceleration of effort but much more is necessary and expected of us. If the Nation becomes power limited, society's search for realizing its self-potential and self-fulfillment cannot be achieved.

If electric power supply is severely curtailed in the transitional period, it would jeopardize the Nation's ability to meet essential national goals. For example, shortages of electric power would, to the dismay of those who applauded a power limitation, bring about a deterioration of the environment. There are at least two reasons to suspect this deterioration might occur. First, many energy demands are inelastic; that is, if we can't provide electrical energy, a different energy source will be used. Since the power industry is stepping up its efforts to control the emissions from its generating plants, energy source substitution by the consumers in a time of power shortage could result in an overall increase in pollution levels and place an inordinate demand on increasingly limited fossil resources. Secondly, electric energy demand is needed to help cure the pollution problems of other industries. The political scientist, philosopher and economist, Peter Drucker, pointed this out recently when he said:

"Everything we need to do to clean up the environment raises the (electrical) energy needs by several orders of magnitude. To be sure building electric power stations has its problems. But by not building them we are just laying ourselves open to catastrophic dangers not very far out. The greatest obstacle to any effective attack on the environment today may well be the opposition to our electric power stations."

Unfortunately, we have an image of an ability to provide now a risk-free supply, although the reality of this prospect, if it ever can be achieved, is at least a generation away. Thus, despite the social upheaval and adverse circumstances we have the job of increasing the amount of power generated and we have to do this in a way which is as efficient, and as sensitive as possible to the social as well as the physical environment. Can we do this? The answer really lies in whether society will let us.

Stemming from the emotional quality of the environmental issue, too much hope has been placed on eliminating the problems by the process of legislation. This oversimplication, together with the encouragement which has been given to self-appointed vigilante groups, could critically disrupt society's goals and prevent the achievement of an advanced civilization based upon the ultimate energy imperative. There will have to be conscious recognition that while we endeavor to minimize risks both to the environment and to public health and safety, we are not in a position today to guarantee a totally risk-free power supply. Thus, society will have to conclude that some risk is acceptable and be willing to balance and compromise within the constraints of the technology available. Peter Drucker eloquently described this balance in an address titled "Why We Are Not Making Much Progress". He said:

". . . we mistakingly think that one can live in a riskless universe, that one can somehow deprive human action of risk. To believe that one can be (completely) safe is sheer delusion. The real challenge in the environmental situation is to think through what risks to afford and what risks are not permissible and where to draw the line, and what price to pay or what degrees of insurance . . . The moment you want to be riskless, you are . . . vulnerable to the wrong catastrophies."

The major factor whether this balance will be achieved in providing future power supplies, will, as I have said, largely be determined by the public. This is one reason I conclude that the future of the power industry will hinge more on the common sense and good judgment of the average citizen than any other circumstance.

Make no mistake—there are no panaceas nor do I see any easy solutions during the transition period. I would, however, like to share with you some ideas.

It is urgent that the emotional quality of the current dialogue be defused and that all get on with the business of finding solutions.

We must step up our efforts to encourage conservationists to stake their credentials in support of those adjustments that have to be made in our complex society.

The industry, knowing that its credibility is being severely tested would, I hope, place increasing emphasis on openess and candor in its activities.

I suggest an avoidance of the polarization of views. We find ourselves dealing with many fragmented positions and the effort must be to achieve a consensus—this means we must test the pros and cons and avoid a hard line as we seek the ways by which the technology can be best applied in public service and in the public interest.

I hope the industry will take the initiative and leadership to encourage the development of national, regional, and state land use plans. We should be in a hurry to get on with the essential task of developing such plans. Until greater rationality is brought into this important determination, we will continue to have confusion and conflict. As long as this limited and increasingly precious resource is allowed to be utilized without such plans, we will have continued aggravation and confrontations over what specific activities should or should not be carried on at different locations.

There is a basic and urgent need to define state and national economic and environmental goals. At both levels these interests are on a collision course which dims the prospects for achieving the essential goal of balancing the aspirations of people for a quality environment in a sound economy.

We need a comprehensive assessment of the long-range outlook for energy for the purpose of arriving at a broad national policy to guide the future development of the energy industries along lines consistent with society's overall needs and nature's overall limitations.

It will be necessary, in my opinion, during this period to encourage the wisest use of all our energy resources.

As yet, the Nation has not taken a comprehensive inventory of its environmental needs nor has it developed any conclusive knowledge of the cumulative effect over a long period of time of subtle changes in natural conditions. For these reasons, the Nation has no scale by which to judge the relative environmental impact of different activities and lacks an adequate basis for making the judgments needed to channel environmental protection efforts along the most productive lines.

I have suggested why there will be greater public involvement in the planning of future power supplies so long as we are limited to the use of the existing technology. This is because of the difficult trade-off questions that must be dealt with each time we have to apply our large-scale technology in the environment. The pressures on the industry force it to become caught up in devising short-term solutions for near-term issues and diverts attention from the development of needed long-term strategies and solutions. Thus, our view becomes too narrowly focused because we are compelled to look so intensely at the short-range problems. Our judgments are forced against too limited a base of information, too narrow a time parameter and too myopic a view of what our needs are going to be. People, on the other hand, have become properly concerned as they look at the stated requirement to double the size of the industry every ten years. The question is raised as to how we are going to achieve this expansion within the constraints of the environment. This concern is an overriding consideration from which there is no escape. Overcoming this concern will greatly depend on the industry's success in achieving technological breakthroughs as a result of research.

What we must do as an industry is embark on a new research undertaking which will assure that the future will be better than the present. I suspect if people could see a light at the end of that currently dark tunnel they would be more willing to accept the compromises and trade-offs necessary now and in the intermediate transitional period. It is not enough for the industry simply to pursue 10 to 15 year plans based on the present technology without at the same time showing a parallel course of technological research and progress which is pointing to a specific and affirmative way by which the environment will be increasingly relieved and the system ultimately freed of its dependence on finite fossil resources. Anything less than a massive research effort will make impossible the achievement of the level of performance necessary to support the industry's development and its service.

The question posed to the industry is not whether it should embark on an unprecedented research program but how that program should be undertaken. Such a program is essential to restore the quality of confidence in the industry, and to return to the industry greater control of its affairs, but overriding these considerations are the needs of society and the developing crisis in the run for energy.

Our ability to be innovative organizationally as well as technologically is being severely tested. We are not an industry known for its ability to change rapidly in the way we do things, and yet the challenge is to find the way to bridge the power gap of the next thirty years. If we accept this task wisely and in time, our Nation and its future will be different—happily different from what it will otherwise be and we will have helped make it so.

The most important opportunity for industry innovation is in the quality of its commitment and its effectiveness in tackling the essential task of reorganizing its research efforts. The proposition for research stated most simply is to restore the quality of the environment, establish a spirit of public confidence, and accelerate the time when the industry can be fully responsive to the needs of society.

The way we perform research today is segmented and largely uncoordinated.

1. The AEC funds much of the research into nuclear power systems. The ultimate user often has little voice in the project.

2. "Normal Science" funding mechanisms (such as the National Science Foundation) account for additional government spending, primarily in the area of esoteric systems.

3. Outside of government, the manufacturers of equipment pay mostly for the research being done on new power-generating capabilities; this work is designed almost entirely to build on the companies' established strengths and capabilities.

4. Independent consortia of potential users and manufacturers have sprung up to finance particular R&D concepts and hardware. In many of these arrangements progress is slow because of inadequate funding.

5. Through the Edison Electric Institute our industry has provided a means for some coordination and joint research funding within the investor-owned utility community. This coordination is further augmented through the work of the Electric Research Council. There tends to be, however, an inertia which has as yet prevented this approach from becoming a comprehensive answer.

6. The level of research funding within the utility industry is uneven in the proportional rate of support among companies. The most recent data (1969) indicate that the overall industry rate of R&D support was about ¼ of 1% of gross revenues. While this low figure is the rate for 1969, I am persuaded that in the last year and a half, the industry has greatly stepped up its expenditures and I will be surprised if we don't find significant improvement over the 1969 level when the figures for 1970 and 1971 become available.

7. The Electric Research Council is currently developing a report on research goals which will provide important guidelines for future funding and priorities.

I would like now to suggest how we might organize and Step up our efforts in the future. The most important power generation goal within the transitional period is, undoubtedly, the nuclear breeder reactor. It would comprise the first of the three prongs of the research attack I am advocating.

The program definition phase of the liquid metal fast breeder reactor (LMFBR) demonstration plant program has been extended four months to November of this year to provide additional time for the AEC and industry to formulate a fiscal and technical plan under which the first demonstration plant might be built. Even though the government has made an additional $50 million available to the project there has been doubt expressed in a number of places, including the Congressional Joint Committee on Atomic Energy, that an effective organization and development plan can be proposed. Representative Chet Holifield has suggested two approaches: a joint government-industry corporation for building and operating the plant, or possibly the imposition of an enrichment service charge or a kilowatt-hour tax to provide financing.

Atomics International (AI) has suggested that a nonprofit corporation be formed to provide ownership, management, and operation of the first LMFBR. In this plan, funds to support the project would be borrowed against future revenues and the utilities constituting the new corporation would make a cash contribution to provide for that portion of initial engineering and research and development costs not covered by the AEC.

Philip Sporn, one of the deans of the utility industry, has suggested that an appropriate division of funds for the LMFBR might be 50% from the utility industry, 25% from the manufacturers, and 25% from the AEC.

I will not add to the plethora of suggestions as to how to get on with the breeder job but do join those who express urgency in the industry's commitment. It is, however, important to recognize that the breeder program, essential as it is, is only a part of a total program designed to produce the system we will need in the next 15–20 years. The LMFBR is projected to cost an estimated $500–$600 million. In view of the large programs involving the liquid metal fast breeder technology in England, France and West Germany, I would advocate that if more than one demonstration fast breeder reactor should be built in the United States the second be gas cooled. This would enable us to add to the base of the technological development occurring here and abroad—thus, increasing the options available. Assuming a cost of $600 million to each breeder plant and Philip Sporn's allocation of financial responsibility, it would require the utility industry in each of the next six years to devote an amount equal to approximately ½ of 1% of industry revenues (using 1970 revenues as the base) to a two plant demonstration breeder program. Organizationally I believe the nonprofit corporation research funding concept along the lines proposed by AI is a viable alternative.

The second prong of the program I advocate would be geared to the other areas of research which have a high priority during the intermediate transitional period.

During this period a number of major technological advances can be achieved if pursued by a well organized and fully funded research and development effort. Thus, we might anticipate that before 1980 improvements to power generation technology could include:

1. Fuel Cells (5–20 MW for use in substations)
2. High energy batteries for substation peaking plants
3. High temperature gas reactor—with gas turbines and dry cooling towers
4. Devices for removal of SO^2 and NO^x from flue gases
5. Coal gasification processes

Transmission advances in this period could include:

1. Compressed gas insulated cable for underground transmission
2. 1500 KV AC overhead
3. DC circuit breakers
4. DC solid state converter-inverters
5. DC cable

In the period for commercial use by 1990 we might anticipate, in addition to the nuclear breeder reactors of all types, magneto-hydro-dynamics combined cycles; and in the transmission area, cryogenic underground transmission. These projects, together with the additional technology to improve air and water quality and aesthetics, suggest the opportunity as well as the magnitude of the industry's responsibility. The list illustrates the need for institutional innovation as soon as possible to give order and structure to our efforts to improve the technology throughout this period. How should this additional research effort be structured and how do we achieve for these purposes a financial commitment in the order of magnitude of approximately $1½ billion in the first ten-year period. This portion of the program is estimated to require an annual industry commitment equivalent to approximately another ½ of 1% of annual revenues, and would be supplemented by an additional ½ of 1% upon completion of the breeder program.

While most of us traditionally think in terms of nonprofit institutions as organizational forms for research, I would like you to consider with me the possibility of using the dynamics of capitalism. Imagine venture capital electric research firms being formed in six or seven regions of the United States. Such regions would be determined on a community of interest basis, and one could conceivably find areas separated geographically and electrically, such as portions of the East and West Coasts, joining together. Why more than one? First, I would be concerned that a single entity would be too large and monolithic to tackle the diversity of problems. It would lack the sense of regional priorities that find expression because of factors such as the pressures of population and the varied nature of the geography. The regional firms would be most responsive to the priority problem associated with particular areas of the country.

Although regionally oriented, I would anticipate a free flow of information among the firms and where projects were on a scale that required total industry support that the several firms' resources would be pooled for such undertakings. While there would be such planned coordination and cooperation, I am sure there would still be a sense of competition among these firms and an inevitable comparison of the quality of performance of each. These latter considerations would be important both to the Nation's evaluation and the industry's development.

Further, by having the entities organized at a regional scale they would be able to draw into their councils many more highly qualified scientific, environmental and economic professionals who would not be available to a single national entity. The firms would be small enough for rapid action. While the entities I envision would be owned by the utility industry of each region, the guidance and evaluation of projects would be carried out not only by the industry but by a council made up of representatives of government, environmental and scientific expertise as well as engineering and economic professionals. The experts would be knowledgeable regarding the priority needs of their region. The organization would function as any venture capital firm except that its primary responsibilities would be to guard the environment and achieve the technological goals set for it.

Obviously this is a high risk enterprise. This new enterprise's success would be measured not just in economic terms but most especially in the quality and level of its response to critical environmental, social and technological issues. As in any venture capital arrangement the corporation could own the rights to the technology flowing from its research. Thus, not only could it develop essential technology on a schedule in accordance with regional and national priorities but also provide, through whatever profits the program produced, additional funds to speed up the process. Industry participants would assure the flow of funds to such venture capital organizations by being committed to an amount equal to ½ of 1% of annual revenues.

The industry participants in this important work would have to contribute more than money and talent in order to produce the systems we need. They would also have to contribute sovereignty. By this I mean they would have to choose a management team in which they have confidence and then guard them against bureaucratic inertia and overdirection. The team must be hardhitting, as autonomous as possible and results-oriented. Such new organizations would have a firm schedule to pursue research in certain favored directions. Their very presence would stimulate a desirable tension to bring a new wave of innovation to an industry sorely in need of it. This is dynamic capitalism, and I would hope venture capital experts would come forward to pursue this concept with the industry.

This leads us to the third and most important prong in the proposed overall research program. The challenge associated with the development of the virtually risk-free power system. Perhaps it will utilize fusion or solar power as the source and super-conductive underground cable, microwave or some other advanced concept for transmission. No one can be sure. The development of such a system is, however, vital to the long-term welfare of the Nation. It can be a rallying-point, a restorer of confidence, and a credible unifying national goal. I call it "A Project for Prometheus."

This system has such importance and such a different time dimension that it should be pursued by a separate and unique entity. The entity must have credibility academically, politically, and fiscally. It must be capable of making and executing decisions. It must be apolitical. I can see it totally industry sponsored but if the industry does not fully accept the job then perhaps it could be a public-private arrangement after the image of Comsat.

It is hard to estimate the cost of a venture like this but we can imagine some guidelines. The Manhattan Project cost $2 billion; Apollo, $20 billion.

If we select $20 billion as a target figure for expenditures over the next 30 years, and the industry pays for it totally, it will require 1% of the annual gross revenues projected over the period. Thus, in all, including the breeder program, the intermediate venture capital firms and the "Project for Prometheus," the industry should commit the equivalent of about 2% of gross annual revenues to research, making available an estimated $40 billion over the entire period.

As always, the problem is how to begin.

I urge that the leadership of the electric industry and the National Academy of Sciences convene a panel of experts from among their members as well as experts from such selected groups as the National Academy of Engineering, the American Bar Association, the Office of Science and Technology, Council on Environmental Quality, and representatives of the industry's regulatory authorities. This group would flesh out the plan for the "ultimate" system I've hinted at here. These experts would test the validity of the objective and determine how best to pursue it scientifically, technologically, financially, and organizationally. The industry should pay for such a study.

I realize the magnitude of this proposal and its unprecedented nature. It will require a new range of industry thinking and commitment. Earlier, I stated that the expansion of our power systems during the transition period would depend on whether the public let us. The "Project for Prometheus" is an action for future power systems. I have no doubt the public would welcome it. The fulfillment of its promise is within the grasp and capacity of the industry. There are real questions to be resolved—funding questions, the recruitment of scientific and technical talent, important project definitions, problems associated with geographical location and physical facilities—but these should all be faced and solved expeditiously. Continued national development must not be limited by the lack of electrical power and our environment must not be needlessly degraded by our failure to overcome the detrimental aspects of electric power systems.

Senator Warren Magnuson, Chairman of the Senate Commerce Committee, recently introduced legislation to establish a Federal Power Research and Development Board whose activities would be supported by a federal tax equivalent to about 1% of gross revenues. The issue, it seems to me, is whether the electric industry is prepared to move expeditiously and affirmatively along the general lines I have suggested and at a level of support not less than I have proposed. If it is, then the tax proposed by Senator Magnuson would obviously not be necessary. The large-scale research programs I envision should be funded from industry resources and be manned by its own talented people present or to be recruited. Surely we are not prepared to admit such bankruptcy in leadership and funds that so important an undertaking can only be accomplished under governmental sponsorship.

If we fail, however, then I see no alternative but to support the concept of some form of federal tax to assure that the essential objectives are met in the national interest. We can either do this as an industry, based on our own initiative and leadership or permit the responsibility to pass to other hands. I conclude that unless the industry takes the initiative, within the immediate future, the initiative will pass to other hands because of the stimulation of environmental problems or intolerable power shortages.

I earlier suggested that the keynote of our chaotic time is change. All around us we see change: institutional, attitudinal, technological, political; in fact, in almost any dimension and by almost any measure, our time is different not only in degree, but contextually as well. We see this change accelerating us toward an unfamiliar social state, bringing unfamiliar relationships and responsibilities, bringing a time in 30 years as different from now as 100 years was before now, offering prospects of new reasons for joy and new meanings to life itself.

Various authors have described the social world toward which we're moving as the "post-industrial" era, that time in the evolution of developed countries when, through advancing technology, production capacity outstrips consumption needs. In times long past for us, prior generations made the essential sacrifices and advanced the technologies to allow us to reduce the percentage of the labor force devoted to the production of agriculture commodities; with this labor available, our production capacity was turned to industrialization. Now we are experiencing a similar transition: the percentage of the labor force to produce the consumer goods needed by all of our society is diminishing. By 1985 only one worker in five would have to be in manufacturing and only one worker in thirty or so would have to be involved in agriculture.

We could choose, as a society, to use our excess production capacity in many ways. We might engage in large-scale national programs, such as city rebuilding, transportation renovation, irrigation of our desert areas, restoring the environment, further space exploration, and so on. We might choose to engage in large-scale programs to aid developing nations. We might elect to take a portion of our excess capacity in the form of leisure, with increasing participation in education and the arts. In short, if society does those things today which make possible these achievements, a major cornerstone of which must be the planning ahead for the abundant energy sources required for such a society; this coming time, this post-industrial era, could be a time of plenty and dignity for future generations.

Those of you who remember Greek mythology will recall the legendary story of the creation of Earth and man. According to the ancients, after the gods had created the Earth and inhabited it with birds and other animals, a nobler animal was wanted. Prometheus made man in the image of the gods and gave him an upright stature, so that while all other animals turned their faces downward and looked to the earth, he raises his to heaven and gazes on the stars. Prometheus and his brother were committed the office of providing man and all other animals with the faculties necessary for their preservation. His brother undertook to do this and accordingly proceeded to bestow upon the different animals the various gifts of courage, strength, swiftness, sagacity; wings to one, claws to another. But when man came to be provided for, who was to be superior to all other animals, the brother had been so prodigal of the resources that he had nothing left to bestow upon man. In his perplexity he restored to his brother Prometheus, who went up to heaven, and lighted his torch at the chariot of the sun and brought down fire to man. According to mythology, with this gift, man was made superior over all other animals. It enabled him to make tools with which to cultivate the earth, to engage in trade and commerce, to warm his dwelling so as to be comparatively independent of climate, and finally to introduce the arts.

Prometheus is an appropriate name for a $20 billion, possibly 30-year odyssey, in search of the risk and pollution-free, limitless source of fire to serve and elevate future generations of mankind.

Indeed, the decisions and actions of the electric industry taken now will probably determine as much as any other factor just what the world on the other side of our present chaos will look like. It is an awesome charge.

THE ATOMIC ENERGY COMMISSION SEEN IN A NEW LIGHT

The SPEAKER. Under a previous order of the House the gentleman from Kansas (Mr. SKUBITZ) is recognized for 5 minutes.

Mr. SKUBITZ. Mr. Speaker, has a new day dawned? Has the Atomic Energy Commission begun to eat humble pie? Has the AEC admitted publicly that it has lost credibility? Do AEC scientists no longer regard themselves as scientific St. Georges taming the atomic dragon? Are AEC experts really ready to climb off their high horses and talk frankly and humbly with their fellow citizens?

Well, read all about it in the Christian Science Monitor of September 14. That newspaper's special correspondent in Geneva, Robert C. Cowen, reporting on the United Nations Atoms for Peace Conference in that city, paints a picture of an entirely new AEC from the one that the Governor of my State recently described as arrogant. The AEC, says Mr. Cowen, is changing its image and reversing the blindly self-righteous and authoritarian policies—those are Mr. Cowen's adjectives—it has followed until very recently.

Those of us in and from Kansas who have contended for a year or more that AEC policymakers have indeed lost credibility now feel like a Daniel come to judgment. It is refreshing to have the AEC itself declare "mea culpa." Most of us are not quite willing to agree with the AEC that they are Satan, as the Christian Science Monitor reporter paraphrases them. Perhaps as one of Satan's archangels would have been a more fitting description.

Mr. Speaker, I believe this new, more honest, more forthright AEC policy is largely due to the new Chairman, Mr. James R. Schlesinger. I had written him some weeks ago following his appointment praising him for accepting the appeals court decision on the Calvert Cliffs case in good grace. I told him then that his actions appeared to signal a policy change at the AEC, a breath of fresh air. I repeat my commendation of him now based on the comments attributed to him in Geneva.

The Christian Science Monitor reports:

> It probably is fair to say that never in its history as an agency has the AEC talked with such humility and candor about its own shortcomings in dealing with the public.

Let us hope that this same attitude by the AEC will prevail in Kansas in its testing and experimentation to determine whether an atomic waste plant in abandoned salt mines can be made safe for humans and the environment.

Mr. Speaker, I include the article from the Christian Science Monitor at this point in the CONGRESSIONAL RECORD. I urge my colleagues to read it. It will be good for the soul because it suggests that there is yet some hope for bureaucracy. The article follows:

A-EXPERTS EAT "HUMBLE PIE" AT CONFERENCE

(By Robert C. Cowen)

GENEVA.—Public opposition to atomic-electric power has scored a major victory.

It is forcing nuclear experts to eat humble pie. It is making them admit they have often been blindly self-righteous and authoritarian in promoting the peaceful atom.

This has injected an element of self searching humility into the fourth United Nations Atoms for Peace Conference that the previous three conferences have lacked.

Yon can't, of course, find much opposition to the atom here. Delegates fervently believe that nuclear power offers a safe, relatively clean alternative to coal, oil, and gas for meeting mankind's burgeoning energy needs.

HUMILITY APPARENT

But many delegates are saying that it is time for them to climb off their high horses as experts and talk frankly and humbly with their fellow citizens.

They realize that, as experts, they have lost, or are in danger of losing, credibility. They have thought of themselves in terms of a scientific St. George taming the atomic dragon to beneficially serve mankind. Now they realize that many people see them more in terms of Satan.

So far, this identity crisis has been felt most keenly in the United States. Delegates from other countries are intrigued to hear top officials of the U.S. Atomic Energy Commission (AEC) talk of a new approach to the public that amounts to a major policy change.

QUESTIONS CALLED LEGITIMATE

AEC chairman James R. Schlesinger has been telling representatives of the American nuclear power industry here that he realizes they are suffering costly construction delays as the AEC reviews safety regulations and the environmental impact of atomic power stations. But he told them they must be patient with these delays.

Critics are raising legitimate technical, environmental, and social questions, he said. The AEC is determined to respond fairly and fully, he added.

In an informal background discussion with the press here, an AEC spokesman candidly admitted that AEC staff "feel hurt to realize that they have lost credibility" with the American public. The AEC, he said, is determined to earn that credibility back, especially in regard to the adequacy of its safety regulations for nuclear power plants.

He called for opposition of environmentalists "a legitimate social issue." He said he even considers the question of whether or not to go on expanding American power generating capacity an important social question to debate and answer.

Then, taking a surprising stand for an agency that has been a leading promoter of atomic power, he said, "We are not in the business of pushing atomic power." The atomic power industry now has enough momentum to sell itself on its own merits.

MAJOR SHIFT INDICATED

But atomic power may not always be the right thing for a given location even when a power company wants it, he said. The AEC is going to see to it that the public has its say about this and that total environmental impact is considered.

Again this is a major climbdown. The AEC has maintained it was responsible for considering only radioactive aspects of environmental impact. Recently, in the so-called Calvert Cliffs decision, a court of appeals ruled that the AEC must consider total environmental impact, including thermal pollution, as required by 1969 and 1970 environmental protection laws.

The AEC decided not to appeal this decision.

AEC commissioner Clarence E. Larson and assistant general manager Howard C. Brown, Jr., in a paper delivered at the conference, noted that, under present regulations, public hearings on a new atomic power plant only occur after a site has been selected and a power company has made financial and construction arrangements.

This can lead to heavy costs if there's a construction delay, to say nothing of looking like an attempt to foreclose the decision before a public hearing. So the AEC now is considering changing the rules to bring the public into the decision process at the early stage of site selection.

CONSTRUCTIVE CRITICISM INVITED

The authors called this an example of AEC efforts "to be responsive to constructive criticism."

It probably is fair to say that, never in its history as an agency, has the AEC talked with such humility and candor about its own shortcomings in dealing with the public.

This has indeed added a new note to the conference here, a note in keeping with a day of sessions on the atom and the environment.

Delegations from at least some other countries admit to rising opposition and distrust at home. And all delegations are eager to learn how to meet such a challenge.

MORE ON THE DANGER OF UNRESTRICTED STEEL IMPORTS—II

The SPEAKER. Under a previous order of the House the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, a few days ago, I brought to our colleagues' attention a timely article on the subject of steel imports. That article, by the chairman of the Bethlehem Steel Corp., was a down-to-earth assessment of the dangers facing our domestic industry as a result of the virtually unrestricted imports of foreign steel into this country.

Another Cort article along the same lines appeared in the June 21 issue of Industry Week. Entitled "Can the American Steel Industry Survive," Mr. Cort presents a fact-laden overview of a manufacturing segment of our economy which is vital to the continuation of our high standard of living. The underlying question is, Can this Nation survive without a strong and viable steel industry? The answer is, obviously, a resounding "No." But the policies and philosophy of our Government seem directed at tearing down the national industry in order to curry an elusive favor with foreign producers of steel.

Although the Cort article is most directly concerned with the domestic situation, it proves conclusively that our industry cannot long survive—at least in an acceptable position—an unrestricted assault from oversease unless there is true reciprocity in international trade. Our steelmakers must enjoy the same advantages in foreign markets as offshore producers enjoy here. Such a policy would account for wage/price differentials, capital investment requirements, and quality standards of production.

We know instinctively, Mr. Speaker, how fundamental to our economic life the steel industry is, but it is healthy and instructive to be reminded from time to time of the facts of this foundation. The Cort article brings the dry statistical information on the steel information to life and in a way that is immediately understandable to all concerned citizens.

I highly recommend Mr. Cort's views to our colleagues. The article follows:

CAN THE AMERICAN STEEL INDUSTRY SURVIVE?

(By Stewart S. Cort, chairman,
Bethlehem Steel Corp.)

Recently I was asked two questions, one that headlines this article and another that appears later. As firmly as I reject the "doomsday" implications in both questions, they have been raised by responsible people and they deserve responsible answers.

I read a few weeks ago in a prominent business magazine that steel has "all the earmarks of a sick industry." Perhaps so. I believe that I am in as good a position as most to be aware of our problems. But I am equally aware that, to paraphrase Mark Twain, rumors of our impending demise are greatly exaggerated. Our present ailments merely distract observers from detecting a fundamentally strong and rugged constitution.

Many people have asked why, in 1970, our industry profits slumped to 2.7% on sales revenue and 4% on equity despite near-record output. The answer lies primarily in greatly increased costs without corresponding price relief. Last year we suffered the worst cost pressures of an inflationary period, which began in mid-1968, during which time all our purchased materials, supplies, and services rose approximately 20%. Such purchases represent more than 40% of our total cost of doing business.

The fact that imports of more than 13 million tons were increasingly concentrated in the higher-priced product lines didn't help a bit. It hurt us badly, and grievously harmed some of the smaller, more vulnerable specialty steel companies.

MEETING THE CHALLENGE

Time and again I have been challenged to explain why domestic costs are so much higher than those abroad despite our colossal investments in new plant and equipment—$16.5 billion in the last ten years.

I could write a book on this subject. I won't. But if I did, Chapter 1 would explain the reason for a huge share of those investments—*quality improvement.* Domestic steel users are highly sophisticated, and they have been demanding highly sophisticated steel products. We work to the tightest quality specifications and standards anywhere in the world. What's more, we operate in the most competitive of all the world's steel markets. Every domestic producer has to upgrade his products and, therefore, his facilities, constantly, in order to hold his customers.

Incidentally, "holding customers" reminds me of another brake on apparent productivity. In order to combat competition from other materials, we've had to roll lighter structural shapes and thinner tin plate. Measures like those reduce our yield and lower our tonnage output per manhour.

Chapter 2 of the book I don't intend to write would describe the portion of our past, present, and future capital expenditures devoted to environmental quality control. Such facilities are necessary. No question of that. But they eat up our capital at a fearful rate—about $1 billion of that $16.5 billion went into nonproductive equipment designed to reduce pollution. Such facilities are a drag on productivity and incur heavy operating costs, year after year.

I have often pointed out that, when you have to borrow money at 8% to install nonproductive facilities that cost about 10% of original investment to operate every year, it's pretty tough to make the return on your total investments look good.

By the way, I think I'd footnote that chapter with a reminder that our offshore competitors thus far have expended very small amounts on environment when compared with our efforts.

COST OF IMPROVEMENTS

Chapter 3 would concentrate on a point that many critics have overlooked—the high cost of capital improvements in this country as compared with abroad. Take the Japanese. Largely because of much lower field-labor wages, they can put in new facilities at about one-third our cost. Not only do their yen go much farther than our dollars, but they, along with all the other foreign companies, get a break on depreciation. It may astound you to learn that the Japanese can actually afford to scrap a seven or eight-year-old mill in order to substitute a more efficient one.

On top of it all, there's the matter of labor costs. When labor represents 45% of your cost of production—that's the story with steel—and you're paying nearly $6 an hour while the other fellow is paying less than $2, no technology in the world can possibly make up the difference.

So you see, we are at a severe disadvantage with regard to both capital costs *and* labor costs. And, since our industry is both capital-intensive and labor-intensive, we catch it both ways.

"So," you may be saying, "the steel industry is sick!" Perhaps—but our ills are curable. Our industry is second to none in efficiency and modernity. We have built strongly and wisely and, with favorable winds, we're ready to take off.

LOOKING TO 1980

After I have fielded the second question asked of me I'll recite some further reasons for my optimism.

The second question is, "What would America be like in 1980 without a strong and viable steel industry?"

This takes us into the realm of fantasy because, as I have pointed out, it is utterly inconceivable that this nation—or any of the world's advanced nations—would allow its steel industry to wither on the vine. Indeed, the very opposite is true abroad, where steel industries are protected and pampered to an extent unheard of in the U.S.

Still, it may be of some value to speculate what could happen if worst came to worst, if only to drive home a lesson in practical economics to the free trade theorists who would permit our industry to go down the drain because we aren't the world's lowest-price producers.

In order to imagine the economic and social implications of our nation without a "strong and viable" steel industry, let's take a look at some of the contributions being made now by an industry that, although not presently in the best of health, surely is something approaching "strong and viable."

Last year, according to American Iron & Steel Institute year end figures, our industry employed 685,000 people. That's direct employment. If you crank in the commonly accepted factor of two for indirect employment, you get 1,370,000 jobs attributable to domestic steel operations. That's nearly 2% of our nation's total nonfarm employment of around 71 million. Losing 2% of all nonfarm job opportunities would be a staggering blow to the economy and to our country's efforts to achieve and maintain full employment.

How about steel industry payouts? The largest item is wages and salaries. In 1970 we paid our employees nearly $6.4 billion, not including benefits.

How about shareholders, the people who own the business? Even with dividends reduced because of inadequate earnings—$513 million on $30 billion in fixed assets—we paid $485 million in cash dividends. And we paid $288 million in interest and charges on long-term debt.

What else? We spent more than $9 billion in 1970 for purchased materials and services. Add that to wages and salaries, dividends, and debt payments, and you have about $16 billion to generate further employment and economic activity.

To illustrate how our purchases support other industries and their employees and shareholders, consider a few examples. Our total bill for purchased electric power was about $380 million. Our gas bill was about $240 million. We bought nearly 29 million tons of scrap metal. We consumed about 140 million tons of iron ore and more than 92 million tons of coal. Even allowing for ore and coal from captive properties, we accounted for a tremendous amount of mining activity by suppliers.

Now, getting down to numbers that government people will find especially interesting, the domestic steel industry in 1970 paid a total tax bill of $560 million, about $136 million of it in federal income taxes. And, by the way, assuming an average personal tax rate of 15%, our employees paid about $960 million in federal income taxes alone. So, loss of steel-industry-generated income tax revenue in 1970 would have cost the federal government alone about $1.1 billion.

WHAT IF?

What if the steel industry should fail? The imagination boggles at the prospect. Here is an industry with more than $30 billion in fixed assets, with about $13 billion in shareholders' equity, and aggregate long-term debt of more than $5 billion. To even begin to speculate about the ramifications of a financial collapse can only firm up one's resolve that it never occur.

So you see, the complete absence of a steel industry in 1980 would be an economic and social disaster for this country. Just what the impact would be if the industry existed in some reduced form, something less than "strong and viable," I can't say. No one can say. But I'll tell you this—I wouldn't want to be around to see it.

How about national defense? Let's not forget that every incoming President of the U.S. swears to "protect and defend" this nation. Could he fulfill that pledge without the support of a healthy domestic steel industry? The answer is "no." Steel—domestically produced steel—is absolutely vital to our national security.

Some will argue that only a small percentage of total steel output goes directly or, for that matter, indirectly into defense materials—under "normal" conditions. It wouldn't take a steel industry of our present size to supply those needs—normally. But, when you're talking national defense, the key word is "capability." Do we and will we have the capability to meet national defense requirements?

In this regard it is instructive to study our nation's projected steel demands under emergency conditions, as estimated by the Office of Emergency Preparedness. OEP recently hypothesized steel requirements in the event of a three-year "general, limited" war, 1971 through 1973. It calculates direct military requirements of 9 million net tons and indirect military requirements of 98 million net tons. Rather reasonably, I think, OEP assumes that none of this steel could be relied on from overseas sources. So today, by OEP estimates, national security requires a domestic capacity of at least 36 million net tons annually of the specific steel products that would be needed by the military in the event of hostilities. And this doesn't provide even 1 lb for civilian use.

If anyone is thinking of reconverting plowshares and pruning hooks, forget it. There aren't enough of them around.

I should add that long-range security requirements also call for continuing research and development. That costs money and it could not be carried out by an industry afflicted by financial malnutrition.

And, finally, here's what is to me the most compelling reason why our nation without a viable steel industry is unthinkable, even if national security were no consideration.

BASIC INDUSTRY

Our raison d'etre is to make steel products for consuming industries. These industries *must* be served—and served in a big way. They consumed 97 million net tons of steel in 1970. And, if we project a modest 2% increase in demand, this figure would increase to 122 million tons by 1980. On the other hand, if domestic steel requirements increase as they did between 1960 and 1965, our economy will need nearly 160 million tons of steel products ten years from now.

Where is the steel to come from? From overseas? Don't count on it. Economists looking at the world scene expect total world population to grow from 3.5 billion today to 4.3 billion in 1980, and worldwide demand for steel to increase from 600 million metric tons to at least 900 million metric tons (1 billion short tons)—an eye-popping 50% increase!

You must bear in mind that per capita steel usage presently ranges from 60 lb in the least developed countries to 1,200 lb in the richest nations. World average per capita consumption is presently only 330 lb a year. Population increases, as great as they will be, will account for only a portion of the increased demand. The really big factor will be economic development translated into sharply rising per capita usage—throughout the world.

Aspirations of world populations simply could not endure the setback that would be caused by a permanent decline in U.S. steel production. The fact is that the world community looks upon our industry, along with those of other steel-producing nations, to grow, and grow vigorously.

To those who would be glad to see low-priced steel imports flooding into this country uncurbed, I can only question the term "low-priced." If foreign producers were ever to eliminate domestic competition, that would be the end of "low prices." You would see steel prices zoom upward. Haven't import prices followed ours, time and again, even though those producers had no cost justification whatsoever for raising them? And the recent harrowing experience with oil-exporting nations provides additional evidence of what we'd be subjected to if we ever allowed ourselves to become too dependent on foreign sources of vitally needed products.

WHAT IS NEEDED?

The American steel industry will not only survive but prosper if only a few of our problems can be alleviated.

The first requirement, I'd say, is a non-inflationary economy. If and when this country gets inflation under control, the steel industry will be in far better shape to manage its capital, materials, and labor costs.

Second, steel imports must not be permitted to grow at a more rapid rate than total domestic demand, and product mix and geographical distribution should be restored to the pattern of a few years ago. I am very hopeful that our government will negotiate an extension of the voluntary arrangement, with appropriate improvements. For the long pull, the most important modification should be in the present provision for 5% annual growth. That is about double this country's normal growth in domestic consumption. I hardly think I have to explain to any businessman what it means to lose market growth—in fact, to be doomed to a relentlessly diminishing market. This must be corrected.

Third, there are things we ourselves can do and must do in order to get and stay healthy. For one thing, we have to get our companies into fighting trim. American steel companies are dropping unprofitable operations and trimming manpower to the bone. We are looking harder than ever at every item of expense and every request for capital funds. We're looking at sound diversification moves, too, and most companies in the industry are already working hard along those lines. There is, in addition, some thinking about mergers within the industry. Government antitrust people ought to reconsider their attitudes on mergers in view of strong national interests and the realities of competition. I can tell you that we in the steel industry are sick and tired of being blasted for not doing things that the government won't permit us to do.

Fourth, we need governmental tax policies that encourage investment. Appropriate policies would greatly sharpen our ability to add to our efficiency through investment and enable us to regain a favorable credit position so as to generate necessary capital funds.

Finally, we need some governmental measures that recognize certain nagging difficulties in fulfilling our responsibilities in the environmental area. Economic aspects of this problem have been fully detailed to the authorities, and I am hopeful that at least some of our recommendations will be adopted. I am hopeful, too, of more realistic policies and better coordination of procedures at the environmental standards-setting and enforcement levels.

Is all that too much to ask? I don't think so. And the fact that I have frequently used the word "hopeful" indicates that I believe our outlook has distinctly favorable prospects.

Will the American steel industry survive? It will.

Will it be with us at the end of this decade, strong and viable, making important contributions to our economy and the whole fabric of our society? It will.

And will we in the steel industry work strenuously, intelligently, and imaginatively to make sure of all this? We will.

THE CONQUEST OF CANCER ACT—A ROAD TO CURE OR CONFUSION

The SPEAKER. Under a previous order of the House the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

Mr. KASTENMEIER. Mr. Speaker, the Conquest of Cancer Act, which passed the Senate July 7, 1971, has raised some very important issues regarding the best approach to cancer research in particular, and biomedical research in general. On Wednesday, September 15, the House Interstate and Foreign Commerce Committee, Subcommittee on Public Health and Environment, will open hearings on this vitally important issue. Certainly, the objectives of the Senate-passed bill are beyond dispute. What is open to serious question, however, is the path Congress will chart for achieving the conquest of cancer.

The chief point of disagreement lies in whether a targeted, independent effort should be implemented for cancer research; whether, in fact, cancer research can be targeted or pinpointed in a fashion comparable to a "moonshot" or "Manhattan project."

The Senate-passed bill (S. 1828), while calling for continued cooperation and communication with NIH, actually sets up an independent cancer agency that has independent budget authority and reports directly to the President. The NIH Director and HEW are statutorily bypassed in the bill.

This action establishes a precedent for NIH by setting one disease apart from others as regards budget and program mechanisms. Other diseases can make a strong case for comparable status. Indeed, advocates of heart and lung research already have requested a position equal to cancer's, if a separate cancer effort is established.

The biomedical community is concerned that the result may be the dismantling of NIH, which presently relies on a unique, interwoven system of peer review and scientific decisionmaking that coordinate all federally supported biomedical research.

There is controversy also over whether such a targeted cancer effort might be detrimental, rather than beneficial to cancer research, in light of the fact that much basic research frequently produces inadvertent cancer-related discoveries. The biomedical community fears that much valuable nontargeted basic research will be ignored or dropped if an autonomous cancer agency is set up.

When the Senate vote on the Conquest of Cancer Act was taken, only one Senator out of the 80 voting rose to object to the establishment of the autonomous cancer agency. That lonely and courageous vote was made by my fellow Wisconsinite—Senator GAYLORD NELSON. He, along with Senator CRANSTON, have filed individual views on the Senate bill as recommended by the Senate Labor and Welfare Committee. Many editorials appearing in newspapers across this country express the views articulated by Senators NELSON and CRANSTON in their statement. It is a pleasure for me to make a sampling of the editorials on the Senate cancer vote available here for your thoughtful consideration.

[From the New York Times, July 11, 1971]

CANCER CONQUEST OR SETBACK?

The weakness of Congress in handling a technical issue has rarely been more glaringly demonstrated than in the 79 to 1 vote by which the Senate approved the so-called Conquest of Cancer Agency. Only Senator Gaylord Nelson had the political and moral courage to oppose a move which has drawn critical fire from a large percentage of the nation's biomedical researchers.

Presumably most Senators who voted affirmatively—and who are far from expert in this field—feared that their dissent might be exploited by future demagogic political opponents who would seek to represent them as friends of cancer. Yet there is real question and serious debate as to whether the "Conquest of Cancer Agency" will speed up or retard the search for means to cure this dread family of afflictions.

Perhaps the most disturbing element of the Senate debate was the argument that scientists are "close to a breakthrough in cancer," so close that "one final push" will attain victory, as Senator Javits suggested. In the biomedical research community, there are many respected clinicians and researchers who are highly dubious that success is around the corner. Meanwhile Senator Javits and others have unfortunately aroused great hopes among millions who could be cruelly disappointed.

There has been much research progress in the cancer field recently. Basic researchers have thrown new light on the role of viruses and on the immunological aspects of the problem, while important therapeutic strides have been made by biochemists, surgeons and radiologists. There is certainly ground for further intensive investigation financed by generous appropriations. But many students of cancer still question whether scientists are even yet near the heart of the matter. Moreover, it is far from certain that all the manifestations of cancer—from melanoma and leukemia to Hodgkins Disease and all the different sarcomas and carcinomas—have the same cause and are all amenable to the same cure.

These considerations raise a warning signal that research too narrowly focused on cancer as such may prove unavailing because it may miss the broader—and perhaps still unsuspected—biological phenomena that may lie at the root of the degenerative processes described as cancerous. Researchers directed by bureaucrats who believe they are "close" to a "final breakthrough" run serious risks of slighting the basic investigations which many informed scholars believe are still essential before cancer can be understood and cured. Inevitably, once a crash cancer program with separate budget and autonomous institutional power comes into being, spokesmen for other sufferers will demand the same privileges. Are heart disease, schizophrenia and nephritis patients less worthy than cancer victims?

The National Institutes of Health as they now exist and are organized have proved to be very effective means of attacking the entire spectrum of ills under which men sicken and die. The possibly illusory "cancer conquest" program threatens to begin a process of fractionation which could destroy the N.I.H. and reduce the productivity of the nation's research dollar.

Only a legislature that failed to understand the true complexity of the issues involved could have given a 79 to 1 vote in favor of this controversial program in the face of the many doubts knowledgeable critics have been expressing in recent months.

[From the Wall Street Journal, July 16, 1971]

THE WRONG WAY TO FIGHT CANCER

(By Jerry E. Bishop)

"If I recall correctly, in 1949 a promise was made to Congress with the brave words, 'Give us the money and within 10 years we will give you a penicillin for cancer.' After about $2 billion, there has been some splendid basic research but no cure."

The recollection is that of Dr. Irvine H. Page, a Cleveland cardiologist of considerable repute in both medical research and the art of raising funds for medical research. For the last several weeks, in his capacity as editor of the magazine Modern Medicine, Dr. Page has been expressing deep skepticism about the wisdom of the new Conquest of Cancer Agency, or CCA.

The agency, of course, is the one that was approved by the Senate the other day and that will soon be debated in the House. It would be an independent federal bureau, modeled after the National Aeronautics and Space Administration, with a budget eventually to reach $1 billion a year. The idea is to muster the nation's medical research resources against cancer with the same fervor that the space agency devoted to the moon landing—and, presumably, with the same degree of success.

A NEW P. T. BARNUMISM?

But to Dr. Page and to at least one other of the nation's more prestigious medical editors, Dr. Franz J. Ingelfinger of the New England Journal of Medicine, the congressional rush to set up the CCA may well prove to be a kind of P. T. Barnumism that has come to characterize much of the way funds for medical research are garnered from the taxpayer.

The opinions of two editors whose audiences are almost entirely physicians aren't likely to have much impact on Congress. In addition the CCA, the result of a compromise between competing plans offered by Sen. Kennedy and the administration, has President Nixon's backing. It zipped through the Senate by a vote of 79–1, the single and somewhat courageous nay vote coming from Sen. Gaylord Nelson, the Wisconsin Democrat. And it is likely to pass the House; as Dr. Page says, "For a politician to be against cancer research would be suicidal, since it has been made a public issue."

Drs. Page and Ingelfinger, it should be quickly noted, don't oppose increased funds for cancer research. Both argue strongly that far more money should be spent for cancer research and for medical research in general.

But they do raise some intriguing and basic questions about the salesmanship involved in obtaining federal medical research funds.

Until now, much of the federal money for basic and general medical research has been channeled through the several National Institutes of Health, or NIH, a part of the Department of Health, Education and Welfare. In their embryonic stages a couple of decades ago, there were some stirrings over the naming of the individual institutes. To some medical researchers, who were quite naive in the ways of Washington, it seemed quite logical to name each of the institutes on the basis of the research it would support: a National Institute of Pathology, a National Institute of Microbiology, a National Institute of Biochemistry and Genetics, and so forth. This, of course, is the way the big university-based research centers that would be receiving the money are organized.

But shrewder counsel prevailed. It might be too easy for a Congressman to reject appropriations for microbiology, but the same legislator might be extremely reluctant to vote against funds for cancer research. Hence, among the institutes are the National Cancer Institute, the National Heart and Lung Institute and the National Institute of Allergy and Infectious Diseases.

The tactic proved effective. An increasingly powerful lobby, organized by New York philanthropist Mary Lasker and encompassing the heads of the appropriations subcommittees, consistently enraged whatever administration was in the White House by pushing higher funds for the NIH than the budget makers asked for. And the legislators did, indeed, find it difficult to vote against sharp increases for research on cancer, heart disease and mental health, regardless of their loyalty to the administration.

With more research money available, any qualms the medical scientists might have had quickly melted away. Indeed, over the years, the NIH had won praise from researchers for the way it dispenses funds.

Some quirks have developed, though. Congress votes funds for each specific institute, thus the money is earmarked for specific diseases. As a result, part of the art of "grantsmanship" is for the research to decide which disease area has the most money available and to angle at least his grant application accordingly, a geneticist, whose research isn't *directly* applicable to the cure of any single disease, must go through semantic gymnastics to describe his project as cancer research, or birth-defect research, or whatever.

It isn't unusual for a single researcher to have grants from more than one institute. At the same time, several of the institutions are each supporting research in the same fields, such as virology, or basic research into the body's immunity system. The research on immunity is equally important to heart transplants, allergies, cancer, encephalitis and malaria.

More important, though, are the promises that must be made to Congress and the taxpayer to obtain the grant money. Researchers heavily involved with, say, the National Cancer Institute must promise that significant gains will be made against cancer with each new appropriation. The 1949 promises of "penicillin for cancer" was made by scientists seeking funds for a crash program to find drugs that would cure cancer. No such "magic bullet" was ever found, and none is likely to be. The program did uncover an amazing and useful amount of information about the strange metabolism of malignant cells but, of course, malignant-cell metabolism isn't as saleable a name.

Researchers allied with other disease areas have made similar dramatic promises. There was, for instance, the widely heralded, but now almost-forgotten, crash program to develop an artificial heart.

Much of the rivalry and competitiveness among the disease-oriented institutes is held in check by the overall administration of the NIH, which, among other procedures, uses a number of advisory committees of scientists to review and allocate grant applications to the right institute.

PRESIDENTIAL APPOINTEES

The Conquest of Cancer Agency technically would be part of the overall NIH organization, in fact, but almost totally independent. Its board of directors and officers would be appointed by and report directly to the President. And, presumably, like all other federal agencies, it would maintain its own congressional lobbying effort.

To Dr. Page this mean "creation of teams, committees, authorities and all the paraphernalia of bureaucracy. The usual channels of peer review will be by-passed, thus ensuring that the lion's share of all new research funds will be pre-empted for this field."

The result, he adds, is that "Cancer research will be separated from its broad base in science in its all-out effort to get 'greatest visibility.' If I know scientists, this will create the most disagreeable and often disastrous competitiveness, envy and publicity-seeking we have ever witnessed, and that is saying much. The great mass of mediocre research workers—and that seemingly inexhaustible supply of minor bureaucrats who exhibit an extraordinary chemotactic response to a dollar—will quickly join 'the team'."

Other groups are likely to start competing agencies. Scientists involved in cardiovascular research have already warned that if the cancer agency is created they will seek to set up an independent agency for heart disease, since they can rightly claim that heart disease kills more than twice as many Americans as cancer. Similar arguments can be made for an independent arthritis agency, that disease being the greatest cause of crippling and disability in the country.

"The inhuman aspect of the scene," says Dr. Ingelfinger, "derives from the implication that creation of an organizational hierarchy—call it an authority, an independent agency or what you will, supported by a big enough budget will bring about a cure for cancer in a few years."

This is highly unlikely to happen. Cancer, scientists explain, is a vague term for what appears to be dozens, if not hundreds, of diseases, some caused by viruses, others by chemicals and still others by as yet unknown processes. Cancer of the liver, for instance, is probably a quite different disease than, say, a brain tumor or lung cancer.

As a result, it is unlikely that there will be any single "cure." Already, in fact, there are cancer cures. For instance, surgery can cure 60% of breast cancer patients (over 80% if the tumor is caught in its early stages). Most cases of Hodgkins disease can be cured by radiation. There are indications that a vaccine may someday prevent childhood leukemia. The simple process of eliminating smoking would drastically reduce lung cancer deaths.

CAUTION VS. 'EASY LOGIC'

Indeed, the special Senate commission of scientists and laymen whose report and recommendations is the basis for the CCA carefully and with some elaborateness cautioned that science couldn't possibly promise to eliminate cancer in a single stroke, and certainly not on a timetable.

But, says Dr. Ingelfinger, "the impact of such disclaimers is totally lost in the easy logic of 'If we can fly to the moon. . . .' "

"Any trend that reverses the recent unfortunate de-emphasis in Washington on medical research warrants hearty reinforcement,' Dr. Ingelfinger adds. "Far greater sums should be allotted to medical research in general and cancer research in particular." But, he argues, too little thought has been given to the proposed Conquest of Cancer Agency. Instead, it is being rushed through Congress by a combination of a powerful medical research lobby and "the short-term needs of politics. . . ."

Similarly, Dr. Page argues for increased funds for medical research, including cancer research, but through existing agencies such as the National Cancer Institute and the National Science Foundation. As for cancer, he says, "The cancer problem will have many solutions because there are many kinds of cancer, but the way of preventing and curing them will not be found by laymen or politicians no matter how pure their motives."

As for "crash programs" in cancer or any other field of medical research, Dr. Page notes that "nine mothers gestating a month each don't produce a baby."

[From the Washington Post, July 18, 1971]

CAN 79 SENATORS BE WRONG?

The recent 79-to-1 vote in the Senate in favor of establishing a special "Conquest of Cancer Agency" is understandable—in political and emotional terms. But scientific and administrative wisdom seems to us on the side of the brave and lonely dissenter, Sen. Gaylord Nelson. The Wisconsin Democrat is just as determined to conquer cancer by accelerating cancer research as any of his colleagues. But he feels just as strongly that to put all our financial and scientific resources into one, separate, bureaucratic basket with a fancy name and place it on the White House doorstep, as it were, is not going to do the job any better or quicker than the existing mechanism—the National Cancer Institute, which is one of the oldest and largest institutes in the world-renowned National Institutes of Health.

We agree with the senator that the proposed new agency may well weaken the cohesive and balanced research effort NIH has been engaged in for years (and that was not faulted by any of the senators who spoke in favor of a separate agency). It may well compete for funds and scientific talent to the detriment of a comprehensive over-all approach. And, worst of all, a dramatized "Conquest of Cancer" effort may well raise false expectations, promising yet another illusive light at the end of yet another tunnel.

The Senate vote, it seems, was essentially swayed by the optimistic notion that, as Sen. Jacob K. Javits put it, we are close enough to a final breakthrough so that one big push, somewhat like the Manhattan Project or the Apollo effort, would yield us a cure for cancer. Would that this were so. There have been some recent "breakthroughs" to be sure. But the vast majority of scientists tell us, in the words of Dr. Philip R. Lee, former assistant secretary for Health and Scientific Affairs, that "we are not yet ready to start a countdown for an anti-cancer blast-off, no matter what emotional appeal such an approach may have to the public."

Cancer is not one disease but a series of diseases. The problem, as Dr. Edward E. David Jr., the Science Adviser to the President, has explained, "straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—(and) any one of these, or all of them, will contribute to the final solutions . . . Who knows what new discovery will become vital even next year?" So, the battle against cancer, to quote Dr. Lee again, "must be able to draw not only on the cancer specialists . . . but on the other specialists in other institutes of the NIH . . . This will require the same kind of close collaboration among the various NIH institutes that has been required many times in the past."

The cancer conquerors in the Senate say that this collaboration is assured by keeping the proposed new agency within NIH. But the association is more tenuous. Within or without, the head of the new agency is to be directly responsible to the President. He is not to be responsible to the NIH director who, as a member of the proposed Cancer Advisory Board (which is to run the agency) has but one voice among 22 others when it comes to coordinate programs, transfer of funds to other institutes and other decisions.

And why should the new cancer agency chief bypass the Secretary of Health, Education and Welfare whose vast agency is needed for all the public health and educational efforts that are also vital if we are at last to come to grips with this disease? The President, who proposed the separate agency, has also proposed a government reorganization that would reduce the number of separate government agencies reporting directly to him so as to free him and his staff for policy considerations, planning and evaluation. The answer to this contradiction, as given by the President's Office of Management and Budget seems more politic than persuasive: The President wants to provide direction to an area of priority medical and social concern," OMB said, though the arrangement may be temporary.

We are all in favor of the President's providing direction, not only to conquer cancer but also to sound and meaningful efforts toward conquering all the diseases, medical and social, that beset our society. This calls most of all, for orderly government and administration. We therefore share Senator Nelson's hope that the House will give the cancer agency proposal a deliberate, careful look.

[From the Evening Star, July 13, 1971]

CANCER COMPROMISE

There is no dissent whatever about one national goal—the eradication of cancer. The laudable public passion for that achievement is manifested in the Senate vote of 79 to 1 for establishment of a special agency for a crash assault on the disease.

But that Senate product is flawed, and could result in a less effective fight against cancer than might be carried out by other, less spectacular, means. It was born of compromise, and of the irresistible urge of some lawmakers to make a grand-slam production of this program. Some senators had doubts about what they were doing, but no alternatives were readily at hand and who is going to go on record against curing cancer? Only one senator, Gaylord Nelson of Wisconsin, was emboldened to assail the bill's deficient concept, and to vote against it.

We hope the House will seriously consider his objections, because they are shared by many who are knowledgeable about this vital undertaking.

The Senate-passed bill has been pictured as an agreeable compromise between plans offered early this year by the administration and some differing senators. Actually, the administration has retreated from its wise position that the anti-cancer drive should remain under the control of the National Institutes of Health. (The National Cancer Institute now is a part of the NIH.) President Nixon has urged much heavier funding for the cancer program, and his science adviser, Dr. Edward E. David, Jr., said last February that its isolation from the NIH "would prejudice the very outcome we seek." The administration was arguing against legislation, offered by Senators Edward M. Kennedy and Jacob K. Javits, to establish an independent anti-cancer agency.

Well, what emerged in the bill passed by the Senate is a very fuzzy combination; the new cancer entity, which would absorb the National Cancer Institutes, would be independent, yet would be connected to the NIH. It is unclear how that would work. The cancer agency would have a separate budget and its head would report directly to the President. The NIH director would have only an advisory role—would be bypassed in the main decision-making. So in major ways, the cancer activities would be split away from the NIH. In practice, they might only be housed at the institutes. And this well might start a trend toward fragmentation and politicizing of disease research that could seriously weaken the NIH and throw its well-integrated activities into disarray. If this arrangement is approved, demands may be expected for a whole raft of new agencies to deal with specific maladies. The upshot of that might be an impairment of research.

Some lawmakers believe the creation of a separate cancer authority would stir public enthusiasm and provide added momentum. But it seems doubtful that there could be any more enthusiasm than now exists for stamping out cancer. Also, there is a danger that too much razzle-dazzle will generate unrealistic hopes for a quick cancer wipe-out. The name chosen by the Senate—Conquest of Cancer Agency—is suggestive of hard-sell merchandising flackery. The best course would be to give the National Cancer Institute adequate funds and dispense with the show biz.

[From the Evening Star, July 15, 1971]

Cancer Becomes Political Football

(By Judith Randal)

Cancer is many things. In itself, it is more than 100 diseases. To those who have it, it is the badge of suffering, and often courage; to those who don't, it is the very symbol of dread.

In the last year, it also has become, most regrettably, a political football.

Sen. Gaylord Nelson, D-Wis., put his finger on the trouble a week ago in a speech he made before courageously casting the only vote against a bill which supposedly represents a compromise between two conflicting proposals for escalating the war against cancer.

One of these proposals had its genesis in a 1970 bill sponsored by Sen. Ralph Yarborough, the Texas Democrat who later was defeated for re-election. The measure, reintroduced in January by Sen. Edward M. Kennedy, D-Mass., envisions a separate national authority, assigned to tackle cancer in much the same way as NASA went about landing men on the moon. The existing National Cancer Institute would become the nucleus of the larger new agency.

The other proposal was written by the Nixon administration and introduced by Sen. Peter Dominick, R-Colo. It, too, proposed a massive research assault on cancer, but sought to keep the effort within the framework of the National Institutes of Health, while giving the "cancer cure agency" direct access to the President and broad autonomy in policy and budgetary matters.

The bill that finally passed the Senate, 79–1, was widely hailed as a statesmanlike compromise. In fact, it was no such thing. It was, purely and simply, the Kennedy bill with the administration's name on it. If also passed by the House, it probably will—as Nelson pointed out—not only slow the fight against cancer, but also threaten the survival of NIH, which for 25 years has led the world in biomedical research.

The reasons can be found in the bill. For example, while the agency nominally would be part of the NIH, its director would be equal in rank and status to NIH Director Robert Q. Marston. Marston, meanwhile would control approximately $100 million of cancer-related research done by the other institutes each year, but would have only one of the 22 votes on the cancer agency board, and thus little say over its expenditures. Scientists are as competitive and power-hungry as anyone else; in fighting and dissension would be almost inevitable.

More important, since there would be no one overseeing the entire scope of the problem, some promising aspects of cancer research likely would be overlooked in favor of others.

For example, the panel of experts whose advice gave rise to the Kennedy proposal are by and large more interested in drug treatments for cancer than in such other approaches as immunology and prevention. Two of their number with that orientation were the only men to get grants of more than $1 million from the National Cancer Institute last year. Thus, the implied admonition in the cancer agency's charter to "go out there and get results" may serve to intensify this trend.

This is the greater danger, because the White House would be the final arbiter of the allocation of resources. The President, whoever he is or whatever his qualifications, can hardly be expected to be a savant on medical research. It would make far more sense to give the NIH as a whole, rather than just the cancer agency, independent status—as Nelson has unsuccessfully proposed.

Furthermore, the situation is reminiscent of the waiter who, being told by a diner of a fly in the soup, told him to be quiet because "the others will want one, too." Heart and lung diseases kill three times as many Americans each year as do all forms of cancer; heart and lung researchers already are demanding their own "authority," and special pleaders for other disorders are bound to follow suit.

If the theories underlying cancer research were as far advanced as were those of astronautics when Project Apollo began, a separate authority might be understandable. But this is far from the case. Despite many recent discoveries, it can still be said that what is known for sure about the relevant fundamental biological mechanisms could be written on a calling card.

In fact, if the history of science teaches us anything, it is that the crucial knowledge is as likely to come from wholly unexpected quarters as it is from targeted research. Thus, in addition to threatening the orderly growth of inquiry into other disorders, the proposed cancer authority may well imperil its own ends by fragmenting biomedical research.

Earlier this year, in a column said to have been ghosted by a lobbyist for the Kennedy bill, Ann Landers of "advice-to-the-lovelorn" fame caused hundreds of thousands of letters to be written to Congress in support of the proposal. While surely well-intentioned, this avalanche of mail tended to stampede senators into casting unwise votes.

However, Rep. Paul Rogers, D-Fla., who heads the cognizant subcommittee in the House, is said to favor more money for cancer research, but to oppose the agency setup the Senate has approved. Given a modicum of public encouragement, he and Rep. Harley Staggers, D-W. Va., chairman of the full committee, may be able to force reconsideration of a measure that clearly is far better politics than science.

[From the Milwaukee Journal, July 13, 1971]

Is This Best Way To Lick Cancer?

We split the atom. We arrived first on the moon. Why not, therefore, make one big scientific push and cure cancer?

Under the spell of this noble but flawed notion, the Senate has voted 79 to 1 to create a Conquest of Cancer Agency, virtually independent, reporting directly to the president. Few will dispute, of course, the need for more cancer research, amply financed. Cancer is our most dreaded disease. Yet, as Sen. Nelson (D-Wis.) tried to point out in his solitary opposition to the bill, a worthy campaign is being badly organized.

The new agency would absorb the National Cancer Institute, oldest and largest component of the National Institutes of Health. This could have several distressing consequences. For one, cancer research could become too cut off from other NIH biomedical research at a time when careful coordination may be crucial. The space program analogy is, after all, inaccurate. Many scientists note that the moon journey was essentially an engineering feat, an application of basic knowledge already in hand. In contrast, cancer researchers are still trying to build a solid foundation of basic understanding. They are, in a sense, still looking for the laws of gravity. Hence, a wide array of biomedical studies must be carefully watched and harmonized. A Conquest of Cancer Agency, with separate budget and only nominal ties to NIH, could frustrate that objective.

Meanwhile, the precedent could lead to other fragmentation. Each major disease has its biomedical constituency. Would not each press for an independent research agency, complete with pipeline to the White House? NIH may need some overhauling, but it does not deserve to be reduced to shambles.

There is a vast emotional appeal to a crusade to vanquish cancer. Politicians from President Nixon to Sen. Kennedy (D-Mass.) are stumbling over each other to lead the way. The pressure in the House to accept the Senate bill will be immense. Yet there is hope that House members will give the measure close scrutiny. Right now, Congress is reeling under the influence of oversell.

[From the St. Paul Dispatch, July 9, 1971]

One Lonely Senator Capable of Sniffing

(By William Sumner)

I am constantly driven to further admiration of Sen. Gaylord Nelson. The Wisconsin Democrat seems to keep his head screwed on firmly whilst all others squirm to join this claque or that. He, for example, was the only senator voting for the Gulf of Tonkin resolution (two voted against: Morse and Gruening) who seemed to sense danger in its language; being relatively new, he succumbed to the blandishments of the chairman of the Senate Foreign Relations Committee, the dove J. William Fulbright. He is, of course, a conservationist, which is an automatic ticket to heaven.

Wednesday, however, he became a dissenting party of one in the U.S. Senate. What an embarrassment. He was the only fellow voting in favor of cancer. You mean that Nelson really is in favor of cancer? Of course not. He simply didn't follow the wild stampede created by Sen. Edward Kennedy to establish an independent $1 billion-per-year agency to conquer cancer. At present, the federal effort against cancer is under the control of the National Institutes of Health. The bill passed in such passion by the Senate remains in the Interstate Commerce Committee of the House; an odd place indeed for such legislation, but let us hope that it remains there.

Kennedy's big wind against cancer corresponds to the prevalent American belief that we can conquer anything, particularly if we put money into it and direct a single-minded effort toward it. It may be the funds appropriated for cancer research are deficient, although it would be difficult for the lay person to know: Each disease has its proponent or grantsman seeking private and public funds for it. But the way things seem to go in medical research—to this thoroughly uneducated writer—it seems that in following the spoor of cancer (if we can regard it as big game) we are really following countless tracks, criss-crossing and circling, and that the big breakthrough (really, there can be no single breakthrough) may come from some unheard of chap who is studying sinusitus.

On the other hand, some benighted researcher concentrating on cancer may find tremendous clues in regard to heart disease or freckles, while the researcher on the heart (and heart disease causes far more deaths than cancer) may come up with a virus that not only causes high cholesterol but athlete's foot as well. Another fellow studying schizophrenia may finally come up with a conclusion that 1) all mental disease has a physical cause and 2) all physical disease has a mental cause.

But here is the Kennedy way, quoting indirectly:

The United States spent $125 for every American on the war in Vietnam in 1969 but only 89 cents per person on cancer. Yet cancer deaths were eight times the number of lives lost in the last six years of fighting in the war.

It follows, then, and we no longer quote, that we should either send everyone to war or spend $125 per person on cancer research. Neither conclusion follows, of course. It is just that if we are going to pick our favorite disease—Nelson noted that there was a movement afoot to separate a heart and lung institute from the National Institutes of Health—we are going to have scientific chaos with some political pluses.

Politics involved? Good heavens no. It couldn't be possible. Well, friends, it is indeed not only possible but most probable in this case. The media have done a wonderful job of publicizing cancer—the media and the private cancer foundation—and when you get a population that regards every spot, every bellyache, every twinge as a cancer symptom you have a population ready for a crash program of deliverance.

Let us die of something nice. Dear Lord. That is the prayer. And with such a prayer on every lip (have you examined your lips lately for unexplained sores?) politicians are nothing loath to answer it. Kennedy's co-Messiah happens to be Sen. Jacob Javits, New York Republican, which tends to confirm my cynicism.

Quite seriously, the bill is garbage. The disease is not to be taken lightly; it happens to be the killer (foundation talk) dreaded most. Yet it is strange that only Nelson has been able to sniff it and diagnose the legislation for what it is: the epitome of grantsmanship.

[From the Louisville (Ky.) Courier-Journal, July 12, 1971]

QUESTIONABLE COURSE, WORTHY GOAL

The whopping 79–1 vote in favor of establishing a special agency for massive research on cancer puts most of our senators safely on record as opponents of disease and death. The practical wisdom of their measure, however, is debatable.

The only person still debating—in public, anyway—is Senator Gaylord Nelson, the sole dissenter on the bill, who thought the nation's attack on cancer could have been organized in a more responsible way.

That attack, he said, should be mounted within the National Institutes of Health (NIH), the government's main arm for the conduct and support of biomedical research. To take cancer research out of the NIH and place it in a new government unit (which has been christened—by some public relations man, no doubt—the Conquest of Cancer Agency) is likely to lead eventually to the dismantling of the NIH, Senator Nelson said.

Although the new agency will be a part of the NIH administratively, it really will be virtually independent. Its budget won't be subject to NIH approval. Its director will report directly to the President. And the new agency will absorb the oldest and largest part of the NIH, the National Cancer Institute.

Not only does the new glamour agency threaten to siphon the bulk of government research funds away from investigation into other equally fatal diseases; the creation of two federal research bureaucracies in the place of one also will inevitably inspire interagency jealousy, lack of communication and the failure or refusal to share mutually useful research data. It also will encourage researchers in other diseases to seek similar preferential treatment. The heart disease people are already trying.

But President Nixon wants to be known as the President who cured cancer, and the new agency will make his efforts more visible to the voting public. Plenty of senators are ready to share the limelight.

It is to be hoped that the genuine research effort will succeed, in spite of all the grandstanding. It is to be hoped also that Senator Nelson's fears are unfounded, and that the other important research being conducted by the National Institutes of Health won't be wrecked in the stampede to the Conquest of Cancer spotlight.

[From the Green Bay (Wis.) Press Gazette, July 21, 1971]

LONE NELSON VOTE ON CANCER DESERVES CLOSE EXAMINATION

(By Clayton Fritchey)

WASHINGTON.—When the Senate from time to time votes an important bill up or down with mere unanimity—let us say, with one or two contrary votes—the first reaction is to wonder what's wrong with the dissenters. Experience, however, shows that overwhelming majorities are not always overwhelmingly right.

This is brought to mind by the 79 to 1 vote by which the Senate approved the so-called Conquest of Cancer Agency, with only Sen. Gaylord Nelson of Wisconsin in the minority. Before everybody jumped to the conclusion that any senator who seemingly opposes a crusade against cancer must be crazy, it may be well to recall that history has had a singular way of vindicating the senatorial loners.

The Pentagon papers, which further discredited the notorious Tonkin Gulf resolution, have certainly enhanced the reputations of former Sens. Wayne Morse and Ernest Gruening, the only two members who had the wisdom and courage to oppose the resolution when it sailed through the Senate 88 to 2. Theirs was not a popular stand in 1964 (they were later defeated for re-election) but they were right in foreseeing that the resolution would be used by the administration as a blank check to make war in Vietnam.

PRODUCT OF POLITICS

Another daring one-vote dissent which looks better every year was that of Sen. J. W. Fulbright when, at the height of McCarthy's witch hunts.

All in all, Gaylord Nelson is in good company, and the more his reasons for voting against the Conquest of Cancer Agency are examined, the more sensible they look. Before the House votes on this grandstand legislation it ought to give careful study to the objections raised by the Wisconsin senator and a number of distinguished medical men.

The bill, which has many constructive features that ought to be preserved, is the product of political jockeying on the part of both parties. Sen. Edward Kennedy first had the idea of creating a new federal agency to take over the whole fight against cancer. Until now it has been in the capable hands of the National Cancer Institute, which is part of the National Institutes of Health.

The administration then topped Kennedy with a rival proposal for a special $100 million fund to attack cancer. The competition produced the compromise Conquest of Cancer Agency, which is to have a separate budget, with its director reporting directly to the President. The NIH is supposedly too bureaucratic. So, the cure for bureaucracy is to be more bureaucracy.

AMA WARNS OF LOSS

If this precedent is to be followed, why not disband the NIH (which Nelson calls the greatest institution of its kind in the world) and set up independent agencies to fight all the other major diseases? The best reason for not doing this is that NIH has played a pre-eminent role in the development of medical research for the last 20 years.

The American Medical Association felt that the separate approach threatened to "isolate cancer research from the mainstream of biomedical research," and that a "fragmentation of our national health effort" would be the price of decentralizing NIH's authority. The American Association of Medical Colleges, like Nelson, also feels that establishing an exclusive cancer authority would be a step toward "piecemeal dismantling" of NIH.

[From the Janesville (Wis.) Gazette, July 29, 1971]

OTHERS ARE SAYING—WHY NELSON VOTED "NO"

When the U.S. Senate votes 79–1 on a resolution, the conclusion many people jump to is that the lone dissenter must be some kind of an eccentric.

Yet there are times when one senator may be more right than 79 of his colleagues. This appears to be the case in Sen. Gaylord Nelson's vote against creating an autonomous Conquest of Cancer agency.

Nelson isn't an eccentric and he isn't by any stretch of the imagination opposed to finding a cure for cancer. The Wisconsin Democrat, whose father was a physician and whose wife is a registered nurse, has long had a compassionate interest in health legislation.

But Nelson is against creation of a new medical bureaucracy outside the federal government's existing agency, the National Institutes of Health (NIH).

The Conquest of Cancer agency is a political compromise. Sen. Edward Kennedy first introduced the idea of setting up a new cancer agency to wage war against cancer. Until now this effort has been concentrated in the NIH Cancer Division.

The Nixon Administration then upstaged Kennedy with a rival proposal for a special $100 million fund to find a cure for cancer.

After some political jockeying, the bill emerged for a new super-agency which would have a separate budget and its director reporting directly to the President.

But, as Nelson argues, the new agency can seriously undermine the work of the NIH which has played a prominent role in medical research for the last 20 years.

A next step might be to set up independent agencies to fight other major diseases, resulting in more bureaucracy.

The American Medical Association feels the separate agency approach threatens to "isolate cancer research from the mainstream of bio-medical research" and that a "fragmentation of our national health effort" would be the price of decentralizing NIH's authority.

The National Institutes of Health has been putting together bits and pieces from a wide range of biological and chemical sciences to solve the cancer puzzle. It would make more sense to allocate the $100 million to the NIH instead of establishing a completely new agency.

Before the House votes on the Conquest for Cancer bill, it should give careful study to the objections raised by Sen. Nelson and the medical men.

There should be no unnecessary delays in pressing the search for a cancer cure. But the battle against cancer and all other diseases should be coordinated under one agency. In this case the logical and capable one is the National Institutes of Health.

[From the Wausau (Wis.) Herald, July 20, 1971]

WRONG CANCER APPROACH

We often disagree with Sen. Gaylord Nelson's approach to government, but subscribe fully to his recent stand against creation of a new cancer agency, which would absorb the National Cancer Institute, one of the oldest of the National Institutes of Health. Sen. Nelson was the lone opponent to the measure as it passed in the Senate 79 to 1.

We agree with the senator when he says a worthy campaign is being badly organized.

As pointed out here several months ago, the cancer cure search is too broad an effort to narrow it down to one agency. The basic knowledge which will make possible a cure is not available and no one, absolutely no one, knows from which medical field will come the key answers.

Thus, to split the cancer study from the other Institutes of Health is a mistake.

[From the Racine (Wis.) Journal-Times, July 25, 1971]

WHY NELSON VOTED NO

When the U.S. Senate votes 79–1 on a resolution, the conclusion many people jump to is that the lone dissenter must be some kind of an eccentric.

Yet there are times when one senator may be more right than 79 of his colleagues. This appears to be the case in Sen. Gaylord Nelson's vote against creating an autonomous Conquest of Cancer agency.

Nelson isn't an eccentric and he isn't by any stretch of the imagination opposed to finding a cure for cancer. The Wisconsin Democrat, whose father was a physician and whose wife is a registered nurse, has long had a compassionate interest in health legislation.

But Nelson is against creation of a new medical bureaucracy outside the federal government's existing agency, the National Institutes of Health (NIH).

The Conquest of Cancer agency is a political compromise. Sen. Edward Kennedy first introduced the idea of setting up a new cancer agency to wage war against cancer. Until now this effort has been concentrated in the NIH Cancer Division.

The Nixon Administration then upstaged Kennedy with a rival proposal for a special $100 million fund to find a cure for cancer.

After some political jockeying, the bill emerged for a new super-agency which would have a separate budget and its director reporting directly to the President.

But, as Nelson argues, the new agency can seriously undermine the work of the NIH, which has played a prominent role in medical research for the last 20 years.

A next step might be to set up independent agencies to fight other major diseases, resulting in more bureaucracy.

The American Medical Association feels the separate agency approach threatens to "isolate cancer research from the mainstream of biomedical research" and that a "fragmentation of our national health effort" would be the price of decentralizing NIH's authority.

The National Institutes of Health has been putting together bits and pieces from a wide range of biological and chemical sciences to solve the cancer puzzle. It would make more sense to allocate the $100 million to the NIH instead of establishing a completely new agency.

Before the House votes on the Conquest for Cancer bill, it should give careful study to the objections raised by Sen. Nelson and the medical men.

There should be no unnecessary delays in pressing the search for a cancer cure. But the battle against cancer and all other diseases should be coordinated under one agency. In this case the logical and capable one is the National Institutes of Health.

[From the Madison (Wis.) Capital Time, July 21, 1971]

SENATOR NELSON: A MINORITY OF ONE

Wisconsin's Sen. Gaylord Nelson cast the lone vote in the U.S. Senate against the proposed new federal Conquest of Cancer agency and he deserves praise not criticism from his constituents for his minority of one stand.

According to Erwin Knoll, this newspaper's Washington Correspondent, Nelson's office has been receiving mail from Wisconsin asking why the Senator voted in "favor of cancer."

Nelson, whose father was a respected Wisconsin physician and whose wife is a registered nurse, knows a thing or two about the politics of medicine. His vote was not in favor of cancer, but against the creation of a new medical bureaucracy that could seriously undermine the federal government's prestigious health research facility, the National Institutes of Health (NIH).

Respected medical scientists have serious qualms about reducing the search for a cure for cancer or any disease to merely the matter of the amount of money available for the task.

Of course there is a deep emotional appeal in voting for a new agency, this one heralded as a "Conquest of Cancer" agency. The National Institutes of Health now is concentrating on an attack on the entire range of ills that afflict mankind. Will an autonomous cancer agency deny aid to victims of heart disease, or other deadly afflictions?

The 79 to 1 vote by which the measure cleared the Senate, is a measure of the superficial attitude the Senate has adopted toward the problem. Nelson's single vote against the plan is a mark of his foresight and courage.

[From the Green Bay (Wis.) Press-Gazette, July 18, 1971]

CANCER CONQUEST OR LOST TIME?

It is interesting to note that Wisconsin Sen. Gaylord Nelson, the son of a country doctor, stood alone as the Senate voted 79 to 1 to create an independent Conquest of Cancer Agency. Nelson, of course, does not oppose more federal concentration and funds for cancer research but he has raised some valid questions about the legislative stampede toward an over-simplified response to a most difficult objective.

The question basically is one of how to organize this new national commitment. In his State of the Union message, President Nixon proposed a crash research program against cancer. Since then, Sen. Edward Kennedy has matched the administration headline for headline in this field. But is the best approach one of creating a new agency —comparisons often are made to the space agency which put Americans on the moon— or should the increased program be part of existing governmental medical research?

It is most difficult for the layman to answer this question. But there are worries over wasted money and, more importantly, over lost time which the Senate failed to answer before its one-sided decision. Governmental research now is concentrated in the National Institutes of Health. Will there be a loss of knowledge and time in a transfer of cancer research to a new independent agency? Is there enough certainty that research in other diseases being carried on by NIH is not related to finding the elusive answers to cancer? The layman's worry will be that there is a danger of lost time and of a lack of coordination in the proposed division of medical research.

Thousands upon thousands of American families now have cancer in their midst. They will look toward the new governmental research effort with hope. But the political establishment has a grave responsibility in avoiding a temptation to oversell the idea that a cancer breakthrough will come soon merely from more money and from an independent research agency with a fancy name.

The Conquest of Cancer bill now awaits House action. The House should attempt to make judgments on some of the difficult questions avoided by the Senate, the main one being whether a divorce of cancer research from the NIH will not result in a loss of time toward reaching an agreed national objective.

[From the Sheboygan (Wis.) Press, July 14, 1971]

RUBE GOLDBERG

Again Wisconsin's Senator Gaylord Nelson disagreed with his fellow senators in an overwhelming Senate vote. He gained instant notice and increasing approval when he opposed the now famous Gulf of Tonkin resolution. President Johnson, aided by Sen. J. William Fulbright, won out in the Tonkin resolution on Aug. 7, 1964. The Vietnam War really got started then. This time only Senator Nelson voted against the creation of a semi-autonomous conquest of canger agency.

Senator Nelson is not opposed to cancer research, nor to any reasonable step toward its eradication. He just wants that step to be orderly and effective. But as a senator, as was true as a two-time governor of Wisconsin, he is concerned not only with the objectives of government but also with the machinery of government. He voted against the Cancer Agency Bill because, as he say it and described it, the bill authorized a kind of a Rube Goldberg kind of thing."

The expression calls to mind the cartoons of an earlier day and the comparison is good. The bill proposes that the cancer agency be an independent agency within the National Institutes of Health but that it will report not to the director of the National Institutes of Health but to the president. And to add another Rube Goldberg touch, the new agency will seek its budget, not as a part of the general health institute program but separately and, if need be, in competition with other on-going national health programs.

The senator's colorful language is accurate—it is a Rube Goldberg type of thing in a day when government needs to be streamlined and organized more tightly. Senator Nelson insisted that he wanted cancer research too, but that he was interested also in other human ailments and did not want each of the federal health programs to now begin to seek independent status. We agree with him 100 per cent.

This is a perfect example of overenthusiasm getting the better of sound, deliberative judgment. Senator Edward Kennedy said during the debate, "The important thing is that the American people want action on the cancer front and they want it now." True enough and good governmental procedure would have given them that action now in a reasonable, orderly governmental procedure. We trust that Gaylord Nelson will continue his fight not only for good objectives but for fewer Rube Goldbergs.

[From the Wichita Eagle, July 10, 1971]

CANCER RESEARCH, YES; BUT A NEW AGENCY DUBIOUS

The decision of the U.S. Senate to mount a campaign of massive research on cancer must be hailed as good. For cancer, though not the number one killer—that distinction belongs to heart disease—is doubtless the most dreaded disease of modern times.

Much promising research has already been done, and if there is to be a concentrated effort in the field the hope of discovering a cure or a prevention is greatly increased.

The question is in regard to the wisdom of establishing a separate agency to do the job. The Senate approved the establishment of a Conquest of Cancer Agency, which would have a budget independent of the National Institute of Health, although at least nominally it would be part of NIH.

Sen. Gaylord Nelson, D-Wis., the only senator who voted against the bill, raised some cogent objections.

He feared the creation of the new agency might ultimately lead to the dismantling of the National Institutes of Health, he said. Groups interested in other major health problems might ask for similar preferred status, he feared.

The rationale for the separate agency is that the current effort against the disease has been compromised by the bureaucracy of the Department of Health, Education and Welfare, of which NIH is a part.

Opponents said they feared that to separate cancer research from other medical research might result in isolating that research from the main stream of biological study.

It would seem as effective to pour the necessary money into cancer research, earmark it clearly for that purpose, and leave it in NIH. This would avert the setting of what might become a burdensome precedent.

The bill must now go to the House. It warrants the most careful consideration there.

Everyone would like to see the riddle of cancer answered, but adding one more agency to the burgeoning bureaucracy does not seem like the best way to approach the matter.

[From Nature, vol. 231, June 18, 1971]

CALLING THE ODDS FOR THE CANCER SWEEPSTAKES

The competition between the United States Administration and its political opponents to offer American taxpayers the glossiest prospectus for the cure of cancer is not merely potentially damaging for the balance of scientific work in the United States but a bad precedent for the future and a bad example for the rest of the world (see page 414). It is therefore important that everybody concerned should understand how this macabre competition has arisen and where it could, with bad luck, end. The immediate issue is whether federal support for cancer research should be channelled through the National Cancer Institute, one of the several institutes contained within the loose federation called the National Institutes of Health, or whether there should be set up a grander organization with the status of a bureau within the Department of Health, Education and Welfare. For several years, the National Cancer Institute has been one of the best endowed of all the members of the NIH. In the current financial year, the institute's budget has been increased by $50 million, and it would have an extra $30 million to spend in the coming year if Congressional committees have their way.

Up to a point, this sudden largesse is at once timely and appropriate. There is enough promise in the spate of research in the past few months, which demonstrated a connexion between viruses and carcinogenesis, for those working in the field to look forward to rapid progress in the understanding of at least some form of the disease. Given that understanding is often the first step towards better treatment, and the cruelty of the toll which cancer takes among western populations, this is a sensible direction in which to change the pattern of scientific research in the United States. To be sure, there can be no assurance that there will be enough skilled researchers with sufficiently good ideas for the extra money to be well spent. Cancer research has a long and discreditable history of too much money chasing too few ideas. But there is at least a chance that some benefit will eventually accrue from the extra money. There is, however, nothing in the developments of the past few months to sustain the belief that the current interest and promise of research will lead to methods of curing cancer in any form in the foreseeable future. It is merely that there may be a chance that this will happen.

It is true that neither the Administration nor its critics in Washington have made specific promises that extra money spent now will cure cancer (whatever that phrase may mean) within the decade, but their protestations of zeal on behalf of cancer research are implicitly becoming promises that something definite will happen. The same tendency has even afflicted Britain, where the Cancer Research Campaign is now raising money with the slogan "Conquer Cancer in the Seventies". If the disease is cruel, so too is the disappointment that comes from too eager an interpretation of the promise of recent research. What politicians and the scientific community should together be concerned to establish is an accurate public appreciation of the distinction which must be made between research, however promising, and methods of treatment.

If, in the United States, all parties have somehow avoided explicit and overdefinite promises of cure, it seems to have been established as a convention of political warfare that spending money on cancer research or other acts which may be considered as solicitude for cancer researchers will be interpreted as solicitude for those who are likely to die of cancer and for their relatives. The proposal that the National Cancer Institute should be separated from the NIH, originally put forward by Senator Edward Kennedy and now taken up by the Administration, is such a move. In exactly the spirit in which governments occasionally attempt to advertise their concern for some problem or another by appointing an excessively senior or distinguished person to take charge of it, the designation of the National Cancer Institute as something standing on its own feet is intended as a demonstration of the importance attached to the whole field. One obvious danger is that such a separation of cancer research from other kinds of research, especially if the first is excessively well endowed, will stultify and not fructify the work. There is a host of chilling examples to bear out this assertion. But it is also entirely possible that the arrangements now proposed contain within themselves the seeds of disappointment. After all, was not NASA set up ten years ago with the intention of reaping what was alleged to be the rich harvest of applied space research? Those who are at present set on the concept of an ever grander institution for federally supported cancer research should try to anticipate the problems there will be if, for some reason which cannot be anticipated at this stage, Congress turns sour.

If the proposals on which the Administration and Senator Kennedy appear to have compromised are likely to be bad for cancer research as such, they will also have unhappy consequences elsewhere. For one thing, singling out one of the National Institutes of Health for special treatment is by itself an unhappy precedent which is likely to undermine the loose but apparently congenial federation of Bethesda. Will the National Heart and Lung Institute be the next to make a break for status and autonomy? Or will the dental surgeons of the United States and their supporters somehow find a way of putting pressure on the Administration so as to make the National Institute of Dental Research (one eighth of the size of the National Cancer Institute but quickly growing) into an independent entity? Is it not even a slur on dentists, let alone on those who brush their teeth twice a day, that dental science should be the responsibility of an institute which lacks the degree of autonomy now likely to be synonymous with self-respect? By arguments like these, there is now a serious danger that the integrity and the success of the National Institutes of Health will be seriously undermined. That is a practical issue which the Administration and Senator Kennedy should both consider seriously.

Another shadow cast by what is happening in Washington is more distant but in the long run more worrying. One of the accusations against professional science in the past few years has been that it is prone to mistake means for objectives. There is a stream of public complaint at projects as diverse as the journey to the Moon and the design of supersonic transport aircraft that they are more necessary to the enjoyment of the scientific community than to their potential users. There is a danger that the care now being lavished on the cancer programme in the United States will similarly be recognized as an occasion when, for apparently beneficent motives, the scientific community is prepared to spend money in large quantities without asking whether it can spend it wisely. It is possible that the tussle between the Administration and Senator Kennedy has hidden from public view careful studies of the kind now familiar when individual scientists find themselves asking for help from grant-giving bodies, but the chances are that everybody is being carried along by enthusiasm and wishful thinking. These is plenty of experience in the years since the Second World War to show how disastrous that can be.

[From the American Medical News, July 26, 1971]

STATEMANSHIP NEEDED

(By F. J. Ingelfinger, M.D., in the New England Journal of Medicine)

. . . Any trend that reverses the recent unfortunate de-emphasis in Washington on medical research warrants hearty reinforcement. Far greater sums should be allotted to medical research in general and cancer research in particular. But how to go about it? Just how much money is the fight against cancer worth? Should cancer research be comfortably financed while other research subsists on a more austere financial basis? Should cancer research be organized under a new type of administrative entity, relatively independent of the National Institutes of

Health? Will the efficiencies of an all-inclusive systems approach be offset by discouraging the unplanned chance observation that turns out to be pivotal? Is basic knowledge with respect to cancer sufficiently broad and advanced to warrant the establishment, at this time, of a NASA-like organization?

The answers to momentous questions such as these will affect not only cancer research but medical research in general. As is already evident, for example, other categorical research interests, will demand their own authorities if a special cancer authority is created. In essence, the domino effect of a cancer authority will mean the dismantling of the NIH.

Perhaps cancer should receive the lion's share of medical-research funds; perhaps the NIH has outlined its usefulness. The exploration of new approaches is essential to progress. But when governmental decisions involving such far-reaching consequences are necessary, the citizens should be able to count on a thorough culling of administrative and scientific expertise. Instead, hasty and impatient decision is being forced by a host of irrational pressures: the desires of a powerful lobby; the short-term needs of politics; and the urgings of a panel of columnist whose customary forte * * *. If this is the way an administrative issue involving health and life is to be promoted, other biomedical constituencies should get going. The number of columnists who can "generate a million pieces of mail" is not limitless.

The war against cancer is too big to be the private purview of some group of specialists. It also cannot be run without generals. That there should be campaigns against cancer—bigger campaigns—is a public decision in which all should participate. But the specific strategies of the campaigns should be determined by professional statesmanship, not promotional stagecraft.

[From the Medical Tribune and Medical News, May 19, 1971]

CANCER RESEARCH

It is at best uncertain whether immunotherapy will turn out to be the true philosopher's stone for the cure of cancer. Nonetheless, the discussions held in Arizona on the subject at the invitation of the American Cancer Society are intriguing. For some years now strenuous efforts have been made with varying success in a variety of laboratories in different parts of the world to detect tumor-specific antigens and their antibodies. The work of the Drs. Hellstrom at the Karolinska Institute in Sweden and now at the University of Washington in Seattle on blocking antibodies clarifies some of the difficulties and is of exceptional interest.

One can readily understand the view of the American Cancer Society at this time in favor of the establishment of a separate national cancer authority. One can even more readily agree, however, with the 79 professors and chairmen of departments of medicine at medical schools and teaching hospitals who urge that an intensified cancer program be carried out within the structure of the present National Cancer Institute and the framework of the National Institutes of Health.

The leaders of the American Cancer Society are said to feel that the present setup is hampered by the bueraucracy of the Department of Health, Education, and Welfare, the parent organization of the NIH. Setting up a *new* bureaucracy does not strike us as the proper way to eliminate its failings.

[From the Biomedical News, August 1971]

CANCER STRATEGY NEEDS RETHINKING

(By **Frank W. Putnam, Ph. D.**)

The report of the Yarborough committee entitled National Program for the Conquest of Cancer (U.S. Senate Document 92-9) has caused political controversy of a magnitude seldom known in the scientific community. This should not obscure the importance of this document as a guide to new directions in cancer research. This is a time for rethinking of the long-term strategy for the conquest of cancer and for enlisting biomedical scientists to this great cause. Unless scientists concern themselves with the heart of the problem, the organization of cancer research will fall by default to the Federal Government.

Because of the state of biological knowledge and the existence of a large corps of trained investigators, many believe that the time is ripe for a massive attack on cancer. Yet others contend that the structure of medical science and the minds of its leaders are not geared to an organized attack on a disease that kills one in every six persons in a harsh and painful way.

Organization is not the only problem, nor indeed will it effect the solution if the struggle over the means obscures the ends. Also needed is unselfish motivation on the part of investigators so that they will enthusiastically engage in cancer research at the risk of dedicating painstaking years to abortive leads. No less important is patience on the part of the government and the public as they await the outcome of a vast, uncertain, and complex enterprise that cannot be programmed with a timetable to the second as can lunar exploration.

Today, more than ever, we need recognition of the importance of supporting basic science as the fundament of cancer research. We need the proper mix: broadly based programs in cell and tumor biology, genetics, virology, and immunology, as well as large-scale directed programs in areas of special promise, such as epidemiology, early diagnosis, chemotherapy, and environmental study. Rapid, sensitive, and economical methods for the early recognition of the precancerous and early neoplastic states must be developed. This will require determining the biochemical parameters of cancer so that the normal can be better distinguished from the abnormal, both at the biochemical and cellular level. Higher resolution methods for detecting changes in the ultrastructure of cells and new knowledge of the growth cycle of the cell gained from tissue culture studies will aid in this. Also needed are new ultrasensitive methods to detect carcinogens present perhaps in only one part in a billion in the midst of hundreds of other compounds.

Most important, we need a new way to sort out what chemicals may cause cancer. To determine whether a single chemical causes cancer by use of present methods costs about $10,000 and requires tests for a year or more in two kinds of animals. Yet, some 10,000 new organic compounds are added to the environment each year. Although some potential carcinogens may be suspect because of their structure, there is only a meager rationale for clearing some compounds of carcinogenicity and indicting others. A radically new approach that doesn't require live animals must be developed to screen new compounds and to identify those that ultimately need animal testing. Such approaches are indeed on the horizon; for example, the technique of cell transformation may give the solution. But again, this is an area that must first be developed through basic research.

No one today can truly chart the path to the conquest of cancer, for the nature of cancer is not fully known. That is why the nation must support basic research for years to come—research that will pay off in future applications as it has in the past. Organization is needed, but organzation alone is not enough. Nor will vast Federal support by itself achieve the solution. Unless scientists dedicate themselves to the cancer problem, the hope for the conquest of cancer in our time is dim.

[From Modern Medicine, May 31, 1971]

MORE ON THE CURE FOR CANCER

I am taking the unusual step of writing another editorial hard on the heels of two others which most would have thought enough. But in the interval since the latter article, the question of the cure of cancer by massive federal intervention has gained both in urgency and in political significance. Clearly, the dialogue is losing its way in the downpour of words.

Whatever its origin, the project became visible with the appearance of a full-page advertisement of the American Cancer Society in the *New York Times*, stating that the cure for cancer was just around the corner, and with the beginning in 1970 of hearings by Senator Kennedy foreshadowed by Senator Yarborough. The Yarborough Commission encouraged by Solomon Garb's "Cancer, a National Goal" (1968) recommended a two-year study to plan a systems approach. If we could put a man on the moon, with enough money we could cure cancer; what government likes to call "structured and targeted research" is grist to the activists' mill. The formation of the commission, resulting chiefly from the Mary Lasker Philantropies, was made up half of scientists—some "illustrious," some not—and half of laymen. I am sure that most physicians could name the scientist members and they would be right. So Senator Yarborough called for "a declaration of independence from cancer by 1976, the 200th anniversary of this nation." You would have to favor sin to be against that kind of Utopia if we could find out what ever happened to sin.

An independent "National Cancer Authority" appointed by the President, and reporting directly to him, would be created to take over the work of the National Cancer Institute. Were this to be consummated it can be surmised that similar "Authorities" will be set up for other numerically more important afflictions such as mental and heart disease.

Since an exceptionally large number of senators endorsed the plan, with an annual price tag of $1 billion after the first three years of slightly lesser amounts, politics immediately became evident when President Nixon proposed instead an extra $100 million be added to the budget of the National Cancer Institute. The Administration flatly rejected the idea of a separate Cancer Authority. Just as had been predicted, the cancer problem has been projected into the political arena with inflamed rhetoric such as, "The time has arrived when, as a nation, we must make a crucial choice," "a national crusade," "war is declared with an army of scientists prepared for a massive attack." But as the magazine *Nature* (228:1133, 1970) reminds us, most of the original Crusades were costly failures, except of course for the Fourth which sacked the allied city of Constantinople instead of conquering Jerusalem!

The headline writers subtly imply that we are on the verge of the great breakthrough. The fear and misery caused by cancer will be no more. The false expectations which have again and again so cruelly exploited patients and their families are once more about to occur. In an otherwise excellent article, for example, so sound a journal as the *Saturday Review* writes, "The cancer problem is already partially solved, and researchers have marked out the remaining areas for investigation." But the author, Dr. Howard Skipper, wisely says, "I wish I knew how to catalyze and speed up this whole interdigitating process." It is the implication of the headline, however, that sticks.

The so-called "targeted areas" have indeed been outlined, but careful perusal of those proposed by the Cancer Authority shows them to be so broad no one could quarrel with them but, correspondingly, they are useless. Any good researcher would already know the outline contents.

The main question is not whether we need more cancer research—of course we do—but rather a research policy which will lead us most quickly with the least cost to the control of cancer. It may well be argued that its prevention may come much sooner and do far more good than cures. Since there are many forms of cancer, a single cure or a single preventive measure would be unlikely.

The present proposal rests on two main pivots: [1] government monies to about $1 billion a year and [2] "integrated and coherent plans" drawn up by "representative scientists." In short, creation of teams, committees, authorities, and all the paraphernalia of bureaucracy. The usual channels of peer review for grant support will be bypassed, thus ensuring that the lion's share of *all* new research funds will be preempted for this crusade. Have no illusions that fields other than cancer will do more than hold at the present levels no matter what the morbidity and mortality figures show.

Cancer research will be separated from its broad base in science in its all-out effort to get "greatest visibility." If I know scientists, this will create the most disagreeable, and often disastrous, competitiveness, envy, and publicity-seeking we have ever witnessed, and that is saying much. The great mass of mediocre research workers—and that seemingly inexhaustible supply of minor bureaucrats who exhibit an extraordinary chemotactic response to a dollar—will quickly join "the team." The modern researcher, especially if he is a relatively mediocre one, seems unable to function without a committee with bylaws and regular meetings "to discuss." It is odd that most of the great discoveries began with one or two men and were then brought to fruition with the invaluable help of assistants—call it "a team" if you will, but in reality it was authoritarian and make no mistake about it.

I should have hoped that one might learn by other not dissimilar approaches to solutions of major medical problems. If I recall correctly, in 1949 a promise was made to Congress with the brave words, "Give us the money and within ten years we will give you a penicillin for cancer." After about $2 billion, there has been some splendid basic research but no cure. And more recently we have seen a crash program to find the causes and cures of and to apply treatments to the greatest killer of citizens of opulent nations, heart disease. The outgrowth, the Regional Medical Program, has cost the taxpayer much money and physicians a vast amount of time. Small bureaucracies have sprouted throughout the country and flourished. But now it is apparent that the cost/effectiveness is low indeed. So low that it is very questionable whether the total program should be continued. I wonder, but do not know, about the value received from the $100 million child health study carried on for the past twelve years.

I have already discussed (*J. Lab. Clin. Med.*, March 1971, p. 345) the very crucial problems of research policy. But some are important enough to repeat. Great research has rarely flowered in a hectic atmosphere, the kind created by large sums of money. Committees, travel, reporting, visitors, grant requests, and greatly increased personnel do not make for a placid environment and concentration on scientific problems. After even a Nobel Prize, it is unusual for the winner to continue highly productive work. People need time and equanimity to give imagination full play. Competitiveness has its virtues but too often it becomes a means and ends in distraction.

One of the more distressing aspects is my growing conviction that unless discoveries or research projects are announced with fanfare and exaggeration, they get little or no public attention. You must have a "name," a public image, and suitable political backing, and that, I regret, depends too much on exaggerated or even false claims. Crash programs mostly partake of these qualities. This does not denigrate the occasions when systems analysis coupled with forced financial draft may bring spectacular success. But selecting such programs requires great prescience. One of the marks of a great researcher is his intuitive capacity to go directly to the heart of a critical problem he himself has selected.

What I have said may all sound negative but it is just as positive as the more glamorous and flamboyant "all-out war" on cancer. Both political factions have made commitments to a cause which could not fail to be popular. While my political trade-off is no better than others, I would favor:

(1) An increase in funds for the National Cancer Institute and the National Science Foundation to ensure broad coverage of basic science, but not neglecting institutes and departments of oncology with possible, or proved, creativeness.

(2) Full recognition that there are many departments in institutions not devoted primarily to cancer which may provide unanticipated, but vital, pieces of information.

(3) Encouragement of those who are contributing importantly not only to continue their own work but to help younger investigators learn the marks of excellence in the field.

(4) Keeping committees, visiting, speaking, congresses, and bookkeeping at a minimum.

(5) Creation of an atmosphere of expectant patience and discouragement of opportunism.

(6) Remembering that the cancer problem will have many solutions because there are many kinds of cancer but the way of preventing and curing them will not be found by laymen or politicians no matter how pure their motives.

(7) Use of laymen and politicians for their inestimable value in helping to create and protect the environment that produces great research. The responsibility for organizing ways of preventing cancer is almost solely theirs. If we must have an "Authority," it should have this function.

(8) And remembering that nine mothers gestating a month each do not produce a baby.

[From Modern Medicine, April 19, 1971]

CANCER—CONQUEST OR TURMOIL?

(By Irvine H. Page, M.D., Editor)

What is now trustingly labeled the "Cancer Cure Program" is about to become law. A clearer example of violation of the ethics concerned with scientific research would be hard to find. This plan has been consummated with unseemly haste. Any legislator who votes against it is clearly against curing cancer! And any lay or scientific critic will certainly not add to his popularity because the fear of cancer is so great.

Political manipulation and pressure have characterized its history from its conception by the Mary Lasker group, its furtherance by the advertising claim of the American Cancer Society in the *New York Times* that the cure for cancer was just around the corner, the promise by Senator Kennedy that a billion-dollar budget and a separate Cancer Authority (S. 34) would do the job, and now the passage of the Nixon Administration bill authorizing $100 million extra for the National Cancer Institute budget with the creation within the NIH of a separate Cancer Conquest Agency composed of an advisory group of nine laymen and nine scientists, with a separate budget and headed by a person responsible directly to the President. Two laymen, Messrs, Benno Schmitt (investment banker) and Elmer Bobst (chairman of a pharmaceutical company), seem to have played crucial roles in what may well be called a coup d'etat. Mr. Bobst is quoted in *Science* (172:922, 1971): ". . . in the development of atomic power and in the outer space programs there was a wonderful control and a most highly businesslike type of approach. It is my thinking that we must strive to bring businesslike methods into the fight against cancer." Ann Landers, the well-known newspaper columnist, also played a charitable and decisive role. Clearly, Cancer Conquest has been the creation of a skillful and powerful group of laymen with the help of a very small number of individual scientists.

No matter how well-intentioned the project, it is in my view based on a fallacy, namely, that the cure of cancer will be accomplished by a change in management, businesslike direction, and infusion of large sums of money rather than using all secondarily to stimulate more and better research. The administrative head will report directly to the President, but I am at a loss to understand what he will report and what the President will do about it. Certainly, a large political component is thereby introduced. The present trend to make the President the final arbiter in every aspect of our lives is a puzzling one. The President's science advisers' function, for example, is stated by him as, "I believe that the proper and coming role of science advice is to provide the range of options for decisionmakers, and so . . . my choice is options." So great is the power of the President that he is expected to decide where to drop bombs in Vietnam, how to guide our financial policy, and how best to conduct cancer research.

Even though the Cancer Agency in theory remains within the NIH, the budget is to be submitted directly to the Office of Budget and Management; the director of the NIH does not approve it. Further, the heads of the Cancer Agency and the NIH will have equal rank, except that the former will have immediate access to the President. Clearly, this Administration device has downgraded all other forms of biomedical research.

So here is politics at its most skillful—a "coordinated task-force-type approach"—starting a war against an ill-defined enemy with about as much careful consideration as was given the Bay of Tonkin Resolution and our involvement in Southeast Asia. It has a rather more sophisticated dress than other similarly hastily drawn legislation such as the Regional Medical Program, whose outcome has left so much to be desired. The sums of money involved make support of the artificial heart program look miserly! But much more important, it represents a large step toward the ultimate politicizing of science and research, not at all unlike the Russian system. I observed firsthand several years ago. This creeping federalism I have watched with growing dismay since my original contact with government participation in the financing of biomedical research through the National Heart Institute in 1949.

I have no doubt that there is "a growing consensus" in favor of this legislation. At this point, if I were a politician I would not dare to be against it. If you were grant-prone, I suspect as a researcher you would hardly oppose such a rich source of taxpayers' money. And even business must cast an eye on the potentials of a billion-dollar budget. The public knows nothing about the consequences of such unorthodox and possibly unwise actions on the scientific community. Naturally, it favors abolishing cancer. What it does not know is that discovery of the probably many cures for the already known varieties of cancer could be retarded! Despite a few feeble disclaimers, the public is being promised that their hard-earned tax dollars will free the world of its most feared scourge. Some have even set the date as 1976. Recall the damage done to cardiology by the unrestrained promise of relief from heart disease by use of artificial hearts and transplants.

I have on several occasions, beginning last year, given my reasons for my opposition (J. Lab. Clin. Med. 77:357, 1971; MM, April 19, 1971, p. 87; MM, May 31, 1971, p. 71). I need not repeat them here. The scientific community, with the exception of the Association of American Medical Colleges, has not reacted vigorously, or effectively, commensurate with either the urgency or the seriousness of the changes such a program will almost surely make. The protagonists seem effectively to have silenced those who believe in a thorough examination of legislation with such warrant.

Probably the next large component of the NIH to demand autonomy and direct access to the President will be the Heart Institute—to be followed by the Arthritis and Metabolic Disease Institute and yet others. If the original breakaway of the Institute for Nervous and Mental Diseases is any example, admittedly not a close one, their subsequent history as separate and independent entities will not look promising.

What will be the end result? Is this merely a way to pry all the National Institutes of Health out of HEW and, if so, why? Is it the legislators' belief that research can be better controlled when these isolated units operate in a political atmosphere of competition for the same tax dollars? It is probably true the National Institutes have been less productive in the past few years, but this is an odd way to correct such a deficiency. Nor is it certain that the situation would be improved by such a change in format. One thing is certain: this sort of political manipulation will produce some very disillusioned and cynical researchers.

It is promised that there will be careful control of cost-effectiveness. Good business managers will see to it that money will not be wasted on peripheral research which has, or seems to have, no relevance to cure of cancer. Such problems as aging will just have to wait! More detailed program planning is to be the order of the day. Some of us are old enough to remember with nostalgia a thing called serendipity. And we even thought we could follow leads that stemmed from our own observations and minds. Quietude of the mind no longer seems requisite to what we used to call "creativity." Money and organization are being substituted and direction will be under advisory committees and a presidentially appointed manager. Perhaps these are the ingredients of great research. I had not thought so, but we are living in a new era of science, and the young are entitled to find their own ways to success and failure. The faint echoes of the past are not likely to be heard in so noisy a world. But they shall not go unrecorded.

It may be well argued that the die is already cast and that this bold, persuasive plan, skillfully promoted, largely by laymen, may perform its mission as envisioned in the way the moon-walk succeeded. No one with a modicum of sense would predict that it will be an utter failure. But I think we can predict that the research process which has heretofore served us well now will be distorted beyond recognition.

Time and man's extraordinary ability to forget will probably make the outcome so blurred that few will recognize any historical blunders. The result is we can in good conscience continue to make errors without accepting serious consequences.

The only reason for these critical comments is to note that not everyone agreed this was the best way to find the cure for cancer. I might even guess that a cure will be retarded as compared with a plan which would depend on the use of money as only one of many aids to creation of a research environment which stimulates and attracts great minds. This because of an almost certain new bureaucracy, proliferation of committees, competition for grant money, striving for political power, and nurturing of man's almost universal weakness, vanity. To be "a celebrity" has become synonymous with success in medicine and, I fear, in research as well. Our great scientists will join those of the "celebrated" who can more skillfully sink a golf ball, belt out a song, or hit a baseball. Cancer research under this plan will indeed involve research in the marketplace, all our fine sentiments to the contrary. One thing has been proved: in a contest between the ethnics of scientific research and political power, there is no match. The time is overdue for the leaders of the medical and scientific communities to lead instead of abandoning their destiny wholly to outside forces. The creation of the Cancer Agency has shown beyond doubt that biomedical research is now in the realm of large, power politics. I am too old-fashioned to think this will in the long run nurture great discovery.

[From Modern Medicine, Apr. 19, 1971]

THE "GRAND STRATEGY" OF CANCER RESEARCH

(By Irvine H. Page, M.D.)

Surely no one is against cancer research. For a politician to be against it would be suicidal, since it has been made a public issue. The American Cancer Society proclaimed in a full-page advertisement that the cure was just around the corner. Several important discoveries have, in fact, recently been made that may aid significantly in understanding some forms of cancer. On this basis a crash program has been promoted and privately financed under the aegis of a government Cancer Authority with a budget reaching about $1 billion annually. Understandably, the majority of politicians, the most vocal being Democratic Sen. Edward Kennedy, want aboard what seems to be a bandwagon.

President Nixon in his State of the Union message tried to maintain some semblance of political initiative by proposing only an additional $100 million to the current National Cancer Institute budget to establish a "Cancer Conquest Program," which would keep the responsibility with the National Institutes of Health. He compared the problem with that of putting a man on the moon or the development of atomic power.

This, then, is the bare bones of a highly politicized issue expanding within the ranks of both biomedical science and government. In the present somewhat emotional atmosphere, few will care to look very far into the future and weigh dispassionately the various alternatives. Perhaps the baldest, crassest, and most ironic statement of their current attitude is to be found in the last sentence of a perceptive article by R. J. Bazell (*Science* 171:877, 1971): "And even if the scientists criticize Mary Lasker's sledgehammer approach to the subtleties of basic versus applied research, they must face the fact that she gets them more money and the possibility that her schemes might be the right ones." Such bait is hard to beat.

Yet it is worth a reminder that a little more thought and less bludgeoning might have saved us from many of the egregious blunders of a somewhat similar situation in 1964, following the Heart Disease, Cancer, and Stroke Commission report. In 1971, it is hard to see any giant steps resulting from these taxpayers' subventions.

The scientist is easily portrayed as an unworldly soul who does not know what is best to do. He needs direction and to be pushed into doing what society really needs by some blue-ribbon authority, commission, or committee appointed "by the President himself." That seems almost to guarantee success and make any criticism seem ungrateful and in bad taste.

I never cease to be amazed at how little most people, including many scientists, know of the history of how great discoveries are made. Nor do they clearly understand the difference between basic and applied research. Research seems to them a jumble of hieroglyphics, computers, and complex apparatus used to make irrelevant observations by weird intellectuals. You will recall that former President Johnson once acted on such notions and was strongly urged by what are euphemistically called "realists" to bring research results out of the laboratory and to the patient's bedside. A near panic among scientists occurred, and research was visibly, if temporarily, retarded.

Regardless of what people think of scientists and their work, they must, and usually do, admit that their results have been fabulously successful and at an incredibly cheap price, compared with other social endeavors. The long-range economics of such discoveries as penicillin are incalculable. And oddly, Fleming had neither a committee nor large government grants to make it!

There is no question that at some point research is advanced enough to allow the application of systems analysis to bring it to a practical level. The cancer problem may have arrived at that point, but one of the better "pros," Dr. Sol Spiegelman, does not think so. This is a matter of scientific judgment, not one for budgeteers, politicians, or promoters.

It is worth pondering that cancer, whatever its origins, is closely associated with the deterioration of age. Perhaps cancer, or at least some forms of it, is controllable without regulating aging. Certainly aging will not be controlled without controlling cancer. Perhaps both can be postponed, but to do so they must be simultaneously studied as a part of the same problem. But if cancer alone is prevented, we will be left with an even more merciless problem of the degenerative diseases of the body and mind in an ever-greater population.

It is true that sometimes a crash program, even though unclearly defined, may have many virtues. To me it is greatly to be preferred to explore in depth each promising lead as it appears but never allowing "a grand strategy" to become imposed before there is reasonable evidence that it is the right one.

It must be recognized that such imperative programs can also do much damage. Unlikely as it may seem to some, the crucial discoveries necessary to solve the complex problems of the many cancers may not yet have been made or even foreshadowed. In our zeal to settle the problem before Congress tires of supporting it, we may well be lured up blind alleys and find ourselves inundated with uncorrelated, even uncertain, observations. Such data often do not lend themselves to the particular kind of genial mind that has the rare quality of brushing aside irrelevancies to see the main road to the objective.

When I say *great* science is "a delicate thing," the usual rebuttal is "nonsense"—given enough money, enough people, enough direction, we cannot lose. Too few are persuaded that the quality of discovery is often intangibly dependent on the intellectual and physical environment in which it is conducted.

It may be that given large sums of money, very broad areas of research can be studied with the hope that ultimately some relevance to cancer will be found. Many of my fellow researchers quite openly assert that they go along with this approach not because of its relation to cancer but for possible support of their own work. If their research proves to be of value to the cancer problem, so much the better. This is a way to get support, but it is slightly dishonest and I am fearful of the long-term effects.

Whether there are enough gifted researchers to use huge sums of money effectively and exclusively for cancer research is doubtful. Certainly many mediocre workers will be enticed by the pay. I have doubts about research conducted by scores of uncoordinated, often inept workers. Their results tend to obscure, rather than enlighten, the subject.

The pressure created by inevitably broad publicity of endeavors such as the "Conquest of Cancer" encourages scientific opportunism, superficiality, and undue competitiveness. The investigator, instead of following his best scientific instincts, is constantly under pressure for a "breakthrough," especially if it can be announced through the mass media shortly before a grant request. This is not a healthy environment for thoughtful, creative, and skillful research.

While we are promised that this mass project will not encroach on other biomedical fields, this obviously cannot be true. So as not to lose rapport it would not be surprising if a separate Heart Authority would not be requested. The young scientist will be attracted to the money and glamour.

I have already written on the subject of a cancer crusade (*J. Lab. Clin. Med.*, March 1971; *Newsweek*, March 15, 1971 p. 8) and I am under no illusion that my small voice will halt what "all America welcomes." How can one dare to oppose an "all-out cancer fight"? In times of "war," caution seems foolhardy. The search is on for "the magic bullet," and a "grand strategy in the cancer war is unveiled." So science marches on to the trumpets of war!

I can only hope that the right roads will be chosen and that my caution and doubts are unfounded. Perhaps we do need the shove and fanfare and perhaps a great discovery will follow. Having seen the results of cancer all my clinical life, I know only too well the agony and desperation of this illness. Thus, I find myself completely in sympathy with the objectives but doubtful of the proposed ways to achieve them. Whatever way is ultimately chosen, I wish those concerned luck, but I trust more the creative genius which is at the heart of most great discoveries.

TAXATION WITH REPRESENTATION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I would like to bring to the attention of the House a significant development in the continuing effort to improve the fairness of our tax laws.

For many years, special interests have been well represented when Federal tax issues are under discussion, but members of the general public have found it difficult to make their views known. A nonpartisan group called Taxation With Representation was organized in early 1970 to make sure that the general public is represented by skilled professionals during legislative and administrative hearings on Federal tax issues. It is an independent, nonprofit corporation, whose national committee includes many of our Nation's most distinguished public finance economists and tax attorneys.

The group locates tax specialists who wish to speak out as members of the general public, alerts them when tax issues arise in their area of expertise, and helps them to submit and publicize their testimony. During the past year, the group has sponsored more than 30 statements on Federal tax issues. It is now preparing testimony relating to the President's August 15, 1971, tax proposals.

Unlike most groups in the legislative arena, Taxation With Representation does not take organizational stands. On some issues, it presents several statements, each expressing a different opinion on the steps that would best promote the public interest. Because it is willing to sponsor many different points of view, the group has been described as an experiment in participatory democracy at the Federal level.

The group is supported by membership dues and contributions from professional economists and members of the tax bar. It currently has more than 400 members, almost all of them tax professionals, and is actively seeking additional support.

Taxation With Representation represents an encouraging example of professional responsibility. I insert an excerpt from the group's recently published annual report. This excerpt lists the testimony presented by Taxation With Representation during the past year:

Testimony Presented by Taxation With Representation

THE DISTRICT OF COLUMBIA REVENUE ACT OF 1971

The following written statements were prepared in late June 1971 for the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia. There were no oral statements.

Break, George F.—The District of Columbia Revenue Act of 1971.

Drabkin, Murray—The Pending D.C. Revenue Bill.

Heller, Walter W.—Comments on the Proposal for a Reciprocal Income Tax for the District of Columbia.

Holland, Daniel M. and Oldman, Oliver—The Reciprocal Income Tax Provisions of the District of Columbia Revenue Act of 1971.

Morss, Elliott R.—The District of Columbia Revenue Act of 1971—Comments on the Reciprocal Income Tax Proposal.

Oakland, William H.—Statement in Opposition to the Reciprocal Income Tax for the District of Columbia.

Pechman, Joseph A.—A Reciprocal Income Tax for the District of Columbia.

THE ADMINISTRATION'S REVENUE SHARING PROPOSALS

The following written statements were presented in early June 1971 to the House Ways and Means Committee. These written statements were supplemented by oral presentations from Mr. Drabkin, Dr. Hinrichs, Mr. Manvel, Professor Musgrave, Dr. Mushkin, and Dr. Whitman.

Drabkin, Murray—Revenue Sharing.

Dresch, Stephen P.—Evaluating Revenue Sharing within the Federal Fiscal Context.

Hellerstein, Jerome R.—Revenue Sharing.

Hinrichs, Harley H.—Revenue Sharing and Its Alternatives: Lessons of Experience.

Manvel, Allen D.—Federal Revenue Sharing.

Musgrave, Richard A.—Revenue Sharing.

Mushkin, Selma.—Revenue Sharing 1971: Some Comments

Pechman, Joseph A.—Statement on General Revenue Sharing Legislation (Reprint)

Waldauer, Charles—An Alternative to Revenue Sharing: Federalization of Welfare and an Increased Federal Role in Education.

Whitman, Ray D.—Arguments for Revenue Sharing.

THE ASSET DEPRECIATION RANGE SYSTEM REGULATIONS

The following written statements were presented in April 1971 to the United States Department of the Treasury. These written statements were supplemented by oral presentations from Professor David, Professor Eisner, Professor Harriss, and Dr. Pollock.

Antes, Richard S.—Statement on Treasury Proposed Regulations for Depreciation Based on Asset Depreciation Ranges.

Bittker, Boris I.—Treasury Authority to Issue the Proposed "Asset Depreciation Range System" Regulations.

Bittker, Boris I.—Treasury Authority to Issue the Proposed "Asset Depreciation Range System" Regulations—A Comment on the Covington & Burling Memorandum.

Davenport, Charles—Comments on Treasury's Proposed Substitution of Cost Recovery Allowances for Depreciation.

David, Martin—Depreciation Allowances Using Asset Depreciation Range System.

Eisener, Robert—The Asset Depreciation Range System.

Harriss, C. Lowell—Support for the Proposed Asset Depreciation Range System.

Heller, Walter W.—The Proposed Asset Depreciation Range System.

Oldman, Oliver—The Asset Depreciation Range System.

Pollock, Richard—Statement on the Treasury Department Proposal to Change Existing Tax Depreciation Policy.

Popkin, William D. The Treasury's Assets Depreciation Range Proposal.

Taggart, John Y.—The Asset Depreciation Range System.

PUBLIC INTEREST LAW FIRM ISSUE

The following written statements were presented in November 1970 to the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare, United States Senate. There were no oral statements.

Cohen, Sheldon S.—The Tax Status of Public Interest Law Firms.

Cooper, George—Comments on the Internal Revenue Service Guidelines for Public Interest Law Firms.

THE DOMESTIC INTERNATIONAL SALES CORPORATION PROPOSAL

The following written statement was presented in September 1970 to the Committee on Finance, United States Senate. There was no oral testimony.

Field, Thomas F. The Administration's Domestic International Sales Corporation Proposal.

THE ATTORNEY GENERAL AND THE NEW CRIME STATISTICS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin), is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am inserting into the Record today an editorial which appeared in the Saturday, September 11 edition of the Washington Post. I feel that this editorial puts the crime statistics, and Attorney General John Mitchell's comments on those statistics, in their proper perspective.

Mr. Mitchell's claims about the newly released FBI crime statistics for 1970 were unfounded and deceptive; he twisted them to say exactly what he wanted them to say. The new FBI statistics showed that 11.3 percent more serious crimes were committed in 1970 than in 1969. In 1969 there were 12 percent more serious crimes than in 1968. In exact numbers this means that in 1969 there were 534,800 more serious crimes than there were in 1968. In 1970 there were 566,700 more crimes than there were in 1969. Yet, Mr. Mitchell would call this progress. To me it indicates that the Attorney General is playing politics with the growing crisis of crime in America today.

Mr. Mitchell is doing a real disservice to the American people by trying to camouflage the administration's unimpressive record in curbing the crime rate. His statements can only serve to encourage complacency, which will delay the mounting of a truly effective attack on America's growing crisis of crime. At the present time, what is needed from the Attorney General is a little more reality and reason, and a lot less rhetoric.

The editorial follows:

The Attorney General and Crime

Each year about this time, it becomes necessary to try to take out some of the political spin that the Department of Justice under Attorney General Mitchell has imparted to the FBI's annual crime report. This year, we regret to say, is no different from the last two. Mr. Mitchell and the department have demonstrated again their ability to find the golden lining in a dark cloud.

Take, for instance, the press release accompanying the FBI's report. Its first paragraph said, "Serious crime in the nation continued to increase in 1970, Attorney General John N. Mitchell announced today, but at a slower rate than in 1969. It marked the second year in a row that the crime statistics showed a tapering off of the sharp upward swing recorded during the mid 1960s." This claim is based on the undisputed fact that the *rate of increase in serious crime* was 11.3 per cent in 1970—a rate lower than the rate of increase in 1969, 1968, 1967, 1966, and 1964. But if you look at the figures in another way, the impression conveyed is quite different. It is equally fair to write that the *numerical increase in serious crime* in 1970 over 1969 was the second highest in the nation's history and that the increase in the last two years has been greater than the increases in 1965, 1966 and 1967 combined. That is based on the undisputed numbers reported by the FBI. The following table may make this clearer—it lists the so-called index crimes reported to the FBI for each calendar year, the increase in each year's total over the preceding year, and the rate of increase (the figure Mr. Mitchell likes to talk about):

	Index crimes	Numerical increase	Rate of increase (percent)
1970	5,568,200	566,700	11.3
1969	5,001,400	534,800	12.0
1968	4,466,600	664,300	13.8
1967	3,802,300	538,000	16.5
1966	3,264,200	334,000	11.4
1965	2,930,200	175,200	6.4
1964	2,755,000	319,100	13.1

The rate of increase figures do give the illusion of statistical progress against crime; when the number of crimes goes from three to four million, for example, the rate of increase is 33 per cent; when the number moves from four to five million, the rate of increase is only 25 per cent. That's what Mr. Mitchell would call "progress." But the numerical increase from one year to another in both instances is still one million crimes—and for the one million victims, there is not much comfort in the thought that the *rate* of increase is decreasing. By our way of looking at it, even the fact of constant, continuing increase of, say, a half million in the number of crimes every year is difficult to translate into "progress," and an actual increase in the number of additional crimes each year, which is what happened between 1969 and 1970, can only be put down as retrogression if we are going to face the facts honestly.

There is a second example this year of how Mr. Mitchell lets rhetoric outrun facts. He told a meeting of law-enforcement officers Thursday that the monumental effort of local and state police in the last couple of years has resulted in fear "being swept from the streets of some—though not all—American cities." We suspect that the average person would believe, upon reading that statement, that American cities are safer today than they were when the Nixon administration took office. Yet in only two of the 25 largest cities—Pittsburgh and Baltimore—was there less serious crime, according to the FBI report, in 1970 than there was in 1968. In 16 of those cities, the serious crimes reported increased more than 20 per cent between those two years. If you measure only crimes of violence—murder, rape, robbery and assault—two of the 25 cities showed a decrease (Seattle and Milwaukee) and 16 showed an increase of more than 20 per cent. These figures lead to only two possible conclusions if Mr. Mitchell is right and fear is being swept from the streets: either the fear in 1968 was created by the words of the man whose campaign he managed, not by the facts, or people now have a false sense of security.

We have gone through this exercise in numbers not to paint the picture blacker than it is nor to discourage the law-enforcement personnel from trying harder but in an attempt to keep the record reasonably straight. There was a crime problem in 1968. There is a worse crime problem now. In some places, like the District of Columbia, the situation has improved within the last year. In others, it has deteriorated. (Remember how the administration talked about New York City a year ago when it showed a slight drop in crime? Nothing has been said about the 8 per cent increase this year.) One of those crimes of the sort that make up the FBI's annual survey was reported for every 45 citizens two years ago and one for every 36 citizens last year. We find it difficult to believe anyone thinks that is an improvement.

CONGRATULATIONS IN ORDER

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. McFall) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, Saturday, September 11, was a happy and exciting day in the life of Mr. and Mrs. Julian R. Serles, Jr., climaxing a very busy week. Mr. Serles, who is one of the official reporters of debate for the House of Representatives, gave his only daughter in marriage at the Metropolitan Memorial Methodist Church.

The House Chaplain, the Reverend Edward G. Latch, performed the ceremony uniting Miss Grace Lewis Serles with Mr. John Wilson Brown, Jr., of Charlotte, N.C.

Mr. Serles and his wife were residents of Hanford, Calif., before coming to Washington more than 20 years ago. He has served the Congress many years, including a period as a committee reporter and as a reporter of debate in the Senate as well as a reporter of debate in the House.

I know that all Members will join me in extending congratulations and best wishes to the happy young couple who are now honeymooning in Jamaica. They will make their home in Charlotte where Mr. Brown, who is an architect, is associated with a local firm.

THE SHARPSTOWN FOLLIES—XXXIII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, anyone who has examined the relationship between Assistant Attorney General Wilson and the Sharpstown gang, and who knows of the incredibly inept handling this case has received at the hands of Mr. Wilson's cohorts in the Justice Department, cannot help but feel outrage and indignation.

There is outrage that the Justice Department could have been so inept as to let Sharp escape from any meaningful prosecution, whether that ineptitude was by accident or design. Considering that the local U.S. attorney in Houston, Mr. Anthony J. P. Farris, has been relieved of any further responsibility for the case one can conclude that at least part of the bungling was due to old-fashioned stupidity. Farris is what you might call a political hack.

In any case there is considerable indignation that the Department of Justice has managed to prevent anyone from bringing Mr. Sharp to justice. There is also much questioning about what Will Wilson did to earn his keep as part of the Sharp gang, and whether such a close associate of a fantastic crook has any business being a criminal prosecutor. People wonder how it is that a self-professed patsy has any business being an Assistant Attorney General, or how the administration can have the brass to say that it has confidence in such a man.

The Los Angeles Times is one paper, which like the New York Times, raises these questions. I offer the comments of the Los Angeles Times for the further enlightenment of the House on the dark subject of Will Wilson:

Scandal in the Justice Department

Frank W. Sharp, a lean, hungry country boy from Crockett, Tex., is all his name implies. He moved to the big city of Houston, borrowed $150 and parlayed it into many millions through that golden trio of interrelated interests, banking, insurance and real estate.

A self-made man, he nevertheless had help. When the Federal Deposit Insurance Corp. warned Sharp's Sharptown State Bank to stop making large loans against dubious collateral, Sharp decided to set up a private firm to insure bank deposits. While bill were pending in the Texas Legislature to authorize such a company, he sold National Bankers Life stock to various state political leaders, including Gov. Preston Smith and Elmer Baum, state Democratic chairman. He lent them money from the Sharpstown bank to buy the stock, and within two months they sold it for a gross profit of $125,000.

Among Sharp's helpers during the profitable years was Will R. Wilson, who ran for the Democratic Party nomination for governor of Texas in 1962, lost, switched to the Republican Party, returned to his private law practice, and in 1968 was picked by President Nixon to head the criminal division of the Department of Justice.

Becoming an attorney for Sharp, Wilson borrowed almost $300,000 in the next seven prosperous years of his career. His net wealth rose from $300,000 in 1956 when he was elected Texas state attorney general to $1,300,000 in 1968, after six years in private law and high finance. But two years after he joined the Justice Department, Wilson got a $30,000 unsecured loan from his old client and benefactor, now 67 but still generous.

All this came out, after the Sharpstown State Bank collapsed last January, the nation's biggest bank failure since 1934. The Securities and Exchange Commission accused Sharp and his associates of "systematically looting" banks and insurance companies through stock manipulation.

Sharp was hustled into court, but charged only with falsifying an entry in a bank record and selling unregistered securities. He was fined $5,000, given a suspended three-year-jail sentence, and, moreover, granted immunity from future state or federal prosecution in return for possible testimony about other alleged freebooters. This reversed the usual procedure of granting immunity to the coyotes to get evidence on the wolf.

As of today, Wilson is still the man in the Justice Department who makes most of the decisions to prosecute or not in criminal cases.

Every federal prosecutor, and certainly the assistant attorney general in charge of the criminal division of the Justice Department, must avoid even the appearance of entanglement with wrong and wrongdoers.

A shadow has been cast on the Justice Department's reputation for integrity. That shadow only Wilson's resignation or dismissal can remove.

HOUSE JOINT RESOLUTION 651: A CURE FOR THE SCHOOLBUSING NIGHTMARE

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, it has been said that forced busing of schoolchildren has become the No. 1 nightmare of the State of Texas. It might also be said that forced schoolbusing has become the No. 1 nightmare of the Nation I rise, Mr. Speaker, to suggest that there is one way, and one way only, by which the forced-busing nightmare can be dispelled. That is by the passage of House Joint Resolution 651, or a similar joint resolution, and its ratification by three-fourths of the States.

In a hard-hitting, thought-provoking article in the weekly Washington Report called Human Events, William Murchison, Jr., an editorial writer for the Dallas Times Herald, describes the mad confusion which has been the result in Texas of the judicial decision in the case of Swann against Charlotte-Mecklenburg Board of Education. That decision has been followed by conflicting court orders for forced busing to achieve desegregation, conflicting court, HEW, and school board forced busing plans, and forced busing plans where there was no segregation in the first place.

Murchison says:

> Texans are frustrated, unhappy, and just plain sore about the manner in which federal judges and Washington officials are making pawns of their children.

And who can blame them?

In Austin, the U.S. Department of Health, Education, and Welfare demanded the forced busing of 80 percent of Austin's students. In late July, U.S. District Judge Jack Roberts disagreed and issued his desegregation order, hailed as fair throughout the State. It included among other provisions "a creative program of interracial visits and field trips for elementary schoolchildren." But only 2 weeks later, President Nixon, while disavowing the HEW plan, denounced Judge Roberts' plan as "inconsistent with recent rulings of the Supreme Court," and directed the Justice Department to appeal—to the consternation of all concerned.

In Dallas, a University of Texas "desegregation advisory group," funded by HEW, recommended gerrymandering of school attendance zones and massive forced busing as a means of desegregation. Antibusing groups formed; protest meetings were held; 200,000 Dallasites signed petitions in opposition to the forcible transfer of children to schools out of their neighborhoods. The Dallas school board offered a counterplan. However, U.S. District Judge William Taylor, Jr., rejected both plans, offering instead his own plan which involved some forced busing and a linking of black and white elementary schools via television. But the judge's ruling pleased nobody. Both plaintiffs and defendants appealed to the fifth circuit court, which temporarily barred the school board from spending funds for the television program.

In Corpus Christi the action adds up to one mad farce. Blacks, comprising only 5 percent of the schoolchildren, are scarcely involved. Mexican Americans comprise about 50 percent, and Anglos the rest of the student body. The "chicanos" had attended white schools in Texas even before the case of Brown against Board of Education in 1954. Nonetheless, U.S. District Judge Woodrow Seals ordered the forced busing of 15,000 of the district's 46,000 to get just the mix he wanted of the three ethnic groups. The Corpus Christi school board pleaded that it did not have the initial $1.7 million that it would take to implement the plan and won a stay that was later overturned by the fifth circuit court. Finally the Department of Health, Education, and Welfare admitted that perhaps the Mexican Americans were not being discriminated against after all, and Justice Hugo L. Black granted another stay.

And so the madness goes on—in Del Rio, in Fort Worth, in Amarillo, Midland, and Odessa, among other Texas school districts.

Concerning all this Mr. Murchison makes several very important points:

First. Although the polls show that 78 percent of Texans—including all races—oppose forced busing, it is not that Texans are bent on "keeping the blacks in their place." Mr. Murchison quotes a leader of the Dallas antibusing movement as declaring:

> I believe the 1954 Supreme Court decision outlawing segregation in public schools has had a good long-range effect on race relations in this country . . . I think we can be proud that we removed the old stigma that had been part of our society for so long.

However, this same man felt that children need to attend school close to their homes—for reasons of convenience and safety and because the money to buy buses could be better spent on upgrading education.

Second. Texans are reacting to their nightmare not only with unhappiness, frustration, and resentment but their "respect for government and for the majesty of the law is ebbing." They probably will not resort to mob violence but "rather than pack their children off across town each day, many parents will move away or switch to private schools."

Third. Meanwhile, the resentment that busing fosters is not likely to make for improved race relations.

Now, this is my answer: The Supreme Court decision in the case of Swann against Charlotte-Mecklenburg Board of Education put President Nixon, and has put us all, "between the devil and the deep blue sea." The Swann against Charlotte-Mecklenburg decision is responsible for the related resentment, the divisiveness, the violence, and the loss of freedom generally, which has followed. What has occurred in Texas has occurred in varying degrees all over the country.

House Joint Resolution 651 would dispel the forced busing nightmare for Texans and for all the rest of us as well.

I urge my colleagues on both sides of the aisle to sign the discharge petition and, when it comes to the floor, to vote for House Joint Resolution 651.

Mr. Speaker, I include Mr. Murchison's fine article in the Record directly following my remarks:

School Busing: Texas' No. 1 Nightmare

(By William Murchison, Jr.)

What unites, in fear or hostility, Texas Republicans and Democrats; Austin blacks, Dallas whites, and Corpus Christi browns; middle-aged hausfraus and curvaceous teenyboopers?

Why, nothing less than the specter of the yellow school bus, transporting Texas school children miles from their homes, in quest of that old chimera, "racial balance" in the classroom.

As seldom before, Texans are frustrated, unhappy, and just plain sore about the manner in which federal judges, and Washington officials are making pawns of their children. The Lone Star State knows other vexing problems: drugs, the economy, the war. But all take a back seat to busing. It is the No. 1 Issue—the universal nightmare.

Consider some recent repercussions of the controversy:

In conservative Texas, whose 26 electoral votes Nixon strategists say are a must in 1972, a recent poll reveals that the President is the choice of only 22 per cent of the voters—in large part, because he has appeared to waffle on the busing issue.

Anti-busing groups have proliferated in the cities threatened with massive busing.

Respect for government and for the majesty of the law is ebbing. Texans speak resentfully of "insensitive" (to use one of the kinder adjectives) bureaucrats and judges.

It is not that Texans are bent on "keeping the blacks in their place." As a leader of the Dallas anti-busing movement puts it, "I believe the 1954 Supreme Court decision outlawing segregation in public schools has had a good long-range effect on race relations in this country. I think we can be proud that we removed an old stigma that had been part of society for too long." But he feels children need to attend schools close to their homes—for reasons both of convenience and safety, and also because the money to buy buses could be better spent on upgrading education. The sentiment is a typical one in Texas.

Here is a city-by-city review of the plight many Texas communities find themselves in at the beginning of the new school year:

Austin: In late July, U.S. District Judge Jack Roberts issued a desegregation order hailed throughout the state for its fairness. The Health, Education and Welfare Department had demanded the busing of 80 per cent of Austin's students. Roberts refused, ordering instead the closing of two black schools (one of them especially well-beloved of Austin Negroes) and a creative program of interracial visits and field trips for elementary school children.

Indeed, Roberts did more than that. He lashed out at HEW for arrogance and uncooperativeness in dealing with Austin school officials and declared that "busing to achieve desegregation in the Austin community will result in serious interference with the educational process."

Here, the government, which was plaintiff in the suit, might honorably have called it quits. But no. Two weeks later the Justice Department—on Nixon's direct orders—appealed to the 5th Circuit Court in New Orleans. Somewhat disingenuously, Texans thought, the President disavowed the HEW plan for Austin but pronounced Judge Robert's plan "inconsistent with recent rulings of the United States Supreme Court."

Indeed? Republican U.S. Sen. John G. Tower did not see it that way. He called the government's appeal "further evidence of a tragic lack of understanding of the educational problems facing school districts in Texas." Austin School Superintendent Jack Davidson was more direct. Said Davidson: "Man in White House speak with forked tongue."

Dallas: An appalled citizenry returned home one day in June to read in the Dallas *Times Herald* that a desegregation advisory group, headquartered at the University of Texas, but funded by HEW, was recommending gerrymandering of attendance zones and massive busing as the means of desegregating the Dallas school system.

As if by magic, anti-busing groups sprang up throughout the city. Thousands of anxious citizens held protest meetings. No fewer than 200,000 Dallasites signed petitions opposing the forcible transfer of school children outside their neighborhoods.

Ultimately, U.S. District Judge William Taylor Jr. rejected both the advisory plan and the counter-plan offered by the school board. Taylor's own formulation calls for busing only 8,000 students, mostly black, and for linking white and black elementary schools via television. In the remote Oak Cliff area of Dallas, however, Taylor ordered the pairing of Negro and white secondary schools—to the abiding dismay and anger of Oak Cliffites.

The comparative mildness of the order has not stayed general antagonism in Dallas toward the cost and inconvenience of the program. A Dallas city councilman has publicly urged pupils "not to get on any buses," and many parents are either moving away or talking of moving in order to regain some control over their children's education.

The confusion, too, continues. Both plaintiffs and defendants in the suit (HEW is not a party) are appealing to the 5th Circuit Court, which now has temporarily barred the school board from spending money on the television project. Meanwhile, three local property owners are seeking to enjoin the school board from using 1967 school board funds to implement any desegregation order.

Corpus Christi: Blacks are scarcely involved in the desegregation plot here that confronts this Gulf Coast city. They comprise only 5 per cent of local students, half of whom are Mexican-American, the rest Anglo. Yet U.S. District Judge Woodrow Seals has ruled that the chicanos, who attended white schools in Texas even before *Brown* vs. *Board of Education*, are the victims of discrimination. He has therefore ordered the busing of 15,000 of the school district's 46,000 pupils, hoping thereby to mix up all three ethnic groups. (Roberts, conversely, ruled that Austin had not discriminated against its Mexican-American students.)

Contending it didn't have the initial $1.7 million necessary to implement the plan, the school district won a partial stay that was subsequently overturned by the 5th Circuit Court. At length, however, the Justice Department was persuaded that Corpus Christi had a point.

In a memorandum approved by Atty. Gen. John Mitchell, the department admitted that doubt remains whether Mexican-Americans have actually suffered discrimination. The department therefore concurred with the school system in asking Justice Hugo L. Black for a stay, which Black promptly granted, acknowledging that "this case is in an undesirable state of confusion."

Del Rio: So far from wanting busing, the government wants to stop the busing that has long existed in this Mexican border city. For years the Air Force has sent to the mostly white schools in Del Rio the children living in dependent's housing at Laughlin Air Force Base, located in the neighboring, mostly Mexican-American San Felipe school district. U.S. District Judge William Wayne Justice doesn't see that this promotes integration—thus he has ordered immediate consolidation of the two school districts, with a view to keeping minority enrollment below 66 per cent in every classroom.

This is not by any means all that is happening on the Texas desegregation front. Judge Justice last spring ordered the consolidation of some adjoining Negro and mostly white school districts in East Texas. In Fort Worth, U.S. District Judge Leo Brewster has sanctioned a school board plan which calls for clustering 27 elementary schools.

Amarillo, Midland and Odessa, among others, are having their troubles with HEW and the Justice Department. The Texas Education Agency is under order from—you guessed it—Judge Justice to cut off funds to any school district which approves pupil transfers not conducive to "racial balance."

Who can blame Texans for their frustration? With polls showing that 78 per cent of them (this includes all races) oppose forced busing, the courts and bureaucrats still mouth disdainful "So whats?"

An Austin Republican who visited Washington in hopes of finding sympathy for his city's plight returned sighing that "At least now I know there is no use kidding ourselves." Democratic U.S. Sen. Lloyd M. Bentsen, Jr., admits that "I haven't been able to fathom the thinking of the HEW."

The President's tough words about firing bureaucrats who draw up plans that require too much busing have comforted Tower somewhat. (Tower, incidentally, is up for reelection next year and hopes to avoid becoming the victim of an anti-busing backlash.) The Corpus Christi stay request helped a little, too.

Still, rightly or wrongly, Texans want more than gestures from an administration whose anti-busing pledges are so numerous they blur in the mind. Dallasites are unhappy enough with the situation that local leaders, fearing anti-Nixon demonstrations, tried to talk the President out of coming to town recently for a Veterans of Foreign Wars convention speech. Nixon came anyway, but helicoptered straight to the convention site and left immediately after his speech which didn't touch on busing. (Unable to agree on what kind of demonstration to have, most busing opponents had already let the matter drop.)

There isn't likely to be violence connected with implementation of the desegregation orders. Not mob violence anyway. But this doesn't mean that busing will be accomplished smoothly. Rather than pack their children off across town each day, many parents will move away or switch to private schools. Meanwhile, the resentment that busing fosters is not likely to make for improved race relations.

What will be achieved is the kind of statistical brotherhood so dear to the hearts of the millenarians at HEW. And Texans ought to be forgiven if they fail to see that the federal government is interested in anything else.

THE CRISIS IN HEALTH CARE

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROSTENKOWSKI. Mr. Speaker, today, my distinguished chairman, WILBUR D. MILLS, announced that the next major order of business of the Committee on Ways and Means would be public hearings on the subject of national health insurance. The chairman stated that these hearings would begin after the committee has completed its consideration and action on the tax proposals recently made by the President and now under consideration by the committee.

Over the past few years, various groups have conducted comprehensive studies of this problem and many proposals have been set forth and specific legislation has been introduced in this session. It is my opinion that action in this area can come none too soon. Many of us, I am sure, have seen and heard the overwhelming evidence that undeniably confirms one fact; millions of Americans do not receive adequate health care and those who do are paying exorbitant prices.

In the past 10 years the annual national health care expenditure has risen from $26.4 billion dollars to $67.2 billion. This represents today nearly 7 percent of our gross national product. This rise in cost is translated into a yearly, per capita outlay of $324 for each American. This figure was $145 only 10 years ago. In the last 20 years medical costs have risen 7.3 percent while wages have increased only 4.3 percent. The litany of statistical data is enormous and has filled volumes, but the message is clear; the enormous rise in medical prices in the 1960's has made adequate health care a luxury that few can afford.

The reasons for this alarming situation are varied and complex. It is not productive, in my opinion, to belabor the accusations against any one group or profession. One very obvious factor, however, has been the increased participation of Government in health programs. Since the inception of medicare and medicaid the combined Federal-State contributions to total health expenditures has risen from 25 percent to 37 percent. The increased availability of medical service to the poor and aged has resulted in an escalated demand made upon our existing medical supply. And the simple economics of our system has responded to this new supply-demand ratio with rising prices.

Mr. Speaker, it is my firm belief that this country has been blessed with millions of dedicated people who have labored selflessly to provide quality health care for our citizens; but their hard work and good intentions, as even they will admit, have not fulfilled the dream of adequate care for every American. In these times when the "reordering of priorities" has become a cliché I would suggest that health care initiatives be at the top of our priority list; not in political rhetoric but in reality. For while we are spending billions to insure that no American is killed by an atomic bomb, the fact is he is far more likely to die of cancer or heart disease. While the United States leads all industrial nations in production, it ranks 14th in infant mortality. While great medical advances in transplants grab the headlines, the United States rates no higher than 18th in male life expectancy. Now these figures, I think all will agree, paint an ominous picture of our health problem in America.

There is no way that all the causes for this situation can be alleviated by one legislative act. The difficulties range from dietary habits to urban environmental problems. But with a strong national effort supported by meaningful legislation we can begin the job of providing proper care to all Americans. We must be careful, however, not to expect a utopia. The passage of any bill is not going to elimnate disease and suffering from our society. The aim of any legislation must simply be to provide methods of reducing the financial burden of quality health care, and to provide for delivery of that care in the most comprehensive and effective manner.

Most definitely new methods of financing medical services must be found. Currently the Government pays 35 percent of the Nation's health bill—mainly for medicare and medicaid—and private insurers pay only 24 percent. Thus, 39 percent of the Nation's health bill is paid directly by consumers; this figure is excess of $22 billion. I am sure we are all aware of our own out-of-pocket expenses for medical bills. Under existing arrangements most Americans are paying insurance premiums and then paying for services not covered by their policies. The ordinary office visits for ailments that do not require hospitalization receive limited coverage in most policies, while the costs of such services escalate. Catastrophic illness coverage under the average private plan does not provide for the devastating costs of some accidents and illnesses that run into the tens of thousands of dollars. Is not it absurd that a man may be protected against losing his home and belongings because of fire or a natural disaster, but may be forced to sell it all to pay for an unforeseen accident or illness?

Virtually all the bills before Congress call for some new methods of financing health care. The estimated costs of these programs range from $3 to $70 billion. We should not delude ourselves, the job of financing health care is a costly one. But we, in Congress, must find a method that will help reduce the financial barriers that prevent so many of our citizens from seeking and receiving proper care. Some would advocate that the Federal Government assume total responsibility, establishing a national health trust fund financed by payroll taxes and general revenues. Such a plan would pay virtually all of an individual's health costs. Others seek a program that provides scaled Government assistance in purchasing private insurance policies. And there are numerous other proposals falling in between. All of the possibilities will be examined and evaluated and a determination must be made as to which will most effectively assist our people and still be a fiscally responsible program.

Another area of concern which many consider as important as financing is the restructuring of health care delivery systems. Today we have what some call a pluralistic system and others a nonsystem. What this boils down to in reality is that there is no strict organization of our health industry. In theory there is a free market competition in operation that allows the patient and doctor to chose a method of receiving or dispensing care they find best suited to them. And there are those who feel this situation should be maintained. But if the theory seems appealing to our concept of free enterprise it must still stand up under close scrutiny of its effectiveness. The fact of the matter is that in choosing the method of delivery most suitable to himself, a doctor is far more likely to come to the conclusion that a comfortable, suburban practice is more attractive than location in urban or rural areas. Therefore, those in the cities are forced more and more to seek service in outpatient hospital clinics where they experience long waiting lines and impersonal service.

In recent years, there have been some experiments with prepaid group plans in various parts of the country. Some experts are advocating a national program to encourage the formation of these groups. There is evidence that such groups now in existence serve to reduce hospitalization and thus costs in providing comprehensive care. In such operations there is more emphasis placed on preventive care and health maintenance. And from an economic viewpoint it is far cheaper to prevent illness than to treat it.

It would seem also that certain incentives to encourage medical personnel to serve in our cities and rural areas are truly needed. There has been a steady decrease in the number of physicians in urban practice over the past decade and the prospects for the future are not encouraging. We cannot allow this situation to continue. Our cities today are home for many of our poorer citizens. And these are not all recipients of public assistance who are covered by the medicaid program. But also the working poor and lower middle income groups who receive no public assistance and are faced with financial barriers to adequate health care. This is not to minimize the medical problems of our citizens on public assistance, for medicaid is indeed no panacea, but simply to illustrate that the problem covers a very large segment of our population. Redistribution of our health resources must receive top priority in our present search for meaningful health reform.

I would like to close, Mr. Speaker, by making a simple but urgent plea. Let us hesitate no longer. Let us recognize this issue as one of the most pressing of our day. In our constant quest for a better life for all Americans we must take firm and decisive steps, not haphazardly in the expectation of instant solutions but rationally in the hope of closing the gap between what is and what can be in the health of our people.

LUMBER INDUSTRY PRACTICES "CHAINSAW LEGISLATION" IN REDWOODS NATIONAL PARK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the purpose behind the passage of the Redwoods National Park Act was to preserve the redwoods. Admittedly, in 1968, we did not preserve all of the magnificent trees—we were lucky to hold a small portion of them for posterity. Nevertheless, in creating the Redwood National Forest, we established methods for continued upgrading of the area and even for its expansion. The Congress relied upon the Secretary of the Interior to move with the spirit of the act and protect the fledgling forest from the ravages of the profit predators.

Time is running out for the redwoods. The most graphic evidence available is shown on page 10 of the June 1971 issue of the Sierra Club Bulletin. We all know the saying, "one picture is worth a thousand words"—the photograph of the results of logging activity near our new national forest is worth volumes of words.

The loggers have taken advantage of the ambiguities in the public law, the conservatism of the National Park Service, the timorousness of the National Forest Service, the slowness of the Congress, and a lack of concern by the Secretary of the Interior and are in the process of defining the borders of Redwood National Forest with bulldozers. Dr. Edgar Wayburn, president of the Sierra Club, rightly calls it "chainsaw legislation."

The picture I mentioned is not the only proof of how lumber barons take advantage of the public, but it describes a healthy portion of land that should have been included in the original park and because it was not, the public and nature has paid the final price—clear cutting. The clear-cut area near Skunk Cabbage Creek is one of the most arrogant displays of raw power and disdain for the public's interest by the lumber companies that has been my sad duty to report. Even if my bill—H.R. 1135, introduced January 11, 1971—had been passed, the areas described in the bulletin would not have been saved. My bill provides for the addition of various lands to the Redwood National Park, including the trees standing in the Skunk Cabbage Creek and Bald Ridge-Emerald Mile areas adjacent to the park. The clearcut area noted by the Sierra Club could have been saved if, and only if, the chainsaw cowboys had not been quite so quick to take advantage of a legislative oversight.

Unfortunately, and true to form, the lumbermen permanently defaced the area so that, whatever Congress or the agencies decided to do in the future with respect to park boundaries, an accomplished fact of forest defilement would reduce legislative or administrative "remedies" to an absurdity. Perhaps in 100 or 200 years from now the defilement of the Skunk Creek area will not be noticed. Until that time, the beauty of the Redwood Park area will carry the mark of the profit predators.

The lesson we must learn from the Skunk Creek tragedy is that the redwoods are in critical danger—in spite of the Redwood National Park Act. Only if Congress acts, and acts forthrightly, can the rest of the redwoods be saved for future generations of Americans.

Some of the remedies and long-term action needed to save the redwoods are described in an article by Dr. Wayburn entitled "Redwood National Park—A Promise Unfulfilled." Were it possible to print the pictures that accompanied Dr. Wayburn's article, the words would not be necessary. In lieu of the photographs, I want to include at the end of my remarks the excellent commentary on the present and future status of the Redwood National Park by the president of the Sierra Club.

The article follows:

[From Sierra Club Bulletin, June 1971]

REDWOOD NATIONAL PARK—A PROMISE UNFULFILLED

(By Dr. Edgar Wayburn)

(NOTE.—Dr. Wayburn is a past president of the Club and is presently a member of the Board of Directors. He recently testified at the Senate Interior Committee oversight hearings. The preceding article was taken from his testimony.)

Efforts to establish a Redwood National Park to protect the magnificent coastal Redwood forests of California went on for nearly a century before the Act of October 2, 1968 finally established such a park.

This act, passed with only one dissenting vote in the entire Congress, was a clear recognition by Congress of the urgent need to establish a federal reserve of the Coastal Redwoods while there were still uncut forests worthy of National Park status. For, as we all know, the redwoods had been logged steadily for over a century and logging was continuing. In the Redwood National Park Act, Congress recognized the esthetic and recreational value of the redwoods, and the American people's real concern for them. Probably no other National Park effort has engendered more public support. The deep concern of both Congress and the people was expressed in the Park Act itself—an unprecedented act which authorized $92,000,000 to purchase the property for the Park.

The Act (82 Statute 931) was not only unprecedented, it was also clearly a compromise and understood to be so by all concerned. The Conference Committee which drew up the proposed boundaries of the Park worked under major difficulties. It had to reconcile the differences between the 64,000 acre size Park passed by the Senate and the 28,500 acre proposal of the House of Representatives. It had to work within the limits of the $92,000,000 appropriated. It had to work against time, since logging around the area was proceeding. It had to consider economic demands of the vested interests involved as well as the local communities.

Certain inadequacies in the Redwood National Park Act produced by the Conference Committee—for a 58,000 acre park—were recognized by the Congress as being a compromise. The Redwood National Park outlined in the Act lacked unity and promised to be difficult to administer. Some of the finest stands of remaining virgin forest—of the highest park quality—were left out of the Park because of uncertainty as to how much could be bought within the $92-million ceiling. Many areas included in the Park would not be properly protected if logging proceeded close to their boundaries. The boundaries themselves were uncertain in places since the area had not yet been surveyed. However, it was felt by Congress and the country that it was essential to establish the Park, make it a reality, and then deal with the difficulties. The Congress very wisely wrote into the enabling legislation certain specific measures which offered a means to deal with the anticipated problems. Three of these measures are particularly significant.

(1) Section 2(a): "The Secretary of the Interior . . . may from time to time, with a view to carrying out the purposes of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands."

(2) Section 3(d): "The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon."

(3) Section 3(e): "In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term 'interests in land' does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein."

These three supplementary authorities were essential ingredients in the compromise Redwoods Park Act.

The first supplementary authority had two purposes: (1) to allow some additional acreage to be added to the boundaries chosen, which were computed at the time to encompass only 55,569 acres, suggesting that some 2,431 acres might be added; and (2) to allow boundaries to be altered in places where the line chosen failed sufficiently to account for local topography.

A committee analysis offered on the floor of the Senate characterized this authority in these terms: "The maps are dated September 1968, but the Secretary of the Interior may periodically adjust the boundaries of the park to better carry out the purposes of the Act. In addition to this overall standard, the Secretary is directed to pay particular attention to minimizing stream siltation, timber damage, and assuring the preservation of scenery if and when boundary adjustments are made." In floor discussion in the House, Chairman Wayne Aspinall explained that the figures chosen provided ". . . a small allowance for an upward adjustment due to errors in calculation, allowable boundary changes, and the like."

The second supplementary authority was designed to respond to the problem created by the severance of the Prairie Creek unit of the park from the Redwood Creek unit. The areas were severed because of the existence of a highway and a proposed freeway. There was also industrial activity along the route that conflicted with park values. The Park Service was directed to acquire enough land, or easements, to develop a strip of woods which would shield out views of these incompatible logging, lumbering, and milling operations. It was recognized that such a screen did not then exist in places and that one might have to be restored. The depth of the screen was left somewhat indedeterminate, the only mandate seeming to be that it be deep enough to shield incompatible views. In explaining this provision for the Committee on the floor of the House, subcommittee Chairman Roy Taylor said: "a visitor emerging from Prairie Creek State Park today gets a sudden shock at the change of scenery he encounters. We want to restore this strip of roadside land to prevent this from happening."

With respect to this provision, it should be noted, too, that the Park Service was not limited to acquiring only easements but could acquire lands in fee. The Conference Committee report noted that such fee acquisitions were not a part of the acreage calculated as within the 58,000-acre limitation.

The third supplementary authority was a key part of the compromise. It grew out of a provision in the House bill. The House justified its choice of smaller boundaries hugging the stream in Redwood Creek by including this provision. The argument was made that the upper slopes did not necessarily have to be put in the park because protection could be provided for downslope groves in other ways. The means chosen was section 3(e), carried over from the House bill. The hope was that a buffer zone could be created around the park in which commercial activity could be restricted to the point that no damage would be felt within the Park.

The House Committee report said this provision authorizes "... the creation of a buffer zone around the park in order to protect the trees and streams within it." The Committee said it "listened with much sympathy to proposals for the inclusion of at least one entire watershed within the park . . . but found the proposals infeasible because of the cost involved . . . It recognizes, however, that damage may be caused to the margins of every park . . . by acts performed on land outside those boundaries . . . The trees along the margin, for instance, may be subject to blowdown if clear cutting occurs right up to the property line, and the streams within the park may be heavily silted if proper soil conservation practices are not maintained upstream."

Subcommittee Chairman Roy Taylor explained the provision would insure, "as far as can be done, that activities outside the park will not seriously diminish the values for which the park is being set up. I refer to such activities as clear cutting right along the park boundary and improper care of upstream lands." The Conference Committee report said the intent of the provision is to assure "that clear cutting will not occur immediately around the park and, wherever it is reasonable to do so, to allow selective logging to be carried on there."

With respect to this provision, it should be recognized that the following means of control can all be used to achieve the results that were desired:

(1) acquisition of interests in land of various sorts;

(2) acquisition of scenic easements (Conference report speaks of "scenic easements or other interests in land");

(3) acquisition of watershed easements;

(4) acquisition of fee title in essential cases where less than fee costs are disproportionately high;

(5) contracts;

(6) cooperative agreements.

It should also be noted that the authority of this section allows these means to be used both with respect to parcels of land abutting the boundary and with respect to parcels not abutting it but located within watersheds tributary to the park.

The possibilities and the dangers inherent in implementation of the Redwood Park Act have been apparent to the Sierra Club since it was signed by the President. Since October 1968, the Club has talked and corresponded with the Secretaries of the Department of the Interior and with various members of the bureau involved. We have urged action and leadership. And with increasing despair we have watched the situation deteriorate.

The omission of the Skunk Cabbage Creek and certain significant areas of the Redwood Creek drainage were critical. Some of these areas could have been included within the 58,000-acre limitation.

On December 20, 1968, the Club wrote to Interior Secretary Udall:

"We plead with you to use your authority to add acreage to the park in these key growth areas: the Emerald Mile-Bridge Creek area, the Elam-McArthur Creek area, and Skunk Cabbage Creek. (1) 425 acres along the lower three-quarters of a mile of Bridge Creek's fragile watershed, including a quarter mile more buffer along the west bank of the Emerald Mile; (2) 721 acres in McArthur Creek and Elam Creek; and (3) 1,285 acres in the eastern end of Skunk Cabbage Creek. We have not suggested additions on the east boundary because logging does not seem imminent and some future opportunity may present itself for additions there. At some future time, the watershed easement authority of the law may make it possible to supplement the additions just suggested with protective easements to buffer the whole western boundary, but these additions are imperative now for the trees will simply not last. If they are to be saved, you must do it before January 20!"

On July 3, 1969 we wrote Undersecretary Train:

"Time is running out quickly. The chance for a good scenic screen along Highway 101 is already badly jeopardized by a growing clear-cut area in Skunk Cabbage Creek; logging by Arcata Redwood since midspring has opened up a 100 acre hole and just last week Arcata began construction of a new logging road from the Bald Hills Road down the east face of the slopes above Redwood Creek itself. This is the beginning of the end for the largest remaining block of virgin timber outside the park . . . Simultaneously, Georgia-Pacific has begun a major operation in Bridge Creek. In the last few days, their bulldozers have pushed through the forest to the very edge of the park along the Emerald Mile.

"As the first logging season opens after the park's creation, it is increasingly clear that you and the Secretary will have to act at once to implement the full intent of the Redwood Park Act, or the chance will be forever forfeited. Once again, we face legislation by chainsaw on the part of irresponsible lumber companies. Prior to the time that boundary surveys are completed, prior to the time that scenic scenes have been selected, prior to the time that watershed easements have been defined and purchased, the companies are moving in to define the character of the land that will be left—i.e., logged-over, bulldozed stumpland."

Our predictions, unfortunately, have come true. Clear-cut logging occurred from 1969 through 1971 at a number of places either at or near the Park's boundaries: in Bridge Creek, McArthur-Elam creeks, in Lost Man Creek, and in Skunk Cabbage Creek. A logging road has been pushed from the Bald Hills Road down the hitherto unlogged east bank of Redwood Creek just outside the Park. Despite pleas from conservationists, no Secretary of the Interior has moved to modify park boundaries under the authority of Section 2(a). These failures to act have already resulted in impairment of the park's potential.

The Secretaries have felt that they had to await completion of boundary surveys before exercising their authority under Section 2(a) since they would not otherwise know how much leeway they had. Conservationists, in turn, pointed out:

(1) that the total acreage is likely to be far less than 58,000 acres for quite some time because of slowness in transfer of state parks;

(2) the Secretary can delete lands at any time should statistics show any accidental excess acreage;

(3) delay in using the authority of Section 2(a) frustrates realization of one of its purposes because of the toll of ongoing cutting.

The Park Service has done nothing to implement Section 3(d) of the Act despite the fact that the view from the highway has deteriorated with the opening of new cutting scars in Skunk Cabbage Creek.

These scars could have been prevented through full and imaginative use of the authorities of Sections 2(a), 3(d), and 3(e) in tandem to extend protection to view zones west of Highway 101. Close-in areas could be put in the screen, and more distant view areas could have either been added to the park through minor boundary adjustments or could have been protected with scenic easements under Section 3(e). And Skunk Cabbage Creek could have been saved.

No implementation has yet been made of the authorities conferred in Section 3(e). The only step taken consists of commissioning a disputed report on buffers by Professor Edward Stone of the University of California's School of Forestry. Professor Stone recommended establishing a uniform 800-foot buffer around the park, chiefly for the purpose of fire protection. With the exception of a small spot in the Emerald Mile, clear-cutting would be allowed, in 30-acre blocks. The premise of his proposal was a hope that the companies owning abutting land would willingly enter into cooperative agreements to establish such buffers at no cost to the federal government. The companies have not been willing to do even this, though Arcata and Simpson have temporarily kept outside the 800-foot buffer.

There has been no real attempt to formulate a wide-ranging plan based on ecological and geological data and looking toward full use of the varied tools, including easements, zoning and fee acquisition, provided by Section 3(e).

The Park Service appears to conceive of itself as a mendicant who is reduced to begging for cooperation. Its planners have said: "The buffer issue, because it is extremely volatile, has demanded the utmost discretion. The timber companies have been sensitive in part to the legal aspects of such a concept and also to any overview that would inhibit their freedom of action on their lands."

The Service retained Professor Stone, but he has been unable to secure compliance with the most minimal plan. Georgia-Pacific, in particular, has made it clear it plans to clear-cut next to the boundary in the Emerald Mile, and indeed has done so already. Caught between our protests and the industry's intransigence, the Park Service seems to be immobilized.

In summary, the promise of the Redwood National Park that Congress authorized in 1968 has been put into deep jeopardy because of failures in leadership, delays in execution, and continued logging. Control within the Interior Department has been divided among the National Park Service, the Bureau of Outdoor Recreation and the Bureau of Land Management. No Secretary of the Interior has taken a personal interest in the matter.

The Park Service has been notably unsuccessful in securing cooperation from lumber companies on protection of areas adjacent to the Park, even on those areas which will affect the perpetuity of the forests within the Park proper. Planning personnel have not understood the legislative history of the Park Act. The Master Plan is vague, incomplete and after two and a half years still unready. The state has failed to move in turning over state parks.

Meanwhile, virgin forests have suffered massive attrition, and more, of an even more devastating sort, will take place unless there is immediate action to halt it. However, some of the finest forests adjacent to the park do still survive as well as the stands within the Park. There is still a last chance to rescue a meaningful park that will satisfy the intent of Congress and serve the will of the people.

To date, the intent of Congress in establishing a Redwood National Park has not been carried out by the executive branch of the government. The will of the American people has not been served. The money appropriated for the Park—which should be a crown jewel among all our National Parks—has not been put to its best or fullest use.

It is time for the Congress to address itself again to the problem of the Redwood National Park. Only Congress can take the action necessary to make this the great Park it should and must be. New legislation is desperately needed. Additional purchases will cost more today than they would have in October, 1968, but far less than they will next year or the year after. The nation still deserves the fulfillment of the great promise of a great Redwood National Park—and it does not have that Park today.

SPEECH BY VICE PRESIDENT AGNEW ON PRESIDENT'S NEW ECONOMIC POLICY BEFORE NATIONAL GOVERNORS' CONFERENCE IN SAN JUAN

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, yesterday I had the privilege of attending the 63d annual meeting of the National Governors' Conference in San Juan, Puerto Rico, and taking part in their discussions. During the session Vice President AGNEW gave an excellent address dealing with the President's new economic policy and calling upon the Governors for continued support of revenue sharing and welfare reform. I am placing the text of the Vice President's remarks in the RECORD for the information of my colleagues:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO, SEPT. 13, 1971

The Governors of the fifty states come together at a moment that might well be a turning point in our Nation's recent history.

I am not only referring to the American economy. The significance of this moment goes beyond even those highly important bread-and-butter matters.

We may well be witnessing a reaffirmation of something basic to America—a renewal of our competitive spirit.

Prosperity is a job for everyone. Prosperity is built on confidence. And in more than one sense, confidence is back in business.

Today, I want to talk to you about our national response to a call for sacrifice and cooperation—a response that has amazed those who have been running America down in recent years.

And I want to talk to you about a danger that could erode and imperil that healthy response—the danger of blind negativism in a time that calls for intelligent, rational discussion.

The past month has been, to say the least, eventful. But just as important as what has happened in this Nation and around the world is something else—what has *not* happened.

There were important risks involved in the President's announcement last month.

Nobody could know beforehand what the reaction of the American people would be to a sudden limitation of their economic freedom. Fears were expressed of massive resentment by wage earners, of widespread refusal to cooperate in the price freeze by businessmen, of the need for an elaborate enforcement apparatus that might slow down the strong economic rebound already under way.

Nor could anybody predict with any certainty what the international reaction would be to bold, unilateral moves by the United States to make American goods more competitive and to protect the dollar. There were fears of great turmoil in the money markets of the world, of retaliation, of refusal to revalue other currencies. There were even fears of a trade war that would harm everyone.

It would have been foolhardy to minimize the great risks involved. But there were great stakes involved as well: the future of the American worker, the stability of the American dollar, the protection of the American standard of living—indeed, the ability of this Nation to maintain its position of leadership in the world.

If Americans stopped taking risks, we would stop making progress. It is only because the American people have time and again been willing to take the necessary risks that we have been able to rise to great occasions and to become a great Nation.

In the month since the President's announcement of a new economic policy, let us see what has happened—and just as important—what has not happened—at home and abroad.

Here at home, the people of this Nation—workers, homeworkers, businessmen, Americans in all walks of life—have responded in a way that justifies our pride in our country and our faith in the American spirit.

By its nature, a wage-price freeze cannot be entirely fair. It calls for sacrifice; inescapably, it has caused inequities and in some cases even hardship. Yet the overwhelming reaction of Americans everywhere has been a patriotic determination to do their part toward making the freeze work voluntarily. Look at the evidence:

All across the Nation, whenever a question about what the freeze requires has been answered by the Cost of Living Council, the answer has been accepted and its directive obeyed voluntarily.

Corporations overwhelmingly throughout the Nation have complied with the President's request not to increase dividend payments, because there is an understanding of the need to share the sacrifice.

As of last week, the President had received over 15,000 pieces of personal mail regarding the New Economic Policy. Sixty-six percent of its was favorable, while only fourteen percent was negative. Included in the letters and telegrams was correspondence from twenty-one governors, and commitments of support from hundreds of mayors and local officials. Communications have been received from veterans' organizations, organizations of retired persons, and civic organizations such as the Lions Club and Knights of Columbus.

We have received mail and telegrams from many union members and from union locals adding their cooperation to all the rest. Many of the Nation's leading merchandisers, department stores and grocery chains have taken full-page newspaper ads and aired television notices of their support for the President's program. Cooperation has been pledged by many of your attorneys general and consumer affairs people to assist in our effort to make the wage-price freeze work.

Since the freeze went into effect, the Georgia railroads have rolled back their intrastate rates. American Motors, through its dealer system, has rolled back its retail prices to customers. And as of last week, 132 cases of workers returning to work have been reported, involving a total of 110,193 workers. That organized labor is cooperating with the President is beyond question.

The Office of Emergency Preparedness, which has been charged with administering the freeze, reports that complaints by tenants against landlords about rents have been encouragingly few. They have been running at around 40 per day for the entire country. When you consider how many millions of people live in apartments or are otherwise renting property, the figure of 40 complaints a day is astoundingly low.

Of course, there has been criticism—and there has been jockeying for position for the time when the freeze is over. But future historians, looking back at this period, will remember the "freeze of '71" as a time when the American people willingly pitched in together to do all that they were called upon to do.

Let us look at the reaction to our new policy abroad.

At first, the world was stunned. Money markets were closed while the economic and political leaders of many nations met to consider the consequences of our action.

But, as the President pointed out to the Congress last week, instead of continued talk about the weakness of the American dollar, there was a new understanding of the strength of the American economy.

Instead of a continuation of unfair rates of exchange, there was a recognition of the need to face up to reality—and the process of removing the unfair disadvantages that have been harming American trade is well underway. As this sensible reaction continues, we can look forward to the removal of the temporary import tax imposed last month.

Instead of destructive talk of retaliation, there has been constructive reaction to the President's call for a long-overdue overhaul of the international monetary system, with every trading partner cooperating to move toward a new stability.

All in all, at home and abroad, we have seen what *does* happen when we rely on our faith—and what *does not* happen when we turn away from our fears.

In these past few days and in the weeks ahead, the President has met and will continue to meet with responsible American leaders representing different groups and often divergent points of view. He is appealing to their sense of patriotism, and to their common sense as well—for what is in the long run in the best interest of this country is in the interest of worker and businessman, farmer and consumer.

I can report to the Governors that the President is strongly encouraged by the reaction of these leaders in their meetings so far, and looks forward to working closely with them in the future.

This comes as no surprise to me. Two weeks ago, when there was some doubt expressed as to the likelihood of cooperation from some of these leaders, I said that in the final analysis they would rise to the occasion as patriotic Americans—and that is exactly what they are doing today.

What I have to say next is not directed against any individuals; it is directed against a tendency that runs counter to the interests of all Americans.

Everyone in this room would agree that in the area of economic policies, it would be impossible to secure a unanimous opinion on any single approach. There are, however, several very prominent arguments which are being used against the President's policy which I feel would be helpful to discuss.

The first: "American industry today is operating at only 73 percent of capacity!" Nobody can argue with that—the figure is accurate. The logical question then is "Why do we need more plant capacity, the kind that the President's job development tax credit would create, when nearly 30 percent of our plant capacity lies unused today?"

That appears to most listeners to make sense. If we are operating well below capacity today, who needs more capacity?

However, the problem is that the unused capacity is unused for a good reason—for the most part, it is outmoded, old and inefficient. Much of this unused equipment, if put into operation, would lose money; it usually consists of plants that are wartime reserve capacity, to be used only in severe emergencies justifying Uncle Sam's footing the bill for expensive, uncompetitive operations. Yes, it's still on the books as "capacity," but in practical terms the majority of it has nothing to do with capacity to produce at a profit and certainly nothing to do with our capacity to maintain our share of world markets.

A sophisticated audience, such as this one, will quickly understand this fact. But, let's face it, the explanation is a little dull, it will never make the 7 o'clock television news, and the laborious answer will never catch up with the catchy question: "Who needs more capacity when we're only operating at 73 percent of capacity now?"

Obviously, what American industry and American labor need now is more modern, productive capacity—new plants and equipment that will enable our products to compete at home and abroad, and kind of new plants and equipment that will be built, given the added incentive of the job development credit.

Another argument denounces any plan that might be of benefit to business as the "trickle-down theory!", which goes something like this: "There are those who believe that, if you will only legislate to make the well-to-do prosperous, their prosperity will leak through on those below."

Those words were intoned in 1896 by William Jennings Bryan, in his famous "Cross of Gold" speech. To be fair to Mr. Bryan, he was not so far off base in his feelings about an undue reliance on gold, as recent events have shown.

The facts are that the President has proposed a balanced tax package: it reduces taxes paid by individuals by $3.3 billion, and offers a tax credit of $2.7 billion to industry to invest in job-producing equipment and machinery. And it relieves consumers from some $2 billion in excise taxes.

Let us look at tax reform in context. In his testimony to Congress last week, Secretary Connally very succinctly pointed out:

"To be complete, the record must include the impact of the Tax Reform Act, plus the Administration's change in depreciation regulations and the tax proposals of the New Economic Policy. If the impact of these measures is spread over the five years, 1969 through 1973, the result is startling:

Federal income tax payments of individuals will have been reduced by almost $34 billion. Tax payments on corporate profits will have declined by slightly more than $1 billion.

The record is clear. Enactment of the President's recommendations, given the perspective of the three years of the Nixon Administration, will *not* be a bonanza for business."

I do not see how, under any circumstances, the "trickle-down" appellation applies.

Still another argument states: "You can't freeze wages and prices without freezing profits." Let's face it—that sounds reasonable to most people.

Of course, the facts paint a different picture: while wages and prices have been going up, profits have been going down. The average profit before taxes over the past two decades has been about 20 percent; today, it is down to 13.4 percent. You cannot substantiate a claim that high prices are the result of fat profits.

Secondly, the profit motive is what makes the wheels go round in the free enterprise system. Profit potential is what attracts capital and capital is what creates jobs.

And third, every single one of us is in partnership with every profit-making corporation. Government at all levels gets over half of all corporate profits in taxes. Let me say the unsayable: rising corporate profits are good for the average man and are needed more than ever by the poor.

If corporate profits were to rise next year to the level of the average of the past twenty years, as part of a full employment economy, the Federal Government tax receipts would increase by more than $8 billion.

Put it another way: if corporate profits now were as high relative to the average Gross National Product as they were in the Sixties, our Federal tax receipts would be $11 billion more. That's the kind of money that could go toward helping a great many people who could use the help.

That's why we don't want to freeze profits; we want to increase profits that generate jobs, profits that generate tax revenues, profits that help to raise the average American's standard of living.

Put the shoe on the other foot for a moment. It would be the height of folly to suggest an "excess savings tax" on the individual worker—not only would it penalize the thrifty, it would cause people to stop saving at all; why give your savings to the Government? In the same way, an excess profits tax penalizes the efficient company and would trigger senseless corporate spending. That would result in lower productivity at a time when only rising productivity can conquer inflation.

With respect to the job development tax credit, let us not forget that in 1965, when an investment tax credit was in effect, it was utilized by 350,000 corporations, which means mainly small businesses; not only that but it was also used by 1,700,000 individual taxpayers, three quarters of whom had incomes of less than $20,000 per annum. Of these, 700,000 were farmers buying tractors and other equipment to make their farms more productive. More productive farms mean a better life for the small farmer and a better deal for the consumer.

Therefore, in this period of a freeze on wages, prices and rents, and indeed in the stage that follows the freeze, let us work together in the public interest through a rational discussion and a spirit of cooperation.

As you all know, I am a believer in honest partisanship, and I have always been convinced that a free society gains strength through the spirited discussion of great issues. Disagreement is healthy in a democracy; rational debate serves our great national purposes.

The President's New Economic Policy was not handed down from Mount Olympus; it should be subject to the most searching analysis, and where it can be improved, it should and will be improved. We're open to ideas, because the only way the fight against inflation can succeed is if every group and every individual has a stake in its success.

Let us, then, agree to raise the exchange rate of our ideas. Let us set aside the kind of petty bickering that interferes with healthy debate, and put away the partisan jockeying for position that clouds the issues and saps the cooperative spirit so urgently needed today.

Let us discipline our discourse with a rising regard for the facts of the matter and with an ever greater sense of the need to put the national interest ahead of special interest or personal interest.

This is a time for seriousness, not a time for stereotyping. This is a time for new approaches, not a time for old slogans.

We all want the new prosperity, without inflation and without war. No party and no political leader has a monopoly on wisdom or an exclusive on the common goals of all Americans.

In that spirit, we can discuss our differences in approach to those goals fully and freely.

In that cooperative spirit, we can revitalize America's competitive spirit and prove ourselves worthy of the renewed faith and the surging confidence of a people who are ready to rise to the challenges of peace.

As hopeful as the President is for the new economic policy, he in no way feels that it is a substitute for the rest of his domestic program. In particular, it does not alleviate the need for Revenue Sharing and Welfare Reform. I stress these two programs, in view of the announced delay in their implementation. The delays in no way reflect any lesser degree of Presidential support; rather, they recognize the legislative and administrative realities that confront us.

We now plan to have revenue sharing start January 1, 1972, less than four months from this date, rather than October 1, 1971, the date originally proposed. The Bill has yet to pass either the House or the Senate, and the Senate Finance Committee has yet to hold hearings. We have our work cut out for us. However, with the continued united support of state and local government, it can be done.

Early this summer, HEW organized a task force which was instructed to find ways in which to implement welfare reform by the effective dates contained in HR–1 as it passed the House in March of this year. This group reported its findings prior to the President's recent economic message, and it stated that additional time would be needed in light of Congressional delays and the unprecedented nature of this administrative challenge. It is clear from this report that welfare reform legislation must pass this year so that we will be able to begin the administrative work that is required to put the President's historic workfare and welfare reform concepts into effect by the new deadlines.

From the point of view of Governors facing exploding welfare costs and from the point of view of aged and disabled adults and children in poor families, it is absolutely imperative that the enactment and implementation of both revenue sharing and welfare reform be as rapid as possible. This is exactly what the President wants. It is only possible with your continued help.

We do not have an easy task confronting us. The President has asked for your support and understanding of the initiatives he has made. On the other hand, it is equally important that he appreciate and understand your views and recommendations in these matters. Accordingly, he has asked that I invite your Executive Committee to meet with him this coming Thursday, September 16th, at the White House in order that you may fully participate in helping plan the phase of the system of wage and price stabilization that will follow the present phase.

It is my intention, as the President's liaison with the Governors, to assure that your views on this and other matters are continually brought to the attention of the appropriate policy-making officials in this Administration. I look forward to being with the Executive Committee in Washington this Thursday, and to working with them and with each of you in the development of programs which will be to the benefit of all Americans.

JUSTICE IN ULSTER (II)

(Mr. CAREY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CAREY of New York. Mr. Speaker, during the congressional recess I had the opportunity to visit Northern Ireland and observe the situation there.

As a result of my visit I am preparing a report which I will issue shortly. It will be my purpose to set forth a factual appraisal of the Northern Ireland problem in the hope that a careful consideration of the problem by men of good will may lead to a peaceful and timely solution without further violence.

It is indeed fortunate that the American media—audio, visual, and written—are, by and large, giving us grounds for a balanced perspective. It would indeed be welcome if there was not at the same time the accompanying casualty figures of men, women, and soldiers being killed and maimed while the solution is awaited.

As before, I enter in the RECORD two timely articles which are instructive and informative on the situation:

[From the Washington Post, Sept. 10, 1971]

ULSTER TALKS LIKELY; PARLIAMENT TO MEET

(By Alfred Friendly)

DUBLIN.—The first signs of a possible political break in the intense Northern Ireland crisis appeared today with news that tripartite talks among the British, Irish and Ulster prime ministers could be expected.

At the same time, the British government announced an emergency session of Parliament, now in recess, to debate the situation. The House of Commons will meet Sept. 22.

Today was a day of fast and significant developments, suggesting that all sides had concluded that the Ulster situation had reached such a desperate stage that major action had to be taken lest a threatened bloodbath materialize in the north.

Of the day's events, potentially the most promising was the revelation by a highly placed Irish source that the leaders of the governments concerned would probably soon begin conversations looking toward basic constitutional changes to give Ulster's Catholic minority a meaningful participation in the affairs of state.

British Prime Minister Edward Heath, according to a spokesman, made the offer of tripartite talks in his meeting in London on Monday and Tuesday with his Irish opposite number, Jack Lynch.

On Tuesday Lynch denied that any such proposal had been made. Heath's office insisted that it had been. On Wednesday Lynch said he would take London's word for it and think seriously about it. Today's disclosure suggests that the matter has gone even further and that the talks are on, although when they will take place is not yet known.

In other developments:

Joe Cahill, 51-year-old leader of the "provisional" branch of the illegal Irish Republican Army (IRA), was arrested at the Dublin airport this morning on his return from a futile attempt to promote his cause in the United States. But after being held in Bridewell Jail for about 12 hours he was released at 9 p.m.

His arrest was made under a section of Ireland's Offenses Against the State Act permitting 24-hour detention without charge. To keep Cahill longer, the government would have had to charge him with an indictable offense. Despite what may have been incitations to violence and killing in statements he made in Ulster and, possibly, in New York, it is probable that he broke no laws in Ireland—except for membership in the IRA itself. But that is a crime so extensive and popular here that it is ignored and, in any event, no Irish jury would convict anyone indicted for it.

Informed observers suggested, however, that the act of taking Cahill into custody was intended as an Irish gesture of goodwill, if only a tiny one, toward Northern Ireland. The more militant IRA faction that Cahill leads has been responsible for almost all of the IRA's part in the past year's series of shootings and explosions.

Although it has not been announced, it was learned that the members of the principal Catholic opposition party in the Ulster Parliament (Stormont) are coming here Friday to confer with Lynch.

The scheduled meeting suggests that the politicians, members of the Social Democratic and Labor Party, believe that serious discussions about a massive governmental and parliamentary reform in Ulster are likely. A detailed plan for such a stem-to-stern reform, proposed by British Labor Party leader Harold Wilson yesterday, was in effect endorsed by Lynch in a statement issued late tonight.

The Irish prime minister said, "Certainly Wilson's proposals accord with the view I have frequently stated that the time is right for a re-examination of the Stormont structures as a means of insuring that a permanent monopoly of power does not lie with one section only of the community."

Lynch also endorsed Wilson's call for a total ban on private possession of firearms in Northern Ireland and, by implication, the confiscation of more than 100,000 guns licensed there, largely in Protestant hands.

The Wilson proposal, calling for, among other things, a proportional representation system of voting, would greatly enlarge the power of the Catholic minority in Stormont.

The proposals would also subject that body's legislative proposals and enactments to ultimate decision by the Westminster Parliament, which is not guided—as Stormont has been for its 50-year history—primarily by sectarian considerations. These have resulted in perpetual and hitherto unbreakable Protestant supremacy in Northern Ireland.

The proposals did not, however, provide for what would be a coalition government of Protestants and Catholics or for a Catholic role in the cabinet. Although this has been a basic minority demand, the Wilson statement was hailed by almost all Catholic political elements in Ulster.

Ivan Cooper, a prominent Social Democratic and Labor Party opposition member of Stormont, called Wilson's statement the "most significant contribution made by a British politician since the Northern Ireland crisis began."

Wilson's plan will almost certainly be put forward at a special session of Britain's Parliament this month, but the very fact that it is offered by the opposition party may doom it in government eyes. In any event, it is most unlikely to win any support from Ulster's ruling Unionist Party, since its adoption would mean an almost revolutionary diminution of Unionist power.

Although hope for a beginning of a way out of the violent Ulster crisis can be seen in the prospective Heath-Lynch-Faulkner discussions, hope remains dim for talks in what would be a much more decisive forum.

This is a proposed set of roundtable discussions, to be chaired by British Home Secretary Reginald Maudling, with all major groups in Northern Ireland's public affairs, Catholic and Protestant.

BRITISH ARMORED CAR KILLS CHILD IN ULSTER

BELFAST.—A British Army armored car struck and killed a 3-year-old boy in a Londonderry traffic accident tonight, and a booby trap killed a British Army explosives expert.

The deaths raised to 42 the number of persons killed in Northern Ireland's summer of violence, and pushed to 102 the death toll since Britain sent troops to the troubled province in August, 1969, to quell rioting between the Protestant majority and Roman Catholic minority.

Crowds inflamed by the death of the boy surged through Londonderry's Bogside district, throwing up barricades of cars, planks and furniture to hamper British patrols battling snipers. Stones and gasoline bombs were thrown at the troops.

[From the New York Times, Sept. 10, 1971]

WILL ULSTER WAIT?

(By William V. Shannon)

WASHINGTON.—Contrary to the propaganda of the Irish Republican Army and the opinion of many Irish Americans, the British presence in Northern Ireland is now an anachronism rather than an exercise in imperialism. Ulster is actually a huge drain on the British treasury.

Preoccupied with the great question of persuading Parliament and the country to join Europe, Prime Minister Edward Heath undoubtedly regards the Irish problem as a most tiresome and irritating distraction. If all of Ireland, North and South, suddenly sank beneath the waves, Mr. Heath would probably be delighted.

The conflict in Ireland has worsened into a crisis as he has tried to ignore it. The failure of his talks with Mr. John Lynch, the Prime Minister of the Irish Republic, earlier this week shows that Mr. Heath is not yet ready to face the harsh truth about Ireland.

His reluctance is understandable. The Protestant ruling class in Ulster does not have the powerful influence inside the British Conservative party which it had fifty years ago when Britain last confronted the Irish question, but its English and Scottish sympathizers could still give any Conservative Prime Minister a lot of trouble. Mr. Heath does not want to divide his own party and jeopardize support he would otherwise get on the Common Market vote.

Yet the harsh truth remains that only a fundamental solution can resolve the present difficulties in Northern Ireland. Mild changes such as proportional representation, which Mr. Heath proposed to Mr. Lynch in their talks, are now irrelevant.

Such modest reforms presuppose that both communities in Northern Ireland are agreed upon the legitimacy of the state, but that is no longer true. The Catholic community has become alienated from the Protestant-controlled Parliament and Cabinet in Stormont. Any moderate Catholic politician who tried to work within the existing framework would be condemned as the Irish equivalent of an Uncle Tom. The internment without trial on Aug. 9 of more than 300 Irish Republican Army members but of none of the heavily armed Protestant militants served only to convince the Catholics that the British Government and British Army, instead of being neutral, have lined up on the Protestant side.

The London Sunday Times warned editorially last weekend that Mr. Heath has to "reckon with the possibility, to put it no higher, that confidence among Catholics is now irrecoverably lost. Internment may well have clinched the disillusionment bred of their long failure to secure either equality before the law or any share of executive power. If that has happened, then the state of Northern Ireland has no future except as a military tyranny."

No modern British Government could—or would want to—rule Northern Ireland by bayonets indefinitely. British public opinion would not permit it. To escape from this military dead-end street. The Sunday Times urges the British Government to begin now to explore with the Irish Republic the constitutional alternatives: "the various forms of federalism, gradual reunification, redrawn partition, a diminished Stormont and so on."

One possible arrangement that has been discussed in the British press is to make Ulster into an Anglo-Irish condominium. The flags of both Britain and the Irish Republic would fly there. The Irish Army would share peacekeeping duties with the British Army. The people would have dual citizenship, Irish as well as British.

Such a compromise would not satisfy either the I.R.A. or the Protestant militants. But it would move Ireland a long way down the road to eventual reunification. At the same time, the preservation of some British influence would reassure those Protestants who fear the Irish Republic as a clerically dominated Catholic state.

But Prime Minister Heath knows that a new constitutional settlement that would be acceptable to the Catholic community and to the Government in Dublin would have to be imposed by Britain. The men who control the old regime in Stormont are not going to volunteer to commit political suicide.

It is highly unlikely that Mr. Heath is ready to take the risks of large decisions before the Common Market issue is settled. When Parliament meets to discuss the Irish question, the Government can be expected to temporize and the members of Parliament will let off steam. But will the onrushing pace of events in Ulster wait for Mr. Heath to make up his mind and arrange his parliamentary timetable?

JERUSALEM, JERUSALEM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, while Congress was in recess I visited the State of Israel and the city of Jerusalem. During my stay in Israel I lived in a hotel located in East Jerusalem. Before the 6-day war in 1967 East Jerusalem was ruled by Jordan; it is now a part of the united city.

I should like to provide our colleagues with some of my observations concerning that city. Jerusalem has a resident population of 300,000, of which 70,000 are Arabs. One would suppose that as a result of the 6-day war East Jerusalem would be a hostile area, perhaps even dangerous, and surely so at night. The facts are otherwise. The barbed wire which formerly surrounded the inner old city has been removed and the ancient walls have been repaired. Even in the latest hours of the night, one can walk safely in the streets of the entire city of Jerusalem, including every nook and cranny of the four ancient quarters making up the old city.

Under the leadership of a man who must be one of the most dynamic mayors in the world, namely Teddy Kollek, housing in Jerusalem is being built for Jews and Arabs, now all Israeli citizens. These buildings are built of Jerusalem stone, in keeping with the city regulation requiring the use of this stone in all construction, and are magnificent to see rising above the Judean hills.

Let me dwell for a moment on what the situation was when the old city and East Jerusalem were under Jordanian rule. The Jordanians demolished the Jewish quarter and all of its ancient synagogues. They are now being rebuilt and Jews are once again living in that quarter from which the Jordanians banished them.

The Western Wall, a remnant of the second temple, is a magnificent sight. Jews from every country come to pray before that ancient edifice. Being there is a very moving experience, especially when one sees a child of 7 or a bearded septuagenarian approach the wall and with religious fervor kiss the very stones.

Under Jordanian rule, Jews were not permitted to enter the old city and pray at the Western Wall. Today in united Jerusalem not only are the Jews exercising full religious freedom—but Arabs, Christians, and Moslems alike have their religious freedoms equally protected. It will, I am sure, surprise our colleagues to know that this year alone more than 100,000 Arabs came into Jersualem from the very countries bent on Israel's destruction, namely Egypt, Saudi Arabia, Jordan, Syria, and Lebanon. The city welcomed them and many freely visited and prayed at the El-Aksa Mosque and the Dome of the Rock. Both of these mosques which I visited are under the jurisdiction of the Supreme Moslem Council recognized by Israel.

In the old city, the Church of the Holy Sepulcher, which I also visited, was filled with Christians and other visitors; again the Israeli Government has given jurisdiction over the Christian holy places and religious institutions to the various Christian communities.

Contrast this with Jordanian rule. Jerusalem is a city built on the Judean hills, and as I looked to the east over the walls of the old city toward the Mount of Olives, I saw the ancient Jewish cemetery which for two millenia has been sacred to Jews throughout the world. But that cemetery while under Jordanian rule was violated with many of its ancient tombstones being taken by the Jordanians to build a road through the cemetery. Israel with loving care is restoring that cemetery and wherever possible the ancient tombstones used as roadstones are being placed again above the graves despoiled by the Jordanians.

Mr. Speaker, from all newspaper reports it is clear that drive is being undertaken by the Arab states and their supporters to end the unification of Jerusalem. These efforts are being made even though all religions have benefited from Jerusalem's unification. In this regard, I would like to share with you the conversation I had with Sister Aline—a Catholic nun of French citizenship who has devoted her life to the people of Palestine and now Israel and in particular to the Arabs residing in Jerusalem. She said that the Christian churches in the old city did not suffer damage during the 6-day war because, "Israel lost a lot of soldiers just to respect and protect the holy places." She was alluding to the care taken by the Israeli Army in liberating the old city to avoid damaging the holy places. Their strategy was not confined to only military considerations; lives were risked—and lost—so that the holy places would not be damaged. She said to me, and I will always remember her comment:

> All of the holy places together are not worth the life of one man.

And she was sorry, and I quote her again:

> It is regrettable that there has been no expression by the Vatican to Israel for its actions in saving the holy places.

She told me that she and the Sisters of Zion who had lived in the old city from 1948 to 1967 when it was liberated by the Israeli Army organized student classes in September of 1967 where there could be a place for Arabs to learn Hebrew and Jews to learn Arabic. In her first class in September of 1967 there were only 36 students, but 3 months later there were 350. And now in the current class there are more than 400 adult students, with 315 Arabs learning Hebrew and 150 Israeli learning Arabic. She said:

> Personal contact is taking place because the city has been reunited.

Mr. Speaker, in 1948 when Jordan seized the old city and East Jerusalem, the Israelis were cut off from Hadassah Hospital and Hebrew University located on Mount Scopus.

The armistice which Jordan and Israel signed provided that both facilities would be available for use by the Israelis, but instead they were denied that use and the buildings were left vacant for 20 years. Now that the city has been reunited both Hadassah Hospital and Hebrew University, which had built new buildings in West Jerusalem, are refurbishing their buildings on Mount Scopus. When I visited the Hadassah Hospital in its new location in West Jerusalem there were Jews and Arabs in the clinic being treated without distinction. When I spoke with a young Arab who lives in East Jerusalem and who is employed by the city of Jerusalem as a probation officer, he told me how his own brother-in-law who was visiting Jerusalem from Kuwait and needed medical treatment had told him that he wanted to be treated at Hadassah Hospital in West Jerusalem.

Mr. Speaker, I would hope that our colleagues and the President of the United States will speak out against any attempts to end the unification of the city of Jerusalem. To return any part of that city to Jordan would be such an outrageous act in view of Jordan's past actions while it had control of parts of that city that I suspect few if any voices will be raised in support of that proposal. Those who would seek to place the city of Jerusalem under international control would be taking an equally immoral action. For they would be dividing a city now united. International control surely could not do more for the city than the Government of Israel has already done and will continue to do. The eternal city of Jerusalem is the capitol and chief pride and joy of the people of Israel. They will not tolerate turning that city into an international zone to become a hotbed of espionage and intrigue and a source of strife and war.

It stands to reason that a city which is so central in the thoughts and aspirations of a people as Jerusalem is to the Jews is best left to their tender loving care. We know they will protect it for all mankind.

GARY, IND., OUR STATE, AND THE NATION ARE PROUD OF THE JACKSON FIVE

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, the "Jackson Five"—five youthful children of Joseph and Katherine Jackson of Gary, Ind., are now the top headliners of the Nation in the field of musical entertainment. They are brothers, and taken together they add up to the Jackson Five, a group that in hardly more than a year has become the biggest thing to hit pop capitalism since the advent of the Beatles. They had four hit singles in 1970, two more already this year, four albums, with all 10 releases selling in the millions, and one, "I'll Be There," already well over 4 million. Teenage girls besiege their home for autographs and sometimes faint when they sing. They have their own magazine, a quarterly in which fans can revel in a whole issue devoted entirely to the Jackson Five and read things like "Michael's Love Letter to You." Stores now bulge with Jackson Five decals, stickers, and sweaters. A Jackson Five hair spray and a Jackson Five watch are planned, as well as a television cartoon about their lives. Despite this commercial hoopla, the group manages to be one of the best soul bands in the country. It is also part of the most likable and natural family ever to survive the pressures of teen-age stardom.

They all live together in a massive 12-room stucco-modern house on a large lot guarded by an electric gate out in Los Angeles' sprawling San Fernando Valley.

Mr. Speaker, I take this opportunity to congratulate the Jackson Five, an entertainment family from Gary, Ind., who should serve as an example for the youth of the inner city, indeed all youth, throughout the country.

The Jackson Five were raised in Gary. Through hard work and perseverance, with the loving example and dedication of their parents, Joe and Katherine Jackson, these young men have leaped to the top of the entertainment world. Now they are the stars of "The Jackson Five Show," TV's first animated series starring black youth, which premiered Saturday, September 11, on ABC–TV, and on Sunday, September 19, will star in their first television special, "Goin' Back to Indiana," on ABC–TV.

The Jackson Five have often been lauded for the kinetic energy and showmanship that have catapulted them to the forefront of the world's contemporary music groups. They should be equally lauded for the example they set for the youth of the Nation. Having reached the top, they have not lost any of their strong, loving family ties, nor their appreciation of the value of education. At the very peak of their success, they still maintain a heavy schedule that puts schooling first, and practices and performances second. Success never comes easy. Nor is it instant. Success means sacrifice—in the case of the Jackson Five, willing family sacrifice by their father, Joe, a steelworker who supplemented the family income as a guitarist and singer, and their mother, Katherine, who encouraged the natural talents of the family, and budgeted to provide the expensive and needed musical instruments that were vital to their success.

That is behind the Jackson Five now, Hard work, perseverance, dedication and family devotion have reaped incredible rewards—rewards that could not have come to a nicer, more talented or exemplary group. I congratulate them on their success and the upcoming special, "Goin' Back to Indiana." Gary is proud of the Jackson Five. In our minds and hearts, they have never left Indiana.

A MEDAL FOR LOUIS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on Tuesday, July 6, 1971, Louis "Satchmo" Armstrong, credited as the man who was the most active contributor to the development of jazz as a unique form of American music, succumbed to a heart attack in his sleep. The melodic sound of his golden horn and the harsh rasp of his voice will always live on in our memories. He left all of us a rich legacy of recordings and we as a nation must also be grateful to "Satchmo" for the good will which he generated for our country by his tours of Europe, Africa, and South America.

To provide a modest and inadequate tribute to this illustrious and admirable American I am filing a bill to provide that a gold medal be presented to his widow.

I also append to my remarks the following editorial from the July 7, 1971 edition of the Waterbury American:

GOODBYE "SATCHMO"

The death of Louis "Satchmo" Armstrong at 71 removes one of the most colorful and unique personalities from the world music scene. His passing leaves a void in the world of jazz which can never be filled.

The gravel-voiced, eye-rolling, trumpet-tooting music maker sang and blew his way into the hearts of his fellow Americans, and indeed, into the hearts of the world which found his talent, good humor and down-to-earth common sense irresistible.

Born in Louisiana in the first year of this century, Satchmo at 13 began his life-long love affair with the trumpet and jazz. From early beginnings of one-night stands in tank towns, Armstrong went on to jazz concerts in the world's great capitals, and to international fame through his recordings, movie appearances, and guest spots on television talk shows.

The ready acclaim offered to Armstrong by jazz-lovers around the world probably contributed to his legendary good humor and his lack of bitterness at the early privations suffered because he was black. Never a racial activist, when asked to what he attributed racial unrest around the country, he retorted "Bad booze." In Satchmo's philosophy "Cats are the same everywhere . . . They all talk the same language. They all dig me and my horn."

Those who do—any they are legion—will miss you, Satchmo.

ADDRESS BY THE HONORABLE GERALD R. FORD TO THE NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO

Mr. CONABLE. Mr. Speaker, I ask unanimous consent to insert at this point in the Record the text of a speech delivered yesterday to the National Governors' Conference in Puerto Rico by our distinguished minority leader the gentleman from Michigan (Mr. Gerald R. Ford). Mr. Ford's topic was "New Directions in Health and Welfare."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The address is as follows:

ADDRESS BY REP. GERALD R. FORD, R-MICH. TO THE NATIONAL GOVERNORS' CONFERENCE, SAN JUAN, PUERTO RICO

SEPTEMBER 13, 1971.

Distinguished Governors and guests:

First let me express my gratitude to your chairman, Governor Hearnes, and to our host, Governor Ferré, for inviting me to be with you this morning and for the warm hospitality I have received. I think there is something extra significant about this Conference, being chaired by the Governor of the "Show Me" State and held in this beautiful Commonwealth which has, indeed, shown all of us what government close to the people can do, with some help from Washington, to be sure, but also with enough freedom to tackle its own problems in its own way. This is the genius of our Federal system and it is the element which the Nixon administration seeks to restore and reinforce in its major reforms.

It is a pleasure to share the platform with my good friend from Louisiana, Senator Long. As chairman of the Senate Finance Committee he enjoys a well-earned reputation on Capitol Hill for his expertise on the legislation we are to discuss this morning, and together with Chairman Wilbur Mills of the House Ways and Means Committee holds one of the keys to its fate in this Congress. I am as anxious as you are to hear Senator Long's prognosis on the welfare reform bill we have sent to the Senate and on the various health insurance bills pending in his committee, both the Administration package and the Kennedy plan.

"New Directions in Health and Welfare" is rather a big order for a few minutes' summary, but we can all start from the premise that something new and different is desperately needed in both these departments of domestic concern. The mere pumping of more and more tax dollars into welfare and health and the erecting of an ever-expanding Federal bureaucracy has not solved either problem; it has complicated them. Clearly, it is time to take a new tack.

Let me begin with welfare reform. I don't need to waste time telling you governors the dimensions of the welfare dilemma which has divided Americans into three economic groups—the haves, the have nots, and the have some of yours.

Nothing this administration has proposed in the domestic field has stirred more controversy than welfare reform and the family assistance provisions that are at the heart of it. Nor does this controversy break neatly along conventional party lines—I sometimes think that a program can't be all bad when the far right assails it as too much and the far left attacks it as too little.

Evidently the House of Representatives agreed when on June 22 we passed the bill H.R. 1 by a vote of 288 to 132. This bill is a combination of welfare reform and social security amendments, and its welfare reform titles are in my judgment a considerable improvement over those the House passed in the previous Congress, which died in the Senate. President Nixon hailed H.R. 1 as a classic example of cooperation and compromise between the Executive and Legislative branches. Senator Long can tell us what lies in store for it in the Senate, but of one thing I'm certain—the President certainly has not lost interest in welfare reform.

During his August 15 address to the nation announcing the wage-price freeze and other emergency economic measures, President Nixon said he would ask the Congress to postpone the effective dates of his welfare and revenue sharing proposals. Many listeners mistakenly concluded he was putting these reforms on the back burner, so to speak, for the duration of the economic crisis. But the fact is the President was merely recognizing legislative realities. Were the Congress to quickly approve his general revenue sharing plan as now written, it would have started on October 1, 1971. Obviously this is impossible, he now asks that the date be deferred to January 1, 1972. Most of the welfare reform provisions of H.R. 1 as it passed the House would take effect next July 1, and the President now suggests this be postponed to July 1, 1973.

Coming before the joint session of Congress when we reconvened last week after a long recess, President Nixon reaffirmed his hope that prompt and affirmative action will be taken *in this session*—he stressed those words and repeated them three times—on executive reorganization, revenue sharing and welfare reform. I hope the Congress will respond, and you gentlemen can help by continuing to urge the Representatives and Senators in your State delegations to support these measures which offer the only visible hope of relief for hard-pressed State and local governments and particularly the overburdened payers of property taxes.

I noticed in a New York newspaper a survey showing that so far in 1971 at least 19 States have made sharp reductions in their welfare programs, and almost all are considering changes.

This struck me as clear proof that welfare reform can no longer wait; it is not merely an idea whose time has come but one whose time is long over-due, and if the Federal government dawdles, the States will act individually. But then we will still have 50 different welfare programs as we do now. We will still have a monumental political headache that will haunt all elective officeholders—Democrats and Republicans—in 1972 and beyond.

I say the present welfare system is beyond repair and must be replaced. We must have a system that helps those in need to the extent they can and will help themselves, which fosters independence rather than dependence and family responsibility rather than irresponsibility, that in the long run tends to make taxpayers out of taxeaters. There is really no choice between H.R. 1 and a variety of acceptable alternatives; for practical purposes there is only the choice between doing nothing and doing something. The House has twice done something and the rest is now up to the United States Senate.

In discussing the legislative picture with respect to new directions in health care for Americans, I am afraid we cannot escape politics this year or next. It is a highly emotional as well as a highly technical issue that touches the life-and-death concerns of every citizen. As we have learned from Medicare and Medicaid, there are definite limits to what can be done by legislation or by appropriation.

Still, health is high on the agenda in every State and there are literally dozens of bills before Congress dealing in one way or another with new forms of national health insurance. Fundamentally they fall into two patterns, those which would have the Federal government take over virtually all responsibility for the provision of health services and paying for them, and those which would build upon the best of the present system of private insurance with expanded coverage and benefits financed through Federal subsidies.

Time prevents even a brief description of all the health plans so I will concentrate on the Administration's. It differs from all the others in that it is a comprehensive, long-range package addressed to the total problem.

So far, only one of the three component bills in the President's health program which was sent to Congress last February 18 has passed the House. This was the least controversial one dealing with medical education and manpower, and was in effect an extension and intensification of existing law to stimulate the training of more doctors, dentists, nurses and other medical personnel. I would anticipate its approval in this session but the other parts of the package—the National Health Insurance Partnership and the Health Maintenance Organizations proposals face a longer and rougher road and probably will not be resolved before 1972.

Before describing these proposals further, I would like to mention briefly two of the other leading proposals. One is the Health Security Act—known as the Kennedy bill. The other is Medicredit—the plan endorsed by the American Medical Association.

The Health Security Act would cover the health costs of all persons, poor and rich. It would be financed by social security and Federal revenues. The costs of the program are staggering—increasing the Federal taxes for health for the average household threefold.

Regardless of cost, we do not need a nationalized system. Private health insurance is providing some benefits to 4 out of 5 Americans. Those gaps that remain in coverage can be filled by limited expansion of Federal programs and by mandating the extension of private coverage. The private health insurance industry has made impressive gains during the last 20 years. Let's not destroy the industry which has experience and expertise.

You Governors well know that the needs and interests of Delaware are not identical with those of California; the problems of Michigan are different from those of Arkansas. Pluralism and diversity are characteristic of the Nation. Senator Kennedy's Health Security Act works in an opposite direction. As President Nixon stated in his Health Message to the Congress, ". . . The only way that utilization could be effectively regulated and costs effectively restrained . . . would be if the Federal Government made a forceful, tenacious effort to do so. This would mean—as proponents of a nationalized insurance program have admitted—that Federal personnel would inevitably be approving the budgets of local hospitals, setting fee schedules for local doctors, and taking other steps which could easily lead to the complete Federal domination of all of American medicine."

In contrast to the Health Security Act, which goes too far in changing our present health care system, Medicredit does not do enough. It would provide tax credits against individual income taxes to offset the premium cost of qualified private health insurance policies. The Federal Government would provide vouchers to enable poor and near-poor persons to purchase insurance.

Beside the higher cost of Medicredit in relation to the Administration's proposal, there are several weaknesses in the program. It is solely a financing mechanism for medical care. Thus, it would pump money into health care without reforming the organization and delivery of services. Our experience with Medicare has shown that increasing the demand for services while not improving the efficiency and economy of delivery only leads to higher and higher health costs.

In addition, this proposal would encourage the growth of individual insurance policies. This is the most expensive and inefficient type of private health insurance with the highest administrative costs and retentions. Both from the point of view of risk-sharing and of compatibility with the current system, our incentives should be aimed at expanding group health insurance.

There are also difficulties with using the income tax as a basis for equitably determining a subsidy, since salaried income and other forms of income are treated differently under certain tax provisions.

I believe that President Nixon's proposed National Health Insurance Partnership Act is a better health insurance plan than either of these proposals. Unlike Medicredit, it would make necessary changes in the delivery system, would increase manpower and facilities, and would redistribute medical resources. Unlike the Health Security Act, it would maintain the best features of our present system.

Two key provisions of this Partnership Act are the National Health Insurance Standards and the Family Health Insurance Plan. Together these programs will best meet the health insurance needs of the American people.

Under the National Health Insurance Standards Act, almost all employers would be required to provide a basic health insurance policy for all of their employees and their dependents. Special group plans developed by insurance carriers would be offered to small employers. For those persons who are self-employed or who are not covered by an employer plan, group plans would be developed through private insurance pools. Both hospital inpatient and outpatient care are included among the required benefits. Physicians' services both in and outside of the hospital laboratory and X-ray services, maternity care, family planning, vision care for children and preventive care would also be covered.

Benefits under the plan would be financed through premiums paid by employers and their employees. For the first 2½ years, the employee would have to pay up to 35 percent of the premium. After this, he would be required to pay no more than 25 percent of the total.

One of the most attractive features of the bill is its protection against the cost of catastrophic illness. All of us know tragic stories of families who have been forced into poverty because of the medical expenses of a long illness. To help prevent such financial disaster, the insurance plans would be required to include catastrophic illness protection of at least $50,000.

The President's plan recognizes that not all families would be eligible for coverage under the National Health Insurance Standards Act—where, for example, the head of a family is unemployed or intermittently employed. Such families—estimated to be about 3 million in number—would be eligible for protection under the Family Health Insurance Plan.

Benefits under this program generally would include hospital care, emergency care, physicans' services, maternity care, family planning and preventive services. It would be financed from Federal revenues and premiums from the families which are scaled to income. Families with incomes under $3,000 would not pay for permiums, deductibles, or coinsurance.

This plan would cost less in Federal funds than Medicredit or the National Health Insurance Standards Act. The Family Health Insurance Plan will cost the Federal Government about $1.2 billion over the projected Medicaid expenditures for families with dependent children.

Since my time is running out, I will mention only one of the President's proposals for reforming the health care system. We are all aware of the advantages of health maintenance organizations. These organized systems of health care provide comprehensive services to their enrolled members for a fixed prepaid fee. Studies have shown that enrollees in these organizations receive excellent care at lower cost than patients going to doctors using the traditional fee-for-service method of payment. In addition, the patient does not have to travel through a maze of separate services and practitioners; he can receive all of his needed services through one organization.

To support HMO's (as they are called), President Nixon has asked for planning grants to help establish new health maintenance organization grants to help with initial operating expenses for HMO's in medically underserved areas. The President has also proposed a program of Federal loan guarantees to enable private loans during the first year of the program. Finally, the President has recommended an HMO option to be included in Medicare, the Family Health Insurance Plan, and in health insurance plans covered by the National Health Insurance Standards Act.

In summary, New Directions are definitely needed in Health and Welfare, and President

Nixon has charted new courses in both areas. His proposals will be modified and I hope improved by the Congress, as is proper, but the main message I want to leave with you is to urge Congress to act. True, we have a Republican administration and a Democratic controlled Congress, just as some of you have legislatures dominated by the other party. But there is no excuse in this situation for paralysis of the political process; there will be little comfort for any of us in next year's election if we have failed to come to grips with the most pressing problems of our people.

PETITION TO BAN LEAD-BASED PAINT FILED WITH FOOD AND DRUG ADMINISTRATION

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on August 9, I joined with five child health experts in filing a petition with the Food and Drug Administration requesting it to ban lead-based paints from all household uses. The legislative authority for this action is the Federal Hazardous Substances Act.

Joining in this petition were Joseph A. Page, associate professor, Georgetown University Law Center; Jack Newfield, author and assistant editor, the Village Voice; Edmund O. Rothschild, M.D. and assistant attending physician, the Memorial Hospital for Cancer and Allied Diseases; Anthony L. Young, student, Georgetown University Law Center; and Mary Win O'Brien, student, Georgetown University Law Center.

Under existing law, lead-based paint may be used for household uses. The only regulation now in effect is the self-imposed regulation of the paint industry. Obviously that is inadequate, since recent studies conducted by the New York City Bureau of Lead Poisoning Control found excessive quantities of lead in supposedly safe products. The petition filed with the Food and Drug Administration would ban such paints.

Our action is necessary because of the devastating toll of childhood lead poisoning. The Department of Health, Education, and Welfare has reported that annually 16,000 children require medical treatment for a disease which results from small children picking up and eating lead-tainted paint and plaster chips which fall from the walls and ceilings of their dilapidated homes. Another 3,200 children suffer moderate to severe brain damage. And another 800 are permanently institutionalized, their brain tissues destroyed. Another 200 children die annually.

Yet, given the extent of this disease, and the fact that it is preventable, the administration has just tried to ignore it.

Despite the administration's antipathy, the Congress has finally appropriated $7.5 million to fight the disease. But that is less than one-third of the amount that could have been appropriated. Meanwhile, the Secretary of HEW, who is supposed to issue regulations banning lead-based paint of more than 1 percent level lead from Federal and federally-assisted housing, still has not done so. HUD is incorporating the 1 percent standard in its rehabilitation codes for housing.

It is clear that that is not good enough. One percent lead is itself dangerous, and in light of recent New York City findings, it is clear that industry self-regulation is inadequate. Thus, we have turned to the Federal Hazardous Substances Act. If our petition receives affirmative response—and if it does not we intend to go to court—we will be able to ban 1 percent lead level from the household.

As the petition states:

> The generation that is suffering from lead based paint poisoning today is eating the walls of the Thirties and the Forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the Eighties and the Nineties will have no opportunity to read the warning labels of the Seventies.

Following is the petition we have filed with the Food and Drug Administration:

BEFORE THE U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—FOOD AND DRUG ADMINISTRATION

PETITIONERS

To: Charles C. Edwards, M.D., Commissioner of Food and Drugs.

Joseph A. Page, Associate Professor, Georgetown University Law Center.

Anthony L. Young, student, Georgetown University Law Center.

Mary Win O'Brien, student, Georgetown University Law Center.

(Participants in the Lawyering in the Public Interest Seminar.)

William F. Ryan, Member of Congress.

Jack Newfield, author; Assistant Editor, *The Village Voice*.

Edmund O. Rothschild, M.D., Assistant Attending Physician, The Memorial Hospital for Cancer and Allied Diseases; Associate, Sloan-Kettering Institute for Cancer Research; Assistant Professor, Department of Medicine, Cornell University Medical College; member, Board of Directors, New York Health & Hospitals Corporation of the City of New York; member, Board of Directors, New York Scientists Committee for Public Information.

AUGUST 9, 1971.

COMMISSIONER OF FOOD AND DRUGS,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: The undersigned, Joseph A. Page, Anthony L. Young, Mary Win O'Brien, William F. Ryan, Jack Newfield, and Edmund O. Rothschild, M.D., submit this petition pursuant to Section 701(e)(1)(B) of the Federal Food, Drug and Cosmetic Act with respect to the issuance of a regulation under Section 2(q)(1)(B) and 3(a)(2) of the Federal Hazardous Substances Act.

Attached hereto, in quintuplicate and constituting a part of the petition, are the following:

(A) Proposed regulation.

(B) Statement of grounds upon which petitioners rely for the issuance of the regulation.

(C) Appended position paper.

Very truly yours,
JOSEPH A. PAGE,
ANTHONY L. YOUNG,
MARY WIN O'BRIEN,
WILLIAM F. RYAN,
JACK NEWFIELD,
EDMUND O. ROTHSCHILD, M.D.
Georgetown University Law Center, Washington, D.C.

A. PROPOSED REGULATION

§ 191.9(a):

(a) * * *

(5) Paint containing lead, except for minute traces which no reasonable manufacturer could preclude from his product, as measured by the atomic absorbence method, intended for interior or exterior use, and packaged in a form suitable for use in the household as defined by § 191.1(c).

B. STATEMENT OF THE GROUNDS UPON WHICH PETITIONERS RELY FOR THE ISSUANCE OF THE REGULATION

Human experience has established that numerous infants and young children have pica (habitual eating of nonfood substances). Human experience has also established that ingestion by children of flakes from lead based paint causes lead poisoning, the consequences of which include death, encephalopathy, neuromuscular effects, interference with the development of red blood cells, and an abnormal syndrome characterized by colic, anorexia and malaise. DHEW, PHS, Bureau of Community Environmental Management, *Control of Lead Poisoning In Children,* Pre-Publication Draft, at I–1, (December, 1970).

It is widely known that the adult system absorbs the daily intake of lead at the rate of 10%. Chisolm, J. Julian, *Scientific American* (February, 1971). Thus, assuming the rate of absorption to be the same in children, a child with pica ingesting one gram of lead based paint (one percent lead by ANSI standard Z66.1) daily will intake 10,000 micrograms of lead of which 1,000 micrograms will be absorbed. In addition to direct ingestion by eating flaking paint, a child will be exposed to from 14 to 269 micrograms of lead from other environmental sources. Engel, Ronald E., *Health Hazards of Environmental Lead,* at Table 2, (April, 1971) appended hereto.

It is known that blood levels of above 40 micrograms per 100 milliliters of blood represent undue exposure to and absorption of lead. *Hearings on H.R. 17260, H.R. 13254, H.R. 14734, Before the Subcomm. on Housing of the House Comm. on Banking and Currency.* 91st Cong. 2d Sess. 10 (1970). At levels of 80 micrograms per 100 milliliters a child should be treated as a medical emergency. *Id.* While Engle in his appended paper has extrapolated the effect of lead fallout in children with pica, at A–9, the same must be done with one percent lead paint to theorize the result in children who ingest paint flakes.

In his study, Dr. Kehoe, found that an adult man fed 3,000 micrograms of lead daily, in addition to the usual amount in his diet, achieved a blood lead level after four months of 50 micrograms lead per 100 grams whole blood. It was estimated that he would have achieved a "toxic" level of 80 micrograms lead per 100 grams whole blood if feeding had continued for four additional months. Kehoe, R. A., 24 *Jour. Roy. Inst. Pub. Hlth. Hyg.* 81–97, 101, 129–143, 177–203, (1961). As Engle has assumed, this would be 43 micrograms per kilogram body weight in a 70 kilogram man. If a child with pica weighing 10 kilograms ingested lead to the same degree of Kehoe's subject, as Engle has suggested, then a proper assumption would be that a daily supplement of 430 micrograms lead would produce toxicity within eight months. A child ingesting a one gram chip of one percent lead based paint would have a daily intake of almost 24 times the amount of Kehoe's subject. Obviously, intake at this rate would produce an undue medical emergency much more quickly than Kehoe foresaw for his subject.

Medical experiments cannot be performed on young children and infants to determine whether their absorption rate for lead is greater than that of adults. The child with pica must be protected from lead in his environment. The only adequate way to protect him is to eliminate the lead hazards that confront him. It is within the existing state of the art for the paint industry to eliminate lead (except for minute traces) from paint. *Hearings on H.R. 17260, supra* at 246. Americans have been lulled into a feeling of security with regard to today's paints. *See* EPA, *Environmental Lead and Public Health*, at 25, (March, 1971). Many believe that lead in paint has been banned. Yet the City of New York has found paints for interior use with up to 10.8% lead levels on shelves of merchants within the last month. The New York Times, July 24, 1971, at 1, Aug. 4, 1971, at 18. This, despite industry's ANSI standard Z66.1 and a law banning the sale of paint for interior use with more than a one percent lead content without an adequate warning label.

Warning labels are, however, absolutely inadequate to prevent injury to children from lead based paints. In today's mobile society a family has no idea what their landlord or predecessor occupant has used to coat the walls of their living quarters. The generation that is suffering from lead based paint poisoning today is eating the walls of the Thirties and the Forties. The generation that this proposed regulation seeks to protect is yet unborn. Their parents are unborn. It would be impossible to substantiate that warning labels would have any significant impact on the future children of America. Moreover, there is no evidence that existing warning labels are efficacious for their intended purpose. The parents of the Eighties and the Nineties will have no opportunity to read the warning labels of the Seventies.

It is not necessary to weigh the advantages of lead based paint against the health and welfare of this Nation's children and Her future children. The paint industry can produce paint without lead (except for minute traces) as measured by the atomic absorbence method. Petitioners therefore urge the Commissioner of Food and Drugs to proceed with all due speed to publish this proposal in the Federal Register in order that all interested persons may present their views thereon.

A TRIBUTE TO COMMODORE JOHN BARRY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Commodore John Barry is rightfully known as the Father of the American Navy. The title is not fanciful, but eminently proper, bestowed by his contemporaries and appearing in print as early as 1813 in the columns of the Philadelphia Port Folio, then the foremost magazine in the country.

Born in Wexford County, Ireland, in 1745—or thereabouts—John Barry went to sea early in life and established a residence in the Colonies, at Philadelphia. Gifted with a spirit of enterprise and ability as a seaman, he rapidly attained a place of importance in the ranks of naval commerce. By the time the American Revolution began, he was Captain of the *Black Prince* with vast knowledge of the Atlantic Ocean and the Caribbean Sea.

When the *Black Prince* arrived in Philadelphia from England in mid-October, 1775, the Second Continental Congress was in session, and the Colonies were confronted with a situation of the utmost gravity. The opening gun of the Revolution already had been fired and Washington had been appointed commander in chief of the American forces. Many wealthy colonists were town by conscience and economic ties, and unable to make up their minds as to which side they owed their true allegiance. Not so in the case of Captain Barry, who had no hesitation as to where his duty lay. It so happened that on October 13, the day of his return, Congress had determined to intercept two British transports en route to Quebec, laden down with arms and ammunition. Two vessels—the *Lexington* and the *Reprisal*—were purchased for the task and Barry was commissioned captain of the *Lexington*. Thus John Barry, Irish born, became the senior captain of our infant navy. Under his command, moreover, the *Lexington* was the first vessel in the American Navy to acquire fame, which was achieved on her maiden voyage.

Although the *Lexington* did not, in fact, accomplish the purpose for which she was intended, the responsibility for that was in the hands of Congress, which did not move fast enough in the matter of creating the Navy. The *Lexington* was not ready for service, actually, until the spring of 1776, when she was dispatched to the Delaware Bay, to contest the presence there of British ships in great profusion. Among them was the sloop *Edward*, which the *Lexington* engaged in a severe encounter of an hour and 20 minutes, resulting in defeat and capture of the *Edward*, which, following surrender, was towed to Philadelphia.

The *Edward* was a ship of a special kind—a warcraft of great utility and effectiveness, particularly dangerous when manned with select personnel, as it was in this engagement. The humiliation of the British was therefore intense, for they despised the American adversary in the early battles of the war, expecting him to cut and run at every opportunity. The striking of the Union Jack at American demand was virtually beyond British comprehension at this stage, and for that reason, perhaps, the battle with the *Lexington* was prolonged to the point where the *Edward* almost was shot to pieces.

By a resolution passed by Congress on October 10, 1776, John Barry was placed seventh on the list of captains, and soon after was given command of the *Effingham*, which had 32 guns. But the war took a turn for the worse, the British occupied Philadelphia in 1777, and the British Navy jammed the Pennsylvania coast. As a result, the *Effingham* never took to sea.

This, however, did not condemn the enterprising commander to idleness, for in the same year a small flotilla acting under his command performed a handsome effort in the lower Delaware. With four small boats, he succeeded in cutting out an armed British schooner without the loss of a man, at the same time capturing a number of transports and a large quantity of supplies destined for the British Army. For this, Captain Barry received the personal congratulations of Washington on his "gallantry and address."

With disaster confronting the Colonial armies following the abandonment of New Jersey by Washington's main force, Captain Barry volunteered his services in a military capacity and served with distinction for a time in the vicinity of Philadelphia. Obtaining command of a company of volunteers and several cannon, he was prominently engaged in the battles of Princeton and Trenton, where his dashing bravery and cool judgment won the admiration of everyone concerned. Moreover, the battles themselves altered the course of the war. Following a season of unrelieved disaster, General Washington was able, in a period of 10 days, to save Philadelphia, redeem all of New Jersey except the posts of Brunswick and Amboy, and drive the British on the defensive, to the great benefit of American morale. That Captain Barry's part was no minor one in the Trenton-Princeton campaign is evidenced by the tributes he received from Washington himself.

In 1778, against the protests of Captain Barry, his vessel, the *Effingham*, was ordered burned by his superiors, to avoid capture by the enemy. Barry then obtained command of the *Raleigh*, 32 guns, and in her fought a gallant and obstinate battle against superior numbers, finally being obliged to beach his ship, but saving most of the crew from capture. In 1781, in command of the *Alliance*, 32 guns, having taken many valuable prizes, he attacked and captured the British vessels *Atalanta* and *Trepassy*, being severely wounded in the action. Later the same year he carried to France the Marquis de Lafayette, and the Count de Noailles, and in 1782, while continuing his series of captures of enemy ships, he fought, in the *Alliance*, his last important battle, which he was obliged to break off on the appearance of powerful enemy reinforcements.

At the close of the war, Captain Barry was acclaimed a hero of the finest kind, which sentiment was reexpressed upon the occasion of his demise in September 1803. Congress was not in session when the father of the American Navy passed away, but Dr. Benjamin Rush, one of the signers of the Declaration of Independence, brought to the attention of President Jefferson the propriety of issuing an official expression of sorrow, in the form of a communication to Mrs. Barry. The New York Evening Post, the editorial voice of Alexander Hamilton, carried a poetic tribute, declaring:

> "Beneath his guidance, lo! a navy springs,
> An infant navy spreads its canvas wings,
> A rising nation's weal to shield, to save,
> And guard her commerce on the dangerous wave."

In all respects, Commodore John Barry reflected glory on the land from which he came and on the United States, his adpoted land. It is fitting that the anniversary of his death, September 13, yesterday, be observed.

FLORIDA KEYS WILDERNESS PROPOSAL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation which will bring three National Wildlife Refuge

Areas in the Florida Keys under the National Wilderness Preservation System, authorized by the Wilderness Act of 1964. The 1964 act directed the Secretary of the Interior to review every roadless island within the National Wildlife Refuge System to determine their suitability for inclusion in the Wilderness System. To qualify under the act, an area must meet the following criteria: First, be reasonably compact; second, be undeveloped; third, possess the general characteristics of wilderness; and fourth, have no improved roads suitable for public travel by automobile. After careful review, the Department of the Interior's Bureau of Sport Fisheries and Wildlife determined that three areas in south Florida's Monroe County were eminently qualified for inclusion in the National System.

The proposed Florida Keys Wilderness will incorporate the National Key Deer Refuge, the Great White Heron Refuge, and the Key West National Refuge. The Key West refuge was first established by President Theodore Roosevelt's Executive order in 1908, to protect a number of rare birds. The Great White Heron Refuge was established by Executive order of President Franklin D. Roosevelt in 1938 to further protect rare and endangered birds, especially the rare Florida great white heron. The National Key Deer Refuge was established by Congress in 1957 when legislation, which I sponsored, together with our colleague Congressman Charles Bennett of Florida, was enacted. The establishment of this refuge provided the urgently needed protection for the tiny Key deer, which were then threatened with extinction.

In its initial statement, the Bureau of Sport Fisheries and Wildlife stated:

> The importance of these areas to the preservation and protection of unique scenery, colonial nesting birds, and the Key deer cannot be overemphasized . . . As a result of our study, the Bureau has concluded that the undisturbed federally owned islands within the National Key Deer Refuge and the Great White Heron and Key West National Wildlife Refuges should be managed and preserved as natural areas for the production of colonial birds and as habitat for the Key deer. This proposal will enhance the scientific study, the educational value, and the public enjoyment of the Florida Keys and their wildlife.

It is important to point out that no additional land acquisition will be necessitated as a part of this proposal. Water bottoms and State and private lands within the boundaries of the three refuges are not included in the wilderness proposal.

Following the initial recommendation of the Bureau a public hearing was held in Key West. Substantial support for the proposal was voiced by conservation groups as well as state, local and federal officials. While some objections were raised with respect to the possibility of additional restrictions being imposed in the future, the Bureau gave its assurances that the proposed administration of the area under the Wilderness Act would accommodate recreational, scenic, scientific, educational, conservation, and historical uses.

In addition, a wildlife interpretive center on Big Pine Key, nature trials, observation towers and picnic areas are planned for the wilderness and designed to further attract tourists to the Florida Keys area.

Inclusion of the three refuges in the National Wilderness System will afford the unique wildlife that live there greater protection and will ensure that the Federal land and its ecology will be permanently safeguarded from any future development. The refuges are the year-round home of a variety of wildlife species. The great white heron, roseate spoonbill, reddish egret, Eastern brown pelican, white-crowned pigeon, and the bald eagle are only a few of the species that nest and feed throughout the refuges.

The tiny Key deer, which were nearly extinct only a few short years ago, are now thriving due to the establishment of the Key Deer Refuge on Big Pine Key.

It is important that these refuges gain the additional protection afforded those areas included in the National Wilderness Preservation System and I urge prompt and favorable action on the Florida Keys Wilderness proposal.

FEDERAL CHARTER FOR POP WARNER LITTLE SCHOLARS BILL SPONSORED BY 107 MEMBERS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, it gives me great pleasure to join with Senator Hugh Scott of Pennsylvania in introducing legislation to grant a Federal charter to incorporate the nationwide Pop Warner Junior League Football program under the name Pop Warner Little Scholars, Inc.

At a time when there is a tremendous need for youth guidance and counseling in our country, an organization which does more than its share to build character and citizenship in over 700,000 American boys deserves special recognition.

Over 100 of our colleagues are joining me today in sponsoring the Pop Warner Charter bill. The following Members of the House, many of whom have active Pop Warner Leagues in their home districts, are cosponsors of the legislation:

Joseph P. Addabbo, of New York.
William Anderson, of Tennessee.
William A. Barrett, of Pennsylvania.
Edward G. Biester, Jr., of Pennsylvania.
Ben B. Blackburn, of Georgia.
Edward P. Boland, of Massachusetts.
Frank J. Brasco, of New York.
Jack Brinkley, of Georgia.
James T. Broyhill, of North Carolina.
James A. Burke, of Massachusetts.
Donald D. Clancy, of Ohio.
Don H. Clausen, of California.
James C. Cleveland, of New Hampshire.
George W. Collins, of Illinois.
Barber B. Conable, Jr., of New York.
Silvio O. Conte, of Massachusetts.
R. Lawrence Coughlin, of Pennsylvania.
Dominick V. Daniels, of New Jersey.
John Dellenback, of Oregon.
John H. Dent, of Pennsylvania.
Edward J. Derwinski, of Illinois.
Charles C. Diggs, Jr., of Michigan.
Harold D. Donohue, of Massachusetts.
William Jennings Bryan Dorn, of South Carolina.
John G. Dow, of New York.
Thaddeus J. Dulski, of New York.
John J. Duncan, of Tennessee.
Florence P. Dwyer, of New Jersey.
Don Edwards, of California.
Joshua Eilberg, of Pennsylvania.
Dante B. Fascell, of Florida.
Paul Findley, of Illinois.
Hamilton Fish, Jr., of New York.
O. C. Fisher, of Texas.
John J. Flynt, Jr., of Georgia.
Edwin B. Forsythe, of New Jersey.
Peter H. B. Frelinghuysen, of New Jersey.
Louis Frey, Jr., of Florida.
Cornelius E. Gallagher, of New Jersey.
Edward A. Garmatz, of Maryland.
Joseph M. Gaydos, of Pennsylvania.
George A. Goodling, of Pennsylvania.
Ella T. Grasso, of Connecticut.
Charles S. Gubser, of California.
Gilbert Gude, of Maryland.
Seymour Halpern, of New York.
James M. Hanley, of New York.
James F. Hastings, of New York.
Augustus F. Hawkins, of California.
Margaret M. Heckler, of Massachusetts.
Henry Helstoski, of New Jersey.
Louise Day Hicks, of Massachusetts.
James J. Howard, of New Jersey.
William L. Hungate, of Missouri.
Harold T. Johnson, of California.
Abraham Kazen, Jr., of Texas.
Jack F. Kemp, of New York.
John C. Kluczynski, of Illinois.
Dan Kuykendall, of Tennessee.
Robert L. Leggett, of California.
Clarence D. Long, of Maryland.
Robert C. McEwen, of New York.
John J. McFall, of California.
Ray J. Madden, of Indiana.
William S. Mailliard, of California.
James R. Mann, of South Carolina.
Sparks M. Matsunaga, of Hawaii.
Romano L. Mazzoli, of Kentucky.
Patsy T. Mink, of Hawaii.
Wilmer Mizell, of North Carolina.
John S. Monagan, of Connecticut.
William S. Moorhead, of Pennsylvania.
Thomas E. Morgan, of Pennsylvania.
F. Bradford Morse, of Massachusetts.
John E. Moss, of California.
John M. Murphy, of New York.
Robert N. C. Nix, of Pennsylvania.
Edward J. Patten, of New Jersey.
Thomas M. Pelly, of Washington.
Claude Pepper, of Florida.
Jerry L. Pettis, of California.
J. Kenneth Robinson, of Virginia.
Peter W. Rodino, Jr., of New Jersey.
Benjamin S. Rosenthal, of New York.
Fernand J. St Germain, of Rhode Island.
Charles W. Sandman, Jr., of New Jersey.
William Lloyd Scott, of Virginia.
B. F. Sisk, of California.
Floyd Spence, of South Carolina.
Robert T. Stafford, of Vermont.

J. William Stanton, of Ohio.
Sam Steiger, of Arizona.
Samuel S. Stratton, of New York.
Olin E. Teague, of Texas.
John H. Terry, of New York.
Lionel Van Deerlin, of California.
Guy Vander Jagt, of Michigan.
Victor V. Veysey, of California.
Joseph P. Vigorito, of Pennsylvania.
Jerome R. Waldie, of California.
John Ware, of Pennsylvania.
G. William Whitehurst, of Virginia.
William B. Widnall, of New Jersey.
Lawrence G. Williams, of Pennsylvania.
Larry Winn, Jr., of Kansas.
Lester L. Wolff, of New York.
Louis C. Wyman, of New Hampshire.

Mr. Speaker, for over 40 years, Pop Warner Little League Football has been fostering among our young men the precepts of good citizenship enunciated and demonstrated by the great Carlisle Coach "Pop" Warner. The guiding principles of the organization are improved sportsmanship, team play, physical fitness and scholastic achievement. These attributes are continually fostered among the young men by their dedicated coaches and sponsors. The leadership and services of this organization are felt throughout our Nation, in Mexico, and in Canada. Over 700,000 of our prehigh school boys participate in team-play football under the rules and regulations advocated by Pop Warner little scholars.

This program was initiated in Philadelphia through the efforts of Joseph J. Tomlin, an outstanding lineman during his years at Swarthmore College and an alumnus of Harvard Law School. Tomlin sought, through Pop Warner football, to expose boys of the ages of 7 to 14 to the game of safety-first football, emphasizing its quality-building character through athletic competition and scholastic achievement. These purposes were achieved through a system which obtained proper coaching and officiating. The welfare of the boys is safeguarded through the insistence on the use of high-quality protective equipment.

To emphasize the goals of his program, Tomlin adopted the name of the late collegiate football coach, Glen Scobie "Pop" Warner. Born on a farm in western New York, Warner played varsity football at Cornell and went on to coach the Indians at Carlisle, Pa. When that school closed in 1914, he went to the University of Pittsburgh, then to Stanford, and finally to Temple University. In his years of coaching, he provided a continuing inspiration for all who worked under him, and today his name remains a symbol of what the Pop Warner Junior League football program is attempting to achieve.

Under the Pop Warner program, youthful grid opponents are matched by strict adherence to maximum and minimum age and weight requirements. The league splits its membership into five age and weight classifications: Peewee, junior midget, midget, junior bantam, and bantam. These divisions include all of the boys of prehigh school age with prime consideration given to the safety of every child and equality of competition. Through the efforts of the Pop Warner organization, group accident insurance is available to all teams for a very low premium.

Satisfactory schoolwork is not only encouraged, but is a prerequisite to team participation.

Organizationally, States are divided into regions and each region has a vice president of the parent organization. Each State has a commissioner who is the coordinator of the leagues in his State. Intercity and interregional championship games are encouraged and each year an All-American team is selected on the basis of scholarship, leadership, and football excellence. To be selected for the All-American squad is an honor which stimulates all participants to adhere to the goals of the organization.

Pop Warner Junior League Football has operated for many years under the nonprofit corporate status of a single State, the Commonwealth of Pennsylvania, where the program was founded in 1929. The board of trustees is composed of outstanding citizens dedicated to the ideals fostered by Pop Warner. The individual members of the board contribute generously of their own finances and raise additional funds through soliciting support from others. Joe Tomlin, the founder of the organization, is the president.

A Federal charter for Pop Warner will greatly broaden the scope of the organization and give protection to the Pop Warner name and insignia, to the young men participating in the program and to those who give their dedicated service to it. A Federal charter would help this nonprofit organization insure that its stringent safety rules, equipment requirements, scholastic standards, and good sportsmanship are observed by all programs using the Pop Warner name.

Mr. Speaker, Pop Warner Little Scholars is infinitely worthy of this honor. It is truly national in character, having recognized organizations in over 40 States and serving the needs of youth of all States. Its prime purpose, like that of the Boy Scouts and Girl Scouts of America and of Little League Baseball, is the fostering of leadership and good citizenship, motives which have no equals.

As you know, Mr. Speaker, hearings were held on similar legislation in the 91st Congress by Subcommittee No. 4 of the House Judiciary Committee. To correct a problem raised in these hearings, Senator Scott and I have amended the bill to provide that once Pop Warner is federally chartered, it will still be subject to the laws of the State of Pennsylvania, in addition to those of the Federal Government. This modification, we feel certain, will make the Pop Warner Charter bill a candidate for prompt committee action.

Having had personal contact with the Pop Warner organization and an opportunity to see the magnificent job it is doing in aiding boys of all ages, I feel deeply honored to be able to introduce this bill.

Mr. Speaker, I urge you and each of my colleagues to lend full support to this bill so that a congressional charter may be granted to Pop Warner Little Scholars during the 92d Congress.

FORGET "CANNIKIN"

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the President is currently giving careful consideration to canceling the upcoming Cannikin underground nuclear test in Alaska. As the coauthor of a study critical of the proposed test done for the Members of Congress for Peace Through Law, I am very pleased that the President is taking a second look at what could be a potentially disastrous situation.

The following editorial from the New York Times of September 13, 1971, sums up the case against the Cannikin test quite concisely. This test is a gamble with the unknown, and it requires a compelling justification. Such a justification has not and cannot be made.

The editorial follows:

Forget "Cannikin"

A bright hope on a foreboding front is the news that President Nixon is considering cancellation of Cannikin, the underground nuclear test planned for this fall on Amchitka Island in the Aleutians.

Weighing against the test are the strenuous objections of Canada, expressions of concern by Japan and opposition from the State Department, the Council on Environmental Quality, the Environmental Protection Administration, top Alaskan political figures and the White House Office of Science and Technology. Still for the test, unfortunately, are the Atomic Energy Commission and the Defense Department.

Some of the elements in the resistance are diplomatic. The State Department is rightly concerned with Japanese-American relations, already strained both by the President's prospective visit to Peking and by his new economic program, with its pressure on the yen and on Japanese trade. Just as understandably, the department fears the negative effect the explosion might have on the SALT talks with the Soviet Union.

Basically, however, the test is objectionable for the danger it poses to the environment. There would be no serious opposition from Canada, Japan or the American environmental agencies if there were not a lively fear that an underground explosion of such awesome magnitude—four times the size of the hydrogen bomb exploded at Amchitka two years ago and 250 times the one that destroyed Hiroshima—might trigger an earthquake or a tsunami. At the very least it could endanger fish and wildlife by contaminating the waters of the region and release radioactive gases, even beyond American borders.

Quite apart from all these hazards, even the indispensability of the test from the standpoint of the country's defense is much in question. There has been revealing testimony that the war head to be tested was designed for a long-range antimissile that has already been supplanted by smaller, short-range missiles. Almost the only reason left for the explosion is that, of the $190 million Cannikin was expected to cost, $160 million has already been spent. Obviously, that is no reason for anything at all—unless it is for demanding more deliberation on launching such enterprises in the future.

LEST WE FORGET

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the prisoners:

Major Thomas Vance Parrott, U.S. Air Force, [redacted], Dalton, Ga. Married and the father of one daughter. Attended the University of Georgia. The son of Mr. and Mrs. Vance Parrott, Dalton, Ga. Maj. Parrott was listed as missing in action August 12, 1967, and was subsequently officially listed as a prisoner of war pm on February 19, 1968. As of today, Maj. Parrott has been held captive in Southeast Asia for 1,128 days.

MILLER BILL GIVES EPA BROAD CONTROL OVER COAL MINING

Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today I am introducing legislation to give the Environmental Protection Agency broad controls over underground and strip coal mining. The proposal would establish a nationwide regulatory program to eliminate the adverse environmental effects caused by coal mining and provide financial assistance for the reclamation of previously mined lands.

No other mining activity is as extensive or can be as devastating to our environment as coal mining. The mine acid that discolors the waters, the sediment that chokes the streams, the fires that burn out of control, the land that is laid desolate are unmistakenable signs that we are paying the price for allowing the earth to be opened up and the coal removed without the proper kind of environmental controls. Regulatory efforts at the State level as a whole have been ineffective. The Federal Government has disregarded its responsibility to protect the environment from this full-scale assault and has avoided the preemption that is now needed.

It is time that we initiate strong, constructive policies at the Federal level to insure that the American countryside is not laid barren by our relentless search for mineral wealth. The proposal I have submitted and outlined below is a realistic approach in achieving our environmental goals without locking the doors entirely to the earth's coal resources.

The summary and explanation follow:

SUMMARY AND EXPLANATION OF MILLER COAL MINING BILL

1. The proposal would establish a nationwide program for the regulation of coal mining operations. The purpose of the proposal is to prevent environmental degradation and despoilation created by coal mining activity and reclaim mined lands adversely affected by such operations. The proposal recognizes that the initial responsibility of such regulation rests with the federal government.

2. The proposal would apply to only coal mining activities. Coal mining is the one mineral industry in which environmental problems are the most obvious and critical. Because of the massiveness and extensiveness of coal mining operations and the steadily increasing demand for coal, its control and regulation must be given prompt and special consideration.

3. Both surface and underground coal mining operations would be covered by regulations because of the similar conditions and environmental effects created by both. In many cases although these effects are not so obvious in underground mining, they are still no less critical. For example, a report on acid mine drainage in Appalachia published in 1969 reported that 70% of the acid pollution originates in underground mines. The proposal would apply to coal mining operations wherever found in a state, including federally owned lands or lands held in trust for the Indians. Presently, coal mining activity on federal lands comes under the jurisdiction of the respective departmental heads, thus contributing to the lack of a coordinated federal policy. Public lands are being increasingly subjected to coal mining activities and should be provided the same degree of protection afforded other lands within the state.

4. The proposal recognizes the urgency with which the federal government must act to protect the environment by requiring the Administrator of the Environmental Protection Agency to issue federal standards as soon as possible after enactment subject to the Administration Procedures Act. EPA is a regulatory agency charged with the responsibility of "protecting, developing, and enhancing the *total* environment." EPA already sets standards for air and water pollution-problems very much associated with coal mining—and is in the best position of competence and credibility to make critical judgments with respect to the environmental effects of coal mining. It should be noted that the Interior Department's land management functions and interest in coal production would seriously compromise its effectiveness under this proposal. As President Nixon stated in his message to Congress last July on the creation of EPA, "each department has its own primary mission which necessarily affects its own view of environmental questions."

5. The Administrator would be required by the proposal to appoint an advisory committee to advise him on the development of federal standards. The membership of the committee would include: representatives from various states, coal mining interests, conservation and the heads of the Departments of Interior, Commerce and Agriculture.

6. The regulatory program created by the proposal would require sufficient numbers of qualified personnel. The Administrator would be authorized to appoint these persons to administer and enforce the program. Enforcement is the key in achieving the objectives of the proposal and would have to be given strong emphasis.

7. The proposal would require that the rules issued by the Administrator reasonably assure the attainment of the following objectives:

(a) A very important objective is that a mined land be reclaimed to a condition in which it could be used for at least the same purposes it could have been put prior to the mining. In other words, if an area of land has potential agricultural use even though it may not have been in that state prior to mining, it must be reclaimed in such a way as to maintain that potential after mining. Reclamation in this manner would insure greater long-range land utilization.

(b) A permit would be required before an operator could start or continue his mining. A fee of at least $100 and at least $50 per acre to be mined would be charged and used to help defer administrative costs and the costs of a program to reclaim previously mined lands.

(c) The operator would be required to post a performance bond insuring his compliance with the terms of the permit and the successful completion of reclamation. As a minimum, the bond would be $500 an acre and at least $5,000 per operation. The bond would not be released until the success of the reclamation is determined. (This will require consideration of long-range results rather than short-term compliance). If the bond is forfeited, the operator could not obtain any future coal mining permits.

(d) Mining methods and reclamation work would be preplanned and submitted to the Administrator for approval. The plan would describe the location and area to be mined, results of tests, and other technical information which would reveal the physical and chemical properties present in the land, how the mining and reclamation are to be conducted, an assessment of the potential uses of the land, how the land is to be used after the mining, and how much the complete reclamation will cost.

(e) Another very important objective is to prohibit coal mining where it would cause obvious environmental problems. The Administrator would be able to prohibit coal mining where reclamation is not feasible or where it would violate existing air and water standards, or when it would cause serious harm to the public or personal property. In many cases a judgment of the effects of mining on a particular land can be made on the basis of previous experience with lands of similar condition.

(f) Because of the overwhelming national interest in preserving the natural beauty and uniqueness of the wilderness system and national forests, no permit for surface coal mining operations would be allowed to be issued in these areas.

(g) For each coal mining operation, the operator would be required to have a public liability insurance policy in amounts sufficient to provide personal and property damage protection for at least five years after the expiration of the mining permit.

(h) Another important objective of the proposal would require reclamation to be integrated into the mining cycle and completed on an acre six months after the beginning of mining on any given acre and before the necessary equipment is removed. Thus, reclamation would be performed on an acre by acre basis and could not be deferred.

(i) Periodic reports by the operator on the reclamation would be required as well as monitoring by the Administrator of the environmental changes in a coal mining operations.

(j) Provision is made for the revocation of a permit for the failure to comply with the federal rules and other statutes and regulations. A permit could be denied for a previous failure to comply with the federal rules or other laws.

(k) Standards would relate to the prevention of pollution and erosion, isolation of toxic spoil materials, and the segregation of topsoil and substrata, method of mining on steep slopes, prevention and control of fires, regulation of blasting, construction and maintenance of mine seals, and prevention of hazards to wildlife and public health and safety.

8. The proposal would provide for state regulation of coal mining if a plan submitted by the state for such regulation is approved by the Administrator. The Administrator would approve such a plan if as a minimum it substantially coincided with the federal rules, would be administered and enforced by a single agency, would provide for ade-

quate funding of the state program, would provide reports to the Administrator, and would take effect thirty days after approval.

9. After the approval of a state plan the Administrator would continue to evaluate the effectiveness of the state's administration and enforcement of the plan. If the Administrator would determine after the opportunity for a hearing that there is a failure of effective administration and enforcement he would withdraw this approval of the plan and federal rules would again be effective within the state.

10. States with approved state's plan could receive a federal grant to pay up to 90% of the costs of administration and enforcement.

11. The proposal would provide for 1) a civil penalty of not less than $100 nor more than $1,000 for each day of continuance of a failure to comply with federal rules after due notice; 2) a criminal penalty of not less than $5,000 nor more than $10,000 or one year imprisonment or both for willful violations or refusal to comply with rules.

12. A state with an approved state plan would be eligible to receive a grant from the Administrator for the reclamation of previously mined lands—lands upon which a coal mining operation was carried out prior to the effective date of the approved state plan. The grant would cover up to 90% of the cost of planning, engineering, land acquisition, and treatment. Priority for such grants would be given to lands with the greatest value for public use for recreation, wildlife, and other public purposes. Lands reclaimed with such assistance would be required to be devoted for public purposes and protected from future mining.

13. The proposal would authorize the creation of a "Coal Mined Lands Reclamation Fund" in the Treasury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Frey), to revise and extend their remarks and to include extraneous matter:)

Mr. Steiger of Arizona, today, for 5 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mrs. Heckler of Massachusetts, today, for 5 minutes.

Mr. Mizell, today, for 5 minutes.

Mr. Steele, today, for 5 minutes.

Mr. Skubitz, today, for 5 minutes.

(The following Members (at the request of Mr. Denholm), to revise and extend their remarks, and to include extraneous matter:)

Mr. Kastenmeier, today, for 10 minutes.

Mr. Reuss, today, for 10 minutes.

Mr. Aspin, today, for 10 minutes.

Mr. McFall, today, for 5 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Mikva, on September 15, for 60 minutes.

Mr. Burlison of Missouri, on September 28, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Roush and to include extraneous matter.

Mr. Yates and to include extraneous matter.

Mr. Gray in two instances and to include extraneous matter.

(The following Members (at the request of Mr. Frey) and to include extraneous matter:)

Mr. McKinney.

Mr. Derwinski in two instances.

Mr. Bob Wilson in five instances.

Mr. Baker.

Mr. Wyman in two instances.

Mr. Coughlin.

Mr. Hosmer in three instances.

Mr. Carter.

Mr. Fish.

Mr. Gude.

Mr. Kemp in two instances.

Mr. Miller of Ohio in six instances.

Mr. Horton.

Mr. Springer.

Mr. Veysey in two instances.

Mr. Schmitz in three instances.

Mr. Mizell in three instances.

Mr. Price of Texas.

Mr. Hunt.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Rodino.

Mr. Biaggi in 10 instances.

Mr. Rangel.

Mr. Begich in five instances.

Mr. Seiberling in 10 instances.

Mr. Edwards of California in three instances.

Mr. Leggett in three instances.

Mr. William D. Ford.

Mr. Murphy of New York in three instances.

Mrs. Griffiths in two instances.

Mr. Brinkley.

Mr. Miller of California in five instances.

Mr. Boland.

Mr. Kyros in four instances.

Mr. Waldie in four instances.

Mr. Scheuer.

Mr. Rees.

Mr. Murphy of Illinois.

Mrs. Grasso in 10 instances.

Mr. Fraser in three instances.

Mr. Hagan in three instances.

Mr. Gonzalez in three instances.

Mr. Cotter in five instances.

Mr. Evins of Tennessee.

Mr. Sikes in two instances.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 1971, at 12 o'clock noon.

PUBLIC WORKS-AEC APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. EVINS of Tennessee submitted the following conference report on the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes:

Conference Report (H. Rept. No. 92–479)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,950,130,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$344,250,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$50,714,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$927,926,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$86,000,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$384,000,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$29,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$22,400,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$21,089,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$20,484,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$71,500,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$91,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$875,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$297,000,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$67,150,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 3.

JOE L. EVINS,
EDWARD P. BOLAND,
JAMIE L. WHITTEN,
GEORGE W. ANDREWS,
JOHN M. SLACK,
GEORGE MAHON,
JOHN J. RHODES,
GLENN R. DAVIS,
HOWARD W. ROBISON,
FRANK T. BOW,
Managers on the Part of the House.

JOHN STENNIS,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
ALAN BIBLE,
JOHN O. PASTORE,
JENNINGS RANDOLPH,
MILTON R. YOUNG,
ROMAN L. HRUSKA,
MARGARET CHASE SMITH
(except for amendment No. 5),
GORDON ALLOTT,
CLINTON P. ANDERSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10090) making appropriations for Public Works for water, and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying conference report:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

Amendment No. 1: Appropriates $1,950,130,000 instead of $1,926,000,000 as proposed by the House and $1,963,720,000 as proposed by the Senate. The net increase over the House bill amount includes $1,750,000 for the Nuclear materials program; $3,000,000 for the Weapons program; $500,000 for research on the cardiac pacemaker under the Terrestrial electric power development program; $2,300,000 for nuclear powerplant safety research; $1,200,000 for controlled thermonuclear research; $500,000 for changes in selected resources; a decrease of $120,000 in assistance payments to the City of Richland, Washington, under the Comunity Program; and an increase of $15,000,000 for the Space propulsion systems—NERVA program, providing a total appropriation of $30,000,000. The Managers note that $39,000,000 was earmarked for the NERVA program in the appropriation for fiscal year 1972 for the National Aeronautics and Space Administration. As the policy has been to provide balanced annual funding of the program between the two agencies, the Managers request consideration be given by AEC to providing from within available funds such additional amounts as may be necessary to match the NASA allocation.

PLANT AND CAPITAL EQUIPMENT

Amendment No. 2: Appropriates $344,250,000 instead of $344,000,000 as proposed by the House and $345,000,000 as proposed by the Senate. The increase over the House bill amount is for obtaining necessary leasehold interests, including options to purchase, and suspension of mineral rights in connection with the National Radioactive Waste Repository site at Lyons, Kansas.

Amendment No. 3: Reported in technical disagreement. The Managers on the part of the House will offer a motion to concur in the Senate amendment inserting language providing that none of the funds appropriated by the Act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Amendment No. 4: Appropriates $50,714,000 instead of $49,364,000 as proposed by the House and $52,094,000 as proposed by the Senate. The increase over the House bill amount includes $900,000 for studies as listed below and restoration of $450,000 of the House reduction for anticipated additional unobligated carryover balances.

The increase provided over the House bill amount is allocated to the following studies:

Alabama: (N) Mobile Harbor (hydraulic model)	[1] $220,000
California: (N) Sacramento River deepwater ship channel	[1] 20,000
Colorado: (FC) South Platte River	[1] 20,000
Florida:	
(BE) Indian River County	[1] $20,000
(N) Okeechobee Waterway	[1] 5,000
Georgia:	
(FC) Ogeechee-Altamaha area	[1] 10,000
(FC) Satilla River Basin	[1] 10,000
Hawaii: (N) Kaneohe Bay, Oahu (plan of study only)	25,000
Idaho: (FC) Sucker Creek Basin, Idaho and Oregon	10,000
Illinois: (N) Mississippi River year-round navigation, Illinois, Iowa, Minnesota, Missouri, and Wisconsin	[1] 20,000
Inidana: (FC) Lawrenceburg	[1] 10,000
Kentucky: (FC) Beargrass Creek Basin	[1] 5,000
Louisiana:	
(N) Bayous La Loutre, St. Malo, and Yscloskey	10,000
(FC) Columbia levee extension	10,000
(FC) Louisiana coastal area	[1] 30,000
(N) Louisiana deepwater ports	60,000
Mississippi: (BE) Hancock, Harrison, and Jackson Counties	[1] 20,000
Montana: (FC) Yellowstone River below Billings, Mont., Wyoming, and North Dakota	[1] 5,000
Nebraska:	
(FC) Loup River	[1] 25,000
(FC) Metropolitan Omaha, Nebraska-Council Bluffs, Iowa	60,000
(FC) North Platte River, Nebraska, Wyoming, and Colorado	15,000
Nevada: (FC) Truckee River Basin	20,000
New Jersey: (FC) Rahway River	[1] 10,000
New Mexico: (FC) Pecos River and tributaries at Carlsbad	[1] 5,000
North Carolina:	
(BE) Bogue Banks	[1] 10,000
(N) Hatteras Inlet	[1] 20,000
North Dakota: (FC) Buford-Trenton Irrigation District and vicinity	[1] 10,000
Oregon: (N) Columbia River below Vancouver, Wash., and the Dalles (channel to Mayer State Park launching ramp)	5,000
Pennsylvania:	
(N) Delaware River Channel dimensions, Philadelphia to the sea, Pennsylvania, New Jersey, and Delaware	[1] 10,000
(N) Delaware River drift removal, Pennsylvania, New Jersey, and Delaware	10,000
South Carolina:	
(N) Charleston Harbor	[1] 80,000
(N) Georgetown Harbor	[1] 25,000
Texas: (N) Sabine-Neches Waterway	20,000
Virginia: (N) Norfolk Harbor and channels	[1] 10,000
Washington: (N) Columbia River and Tributaries, McNary Dam to Wenatchee	30,000
West Virginia: (FC) Gauley River	[1] 25,000

[1] Increase in House Bill figure.

CONSTRUCTION, GENERAL

Amendment No. 5: Appropriates $927,926,000 instead of $889,088,000 as proposed by the House and $937,118,000 as proposed by the Senate. The Managers have given priority to the provision of more adequate funding of projects under construction and have adhered to a very restrictive policy in the provision for new construction starts. The appropriation includes a total of only $12.3 million to initiate construction on only 22 projects with an estimated total cost of $252.3 million. This compares with 24 projects to be completed during fiscal year 1972 with a total estimated cost of $468.8 million.

The funds appropriated under this heading are to be allocated as shown in the following tabulation:

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Alabama:					
(N)	Alabama River channel improvement	$700,000			$700,000	
(R)	John Hollis Bankhead lock and dam	[1]3,252,000			3,252,000	
(MP)	Jones Bluff lock and dam	2,710,000			3,200,000	
(FG)	Montgomery			(p)$50,000		$25,000
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	6,000,000			6,000,000	
	Tombigbee River and tributaries, Mississippi and Alabama. (See Mississippi.)					
	West Point Lake, Ala. and Ga. (See Georgia.)					
	Alaska:					
(FC)	Chena River Lakes, Fairbanks		$1,300,000			1,300,000
(N)	Humboldt Harbor		50,000			50,000
(N)	Kake Harbor		45,000	(p) 50,000		45,000
(N)	King Cove Harbor			100,000	590,000	
(N)	Myers Chuck Harbor	148,000				
(N)	Sergius and Whitestone Narrows	900,000			900,000	
(MP)	Snettisham power project	17,000,000			21,200,000	
	Arizona:					
(FC)	Gila River and tributaries downstream from Painted Rock Dam			500,000		
(FC)	Indian Bend Wash		250,000			250,000
(FC)	Phoenix and vicinity including New River (Stage I)	1,200,000			1,200,000	
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	1,000,000			1,000,000	
	Arkansas:					
(FC)	Bayou Bartholomew and tributaries (1950 and 1966 acts), Ark. and La		145,000			145,000
(FC)	Bell Foley Lake		175,000			270,000
(MP)	De Gray Lake	975,000			1,100,000	
(FC)	De Queen Lake	2,600,000			2,600,000	
(FC)	Dierks Lake	3,200,000			3,200,000	
(FC)	Gillham Lake	2,380,000			2,380,000	
(FC)	Little Rock levee			260,000		
(N)	McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma:					
	(a) Navigation locks and dams	16,225,000			16,225,000	
(N)	Ouachita and Black Rivers, Ark. and La	1,803,000			4,603,000	
(MP)	Ozark lock and dam	8,800,000			8,800,000	
(FC)	Pine Mountain Lake		95,000			95,000
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	1,550,000		200,000	1,550,000	
	California:					
(FC)	Alameda Creek, Del Valle Reservoir	1,215,000			1,215,000	
(FC)	Buchanan Lake			700,000	400,000	
(FC)	Butler Valley Dam-Blue Lake		1,200,000			1,200,000
(FC)	Chester, North Fork of Feather River			(p)50,000		
(BE)	Coast of California, Pt. Mugu to San Pedro (reimbursement)	160,000			160,000	
(FC)	Corte Madera Creek	800,000			800,000	
(N)	Crescent City Harbor				350,000	
(FC)	Cucamonga Creek		410,000	(p)190,000		410,000
(FC)	Dry Creek (Warm Springs) Lake and Channel	5,300,000			7,150,000	
(FC)	Hidden Lake			1,050,000	1,250,000	
(FC)	Klamath River	2,875,000			2,875,000	
(FC)	Lakeport Lake (to complete planning)					500,000
(FC)	Los Angeles County drainage area	200,000			200,000	
(FC)	Lower San Joaquin River			720,000		
(FC)	Lytle and Warm Creeks			1,000,000	500,000	
	Martis Creek Lake, Calif. and Nev. (See Nevada.)					
(FC)	Mojave River Dam	1,232,000			1,232,000	
(N)	Monterey Harbor			150,000		
(N)	Napa River	950,000			950,000	
(FC)	New Don Pedro Reservoir (reimbursement)	995,000			995,000	
(MP)	New Melones Lake	16,650,000			18,350,000	
(N)	Oakland Harbor			[2]2,880,000		
(FC)	Pajaro River (1966 act)		206,000			206,000
(N)	Port Hueneme Harbor		90,000			90,000
(FC)	Russian River Basin Coyote Valley Dam and Russian River Channel	300,000			300,000	
(FC)	Sacramento River and major and minor tributaries	100,000			100,000	
(FC)	Sacramento River bank protection	1,710,000			2,200,000	
(N)	San Diego Harbor			(p) 30,000	500,000	
(BE)	San Diego, Sunset Cliffs (reimbursement)	160,000			160,000	
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	1,000,000			1,000,000	
(FC)	Santa Paula Creek channel	600,000		150,000	1,400,000	
(FC)	Sonoma Creek		220,000			220,000
(BE)	Surfside-Sunset and Newport Beach	500,000			500,000	
(FC)	Sweetwater River				200,000	
(FC)	Tahquitz Creek	950,000		150,000	950,000	
(N)	Ventura Marina (reimbursement)	1,000,000			1,000,000	
(FC)	Walnut Creek	1,480,000			1,480,000	
	Colorado:					
(FC)	Bear Creek Lake (land acquisition)			390,000	890,000	
(FC)	Boulder			(p) 50,000		150,000
(FC)	Chatfield Lake	10,700,000			10,700,000	
(FC)	Trinidad Lake	1,800,000			1,800,000	
	Connecticut:					
(FC)	Ansonia-Derby	4,700,000			4,700,000	
(FC)	Danbury		164,000			50,000
(FC)	Derby	3,000,000			3,000,000	
(FC)	New London Barrier	[1]300,000			300,000	
(FC)	Park River			(p) 100,000		200,000
(FC)	Stratford		150,000			150,000
(FC)	Trumbull Lake	1,200,000			1,200,000	
	Delaware:					
(N)	Delaware Bay-Chesapeake Bay Waterway, Del., Md., and Va					65,000
(FC)	Delaware coast protection		150,000			150,000
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	4,624,000			4,624,000	
	Florida:					
(BE)	Brevard County		70,000			70,000
(BE)	Broward County Hillsboro Inlet (reimbursement)	1,000,000			1,000,000	
(N)	Canaveral Harbor	200,000			200,000	
(FC)	Central and southern Florida	8,261,000		200,000	8,761,000	
(N)	Cross-Florida Barge Canal	[5]3,750,000		350,000	3,750,000	
(BE)	Fort Pierce (reimbursement)	361,000			361,000	
(FC)	Four Rivers basins	3,280,000			3,280,000	
(N)	Gulf Intracoastal Waterway—St. Marks to Tampa Bay (ecological study)			(p) 180,000		
(N)	Hudson River (restudy)		10,000			10,000
(N)	Jacksonville Harbor (1965 act)	4,250,000			4,875,000	
(N)	Miami Harbor			(p) 60,000	200,000	
(BE)	Pinnellas County	100,000			100,000	
(N)	Tampa Harbor (special study)					200,000
(BE)	Virginia Key and Key Biscayne	450,000			450,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Georgia:					
(MP)	Carters Lake	$8,950,000			$9,405,000	
(MP)	Lazer Creek Lake		$350,000			$350,000
(N)	Savannah Harbor, 40 feet (widening and deepening)	200,000			400,000	
(N)	Savannah Harbor (sediment basin)	1,800,000			1,800,000	
(MP)	Spewrell Bluff Lake	1,000,000		$500,000	1,500,000	
(MP)	Trotter Shoals Lake, Ga. and S.C. (land acquisition)			300,000	500,000	
(MP)	West Point Lake, Ala. and Ga	13,300,000			13,300,000	
	Hawaii:					
(N)	Ala Wai Harbor					54,000
(N)	Heeia-Kea Harbor			(p) 49,000		
(FC)	Kaneohe-Kailua Area					160,000
(N)	Kawaihae Harbor (deep draft)			1,102,000		
(BE)	Waikiki Beach	100,000		200,000	100,000	
	Idaho:					
(MP)	Dworshak Dam and Reservoir	54,900,000			54,900,000	
(FC)	Ririe Lake	1,000,000			1,500,000	
(FC)	Stuart Gulch Dam		26,000	(p) 75,000		50,000
	Illinois:					
(N)	Calumet River and Harbor, Ill. and Ind	200,000			200,000	
(FC)	Carlyle Lake, Kaskaskia River	580,000			580,000	
(N)	Chicago River, North Branch				200,000	
(FC)	East Moline		100,000			100,000
(FC)	East St. Louis and vicinity (Cahokia Dam)	500,000			500,000	
(FC)	East St. Louis and vicinity (interior flood control)		250,000			250,000
(FC)	Freeport	200,000			200,000	
(FC)	Fulton		120,000			120,000
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	5,100,000			5,100,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana		150,000			150,000
(N)	Illinois Waterway duplicate locks		400,000			400,000
	Island Levee, Illinois and Indiana (see Indiana).					
(N)	Kaskaskia River navigation	14,900,000			16,650,000	
(FC)	Lake Shelbyville	286,000			686,000	
(FC)	Levee District 23 (Dively), Kaskaskia River			60,000	60,000	
(FC)	Lincoln Lake	800.000		100,000	800,000	
(N)	Lock and dam 26, Mississippi River, Alton, Ill., and Mo		1,449,000	(p) 351,000		1,700,000
(FC)	Louisville Lake		200,000			250,000
(FC)	Milan		80,000			80,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:					
	(a) Chain of rocks	200,000			200,000	
	(b) Regulating works			1,000,000		
(N)	Mound City lock and dam, Illinois and Kentucky			(p) 100,000		
(FC)	Oakley Lake and channel improvement (land acquisition)	200,000			200,000	
(FC)	Peoria		100,000			50,000
(FC)	Rend Lake	2,316,000			2,316,000	
(FC)	Rock Island	620,000			800,000	
(FC)	Saline River and tributaries	1,500,000			1,800,000	
(N)	Smithland locks and dam, Illinois and Kentucky	6,000,000			6,000,000	
	Indiana:					
(FC)	Big Pine Lake (land acquisition)			50,000		
(FC)	Brookville Lake	4,470,000			4,470,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)					
(N)	Cannelton locks and dam, Indiana and Kentucky	7,500,000			7,500,000	
(FC)	Clifty Creek Lake (land acquisition)			50,000	100,000	
(FC)	Evansville	700,000			700,000	
(FC)	Greenfield Bayou Levee			50,000		
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)					
(FC)	Island levee, Indiana and Illinois	200,000			200,000	
(FC)	Lafayette Lake			[2] 183,000		
(FC)	Levee Unit No. 5	74,000			74,000	
(FC)	Mason J. Niblack Levee (pumping facilities)		60,000			60,000
(N)	Newburgh locks and dam, Indiana and Kentucky	22,000,000			22,000,000	
(FC)	Patoka Lake	500,000			1,200,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	15,000,000			15,000,000	
(FC)	West Terre Haute	420,000			420,000	
	Iowa:					
(FC)	Ames Lake	100,000		100,000	100,000	
(FC)	Bettendorf		110,000			110,000
(FC)	Big Sioux River at Sioux City, Iowa and S. Dak		20,000	(p) 70,000		20,000
(FC)	Clinton		200,000			200,000
(FC)	Davenport					30,000
(FC)	Davids Creek Lake		80,000			80,000
(FC)	Des Moines	1,150,000			1,150,000	
(FC)	Dubuque	1,500,000			1,500,000	
(N)	Fort Madison Harbor	745,000			745,000	
(FC)	Guttenberg	800,000			1,100,000	
(FC)	Marshalltown	400,000			400,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	1,975,000			2,250,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	2,395,000		400,000	2,900,000	
(FC)	Red Rock Dam and Lake Red Rock	2,403,000			2,403,000	
(FC)	Saylorville Lake	4,648,000			4,648,000	
(FC)	Waterloo	800,000		100,000	1,000,000	
	Kansas:					
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).					
(FC)	Big Hill Lake				500,000	
(FC)	Blue River—Wolf-Coffee Lake					100,000
(FC)	Cedar Point Lake		125,000	(p)25,000		225,000
(FC)	Clinton Lake	1,800,000			1,800,000	
(FC)	Dodge City			350,000	150,000	
(FC)	El Dorado Lake	100,000		300,000	100,000	
(FC)	Great Bend (resumption)					200,000
(FC)	Grove Lake		100,000	(p) 150,000		225,000
(FC)	Hays, Big Creek	400,000			400,000	
(FC)	Hillsdale Lake		306,000			306,000
(FC)	Kansas City (1962 mod)	2,650,000			2,650,000	
(FC)	Lawrence	539,000			539,000	
(FC)	Marion					50,000
(FC)	Melvern Lake	5,295,000			5,295,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
(FC)	Onaga Lake		223,000			223,000
(FC)	Topeka	505,000			505,000	

Footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1972: Construction (2)	Approved budget estimate for fiscal year 1972: Planning (3)	Reserve available fiscal year 1972 (4)	Conference allowance: Construction (5)	Conference allowance: Planning (6)
	Kentucky:					
(FC)	Booneville Lake		$245,000			$245,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)					
(FC)	Carr Fork Lake	$3,585,000			$3,585,000	
(FC)	Cave Run Lake	7,167,000			7,167,000	
(MP)	Celina Lake (restudy)					170,000
(FC)	Eagle Creek Lake		120,000			120,000
(FC)	Falmouth Lake		100,000			100,000
(FC)	Kehoe Lake		175,000			175,000
(MP)	Laurel River Lake	6,000,000			6,000,000	
(FC)	Martin	850,000		$150,000	850,000	
(FC)	Martins Fork Lake	400,000		100,000	400,000	
	Mound City Lock and Dam, Ill. and Ky. (See Illinois.)					
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)					
(FC)	Paintsville Lake			330,000	250,000	
(FC)	Red River Lake	300,000			300,000	
	Smithland lock and dam, Illinois and Kentucky. (See Illinois.)					
(FC)	Southwestern Jefferson County		280,000			280,000
(FC)	Taylorsville Lake			150,000	150,000	
	Uniontown locks and dam, Indiana and Kentucky, (See Indiana.)					
(FC)	Yatesville Lake		75,000			75,000
	Louisiana:					
(N)	Atchafalaya River, Bayous Chene, Boeuf, and Black		90,000		840,000	90,000
	Bayou Bartholomew, Ark. and La. (See Arkansas.)					
(FC)	Bayou Bodcau and tributaries	400,000		50,000	400,000	
(N)	Calcasieu River at Devils Elbow					20,000
(FC)	Grand Isle and vicinity				100,000	
(FC)	Lake Pontchartrain, and vicinity	[1] 5,555,000		3,000,000	7,755,000	
(N)	Mermentau River (Lake Arthur Bridge replacement)			[2] 1,000,000	1,000,000	
(N)	Michoud Canal			50,000	100,000	
(N)	Mississippi River, gulf outlet	925,000			925,000	
(N)	Mississippi River outlets, Venice		100,000			100,000
(FC)	Monroe floodwall			30,000	100,000	
(FC)	Morgan City and vicinity	500,000			500,000	
(FC)	New Orleans to Venice hurricane protection	998,000		574,000	2,600,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)					
(FC)	Ouachita River levees			80,000	80,000	
(N)	Overton-Red River Waterway (lower 31 miles only)	700,000			1,500,000	
(N)	Red River emergency bank protection				1,000,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)					
(N)	Red River Waterway (Mississippi River to Shreveport), La., Ark., Okla., and Tex.			(p)600,000		300,000
(N)	Vermilion lock (replacement)		100,000			100,000
	Maryland:					
(N)	Baltimore Harbor and Channels (1958 act)	50,000			50,000	
(FC)	Bloomington Lake, Md. and W. Va	6,220,000			6,220,000	
	Delaware Bay-Chesapeake Bay Waterway, Del., Md., and Va. (See Delaware.)					
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)					
	Massachusetts:					
(FC)	Charles River Dam		225,000			225,000
(N)	Fall River Harbor, Mass. and R.I.			25,000	600,000	
(FC)	Nookagee Lake		193,000			193,000
(N)	Provincetown Harbor	2,380,000			2,380,000	
(FC)	Quincy (Review report)					20,000
(FC)	Saxonville			(p) 39,000		100,000
(N)	Weymouth Fore and Town Rivers	5,000,000			5,000,000	
	Michigan:					
(N)	Great Lakes Connecting Channels	1,200,000			1,200,000	
(FC)	Kalamazoo	150,000			150,000	
(N)	Lexington Harbor			15,000		
(N)	Ludington Harbor		40,000			40,000
(N)	Point Lookout Harbor, Au Gres River	1,118,000			1,118,000	
(FC)	River Rouge	4,500,000			4,500,000	
(FC)	Saginaw River (flood control)	855,000			855,000	
	Minnesota:					
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak.	1,870,000			1,870,000	
(FC)	Mankato and North Mankato	1,500,000			1,500,000	
(FC)	Roseau River			100,000		
(FC)	Twin Valley Lake, Wild Rice River					50,000
(FC)	Wild Rice River-South Branch and Felton Ditch		40,000			40,000
(FC)	Zumbro River			50,000		
	Mississippi:					
(FC)	Tallahala Creek Lake		230,000	(p) 60,000		300,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)					
(FC)	Tombigbee River and tributaries, Mississippi and Alabama	1,300,000			1,300,000	
	Missouri:					
(FC)	Brookfield Lake		41,000	(p) 59,000		200,000
(FC)	Chariton-Little Chariton Basins (1965 act)			350,000	350,000	
(FC)	Chariton River (1944 act)	583,000			583,000	
(MP)	Clarence Cannon Dam and Reservoir	5,200,000			5,200,000	
(FC)	Dry Fork and East Fork Lakes (restudy)			50,000		
(MP)	Harry S. Truman Dam and Reservoir (formerly Kaysinger Bluff Reservoir)	17,400,000		100,000	18,000,000	
(FC)	Little Blue River Channel		135,000			135,000
(FC)	Little Blue River Lakes (land acquisition)	1,280,000		1,220,000	2,280,000	
	Lock and Dam 26, Alton, Ill., and Mo. (See Illinois.)					
(FC)	Long Branch Lake				500,000	
(FC)	Meramec Park Lake (land acquisition)	1,500,000			2,500,000	
(FC)	Mercer Lake			(p) 140,000		60,000
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry drainage district)			(p) 120,000		
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)					
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
(FC)	Pattonsburg Lake—Highway I–35 Crossing	[3] 500,000			500,000	
(FC)	Pattonsburg Lake (town relocation only)			(p) 50,000		50,000
(FC)	St. Louis	2,206,000			2,206,000	
(FC)	Smithville Lake				300,000	
(MP)	Stockton Lake	4,066,000			4,066,000	
(FC)	Union Lake		275,000			275,000
(FC)	Union Lake (State highway 185 relocation) (advance participation)	1,000,000		300,000	1,000,000	
	Montana:					
(FC)	Great Falls	50,000			50,000	
(MP)	Libby Dam—Lake Koocanusa	53,200,000		650,000	57,200,000	
(FC)	Miles City (restudy)		40,000			40,000

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Nebraska:					
(MP)	Gavins Point Dam—Lewis and Clark Lake (relocation of Niobrara, Nebr. Nebr. and S. Dak			[4] $(200,000)	$750,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)					
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)					
(FC)	Papillion Creek and Tributaries			1,310,000	2,000,000	
	Nevada:					
(FC)	Martis Creek Lake, Calif., and Nev	$2,470,000			2,470,000	
	New Hampshire:					
(FC)	Beaver Brook Lake	300,000			300,000	
	New Jersey:					
(BE)	Atlantic City (reimbursement)	300,000			300,000	
(FC)	Elizabeth	1,670,000			1,670,000	
(N)	Newark Bay, Hackensack and Passaic Rivers	2,750,000			4,250,000	
(FC)	Raritan and Sandy Hook Bays	2,096,000			2,096,000	
	Rahway River, South Branch Rahway (Sec. 205)				(800,000)	
(FC)	South Orange, Rahway River	880,000			880,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)					
	New Mexico:					
(FC)	Albuquerque diversion channels	1,222,000		250,000	1,222,000	
(FC)	Cochiti Lake	12,000,000			12,000,000	
(FC)	Las Cruces	500,000			500,000	
(FC)	Los Esteros Lake and modification of Alamogordo Dam	1,200,000			1,200,000	
(FC)	Rio Grande Floodway (Espanola Valley)	346,000			346,000	
	New York:					
(N)	Cattaraugus Harbor			(p)30,000		
(N)	East River (spur channel to Astoria waterfront)					$60,000
(FC)	East Rockaway Inlet to Rockaway Inlet and Jamaica Bay		190,000			190,000
(FC)	Ellicott Creek (plan formulation study)					150,000
(BE)	Fire Island Inlet to Jones Inlet	600,000		50,000	600,000	
(FC)	Fire Island Inlet to Montauk Point	800,000			800,000	
(N)	Hamlin Beach Harbor		50,000			50,000
(N)	Irondequoit Bay			[2] 190,000		
(N)	New York Harbor (anchorages)	1,620,000			4,620,000	
(N)	New York Harbor collection and removal of drift					80,000
(FC)	Nichols	315,000			315,000	
(FC)	North Ellenville	50,000			50,000	
(N)	Oak Orchard Harbor			150,000		
(N)	Port Jefferson Harbor (Review of alternatives)					50,000
(FC)	South Ellenville	50,000			50,000	
	Tocks Island Lake, Pa., N.J., and N.Y. (See Pennsylvania.)					
(FC)	Yonkers		15,000	(p)55,000		15,000
	North Carolina:					
(FC)	Falls Lake	1,820,000			3,300,000	
(FC)	Howards Mill Lake			(p)90,000		92,000
(N)	Morehead City Harbor (1970 act)					60,000
(FC)	New Hope Lake	9,100,000			9,600,000	
(FC)	Ocracoke Island		80,000			80,000
(FC)	Randleman Lake		122,000	(p)78,000		364,000
(FC)	Reddies River Lake		100,000			100,000
	North Dakota:					
(FC)	Burlington Dam					50,000
(R)	Garrison Dam-Lake Sakakawea (embankment repair)	900,000			900,000	
(MP)	Garrison Dam-Lake Sakakawea (Eagle Bay and Ft. Yates highway bridges)					350,000
	Oahe Dam-Lake Oahe, S. Dak. and N. Dak. (See South Dakota.)					
	Lower Branch Rush River (sec. 205)				(200,000)	
(FC)	Minot	[1] 650,000		100,000	650,000	
(FC)	Missouri River, Garrison Dam to Lake Oahe	660,000			660,000	
(FC)	Pipestem Lake	1,350,000		450,000	1,350,000	
	Ohio:					
(FC)	Alum Creek Lake	10,130,000		620,000	10,855,000	
(FC)	Caesar Creek Lake	2,100,000			2,100,000	
(FC)	Chillicothe			(p)75,000		
(FC)	Clarence J. Brown Dam and Reservoir	4,505,000			4,505,000	
(FC)	East Fork Lake	3,715,000			3,715,000	
(FC)	East lake, Chargrin River			(p)60,000		
(FC)	Fremont	5,635,000			5,635,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	12,105,000			12,105,000	
(BE)	Lakeview Park, Lorain					40,000
(N)	Lorain Harbor	1,600,000			1,600,000	
(FC)	Mill Creek					100,000
(FC)	Newark		$80,000			80,000
(FC)	North Branch of Kokosing River Lake	1,675,000			1,675,000	
(FC)	Paint Creek Lake	4,440,000			4,440,000	
(FC)	Salt Creek Lake (land acquisition)			300,000	100,000	
	Shenango River Lake, Pa and Ohio. (See Pennsylvania.)					
(FC)	Utica Lake		270,000			270,000
(N)	Vermilion Harbor				200,000	
(N)	Willow Island locks and dam, Ohio and West Virginia	2,900,000			3,200,000	
(FC)	Youngstown, Crab Creek	1,650,000			1,650,000	
	Oklahoma:					
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)					
(FC)	Arcadia Lake					150,000
(FC)	Birch Lake			400,000		
(FC)	Clayton Lake		316,000			316,000
(FC)	Copan Lake	100,000		500,000	600,000	
(FC)	Crutcho Creek	100,000			100,000	
(FC)	Hugo Lake	5,800,000			5,800,000	
(FC)	Kaw Lake	13,300,000			13,300,000	
(FC)	Lukfata Lake			[3] 450,000		
	McClellan-Kerr Arkansas River navigation system, Arkansas and Oklahoma. (See Arkansas.)					
(FC)	Oologah Lake	500,000			500,000	
(FC)	Optima Lake	1,400,000			1,400,000	
(FC)	Waurika Lake	500,000			500,000	
(MP)	Webbers Falls lock and dam	5,300,000			5,300,000	
	Oregon:					
(MP)	Bonneville lock and dam (2d power unit), Oregon and Washington		470,000			470,000
(MP)	Bonneville lock and dam (mod. for peaking), Oregon and Washington	5,800,000			5,800,000	
(FC)	Cascadia Lake	600,000				
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	650,000			650,000	
(FC)	Elk Creek Lake	1,200,000			1,200,000	
(MP)	John Day lock and dam (Lake Umatilla), Oregon and Washington	9,394,000			9,394,000	
(MP)	Lost Creek Lake	7,260,000			7,260,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	400,000			400,000	
	The Dalles lock and dam, Washington and Oregon (additional power units). (See Washington.)					
(N)	Tillamook Bay and Bar (south jetty)	800,000			1,500,000	
(FC)	Willow Creek Lake					300,000
(N)	Yaquina Bay and Harbor	2,400,000			2,400,000	

Footnotes at end of table.

	Construction, general, State and project	Approved budget estimate for fiscal year 1972		Reserve available fiscal year 1972	Conference allowance	
		Construction	Planning		Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)
	Pennsylvania:					
(FC)	Beltzville Lake	$419,000			$419,000	
(FC)	Blue March Lake (land acquisition)	800,000			800,000	
(FC)	Chartiers Creek	2,915,000			2,915,000	
(FC)	DuBois	400,000		$100,000	400,000	
(FC)	Foster Joseph Sayers Dam	575,000			575,000	
(FC)	Muddy Creek Dam		$35,000			$35,000
(FC)	Raystown Lake	14,000,000			14,000,000	
(FC)	Shenango River Lake, Pa. and Ohio	1,750,000			1,750,000	
(FC)	Tioga-Hammond Lakes	2,465,000			2,465,000	
(MP)	Tocks Island Lake, Pa., N.J., and N.Y.	8,550,000		3,600,000	9,550,000	
(FC)	Trexler Lake		160,000			160,000
(FC)	Tyrone				500,000	
(FC)	Union City Dam	1,640,000			1,640,000	
(FC)	Woodcock Creek Lake	4,900,000			4,900,000	
	Puerto Rico:					
(FC)	Portugues and Bucana Rivers (Ponce)					400,000
	Rhode Island:					
(BE)	Cliff Walk, Newport	60,000			60,000	
	Fall River Harbor, Mass. and R.I. (See Mass.)					
(N)	Providence River and Harbor	1,830,000			1,830,000	
	South Carolina:					
(N)	Cooper River-Charleston Harbor		150,000			300,000
	Trotters Shoals Lake, Georgia and South Carolina. (See Georgia.)					
	South Dakota:					
(MP)	Big Bend Dam-Lake Sharpe	2,239,000			2,239,000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa)					
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (See Minnesota):					
	Ft. Yates highway bridge. (See North Dakota.)					
	Gavins Point Dam-Lewis and Clark Lake (relocation of Niobrara, Nebraska) Nebr. and S. Dak. (See Nebraska.)					
(MP)	Oahe Dam-Lake Oahe, S. Dak. and N. Dak	2,100,000			2,100,000	
	Tennessee:					
(MP)	Cordell Hull Dam and Reservoir	8,000,000			8,000,000	
(MP)	J. Percy Priest Dam and Reservoir (Nashville Davidson County Bridge)			839,000		
	Texas:					
(FC)	Aquilla Lake			(p)90,000		100,000
(FC)	Arkansas-Red River chloride control (pt. 1), Texas, Oklahoma, and Kansas		300,000			300,000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas			(p)410,000		
(FC)	Aubrey Lake		135,000	(p)115,000		285,000
(FC)	Belton Lake (raise water supply pool)	688,000			688,000	
(FC)	Big Pine Lake			(p) 35,000		100,000
(FC)	Buffalo Bayou and tributaries	508,000			508,000	
(FC)	Cedar Bayou				430,000	
(FC)	Clear Creek					100,000
(FC)	Cooper Lake and channels	1,150,000		300,000	1,150,000	
(N)	Corpus Christi ship channel			250,000	500,000	
(FC)	Duck Creek channel improvement				500,000	
(FC)	Elm Fork Floodway		225,000			225,000
(FC)	El Paso	1,200,000			1,200,000	
(FC)	Freeport and vicinity, hurricane flood protection				500,000	
(N)	Guadalupe River (remove log jam)					25,000
(N)	Gulf Intracoastal Waterway, New Orleans to Houston, Louisiana, and Texas:					
	(a) Corpus Christi Bay			200,000		
(FC)	Highland Bayou	100,000			100,000	
(FC)	Lake Kemp	3,500,000			3,500,000	
(FC)	Lavon Lake modification and East Fork channel improvement	12,260,000			12,260,000	
(FC)	Millican Lake, Navasota River		150,000			150,000
(N)	Mouth of Colorado River		130,000	(p)95,000		130,000
(FC)	Navarro Mills Lake (road relocation)					50,000
(FC)	Port Arthur and vicinity, hurricane flood protection	[1]5,230,000			5,230,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)					
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	3,530,000			3,530,000	
(FC)	Sabine River, Greenville Channel improvement					12,000
(FC)	San Antonio Channel improvement	1,037,000			1,037,000	
(FC)	San Gabriel River	1,000,000		800,000	2,000,000	
(FC)	Taylors Bayou	900,000			900,000	
(FC)	Texas City and vicinity, hurricane flood protection	1,960,000			1,960,000	
(N)	Trinity River and tributaries advance participation on high level bridges	2,302,000			2,302,000	
(N)	Trinity River project		1,000,000			1,000,000
(N)	Wallisville Lake	4,200,000			4,200,000	
(MP)	Whitney Lake (raise power pool)	350,000			350,000	
	Utah:					
(FC)	Little Dell Lake		309,000	(p)91,000		309,000
(FC)	Weber River and tributaries		25,000			25,000
	Virginia:					
	Delaware Bay-Chesapeake Bay Waterway Del., Md., and Va. (see Delaware.)					
(FC)	Four Mile Run City of Alexandria, and Arlington County		[1]245,000	(p)170,000		245,000
(FC)	Gathright Lake	4,780,000			4,780,000	
(N)	Hampton Roads	1,397,000			1,397,000	
(N)	James River		30,000			30,000
(MP)	Salem Church Lake		500,000			500,000
(BE)	Virginia Beach (reimbursement)	100,000			100,000	
	Washington:					
	Bonneville lock and dam (2d power unit), Oregon and Washington. (See Oregon.)					
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)					
(MP)	Ice Harbor lock and dam (Lake Sacajawea), additional generating units)	[1]4,400,000			4,400,000	
	John Day lock and dam (Lake Umatilla), Oregon and Washington. (See Oregon.)					
(MP)	Little Goose lock and dam—Lake Bryan	[1]4,360,000			4,360,000	
(MP)	Little Goose lock and dam—Lake Bryan (additional units)			(p)130,000		170,000
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)					
(MP)	Lower Granite lock and dam	55,000,000			55,000,000	
(MP)	Lower Monumental lock and dam	[1]6,915,000			6,915,000	
(MP)	The Dalles lock and dam (Lake Celilo) Wash., and Oreg. (additional power units)	13,000,000			13,000,000	
(FC)	Vancouver Lake area		15,000	(p)85,000		210,000
(FC)	Wahkaikum County Consolidated Diking District No. 1		60,000			100,000
(FC)	Wenatchee Canyons 1 and 2		50,000			50,000
(FC)	Wynoochee Lake	5,600,000		1,900,000	5,600,000	
(FC)	Zintel Canyon Dam					160,000

Footnotes at end of table.

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1972: Construction (2)	Approved budget estimate for fiscal year 1972: Planning (3)	Reserve available fiscal year 1972 (4)	Conference allowance: Construction (5)	Conference allowance: Planning (6)
	West Virginia:					
(FC)	Beech Fork Lake	$1,295,000			$1,295,000	
	Bloomington Lake, Md. and W. Va. (See Maryland.)					
(FC)	Burnsville Lake	500,000		$120,000	880,000	
(FC)	Coal River					$75,000
(FC)	East Lynn Lake	3,515,000			3,515,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)					
(FC)	Leading Creek Lake			(p)150,000		
(FC)	R. D. Bailey (Justice) Lake	15,550,000			17,850,000	
(FC)	Rowlesburg Lake	650,000		(p)150,000		[6] 100,000
(FC)	Stonewall Jackson Lake	3,350,000		150,000	3,350,000	
(FC)	West Fork Lake		$135,000			135,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)					
	Wisconsin:					
(N)	Green Bay Harbor (1962 act)	1,281,000			1,281,000	
(FC)	La Farge Lake and Channel Improvement	1,730,000			1,730,000	
(R)	Racine Harbor	510,000			510,000	
	Miscellaneous:					
(N)	Small navigational projects not requiring specific legislation costing up to $1,000,000 (sec. 107)	2,910,000		90,000	2,910,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation costing up to $1,000,000, (sec. 205).	9,250,000		750,000	10,250,000	
(FC)	Emergency bank protection	500,000			1,000,000	
(FC)	Snagging and clearing	500,000			500,000	
	Recreation facilities, completed projects	6,000,000		1,000,000	7,600,000	
	Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	625,000			625,000	
	Aquatic plant control (1965 act)	900,000			1,100,000	
	Employees compensation	1,190,000			1,190,000	
	Reduction for anticipated savings and slippages	−36,650,000			−36,650,000	
	Committee reallocation of carryover balances				−1,637,000	
	Grand total, construction, general	842,149,000	17,030,000	41,445,000	904,131,000	23,795,000
		(859,179,000)			(927,926,000)	

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[1] Reflects budget amendment submitted in Senate Document 92-32.
[2] Includes funds appropriated prior to fiscal year 1971.
[3] All funds were appropriated prior to fiscal year 1971.
[4] This amount appropriated under general investigations in supplemental appropriation for fiscal year 1971 for development of suitable plans to resolve seepage problems at Niobrara, Nebr.
[5] Reflects budget amendment submitted in House Document No. 92-93.
[6] In addition, carryover balances of $325,000 are available for planning.

Mississippi River—Gulf outlet.—The Managers request that the Corps of Engineers review its present plans for the new lock for the connection with the Mississippi River to assure that the lock size is adequate to accommodate anticipated traffic.

Recreation facilities, completed projects.—The increase over the House bill figure includes $91,000 for Millwood Lake, Arkansas.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

Amendment No. 7: Appropriates $86,000,000 instead of $80,966,000 as proposed by the House and $91,501,000 as proposed by the Senate. The increase provided over the House bill amount is allocated to the following projects and activities:

1. General investigations:	
(N) Catahoula-Charentor area, Louisiana	$10,000
(FC) Bayous Rapides Boeuf Cocodrie and outlets, Louisiana	10,000
(N) Vicksburg Harbor, Mississippi	10,000
(FC) St. Francis River Basin below Lake Wappapello, Missouri and Arkansas	12,000
(FC) St. Johns Bayou and New Madrid Floodway, Missouri	7,000
(FC) Obion and Forked Deer Rivers and tributaries, Tennessee	10,000
(FC) Wolf-Loosahatchie River and Nonconnah Creek, Tennessee and Mississippi	10,000
Subtotal, general investigations	69,000
2. Construction and planning:	
Mississippi River levees	300,000
Channel improvement	1,520,000
St. Francis Basin	1,200,000
Tensas Basin: Boeuf and Tensas Rivers	180,000
Yazoo Basin:	
Greenwood	$50,000
Yazoo backwater	565,000
Atchafalaya Basin	750,000
Eastern Rapides and South Central Avoyellas Parishes, Louisiana (planning)	100,000
3. Maintenance	300,000
Total, increase	+5,034,000

The Managers agree provision should be made within funds available for essential revetment work at Alliance, Louisiana, as provided for in the master plan for channel stabilization below Baton Rouge.

The Managers request that the Corps of Engineers expedite the study of recreation requirements at the four existing reservoirs in the Yazoo Basin to determine the additional facilities, including marinas, boat ramps, and sanitary facilities, required to bring the facilities up to the national standards for the protection of the health and safety of the visiting public and to obtain maximum public benefits, and particularly to promote additional development by States, local interests and private enterprise.

OPERATION AND MAINTENANCE, GENERAL

Amendments No. 8: Appropriates $384,000,000 instead of $376,000,000 as proposed by the House and $390,000,000 as proposed by the Senate.

GENERAL EXPENSES

Amendment No. 9: Appropriates $29,000,000 instead of $28,900,000 as proposed by the House and $29,138,000 as proposed by the Senate. The increase over the House bill amount is to make provision for 10 additional positions in the division offices.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

Amendment No. 10: Appropriates $22,400,000 instead of $21,975,000 as proposed by the House and $22,650,000 as proposed by the Senate. The increase provided over the House bill amount includes $325,000 for the Atmospheric water resources management program, including $75,000 for the North Dakota Pilot Project, and $100,000 for the Colorado River water quality improvement (salinity) study.

CONSTRUCTION AND REHABILITATION

Amendment No. 11: Appropriates $208,845,000 as proposed by the House instead of $206,965,000 as proposed by the Senate. The Managers agree on the following changes in the project allocations reflected in the House bill amount: a decrease of $1,680,000 in the allocation for the Westlands distribution and drainage system, San Luis Unit, California; and increases as follows: Auburn-Folsom South unit—Folsom South Canal, California, $300,000; Fryingpan—Arkansas project, Colorado, a net increase of $330,000 consisting of an increase of $1,000,000 for the Pueblo Dam and a decrease of $670,000 in the amount for the Cunningham Tunnel (the revised capability); Narrows Unit, Colorado, $150,000 (planning); Garrison Diversion Unit, North Dakota, $750,000; and the Oahe Unit, South Dakota, $150,000 for additional land acquisition.

Amendment No. 12: Deletes language proposed by the Senate.

UPPER COLORADO RIVER STORAGE PROJECT

Amendments Nos. 13 and 14: Appropriate $21,089,000 instead of $20,589,000 as proposed by the House and $21,219,000 as proposed by the Senate. The increase provided over the House bill amount is for additional planning on the Fruitland Mesa participating project, Colorado.

OPERATION AND MAINTENANCE

Amendment No. 15: Appropriates $71,500,000 instead of $70,000,000 as proposed by the House and $72,000,000 as proposed by the Senate.

Bonneville Power Administration

CONSTRUCTION

Amendment No. 16: Appropriates $91,000,000 instead of $90,000,000 as proposed by the House and $91,630,000 as proposed by the Senate.

Southwestern Power Administration

OPERATION AND MAINTENANCE

Amendment No. 17: Appropriates $5,000,000 as proposed by the Senate instead of $4,500,000 as proposed by the House.

Office of the Secretary

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

Amendment No. 18: Appropriates $875,000 instead of $750,000 as proposed by the House and $1,000,000 as proposed by the Senate.

TITLE IV—INDEPENDENT OFFICES

Appalachian Regional Development Programs

FUNDS APPROPRIATED TO THE PRESIDENT

Amendment No. 19: Appropriates $297,000,000 instead of $282,000,000 as proposed by the House and $302,000,000 as proposed by the Senate. The increase provided over the House bill amount includes: $5,000,000 for the Health demonstration program; $5,000,000 for Vocational education facilities; and $5,000,000 for Supplemental grants.

Tennessee Valley Authority

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

Amendment No. 20: Appropriates $67,150,000 instead of $64,950,000 as proposed by the House and $67,650,000 as proposed by the Senate. The increase provided over the House bill amount includes $1,700,000 for the Mills River unit of the Upper French Broad project, N. Caro., and $500,000 for construction of chemical facilities for the fertilizer program.

Conference total—with comparisons

The total new budget (obligational) authority for the fiscal year 1972 recommended by the committee of conference, with comparisons to the fiscal year 1971 amount, to the 1972 budget estimate, and to the House and Senate bills for 1972 follows:

	Amounts
New budget (obligational) authority, fiscal year 1971	$4,464,985,000
Budget estimates of new (obligational) authority (as amended), fiscal year 1972	4,616,082,000
House bill, fiscal year 1972	4,576,173,000
Senate bill, fiscal year 1972	4,716,922,000
Conference agreement, fiscal year 1972	4,675,125,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1971	+210,140,000
Budget estimate of new budget (obligational) authority (as amended), fiscal year 1972	+59,043,000
House bill, fiscal year 1972	+98,952,000
Senate bill, fiscal year 1972	−41,797,000

Joe L. Evins,
Edward P. Boland,
Jamie L. Whitten,
George W. Andrews,
John M. Slack,
George Mahon,
John J. Rhodes,
Glenn R. Davis,
Howard W. Robison,
Frank T. Bow,
Managers on the Part of the House.

John Stennis,
Allen J. Ellender,
John L. McClellan,
Warren G. Magnuson,
Alan Bible,
John O. Pastore,
Clinton P. Anderson,
Jennings Randolph,
Milton R. Young,
Roman L. Hruska,
Margaret Chase Smith,
(except for amendment No. 5)
Gordon Allott,
Managers on the Part of the Senate.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. S. 1253. An act to amend section 6 of title 35, United States Code, "Patents", to authorize domestic and international studies and programs relating to patents and trademarks (Rept. No. 92–475). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 593. Resolution providing for the consideration of H.R. 7072. A bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes (Rept. No. 92–476). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 594. Resolution providing for the consideration of H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes (Rept. No. 92–477). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 755. A bill to amend the Shipping Act of 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes; with amendments (Rept. No. 92–478). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9212. A bill to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes (Rept. No. 92–460, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of Conference. Conference report on H.R. 10090 (Rept. No. 92–479). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself and Mr. McClure):

H.R. 10640. A bill to establish a system for the development of mineral resources on public lands of the United States; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. Badillo, Mrs. Hicks of Massachusetts, Mr. Perkins, Mr. Pucinski, and Mr. Scheuer):

H.R. 10641. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BINGHAM:

H.R. 10642. A bill to broaden the national housing goals, to provide housing assistance and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes; to the Committee on Banking and Currency.

H.R. 10643. A bill to broaden the national housing goals, to provide housing assistance and promote community development through block grants with emphasis upon the preservation and more efficient use of the existing housing stock and upon the revitalization of declining neighborhoods, to improve programs of Federal planning and assistance with emphasis upon modernizing and increasing the management capabilities of State and local governments, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROWN of Ohio:

H.R. 10644. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 10645. A bill to require the establishment, on the basis of the 19th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN (for himself, Mr. Betts, and Mr. Conable):

H.R. 10646. A bill to amend section 956 (b) of the Internal Revenue Code of 1954 to eliminate from the concept of U.S. property certain debt obligation acquired by controlled foreign corporations engaged in the banking business; to the Committee on Ways and Means.

By Mr. HICKS of Washington:

H.R. 10647. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 10648. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HORTON (for himself, Mr. Addabbo, Mr. Barrett, Mr. Biester, Mr. Blackburn, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Burke, of Massachusetts, Mr. Clancy, Mr. Don H. Clausen, Mr. Cleveland, Mr. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Coughlin, Mr. Daniels of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Derwinski, Mr. Diggs, Mr. Donohue, Mr. Dow, and Mr. Dulski):

H.R. 10649. A bill to incorporate Pop Warner Little Scholars, Inc., to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. Duncan, Mrs. Dwyer, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Findley, Mr. Fish, Mr. Fisher, Mr. Flynt, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frey, Mr. Gallagher, Mr. Garmatz, Mr. Gaydos, Mr. Goodling, Mrs. Grasso, Mr. Gubser, Mr. Gude, Mr. Halpern, Mr. Hanley, Mr. Hastings, Mr. Hawkins, and Mrs. Heckler of Massachusetts):

H.R. 10650. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Howard, Mr. Hungate, Mr. Johnson of California, Mr. Kazen, Mr. Kemp, Mr. Kluczynski, Mr. Kuykendall, Mr. Leggett, Mr. Long of Maryland, Mr. McEwen, Mr. McFall, Mr. Madden, Mr. Mailliard, Mr. Mann, Mr. Matsunaga, Mr. Mazzoli, Mrs. Mink, Mr. Mizell, Mr. Monagan, Mr. Moorhead, Mr. Morgan, and Mr. Morse):

H.R. 10651. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. Patten, Mr. Pelly, Mr. Pepper, Mr. Pettis, Mr. Robinson of Virginia, Mr. Rodino, Mr. Rosenthal, Mr. Sandman, Mr. Scott, Mr. Sisk, Mr. Spence, Mr. Stafford, Mr. J. William Stanton, Mr. Steiger of Arizona, Mr. Stratton, Mr. Teague of Texas, Mr. Terry, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Veysey, and Mr. Vigorito):

H.R. 10652. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. Anderson of Tennessee, Mr. Dorn, Mr. St Germain, Mr. Waldie, Mr. Ware, Mr. Whitehurst, Mr. Widnall, Mr. Williams, Mr. Winn, Mr. Wolff, and Mr. Wyman):

H.R. 10653. A bill to incorporate Pop Warner Little Scholars, Inc.; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 10654. A bill to amend the District of Columbia Stadium Act of 1957 to provide for a sharing of the financial obligations of such stadium, and for other purposes; to the Committee on the District of Columbia.

By Mr. JOHNSON of California:

H.R. 1055. A bill to designate certain lands in the Lassen Volcanic National Park, Calif., as wilderness; to the Commitee on Interior and Insular Affairs.

H.R. 10656. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 10657. A bill to insure the right of lakeshore property owners on federally owned or regulated lakes to construct and maintain private dock facilities; and for other purposes; to the Committee on Public Works.

By Mr. PEPPER (for himself and Mr. Edwards of Louisiana):

H.R. 10658. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 10659. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Adams, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Brinkley, Mr. Don H. Clausen, Mr. Danielson, Mr. Dent, Mr. Duncan, Mr. Eilberg, Mr. Flowers, Mrs. Grasso, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. Lent, Mr. Matsunaga, Mr. Mazzoli, Mr. Metcalfe, Mr. Michel, Mr. Mizell, Mr. Morse, Mr. Moss, and Mr. Myers):

H.R. 10660. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Bevill, Mr. Broyhill of Virginia, Mr. Fisher, Mrs. Hansen of Washington, Mr. Nichols, Mr. Rhodes. Mr. Riegle, Mr. Runnels, Mr. Spence, Mr. Steiger of Arizona, Mr. Whitehurst, Mr. Williams, and Mr. Wyman):

H.R. 10661. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 10662. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide an alternate method of making loans for the acquisition and improvement of farms, and for other purposes; to the Committee on Agriculture.

By Mr. J. WILLIAM STANTON:

H.R. 10663. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Great Lakes Basin conservation program; to the Committee on Agriculture.

By Mr. J. WILLIAM STANTON (for himself, Mr. Mosher, Mr. Whalen, Mr. Betts, and Mr. Seiberling):

H.R. 10664. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H.R. 10665. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (by request):

H.R. 10666. A bill to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 10667. A bill to designate certain lands in the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Monroe County, Fla., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. FORSYTHE:

H.R. 10668. A bill to provide for the issuance of a commemorative postage stamp in honor of older Americans; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Ohio:

H.R. 10669. A bill to provide for a national program with respect to the regulation of all present and future coal mining operations and the reclamation of lands adversely affected by such operations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PIKE (for himself, Mr. Gubser, Mr. Hébert, Mr. Arends, Mr. Leggett, Mr. Stafford, Mr. Hicks of Washington, Mr. White, Mr. Whitehurst, Mr. Brinkley, Mr. Daniel of Virginia, Mr. Young of Florida, and Mr. Spence):

H.R. 10670. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; to the Committee on Armed Services.

By Mr. PURCELL:

H.R. 10671. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to aid in rural area development, to provide for insured operating and other type loans, and for other purposes; to the Committee on Agriculture.

By Mr. STOKES:

H.R. 10672. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 10673. A bill, Warranty Protection Act of 1971; to the Committee on Interstate and Foreign Commerce.

By Mr. THONE:

H.R. 10674. A bill to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes; to the Committee on Public Works.

By Mr. CHAPPELL (for himself and Mr. Flowers):

H. J. Res. 865. Joint resolution proposing an amendment to the Constitution of the United States to provide that each Judge of the Supreme Court of the United States shall be appointed from a different judicial region of the United States; to the Committee on the Judiciary.

H.J. Res. 866. Joint resolution proposing an amendment to the Constitution of the United States to provide that each judge of the Supreme Court of the United States shall be elected from a different judicial region of the United States; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.J. Res. 867. Joint resolution authorizing the President to designate the first week in March of each year as "National Beta Club Week"; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 868. Joint resolution authorizing the President to proclaim September 18 of each year as "National Jogging Day"; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H. Con. Res. 398. Concurrent resolution to relieve the suppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 595. Resolution requesting the Secretary of State to furnish the text of all communications pertaining to the forthcoming Vietnamese presidential election; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 10675. A bill for the relief of Antoinietta Garofalo; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.R. 10676. A bill for the relief of Lester L. Stiteler; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 10677. A bill to incorporate in the District of Columbia the Gold Star Wives of

America; to the Committee on the District of Columbia.

By Mr. GROSS:

H.R. 10678. A bill for the relief of Marie Tjernagel and others; to the Committee on the Judiciary.

By Mr. MITCHELL:

H.R. 10679. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. MONAGAN:

H.R. 10680. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII,

131. The SPEAKER presented a petition of the Town Board of Cheektowaga, N.Y., relative to Federal-State revenue sharing, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

LEGAL SERVICES TO THE POOR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, on August 7, 1971, the National Bar Association held a convention in Atlanta, Ga. This organization of black attorneys passed two most significant resolutions pursuant to their goal of assuring full and adequate participation of poor and black people in the life of America. The thrust of these measures states their opposition to Judicare as it has been implemented in the United States, and their belief in the necessity of involving more minority attorneys in OEO legal services. In addition, they deplore any action which tends to make a legal services program for the benefit of the poor a political issue. With all of these notions I concur; and therefore, I submit the text of their resolutions for the RECORD:

RESOLUTION 27: JUDICARE

The promise of America is not yet a reality for the poor and the minorities of this Nation. This Republic cannot endure half enslaved by poverty, racism, lack of power and dignity, and half-free. The National Bar Association recognizes that certain fundamental changes must occur in our institutions and in our practices, and is committed to bringing about such changes within the framework of the law. The Legal Services Program of the Office of Economic Opportunity has been such a force for change in this Nation.

Whereas, the National Bar Association is an organization of Black attorneys which seeks to assure the full and adequate participation of poor and Black people in the life of America; and

Whereas, the Legal Services Program is an instrument on the cutting edge of the law establishing the rights of the have-nots of society who have traditionally been denied these rights; and

Whereas, the Legal Services Program has been effective in establishing such rights because it has provided a national concentrated attack on the denial of effective advocacy for the Black and poor through the establishment of neighborhood law offices and the establishment of sound back-up research programs; and

Whereas, the Legal Services Program has placed Black attorneys in communities where Black lawyers in numbers which have never before been achieved; has allowed the efforts of legal services attorneys to extend beyond the traditional boundaries of legal representation to include the regular organizing of community groups, economic development projects, legislative activities, and community education; has developed attorneys with broad expertise in highly specialized areas of poverty law practice; and most important, has allowed full-time attention by attorneys to the needs of Black and poor people; and

Whereas, certain State Governments, newly created associations and powerful corporate interests are attempting to undermine and destroy this vital program through the guise of substitution in its place a vague, undefined, untested, experimental idea called judicare; and

Whereas, the four judicare experiments that have been conducted in the past six years have failed to provide effective delivery of services to the poor; and

Whereas, these programs have been conceived and developed without the involvement of the organized Black Bar and have proven totally useless and irrelevant to the Black community; and

Whereas, the most significant experiment with legal services delivery systems is about to be launched under the auspices of the State of California and the Office of Economic Opportunity; and

Whereas, this California experiment has grand implications for the highly effective neighborhood office legal services delivery system operating throughout this country.

Therefore be it resolved that, NBA strongly endorses the current concept of providing legal services to the poor of this Nation; and as the Black and brown population form a disproportionate share of the poor, we urge that more minority attorneys, minority attorney organizations and client community organizations be given greater representation in staff positions, directorships and policy making and implementing positions at all levels of OEO Legal Services.

Be it further resolved that the National Bar Association does hereby urge the director of the Office of Economic Opportunity, the Director of Legal services of such office and all responsible persons not to fund the California Legal Assistance Foundation or any other grantee or delegate Agency unless and until such agency be truly representative of Black People, the Organized Local Black Bar, the Poor, and present OEO legal services attorneys and the Organized Bar generally.

Be it further resolved that based upon the available information and attempted experimental and proposed plans with Judicare to date, we find this to be an unacceptable method of providing quality legal services to the poor—and therefore we are opposed to the Judicare as it has been implemented in the United States.

Be it further resolved that a committee be created to study the question of Judicare and its implications for the Black Bar and Black Community and to report the results of this study to the Executive Committee within a time to be established by that Committee.

Be it further resolved that the Secretary of the National Bar Association be authorized and directed to communicate to the Director of the Office of Economic Opportunity and the Governor of the State of California our strong desire that the National Bar Association and the Black Bar of the State of California become immediately involved in the planning phase of the experiment for Legal Services Delivery Systems about to be launched in that state.

Be it further resolved that the National Bar Association deplores and condemns any practice of making the legal services program a political issue.

RESOLUTION NO. 28: JUDICARE

The promise of America is not yet a reality for the poor and the minorities of this Nation. This Republic cannot endure half enslaved by poverty, racism, lack of power and dignity, and half free. The National Bar Association recognizes that certain fundamental changes must occur in our institutions and in our practices, and is committed to bringing about such changes within the framework of the law. The Legal Services Program of the Office of Economic Opportunity has been such a force for change in this Nation.

Whereas, the National Bar Association is an organization of Black attorneys which seeks to assure the full and adequate participation of the poor and Black people the life of America; and

Whereas, the Legal Services Program is an instrument on the cutting edge of the law establishing the rights of the have-nots of society who have traditionally been denied these rights; and

Whereas, the Legal Services Program has been effective in establishing such rights because it has provided a national concentrated attack on the denial of effective advocacy for the Black and poor through the establishment of neighborhood law offices, the establishment of sound back-up research programs; and

Whereas, our surveys indicate that during the period of time in which Judicare programs have been tried and developed in certain ares, Judicare lawyers have never filed a class action, have never appealed a case, have never filed an action in Federal Court, have never initiated any trial level actions (except domestic relations), have never been involved in jury trials, have almost never been involved in any type of trial, have almost never initiated any actions other than domestic relations; and

Whereas, aggressive representation in these areas is necessary to bring about meaningful change for the poor and Black; and

Whereas, the Judicare Programs threaten both the continuance of the Legal Services Programs and the effective delivery of legal services to the poor; and

Whereas, the Judicare Programs have been advocated and developed without the involvement of the organized Black Bar.

Therefore be it resolved that NBA strongly endorses the current concept of providing legal services to the poor of this Nation; and as the Black and brown population form a disproportionate share of the poor, we urge that more minority attorneys, minority attorney organizations and client community organizations be given greater representation in staff positions, directorships and policy making and implementing positions at all levels of OEO Legal Services.

Be it further resolved that because as Black attorneys we are deeply concerned about the provision of legal services to the poor, we insist upon full participation at all stages of the development of *any* legal services delivery system.

Be it further resolved that based upon the available information and attempted experimental and proposed plans with Judicare to date, we find this to be an unacceptable method of providing quality legal services to the poor—and therefore we are opposed to Judicare.

OLD STURBRIDGE VILLAGE CELEBRATES ITS 25TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. BOLAND. Mr. Speaker, Old Sturbridge Village, a replica of an early American village, has just celebrated the 25th anniversary of its public opening. Spreading over the gently rolling countryside outside the town of Sturbridge, Mass., the village is almost eerily evocative of colonial New England's mood and setting. Its authenticity, minutely exact, has been unchallenged throughout its history.

A museum, the village's forerunner and still its chief attraction, exhibits early New England artifacts—furniture, tools, utensils, clocks, glassware. Early 18th century houses, painstakingly restored to the bleakly austere elegance of colonial architecture, stand by the village's streets and walkways. A general store displays the few wares early New Englanders did not make for themselves. A blacksmith shop, an early factory, a gun museum, and a herb garden are among the scores of other attractions that could be listed here.

The village began humbly. Albert B. Wells, a Southbridge industrialist, discovered the lore of antiquing one rainy weekend in 1926. His interest, once casual, soon became a passion. His collection slowly outgrew his house, additions to his house, even his barns. Wells' son, George, proposed the museum eventually built in 1936. Around it, Old Sturbridge Village grew up under the stewardship of the Wells family and their friends. Mrs. Ruth D. Wells, the village's directress from 1946 to 1950, and still active in its administration, opened it to the public in 1946.

The village now draws hundreds of visitors each year, and is the site of a master of arts program in American history offered by the University of Connecticut.

I was honored to take part in the ceremonies last weekend, Mr. Speaker, just as I was honored to serve on the village's 25th anniversary committee.

I feel sure my colleagues join me in congratulating the officers, trustees, and administration of Old Sturbridge Village.

I put in the RECORD an editorial and an article from the Evening News, a newspaper published in nearby Southbridge, and the anniversary celebration's program and schedule of events:

ON CELEBRATING THE VILLAGE'S ANNIVERSARY

(By Loren Ghiglione)

Each of us finds, I suppose, his own reasons for satisfaction in the celebration today of Old Sturbridge Village's 25th anniversary.

I am someone captured by the romance of newspapering. I'm not talking about just the excitement of writing but the romance that surrounds the many different parts of putting together a newspaper—designing the ads, editorializing, setting the type, reporting the news, printing the paper.

It's difficult today for people to see all these different parts as a whole. And few newspapermen today are masters of the entire operation.

Henry Beetle Hough, editor of The Vineyard Gazette, explained the problem, "The generations that knew and practiced the setting of type by hand, that knew the type case and all the rest, are gone; and these were the generations that knew the craft, business and profession of newspaper work as a whole, from first to last, in all its details, and had reason to know it, because one man in his time did all the things required in the making of a newspaper. The division of duties was a shadow line crossed and recrossed as occasion demanded."

A modern newspaper, on the other hand, is like many things modern. It's fragmented and dominated by electronic gadgetry—computers, cathode ray tubes, and tapesetting machines. Gone are the sounds of the composing room. Gone is the smell of the ad department paste pots. Gone, to some extent, is the raucous, chaotic life of the newsroom. And, most important, gone is the opportunity for one man to know the feel of newspapering as a whole.

I've tried, as I'm sure a number of newspapermen have tried, to preserve some of the richness and romance of the newspaper's past so that others will understand our love for the business. However, old papers, autographs and photographs cannot, by themselves, convey the feeling we want to convey.

But Old Sturbridge Village has the Isaiah Thomas Printing Office. The romance of newspapering is all there. One can feel it in the presses, type banks, and in the demonstrating printing that is done.

And so the romance and history are captured and conveyed to a society that today has few opportunities to know the craft, art, business and profession of newspapering as a whole.

Perhaps it's a special act of grace that the Village should call upon a newspaperman, Erwin Canham, Editor In Chief of The Christian Science Monitor, as its principal speaker today. I like to think Canham's speech is a way we newspapermen get to say thanks to the Village for helping keep alive the meaning and romance of our profession.

MUSEUM OF PAST LOOKS TOWARD ITS FUTURE

In the 1965 annual report of the president, Henry Sewall Woodbridge, Mr. Woodbridge quotes the New England poet, "New England is the Authorized Version of America." If this is so, then surely Old Sturbridge Village is the authorized version of New England.

Woodbridge begins the summation of the first 20 years of the Village thus "During a rainy weekend, in 1926, Albert B. Wells, a Southbridge, Massachusetts, industrialist went antiquing with a friend in Vermont, and then and there developed an intense personal interest in the furniture, tools, and utensils of early-day rural New England. He began collecting with the same enthusiasm and the drive that marked all of his other activities and within a few years his collection had outgrown his home, as well as various additions and barns."

The idea for an outdoor museum came from Albert Well's son, George, and the museum was created in 1936. The Wight-Ballard farm in Sturbridge was purchased as the museum site.

Joel Cheney Wells, Albert's brother, added his collection of New England clocks and paperweights and glass to the exhibit. Mrs. Albert B. Wells purchased the Dreyfus lighting collection in Switzerland.

In 1937, Arthur Shurcliff, a landscape architect, was hired to make the site plan for the museum and the Cheney Sawmill and the Gebhardt Barn was erected.

In 1938, Quinebaug Village was incorporated to operate a model New England village on the site and the Wight Gristmill was reconstructed on its original site and equipped.

In the next few years a number of houses were purchased and brought to the village. They included the Stephen Fitch House (1735–1820), from Willimantic, Conn.; Miner Grant's General Store (pre-1800) from Stafford, Conn., and a boot shop from the Alice M. Wight farm.

The Solomon Richardson farmhouse (ca. 1735) was moved from Podunk in East Brookfield in 1940 and the gristmill began operating.

The following year the Harrington Gun Museum was built as an adaptation of an early New England farmhouse.

Also in 1940, a reproduction of the first factory used by the American Optical Company, with which the Wells family was connected for many years, was constructed to house an exhibit of glassware and spectacles.

A reproduction of a blacksmith shop at Gilmanton Ironworks, New Hampshire, was constructed in 1942. The Farmer's Nooning and a blacksmith house now known as the Tin and Broom Shop, had worked begun on them in the same year.

All work on the village halted during the remaining war period.

In 1946, Mrs. George B. Wells became Acting Director. The Cabinet Shop and Miller's House were completed that same year and a reproduction of the Denison District School in Southbridge (now the Clock Museum) was built and construction of the Tavern began.

The Quinebaug Village became Old Sturbridge Village in 1946, also.

The focal point of the Village, the Baptist Meetinghouse (1832) was moved to the village from nearby Friskdale in 1947.

In the following year, the village became more representative with the election of a Board of Trustees for the first time of persons other than members of the Wells family or executives of the American Optical Company.

In July, 1948, "the Friends of Old Sturbridge Village", a membership organization, was established.

The Liberty Cap Motel was begun in 1950 on the Alice M. Wight farm on Route 20, near the Village.

The Pliny Freeman Farmhouse was moved from its site on Route 15, Sturbridge, into the Village in 1951, and a farm exhibit, one of the most popular and affecting exhibits of the museum, was developed.

Also that year, a program for school groups was begun on a limited basis and a "Teacher's Day" was held to acquaint teachers with the program.

Work was begun on the extensive and authentic herb garden and an early tobacco barn was moved from Hadley, for the drying and processing of herbs.

In 1953, Albert B. Wells died. His brother, Joel Cheney Wells, survived until 1960.

In January, 1955, the Old Sturbridge Village Booklet Series was begun with the publication of the New England Village Scenes: 1800. In August of 1955, the worst flood in the history of the Village caused damage in excess of $250,000. An appeal for reconstruction funds brought gifts totalling $108,441.89.

In 1956, the Museum Shop was opened, later to be expanded. The first Annual Muster Day was celebrated on the Village Green in that year, but has since been discontinued.

The Salem Towne House, the building which stands at the opposite end of the green to the meetinghouse, was added to the Village.

In the following year, the Village welcomed its one-millionth visitor. The Horn of Plenty gift shop was opened.

In 1959, the New England Galaxy was first published. George B. Wells resigned as president and was succeeded by Henry S. Woodbridge.

In February, 1961, the first issue of the Rural Visitor, a quarterly newsletter for the Friends of the Village, appeared.

"The New England Harmony: A Collection of Early American Choral Music," was produced by the Sturbridge Singers and released by Folkways Records.

In April, sequences for the motion picture "Hawaii" were filmed in the Village.

The Woodland Walk was dedicated as a memorial to Joel Cheney Wells in April.

With Village attendance figures increasing year by year, the expansion of Village facilities suddenly had become a matter of the first priority and additional land was urgently needed. Alexander J. Wall, president of the Village, reported in 1966, "Fortunately . . . the very land best suited for our purposes had become available and options had been taken on two tracts adjoining the present Village, a summer youth camp of approximately 1,000 acres—known as Camp Robinson Crusoe—and a gravel pit of small acreage but strategically located."

The camp was purchased in 1967 and the Trustees voted the newly acquired land be designated the Philip M. Morgan Tract in honor and in memory of the former chairman of the board.

A new fire resistant wing of the administration building provided an additional 3,400 square feet for the research library and 1,450 square feet for additional offices.

In 1966–67 Village attendance reached the half-million mark.

In 1969, an important program added during the year was the inauguration of the Village's new graduate program.

Aided by a $20,800 grant from the National Endowment for the Humanities, the Village, in cooperation with the History Department of the University of Connecticut, presented the first year of a M.A. Program in American History and Historical Museum Work. Eight students worked and studied in the program.

At the Pliny Freeman farm in the same year, a Cooper's shop was added and approximately 16 acres of wood and brush land were cleared, broken up fertilized and seeded for farm crops. Over 6,000 feet of four-rail, most of it handmade at the farm, was built around the new farm fields. New orchards near the farm and the Salem Towne House were also prepared.

Just as the last Village year came to a close, arrangements were completed for the first major step in plans for the proposed manufacturing village, the acquisition of an original cotton mill building.

The Phoenix Mill in Phoenixville, Conn., was purchased to provide the key exhibit building for the new manufacturing village.

The tenth year of the Village music program brought a new facility which will provide a recording studio, a rehearsal room for the martial band, the Sturbridge Singers, and the Anacreontic Society.

As in the past, Village visitors were offered a dramatic presentation during the summer months. The play was directed by Elaine Bullis-Orms, who for many years directed The Merry Go Round Theater in Sturbridge.

SCHEDULE OF EVENTS.—FRIENDS' DAY AND 25TH ANNIVERSARY CELEBRATION, SEPTEMBER 11, 1971

9:30 a.m.—Village opens.

9:30–11:30 a.m.—Early Village scenes. Slide film presentation in the Gebhardt Barn. Continuous.

Special demonstrations—Wood carving, Cabinet Shop; Distaff making, Farm; Flower drying and arranging, Herb Garden; Quilting, Towne House; Clay grinding, Pottery.

11:30–12:00 noon—The Ancient Mariners, Guilford, Conn. Fife & Drum Corps, and the Sturbridge Martial Band performances on the Village Green.

2:00–2:45 p.m.—The Ancient Mariners and the Sturbridge Martial Band on the Village Green.

3:00–4:15 p.m.—Annual meeting and 25th anniversary celebration. Erwin Canham, editor, Christian Science Monitor, principal speaker, and Richard F. Treadway, master of ceremonies.

4:30 p.m.—President's reception and tea, Langdon House area. Education Center-Auditorium exhibits.

5:30 p.m.—Village closes.

TWENTY-FIFTH ANNIVERSARY PROGRAM AND FRIENDS' DAY ANNUAL MEETING, OLD STURBRIDGE VILLAGE, STURBRIDGE, MASS., September 11, 1971.

TWENTY-FIFTH ANNIVERSARY COMMITTEE

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James Biddle.
Hon. Edward P. Boland.
Hon. Edward W. Brooke.
Hon. Paul J. Corriveau.
Dr. Abbott Lowell Cummings.
Mrs. F. Harold Daniels.
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Alexander J. Wall.
Hon. Sinclair Weeks.
Mrs. George B. Wells.
Dr. Walter Muir Whitehall.

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Theodore L. Storer.
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Edward R. Tufts.
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John M. Wells.

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Dr. Talman W. Van Arsdale, Jr.
Henry Sewall Woodbridge.
Alexander J. Wall, *President*.

J. E. Auchmoody, *Vice-President for Business Administration*.

Barnes Riznik, *Vice-President for Museum Administration*.

PROGRAM

"Sturbridge", William Billings, 1779—Sturbridge Martial Band.

Welcome—Richard F. Treadway, *Master of Ceremonies*.

Annual Meeting of the Friends—J. Hampden Robb, *Chairman of Board of Trustees*, Presiding.

Report of the Nominating Committee.

Election of Friends' Trustee.

Report of the President—Alexander J. Wall.

Anniversary Comments and Introductions of Guests of Honor—Mr. Treadway.

Address—Erwin D. Canham, *Editor-in-Chief, The Christian Science Monitor*.

"Sturbridge", Samuel Holyoke, 1791–Sturbridge Martial Band.

SOME THOUGHTS ON THE MODERN VOLUNTEER ARMY

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. HÉBERT. Mr. Speaker, at the recent annual meeting of the Armor Association, Gen. Bruce C. Clarke, U.S. Army, retired, gave an enlightening speech about the modern volunteer army concept.

Because of his outstanding record of service and his vast experience in the military, I want to make his remarks available to my colleagues.

He was introduced by Brig. Gen. Hal C. Pattison, and I am also including his introductory remarks. Both appeared in the July-August issue of Armor magazine from which I obtained the material:

INTRODUCTION BY BRIG. GEN. HAL C. PATTISON

Our next speaker is a man who truly needs no introduction to an audience of Armor people. He is a former President of our

Association and was a longtime member of the Executive Council before that.

Few people have been as unstinting of their time and talents, particularly in retirement, as has General Bruce C. Clarke. I doubt that any single individual has appeared before as many Army audiences as he has during the past nine years. Recently, the Chief of Staff sent him on a fact-finding mission in support of the Modern Volunteer Army concept. General Clarke has volunteered to brief us on some of the salient points of his findings.

SOME THOUGHTS ON THE MODERN VOLUNTEER ARMY

(By Gen. Bruce C. Clarke, U.S. Army, retired)

General Pattison, General Desobry, distinguished guests, members of the Armor Association.

During the last 10 weeks, I have traveled to over a dozen Army posts looking at what is being done to increase the attractiveness of the service. I'd like to point out to you that in doing this I worked for General Forsythe, who is here today. He is a great believer in mission-type orders. When he sent me on this trip, he said "Get recruits." A two-word mission-type order, that's all the instructions I've had. And that's what I've been trying to do.

Now the purpose of the recruiting program in the Modern Volunteer Army is to get as many high quality enlisted men into the Army as we can. You note that the Army does not speak about an all-volunteer Army because "all" is pretty positive. When I commanded USAREUR, we had 84.6 percent volunteers. That's probably the optimum. The other 15 percent fit in well. That mix made a very fine army.

We must keep what we are doing in perspective. I enlisted in the Army 53 years ago. I have lived through five armistice periods. We are in an armistice period right now. Every one of them has been the same really—bring home the troops, no more wars. Soldiers say, "Well I've done my part and I'm getting out," and that sort of thing. Personnel turbulence, turbulence in appropriations, turbulence in everything. Now this sort of thing is going to go on for three or four years. It is not going to end tomorrow.

This reminds me of a story of the West Virginia countryman who went into town as he was having problems—physical problems. He told the doctor all about his aches and pains and about his spells. When he got through, the doctor said, "Have you ever had this before?" and he said, "Yes, I've had these spells about twice before." "Well," the doctor said "don't worry, you've got it again."

So we've got it again. But we've lived through it before. Out of the turmoil has always come a better Army. Out of this will come a better Army—I am convinced of it. I would not tell you so if I were not sure. I'm not interested in a choice assignment. I don't want to go to the War College. And I don't want a command. So I can tell it to you like it is—I think.

Now a part of the program that General Westmoreland approved was unit recruiting. I had discussed with General Forsythe the proposition of trying unit recruiting—say for the 1st Infantry Division in Kansas. General Westmoreland thought it was worthwhile to expand the experiment to seven units. I agreed. I recently visited all seven units and spent at least a day with them. In a two months period the Army has refined the instructions and techniques and so forth to the point where we are now really beginning to produce. This has not been easy. But it has been done and the units have good instructions; they have good procedures; and they are all going at recruiting with good enthusiasm.

I don't know how many were here on the 15th of July 1940 when we stood on the street out here and activated the 1st Armored Division. Just before that the members of the 7th Cavalry Brigade (Mechanized) were turned loose in the states of Kentucky and West Virginia and brought back a division. That's where the 1st Armored Division came from. We brought back a division in civilian clothes by unit recruiting. So, it can be done.

And now a few further remarks on mission-type orders. Everywhere I talk to senior commanders, they all say the same thing. "Tell me what you want to accomplish. Tell me the factors that are needed for coordination. Tell me how you are going to help me. That's all I want to know."

Every one of them says the same thing. That's a mission-type order. But when you get down to the staff, gentlemen, they don't want that. They are going to have to interpret it. I was in General Forsythe's office the other day when somebody, a staff officer, called and said, "I have an instruction which said so and so, but he didn't spell it out exactly. What do you want to do?"

General Forsythe said, "Get recruits!" and hung up. We need staff officers that want mission-type orders and by God we don't have them. Now, why don't we have them? Because they are afraid to make mistakes.

Recently I talked to an ROTC outfit, and when I got through, the first question from the floor was, "General, what did that commander of the Coast Guard ship do wrong when he turned this man back to the Russians?" I answered, "He asked." If he had not asked, he would be still on active duty. Now, he's been retired. If the fellow above you knows less than you do, don't ask.

I can tell you that people in the Pentagon will welcome that. I never served in the Pentagon, but now I'm learning about those that do, and they aren't as bad as I used to think they were.

Today, we must get back to the peacetime garrison type of handling our men and our training. We have a new ballgame, the situation is different than it was in Vietnam. You have been commanders in Vietnam. I have not. But I have kept track of what is going on. I have three sons in the service. Two majors in the Army and one in the Marine Corps. And they have no hesitation about telling me what's wrong with the service.

The leadership we need is not new. We have not dug up any new slabs in the desert with hieroglyphics on them that can be interpreted. The principles are not new. When you came in here you were handed a little card entitled "What Our Soldiers Have a Right To Expect from their Leaders." This was part of a lecture I gave to the First Class at West Point in 1945. I claim there is nothing on the card that anybody who wants to lead soldiers can find fault with. Nobody ever has.

In the letters that General Westmoreland gets on the misuse of American soldiers, the basis for complaint almost every time is a violation of one of these simple principles. Now, why is this? I bring this up to you because these principles are the basis of the VOLAR Program. They were not written for that purpose, but I studied the VOLAR Program and I can find nothing in it that differs materially from what is on the card. Furthermore, I can find nothing on the card that is permissive. We have all seen things in the paper about beer, no reveille, long hair, and that sort of business. This doesn't worry me at all. I was at Benning and spent a day with the 197th Infantry Brigade, 6000 troops, and I asked about the beer business. "Oh," they said, "less than half of our soldiers want beer. That is just something to write about in the paper." Let's not get up in the air over beer and whether a soldier's hair is three inches long or three-and-a-half.

Not long ago, we took the green tabs off the shoulders of the sergeants major for some reason which I have not figured out yet. All we did was to make the sergeants major mad. My point of view is that if the sergeant major wants to wear a feather in his hat, that's all right with me. There's only one in the battalion and it takes two to establish precedent. The point is, let's concern ourselves with the proper things. As far as having a reveille formation goes, General Desobry, your commandant stopped the reveille formation in the 1st Armored Division a year before it was ever published. And the 1st Armored Division didn't go to pieces. I don't think that this made any particular difference—in efficiency, or discipline. So let's not get ourselves exercised about that either.

You know, when I was a recruit I took training under a drill sergeant named Scott. He was a cavalryman. He was a good soldier, with about 20 years of service. Every time we had a 10 minute break, we fell out under the only tree on the parade ground and he wouldn't let us rest. He lectured to us about the Army. One thing he said which I have never forgotten was, "Young Gentlemen, never forget, the Army isn't what it used to be; in fact it never has been." That was 53 years ago and it is just as true today. It never has been. And it isn't going to be. And therein lies its strength.

Now, what is the challenge that you and I—no just you—face. I don't face it anymore, but you officers and NCOs on active duty do. You have a challenge unique among the services. That is you are charged with producing superior units with the ordinary run of manpower. No other service will attempt that. Now remember that. That, to me, makes the Army attractive. "Produce superior units with the ordinary run of manpower." And we do it. The people who do it are good leaders and good commanders.

And that leads us to the question of morale which is a thing that a lot of people do not understand. Civilians usually do not understand morale. Many soldiers do not understand it either. Morale results from only three simple things.

The first is having a responsible job to do. From this comes job satisfaction. The greatest gripe that I get from soldiers is "I'm doing make work. I don't have a job." I get the same thing from lieutenants. "I'm doing a buck sergeant's work. The company commander is doing everything. He does not trust me because he is trying to build up good statistics. He does not want me to make a mistake."

Everyone in the Army must have an important job from which he can get job satisfaction.

The second thing is that everyone must have been trained well enough that he feels he is properly trained to do his job properly.

And the third thing is that somebody appreciates what he has done.

Now that is all there is to morale. Job satisfaction, a good job, trained to do it well, and somebody appreciates it. With that, you've got a complete course in leadership.

As some of you know, in connection with the Kermit Roosevelt Lectures, we exchange very senior speakers each year with the British. In 1969 British Lieutenant General Sir John Mogg had this to say: "In my command, the task of man management is given a higher priority than the skill at arms or professional ability." That, gentlemen, is what we must get back to.

At this point it seems appropriate to say that leadership must be, and truly can only be, exercised in the climate of good commandership. Not long ago I spoke to an audience of company officers at one of our service schools. I came down strong on what our soldiers have a right to expect from their leaders. At the end one captain rose to say, "General, I understand your points and I agree. But what has the company commander a right to expect from his battalion commander?" And shortly thereafter, students at Leavenworth asked what the battalion commander had a right to expect from the commanders above him. I had to admit that these questions were in a field that we had avoided. So, on the plane, I sat and sketched out a list of things I thought company and battalion commanders had a right to expect from higher commanders and their staffs. It is not a final product. I sent this to about 30 persons for comment.

One of the comments was, "This is hurriedly written and it has many errors of syntax." You know I was in the last section in English at West Point and I don't know what the hell syntax is. Apparently this hasn't stunted my career and I haven't looked it up. I asked somebody the other day what it meant and he said, that's the fee which you pay for opening up a house of ill repute. That's as good a definition as I need.

It seems to me that commanders if above battalion, brigade, division, and so on and their staffs would follow these precepts, it would make life worthwhile for the people below them. The commanders, I find in going around, are not universally at fault. However, the staff is often at fault. The staff fellow has got to show that he is industrious. In being so he often harasses the troops.

Red tape has been cited as one source of friction the Army must eliminate. One means to do this is to stop having staff sections subordinate to other staff sections. Section heads should report to the chief of staff or executive officer directly. When I instituted that system in USAREUR, the chief of staff was a classmate of mine. He said to me, "Bruce, that's too many for me to coordinate." "Well," I said, "Bill, I'm sorry about that because I wanted you to stay on as chief of staff. Do you have a suggestion as to who I should get in who can coordinate?' "Well," he said, "maybe I'd like to try." Nothing more was said about that and everything went fine.

Now, size of headquarters also has a lot to do with red tape. When I took over command of Seventh Army, I inherited a major general as chief of staff, a brigadier general as deputy chief of staff for operations, and a colonel as deputy chief of staff for administration. The papers went * * * young brigadier. I said I wanted him to come up and replace those three. "Would you like to try it?" I asked. "I sure would, sir," he replied. So I brought him up and he took over the job of those three and did it in half the time. His name was Harold K. Johnson. As you know, he later became a fine chief of staff of the Army.

Not long ago, I asked 40 students at the Army War College to fill out a questionnaire on leadership and commandership. This was done before my talk to their class in order that they would feel free to be completely objective. These students are smart people, being well within the top 15 percent of officers in the Army.

One question was, "If you were appointed Chief of Staff of the Army tomorrow, what are the first five things you would do to improve the Army?" Their strong first choice was to eliminate or cut down on the size of headquarters.

And now a related area—there is a difference between leadership and commandership. There is a difference, a broad difference. I have seen commanders who never could get over being leaders and they are awfully hard to work for. We have got to do a better job in teaching the technique of leadership and commandership. We teach very well the principles. I bet that everybody here could sit down and write a very good paper, a page-and-a-half, on the principles of being a good company commander. But the technique of how to do it is another matter. We must teach technique of command. People used to study law from a book of principles. Now all law schools teach by case method. If you are going to study the law on burglary, you have about 15 or 20 burglary cases that have been decided by the courts. After you study them through and analyze them and so forth, you get a pretty good idea of what the law is on burglary.

I would like to suggest that the Armor School prepare a case study of the technique of the command of an armored company. Students could write up two or three experiences illustrating the special problems which confronted them as company commanders, what was done about these and what the results were. Such a book would be fascinating and it would be the best instruction one could get. I think our school would lead the entire Army school system with that sort of thing. I think everybody would follow.

I would like to end with a story that probably is a little silly, but it makes me laugh and maybe it has some application.

There was a countryman in Vermont who went into a general store and found only the proprietor there. Tom, the boy who had worked there, was not present, so the man asked, "What's become of Tom?" The storekeeper replied, "Tom ain't here no more." Well, the customer went on with his shopping and finally he said, "Have you thought about who is going to fill Tom's vacancy?" The storekeeper said, "Tom didn't leave any vacancy."

I suggest to you that whenever you go to a new assignment, you leave a hell of a big vacancy.

VITAL CONTRIBUTION TO AGRICULTURE BY JOHN DEERE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SCHWENGEL. Mr. Speaker, Agriculture furnishes one of the mainstays in the economy of the State of Iowa and the Nation. When coupled with the entire agribusiness community, it clearly is the predominant industry in Iowa. Agriculture has reached a high plateau of efficiency through the many scientific developments achieved over the years. Few were more important than the development of a plow suitable for tilling the rich prairie soil of Iowa and the rest of the Midwest. An article in the August 16 issue of the Christian Science Monitor more fully describes the role of John Deere in the development of the plow. The article follows:

WHEN JOHN DEERE ENGINEERED EFFICIENCY INTO TILLING THE LAND

(By Frank L. Remington)

It was to be a memorable event in the history of agriculture, that bright morning in 1837.

On the Rock River at Grand Detour, Ill., several small boats rowed by local farmers pulled to shore near Lewis Crandall's farm across the stream from the town. A powerfully built, 33-year-old blacksmith with curly hair and blue eyes hopped ashore.

From the boat he lifted a heavy plow of white oak and gleaming steel to his broad shoulders. Followed by scoffers and enthusiasts, he strode toward the field where Lewis Crandall waited with a horse in the hot midmorning sun.

"I'll hitch 'er up, John," Mr. Crandall said. In a few moments he adjusted the harness to the plow.

"You drive, Lew," the blacksmith said, "I'll take the plow."

The bystanders watched the proceedings silently—perhaps a bit apprehensively. All of them had anticipated this field trial for months.

Desperately they needed a plow capable of tilling the rich but stubborn prairie soil that had already forced many discouraged settlers to abandon their farms. Without an efficient implement to till the land, many had returned to the more easily plowed soil in the East.

As the American frontier moved westward to the fertile praries, the standard plow of the day proved deficient. The tough sod of the plains could be turned and broken easily enough; but in the years following the initial breaking, the plow failed to shed the soil properly. The rich dirt clung to the plow's moldboard to the despair of every farmer.

It was left to John Deere to design a better plow to fulfill the potential abundance of vast expanses of prairie land.

Born in Vermont in 1804, the plow's inventor apprenticed himself to the local blacksmith at a still tender age. His first-year wages came to $30.

In the glow of the forge the talented youngster mastered his trade to perfection. From making horseshoes and fitting them, he turned to the ironwork on carriages and wagons and to harness links and buckles. Later, he excelled in manufacturing shovels, hoes, and pitchforks that delighted Vermont farmers. The blacksmith took great pride in quality work.

In the 1830's America was on the march westward. Tales of the golden opportunities in the new West stirred men's imaginations. John Deere decided to join the trek.

Leaving his wife and family to join him later, he set out with his bundle of tools and a small amount of cash. Traveling by canal boat, lake boat, and stage, he arrived at Grand Detour, Ill., in 1836.

Upon his arrival, he was asked to repair a broken mill shaft. With characteristic initiative, he set up a forge, using rocks from the river mortared with clay. Within two days, he had repaired the shaft. From then on he was busy shoeing horses and oxen and repairing broken clevises and trace chains.

The community soon learned that it had acquired a skilled workman who knew how to use tools. John Deere served them well. He could do little, however, for the discouraged farmers who daily brought their broken, bent, and shattered plows to his shop. Every day he heard the same complaint: "No plow will scour in this heavy, sticky soil after the first breaking."

John Deere lay awake nights pondering this seemingly insuperable problem. Recognizing the agricultural possibilities of the vast prairie, he set about building an earth-turning device that would clean itself as it cut and turned the furrow slice.

Months on end he attempted to resolve the problem. Neighbors often heard him hammering at his forge into the small hours of the night—and again as early as 4 in the morning. But gobs of prairie mud still clung to his remodeled plows; none of them would polish itself.

One day while visting a sawmill, the blacksmith spotted a large circular saw blade of excellent Sheffield steel. It had been discarded but to John Deere it was much more than a piece of junk. He noticed the highly polished surface.

Even the sticky prairie soil couldn't cling to that shiny stuff, he thought. When he left the sawmill, the steel saw blade was under his arm.

On a log, he carved the shape he desired for the moldboard and share of his plow.

With a hand chisel he cut the teeth from the steel saw blade—then heated it on the forge and shaped it a bit at a time with a mallet over the log pattern.

Afterward he hardened the steel to adapt it better for work. The wood parts he fashioned from sapling—the handles from roots.

Many trials were made on nearby farms. After each trial the blacksmith carried the plow back to his shop, took it apart and changed the curve of the moldboard to improve its performance.

Day after day, early in the morning and late at night he toiled. And finally on that bright morning in 1837, John Deere proudly announced: "She's finished."

He had selected Lewis Crandall's land for the crucial test, for reputedly it contained the stickiest soil on the plains. "Giddap!" Mr. Crandall slapped the reins on the horse's back. John Deere gripped the handles; the plowshare bit deep into the black soil.

As the horse pulled forward, the plow followed steadily and easily without tug or jerk. The soil cut and curled from the moldboard in a neat, even strip, leaving a smooth furrow.

At the end of a long, straight row everyone examined the plow. "She's clean as a whistle!" exclaimed one of the onlookers. "She polishes herself as she moves." Later, after plowing the entire field, the moldboard still was clean.

A spontaneous shout issued from the crowd. They had beheld a miracle; a plow that scoured itself. Now the prairies could be farmed efficiently and produce abundant crops. The group at Crandall's farm had witnessed a significant turning point in the history of the plains.

Since that eventful day more than a century and a quarter ago, the plow created by the erstwhile Vermont blacksmith has seen service in every country on the face of the earth. No farming implement is more essential.

And John Deere was the man behind the modern plow that saved farmers hours of discouraging toil and opened the door to greater abundance for all.

MOVING THE BIG CROPS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SHRIVER. Mr. Speaker, the impact on the Nation's economy of the West Coast longshoremen's strike is well known to all of us. The following editorial from the Hutchinson, Kans., News graphically illustrates the serious threat posed to Kansas' grain trade and to U.S. export business by the closure of American ports. Now there is the imminent threat of a tie-up of Gulf and Atlantic ports.

Great Plains Wheat, Inc., also has brought to my attention their concern over the loss of wheat export business and the damaging effect to the U.S. balance of international payments.

Under leave to extend my remarks in the Record, I include the editorial from the Hutchinson News and a copy of a letter to President Richard M. Nixon from Carl A. Dumler, president of Great Plains Wheat, Inc., on this situation:

Moving the Big Crops

West Coast longshoremen, who have been engaged in a costly, destructive strike, have thumbed their collective nose at the President. Longshoremen still plan to shut off Gulf ports Oct. 1, despite Washington pleas.

What this means to the Kansas grain trade is another crisis.

The News has frequently noted the cash loss to grain producers as a result of this threat to exports.

Now that the figures are coming in on this year's production, the physical problem of handling all the grain is awesome to contemplate. Neither railroads nor brokers have even been faced with such a stickler.

Kansas alone will pump out 686¼ million bushels, a 20 percent increase over last year. The latest USDA bushel figures, compared with the 1970 totals for Kansas:

1970:	
Wheat	299,013,000
Corn	79,670,000
Soybeans	15,075,000
Milo	145,960,000
Barley	7,141,000
Oats	10,250,000
Total	557,109,000
1971:	
Wheat	312,605,000
Corn	104,880,000
Soybeans	23,244,000
Milo	227,248,000
Barley	7,320,000
Oats	10,948,000
Total	686,245,000

The boxcar problem this summer was eased by light crops in Oklahoma and Texas. But most of the crop remains in the country. It soon will face the big yields in corn, grain sorghums, and soybeans—not only from Kansas but from Nebraska, Iowa, Missouri.

One bright spot is that we have much idle storage. That should do it, provided boxcars and trucks are where they are needed when needed—and provided the docks are open.

If not, look out for a mountainous grain-handling problem in early fall.

Great Plains Wheat, Inc.,
Washington, D.C., August 20, 1971.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: As Chairman of the Board of Directors of Great Plains Wheat, and on behalf of the approximately 400,000 wheat producers which it represents, I was pleased to note the measures you proposed to end the Pacific Coast dock strike. We are dismayed, however, to note that the unions have opposed the Federal order and are continuing the strike. We are even more greatly alarmed at the prospect of a Gulf ports and East Coast strike which will become a certainty if the unions are permitted to pursue their defiant course.

The strike has now run for more than seven weeks, and it has already cost the United States many millions of dollars in exports, which the United States, showing the first trade deficit since 1893, can ill afford to lose. The short-run loss is in itself distressing, but the long-term losses are staggering. Our overseas customers must seek dependable suppliers and have stated in meetings with agricultural groups they must have suppliers on whom they can depend the entire year—not merely eight or ten months of the year. They can become accustomed to using wheat from other sources, resulting in permanent losses to United States export trade.

With a bumper wheat crop this year, large quantities of which have even had to be stored on the ground and in the streets of midwestern cities, the United States wheat producer is more than ever dependent on exports. Considering the precarious balance of trade and payments, the United States economy suffers a distinct blow from the loss of every bushel of wheat which does not go into export because of the strike. The negative multiplier effect on agri-business as a result of a weaker agricultural plant cannot but further debilitate a sagging economy.

We appreciate your efforts to help bolster the economy and urge you strongly to take the necessary measures to enforce the return to work order issued to the unions.

Sincerely,

Carl A. Dumler,
President.

BLUE RIBBON PROBE OF CALIFORNIA WATER PROJECT URGED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. WALDIE. Mr. Speaker, recently, in an editorial, Mr. Don B. Curran, general manager of KGO–TV in San Francisco, Calif., called upon the California State Legislature to form a blue ribbon commission to make a thorough study of the California water project. The background arguments he uses are those that many of us in California have felt for a number of years now, and I find his suggestion an excellent opportunity for a full airing of these and other arguments against the current water plan. The editorial follows:

(KGO–TV Editorial)

Water Project Problems

A decade ago, Californians united to approve a massive three billion dollar water project. The purpose was to carry excess water from Northern California to heavily populated areas in the Los Angeles Basin. But in the ensuing ten years, much has changed in the State. The air and water pollution in Southern California is driving population away. The unemployment picture in the Los Angeles region is causing workers to pack up and move elsewhere. And the environmental threat to the Bay Area and Northern California is constantly growing because of this water project. In the next editorial, we will suggest what steps can be taken to correct this situation.

Water Project Problems

The State Legislature should immediately create a blue-ribbon investigation committee to determine if drastic changes should be made in the California Water Project, General Manager Don B. Curran declares in a Channel 7 editorial.

Blue Ribbon Probe

In the past ten years, the once grand California Water Project appears to be leaking at the seams. The need for which it was created is passing. And what is left is a definite threat to the environment of the Bay Area and Northern California. State Senator John Nejedly, of Contra Costa, suggests that a complete re-evaluation of the three billion dollar water project is in order. We agree. With thousands leaving Southern California because of pollution and unemployment, the need for great amounts of Northern California water has passed. We believe the State Legislature should immediately create a blue-ribbon water commission to investigate the whole California Water Project. If the commission finds the project needs overhauling, then drastic changes must be made at once. We cannot afford the luxury of watching our environment go down the drain. Thank you.

FARMERS HOME ADMINISTRATION HAS PROVIDED OUTSTANDING SERVICE DURING TIMES OF MAJOR DISASTERS THROUGH FEDERAL ASSISTANCE IN FORM OF EMERGENCY LOANS—DURING PAST FISCAL YEAR FHA PARTICIPATED IN LARGEST MONEY-VOLUME EMERGENCY PROGRAM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 14, 1971

Mr. RANDOLPH. Mr. President, the Farmers Home Administration has done commendable work in carrying out the intent of the Congress by providing outstanding assistance to State and local governments during times of major disasters through its emergency loan program.

I wish, particularly, to commend Administrator James V. Smith, a former Member of Congress from Oklahoma, for his diligence and devotion to this program which aided hundreds of thousands of American citizens.

The loss of life, human suffering, loss of income, property loss and damage, which result from major disasters such as hurricanes, tornadoes, highwaters, earthquakes, drought, and other catastrophes, has affected every State at some time.

During fiscal year 1971, the Farmers Home Administration advanced $127,635,906, the largest money-volume emergency program in its history, to aid in relieving human misery caused by disasters throughout our Nation.

Administrator Smith, together with Jack Frost, Director, Emergency Loan Division, and William K. Krause, Jesse C. Joyner, Celeste M. Iacampo, Helen R. Carrier, Lizzette Williams, and Darlene Henderson, as well as FHA county supervisors and clerks throughout the land have provided a very valuable service by helping to make this program efficient, effective, and extremely beneficial.

Also, special recognition is due A. James Manchin, a West Virginian who is a Program Assistant to Administrator Smith and who represented the Administrator last year during the severe tornadoes which struck 23 counties in Mississippi and during the drought in Texas. I congratulate Administrator Smith for utilizing the talents and abilities of Jim Manchin in these important assignments.

Jim was the creative and capable West Virginia State Director of the Farmers Home Administration from 1961–70. Through his diligent leadership and guidance, the Farmers Home Administration aided thousands of West Virginians in improving their quality of life and in many instances their health.

This same type of devotion has been the hallmark of Manchin in his present position with Administrator Smith. He traveled over 10,000 miles in Mississippi and Texas to lend a helping hand and to bring assistance to those in need.

Governor John Bell Williams made Manchin a colonel in the Mississippi Militia for his service to the State and he received special commendation for his outstanding service in Texas during Hurricane Celia and the drought.

The Farmers Home Administration is providing a most worthwhile service—one which aids our citizens when they desperately need help—and I commend the realistic approach, the dedicated men and women who serve, and the progress which has been so beneficial across our land.

THE ATFD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I have, for some time, been inserting into the CONGRESSIONAL RECORD comments relative to the unfortunate raid by the Alcohol, Tobacco, and Firearms Tax Division of the Internal Revenue Service on the home of Kenyon Ballew.

Today I received a copy of instructions from Chief of Police A. H. Pickles of the city of Leavenworth, Kans., outlining new procedures to be followed by his department in contacts and relationships with ATFD.

When a Federal agency has fallen to so low an estate as this, vigorous action must be taken to correct the situation.

It occurs to me that unless something forthright and vigorous is done, other police departments across the Nation will probably be following the lead of the city of Leavenworth in circumscribing the relationship of their law enforcement agencies with ATFD.

Pursuant to permission granted I insert the instructions at this point:

CITY OF LEAVENWORTH,
DEPARTMENT OF POLICE.

To: All Members of the Department.
From: Alfred H. Pickles.
Subject: Alcohol, Tobacco, & Firearms Division of the Internal Revenue Service.

Effective this date, August 10, 1971, the following procedure shall be used in any department contacts with the ATFD:

If it proves absolutely necessary to request assistance of ATFD because of jurisdictional problems or federal violations, it shall be brought to the attention of the Chief of Police who shall make the request.

If *any* other government agency can provide the needed assistance, that other agency (such as FBI) shall be called in preference to ATFD.

If ATFD is investigating a Leavenworth Police case at our request, their agents shall be and must be supervised by a member of our department.

These rules apply to firearms cases only.

The above policy is necessitated by recent severe abuse of police powers by agents of the ATFD as well as a lack of police experience on the part of most of their agents. It is our prime law enforcement responsibility to the citizens of Leavonworth to protect their Constitutional rights and recent incidents involving ATFD would tend to indicate some disregard for these rights. I do not intend to have this department share their blame.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FRASER. Mr. Speaker, at the hearings I recently held in Minneapolis, Mr. John Northrop who is a member of the National Association of Foreign Student Affairs testified as to the medical needs of foreign students presently studying in the United States.

According to Mr. Northrop there are approximately 1,600 foreign students at the University of Minnesota out of a total 130,000 nonimmigrant foreign students in the United States. For many of the nonimmigrant students, coming as they do from countries where the GNP can at times parallel a day's cost in this country for hospital care, any type of sickness can be a sharp blow to their financial status. The University of Minnesota does provide insurance coverage for the students but for the wives and families, insurance must be purchased from commercial insurance companies. Because of the high cost to the students many of them gamble with sickness and fail to obtain insurance. If sickness does occur, then the financial burdens become staggering. Coupled with their cost to come to this country, since 85 percent of all foreign students are nonsponsored, medical bills can force these students to remain in this country in order to earn sufficient money to pay off their debts. This is, as Mr. Northrop points out, a tremendous drain on the underdeveloped countries of the world.

Mr. Northrop's comments follow:

MR. NORTHROP'S COMMENTS

I have come to testify on behalf of the approximately 130,000 nonimmigrant foreign students attending our nation's colleges and universities. I wish to express the hope that, in our long-overdue efforts to assure that each of our citizens has the health care necessary for his own and our national well-being, we not ignore those persons from other countries seeking higher education within our borders. I feel the need applies to all lawful nonimmigrants in the U.S., as well as to those aliens seeking citizenship by naturalization, but that the need is most critical for visiting students and for the families that those that are married may bring with them. My reasons are as follows:

First, the foreign students in the U.S. represent a small but highly skilled and significant fraction, of their respective countries' populations. They will be providing much of the world's leadership in the coming decades. In addition, they are potential ambassadors of good will from the U.S. to their countries upon their return, and the health care *and the attitudes about health care* which they acquire in the U.S. will have a considerable effect on their countries' health and future development.

Second, while they represent a select group above average on any social or economic scale in their own countries, foreign students survive on very limited means in the U.S. Approximately 90% of foreign students are self-sponsored, i.e., not sponsored by any official or governmental agency. Subject often to stringent currency exchange regulations in their own countries, adverse exchange rates, immigration regulations here which deprive them and their families of significant employment; almost invariably subject to high and discriminatory non-resident rates of tuition in our state institutions, foreign students are often denied the adequate health care which they need, deserve and can get in their own countries, because of its prohibitive cost. Let us not forget that the average daily cost of being sick and hospitalized in a Twin Cities hospital exceeds the average per capita *annual* income in many of the countries represented on our campuses.

Third, foreign students provide a highly significant contribution to the education of our own citizens. One of the measures of a great college or university is the depth and scope of its international emphasis and involvement. A significant and varied foreign representation among its student body is, in turn, a part of this criterion. These students from abroad enrich and broaden the lives of those they meet on campus and in the community. Our colleges, our universities, and our nation welcome students from abroad out of not entirely selfless motives; this being the case, we have a responsibility to provide them and their families, with adequate health care.

Finally, students coming to the richest nation on earth expect, and I feel have a right to expect, that their health care needs will be met. Many of them coming from so-called developing countries have had free health care provided to them through national programs. These plans often cover U.S. students studying in their universities. Despite our efforts to explain the U.S. health care system—or rather non-system—to University of Minnesota foreign students, few of them can comprehend either that health care is an individual responsibility which must be acted upon before accident or illness occurs, or that the costs of not having health insurance can be disastrously high.

At the University of Minnesota our concern is primarily for the wives and families of foreign students, since the students, along with all other Minnesota students, are covered by the University Health Service paid for by substantial student fees collected routinely at the time of registration. Moreover, our concern is not so much that students or wives get free treatment for minor injuries or illnesses, but that they be protected from the costs of a catastrophic illness or accident that can cost hundreds or thousands of dollars and a lifetime of indebtedness. On the national level, however, I believe that it is essential for our own and the world's best interests that we, as a nation, take some responsibility for the health care of those persons we invite to our shores.

ANTELOPE VALLEY FAIR

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. GOLDWATER. Mr. Speaker, last week in Lancaster, Calif., at the annual Antelope Valley Fair, Gen. Robert White of Edwards Air Force Base, gave the following address preceding the raising of the American flag. I would like to share his words with my colleagues:

ANTELOPE VALLEY FAIR

History is a story of painfully slow progress toward a world where every human being can live safely as a free and responsible individual, and able to use his abilities for any constructive purpose that doesn't harm others.

I take pride when I realize that the vast majority of the people of this Nation are those who believe in the democratic way of life, are those who stand up in the face of threats, in order that we might continue to lead the world as a place of peace and advancement.

But this fair, in our Antelope Valley, is real evidence of the joy at the fruits of our harvest and labor. Similar events take place throughout our entire Nation and they are the finest examples of hard working citizens that band together and form a useful society. That society is America, and its greatness can only be the greatness of its people. Enjoy this fair, be proud of what it represents, and be aware that the flag of the United States that graces the fairgrounds represents you, its people.

With the raising of this flag today, we signal the opening of the 1971 Antelope Valley Fair. For the next several days, this fair will stand as a symbol of progress for all residents of this valley and this State.

But let us not forget the importance of this particular occasion, this moment, as we salute this flag.

Our flag represents a free country, made up of free people coming from all walks of life; people who have in the past, and are still, willing to stand up with pride when they are called upon to do so.

There have always been people who have failed to understand that liberty is not a free right but a priceless privilege that must be earned over and over again.

Though as a Nation we desire peace, there are those times when we are forced to engage in conflict. Had it not been for those men before us, perhaps we could not stand in this gathering today.

A NEW AMERICAN FACTORY FOR THE SOVIET UNION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SCHMITZ. Mr. Speaker, Anthony C. Sutton, "Western Technology and Soviet Economic Development," volume III, said:

> Taking the fifty-two years since the 1917 Bolshevik Revolution as a whole, one important generalization may be made—that the single most important factor in Soviet economic and military development has been the infusion of Western, primarily American origin technology.

For the past 10 years Anthony C. Sutton, a research fellow at the Hoover Institute, Stanford University, has been engaged in an intensive study of the origin of Soviet technology and its relationship to Western technology and trade. In the light of his finding stated above, the administration's approval of the export of $162 million worth of foundry tools to assist the Soviet Union in building the world's largest truck factory is simply incredible. At a point in time when we are falling farther and farther behind the Soviets in military power, supplying them with equipment of this kind means that more of their scarce resources can be diverted into construction work in the field of strategic weaponry.

In 1945 a study by the Interagency Committee, coordinated by the Foreign Economic Administration, unanimously concluded that the automotive industry is a "major force for war." If present plans are carried out, when this plant—expected to produce 150,000 diesel trucks yearly, more than the United States now produces—is completed in 1975, U.S. manufacturers will have invested three-quarters of a billion dollars in equipment for it.

At this very moment thousands of military vehicles being used by the North Vietnamese Communists to bring arms and equipment down the Ho Chi Minh Trail come from the Gorki plant which was constructed in Russia by the Ford Motor Co. in the 1930's. The GAZ–69 light automobile built at the Gorki plant—advertised as being used for hospital, medical assistance, and agricultural purposes—with minor modifications doubles as the base for the SHMEL rocket launcher. The GAZ–54 is used to tow the ZPU–4 antiaircraft gun. The ZIL automobile plant in Moscow, currently producing howitzer tractors and the base for the BM–13 rocket launcher was originally reconstructed and equipped by the A. J. Brandt Co. of the United States.

The major automobile plants in the Soviet Union, reconstructed and expanded by American firms in the early 1930's and reequipped under lend-lease and through trade with the West, consistently and simultaneously produced both "civilian" and "military" vehicles.

It is time to put a stop to this type of thing. Unfortunately the mood of the Congress, and the administration's acquiescence in trading activities which are detrimental to the security of our Nation, make it necessary to depend on action at the grassroots level. Pressure must be brought to bear directly on the manufacturers who are courting destruction in the not-too-distant future for the sake of immediate profits. Action at the local level can be successful. Several years ago the Young Americans for Freedom succeeded in stopping the construction of a Firestone rubber plant behind the Iron Curtain through a concentrated campaign of economic pressure and exposure aimed at the Firestone Co.

Therefore, I have introduced H.R. 8300 which has been referred to the House Committee on Banking and Currency. This bill requires the publication of lists on a quarterly basis of individuals and firms who export goods or services valued at $1,000 or more in any calendar quarter to any Communist-dominated nation. At present the Department of Commerce can, and does, withhold the names of companies doing business with the Communists. While publicity for this kind of business may well embarrass the companies cited, the American people have a right to know just who is helping to supply our enemies on and off the battlefield.

DISSENT IN AMERICA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. WALDIE. Mr. Speaker, in an increasingly restless American society disagreement and differences of opinion with "official" policies have become not only a common activity of great numbers of our citizens, but perhaps a necessity. I find this a positive sign as the American citizen must be able to criticize his Government without fear of retribution. The right to dissent is an important facet of our American heritage that should be protected.

Recently, additional thoughts were added to this controversy in an article, editorial, and letter to the editor on the "Real Patriots" printed in the Pittsburg Post Dispatch. The three excerpts represented an intelligent exchange of ideas and a communication of thought from which this country can benefit. I would especially like to bring attention to the House, the letter of Doug Beasley, wherein he spoke directly to the critical issue of dissent in an illustrative and moving manner.

I thoroughly agree with Mr. Beasley on the necessity of speaking out against the evils in our society as a means of exposing them and eventually eliminating them. That is real love of country—a willingness to admit errors and setting about to correct them, in order that the country may grow and progress.

The Post Dispatch raises the negative situation of dwelling too much on our ills. This is also a point well taken. Both Mr. Beasley and the editorial viewpoint of the Pittsburg Post Dispatch can be followed together. We, as a nation, recognizing our past achievements can work toward the solution of our present problems today.

I believe Congress could benefit from the idea exchange presented in the series of newspaper articles and for that reason I enter the following:

[From the Pittsburg Post Dispatch,
June 30, 1971]

ORATION ON 'REAL PATRIOTS'

(NOTE.—The following is a speech which should (but probably won't) be given instead of, or along with, the usual military orations which will fill the air, come 4th of July.)

Ladies and Gentlemen: We are here today because 195 years ago some American patriots cared enough about the concepts of human dignity and freedom to stake their lives on a new kind of government dedicated to the preservation of these concepts.

I say patriots because these men embodied all that we think of when we use that term: Washington, who led the armies of the U.S.; Patrick Henry, whose famous "give me liberty or give me death" provided the rallying cry for the American rebels; Thomas Jefferson, who drafted the defiant Declaration of Independence; and a host of others.

These men we call patriots, I believe, because they gave unstintingly of their time, their energies, their resources, and in many cases with their lives, in behalf of the new country in which their hopes for a decent future lay.

We are at war again, as we have been many times during these 195 years of our history. And the same kinds of acts are being performed in the name of patriotism today that were done in 1776.

Boys are fighting and dying for their country. Statesmen and politicians are demanding unwavering allegiance to the government's prosecution of the war. Businesses and corporations are proudly proclaiming their support of our democratic government's actions in fighting to preserve democracy here and abroad. And citizens everywhere are outdoing themselves in demonstrating loyalty to our country by zealously and repeatedly pledging allegiance to the flag.

But are these the patriots of today? Are they carrying on the patriotic defense of their country in the traditions of their forebears of 200 years earlier?

The answer is a resounding NO! The so-called "patriots" of today are about as far removed from the patriots of 1776 as is W. C. Fields from Albert Schweitzer. And the acts which are being performed under the banner of patriotism are cruel deceptions which make the Great Diamond Hoax look like a high school prank.

Our sons in Vietnam are slaughtering and being slaughtered for a cause whose relation to the preservation of democracy in Vietnam is simply a myth, since the democratic concept has not yet taken its first breath in that country.

We are flatly engaged in a brazen interference in a civil war between two totalitarian-oriented factions, and the prediction of which of these will benefit the people of Vietnam more is something requiring considerable boldness, if not fool-hardiness.

To be sure, many, possibly most of our young men have been sent there against their will, or under a misconception instituted and perpetuated by our old men that there was some element of nobleness in their sacrifice. The real patriots are those who have had the guts to stand up and refuse to participate in this monstrous miscarriage of patriotism, many at the price of some of the prime years of their life, in prison.

Nor does patriotism relate in any way to the pious platitudes of politicians and businessmen about the need to have "politics stop at the water's edge" or to "support our government simply because it is of democratic origin." Such nonsense presumes, apparently, that democratic governments do not make mistakes, or that, if mistakes are made, they should not be corrected. The real patriots here are those who have had the courage to speak out against the Nixons, the Johnsons, and the Agnews, who would stifle dissent and equate dissension with treason.

And last, if not least, patriotism is clearly unrelated to the mutterings of smallish minds that we must pledge allegiance to the flag at every possible occasion (twice in one nearby city council). This preoccupation with the symbol and the ritual is tragic for it has blinded many to the fact that, while the flag itself waves on high, the moral stature of our country has been dragged through the mire of Vietnam.

The real patriots here are those who refuse to recite words which they find so clearly hypocritical.

My point is simply that patriotism is not—and in fact never was—blind adherence to any form or ritual, nor is it blind adherence to any course of action which our country's leaders may choose to take. It is time-consuming, selfless and courageous adherence to the concepts on which our country was founded: the equality of stature of all men and the freedom to live their own lives.

Look for those who follow this course; they are the real patriots.

From the Pittsburg Post Dispatch, July 14, 1971]

PUBLIC FORUM: LETTERS TO THE EDITOR

Editor:

Your editorial of July 2 in response to Robert Grinstead's column of June 30 on "Real Patriots" provokes me to add my thoughts.

The American College dictionary defines a patriot as "a person who loves his country, zealously supporting and defending it and its (assumed) interests.' Does this mean, no matter what his country does or what effect these actions have on the moral conscience and ethics of the citizen?

Were the citizens of Germany who supported and abetted Hitler in his program of annihilating the Jews in the gas chambers, morally right? Did the Japanese show their patriotism when they registered no objections to the massacres in the Philippines? Were Americans patriotic when they acquiesced in the nuclear destruction of Hiroshima and Nagasaki?

Were all these inhuman actions justified as a means to an end?

Does silence give consent and therefore implicate the nonprotestor? Or, should truly patriotic citizens follow their consciences in order to try to protect the honor of their country by speaking out and thus risk censure and being branded unpatriotic? Some would call such action a "Profile in Courage."

Should we, as citizens of the United States, rejoice every time B52s drop hundreds of tons of bombs on a helpless hamlet in Indo-China? And should we ignore the fact that hundreds of innocent women and children and possibly a few enemy soldiers are killed or horribly mutilated? We can pretend to clear our national and personal consciences by brushing off the guilt by saying, "Well, that's war."

The flag represents past ideals and precepts of our country to which a great majority of our citizens pray that, under new leadership, we will soon return.

Douglas Beasley
Walnut Creek

[From the Pittsburg Post Dispatch,
July 2, 1971]

COMMENT: TAKING STOCK

"The real patriots here are those who refuse to recite words (the pledge of allegiance) which they find so clearly hypocritical."

The quote is from our "Human Dimension" columnist on Wednesday's editorial page in this newspaper who supplied his version of the speech "which should (but probably won't) be given" on the 4th of July.

It was a remarkable bit of self-righteousness, throughout, stemming from writer Robert Grinstead's vigorous opposition to the Vietnam war. It was, in fact, more of the bad-mouthing of this country which is fast making us experts in the negatives of the American scene.

Mr. Grinstead said his point is that patriotism is not and never was blind adherence to any form or ritual, nor to any course of action which our country's leaders may choose to take. Patriotism, he described as "time-consuming, selfless and courageous adherence to the concepts on which our country was founded: the equality of stature of all men and the freedom to live their own lives." Those "who follow this course" are "the real patriots," he concluded.

We suggest that, using the above definition, the country is filled with patriots. For there is little of "blind adherence" today; indeed, there is more dissension, more cry for change, more opposition to policies, whether they affect the war or minorities or the peer, than ever before.

America is filled with a vast soul-searching which is being carried to an extreme where we concentrate on shortcomings with no credit for the broad range of achievement.

Where is "blind adherence," for instance, in the uproar today over the Pentagon papers on the Vietnam war, and the argument between the government and press which was carried to the highest court? Or in the numbers of cases brought before that same court to argue "the equality of stature of all men?"

Patriotism, it seems to us, should not be so narrowly defined that it lacks perspective, that it is so engrossed in the country's ills it ignores what has made us healthy.

This country was born out of struggle and it continues to evolve new directions out of struggle. And the Vietnam war, with all its tragic errors, cannot be used as the sole basis for judging patriotism.

We believe, too, that branding the pledge of allegiance as a hypocrisy is a lamentable distortion, but a human one, of the nation's philosophy.

An eminent editor once reminded that "if we have made any progress from the slime, it is because we are constantly making ourselves hypocrites by setting ideals beyond us. There was a time when we preached the brotherhood of man and practiced slavery; dreamed of justice and hanged a man for stealing a loaf of bread; praised God and burned those who praised Him in a different fashion. Had not hypocrisy pricked our conscience, there we would be still."

The Fourth of July is a good time to take stock on all sides, acknowledging the imperfections but recognizing the achievements, as well.

GO BACK TO SCHOOL—DON'T COP OUT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. DERWINSKI. Mr. Speaker, as students throughout the country return to school, the fundamental value and contribution of education is often overlooked in the discussion of educational techniques, finances, and the social controversies that have surrounded schools throughout our Nation.

It was with special interest that I noted an extremely timely and practical editorial urging students to go back to school and acquire a sound education. This editorial appeared in the Saturday, September 4, Chicago-South Suburban News which is oriented towards serving the black communities in the Chicago area.

The editorial follows:

GO BACK TO SCHOOL, DO NOT COP OUT

Schools around the area are resuming their schedule of classes. Some have already started, others will begin soon. The Chicago South Suburban News urges everyone to return to school. Especially we urge youngsters to finish high school, after that you can decide about college or a job or marriage. But first, get that diploma. Without it your chances grow increasingly dim—with it the horizons of your future expand in all directions.

If you are considering dropping out whether from boredom, poor grades or economic need remember that there are people and agencies who will help with your problems. If you are bored now consider what 40 or 50 years of an unskilled job, or no job at all, will do to your head. If your grades are poor and you are discouraged talk to a counsellor, or a friend, or your minister or somebody else who is understanding and whom you respect. They can probably help. There are tutoring programs almost everywhere—ask your local librarian, YMCA or YWCA director, a neighborhood cop, or call the nearest high school or college. If economics are a problem there are ways around that too. Again talk to some adult that you respect—maybe you should start with your parents—and find out if something can be done to help.

No matter what your problem—there are schools or classes for expectant mothers, night classes for working students, released time programs for students with money troubles, and special arrangements for students with grade problems—you can find a solution. Stay in school because your problems will only grow if you quit.

We also urge adults to return to school. If you didn't finish when you were young do it now. Even if you don't want to work toward a diploma there are all kinds of courses available to increase your skills, open your mind, or simply to help you enjoy life more. Education should be a lifetime proposition, and the theory that "you can't teach an old dog new tricks" has long since been disproven. Who knows? Maybe if you go back to school your children will stay in school, and that all-by-itself is worth whatever time or money you might spend.

An education is a priceless thing. No matter what you may lose as you go along you always have your head on your shoulders, and if your head has something in it, a skill, a bit of information, or the ability to understand, you will always have something to fall back on when the going gets rough. With knowledge you can cope with anything—without it there will always be something that can bring you down. Go back to school, it's the best place to be.

"MAC" EPLEY GOES FISHING

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. HOSMER. Mr. Speaker, there are four necessary ingredients to the health and welfare of my congressional district. They are, not necessarily in order, the Long Beach Naval Shipyard, the McDonnell Douglas Aircraft plant, the *Queen Mary*, and Malcolm Epley's "Beachcombing" column in the Independent, Press-Telegram.

For almost 22 years, the people of Long Beach and its environs have enjoyed "Mac's" lively, newsy columns. He concentrated on the community's "good news," those folksy little tid-bits and anecdotes which too often get crowded off the front page.

And "Mac" is second to none in his love for Long Beach. He even wrote a history of the city and was the founder of the Long Beach Historical Society.

But, Malcolm Epley is retiring after more than 40 years as an active newsman, in both Oregon and California. He is going fishing, leaving the problems of writing a daily column to someone else.

The community will sorely miss him. In addition to his popular column, "Mac" has made innumerable contributions to his fellow man. He has held or now holds countless key civic positions, including chairmanship of the Long Beach area United Crusade, presidency of the Kiwanis Club, vice presidency of the Boy Scout Council, chairman of the board of the Heart Association, and member of the Southern California Water Committee and statewide Forest Fire Prevention Committee.

Many of his friends will gather to pay tribute to "Mac" cn September 29 at a testimonial dinner at the Long Beach Elks Lodge. No one deserves this honor more. It simultaneously pays tribute to a career of skilled professionalism, consistently characterized by excellence, fairness and good humor, and to a splendid man of great humanity, true humility, and out-sized understanding. In fact, to most of us, "Mac" Epley has always appeared somewhat larger than life itself.

I know that "Mac's" many friends in the House join me in wishing him and his wonderful wife Jane all that is good and rewarding in their retirement.

And we hope the big ones are biting.

WE MUST NOT FORGET THE FAITHFUL VETERAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. KEMP. Mr. Speaker, in the 9 years we have been fighting in Southeast Asia, approximately one out of five servicemen have received a medal for valor. The breakdown is as follows: Army, 1,273,000—this includes about 800,000 air medals to helicopter crews; Air Force, 410,000; and Navy-Marine Corps, 448,000. This totals 2,131,000 medals for valor and does not include purple hearts.

Some members of the press would have us believe that a large number of veterans have returned these medals, particularly during the May Day veterans demonstration. In checking with the Department of Defense, they have less than 10 medals of valor which have been returned. It is to be mentioned that medals do not belong to the Government, they are personal property, and therefore the Capitol Police are trying to return those that were discarded during the May Day demonstration.

Some press reports indicated thousands of medals were thrown away. The Capitol Police report is able to authenticate two or three silver stars, 25 to 30 bronze stars, and about 50 purple hearts. We can see the medals returned is infinitesimal in comparison to the number given.

I am glad that the Buffalo Courier Express has seen fit to call attention to the faithful veteran who at times might feel as though he is forgotten. Walter C. Reitmeier is one veteran, seriously wounded, who would have good cause to be bitter. When asked about Vietnam, he said:

> In my opinion, it and its people are worth fighting for. One of our most valuable and, I hope, lasting gifts to those people is a democratic constitution.

Mr. Speaker, in the August 1, 1971, issue of the Courier-Express, H. Katherine Smith wrote a poignant story about Walter C. Reitmeier. I take great pleasure in calling this to the attention of my colleagues and include the article at this point:

VIETNAM VETERAN: BEING FORGOTTEN HURTS EX-MARINE

(By H. Katherine Smith)

Walter C. Reitmeier, former first lieutenant in the Marine Corps, has made an excellent adjustment to the loss of his left eye and the amputation of both feet, plus sections of both legs. But he is depressed by the desertion of many friends since his return, handicapped, from Vietnam.

At Buffalo State College, where he was graduated in 1966, he was vice president of the Student Council and was voted the outstanding male member of his class. Since his discharge from the Philadelphia Naval Hospital, few of his classmates have continued their friendship with him. On the GI education program, he is studying at New York University to be a rehabilitation counselor.

"In addition to rehabilitating handicapped persons," he said, "my ambition is to educate the public in recognition of the handicapped as human beings, capable of friendship."

He keeps in touch with a number of wounded veterans he met in the Philadelphia Naval Hospital and he has taught handicapped young persons in New York City. They all have told him that only a few of their former friends remain loyal.

Walter is one of two brothers who served in Vietnam. His brother, Robert, was in the Army from 1966 to '69, attaining the rank of sergeant. Robert was not wounded.

Walter served with the Marine Combat Engineers. He enlisted in May, 1969, and was sent to Vietnam the following December. While clearing a mine field, he was wounded by a 60 pound mortar shell. That was in March, 1970.

After two weeks aboard hospital ships, he was flown to the Philadelphia Naval Hospital. After an operation on his right eye, he was blind for six months.

In Vietnam, Walter was a liaison officer between Marine Combat Engineers and South Vietnamese Popular Forces. He recalls that a number of the South Vietnamese he knew were very brave.

"The North Vietnamese are more mobile than the Americans and South Vietnamese," he stated. "We hold our positions. They attack."

He knew rural Vietnamese civilians into whose villages he accompanied medical teams and GI's who rebuilt homes and schools destroyed by the war.

"South Vietnam is a beautiful country except where it has been scarred by the war," he said, adding; "In my opinion, it and its people are worth fighting for. One of our most valuable and, I hope, lasting gifts to those people is a democratic constitution."

Walter was awarded eight medals and decorations, among them the bronze star for valor, the purple heart, and the Vietnamese Cross of Gallantry.

The veteran visited Japan briefly, spent 10 days on Okinawa, and enjoyed a brief tour in Hawaii.

In Vietnam, Walter was aware of no racial problems among the Marines. His platoon was nearly 50 per cent black. There was complete cooperation. Blacks displayed courage and initiative equal to the whites.

Before leaving for Vietnam the veteran was engaged to Dianne Brooks of this city, a graduate of Bryant & Stratton Business Institute. While he was on leave from the hospital they were married.

Walter lives normally. He walks more than most people, being aware that the more he walks, the more easily he will manipulate his artificial limbs. Currently he is a summer student at U.B. In September he will return to New York University.

Upon completion of his course in rehabilitation counseling he hopes to work for the Veterans' Administration, and would like to be domiciled in Western New York. He and his wife are spending the summer at 702 Dick Rd., Cheektowaga.

The son of Mr. and Mrs. Walter Reitmeier, the veteran grew up in Lancaster and is a graduate of the high school of that community. At Buffalo State College he studied industrial arts. He designed a house in Angola and plans to design the home he eventually will build for his wife and himself.

He paints abstractions and his taste in music ranges from symphonies to modern rock. All are included in his stereo collection. He is 26 years old. Pool and bowling are among his recreations. He is part owner of a racing car driven by Paul Beach.

Although it has taken much from him, Walter Reitmeier believes service in Vietnam has given him valuable assets:—leadership and readiness to assume responsibility.

RALPH NADER'S REPORT ON CALIFORNIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BOB WILSON. Mr. Speaker, accustomed to Ralph Nader's continuing attacks on the American business community, Californians were, nonetheless, shocked by his indictments against our State. The following editorial from the San Diego Union is an excellent summary of how many Californians assess Mr. Nader's charges and his credentials as an expert in State affairs and I am certain my House colleagues will find the Union's comments pertinent.

[From the San Diego Union, Aug. 25, 1971]

'RAIDERS' IN NEW TERRITORY—NADER'S TACTICS IRRESPONSIBLE

In assessing the Ralph Nader report on the state of California, it is important to use two yardsticks: responsibility and accountability. Mr. Nader is not a Californian, nor are most of the young law graduates who functioned as his "raiders" in compiling his sensational California casebooks. It would be a narrow view, however, to assume that because an outsider has drawn up a series of indictments against public policies in California, they should not be taken seriously.

The Nader reports are so voluminous and wide-ranging in their targets that it will take time for Californians to digest them, to examine the depth and accuracy of the material presented and the validity of the conclusions drawn. In the meantime we are confronted with an unusual phenomenon—a more or less single-handed assault by a private individual on the policies of state and local government in a state noted for its progressive approach to contemporary problems.

The name of Ralph Nader has invaded the public consciousness in recent years as a "consumer advocate" due to prodigious legwork by Mr. Nader and his staff and their talent for getting their reports into channels of mass publicity. His report on California strays far from this field.

In his California studies Mr. Nader's target is not so much the front-office of business firms or agencies responsible for regulating business but the full panoply of public affairs in California—administrators and legislators, planners, property developers, farmers, engineers—almost everyone who has been involved in charting the course of development of California. Even voters who approve bond issues are his ultimate targets.

In outline the Nader report resembles a political platform for "reform" in California. Mr. Nader would no doubt be the first to insist that he has no political ambitions in California and that his study is not designed to serve a partisan cause. However, by intention or not, he has cast himself as an advocate of political reform in a state in which he is not a resident, not a candidate for office and not responsible to a constituency or party.

The question arises whether Mr. Nader can continue to claim a reputation as an independent advocate of consumer causes when he serves as a provider of grist for a state's political mills—the almost certain fate of his California reports. It would be interesting to know the source of his funds. Reports are expensive.

Mr. Nader has delivered to California a shipment of untested political ore. Some of the individuals in and out of public office whom he has criticized have already pointed to the many errors of fact or bad logic in the cases he makes.

At this point Mr. Nader has not proved that it would be worth the while of the Legislature to sift through the dross to look for the color.

EXAMINING THE PREMISES OF SOCIAL WELFARE LEGISLATION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. VEYSEY. Mr. Speaker, in the last decade we have spent billions of dollars on broad social programs aimed at raising the quality of life for the disadvantaged in America. We were told in the 1960's that adequate financing was all that stood between us and realization of "the good life" for all. We still hear arguments based on this premise, but social commentators are beginning to question it seriously.

I applaud the openhanded generosity of America. It is without precedent in the history of the world. But this generosity of the American people carries with it a burden on their elected officials to see that the sacrifices they were willing to make are not wasted.

Because of this, new attention is being given to the need to examine our social programs, and to evaluate their effectiveness. It is in this spirit that I commend to the attention of my colleagues an excellent article which recently dealt with the limits of "rational" approaches to social problems in general.

I intend to pursue this problem in the future, both legislatively and by sharing pertinent material with readers of the CONGRESSIONAL RECORD. Tomorrow I will include a perceptive article on the concept of accountability in education.

The article follows:

ON THE LIMITS OF RATIONALITY

(By Robert L. Bartley)

WASHINGTON.—The intellectual agenda for the next quite a few years can be summed up in a question: What went wrong with the '60s? The answer will take time, but surely an important part of it is that so often—whether fighting in Vietnam, eradicating poverty or managing the economy—we thought we knew far more than we actually did.

Yet never before the '60s had there been such explicit concentration on methods of knowledge. One of the most conspicuous features of the decade was the cachet of new words like "systems analysis" or "PPBS"—Planning-Programming-Budgeting System. Never before had social-science theory played so large a part in things like warfare, where it gave us "winning the hearts and minds of

the people," or social policy, where it gave us "Community Action."

Not surprisingly, the early '70s are starting to see an exploration of this paradox, a reassessment of what part should be played in policy-making by both systems analysis and social science. Neither is being rejected, of course, and both may prove more helpful in the future than they have in the past. Yet their practitioners are working themselves into a new modesty, a new understanding of the limitations of their methods.

This is an interesting development in its own right, but it is even more fascinating viewed against a background of political philosophy. For the root question in this reassessment is the power of rationality: Its theme is a new skepticism about man's ability to draw up rational prescriptions for changing society, or at least a new realism about the case of doing so. And this is also one of the greatest themes of the first men to be called "conservatives"—those who saw the excesses of the French revolution arising from the abandonment of the durable lessons of experience for the frail guide of logic.

A good example of how the contemporary rationalists are reassessing their methods is an excellent new book by Alice M. Rivlin, "Systematic Thinking for Social Action" (The Brookings Institution). Mrs. Rivlin helped develop PPBS in the Department of Health, Education and Welfare, and served there as assistant secretary for planning and evaluation during the Johnson administration. She was also cochairman, with sociologist Daniel Bell, of a HEW advisory panel that urged development of a set of "social indicators" to improve policymaking. She is currently at Brookings, which gave her leave this summer to summarize some of her thinking for the Washington Post editorial page.

In her new book, Mrs. Rivlin sets out explicitly to assess how much progress had been made by applying systematic methods to public policy. PPBS has been accepted as a policy-making tool, she says, and the level of discussion in government has gone up. Yet she concludes, "So far the analysts have probably done more to reveal how difficult the problems and choices are than to make the decisions easier."

This melancholy lesson emerges with force as Mrs. Rivlin traces how systematic analysis can be applied to a few key public issues. In welfare, the reason no one has offered a program that both supports the poor and encourages people to work is not hardheartedness but the genuine difficulty of designing such a program within realistic budgetary constraints. In health, the government set out to help the poor by buying them medical care. The effect was to pour new money into the same human and physical resources, she notes, and "as any student of elementary economics could have predicted, a rapid price increase ensued."

NO SIMPLE ANSWERS

More broadly, she remarks, "Those who cared about better education, health and social services have, until recently, thought the main problem was underfinancing. They thought far too much was spent on the private sector and far too little on public needs. They were confident that an influx of resources into the public sector—for example, federal aid to education—would produce results. But the answer is not a simplistic 'spend more money.' Even the liberals are no longer sure they would know what to do if they had more to spend for social services, or that it would do much good."

If a reader seeks out Mrs. Rivlin and suggests she's really saying the conservatives were right all along, she allows that conservatives may "seize" such conclusions to prevent change. She by all means still considers herself a good liberal, but she thinks the greater danger is that conservatives will have even better ammunition if liberals continue to propose things that don't work.

Her answer, detailed in the book, is to design government social programs deliberately as experiments, to produce information about what works and what doesn't. Intellectually this depends, she continues, on development of "performance measures" to tell when something works and when it doesn't. For the moment, analysts ought to concentrate their attentions on developing such measures. While there are obvious theoretical, political and even moral problems, as Mrs. Rivlin's book amply acknowledges, these suggestions are sensible enough. But by definition the outcome of experiments is unpredictable; they may or may not produce positive results that can be translated into government action programs.

That increased knowledge can sometimes point away from such programs, in fact, is a thought not lost on at least one school of social scientists. Pondering much the same considerations about public welfare as Mrs. Rivlin does, Edward C. Banfield concludes not merely that the problem is difficult but that it's impossible. Nathan Glazer suggests that health differences between the U.S. and Sweden owe less to different medical care than to cultural differences affecting personal habits. How would HEW change that? And James Q. Wilson writes, "Social science may be at its weakest in detecting the broadest and most fundamental changes in social values, precisely because they *are* broad and fundamental."

A MATTER OF FAITH

Mrs. Rivlin not only thinks better social science experiments are worth trying; deep down she thinks that sooner or later they will in fact work. If the analysts have so far failed to find the answers, it is that the analysis has not been sophisticated enough, not that the answers don't exist. This view can never be proved wrong, for there is always one more thing to try. But it is not a view that finds much comfort from the lessons of the '60s or from the assessments in Mrs. Rivlin's book. It is a matter not of science but of faith, and it is this faith above all that keeps Mrs. Rivlin's liberal credentials impeccably intact.

If she retains a faith that answers can be found, though, she has no illusions that finding them will be easy. Her whole book is testimony to the opposite conclusion. The cockiness of systems analysts and mystique of their methods have disappeared, she writes. "If any analyst thought it was going to be easy to make social-action programs work better or to make more rational choices among programs, he is by now a sadder and wiser man." Most important of all, if you suggest that no matter how much information is collected or how logically it is arranged, policy-making will still in the end depend on intuitive judgments, she replies, "Absolutely."

This is a key point. If it is understood, rigorous rational analysis can strip way illusions. But if the ultimately intuitive element is overlooked or obscured, the same analysis can create illusions; it can be so helpful in our efforts to persuade ourselves we know more than we do. And there is a case to be made that something like this happened at the height of that mystique and cockiness.

The record of Robert S. McNamara was recently reassessed by James M. Roherty, a consultant to the President's blue ribbon defense panel. Professor Roherty writes that under the McNamara system, policy was "understood as a derivative of technical processes and technical rationality." Yet in fact the shape of policy was determined by implicit judgments expressed in the assumptions with which the analysts began. It's better to recognize that defense policy is inherently political, he suggests, and to make your political and intuitive judgments out in the open.

Again, Daniel P. Moynihan has related the failure of the poverty war's "Community Action" programs to the social-science theories on which they were based. A careful reading of his book finds that the activists were misled not by social science but by their radical *geist*. But the point is, at the time they thought they were doing social science.

This failure to recognize implicit assumptions is an inviting trap even for the most hard-headed analyst. Indeed, a good example of it is "Toward a Social Report," the document produced by that HEW panel on social indicators. Mrs. Rivlin defends its proposals on the ground that more information can't hurt. But it's clear from the report that the consensus of the panel centered on something more ambitious, a "procedure for periodic stocktaking of the social health of the nation."

Yet the report does not analyze its own assumptions about what constitutes "social health." It suggests we measure health, social mobility, pollution, poverty, law enforcement, education and, in some hoped-for way, participation and alienation. Yet most of these things, at least the ones easily measured, were better at the end of the '60s than the beginning, can the same be said of our social health?

TOCQUEVILLE QUOTED

Early in "Toward a Social Report" is a quotation from Alexis de Tocqueville about what today we call rising expectations. "The evil which was suffered patiently as inevitable, seems unendurable as soon as the idea of escaping from it crosses men's minds. All the abuses then removed call attention to those that remain, and they now appear more galling. The evil, it is true, has become less, but sensibility to it has become more acute."

Nowhere in the report, though, is there any recognition of Tocqueville's broader point—that social health consists of some balance between the material conditions of society and its expectations. If you measure the material conditions and ignore the expectations, you will be misleading yourself in a most rigorous way. For the expectations, above all during the '60s, were the volatile element. It seems this one passage from Tocqueville gets closer to the heart of matters than all the social science in the report.

Which is not insignificant, for Tocqueville was one of the leading lights among those men first called conservatives. Some would say he was the best of them, and nearly all would agree that his only peer was Burke. And how better to summarize what the systems analysts and such have so painfully learned by 1971 than to repeat the view of society so clear to Burke in 1791:

"An ignorant man, who is not fool enough to meddle with his clock, is, however, sufficiently confident to think he can safely take to pieces and put together, at his pleasure, a moral machine of another guise, importance and complexity, composed of far other wheels and springs and balances and counteracting and cooperating powers. Men little think how immorally they act in rashly meddling with what they do not understand."

A touch of this temper could have saved us much of the agony of the '60s, but somehow it was lost from the public mind of the time. Lost, it's important to notice, not only from American liberalism—not, after all, its natural protector—but from American conservatism. Those we call conservatives today are not usually disciples of Burke but of Adam Smith. And while differences in substance obscure the similarity of methods, our Milton Friedmans are nearly as handy with rational prescriptions as our John Kenneth Galbraiths. There has been very little indeed of historical conservatism to balance the American traditions of impatience and activism.

Ironically perhaps, at least some systems analysts and social scientists are rediscovering for themselves what has been lost from

American tradition. They are using rationality itself to discover the limits, or at least the immense difficulty, of rational prescription. This is all to the good, but even so; if policy judgments remain ultimately intuitive, there is much to be said for intuitions steeped less in the Galbraiths and more in the Tocquevilles and Burkes.

DISENFRANCHISING BLACK VOTERS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. EDWARDS of California. Mr. Speaker, during the recess, on August 10, 1971, an editorial appeared in the Washington Post which merits the attention of Congress and the general public. Entitled "Diluting the Right to Vote," the editorial set forth the danger of the disenfranchisement of thousands of black voters in Misissippi for the coming statewide elections. Unless the Department of Justice moves to enforce the Voting Rights Act by suspending the impending elections and sending Federal examiners into the State to insure that the recently completed, illegal reregistrations in several Mississippi counties do not destroy the hard-won right to vote of black citizens in these counties, it will be making a mockery of this fundamental constitutional right which the Congress sought to guarantee to all citizens in the Voting Rights Act of 1965. I include the Washington Post editorial in the RECORD at this point:

DILUTING THE RIGHT TO VOTE

The techniques and subterfuges for disenfranchising black voters are endless. They can be overcome only by a federal government alert to detect them and determined to thwart them. But the characteristic response of the Department of Justice under Attorney General John Mitchell has been, as one exasperated federal judge put it, "Pilate-like"—a kind of sanctimonious washing of hands as though it were a neutral arbiter between those who claim civil rights and those who would deny them.

Mississippi is a case in point. Those who take heart from the results of Tuesday's Democratic primary—moderate white candidates overwhelmed a couple of rabid racists—need to face the uncomfortable fact that a lot of qualified Negro voters are likely to be purged from the voting lists when Charles Evers, a black candidate for the governorship, makes his bid for election in November. Twenty-six Mississippi counties have recently undergone a complete reregistration of voters. In a letter to President Nixon the members of the congressional black caucus charged that "in all but one of these counties this reregistration was commenced before approval had been obtained from the Department of Justice pursuant to Section 5 of the Voting Rights of Act of 1965. . . . The fact that these counties were willing to undertake this reregistration without prior clearance under section 5 shows that these counties had a purpose of disenfranchising black voters."

It is not irrelevant to note that one-third of the entire black population of Mississippi resides in these 26 counties. It took an immense amount of work to get these black citizens registered in the first place. Many of them were fearful of exercising their right to vote; many live in places remote from registration offices; all were unaccustomed to participation in the democratic process. Black voters, moreover, faced a dilemma. If they reregistered, they indicated tacitly their acceptance of a requirement they consider discriminatory; if they failed to reregister, relying on the validity of their earlier registration, they might forfeit a chance to vote in November. The deadline for registration in Mississippi is four months before election—a deadline now passed. So, for many black citizens, the chance to vote will depend upon effective federal intervention.

The congressional black caucus has asked the President to send federal examiners into each county that conducted reregistration. The Voting Rights Act provides that registration by a federal examiner is valid if accomplished 45 days before an election. So the remedy proposed by the congressional black caucus can be genuinely effective if the Department of Justice has the energy to get moving on it without further delay.

Congressman Don Edwards, who as chairman of the House Civil Rights Subcommittee conducted hearings on the Mississippi situation, also urged the President to send federal examiners into the state and, indeed, suggested that he instruct the Attorney General to suspend elections there until full observance of voting rights could be assured. The situation in Mississippi is now so confused, and so clouded by violence and mistrust, that federal intervention seems imperative if the November election is to be fair and genuinely democratic. Not only the rights of black voters are in question, incidentally, but the rights of newly enfranchised 18-21-year-old voters as well; they have been registered in some counties of the state but not in others, and only federal examiners can make the registration equitable.

Respect for the right to vote is the cornerstone of any self-governing society. Protection of that right ought to be a primary concern of the Department of Justice. In the Voting Rights Act of 1965, Congress recognized this obligation. It assigned to the Justice Department a responsibility which cannot be discharged by pious declamations or handwringing aloofness. It is time for the department to act.

THE 450TH ANNIVERSARY OF SAN JUAN, P.R.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BIAGGI. Mr. Speaker, the city of San Juan, P.R., is celebrating its 450th anniversary this year. It is one of the oldest settlements in the Western Hemisphere where western culture and the heritage of freedom have flourished unabated.

Throughout the early years of its life, San Juan was subjected to frequent attacks from its enemies. Extensive fortifications were built to protect its citizens from the onslaught of enemy after enemy.

The people of San Juan have drawn from this past a spirit of determination in their beliefs and a commitment to reach their goals despite all odds. The same traditions that built the massive fortifications to keep the city alive is working today to eliminate slums and clear up poverty.

In ancient times it was the gateway to the Caribbean. The ships of many a nation sought to conquer it. Many a pirate sought to make it his home base. It was valued then for its beauty and grace and its strategic location.

Today, too, everyone seeks out San Juan. Still the gateway to the Caribbean, the travelers come not to conquer, but to be conquered by the local charm and grace. Hundreds of thousands of visitors reach the island every year to enjoy its delightful climate, its old world charm and its sense of Western heritage.

Puerto Rico's close affiliation with the United States brings benefits to both Nations. For the mainland there is the enrichment of a different language and cultural background. The Latin spirit and vivaciousness does much to balance the more stoic puritan ethic that lingers from colonial America.

Puerto Ricans enjoy the benefits of citizenship and the rights of every American, yet their own heritage is preserved. As a small island they enjoy the strength and friendship of this country from which comes much of their food and needed resources for growth and expansion. San Juan is the key link in this friendship as the capital, principal port and chief commercial center for the island.

Mr. Speaker, let us join in the joyous celebration of San Juan's 450th anniversary. I am sure that the vigor and self-determination that has characterized the city for four and a half centuries will continue to live for a long time to come. This Nation and this world will surely be much the better for it.

THE SAD CASE OF ATTICA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1971

Mr. SIKES. Mr. Speaker, the sad case of the prison rebellion at Attica has ended, but not the blame-fixing. This will go on for days and become more confused with each reassessment of the problem and the reasons for it. The tragedy is that it happened at all. Soft dealing with criminals is now standard procedure in our country and crime continually gets worse. Quite probably there is a direct connection.

It is very unfortunate that the news media is playing up the convicts and their revolt and placing stress upon known troublemakers like Bobby Seale and Attorney Kunstler. In too many accounts they and the inmates are beginning to emerge as heroes of this tragic occurrence. It seems to me that the real heroes were the hostages whose lives were at stake and some of whom paid with their lives when the convicts refused to reason with the officials. What about their families? Are they not entitled to credit for their lonely vigil and for the grief which some of them now have to bear? Why not give credit to these men who stood for law and order and their families rather than for those who have done nothing throughout their lives, but create problems for Americans who believe in orderly government and in respect for the law?

THE DETERIORATING DEFENSE POSTURE OF THE UNITED STATES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. HUNT. Mr. Speaker, I am gratified that reports from at least some segments of the press took notice of the very important testimony elicited at recent hearings of the Special Committee on Defense Priorities regarding the deteriorating defense posture of this country.

Two articles in the September 3 issue of the New York Daily News—by James Wiehart and Henry Maule—alerted its readers to the warning issued by Dr. William Kintner that the Russians may be using the strategic arms limitation talks as a delaying tactic to gain decisive nuclear superiority over the United States.

This was only one of several dramatic points made by Dr. Kintner and the other witnesses, Dr. Frank Armbruster and Lt. Gen. Arthur G. Trudeau. But, by comparison with the news blackout laid down over an earlier special order in the House dealing with the same issue and involving 88 Members of the House, this constitutes a real breakthrough.

It is absolutely essential, in my opinion, that the American public be made aware of this side of this important issue.

The articles follow:

RUSSIA GIVEN 45% ICBM LEAD

(By Henry Maule)

LONDON.—The Soviet Union has nearly 45% more land-based intercontinental nuclear missiles than the United States, the authoritative International Institute for Strategic Studies reported today.

It said the Soviet Union has 1,510 ICBMs compared with 1,054 of the United States.

At the same time, the institute said Red China has entered the nuclear missile race with an operational ballistic device of mass destruction.

(In Washington, a foreign policy expert warned that Russia may be using the strategic arms limitation talks as a delaying tactic to gain a decisive nuclear superiority over the United States, THE NEWS Bureau reported.

(William R. Kintner, director of the Foreign Policy Research Institute in Philadelphia, said the Russians, using the Communist tactic of negotiating with one hand and arming with the other, have increased their nuclear missile strength from 1,100 to 1,900 during the continuing talks with U.S. negotiators in Vienna and Helsinki.)

HAS INTERNATIONAL STAFF

The London-based international institute made its assessments in a wide-ranging report on world defense and security. The institute, which describes itself as independent of governments, draws its staff from 15 nations.

The institute, whose findings are closely studied by many governments and by President Nixon in particular, said that Soviet deployment of ICBMs has slowed and may have reached its planned level. But it said America is modernizing its nuclear arsenal, replacing Minuteman I missiles with more powerful Minuteman 3s.

The Soviets are also challenging the supremacy of America's underwater nuclear strike force, according to the institute.

America with its 41 nuclear powered submarines and 656 submarine-launched ballistic missiles (SLBMs) continues to hold a comfortable lead.

But last year Russia stepped up its underwater force to 440 SLBMs for its 20 new nuclear submarines, which are being built at the rate of seven or eight a year. This construction schedule could erase the American lead by 1974.

Red China, meanwhile, had lagged far behind the two superpowers up to last year, depending on outdated Soviet-made bombers for delivery of nuclear weapons.

But, the institute reported, China has succeeded in producing a medium range missile and has apparently deployed about 20 of them in the northwest and northeast areas flanking the Soviet Union.

And a new missile site detected in China's Sinkiang Desert last year may be connected with the development of a bigger, continent-spanning rocket. The American and Soviet missiles can travel up to 8,000 miles.

Despite its apparent advance in nuclear weaponry, the institute said, China still depends heavily on its vast population.

The institute, in its annual report, "The Military Balance 1971–1972," also made the following assessments:

Russia has strengthened her military forces along the tense China-Soviet border to 41 divisions. . . .

HE SAYS SOVIETS ARM BEHIND SCREEN OF TALK

(By James Wieghart)

WASHINGTON.—A foreign policy expert warned that the Russians may be using the strategic arms limitation talks as a delaying tactic to gain a decisive nuclear superiority over the United States.

William R. Kintner, director of the Foreign Policy Research Institute in Philadelphia, said that the Russians, using the standard Communist tactic of negotiating with one hand and arming with the other, have increased their nuclear missile strength from 1,100 to 1,900 during the continuing talks with U.S. negotiators in Vienna and Helsinki.

The Soviets now have almost 1,400 land-based ICBMs—about one-fourth of them huge SS–9s with 25-megaton warheads—compared with 1,000 much smaller U.S. land-based Minuteman missiles, Kintner said. The Russians also are rapidly catching up to the United States in submarine-based nuclear missiles, he added.

POSES CHOICE

"Unless we do something very quickly," he told an unofficial congressional Committee on Defense Priorities, "an American President could be faced with the quandary of having to decide whether to give in to Soviet demands in any conflict around the world or to launch a nuclear first strike."

The chairman of the committee, Rep. Floyd Spence (R-S.C.), said that the hearings were being held to study what he called the deteriorating U.S. defense posture. They got off to a disappointing start today, however, when the star witness, William R. Van Cleave, failed to show.

Spence said that Van Cleave, a former Defense Department adviser to the U.S. delegation to the arms talks, called him this morning and said that he was unable to appear because he was "sick." But Van Cleave, who resigned from the delegation because he believed that the United States was making too many concessions to the Soviets, told several committee members last night that he looked forward to today's hearings.

THE SOVIET SUBMARINE FORCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SCHMITZ. Mr. Speaker, in a recent interview in U.S. News & World Report Adm. Elmo Zumwalt, U.S. Chief of Naval Operations, pointed out that the greatest threat to our naval forces was posed by the Soviet submarine fleet. Admiral Zumwalt stated that the Soviets now have three times the number of submarines that we do and that they are building new submarines at roughly 2½ times the rate we are.

In order to acquaint my colleagues with the Soviet submarine force I would like to insert in the RECORD at this point an outline of the Soviet submarine fleet which appeared in the August 1971 issue of U.S. Naval Institute Proceedings.

The article follows:

THE SOVIET SUBMARINE FORCE

(By Lt. Cmdr. Robert D. Wells, U.S. Navy)

Long a strong submarine power, the Soviet Navy today is well into its third generation of post-World War II submarines. Striving to keep up technologically with the Western naval powers, the latest Soviet SSBN designs show the impact of the successful Polaris submarine on Soviet strategic thinking. Despite their frequent dependence on Western imagination and naval design experience, however, the Soviets have managed to develop and maintain a huge submarine fleet of about 380 units, deployed in the four fleet areas. On the following pages, the Proceedings presents an introduction to the present-day Soviet submarine fleet. Unless specified otherwise, the data given is from Weyer's Warships of the World, 1971.

SSBN Y CLASS

Displacement: Surface, 7,300 tons; Submerged, 8,300 tons.

Speed: Surface, 22 knots; Submerged, 36 knots.

Missiles: 16 Sawfly.
Torpedo Tubes: ———.
Range (if conventional): ——— miles.
Length: 425 feet.
Beam: 38.1 feet.
Draft: 29.6 feet.
Year first ship begun: 1968.
Year last ship completed: ———.
Number of ships in class: 28.

This class of ballistic missile submarine is of substantially the same configuration as the U.S. Navy's Ethan Allen-class SSBN, and all the evidence points to a ship with operational capabilities roughly comparable to its American counterpart. If past Soviet practice is a reliable guide, the ship itself is of somewhat greater horsepower than an American SSBN. The missile installed is the surface-to-surface Sawfly, a solid-fuel successor to the Serb. First operational in 1968, this class numbered 17 units by April 1971, with 15 more reported under construction.

SSBN H CLASS

Displacement: Surface, 3,500 tons; Submerged, 4,000 tons.

Speed: Surface, 25 knots; Submerged, 25 knots.

Missiles: 3 Serb.
Torpedo Tubes: 6 (bow).
Range (if conventional): ——— miles.
Length: 344 feet.
Beam: 32.9 feet.
Draft: 24.7 feet.
Year first ship begun: 1958.
Year last ship completed: ———.

Number of ships in class: 9.

An obvious relative of the diesel-powered Gulf-class SSB, the nuclear-powered H-class SSBN carries a primary armament of three Serb submerged-launch ballistic missiles in its enlarged sail. Two nuclear reactors driving separate screws give the H-class submarines a speed of 25 knots. The first examples appeared in the early 1960s, and nine or more were produced. Both the submarine and the missile are markedly inferior to their contemporaries, the American Polaris boats, but they served to give the Soviet Navy a foothold in the SSBN race.

SSB G CLASS

Displacement: Surface, 2,700 tons; Submerged, 3,200 tons.
Speed: Surface, 17.5 knots; Submerged, 16.0 knots.
Missiles: 3 Sark.
Torpedo Tubes: 10.
Range (if conventional): 22,000 miles.
Length: 328 feet.
Beam: 28 feet.
Draft: 17.1 feet.
Year first ship begun: 1958.
Year last ship completed: 1964.
Number of ships in class: 22.

The first Soviet submarine designed from the keel up to carry ballistic missiles, the early version of the Golf-class SSB (Golf I), is fitted with three tubes for the Sark, surface-launched, ballistic missile in its conspicuously large sail. The first ships of this class were completed in the late 1950s and 22 are now reported to be operational. Diesel engines and two screws give the Golf class a surface speed of 17.5 knots and an operational range of over 22,000 miles. The original Golf configuration required that the sail be above the surface for missile launching, but the Golf-II modification permits firing three Serb missiles while submerged. Far less capable than the Yankee class, the Golf submarines and their 500-mile missiles nonetheless present a formidable threat.

SSB Z V CLASS

Displacement: Surface, 2,000 tons; Submerged, 2,500 tons.
Speed: Surface, 18.5 knots; Submerged, 15.0 knots.
Missiles: 2 Sark.
Torpedo Tubes: 6.
Range (if conventional): 13,000 miles.
Length: 292 feet.
Beam: 26 feet.
Draft: 15.9 feet.
Year first ship begun: 1956.
Year last ship completed: 1957.
Number of ships in class: 3.

Once reported numbering as many as ten ships, this class is now said to number but three, which suggests that as the new and powerful Yankee-class submarines enter service, these diesel-driven conversions from an attack type are being retired from service or returned to their original role as attack submarines. Even though armed with but two ballistic missiles, they served usefully in the strategic missile role until better ships became available.

SSGN E II CLASS

Displacement: Surface, 5,000 tons; submerged, 5,500 tons.
Speed: Surface, 20 knots; submerged, 30 knots.
Missiles: 8 Shaddock.
Torpedo tubes: 6 (bow).
Range (if conventional): ——— miles.
Length: 394 feet.
Beam: 32.9 feet.
Draft: ——— feet.
Year first ship begun: 1962.
Year last ship completed: 1968.
Number of ships in class: 25.

SSGN E I CLASS

Displacement: Surface, 4,500 tons; submerged, 5,000 tons.
Speed: Surface, ——— knots; submerged, ——— knots.
Missiles: 6 Shaddock.
Torpedo tubes; 6 (bow).
Range (if conventional): ——— miles.
Length: 377 feet.
Beam: 39.9 feet.
Draft: ——— feet.
Year first ship begun: 1961.
Year last ship completed: 1962.
Number of ships in class: 10.

The Echo-class submarine has been identified in two configurations, Echo I and Echo II. The Echo II, shown in this photograph, is a nuclear-powered, missile-firing submarine carrying eight storage and launch tubes for the Shaddock, surface-to-surface, cruise missile which has a 400-mile range. An obvious relative of the Juliet class and analogous to the U.S. Navy's former SSGN, Halibut (which carried five Regulus air-breathing missiles), the Echo is credited with a speed of 30 knots submerged, and carries six bow torpedo tubes. An estimated 25 of the class have been built, in addition to ten Echo I class with six, rather than eight, launching tubes.

SSG J CLASS

Displacement: Surface, 2,800 tons; submerged, 3,550 tons.
Speed: Surface, 16 knots; submerged, 16 knots.
Missiles: 4 Shaddock.
Torpedo tubes: 6 (bow).
Range (if conventional): 15,000 miles.
Length: 285 feet.
Beam: 33.2 feet.
Draft: 23.0 feet.
Year first ship begun: 1962.
Year last ship completed: 1967.
Number of ships in class: 15.

The Juliet-class SSG, analogous to the U.S. Navy's Regular-armed Growler (SSG-557) and Grayback (SSG-574) is a diesel-powered submarine equipped to launch four Shaddock, air-breathing, surface-to-surface guided missiles from individual launch tubes mounted on the hull. Reportedly, 15 of these boats have been built. The stubby Juliets have a surface speed of only 16 knots, and are conspicuous on the surface because of their unusually high freeboard. To fire the missiles, the boat must be on the surface and the tubes elevated about 15 degrees.

SSG W "LONG BIN" CLASS

Displacement: Surface, 1,300 tons; Submerged, 1,800 tons.
Speed: Surface, 16 knots; Submerged 14 knots.
Missiles: 4 Shaddock.
Torpedo Tubes: 6 (bow).
Range (if conventional): 13,000 miles.
Length: 272 feet.
Beam: 24 feet.
Draft: 14.1 feet.
Year first ship begun: 1960.
Year last ship completed: 1961.
Number of ships in class: 5.

One of the first Soviet submarines to be equipped with surface-to-surface missiles is the NATO-named "Long Bin" modification of the Whiskey-class submarine. Longer and heavier than the standard Whiskey, this modification has included the fairing of the sail area to include fixed storage and launching tubes for four air-breathing Shaddock missiles. The "Long Bin" modification followed the single and twin-cylinder Whiskey SSG modifications. Although obsolescent, about five of the Long Bins are still operational.

SSG W CLASS (TWIN CYLINDER)

Displacement: Surface, 1,100 tons; Submerged, 1,600 tons.
Speed: Surface, 17 knots; Submerged, 15 knots.
Missiles: 2 Shaddock.
Torpedo Tubes: 4.
Range (if conventional): 13,000 miles.
Length: 239 feet.
Beam: 24 feet.
Draft: 14.1 feet.
Year first ship begun: 1959.
Year last ship completed: 1960.
Number of ships in class: 5.

Now about five in number, this variant on the Whiskey class of attack submarine is characterized by a pair of watertight missile cylinders, one on either side aft of the sail. The weapon reportedly is the 400-mile Shaddock. An earlier version had only a single cylinder, mounted aft, but this design, to which perhaps only one submarine was converted, is no longer reported as operational.

SSN C CLASS

Displacement: Surface, 4,300 tons; Submerged, 5,100.
Speed: Surface, 20 knots; Submerged, 30 knots.
Missiles: 8.
Torpedo Tubes: ———.
Range (if conventional): ——— miles.
Length: 300 feet.
Beam: 32.9 feet.
Draft: 24.7 feet.
Year first ship begun: 1968.
Year last ship completed: ———.
Number of ships in class: 5.

One of the latest classes of nuclear-powered Soviet attack submarines, the Charlie class, said to number about five vessels, is armed with eight anti-shipping missiles, presumably all in the bulbous bow. These ships are reported to have a submerged speed of 30 knots. Another new design, the Victor class, reported to consist of ten ships, is also nuclear-powered, but is armed with torpedo tubes rather than missiles. No photographs of that class have been released.

SSN N CLASS

Displacement: Surface, 3,500 tons; Submerged, 4,000 tons.
Speed: Surface, 20 knots; Submerged, 30 knots.
Missiles: ———.
Torpedo Tubes: 6 (bow).
Range (if conventional): ——— miles.
Length: 384 feet.
Beam: ——— feet.
Draft: ——— feet.
Year first ship begun: 1958.
Year last ship completed: 1964.
Number of ships in class: 15.

The Soviet Navy's first nuclear submarine, the November-class SSN, appeared in the fleet in the late 1950s. Believed to have included at least 15 units, the construction program for the November submarine reflected confidence in this first-generation design. Armed with six or more torpedo tubes and carrying 32 torpedoes, the November units are assumed to have an operational depth capability in excess of 750 feet. Two propellers drive the November subs at about 30 knots and the operational range is essentially unlimited. The November units are the most frequently sighted of the nuclear attack submarines. One November-class SSN sank at sea in April 1970.

SS F CLASS

Displacement: Surface, 1,690 tons; Submerged, 2,300 tons.
Speed: Surface, 18 knots; Submerged, 18 knots.
Missiles: ———.
Torpedo Tubes: 8 (6 bow, 2 stern).
Range (if conventional): 20,000 miles.
Length: 292 feet.
Beam: 27.0 feet.
Draft: 15.9 feet.
Year first ship begun: 1958.
Year last ship completed: 1966.
Number of ships in class: 43.

The Foxtrot-class, diesel-powered SS first appeared in 1958. Credited with an operational range of 20,000 miles, the Foxtrot submarine can do 18 knots surfaced or, for brief periods, submerged. Forty or 50 of this class have been built, equipped with six torpedo tubes forward and two tubes aft. Foxtrot submarines are often seen outside of Soviet coastal waters, and at least one of this class was surfaced by U.S. fleet units during the Cuban missile crisis. Two F-class were among the small Soviet task force that visited Cuba in the summer of 1969 and four others are now in the Indian Navy. A possible successor, the diesel-powered Bravo class, has recently been identified.

SS Z III/IV CLASS

Displacement: Surface, 1,900 tons; Submerged, 2,900 tons.

Speed: Surface, 18 knots; Submerged, 15 knots.

Missiles: ———.

Torpedo Tubes: 8 (6 bow, 2 sterns).

Range (if conventional): 20,000 miles.

Length: 292 feet.

Beam: 29.6 feet.

Draft: 15.9 feet.

Year first ship begun: 1952.

Year last ship completed: 1954.

Number of ships in class: 22.

The Zulu-class, diesel-powered submarine, of which over 20 units have been built, is apparently the immediate predecessor of the Foxtrot design. Open sources credit the Zulu submarine with an operating depth of 750 feet and a cruising range of 20,000 miles. Reportedly mounting six tubes forward and two tubes aft, the Zulu submarine, like the Foxtrot, carries 24 torpedoes. Like all Soviet submarines, the Zulu class is also credited with a minelaying capability. Some years ago a number of this class were modified to carry a pair of ballistic missiles in an enlarged sail section. (See Zulu V-class SSB).

SS R CLASS

Displacement: Surface, 1,100 tons; Submerged, 1,600 tons.

Speed: Surface, 17 knots; Submerged, 15 knots.

Missiles: ———.

Torpedo Tubes: 6 ASW.

Range (if conventional): 13,000 miles.

Length: 239 feet.

Beam: 24.3 feet.

Draft: 14.5 feet.

Year first ship begun: 1958.

Year last ship completed: 1961.

Number of ships in class: 13.

The Romeo-class submarines, of which about 20 were built (of these, 13 are currently credited to the Soviet Fleet), were designed to be an improvement on the Whiskey class. Built between 1959 and 1963, the ships of this class carry four to six tubes forward and two aft, and are credited with an operational range of 13,000 miles. The snorkel induction stack atop the superstructure is a prominent recognition feature for these boats, several of which have been transferred to the Egyptian Navy. Occasional Soviet units have been sighted on partols in the Mediterranean Sea.

SS Q CLASS

Displacement: Surface, 650 tons; Submerged, 740 tons.

Speed: Surface, 16 knots; Submerged, 16 knots.

Missiles: ———.

Torpedo Tubes: 4 (21-inch, bow mounted).

Range (if conventional): 7,000 miles.

Length: 184 feet.

Beam: 18.1 feet.

Draft: 17.1 feet.

Year first ship begun: 1954.

Year last ship completed: 1957.

Number of ships in class: 15.

A short-legged coastal patrol vessel, the Quebec class had a fairly long production run in the middle 1950s. Similar in general characteristics to small submarines found in the navies of other European powers, the Quebec class apparently fulfilled a need for a modern submarine suitable for operations in confined waters. Diesel-powered in its inital design, the basic Quebec boat is credited with a surface speed of 16 knots. A number were converted to some sort of closed-cycle propulsion system which has proven to be less than satisfactory, contributing to the nickname within the Soviet Fleet of zazhigatel or "cigarette lighter." As many as 25 may have been constructed in this class, although the number still operational is now reported to be only 15.

SS W CLASS

Displacement: Surface, 1,100 tons; Submerged, 1,600 tons.

Speed: Surface, 17 knots; Submerged, 15 knots.

Missiles: ———.

Torpedo Tubes: 6 (4 bow, 2 stern).

Range (if conventional): 13,000 miles.

Length: 246 feet.

Beam: 24 feet.

Draft: 14.1 feet.

Year first ship begun: 1950.

Year last ship completed: 1958.

Number of ships in class: 170.

The most numerous submarine in the Soviet inventory, the Whiskey-class, diesel-powered submarine began appearing in the early 1950s. The first new design, fleet-sized boat to be produced after World War II, the Whiskeys show the impact of the German type XXI U-Boat on Soviet submarine design. The standard Whiskey boat is equipped with six torpedo tubes and carries 24 torpedoes. The original Whiskeys were equipped with deck-mounted guns, but all remaining fleet boats have had their guns removed. The Whiskey subs are frequently seen deployed in all four Soviet fleet areas. A number of these boats have been modified for special uses, including SSG, SSR, and oceanographic research. Others have been transferred to other countries, including Albania, Bulgaria, China, Egypt, Indonesia, North Korea, and Poland. About 170 are now reported to fly the Soviet flag.

SSN W CANVAS BAG CLASS

Displacement: Surface, 1,100 tons; Submerged, 1,600 tons.

Speed: Surface, 17 knots; Submerged 15 knots.

Missiles: ———.

Torpedo Tubes: 6 (4 bow, 2 stern).

Range (if conventional): ——— miles.

Length: 246 feet.

Beam: 24 feet.

Draft: 14.1 feet.

Year first ship begun: ———.

Year last ship completed: ———.

Number of ships in class: ———.

According to Siegfried Breyer's Guide to The Soviet Navy, several of the Whiskey class were rebuilt in 1963 and 1964 to serve as relay stations for mid-course guidance of the Shaddock missiles with which many Soviet submarines and surface ships are armed. The number of such conversions is not given.

EULOGY TO LOUIS ARMSTRONG

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MURPHY of New York. Mr. Speaker, Louis Armstrong was perhaps America's greatest ambassador. I would like to share with my fellow Members of Congress the eulogy delivered at his funeral by Fred Robbins, a Mutual Radio Network interviewer and television personality. It is a beautiful eulogy and truly represents the man we loved and will always remember as his music will always endure.

EULOGY FOR LOUIS ARMSTRONG

Alas, poor world, what treasure thou hast lost! Whom the Gods love, die young, no matter how long they live.

One of the world's greatest men is gone, one of the last of the true giants, who was an artist of such extraordinary ability that he is above all possible praise. With deep sadness, it's a great honor for me to pay him homage with these few words . . .

He didn't learn to sing in milan . . . he got his voice training with a New Orleans newsboy quartet that used to chirp on the curbstone for pennies. He didn't learn to play the trumpet in a conservatory . . . he practiced on a battered old bugle in the New Orleans' waife home for boys. His professors were the sons of 'Old Man River', the musicians who worked the Mississippi river boats.

He was born 'back 'o town', in the slums, with every possible obstacle before him, and yet his genius took him across the world to triumphs in concert halls, command performances before kings and presidents, audiences with popes, and millions of words of critical acclaim by music journals of every country.

His great records have spread the gospel of jazz to every nook and corner of our planet. His influence on music, singers and musicians has been tremendous. There's a little bit of pops in every one of our best popular artists, and wherever jazz is played, it's Louis' music they're playing. He was the source.

Jazz is a team that is much abused, but if it has any meaning at all, it means exactly what happens whenever he lifted that horn, whenever he threw his head back and curled his voice around a song. Jazz is America's great cultural contribution to the creative art of the world . . . he was its symbol and its foremost contributor . . . he made it part of a global culture and was nothing less than a true legend in his lifetime. He was our most gifted and infinite creative musician . . . a genuine American folk hero.

Pops' true greatness came most of all from his simplicity and his love for music, he was in love with his horn and it was in love with him. Only such a love affair could have brought forth such a big beautiful tone, with such warmth and spirit it melted everything he touched. And how he bubbled with spirit and pleasure when he sang. His famous smile was radiant, incandescent. It seemed to light up the stage!

And he personified the word "genuine" in everything he was and did as an artist and a man. He was the greatest ambassador of good will our country ever had . . . certainly the most famous American . . . he knew what communication was about and he spoke to millions through his music and his exhilarating performances in almost every part of the globe. He used to say, "A note's a note in almost any language, and if you hit it . . . beautiful . . . they dig it!"

For he believed that the world needs love . . . then and now . . . and no one spread more joy to the world than Pops did, through his matchless magic as a musician, as a singer, as a master showman, and he was loved in return.

How he was loved! By people everywhere . . . by royalty, poets, peasants, in the Middle East, the Far East, in South America . . . in Africa, where he was carried into the stadium on a canvas throne . . . in Sweden, where thousands would meet him at the airport and wait all night around his hotel . . . He was deified all over Europe . . . in Russia his records are collector's items . . . and when he played as a soloist with the Royal Philharmonic Orchestra in London, before the Royal Family, Sir Laurence Olivier introduced him by saying, "Listen to this beautiful, this noble character, for that's what he is, play some rather basic music."

And what a sense of humor he had! It was a mother wit . . . It was earthy . . . nurtured in the back streets of New Orleans, on the coat carts, on the riverboats . . . it was honed and sharpened all over the world through the thousands of people he met, and the things he experienced.

He was a marvelous storyteller. He had a funny story about anything and everything and everybody! You could give him any subject, or mention a name, and he'd unreel a story that would have you rolling on the floor. Anyone who knew him has his own favorite that Pops has told him.

And with it all, in this amazing career that spanned 55 years, and brought him such continuous universal recognition and honor and fame, he was basically a modest, unpretentious, simple man, devoted to his wonderful wife, Lucille, who gave him thirty years of great happiness, his home here in Corona, and his friends and neighbors.

It was my great pleasure to be at his home last Sunday, and spend part of his 71st birthday with him, as I have in the past. He was in excellent spirits, said he had been gaining weight, was able to warm up on his horn, and was spending his time transferring his records onto tape. He was looking forward to going back to work in the fall. It was heartwarming to see some of the young boys from the neighborhood drop in to pay their respects, and typical of the graciousness and humility of pops, as he thanked them for doing so. They were part of yet another generation that warmed to the magnetism of this remarkable man.

He always believed in staying before the public. He loved having his record of "Hello Dolly" on the top 40, and playing before high school and college audiences.

"I'm not worried about my younger generation public no way", he told me, "We play high schools, universities, and all the kids come, and they just rave . . . they still dig 'Ole Satch'." He would tell youngsters "You've got to appreciate all kinds of music to be a good musician yourself . . . classical and everything . . . it's good to always listen to the other fellow. Music is music . . . ain't but two kinds of music, good or bad. So I try to play as good as I can at all times, and if it sounds good to me, it's got to sound good to everyone else."

He told me once, "I don't have time to worry about getting older . . . the way we work all the time, travel all the time, here and there . . . you don't even think about that. The main thing is, just live . . . enjoy life. You have to stay young to play music, and feel what you play."

His credo was simple: "I never tried to prove nothing, just always wanted to give a good show. My life has been my music, it's always come first, but the music ain't worth nothing if you can't lay it on the public. The main thing is to live for that audience, 'cause what you're there for is to please the people."

Well, he pleased the people alright! More than that, Louis Armstrong captured the essence of human relations in what he did . . . The feeling, the mood, the spirit, the hope of mankind.

So, move over, Gabriel, 'cause here comes "Satchmo" and "The Saints are Marching in!!". And so "Pops" takes his place as the "King" . . . At the head of that big jam session in the sky, in that special niche in heaven that God keeps to hold our idols . . . With Billie, and Fats, and Johnny Hodges, and Bird . . . With Tommy and Jimmy and Bessie . . . and Big Sid . . and Ziggy, and Jack Teagarden, and Bunny . . . With Edmund Hall, and Billy Kyle, and Pee Wee Russell, and Dinah and Velma, and Sidney Bechet . . . With Davey Tough and Mildred Bailey, and Coleman Hawkins, and Ben Webster . . . With Nat Cole and Claude Thornhill . . . and Jimmy Lunceford . . . Glenn Miller and Wes Montgomery, and Tad Dameron and Bud Powell, Charley Shavers, and on, and on, and on. . . .

Louis Armstrong was a loveable, beautiful, darling man . . . with a beautiful soul. He loved all kinds of people, and all kinds of people loved him. He had a full, rich, rewarding life. It was an epic! . . . And he had a ball!! He spread a lot of sunshine around and all those he touched are richer for it, and the world is a whole lot better for his having been in it.

For as long as there are ears to hear, his music will be played and enjoyed and studied . . . and he will endure.

He was truly the only one of his kind, a titanic figure of his and our time . . . a veritable Picasso, a Stravinsky, a Casals . . . a Louis Armstrong. In his musical autobiography, Writer Gilbert Millstein quotes seven lines from a novel called "The Circus of Dr. Lao", by Charles Finney, which fit Louis' life perfectly:

For he wanted to make one hell of a show,
  And the things you'll see in your brains will glow
Long past the time when the winter snow
  Has frozen the summer's furbelow.
For this is the Circus of Dr. Lao . . .
  And youth may come and age may go;
But no more circuses like this show!

It *was* one hell of a show! Goodbye, Pops!

LOTTERY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BRINKLEY. Mr. Speaker, my friend and neighbor has sent me a letter which he wrote to President Nixon relating to busing. The message is plain and is an excellent composite of many, many other letters which I have received with respect to this crisis which is real and personal in so many of our homes.

A democratic system falls short of its mark when it requires from some that which is not required of others. My House Joint Resolution 43, reintroduced on January 22 of this year, meets the democracy test. It provides as follows:

> The involuntary busing of any student to a school or the required attendance of any student at a school outside the student's local school zone for the purpose of achieving racial balances or quotas is prohibited.

May I commend my resolution to the membership and may I commend Mr. Harrell's letter in justification thereof. The letter follows:

COLUMBUS, GA., *September 9, 1971.*

The Honorable RICHARD M. NIXON,
President, United States of America,
Washington, D.C.

DEAR MR. PRESIDENT: It is very frustrating to attempt to write to one in your high office, knowing ahead of time that my thoughts will probably never be transmitted to you. But by some small miracle, perhaps an aide will read this letter before it goes into 'file 13,' and perhaps by some greater miracle someone in authority will read it, at least sympathetically.

I am determined to be heard because I represent the voice of a great cry for help that is being sounded throughout this Nation today. The cry is loud and clear but to this point in time, it has fallen almost entirely on deaf ears or has been abated. The voice is that of your constituents. It has the right to be heard and you, sir, have an obligation to listen.

The cry is for common sense to prevail in the assignment of our children to their respective schools. The cry is against such foolish nonsense as busing to achieve racial quotas.

Why must practically every facet of our lives today be embroiled with RACE? Why has the education of our children been taken out of the hands of the educators and placed at the mercy of a group of Federal judges? What price must be paid for the social revolution?

The school decisions being handed down across this Nation are surely social in nature and not educational. What is next? Where will it end?

I am white. I am against prejudice whether it be against black or white. I came from a poor family and I have had my share of hardships. I was taught, as you were, never to give up. By the Grace of God, I was able to receive a college education, the hard way.

The education, I thought, would protect my family from the hardships which I had to endure in my younger days.

Through hard work, I have been able to buy a modest home in a modest subdivision. We live within a mile of two (2) elementary schools. I have a daughter that entered the second grade this year. She has been assigned to a school five miles from my home. Why? Is social revolution so important that it must be achieved at the expense of a small percentage.

I say a *small* percentage because our school system has been ordered to operate on a 70–30 ratio. The assignments by the local school board were made on a basis of those students living within a certain radius *and* those having registered at that school last April. In other words, a student could live next door to a school and not be able to attend that school if he did not have the good fortune to register there last spring under the school system's *former* choice of school plan. After the 70% was chosen in this manner, the remainder were bused to a formerly predominant black school. This year's plan seems firmly fixed. But what about the future?

As far as I can determine, that same 30%, relatively speaking, will continue to be bused each year (70% black). Why? If we are compelled to live under a 70–30 ratio, why can't the busing be rotated? Why can't a white child have at lest two years out of three in his neighborhood school? Why must the same few be forced to carry the brunt of the hardship caused by school transfers? Isn't this what the social revolution is all about—the majority depriving the minority of its rights and privileges? I pay my proportionate share of taxes. I am a good citizen and have always lived within the law. I am, therefore, entitled to all the rights and privileges appertaining to the use of public property of my fellow Americans, regardless of where I live. If the busing is not rotated beginning next year, I feel that my constitutional rights will have been violated. It is immaterial in my opinion that those bused might come one block from a school or one mile.

I urge you before the 1972–73 school year begins to have the Justice Department examine and remedy any inequities in the Muscogee County School Plan as it was implemented and is now in practice. I pray for equal treatment of black and white . . . complete equality in assignment of schools within our court ordered 70–30 ratio.

The school situation nationwide is pathetic. The same old complacent attitude exists for the 70% whites not being bused this year as has always existed, that is, when you've got a good thing going don't rock the boat.

Most national problems are solved without the knowledge of the average citizen The school problem cannot be handled in the same manner. The problem touches on the most sensitive nerves of the parents of school children. The school problem is eating away at the nerve fibers of the parents of the displaced children of this Nation. We, as parents, will protect our offspring through our natural instincts.

I am a compassionate man, but I will do everything legally and in my power to protect my rights.

Mr. President, for our children and for the sanity of our nation, won't you please use whatever powers and influence you possess to help solve our dilemma.

There appeared in the September 3, 1971, edition of the Columbus Ledger, a concise but accurate statement reflecting the chaotic situation which has now enveloped this nation. Because it is very appropriate and relevant, I quote it in its entirety:

This nation, through the pronouncements of President Nixon and Supreme Court Chief Justice Warren Burger, would appear to have placed an official sanction on confusion.

The epitome of high-level double-talk was reached Tuesday when Chief Justice Burger issued a 10-page statement which implied that lower court judges were misinterpreting the edicts of the Supreme Court on the matter of busing of students to achieve integration ratios.

This near-unbelievable piece of legal jargon was presented shortly after the Chief Justice had refused to stay an order requiring extensive busing in the Winston-Salem-Forsyth County, N. C., school system.

Has our legal system reached the point where there is no communications between the Supreme Court and its subordinate appellate levels? Is it possible that Justice Burger and those judges of Federal district courts are that much at odds over the "law of the land"?

Regretfully, it appears that the answer to both questions might just be affirmative.

In the administration, President Nixon has repeatedly voiced his support of the neighborhood school concept. He has limited his support of busing to "the minimum necessary extent".

Still, Secretary Elliot Richardson of HEW moved to enforce a massive busing program in Texas. There was apparent disagreement between him and Nixon, but on Tuesday statements were released by the White House indicating that HEW and Nixon were of a single mind on the busing question.

And we ask, is it possible that a President can have such strong convictions in one direction and still permit cabinet-level actions which negate those statements? Is there a communications gap among those who shape the day-to-day affairs of this nation?

These answers, too, appear to be affirmative.

Is it any wonder, then, that muddled crises in education are so common? Doesn't such high-level confusion open the door to all kinds of challenge from embittered individuals and groups?

Rulings from the higher courts have been so varied, statements from administration officials so totally opposed to one another, that they create a kind of national chaos which can rend a community or city apart.

Never, since the Supreme Court decision of 1954 striking down the separate but equal school concept, has this nation been so thoroughly embroiled in dissent over school matters. Busing is not just a regional issue, it is national in scope.

Thankfully, because of the tireless efforts of many dedicated public servants—some who sit on court benches and some who toil without pay and often without thanks on school boards—most of the schools of this state and nation will be able to open on or near schedule.

The public system will function, not because the courts or national leadership have intervened, but because so many refused to give up.

We applaud the efforts of those who have kept the welfare of education and the children whom it reaches foremost in their sight. It would be easy to have a national surrender to emotion.

Now, it is time for the high courts to stop their double-talk. Now that schools will soon be operating, it is the time to clear the air. Now is the time to remove those irritants so despised by so many.

The Supreme Court and the federal circuit courts and the administration should get together, finally. There ought to emerge very soon a unified stand on the matter of public schools, replacing the jigsaw puzzle approach now in use.

Somewhere the buck must stop. We anxiously await the calming of the educational waters.

Yours very truly,

J. Earl Harrell.

LEGISLATION TO EXCLUDE FROM TAXES THE FULL PAY OF POW'S AND MIA'S

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BOB WILSON. Mr. Speaker, I am very pleased that my good friend and distinguished colleague from Illinois (Mr. Railsback), is today introducing with 35 cosponsors legislation identical to my bill H.R. 517, to exclude from taxes the full pay of all members of the Armed Forces who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

Present law exempts the entire amount of taxable income derived from military service for enlisted personnel and warrant officers, and the first $500 of taxable income for commissioned officers serving in a combat zone. Since many of the known American prisoners of war are pilots and, therefore, officers whose monthly incomes exceed $500, I feel that such tax relief is more than justified in their cases. This small financial gain cannot in any measure compensate the servicemen involved or their families for the physical hardships and mental anguish they are suffering. Though we have deep sympathy for their plight, it is hard for anyone not directly involved to comprehend the horrible uncertainty, despair, and loneliness which many of their families have had to endure for a period of time longer than the total U.S. involvement in World War II.

I am very pleased to advise that favorable reports on H.R. 517 have been received from both the Treasury and Defense Departments and have asked the eminent chairman of the Ways and Means Committee, Mr. Mills, to schedule hearings on the bill as soon as possible. I know the Ways and Means Committee has an extremely heavy workload in the coming months, particularly in view of the President's recently announced new economic policy, but hope that it will be possible for the committee to consider this legislation in the not too distant future, in view of the humanitarian nature of the measure.

As my colleagues will recall, the members of the *Pueblo* crew were forgiven their Federal income tax for the period of their internment in North Korea and we should do no less for our Vietnam POW's. I would like to thank all those who have joined in sponsoring this legislation and hope it will be enacted this year.

MUSKIE: THE LONGEST JOURNEY BEGINS

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. KYROS. Mr. Speaker, the cover story of the September 13 issue of Time magazine is about Senator Edmund Muskie as the frontrunner for the 1972 Democratic presidential candidacy. As Labor Day has brought an end to the summer and an increase in political tempo, it is most appropriate that Time should focus on Ed Muskie. For Senator Muskie, who has just begun a wide-ranging tour across the Nation, will be at the center of Democratic politics this fall.

Those of us from Maine can only be proud that one of our native sons has become such an important figure in American politics. And as the article in Time makes clear, Ed Muskie's eminence in politics is built upon a record of substantial achievement and upon his widely recognized intelligence and integrity.

The article is particularly interesting because of its discussion of the unique measured cadence and thoughtful pace that Muskie brings to the American political scene. It also details his self-imposed demands for the highest quality legislative and staff work.

I insert the article in the Congressional Record. I think it will make interesting reading for all of us.

The article follows:

Muskie: The Longest Jouney Begins

We have won elections in Maine. We have won more than anyone thought we could. But is that all there is? We now have a chance to reach out to the country, to the world.

The speaker was Edmund Sixtus Muskie, the scene his state party's annual August clambake near Brunswick. The occasion was both a remembrance and a farewell. For it was just 17 years ago this month, at the age of 40, that he became Maine's first Democratic Governor in 20 years. This week Muskie embarks upon the longest and most difficult journey of American public life—the run for the presidency of the U.S. The race is starting earlier this year than ever before, a full seven months before the first primary in New Hampshire in March, eleven months before the Democratic Convention begins in Miami Beach in July, 14 months before the election. The costs of running have never been higher: between $30 million and $50 million. Yet Edmund Muskie embarks with an enormous advantage over his Democratic opposition: he is the front runner.

For Muskie the journey begins in earnest this week in California, which, with at least 271 convention delegates, will be a crucial state for any Democratic candidate. On Labor Day, Muskie's schedule had him seeking support among Catholic labor leaders in Los Angeles. He will talk strategy with Democratic leaders in Santa Clara, San Francisco and San Diego, pause for a hospital tour in Watts, then head north to line up more party support in Oregon, another vital primary state.

The trip is the first in a series of forays that will take Muskie in the next few weeks to West Virginia, Florida, South Carolina, Tennessee, Illinois, Iowa, Nebraska and Wisconsin. In October he will concentrate on New York and New England, but he will stop in Mississippi, Ohio, New Jersey, Kansas and Missouri as well. By Nov. 1, he will have visited 14 of the 23 states—counting the District of Columbia—that will hold primaries next year. His strategy at this early stage is to drum up intersectional support and create enough political momentum to last through the hazards of the primaries and finally through the balloting next summer at Miami Beach's convention hall.

SEARCH FOR A WINNER

With so many other candidates in the field, Muskie plans to hold the center. If his earnest, sometimes ponderous manner does not project a specific magic, neither does it repel any constituency within the party. His hope is that his personal style will be so suited to the Democratic need for unity that he will become the inevitable candidate. He is counting on building a party-wide feeling that he is the man who can engineer victory in '72 by pulling together the right and left, young and old, white and black.

As early as Muskie's lift-off seems in comparison with past political schedules, he has in fact been slow, even sluggish in going after the nomination seriously. Some politicians thought his congressional Election Eve TV speech last November gave him a virtual lock on the nomination. On that occasion, Muskie spoke right after Nixon's shrill broadcast, taped in Phoenix, in which the President obliquely linked his Democratic opponents with radical rock throwers. With the aid of onetime Robert Kennedy Speechwriter Richard Goodwin, Muskie conveyed an air of quiet and genuine outrage: "Honorable men have been slandered. They imply that Democratic candidates actually favor violence . . . That is a lie and the American people know it is a lie. How dare they!"

MORAL STATURE

The speech may or may not have contributed to the Democratic gains next day at the polls, but it unquestionably endowed Muskie with a certain moral stature and cast him as an earnest and moderate spokesman for the party. For the first time, he jumped ahead of Nixon in opinion polls. Both Democrats and Republicans believed that Muskie would waste no time moving to sew up the nomination, somewhat in the way that Barry Goldwater established his claim on the G.O.P. in early 1964.

Such expectations reckoned without the Muskie style, compounded of the hesitation, privacy and conviction that are simultaneously his strengths and his weaknesses. Another man—John Kennedy with his single-minded strategic will, or Lyndon Johnson with his visceral instinct for power—might have seized the chance, pressed for delegate guarantees throughout the country. "If he weren't so damned cautious," says an unannounced candidate, "he would now overwhelm the field."

True enough, Muskie went through the candidate's motions, stepping up his speaking schedule, traveling to Europe, the Middle East and Russia last January. But he displayed little of the killer instinct. He is a ruminative man who for most of his political career has proceeded with an almost elaborate deliberation, a perhaps understandable quality in a Democrat from traditionally Republican Maine. "I hated," says his wife Jane, "to see Ed so undecided, as he was a great part of last year. It was as if he was fighting inside himself." Says one aide: "He looks for seven sides to a four-sided question."

Now that he has begun to move, Muskie must consider some truly complex partisan geometries. So far, three major candidates and eight lesser contenders are in the running.

In the first rank with Muskie are:

HUBERT HUMPHREY

Never expert at hiding his feelings, Humphrey clearly wants to try again. "I've got my sails up," he told reporters when he turned 60 last May. "I'm testing the waters." He allowed that he might enter the New York and California primaries next spring if the early heats fail to produce a winner. His centrist campaign contributors are waiting for him, still holding out on Muskie or anyone else; Humphrey has asked them to keep their purses locked until November. Labor still likes him. He is well known and has a following among party regulars, although he ran second to Muskie (37% to 15%) in a Gallup poll of Democratic county chairmen. He is a close third in polls of registered Democrats (after Muskie and Edward Kennedy). But his 1968 defeat hurts badly, he is probably a too familiar face, and his nomination might touch off a schismatic fourth-party movement to the left.

EDWARD KENNEDY

He has repeatedly forsworn any notion of running, although he has stopped short of a Sherman statement. He has made none of the quiet moves of a man who, despite public coyness, means to become a candidate. He almost certainly will not enter any primaries—but in eight states his name, as a prominently mentioned contender, may automatically appear on the ballot. He has kept his name and face before the public, with a trip to India last month. Another is planned shortly to Russia. His national health insurance program has organized labor's support, and its greatest appeal is to older people, who were among those most deeply offended by Chappaquiddick. Kennedy can afford to wait out the primaries and see whether Muskie stumbles. If that happens, Kennedy, with his name and following, could conceivably be the man that the convention would turn to. Observes a Nixon political aide: "Suppose he gets out there and says, 'Help me finish what my brother began.' You can't say how people would respond." But trying for the presidency might involve, for him, an unacceptable personal risk.

In the heavily populated second level of Democratic contenders, declared or possible, are:

SOUTH DAKOTA SENATOR GEORGE M'GOVERN

The first announced candidate, McGovern, has support among the young for his long stand against the war—a stand that makes his something of a one-issue candidacy. Knowing that, McGovern is now focusing more on economic issues. He is trying to organize the primary states down to the grass roots; his campus organizations (more than 300) are the best in the field. But he is anathema to organized labor, has a tendency to shoot from the hip (his prompt labeling of the President's wage-price freeze as "economic madness," for example), and suffers from an image as "the Wally Cox of the campaign."

INDIANA SENATOR BIRCH BAYH

He faces even more trouble in establishing the credibility of his candidacy. A Gallup poll of registered Democrats last month made him the choice of only 2%. His Senate record is impressive—he organized the fight against the Haynsworth and Carswell Supreme Court nominations, helped lead the battle for amendments on presidential succession and the 18-year-old vote. But as one politician says: "He looks like the fellow who is running for Lieutenant Governor." He has good financial backing and a strong professional organization.

WASHINGTON SENATOR HENRY "SCOOP" JACKSON

His best asset is the clear line drawn between himself and the rest of the field. Although liberal enough on civil rights, he is a hard-liner on national defense, Viet Nam and law-and-order; he is the Democrat whom Richard Nixon wanted as his Secretary of Defense. The White House believes that he would be a tough opponent because he would cut into Nixon's conservative strength. But his nomination, even more than Humphrey's, might trigger a fourth-party split on the left.

OKLAHOMA SENATOR FRED HARRIS

He is preaching economic self-interest in his effort to put together an old-style populist coalition of whites and blacks among those with lower and middle incomes. The arithmetic of populism is persuasive, but it is probably easier to count such factions than to coalesce them, for enormous racial and ethnic fears would have to be overcome. Harris suffers from being little known, and to reach the masses with the kind of campaign he envisions would cost money he does not seem likely to raise.

NEW YORK MAYOR JOHN LINDSAY

He has glamour and attraction for the young, blacks and other minorities. Since he just last month quit the Republican Party, his candidacy would be called opportunistic. It would most severely damage McGovern, although Lindsay's TV presence and the fact that his popularity seems to increase as he gets farther from home, could hurt Muskie in California.

EUGENE M'CARTHY

He is scouting now, will probably announce his candidacy this fall. In 1968, he had the perfect foil in L.B.J., but now the villain is Richard Nixon, and McCarthy would have to share him widely. He still has a following from his 1968 crusade, as one politician says: "There are some people who think that only they and Gene understand things." The Gallup poll of Democrats gave him the support of only 6%. A long shot for the nomination, he could lead a leftward fourth party in the November election—a move that might split the party sufficiently to ensure Nixon's reelection.

ARKANSAS CONGRESSMAN WILBUR MILLS

The power broker of the House, he is shopping around. His presidential chances are slim, but he might establish himself as broker for Southern and Border State delegations, and then bargain for second spot on the ticket.

WISCONSIN SENATOR WILLIAM PROXMIRE

He gained a measure of national recognition for leading the successful Senate fight against the supersonic transport, but otherwise lacks any broad constituency. He speaks often of the need for reordering priorities, cutting funds for the military and the space program in order to upgrade health and education. Proxmire believes that the economy will be the most important factor in the 1972 election and is waiting to see how Nixon's new policies fare. If he enters the April 4 primary in his home state, he may deny a victory there to any major candidate.

MEASURE OF CADENCE

Set against these personalities, Muskie is at once an unusually simple and an unusually complex man. For a politician, his public and private personalities fuse to a remarkable extent—he is what he seems, whether his mood is lofty or merely testy. Yet he is a difficult man to understand. "You don't really *know* Ed Muskie," says one friend. "You may think you do, or you may sense him. But you don't know him." To some he is a political platitude, espousing honesty, sincerity, hard work, independence and loyalty. But he really believes in such ideals and lives by them.

Muskie moves and works in a measured cadence—slow, methodical, studied. Says Gene Letourneau, a friend who sometimes hunts birds with him in Maine: "When Ed goes out in the woods, he is just as cautious as when he makes a big political decision. He wants to know where he's going. He always has the compass out."

His critics call such qualities indecisiveness. His staff finds the charge peculiar. They know Muskie as a tough, demanding boss with extraordinarily high standards that reflect an almost excessive decisiveness. On the draft-reform bill this year, for example, there were some 65 amendments in the Senate. On each one, Muskie demanded a staff memo. Adding to the burden, Muskie made a major speech on the bill that required six redrafts. He is a cool, cerebral and persistent plodder, insisting on thorough research, wary of hasty conclusions, suspicious of headline-grabbing pronouncements. Says George Mitchell, his deputy campaign director: "He's simply not a guy who will do things because someone says he should. He demands to know the reasons."

His Vesuvian temper is legendary. One of his biographers, Theo Lippman, Jr., reports that "he gave us ten interviews for the book [*Muskie*], and in the last one, we brought up the subject of his temper. He lost his temper." The Republican National Committee, as part of its research on Muskie, has an affidavit from a Maine telephone operator swearing that during a Muskie vacation a few years ago, a telephone repairman had to go up to the Senator's cottage three times to fix a phone that had been ripped off the wall.

"He does blow his stack occasionally," says Jane Muskie, "but then it's over. It's probably a damned good reason why he doesn't have an ulcer." With all his temper, observes former Senator Albert Gore, "Muskie is a gentle man. He has a whimsical sense of humor that doesn't go over the heads of people like Adlai's sometimes did." Set against his cautious decision-making processes, his temper would be a doubtful target for his political opponents. No one who knows Muskie can imagine him making a major decision in a fit of rage.

Although their characters are very different, Muskie and Nixon share some qualities. Both are ill at ease in small talk. During his trip to the Middle East and Europe last January, Muskie was obviously uncomfortable in making little toasts and speeches at the endless diplomatic receptions. Like Nixon, he relished his meetings with heads of state—Kosygin, Brandt and Anwar Sadat. Employing a Nixonian phrase, Muskie says he liked "the mental combat."

SHADOW CABINET

In part it was Muskie's caution that caused him to delay for months in reorganizing his staff, tooling it to the needs of a presidential candidate. As his campaign director, Muskie hired 42-year-old Berl Bernhard, a bright attorney who used to be staff director of the U.S. Civil Rights Commission. Bernhard quickly proved to be a demanding and effective organizer with a touch of humor.

It was a good choice, for Muskie is absorbed by issues and bored by the details of campaign organizing. All he requires from his manager is that operations run smoothly. But he uses his staff intensively as intellectual instruments. Twice a month, his legislative aides prepare a 30- to 40-page, single-spaced briefing book that covers major foreign and domestic events of the previous two weeks. Muskie's latest book contains a long selection on the Middle East, another on developments since Nixon's China initiative, a third on the balance of payments. Chief Legislative Assistant Dan Lewis assembles the material, indexes it and puts it into a looseleaf notebook for Muskie's use.

Muskie has assembled a shadow Cabinet for advice and tutoring. Former Ambassador Averell Harriman, former Defense Secretary Clark Clifford and former Assistant Secretary of Defense Paul Warnke brief him on foreign affairs and national security. On economics, he consults Arthur Okun and Walter Heller, from Lyndon Johnson's Council of Economic Advisers, and Pierre Rinfret, a New York-based economic consultant, who also advises Nixon on occasion. The Johnsonesque cast of the group does not help Muskie's image, but Deputy Campaign Director George Mitchell insists that the Senator consults a much wider variety of specialists, whose identities have not yet leaked out.

Muskie's intelligence is tenacious rather than spectacular. Says one of his economic advisers: "What I've seen of Muskie so far, I like very much. He sits still better, listens better than Hubert Humphrey, for example. If you are talking about a quick flash of insight of the kind Jack Kennedy had all the time, none of the Democratic candidates have that. It took us a while to get Muskie to home in on the subject, but after we finally captured his attention, he was terrific."

To handle communications, especially television, Muskie has Robert Squirer, who will try to recreate the success of Muskie's 1970 Election Eve broadcast. "He has a totally integrated personality for television," says Squirer, who met Muskie in 1968 when he was one of Humphrey's television consultants. Squirer believes that Muskie has a great advantage over the other potential candidates, except John Lindsay, in using TV. Humphrey, says Squirer, "can't stop talking. He's too much, too hot for the medium. Bayh is interesting on the tube, but it is difficult to find 45 consecutive seconds of Bayh that make sense. Jackson is not good on television and neither is McGovern. Harris may be the best of the lot, but his personal appearance is not good. He has to lose about 30 pounds. Now he comes across as a big, toady frog."

Squirer likes to look past the convention to the general election. "I'll tell you what I dream about," he says. "I dream about Muskie-Nixon debates. I don't say that television can win it for Muskie, but I do think Muskie can win it on television."

THE MONEY THING

A principal problem now is raising the $1,000,000 that Muskie will need to sustain and build his operation before the New Hampshire primary. Muskie dislikes rattling the tin cup. When the subject comes up, he grumbles: "This money thing—my God."

But money troubles have already caused two staff cuts, necessitated salary slashes among campaign workers—some simply became unpaid volunteers—and spawned hard-to-come-by loans that will have to be repaid promptly. Muskie has enlisted talented money-raisers—former Democratic National Committeeman Paul Ziffren in Los Angeles, Northeast Theater President Sumner Redstone in Boston, United Artists' Arnold Picker in New York. But some major sources of Democratic campaign funds are still wary. "These guys," says a Muskie agent, "want to make investments, not contributions." They want a sure winner. Not until the fall and winter, if Muskie remains high in the opinion polls as the primaries approach, will some checkbooks begin opening.

Muskie's men are trying to set up organizations in all of the primary states. They want to be ready for a campaign in any one of the 23, although they know that entering all of them would cost a preposterous $12 million. They also know that as the campaign gathers momentum, all the other candidates are going to be gunning for the front runner, trying to knock him out in states where they think they can beat him.

Muskie will present himself to voters as a healer and a unifier—striking the same "bring us together" theme that Richard Nixon sounded in his Inaugural Address. "I think the country wants to believe in itself again," says Muskie, "not only in its purpose or moral values, but also its quality to achieve whatever it sets as a national goal." He uses the word manage repeatedly, suggesting that besides suffering from racial and ideological ills, the nation has become rather incompetent. "We're not even sure we can manage ourselves or do anything that requires management," he says. "We have doubts about whether we can manage our welfare program, manage our environmental problems, manage our city problems. This is a rather traumatic American doubt. In the area of management, we have always felt that we surpassed other peoples, and now we are not so sure of it any more."

THE MARCISZEWSKIS

It is characteristic of Muskie to emphasize expertise rather than ideology. His Maine background enforced a sense of the practical. The son of a Polish immigrant tailor who anglicized the family name from Marciszewski, Muskie grew up in the mill town of Rumford. Fifty miles from the sea, Rumford is not part of the Maine that Americans see on postcards or during holidays. It lies in the sometimes impoverished wood country, among the mills that are at the heart of Maine's economy. Muskie's mother still lives there in a ramshackle neighborhood.

If his boyhood was somewhat straitened, it was not particularly deprived or, as some biographers claim, deeply clouded by bigotries against "Polacks." Muskie took some heckling as a Polish child in predominantly French-Canadian Rumford, but it was nothing traumatic. Like the Muskies, the other townspeople were largely Roman Catholic. Muskie was an earnest student, and was popular enough in high school to become president of the student council. He joined the debating squad and the basketball team—as a substitute. At Maine's Bates College, working his way through, Muskie was elected class president and graduated *cum laude*. His grades were equally good at Cornell Law School, where he graduated *cum laude* in 1939.

After Navy duty in the Atlantic and the Pacific during World War II, Muskie returned to practice law in Waterville. In 1948 he married Jane Gray, a bookkeeper, salesgirl and occasional model in a local fashion shop. Attracted by the New Deal, Muskie had joined the Maine Democratic Party and successfully ran for the state legislature in 1946. Democrats were such a novelty that he soon became the Democratic house floor leader. In 1954 he was elected Governor, partly because thousands of down-Easters were simply looking for an alternative to granitic Republicanism.

In an effort to attract new income and jobs to the state, Muskie formed the Industrial Development Agency, which in subsequent years has become a villain to environmentalists. Otherwise, he earned a reputation as progressive Governor and rapidly became the state's most popular personality. In 1958, after two terms in the Governor's mansion, Muskie ran for the Senate against the incumbent, Frederick Payne, who had had the bad luck to be involved in the Bernard Goldfine scandal.

"MR. CLEAN"

In his 13 years in the Senate, Muskie has become known for his thoroughness and competence. "He is the best of us all," says Montana's Senator Lee Metcalf. "If I rated all Senators on a scale of 100, Muskie would be first." As a legislator, Muskie has probably made his greatest impact in promoting environment-protection bills even before ecology became a crusade. As chairman of the Air and Water Pollution Subcommittee, he wrote the 1963 Clear Air Act, the initial major federal statute aimed at curbing air pollution. It was the first of a series of antipollution bills whose authorship earned him the title "Mr. Clean." In 1965 he wrote the Water Quality Act, establishing federal Water Pollution Control Administration and creating a water quality standards program.

Although Muskie is the acknowledged Senate authority on environment legislation, Ralph Nader's raiders last year issued an air-pollution report that sharply criticized his 1967 clean-air amendments for establishing regional instead of national air-quality standards. "Muskie," said the Nader paper, "has never seemed inclined (either politically or temperamentally) toward taking a tough stand against private industry." The findings were accurate in some ways but unfair to Muskie in others. Even the raiders conceded that in 1967 Congress would not have approved national emission standards. Muskie's proposals have steadily gotten tougher as public concern over pollution has made stronger laws possible.

VOTING RECORD

There is one area in which Muskie has been lenient on industry. On the issue of free trade against protectionism, he has generally been a mild protectionist, reflecting his Maine constituents' fears of foreign competition in the shoe and textile industries. Otherwise, Muskie's voting record in the Senate is far more liberal than his current centrist image would suggest. Americans for Democratic Action gave him a 91% "right" grade on the last session; Kennedy, Bayh and McGovern all scored less than 90%. The A.F.L.-C.I.O.'s COPE (Committee on Political Education) scoreboard from 1959 to 1970 gave him 60 'right" votes and only two "wrong"—a pro-labor record matched or surpassed by only eight other Senators.

On questions of civil liberties, his record is equally liberal. He denounced the Nixon Administration's District crime bill, with its no-knock and preventive detention provisions. He has attacked the FBI for its surveillance of an Earth Day rally he addressed last year.

Muskie has joined in proposing a special White House office on drug abuse and a program that would spend $340 million—nearly double the present federal expenditure—to establish local treatment centers for drug addicts. He can also count legislative contributions over the years in housing, urban affairs, revenue sharing and welfare reform.

In 1966 Muskie saved L.B.J.'s Model Cities program from Senate defeat by an exercise of homespun eloquence. The bill passed by a surprising 53–22 majority. Says Senate Majority Leader Mike Mansfield: "Senator Muskie is the only Senator I've known in my 19 years here who has been able to change a large number of votes to get a certain piece of legislation through."

His record on Viet Nam, however, is a liability in the eyes of many Democrats, especially those who tried to get the 1968 Democratic platform committee to adopt a strong antiwar plank. In January of 1968, Muskie wrote a private letter to L.B.J. urging a bombing halt as a step toward a negotiated settlement. Seven months later he defended the President's policy by supporting the convention's majority plank on Viet Nam, which leaves him open now to a charge of political expediency. Muskie tries to minimize the zeal with which he backed the plank.

Since Viet Nam is no longer the political issue that it was, voters may not be much bothered by the fact that Muskie did not oppose the war earlier. Besides, he was hardly alone. It was, one close associate says, "a case of Muskie not trusting his basic instincts. He sensed something was deeply wrong, but it was another case of his feeling he didn't have enough facts. In the future, he will trust his own instincts to a greater degree."

THE LAST VACATION

Muskie and his growing family occupy a colonial house in suburban Bethesda. A light drinker who likes an occasional Manhattan or martini, he avoids the Washington cocktail circuit, preferring to entertain small groups of neighbors at dinner. Among his best friends is Michigan's Senator Philip Hart, and the Harts are frequent dinner guests.

Muskie likes to read at least two hours a day—mostly committee reports, although he recently found time for *Future Shock* and *The French Lieutenant's Woman*. But the campaign increasingly encroaches. He is an amateur photographer with a taste for artistic shots, like dew on a cobweb. He takes his Roman Catholic religion seriously, and his staff has learned that a sure way to infuriate him is to make up a schedule that does not include time for Sunday Mass. He is an old-fashioned, even Victorian father, although not a strict disciplinarian. "I can remember being spanked only two times," says his oldest son Steve, now 22.

For four weeks before Labor Day, Muskie sequestered himself and his family in his rambling house at Kennebunk Beach. It was probably the last real vacation he will enjoy until after the Democratic Convention, and Muskie savored it. He would rise at 6 for a swim in the icy Atlantic, then jog back through the coastal fog. Then he would light a fire in the fireplace and read until lunchtime. After eating, he would slip through a hole in the hedge to the next-door Webhannet Golf Club, where he would play what a friend calls "medicare golf." Muskie broke his back in a fall 18 years ago while fixing up his house in Maine. As a result, his golf swing is awkward. Still, in an intense, flailing exercise, he somehow manages to shoot in the mid-90s. One of the first times he played, he shot a hole-in-one, and he has been trying ever since to regain that glory.

What Edmund Muskie is now attempting politically is surely as difficult. His role as front runner is working quietly in his favor, and he has none of the slickness and insincerity associated with many politicians. But there is a real danger in his candidacy: he could become vaguely boring. An Olympian independence, a Lincolnesque candor can become dull in the unpredictable psychology of a long campaign.

Muskie's moral heft, his air of personal and political authenticity could be effective against Richard Nixon in the general election. The question now is whether Muskie will survive that long, or be eliminated in one of the primaries or at the convention. His campaign has, like the candidate himself, a certain steadiness, equilibrium rather than passion. Whether it is enough to be the sober centrist in a divided party remains to be seen, as does Muskie's capacity to adapt, grow and learn now that the race is beginning in earnest.

VISIT ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, on July 13, 1971, the Christian Science Monitor published several articles describing the beauty and charm of Alaska.

Alaska, more than any other state in the Union captures the adventure and expression of a growing country. Truly America's last frontier, unspoiled by the problems of overpopulation, pollution, and concrete jungles, Alaska is a place where man's individual efforts bear fruit in a dramatic and beneficial way.

It is hard to appreciate the majestic beauty of Alaska without visiting our State. However, the three articles that appeared in the Christian Science Monitor offer a brief look into the special and unique characteristics of Alaska. At this point, I insert these articles into the RECORD so that my colleagues in Congress can better appreciate the charm of Alaska.

[From the Christian Science Monitor, July 13, 1971]

WHERE TO FIND ALASKA '71—SEWARD HIGHWAY LINKS ATTRACTIONS

(By Shari Wigle)

If you are looking for Alaska '71 you'll find it on the Seward Highway.

The 128-mile route puts it all together by linking the state's largest city with a world famous sportsmen's peninsula, gold mines and glaciers, massive peaks and wooded plateau.

In earlier years Alaska-bound travelers took ships to Seward and boarded the train to the booming town on Cook Inlet. These days Anchorage sourdoughs climb into cars and campers and hit the asphalt trail south.

The highway starts near the Arctic and Northern Lights intersection of shopping malls and hamburger franchises. Jets en route to this "air crossroads of the world" scream overhead as you drive past Airport Road through the borough to Rabbit Creek where most motorists turn off. The reason—a panorama of the metropolis' rising skyline framed by mountains and inlet. Here in the city's shadow streams abound with pink salmon.

On the way the road becomes a beach drive winding between Turnagain Arm and the Chugach range. Waters of the arm, named by Captain Cook when he failed to find the Northwest Passage there, rise in record high tide second only to Bay of Fundy, Nova Scotia. Across the paralleling Alaska Railroad tracks and the inlet, is a rugged shore of the Kenai Peninsula, your destination. Also, the volcanic Aleutian summits tower to the west.

About 40 miles into the trip a cut-off leads past A frame chalets hugged by spruce to Alyeska, an all-year ski complex. The site of the 1963 Olympic Trials, the resort hosts an annual international airlines ski race. A mile plus chair lift elevates to 4,000 feet for a sight you can't get on wheels—sylvan slopes, Girdwood Valley, and eight glaciers, some skiable.

Back on Seward Highway the deserted buildings of Portage, resembling an old movie set, are reminders of the 1964 earthquake. A five-mile side road ends at the drive to Portage Glacier which stages an unscheduled show. Huge chunks of ice calve off and splash into Iceberg Lake. Some of these blue-white cubes float to the edge of the parking lot near a visitor center where naturalists explain the Pleistocene happening.

The desolate Turnagain Flats and icy scene changes into streams meandering through rich meadows dotted with azalea, violets, blueberries, parks of aspen and birch. About four creek crossings later there's a junction. If you turn right the almost 20 miles of gravel will be worth it. Seventy-six years ago steamers of gold seekers rushed to Resurrection Creek from Seattle and San Francisco.

The town of Hope was born, then abandoned for the Klondike strike of '98. Today the village has placer mine tours and a Pioneer Café where you can buy everything from groceries to gold pans. We opted to admire the area's apple trees rather than meet brown bear and equal size mosquitoes on the trails.

Ninety miles into the trip at a large Y, you turn left for Seward. At nearby Moose Pass, the animals sometimes run along the railroad tracks which once again parallel the highway. During the journey's last leg the road skirts Kenai Lake and then Snow River, going through a canyon and along a creek lined with hemlock and spruce. Similar scenes are captured on canvas at a roadside gallery also featuring native crafts. Nearby at Muskwa Village experts will polish and facet the rocks you found.

Seward is a place where you can buy expensive jade and nugget jewelry, dine on steak and seafood, then use the laundromat in the theater building and the campers' showers in the barber-beauty shop. At this southern railroad terminus tourists can inspect "Seward," a car from the train which carried President Harding to Nenana in 1923.

Hands of the old City Hall clock haven't moved since the 1964 quake, but the community has bounced back remarkably with a $10 million dock and small boat harbor. Fishermen can charter boats and get their catches canned, smoked, or frozen.

The 2,000 residents welcome guests at hostelries and two municipal campgrounds open to October 1. If you have a couple extra days for your return, top off your Alaska '71 venture by trying one of the state's marine roads, a Seward Highway extension. You park your car on the ferry M/V Tustumena. Then from the top deck take in more of the giant 49th state while sailing to Anchorage around the peninsula with stops at Kodiak Seldovia and Homer.

How a Child Takes To Cruise Life—A Present Long Remembered

(By Kate Keating)

New York.—When we approached child Number 3 with a proposal that she spend her 11th birthday aboard a cruise to Alaska, she "bought" the idea—lock, stock and vessel.

So, it was with excitement at an all time high that we checked into Air Canada for our flight to Vancouver in early summer with our luggage well packed with warm clothes.

We toured about Vancouver all too quickly for our P&O Line ship was to sail shortly. The Arcadia had started the cruise from San Francisco thence to Los Angeles and Vancouver.

Bed was not to be considered even though the hour was well past 2 a.m. according to New York time on which our stomachs were still set. We had grouped with some people, some of which were even under 10 and proceeded to explore the Arcadia the way a cat does a new home. Out of numerous possibilities we chose a sheltered pool that promised protection from the wind but exposure to the sun; a strobe-lit, pop poster-swathed retreat dubbed the "Pop Inn"; and the "Lookout" Lounge, advantageously perched on the promenade deck with magnificent view forward to be seen from great deep high backed leather chairs.

The next morning we woke to the delivery of juice, biscuits, and tea by our cabin steward, Adey, whose function, we decided, other than imposing some sorely needed standards of tidiness, was to make certain that we never missed breakfast.

And we never did. There were such British matutinal dishes as fish cakes with anchovy sauce, smoked haddock, and lamb chops, all of which we viewed with an amount of American awe but with very little subscription, sticking to less flamboyant standards. Lunch and dinner menus throughout offered many varieties of West Coast salmon which we never refused.

Our first port, Ketchikan, was reached through fir tree-lined narrows, and there we had the fortune to run into a former local TV newscaster who packed what had become a sextet of three parents and three juveniles into his ancient station wagon for a tour of the local spots. He took us to a quiet lake in the lush Tongass rain forest and especially delighted the young ones in our company with a drive to the two totem pole parks at each end of town.

The Arcadia took up her gangway in mid-afternoon and glided out into the channel for passage to Juneau. Throughout the cruise, spots of greater significance were identified over the ship's speakers, first by a Mrs. Porter, who lives in Ketchikan when she's not commentating on cruise ships, and then later by Alaskan pilots.

Juneau was reached under determined clouds of drizzle, but we had our first sight of glaciers, of which we were later to see many. Martha rode up front with the pilot of a Southeast Skyways' seaplane for an aerial glimpse of the Taku Glacier in Juneau's backyard and was as amazed as I with the aggressive blues of glacial fissures and the browns of accumulated debris. We explored the now defunct Juneau Gold Mine tunnels in an old covered rail car.

The next day we were on our way to Lynn Canal and Glacier Bay where the air took on a nip of the glaciers and the ship's shop did a booming business in Hong Hong car coats for $6.15. Only the hardy were to be found sunning at poolside now, but being veterans of summer at the Maine shore, we were definitely among the hardy.

Martha, at an in-between age that has yet to be successfully labeled, shunned the activities for children of which there were many. During the day, she often frequented with her entourage the "Pop Inn" where a juke box provided five sides of terribly contemporary music for a quarter. That was a "buy" and with her spending money of a dollar a day, she satisfied her passion for hard rock.

We disembarked at Victoria, ferried through magnificently serene islands to Vancouver to head back to New York with the Seventh Avenue IRT looming large for me and preferably, camp in the Adirondacks, for Martha. But our return was rich with a new closeness found in new scenes, an experience that is to be recommended for every parent with every child. There is pleasure in being a parent and in that of being a child but often we can't see the forest for the trees. It helps to get out of the forest occasionally.

U.S. Guides—Ship Trip Through Tongass

(By Josephine Robertson)

Passengers coming aboard one of the Alaska ferries may be surprised to find a U.S. Forest Service Station in the main lounge.

From there a uniformed naturalist, who may be either a man or a woman, using a public address system, turns the trip into a guided cruise. Through intermittent broadcasts travelers are introduced to the history, geology, wildlife, and ecology of the Tongass National Forest.

The program, which was tried out for a short time on one ship in 1969 met with such a favorable response that last summer, eight naturalists will be manning the four ships.

Year around the ferries ply a route from Seattle northward, stopping at Prince Rupert, Ketchikan, Wrangell, Juneau, Sitka, Haines, and Skagway, a journey of 1,200 miles one way and taking three and a half days. It is a tortuous route, winding around craggy islands, seemingly endless forest and magnificent scenery that suggests the Norwegian fjords.

These are working ships, designed to transport people, freight, and vehicles from one point to another in a vast area with few roads. As there is not much in the way of entertainment aboard, the passengers welcome the interesting commentary on the passing scene.

This service was worked out as a joint project of the Division of Marine Transportation, the State of Alaska and the U.S. Department of Agriculture, of which the Forest Service is a part.

Most of the route is through the Tongass National Forest, the nation's biggest, with 16 million acres of woodland, glaciers, salmon streams, and big game country. The journey is described as a "trip by ship through the forest in which many of the travelers will never set foot."

Answering questions, along with the broadcast messages, is one of the responsibilities of the naturalists. A small boy asks, "What does this mean—port and starboard."

Part of the broadcasts are from prepared text. In Clarence Strait, north of Ketchikan, the speaker points out that we are in the same latitude as the British Isles; that the coastline of Alaska is longer than the coasts of all the other states together; that each of the 250,000 residents might, theoretically, have 2½ square miles; that the coastal climate in southeastern Alaska is surprisingly moderate, averaging between 20 to 50 degrees and so is not a forbidding land of ice and snow.

When something special comes into sight, the prepared text is laid aside.

A black fin is seen cutting through the water. The call goes out—"killer whale!" We may see the tail flukes of a big humpback whale, or the sleek black and white dall porpoise, or the ever-curious hair seal.

When fishing boats are sighted, the naturalist tells about trollers, gillnetters, and purse seiners out to harvest salmon. He tells the mysterious saga of this great fish, the pink salmon that goes from streams to unknown waters shortly after hatching, and the others that may linger three or four years before heading for the sea. All at their appointed time, return to struggle back upstream to the spawning place.

Again an interruption. This time a lordly Bald Eagle. And so it goes.

THE MASSACRE AT ATTICA

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MURPHY of New York. Mr. Speaker, the massacre of 40 persons at the prison in Attica, N.Y., will go down in the annals of history as a monstrous abortion of the word "corrections."

In March of this year I predicted that such atrocities would occur when I introduced legislation designed to forestall such tragedies. I said then that America's prison systems generally and New York's in particular were brutal, savage, dehumanizing failures. I introduced legislation calling on the Congress to appropriate $1 billion for upgrading the Nation's prisons to be appropriated between 1971 and 1975. This is the minimum amount necessary to begin a broad range of modern treatment facilities to replace those monuments to society's failure, our hopelessly outdated prisons.

The events of the past few days have highlighted the fact that there are in the Nation's prisons not enough guards, not enough programs, not enough space, not enough cells, and too many prisoners jammed into them. With buildings based on modern penological architecture, properly guarded and properly controlled by electronic equipment we might have averted the needless slaughter at Attica. The State correction leaders obviously did not learn from events such as the eruption of the Tombs in April, the findings of a Federal judge who ordered reforms in the State prison system when he found that inmates were subjected to cruel and inhumane punishment, and the rebellion of the State's own professional correctional personnel at the shortcomings in the system.

New York as other States such as Arkansas, California, and Indiana ignored recent congressional investigations of the Nation's prisons which uncovered a litany of guard corruption and ineptitude, inmate suicide, torture, sexual exploitation, beatings, maddening solitary confinement, and even murder in their institutions.

Now the price for this crass attitude toward prison conditions is being paid for by inmates and guards alike. I offer the sympathy of my office to the friends and families of those slain and hope that this travesty will shock the Nation and the Congress into action to cure the conditions that exist in the Nation's prisons, not only in New York, but the rest of the Nation as well.

I plan to renew my efforts to pass into law the legislation I introduced in March 1971, the "Juvenile and Adult Correctional Facilities Improvement Act." The Nation's top correctional officials estimate it would take $18 billion to rebuild the Nation's prison systems to the point where there would be no more Atticas. My legislation is a solid step in providing the funds and expertise necessary to do just that.

Mr. Speaker, I insert the remarks I made on the introduction of my bill to be printed at this point in the Record. I ask Members to read them as a reminder to all of us of the distressful conditions in our Nation's prisons.

Statement of Representative John M. Murphy on the Introduction of a Bill To Provide Financial Assistance to States and Localities for the Construction and Modernization of Juvenile and Adult Correctional Systems

Since my first years as a Congressman my colleagues have known of my intense interest in the problems of crime, juvenile delinquency, narcotics addiction, the pornography racket, the criminal abuse of firearms, and the havoc that has been wreaked on the nation and our citizens as a result of these social evils.

Because my city is one that has always suffered a great deal from these evils I have decided to assume a leadership role in the development of Federal legislation to cope with these many problems where it is appropriate.

For the past several weeks I have held lengthy meetings with one of the nation's outstanding professionals in the area of Federal criminal laws who has had years of experience in writing and guiding through the Congress some of the major crime bills that are now laws of the land. He is now a member of my staff and with his help, I have developed a legislative program which I intend to introduce during the coming weeks.

While these bills will have great benefit for the citizens of my district and the inhabitants of the city and state of New York, they are nationwide in scope and are intended to solve some of the critical problems facing America today.

Criminal acts against persons and property costs the United States $24 billion annually, and will continue to spiral, unless, together with the need for law and order, we also see the need for comprehensive rehabilitation of delinquents and offenders.

For this reason, the first bill which I introduced today for appropriate reference I have called the "Juvenile and Adult Correctional Systems Improvement Act of 1971." It is directed at that small army of habitual criminal offenders who have, year after year, spewed forth from a correctional system that can only be described as a monstrous abortion of the word "correction."

Under my proposed legislation, $1 billion is authorized to be appropriated between the fiscal years 1971 and 1975. This is the minimum amount necessary to begin a broad range of small modern treatment facilities to replace those monuments to society's failure, our hopelessly outdated prisons and reformatories and training schools.

The field of corrections, especially youth corrections, is at a critical stage at this period in time. It faces two serious problems that threaten the complete and total disintegration of state correctional systems.

First, money and facilities are totally inadequate to meet the demands placed on correctional institutions by our communities.

Second, the validity of the treatment techniques of present day corrections is in serious doubt.

As the President's Crime Commission pointed out:

"... for the large bulk of offenders, particularly the youthful, the first or minor offender, institutional commitments can cause more problems than they solve. Institutions tend to isolate offenders from society, both physically and psychologically, cutting them off from schools, jobs, families and other supportive influences and increasing the probability that the label of criminal will be indelibly impressed upon them."

In most cities, tender, unsophisticated youthful offenders are incarcerated in the nation's dungeons because no alternatives exist. Unfortunately, this happens in most cases to poor youngsters in ghetto areas where the lack of any social welfare resources requires the police to send the children to court and the courts, having no other alternative, send them to state training schools and so-called "correctional" institutions.

Some uninformed self-styled experts have called these institutions "tuition-free schools for crime." The statement is of course partially correct.

The bulk of our institutions *are* schools for crime.

The repeater rates have proved that beyond question.

But to label them "tuition-free" displays an incredible lack of understanding of the true nature of the problem.

The truth is, in 1969, $258.2 million was spent on public institutions serving delinquents at a per capita cost of $5,031.

In one of our Northeastern states the average yearly cost of maintaining a delinquent in the state training school is $12,400. And this state admits a failure rate of 75 percent.

The original cost of a prison cell exceeds the cost of a patient's bed in a big city hospital—up to $25,000 per inmate.

I would call these exhorbitant tuition fees, and they are fees that are being paid by the American taxpayer.

I would remind my colleagues that the tuition for a full year of room, board and education at Harvard and Yale is in the neighborhood of $4,200.

The important thing for the Congress to remember is that our traditional forms of institutionalization are totally ineffective in rehabilitating the majority of our chronically delinquent youth.

The return rate for young people released from the nation's "crime schools" ranges as high as 80 percent.

As the 1968 Uniform Crime Report of the F.B.I. pointed out:

"The younger the age group, the higher the repeating rate, has been documented many times, as it is here ... of the offenders under 20 released in 1963, 71% were rearrested by 1969, 72% of those 20 to 24, and 69% of the offenders 25 to 29 years."

The bill that I introduce today may be considered an overly ambitious one by some people. However, I would point out that administration officials in the business of corrections estimate that it would cost as much as $18 billion to revamp the nation's prison systems to the point where they would begin to return offenders to the streets of America capable of living a life free from crime.

The extent of such an estimate indicates that my proposed appropriation is a modest one in view of the size of the problem we are facing.

Our total correctional system, including adults, is presently costing $1.5 billion a year. I would have to agree with those who have condemned the system as a brutal, savage, dehumanizing failure.

One of the most disastrous aspects of this situation is the nation's jail systems. I have visited many such institutions in my own state and I agree with those who say that they are "festering sores in the criminal justice system."

Over ninety percent of the nation's juvenile courts do not have any separate juvenile detention facilities at their disposal; and it is these juveniles whom we now imprison with hardened adult prisoners at their most impressionable age.

As long as I have been interested in corrections I have been appalled by the fact that we annually deposit 100,000 children in these filthy cesspools of crime where they are sodomized, brutalized and ultimately crystallized into finely honed criminals more disturbed, more deviant, more hardened and more dangerous than ever.

For this reason, I have stipulated in my bill, that in order for a state to receive the funds made available in this legislation that all state plans should provide a detailed accounting of the numbers of juveniles who are confined with adult felons and a specific time schedule for the elimination of this practice. While this would apply to all institutions, it is currently most acute in our jail systems.

It has also become plain through the recent hearings of the Senate and House and the findings of the President's Crime Commission that our jails and institutions contain thousands of people, most of them young people, who should not be there. They should not be isolated geographically and psychologically from their families and friends and from the normal activities of young persons such as schools, jobs and other positive influences in the community.

This is why my bill emphasizes programs of a community based nature such as halfway houses, work release programs, and the like. The bill is designed to provide monies to increase probation and parole staffs to realistic levels so that a single officer is not neutralized and demoralized by the overwhelming burden of having to maintain contact with caseloads that run into the hundreds.

There is no better example of the need for correctional reform than my own city and state of New York. The entire nation knows of the disastrous conditions in many of the jails, reformatories and prisons there.

A brief review of the performance of New York's correctional system last year conjures up in most American's minds the infamous Tombs, a decrepit dungeon, 200 percent above inmate capacity with three men jammed into tiny cells.

Inmates committed suicide to escape the misery of incarceration there.

Finally, out of desperation, these men declared open revolt over guard brutality, overcrowding and interminable confinement awaiting trial.

Then the nation's television cameras zoomed in on this ancient "black hole of Calcutta" for all America to see what can rightfully be called the shame of New York.

The investigation that followed drew comments from the inmates that portrayed a "dungeon of fear" that rivaled Dicken's description of Newgate Prison as a story of man's inhumanity to man.

The riots in the Tombs overshadowed similar conditions in other New York institutions. Children's shelters were exposed as institutions with "horrible" overcrowding and all the evil effects such a condition brings with it.

Officials of the city's office of probation were accused of criminal neglect in the operation of the Spofford Juvenile Center where hundreds of youngsters were held under conditions described as "shocking and inhumane," a place where violence, drug abuse and homosexuality were commonplace.

A Federal judge was forced to order reforms in the state prison system following a finding that inmates were subjected to "cruel and inhumane punishment."

Riker's Island was found to be a place where teenagers associate with accused felons and spend hours learning the tricks of the criminal trade ranging from the narcotics traffic to the most lucrative crimes that have been conceived up by the adult criminal mind.

New York's correctional system is one where even the professional personnel rebel at its shortcomings.

The Director of Psychiatry of the city's correctional department resigned claiming that the department's mental health program for its twelve thousand inmates was "disgraceful and inadequate."

Even a correctional officers' union, 2,400 strong, condemned the "19th Century conditions in city penal institutions where inmates were sleeping on floors and herded in jail corridors" like so many cattle.

We witnessed the spectacle of the city's beleaguered Commissioner of Corrections helplessly admitting that "the city's penal institutions are in a crisis situation."

And as a final admission of defeat, the Director of the New York State Division for Youth told the Congress that it would probably be better if young delinquents in New York State were not detected, apprehended or institutionalized because too many of them get worse in the care of the state.

I want to make it clear at this point that the city and state of New York are not the only jurisdictions with a crisis situation in their correctional systems. The same can be said of hundreds of cities, scores of states, and, in fact, the country as a whole.

During long weeks of hearings last year the Senate and House heard from correctional experts and prison investigators from every part of the nation. And no matter what part of the country they came from the story was the same.

They outlined a litany of guard corruption and ineptitude, inmate suicide, torture, sexual exploitation, beatings, maddening solitary confinement and even murder in our institutions.

And these experts concede conditions are the worst in our juvenile institutions.

There is abundant evidence that in every part of the country, inmates young and old, are exploited, beaten, and dehumanized in ways that could have been understood in the Middle Ages, but is hard to believe in the 20th Century.

The correctional administrators who run our institutions need help. This is evidenced by increasing numbers of violent jail and prison riots. And this is certainly evidenced by the conditions uncovered during Congressional hearings over the past two years.

Nothing less than a major overhaul of our institutions can serve to protect the American people from the dangerous criminals that are released from our institutions every day.

Crime is our most serious social problem.

There are over 400,000 offenders in our juvenile and adult institutions with new recruits coming in every day.

There will be more such offenders in the years to come because our latest statistics indicate another drastic rise in juvenile delinquency in 1969—the twenty-first consecutive year of increases in youth crime.

Operating the criminal justice and correctional systems alone will cost us $9 billion annually by 1975.

My bill calls for $1 billion over the next five years to establish reform, to make certain that the billions we already spend in corrections, on the present system of institutions, are not wasted in making worse criminals out of prison inmates.

We know today that over 70 percent of ex-inmates do repeat in new crimes.

Over 90 percent of the offenders incarcerated will be released in a few years. If we continue to neglect and abuse these men in our institutions, thousands of them will again prey on the public with vengeance their only motivation.

The one billion dollars proposed by this legislation is a small sum to pay to insure the reversal of the present crime situation which at least to a considerable degree can be traced to the fact that our prisons today are factories of crime.

This is not simply "brick and mortar" legislation.

It is not simply paying Federal funds to states and localities to build more prisons.

This is designed to improve the entire correctional system in the Nation, including every phase of what is subsumed under the concept of modern day penology.

The bill stipulates that to obtain Federal money, states and localities have to develop systems where treatment and rehabilitation rather than custody and punishment are the order of the day.

It stipulates that to obtain Federal funds states must eliminate the practice of confining juveniles with adult felons.

It requires that to obtain Federal funds the states and localities must make an effort to train and procure professionally qualified personnel for the institutions.

It requires that to obtain Federal funds the recipients must advance proposals to develop employment and vocational training programs for inmates in cooperation with private industry.

It requires that to obtain Federal funds states and localities must develop a cooperative effort in the handling of offenders between all agencies for the administration of justice, law enforcement, and corrections.

I think the amount of money I ask is a small price to pay for a reduction in our crime rates and for more effective control of our crime problem.

I hope this bill will receive prompt and favorable consideration by both Houses of Congress.

WEATHER BOY PROVIDES UNITED STATES WITH OFFICIAL DATA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. McKINNEY. Mr. Speaker, combining a hobby with service to one's country is an unusual feat and I know that my colleagues will be interested to know that a young constituent of mine has done just that.

Fifteen-year-old Vincent Mobilio of Stamford, has been a weather hobbyist for 5 years and because of his proficiency in this field, he now operates the Sherwood Weather Station for the National Weather Service.

I know that I do not have to begin to tell you, Mr. Speaker, of the importance of such a contribution since the study of our atmosphere is such a determining factor in a great number of our scientific endeavors.

I know that the Members of this House will join me in saluting Vincent not only for his work in this area but for offering further proof that the coming generation is indeed in good hands.

Mr. Speaker, Vincent's activities were recently highlighted in a fine feature story written by Bob Masullo for the Stamford Advocate. I share that article with my colleagues at this time:

WEATHER BOY PROVIDES UNITED STATES WITH OFFICIAL DATA

(By Bob Masullo)

Every day of the year at precisely 5 p.m., 15-year-old Vincent Mobilio can be found in the yard behind his home checking a thermometer.

Vincent, the son of Mr. and Mrs. Ernest V. Mobilio of 38 Sherwood Rd., checks several other weather instruments also and records what they indicate. He does this for the federal government.

He operates Sherwood Weather Station for the National Weather Service, the second official station in Stamford. The first, and only other city station, is at the Stamford Museum and Nature Center.

Considered one of the youngest weathermen in the nation, Vincent has been a weather hobbyist for five years. He was sanctioned to operate his station two years ago.

"I first got interested in weather when I went to the museum and saw all the instruments they had there," he said. "Then my parents gave me a small weather kit for a Christmas present and I've been getting more and more instruments ever since. I've done a lot of reading on it too."

Gerald Rasmussen, museum director, encouraged young Mobilio to study weather.

Vincent regards him as a most valuable mentor.

The daily readings taken by Vincent include the temperature at the time, high and low temperatures of the preceding 24 hours, amount of precipitation and wind velocity. He sends the readings monthly to the state climatologist.

Among the instruments owned by the young man are an anamometer, barometer, wind vane, thermometer shelter psychrometer (measures relative humidity), several thermometers, rain guage and a volameter (measures wind speed).

Together they have a value of more than $600. They were purchased by Vincent out of his allowance.

He did not say what his allowance is, but noted that nearly all of it is spent on weather instruments.

"I'm planning to take pollen counts soon," he said. "That's the next piece of equipment I'll get."

The weather service is grateful for Vincent's recordkeeping. Using this statistics along with those of the museum, it is able to get a more accurate picture of climate conditions here than if they just had one set of figures.

In addition to the government records, Vincent also provides a weather service for subscribers. For a dollar a year he sends them monthly summaries of weather conditions that provide guidance for a variety of uses.

"There is one doctor who subscribes to my service because he does a lot of gardening," Vincent said. "He can tell, by the amount of rain, how much watering he has to do."

Other subscribers include business firms that have special use of weather records. One is a fuel oil company. However, Vincent notes that he really has only a few subscribers.

"They heard of me by word of mouth," he said. "I'd like to get a few more."

The young man's bedroom is neatly filled with books, weather instruments and charts and a few sea shells—a scientific interest in shells is another hobby.

"No, I don't want to make a career out of weather," Vincent said in response to a question. "I want to be a doctor, an allergist."

This year Vincent will begin his sophomore year at Rippowam High School. Naturally enough, his favorite subject is science.

PAROCHIAL SCHOOL AID

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. DULSKI. Mr. Speaker, last December I called attention to the danger of the collapse of the Nation's private school system unless some public financial aid was forthcoming.

Without parochial and other private schools to help in basic education—and in some of our communities the number of children involved is large—the entire responsibility will fall on the local taxpayers through the public school system.

My own city of Buffalo is an excellent example of a community where the school budget will skyrocket if the parochial school system is allowed to collapse.

I recognize fully the long standing concern for the separation of church and state. But that is not the issue here—the issue is our entire basic education system.

I also recognize that the taxpayers in general have no obligation to support parochial and private schools.

On the other hand, without the facilities provided by the parochial and other private schools, the needs of the public school system will be far greater. The financial burden of building and supporting these additional facilities will fall upon all the taxpayers—not just the parents of former private school students.

Where parochial and private schools are concerned, families who choose to send their children to these schools recognize that they take on a double obligation. Besides paying the tuition for the private school, they still have to pay school taxes for their share of the cost of the public school system even though they do not send their children to public school.

It seems to me completely reasonable—as I have contended for years, even while I was in the Buffalo Common Council before coming to Congress—that there be some public financial help for the parochial schools.

Nineteen years ago I recall consulting on this matter with the diocesan head of education in Buffalo, seeking his support for my proposal that the common council memorialize the State to provide aid so that private schools could keep their heads above water.

At that time, I could not obtain adequate support from the diocese. Now today, we have the crisis at hand which I then saw so clearly down the road.

In community after community, including mine, the parochial schools are being closed because of the lack of teachers, plus the financial inability of the diocese to keep them operating. At the current rate of closings, the public schools cannot begin to accommodate the influx of students.

Who will suffer? Both the students and the public: The students because of the decline in education quality that goes with overcrowding; the public in the already overburdened pocketbook to finance expanded public school facilities.

I was gratified to read the remarks of President Nixon during his recent speech in New York City in which he pledged his support for aid to parochial schools.

As part of my remarks I include the related excerpt from his speech. I also include two editorials:

[Excerpt from Aug. 17, 1971 speech by President Nixon to Knights of Columbus convention in New York City]

. . . The challenge of peace, the road to the new prosperity will require all the character we have. You and I know that the American people have what it takes to compete.

But when we talk about character of a nation we must never forget that that character depends upon the individual character of 200 million Americans. Where does that come from? It comes from the home. It comes from the churches. It comes from the schools of this nation. There is where the character of the next generation, the coming generation, is being forged.

We must see to it that our children are provided with the moral and spiritual and religious values so necessary to a great people in great times. And, as Cardinal Cooke has pointed out, at a time we see those private and parochial schools which lay such stress on these religious values, as we see them closing at the rate of one a day, we must resolve to stop that trend and turn it around. You can count on my support to do that.

Every man, even one who serves as President of the United States, relates an issue to what he knows in his own experience. I myself did not have a Catholic education. My secretary did . . .

She is a very fine secretary. But she also has very great character. She grew up in a family of modest income, a large family. She went to a Catholic school, a Catholic grammer school and a Catholic high school. Just looking at my secretary, and I think John Mitchell and John Volpe will bear me out, if that is what Catholic education does, I am for more of it. . . .

[Statement by Governor Rockefeller, March 2, 1971]

Some have asked how we can support more aid to private schools this year with the public schools having such problems. The answer is blunt and pragmatic:

Without help, many of these non-public schools face actual collapse.

And when they fail, their burden falls directly onto the public schools.

In New York City alone, there are 448,000 students in non-public schools.

Far better to give some help to keep these schools afloat than to have their costs descend on already overburdened public schools.

[Editorial from Buffalo Evening News, Dec. 3, 1970]

CATHOLIC DIOCESE TIGHTENS BELT

The financial retrenchment and consolidation program adopted by the eight-county Catholic Diocese of Buffalo is a regrettable but apparently unavoidable necessity.

The cutbacks are of primary concern, of course, to the members of the diocese. But in a larger sense they affect the whole community, whose educational, health and charitable resources are certainly dependent on diocesan institutions and programs. Thus, the public at large has special and urgent reasons to join in hoping the diocese will weather its present difficulties with a minimum of disruption and curtailed services.

The diocese's financial problems, especially as they relate to education, come as no surprise. Parochial schools throughout the United States are facing a growing crisis as operating costs continue to rise. In his education message last March President Nixon noted that non-public schools in America were closing at the rate of one a day and directed that a special study be made of the problem. He stressed that preservation of these schools is important both to avoid adding $4 billion a year to the cost of operating the public schools and to "promote diversity in education."

With those same considerations in mind, more and more states, including New York, have been seeking means of providing public aid for private schools. Now, the latest announced parochial school closings and consolidations in Buffalo will properly strengthen support for repeal of the Blaine amendment and for exploring further means of providing indirect help for financially troubled nonpublic schools consistent with constitutional limitations. They should also spur greater interest in developing programs involving part-time use of certain public school facilities by private school pupils.

The Catholic diocese clearly is going through a difficult financial period. However, the current economies coupled with plans for increased parish fund-raising to retire the diocesan debt should result in a fiscally sounder and stronger diocese, one better able to fulfill its spiritual mission and to maintain its manifold services to the community.

[Editorial from U.S. News & World Report, July 19, 1971]

A CONSTITUTIONAL WAY TO AVOID DISCRIMINATION IN AIDING SCHOOLS

(By David Lawrence)

The Supreme Court has just handed down a decision which plainly says that it is unconstitutional for federal, State or local governments to provide financial assistance to parochial schools even when the aid is restricted to the teaching of secular subjects. Another ruling at the same time, however, permits the Federal Government to finance the construction of facilities at sectarian colleges as long as they are not used for worship services or religious instruction.

Many States have been troubled for years with the question of helping private schools, including those run by churches, which have been educating a considerable number of children. They are especially concerned now because costs have risen in all schools. As attendance at parochial schools is diminished, enrollments in public schools increase and additional tax money is needed.

The Court decisions are based on the idea that to give federal or State funds to a church-related school is a violation of the First Amendment, which declares that "Congress shall make no law respecting an establishment of religion."

Unquestionably, the Federal Government and the States will be spending more and more in future years for education in America. But it is illogical to assume that appropriations should be made solely for students in public schools and that money for education should be denied those attending parochial schools when the principal purpose is to give help to the American citizen in educating his children.

The big mistake thus far has been in dealing primarily with the schools themselves as the basis for the test of eligibility for public funds. The money should be furnished to individual citizens to allow them to educate their children in whatever schools they may choose.

Some States already have laws to make tuition grants either to parents of children attending parochial schools or to the schools themselves, and other States are planning similar arrangements. "Auxiliary services"—such as bus transportation, health care, school lunches, secular textbooks and driver-training courses—also are provided for parochial school students in a number of States. These have been upheld by the Supreme Court on the ground that they benefit the child rather than the church sponsoring the school.

All this argues that a system could be devised whereby each citizen, when his children reached a certain age, would be given a certificate for use in an educational institution of his own choice. This grant would have a financial value equivalent to a fixed tuition fee. Collectively the amounts would be substantial so that the schools would have funds to continue operations and maintain their educational standards.

The certificate could be submitted for admission to any school or college, private or public, and would be cashed only when presented at the school itself. It could be stipulated that, in order to be eligible, schools and colleges would be prohibited from practicing racial discrimination and that the certificates could not be accepted by any institution which does not fulfill this requirement.

The important fact is that parents would get help in paying for the education of their children, and the private educational system of the country would have additional money to meet rising costs.

The question before the States nowadays is how money can be provided for all kinds of schools which do not practice racial discrimination. Those that happen to be run by a church are being penalized. To give financial aid to one group of parents for education of their children in public schools and deny it to another group whose children attend church-related schools is in itself a form of discrimination.

While the Constitution forbids government at all levels from becoming identified with the establishment of any religion, it certainly doesn't allow governmental interference with the processes of any religion. In fact, it bars government from "prohibiting the free exercise" of religion.

Many parents send their children to parochial schools because they feel this type of education helps them become better citizens. Government ought not to be in a position of telling parents what schools they may pick in which to educate their children. The only criterion should be whether the school is accredited by the educational authorities of each State.

There is a constitutional way to assist the private schools which are educating a sizable number of the nation's youth. This can be done not by furnishing money directly to the schools but by tuition grants to the parents. Funds for education come from taxes paid by all citizens, including those whose children are not educated at public expense. Surely it is not unconstitutional for the States to allow parents to benefit from their tax money through these grants.

DESERVED CREDIT FOR JAKE CARLTON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SIKES. Mr. Speaker, Col. John T. Carlton, executive director of the Reserve Officers Association, is one of those quiet, self-effacing individuals who gets things done while giving the credit to others. He is one of the most effective among the people in Washington who are charged with administrative responsibility for the many organizations in the Nations' Capital. The current issue of The Officer tells us some of the things about Jake Carlton which he would never do for himself. I am glad to submit it for reprinting in the CONGRESSIONAL RECORD:

COL. JOHN T. CARLTON, USAR

More than a quarter of a century ago, an Army Reserve officer whose journalistic career had been interrupted by World War II, arrived in Washington, D.C., the mecca of all ambitious reporters. Commissioned a second lieutenant of cavalry on graduation in journalism from the University of Georgia, John T. Carlton had seen service in Alaska and then in Okinawa and the Ryukyu Islands where he served as a Staff Officer to Gen. Simon Bolivar Buckner and Gen. Joseph Stilwell and was awarded the Legion of Merit.

"Jake" Carlton as he was known to large segments of Washington and the ROA, had a reputation as an enterprising and energetic reporter. As correspondent for the Cox Newspapers he became a member of the Congresssional Standing Committee of Correspondents, the journalistic honor fraternity of Sigma Delta Chi and Sigma Chi. Leaving journalism, he became Administrative Assistant to Sen. George Smathers of Florida, and later to the revered Sen. Walter F. George. He also was on the staff of the Special Senate Committee studying Foreign Aid.

Throughout this time Carlton, who had risen to the rank of Colonel, remained active not only in the Army Reserves but ROA where he had been President of the Atlanta Chapter, Georgia Department Officer and National Public Relations Officer. Elected ROA Executive Director in 1957, "Jake" Carlton turned all his talents and energies to the cause of Reserves in general and ROA in particular. He is credited by many with being the spark plug in the movement which brought ROA from its less than impressive rented headquarters to the handsome and prestigious Minute Man Memorial Building at No. 1 Constitution Avenue, N.E. Preeminently well-equipped for the job, he watches over Reserve Affairs and ROA like a hawk from his spacious fourth floor office.

CRUEL CUTBACK FOR FORT WAYNE'S NEIGHBORHOOD YOUTH CORPS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. ROUSH. Mr. Speaker, the summer job program of the Neighborhood Youth Corps has given hope to many young people in Fort Wayne, Ind. However, now that school has begun, many of these hopes have been dashed. The funding for Neighborhood Youth Corpsmen who are attending school this fall has been drastically and cruelly reduced. This summer, 1,000 young people were provided with jobs. Only 34 of these students are able to continue in their jobs as school begins, because Indiana lacks the $280,000 needed for the Neighborhood Youth Corps program.

These are only numbers; however, the lives of hundreds of young people in Fort Wayne and elsewhere in Indiana are gravely affected. Throughout the summer, I have been receiving letters from the students who, by now, have been affected by the cutback. Their letters, below, speak for themselves:

DEAR MR. J. EDWARD ROUSH: Why can't Fort Wayne Neighborhood Youth Corps have more funds for more fall jobs. So I am asking you to help me get a job for the fall if you can.

Thank you.

YOLANDA WALKER.

DEAR SIR: I want very much to be part of the "In School Session" with the Fort Wayne Neighborhood Corp. I want to work while I am in school very much. I know school is very important and I won't let my grades go down because of the work.

Thank you for your help.

Sincerely,

JAMES A. YOUNG.

DEAR MR. J. EDWARD ROUSH: I would like to know why can't more pupils work for the fall job. I think this is a lot of help. Need for school supply and other uses. Would you please help me get a job for this fall.

Thank you.

PATRICIA TAYLOR.

DEAR MR. ROUSH: I am one of the people who work for the Neighborhood Youth Corps, and we would like for a lot of others to get a chance to work that are willing. But we all will like to know why can't the Fort Wayne

Youth Corps have more funds for more fall jobs? Please help me and other to get a job this fall.

Thank you.

Darlene Simmons.

Dearest Edward Roush: Why can't Fort Wayne's Neighborhood Youth Corps have more funds for more fall jobs. Please help me get a job this fall. I'm very poor, most poor of all the other workers.

P.S. Help the ones who need it.

Miss Gloria Henry.

Dear Sir: I'm writing this letter concerning the Neighborhood Youth Corps. At the NYC this fall there are job openings for only 34 people. I need a job very bad, to help support my family. I am in a family of 9 and I only have a mother and she can't work. No one else in my family works, but I would like to, but chances aren't good because there aren't enough funds available.

Please do something to get more funds for NYC.

Yours sincerely,

Fannie Fields.

Dear Edward Roush: We really need more money for fall jobs because it's a lot of blacks and whites that really need a fall job. And I'm one of the Black's.

Thank you very much.

Mickey Martin.

Dear Mr. Roush: We would like for you to give us more money. Because the children need jobs so they can work. And I know you do want us to work. And I hope you will give us what you can. And we will be proud to know you did help us and you did what you can. And I think you would want help us children stay out of trouble. And we would like you to give more money for us to take care our self. And to help our mother buy us school clothes for us. We need jobs to take care our self. So some will not drop out of school. I did have much to say but I have enough to convince you that we need more money. And we need more work. This is the first time I had a job. Because it means a lot to me.

Sincerely,

Janice Harris.

Dear Mr. Roush: Please help me and the other people who would like to work get a job. Can the Fort Wayne Indiana Neighborhood Youth Corps have more funds for more fall jobs. Mr. Roush, please help me get a fall job.

Thank you.

Eunice Lee Billingsley.

Dear Mr. Roush: We would like you to give more money for us to take care of our self. And to help our mothers buy thing like cloth for school and other thing. And some peoples don't like it when children drop out of school. They need job. I hope I have enough to convince you, we need money, more.

Your Truly,

Roseline Smith.

Dear Mr. Roush: I like the summer jobs this year. It helped me very much. I was able to buy my school clothes. My parents have a very small income and it is 6 of us kids. The summer job was a very big help to me and my family. Thanks so very much for making it possible for me to work this summer.

I hope this program can continue on so I can help my family. I am tired of living poor.

Thank you very very much.

Your truly,

Patricia Hall.

THE ANNUAL MEETING OF THE GORGAS MEMORIAL INSTITUTE OF TROPICAL AND PREVENTIVE MEDICINE, INC.

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. CARTER. Mr. Speaker, as a physician I have always been interested in medical research; and since I have been a Member of the House, I have come to be something of a student of tropical and preventive medicine research.

Perhaps, now, the greatest institution of the indicated character in the world is the Gorgas Memorial Institute of Tropical and Preventive Medicine, which has supervision with Federal funds of the Gorgas Memorial Laboratory in Panama City, Republic of Panama.

The enabling act of 1928 creating the laboratory and authorizing appropriations therefor was one of the many important items of legislation for which Gov. Maurice H. Thatcher was responsible. He is now the sole surviving member of the Isthmian Canal Commission, which supervised the building of the Panama Canal.

At the recent September 1 annual meeting of the institute, Governor Thatcher was elected life honorary president of the institute, and reelected as general counsel, a position he had held since 1939.

A luncheon followed for the officers, members of the executive committee and the scientific advisory staff—all serving gratuitously. At the conclusion of the luncheon, Adm. Clarence B. Galloway, U.S. Navy, retired, who is president of the institute, called on Governor Thatcher for some remarks. The latter thereupon spoke briefly. His talk—recorded in the minutes of the meeting—was unique, and in its way something of a gem. I am now including it, under leave accorded. together with the Panama Canal spillway article about the indicated meeting, as parts of my own remarks:

From Minutes of Annual Meeting of Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., Washington, D.C., September 1, 1971

After the meeting at GMI adjourned, the assemblage repaired to Engle's Restaurant, where luncheon was served.

At the close of the luncheon, President Galloway called on Governor Thatcher to say something to those present. The latter arose and spoke briefly. His remarks ran thus:

"I would only say that I am deeply grateful for the courtesies accorded me in the Annual Meeting today and for years past. At the time, years ago, when I obtained in the Congress passage of the basic enabling act for the establishment of Gorgas Memorial Laboratory and an annual appropriation for its maintenance and operation, I certainly did not expect to live as long as I have lived, nor that I would be privileged for such a lengthened period to serve the Institute and Laboratory in the manner I have served them.

"I have enjoyed very much the association with all those who have served the Institute and the Laboratory in an official or scientific manner. The contacts thus involved have been to me most pleasing. My experience with the Congress of the U.S., not only when I was a member, but ever since, has been—I may say—successful and rewarding. The congressional area has indeed been my briar patch. Thus, thru the years, I have been able to obtain the enactment of measures of amendment and for increased appropriations for the maintenance and operation of the Institute and Laboratory.

"I feel that we are, all in all, a dedicated and most useful humanitarian group. We may well consider that we have labored far better than we have realized; and all of us should be very grateful for what we have done in our respective contributions. Throughout the life of the Institute and Laboratory, ourselves and those preceding us, have been motivated by a sense of objectivity and selflessness.

"The work of the Institute and Laboratory have greatly expanded. For 43 years, I have been able to render gratuitous service to these institutions; and others have rendered similar service. I have, indeed, been most grateful for these contacts and associations. I have never known finer men and women than those who have been thus involved. The world owes them much.

"In this connection, I am reminded of what Sam Jones, the famous Evangelist in a past generation, used to say in his pungent sermons. It was this, and I quote, 'When I knock at the pearly gates and ask for entrance, St. Peter will inquire, "Sam Jones, what did you ever do down *there* that qualifies you to enter *here*?" I'll answer by saying, "I sometimes helped the Salvation Army down *there*"; and he will say, "Come in Sam; come right in!"'

"So, when each of you serving the Institute and Laboratory finally seeks entrance to the celestial realm, you may tell St. Peter that down *there* you used to serve the Gorgas Memorial Institute and Laboratory and he will say, 'Come right in, friend; come right in!'" (Applause and standing ovation).

[From the Panama Canal Spillway, Sept. 3, 1971]

MAURICE H. THATCHER RECEIVES NEW HONOR

Maurice H. Thatcher, the last surviving member of the Isthmian Canal Commission, who celebrated his 101th birthday August 15, has been elected honorary lifetime President of the Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc.

He was elected at the 48th annual meeting in Washington, D.C., "in recognition of more than 40 years of devotion to the creation and development of the Gorgas Memorial Laboratory." Thatcher was the author of the original Act establishing the Gorgas Memorial Laboratory.

New members elected by the Corporation to the Board of Directors were Carl Albert, Speaker of the House of Representatives; Tim Lee Carter, physician, Congressman from Kentucky; and James W. Watts, MD., Professor Emeritus of Neurological Surgery at George Washington University Medical Center.

The board re-elected Rear Adm. Calvin B. Galloway, Medical Corps, U.S. Navy (Ret.), as president for another 1 year term together with current officers.

During the meeting a report was made by Martin D. Young, Director of the Laboratory, reviewing the research activities during the past year and a report by Pedro Galindo, Chief of the Laboratory's Virology Department on Venezuelan Equine Encephalitis.

Dr. Martin M. Cummings, Director of the National Library of Medicine and member of the board of directors of the institute, spoke on the concept of regional medical libraries.

Plans are being made by the institute to establish the Gorgas Memorial Regional Medical Library for Panama and Central America on a plot of land ceded by the Republic of Panama.

The institute is a nonprofit parent organization of the Gorgas Memorial Laboratory located in Panama. The Laboratory has conducted biomedical research since its establishment in 1929 as a living memorial, envisioned by the late Dr. Belisario Porras, a former President of Panama, in recognition of the work of Maj. Gen. William C. Gorgas in the fields of sanitation and tropical health.

FOR PROSPERITY WITHOUT WAR AND WITHOUT INFLATION

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BAKER. Mr. Speaker, President Nixon's timely message to Congress on our Nation's economic future merits the immediate attention of all Americans. All of us must now assume our share of responsibility for a healthy, stable peacetime economy.

I and my fellow Members of Congress now bear a special responsibility. We must give priority to implementing the President's economic goals outlined in his address, placing the best interests of our Nation above political ideology or partisan identification.

In announcing the 90-day wage-price freeze, President Nixon displayed courageous leadership. His action has helped curb spiraling inflation which has steadily eroded the value of our American dollar at home and abroad.

It is now up to us, our Nation's elected representatives, to insure the beneficial results of this new economic policy will continue permanently.

The President's program is not automatic. It requires prompt congressional action. We must pass legislation to implement proposed tax reductions and an effective system of wage and price stabilization.

The taxpayers of America stand to benefit most from the President's proposals. It is they who will suffer most from congressional delay or inaction. In 1972, combined effect of cuts already scheduled, plus enactment of the President's program, would mean a $7 billion reduction in individual tax payments, income and excise. Consumers would receive an additional $4.9 billion in purchasing power. Repeal of the 7-percent auto excise tax, another proposal to greatly benefit the consumer, will also require congressional approval.

While we as Members of Congress act to control expenditures in our economy as a whole, we need to set our own government house in order. At the close of fiscal year 1971, excessive Federal spending had created a deficit of $23.2 billion, further contributing to inflation. The President's plan would reverse this trend by postponing pay raises for Government employees, reducing the Federal payroll by 5 percent, and cutting foreign aid by 10 percent.

The responsibility Congress must assume is outlined in a well-written, perceptive editorial which appeared in the September 10, Nashville, Tenn., Banner. The article stresses the need for a prompt bipartisan effort in both Houses of Congress and unselfish cooperation by all segments of the economy.

We have the support of a clear majority of Americans as we begin our work. A Gallup poll has showed 75 percent of the American people support the President's plan. In my own Third District of Tennessee, a poll taken before the freeze revealed nearly two-thirds of my constituents favored some type of wage and price controls to combat inflation.

As the editorial suggests, the new economic program will require hard work and perhaps some temporary sacrifices on the part of all Americans. But that will be a small price to pay to overcome inflation, unemployment, and the decaying dollar that have sapped our economic potential.

So that my colleagues may share the insight displayed in the editorial, its text follows:

For Prosperity Without War and Without Inflation

On the important economic policy front—with which it dwelt primarily—President Nixon's address to Congress Thursday could have been called an interim State of the Union message.

It was reassuring. It was admonitory. It stimulated as a reminder of the greatness of both the nation and its way of life, under discussion. It was both promising and prophetic; specifically in its announcement that the current 90-day wage-price freeze would not be extended, but that some other workable system of wage and price stabilization would be devised—with the help and advice of Congressmen, business and labor leadership, and agriculture.

Now that he has announced expiration of the present controls for Nov. 13, he can lose no time in spelling out the system designed to replace them. The details must be supplied as soon as possible after the consultations, beginning with labor leaders today.

He called on both Congress and the nation for the same bipartisan support in meeting the challenges of peace that are customary in time of war; to help assure fulfillment of the objective: A new prosperity without war and without inflation.

Lawmakers responded with applause again and again—an augury, surely, of the needed support for affirmative action on the proposals made and the objective outlined. And a reasoning nation, the constituency whose material welfare is at stake, could not have missed the spirit and logic of this call to duty. It was as the President put it, another instance for unselfish and courageous response—on the part of a people "joining together in placing the national interest above special interests."

There are innumerable factors entering into the national economy—the structure of the free enterprise system. There are governmental details materially affecting it, too, policies and programs with immediate bearing on it—and, as in the case of inflation itself, the overriding determinant on whether the direction is to be up or down.

Hardly can there be any question that Federal policies throughout most of the '60s and the fiscal irresponsibility thereof, vastly compounded the inflationary ravages. They diminished the value of every dollar earned, whether as wages, profits, or dividends. They multiplied the government's own predicament whether in domestic financial particulars or in losses and balances of payments deficits overseas.

To reverse that disastrous course still is a primary challenge of statesmanship, and the President was embarking on it in a major way when he clamped on the controls prescribed for a 90-day trial run. He is working at it in further stabilization efforts promised.

He was voicing elementary realities when, after reviewing the outpourings of U.S. resources—material and blood—throughout the world in the years since World War II, he declared it is time to give attention to the American interests here at home.

Congress is back in session, and there are legislative responsibilities—just as essential to implement with law and policy adjustment, taxwise and otherwise, as was the initial step of executive obligation. The President is mindful of that, and respectful of the prerogatives there. In the light of these he outlined again his proposals of tax reduction in its specifics, with collateral considerations addressed, as well, to the free enterprise making of jobs by the hundreds of thousands.

Just as importantly, he does not deem the program sought—and its necessary appurtenances—a partisan undertaking.

It is not in any sense a punitive proposal, nor designed in bias against any element of the nation's economic team. It is clearly a case of facing the facts, recognizing the dangers to all in any replay of inflationary factors out of control—and moving, as he desires it, together, to redeem the total national interest from this threat.

He spoke the public's sentiment assuredly when, in the spirit of the work ethic, he emphasized that a job is better than welfare, for any proud American.

It is the President's obvious desire, by intelligent adjustment and reform where necessary, to restabilize both the nation's economy and the dollar. Stabilization of the one would accomplish the same for the other; they stand firm, or totter, together.

There are collateral, simultaneous, and equally courageous steps for Congress to take; respecting not only general policy, but, and specifically, necessary tax adjustment and broad corrective measures to control expenditures. In other words, it can be said that just as the President moved to apply wage and price controls in the private sector, so is it essential to apply these same reasoned disciplinary restraints on the Federal Government.

Mr. Nixon put that challenge where it belongs—with colleagues whose legislative judgment can add up, by their action, to progress of the economic rehabilitation sought. The opposite of that, on the lawmakers' part, would lead to retardation of it.

TRAGEDY OF ATTICA PRISON

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FLOWERS. Mr. Speaker, the tragedy of Attica Prison will be with us for a long time for it represents the bloodiest prison disturbance in U.S. history. And, of course, recriminations will be coming from all sides about the handling of the problem. It seems to me, Mr. Speaker, that within an admittedly cloudy picture, there are a few truths which come through clearly. The prisoners revolted against the authority of society. They took hostages to enforce their revolt, and placed conditions on their release which were unacceptable to the preservation of order in our society. Had those conditions been met, the fabric of all of our correctional institutions would be ripped apart.

After several days of negotiations—and as the situation continued to deteriorate—the decision was made to bring order back to the prison. Many lives were lost and nothing can change the horror of this stark truth. The families of the hostages who were killed, and who have been injured cannot be consoled by words. But who among us can say logically that this decision and action upon it did not save even more innocent lives.

Mr. Speaker, the great issues of law and order, protection and rehabilitation will continue to be debated. The age old questions of how much freedom and how much order are required in our democracy will continue. But in the Attica situation, one thing is absolutely necessary and of the utmost importance to us all: swift, vigorous application of the criminal law to the prisoners who perpetrated these barbaric deeds. Nothing will suffice but the most demanding retribution from those who have so clearly proven their lack of standing in the family of man. Anything less will permit a sequel to Attica—in some other place at some other time. That cannot be tolerated. In this instance, the arm of justice must be firm and it must be swift.

WHEN FORT WAINWRIGHT CLOSES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, the most recent issue of the Arctic Oil Journal published an interesting and provocative editorial regarding Fort Wainwright, Alaska. I include a copy of this editorial in the Record:

When Fort Wainwright Closes

Fort Wainwright, the farthest North major military installation in the United States, and possibly the Free World, is going to be closing. That is not an item of conjecture or a weak prediction . . . it is a statement of fact! The Federal Government tried to close Fort Wainwright around ten years ago when it was still Ladd Air Force Base, but the resulting hue and cry raised by the surrounding populace, and the efforts of the late Senator E. L. Bartlett kept it open. But now, as the military's need for this installation diminishes, it is becoming apparent that the Government is preparing its closure. Many generals and highranking political figures keep telling us that there are no plans to close Fort Wainwright at present. While some people accept this statement and remark that it only takes a short memo at the right level to institute closure proceedings, we feel that Fort Wainwright has already begun to close, and it is only a matter of time before the padlock is put on the gate. This can be shown in many ways if you interpret the facts correctly. Just two months ago, all of the Armys' defensive Nike missile sites in the Fairbanks area were shut down. These were supported by Fort Wainwright. After that the twenty-year-old pipeline from Haines to Tok supplying the Fort was shut down permanently as not worth rehabilitation and repair, due to the reduced requirements of the Fairbanks area military installations in recent years. And the more impressive fact that for the past year or so, whenever a Civil Service employee at the Fort transfers, retires, or quits, there have been virtually no replacements hired. And so a continual, gradual thinning of the work force is taking effect.

The time, then, is now to decide what is going to be done with this massive installation. The main area of the Fort is 13,644 acres, and although the many shops, houses, facilities and roads, cost more than half a billion dollars to build, the actual cash value today would be in the neighborhood of $250 million. A similar complex built today would cost more than three-quarters of a million dollars. Now, when you add to this 645,000 acres in the bombing and gunnery range, and 260,000 acres in the maneuver area, you can see that we're talking about somewhere close to a million acres of land. All in the Interior Central section of Alaska!

Many people, civilians, politicians and military, have suggested at one time or another that Fort Wainwright would make an ideal location for our State Capitol. The runways, the buildings, the support facilities, and the housing all are there. Some businessmen have suggested that when Fort Wainwright closes, the ideal organization to buy it and take it over would be a consortium of the oil companies for use as a staging and supply area. It would provide them with all the housing, office, and warehouse space they would ever need, and they would base not only their current operations there, but all their future operations encompassing all of Alaska and Canada.

But we have another idea. Currently the United States Congress is in the final throes of decision in putting together a just package for a fair and equitable settlement to the Alaskan Native Land Claims. They speak in terms of millions of acres and millions of dollars. But the land in question could be land not owned by the State or individuals, and not selected by the State. In short, it would be, for the most part, land nobody else wants. It would take the millions of dollars that they would be receiving just to make the land habitable or accessible.

Wouldn't it make a better and more common sense program to give the Alaskan natives something that would benefit not only the Chiefs, but the Indians as well, to coin a phrase? We're speaking, of course, of the Congress of the United States deeding as a major portion of the Native Land Claims, the entire complex known as Fort Wainwright and its environs to them, with sufficient funds to operate it for a period of time, such as five or ten years, or until they became self-supporting. They would have for a Native hospital one of the finest and most modern hospitals in the State of Alaska. This would not benefit only the natives but the others as well, as it would remove a great strain from the civilian hospitals which, as we know, are almost always overcrowded. It would give them housing and schools. But more important, it would give them dozens of shops: welding shops, carpentry shops, painting shops, vehicle and aircraft maintenance shops. In fact, virtually every kind of shop that is needed in society today. Each of these shops could be converted to a first class vocational school. Even the mess halls and the Post bakery could be utilized to provide culinary schools. Nor would these schools have to be limited to the basic trades. A pre-medical school could be established adjacent to the hospital for serious students of medicine. The Research Center could be utilized. Schools of Art, Music and Drama, especially those promulgating the Native's own culture would be included. A Junior College could be set up. There is no limit.

The impact of this would be so great that we could reverse the existing trend, where we have been sending Alaskan Natives to the South 48 to Indian schools. We could now allow the South 48 to permit their Natives to come here, on a space available basis, of course, to the largest and most modern training center of its kind in the world.

We do not envision an Indian Reservation type of installation. Instead, Fort Wainwright would become another city, like College or North Pole, just bigger and more modern.

This, then, is our solution not only to the problem of what to do when Fort Wainwright closes, but part of the finest settlement of the Native Land Claims that could be conceived. Not a few million acres of barren tundra, and some money for the bank that would take years to raise the life standard of all Alaska's Natives, but a sensible program in which they, themselves, will have the opportunity to upgrade and update their civilization and standard of living to that of all American citizens!

THE NEED IS FOR ENFORCEMENT, NOT NEW ANTIGUN LAWS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SIKES. Mr. Speaker, antigun voices again are being raised in the land. There are the hysterical outcries of those who want to abolish private ownership of weapons. There also are the voices of distressed police officials disturbed at the ever growing problems of crime. Whatever the source, they focus on demands for additional antigun legislation.

It is well to recall that the 1968 Gun Control Act was presented as a major step toward the curtailment of crime. Yet, since the enactment of that measure, the crime rate has continued to soar. Subsequently, in the Nation's Capital, the city government approved some of the stiffest antigun ordinances in the Nation. Despite this, no one can argue there has been a significant improvement in the crime situation in the city of Washington.

It is highly regrettable, but there have been a number of recent cases where policemen on duty were killed with guns. The antigun elements always seize on these incidents to begin their chant for more repressive legislation. They ignore the antigun laws already in effect and say the times have changed and therefore, we need new gun control laws. In some way they continue to reason that crime will drop if guns are more stringently controlled.

Generally, there are three categories of people who own weapons. Police, security guards, and others in like category.

By far the largest group is those who own weapons for the protection of their families and homes and for sporting purposes or as collectors.

Criminals also own guns.

Clearly, the only weapons owners who would feel the brunt of stricter antigun legislation would be the millions of Americans who own weapons for the protection of their homes and families or for sport or as collectors. Restrictions upon this group would not be a deterrent to crime in the slightest. These are not the men and women who go about the streets robbing store owners, holding up citizens and shooting policemen.

Nor will more stringent gun controls stop ownership of weapons by the criminal. The chances are his weapon was stolen or purchased on the black market. Anyone with sound reason knows that any gun owner intent on crime is not going to rush to his nearest police station to register his weapon and then go out and rob or shoot someone.

The cold, clear facts do not support the contention that licensing and registering weapons, or limiting the ownership of weapons to police and military will automatically reduce crime.

What has occurred during debate of this highly emotional issue is that the true facts have too often been obscured from the American people who have been told that guns make criminals and that antigun laws will control crime. Just how prohibitive legislation of this type can be is best demonstrated in New York which has the Nation's toughest gun laws. According to an April 1971 report from a high ranking New York City official, there are a total of 24,354 pistol licenses in force, of which 564 are issued to persons who do not require them as a condition of employment.

Thus, out of a city of over 8 million people, 564 legal permits for handguns have been issued. When one considers that New York has a murder rate of almost double the national average, it is clear that even the tough gun laws have had little effect toward curbing crime. States and local communities not fighting ownership are among the lowest in crime rate.

Guns are not the only example of problems associated with crime. The drug problem is much worse. The use of drugs is much more widespread. This very serious problem has reached into the public schools where millions of young lives are threatened with ruin. Should we have harsher laws on drugs? Shoplifting is rampant. Should there be new laws against shoplifters? The sad truth is that the enactment of additional laws is not the real cure for the problems of crime. The failure lies in lack of enforcement, not in the law.

Congress has passed new laws to deal with virtually every feature of the crime problem. Congress has appropriated hundreds of millions of dollars to assist the States and local communties in fighting crime. But crime continues to grow.

Until we are ready to attack the real root causes of crime—poverty, illiteracy, lack of economic opportunity, discrimination, outdated judicial machinery, inadequate enforcement of existing laws, and disregard for authority and order, we shall not find the answer to crime. But the immediate need is for law enforcement. There should be greater efforts to apprehend criminals. There should be a speedup in court processes. There should be tougher bail procedures. The habitual criminal knows that if he is apprehended, which is unlikely, and if he is brought to trial, which may take years, he is more likely to receive a slap on the wrist than a harsh sentence. In that kind of an atmosphere crime is good business. The youngsters who see all this and who are attracted by the glamor find it easy and exciting to turn to a life of crime.

Firarms laws, no matter how stringent or comprehensive, are not going to stop crime with weapons. The 1968 Gun Control Act was intended to help keep weapons out of the hands of criminals, unsupervised juveniles, drug addicts, and those mentally irresponsible. The act is comparatively new. It has not in reality been thoroughly tested. It may need revision in order to achieve the greatest effectiveness. One serious weakness has just been dramatized by the shooting of a collector of black powder weapons by Internal Revenue Service agents. They broke into his home without proper warrants and without uniforms and shot the individual when he resisted. There have been other instances of extremely highhanded and irresponsible Gestapo type action by IRS agents. This cannot be tolerated.

On the other hand, it is possible there are features of the act which should be strengthened. Consideration could well be given to outlawing the so-called junk handgun. These are cheap, foreign imports which can be bought along most highways and which are more likely to fall into irresponsible or criminal hands.

There are responsible approaches to the problem of crime committed with firearms. The loud voices which claim stricter antigun laws offer a simple solution to crime in America are misleading the public. Taking guns from law-abiding citizens will not end crime. Firearm laws, no matter how restrictive or comprehensive, are not in themselves an answer to social maladies. The millions of law-abiding Americans who own guns for legitimate purposes will be the only ones stung by additional antigun laws. The criminals would retain their weapons just as they have done under the 1968 Gun Control Act.

It is not guns but criminals that commit crime. It is criminals that should be controlled.

VOLUNTEER WEATHER OBSERVER CITED

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, floods, thunderstorms, lightning, and high wind can be as much a part of Alaska's climate as snow. Mrs. Aileen Jones, the National Weather Service's volunteer weather observer in Ketchikan, Alaska, has been accurately observing these phenomena along with daily observations of temperature and precipitation since 1956. On August 19, it was announced by the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) that Mrs. Jones is one of 25 volunteer weather observers selected nationwide to receive the John Campanius Holm Award.

John Campanius Holm Awards, created in 1959 by the National Weather Service (formerly the Weather Bureau), are presented annually to honor volunteer observers for outstanding accomplishments in the field of meteorological observations. The award is named for a Lutheran minister who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, the Reverend Holm made records of the climate without the use of instruments near the present site of Wilmington, Del.

Mrs. Jones was recognized for taking complete and accurate weather observations at Ketchikan and for her dedication and enthusiasm in reporting unusual weather occurrences in that area.

Mrs. Jones acted as relief observer before she became a full-time observer in 1956. Each month she prepares a weather summary which is used by the local newspaper, radio, and television.

She has been an elevator operator in Ketchikan's Federal building for many years, and is active in the bowling league. In 1970 Mrs. Jones received the Weather Service's 15-year length-of-service award.

The spirit in which Mrs. Aileen Jones serves is very much in keeping with the spirit and enthusiasm that is part of all Alaskans.

Mr. Speaker, I wish to call to your attention the fine service Mrs. Jones renders, and I would also like to take this opportunity to express my personal thanks and appreciation to Mrs. Jones for a job well done.

REDUCTION OF U.S. CARRIER FORCE PROPOSED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. WALDIE. Mr. Speaker, on a recent trip to southern California I had the good fortune to meet and talk with Mr. Gerald W. Johnson. At that time he told me that he was in full agreement with me on the issue of reducing the size of our Armed Forces and thus lowering our military budget. Over the last few years Mr. Johnson has personally made a study of the problem of naval carriers and he graciously sent me a summary of his findings.

In his summary, Mr. Johnson argues that the vulnerability of these carriers makes them, in effect, tripwires for nuclear warfare. I find his arguments compelling and incisive and hope my colleagues will give careful consideration to his views.

The summary follows:

THE CASE FOR REDUCTION IN THE SIZE OF THE U.S. CARRIER FORCE

(By Gerald W. Johnson)

On July 29, 1967 five days after arriving on station in the Gulf of Tonkin preparations were underway to launch an air strike against North Vietnam from the 60,000 ton attack carrier Forrestal. This ship, the U.S.

third largest carrier, had just completed a major overhaul at the Norfolk Navy Yard before sailing and was declared to be "as modern as any aircraft carrier in the world". The crews were well trained and were anxious to join in the attack. On this morning, the planes were loaded and manned prepared to takeoff when suddenly a five-inch rocket was fired from one of the planes facing diagonally inboard on the starboard aft portion of the flight deck. The rocket crossed the deck striking another loaded and fueled airplane which immediately burst into flames. As a consequence of this blaze a bomb dropped from the wing of the burning aircraft into a pool of flaming fuel.

Following normal procedures, the firefighting crew began to spray the bomb with foam to keep it cool to prevent detonation, of course other efforts were underway to bring the fire under control. While all of this was going on, the bomb suddenly exploded blowing a large hole in the flight deck, dispersing the fire-fighters, and initiating other fires on the flight deck as well as hangar deck. In a few moments a holocaust had developed with planes burning and bombs exploding on the flight deck as the disaster propagated. The explosions produced holes in the flight and hangar decks through which burning fuel carried the fire progressively deeper into the ship. One of the worst naval disasters since World War II was in the making.

The fires and damage were ultimately limited to the section of the ship astern of the island. After burning for 10 hours, the conflagration was brought under control and the ship was able to begin its return journey to port.

When the consequences were finally assessed, 134 men had been killed; 62 men were injured; 26 planes had been destroyed and 31 damaged out of a total complement of about 80 planes; and the damage to the ship amounted to more than $100,000,000.

In terms of the operational capability of the ship, it had been reduced to zero. Perhaps the best summary was given in the New York Times of July 31, 1967: "Her flight deck seared and punctured, her 83-plane air wing all but wiped out and perhaps 125 of her crewmen dead, this mammoth aircraft carrier steamed out of the combat zone. On the ship are seven holes in the buckled flight deck, the aircraft arresting gear is demolished and the catapults are severely damaged. The carrier will be out of action at least six months . . . Capt. Beling indicated that early in the fire there was the real possibility the ship would be lost. Eventually the flames ate through six of the ten decks below the flight deck."

The obvious lesson from all of this is that even after 25 years of research, development and experience, the vulnerability of the carrier has not been reduced in any important way. The Forrestal incident emphasized this point in a decisive manner for here one five-inch rocket external to the main envelope of the ship put out of operation for months with heavy losses one of the most modern elements of the U.S. Navy strike force.

If this were the only event suggesting the extreme vulnerability of these ships perhaps it could be overlooked. But only eighteen months later, on January 14, 1969 explosions and fire swept the large 85,000 ton nuclear powered aircraft carrier Enterprise killing 24 of her crew and resulting in $36,000,000 in damage to the ship and its associated aircraft. Three large holes were blown in the flight deck and fires raged on the flight and hangar decks. The ship was out of service for six weeks, which in peace time may seem modest, but in war it could be critical. However, the main point again is that all that was required to knock a capital ship—a backbone unit of the fleet—off the line was one five-inch rocket on the flight deck.

This extreme vulnerability of carriers was common experience during World War II for both the Japanese and U.S. fleets. Review of that history shows that usually a relatively small number of hits, i.e. one to five, were sufficient to cause loss of operational capability of the ship as a minimum and in some cases the loss of the ship itself.

What saved the carriers during World War II, at least those that were that fortunate, was the fact that because detection and surveillence techniques were relatively primitive the ships could "hide" in the vast expanses of the ocean or in squalls. However, almost always, whenever a carrier was located and seriously attacked, even when it was ringed by massive defensive systems involving destroyers, cruisers, and sometimes battleships, it burned.

All of this was recognized by objective naval experts both out and in uniform and since World War II steps have been taken to reduce the dangers—one of which was the substitution of jet fuel for gasoline. In spite of all the steps it was possible to take, from the two examples quoted, it seems that the improvements have not been very impressive or very important. In these cases two modern attack carriers were removed from combat capability, and one almost lost entirely, by one five-inch rocket fired inadvertently on the flight deck—in neither case was the firing the consequence of enemy action.

While the vulnerability of these ships has not been reduced in any important way, surveillance and attack techniques have improved dramatically. Even casual examination of the Soviet Naval developments and deployments will show that they have not been unaware of these facts. Carriers today have no chance whatsoever to hide at any time of the day or night, in any weather conditions, or at any distance. They are frequently trailed by Soviet fleet elements, overflown by aircraft at will, and watched in operational modes in the Gulf of Tonkin and elsewhere. To be in a position to take advantage of the no-hide possibility of the U. S. carrier and in recognition of their extreme vulnerability, over the past few years the Soviets have built and deployed long range homing missile systems equipped with 1-ton warheads based on submarines (some nuclear powered), aircraft, and surface ships. Such systems will have no trouble taking out carriers and, if necessary, their escorts as well.

A dramatic demonstration of the capability of the short range deployed systems was afforded off Port Said on October 22, 1967. On that date, the Israeli destroyer Elath was on patrol some 14 miles from the Egyptian base near Port Said. According to published Israeli reports, two streaks were seen approaching Elath but seemingly initially off-course. Elath had time to increase speed, turn, and fire a few bursts of her machine guns. At a certain point, the first missile changed course apparently guided by a homing device, and slammed into the destroyer midship. Moments later the second missile struck the engine room. "It had a warhead of a ton with half a ton of explosive. The boilers and engines were silenced, and the central part of the ship was destroyed and burning." One hour and a half later, missiles three and four were launched from the harbor of Port Said. The third missile sunk the ship and the fourth impacted and exploded in the water where the ship had been. Thus, the first combat use of the Soviet Styx missile fired from Komar patrol boats succeeded in achieving effectively four hits out of four firings from a distance of 13.5 miles with disastrous consequences to an alerted and maneuvering destroyer.

The great danger here is not that the enemy might take out a carrier or two, but rather that there is the real possibility of another Pearl Harbor kind of operation in which practically all of our carriers, antisubmarine as well as attack, could be burning at the same time. The Soviets have the capability to do this today. Of course, as we have seen, the best time to accomplish such a blow would be in a time of tension when our ships have been placed in a combat configuration and are deployed. An interesting observation with respect to carriers, as contrasted with other types of warships, is the fact that as higher states of alert are established the strike capability of the ship becomes increasingly vulnerable.

In the event of such a disaster, the President might be persuaded that his only recourse would be to release the nuclear strike forces—with all that that implies. One can well imagine the pressures that would be generated on an incumbent administration when it was announced that Nimitz, John F. Kennedy, Dwight D. Eisenhower, Forrestal, and America were all on fire as a consequence of a treacherous Soviet attack. To use these units with their impressive symbolic labels as trip-wires for a nuclear assault would seem to represent the ultimate folly.

The conclusion must then be that for the U.S. to rely on its carriers either to deter or fight a conventional war with a major power like the Soviet Union is a course most dangerous to national security. If the U.S. Navy continues, as it seems to be doing, to base a substantial amount of its faith and to make its major fleet investments in these forces, it is on the road to defeat. There is no effective way the carrier can be "fixed". Therefore, no new carriers of the present conceptual design should be built, and the total number in service should be reduced substantially for use only against weak powers like North Vietnam, Lebanon, or the Dominican Republic, which is the only remaining possible rationale for their existence. Only through drastic measures such as these can funds and people be diverted to more effective and productive means of improving the defense posture of the United States.

RAINBOW RIDGE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. REES. Mr. Speaker, American parents are generally concerned—and have the duty and right to be—about the quality of television programing geared for viewing by their youngsters, particularly those of the highly impressionable preschool and grade school ages.

Happily there have been some—although all too few—programs, such as "Sesame Street," which have given the adult American public an heartening inkling of the good that can be accomplished by concerned members of the television industry.

Now, I have recently heard reports of a new program which both entertains and educates youngsters. Its title is "Rainbow Ridge," and it is a joint production venture of Dick Clark Enterprises and Alan Hamel Productions. The program is in syndication and will be available to television viewers starting early in 1972.

"Rainbow Ridge" has strong ecological overtones. It is set in beautiful, unpolluted countryside, where the wonders of nature are clearly visible and joyous.

In this setting, the first episode of "Rainbow Ridge" shows its young viewers the actual birth of a butterfly, as it emerges from its caterpillar state; it also takes its young viewers to a rodeo, carefully explaining the training required of competitors, and the regard for the safety of the animals involved. In addition, the first showing entertainingly instructs youngsters in the value of cleanliness through a song, "Kids Can Be Smarter Than Germs If They Want To." Another song relays the message, "Take Care of This Earth—It's the Only One We Have."

"Rainbow Ridge" teaches youngsters how to count, utilizing objects of nature by way of illustration. The first episode also gives, with great imagination, examples of the usage of the letter "b," employing that letter to demonstrate such items as a barn, a bird, a bee, a bell, and a beet.

Mr. Speaker, I think you'll agree that such a programing concept is a definite step in the right direction. Mr. Clark and Mr. Hamel have undergone considerable expense in creating and producing this program, and they have conscientiously undertaken the responsibility of seeing to it that "Rainbow Ridge" emerges as a program which informs while it entertains, and does so in such a manner as to merit the enthusiasm of not only children, but parents as well.

I take this occasion to congratulate Mr. Clark and Mr. Hamel on their achievement, and I hope that other television producers who seek to reach our youngsters with their programing will similarly realize the responsibilities and opportunities involved.

ADDRESS BY SECRETARY JOHN A. VOLPE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

MAJOR ADDRESS BY U.S. SECRETARY OF TRANSPORTATION JOHN A. VOLPE TO THE FIFTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, PITTSBURGH HILTON, GATEWAY CENTER, PITTSBURGH, PA., SEPTEMBER 8, 1971

I am indeed honored and privileged to have been invited to open this distinguished international conference here this morning. Let me be quick to welcome the many visitors here from throughout the world. As our globe undergoes increased urbanization the vital information we share in conferences such as this is truly invaluable. We learn much from all of you, and we are delighted to share information developed here.

Let me also express appreciation to the hard-working organizers of this conference who have helped so much in calling public attention to the great needs in urban transportation.

I am delighted to announce this morning the largest single grant ever made by the Department's Urban Mass Transportation Administration; $50 million to the Port Authority of Allegheny County for a rapid transit system here in Pittsburgh.

These funds supplement an initial $8.7 million grant made to the Port Authority in June of 1970. They are part of a total five-pronged $228 million project that will see a new-type rapid transit line, two rapid transit busways and the rehabilitation of two existing rail transit lines.

We intend to help Pittsburgh help itself. We are working with the city—and the county port authority—to bring this area first-class mass transit service for all their residents.

And let me be quick to point out that we are not investing this sizeable allocation of funds simply because we happen to like Pittsburgh, or for some whimsical, theoretical, experimental purpose. This area has shown the need, has done the planning, has enlisted solid community support and confidence, and has come to us with a program that was ready for funding.

This area came to us with the strong support of two very dedicated and hard-working United States Senators—Minority Leader Hugh Scott, who has been with us at every turn as we developed expanded public transportation legislation—and Senator Richard Schweiker who knows full well that we will not unbind the crisis of the cities without effective alternative transportation facilities for all the peple. Indeed, the entire Pennsylvania congressional delegation has given us solid backing—and Representatives Jim Fulton, Joe Gaydos and Bill Moorhead from this area have been in the forefront.

So while I came to Pittsburgh bearing good news, I make the distinction between that and bearing gifts. This is not a gift. This is not Federal largesse. This is a reflection of our very sincere obligation to improve the quality of life throughout the Nation. We can do this only by working *with* the States, working *with* the cities, working *with* the Port Authorities and transit authorities across the land.

While this grant to the Allegheny County Port Authority does hold the distinction of being the largest single grant ever to come from the Urban Mass Transportation Administration, we do not intend for that to be a long-standing record. This Administration has made a commitment to the cities of America. We are committed to balanced transportation. We are committed to the basic multi-modal transportation philosophy that is the only way to provide mobility to 200 million people spread (in varying densities) over a million square miles of land.

And that brings me to the theme of this conference—to the very vital question you ask here—"Is mobility the fifth freedom?" How vital is the ability to move freely from point "A" to point "B"—for people and for their goods?

The catch-point of all this is that without the fifth freedom of mobility, the first four—freedom of speech, freedom of worship, freedom from want, freedom from fear—don't exist either. Ours is a distribution society, a widespread, far-flung society, a highway-oriented society, and nothing is close to home anymore. Yet nothing is so far away we can't get to it one way or another.

Most transportation builders and planners now agree that balanced transportation is the key to urban mobility. Those same planners, however, have shown us how difficult it is to agree on the mix of modes that should comprise that balance. We have had no lack of technology, no limited supply of ideas and proposals, no shortage of reports, studies or summaries. What we have needed is action. We have needed the no-nonsense attitude of people like my good friend Mayor Jean Drapeau of Montreal who has told us that the best way to build a mass transit system is to "stop talking and start digging."

So we are doing that—in Pittsburgh, Chicago, New York, Boston, San Francisco, Washington, Philadelphia, and Cleveland, and soon in Baltimore, Atlanta, Seattle, Kansas City, Los Angeles, and many other places I could mention as I stand here with my fingers crossed.

But we have a tremendous catch-up job to do. Our emphasis on public transportation—in high gear only since 1969—had lagged far behind other world cities. Since the end of the Second World War, new rapid transit systems have been opened in Stockholm, Oslo, Frankfurt, Cologne, Milan, Rotterdam, Lisbon and Rome.

And the systems in those cities have been built with the full recognition that transit does more than just move people. Rather, it plays a major role in re-structuring our cities to improve the quality of urban life.

We must use this approach here in the United States. Indeed, we have solid indications that this *can* be the case.

Since announcement of the BART System in San Francisco, the value of new commercial construction started in the downtown area has exceeded one billion dollars. And all of the big new buildings will be within five minutes of a transit station. I might add that in the five to six year period prior to passage of the BART Bond Issue in 1962, new high rise office construction in San Francisco averaged $10 million a year. Since 1962, the total dollar outlay has been averaging $50 million a year. It's clear that the BART System will change the living and working patterns of the entire city. This is a very great responsibility for urban transportation planners. It is also our most exciting challenge. And that's the attitude we've taken at the Department of Transportation and in the Urban Mass Transportation Administration.

The largest annual Federal investment in urban mass transportation prior to Fiscal Year 1970 was $175 million. Now we have $3.1 billion authorized for the five year period ending in Fiscal Year 1975, with a total promise of $10 billion for expenditure by 1982, thanks to the solid co-operation between the Administration and the Congress.

And thanks, of course, to the concerned and dedicated individuals and groups of the transit industry—many of you who are here in this room today—who did so much to assure passage of the landmark Public Transportation Act of 1970.

Passage of that legislation has brought us to the point where we will have obligated more money—during the 18 months beginning last January 1—than was obligated for public transportation in all of the previous 6 years. That's what I call action. That's the kind of progress we like to see.

We are making a solid beginning, and none is more promising than the new mass transit undertaking right here in Pittsburgh. Pittsburgh, of course, is one of those urban areas in America where fixed-facility rapid transit is both technically and economically feasible. But this Administration, and the Department of Transportation, are not locked into the position that the only kind of transit is rail—or exclusive, fixed right-of-way—transit systems.

Our policy, of course, is that the decision as to what type of public transportation to utilize is a local decision. We make available technical studies money. We seek a close planning relationship. But in the final analysis, it is up to the local community to decide what sort of public transportation will work best.

And I don't need to tell this group that in the vast majority of cases, the best solution—based on local decisions—has been to optimize existing bus systems all over the country. We are tremendously delighted with the phenomenal success (and "phenomenal" is a conservative word) of exclusive reversible bus lanes in Washington on Shirley Highway, in Boston on the Southeast Expressway, in New Jersey on the Lincoln Tunnel approaches, and in San Jan, Puerto Rico. These innovations save time for commuters, save money for taxpayers, and save trouble for the cities. Utilizing the newest generation of buses available, such projects provide the commuter with air-conditioning, comfortable seats, carpeting, low-pollution engines, flexible routings and courteous service. Not only do fleets of buses in exclusive lanes cut trip times by as much as one-half, they cut into the total number of vehicles on the highway thereby lessening congestion on overcrowded freeways.

And even in smaller cities—where exclusive busways are not yet needed or practical—a simple upgrading of rolling stock has made urban bus travel more attractive and better utilized.

We are especially proud of the 6,500 new buses we have helped purchase in recent years, and the 45 bus systems that have been revitalized with Federal funds. In Pittsburgh, for instance, Urban Mass Transit Administration funds have already helped buy 380 new buses, with 200 more on the way. In a typical smaller city—Erie, Pennsylvania—a fleet of 50 new buses was purchased with Federal assistance. Since then, passenger totals have increased 8½ percent, reversing a 20-year pattern of decline and resulting in the first addition of a new route in 15 years. In Cleveland we provided study funds in order to scientifically plan an entire new bus routing system. The bus routes were based on trolley car routes from decades before, and hadn't been altered to take into account shifting population and land use patterns. Now the buses go where the people are, and they go where the people want to go.

This is the sort of intelligent imaginative and aggressive traffic management that takes advantage of existing knowledge and technology. And it paves the way for further expansion and sophistication as our cities grow and become worthy candidates for efficient, economically sensible fixed right-of-way systems. And—as the Pittsburgh grant today points out—when a city is ready for that sort of system, we are ready to help.

Pittsburgh's approach is both evolutionary and revolutionary—as ambitious as it is promising. It is perhaps not surprising that the progress that has been made thus far has come hard, and not without disagreement and debate. Few of man's great achievements have come without honest doubt; the exploring of new frontiers has often lead to dead ends before discovery—detours before destinations. Our freedoms were honed on the edge of adversities. Establishing the fifth freedom of mobility will require sizeable quantities of that pioneering spirit: in selling new ideas, in solving jurisdictional problems, and in developing new technology. We are trying to make a start in each of these areas at the Federal level.

Next summer, at Transpo 72—the International Transportation Exposition to be held at Dulles Airport—we are going to put some of these ideas and systems on display. And I invite every city and nation represented here today to join with us in exhibiting the promises and potentials of transportation.

I am personally making every effort to insure that Transpo 72 will provide the kind of exciting showcase for progress that the world's transportation industry deserves. Just today we are announcing the appointment of one of the top organizers in the country—Bill Bird, Vice President of Kaiser Industries—to be my Special Assistant for Transpo's development. I am confident that Bill's special expertise together with Managing Director Chet Spurgeon's dedication will insure the success of Transpo 72. And I am looking forward to seeing a great many of you—the transportation leaders of the world—at Transpo in 1972.

The United States—and the world—is developing a new awareness for the importance of transportation.

The four freedoms as we know them may have been enunciated by an American president—but they are basic to all citizens of the world. This conference—and every nation—can set no higher goal than to erase that question mark—to help establish the fifth freedom. The freedom of mobility. The greatness to accomplish this task is before us this morning. It's time to get on with the job.

POP WARNER LITTLE SCHOLARS, INC.

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to join several of my colleagues, notably the distinguished gentleman from Pennsylvania (Mr. HORTON) in sponsoring legislation to incorporate the nationwide Pop Warner Junior League football program under the name "Pop Warner Little Scholars, Inc."

"Little Scholars" may seem a strange name for active, rough-and-tumble young boys who enjoy nothing better than a vigorous game of football. But in my own professional athletic career, and in my work as a Little League baseball coach, I have long recognized that the athletic field, as much as the classroom, is a good place to learn some of life's most important lessons.

But even in the more traditional sense of scholarship, the Pop Warner Junior League has been a guiding force among America's youth. In the 40 years since it was founded in Philadelphia, Pop Warner football has emphasized not only physical fitness and team play—two natural qualities of an athlete—but citizenship and scholarship as well.

Certainly this program has had a welcomed influence on many young lives in the fifth district of North Carolina with leagues in Clemmons, Elkin, Jonesville, Kernersville, Lewisville, State Road, Walkertown, and Winston-Salem.

Now with more than 700,000 boys playing Pop Warner football in more than 40 States, the Pop Warner Junior League has become a major nationwide influence in shaping America's young men for civic responsibility and leadership, scholastic achievement and athletic excellence.

The activities of this organization have expanded to such an extent that a Federal charter is necessary to recognize the organization's broad scope and to protect the Pop Warner name and insignia, those participating in the program, and those who give their dedicated service to it.

A congressional charter will help to insure the continuation and expansion of the unique combination of citizenship, scholarship, safety, and sportsmanship which make up this program, and I urge my colleagues to join me in seeking swift passage of this legislation.

POW–MIA FAMILIES FOR IMMEDIATE RELEASE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. LEGGETT. Mr. Speaker, Members of Congress and prisoner-of-war families are unanimously concerned that the prisoners and missing be promptly identified and released.

Only the foolish hold out hope that the men will somehow miraculously be returned before the Vietnam war ends.

One organization of prisoner and missing families has a firm hold on reality. The organization, "POW–MIA Families for Immediate Release," states the self-evident facts:

> If the President will set a date to end the war, they will then know when their loved ones will come home.

I now insert their most recent statement. Let us hope our President is listening:

> AUGUST 31, 1971.
>
> DEAR CONGRESSMAN LEGGETT: You recently received a letter, dated August 11 and signed by a former prisoner of war and five POW/MIA family members. This letter, which urges a campaign to obtain international inspection of all prison camps in Southeast Asia, states that "every MIA–POW group in the country that we were able to contact has endorsed this program and will be distributing and obtaining signatures on this letter."
>
> We are writing to inform you that this statement is a misrepresentation, and apparently it is a deliberate one. POW/MIA Families for Immediate Release was contacted by the signers of the letter, and we declined to endorse the program or to participate in it. We do not know whether there are other groups which have also declined.
>
> We certainly would like to see international inspection of the prison camps. But we have been trying to obtain inspection for years, with no success. This new program offers no plan or approach significantly different from those which have failed in the past, and we see no reason to expect any good to come of it. On the contrary, we feel it will work against the interests of the prisoners by distracting public attention from the only thing which can help our men: the setting of a date for final withdrawal before the end of the year.
>
> North Vietnam and the National Liberation Front have offered to release all prisoners if we will set a date for complete withdrawal in 1971, and we see no reason to doubt that the Pathet Lao would make a similar offer if our government asked it to do so. We feel this offer should be intensively explored with a view to accepting it *within a matter of days*, assuming the safety of our troops and the return of *all* American POWs and unaccounted for who are in fact imprisoned concurrent with the withdrawal of all American troops, can be agreed upon. It is a source of great anguish to us that our government has failed to do so.
>
> You can imagine our feelings as it becomes increasingly apparent that President Nixon and many members of Congress, despite all their protestations of concern for the POWs, care more for General Thieu than they do for our loved ones.
>
> We fear that if the other side's offer is not accepted and a 1971 date set, the offer may not be renewed until after our November election. Some of our men cannot

survive an additional year in captivity. Moreover, the present Administration's plan to continue air support and a residual force in Vietnam indefinitely leaves little hope that the prisoners will ever be returned.

If our present opportunity is allowed to slip away, we shall spend 1972 working against the re-election of President Nixon and of all members of Congress, regardless of party, who by their votes prevented our men from being returned to us in 1971.

Sincerely,

Mrs. William Mullen,
Mrs. Philip Culbertson,
Miss Sheila Cronin,
Mrs. Michael Cronin.

OUR DEBT TO OUR NATION'S VETERANS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. WALDIE. Mr. Speaker, I would like at this time to explain the reasons for my strong support of the House's recently passed increases in the budget of the Veterans' Administration. I believe that the cardinal consideration here is whether or not we're going to choose responding to human needs or balancing our budget as our first priority.

Specifically, the administration's budget recommendation for the Department of Medicine and Surgery indicated a dreadful callousness toward infirm veterans. This year the average daily patient load in VA hospitals was about 84,500. The funds recommended by the administration for next year would have been sufficient for only 79,000 patients per day. When viewed in light of the steadily swelling demand for hospital admission this cut is insensitive at the least and more aptly described as cruel and brutal. The influx of Vietnam veterans has pushed the total of men and women served by the VA to a record of 28 million. Adding to the picture the fact that the 1½ million World War I veterans now have an average age of over 76, thus requiring more intense and prolonged care; it becomes obvious that the hospitals have to be straining under their load. Therefore, the additional $120 million that this body approved for medical care hardly evidences a wasteful or slobberingly maudlin posture toward veterans as the President's rejection of our efforts would seemingly imply.

In the area of drug abuse treatment, I believe that this body acted appropriately by increasing the proposed outlay by $14 million. Our Nation and our Government must shoulder the heavy burden of helping the misled young men in this group to help themselves. We must recognize that the presence of these men in Southeast Asia is not of their own volition but is directly due to the will of our Government officials.

The conditions that must be coped with there—a drug laden land combined with little legitimate recreation and lots of inactive hours—are again not the choice of these men. Hence, to practically abandon these soldiers by providing only very limited facilities is not the mark of a Government sensitive to the needs of the governed. Also, the money that will be channeled into research on this problem through this increase is an integral part of realistically and thoroughly facing this dilemma.

Handling their volume of paperwork has become an enormous Veterans' Administration task, as the claims increase proportionally to the number of veterans. Particularly in meeting the requests of the many returning veterans from Vietnam, the time lag between application and enactment is agonizingly long. Workloads in the 57 regional offices have increased 25 percent in the last 3 years. The number of personnel in these offices has increased by only 3½ percent in that period. These staffs have to reply to applications for education and training under the GI bill which have soared upward by 36 percent in those 3 years. The VA regional offices' operations are indeed in need of increased funding, instead of seeing this, the Office of Budget and Management reacts by slashing $14 million from the previous fiscal allotment. The $7 million which was restored by this body is only a stopgap remedy to this severe problem. With the winding down of the Vietnam war we will have to anticipate an even greater demand on the administrative and clerical services of the Veterans' Administration. Unmistakably, to reduce rather than increase support in this area is a grave error; one we had better not repeat.

The repercussions and significance of this trend toward cutting the VA budget are worth noting. We are all proud of the quality of life our Nation enjoys. We are sufficiently proud to arm ourselves for its protection. We say to our young men that our traditions and life style are worth fighting for, and they go and fight—truly showing courage of the first magnitude. But, when these men are wounded or become aged or return from war addicted to drugs we say that we cannot afford to help them—the budget would not allow it. What a let down these men must feel. Their pride in their country has to diminish as they are passed over and neglected. We cannot expect to transmit much pride in this Nation to subsequent generations if we do not demonstrate a willingness to spend our money in support of a full-term quality life for those who are called to sacrifice most in support of this magnificent Nation.

CELEBRATION OF 25TH ANNIVERSARY OF CANONIZATION OF MOTHER CABRINI

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. YATES. Mr. Speaker, on November 13, the Roman Catholic Church celebrates the 25th anniversary feast day of St. Frances Xavier Cabrini, canonized by Pope Pius XII in 1946 as the first American saint.

I take pride in representing the district in which Mother Cabrini lived and in which she performed the many good works which live after her. The nuns belonging to the Institute of the Missionary Sisters of the Sacred Heart, founded by Mother Cabrini in 1880, are the daughters faithfully carrying on Mother Cabrini's tasks.

Mother Cabrini was born in a small Italian village in 1850. She lost her parents at a very early age and was thrown upon her own resources. Even during her youth and young womanhood she exhibited her devotion to God and humanity in undertaking the many great and good acts that were to mark her life. Naturalized an American citizen in 1909, Mother Cabrini established many schools, orphanages, and hospitals serving this Nation's peoples of all races and religions.

In my district two hospitals operated by the Mid-West Province of the Missionary Sisters of the Sacred Heart are representative of the caring spirit of the ever-working Mother Cabrini. The Ninth District's Columbus Hospital and Frank Cuneo Memorial Hospital were recently merged with St. Frances Xavier Cabrini Hospital on the near West Side into an expanding health service complex, the Columbus-Cuneo-Cabrini Medical Center.

Mother Cabrini died at Columbus Hospital in 1917 at the age of 67, ending the earthly work of the Patroness of Immigrants. Her legacy of enduring good, bringing health and happiness to many will continue to mark her as a saint of our times, an American saint.

"SPEED" ADDICTION CAN BE STOPPED

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. GUDE. Mr. Speaker, we are all cognizant of the tragic drug problem which plagues our country, and the urgent need to alleviate it. AMA Update, a newsletter put out by the American Medical Association had an interesting article on how Japan came to grip with "Speed" addiction.

I commend it to my colleagues for their study:

"Speed" Addiction Can Be Stopped—Here Is How One Nation Did It

Can a nation solve a drug addiction problem of epidemic proportions?

Yes, says a former Japanese police official. But it isn't easy. His solution, like a well-known headache remedy, involves "a combination of active ingredients."

"Unlike other Asian countries, Japan was relatively free of drug addiction until about 25 years ago," Isamu Nitta told us. Now first secretary of the Japanese Embassy in Washington, he was formerly a senior official of his nation's National Police Agency. "In China, for example, opium has been a major problem for centuries. Opium has never been much of a problem with us.

"But shortly after World War II, we discovered that large numbers of our people were 'hooked' on 'speed'—methamphetamines. We call them 'wide awake' drugs. The problem was partly of our own making. During the war we issued wide awake drugs to our troops to keep them alert, and to factory workers, to step up production.

"It's not pleasant to have lost a war, as we did in '45. A deep gloom pervaded the land. We were ripe for addiction. By then, manufacturers had built up stockpiles of methamphetamines, which wound up on the open market.

"A measure of the seriousness of the problem was the crime rate—which soared. Most often arrested for drug-related offenses were artists, musicians and other creative types, waitresses, watchmen and others who worked night hours, returning veterans and young people in general.

"It took a full decade, and it wasn't easy, but we licked the problem. Of course, there are definite medical needs for stimulants, and doctors are capable of assuring their proper prescription. Our concern was with their *improper* use. Our approach was threefold . . .

"First, and most important, was an appeal to public opinion. This educational effort was aimed mainly at young people, and their sense of personal and national pride. But we also stressed the dire consequences of drug taking.

"Second, we enacted stringent new laws. Manufacture of wide awake drugs in tablet or powder form was banned in 1949; our addicts were then accustomed to taking the pills orally. But they quickly discovered that they could get 'higher,' faster by injecting liquid speed into their bloodstream. So we banned the liquid form, too.

"Other laws provided stiffer penalties for addicts and pushers, and compulsory hospitalization for addicts.

"Third was vigorous law enforcement. Our narcotics agents pretended to be addicts, looking for a 'fix'. I've forgotten how many pushers we rounded up that way.

"What's important is, that it worked. In 1954—the peak year—some 55,000 persons were arrested on drug-related charges. Now, only a few hundred arrests a year involve wide awake drugs.

"Narcotics are becoming a problem, though, especially heroin. However, we're using similar techniques. And we think we have the narcotics problem under control, too."

ALASKA'S POPULATION GROWING

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, in recent years, the population in the State of Alaska has more than doubled. People from all over the United States are learning of the wonders of our glorious State.

To meet this unusually, and I might add, welcomed growth, the State of Alaska must grow with its people. The cities of Anchorage and Fairbanks, as well as other cities, are experiencing rapid population growth, which is increasing the demand for needed municipal services.

One of the services most needed and most affected by the rapid growth of our cities is that of municipal water system improvement and expansion.

Because the financial burden to build a water supply system is so great and because the water supply is mandatory to the health of the people of the community, the city councils of Anchorage and Fairbanks urge the approval of Federal grants to finance the needs of these communities.

On July 23, 1971, an Anchorage-Fairbanks joint resolution was passed, and I am inserting a copy into the RECORD for examination by the Members of Congress.

A RESOLUTION URGING THE APPROPRIATION OF STATE AND FEDERAL FUNDS TO ASSIST IN THE IMPROVEMENT AND EXTENSION OF MUNICIPALLY OWNED WATER SYSTEMS

Whereas, the cities of Anchorage and Fairbanks, as well as other cities in the State of Alaska, are experiencing an unprecedented growth and resultant demand for municipal water system improvement and expansion, and

Whereas, the cost to meet such demand is a financial burden greater than can be absorbed by municipal water system funds, and

Whereas, the public supply of water is mandatory to the health and safety of the cities of the State.

Now, therefore, be it resolved that the councils of Anchorage and Fairbanks, in joint session, urge the passage and approval of legislation by the State and Federal governments appropriating sufficient funds to meet the grant needs of municipally-owned water systems in the State of Alaska.

Be it further resolved that the Alaska Municipal League be requested to obtain and tabulate the fund requirements for municipal water systems in the State of Alaska for the next 10 years and disseminate this information to appropriate government agencies.

THE ADVENT OF A NATIONAL HEALTH CARE SYSTEM

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mrs. GRIFFITHS. Mr. Speaker, the advent of a National Health Care System for the United States is seen as an inevitable necessity by many health care experts. Dr. David Stark Murray, a leader in the establishment of the British National Health Service, is presently touring the United States explaining the benefits of a national health care delivery system. He has observed that health care now consumes less of the gross national product in Britain than in the United States, yet everyone is covered under the British system.

Mr. Speaker, I submit for the RECORD an article from the Detroit Free Press of September 8, by Mr. Frank Angelo, editor, who quoted extensively from an interview with Dr. Murray. Dr. Murray's point is clear: Efficiency means economy, and efficiency in health care can be achieved only through a national health care program.

The article follows:

BRITISH EXPERT SEES IT COMING: PREPAID U.S. HEALTH SERVICES NEAR

(By Frank Angelo)

An editor meets such interesting people. For example:

Dr. David Stark Murray, a delightful visitor from London who gently insists that Americans are much closer than they think to a free-to-all, tax-supported national health service.

Dr. Murray happens to be one of those fellows who believe that if you need a doctor you should have one without having to worry about paying the bill—at least not directly. The idea, of course, is not a particularly new one—but that a visitor should think that the United States verges on being a hot bed of socialized medicine has a certain novelty. Particularly when the thought is expressed by a recognized authority.

Dr. Murray was a leader in the establishment of what is the best known of such plans—the British National Health Service. He has written and talked extensively about more efficient delivery of health services around the world, and he becomes almost lyrical when he discusses the functioning of Britain's blood bank. More than a million volunteer donors provide blood to make possible free transfusions for anyone in need at anytime.

So much for Dr. Murray's credentials. The fact that he was invited to discuss what some will consider heretical views in a seminar at Wayne State University's Medical School suggests that, indeed, changes are in the air. Added item: The Wayne seminar was sponsored by the school's Department of Community and Family Medicine which is one year old and which is in contact with each student before graduation.

Dr. Murray's appearance at Wayne was one of almost a score he'll be making in the United States at the invitation of friends, and after a few minutes with him it becomes obvious that he dearly loves what he's doing—and is trying hard to be as gentle as possible in his critique of America's health-care approach.

Said Dr. Murray with a touch of bemusement:

"Really, I don't understand why you don't go all the way. After all, about 70 million people in the United States are getting some form of government-paid health care now."

Can this be true? Well, yes, when you consider the Merchant Marine plan that's part of the U.S. Public Health Service and was established late in the 18th Century! And the Veterans Administration, and Medicare, and Medicaid, and the Armed Services, and health-care efforts through the poverty program, etc., etc.

Dr. Murray's point was that if we put all these things—and a little more—together into one National Health Service, period, we'd all be better cared for and it wouldn't cost so much.

Well . . . that may be, and there'll be more than a little debate on the matter in the weeks ahead in and out of Congress. But while you're available, doctor, tell me, how does the British system really work? Who does it cover? What does it cost and who pays for it?

"Everyone is covered, even you if you happened to come to England for a vacation," he said. "It costs nothing directly. Payments to doctors and hospitals come from the general tax funds and some social-security contributions by those who are employed. Cost for each person a year averages $90 and 98 percent of all people in Britain have signed with a general practitioner."

Assuming you lived in Britain, the doctor explained, you simply would pick the general practitioner you wanted to handle you and/or your family and sign up with him. He in turn would be paid a fixed yearly fee by the health service whether he treated you once or a hundred times. If you wanted special, private care, you would pay extra for that.

There was much more detail, but finally Dr. Murray was emphasizing the efficiency of the system, how health care was taking less of the total national product in Britain than it is in America. And there was a bit of twinge when, with a twinkle in his eyes, he said:

"You know, the economic problems you're having may be just the thing to force you to think of more efficiency, including delivery of health services."

THE BIG BOYS AGAINST PRINK HILL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FISH. Mr. Speaker, in the 28th Congressional District of New York, which I have the honor of representing, a fight is presently raging over the proposed location of high tension lines to carry current from a pump storage facility being built by the New York State Power Authority, located in the Schoharie Valley, Schoharie County, across an unspoiled portion of the Catskill Mountains in Greene County for final delivery to Con Edison in New York City.

The background and impact of this proposal is far better explained by a resident of the affected area, Mr. Brooks Atkinson, former drama critic of the New York Times, in an editorial which recently appeared in the Sunday Times, than by any words of mine. For that reason, I insert the full text of this editorial:

THE BIG BOYS AGAINST PRINK HILL

(By Brooks Atkinson)

PRINK HILL.—When he was working on our porch two springs ago, Ralph Teter, builder and neighbor, spoke the unbelievable words. He said the New York State Power Authority had completed plans to build a massive power transmission line through our community. Originating over the mountain at a pumped storage plant in Blenheim and Gilboa, it will cross a ridge of Pisgah Mountain, which is the western wall of our town, and go down through the Durham and Catskill valleys to Leeds near the Hudson River.

I couldn't believe it. Things as hideous as that don't happen in our truly rural area. About ten thousand years ago a glacier crept over our mountains, leaving vivid scratches that can still be read, like tea leaves. In 1801 the Susquehanna Turnpike was opened to families, wagons and cattle on their way from the Hudson to the Susquehanna, and then on to the West. Apart from the glacier and the turnpike, nothing has happened to alter the quiet beauty and the natural composure of our neighborhood. It is dominated by nature.

But what Mr. Teter said turned out to be true. Not long after he was working here, strangers with surveying equipment began to slip discreetly through the community. In one private woodlot they chopped down a tree that stood in the way of a clear view by the surveyors. The owner of the woodlot had never felt the physical impact of government aggression before. There was no doubt that we were being invaded by a baleful organization—part Mafia, part Big Brother—that proposed to destroy the beauty and integrity of our town and brutally intrude on one of the scenic glories of the Catskill Mountains.

At first it seemed to be impossible to find out who was the enemy. He was hiding behind a bush of polite secretiveness. But we are fortunate enough to have in our community a public-spirited attorney, Barry Garfinkel, who knows his way through the mazes of bureaucratic intrigue and (doubtless it is just as well) does not expect to be paid. He organized our side (Marshall Bell, the village storekeeper, is the chairman), urged the town to pass an ordinance (which says the transmission line "would forever drastically destroy the environmental values of the Durham Valley area") and filed an intervenors' brief with the Federal Power Commission, which will ultimately decide where the line will go.

Nor are we without other friends. The Greene County Planning Board, Representative Hamilton Fish Jr. and Joseph C. Swidler, chairman of the New York State Public Service Commission, have all protested basically because of the irreparable damage to an "uncluttered and uniquely beautiful area." In the beginning I was not certain that an abstract value like "beauty" would carry much public weight. But the bleak prospect of a gross impairment of "beauty" alarmed and enraged the people at the town meeting last year more than the threat to land values.

The inequality of the power authority's resources and ours is frightening—a very harsh fact of life in the corporate socialism that governs our country. Although we have threatened no one and have taken no hostile action, we are expected to defend ourselves against a huge political and technological organization that can pay the salaries of executives, engineers, attorneys and public relations specialists, pay their expenses to meetings, pay experts and witnesses, pay for surveys, promotion and publications. It is a fully staffed state within a state. When its representatives appear at hearings they are not interested in our problems. I hope the genuineness of our concern for an unimpaired environment will compensate for the meagerness of our resources.

For the Power Authority is trapped in a public relations maneuver that substitutes cant for reality and is morally contemptible. It pretends that a 34-mile, high-power transmission line on towers 80 to 140 feet tall through a right-of-way that will be 150 feet wide (more likely 400 feet wide) will be an asset to our environment. "Planning and Design for Preservation and Enhancement of Environment" is the title of the Power Authority's first brochure, published in 1969. Among other things it declares that it has found the way to build and operate hydroelectric projects and simultaneously preserve and enhance environmental values. The Environmental Report published last March is less sanctimonious but it does declare that the line "will not have any significant adverse impact on the environment." It is as full of wish-fulfillment as the Pentagon papers.

I hope the Power Authority does not believe its own propaganda. Its transmission line will introduce into a natural environment a totally alien element of technological design and manufacture. It can only be a calamity.

(NOTE.—Brooks Atkinson is the former New York Times drama critic. His "Prink Hill" is in Durham, N.Y.)

You will note Mr. Speaker, that Mr. Atkinson mentions my name as being directly involved in this matter. That is true. My involvement is an effort to see that the residents and local governments and planning boards of my district affected by the proposed development, receive full consideration, and fair and impartial hearings in this matter which so intimately affect their lives. For this reason I have formally intervened in the proceedings presently before the Federal Power Commission, on the Gilboa-Leeds Transmission Line—project No. 2685.

I have done this as with the passage of time, it has become increasingly my conviction that the underlying attitude of the Commission is that any objector to the proposed transmission line is an uninformed nuisance, to be placated by a show of bureaucratic legal procedure, while the council and staff of the power authority are the only ones clothed in respectability, and whose words and wishes are the only ones worth listening to. This is true even though the intervener be Brooks Atkinson, the town of Durham, or the county of Greene, through its county planning board.

The inequality of resources between the power authority and the resources of a small local town or county, mentioned by Mr. Atkinson, tend to tip the scales of justice in favor of the authority and against the interveners, even if the interveners are given every possible consideration by the Power Commission and its examiners. All hope of equity goes out the window when it appears the Commission and its examiner can only hear the voice of the powerful applicant, and is deaf to the poor municipality and helpless individual resident.

Mr. Speaker, an example of this apparent desire to please the voice of power while ignoring the pleas of the relatively impoverished interveners is shown by the selection of the city of Albany as the site of the hearings in this case. Albany is miles removed from the affected area, with the trip there a hardship on the people wishing to attend.

One might forgive the hearing examiner in this case, who chose the Federal Court Building in Albany as the nearest available courtroom on the grounds he likes to hold hearings in a courtroom atmosphere. It is abundantly clear, however, from every motion and statement made since the prehearing on June 22, that only the power authority wanted the hearings in that city.

Given the referee's preference for a courtroom setting, one might even believe this selection of Albany was an unavoidable necessity, were this necessity not the result of the Commission granting the power authority an additional 30 days to prepare its case. Greene County through which this line will pass has a courthouse, and if the hearing date had remained as originally set for October 5, their courtrooms would have been available. But by pushing off the hearing date to November, the power authority, with the assistance of the Commission insured that those courtrooms would be occupied by the fall term of county court. Seven months a year the Greene County courtrooms would be available.

One might even have believed the speedy granting of the authority's motion for a delay in the hearing date simply marked efficiency on the part of the Commission, were it not the only motion granted by the Commission to date, while the 10 or 12 motions made by the attorneys for the Greene County Planning Board and the town of Durham have gone unanswered and unacknowledged.

One might still believe all this were the result of traditional bureaucratic accident, if the representatives of the power authority at the prehearing had not complained at length of the difficulty of having their paid witnesses travel to Greene County, the unsuitability of restaurant and hotel facilities in the area for such highly placed people, and the general inconvenience a Greene County hearing location would lay on the authority's tax paid staff.

So we find that people whose very lives are directly affected by the proposed lines, must journey at their own expense to the city of Albany, and plead their case in unfamiliar and foreign surroundings, while the Commissioner's examiner and staff will find themselves cloistered in a Federal court building far removed from the transmission line site, and the needs and hopes of the people its construction will affect.

Mr. Speaker, if this case, the only one in which I have been personally involved with the workings of the Federal Power Commission, is representative of the concern shown by that agency of the Government charged with a responsibility toward the governed, then, Mr. Speaker, I would suggest rules, regulations and personnel of the Commission need a thorough overhaul.

MAN VERSUS MACHINE: INDIVIDUAL PRIVACY IN A COMPUTERIZED SOCIETY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MIKVA. Mr. Speaker, in February a Senate subcommittee held extensive hearings on the question of individual privacy and the threats posed by increasingly efficient gathering, storage, and retrieval of information about all of our private lives. Those hearings alerted us to the dangers we face; now we must address ourselves to legislative measures which provide some protection for individual privacy in a society which is rapidly making a prophet of George Orwell.

Perhaps the most thoughtful effort in this direction is contained in H.R. 854, introduced in January by my distinguished colleague from New York (Mr. Koch). It attempts to place some controls over what sorts of personal information finds its way into the hungry storage banks of the Nation's computers, how long it can stay there, who can get their hands on it, and how the individual citizen can act to insure that false or misleading information about him is not circulated.

I would like to insert in the Record a useful analysis of H.R. 854 and of the general subject of controlling the impact of the information explosion on personal privacy, prepared by a constituent of mine. The author, Albert Foer, attends the University of Chicago Law School, where he serves as an editor of the Law Review.

Mr. Foer warns that legislation in this field must take full account of the relevant computer technology, and should not be drafted with file drawers and paper dossiers in mind. He warns that to control what comes out of a computerized information system, you must control what goes in. In addition, he recommends consideration of built-in devices which control access to and improper retrieval of computer data.

The text of the paper follows:

Access to Your Own Records: The Koch Bill

(By Albert A. Foer)

I. THE PROBLEM

"As we pass through life we leave a trail of records, widely dispersed and generally inaccessible—except with a great deal of effort and diligence."[1] The first part of this statement is true. The second part is losing its truth rapidly. Today we are becoming conscious of the fact that a trail of records which is no longer widely dispersed and generally inaccessible leads quietly and almost imperceptibly to a prison of magnetic tape.

The nature of our government and of our economy make it imperative that we give out information about ourselves. Therefore we have tax records; social security records; selective service records; census records; police records; hospital records; school records; test records; marriage records; credit records; records, even, of what books we borrow and what magazines we subscribe to. In the past, these records were kept in the decentralized filing cabinets of the government's various agencies, the corporations and other institutions.

But a new technology has entered the scene, making a much more efficient system of record-keeping possible. Since about 1954, the computer has made it possible to assemble large amounts of personal information in data banks. Due to the perfection of time-sharing and remote access terminals, this information can be made available anywhere in an incredibly short time. The computerization of credit reporting, for example, has made it possible for The Credit Data Corporation to provide subscribing companies with checks on individuals within ninety seconds of a request for data.[2] The Retail Credit Company, which rates persons for a wide variety of purposes including industrial security, has 7,000 investigators and maintains dossiers on more than forty-two million Americans.[3] And the credit reporting industry is only beginning to create the national network which computers make possible.

The computerization of government files has also been proceeding at a rapid pace. The New York State Identification and Intelligence System consists of a central unit designed to store information for state and local law-enforcement agencies and permit them to retrieve data through their own terminals.[4] On the national level, we have the FBI's National Crime Information Center, the Passport Office's Lookout File on "subversives," the Secret Service's file on potential assassins, and the Army's surveillance file on dissidents, to give but a few examples of the government's computerized records on individuals.

The following problems have emerged as the most significant byproducts of the computerization of records:

(1) Information which was previously hard to obtain is increasingly located in a central data bank. Therefore, more information is more easily available on a given individual.

(2) The new information technology has made it possible to obtain, manipulate, and retrieve much larger quantities of information than ever before. Laser technology makes it feasible to store a twenty-page dossier on every American on a piece of tape that is less than 5,000 feet long.[5] Wiretapping has progressed to the stage where it is almost impossible to detect. Bugging is no longer needed: parabolic microphones and other new techniques make it possible to listen in on a conversation from a considerable distance.[6] The possibilities for obtaining more data and for handling that data have led to the demand by researchers, investigators, and administrators that the new technology be fully utilized. The hunger for facts has more than kept pace with technology, resulting in the continued narrowing of the realm of individual privacy.

(3) Information is shared by different collectors, so that a single national data center—an idea which aroused great anxiety in the late 1960's—has already been outmoded. When computers "talk to each other," and remote access terminals are available, the centralization has already taken place. Moreover, information-sharing has been taking on new and frightening forms. American Airlines opens its flight reservation computers to federal, state, local, and other investigators so that they can learn where you went, and with whom you traveled.[7] Senator Mathias has recently proposed legislation to keep income tax consulting services from disseminating (for a fee) private tax information.

(4) Computerized information has an aura of accuracy which is often at variance with reality. We don't know what "They" know about us, and consequently we are not able to correct misleading or inaccurate information, even though it might be used to deny us a job, an education, credit, a passport. A record which tells of an arrest, but fails to mention a finding of innocence; or mentions that you served a term in the penitentiary, but fails to add that you had refused induction into the military on moral grounds, may petrify your past so that it can never be escaped.

A complex society needs information. An individual needs a sense of autonomy. Some tradeoff between these conflicting values has always been required. However, with the advent of the computer, the balance has taken a marked shift against the individual.[8] One is no longer in control over the dissemination of data about himself.[9] And the shift is still in an early gear. At present, over 50,000 computer systems are installed in the U.S. By 1975 this number is expected to pass the 150,000 mark.[10] There are estimated to be over 70,000 terminals now. By 1973 the number is expected to reach 400,000.[11]

The fear aroused by these facts has led civil libertarians to cry havoc and call forth the dogs of Orwell. They believe, with Justice William O. Douglas, that "a person should have the freedom to select for himself the time and circumstances when he will share his thoughts and attitudes with others and to determine the extent to which that sharing will go."[12] They fear, like Senator Sam Ervin, that the efforts of well-meaning organizations like the Secret Service, "threaten a mass surveillance system unprecedented in American history."[13] They conclude, like Secretary of Health, Education, and Welfare Elliot Richardson, that the nation "must develop the means of controlling the potential for harm inherent" in the government's computerized data banks of information on citizens.[14]

II. THE KOCH BILL

Various proposals have been put forth with the objective of countering the threat of a record prison. These have ranged from broad attempts to regulate computerized data banks (along the lines of a British bill),[15] to undiluted attacks on the right of certain organizations to collect certain types of data (such as Congressman Mikva's bill to eliminate completely any Army surveillance of civilians), to fairly narrow controls over specific trouble spots (such as the Mathias bill on tax consultants). The most sophisticated bill to date has been H.R. 854, introduced by Mr. Koch of New York in January

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Footnotes at end of article.

1971. Although the Koch bill is given slight chance of passing Congress, a study of its provisions is useful in depicting some of the difficulties in legislating for the protection of privacy against the record-keepers.

The Koch bill is fashioned as an amendment to the Freedom of Information Act.[16] It declares, in essence, that any agency of the federal government which keeps a record on an individual citizen—the information in which record was not provided by the citizen—must inform the citizen that it maintains such a record. The citizen is allowed to inspect his record and to supplement it. The agency must keep a record of who uses the information and must refrain from disclosing the information outside of the agency. Exceptions to these general principles will appear in our analysis below.

a. Coverage of the legislation

Section 552a (a) of the Koch bill says:

"Each agency that shall maintain records concerning any individual which may be retrieved by reference to, or indexed under, the individual's name and which contain any information obtained from any source other than such individual shall, with respect to such records—"

Other general courses are possible. The bill could have been directed at all record-keepers, private as well as public. It could have aimed at operators of data banks, rather than at federal agencies. It could have left the matter in private hands, perhaps giving the individual a right of action (or a class action) against the abuses of a record-keeper.

The last course would be the least satisfactory. The individual is in no position to initiate action. Frequently he doesn't even know he is subject of a record, much less that the record is the cause of harm to him. When he suspects the existence of a record, against whom would he bring suit? The burden belongs on the record-keeper, who is the active party, rather than on the passive individual. Forcing the individual to bear the burden of protecting privacy—a national value, after all—ignores the realities: it is generally not considered prudent to challenge the government, and the "right" would likely suffer from a severe case of the chills.

While the Koch bill only applies to federal agencies, we have seen that the record-keepers are equally industrious, whatever the source of their income. Admittedly, it would be possible to legislate for individual industries as problems in the private sphere arise; we do have the Fair Credit Reporting Act to cope with consumer reporting. But the computer "is the keystone of a new communications medium,"[17] and its benefits and harms flow across the line between public and private, presenting nearly identical problems in both areas. As computers and communications facilities become increasingly interdependent, the record-keeping phenomenon will become more clearly a matter for national control, like the communications field itself.[18] Broader coverage, therefore, would be preferable. Sufficient constitutional basis probably exists for such legislation in the fact that information is a commodity that enters interstate commerce; that computers and communications facilities are becoming so intermarried; and that the legislation could be directed toward the positive protection of the First Amendment's various guarantees.

The Koch bill identifies "agencies" as the target. This shall be discussed below in relation to the problem of disclosure. It should be noted, meanwhile, that the agency seems a rather artificial target in the computer age; that the individual data bank is more appropriate. This assumes, of course, that the Koch bill is intended to cope with computers. The bill speaks of records, but does not unequivocally refer to computerized records. In 1967, at least 45 agencies had some automatic data processing equipment, and over 2600 computers were being used by the federal government.[19] If there is any possibility that the Koch bill will not be understood to refer to computers as well as manual files, it would be pointlessly anachronistic to pass the bill. Let the words "including computerized records" be inserted after the word "records."

Other problems of wording arise. The records under consideration must belong to "any individual." Would this include foreigners and aliens? One exception to the provisions of the Koch bill is for national security data, so the extension of this law to foreigners would not open up CIA-type dossiers. But there are other types of data which may not bear the national security classification—such as information held by the Commerce Department's intelligence section—which we might want to shield from foreigners.

The bill speaks of records "which may be retrieved by reference to, or are indexed under, the individual's name." This ignores the fact that a dossier system could easily operate without benefit of individual names for retrieval purposes. For instance, records could be retrieved by reference to social security numbers, addresses, or phone numbers. Moreover, a computerized system could retrieve a small sample, for example of "all physicians in Peoria with incomes over $75,000," in which the identity of individuals would be quite simple to ascertain. This loophole can be patched by eliminating the qualifying words "which may be retrieved by reference to, or indexed under, the individual's name." What would remain would be "records concerning any individual." The purpose of the deleted phrase was, it seems, to insure that the records would be identifiable with the indivdual or to provide a loophole. The loophole would contradict the purpose of the bill; a record which cannot be identified with an individual is no threat. The phrase can be deleted without loss.

The Koch bill focuses on information obtained from any source other than the individual. This would apparently imply that agencies should divide their individual records into (a) information provided by the individual and (b) other information. In reality, however, an agency would probably not make such a breakdown, which would be rather useless, but would instead program the computer to withdraw any record that contains class (b) information, regardless of whether it also contains class (a) information. In other words, a practical approach would be for the bill to provide generally that the individual will be informed of all records about him, except in the case where all the records have been provided to the agency by the individual.

b. Notification

Section 552a(a)(1) requires that the identified agencies

"Notify the individual by mail at his last known address that the agency maintains or is about to maintain a record concerning said individual."

One possible alternative would be to require the agency to notify the individual of more than the existence of the record: to give him an outline of the record's contents or even to send him a copy or printout of the record. As a compromise to economy, the mere notification of the report's existence is probably sufficient. This is a threshold approach, saying to the individual, "You might be interested to know that we've got a record on you." Any further action comes at the individual's initiative, but the initial burden is, appropriately, on the record-keeper.

Let us examine two alternatives. It would be possible to phrase the legislation so that the record, or even more affirmation of the record's existence, would be sent out only at the individual's request. We've seen, however, that the individual may not know what to request or from whom; may not be aware that he should be taking action until it is too late to satisfactorily protect himself; and may be subject to pressures making it imprudent to assert himself. The second alternative would be to have the agency report to the individual only when it is taking adverse action against him on the basis of its records. This approach is taken in the Fair Credit Reporting Act,[20] in which the user of a consumer report must advise the consumer against whom adverse action has been taken that the action was based on a consumer report, and must supply the name and address of the consumer reporting agency making the report. This has the drawback of leaving it to the agency to determine what constitutes adverse action. Since it could be anticipated that the agency would operate on the principle of "what you don't know won't hurt you," this would not be a satisfactory protection for the individual.

This leaves the approach of the Koch bill, to place the burden on the record-keeper. Koch uses the mail as the medium of communication, which is probably the most efficient, although one could imagine the telephone or the legal newspaper notice as less expensive media. Without knowing how many records are involved, one can only roughly estimate the expense of this notification process. At minimum, every agency which maintains records on individuals would have to search its records to determine which ones are involved; obtain addresses; produce a publication (perhaps a post card) to explain that a record is kept and to advise an individual of his rights under the law; address the publication; and pay the costs of mailing.

If in fact our records do exist in many different agencies, this activity could result in mailings numbering in multiples of our population. It would require a large expenditure of time and of money. Computerization, on the other hand, makes such a process quicker and easier. To minimize expense, agencies could do two things: destroy unnecessary records and centralize what is left over. Since it is unlikely that an agency with multiple record containers would take the effort to collate files so that only one notification would be sent out to a person whose information appeared in more than one record, the agency would soon discover that it is economical to keep all personal records in one file or computer. Perhaps different agencies with simılar purposes would agree to work out of a central data bank. The destruction of unnecessary records would be beneficial, except to the extent that an agency may not know what records it will need in the future. Centralization controlled by the types of protections found in the Koch bill would not necessarily be bad; indeed, it seems to be a fact of life even without this extra inducement.

What happens after the agency has already written a letter to an individual and the agency decides to add new data to the existing file? Must a new letter be written? Does a new, and perhaps damaging bit of data count as a new record? If not, the individual is back where he started from, in ignorance. If it does, the expense is increased. What seems to be needed is a requirement of periodic reporting. Perhaps each agency could inform a central agency of what notifications are needed, and that agency could mail out a summary of record loci each year, along with income tax forms.

What is meant by "or is about to maintain a record"? Suppose an agency knows that it will be collecting information over a three-year period on the amount of attention given by physicians in Peoria to their medicare patients. At what stage and how often would the doctors have to be informed of this un-

Footnotes at end of article.

dertaking? It should be noted that the matter of an agency's intent to keep a record strays from the essential aim of the Koch bill—to promote the accuracy of existing records. A warning that a record will be maintained, giving no details of the nature of the record, provides the individual with no real protection and may even promote paranoia.[21] Nothing would be lost by dropping this phrase from the bill.

c. Disclosure

Section 552a (a) (2) states that the identified agencies must

"Refrain from disclosing the record or any information contained therein to any other agency or to any person not employed by the agency maintaining such record, except with permission of the individual concerned or, in the event said individual cannot be located or communicated with after reasonable effort, with permission from members of the individual's immediate family or guardian, or, only in the event that such individual, members of the individual's immediate family and guardian cannot be located or communicated with after reasonable effort, upon good cause for such disclosure: Provided, however, That if disclosure of said record is required under section 552 of this chapter or by any other provision of law, the individual concerned shall be notified by mail at his last known address of any such required disclosure."

The clear intent of this section is to control the habit of information sharing within the federal government. Although some laws and regulations exist for this purpose, they are not taken very seriously[22] and do not provide any real assurance to the individual that what he tells one agency in confidence will not be handed over (or inter-faced) to another agency and used for a different purpose.

But what is an agency? Wooster defines it as "an administrative division." Does this mean that the records of the Office of Education should be available to the Bureau of Veterinary Medicine, since both are part of H.E.W.? If a cabinet-level department is an "agency," what would become of the disclosure provision if Mr. Nixon succeeds in reorganizing the government into a small number of large departments? It is important, therefore, to be more precise about the meaning of "agency." Upon that definition will depend the number of people who are given access to an individual's records. As the Koch bill reads, anyone employed by the agency could have access; this should be modified so that only those with a "need to know" for the carrying out of their jobs have access. The wording of the legislation should be directed at limiting the number of people with access and limiting the uses of information to those for which the information was originally provided.

Personal information can be disseminated with permission of the individual concerned. Must this permission be in writing? How much information must be presented to the individual before he will be capable of wisely determining whether to grant permission? How is the agency to be kept from using leverage in obtaining permission?[23] If the individual is not found, permission may be given by "members of the immediate family." Which ones are these, and since the plural is used, what happens when various members disagree as to granting permission?

Although section 552a(b) states that the Koch bill may be enforced in accordance with the enforcement provisions of the Freedom of Information Act, there are no real teeth in the non-disclosure policy. No penalty is presented for disclosure without proper authority. More importantly, perhaps, is the failure of the bill to provide for an affirmative duty to protect data from unauthorized disclosure. Procedures are needed for limiting the number of persons who have access to the data—for controlling entrance into the space where the data is kept (increasingly, into the computer or terminal room), and for controlling entry into the actual records. (In the case of computers, a password system would be a minimal protection.) A standard of care is needed for the disposal of records. Notice should also be taken, in the case of computers, of the possibility of a maintenance man or programmer altering the computer so that sensitive data becomes available. Again in the case of computers, there should be a provision insuring protection against wiretappers: even with security safeguards for computerized transmissions, there is strong enticement for blackmailers.

Non-disclosure provisions are not self-executing. There is a strong need for an enforcement body outside of the record-keeping agency, which will ascertain that personal information is being sufficiently protected.

d. An "audit trail"

Section 552a(a)(3) requires that identified agencies

"Maintain an accurate record of the names and positions of all persons inspecting such records and the purposes for which such inspections were made."

This idea of an "audit trail" has been mentioned by most writers who have dealt with computer privacy.[24] It is an idea peculiarly adaptable to the computer, though it should be mentioned that computer space taken up by record-keeping of this nature is lost to other purposes, and therefore cannot be ignored as a cost factor.

The idea, despite its cost, is an important protection against abuse, but curiously the Koch bill stops short of tying in the audit trail with the individual it is meant to protect. Shouldn't the individual have a right to know this information?

Finally, there is no provision for monitoring the agency's audit procedures. Don't we need a specified agency, without vested interest in secrecy or efficiency, to enforce this limitation on record-keeping?

e. Inspection

The identified agencies, according to section 552a(a)(4) must

"Permit any individual to inspect his own record and have copies thereof made at his expense."

The bill does not say where this would be done. Could it only take place at the location where the record is kept? This would not be fair to the Hawaiian whose records are in Washington. On the other hand, either the taxpayers or the individual would have to bear an additional expense if records are to be transmitted across country. It is quite probable that this problem will be mitigated by the growing number of remote access terminals; an individual would be able to inspect his record (assuming it is computerized) at a terminal in his region.

When would the individual have this right of inspection? "Any time" might be administratively unmanageable. Without some standard, however, the agency might set up procedures that make inspection a practical impossibility.

How would the individual know whether he is being shown his entire record? Must the individual be personally present for the inspection of his record, or could he give a power of attorney?

f. Supplementation

Section 552a(a)(5) requires the identified agencies to

"Permit any individual to supplement the information contained in his record by the addition of any document or writing containing information such individual deems pertinent to his record."

No limit is established for the length of such supplementation. Suppose the FHA holds information on how neighbors evaluate the individual as a future homeowner. Can the individual insert fifty lengthy letters from other neighbors offering a contradictory character appraisal? Needless to say, this could be quite expensive for the agency. The Fair Credit Reporting Act sets a limit on supplemental information, and is a useful model in this respect.[25]

g. Procedures and enforcement

Section 552a (c) of the Koch bill states:

"Each agency may establish published rules stating the time, place, fees to the extent authorized, and procedure to be followed with respect to making records promply available to an individual, and otherwise to implement the provisions of this section."

This leaves to the individual agency, which has a vested interest in making it as difficult as possible for the individual to get into its records, the ultimate power of enforcement. It would be far wiser to have a central, independent regulatory agency, with a driving mission of protecting privacy rather than promoting efficiency, to set and enforce fair standards and procedures. This new agency should serve as an "information ombudsman"[26], with national responsibility for watchdogging the gamut of data surveillance problems.

h. Exceptions

Having set out the above protections and procedures, the Koch bill proceeds to whittle them down with a series of important exceptions.

Section 552a (d) states:

"This section shall not apply to records that are—(1) specifically required by Executive order to be kept secret in the interest of national security;

(2) investigatory files compiled for law enforcement purposes, except to the extent that such records have been maintained for a longer period than reasonably necessary to commence prosecution or other action or to the extent available by law to a party other than an agency; and

(3) interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

The third exclusion is intended to except loose kinds of information which have not yet been put into record form. Without such an exemption, the agency would probably be forced to keep copies of all materials, even working papers, in record form. This might justly be considered too great an administrative burden. It must be considered, however, that this exemption might encourage the maintenance of sensitive information in memorandum form, allowing more freedom of circulation than the bill intends. A solution would be for the privacy protecting agency, mentioned in the last section, to randomly monitor the record-keeping agency's procedures.

A much more difficult problem is presented by the first and second exclusions: the records of the CIA, DIA, NSA, FBI, and police bodies are all unaffected by the Koch bill. In other words, the bill would not even touch the prime keepers of individual dossiers. How should these internal security and national security organizations be treated?

From the perspective of individual privacy, the records of these agencies present a threat mainly in terms of making people afraid to speak their mind or to join an association, for fear that these actions will be recorded and will be damaging at a later date. With the exception of the situation of the man who needs a security clearance for a job he desires, these records do not generally have an economic impact on individuals, and in this way may be distinguished from many

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Footnotes at end of article.

of the records made available by the Koch bill. Perhaps, therefore, something like the Koch bill could have value, even with its exclusions. However, privacy is the issue, and if access of an individual to his record would be fatal to the mission of the security agencies, then some other fettering is in order.

The problem can be seen as involving more than access to records. It also involves input. Records are at their most dangerous when they contain substantial amounts of "soft" data—hearsay, opinions, evaluations by employers or neighbors, results of psychological tests. A right of access (called "habeas data" by Alan F. Westin) and of supplementation can provide for the neutralization of some "soft" data. But where the right of access has to be limited, controls must exist at the in-put stage and at the disclosure stage. Disclosure is not a particular problem at the national security level because of stringent laws and procedures, though it does present a problem sometimes at the local or state police levels. This leaves the in-put stage as the most appropriate for controlling the security agencies. The trick would be to draw a "fine line between getting information a government needs in order to govern wisely, and getting it for Big Brother."[27] It is time for Congress to specify exactly what kind of data may be gathered by each security agency. A privacy protecting independent agency should then be established to monitor the security agencies.[28]

In subsection (2), a distinction seems to be made between investigatory files and records. Like memorandums, perhaps, those files are to be considered "raw," not yet ready for perpetuation, and it again seems appropriate to exclude them from the right of access. This same provision speaks of a "longer period than reasonably necessary." Such a phrase is meaningless, since the individual concerned cannot know about such records, and therefore cannot seek access to them on the ground that they are obsolete. (It might be possible, however, for a monitoring agency to obtain this information.) Mr. Koch is correct in noting that obsolete information deserves special treatment, but this treatment would be better placed in a separate section creating a statute of limitations on various kinds of data.[29]

i. Informers

Section 552a(e) excludes the disclosure of the identity of any person who has furnished information contained in a record. This is in accord with the traditional privilege of the government not to disclose the identity of informers.[30] It serves to protect the information-giver (who also has a right of privacy), and to promote further cooperation of informers with the government. On the other hand, the policy promotes the institution of informing, which is associated with the police state. The use of informers, perhaps, should be considered as an in-put problem (what kinds of information will we allow to be collected, by whom, with what means?) rather than an access problem, since it makes little sense, once we have decided to encourage informers, to make their identity known.

How will the record-keepers divide up a record, so that the source of information is unavailable to the individual concerned? Must they eliminate all sources from their records? And, if so, how is information to be evaluated? The simple answer to that is to employ a code system: thus, 2A might be an employer of high reliability, 3C a neighbor of average reliability.

What if the identity of an informer is disclosed? Would the informer be given a right of action against the disclosing agency?

III. CONCLUDING COMMENTS

A detailed analysis of the Koch bill has pinpointed some of the key problem areas in legislating for the protection of privacy. These are:

1. Privacy legislation must work from the premise that records will be computerized. In-put, transmission, and access are three stages which require special safeguards.

2. The line between public and private is not necessarily an appropriate border when it comes to the threat of a "record prison." Data banks, regardless of who controls them, are the appropriate target for control.

3. An approach which is limited to providing access to records will promote accuracy and will help redress the imbalance in the privacy vs. efficiency tradeoff, but it is not likely to affect greatly the problem of dossiers, the most potentially damaging of which are kept by agencies whose very purpose would be contradicted by a right of access. Nothing short of a re-evaluation of in-put policies will bring these dossiers under control.

4. Safeguarding privacy will be expensive, in terms of building safeguards into computer hardware, in terms of reducing the capacity of computers for substantive work, and in terms of effectuating such policies as the mailing out of notifications.

5. Procedures and standards should be set by an independent agency. This agency should also enforce the appropriate legislation.

The task of legislating for the protection of privacy in an age of computers is extremely complex, and this analysis has only touched on a few of the elements involved. While it is clear that the Koch bill is on the right track, it is also obvious that a more wide-ranging, penetrating, and computer-oriented proposal is needed.

FOOTNOTES

[1] Statement of Paul Baran, a computer expert, in *The Computer and the Invasion of Privacy*, Hearings Before a Subcommittee of the Committee on Government Operations, House of Representatives, 89th Cong., 2d Sess., p. 123.

[2] Alan F. Westin, *Privacy and Freedom* (1967) 309.

[3] Id., 159.

[4] See *The Computer and the Invasion of Privacy*, note 1 above, 146–182 for a description of this system. A description of 15 computer data banks presently in use may be found in Jerome Lobel, *Privacy, Security and the Data Bank*, Government Data Systems (Nov. 1970) 38.

[5] Arthur R. Miller, *The Assault on Privacy: Computers, Data Banks, and Dossiers* (1971) 12.

[6] Edward V. Long, *The Intruders* (1967) describes many of the new techniques of gathering information. One can visit a store called The Spy Shop in downtown Washington for firsthand observation.

[7] Miller, op. cit. 42.

[8] See Westin, op. cit., chapter 14, titled "Restoring the Balance of Privacy in America."

[9] "Of late . . . lawyers and social scientists have been reaching the conclusion that the basic attribute of an effective right of privacy is the individual's ability to control the circulation of information relating to him—a power that often is essential to maintaining social relationships and personal freedom. Correlatively, when an individual is deprived of control over the spigot that governs the flow of information pertaining to him, in some measure he becomes subservient to those people and institutions that are able to manipulate it." Miller, op. cit. 25.

[10] R. Turn & H. E. Peterson. *Security of Computerized Information Systems* (1970) 2.

[11] Id.

[12] Forward, *Computerization of Government Files*, 15 UCLA L. REV. 1374 (1968).

[13] *Congressional Record*, vol. 115, pt. 29, p. 39115.

[14] *Washington Star*, March 16, 1971. Richardson testified before the Senate Subcommittee on Constitutional Rights (the Ervin subcommittee). It should be mentioned that an earlier Administration witness, Assistant Attorney General William Rehnquist, stated that the Administration "will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision . . . or otherwise, would effectively impair this extraordinarily important function of the federal government "to collect information on the activities of Americans." *Washington Post*, March 10, 1971.

[15] Both the British bill and a Canadian one of similar intent are in the Cong. Rec., vol. 115, pt. 29, p. 39116.

[16] 5 U.S.C. 552 (Supp. III, 1965–67). The Freedom of Information Act is examined in Miller, op. cit. 152–161, where it is concluded, "Revision of the Information Act seems to be a necessary part of any scheme that attempts to harmonize the policy cross-currents set in motion by the new technologies, individual privacy, and the right of a free people to watch over their appointed and elected servants."

[17] Miller, op. cit. 8.

[18] In 1966 the Federal Communications Commission initiated an inquiry "In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities." (Docket No. 16979.) This is available in *Computer Privacy*, Hearings Before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, U.S. Senate, 90th Cong., 1st Sess. at 87. Consider the following from H. Goldhamer, *The Social Effects of Communication Technology* (1970): "The computer services—information storage, retrieval, and processing—are not now regulated. Indeed, the extraordinary development of the computer field may be due to the absence of government regulation and the stimulus of a very vigorous competition. The provision of transmission services by companies that provide computer services will raise regulatory problems in the computer field. The lack of adequate data transmission facilities may soon become a serious bottleneck in national data processing. Since the needs of data processors, who now use telephone lines, are significantly different from those of the average telephone user, present regulatory policy is already proving inadequate. This will become increasingly the case as firms whose data needs are small operate through an inexpensive access terminal and simply lease computation from a large computer facility center." p. 22.

[19] 15 UCLA L. REV. 1374, 1388.

[20] Public Law 91–508, Oct. 26, 1970. Title VI, Sec. 615(a): "Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report."

[21] Compare the FBI's reported efforts to convince dissidents that "there is an FBI Agent behind every mailbox." *New Republic*, April 10, 1971.

[22] With the exception of the Census Bureau. See Miller, op. cit., 141ff.

[23] A related point is made by Miller, op. cit., 226: "The Koch bill's right-of-access provision could be a valuable mechanism for enabling an individual to detect and secure correction of potentially damaging errors in his files. On the other hand, it might also subject an individual to coercive pressures by those who want access to the governmental dossiers maintained on him and are in a position to insist upon his procuring copies for their use. It would be perverse indeed if enactment of the Koch proposal enabled

lending institutions and employers to make the disclosure of governmental files a condition of granting the data subject a loan or a job."

[24] E. G. Miller, op. cit. 245; J. J. Hellmann, *Privacy and Information Systems: An Argument and an Implementation* (1970); 15 UCLA L. REV 1374, 1446. See, generally, *The Problem of Privacy in the Computer Age: An Annotated Bibliography*, Vol. 2, a Rand publication by Annette Harrison (1969).

[25] Note 20 above, sec. 611(b): ". . . The consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute." (c): "Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrevelant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof."

[26] Miller, op. cit. 237.

[27] *The New Republic*, April 10, 1971.

[28] The obvious name for such an agency would be "Bigger Brother."

[29] Section 605 of the Fair Credit Reporting Act deals with obsolete information, generally forbidding consumer reports to include information that is more than seven years old. Although there are several important exceptions to this, it is interesting to ponder the significance of wiping out (for credit and employment purposes) a record of a crime whose date of "disposition, release, or parole" was more than 7 years ago.

[30] Prossor, *Handbook on Torts*, 309.

MR. ENRIQUE SOLER-CLOQUELL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

SPEECH DELIVERED SEPTEMBER 10, 1971, BY MR. ENRIQUE SOLER-CLOQUELL, CHAIRMAN, PUERTO RICO PLANNING BOARD AT THE FIFTH INTERNATIONAL CONFERENCE ON URBAN TRANSPORTATION, SPONSORED BY THE PITTSBURGH URBAN TRANSIT COUNCIL, THE U.S. DEPARTMENT OF TRANSPORTATION, AND THE TRANSPORTATION RESEARCH INSTITUTE OF CARNEGIE-MELLON UNIVERSITY, PITTSBURGH, PA.

Ladies and Gentlemen: It is a deep honor to bring the greetings and good wishes of The Honorable Luis A Ferre, Governor of the Commonwealth of Puerto Rico, to this brilliant galaxy, of engineers, architects, economists, planners, technicians and public servants.

It is a deep privilege, as Governor Ferre's personal representative at these dialogues, to present the status of transportation planning and implementation in Puerto Rico.

Puerto Rico as you may know, is a small place with a large population and with limited natural resources. Perhaps that is why we turned to planning as the only way to create a better life for our people.

By stimulating a unique partnership between the Public and Private Sectors, our efforts transformed a rural-agrarian society into a modern industrial one—in just a generation and a half.

Stemming from primarily "linear" planning and development concepts, our phenomenal successes in industrialization gave rise to an entire host of "second generation" problems.

It also created a hard-won awareness among our decisionmakers that planning itself must be transformed into a sophisticated "nuclear" process.

Planning, in short, must become total in its approach; any other effort will simply be an exercise in *how to make more problems, not how to solve them*.

When Governor Ferre took office in 1969, one of his first actions was to appoint a special Subcommittee on Transportation to the Governor's Advisory Council.

In June 1970, the Council issued a broad policy statement on transportation that stressed these points:

1. Transportation is one of the key elements of social, economic and environmental well-being; indeed, it is the vital thread required to rationalize any society's overall planning efforts in this last third of the 20th Century;

2. Puerto Rico, a sharply-defined tropical ecosystem, requires an Island-wide Transportation Plan and Land-Use Policy;

3. Totally dependent upon a random route highway network and the motor vehicle for all transportation within the Island, Puerto Rico must create an alternative, supplementary public transportation system circling the Island;

4. Puerto Rico must also accelerate development of Metropolitan Area rapid transit systems as an integral part of the proposed Island-wide system; and

5. The Commonwealth must commit itself to intensive, higher-density land occupation patterns, that is, regional growth poles integrated with the Island-wide transportation system, to avoid the disastrous proliferation of urban sprawl.

In response to these recommendations, the Puerto Rico Planning Board initiated in September 1970 a special project to prepare an action plan coordinating the elements of transportation and urban development.

To present you with the highlight findings of this special project, we thought it would be appropriate to take you with sound and light . . . to Puerto Rico . . . by means of a little home-made slide show that we have put together.

AUDIO VISUAL PRESENTATION

(1–12) Puerto Rico . . .

(13) . . . the most popular tourist spot in the Caribbean, (14) a year-round climate, and sunshine that (15) makes you want to lounge on a beach . . . (16) and with 6800 miles of coast line . . . Puerto Rico has some lovely beaches. (17) The interior of the Island offers a contrasting view of dazzling greenery.

(18–19) . . . It's an island with something for everyone . . . (20–25) . . . just like the posters claim.

(26–27) Puerto Rico also has a great climate for its growing industrial program. (28) Already built factories and developed sites offered to industrial entrepreneurs include the following advantages: (29) no federal tax, up to 17 years of local tax exemption and competitive wages. (30) Today over 110 U.S. blue-chip corporations operate factories on the island, (31) *Fortune* magazine advertised the Caribbean market as an expanding one. Last year Puerto Ricans alone (32) spent 173 million dollars on motor vehicles (33) 84.8 million dollars on electrical appliances and (34) 308.1 million dollars on clothing and accessories.

(35) It is easy to see why Puerto Rico is considered as the show case of Latin America.

(36) But Puerto Rico has another side . . . (37) it has one of the highest population densities in the world . . . (38) 27% of its families earn less than $2,000 per year . . . (39) new urban developments are "eating up" its limited countryside . . . and

(40) traffic jams paralyze its cities.

(41) Roughly three-quarters the size of Connecticut, the Island contains some 2,200,000 acres of land.

(42) 80% of this is mountainous or floodable, unsuitable for development. By 1970 (43) almost half of the "developable" area had been dedicated to urban uses . . . (44) today only 263,000 acres of "developable" land remain. By 1985, if the present trend continues, (45) only 12% of this irreplaceable prime land will remain for agriculture, recreation, and open space. (46) The island's population now numbers 2,700,000 people; in the next 35 years, it will double. (47) In the sixties alone the population grew by 14.5% . . . in spite of steady out-migration . . . (48) One out of every three Puerto Ricans leave the island . . . more than one million are living in the U.S. (49) Despite heavy government subsidy, the traditional agricultural sector continues to decline.

(50) So more farm workers, especially in sugarcane, find themselves without a job . . . (51) even though new jobs are created by the modern factories attracted to the Island. Unemployment (52) is officially recorded at over 10% and (53) one out of every four families earns less than 500 dollars per year . . .

(54) One out of every four dwellings is inadequate.

(55) Thousands of squatter shacks are built every year and (56) slums mushroom as the rural poor flock to the cities.

(57) But there are signs of progress, too: Puerto Rico's growing middle class and the new bedroom communities, called urbanizations . . . (58) A typical dream house costs about 25,000 dollars. (59) . . . Condominium apartments near the beach, start at about $30,000.

(60) Only one family in five earns enough money to buy a new home with conventional financing. Access to home requires a car. Today (61) that's the only way people in Puerto Rico travel . . . by motor vehicle . . . over an Island network of some 5,000 miles of roads of all kinds. (62) Puerto Rico also has one international airport, a number of lightplane airports, and three commercial and three industrial ocean ports. (63) San Juan International airport operates at near capacity: consequently, additional international airport alternatives are being considered. (64) Looking seawards, two industrial petrochemical port have just been completed, beefing up the Island's capacity to handle ocean cargo. (65) 80 pecent of the dry cargo handled in Puerto Rico is containerized. (66) Large scale expansion of these facilities is underway. (67) Overland cargo movement throughout the Island is a problem.

(68) Passenger transportation needs are served by privately-owned cars, taxis, "publico" cars, and buses.

(69) The impact of motor vehicles on the island has been staggering . . . (70) The accident rate is 2.2 times higher than the U.S. (71) Over 600,000 vehicles were registered in 1970 . . . one car for every five persons. (72) This is an ownership rate approaching France and England, both nations with considerable land reserves and fully developed public transit.

(73) Only Singapore and Hong Kong exceed Puerto Rico in vehicular density . . . (74) But . . . in Puerto Rico there is no choice, you must have a car . . . or even two:

(75) The need for automobiles and the absence of rapid transit alternatives insure (76) massive congestion. (77) in the last fifteen years, the pace of change has been accelerating . . . (78) The Island's North Coast is becoming a mass of homes, factories, drive-in restaurants, slums, gas stations and junk yards. (79) The message is clear to read: We must act to control our progress now. (80) Delay will only foster more delay . . . and

more urban and rural deterioration. So we have begun to plan what we must do for (81) the Island as a whole . . . (82) as a single entity with complex and interrelated natural and man-made sub-systems. (83) We have come to see the need for a comprehensive approach . . . for a more rational transportation network and a more rational, land-conserving urban growth policy. We have realized; hopefully in time, that the land appetite of tourism, of industry, of commerce and of urbanizations is directly related to the transportation dilemma of this small Island.

(84) Puerto Rico could simply continue the present massive highway program, (85). which includes extension of the modern roadways connecting our three largest cities, (86) installation of controlled-access toll roads and improvement of secondary roads.

(87) But even our highway enthusiasts projected the need for a rapid transit system to relieve San Juan Metropolitan Area traffic congestion. (88) by providing service along corridors connect six major activity centers.

(89) By 1985, the road-builders program alone would increase the total miles of highway lanes by 51%; however, by that date, the estimated number of motor vehicles in Puerto Rico will have increased by 1116%.

(90) Because Puerto Rico does not benefit from the Inter-State Highway Program, much of this construction would have to be financed by the Commonwealth, which has other social priorities. (91) But even if Puerto Rico lays out two point five billion dollars for new highways and roads, the transportation crisis will intensify . . . More roads mean more traffic jams, more noise, more pollution and more highway fatalities. What's more, such a program threatens Puerto Rico's limited land supply by (92) hastening the loss of lush agricultural green-space, the spread of concrete urbanizations and the deterioration of our social and physical environment.

(93) To probe for alternatives, Puerto Rico initiated the TUSCA Project in September 1970. TUSCA is a comprehensive project aimed at planning and implementing a balanced transportation system and a land-use and urban settlement system that reinforce each other. To prevent wasteful land-use, (94) a fixed guideway, Islandwide transit system is urgently recommended. Projected ridership and economic feasibility data indicate that the first segment of the Islandwise transit system should be operational by 1976 to serve Puerto Rico's densely populated Northeast Corridor. (95) By 1980, the 260-mile system should circle the Island, linking existing metropolitan centers, recreation areas, airports, seaports and the proposed new communities. The Island-wide system will provide (96) fast, quiet and economical transportation to some three quarters of the Island's population, including the transportation poor, with operating speeds ranging from 80 to 120 miles per hour. (97) The transit system right of way will never become obsolete because it is planned as a people-goods-energy movement corridor. It will be sufficient to accept a fixed guideway by 1980 . . . (98) and a future dual-made automated guideway as technology and demand develop. (99) Meanwhile route alignments will be selected to take advantage of the Island's natural beauty and (100) will minimize ecological damage. (101) The system will promote better use of Puerto Rico's remaining developable lands. (102) Route alignment and transit station locations will stimulate higher density patterns in both the new and in existing communities.

(103) By the year 2000, there will be four million people living in Puerto Rico. (104) Four million people who will need housing, jobs, schools, residential, recreation and service facilities. (105) Yet, today, the metropolitan areas still monopolize (106) the Island's available job and professional service opportunities. (107) To prevent the continuing out-flow of rural residents (108) new centers must be created. (109) TUSCA recommends the developments of ten to 15 new communities of 50,000 to 100,000 population each to accommodate about half of the population increase anticipated by the turn of the century. (110) The Island-wide transit system will connect these new communities with existing urban centers, (111) with industrial areas, with the seaports and airports and with recreation areas. (112) New communities will also have their own innovative transit and utility system. (113) They will provide more compact housing (114) carefully planned to ensure privacy, and open space. (115)

(116) Land acquisition has already begun for Puerto Rico's prototype new community. Located in a demonstration area to the West of San Juan, the new community and a proposed international airport will be linked by the first segment of the Island-wide transit system. Previously, a 12-lane expressway was considered for the airport linkage.

(117) Called *CIBUCO,* the new community will be developed as a regional growth center. (118) Support for the planning and development of *CIBUCO* has been requested from "HUD". Design assistance is already being provided the project by D-O-T's Urban Mass Transportation Administration. (119) The system will provide for primary loop connection of built-up areas and secondary collection and distribution routes for packages and utilities. (120) Transit availability will reduce the current total reliance on automobiles . . . (121) Communities will be more identifiable, more friendly . . . (122) enriched by social interaction. (123) The 10,000 acre *CIBUCO* site will provide a living and working environment for families of all income levels. (124) It will serve as a laboratory to test social, political, institutional and technological innovations, (125) attracting both public and private resources. (126) *TUSCA* also recommends the integration of the Island-wide system with transit modes in metro areas. (127) Experimental exclusive bus lane service was recently inaugurated in San Juan, along the (128) most crowded traffic corridor in the metropolitan area. Today buses (129) and publicos are the only means of public transportation. (130) Extension of exclusive bus lanes to relieve daily traffic jams is proposed for the entire metro area, prior to the construction (131) of a fixed guideway facility such as the one now in a preliminary design stage, also supported by *UMTA.* (132) Island-wide and metro area fixed guideways have been aligned to strengthen intensive-activity urban centers. (133) The most important of these is the proposed New San Juan Center, for which a development corporation already exists. This center will be developed on some 200 acres of open land in the booming Hato Rey financial and business sector of the metro area. (134) All metro centers will be serviced by a transit system utilizing light rubber-tired vehicles. This technology appears best suited for urban integration and tropical conditions. This will be demonstrated in (135) urban renewal projects focusing on transit stations, such as the one proposed for La Puntilla, an area in Old San Juan slated fór development. This site borders San Juan Bay (136) where a water transit line operates. (137) The San Juan ferry system in 1970 carried three million passengers. A demonstration line is proposed by *TUSCA* to the site of New San Juan Center, (138) to be extended across San Jose Lagoon and to La Marina, (139) a demonstration community of 60,000 people more being planned "new town" *in town.* (140) Other metro areas slated for *TUSCA* planning include Ponce and Mayaguez. Ponce is the booming commercial and industrial center at the South Coast. (141) An exclusive bus lane plan is proposed to link with future Islandwide transit. (142) The traffic flow of Mayaguez, a city of 100,000 on the Western edge of the Island, (143) is restricted by mountains preventing expansion. New transit is proposed. (144) All these programs call for major capital allocations. Can Puerto Rico afford it? (145) Can Puerto Rico not afford it? (146)

(147) It is going to cost 684 million dollars for the Islandwide transit system. (148) The San Juan program calls for 104 million dollars, including 54 million for waterways, 105 million for busways and 500 million dollars for the rapid transit system . . . Some 65 million are needed for the Ponce/Mayaguez programs. (149) And millions are required to create the infrastructure of 5 new communities. (150) Total *TUSCA* capital costs is estimated at 1.8 billion through the year 1990. (151) There is an alternative . . . to urban sprawl . . . to social disintegration . . . (152) and to environmental deterioration. (153) It is an opportunity which must not be lost. (154) It is a chance (155) to test out new communities and advanced movement system . . . (156) By implementing these programs, Puerto Rico and urbanized societies everywhere may have still other chances: to promote healthy urban growth . . . (157) to enhance the quality of life and to safeguard the natural environment . . . (158) when we do this, we will demonstrate for all men that Man is capable of becoming urbanized and remaining civilized.

(159) Credits.

(160) Blank.

We hope the presentation indicates the magnitude of Puerto Rico's transportation and land-use problems. I submit that they are the sort of problems that even transcontinental societies must seriously begin to grapple with *now,* before time and space run out.

Let me tell you about some of the technical characteristics of the transportation systems and the integrated new communities that we want to use as instruments to rationalize the urbanizing process.

The Honorable Carlos Romero-Barcelo, the Mayor of San Juan, our North Coast capital, gave you a rundown Wednesday on the Metropolitan Area transportation program.

A two-year preliminary technical study dealing with the San Juan Metro Area rapid transit system is about to be completed.

This study will examine adoption of an innovative, lightweight, automated technology, which was recommended by the Transportation Policy Committee, an inter-agency Governmental instrument of which I am a member.

We are considering rubber-tired noiseless and non-polluting vehicles capable of high-speed service that will be compatible with our insular tropical environment and with our metro and other urban centers.

We believe the aesthetics of this technology should be on a par with its efficiencies—otherwise we will continue creating systems and machines that meet technological requirements but that do *not* serve in any qualitative way the human needs of human-beings. Of course, in these cost conscious times, we cannot spurn efficiencies. Consequently, we are describing an Island-wide Transportation System that will link with urban transit systems projected for San Juan, Ponce and Mayaguez, our three major metropolitan areas.

The Island-wide System will also link our proposed new communities, which will be designed as regional growth centers aimed at conserving fast-vanishing agricultural lands, with existing urban centers.

The Island-wide System will provide competitive and reliable transportation to some three quarters of the Island's population. It will integrate with expanded bus, waterway and, of course, highway/vehicle modes.

Our studies indicate that it will be self-liquidating, based on a *preliminary* fare rate of point zero three five cents ($0.035) per passenger mile.

Incorporating the latest technology advances, the Island-wide System will be designed for eventual upgrading as demand dictates.

The Island-wide and Metro Area public transit systems will be a useful tool in influencing higher-density land use and development. Transit stations, as high activity centers, will become development foci. Their placement can create totally new high density community centers or channel development into higher densities in existing centers. We are projecting some 30 or more stations to serve existing communities, and strategic location of stations to reinforce new community development, as in the case of our CIBUCO prototype community.

In a closed, limited ecosystem such as Puerto Rico, the advantage of public transit systems is immediately obvious. Transit systems will enable us to move large numbers of people with minimal impact on natural and urban environments.

Creation of new communities will provide regional growth centers which we can select in advance, rather than simply allowing our existing metro areas to sprawl and sprawl until our Island is totally urbanized.

CIBUCO, our first proposed growth center, will serve business, industrial, residential, recreational and institutional needs for some twelve thousand families in its first phase of development.

More important, it will serve as a laboratory—a pilot project—that will permit us to test and to demonstrate the use of innovative community design and development, new community organization, and modern people-goods-energy movement systems already in design and experimentation phases.

We believe new communities can pay for themselves. Income derived from land sales will offset initial site acquisition and development costs. We see the new community as a joint enterprise between Government and Private Sector builders, contractors and developers.

The possibilities are enormous. We will be glad to provide you with additional technical details in my suite this afternoon. We have some exhibits that can serve as the basis for further discussions with our technical and information people.

Let me bring my remarks to a close.

We think Puerto Rico can do the job.

The altrenative to what I have described is calamity; it is a disaster that will loom more and more largely as a possibility even in transcontinental societies with their huge land reserves.

To achieve the creation of an Island-wide Transportation System integrated with other transit systems and with the projected development of new communities, the Commonwealth Government is fortunate in having a unique institutional organization, particularly in regard to its Planning Board.

Unlike the Federal Government, other National Governments or State organizations, the Planning Board is wholly responsible for all social, economic and physical planning and development in Puerto Rico.

Moreover, the Planning Board, which has the final say on all other Commonwealth agency capital improvement proposals, is also the Clearinghouse entity for all Federally-supported programs in Puerto Rico.

We are on the verge of establishing a Transportation Commission which will centralize responsibility for public transportation policies and programs within our existing Department of Public Works, pending creation of a Department of Transportation, a project that is now in our Legislature.

New Community development will be handled by our Urban Renewal and Housing Corporation and the Land Administration of Puerto Rico.

Financial elements for the TUSCA Island-wide Transportation System have been included in our just completed "National Transportation Needs Study", a D-O-T sponsored research instrument required of all the States, U.S. Territories and possessions and the Commonwealth of Puerto Rico.

Land acquisition has been approved and his already begun for Puerto Rico's prototype new commmunity, CIBUCO.

All these things will be coordinated with other on-going regional and Island-wide planning and development efforts dealing with a re-directed industrial location plan, a tourism development plan for our Northeast Sector, a comprehensive Southwest Sector integrated development plan and a new Island-wide housing effort.

Gentlemen, I am not advocating blue-sky boldness; I am speaking of necessity, and common sense.

We must tackle our problems in an overall, significant way. We see Puerto Rico as one integrated urban complex with vital, life-supporting agricultural greenspace.

We can no longer afford to listen to department voices with compartment wisdom, calling for this or that fragmentary miniscule program or project.

We must create—and re-create—relevant communities for human beings. If we do this, then perhaps our generations will be able to bring forth the kinds of civilizations that Mankind will be proud of.

The job begins now.

LEAD PAINT POISONING THRIVES ON ADMINISTRATION'S NEGLECT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MIKVA. Mr. Speaker, last session Congress passed an important piece of legislation, the Lead Paint Poisoning Prevention Act. With all the problems society suffers, at least this one was readily identifiable and the solution was relatively easy. But the administration has made no effort to obtain the full funds authorized under the bill in order to attack the lead paint poisoning problem. Their neglect borders on being criminal, as thousands of children continue daily to suffer irreparable brain damage from ingesting paint chips infected with lead.

A recent article in the Chicago Daily News reported new findings of lead paint poisoning among children in Aurora, Ill., a suburb of Chicago; 600 children were tested pursuant to a new State program, and 90 were found to be suffering from lead poisoning—five children severely enough to require hospitalization.

It is urgent that the law we passed last session be fully funded, so that more children can be tested and treated before irreparable damage is done.

The text of the Daily News article follows:

[From the Chicago Daily News, Aug. 3, 1971]

90 CHILDREN HIT BY LEAD POISONING

(By Lois Wille)

State public health physicians have uncovered many cases of lead poisoning among children in Aurora.

Of 600 tested last week in a new state program, 90 had high quantities of lead in their blood—probably the result of eating bits of lead-poisoned paint and plaster.

Five children were severely poisoned and sent to Cook County Hospital. One child already has suffered brain damage.

The Aurora results may mean that the brain-crippling disease is prevalent in every town with old housing, according to public health authorities.

"We've got a problem on our hands of a magnitude no one has realized," said Dr. Bruce Flashner, deputy director of the Illinois Department of Public Health.

Aurora, 45 miles west of Chicago, was the first city visited by the state testing team. It moved into Springfield on Tuesday and will cover a number of other Downstate cities.

The tests were ordered by Gov. Richard B. Ogilve to determine the extent of lead poisoning outside of Chicago, where about 500 cases are uncovered every year in city testing programs.

In 1970, only one case of lead poisoning outside of Chicago was reported in Illinois.

The Aurora test results indicate that lead poisoning "could be one of the most critical childhood diseases," Dr. Flashner says.

"We have no idea how many children are walking around sick, anemic, unable to learn because of lead poisoning."

Aurora authorities are reluctant to accept the state's findings.

Mayor Al McCoy said he had no comment on the tests. Dr. Charles O'Connor, Aurora public health officer, called the findings "hearsay."

"Those reports haven't been re-checked," he said. "Frequently there is a laboratory error. So to make any statement now would be premature. We don't want to alarm anybody."

One reason the state testing team found such a high rate of poisoning, he said, "is the way they pick these cases to test."

The team "went into deteriorating areas" and "picked the ones they thought would be most likely," Dr. O'Connor added.

About a third of Aurora's population of 80,000 lives in aging housing, the most common source of childhood lead poisoning. Lead-based paint has not been used for interior walls for at least 30 years. If the old paint was not removed, but merely covered with non-lead paint, cracks and flakings eventually may expose the poisoned layers.

If a child nibbles lead-soaked paint and plaster chips over a period of several months, the lead is deposited in his bones and brain. Mental retardation—and death—may result.

To prevent brain damage, the poisoned child must be treated in the early stages of the disease with medication that draws the lead from his blood.

But the initial symptoms—vomiting, irritability and sleepiness—often are ignored by parents.

Dr. Flashner and other state health officials are afraid that the Aurora results mean many physicians throughout the state also are not familiar with the symptoms and the disease.

THE PRESIDENT'S ECONOMY PLAN

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. HORTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THE PRESIDENT'S ECONOMY PLAN

(Text of Congressman HORTON's remarks at a legislative meeting of the Newark, New York, Chamber of Commerce, August 27, 1971)

First, I want to thank you for inviting me to speak to you on Federal legislative issues of interest to businessmen in general, and the Newark-Wayne County area in particular. As I have told Frank Russell, I have decided to spend the entire 15 minutes alloted to me to speak only about the economic situation. While there are certainly other pressing concerns before the Congress that are of interest to you, there is much that needs to be said about the economic situation in light of recent Administration policy announcements. If you do have questions or concerns in other areas, and I understand that you do, I hope we can cover those during the question period.

I will start by discussing the background which led to our economic problems, describe the problems, and then discuss in detail the actions which President Nixon has announced.

THE ECONOMY—BACKGROUND

The economic problems which America faces now did not begin at any time recently. They did not begin with the start of the Vietnam war, or with the winding down of that war. They began at the end of World War II, when our nation was thrust into a position of both military and economic leadership of the free world. Facing a growing Communist empire in the Eastern Hemisphere, and facing huge war damage and human and economic loss in the far east and in Europe, the task was left to Uncle Sam to maintain free world defenses and to rebuild the societies and the economies of war-torn nations—including both World War II enemies and allies.

The basic economic assumptions of the late 1940's and early 1950's were that America, the arsenal of democracy, had almost unlimited economic resources, unlimited gold reserves, unlimited and undamaged production capacities, and that we had a great deal to gain from rebuilding strong, free economies abroad.

We undertook the huge and successful Marshall Plan, and other economic aid programs around the world to rebuild Western Germany, Italy, England, France, the Benelux countries, Japan, the Philippines and countless other nations that had caught the brunt of World War II.

As a result, the American economy, despite short and relatively small recessions, boomed throughout the fifties and early sixties. We had a fabulous export-import ratio, and a huge balance of payments surplus. There were many years when you could travel abroad and see only U.S. made automobiles, and machinery, and other products which required a high degree of technology. For a time, we were, indeed, the supplier to the world of products of modern industry.

The post-war era had tremendous economic as well as psychological impact upon America and upon the rest of the world. For our part, we thought ourselves to be the permanent economic masters and saviors of the free world. The dollar was supreme in world transactions, and was sought after by everyone abroad from government banks to street corner vendors. American schools taught our children to think in terms of our *economic* supremacy as a permanent fact of life—to look upon prosperity as an American invention, as something the world could never achieve without our country's tremendous productive capacity.

These were the assumptions of the post-war era. Unfortunately, many Americans still feel these are realistic assumptions for today's world economy. I believe, and I think you will agree, that these assumptions are far outdated for purposes of realistic economic policies in the 1970's. The reason they are outdated is largely, that our post-war policies of rebuilding Japan and Europe were remarkably successful. Today, my friends, you might say that we have become the victims of our own success.

First of all, it is no longer true that we have the most modern and efficient industrial plant in the world. While we still have the largest productive capacity, much of that capacity is inefficient and non-competitive with the modern plants we helped to build abroad. In effect, Japan, Germany, France and other nations are benefitting from the fact that their economic and productive capacity was destroyed during the war, and from the fact that they were forced to build new plants with more modern designs available in the post war period. We, on the other hand, still have a large proportion of our industry operating out of prewar, or pre-1950 facilities.

At the same time, the standard of living of the American people has risen at a fabulous rate since World War II. Our executives and our workers expect and receive a much higher real income than their counterparts abroad. While we have also enjoyed productivity growth since the war, the productivity growth abroad has grown far more rapidly than wage rates and living standards abroad, relative to our own growth.

This is a necessarily brief analysis of what led to our present economic predicament, but it is enough to explain the results we are forced to live with in the 1970's. The first result is that American economic and trade policies which have been built upon post war assumptions started to malfunction badly in the late 1960's. Our export surplus grew smaller and smaller, and has now completely evaporated. In this calendar year, America experienced its first trade *deficit* in nearly 100 years. Our gold reserves began dwindling badly in the early 1960's and have now reached the point where foreign claims on those reserves amount to four times the amount of gold we have left.

Because of the lower cost of producing goods abroad, many American firms have chosen to expand and modernize their productivity by building plants abroad. This trend has been significant enough to greatly reduce the growth rate of manufacturing jobs here at home, and to reduce, as well, the growth rate of local and state tax bases. These developments have not gone unnoticed by the American consumer. Not too many years ago, Americans would sneer at the words "Made in Japan." They were synonymous with poorly made, cheap merchandise. No longer. Today the Japanese are known for the quality of their electronic products, their automobiles and motorcycles and their shipbuilding. Their textiles, together with those of Hong Kong, Taiwan and Korea have taken a tremendous share of American markets. And today, Americans are beginning to look upon some American made goods as shoddy.

Yesterday it was announced that automobile sales in the Greater Rochester area for the first seven months of this year showed an increase in the sales of imported cars and a small decrease in the sales of domestic cars. In California the share of the automotive market for imports is near 40%. This, too, has cost us jobs and tax dollars, has aggravated our unemployment and poverty problems and has slowed the growth rate of American industry. Today, more than a quarter of our industrial capacity is sitting idle.

I said at the outset that the current economic crisis did not begin with the Vietnam war. This does not mean that the Vietnam was has had no impact on our current economic woes. On the contrary, our massive expenditures abroad for the Vietnam war have truly bent our economy out of shape. Vietnam is the first major war in which no attempt was made to control inflation by administration policy or regulation. Even the Korean War, which took a far smaller dollar investment and less human sacrifice than Vietnam brought with it wage and price policies. During the Korean conflict, our trade and gold positions were in very good shape, but still, wage and price controls were applied. In Vietnam, on the contrary, our world economic position was slipping badly—but still we allowed the domestic economy to float free, as though it was unconnected to the amounts we were spending abroad, and the amounts we were spending on defense—over $80 billion in 1968 alone.

While our guns and butter policies of the mid and late 1960's were not a total failure, they failed to take account of the degree to which our prosperity depended on continued vast military and space expenditures. Just as the Vietnam war slowly crept up on us—growing from a brushfire conflict in a far off land to a major international tragedy, so, also, did the economic realities of that war creep up on American policymakers and the American people.

The winding down of the Vietnam war has served to uncover basic weaknesses which existed in our economy during the peak years of the war—weaknesses, which because of the tremendous amount of war production, did not cause unemployment or recession until after the war started to cool-down.

Beginning more than 18 months ago, I have been critical of the fact that there was virtually no planning done by the Federal government for economic conversion from wartime to peacetime industry. Thousands of manufacturing jobs have been lost in electronics, aerospace and munitions industries which, if there had been conversion and priorities planning, could have almost immediately have been channeled into domestic needs for high-technology products. There is no reason, for example, that many of the General Dynamics jobs lost locally could not have gone into production of items related to urban mass transit, health, pollution, crime control, and modular housing. But the government priorities and programs needed to make this possible were not there in time, and are not there now. The result is a tremendous unemployment rate among highly skilled, technical and scientific workers.

While conversion planning, timed to coincide with the wind-down of the Vietnam war would have helped ease the current crisis, it could not have changed the overall international facts that I have already referred to. All of you know that I have been crusading for a reordering of Federal priorities since 1965. Some reordering has begun in the past two fiscal years, but not nearly enough to absorb the impact of the reduction of war and space production and expenditures. Only two months ago were the first hearings held on a major industrial conversion bill which I and others have sponsored for the past three years.

The fear of many business, labor and political leaders today is that the American economy is in danger of becoming a service-oriented economy rather than primarily a production and manufacturing economy. This trend has very serious consequences for a long-run future of America, and for the prosperity of the American people.

Since late 1969, the greater Rochester area has lost over 17,000 manufacturing jobs, with the promise of more to come. A great proportion of these displaced workers have been already absorbed into the government sector of the economy, and into the service industries of the private sector. But I'm not sure we should be satisfied with putting more and more people to work in government programs. Nor should we be satisfied to take unemployed scientists, engineers and production workers and put them to work servicing Toyotas, SONY TV sets and other foreign made goods. I think the national consensus would be that we want to fix what is wrong with our economic policies and assure our future as a producing nation.

All of us understand that local economic problems are even more complex than the national economic problems we face. We know that even the most far-sighted Administration and Congressional actions cannot completely solve the problems we face in New York State. We realize that our state has a history of being among the most prosperous in the nation, but that it also has far more than its share of costly urban problems. This has put us, for more reasons than one, into a poor competitive position with other states in the race to attract new industry and hold existing industry. Thus, even if we can put our economic house in order in terms of national and international perspectives, there will be a major task ahead for state and local governments, and for businessmen at the local level, to improve the competitive standing of Newark, the Rochester area, and the State of New York as a whole.

NIXON ECONOMIC POLICIES

On August 15, President Nixon shook the nation into a sudden awareness of the economic position we are in, and into an awareness of the fact that post-war economic assumptions about America's role in the world must be changed, and changed quickly, if we are to salvage our economic leadership of the free world and the health of our economy at home.

I think it was a necessity for the President to allow the dollar to float free in world currency markets, and to apply the 10 percent import surcharge to foreign goods. For too long, we have been the only major producing nation to pursue policies of free trade. Almost all of our major trading partners have followed free trade on some items, and have held their protectionist shields high to protect certain segments of their domestic economies. Thus, our automotive products are particularly barred from Japan, our agricultural products are held at bay from the European Common Market by protectionist policies. My position has been that free trade is healthier than protectionism in the long run for the American economy—but that free trade must be a two-way street. We can no longer afford to be the international patsy in the name of free trade. We must help some of our domestic industries which are most drastically affected by imports until equitable and mutual free trade policies can be agreed upon. One need only look at the clothing industry in Rochester, and compare it with its employment levels of 10 years ago to see the problems that these one-sided free trade policies have caused for us.

Many of you have followed in the press the reactions of our trading partners to the 10 percent import surcharge and the release of the dollar from the gold standard. While some of the comments have been understandably harsh, no wave of retaliation has followed the President's announcement.

I think this is because the President instituted wage and price controls at home simultaneously with his international economic moves. If he had tried to float the dollar and apply the surcharge without asking any sacrifice from Americans at home, I doubt very much whether we would achieve anything but angry retaliation from our trading partners abroad, and this retaliation, if it came, could have the effect of cancelling out any economic advantage we gain from devaluation of the dollar and application of the temporary import surcharge.

My own suspicion is that the President sees the import surcharge as a way to accomplish a realistic valuation of the dollar in relation to foreign currencies. If he can achieve a 10 or 12 per cent devaluation, making our goods that much cheaper abroad and foreign goods that much more expensive here at home, a permanent 10% surcharge may not be needed to make our products more competitive. The surcharge is a signal to other countries, however, that if no devaluation comes, he is willing and able to impose unilateral import controls. Once a revaluation of foreign currencies is accomplished, there will be great foreign pressure to remove the 10% surcharge, and there will also be great political pressure here at home to keep the surcharge permanently.

The wage and price controls have caused a flurry of reaction in different sectors of the economy. The primary concerns that have been expressed are that this sudden announcement fell unfairly on certain sectors of the economy. Teachers, landlords and organized labor have complained the loudest about unfairness. While some compromises are probably in the wind to make the effect of the freeze fall more evenly on all Americans, I think that the overwhelming weight of public opinion is in favor of the freeze.

The President was first given the authority to impose wage and price controls in July 1970, when Congress passed an amendment to the Defense Production Act of 1950. I supported this amendment and the bill itself, but I opposed a motion that was made during the debate that would have mandated a wage-price freeze at levels prevailing on May 25, 1970. That motion was rejected by a vote of 11 yeas to 270 nays, reflecting an overwhelming judgment that the country was not ready to accept controls a year ago.

This year, in March, the wage-price control authority was extended in Public Law 92–15. I supported this extension of Presidential authority which is effective through March 31, 1973.

The wage-price freeze has generated much speculation about what will happen after the 90-days expire. Will the freeze be extended? Will selective controls be kept in effect? Will we go back to strong jawboning policies without controls?

Despite the fact that Commerce Secretary Stans has called for an extension of the freeze, I don't think anyone can honestly predict what will happen on November 12th. Several factors are to be kept in mind, however, that will be used to make the final decision.

First, if the controls are effective in holding our rate of inflation for 1971 to between 4 and 5%, as compared with the 6 or 7% of the past 18 months, this would provide some impetus to lift the freeze at least partially.

Another key factor will be the psychological effect of the President's economic moves on the American public. As you know, the American consumer has been salting away savings at an abnormally high rate—thus keeping a heavy lid on demand for consumer products. If the public gains increased confidence in our economy and begins to spend more for durable goods and housing, I think a large measure of the President's goal in applying the freeze will have been accomplished. We will not know this, however, until sometime in October.

Another factor the President will consider is the reaction of Congress to his requests for changes in tax laws that are part and parcel of his new economic program. I urged that the increase in the personal exemption and standard income tax deduction be accelerated to January 1, 1972 several months before the President's announcement. There is a possibility that Congress will go even further to provide tax relief to low and middle income Americans, to go hand-in-hand with the major tax relief that he is seeking for business.

I predict no real problem with the lifting of the 7% auto excise tax as of August 15th. Stimulus to the auto, steel and allied industries is a central part of the President's effort to revitalize manufacturing in America.

I have also long supported reinstituting the investment tax credit. The President has proposed a one year 10% credit, as opposed to the 7% credit that Congress instituted at the request of President Kennedy in the early 1960's. However, I have one very major concern about the investment credit. It should not be available as a write off for capital investments in production facilities outside the United States. There is no sense encouraging more American investment in production facilities abroad at this time, when the need is to modernize the efficiency of our industrial plant at home, and to create more manufacturing jobs.

In addition to the President's tax reform proposals, I favor additional tax adjustments for small businessmen. I spent the first part of this Congressional recess holding Small Business Committee hearings in the Western States. The situation of small businessmen there and here in my own Congressional District gives me great concern that there be more Federal encouragement for the growth of existing small businesses and the creation of new ones. It is significant that many of the General Dynamics employees in the Greater Rochester area have found positions with new smaller businesses in the electronics field. While these new businesses have been helped by Small Business Loans, I think public policies should offer even more incentives for new businesses. I am aware that the SBA District Director was in Newark Wednesday, discussing the impact of the Newark Urban Renewal program on some 97 small businesses in this community. I want to be sure that the end result of this program is beneficial to Newark not only in terms of the appearance of downtown Newark, but also in terms of your economic situation.

There are also other factors that will help to determine the future of Administration economic policies, not the least of which is the shadow of the Presidential elections in 1972. There is certain to be more extended and partisan debate over these tax proposals, particularly in the Senate, where so many in the majority party are running for higher office.

Further, it should be kept in mind that the strong opposition of organized labor to the President's policies will be fought out on the floors of the House and Senate. While I predict that the Democratic Congress, in the end, will cooperate with the President in trying to reshape the economy, and to rewrite post-war economic assumptions, you can be sure that Congressional leaders will take pains to see that what Congress does will not appear to be a rubber stamping of the President's proposals.

Against this background, it is also important to keep in mind that the South Vietnamese election, if you can call it that, will be held during this 90-day period. The President has already indicated that he will make his next withdrawal announcements on Vietnam on November 15th. These factors could also affect the mood in Congress when the economic program is considered.

I am very concerned about the possibility that partisanship could stand in the way of economic progress at this very serious juncture in our history. What is called for here is, very simply, an attitude of sacrifice and selflessness on the part of every American, Republican and Democrat, executive and wage-earner. We are in the process of trying to bring the role of America around, both militarily and economically, to the realities of the 1970's. If we, as a nation, can take a united stand, dedicated to accomplishing this important adjustment, we can succeed. We can all find fault with one aspect of the President's policy or another. As a Congressman, it is my responsibility to analyze, comment on and make judgments on these issues. But this must not be done in a negative or selfish spirit. We will never know if President Nixon's policies will work unless we—all of us—give them a chance to work. To me, and I have been concerned with these problems for so long, it is significant that an American President has done *something* to make right the distorted economic picture at home and abroad. We had all better realize that we are in a very, very crucial period of our nation's history, that all is not well with our economy, and that the way to correct the problems we have is to work toward a national improvement, even if that means putting aside some personal goals or gains for a short time. We cannot rewrite 25 years of history in 90 days, but we can make a very significant start if we can achieve full cooperation of every American.

THE PRESIDENT'S NEW ECONOMIC POLICY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. OBEY. Mr. Speaker, Lane Kirkland, as many Members of this body know, is a progressive and farsighted leader of the American labor movement. Mr. Kirkland is secretary-treasurer of the AFL–CIO and recently spoke to the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers of the United States and Canada.

That union, despite obvious short-term risks to its own interests, has been outspoken in its efforts to support pollution cleanup, recognizing that in the long run all Americans can only benefit from a clean environment.

On September 1, Mr. Kirkland addressed the Pulp, Sulphite, and Paper Mill Workers convention at the Queen Elizabeth Hotel in Montreal. The subject of his address was the President's new economic policy. Mr. Kirkland's speech sums up well some of the objections made to the unbalanced approach taken by the President in several areas of his new program. One need not agree with every point made by Mr. Kirkland to recognize the essential justice of many of his observations. Part of the President's recommendations included a cutback in spending for several Federal programs. Mr. Kirkland's speech cogently sums up the injustice that would be done to the poor and the underprivileged if in the name of inflation this Government reduces its efforts to provide the schools, the hospitals, the parks, and housing and the waste disposal systems needed while at the same time continuing to lavish funds on less potentially productive areas of the economy.

I insert Mr. Kirkland's speech in the Record at this point:

Address Delivered by AFL–CIO Secretary-Treasurer Lane Kirkland

September 1, 1971.

I am very glad to be with you today and to bring to all of the members of this international union the greetings and fraternal good wishes of the AFL–CIO.

That you are meeting here in Montreal is a testament to the unity of interests and aspirations of all free workers on this Continent, as in the world at large.

The lives and fortunes of workers of both our nations are interwined, and today America's economic jam is a major problem, not just of the U.S., but of the Western world.

When President Nixon took office in January 1969, he inherited a strong and productive economy. There had been an eight-year period of economic expansion. The unemployment rate was 3.4 percent, the lowest in 15 years.

Mr. Nixon had based the domestic aspects of his campaign for the presidency on one major issue: the dangers of inflation. He argued that the inflation rate of 4.2 percent then existing was too high, and he promised to control inflation and stabilize the economy without unfairly burdening any one group.

He emphasized that he intended to avoid increasing unemployment. He promised, in fact, to take steps that would create five million new jobs.

After moving into the White House, he reiterated that pledge, in a letter to the AFL–CIO Executive Council, saying he would curb inflation "without asking wage earners to pay for stability with their jobs."

Well, there are not five million new jobs. There are five million workers unemployed. 14½ million Americans are on the welfare rolls. 25½ million citizens of the richest nation on earth are living in poverty. Because of Mr. Nixon's economic mismanagement, more than 800 American communities are economic disaster areas. Industrial production is 27 percent below capacity.

At the same time, instead of reducing inflation, Mr. Nixon's policies actually accelerated it. The 4.2 inflation rate rose to 5.4 percent in 1969, Mr. Nixon's first year in office. The second year it climbed to 5.9 percent. And the end is not in sight.

Contrary to Mr. Nixon's pledge, the burden of both inflation and recession has not been equal. It has fallen on the poor, on pensioners, on wage earners and on state and local governments.

There has been no recession for bankers and giant corporations. The rich have had no trouble insulating themselves against inflation, and sheltering themselves from taxation.

For the last 2½ years America's wealth has been steadily concentrated in fewer and fewer hands. The rich are getting richer, while the number of those below the poverty line has grown.

Because Mr. Nixon's tight-money policy drove interest rates to the highest level in a century, bank after bank has reported increases of 15 to 20 percent in its profit rates.

And because the higher cost of doing business was quickly passed along to consumers, corporate earnings reports averaged 10 percent higher during the first half of 1971 than the year before.

Yet Mr. Nixon's new, improved game plan—his solution to the economic mess he has created—is to make those profits larger still.

On August 15 President Nixon suddenly unveiled a New Economic Policy whose net effect, in our opinion, can only intensify and increase the damage already done.

On August 19, after careful analysis of the President's new economic game plan, the AFL–CIO Executive Council declared that labor has no confidence in President Nixon's ability to manage the economy of the United States for the benefit of the majority of America's citizens.

Mr. Nixon was empowered by Congress to take certain actions to control the economy, to allocate credit to channel investment toward constructive enterprises, instead of speculative ones.

But he has been highly selective in his use of those powers. Prices are frozen at the highest levels in history, and there is no effective machinery for preventing them from rising still higher in many cases. Wages are frozen at a real earnings level below that of 1968. And the businessmen who write the paychecks can be relied upon to see that the wage freeze is applied vigorously.

But there is no freeze at all on interest rates, corporate profits, bank profits or capital gains. There is no freeze on dividends; merely a pious hope that they will not be raised. There is no freeze on land speculation or stock market profiteering.

Many times, starting in 1966, the AFL–CIO has declared that if extraordinary stabilization measures were found necessary, labor would cooperate fully, as long as such measures were applied fairly on all sectors of the economy.

We have said repeatedly that we would make whatever sacrifices were necessary, as long as they were necessary, so long as there was equality of sacrifice. And we never left a moment's doubt that any test of equality would have to apply to interest rates, dividends, profits, and the prices of all goods and services, as well as to wages and salaries. Our pledge still stands. And we are still insisting on even-handedness.

And that is why we told the President that we will not cooperate with his new game plan; that we will not help him to place the American worker in a strait-jacket, for the benefit of corporate enterprise. He exacts too much from too many, and gives too much to too few. Consider his tax giveaway plan:

He has asked Congress to grant tax credits amounting to 10 percent of the cost of all the new equipment industry may buy, in addition to a tax giveaway already granted in the form of rapid depreciation allowances. And this, remember, at a time when industry can find no use for 27 percent of the productive capacity it already has.

To call this scheme a "job-creation tax credit" adds insult to injury. Industry's capital investment is aimed at eliminating jobs through automation, not at creating jobs.

So this is a trickle-down scheme that won't even drip. It is designed to give huge sums in public funds to those who need it the least, at the expense of those who need it the most.

Mr. Nixon plans to cut federal employment by five per cent across the board. He is fighting unemployment by wiping out about 140,000 jobs, and reducing government services to the American people.

Mr. Nixon is backing out of his pledge of federal aid to the states and cities at a time when the need is greatest. For 2½ years high interest rates and high welfare costs have been swallowing up local and state tax revenues. For 2½ years states and local communities have been unable to move on badly needed housing and hospital and school projects. Public services are declining. Teachers are joining the unemployment lines. Police and fire and sanitation departments are undermanned, underequipped and underpaid. At least one city—Hamtramck, Michigan—has been forced to declare itself bankrupt.

But because of his solicitude for corporations, Mr. Nixon has changed his mind about helping the states and cities. He doesn't even show any sign of releasing the $12 billion Congress has already appropriated for public projects.

Mr. Nixon has also changed his mind about welfare reform. If there ever was a time to bring order to the chaos of America's crazy quilt pattern of welfare programs, it is now. But Mr. Nixon counsels more delay.

Mr. Nixon's 10 per cent border tax does not address itself at all to the real source of America's trade problems: the manipulations of multinational corporations and international banks, mostly based in the United States, that are exporting U.S. money, technology and jobs to the four corners of the world.

Their only goal is to produce where wages are low and sell where prices are high. They are managing international trade by their own rules, for their own benefit. Their operations do next to nothing to help the Taiwanese or Korean or Mexican worker, whose tiny wages will never allow him to buy the things he makes. But they are destroying the earning power of U.S. workers and steadily eroding the U.S. standard of living. They are doing this with the aid and encouragement of the United States government because of trade policies that have stood still for decades while the conditions of world trade changed completely. But Mr. Nixon shows no sign of wanting to bring them into line with the conditions that actually exist.

We in the AFL-CIO are not isolationists or protectionists. We want more trade, not less. Our goal is to raise the wages and the standard of living of workers all around the world, so that the good things this world offers may be shared and exchanged among men and nations on a fair, equal and mutual basis. We do not favor the concept of exporting our recessions by high tariff barriers which can only reduce the volume of trade, consumption and living standards.

The trade unions of America stand, as they were created to do, in the defense of the rights of working people. We have not surrendered—and we never will surrender—the goal of continual economic and social progress for those who produce the nation's goods, who build its structure and who do its work. We shall not help to make the rope or forge the chains of economic repressions, nor shall we offer anything but resistance to the proposition that labor must be held back, so that profiteers may move ahead.

We will not acquiesce to any scheme designed to enrich the fortunate few at the expense of the many. We will insist, as we always have insisted, that the economy of the United States be made to operate for the benefit of all the people of the United States.

In the face of President Nixon's callous promotion of private profit at the expense of the public interest, we have called upon Congress to take those steps required to meet the real needs of all the people.

The needs of the United States are public needs. There is a backlog of unfinished business that will require the full use of the giant industrial capacity of the United States and the full employment of every worker, as far ahead as anyone can see.

The United States needs schools and hospitals, parks and recreation areas.

She needs a vast expansion of medical facilities and medical personnel.

She needs 25 million new housing units for its citizens who are now forced to live in squalor.

She needs new and efficient low-cost transit systems in every major city.

She needs new waste-disposal systems, new technology and new hardware to extract poisons from the air, the water and the soil.

These needs have been neglected too long. They can and will be met, when the public demands that our idle industrial capacity and unused manpower be marshalled to meet those public needs. Only the government can set the priorities and provide the necessary planning and financing to do that.

So, above all, the United States needs leadership. She needs an Administration that can do more than divert public funds into private pockets. She needs an administration that cares about human beings. And we in labor intend to see that she gets what she needs.

In this last third of the 20th century, the labor movement stands virtually alone as the only major force still united and still fighting for the American dream, still insisting on the rights of individual men and women to share in the abundance and the opportunity that America promises.

The labor movement is in good shape. It is united as never before on its fundamental aims and goals. And so is labor's political arm, COPE.

Over the next 14 months COPE will be conducting the greatest political education and voter registration drive ever mounted.

The energies and resources of every union and every union member will be needed as never before. Our task will be to see that the United States has, as its elected officials, men and women of vision whose goal is to build their country and who put the interests of all the people above private greed.

I am sure that the members of the Pulp and Sulphite Workers Union in the United States will do their part.

Thank you for inviting me to participate in this Convention. And good luck to every one of you.

THE NORTHERN IRELAND SITUATION: A REPORT, NO. 1

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BIAGGI. Mr. Speaker, the situation in Northern Ireland grows increasingly worse. With the use of the Special Powers Act, which permits imprisonment of civilians without charging them with a specific crime, reports of torture and abuse have begun to pour out of the prisons.

My daughter, Jacqueline Biaggi, and one of my New York staff aides, Carol Nolan, agreed to visit Northern Ireland on my behalf during their recent vacation trip to Europe. The reports they have brought back are shocking. Oppression is rampant throughout Northern Ireland. The press of that province devotes scant attention to the real problems of discrimination and abuse that occur under their noses.

In order to bring this problem into sharp focus for my colleagues in Congress, and hopefully to gain action by this body on my resolution calling for a plebescite of all the Irish people on the question of unification, I am going to begin a series of statements today describing the shameful goings-on in Northern Ireland. I commend these pieces to each of you and hope in reading them you will learn as I have that Northern Ireland must be freed of its bonds and be reunited with the south.

One of the most distressing aspects of the implementation of the Special Powers Act is the abuses that are perpetrated against those citizens gathered up in the British soldiers' dragnet. Their gestapo-like tactics of night raids and arrests and physical torture are an insult to all humanity.

The Association for Legal Justice of Northern Ireland has been keeping records on the arrests and treatment of various citizens. To make manifestly clear the vicious oppression that is rampant in Northern Ireland, I am going to insert three of these affidavits at this point in the RECORD. I am sure you will agree that such a mockery of human rights must be stopped.

The articles follow:

ASSOCIATION FOR LEGAL JUSTICE, INTERNMENT—NORTHERN IRELAND 1971 REPORT ON ARREST, INTERROGATION AND TREATMENT OF: GERARD MCERLEAN

Age: 19 years.

Occupation: Apprentice.

On Monday August 9, 1971, at 4:30 a.m. soldiers broke into my home and ran upstairs. They woke me and my brother up and told us to come with them. I dressed quickly in trousers, pullover, shoes (no socks.) They pulled me by the arm downstairs and put me sitting in a lorry. My brother was forced to lie down.

We were taken through a Protestant district to Paulette Avenue Barracks and made to sit on the floor. I was given a blanket. About half an hour later the blanket was taken away and I was taken with five other prisoners and four soldiers on a lorry through Protestant areas. We were subjected to obscenities and threats, e.g. "if the barracks is full we'll have to shoot this lot."

At Girdwood Army Barracks we were lined up outside on wet pavements and had our shoes removed. After about half an hour we got inside and six R.U.C. men took down my personal details and six Military Policemen photographed us. The R.U.C. took my personal belongings, including my belt.

I was taken to a large gym where there was a large number of men sitting on the floor. I also sat there and was not allowed to smoke, talk or move.

About ¾ of an hour later I was taken with five others to a lawn in a helicopter. I was forced down on all fours and accompanied by two Military Policemen with batons and one R.U.C. man behind I was trailed across a field and a concrete area. They shouted: "crawl like a dog, you bastard; you are a dog." They also batoned me. I got my feet cut and knee bruised. I was put in the helicopter and thrown out almost immediately, and dragged on all fours back to the gym. There I was seated on the floor.

About ½ an hour later my name was called by a member of the Special Branch. I was taken to a room and questioned by two Special Branch men. I was then taken upstairs to another hall and made to sit on the floor.

A Padre came in accompanied by an officer in the Military Police. The Officer said: "Anyone who wishes may see the Padre by giving his name to the Sergeant." The Padre said: "I am Fr. Kenny, a Roman Catholic priest, anyone who wants to see me may do so." I was disgusted to see a priest mixed up in this brutality. Later he seemed to laugh at us as we were forced across the obstacle course.

After an hour I was taken downstairs and given a sack with my belongings. I was then forced to run fast in my bare feet across an obstacle course with stumps of trees, sharp stones, broken glass, tacks. I was accompanied by Military Police with dogs barking. As I went through a pile or garbage they said: "Go on, you're only garbage."

I entered Crumlin Prison through a hole in the wall. I was taken to a cell with two others. It had two beds and one mattress. I was given food which I couldn't eat. Later I was taken to a cell with one other man.

On Tuesday, August 10 I was kept in the cell all day and given prison meals. In the evening I was taken downstairs, got my belongings and put on my shoes. I was raced across the field with ten others to Girdwood Barracks accompanied by Military Policemen with dogs.

In Girdwood we were taken to a room with seats and allowed to smoke. An officer in the Military Police gave us a lecture about behaviour. He said: "If we call in your homes after dark and you are not in, you will be in trouble. You can get directions for getting home from the Military Police. It's 'hot' in town tonight. When approaching an army barrier walk in the middle of the road with hands up."

I was then photographed in a group with about 18 others. A Military Policeman who previously was very brutal said: "Thank you for posing; does anyone need footwear?" We were marched to the gate.

The sentry said: "You blokes aren't going out there! There's a ——— war on out there." We were forced back by other Military policemen onto Clifton Park Avenue at about 11:30 p.m. The bullets were flying. Seven of us made our way to the Imperial Hotel, Cliftonville Road. We stayed the night and got home by taxi on Wednesday morning, August 11.

As a result of my treatment I have cuts and abrasions on my feet and knees. I am afraid to go out at night. Soldiers and police terrify me. My mother is on sedative since.

I have seen my doctor and I shall be off work for two weeks, lose my wages, and will be unable to contribute to the upkeep of the home.

To the best of my knowledge the information which I have given above is a true and accurate account of what happened.

Signature Gerard McErlean.

Witness Rev. Brian J. Brady.

Date August 13, 1971.

Association for Legal Justice, Internment—N. Ireland, 1971, Report on Arrest, Interrogation and Treatment of: James Magilton

Age: 60.

Occupation: Mechanical Clerk of Works with Building Design Partnerships.

Health: Diabetic, Hypertension, 2 minor strokes.

On August 13, 1971, at 5 a.m. soldiers hammered at my door. My wife opened it and soldiers met me on the stairs. I was dressed in pants, undershirt, pullover, shoes without socks. The soldiers began to search. They found one old radio receiver from my former days as a ham radio operator. In order to avoid a search which might ransack the house, I told them I had a licensed pistol and a licensed rifle the licenses being at the moment renewed at R.U.C. Barracks, Springfield Rd. The soldiers went almost berserk, and said I had been sniping. They also said "this is all we want, we've got you now." They refused to listen to my explanation that the articles were licensed.

They took me out in a saracen on the Falls Road (almost 400 yards). There I was savagely beaten by soldiers and military police with fists, batons, rifle butts and kicked. On the journey with John Murphy, a neighbour, I was given occasional blows by fists.

When I arrived at Girdwood Barracks I was thrown out of the jeep and made to crawl on all fours into the corridor. I was abused physically while I crawled. My hair was pulled.

I was placed against a wall with finger tips only giving me support. Military police kicked my shins and I fell flat on my face. This action was repeated several times with the variation of punches to the stomach and kicks to the shins. I don't remember how often. They tested me with the "gelly sniffer" and the results were negative.

I was taken immediately for interrogation by two Special Branch men. They gave me a cup of tea heavily sugared. As a diabetic I refused it. They sent for an army sergeant who first took me to a doctor and who later promised to get my tablets from the house. I was merely questioned about licenses for my guns and radio got absolutely no abuse from the Special Branch men. The sergeant returned and he said that the tablets were unobtainable. I learned later that they hadn't come to my home, they had contacted my doctor.

After this I was taken to the gym and seated in a chair in the middle of the gym with 14–20 others widely spaced, also seated on chairs. I sat there staring ahead. Talk was not allowed. The Army sergeant came with my tablets and I took two and water. Another military policeman gave me a blanket for my shoulders. The Army sergeant came back and asked to be notified immediately if I felt any diabetic symptoms. He offered me a cigarette which I refused although I am a chain smoker. I did this as I was sickened and disgusted at my own treatment and the treatment of others. I was told that contacts were being made with Police Officers who know me as a competitor in shooting competitions and whose names I gave during interrogation.

I was taken to another room and given the parafin test on my hands and face for evidence of recent use of guns. I hadn't fired a shot for over two months due to the disturbed situation. (Fortwilliam Rifle and Pistol Club.)

I was taken back to the gym. Some time later the sergeant said confirmation of licenses and Gun Club Membership was being confirmed.

I had a second interrogation a little later re name, address and personal details. I was asked to sign the answers. It was read to me as I couldn't read without my glasses and I signed it.

A sergeant gave me back my pocketbook and small change. He told me my guns would be given back later. I was taken in a jeep and left at Beechmount Avenue, about 200 yards from my home. A neighbour—Marie McNeill met me and was horrified at my condition. I was hardly able to walk. My pullover was torn and my pants were dirty. She asked two men to carry me home. I got in about 1 p.m. to my own home.

My wife sent for Dr. Jim Ryan who examined me and took details of my multiple bruises and abrasions. He has been my doctor since 1934 and only yesterday did he realize that I was a Protestant living in a totally Catholic neighborhood. The one and only time I was ever beaten was on August 12, 1971, and that was by the British Army. Today I am confined to bed unable to walk and I don't know when I shall be able to.

I am a diabetic and suffer from hypertension. About a year ago I had two minor strokes and was confined to bed for a month. I have since been attending clinics of Dr. Boyle in the Royal Victoria Hospital. I am on constant medication for both complaints.

To the best of my knowledge the information which I have given above is a true and accurate account of what happened.

Signature J. Magilton.

Witness Rev. B. J. Brady.

Association for Legal Justice, Internment—N. Ireland, 1971, Report on Arrest, Interrogation and Treatment of Joseph Hughes

Age: 45, father of 10 children—Ages 3–19.

On Monday August 9, 1971 at about 4 a.m. my wife heard shouts and the door being broken down. There were 8 soldiers there. She woke me. She preceded me downstairs and was butted by a rifle in the stomach. My daughter Geraldine (16) was struck on the head with a baton. The officer in charge kept repeating, "*Hugh* Joseph Hughes" (not my name). Another said, "let's have him." The soldiers were agitated and in a hurry and kept saying, "the women will be out any moment."

I was pulled by the hair on to the street, batoned on the head and kicked on the leg. I was then forced to run 400 yards in my bare feet to a truck.

The children upstairs panicked and screamed as I was rushed off. My wife was butted with a rifle as she protested to the soldiers.

I was transferred to a lorry, made to be face down on the floor, covered with blankets and struck with rifles. There were other detainees in the lorry, some lying on top of each other.

The lorry drove off to collect other detainees. We reached Girdwood Army Barracks about 7 a.m. I was pushed off the lorry and onto the ground. I was put into a room and interrogated, (name, address, politics etc.) During the morning a number of detainees were maltreated by the army in full view of the police.

About 12 noon I was removed to Crumlin Road jail. There were two other detainees in the cell, one was taken away later. I was kept there until Tuesday night 10 August at 11 p.m. I was finally released at 11.45 p.m. I was refused transport home and had to go up Cliftonville Road, while there was a lot of shooting in the vicinity.

My specific complaints are:—

1. *Injuries to myself*:

(a) From batoning

(b) A severe stomach wound inflicted by a soldier with his gun when on the lorry

(c) Blisters on my heels and feet from forcible exercise over the obstacle course

(d) An army injury received when I refused to sing "The Queen"

(e) Wounds on hands and legs from kicks

2. *Obscene language—e.g.*

(a) On the obstacle course "Run and train like soldiers, you bastards."

(b) In the lorry, "Your Virgin Mary was the biggest whore in Bethlehem."

(c) Also in the lorry, "Sure they are all the Pope's bastards."

3. *Injuries to my family*:

A horrible experience for my children. My wife and daughter Geraldine were physically assaulted and have had nightmares since.

To the best of my knowledge the information which I have given above is a true and accurate account of what happened.

Signature Joseph Hughes.

Witness Rev. Brian J. Brady.

Date August 15, 1971.

CORRECTIONS TO COUGHLIN POLL ON MAJOR ISSUES

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. COUGHLIN. Mr. Speaker, I inserted the results of a poll of citizens of Pennsylvania's 13th Congressional District in the Congressional Record of September 9, 1971. Because of several mistakes, I am inserting the corrected material today so the results will be accurate in every respect.

The corrections:

Twenty-five percent approve of staged withdrawal contingent upon a stable South Vietnamese Government able to defend itself successfully. Thirteen percent wrote "immediate withdrawal" while another 5 percent want resumption of bombing and increased military pressure on North Vietnam. Five percent wrote in varying responses.

The results are:

1. Which best expresses your position on Vietnam? (one only):

Staged withdrawal of our troops contingent upon a stable South Vietnamese government able to defend itself successfully, 25 percent.

Withdraw within a specified time contingent only upon the release of our prisoners and safe return of our personnel, 52 percent.

Resume bombing and increase military pressure on North Vietnam, 5 percent.

Immediate withdrawal (written in), 13 percent.

None of above (specify), 5 percent.

2. Which best expresses your feelings about our troop commitment to Western Europe? (one only):

Unilaterally reduce number of our troops, 29 percent.

Reduce troops according to negotiations with NATO allies and Soviet Union, 58 percent.

Maintain present levels, 13 percent.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SPRINGER. Mr. Speaker, one of the largest and more seriously afflicted minority groups in this country is our aged poor.

There are now around 20 million persons 65 years of age and older in the United States.

A large proportion of them—probably as many as 40 percent—have poverty level incomes.

Of aged persons living alone, 55 percent live in poverty. Every fourth household in poverty, according to the latest estimate, is that of an aged person living alone.

What is more, our elderly population is rapidly increasing. The number of persons 65 and older almost doubled between 1940 and 1963, increasing from 9 million to 17.6 million, and continues to rise.

As many of my colleagues know, I have long been concerned by what I consider to be a deplorable lack of knowledge about this very large segment of our population. For instance, very little is known about the aging process itself and the ills that accompany it. For that reason, I introduced last February a bill, H.R. 3336, to create a National Institute of Gerontology to explore all facets of the aging process and to study special health problems and requirements of our senior citizens.

As evidence of the growing public interest and concern about this matter, I include in extension of my remarks the first of a series of eight articles collectively entitled "The Old: Does Anybody Care?" recently published by the Champaign, Ill., News-Gazette beginning August 29, 1971. They were written by Carol Ann Smith, a law student at the University of Illinois. She has treated this important subject with rare perception and warm compassion.

I know these articles will be of great value to us as we consider legislative proposals bearing on the problems of the aged. The other articles in this series will appear in successive issues of the RECORD.

The article follows:

THE OLD: DOES ANYBODY CARE?

(By Carol Ann Smith)

She rises early each day, often at 5 a.m. It takes her awhile, she says, to get everything going.

Most days she wears a cotton wash dress, its geometrics or flowers fading and sometimes patched here and there. But the dress is always starched. There are old shoes—she can't remember when she had new ones—and a comb stuck in her darkly gray hair.

Her home is old—uneven linoleum floors, souvenir teacups, braided rugs, old birthday cards, artificial flowers, family pictures, old lacy curtains. You could, as they say, eat off the floors—the house is so clean.

Petunias grow in front of the house in late summer. In the springtime there are crocuses, lilacs, violets, then iris and peonies and roses, and then a host of flowers and vines known only to gardeners. She knows them all—and all their quirky growth habits and needs.

She fights weeds with a determination bordering on declared warfare. "Those dratted things will run everything out," she mutters as her hands jab and poke at the ground. Out back on the edge of her tiny lot is a garden—lush this year, producing green beans (enough to can 42 quarts), beets, tomatoes, potatoes.

She is after the weeds out there too, bent over for hours until the heat drives her to more sheltered pursuits.

On Saturday afternoon and evening she devotes herself with single-minded concentration on her Bible and Sunday School lesson, because on Sunday she will dress for church. Hat, gloves, jewelry and a good dress. A friend in the neighborhood calls for her faithfully and she will go unless her knees and back refuse to cooperate or if she has a cold, which now will linger for weeks.

She can't remember when she was "downtown" last, but she knows what "that stupid city council" is doing because she reads her newspaper column by column. People, she says, "spend money like they had it" and government is the biggest offender of the lot.

She is virtually fearless, throwing the neighbors into shock when she crawled out a second floor window onto the roof of the front porch to supervise in her stocking feet the work of a painter.

And her advice to a young friend embarking on a new career was simple. "You just go up there and sock it to 'em."

On Feb. 24, 1971, she was 90 years old. She has buried her husband and two of her sons and she has taken to beginning sentences with "If I'm still alive . . ." She discusses her arthritis, a disease which stoops her a little more each year, with the detachment reserved for an enemy which causes pain but which will never go away. Death, even her death, is a fact of life.

Winter is her enemy's ally and depression comes a little more quickly. One has the feeling that determination amounting to raw courage gets her out of bed on a wet cold morning.

And she is lonely. Lonely in her isolation from the world, a world bordered by her yard, church on Sunday and visits (often infrequent) from her surviving children. Lonely facing her death and the judgment she is certain awaits her when death comes.

And she is poor. Poor to the point that her garden is not recreation, it is her source of food in the winter months. Poor to the point that postage stamps are a major purchase . . . poor to the point that she does not know how to direct distance dial because she makes no long distance telephone calls . . . poor to the point that if her neighbor cannot take her to church she will not go because a taxi costs money. Money she doesn't have.

She reads from the Bible, Matthew. "Do not be anxious for your life, what you shall eat; nor yet for your body, what you shall put on. Is not the life a greater thing than the food and the body than the clothing? Look at the birds of the air: they do not sow, or reap or gather into barns; yet your heavenly Father feeds them. Are not you of much more value than they?"

It is likely that she lives on less than $75 a month. No one knows how much she lives on; she will not discuss it in concrete terms.

Some of us, if we are fortunate, know a woman like her. Or a man. An aged person who is alert, active, independent, wise. A person who is 90 years of age and independent is something of a rarity.

But everything about medical technology, the science of nutrition, our knowledge of the growth and development of human beings leads to the inevitable conclusion that longevity will increase, that the aged will always be among us and in greatly increasing numbers.

The number and proportion of persons 65 and older has been rapidly increasing in society, almost doubling between 1940 and 1963, from 9 million to 17.6 million. While the population as a whole increased 98 per cent between 1900 and 1950, the aging population increased 297 per cent. By 1967 the number of persons 65 or older numbered 19.3 million.

There are now about 10,000 people—a small community—living in the United States who are 100 years or older.

From 30 to 43 per cent of the aged were included in the 45 million Americans designated as poor or near poor. Of the aged persons living alone, 55 per cent live in poverty.

Every fourth household in poverty in the United States was that of an aged person living alone.

There are about 15,000 aged persons living in Champaign County. About 5,000 of them are over the age of 72.

Many of them are poor, very poor. Most of them, considering national statistics, have some kind of chronic disease. They are dispersed, are considered to be unattractive because they are not young and by their very presence remind us of our own impending aging and death.

They have been identified by Congressional and Presidential study commissions as the truly ignored segment of the population, a portion of the populace whose problems are reaching the "crisis" level.

The problems are poverty, illness, housing, isolation, desolation, neglect, victimization and a need to be treated as a worthwhile human being.

The White House Conference on Aging, convening in November, acknowledges some of the problems, hoping to focus attention on them. The basis for the conference is that nothing is being done about the aged now and very little more seems forthcoming in the future.

Social services are next to non-existent in the country. They are also next to non-existent in Champaign County.

A social worker here, an expert in the field, mused one late summer afternoon.

"I wish to God sometimes," she said, "that I had become involved with the problems of blacks or Mexican-Americans or just about anybody else because nobody, nobody gives a damn about old people."

THE ATTICA TRAGEDY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mrs. ABZUG. Mr. Speaker, national outrage inspired by the horrifying events at Attica State Prison over the past 5 days is great. So it should be, for once again we find staring us in the face a domestic problem in dire need of our attention.

One must wonder if any semblance of justice can emerge from the tangle of complex and contradictory events which have been reported surrounding this incident. Is it not tragic that events such as this one must occur to awaken the consciousness of our country and its officials to the needs of the people? What was its cause, and why did the resolution of the situation take the form that it did?

When people have ineffective means, or no means at all to redress their grievances, they feel compelled to resort to illegitimate tactics to resolve them. It is evident that the vast majority of the prisoners' demands were valid ones—28 out of 30 were accepted without hesitation. One of the two remaining—that of amnesty for the prisoners—would never have been necessary had prior attention been given to the urgent matter of prison reform.

The grand finale of this crisis also demands our close attention. The storming of the prison by National Guardsmen, State police, and prison officials added 38 to the death toll which had been only two. First reports of the incident scorned the murder of eight hostages as the act of barbarous social degenerates; later reports suggest that it is improbable that the rebels were responsible.

We must address ourselves to all of the issues raised by this chilling incident.

I insert in the Record at this point an article from last night's Evening Star. I commend it to your attention:

Attica Hostages Shot to Death, Not Knifed, Autopsies Reveal; No Mutilation Found, Medical Examiner Says

Attica, N.Y.—The Monroe County medical examiner said today that all nine hostages killed at Attica State Prison during the four-day uprising died of gunshot wounds.

Dr. John F. Edland said, "There were no cut throats or any kind of mutilation."

The bodies of two more prisoners were found today, unofficial sources said, bringing the total dead to 40—30 prisoners and 10 hostages, including one thrown from a window Saturday.

There was no immediate explanation of the origin of the gunshots that killed the hostages—how they were fired, from where, or by whom.

According to all official reports yesterday, the only guns rebel prisoners were carrying were gas projectile guns. Most of the prisoners were armed with clubs, fire bombs and makeshift knives, officials said.

CONTRADICTS REPORT

Jerry Houlihan, a spokesman for the prison, said yesterday several of the hostages had their throats slashed.

Prison authorities would not immediately comment on the report that two more bodies had been found. It came from a police official who asked that he not be identified.

Nor was there any comment on where the gunfire that killed the hostage guards had come from, whether from law officers storming the prison or from guns which may somehow have been in possession of the inmates.

A spokesman for the Department of Correctional Services said he had not heard the results of the autopsies. He said he was "shocked" and "bewildered" by the report.

Prosecutors, meanwhile, were reported seeking evidence to try to obtain the death penalty for the ringleaders of the revolt.

WILL SEEK INDICTMENTS

The Chicago Daily News reported that Wyoming County Dist. Atty. Louis R. James was expected to convene a county grand jury soon and ask for murder indictments against some rebel convicts.

He planned to question 30 surviving guards and civilian employes who had been held hostage during the four-day rebellion.

Early today, U.S. District Court Judge John Curtin of Buffalo ordered prison officials to allow attorneys to enter the maximum security facility to interview and counsel inmates. He also ordered the admission of doctors and nurses.

A group of lawyers, doctors, nurses and legal assistants was turned away at a prison gate at 3 a.m. when they attempted to present the federal court order. State corrections officials in Albany said they would answer the order at a hearing today in Buffalo.

William E. Hellerstein of New York City, told reporters the group turned away felt it was necessary to "get the court into this now" to head off possible reprisals against the subdued rebels.

An assistant attorney general for the state, Joseph J. Ricotta, contended that it would be dangerous for outsiders to enter the prison today. He said eight prisoners are still at large inside the prison.

State Corrections Commisioner Russell G. Oswald, who ordered the assault, had said yesterday that autopsies had shown that two of the hostages had been killed prior to the time state police, guards sheriff's deputies and National Guardsmen moved in to smash the rebellion by some 1,200 prisoners. He would not say how much earlier the two had died.

Oswald said that the convicts, who had armed themselves with bats, home-made knives and tear gas grenade launchers, had been continuing to make other crude weapons.

"To delay the action any longer would not only jeopardize innocent lives but would threaten the security of the entire correctional system of this state," Oswald said.

APPROVED BY ROCKEFELLER

The attack plan had the approval of Gov. Nelson A. Rockefeller, on whose authority the use of National Guard troops rests.

Fifty-five percent of the inmates at the prison are black. Another 10 percent are Puerto Rican and the remainder are white. There are no black guards, though officials have attempted to recruit blacks. There is one Puerto Rican guard.

Two of the convicts found dead after the assault were discovered in cells, stabbed to death, Oswald said. One had been emasculated, Oswald said. Prison officials speculated the two had been slain by fellow prisoners.

"Some of the crimes that took place in there bordered on atrocities," said Oswald.

A guard was fatally injured in the first day's disorder.

More than 100 prisoners were injured or wounded in the fighting yesterday. Three state troopers were hurt and treated in area hospitals.

Richard Smith, a Buffalo school teacher who volunteered medical skills acquired as a medic in Vietnam, predicted after seeing the injured that the death toll would rise.

"It resembled the aftermath of war," Smith said.

"It became apparent to me shortly before the attack that we were dealing with men who were fanatical men, who were revolutionaries," Oswald said.

"If anyone resisted, they were shot," one policeman said. "We had a job to do."

LONG NEGOTIATIONS HELD

After that a helicopter loaded with tear-gas canisters whipped over the rebel-held exercise yard, signalling the attack.

Within hours after the prison was secured, with most of 2,254 prisoners accounted for, correction officials transferred 200 inmates to other institutions, and they planned to move another 1,000. The clash came despite long efforts at negotiations.

Although Oswald agreed to most of the rebels' demands, he rejected one key provision—that total amnesty against any criminal charges be granted the rebels.

Rockefeller said he had no constitutional authority to grant amnesty, and would not even if it were in his power to do so.

Some of the ringleaders of the riot were slain in the police assault. They went by names like "Herbie" and "Champ" and "L.D."

But others remain prisoner and can be sent to the electric chair under provisions written into the state's penal law expressly to discourage killings of policemen and prison guards.

New York State has virtually abolished capital punishment, but the legislature wrote in two exceptions—when a "peace officer," a term which includes prison guards, is killed while performing his duty, or when a life convict commits any killing in prison or in the course of an escape.

An amendment enacted this year extended the deterrent protection to include all employes of jails, penitentiaries or other correctional institutions.

Thus, the killing of such an employe while on duty subjects the killer to the death penalty, regardless of the length of his prison term.

Under the law, a trial jury first decides whether the death penalty should be imposed. If the jury agrees unanimously on death, the judge must impose such a sentence.

If the sentencing jury cannot agree, the judge may either impanel a new jury or impose a prison sentence.

New York has not executed anyone since 1963. But three men are now under death sentence at Green Haven prison, where the electric chair is housed, for killing law enforcement officers in the course of robberies. They are awaiting outcome of appeals.

THE 1ST COMPANY, GOVERNOR'S FOOT GUARD, CELEBRATES ITS 200TH ANNIVERSARY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. COTTER. Mr. Speaker, the 1st Company, Governor's Foot Guard, the oldest military organization in continuous service in the United States, will celebrate the 200th anniversary of its founding September 30–October 2.

First chartered by King George III of England in 1771, the Foot Guard has served as a ceremonial guard with great color and distinction these many years, Its members have fought in all wars in which this Nation has been engaged.

Recently the Hartford Courant chronicled the history of this unit, a history which I feel many of my colleagues would enjoy reading.

It is a privilege to represent in Congress many of the men who make up the 1st Company, Governor's Foot Guard. As a tribute to this fine organization I ask that the story of the Foot Guard's founding and many years of service be printed in the Congressional Record:

Governor's Foot Guard Celebrates 200th Anniversary

(By William Barrante)

The First Company, Governor's Foot Guard, the oldest American military unit in continuous existence, will celebrate its 200th anniversary the week of Sept. 26 to Oct. 2.

Chartered by the legislature in October 1771, the Foot Guard to this day has been carrying out its duty "to attend upon and guard the governor and General Assembly."

In any parade or function in which it takes part, the Governor's Foot Guard is immediately distinguished by the parade dress uniform it has worn since its birth two centuries ago: a bearskin cap with red plume, scarlet coat faced in black and trimmed in yellow, buff waistcoat and trousers and black leggings.

The uniform was styled after that of Britain's Grenadier Guards, and was chosen so the Foot Guard would be separate and distinct from the colonial militia.

The occasion for the Foot Guard's inception was the ceremony for the governor's inauguration, which was called "Election Day." In 1768 a militia company from Hartford was organized to escort Gov. William Pitkin at his May inaugural. The company, however, acted disgracefully, and in 1769 and 1770 the governor was escorted by Capt. George Putnam's East Hartford company.

The episode led a group of 65 young men to petition the General Assembly for the establishment of a Hartford guard company. In October 1771 the company was chartered, and called "Governor's Guard."

The first commandant was Capt. Samuel Wyllys of Hartford, who, along with 27 other members, would soon see service in the War of Independence.

The success of the Governor's Guard in Hartford inspired the formation of a similar guard company in New Haven in 1775. This necessitated a change of name, and the Hartford company became the First Company, Governor's Guard. In 1778, when the Governor's Horse Guard was organized, the company received its present designation, First Company, Governor's Foot Guard.

THE REVOLUTION

When the War of Independence broke out in April 1775, the First Company did not join the ranks of Americans going up to Lexington because the Foot Guard's service was limited to Connecticut—its job was to guard the governor and Assembly.

The Second Company in New Haven, however, led by Capt. Benedict Arnold and styling itself the "New Haven Cadets" to "get around" the restriction that it not leave the state without the governor's permission, marched off to Cambridge and stood in the American line at Bunker Hill.

As a result of this action Gen. Washington took note of Benedict Arnold, who soon after received a colonel's commission in the Continental Army.

While the First Company in Hartford stayed in Connecticut, its members fought for the cause in other units.

Before the war broke out, Samuel Wyllys, the first commandant, was made colonel of the 1st Militia Regiment. In May 1775 Wyllys was appointed lieutenant-colonel of Gen. Joseph Spencer's Regiment, and fought with that unit at Bunker Hill.

Col. Wyllys helped plan, in Hartford, the capture of Fort Ticonderoga by Ethan Allen. In 1776 Wyllys commanded the 22nd Continental Regiment at New York against the British invasion. From 1777 to 1781 Col. Wyllys commanded the 3rd Connecticut Regiment.

Wyllys retired from the Continental Army in January 1781 and was named brigadier-general of the Connecticut Militia. He later served as secretary of the state, from 1796 to 1810.

The closest the First Company ever got to see action as a unit in the Revolution was in 1777, when Gen. Burgoyne was leading his British army against Albany, N.Y. Gov. Jonathan Trumbull sent the Foot Guard along with an expedition of Connecticut troops to Saratoga.

The battle at Saratoga, however, had been fought and won before the Foot Guard was able to get there. Under its second commandant, Col. Jonathan Bull, the Foot Guard received news of Burgoyne's defeat while it was encamped at Rhinebeck Flats near the Hudson.

ROCHAMBEAU VISIT

The Foot Guard serves as escort not only to the governor but also to visiting dignitaries. On Sept. 20, 1780, Washington and the French Gen. Rochambeau came to Hartford for a meeting. Also on hand were Gen. Lafayette, Major-General Henry Knox and Lt. Col. Alexander Hamilton, the latter two members of Washington's first cabinet.

The Foot Guard escorted Washington and Rochambeau to Col. Jeremiah Wadsworth's house, where they planned war strategy. Since 1938 the Foot Guard has celebrated Sept. 20 as "Rochambeau Day."

In May 1781 Washington and Rochambeau made final plans for the Yorktown campaign in Wethersfield, and the Foot Guard served as their escort through Hartford.

According to Lloyd W. Fowles, Guard historian, the period from 1802 to 1813 while Nathaniel Terry was commandant "marked a zenith in public display by the Foot Guard."

Terry was the first Foot Guard commandant to hold the rank of major. At this time the Foot Guard wanted equality in all respects to the other militia companies in the state. As the Horse Guard commandants were both majors, Capt. Terry felt the Foot Guard commandant should have equal rank, and was raised to major in 1809.

During the early years of the 19th Century the Foot Guard became a strong center of the Federalist party, the "Standing Order" of Connecticut.

Sentiment in Connecticut was against going to war with Great Britain in 1812. According to legend, the Foot Guard was once attacked in the streets of Hartford by a company recruiting soldiers for the national army. Maj. Terry was said to have ordered his men to charge the recruiting company with fixed bayonets, causing them to disperse.

After Washington replaced the recruiting officer with a more amiable person, good relations were restored between state and federal officials. In February 1817, two years after the war, the Foot Guard escorted Commodore Thomas Macdonough to the elevated steps of the Phoenix Bank, where the victor of Lake Champlain was honored. And in June of that year, the company was escort to President Madison on a visit to Hartford.

While the sectionalist attitudes of 1812 had diminished, the "Standing Order" of which the Foot Guard was part was threatened by the Republican victory of 1817. The new Constitution of 1818 made New Haven an alternate state capital, and the First Company lost its monopoly over "Election Day" activities.

In 1826 the Foot Guard began its series of expeditions around the state when it went to New London for laying of the cornerstone of the monument commemorating the Revolutionary War battle at Fort Griswold on Groton Heights. This was the company's first expedition outside Hartford since the Saratoga march of 1777.

In 1829, under Major George Putnam, the Company went to Springfield by riverboat. Two years later the Foot Guard went to New York City on the steamboat Victory.

The railroad replaced the riverboat to New Haven in 1839 and the riverboat to Springfield in 1844. Windsor was the last river town visited by the company by steamboat, on July 4, 1843.

During the years before the Civil War the Foot Guard continued its duty as part of the escorts for various officials who made visits to Hartford, including President Jackson in 1833 and President Polk in 1847.

In 1835 the Foot Guard was called out to quell a civil disturbance. A crowd of whites had assaulted a black congregation and a carpenter's apprentice was shot. A group of angry whites then raided the black neighborhood, and the Foot Guard moved in to prevent a riot.

CIVIL WAR

In the Civil War, as in other wars, the Foot Guard served only on the homefront. In 1862 the company adopted a fatigue uniform to be worn in lieu of the scarlet parade dress, It consisted of a dark blue frock coat and light blue trousers with red stripe.

During the war the Foot Guard served as honor guard for returned bodies of dead soldiers, and also as escort to companies coming home from the battlefront.

In May 1863 the company went to New Haven for the funeral of Adm. Andrew Foote.

SECOND CENTURY

In October 1871 the First Company, Governor's Foot Guard celebrated its 100th birthday. The next hundred years would see the unit expand both in numbers and in activities.

In 1875 the Constitution was amended to provide for biennial election of the governor. Inauguration was moved to January, and the last "Election Day" took place in May 1876. Hartford was once again the sole capital, and the Foot Guard regained its original prestige.

The late 1800s was a time of expositions, which meant trips outside the state for the Foot Guard. While it was not invited to the Centennial Exposition in Philadelphia in 1876, it helped celebrate the 100th anniversary of Saratoga in 1877.

Other events attended by the Foot Guard include the Constitutional Centennial in Philadelphia, 1887; the New York Centennial Celebration, 1889; the Columbian Exposition in Chicago, 1892; the Cotton Exposition in Atlanta, Ga., 1895; dedication of Grant's Tomb in New York City, 1897; Pan American Exposition in Buffalo, N.Y., 1901.

Trips and expeditions, of course, cost money. The Foot Guard receives funds from the state, but also has had to raise funds on its own. In 1885 a board of trustees was created for the First Company to hold property for the unit.

Foot Guard fund-raising activities were helped by obtaining its own armory on High Street in 1887. In January 1889 the Food Guard put on its first inaugural ball at its new armory, for Gov. Morgan Bulkeley.

In November 1892 John Philip Sousa brought his band to Hartford and began a long series of concerts at the Foot Guard Armory.

In 1897, on the eve of the War with Spain, the First Company had an enrollment of 144, and in October 1898 the company took part in a parade in Philadelphia to celebrate the war's end.

The Foot Guard was disapponited when President Theodore Roosevelt visited Hartford in 1902, The President's escort was not the Foot Guard, but the First Company, Governor's Horse Guard. The reason most often given for this was the fact that TR was an old cavalryman.

In 1904 the Foot Guard established its own band. For the preceding 20 years the company had been using Colt's Band, although that band's first allegiance was to the 1st Connecticut Regiment.

At this time the Foot Guard also entered the field of musical productions, and produced shows—including Gilbert and Sullivan's "The Mikado"—at its armory.

The Foot Guard continued to accompany the governor on trips out of state, including the Louisiana Purchase Exposition in St.

Louis in 1904 and the Jamestown Tercentenary Exposition in Virginia in 1907.

During the early years of the 20th Century the Foot Guard built up a strong friendship with the Richmond Light Infantry Blues, a Virginia militia unit. The two units frequently exchanged visits, and in March 1913 the Richmond Blues presented a silver punch bowl to its Hartford cousin at the Foot Guard Armory.

WORLD WARS

Eighty-two members of the First Company saw service in World War I. Of these two were killed. During the war the Foot Guard lowered its age requirement from 21 to 18 so it could provide some military training for young men subject to the draft.

As during the Civil War, the Foot Guard put aside its scarlet dress uniforms for Army fatigues, except in October 1917 when it served as escort for the 5th Royal Highlanders, the "Black Watch" of Canada, which was on a recruiting mission in Hartford.

With the end of the war, the Foot Guard resumed its ceremonial duties. On Oct. 19, 1921 the company celebrated its 150th anniversary, with a parade of 1,600 to 2,000 soldiers from visiting military units, including the Richmond Blues.

For once, the Foot Guard was not an escort but was escorted—by the 2nd Battalion, 169th Infantry (1st Connecticut Regiment).

On Feb. 27 and 28, 1925, the Foot Guard sponsored its first annual Dog Show—700 dogs were exhibited and 7,000 people attended. In 1939 the Dog Show took place in the State Armory for the first time.

For many years the Foot Guard had been thinking about a trip to Europe. On April 30, 1926, after two years of planning, the First and Second Foot Guard companies, along wtih the Putnam Phalanx and the Richmond Blues, began a 31-day excursion to Europe.

Because of the general strike in England, the four military units had to land at LeHarve, France, rather than at Plymouth, England, as planned.

The Foot Guard visited Brussels, Paris and the AEF cemetery at Chateau Thierry.

In June 1926 the First Company and the Putnam Phalanx escorted Gov. John Trumbull to the Sesquicentennial Exposition in Philadelphia. The Company—170 men strong—marched in its first presidential inaugural parade on March 4, 1929.

The 1930s was a decade of tercentennaries for Connecticut and several of her towns. The Foot Guard took part in the 300th anniversary celebration of Windsor (1933), Wethersfield (1934) and the state (1935).

The Foot Guard had been officially incorporated into the state militia in 1931. In 1936 towns along the Connecticut River were flooded as a result of the heavy spring thaw. The adjutant-general ordered the National Guard, Naval Militia and state police out to help fight the disaster. On March 19 a detail of the Foot Guard was ordered to report at its armory, as 450 refugees had been quartered there. The whole Foot Guard was then mobilized.

The Foot Guard assumed the duty of guarding all federal property, especially the post office building near its armory on High Street. The company also provided for the safety of post office substations and guarded valuable shipments to the railroad station.

In 1938 the Foot Guard was called out for flood duty a second time.

With a second World War on the horizon, the State Military Department in June 1940 organized the two Foot Guard companies into two provisional battalions of infantry. The First Company was styled "First Provisional Battalion, First Regiment, Connecticut State Guard."

This was done in anticipation that the National Guard and Naval Militia might be ordered into federal service, leaving the organized militia as the only military force in the state. The Foot Guard thus became the core around which an augmented State Guard was formed.

With the U.S. at war, the Foot Guard suspended much of its ceremonial activity. The last inaugural ball until 1947 was Jan. 8, 1941, for Gov. Robert Hurley. In February the Foot Guard served as escort for the 1st Connecticut Regiment (169th Infantry) when it was inducted into the federal service.

By 1944 there were 50 members of the company serving with the armed forces, two of whom were killed in action.

After the war the Foot Guard resumed all its ceremonial duty. On Jan. 20, 1949 it marched in its first presidential inaugural parade since 1929, and has since marched in Washington at every inaugural.

In November 1958 the Foot Guard was host to the Band of the Grenadier Guards and the Pipers of the Scots Guards. This was the first time the Foot Guard was host to foreign regiments. The Grenadier Guards will be coming to Hartford again this fall to take part in the Foot Guard's 200th birthday celebration.

As a military unit the First Company, Governor's Foot Guard carries no battle citations on its colors. But during its two centuries of existence, it has won the praise and admiration of officials and people throughout the country and world for its loyal service and military showmanship.

SAVANNAH: A BEAUTIFUL COLONIAL CITY IMPROVES WITH AGE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. HAGAN. Mr. Speaker, the fall 1971 edition of Aloft, the magazine published for all National Airlines passengers, contains an article entitled "Savannah: A Beautiful Colonial City Improves With Age," by Bill Thomas.

As Representative of this lovely, historic, and proud city, I would like my colleagues to see this extremely interesting article. I feel confident that after reading the writer's descriptions and comments, if anyone has not yet had occasion to visit Savannah, he will want to do so. Further, such a sojourn will make the visitor a lifelong fan and enthusiast of Savannah, for her history and charm will be a source of delight to even the well-traveled sophisticate.

The article follows:

SAVANNAH: A BEAUTIFUL COLONIAL CITY IMPROVES WITH AGE

(By Bill Thomas)

Savannah is the smell of summer borne on salty sea winds; the charm of the Mother World mingled with the atmosphere and pace of the Old South; the brilliance of an ocean of azaleas beckoning to the heavens. Like a vintage wine, the Georgia city has individuality and a unique character that improves with age.

Some of Savannah's beauty is very real; some as abstract as modern art. It counts among its heroes pirates and country gentlemen, generals and nobility, seamen and soldiers. So fitting is yesteryear that one would not be surprised to meet the actors in the drama of world history walking down the cobblestone streets, savoring the waterfront, pausing at a public fountain, perhaps even to admire a statue or plaque musty with age in their own honor.

Built on the laurels of King Cotton, Savannah is old—a secluded spot of exquisite humanness. It manages to grow commercially and industrially, yet somehow maintains an atmosphere that belongs with the 18th century. As a busy shipping port, Savannah plays host to the sailing fleets of the world. And if you want to gain feeling for Savannah's birthright, stroll along the waterfront, along Factors' Walk, which was the Cotton Merchant's trading area.

This oldest city in Georgia is made for walking. To understand it is to see its every detail, to pause to study its finer traits, to feel a kinship to it. You'll meet its people and they'll speak to you, bid you good day as if they meant it. It makes no difference that you are a stranger here; you soon get the feeling you are a respected individual.

Someone once described Savannah as a beautiful lady with a dirty face, a tribute to the mottled look of some of the buildings overgrown with moss, to the walls and monuments encrusted with age. But it is perhaps largely for that reason, that Savannah possesses such charm. For 200 years this old seaport city on the tailwaters of the Savannah River has been more than a trifle contrary. She still may be at times, but if she likes you, Savannah welcomes you with open arms and incomparable hospitality.

This city was the center of a struggle for power during the Revolutionary War, most of which it spent under British occupation. Count Casimir Pulaski, the great Polish patriot, died during an attempt to retake it. Today Pulaski is honored there, along with Sgt. William Jasper, an Irish-American soldier who lost his life in the same battle.

Savannah regained its important role as a center for export to Europe, however, and served as a supply center years later for the Confederacy during the Civil War until the fall of Fort Pulaski in 1862. Fort Pulaski, a monumental engineering feat, guarded the city from the sea from a perch overlooking the Savannah River, while Fort McAlister finally crumbled under the pillage of Sherman on his march to the sea. In evacuating the city in the face of Sherman's advance, Confederate General Hardee spared the city the battering and burning Sherman had given Atlanta . . . had it not been for that, Savannah undoubtedly would not possess the charm it does today.

To visit Savannah is to feel it . . . the richness of its heritage manifested in the cobbled streets: the Regency, Greek Revival, Victorian Gothic and Georgian Colonial houses with their crafted elegance, their calm of authenticity; the twenty parks and squares, each a jewel-box of gentle joy. Turn up your nose here in spring and you'll whiff tulip, poplar and dogwood, crepe myrtle and wild honeysuckle.

This sedate metropolis was given birth by Gen. James Oglethorpe in 1733, and those squares were part of the master plan. In fact, they were originally planned as central areas for water, fortification and protection for the Oglethorpe colonists. Today they are filled with flowering plants, giant shade trees, fountains, monuments and benches where one may rest awhile to watch the flow of passing humanity, read a newspaper or just listen to the sounds. Around these squares stand some of the oldest homes and buildings in America.

Start your tour of Savannah's past with a walk through this area. Visit the Owens-Thomas House, an exquisite example of English Regency architecture (Lafayette stayed here on his famous visit in 1825); Telfair Academy of Arts and Sciences, housing a fine collection of portraits, paintings and antique furniture; Juliette Gordon Low House, where the founder of the Girl Scouts was born, Christ Episcopal Church, whose first ministers were John and Charles Wesley, later founders of the Methodist Church, Green-Meldrin House, personal headquarters for General Sherman during his occupation of the city.

Bull Street is the very spine of a Savannah tour, for it contains five of the original 14 squares laid out by Oglethorpe, as well as Forsyth Park, resplendent in spring with flowering azaleas, and the site of a fountain resembling that in the Place de la Concorde in Paris. A bronze Confederate soldier stands atop a sandstone marker.

Savannah's waterfront area is unique in its own right, however, and you'll probably spend more time here than at any other spot. Include in your visit a stop at the Pirates' House, a restored inn where legend has it *Treasure Island's* Captain Flint died shouting: "Darby, bring aft the rum!" Rum is still served here, as well as a superb menu of seafood and American dishes. A few blocks away is Factor's Walk, a picturesque row of offices and warehouses today. The Savannah Area Chamber of Commerce occupies the ornate Cotton and Naval Stores Exchange Building here, and will furnish maps and other information or guidance.

A level below Factor's Walk is River Street, paved with cobblestones brought as ballast in early sailing ships. Along that street today are the fascinating Ships of the Sea Museum, the Cruz del Sur, a full-rigged sailing ship you can climb aboard; and the Factor's Walk Military Museum. The first steamship to cross the Atlantic sailed from this port in 1819 and you may see a model of it at City Hall.

During the spring and summer months, extending into autumn, you'll find several open-air markets in Savannah—places small, but unhurried (no one ever hurries in Savannah). Here are great stacks of turnip greens, piles of yams, baskets of shiny red apples, huge stems of brazenly yellow bananas. Signs painted on windows offer low-country she crab, jumbo shrimp, mullet roe, oysters, local flounder and a variety of other sea foods. And you'll find men squatting in groups, talking low and laughing, women wearing big skirts and carrying market baskets—open-faced unafraid people who clearly plan to go on living for some time and in a particular style that includes neither harshness and anger nor a killing pace.

But Savannah is not all history, not all old. For instance there's the giant new $7.5 million Savannah Civic Center, scheduled for completion late this year where Director David A. Fennell is lining up conventions and major indoor events for the auditorium-arena complex.

Economic emphasis has shifted from agricultural to industrial in the metropolitan area. The principal products manufactured range from paper, refined sugar and synthetic nitrogen to trailer-truck bodies and aircraft. In 1970 Savannah's ports, undergoing a $14 million expansion, tallied net tonnage of 7,296,350, keeping them in the top 10 ports in the country.

Then too, the city's cultural advantages and a mild climate are attracting writers, artists and musicians. An aggressive group organized as the Historic Savannah Foundation, Inc., has salvaged more than 1,000 old buildings and homes, with restoration complete or underway on some 800 of them.

Four miles away on Wilmington Island is an enormous and staidly elegant establishment called the Savannah Inn and Country Club. For people who think in terms of tennis, golf, dancing and pool swimming, it is as one native said, "Jus' perfect."

Just a few miles out of town, the Atlantic confronts you—the velvetlike sand beaches are wide and inviting and normally uncrowded. To the north a few miles is the voodoo country of tidewater South Carolina where one may stop to watch wicker baskets woven at roadside stands by black craftsmen who resettled here from Jamaica. And at Hilton Head Island, one may find an even different and more relaxing atmosphere, in plush luxury with three 18-hole golf courses.

On Savannah's outskirts are attractive modern accommodations common to virtually any city in America, but inwardly, Savannah retains a spirit of yesteryear. It is steeped in tradition . . . in history in the making of a nation. And yet it possesses a rare beauty. Its streets are lined with giant live oaks, bewhiskered with Spanish moss. If you stand under its ancient streetlights during the late hours of the evening and listen carefully, you may hear the voices of sailors from foreign lands, or do they belong to an era before the turn of the century? Who cares, for this is Savannah, city of languid charm. And you wouldn't disturb a moment of its being, just as it is.

OUR LAST FRONTIER

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, I am pleased to include in the Record today, an article published recently in the American Bar Association Journal. This article is a well written brief history of Alaska, from its purchase from Russia in 1867, to the present. I take particular pride in presenting this article to you because of the mention of Alaska's court system. Alaska has been able to take advantage of its late statehood by constructing its court system after considering those of other States. Now all Alaskans have the benefits of a fine concept in court systems, of which they can be very proud.

The 49th State claims a system different from that of other States, and that is highly attributable to its constitution which is not yet 15 years old.

I, along with all Alaskans take pride in sharing with you an account of the progress of our State, particularly the court system, constructed to meet the needs of a modern community.

Our Last Frontier

(By Donald J. Jarosz)

Alaska, from the Aleut word "alaksak", which refers to the part of the mainland now known as the Alaska Peninsula, is physically the largest state in the Union (2,260 miles wide and 1,400 miles long). In 1967 Alaska observed its centennial, marking the one hundredth year since its purchase from Russia. The centennial motto, "North to the Future", reflects the hopes and aspirations of the young and vigorous population.

Alaskans are faced with problems not common to other states—a harsh winter climate, rugged topography, limited capital and distant markets—but there are compensations—pure air and water, breathtaking scenery, room to expand and grow, untouched natural resources and many challenges. In its quest for statehood, Alaska faced and overcame many obstacles.

The organization as a territory in 1912 and the introduction of the first statehood bill in 1916 were only two steps in a long series that led to statehood for Alaska. Senator William McKendree Gwin of California was one of the first men to promote interest in the United States' acquisition of Alaska, but his overtures were interrupted by the Civil War in 1861. After the war ended, fishermen of the Washington Territory pushed for acquisition, but it remained for William H. Seward, when he was Secretary of State, to accomplish the purchase.

For many years it was uncertain why Seward had negotiated the purchase of Alaska. Today, the memoirs of the Russian court, reports from Hudson Bay officials and United States Government papers indicate that the purchase was the fulfillment of a gentleman's agreement.

When the United States was in the midst of the Civil War, the Confederate cruiser *Shenandoah* reached Alaska and did considerable damage to American whaling ships. Facing the distinct possibility that France and England might recognize the Confederacy, the Union found in Russia a friend willing to send her fleets to American harbors as a friendly gesture if properly compensated. Seward made a gentleman's agreement with Russia—our government was to pay Russia for this demonstration of seeming friendship.

Czar Alexander fulfilled his part of this top-secret agreement and dispatched his navy to the United States. While part of the Russian fleet was anchored in San Francisco Bay, other vessels visited the Eastern ports of Washington, Boston and Annapolis. When word reached San Francisco that the Confederate navy was nearing the Golden Gate, Russian Admiral Popoff even cleared his decks and made ready for combat.

England and France did not side with the Confederacy, the war ended, Lincoln was assassinated and Andrew Johnson became President. With the war ended, payment to Russia, especially as a war measure, became complicated. The solution seemed to be the purchase of Alaska. Alexander's finances were not as strong as they once had been, the fur trade seemed to be diminishing, and Russia saw the Canadian border as a British menace.

Admittedly, the purchase of Alaska was done in a spirit of venturing into what appeared to be a promising commercial enterprise for the United States. The treaty was signed on March 30, 1867, and the United States paid Russia $7,200,000 (less than 2¢ an acre). In reality, according to one source, part of the payment—$1,400,000—was for the purchase of this new territory, and other portion—$5,800,000—was for the naval display of friendship and cooperation during the Civil War. The formal transfer took place on October 18, 1867, in Sitka at Baranof Castle, for many years the official residence of the representative of the Emperor of Rusia, Alexiei Pestchourof announced the confirmation of the transfer: "By authority from his Majesty of all Russia, I transfer to the United States the Territory of Alaska." On behalf of the United States, Brigadier-General Lovell Harrison Rousseau accepted Alaska, a territory that was to be forgotten for some time by its new owner

A period of close-fisted commercialism soon followed, and although the administration of Alaska was placed under the Department of War, which loosely governed the territory for the ten-year period immediately following the purchase, little thought was given to the administration of justice, law or government organization. The uprising of the Nez Percé Indians in Idaho caused the withdrawal of the Army in 1877, leaving the settlers of Sitka and Wrangell outnumbered by the hostile Indians and totally unprotected.

Seventeen years after the purchase of Alaska there still was, strictly speaking, no administration of justice until Congress passed "An Act Providing a Civil Government for Alaska", which was approved on May 17, 1884. This is commonly referred to as the "Organic Act", and it constituted Alaska a civil and judicial district, placing the seat of government at Sitka.

Through the Organic Act, Alaska was subsequently provided with a district court "with civil and criminal jurisdiction of district courts of the United States, and such other jurisdiction not inconsistent with the act as may be established by law". Under this act the President of the United States appointed a district judge who was to hold at least two terms of court at Sitka and one at Wrangell each year. In addition, the act made provision for Presidential appointment of a United States attorney, a United States marshal, a clerk of court and four commissioners. "Such commissioners", it provided, "shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the state of Oregon, so far as the same may be applicable in said District, and may not be in conflict with this act or the laws of the United States."

With the Organic Act came the first semblance of the administration of justice, although the act was unsurpassed for uncertainty. However, an important factor was lacking: Alaska still had no laws of its own, for by virtue of the Organic Act, the laws of the State of Oregon were declared law in Alaska. No definite improvement was made in the administration of justice or in the organization of the judicial system until 1900, when the Carter Act gave Alaska a criminal code and designated Juneau the capital. It was about this time that notoriety of the vast natural wealth and resources caused Americans to take notice of this territory that had almost been forgotten since its purchase.

Today, Alaska, the last American frontier, is anything but forgotten. It has the smallest population of the fifty states, but one of the highest percentages of population increase in recent decades. The more than thirty-five years of territorial status eventually proved advantageous when fifty-five delegates met for seventy-five days at the University of Alaska at College, near Fairbanks, in November of 1955 and drafted the constitution. The delegates to the constitutional convention, drawing on the lessons and experiences of the other states, were able to give Alaska perhaps the finest and most modern constitution of the Union.

The voters of Alaska approved their new constitution on April 24, 1956, by a better than two-to-one majority. The basic structure of the 12,000-word document embodies concepts of good court administration. It provides a bicameral legislature of sixty members, forty of whom are in the House of Representatives and twenty in the Senate. Unlike other states which today find their constitutions hopelessly outdated, Alaska faces none of these problems. The delegates to the constitutional convention provided for a strong executive branch, a truly representative legislature and many modern constitutional provisions including the nineteen-year-old vote, protection of natural resources, an up-to-date Declaration of Rights and provisions for amendments and constitutional conventions.

One of the most outstanding and unique constitutional provisions was the creation of the "borough" system of government. When the delegates met and drafted the constitution, they were especially aware of the needed revision in the system of local government. At the time of statehood there were no counties or area-wide political subdivisions, and, outside the cities and the special districts, there was no local government. "Borough" was defined as a place organized for local government purposes, as opposed to "county", which is simply a unit for state administrative purposes. The borough provides three mandatory services—planning and zoning, education, and tax collection and assessment—and is designed "to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax levying jurisdictions".

Alaska's transition from territory to statehood was a long, slow process. Since statehood, Alaska has grown politically, socially and economically. The cover of this issue shows the modern State Court Building in Anchorage superimposed on Alaska's state flag. Although Alaska lacks some of the older, historical landmarks and buildings found in other states, it does not lack a long and interesting history.

NIXON CRITICS NOT REALISTIC

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MICHEL. Mr. Speaker, an editorial appearing in the Peoria Journal Star on September 8, 1971, makes some cogent points regarding the activities of certain critics of President Nixon and his policies and I include the text of the editorial in the RECORD at this point.

NIXON CRITICS NOT REALISTIC

(By C. L. Dancey)

What this country badly needs when the present emergency 90-day freeze on wages and prices ends is a functional policy of basic economic controls that will do the job so badly needed.

We need the best possible such program, and the time to work it out for application in November is NOW.

Therefore, it is rather disappointing, indeed, to hear the chief representatives of what used to be known as the "loyal opposition" offering little more than an over-age propaganda pitch appealing to the most rank political prejudice.

Sen. George McGovern (D-S.D.) talks of "Robin Hood in reverse", and both Sen. Edmund S. Muskie (D-Me.) and Sen. Hubert Humphrey, (D-Minn.) are reciting the age-old political magic (and economic nonsense) as if the whole problem is one of the "working man against the rich."

Muskie says flatly, the old song from 1933: "What this country needs is purchasing power!"

What is involved here, of course, is the traditional self-serving political "economics" of the big labor unions.

We have lived through their consistency in every kind of economic situation, whereby the proper "cure" always comes out exactly the same—more and higher wages.

The way to end a depression was through higher wages. The way to meet the need for growth (to add three million new jobs a year and take care of the growing adult population) is also "more purchasing power" through higher wages.

The way to stop a rampaging inflation is, of course, "more purchasing power through higher wages," and the way to combat a dwindling productivity, the problem of poverty, unemployment, or a climate of scarcity—all the same to them—"higher wages."

This is, of course, utter nonsense. The inflationary problem of 1971 is completely the opposite of the great depression problem of 1933.

To the politicians it doesn't matter that the economic situation is the complete opposite.

What matters is that, regardless of economics, there was political magic in the old hoorah-stuff about "higher wages" being in the national interest.

And political manipulation is, apparently, the only thing they give a hoot about.

Doubtless President Nixon is no better (and probably no worse) in that regard. The difference is that he is now President, the only one we've got right now, and whatever his political desires he doesn't have much choice but to try to present a program that will actually do some good.

His opponents are under no such handicaps.

They can say anything for whatever political advantage—and always pass the buck to him escaping responsibility for whatever really happens.

They've already just managed that maneuver once.

They are gleefully prepared to do it again—regardless of the true needs of the country.

Those basic needs aren't hard to figure out.

We need an economy stable enough that the businessman and the housewife alike can make some sense out of their budgets and hang things together for sane planning and operating.

And we also need enough "extra" or "new money" to expand activities so as to provide about 3,000,000 new jobs a year for the youngsters reaching maturity these days.

An artificial stranglehold on interests and profits, for example, would give us an absolutely sterile and static economy, which couldn't possibly perform that kind of expansion.

We need stability without sterility—or we are going to be in very serious trouble.

Above all, perhaps, we need to grow up to the realization that "profit" is not just play money. It is the seed money that goes into growth and job-creation.

Kill it out of burning economic prejudice, willy nilly, in pursuit of the labor mythology, and the real base on which all programs and hopes and plans are actually based functionally goes down the drain.

Money for taxes, for poverty programs, for job expansion programs, for health programs, for anti-pollution programs, and for providing more standard services and products for less unit cost and price—all rest on the ability to generate new money.

The real trick in the post-November economic program will be to both generate this "new money"—and keep some workable measure of stability in the wage-price picture.

Political fakery isn't helping us accomplish that difficult and urgently necessary twin feat.

AKRON METROPOLITAN HOUSING AUTHORITY

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SEIBERLING. Mr. Speaker, last week the Akron Metropolitan Housing Authority—AMHA—published, at no expense to the Government, a special report in the Akron Beacon Journal. At a time when public housing throughout the country is not enjoying a uniformly favorable climate of opinion, the achievements of AMHA are truly remarkable. They are so remarkable that I think many other Members of Congress from urban and suburban areas will wish to know more about them. Accordingly, I am asking that the key pages of last week's report by AMHA be inserted in the CONGRESSIONAL RECORD.

The driving factor behind AMHA's success in the last 4 years has been its executive director, Jack Saferstein. Mr. Saferstein came into AMHA after a successful career as a self-made businessman. By applying business methods and personal dynamism, he has not only spurred a rapid acceleration in public housing for low-income and senior citizens in the Akron area, but has brought about a more positive attitude toward public housing on the part of tenants and members of the public.

The methods pioneered by Mr. Saferstein can, I am sure, be adopted by many other public housing authorities, and therefore, I believe that many Members of Congress will be interested. The extracts from AMHA's report follow:

THE MAN AT THE HELM

"The houses that Jack built."

That line has appeared countless times in national magazines and in newspapers across the country. By now it is a cliché of the first magnitude.

The houses referred to are the 2,986 living units provided for low-income residents here in the last three and one-half years.

The Jack is Jack Saferstein, executive director of the Akron Metropolitan Housing Authority these last three and one-half years.

Akron has become the model for getting action in building, buying and leasing for senior citizens and families with lower incomes. Saferstein has become the man who knows how to do it.

Every day brings heavy mail from cities across the country asking for details and advice on housing. Saferstein's phone rings often with requests to inspect the local developments.

It is common for Saferstein to spend a good part of a day leading a contingent of government officials, or officials from other cities, on a grand tour of the AMHA's high rise apartments for senior citizens; new townhouse developments for families; purchased or leased new and refurbished single homes.

In brief, if there's a question anywhere about low-income housing, the word is "ask Jack."

But why? How is it that in such a brief period one community and one man can achieve such distinction?

The answer is in Saferstein's philosophy (a word he cares very little for) on public housing for those with lower income.

"My job is to build housing.

"I am sensitive to the needs of the people I service and somewhat insensitive to bureaucratic structure," he says.

In the simplest terms, he's a doer. He despises red tape.

Tall, athletically trim and with hair streaked with white, Saferstein, 46, has a military presence. He is precise. He acts quickly and forcefully.

Yet behind the precision and business-like manner is a hunger to serve people. Nothing rips his insides more than a pathetic plea from someone for an apartment or a home—and knowing that there is a waiting list of 6,000 for housing.

Saferstein's methods of operation explain how he gets things done quickly.

"First, I feel I have a good relationship with City Hall, the mayor, the councilmen. I always try to work intimately with them, especially those representing wards where we plan developments. Council must pass all legislation to provide authority for building a certain number of units on a certain site.

"If I feel there are others in a particular section of the city that need more explaining about a project, I see to it I meet with groups and individuals," he says.

And how does he get such cooperation from the federal government which provides funds for AMHA projects?

"I maintain a good relationship with regional and national agencies. I work personally with HUD (U.S. Department of Housing and Urban Development) people in the regional office in Chicago and Washington.

"I always stay in contact on a day-to-day basis on each project, following it until it's done.

"We depend very little on the mail. We do practically everything by courier and whenever possible wait (in Chicago or Washington) for responses.

"These people are busy. So if we don't lend importance to documents we send they'd get lost in the shuffle like everyone else's."

On his methods, which sometimes have been criticized as "high handed."

"I don't have to run for public office.

"It's been said I don't politically discuss all my moves in order to make sure no one's feelings are hurt. Fortunately, this is not an arena I worry too much about.

"My aim is to provide housing.

"This means I don't attend a great many meetings to which I'm invited by fractionalized and splinter groups which don't have any foundation. It gives me time to meet with what I consider representative groups. You can't build housing by attending cocktail parties and discussing philosophy and theory," he says.

How serious is the need for AMHA housing?

"Housing is a basic need. It is absolutely the foundation of an individual's or family's existence. All philosophy and theoritician's views can't build a single unit.

"Out of this (the problem of substandard housing) arise most of the other basic problems in the country.

"Put a family in a clean and new home and that mother can start teaching a child cleanliness, how to use sanitary facilities, how to maintain a room. With a good home and compatible neighbors, we have hope a child will grow up in a happy, decent environment.

"Take the family and put it in a substandard house in a substandard neighborhood and no matter how much effort that mother puts into the home, there isn't a chance. All the family sees is substandard. All we do is raise more children in the same circumstances we want to do away with."

Saferstein is more aware than anyone that public housing has its critics. He's tangled with politicians and neighbors over some projects. He sees a coming ballot issue which would give neighborhoods, in effect, a referendum method of vetoing zoning changes as a threat to the expansion of AMHA in Akron. On the matter of opposition, he says:

"Sometimes the attitude of the general public depresses me. With all that's happened in the last five years in social upheaval, we still seem to have this (anti) attitude.

"It would be so easy to sit in this chair and manage what we have now. So easy. I could attend meetings all day, give speeches, pace myself.

"But I don't know how anyone with a conscience living on a minute to hour to daily basis could allow himself to become insensitive to social needs.

"Everything else the public is aroused about—ecology, pollution . . . well, housing is no different. The problem isn't going away

"Housing must be confronted head-on.

"You can't do it with citizen boards, who, unfortunately, are not able to relate to the problems. It still takes professionals to complete the job.

"Citizen participation is admirable up to a point.

"But we know if everything was left to neighborhoods, there would be very little of anything done in the way of business ventures, schools, apartments.

"It may sound dictatorial and smell of one-man-rule, but by golly, if what I've done to date in this community has alienated a lot of people and hasn't been acceptable to the so-called powers that be, then I'm content to say the end justifies the means."

Those are just some of the views of the steely Jack Saferstein. He has lots of others (for instance, urban renewal is "urban renewal" and a failure because not enough concern has been shown for people).

What's ahead for AMHA? Growth. Planned is a 211-unit addition to the apartment on Diagonal rd. that bears Saferstein's name. Planned are a lot of other units, too, and replacement of older war-time developments, such as accomplished at Joy Park.

"We need 10,000 more units right now, about 35 pct. of them for senior citizens, the rest for families," he says.

"I guess you could call that the goal. But I don't need goals. Some people use goals for motivation.

"I just hit as hard as I can every day to get all I can out of Washington to help these people."

At the end of 1967, the year Saferstein took the reins of AMHA, there were 590 applications for low-income housing. That figure now is 6,000 and growing constantly.

He praises his staff highly and says members are dedicated to his philosophy. He says he gives them room, flexibility so they can work to their full talents.

He is very proud of the social services—meaning enjoyment, education, health protection—AMHA offers tenants under the direction of Dorothy Jackson.

"Providing new housing is only the beginning. If you don't involve that person or family in social areas, you've defeated the whole purpose. We must have a program of social activity in all degrees for all in the family."

Saferstein knew poverty as a youth. In 1942, after graduation from old West High, he borrowed some money and opened a small grocery. This led in turn to buying, with his brother, Carl, a grocery on Wooster av.

In 1951, he was in on the ground floor in establishing the Sparkle Markets which now blanket the area. The Wooster av. market expanded and expanded—and then was closed by the 1968 racial disturbances. It consequently was leased but closed again when the new operator could't make a go of it.

In 1964, Saferstein underwent open heart surgery but one wouldn't have an inkling there was a thing wrong at anytime with this energetic man. It was in 1964, too, that he became a member of the board of AMHA and it was in December, 1967, he succeeded the retiring executive director, Allen Dickson.

INSTANT HOUSING

It's called "instant housing" and it has been a major part of the success story of the Akron Metropolitan Housing Authority's national leadership in building low income homes and apartments.

Through new concepts in building, a townhouse complex can be started from start to finish in 10 days. And a local builder can complete a highrise apartment building in as little as six months.

Stirling Homex Corp. of Avon, N.Y., mass produces the townhouses. The company digs a cellar and lays a footer one day, puts up the basement walls in the next couple days and within a week sets a housing module in place—a unique process which takes from 50 to 70 minutes.

And, presto, another family unit is ready to rent.

It sounds easy but the groundwork that was laid between AMHA executive director Jack Saferstein and Stirling Homex was a long and tedious chore. And variations to the final product continue with each project.

Here's how the instant housing concept originated with the AMHA:

When Saferstein became AMHA director late in 1967, his first task was to reactivate already existing federal programs "and to take immediate advantage of them."

"One was the immediate acquisition program where you could go out and buy on the open market homes already up or being built," Saferstein said.

AMHA purchased a few single-family homes on scattered sites in Akron and then was successful in getting six builders to construct more.

"I saw rather quickly we could nowhere come close to getting enough units under construction to meet the demand," he said. "So then I looked for industrialized housing."

His search led him to a Roanoke, Va., company, which, after several modifications to meet Akron's building code, began construction for AMHA in mid-1968.

"After about a half dozen houses were built, I again discovered building single houses on scattered lots didn't add volume to the housing market. Not enough lots were available," Saferstein said.

In September, 1968, Saferstein's brother, Carl, saw a newspaper advertisement about Stirling Homex. The ad sat on Saferstein's desk for several days before he finally called David Stirling Jr., president of the firm.

Immediately, the wheels began to turn.

"They were just starting to manufacture three-bedroom units with no basements and had put up a development in Rochester," Saferstein recalled.

Saferstein persuaded Akron Building Inspector John Konopka to accompany him to Rochester and view the buildings. He then asked Konopka to critique them for possible use in Akron.

"When I received his list of criticisms, I still felt the product had good potential," Saferstein said. "It needed 50 to 60 changes to meet Akron's building code."

Stirling agreed to the changes and immediately began to tackle them. By December the company had constructed an Akron model at its Avon plant for Saferstein and Konopka to critique further.

More changes were made and in February, 1969, the first 10 units were constructed in Akron. Since then more than 600 have gone up and by the end of the year the number should go over 1,000.

"No city in the nation has come close to this," Saferstein said. "We are the pacesetters."

While Stirling was preparing the final version of the "Akron townhouse," Saferstein stressed one theme—a maintenance-free product.

There actually is no paint in the Stirling units. The walls are vinyl, cupboards and counters are covered with formica, the bathroom is ceramic and the flooring is vinyl asbestos sheet linoleum.

On the exterior, the first floor has brick construction while the second story is finished in tedlar—a fine skin over wood or masonite. Aluminum gutters, thermopane windows and prefinished doors round out the low maintenance theme.

"They are about as maintenance free as technology will allow and we are constantly changing the production line as time will allow," Saferstein said.

Stirling has built all the AMHA townhouses although the projects are bid openly.

"So far there is no other manufacturer able to give us a total product and have the capacity to produce the units we need," Saferstein said.

But townhouses aren't the only structures which seem to sprout up overnight.

Highrise apartments for senior citizens also are being constructed in record-setting time.

Of the eight golden age structures, seven were built by the Thomas J. Dillon & Co. Inc. The eighth—the Paul Belcher Apartments which were the first to be built—was constructed by the John G. Ruhlin Co.

These buildings also are open to bidders but Saferstein said, "in the eyes of the regional office (of the Department of Housing and Urban Development) and the local authority, he (Dillon) has had the best bids."

Saferstein said the best bid may not always be the lowest. Also considered are site, design and the ability of the bidder.

Dillon constructed the Buchtel-Cotter and Brittain Place apartments as private ventures and then sold them to AMHA.

The others were built through the turnkey program. Here the company options property and then determines the price of land and construction to put into its bid to the AMHA. After the building is up, the company sells the property and structure to the housing authority. These are Dickson, Lauer and Saferstein apartments plus the addition to Belcher.

"Using the concrete systems he has developed, Dillon is able to efficiently, economically produce a highrise building that meets or exceeds all standards for good senior living," Saferstein said.

John A. Mogen, development coordinator for the Dillon company, says there are several reasons why the firm wins the AMHA contracts.

"We have good sites for one thing," he said.

Also the company does such a volume of work that it can command lower prices on materials from suppliers, he said.

Another important point is the experience the company has gained. Dillon has constructed apartment buildings for more than eight years, and since 1968 when it put up its first senior citizens building, has built at least 15 others in Ohio, Pennsylvania, West Virginia, Indiana and Florida.

"We probably handle more senior citizens housing through the turnkey program than any other builder in the country," Mogen said.

As an example of the company's speed, Dillon built the seven-story Belcher South apartments in six months.

Mogen said one of the main reasons for this efficiency is that Dillon uses pre-cast concrete exteriors.

"We get it enclosed so we can work inside," he said. "It costs a little more but it saves time in being able to get inside quicker."

This also enables them to "maintain the momentum" through the Winter months, he said.

Saferstein notes with pride that both Dillon and Stirling Homex are among only 22 builders in the Nation to receive grants through the federally-funded Operation breakthrough program to provide low cost housing.

In both cases, Saferstein said there seems to be a special chemistry that clicks between he and Stirling and he and Dillon.

"Two people at the right time under the right conditions are able to motivate each other," Saferstein said. "It's a combination hard to equal."

Big Boost

The boom in low income housing in Akron in recent years has had a tremendous impact on the local economy and has been a bright spot in an otherwise rather drab period for the construction industry.

Jack Saferstein, executive director of the Akron Metropolitan Housing Authority, says $50 million worth of construction has gone up in the last three and one-half years.

Besides new highrise apartments and townhouse communities, hundreds of individual homes have been obtained by AMHA.

These are a blend of new homes built by contractors for immediate sale to AMHA and older homes. Rehabilitation of the older homes has totaled $1.5 alone, said Saferstein.

In addition, more than 700 housing units have been leased from owners by the AMHA. A deal might be made to lease a four-bedroom home for, say, $135 a month. This provides the owner a guaranteed income. In turn, AMHA will rent it to a low income family for no more than $53 a month and the federal government will subsidize the rest.

Saferstein sees the purchase and leasing of some older homes as having a snowball effect on the economy, too, as the person leasing or selling often then is in the market for another home or an apartment.

The purchase of single homes currently is at a standstill awaiting further federal funding.

Says Saferstein: "The economic impact in this area because of these programs—the jobs we've created—is unbelievable."

URBAN FAST MASS TRANSPORTATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Urban Fast Mass Transportation

(Address by the Vice President of the United States at the International Conference on Urban Transportation, Pittsburgh, Pa., September 8, 1971.)

Two thousand years ago Julius Caesar found it necessary to ban chariots and other wheeled vehicles from the streets of Rome, during the daytime, because of traffic congestion.

Outside the city, the Romans had constructed the greatest system of highways the world had ever known. Parts of these roads are in use today. Yet they did not solve the urban snarl of ancient Rome.

Two thousand years later we too take great pride in our highways. The Interstate system now nearing completion in this country is the world's finest. But we, like the Romans, still haven't solved the traffic problem on our city streets.

We can fly men to the moon and back without a hitch or a delay, but they don't have to pass through any cities.

We can cross this continent by air in 5½ hours, but then we encounter delays of up to half that time getting from the airport to our office or home.

And going from downtown to the suburbs at rush hour on any week day is a nightmare in traffic dodging that a Caesar could not imagine.

But at least we're working on the problem—your presence here is an indication of that—and I believe we're closer to the answer than we would dare hope.

The answer is not to ban automobiles from the streets—like the chariots of Rome—but to come up with attracttive alternatives to do-it-yourself commuting—alternatives that will encourage the citizen to leave his car at home or at least at some way station outside of town.

The alternative is efficient, dependable, low cost public transportation. Not only would this lure commuters off the streets, it would provide an essential service to the one-quarter of our population who don't own or can't drive cars. They include many of our older citizens and those unable to afford private transportation.

The lack of good public transportation is as much a part of the urban dilemma today as housing, schools and jobs. It ties in with all of them and, in fact, may be the key that unlocks the overall problem and revitalizes our cities.

So it is time we stop thinking of transportation as an end in itself and approach it as a part of the whole—a most vital part of the overall urban problem.

I shall have more to say about this in a few minutes, but first I want to extend a word of welcome to those of you who have come from foreign countries to assist in this Fifth International Conference on Urban Transportation. And I would like to congratulate those of you from the transportation and related industries in America who are devoting your time to helping us solve what has become our most visible urban problem. Your know-how is on the drawing boards and available, and it is up to us in government and private industry, in the vernacular, to "put it all together."

I am convinced we are on the threshold of a major breakthrough in the solution of our urban transportation problems in this country. There is a new attitude of determination, a national will, to end this strangulation of our cities that has grown progressively worse for several decades now.

We have seen it reflected in the higher priority assigned to urban transportation problems by the Nixon Administration. Prior to this Administration, Federal funding for public transit never exceeded $200 million a year. Last year, under the Urban Mass Transportation Assistance Act of 1970, it more than doubled to $435 million, and this year it will be $900 million. This funding for capital equipment grants and research and development will continue to grow as we move forward on projects conceived and implemented at the local level. It is the President's purpose to supply long-term, continuing financial aid for urban transporation projects as fully as it can be effectively applied.

This substantially larger funding—$10 billion authorized over 12 years—serves as assurance to State and local governments and private investors that the Federal government recognizes the importance of the mass transit problem. It will be, hopefully, the catalyst that will bring about long deferred action on transit systems too long delayed.

A good transit system is a solid investment in the community. Properly planned, it will pay rich dividends—in increased business, employment, land values, tax base and general urban renewal. It will generate prosperity where it is most needed—in the hard-pressed cities—and, in doing so, it can be of great assistance in meeting other urban problems.

There will be many completely new transit systems starting up in this country within the next 10 years—in San Francisco next year, in Washington in the mid-70's and perhaps in my native city of Baltimore very soon. Other major metropolitan areas are also planning new mass transit systems now that they know Federal funding will be available for their plans to proceed to construction.

Extensions of present systems are planned in New York, in Philadelphia, in Boston and in Chicago.

Involved in these new systems—and extensions of existing major systems—will be hundreds of new rapid transit stations. Many of them will be located in critical poverty areas. Their potential for revitalizing those communities is enormous. They should be thought of in terms of their potential to renew the whole urban environment not just as transit stations. They can become vital parts of planned community centers if sufficient land is acquired to permit such development.

Let's look, for example, at what Sweden has done with this concept. The Taby Center Station outside of Stockholm incorporates in it 14 separate functions—schools, apartments, a shopping center, a medical center, churches, a gymnasium, sports centers. It has become a community within itself, but not one strictly dependent on the automobile. Located along a main transit route, the residents are only 30 minutes away from downtown Stockholm.

Taby is but one of 18 satellite cities that ring Stockholm, all with a population of 10,000 to 50,000 and all of them planned communities on transit lines with easy access to downtown. Some of them are only 5 to 10 minutes away. Although Sweden has the world's highest per capita ownership of automobiles outside the United States, it is estimated that 90 percent of its people travel into Stockholm by the transit system.

What a wonderful opportunity this exciting concept offers for solving the problems of overcrowding people as well as automobiles in our own American cities! I believe the creation of new towns and satellite cities is our best hope for planned urban expansion and relief of many of the problems we now face in the impacted areas of our central cities. I have consistently advocated such development even before I was Governor of Maryland. The successful Swedish experience in planning these new communities around a transit system reaffirms the validity of the proposal. The Nixon Administration has included new town development as a vital part of its national urban policy, and I believe new towns and satellite cities will play an important role in our future urban growth, especially when coupled with the sound planning of transit systems.

Such multi-purpose use of transit stations as the Taby Center does not have to be extended outside the borders of the city to be effective. There will be many instances when it can be adapted to the central city, with regard to housing, health services, educational facilities, recreation, and other aspects of everyday living—to the great benefit of its citizens.

It has been well established that a good transit system will provide a stimulus to development of a new area or revitalization of an old one. I am convinced that New York's extensive rapid transit system played a major role over a period of many years in the development of Manhattan Island as one of the world's great hubs of commerce.

In Canada, Toronto's old, declining central business district underwent a phenomenal spurt of new growth after the construction of a relatively short 4.5 mile stretch of subway, the city's first. Within a five-year period over five million square feet of new high-rise apartments sprang up in areas that had been formerly occupied by old single-family dwellings. And in the first 10 years of subway operation, the 4.5-mile line attracted over two billion dollars of new construction for every mile of the system. Land values along the right-of-way tripled in two to five years, and went up as much as 10 to 12 times in the vicinity of transit stations.

So we can see the value of a transit system to the economic life of a community, whether the community is new and planned or old and declining. And the location and functions of station areas are of particular importance.

Some station areas will have a high development potential; others will offer little more opportunity than to serve as a transit stop. The important thing is to make the maximum possible use of their potential. And the key to this is good planning. It cannot involve just the local government and the transit officials; it must involve the whole community. At the Federal level it is not just a problem for the Department of Transportation; it also must involve the Department of Housing and Urban Development to explore the potential for housing projects, the Department of Health, Education and Welfare in the planning of schools and health facilities, and the expansion projections of the private sector. The same broad approach should be taken locally, with private enterprise heavily involved to capitalize on the business opportunities in such a center.

If there is one major lesson that I learned as the head of a metropolitan county government some years ago, it is that there is no substitute for sound, comprehensive, long-range planning. And the more divergent views and broader field of expertise you can bring together, the better will be your planning. Instead of being a rival with Baltimore City, we in Baltimore County should continue to learn to work in partnership with the City and other suburban counties on mutual problems. As plans evolve for the Baltimore area transit system I feel confident that you are going to see a product of local officials working with State and Federal officials to bring about a mutual benefit to their communities. Traffic problems certainly don't stop at the city line. Neither do those of housing and employment. And we have learned that our solutions to these problems must also know no artificial boundaries.

I believe we have now learned in this country that transportation is not a matter of *either* good highways *or* a good urban transit system. We need both, one tying in with the other, if it is to be an effective system and really move people. And moving people is what it is all about—mobility, the theme of your conference. We should concentrate on the individual and how to best get him from his home to school or to work or to the store or to the sports stadium or theater—at a price he can afford and without taking all day—whether he drives his own car or rides a bus or train.

For too long we thought in terms of having *either* rapid transit or automobiles and trucks as the backbone of a city's transportation. We now know, as our friends overseas have accepted all along, that it is a combination of both. We cannot eliminate the motor vehicle. But we can reduce the dependence on it by enhancing the attractiveness of other forms of transportation.

I am sure that many helpful ideas in a conference of this type will come from those of you from other countries which have developed excellent transportation systems. We, who regard our interstate highway system as second to none in the world, acknowledge you have taken many strides ahead of us in the field of urban transportation.

We are aware, for example, that more new rapid transit systems are being built in West Germany than in any other single country in the world. Lines are being built or extended in Berlin, Cologne, Frankfurt and Munich. And Hamburg's integrated subway, commuter, rail, bus and ferry system—all functioning under a single authority—offers an example of good coordination in public transportation.

Japan's Tokaido Line, with its high-speed train service from Tokyo to Osaka, is coordinated with Tokyo's expanding rapid transit system. Seventy miles of subways are in service in Tokyo with an additional seventy miles under construction. In Osake the bus and subway system serves 2 million 700 thousand passengers daily.

On our own continent, Toronto, Montreal and Mexico City have all developed outstanding subway systems.

So there is much that we can learn in an international conference of this type.

But the most important change that has come about in this country is the need for better public transportation in our cities—a growing awareness that we are no longer a rural nation and that subways and rapid surface transit are as essential to the healthy growth of all our metropolitan areas as they have been to New York and Chicago.

Ten years ago there were only 16 urban areas in America with populations of more than one million. Today there are 25. By the year 2000 we expect to have 50 cities with a million or more residents. Eight of every ten Americans already qualify as city dwellers, living on less than three per cent of the Nation's land, and their numbers multiply daily. So do their motor vehicles.

Last year there were more than 108 million motor vehicles registered in the United States—89.3 million automobiles, 18.7 million trucks and 379,021 buses. Their numbers increase by about 8,000 a day. At 5 p.m. on almost any working day, it seems, you will find most of them gathered on Main Street, U.S.A. starting, stopping, honking and overheating as they creep homeward through a pall of gasoline fumes.

The automobile is still man's best method of personalized transportation, and it can continue to serve that purpose for many years to come if we lick the pollution problem and if we keep our highways and streets open. But there are better ways of commuting in urban areas and we must establish them. Otherwise we will reach a saturation point, as did the Romans with their chariots.

I wish you good luck in your deliberations at this conference, and I look forward with interest to the reports and thoughts that will come out of it. We have the opportunity to bring a new vitality to our beleaguered, impacted and dependent cities if we in government and you in industry have the imagination and foresight to conceive bold situations to our age-old problems and the courage to put them into effect.

President Nixon put the challenge this way when he signed the Urban Mass Transportation Bill committing the Nation to a larger, sustained effort:

"As we look into the history of this country," he said, "we recall the development of the Western Frontier. It was made possible because of a massive program of transportation which enabled us to develop that new frontier in the West.

"Now we have the challenge of the urban frontier. And it is through this bill and the support that it will provide for new programs in the field of mass urban transportation that we are going to be able to meet the challenge of the urban frontier. Just as the Western Frontier was the challenge of America in the 19th Century, the urban frontier is the challenge of America in the last third of the 20th Century."

POLISH ARMY VETERANS CELEBRATE 50TH ANNIVERSARY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mrs. GRASSO. Mr. Speaker, this month the Polish Army Veterans, District IV, Department of Connecticut, celebrate the 50th anniversary of the founding of their organization.

Members of the Polish Army Veterans have willingly fought for the ideals of liberty deeply cherished through the years.

They have acted out of a deep patriotism born in part of the profound religious feeling.

They share a proud heritage of strength and meaningful endeavor.

After 150 years of oppression, Polish men who had been deprived of their nation joined the fighting forces of other nations during World War I. Peace, it was hoped, would bring a reconstituted Polish State. In June 1917, refugees and emigre volunteers formed a Polish Army in France under the direction of Gen. Jozef Haller. This army joined the final Allied drive which defeated the Axis powers and led to the long desired end of the foreign occupation of Poland.

Although victorious in its struggle against foreign tyranny and oppression, the Polish Army soon had to defend Poland's new freedom. Indeed, the Polish Army was the only force standing between Soviet Russia and a Germany submerged in revolutionary upheaval. After an initial retreat, this valiant force rallied under the gallant leadership and inspiration of Joseph Pilsudski and his lieutenants to shatter the Bolshevik offensive at the Vistula River in August 1920 and halt the advance of communism into central Europe. A proud army—veterans of the battlefield—crushed the Bolshevik attempt to destroy the Versailles settlement and export revolution throughout Europe.

The happenstance of geography placed Poland between two great European powers. The Poles were again called upon to defend the liberty they hold so dear. Yet, the Nazi blitzkrieg was too powerful—even for a will that was fierce. Despite unstinting resistance, Poland fell to the enemy.

Although the land was conquered, the spirit of the people remained strong. Kindled with the fire of patriotism, the defeated Polish Army would not willingly accept defeat. While some compatriots remained in Poland to fight again, parts of the army managed to reach France where a new Polish Army of 85,000 men under Gen. Wladyslaw Sikorski fought in the 1940 battles at Narvik and Champagne, and in Lorraine. Among the 20,000 veteran Polish troops who managed to escape to Britain after the fall of France were desperately needed airmen who fought with the RAF during the Battle of Britain.

Throughout the remainder of the war, the Polish Army was a credit to its homeland and its cause. A brigade of troops originally formed in the Middle East took part in the north African campaign of 1941, including the valiant defense of Tobruk. Later, II Corps, composed of previously Russian-interned troops, braved the mud and steel of the Italian campaign and captured the famous monastery at Monte Cassino. In the drive across France in 1944, Polish armored and parachute forces joined the Allied assault on the Third Reich.

Yes, the history of Polish fighting forces is a proud history. Let us not forget that it is a story of hope in a world where often there is too little.

At the end of World War II, most Poles expected to fulfill their dreams of freedom and security—of independence and a rightful place in the family of nations. But tragedy was to have its way. Poland soon fell under the yoke of yet another tyrant, the Russians. It was the call for thousands of Polish Army veterans to refuse return to a communist Poland.

Mr. Speaker, these men loved liberty above all. And because they gave expression to this abiding love, many came to our Nation which they have enriched in measure untold.

Like their countrymen from earliest times who came to American shores, talents and skills, and enduring hard work have meant progress for our land.

The Polish Army Veterans, District IV, Department of Connecticut, are commemorating the 50th anniversary of their organization on September 19, 1971.

They mark a devotion to freedom and a willingness to defend it that is an inspiration to all.

Let us pray that the freedom for which so many have fought will again return to Poland.

PRICE RURAL DEVELOPMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. PRICE of Texas. Mr. Speaker, as a Representative of a rural area I have long been interested in the subject of rural development. It was my pleasure to testify this morning before my colleagues on the House Agriculture Committee. I would like to have printed at this point in the RECORD my testimony before the committee:

TESTIMONY OF CONGRESSMAN BOB PRICE OF TEXAS

Mr. Chairman and my colleagues on the committee, I welcome the opportunity to discuss with you from this side of the table—my views on the subject of rural development. As the representative of a rural area this is a topic that is very close to me.

Rural America begins with farm America. Agriculture was America's first industry, and it remains one of the keystones of our national economy today. It has made Americans the best-fed people in history, and now exports the produce of one-fourth of its acreage to help feed the world. American farmers have led all sectors of the economy in annual increases in productivity for most of the years in this country. This nation's farms are among our most efficient producers, and they are of central importance to a strong future for rural America.

Yet, there is sharp irony in this success. Ever more fruitful, American agriculture has required fewer people every year to produce food and fibers for our people, and to supply the expanding export market for our commodities abroad.

Hence the departure of people from the farms began to swell as farming grew more mechanized, efficient, and large-scale. Americans living on farms numbered more than 30,000,000 in 1940; today that figure is only about 10,000,000. Once the farm people had left their homes—often the homes of generations in their families—the opportunities often did not exist in rural America to keep them close to those roots. While some jobs began to open up in agricultural service, supply, and processing enterprises, usually known as "agri-business," the number of openings was not nearly enough to match the number of people cast adrift by technological progress.

Migration began toward where people thought opportunities existed—the cities. Not only were there more jobs in the cities, but they paid more. For most decades in this century, the gap between median income in the cities and that in non-metropolitan areas has been wide. Even though income gains outside the metropolis have been almost half again as great as those in the cities during the last decade, median family income in non-metropolitan areas is still 22 percent below that in metropolitan areas.

While the people who have been leaving rural America by the millions have often improved their own and their families' situations by leaving, the trend they represent has had several disturbing effects.

First, in rural America itself, the loss in human resources has compounded the problems of diversifying the economy and fostering a vigorous and progressive community life. Those who have chosen to stay have found it harder and harder to pay for and provide services such as good schools, transportation systems, and other infrastructure attractive enough to keep people in rural America, or to lure jobs and opportunity to rural America. Many of the small towns which dot the countryside have to struggle for existence: they often have difficulty attracting good school teachers or physicians: many fight stagnation while most of the economy is expanding: they cannot give the older, the disadvantaged, the less educated people needed assistance and care.

At the same time the urban effects of migration have been profound. While the explosive growth in the proportion of Americans living in cities has not been fed solely by the influx of people from rural America—immigration from other countries has also been massive—the millions who have moved from the South and the Midwest to the North and the West have been a major factor in making a nation that was 75 percent rural a century ago, 73 percent urban today.

Many of these people pouring into the cities in search of opportunity have experienced difficulties in adapting to urban life and have required supportive services. Some made the transition successfully—but others have remained tax users rather than taxpayers.

Furthermore, the very size and density of many of our largest cities has produced new problems: whereas the most rural areas it is hard to achieve economies of scale in public activities, the most heavily urban areas have grown far past the size range in which a community can function most economically. It often costs far more per capita to provide essential services, such as police protection, sanitation collection, and public transportation in our dense urban areas than in less congested smaller and medium-sized cities. Many of our cities have, in short, become inefficient and less and less governable. At times, this has led to near-paralysis of public services in our largest cities. Current trends indicate that unless there is a marked shift in public and private attitudes, the increase of population in and around our great metropolitan centers will continue, and the problems of urban management will be further aggravated.

In addition, by even conservative estimates, there will be some 75 million additional Americans by the end of the twentieth century. Whether this growth is beneficial or burdensome depends on our foresight in planning and preparing for it—a process that must begin now and must take a broader view than merely feeding the expansion of the megalopolis.

As never before, the Nation is beginning to see that urban America has a vital stake in the well-being and progress of rural America. This is one nation, and for the good of all Americans we need one national policy of balanced growth.

In a very fundamental sense the farmer and the farm economy provide a cornerstone of the American way of life. Just take a look at these general indicators. First, employment: farming employs 4.6 million workers. This is more than the combined employment in the transportation, public utilities, steel, and auto industry. Moreover, three out of every 10 jobs in the private sector are related to agriculture. Of these, 8 million people have jobs storing, processing, and merchandising products of agriculture, and 6 million have jobs providing the supplies the farmers use.

Second, production: The sale of agricultural production assets represents about $50,000 for every farmworker. This is approximately double that of each manufacturing employee. Labor production of the American farmer increased by 6 percent a year during the last decade, while output per man hour in non-agricultural industry increased by only 3 percent a year during the same period. According to another measure, each farmworker produces food, fiber, and commodities for himself and 44 other individuals.

Third, consumption: The farmer spends over $38 billion a year for goods and services to produce crops and livestock. He spends another $12 billion a year for the same things that city people buy—food, clothing, drugs, furniture, appliances, and other products and services.

You ask what does the farmer do for me? Let me tell you, the farmer feeds the American people for what amounts to 16.5 percent of each person's disposable income. Contrast this to 1960 when food took 20 percent of our take-home pay, and to 1940 when it took 22 percent. Farmers also produce a rich and varied diet for our people. Last year, for example, every American consumed on the average: 182 pounds of beef, veal, pork, lamb, and mutton; 48 pounds of chicken and turkey; 188 pounds of fruit—fresh fruit equivalent; 260 pounds of vegetables—fresh vegetable equivalent; 563 pounds of dairy products—whole milk equivalent; 166 pounds of potatoes and 6 pounds of sweet potatoes.

Moreover, when we go to the store we can choose from as many as 6,000 different foods—fresh, canned, frozen, concentrated, dehydrated, ready-mixed, ready-to-serve, or in heat and serve form.

Yet it seems paradoxical that with all the things that farming is doing for us and all the things that rural America contributes to our culture and our way of life, farmers do not share more fully in the abundance of our nation. The following general indices spell out this fact in grim detail:

First, income: Despite the fact that during the last decade the gross national product rose an average of 9 percent a year, farm income rose on an annual basis less than one-half of 1 percent.

Second, rural poverty: In the cities, one person in eight is poor. In the suburbs, one person in 15 is poor. In rural America one out of every four persons is poor.

Third, employment: The rate of unemployment in rural areas is two to three times greater than in urban areas. Jobs in rural America pay less than comparable jobs in urban areas. There also tends to be far more unemployment in rural than in urban areas.

Fourth, housing: According to official figures, one out of every 13 rural houses is classed as unfit to live in. In terms of living conditions, over half the nation's substandard housing is located in rural areas.

Fifth, education: Rural education often lags far behind its urban counterparts. Many rural schools lack libraries, laboratories, language facilities, and a wide education curriculum. Not only do rural teachers earn less money than urban ones, public expenditures per pupil tend to be less in rural areas.

Mr. Chairman, I bring these grim facts to the attention of my colleagues not in an effort to merely depress them and not in an effort to merely elicit sympathy for the plight of rural America. Rather, I bring these facts to the attention of my colleagues to focus, if I can, public concern and attention on the crying needs of rural America; needs that must be faced and met if the fullness and richness of this nation is to become a reality for all.

I have been warmed by the interest and concern for the farmer and his well-being which has been displayed in this committee. At the same time, however, I would caution my colleagues not to confuse talking about the problems of farmers and rural America with solving the problems of farmers and rural America. Action is needed and swift action at that. I have discussed farm and rural problems in terms of five broad categories: income, poverty, employment, housing, and education. In an effort to provide a focus for the interest and concern for these problems now being voiced, I would like to briefly set forth what initiatives I have taken and what legislative actions I am pursuing which are calculated to strike at the very roots of these five problem areas.

The state of farm income is deplorable. Mere statistics cannot really describe the dimensions of the problems that are felt by farmers who cannot earn enough money to provide the necessities of life for themselves and their loved ones. While it is true income problems have, in some cases, been created by overproduction of farm products, these have been magnified by the skyrocketing costs of farming and ranching over the last decade. By way of illustration, during the last 7 years capital investment costs for farmers and ranchers climbed 69 percent. Annual outlays for fertilizers increased 64 percent: costs of pesticides and insecticides rose 20 percent: and feed costs increased 33 percent.

To help the farmer better cope with these rising costs I have introduced legislation designed to increase loan limits on the FHA operating loan program from $35,000 to $50,000. This will help this vital FHA loan program better fulfill the farm credit needs of more small farm and ranch operators. In addition, I have proposed transferring the funding of the operation loan program from the Federal budget to the private money market. This will help streamline FHA operations and it will have the taxpayer approximately $275 million a year in Federal expenditures.

Helping to bolster farm income, however, does not go far enough when laws such as our present inheritance laws exist which cannibalize an individual's estate. Why should anyone spend his lifetime striving to engage in productive work and to save and invest the fruits of his labors when he knows that upon his death the Federal Government, as a matter of public policy, will make every effort to dilute his inheritance, dissolve his interests, and redistribute his wealth?

That such state of affairs has been tolerated for the last 30 years is unthinkable. That Congress has not acted to solve this problem is unjustifiable. Thus, with great hopes for reform of our ill-conceived inheritance tax laws, I have introduced legislation to reform these laws as they pertain to estates involving small farming, small ranching and small business interests. I have proposed that the executor of such an estate should be allowed to establish the estate value for inheritance tax purposes either on the basis of the earning power of the estate as evidenced by a taxable income measure or by the fair market value of the estate's assets. If enacted, this law would change present conditions wherein an estate is often incorrectly evaluated on the basis of speculative land values and unrealistic fair market values.

In essence, allowing an estate to be assessed on its earning capacity enables small business, farms, and ranches to be kept within a particular family, if so desired. This would preserve a valued way of life for thousands upon thousands of individuals who under present laws fall prey to the ravages of excessive and unjustifiable tax laws. Moreover, it would give people new incentive to work, to be productive and to save for the future and their posterity.

Regarding rural poverty, as I have stated before, although nonmetropolitan America has one-third of the Nation's population counted, it has one-half of it poverty-stricken. This means that almost 14 million poor people live in rural areas.

As we are all well aware, poverty and unemployment go hand in hand: consequently, in an attempt to alleviate rural poverty and to provide new job and living opportunities for young people as well as older persons interested in bettering themselves, I have introduced the Rural Job Development Act of 1971 and the Human Investment Act of 1971. The Rural Job Act would give tax and other incentives to provide enterprises upon their relocating in rural areas and working with the individuals and groups interested in improving the quality of life in their communities. The Human Investment Act bill would provide tax credits to offset part of the expenses businesses would incur in establishing, operating and maintaining job training programs for the unemployed, the underemployed, and those interested in career advancement.

In my view giving business the incentive to relocate to rural areas and establish ongoing job training programs would have four primary benefits: first, the amount of Government involvement in the private commercial sector would be reduced: second, participating businesses would give individuals better targeted training than is now common among Federal programs, because businesses usually know their job needs better than Government officials do: third, individuals would receive more beneficial assistance because private enterprise would substitute modern management techniques for traditional bureaucratic practices; and finally, with more people on payrolls, general economic activities would be increased, welfare costs would be reduced, and additional tax revenues would be generated.

Rural poverty is also manifested by the State of Rural Housing. For as I mentioned earlier, over half the Nation's substandard housing is located in rural America. The State of Rural Housing affects more than poor people, it affects many middle-income families as well; for many houses of the nonpoor lack the amenities which we commonlv associate with the affluent society.

To strike at the varied problems of rural housing, I have introduced the Housing Rights Act of 1971—a proposal which, if enacted, would supend local building codes and/or union agreements in all federally-financed housing projects. The need for such a measure is caused by the fact that in many rural communities outdated local building codes often frustrate the attempts on the part of contractors to utilize modern technology in home construction. The same condition is also created by many local union contracts. They prohibit contractors from employing such cost saving building techniques as prefabracated housing parts, and modular construction.

It could be argued that these obstacles would be tolerable if there were not really pressing housing needs in rural America, but the facts proclaim reality to be otherwise. If this Nation is to meet its housing needs in the coming decade, 26 million new units need be constructed; and of these, 6 million should be suitable for low- and middle-income families. Based on historical experience in the housing industry, it is unlikely these goals will be met, because in the last decade the average annual rate of housing construction was less than 1.5 million. Contrast this with the more than 2 million new units which need to be erected each year during the 1970's if the 26 million mark is to be attained. Moreover, as regards the 6 million units needed for low- and middle-income families, the impossibility of attaining this goal is evidenced by the fact that only 938,000 publicly assisted dwellings have been built since the beginning of the Federal housing program in 1949.

The housing rights act of 1971 will enable tax dollars to be allocated to fullest advantage in the housing area. By permitting outdated local building codes and restrictive local union agreements to be bypassed on federally assisted housing projects the housing needs of the American people will be well served.

Finally, as regards rural education problems, rural education will be revitalized if more money is effectively channeled into rural school systems and more individuals are provided with greater educational opportunities. Two bills I have introduced would free up individual resources for educational purposes; the first would establish tax credits for higher education and vocational training expenses. The second would establish a federally guaranteed student loan program designed to help children of low- and middle-income families pursue higher educational and vocational training opportunities.

In addition, Mr. Chairman, I would like to bring to the attention of the committee two other bills I have introduced which will be of assistance to rural residents as well as those in the cities.

In February of this year I proposed an investment tax credit for investments up to $15,000. It is heartening to see the President now recommend an investment tax credit on all capital expenditures in the interest of economic renewal and expansion.

My most recent major legislative effort has been the Home Owners' Tax Relief Act of 1971. This legislation would give home owners the same tax depreciation deductions given to owners of rental property. In addition, it provides for a tax deduction of up to $1,000 for home repairs.

Mr. Chairman, in closing, I want to emphasize two things: first, these are but the beginnings of my efforts to help reshape and revitalize the future of rural America. I will be making further proposals in coming months. Second, my proposals taken either singly or together do not constitute the last word on any of these areas. Thus, I welcome any suggestions as to improvements or changes, and I am examining all the other proposals that have been made in this general area with great interest.

Solving the problems of rural America is a nonpolitical and nonpartisan matter. It is a cause that in the years ahead will demand the best each of us has to offer.

MRS. MABEL TENNANT, ONE OF ALAMEDA'S MOST DISTINGUISHED CITIZENS, CELEBRATES 90TH BIRTHDAY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MILLER of California. Mr. Speaker, one of Alameda's most distinguished citizens, a generous and talented lady who has done much to assist our community, recently celebrated her 90th birthday. I insert with these remarks an article which appeared in the Alameda Times Star, telling of her activities and accomplishments:

[From the Alameda (Calif.) Times Star, Aug. 26, 1971]

HAPPY 90TH BIRTHDAY MRS. MABEL TENNANT!

Mabel Tennant, in whose maternity hospital over 4,000 babies were born, will be 90 years old tomorrow.

In honor of the event she was feted at an open house reception given by the Alameda Business and Professional Women's Club, which she joined in 1926.

Mrs. Tennant opened the Tennant Maternity Hospital October 11, 1911, with 10 beds licensed. The first baby was born there on December 2, 1911. Many Alameda residents and civic leaders "got their start" at the Tennant Maternity Hospital and were among the more than 4,000 babies born there until the hospital closed in January, 1944.

Through the years, Mrs. Tennant has been active in many community organizations. She worked for the Camp Fire Girls when they were in the early stages or organization, meeting in the old water company building.

She was a board member of the first Comparties and other fund raising events to benefit the Camp Fire Girls before the start of the Community Chest and later United Crusade, which now supports the organization. For her service to the Camp Fire Girls in Alameda she received the Luther Gulick Award, the highest in Camp Fire.

She was a board member of the first Community Chest and was reappointed for a second year, serving under Judge Donald Quayle, who was chairman.

She joined the Alameda Business and Professional Women's Club in 1926—two years after it was formed here. She served as president in 1930 and represented the Alameda Club at the first biennial in Richmond, Virginia, when the international BPWC was organized.

During the depression she went door to door soliciting funds for unemployed, as a representative of the BWC.

She has also been an active member of the First Congregational Church, joining when the Rev. Gail Cleland was pastor, nearly 40 years ago. She also headed the Women's Fellowship of the church for several years.

Now an honorary member of the Alameda Chamber of Commerce, she was twice named woman of the year by the group.

Always interested in the youth of Alameda, Mrs. Tennant has been a sponsoring member of the Alameda Boys' Club since 1950 and also is a sponsoring member of the Alameda Girls' Club. In addition she is a member of NIKE, an organization of past presidents in BPWC in the Bay Valley District.

CRISIS ON THE COASTLINE: WHOSE BEACHES?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. DELLUMS. Mr. Speaker, as the demand for—and utilization of—recreational areas dramatically increases across the Nation, concurrently there are some disturbing trends.

One of the most disturbing is the continuing aggrandizement by private interests to deny the public the opportunity to enjoy the disappearing amount of available recreational land.

Perhaps the most visible—and threatening—trend concerns the Nation's coastline and beaches. Beaches are being ruined or cut off from public use almost every day. No general guidelines for utilization of coastline areas exist.

An excellent perspective on the serious threats to California's beaches was provided recently in an article by Elizabeth Campbell for West magazine of the Los Angeles Times. Miss Campbell, a television producer for the National Broadcasting Co., has made a thorough—sometimes frightening—analysis of the many environmental hazards resulting from the current tendencies to utilize beaches for purely private interests.

In her fine article, Miss Campbell mentions various legislative proposals which have been drawn up in an effort to save beach areas. I have introduced two measures which I believe would comprise the important first steps in this process—H.R. 6595, the Open Beaches Act and H.R. 6605, which would establish a National Coastline Conservation Commission with the power to study and develop plans for comprehensive coastal ecological management. It is my hope that appropriate action can be taken on these types of bills as soon as possible.

At this point, I insert Miss Campbell's article into the RECORD, and I urge my colleagues to study it carefully:

[From the West magazine, the Los Angeles Times, Aug. 8, 1971]

WHOSE BEACHES?

(By Elizabeth Campbell)

I turned on my back and floated, looking up at the sky, nothing around but cool clear Pacific, nothing in my eyes but long blue space. It was as close as I ever got to cleanliness and freedom, as far as I ever got from all those people. They had jerry-built the beaches from San Diego to the Golden Gate, bulldozed superhighways through the mountains, cut down a thousand years of redwood growth, and built an urban wilderness in the desert. They couldn't touch the ocean. They poured their sewage in it, but it couldn't be tainted.—*The Drowning Pool,* 1950.

The California coastline is 1,072 miles long, and it isn't going to get any longer. Of its 302 miles of sand beaches, only 160 miles are public. If we continue to dam our rivers for flood control and water projects, the sand which comes down from the hills to replenish the beaches will be coming no longer. And, as the builders of marinas have learned to their dismay, nothing that affects the coastline is isolated—it is all of a piece.

Every day, irreversible decisions are being made about our coastline: wetlands are filled, breakwaters constructed, power plants built and developments approved. But nobody is planning the development of the coast as a whole, because nobody has the authority to do so.

What results from this authority vacuum sometimes verges on the absurd: the King Harbor District, which owns the property on which the Los Angeles County Beach Department headquarters is located, permitted construction of an apartment building which actually blocks the view of the ocean from the main lifeguard station. More often, however, there is little humor to be found in the bits-and-pieces approach to coastline development.

Consider, for instance, Bolsa Lagoon—a remnant of a once-vast swampland that still supports numerous birds and marine animals. The Orange County Harbor District wants to turn Bolsa Lagoon into a marina, which local boat owners say is badly needed. Surfing enthusiasts oppose the plan because they say the proposed construction would destroy a spot they value. The point is not whether birds, boat owners or surfers have first claim to the area—but, rather, that the needs of all should be considered before a decision is made. As things stand, there is no way that can happen.

Who owns the coast? Robert Baker, a coastline planner for the California Parks and Recreation Department, recalls that "after a year of trying to figure out who owned the coastline, I discovered that the state didn't know where mean high tide was. I wondered if anybody ever got arrested for trespassing, so I called the Sheriff's Department in Malibu. They said, sure, we get asked to tell people to leave private beaches. And I told them, if I don't know where mean high tide is, and the *State Lands Commission* doesn't know, how is some guy in a sheriff's car supposed to know?"

Theoretically, ownership breaks down this way: the federal government owns the land under the ocean from three miles offshore to 12 miles out. The state owns the tidelands (except where it has given or traded them away) up to mean high tide, wherever that is. Above that, development is left to the discretion of the oceanfront property owner, with the consent of the local government involved. And cities and counties, suffering from chronic financial problems, often, cannot afford to consider all the needs which press upon their coastlines.

In the 26 miles from the Ventura County line to the Los Angeles city limits, only six miles of beach are open to the public. Along the same stretch, the residents of 1,504 houses enjoy essentially private beaches. Mutterings of protest from other area residents are getting louder: beach privileges, the protesters say, should not be awarded only to people affluent enough to afford a six-figure pad at Malibu. At Cabrillo Beach in San Pedro (the beach most heavily used by minority ethnic groups in all of California), plans to turn the inner harbor into a marina were revised after public protest; the new proposal calls for elimination of only the east end of the beach.

The voices demanding beach access and intelligent coastline regulation will not easily be quieted; the issue of shoreline ownership has been challenged for all time. Reading the handwriting on the wall property owners in Palos Verdes are putting up fences. Because all proposed legislation to establish coastal planning exempts projects which have already been approved, developments are being pushed through faster than ever, with little regard for consequences

Every year—perhaps every day—that no decisive action is taken, California beaches are being irrevocably changed. We are losing areas which we will never be able to restore. Once a lagoon has been turned into a housing development, nobody is going to advocate tearing down the houses even if hindsight proves that the development was a mistake. Although the San Francisco Bay Conservation and Development Commission hopes to save the two-thirds of the original bay that remains, nobody is suggesting that San Francisco lop off the parts of the city that used to be water and start over. Nobody is suggesting that we return Los Angeles Harbor to 5,000 acres of marsh and wetlands.

Probably the public interest is better served by the presence of Los Angeles Harbor than it would be by the long-gone wetlands, and possibly San Francisco would be more prosperous with an extension of the San Francisco Airport instead of the marshes which now surround the facility. However, marine biologists say that two-thirds of the marine life in the ocean depends on the areas where fresh water and salt water meet—the estuaries. (They also point out that we have lost more than half of the estuaries that once existed in California.) We try to keep chemicals out of our oceans because we know that if life in the ocean dies, so will life everywhere else. So it would seem logical, even essential, to save some of our wetlands untouched.

Nobody has computed the number of fish which do not exist today because of the disappearance of breeding grounds, but it may be enormous. And, as everybody knows, we are also losing many species of animals forever—the brown pelican, for example. Aside from the fact that we will miss pelicans, there are some very solid reasons why our species, even considering its own selfish interests, should think twice before it eliminates other residents of this planet. All life on earth constitutes an enormous resource. Today, scientists are using sea hares for brain research, barnacles for muscle research and sea urchins for cancer research. There may be an antileukemia factor in sea squids. In themselves, some of these creatures may be considered of little value, but it is impossible to predict what life in the sea may eventually have to offer mankind. Nature isn't especially efficient this way; we may never find uses for most sea creatures, but any lost species is a lost option.

There is a kind of worm found on the east side of Point Dume which exists nowhere else in the world. Possibly this worm never will perform any function more vital than supplying material for Ph.D. theses. But if a marina is built at nearby Paradise Cove, as is tentatively planned, nobody will be considering the welfare of the worm. He does not fall under any of the jurisdictions in charge.

Plans for other estuarine areas are more than tentative. All along the coast, every lagoon and salt marsh looks like a quick coastline profit to somebody. And estuaries are not the only parts of the coast in danger. There are thousands of archaeological sites along the coast which may tell us, someday, what life was like for the original inhabitants. At Paradise Cove, a site occupied for 7,000 years, evidence of ancient villages has been obscured by a trailer park.

Educational institutions need unspoiled areas in which to study marine life. Hundreds of thousands of fishermen, divers and surfers want an unpolluted ocean to enjoy. Thousands of boat owners need docking space. We need power plants, harbors, airports, highways and sewage treatment plants—and, as if all these needs weren't enough, we need the housing, which so far seems to have enjoyed priority. And there is still another need which doesn't fall into any kind of cost/benefit analysis: we need the ocean to *look* at, for the enrichment of our spirits.

All these needs are real; many are conflicting; not all can be filled on the same stretch of beach. We have only so many miles of sand, so many mineral deposits, so much oil, so many unique physical specimens along our coast—and there is no broad-based agency to weigh their value against that of more houses or more marinas. The decision making is now being done by local agencies with local needs in mind, but that system doesn't seem to be working very well. Which needs should take priority? Whose beaches are they?

It is unfortunate that prophecy is an imperfectly developed art among human beings. If we could foresee our problems before they became critical, we might avoid some of their more disturbing consequences. But that hasn't happened yet. Whatever the "public interest" is, it seems to get itself defined by being threatened.

When Ross Macdonald wrote *The Drowning Pool,* the ocean itself seemed indestructible. Only in the past few years has it become evident that we have the capacity to destroy our oceans, and that our coastlines represent a limited resource. Because decisions about shoreline land use traditionally were made by individuals, the collective loss that resulted from shortsighted planning was not easily definable. But while the length of our California coastline hasn't changed over the years, the number of people who want to use it has: what was sufficient for 1.5 million people in 1900 is utterly inadequate for 20 million in 1971.

Nobody who has been to the shore recently has to be told that California beaches are crowded. Of the 160 publicly owned miles of sand beach, various branches of the armed services are tenaciously holding 40—which leaves only 120 miles for the millions of inland sun worshippers who flock to the ocean every sunny weekend. Estimates of use are difficult to make, but the City of Los Angeles says that 26 million people use its beaches; Long Beach says its seven miles of sand bring out 14 million every year. These estimates don't include the number of people who might want to go to the coast but aren't willing to face the crowds or the parking problem. Huntington Beach says that 4.6 million people use its city beach, which has 2,100 parking places. Nearby Sunset Beach is just as nice but has a mere 16 parking places. Only 350,000 people a year visit Sunset.

Hundreds of thousands of people use the two miles of sand between the Manhattan Beach and Hermosa Beach piers. This summer, for the first time, that stretch of beach will get rest rooms. For years the public health has been protected by laws requiring rest rooms in restaurants and hotels, at swimming pools and parks—everywhere the public gathered except beaches. Last year, Assemblyman Paul Priolo was able to push through legislation requiring rest rooms at public beaches, in spite of opposition from local governments.

"From a project selection standpoint," says Governor Reagan, "California beaches represent the single resource most in demand by the recreation-seeking public of the state and, as such, they are given primary consideration." But state officials, historically, never even made statements like that, let alone did anything to back them up. In the 1930s, a group of young men in the shoreline cities became concerned because state park funds were not being spent on beach development. They formed the Shoreline Planning Association and came up with a creative—and, ultimately, successful—idea: the beach cities would turn over the land they owned to the state which would, in turn, spend the assessed valuation of the beach lands for acquiring more beaches. Many existing Los Angeles County beaches resulted from this agreement. However, the kind of people who traditionally have been in control of recreation and parks departments have not been primarily interested in beaches. (The upper echelons of the state parks department are filled with former forest rangers, which may explain why California parks have so many trees.)

Just this year, the Los Angeles City Recreation and Parks Department put its beach operations division on a level with special services; previously, beaches had been administered under cultural affairs. Los Angeles County has had a Beach Department for only two years; before that, county beaches were run by the Parks and Recreation Department, which demonstrated what it thought of them by spending more than $16 million (since 1945) on parks and golf courses, and not one cent for beaches. It is not coincidental that the county's proposal to purchase its first new beach in 15 years came just after the Beach Department was formed.

When the development of light-weight surfboards and wet suits made all-weather surfing popular about five years ago, year-round lifeguard operations became essential, and lifeguards are now a force to be reckoned with. True professionals, they are able enough to appear at city council meetings and demand salaries equal to those paid to police and firemen, and secure enough to point out that their supervisors might know little about the beaches.

No decision about beach use or development is made without someone complaining. When the Los Angeles County Beach Department decided to open Point Dume State Beach (publicly owned since 1966) to public access by constructing parking lots and rest rooms, "ecology!" became a battle cry for residents all along the coast. Most of the disapproval came from residents of the area who believed that the beach ought to be preserved in its natural state. Many land owners who lived directly behind the beach, however, were delighted. They had had enough of rapes, muggings and drug overdoses in their front yards, and welcomed county supervision.

When the county attempted to open nine easements from Pacific Coast Highway to the ocean in the Malibu area, the furor was even louder. Residents there complained about having their beaches open to the public without adequate sanitary facilities. (These are the same people whose sewage runs, essentially, down their toilets and out into the ocean.) To be fair, problems do result when beach property—or any property—is open to the public without adequate supervision. Some people find making love on the beach delightful; others like to throw away tin cans. Neither is acceptable public behavior today.

Last year's Gion-Dietz decision by the California Supreme Court was an attempt to resolve this continuing conflict, at least temporarily—though hardly to the satisfaction of the property owners. The court decided that, if public use has been allowed of coastal property, a public easement exists. In other words, the very title to that land includes the public's right to use it forever. The idea is that if a land owner has let people use his beach, he has given "implied consent" for its continued use.

The immediate consequence of the Gion-Dietz decision has been a reduction of beach property available for public use. Fences have gone up in Palos Verdes, on the north side of Coral Beach in Malibu, on Irvine Company land in Orange County. Property owners are afraid that when the county's easements in Malibu are opened, people will walk down the paths to the beach and then spread out, essentially, in the beach dwellers' front yards. Even if land owners put fences across the sand at mean high tide, which they have every right to do, it would be extremely difficult to keep everyone out. And the state court's decision provides that owners who wish to protect their property must not only warn the public to keep off, they must also succeed.

The Gion-Dietz case has been appealed and will, ultimately, be determined by the U.S. Supreme Court. Meanwhile, public agencies are cautiously applying it to the acquisition of land along the coast. Huntington Beach is using its principle in litigation over the Huntington Pacific Property next to the city beach. The Los Angeles County Beach Department is attempting to get permanent recreational rights to a piece of sand on the Torrance-Redondo Beach border. (That property was scheduled to become an apartment house on the sand; the County Beach Department heard about it only when the builder asked if he could cross county sand to haul building materials to his site.)

If the Gion-Dietz decision is upheld by the Supreme Court, legal actions probably will become more numerous. Private individuals can file suit, but this kind of litigation is very expensive. The Sierra Club or other organizations could file "Quiet Title" actions, however, claiming that the public's right to use the sand in front of private property should be part of the actual title. (The name comes from the assumption that a contested title is "making noise" and that a suit establishing who actually owns the land will "quiet it down.") In this way, public access might be established to all the sandy beaches along the coast. But there is a catch: the state legislature will, almost certainly, pass some kind of bill ending "implied dedication" this year. (In other words, if you use somebody's beach after that legislation has been passed, you won't be able to claim that he intended to let you keep on using it.)

Neither the state legislature nor Congress has, at this writing, taken a position on over-all coastline control—the very situation which prompted the recently retired Chief Justice of the California Supreme Court, Roger Traynor, to push for some kind of coastal land use decision that would undoubtedly provoke further, more extensive, testing. State Assemblyman Paul Priolo's committee now has been given the responsibility of approving some kind of coastal access bill. All bills currently under consideration include specific restrictions on development, as well as a general coastline plan. Authority is the essential factor: plans in themselves, without adequate provisions for enforcing them, are only pipe dreams. Orange County, for instance, adopted a master plan for shoreline development in 1941 that called for 37 miles of public beach. Today, there are only 18 miles of public beach in Orange County.

The bills proposed to the Priolo committee are based on various definitions of "the coastal zone." Assemblyman Alan Sieroty's proposal defines it as extending inland to the highest elevation of the nearest coastal mountain range; Assemblyman Pete Wilson's bill would limit jurisdiction to 1,000 yards inland. All the bills call for administration by local and central commissions.

The forces opposing coastline legislation are powerful and, for the most part, rich. If enlightened shoreline planning is ever to become a reality, it is up to the public to provide a broad base of financial support to legislative candidates who favor the adoption of coastal measures. Funding is a problem, too, in coastline studies. California's Comprehensive Ocean Area Plan (COAP) was allotted less than $150,000 in state funds for a complete inventory of our coastal resources. The Ventura-Los Angeles Mountain and Coastal Study Commission has no funding at all. Both these projects are underway now but, since COAP lacks the money to hire enough experts, much of the work is being done by students and volunteers. An adequate plan—one that considers both the resources of the coast and the demands upon it—will cost money, and the Sieroty and Wilson proposals call for such modest appropriations that it seems doubtful they could do the job. (The Sieroty plan stipulates $600,000 for the first year; the Wilson plan, according to estimates by legislative analysts, would require an outlay of $1,500,000 for a three-year period.)

Aside from ridiculous underfunding, there is another serious problem with the coastline development bills. The administrative commissions they propose to establish would be appointed in complicated ways; for instance, voters elect a county supervisor, all the supervisors together appoint somebody to the Southern California Association of Governments (SCAG). SCAG appoints somebody to the local coastal commission, the local commission appoints somebody to the state commission, and the state commission works out a state plan for the coastline—a process which seems neither immediately responsive nor directly representative.

The question in a democracy, of course, is always, "responsive to whom?" The Redondo Beach City Council may be responsive to the interests of its own constituency when it permits the building of an apartment house on the city's sand, but the council doesn't care about the interests of the people who live in Glendale much less about those who live in Nebraska. But people from Glendale visit that beach, and people from Nebraska contribute to federal beach erosion control. Even a badly conceived regional viewpoint may be better than no regional viewpoint.

The real answer to the coastline dilemma may have to come at the federal level. If our ocean is an international ecological and economic resource, then the California coastline is, surely, a national recreational resource. Washington Senator Henry Jackson's "Open Beaches Act of 1971" would state a national interest in the coastline, but it has little chance of passing this year. What is needed is a national sentiment which can be expressed where it really counts—through the ballot box—that the public won't stand for any more ill-founded coastline exploitation. The developers have the money, and so far local government has had the political pull. The only factor that can change the course of the coastline is widespread public outrage.

There isn't any question that the public interest in our coastline will eventually triumph: the only question is *when*. Because by that time, the question may have changed from "Whose Beaches?" to "*What* Beaches?"

AMERICAN-CANADIAN TENSION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. WALDIE. Mr. Speaker, though there may be some of us unaware of it, our Canadian neighbors are fast developing anti-American sentiment in regards to U.S. ignorance of Canadian interests.

This point was brought to my attention recently by Dr. Harvey R. Wall, a constituent of mine, who spends his summers in British Columbia. In his knowledgeable letter, he enumerates the reasoning behind the Anglo-Canadian tension and why it is building.

This attitude mainly stems from a proposed Alaska-Washington oil tanker route and the disastrous results that would occur from an oil spillage. An advertisement from the Vancouver Sun details the safety precautions the tankers should adopt and calls upon the U.S. Government to "control the tanker problem before it is too late." And, I might add, our "good neighbor" relations are destroyed by an oily ecological disaster.

Finally, Dr. Wall adds a few comments on the Alaskan nuclear testing and the negative Canadian reaction to it. This feeling coupled with the tanker route add up to the reality that a change in U.S. attitude is definitely in order.

I enter Dr. Wall's letter and advertisement as a means to acquaint the Members with these problems and the growth of an unfortunate Anglo-Canadian division:

CONCORD, CALIF.,
July 22, 1971.

Hon. JEROME WALDIE,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: While we spend our summers at our summer home near Powell River, B.C., we typically study the Vancouver newspapers for their perception of the world and see some rather significant differences in interpretation and emphasis.

Through the years, it has become increasingly evident that Canadian nationalism is developing at the expense of increased anti-American attacks—both in government and in press behavior.

My reasons for writing you before we return to Concord pertains to two concerns which should be of interest to you because we, as a nation, have taken the Canadians on "good neighbor" rides for years without the discriminate concerns for their attitudes and reactions. The two topical problems relate to:

1. The pending tanker route from Valdez Alaska, to Cherry Point, Washington—I am enclosing a full page advertisement which is regularly appearing in both major Vancouver papers. Why is the Pacific Coast of Canada alarmed about the proposed route? Our Santa Barbara and Bay spills have been seen as infant concerns in contrast to the inevitable spillage which is predicted from the Alaska shipping route. Specifically any spillage which will inevitably occur in the Washington area will not take its toll upon the US coastal scene because the tidal flows from the Juan de Fuca Straits flows in a northerly direction thus virtually guaranteeing severe pollution for our Canadian "friends" or is it now "suckers" and dependencies as it seemingly always has been?

2. The approaching Alaska (Amchitka) nuclear testing is again making us look very sad and gluttonous, indeed. Several protest groups have formed throughout the Dominion and this province with the outcome to surely be another "black-eye" diplomacy fiasco I wonder how many more of these blunders we can perpetrate upon those we continually take for granted. Sometimes I fear that we are very slow learners.

We like the stance you have taken on several critical issues recently and hope that your voice will again be heard in relationship to the potentially furthered alienation of a one very good friend.

Thank you.

Sincerely,

DR. HARVEY R. WALL.

OIL: THE CRUDE REALITY

Very shortly, huge oil tankers, more than twice the size of the Toronto Dominion Bank tower will be threading their way through Juan De Fuca Strait to the Cherry Point refinery in Washington.

If it's difficult to imagine an oil tanker that size, it isn't difficult to describe what will happen when one of them is involved in a collision. The resultant oil spill will be the largest in the world. The Santa Barbara Channel and San Francisco Bay spills would be mere puddles in comparison. Sadly enough, the odds overwhelmingly favour a collision. In fact, a U.S. Department of Commerce mathematical analysis related to Puget Sound predicted eight tanker collisions and four groundings within ten years. And, oil company spokesmen themselves admitted that spillage would be inevitable—although they did not say what kind of accidents would cause the spillage. One cause, certainly, will be Juan De Fuca Strait itself.

A DANGEROUS CHANNEL

The B.C. Pilot, the book used by the B.C. Pilotage Authority, calls the Strait a dangerous channel of water. No more than 15 miles wide, it is replete with heavy fogs, changeable winds, strong tides, and swift currents. Fairly heavy freighter traffic, fishing vessels, and thousands of pleasure craft makes navigating these waters in a large ship a delicate and tortuous task.

If this were not enough of a problem for super large tankers, they must at one point pass through Rosario Strait, and here the passage is not much more than a mile wide at any point. In such a narrow channel, a freighter out of position, or a joy-riding speedboat will present a very real collision situation.

THE TANKERS HAVE BUILT-IN PROBLEMS, TOO

Tankers currently planned for operation between Valdez, Alaska and Cherry Point will carry about 940,000 barrels of crude oil. Eventually, tankers carrying over 2 million barrels may dock at Cherry Point. Whatever their size, all the tankers will face certain problems of marine navigation—they require considerable distance and time to come to a dead stop. Once a tanker traveling at an optimum speed of about 17 knots (speed needed for maximum manoeuvreability) reverses its engines, it takes 30 minutes and five miles to stop. Representative Steward Bledsoe, of the Washington State legislature, said of the tankers: "They're okay once they are moving along—they've got momentum. But they often have trouble stopping in a hurry because they are underpowered."

Detecting objects well in advance with radar to avoid collision and grounding is of limited value in an area like Juan De Fuca. Movable and immovable objects are everywhere, even the experts can be fooled. The Andria Doria disaster proved that. So the human error factor will definitely be in operation, plus the fact that in a government study of 570 tanker collisions, 83% of them occurred when the vessels were entering or leaving harbour. And in 1969 alone, 234 ships carrying oil were involved in accidents somewhere in the world.

So what can we reasonably expect to happen?

SPILL WILL HARM BRITISH COLUMBIA, NOT UNITED STATES

According to W. S. Hugget of the Canadian Hydrographic Service, "if a big spill occurred during the flood tide, the oil would initially float directly up the Strait of Georgia." As yet, no one has discovered an ecologically sound method to clean away on-shore oil blankets other than by hand (using bulldozers along the water's edge removes sea organisms that shore birds feed on). So the sheer physical effort necessary to remove an oil blanket that could be half an inch thick, ten feet wide, and almost 1000 miles long would be staggering. Not to speak of the cost. According to Dr. McDiarmid, Social Credit member for Alberni, such a major spill would cost the B.C. government anywhere from $13,000,000 to $15,000,000 to clean up.

But no amount of cleaning could help the marine life involved. When 5000 barrels of oil—about 210,000 gallons of No. 2 diesel was spilled on April 26th of this year, it killed virtually every duck and seabird over a 200 square mile area. Imagine what would happen if even the smallest compartment of one of the supertankers returned—almost 400,000 gallons of crude oil would be released. What sea life did survive would inevitably be polluted with cancer-producing tars.

And once the oil did come ashore, what would happen to the tourist trade? After the first flock of sight-seers, it would simply die. And most fishermen, pleasure craft operators, hoteliers, restauranteurs, barmen, guides, taxi-drivers, waiters, store staff and many others would find their income sharply curtailed. But worst of all, a major oil spill in the Strait of Georgia would not go away. Juan De Fuca and Georgia Strait act as a kind of vast marine bathtub, some water returning to the open sea, but much of it constantly moving back and forth within this area. We might have a new Dead Sea. For years to come.

CAN ANYTHING BE DONE?

Yes. While there is no legal way for Canada to stop the supertankers, we can protest the way in which they operate with all our might. We can, and should, urge our government to insist that the U.S. companies involved in transporting oil, use every reasonable precaution to insure that their ships operate in the safest manner possible. Perhaps in a manner unprecedented in marine history. But the consequences for our coast, should an accident occur, call for such unprecedented measures.

The Special Committee on Environmental Pollution headed by David Anderson, M.P., the Liberal Member for Esquimalt-Saanich, has drawn up a list of conditions that would at least insure a reasonable amount of safety. They are:

That compulsory one-way shipping lanes be established.

That a certification system to insure correct radar functioning be made mandatory for every oil vessel operating in coastal waters.

That each tanker be provided with an escort vessel.

That double skin construction be employed on each tanker.

That split rudders and sea anchors be installed on every vessel to increase manoeuvreability.

The oil companies have insisted that to install such safety precautions might raise the cost of transporting oil as much as 25%. But who could set a figure on the cost of restoring our coast? Whatever amount is necessary to preserve it should be spent now. Once the first accident occurs, no amount of money will bring it back.

Below are some coupons to send to people who can insist the U.S. government control the tanker problem before it is too late. Send them today, or use your own words, if you prefer.

But if we raise no protest, if we fail to speak out clearly against this impending disaster, then; when the first spill occurs, we will have no one to blame but ourselves.

The Right Honourable PIERRE ELLIOT TRUDEAU,
Ottawa, Ontario, Canada:

I implore you to show strong leadership in protecting the B.C. coast from supertanker oil pollution. Please advance Special Committee on Environmental Pollution recommendations to the U.S. government in the strongest possible way.

Signature————————————.
Address————————————.
————————————.

The Honourable JACK DAVIS,
Minister of Environment, Parliament Building, Ottawa, Ontario, Canada:

I support your strong stand on environmental protection for B.C. coast from supertanker oil pollution. Please continue to press our cause with every resource at your disposal.

Signature————————————.
Address————————————.
————————————.

The Honourable RONALD BASFORD,
Minister, Consumer and Corporate Affairs, Parliament Building, Ottawa, Ontario, Canada:

I strongly urge you to use all the powers of your office to help protect B.C. coast from supertanker oil pollution. Your continued concern and assistance is vital.

Signature————————————.
Address————————————.
————————————.

THE SPOILED BRATS OF OUR RICH SOCIETY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. DERWINSKI. Mr. Speaker, in a very succint editorial commentary, the Southwest Messenger Press of Cook County, Ill., in my opinion hits the nail on the head commenting on attitudes within our country.

The Messenger Press serves a dozen communities in Southwest suburban Chicagoland, and this particular editorial is typical of its pointed and effective editorial style.

The editorial follows:

THE SPOILED BRATS OF OUR RICH SOCIETY

Work, they say, keeps people out of mischief. Perhaps this is so. The productivity of the American system certainly seems to have given an excessive number of critics the time and the money to demonstrate against nearly everything that has occurred on the North American continent since the landing of the Mayflower.

Statistics are pretty dry things, but a few of them may help explain the extra curricular activities of the flag stompers. For example, one American farmer produces enough to feed himself and 42 others. In France, one farm worker can feed about six. The ratio is about five in Italy, and in China one farm worker produces only enough for himself and one other person. Last year, the U.S. produced as much in goods and services as all of the U.S.S.R., Japan, West Germany, France and the United Kingdom combined. The population of these countries is 2.5 times that of the United States.

Probably at no time has it taken less effort than in the U.S. today to acquire the essentials of individual survival, and many are showing their appreciation by acting like the spoiled brats of a rich family. Probably they will come to the same end—shiftless and destitute.

WILCOX RESIDENCE BECOMES A NATIONAL HISTORIC SITE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. KEMP. Mr. Speaker, this sesquicentennial year is a big year for Erie County. On August 23, the Erie County Agricultural Society, the Erie County Historical Federation, and the Buffalo and Erie County Historical Society jointly dedicated the recently completed addition to the Historical Building at the Erie County Fair. This was an Erie County Sesquicentennial project sponsored by the fair board in commemoration of the county's 150th birthday.

I might mention the Erie County Fair and Exposition is now ranked officially by the International Association of Fairs and Expositions as the largest county fair in the Nation. It is interesting to note that the oldest building on the fairgrounds, the health services building, one of the few remaining octagon-shaped buildings in existence, has been completely renovated and improved and moved to a new location. It is now on the Avenue of Flags where the public will be given the opportunity to take advantage of the free diagnostic clinics offered by the various health services in Erie County.

However, Mr. Speaker, the highlight of the year will be the dedication of the Wilcox Mansion as a national historic shrine. Seventy years ago this day, President William McKinley died in Buffalo at the Wilcox residence on Delaware Avenue, the victim of an assassin's bullet. That same day, in the mansion, Theodore Roosevelt took the oath of office as the 26th President of the United States.

Six years later, September 5, 1907, the city dedicated an impressive obelisk in Niagara Square honoring the martyred President. It had been erected through an appropriation of $100,000 granted by the State Legislature.

Subsequently, Public Law 89–708 made the Wilcox Mansion a national historic shrine. Congressman THAD DULSKI, the author of the law, deserves the thanks of everyone in the community. Compliments should also be extended to the Theodore Roosevelt Foundation, the Junior League and many fine citizens who made a commitment of local support for a successful future for this lovely and historic home.

Mr. Speaker, at this point I include an article from the September 12, 1971, Buffalo Courier-Express concerning the dedication:

WILCOX RESIDENCE BECOMES A NATIONAL HISTORIC SITE IN MEMORY OF MCKINLEY

(By Clare Allen)

On September 14, 1901, in the library of the Ansley Wilcox residence, 641 Delaware Ave., Theodore Roosevelt took the oath of office as the 26th President of the United States. This Wednesday, on the 70th anniversary of that occasion, the "Wilcox House" as it is now known, will be opened to the public as a National Historic Site.

The event will mark the successful completion of a project that was initiated in the 1950s to save the house from demolition, and to have it restored and designated by an act of Congress as a National Historic Site under the jurisdiction of the National Parks Service.

In the intervening years, countless hours of effort by scores of interested persons and approximately $500,000 have been spent to acquire the property and restore the home exactly as it was at the time Mr. Roosevelt took the oath of office. Funds for the project were provided by the Federal government, the New York State Historic Trust, the Junior League of Buffalo, and by contributions from groups and individuals. The entire plan was coordinated by the Theodore Roosevelt Inaugural Site Foundation, composed of prominent civic and business leaders in the Buffalo area.

The ladies of the Junior League have been especially active in the restoration effort since 1969, at which time they pledged $50,000 as their contribution, in recognition of the 50th anniversary of their organization. In addition, a committee of ten League members has given thousands of volunteer hours under the direction of Dr. Walter S. Dunn, director of the Buffalo and Erie County Historical Society, researching the history of the house and locating original or duplicate furnishings for it.

Every detail of the restoration has been approved by the National Parks Service, which will now be the caretaker and landlord for the property.

The oath of office ceremony for Theodore Roosevelt in the Wilcox House was the climax of a series of events which began on September 6, 1901, at the Temple of Music on the grounds of the Pan-American Exposition. The site of the building, on what is now Fordham Dr., is marked by a plaque mounted on a boulder.

On the fateful day, President William McKinley, flanked by his host for the Buffalo visit, John G. Milburn, and the President's secretary, George G. Cortelyou, stood on a platform as the President shook hands with well-wishers standing in a long line. Guards and Secret Service men assigned to protect the President were in their customary places.

The handshaking had proceeded for several minutes when a detective noticed that a young man at the front of the line had his left hand extended toward the President while his right hand was covered with a handkerchief. The detective reached for the swathed hand, but too late.

Leon F. Czolgosz, with a pistol concealed by the cloth, fired two shots at the President, who fell into the arms of his friends. The assassin was taken into custody and whisked away from the shocked and angry crowd.

The President was rushed to a small hospital on the exposition grounds and examined by hastily summoned doctors. They found that one of the bullets had been deflected by a button on the President's coat causing only a flesh wound. But the other had penetrated deep.

An operation was performed and Mr. McKinley was taken to the Milburn home at 1168 Delaware Ave. For a week an anxious world waited for bulletins from the sick room, and, for a while they were encouraging.

Then, on September 13, the President fainted in bed. Heart stimulants were administered but to no avail, and at 2:15 a.m., September 14, William McKinley, 25th President of the United States, died.

Vice President Theodore Roosevelt, who had left Buffalo when he was assured that Mr. McKinley was out of danger, was immediately summoned from a camp in the Adirondack Mountains where he was vacationing with his family. Following a grueling night ride in a wagon over 40 miles of backwoods roads to the nearest railroad and a waiting train, Mr. Roosevelt arrived in Buffalo nearly 12 hours after the President's death.

The Vice President was met at the station by a guard of soldiers and police who escorted him to the Ansley Wilcox home and then to the Milburn residence, where he paid his respects to the dead chief executive. He then returned to the Wilcox home and at 3:55 p.m., September 14, he took the oath of office as President of the United States.

Czolgosz, an admitted anarchist who had come to Buffalo just a few days prior to the assassination, went on trial in Supreme Court in Buffalo on September 23. He was convicted and sentenced within two days, and paid the death penalty in the electric chair at Auburn Prison on October 29.

Although the Wilcox House attained prominence as the result of a tragedy, its restoration and opening to the public is an important event for Buffalo. It will be the first and only National Historic Site in New York State west of the Hudson Valley. As such, it will be another noteworthy attraction in an area rich in the history of our country.

VEYSEY URGES NATIONAL CEMETERY FOR RIVERSIDE

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. VEYSEY. Mr. Chairman, I have introduced legislation which directs the Secretary of the Army to establish a national cemetery in Riverside County, Calif.

California has more veterans than any other State in the Nation, and the immediate Riverside-San Bernardino area has the greatest concentration of veterans in California. California, in fact, has 11 percent of all the veterans in the Nation, and yet, there is no available veterans' cemetery space.

Of the Nation's 98 national cemeteries, only 51 are currently active, and six more are scheduled to be declared inactive within the next several years. For California veterans and their families, the closest available national cemetery is located in Portland, Oreg. This poses an intolerable inconvenience for the families of veterans throughout California.

Currently, there is abundant Federal land available in California, and in particular, in Riverside County for the establishment of a new national cemetery.

My legislation would provide the Secretary of the Army authority to establish the cemetery, and would direct that the necessary funds be made available from the Treasury. The inequities caused by the current lack of facilities far outweigh the small cost of establishing this national cemetery in southern California.

AMERICA'S DARK NIGHT OF THE SPIRIT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SCHMITZ. Mr. Speaker, our country was born—and grew up to immense power and wealth—in a spirit of triumphant, unquenchable optimism. It seemed there was nothing we could not achieve.

Within a few short years all this has changed. The confident American optimist is now a vanishing breed. We are no longer sure of where we are going, or how to get there. Our foreign foes grow stronger as we become less resolute. We are tortured with divisions and strife between ethnic groups and between generations, the like of which we have never known before in all our history. From a nation of optimists we are well on our way to becoming a nation of pessimists.

Certainly we must face the truth about the evils among us and the danger confronting us—both those which are widely condemned, too often for ulterior motives, and those which are widely condoned. There are still some Americans who will not face the fact about what is wrong with us, and many who refuse to recognize certain particular evils—such as Communism, or sexual immorality, or drug abuse—for what they really are. But the most common reaction among Americans today is not so much to deny the reality and seriousness of the evils and dangers, as to dismiss with weary despair the possibility of doing anything about them.

This is perhaps the essential manifestation of the dark night of the spirit in which America now finds itself. For if evils cannot be eliminated or even effectively fought, then their triumph is inevitable—and with it, the destruction of everything we have ever loved and valued in this land of ours.

I have often quoted the profound remark of the ancient Chinese sage Sun Tzu, when he said that the supreme excellence in warfare is to persuade your enemy to surrender before going to battle. That is exactly the trap into which today's faltering, pessimistic American is most likely to fall. We should fight for the right because it is right, regardless of the cost or the odds. If we do this, then we are in fact much more likely to succeed than before we began to fight. There is too much gloomy calculation of the odds against us these days. We are so busy thinking about how likely we are to lose that we never give ourselves a chance to win.

When this newsletter is published, I will be in Africa as the guest of some of the leading citizens of a country that refused to count the cost or the odds against it when, had they done so, they would surely have seemed overwhelming: Portugal. A small country with very limited resources, Portugal was challenged 10 years ago in one of her African provinces, Angola, by an organized Communist-inspired campaign of terrorism whose like has been almost uniformly successful in similar areas elswhere—for example, in Vietnam. By any reasonable calculation of the odds at the time, Portugal had very little chance of defeating this well-planned campaign so far from home.

But surrender was never considered. Portugal's leaders took seriously their obligation to their threatened people, resolving to defend them at all costs. That defense has been substantially successful.

During the long declining decade during which we, the most powerful Nation in the world, slipped from the Bay of Pigs to Henry Kissinger's visit to Peking, Portugal has defied and frustrated those who intended to overrun its African parts, so that the revolutionary terrorists are no closer to taking them over than they were 10 years ago. Little Rhodesia also, stoutly and successfully defying "world opinion," has retained its independence against all odds for the past 5 years. The "inevitable" defeat of both countries, freely predicted by so many, has proved not to be inevitable after all.

If Portugal and Rhodesia—on their own, with virtually no help and occasionally actual hindrance from us—have been able to resist so well today's evil "tide in the affairs of men," then from our position of power in the world we should be all the more able to resist it—so long as we do not convince ourselves in advance that we cannot.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. FRASER. Mr. Speaker, at the hearings I recently held in Minneapolis, Dr. John Verby, representing the Department of Family Practice and Community Health at the University of Minnesota Medical School discussed a new way to deal with family medical problems of the various members of a family unit on a preventive basis.

Dr. Verby's paper that follows describes this program in more detail.

Dr. Verby also discussed the very terrible impact the doctor draft has on doctor short areas of our country. Many urban and rural areas are without trained physicians in large measure due to the military service requirement facing doctors. Congress has taken steps to meet this problem by appropriating $12.5 million for fiscal 1972 to fund the Emergency Health Personnel Act of 1970. It is incumbent upon the administration that this program be promptly implemented by allocating these funds.

The item follows:

STATEMENT OF DR. JOHN VERBY

INTRODUCTION

"The health care system is sick." Review the data base and a list of serious problems emerges—several are potentially lethal:

1. Lack of comprehensiveness.

2 Lack of continuity.

3. High cost.

4. Inadequate evaluation of professional performance.

5. Inadequate maintenance of professional effectiveness.

6. Irregular and unpredictable accessibility.

7. Crisis orientation versus prevention.

8. Shortage and maldistribution of personnel and facilities.

The University of Minnesota Health Sciences and Family Practice Department in Minneapolis, Minnesota, is meeting this challenge in the following ways:

Our Department is working with *ALL* the undergraduate medical students from day one through their senior year. Each student works with our faculty on tutorialships, usually on a two students-to one faculty member basis; seeing patients, both ambulatory and hospital patients; learning how to relate to them, comfort and care for them as a family physician on a continuous primary comprehensive and *preventative* basis from womb to tomb. No other specialty in our Health Sciences will claim or attempt to do this for the taxpayers and people of our State and Region.

In the freshman year they learn about how to deal with grief, death, pain, disability and a number of variables including biological, psychological, and social. These variables will be integrated for the benefit of the patient. This we never learned in our training program when I was in school. In the sophomore-junior year, we are working with these students in the community with practicing physicians, showing the student how the majority of their time (75%+), is spent in the offices caring for ambulatory patients, less than 25% of the time being spent with horizontal patients in the hospitals.

They develop and learn the appreciation of the episotic crisis maintenance, but that is only part of their work which they are sensitized and made aware of in the early inception of their professional careers. In their senior year we have up to this point captured the imagination of approximately 30 to 40% of the class who want to track in Family Practice over and above the other departments in the Medical School. At this time the student may go out with the practicing physician for six weeks for academic credit, either in the urban or metropolitan areas of the State.

We have over 40 experiences with senior medical students in the past year-and-a-half. All of them have been very, very favorable and are encouraging the student to go into the community with the practicing physicians to care for the taxpaying people of our State and Region. They are also learning and developing a sensitivity and awareness in how to work, relate and cooperate with other health professionals (nurses, physican therapists, pharmacists, dentists, etc.) in a way that will make for more effective economic care for our people.

In order to do this, we must develop a new curriculum, new models, and new plans for attacking our SICK health and disease care system.

One of these models is now functioning at Fairview Hospital. Fairview Hospital has done an outstanding job of investment of funds that run into the six figures in support of our program in Family Practice and Community Health for our residents in training after they graduate from medical school. Bethesda, St. Johns, St. Marys, Methodist, and North Memorial Community Hospitals are planning to do the same.

We are also planning a Physician's Associate Program in which the junior medical student may go out with the practicing physician for one year, receive six months academic credit and six months of payment for services under direct supervision of the practicing physician. This has been well received by the medical students and the practicing medical community of our State.

Our Department is sending senior medical students to the northwest corner of the State in collaboration with the Minnesota State Public Health Department, working with the migrant workers in this area during the summer months each year.

We think that the maldistribution of health care workers and professionals in wealthy pockets of our metropolitan areas at the detriment of our lower social economic population in urban and rural areas of our State is due in great degree to the Federal government's demands upon our profession for physicians in military service. The doctor draft in the past decades has literally pirateered many of these physicians into military service, taking them to all corners of our world, insulating them usually against ever coming into the needy areas of our region. We believe that the military personnel and leaders of our Country should create their own military medical schools and their own physicians with their billions of dollars (as they need them) rather than pirateer our civilian physicians and disrupt their families and communities in doing so.

We believe that the U.S. Public Health Service Physicians' Act allowing medical students to go into needy areas of our country in lieu of military service would change the maldistribution of our physicians within a five-year period and easily within the decade. I work closely with the undergraduate and graduate students of our medical school, and they reaffirm this statement so that I know that at least half of each graduating medical school class would do this rather than serve far distant areas of our world to the jeopardy of our own taxpayers.

We believe that the University of Minnesota Medical School and Health Sciences has promulgated and developed a Department of Family Practice and Community Health that is next to none in the world as far as leading and deveolping family practitioners for our Region.

We are the only medical school who has disproportionately increased the classes as much as we have (from 160 in a class to almost 230 per class).

This means that the 3 to 4 medical doctors on our faculty in the Department of Family Practice work with over 800 undergraduate students on tutorialships on the basis of two students to one physician. Obviously with the other planning projects we have with other health professionals and models, the development of curriculum, leaves us with a gap in inadequate personnel, teachers and faculty to do the job that is necessary in developing family practitioners for our Region.

We believe that one of the reasons the health care system is sick at the present time is because of the inability of health sciences faculties throughout the Country to mount and develop departments and programs for family physicians in our communities. In the past two decades the gap has widened so badly that we are now addressing ourselves to the question of "the health care system and its sickness" which we would not have had to do if we had been developing family practitioners along with the many other specialists and health workers and professionals in the various compartments of our health care delivery system.

We believe that the frontline of health care delivery is being broken also by the serious increase in malpractice suits, and it is essential that the bar association and the medical association come together quickly and make arrangements with regards to the evaluation of our malpractice suits and removal of protection for over 4,000 physcians in our Country to date. If this continues, there will be very few students and physicians that will want to face the frontline care, and I believe that the contingency fee that the legal profession is utilizing is causing serious disruptions in our health care delivery system. In Canada the bar association frowns upon contingency fees in which 30 to 50% of the monies won in law suits are paid to the involved attorney. In Canada they have very, very little trouble in this regard because of the ethical nature of this point. I would therefore recommend that we look very hard at what is happening in the legal profession in relationship to health care delivery. This year we anticipate over 10,000 malpractice suits involving physicians of our Country.

In the past two decades one of the most neglected areas of funding in health care delivery is for faculty teaching in ambulatory care for the students and residents in various programs. Many of these teachers have been practicing physicians that have taken time away from patient care in their practices to teach in our medical schools and clinics. They receive "tips" usually for their teaching services, sometimes *nothing* other than the satisfaction of the teaching. These physicians will need to be funded at a much greater rate than we have in the past.

I sincerely appreciate the opportunity to share my thoughts with you this evening. Thank you very much.

JOHN VERBY, M.D.,
Associate Professor and Acting Head, Department of Family Practice and Community Health, University of Minnesota Medical School, Minneapolis, Minn.

NADER: FRIEND OR FOE?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BOB WILSON. Mr. Speaker, like many Americans, I have been deeply disturbed by Ralph Nader's continuing attacks on American business. Certainly our economic system is not without severe faults, but the thrust of rampant Naderism seems at times bent on the destruction of our free enterprise system, rather than the reform of suspected abuses as alleged. Dumitru Danielopol, a knowledgeable and respected correspondent for the Copley News Service, has carefully explored the implications of Naderism and I ask unanimous consent to share his commentary with my House colleagues.

The commentary follows:

[From the Aurora (Ill.) Beacon-News, Aug. 13, 1971]

NADER: FRIEND OR FOE?

(By Dumitru Danielopol)

WASHINGTON.—Ralph Nader looks in the mirror and sees a reformer. Others look at Mr. Nader and see a man who would have us scrap our free enterprise system, then quietly lie down alongside the wreckage and die.

Nader delights in poking at the ills of our system. Cars aren't safe at any speed; the air is unfit to breathe; the waters are polluted; everything we eat might poison us; the banks where we save our money are robbing us blind; stores steal from the buyers, advertising lies; the stock market is unreliable, the profit motive is immoral, the country is a mess, etc., etc.

Only Mr. Nader, apparently, can save us from ourselves.

Riding an emission-free bicycle and armed with a Xerox machine, this Lochinvar is going to protect us dumb consumers—you and me—from the big business smart guys.

I'm a product of European business. I studied law, economics and finance. I'm old fashioned. I admit it. But there is something about Mr. Nader . . .

He didn't discover the fact that there are unscrupulous people in industry, commerce and the public services that try to take advantage of the public. They were there for centuries before Mr. Nader was born. The past predators were found out and punished and usually the penalty of the market place was more devastating than anything governments conjured up.

I will not argue with those who say the American system could stand improvement. It can.

But do we junk 3,000 years of experience and take our chances on the pent-up knowledge of Nader's 30-year-old raiders?

If our system is so bad, how come it has given us the highest standard of living, the highest per capita income, the healthiest, best fed, housed, best clothed population, more leisure time, more labor saving appliances, more information, transportation, housing, education, freedom, responsibility, than any nation in the history of man?

If our industrial system is so corrupt, how did we put men on the moon four times?

If our industries—who foot a major share of the tax bill—are so selfish, how come they allowed us to spend billions upon billions to help other nations rebuild their destroyed economies?

How is it that Americans who live in this "polluted" atmosphere and eat this "poisoned" food are still able to swim better, run faster, jump higher and grow taller?

Sure we can do better. Ask any immigrant why he came to the United States. First, he wanted a better life for himself, but no matter what his personal problems were, he knew his children would have an even better life. That's the American dream.

The consumerist considers business his enemy. He advocates more controls, more bureaucracy, restricted initiative. He doesn't say so but every action points to eventual government take-over.

Mr. Nader and his raiders would deny this objective. But I remember other times in other lands when real and imagined problems were magnified to the point that whole peoples reached out for government controls. Men promised that if they were given the reins they would quickly lead the way to a better world.

Let's see, there was Russia, Germany, Italy, Japan, Mainland China, Cuba, Chile . . .

RON JAMES RECOGNIZED BY DINNER IN SAN JOSE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to pause for a moment to mention that this Friday, in San Jose, Calif., Ron James will be honored with a recognition dinner. Ron, who had been active on the San Jose City Council, was the first directly elected mayor of San Jose in 1967. Although he has now retired from the political arena, he is still active in community activities such as the YMCA and the Better Business Bureau. I am pleased that the community is extending its appreciation to him this Friday and I would like to add my appreciation to that of the entire community of San Jose.

MORAVIAN MUSIC AT THE KENNEDY CENTER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. MIZELL. Mr. Speaker, it was with great pride that Mrs. Mizell and I joined with 2,600 other people who attended an inaugural concert, featuring an outstanding program of Moravian music, at the John F. Kennedy Center for the Performing Arts this past Sunday afternoon.

I have the honor of representing one of the Nation's foremost Moravian communities, located within Winston-Salem, N.C., the largest city in my district.

Thus it was with special pride that I witnessed a 2½ hour program of Moravian music in the Kennedy Center's great concert hall. It was a truly moving and inspiring performance, as befits the inaugural of America's first and only national cultural center.

Sponsored by the Moravian Music Foundation and the North Carolina School of the Arts, the concert featured the Piedmont Chamber Orchestra and the Westminster Choir under the masterful direction of conductor Nicholas Harsanyi.

It was a great event, perhaps the crowning point in the long history of the Moravian people in America.

Mr. Jim Shertzer, a reporter for the Winston-Salem Journal who covered the event, has expertly captured the spirit and the majesty of the occasion, and I would like at this time to include the text of Mr. Shertzer's article, which appeared in the September 13, 1971 edition of the Journal, in the Record of today.

The article follows:

Moravian Concert Is Vivacious

(By Jim Shertzer)

Washington.—The sound of a brass choir, which has announced important Moravian events for more than two centuries, called Moravians and others yesterday to one of the most auspicious and glittering occasions in the history of Moravian music; an inaugural concert at the John F. Kennedy Center for the Performing Arts.

The concert, the fourth held in the mammoth cultural center's Concert Hall, and the only inaugural program honoring American music of the past, paid tribute to the Moravian settlers whose works, composed in America, helped lay the foundations for the nation's native musical heritage.

MORAVIAN CENTERS

About 2,600 people—many from Winston-Salem and Bethlehem, Pa., sites of American Moravian communities—almost filled the plush red-and-ivory hall for the two-hour-and-20-minute program, sponsored by the Moravian Music Foundation and the N.C. School of the Arts. Though the hall was not quite full, the concert was sold out.

What the audience heard brought great honor, not only to some of the country's first composers, but to the performers as well.

Nicholas Harsanyi, making his first appearance as conductor of the arts school's Piedmont Chamber Orchestra, led his musicians with great enthusiasm, yet a sense of disciplined control.

The orchestra, three vocal soloists from the arts school's faculty and the Westminster Choir of Princeton, N.J., responded magnificently to every nuance of his direction and filled the large hall with a glorious blaze of sound.

PRELUDE TO CHORALES

The opening portion of the concert—the brass ensemble prelude of chorales by German and American Moravians—started about 10 minutes late, at 2:40 p.m., before most concertgoers had taken their seats. The hall filled as the quintet, which performed from the end of the hall's box circle, played such well-chosen pieces as "This Day Is Holy to the Lord" and 'We Who Here Together Are Assembled."

Harsanyi opened the concert proper shortly after 3 p.m. with Overture in D by Charles Hommann, a 19th-century composer who, though not himself Moravian, had close ties with Moravian musical groups in Pennsylvania.

The overture, composed about 1840 and regarded as one of the first full-scale orchestral pieces written in America, was an excellent opening selection. Cast in late Classical-early Romantic overture form, it opens with a rather ominous adagio in the minor key and builds to a joyful finale in D major, delivering the piece from gloom to jubilation.

40 MUSICIANS

The orchestra, which was increased from about 25 to about 40 musicians for the concert, sounded magnificent. The acoustics in the hall are remarkable; one could hear each instrumental section—and very nearly every instrumentalist—with unusual clarity.

Two chamber pieces, Johann Friedrich Peter's Quintetto No. 2 in A major and David Moritz Michael's Water Music Suite in E flat, followed.

The quintetto is one of six quintets Peter composed in Salem around 1789. Michael's Water Music Suite was written in Bethlehem around 1809 for concerts presented from barges on the Lehigh River.

Scholars think Peter's quintets may be the first chamber pieces written in America and regard Michael's work as one of the earliest pieces of occasional music composed in the country. Like the Hommann overture, both are light and friendly works.

Both of those qualities shone especially in the performances, which were models of elegant musicianship. Here again the hall proved its acoustical worth by carrying the sound of the small ensembles as well as it carried the sound of the full orchestra.

The Peter quintet seemed alive with special grace and vivaciousness as performed by Vartan Manoogian and Giorgio Ciompi, violin; Jerry Horner and Sidney Crutis, viola; and Marion Davies, cello.

The performers gave a lively reading of the folk-like themes in the sprightly first and third movements and a haunting interpretation of the quintet's richly expressive second movement.

The four sections performed from Michael's 15-movement Water Music Suite were equally delightful as played by Robert Listokin and Fred Ormand, clarinet; Mark Popkin and Timothy Ward, bassoon; and Frederick Bergstone and Dan Ashe, horn.

Heard were movements No. 1 (March), No. 5 (Adagio), No. 6 (Presto) and No. 10 (Polonese). Particularly impressive were the lighthearted march and the lovely adagio, which featured some highly melodic, slightly forlorn exchanges between the clarinets and bassoons.

Harsanyi and the orchestra closed the first half of the concert with the modern premiere of Sinfonia in B flat major by Johann Christoph Friedrich Bach, the ninth son of the great 18th-century master J. S. Bach.

The sinfonia and five other works by the composer were found in 1956 among the thousands of manuscripts collected by the Moravian Music Foundation. The copies were made by Peter, who brought them to America in 1770. The foundation's copies are thought to be the only ones extant.

The Bach sinfonia was charming but quite different from the other largely Classical works played. The composer, who was not a Moravian, was much influenced by 18th century Italian music, which maintained much of the flavor of 17th-century Maroque composition.

The sinfonia, though, proved quite tuneful, with two lighthearted movements framing a slow and amorous central section. Particularly charming was the orchestra's lively rendition of the closing movement, a minuet, that brings the sinfonia to a courtly conclusion.

Like the other works performed, this piece is not great, in the sense that, say, a Mozart or Beethoven symphony is great. But as is the case of much early American Moravian music, it is of such quality that even the most casual listener can be thankful it has been preserved. The historical value of such works is, of course, immeasurable.

The largest known work produced by Moravian composers—Christian Ignatius Latrobe's oratorio, "The Dawn of Glory"—required the entire second half of the concert. The work was highly appropriate for many reasons, one being that Latrobe's brother, Benjamin Henry, helped design the Capitol and the White House.

Latrobe, an English Moravian church administrator who never viisted America, composed the work around 1800 as a sequel to his gloomy "Dies Irae" ("Day of Wrath"), a shorter oratorio about the fate of the Damned on Judgment Day. He subtitled his second oratorio "A Hymn of the Bliss of the Redeemed at the Last Day," which well describes the musical and dramatic nature of the work.

The oratorio's 16 sections present a striking depiction of the joys to come to Christians in heaven and contains a number of very fine pieces for orchestra, soloists and choir. Among the best vocal pieces are a tenor air, "How shall a mortal song aspire"; a duet for soprano and bass, "Blessings, might and majesty"; and the chorus, "Thou Holy Lord."

Seth McCoy, tenor, and Janice Harsanyi, soprano—new faculty members at the arts school—sang with great feeling and shining voices. The quality of their work was very nearly matched by William Beck, bass, another arts school faculty member.

The Westminster Choir, in brilliant red robes that accented the hall's color scheme, was in excellent form as well, giving an especially moving performance of "Thou Holy Lord," which is accompanied only by piano.

As the final "Amen! Hallelujah! Amen!" resounded triumphantly through the hall, the audience rose to its feet for a thunderous standing ovation that lasted nearly five minutes. Harsanyi, the soloists and Joseph Flummerfelt, the director of the choir, returned to the stage several times to acknowledge the tribute.

The faces of many leaving the hall seemed to reflect a feeling that the program celebrated not only America's artistic past but also hope for the future for American arts. To many, the Kennedy Center represents a change in the wind, especially as far as federal support for the arts is concerned. As a program, "The Dawn of Glory" certainly seemed to embody that hope.

Marble and mirrors do not of themselves nurture such faith. Music and performances as inspiring as those heard yesterday afternoon, however, do.

Foundation officials announced in June that they had been asked to present one of the opening concerts at the Kennedy Center. They had been invited to do so some months earlier, but the invitation was kept secret because center officials reserved the right to announce the opening programs.

The invitation was secured, in part, by a number of Winston-Salem people who helped bring Moravian music and the work of the foundation to the attention of the center's planners. Among them were R. Philip Hanes, Jr., and Mrs. John de Braganza.

Hanes was appointed to the advisory committee on the center in 1962 by the President, for whom the center was eventually named. In 1965, Hanes was appointed to the National Council on the Arts by President Lyndon Johnson.

In these capacities and others, Hanes met frequently with Roger L. Stevens, the board chairman of the Kennedy Center, and discussed with him the possibility of a concert of Moravian music at the center. Hanes also gave Stevens a first-hand opportunity to learn about the foundation and the music in its archives on visits to Winston-Salem.

Stevens is a trustee of the North Carolina School of the Arts Foundation, Inc., and Julius Rudel, the center's musical director, is vice chairman of the arts school's advisory board.

Mrs. Braganza is the southeastern representative of Friends of the Kennedy Center and on many occasions promoted the idea for the concert with center officials.

Harsanyi and Dr. Ewald V. Nolte, executive director of the foundation, selected the music for the concert from materials prepared from manuscripts in the foundation's vaults in Winston-Salem and Bethlehem.

Other inaugural attractions at the $70 million center which officially opened Wednesday have included the world premieres of works by Leonard Bernstein and Alberto Ginastera, a ballet choreographed by Alvin Ailey to music by Duke Ellington, recitals by some of the nation's foremost concert artists and shows by popular entertainers, such as the Fifth Dimension, Merle Haggard and Chicago.

HEALTH CARE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BEGICH. Mr. Speaker, during this session of Congress, one of the major responsibilities facing this body is the resolution of the crisis in health care in the United States. By now, the problem is no longer debatable, and we are left to decide only the plan which will best insure a national health care plan. Durthis session, a number of important bills have been introduced, each reflecting a different approach to the solution.

Alaska has a special stake in this issue for the reason that it feels the current health care crisis in its most extreme form.

Many health care plans that are good for the urban areas of our country are not advantageous for many Alaskans.

The Alaska State Medical Association on September 1, 1971, issued its views on national health insurance and it is my privilege to share this information with all my colleagues by inserting it into the RECORD:

PLANNING FOR NATIONAL HEALTH CARE DELIVERY

The Alaska State Medical Association thanks the members of this meeting for the opportunity to place this statement in the record.

The physicians of Alaska believe that national legislation altering the method of delivery of health care will almost surely be enacted within the next eighteen months by the Congress. We shall not comment in detail on the various bills now proposed or pending, since we believe that final legislation will represent a compromise combining various features of these. The State Medical Association at its annual meeting last June did endorse the AMA's "Medicredit" plan, as the most desirable of current specific proposals, but the association is continuing to study various schemes with interest. We should like to emphasize the following elements as germane to design of such legislation.

I. Much of the often emotional and at times polemical discussion of this problem has implied that the current health care delivery system is sadly deficient and of little value; the term "crisis in health care" is commonly used. We feel this to be a gross exaggeration. Although there are clearly significant lacks in the availability of care, particularly in rural and ghetto areas, we believe the majority in Alaska and in the Nation are receiving satisfactory care. We should be certain we are improving the system before radical changes are adopted.

II. The present system is a pluralistic system, appropriate to a free society, encompassing as it does individual practitioners, a great variety of forms of group medicine—both fee-for-service and prepaid, and purely socialistic systems in the government hospital program. (Cost-effectiveness studies of these last systems do not, incidently, engender great optimism for economies were similar institutions to be widely adopted.)

III. Expansion of health care availability must depend upon the expansion of facilities and personnel. Without this, the stimulation of demands for care can only result in a chaotic competition for available services. The complete removal of financial barriers to treatment comprises a strong such stimulus. If the ability to pay seems idealistically an unacceptable method of limiting utilization, some other method must be devised as a practical matter, since available funding and facilities have finite limits. Both pre-paid group plans and government hosiptals are currently facing this problem.

IV. In the last two decades, the number of physicians has increased about 50%. Although this substantially exceeds the population growth, the number of physicians in actual general patient care has proportionately decreased, comprising now only about two-thirds of all doctors. Motivational factors for this although partially obscure, can perhaps be altered. Greater use of mechanized systems can improve efficiency at the expense of associated depersonalization, not always satisfying to the sick person. Much greater use may be made of less broadly trained, so-called "paramedical" personnel, and we would strongly encourage this trend, despite some inherent quality loss.

By these and other methods the Doctor supply can be stretched, for it clearly will take some years to significantly expand it. But we must stress that the present system is relatively efficient, particularly for the more common medical problem, in which the Doctor-Patient relationship is not merely a catchword, but the sine-qua-non of rational therapy. As an entrepreneur the doctor applies care in administration of his business; as one who does piece-work he is stimulated to efficiency; and in the fee-for-service arrangement it has a vested interest in the satisfaction of his client—the patient. You will note none of these considerations apply to some of the proposed plans. And although frequent jokes about the night call, and the house call, are popular, those of you who have dealt with salaried physicians well understand how it is when you *really* have an eight to five doctor.

In accord with the above then, we should advocate the expansion of medical schools (and perhaps revision but *not* shortening the curriculum); the encouragement of the utilization of non-M.D.'s in health care, by suitable intensive though narrow training programs in special fields, and by enabling legislation to overcome legal obstacles to their activities; the devising of incentives to relocate doctors to areas of special need, and to encourage the return to patient care of those many now in business, industrial, and research positions. Considerable (50–100%) gain in efficiency will accrue to the credit of he who can eliminate the paperwork involved in medical practice.

V. There *is* a crisis, if you wish to use the term, in medical care *costs,* now approaching $70 billion annually in total expenditure. This is not importantly due to the inefficiency of hospitals, which are in the majority nonprofit, and whose labor costs have risen astronomically; it is not importantly due to the avarice of physicians, most of whose hourly wages are not inappropriate to the skills and responsibilities involved, and whose total fees comprise less than one-quarter of total medical costs. Discounting inflation, the two major factors (which must be controlled) are the vastly increased complexity of services, and the loss of control of utilization.

The growth over the last two decades of third party payment for services, together with recent institution of Medicare and Medicaid programs have eliminated natural restraints on expenditure. Deductibles and co-insurance provisions have been of limited effectiveness. Since the physician has traditionally worked primarily for the benefit of his patient (a role we feel proper) he is committed to the provision of all reasonable diagnostic and therapeutic services. The suggestion of some that the expansion of medicare-like programs will result in a solution to the cost problem seems at very least unrealistic. Clearly, if cost to the patient is no longer to serve as a practical limit to services, the limits must be set by administrative officials, medical professionals or otherwise. We feel this is undesirable, but possibly the only solution for those whose medical care must be completely subsidized. Hopefully the size of this group can be minimized.

Another old fashioned tradition in the medical profession is that there is a moral and ethical obligation to use all means at the doctor's disposal in attempt to maintain life or health. But as science has advanced, medical technology has exploded, and with it cost. Today's office call and today's patient-day are not comparable to those of twenty years ago, nor should their cost be. A reasonable projection of present trends would place total medical expenditures in 1980 near $200 billion, or about 15 percent of the GNP. It seems dubious that the taxpayer will accept this. If he does not, the physicians' duty will then be to provide such services to the patient as expense will be justified by the probable benefit, including both medical and social considerations, notwithstanding the patient's desires. The doctor will thus be an agent of the state, rather than of the patient, an uncomfortable role for most of us, and we think for our patients.

VI. In summary, the Alaska State Medical Association feels that the present method of medical care delivery is not so bad as it has been painted in many quarters; that violent change in the system may very well produce more problems than we now have and may well result in the babies being flushed with the bath water. Of the two major problems visible at present, lack of personnel and facilities is probably more important, and few of the presently proposed plans make adequate solution for this deficit, the correction of which will in any case take some time. We would expressly caution against adoption of any system that would through financing abruptly increase demands for medical service.

The solution of the rising cost problem is most importantly one of over-utilization and over-sophistication of services; to suggest that real economies can be achieved by the substitution of bureaucracy for our present system is difficult for most of us to accept with the great previous projects of the government everywhere at hand for comparison. Under a monopolistic or government-paid plan, economies can indeed be affected, but at the expense of the patient's loss of any control in his management. We would venture to predict that the patient, in this case the taxpayer, under these circumstances would not have great gratitude for those who imposed this system upon them. Many of us feel that the sick patient still needs a doctor, and cannot be well satisfied by a mass production of medical industry.

We would further caution that systems that have evolved over considerable time, though rarely immune to improvement, are very likely to have more virtues than may be recognized, and that elegant systems concocted de novo from the heads of bright young planners are very likely to have more defects than are obvious in the planning state.

Finally, a medical care system deals primarily with human beings, as patients, as doctors, as technicians, and as administrators and planners. A shrewd and realistic estimate of the capacity of this cast for self-interest, pettiness, inspiration and ingenuity, may optimize the design.

ROBERT D. WHALEY, M.D.,
Chairman, Subcommittee for National Health Legislation, Legislative Committee, ASMA.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

SENATE—*Wednesday, September 15, 1971*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord God Almighty, guide, we pray Thee, all those to whom has been committed the government of this Nation and grant to them special gifts of wisdom and unfailing devotion to righteousness. May their leadership and their legislation be such as will promote the common welfare, succor the poor, relieve the oppressed, redress social wrongs, subdue terror and tyranny, raise our national ideals and goals, and bring in the era of brotherhood.

O Thou Redeemer of Life, we beseech Thee to mend the brokenness of our common life. Mitigate the tensions, fears, and anxieties of the people and bring healing to their wounded spirits. By the power of divine love, expel the hate and bitterness which blights the life of our society and destroys all that is good and beautiful. Correct and reform those who pay the penalty of their misdeeds. Support and strengthen the custodians of the law, the protectors of our safety, and all keepers of public order. Unify us in common cause for a better Nation and a better world under Thy rulership.

In the Redeemer's name we pray. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER BASIN—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with Section 3 of Public Law 89–605 as amended by Public Law 91–242, I am pleased to transmit a report by the Secretary of the Interior on the progress which has been achieved in negotiations on a Federal-Interstate Compact for the Hudson River Basin.

The Secretary of the Interior will continue to work with the States of New Jersey and New York to find a viable method of managing the environmental problems of this significant river basin.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1971.*

REPORT OF NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The Fifth Annual Report of the National Advisory Council on Extension and Continuing Education is submitted herewith.

This Council, authorized by Public Law 89–329, has reviewed the administration and effectiveness of the program authorized by Title I of the Higher Education Act of 1965 and other federally supported extension and continuing education programs.

Several of the Council's proposals are highly commendable, especially those reflecting a concern for innovation and reform in post-secondary education, including the proposed National Foundation for Higher Education, and its recommendation that programs directed to continuing education for adults be coordinated and consolidated.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1971.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Winston L. Prouty, late a Senator from the State of Vermont.

The message announced that the House had passed a bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 234) to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes, was read twice by its title and placed on the calendar.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 14, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESIDENCY REQUIREMENT OF ELECTORS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 357, S. 2495, which has been cleared on both sides and all around.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

S. 2495, to amend the District of Columbia Election Act, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (Act of August 12, 1955 (69 Stat. 699) as amended, D.C. Code 1-1100 et seq.) is amended as follows:

(1) Subsection (2) of section 2 is amended as follows:

(a) Clause (A) is amended by striking "one-year period" and by inserting "thirty-day period" instead.

(b) Clause (B) is amended by striking "twenty-one" and inserting "eighteen" instead.

(2) Paragraph (7)(A) of subsection (a) of section 10 is amended by striking out "on the twenty-first day following such election" and by inserting instead "not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding general election. At the time of announcing such determination the Board shall establish and announce the date of the runoff election, if one is required."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-361), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purpose of the bill, S. 2495, is to establish a 30-day-residency durational requirement in order to be a qualified elector in the District of Columbia. In addition, the bill would amend the District of Columbia Election Act to provide that a qualified elector must be 18 years old to conform the language of the act to the present law.

The bill would also authorize the Board of Elections to establish a runoff election date not less than 2 weeks nor more than 6 weeks after the Board has determined the results in a general election for members of the Board of Education, if such a runoff is required. This flexible 2- to 6-week period replaces the mandatory requirement that such a runoff be held 21 days after such general election.

The bill is the embodiment of recommendations made to the Senate District Committee by the Board of Elections of the District of Columbia.

NEED FOR THE BILL

The District of Columbia Election Act provides in part that a qualified elector—that is, one who is qualified to register and vote—must be a U.S. citizen who has resided or has been domiciled in the District of Columbia continuously since the beginning of the 1-year period ending on the day of the next election.

This 1-year residency requirement has been part of the election law since 1955, and until at least recently, has been considered to apply to voting in all elections.

During recent years, the durational residency requirements for voting have been shortened in a number of jurisdictions throughout the country, sometimes by legislative action and sometimes by court action.

In June 1970, the Congress in Public Law 91-285, determined, in effect, that in the case of presidential elections, a durational residency requirement of more than 30 days was constitutionally abhorrent. In that legislation, Congress directed that each State provide by law for the registration of its duly qualified residents at any time up to 30 days before a presidential election.

That legislation specifically included the District of Columbia in its definition of the word "State"; and so there is at the very least a clear congressional statement of policy that the 30-day residency requirement should be applicable in the case of presidential elections.

The statute was, of course, national in scope; but its precise language leaves considerable doubt as to whether in the case of the District of Columbia it was in fact entirely self-implementing, since the statute did not either specifically amend the District of Columbia Election Act or delegate regulatory authority to any District of Columbia agency to shorten the residency period.

Legislative clarification of this point in the case of presidential elections in the District is therefore important, and the matter should be put to rest well before next year's presidential election.

The applicability of the 1-year residency requirement in the case of elections for the District of Columbia's Delegate to the House of Representatives was also challenged in 1970, in this case by court action. Last November, a three-judge Federal court struck down as unconstitutional the 1-year residency requirement in the case of persons who had resided here for less than 1 year and who wished to vote in the elections of the Delegate to the House.

This case, *Lester* v. *Board of Elections* (319 F. supp. 505 D.C.D.C. 1970), was by its terms applicable only to the election of Delegate to the House of Representatives.

The District Government requested the court in *Lester* to clarify the scope of its opinion and order, in an effort to get a ruling as to whether its decision applied to other elections; but the court, in denying the District government's motion, stated that it had "held only that the District of Columbia 1-year durational residency requirement applied to elections for nonvoting Delegate to the House of Representatives (citations omitted) was unconstitutional."

The court in the *Lester* case specifically upheld as constitutional other provisions in the District of Columbia Election Act which prohibited registration for any 30-day period prior to an election.

The *Lester* case was decided in November of 1970, and was applicable to the initial party primary elections for District of Columbia Delegate held in January 1971, and to the initial general election for District of Columbia Delegate held in March 1971, for the short initial congressional term which ends in January 1973.

As a result of *Lester*, a number of people registered here who had lived here less than a year before one or the other of these Delegate elections. Many of these people will not have resided here for a full year by this November, at which time the District will have regularly scheduled Board of Education elections.

Since the *Lester* case quite clearly does not rule on the residency requirement for Board of Education elections, it would appear that unless the 1955 statutory residency requirement is changed before November of this year, voting will be forbidden in the School Board election by those registered voters who will have been here less than a year but who nevertheless were able to vote in January and in March for the elections for Delegate to the House of Representatives.

A possibly even more confusing residency problem will arise in connection with the party elections on May 2, 1972. On that day there will be two different closed party elections, and unless the residency period is changed by statute, there will be two sets of residency requirements for all person who have lived here less than a year.

There will be a closed party primary election under the 1970 act to choose party candidates for Delegate to the House of Representatives—to which the 30-day residency requirement will apply under the authority of the *Lester* case.

On the same day there will be closed party elections also under the original 1955 Election Act for candidates for delegate to the presidential nominating conventions, for national committeemen and national committeewomen and members of local political parties, as well as voting on the so-called party questions.

The statutory 1-year residency requirement would appear to apply to this second group of elections, unless the period were amended by legislation.

CONCLUSIONS

In view of the confusing situation in regard to the durational residency requirements for qualified electors in the District of Columbia and because of the prospective difficulty in administering the elections in November, 1971, the committee urges the enactment of S. 2495.

TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, there will now be a morning business, not to exceed 15 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mrs. **SMITH**. Mr. President, I am supporting the 1972 defense authorization bill, now before the Senate, with mixed feelings. Let me first say that I consider that it has lowered our national defense and national security to a dangerous level. It is the latest step in the steady, uninterrupted trend to making the United States a second-rate power incapable of assuring the future security and freedom of its people.

It is the latest step in the shifting balance of military power in favor of the Soviet Union. The first basic step came a few years ago with the advocacy of paring down our military strength to no more than parity with that of the Soviet Union in order to convince the Kremlin that we were really sincere about peace.

Given the justifiable and understandable concern of the American people for a greater allocation of our national resources to domestic and welfare needs—and given the public repugnance to the Vietnam involvement and the unfair spin-off of backlash against the military—there is a desperate need for a wider public understanding not only that the balance of military power is shifting against the United States, not only that it is the first duty of the National Government to "provide for the common defense" of our country, but as well that our domestic and welfare priorities mean nothing if we grow so militarily inferior that the enemy takes over.

In our free democracy—where dissent is almost unlimited even in its extreme forms of violence as contrasted to the complete intolerance of dissent in a totalitarian regime, the ultimate defense posture is determined by the will of the people. But the will of the people is shaped by what they know and what information they have.

In this time of disillusionment with international responsibilities and an intense concern with pressing domestic needs—of putting our own house in order before looking outward to our national defense and national security—it is obviously difficult to achieve the desperately needed public understanding and consequent support of the American people for an adequate national defense and national security.

The only way to overcome this difficulty is to get the facts to the American people and to bring home to them the clear consequences of second-rate military status.

As the President has said:

> If we are less strong than necessary . . . there will be no domestic society to look after.

Military weakness and national insecurity literally invite diplomatic blackmail and the strategy of terror from the Soviet Union. Military weakness and national insecurity increase the chances of overconfidence and miscalculation by the enemy to trigger war.

These are not just the views of a senatorial "hawk" or "warmonger." They are the warnings that have also been eloquently expressed by the blue ribbon defense panel composed of outstanding private citizens.

There is a desperate need to remind the American people of the continuous external pressures exerted against our Nation and people. There is a desperate need to remind the American people that the road to peace has never been through appeasement, unilateral disarmament, negotiation from weakness, or scaling down to parity to prove sincerity.

History is precisely to the contrary. There is a desperate need to remind the American people that among the great nations, only the strong survive, and that weakness on our part in military capability and national will would be the greatest threat to the peace of the world.

The most serious question is the will of the American people. It is my opinion that the only reason about any doubt in that will is the fact that the serious situation has not been gotten across to the American people. I have no doubt about their will if they know and realize how serious the situation is.

But they do not. Since they do not, and in view of the existing pressures and drives against the military, I have reluctantly concluded that this bill is about the best we can hope for despite its deficiencies in national defense and national security. And so I am supporting it but without any great enthusiasm.

The distinguished chairman of the Committee on Armed Services, the Senator from Mississippi, is to be commended on his dedication, patience, thoroughness, guidance, and outstanding leadership.

He has clearly done the best that he could in anticipation of the inevitable vigorous attacks on the bill to be made on the Senate floor. I commend the subcommittees and the committee staff on their sincere efforts and work.

In concluding, I want to express a very concerned hope that next year's bill will be much stronger and much more realistic—simply because by that time the American people will have been adequately informed, alerted, and awakened to the serious weakening of our national security and the ominous shifting of the balance of military power in favor of the Soviet Union.

I hope that in their awakening they will have so expressed themselves to their representatives in Congress that there will be no doubt about the will of the American people and that there will be a genuine and accurate response to that expressed will.

The day of reckoning is approaching. Let us pray that recognition and action on the frightful truth comes sufficiently in advance to bolster our national security to such strength as to save our Nation and people.

QUORUM CALL

The **PRESIDENT** pro tempore. Is there further morning business?

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. **FULBRIGHT**, from the Committee on Foreign Relations:

George Bush, of Texas; Christopher H. Phillips, of New York; Charles C. Diggs, Jr., U.S. Representative from the State of Michigan; Edward J. Derwinski, U.S. Representative from the State of Illinois; and Daniel P. Moynihan, of New York, to be representatives of the United States of America to the 26th session of the General Assembly of the United Nations; and

Alan B. Shepard, Jr., of Texas; Arthur A. Fletcher, of Washington; Mrs. Gladys O'Donnell, of California; W. Tapley Bennett, Jr., of Georgia; and Bernard Zagorin, of Virginia, to be alternate representatives of the United States of America to the 26th session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TOWER:

S. 2516. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis. Referred to the Committee on Agriculture and Forestry.

S. 2517. A bill to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services. Referred to the Committee on Armed Services.

By Mr. MONDALE:

S. 2518. A bill for the relief of Anna Kolbraiasz; and

S. 2519. A bill for the relief of Miss Elizabeth Pareja Romualdo. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 2520. A bill for the relief of Sung Tung Wang and Wen Fen Wang; and

S. 2521. A bill for the relief of Rosario O. Caladiao. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2522. A bill to increase the Government National Mortgage Association purchase limit in high cost areas. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McGEE:

S. 2523. A bill to provide that the Federal Government shall assume the risks of its fidelity losses. Referred to the Committee on Post Office and Civil Service.

By Mr. HARTKE:

S. 2524. A bill to amend the Internal Revenue Code of 1954 to provide for payment under section 6421 or credit under section 39 for gasoline used to operate concrete mixers and to provide for exemption under section 4041 for diesel fuel and special motor fuels used to operate concrete mixers. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 2516. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis. Referred to the Committee on Agriculture and Forestry.

Mr. TOWER. Mr. President, I am today introducing legislation that would authorize and direct the Secretary of Agriculture to reimburse horse owners and accredited veterinarians for certain expenses incurred by them in connection with the vaccination of equine animals against Venezuelan equine encephalomyelitis, which struck Texas on July 9, 1971.

VEE, first diagnosed in Venezuela in 1935 and 1936, spread to other South American countries and into Central America in 1969 and into southern Mexico in 1970. In April 1971, the virus was identified in an area just south of Tampico, Mexico. Shortly thereafter it spread into south Texas, causing widespread death to the equine population.

On June 25, the Department of Agriculture approved and supplied vaccine to 13 counties in Texas which were hardest hit by the disease: Cameron, Willacy, Hidalgo, Starr, Jim Hogg, Kenedy, Zapata, Brooks, Kleber, Nueces, Duval, and Jim Wells, along with one-half of Webb. At the time the vaccine was first available to animal owners, the owners had to pay veterinarians the fees for immunization. But on July 16, 1971, Secretary of Agriculture Hardin declared that a national emergency existed due to the epidemic and proceeded to take extensive measures directed toward halting the spread of the disease. He directed that as of the July 16 date the Government would pay the $4 fee for vaccinations.

As a result of the massive efforts of the Department of Agriculture, public health officials, and the Communicable Disease Center in Atlanta, Ga., combined with those of the Texas Animal Health Department and the Texas veterinarians, the disease was confined to the boundaries of the State of Texas, and the loss to the horse industry was also confined to Texas.

Mr. President, I think it is only equitable that the U.S. Government reimburse those individuals who first struggled with the disease and who suffered the greatest loss. My bill would provide that the expenses incurred in the application of the vaccine between June 25 and July 15 be reimbursed at the rate of $4 per immunization.

Many States across the Nation have been allowed to vaccinate without expense, and I feel that those who fought the disease when it was running rampant in my State and prevented it from spreading to other States should certainly not be financially penalized. I urge my colleagues in the Senate to support this legislation for those deserving individuals who helped to accomplish a nearly impossible feat during the month of July in Texas.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2516

A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to reimburse owners of equines and accredited veterinarians for certain expenses incurred by them in connection with the vaccination of equines against Venezuelan equine encephalomyelitis. Such expenses must have been incurred within the State of Texas during the period beginning June 25, 1971 through July 15, 1971 after which period the expenses of equine vaccinations against Venezuelan equine encephalomyelitis were paid by the Federal Government upon a determination by the Secretary of Agriculture of an emergency animal disease outbreak threatening the livestock industry of the United States.

SEC. 2. The amount of reimbursement shall be $4.00 for each equine vaccinated against Venezuelan equine encephalomyelitis which was the amount paid by the Federal Government for such services beginning on July 16, 1971. Payment will be made to each owner upon submission of a record satisfactory to the Secretary of Agriculture of each equine vaccinated and a certification by the owner that payment was made to an accredited veterinarian. Payment will be made to each accredited veterinarian upon submission of a record satisfactory to the Secretary of Agriculture of services performed in administering Venezuelan equine encephalomyelitis vaccine and a certification that no payment was received for such services. Payments made to owners of equines and accredited veterinarians shall relieve the Federal Government of any and all claims in connection with the equine vaccinations covered under this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to reimburse owners of equines and accredited veterinarians pursuant to this Act.

SEC. 4. All claims for reimbursement under this Act shall be submitted to the Secretary of Agriculture not later than six (6) months after the date of enactment of this Act.

By Mr. TOWER:

S. 2517. A bill to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services. Referred to the committee on Armed Services.

Mr. TOWER. Mr. President, I am today introducing a bill to alleviate a problem in regard to the moving allowance provided to the serviceman with a mobile home. As it now stands, there is a limit of 74 cents per mile on a trailer move for a permanent station change. I am informed by members of the service that this ceiling results in them having to pay some moving costs themselves, which has two adverse effects as far as the public's interest is concerned.

First, this extra cost of being in the service amounts to a reduction in pay, and makes the service somewhat less attractive as a career. Second, the Government is interested in promoting mobile home ownership as a means of closing the housing gap that exists today, and the penalty that the present law effectively imposes on servicemen who prefer to own mobile homes tends to deter mobile home ownership.

My bill would give the Defense Department sufficient authority to make sure that the serviceman does not find himself financially penalized for owning a mobile home. I recommend this measure to the Senate for its thorough consideration.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2517

A bill to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of title 37, United States Code, is amended to read as follows:

"§ 409. Travel and transportation allowances trailers;

"(a) Under regulations prescribed by the Secretaries concerned and in place of the transportation of baggage and household effects, a member, or in the case of his death his dependent, who would otherwise be entitled to transportation of baggage and household effects under section 406 of this title, may transport a house trailer or mobile dwelling within the continental United

States, within Alaska or between the continental United States and Alaska, for use as a residence by one of the following means—

"(1) transport the trailer or dwelling and receive a monetary allowance in place of transportation at a rate to be prescribed by the Secretaries concerned, but not more than 20 cents a mile;

"(2) deliver the trailer or dwellings to an agent of the United States for transportation by the United States or by commercial means; or

"(3) transport the trailer or dwelling by commercial means and be reimbursed by the United States for the expense, including the expenses of necessary tolls, charges, and permit fees.

However, the cost of transportation under clause (2) or the reimbursement under clause (3) may not be more than the cost of transporting the maximum weight allowance of baggage and household effects prescribed by the Secretaries concerned for the member or his dependent. Any payment authorized by this section may be made in advance of the transportation concerned. For the purposes of this section, 'continental United States' means the forty-eight contiguous States and the District of Columbia.

"(b) Under regulations prescribed by the Secretaries concerned, a member who is ordered to make a change of permanent station from a place inside, to a place outside, or from a place outside, to a place inside, the continental United States or Alaska is entitled to both the transportation of his house trailer or mobile dwelling and the transportation of his baggage and household effects within the continental United States or Alaska. However, the total cost of moving his baggage and household effects and his house trailer or mobile dwelling within the continental United States or Alaska may not be more than the cost of transporting the maximum weight allowance of baggage and household effects authorized for the member or his dependent from—

"(1) the old duty station in the continental United States or Alaska to the location to which the house-trailer or mobile dwelling is transported at the expense of the United States thence to the port of embarkation through which household goods would have been transported from the old duty station; or

"(2) the greater distance of either—

"(A) the port of debarkation to the new duty station in the continental United States or Alaska; or

"(B) the location where the housetrailer or mobile dwelling was transported at the expense of the United States to the new duty station in the continental United States or Alaska."

By Mr. CRANSTON:

S. 2522. A bill to increase the Government National Mortgage Association purchase limit in high cost areas. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill that would enable home buyers in California and other States with high construction costs to get a larger share of the $2 billion now available nationally for interest subsidies.

My bill would authorize the Government National Mortgage Association—"Ginnie Mae"—to pay part of the interest on FHA-insured mortgages up to $26,000 in high cost areas.

The present ceiling is a universal one of $22,000, with no differential in States where building costs are over the national average.

Only 11.8 percent of the FHA homes sold in California during the last quarter of 1970 were priced below $22,000 and thus were eligible for "Ginnie Mae" aid. That statewide figure was considerably lower in areas like Los Angeles where a mere 2.6 percent fell below the $22,000 ceiling.

In contrast, he estimated that 40.7 percent of FHA homes nationally are priced low enough for buyers to qualify for interest subsidies.

The average price nationally of an FHA-insured new home at the end of 1970 was $24,402, but in at least six States, the average was $26,000 or more. The States were California, Illinois, Minnesota, Nevada, Michigan, and Virginia.

Home building costs in Minnesota ranked highest of the 31 States reporting, with an average price of $28,786. Connecticut is believed to be still higher, but that State does not report its figures to the Federal Housing Administration.

The average FHA home in California costs $26,386, and the figures go up to $27,112 in San Francisco; $28,097 in and around Los Angeles, and $30,943 in Anaheim-Santa Ana-Garden Grove.

Average home prices in other California standard metropolitan statistical districts are: Oxnard-Ventura, $27,775; Sacramento, $25,333; San Diego, $25,637; and San Jose, $24,927.

President Nixon has released $2 billion effective August 17 for Ginnie Mae to use for interest subsidies on FHA homes. But very few would-be home buyers in California and other high priced States will be able to share in these funds under present regulations.

In only six reporting States is the average FHA home priced under $22,000, and these homes account for only about half the number built in those States.

A ceiling differential has been part of the special assistance provisions of the GNMA law ever since it was enacted in 1958. At that time the mortgage ceiling was set at $16,000 generally and $19,000 in high cost areas.

The differential was maintained through successive amendments raising the ceiling but through some oversight, the differential was dropped in December 1969, when the ceiling was raised to $22,000.

By Mr. McGEE:

S. 2523. A bill to provide that the Federal Government shall assume the risks of its fidelity losses. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to provide that the Federal Government shall assume the risk of fidelity bonds for civilian employees and military personnel of the Federal Government.

This legislation is an official request of the Secretary of the Treasury referred to the Committee on Post Office and Civil Service in April of this year.

I ask unanimous consent to have printed in the Record a letter from the Secretary of the Treasury on this recommendation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of the Treasury,
Washington, D.C., March 31, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of proposed legislation, "To provide that the Federal Government shall assume the risks of its fidelity losses."

The proposed legislation would repeal the statutory requirements for bonding Federal civilian employees and military personnel charged with accountability for public funds or public property, and establish a self-insurance program for the Government's fidelity losses by permitting agencies to charge their appropriations for such losses. Enactment of the legislation would result in savings to the Government since bond premiums have consistently exceeded amounts recovered from surety companies. The proposal is also consistent with the Government's general policy of assuming its own insurable risks—a policy stemming from the fact that Government has the resources to assume such risks. In the financial area, the risks are minimal because of extensive systems of financial checks and balances that limit the opportunities for fraud or negligence in the handling of Government funds.

Under Public Law 323, 84th Congress (6 U.S.C. 14), the head of each department and establishment in the Executive Branch is authorized to procure a bond at Government expense to cover military and civilian personnel of his department who are required by law or administrative regulation to be bonded. Prior to enactment of this law these individuals were required to pay their own fidelity bond premiums. During fiscal year 1955, the last full fiscal year prior to enactment of Public Law 323, the amount of the bond premiums paid by Federal employees was $1,732,748. Although the foregoing statute eliminated this inequity, experience under the law in procuring blanket and position schedule bonds to cover large groups of employees has focused attention on the practical and economical aspects of the requirements for bond coverage.

These experience factors can be highlighted from the consolidated annual reports to the Congress on agency fidelity bonding activities which the above Act required of the Secretary of the Treasury. The most recent report, covering the fiscal year 1970, showed that as of June 30, 1970 there were 963,269 employees covered by fidelity bonds; the total computed annual cost of premiums of bonds in effect on that date was $425,753. For the 14½ fiscal years that the Government has borne the expense of the bond premiums, the premiums have exceeded claims filed by $1,188.263. The Comptroller General, in a report to the Congress in December 1964 (B–8201) recommending discontinuance of the bonding of Federal employees, estimated that annual savings of $190,000 could be achieved thereby. A recent decision by the Post Office Department to significantly reduce the number of their employees covered by bonds would lower this estimate; however, the Department's move in this direction stems from a recognition that the cost of bond coverage is becoming prohibitive, and lends support to the self-insurance concept proposed in the draft bill. Additional savings could be expected from elimination of certain administrative expenses in connection with the procurement of the bonds, and related operations—expenses that have aggregated $730,008 over the last 14½ fiscal years.

Generally speaking, the only positions required to be bonded are those involving the disbursement and safe-keeping of public funds. Individuals assigned to these positions are responsible for public funds far in excess of the coverage provided by the bond. For example, the statutory bonding requirement for the Treasurer of the United States has remained at $150,000 since establishment of that position in 1789, although the incumbent of that position is responsible, in terms of cash alone, for average balances of approximately $6 billion in the Treasurer's general account. An accounting and finance officer in a military department is ordinarily bonded for $10,000, but annually disburses many times this amount. The cost of complete coverage for most disbursing officers would be prohibitive, and in many cases complete coverage would not be available—as a practical matter. Clearly, this situation results in only "token" coverage in those accountability areas where the potential for the largest monetary losses exists. Actually, of the almost $7 million in total losses incurred since 1956, approximately $1.9 million of such losses, or about 28 percent, exceeded the limits of the bond coverage.

The proposed legislation would eliminate the requirement for procuring fidelity bonds, thereby saving the Government the net excess of the premiums and other expenses over the net recoveries on claims. Agencies would self-insure against fidelity losses, and, to the extent that any such losses proved to be uncollectible, would charge the applicable appropriation for the amounts of such losses. Agency practices in restoring or adjusting the accounts of any defaulting employee would be performed under regulations promulgated by the Comptroller General of the United States. Agency experience under the self-insurance program would be reported annually to the Congress by the Secretary of the Treasury for the five full fiscal years following the date of enactment of the draft bill.

The Director of the Office of Management and Budget, the Chairman of the Civil Service Commission, and the Comptroller General join in sponsoring this proposed legislation under the Joint Financial Management Improvement Program established under section 111(f) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 65(f)). I am transmitting the proposal in behalf of this joint program. It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

John B. Connally.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1311

At the request of Mr. Pearson, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1311, The Newsmen's Privileges Act of 1971.

S. 2134

At the request of Mr. Hartke, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2134, the Office of Constituent Assistant Act.

S. 2380

At the request of Mr. Hartke, the Senator from Indiana (Mr. Bayh), the Senator from Michigan (Mr. Griffin), the Senator from Wisconsin (Mr. Nelson), the Senator from Illinois (Mr. Percy), the Senator from Wisconsin (Mr. Proxmire), and the Senator from Illinois (Mr. Stevenson) were added as cosponsors of S. 2380, to amend the act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore.

SENATE JOINT RESOLUTION 79

At the request of Mr. Hartke, the Senator from Maine (Mrs. Smith) was added as a cosponsor of Senate Joint Resolution 79, an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 135

At the request of Mr. Tower, the Senator from Minnesota (Mr. Humphrey), the Senator from Maryland (Mr. Beall), the Senator from Kentucky (Mr. Cooper), and the Senator from Maryland (Mr. Mathias) were added as cosponsors of Senate Joint Resolution 135, to authorize and request the President to issue annually a proclamation designating one day of each year as "National Law Officers Appreciation Day."

SENATE JOINT RESOLUTION 145

At the request of Mr. Tower, the Senator from Arizona (Mr. Fannin), the Senator from Maine (Mr. Muskie), the Senator from Illinois (Mr. Percy), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of Senate Joint Resolution 145, to designate the period beginning June 18, 1972, and ending June 24, 1972, as "National Engineering Technicians Week."

SENATE CONCURRENT RESOLUTION 40—SUBMISSION OF A CONCURRENT RESOLUTION TO EXTEND CONGRATULATIONS TO THE UNIVERSITY OF ARKANSAS

(Referred to the Committee on the Judiciary.)

Mr. FULBRIGHT. Mr. President, on behalf of myself and my senior colleague from Arkansas (Mr. McClellan) I introduce, for appropriate reference, a concurrent resolution to extend congratulations to the University of Arkansas on the occasion of its 100th anniversary.

As one who has been associated with this institution for well over 50 years, I have watched it grow and develop into one of this country's finest State universities and I take pride in the fact that, as one of its graduates, I was able to return to serve it as both a professor and as its president.

The University of Arkansas is both the State university and the land-grant college of Arkansas. Established and supported by the people of the State, it is one of 69 land-grant institutions throughout the Nation. It came into existence on March 27, 1871, as the Arkansas Industrial University by action of the Arkansas General Assembly, with the assistance of a grant of Federal lands as an endowment from the National Government. This land was sold under the provisions of the Morrill Act passed by Congress in 1862 and the proceeds were used to help establish the school at Fayetteville, Ark., the home of its main campus today.

Mr. President, the original Organic Act of 1871, which established the Arkansas Industrial University—the name was changed to the University of Arkansas in 1899—was a truly remarkable piece of legislation, coming at a time when the State was beset with critical problems of Reconstruction. Despite the magnitude of these problems, the people of Arkansas had faith in their ability not only to build a university, but to build a good one. Thus the legislation created a board of trustees with sufficient freedom and authority to carry out "those things proper to the full operation and well-being of a first class university."

Displaying this same faith and looking forward into the future, the board of trustees resolved that "the University should be made worthy of the State whose name it bears."

From its beginning in a reconditioned farmhouse with eight students and four faculty members including the president, the university and all who have been associated with it have continually worked to live up to these standards. The result has been growth and development in enormous proportion. Today, the university's 14 colleges and schools serve over 17,000 students, and its physical properties total almost $100 million.

This growth and development are consistent with the land grant concept. Institutions like the University of Arkansas must continue to grow and prosper if the States which they serve are to grow and prosper. In this connection, the decade from 1960 to 1970 is particularly significant for it reflects this university's ability to keep pace with a rapidly changing State, a State very much on the move in terms of its culture, economy, and its people.

In 1960, the year in which the current president, Dr. David Mullins, assumed office, the enrollment at the Fayetteville campus of the University of Arkansas was 5,862. By 1970, this figure had increased to well over 11,000, which represented the addition of the equivalent of a fair-sized college every year in that period. That unprecedented rise in enrollment compelled the university to augment greatly its staff and facilities and thus it embarked in 1960 upon an ambitious development program designed to provide a margin of greatness in the university's programs of instruction, research, and public service.

In those 10 years from 1960 to 1970, over $37.5 million was spent on construction of academic, housing, administrative, and service facilities at the university, the total university expenditures for research increased from $4.8 million to almost $15.5 million, and the total budget of the university rose from approximately $20 million in 1961 to more than $61 million in 1970.

Yet, the ability to keep pace with changing conditions is only one yardstick with which to measure the greatness of a university. The greatness of a State educational institution must also be viewed in terms of its total contribution to the society it serves. The research and service contributions of this university have been well documented, and the number of graduates, totaling over 42,000 for the first century is a matter of record. In numbers, this is a significant and measurable contribution to our human resources, but the more elusive measure, in terms of people, their aspirations, and their accomplishments reflects a different and higher dimension. The distance which these graduates have traveled from information to insight, from formal training in higher education to a life of human fulfillment, is perhaps the greatest measure of the stature of this university.

Indeed, Mr. President, the university today may very well have exceeded the hopes and aspirations of its early founders, but this is only the beginning. As President Mullins noted in a letter commemorating this centennial year:

> The challenges and opportunities which will be presented to the University of Arkansas over the next 100 years defy the imagination. They include, of course, opportunities for institutional self-improvement. However, in a larger sense, the most important meaning of the Centennial lies in the University's concern with its role in preparing leadership and conducting research and public service programs. Only a challenge of this magnitude befits a major university today.

In this spirit, President Mullins this year assumed the presidency of the National Association of State Universities and Land-Grant Colleges.

The centennial year opened officially on March 27, 1971, commemorating the 100th anniversary of legislation creating the university, and will extend through commencement, May 20, 1972.

On June 8, 1971, a special ceremony was held in the National Cathedral in Washington giving special recognition to the centennial celebration, and to the land-grant concept and its contribution to higher education through congressional support.

Mr. President, I know that my colleagues in the Senate will want to join me in extending congratulations to the University of Arkansas on the occasion of the celebration of this, its centennial year.

The concurrent resolution is as follows:

SENATE CONCURRENT RESOLUTION 40

Resolved by the Senate (the House of Representatives concurring), That the Congress sends congratulations and greetings to the University of Arkansas on the occasion of the One Hundredth Anniversary of its founding on March 27, 1871, and extends the hope of the people of the United States that the University of Arkansas will, in its new century, continue to grow and prosper.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 79

At the request of Mr. PERCY, the Senator from Ohio (Mr. SAXBE) and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Resolution 79, relating to the need for compensation of certain ethnic Germans who have become citizens of the United States.

DISPOSITION OF THE JUDGMENT IN FAVOR OF CERTAIN INDIANS—AMENDMENT

AMENDMENT NO. 422

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. MOSS (for himself, Mr. CHURCH, Mr. HANSEN, Mr. JORDAN of Idaho, Mr. MCGEE, and Mr. METCALF) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to the bill (S. 2042) to provide for the disposition of the judgment in favor of the Shoshone Tribe or Nation of Indians and the Shoshone-Bannock Tribes in Indian Claims Commission dockets 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, and for other purposes.

NOTICE OF HEARINGS ON EFFECTS ON SMALL BUSINESS OF ADVERTISING AND PROMOTION IN THE PROPRIETARY MEDICINE AND COSMETIC INDUSTRIES

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will continue hearings into the effects of advertising on the viability and opportunities for small business in the proprietary medicine and cosmetic industries.

The hearing will be held on September 22 in room 318—Caucus Room—of the Old Senate Office Building starting at 10 a.m.

The witnesses will be the seven members of the Federal Communications Commission.

ANNOUNCEMENT OF FUTURE HEARINGS ON S. 343 AND S. 344 TO REQUIRE DISCLOSURE OF ASSETS, INCOME, DEBTS, AND SO FORTH, BY OFFICERS AND EMPLOYEES OF ALL BRANCHES OF THE U.S. GOVERNMENT

Mr. CANNON. Mr. President, I wish to announce that the Subcommittee on Privileges and Elections will schedule public hearings in the near future on Senate bill No. 343, introduced by Senator CASE, and on Senate bill No. 344, sponsored by Senator SPONG.

Senators and others who may desire to testify or submit written statements on these measures are requested to contact the staff of the subcommittee in room 310 of the Old Senate Office Building on extension 55647.

NOTICE OF HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Select Committee on Equal Educational Opportunity will hold hearings on the following days:

September 21, 22, 23: room 1114, New Senate Office Building; 10 a.m.

September 28, 29: room 1318, New Senate Office Building; 10 a.m.

September 30 and October 1: room 1114, New Senate Office Building; 10 a.m.

The subjects will be education finance, inequality in educational resources, and the implications of the recent decision of the California Supreme Court holding that State's system of financing education unconstitutional.

ADDITIONAL STATEMENTS

PUBLIC RELATIONS ACTIVITIES OF THE ATOMIC ENERGY COMMISSION

Mr. GRAVEL. Mr. President, on July 30 I wrote to the Honorable Elmer B. Staats, Comptroller General of the United States, requesting an investigation of the public relations activities of the Atomic Energy Commission. I was specifically interested in the AEC's activities in promoting the Milrow and Cannikin underground nuclear tests in Alaska.

On September 10 the Comptroller General's office sent me a complete report on "Public Information Activities Relating to the Atomic Energy Commission's Underground Nuclear Tests at Amchitka Island, Alaska."

In that report GAO pointed out that its authority to prosecute for misuse of funds in connection with public information activities is strictly limited. The GAO can proceed with prosecutions only if funds are used "for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

In essence GAO's hands are tied.

The AEC can continue to propagandize about the underground nuclear test program so long as it does not exhort the public to defeat specific legislation pending before Congress.

The investigation, however, was worthwhile. It confirmed many of my allegations. Most important, the GAO uncovered a report by the AEC written after the Milrow test in 1969. That report confirms my worst suspicions about the dangerous attitude within the agency which discounts all legitimate criticism of its programs.

Throughout its report on the 1969 test the AEC justifies its extensive public relations effort to "sell" Milrow on a basis of "good guys" versus "bad guys." Nowhere in the report is there a recognition that opposition to the test may be based on scientific accuracy or that it may be honestly motivated.

The AEC propaganda effort was explained in detail in the report; explained, justified, and virtually institutionalized by publication of a "How To Do It" manual for "next time."

"Next time" is here. The Cannikin test is tentatively scheduled for next month, and the AEC is selling again—on a larger scale than ever before.

Meanwhile, legitimate questions go unanswered, reports are kept secret and misleading statements are made.

The same lack of candor was evident before Milrow and throughout the operation and was appalling. And the AEC report on Milrow admits such deception.

For example the AEC report states that:

> During the preliminary phase of the Milrow public relations effort—policy did not permit confirming that a nuclear test would be detonated on Amchitka. Public statements were framed in such language as "determining the feasibility of Amchitka for possible use in underground nuclear testing."

Their public relations report admits that:

Once the construction buildup began and contracts in the millions of dollars were being let, it became less credible that the AEC was merely "investigating the feasibility of the site" or that the AEC had not made definite plans to use Amchitka. An announcement that Amchitka had been found geologically acceptable and that the AEC was moving ahead with plans for an initial test would have eliminated some of the suspicion with which news media—knowing that we had let a $12 million drilling contract—accepted our statements that we still were "investigating."

The Milrow report applies only bad faith and questionable motives to those who expressed opposition to the test.

They accuse myself and others of blowing up "items of minor importance from other parts of the world—out of proportion to make antitest headlines."

The AEC accuses those of us who are in opposition to the test of being motivated by and I quote:

> Antitesting, anti-ABM, and antiestablishment ideology, politics and a desire to get publicity. The opposition leaders curtained their real motives and staged a campaign designed to promote fear—fear of earthquakes, fear of tidal waves, fear of economic damage to the fishing industry, fear of damaging foreign relations, and to a minor extent fear of radioactivity.

It is degrading to people in Alaska and California and Hawaii and those throughout the Nation who oppose underground testing to have their efforts dismissed and ridiculed such as is done with tax dollars by an agency of the Federal Government.

Two examples particularly incense me. One is a detailed report on how the AEC "enlisted the aid" of Karl Armstrong, editor of the Kodiak Mirror, to convert him from a critic to a friend.

The report says:

> By associating Editor Armstrong with distribution of the sea otter film and setting up the exhibit, providing him with informational materials, and keeping in contact with him by correspondence and telephone, he was converted from a vociferous foe of the AEC and project Milrow to a friend of the AEC, still fearful of Milrow effects but willing to accept and print AEC statements that the Alaskan public would not be endangered.

I know Karl Armstrong very well. He says what he believes—always—without fear or favor. I resent the inference that he can be manipulated by a slick campaign.

Marty Farrell, a well-known Anchorage attorney, was opposed to the Milrow test for a variety of legitimate reasons, motivated by the highest purposes.

The AEC report refuses to accept his legitimate opposition. Instead it says:

> There was no indication that his opposition was founded on moral or ideological grounds, or that he was actually concerned about dangers.
>
> Farrell was quoted as talking about the "substantial response," which later in the same news item was mentioned as 350 answers to his newspaper advertising. It appeared conceivable that Farrell was working as paid representative for a client and spoke as directed rather than from personal convictions.

The accusation is slanderous. The thinking that went into such an evaluation is dangerous to the public interest—apart from the underground test issue.

The AEC's attitude throughout the campaign was that despite the cold facts of the matter the opposition would not listen.

The agency refused to accept the idea that the opposition was legitimate, that it had facts on its side as well, and that there were, indeed, two sides to the controversy. Today, we are faced with another well-financed public relations campaign by the AEC. This time the test is larger, the potential danger greater and so, in form consistent with its past activities, the selling job is more extensive and expensive.

Public relations operations are being conducted from an expensive hotel suite in Anchorage.

Glamorous all-expense trips to Las Vegas were financed by the AEC for Alaska State officials and legislators.

Movies have been produced. No expense has been spared to "sell" the test in Alaska and nationally.

The opposition has only the strength of its convictions to support its campaign.

Public hearings were held in Alaska last May. Dozens of AEC officials were flown to Alaska to be on hand. Those in opposition had to pay their own way. Afterwards, the AEC refused to make transcripts available because of the expense.

The AEC is running a well-oiled, well-financed, well-coordinated machine to sell Alaskans and other Americans about the need for Cannikin.

That is not public information—it is propaganda. And if it violates no existing law then the law must be changed.

I call this situation to the attention of the Senate not to beat ghosts of past errors, but because the issue is very much alive today. Cannikin is upon us and the selling job is all too familiar. Detonation Day is nearing and the test has still not been canceled. Time is running out.

I ask unanimous consent to have printed in the RECORD the portions of the AEC's report entitled "Information Actions, Project Milrow, Amchitka, Alaska 1967–1969," so that we can all judge the AEC's information activities.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROJECT MILROW—PUBLIC AFFAIRS REPORT

Basic plans for handling public affairs for Project Milrow were established in an Amchitka Public Information Plan issued April 12, 1967. These were supplemented and augmented by an "Annex A" which was circulated on June 23, 1969. Headquarters approval for Annex A and an addition to Annex A outlining plans for accommodating newsmen on the aircraft carrier Princeton were given to NVOO by TWX on September 24 at which time the complete plan, as revised and updated, was sent to NVOO by courier.

When the plans were prepared, there was no indication of the degree of opposition that would appear in Alaska and elsewhere as the time approached for the first AEC underground nuclear detonation in the Aleutians. There was no knowledge that the Princeton would be available for AEC use, and no anticipation that newsmen or official observers would be permitted on Amchitka at shot time. Thus, throughout the operational phase it was necessary to adjust dates of program actions, intensify emphasis in various program areas, and improvise arrangements to fit circumstances.

In reporting and evaluating the Milrow public affairs program, distinct phases or periods must be considered, i.e.:

Preliminary phase—December 1966 through July 14, 1969.

Field operations phase—July 14 through October 8, 1969.

1. Intensified public information and good will building period—July 14 through September 20, 1969.

2. Organized opposition period—August 11 through October 2, 1969.

Event coverage phase—September 22 through October 8, 1969.

PRELIMINARY PHASE

Possibility of opposition to testing on Amchitka was recognized by the NV Office of Public Affairs from the start. More than three months before the first announcement (on December 20, 1966) of AEC studies to determine the feasibility of using Amchitka for nuclear tests, OPA Director Henry G. Vermillion discussed this with then Governor William Egan and in his reports stressed Governor Egan's opinion that there was the likelihood of opposition from conservationist groups and the Governor's advice that the AEC be entirely frank and open about its activities and give widespread advance publicity to its plans.

In early February, 1967, Vermillion made a reconnaissance trip to Anchorage, Fairbanks and Juneau to discuss the proposed Amchitka program with government, civic and conservationist leaders and news media representatives. Repeated contacts with Alaskan officials also were made by W. D. Smith, Jr., NV Assistant Manager for Engineering and Logistics. There was no indication, at that time, of concern about testing other than in conservationist circles. A number of sources stressed the importance of avoiding the appearance of secrecy.

Because of National policy, the Alaskan public information program was conducted on a "low key" basis with a minimum of public exposure. Between the December 20, 1966 announcement that investigations were to be made on Amchitka and June 18, 1969, a total of 31 public announcements were issued. Twenty concerned construction and support contract actions, two were about the sea otter transplant program, and one each was about native hire, archaeology, a survey of the Brooks Range area, and the activation of a Masonic Lodge on Amchitka.

Throughout this period, policy did not permit confirming that a nuclear test would be detonated on Amchitka. Public statements were framed in such language as "determining the feasibility of Amchitka for possible use in underground nuclear testing."

On June 18, 1969, NV was able to refer in a public announcement to "the AEC's planned underground nuclear tests at Amchitka," and on July 18, 1969, NV could confirm (in response to inquiry) that "An underground nuclear detonation to determine the suitability of Amchitka Island in the Aleutians for larger underground tests is tentatively scheduled for the fall of 1969."

Throughout this period, briefings for the Governor of Alaska, the Commander of CINCAL, and the Alaskan Congressional delegation were provided by NV staff and DMA on a continuing basis, whenever there was a change of personnel in these positions, and whenever new developments made additional briefings advisable. Thus, these leaders were kept aware of Amchitka progress and plans.

Frequent contacts also were made with State of Alaska agencies with responsibility and interests which could be affected by the program—i.e., Fish & Game, Health & Welfare, etc. There also were briefings for individual members of the State Legislature and for native and conservationist leaders.

On July 31, 1967, an initial news media visit to Amchitka (for two hours) was made by two Seattle reporters, who were the only newsmen who had requested the visit. During the next two years similar visits under escort of NV or HQ personnel were made by Alaskan news media, Seattle reporters, reporters, representatives of the Audubon and National Geographic Magazines, and NBC and CBS TV crews. In each case the initiative for the visit came from the news media representatives. For the most part, reports on the visits were friendly and the only concern expressed was based on conservationist and ecological considerations.

During the summer of 1968, a documentary film was made of the sea otter transplant program and made available on a limited basis in Alaska. In 1969 a public information type film was edited, printed and made available for widespread general use.

Originally it had been believed that possible injury to the sea otter population would be of greatest concern to Alaskans and might provide the most serious problem in connection with the Amchitka program. Widespread publicity given to the sea otter transplant program, and hundreds of showings of the sea otter film in Alaska, appeared effective in convincing the public that the AEC-State cooperation in the transplant program was an important contribution and that the Amchitka sea otters would not be placed in jeopardy.

The first intimation that there might be opposition to the test on other than conservationist grounds was observed in April 1969 when Senator Mike Gravel of Alaska visited Las Vegas (reportedly as the guest of the Howard Hughes interest) and requested a briefing on underground nuclear testing. He was briefed at the Nevada Operations Office, and shortly thereafter he and his staff were given an additional briefing in Washington by NV and HQ officials.

Statements attributed to the Senator in the press indicated that he was concerned primarily about seismic effects in Nevada and California but thought that the transfer of all high yield testing to Amchitka would be advisable, and would be an economic contribution to Alaska. (As time progressed, Senator Gravel assumed the position of a concerned Alaskan and publicly asked for information on the possibility of earthquake triggering, tsunamis, damage to the fishing industry, possible escape of radioactivity into the atmosphere or the sea, etc. Eventually, he emerged as the most vocal foe of Project Milrow and spearheaded Congressional opposition.)

The first open opposition to Milrow appeared in May 1969, in the form of a letter to Governor Miller of Alaska from the Alaska Sportsmen's Council citing conservationist considerations and the possibility of venting into the ocean, endangering the Alaskan fishing industry; a letter from Senator Gravel to the U.S. Geological Survey inquiring about the possibility of triggered earthquakes or tsunamis, and an editorial campaign in the Kodiak Mirror suggesting that the test would create a serious tidal wave danger to Kodiak.

To provide facts to Alaskans, a team consisting of Commissioner Franceso Costagliola; NV Manager Robert E. Miller; Dr. Fred Tesche, Deputy Assistant General Manager, DMA/HQ; NV Assistant Manager W. D. Smith, Jr.; Dr. Melvin Merritt of Sandia Laboratory; and NV Public Affairs Director Henry G. Vermillion went to Alaska, briefed Governor Miller and met with interested citizens. Public meetings were held between June 24 and 27 with Governor Miller, State officials and interested citizens at Juneau, and with interested citizens, news media and conservationsts at Anchorage, Fairbanks, and Kodiak. The level of concern did not appear high, and apparently stemmed largely from conservationist considerations. Even in Kodiak, despite the newspaper campaign, attendance was small and the amount of serious public concern appeared minimal.

The most frequent complaints had to do with a lack of information about the Amchitka program, i.e., that AEC was operating behind a veil of secrecy and classification, that Alaska wasn't being told what was going on, and that there was nowhere in the State to get information, ask questions or make complaints.

As a result of the briefings, it was decided that an AEC Alaskan Office of Information should be established and continued until after the Milrow event.

Observations, Conclusions, and Suggestions:

The long delay in admitting that anything more than a feasibility study was underway at Amchitka, and failure to link the Amchitka program with national security requirements led to widespread complaints of secrecy and non-disclosure. With a less restrictive policy, more effective efforts might have been made to gain understanding, acceptance and support.

Once the construction buildup began and contracts in the millions of dollars were being let, it became less credible that the AEC was merely "investigating the feasibility of the site" or that the AEC had not made definite plans to use Amchitka. An announcement that Amchitka had been found geologically acceptable and that the AEC was moving ahead with plans for an initial test would have eliminated some of the suspicion with which news media—knowing that we had let a $12 million drilling contract—accepted our statements that we still were "investigating."

FIELD OPERATION PHASE

Intensified public information and good will building period

The Alaskan Office of Information was established in Anchorage on July 14, 1969, with instructions to make information about Project Milrow available to the people of Alaska, and to make active efforts to carry the information to news media, organizations, groups, officials and individuals.

News media were advised that the office had been established to serve their needs, and that printed materials, motion picture films, slide presentations and displays were available.

Organizations, groups and schools were invited to contact the office for motion picture or slide showings, talks, briefings and conferences about AEC activities including safety precautions taken to assure that testing would not damage man, man-made structures, or the environment. During the ensuing 80 days before the Milrow detonation, intensive efforts were made to provide the Alaskan public with full information about the AEC activities in Alaska, the importance of the program, AEC safety programs, and the opinions of outstanding scientists that Milrow would not pose a tangible hazard.

The activity included meetings with government, civic and conservationist leaders in Anchorage, Fairbanks, Juneau, Kodiak, Homer and Seward, talks before Chambers of Commerce, civic and women's groups, appearances on radio and TV, and showing of films on the sea otter transplant, Plowshare, and the underground test program on TV stations throughout the State. (Copies of the sea otter film were made available to the public through newspapers in Kodiak, Juneau and Fairbanks, and copies of this film and supplies of "Understanding the Atom" series booklets were distributed to all State junior and senior high schools through a State sponsored educational resources organization.) Arrangements were made to establish an AEC film library at the University of Alaska near Fairbanks as a permanent means of making AEC educational material available throughout the State.

Free exhibit space was obtained at the State's two biggest fairs—the Tanana Valley Fair at Fairbanks (August 14–17) and the Alaska State Fair at Palmer (August 22–September 1)—and two attractive exhibits were constructed for display. One dealt with archæology on Amchitka, and the second was a pictorial story of nuclear testing and development of the Amchitka site.

AEC movies (Amchitka Revisited, The Warm Coat, Plowshare, and Underground Nuclear Weapons Testing) were shown on a virtually continuous program throughout the afternoon and evening hours.

The two fairs are estimated to have attracted a combined attendance of 100,000 persons. Allowing for persons who attended on more than one day, or did not visit the exhibit halls, it is estimated that more than 50,000 persons were exposed to the AEC story. Thousands of AEC publications (Amchitka Background Book, Why We Test, Safety of Underground Nuclear Testing, and Understanding the Atom series booklets) were distributed and booth attendants discussed the Amchitka program with hundreds of Alaskans.

Another AEC exhibit on the Understanding the Atom series of TID publications was sent to Kodiak and through the cooperation of City Manager Roy Goodman, Kodiak Mirror Editor Karl Armstrong, and Chief Journalist McClung of the Kodiak Naval Base was used at several locations on Kodiak Island.

By associating Editor Armstrong with distribution of the sea otter film and setting up the exhibit, providing him with informational materials, and keeping in contact with him by correspondence and telephone, he was converted from a vociferous foe of the AEC and Project Milrow to a friend of the AEC, still fearful of Milrow effects but willing to accept and print AEC statements that the Alaskan public would not be endangered.

The assistance of Chief McClung of Kodiak Naval Base was typical of the cooperation and support AEC received from the military throughout its program in Alaska. The public affairs staff at Elmendorf Air Force Base in Anchorage responded to every request for assistance and the editorial support given by the Armed Forces Network (which has the largest share of Alaska's radio and TV audiences) was invaluable.

Prior to the Fairs, on August 4 and 5 a news media trip to Amchitka was arranged at the request of Anchorage radio reporters. Invitations were issued to news media in Anchorage, Fairbanks, Juneau, and Kodiak for what was planned as a one-day trip (7:30 a.m. to 7:30 p.m.) Fifteen reporters representing newspapers, radio, TV and magazines made the trip. Bad weather made it impossible to land at Amchitka and the group spent the night and most of the following day at Adak, awaiting improved weather. This worked to AEC's advantage since it provided many hours of extra time for briefings, individual interviews, and becoming better acquainted with the newsmen. Late on the second day the group continued to Amchitka and made the scheduled four-hour stay visiting the Milrow site, other drill sites, archaeological digs, the sea otter holding tanks and the camp.

The 12-hour trip stretched to more than 40 hours, but the news media representatives made no complaints and appeared to have found the trip worthwhile. Some of the reporters were intrigued by the archaeological work on the island and featured this in their stories, and at a later date the Amchitka archaeologist was invited to appear at a well-attended public meeting in Anchorage. Resultant news coverage was favorable to the AEC and its program to prevent damage to Amchitka artifacts.

The first organized opposition to Amchitka was revealed during the second week of August, 1969, with the appearance of newspaper advertisements and the broadcast of stories about the self-styled "Save Our State" Committee. An attorney who had lived in Alaska for approximately 10 years, Mike Farrell, was the spokesman for the group. Immediate contacts with him by the Alaska Office of Information, requests to meet with him and leaders of his group, offers to bring authorities to Anchorage to talk on any phase of the Milrow detonation (ground shock, earthquake, triggering, tsunamis containment, or ecology) were met with polite promises to contact the AEC "later" but no such contact ever was made. Despite repeated telephone calls, letters and sending of Amchitka background and safety information, Farrell and his committee indicated no interest in learning anything about the AEC or Project Milrow. Even when advised of facts which showed charges, statements and advertisements untrue, the Committee continued to publish the original misstatements.

The reasons and motivation for Farrell's activity remain unknown. There is nothing to substantiate suggestions that he has political ambitions and was seeking publicity. There was no indication that his opposition was founded on moral or ideological grounds, or that he was actually concerned about dangers. There also was no indication that the SOS Committee had any real support from the public. (Farrell was quoted as talking about the "substantial response," which later in the same news item was mentioned as 350 answers to his newspaper advertising. It appeared conceivable that Farrell was working as paid representative for a client and spoke as directed rather than from personal convictions.)

Significantly, the Save Our State group made no showing of strength in Alaska. Senators Mike Bradner of Fairbanks and Bill Ray of Juneau both quoted SOS and attacked AEC on occasions but both generally were dismissed by news media as headline hunters. SOS managed to recruit 32 pickets to march at the AEC briefing of the Legislative Council but within an hour the group had shrunk to six, amid complaints about the pay. An SOS-organized "vigil" of youthful protestors against Milrow, staged in a downtown park just before shot day, attracted only about 100 persons. There was none of the type of impassioned protest action which was promoted in Canada and British Columbia with marches on U.S. consulates and attempts to block the border, which produced sensationalized newspaper, radio and TV coverage. There were few published "letters to the editor" in support of SOS, and Anchorage reporters and newsmen privately have expressed the belief that the Farrell group had little support.

A State Representative from Anchorage, Charles Sassara, achieved news headlines soon after SOS entered the picture, by announcing that he had telegraphed a demand to Chairman Seaborg for a briefing of the State Legislature. Contacts with legislative leaders soon got this into channels with the announcement that the AEC had made arrangements to brief the State Legislative Council on September 26. Sassara never again appeared in the news in connection with Milrow.

Throughout this period, efforts were made to counteract the attacks, false statements and questions about hazards which were circulated by opponents. These efforts included personal contacts with editors and correspondents, radio and TV appearances, talks to civic clubs, and correspondence with opponents. Generally the correspondence was ineffective since it became clear that it was directed to men who had their minds made up and did not want to have contrary information.

As programmed, a visit to Amchitka by governmental, civic and conservationist leaders and interested news media was scheduled for Saturday, September 13. About 80 guests, nominated by the Governor, the President of the Senate, the Speaker of the House, the Anchorage Chamber of Commerce and conservationist groups in Fairbanks and Juneau made the trip by chartered plane. Briefings were given on the plane en route to Amchitka, on the island, and on the return flight. Bus and other motor transportation was provided to take the visitors to the Milrow Surface Zero, the archaeological digs, the sea otter tanks and other places of interest. After approximately six hours on the island, the party returned to Anchorage. The response and reaction was excellent, and most of the guests expressed themselves as well pleased with the trip and the opportunity to know more about the program. The only well publicized exception was Senator Bill Ray of Juneau, who did not make the trip but gained newspaper headlines with a criticism of it as being too brief, and Senator Bradner who did make the trip and who indicated support for his colleague.

Plans had been considered for taking a group of Alaskan news media representatives and official observers to the Nevada Test Site to observe the Jorum detonation (September 16) in the belief that observing a test in the same general yield range as Milrow from 30 miles distant would give observers a better understanding of the test and safety programs—and impress on them that no hazard could be anticipated at areas hundreds of miles distant from Milrow.

Uncertainties and delay in the scheduling of Jorum and conflict with the Amchitka tour made this impossible. However, a representative of Governor Miller was flown to Las Vegas to serve as an official Alaskan observer at Jorum. The observer, Ben Hilliker of the Alaska Fish & Game Department, attended pre-shot briefings, watched the shot on closed circuit TV from the Control Point, and participated in a post-shot tour of the Test Site.

On his return to Alaka, Hilliker made a report to the Governor which is believed to have influenced the Governor to continue his support of Milrow. He also talked with Juneau news media representatives about the trip and expressed his confidence in the safety precautions with which AEC surrounds its test program.

Observations, Conclusions, and Suggestions:

In general, the activities during this period were valuable in making friends for the AEC, getting the AEC story before the public, and in gaining a measure of acceptance and support which was of prime importance in offsetting the efforts of opponents to build up widespread opposition to and fear of the Amchitka program.

Each of the major activities—the visits to Amchitka, the Jorum observation by Governor Miller's representative, participation in the two Fairs, and the widespread showing of AEC films—contributed to the success.

No effective means seemed available to prevent individuals and organizations from getting wide publicity through their attacks on the AEC and its programs, but there was a measure of success in the fact that opponents were not able to achieve widespread public support. From the standpoint of winning news media exposure, the test opponents had great success; from the standpoint of influencing others to join them, they apparently had little success. Conceivably, closer personal contact with reporters and editors and speedy and convincing denials of false statements could have been advantageous had news media been interested in fully responsible journalism. It appeared more likely that for the most part the media would not be persuaded to check the truth or accuracy of statements and charges prior to printing them, but would use denials from AEC sources only to make another headline or to attract attention to a controversy.

Organized Opposition Period

The final fortnight before detonation was the most intensely active of the Milrow public information program. The information staff was increased as shot day neared and eventually included Henry G. Vermillion, John Wright, Dixon Stewart and Wynona Joy of the NV Public Affairs staff, James S. Cannon of DPI/HQ, and Marjorie Allen of the ALO Information staff, plus photographic, communications and clerical personnel from the AEC, Pen American World Airways, Inc., and Holmes & Narver, Inc.

Principal activities included the establishment of a Public Information Center in the Anchorage Westward Hotel (see Annex A), a briefing for the Alaska Legislative Council at the State Court Building in Anchorage, arrangements for newsmen to be on the aircraft carrier Princeton off Amchitka at shot time, establishment of a "pool" reporting arrangement on Amchitka, and press conference, TV and radio appearances by Representative Chet Holifield, Chairman of the Joint Atomic Energy Committee.

Routine contacts with reporters and editors for issuance of AEC announcements or to answer inquiries increased as news media coverage of Milrow was intensified.

NV Manager Robert E. Miller and Public Affairs Director Henry C. Vermillion conferred with Publishers Robert Atwood of the Anchorage Times and Larry Fanning of the Anchorage News. The Times was a strong supporter of the AEC throughout the months preceding Milrow and characterized opponents as "merchants of fear" and "headline hunters," as well as pointing out that the news media was being naive in publishing any charge made by test opponents without regard to truthfulness of the charge or the stature, motive or reliability of the person or organization quoted. (The Times continued its strong support through Milrow and during weeks following the detonation published several editorials criticizing test opponents.)

Publisher Fanning of the News, which had played up test opposition strongly, admitted in the conference that his opposition to Milrow was based on opposition to the ABM and the accepted national policy premise that a strong nuclear deterrent is necessary for security. Shortly thereafter, Fanning published an editorial spelling out his opposition on these grounds.

Editorial support (both pre- and post-event) also was forthcoming from the influential Fairbanks News-Miner and the Ketchikan News. (Outside the Anchorage News, the only expressed editorial opposition during this period came on conservationist grounds from the Juneau Empire—which later reprinted an Anchorage Times editorial supporting Milrow.)

A small Fairbanks paper which had opposed the test on conservationist grounds went out of business during the period. The Kodiak Mirror which raised the tidal wave spectre many months earlier, expressed no editorial opinion during the final month before the detonation. No other Alaskan newspapers are known to have commented editorially.

Regardless of editorial expressions, all Alaskan news media gave extensive news coverage to anti-AEC and anti-test propaganda. Seemingly anyone who wanted to get his name in the newspapers or on radio—regardless of expertise or qualifications—could do so by making a statement against the test. Items of minor importance from other parts of the world were blown out of proportion to make anti-test headlines. Senator Gravel had become an avowed opponent of the test and attracted support from Senator Fulbright, Senator Magnuson and other anti-ABM members of Congress. His suggestion that all Pacific basin areas might be endangered brought the Hawaiian Senators and Members of Congress into the anti-test camp, and presumably was the inspiration for public protests in Hawaii, and the near-hysteria which developed in parts of British Columbia. Marches on U.S. consulates and border closing attempts along the U.S.-Canadian border apparently were anti-nuclear weapons motivated. Although his efforts to get Senate Foreign Relations Committee or White House intervention did not succeed, Senator Gravel kept his name before the Alaskan public almost constantly and became the spearhead of the anti-test group.

The September 26 briefings of the Alaska State Legislative Council became AEC's most important Alaskan pre-event public forum. This briefing had been arranged, at AEC request, more than a month before. As the date neared, test opponents came into the picture with suggestions that the briefing be expanded to include Hawaiian, Canadian and Japanese officials and that the Save Our State Committee provide anti-test speakers.

NV Manager Robert E. Miller discussed procedure with Legislative Council officials to make it clear that the planned session was a briefing by AEC and not, as some news stories intimated, a hearing in which the Council would approve or disapprove the detonation. It was further agreed that the session be conducted under the Council's normal ground rules—the AEC to make its presentations and then to answer questions only from members of the Council. (As a courtesy, the question privilege later was extended to Hawaiian legislators and other Alaskan legislators.) It was agreed that the Hawaiian legislators could participate and that the SOS Committee could provide a briefer with a scientific background.

The briefing, extensively publicized by newspaper, radio and TV, was held in the State Court Building in Anchorage, starting at 9 a.m., September 26. It was planned as a three hour session but developed into a three hour morning session, and an afternoon session of approximately two hours. All Anchorage news media were represented with reporters and cameramen, but there was no out-of-town news coverage. The audience of approximately 100 persons completely filled the small conference room (and a larger room used for the afternoon session), but the number of persons unable to get into the room was small. The total turnout did not appear to exceed 175 persons. The audience was well behaved and did not vocally participate in the sessions.

Some thirty placard-carrying pickets—mostly teeenagers—appeared outside the building shortly before noon, were photographed for press and TV and talked with reporters. Within the hour, the pickets dwindled to six and the discarded signs were stacked against the building. (A member of the Council was quoted later in his hometown newspaper as saying that the pickets were hired by an anti-test group.)

Eight scientists associated with the Milrow program (see Appendix B for agenda) participated in the briefings and joined with NV Manager Robert E. Miller and Effects Evaluation Director Elwood Douthett in answering questions. The briefer for the SOS was Dr. Michael Friedlander of the Committee for Environmental Information, from St. Louis, Missouri.

The AEC briefings appeared to be effective. Dr. Friedlander did not dispute AEC effects predictions, but opposed the test on the grounds that there still were many "uncertainties" and that there should be an "independent scientific investigation."

Questioning by the Alaskan and Hawaiian legislators ranged from apparently sincere seeking of knowledge and additional information to "loaded" or openly hostile inquiries from members who had publicly opposed the test.

It appears unlikely that the briefing changed any attitudes among the legislators. Those who had spoken against the program previously continued in opposition. Legislators known to have been favorable remained that way. The briefing did provide a widely publicized forum and the resultant news coverage and impression on the public appeared favorable.

News media pressure for a pro or con statement about testing apparently influenced the Council to make a statement, although the AEC had made it clear in advance that the appearance before the Council was in no way a "hearing" or intended to seek Council approval, but solely a means of acquainting the legislators with the Milrow program.

On the day following the briefings, the Chairman of the Council did issue a statement. There was no general agreement on what it said or meant, even among the members of the Council, some of whom were quoted as expressing diametrically opposing views by the two Anchorage newspapers. The Daily News headlined that the Council opposed Milrow. The Daily Times headlined that the Council approved Milrow. When pressed for an interpretation, Chairman Eugene Guess was quoted as saying that there was no general agreement and that an effort had been made to draft a statement which would be approved by all members. The resultant statement was interpreted by each member as he saw fit—and by news media and others according to their own convictions, beliefs or understandings.

It became apparent that a number of the legislators who were listed in the "opposing the test" group were motivated by political considerations. Democratic leaders took the occasion to send a telegraphic statement criticizing Republican Governor Miller for his support of Milrow and to suggest that he had failed to study the question thoroughly. Some Democratic office-holders said privately that they did not "really" oppose Milrow but "went along" with the Milrow-oriented criticism of the Governor as a matter of political expediency.

In the final days before the shot it appeared that Milrow was being used as a political football, with the Demorcrats and anti-ABM groups lining up with Senator Gravel, and the Republican Alaskan political figures (Senator Stevens, Congressman Pollock and down to the State legislative level) backing the Milrow approval of President Nixon and Governor Miller.

The Legislative Council did not communicate with the AEC after the briefing, but was reported in the press as desiring to have an observer on Amchita at shot time. The AEC telephoned Chairman Guess and asked whether the Council wished to name an observer. There was no further contact and no indication that the Council actually wanted to be represented at Amchitka.

Observations, Conclusions and Suggestions:

In this period, news media again seemed ready to publish or broadcast any statement and then seek the denial and correct statement as a second sensation. (An example: An "inside news" column in a monthly construction magazine printed an alleged rumor that the USGS was in disagreement with the AEC over the safety of testing on Amchitka and was an important source of opposition to Milrow. The Associated Press carried the item from Juneau and it was widely printed. At the time he sent out the story, the AP correspondent had, in his desk, correspondence between Senator Gravel and Commissioner Peccora of USGS which was proof that the "inside news" story had no basis in fact. When it was pointed out to the correspondent that responsible reporting would have required that he check the "rumor" with USGS or AEC in which case he would have been reminded of the Gravel-Peccora letters, he responded that he would now reprint the facts and thus have two stories instead of the "no story" which he would have had if he had made the check.)

It was estimated by some Alaskan newsmen that not more than 50 percent of the residents were actively aware of the Milrow program; that of that number thirty percent had no real concern or pro and con opinions; that the remaining 20 percent probably were pretty evenly divided as "for" or "against" and that the strongly vocal opponents of Milrow probably included less than five percent of the State's population. (In this respect, there never was a successful effort to get out a sizeable crowd of protesters in Alaska, despite generally good weather during the period.)

The opposition expressed in Hawaii, and the hysterical anti-test campaign in British Columbia and other parts of Canada could be a valuable subject for research. Currently we know little of the motivation or the types or numbers involved. It seems unlikely that the activity in Canada was entirely spontaneous, or that it resulted entirely from news coverage—although as news media gave attention to developments, the activity in Canada appeared to mushroom. A study might reveal how the protests were inspired or financed; by whom; whether they resulted from a generally anti-U.S. attitude; or were centered entirely on AEC.

Overall, the Legislative Council briefing probably benefited the program but it was not entirely satisfactory because of the political undertones. It is suggested that on any future programs, the approach to the Legislature be made at Juneau and at a much earlier date with serious consideration of the statewide political situation.

EVENT COVERAGE PHASE

Milrow Press Headquarters and the Public Information Center were opened at the Anchorage Westward Hotel on September 24. The Information Center attracted active news media attention and was visited by many Anchorage visitors and residents. News media had been advised that all reporting of Milrow would be from the Information Center and they made preparations for intensive coverage.

However, early in September a Seattle newsman learned, apparently from Naval sources, that the Aircraft Carrier Princeton would be off Amchitka at shot time and that personnel evacuated from the island would be aboard the ship. The newsmen requested permission to cover Milrow from the carrier. Similar requests were received later from national television stations.

NVOO requested approval from HQ for permitting newsmen to be on the Princeton and to helicopter back to Amchitka following the detonation. Discussions of this possibility continued for approximately three weeks. It was not until September 24 that approval was given to proceed with planning. Formal approval for the trip was received on September 26.

Final arrangements required close cooperation with the Test Manager's staff on Amchitka, the Commander of the Princeton, and the support contractor, Holmes & Narver, Inc., since it involved an extra unscheduled flight to Amchitka, helicopter transportation to the Princeton and some interference with the Amchitka evacuation plan.

Nevertheless, arrangements were completed and on September 30 a total of 19 newsmen escorted by NV Public Affairs Director Vermillion and DPI/HQ representative James Cannon, together with nine AEC officials and/or official observers flew to Amchitka. (Details of the Princeton activity are contained in Annex C.)

A decision made on September 29 to permit news media representatives on Amchitka during Milrow was made at the recommendation of Congressman Holifield, Chairman of the Joint Committee on Atomic Energy. Congressman Holifield arrived in Anchorage on Sunday, September 28, en route to Amchitka where he had been invited to be in the Milrow control room at shot time. He agreed to a press conference in the Milrow Information Center on the morning of September 29. The Congressman gave strong verbal support for Milrow and the AEC test program and expressed complete confidence in the NVOO safety program and the effects forecasts of AEC scientists. He was highly effective and persuasive and made a good impression on the news media, both at the conference and in individual TV and radio interviews. He fielded questions from newsmen effectively and convincingly.

When a newsman inquired why news media representatives were not permitted to cover Milrow from Amchitka, the Congressman responded that he thought they might be permitted to do so under a pool arrangement. After discussion between Congressman Holifield and NV Manager Miller, arrangements were made with the Milrow Test Manager, R. H. Thalgott, to permit two reporters, under Office of Public Affairs escort, to be on Amchitka and witness Milrow on closed circuit TV.

Wallace Turner of the New York Times served as representative for the written media, and Merl Severn of CBS–TV was the TV-radio pool representative. Because of the long experience of the networks with pool coverage there were no difficulties with the TV-radio materials. However, with only a few hours between selection of a pool representative and the plane departure, adequate plans were not made for reception and distribution of Turner's dispatches. With a misunderstanding at the New York Times about making copy available to other news media and inadequate planning for copying and distributing at Anchorage—plus equipment failures—dispatches were not reproduced and distributed speedily and the pool was far from satisfactory. Afternoon newspapers had a legitimate complaint in that the dispatches were timed for morning newspapers and missed evening deadlines.

(The D minus 2 through D plus 1 day Public Affairs actions on Amchitka, including handling of pool representatives, official guests and shot time control room activities are detailed in Appendix D.)

The event day (October 2, 1969) operations of the Information Center in Anchorage were the most elaborate and effective public affairs activities ever conducted by NV and resulted in favorable nationwide publicity.

Starting at 9 a.m., local time, nearly 100 invited guests and news media representatives observed the final preparations and the actual detonation of the widely publicized Milrow calibration event—even though they were more than 1400 miles from Amchitka.

The program (detailed in Annex A) held the attention of the guests and the more than 250 persons who gathered in the hotel lobby where they could hear and watch the proceedings by TV and over a public address system from the Information Center.

Through the device of the Information Center it was possible to impress the invited guests—all leaders in the community—with the care taken in nuclear testing, and the extent of AEC safety programs.

Attendance remained on a "Standing Room Only" basis through the detonation and the post-shot evaluations. Most of the guests left when the formal program was concluded, about 2 p.m. Some news media representatives remained for interviews with the scientists who had participated in the program. The H plus 3 hour summaries on seismology, ecology, containment, radiation monitoring and tsunamis attracted some 10 reporters in addition to a few remaining members of the public.

Post-detonation newspaper, radio, and TV coverage was extensive and favorable. The Anchorage Daily News carried articles and editorials critical of the attitudes and actions of the AEC team and continuing opposition to the test program. For the most part, however, the AEC was credited with doing a good job, and with having proved the accuracy and truthfulness of pre-event effects predictions. Several newspapers (notably the Anchorage Times, the Fairbanks News-Miner and the Ketchikan News) published editorials ridiculing the pre-event campaign of fear conducted by test opponents and suggesting that the AEC had earned the confidence of the public. The Anchorage Times' editorial "Chicken Little's Old Tale" was inserted into the Congressional Record by Representative Holifield, who was joined by Congressman Hosmer of California in pointing out the results of Milrow and the earlier Rulison event in Colorado were precisely what the AEC scientists had predicted, and comparing the results with the pre-shot "horror stories" circulated by test opponents.

News media and public interest in Milrow fell off rapidly and by the middle of the following week it was apparent that there was no need for continued staffing of an information office in Alaska. Between that time and December 1, 1969, except for several pro-AEC editorials in the Anchorage Times and articles based on the AEC's preliminary report on Milrow effects, issued on October 22, Alaska news media appeared to have ignored Amchitka and the AEC.

The Alaska Office of Information was discontinued at the close of business on October 8 and Public Affairs personnel withdrawn from Alaska.

Observations, Conclusions and Suggestions:

The Event Coverage Period was a successful culmination of the Alaskan program. The principal desirable improvement would have been in the pool coverage on Amchitka. This phase did not work as well as desired, chiefly because there was not sufficient time between the decision to permit pool coverage and the departure of the press party.

SUMMARY CONCLUSIONS

In retrospect, the Amchitka Public Affairs program was successful and provides the basis for making better plans and conducting a more effective program for future events.

The extent of news media exposure given to test opponents was not an accurate measure of the reaction of Alaska residents. Despite the prominence of some opponents and the sensationalized scare tactics which were used, there never was an indication of widespread public opposition. (This suggests the importance of not over-reacting to opposition.)

The primary opposition expressed to Milrow appeared to be based chiefly on anti-testing, anti-ABM, and the anti-establishment ideology, politics and a desire to get publicity. The opposition leaders curtained their real motives and staged a campaign designed to promote fear—fear of earthquakes, fear of tidal waves, fear of economic damage to the fishing industry, fear of damaging foreign relations, and to a minor extent fear of radioactivity. This is a type of opposition the AEC has experienced for years and one which appears certain to continue. There appears to be no method of softening or minimizing this opposition, since for the most part those ideologically, morally or instinctively inspired to voice this opposition have their minds firmly made up, will not listen to facts, arguments or opposing views, and are determined not to let their minds be changed.

Originally, it was assumed that the chief opposition to Milrow from Alaskans would be on conservationist grounds. Concerted efforts were made to get all the information before leading conservationists and conservationist groups and to convince them that the effects predictions were soundly based, and that bioecological study programs were detailed enough. The sea otter transplant program was thoroughly publicized. The success of these efforts is attested by the lack of any significant amount of open, organized conservationist opposition during the final months before Milrow.

RECOMMENDATIONS

1. If future projects are programmed for Amchitka, the AEC should have a more open policy than in the build-up period for the Milrow test. During the weeks leading up to Milrow, the AEC demonstrated to news media and the public that it can operate openly, that its people know what they are doing, and that they are credible.

2. Some agency of the U.S. Government should seek to learn the motivation for the Milrow opposition engendered in Canada, as a means of judging whether similar opposition is likely in the future, and perhaps to find means to counteract such opposition.

3. A series of 10 to 20 minute film briefings based on "Safety in Underground Testing" and similar to the oral briefings made by AEC authorities to the Alaska State Legislative Council should be prepared several months in advance of any future Amchitka test. Such a series of safety briefing film presentations would make it possible to present safety briefings to officials, groups, organizations or the public as appropriate without the actual presence of the panel of briefers.

Each film should be self-contained and usable as an individual program. With a selection of briefings covering "Why We Test;" "Earth Motion;" "Containment;" "Radioactivity;" "Ecology," etc., it would be possible to offer briefings on individual subjects; a combination of subjects, or the entire safety spectrum.

Some films might be usable in any area where a nuclear project was planned. Others might be specially tailored for the particular area.

JOHN GOBERT—OUTSTANDING DISABLED AMERICAN VETERAN FOR 1971

Mr. FANNIN. Mr. President, one of the perplexing problems facing Congress is how to encourage able-bodied but unwilling workers to take jobs.

But we also have inspiring instances in our Nation of severely handicapped persons who have fought not only to carry their own weight in society, but to help others.

Two instances have come to my attention recently. One is the story of a one-legged veteran who has helped to bring health service to the isolated Arizona Indian village of Supai. Because of his wonderful record, John Gobert has been selected as the Outstanding Disabled American Veteran for 1971.

The story was told in an Associated Press article which ran August 9, 1971, in the Phoenix Gazette. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAV's OUTSTANDING MAN—ONE-LEGGED VET BRINGS MEDICAL AID TO INDIAN

DETROIT.—Overcoming the Vietnam war injury that took his left leg, husky Blackfoot Indian John Gobert has blazed a trail bringing health service to his Indian brethren in the isolated village of Supai, 2,400 feet below the rim of the Grand Canyon.

Now 29 years old, Gobert was born and

raised on an Indian reservation at Browning, Mont. He joined the Navy in 1960, and during his second tour of duty in Vietnam in 1965 he lost his leg when he stepped on a land mine.

After 10 months in a Naval hospital learning to walk on a false leg, Gobert returned to civilian life.

In 1969, he took a pioneering assignment with the U.S. Indian Health Service in Arizona. The job was to bring medical care and public health programs to the 300 Havasupai Indians living in almost complete isolation down the steep cliffs of the Grand Canyon.

After hurriedly taking courses from the U.S. Public Health Service at Phoenix and Tucson, Ariz., on health care, Gobert spent 18 months in Supai offering what medical help he could and arranging to have the seriously ill removed to the nearest town—80 miles away—by helicopter.

As a result of his success, the U.S. Public Health Service has organized a program of training Indians to bring medical services to some of the most isolated tribes in the western part of the nation.

Gobert, who is helping to coordinate the training and placement of 10 new Indian medics, has been named the year's Outstanding Disabled American Veteran by the 350,000-member Disabled American Veterans.

Some 3,000 delegates of the group are in Detroit for their annual convention.

In addition to operating a medical clinic and public health program, Gobert spent many hours in Supai traveling the treacherous cliff trails on horseback to make house calls.

Gobert won the confidence of the villagers—"a real tribute" to him, explains Dr. Charles S. McCammon, medical director of the Phoenix area Indian Health Service. "For the Havasupai people are not noted for their acceptance of outsiders." Gobert modestly discounts any difficulties in achieving acceptance by the Havasupais.

"I could have had two heads and three arms on one side as long as I could look after their health," he said.

Gobert had to call in helicopters 16 times to take out seriously ill or injured patients. But often, after dark or when winds were too strong, the helicopter could not make the trip and Gobert had to do what he could with the guidance of a doctor on the telephone.

EDITORIALS FROM THE ARKANSAS GAZETTE

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials published in the Arkansas Gazette of September 12, 1971.

One editorial, entitled "Filling a National Void," concerns the opening of the Kennedy Center and emphasizes in an appropriate manner the significance of this fine institution.

The other editorial, entitled "The New 'Line' From Walt Whitman Rostow," is a perceptive and thoughtful analysis of some of the views of Mr. Kissinger's predecessor in the White House.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

THE NEW "LINE" FROM WALT WHITMAN ROSTOW

Presidential advisers may come and presidential advisers may go (though some of them do not go often enough or soon enough), but the one thing that most of the think tank boys seem to have in common is an apparently congential inability to admit that they might ever have been wrong.

Among the big ones, a partial exception would have to be Robert S. McNamara—no "think tank" product, as such, but one of them in spirit—whose commissioning of the "Pentagon Papers" grew out of a growing suspicion that he had been wrong. While he was hanging in there, though, McNamara had hung as tough as any of 'em, concurring in irrational actions daily in the name of what he was certain was pure reason.

More typical is Eugene V. Rostow, who now has simply shifted the terms of debate to argue that it was Japan and not China that was the real long-term threat in Southeast Asia all along. It goes without saying that he had known it all along, but just wasn't telling.

Walt W. Rostow, from his exile at the University of Texas-Austin, essays the more bravura touch, writing now in Life magazine that China was and remains the threat, all right, but going on to argue from there that *detente* with China, if it comes, will have come about because of, rather than in spite of, our bloody war in Indochina. It is an ingenious argument, but also a remarkably disingenuous one.

"Was it worth it?", W. W. Rostow asks rhetorically in summary of almost 50,000 American dead, unknown and unknowable hundreds of thousands of indigenous Asian peasantry dead. $125,000,000,000 lifted out of the pockets of the American taxpayer. "Clearly the outcome of the common effort is still uncertain [*but*] if we mindlessly walk away from Asia, we shall make sure it was not worth it."

We can mindlessly walk in to the inherited French colonial war in the Indochina peninsula (against the explicit advice of General de Gaulle and other thoughtful Frenchmen) but to walk all the way out, many years too late, would be really mindless because it would, among other things, reveal more fully the essential mindlessness of the original action. That is not precisely the argument Rostow is trying to make, of course, but it is the argument, the only case that can be made for lingering. Learning nothing from the past, Rostow apparently is determined to repeat the nightmare history forever if it comes to that, even if all but he have fled and he has to do it single-handed.

One of the positive gains that Walt Whitman Rostow claims have come out of the Vietnam War is the "strength" of Japan, the same Japan that Eugene Victor Rostow sees as becoming again the long-term threat in Southeast Asia and in the Far East generally.

Another is what he calls the "greatest rice crop in (South Vietnam's) history." It is true that the South Vietnamese, with our assistance, lately have begun to have some success with high-yield strains in such cultivable land as has escaped what Patrick Owens calls our "craterization" policy in that country. But what this ignores is that South Vietnam was a rice exporting country when we first entered the war in force, but has not been for the greater course of our presence there—for the obvious reasons. It also ignores the price of rice in the local consumer market, then as compared with now, along with all the other inflationary effects that the war has had on the South Vietnamese economy as a whole (not to mention our own.) The day after publication of the Rostow piece in Life the headlines told of the breakdown of orderly marketing procedures even in "safe" rural areas in the country because of the large number of ARVN veterans turned looters and highwaymen in consequence of the combination of low or nonexistent pensions and high living costs.

But what all this ignores most of all is that during the period when we supposedly have been effectively "resisting" China, thereby making it more amenable to sane discourse, the Chinese have been strengthening rather than diminishing their influence along the Indochina periphery, and that during that period—so far from being overthrown internally, which was the wish if not actually the prediction of some of the more glazed-eyed justifiers of our Vietnam intervention—the Communist government of mainland China has survived the Cultural Revolution, with all its wrenching dislocations, to emerge into a period of so much greater stability and confidence as to allow them, once more to confront the Outer Barbarians (us) eyeball to eyeball. It of course was also the period in which they perfected The Bomb, and went to work on a delivery system, if anybody is interested in that.

FILLING A NATIONAL VOID

The John F. Kennedy Center for the Performing Arts has been opened with proper pomp and ceremony and with the grand premiere of a Leonard Bernstein "mass" which was conceived and executed on a scale in proportion to the heroic structure itself. It is a matter of considerable pride and satisfaction to all of us in Arkansas that the Center is the architectural creation of Edward Durell Stone.

In the tradition of nearly all such openings, there is lively if not furious disagreement on the artistic worth of the edifice and of the first performance in it. The old, beloved Metropolitan Opera in New York was the target of caustic criticism when it was opened. In its turn, the Kennedy Center is regarded by some critics as cavernous and grandiose and cold; New Yorkers especially have said sniffily that it lacks compactness and sophistication of the Lincoln Center for the Performing Arts. Edward Durell Stone, in his response, has noted that the setting in Washington is not like New York's and, quoting Frank Lloyd Wright on the virtues of honest arrogance (vs. hypocritical humility), has said that he finds his creation spectacularly beautiful.

As for Bernstein's "mass," the New York Times reviewers found it schmalzy and superficial, while the Washington Post reviewer said it was the greatest thing Bernstein had ever done.

Everyone to his own choice and let history be the judge. All of this lively argument adds to the spirit of the occasion, the opening of an institution fittingly named for a beloved president who was a great and knowledgeable patron of the arts. The Kennedy Center fills a great void at the national capital, which previously had nothing more than ordinary provincial facilities for the performing arts. The Center has been desperately needed. It promises to enrich the quality of American life.

THE COST-OF-LIVING INDEX

Mr. TALMADGE. Mr. President, uppermost in the mind of every person in the United States today are the country's economic problems and how these problems affect each individual. The rise in the cost-of-living index is watched closely. Equally as important and as closely observed by many people is the monthly report by the Bureau of Labor Statistics concerning the rise or fall in wholesale food prices. It is natural for everyone to be concerned with wholesale food prices because changes in these prices generally mean food price changes at retail.

Because of the importance placed on this, and other reports of our many Government agencies, I believe Congress should insist upon the most accurate and factual reports than can possibly be assembled. Inaccuracies in these reports are misleading to the public and damaging to both our Government's image and the credibility of the department concerned. The reports can also single out and damage important food industries as well.

Such a damaging case resulting from a recent report by the Bureau of Labor Statistics has been called to my attention, and I wish to inform my fellow Members of Congress of the seriousness of the problem and how it occurred.

According to information supplied to me by United Egg Producers, a nationwide egg marketing cooperative, on September 2, 1971, the Bureau of Labor Statistics released its report which indicated August wholesale food prices rose 2.2 percent over the previous month. In that report, the Bureau said egg prices rose 23.2 percent. After investigating the Bureau's findings, United Egg Producers reported to me egg prices advanced only about 2 cents per dozen, or less than 5 percent, during August and the reason for the Bureau's erroneous report was that their figures were based on one day's price for one size of eggs in four market locations.

It was difficult for me to believe that the Bureau of Labor Statistics has issued such an important statement concerning wholesale food prices on such a shallow sampling of statistical data. Egg prices are so volatile, a month's report cannot be based on what occurred on a given day this month as compared with a similar day last month. Yet, this is exactly how the report was formulated.

When the industry leaders confronted the Bureau of Labor Statistics with the inaccuracy of their report they suggested that if the Bureau were to continue reporting a monthly whole food price index, then such reports should be based on average monthly price figures—not just 1 day's market prices. The Bureau is reported to have advised industry members that it will reconsider sampling and reporting procedures and evaluate possible changes to improve accuracy of the reports.

Mr. President, I say all Federal reports should be accurate and reflect a true picture or they should not be issued at all. Dr. Gene C. Masters, director of statistical analysis for United Egg Producers, said it took him less than 1 hour to evaluate the U.S. Department of Agriculture's daily price reports to determine what the true wholesale price index was for eggs in August as compared to July. These same USDA reports are available to the Bureau of Labor Statistics, and their department is adequately staffed to compile accurate reports.

Therefore, I am requesting that the Bureau of Labor Statistics study and correct its procedures and methods to insure accuracy of their reports. Such reports are too important to our Nation as well as to many food industries to be allowed to be misleading or inaccurate. I am pleased that the Bureau has expressed a desire to consider such needed changes.

Mr. President, I ask unanimous consent to place in the RECORD the text of a letter from Mr. Jerry Faulkner, vice president and general manager of United Egg Producers, and of my letter to the Honorable Geoffrey H. Moore, Commissioner of the Bureau of Labor Statistics, dated September 13, 1971, asking that he consider changes in methods and procedures.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNITED EGG PRODUCERS,
Atlanta, Ga., September 8, 1971.

Hon. HERMAN E. TALMADGE,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: We wish to call your attention to misleading public pronouncements and improper statistical procedures by the Bureau of Labor Statistics which have caused the egg industry to be falsely accused as a culprit in the rise in wholesale food prices. This situation needs to be investigated and rectified to prevent future damaging reports to our, and possibly other, agricultural industries.

On Thursday, September 2, the Bureau of Labor Statistics issued its report which was carried by practically every major news media outlet in the United States. Newspapers carried the stories on front pages as those figures said food prices were continuing to rise. The news article noted that the primary culprits in the rise were agricultural items which were not subject to the price freeze announced by President Nixon. It labeled eggs as having advanced in price 23.2 percent over the previous month.

Those of us in the egg business knew this report could not be true, therefore we checked into the matter. We learned from the Bureau that their report was issued on the basis of *one day's* price for *one size* of eggs in *four market locations*. It just happened that the day the Bureau picked for its sample was a day in which market prices were higher than on the sample day of the previous month. We understand the turkey industry was falsely labelled in November 1970 as was the egg industry in July of this year.

Dr. Gene C. Masters, Director of Statistical Research for our organization, called the Bureau's attention to this fallacy in statistical reporting. Comparing egg prices for the entire month of August against July, using the same U.S. Department of Agriculture reports the Bureau used, Dr. Masters found egg prices advanced about 1c per dozen, or approximately 3 percent for the month. Eggs accounted for only about 2 percent of retail food sales, thus could not have been a significant factor in the rising cost of food—even using the Bureau's false report of 23.2 percent rise!

It is hard to believe our government would permit the issuance of such important public releases as the one to which I refer without in-depth, thorough study. To single out any industry on such shallow statistical sampling is certainly without justification, particularly when the figures are readily available. We were told by the Bureau they did not have the time, personnel or funds to study the daily price changes over the full month's range. Yet, Dr. Masters achieved this in less than an hour's time.

I believe you will agree that if the Bureau of Labor Statistics is to continue reporting monthly rises in food prices, then the figures should truly represent what has occurred over the month's duration—not a single day. And, if a single commodity contributed to the rise, then such price rises should be statistically significant. Egg prices are very volatile, so the use of price reports on any one day as an indicator of the monthly average price level is misleading and inaccurate.

United Egg Producers is on record with the Department of Agriculture as having requested a daily or weekly report of retail egg prices to consumers. Such a series is not now available. We believe Market News and the Economic Research Service could develop such a series which would be meaningful to both the consumer and the egg industry. Those figures would be more significant in signaling a rise or decline in the cost of living.

Until a better measuring system is devised, we would appreciate your investigating the present system to the end that reports issued to the public truly reflect an accurate picture of the nation's economy.

Sincerely,

JERRY FAULKNER,
Vice President and General Manager.

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C., September 13, 1971.

Hon. GEOFFREY H. MOORE,
Commissioner, Bureau of Labor Statistics U.S. Department of Labor, Washington, D.C.

DEAR COMMISSIONER MOORE: Attached is a copy of a letter, which is self-explanatory, dated September 8, 1971, from Mr. Jerry Faulkner, Vice President and General Manager, United Egg Producers, Atlanta, Georgia, concerning the September 2, 1971, report on wholsale prices of eggs by the Bureau.

As you know, consumers are very much aware and rightfully have a deep interest in food prices. However, many consumers equate food prices with farm prices, which are quite two different matters.

I know for a fact that producer egg prices have been disastrously low for a considerable period of time. For example, as reported by the Department of Agriculture prices received by producers as reported on August 15, 1969, amounted to 35.5 cents per dozen, on August 15, 1970, 33.1 cents per dozen, and on August 15, 1971, 31.0 cents per dozen; hardly profitable levels.

Therefore, it seems to me, and I am sure you agree, that the Bureau should do its utmost to assure that prices reported are truly representative and do reflect actual changes.

As I understand it, the United Egg Producers have discussed this matter with you and were informed that you would look into the matter of Bureau procedures and methodology.

In any event I would appreciate very much your cooperation in considering such changes as necessary to fully reflect market for the benefit of consumers and others.

With every good wish, I am,

Sincerely,

HERMAN E. TALMADGE,
Chairman.

NO PHOSPHATE MINING IN LOS PADRES NATIONAL FOREST

Mr. CRANSTON. Mr. President, one of the major environmental issues in California today is the proposal for U.S. Gypsum Co. to engage in open pit mining for phosphates in the Los Padres National Forest.

This operation would be an environmental disaster as attested to in the environmental impact statement prepared by the Bureau of Land Management. Not only would the mining result in air and noise pollution and the loss of recreational values of this area, it would also adversely affect the California condor located in sanctuaries on both sides of the proposed mining area.

There has been substantial local opposition to the phosphate mining on environmental grounds, even though the operation might create greatly needed new jobs in the area.

An editorial published recently in the Ventura County Press-Courier during the congressional recess illustrates the extent of local feelings. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO NEED FOR U.S. GYPSUM HERE

With the legislators of California and Ventura County in both Washington and Sacramento solidly lined up against open pit mining for phosphates in Los Padres National Forest it is hard to imagine the U.S. Gypsum Company having much of a chance to extract a lease from the Department of the Interior.

The operation of mining in public land in the forest above Ojai, if it were to receive federal approval in a year or so, could last from 40 to 100 years according to estimates. The mind boggles at the mere thought of what this beautiful wilderness area would look like before mining ran down to a stop.

The very idea that such a thing is contemplated and is possible is enough to drive conservationists to distraction, especially those who were "cut off at the pass" during so-called public hearings in Ventura July 27 and 28 when they tried to present arguments they considered should be in the record of testimony the Department of the Interior will review.

U.S. Gypsum wants a lease to mine 2,500 acres of the forest in the vicinity of Pine Mountain Ridge, which is not far removed from the nesting site of the few California giant condors we have left. The company has stated it expects to build a processing plant to handle 2,000 tons of material a day and is seeking two additional prospecting permits which could eventually allow mining of 5,000 additional adjacent acres. A second plant to make 500 tons of sulfuric acid per day for use in the process of producing phosphates would be needed and state highway 33, the Ojai-Maricopa stretch, would see up to 70 25-ton trucks going to and from the processing area.

The magnitude of the operation proposed may be difficult to grasp but it takes little imagination on the part of the average citizen of Ventura County to lend a sympathetic ear to the warnings of save-our-environment groups now active in opposition to the entire project. Forest land now in a virgin state, and all the better for that, would have open pits of about one-half mile in length, 900 feet in width and 400 feet in depth from the surface for at least five miles. Ventura County Environmental Coalition say the result would represent a subterranean Roman coliseum. Sen. Alan Cranston (D.-Calif.) didn't take long to assure coalition board members in Camarillo Friday that he, too, takes a very dim view of the whole proposal and believes it can be shelved by getting rid of some archiac laws which govern the issuance of permits for strip mining in the United States.

Some of the environmental roadblocks to mining, apart from scarring of the forest, pointed out by conservationists are air, water and noise pollution, adverse impact on both plant and animal life, curtailment of recreation, serious depletion of water table to dry up springs now used by hikers and wildlife, erosion, and increased fire dangers.

It is not at all clear what economic advantages to the county the U.S. Gypsum venture would bring. Is the mineral deposit in Los Padres National Forest needed in the foreseeable future? Environmental coalition doesn't believe so and produces statistics which indicate there is a glut of phosphate on the world market with the U.S. exporting 30 per cent of what is mined in this country.

Sen. Cranston was advised that loaded as it is with information on the subject of open mining, environmental coalition has had difficulty in obtaining data, from either federal agencies or U.S. Gypsum which would allow citizens to participate in the decision-making process. Cranston, promising his cooperation to break through the ax wall of silence, heard from coalition members they are convinced U.S. Gypsum has not been truthful with them or the U.S. government in some of the statements made at the hearings which, were described as farcical.

An enlightening observation by the senator was that one governmental official frankly stated, when the matter of public hearings on another matter was being discussed, that "We don't want public hearings because we don't want to stir up the natives."

The natives of Ventura County have been stirred up by the threat of damage to one of its natural resources. What environmental coalition needs now more than anything is a citizens' fighting fund (money in the bank) from which to draw in fighting the good fight to preserve the environmental quality of this county.

LEE ANTHONY GIURLANDA—SIGHTLESS ANNOUNCER FOR RADIO STATION KAAA, KINGMAN, ARIZ.

Mr. FANNIN. Mr. President, earlier in the summer, on July 3, 1971, the Arizona Republic published an editorial about a blind radio announcer in Kingman, Ariz. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUT-TALKING A HANDICAP

Lee Anthony Giurlanda, the sightless announcer for Kingman radio station KAAA, is one of a small but growing number of blind persons winning their way into jobs with the electronic communications media.

They do so by demonstrating that their visual handicap is actually no handicap to the capable performance of their duties amid the clutter of dials, switches, and cables. Their example is heartening to all others who must master physical or mental afflictions.

Giurlanda, who goes by the name "Lee Anthony" over the air, was recently featured in an Associated Press story in The Republic. He had been a broadcasting student at Phoenix College, but was unable to find work with a local station. In Kingman, he appeared for a job interview with the station manager, who didn't realize that Giurlanda was sightless until the aspiring announcer told him so.

"Lee Anthony," who can distinguish only between total darkness and bright sunlight, does not use a cane. Walking down the streets, he has his wife at his side to direct him. He discarded his dark glasses when he decided they looked strange to others in the glareless confines of a control room. Staffers at KAAA who used to complain of personal afflictions say his attitude is a constant encouragement.

The Federal Communications Commission reportedly is considering whether to grant him a first-class broadcaster's license because of his proved ability. The FCC previously limited sightless persons to lesser licenses to restrict the duties they may perform at stations

A sightless announcer in the Midwest is said to have given the Kingman man the encouragement to hope for a radio job.

Another visually handicapped radio announcer, Paul Caputo of Springfield, Mass., recently joined the news department of WWLP–TV there, becoming, the station believes, the first blind newsman on American television. All these announcers work with the aid of stories punched in Braille.

Their voices and images should remind the public that handicaps need not become greater than people allow them to be.

PRO-NIXON ILLINOIS PRECINCTS SUPPORT 1971 VIETNAM WITHDRAWAL

Mr. STEVENSON. Mr. President, I would like to call the Senate's attention to a poll on Vietnam which was conducted in certain Illinois precincts this summer.

Business Executives Move for Vietnam Peace, the well-known antiwar lobby, selected precincts which had, by lopsided margins, voted for Mr. Nixon in 1968 and for the victorious congressional candidates in 1970. Neither President Nixon nor the Congressmen advocate setting a deadline for ending the war. But from 62 to 83 percent of their constituents who were polled now believe the war should be ended this year, and say they will not vote for incumbents who do not vote accordingly.

I ask unanimous consent to have a letter containing an explanation of this poll printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BUSINESS EXECUTIVES MOVE
FOR VIETNAM PEACE,
Chicago, Ill., September 10, 1971.

DEAR SENATOR: We are writing to report to you the results of a BEM-sponsored survey just completed in supposedly hawkish precincts in the Chicago metropolitan area on voter attitudes toward a firm 1971 troop withdrawal date in Vietnam. The survey shows that 72.7% of voters *in precincts President Nixon carried in 1968* will vote against the President and their congressman unless those officials move to withdraw "all U.S. military personnel . . . out of Vietnam, Laos and Cambodia by December 31, 1971."

BEM canvassers worked in districts represented by congressmen who voted against the Nedzi-Whalen Amendment. The canvassing method was to work house to house in precincts selected because they voted for the President and the incumbent congressman at the last elections. All canvassers were volunteers; almost all are residents of the districts they worked. No professional politicians of either party took part.

The canvassing took place during July and August. A total of 3804 voters in six congressional districts marked ballots, with 2765 (72.7%) marking for the Dec. 31st deadline and 1039 (27.3%) voting approval of the President's current policy. .

Following are the district results:

	Incumbent's percentage				
District and Congressman	District-wide vote 1971	1970 vote in precincts worked for survey	BEM survey 1971 (percent)	Survey percent against Congressman	Size of sample
5th—John Kluczynski (Democrat)	68.8	62.3	17.4	82.6	1,143
10th—Harold Collier (Republican)	62.2	68.0	35.7	64.3	610
12th—Robert McClory (Republican)	61.1	66.8	33.5	66.5	562
13th—Philip Crane (Republican)	58.0	51.8	26.9	73.1	936
14th—John M. Erlenborn (Republican)	65.5	70.5	37.3	62.7	268
15th—Mrs. Charlotte Reid (Republican)	68.9	77.0	28.8	71.2	285

THE FIFTH DISTRICT

Basically a Chicago district, the 5th stretches out the southwest side south of the Sanitary & Ship Canal to bedroom-factory suburbs like Stickney and Justice. The district includes the old Stock Yards, Midway Airport and Mayor Daley's home. Our workers canvassed in eight precincts, one in the 14th Ward (a Democratic stronghold), two in the 15th (Gage Park), four in the 23rd (Garfield Ridge), and one in the town of Burbank. Both President Nixon (in 1968) and Rep. Kluczynski (in 1970) carried all eight precincts; there was also a substantial vote for Gov. Wallace in these precincts. Those sampled in the 25th precinct of the 15th Ward, three blocks from Congressman Kluczynski's home, voted 156–12 for the Nedzi-Whalen date.

THE 10TH DISTRICT

West Cook County suburbs. It ranges geographically from Des Plaines and Park Ridge on the north to LaGrange Park at the southern border. Our workers canvassed in Oak Park (three precincts), River Forest (one), Park Ridge (one), Maywood (two), Brookfield (one), Bellwood (one) and LaGrange Park (one). All 10 precincts were carried both by President Nixon and Rep. Collier. Proviso Township, Pct. 23 (LaGrange Park), closest to Rep. Collier's home, showed a 55–50 majority for Nedzi-Whalen.

THE 12TH DISTRICT

Lake and McHenry counties, and two northwest Cook county townships. It includes suburbs, exurban towns, and farms. Our six precincts are split between Lake County (Lake Forest, Libertyville, and Deerfield) and McHenry County (two in Crystal Lake and one, partly rural, in McHenry). All six precincts were carried both by President Nixon and Rep. McClory. Shields Township, Pct. 9, in Lake Forest, closest to Rep. McClory's home, showed a 140–32 majority for Nedzi-Whalen.

THE 13TH DISTRICT

North Cook County suburbs, from the Lake west to Schaumburg. Our workers canvassed in 15 precincts: Wheeling (one), Northfield (one), Elk Grove Village (one), Glenview (one), Evanston (four), Morton Grove (two), Lincolnwood (one), and Skokie (one), and three in "Evanston P.O." precincts. Twelve of the 15 were carried by Rep. Crane, and all were carried by President Nixon. In Precinct 4 of Elk Grove Village, Congressman Crane's home town, the sampling was 71–34 in favor of Nedzi-Whalen.

THE 14TH DISTRICT

Du Page County (far western suburbs) and the Joliet panhandle of Will County. Our workers canvassed in six precincts, excluding Will County, which was carried in 1970 by Rep. Erlenborn's Democratic opponent. Work was done in Wheaton (one), Elmhurst (one), Villa Park (two, including the new Brandywine subdivision), and Lombard (two). All six precincts were carried both by President Nixon and Rep. Erlenborn. Pct. 85, York Township, in Elmhurst where Congressman Erlenborn lives, turned out 44–25 for Nedzi-Whalen.

THE 15TH DISTRICT

Kane, DeKalb, Kendall, Grundy and LaSalle counties, including exurban cities, downstate towns, a huge state university and farm country. Our workers canvassed in two precincts: Geneva and rural Blackberry Township of Kane County. Both were carried by Rep. Reid and President Nixon. We also included some ballots signed at the Kane County fair last month.

A copy of our ballot is enclosed.

Yours sincerely,

FORBES SHEPARD,
Project Director.

A NEW REFORM ERA

Mr. FULBRIGHT. Mr. President, the New York Times of today, September 15, contains a thoughtful and provocative column written by Mr. William V. Shannon entitled "A New Reform Era." I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW REFORM ERA

(By William V. Shannon)

WASHINGTON, September 14.—"To be a healthy nation, a strong nation, we need also restore the health of our government institutions," President Nixon told Congress the other day.

In support of this contention, Mr. Nixon reiterated his call for reorganization of the executive departments, Federal-state revenue sharing and welfare reform. But the crisis of confidence in the nation's institutions which was discussed in a previous article in this space is far wider and more profound. It encompasses the Presidency itself, Congress, the courts, the military and civil bureaucracies, and state and municipal governments.

No single leader can resolve this crisis by himself. Yet the President is a critical figure because he is the only official chosen by the whole people. A way out of the crisis can begin to be found only if there is a President who can focus the nation's moral energies by a politics of idealism and creative conciliation. That has not occurred during Mr. Nixon's Preidency.

Like President Johnson before him, President Nixon has squandered much of his political credit in Vietnam. As he frequently points out, he is gradually eliminating the war as a political issue. But after nearly three additional years of combat 15,000 American deaths, the Cambodian invasion and the Kent State episode, he has taken so long to do it that he did not benefit from the tolerance that the public extends to every new President. As a result, his base of support is no wider in the fall of 1971 than it was in the fall of 1968.

By the Haynsworth and Carswell nominations, Mr. Nixon damaged the Presidency as well as the Supreme Court. He was seen to be playing regional politics with appointments on which the ordinary citizen had a right to expect him to be highminded and disinterested.

A successful Presidency involves a dialogue between President and people. Candor is the first requirement of a dialogue. Without it, there can be no mutual trust. The dialogue has to be on a regular and frequent basis. Otherwise, there is no resonance. But Mr. Nixon has chosen to emulate the remote, imperial style of General deGaulle. That may be suitable for a country with Bonapartist traditions but it is a curious mode for the United States.

Although the Kennedy Administration tried to "manage the news" and the Johnson Administration found its way to "credibility gap," both of those regimes were as open as town meetings compared to the present Administration with its absence of Presidential news conferences, its overt hostility to much of the press and its passion for secrecy.

Having failed to establish a continuing dialogue with press and public, President Nixon has seriously impaired his ability to win broad support for such institutional initiatives as he has attempted—executive reorganization and Federal-state revenue sharing. He first oversold them to a fantastic degree by packaging them as the "second American Revolution" and then naturally found he could not sustain public interest in them at that level.

He then coupled revenue sharing with welfare reform as postponable items in his new economic program. Trying to repair the damage he reasserted his support for them in his address to Congress last week, but major proposals cannot be used as propaganda makeweights and still retain their credibility. Mr. Nixon does not appear to realize that in manipulating them in this fashion, he undercut not only revenue sharing and welfare reform but also public belief in his own seriousness. Is he trying to reform the Government or is he playing political games?

Yet if Mr. Nixon has failed to restore the Presidency as a center of effective, convincing leadership, other institutions hardly come off any better. Congressmen seem unaware that many citizens see the House and Senate as places where far too many men arrive poor and leave twenty or thirty years later with a lot more than their pensions. Lyndon Johnson with his radio and television franchises set a bad example in this regard, and he is not unique, until Congress clears up flagrant conflicts of interest and drastically reforms the law on campaign spending, a greasy smog of money will linger over the Capitol.

At least half the state governments are not fit to participate in any Federal revenue-sharing plan because they lack adequate budget and accounting systems and have poorly paid, politically intimidated civil services. To pour money into these governments is like pouring water into a sewer—it can never be traced.

At every level of government and in almost every corner of our common life, there is need for a regeneration of public morality and a rededication to social justice such as swept the nation in the progressive era during the first decade and a half of this century. New organizations like John Gardner's Common Cause and Ralph Nader's Public Citizen and the emergence of public interest law firms and citizen environment groups are evidence that such a movement may be forming. When it finds political expression and leadership at different levels, the renewal of the nation's institutions of Government will begin.

DURABLE GOODS TAX CREDIT

Mr. FANNIN. Mr. President, last March 15 the Wall Street Journal published an interesting article by Dr. Francis O. Woodard, professor and chairman of the Department of Economics at Wichita State University, in Kansas.

Dr. Woodard, a man with a very impressive record in teaching, consulting, and research, proposed a durable goods tax credit to help to stimulate the American economy.

In brief, he suggested that American consumers who purchase certain American-made goods be permitted to deduct a certain percentage of the cost from their income tax bill.

The article was accompanied by a Wall Street Journal editorial which called the proposal interesting but unlikely.

Mr. President, as a result of these articles, I asked that Professor Woodard provide a more detailed proposal. Dr. Woodard was most cooperative. He sent a further analysis of the proposed tax credit. I wish to compliment Dr. Woodard for his hard work in this area, and for making a very lucid presentation.

As we all know, many things have transpired since March 15, 1971. All of the work by Dr. Woodard, which I am discussing today, was done well before President Nixon's August 15 announcement of a new economic policy.

In view of the administration's program, and because of the complexity of issues already facing us, I do not believe it is an appropriate time for us to consider adopting the durable goods tax credit concept.

It does seem appropriate, however, for me to offer this material for study as a further step to pep up our economy should it lag at some future time; so I ask unanimous consent to have printed in the RECORD a portion of a paper which Dr. Woodard prepared for me regarding the durable goods tax credit.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A DURABLE GOODS TAX CREDIT—A FURTHER ANALYSIS

(By F. O. Woodard)

The proposal, briefly, is to give consumers a tax credit for purchases of durable consumer goods; the credit designed to stimulate purchases of such items as automobiles, furniture and appliances so that employment will be restored in one of the most economically depressed areas of our economy. A reduction of unemployment in the durable goods industries, of course, would have salutory effects upon other industries as well, and would go far to restoring an acceptable level of economic prosperity.

Certain changes in the economy in recent months have made the maintenance of full employment very difficult if not impossible. These changes have largely involved the consumer, and were quite well documented in "The Outlook" column of the *Wall Street Journal* on March 15, the same issue that my article on a durable tax credit appeared. Briefly, "The Outlook" pointed out that in the two year period from the 4th quarter, 1968 to the 4th quarter, 1970, disposable personal income, the amount available for consumers to spend, increased 15 per cent. Personal savings, however, increased 30 per cent during the same period. The increase in savings was offset by a decrease in consumer spending, and specifically a reduction in spending for consumer durable goods. During that same two year period expenditures for clothing increased 15 per cent and for food and beverages, 14 per cent. For automobiles and automobile parts, however, purchases declined by 15 per cent and for furniture and household equipment purchases increased by only 8 per cent.

This places the responsibility for the present recession and for the hoped recovery squarely on the consumer. It is not hard to understand why he is spending less now than two years ago. Among other reasons, if he still has a job he is very possibly afraid that he will lose it, as has his neighbor. Also, the rapid increase in prices over the past several months undoubtedly has discouraged many consumers from buying new durable goods. He chooses instead, to repair the old automobile or appliance. * * *

A consumer durable tax credit would be directed squarely at the central problem, and at the same time would result in a minimum reduction in government revenue. It would stimulate activity in that area of the economy which is now experiencing one of the highest rates of unemployment and the highest level of idle capacity. Further, all of the initial reduction in tax revenue would be reflected in consumer durable spending; none would be siphoned off into savings.

There is also the possibility of sufficient controls so that the benefits of the credit can be directed for the most part at those consumers which have reduced their spending the greatest. This is presumed to be the middle and lower-middle income groups, and it is possible to direct most of the benefits to these groups.

The durable tax credit would work by granting a reduction in the consumer's personal income tax liability equivalent to a percentage of the purchase price of a durable good, such as an automobile, a piece of furniture, or a household appliance. The allowed percentage reduction would be subtracted from the taxpayer's personal income tax liability at the time he filed his final income tax return. If his credit, for instance, would be $100 and his tax liability before the credit would be $1,200, his total tax liability would be $1,100. In this respect the durable goods tax credit would work as did the investment tax credit, and the result would be a reduction in the cost of the purchase. The reduction, however, would be in the form of a smaller income tax libility rather than as a lower purchase price.

Further, the credit would be received at the time the income tax return is filed, not at the time of the purchase of the durable good. Thus more than a year might separate the purchase from the receiving of the credit. For instance, the taxpayer might purchase a new automobile in January, earn a tax credit of, say, $200 then, but would continue to have the same amount of his wages withheld for income tax purposes. The following April, when he files his return for the previous year, it would be found that he had had $200 too much withheld and would receive a $200 refund.

This separation between the earning of the credit and receiving it, I believe, is one of the advantages of this proposal. By the time the credit is refunded by the government the stimulated sales of durable goods will have been felt throughout the economy in the form of a higher GNP and the resulting higher income tax collections. Therefore the government at that time will be in a better position to afford the credit payouts.

It should be pointed out that a disadvantage of a cut in tax rates which results in an increase in disposable income (as in 1964) subjects the government to immediate deficits which hopefully will be reduced by a stimulated economy and resulting increased tax collections. With a durable goods tax credit, the stimulation to the economy will come first, the tax revenue reduction last. This should be an attractive feature from the point of view of government.

I have suggested three limits to the size of tax credit which any one taxpayer can earn. First, the credit should be limited to a percentage of the purchase price of the durable good. The taxpayer should still have to put up the greatest part of the cost of the purchase. Also, there should be a limit on the total credit earned by the taxpayer. This should be limited to a percentage of the tax liabiliy of the purchaser, and there should be a maximum dollar limit to the size of the credit which can be received. The purpose of the percentage-of-tax-liability limit would be to prevent a taxpayer from eliminating his entire tax liability through large purchases of durable goods. Such action would be very attractive to many taxpayers in the absence of such a limit. The purpose of the maximum dollar credit limit would be to confine the greatest benefits to the middle and lower income taxpayers which is the group believed to have reduced their purchases of durable goods to the greatest extent. I do not believe that wealthy taxpayers have reduced their purchases of durable goods by any appreciable amount during the past couple of years. * * *

The schedule of credits therefore might be as follows:

1. Ten percent of the purchase price of the durable goods. This figure needs to be high enough to encourage increased purchases of durable goods by the desired amount. The selection of the percentage used should be made only after considerable discussion.

2. Twenty percent of the taxpayer's liability. Again, this figure is dependent upon a careful determination of the correct figure needed to stimulate the desired added purchases of durable goods.

3. A maximum credit of $1,000. To earn this credit a taxpayer would need to purchase durable goods valued at $10,000 and have a personal income tax liability before credits of $5,000. Certainly a few in the lower or middle income groups would be limited by this provision, and for those who would be restrained, the limit is believed desirable. Again, careful consideration should be given to the selection of the size of this limitation.

Reference is made above to the "desired" increase in durable goods purchases. An examination of national income data gives some clue to the size of the needed increase. In 1969, personal consumption expenditures for durable goods were $90 billion. The same physical volume of exchange, but allowing for no growth, would require purchases in 1971 of approximately $100 billion. An increase to $100 billion in durable goods purchases would earn a credit of $10 billion if only the first suggested limitation is applied. The second and third limitations recommended would reduce the credit earned to something below this figure. The added $10 billion in consumer expenditures, expanded by the multiplier effect, should push the 1971 GNP close to the $1,065 needed for full employment.

Expansion of durable goods purchases beyond the $100 billion would be desirable if idle capacity still remained in the durable goods industries or if added investment would be stimulated to take care of the added demand. If the needed capacity did not exist or could not be provided, however, increased demand beyond $100 billion would largely result in increased prices, which would not help the present unemployment picture.

Objections to a durable tax credit will almost certainly be made by Internal Revenue Service officials who will see this as a further complication in the income tax forms. I am in sympathy with the IRS desires to simplify the tax reporting procedures, but I also believe that the present need to increase employment is greater than the present need to simplify tax forms. This proposal is certainly no more complicating than many of the existing deduction and allowance provisions, and is certainly manageable by the IRS.

To earn the credit the taxpayer would need to file a form with the IRS at the time of filing the final income tax report establishing the fact of the durable good purchase and the purchase amount. This would require the name of the seller who would also have to keep a record of the names of his customers. Auditing would then be possible by the IRS. It should be pointed out that similar records must now be kept by savings banks of interest payments, lenders of interest received, and corporations of dividends paid. Durable goods sellers must also keep track of their sales, with the possible exception that the customer's names may not always now be recorded. The addition of that feature would not be burdensome.

Mention should again be made that this proposal is for a credit instead of a deduction. Many taxpayers do not itemize deductions but rather choose to deduct the allowed percentage in calculating adjusted gross income.

These taxpayers would not benefit from a durable goods tax *deduction*. A tax *credit*, however, is considered after the tax liability has been calculated, and so would be available to all taxpayers, whether or not they itemize their deductions. Since it is believed that those taxpayers using a percentage deduction (not itemizing) are largely confined to the lower and middle income groups, the use of a credit instead of a deduction is even more attractive.

Two or three other recommendations should be considered in proposing the adoption of a durable goods tax credit. First, the effective date should be no later than the date the proposal is introduced, and the effective date should be well publicized at the outset. This would be necessary to minimize the anticipatory effects which otherwise could be very damaging. For instance, if there would be 90 days between the introduction of the proposal and its adoption, and the effective date would be the date of adoption, those planning to purchase durable goods would tend to postpone their outlays until the credit would be available. This would mean greatly reduced sales of durable goods during the time of debate and further unemployment in those industries.

It is also recommended that the credit be limited to American made durable goods. Conceptually, I must include myself among those favoring free trade, but the current need so obviously is to stimulate domestic employment. An increase in the sale of imported goods might increase domestic employment *if* there would be a corresponding increase in exports from this country. At the very least, however, such stimulation of exports would trail the increase of imports, and would be too late to help the current employment problem. It should also be pointed out that our low level of exports is not the result of too few imports, but rather of other problems which could not be solved by a tax credit applied to the purchase of foreign made goods. The credit should be limited to American made goods.

Very possibly also the credit should be limited to a particular time period in the adopting legislation. Hopefully the credit would not need to be permanent to maintain employment in the durable goods industries. If this would be so, a serious consideration should be given to the need for resource reallocation. Given the temporary need for the credit, then, the limit of a year, or perhaps only six months, might be sufficient. If there is a continuing but temporary need the credit could be extended. Further, extending would seem to be easier, and more desirable, than discontinuing the credit before it would normally expire should durable goods sales be stimulated to the point where inflation would be a problem.

COALITION FOR RURAL AMERICA: AN IMPORTANT NEW POLITICAL FORCE

Mr. PEARSON. Mr. President, on Tuesday and Wednesday of last week, an impressive and distinguished group of people gathered here in Washington to launch a new political action organization committed to advance the cause of rural development and balanced national growth. Composed of an outstanding group of political, business, farm, labor, and educational leaders, the group which met this week will constitute the initial board of directors of the Coalition of Rural America. This is a widely representative group and every effort will be made to assure that all segments of rural America are fully represented in this new and promising organization.

This is a most welcome, heartening development. At the present no one speaks for the total rural community—farm and small town America—in a way that the Urban Coalition and U.S. Conference of Mayors speaks for the large cities. There is no adequate vehicle through which the American rural community can articulate its needs, its problems, its hopes, its aspirations.

The rural American today is often frustrated and alienated because he believes that he has been bypassed by the political and economic mainstreams in this country. A review of socioeconomic indicators confirms that rural communities lag in such areas as income, housing, health, and education. This lack of economic and social opportunities in rural areas has generated a great migration to the cities. And now there are very disturbing signs that the distribution of our people and industry is tilting too far toward the megalopolis and away from the smaller community.

Too many of our big cities are becoming economically inefficient, socially destructive, and politically unmanageable. In short, the urbanization process seems to have gone awry. As the large cities reel under the weight of too many people and industries, thousands of small towns are stagnating because of lack of people and jobs.

No right thinking person suggests that we relent in our efforts to solve the problems of the big cities. But surely the time has come for a national commitment to the economic and social development of American rural communities in order to achieve a more balanced and equitable growth and, therefore, an enrichment of the quality of life for all Americans.

The existence of a political action group capable of speaking for the broad interest of rural America is absolutely essential if we are ever to realize this national commitment.

Therefore, I am very much encouraged by the establishment of the Coalition for Rural America. I hope that it will be able to achieve its aim of developing a broad based national membership to speak for rural America, and to promote the cause of rural development and balanced national growth in the councils of the National Government.

A great number of people have been involved in developing this new organization. Norbert Tiemann, former Governor of Nebraska, and Edward T. Breathitt, former Governor of Kentucky, deserve special recognition for the leadership they have shown in getting this organization launched.

Mr. Tiemann will serve as president of the coalition. Mr. Breathitt will serve as chairman of the board.

The board of directors of this new organization is bipartisan and it is the goal of the coalition to maintain a bipartisan balance, and, of course, this is absolutely essential.

Mr. President, I was pleased to have the opportunity to join the distinguished Senator from Minnesota (Mr. Humphrey) in addressing the opening luncheon of this group. I ask unanimous consent that the text of my remarks, the text of the remarks of Senator Humphrey, and the text of the statement from President Nixon read to the group by Secretary of Agriculture Clifford Hardin, be placed in the Record; also I ask unanimous consent that a list of the board of directors of the Coalition of America and the text of the statement of goals and objective adopted by the board be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of Senator James B. Pearson, Organizational Meeting of Coalition for Rural America, Washington, D.C., September 7, 1971

THE NEED FOR A RURAL POLITICAL ACTION COALITION

A number of men for a number of years both within and without the Congress have held the persuasion that rural redevelopment, or balanced national growth—whatever identification tag is assumed—was an essential policy or program to undertake at this stage of our national growth.

To the extent that Federal legislation can achieve these goals or rural revitalization, those of us in Congress need your help.

For the interest of rural America, the small towns as well as our farms, is not now being adequately represented in the American process. And, of course, the reasons are obvious. The number of farmers is diminishing. The farm organizations are divided by commodities and political philosophies and are limited to their immediate constituency. And certainly no one speaks for the whole of Small Town U.S.A. in a way that such organizations as the Urban Coalition and the United States Conference of Mayors speak for the large cities.

A Coalition for Rural America, a coalition of people, of ideas, of action, and of advice is needed. For the cry that the Government establishment is too remote, too removed, and unresponsive comes not only from the long haired and bearded youth. It is not difficult to find an older man in bib overalls with a forehead half sunburned over eyes that constantly squint from looking at the sun too long who says that he is frustrated and alienated because he believes he has been bypassed by the political and economic mainstreams of this country.

Perhaps I am belaboring the point. But I argue that there is no adequate vehicle through which the American rural community can now fully articulate its needs, its problems, its hopes and its aspirations.

And perhaps today it has become fashionable for both the students and the farmers to be frustrated and alienated. But there are social and economic indicators which reinforce the countryman's disenchantment.

Rural income lags behind urban income.

There is more stark poverty in the countryside and in the small towns than in all of our great cities.

A third of our people live outside the metropolitan areas and that is the same area where two-thirds of our substandard housing is to be found.

The quality of health care is lower in rural communities.

In the cities we argue about which school our children attend while people in the countryside are pleading not only for adequate schools, but for adequate busing.

But the most dramatic evidence of this rural deficit is to be seen in the great migration to the cities. You know, or you read, the statistics.

Seventy percent of our people live on less than 2 percent of the land.

Thirty five percent of our people live in only 25 metropolitan areas.

Nearly a fifth of the American population is to be found in a solid urban area from Boston to Washington, D.C.

If present migration and population trends continue, 75 percent of our people will live in four giant strip cities by the turn of the Century.

Now none of us are here as 18th Century romanticists. To be sure, many people move to the cities as a matter of preference. And we know that the march of modern Western civilization necessarily brought in a great "gathering in" of people and industry. And we also know that on balance society as a whole has benefitted.

But many moved and still move in this rural-urban migration out of necessity borne by the lack of economic and social opportunity in rural areas. And too often there is too much evidence that the concentration of people and industry have defied and, in fact, repealed the law of "economies in scale."

Too many of our big cities are becoming economically inefficient, socially destructive and politically unmanageable.

It is ironic, I think, that it was the crisis of the cities of the 60's that forces us to understand the interrelationship between the problems of rural and urban America and to understand how this great migration suffocated the cities and starved the small towns at the same time.

So the festering slums, the polluted air and monotonous suburbs of the cities and the abandoned farms, stagnating towns and inadequate public services in the countryside is damning testimony of our failure to solve a human and a national problem.

We suffered at both ends of the population scale.

Now it simply doesn't have to be this way.

Surely the time has come for a national commitment to the redevelopment of the nation's rural communities in order to achieve a more balanced, a more productive, and a more rewarding national growth. But we are not going to make much progress toward achieving these goals unless we can develop a broad based political coalition to support them.

I assume that that is what this meeting is all about.

Now before you go about the business of putting these things together, I offer not advice as much as these personal notions. While there is a sense of urgency, there is the necessity of taking the long view. Some will argue that timing is so crucial that if we don't act now and in a big way the moment will have been lost and the rural development movement will fade into history.

I fully agree that there is a desperate need to make a beginning now. But it was not a now or never proposition back in 1966 when Orville Freeman started talking about urban-rural balance and it is now a now or never proposition as Secretary Hardin urges action on this same problem today.

Thus while I hope that we can get something done in 1971 there will be plenty to do in 1981. For if we are really serious about rural development and a balanced national growth, let us think in terms of days and decades.

Nor, I suggest, should we ever let our purposes be interpreted as an attack upon the big cities or that we would relent for a moment to solving the problems of the inter-city.

I think we can be aggressive in creating a new rural America without creating a new divisiveness in urban America.

Once again, the problems of rural and urban America are so interrelated that nothing we do should take away from the cities.

Nor I insist are our purposes parochial and they do not represent a turning of our back upon any inevitable wave of the future.

This is not a time to present you with a list of legislative proposals. But I would note that I have introduced a package of bills seeking to provide rural jobs, a national Rural Development Center for Research, Rural Health Services, Rural Credit and Rural Transportation.

So I close as I began. Political action, legislative results, a change in the direction of America's life does not happen overnight. Some movements to make this a better America cannot be carried out by Senators or even Presidents alone. They need the broad, firm base of a people's lobby who care not only about where we are, but where we are going.

In the final analysis, there is no rural America and there is no urban America. There is no single solution to the rural problem and there is not single solution to the urban problem. This is one country and we can find a single answer.

Remarks by Senator Hubert H. Humphrey Before Coalition for Rural America Board Meeting—September 7, 1971

"Time," said St. Augustine, "is a threefold present, the present as we experience it; the past as a present memory; and the future as a present expectation."

By that criterion, the world of the year 2000 has already arrived: the future is not a leap into the distance. It begins in the present. It is determined by what we do or fail to do, *today*.

The enormous difficulties we face in our nation's cities and rural countryside today were created many yesterday's ago when we failed to anticipate and control the changes that were occurring within agriculture and the likely impact that those changes would have on the future of the nation. It took almost 30 years, and the loss of 30 million people from our farms and small communities to our cities, to create a national awareness and concern toward the population imbalances which have been created between our large cities and our nation's rural areas.

We must not repeat these failures in the next thirty years. We must learn to anticipate and plan our future. We must learn to "design," our future, not "resign" ourselves to it.

The pursuit of a "balanced national growth" strategy in this country must be moved from the rhetoric of presidential messages and congressional breast-beating to the "action" stage. We must stop just talking about this merely as a national goal and start defining and implementing "specific" steps toward achieving that goal.

To create, to plan, to think ahead—these are the challenges of our time. For, as John Galsworthy said, "if you do not think about the future, then you cannot have one."

In recognition of this, the Congress took several specific steps last year. It committed itself to the development of a balanced national growth pattern in both the 1970 agricultural act and the 1970 Housing and Urban Development Act. In addition, the Congress instructed the Secretary of Transportation in the Airport and Airway Development Act of 1970 to develop a national transportation policy to coordinate the development and improvement of all modes of transportation with priorities assigned to the development and improvement of each.

To date the Congress has not yet received the Department's report in that regard, despite the fact that it was due on May 21st of this year.

Under title IX of the Agricultural Act of 1970, the Congress directed all departments and agencies of the Executive Branch to develop policies and procedures with respect to the future location of Federal facilities and offices, giving preference to areas of lower population density. The President's report to the Congress citing the progress toward implementing those directives also is past due.

The importance of getting immediate "action" concerning these matters cannot be overly stressed.

And, we need to do much more—we must define and develop tomorrow's energy requirements. We must define and develop national policies and programs relating to meeting the needs of tomorrow's populations in education, housing, and health care. We must design today how we can better take advantage of our communication technology and other new technologies that offer us the opportunity to achieve an improvement in the "quality of life" for all our Nation's citizens—and to accomplish these objectives consistent with our concerns and respect for protecting our natural environment and strengthening of our free democratic processes.

We must also think anew about our Nation's economic policies and goals. We must develop a longer range "national incomes' policy"—and before November 12th.

We simply cannot permit inflation to resume beyond that date at the rates that we have been experiencing along with high unemployment and high interest rates.

And, as we address ourselves to these national challenges, we must—and I repeat we must—insert ingredients heretofore missing in our thinking: "Planning" and "location impact".

The implementation of any national growth and settlement policy must include measures to bring about a more dispersed geographic distribution of economic opportunity, jobs and people.

Most Federal and State policies and programs today encourage the depopulation of our rural countryside and center cities.

They are mostly designed to accelerate the growth of our nation's suburbs—a development which is tearing at the very fabric of everyone's quality of life in this country—whether they live in the city, the suburbs, or countryside.

We must not only change these destructive trends in our society but must set about our work in this regard *today*.

We will need lots of help and the formation of this new coalition will be a welcome addition to the ranks of those of us who already have been laboring in this vineyard.

I'm indeed heartened to see men such as Orville Freeman, former governors Breathitt, Tiemann, Rockefeller and other leaders from industry, labor, agriculture and those representing our country's disadvantaged and minorities all here committing themselves to work and participate together in these efforts—efforts to bring the fight for achievement of these national goals squarely and forthrightly onto the political battlefield.

Those of us who have spent most of our lifetimes working in this city and in the arena of government and politics know all too well you don't get things accomplished in this country unless you are willing to work and fight for what you want in the halls of Congress and at the White House.

Rural America—including all its interests and people—not only need you, but all America needs you. The approach that we have followed in pursuing our objectives in this nation has been traditionally piece-meal. Functional or limited to narrowly defined problem-solving.

The time has clearly come when no major problem in this country can be solved by such piece-meal approaches. Furthermore, no single segment of our society, by itself, stands much of a chance politically today to force its desires or demands on the rest of our society. Farmers have lost most of their political representation both in the Congress and within state legislatures. Center cities and their representatives cannot muster the political muscle necessary to secure a larger share of our national resources to help solve their enormous renewal problems. However, they are well organized and they do work vigorously at it.

I'm afraid the same cannot be said for rural or non-metropolitan America. It still suffers from both a diminished and fractionated representation in the councils of government.

Farmers are often divided among themselves concerning what they consider best for agriculture.

Many small and medium sized towns do not consider themselves rural, yet find themselves unable to compete with larger cities for resources.

And, most of our "urbanists" and urban oriented agencies of government find it difficult to become concerned about towns or communities under 50,000 in population.

All this points to the need for a coalition of rural or nonmetropolitan interests. Therefore I urge you to open your membership and structure your mission so all those groups, political subdivisions, and organizations representing people residing in these regions can come together for the pursuit of a more common purpose, namely, the revitalization and development of our smaller communities and rural areas.

By doing this, all segments of our society—rural and urban—center city and suburbia—will benefit from our labors.

With the mixture of leaders that I see before me here today from throughout the country I am convinced that you clearly have the potential of not only being the first to move in this direction, but of providing the strong supporting leadership here in Washington, in our state capitols and county and city halls around the country that will be needed in the future to achieve a more balanced national growth and development strategy in this Nation.

As chairman of the newly established rural development subcommittee of the Senate committee on agriculture and forestry, I can assure you that is the direction in which I am headed. I not only welcome you to the Washington and National scene concerning these matters that are so vitally important to our Nation's future, but will be looking forward to seeking your advice and active participation with respect to the legislative work of our committee.

Since our organization in April of this year we have already held a series of hearings both in Washington and in various parts of the Nation.

We have had people from rural America, including those who represent them in local and State government come before us and tell us of the loss of their young, the boarding-up of their store fronts, the lack of adequate transportation, housing, communities, utilities, and the credit to finance them.

We have been told that a young man suffering a serious injury in a rural area stands far less chance of securing needed medical attention than if he had received his injury on a battlefield in Vietnam.

We have also been told of lower prices and incomes for farmers, while farm costs and interest rates have continued to spiral upward.

We have been reminded of the disproportionate percentage of our Nation's poor people who have been left behind to live in our rural area, hidden from view of the TV camera and the rest of the country.

These hearings, which we have now held in Iowa, South Dakota, Georgia and Alabama—and later this week in Oklahoma and Nebraska—are providing us with the insights we need to develop the policies and programs that will be required to provide the citizens of these regions with the level of social, cultural and economic services they must obtain to remain in rural America. It will provide them with a "freedom of residence" which I suggest many Americans today are denied—denied because job opportunities are being limited to too few places in our Nation.

We also have begun our legislative work. I have introduced along with Senator Herman Talmadge and 49 other Senators a bill (2223) to establish a new financial and credit system for rural America. This new system is designed to meet both rural America's public and private credit needs. Hearings on this legislation already have been held, with additional hearings scheduled later this month. Senator Pearson's rural development bank bill also is being covered in these hearings. I urge you to not only lend your support to our bill, but to give us the benefit of your thoughts and recommendations as to how we might improve upon it.

As the President and the Congress begin work on the specific's of our nation's future economic policies, the "location impact" of whatever is agreed upon must be considered. Specifically, the plight of both our nation's rural areas and center cities must receive some special attention in that regard.

For instance, consideration of the President's investment tax credit proposal should contain special incentives for investments in nonmetropolitan regions and within center cities.

If we fail to provide such special incentives, then I would predict that straight investment tax credits to industry will merely result in accelerating the flight of business from our nation's center cities to our suburbs—and, I suggest that such a continued movement will be destructive to both areas.

We need your help. Rural America needs your help.

And by providing it, all America will benefit.

The revitalization and development of nonmetropolitan America must be accelerated if we hope to achieve a more balanced growth pattern in this country.

But that won't happen until the political position of rural America is strengthened here in Washington and in the State capitals around the country—strengthened not by increasing the political powers of rural legislators, but by strengthening the influence of those groups and interests that represent the combined interests of rural America. If such a coalition of interests can be formulated for rural America, then hopefully a working alliance between the "urban" and rural coalitions can subsequently be created to further the development and implementation of a "balanced national growth" strategy in the U.S.

The formulation of your organization is a major step toward reaching those objectives.

Statement Read by Secretary of Agriculture Hardin

September 7, 1971.

Every American, no matter where he lives or what he does, has a vital stake in preserving the beauty and enriching the resources of the nation's countryside. Each of us stands to benefit from a flourishing and healthful rural environment.

This Administration is fully committed to a massive effort in developing and enhancing rural life. Our aim in this decade is to assist in creating greater job opportunities, broadening community services, uplifting the quality of living, and speeding the social, economic and physical progress of the small cities, towns, villages and farm communities in America.

Basic to the success of this effort is a close partnership embracing the Federal Government, rural citizens, local governments and the nation's industries and business community. Any step in this direction is a step forward in the goals we share for our rural areas and for the well-being of the entire nation of which they are such a vital part.

In this spirit, I welcome the new Coalition for Rural America.

[S] Richard M. Nixon.

Coalition for Rural America—Board of Directors

The Honorable Edward T. Breathitt, Trimble, Soyars and Breathitt Planters Bank & Trust Building, 710 South Main, Hopkinsville, Kentucky 42240.

The Honorable Norbert T. Tiemann, First Mid-America Corporation, 1001 O Street, Lincoln, Nebraska.

Mr. George Abshier, Director, Community and Industry Programs Cooperative Extension Service, University Extension, P.O. Box 1008, Oklahoma State University, Stillwater, Oklahoma 74074.

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Dr. Clayton Denman, Small Towns Institute, Box 517, Ellensburg, Washington.

Mr. Edmund H. Fallon (tentative), Chief Administrative Officer, Agway, Inc., P.O. Box 1333, Syracuse, New York 13201.

The Honorable Frank Farrar, P.O. Box 190, Britton, S. Dak. 57430.

The Honorable Orville L. Freeman, President, Business International Corporation, 757 Third Avenue, New York, New York 10017.

Mr. Herman Gallegos, President, U.S. Human Resources Corporation, 2940 16th Street, San Francisco, California 94103.

Mr. G. B. Gunlogson, Countryside Development Foundation, Inc., 4746 Highway 31, Racine, Wisconsin 53405.

Mr. Paul Hall, President, Seafarers International Union, 675 Fourth Avenue, Brooklyn, New York 11232.

Mr. H. L. Hembree, III, President, Arkansas Best Freight Lines Corporation, 301 South 11th Street, Fort Smith, Arkansas 72901.

The Honorable Philip Hoff, 214 Prospect Parkway, Burlington, Vermont.

Mr. Wilson King, Kinglore Farms, Inc., Route No. 2, Rock Falls, Illinois 61071.

Mr. Aaron Henry, 213 Fourth Street, Clarksdale, Mississippi 38614.

Mr. Don F. Kirchner, Chairman, IBAA Agriculture-Rural America Committee, President, Peoples Trust & Savings Bank, Riverside, Iowa 42327.

The Honorable Harold LeVander, 200 Drovers Bank Building, South St. Paul, Minnesota 55075.

Dr. Winthrop Libbey, President, University of Maine, Orono, Maine 04472.

Mr. Ernest T. Lindsey, President, Farmland Industries, Inc., P.O. Box. 7305, Kansas City, Missouri 64116.

Rep. John McClaughry, P.O. Box 94, Lyndonville, Vermont 05951.

The Honorable Robert E. McNair, McNair, Konduros & Corley, Jefferson Square, Columbia, South Carolina 29201.

Dr. E. W. Mueller, President, American County Life Association, 2118 South Summit Street, Sioux Falls, South Dakota 57105.

Mr. Kermit Overby, Director, Legislation and Communications Department, National Rural Electric Cooperative Association, 2000 Florida Avenue, N.W., Washington, D.C.

Mr. Robert B. Pamlin, Chairman of the

Board, Georgia-Pacific Corporation, 900 S.W. Fifth Avenue, Portland, Oregon 97204.

Mr. R. B. Patteson, Senior Vice-President, Wachovia Bank & Trust Company, N.A., Kinston, North Carolina 28501.

Mr. Charles O. Prejean, Executive Director, Federation of Southern Cooperatives, 52 Fairlie Street, N.W., Atlanta, Georgia 30303.

The Honorable Winthrop Rockefeller, 450 Tower Building, Little Rock, Arkansas 72201.

The Honorable Elvis Stahr, President, National Audubon Society, 950 Third Avenue, New York, New York 10022.

Mr. Miles C. Stanley, AFL–CIO Appalachian Council, P. O. Box 646, Charleston, West Virginia 25323.

Mr. Julius J. Stern, Wood County Bank, 5th and Market Streets, Parkersburg, West Virginia.

Mr. James L. Sundquist, Senior Fellow, The Brookings Institution, 1775 Massachusetts Avenue, N.W., Washington, D.C. 20036.

The Right Reverend Monsignor John George Weber, Executive Secretary, National Catholic Rural Life Conference, 3801 Grand Avenue, Des Moines, Iowa 50312.

Mr. Charles Young, President, E. F. Young, Jr. Manufacturing Company, 500 25th Avenue, Meridian, Mississippi 39301.

Mr. Gordon Zimmerman, Executive Secretary, National Association of Conservation Districts, 1025 Vermont Avenue, N.W., Washington, D.C. 20005.

STATEMENT OF GOALS AND OBJECTIVES: COALITION FOR RURAL AMERICA, SEPTEMBER 8, 1971

In support of our broad purpose of advocating legislation of benefit to rural America, we adopt three immediate legislative objectives:

1. In the consideration of President Nixon's proposals for establishment of an investment tax credit, we will support amendments that will provide a differential in favor of enterprises that locate in rural areas and increase employment of residents of the areas where located, including the chronically underemployed and unemployed.

2. We will support measures to improve the availability of credit and financing in rural areas, for non-agricultural enterprises, public facilities, and housing as well as agriculture, as proposed in pending legislation and in the report of the President's Task Force on Rural Development.

3. During consideration of extension of the Public Works and Economic Development Act, we will support amendments to provide for the establishment of Development Districts throughout rural America and to provide non-categorical funds for the execution of approved development plans prepared by the districts.

In the pursuance of these and other legislative objectives, the Coalition will be guided by these, among other, principles:

We are strongly in support of a structure of agriculture that includes prosperous family farms and an economically viable marketing and processing system based in rural areas.

In building rural America, our aim is to see that development is consistent with the preservation and enhancement of a quality environment.

We are concerned not just with the aggregate development of the rural economy, but with eliminating the causes and ameliorating the effects of rural poverty, through such measures as welfare reform and public service employment.

We are committed to the principle of equal concern for, and equal involvement of, all the people of rural America, without discrimination on any basis.

We recommend that the Executive Committee proceed with plans for a national conference in the Spring of 1972 that will bring the problems of rural America to national attention and provide a forum for national leaders to express their views on rural development and balanced national growth.

IMPROVEMENTS IN THE BLACK LUNG DISEASE BENEFIT PROGRAM

Mr. HARTKE. Mr. President, recently I introduced S. 2289, a bill designed to liberalize the definition of "total disability" under title IV of the Federal Coal Mine Health and Safety Act.

From what we have learned about the black lung disease benefit program established by title IV, we know that many coal miners with the disease are not receiving the benefits to which they are entitled. In some instances, this injustice is caused by the fact that far too much emphasis is placed on X-rays; in other instances, it is caused by the unavailability of medical testing apparatus and personnel.

A third of the black lung benefit claims which have been turned down to date have been disallowed because the miner was not "totally disabled." In fact, what the Federal Government is saying to these miners is that they do not qualify because they are not yet "totally dead."

After decades of ignorance and misunderstanding, black lung disease is receiving nationwide attention. Recently, the subject was discussed on a national evening news program.

Mr. President, I ask unanimous consent that the transcript of that discussion be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

CBS EVENING NEWS WITH WALTER CRONKITE, SEPTEMBER 14, 1971

CRONKITE. We hear about accidental death in the coal mines. It makes headlines, it's usually swift, always tragic. But we hear far less about the diseases that strike coal miners, one disease in particular. It's just as tragic, lingering, not swift, the search for economic remedy sometimes disappointing.

HAZEL DICKENS (singing). These blues are so blue, they are the coal black blues. These blues are so blue, they are the coal black blues. My flesh will cave in, my life I will lose.

BILL EVERSOLE. Well, I smother to death every morning, and every night I have to, sometimes, lay on two and three pillows. Smother to death every night. So I can't rest, I can't sleep. I can't sleep on my back at all. Every time I lay down on my back I smother to death, just about.

(Indistinct) Get out, dogs. Go on out, get out of the way.

BENTON. Bill Eversole, father of five, is one of the men around Granny's Branch, Kentucky, who started early in the mine. He was scratching for coal at age 15. Now he's only 33, and his coal mining days are over. Eversole's doctor says he has black lung. The medical term for it is pneumoconiosis. The doctor says he can't work in the mines, but the government has turned Eversole's claim down, a claim filed for compensation under the recently enacted Mine Health and Safety Law. Eversole and his family get along on $250 a month that his wife earns, plus food stamps.

More than half the miners who've applied for black lung benefits in Eastern Kentucky and West Virginia have been turned down. Two hundred thousand persons, miners, their widows or dependents, have been compensated. But denials to thousands of others have triggered anger among miners in Appalachia, anger that prompted some of them to place the Social Security Agency, which handles such claims, on trial at mock hearings held last November in Horse Creek, Kentucky.

VOICE. What do you think's going to happen with this black lung law?

MAN. Well, if there ain't a change made, I don't—it don't look like anything's going to happen. They just going to start—sweep it under the rug and pull the rug over it.

BENTON. Washup is the typical end to a miner's day, scrubbing out from under an eight-hour accumulation of coal dust. Strong soap and enough scrubbing is effective on the surface, but not in the lungs. Years of work underground cause a variety of respiratory ailments, among them, black lung. What it is is a failure of the lungs to infuse enough oxygen into the blood, the result of deterioration elsewhere in the body, quite frequently, a heart that fails as the result of inefficient lungs. The essential evidence that the Social Security Administration uses in granting black lung benefits is X-ray, but some doctors say that more sophisticated tests are needed, tests such as those at this clinic in Beckley, West Virginia, tests which measure the ability of the lungs to provide proper oxygen for the blood. Dr. Donald Rasmussen, a prominent black lung doctor, conducts such tests. Rasmussen, a consultant to the Social Security Administration, incidentally, says X-rays alone are not much good as a test.

Dr. DONALD RASMUSSEN. Now the X-ray, in the way that it's been handled, and X-rays in general, are simply too unreliable to—to make a—a decision of the presence or the absence of pneumoconiosis, 'cause actually, pneumoconiosis of coal miners is sometimes very, very difficult to see, and as a matter of fact, it is more difficult to visualize on the X-ray film in those individuals who have the greatest impairment.

BENTON. The Social Security Administration defends X-rays as the best method now available, but it admits the need for more research. The agency also suggests that economic conditions affect the number of miners filing claims from a given area.

BERNARD POPICK. Where there are economic conditions that cause large numbers of people to be out of work, for instance, in a given period of time, that there can—there can tend to be a higher degree of filing for benefits in—under these circumstances than there might be where there are fewer people who are unemployed, and this too could condition not only filing rate, but the rate at which we find these people qualify for benefits or don't qualify for benefits when we review their claims.

BENTON. A rereading of black lung claims that have been denied is under way at Social Security. So far 12,000 X-rays, most of them from Appalachia, have been reread. But only 800 miners whose claims had been turned down are now deemed eligible for benefits.

Tradition and economics have dictated that industry moves into an area, mines the coal, and then moves on, leaving behind its now useless structures to rot in the summer heat and the winter cold. Despite the new law and its noble intent, the same thing happens, somehow, to some of the men.

Nelson Benton, CBS NEWS, in Eastern Kentucky.

HAZEL DICKENS (singing). Black lung, black lung, you're just biding your time. Some old men suffering (indistinct). But I can't help but wonder what God had in mind, to send such a devil to claim this soul of mine.

CRONKITE. And that's the way it is, Wednesday, July 14th, 1971. This is Walter Cronkite, CBS News. Good night.

(Announcement.)

ANNOUNCER. This has been the CBS Evening News with Walter Cronkite.

THE ELIMINATION OF STRIKES

Mr. FANNIN. Mr. President, each year thousands of strikes in the United States cause serious hardships for individuals and industries. One of the biggest problems is in the construction industry, where workers are represented by a number of unions. Even after most of the unions have agreed to new contracts, a few holdout unions—or even one—can stop important projects and prevent thousands of men from working.

In 1970 there were comments from knowledgeable people, including some union leaders, that the strike is an obsolete weapon in bargaining. Yet, late in 1970 and continuing into this year we have seen that the use of strikes is continuing.

I have sponsored legislation which would help to prevent strikes that are especially damaging to the public interest.

The president of Associated General Contractors, John E. Healy, has proposed a system of negotiating in the construction industry that would eliminate strikes. In the interest of further exploring this very serious issue, I ask unanimous consent to have printed in the RECORD the article presented by Mr. Healy in Constructor magazine.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGC PRESIDENT SAYS: "STRIKES MUST GO!"

In my youth, now more years past than I care to remember, the period of time from April until July was a magic time. I was intrigued by the sight of nature rousing itself from a long winter's sleep and bursting forth in bloom and blossom. The somber days of winter were replaced with a warm sun and the soft greens of spring and early summer. Those last few weeks in the classroom were only bearable because of the thought of carefree summer days ahead. It was a time of vibrant life; things were growing all around you. It was great to be alive and you looked forward to each new day with a sense of wonderful expectation.

As I said, this was in my youth. I grew up and entered the world of construction and since then, the time from April until July each year has had a very different meaning for me. As in my youth, it should still be a wonderful time, for now our projects have deserted winter construction for the warm days of spring and summer. Now our men have shed the gloves and sweaters piled one on the other, and the heavy boots. Now a man can produce in one day what takes two during January and February.

This is the time of bloom and blossom when our projects should grow by leaps and bounds, but the somber days of winter stay with us. For this is the spring bargaining season. This is the annual season of insanity in the construction industry. This is the time when the strike and the picket line reign supreme and turn spring back into winter again. This is the time when angry words, emotional statements, union politics, and management disunity send men walking the streets, losing wages which they will never recover. Projects grind to a halt, thus insuring that there will be no profits on these projects, after all the blood, sweat and tears and money which management has put forth to estimate bids, organize, plan, and manage them. After all the money spent to protect the job, keep the men working during inclement weather, and try to hold schedules, it all goes up in flames because one or more of our building trades unions decide that they must catch up with someone else, or some business agent running for office decides that it is good politics to have the boys hit the streets.

The notion of automatic annual increases, whether they are deserved or not, regardless of business conditions, and with no relationship to productivity, has become a national syndrome which we can well do without. The resort to the strike and the picket line to enforce such demands by shutting down projects is no longer acceptable to the construction worker, his employer or the public. It's just too damn costly to all concerned.

Let me give you as a typical example, a project being built by my own company. This is a large addition to a senior high school costing over $6 million. We were awarded this project in March of 1969 and although the competition had been keen, we felt we had a good job. We were looking at 20 months completion date and it seemed perfectly reasonable.

But then on May 1, 1969, the entire industry went down for a 14 weeks strike, the results of which were horrendous settlements. The carpenters, for example, received a $2.70 an hour increase in a 2-year contract. Since then we have gone through a pipe fitters' strike and an asbestos workers' strike, all at different times and all for very long duration and all at critical stages of the project. As a result, 26 months later we are still working on the project, paying our people, an average of 40% more than the day we started. So what we had believed to be a good job is now a bad one. All for reasons really beyond our control as a general contractor.

This industry can no longer tolerate such conditions. Its destiny can no longer be determined by the whims of what is in many cases, a single union local. There is just too much at stake. The building trade unions argue that despite high hourly wages, the annual income of their members is not commensurate with this high rate.

I submit that if this is so, it is largely their own fault. What with strikes for wages or jurisdiction interrupting the continuity of work on a continuous basis, how can a commensurate annual income be generated. Therefore, the strike resulting in a work stoppage has to go. The picket line must be relegated to the Smithsonian Institute. We are in the 20th century and we are smart enough to come up with other means of settling our differences without interrupting production. All labor and management has to do is sit down together and get the job done. In my judgment the following items form an acceptable agenda for such a program:

1. A common expiration date for all construction labor agreements should be established.

2. It should be agreed that the desires of both parties for contract provisions must be submitted 90 days in advance of contract expiration dates with no changes permitted. (This establishes a bargaining base.)

3. Bargaining should take place on a total economic package basis in which the price of all working conditions, plus or minus, is considered.

4. In the event that no agreement has been reached after serious collective bargaining, the situation should then be submitted to a regional council of collective bargaining, for binding arbitration. No work stoppages would be permitted.

5. Such regional councils should be set up with panels representing the labor and management side of all crafts and with the public represented, and should be manned by people thoroughly familiar with the construction industry.

6. The regional council should be administered by an impartial organization such as the American Arbitration Association.

Such a program would revitalize the construction industry and bring responsibility into what is now a totally irresponsible situation. The construction worker, the employer and the public would be getting a fair shake. The largest industry in the nation should not be constrained and circumscribed by the status quo, which has produced nothing but chaos in labor relations. Let's innovate. Let's grow up. Let's get with it.

JOHN E. HEALY II,
President.

THE PRESIDENT'S ECONOMIC POLICIES: AN EXAMINATION

Mr. HARTKE. Mr. President, we have now had a month to contemplate the administration's new economic policies—NEP. While some of its elements are ones which I feel are both desirable and long overdue, I am struck by a number of clear deficiencies.

Of particular concern to me is the cavalier manner in which the President has treated our one stanch ally in the Far East, Japan. I am not the first to point out that coming hard on the heels of the announcement of the Presidential visit to Japan's natural enemy, is a plan which includes a number of features which are potentially disruptive not only to Japan's export sector, and financial markets, but to her entire economy. While keenly aware of the formidable—and often unfair—challenge presented by Japan in international trade, I do not believe that the surcharge device correctly meets the challenge. The impact of the NEP on Japan is best seen in the reaction of the Japanese stock market which fell the day after the President's announcement by an amount equivalent to the New York Stock Exchange of 250 points. And Japan received absolutely no prior notification of this step. Certainly this is not a responsible manner in which to conduct international relations.

Turning to the domestic aspects of the program I, along with many others in Government and professional economists, advocated selective controls as part of an incomes policy which would include carefully researched programs with specific goals in mind and would attempt to avoid, or at least minimize, the dislocation and misallocations usually associated with wage and price controls.

What the President does not yet appear to realize is that the institutional structure of the economy has changed. Prices, wages, and other economic variables are no longer determined by the same factors as previously and so are no longer responsive to traditional fiscal and monetary policy. The failure of the economy to respond to what were thought to be foolproof fiscal and monetary remedies indicates that we should look elsewhere for controls.

At the present time, the economy is undergoing a severe strain caused by shifts in demand away from military and aerospace areas toward special services and new technologies such as pollution control. The economy finds it difficult to make this adjustment quickly, and the result is a severe distortion of wage and price phenomena. This adjustment lag as I would call it necessitates that wages and prices be brought under some type of control.

It has been my suggestion that an Incomes Policy Commission be established. The commission would be composed of three distinct divisions: An investigations branch, an advisory branch, and executive branch.

The bulk of the commission's work would be carried out by the investigations branch. It would be its function to identify industries and sectors of the economy in which wages and prices were rising too rapidly.

The advisory branch would contain a

Committee on Incomes Policy which would interpret the findings of the investigations branch and formulate policy goals and courses of action to be supplied the administration and the Congress.

The executive branch would consist of a Wage-Price Board which would have the actual power to regulate wages and prices in the various industries.

Wage and price controls would be instituted in the following fashion. The investigations branch of the commission would conduct a thorough study of any industry being considered for controls. I anticipate that such a study would include an analysis of monopoly tendencies in the industry, demand, and supply elasticity factors, relative degrees of imbalance in the supply of labor and raw materials, and the rates of adjustment of such factors to external factors. The study would also include extensive examination of the impediments to achieving wage-price balance, the magnitude of their effect, and the necessary conditions for dealing with them.

Upon the completion of the study a decision would be made by the Wage-Price Board whether controls should be instituted. The board's decision would be based on the degree to which current and anticipated increases in wages or prices represent real, necessary, and effective responses to change in equilibrium conditions. It would also be based on the anticipated degree to which such controls would tend to introduce distortions in the economic allocation of factors and resources.

The powers of the Wage-Price Board would not be absolute. Rather, they would vary with the extent of inflation and the level of unemployment in the country. For example, if inflation is at a level of less than 3½ percent and unemployment is less than 4 percent then the Wage-Price Board would have no active authority. If inflation is less than 3½ percent and unemployment is more than 4 percent there would be wage authority only. Conversely, if inflation is more than 3½ percent and unemployment is less than 4 percent there would only be price authority. In addition, if inflation is between 3½ and 4½ percent and unemployment is more than 4 percent, the board would have authority to restrict wages to the level in gains in productivity and prices to the rates of inflation.

What the administration has instituted, however, is philosophically and diametrically opposed to this principle. A complete freeze is established which makes no attempt to identify or address itself to those particular areas in the economy in which inflationary problems are centered; nor does it make any allowance for other areas where rises in wages or prices on some sort of scale are necessary to maintain equilibrium or to adjust to changing conditions. Indeed, this distinction has even been stressed in order to support the claim that the previous abhorrence for controls has not been abandoned. Essentially, the administration has completely reversed its position for ignoring the problem completely to the use of a sledge hammer approach which is likely to do as much harm as good.

Inasmuch as I have been advocating the investment tax credit for some time and, in fact, introduced legislation last March 16—S. 1262—which would have restored it at the 10 percent level, I welcome the President's proposal that it be reinstated. Coming as it does, however, on top of the recent liberalization of depreciation regulations, it represents a not insubstantial degree of overkill.

For this reason, I urge the repeal of the latter measure simultaneously with the passage of the investment tax credit. I am sure that I am joined by many of my colleagues in so doing.

Any bona fide attempts to cut genuine waste in Government spending and thereby free resources for more pressing social needs can only be applauded. Such efforts should be the continuing policy of every administration not merely a part of an emergency plan. However, it remains to be demonstrated that this is the exact intent, or will be the precise effect, of the current announced cuts in Government spending. It does not appear likely that the cause of efficiency will be best served by across-the-board cuts in overall budgets as opposed to shifting of resources within the budget amounting to the implementation of a shift in priorities. Furthermore, recognition of the desirability for speed-up in the recovery from the recent recession in order to cut unemployment and restore the economy to a healthy condition implies a need for greater fiscal stimulus. The positive effects resulting from tax cuts, improved consumer and business confidence and an improvement in the balance of payments can only be countered by a reduction in spending.

The President's proposals regarding tax cuts represent a partial adoption of what I and others have been urging for some time. An increase in personal income tax exemptions is a long overdue reform. Instigation of an investment tax credit even aside from its effects on productivity would provide a needed spur to a sector of the economy which has been exerting a significant drag for some time. Repeal of the 7-percent automobile excise tax is doubly desirable. Almost all excise taxes are regressive and, as such, repugnant to basic notions of equity. Repeal would provide a beneficial stimulus to an industry which, along with its suppliers, contains a significant amount of the economy's unused capacity and which, therefore, has the potential for absorbing a significant amount of unemployment.

However, the President's proposals do not go far enough. Conspicuous for their absence are such needed items as an increase in the minimum standard deduction, a deferment of the scheduled rise in social security taxes, and an increase in the personal exemption from $750 to $1,000 as I have previously advocated.

A point on which I am very uneasy is the subject of interest rates. Most of us agree that high interest rates are undesirable. The administration contends that the general effect of the NEP will be to lower interest rates and this hypothesis appears to have been accepted without much question. I am not so sure that this is a valid prognosis. To the extent that the program is successful in stimulating consumer spending the flow of personal savings will diminish. In recent weeks, the Federal Reserve System has been attempting to moderate the excessively high rate of growth of the money supply. To the extent that the Fed feels that the new program will provide a stimulus for the economy, it will be further encouraged to cut this money supply growth. Thus, the aggregate flow of loanable funds can be expected to diminish noticeably from the trend that existed before the announcement of the new program. On the demand side, to the extent that retail sales and business confidence pick up and that the investment credit is successful, business investment and, therefore, business borrowing will rise sharply if only to finance the added inventories that will be required. As noted above, the fiscal effects of the new program on the Federal deficit will be just about neutral. Therefore, the trend in Federal borrowing will be steady. However, we are approaching a period of seasonal deficit in the Government account and the Treasury can be expected to make heavy demands on the capital markets in the fourth quarter. As well, the program will provide a mild encouragement to State and local governments to increase their borrowing. Thus, the net effect of the new program will be to increase demands on all sectors of the capital markets above the trend that existed prior to the announcement of the NEP. This combination of a noticeable curtailment in the supply of and a sharp increase in the demand for loanable funds can only mean one thing—a steady rise in interest rates for the foreseeable future.

Mr. President, I intend shortly to introduce legislation to correct a few of the more serious shortcomings that I have been discussing. In the meantime, I trust that criticism such as this—which is meant to be constructive—will be accepted as necessary to the congressional dialog on this vital question.

EFFECT OF IMPORT SURCHARGE ON FARMERS

Mr. FANNIN. Mr. President, I have an extremely high regard for the farmers of America. My father was a farmer; much of my career has put me in close contact with farmers.

Farmers epitomize that independence of spirit that has made America great.

Farmers are as intelligent as they are independent. They realize that when there is a recession or depression in our Nation, the farmers are the very first to feel the consequences. America's farm industry will be strong only so long as our entire economy is strong.

In one newspaper this morning there was a headline saying that "Farm Groups Fear Surcharge Reprisal." Although the lead on this story was in the same vein, there was nothing else in the story to support this "fear" headline.

On the contrary, the quotations from two farm leaders show that they are keenly aware of the importance of and the necessity to maintain the import surcharge until basic corrections are made in the international trade system.

John W. Scott, master of the National Grange, is quoted as saying his organization recognizes that the opportunity to export "is very important not only to the farmers but to the Nation."

William J. Kuhfuss, president of the American Farm Bureau, is quoted as saying:

> The President by his announcement (on August 15) commanded the attention of the world and said we are not going to be patsies.

Mr. President, I would say that Mr. Kuhfuss summed it up very well. We certainly have been the "patsies" of international trade.

If we will maintain this surcharge we can rectify many of the inequities in world trade that have shackled not only American industry but the American farmer as well.

Certainly American farmers have some large markets abroad. They can sell in these markets because American farms are not only the most economical source of many products, but because American farms are the only adequate source for the products.

I would point out, however, that if it were not for unfair trade barriers American farmers could have even greater markets abroad.

For example, the European Economic Community has a reference price-levy system that protects inefficient European farmers from American competition.

Not only does the EEC protect its inefficient farmers, it also gives illegal preferential tariff rates to certain farm products from other nations.

One instance we have discussed previously in the Senate—and passed a resolution on—is citrus. The EEC has given huge tariff reductions to citrus from Israel, Morocco, Tunisia, and Spain. Meanwhile, American-produced citrus has had to pay full tariff.

Efforts to obtain a satisfactory settlement of this issue have been ineffective. Obviously, the EEC has continued to look upon America as the "patsy."

Perhaps the EEC is now having some second thoughts.

It is my hope that the 10-percent surcharge will give the United States the bargaining power to roll back trade barriers for all American products all over the world. This includes agriculture.

Even if we were to exclude the direct benefits possible for agriculture, I would expect farmers to support the import surcharge.

The serious erosion of American industrial jobs is as important to the farmer as the erosion of good topsoil. And there has been a very serious erosion of jobs because foreign manufacturers have been flooding our domestic markets while closing their home markets to our products.

If this job drain is not halted, then our economic decline is certain. And this most certainly will bring hard times for the American farmer.

OPENING OF HEARINGS ON THE PROPOSED DEPARTMENT OF NATURAL RESOURCES

Mr. PERCY. Mr. President, on August 5, the Government Operations Committee opened consideration of S. 1431, a bill to create a new Department of Natural Resources. The bill is, of course, a part of the President's major package of four bills that would reorganize the executive branch along the lines suggested by the President's Council on Executive Organization, by creating new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs. The hearings on the Department of Natural Resources were presided over by the Senator from Washington (Mr. JACKSON), a member of the Government Operations Committee and chairman of the Committee on Interior and Insular Affairs. A very distinguished group of administration witnesses testified to the committee, including Secretary of the Interior Rogers Morton and Secretary of Agriculture Clifford Hardin; the Under Secretary of the Army, Mr. Beal, accompanied by the Chief of the Corps of Engineers, General Clarke; Commissioners Larson and Ramey, of the Atomic Energy Commission; Under Secretary of Commerce James Lynn; and the then Associate Director of the Office of Management and Budget, Arnold Weber.

In addition, the committee heard testimony from the Senator from Utah (Mr. Moss), whose longtime interest in creating a new department for the management of our natural resources and environment is well known, and who made an excellent statement.

Although I was unable to attend the hearings in person because of absence from the country, I have read the statements presented on August 5. These statements very amply explain the proposed new department. With the exception of Atomic Energy Commissioner Ramey, all the witnesses entirely supported the creation of the new department. Commissioner Ramey's objection was that the functions of the Commission intended to be transferred to the new department would not be so effectively performed. On the other hand, AEC Commissioner Larson, speaking for the entire Commission with the exception of Mr. Ramey, supported the transfer of AEC functions to the proposed new Department of Natural Resources, arguing that—

> Considering the substantial changes that will be taking place in the energy field, it is logical and important that one Government agency have the total picture and be able to establish policy and to allocate funds for development of the appropriate and necessary energy resources. The responsible formulation of national energy policy must be based on the comprehensive balancing of all factors aimed at serving the total public interest.

As acting ranking Republican member of the Committee on Government Operations and chief Senate sponsor of S. 1431 and the other bills implementing the President's reorganization program, I am very much pleased that Senator JACKSON took the initiative to hold hearings. His excellent opening statement demonstrated his keen interest and knowledge of the entire field. I know that he and the other members of the Government Operations Committee, including its chairman, the Senator from Arkansas (Mr. McCLELLAN), the chairman of the Executive Reorganization Subcommittee; the Senator from Connecticut (Mr. RIBICOFF); the senior Senator from New York (Mr. JAVITS); and the many other sponsors of these reorganization bills, will respond to President Nixon's call in his special message to Congress on September 9 to—

> Act in this session on the sweeping reorganization of the Executive Branch which I have proposed, in order to make it more efficient, more manageable, more responsive to the needs and wishes of the people. Every day that goes by increases the urgency of this basic reform.

Mr. President, I ask unanimous consent that summaries of the statements of Senator JACKSON, Senator Moss, and mine be printed in the RECORD, along with the complete statements of Secretaries Morton and Hardin, and summaries of the statements of the other administration witnesses ot whom I have referred.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR HENRY M. JACKSON AT HEARING ON LEGISLATION TO ESTABLISH A DEPARTMENT OF NATURAL RESOURCES, AUGUST 5, 1971

We are meeting today to receive testimony on legislation designed to create a new Department of Natural Resources.

The concept of a Department of Natural Resources, incorporating the major Federal programs of resource management and conservation, is not new. As chairman of the Subcommitee on Executive Reorganization, Senator Ribicoff held hearings on comparable legislation almost four years ago. A task force of the first Hoover Commission urged the creation of such a department in 1949.

If the concept is not new, there are still compelling reasons for taking a fresh look at the proposal to establish this Department. In recent years, there has developed a new awareness of what is at stake in the management of our natural resources. Increasing concern for the state of environment has helped to expose the shortcomings of Federal resource management.

As we have come to understand the ecological consequences of building a dam or dredging a swamp, we have become more aware of the broad impact of Federal resource activities on the environment. Despite significant progress, the Federal government is still falling far short of meeting its minimum responsibilities for the preservation of our environment.

The lack of a coherent national energy policy, for example, is not only affecting the quality of our environment but also threatens to induce a major energy shortage within this decade. The Federal government is deeply involved in energy matters. More than a dozen departments and agencies are involved in such tasks as regulating the level of oil imports, the price of natural gas, the siting of atomic power plants and oil drilling on the outer continental shelf. But there has been no overall management of our energy resources to assure the best possible use of these precious assets. This is one deficiency which could be remedied in a new Department of Natural Resources.

Those of us who have survived various reorganizations in the Executive Branch, including the creation of new Departments, do not see any magic in shuffling old agencies or establishing new ones. In fact, a major reorganization can sometimes be the substitute for creative thought and positive action. But there is also solid evidence that an intelligent reorganization, properly carried through with full support from the President and Congress, can pave the way for better management.

Many of us believe that an opportunity exists for this kind of reorganization in the creation of a Department of Natural Resources. Of course there is disagreement—even among advocates of such a Department—as to what its components should be. The purpose of this hearing, and others to follow, is to explore the areas of agreement and disagreement to help the Committee decide what form this Department should take.

[Statement of Senator FRANK E. MOSS]

DEPARTMENT OF NATURAL RESOURCES

Mr. Chairman, no one could welcome more than I these hearings on the proposal to establish a Department of Natural Resources. As you know, I introduced my first bill to establish such a department in the 89th Congress and have reintroduced a bill, adjusted and improved, but essentially the same in structure, in every Congress since.

FORMER PLANS

The idea of reorganizing the Federal structure which deals with natural resources so that today's great tasks in this field can be performed efficiently and effectively is, of course, not new. It has been pursued for many years, and much has been written about it.

Even in the six years that I have been actively advocating the establishment of such a department, the idea has acquired enormous momentum. Technological changes which have revolutionized our views on environment, has made reorganization of the machinery which manages, conserves, and protects our natural resources not only desirable, but, in my opinion, truly essential.

I, therefore, warmly commended President Nixon when he presented the natural resources reorganization proposal to Congress earlier this year, and I now commend the chairman for calling these hearings.

I asked for time to testify, not only to express my support for these hearings, but because my proposal differs in one or two major particulars from the Administration proposal, and I believe these differences should be considered by the Committee and the Congress.

MOSS BILL

The version to which I wish to speak today is S. 1025, as amended, introduced May 14, 1971, which calls for the establishment of a Department of Natural Resources and Environment.

The most significant difference between my proposal and the Administration proposal is indicated by the difference in name—my Department of Natural Resources and Environment would include the components of the Environmental Protection Agency—the Water Quality Office, Solid Waste Office, Air Pollution Control Office, Pesticides Office, and Radiation Office. The Administration proposal retains EPA as a separate agency.

In other words, the basic thrust of the Moss bill is the placement—within the same Department—of functions governing protection of natural resources as well as those governing development or exploitation of natural resources.

The second major difference is that the Moss proposal places the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education and Welfare; the Administration proposals place both in Natural Resources.

And there are several other, less important, variations which I will discuss later.

But, to begin, let me discuss briefly the fundamental reasons for the establishment of a Federal resources department.

First, perhaps is the terrible toll American progress has exacted from the natural environment.

A second fundamental reason for the placement of principal resources responsibility in one department is the structure of nature itself

Robert Frost said that what makes a nation in the beginning is "a good piece of geography." A piece of geography is a unit: Land, water, atmosphere, forests all are part of the same system. For thousands of years, man's activities left nature relatively unscarred. But as we have put more and more pressure on the environment, a "multiplier" effect has come into play.

The numerous and complex responsibilities of the Federal Government in the resources field offer numerous other reasons for the establishment of a DNR. These responsibilities include not only resources management, but also construction of public works; establishment of resources policy, dissemination of a vast range of information; and the conduct of many kinds of research and development.

ADMINISTRATION BILL

Let me now turn to a more detailed examination of my proposal and that of the Administration. What should a Department of Natural Resources do? What functions should be assigned to it? What agencies should it contain?

On these points I differ somewhat with the President.

The most significant difference, as I have pointed out, is that my Department of Natural Resources and Environment would include the components of the Environmental Protection Agency, while the Administration proposal retains EPA as a separate agency.

A year ago, I testified before the Subcommittee on Executive Reorganization of the Committee on Government Operations to offer my views on Mr. Nixon's Reorganization Plans Nos. 3 and 4 which established the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

I said at that time it would be helpful to have in one agency all of the programs directed to prevention of damage through air and water pollution, solid waste disposal, radiation, or pesticides, just as it would be helpful to place all of the programs dealing with oceanography under one administrator.

But I also said I would consider it more sensible if all our resources development programs could be coordinated with our resource regulation programs.

Let me use a specific example.

A number of coal-fired electric generating plants are in various stages of development in the Four Corners area of the southwest. These are designed to utilize the plentiful coal of the region and water from the Colorado River system.

Some plants may be built on Federal lands, and power directed to population centers. The transmission lines must cross large stretches of public land. Therefore, easements for land use and contracts for water use would have to be negotiated with the Department of Natural Resources as they now must be with the Department of the Interior.

Numerous environmental problems are arising including: Impact of plant construction on sites; discharge of pollutants into the air; disposal of coal waste; location of powerlines—frequently the least expensive route renders a scenic area unsightly; and the return of water to the river system at a temperature higher than that at which it came out.

Should not these questions be considered and resolved by the same department that grants permission for the use of public property? My answer is "Yes."

I am concerned about the interaction between protection and development because I recognize that both are essential. In this matter, our Nation is cast on the horns of a dilemma. Like a hero of Greek tragedy, we find only two courses of action open, either of which could be fatal. If we put the brakes on production, we face a sinking standard of living; if we press full steam ahead on production, we may—through pollution—destroy the life-giving environment.

Somehow, the technological and political genius of the American people must be harnessed to give us both development and conservation. Otherwise, American society as we have known it must pass into oblivion.

To accomplish this dual task, I believe we need a Department of Natural Resources and Environment exercising comprehensive authority. It must have the responsibility and the capability of keeping the environment clean and of developing sufficient resources to maintain an acceptable standard of living. It must lead the Nation into the new paths that must be found and marked—paths that will permit an advanced industrial society to grow and still survive.

It has been argued that placing protection and development functions in the same department could favor exploitation at the expense of conservation. It has been said that a check on project promotion is needed, and that the Environmental Protection Agency provides such a check.

OVERSIGHT AGENCIES

Yet, though I propose only one executive department for natural resources, I do not intend it to be the sole monitor of environmental condition. I would retain the Council on Environmental Quality; and I advocate passage of Senate Joint Resolution 17, to create in the Congress a Joint Committee on the Environment. In brief, this would result in the following arrangement:

First, the Department of Natural Resources and Environment would exercise the operating responsibilities of the Federal Government relating to natural resources development and protection.

Second, the Council on Environmental Quality would exercise present responsibilities which include evaluating the state of the environment and the operation of the department. The Council would also continue to prepare annually the official Environmental Quality Report of the President.

Third, the congressional joint committee would have the responsibility of holding public hearings on the report and of recommending to the legislative committees of the Congress such action as it deemed necessary.

In short, we would have a manager—the Department—a watchdog—the Council—and a legislative investigator—the joint committee.

Such an arrangement, I believe, would constitute a rational solution to the problem of organizing the Federal resource management effort to provide most effectively both protection and development.

FUNCTIONS REMOVED

The second major difference between the Moss proposal and that of the Administration, as I have pointed out, is that I would place the Bureau of Indian Affairs and the Office of Territories in the Department of Health, Education and Welfare; the Administration places both in Natural Resources.

For some years, the argument has been advanced that the Indian people themselves prefer to work with Interior, and would therefore choose to be in a Department of Natural Resources, which is presumably more like home than HEW or a new Department of Human Resources.

A second argument for placing the Indian

Bureau in DNR is that Indian lands are important resources, and I cannot gainsay that.

But good arguments must give way to better ones. The soil, water, wildlife, and air of the Indian lands must, of course, be conserved, as must all of the physical environment. And such conservation will be a responsibilty of the Department of Natural Resources.

But national policy should be encouragement of the Indian to assume a full citizen's role, although, for some period, an additional measure of protection is required. The Administration's own list of the functions of the Bureau of Indian Affairs and the Office of Territories shows a preponderance of nonresource items. This list includes: Natural resources and economic development, education, public health and safety, job training and placement, and community services and facilities.

The Washington Evening Star left little more to be said when it declared:

"Surely the Indians belong with the rest of us under a Department of Human Resources."

The rationale for placing the Office of Territories in DNR is, apparently, similar to that for placing the Indian Bureau there. But the arguments against such a location prevail as before. The natural resources of the territories must receive the attention of DNR. But these possessions should be regarded primarily as living space for people, and they should be managed by the agency with responsibility for health, welfare and education.

I support the Administration in the positioning of the Corps of Engineers. Mr. Nixon would place the planning, project evaluation, and policy formulation functions of the corps in Natural Resources. He would fund the civil works program of the corps through the DNR. But he would retain construction, operation, and maintenance of projects under the jurisdiction of the Secretary of the Army. This is a good solution to the thorny problem of maintaining a national defense capability in the corps while providing more highly coordinated water resources planning, and I am pleased to support it.

I agree also that we should include in Natural Resources all of the functions now part of the National Oceanic and Atmospheric Administration, and certain responsibilities now exercised by the Atomic Energy Commission.

The Administration proposes transferring from the Department of Agriculture more functions than my bill originally included, but my May 14th amendments adjusted my proposal so that it now coincides with the Nixon proposals in all respects—transferring the Soil Conservation Service, watershed loans in the Farmers Home Administration, natural resource economics in the Economic Research Service, and soil and water conservation in the Agricultural Research Service into the new Department of Natural Resources. I go along completely on these changes.

Mr. Chairman, if ever there were an idea whose time had come, it is a Department of Natural Resources and Environment. It would for the first time make a member of the President's Cabinet responsible for formulating and augmenting a program to care for all of the Nation's natural resources.

STATEMENT OF SENATOR CHARLES H. PERCY

I look on the Department of Natural Resources as one of the most needed, and most attainable of the President's four major departmental reorganization bills. Thus I am very pleased indeed that our distinguished Chairman, Senator McClellan, has asked Senator Jackson to chair these hearings. Senator Jackson brings enormous talent and a wealth of experience to bear on these issues of natural resource policy, reflecting his work as Chairman of the Senate Interior Committee. I look forward to cooperating very closely with him on this important legislation.

The need for such a new Department is truly urgent. A rapidly growing population demands recreation space. At the same time the increased use of existing recreation areas threatens to spoil them. Vastly increased use of energy of all forms puts heavy demands on our energy resource utilization, and further threatens conservation objectives. These difficult and urgent problems cannot be solved by the confused and fragmented departmental organization that exists now.

For example, responsibility for management of onshore Federal lands is divided among at least five agencies. The Bureau of Land Management has jurisdiction over 475 million acres; the Forest Service, over 187 million acres; the National Park Service, over 30 million acres; the Bureau of Sport Fisheries and Wildlife, over 30 million acres; the Bureau of Reclamation, over 9 million acres; the Defense Department and other agencies, over 35 million acres.

The Department of Natural Resources will bring together into one agency most of the numerous natural resource and physical environment programs which currently are scattered throughout the Federal Establishment. It will provide the essential governmental capabilities required to plan, weigh alternatives and priorities, establish policies, and operate programs to meet our needs for recreation, environmental protection, pure water, and abundant energy.

Support for a Department of Natural Resources as proposed in S. 1431, is impressively strong. Many conservation and wildlife organizations have taken positions in favor of the proposed Department. This demonstration of wide public support, and the cosponsorship of the bill by Senators Jackson, Moss and Anderson, along with 19 Republican Senators, has given this bill an appropriately bipartisan background. In my view this bill—and the other proposals for new Departments of Community Development, Human Resources, and Economic Affairs—have to do only with the issue of good government. They are bipartisan, indeed non-partisan. Good government cannot be the objective of a single political party—it is a goal for *all* Americans.

STATEMENT OF ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR

Mr. Chairman, we are most delighted that the Committee has chosen to commence hearings on S. 1413, the proposed Administration legislation which would establish a Department of Natural Resources.

As you know, the idea of establishing a Department of Natural Resources is not a new one. Many Senators and Congressmen over the past several sessions of the Congress have sponsored similar legislation. Nearly every advisory body to each President concerning government reorganization since, and including, the administration of Franklin D. Roosevelt, has recommended the creation of a Department with overall responsibility for conservation and natural resources.

The Ash Council under President Nixon, after careful examination of the previous studies, also concluded that the creation of a Department of Natural Resources is necessary and timely. The Ash Report formed the basis for what was translated into S. 1431.

You have before you a compilation of the President's reorganization proposals which includes descriptions of how each proposed new Department would operate; how they would be structured; what their constituent elements would be, and other related details.

Rather than attempting to duplicate this information in explicit detail, I would like to limit my remarks this morning to a philosophical overview regarding the need to create a Department of Natural Resources and bring the Committee up-to-date on the planning efforts which have taken place since the President's proposal to create a Department of Natural Resources was transmitted to the Congress in March.

Representatives present here today from the other agencies affected by the proposed reorganization will also present brief remarks about how the elements from their organizations will contribute to the development of a strong and viable new Department. The representative from the Office of Management and Budget is also with us to discuss the rationale behind the administrative and management provisions of the bill.

Returning to the philosophical realm, Thomas Jefferson, one of the most profound political thinkers our country has ever known, once commented:

"I am certainly not an advocate for frequent and untried changes in laws and constitutions, but . . . laws and constitutions must go hand-in-hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

This same reasoning provided the impetus for proposing a Department of Natural Resources. In advancing institutions to keep pace with the times, we have recognized the need to deal with three basic objectives:

(1) The management by the Executive Branch of our nation's natural resources as a whole rather than by the presently fragmented system.

(2) The system of management for our natural resources should be centered around an organization capable of effective management and which would be responsive and accountable to the President, the Congress and to the people.

(3) The underlying substantive management philosophy of the organization would be based upon the conviction that the development of all natural resources should be harmonized with the most practicable possible means to protect and preserve the environment, consistent with the social and economic needs of the Nation.

I am fully persuaded that if these three objectives are to be realized, the creation of a Department of Natural Resources, as provided for in S. 1431, is absolutely essential. The legislation was carefully designed to make the achievement of these objectives possible.

Under the present Federal structure, the proper achievement of these objectives is nearly impossible.

In response to the many questions raised by Members of Congress and interested members of the public about practical details concerning the functioning of his proposed new Department of Natural Resources, the President asked me to lead an interagency task force to produce such information. We have been hard at work. We are confident that this effort will provide answers to many of the questions you may have about the proposed new Department.

This morning, however, I would like to present to you a preview of some of the highlights of our thinking to date.

On page 164 of the gray Reference Compilation before you, there is included an organization chart of the Department of Natural Resources. Details concerning the top management tier are spelled out in that document and I need not repeat them here. Instead, I would like to focus on the second tier—that is, the Administrator level—because these are the principal units in which the knotty problems regarding policy and program matters will first be addressed before being reviewed by the Department's top management.

As you see on the chart, there will be five major Administrations, one each for Land and Recreation Resources; Water Resources; Energy and Mineral Resources; Oceanic, Atmospheric and Earth Sciences; and Indian and Territorial Affairs. I will discuss them one by one.

The Land and Recreation Resources Administration would provide a central focus for managing Federal lands, and for development of national land use planning to assure that planning is done *before*—not after—lands are developed. This single administration would ensure that such planning, done in conjunction with regional and State organizations, will provide optimum opportunity for developing multiple uses of our nation's lands.

Land and Recreation Resources would be composed of the following functions: from Interior—the Bureau of Outdoor Recreation, the Bureau of Sport Fisheries and Wildlife, the National Park Service, and the Bureau of Land Management; and from Agriculture—the Forest Service, the Natural Resources Economics Division of the Economic Research Service, and the Soil and Water Conservation Research Division of the Agriculture Research Service.

This functional grouping of agencies dealing with land and recreation resources would place bureaus with inter-related missions and programs alongside each other. They would operate under a single Administrator and work cooperatively, rather than competitively, toward achieving a desirable balance in development and preservation of our Nation's land areas.

The Land and Recreation Resources Administration would have enormous responsibilities. It would manage 762 million acres—approximately one-third of the Nation's lands, including 475 million acres of BLM lands, 187 million acres of Forest Service lands, and 30 million acres each administered by the National Park Service and the Bureau of Sport Fisheries and Wildlife. It would also provide technical and financial assistance to State and local governments in fields of forestry, outdoor recreation, fish and wildlife and land use planning. This Administration would have a strong research arm to fully support these action programs on both private and public lands.

Its specific objectives would include establishing a Federal structure that enhances comprehensive natural resource planning; developing a national land use policy; assisting with water resource planning; developing better services to the public; and improving the management of our public domain, forests, parks, refuges, wilderness areas and wild and scenic areas.

In the existing Federal structure numerous inconsistencies and conflicts exist among our four principal land managing agencies in such areas as outdoor recreation, streams and watershed management, timber management practices, and those related to grazing and range lands, wildlife and mineral resources, and land use planning—including proper emphasis for preservation.

As you know, most of these conflicts and inconsistencies were identified by the Public Land Law Review Commission with recommendations for corrective action.

The Land and Recreation Resources Administration will be able to provide more adequate expertise to assist urban-oriented agencies in their recreation planning. It will develop recreation plans in a manner more responsive to urban and rural needs.

Finally, the Land and Recreation Resources Administration will be able to administer more efficiently activities which affect all public lands, such as fire prevention and suppression and control of forest and plant diseases and insects.

Turning now to Water Resources, the establishment of a Department of Natural Resources will serve to provide the first opportunity to proceed with unified, comprehensive planning in all major water resource areas under a single Administration.

Transfers to the DNR Water Resources Administration would include the following functions: from the Department of the Interior—the Bureau of Reclamation, the Office of Saline Water, the Office of Water Resources Research, and the hydro power marketing agencies; from the Department of Agriculture—the Soil Conservation Service. The planning, project evaluation, policy formulation and budgeting responsibilities relating to civil functions would be transferred from the Department of the Army's Corps of Engineers. The functions of the Water Resources Council also would be transferred.

Water resource supply can then be considered in the new Department in planning and developing a national land use policy. This objective can best be accomplished through a consolidation of Federal functions relating to planning, evaluation, and the determination of priorities to assure that specific water development and related land uses will serve our regional and national requirements and objectives. Thus, the Administrator for Land and Recreation Resources will work closely with the Administrator for Water Resources.

The Water Resources Administration will work with government and private groups to assure the achievement of such vital objectives as adequate water supplies for municipal, agricultural and industrial uses; flood and drought control; improved navigations; sound agricultural water management; improved water-oriented recreation, including that related to preservation of wetlands for wildlife; and—the development of hydro power. Past duplication and competition between and among agencies involved with water resource development will be eliminated.

Turning now to Energy and Minerals, the new Energy and Minerals Resources Administration in the Department of Natural Resources will be a great boon for those who deal in any form of marketable energy, as well as for consumers across the country.

President Nixon recently stated that the single authority established in DNR would be "better able to clarify, express, and execute Federal energy policy than any unit in our present structure" and that it would provide "a focal point where energy policy in the Executive Branch could be harmonized and rationalized."

The Nation needs a strong, unified agency authority to solve critical and complex problems that relate to energy exploration, development, production, transportation, conversion, and use. It will also have to face up to such troublesome situations as supply and demand, environmental effects in energy and mineral production, and the disposal of solid wastes.

Present dispersion of energy responsibilities within the Executive Branch is so extensive that the President has to rely on a special committee of the Domestic Council to provide him with needed energy information.

Here are the functions which would constitute the new Energy and Mineral Resources Administration: from Interior—the Bureau of Mines, the Office of Minerals and Solid Fuels, the Office of Oil and Gas, the Oil Import Administration, the Office of Coal Research, the Defense Electric Power Administration, and the Underground Electric Power Transmission Research project; from the Atomic Energy Commission—Raw Materials Management, Uranium Enrichment, and planning and budgeting only for the Civilian Nuclear Power Development and parts of the Plowshare program. The functions of the Office of Pipeline Safety of the Department of Transportation also would be transferred.

The new Energy and Mineral Resources Administration will be able to deal effectively with such problems as making adequate energy available; considering the interrelationships of all energy forms for technical and economic planning; and devising leadtimes needed for technological developments related to future needs for clean energy.

This Administration will have responsibility for a broad range of research and development activities, including those that relate to coal, petroleum and natural gas, oil shale, nuclear energy, urban refuse, health and safety, metallurgy, mining and underground power transmission, among others. A consolidated approach to these various energy forms seems absolutely necessary to abate the present crisis, and to provide a planning focus for our future energy needs.

The responsibility for statistics and information—always of vital interest to industry, government and others—will include collection, compilation, analysis, and publication of all kinds of energy and mineral statistics on an integrated basis, heretofore unattainable. An urgent need exists today for an analytical capability to develop available data into useable reports that have options and recommendations which Department managers and other decision-makers can use to make policies and develop programs.

The Administrator's regulatory and enforcement program will be extremely important because it will have to create a healthy and safe environment in the mining and energy industries. At the same time, it will be utilized to ensure a balanced supply and demand pattern for the Nation's mineral and energy resources.

The special proprietary operations of the Energy and Minerals Resources Administration will consist of the uranium enrichment program, the management of our National uranium stockpile, and our helium conservation program. Placing those operations under a single Administrator will offer numerous opportunities to improve and simplify management practices.

Thus, by improved information and statistics collection and evaluation, coordinated program and policy planning, an integrated energy and mineral research and development program, a more systematic regulatory effort, and a more effective series of proprietary operations, the Administrator for Energy and Mineral Resources can do much to improve the outlook for a fuel-and-metal-dependent society.

Turning now to the Oceanic, Atmospheric, and Earth Sciences Administration, we are dealing with the major scientific and technological components of the Department of Natural Resources.

From the earliest historic times, Man has been interested in acquiring new knowledge about his physical environment, not only to learn more about the forces that affect him, but also to alter unfavorable natural conditions in order that he might make his earthly existence safer and happier.

Developing a better understanding of our earth, waters, atmosphere and the physical processes that govern our planet is a long range objective and commitment of the world's scientific community'

This goal can be more easily achieved by transferring the functions of the Geological Survey of the Department of the Interior and those of the National Oceanic and Atmospheric Administration of the Department of Commerce to the new administration in the Department of Natural Resources.

In some earthquake, hydrology, and mapping activities, the two agencies conduct similar operations. Bringing the two organizations together will strengthen their efforts.

Many opportunities exist for consolidating related surveying, mapping and charting programs that exist within these organizations.

This Administration will be responsible for such major functions as national weather services, resource and environmental remote sensing studies, operation of environmental satellites, geologic investigations and surveys, water data collection and investigations, environmental data services, earth hazard programs, prediction of natural hazards and warnings for public health and safety, and topographic and other mapping and charting services, ocean and lake surveys, fishery resources, research and information services, and technical and financial assistance to the States.

The coordinated efforts of this Administration can offer greater protection against those hazards that confront man through such natural causes as the weather, earthquakes, volcanoes, and landslides—and thereby reduce the consequences of such catastrophes.

We can anticipate many other significant improvements under the consolidated strength of the Geological Survey and NOAA. Consider environmental impact analysis. Typically, environmental problems are complicated and no single agency now has sufficient expertise to achieve the desired breadth of perspective and evaluation needed for a comprehensive environmental analysis.

The Geological Survey recently identified 88 specific physical, biological, cultural and ecological factors for consideration in making an environmental impact analysis. Neither the Survey nor NOAA has all the competence needed, but together they would have the expertise required to make a more thorough environmental impact analysis. Also, they would work closely with other entities within the DNR possessing environmental expertise.

Closer working relationships will develop with the other agencies in DNR that now use the information, data and research collected and disseminated by the Geological Survey and NOAA. Under DNR management, service functions of this important scientific component can be better tailored to serve major resource and environmental action agencies thus saving money, time and effort.

Let me turn briefly to the Administration for Indian and Territorial Affairs. The President consulted with many American Indian groups concerning their preference regarding their place within the Federal structure. They indicated, as they had on previous occasions, that they preferred to remain with a land resource agency.

This is understandable inasmuch as the Indians own over 50 million acres of land that is held in trust for them. This is as much land as a number of the New England states combined. Involved is a tremendously important job of managing natural resources of all kinds—timber, forage, minerals, water, agricultural land. The land provides in a large measure their livelihood, a sense of security, and, in some cases, it is even intimately a part of their culture and religion.

The Indian programs concerned with resource development will benefit from close association with the other natural resource programs of the Federal Government within the Department.

The important United States territorial programs will also be a part of the Administration for Indian and Territorial Affairs. This arrangement will assure that territorial policies and programs will receive the high level leadership and attention they deserve.

Each of the five Administrators will be personally accountable to the Secretary for the ultimate success or failure of the programs he administers. Within broad guideline and objectives, each will have considerable freedom in managing his organization including flexibility in organizing his office in the way he believes most effective. Each Administrator will also be a key member of the top Departmental management team. In this role, he must rise above his primary functional responsibilities and develop broad perspectives to give objective advice to the Secretary on Department-wide matters.

These few highlights of the plans for the Department of Natural Resources point up the many practical advantages that can be expected to be realized at the policy and working levels of the new Department.

In closing, let me conclude with a philosophical note. The general welfare of the Nation requires that its limited natural resources, including energy sources, be conserved, managed and utilized so as to help realize a sound balance between preservation and development. The establishment of the Department of Natural Resources will provide the necessary organizational capability for best achieving these objectives.

This reorganization legislation represents the thoughtful product of many minds both within and without the Government. It contains the promise of what is needed to efficiently restructure the Federal natural resource entities within the Executive Branch so that they can work more responsibly and responsively to the American public and its elected representatives in the Congress.

I am hopeful and expectant that the Congress will give this landmark legislation priority attention and support.

STATEMENT BY THE SECRETARY OF AGRICULTURE, CLIFFORD M. HARDIN

Mr. Chairman, it is a pleasure to meet with the Committee today, to discuss the functions of the Department of Agriculture that are proposed for transfer to the new Department of Natural Resources under the President's Departmental Reorganization Plan.

First, let me say that I strongly support the President's plan to establish four new departments. I encourage you to give favorable consideration to the entire plan, in order to obtain maximum benefits in improved efficiency, effectiveness, and responsiveness in providing government services.

I believe that it is equally important that you support the principle of providing as much latitude as possible to the Secretaries of the new departments, so that they can make adjustments when necessary in the organizational structures and functions of the agencies under them, and be equipped with the full range of management tools needed to administer the departments effectively.

While the establishment of a new Department of Natural Resources is an important and essential part of the reorganization, the establishment of only one of the four new departments would not achieve the full benefits that would result from substantially streamlining the Federal departments.

From the previous testimony you are aware of the overall organization plans for the Department of Natural Resources. I will therefore confine my remarks to the contributions of the Department of Agriculture to this new department.

Of the five Administrations proposed for the Department of Natural Resources, the Department of Agriculture will provide a major input to two of them: the Land and Recreation Resources Administration and the Water Resources Administration.

Transfers from the Department of Agriculture to the Department of Natural Resources would include:

The Forest Service, which administers 187 million acres of public lands, conducts forestry research, and provides assistance to State and private forest landowners.

The Soil Conservation Service which provides soil and water conservation technical assistance to communities and individuals, plans and constructs water resource development projects, and carries out soil and snow surveys.

The Soil and Water Conservation Research Division of the Agricultural Research Service, which carries out a nationwide program of soil and water research closely supporting the activities of the Soil Conservation Service.

The Natural Resource Economics Division of the Economic Research Service which conducts land and water economic research and analyses also closely supporting the activities of the Soil Conservation Service.

These are the basic organizations within the Department of Agriculture directly and primarily engaged in administering natural resource functions that are closely related to the basic mission of the proposed Department of Natural Resources.

As most members of this Committee know, the Department of Agriculture is the most highly decentralized department in the Government. The Forest Service, operating through the 154 National Forests and 19 National Grasslands, and the Soil Conservation Service, operating through over 3,000 Soil and Water Conservation Districts, are among the most decentralized of Federal agencies.

One of the basic principles followed in the proposed reorganization is that existing programs and delivery systems will remain intact under the new departments. There would be no interruption of services at the point of contact with citizens, communities, farmers, and ranchers.

The improvements in management and coordination resulting from establishment of a Department of Natural Resources will be achieved largely through improved organization in Washington and the regional offices, rather than at the local level.

I believe that the reorganization will make it possible to solve long standing problems of government in managing our natural resources. It will put all of the major functions involved in land, water, and natural resource planning and protection into one coordinated operation.

The overlapping and fragmentation that now occur in the Federal administration of laws concerning resource management, ownership, research, technical assistance, and services to local governments and individuals can be worked out more effectively under the unified administration of the agencies concerned.

As you know, the reorganization plans are part of a coordinated package of reforms designed by the President to correct serious weaknesses in the way the Federal Government works, and the failure of government programs to meet the needs of the people. In addition to the President's Departmental Reorganization Program, the package of reforms includes.

Decentralization to get decisions made out where the problems are, by people who know local conditions, rather than in Washington, D.C., by Federal Officials unfamiliar with local needs.

Management assistance to State and local governments to help them improve their administrative ability to plan and manage programs.

Farmers and rural residents, as well as other Americans, will benefit from the reorganization and other governmental reforms proposed by the President.

These reforms will make government at all levels more responsive to local needs, better able to provide coordinated solutions to public problems, and more economical and efficient in serving citizens.

As citizens and taxpayers, farmers and rural residents will benefit from the general improvement in the economy, efficiency, and effectiveness of government.

Farmers and rural residents also share with all Americans the desire for better services, a more attractive environment, improved economic opportunities, better schools, and more adequate medical services; these can only exist in healthy, growing communities.

The establishment of the new Departments of Natural Resources, Human Resources, Community Development, and Economic Affairs will meet these needs better by—

Bringing together the fragmented programs and uncoordinated activities now found in seven separate departments, and grouping them together according to major national purposes for more effective management;

Eliminating the overlapping and duplication of services and the complex red tape citizens now struggle with when dealing with so many organizations;

Merging in one department, under coordinated management, the many different land management agencies and programs of the government;

Assigning to a single department the primary responsibility for developing our natural resources and protecting the quality of our environment;

Making a single department responsible for coordinated management of all programs aimed at improving the health, welfare, and education of our citizens;

Concentrating in one department, under coordinated management, government programs for promoting the economic and social development of rural communities.

Reorganization and decentralization will bring these programs closer to the people who live in rural communities, and will give farmers and rural people more powerful tools to make their local communities better places to live and work.

Statement of Thaddeus Beal, Under Secretary of the Army

In recent years increasing public recognition has been given to the importance of accomplishing comprehensive and innovative planning for water and related land resources to meet the full needs of our changing society. As these public demands grow, we are faced with the challenge to meet them in ways that maintain and enhance environmental quality.

To respond to these challenges involving our natural resources, the President proposes to give the Department of Natural Resources overall direction and coordination of Federal natural resources programs either by placing them in that Department or by providing the Department with the necessary comprehensive planning overview, policy formulation, project evaluation and budgeting review. As a result of being assigned this overall responsibility for shaping environmentally sound water resource development programs, the Secretary of Natural Resources can, in coordination with other agencies, particularly the Environmental Protection Agency, most effectively respond to our nation's water resources problems. There is no question that the water planning and related efforts now executed by the Corps of Engineers, Bureau of Reclamation, Soil Conservation Service and Water Resources Council will benefit from the central direction and unity of purpose provided by the Department of Natural Resources.

In addition, the President's proposal for a Department of Natural Resources will strengthen regional administration of virtually all Federal natural resource activities. The regional system contemplated by the President's proposal will permit a high degree of responsiveness to regional needs by providing more regional decision-making authority enabling many of the problems now settled in Washnigton to be settled in the field. The managerial philosophy of utilizing a decentralized organization is quite similar to that presently used by the Corps of Engineers.

The main feature of the proposed legislation relating to the Department of the Army is Section 301(c)(1). That section transfers all Civil Works functions of the Department of the Army to Department of Natural Resources, including all of the Corps' regulatory functions, with the proviso that all Civil Works construction, operation and maintenance, flood and coastal emergencies, and related activities shall be funded by the Secretary of Natural Resources and accomplished through the Secretary of the Army and the Chief of Engineers. Section 301(c)(2) of the proposed legislation transfers to the Department of Natural Resources all functions of the Board of Engineers for Rivers and Harbors, Coastal Engineering Research Center, Board on Coastal Engineering Research, Mississippi River Commission and the California Debris Commission; and Section 501 would permit the Secretary of Natural Resources to abolish these Boards and Commissions. Section 506 authorizes the Director of the Office of Management and Budget to make such additional incidental dispositions of functions, personnel and funds as may be necessary to accomplish the purpose of the proposed legislation.

This approach has the advantage of achiving the objective of including in one Department responsibility for comprehensive multiobjective overview of water resource policy and program, while permitting the effective and proven organization of the Corps of Engineers to continue to construct, operate and maintain particular approved projects.

The President's proposal also provides that natural disaster and emergency activities will be performed under the direction of the Secretary of the Army and the Chief of Engineers.

A viable engineering construction organization with planning capabilities is necessary to react effectively in performing this natural disaster function. It is essential to maintain in the Department of Defense an organzation in being that is capable of providing an adequate mobilization base for times of national emergency. The Corps of Engineers organization has demonstrated its flexibility and competence to undertake the urgent large-scale engineering and construction programs involved in the SAFEGUARD ABM missile system, NASA space program, Air Force MINUTEMAN System, military buildup during the Korean and Vietnam wars. In addition, retention of such an organization in the Department of Defense means that Corps of Engineers officers will continue to receive the invaluable training provided by Civil Works assignments.

In conclusion, I want to state my belief that the quality of the Corps of Engineers performance in water resources matters is unmatched by any other agency. Nevertheless, the challenges of a new era require that new means be found to fully coordinate planning and policy for all of our natural resources, including water. The President's proposal to put direction of water resources planning in one agency along with other planning for natural resources is a major step in preparing our Federal government to work effectively with State and local governments and with private individuals in meeting the environmental and resource management problems that we face today and in the future. The President's proposal is also advantageous because it would utilize the specialized technical capabilities of the Corps of Engineers and other existing agencies in performing detailed project planning, execution, operation and maintenance under the overall guidance of the Department of Natural Resources. Moreover, it will preserve in the Defense Department the standby engineering and construction mobilization capability that is now more important than ever as we face a period of declining military standing forces. For all of these reasons, the Department of the Army and the Corps of Engineers support the proposed legislation.

Statement by Clarence E. Larson, Commissioner, U.S. Atomic Energy Commission

For the last quarter century, the Atomic Energy Commission has been the Government agency responsible for all aspects of the nation's nuclear energy program. We feel that during this crucial period we have succeeded in bringing this new form of energy into a beneficial and controllable form for the American people and that it may now be considered for administration with the established, conventional forms of energy.

The President's reorganization plan comes at a time when the nation is facing a critical energy shortage. The energy needs are so great that the Government's role has changed from a position of supporting individual energy sources to determining how the nation's needs might best be met from all of the available energy sources. We are projecting a considerable shift in generating capacity among the various energy sources in the next 20 years and a substantial shift in fuel use by electric utilities during this period. These forecasts of the relative energy mix for power generation are based on fuel availability at the requisite quality level of prescribed environmental standards and at economically feasible prices.

Considering the substantial changes that will be taking place in the energy field, it is logical and important that one Government agency have the total picture and be able to establish policy and to allocate funds for development of the appropriate and necessary energy resources. The responsible formulation of national energy policy must be based on the comprehensive balancing of all factors aimed at serving the total public interest.

The President's plan provides that the AEC's uranium raw materials and enrichment programs would be transferred to the new Department of Natural Resources. The new Department would also provide policy direction for the development of civilian nuclear power reactors and the Plowshare program of peaceful nuclear explosives. However, the AEC would continue to conduct the research, development, and demonstration in the latter two programs because of its expertise, its facilities and the need for close integration of the programs with other AEC activities. While the functions of planning, budgeting and funding, coordination, assessment of resources, and establishment of priorities as related to national energy planning would be transferred to the new Department, the reorganization is not intended to preclude AEC continuance of research and development effort in health and safety, reactor and device technology, fuel reprocessing, waste management, and other activities that relate primarily to programs remaining with the Commission.

We feel certain that satisfactory arrangements can be worked out in areas of joint responsibility with the Department of Natural Resources. As participants in a dynamic scientific program, we recognize the inevitability of change. The AEC has maintained in its own organizational philosophy a policy of maximum innovation and flexibility to achieve most effectively the objectives of our program. The President's objective in reorganizing the Executive Branch of the Federal Government is to make it a more effective instrument in serving the needs of the American people. This is a goal we all can and should support.

Statement by James T. Ramey, Commissioner, U.S. Atomic Energy Commission

On June 7, 1971, by a letter from Chairman Seaborg to Chet Holifield, Chairman of the House Committee on Government Operations, the Commission provided its comments on H.R. 6959 which is the companion bill to the bill under discussion today.

At my request, the letter included a statement informing the Committee of my belief that the bill was neither desirable nor workable as it affects the programs and organization of the Commission. I would like to take just a few moments this morning to explain why I believe this to be the case.

All of the functions proposed for transfer from the Commission to the Department are—and I believe should remain—integral parts of a complex of interrelated programs carried out through the Commission's unique and highly successful system of organization and management. This system invloves utilization of industrial concerns, universities and not-for-profit organizations to operate government-owned plants and laboratories under cost-type contracts and a highly skilled management team in the Commission. To alter the existing system, in my view, will increase the cost of essential government programs, reduce the effectiveness of the Federal efforts to resolve critical energy and environmental problems and result in less-than-optimum utilization of expertise and facilities within the Commission complex.

I am particularly concerned regarding the proposed transfer of the uranium enrichment and nuclear power functions.

The overall approach taken in the uranium enrichment program has already created some uncertainty in the nuclear industry and among our free world friends as to our long term dependability as a supplier of enriching services. To transfer this program to a new agency at this critical juncture in the development of nuclear power with all the problems inevitable in such a change can do little but aggravate this situation.

Among such problems, I would point out that supervisory management and overall policy and planning for such an organization would be extremely difficult in an agency with limited prior experience in large scale industrial management. The various interrelationships with AEC research and development programs, particularly at Oak Ridge, could also present difficulties.

What is needed instead is to continue the enrichment program under experienced Commission management but with greater emphasis on consideration of the various elements of the program as parts of an integral enrichment enterprise and within a framework of stable long range planning.

NUCLEAR POWER RESPONSIBILITIES

I also believe transferring to the new Department those AEC civilian nuclear power development functions involving planning, budgeting and funding, coordination, assessment of resources, and establishment of priorities would be very undesirable.

The essential independence of the AEC from other energy oriented agencies was deliberately established by the Congress to assure attention commensurate with its potential as a leading element in the national energy program. The success of the light water reactor development program and the progress on the fast breeder reactor testify to the wisdom of such a decision. I might note in this regard that the President's Energy Message of June 4, 1971, gives top priority to the development of the fast breeder reactor. To now transfer these key reactor development functions to a new "super agency" would run counter to this intent of Congress and inevitably downgrade the vital breeder reactor program on which the energy needs of the nation will depend for the next fifty years.

In this connection, under the proposed reorganization, energy development is only one of a number of functions under one of a number of Administrators in a very large Department. I hardly think the proposed organizational location of the energy function is commensurate with its significance. And again, the traditional background and experience of the Department of Interior which, as reconstituted, would constitute the new Department of Natural Resources, has been in the field of coal and oil development and hydroelectric power. The Department's experience in large scale industrial research and development has been limited.

Coordination between energy development programs—which I certainly believe to be needed—can be more readily achieved without necessarily a complete reorganization of the involved agencies such as has been proposed by the Reorganization Bills.

In conclusion, I would note that the Department as proposed in the legislation does not consolidate in one agency all of the energy related functions of the Federal government. A number of key Federal agencies dealing with energy matters have not been included—notably the Federal Power Commission, the Rural Electrification Administration, and the Tennessee Valley Authority. In addition, under the Administration plan there will not even be a unification of energy related functions within the Department itself. For example, the operation of large hydroelectric facilities and the marketing of electricity will be under the Water Resources Administration rather than the Energy and Mineral Resources Administration.

Statement of James T. Lynn, Under Secretary of Commerce

Mr. Chairman, I am very pleased to be here to speak on behalf of the Department of Commerce on S. 1431. We would like to lend support to the President's reorganization proposal, both as to concept and to the more detailed realignment of programs. In particular, we support it as an alternative to the present structure of the Executive Branch.

Under the President's proposals, elements of the Department of Commerce would be placed into each of the four proposed new departments. Most of the present Department of Commerce would go into the new Department of Economic Affairs, which would also include elements of the Department of Agriculture, Labor, Transportation, the Small Business Administration and other executive establishments.

In the reorganization plan, a substantial portion of the Department of Commerce, the National Oceanic and Atmospheric Administration (NOAA), would move to the Department of Natural Resources. There it would join the Department of Interior and elements of the Department of Agriculture and other executive agencies concerned with the conservation and management of natural resources. Inclusion of NOAA in the Department of Natural Resources will permit the new Department to take a comprehensive approach to problems of environmental management.

President Nixon, in his Reorganization Plan No. 4 of last year, created NOAA as one of the major institutions for dealing with the Nation's environmental problems. NOAA resulted from recommendations of the Congressionally chartered Presidential Commission on Marine Science, Engineering and Resources. NOAA further consolidated environmental activities residing in a number of different agencies. It was placed in the Department of Commerce by the President because the great bulk of the activities of NOAA already resided within our Department.

The proposal to place NOAA within the Department of Natural Resources is viewed by the Department of Commerce as another logical step in fully coordinating and integrating the Nation's environmental activities.

When NOAA is combined with the Geological Survey and related science and service activities we believe that major advantages would accrue to the Nation. For example, the closely related programs of NOAA and the Geological Survey in hydrology, mapping and charting, marine resources and seismology would be better planned and managed.

The new unit of DNR would also place a strong scientifically and technically oriented organization in the DNR which is expected to carry out resource and environmental management responsibilities. Thus, a strong scientific and technical organization would be readily available to support services and management in the same Department. For example, the marine resources programs of NOAA are related to Department of Natural Resources responsibilities for development and use of off-shore oil, gas, and other mineral resources.

Within the newly proposed mission structure for cabinet agencies, NOAA's most logical place falls within the Department of Natural Resources.

Statement of Arnold R. Weber, Associate Director, Office of Management and Budget

Public concern over the preservation and utilization of our national heritage of water, land, mineral, energy and other natural resources has risen sharply in recent years—a concern that gives an increased urgency to the early establishment of a Natural Resources Department. It is also noteworthy that such a Department has been recommended by most groups which have studied the organization of Federal agencies in recent years, including the Ash Council in 1970 and earlier task forces which submitted reports to President Johnson in 1964 and 1967. It is also practicable to establish a Natural Resources Department without foreclosing the opportunity of the Congress to take such action as it may desire on the other departmental bills. In other words the proposed Department can be established so as to give recognition to the need for the integrated conservation and management of our natural resources without at the same time undermining the surviving departments. The Department of the Interior will, of course, be incorporated in its entirety into the new Department.

The concepts underlying the proposed organization of this Department are the best we can draw from our experience. The departmental management system is based on two principles. First, as noted by Secretary Morton, there will be administrations to assure that substantive operations are vigorously directed by officials with the authority needed to bring about a high quality of management. Second, the Secretary will have the means in his office to assure that matters cutting across the administrations are effectively dealt with at the secretarial level.

The Secretary's direction of the Department will be aided by the important roles which the Deputy Secretary, the two Under Secretaries, an Assistant Secretary, and General Counsel will play as officials charged with assisting in matters of departmental policy formulation, priority setting, evaluation, and management. Important as these cross-cutting officials will be in the overall direction of the Department they are, with the sole exception of the Deputy Secretary, expected to serve in primarily staff capacities. Each administrator will have direct access to the Secretary and the Deputy Secretary on matters in which they have a substantive concern.

I should also like to call to the Committee's attention that the Secretary will have field representatives in the form of departmental regional directors. While it is expected that in most cases the program administrations will have their own field regions responsive to the administrators, it is likewise important that there be a departmental presence in each region. These regional directors will report to the Secretary and will assist in assuring that matters involving more than one administration are effectively handled in the field. The departmental regional directors will also represent the Department in dealings with State and local officials, interpret and communicate the policies of the Secretary and assist the Secretary in the evaluation of the field impact of the Department's program.

The bill supplies the Secretary of Natural Resources with the various authorities and powers which he needs to effectively manage the resources of the Department and to take those actions of an administrative character which are necessary for the efficient discharge of the program responsibilities vested in him by the Congress. He will, for example, be authorized to adjust the organization of the department, appoint many of its principal officials, delegate his functions, acquire facilities, establish a working capital fund, and conduct research and development.

The Department of Natural Resources is thus designed to draw upon the best experience which we have had in the management of departments and large agencies. We are confident that the Department will make a major contribution to the vitality of our democratic institutions.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the pending business, the conference report on H.R. 6531, the extension of the Military Selective Service Act, which the clerk will report.

The assistant legislative clerk read as follows:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate resumed the consideration of the conference report.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, will the Senator withhold his request?

Mr. MANSFIELD. Yes. Mr. President, I withdraw my request.

Mr. STENNIS. Mr. President, I expect to seek recognition on the pending measure in just a few minutes. The speech I have prepared is off the typewriters and is on the way over here. I say that for the information of the leader.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

The PRESIDENT pro tempore. The Senator from Arkansas is recognized.

PRINTING AUTHORIZATION

Mr. McCLELLAN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. Res. 167

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of Part 2 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime."

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 167) was considered and agreed to.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDENT pro tempore. The pending business is the conference report on H.R. 6531.

Mr. STENNIS. Mr. President, I propose to address the Senate on the pending measure.

For the moment, let me make some preliminary observations. We have before us, as the Senate knows, a conference report on the extension of the draft act. It also provides a revised, increased pay schedule for the military, based primarily on the idea that during this 2-year period we will lead into a volunteer force for all of the services.

Superimposed is the Mansfield amendment, which relates to the closing down of the war—the Mansfield amendment, having passed this body by a very good vote, puts a definite time limitation on when the United States would withdraw from Vietnam.

As I understand it, the present plan is that a motion will be made tomorrow to table the conference report. I want to point out, preliminarily, that this report was filed just a very few days before we went into recess. An effort was made to get a time certain to vote on its adoption before we left. Objection was heard from the Senator from Alaska.

Now time has moved on, and the facts and figures on the issues, have at least partly, gotten out of the minds of the Members of the Senate. In some ways, the importance of this bill is overwhelming. We must get back into the minds of the membership the implications of a motion to table and what would happen if it should be adopted. It would mean going back into the same arguments again, the same issues again, which have been thoroughly debated here, after the most painstaking effort by the committee, after 7 weeks of very active, vigorous debate.

I think there were more than two score rollcall votes. Some amendments were defeated and some were passed. We went to conference with some 28 major differences with the House bill. Without trying to give roses to the conferees at all, there was a real effort, for 5 weeks, to reach some kind of agreement. We came back with a bill that went to the House. The House conferees were able to get the points of order waived by the Rules Committee, which meant one Member could not knock out, on a point of order, one of the provisions agreed on.

The House adopted that conference report, which included a part—and I respectfully submit it was a substantial part, in principle—of the Mansfield amendment, even though it was not germane under the rules of the House. If the rules of germaneness had not been waived by the Rules Committee, one Member could have knocked it out. That compromise provision is now before us as a part of the conference report. I have already paid my respects to Senator Mansfield for his consideration and his help to me, during those 5 weeks. We had many communications with each other. I have already thanked him, and I thank him again publicly.

So pending here is a part of the conference report is the Mansfield amendment. I appeal to those who voted for the Mansfield amendment to consider the fact that it is a part of the conference report before us, and consider the fact that other legislative avenues are open. If they possibly can, they should vote for the conference report.

I think it is generally understood over the country that when the time comes to get any bill passed in a necessary field, everyone cannot have everything he wants.

One cannot have everything in it that he wants and one cannot have everything kept out that he does not want. I think people understand that a Senator has to vote yes or no on a conference report. So I ask the membership to consider those facts as far as the Mansfield amendment is concerned.

No one is to blame for it, but the trouble is that since Congress has reconvened, other matters have intervened. One of our fellow members passed away, and the funeral is taking place today. Everyone wants to pay utmost respect to him and his memory. There has been every effort by the conferees to get the merits of the conference report and the conference bill before the membership. As I have said, I am not blaming anyone; I am just stating the facts of life.

Let us see if we cannot give a little and take a little and join hands to pass a bill in a field where almost everyone thinks a bill is necessary this year. There were only 16 votes against this bill on final passage.

Another assault made on the conference report is on another subject on which I have never seen unanimous agreement. There is always a difference of opinion about the level of pay scales for civilian employees and for members of the military. There is always that difference of opinion. We will never find a situation where everyone can completely agree as to where the pay increases should go, or how much. I say that from experience. We have had pay bills for some time. I was closely connected with my first in 1958. There have been many others. There is always that difference of opinion. Really, this pay bill ought not to be passed as a part of the draft bill, but it was germane, and it was more or less necessary to do it this time because of the effort to transfer to what is hoped will be an all volunteer service.

To show the variety of thought here, we had different pay scales proposed. These involved billions of dollars. We had the Gates Commission Report, which recommended what I think were lavish expenditures for the four lower levels.

The raw recruit under that proposal—and I am referring to that because it is now in the form of the Allott amendment—would have an annual compensation, leaving out the fringe benefits—medical care, and PX and commissary privileges—of $5,320. That is just the man you pick up on the street. That is the Allott amendment, but I am using it just as an illustration of the variety of opinions. And speaking of differences of opinion, the President of the United States turned that down.

That is my point. We will never reach a point where we will have unanimity, and I think the Senate ought to realize that and go along with what we have here in this conference report. This $5,300 is the recommendation of the Gates Commission report for the raw recruit. The President of the United States who originally recommended the volunteer army, would not go that far on the pay scale, so he turned it down and put in a recommendation that, in round numbers, carried about a $1 billion pay increase, with a great deal of it to those lower groups.

The House of Representatives then passed that part plus another part, which was supposed to be the increment for fiscal 1973, next year's increase. The matter came on over here, and the Senate committee stuck with the budget figures. It came to the floor of the Senate, and the Senator from Iowa (Mr. HUGHES) offered an amendment to put back in the House amount. It was rejected by a fairly close vote. Then the Allott amendment was agreed to which put the sum back at the amount of the Gates Commission report—that $5,300-plus for the raw recruit—and we went to conference on that basis.

I shall go into details on that in a minute. But in a broad sense, we compromised the categories of differences around that table and in the House bill and the Senate bill. It has been argued here that we ignored this raw recruit. We brought back in a bill that will actually provide for an E–1 recruit an annual compensation of $4,872, meaning basic pay, subsistence, housing allowances, and Federal tax advantage. This sum, I emphasize, does not include any special payments, or the fringe benefits, including medical care and PX and commissary privileges.

Mr. President, $4,872, now—for what? For this raw recruit. And, Mr. President, the record will show that many of them—we have the actual figures on this—who are now coming into the Army are within what they call category 4. Around 35 percent, over one-third, are in category 4, which means they have about the equivalent of a fourth-grade education. That is unfortunate, but it is a fact of life. We are going to be paying such a man, from the beginning, $4,872, plus commissary and PX privileges and medical care.

Unfortunately, many of those men will not be kept. They will not be able to carry on the training. They will not be eligible for reenlistment, because the services will not be able to use them. I know this is at a time when it is said the dollar does not mean anything, it does not amount to anything. But for a man who is going to be kept and cared for and given medical attention, the privileges of the post exchange, and commissary privileges, $4,872 a year is not small money, I do not care who he is, and it is more than the average that our high school graduates get. By comparison, the average civilian pay of high school graduates under age 20 is about $4,289 per year, which is lower than any figure being recommended.

So those are the facts of life. Let us not close our eyes. Let us not say, "Well, it is not enough, the conference bill is not enough," and just send it back. If we do that, what is going to happen? We are going to be faced here with the proposition that the President of the United States has recommended a deferral of the civilian pay increase that would automatically come up in January, and he has recommended the deferral of the military pay increase that automatically comes up in January. There is going to be a so-called veto resolution—I know there will; it is within reason—considered in Congress to veto his proposal to defer those payments.

So we will be confronted with the proposition of voting yes or no on sustaining the President about deferring these payments, after we have come in here and pushed aside this conference report that sets this pay as high as I have said, and then we say that it is not enough, we are going to make it more.

Well, I just tell you, there is going to be confusion compounded, and I do not know what the taxpayers are going to think about it. Understand, we are paying this raw recruit—he is cared for, he is looked after, he has all kinds of protection in every way, and the benefits of training and schooling, and maybe the first discipline he ever had in his life—these sums of money, as I have stated. And we are asked, now, to reject this conference report, not by saying it is not worthy, but by a holding, delaying procedure of tabling it. My goodness, when is the time coming when we will be willing to face up to the issue here, and vote yes or no?

It may be a hard vote. I am not minimizing the problem any Senator has. But that is what we came here for, to try to cast the hard votes. Anybody can cast the easy, popular votes. But let us stand up and face these hard ones.

If this report is rejected, we are going back and go over all these arguments again about this bill—pay, the draft as such, the Mansfield amendment. Already a Senator has served notice on us that this end-the-war matter and the POW question are going to be offered as amendments on the military procurement bill, which is the next pending business. I am sure there will be other amendments about military aid in Southeast Asia, our expenditures of money there for the South Vietnamese and allied forces. We will be going over the same ground again on the procurement bill, and I do not know but that they could offer the Mansfield amendment. I do not complain about people offering amendments. My point now is that there just has to be a judgment day, when we finally say, "That's enough on this bill, we are going to pass it and move to the next one."

So all these amendments will be coming back in, on top of these real arguments on the draft bill. And that is not all. On top of that are coming the recommendations of the President of the United States about this freeze, tax reductions, and investment credits, and stepping up income tax deductions for the individual taxpayer. All of that is coming in on top of this. I speak with all deference, of course, of the Allott amendment, but I am old fashioned enough to raise the point: Where are we going to get the money? Where are we going to get the money to pay this extra $300 million for this military pay?

This bill already is $1.4 billion more than the budget recommendation and the budget recommendation for fiscal 1972. Now we want to make it nearly $400 million more. So I ask: Where are we going to get the money? I especially ask that question when my best information is that our current budget for 1972, following a $23 billion deficit last year, is running at the rate of approximately $30 billion a year. Still, we have the arguments on the floor of the Senate that this conference report, which gives an increase of more than 54 percent to the E–4, the raw recruit, is not enough. We want to put in more. Nobody thinks about, or talks about, offering an amendment to a tax bill to provide the money.

Again, I am old fashioned enough to believe that Judgment Day comes sometime. I do not know when. But I believe that if a family goes on year after year spending more than they take in, somewhere down the highway of life there is going to be a wreck of some kind. If we drive recklessly down the highway of fiscal affairs, with billions and billions and billions of dollars in deficits year after year, this Nation is riding toward a wreck of some kind. In fact, there is plenty of evidence that our fiscal affairs are already in a jam, a national jam.

I am not given to looking at the dark side of life, but it is just commonsense. I know that we are going to have to pay. Someone will have to pay the deficit we have already incurred. Last year it was $23 billion; this year the estimate is $30 billion. If we passed every recommendation made on this floor from now on during this fiscal year, there would be a deficit of $50 or $60 billion. Somewhere, we are going to have to close ranks.

With reference to the pay schedule in

the conference report, that was a compromise around the table with respect to the different categories of pay—an adjustment of those pay scales. The Senate had to give somewhat. Has anyone here ever been at a major conference in which he did not have to give anything to anyone but just had his own way with respect to everything? Has any Senator here—has any Senator not present, but who may read my remarks—done so? If so, I wish he would come here and identify himself—anyone who never had to yield anything in any way at a conference. Either he has not been to any conferences or it was not a bill related to war, to the draft, to pay scales, to conscientious objectors, and to the subject matter we had in this bill.

Incidentally, many features of this bill are great steps forward, so far as the draft is concerned. This bill contains a tremendous amount of draft reform. I will go over that briefly later. It is not in controversy. This is progress of a very pronounced kind, based on experience and adjustments, some recommended by the President, some recommended by our committee, some recommended by the individual Members of the Senate. It is asked that that all go down the drain.

I make this flat statement. This is not a threat; it is the opposite of a threat. In my opinion—I speak as one who has had a chance to have a firm opinion about this—the pay bill before the Senate is the only military pay bill that has a chance to pass in this calendar year. I think I am familiar with the facts about this matter. I believe it is the only pay bill that has a chance to pass in this year.

I do not see how the President can recommend any other bill, when he has said he is going to defer the other increases in the military and the civilian pay, and he is talking about freezing the salaries and wages of the taxpayers. I do not see how he can come in here now and give his support to any other military pay bill this year.

Many Members of this body and the other body will have to pass on plenty of problems in this field. I do not think they will be happy about jumping in and voting for a military pay bill that is higher than the one now before the Senate.

As I have said, I do not use that as a threat; not at all. It would be out of order. It would be an extremely poor argument if it contained a threat. I am talking about the facts of life.

With respect to the other controversy, with the greatest deference, I do not believe there is any chance for the Mansfield amendment to be made any stronger through the vehicle of this bill. I have great respect for those who voted for the Mansfield amendment. But I appeal to them now—and to the author of that amendment who knows the situation—to consider the primary problem we have before us, the problem of getting a necessary bill passed for our national security; I ask them to let their vote for the Mansfield amendment, which has already been adopted by the Senate, stand as a part of their record; to let their vote for this conference report stand as a second step on the Mansfield amendment.

The conference report gives a congressional determination—the amendment was just the Senate speaking—the conference report gives a congressional mandate, as far as it goes, about winding down of the war and taking out of the POW's. It ties together the closing of the war and the POW's—those two and no more. It talks about the POW's and the closing down of the war and withdrawing our troops, and Congress is saying that we want that to be it. That is a congressional resolution or declaration of policy. That is what the New York Times said about it as soon as it came out—that it is a step forward. The New York Times does not ordinarily back up positions I have here, and I do not blame them. I point to the Washington Post, too. They agreed, as soon as this conference report came out, that it is a step forward for the Mansfield amendment.

Some of the friends of that amendment are now trying to defeat the conference report, but not on a direct vote up or down. I would feel much better if it were just "yes" or "no." Say what you want, a tabling motion is a deferring action and a putting off of the ultimate decision.

I have tried to emphasize what I think to be the situation with reference to the main points.

I appeal to the membership of this body for an independent judgment on the vital points I have indicated—not to please me, because I am not asking for any favors—but to get the country lined up where it can protect itself; not to fight a war in Vietnam, not to fight a war in Europe. I am not thinking of that primarily. But I am thinking about the protection of this country at home. The step we will be taking, if we turn down this draft bill, will be a step toward unilateral disarmament. If we do not realize that, then I think we are the only parliamentary body in the world, the only informed government in the world, that does not realize it. Because other countries will say very quickly, "Well, if they are not going to supply themselves with the necessary manpower, we have nothing to fear from their military power."

Mr. President, I expect to repeat these preliminary remarks tomorrow because of attendance in the Chamber today I do not say that critically, as many Senators have gone to the funeral of our late friend Winston Prouty. I wish I could have gone but I am glad they did. My point is that we have not had the opportunity to get the hard facts before the Senators. We do get them, theoretically, before all Senators, by means of the CONGRESSIONAL RECORD, but not before the Senators themselves.

Now, Mr. President, the distinguished Senator from Nebraska (Mr. HRUSKA) wishes me to yield to him and I am glad to do so briefly, if I may say briefly.

Mr. HRUSKA. Mr. President, first of all, generally speaking, I wish to compliment the distinguished Senator from Mississippi on the stand he has taken and the arguments he has advanced.

The Senator from Mississippi is considered to be one of the eminent authorities not only on strategic military matters but also on tactical matters, our defense posture, the subject of armaments and all other related subjects pertaining thereto.

I should like to suggest a couple of points and then ask a question or two with reference to those points.

The Senator from Mississippi has pointed out that the impact of further delay in getting an extension of the draft at an early date will bring the defense posture of this country to a perilous point—and very, very soon.

Already, some of the adverse effects of the delay have been listed, and they are notable. So we already have in this phase one potential bad effect which will flow from a rejection of the conference report.

Another potential bad effect in rejecting the conference report will be the inadequacy of military pay, as alleged by some, provided for some ranks in the military service. Assuming that this opposition is of substance and merit, that argument would bring about a second potential bad effect.

I should like to pose this question to the Senator from Mississippi: Is it not true that we are at a point where we must make an assignment of priorities? In that search for the most desirable priority, would there not be considerable logic to try to avoid that potential bad effect, which is irrecoverable and which cannot be corrected or restored and, maybe, could not be cured at all except at the expense of a great threat to the defense posture of this Nation, as opposed to trying to avoid a second potential bad effect which, even granting the merit of the cause, is something that would not be permanent but could be corrected in a short interval of time, and at a time when recovery could be effected with the least possible detrimental effect upon the national defense posture.

Mr. STENNIS. The Senator has expressed it so well. If it should prove that it takes an increase in the military pay bill, we could remedy that, but the tragedy is the time that would be lost in letting the trained submarine crews, the ICBM crews and all the other crews that go to make up the necessary weapons—letting them move on out and leave without having any replacements trained to take their place. That would be unilateral disarmament. The Senator has put it well.

Mr. HRUSKA. That is a scar that would be most difficult to erase, would it not?

Mr. STENNIS. It could not be erased except by having to wait it out or sweat it out in the time that we would have.

Mr. HRUSKA. The same argument could be made to the points of difference that we had in the conference that were resolved one way or the other. The Senator has pointed out the situation in regard to the Mansfield amendment. That can be taken up at a later time in another bill and with great promptness, in the event of the persistence being attached to it that some of its advocates have already indicated. But it need not be done now in this conference report.

If it is not done now, it does not result in any great prejudice to its later consideration, does it?

Mr. STENNIS. The Senator is correct. Yes, sir. There are many other avenues that the Senator from Montana has open to him. I am not trying to suggest what he should do.

Mr. HRUSKA. And promptly?

Mr. STENNIS. Oh, yes. Within a matter of days. Certainly within the next 2 or 3 weeks. Those avenues are open and he is capable of pursuing them vigorously, too. Of course he knows that. I imagine he has considered it.

Mr. HRUSKA. At any rate?

Mr. STENNIS. The Senator is correct. He has pointed it out very clearly.

Mr. HRUSKA. I want to assure the Senator from Mississippi that this Senator proposes to support his position and to do so by a proper vote at the proper time. I am very grateful to the Senator for the fashion in which he has analyzed this bill and presented it to the Senate. So there is a clear and full understanding of the real and fundamental issues involved.

Mr. STENNIS. I thank the Senator very much for his contribution to the debate and for his support. I hope that his thoughts and facts will come through to his colleagues. I thank him again.

Now I am glad to yield to the Senator from Alaska.

Mr. GRAVEL. I am grateful to the Senator from Mississippi. I should like to ask a question.

It has been repeatedly stated that the nonexistence of the draft today poses a threat to our military and to our defense posture. Other than the fact that the distinguished Senator from Mississippi has stated that, and now the distinguished Senator from Nebraska (Mr. Hruska) has stated it, and the Secretary of Defense has stated it, I placed in the Record yesterday figures that adequately demonstrate that no threat is involved. So perhaps we could get down to some specifics as to where the threat might be, so that we could evaluate this contention.

I am not persuaded by the general statement that we are losing men from the Poseidons or the submarines, because I happen to know the figure. Many Senators do not. The figure for the personnel in the whole strategic force of this country is 134,000.

We have 2.7 million men in the Armed Forces today. So I think there is a little slack between 134,000 men and 2.7 million men.

I think that that slack could very easily be taken up over a period of 10 years without the draft. So rather than merely take the loosely made statements of the Secretary of Defense and of the Chairman of the Committee on Armed Services that we are about to be visited by more cataclysmic occurrence, I should like to have more specifics. Perhaps I could be persuaded that there is a danger, but I should like to have the specific figures.

Mr. STENNIS. I shall respond briefly to the Senator. I have additional material on that question. I have data and material on that in another speech.

The Senator and I have argued these things many times on the floor. And the Senator is a very fine speaker and presents his facts well and very forcefully. I am going to make a speech based upon the conference that was held on yesterday at my request with these men that know more about the matter than I know or than the Senator from Alaska knows.

The Senator from Alaska is very firmly convinced that we do not need any draft. He has said repeatedly that he would filibuster this bill, if possible, to its death. I will ask the Senator to wait until he hears my other speech. I am under the gun, time-wise, in trying to get this matter back in the minds of the Senators.

This shot from the side has been threatened to be fired tomorrow—it is not from the back, but from the side—contained in a motion to table.

So I am determined that everyone will have a chance to get the facts as I see them. It is a very grave situation with reference to a manpower shortage that we are threatened with.

I thank the Senator for waiting until we get back to this matter at another time.

Mr. President, in an effort to get the facts to the Members of the Senate, I am mailing this morning a letter dated today to each of my colleagues in the Senate regarding the pay raise matter set forth in the conference report. In order to further spread these facts, and so that they will be available to any staff member who wants to read them, I ask unanimous consent that a copy of the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

United States Senate,
Committee on Armed Services,
Washington, D.C., September 15, 1971.

Dear Colleague: The Senate is being urged to reject the Selective Service Conference Report on the basis that the pay increases being recommended are insufficient. This charge will not stand any reasonable test.

The $2.4 billion proposed increase is the most costly military pay bill ever recommended—nearly two and a half times the amount originally requested by the President for this year.

Let me point out the increases being recommended for the lower enlisted grades since this question is the primary issue. For the E–1 raw recruit, annual compensation would be increased to $4872, from $3165, a 54% increase. This sum, I emphasize, does not include any special pays and the fringe benefits including medical care, PX and commissary privileges. For the E–2, the amount goes to $5311, from $3345, a 59% increase; the E–3 to $5663, from $3931, a 44% increase; the E–4 to $6189, from $5253, an 18% increase. The average recruit reaches E–3 in 9 or 10 months. By comparison the average civilian pay of high school graduates under age 20 is about $4289 per year, which is lower than any figure being recommended.

This bill provides ample money for the volunteer force. A 2-year draft extension, however, is essential to give the volunteer force a chance. It should be crystal clear that enlisted personnel with under 2 years' service are not being shortchanged. With this bill, the under 2 basic pay rates will have been increased by 189% since 1952, as compared to 151% for all the over 2 rates. Over 71% of the increases in the bill would go to those with under 2 years' service (compared to 64% in the House bill and 74% in the Senate bill). At the same time the Conference Report recognizes the career force, without which the Services cannot survive, in the form of the increased housing allowances urged by the House.

The Report reverses this division since under present rates these cumulative increases since 1952 have been only 79.5% for the under 2 and 144% for the over 2.

You are being urged to send the pay increase back to Conference and adopt another proposal adding $381 million in annual cost to the bill. There can be endless preferences on any Conference Report and on this premise every conference agreement could be rejected, not only in the Senate, but in the House. The Senate should not attempt to override President Nixon's wage stabilization policy by adding another $381 million in annual military pay costs. *To reject the Conference Report and thereby reopen all conference issues will jeopardize any pay raise at all and serves to create the manpower crisis due to the absence of the draft.*

The Conference Report needs no apology, is a fair legislative compromise, and I urge you to vote to support it.

Sincerely,

John C. Stennis.

Mr. STENNIS. Mr. President, returning to my more formal remarks, the cornerstone of the legislative process is the acceptance of a reasonable compromise of differences between the membership, in the beginning, of each branch of Congress and then the acceptance of a reasonable compromise of differences between the House and Senate as expressed in a conference bill.

On a major matter, and this goes from the smallest item regarding military pay of personnel to the settlement of the war in Vietnam, anyone would know that there has got to be some compromise in a settlement of a bill that touches on that subject matter.

If either body refuses to operate on this premise, the Congress will cease to effectively function as a legislative body. It can continue to function as a talking body, but it will not continue as a legislative body to pass bills unless there is some compromise.

Mr. President, I submit that this conference bill is a reasonable compromise of these various differences. As I indicated in my remarks on yesterday, the Senate prevailed on a number of issues, including a numerical induction ceiling, revised authorized strength ceiling, registrant procedural rights, and others. Many of those provisions were written in here in the Senate at the insistence of very sincere and able Members of this body who, I understand, now plan to turn around and vote against the conference report just because it did not have something else in it that they wanted.

Members of this body can use any number of reasons for voting against the conference report—they think the pay provisions are either too large or too small, that the Mansfield amendment is not strong enough in its present form, that the various selective service adjustments did not include a sufficient number of the changes voted on by the Senate, or for other reasons. However, Mr. President, there is one overriding reason why Senators should vote for this conference report. And that is the defense of the United States, the necessity to provide a draft law for 2 years. Without it, we will face a most serious crisis. I appeal now, as I shall appeal again tomorrow, to the Senate to support the President of the United States. I am not talking about Richard Nixon. I am talking about the President of the United States, our supreme constitutionally elected executive authority. We should support him to provide the needed manpower with which to defend this country, to man our Polaris crews at sea, our B–52 crews in the air and on the ground, the forces with which to defend this country from obliteration from a nuclear attack. We hope to have a volunteer force in the future. But we do not have it and we cannot have it as of this date. There has got to be a law.

The idea of going into a volunteer army now, all of a sudden, just by putting in a little extra money, is like a man who says that he wants an education and he wants to get it by 11 o'clock tomorrow morning. It just will not happen in that way.

If we ever have an effective, worthy all-volunteer military service, it is going to have to be built from the ground up, and gradually.

Mr. President, aside from the merits of the pay matter, let me point out a serious parliamentary situation confronting another conference on this bill, especially as it relates to the House Members.

As this bill was amended and passed by the Senate, it was determined that seven of the Senate-passed provisions, not contained in the House version, were subject to a point of order on the floor of the House under the new House germaneness rule, pursuant to the new reorganization act of last year.

I emphasize that, because the new House rule is not ordinarily understood over here because it is new. The matter is not as it was when the Senator from West Virginia was a Member of the House. It is not as it was last year. This is a new rule, and I want to emphasize that.

Mr. President, in order to carry out the spirit of the adjustments that we made at the conference table, in order to carry out their promise of what they would try to do to get the bill passed in the House, and in order to have the widest possible latitude in considering the differences at the conference table, Chairman HÉBERT said he would go before the House Rules Committee in an effort to get the rule of germaneness waived so that the Mansfield amendment could be passed upon in the House. Otherwise, one Member of the House could have knocked it out on the floor of the House and end the matter. One Member of the House could make a point of order, and if the point of order was sustained by the Chair, that would have ended the Mansfield amendment.

After some difficulty, the House Rules Committee late last July agreed that points of order will be waived. That meant that a Member of the House could not make that point of order.

As the Senate well knows, the House is reluctant to waive points of order, and it was only after some persuasion that they were waived in the case of this bill.

Mr. President, the Senate should understand that, if a point of order is raised by a House Member and is sustained by the House Parliamentarian, the item at issue is automatically ruled out of order from being considered. Further, the record should show that one of the provisions which would have been subject to a point of order in the House, had it not been waived, was the so-called Mansfield resolution, dealing with the termination of hostilities in Indochina.

It is an open question, Mr. President, as to whether the House committee would be successful once again in waiving all such points of order, or even whether the House conferees would be willing to attempt to repeat the process in view of the obvious difficulty of trying it the second time.

By way of emphasis, as I have already indicated, every Senate-House difference except those which might be ruled out on a point of order would again be at issue in a new conference—not just the pay matter discussed by Senator ALLOTT.

The primary attack on this conference report has been that it leaves out too much of the Mansfield amendment.

No one who voted for the Mansfield amendment has been willing to discuss what is left of the Mansfield amendment, and there is very definitely something left.

In each House each Member has to follow his own judgment. But, Mr. President, do not let anyone sell you on the idea that we can object to this conference report on the grounds of the Allott amendment and the Mansfield amendment and send it back to conference and that those matters would be the only things in issue. Everything that was in issue before will be in issue again. The House will even have to appoint conferees again because they have already passed the conference report and discharged their conferees. I think the Senate would again have to go through the process of appointing conferees. Anyway, it would be a new start with respect to everything in conference; it would be everything all over again with no holds barred.

Mr. President, I repeat the challenge I made a few minutes ago. If any Senator knows how he can make a House Member do something or force a House Member to sign a conference report I wish that Senator would get up and tell us how to do it. I do not think that anyone who has ever been to a conference on a bill that is controversial can tell us how to make a person do something he does not want to do. The same is true on the floor of the Senate. This is not that kind of body and neither is the House. Members cannot be made to do anything. I emphasize that we went over every single part and parcel of this bill; we went over and over the bill for 5 weeks.

Mr. President, I turn now to the speech of the senior Senator from Colorado. As I interpret his remarks, he makes three points with respect to the conference report.

First. He feels that the report should have provided for an annual pay expenditure of about $300 million more than the $2.4 billion being recommended in the report.

Second. In what he referred to as traditional injustices, he criticizes the conference report's reduction in the pay for the lowest enlisted grades, as compared to the Gates rates passed by the Senate.

Third. The Senator from Colorado also takes issue with housing allowance increases but acknowledges that these are subject to compromise.

NEW PAY PROPOSALS BY SENATOR ALLOTT

Mr. President, Senator ALLOTT has urged the Senate to reject the conference report because of its pay provisions and consider a new pay proposal. In effect, he urges that all of the increases recommended in the conference report be adopted including the housing allowance for the career forces. In addition, he proposes a slight increase in the quarters allowances of $5 and $9 a month for certain lower enlisted grades with a total cost of $18 million. Moreover, he proposes that the basic pay rates for the lower enlisted grades be increased, at an annual cost of $360 million, over the recommendation by the conferees. The total annual cost of his proposal is $381 million over the annual cost of the conference report.

Mr. President, the Senator from Colorado proposes that the basic pay rates for the lower enlisted grades be increased by an annual cost of $360 million over a recommendation by the conferees. The total annual cost of this proposal is $381 million over the annual cost in the conference report.

I will not repeat at length what I said a minute ago about these bills running up. I point out that $381 million is a good deal of money. We have just closed a year where we were $23 billion in the hole, and we are now running a deficit, I understand, of $30 billion, and we are talking about decreasing taxes, if the President's recommendation is passed.

We already have in the conference report more than $1.5 billion above the budget. The Allott amendment would add $381 million on top of that, beyond the budget. No provision is made anywhere to pay for it. There is no talk about increasing taxes; the talk is about decreasing taxes.

I will not go over my concern about pay day coming some day. I covered that a few moments ago to these virtually empty chairs. But it is a fact of life, and I think it has a place in the consideration of this matter.

DISCUSSION OF THE CONFERENCE REPORT

GENERAL COMMENTS

Mr. President, the pay raises in this conference report need no apology. This pay bill, of $2.4 billion, is the largest military pay proposal in the history of this country.

President Nixon is seeking the cooperation of all the country including the Congress in trying to stabilize pay rates. Yet, the Senate is being urged to reject the conference report's rates as insufficient and adopt a new proposal of adding $381 million in annual costs to military pay.

Mr. President, the charge has been made that the conferees should have increased pay costs by another $300 million above the $2.4 billion recommended, in view of the levels approved by the two bodies.

Let me emphasize that the conferees were not attempting to come up with a particular annual dollar cost total. Each of the seven pay elements was considered separately and judged on its own merits.

In addition, I would like to answer in some detail the criticism of the conference report.

LOWER ENLISTED PAY RATES

The basic pay issue is the sufficiency of the pay increases for the lower enlisted grades. Mr. President, we are faced with the old question of how much is enough. I would like to make the following points in this regard: There was a time when the charge could be accurately made that pay rates for those with under 2 years of service were not sufficient. These rates were not increased between 1952 and 1965. At present, under existing rates since 1952, the under 2 enlisted pay rates have been increased 79.5 percent as compared to 144 percent in basic pay for enlisted people with over 2 years of service.

With the adoption of the conference report, however, the cumulative increase since 1952 for enlisted men and women with under 2 years of service would be 189 percent compared to 151 percent with those of over 2 years of service. In other words, the under 2 go ahead after this bill is adopted.

Under the Gates rates passed by the Senate the under 2 would have been increased by 216 percent as compared to 161 percent for the over 2.

I repeat, Mr. President, for the period since 1952, this conference report recognizes the under 2 enlisted pay grades with a proposed cumulative increase of 189 percent as compared to the 151 percent for those with under 2.

DISCUSSION OF COMPENSATION LEVELS BETWEEN THE PRESENT AND THE CONFERENCE PROPOSAL

The next question, Mr. President, is whether overall compensation levels for these lower grades, established by the conference report, are sufficient.

Mr. President, I would like to compare the present and the proposed compensation levels as provided for these lower grades in the report. I refer now, as Senator ALLOTT did, to regular military compensation, which includes basic pay, quarters allowance, subsistence, and tax advantage. For the E–1 grade, the annual figure will be $4,872, a 54-percent increase from the present annual total of $3,165; for the E–2, an annual level of $5,311 is proposed, a 59-percent increase over the present $3,345 total; for the E–3, $5,663 would be provided, a 44-percent increase over the present $3,931; for the E–4, $6,189, 18-percent over the present $5,253. In terms of basic pay only, Mr. President, under the conference report the E–1 recruit is increased 99.8 percent—from $134.40 to $268.50, plus $134.10; the E–1 over 4 months is increased 86.8 percent—$143.70 to $268.50, plus $124.80; the E–2, 100.6 percent—from $149.10 to $299.10, plus $150; the E–3, 72 percent—from $180.90 to $311.10, plus $140.20; the E–4, 29.4 percent—from $249.90 to $323.40, plus $73.50. All of these figures reflect the under 2 rates for these grades. None of these compensation totals, Mr. President, include any of the special pays or fringe benefits, such as medical care, commissary, and PX privileges.

These figures as I have already pointed out, run considerably above the average high school graduate compensation for the first year that a young man is employed in the civilian forces.

I point out again for emphasis that some of the raw recruits that we take in have only a fourth grade level education, and they will receive $4,872 per year. This does not include any special pays and fringe benefits, including medical care, PX, and commissary privileges.

By comparison, the average civilian high school graduate under age 21 receives pay of $4,289 per year, which is lower than any figure being recommended.

I think that is a very liberal sum, frankly, for an untried man who may have an education level of as low as fourth grade or not a very high grade of intelligence. Before he is trained one day, he starts receiving pay at this rate and has all this medical care and dental care, and PX and commissary privileges, drawing $4,872 a year.

Some of them will not prove to be worthy and will not be capable of taking the training, and some of them will be, and they will become very valuable men and will go on up the ladder and will be worth that money, some of them many times over. But I tell you right now, Mr. President, we are going a long, long way in taxing people who do not make that much money after they have been on a job for years and having a part of their pay taken away by a tax bill to pay salaries this high for men who are beginners.

I think it is a very liberal and very fair compensation. I do not know anywhere in government or out of government where a man has a better chance to go forward, and rapidly for a while, than he does in the military service, and the other benefits they will get, if they will take them, over and beyond money value, because the money value cannot be arrived at.

COMPARISON OF LEVELS WITH COMPENSATION OF CIVILIAN HIGH SCHOOL GRADUATES

Mr. President, how do these compensation levels proposed in the report compare to comparable earnings in the civilian economy? I think an accurate comparison would match the average pay of high school graduates under 20 years of age. Census Bureau data, adjusted October 1, 1971, indicate that the average annual pay for such a graduate in the civilian economy is $4,289 per year. This sum I should emphasize, Mr. President, is less than the lowest level being recommended by the conference report, which is $4,872 for the E–1 as I have already indicated.

Mr. President, comparisons are seldom in order, but I just do not know of any place where the pay is as liberal to a person with as little training and as little experience and with as low a level of intelligence—and I say that with all respect—and with as low a level of educational training.

RAPID ENLISTED PROMOTION

Mr. President, I would like to remove any impression that enlisted men languish for any long period of time in these lower enlisted grades. Within 4 months after induction, the average recruit will become an E–2 and, under this report will be entitled to annual compensation of $5,311—an increase of almost $2,000 over the existing level. Practically all military personnel entering the military service attain the grade of E–3 within 9 or 10 months and thereby become entitled to annual compensation of $5,603.

With the other benefits that go with that pay, it is not just small change to receive an attainment of pay like that within 9 or 10 months after they come into the service. That is the pay scale under the proposed bill, the conference report bill.

Mr. President, during the long debate on the pay question, much has been said about the number of military families below the poverty line. Some of the conclusions were speculative. At my request, the military services made a survey to determine the number of military families that would actually be in this situation if the conference report is agreed to.

In order to come within the so-called presidential poverty guidelines under the terms of the conference report, a man must be an E–1—that is, just entering the service—and have at least five dependents. I think it is very obvious that he should not be taken in anyway if he already has five dependents. There is something else he can do to help the country along, and that is to take care of his five dependents.

Our survey determined that there were only 14 men, out of a total of 133,000 men in the grade of E–1, recruit, who would be eligible for assistance under the President's family assistance plan, which calls for an annual compensation of $5,190 for this category. But, of these 14 men, five were in the E–1 grade because of a reduction in rank, meaning due to misconduct. We cannot underwrite everybody, everywhere, all of the time, especially a man who loses a part of his pay and rank because of loose conduct.

The remaining nine would not be under the poverty level on an annual basis, since they would normally be promoted in 4 months.

Even for this minor group, if any value is placed on the fringe benefits, all would be clearly above the poverty line.

I hope that these facts, determined by an analysis, will lay to rest, once and for all, the so-called poverty question as it applies to this report. During the debate on this report, charges of the existence of poverty have bounded around the Chamber like a basketball bouncing up and down a basketball court. But lo and behold, when we get down to the facts of life and analyze the real situation about the so-called poverty families in the military, we find the situation I have just related. It was found that out of all this group, only 14 men out of a total of 133,000 in the E–1 class would be eligible for assistance under the President's family plan.

But of those 14, Mr. President, five were in the E–1 grade because of reduction in rank, meaning misconduct. I repeat that for the benefit of those who might have come in.

Mr. President, I am about to conclude this part of the formal portion of my remarks. I wish to summarize and repeat some points for the benefit of Senators who have come in.

As Senators know, this matter is now back before us on the bill as recommended by the conferees of the two Houses. It is attacked on two principal grounds, even though, if the conference report is rejected, it will then be open for further conference on all grounds. But the attack made on it, and the threatened attack of making a motion to table sometime tomorrow, are based on two principal grounds. One of them relates to the Mansfield amendment. I have covered that in considerable detail, always in a deferential way. I have great respect for those who voted for the Mansfield amendment. But I ask them again to consider the point that that matter about ending the war at a certain time, with a certain timetable on it, advanced a great step forward when the Mansfield amendment passed this body by a handsome vote. This is step 1, which all those who are interested in it have taken; and it was a long stride.

But after all, that was just a Senate-passed amendment. Now, though, this conference report, which some propose to just scuttle, certainly has within it a part of the Mansfield amendment, not just a Senate expression this time, but as an expression of Congress, which has already been adopted by the House of Representatives, where the opposition to it was severe. That was done over there by getting the Rules Committee, under their new rules, to waive points of order. Otherwise, as I understand their new rules, one Member, by merely objecting to the Mansfield amendment part of the conference report, could have had it knocked out if the Parliamentarian agreed that it was not germane, and my information is that it would have been ruled that way. I have not talked to the Parliamentarian, but that is my information.

Anyway, they waived the rules of order to get a bill passed, and it did pass over there.

The New York Times has said that the conference report bill is a step forward, in that it is the first legislative declaration about winding down this war and coming on out of there with our men, and tied onto it is the POW release, not tied to all these points we went in there with, about making accommodations with South Vietnam or anyone else. It is a legislative determination to get out. It does not set a date; we could not get that. We are not going to get that in this way on this bill, I do not think. But it says the policy is to come on out, and it is tied to the POW question.

With great deference, and in behalf of all the membership of this committee who are interested in the Mansfield amendment, I counsel the Senate, do not scuttle that step forward—and it is a step forward. Do not kill that with this bill. Keep it alive, and let us let it pass. Then there are other avenues open. We have a bill right here following this one, military procurement. I am not suggesting that it be offered as an amendment to that, but I am talking about open avenues, now. We are going to have debate on many of these kindred matters, which is another reason for adopting this conference report now, and at least getting it behind us. We have been served with notice that someone is going to offer an amendment about POW's on the military procurement bill. There are other methods, such as a resolution which would not go to either of the military committees. That avenue is open. I am not advocating that, but I am suggesting it as a reason and a ground to go on and pass this legislation, which almost all of us think is necessary. Everyone here except 16 voted for the bill when it passed. That is an extraordinary situation. All Senators except 16, and the Senator from Montana, was one of those 16, voted for this bill, and it comes back, not with all the provisions, but most of the provisions, as to pay that the Senate had in it. It has many other provisions, leaving out, now, for the moment, the Mansfield amendment, that the Senate passed, and we vigorously urged them in conference. I have been over them once; I shall go over them again before the debate is over. Many so-called reforms, over and beyond the House bill, are in this conference report, and as I say, a sizable remnant of the Mansfield amendment is in this bill.

That is what the New York Times and the Washington Post said. They do not ordinarily stand with me, and I do not ordinarily quote them, perhaps, but that is their version of it. And they are informed; their men know.

So I appeal to all Senators who are holding back here—and there are some very fine ones, including the author of the Mansfield amendment—to come on and close ranks, now, and pass this bill, and get rid of that much, and then other avenues are open for the others who wish to try again.

Otherwise, I do not believe we will get a military pay bill this year, and I want to repeat that in the presence of the Senators who are now present.

Mr. MANSFIELD. Mr. President, will the distinguished Senator yield?

Mr. STENNIS. I am very glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I was interested in what the distinguished chairman of the Armed Services Committee had to say about the Senate amendment having to do with termination of hostilities in Indochina.

May I say that I, of course—as I have stated many times—will not vote for a draft bill under any circumstances, nor will I vote for a draft conference report. My reason primarily is that the draft law is inadequate and unfair. I would be not at all averse to considering universal military service, which would affect everyone, but not a system which is so inequitable, unfair, and has so many loopholes. So much for that.

So far as the Senate amendment on the termination of hostilities in Indochina is concerned, what the distinguished chairman of the committee has said is correct. He has worked long and hard to keep as much of the Senate amendment as possible. I would also agree with him that the amendment as agreed to in conference goes a long way in the direction which I am sure all of us seek—that is, to become a full partner with the President in trying to bring this tragic and wasteful war to an ultimate conclusion.

But I still do not think—speaking personally—that it goes far enough. It is not that I am in love with the language which the Senate has agreed to. But I cannot reconcile myself to the disposition of the word "policy" of the United States and the replacement with "sense of Congress." To me, "policy" has more strength than "sense," and is more determinative, and should be more effective.

Nevertheless, I agree with the chairman of the committee that the fact that the House and the Senate did get together on this in conference is a long step forward—and for the first time. The two Houses of Congress, at least, are acting together in urging the President to take the initiative to achieve a cease-fire, a practicable date for the withdrawal—and note this—of all, repeat, all, military forces of the United States, contingent only upon the release of all American prisoners of war held by the Government of North Vietnam, and so forth. The word "all" is very important; because if this is carried through, it will mean that no residual force will be there, so to speak, and I want to see this country withdraw—lock, stock, and barrel.

(Applause in the Visitors' Galleries.)

The PRESIDING OFFICER. There will be no more demonstrations in the galleries.

Mr. MANSFIELD. I thank the Chair.

That is along the order that Gen. Matthew Ridgway, for example, one of the real soldier-statesmen this Republic has produced in modern times, advocated, if I recall correctly, in Foreign Affairs Quarterly—he called for a 9-month termination date and then a withdrawal of all our armed personnel, leaving only the Marine guards at the Embassy to take care of the security situation there.

As to the third factor, which the distinguished Senator and I have discussed, frankly, I would be more than willing if an agreement could be reached to have an up and down vote on the conference report. But if what I hear is correct, if we attempt to operate on that basis, we will be confronted with a talkathon. For my part, I do not want to see the consideration of this conference report delayed any longer than necessary.

Because of my desire—and the desire of others, I assume—it is quite possible that a tabling motion will be made tomorrow. That at least, if it is made, will give the Senate an indication of the difference in feeling and view in this body. If it is agreed to—I do not know whether or not it will; I have not taken a poll and do not intend to—then, of course, we get to the question of going back to conference with instructions.

It would be my intention in that case to try to get the Senate to agree to instructions relative to the Senate amendment as it was adopted by the Senate 2½ months ago, with the proviso that the 9-month period be shortened by the 2½ months which have elapsed. If the tabling motion is not agreed to, then, of course, we are open to continued debate, and the only procedure to be followed then would be to invoke cloture. I do not know whether that could be achieved, but my guess is that it would not be achieved immediately.

I do not intend to filibuster, any more than, as stated, I do not intend to vote for the conference report. But, so far as the Senator from Montana is concerned, the situation in Vietnam is not going to be placed on the back burner as long as that conflict exists and as long as I am a Member of this body.

I cannot reconcile myself to the fact that as of September 9, 1971—these are figures released by the Department of Defense—301,504 Americans have been wounded, 45,487 Americans have been killed in combat, 9,757 Americans have died from noncombat injuries. The total casualties as of September 9, less than a week ago, were 356,784 Americans. Too many, too much, too long.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I greatly appreciate the remarks of the Senator from Montana, but I ask the Senator this question: Is it not true, talking about finding out the sentiment of the Senate, that if the motion to table should prevail, that would mean that the conference report is dead? Is that not correct?

Mr. MANSFIELD. For the time being.

Mr. STENNIS. The conference report, as such, is dead.

Mr. MANSFIELD. That is correct.

Mr. STENNIS. It is a new start.

Mr. MANSFIELD. That is correct.

Mr. STENNIS. It is further true that then we would be back to the point where we passed the bill on the rollcall vote on June 29 or 27, whatever the date was. We would be back to that point, would we not?

Mr. MANSFIELD. That is correct.

Mr. STENNIS. As to instructions the Senate might give, none of that, of course, would be binding on the House.

Mr. MANSFIELD. That is correct.

Mr. STENNIS. The Senator would propose to instruct only in the limited field that he mentioned. So the Senate conferees would go back and confront a group that had no instructions on their part, and the Senate conferees would be morally bound only to the degree of the instructions on those two subjects. That is correct, is it not?

Mr. MANSFIELD. The Senator is absolutely correct.

Mr. STENNIS. The Senate conferees would have no control over what would be brought up at the conference table, because the House conferees would be footloose and fancy free, unless the House limited its conferees.

It is true, as the Senator knows, that the House already has discharged its conferees and it would be a new start for them, too. I appreciate, though, the Senator's remarks.

I understand the Senator now wishes to take a recess.

Mr. MANSFIELD. I am delighted that the Senator has laid out the steps, because I must repeat, regardless of the outcome, I want action. I do not want this matter dragged out, because we have other business to attend to. Every Senator will vote as he sees fit, because what any Senator does is that Senator's responsibility.

I hope that I have made my position clear. I do not wish to repeat it. I do not intend to make a speech tomorrow, because the facts are there for all to see.

I would, though, express this hope, that if the motion to table is made tomorrow, we lay aside at least 4 hours for that motion, to be equally divided.

I would hope that the distinguished chairman of the committee would agree with me in that contention.

Mr. STENNIS. I indicated in my opening remarks that I was very much concerned that a bill which has taken 7 months, with so much work on it by the membership, and so many decisions having been made, and then having it go to conference, and now to have it shot down, not in the back, but from the side, with a motion to table that does not decide anything, merely compounds the confusion.

I want a decision like the Senator from Montana, except I want a different decision.

Mr. MANSFIELD. May I say that we are basically not in disagreement. One way is to get quick action, and the other may be weeks away from action. The best thing to do is to try to determine what the sentiment is in the Senate at this time.

Now, Mr. President, I yield to the distinguished Senator from Alabama (Mr. SPARKMAN), and when the Senator from Alabama has completed his remarks, I would suggest that he ask unanimous consent that the Senate stand in recess until 2:30 p.m. today as a further mark of respect to our late departed colleague, Senator Winston L. Prouty of Vermont.

Mr. STENNIS. If the Senator will yield, at the termination of that recess, then we will go back on the draft conference report.

Mr. MANSFIELD. That is right.

Mr. STENNIS. I thank the Senator.

VISIT TO THE SENATE BY A DELEGATION FROM THE SENATE OF THE REPUBLIC OF FRANCE

Mr. SPARKMAN. Mr. President, we are honored today by the presence of three distinguished Senators from the friendly country of France.

They are in this country studying primarily civil aviation and problems related thereto.

We have just been favored with the presence of these distinguished gentlemen at a luncheon given in their honor by the Committee on Foreign Relations.

It has been good to have them here. I should like at this time to present the three Senators who are here:

Marcel Fortier, Senator of Indre-et-Loire, Union of Democrats for the Republic, Chairman of the Delegation.

Henry Henneguelle, Senator of Pas-de-Calais (Socialist).

Yves Durand, Senator Vendée (unaffiliated).

We are delighted to have these distinguished Senators with us, and very glad they could be here—even for this brief time—on the floor of the Senate.

[Applause, Senators rising.]

The PRESIDING OFFICER (Mr. ALLEN). On behalf of the Senate, the Chair welcomes the three distinguished Senators from the Republic of France.

RECESS AS A MARK OF RESPECT

Mr. SPARKMAN. Mr. President, in keeping with the suggestion of the distinguished majority leader, I now move that the Senate stand in recess until 2:30 p.m. today, as a further mark of respect to the memory of our departed colleague, Winston L. Prouty, of Vermont; and that when the Senate reconvenes at 2:30 p.m. today, it resume consideration of the conference report on the extension and revision of the draft act and related laws.

The motion was agreed to; and—at 2:03 p.m.—the Senate took a recess until 2:30 p.m.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. BEALL).

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MOSS. Mr. President, I rise in opposition to the conference report on H.R. 6531, which emasculates the substance of the Mansfield amendment. I voted for the original McGovern-Hatfield provision calling for a date certain to end the war as of December 31, 1971. When this measure failed, I then voted for the Mansfield amendment calling for a 9-month deadline for withdrawal of all American forces from Indochina subject to the release of all American prisoners of war.

I believe this war will not be terminated unless Congress sets a policy for a specific deadline as articulated in the Mansfield amendment. The conference revision expresses the provision as "the sense of Congress" rather than "the policy of the United States," thereby destroying the binding effect of the Mansfield amendment. Moreover, the conferees have eliminated the 9-month deadline and substituted a "date certain to be negotiated" rather than the Mansfield requirement that the President establish a final date for withdrawal "not later than 9 months after enactment."

In light of President Nixon's recent statements, his policy of Vietnamization, and his failure to respond to the NLF peace proposal of July 1, it is clear to me that he is unwilling to set a date certain to end the war.

The Congress, therefore, must insist that the President not conduct this outrageous war any longer without providing a firm war policy calling for specific plans to end it.

Congress has the power to declare war and the power to undeclare war. The repeal of the Tonkin Gulf resolution terminated any congressional authority ever granted the Executive Office to wage war in Indochina. The President's constitutional authority is thus limited to expediting the withdrawal of American forces with all deliberate speed.

Firm congressional action to end the war becomes even more imperative as the administration's failure to intervene to assure the people of South Vietnam an opportunity for a political choice undermines the moral basis for claims by four American Presidents to justify intervention in Vietnam. Rather than demonstrating responsible competitive democracy, the South Vietnamese election travesty has shredded hopes that 45,000 Americans have died to win for the people of South Vietnam an opportunity to choose their own government.

This denial of a meaningful political contest is all the more reason for an immediate withdrawal of troops and termination of further economic or military aid to Saigon.

Frequently in recent weeks, I have urged the President also to test the July 1 National Liberation Front peace initiative and actively to explore the possibility of a settlement based on this new concession. The President, however, apparently is using his proposed visit to China as an excuse for failure to respond.

I am convinced that Hanoi's seven point peace proposal holds the key to peace and talks with Communist China. There can be no substitute for direct negotiations with Hanoi by a constructive response to the unanswered seven-point proposal that lies on the table in Paris. It is difficult for me to believe that Peking can force Hanoi to yield in light of recent disclosures that the Soviet Union supplies North Vietnam with some $500 million in military aid per year or 65 percent of North Vietnam's total foreign military aid.

Because the administration has resisted a specific withdrawal timetable and cease-fire arrangement; because the administration has failed to assure the people of South Vietnam an opportunity to choose their own government; and because the administration has failed to respond positively and creatively to the NLF peace initiative, it is imperative that the Congress set a clear date for termination of this shameful chapter in our history by adoption of the original Mansfield amendment.

This bloody war in Indochina has taken its toll in American lives and American dollars. Even on a reduced scale, the war has a planned expenditure of $14 billion in fiscal 1972. This severely shortchanges our ability to fund domestic human needs. The Congress must set a date certain for the termination of this tragic war. The President is unlikely to defy the clear mandate of the Congress.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, the business before the Senate, the extension of the draft act, selective service legislation, has, as my colleagues well know, precipitated a very serious controversy.

The chairman of the Armed Services Committee is now extremely disturbed about the strength of our armed services. All of us are very disturbed about the stories which have been appearing in a local newspaper, and in some other papers, about the demoralization of our Armed Forces, especially those now stationed in Germany.

It is not news that our armed services are scattered about in stations in some 30-odd countries, ranging all the way from a couple of hundred thousand in Vietnam and Germany down to small bases.

The circumstances in which we find ourselves, it seems to me, are such that it justifies reviewing some of the incidents, some of the history, that have led up to the situation which has necessitated continuation of the draft act throughout these many years, and with which we are now confronted in the bill before the Senate.

Just a little over a week ago, Mr. Nikita Khrushchev, former Chairman of the Council of Ministers and First Secretary of the Communist Party, passed away. In 1959 he came to this country and there was a meeting. I think what he had to say is not only interesting historically, but it is relevant to some of the problems that confront us here today. I believe it will be appropriate to recall to the Members of this body and to the press the meeting of the Committee on Foreign Relations and some invited guests. It was not a formal meeting of the committee as such, but it was sponsored by the Foreign Relations Committee. It was held on September 16, 1959, and I think would be of interest to recall now.

Chairman Khrushchev was invited to meet informally for a cup of tea at 5 p.m. in room F-53 in the Capitol. The reason for this meeting was that the responsible authorities had declined to invite Chairman Khrushchev to a joint session of the Congress, a practice theretofore customary in the case of visiting Heads of State of important nations. Several Members of the Senate outside of the committee were invited to the meeting, along with other guests. According to my best memory and the informal notes made after the meeting, the following were present: Senator AIKEN, Senator LONG, Senator SPARKMAN, Senator Kuchel, the late Senator Green, the late Senator Dirksen, Senator Hayden, the then Senator Lyndon B. Johnson, the late Senator Wiley, Senator MANSFIELD, the late Senator Russell, Senator Morse, the late former Senator John F. Kennedy, Senator Gore, Senator ELLENDER, Senator CHURCH, Senator Bush, Senator HARTKE, Senator Carroll, Senator J. Clark, the late Senator Dworshak, Senator Eugene McCarthy, Senator MCGEE, and Senator JACKSON.

I am not sure that is a complete list, but I believe they were all present.

Chairman Khrushchev had appeared at a luncheon with the National Press Club for approximately 2½ hours just prior to the meeting in the Capitol. I recall that the Chairman arrived 5 minutes early, much to my surprise as he had a most vigorous and lively discussion with the members of the press at the luncheon meeting. This was further evidence of his enormous physical and psychological stamina.

For the following synopsis of the discussion, I have omitted the comments and questions of the individual Senators inasmuch as it is impracticable and in some cases impossible to obtain their approval within a reasonable time. Also, some remarks by Mr. Khrushchev's colleagues have been omitted.

As chairman of the committee, I made a few introductory remarks, approximately as follows:

> On behalf of the Members of the Committee on Foreign Relations and other Members of the Senate of the United States, I welcome you to this informal meeting in this historic Committee room.
>
> Under our Constitutional system, the Committee on Foreign Relations has a particular responsibility regarding our relations with the Soviet Union and all other foreign countries.
>
> I have long believed that meetings between people who have different views about important matters is an appropriate way to proceed. We are glad to have you here today, and I am glad you and our President are to have conversations about our relations.
>
> Your country and our country are powerful communities with vast natural resources and with energetic and talented people. It would be difficult to put a limit upon what either of our countries individually can accomplish, given the desire to do it.
>
> By working together, the principal afflictions of the people of the world might well be eliminated.
>
> Even competitive coexistence, with significant mutual reduction of armaments, will give the world an opportunity to make vast strides in raising the living standards of people everywhere.
>
> A nuclear war between our countries can bring only universal devastation and abject misery to all mankind.
>
> I believe you, Mr. Chairman, when you say you do not wish to settle our differences by nuclear warfare. I can assure you this country doesn't wish to, either.
>
> The problem, Mr. Chairman, as I see it, is—do you and do we have enough wisdom and patience to find the means to avoid war; to engage in peaceful competition in such a manner as to avoid bringing about a war, even inadvertently or by adventurous third parties?
>
> Mr. Chairman, many of us observed you on television as you addressed the Press Club and answered questions a couple of hours ago. We are glad that, in a sense, we are now to continue that conversation, and now we await with much interest whatever you care to say to us.

Mr. Khrushchev opened his remarks as follows:

> It is difficult to drink and talk at the same time. As a matter of fact, we have seen speakers who managed to drink and speak at the same time. But, in general, I am in favor of tea.

I replied that we might find some vodka, or some bourbon, if he preferred, to which Mr. Khrushchev replied:

> It is a misconception to think that the Russians have such a proclivity for vodka, because if they only drink vodka, they would not have time to launch rockets to the moon. Drunkards can't do that—but that is a joke.

After this opening aside, Chairman Khrushchev continued on a more serious note as follows:

> I would like to express my sincere appreciation for this honor which has been rendered me of meeting you. You are the people on whom, in a large measure, depends the direction of the policies of this great country of the United States. Therefore, it is a pleasure for me to meet you and to try to answer your questions, as far as my strength and wisdom permits me, the more so since I feel that I have known practically all of you a long time but up to now you have been sort of ethereal beings to me; now, you have appeared in flesh.
>
> There is hardly a Senator present here whose statements and speeches I have not read. You will not be surprised if I say that I do not agree with much of what you say in the Senate, but even though I do not share your beliefs here, I should speak the truth in that. It is no good recollecting what Senator said something bad or something good in the past. That is a matter of the past. We must face the future more and have wisdom enough to secure peace for our countries and for the whole world. We have always had great respect for the American people. We have also been somewhat envious of your achievements in the economic field, and for that reason, we are doing our best to try to catch up with you in that field, to compete with you, and when we do catch up, to move further ahead. I should say that future generations would be grateful to us if we managed to switch our efforts from stockpiling and perfecting weapons and concentrate those efforts fully on competition in the economic field. We are prepared for such competition. I should say that that is possible only under one condition.
>
> I don't consider myself to be a young person, and being elderly, I can say that elderly people like old things. When a man buys a new pair of shoes, he does not feel comfortable in them, often, and throws them off sometimes and takes back the old pair of worn out shoes, to feel more comfortable. Things like that happen in a wider field, too. When something new is born, it takes time for people to get used to it.
>
> Or, to take another example, who of us has not been disappointed sometimes in life when a daughter was born instead of a son, or a granddaughter instead of a grandson, but sometimes nature provides a different result from what a man would want—a result which is not dependent upon the wishes of the person concerned. People have always fought for progress. In the past when there was a change-over from feudalism to capitalism, for instance, there have been revolutions in many countries.
>
> When you fought your war of independence against the British, I am sure the King of England sent no messages of greeting to you, but irrespective of that, you struggled on until you achieved your aims. Your Civil War also was a progressive event, a struggle for the dignity of man, and the name of Lincoln as the leader of that struggle will live forever in the minds of men. He was a most human person who gave his life up for the dignity of man.
>
> Now a new kind of society—a socialist society—has given birth, first in one country, and now in others—12 or 13. You do not accept that new form of society, but the appearance of a new society in some particular country cannot be controlled from outside by other countries—no more than can the birth of a granddaughter instead of a grandson. And, therefore, if we recognize that fact—that is to say, to recognize the right of any people to choose the kind of society that they want—if that fact alone is recognized, we should be able to secure peace on this earth. We want nothing from any other country. We have everything we need for the development of our economy. We have demonstrated this by the progress made in our country. The developments in other socialist countries we think have always confirmed that. We think that the practice in our country has confirmed our communist theories. We think that the social system we have is best fitted for our country. You must accept that. We do not ask approval from you. But this fact—the fact of the existence of a new society in some countries—must be accepted like, for example, I have come to accept this thing that I have on my face. It has bothered me and I can do without it, so must the fact that a new society exists be recognized. That in fact is the main thing. There is no other problem, and if that is recognized, we should be able to secure firm and lasting peace. If, however, that fact is not recognized, we would hardly be able to avoid a conflict. That would mean that you would be trying to bring about a change in the social systems of the countries which have chosen a socialist way of life, and the peoples concerned would certainly defend themselves, which would bring about a conflict.
>
> If I may be allowed to say a few critical remarks, gentlemen, I would say this. For instance, appropriation by the Congress of funds for subversive activities in other countries is an act which can hardly be conducive to peace and peaceful coexistence. I look upon that as an unreasonable act, and speaking in terms of a businessman, that is an enterprise which yields no profit. The capital appropriated yields no profit, and therefore the appropriations are unreasonable. I do not want to preach to you. You are responsible for your own political actions. I do not know what the custom is here—how you look upon guests who make statements that do not coincide with the views of the hosts—but in our country when guests come we welcome such statements.
>
> My remarks have been rather lengthy, but I want to once again express my appreciation for having been invited here and to repeat that the only purpose we have in mind is to bring about peace and friendship with other countries—yours included. We bear heavy responsibility before the people and we must do our best to meet the aspirations of the people and the main thing to which the people aspire today is peace. No doubt you prefer your own social system. We have nothing to say against that. Live under that system as long as you like, but recognize the fact that we prefer a different one and want to live under that. There was a time when people were burned for saying that the earth rotates. But there is no simpleton today who does not believe in that. Can you not recognize the possibility that opinions about social systems may not be entirely correct? But that is your business.
>
> What is needed is to recognize the status quo, meaning that there exist two different social systems on this earth today, and that we must learn to live bearing that fact in mind; namely, the existence of two different systems in a world divided thus.
>
> Since I have permitted myself to make some critical remarks in my statement, I have created the conditions for you to act similarly. I am prepared to listen to them and to reply. Thank you.

That statement of the then Chairman of the Council of Ministers of the Soviet Union, I think, warrants very serious consideration today. At that time, the mood of this country and of the world generally, was such that the statements made by Mr. Khrushchev were not taken as seriously as they should have been taken. No one knows the alternatives of history, of course, but it is remarkable to me how similar some of the statements made at that time by the head of the Government of Russia were to some statements that are often made in this and other countries with regard to their own systems, their own aspirations, and their own views about their own countries.

In other words, there is a certain universality about some of the statements that he made in this opening informal and spontaneous statement. His statement was not prepared. It was not written, certainly; whether it had been rehearsed or not is another matter. But I think it has some very interesting points, and I do not think this whole exchange is unrelated to the problem which we face in Congress today, one aspect of which is the bill now under consideration.

Following this exchange, Chairman Khrushchev was asked if he would be in favor of expanding the scope of international educational exchanges, to which he answered:

> Yes, we are in favor of widening these contacts, but I have been told by our Mr. Zhukov, Chairman of our Committee on Cultural Relations with other countries, that the American side has now provided us with their draft of a new agreement for 1960 for cultural relations, and the draft provides for some curtailment of our contacts as compared to this year.

He was then asked about his attitude regarding a joint exploration of outer space and if he were willing to exchange scientists to engage in joint projects, to which he replied in the affirmative. When asked why he had not participated in the United Nations Ad Hoc Committee, his reply was as follows:

> I believe you know the reply to that. Because an attempt was made to place us in the position of a poor relation in that Committee and we wanted to have parity with you. Since you would not do so, we said we would not take part. For the time being, in practice only you and we can do anything about outer space. If that fact is recognized, we could find the organizational forms. We would not want to take part in a Committee to listen to the preaching of others while we would be in a position of poor relations there. You must not try to do harm to our self-esteem. We won't do it either. We can cooperate if that is understood.

When asked about censorship in the Soviet Union as compared to the United States, he commented as follows:

> You see, each of our countries has its own traditions and constitutions. For instance, a person can print practically anything he wants in your press. In our country, if someone were to suggest an article for a newspaper containing appeals to war, that article would be turned down and the person would be put under trial because we have a law prohibiting any war-like appeals. But everything that is conducive to better relations

> between countries and to the consolidation of people can be free to be sent out.
>
> I must say that I read rather closely the dispatches sent by many American correspondents from our country and I find many of them very reasonable. As a matter of fact, there have been many occasions when I have thought them so good that I have asked our people to republish them in our newspapers. As for Tass, I might say that if a Tass correspondent were to send dispatches from this country which are mendacious in character, he would be recalled by the agency—recalled back home by the agency. But, for instance, if some correspondent were to send from Moscow a dispatch of the nature something like the first question which was offered to me at the Press Conference today, I am afraid our telegraph girls who send them over—our cablegrams—would refuse to them over themselves. Therefore, as I can, we have certain rules at the present time in our country in that respect and we have no intention of changing them.

In reply to a question about restriction of travel in the Soviet Union and involving similar restrictions in this country, Chairman Khrushchev's comment was:

> You want to travel anywhere you want in our country. If we abolish military bases on foreign territory, withdraw foreign troops to within their national frontier—if that is done, you would get permission to go anywhere you like in our country. But when our country is surrounded and circled by your military bases, and you want to have your correspondents or people under the guise of correspondents go to places where we do not want them to go, we would regard that as military intelligence. And for that reason, we have closed up to foreign travel certain parts of our country which are particularly important for the country's defense.

When asked about what measures he had in mind as a possible contribution to peace, such as free elections in Germany or in Eastern countries, the Chairman replied rather forcefully:

> This question has been formulated in a somewhat different manner than it was previously, and because you and we were powers which fought together against Germany, I consider it appropriate to reply to this question. I know about our position in this respect. We have expounded it—repeated it—several times. Our position is that two independent German states have been set up in Western and Eastern Germany. And we think that the Germans themselves should decide themselves on the question of reunification; otherwise, we would be prepared to accept their position. But I cannot speak to reply in full to that question. I would have to speak not only for Grotewohl but for Adenauer, too, and it would be best for those two to come together and decide that for themselves.

Further pursuing this, he was asked about universal suffrage in Russia and whether or not election is limited to one party and one candidate. He replied:

> That is not quite exact, because in our parliament there are 40% of the members who are non-party—do not belong to any party. It is a fact, however, that they vote for only one candidate in a particular instance. I am not sure that you will understand my explanation of this, and I am sure that you do not agree with me on this matter.
>
> Our explanation of this is that after the revolution in our country—after the great changes took place—there are no classes in our country, and since parties represent different classes, we have only one party, representing the working people of the country as a whole. But several candidates are usually put up at a preliminary stage in our country. And under our constitution, an unlimited number of candidates can be put up in any one constituency; and at the preliminary stage in some constituencies as many as five or six candidates are first put up, and a campaign is conducted for those candidates. But then before the elections, the representatives of the groups—the factories, plants which had put up these candidates—come together to decide and discuss and decide which one of these candidates is most appropriate, and they usually come to an agreement among themselves on some one candidacy, and he is put up to be voted upon. We think that system is a democratic one. You have a different one—okay. But each people have their own system—their own customs.

Finally, when asked about the real purpose in his coming to this country and what he thought about the arms race, the Chairman replied as follows:

> I might address the question in a large measure to you, too, as members of this Committee, because the results of any discussion we have in a large measure depend upon your side, on the President and on this Committee. We, for our part, are prepared to go very far in the field of disarmament. Our positions on these matters have been explained rather clearly.
>
> For instance, we are prepared to come to terms on the liquidation of foreign military bases and on the withdrawal of foreign troops to their national territories. The question is whether you would be willing to come to terms on that problem. If you are, that's fine. There has been thought by some people in this country that systems existing in Poland, and in Hungary, and in other countries where there would be Soviet troops, are kept on because of the presence of Soviet troops in these countries. Or that the matter should be tested by withdrawing all foreign troops from foreign territories and having the peoples of those countries prove the fact that the people of these countries have themselves chosen the form of government which they now have. There has been talk that the regime in Eastern Germany is kept only by Soviet bayonets. Well, our reply to that is that foreign troops should be withdrawn both from Eastern and Western Germany to see how things would work out. Would you agree to that? If so, we would come to terms. You hesitate to reply. Well, I hesitate also to reply as to what results our discussions might yield, because the results depend not only upon our desires and wishes but on the plans of the United States. You might say that I am skillful of polemics, but this is not a matter of polemics but a matter of fact. It would be well if we could come to terms on the withdrawal of foreign troops and have all the soldiers return home. The mothers and the fiancés would be very glad when their dear ones come home.

When one of the Senators suggested that we should compliment Mr. Khrushchev's interpreter, Mr. Troyanovsky, for the excellent job he had done, and that we would all agree that he should be given a raise, Mr. Khrushchev quickly replied,

> Since Mr. Troyanovsky has lived here quite a few years and is practically half-American, you must pay part of the raise.

On this light note, the meeting ended.

Mr. President, in the Washington Post of September 12 appeared an article by Mr. Edward Crankshaw, one of the leading authorities on the Soviet Union, entitled "An Appraisal: Marked by a Streak of Reckless Courage." In the same issue of the Post, was an article by Chalmers M. Roberts, entitled "The Rages, Charms of Khrushchev." I ask unanimous consent that both these articles be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. In reviewing the events during and since the period of Mr. Khrushchev's dominant influence in the Soviet Union, it is my own view that the Western countries were mistaken in not being more responsive to his efforts to begin negotiations in the field of arms control and what he called peaceful coexistence. His manners were unorthodox and startling, and many people did not take him as seriously as they should have. In any case, he made a contribution to the relaxation of the extreme tyranny of the Stalinist period, and in many respects was a man of unusual ability and vigor. He was the product of a harsh period in his country and reflected the characteristics of his time, but beyond the usual qualities of the leaders of his era he possessed a ready wit and a colorful and exuberant personality. As his son said at his funeral a few days ago, some hated him, some loved him, but everyone was aware of him.

Mr. President, this account of an exchange and discussion engaged in by the then leader of the Russian nation and Members of this body is quite relevant, I think, to the discussion here today. It is quite true that he, like all other leaders, could be guilty, I suppose, of overstating his country's good intentions. We are all subject to a degree of chauvinism, more or less. But the issues he raised in 1959 are involved in the matter before the Senate today, especially on two counts.

The Mansfield amendment, with regard to withdrawal of troops from Germany, while it has not yet been offered on this bill, is closely related to ending the war in Vietnam. The amendment and the bill itself are all part and parcel of a foreign policy which has enabled us to intervene in many countries and to place troops all around the world. During the late 1940's and 1950's, we believed and honestly believed—I certainly shared in that belief at that time—there was necessity for the actions which we were then taking. Today, I am not disposed to say that there was no justification for it. What I do think is that it would be helpful for us to review the statements and actions over the past 20 years, especially such statements and actions as were made by Mr. Khrushchev, and test them against the events which subsequently occurred. In that way we might see whether our judgment was valid on those occasions and whether, today, it is not proper and appropriate that we reassess and examine most carefully our present judgments about the necessity for the continuation of policies which have resulted in such grave difficulty to our country.

I am not prepared, as I am sure none of my colleagues are, to say that all our policies should be changed, that everything we did was wrong. I do not mean that at all.

I do mean to suggest that the necessity for the extension of the draft and especially with the emasculation of the Mansfield amendment relating to Vietnam and, I hope, also, with the opportunity possibly to inject into the matter the Mansfield amendment on troops in Europe, can all be reconsidered, reassessed, and reevaluated in the light of what we are beginning to know about our past and also about what is developing today.

We hear reports in various quarters that progress is being made in the SALT talks. Whether there is any validity to those reports at all, I do not know; but there are signs, and hopeful signs, about our relations with China.

I feel, on the one hand, that we have these reports, but, on the other hand, we are confronted with demands for the extension of the draft with demands for very large appropriations for military procurement, which will be the bill immediately to follow this conference report and, overall, for an extremely large military budget as a whole—almost in the neighborhood of $80 billion.

I have found a review of the remarks of the Chairman of the Council of Ministers of Soviet Russia extremely interesting. I am always intrigued by the possibility that at some time we might take some initiative such as taking a man like this at his word—or making a move to withdraw troops from Europe, or some initiative with regard to disarmament beyond what we have thus far done. Such initiative at that time might have produced results—though it is vain to look upon it in that light now. But it is not vain to apply the same lessons to the facts which face us today on the international scene.

I am inclined to think that the opportunities to deal with Mr. Khrushchev were probably greater than we realized at the time. This does not mean that he did not engage—as I have said and others have said—in overstating his case. It might have been that he would not have been disposed to make any concessions whatever with regard to troops or disarmament. However, the facts, such as they were, and are, would seem to me to lead possibly to the other conclusion, because in the light of history it obviously was in the interests not only of the United States but also of the Soviet Union to have done that 12 years ago instead of now—although we have done it very little up to now. In other words, the self-interest of the two countries clearly indicated that it be done at that time. Whether either country was as forthcoming as it should have been, is a matter for the historians to assess; but I personally feel that we were not so forthcoming as we should have been.

I also feel about the present situation and the present conference report that in view of the actions which have been taken by the conference with regard especially to the Mansfield amendment, it will be extremely difficult for me to support it.

Mr. President, I thought it was worthwhile to recall this little bit of history because it is, in effect, relevant to the kind of question that the Senate will be called upon and is being called upon, to decide nearly every day.

I yield the floor.

EXHIBIT 1

AN APPRAISAL: MARKED BY A STREAK OF RECKLESS COURAGE

(By Edward Crankshaw)

If Khrushchev had died when he was 60, in 1954, he would have passed into deserved and unlamented oblivion. He would have been no more than one of Stalin's bully boys whose total obedience and lack of scruples made possible the destruction of the old Leninist party and the subjection of a cowed and broken people to a tyranny of the bloodiest kind.

During the active years of his life, from his joining of the Bolshevik Party in 1918 at the age of 24, through his rapid ascent of the party ladder until the final scramble that brought him into Stalin's immediate entourage over the dead bodies of his comrades, right up to his master's death, he had held his own through the exercise of that unpleasant combination of sycophancy and violence that he shared with all his colleagues: the only visible distinguishing mark was a streak of reckless courage that drove him to expose himself in difficult assignments and to win through by boldness of attack while his rivals were counting on his fall.

Two or three times under Stalin he nearly came to grief. He was lucky again to survive in high office when his chief rival, Malenkov, backed at first by Beria and others, took over when Stalin died. But within four years, with the exercise of consummate political skill, based in peasant cunning, he had more or less painlessly destroyed the entrenched and formidable opposition.

He emerged, for all practical purposes, as master of a refurbished Soviet Union—having, in the course of the struggle, risked shattering the whole fabric of the Communist world by his exposure of some of Stalin's crimes.

From then on, for the next seven years, he grew and expanded at a dizzy rate to establish himself as an international statesman able to lead the Soviet Union out of the Stalinist wilderness and into some sort of communion with the world outside.

If he could have brought to bear on internal Soviet problems the relative freshness and openness of mind with which he faced the complex challenge of a global society of which he had known next to nothing for the first 60 years of his life, he would have been a very great statesman.

If he could have combined his dynamism and courage with steadiness and a methodical approach he would have kept his power until he died.

This was too much to ask. The very qualities that enabled him to break out of the Stalinist paralysis called for a recklessness, a refusal or inability to think a problem through that did not go with steadiness. He was able to approach the outer world with a fresh eye precisely because, when he first encountered it (at Belgrade in 1954) he quickly realized he knew nothing about it and had everything to learn.

He was unable to bring an equivalent curiosity to his contemplation of the Soviet Union because he had inhabited that closed system all his life and thought he had nothing to learn.

His achievement, great as it was, was also, of course, severely limited by the evil nature of his climb to power. Born the poorest of the poor, and having escaped from his peasant home to better himself as a mechanic in the mines of the Donbas, he had next to no formal education. After the Revolution the simple certitudes of elementary Leninism or anticapitalism were enough for him. Here was a gospel. This was the way the world went.

And it was a gospel that was to suffice him until the end of his life. He was never to seek to expand it or deepen it, much less question it. His later development, when he amended the Leninist canon to exclude war as a necessary stage in the progress towards world revolution and to allow the possibility that revolutions might be achieved elsewhere by peaceful means, was a pragmatic response to certain new facts of life—above all the atom bomb.

It is very much to be doubted if he ever realized the radical importance of these amendments, or that he fully appreciated the inevitably explosive consequences of his denunciation of Stalin. He was concerned above all not with any theory, but with clearing away certain physical obstacles to the security and physical development of the Soviet Union—with himself very firmly at the helm.

It is hard to see how such a man could have been otherwise. Impatient of intellectuals, including revolutionary intellectuals, he was a born man of action, priding himself on his grasp of the practical, a sort of human bulldozer with a delicate eye for the main chance. He did not begin to find himself until the civil war when, sent back to the Donbas to help get the mines working again, he emerged as a man with a will and great driving force. He was precisely the sort of unquestioning man with an iron fist that Stalin and those close to him were looking for in their drive to capture the party from the emigre intellectuals.

It was to Kaganovich, whom he was much later to vilify and ruin, that Khrushchev owed his swift promotion from the lowest level of the party apparatus—first to Kiev, then to Moscow in 1929, and very soon to the summit of the Moscow party apparatus.

Now it was his task not only to put a decrepit capital into some sort of shape (including the rushed building of the Moscow Subway) but also to make the whole Moscow region safe for Stalin during the great purges of the 1930s. It was now that he came to work closely with Bulganin, at the head of the Moscow Soviet, with Malenkov and with the villainous Yezhov, who was to become head of the secret police when the purges began to run wild.

In a word, Khrushchev was in the thick of things throughout this terrible epoch. He survived and had his reward. His reward turned out to be the making of him, perhaps also his salvation.

In 1938, he was made a candidate member of the Politburo and was sent off to be Stalin's viceroy in the Ukraine. Such an exalted position would never have come his way at that time but for the fact that virtually the whole of the Ukrainian party apparatus, led by men very senior to Khrushchev, had been shot. He grasped his opportunity with both hands.

Now he was on his own, away from the demoralizing atmosphere that surrounded his Moscow colleagues strutting about in Stalin's shadow. His essentially self-reliant spirit had a chance to develop. He became a boss in his own right—boss of 40 million souls.

Further, because the Ukraine bore the brunt of the German assault in 1941, he was caught up with the Army machine as none of his Moscow colleagues were. He was at the terrible encirclement at Kharkov, at Stalingrad, at the great battle of the Kursk Salient that tore the heart out of the German armies. He got on well with the marshals and took their part against interference from Moscow, and this was to stand him later in good stead. He saw with his own eyes the sufferings of ordinary people and learned more about their lives than any of his Moscow colleagues ever knew.

By the time he was called back to Moscow in the winter of 1949 he had been on his own for 11 years; he had a more independent view and a greater confidence in his own powers than any of the men who had stayed close to Stalin and been overshadowed by him. He started throwing his weight about and speaking off the cuff as nobody under Stalin had ever spoken. Sooner or later he would have gone too far and ruined himself; but Stalin had only three more years to live and died in time.

This was the background, essentially parochial though on a vast scale, of the man who was to emerge in late middle life in all his ignorance onto the world stage and use every weapon of cajolery, threat, deception, flattery, reason and blackmail to advance the cause of the Soviet Union; to talk to Eisenhower as an equal, patronize MacMillan, enchant Nehru, anathematize Mao Tse-tung. This was the man, also, who more than any other achieved some sort of constructive working relationships between two hostile worlds.

He never, of course, broke away from his past. He never saw that in condemning Stalin for his crimes against the party he was really condemning the party for its crimes against the people. Even while he was genuinely seeking coexistence he thought until it was too late (until after the Cuban fiasco, that is) that he could have things both ways: that he could achieve a military detente while pursuing bitter ideological warfare.

He still lapsed into bullying when crossed. Nevertheless, this little man, who had no feel for personal dignity, achieved dignity on occasion by his very passion to uphold the dignity of his country—and once, over Cuba, by his readiness to suffer humiliation in the cause of peace.

He pushed the quarrel with China (inevitable as it was to some degree) too hard and too fast, with ruinous consequences to the Communist cause. He brought new ideas to Soviet domestic problems, seeing the need to break the Soviet Union out of Stalin's repressive bonds and release initiative. But he was incapable of working out a considered, articulated plan—thus rushing from one badly-thought out panacea to another and unsettling the economy, in some aspects quite disastrously.

Yet, when all is said, with all his plunging he did no more harm to the economy than his successors have done with all their caution—and he did much more good for the spirit of his people. He opened windows (or broke them) to let in more light than in fact he knew how to bear.

He was, that is to say, an anti-Stalinist who nevertheless accepted the premises on which the Stalinist regime had been based. He was part of that regime. He wanted Stalinism without tears. Russia needed the sort of explosion he alone dared invite.

It was easy enough to see why, in the end, his inferior colleagues ganged up against him. One hoped that after a pause for breath they would set to work to bring order into a house with open windows. Instead they started closing windows, and instead of order they contrived stagnation. Khrushchev's achievement may be measured in part by the failure of his successors to bring forward new ideas. Another measure is that coexistence, no longer a favorite word, is still a firm reality.

THE RAGES, CHARMS OF KHRUSHCHEV

(By Chalmers M. Roberts)

(NOTE:—Roberts retired earlier this year as a diplomatic reporter for The Washington Post).

On the evening of Sept. 19, 1959, I went up to the head table to ask Nikita Khrushchev for his autograph. It was the Los Angeles World Affairs Council dinner for the Soviet premier, and his ambassador, "Smiling Mike" Menshikov, did the interpreting.

Nikita Sergeovich turned over the dinner ticket I had proffered for his signature. "It's not a blank check," I said, "you don't have to worry," Quick as ever he replied: "I'm not worrying; I have nothing: I'm a poor man." He scrawled his signature on the back of the late ticket.

A few minutes later Khrushchev's memorial nature produced a quite different result. Los Angeles mayor Norris Poulson stood up to publicly chide Khrushchev for his earlier statement that "we will bury you."

Khrushchev reacted with rage. He already had explained that remark, he said, and it referred to economic competition, not to a military strike, "I am deeply concerned over these conscious distortions of my thoughts," he shouted at the stunned audience. "I've never mentioned any rockets."

"Let's not try to bury one another," Khrushchev declared. We are the two most powerful nations and "the consequences of a play on words can be too sad for our peoples. Our rockets are on the assembly line" but "I have come with serious intentions and you try to reduce the matter to simply a joke." And: "If you want to compete in a cold war, go ahead but think what it means with modern weapons."

Khrushchev worked himself into a fury. It had taken him 12 hours to fly to America, he said, but it would take "even less" to return. He turned on Poulson, shouting again: "I trust that even the mayor reads the press. In my country the chairman of the City Council reads the press or he isn't elected the next time he runs. If you want to insist on this cold war line, then there can be no thought of disarmament."

The dinner ended in a shambles. Ambassador Llewellyn E. Thompson, back from Moscow for Khrushchev's American tour, thought he might very well head for home the next day. Khrushchev already was out of sorts over the refusal of the Americans to let him visit Disneyland.

Next morning Khrushchev was glowering as we boarded the special train for San Francisco. But the friendly crowd at Santa Barbara warmed him up. During an incredible roving press conference he held as he walked through the jammed press cars, Khrushchev was back to his old self.

"The people are wonderful," he told us. "The people want peace. There must be peace in the whole world." After the crowd at the San Luis Obispo stop he was on top again but still needling about Disneyland: "I'm especially glad that the house arrest I was placed under has been lifted and they allowed me to approach the people and to look them in the eye."

"I'm a political leader," he said. "My strength is my tie with the people. To lose the tie is to lose all influence."

A most extraordinary political leader, he was, indeed, one of the most amazing and unusual of this turbulent century. He had been invited to America by President Eisenhower as a way out of an impasse over Berlin and he was all eyes and ears to see and know about this epitome of capitalism and imperialism. Nikita Khrushchev was a Communist by faith, as ardent as any religionist has ever been.

But it was Khrushchev who was the first Soviet leader to sense that nuclear weapons had changed the ways of international politics and to act upon it. He found a similar sense in Eisenhower and together, despite the almost immeasurable gulf that separated them, they began to take the first steps until Francis Gary Power's U–2 was shot down over the Soviet Union.

In 1960 at Paris, after the U–2 he raged and he did so again that fall with his shoe pounding at the United Nations. It was a rage induced no doubt by the fact that the U–2 incident had gravely impaired his power as he subsequently was to tell an American visitor.

No one who was there will ever forget the grim looks on the faces of Premier Khrushchev and President Kennedy as they came out of their last meeting in Vienna in 1961. Khrushchev had judged Kennedy a patsy for his debacle at the Bay of Pigs, a judgment that I am sure had much to do with his emplacement of missiles in Cuba in 1962. Yet the two leaders managed to step back from the brink of disaster in time to save us all.

Khrushchev was, as we all wrote, beady-eyed. He was a master of theatrics, turning rage or laughter or charm on or off at will and always to a purpose. He was a Russian peasant, a Communist apparatchik, a totalitarian. He never forgot his past or Russia's past.

In Los Angeles that day before the dinner he indulged in an amazing verbal match with another poor-boy-made-good, film magnate Spyros Skouras. They kept interrupting each other, shouting out fragments of their life histories to prove that a man could make it better under one system than the other.

Skouras, an immigrant from Greece, told how he had gone to work at 12. Khrushchev shouted back that "until the age of 12 I worked as a shepherd for a capitalist."

Then he "worked at a factory for a German," "in a French-owned mine" and "at a Belgian-owned chemical factory." Then he topped Skouras for good: "And I am the Prime Minister for the Great Soviet State!"

The American visit of Nikita Khrushchev was one of the most profoundly important trips ever taken by a leading statesman. Khrushchev would never admit it but the sight of America altered his view of this country and its power and potential.

Still, he could never believe that Americans also had will and so he took us to the brink over Cuba, not to mention his Berlin ultimatum, to test it.

The sad fact today is that Khrushchev's successor in power, Leonid Brezhnev, has never been to the United States nor have many of his compatriots at the top of power with the major exception of Premier Alexei Kosygin.

Khrushchev once said that "the continuing unprecedented arms race" presents "serious danger that even a small blunder on the part of the statesmen of this or that country might trigger off a new war." So great a truth; so hard for statesmen to act upon.

Perhaps the gray men who followed him to power in the Kremlin have done better in acting upon the truth. Part of Khrushchev's row with Mao Tse-tung was over the meaning of that truth.

Somehow, looking back, one must give this peasant from the Ukraine an immense amount of credit, both for his own success despite the bodies he crawled over on the way to the top and for bringing the Soviet Union to a realization that in the nuclear age weapons of total destruction are ideologically blind.

ANNOUNCEMENT OF VOTING POSITION OF SENATOR MAGNUSON ON S. 2007 ON SEPTEMBER 9, 1971

Mr. BYRD of West Virginia. Mr. President, on September 9, 1971, there was a rollcall vote on the question of agreeing to the motion of the Senator from Ohio (Mr. TAFT) to recommit the bill S. 2007, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The distinguished senior Senator from Washington (Mr. MAGNUSON) had wanted to be announced with respect to the voting on that bill, but inadvertently his position was not announced. The Senator from Washington wanted to be announced as being in opposition to the motion of the Senator from Ohio.

Therefore, I ask unanimous consent that the permanent RECORD be corrected to show that the Senator from Washington (Mr. MAGNUSON), had he been present, would have voted "nay" on legislative rollcall No. 218, on the question of agreeing to the motion of the Senator from Ohio (Mr. TAFT) to recommit the bill, S. 2007.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAYH TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Indiana (Mr. BAYH) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday next, immediately following the recognition of the two leaders under the standing order, the able Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, in conclusion, with reference to this subject matter, I reminded the Senate yesterday that the conferees had already approved the $2.4 billion conference report on August 15 when President Nixon ordered his wage-price freeze. In those remarks, I suggested that for Congress to reconvene its conferees now and increase that sum would appear to be driving a $300 million bulldozer through Mr. Nixon's fence of economic restraints.

Having now analyzed the proposal offered by the Senator from Colorado, I find that I had not correctly stated the amount involved. Actually, the Senator from Colorado is attempting to drive a $381 million bulldozer through Mr. Nixon's fence.

My point is the same; however, Mr. President, the Senator should not be the first to block or the first to disrupt the President's new economic plan.

It means, I again emphasize, that failure to approve the conference report would create a manpower crisis which could seriously impair our national defense. And that is exactly what we will have, a manpower crisis, as I shall explain in detail and cite some illustrations in subsequent remarks.

Mr. President, in attempting to get before the membership of this body the full meaning of this conference report, which was filed just before we left for the August recess, I have written two letters to each of my colleagues. The letters are to be mailed this afternoon.

I wish to have one of these letters appear in the RECORD at this point. However, I will read it into the RECORD, if I may. It explains the high points of what is involved in the supposed motion to table, which I hope after all will not be made. It is so much more acceptable to have a direct vote up or down on a conference report rather than a motion to table prevailing which decides nothing and postpones everything. It is just a rehash and a rerun of what we have been discussing here, in the committee, and on the floor for 7 months.

The letter reads as follows:

SEPTEMBER 15, 1971.

DEAR COLLEAGUE: I have written to you separately regarding the pay provisions of the Conference Report on Selective Service and Military Pay.

I want to point out as well that tabling or rejecting this Conference Report will, at best, mean significant delays before the draft can be renewed and pay provisions approved; at worst such a vote would mean that there will be no draft bill or military pay increases during this session of Congress.

I have good reason to believe that we will not be able to obtain as favorable a compromise on many aspects of this bill if we must begin anew with a House/Senate conference. As part of the understanding on *this* Conference Report the House conferees agreed to seek, and obtained, from the House Rules Committee a waiver on the points of order which could be raised against this bill in the House of Representatives. This problem arose because at least seven items in the Conference Report were not germane under House rules.

These non-germane items included the Mansfield amendment itself, which was tabled by the House 219–176. During a new Conference all matters would be again open for resolution.

Although the version of the Mansfield amendment approved by the Conference Committee does not include the 9-month deadline for withdrawal from Vietnam, the principle of a withdrawal tied only to the release of US prisoners-of-war is clearly the focus and meaning of the modified amendment.

In my opinion the most important reason why the Conference Report must be approved is that we will begin soon to face serious manpower gaps in the military services if the draft is not renewed. I am not speaking about the war in Vietnam but rather about the crews for our aircraft carriers and submarines and for our strategic bombers and anti-submarine warfare forces. Failure to provide these crews would amount to unilateral disarmament of these forces.

The men who enlist in these forces which protect our own shores are largely motivated to do so by the draft—42% of the Navy and 47% of the Air Force enlistees are so motivated. I urge all Senators very strongly not to let their legitimate dissatisfaction with the war in Vietnam lead them to throw away the important two years of transition, relying partly on the draft, which are needed to give us the opportunity to develop a voluntary system for our military forces.

Sincerely,

JOHN C. STENNIS.

Mr. President, that is the entire text of the letter. Since it has been written, the Senator from Montana (Mr. MANSFIELD) has very candidly stated here, as is characteristic of him, that this conference report has a part of the Mansfield amendment left in it which is a step forward, and a meaningful step forward, in that the Mansfield amendment subject matter converts a Senate resolution into a congressional declaration that the war should be wound down and the troops withdrawn. And that is tied only to the proposition involving the release of our prisoners of war.

I think that is a very strong point that the Senator from Montana (Mr. MANSFIELD) has made with reference to the Mansfield amendment. I was not surprised at all because the Senator is always frank and fair in his evaluations. However, I do think that since the author of the amendment and the news media, and most everyone else, think that this is a step forward for the Mansfield amendment idea, it ought not to be scuttled and shot down from the side by a motion to table which, as I have said, does not decide anything. It just puts everything off and says we will have a rerun.

Mr. President, in support of the selective service conference report bill, I have on a couple of occasions used the word "crisis" to describe the manpower situation which is being created by the absence of any draft. By contrast, some opponents have suggested that the absence of a draft has done no harm and that no harm would be done by further delay.

On Tuesday, September 14, the Senator from Maine (Mrs. SMITH) in her capacity as ranking minority member of the Armed Services Committee, and I as chairman, met with the Secretaries and Chiefs of Staff or their deputies from each of the armed services.

We asked them about the impact caused by being without a draft for 60 days. We also asked them about the impact caused by further delay.

It gives me no pleasure to report, Mr. President, that the spokesmen agreed without exception that they have already been harmed by the absence of a draft law not only with respect to the loss of available manpower, but also, and very importantly, with respect to the quality of men now entering the service.

With regard to the original concept of an all-volunteer force, all representatives were agreed that the draft is still vital for preparedness.

In that context, the Air Force, Navy, and Marine spokesmen said that they will need draft-induced enlistments for some time to come to man and maintain their advanced weapon systems. They were also agreed that the Reserve force—the National Guard and Reserve components—have also suffered a decline in availability of quality Reserve enlistments, as a result of this unintended 2-month experiment with a zero draft.

The Senator from Maine and I asked

spokesmen to go back to the Pentagon and supply further details, in addition to the information they quoted to us. Here are some of the high points made in our meeting and in the supplemental material which was submitted to us.

Mr. President, I emphasize that this meeting was at the request of the Senator from Maine and me. When I say these gentlemen agreed to certain things, I meant that their testimony was not in conflict. We asked these pointed questions, and we gave them some idea about the nature of the questions before they came and told them to be prepared to answer those questions. Then, when we asked them we told them to please send us over written memoranda giving the substance of what they said and including some of those figures. I have here, as I have said, some of this supplemental material, as well as some of the points of our discussion.

I continue now with the general statement on the Department of Defense data.

> In the face of larger monthly requirements in Army and lessening recruiting potential, the Department of Defense does not expect to be able to meet the requirements for October–December and thereafter unless the draft authority is renewed early enough in October to permit delivery of inductees to start by November 1, 1971.

That is in the face of the fact that the Army is being drawn down to a smaller number by general orders; and still the quota cannot be met.

> Further delays in enactment of the extension of induction authority would result in a fall off of draft-motivated enlistments in all Services.

Incidentally, they do have true and accurate records as to the history of these enlistments and whether or not they are draft motivated.

> The number of true volunteers available, if the draft-motivated supply ends, would not be sufficient to meet fiscal year 1972 requirements for about 465,000 new men. Shortages would not be confined to the Army but would also exist in the Navy, Air Force, and Marine Corps and would occur most heavily among personnel of higher mental abilities and aptitudes. There is no question that such shortages would adversely affect the readiness and capabilities of all Services.

These are statements made by responsible people, both civilian and military, in response to direct inquiries by the committee that has jurisdiction over their activities.

Of course, these men were attempting to give us their best thoughts on the subject, and these are figures they found.

Now, with respect to the question of quality of new recruits. I know there have been statements made on the floor quoting figures during this 60-day period about the number of so-called enlistments; but when we get down to the very nub of things those figures were partly misleading. These men are going to the source of those enlistees and making judgments down the line for the next 6 months.

With respect to the question of the quality of new recruits:

> Although the Military Services recruited the total number of men needed in August, the proportion of high school graduates entering Service was below the August 1970 level. In the Army only 50.9% of August enlistees were high school graduates compared to a 62.5% figure in August 1970. Each of the other Services had a lower proportion of high school graduates this year compared with last year's entries.

I wish to emphasize the key word is "quality." We found in all four services that in this 60-day period, which is a very short period, the quality had consistently gone down and that is one of the things that many of us close to this problem felt all the time.

Mr. President, you cannot measure strength in the military services by the number of men; you have to measure the strength of military services by the quality. We felt enough quality would not be voluntary. We felt we knew a great part of the talented men that are trusted with the more complicated as well as the most critical functions in the Air Force, Navy, Army, and Marine Corps were men of a type that was beyond the average that would be gotten from men who are volunteers.

To carry on complicated avionics and technology with which all the services operate, more men will be needed than they can get under a voluntary system. This is already showing up.

In connection with the Air Force, they need 113,000 recruits and they expect to get about one-half of that number from true volunteers. This is in response to a direct question. If the bill is delayed another 6 to 8 weeks the Air Force would be short 5,000 recruits and the quality decline would continue.

The Air Force high school graduate rate, which was 93 percent in 1970, was 83 percent for enlistments in July and August. There is a falling off of 10 percent in the very brief period of 60 days in the Air Force

The Air Force, because of the color and many other things that go with it, is considered to have a high attractiveness for the average person who may want to volunteer or a person who is volunteering under the pressure of the draft. But even in the highest category we had that certain and immediate decline. In my opinion if there were no draft bill passed there would be rapid continuation of that decline.

Mr. President, continuing along the same line, the Navy reported that they need about 90,000 recruits for the fiscal year 1972, and they expect now to get 56,000 through volunteers not draft-motivated. Again, with all the varieties the Navy has to offer, they have a very attractive program and it is a popular service.

They have been under the influence of the draft and they have been getting their recruits, but there is what has already happened. They are running now, and the indications are that this is what the number will be, at a rate of 56,000 true volunteers rather than the 90,000 recruits they will need for the fiscal year. Furthermore, they predict that the enlistments will decline as the economy improves.

These gentlemen do not overlook things. They and their staff are very alert and very complete in their consideration of facts, especially including their own business, and they do not overlook anything. I am not surprised by what they say. They say the decline in these enlistments will continue to go on even faster as the economy improves.

Here is an important point. The Polaris and nuclear power ratings are about 50 percent draft motivated. Absence of the draft would also produce only about one-half of the men required for engineering ratings, aircraft maintenance, and so forth.

There is a strong feeling about the necessity of having these quality men of talent in all the services for aircraft maintenance. It is a highly essential matter. If they do not have those maintenance crews, it just means those aircraft will not operate. If that happens our Air Force will be decimated and, to that extent, it will be unilateral disarmament.

No one wants that to happen. We may wish ourselves into believing this will not happen, but here are the figures that show that even in the short period of 60 days it is already beginning to happen.

The Army will need 212,000 to 240,000 new recruits to meet overseas replacements and at the same time maintain trained strength level in this fiscal year.

Under the present situation, with no draft in effect, they expect to get only 85,000 to 100,000 true volunteers—I believe they are rather optimistic in their figures—that is volunteers, who are not influenced by the draft. Selective Service, directly and indirectly, supplies balance.

The impact of no draft through November is that a peak shortage of about 13,000 trained men—about one division—is already projected this winter. Delaying the draft will extend that shortage.

Continuing draft physical examinations, and the draft lottery, have continued to exert draft pressure on young men.

In other words, they are continuing these physical examinations and running these lotteries, and, of course, they continue to exert draft pressure on the men. I am not happy to even talk about these things, but it is necessary in connection with our national security at this time.

I know that while I was at home, many young men, some of whom I personally know, came to me in my office in Mississippi to talk about the situation with reference to the draft. Of course, they are motivated by the prospects of the draft bill continuing. That is their thought, because their actions are based upon that motivation.

As far as the Marine Corps is concerned, they need 55,200 men and women to meet current force levels. They expect no more than 55 percent will be true volunteers. If draft is deferred another 6 weeks—through November—recruiting will fall short by 4,500 to 6,000 marines.

As to these special men with this special talent that I have already described, the crews that man our missiles, maintain our planes, man and maintain our submarines underseas, man our carriers on the seas, and perform a whole host of duties related thereto, they are talented men. So very many of them come in through the inducement of the draft.

Many of them are drafted directly, but so many more of them come in through the inducement of the draft. That is no reflection on them. That is the Government's way of letting a man know that his services are needed and are expected.

But here, after all the talk about the volunteers, and so forth, this is what the record shows and here is the opinion testing these facts further by men who are qualified and in these services.

Mr. President, that is the sort of material we have been receiving, and I repeat: Failure to act on this conference report will push us to the edge of a military manpower crisis.

In fact, Mr. President, failure to act will involve the United States in a kind of creeping disarmament—a unilateral disarmament and decline in military preparedness.

I ask unanimous consent that a fact sheet prepared by the Department of Defense be inserted in the RECORD at this point. I may want to supply additional material later.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET: NEED FOR RENEWAL OF THE INDUCTION AUTHORITY

It would be erroneous to assume that the draft is no longer needed because of the favorable recruiting results during July and August. During July and August all Services, except the Marine Corps, met their recruiting objectives. These months are historically among the best recruiting months of the year; many young men completing their schooling in June decide to enlist during the summer months.

A substantial number of July and August enlistments were draft motivated. Many men with low draft sequence numbers assumed that the absence of the draft authority was only temporary; therefore, to discharge their anticipated military obligation they enlisted. Analysis of the July enlistments shows that 12,500 draft motivated men entered active duty—about the same proportion as in July of last year. If the draft authority is not extended promptly, draft motivated enlistments will soon "dry up".

In the face of larger monthly requirements in Army and lessening recruiting potential, the Department of Defense does not expect to be able to meet the requirements for October-December and thereafter unless the draft authority is renewed early enough in October to permit the delivery of inductees to start by November 1, 1971.

Army's total accession requirements for new enlisted personnel for the October-Decmber 1971 quarter are estimated to be 52,000 compared to 42,000 in the July-September period. Normally, enlistments during the October-December quarter are 20% below those during the seasonally good recruiting months of July-September.

While entries into immediate active service held up during July and August, the number of young men committing themselves to future entry through Delay Enlistment Pools declined 13% from the same period in 1970. In the Navy the decline was nearly 50%. This decline indicates a potentially serious reduction in late fall enlistments in the absence of the draft.

Further delay in enactment of the extension of induction authority would result in a fall-off of draft motivated enlistments in all Services. The number of true volunteers available, if the draft motivated supply ends, would not be sufficient to meet FY 1972 requirements for about 465,000 new men. Shortages would not be confined to the Army but would also exist in the Navy, Air Force and Marine Corps and would occur most heavily among personnel of higher mental abilities and aptitudes. There is no question that such shortages would adversely affect the readiness and capabilities of all Services.

Because of the training period required for new recruits, failure to meet requirements for new enlisted personnel in the immediate future will have an adverse effect on the Services' ability to meet requirements in the spring and summer of 1972. The Army would experience shortages of trained personnel which would become critical after the first of the year. The effect would be very severe in the capability to fill units in all Services which require higher mental groups for operation and maintenance of highly technical equipment. Although the Military Services recruited the total number of men needed in August, the proportion of high school graduates entering Service was below the August 1970 level. In the Army only 50.9% of August enlistees were high school graduates compared to a 62.5% figure in August 1970. Each of the other Services had a lower proportion of high school graduates this year compared with last year's entries.

The ability to meet Reserve and National Guard requirements for new enlisted manpower will be seriously jeopardized if the draft authority does not become available soon. Experience has shown that three quarters of all non-prior service enlistments are draft motivated. The long waiting lists of persons wanting to enlist, which have been in existence for years, have disappeared in many states. Further, the Air National Guard is below its mandated strength and the Marine Corps Reserve is not meeting the recruit quotas required to maintain their strength. Unless the draft authority and pay increases are restored, Guard and Reserve strengths can be expected to deteriorate further. This deterioration would be hazardous at a time when we are increasing reliance on and readiness of the National Guard and Reserves as part of the Total Force Concept.

Immediate reinstatement of the induction authority is needed despite the Army's early release of a number of inductees during the winter months. The early releases are necessary to accommodate the 50,000 man-year reduction in Army strength contained in the pending draft extension bill. The early releases will go to men who cannot be deployed overseas because their remaining time in service is too short. Draftees entering the Army in the November-January period will complete their training during April-June 1972. The requirement for these trained personnel is determined by the number of inductees being released early because of the Army strength reduction in the pending legislation.

It is estimated that draft calls for the balance of FY 1972, if the draft authority is promptly renewed, would not exceed 80,000–100,000. Total calls of this magnitude would continue the decline which started in FY 1969. By fiscal years the total draft calls were:

Fiscal year 1968, 343,300.
Fiscal year 1969, 266,900.
Fiscal year 1970, 209,300.
Fiscal year 1971, 152,000.
Fiscal year 1972 (est.), 80,000 to 100,000.

If enlistments increase significantly as a result of enactment of the pay provisions of H.R. 6531, the total draft call for FY 1972 may be even lower.

Mr. STENNIS. Mr. President, I judge that the Senator from New York (Mr. JAVITS) wants the floor.

Mr. JAVITS. Yes, for a few minutes.

Mr. STENNIS. I will want to come back.

Mr. JAVITS. I will take 5 or 6 minutes. Mr. President, I ask unanimous consent that the Senator from Mississippi may yield to me.

Mr. STENNIS. Mr. President, I yield the floor. I can get the floor back.

The PRESIDING OFFICER. The Senator from New York.

MOMENT OF TRUTH ON INTERNATIONAL MONETARY SYSTEM

Mr. JAVITS. Mr. President, the negotiators for the United States are entering into the first step of what one of our major newspapers calls an economic poker game in negotiating for a new international policy. This very day the U.S. representatives are meeting with the 10 principal industrial nations of the world, whose decisions will pretty much make or break the new economic policy in its international phases and the new international monetary policy for the world. The U.S. representation will be by Secretary of the Treasury Connally and Federal Reserve Chairman Arthur Burns.

I thought it might be useful, as I have been very close to the development of the whole situation, to put on record, for the interest of my colleagues and the country, some observations upon this situation.

In addition, Mr. President, I have just spent some time in Europe only as recently as last week and have a fairly good concept of the reaction of Europe to our proposals.

There is no question about the fact that we acted as we thought we had to act without necessary relation to the situation of other countries, in order to compel what we considered to be essential to avoid severe economic difficulties for the United States. I am in agreement that we had to act and that on the whole—I may differ with some things in the package—we did what had to be done.

But, Mr. President, it is obvious, and the President himself has made it clear, that just as he is going to end the freeze in 90 days, and succeed it with a new and, we hope, effective wage-price policy and machinery to implement it, so we will have to, within a very measurable period of time, move similarly in the international field. Simply slapping on the 10 percent surcharge and cutting the link between the dollar and gold are strictly temporary Phase I operations. The President himself, when he presented the matter to the country on August 15, stated that he called for and looked toward the establishment of a new international monetary system.

Mr. President, I would like to discuss the key problem which we face in Europe in this regard—and that is the home of the principal financial nations of the world, other than Japan and Canada, and Japan and Canada are very much a part of the group that begins to meet today, the so-called Group of Ten. The principal thing that bothers them is that they took the United States action to be strictly unilateral, with the United States sort of turning to Europe, Japan, and Canada and saying to them, "You are on your own, whatever you do to counter this is your responsibility, and if you have any propositions, make them and we will listen."

I think, Mr. President, the time has come to change that, by taking the position, first, that we will ourselves make a proposal for a new international monetary system; and, second, that we are ready to negotiate our proposal. I believe that these two declarations will represent such a healthy development in making the other nations feel that these measures are temporary, and that we are ready to negotiate on a multilateral basis in order to replace them with a more permanent system, that we ought immediately to take this particular step.

A satisfactory realinement of currencies is the major short-term objective of the United States. I accept the arguments that retention of the surcharge makes a satisfactory realinement of currencies difficult and feel that disposition of the import surcharge will have to be part of a package settlement which would see a substantial realinement of major currencies against the dollar.

Over the short-run, I also feel that a widening of the permitted bands of currency fluctuations, say from 1 to 3 percent against the other should be implemented.

An emerging major issue is the European request, which the Common Market countries just made, and in which it is reported that Britain and Japan have joined is for a devaluation of the dollar. This is totally unrealistic over the short run for, even from the purely mechanical point of view, Congress could not act on it in time to tie it to early disposition of the import surcharge. This cannot however, be ruled out in terms of the long run and may become a key part of the phase II negotiations.

Therefore, I believe, Mr. President, that the twin propositions which I have recommended, first that the United States make its own proposal of what it would like to see as a new international monetary system, and second, that it offer to negotiate with the other members of the Group of Ten on the basis of that proposal, represent the soundest course.

The short-run problems can best be handled that way, as I have described; and it is impractical and unrealistic for Europe to believe that the United States will devalue absolutely or devalue by changing the price of gold in terms of dollars in the immediate future.

The long-term problems are more difficult even if one can assume that the short-term goal of a satisfactory realinement of currencies will be achieved—meaning by the end of this year, which I believe is thoroughly possible in the way I have suggested. The long-term problems, in my view, include the future role of gold in the international monetary system; the future role of the dollar as a reserve currency; the parity relationship between the dollar and gold; and the need to create an international reserve standard independent of any national currency.

That is generally associated with the idea of an international reserve system under the auspices of the International Monetary Fund, in which large parts of the world's existing gold and currency reserves will be deposited and a new amplitude will be developed in the issuance of the so-called special drawing rights—paper gold.

So we need, first, to prepare an agenda for negotiating all these questions on a longer range basis in international forums. In the trade area, negotiations leading to a definition of the future relationship between an expanded Common Market, which will include the United Kingdom and certain other European countries, and the United States, likewise are essential, as are continuing trade negotiations with Japan. In turn, the granting of generalized tariff preferences to the less developed countries of the world remains an unfinished item on the U.S. trade agenda.

That a more equitable sharing of our overseas defense costs will be an increasingly important area of negotiations now has been signaled by both the executive and legislative branches. Senator Mansfield stated only yesterday his intention to push for the gradual reduction of U.S. troops in Europe—which is a form of burden sharing—and I note that Senator Fulbright addressed himself to this issue during his outstanding interview with Elizabeth Drew of WETA last night.

In conclusion, Mr. President, with the President's announcement of August 14, the United States entered a new era in its international relations. We now have the potential to build a new and equitable world economic order that would contribute to the peace and security of our Nation for the rest of this century. Likewise, the potential also exists—if negotiations fail and if any country or group of countries overplays its hand—to move the world backward into rampant nationalism, trade war between regional competing blocs, and economic stagnation.

Mr. President, there is no doubt about the fact that the United States can hold its own in any of this, but we are not interested, either economically, politically, or militarily, in a "Fortress U.S.A." This is hardly the way in which our people expect to develop and carry out the destiny of the United States in respect to world improvement and world peace. So, Mr. President, there is no question about the fact that the next stage is the negotiation stage in the international field with respect to a new international monetary system, and I believe that the proper first step toward that end should and can be taken now by our representatives meeting with the Group of Ten which opens today. That should consist of the United States putting forward its program by which currencies can be realigned as a condition of removing the surcharge, assuming that an agreement can be reached. The next step would be a more permanent realinement of the international monetary system. But all of this requires, first, a proposal by us, and, second, an expression clearly, distinctly, and most authoritatively of our willingness to negotiate.

That does not seem to have gotten across as yet to our principal trading partners in the world. I urge it very strongly upon the President and upon our delegation which has now gone to these meetings.

I ask unanimous consent to have printed in the Record an excellent interpretive article entitled "Economic Poker Game," written by Leonard Silk and published in today's New York Times.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 15, 1971]

Economic Poker Game—Americans Playing for Major Stakes As Group of 10 Convenes in London

(By Leonard Silk)

Secretary of the Treasury John B. Connally, the take-charge guy of President Nixon's New Economic Policy, has his work cut out for him in facing angry foreign critics at the monetary and trade conference of the Group of Ten nations that starts in London today. The United States intends to keep the heat on the other rich capitalist countries—Britain, Japan, Canada, West Germany, France, Italy, Belgium, the Netherlands, Sweden and Switzerland as an observer—to take steps that will enable this country to swing from a huge balance-of-payments deficit to a surplus position.

STEPS ARE UNCERTAIN

Undersecretary of the Treasury Paul V. Volcker has told Congress that the United States basic payments deficit ran at a $9-billion annual rate in the first half of 1971; on an official settlements basis, the United States deficit ran at an annual rate of $22-billion in this year's first quarter.

At least for public and Congressional consumption, Messrs. Connally, Volcker and their associates are refusing to make clear exactly what steps they want other nations to take to help the United States wipe out its deficits. Nor will they say when or under what conditions the United States will drop the import surcharge or discrimination against foreign capital goods.

The Administration recognizes that it is asking for "a lot," including a realignment of exchange rates by other countries to make their money more expensive in terms of the dollar, a major reduction of trade barriers against American goods, and an increase in military burden-sharing by others.

FORCE OF WILL

The European Common Market countries have insisted that the United States must be prepared to devalue the dollar in terms of gold if it expects to get a realignment of exchange rates, but the United States is against changing the gold price of the dollar for several reasons. One is simply prestige; the Administration thinks that for this country overtly to devalue the dollar in terms of gold would be a sign of weakness.

While some economists regard this as nationalistic nonsense, Administration officials appear determined to demonstrate the force of their will by refusing to devalue the dollar—though a major goal of the N.E.P. is in fact a dollar devaluation.

However, the Administration thinks that the issue of who devalues and who upvalues is more than a matter of mere semantics or empty prestige. If the dollar looks weak, because the United States yields, it is feared that other nations will be less willing to hold dollars or use them as international money.

Some foreign representatives talk as though they are in fact determined to dethrone the dollar and make it subject to the same rules and limits as other currencies. But the United States position is based on the assumption that most nations will recognize that it is in their own interest to make the dollar strong so that the world does not lack a readily usable international currency and relatively stable exchange rates.

There are real economic gains and losses depending on who devalues and who upvalues. If, say, Japan or France upvalues, their goods would be more expensive in all world markets; if the United States devalues, then Japan and France would give up some trading advantages in relation to American goods but not to those of other countries.

The Nixon Administration does not believe, however, that even a major revaluation of currencies in favor of the dollar would in itself produce the big swing it seeks from payments deficit to surplus. It wants major trade concessions as well.

The Administration contends that the United States has held the dirty end of the stick despite reciprocal trade agreements over the years and that the United States started bargaining from a more liberal position than foreign countries.

This is a view that many economists—and some political officers in the State Department—would deny. But the Administration's economic policy-makers think the State Department has been a haven of soft-bargainers where United States business interests have been concerned.

GATT VIOLATION FOUND

It is worth noting that the basic United States trade legislation is still the highly protectionist Smoot-Hawley Act of 1930, which made it possible for Mr. Nixon to impose the 10 per cent import surtax without going to Congress.

In imposing the surtax on imports not already subject to quota—of which there are more than 50 items, headed by oil, without counting some important items that are on informal "voluntary" quotas, such as steel—Mr. Nixon stunned foreigners by wiping out all tariff cuts reciprocally negotiated by the United States since the end of World War II.

The United States has now been declared to be in violation of the General Agreement on Tariffs and Trade; other GATT members have the right to retaliate.

Nevertheless, the Administration is in no hurry to surrender the bargaining weapon of the 10 percent import surtax. Nor is it in a hurry to give up the discriminatory clause of the proposed 10 percent investment tax credit, which limits the tax break to American-made capital goods while the import surtax is in force.

Even if the 10 percent import surtax were to be dropped immediately, the Administration still would grant an investment tax credit of only 5 percent to foreign-made capital goods rather than the 10 percent credit American goods would get in the first year.

The combination of the import surcharge and investment tax credit create a 22 percent price barrier for other nations seeking to sell capital goods to American companies to surmount. In addition, prices of foreign-made capital goods have been further increased in some cases by the upward valuation of national currencies.

Foreigners accuse the United States of adopting beggar-my-neighbor policies; they say the United States now proposes, in effect, to export its unemployment to them.

They insist that the United States drop the import surcharge as a condition for a realignment of exchange rates.

President Nixon suggests that the United States is now in a poker game and must play the best it can to win.

He told Congress that after World War II, the United States had all the poker chips and "we had to spread them around so that others could play."

That was true in the 1940s, he said, and partially true in the 50's and even the early 60's, but "it is no longer true today." Now, said the President, "the time is past for the United States to compete with one hand tied behind her back."

Whether a hand tied behind your back in a poker game matters much is moot. But the game of poker, which the British historian D. W. Brogan regards as the true clue to the American character, is fundamentally based on bluffing—or, to put it more accurately, on skill in leveling threats that are difficult to distinguish from bluffs.

Mr. Nixon and Mr. Connally are advertising their belief that they have the cards to beat their opponents in the poker game. They hear the threats of retaliation—in the political as well as the economic area—and think it is the foreigners who are bluffing.

Some officials within the Administration are appalled at having the whole money and trade problem cast in terms of the poker analogy, with its implications of threats, bluffs, big winners and big losers.

Nevertheless, the Administration's leaders warn that if foreign governments do not do for the United States what they earlier were prepared to do for Britain, Canada, Italy and others when they were in serious balance-of-payments deficit, the United States is ready to limit their access to the big American market and pursue its own economic and foreign-policy aims as it sees fit.

Critics fear that the new Nixon policy marks a decisive turn away from the foreign economic and political line backed since the end of World War II by the so-called American Establishment, which included the Eisenhower Administration as well as the Democratic Administrations that preceded and followed it.

NIXON'S MOVES SCORED

Mr. Nixon's critics contend that the President's foreign economic moves will undermine his domestic moves to stop inflation.

In the celebrated Pepperdine College address, Arthur F. Burns, chairman of the Federal Reserve Board, called for trade liberalization as a means of helping to check inflationary pressures at home.

The Nixon Administration now is presently heading in the opposite direction; protection of American producers from foreign competition could ultimately intensify inflation.

However, the Nixon foreign economic policy is still ambiguous. The President and Secretary Connally are prepared to stay with the aggressive, nationalistic line until foreigners adjust but to moderate it if and when other countries move to help the United States regain international balance.

Worries are spreading throughout the world that heightened nationalism in the United States—a reaction to the long and bitter Vietnam war—and growing support for economic protectionism—a reaction to intense foreign competition, domestic inflation and unemployment—will ultimately force the Nixon Administration to resolve its ambiguities on the side of an aggressive jingoism.

This could breed similar reactions abroad and split the non-Communist world into largely isolated blocs.

This is the hazard that confronts the Group of Ten nations now meeting in London and will face the annual conference of the International Monetary Fund in Washington later this month.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. CANNON. Mr. President, I want to join in urging the Senate to approve the pending conference report. I think it is a good conference report, and its subject matter has been given long—and perhaps over-long—consideration. I urge the Senate to reject the proposed tabling maneuver and any other attempts to sidetrack the bill.

I believe that the long and somewhat stormy conference on this measure produced a reasonable compromise in all respects, and I do include the controversy over the so-called Mansfield amendment. I do not think House conferees would—or will, if the conference is reconvened—go beyond their present commitments.

Two major issues are involved, other than the Mansfield amendment. There is a 2-year extension of the draft. I think it is needed. There are pay provisions to benefit the military. I think they are needed, also.

I am afraid, Mr. President, that the hopes of some people, in and out of the Senate, for an all-volunteer force have tended to obscure the need for a continuing draft. No competent authority believes that an all-volunteer force can be brought into being now, so a draft extension is needed in any case. Indeed, the military services say they have already been hurt by the 2-month draft holiday.

As to the question of military pay, the increase provided in the conference report will provide the necessary incentives to give the volunteer force concept a fair test.

It has been charged that the conference report gives unfair treatment to men in the low enlisted pay grades. On the contrary, I believe that it is clear that the conference report will redress inequities which have existed in the military pay structure since 1952.

Over 71 percent of the pay and allowance increases in the conference report go to individuals with under 2 years service. The figure for the House bill was 64 percent. For the Senate, it was 74 percent.

Once the conference report's pay scales are in effect, basic pay rates for individuals with less than 2 years' service will have been increased 189 percent since 1952, as compared with 151 percent for all the over 2-year rates.

Mr. President, I find it hard to understand newspaper accounts which indicate that a "coalition" has formed to reject this conference report by one parliamentary device or another. It would seem to me that a strong coalition should be pushing to speed passage.

The conference bill provides a draft extension which is necessary even if it is viewed as a transitional step toward an all-volunteer force. The bill includes pay increases which are deserved by the military and can provide incentives if the volunteer force is to be formed. It would seem to me that the justification for the conference report is overwhelming.

I urge the Senate to reject the tabling motion and, then, to approve the conference report, so that this 7-month cliff-hanger can be ended and the military can be assured of manpower necessary for the Nation's defense.

Mr. President, in light of the present

action on the wage-price freeze and what is likely to occur afterward, it is probable that this is the only military bill that will come before the Senate in this session. The military are long overdue in their need for a pay raise, to make their pay comparable to that of others throughout the country. I think they are hurt as badly as anyone by reason of the freeze that is in effect at this time.

So I urge Senators to vote for the conference report and to give the military a pay raise, when it can be granted. That, of course, will be after the freeze has been lifted. It is a pay raise for which they are long overdue.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks. No one is better qualified than he to pass on a set of complicated facts such as presented here.

I know that the Senator from Nevada has been concerned all year about this bill and about the draft. He knows the necessity for it. He knows the need for an equitable pay raise. Although the Senator from Nevada was not a member of the conference, he was of great assistance in helping solve some of the problems there. He had a very urgent and demanding assignment in another committee at that time, in connection with hearings, but we had the benefit of his constant counsel and advice. I thank him for that. I know of his continued interest in the subject matter as well as in this bill.

Mr. President, I do not have any other remarks at this time. I might want to make some remarks later, before the Senate adjourns. For the time being, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

Mr. THURMOND. Mr President, the most damaging legislative blow to our national security in years could come tomorrow if the Senate votes in favor of tabling the conference report on the draft extension bill.

If this report is tabled, the chances of extending the draft another 2 years will be placed in serious jeopardy. Without the draft a military manpower crisis of serious proportions will result and those who favor an all-volunteer force may see their hopes vanish.

An orderly, phased transition to an all-volunteer armed force is necessary if this goal is to be achieved. At present few of the inducements and changes needed to attract volunteers to either the regular forces or the reserves have been enacted.

While I remained unconvinced that an all-volunteer force of the necessary quantity and quality can be obtained to assure our national security, I do see how delay or elimination of the draft would wreck the chances of this concept succeeding.

The Members of this body should also weigh carefully the warning of Chairman JOHN STENNIS that if this report is tabled he doubts a new compromise can be reached. If the draft is killed in this manner, then the military pay raise and other important provisions of this act will die also.

Some in the Senate say they favor extension of the draft but dislike the decisions of the conference. They want the bill returned to conference so that their ideas can be written into a new bill. If the draft is killed by this action, and our military forces disintegrate, those who voted to table must bear the responsibility.

Mr. President, the Senate must realize we have been working on this bill since hearings began in February. Debate on the Senate floor began May 5 and lasted until June 24 after over 50 amendments had been considered.

The conference between the House and Senate deliberated well over a month trying to write a compromise bill suitable to both Houses. The House promptly passed the compromise version. The Senate should now pass it.

It is serious business to reject a conference report on any bill. Enactment of legislation involves compromise. We cannot each have our own way. The conference members on the draft extension worked long and hard to come up with the best bill possible. The conferees were the senior men from both committees.

The Senate must realize that if tomorrow's effort to table the report is successful it will nullify the agreement on the 28 differences in the Senate and House bills. Old issues, once settled, will be reopened.

Two issues in the draft extension bill seem to be on the minds of the members of this body—the Mansfield amendment and the pay proposals.

First, on the Mansfield amendment it can be said without fear of contradiction that the reason for the long conference between the House and Senate was due to the Senate's effort to get the best possible compromise on this amendment. If we are forced back to conference I see little hope of obtaining any wording which would come closer to the original amendment.

Second, the pay proposals. There are some who are leading the fight to return the bill to the conference on the ground that the pay compromise falls short of properly rewarding the first-term soldier.

The Senate must bear in mind that while the first termer is important and should be fully compensated it is the career soldier who holds the services together. If we are to encourage men to make a career of the service then the higher grades must also be made more attractive.

The annual cost of this pay bill is $2.4 billion. It exceeds by over $1 billion the next highest pay raise which was enacted in 1963. It would be unwise to pass a pay bill of this size and not recognize in some way the needs of our career military personnel.

Mr. President, as I stated on the floor Tuesday we are racing head on into a military personnel crisis if we continue delay of the draft. I cited many statistics to support that position.

Yesterday, the service Secretaries and the Joint Chiefs of Staff appeared before the Senate Armed Services Committee and expressed their grave concern if the draft bill is tabled in the Senate.

I would like to cite for the Senate some of the points made in this highly unusual committee session.

First, the Army represented by Secretary Robert Froehike and Gen. Bruce Palmer made these points:

> 1. Army enlisted personnel strength will fall below needed levels if the draft is delayed past September.
>
> 2. The all-volunteer force concept will be imperiled if the draft is not continued during the next 2 years.
>
> 3. The quality type Army soldier able to perform duty on complex Army systems is not being obtained through enlistments and can be obtained only through the draft at this time.
>
> 4. In July 36% of the men enlisted were in the lowest acceptable qualification category and 47% of those enlisting were not high school graduates.

Navy representatives at the meeting included Secretary John Chafee and Adm. Elmo Zumwalt. They said:

> 1. Without the draft the Navy will be able to obtain only 62% of the high-quality-type enlistees and only 85% of the needed officer force.
>
> 2. Naval Reserve forces will be able to meet only two-thirds of personnel requirements as many reservists are draft-induced.
>
> 3. The Navy manpower pool of likely enlistees has dropped 35% in the past 2 months.
>
> 4. The Marines estimate they can get only one-half to two-thirds of the numbers they need if the draft expires.
>
> 5. Marine Reserve strength will drop to 50% of requirement without the draft.

The Air Force, represented by Secretary Robert Seamans, Jr., and Gen. John Ryan made these points:

> 1. The Air Force was 1,800 short in the 4th Quarter of FY 1971 and estimated a shortage of 7,000 airmen for the 1st Quarter of FY 1972 since the draft has been shut down.
>
> 2. In the past some 94% of enlistees were high school graduates while in August this figure fell to 84%.
>
> 3. ROTC enrollments in August and September are down and reports from the field indicate the draft shutdown is the main cause.
>
> 4. In filling reserve slots last year only 3 interviews were necessary to get 1 man, but this summer it required 7 interviews to get 1 man. Men on waiting lists told the Reserve recruiters they were no longer interested.

Mr. President, Admiral Zumwalt also made an interesting point that would have an impact on all services. He noted that, if the economy picked up, as we all hope it will, then service enlistments would decrease.

In summary, it should be noted that the personnel shortfall in our Regular Forces and the marked downtrend in Reserves will accelerate if word goes out Thursday that the draft bill has been tabled by the Senate.

Our Army is already short of trained personnel in certain positions and fighting serious morale and discipline problems due to the drug culture, racial problems, and the mismanagement of the Vietnam war.

The Senate must refuse this bid to deal the Army and the other services another blow by placing in jeopardy the draft extension. I urge my colleagues to reject the motion to table the draft extension conference report. We must get on with the business of meeting this issue head on, an up or down vote on the draft report, so other important problems of the Nation may be considered.

Mr. CRANSTON. Mr. President, at this point the sole surviving "argument" against tabling the draft bill conference report is the implausible motion that any delay—any delay at all—in approving the report will cause a calamitous erosion of our national security.

Rather than allow this assertion to collapse from under its own burden of incredibility, I want to share some facts with the Senate.

I ask unanimous consent to have a table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1970-71 DRAFT CALLS AND ACCESSIONS COMPARED

	1970 draft calls	1970 DOD total volunteers	1970 Army volunteers	1971 draft calls	1971 DOD total volunteers	1971 Army volunteers
April	19,000	25,200	10,100	17,000	26,800	10,200
May	15,000	22,900	17,600	15,000	22,500	8,500
June	15,000	33,500	14,000	10,000	38,400	16,000
July	15,000	32,300	11,500		35,400	13,600
August	10,000	32,500	11,800		38,800	14,400
September	12,000	31,800	13,700			

Mr. CRANSTON. These figures demolish the argument that instant adoption of this conference report is all that stands between the Republic and catastrophe. Specifically, these figures clearly establish three things:

First, that monthly accessions are even higher than last year, although the army is now dropping its force levels;

Second, that even without the draft, July and August, that total accessions are higher than those figures for the same months last year; and

Third, that the training establishment cannot be lying fallow, as total accessions are up to comparable months last year.

Note that Army figures for April year's figures, as distinguished from total DOD—military.

Mr. President, the Pentagon has issued a formal statement predicting needed draft calls of 80,000 to 100,000 for the remainder of fiscal year 1972.

Taking the most conservative figure—100,000—and placing that number needed from December through next June, the monthly draft call will be only 14,300—a figure very comparable to the monthly calls of last year. That level can in no way be a burden on the Defense Establishment, including the training establishment.

Finally, Mr. President, I want to share with the Senate this table concerning the various services' own quotas, and their commendable success in meeting them, which I ask to have printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Quota		Actual enlistments	
	July	August	July	August
Army	9,500	13,500	14,800	14,900
Air Force	8,628	9,439	8,677	9,444
Marines	5,500	5,600	5,256	5,280
Navy	8,300	10,300	8,177	10,373

Mr. CRANSTON. Mr. President, these facts should lay to rest the notion that the Nation cannot afford to have the Senate work its true will on the draft bill.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the distinguished Senator from Indiana (Mr. BAYH), there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONFERENCE REPORT ON EXTENSION OF THE DRAFT TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the close of the routine morning business on tomorrow, the Senate turn to the consideration of the conference report on the extension of the draft, which is a privileged matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday, immediately following the remarks of the able Senator from Iowa (Mr. HUGHES), there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume and hope that this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow, as nearly as it can now be seen, is as follows:

The Senate will convene at 10 o'clock tomorrow morning.

Immediately following the recognition of the two leaders under the standing order, the distinguished junior Senator from Indiana (Mr. BAYH) will be recognized for not to exceed 15 minutes. At the conclusion of the remarks of the junior Senator from Indiana (Mr. BAYH), there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of the routine morning business on tomorrow, the Senate will return to the consideration of the conference report on the extension and revision of the Draft Act.

There are indications that there may be a motion to table the conference report on tomorrow. If such a motion is offered, that motion will not be debatable unless a unanimous-consent order is entered, and agreed to, allowing time for debate on such tabling motion.

Senators are therefore on notice that there may be a rollcall vote or rollcall votes on tomorrow and that there may be a rollcall vote or rollcall votes on Friday. In accordance with the statement made by the distinguished majority leader some time ago, moreover, the Senate may hold Saturday meetings at any time during the remainder of the session if it appears to be necessary.

ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 16, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1971:

Department of Labor

Richard J. Grunewald, of Connecticut, to be an Assistant Secretary of Labor, vice Jerome M. Rosow, resigned.

National Library of Medicine

The following-named persons to be Members of the Board of Regents, National Library of Medicine, Public Health Service, for the terms indicated:

For the remainder of the term expiring August 3, 1974:

J. Stanley Marshall, of Florida, vice James Chipman Fletcher, resigned.

For a term of 4 years from August 3, 1971:

Susan N. Crawford, of Illinois, vice Frederick Herbert Wagman, term expired.

Bernice M. Hetzner, of Nebraska, vice Robert Higgins Ebert, term expired.

Angelo M. May, of California, vice Bruno W. Augenstein, term expired.

Diplomatic and Foreign Service

John E. Reinhardt, of Maryland, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Department of Justice

Herbert J. Stern, of New Jersey, to be U.S. attorney for the district of New Jersey for the term of 4 years, vice Frederick B. Lacey, resigned.

U.S. Marine Corps

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel:

Louis R. Abraham
John B. Acey
John A. Adams
Richard J. Adams
Thomas G. Adams
Mars M. Adkins
Francis R. Allen
Jesse L. Altman, Jr.
Dennis N. Anderson
Ira C. Anderson
Thomas C. Andrew, Jr.
Harold L. Angle
Phillip T. Arman
B. L. Avera, Jr.
Robert L. Baggett
George L. Bailey
George N. Bailey, Jr.
Richard A. Bailey
Harry H. Bair
George A. Baker III
Terrance P. Baker
William R. Ball
William H. Barnard
John A. Barry
Karlton L. Batt
Andrew F. Bauer
Robert C. Baughman
Peter S. Beck
Raymond A. Becker
Pierre H. Begnaud
Daniel T. Benn
Arthur A. Bergman
Herbert T. Berwald, Jr.
Donald C. Bickel
Donald C. Bieger
Richard K. Biel
Edward A. Birzer
Carl E. Black
George M. Blackburn
Clay D. Blackwell
Ronald E. Blanchard
William A. Bloomer
George F. Boemerman
George J. Bollard
James L. Bolton
Royce L. Bond
William Boone
Jerry T. Bowlin
Charles K. Breslauer
Clyde W. Brewer, Jr.
Lawrence J. Briggs
Robert O. Broad, Jr.
Earl E. Brown
Desmond F. Browne
Ralph E. Brubaker
Samuel P. Brutcher
John J. Burke, Jr.
Mervyn J. Burns
Marion G. Busby
Peter M. Busch
John W. Butler
Richard D. Buttolph
Joseph C. Byram, Jr.
Pasquale L. Cacace
Michael P. Cady
John J. Caldas, Jr.
Robert C. Caldwell
Dougal A. Cameron III
Peter J. Canzano
Richard P. Capatosto
Ronald E. Cardwell
John D. Carlton
Robert T. Carney
Donald S. Carr
Richard W. Carr
Daniel I. Carroll
Edward P. Carroll
John E. Carroll, Jr.
Brendan J. Cassidy
James E. Cassity
Donald E. Cathcart
John G. Celli
Charles W. Chain III
Ralph L. Chapman
Keith L. Christensen
Walter T. Chwatek
Richard J. Cisewski
Arthur B. Clark
Dale H. Clark
George Clark
Edward J. Clarkson
David M. Clauretie
Robert E. Cleveland
Thaddeus S. Coates
Joseph F. Cody, Jr.
John C. Coffin
Barry S. Colassard
Fred J. Cone
Thomas F. Conway
Richard J. Coogan
Ernest T. Cook, Jr.
Thomas D. Cooney
James L. Cooper
Wade H. Cooper
Roy G. Corbett
James M. Cox
Thomas C. Cox
John M. Coykendall
Ervin J. Crampton
James O. Cranford
John D. Crawford
Forrest W. Crone
Timothy J. Cronin, Jr.
Donald F. Crowe
Ernest C. Cunningham, Jr.
James L. Cunningham
John R. Curnutt
Kenneth D. Curry, Jr.
Edward W. Cuthbert
Stanley J. Czubai
John R. Dailey
Donald A. Dalrymple
Donald W. Dane
Clarence L. Davis
Neal L. Derickson
Donald E. Dilley
William E. Dodds
William C. Doerner
Thomas C. Dolson
John B. Donovan, Jr.
Edwin J. Doran
Richard T. Douglas
Lloyd J. Draayer
John L. Driefer
Bruce W. Driscoll
Thomas K. Duffy
Allen R. Edens
Orville R. Edmondson
Myrddyn E. Edwards
Robert F. Eggers
Stephen S. Eisenhauer
Franklin P. Eller, Jr.
Gerald L. Ellis
Gordon P. Emry
Eldon L. Erickson
George J. Ertlmeier
William R. Etter
George G. Evans, Jr.
Richard L. Evans
William R. Fails
Alex E. Fazekas
Warren A. Ferdinand
Arthur P. Finlon
Robert C. Finn
Albert T. Fisher
Michael J. Fibich, Jr.
Robert L. Fischer
William M. Foley
Pat D. Ford
Clarence D. Foreman
Robert L. Formanek
William J. Forristall
Stephen R. Foulger
Marcus T. Fountain, Jr.
Robert D. Fowner
Ray M. Franklin
Charles H. Frazier, Jr.
Bobby H. Freeman
Allen L. Frucci
Laurence S. Fry
Laurence R. Gaboury
John A. Gagen
Louis F. Gagnon
Dominick R. Gannon
John H. Gary III
Edward E. Gerding
Robert F. Goins
John C. Gonzalez
Frank E. Graham
James R. Green
Jimmie L. Green
Wallace M. Greene III
Jesse R. Greer
Joe L. Gregorcyk
Charles E. Griggs
Billy M. Grimes
Roy M. Gulick, Jr.
Richard A. Gustafson
Darold L. Guttormson
Charles R. Habgood
Robert D. Hagan
Don K. Hanna
Richard O. Harper
Frederick R. Hasler
Donald J. Hatch
Manuel H. Hedges
Charles A. Henry
Richard T. Henry
William T. Hewes
John M. Hey
Arthur R. Hickle
Jimmie A. Hicks
Gary W. Hintz
Gregory G. Hoen
Lyell H. Holmes
John I. Hopkins
Thomas C. Houston
Thad A. Hoyer
Robert R. Hull
William S. Humbert III
Donald L. Humphrey
Ralph S. Huston
Richard C. Hyatt
Will D. Isbell
Henry C. Ivy, Jr.
Donald E. Jacobsen
Eugene S. Jaczko, Jr.
James D. Jahn
Gerald D. James
Russell E. Jamison
Fidelas W. Jarnot
Edward P. Janz
Leroy E. Johnson
Richard J. Johnson
Robert C. Johnson
George E. Jones
Homer P. Jones
Walter A. Jupp
Carl W. Kachauskas
Billy J. Kahler
Orville R. Kartchner
Arthur C. Katen
John F. Keane, Jr.
John M. Keenan
Francis J. Kelly
Raymond G. Kennedy, Sr.
William L. Kent
Richard J. Kenworthy
Hugh T. Kerr
Alvah J. Kettering
Donald E. Kirby
James P. Kizer
John R. Koch
Joseph B. Knotts
Russell I. Kramer
Billy D. Kraxberger
Ronald G. Kropp
Harold F. Kuhn
Allan W. Lamb
Thomas J. Lapham
Neil M. Larimer II
Erik Larsen
Ralph L. Lary, Jr.
Herbert F. Lawson, Jr.
George H. Leach
Thomas G. Leach
Jerry W. Ledin
Alex Lee
Arthur E. Lee
Howard V. Lee
Victor M. Lee
Julius M. Lewis, Jr.
Orville V. Lippold, Jr.
Charles M. Lively
John A. Livingston
Perry T. Llewellyn
Robert H. Lockwood
Francis M. Logan, Jr.
Robert E. Loehe
Edward H. Loney
William H. Long
Edmund P. Looney, Jr.
John E. Lorzing
William J. Lottman
Peter F. Lottsfeldt
Thomas P. Lougheed
Arthur S. Loughry
Bruce D. Luedke
Darwin D. Lundberg
Jarvis D. Lynch, Jr.
Cornelius W. MacFarlan
Joseph M. Magaldi, Jr.
Gordon E. Malone
Marvin P. Mann, Jr.
Frank M. Manrod
John A. Manzione, Jr.
Samuel J. Marfia
James W. Marks
Harry T. Marren
Lawrence A. Marshall
Manuel O. Martinez
Frank W. Martino
Andrew G. Marushok
Robert B. Mason
Carlos K. McAfee
Donald J. McCarthy
Howard J. McCarty
Charles A. McCluskey
Melvin W. McCoury, Jr
Charles J. McDoanld, Jr.
Leemon B. McHenry
Jimmy B. McInroe
James L. McManaway
William J. McManus
James P. McWilliams, Jr.
Ernest U. Meier
Paul F. Melcher
Donald R. Miller
Henry G. Miller, Jr.
James E. Miller
John G. Miller
Neil P. Miller
Ralph D. Miller
Robert G. Mitchell
John P. Monahan
Jack P. Monroe, Jr.
Hubert A. Monteau
Harvey J. Morgan
Richard J. Morley
Donald L. Morris
McLendon G. Morris
Frank C. Mullen, Jr.
Carl E. Mundy, Jr.
David H. Murch
Douglas G. Murphy
John D. Murray
Ronald L. Murray
Robert D. Myers
Arthur A. Nelbach, Jr.
Marvin R. Nelson
Harll W. Newton
Lloyd B. Nice
Joe B. Noble
Richard A. Noll
Robert L. O'Brien
David E. Obuhanych
Leo K. Odrudy, Jr.
Don J. Ogden
Curtis W. Olson
Stephen Ondrako, Jr.
Robert P. O'Neal
James W. Orr
Alfonso Oseguera
Patrick E. O'Toole
Robert F. Overmyer
Ronald L. Owen
Billy E. Pafford
James E. Page
Carroll A. Palmore
Dorsie D. Page, Jr.
Homer R. Palmateer
Ralph K. Park
Charles E. Parker
William K. Parker
Donald C. Pauley
Marvin E. Peacock
Edward R. Perron
James M. Perryman, Jr.
Robert L. Peterson
David W. Phifer
Reed Phillips, Jr.
Robert Plant
Bruce A. Pifel
John L. Pipa
Arthur S. Piper
Louis J. Piantadosi
James A. Poland
Earle G. Poronto
Charles R. Porter
Robert R. Porter
George E. Pratt
Lee A. Preble
Leonard T. Preston, Jr.
William G. Price
Robert N. Rackham
Henry R. Raines
David A. Ramsey
Lonnie E. Ramsey
John T. Rapp
Eugene W. Rawlins
William T. Read
Thomas S. Reap
Ralph L. Reed
Van S. Reed
John A. Reese, Jr.
Michael P. Reeves
Frank C. Regan, Jr.
Elwin Reichert, Jr.
James K. Reilly
James F. Rice
Richard G. Ritchie
James A. Roberts
Richard S. Robertson
Charles D. Robinson
Jon R. Robson
Robert T. Roche
George F. Rogers, Jr.
Barry P. Rust
Colin J. Ruthven
Louis G. Sasso
Peter C. Scaglione, Jr.
Kenneth L. Scarborough
Donald E. Schaet
Norbert F. Schnippel, Jr.
Harold Schofield
Jack T. Schultz
James E. Schulken
James A. Schumacher
Leo J. Scolforo, Jr.
Roger F. Scott, Jr.
Charles C. Seabrook
Henry L. Searle
Donald R. Seay
Robert L. Sfreddo
Walter C. Service III
Karl E. Sharff
Paul J. Shank, Jr.
Glenn J. Shaver, Jr.
James F. Sheehan
Jerry L. Shelton
John J. Sheridan
Michael K. Sheridan
William P. Shunkey, Jr.
Con D. Silard, Jr.
Colben K. Sime, Jr.
Frederick E. Sisley
Paul D. Slack
John Smallman
Clarence E. Smith, Jr.
Norman A. Smith
Norman H. Smith
Robert W. Smith
Rodgers T. Smith
William D. Smith
William R. Smith
William W. Smith
Vito M. Solazzo
Robert P. Spaete
Donald R. Sparks
Early W. Spiars
Richard P. Spreier
David N. Sprott
Victor D. Stauch, Jr.
Robert M. Stauffer
Richard G. Steffey
Hardy R. Stennis
Arthur L. Stewart, Jr.

Walter L. Strain
Francis T. Sullivan
Michael P. Sullivan
James E. Swab
Carter P. Swenson
Bernace M. Symm
Leonard J. Szafranski, Jr.
Robert C. Tashjian
George H. Taylor III
Charles H. Taylor, Jr.
Richard B. Taylor
John J. Tharp
Jerry R. Thompson
William J. Tirschfield
Frederic L. Tolleson
Robert W. Topping
Edward F. Townley, Jr.
David C. Townsend
James B. Townsend
Everett P. Trader, Jr.
Jerome P. Trehy
Everett L. Tunget
Terry Turner
John T. Tyler
Mario S. Valentini
James H. Vandever
Jan H. Vangorder
Neil R. Vanleeuwen
Fredric J. Vanous
Richard S. Varney
Donald J. Verdon
Peter J. Vogel
William R. Vonharten
Norman H. Vreeland
Paul H. Wagener
Ralph V. Walker, Jr.
Lorin C. Wallace, Jr.
Robert L. Walsh
Alphonse I. Warczakowski
Charles Ward
Lloyd K. Warn
Donald E. Webb
Gerald A. Weiland
Stuart L. Weinerth, Jr.
William M. Whaley
Thomas M. Wheeler
William L. Whelan
Francis V. White, Jr.
Robert E. White
Fred T. Whitman
William W. Widener
Warrend H. Wiedhahn, Jr.
Eric H. Wieler
Martin J. Williams
James W. Willkomm
Donald D. Wilson
Paul A. Wilson, Jr.
Walter M. Winoski
Henry F. Witter
Peter R. Worden
Joseph B. Wuertz
Neal B. Wynn
Walter N. Yanochik
Charles E. Yates
Richard C. Yezzi
Lewis J. Zilka
John T. Zych, Jr.

HOUSE OF REPRESENTATIVES—*Wednesday, September 15, 1971*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

And Thou shalt do that which is right and good in the sight of the Lord: That it may be well with Thee.—Deuteronomy 6: 18.

Reveal Thyself to us, our Father, as we draw near to Thee in spirit and in truth. We come to receive that uplift of spirit which will enable us to do our duties and to solve our problems ever seeking the good of our country and the best for the people of our land. Help us to see our way more clearly and to walk in it more faithfully.

We are weak, give us strength; we know so little, give us wisdom; we are selfish, make us kind. In all our contacts may we be more understanding and more sympathetic and may Thy kingdom come in all our hearts.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

ACTION TO REPEAL EMERGENCY DETENTION ACT ELEVATES HOUSE TO NEW HEIGHTS

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, ever since coming to this august body almost 9 years ago, I have been gladdened most by the fact that here in this House I have found great men—men of good will dedicated to promote the welfare of this great Nation and its people.

Yesterday, my admiration and respect for the Members of this body were lifted to even greater heights. Yesterday, by the exercise of considered good judgment on the part of an overwhelming majority of its Members, by an almost unbelievable lopsided vote of 356 to 49, this House acted to repeal the repugnant Emergency Detention Act of 1950. By so doing this House elevated itself to new heights—it struck a real blow for individual freedom.

Mr. Speaker, I take this opportunity to thank my colleagues who joined me in support of H.R. 234. While I find it extremely difficult to single out anyone for special mention, I wish to express my deepest gratitude especially to the gentleman from Wisconsin (Mr. KASTENMEIER), chairman of Subcommittee No. 3 of the Judiciary Committee and a cosponsor of H.R. 234. Without his unwavering support and advice, the legislation would never have passed. To the gentleman from California (Mr. HOLIFIELD) and to the gentleman from Illinois (Mr. MIKVA), the original cosponsors of H.R. 234, go my special thanks. Their wise counsel and stanch support throughout the long struggle to final victory, served as a source of great encouragement to me. To Speaker ALBERT, Majority Leader BOGGS, and Majority Whip O'NEILL, and to the chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), I extend my appreciation for their active role in obtaining such a favorable response from the House.

My idealistic image of the Congress was made to appear brighter by the bipartisan support which I received in my effort to obtain passage of the legislation. For their active role on the Republican side, I extend my special thanks to the distinguished minority leader, the gentleman from Michigan (Mr. FORD), to the gentleman from Virginia (Mr. POFF), to the gentleman from Illinois (Mr. ANDERSON), to the gentleman from Illinois (Mr. RAILSBACK), and to the gentleman from Pennsylvania (Mr. BIESTER). Their idealism transcended party lines. Together we have proven to the world that we Americans mean what we say when we say "There is no place for concentration camps in America."

To all my colleagues who joined me: again my heartiest thanks and mahalo.

REPEAL OF EMERGENCY DETENTION ACT

(Mr. ADAMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, I want to join with the gentleman from Hawaii (Mr. MATSUNAGA) in expressing my gratitude to the Members of the House in voting to repeal the Emergency Detention Act. I also want to express the appreciation of the people in my district, and the people of the United States, to Mr. MATSUNAGA for his untiring efforts in having this bill brought to the floor, and for its passage yesterday. I think the Members of this body should compliment the gentleman from Hawaii for what he has done. We have all been pleased to join in his efforts.

Mr. Speaker, I yield back the balance of my time.

FIFTH ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-163)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

The Fifth Annual Report of the National Advisory Council on Extension and Continuing Education is submitted herewith.

This Council, authorized by Public Law 89-329, has reviewed the administration and effectiveness of the program authorized by Title I of the Higher Education Act of 1965 and other federally supported extension and continuing education programs.

Several of the Council's proposals are highly commendable, especially those reflecting a concern for innovation and reform in post-secondary education, including the proposed National Foundation for Higher Education, and its recommendation that programs directed to continuing education for adults be coordinated and consolidated.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1971.*

FEDERAL-INTERSTATE COMPACT FOR THE HUDSON RIVER BASIN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In accordance with section 3 of Public Law 89-605 as amended by Public

Law 91-242, I am pleased to transmit a report by the Secretary of the Interior on the progress which has been achieved in negotiations on a Federal-interstate compact for the Hudson River Basin.

The Secretary of the Interior will continue to work with the States of New Jersey and New York to find a viable method of managing the environmental problems of this significant river basin.

Richard Nixon.

The White House, *September 15, 1971.*

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 542

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1746) to further promote equal employment opportunities for American workers; all points of order against said bill for failure to comply with the provisions of clause 3, rule XIII, and all points of order against section 11 of said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the text of the bill (H.R. 9247) as an amendment in the nature of a substitute for the bill. At the conclusion of the consideration of H.R. 1746 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Martin).

Pending that, Mr. Speaker, I first ask unanimous consent that the gentleman from New York may be permitted to speak out of order for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WELCOME TO DELEGATION FROM THE REPUBLIC OF ITALY

Mr. BIAGGI. Mr. Speaker, on behalf of the other gentlemen from New York (Mr. Addabbo, Mr. Brasco, and Mr. Murphy), the gentleman from Illinois (Mr. Annunzio), the gentlemen from New Jersey (Mr. Daniels, Mr. Minish, and Mr. Rodino), the gentlemen from Pennsylvania (Mr. Dent and Mr. Vigorito), the gentleman and gentlewoman from Connecticut (Mr. Giaimo and Mrs. Grasso), the gentlemen from California (Mr. Leggett and Mr. Miller), the gentleman from Massachusetts (Mr. Conte), the gentleman from Florida (Mr. Fascell), the gentleman from Kentucky (Mr. Mazzoli) and the gentleman from Wyoming (Mr. Roncalio)—all Italian Americans—it is my pleasure to welcome to this Chamber the Ambassador of Italy, His Excellency Egidio Ortona, and his party of distinguished Italian governmental officials. Their presence in the gallery today is a distinct honor to us and to this body.

These gentlemen, who are in this country to study our merchant marine systems and improve United States-Italian relations in that field, are Signore Gioacchino Attaguile, Minister of the Italian Merchant Marine; Hon. Gerardo Bianchi, vice president of the commission for transportation of the Chamber of Deputies; Mr. Nunzio d'Angelo, director general of navigation and maritime traffic; the Honorable Giorgio Guerrini, president of the commission for transportation of the Chamber of Deputies; Signore Pasquale Poerio, vice president of the commission for transportation of the Senate; and Consellor of State Salvatore Zingale.

They are also here with us today to thank Congress on behalf of the Italian people for designating a national holiday in honor of Christopher Columbus, a most distinguished seaman himself. This day will be celebrated for the first time on October 11. It is noteworthy that George Washington is the only other person to have a national holiday in his honor.

While here they visited the Constantino Brumidi corridor in the Senate. This gentleman, whose bust stands in that corridor, has been acclaimed as the Michelangelo of the United States for his magnificent paintings on the ceiling of the rotunda and the many other frescos he executed in the building. They also visited the great bronze doors at the entrance to the rotunda—the Columbus Doors.

Italy and the United States have had a close relationship from the founding days. In the last two decades and particularly during the past years that Ambassador Ortona has so ably represented his country, that bond has grown stronger. His personal friendship with many leading governmental officials has greatly helped the relations of the two countries to develop to a point of mutual pride.

I and my colleagues in Congress are deeply gratified to him for his assistance and cooperation.

Therefore, Mr. Speaker, I would extend my thanks to these distinguished gentlemen from Italy for visiting with us here today and wish them a successful trip and pleasant stay here in America.

CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Anderson, Tenn.
Ashley
Badillo
Blackburn
Blatnik
Celler
Chisholm
Clark
Clay
Collins, Tex.
Diggs
Dwyer
Edwards, La.
Eshleman
Fish
Foley
Ford, William D.
Gallagher
Gaydos
Goldwater
Gray
Gubser
Haley
Hays
Hébert
Henderson
Holifield
Jarman
Keith
Long, La.
McCloskey
McEwen
McKay
McKinney
Mathias, Calif.
Mollohan
Moorhead
Murphy, Ill.
Murphy, N.Y.
O'Hara
Randall
Reid, N.Y.
Robison, N.Y.
Rooney, Pa.
Scheuer
Seiberling
Stafford
Stuckey
Sullivan
Tiernan
Widnall
Wilson, Bob
Wydler

The SPEAKER. On this rollcall, 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. BOLLING. Mr. Speaker, I am not aware of any great controversy over this rule, more or less agreed upon as a way in which to give the two sides of the issue a fair opportunity to present their point of view and then have a decisive vote. The rule does waive points of order against the Ramseyer rule and against section 11 of the bill, which does not comply with clause 4 of rule 21, in that it involves a transfer of funds.

The rule also makes in order consideration without the intervention of any point of order H.R. 9247 as an amendment in the nature of a substitute. Points of order are obviously waived against that. That means that the so-called Erlenborn amendment may be offered and issue will be joined directly. Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, House Resolution 542, as the gentleman from Missouri has explained, provides for 3 hours of debate, under an open rule, on H.R. 1746, a bill to provide additional powers to the Employment Opportunities Commission. As the gentleman has explained, there are three waivers of points of order, and the so-called Erlenborn bill would be made in order as a substitute.

This legislation would amend title VII of the Civil Rights Act of 1964, which set up the Equal Employment Opportunities Commission. That Commission considers complaints from employees based on color, race, creed, religion, sex, and national origin. Unfortunately, however, title VII of the Civil Rights Act of 1964 did not give enforcement powers to the Commission, at least complete enforcement powers, and as a result they have been somewhat handicapped in carrying out their findings.

The committee bill as reported provides for substantial increases in coverage of the act. For instance, all Federal, State, and local employees would be subject to the act itself. In addition, the present law covers only employers or companies who employ 25 or more employees. Under the committee bill they would be reduced to eight or more employees. In addition, currently those engaged in teaching or in the education profession, both in private and public schools, are exempt from the law. Those would be brought in under coverage of the committee bill. It is estimated that a total of 22 million Americans would be brought under this act who are currently exempt.

In addition, the committee legislation would transfer from the Department of Justice power in "practice or pattern" discrimination suits. That would be transferred, under the committee bill, to the EEOC. Additionally, the Office of Federal Contract Compliance, which is currently operating in the Department of Labor, would be transferred to the EEOC.

The argument has been made by the committee in the committee report that the Erlenborn bill, which would transfer the prosecution of these cases from the Equal Employment Opportunity Commission to the Federal courts, would delay proceedings. Yet, if we take a look at the committee report on page 64, in the testimony of Mr. Brown, the chairman of the EEOC, we will find they have a tremendous backlog of cases thus far. In the 5 years during which this bill has been in operation, the Commission has had over 52,000 cases presented to it. In the first 7 months of the fiscal year 1971, the total amounted, according to the chairman, to 14,129, a considerable increase over previous years. With the addition, Mr. Speaker, of 22 million Americans to come under the umbrella of this act, the increase in the workload of the Commission would be tremendous.

I would like to quote from the testimony of Chairman Brown of the EEOC, when he appeared before the general Subcommittee on Labor:

> Given the tremendous backlog of charges pending now with the Commission—25,195 as of February 20, 1971—the additional work which would have to be undertaken by the Commission if it gets enforcement powers, the difficulty of obtaining adequate funding for the Commission, and finally, the tremendous administrative difficulties embodied in such a transfer, I am doubtful as to the desirability of transferring OFCC at this time. Specifically, the administrative difficulties are by far the greatest in my view; almost insurmountable.

The committee bill, Mr. Speaker, would set up this five-man EEOC board to be the investigator, the prosecutor, the judge, and the jury of these cases. An employer would be considered guilty until he proves himself innocent—which is opposite the manner in which our courts have operated ever since our founding almost 200 years ago. In our courts a man is considered innocent until proven guilty.

This would give tremendous powers to the Equal Employment Opportunity Commission, comparable to those which the NLRB currently has.

In 1963, Senator GRIFFIN, of Michigan, then a member of the Education and Labor Committee of the House, and the distinguished gentleman from Georgia (Mr. LANDRUM) made a complete study and investigation of the operation of the NLRB. I was interested in the subject and worked with these gentlemen on the matter. I recall that in 1963, from the studies that Mr. GRIFFIN and Mr. LANDRUM made, it was discovered that the NLRB up to that point had reversed previous decisions by the board 171 times.

Why did that occur? A new administration came in 1961. New members were appointed to the NLRB whose philosophy was somewhat different from those who had served under the administration of President Eisenhower. They were more inclined, let us say, towards the labor viewpoint than the management viewpoint. As a result of this change in the personnel and background, and as a result of this fundamental philosophy of the new appointees of the NLBR, 171 decisions were overridden by the NLRB which had been made prior to that point.

Since then, I imagine, the number is a great deal larger than 171.

That is the grave danger, Mr. Speaker, in the committee legislation we have before us today. The Equal Employment Opportunity Commission will be given unlimited powers, and any eligible employee in the United States may file a complaint with the Commission. They are going to be overwhelmed with work down there. There are five members of the Commission, each appointed for a 5-year term. If there is a change in the administration we are going to get new men appointed to that Commission, and again we are going to have a repetition of what has occurred in the NLRB over the past several years.

This is a very, very dangerous piece of legislation. I shall not go into detail with regard to the Erlenborn substitute, but shall only say that the power of being investigator, prosecutor, judge and jury of these cases is given to the Commission by the committee bill, and some of those powers would be taken away from them, and the matters would be handled in the Federal courts, which is the proper place to handle cases of this nature, rather than in a Commission.

The charge is made in the committee report that if this is handled in the Federal courts great delay will ensue. Let me refer again to the report itself. Chairman Brown of the Commission testified they are currently running 18 to 24 months behind in the handling of these cases and have over a 25,000 backlog.

Let us take a look at how the Federal courts are operating. We can take a look at pages 60 and 61 of the report.

The most complaints come from Texas, Louisiana, Florida, Alabama, and so on.

The median time interval in months for nonjury trials in such States discloses the information set forth there. There is given the number of months of delay in the various courts in these 10 States

In summary, of the 29 district courts represented in the above statistics, 21 courts had a median time of 12 months or less and eight courts had median trial completion times of 6 months or less.

The SPEAKER. The time of the gentleman from Nebraska has again expired.

Mr. MARTIN. Mr. Speaker, I yield myself 2 additional minutes.

In other words, by handling this through the Federal courts rather than through the Commission these cases will be decided a great deal more expeditiously than is proposed under the committee bill.

There is one other point I should like to make, Mr. Speaker, in closing. The Commission is composed of five men or women who are appointed by the President of the United States. Under the committee bill, as I have explained, these five appointees have great power in view of the fact that they are—and I repeat this point—investigator, prosecutor, judge and jury. In view of the fact that these are appointments made by the President, and the administration can change from time to time from one party to another, we are not going to get consistent decisions made by boards appointed under different Presidents.

These men or women have such great power that it is a good illustration of a nation being governed by men rather than by laws, when we have this sort of thing, a Commission with these extensive powers.

I do not believe we want a further extension of government by men, rather than by law in the United States.

I support the rule, Mr. Speaker. I hope that when the substitute of the gentleman from Illinois (Mr. ERLENBORN) is presented to the House, the Members will be on the floor and that it will be adopted by an overwhelming vote.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1746) to further promote equal employment opportunities for American workers.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1746, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 1½ hours and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 1½ hours.

The Chair now recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, 7 years ago Congress enacted the Civil Rights Act of 1964. Title VII of that act for the first time established Federal machinery to deal with the problem of discriminatory employment practices.

Title VII provided informal methods of conciliation and persuasion as the primary mechanism for obtaining compliance. Only when a "pattern or practice" of resistance to the statutory mandate was found did it make provision for enforcement by the Government and then only by the Attorney General.

Title VII established the Equal Employment Opportunity Commission as an independent agency charged with administration of the policy of equal opportunity but provided no effective enforcement authority. Such enforcement as an individual might require had to be secured by a private suit in the district courts. At the time it was widely felt that litigation would be necessary only on an occasional basis to meet determined resistance.

The experience of the past 6 years, however, has shown this view to be incorrect. Title VII is not a total failure but neither is it the glowing success that was expected.

Discrimination in employment continues to pervade the United States.

Only 6.9 percent of professional and technical workers; 3.6 percent of managerial employees; 6.8 percent of craftsmen and foremen; and 3.7 percent of sales personnel are minority persons. During 1970, the unemployment rate among blacks was almost twice that among whites. While these figures are improvements over those of a decade ago, it is nonetheless clear that minorities are not very rapidly reaching their rightful place in society—this despite 7 years' experience under a law which outlawed discrimination of any kind.

The situation of the working woman is just as disappointing. Over 30 million women are employed in the United States, comprising approximately 38 percent of the Nation's work force. Ten years ago, women earned 60.8 percent of the average salaries earned by men. In 1968, however, women's earnings only represented 58.2 percent of the salaries made by men. In that same year, 60 percent of women, but only 20 percent of men earned less than $5,000 while, at the other end of the scale, only 3 percent of women, but 28 percent of men had earnings of $10,000 or more.

Effective remedies for these situations have not, and it is now clear, cannot result from the present statutory scheme. During its first 5 years, the Equal Employment Opportunity Commission received more than 52,000 charges, of these 35,145 were recommended for investigation. Each year the number of charges brought before the Commission has increased. In fiscal year 1969 the Commission received 12,148 charges; in fiscal year 1970, 14,129 charges; and in fiscal year 1971, 22,920 charges. The figures for the current fiscal year are expected to show an even sharper rise.

Of the 35,145 charges that were recommended for investigation, the Commission found reasonable cause to find that a discriminatory practice existed in 63 percent of them. In less than half of these cases, however, was the Commission able to achieve a totally or even partially successful conciliation.

ENFORCEMENT AUTHORITY

To correct these deficiencies, H.R. 1746 provides for significant revisions in the primary enforcement mechanisms of title VII. The Equal Employment Opportunity Commission would continue to seek voluntary resolution of disputes, but if conciliation efforts were unsuccessful, the Commission would be authorized to issue complaints, hold hearings and, where unlawful employment practices are found, issue appropriate cease-and-desist orders. These orders would, of course, be subject to review by the courts.

The bill also makes provision for individual recourse to the Federal district courts if the Commission dismisses a charge, or if it has not issued a complaint or entered into a conciliation attempt within a specified period of time.

All members of the Committee on Education and Labor recognized the need for some method of adjudication of charges of unfair employment practices, as indeed, did all witnesses who testified at the committee hearings. The only disagreement has been whether this enforcement power should be through administrative proceedings or through litigation in the courts.

The alternative of providing court enforcement for title VII, instead of administrative cease-and-desist proceedings, was given full and careful consideration throughout the hearings and in discussions at both the subcommittee and full committee levels.

The type of enforcement chosen by the committee is the very same type of authority which has been given to virtually all other Federal regulatory agencies including the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, and the National Labor Relations Board. In addition, the cease and desist method of enforcement is the same as that adopted by 34 of the 38 States which have equal employment opportunity laws.

The same considerations which led to the adoption of administrative enforcement in other areas are equally applicable here. Perhaps the most important of these is the need for the development and application of expertise in the recognition and solution of employment discrimination problems—particularly as these problems are presented in their more complex, institutional forms.

The development of case law in the area of employment discrimination in recent years has made it increasingly clear that the most difficult problem encountered is not whether discrimination has occurred but what the appropriate remedy is to be. The question of remedies is further complicated when discriminatory practices are found to be inherent in basic methods of recruitment, hiring, placement, or promotion.

The very nature of the issues arising under title VII indicates that reliance upon the expertise developed by trial examiners and Commissioners is just as important for this subject matter as it is in the equally complex fields of securities regulation and deceptive trade practices.

Enforcement through an administrative proceeding will ensure a speedy adjudication of issues and will result in a more uniform and predictable body of law.

Agency litigation is less subject to technical rules governing matters such as pleadings and motions—matters which can, and very often do, provide opportunity for delaying tactics. Administration tribunals are less constrained by formal rules of evidence which give rise to a lengthier—and, therefore, a more costly—process of proof.

The experience of other agencies indicates that an additional benefit of cease and desist authority is that the mere availability of an administrative sanction encourages settlements, usually even before the trial examiner stage is reached. The NLRB, for instance, disposes of approximately 95 percent of its cases at the administrative level. Information on State Fair Employment Practice Commissions indicates similar tendencies toward settlement. For example, the Pennsylvania Human Relations Commission issued 47 cease-and-desist orders in equal employment cases through 1969. During that same period, however, 3,838 complaints were successfully disposed of without need for an order.

PRIVATE SUITS

H.R. 1746 retains the right of an individual to bring a civil suit under the act. Section 715 provides that if the Commission finds no reasonable cause, fails to make a finding of reasonable cause, takes no action in respect to a charge, or has not issued a complaint nor entered into an acceptable conciliation or settlement agreement within 180 days after a charge is filed, it shall notify the person aggrieved. That person then has the right to bring, within 60 days, an action in the proper U.S. district court. Such a provision is a necessary protection for the rights of the individual.

To prevent duplication of proceedings under title VII, H.R. 1746 makes provision for the termination of Commission jurisdiction once a private action has been filed. The Commission would, however, retain a right to intervene in private actions. Once the Commission issues a complaint or enters into a conciliation or settlement agreement which is acceptable to all parties, the right of private action would be terminated.

PATTERN OR PRACTICE CASES

Section 707 of the Civil Rights Act would be amended to transfer the "pattern or practice" suit authority which is now vested in the Attorney General to the Equal Employment Opportunity Commission. The transfer of "pattern or practice" jurisdiction to the Commission would eliminate overlapping jurisdictions and unnecessary duplication of function. This is especially important in view of the Commission's acquisition of cease and desist authority, an authority broad enough to cover most of the same violations as formerly reached through "pattern or practice" suits. Persons charged with unfair employment practices should not have to account to several Federal agencies, each of which pursue separate policies. Such duplication is not only burdensome but also harassing.

OFFICE OF CONTRACT COMPLIANCE

For this same reason, H.R. 1746 would also transfer to the Commission all authority, functions, and responsibilities of the Secretary of Labor pursuant to Executive Order 11246 relating to requirements of nondiscrimination and affirmative action for Federal contractors. Currently, the Secretary of Labor through the Office of Federal Contract Compliance—OFCC—monitors, coordinates, and evaluates the Government-wide contract compliance program and supervises the compliance enforcement activities of the 15 Federal contracting agencies. Clarity, uniformity, and predictability, in policy and practice will undoubtedly result when a single agency, rather than a multitude of them, is responsible for enforcing the National policy of equal employment opportunity.

More important, the compliance program will be greatly strengthened if alternative remedies are made available. The only remedy currently available to the OFCC is contract debarment, a penalty so drastic that it has never been used.

STATE AND LOCAL GOVERNMENT EMPLOYEES

Presently, there are more than 10 million persons employed by State and local governmental units, an increase of over 2 million in less than a decade and, by all indications, these numbers will increase significantly in the decade ahead. Very few of these employees, however, have remedies sufficient to eliminate and deal with discriminatory employment practices. H.R. 1746 amends section 701 of the act to include State and local governments, governmental agencies, and political subdivisions within the definition of "employer" under title VII. This would effectively provide the employees of America's second largest employer—the State and local governments—the full protection of title VII.

In its 1969 report on equal employment opportunity in State and local governments, the U.S. Civil Rights Commission found that minorities are frequently denied equal access to jobs through both institutional and overt discriminatory practices. In this respect, there was little difference between State and local governments as employers and the private sector. Perpetuation of past discriminatory practices through de facto segregated job ladders, invalid selection techniques, and stereotyped supervisory opinions as to the capabilities of minorities as a class were found to be widespread, and, if anything, even more pervasive than in the private sector.

PREFERENCE FOR STATE ACTION

Under H.R. 1746, every effort is made to give State fair employment practice agencies, where they exist, the first opportunity to act. The history of State FEPC activity since 1964 suggests that the backup of Federal power in the event of a failure of local action to resolve a discrimination complaint would substantially strengthen the effectiveness of the State and local agencies. Thus, the increased coverage contemplated by this bill should provide more than ample opportunity and incentive for States to resolve their own problems of discrimination, before it becomes necessary to pass them on to the Federal Government.

EDUCATIONAL INSTITUTIONS EXEMPTION

The present section 702 of title VII exempts employees of educational institutions from the protection of the act. H.R. 1746 removes this exemption—section 3 of the bill. Discrimination against minorities and women is as pervasive in the field of education as discrimination in any other area of employment. In light of our National policy of equal employment, there is no reason to perpetuate this exemption.

JURISDICTION LIMITS

H.R. 1746 expands coverage of title VII to all employers with eight or more employees and labor unions with eight or more members. Presently, the act sets a jurisdictional limit of 25 employees or members. This amendment to the act will assure Federal equal employment protection to virtually every segment of the Nation's work force.

TESTS

H.R. 1746 includes a provision requiring that all ability tests which are to be relied on be directly related to bona fide occupational qualifications. Tests, while often useful and necessary, frequently operate unreasonably to the disadvantage of minority groups. Such tests are often irrelevant to the job to be performed by the individual being tested and uncritical reliance on tests are not only of little help in management personnel decisions, but also screen out the disadvantaged minority applicant.

The Supreme Court recognized this problem in its recent decision in *Griggs* v. *Duke Power Company* (91 S. Ct. 849, 1971). The Court held in that case that employment tests, even if valid on their face and applied in a nondiscriminatory manner, were invalid if they tended to discriminate against minorities and the company could not show an overriding reason why such tests were necessary. The Court saw business necessity as the touchstone of the issue. If an employment practice which excludes minorities cannot be shown to be related to job performance, the Court concluded, the practice is prohibited. This amendment to the act alters the language of title VII to better reflect the congressional intent as interpreted by the Court in the Griggs case.

FEDERAL EMPLOYEES

Finally, H.R. 1746 would add a new section to title VII—section 717—giving the EEOC authority to enforce the obligations of equal employment opportunity in Federal employment.

Since Americans traditionally measure the quality of their democracy by the opportunity they have to participate in governmental processes, equal employment opportunity is of critical importance in the Federal service.

Presently, responsibility for implementing the national policy of equal employment rests in the Civil Service Commission pursuant to Executive Orders 11246 and 11478. Despite some progress in this area, the record is far from satisfactory. Statistical evidence shows that minorities and women continue to be excluded from large numbers of Government jobs. They continue to be excluded from higher level policymaking, supervisory positions.

The transfer of the civil rights enforcement function from the Civil Service Commission to the Equal Employment Opportunity Commission does not preclude the Civil Service Commission from continuing its own equal employment programs. Rather, it is expected that the Civil Service Commission and the Federal agencies will continue their commitment to affirmative measures such as recruiting and training, specialized hiring programs, the training of compliance personnel and supervisory personnel in equal employment, and the appointment of EEO officers. In all cases the primary responsibility will rest with Civil Service Commission and the other Federal agencies. It is expected that the EEOC will work closely with them in the development and maintenance of their various programs. It will, however, perform a useful function in reviewing these new programs.

THE COMPROMISE AMENDMENTS

H.R. 1794 was reported by the Committee on Education and Labor by substantial majority. It is a bill imminently fair in its treatment of the problem. The bill has in the meantime, however, been subject to intensive and often unfair criticisms. Some opponents of the measure have charged that it lacks "due process" procedures as will be evident in the debate. H.R. 1746 contains more meaningful elements of due process than does the substitute which is being urged on the House, H.R. 9247. The committee recognizes, however, that concern exists in the minds of some Members because of the questions raised. To reduce that concern and to remove any doubts that may remain, the committee will undertake some amendments to the measure. Briefly stated, they are:

First. There will be an amendment to impose a 2-year "statute of limitations" on the liability of the employer for back pay or reinstatement.

Second. The second amendment will prohibit the EEOC from imposing quotas or requiring preferential treatment. There is no such provision in the substitute proposal.

Third. The third amendment will require notification within 10 days to the employer, union or employer agency whenever an unlawful employment practice charge is filed with the Commission.

Fourth. The fourth amendment will insure that the informal procedure under the Office of Contract Compliance authority are confidential. Giving publicity to such action will be prohibited and punishable.

These amendments substantially improve the committee bill. We can all be grateful to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), for proposing them.

I urge all my colleagues to support the committee bill as modified by these amendments and to defeat the Erlenborn substitute.

Mr. ERLENBORN. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, as ranking minority member of the Committee on Education and Labor I was an active participant in helping to develop what I regard as the most effective approach to outlawing racial and other forms of arbitrary discrimination in the various aspects of the employment relationship. This approach is fully reflected in the substitute bill now before the House, H.R. 9247, introduced on a bipartisan basis by two members of our committee, Representatives ERLENBORN and MAZZOLI.

During the deliberations of the committee there was never any question that the EEOC—Equal Opportunity Commission—created by the Civil Rights Act of 1964 sadly needed effective authority to enforce the law, an authority which it does not presently possess. Virtually all of our committee members were agreed on that—disagreement arose only as to which method of enforcement would be not only most effective but, expeditious, fair and equitable as well.

The committee bill resorts to what has become popularly known as the cease-and-desist approach. This means giving the Commission the power to hold hearings and to issue cease-and-desist orders enforceable in the Federal circuit courts of appeal. The National Labor Relations Board is a striking example of an agency utilizing that approach and all of us are aware how frequent a target of criticism, from management as well as labor, that agency has become.

The substitute bill, on the other hand, would in no wise change the existing structure of the EEOC. It would continue to have the authority to investigate charges of unlawful discrimination, to mediate and conciliate such controversies, and to seek their voluntary settlement. But added to these would be the power to bring suit directly in the Federal district courts against the parties whom the Commission, on the basis of its investigation, believed had engaged in unlawful discrimination.

The advantages of this judicial approach over the cease-and-desist procedure provided in the committee bill are immediately apparent. A decision in favor of the Commission by the district court would be immediately enforceable—a cease-and-desist order by the Commission would not; enforcement would require resort by the Commission to the appropriate Federal court of appeals. Thus the committee bill would require two procedural steps for enforcement—the substitute only the one.

Moreover, under the substitute, the district court could, if appropriate, grant relief at the commencement of the proceedings before it. In order to secure such immediate relief under the committee bill, the Commission would be compelled to seek it, not from the court of appeals which would ultimately enforce the Commission's cease-and-desist orders, but from a separate and distinct Federal district court which would have no other function or authority under the committee bill.

And in any event, despite the elimination of an intervening step—the hearing by the Commission—in the judicial approach of the substitute, the procedural, evidentiary, and due process safeguards for all the parties involved would be far more adequately assured under the direct court approach than they would be in the administrative hearing conducted by the Commission, acting as investigator, prosecutor, judge, and ultimately appellant, as provided in the committee bill. These considerations alone would be sufficient to convince me that the best interest not only of the victims of discrimination in employment, but of the general public as well, would be best served by the enactment of the substitute bill.

Although this issue of the "judicial" versus the cease-and-desist method of enforcement is the major issue which separates their respective proponents in the committee, it is not the only point of difference between them. It is my considered judgment that there are several other aspects of the substitute which make it superior to the committee bill.

The latter fails to place any time limit on liability for back pay despite the universal existence of a time limitation on such liability not only in private civil litigation but in other Federal administrative proceedings as well, including back-pay orders of the National Labor Relations Board. The substitute provides such a limitation.

In our American system of justice, virtually without exception, a party charged with violating the law is entitled to notice of the charge and some information concerning the nature of such charge within a specifically limited time period. The committee bill contains no such specific time limitation—the substitute does.

The Civil Rights Act of 1964, title VII of which deals with discrimination affecting employment, and which both bills are designed to amend, does not apply to public employees at any governmental level, whether local, State, or Federal, and is similarly inapplicable to employers and unions with fewer than 25 employees or 25 members respectively.

As far as public employees are concerned, a majority of the States now have their own laws prohibiting discrimination in State and local public employment, and the U.S. Civil Service Commission similarly is carrying out its own program to eliminate such discrimination in the Federal service. If all of these public employees together with the employees of the small employers having less than 25 workers are brought under the law, it is estimated that well over 20 million additional employees will be added to the huge number over which the EEOC already exercises jurisdiction. It is impossible even to project approximately the increase in the Commission's present enormous backlog of cases which would result, a backlog which could mean a breakdown in the investigation and enforcement activities of the Commission.

Under the existing act, situations which present a discernible practice or pattern of discrimination in employment, and not merely individual cases of it, are handled by the Department of Justice by resort directly to the Federal District Courts. The committee bill would transfer this function to the EEOC and it would be handled by the cease-and-desist procedure. The same defects would obviously exist as those I have already described in my comparison between the judicial and the cease-and-desist approach. But these defects would be compounded not only by the loss of the accumulated expertise of the Department of Justice in this area, but of the enormous legal resources, including the investigative machinery of the FBI, as well.

The committee bill transfers the functions of the OFCC—Office of Federal Contract Compliance—from the Department of Labor to the EEOC. The OFCC acts under the authority of a Presidential Executive order for the purpose of eliminating discriminatory employment practices on the part of Federal Government contractors. The sanctions for violation of the Executive order are refusal to award a Federal Government contract to an offending employer or cancellation of such a contract if it has already been awarded.

The OFCC does not operate under the provisions of the Civil Rights Act and its procedures and sanctions are completely different from those of that act, and cannot administratively and pragmatically be brought within its present statutory scheme. Nevertheless, the committee bill does not expressly supersede the Executive order nor does it incorporate its provisions into the act.

This raises a serious question as to whether the EEOC can adapt its own procedures to the administration of the OFCC functions and creates legal ambiguities resulting from the failure expressly to supersede the Executive order and to incorporate its provisions as an amendment to the Civil Rights Act. These difficulties would arise from the fact that OFCC has imposed requirements on Federal Government contractors which it is questionable may be imposed under the statute.

The present law requires that a party who charges that he has been discriminated against unlawfully must resort to his State antidiscrimination agency if one exists in his State before resorting to the EEOC. The latter may not take the case for a limited period while it is pending before the State agency. Neither of the bills pending before us in any way modify this requirement of the existing law.

But it should be noted that the proponents of the committee bill, while asserting that the 32 States which have antidiscrimination laws operate effectively with the cease-and-desist procedure, they nevertheless support the provision bringing State employees under the Federal jurisdiction of the EEOC. In my opinion they thereby demonstrate a lack of faith in the effectiveness of these State laws to eliminate job discrimination in their own jurisdictions.

In conclusion, let me reiterate that those of us on our committee who support the substitute bill are just as dedicated to the eradication of the evils of employment discrimination as are the proponents of the committee bill, and are convinced that our solution will prove far more satisfactory in every significant respect.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, a few minutes ago a member of the Rules Committee, in referring to this matter, indicated this was a rather dangerous proposal being sponsored by the gentleman from New York (Mr. REID) and me and several other coauthors.

May I simply remind Members that 32 States have similar laws which prevail at the present time. If the gentleman is referring to the States which have adopted this dangerous law as their own law, I would like to point out the following States are included among those which have such a law: Alaska, Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Indiana, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

So just consider that those States, too, have moved into this rather dangerous area to impose the cease-and-desist administrative procedure on the American people.

There are other misstatements which I believe should be corrected at the very beginning, in terms of us who seek to implement the Civil Rights Act of 1964. We should remember that the national policy is one of equal employment opportunity, and that the rights which we seek to secure under H.R. 1746 are well founded in our law and in our American traditions.

While discrimination because of race, color, religion, national origin or sex is a thing which is specifically prohibited by title II of the Civil Rights Act of 1964, this law protects every individual in this country. White no less than black workers may, in some instances, be discriminated against. That is, there may be so-called reverse discrimination in many instances.

Discrimination in employment violates our conception of justice and equality as expressed in the Declaration of Independence, our Constitution, and the Civil Rights Act of 1964.

The only room for disagreement in the matter before us is the means of implementing the national policy. H.R. 1746 seeks to incorporate a well-established and effective procedure by granting cease and desist authority to the Equal Employment Opportunity Commission. Numerous other Federal regulatory agencies already have this authority—the NLRB, Federal Trade Commission, Securities and Exchange Commission, just to name a few of the numerous agencies that already have the power which we seek to give to this Commission under H.R. 1746.

This procedure was recommended by the Congress in the Administrative Procedure Act which we adopted in 1946, and under which most administrative agencies have operated for some 25 years.

Also, in 32 of our States, as I have already enumerated, the fair employment laws they have adopted follow this same procedure.

As a matter of fact, the only effort being made by any body or any individual is on this one particular question. The substitute seeks to turn the Equal Employment Opportunity Commission into a legal monstrosity by denying it the same enforcement authority enjoyed by similar agencies and by requiring it to go into the already overcrowded courts to seek enforcement.

Can anyone imagine what 10,000, 15,000, or 20,000 additional cases could mean in the already overcrowded courts of our land?

Those who advocate this approach may say that they differ only as to the means of enforcing the policy of this Nation. Their position, however, is weakened by the support they receive from those who either deny the existence of discrimination or seek no legislation at all.

Outside of court enforcement itself, which is of doubtful value, no other provision of the substitute would add strengthening protection for those against whom discrimination is rampant.

There are those who would make H.R. 1746 appear as a scheme to allow blacks to leapfrog over others at the expense of white workers.

Not only does this ignore the entire issue of sex discrimination, which involves more white than black women, but it overlooks entirely the experiences already recorded in the 32 States with cease and desist enforcement power where past dire predictions have been proved entirely false.

Again some say that this bill seeks to establish quotas and stop discrimination in reverse. Not only does title 7 prohibit this, but it establishes beyond any doubt a prohibition against any individual white as well as black being discriminated against in employment. It only seeks to insure that persons will be treated on their individual merits and in accordance with their qualifications. To assert that the hiring of a black employee without discrimination implies the rejection of a qualified white employee is pure sophistry, as the courts have said. I cite the United States Court of Appeals, the Third Circuit of Pennsylvania, before which the appeal from the case in Pennsylvania involving the so-called Philadelphia Plan was taken. Such a conclusion also ignores the viable and fluid character of the labor force and it assumes an entirely static economy.

Perhaps the wildest charge of all is the constant charge that H.R. 1746 somehow denies a fair trial or due process of law. This attacks the Administrative Procedure Act, the act on which the procedures established by this bill are founded. It attacks the NLRB, the SEC, the CAB, the Federal Trade Commission, and the other Federal agencies which operate under the same Administrative Procedure Act and this assertion attacks 32 State laws as unconstitutional as if they also denied a fair trial or due process, as H.R. 1746 is claimed to do.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the coauthor of the bill, the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I am very happy to join with the distinguished gentleman from California in coauthoring this bill.

I would say very simply at the outset that this bill and the action on it today will be a test of Republican principle on the one hand and Democratic leadership on the other. It will be unconscionable if this House fails to act affirmatively. Having once passed this bill in 1965, it will almost be beyond belief to recognize by inaction that this Congress will not take meaningful steps to end discrimination in employment through appropriate Federal action after 32 States have already acted. This is not a case of the Congress having led but of the Congress having followed. I deeply hope that all Members, at least on this question, will see the merits of providing minimal cease-and-desist powers; powers that work eminently well in two-thirds of our States and, clearly, powers that cannot be provided in any other way.

One of the arguments that will be raised ad infinitum, if not ad nauseam, in this debate I am sure will be the question of time elapsed before relief is obtained. The plain fact of the matter is that in the New York State Commission for Human Rights and other State commissions possessing cease-and-desist authority enforceable in the courts less than 1 percent of the cases ever had to go into court proceedings. The way to deal with this problem promptly, fairly, and equitably is to strengthen the Equal Employment Opportunities Commission through cease-and-desist powers.

I wish to commend the gentleman in the well for his thoughtfulness, persistence, and continued vision in this matter.

I deeply hope that the House will act in the interests of all Americans rather than be side-tracked by some side issues which would genuinely weaken the opportunities for equal employment for all Americans.

Mr. HAWKINS. I thank the gentleman. I would simply respond by saying that in the other body an identical bill has been introduced with the support of both the Republican and Democratic leadership and I would hope that that same kind of cooperation and bipartisan support would be followed in this House.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from California for the work that he has done to bring this present bill to the floor of the House, and also to remember that it was in the 91st Congress that he also performed yeoman service, along with the leadership of the gentleman from New York (Mr. REID). I am reminded that in the 91st Congress there was a great deal of confusion over the processes of the House that would have brought this bill to the floor. I am sure the gentleman in the well recalls it very well. We were trying to find persons who would help us to get the bill through the committees in this body. We were unsuccessful. However, I remember being assured and reassured that in the 92d Congress we would do what had ought to have been done many years before.

I want to now, Mr. Chairman, call upon all of those who gave me those assurances to please be sure to produce them during the discussion and resolution of this bill.

I say again that the gentleman from California has been most patient and most generous on behalf of the Americans for whom he has put forth his efforts for all working people across this country who feel the specter of discrimination, who know what it is like not to be afforded equal opportunity in this very important area, and I pledge my continued support to pass this bill.

Mr. HAWKINS. I thank the gentleman.

While discrimination because of race, color, religion, national origin, or sex is the thing specifically prohibited, the existing law (title VII of the Civil Rights Act of 1946) protects every individual in this country. Whites, no less than black workers, may in some instances be discriminated against as is alleged in "reverse discrimination" on men as well as women. The prohibited acts may not be committed against "any individual" as the law specifies throughout title VII.

Discrimination in employment violates our concepts of justice and equality as expressed in the Declaration of Independence, our Constitution, and the Civil Rights Act of 1964. The only legal room for disagreement is the means of implementing the national policy.

H.R. 1746 seeks to incorporate a well-established and effective procedure by granting "cease and desist" authority to the Equal Employment Opportunity Commission. Numerous other Federal regulatory agencies have this authority—the NLRB, FTC, SEC, to name a few. This procedure was recommended by Congress in the Administrative Procedure Act (1946) under which most administrative agencies have operated for 25 years. Also in 32 of our States similar fair employment bodies have adopted this approach.

The substitute seeks to turn the Equal Employment Opportunity Commission into a legal monstrosity by denying it the same enforcement authority other similar agencies enjoy and requiring it to go into already overcrowded courts to seek enforcement.

Those who advocate this approach say they differ only in the means of enforcing the law. Their position, however, is weakened by the support they receive from those who either deny the existence of discrimination or who seek no legislation at all. Outside of court enforcement itself, which value may be doubtful, no other provision of the substitute would add strengthening protection for those against whom discrimination is rampant.

There are those who would make H.R. 1746 appear as a scheme to allow blacks to leapfrog over others at the expense of white workers. Not only does this ignore the entire issue of sex discrimination which involves more white than black women, it overlooks entirely the experiences already recorded in 32 States with cease-and-desist enforcement power where such dire results have been proved entirely false.

Again, some say H.R. 1746 seeks to establish quotas, special treatment, and discrimination in reverse. Not only does title VII prohibit this—it establishes, beyond any doubt—a prohibition against any individual, white as well as black, being discriminated against in employment. It seeks only to insure that persons will be treated on their individual merit and in accordance with their qualifications. To assert that the hiring of a black employee without discrimination implies the rejection of a qualified white employee is pure sophistry, as the courts have said—U.S. court of appeals, third circuit of Pennsylvania. Such a conclusion ignores the viable and fluid character of the labor force and assumes an entirely static economy.

Perhaps the wildest claim of all, however, is the constant charge that H.R. 1746 denies "a fair trial" or "due process." This attacks the Administrative Procedure Act of 1946, a host of other Federal agencies—NLRB, SEC, CAB, FTC, and so forth—and 32 State laws incorporating "cease and desist" authority.

The bedrock upon which this legislation is founded is education and conciliation not punitive action. The Administrative Procedure Act approach is being used to avoid cumbersome and costly court action except as a final resort.

If direct court action were more desirable the existing law with minor changes is entirely adequate. Already the individual may sue if conciliation fails and the Attorney General already may intervene in such suit as well as initiate practice or pattern suits. It is not court enforcement which is the main purpose of the Erlenborn substitute but changes in the existing law which will limit, if not emasculate, title VII of the Civil Rights Act of 1964.

A major purpose of H.R. 1746 is a consolidation of the various agencies dealing with job discrimination. Three agencies in particular, the EEOC, the Employment Section of the Attorney Generals' office, and the Office of Federal Contract Compliance have jurisdiction, each with its own goals, policies, guidelines and programs.

By centralizing these in a single agency we achieve coordination, clarity, and consistency in defining discrimination and in shaping a proper remedy. And we free litigants from a multiplicity of suits, confusion over the intent and requirements of the law, and duplication of inspection and recordkeeping.

Some fear has been expressed that the transfer of the Office of Federal Contract Compliance from the Labor Department to the EEOC would weaken this agency.

The Labor Department's enforcement of Federal contract compliance has been a dismal failure. Its sanction, contract termination or debarment of contractors, has never been used. As a matter of fact, about half of all charges filed with the EEOC involve Federal contractors who are ignoring the Executive order which created the contract compliance procedure.

A recent report of the EEOC on employment of Spanish-speaking persons in the Southwest revealed that fewer were employed by Government contractors being monitored by OFCC than companies without contracts.

The main concentration of the OFCC has been on the construction industry, notably the "Philadelphia plan." This emphasis has ignored women almost altogether as well as the welfare of male workers not involved in the building trades. As a matter of fact, among the major discriminators against women are educational institutions of higher learning, which although exempted under title VII, are covered by the Executive Order No. 11375 and, therefore, as Federal contractors reachable by the OFCC.

If the OFCC were to be judged on its track record, it would certainly not rate among the favorities. No discrimination is worse than that of those who do business with the Federal Government supported by tax dollars. We ask merely that "those who dip their hands into the public till should not object if a little democracy sticks to their fingers."

Social justice is never a one-way love affair. In asking minorities and women to be patient a little while longer in the realization of their basic constitutional and human rights, we seek to establish a forum for their just grievances which is at least capable of shaping an effective remedy.

The alternative is a proposal which seeks to clamp the lid on a boiling pot of frustration and discontent. Minorities and women seek performance, not rhetoric and delay. The economically disadvantaged seek justice and fair play, not redtape and more sophistry. The time to act is now as Father Theodore Hesburgh summed up his views in the 1961 Civil Rights Commission report:

> Personally, I don't care if the United States gets the first man on the moon, if while this is happening on a crash basis, we dawdle along here on our corner of the earth, nursing our prejudices, flouting our magnificent Constitution, ignoring the central moral problem of our time, and appearing hypocrites to all the world.

And in still another report of the Commission are these words:

> The tragedy is that there still are millions of minority group citizens who believe Congress meant what it said when it enacted an Equal Employment Opportunity law.

I think now is the time that this Congress can restore the faith of these millions of individuals and revitalize the faith of the people of the world in the democratic process of our American way of life, and I hope that we will not dally around again, as Father Hesburgh has said, but will meet this issue squarely and head-on.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman in his remarks mentioned that a bill identical to H.R. 1746 was introduced in the Senate, I believe that was yesterday; is that correct?

Mr. HAWKINS. I think it was several days ago but, yes, I did make reference to a bill that was introduced in the other body.

Mr. ERLENBORN. Is that identical to the bill before the House, H.R. 1746?

Mr. HAWKINS. Almost identical. There are a few minor changes, but basically it is the same bill. It is a cease and desist administrative procedure bill, and it has the same coverages, and also goes to the same type of consolidation.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ERLENBORN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. Hawkins) so that I may ask the gentleman another question.

Mr. HAWKINS. I thank the gentleman for the additional time.

Mr. ERLENBORN. Mr. Chairman, would the gentleman yield further?

Mr. HAWKINS. I yield further to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding further.

Is the gentleman aware of the statement that was put in the Record of the House yesterday by the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Dent), relative to three amendments to H.R. 1746? And if the gentleman is aware of those amendments, does the gentleman support them?

Mr. HAWKINS. The amendments were discussed with me, I am very well aware of them, and I support all three. I have indicated that I feel no actual punitive feelings, if this reasonable compromise will be made. I do not think that all of the amendments personally would be acceptable to me, but in the context of trying to work out a reasonable and satisfying compromise I do accept and will support all three of the amendments.

Mr. ERLENBORN. Could the gentleman tell me, are those amendments included in the version of the bill considered in the Senate?

Mr. HAWKINS. I am not aware of whether they are or not.

Mr. ERLENBORN. Will the gentleman in the well yield further?

Mr. HAWKINS. I do yield further to the gentleman from Illinois.

Mr. ERLENBORN. I would state to the gentleman that two of the amendments that the gentleman from Pennsylvania (Mr. Dent) put in the Record yesterday are somewhat similar to amendments offered by the minority, and were rejected in the committee, and one of them was an amendment that would deny the OFCC jurisdiction, the right to establish goals and quotas. I would ask the gentleman from California if that is not an absolute slap at the Philadelphia plan, in that this would be isolating from the OFCC, if they should get jurisdiction, the authority to exercise as a governmental agency the problem that has been exercised in the Philadelphia plan which was supported on the floor of this House when it was challenged recently?

Mr. HAWKINS. I want to say to the gentleman that I supported the Philadelphia plan, the same as I think he did also. In my opinion, the amendment does not in any way contravene the intent of the Philadelphia plan.

Mr. ERLENBORN. How can the gentleman say that?

Mr. HAWKINS. May I explain?

Mr. ERLENBORN. I certainly would be glad to hear the gentleman's explanation.

Mr. HAWKINS. Under the current law, a quota of preferential treatment is denied. That is a part already of title VII of the Civil Rights Act.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman from California 2 minutes.

Mr. Chairman, would the gentleman yield at this point?

You just said that the law prohibits the establishment of quotas. You are referring to title VII of the Civil Rights Act of 1964?

Mr. HAWKINS. Yes.

Mr. ERLENBORN. You are not referring to the Executive order of the President from which the authority for the OFCC was derived?

Mr. HAWKINS. I have read the Attorney General's opinion and I assume you did also. As you no doubt saw, the Attorney General says that, in his opinion, the provisions of the Philadelphia plan do not contravene the law or the prohibitions in title VII.

So as I read the amendment, the amendment does not prohibit anything that the law does not already prohibit. It was never the intent, as the present Attorney General states in his opinion, that an Executive order should contravene what the law prohibits. So squaring this, it seems to me when we talk about prohibiting quotas and talk of preferential treatment, we are merely reflecting what is in the present law. While this amendment clarifies things, it does not do anything that is not already prohibited.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. HAWKINS. I yield further.

Mr. ERLENBORN. Let me recall to the attention of the gentleman as well as to the membership of the House that, in fact, only a circuit court of appeal of our judiciary has upheld the Philadelphia plan.

In my opinion, the proposed amendment that is going to be offered by the gentleman from Pennsylvania is nothing but a blatant attempt to undercut the authority of the OFCC for the Philadelphia plan. As was pointed out by the gentlewoman from New York (Mrs. Chisholm) in our hearings when she called for the support of the AFL–CIO for the bill supported by our committee which is under consideration now that this is a disingenuous attempt to undercut the Philadelphia plan and an attempt to bring equal employment opportunities in the construction industry.

I think the proposed amendment is nothing but a confirmation of the gentlewoman's opinion.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DENT. Mr. Chairman, I yield to the gentleman from California (Mr. Hawkins) such time as he may consume.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, on this very point I want to ask the gentleman from California a question.

Title VII of the Civil Rights Act has always prohibited the establishment of quotas. During the legislative history of the Civil Rights Act, it was clearly the congressional intent not to bring about civil rights for some by denying civil rights to others. We had seen that for decades. We were trying to end it. The legislative history of the Civil Rights Act—the debate in the Senate and the House shows that it was not the congressional intent to establish quotas of any kind in our struggles to bring about equality of opportunity.

The Executive Order 11246 under which the Philadelphia plan was put into effect, in my judgment clearly did establish quotas. But, I do not want to talk about the Philadelphia plan this afternoon. I want to talk about situations of which I have personal knowledge.

I talked to the chairman of the committee and to others and I said that it would be impossible for me to support the committee bill that we are considering today without some amendments—and this is one of them—a congressional prohibition against establishing any quota system—a prohibition against preferential treatment for some at the expense of others, a prohibition against "reverse discrimination" if you will.

Let me tell you of three instances, and I think these can be multiplied by the thousands across the country.

In my own city of Portland, we have a ship conversion plant.

In the Portland area we have, perhaps, 5 or 6 percent black population. This ship conversion plant has records to prove they have employed 15 percent minority people. As a matter of fact they carried on an active recruitment program—seeking out members of minority groups.

The Contract Compliance Office in San Francisco came into Portland, and they said that they would not be eligible for any Federal contracts unless they would have 15 percent minority employees in every single job category.

It was not sufficient to have 15 percent minority employees in the plant itself. They required 15 percent of the electricians to be of the minority race; 15 percent of the welders must be of the minority groups; 15 percent of the secretarial help and so on right down through every single category.

There was absolutely nothing that this ship conversion plant could do to satisfy the Office of Contract Compliance in San

Francisco unless they followed their orders. This also required the "dumping" of labor contracts—of negotiations which had been made; seniority rights were ignored. All this was never the intent of the Civil Rights Act, and it was never the intent of the Congress, so far as I am concerned. That is the reason the amendment will be offered by the distinguished chairman of the subcommittee, the gentleman from Pennsylvania, this afternoon: To give this House the right to decide whether or not we want to amend the Civil Rights Act and to say whether we are going to establish quotas by law. H.R. 1746, the committee bill, on page 29, freezes Executive Order 11246 into the law. If this were passed without amendment, we would be giving our approval to the quota system.

In many instances this creates reverse discrimination, which I find just as inexcusable and just as despicable as any kind of discrimination. I want all people to have equal rights, equal opportunities in education, in housing, in jobs. This does not mean special preference for some at the expense of others.

Let me give you two other instances. A year ago last December a group of Oregon parents who are stationed in Washington, D.C., by the department of military came into my office to talk about the situation in the schools which their children attend. They had many complaints—in fact, 10 pages of incidents that had happened—but one of the things which seems to me relevant to our debate today was the statement by one of the parents: "I have a son in the fourth grade. Since September—" and this was in December that they came to see me—"Since September my son has had seven substitute teachers; he never has had a regular teacher."

I said, "Well, how can that be?"

She said, "Under the Skelly Wright decision we had to have a quota of black and white teachers and as a regular teacher we cannot hire a white teacher. We must hire as a regular teacher a black teacher." No qualified black teacher is available for this position. They are already teaching in other schools, and a qualified white teacher cannot be hired as a regular teacher in this position. In my judgment, this is reverse discrimination, and it is doing great damage. It is counterproductive. It creates tension; it increases prejudices that might not otherwise surface.

A third instance: A teacher here in the District schools—whom I know very well and who is in the top five of the qualified social science teachers here in the District as a result of examinations and recommendations—asked for a transfer to another high school because they had moved out close to another high school. She applied, and the principal of the school who received her application said that they could not hire her.

She said, "Be very candid with me. Is my race against me?"

And the principal said, "Yes, to be very candid, this is true. A quota has been set up and we must observe that quota in this high school. We cannot hire a white teacher."

I have given you these three instances. They are not the Philadelphia plan, but they are instances where preferential treatment has been given, where reverse discrimination has been practiced, where injustice has occurred, and that is why the amendment will be offered this afternoon: To prevent preferential treatment, to prevent reverse discrimination, to prevent quotas being established as far as either race is concerned.

I do not think that that is the way to run the country. We ought to accept people on the basis of their qualifications, on the basis of their dedication, whether they are white or black, red, brown or yellow, or whatever their sex is, and not establish preferential quotas that are doing great harm to our country, that are tearing the people apart, and are not accomplishing our objectives. This is the reason I cannot support the committee bill this afternoon in its present form.

There are four amendments which I think are going to add substantially to the quality—to the effectiveness of this legislation—and the gentleman from Pennsylvania will offer those amendments. They were put into the RECORD last night.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I am sorry we are going to have to apparently, in the course of discussion of this bill, confuse the issue so thoroughly that many people are going to end up putting the tail before the horse. We are here today to try to pass a bill that will give the Commission cease-and-desist powers, which have been advocated for a great number of years, legislation which has indeed passed this body once before, which has passed the Senate, and I am hoping that the spirit of a very basic principle such as that will not get beclouded in some confusing rhetoric about whether you are for or against the quota system.

A number of people have been trying to gain some freedom and justice within or without this system or in any other possible way, so I am not going to try to divide this Congress into two groups, those who want an EEOC with the quota system and those who want it without.

Why do we not consider whether we want cease and desist powers to go to the EEOC, which is really the fundamental question here? I am hoping the gentleman in the well will give this question that has been raised in an extraneous fashion, in my opinion, his continued consideration during the debate, because I think too many of our Members are going to be arguing on an amendment that has not been introduced rather than on the substantive question before us.

Mr. HAWKINS. I thank the gentleman.

May I just try to clarify the issue as to what the present law is. It says that it shall be an unlawful employment practice for an employment agency or an employer to fail to or to refuse to refer for employment or otherwise to discriminate against any individual because of his race, color, religion, sex, or national origin. That same prohibition is carried to employment agencies or unions or employers. It refers to any individual. I read that to mean any individual, any person who believes he has suffered reverse discrimination has the same protection under the law as the person who believes he has been discriminated against because he happens to be black.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding. I do not want to use a great deal of the gentleman's time, but only wish to make this response to what the gentleman from Michigan said. I am not raising an issue that has not been raised by the majority, by the gentleman controlling the time and by the gentleman in the well, who says he supports the amendment which it is supposed will be offered. If the gentleman is correct, we should be talking about getting enforcement authority into the hands of the appropriate authority. We are having a difference about what type of enforcement authority we should give to whom. The gentleman from Missouri, a member of the committee, would support the concept involved in the amendment that is going to be offered by the gentleman from Pennsylvania which raises the issue of the Philadelphia plan, which is the one I raised.

Mr. HAWKINS. I do not think it does. I think the issue, as it has been stated, is cease and desist. I think others are extraneous complications we are talking about in the present law and not what this law attempts to do.

Mr. ERLENBORN. If the gentleman will yield one last time, it can hardly be an extraneous issue when the gentlewoman said it was a condition for her support.

Mr. HAWKINS. It may be a condition for her support, but I think she wants added security, which I personally do not believe is necessary. I am not objecting to or supporting the amendment on the basis that I think the amendment corrects an ineffective law. I disagree that the Philadelphia plan imposes a quota. In this respect I agree with the Attorney General. If some people think it does, then I think it may be well to clear up the law on this point, and that is the only reason that I can see for this.

Mr. DENT. Mr. Chairman, I do not yield further to the gentleman from California.

Mr. ERLENBORN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I am extremely grateful to the gentleman from Illinois (Mr. ERLENBORN) for his courtesy in yielding me this time.

Mr. Chairman, there is a spirit abroad that is troubling our land. Tragically, it is not a revival of the kind of American spirit for which our President recently called in his eloquent message to a joint session of the Congress. Rather, it is a spirit compounded of fear and mistrust which once again threatens to pit race against race. Old passions that we had thought were stilled have been reignited. The paper this morning carried accounts of incidents from California to Boston which are illustrative of this deepening and widening fissure in our society. In San Francisco, a city noted for its liberality of spirit, one-third of the student population boycotts the public schools because of a busing plan. Travel to the Middle West from which I come, and we discover that in Pontiac, Mich., a great industrial plant, a stranger to the dispute raging in that city between parents and school board, is shut down, and its machines stand silent because of picketing parents. In Boston, that ancient cradle of liberty, dissatisfaction over school busing has led one house of the Massachusetts Legislature to enact a statute which would repeal provisions of the law that would prevent the flow of funds to all black schools. I mention these facts not to inject an extraneous issue into the debate that begins today. I mention them for two reasons. In the first instance they are indicative of the fact that the mood and desire for strong civil rights legislation seems to have changed. The men who patiently and wearily walk the corridors of Congress find fewer supporters, and even those who listen do so somewhat abstractedly. The distinguished chairman of the U.S. Civil Rights Commission, Father Theodore M. Hesburgh, himself a legal scholar, can speak for a unanimous Commission in recommending a grant of cease-and-desist authority to the Equal Employment Opportunity Commission. But his voice is all but lost in the rising crescendo of protest against clothing Government agencies with more administrative power. I say all of this not out of bitterness but out of a solemn realization that there is a vastly different climate today than there was back in 1968 when the Congress enacted open housing legislation.

I mention these specific incidents that are troubling the peace and tranquility of our land because although they relate to our educational system and the highly emotional and difficult issue of school busing, I believe that there is a clear connection between legislation which would attempt to wipe out the pervasive effects of discrimination in employment and the patterns to de facto segregation which have led to the present impasse. One does not have to be a sociologist to appreciate that the economic stratification in American society which has produced these patterns of segregated housing can be traced directly to the fact that although blacks constitute 10 percent of the American labor force, eight out of 10 male black workers are concentrated in occupations that are grouped along the three lowest rungs of the economic ladder in terms of income. Over the longer term if we really want to find a solution to this tormenting problem of how best to desegregate the schools of our land in order to assure a quality education to all of our children, it will only come as we succeed in achieving a dispersal of the population that is today locked within the inner city ghetto into our all white suburban areas. We will make a giant stride toward achieving that goal when the day comes that a man or woman is no longer disqualified for employment or advancement in his occupation or profession on the basis of his racial or ethnic background. I repeat, when we liquidate the problem of discrimination in employment we do far more than assure a man of his right to a job. We will give him along with that right the opportunity to cross some of the barriers that are now raised against his complete entry into the enjoyment of all the privileges of being an American citizen. I find it more than a little ironic that on the cover of Time magazine this week appeared the face of a famous behavioral psychologist, B. F. Skinner, who has written a very controversial book soon to be published entitled, "Beyond Freedom and Dignity." It is apparently Mr. Skinner's thesis that freedom and dignity, while they may have been approporiate to an earlier era in the history of man, are no longer the most important considerations for a society confronted by a race for survival. I find it ironic because no one on either side of this debate can in truth and in conscience deny that there are still millions of Americans who have not achieved freedom and dignity. Therefore, I would suggest that despite any discouragement of the moment over some of the conditions that are rending our country, that we in the Congress resolve that we will continue that march toward freedom and dignity for all Americans by seeking to provide within a legislative framework of due process those necessary guarantees against unequal treatment under the law.

The debate during these next 2 days will be conducted not only on a very high forensic plane, but in an intelligent and enlightened manner because of the character and capacity of the chief protagonists in this debate. Men of good will and also sometimes men of common purpose can disagree on the means whereby an objective can best be reached. Therefore, I shall not at any time during this debate impugn the motivations of those who take a position contrary to my own, and suggest that the judicial process is superior to the administrative process in guaranteeing an effective implementation of the rights provided under title VII of the Civil Rights Act of 1964.

The argument against a grant of cease-and-desist authority seems to break down under two main headings. First, it is alleged that the judicial process would be a more effective and expeditious way of dispensing relief than would be the administrative process. And very frankly, there are statistics which can be adduced on both sides of that argument. After a careful examination, however, I am convinced that the administrative process would provide a more speedy remedy. There are some very egregious examples of civil rights cases where by virtue of dilatory pleadings and other delays that are countenanced by our legal system years have gone by between the filing of a case and the granting of a remedy to the aggrieved party. Certainly justice delayed is justice denied, in cases involving equal employment opportunity just as much as it is in other civil and criminal cases.

I fully realize that particularly in the business community there seems to be a very deep seated fear of the administrative process. Some businessmen are quick to react to the suggestion that EEOC be given cease-and-desist authority by citing a parade of horribles that have occurred under other Federal agencies such as the NLRB. I think at this point they should be reminded that the NLRB is not the only agency of such administrative authority. Indeed, the first administrative hearings in this country were held by customs officers, and go all the way back to 1789. Before the turn of the century the ICC was clothed with the authority to conduct administrative hearings. The SEC, FCC, and FTC are examples of other agencies that have demonstrated an ability to handle a grant of this kind of power. Certainly I do agree that Congress has a responsibility to carry out its oversight authority of the EEOC. If they abuse any powers they have been given by statute they should suffer correction and reproof and be disciplined in the appropriations process as well as by other means that are available. However, I do not think that we should shrink from a grant of this authority unless we are willing to condemn the entire administrative process which as I suggested has a very long history indeed.

Second, it has been suggested that under the administrative process there will be a subtle shift in the burden of proof, and in other ways the offending party will be unable to secure a due process. In a long letter which I previously addressed to all of my colleagues along with my colleague from New York (Mr. Robison), and my colleague from Pennsylvania (Mr. Biester), I sought to point out that under the Administrative Procedures Act of 1946, Congress had made it clear that administrative proceedings were to be initiated and conducted with all of the essentials of due process that are guaranteed any person under our legal system.

In conclusion, it is because I believe that we must move and act decisively in the area of discrimination in employment practices that I favor using those means and taking those steps which will provide the most expeditious and effective remedy.

I was reading just a few minutes ago, as I sat here on the floor of the House of Representatives, a letter or memorandum prepared on the basis of the last Judicial Conference—the proceedings of the Judicial Conference of the United States. It pointed out that due to the rising workload in the Federal courts the conference is casting about desperately for ways to expedite trials, because in 1970 the conference reported that the increase in that year in case filings was the steepest, the steepest caseload for any year in the last decade. There was a total of 127,270 civil and criminal cases in 1970.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 3 additional minutes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Chairman, I yield 3 additional minutes to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

And the Judicial Conference stated—

> terminations have not managed to keep pace with the filings . . . The slower pace in terminated cases inescapably forced the volume of pending cases up.

Mr. Chairman, that is the situation that confronts the Federal judiciary today.

I looked further at the report of the Judicial Conference with reference to the issue of the time required for trial and for the disposition of these cases. The trial median for both civil and criminal cases was 12 months. That does not sound too bad. But when one looks down the list of specific districts, one comes to the eastern district of Pennsylvania where the trial median time is 36 months, the southern district of New York is 28 months, the western district of Pennsylvania is 28 months, the very districts of the country where a number of these cases are apt to be filed and the very districts in the country today that are literally drowning in a sea of cases.

Mr. Chairman, I was interested enough in this matter to talk with the chief judge of the northern district of Illinois which is located in my district and he told me that because Congress has been so overly generous with grants of new jurisdiction that they simply could not handle the volume of cases which they are undertaking to handle today and which are pending.

Mr. Chairman, it is because of the very deep-seated fear I have that if we are going to simply overburden the Federal judiciary with congressional grants of authority in these cases, we will thereby thwart what proponents of this change say they want and that is efficient and expeditious enforcement of the guarantees as contained under title VII of the bill.

Therefore, Mr. Chairman, I have today decided that I will support the committee bill.

Mr. THOMPSON of Georgia. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 259]

Abourezk
Alexander
Anderson,
  Tenn.
Ashley
Barrett
Blackburn
Blanton
Boggs
Carey, N.Y.
Celler
Clark
Colmer
Culver
Diggs
Dwyer
Edwards, Ala.
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Ford,
  William D.
Frelinghuysen
Fulton, Pa.
Gaydos
Gibbons
Goldwater
Gray
Gubser
Haley
Hébert
Henderson
Jarman
Keith
Koch
Long, La.
McEwen
McKinney
Minshall
Mollohan
Moorhead
Murphy, Ill.
Rees
Reid, N.Y.
Rooney, Pa.
Rosenthal
Scheuer
Seiberling
Smith, Iowa
Stafford
Stephens
Sullivan
Teague, Tex.
Thompson, N.J.
Widnall
Wilson,
  Charles H.
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Adams, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 1746, and finding itself without a quorum, he had directed the roll to be called, when 376 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair wishes to announce that at the time of the quorum call the gentleman from Illinois (Mr. Erlenborn) had 1 hour and 2 minutes remaining and the gentleman from Pennsylvania had 47 minutes remaining.

The Chair at this time recognizes the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman and members of the committee, I would like to just ask a couple of questions either of the gentleman from California (Mr. Hawkins) or the gentleman from Illinois (Mr. Erlenborn). Really, the reason for the questions is I think that every lawyer who has had any opportunity to practice law has had occasion probably to try some cases before either the State or Federal agencies. To tell you the truth, my concern is about the procedure that has traditionally been followed in the case of administrative agencies particularly.

What I would like to ask—and I can see the gentleman from Illinois (Mr. Erlenborn) is on his feet—is this: Under the committee bill am I correct that when a complaint is filed by an aggrieved individual, or if the Commission itself saw fit to file a complaint, they would have a right to do so? Then the person who is alleged to have violated the law would be the respondent. What I am interested in is this: Am I correct to the effect that he would appear before a hearing examiner? It is not made very clear in the bill when it talks about "agents."

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I would be glad to yield to the gentleman from Illinois.

Mr. ERLENBORN. Under the present procedure the party who feels aggrieved may make a complaint to the EEOC. That complaint is then investigated to find out if there is due cause for the issuance of a formal complaint.

As a matter of fact, it has been the case in the past where it takes anywhere from a year to a year and a half before this initial investigation is completed, and a formal charge is filed. The same procedure would be continued under the committee bill. Under the committee bill then, if a formal complaint is issued, if reasonable cause has been found, then it would be assigned to a hearing officer for the introduction of evidence and a finding of fact.

Mr. RAILSBACK. Let me ask the gentleman from Illinois this question: Who would introduce the evidence on behalf of the Commission? Would it be somebody from the Commission, or would it be the hearing examiner, or how would that work?

Mr. ERLENBORN. It is my understanding that under the committee bill, attorneys would be appointed by the commission to represent the party who is making the charge. This attorney would offer the evidence on behalf of the plaintiff, which would then be passed upon or, rather, the admissability of the evidence would be passed upon by the hearing officer.

I might point out, however, although it has been alleged that the legislation is following the procedure of the NLRB, that it is not the same as that in the NLRB where there is an independent general counsel who represents the complaining party before the Commission. In the committee bill, the power to issue the complaint, the power to conduct the hearings, and the power to make decision is all lodged in the Commission; there is no independent counsel.

Mr. RAILSBACK. I would ask the gentleman from Illinois if this is another case where the hearing examiner will rule on the admissability of the evidence, and will rule on the objections and, in other words, it would be another case where they are going to act as practically the prosecutor as well as the judge and the jury?

Mr. ERLENBORN. If the gentleman would yield further so I may answer that?

Mr. RAILSBACK. I will be glad to yield to the gentleman.

Mr. ERLENBORN. The hearing officer will act as the judge. Before him, acting as the prosecutor, will be an attorney who represents the Commission. Both the hearing officer and the attorney represent the Commission, and they will act in behalf of and in the name of the Commission. When the hearing officer concludes the hearing he makes a final draft and prepares a proposed order.

Mr. RAILSBACK. Then his findings go to the Commission, and the Commission can either approve or disapprove of the hearing examiner's findings?

Mr. ERLENBORN. That is correct. And in the case where there is no complaint about an aggrieved party this would be pro forma. The Commission would review the order, review the hearing officer's findings of fact, and issue their order. If there were a complaint by an aggrieved party there would be a more formal procedure for the Commissioners to review.

But I would point out that if this follows the pattern of the NLRB, the hearing officer's findings would be sustained in 90 percent of the cases.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois (Mr. Railsback).

Mr. RAILSBACK. Mr. Chairman, I

thank the gentleman for yielding me the additional time.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I would like to bring up this point, since the gentleman is on the area of the committee bill, the significant statements which appear in the precis, or the description of the committee bill, H.R. 1746. These statements indicate that, in the institution of the action, the requirement that an aggrieved person's charges be made under oath, has been deleted. Presently under the existing law the aggrieved person has to make his charges under oath. This has been deleted by H.R. 1746.

In addition, the gentleman mentioned about the Commission when it initiates action. In this case the Commissioners' charges do not have to be based upon a reasonable cause to believe that a violation has occurred, so that the action against an alleged defendant, a party who has allegedly discriminated, can be made first by a complainant not under oath, and then by the Commission without reasonable grounds to believe that a violation has occurred.

Mr. RAILSBACK. Let me ask the gentleman this question. Once the Commission makes a determination, am I correct that if there should be an appeal, and I believe it is to the court of appeals, would that appeal be based upon only the record of the hearing examiner as reviewed by the Commission? In other words, it is not a new trial, it is simply based on the particular record? Am I correct?

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield, this is my understanding. Upon review, this is a simple review of what was elicited below, which in many cases are charges not made under oath.

Mr. RAILSBACK. Am I also correct that the court of appeals must uphold the Commission if there was not the regular degree proof but only substantial proof in support of the allegation.

Mr. MAZZOLI. Yes; this is my understanding. It is based on the evidence from the record as a whole and not on any area of the evidence, but just what appears in the record.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman from Illinois 2 additional minutes.

Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. ERLENBORN. Let me just expand on this a bit. I think the answer you have received is correct. I would point out, however, that the rules of evidence, the rules of civil procedure that apply in the courts, the Federal district courts, as my bill would require any case to be tried there, those general rules of evidence do not necessarily apply in the administrative hearing. If an appeal is taken, it must go to the circuit court of appeals. There is no new evidence adduced. It is the hearing record and as it is said in the committee bill, the finding of the Commission and the order must be sustained if it is supported by substantial evidence. That does not even mean the greater weight of evidence—any substantial evidence in the record would then be incumbent upon the circuit court of appeals to sustain the Commission's finding.

Mr. RAILSBACK. I just want to say, I think I have supported almost every civil rights measure. Frankly, my objections to the committee bill have nothing whatsoever to do and are not even related to the particular department that we are trying to arm with this right. As a matter of fact, I think I would vote to completely restructure our entire administrative agency system. It bothers me—I have had a chance to try cases before the Social Security Administration. When you take a case in there and are trying to claim certain disability benefits, you are introduced to the hearing examiner. In that case, he introduces the evidence of the Social Security Administration and he rules on your objections or he overrules your objections. He rules on the evidence and he makes the findings and, in my opinion, they act as judge and jury and prosecutor and then the record you have and take up on that case to the Federal district court on is simply the record that he has had an opportunity to make rulings on and the adminstrative agency.

It seems to me, for that reason alone if for no other reason, even though I want to see the EOC given enforcement powers, that the Erlenborn-Mazzoli substitute is far preferable to the committee version.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PERKINS. Mr. Chairman, I yield the gentleman 1 minute.

Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. PERKINS. First, let me state that the substantial evidence rule that is required here in the review court, that is the circuit court of appeals, under the committee bill, means substantial evidence—not that the court is substituting its judgment for the Commission but rather whether considering the record as a whole there is substantial evidence to support its finding. If the court is of the opinion there is not substantial evidence, the circuit court of appeals as a matter of right sets aside the findings of the Commission.

That is what the word "substantial" means.

Mr. RAILSBACK. The rule does not require a preponderance of evidence.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PERKINS. Mr. Chairman, I yield myself 1 minute.

The CHAIRMAN. The gentleman from Kentucky is recognized for 1 minute.

Mr. PERKINS. As I interpret the word "substantial" as used in the statute, it means, considering the entire record as a whole the Commission's findings must be supported by substantial evidence. A court is going to set aside findings unless there is substantial evidence to support the findings of the Equal Employment Opportunities Commission—substantial and not anything less.

So I think the rights of the parties are adequately protected when we require that the evidence be substantial.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

The CHAIRMAN. The gentleman from Illinois (Mr. RAILSBACK) is recognized.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to my colleague.

Mr. ERLENBORN. Just briefly, because I would like to set to rest this question and to correct the statement of the gentleman from Kentucky, who has said that it requires a greater weight of the evidence. I think the gentleman from Kentucky is a good enough lawyer to know that when you say "substantial evidence," it is not the greater weight of the evidence. It is a lesser degree. We know from NLRB court decisions that it is not the greater weight of the evidence.

Mr. RAILSBACK. Not only does it deal with substantial evidence, but it is evidence that was derived from a proceeding that involved a hearing examiner appointed by the Commission who ruled on the objections, who ruled on the admissibility of evidence, and who made the findings of fact which for the most part are never overturned by the reviewing tribunal. To my way of thinking there is nothing fair about that kind of procedure, and I just point out to the chairman in this particular case those of us who favor civil rights may prefer something like this, but in a case when you are representing a social security beneficiary who is claiming for total disability, which is very similar, it is a rather frustrating thing. The same thing is true with the Bureau of Internal Revenue when you deal with them.

All I am saying is that it seems to me you are much better off with a fair and impartial tribunal.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the chairman.

Mr. PERKINS. The findings of the Commission under the committee bill can be entirely separate. They are not bound by any findings of the hearing examiner that may be designated by the Equal Opportunities Commission. It is a de novo proceedings.

Mr. RAILSBACK. Does the gentleman really deny that the Commission disagrees with those findings in not more than 2 or 3 percent of the cases?

Mr. PERKINS. When the findings are appealed to the circuit court of appeals we then see that the word "substantial" becomes significant. By "substantial evidence," we mean evidence of substantial nature and not the scintilla rule as some have attempted to argue.

Mr. RAILSBACK. Mr. Chairman, I would like to add my support to the Erlenborn substitute bill—H.R. 9274—which in effect would empower the Equal

Employment Opportunity Commission to take its discrimination cases to the Federal courts. This bill would give employees the opportunity to be examined through the trial process of the courts where opposing arguments may be heard objectively and decisions reached according to the governing law.

The Equal Employment Opportunity Commission has been created under the Civil Rights Act of 1964, to help those people who have been denied employment, promotion, union membership, or other job, related opportunity, through discrimination based upon race, color, religion, sex, and national origin. The law, however, limits the EEOC to investigation, mediation, and conciliation powers only. And up to this point, the enforcement powers for the EEOC have not been defined. We seek to correct this deficiency today.

The bill proposed by the gentleman from Illinois provides for the EEOC to take its discrimination cases into Federal courts whereas the committee bill, H.R. 1746, would allow the EEOC to issue cease-and-desist orders. By combining cease-and-desist powers with authority to issue back pay and affirmative action orders, the EEOC under H.R. 1746 would be transformed into a quasi-judicial body. I have serious reservations whether the administrative hearing approach is the better means for resolving employment discrimination cases.

In the first place, the combination of advocacy and prosecution within the same small organizational structure makes attaining a system of impartial adjudication quite difficult, particularly in view of the strong advocate role EEOC has played in the past.

In addition, quasi-judicial bodies typically must resolve competing interests and it is my opinion that employment discrimination is not of such a nature as to be termed an "interest" under our system.

Experience has shown that legal arguments are not always effectively brought forth under our present system of administrative hearings. Furthermore, the procedural rules governing administrative hearings are virtually nonexistent.

Although there may be some dispute as to how efficiently the administrative hearing process versus the court enforcement process may be, my experience would certainly be that the court approach is by far the most expeditious and effective means for handling EEOC type cases.

Lastly, although appellate review would be allowed, the court entertaining the review would be limited to the hearing record and would be required to affirm the Commission's ruling upon a finding of any evidence supporting its decision.

For these reasons, I am convinced judicial enforcement will provide the best means to carry out the purposes of equal employment opportunities.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, I wish to make clear at the outset that I support giving the Equal Employment Opportunities Commission, the EEOC, the enforcement authority it now lacks.

I would also want to make it clear that there should be no effort to attempt to assess a Member's position on the legislation or on the Erlenborn substitute on the basis of who is more for civil rights. Both bills grant enforcement power. Both bills can be considered to be effective. Both bills, in my judgment, would fill a void in the present operation of the agency.

There are two issues that were raised between the substitute and with the committee bill, but there has been, as a result of the insertion in the Record yesterday by the distinguished chairman of the subcommittee and the colloquy that has taken place today, a third issue that has been raised in the committee consideration of these two bills, and it is that third issue on which I shall touch first.

I admit to being absolutely appalled at the amendment which the distinguished gentleman from Pennsylvania intends to offer, which is aimed at subverting the Philadelphia plan and the Office of Contract Compliance's effort to carry forward an affirmative action program.

I do not understand on what basis, except perhaps the basis set forth on pages 304 and 305 of the hearing record by the gentlewoman from New York (Mrs. Chisholm) on the whole question of why in the committee bill the OFCC is proposed to be transferred intact to the EEOC. Let me quote what the gentlewoman from New York (Mrs. Chisholm) said during her appearance before the committee, and I will use her own eloquent statement:

> However, if labor really is serious and sincere about its support of EEOC having the OFCC powers, I ask them if they would support codifying the language in Executive Order 11246 and transferring that codified language to EEOC's mandate? If not, then I submit that labor's support is disingenuous.
>
> Thank you.

I think that is exactly the situation we are faced with here today. I think an effort has been made to end the other program designed to insure an increase in the ability of the minority people to gain some place in those trades in which the salaries are high and in which they have a certain opportunity to be skilled craftsmen in the society. I think it is a disgrace for it to come at this late hour, and it is a disgrace for it to come at this time in an effort apparently to pick up some votes. I intend to vote against it. I hope the House rejects it. The simple way to reject that amendment to be offered by the gentleman from Pennsylvania is to adopt the Erlenborn substitute and to settle the question once and for all. I urge all the Members of the House to support the substitute.

Let me just touch briefly before I yield, on why it is advisable to give the EEOC enforcement power to the court. I think the answer to that was given by the Chairman of the Equal Employment Opportunity Commission, Mr. Brown himself, in his statement before both the House and the Senate. He said:

> In the area of relief I believe that the district court approach is clearly and demonstrably preferable to the cease-and-desist method. The pertinent yardstick is the amount of time an aggrieved person must wait before he is afforded relief, either temporary or permanent. . . . Under the District Court approach, if one prevails before the court, he is entitled to an immediate injunction and other relief to bring about a rapid end to the discriminatory practices proved at the trial. . . . As a matter of practice, this would not be the case under the cease-and-desist approach.

I do not think anyone needs more than that simple statement by the Chairman of the Commission as to why the Erlenborn method is superior in handling the problem.

I think we ought to make clear in any understanding of this whole issue that any effort to try to say there is going to be any backlog increase in the courts as a result of its passage is wrong. What we are talking about is what kind of power do we grant that will enable the Commission to do a better job in voluntary compliance. I would argue the district court approach rather than the cease-and-desist approach would bring about effective voluntary compliance with the orders of the Commission.

There is one other point I want to make and that is to suggest that while attention may be paid to the question of what kind of enforcement power we give, there are three other matters in the committee bill that deserve consideration. The one I have touched on is the transfer of enforcement power by OFCC to EEOC which I think is a mistake. I will not take the time of the committee to detail the reasons which relate to the genesis of the two agencies, their differing guidelines and different purposes. Second is the transfer from the Civil Service Commission the authority to handle discriminatory practices within the Federal Government which would be brought in under the committee bill to EEOC and which, I think, would effectively disrupt any rational means of effectively dealing with employer-employee relationship within the Civil Service Commission. And lastly, there is the whole question of transferring the pattern and practice suits from the Justice Department to EEOC. I think the record of the Justice Department in handling the pattern and practice suits is evidence of their dedication, determination and of their ability to handle the authority that was granted in the Civil Rights Act of 1964.

I find no substantive reason to transfer that jurisdiction. I have found no reason in the hearings or in anything said on this floor as to why there ought to be a transfer of that authority. Therefore, I believe it would be a mistake to do it.

For these reasons I support the substitute offered by the gentleman from Illinois (Mr. Erlenborn) and the gentleman from Kentucky (Mr. Mazzoli). I urge the House to adopt it on the basis that it is the most effective and fair method of giving the EEOC enforcement powers.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

The gentleman made a comment during the course of his remarks to the effect that some Members or some parties were selling out on the question of civil rights, if they were either to support or not support an amendment to which he was referring. Would the gentleman clarify that?

Mr. STEIGER of Wisconsin. Yes, I shall be happy to.

We have voted once on the question as to whether or not to try to take away from the OFCC its power to have an affirmative action plan. The House turned down the effort to strip the OFCC of that power.

The amendment which is proposed to be offered by the gentleman from Pennsylvania would, in my judgment, strip away the ability of the OFCC to carry out the mandate of Executive Order 11246.

As the gentlewoman from New York said in her testimony before the committee, there is apparently an effort underway by the AFL–CIO, which wants to take the OFCC out of the business of the Philadelphia plan, and turn that power over to the EEOC. Now we see the end product, which is to strip away from the OFCC any ability to follow through on that plan.

Mr. CONYERS. What about the sellout analogy if this House does not ratify its support of the procedures embodied in the Hawkins bill which was passed in the 90th Congress? Is that a sellout of civil rights?

Mr. STEIGER of Wisconsin. Of course, it is not a sellout of civil rights. Both bills grant enforcement power to EEOC. It is a total missing of the mark if one is going to argue that the Erlenborn substitute is a sellout of civil rights, and the gentleman knows it.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Pennsylvania.

Mr. DENT. If the gentleman says that the CIO or the AFL or some other organization or person is asking that the authority of the Office of Contract Compliance be taken out, and all its appurtenant power, they did not ask me to do that. Did they ask the gentleman?

Mr. STEIGER of Wisconsin. Did they ask me? Since I did not sponsor the bill offered by the gentleman from California, of course, they did not ask me. But the AFL–CIO did appear before the subcommittee and indicated its approval of the transfer section of H.R. 1746.

Mr. DENT. They did not ask me. I am sure I have some opposition in some of the trade and craft unions to the position I take.

Does the gentleman say that the Office of Contract Compliance has a power even above that which we are accused of trying to give to the EEOC? It seems to me that the gentleman is saying that the Commission will become judge, court, and jury if we give it cease-and-desist power.

Mr. STEIGER of Wisconsin. I did not say that.

Mr. DENT. But the power inherent in the hands of the Office of Contract Compliance under the Executive order makes it judge, jury, court, and jailer, because without any kind of review, and with absolutely no opportunity for an appearance, it can come in on a million dollar contract, or a $250 million contract, or any Government contract, and say to the contractor, "Either you do this, you take so many of this particular group in this category, or your contract is null and void."

What kind of power is that? Where under the Constitution is that right?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Pennsylvania, as chairman of the subcommittee, the argument would have somewhat more substance were the gentleman to have attempted to codify the powers of EEOC in the statute. He has not done it. What he is doing is attempting to transfer the authority from the Executive order into EEOC.

Mr. DENT. They are codified. They are enforcible and workable.

Mr. STEIGER of Wisconsin. The gentleman is going to enforce them on the basis of the Executive order. Do not argue about that power, for you have not attempted to do anything with it.

Mr. DENT. Can the gentleman answer the question?

Mr. STEIGER of Wisconsin. Which one?

Mr. DENT. Does the gentleman believe that the Executive order in the hands of the Office of Contract Compliance is a power which should be given to any agency of Government?

Mr. STEIGER of Wisconsin. I believe their power is appropriate, constitutional, and legal.

Mr. DENT. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I appreciate the opportunity of speaking to the House today, and I would like to express my appreciation to the chairman, Mr. DENT, for his yielding some of his very valuable time.

I would like to spend the few minutes that I have to put a few things in perspective, perhaps.

It has been mentioned earlier today and it will be mentioned for the remainder of the day that those who are for the Erlenborn-Mazzoli substitute are against civil rights and those who are for the committee bill are for civil rights. I certainly do not think that is a fair characterization of the work we did in committee, and I suggest that Mr. ERLENBORN and I have produced a very adequate and I believe a very realistic substitute.

I hope that the members of this committee in judging the issues and the amendments will consider this not to be a civil rights matter but, rather, consider it to be a philosophical matter of whether cease-and-desist powers granted by the committee bill are superior to the court enforcement authority granted under the Erlenborn-Mazzoli substitute.

The course of the debate today touched on a lot of issues. I would like to mention a couple that I believe are very important to an adequate understanding of the bill.

First of all, it has not been brought out—and this is very important—that the substitute does not change the present EEOC operations with respect to courage of State and local government employees. Under the substitute, State, local, and municipal government employees would not be covered by the EEOC. I feel—and it is so said in our report—that there is an interposition under the committee bill which I think is disastrous, that is, the interposition of the Federal Government into State and local matters. You tell the State and local governments what they can do and what they cannot do. I do not think that is correct.

I urge the committee to study carefully that provision in the committee bill which would, if adopted, affect all of the State and local government employees.

I would like to mention, also, that we were here earlier this afternoon and heard——

Mr. DENT. Will the gentleman yield to me for a question?

Mr. MAZZOLI. Yes. I yield to the gentleman.

Mr. DENT. You say that we should not inject ourselves into State and local matters. Then, would you also say that we should remove from the jurisdiction of the EEOC all those companies that do not do interstate business, because intrastate business has just as much right to be exclusively under State and local government as any other? So you would make it completely read that it affects only those that are in interstate business.

Mr. MAZZOLI. Mr. Chairman, there can be an argument made on that, but it seems to me that we talk about the unwarranted interposition, the unnecessary interposition. I believe that is what this bill does. Unwarrantedly it interposes the Federal Government into State and local matters.

I would like to mention something that we talked about earlier today.

The gentleman from Illinois (Mr. ANDERSON) made a very eloquent speech in behalf of the committee bill and he said that we could not afford to adopt this substitute because it would overburden the Federal court system. I am wondering if perhaps in trying to avoid overburdening the Federal court system, we will overburden alleged defendants. On page 11 of the committee report, which I would ask the Members to read, it is stated:

> Administrative tribunals are better suited to rapid resolution of such complex issues than are Courts. Moreover, administrative tribunals are less subject to technical rules governing such matters as pleadings and motion practice—which afford opportunities for dilatory tactics—and are less constrained by formal rules of evidence—which give rise

to a lengthier (and more costly) process of proof.

And, it further says:

> In addition, past experience with administrative hearings and court enforcement indicates that cease-and-desist would be more effective. Experience has shown that one of the main advantages of granting enforcement power to a regulatory agency is that the existence of the sanction encourages settlement of complaints before the enforcement stage is reached.

Which means, Mr. Chairman, that there is a huge bludgeon or huge mace waiting on the sidelines to hit you over the head and, therefore, quick settlements are made as a result of the coercion.

Mr. Chairman, I would certainly feel that there must be enforcement powers granted to the EEOC, but it does seem to me that a much more orderly, much more structured, more rational and realistic resolution of this enforcement question is through the Federal courts.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ERLENBORN. Mr. Chairman, I yield myself 15 minutes.

Mr. ERLENBORN. Mr. Chairman, we have before us the committee bill, H.R. 1746, and as provided for in the rule under which this debate is proceeding, H.R. 9247, the Erlenborn-Mazzoli substitute which is made in order as a substitute and which will be offered as a substitute for the committee bill.

Mr. Chairman, both of these bills have the same purpose; and, that is to give to the EEOC an opportunity to exercise some power of enforcement in the field of civil rights under title VII of the 1964 Civil Rights Act.

The 1964 Civil Rights Act was the product of compromise, as is most legislation of any controversy on the floor of this House and or in this Congress. A part of the compromise in passing that bill was in the creation of the EEOC, but no power to enforce was granted to the Commission. When the bill was passed it was a year subsequent to the passage of the bill before the Commission went into business. It has been active since 1965. In the intervening 6 years over 50,000 cases have been filed before the Commission.

I think it is important to note that more than half of these over 25,000 cases are still pending and unresolved.

There may be several allegations made as to why this deplorable situation exists. One is that the Commission cannot resolve these cases where all it is empowered to do is to bring the parties together in the process of conciliation, because they do not have the power of enforcement. I think this is a part of the reason. Frankly, that is why I joined with the gentleman from Kentucky (Mr. MAZZOLI) in drafting a bill that would give them enforcement authority.

There are other reasons. However, if you look at what the Commission has done in the intervening 6 years there are other causes for its great backlog.

The Commission, historically, takes a year and sometimes a year and a half in investigating charges before due cause is found and formal complaints and charges are filed, and though the law requires that notice be given to one against whom the complaint has been filed, it has been the practice of the Commission in the past to wait that year or a year and a half before notice is given to the one against whom the complaint is filed, whether it be the employer, the union, or the company.

I think this is deplorable. This denies to the party charged the opportunity to try to resolve the question at an early date. Maybe, if timely notice were given we would not have as many cases presented, maybe these cases would be resolved. But if they were not resolved, at least the element of due process would be introduced in giving notice to the party charged that he would have the opportunity to gather and preserve the evidence with which to sustain himself when formal charges are filed and subsequent enforcement proceedings are instituted. That has not been the case.

Mr. Chairman, I feel that minimum standards of due process require that notice be given when charges are made against the party involved. This is not true in the present law and it is not true in the committee bill.

I offered, as an amendment to the committee bill when it was in the subcommittee, and the full committee, an amendment that would provide for timely notice. This was rejected out of hand. But now the gentleman from Pennsylvania does say at this late date, yesterday, when he put in the RECORD, and today when I finally saw a copy of his amendment, that he intends to offer an amendment for timely notice. At this late date I am glad to have this support for this amendment allowing due process.

And, talking about due process, I think there are other elements involved in this proposed cease-and-desist authority that the committee bill would give to the EEOC.

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman yield?

Mr. ERLENBORN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, it does seem to me that a word should be given in explanation of the committee's action and the amendments to be offered by the gentleman from Pennsylvania, the very capable and the very fair chairman of the subcommittee. The gentleman from Illinois knows that I did not support the bill in committee. I filed minority views and they are in the committee report. Other Democrats supported some of the amendments offered by the gentleman from Illinois. They were defeated. I offered amendments to the committee bill. They were defeated.

During all the years that I have worked with the gentleman from Pennsylvania, he has been very fair, and he has never broken his word to me on any occasion—I think the gentleman from Illinois will recall that Mr. DENT was having major surgery at the time the committee considered the bill in subcommittee and in the full committee. He was in the hospital; he was not able to work with the gentleman from Illinois or me or others. He was not able to offer the amendments that he is offering on the floor during this debate.

They are being offered in good faith. In my judgment, had the gentleman from Pennsylvania been there and not in the hospital, he would have worked with several of us in working out some of these points that we now have to work out on the floor of the House.

Mr. ERLENBORN. Mr. Chairman, I thank the gentlewoman for her contribution. What the gentlewoman says is correct insofar as the fact that the gentleman from Pennsylvania was not there, and that he was ill, and I am sorry for that. But there were all of the other members of the majority on the subcommittee and the full committee there. The gentleman from California had been designated to handle the bill.

I make the point that in the subcommittee and in the full committee I offered this amendment, and I make no allegations against the gentleman from Pennsylvania. I did not originally, and I do not now. I say the subcommittee and the full committee rejected this amendment out of hand, and that is the fact, and it is on the record.

Talking about due process, there is another element involved. The cease-and-desist approach I think as has been very well pointed out by the gentleman from Illinois (Mr. RAILSBACK), involves what he and I—and I hope the majority of the members of this committee would think—is something less than optimum due process. The committee bill grants to the Commission the power to receive complaints; grants to the Commission the power to investigate complaints; grants to individual Commissioners the power to file complaints; grants to the Commission the power to prosecute, to adduce evidence; grants to the Commission the power to pass upon those elements of evidence that are introduced; grants to the Commission the power to fashion the remedy in the form of a cease-and-desist order.

Now, it is said that under the Administrative Procedure Act there is a hearing officer, and therefore this introduces an element of fairness. It has been said that the committee-structured bill is designed after the procedure that is followed in the NLRB. I would point out that this really is not quite accurate. Yes, there is a hearing officer appointed, but under the NLRB actually, as a matter of experience, it was found that it was desirable to have a separate prosecutor, and not to have the Board be both prosecutor and judge.

So in the NLRB you have the Office of General Counsel independent of the Board. You have there a division of the power to prosecute from the power to judge. In the committee bill this division is not followed, the pattern of the NLRB is not followed. We have the commission which investigates the cases with both the power to prosecute and the power to issue orders, and pass upon the sufficiency of the evidence.

It is said an appeal is available, you can get into the courts. You can, yes. But as the gentleman from Illinois (Mr.

RAILSBACK), pointed out, it is not as if you were to go to the district court for a trial de novo, and to have evidence taken, evidence of a quality that would be protected by the civil practice procedures in the Federal district court. You go to the circuit court of appeals for a review of the record that has been adduced before the hearing officer.

You do not bring new evidence in. You look at the evidence, the quality of which has not been protected by the same rules of practice, and then the circuit court of appeals under the committee bill does not even weigh that evidence to see where the greater weight of evidence lies. The circuit court of appeals must sustain under the language of this act the findings of the hearing officer—the decision of the commission—if there is substantial evidence—not the greater weight of evidence.

The chairman of the committee when he tells us that the two are the same belies the fact that he is an excellent lawyer and he knows different.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield,

Mr. ERLENBORN. I yield to the gentleman.

Mr. ECKHARDT. This is a point I think needs clarification. The gentleman will concede, will he not, that the rule with respect to substantial evidence in the committee bill is the same rule substantially as that in the Labor Relations Act.

Mr. ERLENBORN. Yes, I do concede that. But again I reiterate it is not the greater weight of evidence. I am addressing myself to the statement made by the chairman of the full committee (Mr. PERKINS), when he said it was the greater weight of evidence.

I would ask the gentleman from Texas, since he posed the question to me, to answer my question—do you agree that the chairman of the committee was correct when he said that substantial evidence requires that it be the greater weight of evidence?

Mr. ECKHARDT. I would merely state that the general rule basically is governed by the case of the Universal Camera Corp. against the National Labor Relations Board.

Mr. ERLENBORN. Will the gentleman give me a simple "yes" or "no" answer?

Mr. ECKHARDT. This is very brief and it simply says that the findings of the Board as to whether or not it is supported by the evidence shall be conclusive.

The court wrote "evidence" to mean "substantial evidence." We said substantial evidence is more than a mere scintilla—it means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, citing Consolidated Edison.

Accordingly, it must be more than to create a suspicion of existence of the fact to be established. It must be enough to justify if the trial were to a jury a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.

That is the rule, as I understand it.

Mr. ERLENBORN. I thank the gentleman for his contribution, but he still has not answered my question whether it was the greater weight of evidence or not. I still contend that the gentleman from Kentucky is a better lawyer than to say that "substantial evidence" is "greater weight of evidence."

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Would the gentleman from Illinois be willing to translate the answer of the gentleman from Texas into language that a nonlawyer might understand?

If I heard the answer correctly—to the question you have asked—"Is substantial evidence the greater weight of evidence?" and he came back and said, "No".

Mr. ERLENBORN. I think the gentleman is correct—he did say, "No."

Mr. STEIGER of Wisconsin. I thank the gentleman.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. HAWKINS. You said under the law the court would not only review the evidence presented to the Commission in the commission hearing, and it would be required to sustain the commission if there were any evidence supporting its findings. That is not a true statement.

Mr. ERLENBORN. Mr. Chairman, I do not yield further to the gentleman.

Mr. Chairman, I would like to continue with my argument concerning the committee bill.

There are other elements in this bill other than the question of which types of enforcements are most desirable.

The committee bill would transfer to a commission that is already overburdened with half of the cases that have ever been filed with it thousands of cases that are still pending and that are still unresolved—it would transfer additional jurisdiction—jurisdiction now possessed by the Civil Service Commission relative to equal employment in Federal employment would be transferred to the EEOC. New coverage of employees of State and Federal Governments would be provided to the EEOC.

In addition, the authority to proceed in practice or in pattern cases now exercised by the Justice Department would be transferred to the EEOC and, I think, most important of all—and I think we have made the point fairly adequately today already—the jurisdiction exercised by the Office of Contract Compliance in the Department of Labor would be transferred to the EEOC.

I think it is important to understand what the jurisdiction of the Office of Contract Compliance in the Department of Labor is. The Office of Contract Compliance is not enforcing title VII rights. The Office of Contract Compliance authority is derived from an Executive order. The jurisdiction of the EEOC is under the 1964 Civil Rights Act, and it is to enforce those constitutional rights of equality that the court has found to be within the realm of enforcement that we are seeking to grant the enforcement power to the EEOC.

These are basically constitutional rights and statutory rights under the 1964 act. It regulates the conduct of affairs between individuals and their employers.

The OFCC is an altogether different type of jurisdiction. It is not based upon constitutional rights. It is not based upon statutory rights.

The genesis of the power of the OFCC is the contractual relationship that exists between the Federal Government and those with whom they contract for the acquisition of goods and services. In this jurisdiction the OFCC can and does go beyond those powers granted by the 1964 Civil Rights Act. I think it is important to note that the chairman of the Equal Employment Opportunities Commission himself has testified that you cannot mix these two enforcement authorities. He testified before our committee this year against the transfer of OFCC jurisdiction. Chairman Brown testified against the transfer of the pattern or practice jurisdiction exercised by the Justice Department, and he testified in favor of the court-enforcement approach that Congressman MAZZOLI and I have embodied in H.R. 9247.

There are one or two additional points I would like to make. I have talked about the timely notification to a party who is charged. We find also that a party who is charged and goes through the present conciliation process can also be subject to private action under the present 1964 Civil Rights Act. If the complaining party loses that case, another suit may be filed in proper circumstances by that same party before the NLRB. If the complainant loses that case, a fourth action can be filed under the old Civil Rights Act of 1866.

In other words, there is a plethora of forums to resolve these complaints, no one of which is exclusive, and it can happen that a multiplicity of cases arising out of the same set of facts can clog the courts.

We would provide in our substitute bill that title VII be the sole method of enforcing these rights. There would no longer be recourse to the old 1866 civil rights act. We also would affect a limitation on liability, a statute of limitations. At the present time there seems to be no limit to how far back pay awards can be made on behalf of a party who wins one of these actions, except to the beginning of the act, which has the effective date of 1965.

We have class actions where the commission admittedly encourages individual complainants to file suits on their own behalf and for the entire class that may be similarly affected.

This, plus the liability of backpay without limitation, would create an horrendous potential liability. We would provide a limitation on liability through a 2-year statute of limitations. I would admit again that the majority as represented by the gentleman from Pennsylvania has said, belatedly, that if they are given the opportunity, they would also apply a 2-year statute of limitations.

But my attempt to have that adopted in committee was rejected.

We would also provide in a class action a limitation so that those who join in the class action or those who by timely motion intervene could be considered as the proper class, but not all who may be similarly situated but who are not even aware of the fact that a case has been filed.

We feel that, because we have greater elements of due process, because we would give the enforcement authority to the Federal district court—where, in our opinion, timely relief can be given to the complaining party—our approach is preferable.

I would point out, contrary to what the gentleman from Illinois, Mr. ANDERSON, said, that those areas where we have the greatest number of EEOC complaints are not the same areas where we have the greatest backlog in the district courts. I refer the Members to the minority views in the report of the committee.

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Chairman, this is now directed to the argument raised by the gentleman in the well, and the gentleman from Kentucky, and the gentleman from Wisconsin, to the effect that cease and desist power should not be given to the EEOC. I have simply two questions. Would the gentleman be in favor of withdrawing cease and desist powers from the Federal Trade Commission and from the Securities and Exchange Commission and from other commissions?

Mr. ERLENBORN. I think I understand the gentleman's question. Let me respond to the gentleman. I do not have a great deal of time. I understand what the gentleman's question is. I think there are two types of Federal agencies that have cease and desist powers. Primarily they are regulatory agencies. The only exception in the Federal Government that has that authority is the NLRB.

The answer is yes, I would withdraw the cease and desist power from the NLRB. I would rather have those cases resolved in court.

I would point out under the committee bill, which is also the procedure under the NLRB, the cease and desist orders are not self-enforcing. The only time one gets enforceable orders under the NLRB or under the committee bill is if one goes to the court. That is the only place to get effective relief. That is recognized in the NLRB. They issue an order. It is not self-enforcing. They must then go to the Circuit Court of Appeals.

It is also true that before our Education and Labor Committee, at the same time we were considering giving cease and desist type authority to EEOC, another subcommittee was considering the question as to why there was a great backlog on cases and a denial of justice in the NLRB situation. Even after the NLRB issues an order, even after they go into court, a year or a year and a half lapses before it gets to effective judicial relief to the parties.

Mr. FAUNTROY. I have asked the gentleman a two-part question.

Mr. ERLENBORN. I have answered one, I hope.

Mr. FAUNTROY. I asked if the gentleman was in favor of withdrawing the enforcing authority of the Federal Trade Commission?

Mr. ERLENBORN. I understand the gentleman's question. Let me respond to the gentleman. Mr. Chairman, I do not yield to the gentleman further.

I would say, in response to the gentleman's question, the Federal Trade Commission at this very time has recommended to this Congress legislation they sent up requesting the authority to go into the Federal district court. They exercise cease-and-desist authority. They have found it is not the best way to approach enforcement, and the Federal Trade Commission today is asking that we give them the kind of power that H.R. 9247 would give the Equal Employment Opportunity Commission.

Mr. Chairman, we feel, and I think with good reason, that the cause of due process would best be served and the best type of enforcement authority would be given the Equal Employment Opportunity Commission if our substitute H.R. 9247 is adopted. We feel the committee bill goes far afield in giving additional jurisdiction to a commission already overburdened and, under their bill, it will be given new duties to perform.

We also feel that the cause of due process will best be served if our substitute is adopted providing a limitation on class actions, providing timely notice so that the parties may defend and protect themselves, and providing a statute of limitations so that back-pay awards cannot be rendered in the year 2000 all the way back to the year 1965, as the courts apparently are holding at the present time.

For these reasons, I hope that this committee will support the substitute bill when it is offered, and I hope that then, as provided in the substitute bill, the enforcement authority will be given to the Commission by the passage of the bill.

Mr. DENT. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I only wish I had a sufficient amount of money, I wish that I were independently wealthy, so that I could have packed in the galleries today the thousands of cases I know of the poor and the black and other minorities who have sought to work within the system, who have sought to avail themselves of administrative redress, and have found that the administrative agency far too often turns out to be a paper tiger. They get no redress.

I wish that I had the power and the capacity to transport every Member of this House and all the visitors back with me to 1963, when serving as the executive secretary for the Maryland State Human Relations Commission, I went before the Maryland General Assembly asking that our State commission be given cease-and-desist power. All of the arguments, all of the fears, all of the shibboleths I have heard today were spoken, to then in our Maryland General Assembly. All of the arguments: That cease-and-desist power would create a powerful monster that will serve as judge and jury and prosecutor I heard in 1963.

I wish that you could go back with me to 1965, when we went to our Maryland General Assembly for cease-and-desist power for our State commission under our fair employment law: 1963 was public accommodations, and 1965 was fair employment.

All the same old arguments came up again. Once again we dealt with them.

Now, I must submit that our State Human Relations Commission does have cease-and-desist power in public accommodations, in fair employment, and in housing. That Maryland General Assembly gave that cease-and-desist power to that commission, recognizing that administrative review is far faster than judicial review call recognizing that administrative review under cease-and-desist power will yield far more consistent logic than would perhaps be yielded in the courts.

Let us admit to it: In our Nation, despite the fact that we have an objective of equal treatment under the law, the law is not equally administered in all regions in our country. The milieu of the region does indeed affect the administration of justice.

We were given cease-and-desist power under our State commission primarily because it was recognized that the cease-and-desist order is not a bludgeon, as the distinguished gentleman from Kentucky alluded to it as. It is not a bludgeon, but it is a psychological weapon calling for the decency of people to manifest itself so that there will be some redress.

This has been a long and tortuous debate this afternoon, and now we must deal with the realities. I believe I am advantaged over many of you in dealing with them, simply because I go to my district every night. I represent the Baltimore area and I can get there daily.

The questions asked me by whites run like this: "What is wrong with the black folks? Why are they not satisfied with the gains that have been made?"

And the question put to me by blacks in the district is, "When will the promises be fulfilled? When will there be a delivery on all the promises of the past?"

I heard my distinguished colleague from Illinois speak earlier today about his concern over the deepening fissure that exists in our society. It is a deepening one which is polarizing us day by day and hour by hour. I can almost feel it, and if you have any sensitivity left, you will be able to feel it, too.

How do you resolve this problem. You do it by delivering on the unfulfilled promise. You resolve it by giving to those agencies of the Government which have the charge to implement legislation and the power to do so effectively.

I heard someone say earlier today let us get the legislation through on a compromise. There are compromises presented to us, most of which are acceptable, but on cease and desist there can be no compromise. The question that will be put by young black men and women and Mexican Americans and others is this: You have compromised and compromised and compromised, will you now finally compromise away my faith, my belief, my credibility in the system to deliver?

I see some of my colleagues smiling. I see them smiling as if I am saying something that amuses them, when they should be weeping. They should be weeping over the fact that in 1971 I stand here and you sit there debating over issues as to whether or not we shall keep the promise made, whether we will deliver.

The Erlenborn-Mazzoli bill does not deliver on that promise. This bill is another in the series of delaying actions and is another series of placating gestures that do not cut through to the core of the matter.

My time has run out for me and it may have run out for the rest of you in this body and for the rest of the people across the Nation who want to make democracy a whole entity.

I say reject the Erlenborn-Mazzoli amendment.

Mr. ERLENBORN. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I take this time to ask the chairman of the subcommittee a question for the purpose of establishing some legislative history here.

He will offer an amendment which will provide that the Commission shall be prohibited from requiring a quota for preferential treatment with respect to the numbers of employees or percentages of employees of any class, color, religion, sex, or national origin.

I am puzzled and troubled with the word "quota," because in the Philadelphia plan the administration had very stubbornly insisted, and there was extensive debate on the floor of the House here, that they were not using quotas in Philadelphia but they were using "goals." What I want to know is whether or not the use of the word "quota" here in this amendment applies to "goals" or any other phraseology which in effect would require an employer to employ a certain amount of people of various racial and ethnic categories mentioned here.

Mr. DENT. The gentleman asked me the question yesterday, and I looked up the word "goals" and I cannot find where goals has any specific meaning that would lend it to any plan which would say a certain number or quota. The word "quota" is a very plain word.

Mr. PUCINSKI. Does the prohibition against "quota" in this amendment apply to "goals" or to any other method or scheme used by the administrators of this act?

Mr. DENT. I would say the word "quota" and the prohibition of quotas in the Commissions' administration of the Federal contract compliance program means exactly what it is intended to mean, that under any condition this Commission cannot establish a set number or quota of workers in any category that must be present.

Mr. PUCINSKI. If they plead as they did in the case of the Philadelphia plan that they were not establishing quotas but merely establishing goals, this would be interpreted as meaning they are in violation of this act.

Mr. DENT. That is right, if what they are establishing is a quota or preferential treatment.

Mr. PUCINSKI. Now, do I further understand that this amendment, then——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENT. Mr. Chairman, I yield the gentleman 1 minute.

Mr. PUCINSKI. Then, do I also understand that this amendment means that title VII which specifically prohibits the establishment of quotas would, indeed, apply to this act and to the actions of the Equal Employment Opportunities Commission under this act?

As the gentleman knows, in the case of the Philadelphia Plan, the court held that title VII did not apply because the plan was ordered under an Executive order.

Am I correct in concluding that this amendment would provide that title VII restrictions on quotas, goals, or any other schemes which may be used would apply to the Equal Employment Opportunities Commission?

Mr. DENT. The courts said that title VII of the civil rights bill do not apply to the Executive order. In other words, the Executive order supersedes both the Constitution as well as the law passed by the Congress of the United States.

What we are trying to do is bring the operations of the contract compliance program back within the law which Congress passed.

Mr. PUCINSKI. And, this amendment would bring title VII into this Commission's activities? In other words, if this amendment is adopted, the Commission cannot claim it as exempt from title VII of the civil rights act nor can the Commission require quotas or goals in assigning job distribution?

Mr. DENT. Right; it cannot require quotas.

Mr. PUCINSKI. I thank the gentleman.

Mr. ERLENBORN. Mr. Chairman, at this time I have no further requests for time. I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 1746, the Equal Employment Opportunities Enforcement Act, under which the Equal Employment Opportunity Commission will be enabled for the first time not merely to conciliate with employers who have engaged in discriminatory practices or to petition them at frustrating length, but to negotiate with them purposefully, from strength.

I strongly favor this bill over alternative measures because I am convinced that while discrimination in employment does not inevitably resist suasion to the point where judicial remedies are required, such discrimination does not invariably yield to words alone. There must be enforcement authority within the Commission, and the most appropriate type of enforcement authority in this instance is that of the cease-and-desist power. That power was originally contemplated by the drafters of the underlying legislation, and is long overdue.

Title VII of the landmark Civil Rights Act of 1964 prohibits discriminatory employment practices based on race, color, religion, sex, or national origin.

Until now the EEOC has relied chiefly upon persuasion to gain voluntary compliance with the provisions of title VII. Too often that approach has meant that the victims of discrimination have continued to be excluded from union membership or from raises and promotions, or excluded from rewarding employment altogether.

Between 1964, when it was established, and 1969 the Commission failed in more than half of the 35,445 cases it investigated to achieve even a partially successful conciliation agreement.

Moreover, discrimination is not abating, notwithstanding the promises of the 1964 Civil Rights Act. It is mounting yearly. In fiscal year 1969 the EEOC received 12,148 charges of discrimination; in fiscal year 1970, 14,129 charges. In the first 7½ months of fiscal year 1971, it had already received 16,644 charges. That is more than the number of charges received for all of fiscal year 1970, and already more than one-fourth as many as it received during the entire first 5 years of its existence.

Behind the impersonal statistics of charge, recommendation for investigation, and of cases unresolved there stand many millions of working people—women, blacks, Indians, chicanos, and other minorities—who are being thwarted, exhausted, and indeed, enraged by inequality, and whose invaluable skills are thereby lost to our society, if not set destructively against it.

For women and blacks the inequities left remedyless by the Commission have been particularly outrageous.

An EEOC report released in February 1971 revealed that in the building trades the percentage of black workers in 1970 had actually declined to 6.8 percent from 7.4 percent in 1969. Cease-and-desist power would enable the EEOC to secure compliance by the building trades with the goals of equality which the Civil Rights Act of 1964 rightly elevated into a national project.

Title VII specifically prohibits sex discrimination. But the disgrace of discrimination against women has been so pervasive that continuing almost up to the present it has borne the insulting status of a ridiculed injustice. In 1968 60 percent of women earned less than $5,000 but only 20 percent of men; 28 percent of men earned more than $10,000 but only 3 percent of women.

It is also a telling fact that while a woman with 4 years of college was earning, in 1968, an average of $6,694 per year, the average earnings of men with only an eighth grade education were almost the same, $6,580.

Against this background of widespread discrimination, an EEOC forced principally to rely upon voluntary compliance is a frail and inadequate resort. The situation is summarized in concise terms in the report of the Committee on Education and Labor on H.R. 1746:

> It has been the emphasis on voluntariness that has proven to be most detrimental to the successful operation of Title VII. In cases posing the most profound consequencies, respondents have more often than not shrugged off the Commission's entreaties and relied upon the likelihood of the parties suing them.
>
> Facts, statistical evidence and experience demonstrate that employers, labor organizations, employment agencies and joint labor-management committees continue to engage in conduct which contravenes the provisions of Title VII. The existence of such practices demonstrates the immediate need to effectuate the purposes of the Civil Rights Act of 1964.

Not only is the number of cases of discrimination increasing every year, they are also becoming more difficult and complex. A pertinent example is the fact that the already unmistakable distress of our cities—some have called it agony—is being aggravated by a major new threat with obvious implications for the EEOC and H.R. 1746: the increasing migration of large and important companies to suburbia, leaving minority workers trapped, without jobs or decent housing, in ghettos.

During the 1960's the white population of the central cities declined, partly due to these transfers of businesses, by nearly 2 million people, while the minority population increased by nearly 3 million. This is exactly the kind of incendiary polarization which the Kerner Commission warned against in 1968:

> Our nation is moving toward two societies, one black, one white—separate and unequal. . . . Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.

In the case of these large urban corporations, as well as in the area of employment discrimination generally, it is important not to disrupt seriously the employer-employee relationship or operations. Settlement out of court and, where at all possible, short of administrative enforcement, should remain the goal of the Commission. An important purpose of the EEOC is to enable employers and employees to live with each other without continuing bitterness and friction. In my view, therefore, the chief advantage of granting cease-and-desist power to the Commission is that the very possibility of this sanction would tend to stimulate settlement. This has been the general experience and value of administrative enforcement. In the NLRB, for example 95 percent of unfair labor practice cases are resolved administratively.

Using the possibility of administrative enforcement in order to secure settlement before enforcement is a tested procedure. It has supplied the effective foundation for regulatory agencies for more than three decades. It has been the mainstay, for example, of state fair employment practices commissions, the Securities Exchange Commission, the Federal Trade Commission, the National Labor Relations Board and the Federal Communications Commission.

Under H.R. 1746's cease-and-desist provisions both sides will know that the Commission's mediating role is backed if necessary by more compelling process. The employer will know that an unyielding or merely dilatory stance may result in the stigma and possible penalties of an enforcible Commission order. It will be obvious to both employer and employees that the Commission need not and will not permit itself to be exploited by either side for harassment or delay.

I have emphasized the cease-and-desist provisions of H.R. 1746 because they are so clearly the prime vehicle by which the bill would invigorate the EEOC. But H.R. 1746 would also enact two other quite fundamental changes in the present law, changes not contained in H.R. 9247. These provisions would broaden and consolidate the EEOC's jurisdiction.

First, the broadened jurisdiction would enable the Commission to cover 10.1 million State and local government employees now excluded from coverage by title VII of the Civil Rights Act of 1964. As of May 30, 1970, minorities accounted for 19.4 percent of the total number of Federal employees. But minorities constitute only 2 percent of individuals in the GS-16 through GS-18 grades. We are proud of our space program, but only 2.9 percent of NASA's employees are black. The Federal Aviation Administration employs 1,612 supervisory and administrative personnel. But only 13 of these individuals are black.

Jurisdiction under H.R. 1746 would also be expanded to include employees of educational institutions, presently exempted, and of unions and companies of at least eight workers or members, instead of the 25 required by present law. This latter provision would extend protection to 9.5 million workers not covered under the present law or under the proposed H.R. 9247.

Second, H.R. 1746 would consolidate within the EEOC the presently diffused responsibility for enforcing equal employment opportunity. Currently the Office of Federal Contract Compliance, the Civil Service Commission, and the Justice Department all exercise part of a frequently overlapping and confused obligation. As an example of this encumbering overlap, the committee report cites a 1969 court case, Zellerbach Corp. against United States, where the union and employer had settled with the EEOC but were then subjected to Federal court litigation, action by the Office of Federal Contract Compliance, and finally a suit by the Justice Department. Accountability to several overlapping authorities is mutually defeating. In practice it may result in no accountability.

I would like to emphasize the central importance in problems of employment relations of reaching a solution outside of court—given the legacy of bitterness and distrust often attendant upon protracted trials—and if possible before administrative enforcement. Specifically I would stress four points: First, the courts have neither the time nor the experience to be the principal forum for unraveling complicated discriminatory practice cases; second, court intervention is expensive, protracted, and disruptive for employer and employees alike; third, court action is least desirable where, as in EEOC matters, the parties are likely to be involved in an ongoing relationship that may only be undermined by the formalized procedural combativeness implicit in a judicial trial; and fourth, the EEOC has already acquired and will continue to accumulate the experience and insight which, bolstered by the cease-and-desist power, can best encourage meaningful settlement.

I do not believe business has any justifiable fears about the effect of H.R. 1746. Indeed, the processes which this bill would implement, would, I am convinced, save businesses time, money, and bitter personnel morale problems.

I support H.R. 1746 as a measure soundly designed in the overall interest not only of employers and workers, women and minorities, but of a free society which necessarily requires freely developed talent and industry.

Mr. NIX. Mr. Chairman, as perhaps in your own experience, I know from individual cases that treatment in employment for minority groups has not substantially improved since the 1964 Civil Rights Act.

In some cases, a better job might not be merited. But—of those with whom I have counseled—many committed themselves to a serious, expensive, and time-consuming effort to become trained and educated in order to qualify for particular employment. You can readily appreciate the disillusionment of an applicant who is rejected solely because of race, creed, color, or sex.

My own experience is corroborated by a newspaper article of Sunday last, headed "Report Finds Minority Job Bias Remains."

It was an Associated Press article, printed throughout the country. I assume many of you have read it, and I would like to ask permission to insert it in the RECORD following my remarks.

Solid research and statistics are available to substantiate the findings of the Equal Employment Opportunity Commission. The conclusion is that women and minority group workers—blacks, Spanish-surnamed Americans, orientals, and American Indians—still are largely underrepresented in the more remunerative jobs of private industry. We are all aware, too, the Federal Government has an even worse record in this regard.

Without stronger enforcement authority in the EEOC—with mere conciliation pressures available—we cannot hope to see improvement in the performance of that Commission.

And—if we do not provide the tools for it to improve its record—do not we, here in Congress, foster and exacerbate disillusionment and skepticism among the poor, the black, the women, all minority groups, and all those who have been rejected because of their religious beliefs or national origin?

As these fellow humans are delayed in their rights—thwarted in their striving to advance economically—their thoughts become the parents of the actions they will undertake.

We all know how injustices rancor. It does not have to be spelled out; after witnessing the destructive riots of the sixties.

The facts in discrimination are indisputable. I hope you have all taken time to read the House Report, No. 92–238 of June 2, submitted by our distinguished colleague, the gentleman from California (Mr. HAWKINS).

If you will but study this report, and the recent letters from Congressmen HAWKINS, OGDEN REID and JOHN DENT, I have every confidence you will today fully support H.R. 1746.

In addition to improving the EEOC procedures with cease-and-desist methods of enforcement, H.R. 1746 has other great advantages over the substitute bill that is being proposed here today.

H.R. 1746 would end the jumble of confusions in the field of equal opportunity by centralizing and coordinating the Federal Government's efforts in dealing with the problems of employment discrimination.

There are presently four Government agents dealing with such discrimination. The Department of Labor, the Attorney General, the Civil Service Commission and the EEOC all now process different phases of this problem. Consolidating all the functions relating to employment discrimination under the EEOC is not only a most logical step, but in the long run would prove to be the most efficient and least expensive.

In the substitute bill, H.R. 9247, decisions on employment discrimination would be routed through the already overburdened courts. It is obvious such cases can be processed with more expediency through the expert, bipartisan Commission, rather than becoming a juridical function.

I must finally emphasize that the Equal Employment Opportunity Commission is oftentimes the sole recourse, the only avenue for redress for those who are discriminated against; for those who will no longer meekly accept unequal treatment in employment—or any other phase of their walk in this world.

These are men and women altogether like ourselves—if rejected because of race, color, creed, or sex, we would surely ask why?—and why is it not corrected?

What a man feels intently—he will struggle to speak out of him—to see represented in visual shape. And this is what H.R. 1746 would be to many Americans: a reality they can read in the law to aid a man in his fight against economic injustice.

I ask all of you who believe in the principle of equality for all people to reject the substitute bill, H.R. 9247, and unanimously pass the bill recommended by the Committee on Education and Labor, H.R. 1746.

[From the Washington Star, Sept. 12, 1971]

REPORT FINDS MINORITY JOB BIAS REMAINS

Minority groups and women continue to be discriminated against by employers, the Equal Employment Opportunity Commission reported yesterday.

Data compiled by EEOC's Office of Research show that women and minority-group workers—blacks, Spanish-surnamed Americans, Orientals and American Indians—still are largely underrepresented in high-paying jobs of private industry.

Almost 8 out of 10 black male workers toil at the three lowest-level job classifications—semi-skilled operatives, unskilled laborers and service workers—according to a survey of private industry employers by the EEOC.

Black female workers fared slightly better. While 13 percent of the black males worked at white-collar jobs, 37.8 percent of the black women workers were in white-collar positions, the survey showed. Most of the black women engaged in white-collar work share the problem of women in general—that of being relegated to the lowest paying office jobs, the report said.

In 1970, women made up 34 percent of the total working force, but only 2.7 percent held managerial positions, as opposed to 12.4 percent of the men, EEOC said.

Among black males, only 1.7 percent held managerial or policymaking jobs, while only 1 percent of the Spanish-surnamed American workers were in the managerial category.

Mr. DENT. Mr. Chairman, at this time I yield 10 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the committee bill, not to make any manner of speech with respect to its merits, but to put to rest some bug bears that have been raised concerning that bill and, also, I think to disclose some real bears in the thicket of H.R. 9247, the Erlenborn amendment.

I would like to point out, in the first place, that the procedure provided for in this bill is largely patterned after the Labor-Management Relations Act; that is, after the Taft-Hartley Act.

I have practiced under that act through four Presidents and, of course, that means somewhat different boards. I must say that the process before a trial examiner in all of those circumstances is a remarkably good process. Indeed, this has been recognized by the President of the United States.

I have here a letter headed, the White House, Washington, May 9, 1970, which states in part as follows:

> Our Federal judiciary provides a vital public service in trying the thousands of cases each year that affect the interests of both Government and private citizens.
>
> The long and impressive record of the Federal Trial Examiners is well known throughout the legal profession, and it is not only as your President, but also as a lawyer I am particularly aware of your outstanding contributions to our society.

It is signed "Richard Nixon."

I had the same experience. I see no reason why trial examiners appointed under the authority of the Administrative Procedure Act, for life, will not be excellent triers of fact.

This bill, just as the Taft-Hartley bill does, ultimately rests the decision upon the law and upon whether or not there was substantial evidence on the record of the hearing as a whole to sustain the judgment of the trial examiner, whom I believe they call the "hearing officers" here.

Now, what is the measure of that review? The measure is not the narrow review that excludes a consideration by the court of the whole evidence. It is not the kind of tricky review the right to which may be forfeited because one line of findings of fact would support the decision. The decision on the whole record must be considered and, believe me, anyone who has tried cases before trial examiners, and has ultimately gotten a favorable judgment through them and through the Labor Board, and then finds himself thrown out on his ear by the fifth circuit court—and I have had that happen to me—knows that the review is not a narrow review, it is a review that goes to the question of whether or not the ultimate decision was reasonably grounded, had a reasonable, factual basis to support the ultimate decision.

In labor cases you have very much the same type of problem as is involved in this kind of proceeding. You have a proceeding in which there is a considerable admixture of fact and law, and, therefore, a wide discretion on the part of the court to strike down if the facts, under the law, do not support the decision.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thoroughly agree with the gentleman and would the gentleman not further concede that the review made by the court of a hearing reviews both substantive and procedural questions alike?

Mr. ECKHARDT. There is no question but that that is true, and frequently those substantive and procedural questions involve an intermeshing of fact and law that becomes very difficult to remove from the jurisdiction of a court. And of course ultimately the Supreme Court may strike down the decision if it is not reached in accordance with the spirit of the act.

I think that this act, even more than the Labor Act, envelopes fact and law in the same package.

Mr. CONYERS. If the gentleman will yield further, then in that sense the cease-and-desist orders provide more opportunity for review on the part of the defendant than this cumbersome method presented in the Erlenborn amendment?

Mr. ECKHARDT. I think it is better than the Erlenborn amendment, because of course one thing that is not recognized by the author of that amendment, or at least has not been recognized in his presentation on the floor, is that the appellate court is also limited by the fact determination by the trial court.

We are dealing here with situations that involve the same kind of special expertise, with respect frequently to a problem involving a complex seniority system in a plant, that exists in the case of the NLRB cases. This kind of case is particularly appropriate for determination by persons who have developed a kind of expertise, and can devote a week or two to a trial. Now, if you load this type of case calling for special expertise and demanding much time for trial, if you load this field of new law on the courts, you are calling upon Federal judges to decide the myriad of questions that arise before them in whatever time it takes, perhaps 2 or 3 weeks and you are calling upon them to learn a new area of law.

So I submit that exactly for the same reasons that the Labor Board is set up in the manner that it is, with the trial examiner system, this system must be so established; otherwise one or two things will occur: either you will not be able to get to trial before a Federal court in one of these discrimination cases or else you will so heavily load the Federal court's docket that other lawyers will not be able to get to try their pressing cases.

Now I would like to point out a few of the real bears in the thicket of the Erlenborn bill. You will note that the Erlenborn bill establishes preemption against the application of any other laws which might affect an unlawful employment practice.

I have the bill before me some place, but I think that has also been gone over by the author of it.

Of course, this means that if the present provision is the exclusive provision controlling all matters relating to questions of fair employment practices, then the Erlenborn bill repeals the Civil Rights Act of 1866 where it touches upon this field.

As you recall, the Civil Rights Act of 1866 is the legislative machinery which puts into effect the rights guaranteed under the 13th and 14th amendments.

The Erlenborn bill by preempting the field removes these provisions from effectiveness in a case covered within the scope of this act.

The Erlenborn bill also ousts the National Labor Relations Board jurisdiction over job bias.

You will recall that section 7 of the Labor Act makes it the duty of a union to represent all of its employees—all of the employees of a plant and not those that it may select as those to be represented. It provides, and the courts have held, that it is an unfair labor practice for a labor union not to properly represent black people within the union; and where seniority provisions discriminate against blacks, there is the basis, under section 7 of the act, for a complaint that the person was not properly represented.

The Erlenborn amendment, it seems to me, would clearly preclude this area of right which now exists for persons whose employment rights may be invaded.

The Erlenborn amendment abolishes class actions. It would wipe out class actions in the area of equal employment opportunity. In this area the courts have held that equal employment actions are customarily class actions whether they are so categorized or not.

But this amendment would prohibit bringing class action suits on behalf of a whole class of persons—blacks, women, and so forth, who may be all suffering the same discriminations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I refuse to yield further.

Mr. Chairman, about 7 years ago, amidst a great fanfare nationwide and with no little notice being given in the foreign press, Congress enacted title VII of the Civil Rights Act of 1964. At that time we were breaking new ground in serious legislation dealing not only with the physical or economic welfare of the people of this Nation, but also dealing in an area in which we had trod very slowly and carefully before.

People have asked me many times: "You were the son of an immigrant. Your people were at one time discriminated against. Why did not your group as a nationalistic group make the same requests that are being made today by other groups?"

I say the difference is this. My people escaped from a very poor peasant life, and they came here to try to make themselves a better way of life, not so much for themselves, but for their children and their children's children. They had never had any schooling. They had never had any education. They did not know they had rights. I can assure the Members that there was no television, nor any "ambulance-chasing" lawyers to advise my people they had rights, and could use them. They had no knowledge of these things. So maybe ignorantly, but observing what they had come here to do and following steadfastly on that path, they took the menial jobs, they built the railroads, they dug the mines, they extracted the coal, they worked the steel mills, and they built the homes and the schools in this country—ofttimes for other children than their own—but they did provide for their children an opportunity to get that which they were seeking, a better way of life.

So their generation did not play around as it were with the so-called rights that we are demanding today for our people. But this group that awakened us 7 years ago to the realization that something had to be done were educated in the American schools and were part of the American scene and were citizens of this country fluent in the language. They pointed out they were being put into an economic level because of something that we were not afflicted with insofar as acceptance into the broad society of our people.

So this Congress—and to its credit—tried to write legislation meeting all the objections of the various sections and sectors and desires of our country, and its economic levels; but we failed, and I will tell the Members why we failed. We failed because we gave with one hand and took away with the other. We created a commission and gave it no power to do anything. It has taken us a long time to realize what the gentleman from Illinois, to his everlasting credit, said so well, and to which I would hesitate to add one word or to even interpret for him.

He said that if we are sincere in wanting to do what all of us say we want to do, then we must give this Commission power. How do we give it power? We give it the power to issue cease and desist orders.

The history of FEPC, the history of civil rights in the various States of the Union, proves beyond a doubt this is the only way for a peaceful, trustful approach to this very, very controversial subject before us.

The State of Pennsylvania was one of the first States in the Union to pass a law establishing an FEPC. I was fortunately one of the sponsors of that act. Because of my position in the leadership at that time, I handled the legislation.

However, we were at that time no wiser than we were in the Congress 7 years ago. We did not give our FEPC cease and desist powers, and we started to get exactly what we have reaped under the present Federal law—a backlog of cases that will not be heard for 10 or 20 years.

Justice delayed is justice denied. In this case we cannot deny justice, because the justice of equal rights is fundamental. There is nothing material one can feel and see, but it is nevertheless, a concept of a principle of life to which this Nation is dedicated.

So, within 3 years, after piling up cases that would smother the courts of that State, we granted our FEPC the cease and desist power. Now it is a rare, rare occasion that a case need go to court.

The 34 States in the Union that have enforcible laws of this character and nature—each in turn—have had to put cease and desist power in their laws.

At present, the EEOC has a backlog of over 26,000 cases. I have heard complaints here about how long the delay on the NLRB cases. Imagine dumping in the Federal courts of the United States these 26,000 cases, and approximately 15,000 to 20,000 more that would be created the minute the ambulance-chasing lawyers find what they can do under this act.

I say to the Members, in all sincerity, if they want to see this particular law become the effective public act we intend it to be—and I say this to my good friends in the South, and to my good friends in the East, the West, and the North, and I say it to all of us regardless of our ethnic backgrounds, the color of our skins, our affiliations of any kind of our sexes—the one just thing we can do is to have the people believe that we are trying to help them, to have the people in the small communities believe we are trying to find a solution for them.

Imagine what would happen in a State like mine, with the appellate courts hanging one on the Atlantic Ocean and the other on the Ohio River, with nothing in between but small communities. Imagine having to go to those appellate courts, the only two jurisdictions we have, on a case involving an employee charged with a rather minor infraction of this particular law, of having to go down with his own lawyer to fight the mighty Office of the Attorney General of the United States. Why, half of the little businessmen in my town would do exactly what they have done many times before. They would give up.

We do not want them to give up. If they are not guilty of an infraction they should not be made to accept the guilt because they do not have the money, the time or the courage to go before the high and mighty Attorney General in each and every appeals case.

The history is—and this cannot be denied—that where you have cease and desist powers, between 95 and 98 percent of the cases are solved before they ever get to a court because we give remedies as well as safeguards.

This is equal rights legislation; this is fair treatment legislation. How can we sit here and try to pass legislation that is not fair to everybody whatever their standing, or their station or their level in life is? I do not care whether it is a big employer of 100,000 employees or a corner drygoods store with eight or nine employees. That is not relevant. True justice has to be equal. That is what we are fighting for and what the blacks in this country are fighting for—equality of justice, equality of opportunity. They do not want special treatment, in spite of what anybody tells you, because special treatment of itself breeds a sort of discrimination that you cannot tolerate. It might serve your purpose for the moment, but if it is not sound for the future, for the long haul, it is not sound now and you should discard even the thought of preferential treatment. They do not want quotas because quotas are against the concept of the very Government we are trying to uphold. Shall we start with quotas and say: "All right. We will have 10 blacks and 15 Italians, 14 Irish, and 11 Slavs?" I do not know how you would ever divide that great body of Anglo-Saxons, because it covers a multitude of sins.

Believe me when I say that I think some of my friends did themselves an injustice; and there are some of them, I believe, who did me an injustice. I was not here in the formative stages. At this time I want to say that no man in my whole experience as a legislator—and this is my 40th year as a legislator—worked harder in the field, in the various States and cities, and spent more time in discussing the matter with groups or has given more of himself, in many cases I know spending his own money. I happen to hold the pursestrings and I know he has never come to me for fare or anything else in order to handle this legislation. I am referring, of course to the gentleman from California (Mr. HAWKINS). I have never known a man that I have ever worked with who had a deeper understanding of the difficulties which we face in this legislation, or a greater willingness to give consideration to the problems of others. It is that understanding, I think, that we all ought to strive for.

I know that a person in my particular district has a different problem than the person, let us say, in the ghettos of Philadelphia. I know that the person in Georgia who lives in a cotton-growing or a peanut-growing community or even in the city of Atlanta has different problems, because that, too, is the essence of our Government. We represent 435 districts here.

It is in the hope that the majority of those districts in sending their Members here will at some point have a majority of that membership of the Congress representing the 435 separate districts but in the whole representing the total of the United States who will vote for a certain piece of legislation. If we said that it had to be unanimous, there would never be any law. If we said that it had to be less than a majority, there would be chaos.

So it is when you give the consideration that the gentleman from California has given when I came back and discussed the problem with him. He understands that it cannot be exclusively the thought of one person or the needs of one district that is mandatory, and that it is not upon this basis that the act must pass. It has to be a conglomerate need consolidated under one piece of legislation.

I know it is not perfect. There are a lot of problems in here. But I do not believe we should vote for a piece of legislation that wipes out the Equal Pay Act of 1963 for women that was passed by the Congress with the clear understanding that the matter of sex should not be a determination of how much is paid for a particular job when it is performed by both sexes. The substitute proposal by the gentleman from Illinois wipes it out under the section of the act dealing with exclusive remedy.

The Erlenborn substitute would establish, as is said in the letter which he sent to us, a 2-year back pay liability. The Hawkins bill goes further. If there is a liability for over 2 years—and I think we all understand that economics and the need for common sense in economics. Today you go back to the date of the passage of the act and you could very easily create an injustice greater than the justice you were giving or trying to give. So we have a statute of limitations such as we have in all of our departmental procedures.

Mr. Chairman, many of my friends today were telling me that they had committed themselves against the committee bill. Now, they did not commit themselves so deeply to the Erlenborn amendment but I had a very strange sensation that what they were saying to me was, "I am committed against the committee bill." Then, by virtue of that statement that gives support to the Erlenborn substitute. However, I asked a couple of them, "Are you committed to the Erlenborn substitute?" They said, "If that is all I have to select from."

Well, now, it is hard and difficult in the last moment of debate on the floor when, as has been said very clearly by the gentleman from Louisiana and by the gentleman from Michigan, few of us take the time to listen to the debate. So, if your mind is already made up by having committed yourself to a proposition 3 months ago, to a piece of legislation proposed 3 months ago, I say it is no longer the same animal that was put in the coop as a pup. It has grown to full growth and it has grown different spots.

How can I, how can you, help this committee make these Members who committed themselves to a piece of legislation before they saw all of the amendments, before they saw the final typewritten copy of what we are trying to do, change their mind.

So, Mr. Chairman, what I intend to do at the proper moment is to put into the RECORD the amendments we are going to offer tomorrow at their proper places in the copy of the bill in order that the Erlenborn amendment or substitute which will be presented for the RECORD tonight as an official substitute will be followed by our amendments. Then, I am sure that the Members of Congress will have an opportunity to read and study the conditions which would be created by both pieces of legislation.

Mr. Chairman, I am disturbed because I know that unless we can gain the trust and the belief that our intention is honest on the part of those so adversely affected by the conditions that brought on the passage of the first Civil Rights Act, and unless they believe that their Congress is trying to do something for them to settle their cases and to grant them appropriate relief and set a precedent and a record of history that will enable us to resolve the oncoming cases as rapidly as possible, unless we do that, we should not pass any legislation—let it ride in its haphazard, bungling way in the same manner in which it has been going down the pike during the last 7 years, creating more misunderstanding and injustice. Give us a precedent that will be good for tomorrow, one upon which we can rely, give us a remedy or a nonremedy, but let us put into their hands something on which they can reaffirm their faith in the workings of democracy.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Clerk will read.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunities Enforcement Act".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ERLENBORN: Strike out all after the enacting clause and insert:

That this Act may be cited as the "Equal Employment Opportunity Act of 1971".

SEC. 2. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(f)(6)) is amended to read as follows:

"(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (h) of this section, when in the opinion of the Commission such proceedings would be in the public interest, and to advise, consult, and assist the Attorney General in such matters.

(b) Subsection (h) of such section 705 is amended to read as follows:

"(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commission."

SEC. 3. (a) Subsection (a) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based and the person or persons aggrieved) that an employer, employment agency or labor organization has engaged in an unlawful employment practice, the Commission, within five days thereafter, shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) Subsection (d) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(d) A charge under subsection (a) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hunderd and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

(c) Subsection (e) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended to read as follows:

"(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge: *Provided*, That if the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from the date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or further efforts of the Commission to obtain voluntary compliance."

(d) Subsections (f) through (k) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 200e–5) are redesignated as subsections (g) through (l), respectively, and the following new section is added after section 706(e) thereof:

"(f) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge and the court having jurisdiction over such action shall have the authority to grant such temporary or preliminary relief as it deems just and proper: *Provided*, That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable. It shall be the duty of a court having jurisdiction over proceeding under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited."

(e) Subsection (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) as redesignated by this section is amended to read as follows:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual, pursuant to section 706(a) and within the time required by section 706(d), neither filed a charge nor was named in a charge or amendment thereto, or was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a). No order made hereunder shall include back pay or other liability which has accrued more than two years before the filing of a complaint with said court under this title."

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. Erlenborn) is recognized for 5 minutes in support of his amendment.

Mr. DENT. Mr. Chairman, will the gentleman yield for a question?

Mr. ERLENBORN. I yield to the gentleman from Pennsylvania.

Mr. DENT. Would the gentleman object to a unanimous-consent request to allow the original bill to be considered as read and printed in the Record?

Mr. ERLENBORN. I would object to that, because I think the substitute should be considered first.

The CHAIRMAN. The gentleman from Illinois has objected to the request of the gentleman from Pennsylvania.

The gentleman from Illinois (Mr. Erlenborn) has offered his amendment in the nature of a substitute which is to be considered as read, and printed in the Record in full.

The gentleman from Illinois (Mr. Erlenborn) is recognized for 5 minutes in support of his amendment.

Mr. ERLENBORN. Mr. Chairman, at this point I think the merits of the amendment that I have just offered as opposed to the merits of the committee bill have been thoroughly debated. I might put this in context by saying that it is probably obvious by now that, while there are other peripheral issues that have been debated today, the outstanding difference between the alternatives before us is what type of enforcement authority should be granted the EEOC. There are those who say that the cease-and-desist approach is much preferable; that the courts cannot do this job of guaranteeing equal opportunity for employment. None of them have addressed themselves to the question that I would ask now, and I hope maybe would be answered before a vote is taken between these two bills and that is: if the courts are so inefficient and unable to grant relief in this area, why is it that over the past many years great strides have been made in the civil rights field primarily through our Federal courts? Why is it that we leave to the Federal courts the right to enforce equal voting rights, the civil rights law, the questions of integration and desegregation, if the courts are so inept?

I think maybe there is a hangup on the part of those who favor the cease-and-desist approach, and I call your attention to part of the editorial that appeared in the Wall Street Journal this morning. I will quote just one or two parts from that. It says:

> Most civil rights advocates write off this Republican-backed alternative.

They are talking about my substitute bill in which I am joined by the gentleman from Kentucky (Mr. Mazzoli) so it is not a Republican approach, it is a bipartisan approach. But, despite that, they say:

> Most civil rights advocates write off this Republican-backed alternative as a predictable move to water down an obviously stronger Democratic approach.

And yet I point out that the committee bill is also sponsored by one Republican and one Democrat, it, too, is a bipartisan approach.

I shall continue to read from the editorial. It says:

> Yet it is significant that a growing number of scholars strongly committed to civil rights disagree. They doubt that giving the agency cease and desist authority would be either effective or desirable. They think a sort of knee-jerk reaction by liberals is blinding

them to the potential inherent in the GOP counter-proposal.

In his 1971 book, "Black Employment and the law," (Rutgers University Press), Mr. Blumrosen then argues that minorities have been far more successful achieving their rights through courts than administrative procedures. He also asserts that states have invariably failed in their own efforts to eradicate job bias through administrative cease and desist powers.

This is what is contended as the best and obvious best way to move.

The article continues:

"I doubt whether cease and desist orders could get at the vestiges of bias better than the courts," declares Bernard Anderson, assistant professor of industry at the University of Pennsylvania. "It would take years to build up the guidelines on which to base such orders, but if you had a good case you could be in court next week."

I think that is important.

Let me explain the other parts of my amendment as I have briefly during general debate.

As to the timely "Service of charges." That is something that should have been in the law originally and, certainly, we should add it now—those who have charges filed against them should be given timely notice.

So a person bringing an action under this cannot shop around for another forum on which to base another lawsuit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices.

The next item is "Temporary and preliminary relief."

By giving the Commission power to go into court, relief is available at the outset.

The next item is "Class action." To limit class action cases to those who are named or who join.

Limitations on liability: Testimony before the House General Labor Subcommittee by EEOC Chairman Brown established that the position of EEOC is that remedies—including backpay—for discriminatory acts may reach back to the effective date of the act, July 2, 1965. It is not clear that the courts have so held. However, to preclude the threat of enormous backpay liability which could be utilized to coerce employers and labor organizations into surrendering their fundamental rights to a fair hearing and due process, my bill offers a new subsection (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) which limits liability in pattern and practice suits to a period of 2 years prior to the filing of a complaint with said court.

With respect to individual complainants therefore, back pay and other liability is limited to the statutory period for filing, formerly 90 days and extended under this bill to 180 days. The final sentence in subsection (h) which limits back pay orders to 2 years is directed to the pattern and practice suits authorized under section 707.

It is only fair to say that liability should not go back ad infinitum but that there should be some reasonable statute of limitations.

Mr. DENT. Mr. Chairman, I ask unanimous consent to extend my remarks and to include at this time amendments in their proper form to follow the substitute offered by the gentleman from Illinois for the information of the House in the printed Record tomorrow.

Mr. STEIGER of Wisconsin. Mr. Chairman, reserving the right to object, it is my understanding that the gentleman from Pennsylvania is asking that copies of certain amendments be printed in the Record at this point?

Mr. DENT. Yes.

The CHAIRMAN. The gentleman from Pennsylvania has requested at this point in the Record he may revise and extend his remarks and to have printed in the Record the amendments which he indicated he would propose to place in the bill at the appropriate place.

Mr. STEIGER of Wisconsin. Mr. Chairman, further reserving the right to object, would that request not be inappropriate in the Committee of the Whole and should it not come only in the House?

The CHAIRMAN. The Chair is of the opinion that the request is in order. These are the gentleman's own remarks and the gentleman's own statement.

Mr. STEIGER of Wisconsin. Mr. Chairman, further reserving the right to object, again is it the understanding that this is a request only that certain amendments be printed in the Record and not that the amendments are offered at this point; is that correct?

The CHAIRMAN. The gentleman has not offered the amendments. He has asked unanimous consent only that they be printed in the Record.

Mr. STEIGER of Wisconsin. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Chairman, the matter to which I referred is as follows:

AMENDMENT

Strike out everything after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Equal Employment Opportunities Enforcement Act".

Sec. 2. Section 701 of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e) is amended as follows:

(a) Effective one year after the date of enactment of this Act, strike "twenty-five" wherever it appears therein and insert in lieu thereof "eight".

(b) In subsection (a) insert "governments, governmental agencies, political subdivisions," after "individuals,".

(c) In subsection (b) strike out "a State or political subdivision thereof" and insert in lieu thereof "the District of Columbia".

(d) In subsection (c) strike out "or an agency of a State or political subdivision of a State,".

(e) At the end of subsection (h) insert before the period a comma and the following: "and further includes any governmental industry, business, or activity".

Sec. 3. Section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) is amended by striking out "or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution".

Sec. 4. Section 706 of the Civil Rights Act of 1964 (89 Stat. 259; 42 U.S.C. 2000e–5) is amended to read as follows:

"PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

"Sec. 706. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

"(b) Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs has engaged in an unlawful employment practice, the Commission shall serve a copy of the charge on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the 'respondent') and shall make an investigation thereof. Charges shall be in writing and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is no reason to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, as far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d), from the date upon which the Commission is authorized to take action with respect to the charge.

"(c) In the case of a charge filed by or on behalf of a person claiming to be aggrieved alleging an unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall take no action with respect to the investigation of such charge before the expiration of sixty days after proceedings have been commenced under the State or local law: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by certified mail to the appropriate State or local authority.

"(d) In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days: *Provided,* That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law, unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

"(e) A charge shall be filed within one hundred eighty days after the alleged unlawful employment practice occurred, except that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. The Commission shall within ten days of the filing of the charge serve a copy of such charge upon the person against whom the charge is made.

"(f) If the Commission determines after attempting to secure voluntary compliance under subsection (b) that it is unable to secure from the respondent a conciliation agreement acceptable to the Commission and to the person aggrieved, which determination shall not be reviewable in any court, the Commission shall issue and cause to be served upon the respondent a complaint stating the facts upon which the allegation of the unlawful employment practice is based, together with a notice of hearing before the Commission, or a member or agent thereof, at a place therein fixed not less than five days after the serving of such complaint. Related proceedings may be consolidated for hearing. Any member of the Commission who filed a charge in any case shall not participate in a hearing on any complaint arising out of such charge, except as a witness.

"(g) A respondent shall have the right to file an answer to the complaint against him and with the leave of the Commission, which shall be granted whenever it is reasonable and fair to do so, may amend his answer at any time. Respondents and the person aggrieved shall be parties and may appear at any stage of the proceedings, with or without counsel. The Commission may grant such other persons a right to intervene or to file briefs or make oral arguments as amicus curiae of for other purposes, as it considers appropriate. All testimony shall be taken under oath and shall be reduced to writing.

"(h) If the Commission finds that the respondent has engaged in an unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons aggrieved by such unlawful employment practice an order requiring the respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), as will effectuate the policies of this title: *Provided,* That interim earnings or amounts earnable with reasonable diligence by the aggrieved person or persons shall operate to reduce the backpay otherwise allowable: *Provided further,* That no order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission. Such order may further require such respondent to make reports from time to time showing the extent to which he has complied with the order. If the Commission finds that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent and the person or persons alleged in the complaint to be aggrieved an order dismissing the complaint.

"(i) After a charge has been filed and until the record has been filed in court as hereinafter provided, the proceeding may at any time be ended by agreement between the Commission and the parties for the elimination of the alleged unlawful unemployment practice, approved by the Commission, and the Commission may at any time, upon reasonable notice, modify or set aside, in whole or in part, any finding or order made or issued by it. An agreement approved by the Commission shall be enforceable under subsection (k) and the provisions of that subsection shall be applicable to the extent appropriate to a proceeding to enforce an agreement.

"(j) Findings of fact and orders made or issued under subsection (h) or (i) of this section shall be determined on the record.

"(k) The Commission may petition any United States court of appeals within any circuit wherein the unlawful employment practice in question occurred or wherein the respondent resides or transacts business for the enforcement of its order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall cause notice thereof to be served upon the parties to the proceeding before the Commission, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief, restraining order, or other order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission. No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or its agent, the court may order such additional evidence to be taken before the Commission, its member, or its agent, and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(l) Any party aggrieved by a final order of the Commission granting or denying, in whole or in part, the relief sought may obtain a review of such order in any United States court of appeals in the circuit in which the unlawful employment practice in question is alleged to have occurred or in which such party resides or transacts business, or in the Unitd States Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission (and to the other parties to the proceeding before the Commission) and thereupon the Commission shall file in the court the certified record in the proceeding as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (k), the findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and the court shall have the same jurisdiction to grant such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission. The commencement of proceedings under this subsection or subsection (k) shall not, unless ordered by the court, operate as a stay of the order of the Commission.

"(m) The provisions of the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (47 Stat. 70 et seq.; 29 U.S.C. 101–115), shall not apply with respect to (1) proceedings under subsection (k), (l), or (o) of this section, (2) proceedings under section 707 of this title, or (3) proceedings under section 715 of this title.

"(n) The Attorney General shall conduct all litigation to which the Commission is a party in the Supreme Court of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the General Counsel of the Commission.

"(o) Whenever a charge is filed with the Commission pursuant to subsection (b) and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to preserve the power of the Commission to grant effective relief in the proceeding the Commission may bring an action for appropriate temporary or preliminary relief pending its final disposition of such charge, in the United States district court for any judicial district in the State in which the unlawful employment practice concerned is alleged to have been committed, or the judicial district in which the aggrieved person would have been employed but for the alleged unlawful employment practice, but, if the respondent is not found within any such judicial district, such an action may be brought in the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28, United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a judicial district in which such an action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Rule 65 of the Federal Rules of Civil Procedure, except paragraph (a)(2) thereof, shall govern proceedings under this subsection."

Sec. 5. Section 707 of the Civil Rights Act of 1964 (78 Stat. 261; 42 U.S.C. 2000e–6) is amended by adding the following new subsections:

"(c) Any record or paper required by section 709(c) of this title to be preserved or maintained shall be made available for inspection, reproduction, and copying by the Commission, the Attorney General, or his representative, upon demand in writing directed to the person having custody, possession, or control of such record or paper. Unless otherwise ordered by a court of the United States, neither the Commission, the Attorney General, nor his representative shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress or any committee thereof, or to a governmental agency, or in the presentation of any case or proceeding before any court or grand jury. The United States district court for the district in which a demand is made or in which a record or paper so demanded is located, shall have jurisdiction to compel by appropriate process the production of such record or paper.

"(d) Effective on the date of enactment of the Equal Employment Opportunities Enforcement Act, the functions of the Attorney General and the Acting Attorney General, as the case may be, under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Commission hereby as may be necessary to enable the Commission to carry out its functions pursuant to this subsection, and the Commission shall thereafter carry out such functions in the manner set forth in subsections (e) and (f) of this section.

"(e) In all suits commenced pursuant to this section prior to the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America or the Attorney General or Acting Attorney General, as appropriate.

"(f) Subsequent to the date of enactment of the Equal Employment Opportunities Enforcement Act of 1971, the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by a member of the Commission: *Provided*, That all such actions shall be in accordance with the procedures set forth in section 706, including the provisions for enforcement and appellate review contained in subsections (k), (l), (m), and (n) thereof."

Sec. 6. Section 709 (b), (c), and (d) of the Civil Rights Act of 1964 (78 Stat. 263; 42 U.S.C. 2000e–8(b)–(b)) are amended to read as follows:

"(b) The Commission may cooperate with State and local agencies charged with the practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees and, notwithstanding any other provision of law. may pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

"(c) Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulation or orders thereunder. The Commission shall, by regulations, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applicants were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply.

"(d) In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish, upon request and without cost to any State or local agency charged with the administration of a fair employment practice law, information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection."

Sec. 7. Section 710 of the Civil Rights Act of 1964 (78 Stat. 264; 42 U.S.C. 2000e–9) is amended to read as follows:

"INVESTIGATORY POWERS

"Sec. 710. For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 11 of the National Labor Relations Act (49 Stat. 455; 29 U.S.C. 161) shall apply: *Provided*, That no subpena shall be issued on the application of any party to proceedings before the Commission until after the Commission has issued and caused to be served upon the respondent a complaint and notice of hearing under subsection (f) of section 706."

Sec. 8. (a) Section 703(a)(2) of the Civil Rights Act of 1964 (78 Stat. 255; 42 U.S.C. 2000e–2(a)(2)) is amended by inserting the words "or applicants for employment" after the words "his employees".

(b) Section 703(c)(2) of such Act (78 Stat. 255; 42 U.S.C. 2000e–2(c)(2)) is amended by inserting the words "or applicants for membership" after the word "membership".

(c) Section 703(h) of such Act (78 Stat. 257; 42 U.S.C. 2000e–2(h)) is amended by striking out "to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin" and inserting in lieu thereof the following: "to give and to act upon the results of any professionally developed ability test which is directly related to the determination of bona fide occupational qualifications reasonably necessary to perform the normal duties of the particular position concerned: *Provided*, That such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, or national origin."

(d)(1) Section 704(a) of such Act (78 Stat. 256; 42 U.S.C. 2000e–3(a)) is amended by inserting "or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs," after "employment agency" in section 704(a).

(2) Section 704(b) of such Act is amended by (A) striking out "or employment agency" and inserting in lieu thereof "employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs,", and (B) inserting a comma and the words "or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee" before the word "indicating".

(e)(1) The second sentence of section 705(a) (78 Stat. 258; 42 U.S.C. 2000e–4(a)) is amended by inserting before the period at the end thereof a comma and the following: "and all members of the Commission shall continue to serve until their successors are appointed and qualified: *Provided*, That no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted".

(2) The fourth sentence of section 705(a) of such Act is amended to read as follows: "The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, agents, attorneys, hearing examiners, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: *Provided*, That assignment, removal, and compensation of hearing examiners shall be in accordance

with sections 3105, 3344, 5362, and 7521 of title 5, United States Code."

(f) Section 705(g)(1) of such Act (78 Stat. 258; 42 U.S.C. 2000e–4(g)(1)) is amended by inserting before the semicolon at the end thereof the following: "and to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b))".

(g) Section 705(g)(6) of such Act (78 Stat. 259; 42 U.S.C. 2000e–4(g)(6)) is amended by striking out "section 706" and inserting in lieu thereof "section 715".

(h) Section 713 of such Act (78 Stat. 265; 42 U.S.C. 2000e–12) is amended by adding at the end thereof the following new subsections:

"(c) Except for the powers granted to the Commission under subsection (h) of section 706, the power to modify or set aside its findings, or make new findings, under subsections (i) and (k) of section 706, the rulemaking power as defined in subchapter II of chapter 5 of title 5, United States Code, with reference to general rules as distinguished from rules of specific applicability, and the power to enter into or rescind agreements with State and local agencies, as provided in subsection (b) of section 709, under which the Commission agrees to refrain from processing a charge in any cases or class of cases or under which the Commission agrees to relieve any person or class of persons in such State or locality from requirements imposed by section 709, the Commission may delegate any of its functions, duties, and powers to such person or persons as the Commission may designate by regulation, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering. certifying, reporting, or otherwise acting as to any work, business, or matter: *Provided*, That nothing in this subsection authorizes the Commission to provide for persons other than those referred to in clauses (2) and (3) of subsection (b) of section 556 of title 5 of the United States Code to conduct any hearing to which that section applies.

"(d) The Commission is authorized to delegate to any group of three or more members of the Commission any or all of the powers which it may itself exercise."

(i) Section 714 of such Act (78 Stat. 265; 42 U.S.C. 2000e–13) is amended by striking out "section 111" and inserting in lieu thereof "sections 111 and 1114".

(j) Section 715 of such Act (78 Stat. 265; 42 U.S.C. 2000e–14) is amended to read as follows:

"CIVIL ACTIONS BY PERSONS AGGRIEVED

"SEC. 715. (a) (If (1) the Commission determines that there is no reasonable cause to believe the charge is true and dismisses the charge in accordance with section 706(b), (2) finds no probable jurisdiction and dismisses the charge, or (3) within one hundred and eighty days after a charge is filed with the Commission, or within one hundred and eighty days after expiration of any period of reference under section 706(c) or (d), the Commission has not either (i) issued a complaint in accordance with section 706(f), (ii) determined that there is not reasonable cause to believe the charge is true and dismissed the charge in accordance with section 796(b) or found no probable jurisdiction and dismissed the charge, or (iii) entered into a conciliation agreement acceptable to the Commission and to the person aggrieved in accordance with section 706(f) or an agreement with the parties in accordance with section 706(i), the Commission shall so notify the person aggrieved and within sixty days after the giving of such notice a civil action may be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission to intervene in such civil action if it certifies that the case is of general public importance. Upon the commencement of such civil action, the Commission shall be divested of jurisdiction over the proceeding and shall take no further action with respect thereto: *Provided*, That, upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending termination of State or local proceedings described in subsection (c) or (d) or the efforts of the Commission to obtain voluntary compliance.

"(b) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this section. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, or in the judicial district in which the plaintiff would have been employed but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought. Upon the bringing of any such action, the district court shall have jurisdiction to grant such temporary or preliminary relief as it deems just and proper.

"(c) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without backpay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). No order made hereunder shall include backpay or reinstatement liability which has accrued more than two years before the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any backpay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a).

"(d) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (a), the Commission may commence proceedings to compel compliance with such order.

"(e) Any civil action brought under subsection (a) and any proceedings brought under subsection (d) shall be subject to appeal as provided in sections 1291 and 1292 of title 28, United States Code.

"(f) In any action or proceeding under this section, the court, in its discretion, may allow the prevailing plaintiff a reasonable attorney's fee as part of the costs."

SEC. 9. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new clause:

"(55) Chairman, Equal Employment Opportunity Commission."

(b) Clause (72) of section 5315 of such title is amended to read as follows:

"(72) Members, Equal Employment Opportunity Commission (4)."

(c) Clause (111) of section 5316 of such title is repealed.

SEC. 10. Sections 706 and 710 of the Civil Rights Act of 1964, as amended by this Act, shall not be applicable to charges filed with the Commission prior to the effective date of this Act.

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new sections:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia government covered by the Civil Service Retirement Act shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any final action taken on any complaint filed by him hereunder.

"(c) Within thirty days of receipt of notice given under subsection (b), the employee or applicant for employment, if aggrieved by the final disposition of his complaint, may file a civil action as provided in section 715, in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 715 shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Bureau of the Budget determines relate to nondiscrimination in government employment are transferred to the Equal Employment Opportunity Commission.

"(f) All authority, functions, and responsibilities vested in the Secretary of Labor pursuant to Executive Order 11246 relating to nondiscrimination in employment by Government contractors and subcontractors and nondiscrimination in federally assisted construction contracts are transferred to the Equal Employment Opportunity Commission together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Commission hereby as may be necessary to enable the Commission to carry out its functions pursuant to this subsection, and the Commission shall hereafter carry out all such authority, functions, and responsibilities pursuant to such order. The Commission shall be prohibited from imposing or requiring a quota or preferential treatment with respect to numbers of employees, or percentage of employees of any race, color, religion, sex, or national origin. The provisions of section 706(b) with respect to nondisclosure of information shall be applicable in the carrying out of this subsection.

"EFFECT UPON OTHER LAW

"SEC. 718. Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

SEC. 12. New section 717, added by section 11 of this Act, shall become effective six months after the date of enactment of this Act.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1746) to further promote equal employment opportunities for American workers, had come to no resolution thereon.

AMERICA NEEDS A NEW BALANCED AIR CARRIER SYSTEM

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, a new system of air fare rates is desperately needed by our country's air carriers, especially the supplemental carriers who provide transportation to thousands of the Nation's travelers.

This past year has been disastrous to the supplemental carriers both because of the decline in military traffic and the inability of the supplementals to compete with the scheduled carriers due to restrictive charter regulations and the introduction of loss-leader fares by the large commercial airlines.

For many years the scheduled carriers have voiced the inaccurate complaint that the supplementals have made unfair incursions into the scheduled carriers' markets. Nothing could be further from the truth. After lengthy hearings in the Senate, Senator HOWARD CANNON stated that "the evidence placed before the Committee indicates that, rather than retard the growth of scheduled traffic, charter operations appear to have stimulated the growth of scheduled traffic."

This past year saw a tremendous growth in overall transatlantic traffic. If there were any foundation to the charges of the scheduled carriers, the supplementals should have incurred enormous profits from this transatlantic growth. The fact is that the supplementals carried fewer passengers across the Atlantic in 1970 then they did in 1969. Yet, the scheduled carriers show extensive operating losses this year despite the increase in traffic. This is due to the imposition of less than cost covering fares by many of the world's scheduled carriers.

What we need is a balanced system of air transportation that benefits the entire public—a system in which the charter traffic is an integral part of the air transport system.

This year I cosponsored legislation with Congressman JOHN MOSS which would create a balanced system of rates that would meet the needs of the business traveler and the vacation traveler, the person who wants the convenience and flexibility of individual, as well as the person who wants the economic advantages of group travel.

A balanced air transportation system is vitally necessary to insure the survival of the scheduled carriers who, despite the increase in air travel, cannot make a reasonable profit due to the archaic regulations which now prevail.

Basic to the establishment of such a system would be a greatly simplified and rational fare structure. Cost and service would be the guiding criteria in setting fares. The basic fare would be the individual economy fare set at a level which enables the carriers to recover their cost and to earn a reasonable profit. Above the basic fare would be a first-class rate. Below the basic fare would be promotional fares to assist in opening new routes. At the bottom of the fare scale would be the charter rates, which because of the economies inherent in operating full planes on a limited basis can offer low fares while still recovering a reasonable profit.

A restructuring of our air transportation system must proceed apace if the U.S. airline industry, both supplemental and scheduled, is to survive.

TURMOIL OVER FORCED SCHOOL BUSING

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, furor and dissension have been caused in innumerable communities in the United States by Federal requirements for the busing of public school pupils and disruption of the neighborhood school system. The irreparable harm already done to race relations by forced busing of schoolchildren is indeed a national tragedy. House Joint Resolution 651, of which I am a cosponsor, is aimed at putting an end to busing which is forced upon pupils and parents, both black and white, against their will. Such forced busing causes tragic losses of many kinds, but particularly educational losses of serious nature.

I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD, immediately following these remarks, the text of a handbill circulated in one school district in Arlington County, Va., in August 1971. This handbill illustrates the turmoil that has been caused in thousands of communities throughout the country by conflicting court decisions and Federal departmental orders. Let us move rapidly to put into effect the remedy—enactment of House Joint Resolution 651.

Concerned Parents, and the Committee to Serve the Wakefield School Community, Arlington, Virginia. Arlington Parents: Stop Unnecessary Busing of School Children! Back Neighborhood Schools! Back Your Arlington School Board! Flier. 1 p. (Full text)

There is a great furor in Arlington over the desegregation of Drew Elementary School. There is no question of whether to desegregate . . . the question is how. The School Board's plan is just and straightforward. About 700 Negro students will be distributed in other County primary schools by busing. This plan is opposed by some black parents on the grounds that only Negro students will be bused. They have proposed a plan whereby about 80 percent of the black students are bused out of the Drew area, and over 1,000 white students from other schools are bused, many into the Drew area.

It is understandable that the black parents of Drew School would resent the fact that the only neighborhood school disrupted by desegregation is theirs. However, there is no way to avoid disruption of Drew as a neighborhood school if it is to be desegregated . . . even the black parents' plan buses four out of five black students. The only thing that can be gained by taking the Drew PTA Plan over the School Board Plan is the satisfaction of infuriating parents of about 1,000 white children who are otherwise willing to go along with efforts to desegregate Drew school.

Of course there are a few North Arlington "liberals" who have always supported desegregation of Drew . . . provided all the Negro children are kept in South Arlington. These same cynics have the nerve to call the School Board plan, which integrates all of Arlington, "racist"!

All of Arlington should back the School Board Plan. If the alternate plan is adopted, South Arlington's neighborhood school system will be destroyed, and along with it the attraction for young families to live here. The quality of the North Arlington school system would not long survive a down hill slide in South Arlington!

THE ATTICA PRISON UPRISING A NATIONAL TRAGEDY AND DISGRACE

The SPEAKER. Under previous order of the House, the gentleman from Illinois, Mr. MIKVA, is recognized for 1 hour.

Mr. MIKVA. Mr. Speaker, what happened at Attica Prison Monday is a national tragedy and a national disgrace.

The tragedy is that at least 40 lives were lost. The New York State police and the National Guard crushed the rebellion, responding to force with more force. The storming of cellblock D may have saved the lives of many hostages, but the cost was very high. There is evidence now that most of the hostages that died were killed accidentally or mistakenly by the very men sent to rescue them. That makes Attica all the more tragic, and it throws open to question the decision to attack the cellblock. The rebellious prisoners created the deadly confrontation, but the impatience of the prison administration made it worse.

Attica Prison is more than a tragedy though. It is a national disgrace because what happened there could have happened—and may still happen—at prisons in other States. This country would be making a serious mistake if it investigates only the rebellion at Attica Prison, if it thinks Attica is an isolated occurrence, and if it does not do something about the causes behind the bloodshed. If we learn anything at all from Attica, we must learn that it can never be allowed to happen again.

We pride ourselves on having a political system designed to anticipate the need for reform, but more and more frequently we recognize that need only after it expresses itself in violence and death. We pride ourselves on being a forward-looking people in a forward-looking country, but prisons in America are medieval. To call them correctional institutions is a cruel joke. With few exceptions, prisons in this country do not correct, they corrupt.

The tragedy at Attica began with a demand for humane prison conditions. The prisoners submitted a list of proposals, and the state correction commissioner agreed to 28 of them. As the commissioner himself pointed out, these proposals were not unreasonable: they called for better food, improved health and recreational facilities, true religious freedom, and a better rehabilitation program.

Unfortunately, Mr. Speaker, there had to be a riot before the prison administration would agree to these demands. That is the disgrace of Attica—disgrace that must be shared by almost every prison system in the country. In most places, prison life is subhuman life. More is at stake though than the lives of prisoners and correction officers who live and work in prisons. To a great extent the welfare of the country rides on our interest in prison reform. How many more riots must there be, how many more lives must be sacrificed to generate that interest?

This country spends a vast amount of money catching and trying criminals. It spends comparatively nothing to rehabilitate them, and that is more than curious. The entire process is becoming an exercise in futility. More than half of the people who are sent to jail and serve their sentences end up there some time later convicted of another crime. The police are catching the same criminals over and over again. This is not only a waste of money—it is a waste of lives.

This country's jails and prisons are so overcrowded, underfinanced, and understaffed that they cannot begin to rehabilitate the people sent there. They cannot even begin to treat them like human beings, and the correctional officers are not treated much better than the prisoners. Riots and rebellions in prisons should not really be surprising. It is sheer folly to let the prison system continue to be nothing more than graduate schools for crime, where prisoners learn new tricks of the trade, rather than a skill that might keep them out of jail for the rest of their lives.

It will take more than the uprising at Attica, more than just a change of attitude to change the facts of prisons in America. It will take money—just as it has taken money to improve the police departments—just as it is taking money to improve the courts. That is not happening yet; prisons are continually shortchanged. Earlier this year, the House cut funds from the Justice Department's prison budget, and that kind of thing is happening at the State level as well.

I hope that Congress will not wait for Attica II and Attica III—wherever and whenever they occur—to face its responsibility to examine the entire system of penal institutions. To focus attention on prison conditions and the need for reform legislation, my colleague from New York, Mr. KOCH, and my colleague from California, Mr. BELL, and I are planning to form a task force on prison reform. It is our urgent hope that other Members will join us in a bipartisan effort to make sure that what happened at Attica never happens again, to make sure that prisoners are never treated as less than human beings.

We simply cannot afford to wait any longer to do this. There are not jails enough nor jailers enough to contain the misery and desperation of our prisons. The inside of each prison is a battleground which pits men against themselves and other men, and ultimately against the society which put them there.

One such battle was fought this week at Attica, and we all lost.

We will continue to lose those battles until we are prepared to put some resources, some innovations, some concern and some very desperately needed reform into the entire penal system from beginning to end.

I would hope as a beginning the Judiciary Committee, on which I serve, would renew the hearings commenced earlier this year, again not to find scapegoats but to find a handle to this awful problem which can destroy us all.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my distinguished colleague from Maryland.

Mr. MITCHELL. I thank my distinguished colleague for yielding and I thank him for his courage in bringing this matter before this body by obtaining this special order.

Since I have been in the Congress there have been two or three national events which have shattered me at least momentarily, events which I believe have hurt many Members of this Congress and have traumatized the lives of many Americans. Mylai was one such event. Attica is another.

I only hope that this body will heed, listen to, and act on the recommendations being made by my distinguished colleague. There is something deep and sick and wrong about these events, and it is our responsibility to cure the sickness and to right the wrongness.

I associate myself with the gentlemen's remarks. I for one am deeply grateful that he has had the courage to bring them to this floor.

Mr. MIKVA. I thank my colleague. I am aware of his abiding concern about the problems of prison reform, and that his concern did not start with Attica or even other cause célèbre of riots and other events about the country. I am aware that for a long period of time he has been concerned about the problem within his own State and the country as well, and I am pleased he has taken part in this special order.

Mrs. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the distinguished gentlewoman from New York.

Mrs. ABZUG. I want to compliment the gentleman in the well for having taken this special order. As a Congresswoman from New York State—and just as an American—I can say that all Americans, including myself, have been shocked and saddened by the events of the past few days at Attica and in upstate New York.

There are some present indications that investigations into what occurred there will be conducted by the State of New York. This will amount to the State investigating itself, despite the fact that there is the distinct possibility that the Governor and other officials of that State may themselves be highly culpable for both the conditions which led to the revolt by the prisoners and the handling of the rebellion itself.

There are conflicting reports as to what or who actually caused the deaths of the hostages, and the willingness to grant many of the prisoners' demands after the rebellion began is itself strong evidence that severe, if not brutal conditions at the penitentiary pushed the inmates to extreme action.

The perpetrators of the tragic deaths at Attica must be brought to justice. We must also take steps to assure that similar explosions do not spread to other penal institutions, not only in New York, but across the country as well. We must ascertain the facts and avoid the possibility of a whitewash which will only serve to incite other disturbances.

Because of the serious questions raised by having State panels investigate the actions of State officials, I have asked the distinguished chairman of the Judiciary Committee to consider holding hearings to investigate what happened at Attica. This request is made not only because I have doubts as to the ability of the State of New York to investigate in a manner which will be and will appear to be absolutely unbiased, but also because no investigation by a State government can possibly include within its purview the question of whether Federal legislation to protect the constitutional rights of prisoners and guards should be enacted.

Insofar as the possible need for Federal legislation is concerned, statutes such as sections 1983 and 1985(3) of title 42, United States Code, and their criminal analogues, sections 241 and 242 of title 18, United States Code have proven to be too vague to protect prisoners' rights. Section 3750b of title 42, United States Code, which sets forth requirements for correctional facilities receiving assistance from the Law Enforcement Assistance Administration, contains no provisions making this assistance contingent upon proper and constitutional conditions of incarceration. An investigation by the Judiciary Committee would, in my opinion, demonstrate quite clearly the need for legislation in this area.

I regret the failure of Governor Rockefeller and the members of his adminstration to act decisively in the area of penal reform prior to this incident. Surely last year's incidents at the Tombs, in New York City, were a warning that a convict is no more willing to live like an animal than is anyone else. Responsible groups such as the Fortune Society and Mr. William vanden Heuvel's Committee on Prisons have pointed this out on numerous occasions. Both the content of prisoners' demands and the fact that they were quickly granted in 28 out of 30 instances is evidence of how reasonable they were—two typical items were an increased number of black and Puerto Rican guards in an institution whose inmate population is

85 percent black and Puerto Rican and adequate narcotics rehabilitation treatment.

I have called upon Governor Rockefeller to create immediately an ombudsman-type committee—fully independent of existing correctional and prison authorities—with full power to visit prisons, communicate directly and without censorship with all prisoners, and make recommendations for necessary reforms. In addition, I have asked that the 28 demands of the Attica inmates to which Corrections Commissioner Oswald agreed be instituted at once at Attica and all other correctional facilities in the State of New York, for it is evident to me on the basis of the many letters I have been receiving from prisoners in various upstate facilities that the conditions which precipitated the rebellion at Attica are present throughout the State's correctional system.

Time and again, trouble has erupted at State prisons. Time and again, we have found when the dust has cleared that the conditions in these prisons had been subhuman. Attica is by far the most serious and tragic of these incidents, but it is by no means the first.

It is high time that we recognize that we can put off the question of criminal correction no longer. Unless we are prepared to return to the Elizabethan practice of hanging for all offenses from pickpocketing on up, we must make a commitment—not only a political commitment, but also a massive financial commitment—to creating a correctional system which emphasizes rehabilitation rather than revenge and punishment.

I hope that Congress, in acting on this problem, will provide Federal funds in areas where they can make a real difference. Examples of this are the training of minority correction officers and the creation of adequate drug rehabilitation facilities in prisons, both of which were among the Attica demands.

I join with the gentleman from Illinois (Mr. Mikva) in hoping that the Committee on the Judiciary will hold hearings on the Attica tragedy, not only to examine the facts there, but also to consider how Federal law might be altered and improved so as to protect the rights of prisoners in State institutions all over this Nation.

Mr. KOCH. Mr. Speaker, will the gentleman yield to me?

Mr. MIKVA. I thank the gentlewoman from New York for her contribution, and I yield now to the gentleman from New York (Mr. Koch).

Mr. KOCH. I thank the gentleman for yielding.

I have worked with the gentleman from Illinois on legislation which deals with penal reform. As always with legislation of that kind, it is the last to be looked at because prisoners are not really constituents in the sense that we view constituents, because they do not vote. Therefore, their needs so often come at the end of the line, if at all.

In January 1970 I visited the Federal House of Detention in Manhattan. This prison is not actually in my district, but it has confined within it many of the Federal prisoners awaiting trial in New York City. Since that time I have visited a total of six prisons, four of them in New York—the Tombs, Riker's Island, Kew Gardens—and two here in Washington, D.C.—the District of Columbia jail and Lorton Reformatory.

What is amazing to me is that the prison conditions which are so heinous and barbaric—and what I mean by this is the way we handle prisoners, with no rehabilitation programs and with three or more in a cell many times—are not new conditions. And they are conditions that have been brought to the public's attention long before the Attica uprising. There are reports upon reports that go back so many years that it would be impossible to list the number of reports that have been made by so many individuals, but they are rarely read and always filed away.

The second prison I visited was the Tombs—a New York City house of detention. Shortly after my visit I took a survey in the prison through a questionnaire that was given to every prisoner. There were 1,700 prisoners and 905 actually replied to the questionnaire. You would be amazed at the conditions which existed in the Tombs, and the Tombs is very bad but it is no different than many other city and State institutions in New York and other States.

Now let me tell you a little bit about the conditions that existed in the Tombs when this questionnaire was filled out. Some of the questions and answers were:

Have you ever been the victim of an assault by another prisoner?

The response to that was yes; 9 percent.

Have you ever personally seen a guard assault an inmate?

The answer was yes; 46 percent.

What is the number of persons sleeping in your cell?

First I want to tell you what a cell is. A cell is approximately 7 feet by 6 feet in the Tombs.

The response to that question of how many people occupied a cell was the following: 7 percent said that more than three occupied a single cell; 45 percent said that three occupied the cell.

Now, just imagine what that means. Let us take that figure of 45 percent who were three men in a cell 6 by 7 feet. I have seen those cells. The cells contain cots that come off the wall with two hanging off the wall and the third prisoner sleeping on the floor; in many cases the third inmate slept on the floor without benefit of a mattress. In many cases the prisoners were not given blankets or towels for more than a week after they got into the institution. They just had to sleep on the cement floor.

The tragedy of Attica is even more personal to me because I had met one of the inmates at Attica who is now dead. In my first visit to the Federal House of Detention in 1970 I met Sam Melville. At that time he was in the maximum security ward.

As I was touring the jail with the warden, I heard a voice say, "Congressman, may I speak with you?" I went over to him and he said, "Congressman, this cell is about 6 by 7 feet"—and there were three prisoners in it at that time. He said:

> We have as many as six in this cell and I am only allowed to shower once a week. I am not allowed to exercise. Why? Why?

So, I went over to the warden. I said, "Why?" He said:

> Melville is in here because he is charged with bombing.

I said, "But what has that got to do with his exercising and being able to take a shower once a day or being penned in a cell which is made for one person? Why must there be six people in it?" There, really, was no answer.

So, I wrote to the Department of Corrections at the Federal level and about a week later I got a response from Melville. It was a letter that said, and I quote him:

> Dear Congressman, there is a new adage at the prison: It takes a visit from the brass to get the warden off his ass. We now shower every day and we exercise every day.

Why was it necessary for the head of the Department of Corrections in Washington to have to order that on the local level? Why was it not a matter of routine?

Well, Melville was killed up at Attica. I am not here to hold a eulogy for Melville. He was a convicted criminal. He was convicted of bombing. I am not here to defend him. But no matter what he was guilty of, under our system you do not torture people, you do not engage in barbarism. You punish him for his crime. The punishment for his crime is that he serves a certain amount of time in jail, but not suffer the additional punishment that comes from treating a human being like a mad dog.

He was shot. He is dead, as are so many others.

Mr. Speaker, I am not going to get into the question of blame and why they were shot and the circumstances surrounding this tragic incident, because hopefully that will come out in the investigation. But, what is important to me is that the Commissioner, Commissioner Oswald, said that there were 28 demands which were made relating to the things we are talking about, such as personal cleanliness, and in some cases permission to practice their religion—28 reforms which were going to be put into effect and which he was acceding to because they were proper.

I do not know. Perhaps, they have been put into effect, but I doubt it.

What disturbs me is that no matter what happens with respect to that investigation and where the blame lies with respect to those deaths, why today are not those 28 reforms put into effect, not only at Attica but in every other penal institution.

What I would hope would come out of this tragedy is continued public interest in a situation which should have been cleared up years ago, and not recriminations alone and seeking a scapegoat. Undoubtedly one person is going to be charged with responsibility for the whole thing. But it is not that one individual, as chargeable as he may be, who deserves our condemnation, but it is all of us who knew about the situation and have not done anything about it.

Mr. Speaker, people beat their breasts today but will forget about it tomorrow. Unfortunately, the public will not reflect upon this tragedy for more than 11 days because that is the normal time span of their attention before some new matter takes their attention. Yes, this tragedy is going to be talked about for a few days and then it will be over until there is another riot and more tragedy.

What I would hope would come out of this is support for legislation—and there is legislation, and very good legislation that our colleague, the gentleman from Illinois (Mr. MIKVA) has introduced which provides for minimum standards. Most States get Federal funds for their prisons so why should they not be compelled to have certain minimum standards? Even if they get a single dollar by way of Federal funds for their institutions his bill requires that the local officials comply with standards, and I am proud to be a cosponsor of the bill. I am inserting at this point the questions used in my Tombs survey and a summary of the answers:

Koch Questionnaire on Conditions in the Tombs

Please answer the following questions briefly in the space provided and return in the enclosed envelope which is already stamped and addressed to me in Washington, D.C. Seal your envelope before mailing. It is vital that you answer this poll so that we can know about conditions under which you must live.

1. Have you ever been a victim of assault by another prisoner? If so, please describe the incident.

2. Have you personally (don't give me a third hand report) seen a guard assault an inmate; include only incidents not reported and investigated.

3. When was the last time a library facility was made available to you?

4. What is your schedule of recreational programs such as movies, walking outside etc.?

5. Is there a limit to the paper and pencil available to you?

6. What is the number of persons sleeping in your cell?

7. Were you given a blanket, towel and mattress immediately upon entry in the prison? ---- If not, how long was it before you received them?

8. How often are your sheets----, blankets -------- cleaned?

9. Have you been issued any clothing since coming to the Tombs?

10. Are you given enough soap?

11. How often can you take a shower?

12. If you have no money, are you given an allowance at the commissary for items such as cigarettes?

13. Are newspapers made available to you?

14. How long has it been since you have seen a movie?

15. Do you receive adequate medical care?

16. Do you have the services of a social worker? ---- If so, is this person readily available to you?

17. Are the services of a notary available to you?

18. If you are a drug addict, please describe the procedure for your detoxification?

19. Do you have salt and pepper in your food?

20. Was your free call made for you? ---- And was contact made for you through that call?

21. How often are you permitted to have visitors?

22. How long are your visitors permitted to stay?

23. What do you think of the Legal Aid Society?

NAME: ---- May I use your name? ---- Yes; ---- No

What crime have you been accused or convicted of?

Are you awaiting sentencing or have you been sentenced?

How long have you been at the Tombs?

Please use the other side of this questionnaire for any added comments you would like to make.

Computation of Tombs Questionnaire

Have you ever been a victim of assault by another prisoner? Yes: 9%; No: 77%; NA: 14%.

Have you personally seen a guard assault an inmate? Yes: 46%; No: 36% NA: 18%.

What is the number of persons sleeping in your cell? 2: 21%; 3: 45% 2 & 3: 12%; 4: 3%; 3 & 4: 7%.

Were you given a blanket, towel and mattress immediately upon entry in the prison?

Immediately: 12%, blanket; 7%, towel; 8%, mattress.

Less than a week: 27%, blanket; 16%, towels; 22%, mattress.

More than a week: 17%, blanket; 22%, towel; 18%, mattress.

"Not Yet" category: 15%, blanket; 18%, towel; 6%, mattress.

How often are your sheets----blankets---- cleaned?

Weekly: 75%----sheets.

Never: 92%----blankets.

Are you given enough soap? No: 79%.

Do you receive adequate medical care? No: 91%.

Do you have the services of a social worker? No: 90%.

38% indicated that they were on drugs upon entry in the Tombs Cold Turkey for everyone.

I thank the gentleman for yielding to me.

Mr. MIKVA. I thank the gentleman from New York for his contribution.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to my colleague, the gentleman from Michigan (Mr CONYERS).

Mr. CONYERS. Mr. Speaker, I think the gentleman from New York (Mr. KOCH) has made one of the most perceptive statements about the wrongs in our penal system that I have heard on the floor of this Congress, and perhaps, I might add, anywhere else.

I am troubled, as are all of the Members gathered here for these special orders, about a situation that is synthesized by that one location in New York where there is a strange, and in a very foreboding way the sign of the new unrest in our society. In fact, in Michigan there have been reports of the same potential for trouble.

I particularly underscore his perception in allowing that all of us must in some way share the responsibility for the tragedy that has occurred in New York State.

Mr. MIKVA. I thank the gentleman from Michigan (Mr. CONYERS) for his contribution. The gentleman serves with me on the Committee on the Judiciary. I know that his interest is abiding in this matter, and I know he will join with me in my cause in trying to see if we can get that committee to resume its hearings we started, and move forward on this very, very pressing problem.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the distinguished gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Speaker, I thank the gentleman very much for yielding me this time. I am going to be very brief.

I want to say at the outset, in a very realistic way, that I knew it was going to happen. Perhaps people might be rather surprised at my stating the case in this way, but it is because for over 15 years, at least, in the City and in the State of New York, I have witnessed the appointment of all kinds of investigatory commissions, and investigatory bodies, Governor's committees, and special community committees, to go into the prisons and the jails to observe the conditions under which these men, who are paying certain penalties already prescribed by the law, are undergoing, and these committees had indicated quite clearly that the lid would explode and that at some time in the very near future many lives would be taken.

I particularly feel very deeply about this because I have had the opportunity to be in two of these situations within the past year, one where we spent 3 days—if not almost a week—along with our distinguished colleague from the Bronx, Congressman HERMAN BADILLO, when we had an outburst in the Long Island prison.

I want to tell you that I do not think that many of us who are responsible for implementing our laws can readily recognize why we are doing these things to human beings whose individual liberties and just, basic, personal freedoms are denied so that because of this they eventually become dehumanized and depraved, and do that which they have to do in order to dramatically bring to the attention of the world what is happening.

When I went into that prison—and never will I forget it—for 3 days—and again I say never will I forget what I saw—I could not believe it.

It was a very interesting thing to know that even though many of these prisoners were there for very serious crimes—basically the overriding question and the overriding consideration and issue was, "We know we have to pay our penalty, but have you forgotten that we are human beings who are entitled to just a few basic things—" such as my friend, the gentleman from New York (Mr. KOCH) has mentioned—a bath, a daily shower, soap, toothbrushes; and to be able to have gone into those cells, just two-by-fours, and to see those prisoners in despair—and to walk through urine and feces only because these men are not important in the eyes of many persons in this country. That is because, as someone has so eloquently phrased it—they are not voters.

I say to you in conclusion, to the gentleman in the well from Illinois (Mr. MIKVA), and all of those who are interested in dealing in legislation and having more investigations—I do not want to sound pessimistic—it is necessary for us to get at the bottom of what happened in Attica prison. But I hope to God that as a result this Congress must now take action, and that is to take the leadership in setting some basic guidelines and basic rules for the deprived and depraved men, in a real sense that we may be able to implement something realistic, something that will give them the hope that at least with the death of over 25 persons we have finally come to understand what has happened. Let us hope that those deaths will not have been in vain; let us hope that perhaps we can move on the case.

Mr. MIKVA. I thank the gentlewoman from New York (Mrs. CHISHOLM).

One of the provisions in the bill that the gentleman from New York (Mr. KOCH) has referred to, which he is a cosponsor of as are other people who are in the Chamber, and out of the Chamber, is to provide the equivalent of what we in the army called the Inspector General. Because unfortunately when these conflagrations break out in the prisons there is a great credibility gap between the prisoners and the correctional authorities, and almost without fault the prisoners demand some kind of a neutral force, whether it is the press or the brass, as my colleague, the gentleman from New York (Mr. KOCH) referred to it, someone that they can tell their story to. Because there is no confidence on their part whatsoever in the correctional authorities. Again it is not a question of whether that lack of confidence is justified or not, it is a fact that somewhere we must develop that kind of neutral authority which will have the confidence and have some credability so that there can be some accommodation other than at the point of a gun. But pending such legislation certain people are called upon to play that role, and our very distinguished colleague, the gentleman from New York, had the unenviable pleasure of playing that role in the situation in New York where he was one of the persons that the prisoners asked to see, to try to serve as a conciliator, to try to serve almost as an expressor of their views because they were concerned that they would not be brought forth to light, and they wanted the assistance of some outside force—and I am referring, of course, to our distinguished colleague, the gentleman from New York (Mr. BADILLO) and I am very pleased to yield to that gentleman at this point.

Mr. BADILLO. Mr. Speaker, I am grateful to my colleague, the gentleman from Illinois (Mr. MIKVA), for giving me the opportunity to appear before the House, and to answer any questions that the Members may have as to what went on in the prison at Attica.

I was called into this by Governor Rockefeller through his secretary, Mr. Douglas, on Friday, and from that time on until late Monday afternoon I spent practically every hour trying to insure that the tragedy that took place could be avoided.

I think it is important to get all the facts as to what happened. I think for that reason it is important that there not be a prejudgment, and I want to touch on a few of the situations that remain in my mind now to indicate why it is important that no prejudgment should be made.

I had the misfortune of having been in situations similar to those Congresswoman CHISHOLM indicated. We were together last year at a riot in a prison in Queens in New York City. I found that the situation in New York City was entirely different in that the prisoners there were far better organized because we were able to deal with a negotiating committee. In Attica we had to negotiate with 1,200 people at once. I mention that because it has been said it was an organized operation, and we were at no point able to get the prisoners to agree upon a negotiating committee that could meet with us.

Second, I was physically present in the yard where the prisoners had placed themselves after the escape from the cells with the hostages, and I received a copy of their demands. I want to point out to all of you that the prisoners were able to distinguish between one category of demand and another, because it has been said that some of the demands were absolutely inflexible. I just want to point out on the first page there was a list of five demands which included complete amnesty, which included speedy and safe transportation out of confinement to a nonimperialistic country, and other such demands.

But on the second page there was a list which was headed "Practical Proposals," so that the prisoners understood that not all the demands were in the same category, and as a lawyer and as someone who has had experience in these matters, working with Assemblyman Arthur Eve and other members of the committee, we began to concentrate on the practical proposals. I must tell you that we not only went over the first 15 demands that were listed by them and the other proposals, but they later added some more, and then a vote was taken, and we could see which of the proposals had the greatest support from among the prisoners. I must tell you that the proposal that had the strongest and most overwhelming support from all of the prisoners was No. 12, which said:

> Give us a doctor that will examine and treat all inmates that request treatment.

There was no proposal that received more support than this one did.

We could tell—I made notes about the different proposals—we could tell there was a clear distinction between those which were most wanted by the prisoners and those which had been put in at the request of a few. It was in that manner that we were able to come to the 28 recommendations that have been published, and we found that after we agreed with the prisoners that these were the 28 recommendations, we found that Commissioner Oswald himself agreed that these recommendations should be implemented.

I want to point out that these recommendations include some matters which not only do not require any new laws, but are already in the Constitution of the United States; for example, "allow true religious freedom." This does not exist in the prisons in New York State. Whether you agree or disagree with the philosophy of the Black Muslims, the point is there are many prisoners who feel that that is their religion and they want the right to be able to practice that religion.

Another one has to do with the question, No. 8, of the censorship of newspapers, magazines, and other publications. Of course, they are here referring to the publications of the Young Lords, the Black Panthers, and the Black Muslims. But this also has the same protection in the Constitution. So some of these matters have to do with enforcing the Constitution of the United States, and that is the reason that Commissioner Oswald agreed with it.

Others have to do with matters that are already on the books, either through laws of Congress or laws of the State of New York, such as providing adequate food, water, and shelter for all inmates, and providing for an adequate diet.

The fact is, we were told by Commissioner Oswald that the diet which is provided has nothing to do with whether or not it is proper. It has to do with the fact that the budget of the State of New York allows only 72 cents per person per day for a diet. That is how the diet is computed, on the amount of money, and not on whether or not it is adequate for the prisoners.

So as we go through the demands, we can list them into categories of enforcing the Constitution, of enforcing the existing law, and the new matters which are important.

Among the new matters which are important I particularly want to call to the attention of the Congress at this time some which can best be carried out through support by the Congress. This has to do, for example, with item 17, which calls for the institution of a program for the recruitment and improvement of a significant number of black and Spanish-speaking officers. In the entire prison which had approximately 2,000 inmates, of which about 80 or 85 percent were black and Puerto Rican, there was not a single black correctional officer, and there was only one Puerto Rican officer, I was told, although I was not able to find him during the 4 days.

Clearly we should be able in Congress to provide the funds for that kind of training program, not only in Attica and the State of New York, but also throughout the country.

The prisoners also asked that there be an effective narcotics training program for all prisoners requesting such treatment, because prisoners who have made the request have been turned down. That is one of the reasons why they wanted a doctor at least to examine to see whether the request was a reasonable request.

The prisoners also felt that it was important that there be training programs and not just that there be more officers or a particular officer, but that there be training programs for the correctional officers so that they would have a better understanding of how to deal with the prisoners.

I do not want to go into all these matters now, but I just want to point out that it is important, it seems to me, in view of the fact that Commissioner Oswald, who is a well known expert on prisoners, had agreed upon these reforms. I think it is important that the

Governor of the State of New York immediately take action to see that these recommendations are put into effect—not only in Attica, but also in all of the prisons throughout New York State.

I want to point out that the prisoners were talking about other prisoners throughout New York State, because when it came to recommendations of this type, they spoke to us not just about their particular problems, but also about all the prisons throughout the country. It is in discharge of that request of theirs that I come before the Congress today. I will include all the recommendations in the Congressional Record, and I hope that the Members will all study the recommendations and commit themselves to providing whatever funds may be necessary to see to it that the recommendations are carried out.

Mr. REID of New York. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Speaker, first I commend the gentleman from New York (Mr. Badillo) for the thoughtful tone of his statements, and for his statement that we should not make final judgments or prejudgments now, but that there should be very careful analysis of the need to take certain steps and to make recommendations. Obviously some are contained in the Constitution or in the laws of the State of New York, which quite obviously should be implemented promptly, not only at Attica, but also throughout the country and for the prisoners of New York State as well.

I commend the gentleman from Illinois for taking the time in this special order to bring up this special subject. We do need to get certain laws on the books providing for certain standards consonant with the support that is being provided by the Federal Government.

Finally, I think all of us are indebted to the gentleman from New York (Mr. Badillo) for his service in an extremely difficult task. I am sure we all share the anguish the gentleman went through, and yet I am sure that if there were opportunities for viable communication, he was one of those who made it possible, and the least we can do is promptly to try to carry out that which he and others feel is the result and consequence of the tragedy and to see that it does not happen again.

I believe all of us owe him a vote of thanks for his efforts in this regard.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. DOW. I, too, want to compliment the gentleman from New York (Mr. Badillo) on the fact that he went to Attica and joined in the frontline confrontation there. I believe that his services, great as they are and have been, are going to be greater, because having lived through this experience I am sure he has a responsibility which he recognizes to contribute to our efforts in the future to remedy these conditions.

I do have one question I might ask. Some expressions in the papers indicate that people, citizens in the State of New York, believe that a part of the trouble was because of leniency on the part of the prison administration and a program of being kind and considerate to prisoners, and that this has given the prisoners the notion that they can cut lose and demand more and not conform to what might be called a rigid regime or regimen. I wonder if the gentleman would comment on that?

Mr. BADILLO. I shall be glad to.

This was not a riot of people trying to escape. This was a riot of people trying to improve conditions. There is no doubt in my mind about that. The demands made by the prisoners were for improved conditions of prison life. When we took the vote, the only item that had anything remotely resembling escape was item 2, about speedy transportation to a nonimperialistic country. When we took a vote, that got no support at all. That was extraordinary, because I understand there were more than 200 prisoners who had life sentences. There was not anything like 200 who voted to support this, and yet these were prisoners there for life.

There is no doubt in my mind it was not an attempt by prisoners to escape, but it was an attempt to improve prison conditions. That is why I commend to the Members a reading of these proposals, because they are eminently practical, having to do with daily life.

The reality with regard to the prisoners at Attica is that they were allowed one bath a week, and the food they got was only 72 cents worth a day. The conditions there are such that this has nothing to do with the nature of the crime, because whether one committed murder or stole $1,000 he got the same diet and he got the same number of baths.

This has to do with the fact that conditions are not humane living conditions for anyone. This is, I believe, what we have to begin to address ourselves to.

Mr. DOW. Some people seem to think that the prison routine is too lenient and that this leniency has led to the feeling among the prisoners that they could ask for more. This is a philosophy that believes our prison system is not rigid enough. That is the point I was trying to make.

Would the gentleman care to comment further?

Mr. BADILLO. The things they have asked for include the application of the Constitution of the United States and the enforcement of the laws. I believe that the prison officials have an obligation to obey the law even when it comes to those who are confined to prison.

Mr. DOW. Would the gentleman give us some idea as to which one of the demands was the cause of the final difficulty or disagreement, which led to the violence? If the 28 demands were acceptable all around, what demands were made by the prisoners which evidently could not be accepted?

Mr. BADILLO. The demand for amnesty.

We had subdivided that into separate categories. We came to an agreement on what is called administrative amnesty; that is, to insure that prisoners would not be beaten after the revolt.

That was a real concern, because we have pictures, published in the New York papers, showing prisoners being beaten after return to their cells in Queens last year.

We came to an agreement that was very precise, in item 3:

> 3. Grant complete administrative amnesty to all persons associated with this matter. By administrative amnesty the state agrees:
>
> A. Not to take any adverse parole actions, administrative proceedings, physical punishment or other type of harrassment, such as holding inmates incommunicado, segregating inmates, or keep them in isolation or in 24-hour lockup.
>
> B. The state will grant legal amnesty in regard to all civil actions that could arise from this matter.
>
> C. It is agreed that the State of New York and all its departments, divisions and subdivisions, including the State Department of Corrections and the Attica Correctional Facility and its employes and agents, shall not file or initiate any criminal complaint or act as complainant in any criminal action of any kind or nature relating to property damage or property-related crimes arising out of the incidents at the Attica Correctional Facility during Sept. 9, 10 and 11, 1971.

So that put that down. And, in order to insure that this would be carried out, we had a provision that a team of observers would remain in the institution to insure that there would be no administrative reprisals.

Second, we agreed that there would be no civil complaint regarding property damage.

Then we got to the question of criminal complaints. We were able to get a statement from the district attorney to the effect that he would not conduct wholesale prosecutions but would only prosecute individuals against whom a specific crime could be alleged. It was at that point that we were not able to come to an agreement.

My opinion was that we were dealing with men who know something about the law, because they had all been convicted. We were dealing with men who understand that total amnesty is something that practically cannot be granted. My opinion was that if we could have had additional time it might have been possible to come to an even greater clarification on the question of amnesty, because we were trying to isolate those areas where we could agree and where we could not agree.

I must tell you that I cannot guarantee it would have happened that way, but we have negotiations sometimes that have to go on for many days in the case of other matters, and in a case where you are dealing with 38 hostages it seems to me 3 days to negotiate and get an agreement on 28 proposals is quite an accomplishment. I would say even for a simple labor dispute I know of few areas where you can agree on so much in this short period of time.

With the pressures that we had, we could not solve everything, but on the other hand think of the little time that we had. I think we would have come to an agreement if we could have had more time.

I want to point out in order to gain additional time that on Sunday we arranged to have television cameras go into the prison yard and had taped interviews with the hostages to show that they were not being harmed or being physically abused, and we got their own statements which were in their own words so that their relatives could be assured.

Then, having done that, I and the committee felt that we had a basis for asking for an additional day even after Governor Rockefeller refused to come. I made the request to Commissioner Oswald for the additional day, and he turned that down. Of course, the State moved in the following morning.

Now, this is to answer your question as to the area in which it broke down and the circumstances under which the negotiations broke down.

Mr. REID of New York. Mr. Speaker, would the gentleman yield to me?

Mr. BADILLO. I yield to the gentleman.

Mr. REID of New York. Could the gentleman enlighten the House with regard to the facts as to what happened to the guards that were killed? What are the facts on that matter?

Mr. BADILLO. I have no personal knowledge of that, because I was allowed to inspect briefly the yard after the prisoners had all been captured, but at that time the dead people had all been removed from the prison and I did not have the opportunity to see them or to look at them.

Mr. REID of New York. Am I correct in understanding that one guard died as a result of a fall from a window?

Mr. BADILLO. Yes.

Mr. REID of New York. And there were two others who were found in a state of rigor mortis?

Mr. BADILLO. No. That is not correct.

Mr. REID of New York. How many guards were killed, then, prior to the action? Do you have any idea as to how many were killed prior to the action of going in?

Mr. BADILLO. As far as I know, just one who had been killed as a result of injuries which I understand were sustained at the commencement of the riot.

Mr. REID of New York. Then, as far as you know, there was no serious mistreatment of the guards following the initial action?

Mr. BADILLO. No, they were. I saw them, of course. I could see that there was not any serious mistreatment of the hostages or the prisoners. In addition to that there were reporters from various newspapers including the New York Times, the Michigan Chronicle, the New York Daily News, and Mr. Barnes from a television station who actually took a record of the prisoners and what they said. Those tapes were available and I am sure they would certainly be made available to an investigation committee.

I want to say with reference to an investigating committee that it is most important, if there is going to be credibility in this matter, particularly in view of the discrepancies and official statements, that the committee that is appointed be not made up of penologists or State officials, but be made up of the broadest possible representation of the public.

I want to say to those people who think it is a mistake to include a broad range of people on the committee that we probably had the most unusual observer committee that has ever been formed in this country working together, a committee which included assemblymen, State Senator John Dunne and representatives of the House of Representatives, it included representatives of the Black Muslims and some of those other radical groups in this country. Yet that committee was able to agree unanimously that it was important for Governor Rockefeller to come to the prison. That committee authorized a statement on Sunday afternoon by unanimous vote to the effect that the committee at Attica prison was now convinced that a massacre of prisoners and guards may take place at this institution and for the sake of all common humanity to implore Governor Rockefeller to come to Attica.

Also, there was a telegram sent immediately to Governor Nelson Rockefeller calling upon him to please go to Attica prison to meet with the observers committee.

We did this because we felt the views that the Governor was getting were all the other way and we wanted the Governor to hear from those who had heard the message of the prisoners and hostages as distinguished from those who would use violence immediately. That is another reason we wanted additional time, until the following day, because we felt that the Governor might begin to receive some additional communications. We did this particularly in New York City where we found out that there was a strike of the telegraph company. One of the stations then put into the Governor's office a telephone so that messages could be called in. We were looking for time, all of us on the committee from the extreme right to the extreme left. We were unanimous in the fact that it was worthwhile to continue negotiations.

I think that despite all the talk and concern and proposals for studies and investigations the important thing for us here today is to commit ourselves to seeing that the tragedy of Attica is never repeated. Penal reform has been studied and studied and studied. We know what must be done. We only lack, apparently, the will to do it. I have now been through two major prison riots in the role of a mediator and conciliator. I hope and pray that I never have to go through these experiences again, and that my friends and colleagues in the Congress may never have to experience for themselves the anguish and torment of those 4 days.

I include at this point in the RECORD the full list of the convicts' proposals accepted by the State officials and a first-person account published in the Daily News based on my 4 days at Attica:

CONVICT PROPOSALS ACCEPTED BY THE STATE

ATTICA, N.Y.—Following are the proposals that State Correction Commissioner Russell G. Oswald has said he will accept:

1. Provide adequate food, water and shelter for all inmates.

2. Inmates shall be permitted to return to their cells or to other suitable accommodations or shelter under their power. The observer committee shall monitor the implementation of this operation.

3. Grant complete administrative amnesty to all persons associated with this matter. By administrative amnesty the state agrees:

A. Not to take any adverse parole actions, administrative proceedings, physical punishment or other type of harassment, such as holding inmates incommunicado, segregating inmates, or keep them in isolation or in 24-hour lockup.

B. The state will grant legal amnesty in regard to all civil actions that could arise from this matter.

C. It is agreed that the State of New York and all its departments, divisions and subdivisions, including the State Department of Corrections and the Attica Correctional Facility and its employes and agents, shall not file or initiate any criminal complaint or act as complainant in any criminal action of any kind or nature relating to property, property damage or property-related crimes arising out of the incidents at the Attica Correctional Facility during Sept. 9, 10 and 11, 1971.

4. Recommend the application of the New York State Minimum Wage Law standards to all work done by inmates. Every effort will be made to make the records of payments available to inmates.

5. Establish by Oct. 1 a permanent ombudsman service for the facility, staffed by appropriate persons from the neighboring communities. Allow all New York State prisoners to be politically active without intimidation or reprisal.

7. Allow true religious freedom.

8. End all censorship of newspaper, magazines and other publications from publishers, unless it is determined by qualified authority, which includes the ombudsman, that the literature in question presents a clear and present danger to the safety and security of the institution. Institution spot-censoring only of letters.

9. Allow all inmates at their own expense to communicate with anyone they please.

10. Institute realistic, effective rehabilitation programs for all inmates according to their offense and personal needs.

11. Modernize the inmate education system, including the establishment of a [Spanish-language] library.

12. Provide an effective narcotics treatment program for all prisoners requesting such treatment.

13. Provide or allow adequate legal assistance to all inmates requesting it, or permit them to use inmate legal assistance of their choice in any proceeding whatsoever. In all such proceedings inmates shall be entitled to appropriate due process of law.

14. Reduce cell time, increase recreation time and provide better recreation facilities and equipment, hopefully by Nov. 1, 1971.

15. Provide a healthy diet, reduce the number of pork dishes, increase fresh fruit daily.

16. Provide adequate medical treatment for every inmate. Engage either a Spanish-speaking doctor or interpreters who will accompany Spanish-speaking inmates to medical interviews.

17. Institute a program for the recruitment and employment of a significant number of black and Spanish-speaking officers.

18. Establish an inmate grievance commission, comprised of one elected inmate from each company, which is authorized to speak to the administration concerning grievances and develop other procedures for inmate participation in the operation and decision-making processes of the institution.

19. Investigate the alleged expropriation of inmate funds and the use of profits from the metal and other shops.

20. The State Commissioner of Correctional Services will recommend that the penal law be changed to cease administrative resentencing of inmates returned for parole violation.

21. Recommend that Menenchino hearings be held promptly and fairly. (This concerns the right of prisoners to be represented legally on parole-violation charges).

22. Recommend necessary legislation and more adequate funds to expand work relief programs.

23. End approved lists for correspondents and visitors.

24. Remove visitation screens as soon as possible.

25. Institute a 30-day maximum for segregation arising out of any one offense. Every effort should be geared toward restoring the individual to regular housing as soon as possible, consistent with safety regulations.

26. Paroled inmates shall not be charged with parole violations for moving traffic violations or driving without a license unconnected with any other crimes.

27. Permit access to outside dentists and doctors at the inmates' own expense within the institution where possible and consistent with scheduling problems, medical diagnosis and health needs.

28. It is expressly understood that members of the observer committee will be permitted into the institution on a reasonable basis to determine whether all of the above provisions are being effectively carried out. If questions of adequacy are raised, the matter will be brought to the attention of the Commissioner of Correctional Services for clearance.

This was signed by Commissioner Oswald.

Inside the Walls: Frustration, Then Tragedy

(By Herman Badillo)

This is Rep. Herman Badillo's account of his harrowing three days inside Attica state prison as a member of the observers committee that tried desperately to head off Monday's carnage.

I received a telephone call from Gov. Rockefeller's counsel, Robert Douglass, at 11 a.m. Friday, the morning after the rebellion began, asking me to join the committee. I agreed at once and canceled my schedule for the rest of the day.

At 1 p.m. I and other members of the committee from this area met a state plane at LaGuardia airport that carried us to Batavia Airport. State troopers picked us up there and drove us to the prison. We went directly to a room in the administration building and our ordeal began.

It began quietly enough. We were briefed by State Corrections Commissioner Russell G. Oswald and we received printed copies of the prisoners' demands.

NEGOTIATION NEARLY IMPOSSIBLE TASK

Our first meeting with the rebels came late Friday when we filed into a large room and began the nearly impossible task of negotiating with 1,200 men.

We spoke to the prisoners over microphones in response to their increasing list of demands. Our every statement was met by cheers or boos.

It was a most disorganized session. The inmates could not agree on a representative committee and there seemed to be minor differences among them on almost every issue.

It certainly did not seem that it was an organized revolt or that outside forces were involved, as Gov. Rockefeller later suggested.

Saturday morning we discussed the demands. Agreement was easy on the important demands of improved medical attention for the inmates and a team of observers to make sure there were no physical reprisals against prisoners after the insurrection.

GOT WORD SEALE WAS COMING

Then we got word that Bobby Seale was coming in. We could do nothing until he got there. When he arrived Saturday night we told him our position on the demands, that had grown to 28.

He replied that he needed time, that he had to see Huey Newton, that he could only talk to the prisoners for five minutes. We knew we had to wait at least until Sunday.

When Seale did go before the prisoners they were enraged that he only spoke to them a few minutes. When he left the prison I left with him. Some other members of the committee stayed to talk some more with the rebels. But I saw no point to it. Without Seale there was nothing to talk about.

Then Sunday morning Seale came back but refused to enter the prison. "Nothing can be done," he said, and simply disappeared.

This put us in an impossible negotiating position. We were down to the amnesty issue but the most credible man on our side of the table refused to take part in the negotiations. A new approach was necessary.

The committee then decided to ask Gov. Rockefeller to come in person to the prison, not to grant total amnesty but to consult with us and give us additional time to bridge the gap to the rebels.

We first asked him through his aides and there was no response, just a press release. Then I and several other members of the committee asked him personally to step in. He refused.

It seems to me that the governor was at least partially influenced in this decision and the later one to attack the prison by public pressure for stern action.

All Sunday we were pleading for more time. We had tapes of hostages that we wanted to put on TV so the public could see they were unharmed.

But Commissioner Oswald shattered our hopes for time. At 11 p.m. Sunday he said we would have until 7 a.m. the following day to either succeed or get out.

He was as good as his word. At 7 a.m. we were ordered out and when we refused to leave we were locked inside a room in the administration building and guards were placed outside the door.

WE WERE PRISONERS OF THE STATE

We asked for gas masks and were told there were no more. Oswald declared that we were "prisoners of the state."

The attack came and riot gas began to seep into the room. Some among us who had experienced it before told us to hold water-soaked handkerchiefs to our faces. We did.

We were quite concerned that we'd be shot because all during the ordeal the guards had been most hostile toward us.

When it was over, all members of the committee except the elected officials were ordered to leave. Those of us who remained saw the blood, the destruction, the naked prisoners being herded into cells.

We thought ruefully that this terrible tragedy that cost the lives of two score men might have been avoided if only patience had held sway over the rush to violence.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from California.

Mr. VAN DEERLIN. It seems to me that one of the most startling facts that has been brought out here in the followup to the tragedy has been the absolute one-sidedness of the racial makeup of the guard complement at the prison. Will the material which the gentleman is putting in the Record contain any enlargement on this point which he has made?

Mr. BADILLO. There is no other way to enlarge it.

Mr. VAN DEERLIN. For a State that 30 years ago gave us the first and probably still the most effective fair employment practices law, it would seem statistically impossible to assemble a work force of 400 for any type of employment that would include no blacks or Spanish-speaking.

Mr. BADILLO. I must tell you that during the time I was there thousands more State police and National Guardsmen and other people came in addition to the 400 and I did not see any black people in this group or any Spanish-speaking people.

Mr. VAN DEERLIN. Did the gentleman hear any suggestion made as to the reason for the absolute one-sidedness of that staff?

Mr. BADILLO. Nothing other than the usual answer: that they could not find anyone who would apply for the job.

Mr. VAN DEERLIN. In other words, the same as we are told with reference to the National Guard?

Mr. BADILLO. That is the system in employment when it comes to the hiring of a significant number of black and Spanish-speaking people but, certainly, you know that throughout the State and the National Guard there are black and Spanish-speaking people willing to perform these services.

The point is that there just was not anyone to represent in any way the prison population, and that is one of the things that certainly can be corrected with the help of funds from this Congress.

Mr. VAN DEERLIN. Surely the gentleman would agree that the total absence of minority staffing at Attica tells its own story without further comment.

Mr. BADILLO. Certainly.

Mr. PEYSER. Mr. Speaker, would the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I can appreciate the fact that the gentleman from New York (Mr. Badillo) has really represented the Congress in being involved in this situation at Attica. However, one of the things that the gentleman said raises a question in my mind dealing with Governor Rockefeller, and that is the implication, frankly, of your last statement concerning the Governor was, it seems to me, one that might imply that the gentleman was laying the results of this tragedy at the Governor's feet.

Mr. BADILLO. No, I do not know what statement you mean.

Mr. PEYSER. I am referring to the statement you made that if the Governor had come to Attica you felt that this could have all been averted.

Mr. BADILLO. No, I said I have no way to tell that it would have been. I thought I had made that clear.

Mr. PEYSER. I do not like anyone to think that it was because of our Governor not being heard in that situation.

Mr. BADILLO. No, I was not speaking for myself, and that is why I read the statement, and this was the statement which was signed by everyone of the observers there, including Mr. Dunne who is a Republican, and chairman of the joint committee on penal law in the State legislature, and including the local assemblymen from the area, and also a Republican. So it was not a partisan statement.

Mr. PEYSER. I did not want to have it

indicated that this was placing the primary responsibility on someone like Governor Rockefeller, because I do not really believe that is the case in this situation.

Mr. BADILLO. No.

Mr. PEYSER. If I may continue further, I thought it would be of interest to state that the problem in the State of New York is multiplied throughout this country in all prisons. There is no question on that. However, the State of New York, as bad off as it is, insofar as funds are concerned, and when all of the budgetary programs have been cut back in the State of New York, that in the State of New York, under the Governor's direction, the only budget that was increased, and which was increased by $5 million, was the budget dealing with the State prisons. And this did happen long before the Attica situation. But even at that, it is not enough, I grant that, but I wanted it to be understood that that did happen in the State of New York.

Mr. MIKVA. Let me assure the gentleman from New York that as a Congressman from Illinois that I certainly do not think that New York has a monopoly on the problems in prisons, and penal institutions in this country. I doubt that any Member of the Congress who wishes to examine the problem would think that they can break their arm congratulating themselves on their own State, because I do not know of any prison or jail that could not explode the way Attica did.

Mr. DELLUMS. Mr. Speaker, Monday, September 13, 1971, will go down in American history as another day of infamy, as a day of tragedy and disgrace. The deaths at the Attica Correctional Facility in New York are, I think, a reflection of how this country and its public officials deal with crisis and conflict. That is, with a show of force.

It has often been said that history repeats itself. The first time it is a tragedy, the next a farce. The brutality and inhumanity at Attica is both a tragedy and a farce. It is a tragedy in that valuable human lives were lost and a farce in the sense that our national resources and the truculence of public officials were oblivious to the dehumanizing conditions at Attica which ultimately give rise to such devastation of human lives.

Attica is not a sore; it is not isolated.

Thousands of prisons not unlike Attica exist in America today and our somewhat shrouded history is pockmarked with risings such as the one at Attica. I would like to read to you an annotated history of prison riots which have occurred over the last 60 years. The article follows:

HISTORY OF PRISONER RIOTS

Prison riots have been a part of prison history in this country, but the loss of life at Attica Prison yesterday was surpassed only once previously. On April 21, 1930, 317 inmates at Ohio State Penitentiary, locked in their cells, died in a fire set by other, rioting, prisoners.

Other notable prison uprisings included the following:

Folsom Prison, Calif., November, 1927: nine prisoners and three hostage guards were killed after pitched battles between prisoners and National Guard.

Nebraska State Penitentiary, July 7, 1912: 1,000 convicts rioted, killing an official, a guard, and three other inmates. Later that year 350 inmates at Wyoming State Prison lynched a Negro prisoner then 20 inmates escaped, killing three guards.

Clinton Prison, Dannemora, N.Y., July 22, 1929: three prisoners killed after riots over overcrowding. Six days later, inmates at Auburn State Prison also rioted after four of them escaped. Two convicts and three guards were killed.

Colorado State Prison, Oct. 3, 1929: seven guards were murdered and five convicts involved in an abortive escape plot committed suicide.

Auburn State Prison, N.Y., Dec. 11, 1929: eight prisoners and the chief keeper were slain. The warden, held hostage, was rescued by state troopers.

Alcatraz, May 2, 1946: two guards and three inmates were killed in a riot that eventually saw units of United States Marines landed on the island in San Francisco Bay.

Ohio State Penitentiary, Aug. 21, 1968: five convicts were shot to death when 500 National Guardsmen and police charged through a hole blasted in the prison wall to quell a riot by 350 prisoners, who were protesting "sadistic guards," among other things.

Oregon State Penitentiary, March 9, 1968: no one was killed, but about $2-million worth of damage was done by fire by 700 rebellious convicts. The inmates surrendered after winning major concessions including the appointment of a new warden.

There is no doubt in my mind—and I believe in the minds of many millions of Americans—that reform of prisons and correctional facilities should be one of our uppermost domestic goals. I need not remind you, to quote Dostoevsky, that—

> The degree of civilization in a society can be judged by entering its prison.

We must first admit that there are serious problems with our prisons. I do not believe this is a time when both sides can stand face to face and call names and make accusations. The facts support objective assessments of our prison systems.

We do not need heated rhetoric, but staunch and determined effort to humanize our prisons, to bring them into the 20th century. A New York Times news dispatch of September 14 is an example of this sustained and vicious word-mongering. Yet, this is a precise example of what we do not need. I enter it for your consideration:

GOVERNOR CONTENDS UPRISING WAS WORK OF REVOLUTIONARIES

(By William E. Farrell)

Governor Rockefeller said yesterday that the uprising at Attica Prison was brought on by the "revolutionary tactics of militants" and that he had ordered "a full investigation of all the factors leading to this uprising, including the role that outside forces would appear to have played."

The Governor's comments were contained in a statement issued by his office here following one of the most critical moves of his 13 years in office—his sanctioning of the decision of State Commissioner of Correction Russell G. Oswald to storm the prison. Twenty-eight prisoners and nine guards who had been held hostage died as the assault forces moved in.

The action taken by the state prompted President Nixon to phone the Governor to express support for his actions in dealing with the prison rebellion.

Mr. Rockefeller was not personally available to comment on the uprising.

STATEMENT IS ISSUED

Instead, a statement was issued by his press secretary, Ronald Maiorana, that said:

Our hearts go out to the families of the hostages who died at Attica.

The tragedy was brought on by the highly organized, revolutionary tactics of militants who rejected all efforts at a peaceful settlement, forced a confrontation and carried out cold-blooded killings they had threatened from the outset.

We can be grateful that the skill and courage of the state police and correction officers, supported by the National Guard and sheriff's deputies, saved the lives of 29 hostages—and that their restraint held down casualties among prisoners as well.

It was only after four days and nights of patient 'round-the-clock negotiations with the prisoners by Commissioner Oswald and the citizens' committee, exploring all possible means of peacefully securing the release of the hostages, that the state police went in to rescue the hostages and restore order.

I have ordered a full investigation of all the factors leading to this uprising including the role that outside forces would appear to have played.

NO ELABORATION OFFERED

Asked whether the Governor had any intelligence regarding a militant plot or who the "outside forces" might be, Mr. Maiorana said there would be no elaboration at this time.

There was speculation that the investigation of the Attica uprising would be handled by Robert E. Fischer, the deputy state attorney general who is director of the State Task Force Against Organized Crime.

The Governor began getting telephone calls regarding the situation at Attica at 6 A.M. at his Pocantico Hills estate.

By 8 A.M., he was at his apartment at 810 Fifth Avenue, where for the next half-hour he was involved in a discussion of his proposed $2.5-billion transportation bond issue with Dr. William J. Ronan, chairman of the Metropolitan Transportation Authority, and with Richard A. Wiebe, state director of planning and coordination services.

Also present were Mr. Maiorana and Hugh Morrow, the Governor's director of communications.

The bond issue was to have been the subject of a news conference that the Governor canceled yesterday, along with plans to go to the National Governors' Conference in San Juan, P.R.

"Everything we talked about was against the backdrop of the telephone ringing," Mr. Maiorana said.

SECRETARY ON SCENE

In addition to Commissioner Oswald, the Governor was in touch with two key aides he had previously dispatched to Attica his secretary, Robert R. Douglass, and T. Norman Hurd, the director of state operations.

The decision to send in troopers and New York National Guardsmen, who had been quietly called up Sunday by the Governor, was "made by the people at the scene," the press secretary said.

"They told him what the conditions were and he backed them all the way. The Governor, in effect, told Oswald you do whatever you have to do and I'll back you," Mr. Maiorana said.

Shortly after 9 A.M., the Governor was told that the decision had been made to move on the prison.

"He turned to us and said, 'We're going in.' "

Mr. Rockefeller was given an eyewitness description over the telephone of some of what was happening by Mr. Douglass.

When the first of the hostages were freed, the Governor exclaimed: "My God!"

"There was definite relief on his face that even one hostage came out," the press secretary said.

Mr. Maiorana also said that Commissioner Oswald had told the Governor that several of the slain hostages had, according to preliminary medical examinations, been killed hours prior to the issuance of the Commissioner's ultimatum to the prisoners.

VISIT TO ATTICA REJECTED

On Sunday, the Governor rejected a request from the observers' panel called to Attica by prisoners to go to the prison, saying that he did not feel his physical presence could "contribute to a peaceful settlement."

Asked whether the Governor might not still go to Attica, the press secretary said: "I don't think so."

The Governor went to his office at 22 West 55th Street around noon. There, he telephoned the Wyoming County District Attorney, Louis R. James, to compliment him on his stand on refusing one of the prisoners' key demands—complete amnesty from criminal prosecution.

In a telephone interview from her home in Warsaw, Mrs. Ruth James, the District Attorney's wife who took the call, said that "Governor Rockefeller called and asked me to express his gratitude for the way he (Mr. James) handled it and the stand he took on this amnesty business."

Mrs. James also said the Governor told her that President Nixon had called him to express support of the way the uprising was handled.

While verbal epithets, accusations, and castigations are slung back and forth, thousands of valuable lives hang in the balance between life and death. We should be concerned about how many lives we can save. The war in Vietnam—as all wars—domestic conflict, violence by the State and individuals has numbed our sensibilities. Our humanity in a sense has been maimed.

California, with its reputed progressive strides in parole and probation programs, its low-repeater rates, and its overall reduction of the prison population is also subject to this malaise. Prisons in California are seething volcanoes of hatred. Since the vast majority of inmates eventually and inevitably wind up among us again, that hatred will touch us, too.

The slaying of George Jackson at San Quentin on August 21 was the first real spark in the debate over prison reform. I think we would do well to learn from Attica and San Quentin. I would like to read three articles for the consideration of the Members of Congress. The first is a report from the San Francisco Post concerning a delegation of black investigators to San Quentin shortly after the death of George Jackson. The second dispatch is also from the Post appropriately entitled, "Behind the Prison Walls." The third article, from the New York Times of September 14, deals with specific proposals for reform in criminal laws. These dispatches follow:

[From the San Francisco Post]

SAN QUENTIN GATES OPENED FOR BLACK INVESTIGATORS

(By Mary Ellen Perry)

We waited outside the gates of San Quentin state prison for 12 hours last Friday but we finally got an impartial report on conditions of inmates in the so-called "adjustment center" hidden in the recesses of the foreboding walls of the prison.

It took persistent persuasion from San Francisco Black Assemblyman Willie Brown—as Eastbay Congressman Ronald V. Dellums had said earlier that day—"to turn yesterday's no into today's yes," to let a delegation of Black investigators into the prison.

From 10 a.m. in the bright, warm morning until 9:30 p.m. in the clear, cool night, we waited. Finally, Assemblyman Brown, Congressman Dellums, San Francisco physician Carleton Goodlett and Richmond attorney Henry Ramsey returned through the door, drawn and hollow-eyed.

Their more-than-six-hour meeting resulted in two reports—from Dr. Goodlett and from Congressman Dellums.

Dr. Goodlett reported on the medical condition of the prisoners in the adjustment center:

"We saw all but four of the prisoners in the center. We were told that two had locked themselves in their cells and that two were in the hospital. We saw the medical records on all 26.

"The prisoners showed signs of bodily injury," the doctor said, confirming assumptions made by spectators and the press. "Contusions (bruises), lacerations (cuts) and abrasions. Both inmates and the warden agreed that almost all the injuries happened on Saturday (the day George Jackson was shot) and that they were the result of unusual punishment by the guards." Dr. Goodlett said that inmate Hugo "Yogi" Pinell was injured that Friday, having "bruises to the chest, an abrasion of the right forearm and a sprained right wrist." He said the injuries of all except Pinell appeared to be at least 36 hours old, including marks that looked like old cigarette burns.

On the condition of Fleeta Drumgo and John Cluchette, the two surviving Soledad Brothers, Dr. Goodlett reported: "John has blisters on his ankles, due to the leg irons. Some of the prisoners have slowed circulation and I asked that their hand and leg cuffs be loosened." Drumgo's mother earlier had reported his condition to be improved.

Congressman Dellums reported on the requests made to him by the prisoners for improvements in their living conditions and the responses of prison officials when he relayed those requests.

Dellums said:

"Family visits will begin tomorrow (Saturday) if guards are not pulled away to duty at the gate.

"Attorney visits will resume as normal on the same conditions.

"Writing materials, legal papers, books and other items confiscated for the investigation will be returned tomorrow (Saturday).

"Hot meals as normal tomorrow, subject to the availability of personnel." (The prisoners had been given two bag-lunches a day, each containing two sandwiches and a piece of fruit, since the preceding Sunday.)

"Shoes will be returned tomorrow. All prisoners have been without shoes, which were confiscated for the investigation. The officials told us that prisoners have socks, clothing and bedding.

"On Monday (August 30), the Marin County Grand Jury will visit the adjustment center for further investigation."

Thus ended the congressman's report of what prison officials had told him and what prisoners' concerns were.

Asked if prisoners had been brutalized, Congressman Dellums replied:

"There were bruises—it's obvious that people had been struck. We saw four inmates whose eyebrows had been shaved off by the guards who cut their hair."

Assemblyman Brown's comments were that prison officials had assured the delegation that "the prison administration welcomes a continuing dialogue with community people—not only legislators but family organizations, ex-inmate organizations and others."

When some members of the dwindled crowd appeared dissatisfied with the fact that there were still unanswered questions and that the delegation could not answer all queries concerning individual inmates, the four Black spokesmen said they felt it was significant that they had managed to visit the adjustment center for more than two hours, unencumbered, and that they had not expected to discuss all phases of prison administration with the officials.

[From the San Francisco Post]

BEHIND THE PRISON WALLS

In the beginning of the Soledad trial, there were three brothers. One is dead. George Jackson. Fleeta Drumgo and John Cluchette are now behind the walls of a tense San Quentin. They are the two that remain.

Some white guards and two white prisoners are also gone but many others still remain. San Quentin is at war. People are known to fight for lesser things than human lives.

BACKGROUND

Black and Brown inmates at San Quentin Prison have been engaged in a vicious and protracted struggle with white inmates for the past months. Four other men have died since January of this year and over a dozen stabbings have taken place.

Some have called it political struggle. The Black and Brown brothers announced the formation of a third world coalition in February and spokesmen for Self-Advancement Through Education (SATE) claim Nazi provoked white inmates incited attack on Wayne Early, a membership director of SATE. The attack was seen as an effort to destroy the newly formed Black and Brown alliance and to intimidate the leader of SATE.

LEADERS

Paul Cook is a former inmate of San Quentin. "The struggle behind the wall of San Quentin is to get rid of Black leaders," he says. "They don't want Ruchell Magee and others to show how crooked the prison system is. The prisons are big business and they exploit the labor of the inmates. They also have lots of guys as George Jackson and others with brains that would be able to tell what a rotten system prison life really is. It's a continual regimentation process."

Popeye Jackson, a member of the United Prisoners Union, said George Jackson "could have done more to help the UPU organization get going than any man alive. He was an organizer and he had read and learned all the writings of Fanon, Che, Mao, Nkruma, Marx and others and knew what they meant to the struggle."

Since the incident between Blacks and Chicanos at San Quentin, there has been a reaffirmation of the coalition and Black leaders have been said to be getting the harassment. A number of Black inmates have been reported to be in isolation and many of prison acquaintance believe this is the reason that investigation privileges have been denied between the time of Jackson's death on August 21 and last Saturday when a white press trio and the Dellums delegation were admitted.

OTHER PRISONS

Two hundred Deuel Vocational Institute inmates rioted, Superintendent L. N. Patterson reported July 12, and a 38-year-old prisoner, Thomas O'Niel, was the victim of the stabbing. He died while standing in front of his cell, it was reported.

In San Francisco members of dozens of law firms joined in a civil rights suit calling county jails unfit for human habitation.

Missing, the suit claimed, were adequate food, medicine, sanitary conditions and educational and recreational facilities. Other complaints said medical care was bad, in that doctors see 100 patients in less than four hours.

Attorney M. Lawrence Popofski reported that the San Francisco prison scene was one of inadequate beds, clothing and blankets and that "the law of the jungle prevails, with sleeping facilities going to the strongest."

REPRESSION

According to a July 15, 1970, report, there were 3,500 members of the California Correctional Officers Association. They survive solely because the death penalty protects them from the long-term inmate. Since that time, guards have been increased at San Quentin and other prisons. On August 15, Associate Warden James Park said that the prison would have to be taken back to being an old-fashioned one.

The prisoners claim that repression and bad conditions are what they are fighting. They want, according to the United Prisoners Union, the abolition of the indeterminate sentence. Also included in their demands are: an investigating committee of state legislators, better quality and quantity of food, sanitary conditions, lowering of canteen prices, an accounting of canteen profits, equality of privileges for inmates throughout all cell blocks, doctors on a 24-hour basis, health and sanitation checks, and end to general harassment, and the right of Chicano and Black inmates to relate freely to their own cultural styles.

[From the New York Times, Sept. 14, 1971]

Reform in "Victimless Crime" Laws Urged at Legislative Hearing

(By Ric Pace)

To alleviate the overcrowding of prisons and other weakness of the criminal justice system, Investigation Commissioner Robert K. Ruskin and other high officials urged reforms in laws concerning gambling and other "victimless crimes."

At a legislature hearing here yesterday, they cited the bloodshed at Attica Correction Facility as a symptom of longstanding ills in the penal system, and it seemed likely that the proceedings would spur calls for swift reforms.

William J. vandem Heuvel, chairman of the city's Board of Correction, said, "To use prisons as a warehouse for the "victimless' criminals is an ordinate waste of money."

He said "the whole respect for the law" was undermined by spotty enforcement of legislation against such so-called victimless crimes as prostitution, homosexuality and gambling.

The day-long session was held by an ad hoc state legislative committee on victimless crimes. The committee members present were Assemblyman Antonio Olivieri, Manhattan Democrat, and Stephen Solarz, a Democrat from Brooklyn. The hearings was held at the headquarters of the Association of the Bar of The City of New York, at 42 West 44th Street.

COURT BURDEN CITED

"Jails are overcrowded, courts are overburdened, and justice is dispensed in assembly line fashion" said Mr. Ruskin, speaking in a personal capacity. He said it was essential that gambling, homosexual and prostitution laws be changed for several purposes. These included conserving police energies for more serious crimes, lightening the load on the courts, and reducing police corruption.

Assemblyman Olivieri, in an interview after the session, said that probably 20 per cent of the prisoners at Attica and other state prisons had been convicted of victimless crimes. This figure, he said, excluded narcotics offenses.

"Attica Prison is a prime example of what happens when we fill our jails to the overcrowding point because we are arresting and imprisoning people that belong in medical treatment facilities," he declared.

"If you could reduce the prison population by even 20 per cent you could concentrate the limited funds available on significant rehabilitation and work programs.

"The prison situation is only one of the many reasons to reform our laws on victimless crimes, but it is a prime example of the need for immediate change in the rehabilitation system."

Specific changes in the law were proposed by Assistant District Attorney Kenneth Gribetz, speaking for Manhattan District Attorney Frank S. Hogan.

Mr. Gribetz recommended legalizing consentual sodomy or treating it as a social rather than a criminal problem. He also spoke in favor of changing alcoholic beverage laws to substitute fines for all prison sentences, and of changing laws that provide for imprisoning peddlers and drunks.

The tenor of the statements by the eight speakers was overwhelmingly in favor of liberalizing laws concerning gambling, prostitution and homosexuality.

But a fervent dissenting statement was made by former City Controller Mario A. Procaccino.

Mr. Procaccino, a former mayoral candidate said:

"I urge you to reject (appeals) to emasculate laws dealing with homosexuality and prostitution. Rather, I urge you to strengthen these laws.

"Today, New York City, encouraged by the present city administration, has become a mecca for crime, dissension, polarization, lawlessness, filth and corruption, as well as a city under siege by criminals, pimps, prostitutes and homosexuals.

"Over recent years, those I call the 'limousine liberals' as well as certain other tinhorn politicians, liberals, leftovers and left-outs have encouraged the phony 'cult of permissiveness' syndrome. The sexual freaks of both sexes, flaunting their perversions in the current atmosphere, now have the temerity to demand that our legislature condone bestial carnality."

The hearings are to continue today and tomorrow.

The critical question before this country is, Where do we go from here? There is some obvious sentiment to further restrict the freedom in prisons and to make laws more repressive. This is not the way. Restriction of freedoms and additional repressive laws only exacerbate an already explosive and dangerous condition.

Progressive and far-reaching prison reform legislation is needed. The critical areas are structure of prison systems, inmate participation in those decisions which directly affect their lives, reform of the administrative processes both within and outside of prisons, extension of civil liberties and civil rights to prisoners, reform in the criminal justice system, in the laws, and, most importantly, the removal of those badges of sin which ex-convicts carry for the rest of their lives because society will not let them forget their crimes.

Only by removing ourselves from this perpetual dance of death can men be men with a sense of humanity and pride. I submit that now is the time to begin.

Mr. RYAN. Mr. Speaker, what began at Attica prison last Thursday as a long-foreseeable protest against inhuman prison conditions has ended in a bloodbath that can only bring shock and sorrow to all Americans.

Forty-one people are now dead. Some were guards. Some were inmates. All were human beings.

Amid the contradictions and uncertainties still surrounding many aspects of this tragic occurrence, a series of much larger questions must be faced. No inquest can retrieve the lives that have been lost. It can only provide a glimpse of wisdom for the future.

We must realize that our system of criminal justice is archaic and in chaos. It does not represent an enlightened administration of justice.

Our correctional institutions do not correct. Their most consistent achievement is in the tempering and shaping of inmates into finely honed weapons, weapons which one day will be turned against society again. Our prison system all too often brutalizes rather than rehabilitates. Only 2 weeks before the Attica uprising, a State legislative committee deemed New York's penal system so bad that it found the term "correction" as applied to the system, a farce.

Overcrowding, inadequate facilities, and poorly trained staff plague our prisons. There is a pressing need for modernization, and enlargement of confinement facilities. But prison reform will not be achieved by building bigger jails with higher walls.

The rate of recidivism is currently 60 to 70 percent. Our prisons are virtually graduate schools of crime. Our corrections system must be used to break the crime cycle, rather than reinforce it.

It is a tragic fact that our public leadership has not responded with the courage, the commitment, and the insight demanded by the profound gravity of this problem.

We have witnessed a dreadful nightmare at Attica. Now we must insure that that nightmare is not an omen of things to come. Out of the bloodshed at Attica must come the recognition that this country has been living on borrowed time in its failure to correct the abysmal and inhuman conditions that make life intolerable in virtually every one of our penal institutions. It is high time we committeed this Government and the people of this Nation to a total effort to meet the problem of criminal rehabilitation.

In the aftermath of the tragic loss of life at Attica, there has been widespread shock, bewilderment, and anger. But there must be something else as well—there must be a deepening and real concern over the basic failures of our prison system, failures that can never be remedied by the spilling of blood.

This Congress has a responsibility to look into those failures, and to act to correct them. To this end I urge that the House Judiciary Committee conduct a full and exhaustive investigation into the entire matter of penal reform. Hopefully such an investigation can start us down the road to insuring that the horrors of Attica are never repeated again.

Mr. BELL. Mr. Speaker, the total bankruptcy of the correctional system in the United States has been common knowledge for those of us here in Congress for many, many years.

Long before most of us had ever heard of a place called Attica, we knew that we were living on borrowed time as far as our jails and prisons were concerned.

For years we have seen the crime rate soaring upward. We have long known that about 80 percent of the serious crime in this Nation is committed by people who have been through these misnamed "correctional" institutions.

For years we have ignored pleas of prison officials for better trained personnel, for decent pay, for improved security, and for just a small measure of public support.

We have long known that of over 3,000 jails in the Nation, about 85 percent have no recreational or educational facilities of any kind. About 50 percent have no medical facilities. About 25 percent have no visiting facilities.

Long before a President and a Chief Justice of the Supreme Court called these "correctional" institutions "schools of crime" we knew that they were functioning in fact to do just the opposite of what they were designed to do. We knew we were turning out people without the skills, without the motivation, and without the attitudes to equip them for productive and crime-free lives.

We have known for some time that our cities—and more recently our suburbs—are becoming uncomfortable places to live because of the rising threat of crime. Yet, for some reason we have been most unwilling to do what is necessary to attack the problem. We are unwilling to go beyond self-serving rhetoric and slick-sounding, simplistic solutions. We are unwilling to pay what it would really cost to give our criminal offenders the wherewithal to lead useful, productive lives so that they are no longer threatening you and me and our families on our streets and in our homes.

In the name of avoiding criticism for "coddling criminals" we are turning too many of these people into desperate men who come back on our streets with savage bitterness to rob, assault, and murder.

Attica was perhaps the ultimate expression of a system which has failed all of us. It is first of all a tragedy of lost lives and grief-stricken families. And in a broader sense, it is an expression of the fact that a series of highly desirable changes were authorized only under the intense duress of a costly riot.

All of us feel wrought with emotion in the aftermath of the tragedy at Attica. I am stricken with sadness at the unnecessary loss of life. I am horrified at the violence and savagery of the individuals and the events of the days of the tragedy. And I am angry and greatly frustrated by the inertia here in Congress and throughout the Nation over the issue of reform of our correctional institutions.

This inertia cripples the efforts of dedicated and progressive prison officials. It fails to prepare criminal offenders for useful and meaningful lives after they are released from prison. It permits the schooling of men in the ways of crime and contributes to the rising crime rate. And it creates bitter and desperate men who sometimes respond with the savagery of the Attica riot.

It was my hope long before the Attica tragedy that this Congress would demonstrate a new departure from the failures of the past in the effort to attack the crime problem. It has been my hope that we would see the wisdom of moving away from simplistic and ineffective solutions which might be politically popular in the short run. Instead, my hope has been that we would move in the more difficult but more effective direction of improved corrections systems, modernized court procedures, and speedy trials.

The mass tragedy at Attica—and the hidden individual tragedies behind the walls of prisons throughout the Nation—demonstrate clearly that we have not yet moved in that new direction.

It is for this reason that I am joining my colleague Mr. MIKVA in calling upon my colleagues in the House to join us in a bipartisan coalition of representatives dedicated to a relentless effort to move legislation through this Congress which will turn our correctional institutions around and make them work for us rather than against us.

The American correctional system is a disgrace to a civilized society. It is my hope that in the rubble of Attica the coalition we form will dedicate itself to the kind of thoroughgoing reform of our correctional system which we have needed for so long.

GENERAL LEAVE

Mr. MIKVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LOS ANGELES TIMES ARTICLE DEPICTS THE VANISHING WILDERNESS AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR. Mr. Speaker, on August 15, the Los Angeles Times published a detailed article on the declining wilderness areas, mainly in the Golden State. Entitled "National Wilderness Areas—They Exist in Name Only," the piece is a true report on the impact of man on his natural environment. Mr. Philip Fradkin, author of the report, points out that, even in areas set aside as wilderness, man befouls such places to the point where other men must be prohibited from entering.

The Fradkin article makes some telling points about man's careless use of his natural environment, especially in areas set-aside specifically for his enjoyment, but I believe the real lesson to be gained is that the demand for such areas is increasing faster than some would like to believe.

The demand for more wilderness areas noticeable from the statistics of increasing use of those areas already in existence should serve as an environmental guide to the U.S. Congress. Congress has been niggardly in providing natural areas for the citizens of the country to visit. The "back to nature" syndrome is real and it is no wonder considering the pressures which face all people in our technological society. I am not condemning the society, but I do believe there is considerable value to the fabric of society if places are provided for a short respite from the hubub. I am not advocating that we turn back the clock, tear down the cities, rip up the highways, and go back to wearing loin cloths. I am advocating that the Nation make available places of peace by preserving some of nature's beauty and quiet.

Not everyone wants to pack through the mountains as did John Muir; not everyone enjoys peace and quiet; not everyone is willing to accept the hazards and inconveniences of battling the elements; but there is an increasing number of Americans who do require a "change of pace." The statistics on public use of wilderness areas, national forests, national parks, national seashores, and other national areas will continue to increase geometrically as the amount of space remains constant or declines. We must not allow wilderness to disappear and the only possible way to save the few remaining areas there are in the country is through action by the Congress of the United States.

I have introduced several wilderness suggestions this year; many are proposals first recommended 7 and 8 years ago when we started the agonizing legislative process to establish a National Wilderness System. The bills I have introduced this year include: H.R. 4621, H.R. 6496, H.R. 7907, and H.R. 9965. Tomorrow, I will introduce another "omnibus wilderness bill" which will be referred to the House Interior and Insular Affairs Committee. Naturally, I would welcome additional cosponsors to the new bill.

Reading the Los Angeles Times article is a good introduction to the story of the national need for additional wilderness areas. The article is pessimistic in some respects but I believe this Congress will need the increasing number of voices from the public demanding more wilderness areas and will respond positively.

The article follows:

NATIONAL WILDERNESS AREAS—THEY EXIST IN NAME ONLY

(By Philip Fradkin)

"A wilderness, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."—Public Law 88–577, otherwise known as the Wilderness Act of 1964.

On April 28 of this year, the Nixon Administration used the full resources of the White House to publicize its proposals for establishment of new wilderness areas.

The President issued a brave statement and Interior Secretary Rogers C. B. Morton briefed reporters on the Administration's proposal to set aside 14 wildlife refuges or national parks in nine states as wilderness areas.

It made front page news. Preservation of wilderness, in one stroke, was raised to the level of presidential concern.

The largest such area proposed for wilderness status was 721,970 acres in Sequoia and Kings Canyon National Parks in the Sierra Nevada.

But a close look at the condition of the wilderness values of these two national parks, which are administered jointly, shows:

Hikers into the remote back country are warned to boil their drinking water for 10 minutes or use purification tablets because the otherwise crystal-clear mountain waters might be contaminated by human wastes.

SOME LAKES CLOSED

Some glacier-formed lakes at the 10,000-foot level of the High Sierra have been closed to camping because of human pollution. Others have a one-night limit or numbered campsites similar to auto camp grounds at lower elevations because of crowding.

The campfire is almost a tradition of the past because firewood has been stripped from most campsites. In their search for wood, campers are chopping down green trees. A boot can stir up dust where once vegetation grew in profusion.

It is not safe to leave a fishing rod, camera, backpack or sleeping bag unattended along the trail. They are often stolen.

Wildlife is disappearing and rare species are becoming even rarer in the mountains which conservationist John Muir once called, "The Range of Light."

Such examples of overcrowding in wilderness areas are most evident along the popular John Muir Trail and within a one-day walk of most access roads, a hiking survey of four wilderness areas determined.

The problems caused by the growing impact on wilderness areas are not confined to Sequoia-Kings Canyon. They can be seen up and down the Sierra Nevada in other national parks and national forests.

Although such overuse is most evident in California, which has the largest population and number of wilderness areas of any state, other sections of the country are beginning to experience it.

Hikers were turned back from the descent into the bottom of the Grand Canyon in Arizona over the Easter weekend if they did not have advance reservations for camping sites.

A limit of 10,000—the number which shot the rapids of the Colorado River last year in commercial raft trips—has now been imposed by the Park Service, which administers the Grand Canyon National Park.

Although permits are required for the first time this year in wilderness areas administered by the Forest Service in California, they have been needed for a number of years in the Boundary Waters Canoe Area in northern Minnesota.

CANS, BOTTLES BANNED

In that wilderness area—which competes with the John Muir and Minarets Wilderness Areas in California for the distinction of being the most crowded in the nation—cans and bottles have been banned in an attempt to deal with the litter problem.

Areas which have been formally declared wilderness under provisions of the 1964 act comprise about 1% of the total land area of California and about 0.5% on a national scale.

These percentages will not change appreciably even with further scheduled additions to wilderness areas by the 1974 deadline of the act.

The implications of gross overuse of wilderness areas the broad. If there is overcrowding in such mountain areas, then where is there to go?

Has America, and particularly California, lost its last vestige of wilderness?

A few hundred yards up the John Muir Trail from the parking lot a woman asked a hiker, "Aren't you afraid to go up there alone? I'd go up there with my husband, but not alone. It's too scary." What is there to be afraid of? No television? One-self? Solitude?

While the use of wilderness tends to be concentrated along a few well-known routes, more people every year are getting out farther.

The sonic boom from military aircraft is ever present as are the faintest traces of human intrusion, such as footprints in a mountain meadow or charred stones from an old campfire.

It is almost impossible to get away from other people and find solitude.

Traffic along the trails is constant at the height of the season, which is from mid-July to the end of August, and it is a rare lake that does not have at least one camping party on its shores.

The Desolation Wilderness Area near Lake Tahoe has experienced an average 23% increase a year in backpacking activity in recent years and in Sequoia-Kings Canyon there has been a 100% increase in the use of the back country over the last five years, compared to only a 10% increase in total park visitors.

This year, judging from reports from retail stores, there promises to be a virtual explosion in backpacking into wilderness areas—a movement matching the back-to-nature aspects of the boom in bicycle riding, organic foods and cross-country skiing.

Ski areas and mountain roads which are frequently built to serve them are viewed as the greatest threat to wilderness areas. The Forest Service, which issues permits for ski areas, counts more wilderness users than ski-area users in the state—1.7 million as compared to 1.3 million.

The trail was covered with dust-like pumice, formed from an ancient lava flow. It climbed through a forest of red fir, silver pine, lodge-pole pine and mountain hemlock. The first steep grade was a catharsis. The tension of city living flowed out of the hiker in the still heat. The first drink of mountain water was biting and sweet. The trees had a Christmas-time scent.

The public agencies which deal with the wilderness seem to be working at cross purposes without any common goal.

The State Department of Fish and Game objects to the Inyo County Board of Supervisors pushing a road into the Horseshoe Meadows area where the proposed Trail Peak ski area will be built with Forest Service approval.

Fish and game officials said that the rare Golden Trout will be wiped out by the larger number of visitors to the area which the new road will bring.

Yet the Forest Service sometimes objects to the department's planting trout in some lakes which are overused, thus encouraging more use.

The Forest Service first made wilderness areas more liveable by installing various facilities. Now that Agriculture Department agency is operating under a wilderness philosophy to match the "untrammeled" requirements of the act.

Such improvements as bridges over streams will be removed along with toilet facilities, picnic tables and fireplaces in the Inyo National Forest wilderness areas on the east side of the Sierra Nevada.

"Make it too easy and too many people come in and the wilderness experience is lost" is the current Forest Service thinking on wilderness area management.

Yet at neighboring Sequoia and Kings Canyon National Parks, administered by an Interior Department agency, the wilderness proposal which the Nixon Administration approved calls for five enclaves of semi-civilization in the back country.

Into these 100 to 200-acre areas would be put toilets, tables and fireplaces. Wilderness visitors would be required to stay in these areas in order to lessen the impact elsewhere.

The federal Department of Transportation wants to push a trans-Sierra Nevada road across Minaret Summit near the Mammoth Lakes area. State and local residents keep resisting such a road.

Although authorization for the road still exists, funds for a 2.7-mile extension were deleted for this year. The road would bisect the John Muir and Minarets Wilderness areas.

Norman B. Livermore Jr., who heads the State Resources Agency, used unusually harsh language in a recent speech to criticize the department's environmental impact report on the proposed road.

He said the report is "the most inept, disorganized, biased and utterly troglodytic (the way cave dwellers lived) document I believe I have ever seen."

Livermore, who is Gov. Reagan's chief adviser on environment matters, continued, ". . . Whoever compiled and released this report should be ashamed of themselves."

A Forest Service supervisor, told that officials in a neighboring National Forest had withdrawn from the back country all wilderness rangers for the July 4 weekend because they did not want to pay overtime, slapped his forehead in disgust.

One national park, Sequoia-Kings Canyon, can be in the forefront of wilderness management while at another, Yosemite, admittedly little or nothing has been done about backcountry deterioration.

There was just barely enough wood around the granite-ribbed shores of Minaret Lake to keep the campfire going for a couple of hours. The talk was of society's ills, how to make government more responsive, the good life and poor marriages. One said, "You can trust anyone up here. You know if they walk this far there will be something in common. That is why you let it all hang out easily." The middle-aged pediatrician offered marijuana to his campfire companions. It seemed a sacrilege.

The wilderness is not used by an "elite," as is commonly thought by those who do not use it. The hardy Sierra Clubber is the vast exception, not the rule.

Bearded, long-hairs under 30, their girlfriends and dogs and middle to upper middle-class families are the rule.

A trip into the wilderness is now within the reach of anyone who does not have a physical disability.

Babies are lugged into the wilderness on their mothers' backs. Children as young as 3 hike in under their own power and many carry their own packs.

The technical revolution in clothing and equipment in recent years has cut the weight of backpacks and vastly increased the comfort of trips into the back country.

Freeze-dried foods, which are easy to carry and prepare, make it possible to dine almost sumptuously.

Pack frames are light, as are the jackets and sleeping bags which can weigh as little as two pounds, yet be warm at temperatures a few degrees above zero.

For this portion of the trip, we refer to a guidebook, the "High Sierra Hiking Guide to the Devils Postpile Area," published by Wilderness Press of Berkeley: "Fair campsites may be found around Shadow Lake, but there is no wood, and we would discourage camping here, to lessen human impact around the lake."

This July 4 weekend there are relatively few campers around Shadow Lake, the object of a pollution study by a Claremont College student. Around 70 campers are clustered around tiny Lake Ediza, a few miles farther up the trail and featured recently in the National Geographic magazine.

Parallel to the increasing recreational use by the public of the wilderness has been a growing effort by government administrators to manage its natural resources.

A Park Service official in Yosemite National Park said, "I can sum up our thinking in three words—managing for naturalness."

What the Park Service is doing in Yosemite is using prescribed burning ("we write prescriptions"), chain saws and axes to return valley meadows, the back country and the Mariposa Grove of giant Sequoia trees to what photographs showed them to look like in the 1890s.

Without wildfires, which existed in the park before man began to manage it, small trees and shrubbery have infringed on meadow areas and under the giant trees.

So slow-burning fires have been set by the Park Service to cut back on some of this undergrowth. Axes and chain saws have been used on white fir trees in the grove of Sequoias to restore a pre-1890 look.

INSECT DAMAGE

The Park Service no longer sprays trees for insect damage unless an epidemic is threatened. In Yosemite and Sequoia-Kings Canyon, the practice is to let lightning fires burn themselves out unless widespread damage is likely.

Yosemite Park Supt. Wayne Cone said, "The theory is that fire is a natural part of the ecosystem and that when man came he altered the natural environment. We are trying to re-create a natural environment."

Criticism of these management practices comes from those who fear additional air pollution.

"We could blow our whole program if we send up a cloud of smoke and it appears over Fresno," said one Park Service official.

Some fear the program may take the wrong course when those who originated it are transferred elsewhere and new personnel take over.

And at least one observer noted "the colossal conceit" it takes to presume to manage nature.

WILDLIFE THREAT

Aside from manipulating vegetation, such administrators fear effects of wilderness overcrowding on some forms of wildlife.

So they are proposing "zoological zones" be set aside in the High Sierra where the shy Sierra bighorn sheep can remain undisturbed by back-country hikers.

Game biologists believe sheep have been lost in two of the five herds in the higher elevations of the Sierra Nevada because of human intrusion. The count of the rare species is down from a maximum of 390 in 1948 to a present 215.

The limit on golden trout, the state fish, has been dropped from 10 to five because of increased fishing pressures caused by easier access to their only native spawning grounds. A zero limit is being considered.

Vern Burandt, a game warden who has spent 18 years patrolling the High Sierra, said, "Wildlife is starting to leave the John Muir Trail because of man's impact.

"In the past 12 years I have seen the Mt. Whitney trail go from a wilderness to a crap pile. They used to have pine martin, blue grouse and deer along the trails. Now, not any longer."

A high count of 2,000 hikers was observed along the Mt. Whitney trail one weekend and 327 were camped at one time beside Mirror Lake, the major stopping place for a weekend climb of the highest peak in the contiguous United States.

He was just a brief flash out of the corner of the eye. Then the tawny smudge halted and each regarded the other with surprise—the marmot and the man who had paused by Garnet Lake. The small furry creature did not give ground. Showing no fear, he advanced slowly from a distance of 15 feet. A feeling of momentary peril swept the hiker, then foolishness, then the realization that he was the alien in an environment where animals are often unafraid.

There are 53 million acres of federal lands which qualify as potential wilderness areas under provisions of the 1964 act. So far, with three years to run in the law, only 10.1 million acres have been set aside in the classification.

Most of these are Forest Service lands. The Park Service, which administers national parks, has lagged behind in its review although without formal classification, national parks are more "de facto" wilderness areas than those in national forests, which have a formal designation.

Grazing and mining are permitted on Forest Service wilderness lands.

This leads to some curious situations because of the looseness in federal mining laws.

In the heavily used Minarets Wilderness Area west of Mammoth Lakes, a minister has a mining claim at Minaret Mine and uses the site and old buildings as a summer camp for his church.

A group from a Southern California college uses an old cabin at another mining claim in the same wilderness area for recreational purposes.

Another group is seeking an access road to a mining claim in the Nydiver Lakes area which would pass right by Shadow Lake.

INTEREST CONFLICT

A Forest Service report on the wilderness area states, "The process of prospecting for minerals and developing claims often results in conflict with other wilderness values."

It took seven years to get the wilderness bill through Congress and conservationists had to compromise on the mining issue to secure its passage.

Rep. Wayne N. Aspinall (D-Colo.), chairman of the House Interior Committee, which hears all wilderness proposals, was instrumental in securing the mining provisions in the final bill.

The ranking minority member of that committee, Rep. John P. Saylor (R-Pa.), has introduced a bill, H.R. 6996, which would designate 12 areas on Forest Service lands as wilderness.

In proposing the legislation, Saylor noted that the Forest Service—by considering logging and other development proposals—would ruin the wilderness status of these lands.

The 14 proposals Mr. Nixon sent to Congress—which include the Sequoia-Kings Canyon area—were all in national parks, monuments or wildlife refuges—areas already protected from development.

Such conservationist organizations as the Wilderness Society and the Sierra Club are most active in pushing for new wilderness areas.

The best way to read an account of John Muir's ascent of Mt. Ritter 100 years ago is to dine on oxtail soup, beef stroganoff, chocolate pudding, cookies and a shot of brandy. Then curl up with a cigar in a warm sleeping bag snuggled between two rocks at the west end of Thousand Island Lake. At the 9,800-foot level of the lake, the glow of the setting sun lingers on the crenellated peak thought to be inaccessible until Muir made his solitary climb.

Wrote Muir: "After gaining a point about half-way to the top, I was brought to a dead stop with arms outspread, clinging close to the face of the rock, unable to move hand or foot either up or down. My doom appeared fixed. I must fall."

After mastering this temporary stroke of fear, Muir scrambled to the top and then discovered that the sun was setting. With only a crust of bread to eat all day, he had many miles of hiking in the night to return to his camp in a pine thicket where he slept without blankets in "the biting cold."

These instructions are now given to hikers along the Muir Trail in Sequoia and Kings Canyon National Parks. They state in capital letters:

"Recommend that all drinking water be treated with purification tablets or be boiled before use. (Boil 10 minutes)"

Park Supt. John S. McLaughlin said that tests of back-country lakes and streams had shown that the bacteria count from human wastes exceeded U.S. Public Health Service standards.

In the Inyo National Forest where the John Muir and Minarets Wilderness areas are located, the Forest Service has hired a hydrologist for the first time to test High Sierra water this summer for pollution.

In Yosemite National Park, the Park Service is so leery of the drinking water in the Merced River below the heavily used Little Yosemite area that it has closed its drinking facilities at the top of Nevada Falls.

WATER POLLUTION

Said Supt. Cone: "Because of the human wastes emptying in from the back country, we don't feel confident of the water source. The only way we could feel confident is to chlorinate the water."

Overcrowding has contributed to water pollution, according to the experts, in the following manner:

Because there is very little or no topsoil in the High Sierra and because warm temperatures exist for only about 1½ to 2 months, human and animal feces have little chance of decomposing.

More likely, they are liable to be washed undiluted into lakes which at the height of the hiking season have little or no outflow.

Water pollution is not the only evidence of overuse of certain wilderness areas. A Forest Service report on the John Muir Wilderness Area west of Bishop, states:

This intensive use is causing site deterioration—as is evidenced by vegetation being damaged or destroyed, increasing areas of bare ground and by the invasion of subclimax species near trails, lakes and streams.

SOLITUDE GONE

In many heavily used areas, most or all the dead wood has been burned for firewood. Live trees are often cut and attempts made to burn the green wood . . . The opportunities for camping solitude are diminishing and in many areas no longer exist during the peak-use periods . . .

During the summer, human habitation seems almost permanent because as soon as a camp is vacated by one party, it is often occupied by another. This level of occupancy is in conflict with the quality levels that offer the opportunities for solitude . . ."

When issuing the wilderness permit needed to enter the Desolation Wilderness area, the receptionist at the South Lake Tahoe Ranger Station cautioned:

"You better hold onto your backpack. We just had a guy come in here and report that his was stolen while he was sleeping by Eagle Lake."

At Yosemite, a park official said: "If you put a $60 Kelty pack or a $150 sleeping bag down you just might lose them. It is sad but true."

Wayne Merry, who runs the climbing school in Yosemite, is making an attempt to educate users of the back country. He is conducting six-day "minimum impact trips" into the wilderness this summer.

Said Merry: "It gets so bad that if you turn over a rock to hide the garbage, you find another camper has been there." So, on the trips all garbage will be hauled out, there will be no campfires and cross-country travel will cut down on trail use.

All of this would come as a shock to John Muir, should he now retrace his steps along the crest of the Sierra Nevada. He would be told by a friendly wilderness ranger:

"Bullfrog and Timberline Lakes are closed to all camping and grazing, in the Evolution Basin and at Kearsarge Lakes wood fires are prohibited and I am sorry to tell you sir, but you can only stay one night at Paradise Valley, Woods Creek, Rae Lakes, Kearsarge Lakes, Charlotte Lakes, Sixty Lake Basin, Junction Meadow and Bubbs Creek.

"Oh, and at these last named areas you have to camp 100 feet from the lakes and streams. Thank you and have a good trip in the wilderness."

The trail on the last day rises and falls along the east bank of the middle fork of the San Joaquin River. It passes through lush growths of larkspur, shooting star and

> vivid-colored mountain wildflowers contrasting with the grey-green landscape. Across the canyon gouged out in the Ice Age and up the tributary hanging valleys, the spine of the Minarets stands out against the clear blue sky with incisor-like detail. It is a grand summation of a four-day hike. The woman should know there is nothing to fear.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The Bureau of Census estimates that by 1985 the total school enrollment will have risen from a current 58,900,000 to 76,900,000 with the greatest advance in numbers at the college level.

BAR SHOULD SUSPEND AND DISBAR ATTORNEY KUNSTLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. WYMAN) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, today Attorney William Kunstler in nationwide radio comments called Gov. Nelson Rockefeller a murderer and commented that if he had a gun and been handy to Rockefeller, he might just use the whole load. Kunstler's frame of reference this time was the uprising in the State prison at Attica, N.Y., in which law enforcement officers were required to storm the prison to restore order. His remarks are either demented or at the very least willfully provocative and libelous.

Not too long ago, the same Kunstler incited the burning of a branch of the Bank of America in a small town in California. In between times his conduct, on the public record, in instance after instance has extended to encouraging violence, purveying hatred, and fomenting civil unrest throughout the Nation.

The practice of law in the United States is conditioned upon an oath required of every attorney to uphold the Constitution, to support the laws of the land, and to act and conduct himself as an officer of the court. That such a requirement exists is no accident. Rather, it exists to insure the continuing ability of the bar to eliminate from its ranks those who disgrace the profession or do not so conduct themselves as to merit the privilege of holding themselves out to the public to practice law for a professional fee.

No bar association worthy of the name can afford to continue in good standing, attorneys who conduct themselves such as William Kunstler has. If the organized bar of the United States, State and National, is to continue to merit public trust and confidence, it must rid itself forthwith of those within its midst who flagrantly and contemptuously break its rules of conduct and work to destroy rather than to uphold our constitutional system.

Attorney Kunstler's characterization of Governor Rockefeller as a "murderer" together with his other statements in the last 24 hours constitute extremist conduct, inciting to violence and are incompatible to membership of good standing of any bar association worthy of the name.

If Kunstler wishes to continue as minister of the militants, let him do so without portfolio. Constitutional freedom of speech for lawyers does not extend to the extremist conduct of such as Kunstler. Denial of accreditation as an attorney in good standing is manifestly in order for Kunstler's conduct disgracing the legal profession, subversive of the Constitution, and repeatedly and patently inciting and fomenting violence, civil unrest, and insurrection in America.

FORCED BUSING IS DESTROYING OUR SCHOOLS

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Speaker, yesterday, for the first time in memory, the people in my home community of Pinellas County, Fla., voted down a request for additional school millage. By a 3-to-2 margin, people who repeatedly in the past showed a willingness to pay extra taxes to give their children a quality education abruptly switched and turned down this year's millage request.

This happened in a community which takes great pride in its schools, which time after time has taxed itself to achieve one of the finest public school systems in the Nation.

What happened in Pinellas County, Fla., should concern all Americans—for if the people of this community can suddenly withdraw their support and confidence in the schools, then the same can happen anywhere in this great country.

Pinellas' school millage request was defeated because of one single overriding issue: massive forced busing of our youngsters, mandated by the courts without regard to the education, the rights or the needs of the children, and with little regard for their health and safety.

Forced busing is destroying some of the Nation's most outstanding public school systems in communities throughout America, and if the Congress is to save the neighborhood school system which helped make the country great, then it must act immediately.

To carry out the court's edicts, the Pinellas County School Board had to find additional funds to buy more buses to haul youngsters all over the county. Extra funds also were required to finance overdue capital improvements.

Aware of the community's overwhelming opposition to forced busing, school officials decided to separate the millage for buses from the other millage rather than see the entire package go down in defeat.

It did not work. A community that takes great pride in its young people and knows the value of education voted overwhelmingly against all of the requested millage. The vote on a millage levy to buy buses was 30,968 for and 45,900 against; on mills for capital improvements, the tally was 32,747 yes and 43,759 no.

The school millage election with forced busing as the issue divided the community. An unprecedented newspaper campaign was launched in support of the millage, while parents organized in opposition to forced busing embarked on a people-to-people campaign against the millage.

The wounds created in this bitter struggle will be a long time healing; it will take some time before the community recovers—but mostly, it is the children who will suffer.

What occurred in Pinellas County, Fla., need not have happened. What is happening in other cities in America because of forced busing can be prevented. Our neighborhood schools need not be destroyed. We can take the judges out of our schools and return America's classrooms to our children and their teachers.

The Congress can promptly adopt a constitutional amendment to preserve our neighborhood schools. My own proposed amendment, House Joint Resolution 600, simply states that—

> The right of students to attend the public school nearest their place of residency shall not be denied or abridged for reasons of race, color, national origin, religion, or sex.

Republicans, Democrats, liberals, conservatives, all can support this measure because it is fair, just, nondiscriminatory, and seeks to guarantee the right of all Americans to the best education possible.

My constitutional amendment, and others like it, are bottled up in committee. The people of America, through their elected Representatives in the Congress, have the right to be heard on this vital matter. I urge my fellow Congressmen to help accomplish this by signing discharge petition No. 6.

Our neighborhood school system, and the right of our children to the best possible education, are at stake.

THE WAGE-PRICE FREEZE AND FEDERAL EMPLOYEES

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, as a member of the Republican Party I do not like to oppose my Republican President on legislative matters. However, I would not be true to myself or my constituents if I did not rely on my own judgment rather than that of the President.

During the 91st Congress the President opposed legislation giving him discretionary authority to freeze prices, interest, rent, wages, and salaries. I voted for it. Although he opposed enactment of this legislation, the President recently used the authority it gave him to freeze prices and wages.

On the occasion of that vote I respected the President's reservations about the possible ill effects of imposing a wage-price freeze, but I felt compelled to vote in the affirmative to assure that the legal mechanism was available in the event that economic conditions required the imposition of such a wage-price freeze. I am pleased the President used the authority as he did in an effort to stem the rising tide of inflation.

I make these preliminary remarks, Mr. Speaker, because today I am again opposing the course of action proposed by the President with regard to the postponement of the Federal employees pay raise. I do so because I am convinced that to do otherwise would be to condone an inequity. I have, therefore, cosponsored the resolution of disapproval of the President's plan to freeze the pay of Federal workers and military personnel for 6 months rather than the 3-month freeze imposed on non-Federal workers.

Let us look at the history of Federal pay comparability. The Congress of the United States promised Federal employees comparability in 1962, but it was an empty promise until last year because we were unable to respond to the cost-of-living increases in sufficient time to get the benefit to the employees when they deserved them.

During the last Congress, however, we fulfilled the pledge made in 1962 to afford full comparability to Federal employees. Under the Federal Pay Comparability Act of 1970, Congress created, and the President approved, legislation to abolish those yearly pay fights by creating a new permanent system for annual adjustments of Federal civilian and military salaries. The first comparability adjustment was scheduled for January of 1972.

As part of his new economic program announced on August 15, the President has ordered that this first scheduled pay adjustment be deferred until July 1, 1972. Yet, on September 9 when the Chief Executive addressed a joint session, he announced that the wage-price freeze will expire on November 15 of this year and will not be renewed.

Just looking at the calendar dates makes it eminently clear, I believe, that Federal employees and servicemen are once again being asked to bear the brunt of the inflationary burden—in fact, they are being asked to bear a double burden. Unless this body acts within 30 days on the resolution which I and several of my colleagues are introducing today, the wage-price freeze for Government employees will last, not the 90 days that all other Americans are being asked to accept, but rather the freeze for Federal employees would last more than 290 days. This, Mr. Speaker, is blatantly discriminatory. Across-the-board wage freezes for all Americans are one thing. Selective freezes for certain segments of the population are quite another.

As a member of the Post Office and Civil Service Committee, I have frequently been irritated when administration witnesses have opposed improvements in benefits for Federal workers on the basis that we cannot afford it because the money comes from tax sources. We seem to find money for a vast variety of Federal programs of highly questionable value but Government employees are always expected to make the sacrifice in the interest of Federal fiscal integrity. Fiscal restraint can be exercised in other aspects of Federal spending rather than in salaries of Federal employees. For example, why do we not suspend the printing and publication of elaborate, four-color booklets and brochures issued by numerous Government agencies?

Under the law, the President's alternative pay plan deferring the adjustments for 6 months will take effect unless either body vetoes that plan within 30 days. I am hopeful that the Post Office and Civil Service Committee will act with dispatch on this resolution and I urge my colleagues to give it their favorable consideration when it comes before this body for a vote.

THE SHARPSTOWN FOLLIES—XXXIV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I believe that Assistant Attorney General Wilson should resign because he was closely involved with the Sharp gang, knew of its illicit deals, and took part in deals that were questionable and illicit. Wilson maintains that he is innocent and ignorant, but I do not believe that any man who was as close to Sharp's inner sanctum as Wilson was, can plead either innocence or ignorance.

Consider the matter of Wilson's $30,000 loan from Sharpstown State Bank in August 1970.

At the time that loan was made, Wilson says that he knew nothing about an SEC investigation involving Sharp and his pals.

But the truth is that during the summer of that same year Wilson met with Sharp's lieutenant, Joe Novotny, who wanted to talk about an SEC investigation into RIC Industries. Those who are well versed in Sharpstown follies will remember that RIC was bought by Sharp's pals through a loan from Sharp's bank in Dallas, and that the loan had to be moved to another bank because examiners criticized it. To make the loan bankable, Sharp's National Bankers Life Insurance Company had to issue a guarantee on it.

Now obviously if the SEC was investigating a company that Wilson knew to be in the Sharp empire, and a representative of that company came up to Wilson to ask about it, Wilson would know that there was an investigation. Yet he says he knew nothing.

Wilson even assured Novotny that it wasn't too serious, for Novotny went back to Dallas reassuring his friends. But within a matter of months, RIC was under a consent decree from SEC.

Just 3 days before that decree was entered, Wilson got his $30,000 loan from Frank Sharp's bank down in Houston.

He not only knew that there was an investigation into Sharp's empire at the time he took the loan, he knew that Sharp was in for bad trouble, unless a miracle happened.

And so a few months later, Wilson's pal Sharp ended up before a Federal judge.

The Department of Justice delivered a miracle for good old Frank Sharp, in the form of a 3-year suspended sentence, a little fine, and complete immunity. Never did Wilson's friend have to face a grand jury, and never will he.

Wilson lied when he said that he knew nothing of any SEC investigation into Sharp's enterprises at the time he took a $30,000 loan from Sharp. He knew about it, he had checked with the SEC about it, and assured his pals that everything would be all right. And sure enough, it was, thanks to the incredible, deliberate bungling of Wilson's very own Department of Justice.

JIM McFARLAND OF GENERAL MILLS: THE ROAD TO THE TOP

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 10 minutes.

Mr. FRASER. Mr. Speaker, on Tuesday the Wall Street Journal printed the first of a series of articles pointing out that there are many routes to the top in American corporations today. The subject of this first article was James Patterson McFarland, chairman and chief executive officer of Minneapolis-based General Mills.

General Mills and Jim McFarland have long made major contributions to the healthy and productive business climate in our city, our State, and our Nation. We are proud that business has flourished in the Twin Cities and that the managerial skills contributed by the Jim McFarlands of our State have enabled us to develop and utilize creatively the talents of our citizenry.

The American success story is bottomed on a combination of labor and management skills. Jim McFarland and other Minnesota people have combined to develop a respected and successful American corporation—a corporation that, in addition to its business success, is constructively involved in community affairs.

Minnesotans are proud of the national attention focused on one of their most distinguished citizens. Jim McFarland merits this recognition.

The article follows:

THE ROAD TO THE TOP: JIM MCFARLAND TAKES THE TRADITIONAL PATH, A LONG, ARDUOUS CLIMB

(By Frederick C. Klein)

GOLDEN VALLEY, MINN.—In the summer of 1934, 22-year-old James Patterson McFarland of Watertown, S.D., armed with a brand new master's degree in business from Dartmouth, went to work as an accountant for General Mills Inc. here at $100 a month. He was given a two-day "indoctrination period," then hustled off to Wichita to help check in the wheat harvest.

"When I got to Wichita I couldn't find anyone to tell me what to do, so I had to figure things out for myself," he recalls. "Once we got started, we worked from sunup to sundown, weekends included, in some of the hottest weather imaginable. I lived upstairs in an old rooming house near the loading docks, and the nights weren't any better than the days. There were moments when I doubted I would make it."

Jim McFarland survived that stint, and more. Thirty-three years and 13 positions later, he was named president of General

Mills, the only company he has ever worked for. Two years after that, in 1969, he became chief executive officer. Today, as chairman and chief executive, he commands a force of 30,000 employes in a world-wide enterprise with operations in the clothing, jewelry, toys and games, chemicals and restaurant industries as well as in the food business with which it is most closely identified. His salary and bonuses last year came to more than $250,000.

In brief, alert, 5-foot-5-inch Jim McFarland is a classic hero of the kind of story American business likes to tell about itself: The earnest, hard-working individual who gets to the top of the corporate heap by sheer ability without any special advantages of birth or marriage or wealth.

"A RARE KNACK"

Past and present associates of the executive say that he fills this role quite nicely. At General Mills' low-slung, steel and glass suburban headquarters, he is described as the man who has done well in every job he has been given. As such, he is closely identified with some of the key moves in the process that first changed the company from a flour milling concern to a maker of a broad range of consumer food products and then to its present diversified form.

In the two fiscal years since he took over as chief executive, General Mills' sales have risen to $1.1 billion from $885 million, and profits have climbed to nearly $44 million from $37.5 million. He talks of hitting the $2 billion sales mark by fiscal 1976.

Colleagues say that Jim McFarland is thorough, persuasive and sensitive to others. Says one: "He has great intellectual stamina. A lot of executives think their job is done once a decision has been made, but he sticks with a problem until he has found the best way to carry out what's been decided."

Says another: "Jim can disagree with you without putting you down. That's a rare knack."

His dedication to his company and career have been almost total. At age 59, he still puts in a six-day, 60-hour-plus week. Twenty-five years ago, he even stopped smoking for business reasons. "I was sales manager in Great Falls, Mont., and I had to make an important pitch to a group of wholesalers in Casper, Wyo.," he says. "All the way down on the train I smoked cigarets. When I got there, I felt sluggish and as a result I made a poor presentation. I like cigarets, but I decided I'd be a better salesman without them."

KEEPING A LOW PROFILE

But that's just part of the story, of course. By all accounts, Jim McFarland also has been lucky; jobs have opened for him when he was ready to take them, and he was able to attract powerful "sponsors" within the company at crucial points in his rise.

In addition, he has unfailingly maintained a "low profile" in a company that appreciates such a posture. Modesty and a conservative demeanor are much prized at General Mills, whose officials will tell you that people haven't been hired or promoted for lack of those traits and acquisition talks have been broken off because executives of the firm in question didn't appear to measure up.

Those attributes helped Mr. McFarland weather a large-scale shakeup in the company's executive ranks in the early 1960s and, several years later, beat off a challenge for the top job by a younger, more glamorous rival.

It's not unusual that such an exacting variety of skills and attitudes are required to climb to the top of a large corporation owned by others, students of business say. "It goes without saying that ability is essential, but there's a lot more to it than that," says Harry Levinson, psychologist and author on business leadership who is currently a visiting professor at Harvard School of Business. "A man must avoid being tagged as a specialist. He can't make enemies or appear to be too ambitious. And he can't pull any shenanigans—at least, not where anyone can see him."

Working up through the ranks in a single company still is the main road to the corporate summit, but it is being traveled by fewer individuals. According to Eugene Jennings, professor of management at the Michigan State University School of Business, about two-thirds of those who headed public concerns around 1950 made it that way, but now the figure is slightly less than half and declining. This is partly because college graduates recently haven't been willing to start low and because executive mobility at the middle levels accelerated sharply in the past decade, he says.

It's also because "more companies are realizing that what a man learns near the bottom won't necessarily help him at the top, and it might hurt," says Prof. Jennings. "For instance, at the bottom you're taught to work hard, but at the top you must work 'bright'."

REJECTING GE

These trends are as apparent at General Mills as elsewhere. The company's president and operating chief since 1969 is James A. Summer, a 48-year-old former Air Force major who joined it in 1960 as a planning executive. Younger men in the company regard Mr. McFarland's lengthy and varied career with some awe. "Can you imagine? The guy spent 10 years selling flour in Montana," says one young MBA.

But when Jim McFarland, a lawyer's son, left Dartmouth in the depression year of 1934, employment opportunities weren't abundant. Even though he had an MBA, a rare commodity at the time, he received just two job offers—from General Mills and General Electric Co. GE offered him $125 a month to start to General Mills' $100, but he still picked the milling firm, which then had about 7,000 employes and annual sales of $143 million.

"General Mills was in the Midwest, and I thought I'd like to be near my family," he says. "Then, too, they seemed people-oriented and I've always been that way myself."

His good luck began as soon as he went to work for the Minneapolis concern. The personnel man who hired him was Harry A. Bullis, who later became president and chairman of the company. They discovered that they shared a belief in "positive thinking," a school which holds that an affirmative outlook can help overcome obstacles. Mr. Bullis was chairman in the 1950s when Mr. McFarland's rise began in earnest.

Young Jim McFarland's early career was hardly meteoric. After five months of grain accounting in Wichita, he was dispatched to the company's Larrowe Feeds division in Detroit to perform a similar job. About a year later, he was transferred to another accounting post at a company distribution center in Great Falls, Mont.

At Great Falls, he decided he didn't want to be an accountant any more, so he asked for and got an assignment in sales. For the next four years, he sold baker's flour and other products in a vast territory that included Montana, North and South Dakota and Wyoming.

The switch to sales was perhaps fortuitous. In a new book, "Routes to the Executive Suite," Prof. Jennings of Michigan State says that among the largest corporations "over 30% of the chief executive officers have spent five years or more in marketing and sales at some time in their careers. . . . Marketing is definitely a route to the top, as is manufacturing." In contrast, he writes, "personal and industrial relations are not routes to the top." In the middle '60s, he says, many financial men were tapped, and in the late '60s "men who had experience in the international counterpart of the corporation emerged in great numbers at the top."

In 1942, Jim McFarland enlisted in the Army Air Corps, emerging four years later as a first lieutenant. He returned to the company as sales manager for the Great Falls-based region—his first executive job. He remained in that position for six years before being brought to General Mills' Minneapolis headquarters as advertising manager for home-use flour. He got that assignment, he says, "because they wanted someone in advertising who had experience in the field. I guess they were afraid that our advertising was getting too removed from the people we were selling to."

Mr. McFarland managed to distinguish himself in all his early posts. In Wichita, he wrote an accounting manual so his successors in the seasonal job wouldn't be left to their own devices as he was. At the feed unit in Detroit, he devised a compartmentalized envelope that would contain all of the various papers that accompanied feed shipments. Previously, each paper had been forwarded separately and it frequently was troublesome to collect them at the other end.

At Great Falls, his grocery products sales force annually ranged at or near the top of the company on a per-man basis. This was no mean feat; his predecessors had had difficulty selling General Mills' "big-city" flours and packaged foods to the region's self-sufficient housewives. Among other things, the accomplishment entailed his persuading the home office to make a special kind of flour that would produce satisfactory bread even if the local farm women ignored it for long periods to do other chores.

As advertising manager for Gold Medal brand flour, he is credited with helping to introduce the smaller containers that maintained profits in the face of a long-term sales slump.

"FIRING PEOPLE IS TOUGH"

By 1955, 21 years after he joined General Mills, 43-year-old Jim McFarland was earning just $18,900 a year and there were dozens of men between him and General Mills' upper executive levels. Still, he was patient ("I never was one of those fellows who felt he had to be promoted every year or quit") and prepared for better things.

"As a sales manager, I'd learned that you couldn't just tell someone to do something and expect it to get done—you had to show your people what was in it for them," he says. "I'd also learned that fairness in dealing with people didn't necessarily mean kindness. Sometimes, you have to let a man go to be fair to your other people. Firing people was tough for me then, and it still is, but I found out that it's usually the best thing for all concerned."

Mr. McFarland got his chance to put his experience to work in 1955, when ill health forced the dynamic Walter Barry to step down as head of General Mills' vast consumer-foods operations. Under Mr. Barry, who was the company's dominant executive of the 1940s and 1950s, consumer foods such as Wheaties, Cheerios and Betty Crocker brand cake and dessert mixes emerged as General Mills' major source of sales and profits. He had run a virtual one-man show in his specialty, and his leaving created a considerable void.

Jim McFarland was one of several executives who were given a shot at filling Mr. Barry's shoes, and he succeeded. In less than three years he earned three promotions. In mid-1957, he was named general manager for consumer foods and a corporate vice president, and his salary was hiked to $40,000 a year.

"It was a great relief that someone could take over for Walter Barry. That was when he (Mr. McFarland), made a believer out of a lot of us," says Charles H. Bell, company president at the time. Mr. Bell is the son of James Ford Bell, who engineered the alliance of regional millers that created General Mills in 1928. Charles Bell was chairman of the company when Mr. McFarland was named president. Mr. Bell and members of his family own some 500,000 of General Mills' 19.9 million common shares—the largest single block.

ENTER GENERAL RAWLINGS

Grocery products continued to prosper under Mr. McFarland, but other parts of General Mills fell on hard times in the middle and late '50s. The company was suffering heavily from losses in its animal-feed and commercial-flour milling operations. In addition, its 1940s ventures in electronics research and the manufacture of electric appliances under the Betty Crocker label had come a-cropper.

Getting rid of those businesses was no easy matter. A sizable number of long-term commitments were involved. Also, each operation had the backing of influential executives who firmly believed that the units would right themselves in time.

To remedy this situation, Charley Bell in 1959 hired Edwin Rawlings, a four-star Air Force general who, as head of that service's world-wide Materials Command, had established a reputation as a formidable administrator. The cool Gen. Rawlings spent two years learning about the company with the title of financial vice president. In 1961, when he was elevated to tne presidency, he was ready to move.

In short order, he either sold or liquidated the feeds, research and appliance units and closed more than half of the company's milling capacity, its most venerable operation. Then he launched an acquisition program based around General Mills' strong marketing position with housewives and children. This eventually brought the company into toys (Kenner and Lionel) games (Parker Bros.) and snack foods (Morton Foods, Tom Huston Peanuts and Cherry-Levis Farms).

"Everybody knew what had to be done, but it took an outsider to do it," says one longtime General Mills hand. "We had become soft in terms of objectivity. Personal relations between executives stood in the way of progress."

Gen. Rawlings also gave a severe shake to the company's executive ranks. Among others things, he instituted frequent "management operation reviews," to which the entire executive force was summoned to report and face the questions of their peers. These sessions could get rough.

"One of our younger men was holding forth on a new product his division had introduced and an older fellow broke in to ask why we were wasting so much time on such an insignificant item," recalls one manager. "The young guy looked at him hard and told him that the 'insignificant item' already was turning out as much profit as the older guy's whole division."

AND ENTER "BO" POLK

In the first three years of his presidency, Gen. Rawlings appointed more than a score of new vice presidents and division and plant managers. Many of them were young, hard-driving men who were new to the company. Foremost among them was Louis F. (Bo) Polk Jr., an engineer and Harvard MBA who came in 1961 at age 31. At various times in the next few years, Bo Polk oversaw the installation of an internal computer system, headed the company's acquisition efforts and was its top financial man. He was tagged by some as General Mills' next head.

Some "old hands" got lost in the Rawlings shuffle, but not Jim McFarland. While the General and his new men were getting rid of old operations and acquiring new ones, someone had to run the businesses. He got the nod.

"Ed Rawlings wasn't easy to get to know—he isn't much for small talk—but after awhile he and I began to get on well," says Mr. McFarland. "We are both small-town boys and we both like to hunt and fish. Besides, I knew the business and the people, and he needed that."

Thus, the battle for succession to the General Mills' presidency was joined between Jim McFarland and Bo Polk, and it would be hard to imagine two contenders who are less alike. Mr. McFarland is small, dresses conservatively and likes to talk about things like "corporate responsibility." Bo Polk is tall, colloquial and casual. These days, he wears his hair longish. When he sits down, he immediately seeks out a place to prop his feet. His goods looks and "whiz-kid" label made him the subject of a good deal of publicity, which didn't endear him to some of his colleagues.

In addition, Bo Polk wanted General Mills to become a highly aggressive "growth" company, constantly acquiring new businesses and spinning-off old ones. This was at variance with the operations-oriented philosophy of most of the company's officers and directors.

"Ed Rawlings leaned to Polk, but Charley Bell and just about all the other senior men wanted Jim," says a director. "When it came down to it, it was no contest."

Says Mr. Bell: "We on the board had decided to make the most of what we had invested in new businesses. We felt that Jim's stability was something that was best for the company. We believed that he'd keep things in balance. He wasn't a wheeling, dealing type who might go off on a wild tangent."

THE YOUNG TURKS LEAVE

In late 1967, Jim McFarland was elected to be General Mills' president and operating chief. The next year, Bo Polk left the company to become president of MGM, the filmmaker.

When Bo Polk left General Mills several other young executives also quit, believing that the company would lose its "momentum." Some stayed, however, and say that they have been pleasantly surprised with Mr. McFarland in this respect. The pace of General Mills' acquisitions has slowed under his leadership, but he still has taken the company into several new fields, including clothing (the 1969 purchase of David Crystal Inc., a maker of sportswear) and restaurants (the 1970 purchase of Red Lobster Inns, which specialize in seafood). He also has accelerated the expansion of the company's Bontrae Foods unit, which produces meat-like products from spun soybean derivatives.

As chief executive, Mr. McFarland has been criticized for spending too much time on day-to-day problems and not enough on long-range planning. He admits that "stepping back and taking the long view" was something of a problem after more than 30 years in operating posts, but he thinks he does this adequately now.

Part of the company's planning load has fallen on President Summer, despite his designation as operating chief. "Jim and I cross over quite a bit," says the crisp West Point graduate. "Our titles are mainly traditional."

HOW HE OPERATES

Even through he rose through General Mills' bureaucracy, Mr. McFarland runs his office in an informal manner. When he is in Minneapolis, his workday usually starts at 7 or 7:30 a.m. and ends at about 5:30 p.m. For the first hour or so, his office is open without appointment to any executive who has something to discuss. Things are on a first-name basis; if an employe doesn't call him "Jim," the boss asks him to. First names "help create a team atmosphere," he explains.

Mr. McFarland has continued the management review sessions begun by Gen. Rawlings, but he holds them less frequently and they are less elaborate. Still, he is a stickler for getting information accurately and on time. Each division submits monthly profit-and-loss statements to him and continually updates its one-and-five-year projections.

The executive also is a great believer in setting individual work goals. At the start of each month he types up a list of four or five things he hopes to accomplish in the next 30 days, and at the end of the month he notes whether he did them. All other top executives of the corporation are required to do likewise and inform him of the results. "At the executive level, it's easy to be busy all day and not accomplish anything," he says. "A lot of this can be avoided by setting objectives beforehand."

In dealing with subordinates, he is free with both responsibility and praise. "What's your opinion on this? You know how highly we respect your opinions," he tells a company officer reporting to him by phone on a possible acquisition.

At the same time, he expects results. "If you show you can do your job, he'll let you do it without looking over your shoulder," says E. Robert Kinney, one of General Mills' three executive vice presidents, who came to the company in 1968 as head of the acquired Gorton Corp., a maker of frozen seafood products. "He doesn't expect you to be perfect, but he hates surprises. You'd better not keep any bad news from him."

A CENSOR FOR "LAUGH-IN"

In addition to running the company, Mr. McFarland has some important external tasks. For one thing, he is chief guardian of General Mills' public image. As such, he travels to New York each year to discuss television programming with network officials; much of General Mills' $56 million annual spending for advertising goes to TV.

"We like to make sure that the programs we are associated with are in good taste," he says. "For instance, we thought that the humor on the original Laugh-In program was too risque, so we asked NBC to modify it. I think we and others had an impact on that show and made it better family-type entertainment."

For another, he has spent a good deal of time in Washington of late, seeking to counter charges that ready-to-eat breakfast cereals aren't nutritious enough and are too expensive. In the 1970 controversy over nutrition, he emerged as a leading spokesman for his industry. By all accounts, he was effective in this role; after holding hearings, Congress passed no legislation directed against the nation's cereal makers.

Appearing before legislative bodies isn't a task he relishes. "It irks me to have to defend our business, which has been so conspicuously good for everyone who has come into contact with it," he declares. There are, of course, some people who dispute his view of the industry.

Mr. McFarland earns a large salary now and is financially well-set for the future, when he stands to collect annual retirement income of upwards of $125,000. Nevertheless, he and his wife, Shirley, don't live lavishly and have no plans to.

The couple have two children: Jeff, 23, a Dartmouth graduate who works for a New York movie booking agency, and Mrs. Jill Wilburn, a 26-year-old mother of one whose husband is an Air Force captain. Since 1961, the McFarlands have lived in a colonial ranch home in Edina, Minn., a Minneapolis suburb, which is spacious and costly but far from the most showy home in the neighborhood.

Mrs. McFarland does the cooking when the couple eat at home, and they have no full-time domestic help. Mr. McFarland drives to work himself in a late-model Cadillac.

The executive won't reveal his net worth, claiming that "it doesn't really amount to all that much." He says that his main holdings are his home, which he values at about $100,000, and about 11,000 shares of General Mills common stock that he acquired through company stock-option and purchase plans.

"It's only in the last few years that I've made any real money, you know," he says. "We got used to living simply and we've just continued to do so. I never went out after money very seriously, anyway. We like to go first-class, of course, but salary has been important to me mainly as an indicator of how I was doing in the company."

The mandatory retirement age for executives at General Mills is 65, but Mr. McFarland says he has given little thought to this. "When you start thinking a lot about retirement, you'd better do it," he says.

"If I did retire, I'd probably just go into some other business," he goes on. "I'd open a hamburger stand if it came to that. Where else could I have as much fun as I've had?"

DISCHARGE PETITION ON HOUSE JOINT RESOLUTION 651 MERITS SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, last week, our colleague from Georgia (Mr. THOMPSON) filed a discharge petition on House Joint Resolution 651, which would amend the Constitution relative to freedom from forced assignment to schools or jobs because of race, creed, or color.

I believe I was either the sixth or seventh Member to sign this petition, which needs 218 signatures if this legislation is to be discharged from committee.

With the opening of school this fall, we find many school districts in chaos because of the courts' inflexible stand in regard to integration and the necessity of cross-town busing, regardless of adverse social and economic impact on parent, child and community.

This proposed constitutional amendment is designed to end this forced busing, but is not intended to restore segregated school systems or maintain the vestiges of segregation where it remains. It simply seeks to recognize the fact that busing to achieve racial balance is uneconomical, unfair to parent and child alike, and unwanted.

We can, must, and will have quality-integrated public school education in this country, but busing is the most disruptive and least desirable method of achieving it. Next week, I will introduce legislation which will, if adopted, provide a more reasonable and rational means of providing quality-integrated education for all our children—not just those in the affluent suburbs or those whose parents are in a position to send them to private schools—but all children. This legislation will be so designed to meet the current requirements of the Constitution.

The discharge petition filed by the gentleman from Georgia merits support. His proposed amendment deserves nothing less than the opportunity to be at least debated by this body. In the meantime, give us an opportunity to make that decision through support of the discharge petition.

THE CHILDREN OF ISRAEL ARE ALIVE AND WELL AND LIVING IN THE PROMISED LAND

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to provide our colleagues with some of my observations on Israel's security. During the congressional recess, I spent 3 weeks in that country and had an opportunity to view it not only from the biblical "Dan to Beer Sheba," but as a supporter of that brave country from the Golan Heights to Sharm el-Sheikh and the Suez Canal. Israel is a country of 3 million people surrounded by six Arab nations of 100 million people all bent on its destruction. Like many others in our country, I have worried from day to day about Israel's survival. So far the Israelis have survived three assaults waged against it by the Arab nations: in 1948 the war of liberation, in 1956 the Sinai campaign, and in 1967 the 6-day war.

Between 1956 and 1967 the friends of Israel saw the many terrorist attacks on Israel citizens, including the shelling and the use of handgrenades in theaters, supermarkets, and bus stations, and we worried about her survival. After the 6-day war, we saw the Arab States refuse to sit down at a table and make peace with Israel and instead pursue a war of attrition. We worried about how long this state of war could go on in which Israel was being bombarded and threatened by the Arab countries with much greater manpower and with arms supplied by the Soviet Union. And now with the cease-fire we worry about how long this state of relative peace can last.

I discussed Israel's current security problems with officers in its defense and foreign ministries. They made the following points: Prior to the 6-day war in 1967 the state of affairs between Arab States and Israel rested on the armistice agreement signed in 1956 and the Israelis were subject to near daily attacks across her borders. There was no avenue of travel between Israel and its Arab neighbors. The old walled city of Jerusalem was barred to Jews and Christians residing in Israel. No commercial transactions took place between Israel and the Arab States even though technically the countries were in a period of armistice. In contrast to that period of armistice and the current legal state of war which the Arab States insist exists between them and Israel, the following situation prevails: The entire city of Jerusalem is united and people of all faiths—Jews, Christians, Moslems—from every country come to Jerusalem to walk and pray in their respective holy places. This year alone more than 100,000 Arabs coming from numerous countries, including the very Arab States maintaining the state of war, have visited Israel and Jerusalem.

Under Israeli rule the West Bank has daily communication and travel with Jordan on the East Bank across 2 bridges of which the Allenby Bridge is the most famous. Israeli exports to the Arab States have now reached an annual level of $100 million. Arab students living in Israel formerly unable to attend Arab universities outside of Israel now do so. In fact I visited the city of El Quantara on the banks of the Suez Canal where students cross over from Israel into Egypt to attend the Cairo University.

Terrorism by Arab guerrillas has ceased and rarely do they infiltrate across the Jordan or the Sinai where as formerly these had been regular occurrences.

The paradox is that the former state of armistice was in fact a state of war and the current state of war is in fact an armistice.

My feeling as I left Israel could be summed up in this way: "The children of Israel are alive and well and living in the Promised Land."

INTRODUCTION OF FISHERIES LEGISLATION

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, over the next few days, I will be introducing a group of bills intended to provide essential assistance to the American fishing industry. In doing so, I join a growing number of my colleagues in Congress who recognize the critical needs in this area.

The fishing industry, bearing one of our Nation's strongest heritages, is in the midst of a decline which is being felt in every fisheries area of the country. At a time when it should be booming, and at a time when the world is seeking new sources of food, American fisheries are failing to move forward economically.

The decline is curious in that the industrywide totals are somewhat misleading in disclosing the problem. In spite of increased volumes of fish landed, higher value of yearly catches, and a substantially higher demand for fish products, the American fishing industry is simply not expanding at nearly the rate of expansion of the world's fisheries industry.

Even more disheartening is that whatever gains are made by the American fishing industry as a whole, few of the gains are being felt by the individual fisherman, his family or his community. A case in point is Alaska, long one of the U.S. fisheries leaders. In 1970, when the total wholesale value of fish caught in Alaska increased to $214.6 million, the per capita earnings of each fisherman was only $4,475. This return to the individual fisherman is distressingly representative of the failure of the industry to provide its workers with the compensation their labor should demand.

The legislation I will introduce was chosen to address this and a number of the other central problems facing our commercial fisheries. In addition, these bills reflect my best judgment of the provisions which can most appropriately solve the special problems of the Alaska fisheries industry, the individual Alaskan fisherman, and his community.

So that all my colleagues can better understand some of the problems of the Alaska fisheries industry, I would like to share with them what I consider to be an excellent summary of its economic potential and problems. It was prepared only a few months ago by the Federal Field Committee for Development Planning in Alaska as a part of a much larger work entitled, "Strategies for Economic Development in Alaska":

ALASKA FISHERIES

DESCRIPTION

As an economic activity in Alaska, fisheries are second only to petroleum and in the foreseeable future should continue to provide relatively high levels of employment for both Alaskans and nonresidents and a source of substantial revenues to the state. Unlike mineral and petroleum resources which are nonrenewable, fisheries are renewable resources, and as such, they are managed on a biological sustained yield basis. This management responsibility rests with the Alaska Department of Fish and Game within the inland waters of the state and the three-mile territorial sea. That fisheries are also a politically potent force in Alaska is evidenced by the fact that in an otherwise general Constitution, a specific prohibition against "exclusive right of fisheries" was adopted and that the first ordinance voted upon by the people of Alaska abolished the use of fish traps.

The commercial fishing industries of Alaska continue to increase in total dollar value each year, but are diminishing in importance relative to other activities and other resource development. The financial returns, individually, to many of those Alaskans who participate in the harvesting and processing of the fisheries are minimal, but lacking other employment opportunities in Alaska as an alternative, fisheries—despite seasonability, uncertainty, and economic inefficiency—will continue as a source of employment and some income for many Alaskans.

For several years Alaska has been the nation's top state in terms of the annual value of fish landings. Kodiak is the second most important port in the entire nation in value paid to fishermen for catches. Alaska commercial fisheries are concentrated in high value stocks which include the following major elements: salmon, halibut, shellfish, herring, and marine mammals.

PROBLEMS

Alaska has about 20,000 fishermen taking part in its fisheries, with a wholesale value of $214.6 million in 1970 and $189.5 million value to the fishermen. This results in a per capita income of $4,475 from fishing. One of the difficulties in increasing this per capita return is that fisheries are a common property resource open to entry by all, resident and nonresident, U.S. citizens and foreign nationals. U.S. nationals are prohibited from high-seas salmon fishing, while treaty restrictions are the only limitation on foreign harvesting of Alaska fisheries. Another problem is that managing the fisheries on a sustained-yield basis has led to reductions in seasons already short by the nature of fish runs, as well as gear limitations as means of limiting the taking of fish. This makes entry more attractive for the avocational fisherman since he can compete more equally with the professional under these restrictions.

The net result is a large number of nonresident and/or part-time fishermen, many of whom do not spend their returns from fishing, even in part, in Alaska. Thus the total value of fishing to fishermen overstates the importance of fisheries in the state's economy.

Nearly one-half of the employment accounted for under manufacturing is in fish processing. The fifty salmon canneries in Alaska are owned primarily by out-of-state interests and their seasonal labor force is recruited primarily in Washington, Oregon, and California. The 5 shellfish canneries and 25 freezer facilities tend to employ local residents to a much greater degree than the salmon canneries.

Fisheries is a labor-intensive industry, although capital remains a significant factor of production. For a capital-poor state such as Alaska, labor-intensive endeavors return within the state a higher proportion of final product value. As such, much of the return from the value added to the product goes to labor; and growth in fish processing induces growth in industries supporting it.

The lack of local capital has somewhat inhibited the pace of the shift from canning to freezing as the major method of fish processing. This lack has also deterred the growth of locally owned cooperatives.

The National Marine Fisheries Service sees three major problems in sustaining the well being of Alaska's fisheries: insufficient biological and marketing knowledge to manage the resources; insufficient protection from foreign fishing fleets; and insufficient understanding of the effects of pollutants on living marine resources. All three of these are areas requiring major policy and program efforts to resolve the problem.

POTENTIAL

Fisheries are a renewable but not inexhaustible resource. They must be sustained in production and not overharvested. Basically the resource base of Alaska fisheries is in a healthy biological condition. The present harvest constitutes about 10 percent of the estimated sustainable annual harvest of *all* fisheries resources. However, high value stocks are being exploited close to their limits while many demersal species are not utilized at all by Alaskan fishermen. There is no foreseeable change in this pattern.

Trends suggested for the fisheries to 1980 under present legal and management conditions are: (1) total average production will increase 37 percent; (2) participating fishermen will increase 42 percent; (3) average per capita take will decrease 6 percent; and (4) average per capita receipts will increase 30 percent measured in constant dollars.

Increasing production above the projected level will require utilization of lower-value fish stocks and more efficient management of the high-value stocks. This will require a major effort to control domestic and international fisheries and to develop markets for the low-value stocks.

Increasing income of fishermen will require restrictions on entry to a fishery to the level at which it can provide an adequate annual wage for participants.

This summary should provide a good background for understanding the economic problems and potential of the Alaskan fisheries. An additional problem which is not mentioned in this summary, but which is of growing concern to Alaskan fishermen, is the increasing amount of fishing activity off Alaska by foreign fishing fleets. In 1970 and 1971, this activity has begun to seriously threaten the U.S. fisheries resources in Alaska, and new measures are certainly warranted. More will be said on this later, as the legislation I propose is introduced.

A final problem for mention here was only hinted at in the Federal Field Committee report. The problem relates to the welfare of the fishing community itself. In Alaska, this situation has become acute, and it is my belief that changes for the better in the quality of life for Alaskan fisherman must begin in their homes and communities. A central aspect of this problem is that all processing and marketing of Alaska's catch takes place far from the fishing grounds. It is essential to expand, through cooperative enterprise, the range of services which can be maintained at the local level. If the fishing communities of Alaska and other States could begin to control greater segments of the storage, processing, and marketing of the fish caught by that community, the quality of life in these communities would be raised through self-help.

Although I have focused this statement on the problems of the Alaska fisheries, there is no question in my mind that I am speaking for all American coastal States on this problem. We share in this concern regarding one of our finest and most important industries, and I am pleased to join many of my colleagues in seeking the best available solutions.

Today, I will be introducing a single bill, the Fisheries Development Act of 1971, which in its comprehensive approach to this problem affords an excellent beginning for improvements in the situation confronting the American commercial fishing industry. On the following days, I will be introducing additional groups of bills. The first will deal with the fishing waters of the United States, the definition and protection of those waters and the conservation of American fisheries resources.

The second will relate to programs designed to assist American fishermen in improving, modernizing and expanding their activities, and to programs designed to assist fishing communities.

The bill introduced today, the Fisheries Development Act of 1971, is based on a bill introduced earlier in the Senate by Senator EDWARD KENNEDY. In my view, it represents a strong statement regarding the comprehensive nature of changes needed to revitalize the American fishing would be a crucial beginning in returning industry. The bill includes eight points which shape a program which, if enacted, American fishing to a position of world leadership.

First, the bill provides for a fishing extension service in the Department of Interior with the purpose of acting as a clearinghouse for information on fishing and an educational center for members of the American fishing community. This provision recognizes that a failure of communication within the industry is a central aspect of the problem.

Second, the bill provides an authorization for technical assistance grants. It is my hope that this program will enable American fishermen to modernize their techniques and to have the financial support to back up the ingenuity which has always served them so well. Navigation assistance, sonar, modern gear and safety equipment will all be included in this program.

Third, the bill provides funds and services designed to encourage the development of new fisheries resources. In Alaska, this means the beginning of utilization of the bottom-fish resources of the Gulf of Alaska, long recognized as one of the major unused resources of the Pacific Northwest. In other areas of the Nation, equally important and heretofore unutilized resources will be developed.

Fourth, the bill encourages the rapid development of fish protein concentrate. In its utilization of previously unused resources and its response to clear world food needs, this is a crucial area. Provisions in the bill would authorize new research and would enable production of this new product to move forward rapidly as a new food source.

Fifth, the bill would provide financial encouragement to fishermen's cooperative organizations, and sixth, it would give financial support to new fish marketing strategies and agreements. Together, these two provisions should work to give the fishermen a new share of control in the final disposition of the fish they labor for so hard. In Alaska, where much of the fishing activity is centered in remote villages, this sort of development is extremely important. Previous work done in organizing rural cooperatives will be applicable to new processing and marketing plans.

Seventh, the bill provides for a new, regularized system of reviewing fish imports. A semiannual review of imports and a statement of the effect of imports on the domestic industry would enable completely new responses when undesirable situations arise. There is no question but that in this period of fisheries decline, maximum economic protection must be given to our domestic fisherman.

Eighth, and extremely important, the bill provides an authorization for a complete review of fishing regulations at all levels of government. The goal of such a review would be the formation of uniform regulations directed toward the maximum utilization of the U.S. fisheries resources.

In earlier remarks on this bill, Senator KENNEDY cited the applicability of this act to the New England fishermen. There is no question that the act will be similarly beneficial to the fishermen of Alaska. Anyone who has spent time around fishing communities understands the harsh conditions under which fishermen must work in return for only moderate returns. The fact that fishing became one of our Nation's leading industries is a tribute to the determination and independence of American fishermen, and this bill is intended to capitalize on those qualities. In its extensive reliance on self-help, I believe the bill places the responsibility for revitalization of the fishing industry on very broad shoulders—the shoulders of the fishermen themselves. I urge favorable and deliberate consideration of this bill.

Continuing in the introduction of legislation designed to provide much needed assistance to the American fishing industry, the bills I am introducing in this second section have a simple and direct theme. That theme is the increased protection of American fishing waters and fish resources, especially from the threat of foreign fishing activities.

Every Member of Congress who has spent time considering this problem is very well aware of the situation. In recent years, the level of foreign fishing activity off the coasts of the United States has increased drastically, and is increasing yearly at an accelerating rate. In the last year, "incidents" involving American and foreign fishermen have become all too common.

The magnitude of the problem can easily be seen in the monthly reports published by the U.S. Department of Commerce on Foreign Fishing off U.S. coasts. The report for June 1971, was typical. Region by region, here is a summary of the activity during that time.

OFF ALASKA

A total of nearly 500 foreign vessels fished in June off the coast of Alaska. Japan had about 400 vessels, mostly fishing for salmon. The Russian fleet was down to 30 vessels after reaching a high of nearly 200 in February. A 12-vessel South Korean fleet arrived in mid-June and was expected to stay until September.

NORTHWEST ATLANTIC

A total of 185 vessels fished this area off New England in June, down from 310 vessels in May. There were 121 Russian vessels, and others from Poland, East Germany, West Germany, Bulgaria, Romania, and Greece.

OFF SOUTHERN U.S. COASTS

A total of 65 Mexican and Cuban vessels fished this area, along with numerous Russian fishing and support vessels.

OFF THE PACIFIC NORTHWEST

A total of 70 vessels, all from Russia, fished the waters off Washington, and Oregon in June. Large catches were observed on a number of these vessels.

These figures make the situation very clear. In some areas, foreign fleets fish American coastal waters more extensively than do the American fishermen themselves. The detrimental effects of this activity the becoming distressingly obvious.

First, American management and conservation programs for fisheries resources are based on projections which are made incorrect by the greatly increased activity. In addition, certain foreign fishing practices, even though done in international waters, are destructive of previously established U.S. programs. The taking of immature fish is an example of such practices, and the lack of coordination between such practices and American practices seriously undermines the conservation and management programs of the United States.

Second, there is no question but that this increased foreign fishing off the U.S. coast is decreasing the catch of individual U.S. fishermen, either at present or by insuring a decrease in the future.

Finally, the result at the end of this process is that the fish caught in the foreign fisheries operation are processed abroad and imported back into the United States, establishing an increasingly poor balance-of-payments deficit. The increase in this deficit for 1970 was 17 percent over the 1969 deficit.

The present United States response to this total situation is, in my view, inadequate. The system for delineating the territorial sea and contiguous fisheries zone is subject to exceptions created by treaties and agreements; the system for enforcement of the protected areas is inadequate to provide full protection; and the attitude regarding violations has a history of being excessively gentle with transgressors for fear of endangering international relationships. The final payment for these failures is made by the American fisherman, and I believe this must stop. A number of important immediate changes are proposed in the bills I am introducing today.

The first bill I am introducing deals with the problem of proper delineation of the territorial sea and the contiguous fishing zone. Although my strongest feeling at present is that this entire issue must be discussed and resolved in the immediate future, one action can and should be taken by this Congress. This action, as provided in the bill, is to authorize the use of the straight baseline method for determining the inward boundary of the 3-mile territorial sea, thus affecting the extended area for the 12-mile fisheries zone.

Under present standards, the baseline, or inner line from which the 3- and 12-mile boundaries are extended, is the low-water line along the coast. The straight baseline standard would alter this pattern to allow the drawing of a straight baseline across the headlands of an indentation or bay in the coastline or between islands which fringe a coastal area. Only where the opening of a bay exceeds 24 miles would the straight baseline method not include the bay within the territorial sea, and in that situation, the line can be drawn across at the point where the bay narrows to 24 miles.

The advantages of this method are obvious. It allows the United States to expand the area of the territorial sea to which possession may be claimed, and greatly increases the potential for domestic control of the marine resources of the coastal area. For some coastal States like Alaska, this will increase the area subject to regulation by either the State or Federal Government by as much as 30 percent.

The important gain from such an increased area will be felt eventually in the conservation of American fish resources. The increased area will mean that over a greater area than ever before, foreign fishermen will have to respect the same stringent fishing regulations which for so long have bound only the fishermen of the United States.

It is my firm intention that the eventual result in this area will be the full consideration of additional territorial and contiguous fishery zone concepts, including the possibility of extensions to 200 nautical miles and the concept of utilizing the Continental Shelf as a delineation. These additional measures for extending the area of American control will have to be used in time if no satisfactory alternative means of controlling foreign fishing activities is found or agreed upon.

For the present, adoption of the straight baseline method is essential, and provides an excellent foundation for future changes.

The second bill I am introducing today deals with the one factor which must be present to make any boundary extension meaningful—an adequate system of enforcement. The responsibility for this task falls almost entirely on the U.S. Coast Guard, and it is a responsibility well served whenever adequate facilities and funds are made available. As an Alaskan, it is my feeling that such facilities and funds have not been made available, and additional protective capability is necessary. For this reason, I am introducing a bill to authorize appropriations for the establishment of a new and fully equipped Coast Guard Station at a location to be determined in the Bristol Bay area of Alaska.

The reasons for the establishment of such a station are very strong. Taken on balance, I believe it is possible to say that, among all the fisheries areas of the United States, the waters of Alaska have the highest productivity and the highest level of foreign fishing activities as compared to the level of Coast Guard protection possible with present facilities. The figures are revealing.

As a State, Alaska led all others in 1970 in the value of its catch to fishermen at $89.7 million. As a single State fisheries region Alaska produced 11 percent of the total volume of the U.S. catch. At the same time, the level of foreign fishing activities in these rich Alaskan waters is the highest, month by month, of any U.S. coastal area. In June of 1971, nearly 500 foreign vessels fished off the Alaska coast. This is an area which requires the strongest sort of coastal protection.

I would in no way suggest that the Coast Guard is performing at any but the highest standards, given presently existing facilities. On the contrary, I share with most Alaskans a deep pride and fondness regarding the Coast Guard and its long service to our State. I do believe, however, that the waters of the Bristol Bay require additional protection.

The major station offering present Coast Guard protection in this area is the station at Kodiak Island on the Gulf of Alaska. The aircraft and cutters operating out of this station have been extremely active in the past year, spotting foreign vessels in violation of American waters and, whenever possible, making arrests. In spite of this activity, a great number of the reported violations have been in the Bristol Bay, separated from Kodiak by the Alaska Peninsula, 200 to 500 nautical miles, and a wide range of extremely difficult weather conditions. It is simply impossible, on many occasions, for a cutter to reach the site of a violation in the Bristol Bay before the offender has departed. The same is true of sea rescue operations in the Bristol Bay.

There is no question that this bill is an expression of need and a request for investigation and consideration. The facility I envision would include both air and sea capability, and a wide range of Coast Guard services. The location of the station should be determined at a later time based on the same considerations of proximity which lead me to introduce this bill. I believe that this measure is essential to make meaningful whatever territorial and fisheries boundaries are established.

A third bill being introduced today is in the spirit which must finally be called upon to solve most of the problems of the world's fisheries. The bill is a concurrent resolution requesting the President to take additional steps in preparation for the 1973 United Nations Law of the Sea Conference. Specifically, it requests the conference to consider the subject of anadromous fish. In introducing this measure, I express my hope for and belief in international resolutions of serious problems like the world's threatened fisheries.

The proposed resolution is simple and straightforward. Anadromous fish, particularly the North Pacific salmon, present a special problem of fisheries conservation. In a birth-to-death migrational pattern which brings this amazing species back to its specific birthplace for its reproductive cycle and death, the nation where the spawning ground is located must assume a very special role. Because the bulk of the world's stock of these fish is spawned in North American streams, the United States and its fishermen have a special burden to bear.

The forbearance of American fishermen in taking limited catches of salmon so as to insure an adequate escapement for future stocks is a measure now well integrated into the fisheries laws of the United States and Alaska. The problem arises when this forbearance is not matched by similar self- or governmental-restraint on the part of foreign fishing nations. Such a problem currently exists, and must be a primary point of advocacy by the United States at the Law of the Sea Conference in an effort to seek broad accords on this question.

At present, the International North Pacific Fisheries Convention provides an "abstention line" at longitude 175° W. to which the United States, Canada, and Japan have agreed to adhere by fishing only on their side of the line. The failure of Korea to be included makes this agreement less than fully successful, and at times endangers its existence.

The real point is that universal international agreement on this issue must be the goal. Failing this, the United States must seriously consider unilateral action, which will include the assertion of a proprietary interest in the anadromous fish spawning in U.S. waters. The U.N. Law of the Sea Conference offers a fine opportunity to avoid this final step.

At the present time, U.S. preparation for the 1973 Conference is taking place. U.S. planning for the Conference is centered around the law of the sea task force under the primary guidance of the State Department. This interagency group is moving forward on schedule, but I must note two possible shortcomings in their work. First, the preparation of both private fisheries business interests and the individual American fisherman. Second, the problem of anadromous fish does not seem to be receiving proper emphasis.

I believe the preparation for the Conference could very well benefit from remedying these possible shortcomings by calling a preparatory conference as proposed in the resolution. The emphasis of such a conference should not only be devoted to the proper U.S. position on anadromous fish to be taken at the Conference, but should rely heavily on representatives of the private sector of the anadromous fishing industry. I believe such a Conference can greatly enhance the chances for an international agreement on this issue which fully represents the U.S. position.

The final bill I am introducing today represents the strongest protective sanctions of any of these bills and, in a sense, recognizes that the provisions of the other bills may sometimes fall short in offering full protection to American fishermen and fish resources. The full truth, of course, is that even with territorial and fisheries boundaries firmly and rationally established, even with the best surface and air enforcement, and even with unprecedented international accord, there exists a strong likelihood that foreign fisheries activities will remain a substantial threat to American fishermen. At the present time, the situation is much worse than this, as the statistics included earlier disclose.

Two general types of foreign fisheries activity constitute the major portion of this threat to American fisheries. The first are direct violations of U.S. territorial and fisheries zones which go undiscovered, uncaught or if caught, punished at a nondeterrent level. At present, the worst a violator may fear is some delay or financial inconvenience. Although this situation is improving, a realistic deterrent does not exist.

The second type of threat is where foreign fishing fleets operate in international waters off the U.S. coasts, and engage in practices which render U.S. marine resources conservation programs and practices meaningless. All American fishermen are familiar with practices involving the taking of excessive catches or immature fish or the use of gear having the same detrimental effect. In most cases, present United States or international law offers no real protection.

The greater tragedy of this entire pattern is that in many cases, the fish which are taken by these means so detrimental to American fish resources are processed in the foreign country and then imported directly back into the United States at favorable prices. Thus, competition for American fishermen and processors is being permitted based on a foreign fish catch accomplished in violation of U.S. standards.

The bill I am introducing today offers a tough economic sanction against these harmful actions by foreign fishing fleets. Upon the determination of the Secretary of Commerce that nationals of a foreign country are conducting fishing operations in a manner which diminishes the effectiveness of U.S. marine resources conservation programs, or which interfere with other U.S. laws, treaties or practices, an importation ban may be placed against all the fish products of the offending country.

Others in both the House and Senate have introduced similar legislation, and all have done so in frustration over the present scheme of protection for American fishermen. All have recognized that this bill offers the maximum sanction in today's society: damage to the pocketbook. I believe it will be successful if enacted, and urge all deliberate haste in its consideration.

These four bills introduced today represent a pattern which I believe may be successfully followed in achieving the desired level of protection for U.S. fishermen and fish resources. It involves first, the establishment of firm and rationally based boundaries for fisheries jurisdiction; second, an adequate scheme for enforcement and surveillance capability and punitive measures; third, a comprehensive attempt to seek international agreements which would hopefully obviate the necessity for enforcement and punishment; and fourth, a willingness to use strong economic sanctions where necessary to protect fish resources which cannot be protected otherwise. I would urge the prompt consideration of this approach and the legislation submitted today to carry it forward.

GREECE: AN UP-TO-DATE ASSESSMENT BY HELEN VLACHOS

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the military dictatorship in Greece continues to tighten its grip and the official American attitude continues ambiguous, at best.

From the early days of the April 1967 coup, many of us said that Colonel Papadopoulos and his clique would attempt to hang on to power as long as possible. This view was disputed by American policymakers at the time. Hardly any serious observer disputes this now. Unfortunately, U.S. Ambassador to Greece Henry Tasca is still numbered among those who take at face value those junta promises which have proven to be nothing more than calculated deceptions.

The recent action of the House of Representatives in voting to cut off military aid to the dictatorship rescued, in part, the moral and political reputation of our Nation. It was a step in the right direction, but it will take much more if the United States is to reclaim the trust of those able public officials, elected by the Greek people, who freely provided those military bases which are now cited by junta apologists as the justification for the continued U.S. support of the dictatorship. These political figures, who, in the long run, will guide the fortunes of Greece, will not easily forget the mistakes of the United States nor forgive the Pentagon for providing 1,100 telephone taps to be used against them and others.

Last week Mrs. Helen Vlachos, the distinguished Athenian newspaper publisher now in exile in London, testified before the Subcommittee on European Affairs, the House Committee on Foreign Affairs. Her statement deserves careful reading now and I place it in the RECORD at this time so that we may have the benefit of her analysis. It will be several weeks before the full committee hearings will be available in print.

In addition, it is a fact that the Greek newspapers are faced with constant threats, censorship, and intimidation, and material which would otherwise be barred can be reprinted if it first appears in the CONGRESSIONAL RECORD.

Under leave to extend my remarks, Mrs. Vlachos' statement follows:

STATEMENT BY HELEN VLACHOS

Mr. Chairman, and members of the Committee, I thank you for the opportunity you have given me to address you and to testify on the present situation in Greece.

Although I have left my country very nearly four years ago, I have kept constant contact with the people living in Greece, as well as with the Greeks living abroad. And I am as well informed about what is happening inside Greece as I ever was, when sitting behind an editor's desk, in the middle of Athens.

Then, the same as now, I had to rely on responsible people, journalists or politicians, or professionals of every kind, to come and bring me news and information, and give me the picture of what was happening in the different parts of Greece, in the provinces, in the North, in the Islands, in many places much further away from Athens, than Athens is now from London.

I was then the proprietor and publisher of two conservative daily newspapers. I am still the proprietor of these newspapers, which with the consent of my husband and the majority of our staff, suspended publication immediately after the coup d' etat of 21 April 1967, and have been silent ever since, but if I have stopped publishing in Athens, I have continued, one way or another, to publish ever since.

That the way of the past is different from the way of the present is indisputable. But publishing, basically is communicating with the public. And in an ironic turn of fate, the fact of being silenced in Greece, has given me a much more effective international voice than I have ever had.

This, in turn, has made me the recipient of every scrap of information coming from Greece. So that I can confidently say, that what I am going to present you with today is a spoken issue of the newspaper "Kathimerini"; what this newspaper founded by my father in 1919, and always on the front of the national battles, would have published, if the freedom of the Press had been reestablished, and if the newspaper was again in circulation.

There is no doubt about the principal headline on front page. It read: "Greeks Welcome Signs of Change in U.S. Policy." Because—and do not let anyone tell you differently—the great majority of Greeks of every walk in life, all the responsible leaders of political parties of every shade, high level and unshakeably patriotic officers, heard with deep satisfaction the overwhelming vote of the House of Representatives to suspend military aid to Greece. To Greece? No. To the men who pretend to represent Greece. To be Greece. To a regime headed by a man, George Papadopoulos, who does not represent anybody but himself. A man to whom Greece owes nothing, who has never fought in the battlefront, a man who together with a small group of comrades in conspiracy, hijacked the NATO tanks, purloined a NATO plan, who surprised and captured a peaceful city, kidnapped and brutalized the members of a Conservative Government (distinguished Greek politicians against whom no charge of any corruption has ever stood), blackmailed young King Constantine into momentary submission, and put to effect an operation which had only one target: the gaining of power, and the fulfilling of personal ambitions.

The action of these men, changed the image of NATO in the eyes of many of its European allies, nearly as much the action against Czechoslovakia has changed the "Warsaw Pact", in countries like Roumania. That this has been disregarded by the United States, in exchange for military facilities, is a constant source of worry for many Western countries. But we will come to that later.

I want to come back now to the earlier days of the coup, and to our decision not to publish the newspapers. It was not only the censorship, that is the amputation of the newspapers that made this decision irrevocable, it was something much worse, it was the obligation to publish whatever was given to us by the Press Service of the military. Not only to withhold the truth from our public, but also to force-feed it with poisonous propaganda, composed of lies, of fabricated stories of calumnies and blatant distortion of events past and present.

Much of this propaganda implanted during these first days, and repeated ever since, still persists in keeping a measure of credibility: The first was the colossal bluff of "an imminent Communist take-over . . ." That there was no danger of any other takeover, except the one performed by the Greek Army, was proven by the simple fact that no one else, in the whole city of Athens was armed for such an operation. The night of the coup, six thousand people were dragged out of their beds, and herded into the improvised prison camps. They were the supposedly dangerous ones, the communists, the radicals, the Union leaders, the activists, the members of the youth organizations of the left wing parties. They were searched, and their houses were searched. And no arms, no weapon of any kind, was found, on any of the six thousand prisoners, or inside any of their homes.

For the same reason the inevitable sequel: "The military saved Greece on the brink of disaster" was dismissed by anyone with a modicum of common sense. What was more difficult to disprove at that time was that "the Greeks were sick and tired of their politicians" and so presumably were quite happy and contented to let the Army take over the government of their country. Because partly, this was true, The Greeks were tired of their politicians, as the people in every democracy frequently are, and often go to the polls with very little enthusiasm for the man they are going to vote for, just disliking him less, than his opponent. That does not mean that they would have chosen the military to take their place.

Incidentally, this propaganda ploy, one of the most favoured by the colonels, was blown up sky high one year and a half later, on the occasion of the funeral of old liberal leader Georges Papandreou. In an extraordinary explosion of public sentiment, hundreds of thousands of Athenians conveyed their love and respect, not only to the dead politician, but also to his living opponent. Although at the time police terror was at a new height—and the danger of being brutalized and tortured had become, for the first time since the departure of the Gestapo, a Greek reality—people not only manifested with tears and expression of deep sorrow. when the body of Georges Papandreou passed through the Athens streets, but also more unexpectedly, cheered wildly, and held up in arms his opponent and very much alive, Conservative leader Panayiotis Kanellopoulos when he came out of the Athens Cathedral, where he had gone to attend to the funeral service. From that moment on, the military realized that the former politicians were back, their faults forgiven, and that no amount of brain washing would ever make the Greek people consider them enemies of Greece, corrupt traitors, . . . etc., etc. And what's more, that in the event of free elections, they would get the votes.

And before finishing this part of the early days of the coup, another successfully channeled fabricated story inside and outside Greece, was the '. . . chaos and anarchy which prevailed in Athens,' and supposedly made the intervention of the Army inevitable.

I was there, and I know how much chaos and anarchy there was. Political unrest, yes. Strikes, and demonstrations and near riots . . . yes again. They were at their height during the period of 1965–67. And during this period, the whole period, counting Athens and Salonika, the only other city hit by this 'terrifying anarchy and chaos,' there was one victim. One death. It made such an impression that I still remember his name, Sotiris Petroulas, a young student who died during a demonstration, by hitting his head on the pavement. During these two years there was less violence in the whole of Greece than there is now in a weekend in California.

I must apologize at this point, for bringing in a subject that concerns me personally. Ever since I have been speaking in public I have been confronted with what I supposedly have written myself, in our newspapers, and which present a completely different picture of the events and the situation during the pre-coup days, of the one I have been describing ever since. The same material exactly was offered to the Commission of the Council of Europe, where I testified before the Court for Human Rights, the same were printed and distributed last year in San Francisco, when I addressed the Annual Conference of the American Association of Newspapers Editors and, presumably, some of it will see the light at any future occasion. To this, the answer is easy. I have for 22 years written a regular column with a well known by-line, published on our editorial page. Not one item attributed to me, was ever an extract of my own column. . . . Searching through the leaders which were published in the newspapers, and fishing little snippets of material out of context, they accuse me, the publisher—not of being legally responsible for their publication—which I certainly was, but of having written them myself. The military can be excused into believing that publishers at the head of many publications write every article by their own hand . . . but others should refrain from such naivete.

The more so, as what I was writing at the time was quite different, and I could prove by quoting whole columns in the mood of this paragraph, taken from my article published one year before the coup—'It is incredible that there are people in Greece who precisely through fears of dangers imaginary or otherwise crave to live under the rule of tyranny. To speak of a semi-dictatorship, or a temporary dictatorship, or a benevolent dictatorship of the right, is just nonsense. There is only one man who approaches happiness; a free man. There is only one country that offers it; a free country.'

My responsibility was that the newspaper being the most important Conservative tribune, I allowed others, to express these fears, and exaggerate the dangers. This I accept, as a major mistake. The truth is, that before the coup, like most conservative Greeks, I was only afraid of Communism.

By no stretch of the imagination, neither me, nor the people who shared my political opinions, could ever have foreseen that Greek officers, operating under an Allied command, supposedly trained by NATO to protect the freedom of their country, would fall upon Greece with all the brutality of a foreign invader. And that they would be allowed to do so, and even encouraged and helped in their actions.

As the finishing touch to this brainwashing exercise, after the imaginary condition of "complete chaos and anarchy . . ." we have the blissful image of the new situation of "Law and Order."

Only a few days ago I read that: "Now, a woman can walk unmolested in the streets of Athens . . ." This is probably true, but before the coup a woman could not only walk unmolested in the streets of Athens and in the parks of Athens, even at night, but once in her own house, could count on being unmolested there too. The Secret Police coming at dawn, arresting people without warrants or charges, was a nightmare that concerned the people living behind the Iron Curtain. Or so I thought until the 4 October 1967, when it happened to me. When on that day, at seven in the morning the bell of our flat started ringing, I went and confidently opened the door. Three men walked in. I tried to stop them and ask them who they were, what did they want. "Secret Police", said the first. Still I asked for their papers: "How do I know you are Secret Police?" The man smiled: "You do not have to know anything; we are the ones that have to know." And he proceeded with his companion to tear up the place. It was a chilling experience, and a terrifying simple exposition of what a police regime, and its brand of "Law and Order" means in everyday life. *You*, the citizen, are not entitled to any explanations, you have all your rights. *You* are on the receiving end for orders coming from *them*.

The first two years were the worst. And this should be noted by the many people who would like to persuade the U.S. Government, that any measure taken against that kind of regime is "counterproductive", that it only hardens their stand, and makes the lives of the people in the country more difficult. This line, of course, is the easy line of less resistance, the one taken by all collaborators in every war, in every fight.

The contrary is the truth. Specially so in the case of our colonels. It was when they were allotted the "benefits of the doubt", when they are recognized by the Western powers, when they were tolerated by a part of the Greek people, that they were at their most brutal. And it was the condemnation of the Council of Europe, and the fear of losing American support that made them relent. Because by that time the military had realized that they were very much alone. Martial Law and the state of siege, a ruthless police machine and an expanding network of spies, helped them keep the country in an iron grip, but estranged more and more from the Greek people.

One of the classical reference books, published in England, the venerable "Annual Register of World Events," now in its 209th year of publication, describes the coup in this way: "On April 1967 a group of middle rank officers, put in operation a contingency plan drawn by NATO, seized power in a bloodless coup d'etat. The first actions of the government were by turns popular, savage and ridiculous."

Now this "popular" percentage was dwindling away. People inside Greece could turn their heads away and pretend not to recognize the existence of brutality and torture—but they could not pretend not to hear what the new "leaders" said, using all the media at their disposal. And the Greek people waited in vain, to hear the military utter any definite political line, show any symptom of coherent political thought. Even if a Greek wished to become the "good Christian Greek citizen" the regime wanted him to be, he would not know where to start, what to do, what to say. The ramblings both of Papadopoulos and Pattakos, only revealed their crass ignorance of the Greek language, the basic vulgarity of their aspirations, and the astonishing fact that they had no political orientation of any kind.

It was then that the Greeks, silently and discreetly reverted to their old parties, and to the newspapers that were connected with them in the past. Preventive censorship had been lifted at the end of 1968 (one of the moves intended to impress the Council of Europe), but the new Press Law, allowed very few freedoms. Most subjects dealing with current Greek events were taboo. But the newspapers in Greece never could be accused of being parochial. They were, in the past, full of foreign news. Now they are overflowing. Foreign politics, foreign economics, foreign scandals, foreign elections, foreign murders, foreign revolutions, cover every page. And as the choice of this material cannot be defined by any law. every newspaper, without touching Greek politics, has taken back its old personality. This gave the Greek people the possibility of choice, and the expressing of political opinion, through a daily poll that could not be controlled or disregarded. The majority of the readers, at a ratio more than ten to one, silent, faceless, safe in their anonymity would choose the newspapers, that did not show any signs of being pro-junta.

Nine newspapers are published at this moment in Athens, of which four are openly for the government, and one, the Nea Politia,' published on September 1968, is directly connected with Papadopoulos' brother, and supposedly the porte-parole of the regime. It comes ninth, last in circulation, in spite of every possible effort. The other three do not fare much better fighting for the eighth, seventh, and sixth place, and selling all four together, around 40,000. And on the other end, we have the Nea' and Apogevmatini', each with a circulation of about 100,000 copies daily. The first clearly conveys left-wing tendencies by being anti-American, anti-war, pro-black, indulgent on permissiveness, pro-intelligentsia, while the other keeps safely on the right, but refrains from any criticism against the politicians, and puts a word for Karamanlis or Kannellopoulos whenever possible, usually just quoting safe agency news.

These figures, incidentally are official, and they are analyzed, dissected, commented and give way to wide speculation, and have destroyed the last vestiges of popularity that the regime liked to claim. National leaders' whose pictures on front page are poison, cannot pretend to be loved by the people. One photograph of Papadopoulos and the newspaper hangs unsold in the three thousand Athenian kiosks. And, again, no amount of official vituperation against the former political leaders,—Karamanlis and Kanellopoulos specially, can dispell the fact that their names on front page have such a magical quality that even the pro-junta newspapers use them as much as they dare (accompanied by derogatory subtitles in small print . . .) to boost their sales.

There is no doubt to anybody's mind, and to Georges Papadopoulos too, that in the event of elections, of free elections, the regime would get as many votes as "Nea Politia" and her companions get readers. This they know. And that is why they will do whatever possible, give whatever promises, offer new timetables, swear new oaths, for keeping elections as far away in the future, or at least, if pressured to hold them, to conduct them themselves, in orthodox Soviet lines.

The last reshuffle of the Athens government, is considered to be a sign that Papadopoulos may have such a plan in mind. There is a sort of interim character in the new government, and if Papadopoulos himself has gained power, if he has enlarged his territory, he has also become more vulnerable, and less protected by the myth of the young turks, the younger officers that they would not let him proceed towards democracy . . . Now it is quite evident that he can do what he likes. For many of us it was quite evident since the first day, but that is another story.

Also his appointing the six Governors in the six provincial districts points that way. It looks very much like putting in good electoral "order" by the time-honoured police methods, the Greeks living in small towns and in villages.

But it is too late for such an exercise. It worked for the Referendum for the Constitution on an issue which was any way incomprehensible to most of the voters. It will not work now. If Georges Papadopoulos tries to call elections with himself as head of Government, and Party, he will run alone. This I can tell you as a fact. Not one responsible Greek politician, not even the ones that in the past did try to come to terms with the regime, like Evanghelos Averoff and Spyros Markezinis, will take part in this new farce.

What they must be pressured to do, plainly, is give the Greeks their voice back. Now, while there is still time. Now that the Greek people in a free election, will vote for anything but Communism. Alternatives are waiting in the wings, and not only politicians, many with their popularity still intact, but younger men, professional, economists are ready to work together and bring back their country to freedom and normality. There is, I repeat, still time. But one does not know how much.

If the situation is allowed to deteriorate (and it is quite certain that it has no chance under the present regime to get any better) what is not yet a danger may become a very real one. In a book to be published in London the early part of next year under the title "Inside the Colonel's Greece", a very distinguished Greek has this to say—an assessment with which I fully agree:

". . . Among the responsible Greeks, there is no doubt at all that to the man in Moscow, the Greek dictatorship is a gift from heaven. In the battle of ideologies, propaganda and influence, which the confrontation between West and East has become, each country can be an example and a stake. In this context, a Greece with a leaning towards the West, democratic and in full economic development scarcely concerns the Soviet. If it belongs to a sphere which Moscow must refrain from touching, at least for the moment, it is infinitely preferable—from the Soviet point of view—that she should be governed by a reactionary dictatorship. Apart from the immediate and obvious advantages this offers to anti-American propaganda in the East, the continuation of this regime provides other long term benefits:

"(1) The mass of the Greek people is becoming more and more detached from the Western world, and its resentment against the United States, which it considers responsible for the dictatorship, is arousing in it feelings which, if not pro-Soviet (the affair of Czechoslovakia has made this difficult) are at least neutral, the product of a double distrust.

"(2) The structures and representatives of liberal democracy are slowly being destroyed. Little by little, moderate opinon will be discredited, and with it the men who represent it; there is a polarization, more and more marked, between a fascist minority, on the one hand, and a discontented anti-American majority on the other.

"(3) The Armed forces are losing their efficiency, and at the same time becoming an object of public hatred.

"(4) The economy is going from bad to worse, and will acquire a character of neocolonial exploitation which is more and more pronounced, thanks to the policy pursued by the Government of borrowing from international financial groups. These developments could one day lead to a revolutionary situation which the Kremlin would be interested to exploit. In proportion to the degree of possibility of exploitation it could either try to snatch Greece from the Western camp and annex it, or negotiate neutrality of finally agree once again to drop the revolutionary Greeks in exchange for advantages in other parts of the world. All this, it is true, demands time . . . maybe a dictatorship of years; but we know that Moscow looks far ahead. That is why the Communist Party has so far refrained from any serious participation in the Resistance—if we except its publications, which aims above all to fight the influence of the new Left. Wisely Moscow keeps its own forces in reserve, in the hope that when all the other resistance groups will have been weakened or discredited, it will present itself as the only serious contestant at a moment which will suit the policy of the U.S.S.R."

The book will not be signed, as the author now living in Greece must be protected in order to retain his present usefulness.

That Moscow is patient, is a fact. And in the occurrence, why not be. The longer the regime stays, the more bitter the Greek people feel against the Americans, the Western World, the military, the Establishment . . . even the christian religion. What more the godless people of the East can hope for, to gain from a situation which works automatically, without the Soviet having to spend any effort, or money, or prestige?

This is all very well—I can guess your thinking—but how does one get Papadopoulos out? How does one succeed in making him allow free elections?

Wars, and fights, are not solved by questions. They are won by taking the right steps, in the right direction, and hope for good developments. To win a war, one must first and foremost want to win it. During the occupation we knew very well that sticking an anti-German poster would not be instrumental in the ultimate victory. But it was in the right direction. One target at a time, and the belief that one is right, is all one can do.

And that is all, Greeks, and Europeans, wish the United States to do. We have never in the past asked for the Marines, we are not asking now the physical removal of the people who are in power in Greece.

What we are asking is the frank, sincere, outspoken, support, for the Greek people who are under their yoke. We are asking, simply, official America, to take sides, and stop whispering 'Democracy' to the anti-regime Greeks and practice the contrary.

We are asking from America to behave as an Ally of the Greek People, and not as a buddy of a non-elected, not representative, militaristic government. We also ask, we pray, that the United States stops from being so blatantly afraid of Papadopoulos and his crowd. They cannot take away Greece from NATO, and the Western World. To believe that is to believe anything, and to forget, that all the power that Papadopoulos has, stems directly from NATO. The regime is under NATO's orders and under the Pentagon's blessing, and has no other doors to knock on.

When I told you earlier that the decision taken by the House of Representatives was heartily welcomed, by the highest placed Greeks right down to the man in the street, that was because this was a step in the right direction. It was a political decision, just as it was a political decision when taken immediately after the coup, and a political—and regrettable—decision when it was reversed last September. And it is again a political decision now.

Military aid, is as we all know, (because we have been told, publicly, by the military themselves), a two-faced Janus. There is the basic 'military' military aid, which has never really stopped, and there is this 'political' military aid, that is given to the military, for services rendered.

Not because of the 'Security of the United States.' It would be a sorry hour, when the security of the United States that is the security of the Western World depended upon the good will of the Greek junta and of an undisciplined Army of near mercenaries. Because that is what the Greek Army is deteriorating into. The Greek Army as it is now, cannot be compared with the Greek Army before 1967. It has been purged from its most experienced officers, and from every veteran with an exceptional war record. The list of officers cashiered, brutalized, jailed, exiled and tortured reads like a roll call of honour. The Navy and the Air Force are in a state of disintegration because of the anti-regime spirit prevalent among the men. This NATO knows quite well as it knows that the allied military exercises in the Mediterranean are suffering from its weak Greek link.

If Greece as a military force and if the Greek Army as a fighting Army, really concerned the Pentagon, as it does concern many European NATO countries, then this low morale, and lack of discipline would have been a cause for worry. Because if there is one material that the Pentagon, rich and mighty as it is, cannot provide is morale and dedication and that intangible fighting quality that brings victory to one army and defeat to the other.

But the unpalatable truth is that the Greek Army has been demoted from a respected Ally to a uniformed servant, a useful obliging provider of military conveniences, and of non-military port facilities. And in that capacity, the people who keep the Army that way, are appreciated, and given regular bonuses so that they are kept happy.

This has taken some time to discover, and for people like me, some time to believe. It is an ugly situation and a dangerous situation and it hurts the image of America, and of NATO, more than it hurts Greece.

To finish, let me touch one more sensitive point which crops up inevitably during any discussion about Greece with American officials. This is the so-called argument of 'non-interference.' We are told that you cannot, and do not want to interfere, when on our side what we come to ask is for you to *stop interfering*.

Because what you are doing, is interfering You are interfering when you help and support an illegal government hated by the Greek people.

You interfere when you become the apologist of this regime and try to influence organizations like the Council of Europe of which you are not even a member.

You interfere when you give the military a new lease to continue brutality when you officially and publicly state that the reports on torture are exaggerated, and that in Greece the number of political prisoners is negligible.

Negligible? Hundreds of Greeks are still in jail for political offenses. Their crime-fighting for freedom. We do not consider their number negligible, as we don't consider the number of American prisoners in North Vietnam a small percentage for a country of 200 million. We think of them as brave men, brutally treated and humiliated who also have fought for the same cause of freedom. We think of your prisoners, in Viet Nam, and we believe that you should think of ours in Greece.

And stop giving a helping hand, and friendly smiles to their gaolers.

Thank you.

SPEECH BY HIS EXCELLENCY JAMES C. H. SHEN TO THE SAN FRANCISCO PRESS CLUB, AUGUST 2, 1971

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in order to place into proper perspective what we can expect in our future dealings with Red China, I would like to call attention to a speech given by the Republic of China's Ambassador to the United States, His Excellency James C. H. Shen, to the San Francisco Press Club on August 2.

Ambassador Shen raises the question: What has changed in the thinking of the Red Chinese leaders when Mao declared in 1947 that "the American imperial groupings have replaced the Facists of Germany, Italy, and Japan," against whom the "anti-imperialist forces must wage a bitter and militant struggle" from the Chinese Communist Government's proclamation of July 15, 1971, demanding that the "people of the world unite against the U.S. aggressors and all their running dogs"?

The answer is, of course, there has been no change in thought or in deed of the Communists. Only the thinking on the part of the present administration has changed.

I trust that when the President returns from Red China emptyhanded, the United States will resume a more realistic position vis-a-vis Red China.

Ambassador Shen's speech follows:

Speech by His Excellency James C. H. Shen

Gentlemen, it is indeed a double honor for me to have the privilege to address you today.

I say, double, because after having been absent from San Francisco for so long, this is the second opportunity I have had in less than a week to speak here on matters of paramount importance to both our Governments and to people everywhere. When I lived in this fair city, as a newspaper man, it was my job to report to my countrymen on events taking place in your country. Today I would like to report to you on some events taking place in mine and with particular regard to the overriding question of United Nations representation.

First, I should point out, that with my Government—the Republic of China—this is not really a question at all, but, a matter of historical fact—past record—and present position.

How did the Republic of China earn membership in the United Nations in the first place? It did so by virtue of its contributions to the cause of peace and freedom before and during World War II. From 1931 to 1941 it fought single-handedly against one of the mightiest war machines of that time—without allies and with little material aid from abroad. During those long and difficult years, we had more than once been approached by the Japanese to agree to a settlement on terms not altogether unfavorable to us. But we rejected all offers because we were fighting not just to establish secure borders but for a principle—the principle of law and order on international relations. It is a principle on which we could not compromise. And, ladies and gentlemen, when all is said and done, that principle was the motivating force behind the establishment of the United Nations and so remains today.

When the war that started in China developed into a global conflict, my Government became in 1942, one of the principal allies which signed the Declaration of the United Nations. Subsequently it played an important role in the drafting of the United Nations Charter. It was one of the four powers that sponsored the founding Conference here in San Francisco. And in so doing, it also actively participated in the formation of the specialized agencies. The legal status of the Republic of China has not changed since then. The Government continues to function on Chinese territory. There has been no break in the continuity of our leadership, our principles, and our policies.

How have those policies been translated on Taiwan? I would like to answer by first quoting Tillman Durbin, The New York Times correspondent who recently visited mainland China after an absence of a quarter of a century. He wrote the following and I quote: "One of the early objectives of the Cultural Revolution . . . which began in 1966 and goes on today, was to wipe out the 'four olds'—old things, old ideas, old customs and old habits. The 'four olds' had already suffered in the years of the Communist rule preceding the Cultural Revolution, but the Maoist leadership tried to use the new revolutionary upsurge launched in 1966 to eliminate them completely" end of the quote.

On Taiwan we are preserving and treasuring what Mao refers to as the "four olds"—which is another description of Chinese culture and the Chinese way of life. In so doing, we have the highest rate of economic growth in Asia. We had 3 billion dollars worth of foreign trade last year. We have the highest per-capita income in Asia, next only to Japan. Our farmers own their own land through a land reform program instructed twenty years ago and known round the world for its benefits and success—not only to farmers, who had never owned anything before, but also to the original landowners from whom the land was purchased—not confiscated or taken by force. Most of our industry is privately owned. As a result we have about the best living conditions in Asia. Presently, we provide nine years of free education for all our children.

Militarily, we have 600 thousand men under arms and over a million in active reserve. There are no—and I must repeat again *no* American combat troops on Taiwan. It is a fact that we continue to receive some indirect military aid but that is because we are your ally. We have a mutual defense pact between us. As your ally we are making a contribution to collective security of the Free World in the Western Pacific. And you may all consider this a personal invitation to come and see for yourselves what we have done on Taiwan. May I also try to rest a continuing error—the statement that we are being supported by American dollars. We have received *no direct foreign aid since 1965*, and since 1960 we have been sending technical assistance largely in the realm of agriculture. Today we have 21 such clients.

More than clients, however, the Republic of China represents to Chinese on the mainland, here in San Francisco, and all over the world, a beacon of hope, a bed-rock of political reality in a time when political confusion is in high ascendancy and is being used to obscure and distort the issues that confront us—the issues of war and peace.

To us, the largest area of confusion is that Peking "represents" 750 million Chinese and therefore is entitled to my Government's seat in the United Nations. Let us examine that contention from the point of view of Peking's attitude and behaviour and from the United Nation's perspective.

I think you will all agree that the Communist regime on the mainland has nothing in common with the Government of China which participated in the founding of the United Nations, nor does it have anything in common with the founding purpose of the United Nations to "save succeeding generations from the scourge of war." Instead, Peking promotes violence and war. It makes a fetish of force. It foments armed insurrection in neighboring countries. It is a past master in the art of political subversion. It is the world's greatest theoretician and practitioner of guerrilla warfare and undertakes to train, equip, finance, and direct "people's war" on a global scale. The essence of Maoism can be summed up in this well known quote: "the seizure of power by armed force, the settlement of issues by war, is the central task and the highest form of revolution."

In a recent edition of *U.S. News and World Report* attention was called to the fact that of the 23 nations that make up the continent of Asia (excluding the Middle East) 16 are embroiled in some kind of war, rebellion or civil strife—much of it instigated or supported by Peking. These countries are home to 1.8 billion people, over half of the world's population.

If you should have any doubts about the present intentions of the Communist regime and its adherence to the doctrines of repression and hate, all you have to do is tune in on Peking Radio which broadcast the following message fifteen minutes after announcing your President's visit to Peking—"People of the world unite against the U.S. aggressors and all their running dogs." The message is certainly clear enough, and so is the record in—Korea, Malaysia, Tibet, India, Indonesia, Africa, Latin America—the current training of Arab guerrillas for terror tactics in the Mid-East. The recitation, gentlemen, is global in its intent and certainly almost global in its effort. And there is no doubt, according to Mr. J. Edgar Hoover, that Peking's hand is here, too.

To us there is no doubt that Peking is the world's greatest instigator of war and violence and that its enmity toward the United States is a policy that antedates its seizure of the mainland. This poses a question? Since there is a long tradition of friendship between China and the United States, why have the Chinese Communists regarded the U.S. as its number one enemy and carried on a sustained campaign of hate America?

The answer lies in history. As early as April, 1945, Mao Tse-tung had predicted that "remnant Fascist forces" and the "anti-Fascist peoples", labelling the United States as one of the former. Recently I have seen in the press criticism of U.S. policy in 1945 for failing to accept the wishes of Mao Tse-tung and Chou En-lai to come to meet with your leaders. I cannot help but wonder how those who now consider that this was a serious mistake on your government's part can reconcile the trust one allied government would have for another should it welcome those who seek the overthrow of its partner?

At any rate, in his New Years message for 1947, Mao declared that "the American imperial groupings have replaced the Fascists of Germany, Italy, and Japan," becoming world aggressors against whom the democratic and "anti-imperialist forces must wage a bitter and militant struggle."

Well, that was nearly 25 years ago. What has changed in that message between then and now? What has changed in the requirements for U. N. membership as specified in the Charter? Do the same regulations still apply or on the misguided wings of something called "universality" can you expell a founding member to replace him with an outlaw regime? If the Charter doesn't give the answers, gentlemen, nothing does. Permit me to refer to it. Chapter II, Article 6, reads: "A member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council."

I don't believe from the point of view of performance or legality that the Republic of China fits that bill of particulars. And putting aside altogether the fact that both our countries have veto power in the Security Council—the passage just cited is the law of the Charter concerning the expulsion of members. There is no other way by which it can be circumvented. Unfortunately, however, there are those today who are ready and even anxious to throw vital principles of the Charter overboard in order to accommodate the Communists.

You know as well as I that the United Nations declared the Chinese Communist regime an aggressor in Korea in 1950, and you know that in 1960 the International Committee of Jurists found the regime guilty of genocide in Tibet, on which the United Nations passed an upholding resolution the following year. One might well ask then how can such a regime qualify for membership in any world body? The answer, unfortunately, lies in the fact that appeasement is in the air. Expediency rather than principles seems to be the primary preoccupation of Peking's idolators. The Communists *represent* the 750 million Chinese on the mainland, they *say*. In our time many words have come to mean something quite different than the accepted definition, but I do not think one can find a greater distortion in the meaning of the word "represent" as it is used in this case. Peking does not represent my countrymen. It *rules* them barbarously. It controls their lives, their thoughts, their relations with their loved ones. It makes a life a prison. It tortures and destroys. The most conservative estimate of those who have perished on the mainland through execution, forced labor and reoccurring purges, is placed at 20 million. Other estimates double the figure, but whatever the figure, it stands as a reflection on the word "represents." It is not mythology, gentlemen, it is stark brutal reality.

Currently it is being reported by some newsmen who have recently been allowed on the mainland that food is now plentiful there. Of course, in the places they have been permitted to visit, it has purposely been made plentiful. But if the food is so plentiful, why do escapees continue to describe its lack—describe the meager rations on which they must live while working a 16-hour day. Why is it necessary for Chinese living in Hongkong to send literally millions of dollars worth of food packages to their relatives on the mainland? Why is it that Chinese of all ages at this very moment are still trying to escape from the mainland? Seven thousand of them have done so safely since the beginning of the year, more than 3 million since the Communists seized control. Those figures are a measure of something that cannot be denied. The more than 150 thousand escapees who presently live in and prosper on Taiwan know what that something is. It is not "representation"—and there is nothing in the U.N. Charter that suggests it be recognized as such.

On the other hand, I know it is argued that the realities of international life are such as to make strict adherence to Charter provisions out of the question. Indeed, the United Nations today is very different from what its founders conceived it to be twenty-six years ago. Far from a community of purpose vested with authority to demand compliance of members with certain specified obligations, it has now become a battleground of conflicting interests. It has, therefore, been contended that the United Nations cannot be other than a mirror reflecting faithfully the world as it is rather than the world as it should be. This being so, it is unrealistic to quibble over the question whether Peiping qualifies for membership or not.

I am as aware of the changes that have taken place since 1945 as the next man. But I cannot accept the proposition that the purposes and principles of the Charter must be abandoned for the sake of reflecting the realities of the world situation. The Charter, it seems to us, is the basic law of the United Nations. You cannot tamper with the basic law of an organization without doing irreparable damage to the organization itself.

As you know, there is a school of thought in the United States which discounts the threat posed by the Chinese Communists. They attribute Peiping's outrageous and beastly behavior to the American policy of trying to isolate the regime from the rest of the world. They picture Mao and his followers as more Chinese than Communist, more interested in the recovery of China's lost hegemony in Asia than world revolution, more frustrated than expansionist, more given to grandiloquent rhetoric than to conquest. Membership in the United Nations, they believe, would cure all this. The interplay of ideas and interests in the world community would, in their view, sooner or later cause the Chinese Communists to abandon their aggressive and bellicose ways and accommodate themselves to the rule of law and the comity of nations.

This, it seems to me, is wishful thinking. It fails to understand the tremendous importance of the Maoist ideology as a determinant of behavior. The Chinese Communists, it should never be forgotten, take their ideology seriously. They are out not merely to gain China's seat in the United Nations. They intend to remake the United Nations in their own image. For them international relations are not simply a matter of conventional dealings between nation and nation, government and government. Their approach to international affairs demands the use of every possible tactic to change the pattern of world development. The United Nations would be used not to "save succeeding generations from the scourge of war," not to stabilize the situation in areas where peace is threatened, not to solve vital problems or settle international disputes, but to promote conflict and dissension so as to transform the Organization into an instrument of their own policy. Indeed, Peiping has never been known to have joined any international organization in order to achieve common ends. One has only to see how it has split the world Communist movement to know what is in store for the United Nations should it be allowed to occupy the seat of the Republic of China.

In view of all else, it would appear that your Government's policy toward the matter of representation is fixed on a so-called "two Chinas" policy. I have only this to say about it. We have never violated the Charter, as I specified earlier. The Communist regime has and as a consequence is not eligible for admission into the United Nations, all other reasons notwithstanding. This is very clearly indicated in Chapter 1, Article 2, Paragraph 6 of the Charter which states: "The organization shall ensure that states which are not members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security."

This means that Peking cannot escape the sanctions of the Charter just because it is not a member. And on this basis it seems clear to us that a "two Chinas" policy is patently illegal and would be in contravention of the Organization's rules.

Gentlemen, just as we participated in the creation of the United Nations as one of the founding members, we are continuing to participate in its operation and we intend to participate in its preservation. We are there by right, and we believe there are still enough members in that body who care enough about Charter and the continued existence of the United Nations to keep us there. We certainly do not intend just to go away. (Incidentally, as I noted last week, our delegation there has just taken a ten year lease on office space in a nearby building just in case anyone was wondering).

Contrary to much misinformed current discussion the United Nations was never conceived as a "universal" body. This point was painstakingly discussed in this city in 1945 when drafting the Charter, from which I quote Article 4:

"Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations."

Does the Mao regime qualify under these definitions? I leave it for you to judge.

Is this the regime which some Americans of high reputation are backing for a seat in the peace-maintaining international apparatus? They are proposing a miracle linking of the lion and the lamb.

Have you ever heard the conditions Chen Yi, Peiping's foreign minister set down for their admission to the United Nations?

"The United Nations must rectify its mistake and undergo a thorough reorganization and reform. It must admit and correct all its past mistakes. It should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor."

Now the issue of the United Nations may just be an academic exercise to you who are still secure—but I assure you it is a most serious matter to those of us who are in the front lines—in Asia. We cannot afford to argue philosophic points at this crisis in world history. The stakes are enormous.

Gentlemen, I am saying to you as clearly as I know how we have come to the sticking point. There is no option of retreat or accommodation.

We are small, we are spirited. We are counting on the spirit of Americans to help us continue that battle. To help us keep alive the hope of our mainland brothers that the torch of freedom still burns brightly in our island province and, someday, for them also.

Ours is a battle we cannot afford to lose. We are in it to the conclusion and we are firmly convinced that right is on our side.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Dwyer (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Stafford (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Keith (at the request of Mr. Gerald R. Ford), on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Archer), to revise and extend their remarks, and to include extraneous matter:)

Mr. Saylor, today, for 10 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Wyman, today, for 10 minutes.

Mr. Young of Florida, today, for 5 minutes.

Mr. Hogan, today, for 5 minutes.

(The following Members (at the request of Mr. Davis of South Carolina), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Fraser, today, for 10 minutes.

Mr. Fulton of Tennessee, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Archer) and to include extraneous matter:)

Mr. McKinney.

Mr. Devine.

Mr. Hall.

Mr. Scherle.

Mr. Vander Jagt in two instances.

Mr. Zwach in two instances.

Mr. Veysey in two instances.

Mr. Miller of Ohio.

Mr. Wyman in two instances.

Mr. Baker in two instances.

Mr. Minshall in five instances.

Mr. Mathias of California in three instances.

Mr. Springer.

Mr. Hogan in 10 instances.

Mr. Michel.

Mr. Schmitz in two instances.

Mr. Derwinski in two instances.

Mr. Pelly.

Mr. Schwengel.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Teague of Texas in eight instances.

Mr. Begich in five instances.

Mr. Harrington in two instances.

Mr. Gonzalez in two instances.

Mr. Hagan in three instances.

Mr. Rarick in three instances.

Mr. Fraser in five instances.

Mr. Brinkley.

Mr. Rangel in two instances.

Mr. Fulton of Tennessee in two instances.

Mr. Gallagher.

Mr. Karth in two instances.

Mr. Green of Pennsylvania.

Mr. Edwards of California.

Mr. Matsunaga.

Mr. Rodino.

Mr. Anderson of California in two instances.

Mr. Mazzoli.

Mr. Giaimo.

Mr. Bennett in two instances.

Mr. Vanik in two instances.

Mr. Hungate.

Mr. Hicks of Washington in two instances.

Mr. Miller of California in five instances.

Mr. Waldie in five instances.

Mr. Anderson of Tennessee.

Mr. Johnson of California.

Mr. Fuqua in two instances.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, September 16, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1135. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report of the National Center for Deaf-Blind Youths and Adults, pursuant to section 16(c)(2) of the Vocational Rehabilitation Act; to the Committee on Education and Labor.

1136. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to give the consent of Congress to the construction of certain international bridges; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9890. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands (Rept. No. 92–480). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Roy, and Mr. Hastings):

H.R. 10681. A bill to amend the Public Health Service Act so as to strengthen the National Cancer Institute and the National Institutes of Health in order to conquer cancer and the other major killer diseases as soon as possible; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS (for himself, Mr. Anderson of California, Mr. Brademas, Mr. Brasco, Mr. Collins of Illinois, Mr. Cotter, Mr. Danielson, Mr. Diggs, Mr. Frey, Mr. Fulton of Tennessee, Mr. Hastings, Mr. McFall, Mr. Metcalfe, Mr. Moss, Mr. O'Konski, Mr. Perkins, Mr. Riegle, Mr. Roe, Mr. St Germain, Mr. Saylor, and Mr. Seiberling):

H.R. 10682. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. ARCHER:

H.R. 10683. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

By Mr. BARING:

H.R. 10684. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. BEGICH:

H.R. 10685. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect U.S. fish resources; to the Committee on Merchant Marine and Fisheries.

H.R. 10686. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purposes of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 10687. A bill to authorize appropriations for the establishment of a U.S. Coast Guard station in the Bristol Bay area of Alaska; to the Committee on Merchant Marine and Fisheries.

H.R. 10688. A bill to provide certain essential assistance to the U.S. fishing industry; to the Committee on Merchant Marine and Fisheries.

By Mr. CELLER:

H.R. 10689. A bill to make it a criminal offense to discharge an employee for the reason of such employee's Federal jury service; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 10690. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement periods of service performed in nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DRINAN:

H.R. 10691. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 10692. A bill to allow certain service with international organizations to be considered creditable service for Federal retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Tennessee:

H.R. 10693. A bill to prohibit any U.S. court from issuing any order or from enforcing any order requiring the excessive transportation of students from one school to another or from one school district to another in order to achieve racial balance; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 10694. A bill to amend the joint resolution expressing the sense of the Congress with respect to the shipping in U.S. vessels of products purchased with loans from the United States in order to apply the provisions of such joint resolution to other types of credit assistance; to the Committee on Merchant Marine and Fisheries.

By Mr. KEATING (for himself, Mr. Kuykendall, Mr. Hansen of Idaho, Mr. Halpern, Mr. Morse, Mr. Eilberg, Mr. Mazzoli, Mr. Brinkley, Mrs. Chisholm, Mr. Gerald R. Ford, Mr. Frenzel, Mr. Pepper, Mr. Winn, Mr. Clancy, Mr. Long of Maryland, Mr. Anderson of Illinois, Mr. Hogan, Mr. Matsunaga, Mr. Frey, Mr. Byrnes of Wisconsin, and Mr. Bell):

H.R. 10695. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

By Mr. SNYDER:

H.R. 10696. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. WINN:

H.R. 10697. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for individuals aged 65 and older during nonpeak periods of travel; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 10698. A bill to provide for the establishment and administration of a national wildlife disaster control fund; to the Committee on Agriculture.

By Mr. ASPINALL:

H.R. 10699. A bill to designate the Soap Park Reservoir, Fruitland Mesa project, Colorado, as the Milly K. Goodwin Reservoir; to the Committee on Interior and Insular Affairs.

By Mr. BURTON:

H.R. 10700. A bill to amend the Revised Organic Act of the Virgin Islands to modify the application of certain provisions of law relating to Western Hemisphere trade corporations; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 10701. A bill to place in trust status certain lands on the Fort Peck Indian Reservation, Mont.; to the Committee on Interior and Insular Affairs.

H.R. 10702. A bill to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA:

H.R. 10703. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. SCHWENGEL:

H.R. 10704. A bill to provide for the detail of Foreign Service Officers to private institutions and organizations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H.R. 10705. A bill to amend Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of limited air carriers and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mr. Anderson of Illinois, Mr. Arends, Mr. Collier, Mr. Collins of Illinois, Mr. Crane, Mr. Derwinski, Mr. Erlenborn, Mr. Findley, Mr. Gray, Mr. Kluczynski, Mr. McClory, Mr. Metcalfe, Mr. Michel, Mr. Price of Illinois, Mr. Pucinski, Mr. Railsback, Mrs. Reid of Illinois, Mr. Rostenkowski, Mr. Shipley, Mr. Springer, and Mr. Yates):

H.J. Res. 869. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.J. Res. 870. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 871. Joint resolution asking the President of the United States to declare the fourth Saturday of September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 872. Joint resolution proposing an amendment to the Constitution of the United States redefining the "advice and consent" of the Senate, for purposes of the President's treatymaking power, so that two-thirds of the full Senate must concur; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself and Mr. Steele):

H. Con. Res. 399. Concurrent resolution to relieve the oppression of Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. BEGICH:

H. Con. Res. 400. Concurrent resolution to request that the President call a conference on anadromous fish in preparation for U.S. participation in the 1973 United Nations Law of the Sea Conference; to the Committee on Merchant Marine and Fisheries.

By Mr. WINN:

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress with respect to the designation of the year 1973 through 1978 as the World Environmental Quinquennium to involve all nations of the world in a global environmental research program of both national and international scope; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 402. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of American troops from Europe; to the Committee on Foreign Affairs.

By Mr. DULSKI (for himself, Mr. Price of Illinois, Mr. Nix, Mr. Daniels of New Jersey, Mr. O'Hara, Mr. Randall, Mr. Udall, Mr. Murphy of New York, Mr. Charles H. Wilson, Mr. William D. Ford, Mr. Hanley, Mr. Jacobs, Mr. Waldie, Mr. Brasco, Mr. Brinkley, Mr. Eilberg, Mr. Tiernan, Mr. Harrington, Mr. Begich, Mr. Hicks of Washington, Mr. Hogan, Mr. Broyhill of Virginia, and Mr. Gude):

H. Res. 596. Resolution disapproving the alternative plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas:

H. Res. 597. Resolution authorizing the Committee on Ways and Means to make studies and investigations within its jurisdiction; to the Committee on Rules.

By Mr. SCHWENGEL:

H. Res. 598. Resolution to create a House Select Committee on Aging; to the Committee on Rules.

H. Res. 599. Resolution to provide for the designation of the calendar month of October of each year as "Drug Awareness Month"; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. Carey of New York, Mr. Bergland, Mr. Jacobs, Mr. Howard, Mr. St Germain, Mr. Aspin, Mr. Nedzi, Mr. Yates, Mr. Eilberg, Mr. McCloskey, Mr. Rosenthal, Mr. Fraser, Mr. Anderson of Tennessee, Mr. Stokes, Mrs. Chisholm, Mr. Leggett, Mr. William D. Ford, Mr. Fauntroy, Mr. Hawkins, Mr. Danielson, Mr. Collins of Illinois, and Mr. McCormack):

H. Res. 600. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOW:

H.R. 10706. A bill for the relief of Antonio Sammartino; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 10707. A bill for the relief of Lt. Col. Theodore Dake, Jr.; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 10708. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. MELCHER:

H.R. 10709. A bill to authorize the Secretary of the Interior to convey certain lands to August Sobotka and Joseph J. Tomalino of Intake, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Arkansas:

H.R. 10710. A bill for the relief of Arnold D. Crain; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 10711. A bill for the relief of Mrs. Purita Paningbatan Bohannon; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 10712. A bill for the relief of Flora Datiles Tabayo; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 10713. A bill for the relief of Wilma Juguilon Koch; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TENNESSEE GROUP HEALTH FOUNDATION

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FULTON of Tennessee. Mr. Speaker, there is a new health care program underway in middle Tennessee which I feel worthy of mention to my House colleagues. I am referring to the Tennessee Group Health Foundation—TGHF—the South's first prepaid group health "alternative" to high medical insurance costs.

Funded in part by a $250,000 Federal Health, Education, and Welfare Department grant and in part by a $36—estimated—monthly family membership fee, the program is expected to initially enroll some 10,000 middle Tennesseans. Since early sponsorship of the program came from State labor leaders, first memberships will be granted through labor organizations. Enrollment was expected to begin September 1.

The foundation is unique in the way it provides medical services and arranges for payment of monthly dues. Treatment is provided at local health maintenance organization clinics, with doctors provided under contract to the HMO. Payment is made in person to the HMO, and since services are prepaid, there is no delayed mail billing and no insurance tie-up.

Medical service at the HMO clinics is provided on an unlimited visit basis. Members can receive treatment whenever it is required. Included for coverage are laboratory and diagnostic work, prenatal delivery and pospartum care, well baby care, immunization, casts, dressings, eye exams, chronic care, home visits, and hospital stays longer than 30 days. The program serves its members, cradle to grave.

The TGHF concept was authorized under the Tennessee Health Maintenance Organization Act, a measure made law this past May. It marks Tennessee as a leader in the progressive health care field.

The article follows:

Prepaid Health Program, South's First, Gets Grant

(By Keel Hunt)

A $250,105 federal grant was announced here yesterday to establish the South's first prepaid group health program—a plan designed to offer consumers an "alternative" to high medical insurance costs.

The grant is to help finance development of a system of medical care under the new Tennessee Group Health Foundation. The foundation would contract with doctors who would organize and direct a group practice.

Citizens who form the foundation—to be called a Health Maintenance Organization (HMO)—would pay dues or premiums to cover the cost of a range of medical care services.

Dexter Kimsey, HMO regional coordinator for the U.S. Department of Health, Education and Welfare, said the TGHF grant was the largest of six awarded in Southern states and totaling more than a half million dollars.

The foundation plan differs from health insurance policies, E. L. Collins, foundation vice president said, since members visit HMO health clinics each time they make monthly payments. And since the health care would be prepaid, the member would receive no bill for the service, he said.

Rep. Richard Fulton attended the TGHF press conference yesterday and called the foundation "a real step forward in providing a real health program for all our citizens."

TGHF plans call for an initial membership of 10,000 in Middle Tennessee. The health plan was first sponsored in the area by state labor leaders, and a foundation spokesman said yesterday memberships will be open first to the labor organizations which contributed to the program.

Enrollment is not expected to begin before Sept. 1.

"The HMO is not a panacea," Kimsey said, "but rather an alternative in health care delivery." He added that the program would emphasize "preventive" treatment so the member could avoid the high cost of hospital care.

Kimsey noted that although HMO legislation has passed the House of Representatives, it has not gained approval of the U.S. Senate. And he said federal HMO assistance currently is being financed from existing HEW revenues. President Nixon outlined the HMO concept for the Congress Feb. 18 as part of his "national health strategy," Collins said.

The Tennessee Health Maintenance Organization Act became law May 21. It was the first state-level legislation to permit organization of a prepaid health delivery system. Kimsey, calling it a "landmark piece of legislation," said copies of the act had been distributed to eight other states where similar programs are being developed.

Collins said monthly payments to the foundation had not been determined, but he explained the figure would be "competitive" with health insurance programs. The monthly cost has been estimated at about $36 per family.

The payment, according to TGHF plans, would entitle the member to unlimited office visits at the center, laboratory and diagnostic work, prenatal delivery and postpartum care, well baby care, immunization, casts and dressings, eye exams, chronic care and home visits.

Also, if a group member goes to the hospital for 30 days, the hospital bills the foundation.

ECONOMIC UNITY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 15, 1971

Mr. THURMOND. Mr. President, there is widespread support in the country for President Nixon's economic plans as enumerated in his speech before the Congress last week.

Evidence of that support is an editorial entitled "Nixon Seeks Economic Unity" which appeared in the September 11, 1971, issue of the Columbia Record newspaper in Columbia, S.C.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON SEEKS ECONOMIC UNITY

Partisan and personal interests must be put aside, as President Nixon has suggested, as all Americans cooperate in placing "national interests above special interests" to brake inflation, increase employment and make American goods competitive here and abroad.

The goal is a nation that will not again be afflicted by the virus of runaway inflation—without massive, dictatorial governmental controls.

To this end, the President wisely is listening to leaders of labor, government and business. He collects their ideas and support through a persuasive rather than a coercive procedure. Labor leaders who have conferred with the President wisely recognized that, in advance of the conversations, Mr. Nixon isn't going to let any vested interest group "write the ticket."

To be sure, the President already has some idea of a broad outline of a continuing program beyond the end of the present freeze, November 12. Those who criticize Mr. Nixon for announcing an end to the 90-day freeze without standby plans are nitwits. Of course the President has a bundle of alternatives.

Most probably he will establish a wage-price stabilization and review board to set guidelines for salary and cost increases. Quite possibly, the board would include representatives of business, labor and the public.

He will listen to all who visit him in the interim, giving them an attentive ear. But the labor barons who have declaimed mightily about "excess profits" should charitably recognize a truth—corporate profits have fallen and grown ill.

A $13 billion to $14 billion decline in Federal tax revenues is blamed directly on disappointingly low corporate profits. Labor leaders know this economic reality and unless they are prepared to accept obligatory bargaining, under governmental aegis, then they must act and speak with greater restraint than they have in the past.

To help create new jobs, the President told Congress he will propose tax reforms next year. Such proposals, he indicated, would help the U.S. in its foreign trade dilemma.

With the Japanese, the Nixon Administration should and must bargain very hard, indeed. Congress should cooperate and allow no repetitions of Wilbur Mills' private textile deal with the Japanese that cut the ground from under the serious negotiations of two successive Presidents—Lyndon Johnson and Richard Nixon.

"The time has come," said the President, "to give a new attention to America's own interests."

A cooperative leadership in the executive and legislative branches of government, labor and management, and the public at large will be essential. Decisions will not be easy and cannot be universally popular. But they can set the American socio-industrial engine back on the tracks.

AMERICA'S BOOMING WATERWAYS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, our inland waterways are a vital and essential part of our national transportation system.

The U.S. News & World Report, in its current issue, points out in an excellent article that the use of our internal water transportation network has increased to the point that traffic jams are occurring—and a further 50-percent increase in traffic is expected within the next 10 years.

As new waterway projects by the U.S. Corps of Engineers become available, they ease the pressure to some extent by improving our rivers for navigation and opening up new areas to water transportation. Obviously, this basic program of internal improvements must continue.

Because of the interest of my colleagues and the American people in this most important subject I place the article from U.S. News & World Report in the RECORD herewith.

The article follows:

NOW: TRAFFIC JAMS ON U.S. RIVERS

ST. LOUIS, MO.—At this historic hub of river transportation, the Mississippi looks more like a busy freeway than the slow-moving Ol' Man River of the past.

Huge flotillas of barges—as many as 40 of them lashed together to form a single tow, longer and with greater capacity than the *Queen Elizabeth II*—are pushed by powerful towboats past the city's gleaming Gateway Arch.

Here, as elsewhere along the 26,000 miles of U.S. inland and coastal waterways, barge traffic is booming. Low-cost transportation is the key to this upsurge. Charges for waterborne freight are less today than in 1960, and are considerably lower than for any other form of transportation.

LURE FOR SHIPPERS

For $1, a ton of freight moves 330 miles by barge, compared with 70 miles by railroad and 14 miles by truck.

One reason for lower rates on water transportation, say railroad men and truck operators, is that the Government levies no user charges to pay for construction of waterways.

Rivermen say that today's sluggish economy actually is helping their business, because, according to Thomas J. Barta, an official of the Valley Line:

"Shippers are much more cost conscious, and when something can move by water, they save money by sending it that way."

A visitor to the St. Louis waterfront finds himself caught up in the excitement that is coursing along U.S. waterways.

Out in the river, the banks are lined with waiting barges. Some are freshly painted, others are rusty from tours in the brackish waters near the Gulf of Mexico. Some are empty and riding high, others are loaded and waiting to be lashed into a tow.

Inside the harbor, 17 miles in length, general commodities are handled at the municipally owned dock. But most freight moves across nearly 50 private docks, variously providing scoops, cranes, conveyer belts, storage tanks and warehouses to handle such bulk items as grain, coal and oil.

St. Louis is a major "fleeting area"—a drop-off point for barges that are not unloaded, but are picked up for towing to other ports.

Trucks and railroad cars rumble onto the St. Louis docks, delivering and picking up freight.

The city is served by four interstate highways, 21 railroads, and some 200 trucking firms.

SWARMING TRAFFIC

From upriver barge flotillas come in swarms. Just above St. Louis, traffic from the Missouri and Illinois Rivers joins in with that moving on the Mississippi.

Downriver to the south, it is 185 miles to the confluence of the Ohio at Cairo, Ill. In the past decade, river traffic between St. Louis and Cairo has nearly doubled, increasing from about 30 million tons in 1960 to more than 58 million tons in 1970.

It is the same story along the Tennessee River, which enters the Ohio at Paducah, Ky. There, waterbone freight has doubled since 1962. In the first six months of 1971, nearly 3 million tons of cargo moved on the Tennessee. This was a rise of 12 per cent over the first half of 1970.

Nationally, a record of close to 200 billion ton-miles of freight was transported along U.S. inland and coastal waterways in 1970. That is an increase of 58 per cent over 1960.

BIGGER SHARE OF BUSINESS

Rivermen point with pride to the fact that their share of intercity freight shipments also is greater today than in 1960—increasing from 9.2 to 10 per cent.

During the same period, the railroads'

share of intercity freight dropped from 44.1 to 40.1 per cent, and the truckers' share eased downward slightly from 21.8 to 21.4 per cent. However, pipelines, which move growing amounts of petroleum and gas, and air freight, which transports higher-value goods, have outstripped the barges in growth since 1960.

Rivermen still wheel and deal. Theirs is the least-regulated form of transportation. Only 10 per cent of the cargo that moves on water is under federal regulation, compared with 39 per cent in trucks and 100 per cent on railroads.

Barge operators nail down deals by telephone. Decisions on cargoes often turn on less than a penny per ton.

RIVALRY AMONG CARRIERS

A battle is brewing between the "common carriers," who are licensed by the Interstate Commerce Commission to carry regulated commodities, such as steel, and "exempt carriers," who transport unregulated commodities such as oil, coal and grain.

The common carriers, represented by the Water Transport Association, are backing a bill in Congress that would, among other things, require publication of all dry-bulk waterway rates. This measure, the Surface Transportation Act of 1971, is strongly opposed by many exempt carriers, who met in Chicago September 3 to gather their forces. W. R. Murphy, president of Rose Barge Line, Inc., in St. Louis, calls the proposal "creeping regulation that will keep the least-efficient operator in business."

John A. Creedy, president of the Water Transport Association, says rate publication would end "discriminatory pricing" that, he believes, benefits big shippers.

MOUNTING CAPACITY

Meanwhile, new developments are helping hold down increases in rates, even though the trend is turning upward. For example—

On the West Coast, one freight firm now tows two huge barges in tandem—capable of carrying 112 railroad freight cars—on a regular schedule between Seattle and Alaska, at well under the ocean freight rates of the 1960s.

In Florida, another company is using 26,000-ton, self-unloading barges, together with a modern bulk terminal, to cut the cost of transporting phosphate rock by 30 per cent.

Co-ordination between barge, rail and truck transport is cutting rates in some areas. At Ashtabula, Ohio, for instance, a coal "transloader" has been developed that permits shuttle-unit trains to bring their cargoes of coal to the docks and dump them without stopping. The coal is loaded into barges as they become available, cutting back waiting time in both operations. This arrangement is being considered now for Chicago's port.

BOTTLENECKS

With business booming along waterways, massive traffic tie-ups sometimes develop.

Says E. Thomas Drennan, president of the Sioux City and New Orleans Barge Lines, Inc.:

"We're starting to run out of river. On the open river, traffic jams are not too serious. Of our three boats operating between St. Louis and New Orleans, one a day will report a two or three-hour delay waiting for southbound traffic.

"But where we do encounter extremely costly delays is at the lockages. Dams built several decades ago to help maintain a nine-foot channel often have locks that are just not big enough to handle the barge flotillas of today."

PETROLEUM LEADS

Raw materials for industry comprise the main part of barge cargoes. Biggest share consists of petroleum and its products, carried by 41 per cent of today's barges. Coal and coke comprise another 16 per cent of waterway freight; sand and gravel, 13 per cent; iron ore and steel, 10 per cent; chemicals, 4 per cent; logs and lumber, 3 per cent; grains, 2 per cent; sea shells, 2 per cent; and other commodities, including sugar and molasses, 9 per cent.

Major cities on the rivers, such as New Orleans, Memphis, Louisville, Cincinnati, and Pittsburgh, are benefiting most from the increased shipments by water. In the past five years, typical figures show that river freight has increased by 31 per cent at Natchez, 21 per cent at Greenville, Miss., 20 per cent at Louisville, and 68 per cent at Minneapolis.

Now Tulsa, Little Rock and other cities along the new Arkansas River Navigation Project are added to those served by large-scale barge transportation. With the opening of this project early this year, ports in Arkansas and Oklahoma are linked with the Mississippi 450 miles away.

The U.S. Army Corps of Engineers estimates that 13.2 million tons of cargo—mostly petroleum, iron, steel, wheat, coal and fertilizer—will be carried by barge along this channel each year, at an annual saving to shippers of some 40 million dollars.

New factories and mills, built or planned along the just-opened waterway, are expected to bring some 200,000 additional jobs to this area in the next five years.

Another major project costing about the same amount—1.2 billion dollars—is under way now to modernize the Ohio River, with 686 million already spent by the Army Engineers.

To date, public outlays for such improvements in America's inland waterways have totaled more than 5 billion dollars. The rate of federal spending on added navigational facilities is running at about 200 million dollars a year, plus 50 million to operate and maintain them.

Looking to the future, Mr. Creedy, of the Water Transport Association, makes this prediction:

"We expect at least a 50 per cent increase in traffic over the next 10 years. This is a conservative figure, with the present rate of growth greater than that.

"New equipment, larger towboats, bigger barges, deeper channels and new technology all are contributing to this prospect."

THE JACKSON FIVE

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 15, 1971

Mr. HARTKE. Mr. President, I wish to pay tribute to a family from Gary, Ind., and five brothers who have jumped to the No. 1 ranking in the music industry, both in this country and abroad, in a very short time.

In a matter of months the Jackson Five, who will star in their first ABC television special, "Goin' Back to Indiana," on September 19, have become the fastest selling group in the history of Motown Records, a company that boasts such stars as Diana Ross, The Temptations, and The Supremes.

In addition to the "Goin' Back to Indiana" special, the group will be the focal point of TV's first animated series starring black youths. As well, they recently concluded a 60-day, 40-city tour of the country, from New York to Hawaii—a tour that entrenched them, according to Time magazine, as "the biggest thing to hit Pop Capitalism since the Beatles."

But the real story behind the Jackson Five is that of a home environment in which they were encouraged to develop their God-given talents. It was natural for them to join in family songfests.

Their father, a man who worked hard as a crane operator in Gary, played the guitar and wrote songs for relaxation, while their mother sang good country and western with a trace of the blues, a treat for the nine Jackson children. It was no accident, then, that the kids in the Jackson family was singing, and enjoying it.

The idea of forming a singing group first cropped up when Tito Jackson, now 17, started playing with his father's guitar, and singing along with the radio. Before long he was joined by his brothers, and a singing group had been formed that was winning talent contests. Soon there were trips to Chicago, Arizona, New York, and Boston—trips in a jam-packed Volkswagen bus over school holidays and weekends, as the family traveled to concert performances, always returning to Gary for school during the week.

Getting started was not easy. Jermaine, for example, learned bass on brother Tito's guitar, because there was no money for a bass. The big break came when singing star Diana Ross heard them at a benefit for Gary Mayor Richard Hatcher, and mentioned their talents to Motown management. The rest has been fantastic.

These show biz giants, five of the nine children of Joe and Katherine Jackson, are superstars by every standard. Their hit, "I'll Be There," has been No. 1 on all national record survey charts in both the United States and Great Britain, and to date has sold more than 3.5 million copies. "The Jackson 5 Third Album" has already approached the million mark in sales.

But success has not spoiled the Jackson Five. Although they "made it," they still combine a rigorous practice and performance schedule while remaining in school, a model for thousands of young people. Everything they do, their concert and recording schedules, TV appearances and the new animated cartoon series is worked around school and homework.

The Jackson Five has "made it" through a combination of love, hard work, and loyalty to one another and the total family, and those qualities serve as a marvelous example for society at large. It is not only their success, but the reason for that success that is such a magnificent story. I join the proud State of Indiana, and the rest of the country, in saluting the Jackson Five and the determination and hard work that have made them No. 1, clear across the land.

I ask unanimous consent that an article about the Jackson Five be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Jackson Five

Saturday morning television—in case Friday night's excesses have left you too hung-over to realize it—isn't what it used to be.

Once strictly from Kidsville, with characters like Popeye, Casper the Friendly Ghost and some old loony birds from antique movie cartoons, today's Saturday morning viewing is now mostly mod, pop and slightly sexy. There have been the Beatles, the Monkees, Josie and the Pussycats and now, this fall, TV's first animated series starring black youths will appear, featuring The Jackson Five.

Produced by the U.S.-based Motown Corp. and Video Craft of England, and a caricature of the Jackson Five, the new cartoon series is apparently the main superstructure around which ABC-TV is basing its thrust to capture its share of young Saturday morning TV watchers.

Except for providing the musical portion—based on their hit records—of the cartoon series (each of the half-hour shows will feature two songs) the real Jackson Five will have nothing to do with the animated strip. The non-musical speaking voices for the group are provided by five unknown black youths, and all of the animation is being done in London because "London has the best animation pool in the world," according to Jim White, vice president in charge of production at Motown. Japan's top animator has been brought in to work on the series, says White, and the entire animation project is being directed by Robert Balsar, who was responsible for the Beatles' highly successful *Yellow Submarine* movie.

Although the real Jackie, 20; Tito, 18; Jermaine, 16; Michael, 13, and Marlon, 12, will be portrayed in the animated strip, the drawings will, of course, be caricatures of the Jackson brothers. A woman artist drew sketches of the boys at work in a recording studio to capture some realism. "The one think we didn't want was just white kids washed black," White explains, "and while some of the boys may have some physical characteristics normally considered Negroid, some of the others don't. We had to get the animators to know the boys, one way or another. We wanted them to see how they move around. We didn't want them to shuffle around like Stepin Fetchit."

To ensure quality in the series and to preserve the stature of what is now one of Motown's hottest properties (along with Diana Ross, now a solo star. The Supremes, and Smokey Robinson and the Miracles), Motown officials approve every aspect of the series. The first few scripts offered by writers were rejected with the caustic comment: "These are garbage and we don't want them," says White. "Since then the quality of the scripts has been very good. We've been told by people in the business that the current scripts are nighttime quality."

Although some of the shows will be centered around such current themes as ecology, White says the Jackson Five cartoon strip will not be used to convey any messages. "The Jackson Five are the message," he declares. "The fact that these kids made it out of the ghetto says it. The audience, black and white, is going to see black kids on Saturday morning. It isn't going to be all white faces."

White, who is Caucasian, feels that as an animated series based on blacks, the Jackson Five will have to be more of a success than most other shows to make it. "It will be the best animated series in the business," he says flatly." We just won't settle for second best."

Although the producers have a firm two-year contract with ABC–TV for the cartoon series, White believes that "the first four shows will make or break it. Either you get them then or you don't."

As for the real-life Jackson Five, they have their first television special, called *Going Back To Indiana*, airing on ABC–TV September 19, just eight days after the cartoon show debut. Taped last July with athletes Elgin Baylor, Ben Davidson, Rosey Grier, Elvin Hayes and Bill Russell and comics Tom Smothers and Bill Cosby as their guests, the hour-long Jackson Five show centers around some of the group's own interests—racing cars and basketball—and an actual concert performed in their home state.

The taping of the TV special was followed by a two-month, 50-city concert tour stretching from New York to Hawaii. The day after the tour ended, the boys were all back in school (the oldest, Jackie, began college study this fall as a business administration major; the others attend a private school).

Although their record sales are now in the millions (60 per cent of the buyers are estimated to be white), and they have been submerged in the mind-blowing world of entertainment stardom, the five brothers from Indiana have not changed much in their personalities, those close to them report. While the brothers are much more aware of themselves, according to their road manager, Tony Jones. "They're very well organized. They are very much aware of their responsibility to the Jackson Five as a group. They are very professional, and yet they are able to be themselves as individuals. They're six-dimensional; they're five different people and then they are the group."

Away from the group, Jackie likes to zip around Los Angeles in his new Datsun 240Z sportscar, while Tito gets to drive his mother's German-made Audi. For the younger boys, Michael and Marlon, being away from the work of performing means just fun and games around the house, or talking with fans, which they enjoy doing. But perhaps these four had better be careful: the youngster in the middle, Jermaine, is planning to write it all down in a book, the total Jackson Five Experience, and have it published a couple of years from now.

RESOLUTION TO ABOLISH THE COMMITTEE ON INTERNAL SECURITY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. WALDIE. Mr. Speaker, today I am introducing a resolution with the cosponsorship of 22 colleagues which provides for the dissolution of the House Committee on Internal Security.

When I first became a Member of Congress in 1966, I was among those who supported the continuance of the House Un-American Activities Committee.

At that time, I felt that the committee had a legitimate legislative function, but that the controversies that involved the committee stemmed from a leadership problem that resulted in abuses of private dignity and the rights of those who appeared before it.

Mr. Speaker, the leadership of the committee has changed along with the name of the committee and greater attention is now directed to a semblance of dignity and concern for individual rights.

However, Mr. Speaker, the problem involving this committee is much deeper than my initial superficial analysis.

Since 1945, the committee has issued 174 contempt citations. Of these, 142 have failed in the courts. In that same period, a total of 14 contempt of Congress citations were issued by all the other committees of the House combined.

The committee all too frequently is engaged in constitutional battles in the courts, the last of which involved the 1970 case where a blacklist of campus speakers was prohibited from being published by the committee.

In the 91st Congress, the committee spent more money than the combined budgets of the Armed Services, Foreign Affairs, Interior, and the Ways and Means Committees. Surely, the legislative product of the House Internal Security Committee is not commensurate with that huge expenditure.

But of greatest concern to me, Mr. Speaker, and indicative of the basic problem inherent in such a thought-monitoring committee, is the huge number of secret files and dossiers it maintains on thousands of individuals and organizations. I am advised there are over 754,000 cards containing unverified information on individual Americans. I am also advised that there is a special, highly secret file wherein are kept the dossiers of Members of Congress.

Mr. Speaker, I do not like this Big Brother apparatus. I would like to point out this resolution does not evolve from any disagreement with the integrity of the chairman or members of the committee.

I am motivated by the fear of big government, of secret files and thought control, concepts that are embraced by the committee.

I further believe that the legitimate legislative objective of curtailing activities of those disloyal to our Nation can and should be performed by the House Committee on the Judiciary. That responsibility can be carried out without the trappings of totalitarianism that have historically had such appeal to HUAC and its successor, the Committee on Internal Security.

DELAWARE'S COASTAL ZONE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, September 15, 1971

Mr. BOGGS. Mr. President, earlier this year the State of Delaware, under the leadership of Gov. Russell W. Peterson, adopted landmark legislation in the field of environmental control.

This legislation, known as the coastal zone bill, establishes an area along Delaware's shoreline in which heavy industry will not be permitted to locate. Governor Peterson and the legislature have been praised from many quarters for their action in this matter.

Recently the New Castle (Del.), Gazette published an editorial praising the Governor's ecological stand and included in it editorial comment from other newspapers across the country.

Mrs. Dorothy Clayton Travers is the editor of the New Castle Gazette, an old and historic Delaware newspaper. I believe she is to be congratulated for recognizing the merits of Governor Peterson's legislation.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Three Cheers for Us

Russell W. Peterson, Governor of the State of Delaware, departs Saturday for the Governor's Conference in Puerto Rico (going at his own expense) where he will prepare the report, as committee chairman, on Crime Reduction and Public Safety.

Gov. Peterson has gained a wide reputation nationally not only in this particular endeavor but also in the field of Vocational-Education and Coastal Zoning. Throughout the country recently he has been widely praised for his strong stand against heavy industry and his devotion to the quality of life in his state.

William D. Ruckleshaus, administrator of the Federal Environmental Agency recently wrote Peterson, "Delaware has set an example for the rest of the states" . . . and "the struggle to bring the people of this country to their 'environmental senses' is not an easy one."

OTHER QUOTES FROM ACROSS THE COUNTRY

The New York Times (7/5/71): "(Confronted by a $27-million deficit. Delaware could undoubtedly use the wealth represented by oil refineries, steel and paper mills, etc. . . . the Delaware action seeks to put 'bigness' and essential industry in proper perspective, to weigh their values against equally strong claims for air to breathe, water to swim in and lands to sustain the balance of nature."

The Washington Evening Star (7/16/71): "The little state of Delaware has taken an historic step aimed at ensuring its future against the onslaughts of our dirty world. Delaware's shore is to be reserved for, of all things, people."

Miami Herald (6/30/71): "While Florida's Cabinet was debating permits for oil drilling in Big Cypress Swamp, the people of Delaware were congratulating their legislature and governor for a law that will keep heavy industry away from the state's bay and ocean coastlines. This means Delaware's beaches and wetlands will be preserved for recreation and tourism."

Houston Post (7/7/71): "The State of Delaware has forced upon all other states a sudden question: Is it possible to be overdeveloped?"

Wichita Eagle (7/1/71): "The bill passed despite strong opposition by the state chamber of commerce, the oil and natural gas industries, international cargo shippers and the U.S. Commerce and Treasury Departments. . . . To preserve a good life and prevent a retreat to bare survival will call for revision of earlier beliefs . . . Delaware appears to be ahead of the game."

Sunday Post-Intelligencer (Seattle, Wash.) (7/4/71): "Delaware did right. The governor and the legislature refused to put a price tag on nature."

The Cleveland Plain Dealer (6/29/71): "It was a courageous decision. We think Delaware chose wisely."

Buffalo Courier Express (7/6/71): "We give Delaware a lot of credit for deciding that a rapidly growing industrial complex could create more problems than it would solve."

The country has reverberated with the news that Delaware leads the way and the courageous leadership has been commended editorially throughout the land in newspapers and magazines.

It should fill the hearts of Delawareans with pride.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE U.S. AUTO INDUSTRY

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 15, 1971

Mr. THURMOND. Mr. President, an article entitled "They May Pollute, But They Pay," appeared in the August 29, 1971, issue of the Augusta Chronicle-Herald newspaper under the byline of Louis C. Harris, vice president and editor.

Mr. Harris points out the importance of the automobile industry to the U.S. economy. He takes note of the raw materials which go into automobiles, the production plants, the sales centers, the repair garages, the auto parts industry, the gas stations, and the impact of vacation travel or other industries which benefit when folks "hit the road."

This article is interesting and informative. Members of Congress should be interested in knowing that gas taxes alone last year brought $6½ billion into the purses of various government bodies.

Mr President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY MAY POLLUTE, BUT THEY PAY

(By Louis C. Harris)

If you are ever inclined to question the importance of the automobile industry to the American economy, take a few minutes to read the 50th edition of "Automobile Facts and Fgures" which this year commemorates the 75th anniversary of motor vehicle production in this country.

Among other data contained in the statistic-laden booklet is that which reveals that 82 per cent of the families in the United States own at least one car, a fact, incidentally, of which I become well aware every morning on my way to work.

What all these motor vehicles mean to the country is of even greater significance. The "highway transport industries" provide employment for 13.3 million persons, which includes nearly nine million who are engaged in trucking and approximately 2.7 million men and women concerned with automotive sales and servicing. The statistical booklet didn't say so, but it is easily possible that the remaining 1.6 million workers either are building automobiles or straightening banged-in fenders.

Be that as it may, retail sales of passenger cars in the U.S. last year came to 8.4 million units, only 1.3 million of which were foreign imports. And, interestingly enough, the whooping boost to the economy that the automotive industry provides is well illustrated by the fact that $13 billion worth of parts are produced by other industries to help make and service America's motor vehicles.

A study of the booklet also will show you that approximately 20 per cent of the Nation's steel production and about 65 per cent of its rubber is consumed by the automobile business. Out of the Nation's total businesses, about 823,000 are related to automobiles and trucks, and automotive retailers—the folks from whom you buy your car—enjoyed sales of $89 billion in 1970. That, you also may be interested to know, was one of every four retail sales dollars in the land!

The money that goes into normal trade channels from auto production, sales and servicing is not the only revenue for which the industry accounts. Motor vehicles provided the average State last year more than 19 per cent of all its tax take, the grand total of state and federal taxes coming to some $17 billion, or $938 million more than the year before.

In addition, I learned from the booklet that out of $40 billion expected to be spent for domestic and vacation travel this year, about $37 billion will be shelled out by the automobile-traveling public.

The statistics contained in the booklet are not all dollar-oriented.

For instance, I learned that in 1969 there were 62,341,000 male licensed drivers in the U.S. and only 45,954,000 females, a ratio whose significance—if any—will get no comment from me.

The greatest number of licensed drivers were in the 20–24 age bracket (about 13,800,000) and the fewest (3,900,000) in the 16–17 groups. There was no age group in which women numbered more than men, although the closest was in the 19-year-old category where there were 1,600,000 boys and 1,100,000 girls.

As might be expected, California had the largest number of licensed drivers of any State, with 11,425,000, with New York more than three million behind. Georgia listed 2,470,000 in 1969 and South Carolina 1,377,000.

All told, motor vehicles traveled approximately 1,125,000,000,000 (that's trillion) miles in this country last year, which accounts for the six-and-a-half billion dollars worth of gasoline taxes the various government's enjoyed, the deterioration of thousands of miles of roadways, and, probably, for the loss of 12 million, 800 thousand tempers.

And lastly, automobiles—not of themselves, mind you, but from inexperienced, irresponsible or inebriated operators—accounted for 56,400 deaths in this country in 1969.

Even that figure, however, as awesomely tragic as it is, was just about the lowest death rate—on the basis of the number of cars on the highways and miles traveled—the United States has recorded in more than 30 years.

THE LIFE OF A PAGE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SCHERLE. Mr. Speaker, Sp4c. Russell M. Biggs, now a legal clerk with the 1st Battalion, 26th Infantry, stationed in Augsberg, Germany, once served in a different corps. According to the division newspaper, the American Traveler, Specialist Russell spent his last 2 years of high school as a Capitol page under the patronage of the late Honorable Ben F. Jensen, who represented the Seventh District of Iowa in Congress for 26 years. The following article, reprinted in full from the August 6 edition of the Traveler, gives some interesting insights into the special life of a congressional page:

As Congressional Page, Legal Clerk Ran for House of Representatives

(By Sp4 Ken Powers)

Augsburg.—Tourists and critics, to a large extent, make up a congressional audience.

At every congressional session, however, an elite corps of students watch and wait, ready to spring into action at a moments notice.

They're the pages who run errands around the capital city.

Specialist 4 Russell M. Biggs, a legal clerk assigned to the 1st Battalion, 26th Infantry, spent his last two years of high school as a congressional page.

A native of Washington, D.C., he said "Most pages become one through connections." He was appointed under the Republican patronage of the late Honorable Ben F. Jensen, an Iowa congressional representative for 28 years.

SP4 Biggs had to get up early enough every morning to be at the Capitol Page School, which is part of the District of Columbia school system and located above the Library of Congress, by 6:30 a.m. Classes ran until 10:30.

Then it was off to the Republican cloakroom in the House of Representatives. SP4 Biggs explained that "The cloakroom is located under the visitors gallery and contains about 15 phones, a snack bar and a lounge."

"I worked at directing phone calls to and from the different congressmen. We also had to keep track of what was happening on the floor so that if a congressman called we could tell him."

SP4 Biggs usually got off work around 5 or 6 in the afternoon, but he could recall working until midnight on occasions.

It sounds hectic but SP4 Biggs said "It was just like a normal high school except that our teachers were professors from nearby colleges. They knew how our schedule was run so they took that into consideration on homework and exams."

"It was quite an experience and it did help to finance college." As a page, SP4 Biggs earned about $400 a month.

The event he remembers most was when President Kennedy was assassinated. He said "The place panicked. It was just like a tomb after the announcement was made, but within weeks everything was back to normal."

SP4 Biggs, who holds a double major in Political Science and American History, revealed that he definitely plans to go into politics because "somebody has to straighten this mess out." And is he a Republican or Democrat? "Independent."

CBS PROGRAM "THE SELLING OF THE PENTAGON"

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 15, 1971

Mr. THURMOND. Mr. President, a column entitled, "CBS Cons the Public" appeared in the August 31, 1971, issue of the Augusta, Ga., Chronicle.

The column, by Jeffrey Hart, comments on the findings of a nonpartisan group which judged that the famous CBS program violated many rules of journalism.

Mr. President, I ask unanimous consent that this editorial column be printed in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the Record, as follows:

CBS Cons the Public

(By Jeffrey Hart)

Not long ago, after viewing the CBS documentary "The Selling of the Pentagon," I wrote a column pointing out the obvious: that the production used the "rhetoric of the image"—juxtaposition, closeups, rigged sequences, etc.—to mount a full-scale, propagandistic assault upon the Defense Department. What I did not know at the time was the extent to which CBS, through trick editing, had actually created synthetic statements which had never been made and which completely misrepresented the individual depicted as making them and entirely misled the television audience. Compared with what CBS did with the text, the propagandistic manipulation of images was innocent child's play.

Reed J. Irvine, board chairman of Accuracy in Media, a nonpartisan organization, goes into all this in some detail in the current issue of National Review, showing that what comes out at your end of the TV set may never have actually happened in front of a TV camera.

At one point in the production, for example, Roger Mudd asked Assistant Secretary of Defense Daniel Henkin about displays of military equipment at state fairs and shopping centers. Henkin replied:

"Well, I think it serves the purpose of informing the public about their armed forces. It also has the ancillary benefit, I would hope, of stimulating interest in recruiting as we move, or try to move, to zero draft calls and increased reliance on volunteers for our armed forces. I think it is very important that American youth have an opportunity to learn about the armed forces."

Not bad. In fact, too good. CBS therefore excised from the tape all except the first sentence, and wove in other material taken from 15 paragraphs farther on in the transcript, where Henkin was commenting on another matter. This made his reply seem irrelevant and silly, and at the same time deleted his plausible rationale for the exhibits at state fairs. Henkin was the victim of other examples of this kind of "editing" for "pace" and "smoothness." The points he was making were carefully excised, and the statements coming across on the screen were in reality replies to completely different questions.

Another example. A Col. MacNeil was shown making the following statement:

"Well, now we're coming to the heart of the problem—Vietnam (55). Now the Chinese have clearly and repeatedly stated that Thailand is next on their list after Vietnam (36). If South Vietnam becomes Communist it will be difficult for Laos to exist (48). The same goes for Cambodia and the other countries of Southeast Asia (48). I think if the Communists were to win in South Vietnam, the record of the North—what happened in Tet of 1968—makes it clear that there would be a bloodbath in store for a lot of the population of the South (73). The United States is still going to remain an Asian power (88)."

Though all this came over the tube as a consecutive series of statements by Col. MacNeil, the number after each sentence indicates the page on which the sentence is actually found in the transcript of the speech. The second and third sentences are quotes from Souvanna Phouma of Laos, and were so described by MacNeil in the speech he actually made.

What CBS was doing here, concludes Reed Irvine, was creating a synthetic speech out of fragments of the real one through the use of electronic cut-and-paste techniques. Prerecorded televised statements, he concludes, even when presented as part of a "documentary," should be viewed with extreme skepticism, for "we know now that they may be an inaccurate representation of what was said even when the words are seen to be coming from the lips of the speaker."

"The Selling of the Pentagon" is usually referred to as the "prize-winning CBS documentary." I hearby nominate it for the Leni Reifenstahl Award for political propaganda.

THE JAWS OF THE TIGER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SCHMITZ. Mr. Speaker, in attempting to explain the manner in which America and Western civilization are being methodically assaulted and undermined in the 20th century, I have sometimes used the analogy of a man in the grip of a hungry tiger. If we can imagine his situation in a kind of slow motion during which he is not quite sure of what is happening to him, we can visualize the jaws of the tiger periodically closing and opening on the man, who tells himself each time they open that the beast has suddenly become friendly. When they close, he decides that he must try to stop the tiger's upper jaw with the lower, or the lower jaw with the upper—not realizing that all the time he is being steadily chewed up.

Americans who love their country and would defend its soundest values are not immune from the tendency to try to fight one jaw of the tiger with the other. When an immoral and unjust policy of government has produced its inevitable crop of evils, in sheer frustration and anger they may be prevailed upon to indorse a different kind of immoral and unjust policy in the name of counteracting the first one—even a policy which in the long run will vastly increase the power of government.

The most striking current example of this tendency concerns our notorious welfare abuses. Our present welfare system is without a doubt one of the worst monstrosities of big government, deliberately encouraging refusal to work, fostering welfare dependency, rewarding fraud, and through the aid program for mothers with dependent children, providing an economic incentive for promiscuity and illegitimacy. This system, and all evils flowing for it, is like the upper jaw of the tiger, closing on us.

But now many of those who denounce the present welfare system for mostly the right reasons, are beginning to favor government policies which would encourage the multilation of men and women or the killing of unborn children, simply to prevent the welfare rolls from growing larger. To give government new powers for deciding who shall be born and who shall not, is to sharpen the teeth of the tiger's lower jaw with a vengeance. Surely, it should give us a clue to see how many of the big welfare advocates also favor massive contraception, sterilization, and abortion programs for their charges. It is all part of the power structure they are building.

In the 1930's, many Americans were told they must choose between fascism and communism to solve their problems and the world's. Those who would have us believe that we must either make persons on welfare permanently dependent or eliminate them are offering the same kind of false and loaded choice. We must get outside this cage into which they are trying to put us: we must transcend their Marxist dialectic, reasserting the principles of personal responsibility and the sacred foundations of the family which have been cornerstones of the American way of life.

It is tragic to hear decent Americans endorsing offenses against nature and the sacredness of human life in the name of trimming welfare budgets. It can never be right to "fight fire with fire," or evil with evil, where human beings are concerned.

COMPUTER IN COURT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. HUNGATE. Mr. Speaker, as American business and the Congress go more and more to the use of computers, I thought this article from the February 13, 1963, issue of Punch by A. P. Herbert might be instructive as to our legal rights.

The article follows:

COMPUTER IN COURT

(By A. P. H.)

Before Mr. Justice Squirrel in the High Court to-day Sir Cyril Tart, QC, opened for the plaintiff in this fascinating action, which is regarded as a test-case on some novel points of law.

Sir Cyril said. My lord, this is an action for defamation, and the principal defendant is, perhaps, a computer—

The Court. Perhaps, Sir Cyril? But haven't you made up your mind?

Sir Cyril. No, my lord. With great respect, we hope that the Court will do that: for here is a new field of life and litigation, and I am unable to find any precedents with which to assist the Court, as I generally do.

The Court. You are always very helpful, Sir Cyril. Could we now have some approximate outline of the facts?

Sir Cyril. If your Lordship pleases—as, may I add, your Lordship habitually does. My lord, for many years my client, the plaintiff, has been a client of Generous Bank Limited. In recent years the Bank has been employing a computer.

The Court. I never quite understand what they do.

Sir Cyril. My lord, I am instructed, if they are accurately fed with the requisite information they will answer almost any question that is put to them. Moreover, they will answer instantly a question which might occupy twenty expert men for many days. The defendant Computer is also capable of certain mechanical actions, the addressing, sealing and stamping of envelopes, for example.

The Court. Bless me! Can it predict the weather?

Sir Cyril. Given the relevant facts and records, I believe it could. But the machine has, in exceptional circumstances, one possible weakness.

The Court. I am glad to hear that they are human after all.

Sir Cyril. Yes, my lord. They are run by electricity, and if for any reason the voltage falls below a certain level some error may creep into the answers. My lord, in January last my client was proposing to take a lease of a London flat, modest in quality but not in rent. Asked for references which would show that he was a good and proper tenant, able to meet his obligations, the plaintiff referred the property-owners to his Bank. The Bank, as their custom now is, put certain questions to the Computer, which issued, immediately, a type-written slip, being a carbon copy of its answer, as follows:

"Mr. Haddock's account is overdrawn in the sum of £51,000 7s, 3d."

There followed a second slip:

"The market value of the securities he holds at current price is £2 0s. 8½d."

A third slip said:

"What is more he owes the Inland Revenue £159,000 6s. 2d."

The Court. Were these assertions correct?

Sir Cyril. No, my lord. Later, by painful man-conducted researches with which few of the bank staff are now familiar, it was established that at that moment my client had a credit balance of £1 9s. 4d., and his indebtedness to the Inland Revenue had been cruelly exaggerated.

The Court. What went wrong, then?

Sir Cyril. My lord, it was shortly before the mid-day meal. A number of citizens in the neighbourhood had incautiously decided to use their electrical cooking appliances: and the astonished Electricity Board was compelled to reduce the voltage to a level not far above the Computer's dangerline. For a few minutes, it is believed, perhaps less, it must have crossed the line, unobserved by the attendants who had had no warning, and in that brief space of time the questions concerning the plaintiff chanced to be presented.

The Court. Yes, but the Bank, surely, did not pass the erroneous information on?

Sir Cyril. No, my lord: but the Computer did. The "top copies" of the answers were placed by it in a sealed, addressed envelope and despatched by chute to the ground floor, where the express messengers waited. The property-owning-company received the message about 3.0 p.m. and at once declined to let their flat to the plaintiff. Moreover, one of the directors of the Company was on the committee of the Royal Yacht Squadron, which has an old-fashioned prejudice against bankruptcy, and at that evening's election my client was blackballed.

The Court. Dear, dear. But, Sir Cyril, the case seems clear enough. The Bank, by its servant, the Computer, has published a libel, and is responsible.

Sir Cyril. So, at first, it seemed to the plaintiff—and, I believe, to the Bank. But, having unbounded faith in the powers of the machine, they fed the necessary facts into it and put the question: "What's the answer?" The Computer replied, my lord:

"I am not—repeat not—your servant—for you cannot control me."

The Court. I see the point. A good point.

Sir Cyril. It is the point, I am sorry to say, on which the Bank relies. This is a machine, they say, having superhuman powers, and it would be presumptuous and unreal for any association of ordinary men, even a joint stock bank, to pretend to such a domination as is implicit in the relation of master and servant.

The Court. Yes, but it is their machine.

Sir Cyril. No, my lord, it is not. It is on hire from Magical Electronic Contrivances Limited.

The Court. What do they say?

Sir Cyril. They say that they have leased a perfect, infallible machine to the Bank, and they are not responsible for the blunders or negligence of the Bank or the Central Electricity Board.

The Court. Oh, yes. What about the Board?

Sir Cyril. They are protected, they say, my lord, by a section in the original Electricity Act.

The Court. Do they? They would.

Sir Cyril. At this point in the preliminary argument, my lord, the Bank put a further question to the Computer. "You see the dilemma, don't you? What do you advise?" The Computer replied:

"Try 'The Act of God.' "

The Court. The Act of God? "Something that no reasonable man could have been expected to foresee." Lord Mildew, wasn't it? Something in that, perhaps. But, Sir Cyril, as these superhuman instruments increase in number and power the outlook is grave, is it not, if every mischief they cause is to be dismissed as an Act of God for which no man is responsible?

Sir Cyril. Yes, my lord. This is, as I intimated, in the nature of a test-case.

The Court. So you may be reduced, you fear, to a single defendant, the Computer? What is the attitude adopted there?

Sir Cyril. Satisfactory, my lord. On receipt of the writ, the Computer replied:

"Gladly accept service. My solicitors are Bull Stableford and Brown but I shall require legal aid." And, in fact, legal aid has been granted.

The Court. Interesting, is it not, Sir Cyril, that the only one of these parties to behave with human decency is the machine? But where will this get you? It is a machine of straw.

Sir Cyril. My lord, the Bank having refused consent, by order of Master Richards an interrogatory on that point was administered to the Computer. It replied:

"Am earning heavy money. Why not attach my earnings?"

The Court. But would not that be unjust to Magical Contrivances Limited?

Sir Cyril. Possibly, my lord. But they did construct and distribute the monster. For the injustice suffered by my client he is not remotely responsible.

The Court. True. Perhaps, before these instruments go into operation, they should put in a capital sum, like a gentleman seeking to do business at Lloyd's, to ensure that they can meet any unforeseen indebtedness?

Sir Cyril. That is a question, my lord, which might well be put to the Computer.

The Court. Perhaps it would care to come up here and try the case?

Sir Cyril. No, my lord. It is not, I think, a British subject.

The Court. Do you know, Sir Cyril, I think I shall go into a home for a fortnight and think about this case. One of those fruit-juice places.

Sir Cyril. If your Lordship pleases.

The hearing was adjourned.

U.S. TROOPS IN EUROPE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ZWACH. Mr. Speaker, in the recurring talk of U.S. domestic economic problems and the reminder of a deficit balance of payments, many solutions have been suggested. I am today introducing a resolution which I believe, and I hope my colleagues will concur, would greatly achieve some success toward alleviating our deficit balance of payments.

We spend approximately $14 billion a

year to keep our U.S. troops, their dependents, and materiel in Europe 25 years after the end of World War II. Keeping the present level of troops in Europe to protect countries in better financial condition than the United States is, to me, sheer folly. Not only are we paying the upkeep of these troops, the countries in which they are quartered are levying special taxes on us for the privilege of keeping these troops there for their protection.

Our NATO allies have continuously demonstrated their reluctance to take over any major part of the heavy U.S. burden in NATO long after the Western Europeans have gained the capacity to play the dominant part in their own defense.

With our dollar in danger, slow business at home, constantly rising taxes, and a budget deficit, we cannot afford the luxury of quartering our Armed Forces in Europe. A decrease in the force strength would not only cut down on expenses, it would probably prove to be more efficient as well. These now well-to-do countries should, and can reasonably be expected to, increase their financial commitments for their own defense and not depend so heavily on the United States.

SCHOOL PRAYER AMENDMENT FIGHT: HINGE IS INTERPRETATION

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BAKER. Mr. Speaker, the essence of the effort the gentleman from Ohio (Mr. WYLIE) is making in bringing the prayer amendment to the floor of the House of Representatives is captured in an article which appeared in the September 12 edition of the Columbus Dispatch.

As one of those who has signed the discharge petition, I am pleased to call attention to this analytical news report as a means of putting this issue in perspective. I wish to commend my colleague for all that he has done to advance this cause in this session of Congress.

I can appreciate the reluctance of some Members to associate themselves with discharge petitions, but I think all of us must recognize that this is an established procedure for handling controversial issues when there is little or no disposition to take committee action.

It is my considered judgment we must respond to the overwhelming desires of the people and thus avail ourselves of the discharge petition mechanism. In taking this approach, it should be made clear that we do not cast reflection upon the committee chairman from whose committee the resolution would be discharged. We respect his point of view as well.

I ask that the Columbus Dispatch article appear in the RECORD:

SCHOOL PRAYER AMENDMENT FIGHT: HINGE IS INTERPRETATION

(By Roulhac Hamilton)

WASHINGTON.—The fight in Congress over a so-called "school prayers" amendment to the Constitution rests not so much in what the Supreme Court held on the subject as in what many lawmakers, judges, school officials and the public believe it said.

There is no question in the minds of those who have read its 1962–63 rulings that the Supreme Court did not outlaw prayer in public schools. What it did do was to outlaw any official requirement for prayers, Bible readings or religious services.

There is a vast difference in a ruling by the Supreme Court (and the 1962–63 rulings were only two of nine holding that the Constitution bars any official requirement for religious observance in schools) and in saying (as the court has never done) that no one, on his own initiative, may pray or participate in prayer in school.

But if that difference is (to officials who must enforce the law as enunciated by the high court and to lower court judges who must interpret their actions) so obscure as to generate a belief that the court actually has said that no prayer can be tolerated in public schools, what happens then?

The answer to that question, at least in the minds of members of Congress who have been fighting since 1962 to nullify what they believe to be either the court's ruling or what they believe that ruling to be, is a constitutional amendment to "clarify" the court's ruling that would, in effect, limit the meaning of the separation of church and state clauses of the Constitution's First Amendment.

It is over one of those resolutions—introduced by Rep. Chalmers P. Wylie, R-Columbus—that the current battle to permit prayers in public schools is being waged in the House. Judiciary Committee Chairman Emanuel Celler, D-N.Y., is Wylie's major opponent.

The House, because of Celler's opposition, has never acted on the proposal to amend the Constitution to offset the Supreme Court decision. The Senate, in 1966, took up a proposed amendment by the late Sen. Everett M. Dirksen, R-Ill.—identical language to Wylie's—but while a majority approved it, it did not poll the required two-thirds margin.

Wylie is struggling with Celler over a proposal to take the prayer amendment resolution out of the Judiciary Committee's hands and bring it directly to the floor by a vote of the whole House. Wylie has assembled, despite Celler's opposition, 190 of the 218 members' signatures required to discharge the resolution from the Judiciary Committee. He has, at least, hope of gaining the remaining 28 signatures he needs and thus topple the major hurdle to full House consideration of the amendment.

There is, of course, more to getting the proposed amendment into the Constitution than getting it to the House floor. Once there it would require a two-thirds majority for approval. If it made that score, it still would need a two-thirds majority of the Senate.

But, assuming it wins in both houses, the amendment still would require the ratification of three-fourths of the states—or 38—to become a part of the nation's basic law.

None of this will be easy. Despite the support for the proposition in Congress and despite public clamor for it, the amendment has powerful and sincere opposition from church groups.

The Rev. John W. Thomas of the American Baptist Convention's Department of Christian Social Concern says "Baptists are opposed traditionally to any attempt to make prayer compulsory."

W. Hubert Porter, associate general secretary of the Baptist organization, charges that "crusaders for an amendment to cut the heart out of the First Amendment by making constitutional the legislation of religion can make their case sound deeply religious and superbly patriotic."

He continues:

"They at times make it appear that the steadfast friends of the First Amendment are against God, country and motherhood, but such an impression is a deception and a delusion. The truest friends of religion and the most constructive citizens of the state are those who support the First Amendment guarantees that have made possible in the United States a fuller measure of religious freedom than was previously known in the world."

Many religious authorities contend it is "clearly impossible for government to legislate religion without violating the rights of many citizens." They ask if prayers in schools are required, "whose religion will it be? Buddhism in Hawaii, Mormonism in Utah, a Baptist-oriented Protestantism in Georgia, Roman Catholicism in Massachusetts, Judaism in New York?"

If non-denominational prayer, as in the Wylie amendment, is involved, they ask, "who determines the content in a school—the school board, the superintendent, the principal, the teacher? If so, such a prayer becomes a government-prescribed prayer."

But the amendment has its organized backing—such as Citizens for National Prayer, National Parents for Prayer, the National Federation Association of Republican Women, the National Grange, and the Back to God movement—as well as that of Mrs. Ben Ruhlin of Cuyahoma Falls, who is a one-woman organization having collected 170,000 signatures on a petition backing the Wylie discharge petition.

If Wylie can seize the prayer amendment from Celler's tight grasp, the matter could shape up into as hot a floor battle as this Congress has seen so far.

THE 18-YEAR-OLD VOTERS—WHERE SHOULD THEY REGISTER?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. MICHEL. Mr. Speaker, during the debate here on the House floor when we were considering the constitutional amendment granting 18-year-old citizens the right to vote, I raised some questions as to where college students would be allowed to register—at home or in their college community. I was concerned then, and am still very concerned, that we were cooking up some tremendous problems for the hundreds of small cities and towns around the country which might happen to be the location of a college or a university. In many of these communities, the student population is much larger than that of the permanent residents and the students could easily elect public officials and approve programs which might not be in the best interest of the community and, in fact, could be harmful to the community and its permanent residents.

In yesterday's Chicago Tribune I noticed an article with a Hartford, Conn., dateline to the effect that a U.S. district judge had ruled in favor of some students at Yale who had filed suit against the city of New Haven's registrars when those officials refused to register students carrying out-of-State drivers' licenses.

A recent Gallup poll reported that 67 percent of the American people feel that students should be required to register in their own permanent home communities rather than in their college community and it is my understanding that a number of State legislatures around the country are planning to consider legislation to accomplish that objective. I hope they will move with dispatch.

I include the Tribune article as well as an editorial from the September 10, 1971, edition of the Peoria Journal Star, entitled "College Town Vote Confusing" in the RECORD at this point:

Students at Yale Win Vote Rights

HARTFORD, CONN., Sept. 13.—Yale students denied the right to register as voters in New Haven won their suit against the city's registrars today.

United States District Judge M. Joseph Blumenfeld, pointing out that there is a mayoral primary on Sept. 22 and an election on Nov. 2, ordered the registrars to treat students, former students and spouses of students exactly the same as other applicants.

The students claimed they were discriminated against as a class, being required to answer more questions and produce more proof of residency than other applicants.

Blumenfeld said any applicant must be presumed to be a bona fide resident of New Haven if he is at least 18 years old, is a U.S. citizen, has lived in New Haven for at least six months before applying to become a voter, regards New Haven and no place else as his home. Also that he has not registered to vote anywhere else in the last six months, has no intention of voting anywhere else he may have registered during the preceding two years, and has claimed no other place as his residence during the preceding six months.

New Haven officials laid great emphasis on the drivers' licenses of student applicants and rejected some of them largely because they held licenses in other states, according to testimony at last week's hearing before Judge Blumenfeld.

The effect of Judge Blumenfeld's ruling on other "college towns" in Connecticut was not immediately clear.

College Town Vote Confusing

Some may remember that we forecast the fuss over students voting under the new 18-year-old law in the college towns. It took no special insight to make that forecast, and the fuss is already occurring.

The reasons are obvious because of age-old questions as to what constitutes a bona fide residency, and because of the basic function of registration laws in the first place.

Registration laws were created to make elections honest. They were urgently needed to avoid organized practices of multiple-voting—and they still aren't perfect.

The effectiveness of registration laws in terms of large elections, especially, depends entirely on the systems for cross-checking, and making sure only the latest registration stands.

If organized bodies of students, for example, were to register in their own home towns and also register in their college towns, it would be very difficult to check—and would obviously open the door to voting absentee at "home" and voting in person at the campus.

It is all very well to take a liberal view of establishing residency, but it is certainly a perversion of the process if such an approach and such free-wheeling standards open the door to a non-refusable claim to registration in two or more places at the same time.

Such problems are the traditional ones that flare up in this situation, and it does seem that the logical place for most students to vote is in their traditional "home" especially if they occupy manifestly temporary housing at school.

That is hardly an unreasonable interpretation and many clerks are making it.

The problem is given a real surge from the spectre in some towns of transients with no local responsibilities or taxes overwhelming the actual continuous residents and taxpayers at the polls in voting on tax referenda and local officials.

Probably all of these fears are exaggerated.

When it comes to the showdown, most students between 18 and 21 will probably prefer to vote in their original home towns, anyway, for a variety of reasons, associations, and because most of them probably feel more honest that way.

This is said to be a generation that hates hypocrisy, and it would be a shame if their first political act was an immediate sell-out.

Many will not vote at all, certainly, for a variety of reasons such as affect all of us, but on the record of "new voters" in particular. Too often such do not really get interested until the last moment and only then discover that it is too late and that there are such things as registration, etc.

Few, indeed, will go to all the trouble involved to register in the campus town and in the home town, both, plus the additional nuisance of the absentee vote procedure.

That is small consolation, however, to any town that might become the isolated victim of a big organized "fun" drive that "caught on" with a sizable campus crowd.

And those responsible to keep elections honest cannot be expected to say, "probably not" and "it doesn't matter."

What we really need, and may someday have is an effective computer system that can interchange with other computers and instantly spot the double-registration.

It is now a laborious mail process at best.

The chances of cleaning up a registration double-up by an out-of-state student would be just about nil—plus the question of whether the out-of-state student is STILL an out-of-state student if he is allowed to register at campus.

At that moment, his whole status, tuition-and-all, is scrambled.

A bit of common sense is going to be required on the part of both election officials and students.

It isn't really a simple "right or wrong" situation.

SPARKS FROM THE OZARKS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. HALL. Mr. Speaker, while pursuing my daily ritual of perusing my hometown newspaper, the Springfield, Mo., Daily News, I happened across a poem that was submitted to the "Over the Ozarks," column, edited by Jean Davies.

The poem, written by my neighbor, Mr. George V. Hennessey, was entitled "Sparks From the Ozarks." I was so taken by it, and enjoyed the verse so much, that I share it with my colleagues:

Sparks From the Ozarks

(By George V. Hennessey)

Pappy he was happy in the Ozarks hills,
Didn't labor like his neighbor, owned two moonshine stills;
Pappy raised three youngsters, each a burly boy,
Named 'em Herman, Sherman, Verman . . . they're his pride and joy.
Pappy didn't make 'em work or even go to school.
Said that if he made 'em go, 'twould break the Golden Rule;
When they weren't on the river catchin' gars,
They'd sit around the house all day, astrummin' on git-tars.
Plinkin', plankin', plunkin' on them old git-tars,
They played by ear because they couldn't read no music bars.
Folks said, "Pappy, don't you know in life they'll be aflunkin'?"
Pappy said, "So what? I love to hear them git-tars plunkin'!"
Pappy's kids are grown up now, they live down Nashville way;
And people call 'em artists . . . pay to hear 'em sing and play;
When they visit pappy's home they pass the neighbors' shacks
Asportin' slinkin' Lincolns and gold-plated cadillacs.
Pappy's days are happy, he has sold his stills,
His boys have built a snazzy home for pappy in the hills.
Herman, Sherman, Verman on the world have left their marks;
Shows shirkin' sure beats workin' in the old Ozarks.

ADVERTISING IS A BASIC RIGHT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FUQUA. Mr. Speaker, it is not very popular to speak out about the tobacco industry. There are those who are intolerant of any statement that might possibly cause them to have the slightest doubt about their preconceived notions.

My purpose today is not to defend or attack the tobacco industry. It is rather to add another voice of concern to what I feel is an infringement on the basic rights of an industry and that the precedent is dangerous.

Simply stated, tobacco and its products have not been outlawed and those who have managed to legislate against this industry having the basic freedom that other industries have—advertising—are unfair and discriminatory.

It amazes me sometimes to see people who advocate liberties and freedom for some segments, suddenly become the final arbitrators of whether an American citizen wants to smoke or not.

Certainly, misleading advertising should not be allowed. In this case I believe in another basic principle and that is calling the guilty to account in a court of law after the fact—not before.

The freedom of all is only as strong as that one individual who is treated differently before the bar of justice. My friends and colleagues, what has happened to the tobacco industry may well be a forewarning for others.

Others sit idly by because they are not affected. They do so at their own peril.

In this regard, I want to have printed here an article in the Florida Farm Bureau magazine of August 1971. Their article, written by Al Alsobrook, makes the same point I want to make—the banning of cigarette advertising endangers a basic constitutional right.

The article follows:

The New Tobacco Controversy

On Friday, June 18, 1971, Congressman Bob Wilson of California rose to his feet on the floor of Congress and said, ". . . the time has come for all members to take a fresh look at the cigarette controversy to see just exactly what is in danger of going up in smoke.

"More is burning," he said, "than tobacco. More is threatened than the special interests of members from North Carolina, Virginia, and Kentucky and their constituents . . . the bell is tolling right now, for the cigarette industry.

"The assault on the right of legal products to legally advertise is an assault on the fundamental function of the American enterprise system," the Congressman warned.

Congressman Wilson is one of many who are taking a closer look at the "new cigarette controversy."

This article does not attempt to question the health hazard or non-hazard of smoking. It is a person's individual right to decide whether he wishes to smoke or not to smoke.

But even if you don't smoke, never did or never will, whether you're a farmer or a non-farmer, you have a vital, multi-faceted interest in tobacco because there are other factors besides health which come into play and should be considered.

The economics of tobacco, and the problems to which Congressman Wilson referred (i.e., the fundamental right to advertise a *legal* product) are two of the most important factors to be questioned.

Let's talk about economics.

According to Horace R. Kornegay, president of the Tobacco Institute, if the government is successful in what seems to be an attempt to outlaw cigarettes—by outlawing cigarette advertising—vast numbers of Americans who owe all or part of their living to tobacco will be out of jobs.

About three million members of farm families earn their principal livelihood from tobacco. They live in 22 states and earn about $1.4 billion a year from the leaf.

More than 100 thousand workers are gainfully employed in tobacco manufacturing and collect an annual payroll of more than half a billion dollars.

There are more than 4,500 wholesale firms that distribute the product to literally hundreds of thousands of retail outlets that depend on cigarette sales for a substantial part of their income.

There are nearly three-quarters of a billion dollars realized from the export of tobacco and tobacco products.

Federal and state governments receive $4.6 billion in taxes from the sale of tobacco products.

In all, there are 329 industries directly or indirectly involved in selling their products to the tobacco industry, ranging from cellophane and advertising to transportation and steel.

Do these "economic factors" mean anything to the citrus grower, cotton or corn producer, vegetable or soybean farmer or to the non-farmer?

If there were no tobacco sales, the $4.6 billion in taxes generated by tobacco would have to come from somewhere else, perhaps from taxes on other farm or general consumer products.

And what would happen if tobacco acreage was shifted to other crops—cotton, corn, vegetables, or soybeans? What would the impact be to suddenly have over 900 thousand acres of land in 22 states diverted to the production of those commodities?

To go a step further, let's look at foreign trade upon which American agriculture—all American agriculture—depends so heavily.

Sales abroad of manufactured and unmanufactured tobacco in fiscal 1970–71 came to $717 million, more than 95 per cent of which were straight, commercial, hard-cash sales, as opposed to government aid programs. They accounted for more than 10 per cent of all our agricultural exports.

Where would this revenue come from if we lost our tobacco exports?

In Florida, during 1970, the state collected $115,224,000 in tobacco taxes.

The cities of Florida also benefited to the tune of $68,207,331 with major shares going to Jacksonville, over $6 million; Miami/Dade, $11 million; and Tampa, $5 million.

It should be kept in mind that the tax on cigarettes was raised by the 1971 Legislature by two more cents with the bulk of the $12 to $15 million prospective increases returning to the cities.

So from a practical dollars and cents standpoint, farmers who do not grow tobacco have a very definite interest in the future of tobacco in the United States.

Non-farmers should consider answering some of the same questions posed for farmers concerning the tax yield of tobacco.

But, as Mr. Kornegay pointed out, we should not balance or equate health against dollars.

We should, however, he suggested, look at the principle of the right or lack of it to advertise a legal product and then decide what course is just.

Kornegay and Congressman Wilson make the same point.

"Shall we, as a nation, scrap the historical principle that anybody—an industry as well as an individual—is innocent until proven guilty?" Kornegay asked.

Tobacco, they say, has not been found "guilty" and is not, in fact, outlawed; its advertising should not be outlawed.

He continues: "If this new standard is imposed on business, then we can say goodbye to the economic system as we know it. We will really see a domino theory in action. First, the tobacco industry, then the auto industry, the drug industry and the food industry. Banking, oil, air travel, advertising will also succumb," he warned.

The point Kornegay and Wilson and others make is fairly simple.

Unless tobacco itself is outlawed, simple logic dictates it should be permitted to advertise. If discrimination is allowed against one individual or industry, the door is open for discrimination against all.

If the government, in apparent defiance of first amendment guarantees, bars the advertising of a legally grown and marketed product, what is to prevent it from also banning advertising of other products and services which can be shown to be dangerous under some circumstances?

One of the biggest opponents of tobacco, its advertising and/or its use in Senator Frank E. Moss of Utah.

The Senator has charged the tobacco industry with "unconscionable hucksterism," and accused the industry of "callous disregard for expressed congressional intent and public opinion. . . ."

He has also made statements on the floor of the Senate and at public gatherings about further limits of cigarette advertising in printed media.

Moss has called for banning tobacco companies from sponsoring televised sports events or *any* commercial undertaking that might lead to *any* product identification on the air.

Senator Moss has come under extreme fire from congressmen and fellow senators alike who represent tobacco growing and non-tobacco growing states. In December 1970, Senator Marlow Cook of Kentucky—a tobacco growing state—charged fellow Senator Moss with providing the Senate with an example of what he termed a "shocking attack" against the tobacco industry, the tobacco farmer and the workers and manufacturers.

"Quite obviously, the Senator from Utah believes he is engaged in a war against this perfectly legal product. And equally obviously, he believes that all is fair in war and that the ends justify the means," Senator Cook said. What all of these "pro" tobacco forces seem to be saying is that there is a bigger danger in outlawing cigarette advertising as such.

Perhaps the editors of *Advertising Age* summed it up best in an editorial entitled, "It's Everybody's Fight" when they declared, "make no mistake about it: the government is out to ban cigarette advertising in any shape or form, and if they can get away with that they can get away with banning ads of any other product category."

The editorial continued, "the last time around, non-tobacco advertisers pretty much washed their hands of the drive to force cigarette ads off the air. But they no longer have the luxury of standing aside and watching cigarette ads shoved out of magazines, newspapers and, finally, out of advertising altogether. Can toy makers be far behind if the government is successful in their anti-cigarette crusade?" The editorial continues to point out that Senator Moss—successful in leading the fight against radio and television cigarette advertising—now has his sights aimed at the printed media.

"It can be argued that Congress has some obligation to police the air waves, since broadcasters are required to operate in the public interest," the editorial states.

"But the structures of magazines and TV are entirely different. Magazines present a more selected, less intrusive medium, where readers can more easily ignore an ad that doesn't interest them, or even offends them.

"Congress doesn't have any business trying to ride herd on the advertising of a legitimate product, legitimately sold," the editorial says.

"It's about time non-cigarette advertisers made it clear that they think Senator Moss' action is a patent and grossly unfair infringement on their right to market a product without undue government harassment."

Does the "domino" theory Mr. Kornegay refers to exist?

Is there a basic danger that printed cigarette advertisements will be outlawed?

Are first amendment guarantees in the Constitution to the right of free speech being violated?

An editorial from the Salt Lake City Tribune in 1969 put it this way.

"It is obvious anti-smoking forces do not intend to stop with their initial victory. Already plans are being shaped to bring pressure on other media to severely restrict or eliminate cigarette advertising. After that what?

"For more than 50 years the automobile has been killing and injuring people and, unlike the cigarette, there is not the slightest doubt about the motor vehicles' capacity for dealing death. Will the same people who worry so much for cigarette smokers have equal concern for drivers and pedestrians?

"Will aspirin, swimming pools, razor blades, step ladders, high fat foods and any number of other products that can and do cause death and injury follow the cigarette into advertising limbo? . . ."

As Congressman Wilson put it, "Mr. Speaker, the bell is tolling right now, for the cigarette industry. But tomorrow who knows? The automobile industry, the food industry, the drug industry, and, above all, the advertising industry are all vulnerable. The assault on the right of legal products to legally advertise is an assault on a fundamental function of the American enterprise system."

TRIBUTE TO SENATOR WINSTON PROUTY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I was saddened to learn of the passing of our former colleague, Senator Winston L. Prouty, of Vermont, and I want to take this means of paying a brief but sincere tribute to his memory.

Senator Prouty served with distinction

in the House before becoming a Senator and was a fellow "classmate" in the 80th Congress. We were longtime friends and served together in our first committee assignments as members of the Committee on Veterans' Affairs.

As a Member of the House and later as a Senator from Vermont, Winston Prouty was a tireless, dedicated public servant. He was a quiet, studious, hardworking legislator who made outstanding contributions to the preparation of vital and important legislation in the public interest. He was well-informed, and he did his homework. He was especially interested in assisting the Nation's older Americans and contributed much in this area and otherwise in the public interest.

Senator Prouty served his beloved State and the Nation faithfully and well, and he will be greatly missed.

My wife, Ann, joins me in extending to Mrs. Prouty and other members of the family an expression of our deepest and most sincere sympathy in their loss and bereavement.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FRASER. Mr. Speaker, at the recently concluded Minnesota health hearings, Mr. Otto Janke, MHA, JD, the executive director and superintendent of the St. Paul-Ramsey Hospital and Medical Center in St. Paul, discussed in very concise terms the need for better organization and improved quality in the delivery of health services in the United States. Mr. Janke represented the Council of Teaching Hospitals which is affiliated with the Association of American Medical Colleges. In his statement Mr. Janke also presented the position of the Council of Teaching Hospitals on the various national health insurance plans that have already been introduced into Congress.

As Mr. Janke pointed out, general hospitals provide the majority of curative and preventive care in areas of our society which lack the health pluralism of richer sections of the country. These hospitals, because of their central role are vitally concerned with the social aspects of medicine as well as the strictly medical aspects of health care.

Very properly Mr. Janke pointed out that if health care is to be a guaranteed right for all citizens, it must be treated like other existing services which already protect citizens in their daily lives. For this reason, Mr. Janke supports a system of health care that is not based on the present fee structure.

As Mr. Janke points out in his statement, the Council of Teaching Hospitals supports the "concept of adequate health care as the right of all citizens." During their recent meeting the council decided to delete any reference of the right "to access" to health care and broadens the statement to include the right to adequate health care.

Finally, Mr. Janke points out the need to better understand the term "health information." According to a recently completed survey, there are 132 community mental health facilities in Ramsey County alone. This vast proliferation of facilities taxes even the most intelligent professional in his attempts to provide access to patients to the facilities. Added to this problem is the one of failure of many in poor communities to use institutions because they are identified with the establishment. Mr. Janke stated that one of the great problems will be to keep what is good in the neighborhood facilities and at the same time attract those people in the community needing service. This will require removing the stigma that is presently attached to many facilities endeavoring to serve the needs of their immediate community.

THE CRISIS IN MEDICAL CARE

1. The funding of medical research is so deeply intertwined with the financing of medical education that it warps the financing of medical education programs.

2. While steadily adding specialties and various subspecialties, medical schools and hospitals have failed to undertake a careful restructuring of their educational activities.

3. It is apparent that in health care services, no less than in other basic services, our low income and minority citizens have been the victims of the lack of medical care or substandard care.

4. Systems of health services are sporadic, unpredictable, widely variable in quality and quantity, unplanned and often not readily reproducible from one community to another.

5. Financial reimbursement programs are equally disorganized and not consistent with economic goals of a comprehensive delivery system.

a. The two government programs (Title XVIII & XIX) provide different ranges of benefits, with different controls over quality, ranges of benefits, and different and extensive mechanisms adding to the cost of health delivery programs.

b. Non-governmental insurance arrangements lack cohesion, efficiency, clarity and economies resulting from uniform reporting procedures with an emphasis on marketability rather than fundamental needs or coordination of comprehensive health care programs. Consequently, health services offered match benefits rather than the needs of the patient.

6. In summary, we recognize that we have attained unprecedented heights in health care in scientific and technologic capabilities, but find ourselves confronted by a growing crisis because of complicated financing arrangements and a failure to organize a delivery system which meets the needs of the sick and infirmed at the lowest cost and most expedient manner.

REQUIREMENTS TO MEET THE CRISIS

1. Access to health care.

A. Sources of health care within reasonable geographic proximity.

B. Access to clinics, health centers and physicians' offices at hours that are reasonably convenient for patients.

C. Adequate public transportation.

D. Access to emergency care at any time of day or night.

E. Provision for prompt referral of patients from any initial source of care to progressively more sophisticated care in accordance with each patient's individual needs.

F. Certain key ancillary resources (example: day care services for the children of patients represent vital elements in access to health services).

G. A less complex method by which the patient enters the health care system.

2. Comprehensiveness of Care.

A. The system must provide for promotion and maintenance of health and for preventive, diagnostic, therapeutic and rehabilitative services.

B. These elements of health traditionally isolated from the mainstream care such as tuberculosis, alcoholism, drug addiction, other forms of mental illness and long term illness must be integrated into a comprehensive health care delivery system.

3. Coordination of Clinical Data. Accurate, timely exchange of pertinent clinical information about each patient among different types of professional health care personnel and health care institutions to which the patient may apply for health care.

4. Absence of financial barriers.

5. Improved and expanded health information programs designed to educate the general public.

6. Dignified and humane care.

The attitudes of personnel and the physical surroundings in which care is rendered must be geared to patients' dignity.

7. Economy and efficiency.

Under current programs of health care, patients are hospitalized for procedures that could be done more quickly and less expensively on an ambulatory basis. This phenomonon makes a restructuring of current financing mandatory.

8. Self-scrutiny and receptivity to change.

The development of incentive programs to encourage new and innovative health care delivery models.

9. Continuing Education

Monitoring by requiring periodic relicensure and recertification of health care personnel on a national level rather than state licensure programs.

10. Manpower

A. Many of the tasks traditionally carried out by physicians and dentists can be performed as well or better by other technically trained personnel. The education and training of such personnel can be accomplished in fewer years and at less expense. Models should be established and evaluated.

B. Programs should be developed to encourage lateral and vertical mobility.

C. Focus attention on the barriers which still confront members of minority groups in their efforts to secure useful roles in the health field.

11. Financing

(The mechanisms by which health services are paid for in this country are incredibly complex.)

Nothing short of some type of universal health insurance can restore a reasonable degree of efficiency and fairness to the system.

This does not necessarily require a federally operated program with government ownership of facilities and government salaries for health care personnel. However, a system of universal nationwide standards with federally sponsored monitoring of the system is indicated.

The most appropriate way to secure financing for health services may be a combination of federally coordinated insurance programs subsidized from federal tax programs.

12. Scientific medicine

Scientific research is a fundamental element of our entire health care effort, and must be supported but not at the expense of professional education or the delivery of health services. The burden of financing health educational programs must be underwritten from federal sources rather than the inadequate private, local and state tax sources.

POSITION OF THE COUNCIL OF TEACHING HOSPITALS ON NATIONAL HEALTH PLANS

The Council of Teachings Hospitals of the Association of American Medical Colleges supports the concept that adequate health care is a right of all citizens. This right can be best served by means of health insurance and progressive change in the health care delivery system. The system must be a national one with adequate provision for varying regional requirements. Financing should be based on prepayment both public and private. Control of the system and fixing of national health goals and priorities requires appropriate balance between public and provider inputs.

Any such system must assure access to primary care and prompt referral, in accordance with individual patients' needs to progressively more sophisticated facilities and personnel. It must also provide for, and emphasize, preventive as well as curative care on an ambulatory basis.

The system should optimize quality of care and economy; and should utilize incentives as an aid in cost control and in developing a more effective and repsonsive national mechanism for delivery of health services. It must include a continuing and dynamic method for evaluating overall operation and performance of providers.

POSITION ON THE SPECIAL ROLE OF ACADEMIC HEALTH CENTERS

The education of health manpower must take place within the system for providing health services. In those settings where both health services and education are provided, the costs will be greater than in those settings in which care alone is provided. This fact should be reflected in reimbursement policies under any health care plan.

Because of their special role in educating health professionals, conducting research and in developing new methods, academic health centers must be recognized as national resources. Within the Centers, biomedical research and those elements of educational cost not directly related to provisions of patient services should be separately funded from multiple sources, including the Federal Government.

GOLDEN ANNIVERSARY OF THE CITY OF WEST HAVEN, CONN.

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. GIAIMO. Mr. Speaker, this year marks the golden anniversary of the city of West Haven, Conn. Although the citizens of this scenic New England community are celebrating only the 50th anniversary of self-government in West Haven, this city is one of the oldest settled communities in the United States as well as the youngest of Connecticut's 169 towns. The story behind this ironic circumstance is one of tribute to independence of spirit and community destiny.

In the mid-17th century, adventurous citizens of the New Haven colony took to grazing their cattle and sheep in the fertile grassland to the west of the settlement across the West River. Motivated by the desire to be free, some colonists built their homes and settled in the area known as the West Farms District of New Haven. As the number of West Farms residents grew, the demands for political independence was heard. In the early 1700's, the landowners of West Farms established their own government under the auspices of the Congregational Church on the "square" in the center of their community, and they petitioned the New Haven Colony for their independence. Although their request was denied, a church of this denomination still remains on the center "green," a tribute to the early position of the church in colonial government.

The same spirit of independence which induced the settlement of West Farms inspired the residents of the community to join forces with other colonists to ward off a British invasion of New Haven during the Revolutionary War. British forces led by Adjutant Campbell landed along the shoreline of West Farms and stormed through the small community, only to be turned back at the river crossing into New Haven. There, colonial forces overwhelmed the British and thwarted the invasion attempt.

The valiant defense of their settlement heightened the townsfolk's movement for independence. This movement reached a zenith in the days following the American Revolution, and by the early 19th century, partition was a dream which had clearly arrived.

In 1822, the Connecticut General Assembly considered the petitions for separation presented by two areas, the West Farms Section of New Haven and the North Milford section of Milford, a community to the west of West Farms. Since the chief argument against separation of either town was that each section was too small in population and size to sustain an independent town, the problem was resolved by granting township status upon the condition that the two sections join together as one community. The new town comprised of West Farms and North Milford was named Orange, in honor of William III, Prince of Orange.

It was apparent from the start that the union of the two sections into the community of Orange was a compromise which failed the townspeople of both districts. Commercial and industrial enterprises became the dominant trades of the West Haven Village section of Orange, while the upper section of the community retained its agrarian economy. By 1841, a movement was already under foot to divide the two districts. In 1873, the West Haven Village was granted legislative recognition as a borough within the town of Orange. West Haven grew as an industrial center including shipbuilding, manufacturing, and industrial development, while the upper section was agriculturally oriented.

The conflict was finally resolved in 1921, when State Senator Charles Treat, of Orange, presented legislation to the State general assembly to divide the two districts. This measure was adopted, and the town of West Haven was incorporated as a separate community, the last of the 169 towns to be established by the State general assembly.

Fifty years ago marked the end of the struggle for independence for the citizens of West Haven; however, it did not dampen the spirit of freedom nor the sense of community destiny maintained by the townspeople. The past 50 years have seen the amazing growth of West Haven from a small town to a city of over 50,000 citizens. The rapid growth of population and the subsequent increase in demands on governmental services led to the abandonment in 1963 of the classic selectmen-town meeting form of government to the more modernistic mayor-council system. The change of governmental structure was in keeping with the tradition of the community, always striving for the most efficient and effective system of self-government.

As the population grew, so did the commercial offerings of this city. The community has become known for its principal industries—automobile tires, textiles, chemicals, manufacture of buckles, artificial stone products, and numerous technical and engineering skills. West Haven continues to attract new enterprises with its forward-looking policies.

The tradition of valor and determination which first led the early residents to overcome the British invasion during the Revolutionary War has been carried on by the thousands of native sons who have fought in our Nation's struggles during the past 50 years. Hundreds of West Haveners have given their lives in these conflicts.

Mr. Speaker, the golden anniversary of West Haven on one hand points to a long and glorious past, but on the other hand a brilliant and progressive future. We, here in our Nation's Capital, are familiar with the quotation on the Archives Building—"What is past, is prologue." The truth of this saying is illustrated by the steady growth and achievement of the citizens of West Haven. Tradition has set a firm foundation for future prosperity in this community.

QUALITY EDUCATION

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BRINKLEY. Mr. Speaker, the past 2 days I have submitted for the RECORD letters from constituents relating to the misdirected, so-called educational efforts of busing for the sole purpose of achieving racial balances in our schools. Those letters demonstrate good citizenship and an attitude of fair play and good will toward other citizens of the opposite race. They rightly challenge the courts as racists since it is that system which takes into account the color of a child's skin in determining the school which he or she must attend.

For today's RECORD I am submitting three letters which help to complete the picture and show the hardships and inequities which are so typical.

Busing for the purpose of integration makes no positive contribution to the cause of education. As shown by the following Joseph Alsop column, which I also submit for the RECORD, the integration goal has only resulted in sapping and diluting the quality of education in America.

[Attachment No. 1]

COLUMBUS, GA.,
September 9, 1971.

President RICHARD NIXON,
Washington, D.C.

DEAR PRESIDENT NIXON: The following letter was written by my son after he received a letter transferring him to another school. The day before school started we called to find out the transfer did not go through. However, the boy was willing to go to the new school if only it could be arranged that he go back to the other school for this one subject, that means so much to his education.

Because of the fact that the school he has been transferred to does not teach any course in the subject he was majoring in he is willing to drive back and forth, school to school so that he will be able to take this course and still attend the school he was transferred to.

Is this the type of freedom that this boy's father and big brother fought for in Viet Nam? He is willing to go along with the transfer to a different school. Can't it be arranged, please, that he continue this course that means so much to him?

Your attention to this matter would be greatly appreciated.

Sincerely,

MARY TERRY.

[Attachment Number 2]

SEPTEMBER 9, 1971.

DEAR SIR: I have been advised by Mr. Carl Sasser to write this letter requesting a transfer from Spencer High School back to Jordan High School, so that I may continue the vocational program that I was taking there.

My name is Bill Terry, and I will be a junior in this school year. There are few students, today, in our High Schools who have already chosen a profession for their adult life. Helping the student choose a career, is one of the most difficult tasks that the school and faculty must accomplish, but once this bridge is crossed it is only a simple matter of scheduling the student in the classes that will best prepare the student for further education or for the student to go directly to work after completing High School.

Since the eighth grade, I have prepared myself for a career in architectural designing. When the time came, after Junior High School, to choose the High School that I believed would best prepare me in this field, I found that Jordan was the *only* school that offered a course in both mechanical and architectural drafting. I was very determined to take full advantage of these classes offered.

As a Freshman at Jordan, I excelled rapidly from the other students in the mechanical drawing class and I was anxious to go into a higher level in the drafting field. At that time the architectural classes were restricted to Seniors and some Juniors. I was allowed on a trial basis to be admitted as a Sophomore, to take this highly advanced class. I was the first Sophomore in the history of Jordan to take this class. Before the end of that year, I had worked on more than seven actual plans of remodeling the roofs of Columbus schools. My drawings were actually used by the carpenters and technicians working on these projects. I was, of course very proud of this accomplishment, but beyond the pride of this, I realized the high degree of education I received that year.

Mr. Bill Meadows, the teacher of this class, set up a special program for me so that by the time I completed High School I would be highly advanced in the drafting classes at the University that I have chosen to go to.

I have purchased out of my own savings that I have been working at for the last two years, a professional set of drawing instruments and a complete inking set which totals more than $30.00.

This summer I have attended on my own time, an evening class in which I have been preparing a complete set of house plans which I plan to enter in national competition through the Vocational-Industrial Clubs of America of which I am a member. The goal that I hope to obtain is a scholarship which is first prize in this competition. To enter these plans, I must be a student of Jordan High School.

I have talked with Mr. Nathan Patterson and he has assured me that the best possible solution for "Hardship Cases," as he referred to them, in cases like mine will be obtained.

I have been informed that Spencer High School offers *no* classes in drafting. I would sincerely appreciate it if at all possible for me to go back to Jordan High School in the afternoons for this particular class.

Thank you,

BILL TERRY.

[Attachment Number 3]

SEPTEMBER 10, 1971.

Re: Victoria Ann Owens, 5348 Burbank Street, Columbus, Georgia

Dr. WILLIAM H. SHAW,
Superintendent, Muscogee County School District, Columbus, Georgia

DEAR SIR: Vicky was sent a letter, assigning her to Spencer High School. I took her Tuesday morning and told her to find out the bus schedule. She stayed out of classes off and on all day, trying to. When school was out, a friend of hers called her mother, Mrs. Dowling, to come get them, as they still didn't have a bus.

Wednesday morning, Mrs. Dowling took them to school and they were told they would just have to go to Carver High, because they have buses coming out our way and we were told the nearest one came to Reese Road, which isn't near us at all.

Thursday morning, I took Vicky to Kendricks High, to see if they could take her. I was told by the Principal. Mr. Toole, to go to Spencer and get a release, or permission to transfer from that school. I went to Spencer and talked with Assistant Principal, Mr. Buntin, who in turn talked with Mr. Toole. Vicky was accepted by Mr. Toole at Kendricks, as he said they had enough room for her in the 9th grade and we live less than a mile from there. Then, Mr. Buntin called the Muscogee County School District Office and was told Dr. Shaw would have to review it and make a decision. I was told by Mr. Buntin, to take Vicky home and he would call me and let me know what the outcome was. Around 12:30 p.m., he called and told me Vicky had been sent to Carver and was to catch the bus at Sims and McCartha Street, which is off St. Mary's Road, about three or four miles from our home.

At the present, Vicky is home, where she will remain, until she can either go to Kendricks, in walking distance, or else get a bus to take her to some other school that comes closer (at least 3 or 4 blocks) to the house, since busing seems to be what the Supreme Court wants. She is only 14 years old and I feel she needs an education just like any of the other children.

I am not writing this letter to be smart, but because I have four other children that go to school, all in different directions of town and I am very much interested in their education and welfare.

I have one that goes to Marshall Jr. High by bus and a son and daughter that go to Forest Road School, by bus. I also have another daughter that goes to Special Education at Woodall School and has no transportation. It's not that I'm against busing, I'm for it, *if* they have to be sent away from neighborhood schools.

My husband and I both work and have no way to take them and go get them from school everyday.

Please take my problem into consideration, as I feel I have one and review my case very closely.

Sincerely yours,

(Mrs.) MARTHA HOLLOWAY.

[Attachment Number 4]

LIBERAL INTELLECTUALS KILLING SCHOOLS

(By Joseph Alsop)

WASHINGTON.—If you want to know where we now stand, particularly in our management of our dire internal social problems, you can do worse than consider the following set of facts.

Item: Last June 17, the Pennsylvania Commission on Human Relations preemptorily ordered prompt, total desegregation of the Philadelphia and Pittsburgh school systems, by massive intra-city busing if need be. As of today, Philadelphia's schools are already above 60 per cent black.

Truly desegregated schoolings therefore impossible in Philadelphia. In addition, on the basis of all past experience over nearly 20 years, Philadelphia's white families with children to educate will gradually flee to the suburbs. So Philadelphia is almost certainly condemned to end as a near-ghetto city with a solid black school system.

Item: This is the present condition of Washington, D.C. Ironically enough, precisely because of the desegregation order of 1954, the Washington school system has been just about solid black for years.

It is deeply doubtful, furthermore, whether Washington's black children today get any better education than they did when there were still white children in white public schools. And it is certain that the clever black children—who should be the future door-openers for their people—are getting a much worse education than used to be offered in the wicked, segregated days at Dunbar High School.

Item: The New York Times, which at least cannot be suspected of prejudice, very belatedly conducted two recent surveys of the results of desegregation, one in New York City and one in the nation. The New York survey told of schools torn "by racial fears and resentment." The nationwide survey spoke grimly of "racial polarization, disruptions and growing racial tensions that sometimes erupt into violence."

Item: The few remains of this country's unique experiment in serious school improvement in the ghettos are in New York; but they are now likely to be cleaned away. The More Effective Schools Program has long been dying for two reasons. It had no support whatever from liberal intellectuals.

In addition, liberal educationists viciously attacked the program when it still had some juice in it as a "self-fulfilling rationale for segregated education." This bias in turn biased certain key reports on the program.

The program had its faults but was full of the richest promise. Yet the fashionably liberal reports spoke only of the failures, which could have been swiftly remedied by tackling the faults.

Item: In those days, the fashionable American liberal prescription was not schools improved by simple practical methods calculated to teach children to read and write. The fashionable prescription was, instead, "community control." The Adams School, in this city, is a good specimen of an experiment in community control.

That impeccably fashionable liberal, former Commissioner of Education Harold Howe, refused to lift a finger to aid the More Effective Schools in New York. Meanwhile, he found federal money for Morgan School. And a recent report in the Washington Post shows that Morgan School today is an educational disaster area, while its community control system has become something mighty close to a financial racket.

Add up these items, which predict the future of most of the major cities in America. What, then, do they mean?

First of all, and very obviously, they mean that the virtuous American liberal sloganeers have had hold of the wrong end of the stick for years on end. Instead of worrying about "self-fulfilling rationales," they should have been beating the drum for massive school improvement right where the children are in school.

When improvement comes—and it will have to come—it will be very expensive. It will require enriching education from a very early age, such as the able William Raspberry of the Post has just written about. It will demand root-and-branch effort on the lines of the More Effective Schools Program. But if equal justice is to be offered to America's black minority, the job will have to be done in the end.

Yet the foregoing record, bulging with facts which have been around for years, also has another meaning. It means that American intellectual liberalism is now finally devoid of any intellectual content whatever; for intellectual content after all means ability to face and deal with facts like the foregoing. Instead, there are only two remaining American liberal slogans: "Lose the War" and then "Disarm the United States."

EXAMINING THE PREMISES OF SOCIAL WELFARE LEGISLATION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. VEYSEY. Mr. Speaker, yesterday I included in the RECORD an article from the September 10, 1971, Wall Street Journal on the limits of rationality in social programs. Today, I would like to continue examining the premises of social welfare legislation by concentrating on accountability in education.

Dr. Roger Freeman, a senior fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University, and a consultant to President Nixon on economic and educational questions from 1969 to 1970, discusses in the current University Bookman the need to evaluate our education programs on the basis of their output rather than by simply measuring how much money we put into them.

As President Nixon said in his landmark message on education last March:

> We must stop congratulating ourselves for spending nearly as much money as the entire rest of the world—$65 billion a year at all levels—when we are not getting as much as we should out of the dollars we spend.

I commend Dr. Freeman's article to the attention of my colleagues:

[From the University Bookman, summer, 1971]

THE CONCEPT OF ACCOUNTABILITY IN EDUCATION

(By Roger Freeman)

Ever since President Nixon sent his message on Education Reform to Congress in March 1970, a lively discussion has been going on about its content, its meaning, its implementation. Some of his critics thought that the President should have recommended federal support of public school operations to the tune of several billion dollars a year and left everything else to the school administrators, the boards of education, and the teachers. That is what the National Education Association and its allies have been demanding for well over a hundred years, and still deem to be the solution to the problems which beset the schools. But no President ever has recommended such a program, nor is Congress likely to approve one if it were proposed, at least for as far in the future as we can see ahead. In fact, the chances for federal general school support appear to be slimmer now than they were twenty or twenty-five years ago.

In his message of March 1970, the President followed a track that runs counter to the road his critics in the educational establishment would want him to travel. He introduced the concept of accountability: "School administrators and school teachers alike are responsible for their performance and it is in their interest as well as in the interest of their pupils that they be held accountable." He declared: "We have, as a nation, too long avoided thinking of the productivity of schools."

That conjured up in the minds of some school principals a vision of being tarred and feathered if their students fell short of the national norm on standard achievement tests. But that is not what it was intended to mean.

At the outset the President made it known to the staff charged with drafting the education message that he wanted its prime emphasis placed on reform and not on finances. This message was in preparation for six months and was as thoroughly studied, discussed, revised, and edited as any Presidential document could and should be; it went through several drafts before it was finally issued.

In contrast to many other messages it does not say: here is a problem and this is the solution. It admits that we do not know as much about the learning process as we should, that we have no ready answer to the question why so many children do not learn the essentials they need. It makes it quite clear however that the time is overdue to find out.

Accountability of the schools is not an entirely new concept. Some of us have been talking about it for a long time. Wilbur Cohen, President Johnson's last Secretary of HEW, criticized three years ago "the voluminous, yet unsuitable data now available for assessing the products of our education." He complained that "practically none of it measures the output of our educational system in terms that really matter—this is in terms of what students have learned." He added that it is an "incredible fact that the nation has, year after year, been spending billions of dollars on an enterprise without a realistic accounting of that investment."

In this, the first message on education reform by any President, Mr. Nixon made it clear that though far more money would be needed for education in future years, money alone was not the answer. Educational processes and methods would have to be made more effective and more productive. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels [1]—when we are not getting as much as we should out of the dollars we spend."

The President promised: "*As we get more education for the dollar, we will ask Congress to supply many more dollars for education.*"

If we are to establish accountability for huge manpower and material resources, whether in education or in any other field, we must relate input to output, or investment to return. Quantity is usually easier to gauge than quality, input easier to determine than output. But some measurement of quality is essential, particularly in education.

Until not so many years ago almost everyone active in education knew how to measure the quality of a school: class size (i.e., teacher-pupil ratio); qualification of the teachers (i.e., academic degree, years of experience, salary); number of books in the library; age, size, and equipment of the building; and dozens of similar gauges. The number of tables in the NEA's annual *Rankings of the States,* listing available statewide data, jumped from 32 to 132 just within the past dozen years. But the final and most widely recognized yardstick of school quality that included all other measurements was: dollars expenditure per pupil in average daily attendance.

There is just one trouble with these data: they all list input, the resources consumed by the schools; they don't measure the output or product. We know how many young people go through the schools and how many graduate. We don't know how much they learn while they are there. We don't record the capacity and the skills and knowledge of the students when they enter school, nor when they leave. If we did, we would at least know how much was added in the meantime, though there still would be a question of how much of the increase should be credited to the school.

To be sure, the public schools administer many millions of intelligence and achievement tests each year. But the results of those tests are not systematically used. Moreover, they are closely guarded secrets in most school systems, for fear that they would be used, and possibly abused. A few major cities—New York, Washington, Oakland—have published test results in recent years and also given us such input factors as class size or expenditure per pupil; some have added socio-economic data which can be correlated. Those reports enabled us to gain valuable insights—which I shall discuss later—but we have no longitudinal studies which record a pupil's progress through his entire school career. Project "Talent" plans a sequential study, but it will be some years before final results will be in.

Some have tried to justify sharply increased educational spending, past and future, by giving improved education much of the credit for growth in the nation's economy. That better education advances economic growth will hardly be doubted. But how much the education which our schools actually provided contributed to greater production and higher incomes is problematical. Brookings economist Edward Denison tried to find an answer by a residual process: he credited education with whatever economic growth he could not trace directly to the infusion of manpower and capital investment. His estimate that almost one-third of our 1929–1963 economic growth was due to education has been profusely quoted. But it is very tenuous and has been seriously questioned by other economists who came up with a far smaller credit to education.

Some observers have related the years of formal schooling which an individual completed to his income level, in order to show the high return on investment in education and thereby, indirectly prove the value of a quality education. The Census Bureau computed lifetime earnings (from 18 to death) as follows:

[In 1968 dollars]

	Based on—		Increase 1956–68
	1956 earnings	1968 earnings	
Men with—			
Some elementary school	168,287	219,996	51,709
8 years elementary school	228.872	285,344	56,472
4 years high school	312,622	382,678	70,056
4 or more years college	477,137	602,864	125,727
Increase:			
8 years elementary over dropout	60,585	65,348	4,763
High school over elementary	83,750	97,334	13,584
College over high school	164,515	220,186	55,671

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[1] In the school year 1969/70. The corresponding figure for the current academic year, 1970/71, exceeds $70 billion. For the first time since the 1930s, the American people will in fiscal 1971/72 be spending more on education than on national defense.

In twelve years, then, the value of an elementary education increased by $56,472, of a high school education by $70,056, of a college education by $125,727.

These figures have been widely used and interpreted as meaning that a young man could add $97,000 to his lifetime income by attending high school, $220,000 by attending college. But that seems to overstate the case.

There probably exists a positive causal relationship between school attendance and income level—with important exceptions. For example, a plumber is now paid $355 for a 40-hour week in San Mateo County, which is more than the average teacher there gets. But to attribute all of the higher income of persons who have stayed in school for more years to the fact of their longer attendance is naive or misleading. Extended school attendance as well as economic success in later life, are causally related to the same personality traits more than to each other: higher intelligence, ambition, i.e., motivation to work hard, to plan ahead, to forgo immediate gratification for future advancement, etc. In other words, a man earns a higher income for the same reasons for which he attends school for more years: brains and tenacity.

The tendency of spokesmen for the educational profession to claim credit for the schools for economic growth, for higher income, and for just about everything else that is good and wholesome in American life, to praise school attendance as the answer to poverty and a remedy for most other ills, is understandable. But it boomeranged when shortcomings in the schools' product were becoming painfully obvious, and when some of the promised improvements did not materialize. Many educators laid a trap for themselves when they exaggerated the returns from school education; not surprisingly they were blamed for deficiencies even though the failures often were not the schools' fault.

Illiteracy has been sharply declining in the United States: it was reported at 11.3% of the population by the 1900 Census, at 4.8% in 1930, at 2.4% in 1960. These rates are higher than in major European countries—but at least they are coming down. Moreover, the 1960 illiterates averaged 58 years of age. With better than 99% of our school-age children now attending school, we seem to be well on the way of resolving the problem within not too many years.

But *functional* illiteracy—that is, inability to read and write sufficiently for a minimum functioning in today's economic, political, and social life—is far more extensive than the Census reports indicate. The Office of Education estimated that 24 million persons 18 years and over are "functionally illiterate"—they cannot read, write, or count at a fifth-grade level. Yet, there were on last count only 6.4 million Americans, 14 years and over, who have attended school for fewer than five years. In a study on Chicago's Southside, for example, 93% of the respondents were found to have completed at least the fifth grade; but fewer than half could read at a fifth-grade level.

School attendance in a particular grade, and even graduation, do no longer guarantee a specified educational level—ever since the schools, some years ago, discovered the secret of perpetual promotion. There are now some high school graduates who cannot even read their diploma. For about a quarter century, school critics such as Canon George Iddings Bell, Arthur Bestor, Mortimer Smith, and Admiral Hyman Rickover have blamed soft curricula and failure to maintain standards, for the inability of large numbers of public school children and graduates to master the three Rs. The schools' defenders countered that by maintaining rigid standards the school would be driving less able children from the classroom, which obviously would not help to raise their skills and knowledge. The root of the problem, they asserted, was inadequate financial support.

In the early 1960s Congress became increasingly concerned over the reported educational deficiencies among millions of the nation's children, particularly those from low-income backgrounds. To be sure, the schools' revenue and expenditures had risen tremendously—from $5.8 billion in 1950 to $18.5 billion in 1965 (and to $32 billion in 1970), which is a rate of increase more than twice as fast as enrollment and prices combined. But the added funds, it was asserted, had not reached the sections where the poor and their children lived and went to school. Class sizes had been coming down in the national average, it was said, because certain suburbs and other wealthy sections could afford to hire additional teachers while central city schools were increasingly plagued by crowding and excessively large classes. Small wonder that children from poor family backgrounds were lagging several years and falling behind further while the offspring of middle class and well-to-do parents made progress.

There were no stastical data available to prove these charges. But they seemed plausible enough and were widely believed. To establish once and for all the existing discrimination against children from low-income backgrounds, Congress ordered, in the 1964 Civil Rights Act, that a comprehensive survey be undertaken, to form the basis for future legislative corrective action. Some grumbled at the time that it was a waste of money to spend $1.25 million to find out what had long been common knowledge. But the survey was undertaken anyway—the most extensive ever of American schools—by James Coleman, a sociologist from Johns Hopkins University. The results surprised Professor Coleman and everybody else—with the exception of a few heretical researchers who had been saying so right along.

Coleman summarized his findings: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise we could give simple prescriptions: increase teachers' salaries, lower class size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

In response to questions by the Senate Select Committee on Equal Educational Opportunity, Professor Coleman reported in June 1970 that eight reanalyses by other researchers had not in any way altered the results. Reviewing the national debate on the Coleman Report, Christopher Jencks of the Harvard School of Education summarized his conclusions: "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied."

Coleman found that the teacher-pupil ratio "showed a consistent lack of relation to achievements among all groups under all conditions."

Ample evidence of this was available long before the Coleman Report. The *Encyclopedia of Educational Research*, summarizing over 200 studies of class size and pupil achievement, reported in 1950 that:

"On the whole, the statistical findings definitely favor large classes at every level of instruction except the kindergarten . . . the general trend of evidence places the burden of proof squarely upon the proponents of small classes. . . . "

More recently, the most detailed report now available on any city school system (*New York City School Fact Book*, City University of New York, 1969) found:

"The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

A report on the Oakland Public Schools on 1966/67 state test results listed the median family income for each school. If we divide Oakland's 60 elementary schools into three groups, according to family income, we find these results: in the lowest income group the median pupil-staff ratio was 1:20.5, in the highest income group it was 1:28.2. SAT reading test results were:

	Grade			
	1	2	3	6
Median of lowest income group	1.6	2.1	2.9	4.2
Median of highest income group	1.8	2.9	4.0	6.2
Difference	.2	.8	1.1	2.0

I could cite many similar examples. But that seems hardly necessary.

Coleman was careful to point out that "racial composition per se of the school was not related to achievement when the social class composition was controlled."

With the long held and still widely believed assumption of a positive cost-quality relationship disproved, and race not the controlling factor, how do we explain the troublesome phenomenon that some children learn well and some don't? We have long known that differences in achievement among pupils tend to be wider within schools and classes than among schools. This suggests that the student achievement is not as closely related to school features as we have been led to believe. Otherwise, performance within schools and within classes would be far more uniform than it is. Educational attainment seems to depend largely on forces over which today's schools exercise only limited control.

Coleman found the factor with the strongest correlation with student achievements to be the socio-economic-educational status of the parents. He, and many others, interpreted that as meaning that the home environment; the substance, level, and intensity of conversations with family; the presence or absence of books; the example, encouragement, stimulation, and assistance by parents and other family members was the crucial element, aside from the contact with other children attending in the same school. Few will question that home environment can be a powerful factor in motivating children to learn. But studies of adopted children suggest that characteristics of the natural parents are far more influential than environment. A study of one hundred adopted children by Marie Skodak and Harold Skeels, for example, found that "the intelligence of individual foster children appears to bear little relationship to measures of the foster home in which they are placed, while appreciable correlations appear between the IQ of the foster child and that of his own mother from whom he has been separated from birth."[2] Studies by Sir Cyrill Burt and others have found the IQs of identical twins reared apart to be almost as closely correlated as the IQs of identical twins reared together.

Considering what we can observe throughout nature, is it really so surprising that a child's score on the educational achievement tests of school tends to parallel his parent's score on the economic achievement test of life?

Intensive studies in recent years by Arthur Jensen, educational psychologist at the University of California at Berkeley, confirm the conclusions of the pertinent scientific literature in the field. For example, Bernard Berelson and Gary A. Steiner summarized in their massive volume *Human Behavior: An Inventory of Scientific Findings* (New York, Harcourt Brace, 1964):

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[2] *International Encyclopedia of the Social Sciences*, 1968, vol. 7, p. 428.

"Large differences in intelligence as measured by the standard intelligence tests, are due principally to heredity. Here is one expert's review of studies on how much difference in ability results from the types of environmental differences usually found among homes and communities. One summary with which most others agree fairly closely, is that the variation in tested intelligence among school children is accounted for 75% by heredity, 21% by environment, 4% by accidental factors." (p. 217)

Experience has shown that the schools can teach almost every normal child to read, write, or count to the same extent to which it can teach him to sing, paint, sculpture, swim, run, play a musical instrument, or play basketball—that is, according to his individual capacity to perform and succeed in each of these fields. It can no more teach *all* children to read or count at the national average than it can teach *all* children to sing or swim or sculpture or play basketball at the national average. But some people seem to feel that in a country as rich and powerful as ours *everybody* ought to be above the average, or at the least, at the average.

This reminds me of the alchemists who for nearly two thousand years, with a tremendous effort and at a huge expense, tried to do what we now know cannot be done. But they and their sponsors had a deep emotional need to believe that it could be done, so they kept trying and went undeterred from defeat to defeat, always expecting to find success around the next corner. For how much longer will we let our latter-day alchemists set goals for our public schools?

At the Senate hearings to which I referred earlier, the Superintendent of Detroit Schools, Dr. Norman Drachler, pleaded with the committee in a manner that seemed facetious but was deadly serious:

"I might add, gentlemen, if this committee could do anything for education and equality, it would be wonderful if you would pass an act that would outlaw the national norm. It is a monstrosity for the school system. . . . As long as we have a norm, 50 percent must be below that norm."

This means not, I believe, that we should abolish the national averages as a statistical tool, but that we should outlaw it as a norm which all children are expected to meet. If school officials pretend that they can bring *every* child up to a national norm, they are bound to disappoint and frustrate many children, to antagonize their parents, shake the confidence of wide sections of the public and, in the end, diminish the school's chances of attaining even the goals which are within their competence.

But the belief in the magic of the dollar dies hard, in and out of Congress, particularly among the potential beneficiaries of a federal program.

Title I of the Elementary and Secondary Education Act of 1965 sharply expanded the compensatory education programs which had been initiated in several cities during the late 1950s or early 1960s. Congress was promised then—and has been promised several times since—that the added federal funds would enable the schools to raise to national norms the cognitive skills of "deprived" children who are lagging one or several years behind their schoolmates.

Now, five years later, we know that Title I has done nothing of the sort. Most compensatory education programs have not raised the arithmetic and reading performance of the "benefited" children. That is what President Nixon reported to the American people in his Education Message of March 1970:

"We must stop letting wishes color our judgments about the educational effectiveness of many compensatory programs, when—despite some dramatic and encouraging exceptions—there is growing evidence that most of them are not yet measurably improving the success of poor children in school . . . *the best available evidence indicates that most of the compensatory education programs have not measurably helped poor children catch up.*

"Recent findings on the two largest such programs are particularly disturbing. We now spend more than $1 billion a year for educational programs run under Title I of the Elementary and Secondary Education Act. Most of these have stressed the teaching of reading, but before-and-after tests suggest that only 19% of the children in such programs improve their reading significantly: 13% appear to fall behind more than expected; and more than two-thirds of the children remain unaffected—that is, they continue to fall behind. In our Headstart program, where so much hope is invested, we find that youngsters enrolled only for the summer achieve almost no gains, and the gains of those in the program for a full year are soon matched by their non-Headstart classmates from similarly poor backgrounds."

Headstart has been called the most promising of all these programs, and it probably is: it has *promised* more than any other—but it has not delivered. We have been sending an increasing number of children to school at four years of age and at three, which is all to the good, though it has not produced lasting results. Some are now proposing that we start at birth. But the available evidence suggests that even intervention at birth may come about nine months late.

I could recite to you the failure of the Higher Horizons and More Effective School programs in New York City, of the Bannecker project in St. Louis, of the Madison project in Syracuse and of dozens of others. Virtually all of these projects were initiated and directed by experienced educators, resourceful and enthusiastic leaders such as Jacob Landers, Samuel Shepard, Mario Fantani, Carl Hansen, supported by large numbers of equally enthusiastic teachers. The "Pygmalion in the Classroom" charge of self-fulfilling low expectations is contrary to the truth. Most of the big city projects were staffed by men and women who sincerely believed that they would succeed in lifting their students' academic achievements to higher levels. But sooner or later they could no longer hide their failure, from themselves or from others.

On May 21, 1970, Neil Sullivan, who was superintendent of Berkeley schools until 1968, testified before a Senate committee:

"Berkeley, as most communities in 1965, with the passage of the Elementary and Secondary Education Act, put its first money into compensatory education. We went the whole route, lowered class size provided remedial reading teachers, bought the machines, did those things that we thought were right. The results after two and a half or three years clearly indicated that not only did the child in the inner city not improve, he had retrogressed."

That experience was repeated in city after city. The U.S. Civil Rights Commission reviewed the major compensatory education programs since 1957 and found that "none of these programs seems to have raised significantly the achievements of participating pupils."

More Effective Schools (MES) in New York City has now been going for seven years. Its 21 schools have an average teacher-pupil ratio of 1:11.7 and spent in 1967–68 $1,275 per pupil. A similar-sized district in the borough of Queens (#25 with 23 schools) had a teacher-pupil ratio of 1:24.6, spent $671 per pupil. Sixth-grade arithmetic scores (norm 6.4) averaged; in District 25, 7.0; in the MES schools, 5.2—almost two years behind.

But the parents in the MES schools had been promised by city and school officials years ago that their children would soon catch up and perform according to norm. Is it any wonder that they no longer trust those officials and harbor bitter resentment, which on several occasions has exploded into violence?

Mayor Lindsay said in 1969: "Our schools are the most lushly funded school system in the nation . . . it has the best teacher-pupil ratio of any city . . . but the management of the thing is such that we just don't get the production." (*New York Times*, June 6, 1969) Achievements in New York City schools are substantially below national average, and they continue to slip.

New York City's school chief admitted six months later: "We have been spending a great deal of money on solutions which have little relation to the causes. Nobody knows why certain children are not profiting from the educational program. . . .Money is being spent on new gimmicks but nobody knows the cause and effect relationship. . . . We have offered all kinds of solutions but they are not producing results and nobody knows why." (*New York Times*, December 4, 1969)

If this is the conclusion of the head of the country's biggest school system, which is already spending more than twice the national average per pupil, how can we justify pouring huge additional funds into the country's largest and fastest growing industry, education—now spending at the rate of $70 billion a year—until we know what works and what will give our taxpayers a proper return on their hard-earned dollars?

This is why President Nixon proposed that we try to find out what produces results in education before we add multi-billion-dollar programs to our present total of educational spending.

Accountability is a tool to concentrate the attention and efforts of officials who set school policy and of principals and teachers who carry it out, on making tangible progress toward the designated goals of the drive to lift the cognitive skills of lagging children. "For years," the President said, "the fear of 'national standards' has been one of the bugaboos of education." He explained that "success should be measured not by some fixed national norm, but rather by *the results achieved in relation to the actual situation of the particular school and the particular set of pupils.*" (Emphasis supplied)

So we shall have to measure the skills and knowldge of children when they enter school and at stated intervals during their years of attendance. We must then evaluate their progress in the light of *their own* capacity for growth and compare it with the advance which other, similarly situated, children achieved in the same school or elsewhere. Accountability should help to stimulate teachers, principals, and school systems to vie with each other in friendly competition for the most effective instructional methods.

To conduct, sponsor, expand, and strengthen research into instructional methods, the President proposed to Congress the establishment of a National Institute of Education. It should help to find answers to some of the hundreds of questions which are puzzling those trying to solve our educational problems.

Here are some of the questions I would ask: Which are the most effective methods of teaching arithmetic, reading, writing to children who show little interest in those skills and seem not to possess much talent for them? Should we force all pupils into a Procrustes bed of standard curricula and national norms although we know that some children are tall and some are short, educationally speaking? Would it be more effective to shape various curricula to conform to children's differential capacities instead of trying to adjust all children to a uniform mold? If so, what goals should we set and how? Should we continue our present school structure, should we try new organizational ideas, or should we follow the pattern that prevails throughout most of the rest of the world? What is the potential of programmed learning (machines), movies, and other mechanical methods of instruction? Should we work largely through the public schools or should we try to broaden the variety of offerings by getting private schools involved, as much as possible? Admittedly, these are leading qustions, dealing with highly controversial subjects.

The Office of Education and the Office of Economic Opportunity recently sponsored a few projects aimed to find answers to some of these questions. A far greater variety of instructional methods could be tested by free-market methods if parents were given a choice in the type of school to which they want to send their children. At this time, the nearest (or assigned) public school enjoys a virtual monopoly because not many parents can afford to pay the high charges that private schools must demand to sustain themselves from tuitions. This could be remedied by a voucher plan which is now being tried out: NEA, AFT, and other groups strongly oppose the voucher plan—whose results could prove embarrassing if some private schools succeeded where public schools failed. Income tax credits for school taxes or tuitions are another—and in my opinion more effective—way of reducing the economic penalty for the exercise of parental freedom of choice in selecting a school.

The advantages and disadvantages of voucher and tax credit plans are also being explored by the President's Commission on School Finance.

James Coleman advanced another idea which is now being tested: performance contracting. Instruction is farmed out to a private school or organization whose fee is geared to the pupils' measured progress in the cognitive skills. This idea is as obnoxious as the voucher plan to those who believe in the superiority of the monopoly approach to education.

In conclusion: Much thinking will need to be revised, many long-established practices altered, if we are to succeed in preparing children from low-income backgrounds more effectively than we have so far for the social and occupational demands of life in the last third of the twentieth century. The needed changes will extend to many public policies and institutions. But the schools will of necessity play a key role in the process of turning children into self-sustaining adults, able to take their proper place and meet their responsibilities in our society. This is why those to whom the schools are entrusted will have to accept a greater responsibility for their product than they have in the past. I trust that they will live up to that responsibility.

THE LATE HONORABLE GEORGE HUDDLESTON, JR.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. BENNETT. Mr. Speaker, I have just learned of the tragic and sudden passing of our beloved former colleague George Huddleston, striken by a heart attack at his office yesterday. In the more than 20 years that I have served in Congress, I have never known a more able Congressman than Congressman Huddleston. I served on the Armed Services Committee with him and on many subcommittees. He was a dedicated American with a razor-sharp mind, sparkling wit and warm compassion for his fellowman. I join my colleagues here in the House in expressing our deepest sympathy to his lovely wife and children. We hope that their knowledge of his great contributions to his country and to mankind will give them some comfort in their grief.

ESTABLISHING SABBATICAL LEAVES FOR FOREIGN SERVICE OFFICERS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SCHWENGEL. Mr. Speaker, I introduce H.R. 10704 today to restore public confidence in the foreign policy of the United States by authorizing the Secretary of State to assign Foreign Service Officers to educational institutions and to trade, labor, agriculture, scientific, and other organizations for regular periods of sabbatical leave.

During their service at these private institutions and organizations, Foreign Service officers will be exposed to people whose concerns are related to domestic matters as well as to international affairs. They will be called upon to defend American foreign policy at the grassroots and will learn at first hand what makes this country great.

In many areas distrust of American foreign policy—or certain aspects of it—is pervasive. As the Pentagon Papers reveal, we are still paying the price for the Johnson administration's failure to level with the American people on Vietnam.

American officials need public support for an effective foreign policy, yet Americans quite correctly will not offer support until they can have confidence in their public servants. One way to insure this confidence is to remember the advice of President Eisenhower that "a prerequisite to the achievement of all our international affairs and finance programs is dynamic, positive, and dedicated leadership by the Department of State."

Yet many Foreign Service officers, our frontline in the State Department, fail to meet this responsibility.

Nor is this a recent failure. To the contrary, reformers of American foreign policy have been concerned with the cultural expatriation of Foreign Service officers at least since Secretary of State Dulles appointed Henry M. Wriston, president of Brown University, to head an evaluation of the Foreign Service in 1954.

Noting that "men immersed continuously in other societies inevitably tend to lose touch with the circumstances and attitudes that shape national policy at home," the Wriston report concluded that the Officer Corps must become more broadly representative of American life to attract sufficient public support. The report proceeded to recommend changes in recruiting and the return of overseas Foreign Service officers to duty in the United States after every 6 years if possible.

Yet despite the accomplishments of "Wristonization," the problem of re-Americanizing FSO's still remained. After conducting an intensive study of the requirements for foreign affairs personnel, the Committee on Foreign Affairs Personnel, headed by Christian A. Herter at the request of Secretary Rusk, in 1962 declared that "recruitment programs should place special emphasis on knowledge of the American heritage and institutions, a knowledge that must be continually refreshed." The committee recognized that the frequency of home duty was as important as the total time spent in the United States.

However, FSO's were able to live in the United States and still maintain their aloofness from American life and culture. A study in 1968 sponsored by the American Foreign Service Association concluded that "much greater stress should be placed on assuring that during assignment to the United States the Foreign Service officer receives maximum exposure to the many and varied aspects of American society and to the changing world of ideas."

A 1970 report proposing management reform for the State Department, "Diplomacy for the 1970's," provided further evidence that existing programs did not meet the need when it declared:

> The Department should encourage leaves of absence as a means of affording an officer greater scope for developing his talents as he sees them.

Although these latest recommendations have defined the problem more clearly, they have yet to be fully implemented. True, the diplomat-in-residence program inaugurated in September 1964 promotes closer ties to the academic community by enabling Foreign Service officers to teach classes, meet faculty and students, and explain American foreign policy to townspeople. Yet only seven persons were enrolled in the program during fiscal year 1971 and these were required to be senior officers.

Moreover, of 1,287 FSO's assigned to the United States, less than 60 served as full-time students in private institutions during fiscal year 1971. Indeed, the bulk of the FSO's in the United States hold posts within the State Department or pursue training at the Foreign Service Institute—FSI.

Yet the FSI provides inadequate exposure to American life for returning FSO's. The Wriston report itself warned that unless the FSI provided a completely different change of pace away from the Washington area, the Institute would not fulfill the needs of FSO's. The FSI's present location in the Washington metropolitan area hardly meets the report's suggestion.

My bill would begin to implement these neglected recommendations. After initial approval on a limited basis, this program would eventually enable Foreign Service officers to spend 1 out of every 7 years in grassroots sabbaticals.

H.R. 10704

A bill to provide for the detail of Foreign Service officers to private institutions and organizations, and for other purposes

Whereas there is a need for direct communication between the Foreign Service people, the Government, and the American people at the grassroots concerning the objectives of our Government, in the field of foreign affairs; and

Whereas it is essential that the people of this country understand the role of the United States as the leader of the free world and the commitments and pledges of support, including mutual assistance and other international programs, which are an integral and necessary part of our leadership; and

Whereas it is essential in this time of world uncertainty and unrest that the people of this country be informed of these commitments and pledges so they may understand the problems facing our country and the efforts undertaken to further the security and prosperity of these United States; and

Whereas United States foreign policies and programs derive their fundamental strength from the fact that they are based on a broad and solid national consensus; and

Whereas the Foreign Service of the United States and its officer corps have firsthand knowledge and experience in the making of foreign policy and its implementation; and

Whereas the Department of State, the Agency for International Development, and United States Information Agency have officers who are experienced and qualified in this field and who, after participating in a sabbatical leave program, would resume their careers in the Foreign Service, greatly enriched as a result of this firsthand contact with the American people; and

Whereas it would be beneficial to bring the American people and experienced officers of the Foreign Service together for discussions, lectures, and other direct contact which would bring greater understanding and appreciation of the difficulties of formulating and administering our country's foreign policy; and

Whereas the Foreign Service Act of 1946, as amended, contains the basic authority relating to the appointment, compensation, service (including details and assignments) of officers and employees of the Foreign Service, it is deemed appropriate and advisable to amend this Act to provide the necessary authority to enable officers of the Foreign Service to participate in a sabbatical leave program: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 573 of the Foreign Service Act of 1946, as amended, is hereby amended to read as follows:

"(b) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for special instruction, training, consultation, or service at, with, or to public or private nonprofit institutions and educational institutions; trade, labor, agriculture, scientific, or similar organizations; or commercial firms. Any such detail or assignment shall be in accordance with the provisions of section 571, and appropriations utilized for the payment of salaries and expenses of officers and employees of the Service, and their dependents, are authorized to be reimbursed when reimbursements are received from any such institutions, organization, or firm for all or any part of the salary and expenses of any officer or employee of the Service and his dependents during any detail or assignment under this subsection. Any such officer or employee of the Service may accept, when authorized by the Secretary of State, quarters, travel expenses, and similar prequisites from any such institution, organization, or firm during any detail or assignment under this subsection."

HELPING THE HUNGRY: MRS. JEAN LOGAN

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. HICKS of Washington. Mr. Speaker, in this day when gross national products are measured in the trillions and Government budgets in the billions, the efforts of a single individual often go unnoticed. For this reason I wish to bring to the attention of my colleagues in the House the work being done by a citizen of Tacoma, Wash., Mrs. Jean Logan.

Most of you are aware that the Puget Sound area of Washington was the first and probably the hardest hit by the current economic recession. For example, unemployment in Pierce County has averaged nearly 2½ times the national unemployment figure for the past 2 years.

As a result, many individuals who previously had been productively employed are now finding it difficult to provide the basic necessities of food and shelter for their families. In May of this year, about 91,000 Washington families—263,000 people—were using food stamps. Food stamps, however, must be purchased, and during 1970 and 1971 over 100,000 families have exhausted their unemployment compensation with benefits running out for many others each month.

The problem, of course, is that statistics on the poor state of the economy are somewhat like the weather, everybody talks about them but few act. Mrs. Logan is an exception.

It all started several weeks ago with a plate of leftovers in the Logan family refrigerator. Mrs. Logan is employed by the State to do housework for elderly and disabled individuals living on social security or public assistance. She took the job to help the family replace the furniture it lost in a fire which all but destroyed their home.

One day while cleaning the refrigerator of an elderly woman, Mrs. Logan noticed that its sole contents was a half stick of margarine. According to Mrs. Logan, it is customary for the person for whom you are working to offer you lunch. But, seeing that the margarine would have to last another 8 days until the next social security check arrived, Mrs. Logan hurried home to gather up a plate of leftovers.

Thereafter, she began taking her own food items to help feed the people she was employed to help as housekeeper. And soon learning that several other neighborhood residents were without food, Mrs. Logan took the family pickup truck and with the help of eight neighborhood youngsters painted a sign to stretch across the truck. The sign read: "Help Us Help Your Neighbor."

Mrs. Logan then drove the truck to various locations in the neighborhood where the corps of youngsters went from home to home asking for food for the needy. This was the beginning of the "Help Your Neighbor" food bank.

The idea spread quickly. News of Mrs. Logan's efforts reached area chapters of the DeMolay and the Job's Daughters, whose members immediately began gathering truckloads of food for the food bank. Soon, local merchants, farmers, and orchard growers were delivering loads of foodstuffs to Mrs. Logan's garage. By the end of the week her garage was running out of space and arrangements were being made to transfer some of the food to a nearby church.

In little over 3 months Mrs. Logan's work has grown to include several food bank locations around the Tacoma area, and has helped feed more than 3,000 families. People have come from as far away as 30 miles to receive food.

In helping relieve some of the suffering of needy families in her community, Mrs. Logan has given us a good example of what one individual can do if he merely puts into practice the Biblical comandment to "love thy neighbor." However, she informs me that even with the efforts of local citizens to help their neighbors, many are still going without adequate supplies of food.

As you know, Members of the Washington State congressional delegation have for over 2 months been pressing the administration to use surplus food commodities to help needy families in Washington, as well as in other parts of the country where hunger exists. When the delegation met with the Assistant Secretary of Agriculture we were advised that surplus foods would not be distributed in the State because the circumstances that would call for such action do not exist.

It would seem that the hundreds of families Mrs. Logan has helped and the many more she could help if more food was available to her for distribution, bear testimony to the fact that such circumstances do exist.

The administration has on numerous occasions voiced its concern for the Nation's hungry. In my view the time to match concern with action and to see that needy families have food on their tables is now.

TRIBUTE TO THE LATE HONORABLE GEORGE HUDDLESTON, JR., OF ALABAMA

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. EVINS of Tennessee. Mr. Speaker, permit me to join with my colleagues from the State of Alabama and others in paying a brief but sincere tribute to the memory of our former colleague, George Huddleston, Jr., who passed away this week.

George Huddleston served in the House from 1956 to 1965 and was an able, diligent, courageous Congressman. He had strong principles and convictions and he stood steadfast for those principles.

George Huddleston had an outstanding public service. He was an officer in the Navy for 4 years with 32 months service overseas; deputy circuit solicitor for the 10th Judicial Circuit in Alabama; and assistant U.S. attorney for the Northern

District of Alabama prior to his election to the Congress.

He served as a member of the House Armed Services Committee and made a substantial contribution toward assuring and maintaining a strong national defense. He was a fine, patriotic American and served his district, State, and Nation with distinction.

I want to take this means of conveying to Mrs. Huddleston and other members of the family this expression of my deepest and most sincere sympathy in their loss and bereavement.

NATIONAL SOAP BOX DERBY TITLE WON BY ENTRANT REPRESENTING OROVILLE

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. JOHNSON of California. Mr. Speaker, during the recent congressional recess I was very proud that a fine young man representing the Second Congressional District, which I represent in the House of Representatives, captured top honors in the 34th annual running of the All-American Soap Box Derby which was conducted in Akron, Ohio, in mid-August.

It is of substantial interest that Larry Blair of Elk Grove, Calif., comes from a soap box derby family of long standing. His father and two older brothers both participated in soap box derby events during their day and achieved good records. However, young Larry captured the national honors to set the pace for a fine family.

I would like to share with my colleagues in the House of Representatives a report which was published in the Oroville Mercury Register shortly after the Soap Box Derby in Akron.

The report follows:

NATIONAL SOAP BOX DERBY TITLE WON BY ENTRANT FROM OROVILLE

AKRON, OHIO.—Larry Blair, 13, representing Oroville, won the 34th annual running of the All-American Soap Box Derby here Saturday, and pocketed $7,500 in college scholarship prize money.

Blair, of Elk Grove, won the Northern California Championship Soap Box Derby in Oroville on July 17, and a trip to Akron to compete in the national derby. This was the first time in the three-year history of the Oroville north state derby that a boy has gone on to win the U.S. title.

Last year, Steve Long, also of the Sacramento area, came close when he placed third, and won $4,000 in scholarship money.

Blair won the title when his yellow car raced over the 954-foot Akron course in 27.2 seconds.

The winner comes from a long-time soap box derby family. Earl Blair, his father, raced in the Los Angeles Derby 34 years ago and won second place. Martin Blair, Larry's 20-year-old brother, was a participant in the 1966 Akron classic. Another brother, Kenneth, now 18, raced for four years in the northern California races, once taking third.

The final heat was expected to be close with the first three places at stake. Larry started off the blocks, and immediately had a car-length lead, and kept that distance all the way across the finish line, pulling in ahead of second-place winner James Jackson, 11, of Lima, Ohio. Third place, not far behind Jackson, went to Mark Chamberlain, 14, of Seattle, Wash. The victory for Larry was the first California entry to win since Bob Logan of Santa Ana did it in 1965.

With the exception of the required $25 for official wheels for the race, and more in wood for the car's body, Larry's travel expenses were paid for by the Y's Men Club of Oroville, his local sponsor.

Larry's first derby try, was in 1969 here in Oroville where he finished seventh at the age of 11. The next year he came back to Oroville, and took fourth place, and then this year he was the champion. Larry said that his three hard-worked years of soap box derby competition have paid off well. He plans to use that scholarship to pursue his ambition of becoming a veterinarian.

In the four heats leading up to his victory, Larry posted times of 27.16, 27.24, 27.17 and 27.20. His first heat mark, 27.16, was the second fastest time in the race. The fastest time was 27.14, set by Edgar Fearnow III of Ephrata, Pa. Fearnow finished fourth in the derby.

Larry's father is an employe of Procter & Gamble plant in Sacramento.

ALASKA FLOODS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BEGICH. Mr. Speaker, during the early days of August, a severe and sudden rainfall caused heavy flooding damages to the Matanuska-Susitna Borough, and the unorganized borough of southcentral Alaska.

Because of the flood, families were evacuated from their homes, health and sanitation facilities were damaged and a state of emergency existed for several days. The major obstacle in repairing the damage was that access routes to the flooded areas were severely damaged. Bridges were washed away, debris blocked roads and the general conditions of the highways in the flooded area were extremely poor.

Gov. William Egan, after surveying the damage caused by the flood, issued a proclamation ordering the immediate repair and reconstruction of the damaged roadways. At this time, I wish to include into the RECORD a copy of the Governor's proclamation:

PROCLAMATION

Because of extreme rainfall, commencing on August 8, 1971, widespread damage was experienced throughout the following areas in Alaska as a result of extremely heavy flooding: Matanuska-Susitna Borough, Greater Anchorage Area Borough, and the Unorganized Borough of Southcentral Alaska. This flooding has produced serious and extensive damage to both private and public property. As a consequence, this State has sustained severe damage to its road systems which include bridges, roadbeds, and other facilities. Damage occurred on the Federal-aid System.

Damage throughout the Central and Southcentral parts of the State has been of such an extent that immediate repairs were necessary. Such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(f) of Title 23, U.S. Code as amended by Section 107 of the Federal-Aid Highway Act of 1959.

Therefore, I, William A. Egan, Governor of the state of Alaska, do hereby proclaim an emergency to exist throughout the Central and Southcentral parts of the State as a result of flooding conditions and consequent danger to life and damage to property including highways and bridge facilities on the Federal-aid highway system. The immediate repair and reconstruction of the damaged highways is vital to the security, wellbeing, and health of the citizens of the state of Alaska; and the Secretary of Transportation of the United States is hereby requested to concur in the declaration of this emergency.

In testimony whereof, I have hereunto subscribed my name and caused the seal of the state of Alaska to be affixed at Juneau, the 13th day of August, A.D. 1971.

CITIZEN ATTITUDES IN THE NINTH CONGRESSIONAL DISTRICT OF MICHIGAN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. VANDER JAGT. Mr. Speaker, I am pleased to report to my colleagues in the House of Representatives on the results of my midyear poll of the attitudes of my western Michigan constituents with respect to a variety of important national issues. Over 12,000 persons residing in the 11 counties comprising the Ninth district completed the questionnaire.

Of course, this questionnaire is only one avenue through which I learn of the views of my constituents. But its results, together with discussions with residents in Michigan and the many letters, telegrams and telephone calls that I receive in Washington, give me a clear and consistent picture of prevailing opinions on many issues. Recognizing the importance of periodic sampling of views on questions before the Congress and the President, I feel that it is entirely appropriate that I submit this information to my colleagues and to our Chief Executive.

Before commenting on each of the questions and the replies, let me summarize the results to all of the questions in percentage form:

	Yes	No	Undecided
Do you—			
1. Feel that wage and price controls are necessary	76	21	3
2. Favor the President's policy for ending U.S. involvement in Vietnam?	67	27	6
3. Feel that greater Federal efforts to reduce unemployment are necessary?	64	32	4
4. Favor a law requiring binding arbitration to prevent strikes in such industries as transportation affecting critical national interests?	82	14	4
5. Favor Federal revenue sharing with State and local governments?	65	27	8
6. Favor the admission of Red China to the United Nations?	53	40	7
7. Prefer the President's welfare program to the present system?	60	23	17

	Federal spending in these areas should be			
	More	Same	Less	Undecided
1. Education	37	39	20	4
2. Defense	15	32	49	4
3. Crime control	75	18	4	3
4. Drug abuse	71	17	8	4
5. Poverty programs	22	30	42	6
6. Mass transit systems	36	30	27	7
7. Pollution control	66	23	7	4

The response to the first question, which dealt with wage and price controls, is of particular interest in light of recent developments. Returning their forms prior to the imposition of the 90-day wage-price freeze by President Nixon, an overwhelming majority of my constituents indicated that they supported such controls. Their attitude reflects the discouragement of millions of Americans over the wage-price spiral; they have lived for too long with the realization that their salary increases were being absorbed by price hikes on their required purchases. Senior citizens have been confronted too long with the erosion of the buying power of their pension and social security checks. While my constituents often voice deepseated concerns about the growth of governmental power, growing frustration over inflation has led them to call out for strong governmental action to meet this threat to their economic well-being. I join with the residents of the Ninth District in applauding the comprehensive and forthright economic policies of the Nixon administration.

The second question focused on the Vietnam war. Against a background of continuous debate within the Congress and throughout society over our Vietnam policies, over two-thirds of my constituents who responded to the poll indicated support for the President's policies for ending American involvement. The results suggest the development of a consensus on Vietnam since my poll of a year ago. At that time, opinion was very evenly divided on the President's handling of the war. My voting on the various Vietnam questions that have come before the House has reflected the prevailing attitude within the Ninth District. I continue to support the President's program, believing that he is proceeding on a course that will result in the safe withdrawal of our forces and the significant expansion of the capability of the South Vietnamese troops to defend their country.

Constituent opinion on unemployment reflects the high jobless rate which marks so much of my district. Almost two-thirds of the district's residents favor a greater Federal effort to reduce unemployment. The new economic policies of the administration are aimed in considerable measure at this objective, and I assure my constituents that I will support any sound programs which offer the prospect of improving the employment picture. I actively supported both the Accelerated Public Works Act and the Public Service Jobs Act this year. The latter, signed into law earlier this summer by the President, is now beginning to channel Federal funds to local communities to enable them to fill a variety of public jobs, thereby improving the caliber of governmental services and responding to area unemployment problems.

Respondents to my poll expressed their strongest opinion on the question dealing with strikes. Evidence mounts that the American people are fed up with crippling strikes in vital industries, which are disruptive and costly not only to the strikers themselves, but to workers in related industries and to the national economy. Joining Congressman JAMES HARVEY of Michigan, I have sponsored legislation to solve the recurring problem of labor tieups in the railroad industry, and to avoid annual last minute congressional actions which have come to be virtually inevitable in this industry. In addition, I have called upon the President to establish a commission to examine the broad problems of labor-management relations, and to make recommendations as to how the Nation can settle contract differences without experiencing strikes. An interdependent economy such as we have in this country today cannot tolerate seemingly endless rounds of strikes such as have occurred during the past several years.

The results of my questionnaire also demonstrate strong support within my district for the President's revenue sharing proposal. I remain hopeful that the Ways and Means Committee will report a revenue sharing measure to the floor, in order that the issue may be debated fully and resolved. Rarely has an idea been supported so strongly by leaders of both political parties as has revenue sharing. We must reverse the steady flow of responsibilities to the national government, and begin to revitalize our State and local governments. A key element in this process is the restoration of adequate revenue to these units of government.

As in the case of wage and price controls, it was fortunate that I chose this year to seek opinion on the admission of Red China to the United Nations, for since the poll was taken, the President announced that the United States will alter its policies on this matter to support the admission of the People's Republic of China and the retention of representation for the Taiwan Government. Fifty-three percent of my poll respondents expressed support of the admission of Red China. I look forward with great interest to the President's planned trip to the Chinese mainland, and am cautiously hopeful that the visit will result in a relaxation of tensions between our two countries. World peace can only be established and maintained through the development of greater understanding among all nations, and it is inconceivable that much progress can be made in Asia without the cooperation of the government of a nation of over 800 million people.

I also sought opinion on the President's welfare program. Sixty percent of the persons answering the poll indicated support of this policy, for which I voted when the legislation passed through the House. It is interesting to note that greater uncertainty was expressed in response to this question than to any other, a fact which I interpret to be an outgrowth of the morass which has characterized welfare efforts in recent years, which have failed to reduce the numbers of welfare recipients.

The second half of the questionnaire dealt with the public's thinking on the reordering of Federal spending priorities which highlights much contemporary political debate. Among the results is a clear indication that many people want to devote less money to defense programs. I believe that their attitude reflects not only their concern about the war in Southeast Asia, but also widespread apprehension and doubts about defense commitments and overseas military assignments throughout the world. In this connection, I have sponsored a resolution to encourage our NATO allies to assume a greater share of the burden of European defense. I also have advocated other economies within our defense programs which would not impair our military effectiveness, but which would help the United States to reestablish a sound defense spending program.

It is also clear that my constituents want to spend less on poverty programs. The poll results correspond closely with much mail that I receive, in which citizens sharply question the value of many existing welfare concepts. The House has passed the welfare reform measure which is now awaiting Senate consideration. The measure represents a significant opportunity to instill a greater sense of purpose and a greater degree of operating efficiency and effectiveness in the Government's work in this field.

Citizens of western Michigan share the national interest in better crime control. The respondents showed a greater willingness to increase Federal spending in this field than in any other listed governmental function. We must improve upon our efforts to cope with soaring crime rates. I believe that an attack on crime can achieve maximum effectiveness only if programs to eradicate the causes of crime are accompanied by vigorous prosecution and enforcement efforts throughout the country. The record in this field has been discouraging; but the fact remains that there can be no escape from Government's fundamental obligation to maintain social order through the rule of law.

Mr. Speaker, the people of my district, as people throughout the United States, want peace at home and abroad. They want job security and opportunities to improve living standards. Strong support of wage and price controls bespeaks their willingness to sacrifice in order to achieve a more sound national economy and a brighter longrange economic climate. These responses to my questionnaire demonstrate a belief in the programs of the Nixon administration. I renew my pledge to do all that I can as their congressman to enable them to realize these goals through the development of public policies which will best serve their interests.

NOW THE NADER TEAM IS PLAYING NASTY GAMES WITH THE CALIFORNIA STATE WATER PROJECT

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. MATHIAS of California. Mr. Speaker, the Center for the Study of Responsive Law, headed by Ralph Nader, recently issued a report which amounted to a broadside attack on California's effort to solve its water problems. This unwarranted attack on the State water project is the most irresponsible piece of work I have ever seen.

The section on the State water project included in the report on "Power and Land in California" is full of inaccuracies, half-truths, and innuendoes.

Nader and his Raiders ignored the fact that the California Water Project is one of the world's greatest engineering achievements that will provide water and power for industry and everyday living, flood control, and recreational facilities. The project is designed to harness the flood waters of the north in order to benefit the dry areas in the central and southern parts of the State—for the benefit of all Californians.

Nader has performed a public disservice. He has indicted not only the four Governors and all of the State legislators who have worked on this project since it was first proposed, but he has also indicted the people. This water project was authorized by the people through their elected representatives in 1959 and a bond issue was approved by them in 1960 to finance it.

Up until now, I have admired the work Ralph Nader has done in the areas of consumer protection and automobile safety, but this latest report makes me question his work and intentions. If this is an example of the caliber of research and investigation that goes into his recommendations, then I think we should look upon Mr. Nader's actions with a degree of suspicion.

Mr. Allen Bottorff, a man who is nationally recognized as being qualified to discuss financial matters as they relate to water development, has prepared a detailed reply to Nader's charges.

Mr. Bottorff is trained and experienced in accounting and business and operates his own 600-acre farm in the Buttonwillow area of Kern County. He has been closely associated with the State water project since 1952. For 8 years, he was a member of the Board of Directors of the Kern County Water Agency and served as its first president. At present, he serves as consultant and authorized representative of the Kern County Water Agency on the State Water Contractors Audit Committee, and served as the committee chairman for several years.

Mr. Bottorff is on the State Chamber of Commerce Water Resources Committee. He has been a leader in the California Water Resources Association and was an incorporator of the Water Association of Kern County.

I am happy to insert at the end of my remarks a copy of Mr. Bottorff's statement entitled, "Now the Nader Team is Playing Nasty Games—With the California State Water Project."

The Nader report also questions the U.S. Forest Service's right to grant a lease for the construction of an all-year highway through the Sequoia National Park leading to the proposed $35 million Mineral King recreational project to be built by Walt Disney Productions. It is not surprising that the Nader task force took essentially the same position as the Sierra Club when it is learned that the Sierra Club contributed 40 percent to the cost of preparing the report on "Power and Land in California."

I have two newspaper articles that discuss this relationship between the Nader group and the Sierra Club that I will insert at the end of my remarks.

An objective study of land and resources in California could have been very beneficial, but one that is undertaken with built-in biases serves no useful purposes.

The Nader report on "Power and Land in California" is not an objective study. It is only a limited and one-sided look at California and its water distribution and land problems.

Mr. Bottorff's statement and the newspaper articles follow:

NADER TEAM IS PLAYING NASTY GAMES—WITH THE CALIFORNIA STATE WATER PROJECT

(By Allen Bottorff)

Second-guessing is great fun. And it's easy, too. The devotees of this popular sport date back into antiquity. It's always been the delight of some people to step into the arena of life and snipe at the folks who are busy at the job of making that life more livable. A case in point is the great California State Water Project. Even this ambitious endeavor-carefully planned by the engineers and economists—debated freely in the State Legislature—aired fully in public hearings—given wide exposure to the people of the state—and then approved by a vote of the citizenry—has not escaped the hazard of the "second-guessers." At this late date, after 98% of the initial construction features are completed or well under way, the detractors are sending in their first-string "second-guessers" admittedly to scuttle the entire Project!

Just as the benefits of this great undertaking are beginning to be felt—just as underground water tables are beginning to feel its beneficial impact—just as the desert is becoming green and fruitful with the application of water which, if unharnessed and unused would run out to the sea—in come those who say that the whole Project is a fraud, a deception, a flim-flam, a windfall for the wealthy, and a congame. They point out how the Project can be stopped, and loudly claim that it should be, and that the chances of stopping it are excellent.

Of course, the "second-guessers" of this hatchet squad have one possible minor advantage—the advantage of hindsight—a luxury not enjoyed by those responsible in the first place for planning, authorizing and implementing the Project—and they have not lived with or built any part of the Project. And though they have gained some public attention by rushing into the arena, screaming at a high decibel level—they do have the disadvantage of being late. Now, if their purpose were to be helpful rather than destructive their tardy suggestions would rate some consideration and use to extent yet found feasible.

This recognizes that, admittedly, no such project is perfect; and that any project might be improved. It also rightfully assumes that such criticisms are based on fair and honest appraisals of all facts concerning the undertaking. And it assumes further that the suggestions are not the result of contrived, distorted, inaccurate or incomplete information, or based on mistaken assumptions; and that they are not induced by motives geared primarily to the proposition of stopping the project or impairing its usefulness.

Unfortunately, a new grand-scale team effort is now in the wings, ready to make and publish major and serious charges against the State Water Project. Judged by the rhetoric already previewed publicly, the motives displayed and the methods employed do not add up to a serious effort to be constructive. The forerunner of this team effort is an article called "The California State Water Project" authored by a team member, Keith Roberts, a young San Francisco attorney. His blast at the efforts of California to solve its water problems appeared in a San Francisco publication called CLEAR CREEK. The Roberts article was next reprinted in full in the Congressional Record at the request of Congressman Jerome R. Waldie of California's 14th District.

The introductory remarks of the Contra Costa County, Congressman as they appear in the Congressional Record, hail and warmly embrace the Roberts article. Waldie reveals the article to be a part of a larger Ralph Nader Report, "Power and Land in California". At this writing the report has just been released by Nader's Center For Study of Responsive Law.

WHO BENEFITS—WHO PAYS?

The entry in the Congressional Record places Roberts in the role of skilled researcher and master auditor. One is given the impression that long and careful study has been given by Roberts to all of the Project's financial aspects. These would include the fiscal and other relationships with local water agencies throughout the state.

His Clear Creek article casts him in the role of expert critic of the taxing policies of the State, the Agencies, and the Districts responsible for financial and taxing programs. The entire Project and many people and agencies connected with it are roundly attacked after the author perused what he has since referred to as the "rather profuse publications of the Department of Water Resources".

As we have since learned, Roberts engaged in only limited conversations with informed officials concerning the Project. It stands to reason that a governmental department charged with the responsibility of planning and constructing so huge an undertaking as the California State Water Project would, of necessity, be obliged to prepare and issue voluminous reports. Also it can be categorically said that no one in a few short weeks could, without a background of years of day-to-day experience and familiarity with the Project, hope to absorb and pass judgment on the reports and the Project in all its ramifications. Yet this very feat Roberts would have us believe he accomplished.

At this writing it is not known what the full thrust or impact of the complete Nader Report will be, but we do have before us the Roberts section which now has become an important part. To get the feel of Roberts reporting let us look at his conclusion as found in the first sentence of its closing paragraph. He admonished his readers to "Join or support organizations working against the State Water Project. . ." The organizations named as deserving such support are: The Sierra Club, Friends of the Earth, The Committee of Two Million to Save the Eel, and the California Planning and Conservation League.

It is indeed disconcerting to contemplate the probability that many present members of these organizations may have been induced to join these efforts on the basis of such misinformation and brainwashing as is found in the Roberts writings. Many present members probably joined years ago because the organization appealed to their love of Nature—a love shared by many of us who are not members. Now they find themselves saddled with policies with which they perhaps would not agree if given the full facts. Which leads to the further observation that this latest blast adds no new lustre to the Nader reputation.

Mr. Waldie, in introducing the Roberts article in the Congressional Record, quotes from an interview with Mr. Robert Fellmuth, chief co-ordinator for the Nader study, who said concerning it: "The key principle we are seeking to implement is this: when someone receives a benefit from public money he should pay according to the benefit". The implication is clear that the Nader team would have us believe that the State Water Project clearly fails to meet this principle.

A little reflection, however, will establish that the application of this principle in government is more often noted for its ommission than its commission, yet the fact is that the State Water Project more nearly exemplifies this principle than any other government program, with the possible exception of some toll bridge programs.

It is notable that the arguments advanced by Roberts have as their central theme that the Project is rife with "special interest favoritism" and "subsidy to large landholder"; that "outrageous costs and slim benefits" mark the Project's development and future; and that it does a gross injustice to the California taxpayer. Plausible cause, indeed, for scuttling the State Water Project, and most appealing to the average citizen—if true! Fortunately such charges are completely untrue!

To set the record straight will be the primary purpose of this article. It will advise both member Roberts and the Nader team, as well as the general public, concerning some of the facts overlooked in the Roberts article, and some of the errors and incorrect assumptions it contains. In what ways the Roberts article is wrong will be established through point-by-point analysis of its charges. No attempt will be made, however, to respond to them all. Other observers may have an interest and some responsibility in this matter.

THE LABEL AND THE CONTENTS

First in line is the Roberts charge that the State Water Project, as it is being developed, is something "quite different" from what the legislature authorized and the people voted upon. Frankly, nothing in this article tells us that he has the haziest notion of what was actually authorized by the legislature or approved by the people. Let us inform him: They authorized and voted for "The State Water Resources Development System for the State of California".

Of what does this system consist? The answer: "The State Water Facilities as defined in Section 12934(d) and such *additional* facilities as may now or hereafter be authorized by the Legislature as a part of (1) the Central Valley Project or (2) the California Water Plan and including such other *additional* facilities as the department deems necessary and desirable to meet local needs, including, but not restricted to, flood control, and to augment the supplies of water in the Sacramento-San Joaquin Delta and for which funds are appropriated pursuant to the Act".

The Act, as approved, which is actually a document of ten closely-printed pages, describes both generally and in some detail the State water development system which it authorized. It lays down the rules for its construction, operation and maintenance and for its correlation with the State Central Valley Project which was authorized by the Legislature and passed by a vote of the people nearly four decades ago. This latter act had been a part of the law for years—unused because no market existed for the bonds it authorized during the depression years of the early Thirties.

The State Water Resources Development Bond Act is a big order. One and three-quarter billion dollars of general obligation bonds were authorized to "assist" construction of the system, of which the State Water Facilities are but the initial unit. The State Central Valley Project Bond Act provided for Revenue Bonds, but it has been of assistance to the financing program. Obviously, such a broad authorization can have different meanings for different people.

However, the very broadness of the concept denies anyone the right to charge that the State Water Project, as it is being developed is something "quite different" from what was intended.

At the time this Bond Act was voted upon by the people of California the State Water Facilities were necessarily described in general terms, reflecting the accomplishments expected of the Project rather than specifying details. Since that time the original outline has been judiciously filled in with more specific plans and specifications. Additional capital funds have been appropriately raised or provided through the earlier State CVP Bond Act or other legislation as contemplated in the 1960 Water Bond Act. The genius and foresight of those who conceived and planned the Project can be attested to by the lack of necessity for major changes during the 11 years since passage of the bond measure.

Changes made were dictated largely by changing circumstances over the past decade. None were made willy-nilly or to deceive; neither were they made without the benefit of public hearings; nor were changes made except as provided by existing law or new legislation.

Thus, let us dispose of all argument that the Project is "quite different" from that sold the public. Its variations from any early norm were expected, and provided for either in the Act, or by new legislation, duly approved.

Late-comer Roberts is wrong in saying otherwise. Second-guessing may be fun; it may be easy, but it can and did lead to false conclusions!

HOW MUCH WILL THE PROJECT COST?

In his related complaint Roberts says the Project will cost close to ten billion dollars, instead of the two billion the people thought they were approving. He further asserts that the people were not told about interest costs. How ridiculous! Any reasonable assumption would be just the opposite.

The public was not then, and is not now, confused into believing that the cost of the Project should be expressed as the sum total of all present and future costs—including capital costs, operating, power, maintenance, replacement and interest costs from 1960 to date and for the next 65 years. Nader authority Roberts should know this to be true yet he does not, for he includes all of these costs when he mentions his ten billion dollar figure. By doing so he shows that he is the one confused. It can well be mentioned here that also during that 65-year period, with cool heads prevailing, more than 200 million acre feet of water will have been conserved and transported to points of use along the California Aqueduct. Not a bad accomplishment for ten billion dollars—or whatever the exact final all-inclusive cost may be.

As we continue to review the questions raised by Nader's writer concerning matters of costs and their propriety, we should discuss the distribution or charge-out of these costs along with certain factors that are extremely pertinent. First, it should be known that for many years expenditures made by the State for construction and operation of the State Water Project have been under review by internationally recognized, independent certified public accounting firms hired under contract by either a single agency or by a group of agencies that have contracted for water supplies from the Project.

During these years of investigation both the amounts and the methods of distribution of costs among the contractors for project service have been regularly examined and reported upon to the participating contractors. Nothing is known of any effort on the part of Roberts or any other Nader team member to consult with the agencies involved in these audit programs or any member of these auditing firms to assist his review of fiscal aspects of the Project. Had Roberts done so, he might have written a far different article, or perhaps, none at all.

In any case, had they contacted persons in the contracting agencies involved in the audit programs, their understanding of the Project might have been substantially enhanced.

A second important factor is the Water Service Contracts executed by the State and the 31 Agencies or Districts engaged in receiving and distributing State Project Water. Under these contracts these governmental entities are committed to pay ALL capital costs of the Project allocated, in accordance with the Act and other particulars of law, to the water supply functions of the Project. Presently this is estimated to be about 90% of all capital costs plus interest. We refer to all capital costs to date, and such future capital costs as are projected, together with interest at the project interest rate—from the date incurred until paid in full, plus all related operating, power, maintenance and replacement costs, payable as they are incurred.

Quite clearly these water service contractors and their constituents have been aware of this obligation including the interest payment requirement, for it comes about through the contracts, all of which necessarily were approved by public bodies and several of which had to be further approved by the people. Further, the Districts Securities Commission and its successor, the Districts Securities Division, State Treasurer's office, which review the financial details of such agencies prior to their going to the market with their own securities to finance their own construction programs, is fully informed, concerning this commitment to pay such interest as is the public through their hearings.

As noted, this accounts for about 90% of all Project costs. What about the other 10%? From the C.P.A.'s audit reports, as well as from State Department of Water Resources publications, it may be learned that Project costs allocated or anticipated to be allocated to others than the water service contractors and reimbursed by them will amount to about 2½%. Costs allocated to non-reimburseable functions, such as recreation, fish and wildlife enhancement may amount to about 7½% of the total project capital costs and related operating, maintenance, power and replacement costs during the 75-year period. Incidentally, the FULL cost of mitigating any damages from the Project to fish or wildlife is entirely at the expense of the water service contractors. Only enhancement values are not reimbursable by the contractors. Every step in the procedure of allocating costs to non-reimbursable functions is controlled by law and accompanied by public hearings.

What about the costs of these non-reimbursable functions, who pays them? Generally speaking, the public at large will pay such costs. This public also includes those who reside in areas served by State Project water—the same people who participate in repaying, in full, the remaining 90% of costs! Thus the principle of "they who benefit shall pay according to the benefit received" is reasonably complied with in this situation.

The non-reimbursable functions are those providing benefits that redound to all the people of California and therefore are quite properly recovered from the State's taxpayers as a whole—with the exception of the costs of flood control which are paid by the United States Government as a matter of national policy. These monies are collected from taxpayers nationwide.

NO INTERESTS ON THE TIDELANDS FUNDS?

A third factor which also refutes Roberts' charge that State money advanced to the Project, such as Tidelands Oil and Gas Funds are provided interest-free, concerns the utilization of such funds, how the interest charges actually apply, and what they accomplish.

First, it should be made clear that use of Tidelands Oil and Gas Funds for part of the capital for Project construction was both contemplated in the early years of Project formulation and provided by legislative action. Actually, a portion of this support was drained away by subsequent legislative action at a time when the State Budget needed help. Many view this action as a violation of a previous commitment of such funds to the Project.

These commitments of State support were made on the theory that a revenue derived from a State non-replenishing resource, such as oil and gas, could be put to best use by investment in a permanent asset such as the State Water Project. Apparently these facts are unknown to Mr. Roberts.

However, because of the way the water service contacts are written, neither the source of Project construction funds, or any praticular legislative requirements concerning their repayments, really controls the charges to the water supply contractors with respect to interest. This is due to the fact, as pointed out earlier, under the water service contracts, interest charges begin to run on costs and are charged to the contractors immediately when such costs are incurred for Project construction. Thus one of the important purposes of the independent C.P.A. audits of the State records is to precisely determine the date and the amounts in which such costs are incurred.

Now that we know the water service contracting agencies must pay such Project costs with interest, it may be asked, what is done with the interest earned—what becomes of the repaid funds? To respond, briefly, it is necessary again to refer to the California Water Resources Development Bond Act which, paraphrased, says that such revenues, together with any net revenue derived from power shall be deposited in a special account or accounts in the California Water Resources Development Bond Fund. Then they may be used for the following purposes only, and only in the following order:

—Priority No. 1. Maintenance, operation and replacement costs;

—Priority No. 2. Annual payment of principal and interest on bonds sold under the Act;

—Priority No. 3. Transfer to the California Water Fund money to reimburse funds utilized from this Fund for construction of the State Water Resources Development System;

—Priority No. 4. Any surplus revenues not required for the above purposes, and not required to repay the General Fund for State advances for payments on Bond principal and interest; shall be re-deposited in a special account and such funds are then appropriated, and available for future construction of facilities of the continuing State Water Resources Development System.

All of these revenues constitute a trust fund pledged for the above purposes and uses and further pledged as security to the owners and holders of the issued bonds.

All fiscal operations of the State Water Project are required to follow these priorities and rules. Thus, expended Project funds return to the Project in full circle, augmented by extra interest earned along the way. DWR Bulletins of the 132 series fully describe this process, both on a historical and projected basis extending through the period from the year 1960 to the year 2035.

These bulletins have several purposes, among which is the technical support of the charges regularly billed to the water service contractors. Auditors for the contractors closely review the bulletins and comment on their contents as they relate to the propriety of such charges.

Both the text and tabulations of series 132 bulletins tell many interesting things about the State Water Project, particularly when they are correctly interpreted. Bulletin 132–71 issued by the Department in May of 1971 forecasts the grand total of the Project net revenues, or surplus at about $2,567,000,000 for this 75-year period. Of this amount about $1,067,000,000 (the amount of its advances), will be returned to the California Water Fund in accordance with Bond Act priority No. 3 requirements. This fund may be again drawn upon for future Project facility construction or, as an alternative, it may be appropriated by the State Legislature for other purposes entirely, in which event it would no longer be available to the Project.

The remaining surplus, projected at about $1,500,000,000, will be retained in Project funds in accordance with Bond Act priority No. 4 requirements. Such funds may be drawn upon for construction of additional facilities of the State Water Resources Development System in future years. The need for Additional Project Construction is now estimated to materialize beginning about 1996.

It is particularly worthy of note that when, in the future, money from either priority 3 or 4 sources is expended on later Project facilities, interest again begins to accrue on the amounts allocable to the water supply function and chargeable to the water service contractors. Thus the refunding and net revenue circle begins again.

One item of record, which may be related to the Nader team's mistaken theory that the Project's cost is ten Billion, instead of two Billion dollars, is found in Bulletin 132–71. It indicates that Project gross revenues for the period 1960 to 2035 are anticipated to total about ten billion dollars! Note, particularly however, that this is revenue—gross income—not costs.

This bulletin also projects total operating costs at about $3,135,000,000 during the period; project bond service principal repayment at about $1,672,000,000; and projects bond service interest at about $2,649,000,000. The remainder, projected at a little more than $2,500,000,000 constitutes the project's net revenue or surplus mentioned above.

The anticipated Project gross revenues are derived from the following sources:

Projected reimbursements to be largely derived from payments by agencies contracting for state water service

Delta water charges:	
Capital costs reimbursement, including interest	$2,397,017,000
Operating costs reimbursement	450,977,000
Transportation charges:	
Capital costs reimbursement including interest	4,048,541,000
Operating costs reimbursement	2,496,554,000
Total reimbursements to the State by the contractors	9,393,089,000
Other revenues as projected	
Davis-Grunsky loan repayments	$53,753,000
Recreation, fish and wildlife enhancement subject to legislative approval	118,963,000
United States (San Luis share of operation)	$126,560,000
Miscellaneous income, including interest earned and Oroville net power revenues after year 2018	319,599,000
Total projected revenues	10,011,964,000

It may be noted that the terms anticipated and projected are emphasized. The purpose is to draw attention to the fact that all future values here shown are anticipated or projected on the basis of Department of Water Resources' latest studies. Their assumptions may vary somewhat during the next 64 years, however, their estimates have been pretty good so far. The DWR fully explains the assumptions it uses in the development of these projections.

Obviously, the details cannot be fully reviewed here. Suffice it to say that the Department's projections are believed to be reasonable and adequate for their purposes.

THE DELTA POOL EXPLAINED

At this point a question may be raised concerning the propriety of accumulating the huge net revenue or surplus projected from operations of the Project. Both the justification and the necessity for the procedures which make possible this projected net revenue, or surplus, arise from the Delta Pool State Water Resources Development Bond Concept—a built-in feature of both the Act, which the public approved in 1960 and the State Water Service Contracts. Essentially this concept established the principle that, when the supply of water available to the State Water Project at the Delta of the Sacramento and San Joaquin Rivers is diminished below the entitlement levels called for in the Project water service contracts (primarily anticipated because of possible increased up-stream or Delta use) additional facilities shall be constructed to conserve, transport and make available a new supply of water at the Delta pumps sufficient to make up the shortage.

The added cost of this new supply is then blended in with the Delta charge already applicable, with the result for all State Service Contractors that a new, probably higher, Delta water charge becomes effective, based on this new average cost. At the same time, if late-comers desire to use a portion of any newly developed extra water supplies provided by the system, they can do so at no greater cost for conserved water than that which must then be paid by the other earlier contractors receiving water from the Delta.

It has become a matter of great concern to the contractors that, though they have fully assumed the obligation of future increased Delta water costs under this concept, they now are faced with a call for the shutdown of the entire Project and a struggle to ward off those like Nader, Roberts and Waldie and others who would make it utterly impossible for them to fulfill their commitments to their own water users—or the late-comers.

The provision of the Act and the water supply contracts which require the accumulation of funds for future Project facilities in this manner to augment the supply of water upstream and in the Delta, together with the averaging of both early and late costs among the early contractors and newcomers, mainly upstream, are the practical means provided for the fulfillment of the Delta Concept.

Had the Nader Team writer consulted with the Project's auditors or with knowledgeable officials of the Department of Water Resources, or the water service agencies involved in the program, or had more thoroughly studied the documents related to the Project, possibly many of these matters would have been clear; and he might not have felt compelled to charge "gross injustice" and "special interest favoritism" in the construction and operation of the project.

From the beginning of Project planning it was generally recognized that costs to the areas of water use would be high, particularly because there would be no way for them to avoid the interest costs of the program. Moreover, an important natural water resource would need to be conserved at great expense, transported long distances, lifted for service to some areas as much as 4000 feet.

The objective agreed upon by the water supply contractors was that the State would develop and deliver this water at the lowest cost possible and the contractors would pay properly allocated costs consistent with a policy of fairness to all; and by all was meant the entire State of California.

It is true that construction costs have risen across the nation in the past 11 years. Increases in the projected interest rate also have occurred. On the other hand, some savings have been achieved in Projection operational costs, with the end result that unit values per acre foot have been contained within acceptable limits.

This was the objective of the California Water Resources Development System from the beginning. The record this far has been an excellent one, in spite of such charges as the Nader report puts forth.

Perhaps many of Roberts' complaints against both the Project and against those who have participated in its development, will fall of their own dead weight with this better understanding of the Project and its future.

WHO PAYS FOR THE POWER?

The argument Nader's team member Roberts offers that purchasers of electric power will pay 100% of the costs thereof is of no great moment—they *should* do so. Actually, from the Bulletin 132 series we learn there may be some extra revenue to the Project from power, particularly during the later years, but such revenues would not have been possible had there not been a Project and the vast participation of the water service contractors. Furthermore, vastly greater amounts of Power are required for operation of the Project than it will produce. Always it was expected that the power produced could be transmitted and used for project pumping or the value thereof could be converted to dollars—particularly when higher peaking values could be realized—then used for purchasing of other more conveniently located or lower costs, off-peak power.

His arguments that local taxpayers in the Project service area will pay taxes to support their Agencies' water service contract program is doubtless true in varying degrees—but why should there be any complaint about this?

Where such agencies will supply water for municipal and industrial purposes, their billings from the State are on a type of advance repayment schedule. Many of the agencies pay vast sums to the State under their contracts before receiving a drop of State Project water. Consequently they must levy taxes to do so. These advance payments, however, effectively reduce the total interest costs they must pay on their proportionate share of all capital costs allocated to water supply and ultimately this will reduce water costs within such agencies.

On the other hand, the tax base of water agencies serving agricultural water users from the Project is generally insufficient to permit such advance payment; therefore, their contracts with the State have been geared to a longer payment program. The effect of this deferment is an increase in ultimate costs to the agricultural areas served, because of the longer repayment period, and consequently they must pay greater interest charges with higher total water costs over this period.

Experience does indicate, however, that some taxes will be levied by agencies serving agriculture to assist their programs for providing and distributing water. Their taxing policies appear properly to be matters of local determination, subject to the general or specific laws governing such agencies.

ZONES OF BENEFIT

Nader team member Roberts makes the ridiculous off-hand charge that the Kern County Water Agency plans to collect a third or more of the State bill for Project water service by levying ad valorem taxes. It is true the Agency may levy some ad valorem taxes but only in accordance with certain special limitations and hearings provided by the Kern County water Agency Act, described below in more detail. However, the Agency's present projections indicate that not more than 13 to 15% of funds required to meet State obligations will be provided by this means. It is plain to see that these projections differ radically from Roberts' claim that one-third or more will be collected in this manner.

How does the Kern County Water Agency proceed under its Agency Act? First, certain steps must publicly be taken; and certain conditions must exist before any tax may be levied for the purpose of making any payment to the State under the Agency contract for water service. Prior to any such tax levy, the Agency must hold public hearings.

These hearings must be held by the Agency Board of Directors, and supplemental hearings may be held by the Kern County Board of Supervisors. As a result of such hearings and public participation, zones of benefit may be established and ad valorem taxes may be levied within such zones for the purpose of assisting in payment for State Project water service.

However, such taxes must be based solely on benefits to be received from the Project. In the establishment of the zones of benefit within which taxes may be levied, there must be taken into account the following requirements:

(a) Improvement in the underground water supply.

(b) The contribution to the underground water supply made available independently of the agency.

(c) The adequacy of the water supply made available independently of the agency.

(d) The prospective need for a water supply.

(e) Extractions from the underground water supply in excess of contributions.

(f) The economic impact resulting from the water supply made available under such contract or contracts; provided that areas not receiving a surface water supply or an improvement in the underground water supply by reasons of such contract or contracts shall not be assessed pursuant to this particular subsection.

Any fair-minded consideration of these stringent requirements should lead to commendation rather than condemnation of the Kern County Water Agency's practices. Such consideration would also reveal how completely nonsensical is Roberts' charge that the Agency was formed expressly to let its agricultural users draw on the Bakersfield tax base. Possibly the City area could be determined as within a zone, or zones of benefit established through the above outlined procedures, whereupon a portion of the ad valorem taxes levied could thereby relate to the Bakersfield urban area. So long as this is done in accordance with the Agency Act requirements; however, certainly there is nothing improper with that. The voters approved this procedure long ago when they voted in favor of the Kern County Water Agency Act in the first place, as did the Superior Court later when, in a lawsuit protesting a tax levy, it sustained both the Agency's procedures and the Act.

BENEFIT—OR BOONDOGGLE

When discussing such matters as the determination of Project benefits, it is indeed disappointing to note Nader team member Roberts' complete failure to recognize many of the valuable benefits that flow from the Project.

Nader's lieutenant Roberts acknowledges no general-type economic benefits from the Project, and no benefits to agri-businesses and their employees from a strong agricultural economy sustained by Project water; he admits to some benefits for water users, but only those received by the larger landholders, particularly the larger corporate landholders, the special interest water users, or the land speculators; he acknowledges none of the benefits that may accrue to the smaller, mill-run type landowner, or farm operator.

Nader's analyst Roberts seems also to be totally unaware of any benefit from the Project received by recreationists, or achieved through Project enchantment of fish and wildlife

While he acknowledges some benefit may be received by the Project builders, he makes no reference to the millions of man hours for which good wages were paid to thousands of people employed in this endeavor.

Neither does Roberts recognize any possible benefits from the Project in the way of flood control or salinity repulsion.

His super-failure, however, is his omission of any reference to the tremendous benefits received by the public at large from farm production made possible by State Project water in the San Joaquin Valley, or elsewhere, where its use may be feasible despite its higher level of cost. In the valley, because of this water, farms, large and small—corporate, individual, or partnership in ownership—now contribute substantial amounts, and later promise to provide greater amounts of food and fibre essential to human life and elemental in the economic prosperity of county, state, and nation.

USERS—LARGE AND SMALL

The farming industry is not static—great changes constantly occur; among these, the loss of farm land to urban and industrial use, parks, highways, and airports, to name a few. Changes occur, too, in the capacity of lands to produce, whether from cropping patterns, pests, weed intrusion, air pollution, or what not.

Without defending or criticizing the rights of the larger, or the smaller farm operators, or the right of corporations to participate in this changing pattern, or the right of any farmer to share in the production of farm produce needed to make up some part of the deficiencies arising because of these changes, without fear of contradiction, it may be said that the farm products resulting from this activity give greater strength to our state and nation.

Project water is really needed by many farms that have been in production for a long time; and it is essential to any additional agricultural growth. It will, when received, overcome increasing groundwater deficiencies that have been developing for years, threatening thousands of productive acres.

As one well-informed Kern agriculturalist analyzed it: "water represents a basic resource necessary not only to develop new acreage but also to sustain acreages in Kern County. It is known that the native aquifer is declining annually both in depth and quality and can now be projected to a date of potable unuseability as well as economic limits for agricultural use. This means that without project water to supplement our native supply—agriculture in this area is terminal."

Speaking to the general question of new land development as well as continued production on older lands, and, further, to the question of large vs. small farm operations, he added: "The development of new agricultural acreage is often associated with 'oversupply' in terms of agricultural production. The term 'oversupply' connotes that waste will be associated with increased production and that supply is actually greater than demand in a physical sense. Actually, supply will equal demand at a certain price. 'Oversupply' also neglects factors of quality and implies that all agricultural products are the same. If an increased supply means somewhat lower prices to the farmer, the ultimate benefactor will be the consumer. The development of agriculture in California with new production methods means better availability and higher quality products for California and the rest of the nation. Further, the statement that small farmers will be driven out of agriculture 'by the thousands' is misleading. Some of the less efficient producers will not be able to match new production or quality standards and will leave agriculture. This type of process has been in existence throughout the history of free enterprise agriculture. It has meant that the general public is better off in terms of quantity, price and quality of goods produced." (end of quote).

The closest Nader's Mr. Roberts comes to admitting any benefits from Project water is when he says, in his Clear Creek article: "While many people ultimately receive this water, the only ones who benefit are those who receive substantially more or substantially cheaper water than they would get without the Project." Admittedly, under such circumstances, when they exist, a benefit would be established; but such circumstances fail to account for many other benefits to many others that accrue within the Project service area.

At another point in this article he says: "The Project does not really benefit the average Southern Californian. But the Project does benefit two classes which use large amounts of water: large landholders and water-using businesses." While he acknowledges some of these beneficiaries are in Southern California, his choicest barbs are thrown at the San Joaquin Valley where he says: "the major beneficiaries are the corporate farms." Accepting data prepared by others in 1959, he flatly but falsely declares the total acreage of such corporate farms served by the State Water Project is more than 2½ million acres.

Without intention at this moment of either defending or condemning the larger corporate farms—but simply because I detest exaggeration and falsehood, I would say, right here is a good place to draw the line—the place to declare, as General Anthony McAuliffe once declared at Bastogne, "NUTS".

It's time for Roberts' credibility to be examined. (a) because he fails to notice obvious benefits available now, and increasingly to become available from the Project; and (b) because he blandly accepts and brashly reports irresponsible computations by others that 2½ million acres of corporate held acreage is served by the Project. This is drastically more acreage than the sum total of all acreage to receive such service in the San Joaquin Valley.

First, it can be acknowledged, without prejudice, that larger corporate farms do exist in the valley and they do include considerable acreage that may be served by Project water now, and later. They employ a substantial number of people, generally at good wages. Some of these corporate farms are large—some of them relatively small. Also, there are many other farms in the valley that receive, or will receive, Project service that are not corporate-owned. Some of these are large—some are small. They, too, employ many people, generally at good wages. They are all a part of the economy of the valley.

Second, the entire water supply to be provided in the San Joaquin Valley from the Project is only sufficient to serve about 500,000 to 600,000 acres with a full supply—based on a maximum use of about 2½ acre feet per acre—a minimum for successful farming. Many properties, whether owned by large or small operators, however, will not receive a full supply; therefore, it may be reasonably estimated that a maximum of 700,000 to 800,000 acres may ultimately be served to some degree by the Project.

This *total acreage,* is *less than a third* the corporate acreage alone claimed by Roberts to be served by the Project.

But that is not all.

More exact information on this question is available from the Kern County Water Agency which, through its member units and improvement districts, will distribute about 80% of all San Joaquin Valley delivered Project water. This Agency's recap indicates that all larger corporate landholdings to be served by the Project within these Kern districts account for not more than about 225,000 acres. Some of this acreage will receive little, if any, Project water—other such acreage perhaps a full supply.

The larger corporate holdings in the San Joaquin Valley other than those in Kern County, but served by water districts receiving State Project water, although substantial in acreage, account for far less Project-served corporate acreage than that served in Kern County—perhaps as much as 100,000 acres in total. Accordingly, a fair estimate of all larger corporate landholdings receiving State Project water would perhaps be something in the order of 325,000 acres in the Project's San Joaquin Valley service area—far less than the 2½ million acres Roberts claims would be supplied.

Obviously Nader team member Roberts is guilty of irresponsible reporting on this score. No more irresponsible, however, than with respect to many other charges he leveled in his Clear Creek article and now used in the Nader report.

This disposes of questions concerning the actual acreage of larger corporate landholders served by the Project. Admittedly these corporations do engage in farming—many have done so for many decades. They have committed their resources to payment of the cost of Project water with interest in accordance with the water pricing policies and taxing policies of the respective agencies or districts serving them.

In view of these facts, Nader's team member Roberts, however, lays an egg when he charges these corporate landholders receive great subsidies and other unearned benefits.

To respond to the Roberts charge that Kern County agricultural water users abnormally benefit from a subsidy of $20.00 or more per acre foot through Agency or State malfeasance, requires stating again that, neither under the State Water Service Contracts, nor under the KCWA-member unit contracts, is there any prospect of any such subsidy. Additional proof that no subsidy exists, could be demonstrated by further analysis of the pricing and taxing policies of each Kern County Water Agency member unit district, but this can hardly be undertaken here.

It is sufficient at this time to indicate that basic policies by which these member unit water districts are guided are essentially the same as those which control the Kern County Water Agency itself and many other water districts in California. Essentially, this policy calls for payment of all properly allocated costs by those who receive the benefit—the "Fellmuth principle", if you will.

SURPLUS SUBSIDY?

However, the charge Nader team member Roberts tries to establish concerning an alleged State impropriety and a vast subsidy to users in State delivery of Project surplus water at a reduced charge of about $4 an acre foot requires attention. His claim that Project surplus water is not surplus in reality but is firm water instead, worth full price, calls for answer. His basic contention is, that water labeled surplus water by the State is not actually surplus because it would always be available except in an extremely dry year.

Why this is incorrect, and why surplus water has greatly reduced value, and the considerations that must be taken into account when considering its actual availability, will be explained here: First, it should be pointed out that water charged for, at so much per acre foot, is not the water bills from the State to the agencies read.

Instead, each contracting agency is billed in full, with interests, for its proportionate share of costs of conserving the water, and its proportionate share of the costs of transporting it to the takeout points serving the Agency's service area.

Thus the capital costs of the Project, with interest, which are paid for on a deferred basis, and the operating costs of the Project, which are paid for on a semiannual or monthly basis, are fully paid by such agencies, each to the extent it is required to share in such costs under its contract, and regardless of the exact amount of water actually received.

In effect, as Prudential would say, each agency is buying "a piece of the rock", or as the younger generation might say, "a piece of the action." The fact that no title to this capacity is conveyed by the State to the Agency does not diminish the fact that, when an agency assumes such an obligation under its contract with the State, it becomes entitled to use of a specific share of the capacity of the project transportation facilities as specified by the contract, while it also assumes, and must pay the capital costs with interest and the related fixed operating costs, regardless of whether its water entitlement is fully received or not.

If Project firm water is short of meeting a contractor's entitlement, the variable transportation costs (largely power costs) would not be charged.

Why then, under such circumstances, should not facilities and service thus paid for be used to provide surplus water when available? As this question is examined, it should be pointed out that many physical or regulatory factors, some of which are unknown in advance, can have a bearing on the amount of surplus water available at the Delta.

One physical factor is, that the State Water Project is not a gravity system—instead it depends on massive pumps and electrical energy to deliver water. The pumps may fail, or the electric energy may not be available or the power contracts may not permit the supplying of power for pumping surplus water even though the water is available at the Delta, even when aqueduct capacity to move the water is available.

We can remind ourselves that rulings of the State Water Resources Control Board, or other agencies, may affect water availability. We also know that, under the State Water Service Contracts, the agricultural water supply must suffer the first deficiencies as compared to municipal and industrial supply in the event of drought and water shortage. This reduction is without benefit of any reduction in the fixed charges to the contractors for related capital costs or operation costs of the Project. Those that would like to use surplus Project water must consider these hazards and these unrewarded costs. They cannot agree that surplus water is dependable. While they plan to make use of some surplus water, when available particularly in early years of the Project when local distribution costs, too, are burdensome; and while they hope surplus water will be available later, they also must hedge, by maintaining costly wells and pumps, to provide the dependability needed, even though they may not use them. Obviously, too, surplus water will only be provided by the State when it is amply available. All of this speaks eloquently for making surplus water available to users at lowest cost whenever all circumstances permit its use.

Third, is yet another overriding consideration—the economic preservation of a natural resource—groundwater. Considering the fact that the recovery and use of groundwater involves substantial cost for pumping and, at times, costly conveyance, there are good, and substantial reasons for providing surplus water at the lowest possible cost—both for direct replenishment of groundwater, and for direct application of such water to permit less pumping than would otherwise be required.

By so doing, the groundwater resources of the State. as they exist in the many service areas of the Project, can be conserved and, in the course of time, the public benefited. In the meantime, no harm is done to anyone; no new costs are imposed on any except those who may benefit. And those who benefit stand to gain no more than they should all things considered. Why then, complain?

STOP THE STATE PROJECT?

Nader's author Roberts has made it abundantly clear through his Clear Creek article, that his conclusions are based on certain prejudices, and certain objectives. He states clearly that his motive is to stop the State Water Project. He aims to reduce the taking of water from the Delta, even though the water service contractors have footed the bill to conserve it. Among his methods, the stopping of the Peripheral Canal is considered by him to be a key necessity.

To defend the Peripheral Canal concept point-by-point will not be an objective of this article. Again too much space would be required and the readers should not be further burdened at this time.

However, one observation may be in order, namely, this: The State Water Resources Development Bond Act and the System it contemplates will take care of the problems of the Peripheral Canal, and indeed there may be some, in a way that will be fair to everyone. Roberts is foolish in trying to contend otherwise, just as many of his other complaints about the Project are foolish.

Perhaps we should not blame him too much for his misconceptions. The State Water Project, is indeed, a complex and massive undertaking. Perhaps its workings are not readily apparent to the casual student. But perhaps what has been written here will serve to accomplish in a small way a needed part of the understanding that is desirable.

THE PROJECT—BANE OR BLESSING?

Personally, I think we can be very proud of the State Water Project—proud of the water pioneers, the engineers whose early studies led to its concept, and the engineers and officials, and all persons involved in its construction and operation to this day. We can also be proud of legislators who approved the Bond Act in 1959 and have steadfastly kept the Project on course. Too, we can be proud of the voters who approved this measure in 1960, and who later have been called upon to ward off measures that would have crippled the State Water Resources Development System.

Continuing, I think we should appreciate and be grateful for the Project's capacity to serve so many people throughout so much of the State, now and in the future. We should recognize with appreciation the important part played by the water agencies and districts in this program, many of which have as their primary purpose the serving of State Project water to their areas. Likewise, we can be proud of the officials of these agencies for their unselfish work in behalf of their constituents. Credit is due the great State of California for its part in the Project.

But the capstone on this huge structure consists of the many people throughout the service area who have accepted responsibility for repayment of so large a share of the cost of the California State Water Project.

[From the Fresno Bee, Aug. 26, 1971]

Nader Joins Mineral King Critics

San Francisco.—The Ralph Nader California Task Force questions the US Forest Service's right to grant Walt Disney Productions a developmental lease for the proposed $35 million Mineral King Project.

Taking essentially the same position as the Sierra Club, the Nader report challenges the lease policies and the state-federal authority to build a $23 million all-year highway.

Nader's report writers also challenge the USFS right to allow resort development within a congressionally mandated game refuge.

The USFS invited bidders for a ski resort development in Mineral King. The report notes that of the six bidders, two presented $35 million to $40 million proposals, proposals 10 times larger than those sought by USFS.

The Mineral King report by Nader's task force concludes, "Pending an adverse decision on the Sierra Club suit, the private development will proceed. The Disney contributions to state and federal political campaigns have been substantial."

The Sierra Club filed a federal suit in San Francisco challenging both the Forest Service and the National Park Service on the Mineral King questions. The suit prevailed in the lower court, was reversed on appeal and now the Sierra Club has appealed to the US Supreme Court.

Nader's strongest attack on Mineral King is directed at the state legislative processes, the State Division of Highways, the National Park Service and the USFS joint plans for a 25-mile-long road that must cross through Sequoia National Park to reach the Mineral King project.

"This road was placed in the state highway system . . . by means of a rider on another bill, and by clandestine maneuverings by the (then) president pro tem of the (state) Senate," the report states.

The report notes, "no legislative hearings were held" on this proposed $23 million addition to the state highway system.

The report charges the USFS asked for environmental comment from its own wildlife experts, then ignored those reports because they were unfavorable to the Mineral King proposals.

In general the report alleges the Disney development is too large and that it is ecologically destructive. The report contends the wildlife and the natural plant life will be seriously damaged or destroyed.

[From the Tehachapi News, Sept. 1, 1971]

Sierra Club Helps Pay Nader Report

(By Bill Mead)

Tehachapi-area voters who gave overwhelming approval early this summer to a system to use State Project water will have serious reservations about the so-called Nader report on "Power and Land in California".

It's "so-called" because Ralph Nader's involvement appears to be limited to writing an introduction to the report and—more recently—defending the questionable document from mounting attacks.

The Nader report was actually prepared by a group of young political activists, many of them closely connected with the ultraconservationist Sierra Club. The total effort received strong financial backing from the Sierra Club, which has long sought to sabotage the State Water Project. The young man in charge of the Nader report admitted that direct Sierra Club support amounted to 40% of its total costs. Other observers say much of the balance of the report's financing came from sources allied with the Sierra Club.

In view of this Sierra Club backing, it's no surprise that the resulting document is highly critical of the State Water Project in terms echoing Sierra Club utterances in the past.

It will be hard for Tehachapi people to see much logic in the Nader report's conclusions that the big water system is "unnecessary" and "damaging to the environment". The longwinded report also implies that the State Project mainly benefits large farming companies in the San Joaquin Valley.

The factual absurdities on nearly every page of the Nader report are so numerous that an entire issue of this paper wouldn't provide enough space to debunk them all. So let's direct our attention to what the State Project means to this area, as contrasted with what the Nader critics claim.

If anybody thinks the State Project is going to degrade the environment, they first ought to imagine what this area would be like without the project. Perhaps Nader's followers see a great deal of charm in wiped-out communities, but the people who live and work in them feel differently. Without the State Water Project, Tehachapi and the surrounding Valleys would be reduced—and soon—to economic disaster.

It's no exaggeration to say that the State Water Project is this area's lifeline. Without it, there would have been no other way to provide enough water around here to support more than the lowest level of existence for a handful of people. Taking it a step further, if it hadn't been for the participation of those big, bad farmers in the San Joaquin Valley, the cost of water from the State Project would have been so high that Tehachapi couldn't afford to buy it.

A critical examination of the Nader report—especially the portions about the State Water Project—makes reasonable people see much truth in the comment this week from the San Diego County Assessor, who summed up his reaction to the Nader report in these words:

"Ralph Nader should have stuck to seat belts."

At the very least, it would seem that the wall-to-wall distortions by the young zealots who wrote this latest Nader epic ought to make the professional consumerist more selective in franchising his highly-promoted reputation.

CHALLENGE OF THE CONSUMER CRUSADER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ROSENTHAL. Mr. Speaker, the consumer has often been shortchanged by the media in this country. Articles of importance to consumers often are relegated to the women's pages or back sections of newspapers, preceded by gawdy advertising or dangerous products. But sometimes the public finds allies in unexpected quarters, concern for consumerism where one would least imagine it.

Comic magazines lately have begun dealing with controversial, topical issues. A good example is the September issue of Detective Comics, "Challenger of the Consumer Crusader," deals with the efforts of a Naderesque consumer investigator.

National Comics should be commended for its efforts to educate our young people in the field of consumer protection, and also for unleashing the Batman on some of the less well known, but still unsavory, criminals of our society—those who seek to deceive and cheat the American consumer.

CHARITY BEGINS AT HOME FOR THE EEC

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RARICK. Mr. Speaker, the ingratitude of our "foreign aid friends" is constantly amazing.

The nations of the European Common Market, saved from total destruction at the high cost of American lives and reconstructed by billions of dollars in American foreign aid, refuse to support the American people in our move to save our sagging economic system.

Even Britain, our "sometime friend," supports the move on the part of the EEC to demand official devaluation of the American dollar, a move that has left the American people in virtual isolation in their attempt to salvage what is left from repeated governmental overspending.

Had our Government taken a similar attitude to the plight of Europe after World War II, there would be no "common market." We have, in effect, created, fed, and nourished a creature that will now support moves to hasten our downfall from our position as a world leader.

It is past time to stop the nonsense; it is past time supporting the world only to see it turn against us. The American people must not blame our foreign friends, our leaders and their programs have caused our decline.

I insert related news articles in the RECORD at this point:

[From the Washington Post, Sept. 11, 1971]

REALINEMENT ASKED FOR CURRENCIES IN NEW EEC PROPOSAL

(By Richard Norton-Taylor)

BRUSSELS.—The European Common Market's executive commission today called for a realignment of all major trading currencies—including the dollar—and the progressive run-down of the dollar's role as a reserve currency.

The call came in a five-page document to be discussed by the six Common Market finance ministers Monday. Although the commission does not specifically propose devaluation of the dollar in terms of gold, senior commission officials make it clear that this is what the commission has in mind.

The view of the independent commission is of significance in that the nine-man executive body traditionally tries to formulate a common denominator out of the opinions of the six member states.

In the past few days, leading figures in the Italian government—currently chairmen of the market's council of ministers—have suggested devaluation of the dollar, while the British treasury is reported to be favoring a rise in the price of gold.

Common Market finance ministers will concentrate Monday on trying to adopt a joint stand on the reform of the international monetary system, market sources say. On the following Wednesday, ministers from the Group of Ten—linking the western world's richest nations—will meet in London for further talks. At that meeting, the United States can be expected to confront a common stand in favor of a dollar devaluation.

"Realignment of the currencies of industrialized countries," the commission says, "must be carried out in such a way that the sharing of the burden of such adjustments takes account of the relative economic situations of the countries involved."

In an indirect criticism of they way the U.S. has managed its economy up to now, the commission says that "without exception," all the countries concerned must accept the constraints and obligations that such parity realignments involve, and must introduce "appropriate internal policies."

The commission proposes that "international liquidity should continue to be based on gold, and, to an increasing extent, by reserve instruments created and managed collectively on the international level; this implies the adaptation and the development of the system of Special Drawing Rights (SDR's). It is thus important to organize a progressive decline in the role played by national currencies as instruments of reserve."

Common Market experts are thinking in terms of defining their currencies in terms of Special Drawing Rights, and no longer pegging them to the dollar. But the exact means of making the Common Market currencies independent of the dollar will depend on whether or not the United States agrees to a change in the gold parity of the dollar.

While the Common Market and Britain are apparently moving towards agreement on ways of reforming the international monetary system, they are clearly still at odds on how to combat speculative movements of short-term capital and on how much—if at all—the Common Market currencies should be allowed to "float" against the dollar.

Such concentration on the broader, political issue of the future monetary relationship between Western Europe and the United States is bringing the Europeans closer to French thinking. In brief, the French argue that European currencies should not be tied to a single national currency like the dollar, thereby being at the mercy of internal American economic policies.

Signor Franco Baria Malfatti, president of the European Commission, today took up President Pompidou's proposal for a meeting of heads of government of both the Common Market six and the four candidates seeking membership of the market.

[From the Washington Post, Sept. 15, 1971]

BRITAIN SUPPORTING EEC PLAN ON DOLLAR

LONDON.—Britain lent strong backing today to a European call for the devaluation of the dollar against gold within a reformed world money system.

The development, on the eve of talks between finance ministers and bankers representing the world's 10 richest nations, had the informal backing of Japan and Canada, according to senior authorities.

It therefore seemed to ensure the virtual isolation of Treasury Secretary John B. Connally, who was flying in under President Nixon's orders to defend the administration's emergency economic recovery program. This program includes a controversial 10 per cent surcharge on most U.S. imports and broke the dollar's nearly 40-year-old tie to gold.

Word of the British move spread after Chancellor of the Exchequer Anthony Barber met twice with Italian Finance Minister Mario Ferrari-Aggradi, who is president of the European Common Market's Council of Ministers.

The Italian had flown in from Brussels to rally British backing for a definition of Common Market policy—agreed on Monday—toward the main issues involved in the international monetary crisis.

Barber advised Ferrari-Aggradi that the six Common Market countries can count on broad British backing for most of their key aims.

These included:

A reform of the world money system, with a devaluation of the dollar against gold. The British think this should be limited to about 5 per cent.

The phasing out of the role of the dollar as a reserve currency just as Britain's pound sterling's role is being phased out. Instead a system of special drawing rights on the International Monetary Fund, should be developed.

A realignment in the value of the world's leading currencies, including the dollar, and preservation of the system of fixed parities. But controlled floating of currencies also would be permitted by enlarging the upward and downward limits of fluctuation. The British would like a margin of about 3 per cent each way.

Abandonment by the United States of its 10 per cent supplemental import tax which most trading nations see not only as a threat to freer world trade that could bring reprisals but also as a bar to a realignment of exchange rates.

The British hope the two-day conference of "the Group of 10" will permit them to begin a middleman's role in order to prepare a package of compromise measures reconciling the conflicting interests of the key nations.

Nations taking part are Britain, the United States, Canada, Japan, Sweden, France, West Germany, Italy, Belgium and Holland. Switzerland sits as an observer.

The value of the U.S. dollar dropped to new lows in West Germany and Japan and declined on several other international exchanges, apparently in reaction to the common market's decision.

In Tokyo, the value of the dollar fell to 337.75 yen, off 6.2 per cent from the old standard of 360 yen per dollar and the American currency's lowest value there in the postwar years.

In West Germany, where the Deutsche mark itself has been allowed to seek its own level since May 10, the dollar dropped to a closing rate of 3.3755 marks. This was a plunge below the previous 22-year low of 3.3810 marks registered Aug. 26 and equivalent to a dollar devaluation of 7.7 per cent against the mark.

The dollar also opened lower in London, closing at $2.4675 to the pound sterling.

This amounted to a dollar devaluation of about 3 per cent against the old official rate of $2.40 to the pound.

In Paris, the dollar lost ground against the franc and finished at 5.345–5.355 on the free market, a devaluation of 3.7 per cent on the dollar.

The dollar plunged to 24.45 Austrian schillings on the Vienna market, lowest since Mr. Nixon's move. And in Spain, there were indications the dollar also was under pressure. The dollar was quoted in Madrid at 69.20 pesetas for buyers and 69.436 for sellers, compared with 68.85 and 69.21 Monday.

On the Brussels market, the dollar reached its lowest point of the month, 48.065 Belgian francs, a 3.87 per cent drop from the previous official value. In Amsterdam, the devaluation against old parity was exactly 5 per cent at 3.4263 guilders at the close. The Swiss franc closed at 3.99 to the dollar, an unofficial devaluation of 2.21 per cent.

SALE OF JETS TO CHILE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BADILLO. Mr. Speaker, on several occasions I have voiced my deep concern over the ill-advised decision of the Export-Import Bank not to assist Chile in purchasing three Boeing commercial aircraft. Not only has this unwarranted determination seriously damaged our image and credibility in Latin America but it has also forced the Chilean Government into seriously considering the purchase of commercial jets from the Soviet Union and the dispatch of a special mission to Moscow.

Yesterday's Washington Post carried a very timely and perceptive editorial on this tragic situation. As this editorial aptly observes, the poorly conceived decision not to grant Eximbank financial underwriting will simply reinforce the efforts of those elements seeking an open break between the United States and Chile. I present herewith, for inclusion in the Record, this Washington Post editorial and urge that our colleagues give it careful consideration.

I also include for insertion my exchange of correspondence with the White House on this issue. I find very little encouragement in the implication that there must be some quid pro quo before further consideration can or will be given to Chile's request, particularly when the Allende government—as noted in the Post editorial—has already taken steps to show its good faith in recent compensation cases. I remain unconvinced, contrary to Mr. Cook's assurances, that political factors were not the foremost of considerations.

[From the Washington Post, Sept. 14, 1971]

Bullying Chile

Chile's dispatch of a mission to Moscow to buy eight Soviet commercial jets signifies a major failure of American policy. Chile wanted to buy three more Boeings for its currently all-American fleet. With Boeing gasping after the SST cutoff, the $21 million deal looked like a natural. The Nixon administration, seemingly recovered from the jitters with which it greeted the socialist Allende government, had lent Santiago $5 million to buy a military plane and assorted gear. Chile had made satisfactory compensation arrangements with Bethlehem Steel, Bank of America and—a big one—Cerro copper, all targets of nationalization. The $10 million loan Chile was seeking from the U.S. Export-Import Bank to cover the Boeing jets was, relatively speaking, peanuts. Nobody doubted that Chile could and would pay.

But Eximbank, which had led Santiago to believe the Boeing loan would go through, drew back. Whether it was acting for the two large nationalized copper companies, Anaconda and Kennecott, whose compensation claims are pending, or whether it was simply a case of the United States Government, in particular the Treasury, wanting to play tough, is not clear. But Eximbank refused to approve a loan for the Boeing jets. Instead, it asked Chile to report what it planned to pay Anaconda and Kennecott (and Cerro—for technical reasons its compensation figure has not been set). The Allende government replied that these questions were still in the works, and sent the vice president of LAN-Chilean Airline to Moscow.

Now, in Washington the Eximbank statement to Chile is described as a routine banking query. In Chile and throughout Latin America, however, the statement has been understood—and properly so—as a classic case of big-stick diplomacy. Chileans of all political persuasions—indeed, Latin Americans of all political persuasions—have joined in protest against it. No self-respecting government, Marxist or otherwise, can be expected to dance a jig for Henry Kearns—who is president of Exim. And in addition to the manifest political implications, the conversion of a fleet from American to Russian planes involves difficulties of expense, training, spare parts and the like. Mr. Allende might well have paused on these.

The matter is not likely to end with Santiago's switch from Boeings to Tupolevs, however. By forcing President Allende to buy Russian, the United States surely will strengthen the hand of those in Santiago who wish to promote a break with Washington. The United States will have made it measurably harder for Anaconda and Kennecott to get fair compensation settlements. And it has compromised itself throughout the hemisphere.

August 12, 1971.

The President,
The White House,
Washington, D.C.

Dear Mr. President: You will recall that I wrote to you early last month to express my deep interest in the desire of the Government of Chile to purchase three commercial jets—two Boeing 707s and one Boeing 727—from the United States with the assistance of the Export-Import Bank. In my July 7 letter I noted that the best interests of the United States would be served in approving a Chilean request for Ex-Im Bank financing and I urged that the Chilean Government's request be favorably considered.

I was most distressed to learn in this morning's papers that the Export-Import Bank has refused to negotiate loans and loan guarantees with the Chilean Government in order that it may purchase these aircraft. I believe this decision is not only unwarranted and ill-conceived but that it also casts very serious doubts over your previously announced desire to maintain normal relations with Chile. Frankly, Mr. President, the Ex-Im Bank's action is nothing more than a callous rebuff to Chile and I am fearful that it will serve to further strain our already troubled relations with this Latin American republic.

It seems to me that the primary basis of the determination whether or not to grant Ex-Im Bank financing is the applicant's credit worthiness and this should have been the basis upon which the United States responded to Chile's overtures. However, it would appear that political considerations and certain unfounded apprehensions took precedence over economic factors in arriving at the decision not to grant aid.

Consider the potential economic benefits which would accrue to our financially plagued aerospace industry if the purchase could be made in the United States. According to news accounts, the only alternative now open to Chile will be to try to purchase these needed planes from the Soviet Union—a development which our already questionable image in Latin America can ill afford.

I respectfully urge that the appropriate officials of your administration very carefully review the unfortunate decision made by the Export-Import Bank and thoroughly reconsider Chile's request with a view toward granting approval. I believe that positive action is long overdue in our relations with Chile and that approval of the loan request to purchase the planes may very well facilitate negotiations now underway in connection with certain U.S. interests in Chile.

Sincerely,

Herman Badillo,
Member of Congress.

The White House,
Washington, September 9, 1971.

Hon. Herman Badillo,
House of Representatives,
Washington, D.C.

Dear Mr. Badillo: I have inquired further regarding your letter of August 12 to the President about Chile's interest in acquiring three Boeing aircraft with the assistance of the Export-Import Bank.

Despite press reports to the contrary, the Export-Import Bank, far from refusing to discuss the matter with Chilean representatives, has held some discussions already and is entirely prepared and willing for these discussions to continue. The Bank has been, and remains, interested in obtaining information on Chile's intentions regarding its various international financial obligations. We believe that such information would be of legitimate interest to any potential creditor, and that the Bank is acting in a way designed to meet its responsibilities for the taxpayers' funds appropriated to it by the Congress. Thus normal banking and financial criteria, and not political considerations, underlie the Bank's position.

At the same time we have very much in mind the concerns you express over the state of our aerospace industry, our relations with Chile, and particular U.S. interests in that country, and you can be sure that these matters are being very carefully considered.

With kind regards.

Sincerely,

Richard K. Cook,
Special Assistant to the President.

SALMON FACING DEATH RATE OF 90 PERCENT IN NEXT 3 YEARS IN WASHINGTON STATE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. PELLY. Mr. Speaker, an alarming amount of toxic concentrations of dissolved nitrogen persists from the most upstream dams on the Columbia and Snake Rivers threatening the future of salmon and steelhead. The Environmental Protection Agency's Region 10 office in Seattle, has just released a report that states the anadromous fish of the Columbia Basin, a major regional and national resource, due to this condition in the Columbia and Snake Rivers, could be reduced to 10 percent of its present size within 3 years.

To save this national resource and the great American salmon fishing industry, Congress and Federal agencies must implement aggressive strategy for an early and effective reduction of dissolved nitrogen concentrations in the Columbia and Snake Rivers.

Nitrogen supersaturation is caused when river flow must be passed over the spillways of the main stem hydroelectric dams. Air, which is 79 percent nitrogen, is entrained in the flow as it passes over the spillways and, as the water plunges into the deep stilling basin below the dams, the increased pressure and turbulence force the gasses in the air to dissolve in the water. This is causing the deaths of uncounted thousands of salmon.

Mr. Speaker, the causes are well-documented. Now, we must turn to solutions and we must do it rapidly. The Corps of Engineers, National Marine Fisheries Service, Bonneville Power Administration, and Oregon and Washington fisheries agencies have worked diligently during the past year toward the development of short-term and long-range solutions to the problems of nitrogen supersaturation.

Now, however, with the EPA report on this serious problem, I urge the Department of Interior to prepare the necessary legislation to meet the problem, and submit it to Congress hastily. There are many recommendations that can be accomplished at the local level, and I urge local agencies to set about their work. But, here in the Congress we have an obligation to save an essential resource from extinction. Today, I have written Secretary of Interior Rogers C. B. Morton seeking immediate attention to the legislative needs to save these salmon.

EEOC: STRENGTHEN IT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RANGEL. Mr. Speaker, the Equal Employment Opportunities Enforcement Act of 1971 represents a major commitment by Congress to the concept of equal rights for all Americans.

Until now, the Federal Government has said much, but done too little. However, I am realistic enough to recognize that H.R. 1746 is not a cure-all for the inequities that plague our society.

Nevertheless, the fact is that the Equal Employment Opportunity Commission will have significant enforcement powers for the first time.

Congress, in enacting this legislation, finally will put employers on notice that discrimination in hiring and employment will no longer be tolerated.

Transferring the Office of Federal Contract Compliance from the Department of Labor to the EEOC is a major step toward unifying our efforts in the war against discrimination. Bringing smaller employers and unions, as well as State and local governmental employees under the umbrella of Federal protection is a significant milestone.

The battle will continue, however, until each and every employer in this Nation realizes that swift legal action will follow any discriminatory behavior.

Mr. Speaker, I am proud to be a cosponsor of H.R. 1746. As the representative of a constituency composed primarily of members of minority groups, I know that this bill will have an important influence on their lives. They will not be deceived into thinking this bill does everything, but it will give them hope that their Government has made a commitment to stopping the discrimination that relegates so many of them to menial jobs and inadequate pay.

At a time when President Nixon tells us that any type of work is preferable than welfare, he speaks in ignorance of the discrimination that bars those with black or brown skin from many jobs. He speaks in ignorance of the discrimination that prevents many women from being promoted, despite their ability. He speaks in ignorance of the discrimination that keeps Spanish-speaking citizens from being hired.

I urge my colleagues to join me in supporting H.R. 1746.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FRASER. Mr. Speaker, testimony I received at the Minneapolis health hearings included remarks by Dr. Matt Plasha and Mr. Warren Eustis concerning the problems of rural health care.

Dr. Plasha is a general practitioner and a member of a mixed specialty group in Coon Rapids, Minn. He pointed out three areas of concern as they relate to his area. First, he discussed the physician shortage. There is a shortage of practicing physicians who actually see those who are sick. He estimated that only 50 percent of all doctors in the area see patients. He pointed to the lack of family physicians.

Specialists, according to Dr. Plasha, greatly outnumber general practitioners today. In 1947 approximately 75 percent of physicians beginning practice were general practitioners, but in 1971 approximately 75 percent of physicians beginning practice were specialists of one sort or another.

Second, he discussed the assistance given by paramedical personnel. He discussed the legal problems that arise when employing individuals with only some medical training. As has been pointed out, the question of licensure was one of the central questions in dealing with the problems of expanding trained medical personnel. Third, Dr. Plasha discussed some of the costs that lead to inflation in doctors' fees. For example, the problem of malpractice forces doctors to practice a much more defensive type of medicine. In Dr. Plasha's opinion, doctors order additional, and at times, unnecessary tests in order to be protected against any possible eventuality. In some States malpractice insurance is unavailable. As a related problem, Dr. Plasha pointed out that much more medical service could be provided on an outpatient basis.

Mr. Warren Eustis, an attorney representing the Upper Midwest Research and Development Council, discussed some of the less evident problems of bringing medical care to rural areas. Mr. Eustis has had a central role in developing a regional approach to medical problems and had requested funding for the Freeborn-Mower project. This proposal joined two southern Minnesota counties in planning for their health care needs. This is, according to Mr. Eustis, one of the first steps in attempting to solve the lack of intelligent planning in various rural areas. As a strong supporter of the Federal comprehensive health planning program, Mr. Eustis urged continued congressional support for an expansion of the activities of this program. Specifically, he suggested that comprehensive health planning groups should have not only review authority but also authority to initiate programs and possibly run some.

This idea deserves a great deal more thought on all levels of government and may be one of the ways to solve the problems of health care in rural settings.

A TRIBUTE TO THE SISTER CITY PROGRAM OF REDONDO BEACH, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ANDERSON of California. Mr. Speaker, international relations can be approached on two levels. We can negotiate between leaders of nations in an attempt to improve relations from the top, but a far more effective method is to bring individuals into contact to improve international rapport through interpersonal relationships.

The city of Redondo Beach, Calif., a portion of which lies within my district, has demonstrated for a number of years the value of the second approach through the outstanding success of its Sister City program. This Friday evening, September 17, 1971, in Washington, D.C., appropriate tribute will be paid to that program by the Town Affiliation Association as the city in the 25,000 to 75,000 population category with the best overall Sister City program. Of course, the honor of Redondo Beach's selection also reflects upon her two sister cities, La Paz and Ensenada, Mexico.

Under the leadership of Mrs. Helen P. Colwell, chairman of the Redondo Beach sister city program, this effort has become more than a surface program of annual visits between dignitaries of the cities involved. Instead, it has become an example of international cooperation and mutual assistance between the three communities. Rather than two separate programs with the two Mexican cities, there has been a spirit of tri-cityhood that has fostered increased fellowship between La Paz and Ensenada as well.

In recognition of Mrs. Colwell's personal leadership in the success of the program, she has been asked to be a member of a special task force on planning for the future to meet during the TAA convention this week here in Washington.

Redondo Beach began its sister city activities in 1960, at the suggestion of Robert Curry, former publisher of the South Bay Daily Breeze, who had spent much time in La Paz and had noticed many similarities in the two communities. Mr. Curry encouraged Redondo Beach officials to visit La Paz and, as a result, the affiliation between the two cities was agreed upon. In 1963, Ensenada approached Redondo Beach about a similar program and was soon included as the third sister in a tri-city relationship.

This year, the program, which has always been organized on the basis of individual members rather than member organizations, included 2,192 Redondo Beach members, 1,411 from La Paz, and 1,531 in Ensenada. As a result of the program, Redondo Beach residents paid 1,923 visits to La Paz and 3,114 to Ensenada, and 1,925 visitors from La Paz and 3,317 from Ensenada came to Redondo Beach for periods of from 3 days to a year.

But those are only the statistics; let us look at the results.

A free dental clinic was established as a joint sister city project last year, with an additional $30,000 worth of supplies donated and delivered this year. Also, $20,000 in medical supplies has been sent to La Paz for a 60-bed clinical hospital, the Red Cross, and the medical clinic for working mothers and their children. In Ensenada, a sister city parkette has been built on land secured through the efforts of their sister city committee, with $7,000 worth of modern playground equipment provided by their counterparts in Redondo Beach. When a similar project was launched this year for La Paz, a local trucking company donated transportation for the playground fixtures from Redondo Beach to Ensenada; from there it was shipped to La Paz by boat.

Special courses have been added in the schools of Redondo Beach to provide a greater understanding of the language and culture of Mexico as a result of the sister city relationship. Because both of the Mexican cities in the program are on the Baja California Peninsula, special emphasis has been placed on that area in the school programs. Student exchange programs in the three cities have involved nearly 48,000 persons in the international relations activities on a personal basis. A "pot luck" dinner in Redondo Beach, limited to the immediate families of those hosting a musical group from Ensenada, brought 700 persons to the dinner. The families adopted these young people "not just for that week, but 'for always'," Mrs. Colwell reports.

Special sister cities festivities have been organized in all three cities, and the calendar of events alone took three pages of Mrs. Colwell's report on this year's activities.

The number of individual persons involved totaled more than half a million people among the three communities. Even allowing for repeated participation and the crowds of 60,000 or more drawn for major festivals, these are impressive numbers for three cities whose combined populations total less than 200,000

So, Mr. Chairman, when the award is presented this Friday to Redondo Beach for the best overall sister city program in her population class, Mrs. Colwell and her committee will have done the work. The citizens of the three cities will have had the experience and satisfaction of making lasting friendships. And, the whole world will reap the benefits of better international relations.

EQUAL RIGHTS FOR MEN AND WOMEN SUPPORTED BY GOVERNOR'S COMMISSION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues a press release issued by the Nebraska Governor's Commission on the Status of Women. Of particular interest are the diverse groups supporting the Equal Rights for Men and Women amendment without change or amendments. We will be considering this legislation on the floor next Wednesday, and I feel that all Members would find this press release of interest while pondering the question of whether we are finally going to make full human rights for women the law of our great land.

The press release follows:

PRESS RELEASE

Members of the first statutory Governor's Commission on the Status of Women have voted unanimous support of the Equal Rights Amendment in its original wording. The amendment is scheduled for September 15 action in Congress when two amendments to the original bill will be debated and voted upon.

The action was taken at a recent organizational meeting of the commission in Lincoln. (Sat. Aug. 28) According to Mrs. Helen Haggie, Lincoln, chairman of the new commission, women and men in Nebraska are urged to write members of the Nebraska Congressional delegation in support of the original amendment by September 10.

The text of the original amendment is, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The bi-partisan proposal to amend the U.S. Constitution would enable Congress to enforce the provisions by appropriate legislation. The amendment would not take effect until two years after date of ratification.

Over 40 national organizations have endorsed the Equal Rights Amendment in its original form. Eleven state legislatures have petitioned Congress for its adoption. It has received the support of Presidents Eisenhower, Kennedy, Johnson and Nixon.

National organizations supporting the amendment who have Nebraska representation are: General Federation of Women's Clubs; National Federation of Business and Professional Women's Clubs; National Education Association; American Women in Radio and Television; Women's Christian Temperance Union; National Federation of Republican Women's Clubs; American Association of College Deans; National Organization for Women; Soroptimist Federation of the Americas; American Society of Women Certified Public Accountants; Zonta; National Democratic Committee; National Republican Committee; American Association of University Women; Quota International; American Civil Liberties Union; Ladies of the Grand Army; United Presbyterian Women; United Presbyterian Church; B'nai B'rith Women; Women's Equity Action League; Unitarian Universalist Women's Federation.

Offices of the first statutory Governor's Commission on the Status of Women are: Mrs. Helen Haggie, chairman, Mrs. Betty Jeanne Holcomb-Keller, vice-chairman, Mrs. Venette Creager, secretary, all of Lincoln and Mrs. Arlene Travnicek, treasurer, Wilber.

Other members are: Mrs. Sue Morrissey, Kearney; Mrs. Mae Huerta, Scottsbluff; Mrs. Emmett Smith, Mrs. Elizabeth Pittman, both of Omaha; Mrs. Madeline Coder, Wellfleet; Mrs. P. R. Beacom, South Sioux City; Mrs. Marian Kjar, Lexington; Mrs. Rose Lute, Ogallala; Mrs. Tom Tideman, Hartington: Mrs. Robert Carlson, Blair; Mrs. Marilu Ellerboek, Bellevue.

Lincoln members include: Dr. Anne Campbell, Mrs. Virginia Portsche, Mrs. Fran White, Mrs. Kathryn Braeman, Mrs. Lucy Nevels, Mrs. Melba Scott, Mrs. Helen Lassek, Mrs. Helene Krivosha.

DIAL-A-FRIEND

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. McKINNEY. Mr. Speaker, a comforting voice in time of stress can be a welcome sound for those who are in need. For people who feel they have no friends, trying times can become desperate hours and the question, "Where to turn?" can become a haunting one.

I know that my colleagues in the House will be interested to know that a group of compassionate citizens in my congressional district have come together to fill that void. By simply picking up a phone, people with problems can now "Dial-a-Friend" in the Bridgeport, Conn., area.

This is an outstanding service, Mr. Speaker, performed by volunteers whose only reward is the satisfaction of assisting someone in need. I would add that there can be no greater reward than that.

I know my colleagues will join me in saluting this anonymous battalion of good samaritans and their leader, Mrs. Earl Weyant of Fairfield, Conn.

Recently, Mr. Speaker, the Bridgeport Post took an in-depth look at the workings of "Dial-a-Friend" and I would like to share that fine account, written by Margaret McCarthy, with you now:

"DIAL-A-FRIEND" HOT LINE IS HUMMING WITH COMFORT, ADVICE TO THE TROUBLED

(By Margaret McCarthy)

An 86-year-old woman is lonely and has no one to talk to . . . A teenage girl is unwed and pregnant and doesn't know how to tell her parents . . . A married woman has an alcoholic husband and threatens suicide.

What do these people have in common?

They, as well as thousands of other troubled persons, have taken advantage of a telephone service called Dial-A-Friend (D-A-F), which was organized slightly over a year ago.

A person who wants a listener or advice calls the hotline number (375–5904), which puts them in contact with one of 35 volunteers who man the phones seven nights a week from 7 to 11 p.m.

Volunteers have to be at least 18 years old. Each works at D-A-F about one night a week at a location that the D-A-F prefers to keep unpublicized.

Among its accomplishments since its birth on June 24, 1970, D-A-F has saved the life of a drug addict who took an overdose of narcotics; prevented suicides; talked children out of running away from home, and given advice to the lovelorn.

It also acts as a referral service, giving callers phone numbers of agencies such as Alcoholics Anonymous and or Planned Parenthood.

MUCH HELP AVAILABLE

"People aren't aware of all the help that is available to them," says Mrs. Mary Weyant, D-A-F's director of volunteer training.

She attributes the success of D-A-F to the fact that volunteers take all calls very seriously.

"Callers know we're interested," she says.

Mrs. Weyant explains that no calls are shrugged off as unimportant or practical jokes. "It's usually easy to tell if a caller is sincere by the way he talks and expresses himself," she says.

However, a volunteer who suspects a practical joker doesn't say, "You're joking," and then hang up.

"There's always a chance that it is not a joke," Mrs. Weyant says.

If a volunteer feels the call is a hoax, he still treats it as a sincere call. "We sometimes get a caller who's hysterically laughing and it appears to be a hoax, but it could be a nervous reaction," Mrs. Weyant explains.

According to Mrs. Weyant, another reason for the success of D-A-F is the rule that there must be no personal contact between the caller and the volunteer.

A caller has an easier time talking if he knows he's never going to have to face the person on the other end of the telephone, she explains.

NO PERSONAL CONTACT

Do the callers ever ask to meet the volunteers? "Oh, yes," Mrs. Weyant replies, "but there is no personal contact whatsoever. It is a strict rule," she says, and adds that the organization would turn out to be a dating service if the rule was broken.

The only exception to the "strict rule" is in the case of a suicide threat. One D-A-F staff member exclusively handles suicides. He is the only person on the staff allowed to leave the office and go to the homes of callers.

"We don't play with suicides," says Mrs. Weyant.

Volunteers must go through a two-week training period before they can take calls. Mrs. Weyant coaches them on how to talk to people on the phone, and how to cope with the types of calls that come in. Calls range from a child who is afraid of the dark to suicides.

After the two-week training period, the new volunteer is watched very carefully for a four-week probation period.

Guest speakers on such subjects as Planned Parenthood, homosexuality and non-violent action, are scheduled to speak to the volunteers to broaden their knowledge of subjects they may have to deal with.

Reading material is also made available to the volunteers.

CALL D-A-F NUMBER

Persons interested in becoming volunteers should call the D-A-F number and ask for "Mary" or "Sue."

Telephone conversations between callers and volunteers are sometimes more than four hours long, Mrs. Weyant reports. It has been proven that keeping a person on the phone can be a lifesaver.

One night, a person who had just taken an overdose of narcotics called. "The important thing to do in this instance is keep the person awake," Mrs. Weyant explains. The volunteer succeeded and also persuaded the caller to go to the hospital.

According to a letter sent to D-A-F by friends of this caller, the doctor on duty in the hospital's emergency room that night said D-A-F had saved his life.

"That person is now cured of his drug problem, and is a regular caller," says Mrs. Weyant. He keeps D-A-F informed of where he is working and what he is doing.

"Those who are actually cured of narcotics addiction and alcoholism are few and far between," she adds.

Mrs. Weyant claims that many people call D-A-F back to tell how a volunteer's advice helped.

"Some former addicts call every night to boast: 'I'm not taking anything tonight,'" she relates.

PHONES EVERY NIGHT

A lonely 86-year-old woman calls every night. Volunteers talk to her to keep her company. As a mark of her appreciation, she sent D-A-F $2.

Sometimes volunteers refer lonely persons to other lonely persons.

Some sons and daughters of people in convalescent homes request D-A-F to call their parents. "The family of a lonely person may visit every night, but it's those in-between hours that are important," Mrs. Weyant says.

D-A-F doesn't receive calls only from adults. Young runaways, students seeking help with homework, and children 7 and over who want dating advice are frequent callers, Mrs. Weyant says.

"We have to explain to runaways the disadvantages of running away from home," she says, and adds, "I think kids want to go home, but they have to be pushed."

If they refuse to go home that night, D-A-F refers them to a place where they can spend the night, such as the Salvation Army.

Callers do not know the age of the volunteer they are speaking to. "Sometimes you tell the truth about your age, sometimes you lie," Mrs. Weyant reports. "If they want you to be 21, you're 21."

NEVER LACKS CALLS

The number of calls D-A-F receives in a night varies, but, according to Mrs. Weyant there has never been a night with no calls. The number of calls ranges from about eight to 30 nightly.

D-A-F receives funds primarily from donations. The town of Stratford, as of Aug. 1, is paying D-A-F telephone bills.

In December, 1970, a proposal was made in the Stratford Town council that the budget include $23,700 for the hot line. This allotment would have extended the service to 24 hours a day.

Under the proposal, two persons would have been hired from 8 a.m. to 6 p.m., and two from midnight to 8 a.m. Also, $13,000 of the proposed allotments would have gone to the program leadership.

However, the proposal was not passed and the funds were not appropriated.

"WE SHALL NOT REST . . ."

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. MINSHALL. Mr. Speaker, one of the most needlessly cruel aspects of the war in Vietnam has been the intransigence of the North Vietnamese regarding our American prisoners of war and missing in action.

Those of us who have been working for an end to this conflict and to the safe return home of all of our men are ever mindful of these more than 1,550 Americans and of the anguish borne by their families and friends.

As we continue up the road toward peace, let us bear in mind the words of Defense Secretary Laird, spoken a few months ago at the annual convention of the National Broadcasters. He said, in part:

> Our ultimate objective is to bring the prisoners back home and reunite them with their loved ones . . . I need not point out the needless human tragedy which results from Hanoi's policy toward the prisoners of war and the missing. It is tragic for those Americans who are held in Southeast Asia. It is tragic for wives and parents, and children here in our country—particularly for those who do not know the fate of the man who went off to this conflict. The courage that these men and their families display commands our awe and admiration. . . . We shall not rest until every American who is a prisoner comes home again to live out his life in peace.

EVENTS MARK DEDICATION OF THEODORE ROOSEVELT SITE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. DULSKI. Mr. Speaker, I was pleased to be able to be present at two significant events in the history of our city of Buffalo, N.Y., this past weekend.

Tuesday, September 14, was the 70th anniversary of the date on which Theodore Roosevelt took the oath of office as President following the tragic death of William McKinley.

The administration of the oath to Mr. Roosevelt was in a stately mansion on what is easily the most famous street in my home city of Buffalo.

The beautiful structure at 641 Delaware Ave., was at that time the home of Ansley Wilcox and was pressed into use after Mr. Roosevelt had rushed back to Buffalo after learning that President McKinley's condition had taken a critical turn.

Last Saturday, a large number of Buffalonians and others gathered at the preview event known as the "Contributors Reception." Attending were those many, many people who had a part in restoring the Wilcox mansion to the way it looked the day Theodore Roosevelt took his oath. This, of course, was even broader than a community project.

I am proud of my own role in this project which culminated in 1966, when then President Lyndon B. Johnson signed into law legislation designating the Ansley Wilcox mansion as a national historic site.

Obtaining enactment of the legislation was a long and frustrating exercise for me and the many cooperating Buffalonians who were determined to save this historic site from demolition.

It was in recognition of my sponsorship of the enabling legislation which gave me the pleasant task of taking part in last Saturday's reception and in the formal dedication ceremony on Tuesday morning.

Mr. Speaker, as a part of my remarks I include an interesting historical summary of that emotional event 70 years ago, also a story on the reception last Saturday.

The articles follow:

[From Buffalo Courier-Express, Sept. 13, 1971]

WILCOX MANSION HELPS RECALL HISTORY HERE

(By Ralph W. Loew)

Seventy years ago today at 6 a.m., Theodore Roosevelt and his family were climbing Mt. Marcy. At the lake called "Tear in the Clouds," the family parted allowing the vice president and his older boys to push up toward the peak. It was not a light-hearted climb.

Just a week earlier, a crazed man had attempted to assassinate the president of the United States and Roosevelt had hurried to Buffalo. Now he had returned to his beloved mountain hike, encouraged by the confident statements of the attending physicians who assured him that the president was recovering.

The hikers returned to the timber line for lunch, coming through fog and then eating in the wet and comfortable rain. It was there that they heard a signal, pre-arranged, and Roosevelt answered by firing his own gun.

At 5 p.m. he met the messenger who told that President McKinley was dying. That began the all-night journey that brought him down the mountain, then 35 miles by horse and buckboard. It was almost dawn when he reached the train and learned that the President was dead.

TOOK OATH ON ARRIVAL

He reached Buffalo on the 14th at about 3 p.m. and soon took the oath of office at the Wilcox Mansion, the house which has now been restored to a grateful city.

Reading this history again we are aware that our own troubled period is not the first age of anxiety. Toynbee tells us that it is the obligation of the historian to remind us that self-centeredness is an intellectual error as well as moral error. The historian places the present in the context of life and death.

We are all indebted in Buffalo to those persistent and imaginative citizens who have restored this mansion and brought an awareness of history to us.

It is much more than a museum-piece or a local monument. It serves as a very impressive reminder that Delaware Ave. was once one of the nation's most beautiful avenues, that important and poignant history transpired here and we who live in these revolutionary times are not the first to have had to deal with tough realities.

FORM IS SHAPE OF CONTENT

The famous artist Ben Shahn (whose artistry graces Temple Beth Zion, another triumph for Delaware Ave.) has written, "Form is the visible shape of all man's growth; it is the living picture of his tribe at its most primitive, and of its civilization at its most sophisticated state. Form is the many faces of the legend—bardic, epic, sculptural, musical, pictorial, architectural; it is the infinite images of religion; it is the expression and the remnant of self. Form is the shape of content."

It is this reminder of the content of our history and our necessary dealing with life's urgencies which is embodied in the form of this mansion. It is not in its dignified architecture alone, although that's impressively important. It is that it has become involved with the crossroads of important history.

Seventy years ago is not so long in the span of history. Yet think of the enormous events that have occurred in our country since that day when Theodore Roosevelt stood with tear-filled eyes and emotion-filled spirit to take the oath of office as President.

It was the first and only time that New York City was to have its own native son in the White House.

Pessimists were certain that this man who didn't fit the easy categories was going to run wild. Seven and a half years later historians were writing of the significant legislation and of the indelible mark on history that had been made by this man. And it began here.

We're grateful today for the restoration of a significant house which is now a national memorial. It is equally important for us to restore the quality of confident courage which marked the history we recall.

[From Buffalo Courier-Express, Sept. 12, 1971]

PRESIDENT'S KIN LAUD RESTORATION

(By Betty Ott Plants)

"An example of outstanding recognition to Poppa" was Mrs. Alice Roosevelt Longworth's message for guests attending the Contributors Reception opening of the Theodore Roosevelt Inaugural National Historic Site at 641 Delaware Ave. Saturday afternoon.

Unable to attend in person, Mrs. Longworth who is 87 and lives in Washington, sent her message with Floyd B. Taylor, a landmarks specialist of the National Park Service Dept.

Messages also were sent by Mrs. Ethel Roosevelt Derby of Protorsville, Vt., and Archibald B. Roosevelt of Hobe Sound, Fla. who, with Mrs. Longworth, are the surviving children of the late President, Theodore Roosevelt.

The historic site formerly was known as the Wilcox Mansion. It was the home where Theodore Roosevelt, on Sept. 14, 1901, took the oath of office as the 26th president of the United States following the assassination of President McKinley.

CHILDREN ARE APPRECIATIVE

Archibald Roosevelt wrote that he regretted not being able to attend since he is moving from Long Island to Florida, and is setting up his new home. Mrs. Ethel Roosevelt also wrote to express her deep appreciation to "the wonderful people and groups who made this possible." She hoped that all connected with the restoration would come to Sagamore Hill, the Roosevelt family homestead in Oyster Bay, L.I., now a National Historic Shrine. Alice was 17 years old and Edith only 10 at the time their father took the oath.

City, county and federal officials were among the hundreds of guests attending the event. Civic leaders and members of the Junior League of Buffalo Inc. and their husbands and members of the Site Foundation and their counterparts attended. They were the sponsoring organizations of the Contributors Reception.

Mayor Frank A. Sedita was so enthusiastic when he arrived, he hoped there would be a ribbon cutting ceremony this day as well as Tuesday morning at the official opening.

ROUGH RIDER'S BELONGINGS

Taylor brought with him several personal belongings of the Rough Rider president from the family homestead.

The personal effects of Teddy Roosevelt that will be on loan to the Buffalo and Erie County Historical Society for an indefinite period include a pocket watch of coin silver with the initials D.R. and C.R.P. engraved inside, and a leather strap, a gift from Douglas Robinson and Corrine Roosevelt Robinson.

Taylor made the presentation of the pocket watch and campaign banner to Dr. Walter S. Dunn Jr., director of the Buffalo and Erie County Historical Society, and Paul F. Redding, curator of the Theodore Roosevelt Inaugural National Historic Site.

Among the guests who attended the event were Mrs. Howard A. Riggins, secretary to Ansley Wilcox in 1910 when she was 25 years old, and Miss Violet G. Kendall, a registered nurse for the last 54 years, who was Ansley Wilcox's nurse during the last years of his life. Miss Kendall said, "This is quite a memorable occasion for me since I just turned 79 yesterday." (Sept. 10).

OATH WATCHED FROM LAWN

Mrs. Nathaniel K. B. Patch, a girlhood friend of Ansley Wilcox's sister, Mabel, recalled she watched Roosevelt take the oath of office from a vantage spot on the lawn in front directly outside the library. Mrs. Patch, who turned 90 last Feb. 18, with great emotion viewed the original bookcase she gave to the Buffalo and Erie County Historical Society for the Wilcox restoration.

All these women reminisced with William W. Kimmins Jr., president of the Site Foundation.

FAMILY MURAL DISPLAYED

Peter B. Seevers, co-chairman of the Contributors Reception and treasurer of the Site Foundation along with O. William Shelgren Jr., architect for the site and vice president of the Landmark Society and Mrs. William F. Hall Jr., president of the Junior League, admired the two canes and the Roosevelt family mural now on display in the exhibit room. In this area also is featured the exact duplicate of the pistol that Leon Czolgosz used to shoot McKinley. The original is in the vaults at the historical society, Dunn said. Dunn said he is grateful for the assistance of Sheldon Brown of the Pistol License Service for helping to obtain the display which includes empty cartridges.

Others who admired the original fireplace in the main dining room of the old mansion, now painted off-white to match the woodwork throughout the restored areas, were Mrs. Oliver M. Lawrence, the widow of the former owner of the Wilcox Mansion when it was well-remembered as the Katharine Lawrence Tea Room, on her first visit back since 1960; Appleton Fryer, president of the Landmark Society, a trustee of the Site Foundation, and the co-chairman of the reception and Crawford Wettlaufer, president of the Buffalo and Erie County Historical Society.

FIREPLACE CARVINGS NOTED

Mrs. Daniel R. Donaldson, co-chairman for special guests at the reception, showed these onlookers the beautiful detail in the carvings of the fireplace, as well as the details in the restored ceilings. Redding remarked that the ceiling in the orientation room was restored with a canvas base on which were placed oval wood carvings with a four-leaf clover motif inside each oval.

Guests could view all of the library from the two doorways leading into the famous room where Roosevelt was sworn in by the late Judge John R. Hazel of the United States District Court.

A large glass window which formed a wall between the two doorways was installed.

The newest addition to the library is the Queen Anne lowboy, loaned for the reception and inaugural ceremony by the Kittinger Co. Inc., Buffalo manufacturers of period furniture.

FLOWERS ADORN ROOMS

In each of the rooms, Hodge Florists donated fresh floral arrangements in autumn shades of yellow, bronze and golden chrysanthemums, small pompoms and celosia. Some of the bouquets were arranged with gladioli of fall colors, while other arrangements featured red, white and blue flowers. Hodge display donated all the permanent arrangements of ferns and rhododendron used on the lowboy, window seat and pedestal in the library.

In the exhibit room a picture of Ansley Wilcox (1856–1930), who was a good friend of Roosevelt. Roosevelt had been guest at Wilcox's home for the opening of the Pan American Exposition in May of 1901.

Roosevelt had to be called back hurriedly from a camping and fishing trip in the Adirondacks in September, 1901 to be sworn in as the new president.

As Roosevelt had only camping attire, he borrowed a frock coat from Wilcox to wear at the inauguration. This coat is on display in the exhibit room. Also in a corner of this room is a slant top cherry desk made with seven pigeon holes inside and detailed with fan-shaped inlay and Japaned enamel work at the four corners of the slant top eclosing. Atop the desk is an Empire-period Ormula clock.

TANBARK COVERED STREET

Miss Frances Babcock recalled that her father had told her that when Col. Poinsett, commanding officer of the barracks on the site of the Wilcox Mansion in 1838, had brought with him a plant from Mexico following a tour of duty there. The plant was unknown and since it had no name, Poinsett named it Poinsettia. Miss Babcock also noted that McKinley stayed at the John G. Milburn home on Delaware Ave. next to the present Canisius College.

Mrs. Dexter P. Rumsey, a guest at the reception, recalled how Delaware Ave. was covered with tanbark at the turn of the century to deaden the sounds of the hoof beats of the horsedrawn buggies.

Mrs. John G. Young mentioned that she and her husband had met Joseph Von Tury of New Jersey, the artist who has been commissioned to handcraft the titles that soon will be placed around the fireplace in the library.

MANY NOTABLES ATTEND

Others who attended were Frank D. Leavers, vice president of the Site Foundation and Mrs. Leavers; Mrs. Seevers, wife of the Site Foundation treasurer; Mrs. Wetlaufer, wife of the Historical Society president; E. Perry Spink, a trustee of the Site Foundation and Mrs. Spink; Mrs. Owen B. Augspurger, honorary trustee of the Foundation; Mrs. Fryer, wife of the co-chairman of the Contributors Reception; Mrs. Dunn, wife of the Historical Society's director and Mrs. Redding, wife of the curator of the Theodore Roosevelt Site.

And, Mrs. Edward A. Rath, chairman of the Junior League Wilcox Committee and her husband; Mrs. Richard S. F. Gallivan, chairman of the Contributors Reception and her husband; Mrs. Roy R. Neureuter co-chairman of invitations, and her husband; Mrs. John M. Montfort, co-chairman of invitations and her husband, secretary of the Site Foundation; and Mrs. Kevin D. Cox, co-chairman of special guests and her husband.

And, Mrs. Roger W. Brandt co-chairman of the recepton arrangements and her husband; Mrs. George F. Hoover, the other co-chairman of arrangements with husband; Fred W. Eder and Richard C. Wagner, respective husbands of the co-chairmen of publicity for the Wilcox Restoration Committee; and Mrs. Theodore J. Stein Jr., chairman of refreshments for the reception and her husband.

League members who served as hosts, in Victorian costumes, were G. Lee Thompson, John Grieco, Ames Bartlett Hettrick, Earl W. Hunt Jr., Reginald B. Newman II, John F. Sallada, Jack L. Sanders, Cyrus S. Siegfried III, Charles J. Wilson Jr., William A. Wilson and Miss Gretchen M. Meissner.

OUR "ALLIES" ARE KILLING AMERICAN TROOPS BY INACTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RANGEL. Mr. Speaker, our so-called friends are killing American servicemen in Europe.

There are over 300,000 U.S. military personnel now stationed in Western Europe, in theory to support and defend our allies. Yet at the same time we are expending vast human and financial resources to protect these allies, they are showing their ingratitude by failing to take effective steps to cut the flow of narcotics to our troops.

Haynes Johnson and George C. Wilson reported on the military drug epidemic in Europe in yesterday's Washington Post. Maj. Forest S. Tennant, Jr., told them that his studies showed that 46 percent of all American troops in Europe have used illegal drugs at least once. Twenty-two percent of those now using drugs began while stationed in West Germany.

It is evident that German authorities have failed to prevent the flood of narcotics from reaching our troops.

We have been exposed to the drug crisis in Southeast Asia. Now Mr. Johnson and Mr. Wilson have uncovered the depth of the epidemic in Europe.

It seems that, no matter where he is to be stationed, a soldier can leave home a hero and return a heroin addict.

The article follows:

OUR STRUNG-OUT TROOPS AND THE BIG O

(By Haynes Johnson and George C. Wilson)

SCHWEINFURT, GERMANY.—He set up his charts and diagrams at the back of the stage and then stepped to the microphone.

"The reason I'm here is very simple. The reason is because every day our hospitals here in West Germany are admitting people who are having bad reactions from drugs and people who are dying and have died—right here in this caserne, as a matter of fact—from drugs, and I can assure you that you'll continue, here in the Army, to hear about drugs as long as people continue to get sick and continue to die from these problems. It's as simple as that."

While he was speaking, his enlisted assistants walked through the auditorium passing out the "flash" comics with the groovy drawings and hip language about pot, acid, speed, hash, opium, bummers, trips and flashbacks. Most of the soldiers remained slumped in their chairs, dozing or asleep. A few—and only a few—picked up the papers casually and read:

"June was really awful—like terrible month in the drug scene. Check these reports . . ."

The drug incidents reported were from Army installations throughout this area of Germany and they were listed in the argot of the user: Harvey Barracks, dude with hepatitis from brown morphine injection, been in Germany only three weeks, his first hit, morphine contaminated . . . Another dude in hospital vomiting his guts out from bad opium, black type, lots of junk in it; Hindenberg, freakouts from hash and wine; Giebelstadt: freakout from "blue cheer"; Bad Kissingen, Auburg, Wildflecken; bad freakouts from mixing hash, acid, dude tore up stomach with ANI juice and . . .

After the enlisted men, former junkies all, had put on their drug education skits, the officer again stepped to the microphone. This time, his tone was sharper.

"Now, I'll tell you why I'm really here this morning," he said. "I'm here because of opium. The big O. I'm here because sitting right out there, in this battalion, are pushers who are dealing opium. You know who you are and I want you to know I know you're out there. I know because two GIs from this unit wound up in my hospital from opium overdoses, and one of them nearly died, and he told me where he got it.

"Now I'm here to tell you I'm going to be back every morning, and every night, until you understand how dangerous opium is and until we stop this thing. I'm here to tell you this Army is not going to get strung out on opium the way the Army in Vietnam is strung out on heroin."

His enlisted assistants again circulated throughout the auditorium, passing out drug use questionnaires. When the soldiers turned them in, the battalion was dismissed. "That's the scruffiest bunch I've seen yet," said Major Forest S. Tennant Jr., a surgeon attached to headquarters of the 3d Infantry Division at Wurzburg. "You could tell that some of them were on it right out there. Take a look at these returns. They'll show you some of the dimensions of the problem."

He handed over the sheaf of questionnaires with check marks beside the use of various drugs. At the end, the soldiers had been asked to offer personal comments. They spoke for themselves.

"Man, I am spaced out to the limit . . ."

"Tell Captain—to get off his high horse and talk to the troops."

"Help me get out of . . ." (The sentence was uncompleted).

"The truth has been said."

"They're all freaks."

One soldier who said he uses hashish more than three times a week merely commented: "It's my thing." Another, in answer to a question about what specific means can be employed in his unit to decrease drug abuse, replied: "None."

Day after day, Dr. Tennant has been conducting these drug education seminars for American troops stationed here. From the data he has gathered in nine separate Army communities, he has reached some arresting conclusions.

His studies indicate that 46 per cent of all Army personnel in Europe have tried an illegal drug at least once. Sixteen per cent are using illegal drugs more than three times a week. Thirty per cent of that last group have used drugs more potent than hashish, itself eight to 10 times as powerful as marijuana.

Two other figures show another side of the drug problem: 78 per cent of the soldiers now using drugs first started *before* coming to Germany; and 65 per cent began *before* entering the Army. That means 22 per cent of the drug users first began in Germany.

The European drug situation is unique in one respect. Hashish, relatively uncommon in the United States and Vietnam, is used by the vast majority of soldiers. Hashish, a resin extract from the hemp plant *Cannibus sativa,* is imported from the Middle East and Mediterranean areas. It is easily available in every Army installation. The soldiers buy it in small, compressed brickettes that are named according to their color and source—Turkish green, Afghanistan black, Lebanese red. They pay from $1.25 to $2.50 a gram for it (in the United States, prices would be from $5 to $30 a gram). It is smoked in pipes. In their terminology, they "break a bowl."

"It makes you feel real funny," one user said. "Like I'm numb and floating. That's about the only thing it does for you; it makes you relax."

The doctors think otherwise. They say the use of hashish, or hash, can produce marked personality changes. It instills apathy, confusion, fatigue, passivity and paranoia. Hardly the ingredients for an effective Army. And it is related to serious bronchial disorders.

As Dr. Tennant says:

"The overwhelming observation regarding hashish in West Germany is the tremendous abuse rendered it by some American soldiers. Some soldiers report the spending of the majority of their monthly paycheck on hashish and the smoking of the drug on an hour-to-hour habitual basis, just as tobacco is smoked. The smoking of 150 to 200 grams of hashish per month—that's the equivalent of many hundred marijuana cigarettes—is frequently described by soldiers."

Dr. Tennant is probably the leading expert on drug useage among American troops in Germany. He has been conducting virtually a one-man drug education crusade. It was Tennant who set up the first drug abuse center, called the Now House, for soldiers in Europe. How the Now House was established at Wurzburg says a great deal about the Army's initial steps to handle its drug problem.

"I didn't ask permission to do it," he says, "I just did it and told them about it later. If I had put in to do it they'd still be agonizing about it."

He not only established the clinic under the Army's drug amnesty program, where a soldier is promised judicial immunity from what he tells his doctor, chaplain or commander. He also provided his own money for it.

With his own $500, Tennant began paying for the drug education charts, the drug newsletter in the form of comic strips, and for the gasoline and meals for the six volunteer workers who travel with him from base to base. When two of President Nixon's closest White House advisors, Robert Finch and Donald Rumsfeld, were in Germany, Tennant briefed them on the drug situation by using his charts. They didn't know those charts were prepared by private donations, including money raised from a drug abuse booth at a German carnival. Even today, Tennant is still paying expenses from private sources.

What worries him most about the drug scene today is new evidence about one of the deadliest narcotics—opium. "Our opium drug usage rate has almost tripled in the last three months," he says.

His alarm is reflected at the highest levels. As Gen. Michael S. Davison, newly arrived from Vietnam as the top American Army commander in Europe, says: "A drug addict is a walking suicide." He also says: "Heroin is only beginning to make its appearance over here. Well, that's enough to scare me right there—when they say it's only beginning to make its appearance—because it's most insidious. It's hard to detect. A guy could be on it with light to moderate addiction and you'd never tell because he could still fly an airplane or do a complicated task. It's a very insidious thing."

Gen. Davison was speaking from personal knowledge. He knows from his experience in Vietnam what heroin can do to the Army. "Conservatively, I would say 10 to 15 per cent of E–5s and below in Vietnam were on heroin," he says. That figure is even more alarming because the heroin used in Vietnam is infinitely more powerful than that available elsewhere. One drug expert, for instance, estimates that good quality Southeast Asia heroin is 20 times stronger than what a user could get in the District of Columbia.

At this writing, there is no way to estimate accurately the extent of heroin usage at Army posts in the United States. There is no question it is widespread. Like hash in Germany, it is easy to get—everywhere. At Ft. Dix, N.J., you can buy it for $5 a bag. At Ft. Bragg, N.C., you can get it for $10 a hit. At all bases the story is the same: American soldiers, deeply involved in the hard drug culture, either willingly or through gang coercion or group pressure, forced to find money to support an expensive and destructive habit.

For the pusher, the rewards are immense. Some soldiers are earning from $500 to $600 a week dealing in drugs. "One week ago," said a medic working in the drug program at Ft. Bragg, "a guy told me he had just made $2,000 from one trip to Miami where he gets his stuff. And he was bragging about using Army gasoline for the trip."

For the addict, the tragedy is immeasurable. There are American soldiers at Army bases in the United States earning $280 a month who are spending from $100 to $200 a week for heroin. And where do they get the money? The answer is simple. They steal. Or, as a psychiatrist at Ft. Bragg put it: "They have to steal."

"Look at it this way," he said. "Let's say you have just a hundred soldiers spending $3,000 a month for heroin. You're talking about $300,000 a month from just that one small group. It adds up to millions and millions of dollars. They steal from the Army, and they steal from their fellow soldiers. They steal anything from shoes to T-shirts, but stereo tape decks, record players and Army blankets are the most common items."

The soldier then pawns the items, and uses the money to buy more drugs.

Serious as the resulting crime is, it pales into insignificance beside the human wreckage. Take the sight these reporters encountered on their first night on an Army base as research for this series began.

The base was Ft. Dix. Walking back to the post from a motel, we noticed a group of young soldiers in uniform sitting on the grass, literally outside the main gate. They were sniffing cocaine out of cellophane bags, and they were incoherent. One of the soldiers suddenly jumped up and began flapping his arms like a bird in flight. Then he ran to a pine tree several feet away, first trying to climb it, and then simulating making love to it. All the time, he uttered squawking sounds.

It was a scene straight out of Dostoevsky.

Later a colonel at Ft. Bragg told this story. On a Sunday in one of the barracks in his battalion, he said, a soldier began to go into convulsions from drugs. Four other soldiers were in the barracks at that time. They sat and watched the soldier thrashing on his bunk, but did nothing to help him. A sergeant happened to walk into the barracks at that moment. He immediately called for help, took the soldier to the hospital, and saved his life.

"I called in those four soldiers, one by one, after that happened," the colonel said. "Two of them were the best soldiers in that group. And I asked them why they hadn't done anything.

"Basically, the answer that came back was that soldier on drugs had been causing a lot of problems in the barracks. They had tried to do something about him, and had failed. They had given up on him. So when he went into convulsions they felt it was his own decision, and his own funeral."

Such incidents do not answer, of course, the harder question: why the soldiers turn to drugs. Dr. George F. Solomon, associate professor of clinical psychiatry at Stanford University's School of Medicine, offered one opinion when he testified in mid-June before the Senate Subcommittee on Veterans Affairs, Alcoholism and Drug Abuse. He cited the example of a pilot whom he called "X."

"'X' was considered a 'gung-ho' soldier," he testified. "He deeply resented antiwar demonstrations at home. After Vietnamization of the Delta, he was involved in ferrying ARVN (South Vietnamese) troops by helicopter to areas of operations in the Delta. Frequently the South Vietnamese soldiers were reluctant to land and had to be forced from the 'choppers,' sometimes by beating their hands as they clung to the runners. Two of X's friends were killed by bullets from U.S. M16 rifles shot by resentful ARVN troops after they had been landed. 'X' turned to heroin in order to be able to keep flying, while many of his friends refused flying status. He is now militantly antiwar."

Obviously, there are other factors. Not only the Army but American society is attempting to understand them all.

But understanding the problem is a long way from solving it. Only in recent months has the Army even conceded it has a major drug problem. It wasn't until May 11, for instance, that Ft. Dix initiated a drug abuse program. A drug educational center at Ft. Ord, California, didn't open until last January.

"When we started we had no guidance from anybody," said an officer at the Ft. Ord center.

That isn't to fault the Army for a lack of effort, will or good intentions. What comes over after visiting a number of drug abuse center programs both here in Europe and in the United States, however, is the multitude of problems associated with them. Everywhere, there is a confusion among those running the programs about what they can and cannot do; about whether their mission is to treat and rehabilitate, or treat and discharge; about following up the patients after they are sent back to their units; about how to stop the ubiquitous pushers and dealers. Money and trained personnel are critically short, and at this stage the Army is only barely beginning to penetrate the layers of the drug culture in its ranks.

More important are the attitudes of some noncommissioned officers and unit commanders. No matter what Army policy may be, in reality these men all too often regard the drug user as a criminal to be punished.

The officer in charge of one of the Army's major American drug centers, at Ft. Benning, Ga., spoke candidly about the drug amnesty program as it is preached—and practiced.

"By and large, the drug amnesty program is bull—," he said. "It's a step in the right direction, but when it comes to the implementation of the amnesty regulation, it's just so much crap. It serves to con a kid into surfacing. It cons him into identifying himself as a drug abuser, but in asking for help he's said, 'Look, I'm one. I have a big X on my chest—you'll know me from here on in.' Well, from that point they won't say 'Take him down and throw him in the stockade immediately' for having said this. Again, they comply to the letter of the regulation. But the spirit of the regulation says to help the man to help himself. Instead, the reality is this guy winds up on a host of unpleasant tasks.

"He's being ostracized by the hierarchy of his particular unit. There are a lot of adverse things happening to him that add to his problem. They make life a hell of a lot more frustrating for him. Finally, he throws up his hands and says, 'To hell with it. Why should I do this?' "

The officer gave two personal examples that came to his attention recently. A young soldier on drugs who had sought help from the amnesty program was held for two hours after his company was released from duty for the day. Another soldier from an infantry unit was placed on what he called "dumdum duty"—permanent telephone duty in the orderly room.

"And I can't use this example too clearly because it might identify him," he went on, "but we've had a high-ranking officer taken from a fairly effective position to a noneffective position like cleaning out the commodes."

The soldiers know these situations all too well. Consequently, only a handful of actual drug users seek help through the amnesty program. They also know that some officers are more interested in protecting their fitness reports—and their chances of promotion—than to concede they have a serious problem.

A commanding general illustrates that attitude by telling of the time he visited a captain. "What's your drug problem like, captain?" the general asked.

"No problem, sir," the captain replied briskly.

The general looked hard at the captain, and said: "Captain, you've got your head up your ass."

Like the problem of crime in the barracks already described in these articles, the one of drugs cannot be overstated. In the long run, it is probably the most vexing of all—not only for what it does to the soldier's ability to function, but for what it says about his mental outlook.

"About 90 per cent of the people I deal with say they take hard drugs because it helps them to forget the Army," said a medic working with drug patients at Ft. Bragg.

Then, in a reflective moment, he added:

"I go back to the barracks at night and feel very contemplative. I wonder how many people are using it, and I wonder why I haven't. At times, it gets a little depressing."

He also confessed to another emotion.

"Futility. Not futility at the Army, but futility at the task to be done."

THE SITUATION IN NORTHERN IRELAND: A REPORT, NO. 2

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BIAGGI. Mr. Speaker, today's report that at least 250 Catholics are being detained by the British soldiers under the authority of the infamous Special Powers Act. It is ironic that this body just yesterday approved a repeal of a similar detention law to prevent its use in this country.

Explosions, killings, and terrorist activities by extremists on both sides continue to rock the northern province. I have asked U Thant to intercede in this matter to restore peace. I have also called on this body to pass a resolution urging a plebiscite of all Ireland to determine once and for all the question of unification.

I bring to the attention of my colleagues today three reports which detail the gestapolike tactics of the British troops in their operations under the Special Powers Act:

CENTRAL CITIZENS' DEFENCE COMMITTEE—CCDC

(The identity of individual witnesses will not be divulged without specific permission of the witness.)

Name of deceased: Desmond Healy, (aged 14).

Address: 8 Bunbeg Park.

OCCUPATION/STATUS

1. Where did incident occur? Near junction of Lenadoon Ave. and Glenveagh Dr. (Sketch on back, if necessary).

2. Day, Date, and Time? Monday 9-8-1971, between 2 and 4 pm.

3. Details of Incident:

(i) People involved (please tick off).

(ii) Number involved:

Men	150
Women	---
Children	---
RUC	---
Army	20
Armed civilians	---

(iii) Details of army personnel involved (regiment, unit, rank, uniform, berets, or any other identification): Soldiers with black berets.

(iv) Location of army: Down Lenadoon Ave. at junction with Kerrykeel Gdns.

(v) Describe the situation in the immediate area just before the incident.

A crowd of 100-150 young men stoning the troops. A lorry had been hi-jacked (an army food supply lorry—BOND) and youths were throwing sauce bottles from lorry at the troops. This cat and mouse game went on for about one hour.

(vi) Describe the circumstances in which the deceased met his/her death and any other relevant details.

Troops fired rubber bullets and then CS gas. After they fired the gas, (about 4 or 5 canisters) the crowd ran. It was then the shot was fired. I saw a young fellow falling about 40 yds. away. I went over with 3 or 4 others to lift him. I saw the sauce bottle in his hand. Then the soldiers on foot and tank started coming up the hill. We had to clear, leaving the boy there. They came up to the boy, lifted the body, (about 4 of them), and held him up for the crowd to see, as if he was a trophy. Then they put him into the back of the tank and after about 5 minutes, they moved off.

Civilian: Dermot Ormby, 33 Riverdale Gdns.

(vii) Who, in your opinion, fired the fatal shot(s)? Army.

CENTRAL CITIZENS' DEFENSE COMMITTEE—CCDC

(The identity of individual witnesses will not be divulged without specific permission of the witness.)

Name of deceased: Desmond Healy (Aged 14).

Address: 8 Bunbeg Park.

OCCUPATION/STATUS

1. Where did incident occur? Lenadoon Avenue, below Glenveagh Drive. (Sketch on back, if necessary.)

2. Day, Date, and Time? Monday, August 9, 12:00 p.m.

3. Details of Incident:

(i) People involved (please tick off).

(ii) Number involved:

Men, women, and children	100-200
RUC	-------
Army	-------
Armed civilians	1

(iii) Details of army personnel involved (regiment, unit, rank, uniform, berets, or any other identification): Paras.

(iv) Location of army.

(v) Describe the situation in the immediate area just before the incident. At between 12 and 1 p.m. on Monday, August 9th, a riot was in progress at Lenadoon Ave. About 100-200 men, women and children were involved. A NAAFI lorry had been hi-jacked and a dozen youths were taking a trolley of bottles of H.P. sauce.

A shot was fired at army from Rosapenna direction (see sketch). Five soldiers then fired 4 or 5 rounds each in direction of fire.

10 minutes. One single shot was fired toward recess, hit wall and splintered brick.

(vi) Describe the circumstances in which the deceased met his/her death and any other relevant details.

5 minutes later Desmond Healy ran out of the mob and threw a bottle of sauce which smashed short of soldiers.

He was returning, walking back, had gone 2 or 3 paces and was shot in back. Witness was 2 yards from Healy—say soldier clearly. Witness and others dragged Healy away.

Waited for one minute, then soldiers advanced firing rubber bullets, Saracen too. Lifted Healy like a sack of potatoes and threw him into the back of the Saracen.

Two women who tried to help were told: "F— off, you Irish whore. I shot the bastard and I'll shoot you too. Now F— off."

Some men came round and wanted to know who was shot, and advised everyone to get off the street.

John Finnucane, 10 Bunbeg Pk.

(vii) Who, in your opinion, fired the fatal shot(s)? Army.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SPRINGER. Mr. Speaker, the following is the second of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on August 30, 1971.

The article follows:

TOMORROW MUST EVENTUALLY BRING OLD AGE

(By Carol Ann Smith)

"Boast not of tomorrow, for you know not what any day may bring forth."—Proverbs 27: 1.

Tomorrow for most of us will bring old age, a fact which many of us will shove as far back into the mind as it will go. And while we may not know, as Scripture points out, what any day may bring forth, there comes a time in life when we may very well know what most days will bring forth.

Some 15,000 aged persons in Champaign County know what life has brought them since that day when the calendar said that they were old and many of them know with irrevocable certainty what the next day will bring, and the next and the next.

No studies of the aged in Champaign County have been done to the degree they have been accomplished in other areas of the country. But it is safe to say that nearly all aged persons face some common situations, common adjustments. The aged as a societal group have been studied and in some detail.

What has not been studied is the aging process itself, the physical phenomena have never been completely identified. We cannot describe the aging process in the same way that we can describe in minute detail the growth and development of the human child or the adolescent. We do not know why some persons live to be 100 years of age in excellent condition nor do we know why some persons have deteriorated almost completely by the age of 65.

But as individuals, operating in a societal framework, we have some work to draw from. Irving Rosow has written widely in the area, and one of his publications is a book based on a study of the aged in the Greater Cleveland area, an area encompassing all types of geographic and land use patterns.

"Problems of old age," he begins his book, "are of two general kinds: those that older people actually have and those that experts think they have."

Rosow makes the split, he says, because persons who work directly with the aged are deeply committed to the point of regarding the work as an ideological movement. They are in a sense too close and their perception is warped.

Another reason is that practitioners also oversimplify the problems of the aged.

"As a pragmatic people, we are generally much more sensitive to material than social needs and think more readily in concrete terms," Rosow postulates. "Hence by concentrating on concrete material problems, practitioners can avoid thinking about subtler social needs that are less apparent and harder to manage, but equally compelling.

Rosow himself at first consideration sees the problems as medical, material and social.

Medicine has altered the health and illness of the aged as drastically as the young, Rosow indicates. Science has checked the infectious diseases which traditionally took a high toll of older people. It is responsible for the increased number of old people.

The aged, he continues, now suffer mostly from various chronic illnessness—cardiovascular, arthritic, rheumatic, respiratory disorders and disturbances of the central nervous system, stomach or kidneys.

Roughly three-fourths of those 65 and over have some kind of chronic condition, however severe or mild. At the time that Rosow wrote, only 9 per cent were homebound or could not get around alone and only 14 per cent had a major limitation of activity. The percentages, if anything, have decreased.

Rosow continues by insisting that the social meaning of chronic disease is "not self-evident." Doctors, social workers and other practitioners "overestimate" the impact of chronic illness.

"Except for the small minority who are immobolized and severely restricted in activity, the chronically ill apparently do not regard themselves as seriously sick or handicapped.

He bases the claim on studies in which the aged did not report themselves as seriously limited. As older people age, they simply come to expect more aches and pains and creaks in their daily lives, and they expect them as normal as long as they are still able to get around and function adequately.

Health and illness have far greater implications, implications that go beyond creaks and medicine. From the standpoint of the individual, they are financial concerns.

Rosow describes Medicare as "step in the right" direction, but continues by noting that it is not a truly comprehensive health care plan and represents no final solution.

The pinch occurs because medical needs increase at a time when income has dropped drastically.

But the materiality involved in medical needs has not been the sole focus of experts in the field. A tremendous amount of work has been done based on the premise that housing is a major problem of older people.

"For the age group as a whole, this is certainly a serious error," Rosow concludes, advancing the thesis that the housing problems of the aged do not differ significantly for the younger population.

Special construction, he remarks, might prove to be just as essential to a young mother as to an aged widow. The aged need decent, ordinary housing at a price they can afford, and it is again income or rather the basic lack of it which makes it difficult for the aged to solve their own housing problems.

Appropriate housing, he insists, is available, but at prices beyond the limited reach of many retirement incomes.

Experts will argue with Rosow, both about the health problems and about housing. He is obviously taking a swipe at what has become the obvious thrust of this nation's and Champaign County's major investment in the aged.

That major investment has been in institutions, nursing homes and mental institutions. Both have been described as "warehouses" and sometimes "warehouses for the dying who would not have to die."

The focus on housing and medical needs does effectively focus attention away from what many experts believe to be the most significant problem of the aged, the social problems that most of the population will have to face.

Those social problems revolve around the social participation of the aged and the consequences of major changes in their lives, such as loneliness, isolation and alienation.

What does it mean to become a widow, to wake up one morning and go to work and the next day not go to work? What becomes of the family unit, the involvement in groups, the interest in decision-making, the circle of friends.

What happens to a feeling human being who wakes up one morning old?

VICE PRESIDENT AGNEW'S STRENGTH

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. WYMAN. Mr. Speaker, appropriately the season for increased political conjecture over President Richard Nixon's running-mate in 1972 has opened.

From his propensity for frank and open analysis of the many problems confronting this Nation, Vice President AGNEW has become controversial among certain segments of the news media. This stems from the Vice President candidly pointing out that not the least of America's problems have derived from a demonstrated lack of objectivity in reporting the news of the day on the part of certain commentators and even certain networks. Too often in the reporting profession one sees the truth of the maxim "its not so much what you say as the way you say it."

That Vice President AGNEW is doing a good job, has a splendid—if controversial—record, and will add a solid measure of strength and appeal to the Republican ticket next year is made abundantly clear in David Lawrence's column appearing in the September 15 Washington Star. In an age where image and charisma are frequently accepted as top qualifications to hold national office, it is worth reflecting that SPIRO AGNEW's nut-and-bolts approach towards making Government effectively work for the people has helped this country.

The article follows:

AGNEW'S RECORD SPEAKS FOR ITSELF

(By David Lawrence)

Gov. Ronald Reagan of California said the other day that he is confident that Vice President Spiro Agnew will be on the Republican ticket in the 1972 election. A number of other governors gathered at San Juan, Puerto Rico, for the annual meeting of the National Conference have made the same comment. Indeed, the executive committee asked Agnew to act as liaison man for the governors on "hard-to-solve" problems with the federal government.

Gov. Warren Hearnes of Missouri, chairman of the conference, said:

We asked the vice president if he would take the job and he said he would. He agreed to make himself personally available to the governors for the problems we can't get solved in the ordinary way. Naturally, we're not going to take every problem to him—some of them you can solve yourself."

Perhaps not much is known generally about the work Agnew has done in his contacts with state and local governments since he has been serving as vice president. He came into public office originally as the county executive of Baltimore County, which is one of the nation's largest subdivisions of local government, and served in that post for four years prior to his election as governor of Maryland in 1966.

Gov. Agnew's first accomplishment, with the support of a Democratic-controlled General Assembly, was to make a thorough revision of the state's tax structure, establishing such innovations as a graduated income tax rate, and making other changes and increasing the state's aid to public schools.

Agnew sponsored the first statewide fair-housing bill in his region of the country and legislation which accelerated highway construction programs. He pushed for anti-pollution measures on the state's waterways. He took part in planning funds for rapid-transit systems in the Baltimore and Washington metropolitan areas. He supported many social reforms.

Spiro Agnew has been deeply interested in public affairs and has had experience in the operations of local government which is unrivalled by many of the persons who are aspiring to the presidency. He served on the executive committee of the National Governors Conference as vice chairman of the committee on state urban relations. President Lyndon B. Johnson appointed him to the Advisory Commission on Intergovernmental Relations.

Since becoming vice president, Agnew has exercised considerable influence in shaping the new policies of the federal government in revenue sharing with state governments. Very soon after his administration took office, President Nixon assigned the vice president to work with the governors in intergovernmental relations, and he has a 12-man staff for the purpose. He has an office in the White House and, while he participates in some ceremonial duties in behalf of the President, spends much of his time taking care of specific assignments for the chief executive.

The vice president sits with the Cabinet and on the National Security Council. He heads or is a member of a number of special commissions which the President has established. He attends Nixon's meetings at the White House with the congressional leadership and private briefings with government specialists. He gets the same information that goes to the President from the Council of Economic Advisers. Aides at the White House say that Agnew has become very familiar with executive affairs and that hardly a meeting passes in which he doesn't express an opinion.

The vice president has traveled around the country in behalf of the President and also has made trips abroad. His record has been satisfactory to the President.

Then why should there be so much talk about the possibility that Agnew might not be nominated for vice president next time? The only reason is that he managed to antagonize some members of the press and some of the TV commentators. When he pointed out that they had been unfair in some of their remarks about the President's speeches, this started a wave of hostility. The mail that reached the White House, however, indicated that a "silent majority" agreed with his criticism in the instances to which he referred.

Agnew has contended again and again that he is entitled to "free speech" just as are others who have spoken out in public affairs. It is believed that the criticism has brought friends to his side and the Republican National Convention in 1972 will renominate Spiro Agnew for vice president.

COMMUNIST THREAT FINDINGS REPEALED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RARICK. Mr. Speaker, last night this House passed by a wide margin, 356 to 49, H.R. 234, a bill "to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18."

Swayed by emotional appeals based on the idealistic notion that repeal of such a statute would somehow absolve the guilt of our fathers for ordering the imprisonment of Japanese Americans during World War II, the Members of the House moved swiftly to abolish nonexistent detention camps that contain imaginary prisoners. Very few of the Members realized that in voting to repeal this act, they were actually giving legislative approval to the left-wing liberal theory that the Communist movement toward world domination is no longer a threat to the American people and the free world.

Section 2 of this bill, lines 22–23, provided for the repeal of title II of the Internal Security Act of 1950 (50 U.S.C. 811–826). This title contained "congressional finding of necessity" that clearly stated:

> There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise) espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

So that our colleagues may see what in actuality they did when they abolished nonexistent concentration camps filled with imaginary prisoners in an attempt to expiate the guilt of our fathers for imprisoning Japanese Americans during World War II, nearly 30 years ago, I insert the complete text of title II of the Internal Security Act of 1950 in the RECORD:

SUBCHAPTER II.—EMERGENCY DETENTION OF SUSPECTED SECURITY RISKS

§ 811. Congressional finding of necessity

As a result of evidence adduced before various committees of the Senate and the House of Representatives, the Congress finds that—

(1) There exists a world Communist movement which in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in all the countries of the world through the medium of a world-wide Communist organization.

(2) The establishment of a totalitarian dictatorship in any country results in the suppression of all opposition to the party in power, the complete subordination of the rights of individuals to the state, the denial of fundamental rights and liberties which are characteristic of a representative form of government, such as freedom of speech, of the press, of assembly, and of religious worship, and results in the maintenance of control over the people through fear, terrorism, and brutality.

(3) The system of government known as a totalitarian dictatorship is characterized by the existence of a single political party, organized on a dictatorial basis, and by substantial identity between such party and its policies and the government and governmental policies of the country in which it exists.

(4) The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country.

(5) The Communist dictatorship of such foreign country, in exercising such direction and control and in furthering the purposes of the world Communist movement, establishes or causes the establishment of, and utilizes, in various countries, action organizations which are not free and independent organizations, but are sections of a world-wide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country.

(6) The organizations so established and utilized in various countries, acting under such control, direction, and discipline, endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship. Although such Communist organizations usually designate themselves as political parties, they are in fact constituent elements of the world-wide movement and promote the objectives of such movement by conspiratorial and coercive tactics, and especially by the use of espionage and sabotage, instead of through the democratic processes of a free elective system or through the freedom-preserving means employed by a political party which operates as an agency by which people govern themselves.

(7) In the United States those individuals who knowingly and willfully participate in the world Communist movement, when they so participate, in effect repudiate their allegiance to the United States and in effect transfer their allegiance to the foreign country in which is vested the direction and control of the world Communist movement; and, in countries other than the United States, those individuals who knowingly and willfully participate in such Communist movement similarly repudiate their allegiance to the countries of which they are nationals in favor of such foreign Communist country.

(8) In pursuance of communism's stated objectives, the most powerful existing Communist dictatorship has, by the methods referred to above, already caused the establishment in numerous foreign countries of Communist totalitarian dictatorships, and threatens to establish similar dictatorships in still other countries.

(9) The agents of communism have devised clever and ruthless espionage and sabotage tactics which are carried out in many instances in form or manner successfully evasive of existing law, and which in this country are directed against the safety and peace of the United States.

(10) The experience of many countries in World War II and thereafter with so-called "fifth columns" which employed espionage and sabotage to weaken the internal security and defense of nations resisting totalitarian dictatorships demonstrated the grave dangers and fatal effectiveness of such internal espionage and sabotage.

(11) The security and safety of the territory and Constitution of the United States, and the successful prosecution of the common defense, especially in time of invasion, war, or insurrection in aid of a foreign enemy, require every reasonable and lawful protection against espionage, and against sabotage to national-defense material, premises, forces and utilities, including related facilities for mining, manufacturing, transportation, research, training, military and civilian supply, and other activities essential to national defense.

(12) Due to the wide distribution and complex interrelation of facilities which are essential to national defense and due to the increased effectiveness and technical development in espionage and sabotage activities, the free and unrestrained movement in such emergencies of members or agents of such organizations and of others associated in their espionage and sabotage operations would make adequate surveillance to prevent espionage and sabotage impossible and would therefore constitute a clear and present danger to the public peace and the safety of the United States.

(13) The recent successes of Communist methods in other countries and the nature and control of the world Communist movement itself present a clear and present danger to the security of the United States and to the existence of free American institutions, and make it necessary that Congress, in order to provide for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each State a republican form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States.

(14) The detention of persons who there is reasonable ground to believe probably will commit or conspire with others to commit espionage or sabotage is, in a time of internal security emergency, essential to the common defense and to the safety and security of the territory, the people and the Constitution of the United States.

(15) It is also essential that such detention in an emergency involving the internal security of the Nation shall be so authorized, executed, restricted and reviewed as to prevent any interference with the constitutional rights and priviliges of any persons, and at the same time shall be sufficiently effective to permit the performance by the Congress and the President of their constitutional duties to provide for the common defense, to wage war, and to preserve, protect and defend the Constitution, the Government and the people of the United States. Sept. 23, 1950, c. 1024, Title II, § 101, 64 Stat. 1019.

HISTORICAL NOTE

Short Title. Congress, in enacting this subchapter, provided by section 100 of Act Sept. 23, 1950, cited to text, that it should be popularly known as the "Emergency Detention Act of 1950."

Separability. The first sentence of section 116 of Act Sept. 23, 1950, cited to text, provided: "If any provision of this title [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this title [this subchapter], or the application of such provision to other persons or circumstances, shall not be affected thereby."

Legislative History: For legislative history and purpose of Act Sept. 23, 1950, cited to text, see 1950 U.S. Code Cong. Service, p. 3886.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FRASER. Mr. Speaker, Dr. Mead Cavert is the assistant dean of the Medical School, University of Minnesota. Dr. Cavert, in his testimony earlier this year when I held health hearings in Minneapolis, discussed how the University of Minnesota is attempting to meet the need for more physicians. He discussed in great detail the physician augmentation program at the University of Minnesota. The 60 additional freshmen medical students that were enrolled in the academic year of 1970–71 was larger than the sum total in augmentation programs in all of other Big 10 schools combined.

Dr. Cavert also discussed the transfer program for 3d-year medical students. Some States in the upper Midwest area do not have 4-year medical schools. At the end of 2 years of school, students from those areas who wish to continue with their medical education must transfer. Many of them transfer to the University of Minnesota.

The following summary sets out in more detail the various programs underway at the University of Minnesota to increase the number of available physicians:

MEDICAL SCHOOLS—TWIN CITIES CAMPUS

(By Dr. Mead Cavert)

PRIMARY MISSION

The primary mission of the Medical School is to provide opportunities and programs in undergraduate and graduate medical education for future physicians to serve the state and nation.

BACKGROUND

About one-half of the 3,7000 physicians currently practicing in the state were trained at the University of Minnesota Medical School.

While many family physicians and medical specialists practice in the major medical institutions and the urban population centers of Minnesota, a relative shortage of physicians and other health care professionals exists in many areas of the state.

A Hill Family Foundation study in 1966 predicted a shortage of 200 to 300 physicians in the state by 1975. The effects of this deficiency will be much more severe unless physicians can be more appropriately distributed by specialty in relation to statewide needs.

Of the 3,700 physicians currently practicing in the state, about 2,300 are located in the Twin Cities metropolitan area and Rochester.

The University is taking major steps to train more family doctors and to encourage their distribution throughout the state, particularly in rural areas.

NEW PROGRAMS

The Department of Family Practice and Community Health is a new and rapidly growing department of the Medical School. After their second year of medical school, students may now select family practice as one of five broad pathways of specialty emphasis.

Early estimates show a high degree of interest in the new field of family medicine. In 1970, 21 senior medical students spent six weeks with practicing physicians throughout the state on a preceptorship program sponsored by the Department of Family Practice and Community Health.

Family practice residency programs are being enlarged at the University of Minnesota in cooperation with six community hospitals in the Twin Cities. Affiliated family practice residency programs are moving forward at Hennepin County General Hospital and St. Paul-Ramsey Hospital. All three programs in family practice graduate training received legislative funding for the 1971–73 biennium.

A Physicians Associate Program for senior medical students will begin in September 1971. Participating students, after their second year of medical school, will spend one year in a rural community, working with community physicians. They will then return to the University and complete their undergraduate medical education, hopefully many of them to return later to a non-urban community to practice medicine.

ENROLLMENTS

In June 1971 the Medical School graduated 183 new physicians. In June 1972, partly resulting from a recently-adopted, optional three-year M.D. curriculum, there will be approximately 250 graduates leaving the Medical School. Under existing and proposed new programs, the graduating class of M.D.'s may reach approximately 280 by 1976.

Freshman enrollment at the Medical School was increased from 1962 to 227 students in the fall of 1970, with funding of the enrollment increment through a five year grant from the federal Physician Augmentation Program of the National Institutes of Health.

The Medical School receives over 20 transfer students annually (29 in 1971) who have completed two years of basic medical science education in other states, principally North and South Dakota. Also, most medical science students in Duluth's program (24 freshman in 1972; 48 in 1976) will transfer to the Twin Cities campus for completion of their course.

MEDICAL SCHOOL, UNIVERSITY OF MINNESOTA—PHYSICIAN MANPOWER

	1969–70	1970–71	1971–72
1. Medical school entering class	162	227	227
2. Physician augmentation program		60	120
3. Transfers to 3d year of medicine	23	22	29
4. M.D. graduates	179	184	[1] 250
5. Optional, accelerated 3-year M.D. program			[1] 75
6. Medical student enrollment	685	747	[1] 816
7. Rural health physician associate program			[1] 20
8. Minority student program	2	11	[1] 26
9. Department of family practice and community health:			
Undergraduate (senior elective pathway)	45	35	[1] 40
Graduate physicians (residents)	1	3	[2] 28
10. New medical student curriculum (phase)	A	A,B	A,B,D

[1] Number estimated.

[2] Includes 26 1st-year residents at 6 community affiliated hospitals.

MEDICAL SCHOOL—UNIVERSITY OF MINNESOTA

Physician Augmentation Program

PAP increment in entering class	60
Total entering class, 1970	227
Minnesota total increment (65) as percentage of U.S. increase (938) 1970, 100 schools	7%
PAP grant funds, 1970–71	$1,074,161
Operating funds	672,161
Facilities rental, renovation	402,000
PAP grant funds, 1971–72	$1,609,717
Operating funds	1,042,717
Facilities rental, renovation	567,000

Termination of PAP grant: June 30, 1975

PRESIDENT NIXON, THE 10-PERCENT IMPORT TAX AND OUR LATIN AMERICAN NEIGHBORS

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ANDERSON of Tennessee. Mr. Speaker, one of the most serious problems facing the Nation today is the fact that growing numbers of American citizens do not believe what their Federal Government tells them.

This is called the credibility gap. More directly, it should probably be called the truth gap.

Mr. Speaker, I believe that one of the greatest errors this administration can make is to deliberately mislead the citizens of this country or the foreign governments with which we do business.

Certainly the Nixon administration did not invent the untruth as a policy tool, but it apparently is accelerating the use of it.

In a major address to the Inter-American Press Association in Washington on October 31, 1969, President Nixon set forth his administration's Latin American policy. He uttered some very uplifting rhetoric for the benefit of our Latin neighbors that evening.

As an example, the President stated that—

> We have heard many voices from the Americas in these first months of our new administration—voices of hope, voices of concern, and some voices of frustration.
>
> We have listened.
>
> These voices have told us they wanted fewer promises and more action. They have told us that the United States aid programs seemed to have helped the United States more than Latin America. They have told us that our trade policies were insensitive to the needs of other American nations. They have told us that if our partnership is to thrive or even to survive, we must recognize that the nations of the Americas must go forward in their own way, under their own leadership.

So much for the President's generalities. His specific promises made that evening directly point out the great difference between the words and the actions of the Nixon administration in the conduct of our affairs with Latin America.

Among the specific express promises made by the President that evening two were of particular note:

> Third, to support the establishment, within the inter-American system, of regular procedures for advance consultation on trade matters. United States trade policies often have a very heavy impact on our neighbors. It seems only fair that in the more balanced relationship we seek, there should be full consultation within the hemisphere family before decisions affecting its members are taken, not after.
>
> Finally, and most important, in the world trade forums, I believe it is time to press for a liberal system of generalized tariff preferences for all developing countries, including Latin America. We will seek adoption by all of the industrialized nations of a scheme with broad product coverage and with no ceilings on preferential imports. We will seek equal access to industrial markets for all developing countries, so as to eliminate the discrimination against Latin Amer-

> ica that now exists in many countries. We will also urge that such a system eliminate the inequitable "reverse preferences" that now discriminate against Western Hemisphere countries.

The President was certainly correct when he said that—

> United States trade policies often have a very heavy impact on our neighbors.

As an example, Mexico imported $1.565 billion worth of American goods, mostly manufactured items, last year. The United States imported $833 million worth of Mexican goods, resulting in a plus U.S. trade balance of $732 million

Mexico, like most of the developing nations in Latin America is striving to build its manufacturing capabilities in order to create jobs and raise its GNP.

President Nixon has not only broken his promise to "press for a liberal system of generalized tariff preferences for all developing countries, including Latin America," but he has slapped Mexico and our other neighbors with a surcharge of 10 percent on their exports to the United States.

Surely the President was correct when he said during the economic package announcement, that the "temporary" surcharge was aimed at trading nations with under-valued currencies. Given that, why did he break his promises to our developing neighbors and levy precisely the same surcharge against them as he applied to the developed nations?

But the levying of the surcharge was not the only broken promise. In order to increase the drama involved in announcing such a comprehensive economic package, President Nixon broke his express promise to have "advance consultation on trade matters" which he made in the Inter-American Press Association speech.

In a speech delivered yesterday before the U.S. Governors' Conference in San Juan, P.R., OAS Secretary General Galo Plaza stated:

> The new economic policy announced by the the United States Government last month has, understandably, not been well received in Latin America. The surcharge on imports seems to undercut both the general U.S. commitment toward freer trade and the specific U.S. commitment to help Latin America expand and diversify its exports.

I find Secretary General Galo Plaza to be most diplomatic indeed. He might have stated simply: "President Nixon lied to us."

I would remind President Nixon and the Members of this body of one or two economic facts of life:

First. Latin America is the only major world area in which the United States maintains a favorable trade balance.

Second. That favorable trade balance amounted to $790 million last year.

Third. The United States exported almost $5 billion worth of goods to Latin America in 1969.

Fourth. The old days when the Latin American nations had nowhere else to go for their imports are over. West Germany, Japan, France, Great Britain, and even the Soviet Union are accelerating their exports to Latin American nations. As an example, in a recent closed session of the Foreign Relations Committee in one of the houses of the Brazilian Congress, the Foreign Minister of Brazil stated that last year, for the first time in its history, Brazil traded more with the Common Market nations than it did with the United States.

This morning the Washington Post published an editorial which is very germane to the subject of the impact of the 10-percent import surtax on our southern neighbors. The editorial entitled, "Who Pays the Tariff?" follows:

WHO PAYS THE TARIFF?

> In the current pushing and shoving among the world's great trading nations, a lot of small countries are getting hurt. Latin America illustrates the point. The United States did not really intend to harm the Latin economies last month when it imposed its 10 per cent surtax on imports. The truth is that the White House and the Treasury were not thinking about Latin America at all. But intentional or not, the damage is real and the consequences are going to be serious.
>
> President Nixon worked out his economic program with the advice of a special committee of able and experienced citizens, headed by Albert Williams, whose report has now been published. But in the matter of tariffs the President overrode this committee, which urged him to move toward removal of all barriers to international trade. The Williams committee is right on this issue, and the President is wrong. The evidence is already visible to the south.
>
> The Latin Americans protest, with good logic, that it is unjust to make them pay a surtax designed to remedy a trade crisis in which they played no part. Latin America has traditionally bought more from the United States than it sells here. The Latins are not the people to see about revaluing the yen and the Deutschemark. But the United States meets all objections with a shrug and the observation that it can't start making exceptions now.
>
> Mr. Nixon attempted this week to placate the Latins with the decision that, for them alone, he would cancel the 10 per cent reduction in foreign aid; it had originally been part of the program announced a month ago, with the surtax. But the countries getting the most aid are not those hardest hit by the surtax.
>
> The extreme examples are Mexico and Brazil. Mexico does more business with the United States than any other country in Latin America and will be more severely damaged by the surtax than any other. But Mexico takes no direct aid from the United States. On the other hand, the United States gives more aid to Brazil than to any other Latin country. Brazil does half as much business with the United States as Mexico does. Since coffee is exempt, the surtax applies only to about 15 per cent of Brazil's exports to this country. But it applies to fully 50 per cent of Mexico's exports here.
>
> Less than two years ago Mr. Nixon delivered a glowing speech on this country's responsibilities to Latin America. "They need," he said then, "to be assured of access to the expanding markets of the industrialized world." He promised them advance consultation on trade matters, and he also promised to pursue, worldwide, "a liberal system of generalized tariff preferences." They got no consultation on the surtax, obviously, and now they see the United States taking the lead in raising tariffs. Unfortunately the price of these moves comes high, and much of it is ultimately paid by small nations that cannot afford their large neighbors' mistakes.

BILDERBERG: THE COLD WAR INTERNATIONALE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RARICK. Mr. Speaker, on several occasions during recent months, I called the attention of our colleagues to activities of the Bilderbergers—an elite international group comprised of high Government officials, international financiers, businessmen and opinionmakers—see CONGRESSIONAL RECORD, pages 13688–13689 of May 5, 1971, entitled "Bilderbergers' Woodstock Meeting;" pages 14189–14195 of May 10, 1971, entitled "U.S. Dollar Crisis—A Dividend of Internationalism;" pages 16698–16704 of May 24, 1971, entitled "Secret Bilderberg Meeting and the Logan Act;" and pages 25649–25650 of July 16, 1971, entitled "Bilderberg Case: Reply From U.S. Attorney Generals' Office."

This exclusive international aristocracy holds highly secretive meetings annually or more often in various countries. The limited information available about what transpires at these meetings reveals that they discuss matters of vital importance which affect the lives of all citizens. Presidential Adviser Henry Kissinger, who made a secret visit to Peking from July 9 to 11, 1971, and arranged for a Presidential visit to Red China, was reported to be in attendance at the most recent Bilderberg meeting held in Woodstock, Vt., April 23–25, 1971. The two points reportedly discussed at the Woodstock meeting were "the contribution of business in dealing with current problems of social instability" and "the possibility of a change of the American role in the world and its consequences."

Following these secret discussions, which are certainly not in keeping with the Western political tradition of "open covenants openly arrived at," the participants return to their respective countries with the general public left uninformed, notwithstanding the attendance of some news media representatives, of any of the recommendations and plans agreed upon as a result of the discussions—or for that matter even the occurence of the meeting itself.

Because the American people have a right to know of any projections for a change in America's role in the world and because Henry Kissinger and other Government officials and influential Americans met with high Government officials and other powerful foreign leaders, I sought to have more information about the recent Bilderberg meeting made public by raising the question to the U.S. Attorney General of a possible violation of the Logan Act by American participants and asked if the Justice Department anticipated taking any action in the matter.

The reply from the Justice Department, in effect, was that all of the elements constituting a violation of the Logan Act were present and that the Department contemplated no action but would consider requesting an appropriate investigation if they received a specific allegation or specific information indicating a violation of the Logan Act. Apparently, the announced topics for discussion were not specific enough.

So that a specific allegation or specific information indicating a violation by American Bilderbergers of the Logan Act may be presented to the Justice Department in order to warrant an investigation, it is necessary to know more about what goes on in their secret sessions.

Additional facts relating to the Bilderberg meetings were recently brought to my attention by Eugene Pasymowski who, with Carl Gilbert in 1968, revised and updated an earlier article of theirs which first appeared in the Temple University Free Press.

The authors have provided lists of participants for six meetings plus a summary list of names of all having attended from 1954 to 1966; and a list of the month, year, and place of each of the 17 meetings held from May 1954 through April 1968. For this same period, they give names of U.S. participants who served in a capacity of honorary secretary general, chairman, cochairman, advisory committee member, or steering committee member. It is significant that every U.S. participant, without exception, who served in one of the above planning and leadership positions was a member of the Council on Foreign Relations.

Drawing upon confidential correspondence and foreign-procured confidential documents printed by the Bilderberg secretariat, including an unpublished confidential report on Bilderberg meetings containing minutes of discussions, the authors have provided considerable heretofore little-known information about the Bilderberg meetings from the initial one in 1954 through the meeting of April 1968.

So that our colleagues may have more complete information about the secret and influential international group known as Bilderbergers, I insert in the RECORD at this point the article of Eugene Pasymowski and Carl Gilbert entitled "Bilderberg: The Cold War Internationale," including the appendixes giving Bilderberg meetings, locations, and dates 1954 through 1968, the lists of Bilderberg steering committees—United States and European—and the list of Bilderberg participants, 1954–68.

The material follows:

BILDERBERG: THE COLD WAR INTERNATIONALE

(By Eugene Pasymowski and Carl Gilbert)

In spite of the historical rivalries and conflicts of Western European nations and the entrenched tradition in the United States of isolation from Europe, the North Atlantic countries have experienced unprecedented cooperation within the past two decades. The dream of a completely united Western Europe has not yet been achieved, but the conflicts have been kept within manageable limits. The Common Market and NATO have been successful. Perhaps the present problems in Western Europe are more a product of the success of NATO rather than anything else.

This unprecedented period of cooperation is more than a product of simple "nation state" diplomacy. One of the key institutions that has fostered unity and cooperation within the Atlantic Community beyond the old concepts of the "nation state" has been the Bilderberg Group.

WAS IST EIN BILDERBERG?

Oosterbeek is a small town in Eastern Holland. Three days in May 1954 transformed that town into a meeting place for the power elite of Europe and the United States. The facilities and location of the town's Hotel de Bilderberg were ideal for a very private conference.

Heading the list of dignitaries were David Rockefeller and Prince Bernhard of the Netherlands. Also in attendance were prime ministers, diplomats, socialists, intelligence agency representatives, international bankers and industrialists from all of the NATO countries. The conference was named the Bilderberg Meeting.

Here the various "leaders" of the Atlantic community were collaborating, yet their popular constituencies knew nothing about the meeting. Only those directly concerned with their activities knew that the meeting even existed. Part of the explanation for this is that the host government for the confrence provided top security. In addition, the key international newspapers and wire services cooperated by maintaining a press blackout on the conference.

Within the context of such tight security, one observer noted "this conference is considered so important, even the 'leaks' are watertight."[1]

The story of Bilderberg is not just about this one meeting but rather an entire series of meetings that started in 1954 and have continued to this day. Meetings have been held at least once a year under top security at some of the most remote spots in the Atlantic countries.

A good example of press cooperation to make non-news of the Bilderberg meetings was the memorandum that Cecil King, chairman of the (English) Newspaper Proprietors Association wrote to his fellow publishers about the meeting at St. Johns College, Cambridge in 1967. According to *Private Eye*, "the memorandum 'reminded' NPA that on no account should any report or even speculation about the content of the conference be printed."[2] This is the major explanation why the Bilderberg meetings would still come as a surprise to you. The *New York Times* has published three minor articles on the meetings and a few stories have appeared in the *Washington Post*. There has been no mention of Bilderberg in either the major weeklies or radical publications. In addition to the significant absence of press accounts, these meetings are not mentioned in any of the major scholarly works on American foreign policy and international relations. Considering the scholars and newspapermen who have attended these meetings, the situation is even more puzzling.

The people attending these meetings came from the strategic elites which dominate both the political and the socio-economic systems of the various countries. However, the public actions of these individuals would not reveal the common basis of their cooperation in private.

These meetings were an additional confirmation of the "end of ideology" between the West European ruling classes and the so-called "Socialist" opposition. Leading "Socialists" such as Hugh Gaitskell, Gaston Defferre, Guy Mollet and Fritz Erler sat down and cooperated with their alleged political and class opponents. They did not publicize these activities to the rank and file membership but rather attempted to hide their actions just as the "Socialist" government of England attempted to avoid disclosure of the biological warfare program that the Labour Government was developing. Within the context of Bilderberg, it is less surprising to learn that many of the operations and programs of these "Socialist" parties have been paid for by the United States' Central Intelligence Agency.[3]

The Bilderberg Meetings have remained unknown for the past sixteen years as have the C.I.A.'s ubiquitous subsidies and activities in the democratic Socialist Left of Europe.

Before examining the structure of Bilderberg and the development of the American section, let us first turn to the historical context that led to the creation of this unique super-national organization.

AMERICA'S HOLY CRUSADE

With the end of the Second World War and the death of FDR, the "internationally" minded individuals who controlled the commanding heights of the national economy and the executive branch of the government aimed at the creation of a new world order under the guidance of American leadership and the slogans of the United Nations. They warned that the mistake of isolationism of the post World War I period must not be made again. The key objective of the new American policy was the restoration of the old socio-economic systems in Europe with slightly new window dressing, containment of the Soviet Union and Communism and, in general, an attempt to make the entire world safe for American investment and influence. Under this grand strategy the United States, in a sense, would become the England of the nineteenth century in the twentieth without a direct colonial system.

This policy was to be a two-edged sword: one edge of the blade offered massive economic aid to Europe while the other created a massive military machine with atomic weapons to keep the Russians and their Communist allies in Western Europe "in their place." The first edge of the sword, despite the humanitarian rhetoric, was essentially a measure to guarantee markets for American trade that within the next two decades would lead many of the important economic institutions in Europe to be under American corporate control.

The second side of the blade could not be developed until the late 1940's and the Korean War, when the American people were made aware of the fact that the Russians were the enemy leading the forces of evil against the so-called free peoples of the world. When in 1945, the Truman Administration attempted to use atomic diplomacy to oust the Russians from Eastern Europe and applied economic pressure, the American people were not aware of the conflict. Because of the "ignorance" of the people, Truman was unable to carry off the intended massive program of keeping troops in Europe and setting up a program of universal military training to supplement the atomic bomb. Despite this failure, the administration still had a "defense" budget of thirteen billion dollars, and was able to expand the atomic weapons program.

With the program of opposition to the Soviet Union becoming public, combined with a domestic attack which employed the smear label "communist" against all those forces which opposed the Truman globalism, the "international" leadership was able to have the people accept the Cold War, the massive defense expenditures, and the rebuilding of Germany and Japan under American hegemony. The coupling of domestic reaction and foreign expansion allowed the "internationalists" to co-opt the former anti-communist isolationist Congressmen into supporting the Marshall Plan. However, this was still an uneasy alliance, and the measures to station troops in Europe had to be initiated by the President with Congressional approval coming after the fact. The one serious challenge to the "internationalists'" control of the executive branch of the government was not by the "Left," which was

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Footnotes at end of article.

smashed after the Henry Wallace debacle in 1948, but rather by the attempt of Senator Taft to win the Republican nomination in 1952. This was effectively stopped by key members of the Eastern Establishment getting Dwight D. Eisenhower to run for the Presidency. The evidence indicated that the key issue which persuaded Eisenhower to run was not the "conservative" domestic policy of Taft, but rather the refusal of Taft to change his views on international questions i.e., the Western alliance and aid to Europe.

With the defeat of Taft, American policy became locked into the globalism of the Truman Administration, and all attempts to question the policy were essentially viewed as acts of disloyalty until the 1960's, when some types of dissent came to be tolerated. The Democratic candidate in 1952 and 1956, Adlai Stevenson, presented no challenge to the basic program of the Truman Administration, and could even find kind words to say about Chiang Kai Shek. (In retrospect, it was difficult to call Stevenson a "liberal." Perhaps he was considered one because liberalism was so bankrupt.)

Instrumental in the development of the new American policy toward the world was the Council on Foreign Relations, which helped "educate" Presidents and businessmen into the virtues of Pax America. Coupled with the Council on Foreign Relations was the entire umbrella of Eastern banking and financial interests which had major investments overseas and in another era had no moral qualms of building pre-World War II Germany.[4] The two leading firms which supported Germany before the war were the law firm of Sullivan and Cromwell and the investment banking firm of Dillon, Read and Company. From Dillon, Read came the first Secretary of Defense, James Forrestal, Deputy Secretary of Defense Paul H. Nitze and Secretary of the Treasury, C. Douglas Dillon: from Sullivan and Cromwell, Allen and John Foster Dulles.

The American strategy effectively rebuilt Western Europe, and all those forces which opposed the dominant socio-economic order were eliminated from power. In Greece, the prototype for the first Viet-Nam, the British Army crushed the Left, while in England the Left of the Labour Party was made impotent. In other countries, the United States Government and the business community supplied funds for the conservative parties and for the Social Democrats to aid them in purging the Communists and Socialist Left. The new empire was functioning, yet there were major problems. The European client states of America could not understand the domestic hysteria caused by the late Senator McCarthy and there was some uneasiness about rearming Germany.

In Europe it was clear that the end of ideology had occurred, i.e., the Socialist Parties had dropped all the nasty Marxist phrases and now competed with the Capitalist parties on the basis of who could make the existing systems function more effectively. There were no major differences over the NATO alliance. The bureaucratic structures of the old order and bureaucracies of the Social Democracies still had differences of style, but these disputes were minor.

In the United States the holy crusade against Communism used by the liberal Democrats to defeat Wallace had gotten out of hand. In the early 1950's the witch hunters in the Republican Party were attacking the very formulators of the Cold War Strategy with the charge of treason and being soft on Communism. In its worst forms the ultra right accused such organizations as the Council on Foreign Relations and Rockefeller of both being soft on Communism and in league with the Kremlin.[5]

This was part of a larger problem in America, where there was not a sufficiently large elite which could approach world developments with a more internationally oriented frame of reference. In addition, the business community, in reaction to the New Deal, was turning its back on more sophisticated economic measures to employ at home. This situation caused Charles E. Wilson to say at a convention of the National Association of Manufacturers in the mid-1940's, "I tell you frankly that I am deeply alarmed today over the possibility that a right-wing reaction may draw some sections of capital so far away from our traditions as to imperil the entire structure of American life as we know it."

One of the key organizations in educating major sections of the business elite concerning European problems was the Council on Foreign Relations (CFR) and its study groups. But this was not enough. It was imperative that the American leadership understand the more sophisticated approaches and techniques of the Western European elite in order to modify domestic extremist tendencies.

With these various problems, it became clear that a new forum outside of the formal nation-state structures was necessary for the ruling elites of Western Europe and the United States to get together and clear up some of their "misunderstandings" in order to develop further means of cooperation. Such an interlocking system would permit the new transnational groupings to communicate in private and make the necessary decisions to manipulate the formal political structures on both sides of the Atlantic. Consequently, the Bilderberg Meeting was initiated to address the strategic issues of collective security.

MEET THE BILDERBERGERS

The first Bilderberg Meeting in Oosterbeck witnessed many of the divisions between the ideologies of the participants. Political and economic rivals were together at one meeting in the hope that at Bilderberg there could be recognition of common interests and goals of allegedly opposing political rivals between Europe and America.

The dominant fear among the European participants at the first Bilderberg Meeting was the issue of Senator Joseph McCarthy. Partly due to their misconceptions of the American political system, some of the European participants believed that America was slipping towards the political "Right" and a fascist government was in the offing. To allay these fears, C. D. Jackson addressed the Bilderberg Group. He attempted to explain how, occasionally, the American political system will create a "supercharged, emotional freak from time to time." He then made a prediction:

"Whether McCarthy dies by an assassin's bullet, or is eliminated in the normal American way of getting rid of boils on the body politic, I prophesy that by the time we hold our next meeting he will be gone from the American scene.[6]

Ambassador George McGhee noted that "the really bad misunderstanding between Europeans and Americans were dissipated at the first Bilderberg. Since then there has never been a sharp division between us and Europe."[7]

The participants of the first Bilderberg Meeting recognized the usefulness of gathering the NATO elite in one place. Hence, the Bilderberg Group collectively agreed to continue meeting on an annual basis.

The authors have obtained from several foreign sources confidential documents printed by the Bilderberg Secretariat. They include historical sketches on the group, several minutes of discussions by participants, lists of participants for six meetings plus a summary list of all that have attended Bilderberg from 1954 to 1966. All the documents are quite illuminatnig, revealing much concerning the structure and ideology of the NATO elite.

The historical report illustrates the development of an organization structure which coordinates the effort of both the American and European power elite. Two years after the first Bilderberg Meeting a Steering Committee was formed, consisting of thirty-nine members (fifteen from the United States). The Steering Committee is "composed of persons who have proved particularly valuable to Bilderberg."[8] In 1959 the Advisory Committee, an inner core group of the Steering Committee, was formed. Its *raison d'etre* was "to ensure a still closer cooperation and understanding between members of the Steering Committee on both sides of the Ocean." All the Americans on the Steering Committee are members or officers of the Council on Foreign Relations (CFR) in New York City, an organization that has a more than symbolic relation with the Rockefeller-Standard Oil empire. It is understandable then, that the American members of the Steering Committee have been associated with many aspects of the Rockefeller financial, industrial and political empire. Indeed, four members of the Steering Committee were also members of the National Finance Group of the "Nelson Rockefeller for President Committee." No Goldwaterites are Bilderbergers!

The best represented industry at Bilderberg is banking. The presidents of the Chase Manhattan Bank, David Rockefeller, and the Manufacturers Hanover Trust Company, Gabriel Hauge, are both Steering Committee members. Walter B. Wriston, president of the First National City Bank (James Rockefeller is Chairman), has been a Bilderberg participant. Three directors of the Morgan Guaranty Trust Company have been participants at Bilderberg and one of them, Robert D. Murphy, chairman of Corning Glass International, is on the Steering Committee. Although a traditional rival of the "Rockefeller banks," the du Pont-Roosevelt founded Chemical Bank. New York Trust Company has had one of its directors participate in four Bilderberg Meetings. Within this context it is understandable that the present Secretary of the Treasury and former chairman of the board of Continental Illinois Bank and Trust Company in Chicago, David Kennedy, appeared at a recent meeting.

A disproportionate share of the participants at the Bilderberg Meeting in Mont Tremblant, Canada, were international bankers. The list included: Wilfrid S. Baumgartner, honorary governor, Banque de France; Louis Camu, president, Banque de Bruxelles; C. Douglas Dillon, president of Dillon, Read and Company and former Secretary of the Treasury; Allen T. Lambert, chairman and president, the Toronto Dominion Bank; Robert McNamara, president of the World Bank; Louis Rasminsky, governor, Bank of Canada; Baron Edmond de Rothschild of the House of Rothschild; and Marcus Wallenberg, vice-chairman, Stockholms Enskilda Bank and a member of the Bilderberg Steering Committee.

The industrialists from both sides of the Atlantic are equally impressive. Officers and directors representing General Motors, Standard Oil (N.J.), Ford, General Electric, du Pont, Alcoa and Allied Chemical were able to confer with their "competitors" in Europe. Likewise, European industrialists represented such giants as Royal Dutch Shell, Fiat, Pirelli, August Thyssen-Hutte A.G., I.C.I., K.L.M., Unilever, Beers Consolidated Mines Ltd., to name but a few.

LOBBY LAWYERS' UNDISCIPLINED POWER

"Lobby lawyers, fixers for a fee" as one Washington columnist calls them[9] are regular participants at Bilderberg. Two members of the Steering Committee, George Ball and Arthur Dean are of particular interest to anyone interested in studying the dynamics

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Footnotes at end of article.

of international jurisprudence and diplomacy.

Until 1961, Ball was a partner in the firm of Cleary, Gottlieb, Steen and Ball, a firm with intimate establishment entrees. With the advent of the "New Frontier" Ball joined with other "Bilderberg Alumni",[10] as C. D. Jackson termed them, to dominate the highest policy-making levels within the Kennedy Administration.

In his book *The Discipline of Power* Ball underscored his diplomatic orientation stating ". . . ways and means must be found to reshape the structure of power to permit a more effective sharing of world responsibilities." For Ball and his Bilderberg colleagues these were not hollow words. Ball and Marcus Wallenberg, vice-chairman of the Stockholms Enskilda Bank, together advanced the interests of a joint American-Swedish combine, the Grangesberg industrial complex. The president of Grangesberg was Bo Hammarskjold, brother of the late Secretary General of the United Nations. Bo relied on the financial support of Wallenberg and the legal footwork of Ball's law firm to "reshape the structure of power" in the Congo. The prize was mineral-rich Katanga Province whose mining industry was under control of Societe General de Belgique. Utilizing a United Nations "rescue mission" the Bilderbergers achieved their imperialist designs, forcing the Belgian interests to grant major concessions to the Rockefeller and Swedish Grangesberg industrial complex.[11]

Lobbying lawyer Arthur Dean has been cochairman of the Bilderberg Group since 1957, while also serving on the Steering Committee. Since 1929, he has been a partner in the Wall Street law firm of Sullivan and Cromwell, whose senior partners were Allen and John Foster Dulles. Through the liason work of Dr. Gerhart A. Westrich, Hitler's financial agent, and S & C's representative in Europe, the law firm during the 1930's acquired as clients three of the largest German cartels including I. G. Farben.[12] Allen Dulles maintained, until 1944, a directorship of the Schroeder Trust Company in New York City, part of the banking empire of Baron Kurt von Schroeder. The Baron was instrumental in the accession to power of Adolph Hitler, channeling almost unlimited funds into the Nazi regime. For his generous devotion to the Fatherland, the Baron was made SS Gruppenfuerer, the equivalent of general.[13] It is less surprising that under the cochairmanship of Mr. Dean, the Bilderberg Meetings have invited many German members of banking and industrial combines that were collaborators before and during the war with the Nazis as well as English Schroeder interests.

When they were in the government, many of the American members of the Bilderberg played instrumental roles in sabotaging the denazification program in Germany after the war by limiting the prosecutions and in helping to free many of the convicted economic leaders of the Reich.

PHILANTHROPIC MISANTHROPES

Recently more attention has been given to the tax-exempt foundations, universities and "research" organizations and their relation to the national power structure. The linkages between these institutions and national policy formation have become increasingly more evident. The dimensions of this have been well documented in the case of the CIA and its use of foundations as conduits of funds for some of its covert activities.

The CIA, unlike the F.B.I., is not a monolithic organization with a single leadership elite but rather since its creation under the National Security Act of 1947 has represented ideologies of both New Deal Liberalism and militant anti-Communism. After World War II, the Office of Strategic Services (OSS), an emergency planning and espionage agency created by FDR during the war, was to be dissolved. However, with the creation of the CIA in 1947, a significant number of OSS staff made a lateral move into CIA who then formed a core group within CIA. Their ideology was one of corporate liberal internationalism, the theme of the New Deal. Added to this group were members of wartime military intelligence agencies, a group that shared an ideology of militant, theistic anti-Communism. Their perception of the world was one of Christianity assuming the burden of fighting the "holy war" against the Zionist "conspiracy" on one front and atheistic Communism on the other. Thus an inherent ideological conflict within CIA became an impediment to the agency's policy-making function. This is illustrated by the funding pattern CIA implemented in its program of subsidies to organizations.

Articles in the *Nation*, *Ramparts* and the *Washington Post* have documented the affiliation of foundations and organizations with international operations to the covert activities of the CIA. The subsidized organizations had a liberal ideology which was a good "cover" for the spy agency. An interesting question is whether or not the "right wing" group within the CIA engaged in similar operations. One would assume that the liberal faction of CIA was deeply committed to the support of the National Student Association (NSA) and the African American Institute (AAI). AAI is of particular interest because the conduit foundation used to channel funds into it was the Rubicon Foundation. Rubicon is the family foundation of the Hadley family. Many members of the Hadley family are trustees of Rubicon, one being Morris Hadley. He is a trustee of the Carnegie Corporation and a partner in the Rockefeller-Standard Oil law firm of Milbank, Tweed, Hadley and McCloy. McCloy was chairman of the board of the Chase Manhattan Bank and a Bilderberg participant.

For fourteen years the National Student Association received its CIA money via the Foundation for Youth and Student Affairs (FYSA).[14] President of FYSA is Arthur A. Houghton, Jr., who is a director of Corning Glass Works and trustee of the Rockefeller Foundation. Amory Houghton, Jr., is a trustee of FYSA and is board chairman of Corning Glass Works. Another director of Corning Glass Works is Robert D. Murphy. Murphy is chairman of Corning Glass International and is a member of the Bilderberg Steering Committee.

Murphy is also on the President's Board of Consultants on Foreign Intelligence Activities, commonly known as the Foreign Intelligence Advisory Board (FIAB).[15] With Murphy on the FIAB have been William L. Langer, a trustee of the Carnegie Endowment for International Peace, and William O. Baker, a trustee of the Rockefeller Institute. Edward L. Ryerson, another trustee of the Carnegie Endowment, was also a member of the FIAB during the Eisenhower Adminstration. With Ryerson on the FIAB was former Secretary of Defense, Robert A. Lovett, a trustee of the Carnegie Foundation for the Advancement of Teaching. Lovett is a partner with Averell Harriman in Brown Brothers, Harriman and Company. President Nixon's latest appointment to the FIAB was Nelson Rockefeller, David Rockefeller's brother.

John Foster Dulles had been the chairman of the board of both the Rockefeller Foundation and the Carnegie Endowment for International Peace, whose past president was Alger Hiss. Joseph E. Johnson, the Secretary General of the American Bilderberg Group, former chief of international security affairs in the State Department and director of the Council on Foreign Relations is now CEIP president. Given the inter-relationships between these two foundations, one must conclude that, in terms of the foreign policy "establishment," this *is* where it's at.

The Carnegie Endowment for International Peace has spent its earnings supporting the Bilderberg Group as well as the Foreign Policy Association and Brookings Institution. In attendance at Bilderberg Meetings have been two trustees and one staff member of the Foreign Policy Association (FPA) which is housed (rent free) in the New York City headquarters building of the Carnegie Endowment for International Peace. The Brookings Institution, located in Washington, D.C., has been represented at Bilderberg by two trustees and its chairman Eugene R. Black former president of the World Bank, a trustee of the Ford Foundation and a member of the boards of both Harvard University and Johns Hopkins University. Black is a director of the Chase Manhattan Bank, American Express Co., International Telephone & Telegraph, Communications Satellite Corp., Royal Dutch Petroleum and The Atlantic Council. Both Brookings and the FPA have a significant input into foreign policy analysis. Brookings in particular advises the State and Defense Departments and the Central Intelligence Agency.

The Rockefeller Foundation is located in the Time-Life Building, of which the Rockefellers own 55%. The Foundation's assets are $854 million. Add to this $210 million tucked away in another tax exempt organization, Rockefeller Brothers Fund, and a "cool" billion dollars are safe from ever being taxed Dean Rusk, former president of the Rockefeller Foundation and Secretary of State, was until 1961 a member of the Bilderberg Steering Committee.

The Ford Foundation has done three times as well with total assets of three billion dollars and has played an equally significant role within the Bilderberg Group. Ford made a moderatey successful attempt to extend the concept of "Encuentros Siglo XX" in the mid-1960's. Patterned along the Bilderberg model, Encuentros Meetings have focused their attention on Latin America.[16]

Among the leading foundations the Ford Foundation has had the largest representation at Bilderberg Meetings. McGeorge Bundy, president of the foundation, has participated in several meetings while the former chairman of the foundation, John J. McCloy, has attended one meeting. A former president of the foundation, Paul G. Hoffman, is presently administrator of the United Nations Development Programme, a trustee of the University of Chicago and a member of the Business Council. Don K. Price, Dean of the Kennedy School of Government at Harvard University and trustee of the Rand Corporation, is a vice-president of the Ford Foundatoin. Both Hoffman and Price have been Bilderberg participants. Shepard Stone, former director of international affairs at Ford and now president of the International Association for Cultural Freedom is a Bilderberg Steering Committee member.

From the various foundations that Andrew Carnegie created there have been eleven trustees attending Bilderberg Meetings of which five are members of the Steering Committee. The Asia Foundation which is a major CIA conduit foundation has three trustees and its president, Robert Blum, involved with the Bilderberg Group's conference.

The university as a strategic institution within American society provides both the technical manpower and the ideological justification of warfare-welfare state capitalism. Since the legal and political power of the university system clearly rests in the hands of the ruling class it follows that as an institution the university's primary function is to serve the interest of wealth and power rather than free inquiry. Aside from the myriad of schools that serve essentially parochial power structures, it is the handful of elite universities that supply the academic

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Footnotes at end of article.

mercenaries for the prosecution of the Cold War. These mercenaries form the academic procession to Bilderberg each year. They have included the presidents, trustees and faculty members of Harvard, M.I.T., John Hopkins, University of Chicago, Columbia, Yale and Cornell, to name a few. The last three mentioned universities had their presidents, Andrew Cordier, Kingman Brewster, Jr., and James Perkins respectively, as Bilderberg participants.

One of Harvard's "overseers", David Rockefeller, is a member of the Bilderberg Steering Committee and also manages to be a life trustee of the University of Chicago and chairman of the Rockefeller University. Another overseer of Harvard is C. Douglas Dillon, a Bilderberg participant and a trustee of the Institute for Defense Analysis (IDA). Four other Bilderbergers are also IDA trustees, one being James Perkins, president of Cornell University and a trustee of the Rand Corporation, the leading military "think tank" in the United States. Other Rand trustees at Bilderberg have been Lauris Norstad, chairman of Owens-Corning Fiberglass; Philip E. Mosley, director of the European Institute at Columbia University; and Don K. Price, dean of the John F. Kennedy School of Government at Harvard University

THE AMERICAN PRESS

The key media of mass communications have been well represented at the Bilderberg meetings. The major newspaper of record, the *New York Times*, has sent several key individuals to the conferences. The list included the late Arthur Hays Sulzberger, C. L. Sulzberger, James Reston, Max Frankel and Thomas Wicker. The chairman of the board of the *Washington Post*, Frederick S. Beebe, has attended one meeting. C. D. Jackson of Time, Inc. played an important role in the early Bilderberg Meetings, Gardner Cowles of Cowles publications (*Look* magazine) has been at several, and in addition, such newsmen as Joseph Kraft and Joseph C. Harsch have attended. From this description of the strategic elites represented at Bilderberg and their interrelationships, let us now turn to the actual meetings and their effect on the political process.

BILDERBERG FORMAT AND AGENDA

The meetings are held for three days in rather remote locations offering many of the major comforts of life. With the exception of the Prince's family and possible staff, the participants in the conference are all male. At the conference the participants are housed in one location (usually a hotel) and are protected by a vast security network. The format of the meeting has the participants seated in alphabetical order. Prince Bernhard sits at the center of a large table in the front of the room, flanked by officials of the organization. With the aid of red-yellow-green traffic light device that indicates time limits, the Prince chairs the meeting. It is the rule that each speaker has to limit his remarks to five minutes, but this rule is obeyed at the discretion of the Prince. One important speaker at a recent conference spoke for over fifteen minutes without being interrupted. The discussions are organized around previously arranged topics, and a few background papers are sent to each participant. Over the years the topics discussed have centered around the political, economic, and military problems of the Atlantic alliance. The issues of the third world and the question of underdevelopment have been discussed at Bilderberg. Despite the inclusion of the problem of the third world, one participant who is an expert in this area indicated that the participants were not really interested. The following are the agenda's from two Bilderberg Conferences:

1963

I. The balance of power in light of recent international developments. This item will cover changes in power relations—political, economic and military—between the Communist and Western countries and inside each group.

II. Trade relations between the U.S.A. and Europe in the light of the negotiations for Britain's entry into the Common Market.

III. Trade relations between the Western world and the developing countries.

1967

I. (a) Do the basic concepts of Atlantic co-operation remain valid for the evolving world situation? (b) If not, what concepts could take their place?

II. The technological gap between America and Europe with special reference to American investments in Europe.

To really understand the discussions, one has to understand more than the place of the individuals in their respective power structures. Despite the amount of real and potential power presented at Bilderberg, the people attending usually do not make blatant displays. Their rhetoric is one of moderation. Despite the position of some people, they seem not to understand their role. The late A. H. Sulzberger wrote in his notes from the 1957 conference:

"As a newspaperman, I feel like the little man who wasn't there, and since I am not an economist, and have never received a government check except as a 2nd Lieutenant of Field Artillery—I don't know quite why I am here. I am possibly like the parachuter who when asked by his superior officer if he liked to jump replied, 'No, but I like to associate with people who do.'"

Some participants are clearly out of place at these meetings. One wealthy European who more properly is a member of the jet set was obviously bored since the topics did not include making money or women. The private nature of the talks allow speakers to make remarks that would best he said in private. For example, at the Cambridge conference, Mr. Robert Murphy made the remark that article two of the NATO treaty was "window dressing."

"The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them" (text of article two, NATO Treaty).

Within the narrow political limitations on the invitations, i.e., "anyone who belongs to a country that believes in defending Western ethical and cultural values, and himself shares these ideals"[17] the political debate can be quite varied. In the discussion of point one at the 1967 meeting, one report indicated, "that 98 interventions (speeches) occurred among 72 speakers, consisting of 86 different positions, the number of conflicting positions is greater than the number of speakers but not all the speakers managed to defend the same position twice."[18] However, this division took place before the Russian actions in Czechoslovakia and the winds of détente were changing the Cold War images of the world.

The conferences are many things to different people. Some individuals who are on the Steering Committee have been at nearly every one. While some others have found the meeting slightly interesting, but could never imagine going to another since it would be so boring. The discussions at Bilderberg are limited in scope since some participants are still afraid to make known their opinions and the people invited generally share a common point of view. Some participants who do not believe in German reunification have been afraid to make their views known during discussions on Germany. The American delegation to Bilderberg seem to be the most monolithic as compared to other countries. Individuals that have major moral objections to Vietnam or NATO policy have never been invited. One key official on the American Steering Committee who is a president of a major foundation that is ostensibly dedicated "to hasten the abolition of international war . . ." said he would never invite Linus Pauling to a Bilderberg Meeting because of Pauling's manner in objecting to the war in Vietnam during a conference sponsored by the Center for the Study of Democratic Institutions.[19] While making the statement this member of the Steering Committee could not find the time to raise any moral objection to the activity of the American military forces in Vietnam.

The participants are invited because they are known to the Steering Committee through similar activities and life style. The backbone of the American group seems to have been the vast Rockefeller interests, which have been consistently hawkish on most questions of foreign policy. In the Eisenhower period and the early sixties, those individuals that were part of this web of interests were more concerned about developing new weapons, testing atomic bombs, and increasing the defense expenditures, i.e., the myth of negotiating from strength. This program meant trying to convince the American people that radiation from atomic weapons was not a major health hazard and atomic warfare was a method to defend freedom, i.e., "the willingness to engage in nuclear war, when necessary is part of the price of our freedom"[20]

Within this type of thinking, the major advances in policy that the Bilderberg Meetings have created have been in the area of European integration directly contributing to the Treaty of Rome and the Common Market.[21] The major stress of the Bilderberg conferences has been in pushing increased cooperation and unity within the Atlantic Community.

Towards this end the Bilderberg Group has involved itself directly in the domestic politics of the NATO countries. Of special interest to the Bilderberg Group during their 1963 meeting was the issue of French President de Gaulle's opposition to the British entry into the Common Market. It has been charged by one French periodical that the following year the Group, meeting in Williamsburg, Virginia, decided to intervene in French politics.[22]

Faced with the problem of a nationalist heading France, the Bilderbergers chose to actively support an opposition candidate to de Gaulle. The Group selected as their candidate a participant of the 1964 Bilderberg Conference, "socialist" mayor of Marseilles, Gaston Defferre. They viewed Defferre as possessing a more correct internationalist orientation that would be consistent with the broad objectives of the Bilderberg Group.

American graduates of the Bilderberg Meetings have played important roles in the making of American policy. This has been particularly evident in the Kennedy Administration, where Bilderberg "alumni" included Dean Rusk, George W. Ball, George McGhee, Walt Whitman Rostow, McGeorge Bundy, Arthur Dean and Paul Nitze. These individuals have all played a consistent role in stressing the hard line and seem unaware of the dangers of the "military industrial complex."

In understanding the importance of Bilderberg, it is important to remember that this is not just a series of meetings. All the people who have attended the conferences get annual reports, and have almost automatic entree into additional contacts with fellow participants. To help this process along, the

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Footnotes at end of article.

organization provides up to date addresses of all participants in the meetings. Hence, Bilderberg has contributed to the creation of a transnational or international group. Perhaps Bilderberg has been more important in creating new forms of organization beyond economic cooperation.

Bilderberg participants comprise a self-conscious elite which takes the position that "political decisions of great magnitude are rarely understood by the public at large,"[23] hence, the Bilderberg group has become a intervening factor that has helped maintain the Atlantic Community. Unfortunately the more basic issue of peace in the world and disarmament have not been aided by the Bilderberg group. Against the madness of the arms race and atomic weapons, the agents for peace have been the anti-war groups and such international conferences as Pugwash.[24]

The political limitations placed on the Bilderberg Meetings has meant that individuals and groups seeking significant change in the Atlantic Community that would have either brought the world closer to peace or limit the military industrial complex were not invited. Compare the function and membership of the Bilderberg Meetings with the Pugwash Conferences sponsored by Cyrus Eaton. The Bilderberg Meetings are a place where the sophisticated members of the ruling elites and their retainers can meet and do their thing.

"L'EMINENCE GRISE"

Generally regarded as the "gray eminence"[25] of European diplomatic circles, Joseph H. Retinger contributed much towards the intrigues of secret negotiations and organization of power at the highest levels of statecraft. The eulogies bestowed upon him after his death in 1960 affirmed the notion that "he knew almost everyone that (sic) mattered in Europe and the United States." "I remember," recalled Sir Edward Beddington-Behrens, "in the United States his (Retinger) picking up the telephone and immediately making an appointment with the President; and in Europe, he had complete entrée in every political circle, as a kind of right, acquired through trust, devotion, and loyalty he inspired."[26] Such a view was not shared by all in Europe, however.

Given an anti-Catholic tradition in European political circles, the "gray eminence" evoked suspicion within certain quarters. He was viewed as an agent of the Vatican in liaison between the Pope and the Father General of the Jesuit Order, the "White" and "Black eminences" respectively.[27] Although such allegations may be rejected out of hand, it must be recognized that Retinger contributed to and was a strategic catalyst for many of the major diplomatic and political initiatives occurring within Western European circles. His most significant contribution was the founding of the European Movement, which was directly responsible for the creation of the Council of Europe.[28] Retinger's commitment towards the development of European unity after World War II, had its roots early in his political career.

During his youth in Cracow, Poland and later at the Sorbonne, where he was awarded a doctorate, Retinger identified himself with the policies of the Vatican as well as advancing his vision of a unified Europe. He once proposed to Premier Georges Clemenceau a plan, the goal of which was to foster unity in Eastern Europe. Retinger argued that a unified and durable political structure would be best achieved by merging the states of Austria, Hungary and Poland into a tripartite monarchy under the guidance of the Jesuits. Recognizing the Catholic tradition in all three nations, he reasoned that such a religious heritage could form the base for a viable political structure. Clemenceau suspected Retinger of being an agent of what appeared a Vatican-inspired plan and immediately rejected the notion.[29]

During the same period, Retinger's intrigues included eleven trips to Mexico where initially he was instrumental in the organization of trade unions in the mid-1920's. Utilizing his extraordinary facility of operating effectively with personages of conflicting ideologies and social class, Retinger gained the confidence of the Mexican Government. Retinger was critical of capitalism before the coming of the welfare state and consequently formulated a plan to nationalize the United States oil interests in Mexico. The Mexican Government was so receptive to the concept that it charged Retinger with the mission of engaging in secret negotiations with Washington on the oil question.[30]

During World War II, Retinger held the post of political aide to General Sikorski and also served as the representatives to the Soviet Union from the London based Polish Government in Exile.

His most spectacular feat during the war was a clandestine mission to Poland in August, 1944. At the age of 58 he parachuted into Nazi occupied territory, West of Warsaw, successfully executing the mission on the eve of Polish liberation from the Germans, in spite of the fact that he incurred permanent physical disability from the jump.[31]

He delivered several million dollars to the Polish partisans as well as securing an operating governmental unit for the Polish Government in exile, to prevent the Soviets from instituting a Communist Regime in Warsaw in the wake of the German retreat. Although the Soviet Army was encamped along the Eastern bank of the Vistula River and within close proximity of Warsaw, the Russians chose to do nothing. Left without Russian military support, the Poles engaged in armed struggle against the Nazi war machine for two months.

By mid-century, Retinger had engaged in a career that was to merit the credentials and stature of a statesman appropriately titled the "gray eminence" of Europe. His early "leftist" views opened the doors of the anti-communist socialist leaders while his church connection gave him entree into Catholic parties of the political center. Yet his most consuming vision of a united Europe, a concept shared only by intellectuals and a handful of statesmen, was less a reality than ever. After the war, Retinger added an additional factor to his equation for unity: America. However, the political realities in Europe and its concomitant anti-Americanism were, in Retinger's mind, the seeds for a conflict that would engulf Europe ". . . within three months to three years." Consequently, he renewed with even greater zeal his refocused plan for the development of an "Atlantic Community." Towards this end he sought out a potential ally and a key member of the House of Orange-Nassau, H.R.H. Prince Bernhard of the Netherlands.

It was Retinger who approached Prince Bernhard in 1952 with a noval concept, a conference that would bring together leaders of the NATO community in a very private meeting conducted in an "off the cuff" manner. No reporters would be permitted to attend and no public statements concerning topics discussed would be made by any of the participants. It was believed that such an environment would allow the participants to engage in a more "meaningful dialogue" than would be possible in an open international meeting. On a grand scale, this meeting would implement group dynamics techniques to formulate a low keyed international "T" group, whose purpose was to sensitize the less "enlightened" of its membership towards the new transnational diplomacy of the Cold War.

Retinger's idea obtained immediate endorsement by Prince Bernhard. A nucleus of ten Europeans was formed to study the possibility of arriving at a concrete plan for the meeting. Having accomplished this in September, 1952, Bernhard then proceeded to establish a corresponding group in America where he found many members of the Truman Administration, including Averell Harriman, particularly receptive to the idea. However, it was not until the newly elected Republican administration took office that the American counterpart was established. General Walter Bedell Smith, director of CIA, and C. D. Jackson, then special assistant to the President and later publisher of *Life* magazine, were instrumental in aiding Bernhard. When John S. Coleman, president of Burroughs Corporation, was elected its chairman, the American group was officially created. When both the European and American groups met in formal conference at the Hotel de Bilderberg, they adopted the name of the hotel, calling themselves the "Bilderberg Group."

BILDERBERG MEETINGS HELD SINCE 1954

May 1954, Oosterbeek, Netherlands.
March 1955, Barbizon, France.
September 1955, Garmisch-Partenkirchen, Germany.
May 1956, Fredensborg, Denmark.
February 1957, St. Simons Island, United States.
October 1957, Fiuggi, Italy.
September 1958, Buxton, United Kingdom.
September 1959, Yesilkoy, Switzerland.
May 1960, Bergenstock, Switzerland.
April 1961, Quebec, Canada.
May 1962, Saltsjobaden, Sweden.
March 1963, Cannes, France.
March 1964, Williamsburg, Virginia, United States.
April 1965, Como, Italy.
March 1966, Weisbaden, W. Germany.
March 1967, Cambridge, England.
April 1968, Mont Tremblant, Canada.

United States Bilderberg participants	Council on Foreign relations	Bilderberg meetings						
		1955	1957	1963	1964	1966[1]	1967	1968
Honorary Secretary General (United States): Joseph E. Johnson.	Member, Director	×	×	×	×	×	×	×
Chairman: 1954–55: John S. Coleman.	Member	×						
Cochairman: 1955–57:								
Dean Rusk	do	×	×			×		
Gen. Walter Bedell Smith.	do							
Cochairman: 1957–present:								
Arthur H. Dean	Member, Director	×	×	×	×	×	×	×
Henry J. Heinz II	Member	×	×	×	×	×	×	×

Footnotes at end of article.

United States Bilderberg participants	Council on Foreign relations	Bilderberg meetings 1955	1957	1963	1964	1966[1]	1967	1968
Advisory Committee:								
Henry J. Heinz II	do	X	X	X	X	X	X	X
George Nebolsine	do	X	X	X	X			
Steering Committee:								
George W. Ball (resigned 1961)	do	X	X	X	X	X	X	X
Emilio G. Collado	do			X	X	X	X	X
Gardner Cowles	do	X				X		
Arthur H. Dean	Member, Director	X	X	X	X	X	X	X
John H. Ferguson	Member	X	X			X		
Gabriel Hauge	Member, Treasurer	X	X	X	X	X	X	X
Henry J. Heinz II	Member	X	X	X	X	X	X	X
C. D. Jackson	do	X	X	X	X			
Robert D. Murphy	do	X	X	X	X	X	X	X
George Nebolsine	do	X	X	X	X			
David Rockefeller	Member, Vice President.	X	X	X	X	X	X	X
Dean Rusk (resigned 1961).	Member	X	X			X		
Gen. Walter Bedell Smith.	do							
Shepard Stone	do				X	X	X	X
James D. Zellerback	do	X						

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[1] Cumulative list for period 1954–66.

European Bilderberg Participants	Bilderberg meetings 1955	1957	1963	1964	1966[1]	1967	1968
Chairman: H.R.H. Prince Bernhard of the Netherlands	X	X	X	X	X	X	X
Honorary Secretary General for Europe:							
Joseph H. Retinger (1954–60)	X	X					
Ernst H. van der Beugel (1960–68)			X	X	X	X	X
Honorary Treasurer:							
Paul Rykens (1954–64)	X	X	X	X			
Johannes Meynen (1964–68)			X	X	X	X	
Deputy Secretary General for Europe: Arnold T. Lamping (1960–68)			X	X	X	X	X
Advisory Committee:							
Rudolf Mueller, Germany	X	X			X		
Pietro Quaroni, Italy	X		X		X		
Paul Rykens, Netherlands	X	X	X	X			
Steering Committee:							
Agnelli, Giovanni, Italy			X	X	X	X	X
Airey, Sir Terence, United Kingdom	X				X		
Arliotis, Charles C., Greece					X	X	
Baumgartner, Wilfrid S., France			X	X	X	X	X
Bennett, Sir Frederic, United Kingdom			X	X	X	X	X
Birgi, M. Nuri, Turkey		X	X	X	X	X	X
Boveri, Walter E., Switzerland					X		X
Cavendish-Bentnick, Victor, United Kingdom	X		X		X		
Christiansen, Hakon, Denmark	X	X					
Duncan, James S., Canada			X	X	X		
Erler, Fritz, Germany	X	X	X	X	X		
Fanfani, Amitore, Italy	X				X		
Hauge, Jens C., Norway	X	X			X		
Healey, Dennis W., United Kingdom	X	X	X	X	X	X	X
Hoegh, Leif, Norway	X	X	X	X	X	X	X
van Kleffens, Eelco N., E.C.S.C	X			X	X		
Maudling, Reginald, United Kingdom	X				X	X	
Mueller, Rudolf, Germany	X	X			X		
Quaroni, Pietro, Italy	X		X		X		
Rykens, Paul, Netherlands	X	X	X	X			
Sarmento Rodrigues, Manuel M., Portugal					X		
Schmid, Carlo, Germany	X		X	X	X		
Snoy et d'Oppuers, Baron, Belgium			X	X	X	X	X
Taverne, Dick, United Kingdom					X	X	X
Terkelsen, Terkel M., Denmark	X	X	X	X	X	X	X
Valletta, Vittorio, Italy	X				X		
Wallenberg, Marcus, Sweden			X	X	X	X	X
Wolff von Amerongen, Otto, Germany	X	X	X	X	X	X	X

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[1] Cumulative list for period 1954–66.

Bilderberg participants	Bilderberg meetings 1955	1957	1963	1964	1966[1]	1967	1968
Australia: Officer, Sir Keith	X				X		
Austria:							
Czernetz, Karl			X		X		
Lendavi, Paul							X
Molden, Fritz P	X				X		
Portish, Hugo					X		
Thurn, Max					X		
Withalm, Hermann						X	
Zimmer-Lehmann, Georg					X		
Withalm, Herman						X	
Belgium:							
Ansiaux, Hubert					X		
Bauwens, Marcel							X
Becu, Omer L	X				X		
Boël, Baron Rene					X		
Bonoisin, Baron Pierre	X				X		
Camu, Louis	X				X		X
Cool, Auguste P	X				X		
Dehousse, Fernand	X				X		
Drapier, Jean	X				X		
Fayat, Henri					X		
Guillaume, Baron J	X						
Kerchove d'Ousselghem, Nicolas W. de				X	X		
Lefevre, Theo						X	
Motz, Roger	X						
Ryckmans, Pierre	X						
Segers, Paul W					X		
Simonet, Henri						X	
Solvay, Jacques							X
Spaak, Paul Henri			X		X		
Vallee Poussin, Etienne de la	X				X		
Willems, Jean	X				X		
Zeeland, Viscomte Paul van	X	X			X		
Canada:							
Allard, J. V							X
Bassett, John W. H			X		X		
Beaton, Leonard							X
Belanger, Michel					X		X
Bruce, Fraser W	X				X		
Cadieux, Marcel					X		
Coldwell, M. J					X		
Davidson, Ian D					X		
Deutsch, John J					X		
Dodge, William							X
Duncan, James S			X	X	X		
Dunton, A. Davidson					X		
Dupuy, Pierre	X				X		
Eayrs, James						X	
Faribault, Marcel					X		
Fleming, Donald M					X		
Foulkes, Charles					X		
Gibson, J. Douglas					X		
Gordon, Walter L					X		
Griffin, Anthony G. S			X	X	X	X	X
Heeney, Arnold D. P		X		X	X		
Holmes, John W					X		X
Lambert, Allen T							X
Lamontagne, Maurice				X			
Leger, Jules						X	
Lesage, Jean					X		
Marchand, Jean					X		
Martin, Paul		X			X	X	X
McKinnon, Neil					X		
McLean, William F							X
Michener, Roland			X		X		
Molson, Hartland de M					X		
Parizeau, Jacques							X
Pearson, Lester B				X	X		X
Rasminsky, Louis							X
Ritchie, Ronald S							X
Robertson, Norman A	X				X		
Ronning, Chester A	X				X		
Ryan, Claude							X
Sauve, Maurice					X		
Stanfield, Robert L							X
Stone, Thomas	X						
Thornbrough, Albert A							X
Wilgress, Dana					X		
Winters, Robert H				X	X		
Denmark:							
Axel of Denmark, H.R.H. Prince	X						
Christiansen, Hakon	X	X					
Haekkerup, Per				X	X		
Knudtzon, Harald				X	X		
Kraft, Ole B	X		X	X	X		
Krag, Jens O					X		
Matthiasen, Neils						X	X
Sorensen, Svend O						X	X
Norgaard, Ivar					X		
Finland: Nykopp, Johan				X	X	X	X
France:							
Andre, Robert	X						
Aron, Raymond					X		
Baumel, Jacques			X	X	X	X	
de Baumont, Guerin	X						
Bourbon-Busset, comte de					X		
Brutelle, Georges					X		
Casanova, Jean C						X	
Chalandon, Albin							X
Clement-Cuzin, René	X				X		
Commin, Pierre		X					
Croisillier, Francois					X		

Footnotes at end of table.

Bilderberg participants	Bilderberg meetings						
	1955	1957	1963	1964	1966[1]	1967	1968
France—Continued							
de la Garde, Jean		X					
Defferre, Gaston				X	X		
Dreyfus, Pierre					X		
Duchet, Roger	X				X		
Duhamel, Jacques							X
Faure, Maurice	X		X		X		
Fontaine, Andre			X		X		
Fouchier, Jacques de							X
Gallois, Pierre M				X	X		
Georges-Picot, Jacques					X		
Gisard d'Estaing, Valery							X
Guichard, Baron Olivier					X		
Guindey Guillaume					X		
Hartung, Henri						X	X
Huvelin, Paul					X		
Lagarde, Comte Jean de					X		
La Malene, Christian de				X	X		
Lecanuet, Jean					X		
Letourneau, Jean	X				X		
Lipkowski, Jean de				X	X		
Marjolin, Andre	X						
Massigli, René			X		X		
Maurois, André	X				X		
Mendes-France, Pierre							X
Mollet, Guy	X		X		X		
Morisot, Georges					X		
Partrat, Antoine	X				X		
Piette, Jacques	X		X		X		
Pinay, Antoine	X		X	X	X		
Pleven, René			X		X		
Pompidou, Georges					X		
Rothschild, Baron Edmond de							X
Roux, Ambroise						X	
Rueff, Jacques					X		
Segard, Jacques			X		X		
Sergent, René			X		X		
Tanugi de Jongh, E. L			X				
Teitgen, Pierre-Henri					X		
Tron, Ludovic						X	
Uri, Pierre E					X		
Villiers, Georges					X		
Voisin, André	X				X		
Yrissou, Henri					X		
Germany:							
Abs, Herman					X		
Bahr, Egon							X
Barzel, Rainer					X		
Becker, Kurt						X	
Beitz, Berthold					X		
Berg, Fritz	X	X	X	X	X		X
Birrenbach, Kurt				X	X	X	X
Boden, Hans C					X		
Brauer, Max	X		X	X	X		
Dethleffsen, Erich					X		
Eckardt, Felix von					X		
Emminger, Otmar					X		
Erhard, Ludwig					X		
Falkenheim, Ernst G. P					X		
Geyer, Gerhard	X				X		
Gross, Herbert	X				X		
Hallstein, Walter	X				X		
Herwarth von Bittenfeld, Hans-Heinrich			X		X		
Heyn, Rolf	X						
Kiesinger, Kurt-George	X	X			X		
Krapf, Franz				X	X		
Kuhlmann-Stumm, Knut Freiherr von				X	X		
Leverkuehn, P. M. A	X						
Lowenthal, Richard							X
Majonica, Ernst				X	X		
Mehnert, Klaus					X		
Menne, Alexander W	X	X			X		
Mommer, Karl							X
Merkel, Hans					X	X	
Mueller-Armack, Alfred					X		
Rosenberg, Ludwig	X				X		
Ruge, Friedrich					X		
Schiller, Karl					X		
Schmidt, Helmut					X	X	
Schneider, Ernst Georg	X				X		
Sohl, Hans-Gunther	X				X		
Speidel, Hans				X	X		
Springer, Sr., Axel C							X
Sternberger, Dolf	X				X		
Stoltenberg, Gerhard					X		X
Strauss. Franz-Joseph			X		X		
Troeger, Heinrich	X				X		
Westrick, Ludger				X	X		
Greece:							
Athanassiades, Bodoasski					X		
Kanellopoulos, Penayotis	X				X		
Niarchos, Stavros S						X	X
Pipinelis, Panayotis	X				X		
Pesmazoglou, John S						X	
Stratos, Christofore					X		
Iceland:							
Benediktsson, Bjarni					X		X
Thoroddsen, Gunnar					X		
International:							
Beer, Henrik (Red Cross)			X	X	X		
Booth, Alan R. (World Council of Churches)							X
Brosio, Manlio (NATO)					X	X	
Dunlap, Clarence R. (S.H.A.P.E.)					X		
Ismay, the Lord (NATO)	X						
Kohnstamm, Max (A.C.U.S.E.)			X	X	X	X	
Kristensen, Thorkil (O.E.C.D.)					X		
Lemnitzer, Gen. Lyman L. (S.H.A.P.E.)			X		X		
Lieftnick, Pieter (IMF–IBRD)		X			X		
Mansholt, Sicco L. (E.E.C.)			X	X	X		
Marjolin, Robert E. (E.E.C.)					X		
Puget, Andre (S.H.A.P.E.)					X		
Rey, Jean (E.E.C.)					X		X
Schuyler, C. V. R. (S.H.A.P.E.)					X		
Schweitzer, Pierre-Paul (IMF)				X	X		
Southard jr., Frank A. (IMF)					X		
Stikker, Dirk U. (NATO)				X	X		
Thurston, Raymond (NATO)					X		
Visser 't Hooft, Willem A. (World Council of churches)							X
Woods, George D. (IBRD)					X		
Wyndham White, Eric (GATT)				X	X		
New Zealand: Webb, Sir Clifton	X						
Italy:							
Agnelli, Giovanni							X
Anzilotti, Enrico					X		
Bassetti, Piero					X		
Cafiero, Raffaele	X						
Carli, Guido					X		
Cefis, Eugenio					X		
Chiusano, V			X				
De Micheli, Alighiero			X		X		
Ferrari Aggradi, Mario						X	
La Malfa, Ugo				X	X		
Lolli, Ettore				X	X		
Longo, Imbriani		X					
Malagodi, Giovanni	X				X		
Malfatti, Franco M				X	X		
Messeri, Girolamo					X		
Olivetti, Roberto							X
Pastore, Giulio	X						
Peccei, Aurelio			X	X	X	X	X
Pedini, Mario			X		X		
Petrilli, Giuseppe					X		
Pirelli, Alberto	X		X		X		
Pirelli, Leopoldo					X	X	X
Ronchey, Alberto							X
Rossi, Paulo	X				X		
Rumor, Mariano					X		
Saraceno, Pasquale					X		
Scaglia, Giovanni Battista				X	X		
Scarpa, Gino	X				X		
Spinelli, Altiero							X
Stille, Ugo							X
Vittorelli, Paolo				X	X	X	
Netherlands:							
Aukes, Albert G					X		
Beyen, J. Willem					X		
Biesheuvel, Barend W							X
Blaisse, Peter A			X		X		
Boon, Hendrik N					X		
Dankert, Piet						X	
Hirschfeld, H. M	X						
Kapteyn, P. J	X				X		
Karsten, Christian F							X
Koninsberger, V. J	X						
Koster, Henri J. de				X	X		
Kuin, Pieter							X
Kymmell, Jaap						X	
Loudon, Jonkeer John H					X		
Luns, Joseph M. A. H				X	X	X	X
Mathon, Theodore E. E. H					X		
Netherlands, H.R.H. Princess Beatrix of the			X				X
Netherlands, H.R.H. Prince Claus of the						X	X
Oldenbroek, J. H	X				X		
Oosterhuis, H	X						
Ooyevaar, J. J	X				X		
Otten, Pieter F. S					X		
Royen, J. Herman van					X		
Samkalden, Ivo			X		X		
Sandberg, Herman W							X
Steenberghe, Maximilien	X				X		
Tinbergen, Jan					X		
Udink, Berend J						X	
Verrijn Stuart, G. M	X				X		
Vries, Egbert de					X		
Walsem, H. F. van	X				X		
Zijlstra, Jelle					X		
Norway:							
Engen, Hans			X				
Lange, Halvard				X	X		
Lindebraekke, Sjur D. J	X				X		
Melander, Johan A					X		
Moe, Finn	X				X		
Munthe, Preben						X	
Skaug, Arne					X		
Tidemand, Otto G						X	X
Willoch, Kaare I					X		X
Pakistan: Zafrulla Kahn, Sir Muhammad	X				X		
Portugal:							
Espirito Santo Silva, Manuel R					X		
Mathias, Marcello G. N. D			X		X		
Nogueira, Alberto F						X	X
Ulrich, Ruy E	X				X		
Sweden:							
Aspling, Sven					X		
Boheman, Erik					X		
Dahlman, Sven			X		X		
Erlander, Tage F					X		
Geijer, Arne					X		

Bilderberg participants	1955	1957	1963	1964	1966[1]	1967	1968
Heckscher, Gunnar					X		
Holmberg, Yngve						X	
Iveroth, Axel					X		
Jacobsson, Per		X					
Kling, Herman			X		X		
Lange, Gunnar					X		
Lundvall, Björn							X
Ohlin, Bertil	X				X		
Palme, S. Olof J					X		
Sandler, Rickard	X						
Tingsten, Herbert L. G	X				X		
Waldenstrom, Herbert L. G	X						
Switzerland:							
Broggini, Gerardo					X		
Burckhardt, Charles J	X				X		
Jolles, Paul			X		X		
Petitpierre, Max			X		X		
Reinhardt, Eberhard					X		
Rougemont, Denis de	X				X		
Schaffner, Hans					X		
Schwarz, Urs					X	X	
Umbricht, Victor H				X	X		
Turkey:							
Alpakartal, Nureddin F					X		
Ariburun, Tekin					X		
Belge, Burnham					X		
Diker, Vecdi					X		
Eczacibasi, Nejat F			X		X		X
Esenbel, Melih					X		
Gidel, Nail					X		
Sarper, Selim					X		
Tokay, Selahattin					X		
Tokus, Ahmet					X		
Türkmeñ, Ilter							X
United Kingdom:							
Astor, the Honorable David		X			X		
Barran, David H						X	
Beddington-Behrens, Sir Edward					X		
Boothby, the Lord	X				X		
Bridgeman, Sir. Maurice R							X
Brown, George A					X		
Buchan, the Honorable Alaster				X	X		X
Buzzard, Sir Anthony	X				X		
Callaghan, James			X		X		
Chambers, Sir Paul			X		X		X
Clitheroe, the Lord	X				X		
Cochrane, Sir Ralph					X		
Cohen, the Honorable					X		
Crowther, Sir Geoffrey	X				X		
Davies, Clement	X						
Delmer, D. Sefton	X				X		
Dundee, the Earl of				X	X		
Edinburgh, H.R.H. the Prince Philip, Duke of					X	X	
Elliot, Sir William		X			X		
Foster, Sir John	X				X		
Franks, the Lord	X				X		
Gaitskell, Hugh	X						
Geddes, Reay					X		
Geddes of Epsom, the Lord	X				X		
Gladwyn, the Lord					X		
Glendevon, the Lord					X		
Grimond, Joseph					X		
Gubbins, Sir Colin	X	X	X	X	X		
Hall, Sir Arnold						X	
Hall Patch, Sir Edmund					X		
Harlech, the Lord					X		
Heath, Edward R. G			X		X	X	
Hogg, Quintin						X	
Hope, the Lord John	X						
Hyde, H. Montgomery	X				X		
Jay, Douglas P. T					X		
Jellicoe, the Earl				X	X		
Kearton, Sir Frank						X	
Keswick, John	X				X		
Kilmuir, the Earl of		X			X		
Kipping, Sir Norman					X		
Kleinwort, Cyril					X		
Knollys, the Viscount					X		
Mountbatten of Burma, the Earl					X		
O'Neill, Sir Con					X		
Oppenheim, Sir Duncan	X				X		X
Pilkington, Sir Harry	X				X		
Plowden, the Lord					X		
Powel, J. Enoch							X
Richardson, Gordon					X		
Robens of Woldingham, the Lord	X				X		
Roberts, Sir Alfred					X		
Roll, Sir Eric				X	X	X	
Shawcross, Lord						X	
Shonfield, Andrew A							X
Slessor, Sir John	X				X		
Smith, A. H					X		
Steel, Sir Lincoln		X			X		
Stevens, John M					X		
Stewart, Michael				X	X		
Tennant, Peter F. D					X		
Tiarks, Henry F					X		
Turner, Sir Mark			X		X		
Warburg, Sir Siegmund					X		
Wheeler, Sir Charles					X	X	
Williamson, the Lord	X				X		
Wilson, Harold					X		
Woodhouse, the Honorable Montague					X		
Woodhouse, Christopher M			X				
Wren, Walter T		X			X		
Younger, Kenneth					X		

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[1] Cumulative list for period 1954-66.

United States Bilderberg participants	Council on Foreign Relations	1955	1957	1963	1964	1966[1]	1967	1968
Acheson, Dean G	Member				X	X		
Achilles, Theodore C	do					X		
Anderson, Robert O				X		X		
Barbour, Walworth						X		
Beebe, Frederick S	Member						X	
Bell, David E	do					X		
Bell, Elliott V	Director, treasurer					X		
Bingham, Barry		X				X		
Black, Eugene R	Member		X			X		
Blum, Robert		X						
Bolling, Richard						X		
Bowie, Robert R	Member		X			X		
Brademas, John						X		
Brandt, Karl						X		
Brooke, Senator Edward								X
Brewster, Jr., Kingman	Member					X		
Brown, Irving	do	X				X		
Bruce, David K. E	do					X		
Brzezinski, Zbigniew	do					X		X
Bundy, McGeorge	do		X		X	X		
Burgess, W. Randolph	do					X		
Cabot, Louis W	do				X	X		
Case, Senator Clifford P	do					X		
Cisler, Walker L	do	X	X	X	X	X		
Cleveland, Harlan	do						X	
Cleveland, Harold Van B	do			X		X	X	
Cole, David L								X
Cook, Donald C						X		
Copeland, Lammot du Pont	Member			X		X		
Cordier, Andrew W	do					X		
Deming, Frederick	do							X
Dewey, Thomas E	do		X			X		
Diebold, John	do							X
Dillon, C. Douglas	Director							
Dodge, Joseph N		X						
Donovan, Hedley	Member					X		
Finletter, Thomas K	Director					X		
Flanders, Senator Ralph E.	Member	X				X		
Ford, Jr., Congressman Gerald R.					X	X		
Ford II, Henry								X
Foster, William C	Director					X		
Frankel, Max	Member					X		
Frelinghuysen, Congressman Peter H. B.	do				X	X		
Fulbright, Senator J. William.			X		X	X		
Gallagher, Congressman Cornelius E.				X		X		
Garner, Robert L	Member	X				X		
Gilpatric, Roswell L	do					X		
Golden, Clinton S		X						
Goodpaster, Andrew	Member							X
Gordon, Lincoln	do		X			X		
Gossett, William T				X		X		
Gruenther, General Alfred M.	Member	X				X		
Halfstad, Lawrence R	do		X			X		
Harris, Senator Fred						X		
Harsch, Joseph C	Member					X		
Hays, Congressman Brooks.	do		X			X		
Heilperin, Michael A	do	X	X			X		
Herter, Christian A	do				X	X		
Hewitt, William A				X		X		
Hickenlooper, Senator Bourke B.				X		X		
Hochschild, Harold K	Member					X		
Hoffman, Paul G	do	X	X			X		
Hoffman, Stanley	do						X	
Holifield, Congressman Chet.					X	X		
Horning, Donald F							X	

Footnotes at end of table.

United States Bilderberg participants	Council on Foreign Relations	Bilderberg meetings 1955	1957	1963	1964	1966[1]	1967	1968
Irwin, Donald J								×
Jackson, Senator Henry M					×	×	×	×
Jackson, William H	Member		×			×		
Javits, Senator Jacob K	do				×	×		
Jay, Nelson Dean	do	×				×		
Katz, Milton	o					×		
Kaysen, Carl	Studies						×	
Keener, Jefferson W								×
Kennan, George F	Member	×	×			×		
Kennedy, David M								×
Kissinger, Henry A	Member		×		×	×		
Knoppers, Antonie T	do						×	
Kraft, Joseph	do						×	
Lindsay, Franklin A	do				×	×		
Litchfield, Jr., Lawrence					×	×		
Littlejohn, Edward		×				×		
Maillard, William S						×		
Martin, Edwin M	Member					×		
Mason, Edward S	do	×		×		×		
Mathias, Jr., Congressman Charles Mc.							×	×
McCloy, John J	Chairman, board				×	×		
McCormack, James	Member					×		
McConald, David J			×			×		
McGee, Gale W	Member					×		
McGhee, George C	do	×	×	×	×	×	×	
McGill, Ralph E			×			×		
McNamara, Robert Strange.	Member							×
McNaughton, John T							×	
Monroney, Senator A. S. Mike.						×		
Morse, F. Bradford						×		
Mosley, Philip E	Member					×		
Moyers, Bill D	Director						×	×
Nash, Frank C			×					
Neal, Alfred C	Finance Committee					×		
Newhouse, John							×	
Nitze, Paul H	Member	×	×	×		×		
Norstad, Lauris	do						×	
Parker, Cola G		×						
Patterson, Morehead			×					
Payne, Frederick B	Member					×		
Perkins, George W		×						
Perkins, James A	Director			×		×	×	×
Petersen, Howard C	Member					×		
Peterson, Rudolph A						×		
Piel, Gerard	Member						×	
Piore, Emanuel R							×	
Price, Don K	Member		×			×		
Rabi, Isidor I	do					×		
Reston, James B	do					×		
Reuss, Henry	do					×		
Reuther, Walter P	do					×		
Roberts, Henry Lithgow	do		×			×		
Roosa, Robert V	Director					×		
Rostow, Eugene V	Member						×	×
Ryan, John T	do							×
Samuelson, Paul A						×		
Schmidt, Adolph W	Member					×		
Schnitzler, William F		×				×		
Scott, Senator Hugh						×		
Shulman, Marshall D	Member, Committee				×	×		
Smith, Admiral H. Page	Member				×	×		
Spang, Joseph P., Jr		×				×		
Sparkman, Senator John		×				×		
Spofford, Charles M	Director	×		×		×		
Sulzberger, Arthur Hays	Member		×			×		
Sulzberger, Cyrus L	do					×		
Tuthill, John W	do					×		
Vernon, Raymond	do							×
Vorys, Congressman John M			×			×		
Wicker, Thomas G								×
Wilcox, Francis O	Member	×				×		
Wilde, Frazar B	do		×			×		
Wiley, Senator Alexander			×			×		
Wohlstetter, Albert	Member					×		
Wriston, Walter B	do				×	×		

[1] Cumulative list for period 1954–66.

FOOTNOTES

[1] "Even the Leaks are Watertight", *Daily Sketch* (London), April 3, 1967.

[2] *Private Eye* (London), April 14, 1967, p. 13.

[3] "Aid by C.I.A. Put in the Millions: Group Total Up", *New York Times*, February 19, 1967, p. 1.

[4] George Seldes, *Facts and Fascism* (New York: In Facts Inc., 1943), pp. 153ff.

David Lasser, *Private Monopoly: The Enemy at Home*, (New York: Harper & Brothers, 1945) pp. 129ff.

Gabriel Kolko, "American Business & Germany 1930–1941", *Western Political Quarterly*, (December, 1962).

[5] Gary Allen, "The C.F.R.: Conspiracy to Rule the World", *American Opinion* (Belmont, Mass.: April, 1969).

[6] Alden Hatch, *H.R.H. Bernhard Prince of the Netherlands* (London: George G. Harrap & Co. Ltd., 1962), p. 218.

[7] Ibid.

[8] Joseph H. Retinger, *Bilderberg Meetings* (unpublished confidential report, November 1966), p. 14.

[9] Edith Kermit Roosevelt, "Lobby Lawyers: Hidden World of Secret Pressures", *Manchester (N.H.) Union Leader*, October 31, 1968, p. 20.

[10] Hatch, op. cit., p. 223.

[11] Edith Kermit Roosevelt, "Lobby Lawyers: Dominance in World Economics", *Manchester (N.H.) Union Leader*, Oct. 31, 1968, p. 20.

[12] James Stewart Martin, *All Honorable Men* (Boston: Little Brown & Co., 1950), pp. 53, 67, 250.

[13] Fred J. Cook, "The C.I.A.", *Nation*, June 24, 1961, p. 537.

[14] *New York Times*, loc. cit.

[15] "President Revives Intelligence Board", *New York Times*, May 5, 1961, p. 3.

[16] *Encuentros Siglo XX, II Meeting, Paracus, Pisco, Peru, June 2–5, 1966*, Confidential report and minutes of meeting.

[17] Retinger, op. cit., p. 8.

[18] "Max Kuhnstamm's Summary of Discussion Which Took Place at the Bilderberg Conference in Cambridge, England—April 2, 1967", Confidential correspondence from Max Kuhnstamm to H.R.H. Bernhard.

[19] From interview with Joseph E. Johnson, August 15, 1968.

[20] *Rockefeller Brothers Fund Report*, 1958.

[21] Hatch, op. cit., p. 223.

[22] Roger Mennevee, "Les Influences Americaines 'Le Groupe de Bilderberg' et La France", *Les Documents Politiques, Diplomatiques et Financiers* (Paris: October, 1967), p. 10.

[23] Retinger, op. cit., p. 4.

[24] Barbara Ward Jackson, "A Stevenson Memorial", *Saturday Review*, July 9, 1966, p. 19.

[25] Hatch, op. cit., p. 213.

[26] *The Times* (London), June 13, 1960, p. 12.

[27] Roger Mennevee, "Les Eminences Grises de la Politique Mondiale: Nouveaux Documents sur M. Retinger et le Groupe de Bilderberg." *Les Documents Politiques, Diplomatiques et Financiers* (Paris: December, 1967), p. 6.

[28] Hatch, op. cit., p. 214.

[29] Mennevee, op. cit., p. 5.

[30] Mennevee, op. cit., p. 11.

[31] Hatch, op. cit., p. 213.

MISS IDA ROWAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. TEAGUE of Texas. Mr. Speaker, I think it is appropriate that I call to the attention of the House the death of Miss Ida Rowan of Tupelo, Miss., who for many years was associated with the Committee on Veterans' Affairs. She was one of the first persons I met on the staff of the committee after I was elected to Congress and assigned to the committee. She had worked for many years for the chairman of the committee, the late Honorable John E. Rankin, who came from her hometown. She was possessed of an exceedingly pleasant personality and was in sole cooperation with me and with all other members of the committee during the years of her service.

Prior to the 80th Congress, she had served not only as clerk of the Committee on World War Veterans' Legislation but also had seen service in the office of the chairman, Mr. Rankin. When the Legislative Reorganization Act was placed into effect on January 1, 1947, she was assigned to the professional staff of the committee. She remained on the staff of the committee until she retired in 1960. I am sure that all the Members who are here today and who had personal contact with "Miss Ida" will be sorry to know of her passing and will sympathize to the loss that I have since another friend has left us.

LACK OF ADEQUATE HOUSING

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BEGICH. Mr. Speaker, one of the most serious problems facing the people of Alaska today is the lack of adequate housing. This is especially true in the bush area where temperatures average 20 or 25 degrees below zero during the long winter months.

For Alaska, the problem seems twofold. First, it is quite clear that there are not enough houses to adequately shelter the people of the villages of Alaska. Often people must live in houses that cannot provide enough heat to keep them warm or the crowded conditions make it uncomfortable for six or seven people to live in a one- or two-room house.

The second problem facing Alaskans in regard to the housing situation, is that there are not enough houses being built to meet the ever-increasing demand for adequate housing.

The council of the native village of Anaktuvuk Pass is greatly aware of these problems and has requested help in building four new homes, adding 12 rooms to existing homes and finishing interiors, exteriors, and insulation in existing homes. I strongly believe the council resolution deserves the attention of the Members of Congress:

RESOLUTION NO. 71-1 OF THE COUNCIL OF THE NATIVE VILLAGE OF ANAKTUVUK PASS

Whereas, the Council of the Native Village of Anaktuvuk Pass is the elected governing body and spokesmen for the village and its membership; And

Whereas, four families are still living in sod houses which are too small and are impossible to keep sanitary and ventilated and are contributing factors in sickness; And

Whereas, even though the majority of the families have built new frame houses at their own expense they did not have the funds to build large enough homes or properly insulated ones to adequately house their families in comfort and good health.

Now, therefore, be it resolved by the Council of the Native Village of Anaktuvuk Pass that the various agencies and organizations who have the responsibility in assisting in housing are hereby requested to help our people in building four new homes, adding a minimum of twelve (12) rooms to existing homes, and finishing interiors, exteriors and insulation in existing homes which number eighteen in addition to the request for four new homes.

Be it further resolved that copies of this resolution be sent to the Bureau of Indian Affairs, Alaska State Housing Authority, Alaska Federation of Natives, Arctic Slope Native Association, Housing and Urban Development (HUD), the Governor of Alaska and the Alaska Congressional Delegation in Washington, D.C.

LATEST DEVELOPMENT ON THE OPERATION KEELHAUL CASE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ASHBROOK. Mr. Speaker, the recent Supreme Court decision on the so-called Pentagon papers has provided a basis for another lawsuit in the area of governmental information availability according to Mr. Julius Epstein, the research associate at the Hoover Institution, Stanford University, whose first case concerning the Operation Keelhaul files was denied certiorari by the Court in June 1970. The complete legal record of this case appeared in the CONGRESSIONAL RECORD, volume 116, part 27, page 36711.

"Operation Keelhaul" was the code name used by the U.S. Army to describe the massive program of forced repatriation of unwilling Soviet nationals in 1944 through 1947 who resided in German camps when the Nazi regime collapsed. At the least, 1 million Soviet citizens were turned over to the U.S.S.R. authorities by the American and British forces, some of whom committed suicide rather than place their fates in the hands of the ruthless Soviets. The story of this operation was a well kept secret as far as the American public was concerned until Mr. Epstein accidentally ran across a reference to it in his research in 1954. Since that time he has doggedly sought to have the information released to the public and has publicized this tragic case at every turn. The position taken by the Department of Army at the outset was that the information was classified, because of national security and foreign policy reasons and because Operation Keelhaul was a joint U.S.-British operation and, therefore, required the concurrence of the British Government before it could be declassified.

A giant step was accomplished during the Nixon administration when Mr. Epstein was informed that the national security and foreign policy basis for classification was no longer considered a factor but that British concurrence, later requested and denied, was the sole obstacle.

Prior to this development Mr. Epstein had carried his case to the Supreme Court only to be denied certiorari, but with the elimination of the national security-foreign policy argument and the Court's decision in the Pentagon papers case Mr. Epstein feels his chances of success have been enhanced. He is at present filing his second round of legal actions in the court of appeals here in Washington.

The following items are an indication of the determined effort put forth by Mr. Epstein to inform the American public on the Operation Keelhaul issue and to effect a successful resolution to the case.

The first two insertions comprise the exchange of letters between the Secretary of the Army and Mr. Epstein relating to the Pentagon papers decision and its bearing on Operation Keelhaul issue.

The third and fourth insertions are the texts of letters exchanged between the White House and Mr. Epstein also on the Pentagon papers decision by the Supreme Court.

The fifth item contains remarks made by Mr. Epstein before the National Archives Conference here in Washington this past June and reprinted in the Washington Post of June 20, 1971.

On June 28 of this year Mr. Epstein was again back in Washington, this time to testify before the Foreign Operations and Government Information Subcommittee of the House Government Operations Committee. This testimony appears as the sixth item.

The seventh item is an article by the veteran newsman and columnist of the Chicago Tribune, Willard Edwards, who points out that Mr. Epstein played a major role in bringing to public view the true story of the hideous Katyn Forest massacre by the Soviets near Smolensk, Russia, in the early 1940's.

I insert the above-mentioned items at this point in the RECORD.

HOOVER INSTITUTION ON WAR,
REVOLUTION, AND PEACE,
Stanford, Calif., July 1, 1971.

Hon. ROBERT F. FROEHLKE,
The Secretary of the Army,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: In view of the Supreme Court decision of yesterday, June 30, 1971 in the case of the New York Times and the Washington Post I herewith respectfully request the immediate release of the "Operation Keelhaul" files to which I unsuccessfully tried to get access since 1954.

Since release of the "Operation Keelhaul" files cannot endanger our national defense or military security as distinct from the Vietnam Papers which are now in the public domain, maintenance of further classification of "Operation Keelhaul" cannot any longer be justified.

Respectfully yours.

JULIUS EPSTEIN.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 19, 1971.

Mr. JULIUS EPSTEIN,
Hoover Institution,
Stanford, Calif.

DEAR MR. EPSTEIN: Secretary Froehlke has asked me to reply to your letter of 1 July 1971 concerning the "Operation Keelhaul" files.

As you will recall from our earlier correspondence, there is no objection to declassification of the records from a United States Government viewpoint. The records were created, however, by a combined British-Amercan organization and Britsh concurrence is necessary prior to declassification action.

We have requested British concurrence in declassification on two occasions within the past two years. In both instances, the most recent in May 1971, the British authorities have expressed their inability to agree to declassification and release of the "Operation Keelhaul" documents. Since the records are owned and controlled jointly by the British and U.S. Governments, we must honor their decision on this matter.

I am sorry that I cannot reply more favorably to your request.

Sincerely,

VERNE L. BOWERS,
Major General, USA, the Adjutant General.

HOOVER INSTITUTION ON WAR, REVOLUTION, AND PEACE,
Stanford, Calif., July 7, 1971.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I'm enclosing a copy of my statement made before the Foreign Operations And Government Information Subcommittee Of The Committee On Government Operations on June 28, 1971.

In view of the Supreme Court decision of June 30, 1971 in the case of the New York Times and the Washington Post, I herewith respectfully request the immediate release of the "Operational Keelhaul" files to which I unsuccessfully tried to get access since 1954.

Since release of the "Operation Keelhaul" files cannot any longer endanger our national defense or foreign policy, according to the White House letter to me of October 22, 1970, as distinct from the Pentagon Papers which are now in the public Domain, maintenance of further classification of "Operation Keelhaul" cannot any longer be justified by the argument that the British Government has to give its permission to the release of purely American documents, classified twenty-one years ago by American military authorities.

Most respectfully,

JULIUS EPSTEIN.

THE WHITE HOUSE,
Washington, D.C., August 24, 1971.
Mr. JULIUS EPSTEIN,
Hoover Institution, Stanford University, Stanford, Calif.

DEAR MR. EPSTEIN: The President has asked me to reply to your recent letter concerning the declassification of the "Keelhaul" documents.

As Mr. Tom Huston of the White House informed you in his letter of October 22, 1970, the joint US–UK origin of the Keelhaul documents requires that we have British agreement to their declassification. They have not agreed. The latest British review of the documents was undertaken as the result of a letter that you wrote to Prime Minister Heath last spring. Following that review the British told us that they still do not agree to declassification of the documents, and we understand that the British Ministry of Defense wrote to you directly to that effect. Under these circumstances, I regret that we cannot grant your request.

Sincerely,

MICHAEL B. SMITH,
Staff Assistant.

[From the Washington Post, June 20, 1971]

AND A SCHOLAR GOES TO COURT

(The following remarks were delivered by Julius Epstein, a historian at the Hoover Institution, Stanford University, at a National Archives conference last week in Washington.)

I'd like to make a few remarks concerning the accessibility to government documents dealing with World War II. I'll restrict myself to one single example—"Operation Keelhaul."

(Under "Operation Keelhaul," a million or more Soviet nationals in German POW camps at the end of the war were handed back against their will to Soviet authorities by the United States and Britain. It is commonly believed that they were given long camp terms, if not executed, by Stalin.)

In 1954, I discovered the existence of a documentary dossier "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul" in the Historical Records Section of the Army, Alexandria, Virginia. When I ordered the dossier, I was told by an embarrassed librarian that it was classified and the index card should never have been placed in the catalogue.

Since that day, I have waged a battle for the access to the Operation Keelhaul files. I was, of course, unsuccessful.

Then, the horizon brightened when President Johnson signed the so-called "Freedom of Information Act" on July 4, 1966. It went into force on July 4, 1967. I decided to test the Act in the American courts.

I filed my complaint in the District Court of San Francisco against the Secretary of the Army, Mr. Stanley Resor. I maintained that the "Operation Keelhaul" file was improperly classified Top Secret and that therefore, it should be de-classified and released to the American people.

When Judge Carter raised the question in the District Court what the intent of Congress was when it created the Freedom of Information Act, I suggested to Rep. John E. Moss (D-Calif.), the main sponsor and author of the Act, to submit a sworn affidavit to the Court. Congressman Moss did this.

In his affidavit, he said, and I quote:

"It was the overriding concern of Congress that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was the intent of Congress to grant to the District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within an exemption found in Section "(e)" of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section "(c)" were meant to include rather than exclude the exemptions."

The Top Secret classification of the "Operation Keelhaul" dossier was mainly based upon President Eisenhower's Executive Order 10501, of Nov. 5, 1953, which provides that this classification, and I quote:

". . . shall be authorized . . . only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount and the unauthorized disclosure of which could result in exceptionally grave damage to the nation such as leading to definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

I maintained in my lawsuit against the Secretary of the Army, the first of its kind in American history, that de-classification of the "Operation Keelhaul" file and release to the American people could not result in "exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations" or in "outbreak of war or in the compromise of military or defense plans, or intelligence operations or scientific or technological developments vital to the national defense," the only reasons for the use of the Top Secret classification.

It was of no avail. I lost in the District Court. I lost in the Court of Appeals. Then, I filed my petition of certiorari with the Supreme Court.

On June 15, 1970, I was informed by the Supreme Court:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that certiorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition."

On April 22, 1971, Congressman Ashbrook of Ohio introduced House Resolution 399, asking for the creation of a Select House Committee to investigate forced repatriation, past and present and especially the unwarranted secrecy classification of the "Operation Keelhaul" file.

This resolution, now pending in Congress, may also lead to an amendment of the Freedom of Information Act in order to prevent its misinterpretation by the courts.

STATEMENT BY JULIUS EPSTEIN

Mr. Chairman: I welcome this opportunity to make a brief statement about my more than 17 year old endeavor to get access to the so-called "Operation Keelhaul" file originated in 1948. It is the official record of the American Army concerning the American-British forced repatriation of probably more than two million Soviet nationals who, under no circumstances wanted to return to Stalin's Soviet Union.

This forced repatriation, code-named by the U.S. Army "Operation Keelhaul" was, according to the Nuremberg principles, a war crime as well as a crime against humanity. It remained to this very day unredeemed.

The "Operation Keelhaul" dossier was immediately classified as Top Secret.

When the "Freedom of Information Act" was enacted in 1967, I gathered fresh hope to be allowed to see the Keelhaul dossier. I decided to test this new law in the courts.

I filed my complaint in the District Court of San Francisco.

My lawyers pointed out in their brief that classification of the Keelhaul file cannot be justified by reference to Executive Order 10501 which specifies the reasons for Top Secret classification as follows:

"(a) Top Secret. Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degrees of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans or intelligence operations, or scientific or technological developments vital to the national defense."

How anybody could maintain that release of the "Operation Keelhaul" file could result in the breaking out of a war or in a break of diplomatic relation or in any other specified results of disclosure as provided by Executive Order 10501 seemed to be absurd.

Judge Carter of the San Francisco District Court was—rightfully—interested in finding out what the intent of Congress was when it was creating the Freedom of Information Act.

To answer this question, I asked Congressman Moss the Sponsor and main author of the Act to submit to the court a sworn affidavit in which he would explain what, in his opinion, the real intent of Congress was.

With the chairman's permission, I would like to read the brief Affidavit and thereby put it into the record.

I quote:

"AFFIDAVIT

"DISTRICT OF COLUMBIA: SS

"John E. Moss, being first duly sworn, deposes and says:

"That I am a United States Congressman from the State of California; that on June 9, 1955, a House Government Information Subcommittee, with myself as Chairman, was established to investigate charges that Federal agencies had withheld information from those entitled to receive it; namely, the American public; it was discovered by the subcommittee that agencies, in refusing to permit public disclosure, were citing as authority 5 U.S.C. Section 301, (as codified) which provided that the head of each department was authorized to establish regulations concerning the performances of his department and the use of its records; Congress amended that statute in 1958 to make it clear that the statute could not be relied upon as legal authority for the withholding of information from the public; the agencies, however, then began relying on the restrictive reading of Section 3 of the Administrative Procedure Act (5 U.S.C. 552, as codified) to deny this disclosure; subsequent hearings on the availability of Government information were held by my subcommittee and by the Senate Subcommittee on Administrative Practice and Procedure; since 1957, each succeeding Congress had before it a bill to substantially revise Section 3 of the Administrative Procedure Act; after nine years of hearings and debate before the two Subcommittees, Congress passed a new Public Information Law; it was the overriding concern of Congress and adopted by the Attorney General in his Memorandum on the Publication Information Section (June 1967) that disclosure be the general rule, not the exception, that the burden be on the agency to justify the withholding of a document and not the person who requests it, that individuals improperly denied access to the documents have a right to seek injunctive relief in the Courts, and that in general the statute be a disclosure statute and not a withholding statute; specifically, it was my intent as the principal coauthor of the legislation to grant to the appropriate District Court the broadest latitude to review all agency acts in this regard, including the correctness of a designation by an agency bringing documents within the exemption found in Section '(e)' of the Act; and that the powers granted to the Court and the burdens placed upon the Government in Section '(c)' were meant to include rather than exclude the exemptions.

JOHN E. MOSS.

Subscribed and sworn to before me this 27 day of August, 1968.

——— ———,

Notary Public in and for the District of Columbia."

The District Court disregarded Congressman Moss' Affidavit and found that, and I quote, "the circumstances were appropriate for the classification made by the Department of the Army in the interest of the national defense or foreign policy." Unquote.

On February 19, 1969 Judge Carter pronounced his verdict in which he granted the Army's motion for a summary judgment in favor of the defendants.

How a court could find that "the circumstances were appropriate for the classification made by the Department of the Army in the interest of the national defense or foreign policy" without having seen a single document of the "Operation Keelhaul" file remains a mystery in American Judicial history.

At this point, I want to point out it seems to be clear from the legislative history that the Freedom of Information Act was intended to have the broadest and most liberal interpretation to achieve its goal of full disclosure to the public. To hold that the District Court must accept without review a Department's classification of documents so that it falls within one of the exemptions of the statute totally emasculates the statute's effect and thwarts its intended purpose. The history of the Government agencies in opposing the enactment of the Freedom of Information Act is well known and the specific documents sought in my legal action "Epstein vs. Resor" seem to be withheld more to avoid embarrassment to the Government than for legitimate reasons. But possible embarrassment is no valid reason for maintenance of classification.

After I had lost in Judge Carter's District Court, I filed my appeal in the United States Court of Appeals for the Ninth Circuit in San Francisco.

The question before the Court of Appeals was whether the Army's claimed exemption was "arbitrary or capricious." In other words, the Appeals Court had to ascertain whether the executive has exercised its decision making prerogative in a reasonable manner.

The Ninth Circuit agreed with the District Court that the Army's claim to exemption was neither arbitrary nor capricious. The Appeals Court held that "judicial inquiry . . . does not warrant . . . in camera examination." Thus, the Ninth Circuit relied, as did the District Court, in reaching its decision on the Army's own conclusion that it is entitled to the exemption for secrecy in the interest of national defense or foreign policy.

On February 6, 1970, the United States Court of Appeals for the Ninth Circuit rendered its verdict.

The Circuit Judges Merrill, Koelsch and Hufstedler, confirmed the Judgment of the District Court.

At this point, I had only one more legal possibility. I filed a petition for a writ of certiorari in the hope that the Supreme Court of the United States would review "Epstein vs. Resor," the first test of the Freedom of Information Act in the American courts.

In the Court of Appeals for the Ninth Circuit as well as in my petition for a writ of certiorari I was supported by the American Civil Liberties Union of Northern California. The Civil Liberties Union filed Amicus Curiae briefs in both courts.

On June 15, 1970, almost exactly one year ago, my lawyer, Mr. Paul M. McCloskey, Menlo Park, California, was informed by the clerk of the Supreme Court, that, and I quote: "The Court today entered the following order in the above entitled case:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas is of the opinion that ceriorari should be granted. Mr. Justice Marshall took no part in the consideration or decision of this petition." Unquote.

By denying certiorari, the Supreme Court affirmed the miscarriage of justice in the lower courts and declared the Freedom of Information Act a dead letter.

What is to be done?

First of all, to revive the Freedom of Information Act, it should be amended by Congress.

It should be made explicitly clear in the text of the law that the exemption of nondisclosure in the interest of national defense and foreign policy can only be claimed if the classification has been properly applied. To give you one example for the obvious overclassification of documents, I want to tell you that on August 23, 1969, I received the following letter from the office of the Adjutant General Kenneth G. Wickham. I quote: "Dear Mr. Epstein: The review of the "Operation Keelhaul" file referred to in my letter of 20 December 1968 has been completed. It has been determined that four documents may be declassified. These have been declassified and copies are attached herewith for your use.

"I regret to inform you that the other documents in these files must remain classified as determined again by this latest paper-by-paper review and thus are exempt from release under the provisions of paragraph 10a AR 345–20 9 copy attached.

"If you wish, however, you may submit a final appeal in writing to the Secretary of the Army. If you decide to do this, please send your appeal to this office for transmittal to the Secretary.

"Sincerely,

"KENNETH G. WICKHAM,
Major General, USA, The Adjutant General.

The first document, declassified after twenty-one years Top Secret in the interest of national defense and foreign policy in accordance with President Eisenhower's Executive Order 10501, is a message from the Allied Command in Rome. I quote:

"Reference operation Keelhaul conversation between Captain Prail this Headquarters and Lt. Colonel Pateugill, ALCOM in Rome indicates the following:

"ALCOM is unable to furnish interpreters at Separation Points or any person who will be able to identify individuals wanted; imperative that individuals qualified to perform the above mentioned duties be furnished that Headquarters in order that mission may be accomplished." Unquote.

The "mission" referred to in the document, was, of course, the forced repatriation of millions of anti-Communists to Stalin's executioners and slave labor camps.

Now, this request for more Russian interpreters was for twenty-one years considered so sensitive that it could not be declassified in the interest of foreign policy and national defense. That means that the Pentagon was for twenty-one years of the opinion that release of this ALCOM memorandum could result in immediate outbreak of war, or in breaking of diplomatic relations, or in the compromise of intelligence data or of American technology.

If classification of a simple request for more Russian interpreters twenty-one years after it was written was not "arbitrary" and "capricious", I do not know what "arbitrary" and "capricious" means.

Mr. Chairman, at this point, I would like, with your permission, to put into the Record the draft amendment, to the Freedom of Information Act as printed in the Congressional Record by Congressman Roman C. Pucinski of Chicago, on September 24, 1970.

In conclusion, I want to call your attention to House Resolution 399, introduced by Congressman Ashbrook on April 22, 1969.

H. Res. 399 asks for a full-fledged Congressional investigation of past and present forced repatriation of millions of anti-Communists to Stalin's Soviet Union.

With your permission, Mr. Chairman, I herewith put it in the Record.

In conclusion, I'll read the preamble of H. Res. 399 which enumerates the reasons why Congress should investigate forced repatriation which was a crime, a hundred times bigger than the massacre of My Lai. I quote:

"Whereas Operation Keelhaul (the forced repatriation to Soviet-controlled countries of millions of anti-Communist prisoners of war and civilians by American military and civilian authorities in the years 1944–1947 in Germany and in other countries) brought death and misery to untold millions of these anti-Communists before Soviet firing squads, on Soviet gallows, and in the Siberian slave labor camps; and

"Whereas Operation Keelhaul cannot be justified by the agreement on the exchange of prisoners of war and civilians signed at Yalta on February 11, 1945; and

"Whereas Operation Keelhaul was in violation of the rulings in implementation of the Yalta agreement on prisoners of war and displaced persons, made public by the Department of State on March 8, 1946; and

"Whereas the forced repatriation of prisoners of war who had enlisted in the enemy's army was in contradiction to the opinions of the Judge Advocate General of the Army, as expressed during the last fifty-five years; and

"Whereas the forced repatriation of millions of anti-Communist prisoners of war and civilians represents an indelible blot on the American tradition of ready asylum for political exiles; and

"Whereas the forced repatriation and annihilation of millions of anti-Communist prisoners of war and civilians of Russian, Ukrainian, Polish, Hungarian, Baltic, and other origin is still poisoning our spiritual relations with the vigorously anti-Communist peoples behind the Iron Curtain, and is therefore impeding our foreign policy; and

"Whereas the Operation Keelhaul files assembled by the Combined Chief of Staff twenty-three years ago are still classified and therefore cannot be released to the American people; and

"Whereas the legal action Epstein against Resor based upon the Freedom of Information Act and instituted to bring about the declassification and the release of the Operation Keelhaul file did not succeed; and

"Whereas the Supreme Court of the United States denied plaintiff's petition for a writ of certiorari, thereby, in effect negating the Freedom of Information Act; and

"Whereas the President of the United States has removed the main obstacle to the declassification of the Operation Keelhaul files by declaring that "The United States Government has absolutely no objection (based on the contents of the files) to the declassification of the 'Operation Keelhaul' files, however, given the joint origin of the documents, British concurrence has not been received. Thus, we have no alternative but to deny your request."; and

"Whereas the Operation Keelhaul files consist to a large extent of American documents, classified by American military authorities: and

"Whereas no foreign government should have the power to deprive the American people of the opportunity to learn their own history based upon documentary evidence concerning events which occurred more than twenty-five years ago: Therefore be it

Resolved, . . ."

I thank you, Mr. Chairman.

[From the Chicago Tribune, June 19, 1971]

HISTORIANS BATTLE FOR DOCUMENTS

(By Willard Edwards)

WASHINGTON, June 18.—For some 200 historians of wide renown, virtually ignored as they assembled here this week, there was a peculiar irony attached to the debate raging over the propriety of the New York Times' publication of secret papers tracing American involvement in the Viet Nam war.

All of them have been rebuffed over the years in seeking access to government records dating back to the 1930s, '40s and '50s. They arrived to find the Capitol excited over a massive 47-volume leak of classified studies covering a period in the '60s.

From Paris, London, even Moscow, these experts had been summoned to attend a conference on research problems connected with writing of the history of World War II. They met for two days in the stately edifice housing the National Archives, discussing the very issues now agitating high officials and commanding the front pages and the networks. Nobody paid them any attention.

A typical example of government obduracy was discussed by Prof. Julius Epstein of the Hoover Institution on War, Revolution and Peace, Stanford University.

Epstein has a reputation for poking around in the dark corners and unearthing historical episodes most governments would like to conceal. Back in the '40s, his tenacity played a major role in the establishment of a select committee to investigate the Katyn Forest massacre.

In 1954, poring over records in the Army's historical records branch, Epstein discovered an index card marked "Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul."

When he asked for the dossier, an embarrassed librarian told him the index card should never have been placed in the catalog. It dealt with "top secret" material.

"Keelhaul" means to drag a man under the keel of a moving ship. It is a form of torture and thus an apt and vivid label for the forced repatriation, from 1943 to 1947, of millions of anti-Communists, thereby doomed to slave labor camps in Stalin's Russia. British and American authorities, under orders from on high, helped carry out this degrading exercise.

In pursuit of the records, Epstein sued the Secretary of the Army all the way to the Supreme Court, losing at every step. He cited, in vain, the Freedom of Information Act of 1966, which decreed release of all records except those which could cause "exceptionally grave damage" to the nation.

When the Supreme Court refused to review adverse decisions in the lower courts, Epstein told the historians, it "declared the Freedom of Information Act a dead letter."

Last October, he saw a glimmer of hope. The White House informed him that President Nixon had no objection to declassification and release of the "Keelhaul" files. But there was a catch: Since the British were involved, their concurrence would have to be obtained.

Epstein is still waiting.

"Since the files contain many purely American documents," Epstein said, "I hope to persuade the administration that these American documents should be released. If this is denied, it amounts to admission that a foreign government has still the power to prevent the American people from learning their own history."

Epstein's hopes now lie with a House resolution sponsored by Rep. John M. Ashbrook [R., Ohio] which would create a select committee to investigate "Operation Keelhaul."

Such an inquiry was necessary before the record could be set straight about the slaughter of thousands of Poles by the Soviets in the Katyn Forest.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FRASER. Mr. Speaker, one of the greatest problems in the health field that received extensive discussion at the hearings I held in Minneapolis was the one concerning alcoholism.

Mr. William Brooks, an attorney representing the Hennepin County Task Force on Alcoholism and Inebriety, remarked that insurance programs now in effect force doctors to keep those receiving treatment for alcoholism in hospitals. It is Mr. Brooks' strong conviction that treatment centers can be established away from hospitals and at reduced cost to the community and at which those alcoholics wanting and needing treatment can receive attention. He related the three stages of treating those suffering from alcoholism to the problem of drug dependency. There is a three-stage program needed: Detoxification is the first step for alcoholism programs; a treatment program; and a supporting care program.

As Mr. Brooks pointed out, the Public Health Service has categorized alcoholism as the No. 3 public health problem in the United States today. It is apparent from Mr. Brooks' testimony that flexibility in dealing with this problem is essential since the old approach is obviously not working.

Mr. Luther Wynn also testified in support of creation of detoxification centers. He stated that 15 percent of the beds in mental hospitals are occupied by alcoholics. There are, according to his calculations, 10 million alcoholics in this country alone. In his presentation, Mr. Wynn pointed out that medical schools, in his opinion, do not train doctors to deal with the mental problems of alcoholics. It is his belief that doctors deal with physical expressions of alcoholism and are not trained to deal with the psychological aberrations that accompany these physical defects. In his observations, Mr. Wynn recommended the creation of detoxification centers throughout the United States. Present alcohol treatment tends to force men and women into hospital situations that are socially damaging. A detoxification center, according to Mr. Wynn, would be a place where an alcoholic could go to dry out and receive some initial counseling followed by further counseling later on. At present, insurance companies, according to Mr. Wynn, will not insure known alcoholics. Changes in treatment will require parallel changes in insurance coverage.

The cost for the 800 detoxification centers Mr. Wynn proposes would run approximately $180,000 per center per year. Although in the long run this could be a substantial cost, it by no means approaches the cost borne by our society from alcoholism.

AFL–CIO PRESIDENT GEORGE MEANY ON THE ECONOMY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BIAGGI. Mr. Speaker, a high administration official recently called AFL–CIO president George Meany a plumber. He meant the remark disparagingly, but unfortunately he does not know George Meany.

The fact is George Meany is a plumber. As a young man he was instrumental in organizing the plumbers and the rest of the laboring men of this country into a viable organization that is now able to deal with big business on an even basis. The fact that he worked at an honest trade as a young man is a credit to him and a point of pride. It is also a sign to those who deal with him that he is tough. He will not take verbal gobbledygook from big business or big Government.

Mr. Speaker, his remarks to the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry in Denver, Colo., August 2, shows this touch-minded, no-nonsense attitude of George Meany.

His statement points out in clear and precise terms exactly what has happened to the U.S. economy since January 1969. It is a sad story, indeed, and one that portends future hardship for the wage earner and working people of this Nation unless broad action is taken.

In light of the recent announcements of the President which clearly favor big business over the working man, I am sure my colleagues will find this statement of benefit.

I am proud to commend to this the remarks of my distinguished constituent, Mr. George Meany.

The statement follows:

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, D.C., August 6, 1971.

Hon. MARIO BIAGGI,
U.S. House of Representatives,
Washington, D.C.

DEAR MARIO: It occurred to me that when you return from the recess you might want to put the enclosed speech by a distinguished citizen of the Bronx in the Congressional Record.

All the best.

Sincerely yours,
ANDREW J. BIEMILLER,
Director, Department of Legislation.

Enclosure.

FOLLOWING IS AN ADDRESS BY AFL–CIO PRESIDENT GEORGE MEANY AT THE CONVENTION OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, IN DENVER, COLORADO, ON AUGUST 2, 1971

Let me say to you at the outset quite simply that I take the greatest pride in my membership in the United Association and I am proud to be here today as a delegate representing Local No. 2 of the City of New York.

I am also happy to extend on behalf of the AFL–CIO greetings to the United Association, which is, in my opinion, one of America's outstanding trade unions—an organization which places the welfare and interests of its membership in the front line, and devotes its energies and its knowledge, during these times of tremendous scientific and technological advances, to keeping the skills of the members of the United Association abreast of the times and able to meet every demand upon them; an organization which plays its full part in developing the highest possible standards for the trade; an organization which plays its full role as part of the American trade union movement, through its membership in the AFL–CIO and through the contributions of its chief officer as a member of the Executive Council of that organization.

The number one problem that is facing the American people today is the national Administration in Washington.

It is my good fortune to be in a position for many years to observe the conduct of national affairs in Washington during the Administrations of Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy and Lyndon Johnson, and I can truthfully say to you that we have in Washington today the worst economic mess since the Hoover depression of 1930.

I must, however, in fairness give a plus to President Nixon on his Vietnam policy. He is winding down the war, which seems to the American people as a whole, something we should have never gotten into. He is winding it down; turning over the affairs of that nation to the Vietnamese people, and he must get a plus on that. But that is the end of the pluses.

He has brought home 225,000 of our troops since he took office and what kind of an economy is he bringing them home to? What are the plans for conversion to peacetime activities? What does the economic situation offer the returning veteran?

Well, let's take a good look at just where we are.

Unemployment in this country today, the national average, is over six per cent. The average for returning veterans is 13 per cent; the average for construction workers over 10 per cent; the average for blacks, over 10 percent; the average for the new workers, or the teenagers that we should be bringing into our work force every year, the average for them is over 15 per cent.

We find the cost-of-living escalating at the highest rate in many, many years, and still going up. Interest rates hit the highest rate in over 100 years. They dropped a little during the spring, but they are now charging up again.

Of the five million people that are unemployed, literally tens of thousands are out of the market as consumers because they have exhausted their unemployment compensation benefits.

Well, what is the attitude of this Administration toward this situation? "Everything is O.K. 1971's going to be a very good year, 1972's going to be a better year."

We hear this from the President. We hear it from Mr. Hodgson, the Secretary of Labor; from Mr. Shultz, the Budget director; and from Mr. John Connally, the friend of the oil business down in Texas—a fellow who doesn't know much about poor people.

There is no bad news of an economic nature as far as these people are concerned. No matter how bad the economic indicators come out, we are told that everything is all right, that we are on the right track.

For instance Hodgson announced a few weeks ago that there had been a reduction of six-tenths of one per cent in unemployment from the month of May to the month of June. After some digging by some of our economists, he admitted that this was a deceiving figure, because there were 1,100,000 more people out of work in June than there were in May, and let me say to you that these figures, these official figures, do not reflect the real situation.

For instance, a person who is working part-time, he is down on the record as being fully employed. Those who have become disgusted, after months and months of seeking employment and no longer register at the employment agencies, they are put down as being employed. So, the real figure is not six per cent on a national basis. In my opinion it is more like eight or eight and a half per cent.

Let's go back a little bit and see how we got into this mess.

In January 1969, when President Nixon took office, we had reached the culmination of 94 consecutive months of continued prosperity by every economic indicator that is used in this field.

In other words, from April 1961, every month up to January 1969, showed an increase in the prosperity of this country. Unemployment was at a low figure of three per cent. 2,700,000 people were out of work out of a work force of 80,000,000.

Inflation, in 1968—the last year of President Johnson—was at 4.2 per cent. Interest rates at that time, for people purchasing homes, 5¼, 5½, 5¾ per cent. Then came Mr. Nixon, and a man by the name of Arthur Burns. Arthur Burns sits in his ivory tower. He has these theories of how things should be run and evidently he had the complete confidence of Mr. Nixon. He sat in the Cabinet meetings. He was an adviser to the President, with Cabinet rank, according to the official announcement, and he had an economic theory. The big bugaboo was inflation. Something had to be done about inflation. Something very, very drastic had to be done. So, his theory was to restrict credit; cut down on the money supply; cut budgets to the bone. But, they were going to do this without causing additional unemployment. Despite the the fact that by every rule of the game when you cut down on business activity, when you restrict credit, when you make it more difficult for corporations to expand because of the cost of money, you cause more unemployment. But, oh, no; these were the miracle men; they were going to do this without causing any more unemployment.

Mr. Nixon sent a letter to the AFL–CIO Executive Council in the first week of February, 1969, two weeks after he took office, in which he spelled out in so many words that this game plan was going to stop inflation, stop the inflationary rise of prices, and it was going to do it without causing any additional unemployment.

So he signed his name to that document. At the same time, of course, he reminded us that he had promised us, too, five million new jobs in four years if he got elected.

Well, what happened? Recession set in almost immediately. Millions of people started to lose their jobs. The inflation rate, from 4.2 percent in '68 went to 5.4 percent in '69, to 5.9 percent in 1970 and at this reading it is going up at an annual rate of over 6 percent.

Interest rates, as I said, were up, making it impossible for millions of people to buy homes. We have reached an intolerable situation in the housing industry in this country where there is ten and eleven percent money—and that is what it amounts to when they add on the points. This ten percent money makes it impossible for a man with a family of four making $15,000 a year to buy his own home. To me this is a national disgrace.

The industrial capacity of this country today is running at a rate of 75 percent. In other words, 25 percent of our tremendous industrial capacity lies idle at a time when millions of people are looking for work. The highway program is bogged down because of lack of funds, because of a squeeze by the national Administration.

We now have 25 million people in this country living below the official government poverty level. Just think of that, 25 million people living below what the government says is the poverty level.

By the end of 1970 it was quite obvious to everybody, except the people in the White House, that the Nixon economic game plan had been a complete, miserable failure.

What about Dr. Burns, the architect of all of our troubles? What happened to him? Did he get fired for his failure, with all of the misery that it brought to millions of Americans? No. He got promoted. He was made Chairman of the Federal Reserve.

If he had been the chief economic commissar in the Soviet Union he would have been promoted to Siberia for his failure.

Did he have the decency to apologize to the American people for the harm that was done through his plan? Did he explain the reasons for his failure? Oh, no. He doesn't even talk about it any more. He has a new technique, and in a way it's not really a new technique. He's trying to divert attention from his own mistakes and his own failure by finding a scapegoat. Who is the scapegoat? The scapegoat is organized labor, especially the building trades. We're the ones that are causing inflation. There is some irony in this situation where this egghead decides that the people who suffer most from inflation, who are the victims of it, that they are responsible for it.

Burns now tells us that unions are solely responsible for high prices. He wants the Davis-Bacon Act repealed. He wants compulsory arbitration. He wants to destroy the right to strike for all national unions. He wants to amend the minimum wage laws so that teenagers can be given jobs at something less than minimum wages, say maybe a dollar an hour; in other words, to give employers a new source of cheap labor. And all the time this is going on, we find President Nixon still sticking to his so-called game plan. In making an announcement a week or so ago, Secretary Connally said there is no change in the plan, everything is going to be okay.

Well, it reminds me of a fellow by the name of Hoover who said back in the early Thirties that prosperity was just around the corner. We got around the corner about eight years after we got rid of him.

This situation in Washington would be funny except for the tragic consequence of this stupid policy of the Administration, with more to come. As to Dr. Burns' present campaign, he seems to be saying that America's future can be based on a low-wage economy.

Well, if this should happen it would spell the end of the United States as a first-class world power. America's standing in the world today is based on its ability to produce, on a productive capacity greater than that known to any nation in all of history. That capacity enabled the United States to turn back the threat of Hitler and his mighty military machine in World War II. We supplied not only the industrial needs of our fighting forces in that war, we supplied all the industrial needs of all of our allies all over the world.

And what has been the base of this great and tremendous industrial capacity? Why have we been for so many years able to boast about the high standard of life in this country, higher than any other country in the world? Because we had in the hands of the great mass of the American people the purchasing power that is needed to buy the things that we are able to produce. That purchasing power is based on decent wages for the American workers, and what instrumentality has been responsible for that situation? The American trade union movement made the American people the best customers of American business over this last century in this country. This policy of low wages and at the same time a policy of destroying the instrumentality that brings about decent wages in this country is something that we as trade unionists will not buy.

This situation in Washington must change or we are in real deep trouble, much more than we have seen to date. The President has the power granted by Congress two years ago to cope with many of these problems. To date he has refused to use the powers granted to him in December of 1969 by the Congress.

For instance, he could channel all of the existing credit to projects that mean jobs. He could, with these powers, bring about in a matter of hours the ceiling on interest rates. I think if there is anything this country needs, it needs a 6% ceiling on interest rates. That is enough for anybody's money.

The President is sitting on $12 billion worth of Conressional appropriations, and Congressional authorizations for much needed work all over this country. He refuses to loosen up on these authorized funds on the ground that now is not the time to spend money in the construction industry. I have a suspicion that Mr. Nixon thinks that next year might be the right time to let this money out and create some jobs so they might have some favorable effect before November of 1972. But as far as we are concerned if the President does not act, we are going to continue to make our demands on Congress to take actions that will get us out of this economic mess.

America's future, in a word, depends on jobs. Everything we do depends on jobs. You can't have pension funds unless you have jobs, you can't have Social Security unless you have jobs, you can't have old age pensions and Medicare, you can't have schools and hospitals, you can't have housing unless there are jobs, because this is where the wherewithall comes from, both private and public, in the form of taxes, so that we can do these things.

Whether we move forward as a nation to solve these many problems, problems of clean air, clean water, housing, hospitals, schooling, depends on whether we get our industrial capacity up to where it belongs, over 90 percent, and the answer is jobs for American workers.

American labor has a stake in all of this, and we are not about to adopt the idea that low wages can bring prosperity. We know too well that the opposite is true. In addition to having a stake in maintaining this way of life, American labor has a responsibility. We are no longer a small, downtrodden minority. American labor is big business. American labor represents, with the families of our members, a substantial portion of the nation's population. We owe it to our members, yes, and we owe it to the community of which we are an integral part, to use our resources to get America moving forward again. We must of necessity, as the largest organization of private citizens in this nation, take the lead in this overall effort.

The AFL–CIO is aware of its responsibility to the society of which we are a part. We accept the challenge that presents itself in the economic mess which the Nixon Administration has brought about by its stupid and stubborn adherence to a policy that has failed.

1972 is not so far away. We have the membership, we have the will, we have the desire and we have the militancy to carry this fight to those that are leading us down the road to ruin. And we have the machinery in our COPE organization to make some changes next year. The COPE organization has done a better job each year for each of the last 16 years, and it's going to do a better job in 1972 than it did in 1970. That machinery is going to be used.

So President Nixon says 1972 is going to be a good year. COPE, I think, is going to make that prediction come true, a good year for the people of America.

I'm sure that this great union, with its long record of contribution to the society of which we are a part, with its long record of building up the standard of life for its membership and for the neighbors of its membership, that this organization under the leadership of Marty Ward and those associated with him, are going to play their part in this overall AFL–CIO effort.

Thank you.

TREASURY DEPARTMENT'S ACCELERATED DEPRECIATION IS CRITICIZED

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. GREEN of Pennsylvania. Mr. Speaker, the Treasury Department's ADR—depreciation—regulations have been criticized by a dozen noted tax law authorities as being an unlawful encroachment on the congressional taxing power by the Executive. A lawsuit has been instituted in Federal District Court—Civil Action No. 1337–71, Washington, D.C.—which is to be argued by the dean of the University of Pennsylvania Law School, Bernard Wolfman.

The ADR regulations, if legal, would cost an average of $3.9 billion a year and reduce corporate taxes by 6 percent, according to Treasury estimates.

In response to a letter from Ralph Nader, the Commonwealth of Pennsylvania has undertaken a study of the effects of ADR on Pennsylvania State tax revenues. The Commonwealth's Department of Revenue, in its letter of response to Mr. Nader, notes that ADR will cost Pennsylvania $8 million in fiscal year 1972 and substantially more thereafter.

As the department of revenue observes with respect to ADR:

> This administrative decision was made without consultation with state tax administrators. It reflects a lack of desire for meaningful federal-state relationships.

Mr. Speaker, I submit for the RECORD the letters from the Commonwealth of Pennsylvania's Department of Revenue and Ralph Nader:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., August 26, 1971.

Re Internal Revenue Asset Depreciation Range (ADR) Adopted and Filed with the Federal Register on June 22, 1971, as Section 1.167(a)-11.

RALPH NADER, Esquire,
Washington, D.C.

DEAR MR. NADER: Your recent correspondence and enclosures have received the consideration, evaluation and study of key personnel on my staff so that my reply could be comprehensive as well as constructively critical. This administrative decision was made without consultation with state tax administrators. It reflects a lack of desire for meaningful federal-state fiscal coordination and can create discordant federal-state relationships.

The following is submitted in the hope that some long-term change in attitudes and concepts may be accomplished:

1. *Basic Fiscal and Monetary Considerations.*

Depreciation, as an allowable deduction, is a necessary ingredient of a *net* income tax system. However, depreciation, unlike a flexible rate structure, is not an appropriate fiscal ploy for national economic stimulation or retardation. Neither should it be used because there is an international problem with the parity of the dollar and the foreign trading currencies.

The state and certain local governmental revenues are dependent upon corporate net income tax levies so that sudden, violent changes in allowable depreciation must cause acute state and local fiscal problems. Certainly economic, fiscal and monetary methods permit national policy changes without creating damage to the states. At the very least, the federal government should not unilaterally, without consultation with the states, adopt major tax changes which have a significant deleterious effect upon state revenues.

2. *Analysis of the Asset Depreciation Range (ADR).*

The Internal Revenue Service development of ADR is a historical offshoot of the depreciation guidelines established in Revenue Procedure 62–61. Insofar as ADR and Revenue Procedure 62–21 were and are intended to reduce conflict between tax officials and taxpayers over *individual* asset lives by the development of approximately seventy-five (75) industry groups, we agree this is a step in the right direction. However, coupled with this effort, is a substantial liberalization of depreciation rates by approximately twenty percent (20%) reduction in the allowable life span of the assets. It is this latter change and accelerated first year write-off that will have the greatest impact upon state corporate net income tax revenues; this should not have been prepared without prior consultation with the affected states and interim funding or "block" grants to the states.

The ADR also reduces salvage value thereby increasing the total amount of potential asset depreciation base. This has been a constant source of dispute between I.R.S. agents and taxpayers and has certain beneficial tax administration reasons behind its implementation. The ADR also permits a percentage formula for allowance of certain repairs to depreciable assets and this likewise eliminates a vexatious area from contention between taxpayers and I.R.S. agents. The two changes discussed in this paragraph have substantial merit from a tax administration viewpoint and are sustainable administrative decisions. (The change regarding the tax-free sale of certain depreciable assets is minor in revenue impact.)

3. *Basic Policy and Political Considerations.*

The first defect is that administrative rule making instead of congressional enactment was used for major non-tax considerations. This is a method that deprives the state governments and other affected groups and persons from recourse to their elected groups and persons from recourse to their elected representatives and meaningful public hearings. The net result of such conduct is to deepen public suspicion of the conduct of important matters by the executive branch of the federal government. Certainly Congress would have been more responsive to and more responsible toward the sovereign states and their indicated needs.

4. *Revenue Impact Upon the Commonwealth of Pennsylvania.*

Our Division of Research and Statistics advises that in the 1971–1972 fiscal year the corporate net income tax is reduced by approximately eight (8) million dollars (twenty million dollars in 1972–73 fiscal year and increasing to approximately sixty million dollars in 1975–76 fiscal year.)

5. *Summary and Conclusion.*

While certain aspects of the ADR are administratively feasible and fiscally sound, the liberalization of rates and accelerated first year write-offs are not sustainable using sound tax administration concepts. Even if the international and national fiscal and economic goals are necessary, the means used to obtain them are unreasonable, unnecessary and represent an unwarranted impingement upon state revenue raising sources.

If we can be of any further assistance, please advise me.

Sincerely,

VINCENT X. YAKOWICZ,
Deputy Secretary for Taxation.

AN OPEN LETTER TO THE NATION'S GOVERNORS, MAYORS, AND COUNTY EXECUTIVES

GENTLEMEN: The national debate over the Treasury Department's accelerated depreciation (so-called "ADR") regulations has focused on the Treasury's authority to cut Federal corporate taxes by three to four billion dollars annually without congressional approval. In effect, the ADR regulations allow corporations to write off machinery much faster than it is actually used up. One aspect that has not received the attention it deserves is the effect of Federal accelerated depreciation on State and local corporate tax revenues and local property tax revenues.

The corporate income tax is an extremely important State revenue source. In 1969 it yielded $3.2 billion to all State governments. Although the Treasury has conceded that its new regulations will cut Federal corporate income taxes by about six percent, it has neglected to calculate the additional State and local tax loss.

For instance, the State of California Franchise Tax Board, in its statement of opposition to ADR, estimated that the new regulations may deprive California of 30 to 40 million dollars annually in corporate tax revenues. Thirty-two other States also have corporate tax systems based on the Federal Internal Revenue Code and Regulations. Some of these States provide alternative depreciation provisions which may be selected by the Taxpayer. For example, California stands to lose the 30 to 40 million dollars because of inevitable claims by corporations that the ADR system is a reasonable depreciation allowance. As one California Franchise Tax Board official explained, the State will most probably concede the point rather than have the entire matter in doubt during protracted litigation. Cities with corporate taxes patterned after the Federal Code may also lose sizeable revenues.

In other words, unilateral Federal action is about to cost States a large amount of revenue each year, without meaningful participation by the States in that decision. Indeed, there was not even any notice of the impact—the minimum intergovernmental courtesy that could be expected.

Less obviously, but just as importantly, ADR could also deprive localities of substantial property tax revenue. Treasury officials and private economists estimate that the ADR regulations will allow assets to be depreciated about four percent per year more quickly than at current rates. Although the practice is questionable, assessors frequently use IRS depreciation values for property tax purposes.

Therefore, the nationwide tax base loss for depreciable business property—the decrease of taxable property—could be substantial. Furthermore, the loss will not be spread evenly. Rather, it will be concentrated in heavily industrialized areas such as Chicago, Gary, Cleveland, and Newark.

It is almost impossible for the concerned citizen, however well informed, to calculate the overall loss to State and local governments because of Treasury's decision to impose ADR without statutory authority and meaningful public participation. Even knowledgeable assessors, for example, are unable to determine precisely the effect of ADR on property evaluation across the nation. On the basis of conservative estimates, the State and local corporate and property tax revenue loss may be over $220 million a year, but this must be accepted as a rough calculation.

I urge you to request the Treasury Department to calculate precisely how much money the ADR regulations will cost State and local governments, broken down by State. In view of the Treasury decision of June 22 to issue the regulations in final form, your request should be expedited.

Furthermore, I would urge that you insist that the Treasury inform routinely State and local governments of the costs to your tax systems of future tax proposals by the Treasury. The close relationship between the Treasury and its small group of corporate constituents should not be allowed to continue such decisive and secret determination of tax decisions affecting all the people. Our States and local governments, and the American public in general, have a right to be fully informed about the consequences of the Treasury's regulatory reshaping of our tax systems. Your comments and suggestions with regard to the above matter are most welcome.

Sincerely,

RALPH NADER.

APPENDIX

A. Corporate income tax

The following calculations are based on rough estimates. Nevertheless, they are in substantial accord with the initial projections of several State Directors of Revenue. The Treasury Department will be able to provide more accurate figures.

The California Franchise Tax Board estimates that ADR will cost the State 30–40 million dollars in corporate income tax revenues. In 1969, California derived 593 million from this source. Therefore, the loss represents 5% of annual corporate tax revenues.

In California, 35 million dollars is enough revenue to finance:

(a) the budget for the free textbook program for over one year

(b) the budget of the California Department of Justice for two years

(c) the budget of the Department of Parks and Recreation for two years

(d) 40% of the budget of the California State Highway Patrol for one year.

A 5% loss would deprive the following States of the indicated amounts of revenue:

State	Revenue lost per year	Total revenue, 1969
New York	$32,000,000	$610,000,000
Pennsylvania	14,000,000	284,000,000
Michigan	11,000,000	217,000,000
Massachusetts	9,000,000	185,000,000
New Jersey	8,000,000	157,000,000

Using conservative figures, the total corporate income tax lost to all States would amount to 155 million per year.

B. Property Tax

Knowledgeable assessors do not know precisely how ADR will affect local property tax revenues. The total effect depends entirely on how many taxing jurisdictions use IRS depreciated value as the base value for property tax purposes. For example, in Indiana, the regulations of the State Tax Commission provide that IRS depreciated value shall be used to determine the value of depreciable assets for property tax purposes. Assessors admit that this procedure is followed *in practice* in other states. Only Treasury has the resources to determine precisely how much this practice is used around the United States.

Assuming that IRS depreciated value is used in some taxing jurisdictions, accelerated depreciation could affect local tax revenue in the following way.

In 1970, local revenue from property taxes on business personally came to approximately $3 billion. Suppose only 75% of this revenue were derived from depreciable assets, and only 75% of these depreciable assets were located in areas using IRS depreciated value. This would leave $1.7 billion of revenue potentially affected by ADR. By using an average national property tax rate of 2.5%, one can see that the tax base from which this revenue was derived is close to 70 billion dollars ($1.7 billion is 2.5% of $70 billion). ADR will reduce this tax base. Treasury officials estimate that ADR will reduce tax values by 4%. Thus, the tax base will decline by 2.8 billion per year (4% of $70 billion). The annual revenue loss to all local governments will therefore be $70 million (2.5% of 2.8 billion).

C. Therefore, based on a first order approximation, ADR will create a total State and local revenue loss of over 225 million dollars per year.

STATE OF CALIFORNIA,
FRANCHISE TAX BOARD,
Sacramento, Calif., April 8, 1971.

COMMISSIONER OF INTERNAL REVENUE,
Internal Revenue Building,
Washington, D.C.
Attention: CC:LR:T:

Pursuant to the Notice of Proposed Rule Making published in the Federal Register on March 12, 1971, we offer the following comments with respect to the regulations entitled "Depreciation Allowances Using Asset Depreciation Range System" which you propose to prescribe.

We submit that the proposed regulations are inconsistent with sound tax policy. It has long been recognized that the fundamental principle underlying depreciation is to spread the cost of a depreciable asset over the period which the asset is expected to be useful to the taxpayer. The function of this principle is to reflect accurately the taxpayer's income for the taxable year, based upon rational and accepted methods of depreciation accounting. This principle has been recognized by the Internal Revenue Service, the business community, the accounting profession and eminent scholars of income tax law. The proposed regulations, if adopted, would destroy this basic principle and would establish an undesirable precedent of using depreciation allowances as a tool of fiscal policy.

One of the reasons given for the proposed regulation is to promote economic growth. The reason is based on the assumption that liberalization of depreciation, as proposed, will produce the desired result. Whether this is true or not, it does not seem equitable to, in effect, give a tax cut to a special group without specific statutory authority.

Once promulgated, the regulations will become permanent with the consequence that they will be extremely difficult to eliminate. The result would be the perpetuation of an undesirable tax policy similar to the percentage depletion given to the extractive industry.

The depreciation provisions of the tax laws of the State of California are patterned after Section 167 of the Internal Revenue Code. It is possible that California may be required to allow comparable depreciation if the proposed regulations are adopted. The ramification of such allowance for California will be an annual loss of revenue ranging from 30 to 40 million dollars. There are many other states which have a similar problem.

For the reasons expressed above, we respectfully urge that adoption of the proposed regulations be rejected.

MARTIN HUFF,
Executive Officer.

NASHVILLE RESIDENT RECEIVES THE AMERICAN NATIONAL RED CROSS' HIGHEST AWARD

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. FULTON of Tennessee. Mr. Speaker, for a second time this week, I was pleased to learn that a Nashvillian will be receiving the American National Red Cross' highest award for lifesaving heroism, the Certificate of Merit.

On July 25, 1971, Tennessee State Trooper Herchel W. Winstead was patrolling Highway I-24 when a motorist stopped him, asking help for his 19-month-old son. The child had been running a high fever, began convulsing, and stopped breathing. Trooper Winstead, a 7-year patrol veteran whose training had included Red Cross mouth-to-mouth resuscitation methods, put his training to use and revived the boy. When the ambulance carrying the infant reached the hospital, the crisis was passed. The child was breathing on his own.

Trooper Winstead could not say definitely how long it took to restart the boy's breathing.

"Maybe 8–10 seconds, but it seemed like forever," he said. "I was just glad I could save the boy's life."

The attending physian said Trooper Winstead's actions did just that.

They "allowed this child to continue life as a normal youngster," he noted.

When asked his feelings concerning his action and the award, Trooper Winstead took a humble view.

"Sometimes on things like this my emotions get choked up. I'm just glad to be worthy of the award and glad to have done this thing," he said.

Trooper Winstead's act truly deserves this recognition. Saving a life must surely be the greatest service any man can render.

THE AMERICAN
NATIONAL RED CROSS,
Washington, D.C., September 7, 1971.

Hon. RICHARD H. FULTON,
U.S. House of Representatives, Washington, D.C.

DEAR MR. FULTON: Once again I write to call your attention to a meritorious action taken by another one of your constitutents. In this instance, State Trooper Herchel W. Winstead, 158 Tusculum Road, Nashville, Tennessee 37211, has been named to receive the Red Cross Certificate of Merit. You will recall this is the highest award given by the American National Red Cross to a person who saves, or attempts to save, a life by using skills learned in a Red Cross first aid, small craft, or water safety course. Presentation will be made by the Nashville-Davidson County Chapter in Nashville.

On July 25, 1971, Trooper Winstead, who has been trained in Red Cross first aid, was patrolling Highway I–24 when he was stopped by a motorist whose 19-month-old child was suffering from a high temperature, had gone into convulsions and stopped breathing. The Trooper gave mouth-to-mouth resuscitation immediately, and revived the child. An ambulance transported the baby to a hospital. The attending physician stated: "The rapid institution of emergency measures and resuscitation have allowed this child to continue on as a normal youngster."

This action by Trooper Winstead exemplifies the highest ideal of the concern of one human being for another who is in distress.

Sincerely,

GEORGE M. ELSEY.

SAME OLD STORY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. ZWACH. Mr. Speaker, the Minnesota Department of Economic Development recently made a job projection for our State for 1980.

Many of our people, including Editor Curtis Warnke of the Wood Lake News, were shocked by the figures revealed in the study. It showed, for instance, that while jobs in Minnesota would show a 23-percent increase in 1980 over 1968, agricultural employment is expected to show a 33-percent decrease.

Mr. Speaker, as Editor Warnke points out, this trend must not be allowed to continue if we are to save our countryside.

I commend the reading of this editorial to my colleagues and all of those who read the CONGRESSIONAL RECORD.

The editorial follows:

SAME OLD STORY!

With the flashy news headlines of the past week, you quite likely missed it, but it's just as significant to us here in Wood Lake as is the flight to the moon, the railroad strike, the threatened steel strike, or any of the other sensational news stories being told. We refer to the new report put out by the Minnesota Department of Economic Development on employment trends in this state.

We were not overly shocked by their prediction of fewer farmers in Minnesota by 1980—but we were quite shocked by their predicted percentage decrease. It should be cause for alarm on all of our parts—those of us who make a living and live in rural Minnesota.

The report states that employment in Minnesota will reach 1.91 million in 1980, a 23 percent increase over 1968. This 1.91 million job projection for 1980 means there will be a net increase of 362,000 jobs over 1968. The report goes on to point out that this figure rises to 498,000 when shifts in employment patterns are taken into account.

What are these shifts they refer too? Well, pure and simple agriculture will be the heaviest loser. In agriculture, employment is expected to drop from the 1968 total of 157,000 workers to 121,000—a 33 percent decrease. Now if that isn't cause for alarm, we don't know what is! !

It continues to amaze us that our federal government continues to cry crocodile tears for the giant trusts and corporations, but won't lift one finger to help out the little fellow who really needs it. When the Penn Central Railroad goes bankrupt, people in high places jump on the band wagon to bail them out—even though it's a gigantic multimillion dollar operation that should be in a position to help themselves. Now certain "higher-ups" are clammoring to borrow Lockhead Aircraft millions and millions of dollars worth of taxpayers dollars to bail them out of their financial mess. The story goes on and on, and on—it just makes us sick!

If a good share of the people who were forced off the land and into the big cities were still farming we wouldn't be in the mess we are today! It's strange our great leaders can't see this—at times it almost looks like they don't want to!

We don't care what kind of a direct payment subsidy the federal government would have to set up to reverse this trend—all we want is for them to do it, and the sooner the better!

Moon flights, big city strikes, open-air rock festivals, baseball, corporation bankruptcies, and a visit to Communist China—these get the headlines. In the meantime rural America, which is still the backbone and strength of this Republic, continues, unsensationally, to smother economically!! We dislike painting pictures of gloom, and never have liked saying: "We Told You So!"; but that's exactly what's going to be the case—just as sure as we are sitting here in a small country print shop, in Wood Lake, in Minnesota, in rural America—and even though we all have the eyes, ears and brains to see it coming! Don't you think it's time we woke up?

CURTIS B. WARNKE.

POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. DERWINSKI. Mr. Speaker, it is hard to realize that almost a third of a century has passed since World War II began. On September 1, 1939, the forces of Nazi Germany invaded neighboring Poland. This invasion occurred but 9 days after Communist Russia and National Socialist Germany had signed a nonaggression pact, the alliance that gave Adolf Hitler a green light.

Poland's fate was inevitable, despite the heroic resistance put up by her fighting men against the overwhelmingly superior might of her powerful neighbor. Not only was she doomed from the start, she was caught between the jaws of a closing vise, for Nazi Germany's ideological bedfellow, the Soviet Union, invaded Poland from the East on September 17.

Declarations of war on September 3 against Germany by the erstwhile appeasers, Great Britain, and France, had no effect as far as the victim of invasion was concerned. Polish resistance ended on October 5. Six long years had to elapse before national socialism, along with fascism, came to an inglorious end. Unfortunately for Poland, one form of totalitarianism was replaced by another, as the Soviet Union, the chief beneficiary of the Yalta agreements, soon added Poland to its collection of satellites.

While the country where World War II began was freed from domination by Nazism as a result of the defeat of Hitler, it has suffered for five times as long under Stalin and his successors. The most important difference between the Nazis and the Communists is that the former were eliminated after 6 years, while the latter are firmly in command in Poland 32 years after its invasion from both East and West.

Mr. Speaker, history teaches us, not to despair, but to hope. Communism, like nazism, fascism, and other evils that have gone down to final defeat, will eventually learn that its days, too, are numbered. Like other Satanic forces, it contains the seeds of its own destruction.

THE COMMUNIST INTRIGUE IN CYPRUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. DERWINSKI. Mr. Speaker, just over 11 years ago, Cyprus, the fabled "island of Aphrodite" won independence from the British Empire. In stark contrast to its idyllic heritage, the divided republic has suffered continual strife between its Greek and Turkish communities. Undoubtedly the biggest gainer from the past decade of tumultuous self-government is the island's powerful Communist movement, whose activities go largely unreported in the United States. Smoothly infiltrated into virtually every aspect of Cypriot life, the movement is spearheaded by AKEL, the Progressive Party of the Working People, one of the strongest free world Communist parties completely loyal to the Soviet Union. This little known story has now been told in a book by T. W. Adams entitled "AKEL: The Communist Party of Cyprus," recently published by the Hoover Institution Press of Stanford University.

An obvious mark of Russia's interest in Cyprus—called by some pessimists the "Cuba of the Mediterranean"—as well as the Soviet concentration on the shifting military balance in the middle sea, was Archbishop Makarios' state visit to Moscow this past June. The visit showed how necessary it is for neutralist Cyprus to acknowledge the legitimate interests of Communist power in that part of the world. It was also dramatic evidence that the Greek-Cypriot controlled government will travel a long road to keep its independent status precariously balanced as it is between the big power blocs.

Cyprus has increasing strategic significance to Soviet policymakers as they try to spread their influence and simultaneously deny that of America—westward through the Mediterranean, to Malta and Arab North Africa among others. A legal and respected Communist movement in a politically sensitive area redounds to the prestige of the Soviet Union. Cyprus has one of the two legal parties in the Eastern Mediterranean—the other is in Israel—and Moscow seldom misses a chance to use Cypriot comrades in very subtle ways to fan the fire of the island's crisis in the face of U.S. diplomats. How the U.S.S.R. exploits a legal Communist Party both inside and outside of a key nonalined country, is one of the critical subjects Dr. Adams analyzes in his new book "AKEL: The Communist Party of Cyprus."

The book is the first comprehensive study in English by an author who is neither Greek nor Turk in his ancestry. Thus this book contains none of the usual ethnic bias, but rather concentrates on the lessons to be learned from a little-known microcosm of Communist activity in the Middle East. It not only provides a fascinating history of the movement since the early 1920's, but also gives an indepth analysis of the party's strategy and tactics during its stormy life in the island. The author unravels the secret organization of the party and its web of front groups—such as AKEL's control of the largest and most effective labor union. He vividly describes the personalities of party leaders and their active interests in the island's press and business life. Dr. Adams lucidly dissects Communist political strategy in confronting such thorny and unresolved issues as:

> 1. *enosis* (union with Greece); 2. cooperation with the nationalistic government of Makarios; 3. appealing to the Turkish community that comprises 18% of the island's population; and 4. relations with the Soviet Union, the East European bloc and with other non-ruling communist parties in the world.

Statistically AKEL is remarkable in several respects. It polled 40 percent of the total vote in the second island-wide parliamentary elections in 1970 which increased its seats by 80 percent, from five deputies to nine in a 35-member legislature. Admittedly there was voter apathy, but these results stand as a grim reminder that AKEL is the best organized political party in Cyprus and can routinely turn out its sympathizers to vote.

If one can trust the claims as far as card carrying members are concerned, AKEL may well be on a percentage basis the largest Communist Party in the free world today. Published figures show that some 14,000 Cypriots are supposedly dues-paying members of AKEL and the figure is stable, not having changed appreciably in the last 5 years.

Divided by recent estimates of the adult population, the size of the Cypriot party would be 4.1 percent, which is larger than that of the Communist Party of Italy and approaches that of some Communist control countries. If correct, then Cyprus might well have over 50 percent of all the admitted Communists living in the Eastern Mediterranean today. Why so big and influential a party in so small a country is a good question. Dr. Adams is able to show in the findings from his exhaustive field research just how the Communists were able to appeal so effectively to a largely bourgeois population in one of the richer developing countries.

In the larger picture of the Mediterranean power equation, Cyprus offers the Russians several advantages. First, it is potentially a lethal wedge that can be driven between the mainland mother countries of Greece and Turkey or what now amounts to the southeastern flank of NATO. Second, Cyprus is conceivably a targeted port of call for Soviet military vessels in the Eastern Mediterranean which have grown an estimated tenfold in the last 5 years, while the U.S. 6th Fleet has struggled to keep its same size. If the Makarios government is anxious to keep up its good relations with Moscow, they may have to pay a price in the future, the least of which may well be "coaling station" rights for Russian ships in Cypriot ports. And third, the Rusians will do all they can to bring pressure to bear on the Makarios government to keep up its campaign against the two British bases on Cyprus, which were retained by the United Kingdom as "sovereign areas" at the time of Cypriot independence.

These bases were used by the British to land troops in Jordan during the crisis of 1958, when American marines were landed in Lebanon. After the British withdrawal east of Suez at the end of this year, the two bases in Cyprus will gain even more importance as staging areas for the defense of British, and American interests, in the Middle East.

Recent high-level NATO talks in Lisbon between Athens and Ankara are rumored to have arrived at a solution for Cyprus that, if necessary, will bypass the Archbishop. This probably caused understandable uneasiness with Makarios and brought about his "policy of despair" that inspired his visit to Moscow. After securing Russia's diplomatic support, President Makarios disclosed that the Athens government had tried to force him to accept a Hobson's choice solution which would have honored most of the Turkish demands regarding local autonomy for its community in the island.

If developments lead to the introduction of the Soviet Union as the defender of Cypriot independence, then it may be too late for everyone—American, British, Cypriots, Greeks, and Turks—to find an answer to the most painful question: How and why have thing gone so far?

Dr. Adams concludes that a political setback in Cyprus would indeed be a matter of concern for the West. Heightening tension in the island compounded by the Soviet element places the already powerful Communist movement in Cyprus in a new and critical light. The importance of the Soviet involvement in Cyprus, and how this fits in with their overall strategy for the Mediterranean, is a subject that must be made known if the American public is to understand the urgency of the threat of communism to vital Western interests in this region of the world.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART XI

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. HARRINGTON. Mr. Speaker, in presenting evidence in support of the existence of a military research and development gap between the United States and the Soviet Union the Defense Department has stated that—

> The Soviet space program, according to our best information, has remained at an essentially constant level since about 1968.

It is claimed that all increases in Soviet R. & D. funding since 1968 have gone into rapidly expanding R. & D. in the military sector, "after a period of about 6 years in which the growth went into the space sector." The hypothesis of a leveled off or declining Soviet space effort is thus a crucial part of DOD's theory that the Soviets are today outspending the United States by some $3 billion in military R. & D.

Officials of the National Aeronautics

and Space Administration take a somewhat different attitude toward the Soviet space program from that of the Defense Department. For example, Dr. George Low, Acting Administrator of NASA, told the Senate Committee on Aeronautical and Space Sciences on March 17, 1971, that—

> It seems fair to say that they are maintaining and increasing their program effort.

Dr. James C. Fletcher, Administrator of NASA, informed the Senate Appropriations Committee on June 23, 1971, that—

> All that we have been able to learn about Soviet recent space endeavors suggests continued growth.

In order to try to obtain a clearer picture of Soviet space budget trends and to stimulate further examination of this question and the associated issue of Soviet military R. & D. funding, I have asked Dr. Charles S. Sheldon II, Chief, Science Policy Research Division, Congressional Research Service, to prepare a preliminary assessment of possible growth trends in the Soviet civil and military space program. Dr. Sheldon is a widely respected authority on Soviet space activities and perhaps the best informed American expert in this field outside of the intelligence community.

Dr. Sheldon's paper is an exercise in budget estimation with a minimum of detailed information to support his calculations, and hence the conclusions are tentative and heavily qualified and need to be read in terms of the significant limitations that are inherent in such estimates. With that understood, it is interesting to note Dr. Sheldon's conclusions:

> The fundamental point is that the record of Soviet flights continuing to occur in both civil and military categories does not reflect any downward movement in level of activity; it continues to grow. There is no evidence from these data to encourage a belief that either the Soviet civil or the Soviet military space budget has turned downward . . . The conclusion in this analysis supports a view that the Soviet space budgets, military and civilian, are still growing.

It may be hoped that Dr. Sheldon's paper will encourage wider discussion and lead to additional clarification and refinement of estimates of Soviet space and military R. & D. funding.

In addition to Dr. Charles Sheldon's analysis of September 8, 1971, "Possible Overall Trends in the Soviet Space Program: A Preliminary Assessment," I am inserting in the RECORD the statements of NASA officials Dr. George Low and Dr. James C. Fletcher on this subject. It should be noted that several charts contained in these materials could not be reproduced in the RECORD:

POSSIBLE OVERALL TRENDS IN THE SOVIET SPACE PROGRAM

A PRELIMINARY ASSESSMENT

(By Charles S. Sheldon II)

A. INTRODUCTION TO METHODOLOGIES FOR COMPARISONS

1. Physical comparisons

People frequently ask for a measure of the size of the Soviet space program for purposes of comparison with that of the United States. Some overall approximations in physical terms can be derived because the counts on number of successful launches are precisely determinable. Qualitative comparisons are more difficult because the transition from number of launches, to rocket thrust and payload weight, to payload complexity, to scientific findings nad practical values of flights become progressively more difficult, for reasons both of sparser data and of wider latitude in judgments of an arbitrary nature.

2. Monetary comparisons

An alternative is to attempt a monetary approach to comparisons between nations and to evolutionary trends over time. This is even more difficult, both for reasons of dearth of data and because of conceptual problems in making such measures. If it could be done, consolidated figures in dollar equivalents would have the advantage of outward simplicity by obscuring the "apples and oranges" comparisons which in fact must be made.

Despite these shortcomings, overall comparisons between the United States and the Soviet Union make some sense because both countries are conducting large space programs with essentially the same technology and with much the same overall scope of program aims and flight missions undertaken. This is true even if there are some differences of design philosophy and of individual priorities within their respective programs.

Even if the Russians did publish ruble data, one would have to be aware that their pricing system is different from ours in that the prices applied to physical resources and labor in one part of their economy may not be the same as in another part; the Soviet Government can fix such prices for its own accounting purposes as a way of allocating resources and manpower not linked to the market mechanisms used in this Nation.

Hence, although ruble figures, if available, would have some meaning, they would not have the same meaning as do corresponding financial data in the United States. And further, if one were to attempt a conversion of such ruble data into dollar equivalents, that would be made extremely difficult because no single dollar/ruble exchange rate would reflect either the real values or the actual resources employed on a comparable basis.

3. Budget comparisons

Recently, despite these inherent difficulties in making financial comparisons between the two countries, some analysts believe they have found new insights into this mysterious world of intangibles by a study of the Soviet budget, even though the specific amount spent for space has not been separately identified by the Russians. Overall figures have been published for Soviet science which may be meaningful (but subject to the cautions expressed above). Some other related specific figures are given in the Soviet budget. By a process of matching and subtracting known amounts, there remain some unaccounted-for residuals in the larger totals, which presumably represent a lump sum for the more secret work in military R & D and in space. These analysts have apparently examined visible physical space activity and concluded that roughly from 1961 to 1967, such heavy allocations must have been made to space that the remaining share for military R & D was virtually constant during these years. They believe that from 1967 to 1971, following an apparent Soviet decision not to race the United States to land men on the Moon, the civilian space component leveled off at about $5 billion a year (a hypothetical figure, considering the conceptual problems already enumerated), and the substantial growth in the science budget and budget residuals reflected a renewed upward push in military R & D.

One cannot really challenge the budget analysis approach without much more data, and it certainly seems to be one more useful tool in analyzing what is inherently obscure and difficult. But one can feel a certain concern that the division of part of the Soviet budget between civilian space work and military R & D may ultimately depend upon subjective judgments as to Soviet space intentions. These intentions, interpreted to mean that previously growing Soviet ambitions in space exploration have been cut back, could be matched by contradictory evidence both of Soviet declarations of determination to expand their space program and to continuing appearance over the last four years of new programs and hardware in support of these growing ambitions. However, judgments either way with regard to coming years can only be tested over time by study of actual launches and flights as they unfold.

4. Mixed physical and derived monetary comparisons

Still another approach is to draw inferences between space launches and the related budget data. One difficulty in linking the known and visible record of actual launches with the financial measures of resource commitment is that varying leadtimes may exist between program onset and ultimate space launch. Only if the beginning of expenditures and end results in launches have a degree of regularity and consistency can a wholly meaningful set of relationships be developed which can be applied in different years and in different national programs. The U.S. program, even with its shifting priorities, does have a noticeable and fairly regular link between size of space expenditures and number of space launches over time. The question is: If the United States data shows a linkage which seems almost to transcend the differences in leadtimes and the sharp changes of decisions to pursue certain programs, can we infer a similar parallel in the Soviet space program? In other words, having analyzed the relationship between launches and budget dollars in the United States, can we approximate the trends, if not the absolute size, of the Soviet space budget from the number of actual launches conducted?

Such an indirect approach is necessitated because the Russians do not publish either ruble figures for their space budget, or any overall physical index of space activity. The techniques about to be described do not necessarily contradict the recent budget analysis studies. But they do offer an alternative approach to coping with the unknown—the real Soviet budget for space. The methodology which will presently be applied is not defended as giving a real measure; but perhaps it can represent one more look at the Soviet mystery. It is not offered as a way to translate Soviet space investments into dollar equivalents. But to the extent that a pragmatic correlation has been found between U.S. space launches and U.S. space expenditures, then perhaps we may at least obtain a feel for trends in the Soviet space budget from their published data on space launches. This analysis is offered as an exercise in such comparisons.

5. Pricing Soviet programs in U.S. terms

The approach just referred to is far less ambitious in analysis time and effort than a study of budget data, or than cumulating the price in dollar equivalents of each known or estimated Soviet program element to show what they would cost if conducted in this country. Pricing in U.S. terms the elements of the Soviet program has some virtues for overall comparisons, but faces its own difficulties because of differences in practice between the two countries. For example, the Soviet program may have some economies from less duplication in research, manufacturing, and facilities, as compared with the United States where many companies and several agencies all battle for the available programs. On the other hand, the Soviet economy overall has a lower productivity than does the U.S. economy, with possible negative consequences for the resources and labor costs of their space program. This latter disadvantage probably is offset in part by the high priority given to such activities as space which result in the assignment of the more productive factors in the Soviet economy to space work.

6. Comparison of GNP shares related to space

One other general approach to the direct comparison question can be limited to estimating the relative shares of GNP which each nation generates in its respective space program. This falls well short of the detailed pricing of programs. Under this more general analysis, it is noted that most studies infer the size of the Soviet GNP as slightly less than half that of the United States. In 1966, the U.S. space program was at its financial and operational peak, and then was accounting for about one percent of U.S. GNP. Today, the Soviet space program, whether measured in terms of number of launches or the weight of payload, is running as high or higher than did the U.S program before it was cut back. Hence, in real terms, it may be that the Soviet program is absorbing as much as two percent of Soviet GNP, recognizing there is an area of uncertainty as to the true percentage. Certainly as a share of the resources available to the total Soviet economy, their space program is given an even higher priority than the U.S. program once commanded, because of the greater relative share of resources assigned to it.

7. Division of space programs between civil and military components

The easiest approach to study of the national space programs of the two countries is to compare them as totalities. The division between civilian and military efforts is somewhat arbitrary because such work is often interwoven. The same rockets, the same facilities may be pointed toward both military and civil work, and even a given flight may serve both objectives. Certainly much the same technology can support both kinds of efforts. The arbitrary nature of the division into military and civilian space work applies to a degree in the United States, and for this reason, our Government conducts various coordinated and shared programs in the interests of economy of effort. In the Soviet case, we know less about the specifics of their detailed space organizational structures, but we are aware of both civilian and military participation.

Over recent years several studies published by Congress have attempted to find ways to provide a separation of Soviet space launches between military and civilian goals, and the results while imperfect and only approximate probably give us a general indication of missions for these two broad categories. The approach generally has been to argue that those missions of the U.S. Department of Defense which since late 1961 have not publicly been described in detail must serve specialized military purposes, while another smaller group of DoD launches are accompanied by detailed press releases describing the technology or science goals or applied purposes, such as for communications, which have close parallels in the civilian space program. These latter types can be lumped with the launches of NASA as not inherently military. Then by examining the Soviet space program, which for the most part does not include a detailed description of the specific purposes of their ubiquitous Kosmos launches, one can build tables of probable flight missions whose orbital characteristics and flight performance most closely resemble the repetitive character without published findings of the DoD "sensitive" programs. This makes it possible to provide a rough idea of what proportion of each nation's launch activity goes into "civil" and "military" categories. Such ambiguous flights as for communications in either country are counted as civil, even if they serve both purposes. This is admittedly arbitrary, but is about all that we have.

B. DEVELOPMENT OF COMPARISON TABLES

1. An overall comparison

Let us examine in Table 1 the actual record by years of total launch "successes" of the United States and of the Soviet Union. These are firm data. Let us also add the U.S. data on actual space expenditures (by fiscal years, but still roughly corresponding in time), which are also fairly well established. We could, of course, attempt a conversion of number of launches into pounds of payload by a study of the estimated capabilities of each U.S. and Soviet launch vehicle, figuring this capacity to some nominal orbit. This has not been attempted in this paper directly, because this involves another set of assumptions in the absence of published data in both the United States and the Soviet Union. Further, pounds of payload may not necessarily correlate exactly with costs of programs any more than number of flights do.

As a partial corrective to reflect in some degree the changing complexity of space programs and the growth of ambitiousness of flights, the U.S. launches for each year have been divided into the corresponding budget total for the matching fiscal year, to arrive at a prorated budget share per launch. This is not the same as the cost of the flight, because the prorated cost includes all overhead charges and also reflects other non-launch activities. There is, of course, an element of general price inflation also entailed. Launch costs per pound of payload have gone down over time because of launch vehicle progress to offset the price inflation, although this is not revealed in these data. Even so, this prorata calculation tells something about the trends in the U.S. program.

The next step in analysis entails perhaps a leap in logic. It assumes that the fairly close correlation between the number of launches in the United States and the size of the U.S. space budget may be matched by a corresponding relationship in the Soviet Union. The parallel nature of the two programs in terms of growth of capabilities and size of effort gives us an excuse, at least, to test what such a logic does to the calculations. Having developed an annual prorated budget-share-per-launch trend for the United States, it is assumed a similar trend, estimated by the inspection of the U.S. data, but smoothed in the interest of simplicity, may exist in the Soviet program. Deliberately no such label as "dollar equivalent" or "ruble" has been applied to the Soviet hypothetical prorated trend column, to minimize the temptation to make a direct quantitative financial comparison between the two countries. The physical comparison of number of flights is the only direct comparison which is offered. Rather, the goal is to find one more clue toward the possible Soviet space budget trend within that one nation. By multiplying the prorated trend column figures by the number of flights, a hypothetical budget comparison calculation results. It, too, eschews any dollar or ruble identification. It has the obvious flaw of reflecting the uniform progression in the prorated costs and irregular launch record, when in fact a more realistic picture would include fitting a smoothed trend curve to the estimated budget data and then working back to introduce irregularities in the prorated costs to reflect the more erratic changes in actual launches. Also, another artificiality in the prorated approach is the fact that the United States has recently been cutting back its space launches faster than it can pare overhead costs of the space program, so that the prorated budget share per launch is rising more rapidly than would otherwise be the case. Hence, a trend on prorated costs derived from the U.S. program may not be wholly applicable to a Soviet program which does not at this time show any downward movement in number of launches.

Table 1 accordingly attempts the foregoing comparisons, and it is accompanied by Chart 1, which is limited to showing only the data which are firm, without these hypothetical financial extrapolations. Another word about Chart 1: There is a natural temptation to extrapolate data into the future on the basis of historical records. One could argue that the U.S. program to date has the appearance of a bell-shaped standard distribution. The curve extended into the future would reflect the process of phasing out, as a result of its steady downward movement since the peaks of 1966. One could argue that the Soviet Union, whose program is still moving upward is only lagging behind the U.S. pattern and will show the same decline and phase out, too. But the data so far suggest the best fit Soviet curve would be an S-shape, which climbed slowly at first, then accelerated, and later will level off in about 1975 at perhaps 105 flights per year. Actually, public policy in this country may turn around the decline in the U.S. program in some future year, and the Soviet trends may change, too, depending upon what values each nation decides it derives from space work. This is the real heart of the issue of extrapolation: Trends in both countries in the first instance depend upon some fairly arbitrary national decisions which are subject to change.

Fnally, the number on flights for 1971 are necessarily incomplete. By mid-August, compared with the corresponding cumulative counts of the year before at the same time, the U.S. launches were running 10 percent behind, and the Soviet count was running 10 percent ahead. The end-of-year totals have been extrapolated reflecting these same trends, for purposes of completing the charts and tables of this analysis.

TABLE 1.—UNITED STATES AND SOVIET SPACE LAUNCHES SHOWN WITH RESPECTIVE ACTUAL AND HYPOTHETICAL BUDGETS FOR EACH YEAR—OVERALL COMPARISON

	U.S. expenditures for space (billions)	U.S. space launches (number)	U.S. prorated budget share per launch (millions)	Hypothetical Soviet prorated budget share per launch	Soviet space launches (number)	Hypothetica. Soviet expenditures for space
Year:						
1957	$0.15	0	------------	30	2	0.06
1958	.25	5	$50	40	1	.04
1959	.43	10	43	50	3	.15
1960	.89	16	56	60	3	.18
1961	1.47	29	51	70	6	.42
1962	2.39	52	46	80	20	1.60
1963	4.08	38	107	90	17	1.53
1964	$5.93	57	104	100	30	3.00
1965	6.89	63	109	110	48	5.28
1966	7.72	73	106	120	44	5.28
1967	7.24	57	127	130	66	8.58
1968	6.67	45	148	140	74	10.36
1969	6.33	40	158	150	70	10.50
1970	5.45	29	188	160	81	12.96
1971	4.89	[26]	[188]	170	(89)	(15.13)

2. Breaking out civil and military components

Although one can see some conceptual difficulties in making a clean-cut distinction between military and civil space flight, the next step is to introduce such a separation into the analysis. Table 2 which follows subdivides Soviet flights in accordance with the ground rules discussed earlier in this memorandum. (The actual numbers are those used in the coming report prepared for the U.S. Senate, with some updating.) But the U.S. subdivision retreats slightly by taking a simple split between DoD flights and NASA flights, in order to match the DoD total space expenditures against all other U.S. space expenditures. This is not believed to result in a serious distortion of the results for the purpose of this study.

TABLE 2.—UNITED STATES AND SOVIET SPACE LAUNCHES AND HYPOTHETICAL BUDGET TREND ESTIMATES DIVIDED BETWEEN MILITARY AND CIVIL PURPOSES

[Dollar amounts in billions]

	United States				Soviet Union			
Year	DOD space budget (billions)	Civilian space budget (billions)	DOD launches (number)	NASA launches (number)	Military launches (number)	Civil launches (number)	Military space "budget"	Civil space "budget"
1957	$0.05	$0.10				2		$0.41
1958	.14	.11	5			1		.20
1959	.34	.09	5	5		3		.61
1960	.52	.37	11	5		3		.61
1961	.71	.76	19	10		6		1.22
1962	1.03	1.36	34	18	5	15	$0.28	3.05
1963	1.37	2.71	28	10	7	10	.39	2.03
1964	1.56	4.37	35	22	16	14	.88	2.84
1965	1.59	5.30	40	23	29	19	1.60	3.86
1966	1.64	6.08	43	30	28	16	1.54	3.25
1967	1.67	5.57	32	25	46	20	2.53	4.06
1968	1.89	4.78	26	19	53	21	2.92	4.26
1969	2.10	4.23	19	21	53	17	2.92	3.45
1970	1.76	3.69	17	12	57	24	3.14	4.87
1971	1.58	3.31	15	11	64	25	3.52	5.08

Adding up all DoD expenditures for space, and all DoD successful launches, the prorated cost per launch is $55 million. Adding up all NASA and other civilian agency expenditures for space and all NASA successful launches, the prorated cost per launch is $203 million. This difference reflects the fact that the Department of Defense is involved in a larger number of repetitive type Earth orbital launches, while the civilian part of the space program involves a much larger experimental element and a more ambitious undertaking of large, complex operations, including flights to deep space.

Let us assume that although no attempt is made to cross compare costs between the U.S. and Soviet national programs, there may still be a similarity to the United States in the relative cost difference between the Soviet military and civilian space efforts. Their military flights clearly have a very repetitive pattern, and their civilian program includes an even stronger commitment to deep space work than has the U.S. program. (This latter point may be debated, but our study for the Senate comes to the conclusion.)

Table 2 then arranges in parallel the U.S. launch and expenditure record divided between DoD and other (civilian) space. Then it shows a division of Soviet flights into military and civil categories, and shows budget share trend figures to match each, by using the same cost ratios as apply between the two halves of the U.S. program. The resulting "budget" figures are a first approximation, and show that probably the Soviet civilian space program costs more than the Soviet military space program, despite the reverse relationship in number of flights in each category. This is the same situation as applies in the United States. But this first approximation does not reflect the trend toward rising costs per flight which almost certainly applies in the Soviet Union as well as the United States.

Chart 2 shows the division of successful launches for the two countries divided between civil and military categories.

Table 3 accordingly attempts to come closer to the reality of upward movement over time in prorated costs per flight, and should be regarded as a supplement or amendment to Table 2. As was done in Table 1, the actual prorated cost for each year has been calculated separately for the DoD and the civilian space programs. These figures are derived directly from Table 2. Examining the U.S. trends, with their irregularities, the closest fits of hypothetical, smooth trends have been estimated for the military and civilian Soviet space programs, by the same process as was used in Table 1. Then, as with Table 1, these hypothetical trend prorata figures have been used to multiply the actual number of flights in each category to come up with a set of budget trend figures for Soviet military and civilian space. These numbers, if combined, approximate the earlier totals developed in Table 1, but differ somewhat because of variations in the mix year by year between civil and military space work.

TABLE 3.—UNITED STATES AND SOVIET PRORATED SPACE COSTS, DIVIDED BETWEEN MILITARY AND CIVIL EFFORTS, AND THE RESULTING HYPOTHETICAL SOVIET BUDGET TREND CALCULATIONS

[In millions of dollars]

	United States		Soviet Union			
Year	Prorated cost per flight, DOD	Prorated cost per flight, civil	Prorated cost per flight, military	Prorated cost per flight, civil	Military space "budget"	Civil space "budget"
1957			35	20		0.04
1958	28		40	40		.04
1959	68	18	45	60		.18
1960	47	74	50	80		.24
1961	37	76	55	100		.60
1962	30	76	60	120	0.30	1.80
1963	49	271	65	140	.46	1.40
1964	45	199	70	180	1.12	2.24
1965	40	230	75	180	2.18	3.42
1966	38	203	80	200	2.24	3.20
1967	52	223	85	220	3.91	4.40
1968	73	252	90	240	4.77	5.04
1969	111	201	95	260	5.04	4.42
1970	104	308	100	280	5.70	6.72
1971	105	301	105	300	6.72	7.50

C. SUMMARY AND CONCLUSIONS

In summary, the fundamental point is that the record of Soviet flights continuing to occur in both civil and military categories does not reflect any downward movement in level of activity; it continues to grow. There is no evidence from these data to encourage a belief that either the Soviet civil or the Soviet military space budget has turned downward. If the Soviet space budget bears a relationship over time to the number of space launchings as close as that which applies pragmatically in the United States, then we can calculate approximate Soviet civilian and military space budget trends, even if we cannot with equal ease make direct translations between the costs of the U.S. and Soviet space programs for comparisons of absolutes.

The conclusion in this analysis supports a view that the Soviet space budgets, military and civilian, are still growing and, further, both Soviet programs are now larger efforts in physical terms than their U.S. counterparts. Finally, to translate these conclusions into international financial comparisons is not readily accomplished, and has not been attempted.

SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES HEARING ON "SPACE COOPERATION BETWEEN THE UNITED STATES AND THE SOVIET UNION," MARCH 17, 1971

(By Dr. George Low)

First, I would like to point out that we have no easy way to compare the total R.&D. programs of the U.S. and the U.S.S.R., much less the specific elements which make them up, such as the space program; the economies of the two societies are far from parallel and we have little solid information from the Soviets about their internal program structure, objectives, or decisionmaking framework. Therefore, we have to rely on what are often subjective assessments and scattered data points for our comparisons.

What we *can* say is that there appears to be a well defined long-term Soviet R.&D. investment policy that has been consistently followed and supported for both pragmatic and ideological reasons. An example of that policy is the trend in Soviet R.&D. expenditures over the past decade: in 1960 they were spending at a rate of some 4 billion rubles per year; by 1970, they were spending at a rate of some 13 billion rubles, or an increase of 325%. And this increase has come about through a steady, year-by-year build-up of the national resources devoted to R.&D. rather than through a single large jump in any one year or for any one program. The U.S., on the other hand, starting from a 1960 base of total R.&D. expenditures of $14.2 billion, has increased R.&D. expenditures only a little over 190% by 1970.

In terms of their total space program, both civil and military, we believe they are investing at least as much effort as is the U.S. and probably more; one measure is their record of successful space launches which first exceeded that of the U.S. in 1968 and continues to do so through the present, when they are launching two or more vehicles to every one of ours. It seems fair to say that they are maintaining and increasing their program effort and that this effort exceeds that of the U.S. It does not mean that they are "ahead" today in the sense of having greater capabilities, skills, or returns from their programs then we have had from ours, it does suggest, however, that, with their apparent policy of steadily increasing R.&D. investment, they will soon match and then surpass the U.S. in both program size *and* accomplishment unless we act positively and energetically to retain or extend our technological lead.

For this comparison, I am dealing with the combined civil and military space programs of both nations; to try to differentiate between civil and military activities of the U.S.S.R. would be speculative at best.

The most difficult comparison to try to make between the U.S. and U.S.S.R. economies or programs is in terms of absolute costs: each national economy is geared and motivated to produce a different, non-parallel mix of goods and services. But to oversimplify, it would seem that the U.S.S.R. G.N.P. is about one-half of that of the U.S. Therefore, when the absolute effort for a given program in both nations is about equal, it can mean that the U.S.S.R. is by choice emphasizing that program twice as hard as is the U.S., or that the U.S.S.R. economy is able to operate with relative efficiency in that program at the expense of inefficiencies in other sectors. Whichever is the case, there can be little argument in the field of total R.&D. or of the national space program: the Soviet goal is to place very great economic and political importance on a growth investment R.&D. policy.

Senate Appropriations Committee Hearings, Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriations, Fiscal Year 1972, June 23, 1971, National Aeronautics and Space Administration

(By Dr. James C. Fletcher)

Senator Allott. I have some more questions. Some of them have been partially answered. I will submit them and let him answer those that have not been completely answered.

(The questions and answers follow:)

1. Do we have a comparison as to how much we spend on our space program versus how much the Russians are spending on theirs?

A comparison of United States and USSR expenditures on technological efforts including space technology during the last two decades was undertaken by the Department of Defense last year. The results of their study are illustrated in the attached charts.

It is important to note from Chart I that the Soviet Union increased its efforts at a relatively constant rate of ten to thirteen percent per year during the period. The United States growth rate has varied—it was negligible during the time period between 1952 and 1958 until we were spurred into action by Sputnik I. Again in 1966–67, a downward trend in space and military technological effort was initiated and persists today.

Chart II separates inputs to space technological efforts from military technological programs during the decade of the 1960's. It is significant that the Soviet space program grew rather constantly over the decade whereas the USSR military technological effort remained nearly constant until 1966 when it moved rapidly upward. The United States space program grew rapidly until 1966–1967, at which time it moved sharply downward. In 1970, the USSR made 81 launches whereas the U.S. made only 30.

All that we have been able to learn about Soviet recent space endeavors suggests continued growth. For example, in 1971 to date the Soviets have made 39 space launches compared to 33 in the same time period in 1970.

2. Do we know how active the USSR might be in manned space flights during the period between Skylab and our first Shuttle flights?

We, of course, cannot be certain about future Soviet space activities. We can, however, draw conclusions which are supported by past Soviet performance and by their declared intentions. As indicated above, performance in the first half of 1971 connotes continued growth in Soviet Space efforts. Public statements which are indicative of Soviet intentions include the following:

1. Soviet Communist Party Secretary, Leonid Brezhnev—"Soviet science regards the creation of long term orbital stations and laboratories, the decisive means to extensive conquest of space. Orbital stations with changeable crews are the main route into space—become cosmodromes in space—launching platforms for flights to other planets—major scientific laboratories—for study of space technology, biology, medicine, geophysics, astronomy and astrophysics."

2. Professor M. V. Keldysh, President of the Soviet Academy of Sciences—Creation of space stations is the "new direction in space exploration." Space Station will replace the present need for many unmanned satellites. Orbital station will "replace dozens or even hundreds" of unmanned satellites now used for meteorology, geological reconnaissance, communications, astronomy and geophysics.

3. Aleksei A. Leonov—"The USSR has a plan to land a man on Mars by 1980." The sequence is to put a space station in earth orbit, assemble planetary vehicle, launch cosmonauts to Mars, orbit Mars and make a soft landing."

RICHARD M. NIXON ON RED CHINA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. RARICK. Mr. Speaker, Richard M. Nixon's position on Red China while Vice President, running for the Presidency in 1960, and as a citizen running for the Presidency in 1968, are all matters of public record and should prove to be the basis for his actions today.

While it might be argued that the American people rejected the Nixon position on communism in 1960 by a small margin, they most certainly bought it in 1968.

I think that the great majority of the American people agree with Mr. Nixon's previous statements of opposition to the Red Chinese admission to the United Nations, and his earlier remarks that the goal of the Chinese leader, Mao Tse-tung, is not merely peace nor compromise, but rather to conquer and rule the world.

Mao Tse-tung has not changed; the Communist international goals of world conquest have not changed; the American people have not changed; only the man, Richard M. Nixon, has changed; and then only after he became President of the most powerful free world nation.

Why he has changed horses in the middle of the stream he has never explained.

I include varied speeches and remarks of President Nixon, before he became President, for the information of our colleagues:

TV Press Conference of Vice President Nixon

Honolulu, Hawaii,
August 3, 1960.

The Press. Mr. Vice President, many of us here in the islands have very strong ties with Asia and we are especially concerned with the growth of Communism in Red China.

If you are elected President, will you make any substantial change in our China policy? Will you extend recognition to Red China?

Vice President Nixon. I most certainly would not.

I believe it would not be in the interest of the United States; it would not be in the interest of freedom, and it would not be in the interest of peace for us to extend recognition to Red China or to change our position of opposition to the admission of Red China to the United Nations.

There are a number of reasons for this. I can summarize simply by saying that Red China does not qualify to be admitted to the United Nations, which, in its charter, is made up of peace-loving nations. Red China defies the United Nations in Korea at the present time. It is engaged in activities with regard to India and other U.N. members which certainly are provocative and certainly not in the interest of peace. Insofar as its attitude toward the United States and other nations is concerned, Red China is not following the policy which is designed to promote friendly relations in the traditions of the U.N.

If, at this time, we should change our policy toward Red China and recognize them or allow their admission to the U.N. by dropping our opposition to it, I think it would set in motion a chain reaction which would mean that all of Asia would fall into the Communist orbit, or under Communist influence.

Now does this mean that the policy will never be changed? The answer is, "Of course not." The policy can change and the Red Chinese Government can change and become a civilized member of the world community, but until it does that, we cannot make the mistake of recognizing Red China.

Remarks of Vice President Nixon Allen County Court House,

Fort Wayne, Ind., September 21, 1960.

First of all, look at us. We Americans have fought three wars in this century. For what? Talk to your legionnaires, your VFW people, they'll tell you. We didn't get an acre of territory. We didn't ask for a concession. We fought why? One, to keep our own freedom. Two, because we were interested in the freedom of others, and we realized that when it was threatened, ours was as well.

And today Americans are not interested, and the British are not interested, and the French, none of the other people in the free world are interested in extending our domination over anybody else. What do we want for the rest of the world? Only what we have for ourselves—the right to choose, the right to be independent, the right to be free, and that's what distinguishes us first from the Communist leaders because they don't say that. Mr. Khrushchev, Mr. Mao Tse-tung, the Chinese leader, say, over and over again, we must rule the world and we will conquer the world, and they say, over and over again, we will accomplish this and without war, if we can, Mr. Khrushchev says, but they also indicate that they are going to accomplish this end by any means, if they can. And so, therefore, you are dealing with men who are determined to conquer the world.

How else do they differ from the men in the free world? That means that these men, because they are determined to conquer the world, respect power and they respect strength, and they have nothing but contempt for weakness, they have nothing but contempt for those who are naive in dealing with them. So, if America is to keep the peace, if we are to extend freedom, we must first start by seeing to it that America remains as she is today, the strongest nation in the world militarily and that we will pay the cost to see that America retains this military strength. [Applause.]

THE GREAT DEBATE

WASHINGTON DAILY NEWS,
September 22, 1960.

Question No. 2: In what circumstances would you recognize Red China?

REPLY BY RICHARD M. NIXON

Recognition of Communist China and support for her membership in the United Nations must wait for a basic change in her foreign policy. As long as the Chinese Communists continue their present hostile and aggressive policies toward the free world and refuse to live in peace with the family of nations there can be no question of our recognizing them.

At the present time, Chinese Communist policies are the opposite of what we would find acceptable as a basis for establishing diplomatic relations. The Red armies are seeking every opportunity to stir up world tensions for the purpose of advancing their aggressive ambitions. For example, there is the Chinese Communist aggression against the United Nations in Korea, the brutal suppression of the revolt in Tibet, the attacks along the Indian border, Peiping's cry that she will expel the United States from the Western Pacific by force, and the continued insistence that Red China has the "right" to seize Taiwan (Formosa) by force.

Some ask why we do not recognize Communist China so that we can begin talking with her and perhaps settle our differences.

It is not necessary for us to recognize Red China or support her admission to the United Nations in order to communicate with her. We can do this through channels which already exist. Even now we are negotiating at Warsaw with the Red Chinese diplomats for the release of Americans the Communist Chinese hold prisoner.

Others say we should change our attitude toward Communist China. Perhaps, they say, if we extended recognition the Chinese Communists would be mollified and would abandon their aggressive foreign policies. Such thinking is based on a serious misconception of the Communist character and intentions.

REMARKS BY THE VICE PRESIDENT AT THE FOURTH ANNUAL CONFERENCE OF THE MAGAZINE PUBLISHERS ASSOCIATION

COMMODORE HOTEL,
New York, N.Y., September 28, 1960.

Mr. COWLES (Cowles Magazines, Inc., chairman). Mr. Vice President, I hate to ask you tough questions this early in the day. Unfortunately, we know very little about what is happening in Red China. I think this audience would appreciate it if you would tell us what you feel is happening in Red China, what you feel the present relationships are between Red China and the Soviet Union, and under what circumstances would you favor admitting Red China to the United Nations?

Vice President NIXON. Well, first, my observations with regard to what is happening in Red China would not be worth much more than those on this panel. I, of course, do have access to intelligence information, but the information we have from Red China is limited and, of course, it is mixed.

I would say that looking at that information, considering the other types of information that we get in addition to intelligence information, that these are the conclusions that I would arrive at: Red China has a very dedicated, aggressive Communist leadership in the early stages of the development of communism.

I think perhaps the best way to indicate the difference between the Communist leadership of Red China and the Communist leadership of the Soviet Union is in their attitude toward the use of war as a means of accomplishing the Communist objective of world domination.

Now, there's no disagreement whatever between Mr. Khrushchev and Mr. Mao Tse-tung with regard to the fact that communism must conquer the world and will. They believe it will. They believe it must, and they will use any means to accomplish that end.

Mr. Khrushchev, however, in recent years, particularly the last 3 or 4 years, has taken the line, as we all know, of saying that they do not have to resort to the use of force and that they will not resort to the use of force. In fact, he has even at times indicated that, and that they can and will accomplish their objective through what he calls peaceful competition between the two systems, communism and the system of freedom.

Mr. Mao Tse-tung, on the other hand, does not go along with this philosophy. He says that, in a nutshell, after the First World War we had the arrival on the international scene of the Communist government of the Soviet Union. After the Second World War, he said the result was the extension of communism to over 600 million people and a third of the earth's world population. He goes further and says that after the third world war, it may be that communism will dominate the world.

Now, when we look at this almost diabolical reasoning, here is what he is saying: He is saying that China with its tremendous population does not fear a third world war, that it would think that they believe that a third world war might result in Communist domination of the world and, while, of course, they would suffer more, and the end result would be the extension of communism and not the extension of freedom.

That brings us to the basic difference between Mr. Mao Tse-tung and Mr. Khrushchev at the present time. When I use these two names, incidentally, I am not, of course, trying to downgrade other Chinese Communist leaders, who may be more influential or as influential as Mao Tse-tung at the present time, but the basic difference is in their attitude toward what means communism will use to dominate the world, and we find here again that Khrushchev is insisting on following the line of so-called peaceful competition. He follows that line because, one, he knows the terrible power of the atomic weapons and he respects our power, despite what those who downgrade our power indicate he thinks of it.

In addition to that, Mr. Khrushchev honestly believes, I think, that he will accomplish more through peaceful means than he would through war in extending communism.

As Adenauer said to me when he was over here, Khrushchev does want to rule the world, but he doesn't want to rule the world of ruined cities and dead bodies. He wants to rule live people. But Mao Tse-tung looks at it differently. So, we find here a basic ideological conflict going on among Communist leaders who do not follow Mr. Khrushchev's thoughts on peaceful coexistence, at least as far as words are concerned; but, nevertheless, compared to Mao Tse-tung's thoughts, extremely peaceful; and this, therefore, has resulted in ideological conflict between the two.

Now, can we base our policy on the assumption that this conflict will result in a split? Here you have a very great disagreement in the international community. There are those who believe on our side that we can assume that China and Communist Russia are inevitably going to break apart and that the line of U.S. policy and free-world policy should be to drive them apart.

Now, two comments on that point: Any obvious attempts to drive them apart would be counter productive as we can well see, because they are bound together by a strong ideological bond, that is, the Communist ideology, like any religion, binds them together and in some respects binds them together more than any religion has ever bound people together in the history of the world.

And so I say to base our policy on the assumption that they're going to break apart would be an error.

Now, we come to the final point: What, then, should be our attitude toward recognizing Communist China and admitting it to the United Nations?

It has been my position—it is now and it will continue to be in the future, until circumstances change—that we would make a very great mistake to change our position on recognition of Red China to the U.N. or admitting to the U.N. or recognizing it, and the two must and would go together, I believe.

The reason is, when we look at the U.N., for example, that Red China simply does not qualify to belong to an organization which, in its charter says membership, in effect, is open to peace-loving nations.

You can read a statement every day in the papers that Mao Tse-tung or the Peoples' Daily in Communist China, a statement to the effect that they are not a peace-loving nation. They are in an aggressive posture toward the United Nations in Korea today. They are engaging in an aggression, both indirect and direct, all over southeast Asia at the present time. To admit this country, which in addition to these things as far as the United States is concerned—is also holding prisoners, violating all the international laws, as far as we concerned, to admit this country to the U.N., to recognize it, to raise it to the level of a respectable member of the world community would have the effect, I think, of violating, first, basic moral concepts, and, second, it would have the effect of spreading the Chinese Communist influence through the balance of Asia.

Now, what should our attitude be toward the future? Our attitude should not be rigid. We cannot and should not say we will never recognize the Government that rules over this tremendous land mass in Asia and the Government which also rules over 600 million people, but we must say, if we are to maintain moral leadership in the world, if the United Nations is to mean anything, we must say that this Government cannot be admitted to the U.N., that we will not recognize it, and elevate it to the position of respectability, until it changes its policy of aggression toward the free nations and toward the peace-loving nations of the world.

Once it changes its policies of aggression, then we can consider recognizing it. Until it does that, I believe it would be a great mistake.

REMARKS OF VICE PRESIDENT NIXON

FORDHAM UNIVERSITY,
Bronx Gym, New York City, October 5, 1960.

And that is true of all American audiences throughout the country. Our concern is the same: How do we keep our freedom? How do we extend it? How do we maintain the peace of the world?

Turning to this point, and looking first at the challenge, there are some obvious conclusions on which we would all agree. First, knowing the man who is the symbol of the opposition to peace and freedom, the one who challenges it, knowing the man, we can reach only one conclusion as to what kind of policies are effective in dealing with him. What does he want? He wants to conquer the world. What means will he use to do it? Any means.

He would prefer to do it without war, as he said over and over again, although his Chinese colleague, Mao Tse-tung, says that he, as far as he is concerned, would use war, because he, Mao Tse-tung, points to the fact that after the First World War came the Soviet Union, after the Second World War came the expansion of communism to many more countries and approximately a billion people in the world, and after the third world war the whole world will be Communist. This is Mao Tse-tung's reasoning, reasoning which Khrushchev at the moment apparently—and we hopefully say—is not following.

But, nevertheless, make no mistake; whether he says peaceful coexistence, peaceful competition, whatever he says, he is determined to conquer the world. He believes that communism should rule the world. This we know and, therefore, the line of American policy, of free world policy, is very clear. We do not want to conquer the world. We do not want to impose our system on anybody else. We have fought 3 wars in the last 50 years. We haven't had an acre of territory out of it. We haven't gotten an economic concession. We have fought these wars—for what? Only so that others might have what we enjoy—independence, the right of people to be free, the right of the world to live at peace. This is what America wants, but this is not what he wants. This is what our allies in the world want, but it is not what he wants.

SPEECH OF VICE PRESIDENT NIXON

MORMON TABERNACLE,
Salt Lake City, Utah, October 10, 1960.

Let me say this. All of these suggestions are made by men of good will. All of them are made by men who want peace. The trouble is that they are made by men who do not understand what peace demands when you are dealing with a man like Khrushchev or Mao Tse-tung, because in dealing with men like this whenever you make a concession to them which they do not deserve, it only whets their appetite, it doesn't satisfy it. It is not the road to peace. It is the road to war or the road to surrender or both.

So that is why the next President of the United States, difficult as it may be, must always stand firm, willing to concede if we get something in return, but never willing to give up principle or territory unless we are getting something in payment for it.

This is the kind of policy which will work. It is the only kind of policy which I think can be adopted in meeting the Communist threat in the diplomatic area.

REMARKS OF VICE PRESIDENT NIXON TO UNIVERSITY OF NEW MEXICO STUDENTS

ALBUQUERQUE, N. MEX.,
October 11, 1960.

But people say, "But, Mr. Nixon, we want peace." And my answer is you're not going to get peace, and you're not going to get freedom by naive statements which in effect invite the Communists to take over anywhere, at any time.

You recall the television debate when Senator Kennedy said, "We ought to take these two little islands off of Formosa, and near the Chinese mainland, and we should give them up." In effect, force our Nationalist allies to give them up. And, apparently, the implication of his remark was that if we did that we wouldn't get into a war about these two islands. And now, of late, he has used the contemptuous phrase "These are a couple of worthless rocks in the Pacific." And so we'll give them up. "Worthless rocks." Just a few people. But may I say that kind of woolly thinking is dangerous for Americans, it's dangerous for world peace. You know what we have to realize. We can't run backward and win over communism, and we have to win over communism, and not just hold the line against communism around the world. [Applause.]

I want to make it clear that I oppose handing over to the Communists 1 inch of free territory. And I want to say why. It's because I'm for peace, and for freedom that I oppose handing it over. Because when you hand over the territory, it does not lead to peace. It does not lead, certainly, to freedom, it gives it up. But it leads either to war or surrender, or both. And that is why we must stand for freedom. We must not give an inch of territory, as I have indicated.

In 1953, I think the American people said once and for all that they were tired of policies that had led to the war in Korea. I think they left them. Now is the time to mount an offensive for freedom, to advance the cause of freedom, and not to return to a policy of retreat and defeat. But then, I know what some of you may have read the statement, "but these two islands over here are indefensible." My friends, if the test of what America will defend is whether an area is defensible or not, may I say that we had better get off of the face of the globe. What about Berlin? Berlin—there isn't even 16 miles as there is between Quemoy and Matsu and the Communists there. The Communists completely surround it. From a military standpoint it's completely cut off from the communications except by air with our own forces. And yet, I say to you, the people of the United States, simply because Berlin is tremendously difficult to defend, are not going to say in advance we're going to give up this island of freedom with 2,500,000 Germans. We can't do that. The people of free Berlin—because if we give up freedom there, then it will mean that they will simply ask for more, and it will go so on down the line. [Applause.]

All that I can say in conclusion is that this soothing sirup kind of talk: Give up the little islands. Let the Communists have it and than we'll have peace. Maybe the Senator may believe, or his advisers may believe that this is a cheap and easy way to keep peace. That it might advance his candidacy. I just want to say one thing very clearly today. I have seen the world. I have seen what communism does to people behind the Iron Curtain. I have seen a quarter of a million Poles in the streets of Warsaw, half of them crying with tears running down their cheeks when my wife and I drove through the streets because we represented freedom to a people who wanted freedom and didn't have it. I have seen what it means. I know Mr. Khrushchev. I think I know what his colleague Mao Tse-tung is also like. And I know as I stand here that the road to war, the road to surrender is the very kind of woolly thinking which says "Just a couple of rocks in the Pacific. Let them go. This will bring us peace."

And I am going to tell you, tonight, that regardless of the political consequences I intend to fight at every opportunity any return to the naive and woolly policies which led to the loss of China and to the war in Korea. And I'm going to do it throughout. [Applause.]

My time is up, and I again express my appreciation to you. But may I conclude with this last word. I have spoken of our military strength, our economic strength, the necessity for a firm diplomacy. I am convinced that that kind of leadership can keep the peace without surrender. I am convinced that that's what Mr. Khrushchev respects. And we must have that from him. But, my friends, we need more than that to win this struggle. And that means that we need idealism, a flaming idealism. I saw every place I went in Russia signs "Work for the victory of communism." We have to realize in this country what America really stands for. You know what it is? Not just military might, and economic strength, but for great ideals that caught the imagination of the world 180 years ago. Our faith in God. Our belief in the dignity of all men. Our belief that the rights that men have, the rights of equality of opportunity, that these rights come from God, that they cannot be taken away from them by men. Our belief that the rights that Americans have for freedom belong not just to ourselves, but to the whole world. These things we must feel deeply, we must believe deeply. And these beliefs must come not just from my stating it, they must come from the hearts and minds of our people. They must be developed in the churches, in the schools, in the homes of America.

PARTIAL TRANSCRIPT OF REMARKS OF VICE PRESIDENT NIXON

BEVERLY HILLS, CALIF.,
October 14, 1960.

Now, if I could turn to one other point, the most important one, and I will be finished. What is more important than jobs and progress and these things that I have been mentioning? Well, of course, you know what it is. It's just being around to enjoy it, because we can have the best jobs and medical care and housing and all that sort of thing that we can imagine, and if we aren't around, we're not going to know it, so, the most important qualification of the next President of the United States must be this: Is he the man best qualified, by experience, by judgment, by background, to keep the peace, keep it without surrender of principle or territory?

This is the great test, and I ask you to apply it.

Now, looking at this issue, let me tell you that if we're going to keep the peace, we must understand the men who threaten it. Now, my colleague and I, Cabot Lodge, know Mr. Khrushchev. We have sat opposite him at the conference table. We know what kind of a man he is. I believe we know how to deal with him and how not to deal with him. I can say, too, that looking at this man—and I use him as an example, because Mao Tse-tung, the Chinese, the other Communists are like him—their philosophies are all the same—there's one thing we must remember above everything else.

If we want peace, if we want peace without surrender, we must remember that in dealing with the Communists, they understand only strength and firmness. They have contempt for weakness militarily, and they have contempt for weakness diplomatically. And if you want peace, there must be strength.

Let me spell it out. First, then, this means America has to be the strongest nation in the world militarily. We are today, and we're going to stay that way, and we've got to pay whatever is necessary, and I pledge that we will do this, because we must never be in a position where the enemies of peace can say: "We're looking down the throat of an American President. We can blackmail him at the conference table."

So, one, America must be strong militarily.

Two, we must be firm diplomatically. You heard an argument last night on the television about the situation out in the Formosa Straits, about Quemoy and Matsu, a very complicated situation, it would seem, but not as complicated as it really appeared when you analyze the facts.

Five years ago a resolution passed by the Senate of the United States, a resolution giving to the President of the United States the discretion and the power to use the Armed Forces of this country to defend Formosa and to answer and retaliate against any attack which was directed to Formosa, an ally of the United States.

During the course of the debate, an amendment was introduced by well-intentioned people, one supported by my opponent. Only 12 Senators voted for it, a minority of even the Democrats, as well as a minority of the Republicans, an amendment which said: Defend Formosa, Mr. President, but we say draw a line. Don't include two free islands, Quemoy and Matsu. You can't use the forces of the United States to defend those islands. You must draw a line and say only use the forces of the United States when Formosa itself is under attack.

Walter George, the great Democrat, who was the chairman of the Foreign Relations Committee, in the last word in that debate said: "We cannot tie the hands of the President of the United States. We cannot say to him that the forces of the United States have to wait until the Communists have set foot on Formosa."

As he well pointed out, we must never be in a position where we invite an attack by the Communists by surrendering to them at the point of a gun territory which is free. Now, let me give you a lesson of history. The lesson of history is this: Where a dictator is concerned—and this is true of a Fascist, a Nazi, a Communist, a bully, any kind of a dictator—you must never surrender to him at the point of threat, because when you do, it doesn't satisfy him. It just encourages him to ask for more. Remember Hitler? First, it was the Rhineland; then it was Austria; then it was Danzig; then it was Sudetenland, and all over the world people said, "Don't fight for this; don't fight for that; this is all Hitler wants."

And he said that was all he wanted, and yet, eventually, every time we gave in he wanted more and more and more, until finally he wanted something that we had to fight for, and war resulted.

So, the well-intentioned people who said, "Look, we won't defend this; we won't defend that; we'll bring on war"—they were adopting the policy that led to war, rather than the one that avoided it.

It's the same today. Whenever a President of the United States, whenever the people of this country say to a Communist dictator "Look, we rule out this part of the free world; we will not defend this part of the free world; we're going to telegraph in advance and tell you, 'Look, don't worry about this; if you will just leave this alone,'" what's going to happen? It's going to encourage them to say, "Well, if we got away with blackmail and threats in this case, we might try it again," and they will back up again and again and again.

I say to you, my friends, we tried that in Korea. You remember Secretary Acheson? He said we won't defend Korea, and a lot of people, I know, thought in January of 1950 this means we're not going to get in war in Korea, but the Communists took him at his word. They marched in in June of that year, and 35,000 American boys died and paid the price of diplomatic stupidity and blundering, and we're not going to do it again. We're not going to make that mistake again.

What I am saying here today is that when we stand firmly against the blackmail, against the threats of a dictator, we are standing for peace. We are not taking the course of war. And that's exactly the point we have got to have in mind.

And when the well intentioned, but the naive, people say, "Turn this over; turn that over," they say, "because we want peace," remember, they think they're for peace, but actually they're advocating the very policy that will bring war, because it encourages the dictator to take what he wants.

I was just in the police station in here, incidentally, talking to various people. I saw on the wall a little line, not new. You've heard it. "Crime doesn't pay." That's true of criminals domestically. In other words, if crime paid, the criminals would be encouraged to do more and more and more, but because we've got police stations that say crime doesn't pay, the criminal is discouraged.

Now, in international affairs, it's exactly the same thing. The Chinese Communists at the present time are international criminals. They're threatening us in Formosa. They're threatening free people in Korea. You know what they did to Tibet. And, so, we have got to tell all of those who are international criminals, and that is who use force to extend their aggression, that crime doesn't pay; because, if it does pay, they're going to use it. It's just as simple as that.

So, that's really what we're talking about here. We're announcing to the world that America, a strong, free country, does not want war. We're strong because we want peace, not because we want war. We're firm, not because we want to fight over a couple of islands, but because we know that if we indicate that crime will pay, we're going to get into blackmail and into threats and if we let them have it, this is going to lead to war.

So, I say to you today: We have learned our lesson. We learned it with Hitler. We learned it in Korea, and, therefore, the kind of policy that Cabot Lodge and I stand for is the kind of policy that the President has followed, it has worked for 5 years, and we say this is not the time to change the course that the President has followed, in which the President has, in effect, said: "We will defend this area and we are not going to write off any part of this area in advance, and we will defend Formosa and will answer any attack directed toward it."

Partial Transcript of Remarks of Vice President Nixon at Friends of Nixon Breakfast

Cocoanut Grove,
Los Angeles, Calif.,
October 14, 1960.

And, so, I want to say here today why strength and firmness are principles of peace—principles of peace.

Now, let's look first at strength. The United States today is the strongest nation in the world. It's got to remain the strongest nation in the world. We've got to pay anything that's necessary to do it. We have got to pay anything that's necessary to do it, and I can assure you that if I have anything to say about, if there is any doubt on any score, whether it's in the case of the deterrent or striking power or anything that we want that is necessary to maintain absolute level of superiority, that will come first, first above everything, first above the desire to cut taxes, to cut the debt, anything else. Why do I say that, I, a Quaker, coming from a line of people who feel so strongly the other way, or, at least, they seem to? I'll tell you why. Because I know that we're the guardian of peace. I know that when there are men in the world on the loose who are not for what we are, who are out to conquer the world, by any means, if necessary, by war, if possible, by any means, if necessary, including war, and Mao Tse-tung says that over and over again even now. He says a third world war might bring a Communist world. When you're confronted with people like that, we have to have a strong force which can be a guardian of peace. Why? So long as we are stronger than they are, this deters them from using their power, (1) either to start a war, or (2) what is more likely, using it for blackmail purposes at the conference table, and say, "Look, unless you do this or that or the other thing, we might do something."

So, we must never have a position where a President, Democrat or Republican, ever goes to a conference table, where Mr. Khrushchev or anybody else can say, "I'm looking down your throat." That's why American strength is essential.

Excerpts From Transcript of Speech of Vice President

World Newspaper Forum,
Beverly-Hilton Hotel,
Los Angeles, Calif.,
October 14, 1960.

We speak, for example, of the leaders in Moscow. We can look also to the leaders in Communist China. Their aim, of course, is not the offshore islands. Their aim is not Formosa. Their aim is the world, and we must constantly keep this in mind as we make any decisions or any statements with regard to what we should do.

Excerpts From Transcript of Vice President Nixon's Speech

Fair Grounds Pavilion,
Tulsa, Okla.,
October 15, 1960.

And now one other point. In addition to this economic struggle that I have been talking about and the military struggle, there is another phase of it that is more important and perhaps more decisive—I believe more decisive—and that's the struggle for the minds and the hearts and the souls of men. I know that when you think of a man like Khrushchev or Mao Tse-tung, a man who does not believe in God, a man who has no ideals, you think: What in the world will it do for us to talk about the things we believe in in the world? How can ideals stand up against military might and economic productivity?

Partial Transcript of Remarks of Vice President Nixon

War Memorial Auditorium,
Buffalo, N.Y.,
October 17, 1960.

And then there is just one other point along the same line. You have heard a lot about the recognition of Communist China and admitting it to the U.N., and yesterday Mr. Kennedy indicated that he opposed its present admission to the U.N., and yet only 2 weeks ago, Mr. Stevenson, who is his top foreign policy adviser, or at least who is alleged to be one of them, said that he would consider favoring a deal under which we would trade admitting Communist China to the U.N. in favor of a guarantee for Formosa.

Now that's trading one horse for one rabbit, because Formosa is already free, and Communist China isn't in the U.N., and if we're elected, it won't get into the U.N. until it changes its policies with regard to—I say to you tonight it isn't enough for a candidate for the Presidency to say that he personally opposes its admission. The people are entitled to know whether he agrees with his foreign policy adviser, and I again say that he would disavow this statement, because certainly it isn't possible and it isn't good for his foreign policy adviser to say one thing on a critical issue and for him to say another.

SPEECH, RICHARD M. NIXON, AMERICAN LEGION CONVENTION

MIAMI, FLA., *October 18, 1960.*

Now I would like to turn to a related subject, the subject of our relations with Communist China. Here again we have well-intentioned people in this country who suggest "Why can't we find a formula by which this country of over 600 million people can be brought into the community of nations?" And the line goes something like this: "If we got Communist China into the United Nations, then they might develop along more civilized terms."

Well, first of all, let me say the United Nations was not set up to be a reformatory—and that's a good answer to that. But, secondly, I should also point to the effect the United Nations has had on the conduct of the Soviet Union, which got in because it was a charter member. Certainly it has not had too much effect in making them abide by the rules of the game.

But beyond that, let's look at the suggestions that have been made, and here again we can get some guidance to the future.

Two weeks ago it was suggested that we should change our policy toward Communist China and that we'd make a trade. We would trade our support—we would give them support for admission to the United Nations—for a guarantee by them that Formosa, our ally, would be free.

Now of course, as all of you can quickly see, that's one horse for one rabbit. Formosa is already free, and all we would be doing would be taking a worthless guarantee from a government which has certainly never shown it intends to keep any guarantee of that type.

And then last Sunday another suggestion was made, this time again with the best of intentions, along these lines—that U.N. membership for Red China could be considered if—now listen carefully—if they would renounce their official foreign policy of belief in the inevitability and the desirability of war and if they would disallow hostility to the United Nations.

Now this is naive in the extreme because it ignores something else. When are we going to learn that it isn't what the Communists say but what they do that counts. Of course they will say, "if we say that's the price of admission, they will renounce wars as instruments of international policy. Of course, they will abide by the rules of the United Nations." But look at the deeds of the Chinese Communist government. That's why we oppose their recognition. That's why we oppose their admission to the United Nations.

Let me list them for you: Aggression in Korea; today an open contempt for United Nations resolutions; continued violence against a member of the United Nations, free China today; ruthless seizure of Tibet, a rule of force and genocide there; today, military raids against India and Nepal, and illegal and unprincipled imprisonment of American civilians, which we have been objecting to and which they will do nothing about.

I say today that to seat a regime with this record of gangsterism, regardless of what they said about their good intentions in the future, would make a mockery of the peaceful purposes of the United Nations to which we belong.

In other words, before the United States can consider United Nations membership for an international outlaw, what it must do is purge itself of its offenses against world law and against the principles of civilized behavior, as well as against the United Nations—and I want to announce here today what I think the next President of the United States must do with regard to this particular problem.

I believe this matter is so fundamental to decency in world affairs that until Red China has proved her adherence to these standards by her deeds and not just by her words, the next President should consider a veto, which we have never used, to be fully justified by the United States in the National Security Council—a veto of any effort to admit a nation that does not comply, as Red China does not comply.

THE CHALLENGE AHEAD

[Exclusive interview with Vice President Nixon by Patrick Donaghy, Catholic World, November 1960]

What about the recognition of Red China and her admission to the U.N.?

Basic changes in the foreign policy of Communist China must occur before we can support recognition or United Nations membership for that country. As long as the Chinese Communists continue their present hostile and aggressive policies toward the free world and as long as they refuse to live in peace in the family of nations, there can be no question of our recognizing them.

Some people say that we must recognize Red China so that we can begin to talk with them about world problems. Recognition is not necessary for this purpose. We can communicate with them through channels that already exist. In fact, at the present time we are negotiating with the Red Chinese at Warsaw through our Ambassador there for the release of American citizens whom the Red Chinese hold prisoner on trumped-up charges.

Other people say that if we would change our attitude toward the Chinese Communists perhaps they would be mollified and would abandon their aggressive foreign policies. This kind of thinking is based on a serious misunderstanding of the Communist character and intentions. We must continue our policy of firmness without belligerency toward Red China.

REMARKS, VICE PRESIDENT NIXON, PORT ERIE AIRPORT, ERIE, PA., NOVEMBER 1, 1960

You remember what happened. A war in Korea brought about by a foolish, naive lack of understanding of dictators, of communism, inviting the very attack which came. And may I say that we're not going to go back to that kind of policy. We're going to go forward with the kind of leadership that President Eisenhower has given—firmness, strength, and never surrendering freedom any place in the world at the point of a gun. And I say to you, my friends, that is the road to peace.

You know, it's so easy for somebody to get up and say, "Oh, Mr. Nixon, why don't we give this away to the Communists? Why don't we give them this, because we don't want a war?"

My friends, we learned in dealing with Hitler; we've learned in dealing with Stalin. We're learning now in dealing with Khrushchev, with Mao Tse-tung, that when you deal with a dictator the way to war is paved with that kind of wishful, woolly thinking, with the kind of thinking which surrenders territory to them. Why? Because they don't want just a couple of islands. They don't want just Korea or Formosa. They want the world. And, wanting the world, every time you turn something over, it whets their appetite and they would demand more—and Americans will die for that kind of policy.

Cabot Lodge and I, I can assure you, know the Communists. We know Mr. Khrushchev. We would never make the mistake that was made in Korea. We will keep America strong, and we will keep the peace without surrender, and that's what we ask for in this campaign—the opoprtunity to do exactly that.

EXCERPTS OF SPEECH OF VICE PRESIDENT NIXON, LARKIN PLAZA, YONKERS, N.Y., NOVEMBER 2, 1960

And I'll tell you what our answer is. Our answer is he won't catch us in 7 or 70 years if we're true to the principles that have made America the great Nation that it is. [Applause.]

He also believes that the Communist system is going to dominate the world. He believes that they're going to gain a victory without war. My friends, he will not gain it provided again we are not foolish. Provided we recognize the type of a man he is and Mao Tse-tung and the other leaders of the Communist world. They don't react like Mr. Adenauer, Mr. Macmillan, Mr. de Gaulle, Mr. Nehru. These men are men who are ruthless and fanatical and who want nothing less than the world.

[From the New York Daily News, Nov. 4, 1960, p. 36]

YOU ASKED THEM; THEY'VE ANSWERED

For the past 2 days, Vice President Nixon and Senator Kennedy have discussed questions that *News* readers wanted answered before election day. Today they conclude their replies with statements on foreign policy and medical care for the aged. The *News* hopes the answers have helped you decide which candidate is best for the country.

FOREIGN POLICY

(By Vice President Richard M. Nixon)

In my personal dealings with Communist leaders, I have seen demonstrated the truth that Communists have but one objective—a Communist world. Everything they do is designed to advance that objective.

This means that the free world can never relax its guard. We must continue a policy of steadfast resistance to Communist aggression.

If I am elected President, I will do everything in my power to continue such a determined, clear-headed policy.

Any unilateral concession is foolish when dealing with the Communists. We should have learned this lesson long ago.

But apparently there are still some American political figures who do not understand this fact.

When concessions were made at Munich, they did not make war less likely. They made war more likely. They simply whetted an aggressor's appetite.

When a U.S. Secretary of State did not make clear that we would defend Korea, he was issuing a plain invitation for the invasion of that country. This is exactly why Quemoy and Matsu are so important. To announce that we will not defend a part of the free world is an open invitation to the Communists to take that part.

A strong foreign policy must be accompanied by a strong defense posture. Communists understand power and respect it. As long as we remain the strongest military power in the world, we are assured that the Communists will not risk war.

Therefore, if I am elected, I will keep the United States where it is today—first.

A strong foreign policy must also seek to assist the developing nations of the world in attaining their legitimate desires to advance their economic development, conquer poverty and disease, and gain their place in the sun.

A strong foreign policy does not mean that we can never reach any agreements with the Communists.

Of course, I will continue to try to bring about meaningful and real disarmament. But any disarmament policy I am responsible for must and will have three basic ground rules: (1) There must be a workable inspection system, (2) all agreements must be self-enforcing, and (3) we must never take anything on faith.

We know the past history of the Soviet Union's broken promises and broken treaties. I will never allow a treaty that the Communists could turn their backs on if it served their purpose to do so.

I would also like to make it perfectly clear that I am opposed to extending diplomatic recognition to Red China. And I am equally opposed to admitting Red China into the United Nations.

To qualify for admission to the United Nations, according to the United Nations Charter, a nation must be "peace loving." Quite obviously, Red China is not.

The United States should not lend respectability to a pirate.

EXCERPTS FROM SPEECH OF VICE PRESIDENT NIXON

NATIONAL TELETHON, ABC NETWORK,

Springfield, Mich., November 7, 1960.

This is from Ralph Miller, in Carmi, Ind., and the question is:

Would you use a veto in the United Nations Security Council to prevent the admission of Red China to the U.N.?

Vice President NIXON. Well, to Mr. Ralph Miller, my answer to this question is that I certainly would use the veto in the Security Council under present circumstances.

Let me put it this way: We cannot say at this time that Communist China will never qualify for admission to the United Nations, but at this time it is engaging in acts which disqualify it from admission to this organization. For example, I think many of us forget often that the United Nations Charter has a specific provision indicating that it is an organization of peace-loving peoples.

Of course, some people will say, "Well, now, if that's the case, how did the Soviet Union get in?"

And the answer, of course, is they were charter members.

Now, Communist China simply can't qualify as a member of the United Nations as a peace-loving country. It can't qualify because it at the present time is in defiance of the United Nations in Korea. That is why our American boys are still tied down there.

It is in defiance of the United Nations in the Formosa Straits where it is, in effect, waging military action against a member of the United Nations.

We know the story of Tibet.

Well, taking one example that is very close to home, to people here in the United States, they still, violating all canons of international law, keep prisoners, civilians from the United States, and we've been negotiating with them for years, as a matter of fact, to get them to change their policies.

And so this is my answer: That until the Chinese Communist Government changes its policies, until it in effect cleanses itself of its present deficiencies, we could under no circumstances agree to its admission to the U.N.

And although I would be reluctant to use the veto, because America has never used it, I think that the principle is so important here that we would have to use it to keep a nation out that simply can't qualify as a peace-loving nation.

[From: Nixon on the Issues (A compilation of positions taken on public questions by Richard M. Nixon during the Presidential campaign of 1968), Nixon-Agnew Campaign Committee, October 17, 1968]

COMMUNIST CHINA

U.S. POLICY

Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition to Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course. It does mean recognizing the present and potential danger from Communist China, and taking measures designed to meet that danger. It also means distinguishing carefully between long-range and short-range policies, and fashioning short-range programs so as to advance our long-range goals.

Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors. There is no place on this small planet for a billion of its potentially most able people to live in angry isolation. But we could go disastrously wrong if, in pursuing this long-range goal, we failed in the short range to read the lessons of history.

The world cannot be safe until China changes. Thus our aim, to the extent that we can influence events, should be to induce change. The way to do this is to persuade China that it *must* change: that it cannot satisfy its imperial ambitions, and that its own national interest requires a turning away from foreign adventuring and turning inward toward the solution of its own domestic problems.

Only as the nations of non-communist Asia become so strong—economically, politically and militarily—that they not longer furnish tempting targets for Chinese aggression, will the leaders in Peking be persuaded to turn their energies inward rather than outward. And that will be the time when the dialogue with mainland China will begin.

For the short run, then, this means a policy of firm restraint, of no reward, of a creative counterpressure designed to persuade Peking that its interests can be served only by accepting the basic rules of international civility. For the long run, it means pulling China back into the world community—but as a great and progressing nation, not as the epicenter of world revolution.

The dialogue with Communist China must come, I think, during the two terms of the next president. I do not believe we should recognize Communist China now or admit it to the United Nations, because that would be in effect putting the seal of approval on Communist China's present very aggressive course against India and against our forces of course in Vietnam and against all of its neighbors.

UNITED NATIONS MEMBERSHIP

I do not favor granting a seat to the United Nations to the Communist Chinese at this time. I do not rule it out for a future time, provided they meet certain conditions.

Why do we resist the Chinese coming into the United Nations? It's because they at the present time are engaged in a course of aggression against members of the United Nations and do not qualify as a peaceloving nation, in effect, as the United Nations Charter does require.

I think that until the Chinese Communists indicate they are willing to become civilized members of the community of nations, they should not be given the prestige of being in the United Nations. And I do not believe, incidentally, that there is any excuse to say that we can't communicate with them without their being in the United Nations because we can and we do.

A strong Japan and a strong group of free nations around the perimeter of China will have more effect on mellowing the Chinese Communist leaders than anything else we could do. Because once the Chinese Communist leaders realize that there is a risk in trying to break out, then the Chinese leaders will have to turn inward and solve some of their own problems.

I think that the Chinese Communist leaders will change their policies when they realize that by not being belligerent toward the United States and toward their neighbors in Asia, including the Indians and all the rest, that by turning inward and trying to work for their own people, that they have a much greater possibility to have a better life for their own people.

The answer is that trade with China, recognition of China, admitting it to the UN, should come only when the Chinese Communists indicate by deeds that they want to be a part of the civilized family of nations and not an outlaw nation.

RECOGNITION

I would not recognize Red China now and I would not agree to admitting it to the UN and I wouldn't go along with those well-intentioned people that said, "Trade with them," because that may change them. Because doing it now would only encourage them, the hardliners in Peking and hardline policy that they're following. And it would have an immense effect in discouraging great numbers of non-communist elements in Free Asia that are now just beginning to develop their strength and their own confidence.

NUCLEAR WEAPONS

At the end of this century, Communist China will have a billion people that will have unlimited atomic weapons and it can be exporting them all over the world, and it is essential that whoever is the next President of the United States develop policies now that will get Communist China to change so that we can open a dialogue with them.

EXPANSIONIST POLICY

We have to realize, looking down the road, that Communist China within six years, seven years, at the very least, will have a significant nuclear capability. And Communist China will be outside of the nuclear club. Therefore, whoever is elected president this next time has to be thinking now as to how we develop the power around the perimeter of China which will convince the Communist Chinese leaders that they will not gain—as a matter of fact, that they will run very great risks—in the event that they attempt to expand through the area of the Pacific as they have been attempting to expand in their sorties against India and other countries who are their neighbors.

A QUESTION OF RESPONSIBILITY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BAKER. Mr. Speaker, there has been much stir recently regarding the first amendment guarantees of freedom of the press. The fourth estate apparently believes the Constitution guarantees its right to print stolen, classified documents. It has complained bitterly that any criticism of its objectivity by public officials amounts to intimidation and censorship. It has, in short, set itself up as sole arbiter of where freedom of the press ends and responsibility of the press begins—of what is in the national interest and what is destructive of national interest.

Unfortunately, in the view of many, the line has been drawn at the point of maximum freedom and minimum responsibility with relatively little regard for the national interest, particularly in terms of national security and defense.

For example, every major newspaper in the country took its turn at printing excerpts of the so-called Pentagon papers, which were, at very best, questionable in regard to their impact on our national interests and at worst deliberately destructive of vital national security. Yet these same newspapers said absolutely nothing of a special order in the House on August 8 during which 88 Members of Congress from both political parties spelled out their great concern over America's strategic defense position and read into the Record abundant evidence that that position is deteriorating to a point which seriously jeopardizes our national security.

One is almost forced to the conclusion that the fourth estate is deliberately bent on undermining our security. It will print stolen documents that contain classified information possibly destructive of our security, but it will not print anything about the warning from a fifth of the Nation's elected representatives that our security is in danger so the people may be alerted to that threat. This seems to me a peculiar sense of responsibility for an institution so quick to invoke its constitutional freedoms.

But I am heartened by the fact that at least some segments of the press recognize and denounce this twisted sense of responsibility. An editorial in the August 25 edition of the Knoxville, Tenn., Journal and a recent column by Mr. Anthony Harrigan, contain dramatic evidence that there are those in the fourth estate who take the responsibilities of their profession seriously and realize that to undermine national security in the name of freedom of the press will, in the long run if not in the short, destroy both the Nation and its free press. It is editors and columnists like these, I believe, who are the true hope of the Nation. I include these two articles in the Record at the conclusion of my remarks:

[From the Knoxville Journal, Aug. 25, 1971]

Where the Press Failed To Report Threat to the United States

Wednesday, Aug. 4, 1971, surely must go down in history as one of the darkest periods of the American press. On that day national newsmen, who only days before had hoisted the banner of the First Amendment in publication of the Pentagon Papers, ignored one of the most significant and most alarming news events in recent years.

Eighty-six members of the U.S. House of Representatives took the floor, one after the other, Democrats and Republicans alike, to issue one of the most ominous warnings ever sounded on Capitol Hill. Their oral comments, plus additional remarks, cover 104 pages of the Congressional Record for that day. Not since Speaker Sam Rayburn died have such a large number of Congressmen joined in colloquy on such a scale on a single topic. Collectively the congressmen represent about one fifth of the American people. But not a word of their subject received the attention of broadcast or print media.

Their warning was essentially this: If the United States continues to fall behind the Soviet Union in armaments—naval, nuclear and other types—the survival of the nation will soon be in jeopardy.

The proceedings were completely open, and even those newsmen who were unable to attend personally easily could have read the entire transcript in the Congressional Record the following morning. But the national press which had so valiantly battled for the right to publish classified military documents proclaimed a de facto news blackout on the comments of the 86 congressmen, saying, in effect, that they had no right to be heard.

DEFENSE PANEL'S WARNING ALSO IGNORED

There's simply no excuse for this. Nor was there any excuse for a similar failure of the national press to report the findings of a Blue Ribbon Defense Panel released a few months ago. This group of distinguished citizens, which earlier had analyzed U.S. strength, issued a supplemental statement which the Pentagon turned over to the press back in March. It said, in part:

"The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. These trends include: (1) the growing Soviet superiority in ICBMs; (2) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (3) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (4) the convincing evidence that the Soviet Union seeks a preemptive first strike capability; (5) the rapidly expanding Soviet naval capability; and (6) the mounting hostility of segments of the public towards the military, the defense establishment, and 'the military-industrial complex,' without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S."

The panel summed up its findings in this sentence:

"In the 1970s neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure . . ."

The Aug. 4 parade of congressmen produced testimony of much the same vein, although supplemented with extensive detail and backed up by specific data.

Many of the specific comments referred to specific areas in which the Soviet Union has surpassed or threatens to surpass this country in armed strength. One comparison was especially chilling:

Today the Soviet Union has 1,500 ICBM launchers with a nuclear megatonnage of 10,580, whereas the United States has 1,054 launchers with a megatonnage of only 1,270—meaning that the Soviet Union has an 8 to 1 superiority in offensive power.

Rep. J. Herbert Burke, R-Fla., put the meaning of this circumstance in this manner: "In fact the Soviet force is capable of killing 100 million Americans on first strike."

EVEN AMERICAN SLBM EDGE THREATENED

According to the various statements by the Blue Ribbon Panel and the 86 congressmen, the United States retains the lead in only one area of missile armaments—in the shorter-range SLBMs which are launched from submarines. "Yet," the panel noted, "the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage."

In another area of armaments this was the observation:

"The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power."

In his portion of the presentation Rep. John Duncan included this quotation from the panel's report:

"The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to peace of the world . . ."

Congressman Duncan added this personal observation:

"Mr. Speaker, the Constitution in its preamble makes clear that the first duty of our national government is 'to provide for the common defense.' We all have an oath, registered in Heaven, as Lincoln said, to uphold the Constitution and to carry out its provisions.

"That translates into a direct and unavoidable obligation on all members (of the Congress) to acquaint themselves with the problem of our national defense and to equip themselves with the information necessary to force a valid judgment . . ."

The same thought could apply to all citizens, who clearly have the duty to stay informed about the various issues facing the nation. How else can they, as voters, make "valid judgments" about the candidates before them?

But when the press ignores crucial warnings such as these, private citizens are left without vital information. The fabric of the Republic is weakened.

Sensing the News: U.S. Defenses Imperiled

(By Anthony Harrigan)

Washington, D.C.—One of the most important developments in the Congress this year—and one almost completely ignored by the Washington press corps—was a collective effort Aug. 4 by 86 members of the House of Representatives to warn the nation of the deterioration of America's defenses.

Speaker after speaker, members of both parties, rose in the House to state the ominous facts; the United States is falling behind the Soviet Union in all major types of armament, and, therefore, America's security is in jeopardy.

Tragically, this extraordinary congressional warning didn't make the headlines. William J. Gill, president of News Perspective International, reports: "Not one national television show featured this story; not a line of it appeared in the *New York Times* or the *Washington Post*. . . . As one disgusted House member from Illinois put it, 'If Rep. Bella Abzug had dropped her bra on the Capital steps it would have hit every screen and every front page in the country. But we get blanked completely on something like this'."

It is shocking that attention isn't paid to the biggest news story of our time—America's virtual disarmament in the face of the growing military might of the Soviet Union. U.S. Rep. Floyd Spence (R–S.C.) who took the initiative in setting up the special presentation, summed up the situation with great accuracy, saying:

"We, along with many of our colleagues, have witnessed with alarm the steady growth of Soviet military power, while at the same time our own preparedness has been neglected.

"This trend has developed to the extent that we are presently in serious danger of becoming a second-rate military power. For example, the balance of sea power in the world today is, at best, only precariously tipped in favor of the United States. In fact, there are indications that in a non-nuclear confrontation with the Soviet Union at sea, the U.S. Navy may come out second best."

Rep. Samuel Stratton (D–NY) added a warning that "for the past year or more we have been beset by a mounting anti-military movement, not only in portions of the country and in the public press but here in Congress as well, with special emphasis in the Senate but to a growing extent also in the House . . . We are in real danger of having started a process that has already cut our forces below what is adequate to meet our defense needs, and may even have already tipped the balance of world military power against ourselves."

U.S. Rep. Benjamin Blackburn (R–Ga) added a warning about the Strategic Arms Limitations talks with the Russians. He cited the "lamentable decline and fading of our superiority in strategic weaponry," noting that the "current SALT talks may lead to dangerous technological and political imbalances which may leave us without the means to defend ourselves against Soviet attack."

Congressman Philip Crane (R–Ill), who took part in the colloquy, observed that America's leaders no longer tell us that our country is the world's most powerful. It isn't, of course. The U.S. has 1,054 intercontinental ballistic missiles. The Soviet Union has 1,500 ICBM's.

Rep. Crane commented: "It is as if Americans awakened one morning to find that all of their confident assumptions about their country were no longer true, as if they discovered that not only could their country not fulfill its commitments to others, but could not even defend itself."

It is to be hoped that the U.S. public will heed these warnings. Happily, the special order arranged by Congressman Spence and his associates indicates a bipartisan rally in support of stronger defenses. But presidential leadership is needed if the anti-defense lobby is to be overcome. This presidential leadership has been lacking the last 2½ years.

President Nixon undoubtedly erred early in his term when he accepted the strategic doctrine of nuclear "sufficiency" proposed by his chief foreign policy adviser, Dr. Henry Kissinger. In the years after World War II, the U.S. sought military supremacy. This supremacy deterred Soviet nuclear aggression. Now, our supremacy in arms is gone. The USSR is moving ahead in every type of weapons system. The Kissinger doctrine of "sufficiency" is proving to be our undoing. More and more, it is clear that Mr. Nixon has received bad advice from Dr. Kissinger—advice dangerous to the American people. It is imperative that Mr. Nixon dispense with Dr. Kissinger and start listening to concerned members of Congress and to the Joint Chiefs of Staff, the real experts who are the President's authentic military advisers according to the law of the land.

In the meantime, the American people can be thankful that there is a substantial number of congressmen who take seriously their responsibility to alert the nation regarding the deteriorated condition of the country's defenses.

PHOENIX PROGRAM IN SOUTH VIETNAM

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. GALLAGHER. Mr. Speaker, during the recent debate and passage of the foreign assistance bill, one of the questions of the so-called Phoenix program in South Vietnam was discussed. Several allegations were confusing if not inaccurate.

I have recently received a letter from the Assistant Secretary of Defense for International Security Affairs, Mr. G. Warren Nutter, which I believe very adequately sets the record and the facts straight on this matter and I would like to take this opporunity to read his letter into the Record.

But before I do that, I would like to note that as the chairman of the Asian and Pacific Affairs Subcommittee of the Foreign Affairs Committee I am personally aware of the program and have also discussed it on numerous occasions with Ambassador Bill Colby who, until recently, was in charge of Phoenix. Phoenix operates on the district and province level in South Vietnam with U.S. support and is designed to gather, evaluate, and disseminate intelligence on the identity and movements of members of the Vietcong, the so-called Vietcong infrastructure. These are nonmilitary figures who govern parts of Vietnam still controlled by their movement and who slip in and out of Government controlled and contested areas. And I want to stress, Mr. Speaker, that this information and intelligence data are used to neutralize this Vietcong effectiveness not for "assassination and torture" as was alleged here on the floor in support of an amendment whose aim was to withdraw U.S. support from this program. The letter received from Mr. Nutter which I believe sets this matter straight stated:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 21, 1971.

Hon. CORNELIUS B. GALLLAGHER,
Chairman, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Record of August 3, 1971 (page H7761–2) reports an amendment to the Foreign Assistance Act offered by Mr. Reid of New York, which was defeated by voice vote. This amendment would have barred any assistance under the Act to any nation for programs which encompass the assassination or torture of persons, or which violate the standards set forth in the Geneva Conventions. In his remarks submitting the amendment (copy attached), Mr. Reid made reference to the Phoenix Program of the Government of Vietnam, which is supported by the United States.

Ambassador William E. Colby, cited by Mr. Reid, has suggested that clarification would be appropriate of certain aspects of the Phoenix (Phung Hoang) Program in reference of Mr. Reid's remarks and the testimony received by the Subcommittee on Foreign Operations of the House Committee on Government Operations subsequent to Ambassador Colby's appearance there on July 19, 1971.

As described in some detail in Ambassador Colby's testimony to the Senate Foreign Relations Committee in February 1970, the Phoenix (Phung Hoang) Program of the Vietnamese Government was effectively begun in July 1968, as the result of a Vietnamese Presidential directive. United States support of this program has been principally advisory in nature, directed at improving the intelligence methods, the apprehension techniques, the legal procedures and the detention arrangements involved in the struggle of the Vietnamese against the Viet Cong infrastructure, or clandestine, subversive and terrorist apparatus. As testified by Ambassador Colby, unjustified abuse occurred in this struggle in the past, and could occur at present, but the Phoenix Program does not encompass or condone unjustifiable abuses in any way, and in fact is designed to eliminate them. United States policy in this regard was set out in MACV Directive 525–36 of 18 May 1970 (copy attached) which formalized an earlier memorandum of 15 October 1969 cited in Senate Foreign Relations Committee hearings February 1970, page 725. The Vietnamese Government in its Community Defense and Local Development Plan for 1971 includes the following provision in its Annex I covering the Phoenix (Phung Hoang) Program:

"In order to gain the confidence of the people and their support for the Government's program to neutralize the VCI, all personnel working with Phung Hoang must closely adhere to the policy of treating the population and the VCI detainees with a sense of high respect for the law and not abuse their authority in their performance of duty. Consequently, Phung Hoang committees of all echelons must concentrate on the following points in 1971:

"a. Cooperation and coordination with village, hamlet, ward, and quarter officials when performing missions in their areas, to include notification of these officials regarding the disposition of any people arrested.

"b. Screening should be performed quickly, humanely, and fairly with emphasis on immediate release o finnocent people without causing them undue trouble and annoyance.

"c. Perfection of target dossiers. Arrests are to be made only when sufficient evidence and accurate information is available.

"d. Province and City Security Committees must meet at least once a week (or more often depending on requirements) to consider detainee cases and sentence the VCI as appropriate.

"e. Notification of detainee disposition must be made to the appropriate government echelons and agencies to ensure effective monitoring."

As indicated in the Department of State's opinion, filed with the Subcommittee on Foreign Operations in response to its request of Ambassador Colby on July 19, 1971, the Phoenix Program is not violative of the Terms of the Geneva Conventions. Although certain aspects give concern in their field of due process, the Vietnamese and American Governments, working together, have brought about a number of improvements in its procedures and are cooperating in the formulation and application of additional measures to bring greater effectiveness to the struggle against the Viet Cong infrastructure and to ensure that the program meets high standards of justice. Reports of unjustified abuses predating the implementation of the Phoenix Program or involving US or Vietnamese military intelligence or combat operations should not be mistakenly ascribed to the Phoenix Program of the Vietnamese Government nor to US support thereof.

In summary, the struggle between the Viet Cong infrastructure and the Vietnamese Government is an integral part of the overall mistakenly ascribed to the Phoenix Program has brought about improvements in the effectiveness and propriety of the Vietnamese Government's conduct of this struggle. United States support of this program is conducted under the same restraints as support of other Vietnamese military and civil programs.

Sincerely,

O. WARREN NUTTER,
ASD–ISA.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

"Amendment offered by Mr. REID of New York: Page 12, line 13, strike out the quotation marks and the period immediately following such quotation marks.

"Page 13, after line 13, insert:

"'(x) No assistance shall be furnished under this Act to any nation for programs which encompass the assassination or torture of persons, or which violate the standards set for in the Geneva Convention."

Mr. REID of New York. This amendment is simple, I believe. It is directed to insuring that there are no programs through which the United States provides funds to any nation which encompasses as a program, the assassination or torture, or programs which violate the standards set forth in the Geneva Conventions.

More explicitly, my amendment would require that no U.S. funds would be furnished to programs which are characterized by a pattern of assassination or torture or other violations of the Geneva Conventions, to which the United States is a signatory. It would cut off assistance only to those programs of a nation which were characterized by such abuses, but would not deny funds to worthy programs being carried out by that nation.

This amendment is prompted primarily by the outrageous abuses which have taken place under the Phoenix program in South Vietnam.

Mr. Chairman, we have had testimony before the House Subcommittee on Foreign Operations and Government Information last month, from Ambassador William Colby, former Director of CORDS, and from a number of other persons which relate to some activities of Phoenix, which, in my judgment are violative, at the time they took place, of the Geneva Conventions. The United States is clearly on record as being a signatory to the four Geneva Conventions, which clearly proscribe and preclude such activities.

We have had testimony from eyewitnesses that clearly indicates that there have been in the past, not in the immediate present, but in the past, immediate neutralization, termination with extreme prejudice, assassination, and torture ending in death. For those who saw page 2 of the Washington Post this morning, they will see some of the details of the latest testimony, and there is a similar story by Mary McGrory in the Washington Star tonight. Unfortunately it has been a record of testimony that I think is clear, and this is the reason why we think the bill before us should be explicit with regard to our use of funds in connection with regard anything that is violative of the Geneva Conventions.

I might mention parenthetically, that Ambassador Colby has pointed out that under the Phoenix program to date, while 28,000 persons have been captured of the Vietcong infrastructure, over 20,587 have been killed.

The thrust of this amendment is not against the rallying or the bringing over to the side of the Saigon Government those in the Vietcong infrastructure. Our concern is with practices that are clearly violative of the conventions.

Mr. Chairman, let me explain the Phoenix program in more detail.

The Phoenix program is a program of the GVN, heavily supported by the United States, whose stated purpose is to "eliminate" or "neutralize" the Vietcong infrastructure—VCI. Such "neutralization" or "elimination" is accomplished in any one of three ways: Rallying; that is, inducing the VCI to surrender or come over to the government side voluntarily—capture and sentencing, or killing.

In testimony before the House Subcommittee on Foreign Operations and Government Information last month, Ambassador William Colby, former director of CORDS, the agency in Vietnam which administers U.S. support to Phoenix, stated that since the beginning of 1968 until May 1971, a total of 20,587 persons have been killed under the Phoenix program. In the same period, 28,978 have been captured.

The VCI are officially defined as the "leadership apparatus" of the Vietcong insurgency. They are nearly all civilians, including many women. Members of VC village, district, and province committees, for example, are classified as VCI. In most cases they do not qualify for "prisoners of war" status when captured. Thus Phoenix is aimed not at the elimination of armed combatants, but at the elimination of unarmed, noncombatant civilians. By analogy, if the Union had had a Phoenix program during our Civil War, its targets would have been civilians like Jefferson Davis or the mayor of Macon, Ga.

The abuses and inhumaneness perpetrated by the Phoenix program make it imperative that we cease to support it at once and do everything in our power to have the GVN stop the program dead in its tracks. Under Phoenix, civilians identified as VCI have been assassinated without any semblance of judicial process. Ambassador Colby has acknowledged this, although he states that the United States is endeavoring to prevent its recurrence. Persons detained under the Phoenix program can be incarcerated for up to 2 years without trial under a South Vietnamese law known as the An Tri Law, again without any semblance of due process. Ambassador Colby admitted that under this law a Phoenix detainee could be jailed without a trial, without right to counsel, and without adequate protection of his rights "under our concept of due process." Torture of detainees during interrogation is another hallmark of the Phoenix program. Specific instances of torture have been described under oath by witnesses before the subcommittee. Theodore Jacqueney, a former AID official in Vietnam testified:

"In every province in Vietnam there is a Province Interrogation Center—a 'PIC'—with a reputation for using torture to interrogate people accused of Viet Cong affiliations. These PICs have a CIA counterpart relationship, and in some cases also have a relationship with the AID police advisor."

Mr. Jacqueney went on to describe a instance of torture, known as the "rock and roll," of which he had knowledge. Reports of such torture have come from others as well, and they simply cannot be ignored or downplayed.

At least as shocking as the assassinations, torture, and drumhead incarceration of civilians under the Phoenix program is the fact that in many cases the intelligence is so bad that innocent people are made victims. Yesterday two former military intelligence personnel in Vietnam, Michael Uhl and Barton Osborne, testified that virtually all information identifying an individual as a VCI is unverifiable and frequently completely unreliable. Both described motives of financial gain, and sometimes pure personal vindictiveness, as factors causing Vietnamese intelligence agents to give information about an individual. Ambassador Colby admitted this problem. In response to the question, "Are you certain that we know a member of the VCI from a loyal member of the South Vietnam citizenry?"

Mr. Colby stated:

"No. . . . I am not."

Who knows how many innocent people have been assassinated or tortured in the name of the Phoenix program?

Not only Phoenix, but any program or activity conducted by a foreign nation which involves assassination, torture, or other mistreatment of civilians, or which violates the standards of the Geneva Conventions, should not receive the support of the United States. I have described Phoenix as an egregious example. Wherever other examples may exist, they too must be cut off from U.S. support. We cannot hold our heads high as a nation if we continue to condone and support programs such as this.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to address a question to the author of this amendment. I know the subcommittee of the Committee on Government Operations, of which the gentleman is a member, has been holding hearings, but this amendment came as a surprise to the committee. I suggest the gentleman's subcommittee should hold further hearings and develop the case more precisely.

It worries me that we should add to section 620 of this bill another limitation which will be very difficult to administer.

The way I read the amendment, it says that no assistance shall be furnished under this Act to any nation for programs which encompass the assassination, torture of civilians, or which violate the standards set forth in the Geneva Conventions.

To me that language is somewhat vague. It worries me that we might be buying a pig in a poke here.

I have no strong feelings. If the subcommittee would develop something and put it in a bill form, along these lines, it will be considered. We have in our programs many former projects which could bring us into violation under this limitation.

What worries me is that perhaps a group of tourists in any country might do a couple of assassinations, and under this amendment we might upset our whole aid program.

I am not so completely opposed to this. I believe the subcommittee on which the gentleman from New York serves should hold further hearings and develop some legislation, and I can promise him it will receive some consideration.

Mr. REID of New York. The chairman very kindly asked me to comment.

First, Mr. Chairman, the thrust of this amendment is to say that U.S. funds should not go to any nation which is carrying out activities in violation of the Geneva Conventions, to which we are a signatory. If we are in fact doing that now we are in violation of international law which should be supreme in matters of this kind.

The only two specifics which go beyond the Geneva Conventions mentioned in the amendment are the assassination and torture, but they are covered by an additional phrase dealing with a program, a program of assassination or a program of torture.

I do not think any person or his spouse would argue for a program of assassination or a program of torture.

Quite frankly, Mr. Chairman, both of those are explicity prescribed and covered in the Geneva Conventions. All I am trying to do is to put this House on record to show a sense of concern that we will uphold the Geneva Conventions to the extent our funds are utilized.

Mr. MORGAN. I wonder if the gentleman would explain to the House who would make the determination under his amendment?

Mr. REID of New York. I would think the Secretary of State would make this determination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REID of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

MILITARY OPERATIONS: PHOENIX (PHUNG HOANG) OPERATIONS

1. *Purpose.*—This directive establishes policy and responsibilities for all US personnel participating in, or supporting in any way, Phoenix (Phung Hoang) operations.

2. *Applicability.*—This directive is applicable to all MACV staff agencies and subordinate commands.

3. *Policy:*—

a. The Phoenix Program is one of advice, support, and assistance to the Government of Vietnam (GVN) Phung Hoang Programs, aimed at reducing the influence and effectiveness of the Viet Cong Infrastructure (VCI) in the Republic of Vietnam (RVN). The VCI is an inherent part of the war effort being waged against the GVN by the Viet Cong (VC) and their North Vietnamese allies. The unlawful status of members of the VCI (as defined in the "Green Book" and in GVN official decrees) is well established in GVN law and is in full accord with the laws of land warfare followed by the US Army.

b. Operations against the VCI include: the collection of intelligence identifying these members, inducing them to abandon their allegiance to the VC and rally to the government, capturing or arresting them in order to bring them before province security committees for lawful sentencing, and as a final resort the use of military or police force against them if no other way of preventing them from carrying on their unlawful activities is possible. Our training emphasizes the desirability of obtaining these target individuals alive and of using intelligent and lawful methods of interrogation to obtain the truth of what they know about other aspects of the BCI. US personnel are under the same legal and moral constraints with respect to operations of a Phoenix character as they are with respect to regular military operations against enemy units in the field. Thus, they are specifically unauthorized to engage in assassinations or other violations of the rules of land warfare, but they are entitled to use such reasonable military force as is necessary to obtain the goals of rallying, capturing, or eliminating the VCI in the RVN.

c. If US personnel come in contact with activities conducted by Vietnamese which do not meet the standards of land warfare, they are:

(1) Not to participate further in the activity.

(2) Expected to make their objections to this kind of behavior known to the Vietnamese conducting them.

(3) Expected to report the circumstances to the next higher US authority for decision as to action to be taken with the GVN.

d. There are individuals who find normal police work or even military operations repugnant to them personally, despite the overall legality and morality of these activities. Arrangements exist whereby individuals having this feeling about military affairs can, according to law, receive specialized assignments or even exemption from military service. There is no similar legislation with respect to police type activities of the US military, but if an individual finds the police type activities of the Phoenix Program repugnant to him, on his application, he can be reassigned from the program without prejudice.

4. *Responsibilities.*—Subordinate US commanders are to insure that the policies outlined above are strictly adhered to.

5. *Reports.*—This directive requires no report.

W. G. Dolvin,
Major General, USA,
Chief of Staff.

SPEECH BY CONGRESSMAN GILBERT GUDE TO CHEMICAL ENGINEERS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. VANDER JAGT. Mr. Speaker, many, many tasks remain to be accomplished by the Congress, by industry, and by the scientist and engineer in the cleansing of our environment. A colleague on the Conservation and Natural Resources Subcommittee, Representative Gilbert Gude of Maryland, discussed these tasks during the congressional recess before a national meeting of the American Institute of Chemical Engineers in Atlantic City, N.J.

His address outlines some of the progress that has been made but stresses the great efforts needed still. But it also suggests the great rewards of this work—the belief that we are working to pass on a cleaner, purer world to our children:

It is a very great pleasure for me to participate today in this panel discussion on the chemical engineer and the environment. As a member of the Conservation and Natural Resources Subcommittee of the House, I have been deeply involved in legislative efforts to improve our environment. One thing I have learned is that despite our nation's wealth of scientific and technical talent, we have not managed to employ this talent in solving the difficult problems of environmental pollution. If we are ever to succeed in achieving our goal of a safer and cleaner world, we will need more than just rhetoric, more than just money; we will need the brains, creativity and initiative of many individuals. Therefore, I am very pleased to see the AICE focus on this problem today.

American industry has developed a number of technological innovations that have contributed enormously to our efforts to control pollution. For example, the Monsanto Company has recently developed a catalytic oxidation process, now being demonstrated at an electric power plant, to remove sulfur oxides from stack gases.

Recently, in Puerto Rico, I inspected a secondary wash water treatment plant at Union Carbide's petrochemical facility at Quayanilla Bay, where petrochemical effluent is broken down in anaerobic and aerobic treatment ponds. Also, in the course of developing their secondary plant, Union Carbide found it feasible to recycle certain wastes which were previously discharged as pollutants.

The anaerobic bacteria are transplanted from a culture used in the production of rum at a nearby Puerto Rican rum plant. So far, the bacteria have failed to complain of the change in diet! I guess after enough rum you don't know what you're eating!

Also, in Puerto Rico, I saw one of the few operating examples of the recycling and utilization of waste heat. This was at the Commonwealth Oil Refining Corporation's facility not far from Union Carbide. The Company constructed a desalinization plant which employs waste heat to purify sea water to a quality higher than that necessary for drinking water.

Closer to home, my own State of Maryland is looking into pyrolysis techniques which involve shredding solid waste and heating it to high temperatures in the absence of oxygen. Since there is no oxygen, there is no burning and most of the material is converted to gas. Then the gases are burned, greatly reducing their volume, and producing practically no air pollution.

Despite this progress, however, a great deal remains to be done. We have not yet developed commercially viable methods of controlling nitrogen oxides. Technology to control heavy metals and other toxic substances is still inadequate. In fact, we have only recently developed the sophisticated equipment needed to detect many of these substances in the environment.

The Second Annual Report of the President's Council on Environmental Quality, released just this August, reveals that research and development expenditures for pollution control by all industry is to increase to $925.8 million in 1971. This is an increase of 25 percent over the 1970 expenditure. These figures indicate that industry realizes the commitment required.

Notwithstanding the need for research and development, many pollutants could be significantly reduced by more widespread use of current technology. The Environmental Protection Agency estimates, for example, that 95 percent of particulate emissions could be eliminated if presently available technology were put to work.

Industry is making some progress in installing pollution controls. It is difficult to get accurate figures in this area because there is a problem in separating expenditures for pollution control from those made for process changes that increase productivity. However, figures from the Council on Environmental Quality indicate that investment in pollution control equipment increased 50 percent in 1970 over 1969. In 1971 it is expected that such investments by all of business will total $3.6 billion, an increase of 46 percent over 1970.

I have not quoted these figures to convince you that all is rosy and that the problem is well on the way to being solved. This is far from true. I merely want to indicate that industry is moving and that there is a place in industry for people to work on these problems.

Ths Administration has been quick to recognize the urgency of the environmental crisis and has initiated some very innovative and practical legislation. One of the Administration's best bills, which I introduced in the House, is the Power Plant Siting Bill.

This legislation applies to all bulk power suppliers—nuclear as well as conventional—including investor-owned, Federal, State, municipal, and cooperatively owned systems.

It provides for the establishment of state, regional and federal certifying agencies to hold public hearings and certify power plant sites, facilities, and high voltage transmission lines well in advance of construction.

The utilities would be required to submit plans for proposed system expansions at least ten years ahead of construction. Hearings on site acquisition and construction permits would be held 5 and 2 years in advance, respectively.

Our Nation now faces the future alternative of blackouts and brownouts on the one hand, or haphazard consideration of the environmental issues raised by new power plants on the other. The Power Plant Siting Bill would assure early and systematic review of the need for new power facilities and their impact on the environment.

The power plants to be constructed in the future also present us with an opportunity to make use of the waste heat produced in the electric generating process. I mentioned earlier that this was being done at the Corco Facility in Puerto Rico, but waste heat from power plants presents a much more serious problem than that from refineries. About two-thirds of the total energy converted in today's power plants is expelled as waste heat. The need for vast quantities of water to condense this waste heat at low costs has drawn the power utilities to our nation's lakes, rivers, and bays. There are often harmful effects from introducing heated water from the condensers back into the waterways.

Reuse of waste heat is a form of recycling of resources, and I believe that this is the direction in which we must move. Numerous uses have been suggested, but surprisingly little research has been done in this area. One of the difficulties is that the heat is at a relatively low temperature. The amount of this heat is vast, however,—more than enough to heat all the homes in America.

Another environmental problem that requires much future research is oil pollution, an almost inevitable result of our oil-based economy. The extent of oil pollution in the world's seas is great and becoming greater every year. Spills while loading and unloading tankers, through the pumping of bilges, through tanker accidents, and through losses during exploration, all result in pollution. In addition, much of the oil pollution in the coastal regions results from used petroleum products passing untreated through the municipal sewer systems and then being discharged into the waters.

This pollution will continue to increase as our needs increase, as more oil is transported in ever larger tankers, and as production is shifted to the more hazardous areas such as Alaska, the continental shelf and the deep ocean.

Floating masses of crude oil on the oceans and the presence of crude oil on beaches are now common occurrences. Oil is found in the stomachs of surface feeding fish, and finely dispersed hydrocarbons occur in marine plants and in the fat of fish and shellfish. The full extent of this contamination is virtually unknown. The possible harmful results of this situation are staggering. One of the many problems is cancer. The carcinogenic effects of the chemicals in petroleum have been known for some years now. The effect of crude oil and oil products on man was first noted when a high incidence of skin cancer was observed in some refinery personnel. Better plant design and education have since reduced this hazard.

When oil is spilled into the environment, however, we lose control over it. Marine organisms ingest and retain hydrocarbons which are transferred to and retained by predators. Shellfish can cleanse themselves of the human waste which is so often discharged untreated or poorly treated from our municipal sewage plants, but they cannot perform this remarkable feat with hydrocarbons. Thus, animals that were not directly exposed to a spill can be contaminated when these chemicals get in their food chain. This has grave implications for commercial fisheries and for human health. The eating of oil-contaminated fish and shellfish at the very least increases the body's burden of carcinogenic chemicals.

I am particularly interested in this problem because the Chesapeake Bay in Maryland is a great financial and recreational resource to my state. The Chesapeake Bay is the queen of America's estuaries, and we want her to retain her crown.

It has been estimated that 70% of the fish caught off the Eastern seaboard spend some portion of their lives in the nutrient-rich, low salinity area of the Chesapeake Bay. The Bay produces 25% of the total world catch of crabs, 50% of all soft shell clams caught in the nation, and 50% of the nation's oysters. Of the 10,100,000 striped bass caught along the Atlantic coast in 1970, nearly 6,000,000 were caught in the Chesapeake Bay.

Not only chemical engineers, but biochemists, biologists, oceanographers and others with a background in the physical sciences are needed for oil pollution work. It is a vitally important issue not simply because of the economic value of the seas, but because of the great importance of the seas in the ecological life-cycle of this planet.

This month, after a study of oil pollution in the Chesapeake Bay, I made a number of recommendations on how to alleviate this problem.

Among the things I recommended were: strict standards for vessel design, construction, maintenance, and operation in order to reduce the chances of major spills.

I also recommended that the Secretary of Transportation should be authorized to levy assessments on the pollution potential of the oil companies operations in a given area. This would give incentive to the companies to invest in the needed preventive facilities and clean-up equipment. Those that failed to do this would have to contribute to a fund to be used for the development and implementation of oil spill clean-up plans administered by the Coast Guard.

In my remarks, I have tried to give you some indication of how industry and government have responded to the crisis of the environment. It will no doubt be emphasized many times during this panel discussion that what is very much needed today is the dedication and creative energy of men with valuable specialized knowledge.

Everyone, but especially people in fields such as chemical engineering, should consider the environmental effect of proposed projects. Section 102(2)(c) of the National Environmental Policy Act requires that any federal agency proposing legislation or planning to undertake action significantly affecting the environment must file an impact statement with the Council on Environmental Quality. I would hope to see industry make such studies part of their standard procedures, and, indeed, it would also be effective if individuals made a similar commitment in their personal lives.

A poster in New York's subway asked "Did you make New York dirtier today?" Under it someone scrawled: "No, but New York made me dirtier today!" Because of New York's mountains of problems and dirt, we seldom talk much about the good things New York has produced. Similarly, the day is approaching when the good things our technology and economy have produced may be forgotten amid the resulting dirt and grime. It may be that our children will look upon us as destroyers, not builders. But this need not be.

All of us work hard to provide for our future and the future of our children. One of the best things we can do for their future is to work to eliminate the health and safety hazards of a polluted environment. The talents of the chemical engineer can be invaluable in this effort. To be able to fish with your children in a clear, unpolluted river, or to walk with them on a clean unspoiled beach, and to know that you are playing a role in preserving this natural heritage for them can be a most rewarding experience. Ecology is its own reward!

VEYSEY CITES MEXICO'S CULTURAL CONTRIBUTIONS TO AMERICAN LIFE IN OBSERVANCE OF NATIONAL HISPANIC HERITAGE WEEK

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. VEYSEY. Mr. Speaker, in recognition of Mexican Independence Day, the Congress requested in 1968, that the President designate a week to include September 15 and 16 as National Hispanic Heritage Week. I join President Nixon in extending warm greetings to our Hispanic friends and neighbors on both sides of the border.

On this happy occasion I would like to offer some thoughts on our relations between Mexico and the United States.

It was on September 16, 1810, that Padre Miguel Hidalgo ordered the "Grito De Dolores," the battle cry of the Mexican Revolution. The years that followed were long and bitter ones for Mexico as she tried to break the bonds of the conquerors, create her own national unity, and overcome the social and economic problems confronting a young nation.

The Mexican Revolution of 1910, which brought so many thousands of Mexicans into the United States created fresh pride in the ancient heritage of the Mexican race and a new sense of identity. This also meant the beginning of a new era for the Mexican American in the Southwest. It has meant a political awakening which has led Mexican Americans to participate both as citizens who cast their vote at the polls and as candidates for office. It has also involved a social awakening in which Mexican Americans have begun to insist upon fulfillment of the civil rights guaranteed to them by the U.S. Constitution and by the treaty of Guadalupe-Hidalgo of 1848.

Today Mexican Americans' contributions to the industrial, agricultural, artistic, intellectual, and political life of the Southwest cannot be measured solely in terms of present day accomplishments. It is certain that the Southwest as we know it would not exist without the Mexican-Spanish heritage. What sets off New Mexico from Oklahoma and differentiates California from Oregon is in large measure the result of the activities of the ancestors of our citizens of Mexican descent.

In many sections of the Southwest, particularly along the border from San Diego, Calif., to Brownsville, Tex., Mexican Americans are the majority population, and their language and culture serve to provide the entire region with much of its distinctiveness. The American way of life has been and is being immeasurably enriched by their presence north of the present-day international boundary.

Today Mexican Americans are represented in all walks of life in this country. Civil servants, U.S. Senators and Representatives, lawyers, social workers, teachers and scholars, artists and architects, the diplomatic corps, and the medical profession all attest to the true potential of these American citizens.

As with cultures brought by other immigrants to these shores, Americans have absorbed Hispanic-Mexican ideas, art, and customs, changing them to fit the American way of life. In recent times many people have rediscovered the richness of the Hispanic-Mexican inheritance in our own backyard. Their inherent love of the land, their emphasis on close family bonds, their customs of worship and their deep religious devotion, have contributed to the cultural well-being of the United States. The great gardens of the Mexican missions in California where olives, limes, dates, figs, oranges, lemons, and grapes were first adapted to U.S. soil have been the seed beds for millions of acres of groves and vineyards throughout the United States.

Mexican mining techniques in copper, gold, and silver formed the basis for present-day mining processes. Without these processes most of the richest mines in the West could not have been properly developed.

The American cowboy is directly inherited from the Mexican vaquero. The superb horsemanship of the Mexican cowboy was again established in last year's Olympics competition.

In time of war U.S. citizens of Latin American descent have established an outstanding record of bravery, loyalty, and patriotism in fighting for this Nation's cause. During World War II, 500,000 Mexican Americans served in the Armed Forces.

Long may the policy of "Buen Vecino" flourish between us. Long may we both remain free. Long may we both be able to congratulate each other on our Independence Days. The 16th of September is a holiday and an occasion that crosses the border. May our common boundary always remain an open door encouraging good will among the people of our two nations.

WHO REPRESENTS THE PUBLIC?

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. DEVINE. Mr. Speaker, an editorial was recently broadcast by radio station WMNI in Columbus, Ohio, by Bill Mnich, president. This editorial is worthy of consideration by all of our colleagues, and has to do with the serious question of "who represents the public." The editorial follows:

EDITORIAL

Lobbying in this country, whether it be in Congress, the Ohio General Assembly, or City Council, is big business. Special interest groups maintain offices in the Nation's Capital and retain a full staff of workers to "buttonhole" legislators and argue for, or against legislation that will be beneficial or detrimental to the group they represent. The same is true in the state legislatures, but on a smaller scale. But who represents the public? You and me?

So often when an important piece of legislation is being considered, the lobbyists are the only ones to turn out to present their cases. This will prompt the lawmakers to lament the fact that "the public" is apathetic since no representative of the public showed up. But, that assumption is wrong! *The legislator is the representative of the public.* He or she is the person the voting public has chosen to be their spokesman and if congressmen don't recognize that fact, they have no business serving in the General Assembly. After all, the so-called "other side" or public doesn't have time to run down to the legislature interested or concerned. These people are the working productive backbone of the community. Their spokesmen are the people they elected to protect their best interests. Sometimes, however, elected officials tend to forget that fact. We urge all legislators to quit governing by pressure or fear of any kind. After all, there are 10 million people in Ohio and 200 million in the United States *not* in your office—they are the ones *you* represent, Mr. Legislator!

CONGRESSIONAL CONCERN OVER DEFENSE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. SCHMITZ. Mr. Speaker, Gen. Bruce K. Holloway, commander in chief, Strategic Air Command, said:

> This country is in greater danger today than it was at the time of Pearl Harbor or at any time, in my judgment, since the 18th century, but the danger isn't generally recognized.

Just prior to the August congressional recess, more than 80 Congressmen took the floor in the House of Representatives to demonstrate their concern about the rapidly declining defense capabilities of the United States. The week before, a number of Senators had voiced similar sentiments.

There is now little doubt in the mind of any informed person that the United States is inferior to the Soviet Union in practically every aspect of military power. What is worse, this disparity in strategic forces is growing worse due to a combination of Executive restraint in hopes of progress at the SALT talks, congressional criticism, and growing pressure from numerous disarmament lobbies chanting about reordering priorities.

Congressman F. EDWARD HÉBERT, chairman of the House Armed Services Committee, spoke about the U.S. failure to acknowledge repeated warnings from the House Committee responsible for our defenses, that our military forces are being seriously depleted. He then inserted into the CONGRESSIONAL RECORD the entire foreword from the 1971 edition of the authoritative English publication "Jane's Fighting Ships," so that all those interested might grasp the extent of our naval decline.

Jane's reported that "by any standard the Soviet Fleet now represents the supernavy of a superpower," while "the size and relative capabilities of the U.S. Navy continues to decline at what many authorities consider to be an alarming rate." Jane's also pointed out that the Chief of U.S. Naval Operations considered our naval force to have fallen below a "prudent level." It stated "the Soviet Navy has already exceeded the United States in active surface ship and submarine numbers," while at the same time "in some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterparts."

Information brought to light during this congressional colloquy relating to other areas of our Nation's sagging defenses was as disturbing as that concerning the state of our Naval forces.

Dr. John S. Foster, Director of Defense Research and Engineering, testified before the Senate Armed Services Committee in April that the former estimate that the Soviets would not be able to destroy an unprotected land-based Minuteman missile force until 1975 had been rendered "obsolete" by Soviet construction of new missile silos. Recent information that the Soviets are proceeding with this construction of what appear to be two new generations of intercontinental ballistic missiles at a "high start rate" —read—unexpectedly rapid pace— should put to rest any assertions that they are building strategic forces simply for purposes of deterrence.

U.S. deterrence of the Soviet Union has been based on being able to deliver 300 warheads on target after absorbing a Soviet strike. The Soviet Union is now able to deliver many times that number on the United States even if we decided to strike first.

The sorry state of our strategic bomber force was also a subject of comment. In 1961 we had 1,500 aircraft in our manned bomber inventory. Today, with a force level of 435 B–52's, we have one-third that number. By the time the B–1 advanced strategic bomber comes into the inventory—if it ever does—we will probably be reduced to a bomber force consisting of 255 B–52's due to the necessary retirement of older models in the meantime. While as our bomber force decreases, the number of Soviet nuclear ballistic missile submarines which pose a threat to our bomber force is rapidly increasing.

Small wonder many citizens are not aware of the dire peril into which our Nation is drifting when despite the unusual number of Congressmen participating in this effort, covering 104 pages in the CONGRESSIONAL RECORD, and despite the startling nature of the facts brought forth, News Perspective International reports that—

> Not one national television news show featured this story; not a line of it appeared in the New York Times nor the Washington Post, and so far as the Congressmen could immediately determine neither the Associated Press nor United Press International carried it on their national wires.

If this news blackout on the danger our country faces continues, we will not respond adequately or in time. When the Soviet Union wants to start a war, it will not be deterred by weakness.

NATIONALITIES SERVICES CENTER HONORS DR. HENRY B. OLLENDORFF

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. VANIK. Mr. Speaker, this Friday, September 17, the Nationalities Services Center of Cleveland, Ohio, will hold its fifth annual Golden Door Award Ceremony.

The Nationalities Services Center, a community based organization, is charged with assisting new residents from abroad who settle in the greater Cleveland area.

Each year the Nationalities Services Center recognizes an outstanding citizen of foreign birth for contributions and achievements made to our American way of life.

This year's recipient will be Dr. Henry B. Ollendorff, the founder and guiding light of the Council of International Programs for Youth Leaders and Social Workers, Inc. The principal speaker at Friday's award ceremony will be Mrs. Laura Fermi, widow of the late Enrico Fermi, the great Italian-American who did so much to unlock the secrets of the atom. Mrs. Fermi is very famous in her own light as the author of many widely read books on science, politics, and, most recently, a book entitled "Illustrious Immigrant."

The Nationalities Services Center should be commended and thanked by the entire greater Cleveland community for their untiring efforts to call the attention of all Americans to the gifts which immigrants to this country have contributed to the quality and diversity of American life. Over the years the greater Cleveland community has been the terminal point for peoples from many diverse lands and cultures. These people have become Americans and contributed to the growth of our Republic, but they have also remembered their homelands and have thus contributed the gift of many cultures and diverse ideas to this new land. Best wishes to the Nationalities Services Center for a successful awards meeting this year and in the years to come.

I also want to say that the center could not have chosen a better man to honor than Dr. Ollendorff. I have known Dr. Ollendorff ever since I began my activities in public life in Cleveland. While I was a student at Western Reserve University, I served as a volunteer with Dr. Ollendorff in the University Settlement and the Hiram House.

This wonderful man has spent his entire life in serving his community and making Cleveland a better place in which to live. He deserves the gratitude of every citizen.

Mr. Speaker, I would like to enter at this point in the RECORD a biographical sketch of Dr. Ollendorff:

BIOGRAPHICAL DATA: HENRY B. OLLENDORFF

Henry B. Ollendorff was born and raised in Germany, and received his Doctor of Laws Degree from the University of Heidelberg in 1929. In 1938, he came to the United States and later graduated from the New York School of Social Work of Columbia University. He came to Cleveland in 1940 to work at Friendly Inn Settlement. In 1948, he became the Executive Director of the Neighborhood Settlement Association—the first federated city-wide settlement agency in the U.S.A. Under his leadership, new neighborhood centers were established in many Greater Cleveland areas.

In 1954, he went to West Germany as a U.S. Specialist in Social Group Work, through the International Educational Exchange Service of the U.S. Department of State. During that time, he taught a social group work seminar for a selected number of German youth leaders and group workers.

This program now brings to the United States each year 180 social workers and youth leaders from 60 European, Near Eastern, Asian, African and Latin American countries. The five city Programs in Chicago, Cleveland, Columbus, Minneapolis, St. Paul, Philadelphia and the newest program in West Virginia are members of the "Council of International Programs for Youth Leaders and Social Workers".

Presently Mr. Ollendorff serves as a member of the U.S. Committee of the International Conference on Social Welfare and of the Commission on International Social Work of the Council on Social Work Education.

The Rotary Club of Cleveland presented Mr. Ollendorff with its International Service Award in 1959. He has been decorated by the West German Government with the Order of Merit, in recognition of his contributions toward better understanding between this country and Germany. He is also the recipient of the French Order of Merite Social.

Mr. Ollendorff lives with his wife, Martha, at 3607 Northvale Boulevard in Cleveland Heights, Ohio. They have two children: Frank Ollendorff and Mrs. Sanford Kaplan.

INCENTIVES FOR CITIZEN PARTICIPATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. MIKVA. Mr. Speaker, I am pleased to introduce a bill to authorize reduced postage rates for certain mail sent to Members of Congress. I introduce this legislation because of my conviction that we must remove any barriers that interfere with the freedom of citizens to express their views on national issues to their elected representatives—even if it is only an 8-cent stamp. Because each Member of Congress is responsible to his constituents, channels of communication must remain open. The issuance of a 1-cent stamp for mailing letters to Members of Congress encourages the constituent to make use of these channels so that he may express his concern for the important questions that face Members of Congress daily. Let us make it as easy as possible for those who wish to participate in our democratic system through the use of correspondence.

Opponents of this idea have argued that a lowering of postal rates for Congressional correspondence will result in an inundation of mail to congressional offices so voluminous that the offices will not be able to handle the mail effectively. As Congressmen, we must be available to our constituents—aware of their positions and their wishes. To hope that the high postal rates will discourage such availability is wrong. I urge the House Committee on Post Office and Civil Service to seriously consider this legislation.

RISING CRIME RATE CALLS FOR TEACHING STANDARDS IN SCHOOLS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. BENNETT. Mr. Speaker, the recent Federal Bureau of Investigation report on crime in the United States shows an 11-percent increase in crime in 1970 over 1969, and that the national crime rate has increased 144 percent since 1960.

Further, during the decade of 1960–70, arrests of persons under 18 years of age more than doubled while the population in this age group, 10 to 17, rose 29 percent.

It is apparent—

The FBI report stated—

> The involvement of young persons measured by police arrests is escalating at a pace almost four times their percentage increase in the national population.

The report also says:

> Crime is a social problem and the concern of the entire community.

This is a national problem, and with so many of America's youth involved, we need to do everything we can to reverse the high and continuing climb of crime in the United States.

President Nixon warned of the consequences of our country turning to crime in a speech in Kansas City in July and said we were approaching the decadence that destroyed history's great civilizations.

The President said:

> I think of what happened to Greece and to Rome, and you see what is left—only the pillars.

He also suggested a way out of this decline in a speech to the Knights of Columbus in New York City, August 19, 1971:

> When we talk about character of a nation we must never forget that character depends upon the individual character of 200 million Americans. Where does that come from? It comes from the home. It comes from the churches. It comes from the schools of this Nation. There is where the character of the next generation, the coming generation, is being forged.
>
> We must see to it that our children are provided with the moral and spiritual and religious values so necessary to a great people in great times. And . . . at a time we see those private and parochial schools which lay such stress on these religious values, as we see them closing at the rate of one a day, we must resolve to stop that trend and turn it around.

There is a great need today in America for broad instruction in the development of man's moral and ethical values. Those who need it most, receive it least. The study of criminal laws and why each has been enacted and why they must be obeyed if society is to survive would be one thrust of such education. A program of ethical studies can be developed in the elementary and secondary schools of our Nation. The Federal Government can give stimulus to this through the financial grant procedure.

I have introduced legislation, along with cosponsors from all parts of country, to accomplish this—H.R. 8782—and copy of the bill follows this speech. The court decisions prohibiting teaching religion in public schools do not prohibit what the legislation calls for.

This bill is a direct answer to the problem of filling the vacuum evident today in American life, in our ethical and moral life, as pointed out by the President.

Members of Congress interested in joining me in the sponsorship of this bill are invited to call my office, extension 52501, as the bill will be reintroduced with additional cosponsors in the near future.

The bill follows:

A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 810. (a) The Commissioner shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years."

SEC. 2. Section 804 of such Act is amended by inserting after "this Act" the following: "(other than section 810)".

HOUSE OF REPRESENTATIVES—*Thursday, September 16, 1971*

The House met at 12 o'clock noon.

Rev. John M. Crosby, St. Mary's Rectory, Riverside, Ill., offered the following prayer:

O God, bless these men assembled here, the work they do, and the goals that they foresee. They came here as the wise men from afar, from the center, the sides, and the corners of our land. May they be dedicated to the people who have chosen them, and to the people for whom they have been chosen. Help them, O God, to play a worthy part in the drama of our world, to reach out beyond the horizons of this building to embrace a troubled land. Save them from the narrowness of the provincial and the blindness of self-interest. Teach them to love as You love, to give as You give. Direct their actions, O Lord, and by your inspiration may they come to completion.

Through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 234. An act to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2495. An act to amend the District of Columbia Election Act, and for other purposes.

RESIGNATION FROM THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER laid before the House the following resignation from the American Revolution Bicentennial Commission:

WASHINGTON, D.C.,
September 14, 1971.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my position as a member of the American Revolution Bicentennial Commission.

With every good wish,

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provision of section 2(b), Public Law 89–491, as amended, the Chair appoints as a member of the American Revolution Bicentennial Commission, the gentleman from Pennsylvania, Mr. WILLIAMS, to fill the existing vacancy thereon.

POSTPONE SOCIAL SECURITY TAX INCREASE

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, the current discussion on our economy has evoked much debate on how to help business get back on its feet.

But we seem to have forgotten the man who is really hurt by the inflationary spiral. I am talking about the middle and moderate wage earner. How do we help him meet the needs of every day living?

One way would be to postpone the scheduled social security tax increase. In January 1972, the tax base on employees and employers is scheduled to be increased from $7,800 to $9,000 a year. In other words, the employee will be taxed 5.2 percent on his earnings up to $9,000 in 1972.

Thus, while we are talking about speeding up the amount a person may deduct from his personal income taxes, this will be eaten up by an increase in social security taxes.

So, while we give with the one hand, we take with the other. I favor moving up the timetable on personal deductions to allow a taxpayer to deduct $750 in 1972 instead of 1973. But this $50 increase will be taken away by the increase in social security taxes.

Mr. Speaker, to spur our economy, to get more money into circulation and, thus, lower unemployment, we should, first, speed up the scheduled personal income tax deduction and, second, postpone the scheduled social security tax increase.

These actions, I contend, would do more for our economy by helping the middle and moderate wage earner meet the needs of every day living.

AMENDING LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies, with Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, after the second line following line 6, insert:

SEC. 3. (a) The fifth sentence of section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is amended to read as follows: "Each such supplemental authorization resolution shall include a specification of the amount of all supplemental funds sought by that committee for expenditure by all subcommittees thereof under such resolution and the amount so sought for each such subcommittee. Each such supplemental authorization resolution shall amend the annual authorization resolution of such committee for that year unless the committee offered no annual authorization resolution for that year, in which case the committee's supplemental authorization resolution shall not be an amendment to any other resolution and any subsequent supplemental authorization resolution of such committee for the same year shall amend the first such resolution offered by the committee for that year. Each such supplemental resolution reported by such committee shall be accompanied by a report to the Senate specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year."

(b) Section 133(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a(g)) is further amended by adding at the end thereof the following new sentence: This subsection shall not apply to any resolution requesting funds in addition to the amount specified in such section 134(a) and which are to be expended only for the same purposes for which such amount may be expended."

(c) The amendments made by subsections (a) and (b) of this section are enacted by the Senate as an exercise of its rulemaking power, and such amendments are deemed a part of the Standing Rules of the Senate, superseding other individual rules of the Senate only to the extent that such amendments are inconsistent with those other individual Senate rules, subject to and with full recognition of the power of the Senate to enact or change any rule of the Senate at any time in its exercise of its constitutional right to determine the rules of its proceedings.

Page 3, after the second line following line 6, insert:

SEC. 4. (a) The Secretary of the Senate shall, upon the written request of any individual whose compensation is disbursed by the Secretary, pay such compensation by sending a check to a financial organization designated by that individual and drawn in favor of such organization and by specifying the individual to whose account (including an account providing for the purchase of shares) the payment is to be credited. No reimbursement shall be required for the sending of any such check.

(b) If more than one individual making a request under subsection (a) of this section designates the same financial organization, the Secretary may pay such compensation by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those individuals and by specifying the amount to be credited to the account of each of those individuals.

(c) Payment by the United States of a check, drawn in accordance with this section and properly endorsed, shall constitute a full acquittance for the amount due to the individual making any such request.

(d) The Secretary of the Senate is authorized to promulgate rules and regulations to carry out the provisions of this section.

(e) For purposes of this section, "financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

Page 3, after the second line following line 6, insert:

SEC. 5. (a) Section 202(g) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a (g)) is amended to read as follows:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made—

"(1) the person appointed pursuant to such a request under subsection (a) may serve in addition to any other professional staff members authorized by such subsection and may be paid from the contingent fund of the Senate until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy; and

"(2) the person appointed pursuant to such a request under subsection (c) may serve in addition to any other clerical staff members authorized by such subsection and may be paid, until otherwise provided, from the contingent fund of the Senate."

(b) Section 202(j)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j)(1)) is amended by adding at the end thereof the following new sentence: "Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee."

Page 3, after the second line following line 6, insert:

SEC. 6. Clause (2) of the first section of the joint resolution entitled "Joint Resolution relating to the payment of salaries of employees of the Senate", approved April 20, 1960 (2 U.S.C. 60c–1), is amended by inserting immediately after "holiday" the following: "(including any holiday on which the banks of the District of Columbia are closed pursuant to law)".

Page 3, after the second line following line 6, insert:

Sec. 7. (a) Subsection (b) of section 491 of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b–1(b)) is amended to read as follows:

"(b) A person shall not serve as a page of the Senate or House of Representatives—

"(1) before he has attained the age of sixteen years; or

"(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of eighteen years."

(b) Subsection (f) of such section is amended to read as follows:

"(f) Subsection (b) of this section shall become effective on January 3, 1971, but the provisions of such subsection limiting service as a page to any person who has attained the age of sixteen years shall not be construed to prohibit the continued service of—

"(1) any page of the House of Representatives appointed prior to the date of enactment of this Act; and

"(2) any page of the Senate appointed prior to the date of enactment of the section which enacted into law this clause."

Page 3, after the second line following line 6, insert:

SEC. 8. Section 235 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1175) is amended by adding at the end thereof the following new subsection:

"(c) A committee of the Senate, or a joint committee whose expenses are disbursed by the Secretary of the Senate, shall reimburse the General Accounting Office for the salary of each employee of that office for any period during which that employee is assigned or detailed to such committee or joint committee."

Page 3, line 7, strike out [3.] and insert: 9. (a)

Page 3, line 7, after "by" insert: the first section, section 2, and section 5 of

Page 3, after line 8, insert:

(b) Sections 4 and 6 of this Act shall become effective as of July 1, 1971.

Page 3, after line 8, insert:

(c) Section 8 of this Act shall become effective on March 1, 1972.

Amend the title so as to read: "An Act to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SMITH of California. Mr. Speaker, I reserve the right to object, and I shall not object, but inasmuch as this is a slight change in the reorganization bill which all Members considered last year, I would like to take this reservation, so the gentleman from California may explain to the House the nature of the changes.

I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I thank the gentleman from California for yielding.

As the gentleman recalls, the House Rules Committee reported H.R. 4713 to the House in February of this year. It passed the House without amendment by a voice vote on March 2 and was sent to the Senate for consideration by that body.

The bill had only one purpose—to continue the authority of the House committees to expend counterpart funds while traveling abroad. The bill was needed because of language contained in the Legislative Reorganization Act of 1970 which transferred legislative oversight responsibility from the statutes to the House Rules, thus inadvertently removing counterpart funds in the statutory direction to travel abroad for congressional investigations. H.R. 4713 merely restates the authority in statute form.

The other body passed the bill on August 6 with a series of amendments which, of course, have been read by the Clerk. Most of the amendments are strictly internal Senate housekeeping matters with which I am sure we will have no particular concern. However, two of them are especially interesting to the House.

One Senate amendment provides authority for professional staff members of joint committees to be paid out of the contingent funds of the Senate for specialized training—as was authorized in H.R. 17654 for professional staff members of standing committees of both Houses of Congress. Therefore, in accepting the Senate amendments, I am offering a further amendment, by direction of the House Committee on Rules, to H.R. 4713 which provides the same right of training for the professional staff of joint committees whose expenses are to be paid from the contingent funds of the House.

The second amendment of interest to the House is the one where the other body agreed to the House position with respect to the ages of pages; the minimum age is increased from 14 to 16. This should simplify some of the problems with respect to the John W. McCormack Page School and Dormitory.

Mr. SMITH of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. SISK

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I move to concur in the Senate amendments with an amendment which I offer.

The Clerk read as follows:

Mr. SISK moves to concur in the Senate amendments to H.R. 4713 with the following amendment: In subsection (b) of Senate amendment numbered (3) on page 5 of the Senate engrossed amendments insert "or by the Clerk of the House" immediately after "by the Secretary of the Senate."

The motion was agreed to.

The Senate amendments, as amended, were concurred in.

A motion to reconsider was laid on the table.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1746) to further promote equal employment opportunities for American workers.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1746.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read the first section of the bill, ending on page 1, line 4, and there was pending the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. DENT. Mr. Chairman, I rise in opposition to the Erlenborn amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the distinguished Speaker.

Mr. ALBERT. Mr. Chairman, I refer the Members to the very convincing arguments which the gentleman from Pennsylvania made yesterday. I believe that all Members of the House, whether they support the committee or whether they support the Erlenborn amendment, are in favor of equal employment opportunities for all citizens. The time has come to implement that desire.

Mr. Chairman, the economic and social conditions in our Nation in this, the latter half of the 20th century, continue to frustrate the principles of equal rights and equal opportunities envisioned by the founders of this Nation. We are constantly reminded, by statistics from Government agencies, by articles in the Nation's press, and by the increasing burdens upon this country's social welfare programs, that there exist serious economic and social deficiencies in our society. The facts are unassailable. They indicate that minorities and women have borne, and continue to suffer discrimination in employment, education, and other vital aspects of their existence. Discrimination in employment continues as the major aspect of this inequity, and constitutes a systemic denial of essential economic and social progress, stemming from congressional failure to enact effective enforcement provisions to enable the Government to combat these discriminatory employment practices, minorities and women continue to be treated as second-class citizens and are denied the jobs for which they properly qualify. H.R. 1746, the Equal Employment Opportunities Act of 1971, introduces effective and long-overdue enforcement provisions with which to attack the framework of employment discrimination.

The House Committee on Education and Labor, after extensive hearings and careful consideration of the various enforcement schemes available to insure compliance with the national policy of equal employment has determined that the administrative cease and desist powers embodied in H.R. 1746 will best attain equal employment for all citizens. However, the opponents to H.R. 1746 propose to strike down the administrative cease and desist enforcement provisions of H.R. 1746, and substitute therefor a method of direct court enforcement. In my judgment most of the opposition to our expressions of concern about this bill will be allayed by the Dent substitute.

The present EEOC backlog of cases is cited as conclusive that further delays would result if the additional administrative steps proposed by H.R. 1746 were introduced. This argument, however, ignores the major causes for the current backlog. Because of the lack of any effective enforcement provisions in the Commission, recalcitrant employers have had little reason to strive for successful settlements during the conciliation process. They are well aware that the final burden for obtaining compliance rests with the aggrieved individuals who must bring suit against them in the courts. Therefore, after a pro forma attempt at settlement, many employers will simply refuse to conciliate any further. This ineffectiveness of the conciliation process without adequate enforcement is clearly borne out in the Commission's fifth annual report which shows that in fiscal year 1970, there were only 225 successful conciliations out of 17,000 charges filed. In addition, it is well known that EEOC appropriations have repeatedly been far short of the needs of the agency. This has resulted in the Commission's inability to hire the required investigators and conciliators who are essential for prompt processing of complaints.

The opponents also seek to justify their position by arguing that the administrative cease-and-desist process would be inherently unjust as administered by the EEOC, and that protection of the principles of justice requires that these cases be heard only in the Federal courts. In support of their position, they claim that the EEOC, as an advocate of civil rights, cannot be fair in its assessment of title VII cases. They also claim that the procedures under title VII presume a party's guilt before he has been properly heard. Therefore, the agency making the initial finding cannot also adjudicate the final order. In my opinion, neither of these statements is correct.

In the first instance, while it is true that the EEOC has been a strong advocate of civil rights, its lack of enforcement powers has forced it to seek other forms of insuring compliance with the provisions of title VII. Because it could not enforce the rights of aggrieved individuals who had filed complaints before it, the EEOC has resorted to other forms of technical and moral assistance to those individuals. The EEOC's participation as amicus curiae in title VII suits across the Nation has been the only role that it has been able to play in the enforcement process, and it certainly cannot be condemned for its efforts in this area. EEOC statistics also show a great objectivity in its treatment of the charges that it receives. For example, the Commission has dismissed over 50 percent of the charges filed with it, and its findings are frequently much less harsh than findings in similar cases by the courts.

The claim that the EEOC is too biased to properly adjudicate the issues in a title VII case also ignores the procedural safeguards that are provided by law in the administrative process. Hearing examiners, for example, are hired by the Civil Service Commission and not by the EEOC. To qualify, applicants for the position of hearing examiner must pass stringent guidelines and requirements set by the Civil Service Commission. Cases are submitted in rotation to hearing examiners on a predetermined scheduled, and all proceedings are conducted on the record to insure adequate judicial review wherever a party feels that there has been bias. The Administrative Procedure Act, which governs the entire Federal hearing process also has numerous procedural and substantive safeguards to protect rights of all parties.

In essence, the argument supporting court enforcement over the administrative cease and desist enforcement provisions of H.R. 1746 is not justified. The assertions that court enforcement provisions would provide more expenditious relief for an aggrieved party are not supported by existing facts. Title VII suits are not simple civil or criminal actions. Their complexity and frequently obfuscated factual development is well recognized among courts and practitioners alike. To inundate the courts with a massive upsurge of title VII cases requiring expenditure of large segments of a court's time and resources would not serve the ends of justice. It can only serve to further aggravate strained court dockets, and lead to longer delays for all litigants in the Federal Courts. The complexity of issues and the need for expertise in developing title VII litigation requires that the courts be left free to review those situations where it is determined necessary, while leaving the development and ordering of the case to an administrative process better suited to recognizing the problems of this specialized area. The Administrative Procedure Act provides adequate safeguards for all parties to insure an equitable determination of all complaints. The pretext of protecting the individual by sending him to an overworked and unwilling judiciary, cannot be allowed to subvert the pressing need to eliminate employment discrimination.

By denying the EEOC the power to enforce its own findings, the opponents seek to reduce the agency to second-class status. In like manner, they would relegate the enforcement of civil rights to secondary significance and would imply that those individuals whose civil rights have been denied are no better than second-class citizens.

Mr. Chairman, I believe that the committee has the solution which will work. I oppose the Erlenborn amendment. I trust the House will support the position taken by the gentleman who is managing the bill.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the distinguished majority leader.

Mr. BOGGS. First, Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Chairman, reserving the right to object, I ask the distinguished gentleman to defer that request until after we have heard the first 5 minutes. Otherwise I shall be constrained to object.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his request?

Mr. BOGGS. Mr. Chairman, my good friend from Missouri has that authority, and of course I am happy to defer the request and let the gentleman proceed.

Mr. PERKINS. Mr. Chairman, I make the point of order that a quorum is not present. We should have more Members on the floor during this debate.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 260]

Abbitt
Abourezk
Anderson, Tenn.
Baring
Blatnik
Celler
Chamberlain
Chisholm
Clark
Clawson, Del
Collins, Tex.
Dellums
Derwinski
Diggs
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Ford, William, D.
Fraser
Frey
Gallagher
Goldwater
Griffiths
Gubser
Hansen, Wash.
Hastings
Heckler, Mass.
Jarman
Johnson, Pa.
Karth
Long, La.
McCulloch
McEwen
McKinney
Macdonald, Mass.
Mollohan
Montgomery
Murphy, Ill.
Passman
Railsback
Rooney, Pa.
Rosenthal
Roybal
Sebelius
Shipley
Shoup
Stafford
Stokes
Sullivan
Teague, Calif.
Tiernan
Ullman
Vander Jagt
Widnall
Wilson, Bob

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Adams, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 1746, and finding itself without a quorum, he had directed the roll to be called, when 377 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. Dent) has 4 minutes remaining.

Mr. DENT. Mr. Chairman and Members, I rise in opposition to the Erlenborn substitute amendment. I do so because I believe it is important to explain just what we intend to do on our side this afternoon.

We will let the Erlenborn amendment come to a vote of the House without offering any amendments whatsoever to it. I believe the issue has to be clear cut. I do not believe anyone is naive enough to feel that we are trying to fool anybody. Some of us believe it is so important that we now clarify the issue to the point we know exactly what we stand for and what our vote means.

There can be no plea of ignorance, because in yesterday's actions I introduced into the Record, following the Erlenborn substitute, the substitute which I had prepared for the Erlenborn amendment. So each Member of Congress must now in good conscience admit he knows exactly what he is voting for.

He is asked to vote to continue the most undemocratic process ever given to any governmental agency since the writing of the Constitution, when he is asked to give to the Department of Labor, under its contract compliance functions, the right to absolutely set aside contracts duly presented under the rules of contract agreements in the Federal Government.

They walk in and say, "You must do this or your contract is not going to be allowed."

Millions of dollars are spent by airplane companies, by construction companies, by hundreds of companies, on all types of Government contracts. These contracts can now be set aside at the wish and the whim of an official of the OFCC for any of many reasons.

What has been done by the Executive order is to circumvent the Constitution of the United States. The Executive order circumvents the civil rights laws. They could not get this sweetheart deal under the law passed by this Congress, and they could not get it under the Constitution, so they used an Executive order.

They walk in and say, "You have to put 10 of this particular group of workers in this particular job."

I know of one case from personal experience. The company involved employed fewer than 2 percent minority employees, and they were told they had to have a percentage of somewhere around 15 percent. They said:

> We do not have them. We will take all the operators you can present, not under this contract but under our regular operation. We have never turned anybody down.

And the OFCC said:

> We will bring them in to you from Chicago and from Cleveland.

They can do that and have.

A company could spend thousands of dollars preparing a contract, and then be out. The Erlenborn amendment leaves things exactly as they are.

We say in my amendments that it was the intent of Congress that there should be no quotas and that there should be no preferential treatment. In our amendments we specifically prohibit the use of quotas. We prohibit the establishment of preferential treatment and the stepping over a person in line because of race, color, creed, religion, or sex.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, at the request of Mr. Boggs, Mr. Dent was allowed to proceed for 5 additional minutes.)

Mr. DENT. I know there is a hangup here on the part of the certain people about cease and desist. We were told yesterday on the floor by my ranking colleague that the FCC is dissatisfied with the cease-and-desist enforcement authority which they have and has requested that the Congress give it court enforcement powers instead. The FCC is holding onto cease and desist. What they want is what we are also giving to the EEOC, that is, the ability to seek preliminary injunctive relief.

Now, when a person is charged with a violation of the EEOC, the charge appears in the paper long before the person charged with the violation ever gets word of it. I have an amendment which specifically prohibits the divulgence of any information during the informal Commission proceedings. An employer now feels that he is condemned in the eyes of the people in the community and in the eyes of his customers, especially in the case of retail stores.

I beg you to understand that what we are trying to do is to wipe out the inequities in the law itself. They say that cease and desist is a bad thing. Well, cease and desist itself is not bad. It is what is in the law that can be bad.

Cease and desist is just another manner of enforcement, and a manner of enforcement does not change the character of the law. What we are doing is giving another manner of enforcement here. It is the same one that is enjoyed by virtually every agency in our Government. All we are trying to do is to put into the law an enforcement feature to secure justice to all of the citizens of the United States. That is all we are trying to do here.

Mr. Chairman, I said to you yesterday and I repeat now that no law can make men equal, but there has to be and there must be a law to give all men and women equal treatment. That is all we are asking for. I know it has been said that all of us are born equal, but it stops right there. That is where organized law in a good society picks up; after the birth. It says that from the day a person is born until his death he shall be given equal treatment. That is the strength of our country. That is why the millions of immigrants came to this Nation to build it into what it is, and that is why we fought the Civil War. It was to try to bring back equal treatment. Nothing else.

That is all I am asking for here. I am not asking you to put something in the law to give anybody an advantage. I am trying to get you to put something in the law to take the advantage away from somebody. If I did nothing else in this law but wipe out the contract compliance feature and put it under the jurisdiction of the EEOC where it rightfully belongs and subject to the laws and the criteria established by this Congress of the United States and not to rules enacted by Executive order, then I would have done sufficiently.

I beg of you to reassert the authority of this Congress and take back the powers guaranteed to us under the Constitution.

I beg of those who committed themselves months ago, and some of you years ago, without ever waiting to see what was in the bill, that you cannot plead ignorance. You know what you are doing. If you vote for the Erlenborn substitute amendment, you vote for quotas, you vote for special preferential treatment, you vote for closing down individuals who have entered into contracts that may not be in the same party, who may not be in the same political group, who may not contribute enough on election day. You make possible something which we have fought against in labor, something which we should have destroyed. You are giving quotas and preferential treatment the blessing of your vote if you vote for the Erlenborn amendment.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, 7 years ago, in the civil rights bill of 1964, we made a promise to all Americans that regardless of color, creed, national origin, or sex, there would be no discrimination in employment in this country. Polls which were conducted by creditable organizations at that time indicated that the overwhelming majority of the American people favored the enactment of nondiscriminatory legislation in employment.

Americans, with their innate sense of fairness came forth and said that if a man or a woman is trained and qualified, the doors of opportunity should be opened to them, whatever their background and from wherever they come.

Now, Mr. Chairman, that was a magnificent promise. But, unfortunately—like so many other promises it remains unkept.

Since the enactment 7 years ago of this law there have been literally thousands of cases of discrimination filed with the Commission. In a report in yesterday's Wall Street Journal, Mr. Brown, the present Chairman appointed by the President, indicated that in a great majority of these complaints there had been no effective remedy, I think it is clear that despite the law, despite the congressional intent, despite the creation of the Commission, the effect of the law has been more or less nullified.

Mr. Chairman, there is a substantial difference in the gentleman's substitute and the committee bill which I support wholeheartedly, and that is the question of how to attain compliance.

The committee bill says we will use the procedures which have been well established in Federal practice by a half dozen or more existing administrative agencies such as the Securities and Exchange Commission, the NLRB, the FTC, the ICC, and others, to issue cease-and-desist orders for compliance—with all the safeguards set forth in the Administrative Procedures Act spelled out.

On the other hand, the gentleman from Illinois says that we will make an exception in this situation. He says that enforcement will be the property of the Federal courts. And, in the literature that has been circulated by the very able gentleman, for whom I have profound respect, it is argued that there will be better and quicker enforcement under his plan than under the committee plan.

It seems to me that one issue that has been determined here is that the present law is ineffective and not helping the people whom it was intended to help. And so, the only issue remaining is: does the committee approach recommend itself, or does the substitute approach recommend itself?

In the opinion of those who have spent many years in Federal administrative practice, and before Federal agencies, boards, and commissions, it is the practice of giving administrative commissions the power to issue orders and to ask for compliance, devised and perfected over a long period of time, which is superior. These administrative hearings are conducted under complete due process, with a notice requirement, and the right to summon witnesses, subpena witnesses, and so on, and are presided over by a hearing examiner who has been trained in administrative law, and who owes no responsibility to the agency which has employed him. So he comes there in the same judicial, impartial atmosphere or attitude that a Federal judge has. The only difference is that his whole time is devoted to that one agency, and he has the time and the opportunity to move ahead these complaints.

In the Federal courts today we have an enormous backload of cases. We have some jurisdictions—and I have seen figures, I believe, for one of the New York jurisdictions—where there is a delay of about 38 months or 40 months. In any event, the Federal courts are crowded, packed, and jammed with litigation, and the notion that the thousands of cases now pending before the EEOC could receive expeditious consideration from the Federal court is something that I just cannot believe.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 2 additional minutes.)

Mr. BOGGS. Mr. Chairman, I commend both sides here for trying to resolve the problem of compliance.

I believe that the great strength in America must continue to be the opportunity of our citizens. We built a great Nation with the men and women who came here from everywhere for the opportunity to live and work in freedom.

Today, minority Americans hold but a small fraction of jobs in almost every category. Look at the unemployment figures, and you will see that 5 or 6 percent is the average around the country, but among minorities it is doubled, and in some cases tripled.

So we have made a promise to many of our Americans, many of whom are not so fortunate as those of us who are gathered here. As I see it, the committee bill is an effort to carry out that promise. It does no good to grant a right if you do not provide a remedy. One of the earliest things I learned in law school was that a right without a remedy is no right at all.

Today we are seeking a remedy for a right that we have already granted.

In my humble judgment, the committee bill more adequately grants that remedy than the proposal contained in the substitute.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I assume that the eloquent remarks made by the gentleman from Louisiana include the support of the three amendments that the gentleman from Pennsylvania indicated he would offer if the substitute did not prevail. I make that assumption—is that an accurate assumption?

The gentleman from Pennsylvania indicated yesterday that he would offer three amendments if the substitute amendment were defeated. So I assume that is the vehicle or the legislation, that we will have before us if the Erlenborn substitute is defeated.

If that is the case, I would assume that the gentleman from Louisiana would support this amendment.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. BOGGS. I have every intention of supporting those amendments when I get the opportunity and I hope I do get the opportunity and the gentleman from Michigan will make that opportunity available to me.

Mr. GERALD R. FORD. I am glad we clarified that point.

The gentleman from Louisiana during his remarks made this comment—that he wanted to keep the doors of opportunity open to blacks and other minority groups.

One of the amendments to be offered by the gentleman from Pennsylvania does just the opposite. One of the amendments to be offered by the gentleman from Pennsylvania, in effect, makes it much more difficult for blacks to get a job, particularly in the building and construction industries.

Now the gentleman from Louisiana makes a big point of the unfortunate fact that unemployment today for blacks is higher than it is for whites. I deplore that and I gather that he does too. But, if the gentleman from Louisiana supports this amendment to be offered by the gentleman from Pennsylvania, he is making it much more difficult for blacks to get jobs and will help to perpetuate the higher unemployment record for blacks in the United States.

Now let me add this, if I may. I take the floor as a person who voted in February of 1964 for the Civil Rights Act. I believe that was good legislation and I have no compunction about supporting the substitute as a good implementation of that legislation.

The issue is not discrimination between the Erlenborn substitute amendment and the committee bill—the issue is how do you achieve enforcement in the most equitable way? That is the issue. It is not discrimination.

Those of us who supported the 1964 act—and I was one of those who did support that act—and I cannot remember how the gentleman from Louisiana voted—I suspect that maybe he voted against it, but I do not know for sure—but I can say that I voted for it. What I want to do is to achieve the best and most equitable way of enforcement. I happen to think that the Erlenborn substitute provides that. We do not have sufficient enforcement provisions under the existing law. That was a deficiency. What we are trying to do now is to get enforcement in a fair, equitable, and judicious way. That is primarily, if not exclusively, why I support the Erlenborn substitute.

Mrs. GREEN of Oregon. Mr. Chairman, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I am glad to yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Chairman, the gentleman has made reference to the Civil Rights Act—and I joined him in the majority of my party in voting for that in 1964. This was dedicated to the proposition that equal opportunities and equal rights should be available to all.

But, if the gentleman will allow me, I would like to read from title VII of the Civil Rights Act which was approved by this House in 1964, and this is what the issue is about, today.

> (j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mrs. Green of Oregon, and by unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 5 additional minutes.)

Mrs. GREEN of Oregon. When all of us in this House were presented with the Civil Rights Act in 1964, if any Member of the House had come to the well of the House and had said, "When you vote on the Civil Rights Act, you are voting a quota system," I wonder what would have happened. The imposition of a quota system under the Executive order contradicts title VII of the Civil Rights Act. The imposition of quotas by OFCC destroys labor contracts that have been negotiated on seniority rights. It allows the Office of Contracts Compliance to go into a plant, to go into a school system, to go into a college or university—and they have done this in thousands of cases across the country—and say, "We do not agree with the percentage of minority employees to majority employees and we insist that you hire this number of blacks in proportion to this number of whites—or this number of another minority to this number of whites.

They have done it in Portland, Oreg. They have done it in Washington, D.C., in the schools here in the District; and this is in direct contradiction to the Civil Rights Act that was passed. We do not need to argue whether the Philadelphia plan is a quota system. I feel sure every Member of this House has had complaints about quotas that the Office of Federal Contract Compliance have ordered. The Erlenborn bill does not touch this matter.

One important issue is whether or not we continue to allow the executive branch under the Executive order to continue to establish and to demand quotas and give special or preferential treatment to some and to deny equal employment to others.

The Erlenborn substitute perpetuates the quota system. The Dent amendment would put an end to the contradiction of the Executive order—title VII of the Civil Rights Act. The Erlenborn bill is not an equal employment bill. Under the quota system you give special employment rights; you give special preferential treatment to some, and in the process job rights are denied others. The civil rights bill was passed to end discrimination. It was not passed to substitute one kind of discrimination for another kind.

If we believe in the Civil Rights Act, including title VII, it seems to me that we ought to vote to do away with the quota system, which is harmful to this Nation. It is dividing the country and it is accomplishing nothing.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mrs. CHISHOLM. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am very glad to get the observations and comments of my good friend from Oregon. But let me just make one comment, and then I shall yield to the gentleman from Illinois and the gentlewoman from New York.

The Philadelphia plan, which is what we are really talking about, does not have anything to do with quotas. I honestly think that the gentleman from Pennsylvania is drawing a false issue by the kind of language that he is employing in in his proposed amendment. I just do not think that we ought to interfere with this program with this kind of amendment. The Philadelphia plan seeks in all honesty to improve the job opportunities for blacks or other minorities. You can give them all the rights in the world, but if you do not give a person in a minority status a job, all of those rights really do not mean very much, because he cannot feed his children, he cannot feed himself on rights where he does not have a job.

I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. I hope that the contribution of the gentlewoman from Oregon has not confused the committee, because the language she read from title VII of the Civil Rights Act is undisturbed by the committee bill, and undisturbed by the Erlenborn substitute. Neither one is going to repeal the prohibition against quotas that is in title VII of the Civil Rights Act.

Mr. GERALD R. FORD. I thank the gentleman.

I yield to the gentlewoman from New York.

Mrs. CHISHOLM. I thank the gentleman. Would the gentleman agree that if the EEOC had the right and opportunity to issue cease and desist orders, then it would have to naturally follow that perhaps we would not have to be speaking this afternoon in terms of preferential quotas?

I think we cannot talk about one without connecting it with the other.

Why have we had to discuss this whole question of preferential treatment for one group as contrasted to other groups? It is precisely because the EEOC has not had the power to be able to issue the cease and desist orders that will make the construction workers and other groups do that which they have to do in order to be able to prevent preferential treatment.

Mr. GERALD R. FORD. Let me respond to the very appropriate question raised by the gentlewoman from New York. In the Erlenborn substitute there is a new device for enforcement. It is a different device from the cease and desist, but it is an effective one, because it requires legal action in a court of law, in the Federal courts.

Does anyone deny that the Federal courts are capable of actually enforcing orders on discrimination? The Federal court system is fully adequate to meet the problems. The only difference is in the court of law where there will be an equitable trial with the rules of evidence prevailing, whereas under the cease and desist proposal of the committee, we would deny people that fairness and equity.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. Boggs, and by unanimous consent, Mr. Gerald R. Ford was allowed to proceed for 2 additional minutes.)

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Chairman, my good friend, the gentleman from Michigan, has finally gotten down to the difference between these bills. He points out, and quite correctly so, that the Erlenborn substitute provides for a remedy in the courts as compared to the normal administrative remedy provided for in the committee bill. Why would the gentleman make this profound distinction between human rights and the rights which are set forth for the ICC and the NLRB and the Securities and Exchange Commission and other Federal agencies?

Mr. GERALD R. FORD. Let me respond. Is it not appropriate that the human rights be considered in the Federal courts? Is that not a proper forum for consideration of human rights? That is where we have made the most progress in the safeguarding of human rights—in the Federal courts. I do not want some administrative agency making decisions on basic human rights. I would have a great deal of faith and trust in the Federal courts.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, I made the point yesterday, and I make it again today, that comparing the cease-and-desist authority in this bill with the authority of the NLRB is false. The NLRB enforcing function is separate from the judging function. No such separation of powers is provided in the commitee bill.

As far as whether the cease and desist is working well, here again, I reiterate what I told the Representative from the District of Columbia yesterday. The gentleman used FTC as one of his examples. The Federal Trade Commission does have cease-and-desist authority, but at this very moment it is petitioning Congress to give it authority to go into the Federal district court to seek enforcement in the same manner that the Erlenborn substitute would provide here. It is obvious that the Federal Trade Commission, exercising cease-and-desist authority, has come to the conclusion that it would be better off going into the district court.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(On request of Mr. BOGGS, and by unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 2 additional minutes.)

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Chairman, I am well aware of the fact that the gentleman from Illinois would want to keep the record entirely accurate. To the best of my knowledge, the only administrative agency in the Federal Government where there is a separation as the gentleman pointed out happens to be the NLRB. In the other cases, it is the hearing examiner, selected as I outlined in my main remarks, which prevails. Is that not correct?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I would point out that all other agencies, with the exception of NLRB, that exercise cease and desist are regulatory agencies. There is a great deal of difference between those that are regulating industries with cease-and-desist orders and those that are resolving disputes between contesting parties.

When there is this resolution of disputes between contesting parties, it has been the judgment of the Congress to separate the function of prosecuting from the function of making the judgment.

The committee bill does not separate these. It would allow the Commission to investigate, prosecute, judge, and fashion the remedy.

In my opinion, we will be much better off if we separate in the tradition fashion the job of prosecuting from that of judgment.

Mr. BOGGS. Mr. Chairman, will the gentleman yield for one further observation?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. BOGGS. I thank the gentleman for yielding.

In the Coast Guard, Social Security, and several other agencies the whole procedure is by a hearing examiner, with a right of appeal to the court of appeals, and that is what is spelled out in this bill.

Mr. GERALD R. FORD. Let me make one observation on the point at issue here.

In this kind of situation discretion is very, very important. I happen to believe the system of justice in the courts is a better forum for that, rather than leaving it in the hands of an agency which has the right to investigate, to prosecute, to make a decision and then to enforce it.

I strongly prefer the use of the courts for enforcement, rather than the agency itself.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are not discussing the Philadelphia plan or any quotas in employment. I understand the gentleman from Pennsylvania, the subcommittee chairman (Mr. DENT) will, if he gets the opportunity, offer some amendments to the committee bill that have to do with employment quotas and the Office of Federal Contract Compliance. If he has that opportunity, then we can debate those amendments and vote on them, as we see fit.

But these amendments are not pending before us now. What we are talking about is the Erlenborn substitute. And if the Erlenborn substitute is agreed to, the gentleman from Pennsylvania (Mr. DENT) will not even have the opportunity to offer his amendments.

What then is the difference between the Erlenborn substitute and the committee bill? The committee bill provides a new method of enforcement for equal employment cases. It lets the Commission go ahead, after appropriate hearings and deliberation, issue a cease and desist order.

The Erlenborn substitute does not give the aggrieved party anything he does not already possess under existing law. The gentleman from Illinois (Mr. ERLENBORN) says his substitute will put the case to court. But, that is where it goes now. That is the existing law. The gentleman from Illinois (Mr. ERLENBORN) is not giving that aggrieved party any right he does not already possess.

The only thing in the Erlenborn substitute that is of any advantage whatsoever to the aggrieved party is that under the Erlenborn substitute the Commission may, in its discretion, if it decides it wants to, take the case to court for the aggrieved party.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the clarification of the gentleman from Michigan, because in fact the Erlenborn substitute does grant an enforcement power the Commission now lacks.

Let me take it one step further, to cease and desist. The gentleman has just used the words, "may, in its discretion, if it decides" do something. The same is true either of the Erlenborn substitute or the Hawkins bill.

Mr. O'HARA. The point of the matter is that under the Erlenborn substitute the Commission perhaps will take it to court, and that may be some slight advantage to the aggrieved party over taking it to court himself. Though he is now guaranteed attorney's fees and costs if he wins it might be nicer to have the Commission take the case to court for him.

But, he gives up something to get that advantage. He now can go to court 30 days after he has filed his charge or 30 days after the Commission has completed some action.

He would be required to wait 6 months before he could go to court on his own under the Erlenborn substitute.

Mr. DENT. Mr. Chairman, will the gentleman yield to me?

Mr. O'HARA. I yield to the chairman of the subcommittee.

Mr. DENT. He gives up something that is good. The people aggrieved will have more freedom as a result of it, because only the Attorney General can institute a case in the court of appeals; not the EEOC.

Mr. O'HARA. I thank the gentleman.

I really think there is serious question as to whether or not the aggrieved party is better off under the Erlenborn substitute than he is right now under existing law. It can be argued with a good deal of force that he would be better off with nothing than with the Erlenborn substitute.

Mr. HAWKINS. Will the gentleman yield to me?

Mr. O'HARA. I yield to the gentleman from California.

Mr. HAWKINS. Is it not also true under the Erlenborn substitute the individual will also give up the right to sue under the 1866 act, the Equal Pay Act, and possibly under half a dozen other civil rights acts?

Mr. O'HARA. That is absolutely correct. The Erlenborn substitute would not only take away his right to go promptly to court on his own behalf, it would deprive him of his right to a remedy under other statutes. There are remedies under the NLRB Act and under some of the old civil rights statutes that he would sacrifice under the Erlenborn substitute.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. O'HARA was allowed to proceed for 2 additional minutes.)

Mr. O'HARA. If, Mr. Chairman, we are dissatisfied, as I am, with the provisions of current law as to enforcement of the equal employment opportunities law then we ought to do something about it, and the way to do something about it is equip the Commission with cease-and-desist powers as proposed in the committee bill. If we do not want to do that, then let us not do anything at all. Let us not amend an inadequate system of job protection to make it more inadequate as the Erlenborn substitute proposes.

I hope, Mr. Chairman, that the Erlenborn substitute will be defeated and that the committee bill will be agreed to.

Mr. REID of New York. Mr. Chairman, I rise in opposition to the Erlenborn substitute.

Mr. Chairman, first I would like to point out that the committee bill is bipartisan in character. It is not a Democratic bill; it is not a Republican bill, but it is a bipartisan bill.

Second, I think it should be pointed out that a significant number of Members on my side of the aisle, in my judgment, will support the committee bill. Indeed, at least one Member and perhaps two Members of the leadership of the Republican Party in the House will support the committee bill.

Next I would like to say as simply as I can that there are merits to the approach of administrative agency proceedings enforceable with cease-and-desist orders.

I do not think that during the debate today there has been total clarity focused upon the real problem.

The real problem is not whether you get enforcement in the courts or whether you get enforcement through the Commission per se.

The real point is that if the Equal Employment Opportunity Commission is given cease-and-desist powers the vast majority of cases will never need go to a hearing in the first place, let alone to any kind of court proceeding. I can speak from some experience in New York where I served as the chairman of the New York State Commission Against Discrimination, now the division of human rights.

The figures in New York's experience clearly emphasize my point. Between 1945 and 1967, 16,129 complaints were received by the New York commission; 98 percent of them—all but 326—were settled before they were ordered for hearing and more than two-thirds of those ordered for hearing were settled before the hearing was completed.

That means that in New York in 22 years only 110 cases out of 16,000 needed further action, and that is largely because the State commission possessed cease-and-desist powers.

Mr. Chairman, the whole concept—and frankly, this should be recognized—of this particular legislation in New York was that of Tom Dewey and Senator Irving Ives, and the concept was that the Commission could deal with complex, sensitive questions, backed up by the law in a way that could not be done in formal court proceedings.

Therefore, the Commission approach is much more sensitive, more equitable, and obviously much faster.

Now, Mr. Chairman, what are the dangers of the court proceedings? The danger, first of all, is that we would load onto the courts of the United States an additional 20,000 cases. Does any Member seriously think that by adding 20,000 additional cases to the court calendars we are going to expedite matters?

Let me state that through the Commission procedures cases are dealt with much more expeditiously. Let me repeat that, much more expeditiously; whereas, in court proceedings it can take months or even years.

For example, a case—Weeks against Southern Bell which was a sex discrimination case—has been in the courts for 5 years and it was just settled in April. I have seen through the Commission procedures cases conciliated in a matter of days. It was relatively rare that it became a matter of months. But, believe me, if you go to the court procedure, you go to a much more difficult procedure, both in time and flexibility.

Finally, let me say this, that the Commission procedure works. It would not be the law of the land in 32 States if it did not work. I have yet to see anyone say that the Commission procedures as followed by the several States does not work and work well.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. REID of New York was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. Yes, I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding. Let me just ask a question or two of the gentleman.

First of all, if the Commission procedure is working in the States, why are so many of the cases that are referred to these local and State commissions unresolved and referred to the EEOC?

Mr. REID of New York. In response to the question of the gentleman from Illinois, first of all, one-third of the States do not have commissions with cease and desist powers. I think the point is this: Where you have a commission with such authority such as the State of New York does it has worked extremely well with no need to go to the Commission.

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, I would point out the fact that the State of Illinois has a fair employment practices commission which has cease-and-desist authority and yet it is among one of the top 10 States in the number of cases that then go to the EEOC even after referral. Does this mean that we will be clogging the Federal courts with 20,000 more cases?

Is the gentleman aware that in the 6 years of its existence only some 50,000 cases have been filed before the EEOC? Is the gentleman aware that this is not a self-enforcing order? That if enforcement of the order under the committee bill is to be obtained it must go to the courts and if this follows the practice of the NLRB, over 50 percent of all the orders issued by the NLRB wind up in the enforcement proceedings in the circuit courts of appeal, where you have only 11 courts, rather than the district court level, where there are 93 courts?

As a matter of fact, my recollection is that in the most recent years 66 percent of the NLRB's cease and desist orders have wound up in the courts for enforcement proceedings. You are not avoiding the courts by using the cease and desist approach.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. REID of New York was allowed to proceed for 2 additional minutes.)

Mr. REID of New York. Mr. Chairman, I have asked for the additional 2 minutes so that I might reply to the comments of my colleague, the gentleman from Illinois (Mr. ERLENBORN).

First, the gentleman from Illinois raised a question of 20,000 cases, and the fact that this might overload and jeopardize the court calendars. That is the figure that has been provided me by the EEOC as to their estimate of the pending cases that are unresolved due to the fact that they do not now have cease and desist powers. I think as a reasonable estimate there are something like 16,000 to 17,000 cases, as the gentleman knows, that are still pending with the Commission, and have not yet been resolved. In fact, they were able to conciliate fewer than half because the Commission does not have cease-and-desist power.

As to the NLRB, it is my understanding that in fiscal year 1970 something like 72 percent of the cases have been settled without need for a formal hearing. In my experience, certainly in New York, if the Commission works effectively, if the individuals know that the Commission has the power of the law in cease and desist, then you can conciliate.

The whole thrust of what I am trying to say is not that the commission procedure works alone, but that it works a great deal better. Why? Because you do not have to go into court in the first place, because the individual knows that there is that power, and is willing to sit down and conciliate, and the matter gets resolved, and resolved promptly.

Finally, let me say that I think it is terribly important that the Republican Party, that was born in the fight to make men free, fight today for that procedure which will most clearly and effectively deal with millions of people who still are denied equal employment opportunities, and who need Federal protection with cease and desist. That is our heritage as a party.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to establish some legislative intent on the committee bill, and on the Erlenborn substitute.

Section 706 of the Hawkins bill says that:

> The Commission is empowered, as hereinafter provided, to prevent any person from

> engaging in any unlawful employment practice as set forth in section 703 or 704 of this title.

Section 703 provides:

> It shall be an unlawful employment practice for an employer—
>
> (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin;

Much has been said about race, color, religion, and sex, but the question of national origin has very seldom been discussed.

I would like to ask the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. DENT), whether I am correct in understanding that it is the intent of this committee and this Congress that by national origin we mean any person's national origin, and that it is not limited to any particular ethnic group, such as a Spanish surname, or American oriental or American Indian. Discrimination because of national origin applies to any American who feels that he has been discriminated against because of his national origin, regardless what that national origin may be. Am I correct in that understanding?

Mr. DENT. According to the law as it is now written, I would say that "national origin" would be the national origin of the individual regardless of what that national origin is.

Mr. PUCINSKI. The reason I ask this question is to be absolutely certain about this. The Equal Employment Opportunities Commission has tons of directives and guidelines and material and information and inquiries and questions and answers dealing with the problems of discrimination because of race, color, religion, or sex. But when you ask the Commission for guidelines on that aspect of discrimination dealing with national origin, these guidelines are very scarce.

I was wondering if the chairman could answer this question. If we are going to give the Commission broad powers in this bill to prevent discrimination because of national origin—how can we motivate the Commission to show more sensitivity to those Americans who are discriminated against in job opportunities and promotion advancements because of national origin?

Mr. DENT. I do not know anything about the Commission's attitude on that matter.

I would say if they administer the laws according to the congressional intent, you would have no problem at all with the guidelines on that because it is the most simple of all answers so far as I am concerned. National origin only means just that—it means national origin or country of origin.

Mr. PUCINSKI. I would ask the gentleman one more question.

Am I correct in my understanding that it is the intent of this House and this Congress that discrimination because of national origin shall be given the same priorities as any other form of discrimination?

Mr. DENT. That is already a part of the law.

Mr. PUCINSKI. I just want to establish this for the purpose of this record.

Mr. DENT. I have never been informed that they do not give equal treatment in cases pertaining to national origin and I would be a little reticent about any condemnation of the Commission because of that question. I do not know.

Mr. PUCINSKI. I hope that my question does not indicate any condemnation of the Commission. I think the Commission is doing a good job. But I am concerned about the discrimination that exists in this country against various ethnic groups and members of various ethnic groups such as Italian Americans, Polish Americans, the Jews, Germans, Slavic people, and others, who have been discriminated against because of their national origin. Guidelines dealing with this form of discrimination have not been dealt with on the same priority basis as the others are.

I have said on a number of occasions there are indications that priority is given to these other cases involving discrimination because of race, religion, or sex, and all I want to establish is—that it is the intent of Congress that discrimination because of national origin shall get the same treatment and the same consideration and the same equality as to priorities as any other discrimination case.

Mr. DENT. I would read from the report of the committee on page 35 this language:

> It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

Each of the requirements are exactly on the same status and on the same level and the same priority, in my opinion.

Mr. PUCINSKI. Then it is the opinion of the distinguished gentleman that national origin means any ethnic background and is not limited to any specific background, and this would apply to the Equal Employment Opportunity Commission whether the committee bill or the substitute prevails?

Mr. DENT. Yes. But I do not want to get into an argument about that.

Mr. FAUNTROY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of H.R. 1746 and in opposition to the substitute measure offered by Mr. ERLENBORN. The time has long passed when we could argue over the need for the wide ranging reforms embodied in H.R. 1746, Mr. HAWKINS' conceived and carefully worked out bill. Others will argue ably in support of important features of the bill, but I wish to take just a moment to focus your attention on one provision that I regard to be of great urgency. Section 11 of H.R. 1746 would enact into statutory law the national policies expressed in Presidential executive orders mandating nondiscrimination in Federal employment. In addition, and most significantly, the bill would transfer the responsibility for implenting Federal nondiscrimination requirements in Federal employment from the Civil Service Commission to the Equal Employment Opportunity Commission.

There are few in this Congress who can testify with more experience than I about the pervasive and continuing discrimination by the Federal Government in the employment of blacks, Spanish-surnamed, and women employees. As a pastor and community leader in the District of Columbia during the past 12 years, I have had to respond to thousands of complaints of job discrimination from among the 58,000 Federal employees in the District who are black. My father was employed at the U.S. Patent Office here for 44 years before retiring. He knew the effects of discrimination and we, his children, knew his frustration and despair. He trained two generations of white employees who were then passed up and over the shoulder to higher level and higher paying jobs. From all the evidence I have seen, even today in this supposedly enlightened time, these practices continue daily with little substantive change.

When I came to the Congress 5 months ago, I expected that a significant portion of the casework of my office would be devoted to helping Federal employees resolve job discrimination problems. But I did not foresee the incredible deluge of pent-up grievances that have descended upon my office in the few short months I have been here. These are brought by people with just claims who are deeply angered and frustrated by the unfair treatment they receive at the hands of the Federal Government. My office does its best to help, and in many cases we succeed, but only with a tremendous expenditure of time by my office and the time of the employee. We give willingly, knowing that these people have nowhere else to turn. They have sought help from their agencies, and from the Civil Service Commission—all with little success.

One function of casework in a congressional office is to identify the need for remedial legislation where a pattern of case problems develop. I can think of no greater need than this legislation. The Civil Service Commission, as a result of many factors, is not up to the job. I am convinced that EEOC with its experience in battling job discrimination in the private sector and with its sensitivity to the systematic and institutional roots of job discrimination offers far greater hope to the thousands of employees who every day must suffer the indignity of being discriminated against because of their race, religion, sex, or national origin.

But I have more than my personal experience to sustain my conviction about the urgent need for this legislation. The record is clear. Statistical evidence demonstrates beyond serious question that minorities and women find it difficult to secure Federal jobs, particularly at higher paying, decision-making levels. Blacks, women, Spanish-surnamed employees are unduly concentrated in jobs paying the lowest salaries and having the least amount of policymaking responsibility. A report issued by the Civil Service Commission in May, 1970 showed that minorities make up 19.4 percent of the total number of Government employees and 14.4 percent of the general schedule employees. Approximately 80 percent of these general schedule employees are locked at grades 1–8. While comprising slightly over 14 percent of the general schedule work force, minorities account for 27.3 percent of the lowest level GS 1–4 positions. The picture grows even more gloomy when we look at the record of individual cabinet level departments. Only 5.2 percent of Interior's employees are black, 5.8 percent of Agriculture's and 6.2 percent of Transportation's. Even more dramatically, only 2.9 percent of NASA's employees are black, and less than 550 of the Federal Aviation Administration's air traffic controllers out of a total of 20,000 are minority.

These pervasive patterns are reflected in the employment practices at the executive level of Federal employees. In grades GS–14 and 15, minority employees account for only 3.3 percent of employees, and at grades GS 15–18 minorities count for only 1 in 50 of all employees. While Spanish-surnamed employees are 2.9 percent of employees, only six-tenths of 1 percent have managed to make it to executive level positions. Similar patterns also pertain to women employees.

In individual agencies, the presence of blacks in executive level positions earning more than $15,000 and presumably having some decisionmaking authority, grows even more infrequent. In the Department of Interior, less than 1 percent of the blacks in the agency earn more than $15,000. In Treasury, Defense, Agriculture, and Transportation, 2 percent or less of all black employees make more than $15,000. Most remarkably of all, in the Justice Department, which at one time had the major responsibility for securing equal rights for all Americans, only 1.4 percent of black employees reached a salary range of $15,000 or more.

The difficulty of minorities and women in securing Federal employment, their high concentration in low level jobs, their virtual absence from executive level positions, can only be attributed to systematic and institutional failures, failures that the Civil Service Commission has proved unable to root out effectively.

These patterns are not accidental; they are the direct result of the failure of the Civil Service Commission to come to grips with the deep roots of discrimination pervading Federal employment practices. The Commission's failure springs from several sources. The Commission has the ultimate responsibility for establishing Federal personnel policies. At the same time, Executive Order 11748 places primary responsibility for insuring equal employment opportunity in the hands of the Civil Service Commission. It seems anomalous to have the Commission both establish policies for rooting out discrimination and at the same time have the basic responsibility for measuring the effectiveness of those policies against the demands of the law. H.R. 1746 will remedy this inequity and provide for objective review of Federal discrimination policies.

Beyond the Civil Service Commission's conflict of interest in enforcing nondiscrimination standards, the Commission has failed to acknowledge the institutional and systematic origins of discrimination in Federal employment. The Commission persists in searching out supervisors with malicious intent rather than focusing on personnel policies that have the inherent effect of discriminating against black, Spanish-surnamed, and women employees.

To many of us who have closely followed the work of the Commission in the area of equal employment programs, it has seemed that often it is more concerned with fashioning a tidy personnel system than in effecting equal job justice for Federal employees. Present Civil Service standards continue to overemphasize paper qualifications and test results, even when an employee in his work experience of performance has demonstrated a capacity for a better job or advancement. Furthermore, the tests used by the Commission are not directed in any significant way to the specific job requirfements. As the Labor and Education Committee pointed out in its report on H.R. 1746:

> The inevitable consequence of this * * * is that classes of persons who are culturally or educationally disadvantaged are subjected to a heavier burden in seeking employment.

These policies are wrong, but the Commission has utterly failed to see that they are wrong.

The CHAIRMAN. The time of the gentleman from the District of Columbia has expired.

(On request of Mr. FAUNTROY, and by unanimous consent, Mr. FAUNTROY was allowed to proceed for 2 additional minutes.)

Mr. FAUNTROY. Mr. Chairman, the time for change has arrived, and I urge my colleagues to seize the time. The Civil Service Commission has demonstrated that it is incapable of providing fair and equal job opportunities for all government employees. A new and more sensitive expertise is required. I believe that EEOC offers far greater hope to these thousands of employees who today have no real hope for change. I urge your vote against the Erlenborn substitute and in favor of H.R. 1746. The Erlenborn substitute would leave equal employment opportunity programs for Federal employees in the hands of the Civil Service Commission. The status quo would be continued. I maintain that the transfer is desperately needed, and I urge your support for it.

Finally, Mr. Chairman, I want to ask of those who oppose the cease-and-desist powers for the Equal Employment Opportunity Commission this question: What is more precious about the right of investors to be protected by cease-and-desist powers given the Securities and Exchange Commission than the right of blacks, Spanish surnamed, women, and other oppressed minorities people, to be protected by the cease-and-desist powers with which H.R. 1746 would provide the Equal Employment Opportunities Commission? If the Members of this distinguished body will answer that question honestly, they will vote against the Erlenborn substitute and for the bill which is before us, H.R. 1746.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. DENT. Will the gentleman yield for a request to set a limitation on time?

Mr. ECKHARDT. Mr. Chairman, will it come out of my time?

The CHAIRMAN. It will come out of the gentleman's time.

Mr. ECKHARDT. But it will not limit my time?

The CHAIRMAN. It will come out of the gentleman's time, but will not limit the gentleman's time.

Mr. DENT. Mr. Chairman, I ask unanimous consent to set a time limit on this amendment and all amendments thereto, that debate end in 35 minutes from now, except for the 5 minutes for the gentleman from Texas.

The CHAIRMAN. The gentleman asks unanimous consent for the time to end when?

Mr. DENT. Thirty-five minutes from now, except for the time of the gentleman from Texas, which would make it a total of 40 minutes from now.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HALL. Mr. Chairman, I would object to the reservation. I would have no objection to the time limitation.

The CHAIRMAN. The Chair will state the gentleman from Texas had previously been recognized by the Chair. Therefore, the limitation of time would not apply to his time.

Mr. HALL. As a parliamentary inquiry, did not the request for time limitation, which came out of the gentleman's time, retain the last 5 minutes?

The CHAIRMAN. No; it did not.

Mr. HALL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ECKHARDT. Mr. Chairman, there is one thing which, it seems to me, has not been recognized with respect to the effect of the Erlenborn amendment as compared with the original committee bill, and that is the real nature of the cases that come before the Commission, or, on the other hand, under the Erlenborn bill, before the court. These are not the simple kinds of cases in which John Smith seeks employment with Joe Bloke, who is the proprietor of a firm, and Joe Bloke says, "No, John, you are a Negro, and I shall not employ you." A case like that, of course, could easily be tried in the Federal court.

However, the kind of case that arises is one similar to this. Both the union and the employer may be acting today in good faith and both may want their problems with respect to racial discrimination solved, but the problem is enmeshed in a long history of contract relations.

There is, for instance, a labor pool of employees which is composed of blacks, and historically blacks have been hired into the pool. Historically whites have progressed along the lines of promotion within the various departments within the plant. To simply say that blacks today have the same rights as whites to exercise their contract seniority is meaningless, because their seniority is in the pool. What has to be done is a discreet examination of the contract relationship between the union and the employer to establish how the effects of past discrimination may practically be eradicated. This is as difficult as most unfair labor practices that are before the Board today. It may be necessary to establish a system by which seniority in the pool is folded into the lines of promotion in the departments.

This is difficult. This is similar to a situation in a merger between two companies in which two different lines of seniority must be reconciled. Or we may have a situation such as exists, say, in a telephone company where most of the noncraft employees have been black, and there have been no admission tests for those employees to enter into the employ of the telephone company.

They have worked there for 25 years. They seek at this time to be promoted to craft jobs. Craft jobs have always required a test upon admission at the time of original employment, so a test is imposed upon blacks who seek to move from one level to another in the telephone company.

The question then arises, is the test prior to promotion discriminatory, since it applies, as far as existing employees are concerned only to blacks, and those blacks have been just as truly employees of the company for the many years they have been there as the whites have been?

These questions do not just deal with John Smith asking for employment, and he is black, and he is refused. They deal frequently with hundreds of persons in a single case. That is why we need a Commission's administrative determination first. It is perfectly reasonable to require it.

As a matter of fact, had we imposed upon the courts the complex problems which exist in labor relations—which are no more complex than these—we should never have come to the point we are today in solving these difficult questions.

The matter here is simply a question of whether we are going to set up machinery adequate to solve the problem or whether we are not going to set up that machinery.

The Supreme Court in the steelworker trilogy has said, with respect to many labor problems that they are a matter of the law of the plant, and this matter of equal employment opportunity fits in that law of the plant and is equally complex. The trilogy has said this is not the kind of thing the court will decide, that the court will permit the matter in that instance to be decided by arbitration so that persons with an expertise in this field can solve the difficult questions.

The same kinds of problems are involved here, and the committee bill provides the only appropriate machinery for solving them: a commission-type proceeding in which sufficient time and expertise can be applied to these very complex problems.

The CHAIRMAN. Members standing at the time the limitation of debate order was entered will be recognized for 2 minutes each.

The Chair now recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I support H.R. 1746, the Hawkins-Reid bill. The purpose of the Civil Rights Act of 1964 and the establishment of the Equal Employment Opportunities Commission was to end employment discrimination. As a Congresswoman who represents a district in New York which has in it substantial minority groups, I am particularly involved in this issue. I happen to have been a lawyer for many years in the labor law field. I grew up in the NLRB. I can tell you gentlemen who have argued for the Erlenborn amendment, which I oppose, that the reason the cases between labor and management have been able to be resolved is because they have been heard in the same kind of forum which we are now seeking for the Equal Employment Opportunity Commission.

The fact is that we have to be sensitive to our commitment; we have to have a partiality in our commission which understands that it has to fulfill the needs of the blacks and the minorities and the women in this country for equal employment.

I am determined to see that blacks, Puerto Ricans, Chinese, Italians, Jews, Ukrainians, and other minority groups no longer suffer discrimination in employment. Many suffer both because they belong to a minority group and because they are women. They are victims of double discrimination.

The sad fact is that despite the efforts of the Equal Employment Opportunity Commission and despite the Civil Rights Act of 1964, women and minorities can still be characterized as castoffs of the American economy. Both groups suffer consistently from employment discrimination which is blatant, pervasive, and in flagrant violation of Federal law.

One major reason that this discrimination persists is that the Equal Employment Opportunity Commission, charged with ending employment discrimination in accordance with the provision of title VII of the Civil Rights Act of 1964, has been a watchdog without teeth.

The issue confronting the Congress is how we can eliminate the discrimination in employment, and how we can fulfill our commitment to the people under the Civil Rights Act.

Every one of us bears a responsibility, once and for all, to eliminate the cruelty which denies the right to opportunity because of race, sex, national origin to millions of Americans. Let me give you some facts about the rising demand to eliminate discrimination in employment because of sex.

Women now comprise 40 percent of the work force. One out of five women in the work force in 1970 was single and therefore entirely self-supporting. One out of three supports children; and one out of five are widowed, divorced, or separated from their husbands. Clearly, these women do not work to "fill up their time" or make "pin money"—they work to buy food and clothing and shelter for themselves and their families.

Employers continue to discriminate against female workers in recruitment, hiring, placement, and promotion. Women who pass these barriers often confront discrimination in the form of lower wages, or of segregation of women into the lowest paying jobs. The United Electrical Workers Union has estimated that American industry saves $22 billion a year by paying women lower wages than men for essentially the same work.

In 1969 the average American women who worked full time earned only $60 for every $100 earned by the average American working man and black women made 20 percent less than that.

Women who have completed college and at least 1 year of graduate school receive only 67 percent of the salary received by men with equivalent training—a woman with a college degree earned about as much as a man with an eighth grade education averaged in 1968.

But women who are less educated and highly skilled suffer most—in 1966, women salesworkers received 41 percent of the salary received by men in the same occupation.

The nonwhite woman worker who labors under the double discrimination of race and sex faces the severest discrimination. In 1969 white women earned a median income of $5,182 compared with $8,668 for white and nonwhite men. Nonwhite women, however, who are most heavily concentrated in low-wage, low-skill jobs, earned $4,126 only 47 percent of the income of the average male worker, white or black.

The problems of Spanish-surnamed Americans, a racial minority, are no less serious. Although they are the second largest minority group in the United States, the Spanish-surnamed population is often neglected or ignored, even in view of the massive economic and social injustice to which they are subject, and cases involving discrimination against Orientals have been practically invisible under title VII.

The unhappy history of continued employment discrimination against women and minorities, brings us to the question of how we can improve the act, to which we, as Americans, are committed. The Hawkins bill provides such improvement—the Erlenborn bill does not.

The double discrimination suffered by minority group women cannot be eliminated until we begin to deal boldly with their problems as women, as well as their problems as members of a minority.

The important elements in both bills are those dealing with enforcement powers for the EEOC and the scope of coverage of title VII.

The Hawkins bill gives the EEOC cease-and-desist powers in addition to the right to issue affirmative orders for back pay and reinstatement. This power is crucial; an administrative order can be obtained within several months, while the median time for resolving a case in the U.S. district court is 19 months. Also, the cease-and-desist power is a power which is given to such regulatory agencies as the NLRB, the SEC, the FCC, and 34 State fair employment practices commissions.

In contrast, the Erlenborn bill would give the EEOC only the time-consuming remedy of court enforcement. It seems to be illogical and contrary to the intention of the Civil Rights Act of 1964 for the Attorney General or the district court to assume the function of deciding whether there has been discrimination when the EEOC has unique expertise, by virtue of its experience, in investigating and concluding cases concerned with employment discrimination.

I want to discuss the importance of expanding the scope of the coverage presently afforded under title VII. A major reason why EEOC has not been able to be more effective in eliminating employment discrimination is that large numbers of workers have not been covered.

The Hawkins bill would extend coverage to employers and unions with 8 or more employees or members, whereas now those with fewer than 25 employees or members are exempt from coverage. The Hawkins bill would also extend coverage to teachers by eliminating the "educational institution" exemption under title VII. This may well be the most important provision in terms of its effect on women. Consider the number of women who would gain protection by title VII coverage under this provision: Two out of five college graduates major in education, 86 percent of elementary school teachers are women, and 47 percent of secondary school teachers are women.

In addition, and this is an important addition, the Hawkins bill would extend coverage to State and local government employees, and would extend the Civil Service Commission powers of enforcement regarding employment discrimination to EEOC. Data from the Civil Service Commission itself indicates how badly women need this. CSC data in 1969 showed that 80.4 percent of all women in the Federal Government held jobs in grade levels 1 through 6. For Spanish-surnamed Americans, the percentage in levels 1 through 6 was 65.8. Clearly, the Civil Service Commission is either unwilling, or has been unable, to make equal employment opportunity a reality for either of these groups.

The Erlenborn bill extends no coverage to these groups: employees of small businesses, teachers, and Government workers. Surely these workers are entitled to the same protection afforded all other workers under the coverage of title VII, and the Hawkins bill does no more than give them that to which they are justly entitled.

Although enforcement powers and scope of coverage are the two most important issues before the Congress, several other highly significant matters remain.

The Erlenborn bill would eliminate the right of an employee to bring a class action on the behalf of all other employees similarly situated, a right which now exists under title VII. My fellow colleagues, sex and race discrimination are by the very nature class discriminations. Now a member of a discriminated against class, or several members, can bring suit on behalf of their entire class, and seek an award of back pay, reinstatement, or injunctive relief. The structure and pattern of employment discrimination will remain untouched unless large numbers of workers are affected. An award in favor of one complainant will do little to discourage an employer bent on discriminating against a class of employees, but an award—or even the possibility of an award—on behalf of an entire class can effectively discourage this kind of unlawful discrimination.

The Erlenborn bill provides that charges filed under title VII constitute an exclusive remedy. That means that working people would be denied the remedies Congress has already provided, such as the Equal Pay Act of 1963 and the Civil Rights Act of 1966 and the National Labor Relations Act.

It is a plain fact that as women continue to recognize that they are receiving less pay for the same work that men are doing, more employment discrimination cases are going to be filed.

Similarly, as minorities realize that they cannot continue to live on the kind of pay they are receiving, there will be more cases. The Members of this Congress must recognize, for once and for all, that a permanent obligation of a Representative of Congress is to provide the opportunity to all Americans, equally, to earn a living.

The very heart of a nation and the success of a democracy depends upon giving freedom and equality to all its citizens, and there can be no freedom or equality when people are discriminated against in the very fundamental of life—the way in which they earn their living.

I would disagree with the amendments to the bill which the committee may recommend to limit back pay to no more than 2 years, prevent setting quotas, and require informing the employer within 10 days when charges are filed with the Commission. I am also opposed to the transfer of the functions of the Office of Federal Compliance—OFCC—from the Labor Department to the EEOC.

However, I can accept these amendments to get an overall bill which gives real enforcement powers to the EEOC. I would suggest that those other Members who, though they have spoken for the Erlenborn amendment, consider it important that EEOC's coverage be extended to those who are most discriminated against should be prepared to go half way and support the Hawkins-Reid bill with the Dent amendments.

Those who have been traditionally discriminated against—women and minorities—are entitled to the protection of the law and law enforcement in a country which boasts of equal opportunity for all. Surely the concept of "equal pay for equal work" is an idea whose time has come.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois, Mr. ANDERSON.

Mr. ANDERSON of Illinois. Mr. Chairman, anyone familiar with the enactment of civil rights legislation over the last decade knows the gentleman from Ohio (Mr. McCulloch), the ranking Republican member of the House Committee on the Judiciary, has played an absolutely indispensable role in the passage of every important bill of that kind.

Physical limitations have prevented him from being here this afternoon. He personally contacted me this morning and requested that I appear on the floor this afternoon before the committee and inform them that he had prepared a statement which he wished me to read.

I would like at this time to read his statement.

Mr. McCULLOCH. Mr. Chairman, the central issue confronting the Members of this body in choosing between H.R. 1746 and H.R. 9247 is whether the Equal Employment Opportunity Commission should be granted cease-and-desist powers. There is no question in my mind that it should.

The difference between the two approaches is that H.R. 1746 would allow the Commission to issue what is, in effect, a preliminary injuction, whereas H.R. 9247 would allow only a Federal court to issue such an injuction. Both approaches are subject to later judicial scrutiny. But the critical distinction is that H.R. 1746 places the burden of delay on the wrongdoers whereas H.R. 9247 places the burden of delay on the victim. If the Commission with its unsurpassed expertise in this field believes that discrimination exists, why should relief be withheld for months or more until the Federal courts have time to take up the case?

The burden of delay must fall on one side or the other. I prefer to place my trust in the Commission's judgment. H.R. 1746 does that. H.R. 9247, in effect, presumes that the Commission is wrong until the Federal court overrules that presumption. Thus I cannot support H.R. 9247.

When the Commission finds wrongdoing, why should we presume that the wrongdoer is right? Why should we presume that the Commission is wrong?

Suffice it to say this distinguished member of the House Committee on the Judiciary shares with me the concern that I expressed on yesterday that if we are really seeking the most effective and the most expeditious means of enforcement under title 7, we should choose the administrative process or run the considerable risk of overburdening the Federal judiciary of this country. I take my place with pride alongside of the distinguished gentleman from Ohio (Mr. McCulloch) in support of the committee bill, H.R. 1746.

The CHAIRMAN. The Chair recognies the gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the substitute.

Earlier today we heard from the distinguished gentleman from New York (Mr. Reid), who indicated that the cease-and-desist powers generally settle more cases—roughly 98 percent of the cases. I would like to suggest that the committee read on page 11 of the committee report where it is stated:

> Past experience with administrative hearings and court enforcement indicates that cease-and-desist would be more effective. Experience has shown that one of the main advantages of granting enforcement power to a regulatory agency is that the existence of the sanction encourages settlement of complaints before the enforcement stage is reached.

I might say the existence of this dramatic and drastic and potentially arbitrary power waiting on the sidelines does tend to settle cases, but it may not settle them accurately and appropriately.

I further suggest that the committee read on page 11 where it says:

> Moreover, administrative tribunals are less subject to technical rules governing such matters as pleadings and motion practice—which afford opportunities for dilatory tactics—and are less constrained by formal rules of evidence.

I might suggest to the committee that abandonment of formal rules of evidence does not guarantee the equitable disposition of cases. It does not adhere to the noble and time-tested traditions of America, the tradition of the rule of law, the tradition of granting each party his day in court and the fullest protection of all rules, procedural and evidentiary, on the statute books.

I urge support of the Erlenborn substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, I rise in support of the Erlenborn substitute.

(By unanimous consent, Mr. Gross yielded the remainder of his time to Mr. Erlenborn).

The CHAIRMAN. The Chair recognizes the gentlewoman from Michigan (Mrs. Griffiths).

Mrs. GRIFFITHS. Mr. Chairman, I rise in support of the bill and against the Erlenborn substitute.

I would like to point out that this bill affects women, 52 percent of the population of this country. If there is any group that should not be willing to trust their rights to the Federal courts of the country, it is women. They have never won. The only case that has ever reached the Supreme Court under title VII, the Supreme Court had the colossal nerve to laugh.

If there is any group to which I am not willing to trust my rights it is the Supreme Court of the United States.

Mr. Chairman, I am for the cease-and-desist powers remaining within the Commission, and on behalf of all women, I think that is quite correct.

If we only win one-third of the cases, that is one-third more than we ever won before.

Therefore, Mr. Chairman, I urge everyone here to oppose the Erlenborn substitute and vote for the committee bill as it has been written.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

(By unanimous consent, Mr. Gerald R. Ford yielded his time to Mr. Steiger of Wisconsin.)

Mr. STEIGER of Wisconsin. Mr. Chairman, I think with what has been said recently in the debate we have finally gotten back to the point where it is very clear as to what the issue is. The issue is not the smokescreen of setting quotas and it is not the smokescreen of preferential treatment, but, rather, what kind of enforcement powers should be granted to the EEOC.

The issue is whether or not the administrative approach is preferable or whether the referral of these matters to the courts is preferable.

Mr. Chairman, I think the Chairman of the EEOC who has expressed his views on this matter are worth recalling to the members of this committee. In his testimony he said this:

> One must keep in mind that the great growth of administrative agencies as adjudicating bodies took place in the 1930's, because of the established hostility and lack of understanding of the problems of that time by the courts of that time.
>
> Today, in the area of civil rights at least, the opposite has been true. Whereas administrative and other non-judicial approaches have evidenced timidity and lack of resourcefulness on the part of the administrative agencies, the courts from the beginning demonstrated both that they knew the nature of the problem and were willing to take steps necessary to effectively combat employment discrimination.

I think, Mr. Chairman, that that one statement of the Chairman of the Equal Employment Opportunities Commission more than anything else clarifies exactly what we are talking about. What we would get through the adoption of the Erlenborn substitute is the ability to insure not only effective enforcement and to insure fair enforcement, but prompt enforcement of the voluntary enforcement compliance efforts of the EEOC.

If you stay with the committee bill, not only do you have the continuing problem of administrative relief of cease-and-desist which is less substantive and less effective than the court process, but you also have the three other problems; namely, the transfer of the jurisdiction of the Civil Service Commission, the transfer of the pattern and practice jurisdiction of the Justice Department and the transfer of the OFCC. You put them all together with the cease-and-desist authority plus granting jurisdiction over State and local employees and you create problems.

Mr. Chairman, I think the substitute amendment which has been offered by the gentleman from Illinois (Mr. Erlenborn) and the gentleman from Kentucky (Mr. Mazzoli) offers to this House the opportunity to fulfill a commitment to grant the power to EEOC that it needs now in its effort to see that all parties are treated equitably and justly.

Mr. Chairman, I trust that the substitute amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, many years ago New York State adopted a law that created a State Commission for Human Rights, and thereafter the city of New York did likewise. It did so initially without a cease-and-desist order.

The enactment of that legislation was virtually meaningless. Later cease and desist was written into the law, then it became a meaningful operation. The statistics were correctly enunciated by the gentleman from New York (Mr. Reid) showing very effectively the process of conciliation and cease and desist works.

The gentleman from Wisconsin said it is a question of administrative remedy versus judicial remedy. I suggest that that is not the case because under the committee bill you have the administrative remedy plus the judicial remedy. When a cease-and-desist order is granted the respondent can then appeal to the courts.

Currently I am representing a young lady, and have been for 4 years, who is seeking to be a baseball umpire. We went through the State commission for human rights, and won every step of the way. It was appealed on cease and desist. We are now before the State of New York Court of Appeals waiting a determination. That confirms the fact that you have judicial plus administrative remedies.

In addition to that we have a situation existing now where the Commission grants moneys to the human rights commission in the various States in order to employ more people to deal with complaints.

This route is pursued because they know they are inadequate by virtue of the absence of cease-and-desist orders. By providing more personnel the complaints or complainants are referred to the State agency where they can seek redress, and get the advantage of cease and desist.

Members of the House, this is vital, it is working, and, again I repeat, that is the salient point—it is working. The substitute offered by the gentleman from Illinois (Mr. Erlenborn), I presume—and I have to presume, because I know the gentleman—that he intends in good faith to provide substantial relief. Others have stated this substitute is naught but a ploy to deny civil rights machinery to all aggrieved people. If so, I suggest that he is asking for surgery when an aspirin would do.

The arguments of those opposed to giving the EEOC cease-and-desist orders seems to center around a fear that employers will be subjected to unjust actions by a governmental agency attempting to form its own civil rights policy that may not be in keeping with the law.

The fact is that cease-and-desist powers are available in some 35 States that have fair employment practice acts of one sort or another. Additionally, the EEOC through its grant authority has provided funds to State and local commissions that then use their cease-and-desist powers to bring about desirable results. There have been no complaints of the operation of this system.

To be specific, the EEOC granted $1,050,000 to various human rights or human relations commissions during 1971. A total of 41 governmental bodies—23 States, 17 cities, and the District of Columbia—used this money to file unfair employment charges and issue cease-and-desist orders. In New York City, for example, the Commission on Human Rights received over $100,000. The State division of human rights received over $75,000.

The power is there and is being exercised. Why waste government funds in employing people to do something twice. The EEOC could act on its own accord in issuing cease-and-desist orders and be more effective in the process. Moreover, Congress would be in a better position to exercise its oversight function in this regard by keeping direct tabs on the effect of appropriated dollars.

The ability of the EEOC to eliminate job discrimination will be greatly enhanced by the authority contained in the Hawkins measure. Some of the amendments that will be proposed to ease the fears of employers should be considered if they will not have a weakening effect on the bill. I believe a limitation on the liability of an employer to pay back wages or reinstate personnel is legitimate. Also requiring that a 10-day notice to an employer or union before unfair employment charges are filed will not weaken the bill in any way.

This Congress has the obligation to help eliminate the last vestiges of job discrimination in this country. Equal employment opportunity is essential to the fight for racial equality. Unless a man has the opportunity to succeed in life, he will never be able to hope for a better future. I urge approval of the measure substantially as reported from the committee.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I am firmly convinced that the greatest burden this Nation has borne since it was founded is racism, and it is something that was thrust upon us by history. The one encouraging thing we can say is that we have always moved in the direction of destroying it.

From 1808, when we said we will no longer import human beings to sell, we have moved in the direction of fulfilling the promise of those who founded America to all Americans. In 1865, we kept this promise alive with the ratification of the 13th amendment and black men across this country thought this promise might even become a reality with the passage of the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Open Housing Act. Today, we are voting on a bill that is as important as any we will have this year because the House of Representatives is going to decide whether we as a Nation want to move on down that road of freedom and equal opportunity or whether we want to back out on a promise we made nearly 200 years ago.

All the talk about the Erlenborn substitute being the greater remedy to insuring equal opportunity is hogwash. Just look at the people inside and outside this House who support or oppose it—and we all know what the issue is.

I was sorely disappointed when the minority leader was not on the side of the committee, and on the side of the gentleman from Ohio (Mr. McCULLOCH), because he is so important, and so often he speaks for the administration, as well as for the minority Members of this House. Mr. McCULLOCH and Mr. CELLER have for the past two decades been giants in the struggle for civil rights and both are strongly opposed to the Erlenborn substitute.

I was disappointed when Mr. FORD and the President did not support a continuation of the voting rights bill in the last Congress and by their opposition to integrating suburbs and schools. Thorughout his administration, the President has acted repeatedly to frustrate the desires of blacks to vote, to enjoy equal housing opportunities, to avoid the job discrimination which has prevented them from taking their proper places in the American job market. As one of the major spokesmen for the administration, the minority leader has frequently backed the President in perpetuating these injustices.

It was disheartening to learn that the minority leader does not support cease-and-desist power for the Commission because more important than the issue itself or the party advocating it, this enforcement power is a symbol that we in the House of Representatives are still firmly opposed to racism and that we want to end it using the most vigorous mechanism we can.

We tried in 1964 to get cease-and-desist power for the Commission when it was first established. We knew it would have to come someday. I am sorry we had to wait so long. Since 1964 we have fought to allow the black man to take his place beside his white brother in our schools, in our neighborhoods and I believe it is long overdue that he take his proper place in the labor market.

I truly regret that the minority leader is not supporting the committee, but I hope the Erlenborn amendment is defeated overwhelmingly because I hope that the voice is loud and clear that we are still dedicated to eliminating racism in this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID) for 2 minutes.

Mr. REID of New York. Mr. Chairman, on the point of how rapidly cases proceed, let me just say that litigation on title VII cases has been held up for years in courts.

For example, the case of Washington against T.G. & Y Stores has been before the Federal District Court for the Western District of Louisiana on motions to dismiss for 13 months, but the case has not yet reached trial. Even more outrageous is the fact that charges were originally brought in this case 3 years ago.

Second, let me point out that Chief Justice Burger has opposed legislative introduction of large numbers of cases into the Federal judicial system without first providing for the reorganization of that system.

In an address before the American Bar Association last year, Chief Justice Burger said:

> The difficulty lies in our tendency to meet new and legitimate demands with new laws which are passed without adequate consideration of the consequences in the terms of case load.

The Commission itself estimates that the new case load could be 20,000 additional cases.

I would submit that that would not result in expediting the administration of justice, but it could mean a lack of timely and effective enforcement.

The House passed this bill in 1966. The Senate passed it in 1970. I hope today that we make equal employment opportunity a reality now and defeat the Erlenborn amendment and then go on to approve the committee bill which is the kind of legislation that should have really been passed 20 years ago and which is legislation that is vitally necessary to our country.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN) for 4 minutes.

Mr. ERLENBORN. Mr. Chairman, I am not going to take the time of the Committee now to again reiterate what is in my substitute or what is in the committee bill. I think we have had a thorough discussion of that during the last 2 days.

We also have had an issue raised, new this week, by the introduction of a new element by the gentleman from Pennsylvania (Mr. DENT) by some three amendments that he proposes to offer if he has an opportunity to offer them to the committee bill.

Two of those amendments are amendments that I offered in the subcommittee and in the full committee. They were rejected by the committee. I would still support them if it comes to that, but I hope it does not. I hope my substitute amendment is adopted.

The third point is another issue that has been somewhat debated and that is the question of removing from the OFCC jurisdiction the right to set effective goals, an affirmative action plan.

The circuit court of appeals has affirmed the Philadelphia plan.

There is an obligation requiring bidders on Federal or federally assisted construction projects to submit an affirmative action plan for the employment of minorities excluded from referral systems in six trades.

The courts upheld this, and held specifically that it does not violate title VII of the 1964 Civil Rights Act.

But what is the thrust of the gentleman's amendment? It can be one of two things. It either means nothing or it destroys the affirmative action authority that the OFCC now exercises.

I submit from the explanation of the gentleman from Pennsylvania (Mr. Dent) that he believes it does the latter—it destroys this authority.

How the proponents of civil rights can support this sort of amendment and can take the floor and say that this is a fine thing—I do not understand, because the one great opportunity for greater minority employment in the construction crafts has been through the OFCC affirmative action plan.

Yesterday I referred to an editorial published in the Wall Street Journal and read a part of it. A good deal of the debate we have had concerning the effectiveness of enforcement proceedings, cease and desist vis-a-vis court enforcement, has been as to the speed and effectiveness of the opposing enforcement procedures. This editorial in the Wall Street Journal addresses itself to that point:

> But speed is only one measure of effectiveness; final results are a better gauge. But by that measure, too, the scholarly critics doubt that complex problems of bias, deeply rooted in many aspects of the society, lend themselves to resolution through cease and desist orders. For one thing such orders issued by the labor board have the relatively limited function of getting parties to negotiate. At the EEOC, they would presumably have to carry a greater problem-solving load. Furthermore, some experts worry that a substantially strengthened EEOC would invite subversion from special-interest groups.

Concluding, the editorial states—

> No doubt, the new powers Congress confers upon the EEOC will profoundly affect the future course of the civil-rights movement. While most civil-rights advocates prefer cease and desist, it's by no means clear that this approach would ultimately prove more effective than merely authorizing the EEOC to ask courts to enforce its anti-discrimination rulings. As Mr. Blumrosen writes: "One court decision is worth 10 written conciliation agreements and one hundred annual reports of administrative agencies."

Mr. Chairman, I urge support of the Erlenborn-Mazzoli substitute, which would give the Commission the right to go into court, resulting in fairness to both parties, and expeditious, judicial and fair relief. I hope the Erlenborn-Mazzoli substitute is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Hawkins).

Mr. HAWKINS. Mr. Chairman, I was quite upset when the minority leader some time earlier mentioned the Philadelphia plan as the main support apparently of blacks and others to get jobs in America.

In the first year of the operation of this plan do you know how many blacks got jobs? Less than 100. Do you know how many women have gotten jobs in the history of the Philadelphia plan? Not a single one. Yet the gentleman has the nerve to put that forth as a civil rights record to go to the American people.

The gentleman from Illinois (Mr. Erlenborn) says that we are attempting to destroy affirmative action plans by transferring the authority of the Office of Federal Contract Compliance. The amendment of the gentleman from Pennsylvania (Mr. Dent) does not do this, and he knows that it does not do this. Furthermore, he knows that to transfer it to title VII of the Civil Rights Act would, for the first time, bring labor under the operation of the law, which is now exempt under the OFCC. It cannot be reached. They are trying to reach labor by having the companies do it. But labor itself is not touched. If that does not strengthen the law, I do not know what does it. These misstatements have gone on for 2 days.

What the Erlenborn substitute does is to nullify the Civil Rights Act of 1866, which later became the 14th amendment, as far as employment discrimination is concerned. It nullifies the Equal Pay Act. It wipes out the Office of Federal Contract Compliance where title VII now applies. And it wipes out other Civil Rights Acts as well.

The implication is given that somehow this bill is supported by some civil right individuals. What ones was never brought out in the committee. It is a phantom Civil Rights Act. The origin is clouded in mystery. The Chairman of the OEC would not take credit for it, the Attorney General's Office would not take credit for it, and apparently the administration has not yet taken credit for it. Its support is underground. They are operating as guerrillas to try to line up support in this House.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman, I yield to the gentleman from California (Mr. Hawkins).

Mr. HAWKINS. Mr. Chairman, the future of this bill is equally a phantom. This bill is going to evaporate if its real mission is accomplished, which is the defeat of H.R. 1746. This bill was not dragged in until it was thought there was a possibility of passage of a strong civil rights bill. The proponents have not yet indicated how this bill in some way accommodates to the administration position, or how the position of the minority leader in the House squared with the minority leader in the other House who is supporting our bill—that is not explained. There has been no explanation as to why they do not wish to follow the leadership of the ranking Republican on the Judiciary Committee, who is supporting our bill.

Apparently there has not yet been an understanding of Chief Justice Burger's warning that to pass such legislation will result in at least 20,000 to 25,000 more cases in courts which are already overcrowded.

Mr. DENT. Mr. Chairman, will the gentleman yield for just a question?

Mr. HAWKINS. I yield to the chairman of the subcommittee, the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I would like to ask the gentleman if in his opinion after the experience we have had, and with his sources of knowledge and the acquaintances the gentleman has with the many civil rights groups in the United States, and after hearings on this legislation all over the country in the last 3 years before our committee, would the gentleman say that a vote for the Erlenborn amendment would be considered a vote favorable to a good civil rights bill or a bill that has the support of civil rights groups?

Mr. HAWKINS. There is no issue which is clearer. The only person they have ever quoted who is anywhere near to being a civil rights activist or a civil rights spokesman is the Chairman of the Equal Employment Opportunity Commission, and he is an appointee of the administration. Not only that, but also in spite of that, he supports not just this bill, but he wants a self-enforceable cease-and-desist order bill, so he wants to go much beyond the position we maintain. That is the only person they have ever quoted.

They do not have the support of a single civil rights organization or a single women's rights organization on their side. Yet they have the audacity to give the impression that somehow they are doing something with and for minorities. I suppose before making that statement they have not consulted with the minorities.

I think this is one of the most dangerous and far-reaching types of sabotage of a civil rights bill. I think there should be give and take on both sides, but certainly there should be some giving on the other side and not only just on our side. On the asking for minorities and women to continue to be patient while we drag out the implementation of the Civil Rights Act.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to oppose the Erlenborn amendment. First of all, I worked for 7 years on a bill to provide equal pay for equal work. On page 4 of the Erlenborn bill, on line 14 it reads:

> A charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization.

In a memorandum from Mr. Erlenborn's office, dated June 17, 1971, on pages 1 and 2:

> 2. *Exclusive Remedy.* Section 3(b) of the bill adds a provision that charges filed under title VII shall be the exclusive federal remedy for persons claiming to be aggrieved by discriminatory practices of covered respondents. . . . One effect of this section is to supersede employment discrimination proceedings now being filed under the Civil Rights Act of 1866 and the National Labor Relations Act, amongst others.

The Equal Pay for Equal Work Act is one of those "amongst others."

Mr. Erlenborn stated yesterday, in supporting his substitute:

> So a person bringing an action under this cannot shop around for another forum on which to base another law suit, we would make the Equal Employment Opportunity Act the sole Federal remedy for relief from discriminatory employment practices.

From these statement, I cannot but conclude that a woman no longer has the protection of the Equal Pay for Equal Work Act. This is another reason why I believe that the Erlenborn substitute is misnamed. It is not an equal employment bill if it wipes out in one fell swoop the provisions for some justice for the majority of the people in this country and for one-third of the labor force: The women, black and white, red and brown, who have historically been doing identical work to that of men and have been paid less. In 1963 this Congress finally passed the equal pay for equal work bill. Is the minority leader, is Mr. ERLENBORN, and are other Members of this House willing to pass a bill today which denies equal employment rights in the form of equal pay to some 36 million American women?

Mr. Chairman, let me turn to the argument over the power that might be exercised under the cease-and-desist provision. My State of Oregon has had cease-and-desist powers as have some other 30 States in the Union. It is not under the cease-and-desist power that unfair practices occur in Portland and in other parts of my State. The inequities, the injustice comes about because of the almost absolute power which the Office of Contract Compliance exercises. Yesterday I referred to three cases of which I had personal knowledge. One of those was a ship conversion plant in Portland. In Oregon we have a 5 or 6 percent black population. This ship conversion plant had on their payrolls 15 percent minority employees. Long before OFCC was established this plant had gone out to actively recruit members of the minority races. The Contract Compliance Office in San Francisco said a 15-percent quota was not sufficient and that they must hire 15 percent in every job category. They demanded that 15 percent of all welders be members of the minority race; that 15 percent of all of the electricians be of a minority race; that 15 percent of all carpenters be of a minority race; that 15 percent of the clerical employees be of a minority race.

The Office of Contract Compliance further threatened to hold this company in noncompliance and ineligible for Federal contracts unless they complied with their demands. The management of the plant explained that there were not a sufficient number of qualified welders among the minority groups to meet that 15 percent quota. The answer was, we have a surplus in Chicago, we will bring them to Oregon.

The management of the plant decided that any appeal was hopeless and that it was almost impossible to successfully appeal an order from the Contract Compliance Office.

Under the cease-and-desist orders there is an automatic right to appeal the case. It seems to me that this is a much fairer way than a continuation of the awesome power exercised by the Office of Federal Contract Compliance which the Erlenborn substitute would now transfer to the EEOC.

In summary, Mr. Chairman, I oppose the Erlenborn substitute because it perpetuates the quota system established under the Executive order and in conflict with title VII of the Civil Rights Act. I oppose the Erlenborn amendment because in giving special rights to some it denies equal rights and job opportunities to others. I oppose the Erlenborn amendment because it has clearly been misnamed. It is not an equal employment bill when it wipes out the Equal Pay for Equal Work Act which was finally placed on the statute books after years of work by almost every women's group in the country.

Mr. ASHBROOK. Mr. Chairman, I supported the Erlenborn substitute but will vote against this bill. Having followed title VII very closely since its inception and the EEOC since its establishment it is obvious that the real purpose of granting additional powers for the EEOC is to give it more authority than it deserves or should properly have.

The EEOC will work for quotas, despite congressional intent, and use its blackjack authority to force these on employers. Cease-and-desist powers, however, discussed in the rhetorical context, will be the method for compliance. Just as bureaucrats now order localities or businesses to "submit plans" they will hold the threat of issuing cease-and-desist orders over the heads of business to bring about compliance.

An editorial from the Indianapolis News on September 7, 1971, states the issue very well. I read it into the RECORD at this point:

> One of the first restrictions a totalitarian government imposes is to forbid freedom of movement, an authorization tactic some top members of the Equal Employment Opportunity Commission also want to adopt.
>
> A trio of EEOC attorneys, including an executive director of the American Civil Liberties Union, has recommended to the chairman that entrepreneurs must first prove to EEOC's satisfaction, or face court action, that any proposed relocation of a business is solely for improvement of its economic or competitive position. What the attorneys really intend is to prevent businesses from closing down unprofitable facilities in inner cities—a prohibition which eventually would injure employe and employer. No businessman can tell beforehand what effect relocation is going to have on employment.
>
> The attorneys claim that any contemplated move to a site "that threatens to deprive minority workers of employment opportunities constitutes a prima facie violation of Title VII" of the Civil Rights Act of 1964. In a memorandum to William H. Brown III, chairman of EEOC, the attorneys said: "Section 703(a) states that it is unlawful for an employer 'to deprive or tend to deprive any individual of employment opportunities . . .' " The catch is—and it blows their entire "legal" argument—the section says much more, to wit:
>
> "Section 703(a). It shall be an unlawful employment practice for an employer—(1) to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
>
> "(2) to limit, segregate, or classify his employes in any way which would deprive any individual of employment opportunities or otherwise adversely affect his status as an employe, because of such individual's race, color, religion, sex, or national origin."
>
> What EEOC trio has done is to trim down part two of Section 703 to "prove" its legal authority to restrict freedom of movement. Taken as a whole, Title VII, Section 703(a), parts one and two, says nothing about where a businessman can or cannot operate. It simply requires him to hire, fire and compensate an individual solely on his skills and performance—which, out of economic self-interest, a smart employer would do anyway.
>
> The EEOC attorneys are attempting what Congress clearly has not authorized and therefore has prohibited. Only the President, however, can prevent the EEOC, an executive agency, from severely damaging the free enterprise system.

Mr. Chairman, this agency does not deserve any additional powers. I oppose giving it any additional authority.

Mr. BADILLO. Mr. Chairman, we are today considering a measure which will grant the Federal Government much needed enforcement powers to end discriminatory employment practices and to improve, and, hopefully, reinforce Federal efforts to prevent bias in employment. Although I intend to fully support the Equal Employment Opportunities Enforcement Act of 1971—H.R. 1746—I believe the time is long overdue for the Federal Government to put its own house in order in terms of ending its own discriminatory employment practices.

Although the Government must have the authority to bring an end to the bias and prejudice which currently exists in many areas of personnel policies in the private sector, it must also abide by the same principles and achieve the same goals and quotas which are established for private industry and labor. I am especially concerned over the very poor record of the Federal Government in the employment of Spanish-speaking Americans.

The U.S. Government is the Nation's largest employer with some 2,601,639 men and women serving in civilian capacities. However, Spanish-speaking persons represent only 2.85 percent of all Federal employees—less than half of our proportion of the general population. It is interesting to note that two departments which administer social and economic welfare programs of special importance to much of the Spanish-speaking community—HUD and HEW—have a particularly small percentage of Spanish-speaking employees—1.3 and 1.2 percent, respectively.

In addition to the very low representation of Spanish-speaking Americans in the Federal civil service, it is also most important to realize that those who are fortunate enough to be employed by Uncle Sam are heavily concentrated in the lower grade levels. The U.S. Commission on Civil Rights advises me that there are only 17 Spanish-speaking persons who hold supergrade positions—GS-16 to GS-18—in the entire Federal Establishment.

Last November, the President announced a 16-point program designed to create greater employment opportunities for the Spanish speaking in the Federal Government. Although this program has been in existence for some 10 months and has taken some small steps to implement the President's 16 points, it is clear that much remains to be done. Two departments, for example—DOD and the U.S. Postal Service—together employ 81.09 percent of all Spanish-speaking persons in the Federal Establishment. The great majority of Spanish-speaking citizens continue to be concentrated in pay categories below $9,000 per annum and very few—too few—are in positions of responsibility or decisionmaking. Consider, for example, the fact that only seven Spanish-speaking persons are in the supergrade category in the Department of State and none heads any of our country's foreign missions in any Spanish-speaking nation, even though the Nixon administration has professed an intense interest in our Latin American neighbors to the south.

Mr. Chairman, it is clear that the time is long past to end the hypocrisy of equal employment opportunities practiced by the Federal Government since the first Equal Opportunity Executive order was promulgated in 1955. It is time for the U.S. Government to follow the principle of employment of Spanish-speaking Americans commensurate with their percentage of the total population. Tokenism is clearly unacceptable to the Spanish-speaking community. An immediate and concerted effort must be undertaken to fully implement the 16 points announced by Mr. Nixon last year and to expand them where necessary to achieve some meaningful results. I speak not only of increasing employment opportunities for Spanish-speaking Americans but also in ending certain requirements or features of personnel policies which discriminate against Spanish-speaking persons. For example, physical height requirements have often presented unnecessary barriers to the employment of Spanish-speaking persons in many agencies. Most of the written examinations are conducted in English, even though the results of a test may not necessarily reflect the applicant's ability to perform a particular job.

The failure of the Federal Government to afford full and equal employment opportunities for Spanish-speaking persons transcends Republic or Democratic administrations and the low degree of employment has remained at the same basic level for over a decade. The efforts of the U.S. Civil Service Commission to recruit Spanish-speaking persons must be significantly accelerated and the continued low representation of Spanish-speaking persons in the Federal service clearly indicates that considerably stronger efforts must be made. While I realize that we are now in the midst of a freeze in Federal employment, this situation will certainly not persist and when the Federal job market again becomes open, expanded opportunities must be made available for Spanish-speaking Americans—not only in terms of being hired but also in achieving promotions and in being selected for supergrade and important managerial positions.

In order that our colleagues may have a clearer picture of the current situation, I submit herewith, for inclusion in the RECORD, two charts on Spanish-speaking employment prepared by the U.S. Civil Rights Commission and the U.S. Civil Service Commission and the President's 16-point program.

Mr. Chairman, Spanish-speaking Americans have been treated as second-class citizens far too long and we demand fair and just treatment by the Federal Government. Equal employment opportunities has been a hollow, meaningless promise to us and we intend to exert all necessary efforts to achieve full equality with other citizens. We are not making extraordinary demands but simply ask that the Federal employment of Spanish-speaking persons shall be proportionate to our percentage of the total population of the United States and that we be afforded the opportunity to serve at all levels of Government service, including management and supervisory positions.

Federal personnel policies and practices must serve as models for the private sector and true equal employment will not occur in this country until it exists in the Federal service.

The material follows:

1970 minority group study: all agency summary—full-time employment as of May 31, 1970

RANKING OF THE 12 DEPARTMENTS

(Percent of staff Spanish surnamed)

Commerce	0.7
Transportation	1.1
Health, Education, and Welfare	1.2
Housing and Urban Development	1.3
Treasury	1.6
Labor	1.7
Agriculture	1.8
Interior	2.0
Justice	2.3
State	2.3
Post Office	2.5
Defense	4.0

Source: Minority group employment in the Federal Government May 31, 1970.

Prepared by U.S. Civil Service Commission.

NUMBER AND PERCENT SPANISH SURNAMED[1]

Grade	Average wage[2]	Number	Percent
GS-1	$4,758	108	5.5
GS-2	5,386	624	2.6
GS-3	6,076	3,649	3.3
GS-4	6,823	4,877	2.8
GS-5	7,631	3,987	2.6
GS-6	8,501	1,493	1.9
GS-7	9,440	2,296	2.0
GS-8	10,441	410	1.5
GS-9	11,517	2,706	1.8
GS-10	12,669	190	1.0
GS-11	13,878	1,767	1.2
GS-12	16,543	1,081	.9
GS-13	19,537	619	.7
GS-14	22,897	315	.7
GS-15	26,675	163	.6
GS-16	30,943	9	.2
GS-17	35,801	7	.6
GS-18	37,624	1	.2

[1] These represent total Federal employees.

[2] The average salary for a grade is usually at step 4.

CIVIL SERVICE COMMISSION REPORT, MINORITY GROUP STUDY. FULL-TIME EMPLOYMENT AS OF MAY 31, 1970

PERCENT OF WORK FORCE THAT IS SPANISH SURNAMED—TOTAL ALL PAY SYSTEMS

	Department of Commerce		Department of Transportation		Department of Health, Education, and Welfare		Department of Housing Urban Development		Department of Treasury		Department of Labor		Department of Agriculture		Department of Interior		Department of Justice		Department of State		Department of Defense		Department of Post Office	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
GENERAL SCHEDULE																								
1 through 4	28	0.6	59	1.5	403	1.7	64	2.9	505	2.2	29	2.2	381	3.1	322	3.2	278	3.4	28	3.3	5,796	3.8		
5 through 8	43	.7	173	1.8	404	1.3	55	1.6	379	1.6	33	1.2	451	1.6	302	2.2	379	3.2	55	2.3	4,868	2.7		
9 through 11	51	.9	215	1.1	188	1.0	34	.9	289	1.5	38	2.6	196	.8	187	1.2	85	1.2	28	2.6	2,865	1.8		
12 through 13	33	.7	131	.8	93	.9	22	.7	129	.9	48	1.6	51	.4	65	.7	37	.6	10	2.6	771	.8		
14 through 15	6	.2	15	.3	37	.7	9	.7	10	.3	18	1.3	4	.1	12	.4	7	.4	6	.7	53	.2		
16 through 18	0	0	2	.7	2	.7	0	0	0	0	2	2.0	0	0	1	.5	2	.7	1	2.5	1	.1		
POSTAL FIELD SERVICE																								
1 through 5																							16,039	2.7
6 through 9																							1,600	1.8
10 through 12																							133	0.8
13 through 16																							33	0.7
17 through 19																							3	0.6
20 through 21																							0	0.0
Total, Postal Field Service																							17,808	2.5

Source: Minority Group Employment in the Federal Government; May 31, 1970. Prepared by U.S. Civil Service Commission. U.S. Government Printing Office. Washington, D.C.

SIXTEEN-POINT PROGRAM

The President today announced the initiation by the Civil Service Commission of a sixteen-point program to assist Spanish-speaking American citizens who are interested in joining Federal civilian service.

This program is a follow-up to the statement the President made in his July 30 press conference in Los Angeles welcoming interested and qualified Spanish-speaking persons who have an interest in Federal employment.

The sixteen steps which Civil Service Commission Chairman Robert E. Hampton will begin immediately to undertake are as follows:

1. Appoint a full-time official in the Civil Service Commission who will provide advice and assistance on matters relating to Spanish-surnamed population to assure full application of the EEO program in all Federal agencies to this group.

2. Begin an intensified drive to recruit Spanish-surnamed persons, particularly for identified public contact positions, in areas of heavy Spanish-speaking population, including the Southwestern states and in Chicago, Detroit, and New York, and certain other major metropolitan areas.

3. Use specialized recruitment teams, to include Spanish-speaking persons, for college recruitment, particularly at colleges with heavy Spanish-speaking enrollments.

4. Begin work immediately with OEO, DHEW, HUD, Labor to find ways to enhance opportunities at all levels for Spanish-surnamed Americans in programs dealing with the Spanish-speaking population as well as in other programs and in key occupations.

5. Step up recruitment for Cooperative Education Program at colleges with significant numbers of Spanish-speaking students to permit entry from FSEE registers without necessity of written examination.

6. Emphasize to Federal agencies availability of selective placement on bilingual basis so Spanish-speaking persons may be reached for appointment to positions dealing with the Spanish-surnamed population.

7. Hold an EEO conference of Federal managers and equal opportunity officials in the Southwest designed to assure equal opportunity for Spanish-speaking persons in employment and upward mobility in Federal agencies.

8. Develop plants for Federal agencies under CSC area office leadership to work with high schools in Spanish-speaking areas to make known job opportunities in the Federal Government and to counsel and to encourage students to stay in school.

9. Hire for summer employment in Federal agencies school and college teachers from schools serving Spanish-speaking students to give them understanding of the Federal Government which they can relate to students.

10. Make special effort to inform Spanish-surnamed veterans of availability of noncompetitive appointments for Vietnam Area Veterans including GS-5 level.

11. Require Federal agencies to review their EEO action plans and minority employment figures and make any necessary revisions to assure the full applicability of the plans to Spanish-surnamed population.

12. Review with agencies staffing of EEO program to make sure that there is understanding in the program of the special problems of the Spanish-speaking.

13. Provide additional training programs on EEO and personnel management for Federal managers in areas of Spanish-speaking population.

14. With the Department of Labor, explore the feasibility of establishing an Intergovernmental Training Facility for upward mobility and skills training for Federal, State and local careers in the Southwest, probably in San Antonio.

15. Collect necessary data and broaden analysis of minority statistics to bring out special information relating to employment and upward mobility of Spanish-surnamed persons in the Federal Government.

16. Require EEO reports from agencies to reflect special information on Spanish-surnamed persons and include in the CSC agenda for EEO evaluation questions directed at particular problems relating to employment and upward mobility of Spanish-surnamed persons.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in support of H.R. 1746 because, as I see it, the issue is simply one of Congress keeping its word. In the Civil Rights Act of 1964, we promised that job opportunities would be open to all Americans, without discrimination on account of race, religion, gender, or national origin. But we neglected at that time to see to it that there were adequate provisions in the law for carrying out this commitment. The evidence adduced at the committee hearings makes it plain that unfairness persists in the job market, complicating our grievous unemployment problem. We have learned from experience in this country that promises not kept are better not made—that a law not enforced, because no machinery is provided for its enforcement, arouses a cynical contempt for laws generally. If we want respect for the law in these troubled times, the laws must command respect by being drafted in such a way that compliance follows. Otherwise the law is reduced to a scrap of paper.

Mr. Chairman, there is nothing unique about H.R. 1746. It fits in with our pattern of administrative law. By giving cease-and-desist powers to the Equal Employment Opportunity Commission, we are merely arming that agency with the type of authority familiar to all those who have followed the practices and procedures of the National Labor Relations Board, the Federal Trade Commission, and simliar governmental entities. The cease-and-desist power has been used effectively by those agencies, and I fail to see why the Equal Employment Opportunity Commission should be an exception to the general rule.

During my tenure as president of the city council in Cleveland, Ohio, I had a hand in strengthening fair employment legislation that had been enacted earlier in that municipality. My support of H.R. 1746 is consistent, then, with the philosophy I subscribe to in matters of this sort. I urge my colleagues to join with me by voting for passage of H.R. 1746.

Mr. FRASER. Mr. Chairman, one of the facts which those of us who are concerned about governmental organization must face, is the gap between the mandate given by Congress to Federal agencies and the tools provided to fill that mandate.

The Equal Employment Opportunity Commission is an excellent example of Government's half-hearted commitment to equal opportunity. In 1964 we passed the Civil Rights Act which prohibited discriminatory employment practices based on race, color, religion, sex, or national origin. In 1971 we have still to grant the tools necessary to enforce that mandate. The Equal Employment Opportunity Enforcement Act of 1971, which we are considering today, would give the commission the necessary structure and power to make equal employment opportunity a reality.

The President has talked to us about making Americans proud of their work; that all work should be considered honorable, a proud contribution to the Nation. But how honorable can it be when minority groups and women hold the lowest paying jobs, are the first to be laid off during cutbacks, have few benefits and in many areas are systematically discriminated against moving into jobs involving greater skills and training? What commitment does the Government give to make all work honorable, when it will not even protect the rights of large segments of our labor force whom we know are discriminated against?

As we have seen too many times, the capacity to hold hearings, produce studies, and hold informal negotiating meetings is no substitute for real enforcement power. These are preliminary techniques. Without real enforcement power under law, companies or individual employers will continue discriminatory practices until it is no longer profitable and convenient to maintain such practices. Often the source of discriminatory patterns is inertia rather than deliberate intent. But that does not lessen the injustice and economic damage done to the recipients.

Despite the real progress made in fighting employment discrimination since 1964, the fragmentation of effort by Federal agencies has resulted in a diffuse and often uncoordinated effort to enforce the provisions of title VII of the 1964 act.

Responsibility for Federal efforts to fight employment discrimination has rested with the Office of Contract Compliance in the Department of Labor; in the Civil Service Commission—for the employees of the Federal Government; with the Attorney General in the Justice Department—initiation of pattern and practice suits; and with the investigatory and conciliation efforts of the EEOC. The number of charges filed with the Commission has been increasing yearly since its inception and in over 63 percent of the cases investigated they found discrimination. But in over half these cases were not resolved through "voluntary means."

The EEOC enforcement bill that we are considering today combines the structural and legal changes that are needed to make equal opportunity for all American citizens—regardless of race, sex, national origin, color, or religion—a reality. The consolidation of all Federal enforcement machinery and the granting of judicially enforceable cease-and-desist powers are a fundamental necessity in bridging the gap between the mandate given by Congress to the EEOC and the ability to fulfill it.

While I appreciate the points of view of Representative ERLENBORN and of the minority of the committee who supported his substitute, I feel that it is simply not feasible to expect the EEOC to undertake individual court cases on behalf of individuals. Both in terms of imposing a great burden on the judicial system because of the enormous caseloads which would result, and the protracted litigation resulting from suits in civil rights cases, I believe that the Erlenborn substitute simply does not meet the needs of individual citizens. The Equal Employment Opportunity Commission is a regulatory agency in much the same fashion as Federal Trade Commission and the Securities Exchange Commission, and it should have the same powers to protect minorities and women as those agencies are empowered to protect consumers and investors.

Although administrative transfers are always resisted because Federal agencies too often seek to keep all possible powers and programs under their control, it is an eminently sensible concept to concentrate all enforcement responsibilities in a single agency. At the very least, it would reduce overlap and would encourage coordination of the program. At best, it would result in uniformity and concerted effort in development of the law, goals, policies, and procedures for ending employment discrimination in the United States.

The Erlenborn substitute does not deal with any of these structural changes nor would it extend coverage of title VII to the groups of employees who are not presently covered by the act. This includes employees of State and local governments, personnel of educational institutions, and employees in establishments employing eight or more, but fewer than 25, individuals. In addition, the substitute would limit the amount of back pay which could be awarded in cases of discrimination and would prohibit class action suits. This is clearly a backward step and could only serve to aid industries and unions rather than the working man and woman.

It is difficult to reconcile the rhetoric of opportunities for the working man and woman in America with the reality of labor statistics: women who work full time earn about 58 percent as much as men. A woman with a college diploma can expect to earn the equivalent of a man with a high school education. Minority males earn 67 percent as much as white males. In addition, unemployment among these groups is much higher than the national average because many are considered "marginal workers" and not counted among the unemployed. Many workers such as Spanish-American agricultural workers who are supposed to be receiving the minimum wage are not, and they have no recourse. The percentage of women in top Government jobs—1.5 percent—shows that the Federal Government itself contains systematic discrimination. Low wages, frequent layoffs, limited job benefits, inaccessibility to learning new job skills—these are all discriminatory practices suffered by minority groups within the United States.

Pride in work cannot come until there is equal opportunity in work. There is a clear obligation on the part of Government to provide the means to make the words of title VII of the 1964 Civil Rights Act a reality. Therefore, I will vote against the Erlenborn substitute and for the Equal Employment Opportunity Enforcement Act of 1971, H.R. 1746, as reported out of committee.

Mr. PODELL. Mr. Chairman, when Congress created the Equal Employment Opportunity Commission in 1964, it intended to provide a solution to one of our Nation's most acute social problems, baseless discrimination against members of minority groups. That discrimination has resulted in underemployment and lack of reasonable advancement opportunities for those minority members who have been fortunate enough to gain employment.

During the 88th Congress, it was made clear that in order to stamp out the insidious evil of employment discrimination, a strong pronouncement of national policy favoring equal employment opportunity in private industry was necessary. There were clearly differing opinions, however, on how to achieve these results. No less than a dozen comprehensive bills were introduced and more than 530 hours of debate took place. Finally, after much lengthy consideration, the present title VII to the Civil Rights Act was enacted.

The impact of such legislation has been substantial. The EEOC's first annual report noted that the Commission had received 8,854 complaints, rather than the projected 2,000 cases, which it characterized as a "dramatic response to the new law which reflected the confidence of civil rights organizations and minority persons in this new avenue to relief from discrimination."

The Commission's fourth annual report, published in 1970, similarly renders a report of the progress the EEOC has already made, expressing satisfaction with the number of conciliations achieved, the affirmative acts programs inspired, the legal precedents which have been developed, the data that had been accumulated, the State action that had been prompted, and the new methods which had been implemented of public confrontation and visitation of individual plants, whole industries, and geographic areas. Further, the report indicates the EEOC was now handling an incoming annual volume of over 17,000 cases.

Despite such achievements, however, the Commission continues to suffer from a most serious handicap. There is a patent need to amend the enforcement scheme contained in title VII. The Commission is now relatively powerless to change discriminatory employment practices of respondents. After a failure of conciliation efforts, the allegedly aggrieved person is simply left to make his way alone in the unfamiliar and formidable milieu of the courts in order to obtain redress. The Commission only participated as intervenor or amicus curiae in 96 title VII cases in fiscal 1969. This is clearly not a realistic enforcement procedure.

This House has before it a bill sponsored by Representative HAWKINS—H.R. 1746—which seeks to correct this deficiency in the act. H.R. 1746 gives the EEOC power to order employers to cease and desist from their discriminatory practices. Since 1966, Congress has proposed giving cease-and-desist power to the EEOC. For one reason or another these efforts have been stymied. This vital issue is before us again today, and I sincerely hope that this enforcement power will be finally granted to the Equal Employment Opportunity Commission.

An examination of statistics with respect to the progress of equal employment opportunities conclusively shows that the current voluntary approach has failed to eliminate employment discrimination. The time has come to end employment discrimination once and for all and to make available for every individual the opportunity for the self-respect that goes hand in hand with a job commensurate with a citizen's ability.

True justice demands an affirmative vote for this essential legislation.

Mr. FRENZEL. Mr. Chairman, prior to the floor debate on H.R. 1746, I had been prepared to vote for the Erlenborn substitute amendment. There are many reasons for doing so. The Erlenborn amendment would give the EEOC the ability to take its cases to court. This is a strong power which is especially potent as a threat in working out compliance agreements. It may even be a better weapon than the cease-and-desist powers sought by the sponsors of H.R. 1746.

Also, the track record of the EEOC has not been such as to inspire my confidence to place strong powers in it. The blame for noncompliance and a heavy blacklog cannot all be placed on the EEOC. Nevertheless, at least in my State, when our human rights department was given the ability to work through the APA—and later given stronger powers than mere cease-and-desist authority—these powers were granted only after the Department has achieved a first-class compliance record and gained the confidence of both complainants and defendants. On the record, I do not have that kind of confidence in the EEOC.

I do not believe the powers granted to regulatory commissions are analogous to the powers H.R. 1746 seeks to give to EEOC. I am not sure that the NLRB analogy is quite comparable.

For these reasons I lean toward the Erlenborn amendment. Indeed, I would feel comfortable voting for it. It would be surely a safer, and perhaps an even more effective, path toward equal opportunity in employment. But, in these times, it is not always appropriate to seek comfort and safety. I believe we ought to seek instead the quickest path to equal employment opportunity. Equality has been delayed too long already. In granting cease-and-desist powers to EEOC, there is some risk, of course. But, I believe that the Administrative Procedure Act contains safeguards sufficient so that the risk lies primarily with the EEOC, a Commission theoretically at least responsive if not accountable to the President. In addition, the Dent amendments lessen the risk of arbitrary actions by the EEOC. The notice amendment particularly tends to "defang" some objections to the administrative process.

Smaller employers may find they prefer the hearing procedures under APA rather than the expensive, unfamiliar, and time-consuming process of going to court. Surely the court system is still available to backstop the APA.

Therefore, I intend to vote for the committee bill. If the Erlenborn amendment prevails, I do not believe that the cause of human rights will be set back. Nor do I believe that, if H.R. 1746 prevails, businesses will be subjected to harassment without due process. In choosing the committee alternative, I am simply looking for the quickest and best way to bring equality of employment opportunity to this country.

Mrs. MINK. Mr. Chairman, I rise today to express my strong support for H.R. 1746, the Equal Employment Opportunities Enforcement Act of 1971. This legislation would greatly improve and expand the Federal Government's efforts to eradicate discriminatory hiring and promotion practices. It would revitalize the commitment to equal employment opportunity which Congress initiated in 1964 with the passage of the Civil Rights Act.

Discrimination, regardless of its basis, mocks the principles of equality which have animated and guided this Nation since its very inception. But discrimination is much more than a philosophical incongruity; it is an abhorrent fact of American life and a debilitating and often intolerable burden on those who must struggle against it. Despite our cherished principles, minority groups and women are still denied equal employment opportunities in our society.

Although still unsolved, the plight of minority groups in this country is at least recognized as shameful and unjust. Equally serious, however, is the discrimination inflicted against working women who must additionally contend with the widespread belief that their cause is neither serious nor justified. The view that employment discrimination against women is perfectly natural and only reflects the inherent differences between the sexes continues to the detriment of the entire Nation. However, as the Education and Labor Committee report on this bill unequivocably states:

> Discrimination against women is no less serious than other forms of prohibited employment practices and is to be accorded the same degree of social concern given to any type of unlawful discrimination.

Because existing legislation has failed to eliminate discriminatory employment practices, we must again concern ourselves with this issue to insure that all Americans, regardless of their race, religion, sex, or national origin, share equal access to employment opportunities. H.R. 1746 would vest the major responsibility for ending illegal job discrimination with the Equal Employment Opportunity Commission and would increase its powers and broaden its jurisdiction accordingly. Established by title VII of the 1964 Civil Rights Act, the EEOC has made a notable effort to reduce employment discrimination but has been severely hampered by its hitherto limited enforcement powers. Lacking this authority, the Commission has not been able to produce an acceptable degree of compliance from violators, and barring passage of this bill, there is no reason to expect any improvement in the future.

H.R. 1746 would give the EEOC the authority to issue judicially enforceable cease and desist orders and would transfer to it the Justice Department's authority to prosecute "pattern or practice" suits. This consolidation of authority would enable the Commission to quickly remedy individual grievances while simultaneously moving to eliminate the larger patterns and practices which they reveal. By giving the EEOC effective enforcement powers, we will greatly improve not only its ability to respond to violations but to prevent them as well. If it is known that the Commission can and will act against violators, its attempts to secure voluntary compliance will undoubtedly be more successful.

The purpose of this legislation is to end employment discrimination, and this goal cannot be served by dispersing the agencies charged with achieving it. The Government's responsibility and commitment to those denied equal rights is too great to be sacrificed to administrative inefficiency and confusion. Past experience has shown that only a concerted and coordinated effort has any chance of reducing the incidence of job discrimination. In recognition of this fact, H.R. 1746 would transfer the Office of Contract Compliance from the Department of Labor to the EEOC, thereby assuring a systematic and directed approach to the problem.

The Office of Contract Compliance was created to oversee the employment policies of Government contractors to insure that their hiring and promotion practices were in compliance with Federal standards. Government contractors are among the largest and most influential in the Nation and the policies and practices which they adopt have a significant impact on the rest of the business community. Through the governmentwide contract compliance program, the OFCC seeks to prevent any indirect Federal subsidization of employment discrimination and to guarantee that the Government's tremendous purchasing power operates as a force for social improvement. The OFCC's efforts to end job discrimination by Government contractors would be an integral part of the EEOC's larger effort to achieve equal employment opportunity throughout American society, and no purpose is served by their continued separation.

In addition to improving the enforcement and administration of Federal laws prohibiting job discrimination, this bill would broaden the EEOC's jurisdiction to include previously exempted Federal, State, and local government employees and certain employees connected with educational institutions. One year following its date of enactment it would also extend coverage to all employers and labor unions with eight or more employees or members, thus including millions of persons unprotected because of the present restriction requiring 25 or more employees or members.

There is no reason why persons working in the public sector should not enjoy the same protection and rights as those in the private. Government employment practices should serve as a model for the rest of the Nation and must be the first area freed of prejudice and restriction. The Federal Government in particular must effect internal employment reform to emphasize its firm and unrelenting commitment to equal employment opportunity. Leadership by example is a prerequisite for the success of all our other efforts.

The Civil Service Commission is the agency presently responsible for implementing and enforcing equal employment policies within the Federal Government. However, its record has been less than successful because it not only lacks the necessary expertise but suffers from a built-in conflict of interest whenever it is called upon to investigate hiring or promotion complaints. It is unreasonable to expect any improvement as long as the Commission continues to sit in judgment of its own policies and practices, many of which continue to promote systematic discrimination. I have repeatedly seen the difficulties this poses for a Federal employee or applicant seeking relief from unfair and unwarranted judgments.

For years, I have fought to gain equal rights for women employees of the Federal Government, particularly those employed by the overseas dependents schools system. On the basis of this experience, I know that we must empower the EEOC to protect all Federal employees from arbitrary regulations and summary verdicts.

By transferring the Civil Service Commission's Service civil rights enforcement function to the EEOC, we would provide an independent and impartial review for all persons whose employment rights have been violated because of their race, religion, or sex. This move would not prevent the Civil Service Commission from continuing its own internal equal employment programs but would provide for their modification should they prove insufficient.

There is no reason for omitting Government employees from the protection offered by the EEOC, and, similarly, there is no justification for excluding teachers and other employees of educational institutions when, as the committee report clearly documents:

> Discrimination against minorities and women in the field of education is as pervasive as discrimination in any other area of employment.

It is especially important that employment in our educational institutions be open to all on an equal basis, for they have an unparalleled opportunity to free the future from present discriminatory attitudes and practices. The example which our educational system sets has an incalculable impact on the attitudes and beliefs of the youth of this country, and we cannot permit discrimination to infect and damage yet another generation.

Mr. Chairman, all of the provisions of this bill are essential if we are going to make any headway against job discrimination in this country. Taken together, they promise that equal opportunity will one day be secure for all our citizens. I urge all of my colleagues to join me in supporting this bill without amendment.

Mr. STOKES. Mr. Chairman, the lines have long been drawn in the battle over giving the Equal Employment Opportunity Commission cease-and-desist powers. Since 1965, various measures have been offered in both Houses to strengthen title VII enforcement. The Members of both Chambers have heard the arguments for too long. We are at an impasse, and the time for positive action is yesterday.

Although no one today is so unsophisticated as to rise up in favor of discrimination and racism, the fact is that only the words have changed. The attitudes are there. The methods are there. And the hypocrisy is there.

This, then, is the problem we face in the controversy between the Hawkins bill, H.R. 1746, and the administration bill, H.R. 9247. Both sides claim to want strict enforcement of title VII. Both claim to abhor inequities in employment. But when one looks not-so-far beneath the surface of the arguments, the intent of those who would oppose cease-and-desist power for the EEOC is quite plain.

What we must do is project ourselves into the future for a moment. Given the amount of money we intend to use in funding title VII enforcement efforts, where would the small amount we are likely to get do the most good? There are no guarantees that additional moneys appropriated for the courts would be spent in expediting discrimination cases. If we appropriate funds for EEOC's enforcement efforts, on the other hand, we can hold the Commission accountable for its performance.

We all claim to be searching for the most efficient and effective means of eliminating discrimination in employment. Given this claim, I think that our only alternative is to strengthen the Equal Employment Opportunity Commission itself. And the only way to do that—I mean to really give it the strength it needs—is to give it the option to issue cease-and-desist orders where prompt decisive action is required.

The proponents of the administration measure argue that court delays are insignificant because of the availability of temporary restraining orders. What they neglect to mention is that such orders are rarely useful and seldom granted in employment discrimination cases. No court will say, "Stop discriminating until we have investigated the merits of your case." It will not temporarily reinstate the worker or temporarily award him backpay. It will only maintain the status quo which, we all agree, must be changed, not perpetuated.

We should forget about temporary relief and create a system which will provide a prompt—and final—decision. The courts have failed in this respect in the past. Administrative enforcement is the solution of the future.

In addition to expediting decisions, administrative enforcement would yield two additional advantages. The first is that decisions would conform to a national standard. National criteria cannot be established within the context of the courts which, as we all know, differ from State to State, region to region.

The second advantage of the administrative process is that complaints would be heard by experts. In its report, the committee pointed out that while certain types of discrimination are not readily apparently to the layman, they are real and illegal. The Commission hearing officers would have a trained eye for such devices as placement tests which are geared to the white middle-class applicant.

I have explained why I favor cease and desist over court enforcement. But my absolute opposition to H.R. 9247 is based upon even more serious considerations.

In subtle but substantial ways, the administration bill would gravely weaken even existing remedies. The bill would limit the coverage of title VII, minimize damage awards against discriminating employers and unions, and hamstring private individuals' efforts to enforce title VII by private litigation. It ignores the more than 10 million State and local government employees; it limits back pay collectable to 2 years; and it eliminates private class action law suits, presently the single most effective remedy. Its passage would be a great leap backward in our struggle for equal employment opportunity.

I urge my colleagues to join me today in recognizing—and ferreting out—the hypocrisy which has, so far, kept our civil rights laws rotting in the books. If we are sincere about our commitment to equality in employment, we will pass the Hawkins bill by a resounding margin.

Mr. BROOMFIELD. Mr. Chairman, it has been clear for some time that the Equal Employment Opportunities Commission lacks effective power to enforce our laws against job discrimination. William H. Brown, Chairman of the Commission, reports that it was "able to achieve either a partially or totally successful conciliation" in only about 18 percent of the 40,000 employment discrimination charges received during the first 4 years of its existence, a dismal record, Mr. Chairman, by any standard. Needless to say, I support the general proposition that its powers be expanded.

I cannot support, however, the bill reported by the Committee on Education and Labor, for in treating the ineffectiveness of the EEOC the committee has given it authority far beyond its needs—authority which can only serve to compromise the principles of due process and separation of powers. That the legislation carries this to an even further extreme, extending the jurisdiction of the Commission to cover contract enforcement, pattern and practice suits, and State and local governments, seems to me final evidence of the committee's irresponsibility in dealing with this crucial matter. Even now, Mr. Chairman, the EEOC is faced with a 1½ to 2-year backlog of cases: to expand its jurisdiction would manifoldly increase its present inefficiency, slowing even further the disposal of discrimination cases.

The key article of the committee bill would permit the Commission to issue cease-and-desist orders when it has determined after investigations and hearings that an employer has engaged in discriminatory practices. This is, of course, in marked contrast to its present power merely to conciliate employer-employee differences. That power is, I admit, useless. But the fact that it is useless does not warrant its replacement by a provision which would make the EEOC an all-powerful quasi-judicial administrative agency. By giving it the responsibilities of investigator, prosecutor and judge the committee is seriously undermining the doctrine of separation of powers: it would be similar to letting policemen arrest, try, and punish citizens on the street at the point of a gun.

No less important, Mr. Chairman, the committee bill would create a system in which the burden of proof, contrary to any notion of due process, would rest upon the defendant and not the plaintiff. On receipt of a charge, the Commission would be required to find reasonable cause before issuing a formal complaint. The mere issuance of the formal complaint, then, would be a presumption of the defendant's guilt, and he would be faced with the anomaly of proving his own innocence.

These two arguments seem to me reason enough to reject the committee's bill and accept the substitute offered by my distinguished colleague from Illinois (Mr. ERLENBORN). His legislation would authorize the Commission to initiate suits in Federal district courts against recalcitrant employers greatly increasing its powers without endangering the right of Americans to due process of law and without compromising the separation of powers principle. If the employer refused to correct injustices, the Commission would act as prosecutor and enforcer, but never as judge and jury.

This makes greater sense when we realize that even in the committee bill the courts serve as the employer's last resort. Mr. ERLENBORN has proven conclusively that initial resort to district courts is a much speedier way of disposing cases than the long and arduous processes of agency investigations and hearings. If only in the interest of efficiency, the committee bill should be rejected.

We must realize, Mr. Chairman, that effectiveness normally goes hand in hand with efficiency. The bill before us today would only intensify the failures of the Equal Employment Opportunities Commission, while seriously undermining the principles of due process and separation of powers. Accordingly, I urge that it be defeated.

Mr. LEGGETT. Mr. Chairman, considerable strides have been made in equal employment since the 1964 Civil Rights Act. Firms and corporations which only a few years ago rigidly restricted their executive suites to white Anglo-Saxon protestants are now sending representatives to the campuses in determined and sincere efforts to recruit black graduates for management positions. Similarly, unions which were once bastions of discrimination have one by one begun to open their ranks to promising young men regardless of race.

But we have a long way to go. For every corporation or union sincerely determined to open its ranks, we can find one only interested in tokenism. Unfortunately, the same is true of a number of Government agencies.

Giving teeth to the Equal Employment Opportunity Commission will not solve all our problems, but it will help. We have before us today two bills. One, the original Hawkins bill, is highly desirable. The other, the Erlenborn substitute, is considerably weaker, and in my opinion it is not enough for 1971.

Some may feel the Hawkins bill goes too far, and thereby creates inequities. The gentleman from California plans to offer three amendments, which I will support, which will answer most of these objections. These amendments would impose a 2-year limit on backpay liability, would rule out quotas from the Federal contract compliance program, and would require the defendant to be notified within 10 days of the filing of a complaint.

So we will have to decide between the Hawkins bill and the Erlenborn substitute.

The Hawkins bill would give the Commission the power to directly issue cease and desist orders. The Erlenborn substitute would force it to go through the already overloaded courts.

The Hawkins bill would empower the Commission to handle its own litigation. The substitute would have the Attorney General represent the EEOC in appeals. In this year of our Lord 1971 I believe the substitute's potential for abuse does not require explanation.

The bill permits class action; the substitute does not.

In short, the substitute leaves those who have suffered employment discrimination to the mercies of the Attorney General. It forces them to suffer the delays of our overloaded courts, and it adds to the overloading even more by preventing class decisions.

I urge my colleagues to cast their votes for true liberty and justice for all, by voting for the original bill and against the substitute.

Mr. ROBISON of New York. Mr. Chairman, I am supporting—and intend to vote for—the committee bill, H.R. 1746. I recognize that there are favorable things which can be said about both the committee bill and the proposed substitute, H.R. 9247; and I recognize, too, that several outstanding business leaders in the Nation and in my congressional district have expressed the opinion that the committee bill places an unfair burden on segments of the business community. But, on balance, I feel the committee bill gives us the best chance to further equal employment opportunities for all American workers, and does so in a manner consistent with the themes of justice and fairness which are so rightfully important to my friends in the business community.

There is little debate today about the necessity for some action. Everyone appears to agree that more can—and should—be done at the Federal level to insure all citizens equal access to available job markets. Proponents of the committee bill and the substitute bill both agree that the Equal Employment Opportunities Commission needs a form of enforcement power. The only question is what kind of enforcement power is the fairest and most effective to all involved.

The substitute bill would permit EEOC attorneys to sue in Federal district courts in cases where the EEOC has found reasonable cause to believe a violation has occurred. In the abstract, this seems reasonable enough. But litigation in the Federal courts can be a lengthy, and expensive process—to everyone concerned. The average length of time for a Federal court action, for example, is 19 months. By flooding the district courts with all Federal job discrimination cases, this backlog can only increase. Meanwhile, those allegedly discriminated against are still frozen from a possible job opportunity. In this type of case, I doubt the effectiveness of such enforcement; and I think business leaders should also realize that defending actions in this way is going to be an expensive proposition indeed.

The committee bill, on the other hand, proposes to give EEOC authorization to issue complaints, hold hearings, and where an unlawful employment practice is found, issue appropriate orders subject, of course, to judicial review. This "cease and desist" method of enforcement is the same type of mechanism given to virtually every other Federal regulatory agency and is the same adopted by 32 of the 37 States which have agencies to enforce equal employment opportunity laws—including New York.

Of course, if a full hearing is demanded, a final decision might still take several months to be reached—although not nearly as long as the average Federal court action—but since the agency would have "cease and desist" authority, it should be able to settle complaints much more expeditiously without going to hearing. This has been the experience of the NLRB, for example, where 95 percent of its cases do not go to hearing. This is as much a protective device for the businessman as it is for the complainant since it cuts off the threat of scurrilous complaints dragging them into extensive and expensive litigation.

There appears to be little grievance about the operation of the State agencies already in existence which have powers roughly equivalent to those proposed in the committee bill. At least, I have never had a business complain to me about the operation in New York. I suspect this is the case because due process for all parties is built into the mechanism used by the State agencies, just as it is built into Federal regulatory efforts by means of the Administrative Procedure Act. This act would apply to the powers given to the EEOC, just as it applies to actions taken by the other Federal regulatory agencies.

Under the APA, fair notice is required to all parties, just as all parties have the right to present their cases before both the hearing examiner and the Commission, to rebut adverse evidence, and to cross-examine witnesses. The hearing examiners are isolated from the rest of the Agency, and are prohibited from taking advice from the Agency's personnel—to preserve objectivity. The hearing examiners are recruited not by the agency, but by the Civil Service Commission through a process of competitive examinations; and therefore, they should be as independent and fair as any part of the Federal judiciary. Finally, the ultimate safeguard of the rights of the parties is the right of review in a U.S. court of appeals.

I believe that guaranteeing all Americans—irrespective of race, color or creed—an equal chance for employment is surely as primary a Federal priority as those functions presently carried out by such agencies as the Federal Trade Commission, the Securities and Exchange Commission, the Interstate Commerce Commission, the Federal Communications Commission, and so forth. What better way to support the President's call for a rejuvenated "work ethic" in this country than to unequivocally demand equal access to all Americans for available job opportunities?

This is no radical notion, but the most basic of rights we are discussing. This is no bipartisan measure, but a concept which should be supported by Members of both parties who are concerned with effective enforcement of fair employment practices. As a Republican, I feel no small obligation to my party's history of supporting the causes of equal opportunity and personal dignity. As an American, I would consider it the greatest of hypocrisies to give lip service to equality if we are not prepared to enforce such equality in the most effective manner possible.

Mr. SHOUP. Mr. Chairman, I take strong exception to H.R. 1746 as it has been reported out of committee and urge my fellow Members to vote against the bill.

Equal opportunity for job placement is a crucial issue, one of the most important social matters at this point in our Nation's history. Yet, H.R. 1746 goes beyond the proper limits of governmental control by granting powers to a commission that are powers only properly granted to courts of law.

To decide whether one party is right and the other party wrong is the very essence of jurisprudence. The court system is designed to insure that fairness is the byword of that decisionmaking. A commission is not. Many Federal boards and commissions regulate various things, from electricity to use of the public airways. But human beings are not kilovolts or radio waves. They are people, with distinctly different characteristics. In governing kilovolts and radio waves, we deal with specifics. Certain amounts can be ascertained as the right amount for each does its job to the same degree. Yet human beings are not so constructed. In deciding distinctly human issues, there is a great deal of gray between the opposite ends of the spectrum. A computer can be programed to decide right from wrong. But there are shades of gray that are a permanent part of the human condition. The American courts are designed to balance all those side issues and resolve any controversy with an equitable solution.

Mr. Chairman, it is sheer folly to prostitute the court's role in rendering equal justice for all, in favor of granting judicial powers to a commission that cannot avoid bias and political pressure. Unless claims of discrimination are kept in the judicial system's area of responsibility, we are negating any further efforts to combat discrimination in this country, because we cannot guarantee fairness. The courts alone are designed to accomplish the task of making fair, unbiased decisions.

We must, as the law making body of this great land, ask ourselves crucial questions in weighing the merits of H.R. 1746 and other antidiscriminatory legislation.

First. Are we, by virtue of legislating a quasijudicial function onto a commission, accomplishing something far different than the original intent of equal opportunity legislation? Are we now moving toward forcing American employers to be biased toward minority applicants because they are members of a minority? Have we inadvertently created a monstrosity that is coercing employers to hire a black, or Chicano, or woman, or anyone else because they are black, or Mexican-American, or female, with only secondary consideration for the qualifications of the applicant for the actual job to be performed?

Second. Are we, in our self-righteous zeal to benefit the minorities, stepping on the rest of America? Are we thus creating through H.R. 1746 and its provisions for judicial action by the Commission, not more equality before employers, but discrimination by them in their hiring? Is such prejudicial hiring for, any different than the prejudice against we so puritanically condemn? Are we thus forcing employers to practice illegal discrimination because of race?

Third. Is the day far off when we will see a white man bring forward a complaint that another man was hired instead of himself, not because the other man was better qualified but because the business needed to keep their quota of persons of the other man's color?

Many feel in this country that equal employment opportunity is dependent on what color you are, just like it was years ago, only now the color has been reversed. That, gentlemen is racial discrimination, just as much now as 20 years ago, and legislation like H.R. 1746 does not do away with it, it promotes it. We are allowing equal opportunity to be enforced only for one segment of the population, while ignoring, or at least not applying with as great a zeal, the same right to all other segments of the society.

Racial harmony, being a very sensitive and crucial issue, must be achieved to the letter of the word, equal. The only way we can insure non-partisan, constitutionally sound efforts toward such harmony is through this Nation's courts, not by usurping the responsibilities of the courts by granting commissions far-reaching powers with wide-ranging possibilities.

In closing, I ask each of you to look deep inside yourselves and ask: "Is prejudice for, somehow different than prejudice against?"

Or, does one create the other, with prejudice by any other name, prejudice still the same?

Mr. RARICK. Mr. Chairman, the people of my district believe in the opportunity for every individual to fulfill his God-given talents and abilities, but they also feel it is not the proper role for Congress to mislead people into believing Government can insure this right through a legalized program of discrimination. This is true even if by "equal employment opportunity," the Government intended that the individual best qualified would get the job, regardless of race, religion, or national origin.

But, unfortunately, this is not the case. Time and experience have proven that what this Government means by "equal employment opportunity" is not the great American ideal that the individual best qualified gets the job, but rather that an employer is coerced into hiring a certain percentage of minority groups to maintain judicially constructed racial proportions. It is no longer the question of getting the job done—pragmatism, that great American social philosophy is dead. Government does not concern itself with getting the job done, producing a competitive product, or making a profit; Government under EEOC only worries if there is a proper racial balance of employees assigned and on the job.

Under the EEOC rulings, race becomes the rule and guide, not opportunity. Violation of equal employment regulations is presumed if racial quotas are not met. The EEOC runs the employment, not the employer or businessman. The practical result is that the employer is forced to racial hiring practices guided by judicially constructed percentages to stay out of trouble and avoid expensive legal actions.

What has occurred and destroyed the State public school systems of this great Nation now threatens to destroy the laboring system that has built America. Just as Federal courts have moved into communities and demanded an unworkable liberal application of proper "racial proportions" in the public schools, this EEOC, an agency of the Government, has moved into city after city and instituted plans that require certain minority percentages in labor and employment on Government jobs. The end is not in sight as the Federal Government moves from city to city destroying the makeup of the laboring force by removing all qualifications for employment and insisting on unworkable racial proportions, regardless of experience, training, or productivity.

We have even seen recently in this city, our Nation's Capital, the idea advanced that the requirement of a high school diploma and civil service test be dropped in consideration for employment as a district fireman. The employment criteria was not going to be dropped because of inability to get qualified men, but simply to let unqualified minority applicants be guaranteed employment.

These practices, however, are not the extent or the limit of the governmental attempt to provide the minority groups with compensatory advantages rather than "equal employment."

One of the glaring examples of actual favoritism practiced by this Government occurs in the Small Business Administration's practice of letting a Government contract without the benefit of competitive bidding. Known as "Project M," this operation has appeared several times recently in the course of inquiries I made in behalf of my constituents concerning SBA matters. Two letters that I received on May 27 of this year indicate the extent of favoritism engaged in the operation. I would like to call the attention of my colleagues to the relevant passages.

From a letter I received from the regional administrator of the GSA in response to an inquiry I made concerning the construction of a building one of my constituents was interested in bidding on:

> We do not plan to handle the construction of this building through normal advertising and bidding procedures. We are negotiating with the firm of Griffin and Butler of New Orleans, Louisiana, as a minority entrepreneur under Section 8(a) of the Small Business Act. Under this program, qualified minority or disadvantaged contractors are assisted in entering the Government contracting field through direct negotiation with the General Services Administration with assistance from the Small Business Administration.

From a letter I received from the Administrator of SBA in response to an inquiry I made concerning the practice of letting contracts to minority firms without advantage of competitive bidding:

> Under Section 8(a) of the Small Business Act, the Small Business Administration is empowered to enter into contracts with other Federal agencies and to then subcontract the performance of the work to others. Within SBA, the Office of Business Development is endeavoring by use of this tool to assist in the establishment and strengthening of manufacturing, construction, and service-related firms owned and operated by "disadvantaged" persons. Section 8(a) contracts are being used to assist these disadvantaged firms to achieve in a few years a truly competitive position in both the commercial and Government marketplaces.

This SBA practice of awarding contracts to minority firms without benefit of competitive bidding disturbed the construction industry of Louisiana and they asked the Comptroller General's office to institute an immediate review of this decision with representatives from the national construction organizations present and allowed to testify. Unfortunately, their request was not granted, perhaps because the Comptroller General's office knew that such a hearing would publicize once and for all the prejudical practices engaged in by the SBA in the name of "equal opportunity."

However, perhaps the last straw in this move by the Government to give the minority groups every advantage occurred recently here in Washington when the Department of Transportation offered "technical assistance to minority contractors, such as from accountants and business advisers, that will allow the firms to develop and submit the proper bids."

I would like to call the attention of my colleagues to certain relevant passages from a newspaper article detailing this announcement and remind them that what has occurred here in Washington can and will occur elsewhere unless this Congress acts to defeat the bill under consideration.

From the news report, I read:

[From the Washington Evening Star, Sept. 6, 1971]

Minority Firms to Get Aid in Metro Bidding

(By Fred Barnes)

Officials of the Washington area subway agency have been told that the Transportation Department will finance a special project to assist minority group firms in bidding on Metro construction contracts.

The project will offer technical assistance to minority contractors, such as from accountants and business advisers, that will allow the firms to develop and submit the proper bids.

If the project produces the desired result—the award of more Metro contracts to black companies—it could go a long way toward easing the controversy over the subway agency's contracting practices.

Metro general manager, Jackson Graham said Transportation officials are promising "some positive response to our recommendation for a federally-funded technical assistance program by mid-October."

He told the Metro board of directors last week that Transportation officials "are aware of the board's desire to stimulate interest among minority firms on a nationwide basis and indications are that this will be taken into account in connection with the technical assistance program."

Since the project "is geared to addressing the basic problems facing minority contractors," Graham said, it "will take some time to produce solid results, but there is every reason to believe it can provide the kind of enduring assistance that will contribute heavily in the long run to the cause of minority entrepreneurship."

Metro's request that the project be established came after the Rev. Jerry A. Moore Jr., a D.C. City councilman and vice chairman of the Metro board, charged that the agency was "openly hostile" to black contractors. Moore claimed that Metro's contracting procedures are such that black firms are ofen shut out of the bidding.

GRAHAM'S REPLY

Graham and other Metro officials responded that many small black contractors were not well versed enough in the bidding procedures to join the competition for subway contracts.

Out of the first $300 million in contracts and subcontracts for Metro construction, only about $1 million has gone to minority outfits. This amount, Moore said, "is not encouraging in a project of this size."

The Transportation-financed project would teach minority contractors "management expertise," whether they were seeking to bid on Metro contracts or other government agency contracts.

One important area in which the firms could get aid is estimating their costs for a particular construction job. Some firms, Metro officials feel, have been unable to bid because they haven't been able to gauge accurately what their expenses would be.

The government grant for the project—probably about $200,000 to $250,000 for a year—will go to one of several private groups, such as the predominantly black Washington Area Contractors Association, which say they would like to run it.

Metro itself cannot run the project because that would create a conflict-of-interest. The agency would be aiding some firms in submitting bids and then would have to turn around and make an official recommendation concerning these same bids.

OBJECT TO PROPOSAL

Metro staff officials and suburban members of the Metro board have supported the project idea from the beginning, but they are opposed to Moore's proposal that some contracts be set aside for bidding solely by minority firms.

This type of bidding would be carried out under a program run by the Small Business Administration. Metro general counsel John R. Kennedy, however, says the subway agency cannot legally join the program, though attorneys for SBA, the Commerce Department and the Transportation Department disagree.

The only logical conclusion is that our Government will soon be asking us to guarantee that these minority firms who get the bid because of free Government assistance will be able to complete the job. The Government has become an underwriter of the contract bond for a bid that it submitted so that some minority contractor could get the job. I ask that a news report on this practice follow my remarks. This is hardly equal opportunity in the American tradition.

I repeat, Mr. Chairman, the people of my district believe that any man has the opportunity to fulfill his God-given talents, but through his own efforts, not because this Government has passed laws giving him total and complete advantages in getting the job opportunity and is even willing to do his work so that he can hold his position.

I intend to cast my people's vote against H.R. 1746, the bill that would further promote preferential treatment for certain minority American workers—a legalized pattern or program of discrimination.

It was individual opportunity that made this country great, not guaranteed privileges and officious political intermeddling. I include the following:

[From the Washington Evening Star, Sept. 15, 1971]

BLACK-OWNED FIRM GETS $311,254 SUBWAY JOB

The Washington area subway agency, embroiled in a dispute over whether enough Metro contracts go to minority group firms, has awarded a $311,254 construction contract to a black-owned Washington company.

It is the largest contract yet given to a minority firm by Metro, and it happened only after an eleventh hour promise by the Small Business Administration to provide 90 percent of the bonding for the construction job.

The contract went yesterday to C&C Construction Co., 1921 Pennsylvania Ave. NW, to build a riding stable in Rock Creek Park that will replace one razed for subway construction.

The company submitted the low bid on the contract months ago, but the award was held up for several weeks because its bonding wasn't in line with Metro specifications.

Metro officials and representatives of the firm attempted to work out a suitable arrangement, but the matter remained unresolved as the deadline neared yesterday.

Then SBA agreed to provide some of the bonding. A local insurance firm already had agreed to provide 10 percent if SBA would pick up the other 90 percent.

If SBA had not acted by last midnight, a new round of bidding would have begun on the stable contract, with the prospect that the black-owned firm might have been unable to submit the low bid again.

The dispute over Metro contracting practices stems from the fact that out of the agency's first $300 million in contracts, only $1 million went to minority firms.

The Rev. Jerry A. Moore Jr., vice chairman of the Metro board of directors, has charged that the agency's contracting procedures are such that small minority firms are often shut out of bidding.

Moore has proposed that some Metro contracts be set aside for bidding solely by minority firms, but Metro staff officials and suburban board members oppose this. Moore also is seeking to have Metro contracts forced to give a certain percentage of their subcontracts to minority outfits.

Both of these proposals are scheduled to be voted on by the Metro board when it meets Thursday, and the prospects appear slim that Moore has won enough votes for them to be approved.

Mr. FISHER. Mr. Chairman, I shall vote for the Erlenborn substitute, and then, if it is approved—or whether it is or not—I shall vote against the pending measure on final passage.

It is my considered judgment that the pending legislation is unnecessary, unfair, inappropriate, and unacceptable to American employers who would be affected. I am equally convinced that the measure is opposed by the overwhelming majority of the American work force.

The pending bill would expand and extend bureaucratic control over industry and other private employment with total disregard for the property rights of those who would be subject to the arbitrary power which would be given to the Equal Employment Opportunity Commission.

The measure gives to this agency vast authority, backed by full judicial and police enforcement powers of the Government. Thus, a Government agency in Washington would be empowered to dictate to an employer whom he can hire, whom he can fire, and whom he can promote—with no right of trial by jury allowed.

Arbitrary exercise of this power could make or break a small business enterprise, and play havoc with the right to employment and career opportunities of many individual workers.

It would deny due process, where valuable personal and property rights are directly involved.

In a grasp for more bureaucratic power, the bill extends EEOC's jurisdiction over State and local government employees, and indeed invades the courthouses with authority to dictate who the deputies, clerks, and other workers may be or who they may not be. It even invades the schools and employment practices involved there.

This ambitious proposal for more power to be lodged in an unelected Washington agency would give that arm of the Federal Government authority to act as complainant, investigator, prosecutor, judge, and jury—all racked up in one package.

As one man pointed out, this measure would create the amazing spectacle of a governmental agency filing a claim with itself against whomsoever it chooses—and then going through a grotesque ceremony of investigating and reporting to itself that such claim should be pressed—then proceeding as prosecutor to present the case to itself in a "hearing" before itself—solemnly asking itself to render a decision which it desires rendered, and finally delivering the judgment and decree which it has besought of itself.

Mr. Chairman, this agency—EEOC—has already established a reputation for engaging in discrimination itself. An examination of some of its decisions will confirm that fact. Its damage has been somewhat mitigated, however, because its enforcement powers are largely confined to conciliation and agreeable settlements. If not abused, that authority could serve a useful purpose in some instances, although the system lends itself to harassment and time-consuming interference with normal business activities.

Now, in this legislation, it is for the first time proposed that EEOC be given authority to issue cease-and-desist orders, which should be exercised by a court of competent jurisdiction. That is the way it is done at present—through judicial processes.

The present EEOC is a product of the Great Society. It has already expanded far beyond any original plans. And the cost of it has added significantly to deficit financing. Enactment of this bill, with all the vast expansion that is envisioned, would add greatly to the number of personnel and the added involvement in private enterprise.

Mr. Chairman, this is typical of how a Government agency, once on the books, grows and grows and grows. No wonder the Federal Government is getting so big. No wonder American people complain so much about actions affecting them, over which they have no control—and over which their elected representatives have little if any control.

There is an old truism which goes like this:

> Vice is a monster of such frightful mein,
> As to be hated needs but to be seen;
> But seen too oft—familiar with its face,
> We first despise, then pity, then embrace.

I am afraid that is what is happening here. Step by step, power and control over individuals is expanded. The matter of discrimination in employment, when it occurs, should be handled by a process of conciliation. The average businessman is reasonable and sensible. In a highly competitive field, in his employment practices, he is obliged to choose people who can get along, attract business for him, and produce better than some other applicant for the job. That system puts a premium on merit and productivity. He should not be put in a straight jacket in exercising his judgment in deciding on an employee's worth to fill his particular needs. Every businessman in America is complaining about too much Government control over decisions which he is much better able to make.

I have already said I am supporting the pending substitute offered by the gentleman from Illinois (Mr. ERLENBORN). It would water down and make much less offensive the provisions of H.R. 1746. I do hope it will be approved.

Mr. HANNA. Mr. Chairman, I wish to jog the memories of my distinguished colleagues in the House and ask them to recall with me the message of the Honorable Warren Burger, Chief Justice of the U.S. Supreme Court. In his address to the American Bar Association in St. Louis in July of 1970, the Chief Justice emphasized the critical proportions of the case overload in the Federal district courts. I am sure that many of my colleagues here share with me the concern expressed by the Chief Justice over the atrophy of our justice-delivery system.

The Chief Justice reminded us then that the backlog of cases grows despite the addition of new judgeships by the Congress. He attributed the delays to three factors. I think it wise that we recall these factors today:

> How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?
>
> When we look back, we can see three key factors that are important to our discussion:
>
> *First*, the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.
>
> *Second*, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 205 million in 1970, and with it came the growth of great cities and the incomes in the volume of cases.
>
> *Third*, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

The third point is particularly apt today. We have before us an attempt to move the thrust of equal employment regulation from the administrative agency to the already overburdened Federal district courts. Such action taken by the Congress in the past has contributed significantly to the problem so well known to us all today.

I urge the Members of the House to assess carefully the potential damage to our justice-delivery system and to the cause of equal employment opportunity if H.R. 1746 is not passed in the form in which it was reported by the very able members of the Committee on Education and Labor.

Mr. SHOUP. Mr. Chairman, I take strong exception to H.R. 1746 as it has been reported out of committee and urge my fellow members to vote against the bill.

Equal opportunity for job placement is a crucial issue, one of the most important social matters at this point in our Nation's history. Yet, H.R. 1746 goes beyond the proper limits of governmental control by granting powers to a commission that are powers only properly granted to courts of law.

To decide whether one party is right and the other party wrong is the very essence of jurisprudence. The court system is designed to insure that fairness is the byword of that decisionmaking. A commission is not. Many Federal boards and commissions regulate various things, from electricity to use of the public airways. But human beings are not kilovolts or radio waves. They are people with distinctly different characteristics. In governing kilovolts and radio waves, we deal with specifics. Certain amounts can be ascertained as the right amounts, for each does its job to the same degree. Yet human beings are not so constructed. In deciding distinctly human issues, there is a great deal of gray between the opposite ends of the spectrum. A computer can be programed to decide right from wrong. But there are shades of gray that are a permanent part of the human condition. The American courts are designed to balance all those side issues and resolve any controversy with an equitable solution.

Gentlemen, it is sheer folly to prostitute the court's role in rendering equal justice for all, in favor of granting judicial powers to a commission that cannot avoid bias and political pressure. Unless claims of discrimination are kept in the judicial system's area of responsibility, we are negating any further efforts to combat discrimination in this country, because we cannot guarantee fairness. The courts alone are designed to accomplish the task of making fair, unbiased decisions.

We must, as the lawmaking body of this great land, ask ourselves crucial questions in weighing the merits of H.R. 1746 and other antidiscriminatory legislation.

First. Are we, by virtue of legislating a quasi-judicial function onto a commission, accomplishing something far different than the original intent of equal opportunity legislation? Are we now moving toward forcing American employers to be biased toward minority applicants because they are members of a minority? Have we inadvertently created a monstrosity that is coercing employers to hire a black or Chicano or woman or anyone else because they are black or Mexican American, or female, with only secondary consideration for the qualifications of the applicant for the actual job to be performed?

Second. Are we, in our self-righteous zeal to benefit the minorities, stepping on the rest of America? Are we thus creating through H.R. 1746 and its provisions for judicial action by the commission, not more equality before employers, but discrimination by them in their hiring? Is such prejudicial hiring for, any different than the prejudice against we so puritanically condemn? Are we thus forcing employers to practice illegal discrimination because of race?

Third. Is the day far off when we will see a white man bring forward a complaint that another man was hired instead of himself, not because the other man was better qualified but because the business needed to keep their quota of persons of the other man's color?

Many feel in this country that equal employment opportunity is dependent on what color you are, just like it was years ago, only now the color has been reversed. That, gentlemen is racial discrimination, just as much now as 20 years ago, and legislation like H.R. 1746 does not do away with it, it promotes it. We are allowing equal opportunity to be enforced only for one segment of the population, while ignoring, or at least not applying with as great a zeal, the same right to all other segments of the society.

Racial harmony, being a very sensitive and critical issue, must be achieved to the letter of the word, equal. The only way we can insure nonpartisan, constitutionally sound efforts toward such harmony is through this Nation's courts, not by usurping the responsibilities of the courts by granting commissions far-reaching powers with wide ranging possibilities.

In closing, I ask each of you to look deep inside yourselves and ask: "Is prejudice for, somehow different that prejudice against?"

Or, does one create the other, with prejudice by any other name, prejudice still the same?

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ERLENBORN).

TELLER VOTE WITH CLERKS

Mr. ERLENBORN. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ERLENBORN. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered.

PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Mr. Chairman, a vote in the affirmative will be a vote for the Erlenborn amendment in the nature of a substitute; and a vote against it, a no vote, will be a vote that will preserve the opportunity for further amendments. Is that correct?

The CHAIRMAN. The Chair will state the proposition. The question occurs on the Erlenborn amendment, the amendment in the nature of a substitute. A vote of "aye" will be a vote in favor of the substitute. A vote of "no" will be a vote against the substitute as offered by the gentleman from Illinois (Mr. ERLENBORN).

The Chairman appointed as tellers Messrs. ERLENBORN, DENT, HAWKINS, and STEIGER of Wisconsin.

The Committee divided.

The CHAIRMAN. Twelve minutes have expired. Are there any Members in the Chamber who have not voted and wish to vote?

PARLIAMENTARY INQUIRIES

Mr. FULTON of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. Mr. Chairman, does not the rule explicitly state that the 12 minutes is the minimum? So, there is no 12-minute expiration. Any Member may vote so long as he is in the Chamber before the final report is made: is that not correct?

The CHAIRMAN. The Chair has so ruled.

Is there any Member in the Chamber who has not voted but who wishes to vote?

Mr. FULTON of Pennsylvania. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FULTON of Pennsylvania. It is definite, then, that there is no maximum time limitation on a recorded teller vote?

The CHAIRMAN. Not until the vote is so announced.

The Committee divided, and the tellers reported that there were—ayes 200, noes 195, not voting 39, as follows:

[Roll No. 261]

[Recorded Teller Vote]

AYES—200

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Gibbons
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Henderson
Hillis
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClure
McCollister
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—195

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Shipley
Sisk
Slack
Smith, Iowa
Stanton, J. William
Stanton, James V.
Steed
Steele
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—39

Abbitt
Alexander
Anderson, Tenn.
Brown, Ohio
Clark
Clawson, Del
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Fascell
Frey
Goldwater
Gubser
Hansen, Wash.
Hastings
Jarman
Johnson, Pa.
Karth
Long, La.
McCulloch
McEwen
McKinney
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Seiberling
Shoup
Stafford
Staggers
Stokes
Sullivan
Vander Jagt
Widnall

So the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1746) to further promote equal employment opportunities for American workers, pursuant to House Resolution 542, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 197, not voting 34, as follows:

[Roll No. 262]

YEAS—202

Abernethy
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bell
Bennett
Betts
Bevill
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Fuqua
Galifianakis
Gettys
Gibbons
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hébert
Henderson
Hillis
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl

Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClure
McCollister
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Myers
Natcher
Nelsen
Nichols
Passman
Patman
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Rarick
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion

NAYS—197

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McDade
McDonald, Mich.
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Pucinski
Randall
Rangel
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
St Germain
Sarbanes
Saylor
Scheuer
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stokes
Stratton
Symington
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wilson, Charles H.
Wolff
Wydler
Yates
Yatron
Zablocki
Zwach

NOT VOTING—34

Abbitt
Alexander
Anderson, Tenn.
Brown, Ohio
Clark
Clawson, Del
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Frey
Goldwater
Hansen, Wash.
Hastings
Jarman
Johnson, Pa.
Karth
Long, La.
McCormack
McCulloch
McEwen
McKinney
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Shoup
Stafford
Sullivan
Widnall

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montgomery for, with Mr. Evans of Colorado against.

Mr. Shoup for, with Mr. Karth against.

Mr. Frey for, with Mrs. Hansen of Washington against.

Mr. Johnson of Pennsylvania for, with Mr. Mollohan against.

Mr. Del Clawson for, with Mr. Stafford against.

Mr. Eshleman for, with Mr. McCulloch against.

Mr. Railsback for, with Mr. McKinney against.

Mr. Abbitt for, with Mr. Pryor of Arkansas against.

Mr. Derwinski for, with Mr. Alexander against.

Until further notice:

Mr. Roybal with Mr. McEwen.

Mr. Murphy of Illinois with Mr. Sebelius.

Mr. Anderson of Tennessee with Mr. Widnall.

Mr. Clark with Mr. Goldwater.

Mr. Jarman with Mr. Long of Louisiana.

Mr. Edwards of Louisiana with Mr. McCormack.

Mrs. Sullivan with Mr. Brown of Ohio.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Ashbrook moves that the bill H.R. 1746 be recommitted to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 270, not voting 33, as follows:

[Roll No. 263]

YEAS—130

Abernethy
Addabbo
Andrews, Ala.
Annunzio
Badillo
Baker
Baring
Barrett
Begich
Bevill
Biaggi
Bingham
Blatnik
Brademas
Brasco
Brinkley
Brooks
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Cabell
Caffery
Celler
Chappell
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cotter
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Dellums
Denholm
Dent
Diggs
Dorn
Dowdy
Drinan
Eckhardt
Edmondson
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Ford, William D.
Gallagher
Garmatz
Gettys
Giaimo
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Halpern
Harrington
Hathaway
Hébert
Helstoski
Henderson
Holifield
Howard
Hull
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Landgrebe
Landrum
Lennon
McDade
Mahon
Mathis, Ga.
Mills, Ark.
Mills, Md.
Minish
Mink
Moorhead
Morgan
Murphy, N.Y.
Nedzi
Nichols
O'Hara
Patten
Poage
Price, Ill.
Purcell
Randall
Rarick
Reid, N.Y.
Riegle
Robinson, Va.
Rodino
Roe
Rooney, Pa.
Rostenkowski
Runnels
Scherle
Schmitz
Scott
Shipley
Slack
Snyder
Spence
Staggers
Steed
Stephens
Stokes
Stuckey
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Vanik
Whitten
Wolff
Yates
Young, Tex.

NAYS—270

Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Belcher
Bell
Bennett
Bergland
Betts
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Bray
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Coughlin
Crane
Culver
Daniel, Va.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Devine
Dickinson
Dingell
Donohue
Dow
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Findley
Fish
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gibbons
Gonzalez
Goodling
Gray
Grover
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Ichord
Jonas
Kastenmeier
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDonald, Mich.
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minshall
Mitchell
Mizell
Monagan
Morse
Mosher
Moss
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
O'Neill
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie

Podell
Poff
Powell
Preyer, N.C.
Price, Tex.
Pucinski
Quie
Quillen
Rangel
Rees
Reid, Ill.
Reuss
Rhodes
Roberts
Robison, N.Y.
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Schwengel
Seiberling
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Watts
Whalen
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOT VOTING—33

Abbitt
Alexander
Anderson, Tenn.
Clark
Clawson, Del
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Frey
Goldwater
Gubser
Hansen, Wash.
Hastings
Jarman
Johnson, Pa.
Karth
Long, La.
McCulloch
McEwen
McKinney
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Shoup
Stafford
Sullivan
Widnall

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Montgomery with Mr. Derwinski.

Mr. Evans of Colorado with Mr. Del Clawson.

Mr. Karth with Mr. Shoup.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Alexander with Mr. Johnson of Pennsylvania.

Mr. Mollohan with Mr. Hastings.

Mr. Pryor of Arkansas with Mr. Eshleman.

Mr. Roybal with Mr. Railsback.

Mr. Murphy of Illinois with Mr. McKinney.

Mrs. Sullivan with Mr. Widnall.

Mr. Anderson of Tennessee with Mr. Gubser.

Mr. Abbitt with Mr. Frey.

Mr. Clark with Mr. Stafford.

Mr. Hagan with Mr. McEwen.

Mr. Harman with McCulloch.

Mr. Long of Louisiana with Mr. Sebelius.

Mr. Edwards of Louisiana with Mr. Goldwater.

Messrs. HANLEY, BOGGS, BOLAND, FULTON of Tennessee, CARNEY, ASHLEY, ADAMS, HICKS of Washington, KYROS, EDWARDS of California, ANDERSON of California, DOW, ROY, ST GERMAIN, DONOHUE, KUYKENDALL, CONTE, and GUDE changed their votes from "yea" to "nay."

Messrs. MORGAN, STAGGERS, CHAPPELL, and GROSS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 106, not voting 42, as follows:

[Roll No. 264]

YEAS—285

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dingell
Donohue
Dow
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gonzalez
Goodling
Gray
Green, Pa.
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hawkins
Hays
Hechler, W. Va.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Jonas
Jones, N.C.
Kastenmeier
Keating
Keith
King
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McDade
McDonald, Mich.
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mitchell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nelsen
Nix
Obey
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruppe
Ryan
St Germain
Sandman
Sarbanes
Saylor
Scheuer
Schneebeli
Schwengel
Seiberling
Shriver
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Talcott
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—108

Abernethy
Abourezk
Andrews, Ala.
Archer
Aspinall
Baker
Baring
Begich
Bevill
Blackburn
Brinkley
Broyhill, Va.
Burleson, Tex.
Cabell
Caffery
Camp
Chappell
Chisholm
Clay
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Dorn
Dowdy
Drinan
Edmondson
Fisher
Flowers
Flynt
Ford, William D.
Gettys
Giaimo
Grasso
Green, Oreg.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Hammerschmidt
Hébert
Heckler, Mass.
Henderson
Hull
Hungate
Jones, Ala.
Jones, Tenn.
Kazen
Kee
Kuykendall
Landgrebe
Landrum
Lennon
McMillan
Mahon
Mathis, Ga.
Mills, Ark.
Mills, Md.
Mink
Nedzi
Nichols
O'Hara
Passman
Patman
Poage
Powell
Purcell
Randall
Rarick
Roberts
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schmitz
Scott
Shipley
Sikes
Slack
Snyder
Spence
Staggers
Steed
Stephens
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Waggonner
Watts
Whitten
Young, Fla.
Young, Tex.

NOT VOTING—42

Abbitt
Alexander
Anderson, Tenn.
Ashbrook
Clark
Clawson, Del
Cleveland
Derwinski
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Frey
Goldwater
Gubser
Hansen, Wash.
Hastings
Hathaway
Jarman
Johnson, Pa.
Karth
Kemp
Long, La.
McCormack
McCulloch
McEwen
McKinney
Mizell
Mollohan
Montgomery
Murphy, Ill.
Pryor, Ark.
Railsback
Roybal
Sebelius
Shoup
Stafford
Sullivan
Symington
Udall
Widnall
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Evans of Colorado for, with Mr. Montgomery against.

Mr. Del Clawson for, with Mr. Ashbrook against.

Until further notice:

Mr. Clark with Mr. Widnall.

Mr. Hathaway with Mr. Cleveland.

Mrs. Hansen of Washington with Mr. Goldwater.

Mr. Alexander with Mr. Derwinski.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Udall with Mr. Kemp.

Mr. Karth with Mr. Gubser.

Mr. Mollohan with Mr. McKinney.

Mr. Pryor of Arkansas with Mr. Shoup.

Mr. Roybal with Mr. Bob Wilson.

Mr. Murphy of Illinois with Mr. Railsback.

Mr. Symington with Mr. Johnson of Pennsylvania.

Mr. Anderson of Tennessee with Mr. McCulloch.

Mr. McCormack with Mr. Stafford.

Mr. Abbitt with Mr. Sebelius.

Mr. Jarman with Mr. Eshleman.

Mr. Edwards of Louisiana with Mr. Mizell.

Mr. Long of Louisiana with Mr. Frey.

Mr. Hastings with Mr. McEwen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLERK AUTHORIZED TO MAKE TECHNICAL AMENDMENTS IN ENGROSSMENT OF H.R. 1796

Mr. **ERLENBORN**. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill, be authorized to make technical amendments to conform the bill with existing law and to correct any incorrect cross-references due to redesignation of subsections (f) through (k) as subsections (g) through (l) in section 706 of the Civil Rights Act of 1964.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. **SEIBERLING**. Mr. Speaker, I would like to simply say that I was on the Senate side at the time of the teller vote on H.R. 1746. Had I been present, I would have voted for the committee bill and against the Erlenborn substitute.

GENERAL LEAVE

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks during general debate yesterday and today in connection with H.R. 1746.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DRUG LISTING ACT OF 1971

Mr. **O'NEILL**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 594 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 594

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9936) to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER**. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. **O'NEILL**. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 594 provides an open rule with 1 hour of general debate for consideration of H.R. 9936, Drug Listing Act of 1971.

The purpose of H.R. 9936 is to provide the Secretary of Health, Education, and Welfare with a current listing of all drugs on the market.

Manufacturers of new drugs, of drugs containing insulin, of antibiotics, and of new animal drugs must submit a reference to their authority for marketing. Also, a copy of all current labeling of the drug is required.

Current labeling of prescription drugs not otherwise covered, a representative sampling of advertisements and, upon request, a copy of all advertisements for a particular product must be furnished.

The label and package insert of over-the-counter drugs and a representative sampling of any other current labeling for each drug must be submitted.

Manufacturers of drugs not otherwise covered—prescription or over-the-counter—are required to submit for each drug a quantitative listing of all active ingredients.

The lists must be updated semiannually.

The Secretary is authorized, when he deems it necessary, to require manufacturers to furnish a list of products containing particular ingredients.

The legislation shall become effective 6 months after enactment.

Mr. Speaker, I urge the adoption of the rule.

Mr. **LATTA**. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of H.R. 9936 is to provide the Secretary of Health, Education, and Welfare a current listing of all drugs on the market and to further provide for a semiannual updating of such listings.

The Food and Drug Administration charged with the responsibility of administering the Federal Food, Drug, and Cosmetic Act presently has no efficient means of determining what drugs are currently being manufactured and commercially distributed. Its only method today is a periodic inspection. This is not efficient.

The bill would require manufacturers and processors of drugs to submit to the Secretary of Health, Education, and Welfare a list of all drugs manufactured or processed for sale to any consumers. In addition a copy of all current labeling materials for each drug must be supplied. Drugs covered would include all new drugs coming on the market, drugs containing insulin, all antibiotics, and new drugs for animals. Each 6 months manufacturers must submit any new information on drugs previously reported as well as listing new and discontinued drugs.

Failure to comply with these requirements subjects the violator to the existing penalties of the Federal Food, Drug, and Cosmetic Act. Existing law provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both.

The bill has administration support as evidenced by letters contained in the committee's report. There are no minority views.

I support the rule and the bill.

Mr. Speaker, I have no requests for time and yield back the balance of my time.

Mr. **O'NEILL**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **STAGGERS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9936) to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes, in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 9936

A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Drug Listing Act of 1971".

SEC. 2. The Federal Government which is responsible for regulating drugs has no ready means of determining what drugs are actually being manufactured or packed by establishments registered under the Federal Food, Drug, and Cosmetic Act except by periodic inspection of such registered establishments. Knowledge of which particular drugs are being manufactured or packed by each registered establishment would substantially assist in the enforcement of Federal laws requiring that such drugs be pure, safe, effective, and properly labeled. Information on the discontinuance of a particular drug could serve to alleviate the burden of reviewing and implementing enforcement actions against drugs which, although commercially discontinued, remain active for regulatory purposes. Information on the type and number of different drugs being manufactured or packed by drug establishments could permit more effective and timely regulation by the agencies of the Federal Government responsible for regulating drugs, including identification of which drugs in interstate commerce are subject to section 505 or 507, or to other provisions of the Federal Food, Drug, and Cosmetic Act.

SEC. 3. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end of the following new subsection:

"(j)(1) Every person who registers with the Secretary under subsection (b), (c), or (d) shall, at the time of registration under any such subsection, file with the Secretary a list of all drugs (by established name (as defined in section 502(e)) and by any proprietary name) which are being manufactured, prepared, propagated, compounded, or processed by him for commercial distribution and which he has not included in any list of drugs filed by him with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) in the case of a drug contained in such list and subject to section 505, 506, 507, or 512, a reference to the authority for the marketing of such drug and a copy of all labeling for such drug;

"(B) in the case of any other drug contained in such list—

"(i) which is subject to section 503(b)(1), a copy of all labeling for such drug, a representative sampling of advertisements for such drug, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular drug product, or

"(ii) which is not subject to section 503(b)(1), the label and package insert for such drug and a representative sampling of any other labeling for such drug;

"(C) in the case of any drug contained in such list which is described in subparagraph (B), a quantitative listing of its active ingredient or ingredients, except that with respect to a particular drug product the Secretary may require the submission of a quantitative listing of all ingredients if he finds that such submission is necessary to carry out the purposes of this Act; and

"(D) if the registrant filing the list has determined that a particular drug product contained in such list is not subject to section 505, 506, 507, or 512, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular drug product.

"(2) Each person who registers with the Secretary under this subsection shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following information:

"(A) A list of each drug introduced by the registrant for commercial distribution which has not been included in any list previously filed by him with the Secretary under this subparagraph or paragraph (1) of this subsection. A list under this subparagraph shall list a drug by its established name (as defined in section 502(e)) and by any proprietary name it may have and shall be accompanied by the other information required by paragraph (1).

"(B) If since the date the registrant last made a report under this paragraph, since the effective date of this subsection) he has discontinued the manufacture, preparation, propagation, compounding, or processing for commercial distribution of a drug included in a list filed by him under subparagraph (A) or paragraph (1); notice of such discontinuance, the date of such discontinuance, and the identity (by established name (as defined in section 502(e)) and by any proprietary name) of such drug.

"(C) If since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance he has resumed the manufacture, preparation, propagation, compounding, or processing for commercial distribution of the drug with respect to which such notice of discontinuance was reported; notice of such resumption, the date of such resumption, the identity of such drug (by established name (as defined in section 502(e)) and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary pursuant to this subparagraph.

"(D) Any material change in any information previously submitted pursuant to this paragraph or paragraph (1).

"(3) The Secretary may also require each registrant under this section to submit a list of each drug product which (A) the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution, and (B) contains a particular ingredient. The Secretary may not require the submission of such a list is necessary to carry out the purposes of this Act."

Sec. 4. (a) Section 510(e) of such Act is amended by adding at the end thereof the following: "The Secretary may also assign a listing number to each drug or class of drugs listed under subsection (j). Any number assigned shall be the same as that assigned pursuant to the National Drug Code.".

(b) Section 510(f) of such Act is amended by inserting before the period the following: "; except that any list submitted pursuant to paragraph (3) of subsection (j) and the information accompanying any list or notice filed under paragraph (1) or (2) of that subsection shall be exempt from such inspection unless the Secretary finds that such an exemption would be inconsistent with protection of the public health".

(c) The second sentence of section 510(i) of such Act is amended by inserting "shall require such establishment to provide the information required by subsection (j) and" immediately before "shall include".

(d) Clause (1) of the second sentence of section 506(e) of such Act (21 U.S.C. 355(e)) is amended by inserting "or to comply with the notice requirements of section 510(j)(2)" immediately after "subsection (j)".

(e) Section 301(p) of such Act (21 U.S.C. 331(p)) is amended to read as follows:

"(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j), or the failure to provide a notice required by section 510(j)(2)."

Sec. 5. Section 301(j) of such Act (21 U.S.C. 331(j)) is amended—

(1) by inserting "(1)" immediately after "any information",

(2) by inserting "510," immediately after "507,",

(3) by striking out "any method or process" and inserting in lieu thereof "any method, process, or information", and

(4) by inserting before the period at the end the following: ", or (2) which (A) was contained in a list submitted pursuant to paragraph (3) of section 510(j) or accompanied a list or notice submitted pursuant to paragraph (1) or (2) of that section, and (B) was acquired under the authority of section 510".

Sec. 6. The amendments made by this Act shall take effect on the first day of the sixth month beginning after the date of enactment of this Act.

Mr. STAGGERS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I rise in support of H.R. 9936, the proposed Drug Listing Act of 1971.

Mr. Speaker, the purpose of this bill is to provide the Food and Drug Administration with a current listing of all drugs on the market, and to provide for periodic updating of that list.

The bill is supported by the Department of Health, Education, and Welfare, and by the Pharmaceutical Manufacturers Association and the Proprietary Association.

During our hearings, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, stated that he does not today have available to him a current listing of all drugs being manufactured in the United States. The reason is that manufacturers are not required to notify FDA when they go out of the business of manufacturing a particular product; and, in the case of over-the-counter medicines, they do not need to notify FDA when they begin manufacture.

The purpose of this bill, therefore, is to require that each drug manufacturer in the United States notify FDA as to the drugs which they are in the process of marketing, together with a listing of their ingredients, their labeling and advertising, and other information concerning the drug. In addition, the bill requires semiannual reporting by all drug manufacturers notifying FDA of any change since their last notice. In this fashion, FDA will have available to it a current listing of all products on the market, together with their ingredients, so that, if a problem comes to their attention involving a particular ingredient or a particular drug, they will be able to move quickly to protect the public health.

The bill will cost approximately one-half million dollars additional during the first fiscal year of its operation and approximately $2 million additional thereafter.

I know of no opposition to the legislation, and urge its adoption.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, I rise in support of H.R. 9936 a bill which would provide the Secretary of Health, Education, and Welfare with a current listing of all drugs on the market by requiring each drug manufacturer to provide an initial listing of the drugs he is marketing and a semiannual update of changes in that list.

It is hard to believe that the Federal agency which is responsible for protecting the public from unsafe, impure, and ineffective drug products does not even have a listing of all the products for which it is responsible. Not only does the Food and Drug Administration lack such basic knowledge as what products are being marketed, they also lack information on who manufactures these products, what are the ingredients in these products, how are they labeled and promoted, and whether the drugs are in compliance with any preclearance requirements of the Food and Drug Act. We cannot expect this agency to carry out its statutory requirements without such basic information as a current listing of the products over which it has jurisdiction.

The basic provisions of this bill would require several actions on the part of manufacturers of drug products. These drug manufacturers and processors would be required to submit a listing of all drugs manufactured or processed for commercial distribution and this list would be subject to updating every 6 months. In addition to this listing, copies of labeling, a representative sampling of advertising, and copies of package inserts would be required to be submitted. The firms would be further required to cite the authority under which the drug has been approved for marketing. A quantitative listing of ingredients may be required for certain drugs if the Secretary determines that this information is necessary to carry out the provisions of the act. We also anticipate that the Secretary may from time to time need to identify all drug products on the market which contain a specific ingredient.

Mr. Speaker, I urge the adoption of

this bill to fill a large gap in the existing authority of the Food and Drug Administration to insure the safety and efficacy of the drug products which the American consumer has the right to expect. The recent instances of tainted food products demonstrated the need to maintain adequate controls on products meant for human consumption. I would hope that we are not destined to repeat this type of tragedy, but instead we will move to prevent a recurrence of a similar nature in the field of drugs. This legislation is badly needed for the Food and Drug Administration to carry out its responsibilities, and the adoption of this bill would represent a positive step toward insuring the continued safety of drug products.

Mr. DEVINE. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, since the sweeping drug amendments of 1962 all pharmaceutical manufacturers must prove the safety and also the efficacy of a proposed new drug before it can be marketed. The law also imposed upon the Food and Drug Administration the duty to gradually work its way through the prescription drugs which had reached the market prior to those amendments and to look them over using the same criteria. Previously safety alone was considered when deciding the merits of an application. From all of this the FDA has had reason to know about and examine many drug formulas.

It might seem from this that no drug could be in the marketplace without having been noticed by FDA. This, however, is not necessarily the case. Many drugs, such as the common ones we buy without a prescription, ordinarily do not need the stamp of approval before being sold. Many drugs are withdrawn from the market for one reason or another. Consequently no one can really tell what is available at any given time.

Mr. Speaker, the purpose of this bill is to create a complete listing of all drugs sold in the United States and then keep it up to date by adding and subtracting as drugs appear or are withdrawn from the market. To accomplish this the bill requires all drug manufacturers to list each drug they make with its ingredients and its method of sales, including samples of labels. If the drug has been approved by way of a new drug application, this will be identified. If the drug is such that no approval was necessary, this fact will be noted along with the reason that it does not require approval.

One would expect that such a listing would be in existence already. I would have thought so. But it is not. Apparently the desirability of maintaining such a list is clear to everyone. The Government agency urges it. The drug industry agrees and endorses this legislation.

The bill requires no authorizations for appropriations. This effort will be handled as routine business by the Food and Drug Administration. To get the list originally may cost the agency as much as $500,000 in time and material. Thereafter it may take about $200,000 a year of the agency's regular operating budget to cover this activity and keep the list current.

I recommend that the House approve H.R. 9936. This is a clean bill which was introduced after hearings were complete, after all testimony was evaluated. It was designed to meet the various small changes needed to satisfy the parties involved. In its present form as now presented to the House for approval it has the support of all interested parties.

Mr. BROOMFIELD. Mr. Speaker, so wide and rapid are advances in modern medicine, we find that new drugs and compounds are multiplying at an ever-increasing rate. As the number of new wonder drugs continue to grow, it has become ever more difficult to keep abreast of every drug or compound which is available to the public today. In this light then, the task of the Food and Drug Administration to guarantee their safety, quality, and purity is truly enormous.

The Drug Listing Act of 1971, which today stands for our consideration, will function positively at two levels to promote drug safety. Primarily, by requiring an inventory of all drugs being produced, it will facilitate the efforts of the Food and Drug Administration to protect the American consumer. Second, and perhaps most importantly, this bill requires a listing of all active and inactive ingredients of drugs. Should a particular agent, at some future time be proven harmful, the administrator would have the necessary information at hand to remove all such drugs from the market. In such crises, speed is of the essence and this measure creates that swiftness of action which is so valuable.

While the public is presently protected by a stringent system of tests and clearance procedures for many kinds of drugs, there remains the possibility that a drug previously considered beneficial may at some future time be found harmful. If an inventory of all drugs and their ingredients is available to the Government, it will operate as an additional form of insurance for the public. Judging by the cost necessary to implement this bill that would be a tremendous bargain.

Modern technology and medicine, Mr. Speaker, has given man cures and comforts that 10 years ago were only hopes and dreams. As with many gifts, however, there is a price to be paid. I submit that one cost of modern drugs is constant surveillance and awareness of their tremendous capacity for harm as well as good. The Thalidomide tragedy of the past decade is but one example of how painfully we have learned this lesson.

Additionally, this act will furnish the FDA with the administrative machinery necessary to conduct their normal regulatory duties. This will provide the practical means for the agency to maintain a constant watch over the expanding catalogue of drugs produced in the United States. When we passed the Food, Drug, and Cosmetics Act of 1962 we entrusted this agency with the job of protecting the public from dangerous and impure products. We now have a commitment, indeed a responsibility, to provide the administrative tools to follow through on this assignment properly.

The Commissioner of Food and Drugs, Dr. Charles C. Edwards, has testified that this legislation is crucial for the effective administration of those laws now on the books. Furthermore, the industry itself represented by the Pharmaceutical Manufacturers Association has endorsed the bill. Both Government and industry are of one mind on this issue and that being the case it warrants our approval.

Mr. SYMINGTON. Mr. Speaker, I rise in support of H.R. 9939.

I was surprised to learn during the course of the hearings that the Food and Drug Administration does not have the authority that would be granted under this legislation. Today, the FDA does not know what drugs are currently being marketed in the United States. This information is of course available to them. But in order to obtain up-to-date data it would be necessary for their inspectors to compile this information in the field.

This legislation would eliminate that problem by requiring all drug manufacturers, upon registering with FDA, to submit a current listing of all drugs they are in the process of marketing. In addition. It would provide for immediate notice of discontinuance of drugs and submission of copies of all labeling and advertising as well as production data as the Secretary of Health, Education, and Welfare may require.

With the present emphasis on drugs and the culture they are producing, I think we can do no less than give the agency which has the responsibility to insure our safety in this area, the authority to carry out its mandate.

Mr. Speaker, I commend the work of Chairman Rogers and my fellow subcommittee members for the fine job they have done on this legislation.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 4, line 14, strike out "subsection" and insert in lieu thereof "section";

On page 6, line 12, insert "pursuant to the preceding sentence" immediately after "assigned"; and

On page 7, line 4, strike out "506" and insert in lieu thereof "505".

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In reply to the distinguished minority leader, we have concluded the program for this week.

Next week Monday and Tuesday are Jewish holidays, and we have scheduled only the Consent Calendar for Monday, and the Private Calendar for Tuesday.

For Wednesday and the balance of the week we have scheduled House Joint Resolution 208, equal rights for men and women, an open rule, with 4 hours of debate; and

H.R. 7072, the airport and airways trust fund bill, with an open rule, providing 1 hour of debate.

Also I would like to announce that the conference report from the Committee on Appropriations on Public Works is ready and will likely be called up on Wednesday next. For that matter, as the gentleman knows, conference reports are in order at any time. Also, any further program will be announced later.

Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

HOLIDAY SCHEDULE

Mr. BOGGS. I would like to take this opportunity of informing the Members of our schedule for the balance of this session. In announcing this program it does not necessarily mean that Congress will be in session as long as some of these dates may indicate, but in any event we have attempted during the session to keep the Members advised on the schedule so that they can plan ahead.

For Columbus Day, which is Monday, October 11, we have scheduled a holiday from the conclusion of business on Thursday, October 7, until noon Tuesday, October 12.

For Veterans Day, which is Monday, October 25, from the conclusion of business on Thursday, October 21, until noon, Tuesday, October 26.

For Thanksgiving, which is Thursday, November 25, from the conclusion of business on Wednesday, November 24, until noon on Monday, November 29.

In addition to the light schedule for Monday and Tuesday of next week, beginning at sundown on Tuesday, September 28, and through Wednesday, September 29, which is actually 1 day, we will again have a light program in the light of the Jewish holiday.

Mr. GERALD R. FORD. Will the distinguished majority leader comment on this question: On occasion because of circumstances we cannot foresee at the moment the announcement is made that any further program may be announced at a later date. Would that be the case for next week, in case of some unforeseen circumstances arising?

Mr. BOGGS. That is correct. I know the circumstances to which the gentleman is referring, which I hope will not develop.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 20, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

WRITTEN DECISIONS REQUIRED OF THE U.S. SUPREME COURT IN REVERSING STATE CRIMINAL CONVICTIONS

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, I am today introducing legislation to require that "Whenever the Supreme Court reverses a State criminal conviction which has been upheld by the highest court of such State, it shall report in a written decision the legal justification for the reversal, citing such legal precedent, case law, and other authority as may be applicable."

I am introducing this bill at the request of Justice Walter B. Hamlin of the Supreme Court of Louisiana to remedy the present dangerous practice of the Supreme Court in reversing by *per curiam* criminal convictions that had been affirmed by the highest courts of the States.

Such a practice is prejudicial to the administration of criminal justice and threatens the confidence of the American people in the jury system under our system of constitutional government a key factor in safeguarding the individual rights of our people. In overturning State criminal convictions, the U.S. Supreme Court is also overturning jury verdicts—the role played by the citizenry in justice.

I urge my colleagues to join me and the cosponsors in support of this legislation designed to remedy this travesty in judicial practice that endangers the administration of criminal justice in America. Certainly our State supreme courts and State jurors are entitled to a written explanation of any reversal of their decisions.

I ask that Mr. Justice Hamlin's letter with its enclosure illustrating the present practice of the Supreme Court in reversing State criminal convictions without benefit of written opinion and a copy of my bill be inserted in the RECORD following my remarks.

SUPREME COURT,
New Orleans, La., Aug. 13, 1971.

Congressman JOHN R. RARICK,
House Office Building,
Washington, D.C.

DEAR JUDGE: I acknowledge receipt of your recent clipping regarding Mr. Wemberly's position. Many thanks.

I sincerely appreciate your continued interest in the improvement of our criminal justice system. Because of your interest, I call your attention to the following situation.

At the end of the last term of the United States Supreme Court, that Court, without assigning the cases for argument, reversed thirty criminal convictions which had been affirmed by the highest courts of the states. Not only was this done without oral argument, but the court filed no written opinion. I enclose the record of the court's action in these cases.

The reversal of state criminal convictions without a written opinion is a highly dangerous practice, prejudicial to the administration of criminal justice. It permits the court to reverse criminal cases that have been passed upon by the trial jury, the trial judge, and the justices of the highest courts of the states without assigning specific reasons. This, of course, encourages arbitrary action.

I believe this dangerous procedure can be corrected by statutory amendment enacted by Congress. It will be appreciated if you will investigate this matter and, if feasible, introduce remedial legislation.

With kindest regards, I am
Most sincerely,
WALTER B. HAMLIN,
Associate Justice.

[From the Journal of the U.S. Supreme Court, June 30, 1971]

CERTIORARI—SUMMARY DISPOSITION

129 Adams v. Washington.

The motion to dispense with printing the petition is granted. The motion of the respondent to dispense with printing response is granted. The petition for a writ of certiorari is granted. The judgment, insofar as it imposes the death sentence, is reversed and the case is remanded to the Supreme Court of Washington for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969) and Maxwell v. Bishop, 398 U.S. 262 (1970). Mr. Justice Black dissents.

5006 Mathis v. New Jersey.
5015 Mathis v. Alabama.
5022 Speck v. Illinois.
5027 Segura v. Patterson.
5058 Whan v. Texas.
5063 Duplessis v. Louisiana.
5064 Jaggers v. Kentucky.
5065 Aiken v. Washington.
5066 Wheat v. Washington.
5074 Pruett v. Ohio.
5077 Quintana v. Texas.
5080 Wigglesworth v. Ohio.
5086 Crain v. Beto.
5094 Wilson v. Florida.
5114 Pemberton v. Ohio.
5142 Ladetto v. Massachusetts.
5288 Turner v. Texas.
5887 Bernette v. Illinois.
6049 Tajra v. Illinois.
6458 Harris v. Texas.

The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed and the cases are remanded for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969); and Maxwell v. Bishop, 398 U.S. 262 (1970). Mr. Justice Black dissents.

5011 Funicello v. New Jersey.

5014 Childs v. North Carolina.

The motions for leave to proceed in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed and the cases are remanded for further proceedings. Witherspoon v. Illinois, 391 U.S. 510 (1968); Boulden v. Holman, 394 U.S. 478 (1969); Maxwell v. Bishop, 398 U.S. 262 (1970); and United States v. Jackson, 390 U.S. 570 (1968). Mr. Justice Black dissents.

5020 Clark v. Smith.

The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The judgment is reversed, Miranda v. Arizona, 384 U.S. 436 (1966), and the case is remanded to the Supreme Court of Georgia for further proceedings. Mr. Justice Black dissents.

5072 Atkinson v. North Carolina.

5136 Hill v. North Carolina.

5178 Roseboro v. North Carolina.

5837 Williams v. North Carolina.

6006 Sanders v. North Carolina.

6386 Thomas v. Leeke.

7122 Atkinson v. North Carolina.

The motions for leave to proced in forma pauperis are granted. The petitions for writs of certiorari are granted. The judgments, insofar as they impose the death sentence, are reversed, United States v. Jackson, 390 U.S. 570 (1968), Pope v. United States, 392 U.S. 651 (1968), and the cases are remanded for further proceedings. Mr. Justice Black dissents.

5139 Anderson v. Louisiana.

The motion for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The judgment is reversed, Burton v. United States, 391 U.S. 123 (1968), and the case is remanded to the Supreme Court of Louisiana for further proceedings. Mr. Justice Black dissents.

H.R. —

A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1257 of title 28, United States Code (relating to Supreme Court jurisdiction over certain State court judgments), is amended by adding at the end thereof the following new paragraph:

"Whenever the Supreme Court reverses a State criminal conviction which has been upheld by the highest court of such State, it shall report in a written decision the legal justification for the reversal, citing such legal precedent, case law, and other authority as may be applicable."

SEC. 2. The amendment made by this Act shall apply with respect to State criminal convictions reviewed by the Supreme Court on or after October 4, 1971.

ILLINOIS RESIDENT NEW LEGION HEAD

(Mr. COLLIER asked and was given permission to addres the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLIER. Mr. Speaker, for the sixth time in its long and distinguished history the American Legion has elected a resident of the State of Illinois as its national commander. John H. Geiger of Des Plaines, Ill., was elected to that office by the delegates at the 53d annual national convention of the American Legion on September 2, 1971, at Houston, Tex. Commander Geiger saw combat with the 11th Armored Division in the European theater of operation during the Battle of the Bulge. Upon returning to civilian life, he obtained his degree in architectural engineering under the G.I. Bill of Rights and has been very active in veterans affairs ever since his separation from the service. He has served in practically every office of the American Legion, including state commander and national executive committeeman of Illinois. Commander Geiger is presently an official of United Airlines at its executive office in Chicago.

I have known John Geiger for 15 years and know the qualities of leadership he possesses. By every standard of measurement he is qualified to lead this great veterans organization and I am proud that this honor has come to him and to my State and district. It is a tribute to the membership of the American Legion that they recognized in this fine citizen the qualities of character and leadership which are so urgently needed in these trying times.

With John Geiger as commander the American Legion can look forward to a year of dedicated service and added achievement. In his acceptance speech after his election the national commander discussed some of the current problems facing this Nation and pledged the resources of the American Legion toward their solution. I take pleasure in presenting National Commander Geiger's acceptance speech, together with his biography for the RECORD.

ACCEPTANCE SPEECH OF JOHN H. GEIGER

In accepting this, the highest office The American Legion can give, I have the mixed emotions that accompany a dream come true, while contemplating the monumental tasks of the year ahead.

Because of your faith and confidence in me, the dream came true. Because of my faith and confidence in you and in this great organization that is The American Legion, I know the work we have assigned to ourselves by action of this convention will be accomplished.

I know the leadership team you select to serve with me will carry out the responsibilities of their offices with distinction. For they will be men of character and ability who have servedthe Legion well, and can be relied upon to continue actively in the performance of their new duties.

May I take this opportunity to thank the many to whom I owe so much—those within the Legion who have helped me to achieve this coveted office—my associates in United Air Lines who have so generously granted me the time to meet the demands of this office in the service of God and country—to my own family, whose love and patience and understanding have permitted me to seek this office and will sustain me in the carrying out of its duties.

There is another whom I wish with all my heart could share this moment with me. He was a man who loved the Legion, who served it diligently throughout his lifetime and who first brought me into the organization as a member of the Sons of The American Legion and, after World War II, as a blue capped Legionnaire. My own departed father, God rest his soul, would have delighted in this moment.

Now, I want to ask everyone of you to join me in an American Legion tribute to the man who led the Legion this past year, and who added so much to the far reaching history of The American Legion. Let's have a warm round of applause for our retiring National Commander, Al Chamie.

Congratulations Al, for a splendid year of inspiring leadership.

Commander Chamie adopted the theme of "Reach Out," as the national slogan for his term of office. I have chosen to continue that theme, and then to expand upon it! During the 1971–72 American Legion year our theme will be "Reach Out—It's Action Time."

And it is Action Time, my friends. One thing that has occurred to me in my lifelong association with the American Legion is that the Legion has often waited for crises to occur and then reacted to those conditions.

The Legion has done well with this type of operation, our reactions have been reasonable, responsible, and for the most part, effective. We have become a respected force for good in America, but I believe we can and will be even more effective in the years ahead.

I visualize an American Legion of action rather than reaction, and I propose to bring that type of leadership and programming to the Legion this year. Let's resolve, here and now, to anticipate the problems we will face this year and plan to meet them head on, rather than waiting for a crisis to develop and then reacting to it.

There are continuing situations and new problems which demand our constant concern and effort, and we will not be found wanting in these areas.

I propose to continue the Jobs for Veterans program, initiated more than a year ago by The American Legion. This is a vital 1972 Action program, and it demands our full attention because it concerns the total well being of our Viet-time veterans. These men deserve a better welcome home than being consigned to relief or welfare rolls. This country that asked them to serve in its armed forces is the most affluent in the history of mankind, and that affluence must be made to work for the returning veteran by providing him with the opportunity for suitable employment whereby he can provide for his needs and maintain his dignity as an American citizen. That is the bare minimum that should be expected for these young men who have been called upon to defend our National interests on the far frontiers of human freedom.

We will reinforce our efforts on behalf of the prisoners of war and the missing in action in Southeast Asia. We will continue to focus the attention of the American people and of other peoples of the world on this disgraceful situation. By our Actions, The American Legion must sustain the pressures of an aroused public opinion, and all other pressures that hold promise of positive action, to bring about the release and full rehabilitation of these international hostages. I pledge the full support of The American Legion to them, and to their patient families.

For more than two decades The American Legion has been deeply concerned with the rising hazard of dangerous drugs and drug abuse. Despite our concern and our continuing fight for adequate legislation, education and enforcement, this has become a national problem of monumental proportions. No American citizens can stick his head in the sand on the theory that this is a military problem, or a Vietnam problem, or the problem of the people next door. It is the problem of every one of us, for each of us shares in the enormous costs of this drug epidemic and none of us knows when, or if, it might effect us very directly.

According to the FBI's Uniform Crime Report, in the decade of the 1960s the total arrests for all crime went up by 24.1 per cent, while narcotic drug law arrests increased by a whopping 491.9 per cent. A report of a special study committee of the House Committee on Foreign Affairs estimates there are 250,000 heroin addicts in the United States. A statement offered to the United Nations Commission on Narcotics in Geneva in September of 1970 contained the estimate that it costs a minimum of 7.5 million dollars a day to support the habit of heroin addicts in the United States. Most of this is supported by crime, and an addict would have to steal goods valued at three to four times the amount needed to support his habit. This means that if 75 per cent of the estimated addicts in the United States resorted to crime for support of the habit, the cost in crime would soar to 8-billion dollars a year at the minimum.

The trip of Apollo 15 to the moon cost over $400,000,000, or about two dollars for every man, woman and child in the United States. The costs of the trips of heroin addicts right here on the ground are many times that amount each year. Many good citizens were up in arms over the cost of the moon shot, but I would suggest they might be more appropriately concerned with the tragic cost of the dope shot.

Four of the American Legion's major commissions spent a great deal of time and effort here in Houston receiving briefings from experts on various aspects of the narcotic situation, and then in drafting a comprehensive policy statement to be used as a basis of a 1972 Action Program to combat this problem. Your National Commander has already asked our local posts to gear up to attack the drug menace in your community, and to be prepared to offer real help to people with drug or drug-related problems, veteran or otherwise. We have asked them to become familiar with the sources of assistance within their community and to be prepared to direct these people to the proper agencies for assistance. The men and women of the Legion must become involved immediately in this urgent local campaign to defeat our newest enemy, the spreading disease of narcotic addiction.

The American Legion's concern for America's veteran population is historic, and one of our principal reasons for being. We will continue to evidence that concern as we welcome the Viet-time veteran back to civilian life. We want the Legion post to welcome him warmly and to show him American Legion activities that are alive and meaningful for him. The word with the younger generation is relevant, and so it is with the younger veteran. We must show him that the Legion is indeed relevant to him and his needs.

We will help him work out his readjustment and his job problems. We will help him to further his skills and education as we secure needed improvements in the G.I. Bill of Rights. We will welcome him as an equal partner in the fellowship of men who have been privileged to serve our country in its armed forces during a time of war.

The American Legion always has been concerned with the status of our national security, and well we should be, for it is the American veterans who lived through and has paid the penalty for our unpreparedness. It is natural that we should be the ones to most appreciate a posture of readiness and of strength.

From this platform in 1971 we sound the warning once again. Not in three decades has America faced so bleak a military outlook as she does today. Many American officials, among them Secretary of Defense Melvin R. Laird, and Assistant Secretary John Foster, have warned of serious deficiencies in our aging navy, in the research, development and production of new weapons systems and particularly in long-range nuclear missiles, both offensive and defensive.

The American Legion, which has been a principal advocate of overwhelming military superiority, must and will redouble its efforts to assure that our military establishment is not entirely dismantled. We insist that America remain militarily strong to avoid the threat of international intimidation and progressive capitulation of our freedom-loving allies.

The American Legion is in accord with the doctrine of Vietnamization. We believe that American ground troops in Vietnam, and in other areas of the world, should be reduced in proportion to the improvement in our allies capabilities to defend themselves.

Some spokesmen, both at home and abroad, interpret our government's new foreign policy as one of complete withdrawal into a "Fortress America," an unreal island. These well publicized "Pied Pipers" are advocates of headlong, unilateral retreat from abroad and the abandonment of our mutual security commitments to the entire free world. The American Legion vigorously opposes this dangerous trend toward neoisolationism. We do not believe this is the intent of American foreign policy today, and would not support it if it were.

We live in a world threatened by a competing social, political and economic system—one gaining military strength daily at our expense, and one which would not hesitate to employ armed aggression anywhere it could profit by it. The American Legion strongly believes that the very existence of the free world remains dependent upon the military strength of all its members, mutual cooperation among them for security, and the will to carry out our commitments and responsibilities to one another.

In closing I want to express a personal belief that I have voiced many times during my campaign for this office. I believe that this is the place, the best age of mankind in the history of man, and I believe that we are on the threshold of an even better world and that America is in the forefront as we strive toward that objective. I am optimistic that modern knowledge, education and communication will continue to succeed in our common attack on the old and the new problems of our world.

I now pray for your safe return from this 53rd National Convention, confident that your leadership in your State and local community will bring success and recognition to The American Legion's positive programs for a better America.

God bless you, and thank you.

ILLINOIS DELEGATION SUPPORTS SELECTION OF ILLINOIS AND CHICAGO AS HOSTS IN 1992 OF OFFICIAL QUINCENTENNIAL CELEBRATION OF AMERICA'S DISCOVERY

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, yesterday I introduced House Joint Resolution 869 which would recognize the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America.

I am pleased and gratified that the entire Illinois delegation, as a bloc, joined together in cosponsoring House Joint Resolution 869. The cosponsors are: Hon. John B. Anderson, Hon. Leslie C. Arends, Hon. Harold R. Collier, Hon. George W. Collins, Hon. Philip Crane, Hon. Edward J. Derwinski, Hon. John N. Erlenborn, Hon. Paul Findley, Hon. Kenneth J. Gray, Hon. John C. Kluczynski, Hon. Robert McClory, Hon. Ralph Metcalfe, Hon. Robert H. Michel, Hon. Abner J. Mikva, Hon. Morgan F. Murphy, Hon. Melvin Price, Hon. Roman C. Pucinski, Hon. Tom Railsback, Hon. Charlotte T. Reid, Hon. Dan Rostenkowski, Hon. George E. Shipley, Hon. William L. Springer, and Hon. Sidney R. Yates.

The precedents favoring this proposal are strong and the central geographical location of Chicago renders here the logical site of such a national celebration.

The first nationwide observance of Christopher Columbus' discovery took place in 1892, honoring the 400th anniversary of the great Italian navigator's voyage to our shores. On that occasion—known to history as the World's Columbian Exposition—Illinois was honored by selection as the host-State and Chicago as the host-city to 27 million visitors from all over the world. The exposition was judged to be a tremendous success, and in the ensuing decades, has been treated with the greatest respect by cultural historians the world over.

In the process of considering the site for the approaching 500th anniversary of the Columbus' discovery, I would like to note that at a recent meeting of the Illinois State Constitutional Convention, in Springfield, a resolution was adopted by unanimous consent, encouraging the State Legislature to draw up plans in preparation for the Columbian anniversary celebration and requesting the Congress to recognize Illinois as host-State of this important undertaking.

Subsequently, a few months ago, the Illinois General Assembly passed Senate Joint Resolution 15 urging Congress to designate our State as official host for the 1992 quincentennial celebration of America's discovery. The text of this resolution follows:

State of Illinois—77th General Assembly

Senate

SENATE JOINT RESOLUTION NO. 15

Offered by Senators Walker, Vadalabene and Romano

Whereas, The year 1992 will mark the 500th anniversary of the discovery of North America by Christopher Columbus; and

Whereas, The official celebration for the 400th anniversary of the discovery of America was held in the State of Illinois and the City of Chicago; and

Whereas, Plans should soon be made for the celebration of the 500th anniversary of the discovery of America; and

Whereas, The people of the great State of Illinois are proud of the Columbian heritage of our State and Nation; therefore, be it

Resolved, by the Senate of the Seventy-Seventh General Assembly of the State of Illinois, the House concurring herein, that we urge the Congress of the United States to designate the State of Illinois as the host of the 1992 Columbian Exposition commemorating the 500th anniversary of the discovery of America; and be it further

Resolved, that a suitable copy of this joint preamble and resolution be forwarded by the Secretary of State to the 2 United States Senators from Illinois and to each member of the United States House of Representatives from Illinois.

Adopted by the Senate, February 25, 1971.

In addition to her central geographical location, Chicago is the center of our national population. Twenty-eight railroads operate through the city, and as many airlines utilize the services of her two gigantic airports, Midway and O'Hare International, providing easy access not only to Chicago itself but to all of Illinois. So far as automobile travel is concerned, Illinois has, in recent years, developed an interstate and intrastate highway system second to none, providing modern, rapid, travel facilities. Thus a greater potential exists here than anywhere else for drawing together visitors from every part of the Nation, as well as from abroad.

Additionally, I would like to point out that hotel, motel, and restaurant facilities in Chicago are among the most outstanding in the country. Chicago has long been recognized as a prime convention city and as such has established a fine record of meeting the needs of countless visitors to the heartland of America.

By selecting Illinois as official host for the celebration, the Congress would provide equal opportunity for Americans residing on the Atlantic coast and the Pacific coast to better acquaint themselves with the marvelous development of the great Middle West. The tremendous growth of commercial, industrial, and cultural activities in the Hub of America truly typifies the progress of our New World civilization—the civilization to be honored on this grand occasion.

When Columbus, the great navigator, the Admiral of the Ocean Sea, discovered America in 1492, he not only achieved the most spectacular and important geographical finding in the history of the world, but opened the door to development of the Western Hemisphere. His discovery can be said to mark the actual beginning of our national culture, as well as that of all the American peoples in both American hemispheres. The greatest democracy in existence today is flourishing on American soil, and the indomitable spirit of Columbus has become a part of us and our way of life.

In a few weeks, on Monday, October 11, 1971, we will celebrate Columbus Day for the first time in the history of our country as a national public holiday. As one of the early cosponsors to establish this holiday, I was gratified when the Congress in 1968 enacted the Monday holiday law, which accomplished this objective.

The celebration of this holiday as a national American holiday is indeed appropriate, just as the proper quincentennial observance of Columbus' epic voyage and discovery is the right and privilege of all Americans.

Illinois, having hosted the occasion once before, is seeking that honor once again, and I am hopeful the distinguished Members of this body will again act wisely, as they did in 1968, and support the resolution introduced yesterday by the members of the Illinois delegation in order that ample time may be set aside to make appropriate arrangements for the 500th anniversary observance of America's discovery.

SUPREME COURT'S BUSING DECISION HAS BROUGHT CHAOS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the backbone of our American way of life, the public school system, is now being threatened with destruction by nine men who comprise the Supreme Court, the highest tribunal in our Nation.

The High Court decision last spring, stating that busing to achieve racial balance in public schools was constitutional, has brought chaos to many school systems throughout our country. There have been fights and high absenteeism in many cities including Pontiac, Mich., San Francisco, Calif., Indianapolis, Ind., and Alexandria, Va. There has been destruction of school property and there is the ever-present threat that many school systems will be forced into bankruptcy because of the high cost of purchasing new equipment to abide by the Supreme Court decisions. In addition, many private schools have been established to avoid the turmoil of our public schools.

It would indeed be tragic irony if the Supreme Court, by its ridiculous decisions, delivers the final blow to the very thing it is allegedly trying to improve—our public school system.

Mr. Speaker, in connection with the Supreme Court decision on busing, I would like to submit two petitions I have received from concerned parents. One is from the Anniston suburb of Eulaton—where many children ride on three buses to get to school—and another from Pleasant Grove, a suburb of Birmingham.

I would also like to include an editorial from the August 12 edition of the Birmingham News, entitled "Nixon on Busing," and three letters to the editor which appeared in the September 8 edition of the same paper:

ANNISTON, ALA.

Congressman BILL NICHOLS:

We the undersigned members of the Eulaton School P.T.A. are extremely distraught over the recent court order to do away with our six grades—making Eulaton grades one and two—busing grade three to Thankful and grades four, five and six to Mechanicsville school, which would involve five miles and more one way trip for the vast majority of the Eulaton community. Most of our people have more than two children in their families which means they will be involved in all three schools. We have just been asked to vote higher mill tax that our schools might benefit in their facilities as well as in academic standing. However, with all the busing that is about to begin our schools will still go lacking as this will cost money. Our P.T.A. was not aware we were involved in this court order until it was released to the press. There were announced meetings at other schools but nothing was stated that Eulaton was involved. We feel this was unfair and unconstitutional not to have been informed of this change and at least have a voice in it. How can we expect our children to get a good education when teachers and pupils are under constant emotional stress? Our community was happy with the freedom of choice plan. If we are to remain a free country then all communities must have the right to choose where they wish to go to school and be allowed to remain free in other areas that our Constitution is based on.

We covet your help as a leader to give us back our school (Eulaton School all 6 grades) using the freedom of choice plan.

Please stop this tearing up of good schools and Stop busing our children all over when they have a good community school.

The American way is for every human to have his freedom of choice. Destroy this and eventually we destroy America.

Please act now!

Submitted by

DELORIS MORGAN,
V.P. Executive Board of Eulation School and Members of the Eulation P.T.A.

SEPTEMBER 8, 1971.

Representative BILL NICHOLS,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: Attached is a copy of the letter that has been mailed to Gov. Wallace and the rest of our legislators, along with a petition signed by the people that support this letter. We are asking that you as an elected official of the people of the State of Alabama, do everything within your power to stop this federal intervention in our schools. It must be stopped and stopped now, before this entire country is torn apart. It can be clearly seen that no one wants this. The law abiding people in this country want their schools controlled on a state and local level. Please read the attached letter for our reasoning in our own school system.

Sincerely,

CITIZENS OF PLEASANT GROVE.

September 1, 1971.

Hon. GEORGE C. WALLACE,
Montgomery, Ala.

DEAR SIR: We the undersigned citizens are writing this letter in regard to our present school crisis. Most of us are citizens of Pleasant Grove, a suburbs about fifteen miles west of Birmingham. We are not only concerned with our school system, but with the schools all over Alabama and the south. We feel that the recent court orders handed down by Judge Pointer are unconstitutional in every respect and are aimed at destroying our school system and most important, the education of our children. We also feel that this federal intervention in our schools is Communist motivated and the men handing down these decisions have only their own personal and political gain at heart. This federal intervention is totally undemocratic. This is communism. How can one man, or a group of men such as the U.S. Supreme Court who are appointed by an elected official, dictate to us what we must and must not do, merely to achieve a racial balance. This is not a democratic process in any way, shape, or form. If segregation is unconstitutional then this forced integration is twice as unconstitutional and is Communistic in every respect.

The city of Pleasant Grove has been ordered to buy a school outside our city limits, merely to achieve a forced racial balance. How can any man call this a democratic way of life. We want a return to our neighborhood schools and the schools that have been closed reopened. If segregation is unconstitutional, and we accept this, then the only way for us to function as free Americans is by the freedom of choice plan which was adopted to begin with. Black and white parents do not want their children bused to strange schools and their neighborhood schools closed to achieve a racial balance. We commend your stand against federal intervention in the schools as you have shown in the past. You have shown the world how whites and the majority of the blacks feel about forced school racial balance. This is nothing but a political holocaust which must be stopped somehow. It seems that the Justice Department is determined to shove this school integration down our throats in the South whether we like it or not. Our own school system in Pleasant Grove has been done a terrible wrong led by the District Judge Sam Pointer, and other judges before him.

To further show how this whole scheme is politically motivated, the school system of Mt. Brook has not had a desegration suit filed against it by the NAACP or anyone else. They have not been ordered to achieve a seventy-five percent white, twenty-five percent black pupil or teacher ratio. Why? To the best of our knowledge this is where Sam Pointer lives, along with several other judges, Jefferson county school officials, and other prominent figures and where their children go to school. We might add that Judge Pointer was an attorney for Mt. Brook and helped to found the Mt. Brook school system.

In 1964, the City of Pleasant Grove donated twenty acres of land and $150,000 to Jefferson County towards the construction of the Junior High School that our children now attend.

In the Spring of 1968, upon the recommendation of a special committee on education, appointed by the Pleasant Grove City Council, the City approached Jefferson County about the possibility of constructing a new elementary school in our community. Pleasant Grove offered $50,000.00 toward the cost of the building, and almost immediately the County Board of Education accepted the offer. However, about sixty days later the Jefferson Board of Education informed our City that they would not build the proposed elementary school, but instead were going to close our school and send our children to another community.

At this point, our City Council decided to withdraw from the County System and form its own Board of Education.

Since the formation of our City School System, we have done a number of things to upgrade the education program and facilities. The citizens of Pleasant Grove imposed two new taxes upon themselves to provide funds for new programs and new facilities. In September of this year, we move into a twenty-two room addition of our present facilities, financed by these new taxes voted for by the people. Can this be called a democratic process for us to be forced to educate children outside our community?

Due to the course of action the Federal Government, the Justice Dept., HEW, or whoever is responsible for the miscarriage of justice that is being forced upon the American people, mainly Southern whites, we feel that our constitutional rights have been violated and the constitution itself has been abused countless times. We further feel that we have every right to file suit against these people and are within our legal rights to do so. Every American in this country, who loves their freedom, their homes, their wives, and children should do so. We must do something to awaken the American people as to what is happening. What is happening is not a game or something that will be gone when we awaken in the morning. This is not and we must do something to stop it.

We feel that you sir, as Governor of this state and the office of Governor itself, along with our elected legislators, are in a position to bring pressure to bear upon these people. Judge Pointer and the Mt. Brook school system being classed a defacto system would be a good starting point.

We are asking for help and advice, and in turn are pledging our full support with you in this fight against Communism and political takeover. You have made numerous stands against these things, but without the backing of the people in this country, you are helpless. It is past time for the so called silent majority to rise up and speak out against this tyranny. The law abiding citizens in this great state and most of the United States are at their wits end. We are not flag burners, Viet Cong supporters, or Communist affiliated in any shape, form or fashion. All we want is our American right to send our children to our schools and escape this tyranny that is upon our school system at the present time. The takeover of our school system by the Justice Dept. is a great injustice on the pride and integrity of our people. We resent this intervention and are willing to fight it anyway possible with God's help. All of us have great respect for your stand against Communism and for schools and state rights. We hope you will continue to make a stand for the true American people. Forced integration is no more American than the Communist red flag. It is a great wrong against black and white people. However, the Federal Government is determined to shove it down our throat whether we like it or not. We do not like it one iota because this is not the American way. Ever since the Civil War the Federal Government has imposed great injustices on the South. The people of this Southland are at the breaking point, mainly because our rights are being violated. We are law abiding people and have tried to obey the laws of the land. We know that without laws, we would not have much of a country to live in, but these laws that are being imposed upon our school system now are designed to destroy.

Throughout history, the Communist's goal has been destruction. They are not builders, but destroyers, and we feel that this attack upon our school system is a communist plot.

The only stronghold we have left is our churches and if we stand idly by and watch our school system destroyed, then our churches will not present much of an obstacle to the Communist and political machine that is aimed at our total destruction as free American people.

In conclusion, we feel that you, Governor Wallace, as an individual and as the Governor of this state can bring the pressure to bear upon the person or persons responsible for this holocaust in our public school system. We are appealing to you and offer any assistance that we might afford. We know that this cannot be accomplished by one man, therefore we stand behind you 100%.

May we say this to you and to all of our elected officials; We are a very concerned people.

If you can be of any assistance to us, please contact the Mayors Office, City of Pleasant Grove, Pleasant Grove Board of Education, or one of the undersigned.

Thank you for your patience and consideration.

Sincerely,

NELSON E. LIVINGSTON,
JIM L. CRAWFORD,
JACKIE E. HARP,
Citizens of Pleasant Grove, Ala.

NIXON ON BUSING

Anyone who truly places educational opportunity above social engineering would find it hard to quarrel with the President's instructions to federal agencies to seek to accomplish school integration wherever possible without resorting to busing students long distances from their homes.

We have no doubt the President will be attacked by Northern liberals for trying to "sabotage" school integration efforts as part of a "Southern stratgey," just as at the other extreme he has been attacked by Gov. George Wallace, among others, for saying he's opposed to busing while agents of his administration have been actively pushing busing-based desegregation plans.

Actually, the President has made clear in the past his opinion that wholesale busing is not in the best interests of the children of either race.

The Supreme Court, however, has taken the view that busing is legal and, in some instances where other techniques to achieve integration are inadequate, necessary to satisfy the Constitution.

The President is not seeking to defy the Supreme Court. His order to the federal agencies, issued some time ago, was revealed by Press Secretary Ron Ziegler in response to a question about a wire from Gov. Wallace challenging Mr. Nixon on his busing stand.

He ordered the bureaucrats responsible for formulating and enforcing integration plans to avoid busing *where* possible—not to seek to evade the desegregation mandate. In fact, the record will show—too clearly for many Southerners—that school integration in the South is now much more of a reality than it is in many Northern areas.

The President obviously believes that some of the lower-level federal bureaucrats (and maybe even some high-level ones) have exceeded the intent of his administration that integration should be pursued but that busing should be avoided where possible.

Every president who comes into the White House faces the same problem: Getting the federal bureaucracy, which frequently seems to have a will of its own, to respond to his wishes.

A bureaucrat who disagrees with the President—who believes, in this case for example, that busing *is* a desirable method of integration, no matter what the man in the White House thinks—simply goes ahead and does things his own way, in effect becoming president-in-fact, on this one point at any rate, by self-appointment. And the bureaucracy is so huge and so labyrinthine that often he can get away with it for a long time.

Mr. Nixon's reservations about busing do not make him "anti-Negro," although we are sure this will be taken as additional "evidence" to make him seem so. His doubts are shared by many who genuinely wish to provide the best possible educational opportunity for all children regardless of race.

A federal judge rejected a desegregation plan for Austin, Tex., based on massive busing to achieve exact ratios of white, Negro and Mexican-American students in each school (a plan drawn up by some of the bureaucrats who are the target of the President's new order).

And two federal judges in Atlanta rejected massive busing in that city as "neither reasonable, feasible nor workable," pointing out damage which they said has been caused to Atlanta's school system by efforts to impose integration plans which many parents resist by moving to new neighborhoods. They argue that wholesale busing could be the force which transformed Atlanta into an all-black city. And who would gain from that?

But the Austin and the Atlanta rulings have been appealed, and it may be too much to hope that higher courts will be any more reasonable in the future than they have been in the past on this point.

But they are additional signs that many people who are in no sense opposed to school integration have grave fears that education for all children, as well as understanding between the races, is going to suffer severely from efforts to pay a racial numbers game which goes far beyond the bounds of reason and the requirements of equal educational opportunity.

COURTS AND SCHOOLS

I consider myself to be an extremely fortunate individual. I have a good job, an adequate home, friendly neighbors, wonderful family, a man with a draft lottery number of 330 and both my children have the good fortune to have finished high school before the present fiasco, which in some circles is being billed as the impending school term, was foisted upon the people of Jefferson County.

My children are no longer a part of the Jefferson County School System and, therefore, have lost their eligibility to participate in this great social experiment. However, having had children in school in the past and being a somewhat sensitive man, I can feel for those parents who have, as in the past few years, had to wait until just a few days before the school term begins to learn the fate of their children. One would have hoped that, since the destiny of our children has been placed in the hands of a few selected federal judges, these learned men could, in the interest of justice, hand down their edicts in time for the poor souls affected by these profound utterances to make adequate preparation for compliance. Instead, these peerless men, who have been endowed with a power just short of that of the Almighty, diligently delay such orders until the eleventh hour, apparently so that confusion and expediency will prevent the mounting of any organized rebuttal.

K. H. ADKINS.

Justice Douglas has told the San Francisco Chinese that, whether they like it or not their children must be bused in order to protect their rights. Somehow, that is not very logical. It reminds me a little of the situation in James Stephens' The Crock of Gold, where Caitilin ni Murrachu has run away from home, and is living in a cave with the god, Pan. The philosopher talks to her about returning home and, when she shows no interest in doing so, says the following: "She does not wish to be saved, but I shall save her. In fact, she does not wish to be saved and, therefore, I shall save her."

The federal courts have been working for several years now on the desegregation of schools. Each year, they impose more stringent standards. They redraw attendance zone lines constantly in order to secure a more exact percentage of mixing. It seems to me that, whether consciously or unconsciously, they derive a certain degree of pleasure and gratification of their innate desires out of constantly moving little children back and forth across their checkerboard squares. Their maxim seems to be: "Suffer little children to go hither and thither—but never to the same school two years running."

ERSKINE R. LINDSEY.

INDIVIDUAL RIGHTS

Today as I watched the evening news, I saw parents white and black, pleading with school officials, for the privilege of sending their children to the school of their choice. The one nearest their home. For convenience sake. Of necessity. For friendships already established with other children and their families. Teachers they already know and love.

While at other meetings, teachers of both races beg to be left in a school where they have already become established and involved in the community, or just for the sake of convenience.

All these pleas, alas, will fall on deaf ears, Those who would help principals, boards of education, city, county and state superintendents, no longer have the authority to carry out the works for which they were hired or appointed.

The higher power has spoken. The omnipotent government, a government that has fast become so powerful that the common man is powerless against it.

Segregation is not the issue here. There is an issue though: freedom. Are parents to give their children over to be pawns of the government, or does not a parent have the right to control the destiny of their own child for as long as that child is a minor?

The courts may usurp many things, but our children are not theirs. They are ours, paid for in full with our own blood, sweat and tears. How, then, can they presume to tell each one of us what is best for our own children. Each one is an individual, with a personality of his own and his own particular needs.

It is my understanding that each and every person is guaranteed freedom and protection under the United States Constitution. Well a child is a person, a small one, maybe, but a person, all the same.

I marvel at the restraint of the Southern people and yet, at the same time, I wonder how long it will continue and how much corner is left for us to be pushed into.

I am a Southerner, yes. I am also an American, and it grieves me terribly to feel that my thoughts, desires or needs are not important to my country, that only in certain areas do I have any redress whatsoever before the courts of the land.

What could be fairer than to make decisions for and rear our own children as we see fit? This is all I ask.

MRS. JESSIE A. DAVIS.

MAJORITY OF YOUNG PEOPLE OPPOSED TO FORCED SCHOOL BUSING

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, a survey commissioned by Life magazine and carried out by Louis Harris and Associates showed early this year that in the United States young people are remarkably moderate, even conservative in their views—contrary to the impression given by a vocal minority composed of members of all races. The survey showed that young Americans in general are not nearly so much in favor of radical changes, such as attempts to achieve racial balance in schools by busing of pupils, as some people would have us think. On the contrary, the majority expressed opposition to forced busing of school children.

The survey findings are of special interest at this time of heightened conflict over the school busing issue. They constitute one of the many reasons why the Congress should quickly enact House Joint Resolution 651, of which I am a sponsor.

Mr. Speaker, I insert in the CONGRESSIONAL RECORD, immediately following these remarks, certain relevant excerpts from the article in Life:

[From Life magazine, Jan. 8, 1971, (Excerpts)]

"CHANGE YES—UPHEAVEL NO"

What will become of this country when the young generation comes of age and takes over? People who expect a catacylsmic rejection of traditions, mores and institutions are in for a shock: the young wouldn't overturn society even if they could. Most of them are much too satisfied with it as it is.

Life recently commissioned Louis Harris and Associates to interview a national cross section of the 26 million Americans who are between the ages of 15 and 21. Their views on a broad range of social questions are remarkably moderate, even conservative. In sum, they describe a rather tolerant, relaxed group whose attitudes and expectations on a great many subjects differ very little from their parents. As Harris reports, "The majority of youth listens to the rhetoric of dissent, picks what it wants, then slowly weaves it into the dominant social pattern."

Within the cross section, college students on almost every issue are strikingly more skeptical and progressive than their younger brothers and sisters in high school. But even here the responses do not forecast a radical future. Change, yes. Revolution, no.

The poll results:

Achieving racial balance in schools by busing: No—66%.

FORCED BUSING SHOULD BE OPPOSED

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, it is appalling to learn that the junior Senator from my State, appointed to fill an unexpired term, has, in a speech made in the other body on September 13, expressed his unequivocal support for the forced busing of children, if some sociologically inspired local educator orders it thrust upon the community. Likewise, the appointed Senator condones what he terms "the minimum busing required by law."

I am astounded that a Senator from Georgia, even one not elected by the people, would endorse forced busing of children, whether it is, to quote the junior Senator, "where local educational authorities find it to be desirable in the achievement of the educational goals of their community" or not.

I am astounded, also, Mr. Speaker, to have a Member of the U.S. Congress, even an appointed Member of the other body from the State of Georgia, say that:

> What the situation urgently cries out for is leadership, which cannot be provided in the Congress or in the courts.

What is needed is leadership, Mr. Speaker, but not by those who try to pass the buck to someone else by stating that "leadership cannot be provided by the Congress," of which the appointed Senator is a Member. Maybe this Senator, not elected by the people he represents, is either incapable or unwilling to provide such leadership and would rather pass the buck by calling on the President to overturn the Supreme Court decision in the Charlotte-Mecklenburg—Swann case—which authorized the forced busing of children against the will of both the children and their parents, solely because of the race, creed, or color of the children. Even an 8th grade civics student knows that the President may not overturn a Supreme Court decision. However, that civics student also knows that a constitutional amendment, passed by two-thirds of both Houses of Congress and ratified by three-fourths of the State legislatures, will do it.

An even more startling revelation which clearly points out that Georgia's nonelected Senator is in favor of forced busing is when the junior Senator cries out against the orders of the President to HEW not to use any Federal funds for the busing of students.

On page 31434 of the CONGRESSIONAL RECORD, the appointed Senator says:

> What is worse is the proposal (order of President Nixon to HEW) to cut off federal funds for busing purposes.

Gov. Jimmy Carter's appointee further said:

> He (the President) cannot stop or mitigate court and HEW busing decrees by denying federal funds for the busing of students. Denying federal funds will make busing more of a burden, not less.

This is clearly a statement in favor of using Federal funds to force busing and it cannot be covered up in a smokescreen of shimmering platitudes and glittering generalities.

It is also interesting to note that while the junior Senator from Georgia states that the President should stop busing, he also states that the President cannot stop the courts from ordering busing. This is, of course, partially true. If the President, refuses to allow Federal funds to be used for busing, the implementation of the court decision on busing will falter, except for that financed by local governments.

Clearly, Mr. Speaker, the only means of overturning the Supreme Court decision on busing is by a constitutional amendment, which will require the people's Senators and Congressmen acting, working for, and voting for its passage, because the President cannot pass a constitutional amendment to overturn the courts.

Mr. Speaker, it is frustrating to me to learn that we have a Member of the other body who condemns the President for ordering the cutoff of Federal funds for busing purposes and in the very same statement says:

> The President, while professing to oppose the busing of students, does nothing.

It is frustrating to me to learn that the appointed Senator, in a statement in this same speech, says:

> I call on the President; first to publicly declare his opinion that busing is legally required.

Regardless of the court order, I do not believe it is even permitted by a clear reading of the U.S. Constitution and urge the President to say this, not what the appointed Senator wants the President to say.

It is frustrating to me to find that a political appointee, serving the unexpired term of the late, great Senator Russell, says that "Confusion seems to exist in San Francisco, Calif., Pontiac, Mich.," and call on the President to issue orders that all areas of the Nation be treated the same.

Like it or not, Mr. Speaker, we in the South have a greater problem with school desegregational, because we have a larger black population, but it is total demagoguery to overlook orders from President Nixon to HEW to look into other sections of the country and apply the law uniformly. It is because the President is insisting on uniformity that we hear the cries from San Francisco, Pontiac, and Cincinnati.

In truth, however, other sections will never approach the number of court actions we have seen in the South, because they do not have the black population that we have, but, Mr. Speaker, I do not support the forced busing of children even if local, sociologically inspired educators decree it, be it in San Francisco, Pontiac, or Augusta, Ga.

Yes, Mr. Speaker, the people of my State do cry out for action. They want deeds, not words. I do not believe they will be deceived by the hypocrisy of this appointed Member of the other body, who in one instance states that busing "has as its primary purpose achievement of racial balance," and then immediately states that he supports busing if ordered locally. Then he states that the President should provide leadership against busing, and then cries out against the President for cutting off Federal funds for busing. Next he cries out that the situation needs leadership, but states that this leadership cannot be provided by Congress, of which he is a Member. He is, in effect, stating, "I will moan and groan 'til doomsday and accuse everyone else, including the President, of inaction, but I refuse to take the necessary action in Congress to stop busing."

Finally, Mr. Speaker, the appointed Senator from Georgia states that the time for racial discrimination is past in the South. I agree this is passed, and in line with that, all Georgians, including the appointed Senator, should insist that even local educators with a hairbrained scheme of forced busing to achieve racial balance must be opposed, because it is discrimination to force a child, because of his race, creed, or color, to attend a particular school. whether he is white or black. Yes, Mr. Speaker, leadership is needed, but that leadership is not coming from Georgia's appointed Member of the other body.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has 24 times more motion picture theaters than the U.S.S.R. We have 21 times the number of radio stations and 30 times the number of TV stations. American radio receiving sets are four times as numerous as their Soviet counterpart and television receiving sets are 15 times as common.

IT IS TIME TO END THE "HIGHWAY ROBBERY" AT THE TOLL BOOTH

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, today I have introduced a bill to make toll roads on the Interstate System free. When Congress passed the Federal-Aid Highway Act of 1956, it recognized the need for a strong system of national highways to promote economic development and assure national security. Their belief that free roads best serve the public interest was shown by their insistence that no Federal money would be used to construct or aid toll roads. However, the Interstate System is not really free. As far too many motorists know, over 2,000 miles of the Interstate System consists of toll roads. These roads, along with thousands of miles of free roads, were incorporated into the system to lower its cost and to prevent needless duplication of highway facilities. Although reimbursement of the States for these roads was originally planned, no action has been taken. The purpose of the bill I have introduced is to remove the tolls from all highways which are a part of the Interstate System. It is high time we ended this subtle form of highway robbery.

For the past 50 years, toll roads have been judged as unfair and uneconomic by almost all highway authorities when compared with free roads. Toll roads make for double taxation, high costs, and stunted development. Every motorist in the United States pays a combination of State and Federal gasoline taxes amounting to about 11 cents per gallon. Since the average toll charge is equivalent to about 25 cents per gallon—assuming that an automobile gets 50 miles to the gallon—the toll road user pays a total equivalent gasoline tax of 36 cents per gallon. He pays three times what others pay to use comparable facilities. Since 1956, the users of the Pennsylvania Turnpike have paid over $300 million in State and Federal gasoline taxes in addition to the tolls imposed by the turnpike authority.

In many areas the toll roads become "toll traps" by virtue of their relationship to the Interstate System. A good example is Interstate Highway 95 near Richmond, Va. Local officials constructed a relatively short tollway, with full knowledge that it would be a part of Interstate Highway 95. The users of Interstate Highway 95 are thus forced to use the toll facility. Local authorities are able to realize revenues which will undoubtedly far exceed the actual cost of the tollway. Once again, motorists will be paying several times for the same stretch of highway.

Not only is the user taxed twice, he is taxed too much. Toll revenue bonds constitute an inefficient way of financing the construction of highways. A 1967 report by the Subcommittee on Roads of the House Public Works Committee stated that the financing cost differential between toll-revenue bond financing and State-guaranteed bond financing was about 1.5 times. Therefore, the motorist is forced to pay an exorbitant user tax, because the State involved refuses to use its gasoline tax revenue to finance its 10 percent of the cost of the facility, or because the State does not have sufficient bonded indebtedness to finance the project.

Toll road costs—and therefore, the cost to the motorist—are further raised by the enormous costs of toll collections. The Pennsylvania Turnpike spent over $4,500,000 in 1968 to collect its $56,036,057 in gross revenues. Therefore, about 8 percent of the fares the motorist paid on that facility was just used to collect the tolls and not to pay off costs of constructing the roads. Although 8 percent is fairly high by toll road standards, almost all facilities spend over 3 percent of their revenues in the process of toll collection. When compared with the approximately 3 mills out of every dollar spent to collect the gasoline tax, the cost of toll collection is some 10 times higher. This is just another unnecessary tax burden placed on the toll road user.

Probably, the worst cost of toll roads is the unestimatable loss in economic development. Toll road commissions have a primary responsibility to their bondholders and not to the public or local interest. They are simply not interested in the local driver, because the cost of collection is abnormally high compared to the revenue generated for local traffic. Therefore, few local stops are provided and the routes are not laid according to local needs. The Ohio Turnpike, for example, has only 15 stops along its 241-mile route. A free highway through the same area would certainly have more interchanges, thereby vastly increasing the benefits of the road to the citizens of Ohio. A free facility would do much more to promote economic development, especially in rural areas.

Most toll facilities would not even permit other roads be built near them to promote local development. These facilities usually have an exclusive right-of-way over their particular route. Since a road which might contribute to local development might also compete with the toll facility, it is blocked by the toll authority. Local needs are sacrificed to preserve the monopoly power of the toll facility.

The worst feature of toll roads is that they almost never become free. The monopoly situation that most toll facilities work to preserve, makes for abnormally heavy traffic loads necessitating higher maintenance costs and new construction. The higher financing and revenue collection costs associated with toll facilities raises the amount of new revenue needed even further. As of 1967, the Pennsylvania Turnpike with improvements cost $541,747,933 to build, but with over $751,000,000 already paid in tolls by the public, no end or reduction of tolls is in sight.

However, even if enough revenue comes in to pay off the bonds, the facility does not become free. The responsible authority will pool the revenue from this facility with other facilities such as airports, skyscrapers, bridges, and ports. The motorist ends up paying for facilities that he may never use. Otherwise, the State will probably use the facility as a general revenue source. Therefore, part of the State's tax burden is shifted onto a small group of motorists, many of whom do not even live in that State. Left to their own devices, the toll authorities will never free their facilities.

While I do not feel that we can possibly free all toll facilities in the United States, I do feel strongly that the Interstate System must be totally toll free. Therefore, I am introducing this bill which would reimburse the States for the toll roads incorporated into the Interstate System provided that these facilities be made entirely toll free by the time the Interstate System is completed in 1977. A completely free Interstate System could, as its founders planned, contribute to the economic well-being of all segments of American society.

The first part of my bill would make it the sense of Congress that—

> All portions of the National System of Interstate and Defense Highways be free from tolls by the time the last segment of that System is completed in 1977.

This clear expression of congressional sentiment would serve notice that public opinion is squarely behind the movement to free the Interstate System.

The second part of my bill would provide the mechanism to reimburse the States for their toll facilities incorporated into the Interstate System. Upon application by the State involved, the Secretary of Transportation would be authorized to pay, out of highway trust funds, 90 percent of the depreciated original construction costs plus the cost of all improvements of the facility minus the principal already paid on its bonded indebtedness provided that the facility be freed by July 1, 1977. The term construction costs would include costs unique to toll facilities such as toll plazas and tollgates and also the cost of any improvements or extensions to the facility. The States would pay the remaining 10 percent as is done now under the Interstate program. Any other costs of retiring the bonds would be borne by the States. Conversion costs such as the cost of removing toll plazas would also be paid by the States.

Unfortunately, some States might not want to give up a profitable facility even though it might be in the public interest. They would prefer to overtax the motorist rather than pay to maintain the facility. Therefore, my bill would penalize any State not freeing its toll facilities on the Interstate System by deducting from the State's highway trust fund allocation, the estimated amount of Federal gasoline tax paid by the users of the facility since 1956. At 4 cents per gallon, this charge would be considerable. Using the mileage figures given me by the Pennsylvania Turnpike Authority and assuming that passenger cars average 15 miles to the gallon and commercial vehicles average 5 miles to the gallon, I have estimated that the penalty for the Pennsylvania Turnpike would amount to approximately $115 million for the period 1956–70. Since the penalty for 1970 alone would come to $9,178,642.48, we could expect that the penalty would amount to roughly $10 million per year in the future. This penalty would be strong enough to induce most States to free their facilities. Furthermore, it would discourage other States from attempting to reap the benefits of unfair double taxation.

Some have argued that costs of reimbursement would be too high. In 1967 the Bureau of Public Roads put the cost at $2.9 billion. Although these costs seem high, it must be remembered that these funds would come from the highway trust fund. Since the money would come from existing user taxes, reimbursement would impose no new burden on the motorist. Instead, it would relieve him of paying the inflated costs that toll roads have imposed on him.

The cost of reimbursement looks even smaller when compared to the economic benefits it would bring. Free roads would stimulate business and trade in any region now constrained by a toll road system. At a time when we are searching for ways to promote national and especially rural economic development, my proposal to completely free the Interstate cannot and should not be ignored. We must vigorously pursue what I refer to as the "fifth freedom." By this I mean the freedom of movement of men and goods. This bill would greatly advance this "fifth freedom."

I must at this point, add a footnote to indicate that I certainly do not feel that my bill constitutes the only possible terms for solving this problem. Any suggestions, comments, or criticisms will be most welcome, as will any alternative solutions. The language which this particular bill contains is offered primarily as a vehicle for stimulating debate, and hopefully, action on this problem.

H.R. 10731

A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 1 of title 23 of United States Code is amended by adding the following new section:

SEC. 2. "§ 143 Reimbursement for free and toll roads incorporated into the National System of Interstate and Defense Highways.

"(a) It is the sense of Congress that all portions of the National System of Interstate and Defense Highways be free from tolls by the time the last segment of that System is completed in 1977.

"(b) For the purpose of equitable reimbursement each State having any portion of a toll or free highway, bridge or tunnel incorporated into the Interstate System and designated a part of the Interstate System before January 1, 1959, shall be entitled to receive additional amounts of Federal-aid funds, such funds shall be available for expenditure, first to meet obligations incurred by the State pursuant to Subsection (h)(1) of this Section, any remaining funds shall be used to complete the construction of the Interstate System within said State.

"(c) The reimbursed amounts authorized to be received by the States shall be paid from the Frederal Highway Trust Fund and shall be distributed in accordance with this Section and apportioned by the Secretary at the same time that regular fiscal Federal-aid highway apportionments are made to the States, and shall be made in four equal annual installments starting with the 1974 fiscal year.

"(d) Basis for determining the amount of reimbursement on toll facilities incorporated into the Interstate System.

The Secretary shall deliver to Congress by January 12, 1973 an estimate of the June 30, 1977 depreciated value of each facility involved based on original construction costs plus the costs of all subsequent improvements minus the amount of the total principal paid on the bonded indebtedness of the facility as of June 30, 1977, and the cost shall include toll plazas, toll gates and other necessary appurtenances necessary for the collection of tolls. In the preparation of the depreciated value the Secretary shall consult with the agency or authority having jurisdiction over the facility.

"(e) Basis for determining the amount of reimbursement on free facilities incorporated into the Interstate System.

The Secretary shall deliver to Congress by January 12, 1973, a June 30, 1977, depreciated value of each facility involved based on original construction costs plus the costs of all subsequent improvements which shall be based on the non-Federal-aid financing of the project, with the depreciation factors for the various components of the facility that are used by the Secretary being developed in consultation with the State highway departments involved.

"(f) Each State in which a toll facility is designated as part of the Interstate System and wishes to claim reimbursement and/or each State that wishes to claim reimbursement for any free facility incorporated into the Interstate System shall make such an application to the Secretary not later than June 30, 1973.

"(g) Any State electing not to eliminate tolls from its toll facilities incorporated into the Interstate System shall be subject to a penalty by having its regular Federal-aid highway apportionments decreased in an amount equal to the estimated revenue paid into the Federal Highway Trust Funds by the users on the toll facilities from July 1, 1956, through June 30, 1977, as determined by the Secretary, and such penalties shall be made in four equal annual deductions starting with the 1974 fiscal year.

"(h) The amount of reimbursement made to a State shall be made in four equal annual payments starting with the 1974 fiscal year and shall be based on the following:

"(1) Toll facilities. The amount of reimbursement due a State shall be 90 percent of the net amount determined under subsection (d) of this section and shall be the June 30, 1977, depreciated value of the toll facility based upon the original construction cost, including toll plazas, toll gates, and other necesary appurtenances for the collection of tolls plus the cost of all subsequent improvements minus the total amount of principal paid on the bonded indebtedness of the facility as of June 30, 1977, and the State shall be responsible at its own expense for the removal of such toll gates, toll plazas, and other appurtenances, and for making necessary restoration or readjustment to the highway because of such removal. Any State accepting reimbursement shall make a suitable commitment to the Secretary that the collection of tolls on the facility will be discontinued not later than July 1, 1977.

"(2) The amount of reimbursement to a State on free facilities incorporated into the Interstate System shall be 90 percent of the net amount as determined in subsection (e) of this section, and shall be based on the June 30, 1977, depreciated value of the non-Federal costs of the facilities based on the original construction costs of the facility plus the cost of all subsequent improvements.

WISCONSIN LEGISLATURE SUPPORTS SPORTS BILL

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am happy to insert in the RECORD today a copy of a joint resolution passed by the Wisconsin Legislature in support of my bill, cosponsored by 33 Members of the House, to ban sports events from being shown on closed-circuit television. This legislation, by banning all sports events from closed-circuit television, would force promoters to turn to home TV and radio for the broadcasts of their sports events. Only where a television network or station did not want to broadcast an event could it then be shown on closed-circuit television.

I want to thank both houses of the Wisconsin Legislature for their joint effort; this is the kind of support that we need to get Congress to act.

The next question, however, is whether Congress will be as responsive to the rule of the majority on this issue as the Wisconsin Legislature has been.

It is important to emphasize that this bill is primarily preventive legislation which would serve to keep sports events such as the Super Bowl, the Olympics and the World Series on free home TV, where the vast majority of sporting public could view them. The bill would also have the effect of banning any future championship boxing matches from closed-circuit TV, thus forcing promoters to turn to home TV for their broadcasts. I believe it is extremely important that Congress act now to regulate the production of sports over the public media before the vested interests behind closed-circuit TV become overpowering.

The joint resolution of the Wisconsin Legislature follows:

JOINT RESOLUTION

Enrolled joint resolution requesting congress to enact federal legislation prohibiting promoters of closed circuit television and radio broadcasts which cover sporting events from barring public broadcasting networks from broadcasting the sporting event. Senate Joint Resolution 58, State of Wisconsin

Resolved by the senate, the assembly concurring, That promoters of closed circuit television and radio broadcasts which cover sporting events be prohibited by federal legislation from barring public broadcasting networks from broadcasting the sporting event; and, be it further

Resolved, That certified copies of this resolution be sent to the secretary of the senate of the United States, the chief clerk of the house of representatives and to each member of congress from Wisconsin.

Attest:

WILLIAM P. NUGENT,
Chief Clerk of the Senate.
THOMAS P. FOX,
Chief Clerk of the Assembly.

THE GARWIN SST REPORT: A $425 MILLION MISUNDERSTANDING

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, about a month ago, on August 17, the administration finally released the long-suppressed Garwin report on the SST. This report, dated March 30, 1969, rejects nearly every one of the arguments the administration later used to try to justify the SST program, and it recommended that the program be terminated immediately.

Lest it be supposed that the administration's decision to release the report was prompted by some spontaneous urge to begin adhering to President Nixon's campaign pledge that there would be a "free flow of information" to the public in his administration, it should be noted that the administration was being sued for the report under the Freedom of Information Act and was in danger of being ordered to stand and deliver by the courts.

In his letter transmitting the report, defendant Edward E. David, Director of the President's Office of Science and Technology, said the report was being released to "dispel misconceptions," and he was at pains to try to see that there would be no "misunderstanding" about the report. I suggest that the biggest and most expensive "misunderstanding" about the Garwin report was the administration's own. If they had understood and heeded the sound advice in the Garwin report, the SST program would have been ended in early 1969 with only $524 million of the taxpayers' money wasted on it. As it turned out, the administration pushed recklessly ahead with the project, wasting an additional $425 million before Congress wisely brought it to a halt 2 years later, in March 1971. The tab for the administration's wrongheadedness thus comes to $425 million—a pretty expensive misunderstanding.

As a footnote for students of the credibility gap, it is worth noting that the initial April 3, 1970, letter from the White House denying my request for the Garwin report characterized it as "draft material" and "not finalized." This should be compared with the Garwin report's official title: "Final Report of the Ad Hoc Supersonic Transport Review Committee." In addition, the letter, signed by then OST Director Lee A. DuBridge, says that—

> It would be unfortunate to leave the impression that the material developed in this office was "highly critical" of the SST program.

I leave the decision on that to readers of the report, a copy of which follows. I include also Dr. David's transmittal letter to attorney Peter Koff, and Dr. DuBridge's April 3, 1970, letter to me:

OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., April 3, 1970.

Hon. HENRY S. REUSS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REUSS: Thank you for your letter of March 25, 1970, in which you request material on the SST prepared by a committee headed by Dr. Richard L. Garwin.

As you know, the President established an interagency committee in February 1969, chaired by Under Secretary of Transportation James Beggs, to review the SST program. I participated in this review and submitted a report and several memoranda to the committee which are now part of the public record. The additional material you have cited was prepared in response to a personal request by the President for an independent assessment by my office of various aspects of the SST program. To assist me in this task, I convened an ad hoc panel under Dr. Richard L. Garwin. This group submitted draft material which was forwarded to the President, together with my personal views on the SST program. The document in question was not finalized and was used as part of a direct input to the President.

I should point out that, at the time these studies were conducted, prototypes of both the Concorde and the Soviet TU-144 had conducted highly successful flight tests, and in the study it was assumed that they would evolve toward production aircraft suitable for commercial use. In the case of the Concorde, there was some doubt about its profitability to the airlines, particularly if non-stop trans-Atlantic flights would require reduction in the total payload to ensure adequate performance margins.

It would be unfortunate to leave the impression that the material developed in this office was "highly critical" of the SST program. I believe the ad hoc panel carried out a fair and objective evaluation, which, however, required subjective judgments to be made in a number of areas on the basis of incomplete or fragmentary data then available. Slightly different interpretation of this data could have resulted in a different set of conclusions. This uncertainty was communicated to the President, who, I am certain, considered and weighed a large number of factors in the process of arriving at his decision to proceed with prototype development.

I hope these comments will be of assistance to you.

Sincerely,

LEE A. DUBRIDGE,
Director.

OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., August 17, 1971.

Mr. PETER L. KOFF,
Law Department
City Hall, Boston, Mass.

DEAR MR. KOFF: Enclosed for transmittal to your clients, Messrs. Gary A. Soucie and W. Lloyd Tupling, is a copy of the "Final Report of the *Ad Hoc* Supersonic Transport Review Committee". In the suit *Soucie* v. *David*, which names myself and the Office of Science and Technology as defendants, you have sought to obtain the release of this report under the provisions of the Freedom of Information Act. Our compliance with your request will moot any further litigation. Accordingly, a motion to dismiss is being filed by the government in the District Court.

Our action in this regard has been prompted by continued public interest and certain impressions which have arisen depicting the government as attempting to conceal hitherto undisclosed factual data on the SST program. To dispel any further misconceptions that might result from continued litigation, we are releasing the report at this time.

In connection with its release, I would like to place the report in proper perspective so that there can be no misunderstanding about its role in the formulation of the Administration's position on the SST program. The report was one part of a full consideration of the program in early 1969. Other reviews recommended continuation of the program in contrast to one recommendation of this report. After studying all the factors involved, on September 23, 1969, President Nixon formally announced a go-ahead on the program.

The views expressed in the report were, of course, those of the committee members, presented to aid in the decision-making process. In releasing the report, we do not imply that those views are supported by the Administration.

Sincerely,

EDWARD E. DAVID, Jr.,
Director.

FINAL REPORT OF THE AD HOC SUPERSONIC TRANSPORT REVIEW COMMITTEE OF THE OFFICE OF SCIENCE AND TECHNOLOGY, MARCH 30, 1969

I. INTRODUCTION

The U.S. Government is currently engaged in a development program for the design, development, fabrication, assembly, and 100-hour flight test of two identical prototype supersonic transport aircraft. According to the Contract and its important Modification 15, "the prototype airplane shall constitute the basis without construction of any intermediate models, for a safe and economically profitable production version of the SST." Further, by January 15, 1969, the contractor shall submit to the Government, "a completely integrated design, fully substantiated by physical tests and detailed engineering analyses, as distinguished from estimates, approximations, or parametric designs. . . . The design will clearly and satisfactorily demonstrate, in the judgment of the Administrator of the FAA, that a prototype airplane manufactured in accordance with such design will meet the criteria and requirements for the prototype airplane specified in Exhibit A, Part I, Section D" [of the contract].

In order to help guide a U.S. Government decision among the possible sources of action, the *Ad Hoc* Committee submits this report, the result of eight full days of intensive deliberations,[1] including briefings from General Electric and Boeing, as well as a visit to Boeing.

II. POSSIBLE ACTIONS REGARDING THE DEVELOPMENT CONTRACT

As of April 1, 1969, the Government will have open to it the following important choices:

1. To continue the development program as contratced, with a 90%–10% cost sharing up to the cost over-run point of $909 million (total of the current phase for Boeing and General Electric Company), and with a 75%–25% cost-sharing beyond that (for a total FAA-estimated Phase III cost of $1.14 billion),

2. To terminate "for default" the contract with Boeing before April 15, 1969, thus recouping some $47 million which would be lost if the contract were terminated "for convenience" or after that date,

3. To terminate the contract before April 15 "for convenience," having obligated a total of $481 million, and with a further expenditure of about $40 million required,

4. Without terminating the contract, to negotiate a further modification of the contract in order to lead to a prototype program in some way more desirable to the Government.

Termination for default

There are substantial grounds to believe that the Government could terminate the contract "for default." These grounds are of three types:

1. The fixed-sweep prototype, as proposed, will have take-off and landing runs some 50% longer, take-off and landing speeds very substantially higher, and other characteristics deficient with respect to the prototype required under the contract.

2. In addition to the individual deficiencies as exemplified above, the philosophy of the contract may be judged not to be followed. According to Modification 15, the contractor must demonstrate a high-assurance program to actually develop the prototype, but serious unresolved questions remain, and in many ways the design is not fully substantiated as required by the contract.

3. It may be judged that the contractor has not demonstrated that the production airplane which follows from the prototype will be a "safe, economical . . ." commercial supersonic transport.

We cannot judge the legal question of default, but it is a matter of urgency that material supporting such a judgment be obtained from the Department of Transportation.

III. ALTERNATE PROGRAMS

Aside from the formal question of the contract, there arises the problem of the Government's goals in this matter. As we see it, the Government might proceed with programs of various types.

1. The Government could continue its support of the development program, with concurrent or decoupled production, but abandoning the philosophy that the program be of low risk and recognizing the high probability that government support will be necessary to obtain the $3.5 billion to $5.5 billion of capital necessary for a production program. Thus the Government could explicity recognize that an all-private program to lead from the present prototype development to an economically viable aircraft is unlikely of success, and the Government could continue notwithstanding.

2. The government could proceed with a prototype program only, well decoupled from a production program, and make the explicit statement that it would not be involved in any way in the financing of the production program. In this way the Government's investment could perhaps be limited to some $2 billion without commitment of national pride and without labored and overdrawn arguments as to the desirability of the Government's participation. At the same time, the Government could support large-scale experiments properly designed to test the influence of the factors on which the demand is based. In this case, the government might propose that funding arrangements be modified to eliminate the provision for recovery of government investment, but with greater participation by the industry (Boeing and General Electric) during the prototype development phase.

3. The production aircraft could deliberately be accepted as one of significantly shorter range or smaller payload than specified in the present contract, and the Government could count on eventual growth of the engine in order to produce an economically viable aircraft. This might require explicit subsidy during production and probably during operation, until a second-generation aircraft were introduced.

4. Finally, the Government could terminate the contract now, whether or default or for convenience, announcing that the reasons advanced for the program have been found wanting, that likelihood of return of the Government's money is not high, and that many technological goals have already been achieved, with further work on the program benefiting largely the supersonic transport and not the Government Treasury, nor technology in general, nor with considerable likelihood the balance of payments.

IV. CONSEQUENCES OF NOT PROCEEDING WITH THE U.S. SST

Among airlines and informed individuals there is widespread agreement that there is no economic reason for proceeding with the U.S. SST in the absence of a commercially profitable advanced Concorde or TU–144. U.S. airlines can fly the Concorde competitively against foreign carriers, and any consequences of the absence of a U.S. SST must then be sought in the detrimental effects on the U.S. aviation industry (Boeing Aircraft Corporation in particular) or in the effects on balance of payments. There seems to be an assured market for Boeing 747's and for continuously improved subsonic aircraft, thus contributing to the health of Boeing and to the balance of payments in much the same way as (and largely in competition with) a successful SST.

The chief disadvantage of terminating the SST program might be sought in the dislocation of those currently engaged in the program and in the "loss of aviation leadership." At present Boeing is spending at a rate approximately $5.5 million per month, and the 2100 people on the program could well be used to strengthen the Commercial Airplane Division at Boeing and to improve Boeing's position as bidder on certain military airplane contracts. Further, there are other aspects to "leadership in aviation" than the flying of profitable or unprofitable supersonic transports. As indicated elsewhere, the U.S. already has the technological leadership in the form of the Mach 3 cruise SR–71, and we look forward to leadership in making reliable, rapid, and efficient air transport available to more and more of our people.

In any decision concerned with uncertainty, it is desirable to understand the maximum possible exposure. The extreme condition through, say, 1990 with a successful Concorde and no U.S. action appears (according to analyses done for the FAA) to involve U.S. airlines buying and operating perhaps 230 total Concordes at a purchase price of some $20 million each. Since this possibility is not a critically severe threat to our national interests or well-being, we believe that the SST program decision can be taken on the basis of expected value and not on the basis of a neceshary hedge against disaster.

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[1] We have had briefings or discussions from those individuals listed in the Appendix.

V. FINDINGS

Finding 1. Technical risk

We are quite confident that a prototype, Mach 2.7, 635,000 pound aircraft can be built and flown by the contractor. We believe it highly unlikely that this goal can be achieved by March 31, 1972, with a prototype of such a nature as to adequately demonstrate the payload and to serve, with only 100 hours flight test, as the foundation of a safe, profitable, economical production supersonic transport. Specific items of the program are of high risk—among them the noise specifications, the matching of the engine inlet to the airframe as well as the engine to its inlet, and the adequacy of the landing gear. More important and more fundamental is the fact that the estimated design payload constitutes only 7% of the aircraft gross weight, as contrasted with a realized 12–30% for a subsonic commercial transport of longer range. Our accuracy of design of structure, and our ability to calculate fuel consumption and adequate fuel reserves is not such as to insure that the payload will exceed 2%, which would have disastrous effects on the economics of the aircraft, although such an aircraft could indeed fly and even fly across the ocean with greatly reduced passenger load. In short, this is a very sensitive airplane, and it is not unlikely that the prototype would demonstrate a payload-range combination considerably smaller than that estimated.

Finding 2. Timing of the production program

We find it highly unrealistic to expect to obtain all-private financing for the production aircraft before the prototype aircraft has been flown and extensively modified as required. We believe that a decision to go to production should not be made sooner than about a year after the first flight of the prototype, which itself might be delayed until December 1973. Production decisions might well not be taken until 1975, and the commercial SST might then appear in 1981. We find that the risks associated with the accelerated time scale of the existing program are unacceptable for a commercial venture.

Finding 3. Market demand for SST

Just as the performance of the aircraft is so highly leveraged by its payload, and the accuracy of our design methods is inadequate to determine this payload to within 50%, so the demand side of the question as to the commercial viability of a supersonic transport is equally uncertain. Demand has been estimated from the projected growth of air travel, the increase of incomes in the relevant period, the estimate that a traveler values his time at 1.5 times his hourly earnings rate, and a supersonic stimulation of travel (trips, for instance for business reasons, which would otherwise not have been made) of 40%. These factors are all highly important in the estimate of a successful program.

The sonic boom of the Boeing SST, of the Concorde, and of the Soviet TU–144 are all such that public reaction in the U.S. and in Europe will not allow their operation over land. We recommend below that the U.S. Government state that SST's producing a boom intensity in excess of 1 pound per square foot can clearly not be operated acceptably over land, that all presently conceived SST's far exceed this intensity, and thus will without question be denied operating permission over the U.S. There is universal agreement that there is great uncertainty in the market estimated for supersonic transport restricted from flying over land. No steps have been taken to resolve these uncertainties (as by controlled experiment to determine the value of time), and we find that they will not be appreciably less by the time the production decision is desired in 1971 or 1972.

The airlines believe, and we agree, that the SST would have to be operated at a fare surcharge, but the response of passenger demand to a given surcharge is most uncertain. For instance, intuition suggests (in agreement with the views of certain U.S. airlines but with no strong statistical support) that SST-induced traffic across the North Atlantic will be business traffic. However, the declining percentage of business travel in international routes may reduce substantially the average value of time and the supersonic stimulation, perhaps to the point at which only 250 airplanes would be sold in competition with subsonic jets at reasonable fare surcharge. Further, we note that the 747, which will be mature in service by 1976 will undergo continuing improvements in productivity (and, for instance, in in-flight entertainment or comfort) and will be an even more formidable competition for the SST than the 1970-era subsonic transport assumed in the analyses to survive unchanged to 1990. This evolution may thus reduce the market even for a technically successful SST to a very low level. In short, the market is a great unknown, which will not be resolved by a prototype program. If the Concorde enters commercial service, even unprofitably, we will obtain considerable information on these questions.

Air-traffic-control delay in the terminal area can substantially affect the feasibility and profitability of the SST, to a considerably greater extent than for a subsonic aircraft, in part because the subsonic craft have greater design ranges and can thus be flown over the shorter trans-oceanic ranges with greater loiter time than the SST, and in part because the productivity of a craft making a 6-hour transit is not so much diminished by a 2-hour delay as is that for a craft making a 2½-hour transit. While it is within the U.S. competence to have an adequate air traffic control system by 1978, there is no program in being (because of lack of technical leadership and budgetary limitations) to provide the airports and the systems to achieve this goal in the face of that same rising traffic which is necessary, but not sufficient, for a commercially successful SST.

Although the FAA now estimates a sales price of $40 million for the SST, recent experience with the C–5A shows that it is possible for a technically successful program, nominally within the development budget, to result in a production aircraft costing 75% to 100% more than the contract price. During the same time, the 747 has been developed and is being sold presumably profitably at the price originally specified. Should the SST *sales price escalate* by 50% to $60 million, the FAA-expected market of 500 aircraft would drop to some 250 aircraft, making a very unattractive program. This very real possibility adds to the uncertainty of a viable SST program.

Further uncertainty of the market results from the necessity to predict the *actions of* IATA (International Air Transport Association). IATA often sets fares higher than those which would be achieved on a free market. IATA is likely to attempt to prevent 747 fares from dropping and is also likely to insist on a surcharge of SST flight, just in order to reduce the demand, if such should develop. If SST's become common, IATA may well attempt to reduce the necessary surcharge by increasing the level of subsonic fares, thus increasing the minimum cost of available transportation. U.S. international air carriers, as well as a few others, have long urged lower fares for international travel, and there is a real policy question as to the extent to which the United States government wants to support this essentially restrictive association. In any case, IATA obviously is more interested in minimizing the losses of small, uneconomic, foreign international carriers than it is in maximizing either the profits of manufacturers, of the U.S. airlines, or the interests of airline travelers.

Finding 4. Availability of capital for the production program

We believe that private financing will be very difficult to obtain in 1972 for a venture combining risk with such nominal return as the SST promises even if the FAA estimates should be realized. Boeing's report of June 1968 on the plan for financing Phase 4 (extensive prototype flight testing, certification, and engineering—$395 million) and Phase 5 (production—$3–5 billion capital required), judges it probable that adequate private risk capital to finance SST production will not be available in the early stages of the program. Boeing agrees at present that there is a very high probability that Phases 4 and 5 cannot proceed without government involvement; e.g., in the form of loans, guarantees to private investors, etc. This is true even if the call for capital is delayed until the technically successful conclusion of Phase 3, since the expected return on investment is not attractive to private capital. This view is equivalent to the statement that the U.S. Government investment in the Phase 3 prototype development will not lead to U.S. SST's without further Government involvement less advantageous to the government than to the suppliers of private capital. It should be noted that the sales price for the SST would be set by Boeing, and at such a level as to maximize the expected return to Boeing and to the suppliers of private capital. With a monopoly supplier, this is likely to result in a price somewhat higher than the market prices determined by the FAA analyses, and thus a return to the Government on its development investment even lower than would otherwise be the case.

Finding 5. Status of Concorde and TU–144

The first Soviet supersonic commercial air transport flew December 31, 1968, and the Concorde initially in March 1969. Both aircraft have thus far been flown only at subsonic speeds, and the Concorde, at least, is not expected to fly supersonic until December 1969. Both aircraft are aluminum and thus limited to Mach 2.0 to 2.2. Having reviewed the existing knowledge on the Concorde and TU–144, we believe that the Concorde of the present size, and its production versions (unless they are entirely different aircraft), are too small and have too little margin to be productive aircraft for transoceanic flight. For example, the production Concorde, with capacity for more than 124 seats, is now expected by the airlines (February 27, 1969) to carry only 95 passengers Paris-New York and only 66 Frankfurt-New York, with further restrictions at New York on days warmer than 82°F and at Madrid beyond 45°F. A larger, follow-on Concorde would bear not much more relation to the existing prototype than would a U.S. SST to the U.S. B–70 and SR–71 experience.

The TU–144 has considerably more growth potential than the Concorde, but with a design range of some 2500 miles. It is thus not competitive with the Concorde in its present form. Further although the Soviet Union can offer the TU–144 at an arbitrary price, foreign airlines would have to be assured of a continuing relationship with the Soviet Union, of a supply of parts, etc., as well as, of course, of an operating profit with reasonable fares. It is not at all clear to us that extensive Soviet sales of the TU–144 (to U.S. airlines, as well) would be to this country's disadvantage, particularly if the aircraft were sold at a loss.

Finding 6. Government-manufacturer-client relationships

It has been a ground rule of the U.S. SST program that the Government support should interfere as little as possible with the traditional relationship between the manufacturer and the airline client. This results in the Boeing Company's freedom to set the price of the aircraft[2], to require progress payments by the airlines, to defer payment to its suppliers, etc. It also results in the U.S. Government supplying a one-sided loan, with substantial risk of loss of its investment and with a rigid limit on the amount which can be returned, dependent not upon the profits earned by Boeing but simply on the number of aircraft sold. The Boeing Company report on the development of a plan for financing Phases IV and V indicates that further government participation will be required, in the form of guarantees, low-interest no-recourse loans, or other involvement which will have the result of increasing the yield and reducing the risk to private suppliers of capital, while putting the taxpayers of the United States in a position of higher risk and much lower maximum return. We believe that is an improper role for the U.S. Government.

Finding 7. Environmental problems

Adverse effects of the SST on the environment can be considered either as a technical deficiency in the prototype development program or as an impediment to successful marketing. Among these effects are the noise of the SST in the vicinity of the airports (particularly, high "sideline" noise), and the possible influence on the climate of the large quantities of water left in the atmosphere at 60,000 to 70,000 feet by the operation of large numbers of SST's. The airlines and the manufacturers are already paying substantial penalties in increased development cost and reduced potential performance in order to reduce airport noise to a more acceptable level (from, say, 125 dB for community noise on a 707 to about 110 dB for community noise on a 747). The sideline noise in the range 118 to 125 dB expected for the SST is far above the trend which can be achieved with profitable subsonic aircraft (about 105 dB for a 747), and may result either in excessive economic penalties for the SST or in a great increase in noise level in the vicinity of certain international airports. In either case, the noise characteristics of the SST add substantially to the market uncertainty.

VI. REASONS FOR GOVERNMENT PARTICIPATION IN THE DEVELOPMENT PROGRAM

The following four reasons are advanced in support of Government participation in the development program.

1. The Government will invest $1.3 billion, which in case of a successful production program, will be returned by the 300th production aircraft. If 500 aircraft were produced on the accelerated program as it now stands the Government would receive a return-on-investment ("ROI") of 4% by the 500th aircraft (the FAA estimate of the market).

Finding

We believe that the development cost will substantially exceed $1.3 billion, both because of difficulties and over-runs and because of the necessity for extensive flight tests. Further, we believe that a practical production program, whether privately or Government financed, will result in aircraft at least 2 years later than presently planned, thus delaying the Government's return and further reducing the ROI. More importantly, we do not regard the recovery of the Government's high-risk investment with a very limited maximum return. Both the Government and the private sector can do much better with their money in other programs, the private sector choosing from the great range of ventures from toll roads to subsonic aircraft to educational technology, and the public sector other programs with lower risk and much larger return. Even if the Government investment at a low ROI and high risk makes private capital available, the low *overall* return on investment indicates that the benefits and growth derived from this program would be less than the private sector would create on its own, without direction from the Government.

2. It is claimed that a successful supersonic transport program will give the Nation leadership in aviation, thus advancing the aircraft art, enhancing national pride, and contributing (by technological fallout) to other fields.

Finding

We believe that the technological contribution to other fields will be very limited. Elements of the SST are already under development for other reasons. Some real advances have already been made by the SST program in the fabrication of titanium, and these will be employed and refined in military and subsonic commercial aircraft. National pride is very difficult to assess, but we must also look at the blow to national pride if a profitable supersonic transport is impossible or if it can be supported only by government subsidy. There is no doubt that a successful development program will aid supersonic commercial flight, but this specific benefit is already included in the other reasons.

Leadership in aviation is important, to enable U.S. industry to sell abroad, but further, to contribute by means of a reliable, rapid, and inexpensive transportation system to the pleasure and effectiveness of U.S. citizens and to the productive growth of the Nation. As for the technology of supersonic cruise flight, the U.S. has undoubted leadership as evidenced by the frequent operational flights of a fleet of Mach-3 cruise SR–71 aircraft, which have been flying routinely for several years. Thus the U.S. is not irrevocably prevented from entering the commercial SST field at some later date. Further, the U.S. has a base from which leadership in aviation could be built in the direction of automatic flight-control-systems, advanced air-traffic-control systems, improved airport access, and improved customer service. There is a rich array of alternative programs which could contribute to leadership in aviation, of which we are aware as individuals but which we have not investigated in depth as a committee. Some of the possibilities have been subjected to considerable analysis, e.g. V/STOL transportation systems, or are more conventionally deserving of government support (e.g., air traffic control).

Further, leadership in aviation and contribution to airline safety, both domestic and foreign, could be achieved by the initiation of a program of comunication and navigation satellites, which could then be used as a base for automatic precision navigation and surveillance. Another opportunity for leadership in aviation, requiring government participation, would be a program to provide on-board standard equipment for all existing U.S. aircraft, including general aviation, to allow greater automatization of the air-traffic-control system.

3. The claim is made that a successful U.S. supersonic transport development program will contribute to the balance of payments by the sale of aircraft to foreign flag carriers, and that an American SST will keep us from having to buy Concordes with a resulting unfavorable balance of payments.

Finding

A commercially successful U.S. SST would lead to substantial aircraft sales to foreign airlines and to reduced purchases of the Concorde by U.S. airlines. The increased receipts on the aircraft account, however, would be partially offset by reduced sales of U.S. subsonic aircraft and increased U.S. ticket expenditures on foreign airlines. More importantly, a substantial part of the market for a U.S. SST is estimated to result from increased travel induced by the higher speeds; this increased travel would substantially increase U.S. travelers' ground expenditures abroad, as has occurred since the introduction of the subsonic jet aircraft. On net, the balance of payments effects may be either positive or negative but are likely to be small.

More fundamentally, we seriously question the relevance of possible balance of payments effects in the 1980's to decisions on present government programs. The very real present international financial problem is due to gold outflow and the rigidities of the present international financial system. Since World War II, the outflow of gold from the U.S. has been essentially independent of our net balance of trade position. Even a high-confidence prospect of positive balance of payments effects in the 1980's would not alleviate the fundamental problems—either now or then. Indeed, it is even possible that we shall be trying to find means to decrease a "favorable" balance of payments is in the 1980's.

4. The claim is advanced that a successful SST production program will involve some 50,000 direct employees, supported by some 100,000 indirect employees, together with a considerable multiplier effect on the economy. Thus it is noted that this program would contribute substantially to the general domestic economic well-being of the United States.

Finding

The SST program would have about the same employment effects as other public and private programs involving a comparable expenditure for capital and highly skilled labor. A favorable multiplier effect on the nation's economy would occur only if these resources would have been idle in the absence of the SST program. Under present and projected employment conditions, the primary employment effects would be increased relative employment in the local areas in which the SST is produced and an increased relative price of certain resources (e.g., aviation engineers, titanium, etc.) to the nation as a whole. More importantly, it is clear that other programs would yield a higher rate of return with less risk, as evidenced by the anticipated difficulty of raising private capital for the SST, even after a substantial government investment. The SST program would reduce our potential for economic growth by the amount of the difference between the returns from the program and other public and private activities. We conclude that the claimed employment effects must be dismissed as a relevant argument for the SST program.

VII. UNDER WHAT CONDITIONS IN GENERAL IS IT DESIRABLE FOR THE GOVERNMENT TO SUPPORT DEVELOPMENT?

This question is one of the utmost importance and involves the basic role of government. At the outset, we note that we are unanimous in recognizing an important and vital role for government in supporting a wide range of development activities which promise major potential benefits to our society.

1. The Government has an obvious responsibility to stimulate development which improves the effectiveness or economy of government operations such as the postal service, education, and national defense.

2. The Government should also assist development in those areas where private initiative is inadequate to bring important new products or services rapidly to the market place because of the inability of an individual or private organization to reap the full benefits of his development effort. This latter situation can occur as a consequence of restrictive codes, regulations and govern-

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[2] Although the Director of the FAA SST Development Program has stated otherwise, legal advice to the Panel does not support the right of the government to influence prices.

ment policies which prevent rapid commercial exploitation, or because it is easy for others to copy the original innovation without contributing to the costs of development, Examples could include large-scale manufacture of housing, and high-speed tunneling machines.

3. There also are cases in which a development program has a low probability of success but the benefit to society would be very large in the event of success. Government support of such activity is almost always essential if the magnitude of the required development investment is high and this support seems in order if the expected return on the Government's investment is high enough to compensate for the risk. Nuclear power plants were developed in accordance with this rationale.

4. Finally, there are instances in which simultaneous decisions are needed by several factions, including regulatory agencies, if developed equipment and techniques are to reach the intended market. Private sector investment is inhibited under these conditions because all involved parties must agree to move in a common direction of technological advance in order to exploit the benefits of the development. In the aviation industry, for instance, coupling will be required among VSTOL civil aviation, automatic-flight-control equipment, and advanced air-traffic-surveillance and navigation systems. In this case, the aircraft manufacturers, the pilots, the controllers, the FAA, and the airlines must agree on an over-all system and no one of these groups can safely proceed to develop a portion of the system without assurance of technical and schedule compatability in the other areas.

The development of a supersonic transport does not fit into any of the four categories outlined above for extensive governmental support. In this sense the SST program, if continued with heavy government support, creates a new precedent for the support of large-scale development projects leading to a single product of a single manufacturer; the benefits of which are limited and, if realized, will be enjoyed by a relatively small high-income segment of the population.

VIII. RECOMMENDATIONS

1. We recommend the termination of the development contracts and the withdrawal of Government support from the SST prototype program. We take this position for the following reasons:

(a) Even if the present program is successful, SST operating costs will exceed those of then-available subsonic aircraft. The attendant surcharge makes the airline market uncertain, and given present pricing practices may lead to high subsonic fares.

(b) The airplane market uncertainty, coupled with the developmental and production cost uncertainty and the magnitude of the investment involved makes the program unattractive to private financing at the present time. For these reasons substantial government involvement is likely to be sought in the supply or guarantee of some $3–5 billion of capital for the certification and production of a U.S. SST.

(c) There is a substantial uncertainty regarding the range and payload and the environmental effects of a production aircraft flowing from the present prototype development program. The costs and duration of the program are both likely to increase in the attempt to develop an adequate production aircraft.

(d) There is substantial doubt that the present configurations of the Concorde and the TU–144 will become commercially viable aircraft.

(e) If the Concorde ultimately does become a viable commercial aircraft, U.S. carriers will buy it, but the balance of payments argument is not so strong as to warrant a present government investment in the U.S. SST.

(f) We recognize that cancellation of the SST development program will prevent the U.S. from having a competitive SST until the late 1980's at best. We feel that the prestige associated with a U.S. SST does not warrant the expenditure involved. Further, in view of the doubtful performance and economic viability of either the Concorde or the TU–144, together with present U.S. leadership in sustained supersonic cruise aircraft (the SR–71 holds 9 world records and its performance merits a total of 20) we conclude that U.S. leadership in aviation does not depend upon an affirmative U.S. SST decision in the near future.

(g) The SST is essentially a large commercial venture. When the right combination of technology and market demand appears, the U.S. aircraft industry may well decide on its own to proceed with the development and production of an SST. In that case U.S. Government financing would be unnecessary. Without that private conviction Government involvement seems inappropriate.

2. If the Government proceeds with an SST program, contrary to our Recommendation 1, we recommend:

(a) that the Government modify the presently conceived program of prototype development and overlapped production to allow for an extended period of flight tests and experimental refinement of the aircraft before making a commitment to a production program, and

(b) that the Government plan to participate in financing the SST program through certification and well into the production phase.

3. In any case we recommend:

(a) that the Government take positive action to ensure that the knowledge and technology developed to date with the SST program be available throughout the entire U.S. civil and military aircraft industry.

(b) that the Government form a high-level policy committee to determine the possible benefits and penalties associated with continued support of the International Air Transport Association (IATA), or alternatively, with a concerted effort by the U.S. Government to introduce lower fares or fare competition in international travel. This single policy question has more potential impact on the U.S. balance-of-payments position and on the availability of travel than does the SST program and it should be the result of a conscious decision.

(c) that the U.S. Government publicly announce that the sonic boom characteristics of the SST, the Concorde, and the TU–144 are expected to be far above the 1 pound per square foot level, which itself would be unacceptable for overflight of the United States, and that action be taken to establish rules under the authority of Public Law 90–411 to deny such commercial overflight. Research to determine a lower acceptable boom level should continue.

(d) that the U.S. Government immediately proceed to establish noise criteria for SST aircraft which are the same as the standards applied to equivalent gross weight subsonic aircraft under Public Law 90–411. It is important that all succeeding generation aircraft be required to demonstrate compliance with these criteria.

APPENDIX

The *Ad Hoc* SST Review Committee heard briefings from or engaged in discussion with many qualified persons, among them:

Federal Aviation Agency

Major General J. C. Maxwell.

Boeing Co.

D. Bale, H. Haynes, K. F. Holtby, J. A. Horn, H. E. Hurst, V. J. McCrohan, D. J. Olson, P. L. Peoples, J. Swihart, T. A. Wilson, H. W. Withington, and J. Yeasting.

General Electric Co.

L. B. Davis, D. E. Hood, Jr., and J. C. Pirtle.

Institute for Defense Analyses

N. J. Asher.

TWA and the Airline SST Committee

R. W. Rummel.

Pan American

H. W. Hibbs.

The Committee also had many discussions with individuals, such as: R. Bishplinghoff, N. Golovin, C. W. Harper, and D. J. Hornig, and with personnel of Booz-Allen and of the Central Intelligence Agency.

THE OMNIBUS CAMPAIGN REFORM ACT OF 1971

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 10 minutes.

Mr. ADAMS. Mr. Speaker, I am introducing today the Omnibus Campaign Reform Act of 1971. This bill combines my ideas together with many suggestions I have received from other people.

Certainly the time is long overdue for Congress to move to insure public confidence in our election process. The public should be provided with accurate, complete, and timely information on the contributions to Federal office candidates and political committees, and the manner in which these funds are expended.

We need to improve the opportunities of all segments of our population to meaningfully participate in political contests for Federal office or we will find that seats in the Congress and the Presidency have become a prerogative of the rich, or potential candidates are beholden to special interest groups. The best way to improve this whole process is by decreasing the cost and duration of campaigns and by increasing the availability of money to legally qualified candidates and political committees.

It would be to the advantage and credit of both political parties to enact meaningful campaign reform legislation now, before the heat of the 1972 election campaigns is upon us.

I hope that you will favorably consider my Omnibus Campaign Reform Act of 1971 and for your convenience I am including at this point in the RECORD a brief summary of the provisions of my bill:

SUMMARY OF BILL

TITLE I—DEFINITIONS

Title 1 provides that a candidate is an individual who meets the qualifications necessary to hold the office he seeks and has taken the action necessary under State law to permit the electorate to vote for him (or for electors pledged to him). The term expenditure includes all expenses in the title on disclosure but excludes travel costs in the title on spending limits. An expenditure is considered to be made as soon as the goods or services are used, not when the bill for them is due.

TITLE 2—EXPENDITURE AND CONTRIBUTION LIMITS

Title 2 contains a limit on total combined expenditures for the primary through the general or special election.

Under the limit the candidate is free to spend his campaign funds in the manner he deems the most useful to his campaign. There is no stipulation as to the use of any particular format for advertisements nor any set percentage of the limit which may be spent on television or radio.

The expenditure limit is determined according to a formula which is based on the population in the district and the media rates "in" the district. The formula is as follows: 12¢ multiplied by the population of the district plus the highest unit media cost (for example a 30 second television spot) multiplied by the number 30. So candidates who run in districts with high media costs are allowed to spend more money than candidates who run in districts with low media costs.

This formula is the same in concept as the one proposed by Congressman Evans, however the formulas differ because we use different definitions of "unit media cost" and which communication media are considered to be located "in" the district or State for use in computing the highest unit media cost. Also this bill puts a floor under all Senate and House races which is equal to ½ the average limit for Congressional races.

This bill does not contain a specific limit on expenditures in Presidential primaries, but instead limits the pairs of Presidential and Vice Presidential candidates to spending no more in the general election campaign than the sum of the spending limits on a Senate race in each state in which the pair of candidates is on the ballot.

Expenditure limits for House and Senate races would vary as media costs changed and as district boundaries changed and as population changed. This formula takes into account the variation in campaign costs in individual districts more than most of the other proposals which have been made so far.

This title also provides a yearly limit on individual, corporation, and labor union contributions to each Presidential candidate of $10,000 and to each Senate or House candidate of $5,000.

TITLE 3—TAX CREDIT

Title 3 provides for an annual tax credit of 100% of political contributions up to a $100 credit.

TITLE 4—COMMUNICATIONS MEDIA

Title 4 would provide that 30 days before a primary and 60 days before a general or special election, broadcasting and nonbroadcasting businesses could only charge their lowest unit rate for political advertisements. Also the equal time provision in section 315 (a) of the Communications Act of 1934 would be repealed during this period for candidates for President and Vice President.

TITLE 5—SANCTIONS

Title 5 contains strong sanctions for violations of this Act. Any citizen can bring to the attention of the United States Attorney General information of a violation of the expenditure limits, or contribution limits, or disclosure provisions and the Attorney General shall investigate and may bring a civil action in the appropriate United States district court. If the violation is proven, the candidate can be fined up to $25,000 and/or imprisoned up to 3 years. If the candidate is elected to the House or Senate and is alleged to have violated one or more provisions of the Act, the matter shall also be referred to the appropriate Congressional committee and thereafter to the whole body to which the candidate seeks election for action as to seating.

TITLE 6—FEDERAL CAMPAIGN ASSISTANCE

Title 6 provides for Federal financial assistance for campaigns. A fund would be established under the Secretary of the Treasury from which eligible expenses would be paid in an amount up to a specified portion of the spending limit. For major party candidates this portion is ⅓ and for minor party candidates it is ⅙. If a candidate is unopposed then no Fund money would be available to him. Eligible expenses include invoiced purchases of goods and services rendered for the general or special final election campaigns. However only 20% of any candidate's share of the Fund money can be used to pay salaries, with no money being provided for a candidate's salary. The person providing goods or services for which Fund money will be used must swear that the cost is not in excess of normal rates.

TITLE 7—PUBLIC DISCLOSURE

Title 7 provides for public disclosure of contributions and expenditures. All political committees and candidates must maintain records of the full name and address of all contributors, but only need make public the full names and addresses of those who have contributed an aggregate amount in excess of $100 in any calendar year plus the total dollar amount of contributions which individually were $100 or less.

Also records and receipts must be made on all expenditures to the same person by any candidate or political committee which aggregate to an amount in excess of $100 in any calendar year. All political committees which spend or receive in excess of $1,000 in a calendar year and support 2 or more candidates in 2 or more states must file 2 reports a year in addition to filing on the 10th day before and the 30th day after the general election. Reports by candidates and State and candidate political committees are to be filed on the 10th day before the general or special election and on the 30th day after the general, special, or run-off special election, whichever is the final election. Reports from all political committees and candidates shall be sent to the Secretary of the Senate or the Clerk of the House, or both, as may be appropriate, and the United States district courts that are appropriate.

TITLE 8—DATE OF PRIMARIES

Title 8 provides that all primary elections for Senators and Representatives will be held within 60 days of the general or special election.

TITLE 9—THE FRANK

Title 9 prohibits the use of the frank for any mass mailings, including computerized non-postal patron mailings, during the period 30 days prior to the primary up until the general or special election.

TITLE 10—GENERAL

Title 10 is a general title which includes authorization of appropriations, a repealing clause, and an effective date of January 1, 1972.

Mr. Speaker, I hope our efforts in attempting to develop sound campaign reform legislation will prove successful for the need for such legislation is substantial and immediate.

VIETNAM ELECTION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, one of the avowed purposes of our involvement in Southeast Asia always has been to provide the people of Vietnam with basic freedoms, including the freedom to choose their leaders in open elections. But that purpose has been sabotaged by President Thieu—and by this administration which permitted this rigged in a one-man, superfluous exercise to develop. Is this what the American sacrifice has been for? How can we explain this to the families of the 40,000 war dead in Vietnam, how can we explain this to the 300,000 American wounded who have left arms and legs there and to those of us who have paid out the more than $100 billion spent on this war, an outlay so vast that it could have taken care of the screaming social needs of this Nation. I have this day asked President Nixon to recall Ambassador Ellsworth Bunker from Saigon to impress upon President Thieu that what he contemplates for October 3 is no election, no referendum, no plebiscite—but a rubber stamp. And because it is a rubber stamp, I also have asked the distinguished Chairman of the House Foreign Affairs Committee, THOMAS E. MORGAN, to suspend any consideration of a resolution I introduced last March 3 calling for appointment of a 15-man observer team with supporting staff to watch the Vietnam elections. That resolution had the bipartisan cosponsorship of 48 of my colleagues who like myself felt that it underscored the seriousness with which the United States regarded the issue of free elections. There is no procedure for withdrawing the resolution but under the circumstances, I want no part of legitimizing this fiction of an election when there will be none.

TAX RELIEF NEEDED TO CREATE MORE JOBS

The SPEAKER. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, the economic policy proposed by the President will not, in my opinion, bring down the unemployment rate, either low enough, or rapidly enough, to adequately deal with the severity of the problem. The President's recommendations should be supplemented, I think, above all, with a program of substantial tax relief to individuals.

A good sized tax break would generate consumer spending and be even more effective in producing jobs at this time than the 10 percent investment credit for business proposed by the President. A majority of economists and businessmen agree that the consumer must lead the economic revival.

The present unemployment situation is dismal—6.1 percent overall for August. It is far worse for certain groups in our society. More than 13 percent of our returning GI's cannot find jobs. The unemployment rate for construction workers is over 10 percent, for manufacturing workers 7 percent, and for workers under 20 years of age, 17 percent. A total of 8.3 percent of our semiskilled blue collar workers and 10.5 percent of unskilled workers are jobless. Unemployment stands at 9.8 percent for black workers. In light of this situation, it is absolutely essential that our economic planning be directed at producing jobs—in mass quantity and in a hurry.

In my opinion, the investment tax credit alone will not put enough people back to work. In too many cases, it will be used to replace inefficient machines with new automated machinery requiring fewer workers, not more.

The surest way of bringing down unemployment is to grant a substantial tax break and put more money for consumer goods in the hands of the average American. We need a surge of consumer spending to create jobs.

With that goal in mind I am introducing legislation to raise the personal income tax exemption to $1,200, as a way of immediately increasing the buying power of the ordinary citizen.

There are 25 million people living in poverty in this country. Many millions more are close to the poverty level. Any money which can be put in their pockets by tax relief will be spent for basic commodities. That kind of spending would provide the shot of adrenalin to our economy needed to produce jobs.

Increasing the personal exemption to $1,200 will put money into the hands of the consumer and create more jobs than tax benefits to big business.

In a letter today to Chairman MILLS I have also asked that the Ways and Means Committee consider a $200 tax credit on major purchases for the home—for appliances, for furniture, for repairs—and a tax credit to home buyers for their downpayment. Such an allowance would guarantee an immediate and powerful stimulus to our sagging economy.

GOD BLESS AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. LENNON) is recognized for 10 minutes.

Mr. LENNON. Mr. Speaker, I would like to place in the RECORD a splendid poem by a constituent, Mrs. Viola Elizabeth Bellamy, Whiteville, N.C. Mrs. Bellamy's poetic thoughts stir a sense of patriotism and dedication to high national principles and deserve the attention of our colleagues.

The poem follows:

GOD BLESS AMERICA

"America the Beautiful"
May it always stay that way,
But to keep "Old Glory" flying
There's a price that we must pay.

For everything worth having
Demands work and sacrifice,
And freedom is a gift from God
That commands the highest price.

For all our wealth and progress
Are as worthless as can be,
Without the faith that made us great
And kept our country free.

Nor can our nation hope to live
Unto itself alone,
For the problems of our neighbors
Must today become our own.

And while it's hard to understand
The complexities of war,
Each one of us must realize
That we are fighting for
The principles of freedom
And the decency of man,
And as a Christian nation
We're committed to God's plan.

And as the land of liberty
And a great God fearing nation
We must protect our honor,
And fulfill our obligation.
So in these times of crisis
Let us offer no resistance
In giving help to those who need
Our strength and our assistance.

May "The Stars and Stripes Forever"
Remain a symbol of,
A rich and mighty nation
Built on faith, truth, and love.

ADMINISTRATION MOVES IN RIGHT DIRECTION ON DRUGS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for some time I have been stressing the importance of attacking the escalating Armed Forces drug abuse problem by curing addicts while they are still in the service. I have maintained that addicts can be most properly treated, and society best served, by placing full responsibility for treatment of drug abuse on the military itself. Our purpose in this problem is not to condemn the military but to salvage the victims of what in some ways might be considered an occupational hazard.

To this end on May 10 I introduced H.R. 8216, to give the military authority to tackle the drug problem. This bill, which has since attracted 54 cosponsors, would establish a Drug Abuse Control Corps within each branch of the armed services to offer drug education and rehabilitative treatment for servicemen. The key provision of this legislation prevents an addicted serviceman from being discharged until adjudged free from habitual drug dependence by competent medical authorities.

In the light of this long-held position, I was pleased to note that the administration, through Tuesday's testimony by Dr. Jerome H. Jaffe, is coming around to this view. Dr. Jaffe, director of President Nixon's drug abuse prevention efforts, told a Senate subcommittee that because addicted soldiers had failed to seek treatment voluntarily prior to discharge, this treatment would now be mandatory. This new policy would require detected addicts to serve their last weeks before discharge in a VA hospital taking treatment.

The basic thrust of this new directive is what I have advocated all along—that the Armed Services take responsibility for curing drug addicted GI's by requiring mandatory treatment in service. This action, coupled with the administration's request for authority to extend an addicted serviceman's tour of duty by 30 days are encouraging signs that the administration is recognizing the service as the most effective place to cure GI addiction. A 30-day service extension, however, is completely insufficient for any thorough program of drug rehabilitation. I therefore hope that the administration will take the next logical step and advocate retention of addicted soldiers in the Armed Forces until cured of their habitual dependence, as well as the establishment of Drug Abuse Control Corps in each branch of the Armed Services.

It is my understanding that hearings on legislation in this field will soon be conducted by the House Armed Services Committee. I urge my colleagues to join me in support of legislation which would give the Armed Services the power to overcome a real problem.

Because of a drug abuse record, many honorable veterans have received less than honorable discharges. It is to the credit of Secretary of Defense Laird that he has directed the review of the cases of all servicemen who have received undesirable discharges solely because of drug abuse or possession. I have no sympathy for the drug pusher or seller but in my judgment dishonorable and bad conduct discharges related to drug court-martials should also be reviewed and I have in fact filed H.R. 10080, establishing a Military Drug Abuse Review Board, to set up review procedures for any veterans of Vietnam era who received a dishonorable discharge for drug abuse reasons.

EPA NOT INTERESTED IN BOTTLED WATER STANDARDS?

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on February 10, I introduced H.R. 4147, authorizing the Administrator of the Environmental Protection Agency to establish uniform national quality standards for bottled drinking water.

The sudden rapid growth of the bottled water industry demands that this protective legislation be given to consumers immediately. At present, there are no specific Federal laws in this field, and while some States have laws, these regulations are vague and generally unenforced. Consumers thus have no assurance of the safety of their bottled water, and industry has no consistent standards to serve as guidelines.

Several incidents have occurred since introduction of H.R. 4147 to evidence the need for this legislation. In February, Washington area bottled water distributors reported a sharp increase in sales as a result of the unpleasant odor and taste of the Montgomery County municipal water system. I noted at this time that Maryland had no specific regulations pertaining to bottled drinking water. With the lack of Federal standards, Montgomery County consumers thus found themselves unprotected by any bottled water health standards.

In July, a bacteria study sponsored by the Washington Evening Star further illustrated the need for uniform national standards. The Star survey found that three out of four bottled water brands tested had higher bacteria counts than the tap water tested. As a result, two of Washington's largest supermarket chains, covering over 250 stores, removed several brands of bottled water from the shelves. The U.S. Supreme Court halted its use of one of the brands tested by the Star.

This confusion, caused by lack of standards, was further compounded by a lack of jurisdiction in any Federal agency. The supermarket chains had no one to turn to for scientific advice.

In light of this urgent and obvious need for uniform Federal standards, it is alarming that the U.S. Environmental Protection Agency has taken this matter so casually. I originally wrote to the administrator of the Environmental Protection Agency, William D. Ruckelshaus, on February 12, calling his attention to this problem and asking for his comments on H.R. 4147. I received an answer from one of his subordinates stating that the EPA was giving this legislation its consideration and attention. I have never received any further answer or comment from Mr. Ruckelshaus.

Following the stir caused by the Washington Star survey, I again wrote Administrator Ruckelshaus on July 21 asking for his comments and action in light of this incident and the potential for others. It is now almost 2 months since this second letter. Not only has the EPA failed to develop a position on this problem, but I have yet to receive an answer from Mr. Ruckelshaus. This is hardly the conduct of an administration eager to protect the public. Nor does it indicate that environmental problems are receiving due attention from the agency set up to monitor them. This inaction on the part of the EPA is inexplicable and inexcusable. The Nation's bottled water consumers should know that the products they purchase are safe. Without Federal standards, they do not have that guarantee. The bottled water companies should know that if they meet specific, uniform guidelines, their products will not be subject to removal from the market anywhere in the United States. Again this right is presently lacking.

Fortunately, to the best of my knowledge, no serious health problems have developed due to the lack of Federal standards for bottled water. However, as long as there are no standards, the potential exists. And as long as their is no specific Federal agency with jurisdiction, professional assistance is unavailable. This last point was dramatically clear following the Star survey. The Supreme Court went to the EPA only to be told there are no Federal standards or regular procedures for such tests.

Someday I hope that the Environmental Protection Agency will awake to awareness of the problems in the field of bottled drinking water. Thirty-two Members of the House of Representatives have recognized the matter to be serious enough to join in cosponsoring my legislation to set standards. In the meantime, however, we in the Congress should press forward with legislation to set standards and place responsibility for Federal surveillance in a Federal agency. I had thought the Environmental Agency an appropriate place but in view of its insensitivity to this problem, another department might be preferred.

As the problem of bottled water standards has come to light, it has received gradually increasing media attention. I include hereafter an excellent article from Time magazine of September 13. This article provides a description of the bottled water industry as well as an accurate account of the difficulties caused by the absence of uniform standards.

CONSUMERISM

BIRD-DOGGING THE BOTTLERS

Horse trainers feed it to their thoroughbreds during the racing season, fish lovers raise their most prized species in it, horticulturalists nurture exotic African violets with it—and people drink it. It is bottled water, and it is used for all those things because it is supposed to be purer than the stuff that comes from the tap.

As more and more Americans turn on their faucets only to have heavily chlorinated and sometimes foaming water spill into their glasses, the sales of bottled water soar. In the past five years, home consumption has increased by more than 50%, and is still rising by a snappy 10% per year. But no overall set of governmental standards or regulations has emerged to ensure that bottled water is not simply tap water in disguise, or something no better.

Scare Story. One reason for the delay is jurisdictional confusion within Washington's bureaucracy. Officials cannot agree whether bottled water is a "food" under the auspices of the Food and Drug Administration or should more properly be considered part of a community's water supply and therefore in the purview of the Environmental Protection Agency. A bill pending in Congress, sponsored by Democratic Representative John S. Monagan of Connecticut, would help solve the dilemma by giving the EPA authority to set uniform standards for all bottled water.

The Federal Trade Commission, which watches over product advertising, will have an additional regulatory role no matter what the outcome. Some promotional campaigns for bottled water have sought to boost sales by attacking the quality of municipal drinking water. Schweppes Ltd. found the reception chilly when it developed plans to test-market bottled water in Philadelphia with ads that slurred the city's water supply. Fear of official complaints prompted the company to abandon the project before it got started.

FTC attorneys are concerned about deceptive labeling and advertising of the water inside the bottle. To well-traveled Americans, bottled water evokes exotic, health-giving European spas. In the U.S., however, only 1% of bottled water is imported—and, of course, now subject to the 10% surtax. Only half of the bottled water sold in the U.S. comes from underground springs. The rest is tap water that has been purified and elaborately filtered. But ads for the finished product often make it sound as if it had gurgled fresh from the ground in some sylvan mountain glen. Says one FTC attorney who has handled half a dozen such cases in the past year: "Usually the bottled water in question is represented as being fresh spring water, but is in fact only well-filtered tap water. There is nothing in any way unhealthy about it; it's just not spring water."

While the jurisdictional head-scratching continues, executives in the $110 million bottled water industry grow increasingly anxious for some sort of regulation. Though no cases of illness caused by bottled water have yet been reported, one recent test sampling of four brands of bottled water sold in Washington, D.C., revealed bacteria counts anywhere from seven to 70 times greater in three of the brands than in ordinary Washington area tap water. The highest count was scored by Deer Park Mountain Spring Water, owned by the Nestle Co. But Deer Park officials contend that the bacteria are harmless to human health and contribute only to the water's distinctive taste. Says Fred H. Jones, executive director of the American Bottled Water Association: "We're concerned that some small bottler may bottle up some impure water and get some people sick." Many bottlers fear that a single severe scare story could send the entire industry down the drain.

SENTINEL ENDORSES 60-DAY CAMPAIGN BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, as the 1972 presidential campaign gains momentum, it becomes more evident than ever that some time limitation must be placed on such marathon contests for the sake of both the candidates and the electorate. Long campaigns exhaust the contenders, are unnecessarily expensive, and simply bore the electorate. In addition, while these excesses are being carried out, the affairs of state are brought to a virtual standstill in what Dean Acheson recently called our quadrennial anarchy.

The variety and complexity of State primary laws make Federal regulation of the primary phase of the campaign a practical impossibility. However, Congress can control the actual presidential campaign itself, the length of time between the convention and election day.

In several Congresses I have introduced legislation which would limit presidential campaigns to 60 days by preventing the nomination of candidates more than 60 days prior to the election. There is no special significance to the number 60. This figure simply represents a sufficient and reasonable length of time for candidates and voters to communicate in this age of mass media.

I have been quite pleased to receive substantial grassroots and editorial support for this position over the years.

Happily, this support has not died. I would like to include at this point in the RECORD an editorial from the Ansonia Evening Sentinel of August 3. I ask all Members to consider this editorial, and then join me in making the 60-day campaign part of any campaign reform package to emerge from the House.

MONAGAN'S CAMPAIGN BILL

Rep. John S. Monagan, who represents the Fifth Congressional District, of which the Valley is a part, has introduced a bill in Congress aimed to limit presidential campaigns to 60 days.

The bill provides that the national party conventions be held no more than 60 days before Election Day.

The 60-day limit would have several beneficial effects, Monagan contends. Among them:

—It would tend to reduce the amount of money spent campaigning, since parties would not have to pay for long campaigns.

—It would elevate the tone of national campaigns. Long campaigns, Monagan said, means that "what begins as a sober, intelligent discussion of the issues quickly degenerates into mouthings of lengthy catch-phrases."

—It would increase public interest in the election by insuring that voters would not be bored half to death by many months of campaigning.

—It would reduce the disruption of government business, which often comes to a virtual standstill during election campaigns.

Monagan contends that lengthy presidential campaigns are unnecessary. In the days of the horse-and-buggy and the railroad, it took many weeks and months for candidates to get around the country. Today, in the age of television and the jet plane, a candidate can fly swiftly from place to place and be seen on TV instantly throughout the nation.

Experience in other democracies tends to show that a two-month campaign would be long enough. In Britain, Israel, Canada and India campaigns are limited to one month.

Monagan's arguments are persuasive, and his plan to limit the length of presidential campaigns should be adopted.

INTRODUCTION OF FISHERIES LEGISLATION

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, yesterday, I introduced a number of bills having the purpose of providing essential assistance to the commercial fishing industry of the United States. The first bill introduced provided a framework for comprehensive development of the industry. A second group of bills was intended to maximize the protection afforded to the fishing waters of the United States and the marine resources of those waters. Today, I am introducing a further series of bills.

The central purpose of the legislation introduced today is to solve the problems of the individual American fisherman and his community. As with the other bills introduced, the measures proposed are universally applicable to all U.S. fisheries, but bear a special orientation to the problems of the State of Alaska.

One of the initial points I made in outlining the need for this legislation was that even the small gains presently being made by the U.S. fishing industry are not felt at the level of the individual fisherman or his community. Nowhere is this distressing fact so true as in Alaska. In spite of yearly increases in the value of the Alaska catch, which is the highest of any State, the fishing communities remain unchanged, old vessels and gear are not replaced, and modernization of the Alaskan fishing fleet is agonizingly slow. At the same time, inflation has overtaken fishermen, and made a profession which is already hazardous and economically inconsistent even more difficult than before.

The first bill being introduced today authorizes a new program of Federal loans to commercial fishermen's associations. The bill has a number of specific purposes.

First, most of us are aware that present Federal loan programs, in their general application, make loans available to fishermen. Such programs would include those of the Small Business Administration and the Farmers Home Administration. While these have been fine sources of financial assistance over a period of years for many sectors of the economy, the programs are often inapplicable to certain business operations of the fisheries industry. The loan program in the bill introduced here is tailored to the specific needs of the fishing industry.

Under the program, loans would be made through the Secretary of Commerce for a wide variety of fishing enterprises, including the purchase and storage of fish and fish products, marketing, and the accumulation of necessary operating capital. Two special notes might be added. An exclusion from the legislation is loans for actual fishing operations, for which loans can be gained elsewhere. Also, an emphasis of the bill is to structure the loans so as to encourage the development of off-season fish processing activity, thus avoiding the seasonality that has always haunted fisherman economically.

A second important aspect of the bill is that the loans may be made to fishermen's associations. My clear intent is that this will operate to encourage the formation of such associations on the local level. If successful, an essential economic and social change in the fisheries industry can be assisted toward fulfillment. This would involve a substantial increase of control of the industry by the fishermen themselves.

In Alaska, the pattern over a number of years has been that the fishermen have had a lack of control over the results of their own labor. The processing and marketing of the catch has been controlled by nonresident interests. Because of their inability to control processing and marketing, the local fishermen have always been the ones to bear the economic burden of poor fishing years. The lack of local ownership and control has also prevented any economic gains made in the industry from reaching the level of the individual fisherman. I anticipate that the loan program authorized in this bill will begin to alter this pattern.

The second bill in this series of bills was actually introduced earlier, and along with similar bills, is receiving favorable consideration by the Merchant Marine and Fisheries Committee at this time. It is also a bill which provides encouragement for fishermen's associations at the local level while at the same time providing essential Federal assistance in an area of great need.

The area of need is insurance against fishing vessel loss and damage and against the injury or death of fishing crews. The bill authorizes loans by the Secretary of Commerce to associations of fishing vessel owners and operators for the purpose of providing such insurance.

The availability of marine insurance at reasonable rates is essential to the continued life of the fishing industry. It is my information that some of the earliest signals of a deteriorating situation in the area of marine insurance came during hearings of the House Merchant Marine and Fisheries Committee in southeastern Alaska. The situation first discovered there has been fully recognized everywhere by this time.

Since the early 1960's, hull and protection and indemnity insurance rates have increased at alarming and unacceptable rates.

These premium rises have hit all geographic areas of the American fishing industry from New England and the Mexican gulf to the west coast. However, Alaska's fisheries have been hit hardest and quickest, and, together with lower catches, a depressed State economy, aging boats, and increased corporate competition, these increases in insurance costs threaten the livelihoods of many Alaskan independent fishermen.

A few statistics reveal the crisis proportions which these phenomenal cost increases have reached:

Hull insurance premiums in Alaska run as high as 14 percent of insured values, with most policies costing over 8 percent.

Increases of 100 percent in insurance costs in the past 8 years are common.

Annual premiums amount to half of the fixed overhead of fishing vessels, equaling interest expenses, employee taxes, and administrative costs.

The percentage of expenditures devoted to insurance by Alaskan halibut and salmon vessel owners is three times that of Seattle and New England fishermen.

Hull insurance rates in Alaska jumped 28 percent in 2 years—1967 to 1969—while those on the west coast were "only" increasing 13 percent. Protection and indemnity costs soared 34 percent in Alaska, compared to 20 percent on the west coast.

As pointed out in a preliminary draft of a report on vessel insurance done by the Department of Commerce:

> Insurance rates for fishing vessels . . . are arrived at through negotiation between the insured and the insurer. There are no scheduled rates . . . no formulas, no manuals, no State or Federal regulations governing rates . . . Individual underwriters are apt to have only limited experience with fishing vessel coverage, and without proper actuarial aid, they are vulnerable to gross miscalculation with respect to evaluating fishing vessel risks.

One Alaskan expert noted that insurance loss ratios of 160 to 180 percent are not unusual. The ratio of claims to premiums statewide is 87 percent, by far the highest in the country and nearly 50 percent higher than the national average.

Insurance companies are caught in the same situation as fishermen, and cannot be blamed for the phenomenal increases in insurance costs. Nevertheless, the future welfare of the fishing industry requires that new strategies be brought to the situation.

One of these strategies is the concept of a federally assisted mutual insurance association. As noted above, insurance costs in Alaska are substantially higher, and have risen much faster, than those on the west coast. This is due largely to the flourishing cooperative insurance associations on that coast. The Commerce Department draft concludes that the lower insurance burden in Seattle "measures the success of the mutual insurance societies—that were formed for the purpose of allowing fishermen to pool their risks."

The bill I am introducing seeks to encourage the formation of such cooperative groups nationally. It authorizes the Secretary of Commerce to make loans to fishermen's associations to carry out insurance functions. It restricts the amounts of these loans to under 50 percent of the capital and surplus of the association.

The bill creates a Fishermen's Association insurance loan fund to serve as a revolving fund to make these loans. It authorizes $10 million to provide initial capital for making such loans, and will have the final effect, hopefully, of making the cost of insurance a greatly reduced factor in fishing operations.

The third bill in today's series is certainly the one bill in my entire package of fisheries legislation which is directed to a unique Alaskan problem. This bill authorizes the establishment of a Federal program offering both loans and grants for the establishment of marine ways facilities.

This legislation addresses itself to a shortage of vessel maintenance and repair facilities in Alaska. While this appears on the surface to be no more than an inconvenience, it creates a situation which can mean financial disaster for the fisherman who requires repair service at a crucial time of the year.

In Alaska, the home ports for the Alaska fishing fleet are a number of small towns scattered all along the Alaska coast. Included are Petersburg, Wrangell, Ketchikan, Sitka, Yakutat, Cordova, Valdez, Kodiak, Homer, Naknek, Dillingham, and many others. Only Kodiak and Ketchikan among these many fishing harbors approach a population of even 10,000 persons. This means that none of these towns can accumulate the tremendous capital necessary for the construction of a ways facility. With this lack of facilities, vessel owners must make the trip to the Washington-Oregon area for any substantial repairs.

These same fishing fleet harbors in Alaska are scattered over a coastline that stretches for 3,300 miles, and shorelines for over 30,000 miles. The straight-through running time between Seattle and the nearest Alaska harbor, Ketchikan, is a minimum of 48 hours, and is more often than not a full week. From harbors like Kodiak or Dillingham, this total can be doubled or tripled. In practice, this means that the time lost in a round trip to the Pacific Northwest for vessel repairs will be a minimum of a week to 10 days and a maximum of many weeks, even excluding the time necessary for repair. Such an assessment does not even include the danger inherent in traveling these difficult waters with a damaged vessel.

The final factor is the length of the productive fishing season. For many species which are sought in Alaska, such as salmon, the peak of the season may last from only a few days up to 3 or 4 weeks. Vessel damage which would be only a great inconvenience for fishermen elsewhere can become a lost season and financial disaster for an Alaskan fisherman. This bill would provide a beginning toward solving this serious problem.

The bill contains both grant and loan programs to be administered by the Bureau of Commercial Fisheries. The Bureau already provides for loans for fishing vessels from the fisheries loan fund, which has been recently extended, and the same loan fund would support this marine ways program so long as new Federal capital is added.

The grant program would be newly created with an initial appropriation of $5 million. The key to the program is that loans for marine ways facilities would only be available to communities where no such facility is located nearer than 100 statute miles by sea. The areas of greatest need would be served first.

The benefits of this program are obvious for both the fisherman and his community's economic development. I am hopefully this bill will receive early consideration.

The final bill I am introducing in this present series of fishing legislation is one I certainly wish were unnecessary. The bill establishes and authorizes appropriations for a plan to partially reimburse fishermen who suffer losses as a result of fishing restrictions imposed by a State or the United States because of water pollution.

In the final analysis, the only solution to this problem is to attack it at the source by putting a halt to the increasing pollution of the world's oceans and fresh waters. During this Congress I have joined with many of my colleagues in legislation to accomplish this critical task. I have joined with the gentleman from Massachusetts (Mr. HARRINGTON) and the gentleman from Florida (Mr. FREY) on bills to regulate dumping of pollutants into the oceans and to establish protected estuarine areas—H.R. 805 and H.R. 4359. I have joined with the gentleman from Washington (Mr. MEEDS) in legislation to provide safety and environmental standards for our Nation's ports, harbors, and navigable waterways—H.R. 9581. I have also joined again with Mr. HARRINGTON on legislation to amend the Rivers and Harbors Act by increasing penalties for violations—H.R. 9685—and to provide new funds for nationwide water pollution control projects—H.R. 9803.

At the same time these and other measures are being considered, we are all discovering that a tremendous amount of environmental damage has already been done. On a first-hand basis, American fishermen are discovering the extent of that damage.

The most well-known case of an entire fishing industry being wiped out came as a result of the Food and Drug Administration ruling on mercury in swordfish. The impoundment of swordfish cost an estimated $2.5 million in lost inventories, and had a huge impact on the financial well-being of the fishermen involved, as well as their families and the communities dependent on the industry.

There are other examples of fishing markets destroyed by contamination restrictions from New England to southern California. First coho salmon, then chubs, were lost to Great Lakes fishermen because of DDT. Then, the kingfish was lost to fishermen off southern California. Mercury pollution has resulted in the closing of fisheries on the Western Basin of Lake Erie, the Pickwick Reservoir in Tennessee, and Lake Calcasien in Louisiana. Hurricane Camille endangered the quality of oysters in the Gulf of Mexico, causing the closing of the beds. The tuna industry has lost $2.4 million in inventory due to mercury contamination.

This problem has already touched Alaska. Halibut containing excessive amounts of mercury have been caught in Alaskan waters. While the situation there has been partially ameliorated by voluntary limits set by the halibut dealers, vessel owners, processors, and unions involved, the time may come when the problem reaches a point at which private agreements, though preferable to governmental intervention, may be insufficient to handle the situation.

No one would question the need for immediate and firm governmental action to protect consumers at a time when contaminated fish is discovered. Yet the economic burden of the restrictions imposed cannot be allowed to fall on the fisherman, as it presently does.

My great fear as an Alaskan is that the salmon or king crab may be found to be contaminated. If this is ever the case, nearly 10,000 Alaska fishermen and over 20,000 processing workers would suffer financial disaster without fault on their part. The secondary effects on Alaska's economy, or that of any State similarly affected, would be monumental.

The legislation I introduce today is a beginning toward a solution. It provides for reimbursement to fishermen for losses incurred as a result of the State or Federal restrictions due to water pollution. It calls for Federal payments of up to 70 percent of yearly gross earnings from domestic fishing lost as a result of restrictions.

If a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted. Any amount collected in excess of initial reimbursement and court costs would be turned over to aggrieved fishermen. The bill authorizes appropriations of $4 million for 1972, $5 million for the next 4 years.

The fishermen in the State of Alaska tell me that this is a priority measure for the 92d Congress. I agree with them and urge prompt consideration of this measure.

Mr. Speaker, this concludes my introduction of fishing legislation for the present time. I am certain that I need convince none of my colleagues of the work to be done in this area. I urge all Members to consider these bills, and to join me in seeking consideration of the important questions they raise. I look forward to assisting in any way I am able to bring the assistance these bills promise to the U.S. fishing industry.

AMERICAN LEGION OPPOSES CANAL ZONE SURRENDER

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the 53d Annual National Convention of the American Legion was held in Houston, Tex., between August 31 and September 2 of this year. At that convention, they adopted a strong resolution opposing any surrender of U.S. sovereignty or control over the Panama Canal Zone. It is my belief that the American people should be made aware of their resolution and their feelings, and at this time, I would like to insert this resolution into the RECORD:

RESOLUTION NO. 494

Committee: Foreign Relations.

Subject: Panama Canal.

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation and control of the Canal Zone territory with all sovereign rights, power, and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Canal and its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the government of Panama to grant greater rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U.S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the U.S. Government in an effort to persuade Panama to agree to the construction of a "sea-level" canal eventually to replace the present canal, and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the U.S. in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened U.S. control over the Canal and the Canal Zone; and

Whereas, The American people have consistently opposed further concessions to any Panamanian government that would further weaken U.S. control; and

Whereas, The American Legion believes that a treaty or contract is a solemn obligation binding on the parties and has consistently opposed the abrogation, modification, or weakening of the treaty of 1903 by which the rights of the United States thereunder would be weakened, limited, or surrendered, the United States having fully performed its obligations under such treaty since its adoption; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 31–September 1, 2, 1971, that the Legion reiterates its uncompromising opposition to any new treaties or executive agreements with Panama that would in any way reduce our indispensable control over the Panama Canal or the Panama Canal Zone; and be it further

Resolved, That The American Legion opposes the construction of a new "sea-level" canal, as advocated by the recently completed study of the Atlantic-Pacific Canal Study Commission as needlessly expensive, diplomatically hazardous, ecologically dangerous, and subject to the irresponsible control of a weak Panamanian government; and be it finally

Resolved, that The American Legion reiterates its strong support for resuming the modernization of the present Panama Canal as provided in the Third Locks-Terminal Lake plan advocated by so many Members of Congress.

NATIONAL WILDERNESS PRESERVATION SYSTEM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, today, on behalf of my colleagues, Mr. LATTA and Mr. MAILLIARD, I am introducing an important bill which provides for the designation of a number of areas in various parts of the country as wilderness. This bill will designate 21 wilderness areas in 13 States. Altogether, the areas designated by this bill would add over 3 million acres to our national wilderness preservation system.

Two groups of proposals are included in this bill. First, it contains 12 out of the 14 wilderness proposals which President Nixon sent to Congress on April 28 of this year. Second, it contains nine older proposals, involving areas which were recommended to Congress in earlier sessions but have yet to be acted upon. The President has, in his recent wilderness and environmental messages, strongly endorsed prompt action on this group of already pending wilderness proposals.

In other words. Mr. Speaker, I have attempted to gather into this one bill virtually all of the wilderness proposals recommended by the administration which are now pending for action before the Congress. But let me add two clarifications which are important in understanding what this new bill includes and would accomplish.

While this bill includes almost all of the proposals which have been sent to Congress but have yet to be acted upon, it does not include any of the so-called de facto wilderness proposals. This type of wilderness proposal, unlike the ones included in this new bill, is not the product of the normal wilderness review processes of the administrating agencies which were established by the 1964 Wilderness Act. De facto wilderness proposals involve other land areas which merit wilderness study by the Congress before being irretrievably committed to other, conflicting kinds of use. I have already introduced, with a number of cosponsors, an omnibus bill embodying many of these de facto wilderness proposals which are sufficiently well refined to be appropriate for congressional consideration. That bill, H.R. 6496, is already pending with our Interior and Insular Affairs Committee. Hence, my new bill, including the administration-proposed areas, constitutes a logical companion to the pending de facto wilderness bill.

The bill I am introducing today does not, in all cases, follow the proposed wilderness boundaries and acreages as submitted to the Congress by the executive branch. In several cases, local groups of people who know these areas in great detail have found the official executive branch recommendations to be too limited, excluding from wilderness designation areas which these citizens feel are fully suitable for such designation, merit it and, in many cases, sorely need such extra statutory protection if their natural wilderness character and values are to be secured as a lasting resource.

In a number of cases, the various citizen groups on the local, regional, and national level have agreed with final executive branch wilderness recommendations. In several cases, indeed, all parties have agreed that no wilderness should be designated in a specific area for which the wilderness law required a study and review. For example, President Nixon's April 28 wilderness message included nonsuitable as wilderness recommendations for the Laguna Atascosa National Wildlife Refuge in Texas and for the Chaco Canyon National Monument in New Mexico. These recommendations have been agreed to by local conservation minded citizens and groups, based on their own field studies.

But there have also been cases in which local citizens believe an executive branch wilderness recommendation can be further refined and extended. These citizens have participated actively in the processes of public involvement which we built into the Wilderness Act program. In carrying our their responsibility to participate responsibly, they have carefully studied the requirements and standards of the Wilderness Act and have conducted detailed field reviews in order to arrive at their own consensus as to what is best for the particular area in question. These citizen-initiated alternative wilderness recommendations have been offered and documented at public hearings and in informal sessions with the managing agencies. They have very often contributed to an improved final recommendation from the agency.

Yet, in some cases, the citizen groups still have not been satisfied that the proposal finally emerging from the executive agencies do the best achievable job of preserving an area's wilderness resources and values in full balance with other considerations. They feel that these agency proposals fall short of what would be best for the land in question. Among the reasons for these disagreements, probably the most fundamental have to do with varying interpretations of what the Wilderness Act says and means. It is during the consideration of individual proposals before the committees of the Congress that fundamental questions of this kind can best be deliberated.

For these reasons, it is important that the refinements worked out and recommended by dedicated citizen conservationists should, in each case, receive a full hearing during consideration of wilderness legislation. By the same token, the administrative agencies are expected to present the merits and rationale for their proposals. Where the two differ, it is the responsibility and goal of the Congress to make a final decision. The committees of Congress, and in particular our Subcommittee on Public Lands chaired by my able colleague, WALTER BARING, have been gaining much sound experience in weighing the issues raised in the wilderness designation process.

The bill I am introducing today represents, in each case where a citizen alternative plan has been prepared, the boundaries and acreages recommended by these responsible local citizen teams. I introduce this bill in this form for two reasons. First, I generally find myself more thoroughly in agreement with the arguments set forward by these citizen groups. Second, I believe their proposals should be before the committee in the full stature of legislation, to be argued for and against on an equal footing with bills embodying the executive branch position. I would point out that, as ranking member of the Interior and Insular Affairs Committee, I have introduced, along with our distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) and my distinguished committee colleague, the gentleman from Iowa (Mr. Kyl), the full Presidential wilderness package in the administration version of each proposal.

Mr. Speaker, I will not elaborate on the specifics of each of the proposals embodied in my new bill. That information will be developed during hearings, when both the executive agencies and the public will be able to present their views. But I do want to point out here a few items of special interest in this bill, so that the record will not be misunderstood as to what is involved.

This bill includes the wilderness proposals for only 12 of the 14 areas recommended in the April 28 Nixon wilderness package. I have excluded the proposal for Arches National Monument and for Capitol Reef National Monument, both in southern Utah. As many members know, the Senate has already enacted bills which would redesignate these two national mounments as national parks, with various realinements of their boundaries. The wilderness proposals for these two areas apply to the earlier boundaries, and so would not be fully in concert with the revisions which have taken place since or with the revisions further intended in the national park bills which have passed the other body and been reported for floor action here in the House. I would add, however, that in reporting these national park bills, our committee added language which would require the Department of the Interior to complete a revised wilderness proposal for transmittal back to the Congress within 3 years. It does not seem timely to act on the existing wilderness proposals for these two areas in this Congress and I believe we should simply set them aside, awaiting receipt of the revised proposals.

Included in this bill is the proposed Okefenokee National Wildlife Refuge Wilderness in Georgia. The first proposal for this particular area, which came to Congress several years ago, recommended designating a wilderness unit of 319,000 acres. Subsequent additions of wildland to the overall wildlife refuge now permit a larger wilderness designation. In his April 28 message to Congress, the President listed this larger proposal as encompassing 347,000 acres, but it now turns out that the Bureau of Sport Fisheries and Wildlife recomputes this acreage, based on the same boundaries to which the President referred, as actually encompassing some 344,000 acres. That is the figure I have used in this new bill, and I believe the record should be clear that the same boundaries are involved as have been strongly endorsed by President Nixon in his latest wilderness message.

Mr. Speaker, the bill which I am introducing today brings together 21 highly important wilderness proposals. Each has been the subject of detailed study and preparation by the managing Federal agency. Each has been carefully reviewed in the field by local citizens and citizen groups. Each has been the subject of a full public hearing in the immediate locality, and the records accumulated at these hearings are available for congressional consideration. Each proposal has been further studied and revised within the Departments of the Interior and Agriculture and within the executive branch. Now these 21 proposals are before the Congress for our consideration and action. The processes which we put in motion when we enacted the 1964 wilderness law involve this full span of careful deliberation and active public participation. The bill I am now introducing brings that consideration and that public involvement into the congressional area.

It has been said that the Wilderness Act and its provisions for public involvement throughout the wilderness designation procedures is one of the finest new land planning programs in recent years. This is, in my view, a model of effective public participation, giving opportunity for all opinions both on the local and national scene to be brought into the making of these important wilderness decisions. By introducing today a bill embodying, in several cases, citizen initiated recommendations, it is my hope that we can bring into the processes of congressional consideration, on an equal footing, the views and productive efforts of the many citizen groups across this country who have labored long and hard to play a constructive role in the wilderness program. It is my hope that we will have an early opportunity to consider each of these proposals in the Committee on Interior and Insular Affairs and bring to the House the best possible wilderness legislation before the end of the 92d Congress.

SIX MILLION CHILDREN DENIED HEALTH CARE BECAUSE HEW FAILS TO IMPLEMENT EXISTING LAW

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on December 11, 1970, the Department of Health, Education, and Welfare issued a press release announcing proposed rules concerning the medicaid program. This release proudly stated that "over six million individuals" would receive the benefit of "screening, diagnosis, and treatment" when these rules became effective. These more than 6 million individuals were children up to the age of 21.

To date, these proposed rules lie dormant. They have not been officially promulgated.

The delay is actually even more severe than just the 9 months which have now elapsed since the rules were first proposed. The fact is that these rules were proposed pursuant to legislation which was to become operative on July 1, 1969. Thus, more than 2 years have gone by without action by the administration.

The Department of Health, Education, and Welfare certainly cannot claim lack of forewarning as to the implementation date of July 1, 1969. The enabling legislation was passed in 1967 as a part of Public Law 90–248. Yet, 4 years later, the 6 million children for whom this law was intended to provide health care remain ignored.

Specifically, the section of the law in question—section 1905(a)(4)(B) of the Social Security Act—provides that one of the required elements of a State medicaid plan is the following:

> (E)ffective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary;

Some measure of the benefits that can be achieved should this program be implemented—as it must be—is provided by the findings of the Mississippi medicaid program, which has reported on a comprehensive program of screening and diagnosis for children which it undertook, despite failure of HEW to implement section 1905(a)(4)(B). During the 4 months ending June 30, 1970, 1,178 children were screened. Abnormalities found totaled 1,301—children had multiple abnormalities. These included multiple dental caries, 305 cases; anemia, 241 cases; enlarged tonsils and pharyngitis, 217 cases; poor vision, 97 cases; impetigo and other skin conditions, 53 cases; hernias, 51 cases; and intestinal parasites, 48 cases.

It is starkly clear that the more than 6 million children who would fall under the operation of the Department of Health, Education, and Welfare's regulation—if only it were formally promulgated—desperately need medical care. They are the forgotten victims of a society which applauds rhetoric, but is remiss on action.

On August 18, I wrote to Secretary Richardson of the Department of Health, Education, and Welfare, urging "immediate promulgation" of the rules first proposed last December. Thus far, there has been no action. Robert Walters, in an article in today's Washington Evening Star, writes about this situation. Mr. Walters, in an apt assessment, states:

> All of that allegedly bold action was, in fact, a sham. And it is typical of the bureaucratic shell game at which HEW officials have become so proficient.

The children of America are waiting.

Following are the press release issued by the Department of Health, Education, and Welfare last December 11; the proposed rules; a copy of my letter of August 18 to Secretary Richardson; a report on the Mississippi screening and diagnosis program—an example of what the Federal Government has not yet, despite existing public law, mandated; and Robert Walters' article of the September 16 Evening Star entitled "What We Really Need Is Action":

PRESS RELEASE, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Individuals under 21 eligible for help under the Federal-State Medicaid program will be screened and treated for health defects under proposed rules announced today by John D. Twiname, Administrator of HEW's Social and Rehabilitation Service.

Proposed regulations which appeared today in the *Federal Register* will require State Medicaid agencies to spearhead the comprehensive planning necessary to make services available to accomplish the screening and treatment.

If existing health care resources are inadequate to do this for all eligible individuals under 21, States may begin with children under six, extending services to others in specified stages so that all are covered July 1, 1973.

State Medicaid agencies will develop agreements with organizations that can provide the services, such as child health clinics, OEO neighborhood health centers, day care centers, school health programs, and maternity and family planning clinics.

Estimates are that over 6 million individuals will be eligible for screening, diagnosis, and treatment when the proposed regulation becomes effective.

Interested parties have 30 days to comment on the proposed regulations.

[From the Department of Health, Education, and Welfare, Social and Rehabilitation Service]

PROPOSED RULEMAKING INFORMATION MEMORANDUM

To: State administrators and other interested organizations and agencies.

Subject: Proposed Regulations for Early and Periodic Screening, Diagnosis, and Treatment of Individuals Under 21, Title XIX, Social Security Act.

Content: Proposed regulations to amend SRS Program Regulations 40-11, dated June 24, 1969, on Amount, Duration, and Scope of Medical Assistance under Title XIX. The amendment relates to the requirement for early and periodic screening, diagnosis, and treatment of individuals under 21 years of age.

Comment period: Consideration will be given to comments, suggestions, and objections submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from the date of publication in the *Federal Register*: December 11, 1970.

Inquiries to: SRS Regional Commissioners.

JOHN D. TWINAME,
Administrator.

(Department of Health, Education, and Welfare, Social and Rehabilitation Service (45 CFR Part 249))

AMOUNT, DURATION, AND SCOPE OF MEDICAL ASSISTANCE

Early and periodic screening, diagnosis, and treatment of individuals under age 21

Notice of proposed rulemaking

Notice is hereby given that the regulations set forth in tenative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to early and periodic screening, diagnosis, and treatment of individuals under 21 years of age provided for under a State plan for medical assistance under title XIX of the Social Security Act.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, within a period of 30 days from date of publication of this Notice in the *Federal Register*.

The proposed regulations are to be issued under section 1102, 49 Stat. 647, 42 U.S.C. 1302.

Dated: Oct. 30, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: Dec. 3, 1970.

ELLIOT L. RICHARDSON,
Secretary.

Part 249 of Chapter II of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 249.10(a) is revised by redesignating subparagraphs (3)-(9), inclusive, as subparagraphs (4)-(10), inclusive.

2. Section 249.10(a), as so revised, is further amended by adding subparagraph (3) to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance. (a) * * *

(3) In carrying out the requirements in subparagraphs (1) and (2) of this paragraph with respect to the item of care set forth in paragraph (b)(4)(ii) of this section, provide:

(i) for establishment of administrative mechanisms to identify available screening and diagnostic facilities, to assure that individuals under 21 years of age who are eligible for medical assistance receive the services of such facilities, and to provide such treatment as may be included under the State plan and as required in subdivisions (iv) and (v) of this subparagraph;

(ii) for identification of those eligible individuals who are in need of medical or remedial care and services furnished through title V grantees, and for assuring that such individuals are informed of such services and are referred to title V grantees for care and services, as appropriate;

(iii) for agreements to assure maximum utilization of existing screening, diagnostic, and treatment services provided by other public and voluntary agencies such as child health clinics, OEO Neighborhood Health Centers, day care centers, nursery schools, school health programs, family planning clinics, maternity clinics, and similar facilities;

(iv) that the full amount of inpatient hospital services, outpatient hospital services, laboratory and X-ray services, and physicians' services needed by an individual receiving screening, diagnostic, and treatment services under this subparagraph will be furnished regardless of the limits otherwise imposed under the State plan on the amount of such care and services; and

(v) effective January 1, 1971 (or earlier at the option of the State), that early and periodic screening and diagnosis to ascertain physical and mental defects, and treatment of conditions discovered regardless of the limits otherwise imposed under the State plan on the type and amount of such care and services (for which Federal financial participation is otherwise available pursuant to Section 1905 of the Social Security Act), will be available to all eligible individuals under 21 years of age. If such screening, diagnosis, and treatment are not available by January 1, 1971, to all eligible individuals under 21 years of age, the State plan must provide that such services will be available to all eligible children under six years of age and must specify the progressive stages by which such services will be available to all eligible individuals under 21 no later than July 1, 1973.

AUGUST 18, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I am particularly concerned regarding the enormous potential of the Medicaid program for instituting a scheme of preventive and curative medicine which has the potential for saving millions of children from illness and even death. This scheme is provided by Section 1905(a)(4)(B) of the Social Security Act. This Section provides, as one of the required elements of a State Medicaid plan, the inclusion of the following:

(B) effective July 1, 1969, such early and periodic screening and diagnosis of individuals who are eligible under the plan and are under the age of 21 to ascertain their physical or mental defects, and such health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary; . . .

This provision was added to the public law by Public Law 90-248.

While this section was to go into effect on July 1, 1969, it in fact still remains unimplemented. The delay in this implementation is, as I understand it, due to the failure of your Department to issue the appropriate regulations.

On December 11, 1970, proposed regulations were published in the Federal Register. According to the press release issued at that time by the Social and Rehabilitation Service, a division of your agency, "over 6 million individuals will be eligible for screening, diagnosis, and treatment when the proposed regulation becomes effective."

At the least, these regulations required that by January 1, 1971, screening, diagnosis, and treatment were to be "available to all eligible children under six years of age," with children up to the age of 21 to be covered by no later than July 1, 1973.

More than one-half year has elapsed since the issuance of these proposed regulations, amending SRS Program Regulation 40-11, dated June 24, 1969, on Amount, Duration, and Scope of Medical Assistance under Title XIX.

I find this dilatory action extremely distressing. Firstly, it appears to contravene the intent of the Congress that a law which it has passed in fact be implemented. More importantly from a human standpoint, the continued delay of the implementation of the screening, diagnostic, and treatment program means the continued lack of adequate medical services to the more than 6 million children which your Department's own press release designates as the eligible group.

Some measure of the benefit that can be achieved should this program be implemented is provided by the findings of the Mississippi Medicaid program, which has reported on a comprehensive program of screening and diagnosis for children which it has undertaken, despite the absence of the implementation of Section 1905(a)(4)(B). During the four months ending June 30, 1970, 1,178 children were screened. Abnormalities found totaled 1,301 (some children had multiple abnormalities). These included multiple dental caries (305 cases), anemia (241 cases), enlarged tonsils and pharyngigis (217 cases), poor vision (97 cases), impetigo and other skin conditions (53 cases), hernia (51 cases), and intestinal parasites (48 cases). In northern states, where an estimated 400,000 children exhibited elevated blood lead levels, no doubt a screening program would disclose thousands of additional children who are in need of treatment.

In light of the 6 million children who would be eligible for the screening, diagnosis, and treatment mandated by Section 1905(a) (4)(B) of the Social Security Act—the children who desperately need these services—I would appreciate your advising me of when the proposed regulations will be officially promulgated as binding rules. Needless to say, I believe that every day of delay is another day of illness for these children. Therefore, I urge immediate promulgation.

With best regards.

Sincerely,

William F. Ryan,
Member of Congress.

Medicaid Matters to Children

Mississippi, with one of the nation's newest Medicaid programs (initiated January 1, 1970), is the first State to report on a comprehensive program of screening and diagnosis for children.

A report on the four months ending June 30, 1970, showed 1,178 children screened. Abnormalities found totaled 1,301, as some children had multiple findings.

The most common abnormal conditions identified were multiple dental caries (305 cases), anemia (241 cases), and enlarged tonsils and pharyngitis (217 cases).

Other major defects were poor vision (97 cases), heart conditions (60), impetigo and other skin conditions (53), hernia (51), and intestinal parasites (48).

The "health inventory survey" is done by the State Board of Health, on contract with the Mississippi Medicaid Commission. The procedure begins with a letter to the parents of eligible children, asking that the children be brought to the health department at a stated time. There a 13-point medical history is recorded, and signed by the parent or guardian to authorize the screening.

The examination includes PhonoCardioScan, visual and audiometric checks, and a tuberculin skin test. Hematocrits and urine tests are done on each child, and immunizations brought up to date. In the age group 12 to 21, blood pressures are recorded and blood serologies are performed. The tests are done by public health nurses and technicians, with the children referred to physicians when necessary.

Cost of the screening is $8.00 per child, including $1.00 for laboratory work. State Board of Health clinics are utilized for follow-ups.

According to Frank M. Wiygul, Jr., M.D., Director of the General Health Services Division, about 90 percent of the children with abnormalities are treated in existing public health facilities. "The effect of the Medicaid screening program is that the Board of Health is enabled to reach a group of children not touched previously," Dr. Wiygul commented.

He added, "From the recipients' point of view, the screening is very well accepted and the turnouts are excellent. We usually invite 70 to 80 eligible children to participate, and have a turnout of 40 to 50."

Mississippi Medicaid Commission health inventory survey, Mar. 1–June 30, 1970

Total screened	1,178
Total conditions found	[1]1,301
INCIDENCE OF ABNORMALITY	
Abnormal PhonoCarioScan	60
Anemic (hematocrit below 36%)	241
Sickle cell suspected	3
Dental caries (multiple)	305
Dental abcess	1
Supernumerary dentition	1
Hernia umbilical	49
Hernia inguinal	2
Poor visual acuity	97
Impetigo and other skin conditions	53
Poor hearing	51
Deaf mutism	2
Otitis extern and otitis media	37
Asthma (by history)	7
Intestinal parasites (mostly hookworm)	48
Obesity	20
Enlarged tonsils and pharyngitis	217
Obvious mental retardation	9
Learning and school difficulties (by history)	5
Behavior disorders	5
Seizures	4
Ringworm of scalp	10
Phimosis	4
Pregnancy (unmarried): Undiagnosed and no prenatal care	4
Kidney trouble (by history)	11
Speech defects	7
Swollen joints	7
Enlarged lymph glands	11
Hypertension	5
Mild hydrocephaly suspected	2
Old open lacerations	4
Hyperthyroidism suspected	1
Suspected child abuse	[2]7
Hemiplegia	1
Albuminuria	6
Ptosis	2
Suspected diabetes	1
Nasal obstruction	3
Hydrocele	1

[1] Some screenees have multiple findings.

[2] These 7 children belong to the same family. Court proceedings resulted in placement of all 7 in a foster home in another county.

[From the Washington Evening Star, Sept. 16, 1971]

What We Really Need Is Action

(By Robert Walters)

Back in December the Department of Health, Education and Welfare proudly announced that it had drafted regulations which would "require state Medicaid agencies to spearhead the comprehensive planning necessary" to implement a nationwide program of preventive medical care for 6 million needy children.

The HEW press release at the time boasted of plans to provide "screening diagnosis and treatment" in cooperation with neighborhood health centers, child health clinics, day care centers, school health programs and family planning clinics.

The way HEW's Social and Rehabilitation Service told it, the periodic medical examination of young children was only the first step in implementing the law. By mid-1973, the service predicted, all individuals under 21 who were covered by the Medicaid program would be added to the program.

All of that allegedly bold action was, in fact, a sham. And it is typical of the bureaucratic shell game at which HEW officials have become so proficient. Consider, for example, what really happened with that program of preventive medicine for needy youngsters throughout the country:

The authorizing legislation was passed by Congress and signed into law by the President in 1967, with a provision calling for the medical aid program for poor youngsters to begin July 1, 1969.

That two-year interval presumably gave even the slowest HEW employe time to draft the regulations under which the program was to operate. In fact, the first proposed regulations did not appear until December 1970, three years after the law was passed and 1½ years after the starting date designated by Congress and the President.

As required by law, publication of the proposed regulations was accompanied by the announcement that interested parties had 30 days to comment. Following that deadline SRS was supposed to consider the suggestion of those affected, then publish final regulations.

Last month, Rep. William F. Ryan, D-N.Y., wrote to HEW Secretary Elliot L. Richardson to note that absolutely nothing has been heard from SRS in the 9 months which have elapsed since the issuance of the press release and proposed regulations (not to mention the four years since the law was passed or the more than two years since the program was supposed to have been initiated).

Ryan said HEW's "dilatory action . . . appears to contravene the intent of the Congress that a law which it has passed in fact be implemented." From a humane standpoint, he noted that "every day of delay is another day of illness for these children."

The impact such a program can have already has been demonstrated in Mississippi, which has initiated its own preventive medicine project without waiting for HEW's regulations. During a four-month period last year, 1,178 children were screened, and state medical officials were able to detect, and recommend early treatment for, 305 cases of multiple dental cavities, 241 cases of anemia, 217 cases of enlarged tonsils, 97 cases of poor vision and scores of similar ailments.

What is HEW's response to Ryan's call for the long-overdue implementation of such a program nationally?

"The comments have been under active consideration," says a departmental spokesman. No other reply is offered.

SRS is hardly the leader in this type of foot dragging. Within the HEW bureaucracy, the champion is clearly the Food and Drug Administration. Consider this example of governmental delinquency, as only the FDA professionals know how to practice it:

In 1960, Congress gave the FDA the power to regulate the labeling of hazardous substances. In 1967, the FDA became aware that lemon-scented, yellow-colored, glass-bottled furniture polish was just such a substance.

Young children were mistaking the polish, made with highly toxic petroleum distillates, for a lemon drink. Between 1965 and 1970, at least 54 children under 5 died from drinking the polish.

In June 1970, the National Commission on Product Safety published a report detailing FDA's record of inaction in the field. Nothing happened. Last month, Consumer Reports, the monthly magazine of Consumers Union, devoted its cover story to the problem and suggested that HEW "sat on its hands while children died."

Two weeks ago, the FDA issued another of those press releases, proclaiming that it finally had drafted some proposed regulations which would require toxic furniture polish to be marketed in special bottles which children cannot open.

Wait to see if that program is ever implemented.

THE JEWISH NEW YEAR AND SOVIET JEWRY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. RYAN. Mr. Speaker, this Sunday evening marks the eve of Rosh Hashanah, the beginning of the Jewish New Year. For many of us, Jew and non-Jew alike, this event is particularly poignant, because we know so well of the plight of Soviet Jewry.

There is a poem by a Russian poet. His name is Evtushenko. The poem is called Babi Yar, the name of that scene of horror where the Nazi madmen slew thousands of Jews. Evtushenko wrote:

> (H)ow vile is that, without a quiver,
> The anti-Semites styled themselves with pomp
> "The union of the Russian people."

How vile it is, indeed, that anti-Semitism persists in the Soviet Union.

But the power of the anti-Semites is fragile. In fact, it will fail, because the Jews have persevered across centuries of tragedy, and they will persevere despite the despots of the Kremlin.

And I think that, in this survival, there is something very special for us to honor. Because despite repression, despite prejudice, despite pogroms and concentration camps and exile and destitution, the Jewish people have maintained that most untouchable, most indestructible of swords—the power of belief. The belief in themselves as a people.

And that is the power which will break the grip of those who seek to stamp out Judaism in Russia.

But I would go beyond that and say that the Jews of Russia have taught the world a lesson. They have brought alive the recognition of this power of a belief to prevail over repression.

Joined in the determination that evil will not win out, that the Jewish identity is permanent and persistent, many of us have spoken out in protest. We speak for those principles which bind men of good will into a larger and greater unity. We speak out for justice and freedom and equality, and by demanding justice for Soviet Jewry, we demand justice for all men.

By affirming freedom for the Jew in Moscow, we affirm it for the black in Mississippi. By affirming freedom to exist as a people in Leningrad, we affirm that same freedom of national identity for the hapless millions of East Pakistan. By demanding the freedom to emigrate for the Jew of Riga, we demand the freedom of all oppressed peoples to seek a better land.

I am not about to pretend that we should relax our efforts, content with just speaking out. Far from it. Leonid Rigerman, the 30-year-old physicist, whose entry into the United States I facilitated by intervening on his behalf with the Department of State last November, also made a statement which I would quote:

> A Jew cannot be a Jew in Russia. We are deprived of all forms of Jewish culture; you cannot study the language; Jewish religious literature is forbidden.

That is the grim reality which no rhetoric alone can really assuage. That is why men and women of good will unite in support of Soviet Jewry, not only in a sense of pride of purpose, but with the determination not to relent, not to stand silent, not to bend to the counsels of so-called political reality, as some would have it.

In only a few days will begin that holiest of times for Jews—the dawning of the New Year. For Jews across the globe, this is a time of deep and sober contemplation. I know this is a time to contemplate one's personal sins of omission and commission. But it is a time as well, I should think, to appropriately consider all of men's sins against his fellow man. What more poignant occasion, then, to look to our brothers and sisters in the Soviet Union?

What their oppression is like I am sure many Jewish people can imagine in more personal terms than I. They have suffered, either directly or through relatives, the holocaust of the Nazis, who sought the total annihilation of European Jewry.

The Russians are more subtle in their methods. They are not aiming at the crude use of concentration camps and furnaces. Their method is to grind under the 3 million Jews of the Soviet Union by stifling their identity; by denying Jews the right, the necessity, to be Jews. Their methods are different in kind from those of the Nazis, but their end is the same—the erasure of Jews as Jews from the face of the land.

But they are failing. The mammoth machinery of government is losing its battle against human decency and justice.

One of the really exhilarating developments of the past year is the tremendous surge of resistance by Soviet Jews—particularly young Jewish women and men. Who would have dreamt of sit-ins in the Soviet Union? Yet sit-ins there are. And it is the Jews of Russia who are in the forefront of a civil rights struggle to secure their existence and their identity.

So, in this holiest of times for Jews, in this time of sober thought, there is room for taking heart. The sins of man against man do not always prevail.

This year already, it has been reported, 5,000 Jews have been allowed to leave Russia for Israel, whereas in previous years the rate was not more than 1,000 annually. That is no accident. That is the result of world pressure. And that, too, is reason for encouragement.

In the Congress, there is a strong coalition of us who are working to force the administration to insist on the rights of Soviet Jewry. Last year, at the time of the Leningrad trial of nine Jews, and after my talking to the chairman of the House Foreign Affairs Committee, to then Speaker McCormack, and to then Majority Leader CARL ALBERT, we brought to the floor and passed House Resolution 1336, which condemned religious persecution in the Soviet Union. That resolution urged the Soviet Union to allow full and free exercise of religion and culture by all Jews, and it urged the Soviet Union to allow those citizens who wished to emigrate to do so. And that resolution, putting the Congress on record, helped to sustain and increase world pressure.

Today, in the Congress, my resolution (H. Res. 454) urging the Voice of America to undertake broadcasts in Yiddish into the Soviet Union is pending. When I first drafted this bill, we did not know what type of support we would get. As of today, 101 Congressmen are sponsoring that resolution. And, after I first introduced the bill, action began in the Senate. Today, 22 Senators have introduced my resolution.

Meanwhile, we have been meeting with administration officials and we are not going to relent until we succeed in convincing the Voice of America to start broadcasting in Yiddish, so that the Jews of Russia—whether they speak Yiddish or Russian, or both—will know that we demand the continuance of their culture and their identity, and that we demand that they be provided the psychological support which broadcasting in Yiddish will give them.

Soviet Jewry will continue. It will persist. It will thrive. Because men and women of good will, demand this be so.

There is another side to this coin, and that concerns Israel. Any even casual observor of world politics knows why the Soviet Union has been so adamant about refusing to allow Jews to emigrate. The Soviets are tied in the embrace of the Arab states who surround Israel, and seek her destruction. Obviously, the Soviet Union is concerned that any flood of refugees to Israel will alienate her Arab cohorts. Consequently, the Russian grip holds tight, barring her borders to barely a trickle of Jewish emigrants.

This grip can be loosened, and it is within the power of this administration to loosen it. The administration must demonstrate in the most unequivocal terms, support for Israel. It must demonstrate that it is committed, without caveat, to Israel's survival, to her strength and her prosperity. For if the Arabs realize that there is absolutely no other alternative for them, then they will be reconciled to a meaningful peace with Israel, negotiated face to face. And, in this state of affairs, it will not then matter to them whether Jews from Russia emigrate to Israel. So, in turn, the Soviet Union will then relax her grip and ease the path to emigration.

Unfortunately, this administration has not made clear that steadfast commitment to Israel which is essential.

The consequence of the administration's actions, and of its inaction, is to weaken Israel's position. And that strengthens the Arabs. And in turn they strengthen Russian resistance to emigration. The circle of cause and effect is a vicious one, and this administration has the power to break that cycle. It is to that end that I, and other concerned Congressmen, are working.

In a few days, the Jews of America will be united, in a special and holy time, with Jews around the world. When the shofar is sounded, it will be heard all around the world. When the Kol Nidre is sung as Yom Kippur begins, its haunting strains will echo across the globe.

Most of our Soviet brothers and sisters will sit in no temple next week. They will hear no shofar, save that which echoes in their memories. There will be no cantor intoning the Kol Nidre.

But they live—the Russian Jews. They live and they persevere. And they will be Jews because the power of a belief is stronger than any bureaucrat.

No longer is "Next year in Jerusalem" enough. Now, we say, "this year in Moscow." This year, Soviet Jewry will resist and will struggle. And we will bind ourselves to their cause, because their cause is ours.

There is a saying. Everyone knows it. The saying is l'Chaim. Life. I say to the Jews of the Soviet Union who affirm their right to be Jews: l'Chaim.

SENATOR MUSKIE TALKS SENSE TO THE AMERICAN PEOPLE

(Mr. PUCINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, two nights ago Senator EDMUND MUSKIE addressed our Nation's Governors and gave them and the American people a valuable insight into the kind of problems which confront our Nation.

Ed Muskie's speech was filled with good sense and plain talk and a discussion of problems we can no longer consider remote merely because they occur behind oppressive prison walls. That Senator Muskie was willing to depart from a prepared speech and talk about an event whose grotesque tragedy shocked the Nation into silent horror says a great deal about his character and capacity for leadership. He wanted to urge the Governors—and through them, the people—to set their sights on achieving a new partnership of understanding and compassion for others.

Mr. Speaker, Ed Muskie's words speak eloquently of the man himself and I commend them to my colleagues and to the people of the United States as testimony to the greatness of his vision and his courage:

Remarks by Senator Edmund S. Muskie

I know this speech should begin with a joke and a note of thanks to each of you.

I know this speech should point to problems and propose solutions.

And a few hours ago, that is how I intended to talk with you tonight . . . in conventional words and ways . . . hopefully, with the force and the phrases to move you.

I was coming to this conference for many different reasons.

I wanted to speak as an American . . . to congratulate most of the Governors in the South for their courage in defending the rule of law through a difficult and troubled month.

I wanted to speak as a Senator . . . to pledge my support for revenue sharing and welfare reform . . . and my opposition to any delay in putting more of our money where most of our problems are.

And I wanted to speak as a former governor . . . to tell you that I know what your problems are . . . because I was there.

But this is the wrong night . . . even if that is the right speech. And perhaps there is no right speech at this moment—because at this moment there is only one thing to say—and I am not sure how much we can say about it.

Yesterday, twenty-eight inmates and nine hostages died at a prison in New York State. It was the banner headline in the morning newspaper. But what has happened is more than spectacular news—and it is even more than a deeply human tragedy.

We need not, indeed we cannot pass final judgment on the events at Attica. But in our sorrow we can ponder how and why we have reached the point where some men would rather die than live another day in America.

The Attica tragedy is more stark proof that something is terribly wrong in America.

How many of us are really ready to face that truth? Not many.

It is too easy and tempting to hide behind an almost ritual reaction to each new atrocity.

We mourn today's victims . . . but because we did so little about yesterday's, it will all happen again tomorrow.

We denounce with fervor the barbarism of a court house shoot-out . . . but how many of us still remember—a year later—the name of the judge who was gunned down in San Marin?

It is almost like watching the Vietnam war unfold on the television news—after a while, the numbers of the body count begin to sound like the numbers of the weather report. And now the mounting casualty lists from domestic battlefields seem only to reinforce a spreading numbness.

This is not the way to keep a country—to keep it free—to make it as good and as great as it can be. And we must choose now—between the narcotic comfort of business as usual or a harder, longer path toward an America worthy of our heritage.

We are literally saturated with the assorted tragedies of this time—but we cannot give up on our best chance—to care, and to change the way we live. We cannot join the half of our fellow citizens who already believe that this Nation is headed for a final breakdown.

The system has not failed—but some of us have failed the system. And both political parties and most recent administrations can claim some share of the blame.

Too often, we have invented labels instead of finding answers. Nearly four years after the passage of the bill we called the Safe Streets Act, even a guard inside a prison is not safe.

And too often, we fail to see the answer behind a label. Nearly every argument has been heard for revenue sharing but the right one . . . that what is ultimately at stake is people . . . their neighborhoods, their schools, their homes, and their hopes.

We talk a new prosperity. But still we rely on half measures . . . public relations . . . and statistics like the G.N.P.

The only decent course now is a single, clarifying decision—at long last, a genuine commitment of our vast resources to the human needs of people . . . from the stockbroker on Wall Street . . . to the middle American in Ohio . . . to the inmates of San Quentin and Attica. And I am talking about results, not the promise in a name.

I am talking about action to reform prisons . . . not more years of papering over the plain fact that our jails are monstrous, inhuman dungeons . . . schools for crime and centers of sexual abuse.

I am talking about action to relieve poverty . . . not more years of a war on poverty whose only real casualties are those most in need.

I am talking about action to lower property taxes . . . not more righteous rhetoric while people are literally taxed out of the homes they worked and saved to buy.

And I am talking about so much more—too much surely for any of us to believe what some of us say—that this plan or that reform can accomplish swiftly all the tasks which must be done.

But at least we can begin. At least we can restore the hope of so many who are so close to giving up. At least, we can help them believe again in a vibrant, moving, compassionate society . . . a society without another reason every day for new bitterness and new despair . . . a society that lets people reach out and touch the promise of things to come.

The ultimate outcome does not depend on budgets or appropriations. They merely reflect the results of a different, deeper contest . . . a contest we must wage and win inside ourselves. Amid all the competition for place and power in America, we must answer a single, fundamental question: can we remember the simple decency of caring about our common humanity?

When we are told that there is no constituency for prison reform, we must become that constituency . . . because we care about endangered guards and their frightened families . . . because we care about conditions which prompt an Attica inmate to say: "If we cannot live as human beings, we will at least try to die like men."

When we are told that no one will speak for the poor, we must raise our voices . . . because we care about a three-year-old child who fortunately cannot yet understand the poverty which robs him of his morning milk.

And when we are told that a race or a group has no influence, we must share ours . . . because we believe that the only race that counts is the human race . . . because we believe in the right of people to direct their own destiny.

So, in 1971, more important than who leads us is what leads us . . . whether we can respond to Dietrich Bonhoffer's challenge to live for others. We face a host of other challenges, technical challenges—how to reshape urban government . . . how to redesign welfare eligibility and benefits . . . how to restructure a faltering medical care system. But beyond all the programmatic specifics and the cost analysis, behind the Congressional legislation and the presidential commissions, what will finally make the difference is our feeling for each other.

Nothing has troubled me more in recent months than the events at Attica and San Quentin. And nothing has troubled me as much since the murder by a sniper of a young black girl named Joetha Collier on her high school graduation night. These tragedies struck at a distance of thousands of miles—but they also strike at the heart of our country's meaning. Human lives—the lives of people with hopes and dreams—have been lost forever . . . not for a decent cause, but for a mistake.

And ultimately it is our mistake. We make it whenever we accept the living death of a deprived existence . . . whenever we accept institutions that ignore the suffering of people . . . whenever we permit men and women to be less than they could be because they have less than they should have . . . whenever we settle for a country rich in G.N.P. but poor in the quality of everyday human life.

Each of you is the elected leader of a sovereign state. In the coming weeks and months we will all face the stern test of leadership.

For the terrible ordeal of New York could become the ordeal of Michigan, or Maine, or Georgia—tomorrow, or next week, or next month.

How we respond will in large measure determine the national response.

Two roads will open up to tempt people of different inclinations.

One is to take repressive action to shut ourselves off from the people who are the failures, the mistakes, the problems of our society. In other words, build the walls higher.

The other is to do what is necessary to insure that this tragedy doesn't happen again.

We have the responsibility to insure the safety of our people and the peace of our society.

At the same time we have the responsibility to correct the conditions which create the threats to that peace and safety.

Those conditions exist throughout America. When you and the mayors say to us in Washington that you need a fairer share of our national resources, it is not just because you face budgetary problems. It is also because there are conditions relating to the welfare and well-being of your people with which you cannot deal effectively.

Revenue sharing and welfare reform are essential, even necessary. But they are not ends in themselves. Rather, they reflect our commitment to make the effort, to take the first steps, inadequate as they may be, to achieve in our society the kind of mobility which will permit every American to seek opportunity wherever it may be, or wherever he may see it—the kind of mobility which will permit his children to receive a good education, wherever that may be—the kind of mobility which will enable every American to get a decent job, and to own a decent home, in a decent and safe neighborhood, wherever that may be—the kind of mobility to focus our resources in our States and cities on the high priority needs of our people.

In 1955 and 1960, we were talking about a revolution of rising expectations in the underdeveloped world. Are we now ready to accept a time of declining expectations in our own country?

It is our obligation—yours and mine—to build something better than that. And I believe we can do it—if we look into our history and grasp again the tools of our heritage and take up the work which must be done.

Thirteen men sit in this room tonight as direct heirs of our proudest tradition. Each of them is the latest successor of an unbroken line of governors stretching back before the time when there was a union of States.

Those thirteen men—from as far away as Vermont and Georgia—are a reminder of thirteen little colonies that made themselves into a country charged with greatness and the potential for greatness. And, as we approach the 200th anniversary of that beginning, perhaps the best way for us to move forward is to pause for a moment and look back.

If the first Americans could declare for liberty in 1776, can it be so hard for us to declare for equality in 1971?

If a weak alliance of three million people on the edge of this vast continent could design a Constitution to outlast every other government alive at America's birth, can it be so hard for us to strengthen our Federal system . . . to put more of our money where most of our people's problems are?

For a long time, we have concentrated on the mechanics of celebrating this Nation's 200th year. Now we must work to insure that what we are celebrating in 1976 is an America worthy of the first Americans.

Only ye can make it so.

And we must begin in 1971.

Let us do that much—and then together we can do so much more.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Young of Florida) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Schwengel, for 10 minutes, today.

Mr. Mizell, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 10 minutes.

Mr. Reuss, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Adams, today, for 10 minutes.

Mr. Wolff, today, for 5 minutes.

Mr. St Germain, today, for 5 minutes.

Mr. Lennon, today, for 10 minutes.

Mr. Reuss, on September 21, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mrs. Green of Oregon, to revise and extend her remarks, and to include extraneous material just prior to the vote on the Erlenborn substitute.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Springer in two instances.

Mr. Broomfield.

Mr. Schmitz in two instances.

Mr. Collier in five instances.

Mr. Railsback.

Mr. Derwinski in three instances.

Mr. Veysey.

Mr. Schwengel.

Mr. Miller of Ohio.

Mr. Brotzman.

Mr. Landgrebe.

Mr. Gross.

Mr. Price of Texas.

Mr. Wyman in two instances.

Mr. Hosmer in two instances.

Mr. Coughlin.

Mr. Pelly in three instances.

Mr. Mathias of California.

Mr. McClory.

Mr. Mizell in five instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Rousselot.

Mr. Ashbrook in two instances.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Addabbo.

Mr. Casey of Texas.

Mr. Fraser in 10 instances.

Mr. Harrington in two instances.

Mr. Corman.

Mr. Rarick in three instances.

Mr. Nedzi in two instances.

Mr. Brinkley.

Mr. Smith of Iowa.

Mr. Burke of Massachusetts.

Mr. James V. Stanton in three instances.

Mr. Edwards of California.

Mr. Minish.

Mr. Evins of Tennessee in three instances.

Mr. Roush in two instances.

Mr. Annunzio.

Mr. William D. Ford in two instances.

Mr. de la Garza in two instances.

Mr. Hagan in two instances.

Mr. Rodino in two instances.

Mr. Kyros in two instances.

Mr. Tiernan.

Mr. Edmondson in two instances.

Mrs. Hicks of Massachusetts.

Mr. Fascell in three instances.

Mr. Badillo.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2495. An act to amend the District of Columbia Election Act, and for other purposes, to the committee on the District of Columbia.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, September 20, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1137. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a plan for works of improvement in the Stone Corral watershed, California, providing less than 4,000 acre-feet of total capacity, pursuant to 10 U.S.C. 1005; to the Committee on Agriculture.

1138. A letter from the Secretary of the Air Force, transmitting a report on Air Force military construction contracts awarded without formal advertisement for the period January 1 through June 30, 1971, pursuant to section 804 of Public Law 90–110; to the Committee on Armed Services.

1139. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on Federal contributions—program equipment and facilities—for the quarter ended June 30, 1971, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1140. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on Federal contributions—personnel and administration—for fiscal year 1971, pursuant to section 205 of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1141. A letter from the Secretary of Transportation, transmitting the final report and recommendations of the Department of Transportation's Northeast Corridor transportation project; to the Committee on Interstate and Foreign Commerce.

1142. A letter from the executive director, Military Chaplains Association of the U.S.A., transmitting the audit of the association for calendar year 1970; to the Committee on the Judiciary.

1143. A letter from the chairman, executive committee, Eleanor Roosevelt Memorial Foundation, transmitting the eighth annual report of the foundation, pursuant to Public Law 88–11; to the Committee on the Judiciary.

1144. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards; to the Committee on Science and Astronautics.

1145. A letter from the Secretary of Commerce, transmitting the 10th in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PIKE: Committee on Armed Services. H.R. 10670. A bill to amend chapter 73 of title

10, United States Code, to establish a survivor benefit plan, and for other purposes (Rept. No. 92–481). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 10714. A bill to amend the Fish and Wildlife Act of 1956 to authorize loans to fishermen's associations for certain purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 10715. A bill to provide for grants and loans to communities for construction, maintenance, and operation of marine ways facilities; to the Committee on Merchant Marine and Fisheries.

H.R. 10716. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOMFIELD:

H.R. 10717. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 10718. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mrs. CHISHOLM:

H.R. 10719. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. CLANCY:

H.R. 10720. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. BUCHANAN, Mr. BEVILL, Mr. FLOWERS, and Mr. NICHOLS):

H.R. 10721. A bill to provide that the reservoir formed by the lock and dam referred to as the Jones Bluff lock and dam on the Alabama River, Ala., shall hereafter be known as the Robert F. Henry lock and dam; to the Committee on Public Works.

By Mr. ESCH:

H.R. 10722. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. FREY:

H.R. 10723. A bill to amend section 121 of the Internal Revenue Code of 1954 to provide that the exclusion from gross income of gain on the sale of a principal residence held for more than 5 years provided by that section will be available without regard to the age of the taxpayer; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 10724. A bill to authorize a national summer youth sports program; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 10725. A bill to amend the Internal Revenue Code of 1954 to allow deduction for income tax purposes of expenses incurred by an individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 10726. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. KASTENMEIER:

H.R. 10727. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 10728. A bill to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

By Mr. POAGE (for himself, Mr. BELCHER, Mr. GOODLING, Mr. BERGLAND, and Mr. SISK):

H.R. 10729. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. ROUSH:

H.R. 10730. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 10731. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. THONE:

H.R. 10732. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 10733. A bill to provide a program of tax adjustment for small business and for persons engaged in small business; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 10734. A bill to reduce the cost and duration of campaigns, to limit campaign expenditures and contributions, to provide Federal funds for general election campaigns of candidates for President and Vice President and Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 10735. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. BINGHAM (for himself, Mr. BURTON, and Mrs. CHISHOLM):

H.R. 10736. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BROTZMAN:

H.R. 10737. A bill to amend title II of the Social Security Act to provide that no action shall be taken by the Secretary of Health, Education, and Welfare to recover any overpayment made thereunder, by withholding or decreasing benefits or otherwise until he has determined the most appropriate and equitable method of effecting such recovery and has notified the overpaid individual thereof; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 10738. A bill to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FISH:

H.R. 10739. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. KING (for himself, Mr. DEVINE, and Mr. GOODLING):

H.R. 10740. A bill to provide incentive for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. PIKE (for himself, Mr. GROVER, Mr. WOLFF, Mr. LENT, Mr. CAREY of New York, Mr. DELANEY, and Mr. MURPHY of New York):

H.R. 10741. A bill to authorize the Secretary of the Interior to establish the Gardiners Island National Monument in the State of New York, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PRICE of Texas:

H.R. 10742. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. WAGGONNER, Mr. PASSMAN, Mr. LONG, of Louisiana, Mr. ABBITT, Mr. ANDREWS of Alabama, Mr. BARING, Mr. BURLESON of Texas, Mr. FOUNTAIN, Mr. ICHORD, Mr. MCMILLAN, Mr. WHITTEN, Mr. ABERNETHY, Mr. BENNETT, Mr. CABELL, Mr. DAVIS of Georgia, Mr. FLOWERS, Mr. FLYNT, Mr. GETTYS, Mr. HAGAN, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. JONES of Tennessee, Mr. LENNON, and Mr. MATHIS of Georgia):

H.R. 10743. A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 10744. A bill to authorize the appropriation of additional funds for cooperative forest fire protection; to the Committee on Agriculture.

H.R. 10745. A bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal year 1972, 1973, and succeeding fiscal years in order to carry out the purposes of the act; to the Committee on Interstate and Foreign Commerce.

H.R. 10746. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 10747. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 10748. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 10749. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 10750. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. ASPINALL):

H.R. 10751. A bill to establish the Pennsylvania Avenue Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. LATTA, and Mr. MAILLIARD):

H.R. 10752. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 10753. A bill to encourage national development by providing incentives for the establishment of new or expanded job-producing and job-training industrial and commercial facilities in rural areas having high proportions of persons with low incomes or which have experienced or face a substantial loss of population because of migration, and for other purposes; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10754. A bill to amend section 301 of the Federal Meat Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat inspection program carried out by any State under such section; to the Committee on Agriculture.

By Mr. BLACKBURN:

H.J. Res. 873. Joint resolution amending section 5(b) of the Endangered Species Conservation Act of 1969 relating to worldwide conservation of endangered species; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 874. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 875. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

By Mr. DOWNING:

H.J. Res. 876. Joint resolution proposing an amendment to the Constitution of the United States with respect to the reconfirmation of judges after a term of 8 years; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.J. Res. 877. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GARMATZ:

H. Con. Res. 403. Concurrent resolution expressing the sense of Congress with respect to the application of the cargo preference laws to military cargoes; to the Committee on Merchant Marine and Fisheries.

By Mr. DENT:

H. Res. 601. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. ECKHARDT:

H. Res. 602. Resolution requesting the President to designate "National Check Your Vehicle Emissions Month"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 10755. A bill for the relief of Masayasu Sadanaga; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 10756. A bill for the relief of Tommaso Prestigiacomo; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 10757. A bill for the relief of Corp. Kenneth M. Schmitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

132. Mr. UDALL presented a petition of 811 active "duty enlisted men and women and officers at Fort Huachuca, Ariz., demanding an immediate end to U.S. intervention in Southeast Asia and stating the war is clearly not in the interests of either the Indochinese or the American people, which was referred to the Committee on Foreign Affairs.

SENATE—*Thursday, September 16, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, we pause to open our hearts and minds to Thy presence. Come to us this day to assure us we do not go alone but that we walk and work with Thee. Keep our purposes clear and our visions keen that we may face today's challenges with high resolve. Arm the people of this Nation with the sinews of the spirit, with virtue and nobility, with high patriotism and pure religion. Grant us strength of character and purity of life to match the responsibilities of our days. May our duties, so solemn and so many, never push us from Thy presence and may we never be so harassed by many things that we miss the pull of the stars. Lead us over the highway of justice and peace to that kingdom whose builder and maker Thou art. In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 15, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

U.N. SESSION REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations of the U.N. session representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

REPEAL OF THE EMERGENCY DETENTION ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, H.R. 234, and that it be laid down and made the pending business.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill as follows:

H.R. 234, to amend title 18, United States Code, to prohibit the establishment of detention camps, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that excerpts from the report on S. 592, the Senate companion bill to H.R. 234, be printed in the Record, together with a statement concerning the minor differences between the House and Senate bills.

There being no objection, the excerpt and the statement were ordered to be printed in the Record, as follows:

REPEALS THE EMERGENCY DETENTION ACT

The purpose of this bill is to repeal title II of the Internal Security Act of 1950. The title alone is commonly cited as the "Emergency Detention Act of 1950." The bill S. 592 will repeal all of the substantive provisions of the Emergency Detention Act of 1950, without disturbing the congressional findings of fact with respect to the nature of the Communist Party which are a part of the title. The bill S. 592, as introduced is identical to the amended version of S. 1872, as favorably reported by this committee December 22, 1969 (Senate Report 91–632) and passed by the Senate the same day. The committee reaffirms the text of that report, as follows:

HISTORY

Title II of the Internal Security Act was enacted as part of a floor amendment, after previous motions to substitute it for title I, and to attach it to title I as an amendment, had failed to secure Senate approval.

As separate title of the Internal Security Act, the Emergency Detention Act has been an anomaly from the beginning, since it was opposed, during the earlier stages of the legislative process, by virtually all of the sponsors of title I (then known as the McCarran-Walter Act) and sponsored by virtually all of those who were opposed to the McCarran-Walter Act.

Although the late Senator Pat McCarran of Nevada, floor manager of the Internal Security Act and author of the legislation which became title I of that act, rewrote the Emergency Detention Act on the floor of the Senate, in what he described to the Senate as an attempt "to put due process into it," he warned the Senate at the time that even in its rewritten form, the title still raised serious constitutional questions.

SUBCOMMITTEE RECOMMENDS REPEAL

The Internal Security Subcommittee has twice recommended repeal of title II of the Internal Security Act. The first time was in the subcommittee's report on the bill S. 2988, in the 90th Congress. The second time was in the subcommittee's report on the bill S. 12, the proposed Internal Security Act of 1969, reported to the full Judiciary Committee in January of this year.

AUTHOR'S EXPLANATION

Senator Inouye, author of the bill S. 1872, has explained the purpose and background of his bill very well in a letter addressed to the chairman of the committee. The text of this letter is as follows:

U.S. Senate,
Washington, D.C., December 4, 1969.
Hon. James O. Eastland,
Chairman, Judiciary Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Early this year I introduced, with 25 other Senators, S. 1872, a bill to repeal title II, the emergency detention provision of the Internal Security Act of 1950. I understand that you have received a letter dated December 2 from Deputy Attorney General Richard G. Kleindienst speaking for the Justice Department supporting S. 1872. Since this bill's introduction, I have received, as I am certain my colleagues have, many resolutions, petitions, and letters urging this law's speedy repeal. I, therefore, hope that your committee will be able to quickly and favorably report this measure to the Senate.

Title II of the Internal Security Act gives the President the power to proclaim an "internal security emergency" in the event of any of the following: (1) invasion of the territory of the United States or its possessions; (2) declaration of war by Congress; (3) insurrection within the United States in aid of a foreign enemy. Following the declaration of an internal security emergency, title II gives the President or his agent the power to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." Following the person's arrest, title II details the procedures for the continued detention of a person. Generally, this course of action is at odds with normal judicial procedure and in fact the procedures detailed in the act would, I believe, have the effect of changing the presumption of innocence to a presumption of guilt for the accused.

As you may remember, the Internal Security Act of 1950 became law over President Truman's veto. In referring to the great majority of the provisions of this act, President Truman declared that they "would strike blows at our own liberties." Title II, I believe, violates a number of our established freedoms and constitutes a threat to our constitutional rights.

I introduced this measure when I became aware of the widespread rumors circulated throughout our Nation that the Federal Government was readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated but are believed in many urban ghettos as well as by those dissidents who are at odds with many of the policies of the United States. Fear of internment, I believe, lurks for many of those who are by birth or choice not "in tune" or "in line" with the rest of the country. There is a current mood of tension among some citizens in our land which does not permit these rumors of concentration camps to be laid to rest. These feelings of malaise and discontent have deeply permeated our society and have created a climate whereby such rumors fall on receptive ears. For some, additional credence was given to the possible use of concentration camps by a House Un-American Activities report of May 1968, which contained a recommendation for the possible use of these detention camps for certain black nationalists and Communists.

I believe that the emergency provision of the Internal Security Act of 1950 stands as a barrier to trust between some of our citizens and the Government. As President Truman stated in his veto message "it is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of Opportunities for official condemnation of organizations and individuals for perfectly honest opinions * * *"

Many would respond to these rumors of concentration camps with the refrain "This couldn't happen in America." However, in times of stress and crisis, American justice has not always withstood these pressures. I am naturally reminded that during World War II, 109,650 Americans of Japanese ancestry were arrested, their property confiscated and were detained in various "relocation camps" for most of World War II.

For these reasons I hope your committee will immediately and favorably consider S. 1872, my legislation to repeal the emergency detention provision of the Internal Security Act of 1950. The speedy repeal of this statute would forever put to rest the rumors and allay the fears of some of our citizens. As the Justice Department stated in announcing its support for S. 1872, the gains to be made from repeal of title II will outweigh "* * * any potential advantage which the act may provide in a time of internal security emergency."

Some have defended the existence of this statute by stating that no President would use this provision. However, if it is not to be used, it should be repealed. It is the responsibility of the Congress to repeal this statute and I believe we should do so immediately to forever allay the fears and suspicions of many, and to remove this threat to our liberty and freedoms.

Sincerely,

Daniel K. Inouye,
U.S. Senator.

RE DIFFERENCES BETWEEN S. 592, TO REPEAL TITLE II, AND H.R. 234

H.R. 234 contains a provision which is not contained in S. 592. It reads as follows: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

The purpose of amendment is that no detention camps can be authorized without the acquiescence of Congress. The Legislative history on House floor states that this provision is not intended to eliminate any detention practices now authorized by statute or judicial practice or procedure. Representative Poff on House floor (page 31541—September 13) stated that amendment was not intended to alter stop and frisk procedures by law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, detention for those necessary to maintain order in courtroom, judicial authority to revoke bail or parole.

It would appear dubious that this clause would be interpreted by the courts as limiting the Executive's inherent powers to act during an emergency in wartime.

II. H.R. 234 also repeals in toto Title II. However, S. 592, while repealing Title II, retains the preamble for Congressional findings.

The findings retained by your bill are also found in Title I and are, therefore, not necessary. House debate on this issue found on page 31765, September 14th.

III. H.R. 234 contains also two technical amendments that deletes convictions under Title II from those offenses which permit the denial of Federal retirement benefits and veterans benefits.

Mr. INOUYE. Mr. President, in the wake of House passage of a bill to repeal Title II of the so-called emergency detention provision of the Internal Security Act of 1950, I am most gratified by the Senate's speedy consideration of a similar legislation I introduced with 24 other Senators.

The emergency detention provision, title II of the Internal Security Act of 1950, authorizes the establishment of detention camps during an "internal security emergency." Under this act, the President has the power, following the declaration of an "internal security emergency", to detain persons "if there is reasonable ground to believe that such a person will engage in or probably will with others engage in acts of espionage or sabotage." The act also provides for the continued detention of a person under procedures which can be characterized as being at odds with our established judicial procedures.

The repeal of the Emergency Detention Act is long overdue. As long as it remains on our books, it stands as a definite threat to every American's freedoms and constitutional rights. In addition, the continued existence of this law has been used by some to fuel rumors that members of our society who had unpopular views and beliefs could be detained under the provisions of the Emergency Act. I believe the Emergency Detention Act stands as a barrier to trust between some people and our Government. I do not believe that I need to reiterate any further the reasons this law should be repealed, for the Senate Judiciary Committee's report clearly sets them forth.

As you are aware the Internal Security Act of 1950 became law over President Truman's veto. While efforts to have this statute declared unconstitutional have not been successful, it should be emphasized that the courts have not had an opportunity to render a decision on the merits of this law. The Justice Department supports the repeal of the Emergency Detention Act, the Senate Judiciary Committee reported repeal bills in 1969 and 1971. The Senate in 1969 unanimously passed a measure I introduced to repeal the Emergency Detention Act but it did not receive consideration by the House of Representatives in the 91st Congress. The House has now acted, and on September 14 passed by a vote of 356 to 49 a bill which repeals the "emergency detention provision" of the Internal Security Act of 1950. The House measure differs from my bill in that it contains a clause which states that—

> No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

I believe that this provision is a valuable addition to my bill and hope that the Senate will adopt it. I would like to emphasize that this House provision should be viewed as in no way granting authority to eliminate any detention practices now authorized by statute, judicial practice or procedure, such as stop and frisk procedures of law enforcement officials, searches by border patrolmen and customs officials, detention of suspects for identification, judicial authorization to revoke bails or parole, or to detain those so as to maintain order in a courtroom.

The repeal of the emergency detention provision of the Internal Security Act of 1950 is long overdue. While its provisions have never been utilized by the Federal Government, its continued existence is both unnecessary and offensive to many Americans. The passage of this legislation would remove this ill-advised statute.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 298, S. 592 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I say in the 3 minutes allotted to me at this time, that I am delighted that H.R. 234, an act to amend title 18 of the United States Code, to prohibit the establishment of detention camps and for other purposes, has passed this body at this time.

I think its repeal was long overdue. I hope that in the future we will profit from the mistakes we made in the past, and not take on some of the onerous and dangerous responsibilities which we had in years gone by.

Mr. SCOTT. Mr. President, in this country we often do good things by slow steps. In abolishing the right to establish detention camps we have done a good thing. It is overdue. Perhaps the worst internal crime ever committed was an order by the President of the United States interning loyal Japanese-Americans under circumstances where any reflection unimpaired by the wild emotions of the moment would have decreed that we were guilty of the grossest kind of cruelty and injustice.

I remember the period. I was attacked myself for insisting that a house under my jurisdiction in Brooklyn be made available to Japanese-Americans being reassigned from the west coast. Many advocates of liberalism and libertarianism in that area of the country undertook to prevent these Japanese-Americans from occupying that house. I made the decision, and they occupied it.

Having said that, and having stood up against the sentiment of the United States at that time, I have a right to say something else: I am getting tired of people who, on going abroad, say that they sympathize with the enemy, that they cannot see the United States' point of view. I am also getting tired of people who instantly aline themselves in this country on the side of the criminal, the murderer, and the rapist and say that this proves there is something wrong with American society.

Of course there is. Society is flawed. Society has many faults. But those who rise, almost automatically, with Pavlovian fervor to condemn every attempt to restore an orderly society, should themselves be condemned, and I condemn them.

Mr. MANSFIELD. Mr. President, relative to the bill just passed, and referring to the personal experience of the distinguished minority leader, may I say that before I came to Congress, while on the faculty of the University of Montana, I was a member of a three-man panel at Fort Missoula which, at that time, incarcerated in a gentle way something on the order of 2,000 Japanese-Americans, mostly from California. In all the hearings held at Fort Missoula at that time we were not able to uncover one instance of subversion or one instance of treason.

I am happy, therefore, that, at this late date, the efforts of the Hawaiian delegation primarily, especially in this Chamber, Senators INOUYE and FONG, and in the other Chamber, Representatives MINK and MATSUNAGA, have been vindicated.

I believe that this will in a way help repay men like Senator INOUYE, who lost an arm in the Second World War, and Representative MATSUNAGA, who was wounded several times in the Second World War, for the sacrifices which they made for their country.

I am glad, because this is the primary instance so far as this matter is concerned, that this action has been taken by the Senate today.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Indiana (Mr. BAYH) is now recognized for 15 minutes.

GROWING CONCERN OVER U.S. POLICY TOWARD ISRAEL

Mr. BAYH. Mr. President, it has now been 2 months since I and several of my colleagues rose in this Chamber to express our growing concern about U.S. policy toward Israel. At that time, I pointed out that June had been the first month since the Johnson administration agreed to sell Phantom jets to Israel in which none had been delivered. I noted that neither progress toward peace nor the level of Soviet arms deliveries to the Arab States justified such a cut off. In fact there had been no significant progress in the preceding weeks either toward an interim agreement or toward a permanent settlement. Furthermore, the press was persistently reporting increases—in Soviet arms deliveries in the Middle East.

I urged the administration not to try to force Israel into accepting unacceptable terms as the price of renewed Phantom deliveries. I warned that such tactics—whether born of desperation or misguided sense of real politik—could be counterproductive. Not only might they cause a stiffening of Israeli attitude toward the United States, but they might also reawaken Arab hopes of avoiding serious negotiations.

In the days immediately following those expressions of concern, a series of reports appeared in the news media which had the effect of allaying public and congressional concern. Assistant Secretary Sisco's trip to Israel was formally announced. It was widely reported—and not denied by the White House or the State Department—that Mr. Sisco's visit to Jerusalem could be expected to result in some new arrangement regarding Phantom. It was even reported that a procedure for ongoing deliveries would be instituted to avoid the periodic irritations which occurred each time one agreement on Phantoms lapsed and a new one had to be negotiated.

Thus, the impression was purposefully created that the Phantom delivery question was no longer an issue. As with Vietnam and other issues, foreign and domestic, the Nixon administration sought to divert public and congressional attention and defuse criticism of its policies not by dealing with the problem and solving it, but by scratching dirt over their tracks to hide their trail.

The Sisco trip—not unexpectedly—brought no new breakthroughs for peace. That is understandable given the complexity of the problem and the nature of the proposals Mr. Sisco carried with him to Jerusalem. But apart from that, and contrary to the expectations aroused, the weeks following the Sisco trip have seen no public announcements regarding new arrangements about the Phantoms.

Instead there have been unrefuted reports that the Russians have reinforced their own air strength in Egypt with four new squadrons—two of MIG fighters and two of SU-11 fighter-bombers—and are planning to introduce three more. The number of Soviet pilots is said to have increased to nearly 200. Reports of the presence of several brand new MIG-23's have been reconfirmed as well as indications of further upgrading of Soviet antiaircraft weaponry along the canal with the addition of mobile SAM-6's. These reports brought a mild State Department warning to the Soviets—but no action on aircraft sales.

Instead, there have been several stories in the press recently indicating that the Nixon administration has decided not to sell any more Phantoms to Israel for the time being. According to one of these articles, in the Washington Post, despite the fact that Mr. Sisco was impressed with the reasonableness of the Israeli position, the administration has decided against a new Phantom deal. It is "not interested in maintaining Israel forever as the most powerful country in the Middle East at the cost of losing all U.S. bargaining power with Egypt," the article said, and went on to describe the administration as believing that further shipments of Phantoms now would destroy all U.S. credibility with the Arabs and end all chance of getting them to agree to an interim settlement mediated by the Nixon administration.

I hope these reports are unfounded. I hope that the administration is not the captive of so unbalanced and single-focused a view. I sincerely hope that it is not ignoring Israel's vital national interests and security needs in a vain attempt to regain the position the United States had in the Arab states before 1955.

A more realistic objective for us in the Middle East is, instead, to seek peace with a steady, sure hand—not in desperation or with cynicism—and not in desertion or disregard of our closest friends. With peace in the Middle East would come the opportunity for improved relations with the Arabs as well as continuation of our unique ties with Israel.

We must bear in mind that the key to Israeli acceptance of any settlement also acceptable to the Arabs is not Israeli insecurity and uncertainty. It is, instead, Israeli confidence—confidence, first and foremost, of their own capacity to protect themselves. Such confidence is essential to encourage Israeli flexibility.

But beyond that, and even more important in the long run, is Israeli confidence in the reliability and steadfastness of her American ally. It is precisely because we know that any settlement will give neither side all it hopes for, that we must not act in a way that erodes Israel's confidence in us. Israelis know they cannot truly be 100 percent self-reliant. In this world no one can be. They expect that the United States will be an important participant in a settlement when it is finally reached. If we now give them cause to question our reliability, we make the path to that settlement much more difficult.

It is with these considerations in mind, and with the objective not of a new armed conflict or even of continued confrontation but rather of progress toward peace in the Middle East, that I urge immediate resumption of Phantom deliveries to Israel.

PERIOD FOR THE TRANSACTION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes. Is there any morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. GAMBRELL (for himself and Mr. TALMADGE):

S.J. Res. 155. Joint resolution relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

Mr. GAMBRELL. Mr. President, I have been greatly disturbed by the issue that Senators are confronted with in the pending business before the Senate, the conference report on the extension of the draft law. Apparently the Senate is to be called upon to vote either for continuing the draft along with a watered-down version of the so-called Mansfield amendment or reinstating the Mansfield amendment and, at the same time, putting off the extension of the draft.

This to me is a very intolerable choice to make. And in an effort to avoid having to make this choice and in an effort to separate the two questions so that they can be voted on separately on their merits, I at this time introduce in my own behalf and with the cosponsorship of the distinguished senior Senator from Georgia (Mr. TALMADGE), a Senate joint resolution separately stating in identical terms the Mansfield amendment. I ask that the resolution be read at this time and at the same time I object to its being read a second time so that it can go over until tomorrow.

The PRESIDENT pro tempore. The joint resolution will be read the first time.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 155) relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, is it the desire of the distinguished Senator that the joint resolution go over until tomorrow and that, on that basis, the Senator's options remain open?

Mr. GAMBRELL. That is my desire. I would like to reserve at this point the option on tomorrow to ask unanimous consent that the joint resolution be placed directly on the calendar or object to further proceedings after the second reading, so that the resolution would then be placed directly on the calendar or permit it to be read a second time and referred to a committee. I reserve those options until tomorrow.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I was in conversation with the majority leader. I want to be sure where we are on this matter.

I did not hear the joint resolution read. I think I know the general import of the resolution. Is the Senator requesting anything at this point other than that which he could do otherwise? In other words, the Senator is not asking unanimous consent for special consideration of any kind of this resolution.

Mr. GAMBRELL. The Senator is correct. I am reserving until tomorrow disposition of the resolution, as to whether it is referred or placed on the calendar.

Mr. ALLOTT. I thank the Senator.

Mr. BYRD of West Virginia. The Senator did ask unanimous consent that it be read the first time, did he not?

Mr. GAMBRELL. Yes, I did.

The PRESIDENT pro tempore. That has been done.

The Senator's 3 minutes have expired.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Senator from Georgia. The procedure is a little unusual. I want the RECORD to show the usual procedure will be followed from here on out and this is not to be considered as a precedent.

Mr. GAMBRELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed. I yield my time to the Senator from Georgia.

Mr. GAMBRELL. Mr. President, I would like to say that the situation itself is unusual. I certainly concur in the statement of the majority leader.

The resolution we are dealing with is one which has been adopted by a majority of the Members of the Senate as an amendment to the draft bill and, therefore, I think it would not be inappropriate for it to be considered out of the normal order of business and brought before this body at the earliest possible time, without reference. I reserve the choice at this time to give Senators the opportunity to digest this entire parliamentary situation.

I am a firm supporter of the extension of the draft and I am strongly in support of the Mansfield resolution. I noticed that the majority leader stated that should the resolution be continued he would seek to have it cut down by the time that has expired since its original adoption. I would concur in that request.

Mr. President, I thank the distinguished majority leader for yielding.

The PRESIDENT pro tempore. The second reading will go over until the next legislative day.

Is there further morning business?

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the conduct of routine morning business be extended for not to exceed 15 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GAMBRELL). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy:

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency; and

William O. Doub, of Maryland, T. Keith Glennan, of Virginia, Dwight J. Porter, of Nebraska, James T. Ramey, of Illinois, and James R. Schlesinger, of Virginia, to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations which have been reported by the Senator from Rhode Island (Mr. PASTORE) on behalf of the Joint Committee on Atomic Energy. This matter has been cleared on both sides.

There being no objection, the Senate proceeded to the consideration of executive business.

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. PASTORE. Mr. President, as the distinguished majority leader has pointed out, this matter has been approved on both sides. It is more or less a formality. These are the individuals who have been nominated by the President to attend the 15th session of the General Conference of the International Atomic Energy Agency.

The PRESIDING OFFICER. The nominations will be stated.

The second assistant legislative clerk read as follows:

Glenn T. Seaborg, of California, to be representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Dwight J. Porter, of Nebraska.
James T. Ramsey, of Illinois.
James R. Schlesinger, of Virginia.

Mr. PASTORE. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. PASTORE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. PASTORE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Plan for Works of Improvement on Stone Corral Watershed, California

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a plan for works of improvement on the Stone Corral watershed, California (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Federal Contributions—Personnel and Administration

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report on Federal contributions—personnel and administration, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Federal Contributions Program Equipment and Facilities

A letter from the Director of Civil Defense, transmitting, pursuant to law, a report on Federal contributions program equipment and facilities, for the quarter ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

Stockpile Report

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a stockpile report for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Air Force Military Construction Contracts

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertisement for the 6-month period ended June 30, 1971 (with an accompanying report); to the Committee on Armed Services.

Report on Recommendations for Northeast Corridor Transportation

A letter from the Secretary of Transportation, transmitting, pursuant to law, a summary report on recommendations for Northeast corridor transportation, dated May, 1971 (with an accompanying report); to the Committee on Commerce.

Report Entitled "A History of the Metric System Controversy in the United States"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "A History of the Metric System Controversy in the United States" (with an accompanying report); to the Committee on Commerce.

Proposed Improvements in Fiscal and Administrative Practices

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat.

1449), as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards (with accompanying papers; to the Committee on Commerce.

REPORT OF ELEANOR ROOSEVELT MEMORIAL FOUNDATION, INC.

A letter from the Chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, a report of that Foundation, dated December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the National Center for Deaf-Blind Youths and Adults, for the period June 24, 1970 to June 23, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Order of Ahepa, Washington, D.C., deploring the actions of those who advocate the elimination of U.S. military aid to Greece; to the Committee on Foreign Relations.

A resolution adopted by the FBI National Academy Associates, extending appreciation to John Edgar Hoover, Director of the FBI, for his leadership and outstanding contribution to law enforcement; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Armed Services:

Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

Mr. BYRD of Virginia. Mr. President, I also report favorably sundry nominations in the Navy which have previously appeared in the CONGRESSIONAL RECORD and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators:

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Guy Harold Able III, and sundry other officers, for promotion in the Navy.

By Mr. THURMOND, from the Committee on Armed Services:

Maj. Gen. Harris Whitton Hollis, Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ELLENDER:

S. 2525. A bill for the relief of Sime Tomasevic. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2526. A bill for the relief of Maj. Richard F. Meyer, Jr., U.S. Air Force. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2527. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2528. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. FANNIN, Mr. FONG, Mr. HARTKE, Mr. HOLLINGS, Mr. HUMPHREY, Mr. LONG, Mr. MCCLELLAN, Mr. SCOTT, Mr. STEVENS, Mr. YOUNG, Mr. BENNETT, and Mr. JAVITS):

S. 2529. A bill to incorporate Junior Achievement, Incorporated. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself, Mr. FANNIN, Mr. DOLE, Mr. EASTLAND, Mr. THURMOND, Mr. PASTORE, and Mr. BENNETT):

S. 2530. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 2531. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by an individual to prevent flood damage to his residence or for flood insurance. Referred to the Committee on Finance.

By Mr. GAMBRELL (for himself and Mr. TALMADGE):

S.J. Res. 155. Joint resolution relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

(The above joint resolution was read the first time, and the President pro tempore stated that the second reading will go over until tomorrow.)

By Mr. HARTKE:

S.J. Res. 156. Joint resolution to designate the month of April 1972 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2528. A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to provide for the deferment of construction charges payable by Westlands Water District attributable to lands of the Lemoore Naval Air Station, Calif., included in said district. I am delighted to have my colleague from California (Mr. TUNNEY) join as a cosponsor of this measure.

At the present time, the Federal Government, through the Bureau of Reclamation, is constructing a water drainage and distribution system in the Westlands Water District as part of the San Luis Unit of the Central Valley project, in California. The Westlands system will bring water to 600,000 acres of irrigable lands on the west side of the San Joaquin Valley in the counties of Fresno and Kings—including 12,627 acres owned by the Lemoore Naval Air Station and leased for agricultural or grazing purposes.

Rather than constructing and maintaining separate pipelines to provide needed irrigation water, the Navy has requested that additional capacity be carried by four laterals of the Westlands distribution system to bring water from the Central Valley project to Lemoore NAS lands. The construction costs for this added service total $5.5 million which, together with the cost of the entire system, eventually must be repaid to the Federal Government by the district.

To repay the cost of the system, Westlands Water District will assess landowners who use the district's water service. However, lands within the Lemoore NAS are not subject to assessment because they are owned by the Federal Government. Because of its inability to obtain funds from this source, the district will experience difficulty in repaying its contract with the Bureau of Reclamation.

The bill I am introducing today seeks to resolve the assessment problem faced by the Westlands Water District and by the Navy Department.

First, payment of the construction costs for facilities on Navy land which the Westlands District has assumed is deferred until such time as the Federal title to the lands is relinquished. When the lands are placed in assessable status, Westlands must repay the costs within 40 years.

Second, the bill provides that lands within the Lemoore NAS which are to be irrigated by the Westlands system are to be offered for lease on a competitive basis. Lessees will be required to pay an amount sufficient to provide repayment of construction charges attributable to these lands which would have been repayable if they were not owned by the Federal Government. These payments will be made available to the Department of the Interior as credit toward the construction charges. In addition, lessees will pay the district directly for its charges for water, operation and maintenance costs.

Finally, the bill requires leases to be offered subject, insofar as practicable, to acreage limitation provisions of the Federal reclamation laws. It is my intention by this language to require the Secretary of the Navy to offer land for lease on the open market and to accept bids so that the land can be farmed in compliance with the intent of the Federal reclamation law's acreage limitation. In this way, the small farmer will be assured an opportunity to share the benefits of low-cost Federal irrigation water and the use of federally owned lands.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2528

A bill to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, California, included in said district, and for other purposes

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That construction charges payable by the Westlands Water District to the United States pursuant to contract number 14–06–200–202A, dated April 1, 1965, or as it may be amended, between the United States and the district entered unto under the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), attributable, as determined by the Secretary of the Interior, to lands of the United States Naval Air Station, Lemoore, California, as are included in the Westlands Water District shall be deferred except as hereinafter provided, and no assessments shall be made on behalf of such charges against such lands until the Federal title thereto shall have been extinguished, and such lands become subject to assessment, whereupon such deferred charges shall be repaid by Westlands Water District in not more than forty years from such date.

Sec. 2. Lands of the Naval Air Station, Lemoore, California, irrigable through facilities constructed for the Westlands Water District, when offered for lease for agricultural or grazing purposes shall be offered competitively on such terms as the Secretary of the Navy, of his designee, determines will provide the highest return to the United States consistent with sound land management practices. Such leases shall provide for payment by the lessees to the Department of the Navy of an amount sufficient to provide repayment to the United States of construction charges attributable to such lands which would be applicable if such lands were not owned by the Federal Government. The proceeds from the leases shall be paid by the Department of the Navy to the Department of the Interior and shall be covered into the reclamation funds and credited to the construction charges attributable to such lands until such construction charges are fully paid. The leases shall also be offered subject, insofar as practicable, to acreage limitations of the Federal reclamation laws. Direct charges for waters shall be paid by lessees to the Westlands Water District and shall be not less than the cost of such water service plus the District's operating and maintenance costs of delivering water. The leases may contain such provisions as to cancellation, use of land, term, and other matters as the Secretary of the Navy may determine are necessary to assure that national defense purposes are served.

By Mr. HRUSKA (for himself, Mr. Cranston, Mr. Curtis, Mr. Dole, Mr. Fannin, Mr. Fong, Mr. Hartke, Mr. Hollings, Mr. Humphrey, Mr. McClellan, Mr. Scott, Mr. Stevens, Mr. Young, Mr. Bennett, and Mr. Javits):

S. 2529. A bill to incorporate Junior Achievement, Inc. Referred to the Committee on the Judiciary.

Hr. HRUSKA. Mr. President, I introduce for appropriate reference a bill to incorporate Junior Achievement, Inc. I ask that the text of the bill be printed in the Record at the conclusion of my remarks.

In 1919 a group of public-spirited citizens concerned with the training of youth for their future lives of work, business, and worthwhile citizenship first conceived the program known as Junior Achievement," which was subsequently chartered as Junior Achievement, Inc., in 1926 as a nonprofit Massachusetts corporation. Their concept, hope, and approach—which is still the basic philosophy of the Junior Achievement movement today—was that one of the best ways to learn is by doing. As adult advisers, they helped teenagers organize and operate small junior businesses to enable them to have an opportunity to develop their skills and abilities, to build their confidence and to afford them, through a short period of actual experience, an early understanding of the American business system and the economics of free and responsible competitive enterprise.

Since 1926, the Massachusetts corporation has gradually come to embrace a national movement, and is the sponsoring and headquarters organization for regional, area, and local Junior Achievement organizations throughout the United States. Local participating organizations of adult business advisers currently guide hundreds of Junior Achievement youth companies, involving each year thousands of young people actively engaged in the "learn-by-doing" method.

The number of students afforded Junior Achievement's training in past years is approximately 2 million. Briefly, Junior Achievement offers boys and girls of high school age practical training in the methods and problems of running and working in a business. Its goal—endorsed by labor, management, Government leaders, educators, civic groups, and parents—is to develop future employees, employers, and citizens who will have a better understanding of, and preparation for the benefits, responsibilities, and economic opportunities which our competitive American business system provides—Junior Achievement has no political, religious, or other affiliations. It is open to any youth without reference to race, color, sex, creed, or national origin.

To achieve its objectives, Junior Achievement, Inc., the national Junior Achievement organization still using the Massachusetts charter, heads today a program which is active in all 50 States. It coordinates the efforts of adult counseling firms and advisers, partly directly, but mostly through operating contracts with 50 other State-chartered corporations whose use and custodianship of the program in various areas are governed by the contracts periodically granted them by the original Massachusetts corporation.

It is the role of the regional and the local organizations to act with a high degree of autonomy and to carry out directly the youth training program for the area. It is the responsibility of the national organization to continue its 51-year-old job of originating policies and programs, of assuring that Junior Achievement's national standards and objectives are adhered to—and not subordinated locally to any purposes inconsistent with the educational and youth-serving needs responded to by Junior Achievement—and of furnishing the strength and leadership for continued and useful growth.

Financial support for the national and local efforts—distinct from "counseling" described below—is provided by a broad base of about 60,000 business firms and other organizations—from small businesses and local civic groups to major industries and institutions.

Junior Achievement is of such unique character that chartering by the Congress as a Federal corporation is the only appropriate form of incorporation if Junior Achievement is to fulfill its public-interest objectives as quickly and effectively as possible.

Junior Achievement has outgrown its Massachusetts charter. It has had a national scope for several years, and it is still growing. But there is a need for its services to grow at a greater rate and match geographic scope with geographic depth, that is, more communities per State and more youthful participants per community. The organization's leadership is determined to pursue this goal in any event, but believes it can be reached much sooner under a Federal charter.

Just as with the Boy Scouts, Boys Clubs, and others, interest and participation in a new community can come faster and be larger from an organization having a Federal charter.

Junior Achievement is providing particularly attractive and participative programs for youth education and employment not provided in regular curricula and at a time when youth job training and employment are matters of ever growing public and Government concern.

A congressional charter would demonstrate Government and national policy recognition of the educational and vocational training purpose of Junior Achievement. A congressional charter would also provide truly national identification for the Junior Achievement movement, would therefore enhance the protection of the integrity and national consistency of its standards, and as a corollary aid Junior Achievement's national efforts to assure that its name, purpose, and activities are not distorted for partisan purposes nor subverted for commercial or propaganda purposes.

As chairman of the standing Subcommittee on Federal Charters, Holidays, and Celebrations to which this bill would be referred, it is my intention to schedule hearings of the subcommittee on all pending charter bills in early October.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2529

A bill to incorporate Junior Achievement, Incorporated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that—

Graham H. Anthony, Hartford, Connecticut;

Crowdus Baker, Chicago, Illinois;

Roger M. Blough, New York, New York;

Fred J. Borch, New York, New York;

Lammont duPont Copeland, Wilmington, Delaware;

John D. deButts, New York, New York;

William Elmer, Owensboro, Kentucky;

James A. Farley, New York, New York;

Joseph J. Francomano, New York, New York;

Alfred C. Fuller, West Hartford, Connecticut;

Donald J. Hardenbrook, Nantucket, Massachusetts;

Mortimer Jensen, New York, New York;

Frederick R. Kappell, New York, New York;

Robert J. Kleberg, Junior, Kingsville, Texas;

Fred M. Lazarus, Cincinnati, Ohio;

Clarence Long, Indianapolis, Indiana;

Neil H. McElroy, Cincinnati, Ohio;

W. Richard Naxwell, New York, New York;

Ben D. Mills, Bloomfield Hills, Michigan;

Roy W. Moore, New York, New York;

Morton Moskin, New York, New York;

Edwin H. Mosler, Junior, New York, New York;

Nelson K. Neiman, Fort Wayne, Indiana;

William I. Nicholas, New York, New York;

William T. Okie, New York, New York;

H. Bruce Palmer, New York, New York;

William A. Patterson, Chicago, Illinois;

Arthur J. Peck, New York, New York;

Monroe Jackson Rathbone, New York, New York;

C. E. Reistle, Junior, Houston, Texas;

Arthur M. Rogers, Springfield, Massachusetts;

George Shervey, San Jose, California;

McLain B. Smith, Armonk, New York;

Charles B. Tuttle, Chicago, Illinois;

Thomas J. Watson, Armonk, New York;

George L. Woodford, Junior, Newport Beach, California;

and their successors, are hereby created and declared to be a body corporate by the name of Junior Achievement, Incorporated (hereafter in this Act referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the incorporators named in the first section of this Act are authorized to approve the bylaws for the corporation in the manner set forth in section 6 of this Act. Such incorporators and the initial board of directors and committees provided for in section 9 hereof are authorized to do such other acts as may be necessary to complete the organization of the corporation.

TRANSFER OF ASSETS; EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, BADGES, AND DESIGNS

SEC. 3. (a) The corporation is authorized to receive, accept, or otherwise acquire any and all of the assets of Junior Achievement, Incorporated, a Massachusetts corporation (including, but not by way of limitation, all local and national good will, names, priorities, emblems, seals, and contractual rights acquired by said corporation since its incorporation in 1926), upon assuming all liabilities and obligations of said Massachusetts corporation.

(b) The corporation and those persons or organizations authorized by it shall have the sole and exclusive right to use the name "Junior Achievement" and such emblems, seals, badges, and designs as may be created or used by it. This subsection (b) shall not, however, affect or control any rights vested prior to its enactment.

OBJECTS AND PURPOSES OF THE CORPORATION

SEC. 4. The objects and purposes of the corporation shall be—

(1) To promote, encourage, and supervise throughout the United States, or elsewhere as the occasion may arise, either directly or through properly affiliated associations and agencies, a program of nonpartisan commercial, economic, and financial education and educational activity, through which youth may gain a learn-by-doing knowledge of the actual operation of American commerce and industry; such program to include encouragement of youth in carrying on productive enterprises in industry, commerce, and investment (utilizing, as appropriate, cycles of work or commercial project activities);

(2) To aid in the development and strengthening of teenage boys' and girls' attitudes and convictions in loyalty to, and understanding of, the American system and ideals of freedom of ownership, competitive production open to all, and reward based on achievement and merit;

(3) To encourage such youth in the development of industrious attitudes and to provide them, through actual experience, general vocational guidance and understanding of their future opportunity and responsibilities;

(4) To make such youth more aware of economics; to encourage their study of economics and to aid in developing them as citizens with an intelligent understanding of their economic rights and responsibilities; to assist in equipping them for more fruitful futures; and to assist them, through actual experience in becoming knowledgeable and effective advocates and examples of the American way of life, in itself as well as in distinction to the way of life followed outside the free world;

(5) To assist in providing a coming generation with a positive and practical economic education and philosophy (based upon free exchange of ideas) that emphasizes of the dignity of the individual, freedom of choice, cooperation toward worthwhile goals and rewards, recognition of individual property rights and of personal liberties and the responsible exercise thereof;

(6) To provide an opportunity for a dynamic and worthy community service program for participating sponsors.

CORPORATE POWERS

SEC. 5. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal;

(3) to appoint and fix the compensation of such officers, directors, trustees, managers, agents, and employees as its business may require and define their authority and duties;

(4) to adopt, amend, and alter bylaws, not inconsistent with law, for the management of its property and regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect dues and fees and to receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take, purchase, receive, lease, take by gift, grant, devise, or bequest, or otherwise acquire and improve, use, or otherwise deal in and with real or personal property, or any interest therein, wherever situated, necessary or appropriate for attaining its objects and carrying into effect its purposes and subject to the provisions of law of the State in which such property is situated governing the amount or kind of real or personal property which similar corporations chartered and operated in such State may hold or otherwise limiting or controlling the ownership of real or personal property by such corporations;

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(9) to borrow money for its corporate purposes, issue bonds therefor, and secure the same by mortgage, deeds of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may adopt; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

BYLAWS; INITIAL POLICIES, PROCEDURES, AND ORGANIZATIONAL STRUCTURE

SEC. 6. The initial bylaws of the corporation shall be adopted in the following manner, to wit: The board of directors provided for in section 9 hereof shall, subject to the approval of a majority of the incorporators, adopt for this corporation the bylaws of the Massachusetts corporation referred to in section 3 of this Act, with such changes, if any, as the board may deem appropriate. The chairman of the board of directors (or an acting chairman or anyone designated by the board) shall thereupon submit such bylaws (together with a statement or summary of the provisions of this section) by mail to the then living incorporators named in section 1 of this Act for their review. If within sixty days after such mailing less than one-third of the said then living incorporators shall give notice in writing to such chairman (or acting chairman or other designated person) of their disapproval of the bylaws, it shall be deemed that a majority of the incorporators have approved the bylaws, and the same shall, to the extent not inconsistent with this Act, thereupon be fully effective. If more than one-third of the then living incorporators shall give notice of disapproval during such sixty-day period, the bylaws, with such changes as the board of directors may deem appropriate, may be resubmitted for an additional sixty-day period, the same standard to determine approval. In the alternative, the bylaws shall stand approved upon the affirmative written approval individually of a majority of such incorporators then living. The chairman of the board (or acting chairman or other designated person) shall notify the board of directors as to the effective date of approval of the bylaws, which shall be the earliest date majority approval is demonstrated according to the foregoing procedures. The power to alter, amend, or repeal the bylaws shall be vested in the board of directors unless otherwise provided in the bylaws. The bylaws may contain any provision for the regulation and management of the affairs of the corporation not inconsistent with this Act.

To the extent not inconsistent with this Act or with the bylaws, the initial policies, procedures, and organizational structure of the corporation shall be the same as those of the said Massachusetts corporation in effect at the time of enactment of this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; AGENT FOR SERVICE OF PROCESS

SEC. 7. (a) The principal office of the corporation shall be located in New York, New York, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the United States and, in the discretion of the board of directors, elsewhere in the world.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the coporation. Service upon such agent or notice mailed to the business address of such agent shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 8. The incorporators named in the first section of this Act shall serve as the members of the corporation until the bylaws shall have been adopted and approved as provided in section 6 hereof. Thereafter such incorporators shall be honorary members for life without vote as such, and the active members of the corporation shall thereupon be those persons who are members of the Massachusetts corporation at the time of such transfer, to continue as members until the end of the equivalent regular membership term of the Massachusetts corporation and until their successors have been elected and qualified, or as may be provided in the bylaws. Selection of successor and other members of the corporation and the rights, privileges, and terms of all classes of members of the corporation, shall, except as otherwise provided in this Act, be determined as the bylaws of the corporation may provide.

(b) Meetings and voting of members of

the corporation shall be held in accordance with the bylaws of the corporation. Any notice required for such meetings may be waived only in writing, before or after such meeting, by the person entitled thereto.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES; COMMITTEES; SUBORDINATE BOARDS

SEC. 9. (a) Upon enactment of this Act the initial board of directors of the corporation shall consist of the then members of the board of directors of Junior Achievement, Incorporated, a Massachusetts corporation, or such of them as may be living and are qualified directors of that corporation.

(b) The initial board of directors shall continue in office until the time of the next regular election of directors as provided in the bylaws, and until their successors are elected and qualified. The number, manner of selection (including filling vacancies in the initial and subsequent boards), terms of office, powers, duties, voting, consent, waiver, and procedures of the directors shall be as set forth in the bylaws of the corporation.

(c) The board of directors shall be the governing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the bylaws of the corporation.

(d) The board of directors may appoint or elect, or ratify the appointment or election of, such committees, officials, and subordinate boards (whether or not consisting of directors) as it may deem necessary in the management or operation of the corporation and may delegate proper authority to them, and provide for their procedures. Nomination, appointment, or election of such officials and groups, and delegation of authority to them, may also be made directly by the members in instances in which the bylaws so provide. Committee members, members of subordinate boards, and other officials of the corporation shall initially be those persons holdatng the respective responsibilities in or relatng to the said Massachusetts corporation at the time of enactment of this Act, to continue in office until their successors are determined and qualified.

OFFICERS

SEC. 10. The officers of the corporation and their terms, duties, and manner of selection shall be as set forth in the bylaws of the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 11. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of a loan or advance to a member, officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 12. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 13. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 14. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 15. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having authority under the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. (a) The provisions of sections 2 and 3 of the Act of August 30, 1964, entitled "An Act to provide for audit of accounts of private corporations established under Federal law" (36 U.S.C. 1102, 1103) shall apply with respect to the corporation.

(b) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securties held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(c) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

DISSOLUTION AND LIQUIDATION

SEC. 17. (a) The corporation may be dissolved by action of the board of directors, or by action of the members, in the following manner:

(1) The board of directors may dissolve the corporation by adoption of a resolution to dissolve approved by nine-tenths of the votes cast thereon at a meeting at which a quorum is present and which is held pursuant to call and notice as provided in the bylaws; or the board of directors may dissolve the corporation otherwise than at a meeting by the adoption of a resolution to dissolve by the written consent of four-fifths of the directors in office. The dissolution shall be effective as of time of such vote or consent, as the case may be.

(2) If a majority of the board of directors, or of an executive committee thereof, adopt a resolution recommending that the corporation be dissolved and directing that the question of such dissolution be submitted to a vote at a meeting of the members, the members may dissolve the corporation by the adoption of a resolution to dissolve by the vote of a majority of the members present in person or represented by proxy at a meeting at which a quorum is present or represented by proxy and which is held pursuant to call and notice as provided in the bylaws, and the dissolution shall be effective as of the time of such vote.

Notice of the dissolution of the corporation shall be sent promptly in writing to the Secretary of the Senate and the Clerk of the House of Representatives.

(b) Upon dissolution or liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, may not be distributed to directors or members or for any individual benefit, but shall be transferred in accordance with the determination or order of the board of directors to any corporation, organization, or institution having objects and purposes similar to those of the corporation.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 18. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

By Mr. GURNEY (for himself, Mr. FANNIN, Mr. DOLE, Mr. EASTLAND, Mr. THURMOND, Mr. PASTORE, and Mr. BENNETT):

S. 2530. A bill to protect the right of privacy of persons by authorizing private suits when unsolicited obscene material is sent through the mails. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, I am introducing for appropriate reference, a bill designed to protect our citizens' right of privacy and crack down on smut peddlers.

Essentially, my bill will give any citizen who receives unsolicited obscene material in the mail the right to take civil action against the mailers of such material in a Federal district court. Furthermore, if successful, the individual can recover compensatory and punitive damages, costs of the suit and attorney fees.

In 1842, the first Federal obscenity statute was passed in this country as a part of the customs law. This statute prohibited the importation of "indecent and obscene prints, paintings, lithographs, engravings, and transparencies." It was aimed mainly at the French postcard trade. We have progressed a lot since 1842, and it is apparent that obscenity has done a good deal of changing too. Indications from my constituent mail, and I am sure my colleagues get similar complaints, are that the problems of obscenity are still very much with us. Furthermore, from some of the samples I have seen, those French postcards were pretty tame stuff.

Congress has, on several occasions, responded to this problem and enacted various antiobscenity statutes. Right now, there are a number of new bills pending before the Senate Judiciary Committee. As a matter of fact, I am sponsoring three of these bills myself.

As anyone who has dealt with antiobscenity laws will tell you, there is a good deal of confusion surrounding the interpretation and effectiveness of these statutes. A short discussion of some of the major statutes affecting obscene materials in the mail will underscore this problem.

The Comstock Act (18 U.S.C., sec. 1461) makes it a Federal criminal offense to mail obscene materials or information as to where such materials may be obtained. Plain enough—until we come to the question of what is "obscene?" One of the first major decisions on obscenity was the Supreme Court's opinion in *Roth* v. *U.S.* (1957). The major finding was that obscenity was not protected under the first amendment's "freedom of speech" language. Here again, there was a great hassle over the definition of "obscenity," and it was through several subsequent cases, including the "Fanny Hill" case of 1966, that the courts further narrowed the test for obscenity. Today, most courts use a prevailing standard the following three criteria which must all be met:

First, the dominant theme of the material taken as a whole must appeal to a prurient interest in sex.

Second, the material must be patently offensive because it affronts contemporary community standards relating to the depiction of sexual matters.

Third, the material is utterly without redeeming social value.

A recent Supreme Court case, in May of this year, upheld the constitutionality of section 1461. In spite of intervening cases—such as Stanley against Georgia in 1969—which upheld the right to obtain and read pornography in the privacy of one's own home, the court ruled, in U.S. against Reidel, that the right to have obscene material does not confer a right to sell and deliver such materials through the mails.

Congress has enacted other legislation dealing with pornography in the mails. Title 39 United States Code, sections 3006–7 would allow the Postmaster General to impose a "mail block" against the sender of obscene mail. These particular sections were ruled unconstitutional by the Supreme Court in Rizzi against Blount, 1971.

Under 39 U.S.C. 3008, the antipandering act, anyone who has received obscene advertisements may notify the Post Office Department of such receipt. The Postmaster General shall direct the sender to refrain from any further mailings to the recipient, and have him removed from the sender's mailing list. If a violation occurs after 30 days following the issuance of the order, the Postmaster General may request the Attorney General to seek a court order for compliance. This section was upheld by the court in Rowan against U.S. Post Office, 1970.

Finally, under 39 U.S.C. 3010–11, anyone who does not wish to receive obscene ads may place his name on a list in the post office, whether or not he has already received such material. This list is available at cost to all mailers, and after a person has been on the list for 30 days, mailers are prohibited from sending material to these individuals.

In view of the above, one might well ask, With all these existing laws, why is there still a problem with obscene mail? The answer, in my opinion, is due mainly to two circumstances. First, the difficulty in getting materials to pass a judicial "test" of what is offensive. Federal judges must follow Supreme Court decisions as precedents. The practical effect of the Supreme Court ruling in pornography cases is that there is no such thing as pornography.

Second, the cumbersome process of Government suits is a slow one, and does not, in my opinion, provide an adequate deterrent for the smut merchants. Many of the companies purveying this trash are big-time operations, and will gamble on an occasional possible loss and fine if they should fail on an appeal to the Supreme Court.

In view of this situation, I believe that the bill I am introducing today offers a unique and effective method of dealing with obscene mail.

Specifically my bill allows, for the first time, an individual to not only take direct court action himself, but also to recover damages.

This action is civil, rather than criminal, and therefore includes a different definition of "obscene." As a matter of fact, it will be the individual himself, and ultimately a Federal jury, who will decide the fact of obscenity.

Mr. President, it is often difficult, if not impossible, for every citizen to avoid distasteful or offensive things in a public situation. I do believe, however, that we can—we must—assure every American that at least one bastion of personal liberty—his home—will be protected against the intrusion by offensive materials.

When the Post Office reports that over half a million people have asked to be placed on the "no smut" list within just a few months' time, I think it is high time we approach this problem by saying, "Let the sender beware."

As Chief Justice Burger stated in the Rowan opinion—

> Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another.

By Mr. HARTKE:

S.J. Res. 156. Joint resolution to designate the month of April 1972 as "National Check Your Vehicle Emissions Month." Referred to the Committee on the Judiciary.

Mr. HARTKE. Mr. President, regardless of the quality of the mechanical devices currently placed on our vehicles by auto manufacturers, they will continue to pollute the atmosphere unless they are regularly checked and maintained.

It is estimated that annual emission inspection, simple adjustments and minor tuneups would result in at least a 15- to 25-percent reduction in air pollution caused by motor vehicle pollution. On the other hand, manufacturers estimate that compliance with the Federal emission standards for 1975 model cars will result in only a 2-percent reduction in automobile emissions.

Studies conducted by the States of Wisconsin, New Jersey, Arizona, and California, and by private industry under the sponsorship of the Department of Transportation, clearly indicate that emission reduction of carbon monoxide and hydrocarbons can be attained by implementing a program of vehicle inspection and repair where needed. The reductions attainable range from a low of 15 percent to a high of 68 percent. The average inspection cost would be about $5 per vehicle.

In an effort to promote the annual inspection of pollution control mechanisms, I offer a joint resolution today which would authorize and urge the President to declare the month of April 1972 "National Check Your Vehicle Emissions Month."

Vehicle emissions represent lost fuel—1 pound of fuel per pound of hydrocarbons emitted and one-third pound of carbon monoxide emitted. With these relationships the annual fuel saving per inspected car will average 58 gallons, assuming an average of 10,000 miles driven per year, at a cost of 37 cents per gallon.

This is an average fuel savings per car amounting to more than $21, which is higher than the estimated repair cost. Regular inspection of pollution control devices makes sense, then, both in terms of its effect on pollution and savings to the consumer.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the Record immediately following my remarks.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 156

Joint resolution to designate the month of April, 1972 as "National Check Your Vehicle Emissions Month"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of April, 1972 as "National Check Your Vehicle Emissions Month," and call upon the people of the United States to take their vehicles into the repair shop of their choice to have the emissions checked and their vehicles adjusted where necessary, so that we can substantially reduce air pollution from the 110 million motor vehicles operating on the streets and highways.

Comprehensive studies show that this simple inspection with minor adjustments and tuneups can reduce individual vehicle pollution by an average of 25 percent with resultant cost saving to the owners through better fuel consumption, amounting to about $21.00 per year.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 702

At the request of Mr. Gravel, the Senator from Oklahoma (Mr. Harris), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 702, to amend the Communications Satellite Act of 1962, and for other purposes.

S. 1985

At the request of Mr. Williams, the Senator from Hawaii (Mr. Inouye), and the Senator from Maine (Mr. Muskie) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2237

At the request of Mr. JACKSON, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2237, to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes.

S. 2360

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. DOMINICK), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2360, the Automobile Driver Education Act.

S. 2446

At the request of Mr. INOUYE, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 2446, to establish a special fund in the Treasury, consisting of excess sugar excise tax collections, to enable the Secretary of Agriculture to conduct research into environmental problems arising in the production, processing, and refining of sugar.

S. 2483

At the request of Mr. PELL, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2483, to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within 10 years after the date of enactment of this act.

SENATE JOINT RESOLUTION 152

At the request of Mr. WILLIAMS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of Senate Joint Resolution 152, to authorize the President to proclaim the last Friday in April of each year as "National Arbor Day."

SENATE CONCURRENT RESOLUTION 41—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING OF A REPORT OF PROCEEDINGS OF MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following concurrent resolution:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fifth biennial meeting of the Convention of American Instructors of the Deaf, held in Little Rock, Arkansas, from June 25, 1971, through July 2, 1971, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed and bound for the use of the Joint Committee on Printing.

SENATE RESOLUTION 168—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF CERTAIN HEARINGS

(Referred to the Committee on Rules and Administration.)

Mr. McCLELLAN submitted the following resolution:

S. RES. 168

Resolved, That there be printed for the use of the Committee on Government Operations one thousand six hundred additional copies of part 3 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime."

MILITARY PROCUREMENT AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 423

(Ordered to be printed and to lie on the table.)

Mr. McGEE. I am submitting an amendment, which I ask to lie on the table, to H.R. 8687, the Defense Procurement bill. This amendment would delete from the bill as reported to the Senate section 503, which would amend the United Nations Participation Act of 1945 to the effect that the President may not prohibit importation into the United States of a strategic commodity unless imports of such a commodity from Communist-dominated countries is also prohibited by some provision of law. I believe most of my colleagues are aware that the language of section 503 of H.R. 8687 is specifically designed to have the United States unilaterally break the United Nations embargo against Rhodesia and to import chrome ore from that area.

Before going into my main objections to section 503, let me sketch some background concerning that section. In fact, it reproduces S. 1404, a bill introduced by the senior Senator of Virginia and referred to the Committee on Foreign Relations on March 29, 1971. In response to the urgings of the distinguished Senator from Virginia the chairman of the Committee on Foreign Relations agreed to receive testimony on the bill and requested me, as chairman of the African Affairs Subcommittee, to hold public hearings on the bill. Such hearings were conducted on July 7 and 8 and I believe all interested parties were given an opportunity to testify. On August 5, shortly before the recess, the full Committee on Foreign Relations considered S. 1404 as a regular item on its agenda and voted without dissent to postpone action on the bill for an indefinite period.

I give this background in order to make it clear that section 503 of the Defense Procurement bill not only is a matter within the jurisdiction of the Committee on Foreign Relations, but it is also an item which has been given expeditious and careful consideration, taking into account the various complexities and international ramifications of the measure. In saying this, I am not in any way being critical of the action taken by the distinguished senior Senator from Virginia in choosing an alternative route for trying to achieve his goal. At the same time, in taking this route, he has elected to place the question in a much narrower context than that considered by the Committee on Foreign Relations. Indeed, he has made this issue strictly a matter of defense policy—and this is the first ground on which I wish to argue against approval of section 503 as written.

It is at least implied that the United States is confronting a serious, if not dangerous, shortage of chrome ore for strategic defense purposes. The fact is, however, that the administration has supported a bill currently pending before the Armed Services Committee, S. 773, which would allow for the release from our strategic stockpile of approximately 1.3 million tons of chrome ore over the next 3 years. The Office of Emergency Preparedness, which is responsible for reviewing and maintaining national stockpile requirements, determined on June 1, 1971, that there is in existence an excess of stockpile requirements of approximately 2,250,000 short dry tons of chrome ore equivalent. Thus, the pending measure, S. 773, supported by the administration, only calls for the release of something more than half the excess of metallurgical grade chromite in the stockpile. As far as the amounts of chrome ore remaining in the stockpile are concerned, I would like to quote at this point from a statement made on June 17 to a subcommittee of the House Foreign Affairs Committee by William N. Lawrence, Chief of the Stockpile Division of the Office of Emergency Preparedness:

> The Office of Emergency Preparedness approved a new review of the stockpile objective for metallurgical grade chromite on March 4, 1970. . . . In establishing the requirements and supply for this objective ample allowance was made for any contingency that might arise in an emergency. This objective has been concurred in by the appropriate Departments and agencies, including the Department of Defense.

Let me say at this juncture that I can fully appreciate the exasperation felt by the distinguished senior Senator from Virginia about the increased reliance of the United States upon Soviet supplies of chrome ore, and about the very substantial rise in the price of such ore. But Members should be aware of the fact that well before the sanctions were imposed on Rhodesia by the United Nations Security Council under a mandatory resolution roughly one-third of our metallurgical grade chromite already was being imported from the U.S.S.R. This one-third figure has since risen to almost 60 percent, but I submit that this is a difference in degree and not a revolutionary development. Secondly, no one can dispute the fact that the price of metallurgical grade chromite has more than doubled over the last 5 years or so, but it should be equally noted that the price of chrome ore from our other sources of supply has also risen—as indeed have the prices of most strategic minerals and other materials.

Therefore, I do not believe that the record sustains a view that inclusion of section 503 in the Defense procurement bill is justified on the grounds of strategic policy.

Mr. President, my second major reason for urging the Senate to delete section 503 from the bill is related to the extremely important and delicate problem of current, ongoing talks between Great Britain and its former self-governing colony of Southern Rhodesia. Our British allies, with American support took the issue of Rhodesia to the United Nations at the time of that country's unilateral declaration of independence. They have made strenuous efforts ever since 1966 to arrange a compromise settlement with the Ian Smith regime on a basis which would carry out an important objective of all democratic societies concerning countries still in a colonial status: namely, an assurance of clear and steady progress toward eventual majority rule. Here I would stress the minimal character of the words "progress" and "eventual." These negotiations in the past have not been fruitful, in part because the Smith regime could not bring itself to contemplate a situation in which less than a quarter of a million people of European stock would not hold in perpetuity virtually all power in a country populated by almost 5 million African black people. Another reason for the failure of negotiations during the period of the labor government's tenure of office in Britain was the relative ineffectiveness of the United Nations embargo—owing in large measure to the refusal of Portugal and the Republic of South Africa to adhere to those sanctions.

The situation today is somewhat different than it was when the last major effort was made toward compromise. It is true that sanctions have been evaded and are still only partially effective as a means of influencing the Rhodesian regime to accept the fundamental principle of eventual majority rule for the roughly 95 percent of the population which is black African. On the other hand, the cumulative effect of sanctions has been growing and has created something like the degree of pressure which was their intent. Rhodesia's Economic Survey for 1970, issued by the Smith regime itself, makes it clear that the country is experiencing a severe foreign exchange shortage and increasing problems of obsolescence in machinery and equipment.

At the same time, a conservative government has been in power in Britain and has taken a more urgent view of the need to work out a settlement between Great Britain and Rhodesia. As a result, behind-the-scenes negotiations have reached a stage where the British informal envoy, Lord Goodman, has been making repeated trips to Rhodesia and apparently is now bringing with him a team which can really get down to the job of working on details as well as general principles. Let me add that there is pressure on both sides and not just on Rhodesia. For the British Government itself in November will have to act to renew its endorsement and compliance with U.N. sanctions unless some satisfactory compromise can be arranged in the intervening weeks.

Without going deeply into all the possible ramifications of precipitate action by the United States at this juncture, I think it is absolutely clear that approval of section 503 at this point would be a highly disruptive and dangerous undertaking on our part.

It is for these reasons that I believe the Committee on Foreign Relations, without any dissenting vote, decided only a little over a month ago to postpone any action on S. 1404, which is the counterpart of section 503 of the Defense Procurement bill.

Mr. President, I cannot let the argument rest on these two points alone. We cannot ignore the fact that section 503 takes away from the President of the United States a portion of his authority—given him by the Congress through the means of the United Nations Participation Act of 1945—to speak for our country when there is a question of complying with a mandatory United Nations Security Council resolution. A number of us on the Foreign Relations Committee, and notably its distinguished chairman, have often expressed regret and disappointment that our country has not given more weight and support to the international organizations, such as the United Nations, which we as a people have done so much to create.

Every one of us in this Chamber has disagreed at some time or another with a United Nations action or with resolutions approved by the U.N. General Assembly—keeping in mind that the latter are not binding upon U.N. members—and we do not regard the United Nations as the answer to all our problems by any stretch of the imagination. And yet many of us would also agree that the weaknesses of the United Nations in part have stemmed from our own casual approach to the organization in recent years.

We are all aware that sanctions against Rhodesia have been violated; indeed, there are roughly 110 cases of reported violations now before the U.N. Sanctions Committee, including 32 cases which deal with chrome ore. Yet we must keep this question in balance. The truth is that we have very little hard information on the character and intent of such violations. In many cases governments have just not had the powers to control commercial traffic sufficiently to assure complete compliance with their U.N. obligations. It is easy to point the finger and to make sweeping charges, but it is extraordinarily difficult to document such charges. The fact remains that, with the above noted exceptions of Portugal and South Africa—which even so have not extended diplomatic recognition to Rhodesia—no U.N. member has taken any formal action which would amount to a refusal to comply with sanctions.

In these circumstances, approval of section 503 would represent the first time any nation adhering to sanctions against Rhodesia had taken formal action violating its obligations regarding this program under the U.N. Charter.

I have no wish to compose frightening scenarios about what might result from a U.S. action to weaken the authority of the United Nations, or to speculate about the damage which such action would do to our international prestige. To say the least, we would be giving great credibility to those who have wrongly charged members of the U.S. Senate with being neo-isolationists and economic nationalists.

Furthermore, as chairman of the African Affairs Subcommittee of the Committee on Foreign Relations, I can assure my colleagues that I can conceive of no action which could do more damage to our relationships with virtually all the countries of the African Continent. And I would remind my colleagues that these countries represent almost one-third of the total membership of the United Nations. To disrupt such relationships on one commercial ground is to ignore the fact that there are literally scores of other commercial interests in our country which would be most adversely affected.

In conclusion, Mr. President, I ask unanimous consent that there be inserted in the Record at this point a balanced and judicious statement made before the African Affairs Subcommittee by David D. Newsom, Assistant Secretary of State for African Affairs, when he testified on July 7 of this year.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of David D. Newsom

July 7, 1971.

Thank you, Mr. Chairman. It is a pleasure to be here with you today and to share with you and members of your subcommittee my thoughts on the difficult question of Rhodesia. Because this is my first appearance before your subcommittee, I should like to take a few moments to sketch in the broad outlines of our policy.

I welcome, particularly, this opportunity to present our views to you on the Southern Rhodesian situation. As in all international problems in which men differ, there is justifiable concern on both sides. There is, occasionally emotion on both sides. The Southern Rhodesian regime in this country as elsewhere, seeks to advance its cause.

I should like, therefore, first to put the problem in perspective. What we are dealing with here is essentially an international problem, one involving the highly charged issues of race and colonialism. It is a problem without analogies, either to our history or to other world situations. It is one which must be approached on its merits, with our own national interests in mind, but with the objective of preventing a continuing unresolved and provocative situation in the heart of Africa. Such a situation would not be helpful to us or to our friends.

To illustrate what the problem is, let me first touch on the history.

Just as Rhodesia today occupies a pivotal position in south central Africa, so it earlier occupied the key role in the former Federation of the Rhodesias and Nyasaland. The Federation, organized in 1953, represented an effort by the British and the settlers and Africans in the area to link the three territories economically on a multi-racial basis. But, despite the 1961 Federation Constitution, which provided for procedures which would eventually lead to African majority rule, concern grew on the part of the Africans at the dominant role played in Federation politics by the white Southern Rhodesians. The Federation finally broke up in 1963 at the insistence of the two northern territories and with the reluctant acquiescence of the British, who granted independence to Zambia and Malawi the following year.

The British, while they also contemplated independence for Southern Rhodesia, continued to insist that it could only be granted after establishment of a legitimately multiracial system within which the African population could aspire to eventual majority rule. Negotiations between the British and the Rhodesians on this crucial point continued intermittently for almost two years, but the white minority, determined to maintain its economic and political dominance, refused to concede it. Finally, on November 11, 1965, Ian Smith announced Rhodesia's unilateral declaration of independence from the United Kingdom.

In the face of this act of defiance, and given the sense of outrage and betrayal expressed by Rhodesian nationalist leaders and independent African nations, there were strong demands for the use of force. The British Government, then and now the legal sovereign authority over Rhodesia, sought UN assistance in bringing the rebellion to an end. The British Government decided against the use of military force—a decision which we supported, but sought in sanctions an effective alternative.

Our policy since then, jointly with the British and other United Nations member states, has been to support measures other than the use of force designed to hasten an acceptable solution to this problem. We have actively supported the various UN measures to that end. We supported the Security Council resolution of November 12, 1965, condemning the Smith regime. We supported the December 1966 Security Council resolution imposing selective mandatory sanctions, and equally strongly supported the resolution of 1968 making the sanctions comprehensive.

The sanctions do not have a punitive intent. They are intended, not to cause hardship for actions already taken, but, in the hope that the sanctions, combined with other efforts, will influence the regime to change its policies and adopt as a basis for international acceptance the fundamental principle of eventual majority rule for the over 95% of the population which is African.

Under the United Nations Participation Act of 1945 which provides authority for domestic enforcement of UN sanctions, President Johnson gave effect to these measures with Executive Orders in 1967 and 1968. Barring a significant change in the Rhodesian situation, it remains our policy to endorse and support the economic sanctions now in force. The President and the Secretary of State reaffirmed this policy earlier this year.

While we have supported sanctions, enforced them vigorously ourselves, and worked to insure compliance by other nations, we have from the beginning opposed the use of force, either as a solution to the Rhodesian problem or the broader problems which affect southern Africa of which the Rhodesian problem is an integral part. On March 17 of last year, the same day we closed our Consulate General in Salisbury, we vetoed a Security Council resolution which advocated the total isolation of Rhodesia and implied advocacy of the use of force. Measures of this kind which would go further than sanctions, in our judgment, would only exacerbate the problems already existing in that part of the world and would contribute nothing toward their solution. Despite pressures from some quarters, we will continue to oppose such measures.

It is a fact that sanctions have been less than fully effective. And they have thus far not brought about their principal objective: a change in policy by the Smith regime and a willingness on the part of that regime to reach a satisfactory negotiated settlement with Great Britain. A major cause has been the outright refusal of Portugal and South Africa to adhere to sanctions. A secondary cause has been the apparent inability of some other governments to enforce sanctions where their own nationals are concerned. We continue to cooperate with the UN Sanctions Committee in its efforts to bring about more uniform compliance with sanctions and are currently looking at possible ways of helping the Committee perform its difficult job more effectively. For your information, there are now 110 cases of reported sanctions violations now before the Sanctions Committee, including 32 which deal with chrome ore.

Having noted some of the shortcomings of the sanctions program, and the fact that it has not yet achieved its goal, it must be quickly added that sanctions continue to impose very serious constraints upon the Salisbury regime, limit its options, and cause it continuing economic difficulties, despite obvious and understandable efforts on the part of the Rhodesians to portray it otherwise. Imports and exports are well below pre-sanctions levels. Foreign exchange is extremely limited and the authorities announced last September that foreign exchange allocation controls, already tight, would be tightened still further. Deprived of many necessary imports, Rhodesia has had to improvise by setting up costly substitution industries—constituting a major drain on foreign exchange. Lack of foreign exchange has also made it extremely difficult for the Rhodesian regime to obtain spare parts and necessary equipment replacements to support industry, agriculture, and transportation facilities, and this is, of course, one aspect of sanctions which has a cumulative effect over time. As a result, the railways and airline are suffering. Agriculture has also been hurt by sanctions. Over-all agricultural production has declined since 1965. Deprived of the traditional British market for tobacco, now largely pre-empted by American competition, Rhodesia has been forced to subsidize the tobacco industry, to diversify its agricultural sector, and to seek new markets for new crops in violation of sanctions. It has been a costly process.

Rhodesia has had relatively greater success in the mining and minerals sector of the economy, but, in assessing the over-all impact of sanctions, it is well to remember that exports from this sector accounted in 1965—the last year before sanctions—for only one-fifth of the total value of Rhodesia's exports.

Mr. Chairman, having reviewed the background to our Rhodesian policy, I would like to turn to the bill now under consideration. This proposed amendment to the United Nations Participation Act, whatever its intent, would have the effect of invalidation the existing embargo on chrome ore imports from Southern Rhodesia so long as such imports are not prohibited from the Soviet Union or other communist countries. Other than chrome ore, or chromite, to use the technical term, there is no other product or commodity, traditionally supplied us from Rhodesia, which would be affected by the proposed amendment.

This proposal is contrary to United States policy interests. It would while providing relief with regard to one commodity—a commodity for which, I might add, relief can be justified not on the basis of national security interests but on the basis of relative price considerations—call into serious question our will to fulfill our international obligations.

We are not unmindful of the national interest which concerns those who propose this legislation. Were the chrome situation indeed critical, we, too, would seek measures of relief. We do not, however, consider it such; for us the overriding considerations are our international obligations and our desire to do nothing which would undermine movement toward an acceptable solution to the Rhodesian problem.

The matter of chrome ore supply is kept under constant review within the Executive Branch. Our studies indicate that adequate supplies of chrome are available to American industry at the present time. Inventories of American industry increased last year, and imports and domestic consumption were virtually in balance.

Some months prior to the adoption of Rhodesian sanctions, the U.S. Government commenced the disposal of chrome ore and its equivalents from the stockpiles which had been found in excess of U.S. needs. Disposals of 885,000 short dry tons were authorized by the Congress in Public Law 89–415 of May 11, 1966, and are continuing. The Congress is now considering a bill, S. 773, which would authorize the release of an additional 1.3 million tons of chrome ore over the next three years. The Administration, including the Office of Emergency Preparedness which is responsible for maintaining and reviewing stockpile requirements, supports this bill on the grounds that our current stockpiles of chrome ore do in fact exceed our national security requirements.

With respect to U.S. imports of Soviet chrome ore, American purchases from the USSR long predated Rhodesian sanctions; nor is the Soviet Union the sole supplier now. In the years immediately prior to sanctions, Rhodesia and the USSR each accounted for about one-third of U.S. imports of metalurgical grade chromite. In the period 1967–70, the U.S. has purchased a larger proportion of its supplies from the USSR but has also increased purchases from other producers such as Turkey and South Africa.

Soviet and Rhodesian ore prices are not susceptible to comparison. Since Rhodesian chromite is not traded freely, no current Rhodesian price is ascertainable, and it would be misleading to compare 1971 Soviet prices with pre-sanction Rhodesian prices. While prices for Soviet chromite have doubled since 1966, lower quality chromite from other sources has also increased in price more or less proportionately to that for Soviet ore. The overall rise in market prices does reflect to some extent the impact of sanctions, but it also reflects other factors such as inflation and world-wide demand, which have caused increases in the prices of most raw materials over the same period.

Were this bill to become law, it would put the United States in clear violation of the international treaty obligations it freely undertook when the UN Charter was ratified. Under Article 25 of the Charter, the United States is obligated to "accept and carry out the decisions of the Security Council." The Security Council has taken such decisions in the form of sanctions against Southern Rhodesia which it is empowered to impose under Chapter VII of the Charter. The United States participated in and supported the resolutions in question in 1966 and again in 1968.

United States adherence to sanctions, by virtue of the UN Participation Act has the effect of law, and the Act itself was designed to cover just such issues as Rhodesian sanctions. Section 5 of the Act, as amended, empowers the President to take appropriate action when Article 41 of the Charter is invoked. It is precisely that provision of the Charter that was invoked, in 1966 and again in 1968, in the sanctions resolutions.

I might note parenthetically here that the Senate Foreign Relations Committee, in its original reports on the UN Participation Act, took specific note of the extent to which authority was thereby granted to the President and approved those provisions as being consistent with our acceptance of the UN Charter and in our national interest.

It has been charged that the United Nations, through the Security Council, acted illegally in intervening in the domestic affairs of a sovereign state. Such charges cannot be sustained. Rhodesia is not a state, and this fact is most dramatically reflected in the failure of the Salisbury regime, 5½ years after the illegal declaration of independence from Britain, to have gained diplomatic recognition by a single government in the world. Not only Great Britain, not only the United States, but the international community as a whole, continues to regard Rhodesia as a dependent territory of the United Kingdom. It thus involves, in the first instance, the international responsibility of the United Kingdom, which brought the matter to the United Nations to seek that body's assistance in restoring legality and assuring all the citizens of Rhodesia their right to self-determination.

The UN's response, in the form of economic sanctions, invoked Chapter VII of the UN Charter. I would like to note here that, while Article 2, Paragraph 7 of the Charter prohibits the United Nations from interfering in the internal affairs of a state—which, as I have explained, Rhodesia is not—Article 2 in any case makes it clear that this prohibition would not apply to the adoption of measures under Chapter VII.

While the legal basis for the UN action is clear, I do not wish to stress it at the expense of some of the more fundamental facts of the Rhodesian case. Our policy has from the first been based on our support for eventual majority rule and basic human rights for the five million black citizens of Rhodesia who comprise over 95% of that territory's population. The present regime, not only by law but by constitutional provision, has excluded the vast majority of its citizens from any meaningful role in the political process for the indefinite future and determined that African majority may never—I stress the word never—aspire to a majority role within Rhodesia. The present regime has, by the Land Tenure Act, divided the land on what has been called an "equal" basis—half for the tiny white minority, half for the African majority, with the most desirable lands in the first category. The present regime has introduced a "Property Owners' Protection Act," with the purpose of "protecting" property by a rigid system of legally enforced racial separation, aimed initially at Africans but now directed as well at the approximately 25,000 Asian and "colored" residents of Rhodesia. Although education has been called the means whereby all can advance within Rhodesian society, the regime spends about 10 times as much, per capita, on white students as it does on black ones. Through the constitution promulgated last year and other measures, the regime has strengthened white minority rule and moved toward the kind of rigidly institutionalized system of racial segregation and "separate development" characteristic of South Africa.

Quite apart from our own views about the kind of system now prevailing in Rhodesia, we believe that its denial of self-determination and majority rule, in the present African context, is a legitimate subject for international concern. The course which Rhodesia has followed since 1965 has contributed toward a heightening of the black-white confrontation in southern Africa. The situation there, while it may provide the short-run illusion of internal stability, is in our judgment seriously prejudicial to the longer-run stability of Africa and of Rhodesia itself. We do not think it likely that a minority of 230,000 whites can reasonably expect to maintain political domination indefinitely over an African population 21 times as numerous—a population which every 17 months increases by an amount equal to the entire white population. And we are concerned that its efforts to do so, over time, will have serious implications for the peace and security of the entire region.

In this connection, it is our impression that the South African and Portuguese governments themselves are not happy with the course of Rhodesian developments and would prefer to see a Rhodesian situation more acceptable to the world community. We believe that these misgivings have contributed in part to the refusal of either to recognize the Smith regime.

The British Government and the Rhodesian authorities are now engaged in preliminary discussions which, if a sufficiently broad basis of agreement can be found, could lead to substantive negotiations. We have consistently supported British efforts to obtain a satisfactory settlement and none are more anxious than I to see such a settlement reached. We are not now in a position to speculate about either the duration or outcome of this current round of talks. But, pending their outcome, it is important that we seek to avoid any action which would lessen their chances of success.

The legislation now under consideration would have exactly this effect. It would encourage the Rhodesian authorities in their determination to maintain a situation which we consider neither practically tenable except in the short run nor morally defensible at all. Its enactment would make it clear that the United States, in return for better access to chrome ore at lower prices, is prepared formally and unilaterally to renounce a freely assumed treaty obligation; we would be the first nation to do so over the Rhodesian sanctions issue. We would damage our standing in almost all of Africa and in those other nations of the world that see the Rhodesian issue as a test of our commitment to our international obligations. We would strengthen the arguments of those who maintain that the only possible solution in southern Africa is a violent solution. We would weaken the hand of the British in their efforts to bring about a negotiated settlement. We would undermine the UN effort to enforce sanctions, which we have thus far sought to uphold and, wherever possible, to strengthen. And we would open to question the long-term credibility of the United States Government with regard to its treaty obligations and commitments.

AMENDMENT NO. 419

Mr. MONTOYA. Mr. President, on Monday of this week I submitted my amendment, No. 419, to H.R. 8687, the Military Procurement Authorization. The amendment was printed inaccurately in the RECORD. I ask unanimous consent therefore to have the amendment reprinted in its entirety in today's RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 419

At the end of the bill add the following new section:

SEC. 505. (a) The purpose of this section is to reaffirm the position of the United States Government with respect to the establishment of democratic processes of government in South Vietnam. Congress declares that United States military assistance to the Republic of Vietnam has consistently been founded on the concept of free and open elections. These elections should allow meaningful opponents to qualify as candidates, guarantee fair and open competition among these candidates, protect campaign workers from harassment and intimidation by opponents, the government, or private interests, and guarantee that voters are allowed to freely exercise their franchise. This has been the stated policy of the United States Government for many years.

(b) Funds authorized or appropriated under this or any other law to support the deployment of United States Armed Forces in or the conduct of United States military operations in or over Indochina may not be expended beyond four months after the date of the completion of the 1971 presidential elections of the Republic of Vietnam, unless the President submits within fifteen days following such election a report to the Congress finding that:

(1) the Republic of Vietnam has followed democratic processes in the selection of its President allowing a freely contested election; and

(2) the procedures used in such election guaranteed the rights of campaign workers and protected the franchise of the people of South Vietnam; and

(3) such election was conducted in a manner consistent with the purposes of United States efforts on behalf of the Republic of Vietnam as defined in subsection (a) of this section.

(c) Nothing in this section shall be construed to affect the authority of the President to:

(1) provide for the safety of American Armed Forces during their withdrawal from Indochina;

(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

(3) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of this section.

(d) The Congress hereby urges and requests the President to negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established in subsection (b) of this section.

(e) This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 424

(Ordered to be printed and referred to the Committee on Foreign Relations.)

AID TO GREECE

Mr. HARTKE. Mr. President, it has been 4 years since the constitutional government of Greece was overthrown, and the agony of the Greek people continues. Those who predicted that the present Greek regime would quickly move to restore constitutional guarantees have been proven wrong. The military dictatorship rules—as it has since April 21, 1967—by brute force and without the support of any significant percentage of the Greek people.

For these reasons, I am today offering an amendment to the Foreign Assistance Act which would cut off all economic and military aid to the Greek regime. I offer this amendment, not to interfere with the internal affairs of another country, but, to express my genuine belief that present U.S. aid policy toward Greece does not serve, and is, in fact, inconsistent with, the interests of the United States.

My amendment is meant to supplement the action already taken by the House of Representatives. On August 3, 1971, the House agreed to a suspension of all military and economic assistance to Greece. However, the agreed to House amendment also provides that if the President finds that "overriding requirements of the national security of the United States" necessitate, he may resume aid regardless of the expressed intent of the Congress, if he "promptly reports such finding to the Congress in writing, together with his reasons for such finding."

Although the House action constitutes a useful first step in the drive to stop all assistance to the Greek regime, it does not go far enough. The absolute discretion it vests in the President to restore aid for "national security" reasons, severely compromises the ability of this country to bring effective pressure on the repressive Greek regime. It is an open secret that the President will avail himself of this loophole in the prohibition to restore aid to the junta immediately upon final passage of the Foreign Assistance Act.

It is my firm opinion that the Congress should not allow its expressed will to be so easily subverted. On too many occasions the Congress has allowed the President to act in a manner plainly contrary to its explicit intent. It is not enough, then, that the Congress take action which it knows will be overturned. The courageous Greeks who oppose the regime—and all peoples who cherish the gift of freedom and still look to this country for moral leadership—deserve more than lipservice to their cause.

In order that the intent of Congress is followed in this matter, my amendment does not give the President the right to resume aid unilaterally. Rather, the Executive would be required to submit any request for resumption to the Congress for its review and approval.

Mr. President, there are those who will view this amendment as an undue interference in the domestic affairs of the Greek Government. But let me remind them that this is American taxpayer's money we are talking about—not the Greek regime's—and it is the responsibility for Congress to insure that these funds are not squandered on governments which mock our democratic ideals. I ask unanimous consent that a copy of the amendment be printed in the RECORD immediately following my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 424

On page 7, between lines 16 and 17, insert the following new section:

"SEC. 301. Section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"'(v) No assistance shall be furnished to Greece under this Act, and no sale or credit shall be made to, and no guaranty shall be made on behalf of, Greece under the Foreign Military Sales Act, except that the provisions of this subsection shall not prevent the expenditure of funds obligated prior to the date of enactment of this subsection.'"

On page 7, line 17, strike out "301" and insert in lieu thereof "302".

On page 8, line 3, strike out "302" and insert in lieu thereof "303".

NOTICE OF HEARINGS ON SUBCONTRACTING PROGRAM OF SMALL BUSINESS ADMINISTRATION

Mr. MONTOYA. Mr. President, notice is hereby given that the Subcommittee on Government Procurement of the Senate Small Business Committee will conduct field hearings on the 8(a) subcontracting program being administered by the Small Business Administration.

The 8(a) program derives its name from section 8(a) of the Small Business Act, which gives the Small Business Administration authority to—

> Enter into contracts with the United States Government . . . to furnish articles, equipment, supplies, or materials to the Government . . .

And to—

> Arrange for the performance of such contracts [by] . . . letting subcontracts to small business concerns. . . .

Using this authority, the Small Business Administration provides "seed" contracts to new or fledgling business firms owned or operated by members of disadvantaged groups.

The purpose of the field hearings will be to receive testimony from representatives of Government agencies, community organizations, bankers, large Government contractors, and 8(a) subcontractors to ascertain whether the program is being effectively implemented.

The hearings will be held on September 29 and 30, 1971, in the ceremonial courtroom on the 19th floor of the Federal Building in San Francisco, Calif., and will begin at 10 a.m. both days.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will conduct hearings on S. 2087, the "Police Officers Benefit Act of 1971," on Wednesday, September 29, 1971. The hearings will begin at 10 a.m. in room 3302, New Senate Office Building. Further information can be obtained from the staff in room 2204, telephone extension 53281.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on September 24, 1971. The hearings will begin at 10 a.m. in room 2228, New Senate Office Building. Further information can be obtained from the staff in room 2204, telephone extension 53281.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON NATIONAL PENITENTIARIES

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for September 23 at 10 a.m. in room 457 of the Senate Office Building. These hearings will take up S. 2292, legislation which I introduced to enhance the professional nature of the corps of correctional officers employed in the institutions of the Federal Bureau of Prisons. The subcommittee will also take testimony on S. 1865, a related piece of legislation which is pending before the full Judiciary Committee.

The fundamental element of both bills deals with establishment of maximum age for recruitment of new employees. S. 2292 is concerned only with the correctional officers of the Bureau of Prisons. The scope of S. 1865 is broader, providing for the setting of maximum ages also for broader patrol agents, drug investigators and deputy U.S. marshals.

Any person who wishes to testify or submit a statement for inclusion in the record of these hearings should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARINGS ON FEDERAL COURT JURISDICTION

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judical Machinery, I wish to announce hearings for the consideration of S. 1876 pertaining to the civil jurisdiction of the Federal courts.

The hearings will be held on September 28, 29, and 30 in room 2228, New Senate Office Building, and October 5 and 6 in room 6202, New Senate Office Building, at 10 a.m.

Those who wish to testify or submit a statement for inclusion in the record should communicate with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building, extension 53618.

REDUCTIONS IN COMMISSION RATES FOR SMALL INVESTORS—ANNOUNCEMENT OF SECURITIES STUDY HEARINGS

Mr. WILLIAMS. Mr. President, the Securities and Exchange Commission has recently announced that it will conduct a public investigatory hearing concerning the interrelationship of, and access to, national securities exchanges and other securities markets. Under the Securities Exchange Act of 1934, the Commission has not only the authority, but also I believe the responsibility, to take the initiative in keeping abreast of these matters. The Commission has not always been adequately alert to this responsibility in the past, and as a result has too often been called upon to deal with deteriorating situations after they had reached the crisis stage.

The Commission's announcement, however, when read together with recent statements by Chairman CASEY, has given rise to concern that the effect of these new hearings may be to delay, rather than facilitate, progress on two important matters which seem appropriate for early action and which could result in immediate savings of millions of dollars for small investors. I am referring to elimination of the surcharge on small transactions and a reduction in the ceiling on fixed rates to permit more realistic commission charges on orders of institutional size.

The surcharge on small transactions was imposed by the New York Stock Exchange in April 1970, as a "temporary" measure to tide the securities industry over a critical period of operational and financial difficulties. It has now been retained for almost a year and a half. I believe that it is inappropriate for small investors to be held hostage in this manner any longer, whether or not the Commission is yet ready to take action on all aspects of the stock exchange's new rate proposals which it submitted in June of this year, or on the other complex questions which the Commission has now undertaken to explore.

My thoughts concerning this matter were set forth in a letter which I sent to Chairman CASEY on June 10, 1971. Chairman CASEY's reply, and subsequent actions, have not convinced me that the Commission is adequately sensitive to the concern expressed by small investors on this subject. So that all Members of this body may judge for themselves the basis of my concern, I ask unanimous consent that the complete text of my June 10 letter to Chairman CASEY, and his reply, be printed in the RECORD at the conclusion of my remarks.

Artificially high commission rates on institutional-size orders also have a direct effect on the least affluent investors in the securities markets—the beneficiaries of pension funds, variable annuities life insurance policies, and the shareholders of mutual funds. I was, therefore, surprised when Chairman CASEY stated last week that the precipitating factor in this decision to call his hearing was the danger that increasing numbers of mutual funds would apply for stock exchange memberships in order to reduce commission costs to their shareholders. This danger resulted from a recent decision by the U.S. Court of Appeals for the First Circuit that fund managers have a fiduciary duty to their shareholders to explore the possibility of applying for stock exchange membership as a means to reducing the cost of commission charges on their portfolio transactions. With all due respect to Chairman CASEY, it appears to me that the danger with which he is concerned is merely a symptom of an underlying problem which the Commission has already investigated at great length and for which it has already proposed a sensible and direct solution.

So far as I can determine, the principal reason, and in almost all cases the only reason, why institutions have applied for stock exchange membership is to avoid the high, fixed, uneconomic commission rates on the types of transactions in which they engage. The Commission, after more than 2 years of hearings on stock exchange commission rates, concluded in October 1970, that "fixed charges for portions of orders in excess of $100,000 are neither necessary nor appropriate" and therefore "not reasonable." In April 1971, the Commission took the first step toward implementing this conclusion by limiting fixed commissions to the first $500,000 of any order. After a 2-year study of institutional investors, the Commission then recommended in a letter to the Congress in March of this year that the question of institutional membership be deferred until the exchanges "eliminate artificial inducements to such membership" by abolishing "noncompetitive fixed commissions on orders of institutional size." However, when Chairman CASEY reconvened the Commission's rate hearings on July 12 to consider the New York Stock Exchange's latest proposal, I was disappointed to learn that the question of an appropriate level for the ceiling on fixed rates was not to be a part of that consideration. By letter of July 21, I requested the Commission to consider the question in connection with its current hearings, and received a reply which I did not feel went to the merits of the question. I ask unanimous consent that these letters also be printed in the RECORD at the conclusion of my remarks.

Now, 5 months after the elimination of fixed charges above the $500,000 level and without any citation of resulting difficulties, Chairman CASEY has indicated an unwillingness to implement any further reduction in the ceiling on fixed rates. The reason given for this delay is that there has not yet been adequate time to assess all of the consequences of the first step, which applies only to a small percentage of institutional transactions and brokerage firm revenues. The truth of the matter is that, in a fluid and dynamic industry like the securities business, the only way the SEC can ever determine the impact of eliminating price fixing is to try it. As the author of a recent book on the securities industry put it:

> Whereas other industries study *problems* to death, the securities industry reserves that fate for *solutions*.

It might also be appropriate to remind Chairman CASEY of certain statements in President Nixon's Economic Report for 1970, in which he dealt with the use of competition as an alternative to regulation:

> The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the status quo. Entry is often blocked, prices are kept from falling, and the industry becomes inflexible and insensitive to new techniques and opportunities for progress. Competition can sometimes develop, outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects. . . .
>
> More reliance on economic incentives and market mechanisms in regulated industries would be a step forward . . .
>
> Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition . . .

It is hard to think of an industry to which the President's thoughts apply more aptly than the securities industry.

In light of these significant recent developments, I have scheduled an initial hearing of the Subcommittee on Securities for Tuesday, September 21, to consider what action may be appropriate for the Congress to take in bringing about prompt action on these important questions. The Chairman of the Commission, the head of the Antitrust Divison of the Justice Department, and representatives of the securities industry and its customers have been requested to testify at this hearing.

Further hearings are scheduled for September 23, 24, 29, and 30, and October 1 as a part of the subcommittee's overall study of the securities markets. Those hearings will focus on the financial and operational problems of the industry.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 10, 1971.

Hon. WILLIAM J. CASEY,
Securities and Exchange Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: By June 30, 1971 the New York Stock Exchange is expected to submit to the Securities and Exchange Commission for its consideration a revised commission rate schedule. In considering this schedule I would hope that the Commission would give serious consideration to eliminating the $15.00 surcharge.

This surcharge which is particularly onerous to our nation's millions of small investors was initiated on April 6, 1970 as a temporary measure with a 90 day expiration date and has been in effect over since. At the time of the surcharge's initiation, the commission income of brokerage firms had declined rapidly in relationship to costs. Trading volume was down 4.4% on the New York Stock Exchange for the first 5 months of 1970 as compared with 1969. The American Stock Exchange volume was down 27% and over-the-counter volume had been reduced as much as 50%. As a result, many brokerage firms were teetering on the brink of insolvency. To combat this profit squeeze on Wall Street and the dire results of massive brokerage house failures to the national economy, the Congress enacted the Securities Investor Protection Corporation Act and the surcharge was repeatedly extended.

I am sure you will agree that the situation has now radically changed. For example, firms such as Bache & Company, Hornblower & Weeks, Hemphill, Noyes, Walston & Company and Shearson, Hammill & Company which experienced serious first quarter losses in 1970 are now operating in the black. Exchange volume for the past 9 months has reached record highs. Therefore in my opinion, the reasons for the imposition of the surcharge have disappeared and any necessary adjustments can be equitably reapportioned in the new commission rate schedule. The small investor should no longer be forced to bear the brunt of an arbitrary $15.00 surcharge on even the smallest of transactions.

I would also hope that any new commission rate schedule will only be adopted after public hearings and findings of fact. In this way all interested parties will have an opportunity to be heard and the investing public will be fully informed as to the pros and cons of the proposals which are being considered.

In my opinion, the Commission should consider making any new rates temporary in nature until the issue of the break-point on negotiated rates is finally determined. If negotiated rates are to be fully implemented, the Commission may wish to phase out the fixed rate schedule over a period of years and end up with the sole requirement that negotiated rates be reasonable. A similar standard could be imposed if negotiated rates were only to be applicable to orders in excess of any $100,000 or $10,000. In any event, a temporary rate schedule with periodic SEC review as to the break-point on negotiated rates and as to the schedule's effect on both the brokerage community and the investing public may well be desirable.

I would, therefore, hope that in the weeks ahead you and the other members of the Securities and Exchange Commission will give careful consideration to my suggested proposals.

With every good wish, I am,
Sincerely,
HARRISON A. WILLIAMS, Jr.

Securities and Exchange Commission,
Washington, D.C., June 17, 1971.
Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: Your June 10, 1971 letter on the subject of the stock exchange commission rate schedule and the surcharge was received yesterday when I was out of the city. It touches on matters that we have been considering here at the Commission and, of course, recognizes the interrelationships of the problems of providing necessary service to investors, of profit and capital troubles that recently have been plaguing many of the firms that do business with small investors and of arriving at judgments on the need for and the reasonableness of minimum commission rates and other charges.

The Commission has been reviewing the impact of the surcharge of $15 or 50% of the minimum commission, whichever is less, on the profitability of firms such as you mention which do business with the small investors. Such data will be fully considered by the Commission in determining whether to terminate or modify the surcharge. Further, I expect that when the NYSE submits a revised commission rate schedule to the Commission on or before June 30, 1971 it will provide for adjustments in its proposed rate schedule in contemplation of elimination of the surcharge. Indeed, the Exchange's commission rate proposal of July 1970 followed this approach.

Let me assure you that any new commission rate schedule and change in the starting point for competitive rates will be adopted only after all interested persons have been afforded an opportunity for comment. The Commission has invited such comment in the past and has attempted to set forth the reasons for its conclusions. I expect we will do no less in the future.

Finally, you may be assured that your suggestions as to the phasing out of a fixed rate schedule over a period of years accompanied by periodic review by the Commission, which are along the lines of a suggestion made some time ago by the Department of Justice, will be given careful consideration.

Sincerely,

William J. Casey,
Chairman.

July 21, 1971.

Hon. William J. Casey,
Securities and Exchange Commission,
Washington, D.C.

Dear Mr. Chairman: On July 12, the Commission began public hearings to consider a new schedule of fixed commission rates proposed by the New York Stock Exchange. To this date, there has been no indication that these hearings would focus on reducing the ceiling on fixed rates from $500,000 to a lesser figure.

Last October the Commission announced its opinion that "fixed charges for portions of orders in excess of $100,000 are neither necessary nor appropriate," and therefore "not reasonable". However, a ceiling of $500,000 was actually imposed by the Commission in April of this year, so that a smaller percentage of transactions would initially be affected. I assume that this approach reflected the concern expressed by some people that negotiation of rates on any stock exchange transactions would create serious business or legal probems for brokers and their customers.

Negotiated rates have now been in effect for more than three months, and the predicted problems do not seem to have materialized. I would hope, therefore, that the Commission will combine its consideration of the proposed fixed rate structure with a consideration of the appropriate ceiling for fixed rates. When I last wrote you in June on this subject. I suggested ways in which the two issues might be combined. Otherwise, the Commission may find itself in the anomalous position of passing on the "reasonableness" of fixed charges which it has already determined to be "not reasonable". It would also make it more difficult, if not impossible, to assess the economic impact of the proposed rates. I hope, therefore, that you will broaden the scope of the current hearings to include consideration of this important question.

In its consideration of this matter I assume the Commission will wish to ascertain the effects of negotiated rates since their introduction on April 5th upon the various stock exchanges, upon the financial position of brokerage firms and upon the commissions paid by financial institutions representing the public. This information will also be extremely helpful to the Subcommittee on Securities in the study of the securities industry which it is now undertaking.

With every good wish, I am,

Harrison A. Williams, Jr.,
Chairman, Subcommittee on Securities.

Securities and Exchange Commission,
Washington, D.C., July 28, 1971.
Hon. Harrison A. Williams, Jr.,
Chairman, Subcommittee on Securities, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

Dear Senator Williams: This is in response to your July 21, 1971, letter in which you expressed the hope that the scope of the current public hearings on commission rates would include consideration of the question of reducing the ceiling on fixed rates from $500,000 to a lesser figure.

The hearings which commenced on July 12 are as you know a continuation of the public hearings which began in the summer of 1968. The subjects of these hearings include, among other things, the evaluation of both the proper level of rates and the issue of fixed v. competitive rates.

As you may recall the Commission wrote to the NYSE on February 10, 1971, that it would not object to the Exchange's commencing competitive rates on portions of orders above a level higher than the $100,000 figure mentioned in its October 22, 1970, letter but that the point at which competitive rates are to commence should not exceed $500,000. (See enclosed Exchange Act Release 9079.) The Commission observed that the competitive rates might begin at a level higher than $100,000 "in light of substantial changes in trading patterns on the New York Stock Exchange and to gain further experience with competitive rates. . . ." Further, on April 14, 1971, the Commission announced that while the $500,000 figure cannot be assured for the indefinite future the Commission would observe the workings of competitive rates on orders in excess of that amount and consider carefully all questions which may arise as a result thereof.

At this point, competitive rates have been in effect for about three and a half months. It is the Commission's view that there has not been enough observation of or experience with the actual workings of competitive rates in the market place to permit careful consideration of all the questions and implications, particularly those with respect to the impact on commissions and service for small investors, the basis on which the important research function will be performed, the methods of handling large blocks, accurate quotation and adequate disclosure on pricing and the whole range of problems bearing on the conditions under which small investors and institutions will co-exist in the market. We are now gathering information and we plan to begin statistical analysis of the data received as soon as the staff has completed its report on the commission rate hearings. It will probably be desirable to conduct interviews with institutional brokers and institutional traders to ascertain the impact of competitive rates on the markets and institutional trading patterns. Of course, all information on which we base our conclusions will be made promptly available to your Committee.

Consideration of the current NYSE minimum rate proposal will not resolve the question of the proper level for competitive rates. Any new rates which may be approved will be subject (as is the existing schedule) to the continuing review and resolution of the long term questions regarding the necessity for fixed rates.

Sincerely yours,

William J. Casey,
Chairman.

NOTICE OF HEARINGS ON CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Mr. HUMPHREY. Mr. President, on September 8, I announced hearings by the Subcommittee on Rural Development of the Committee on Agriculture and Forestry for September 21, 22, 23, and 24 on S. 2223, the Consolidated Farm and Rural Development Act. The hearings will also include amendment No. 153—to S. 1483—by the Senator from Kansas (Mr. Pearson), which would establish the Rural Community Development Bank. These two proposals are being considered together, and anyone wishing to testify should contact the committee clerk as soon as possible. The hearings will begin at 9 a.m. each day in room 324, Old Senate Office Building.

ADDITIONAL STATEMENTS

SENATOR WINSTON L. PROUTY

Mr. WILLIAMS. Mr. President, I wish to join with my fellow Members of Congress in paying appropriate tribute to the late Senator from Vermont, a good friend and devoted public servant, Winston Prouty, who passed away last Friday.

Few men deserved more or were qualified more to serve the people of their States. Senator Prouty's background of public offices and positions has demonstrated this capability. As mayor of his hometown of Newport, as speaker of the Vermont House of Representatives, and as a distinguished Member of both Houses of the U.S. Congress, Winston Prouty gave to the people of Vermont and the Nation a most sincere dedication. While he was a strong supporter of his party and his State, he frequently evidenced a willingness to take an independent stand on controversial issues.

Mr. President, I served with Senator Prouty closely in past years on the Senate Special Committee on Aging and the Committee on Labor and Public Welfare. I know firsthand his outstanding record as a leader in aiding the Nation's elderly and as a supporter of social security legislation. His presence in this body of Congress will surely be missed.

HOUSING REFORM AMENDMENTS ACT OF 1971

Mr. BROOKE. Mr. President, this session of the 92d Congress has seen a renewed and much needed focus of attention on basic reforms in our housing assistance programs. In many instances we are still working to complete a job begun almost 40 years ago. Hearings are now underway before the Subcommittee on Housing and Urban Affairs of the Senate Committee on Banking, Housing and Urban Affairs, and the Subcommittee on Housing of the House Banking and Currency Committee. It is likely that major changes will soon be enacted to reshape these programs in an effort to meet the growing housing needs of the 1970's.

President Nixon and his administration must be commended for the substantial contribution they have made to the reform of our housing programs by advancing their proposed S. 2049, "The Housing Consolidation and Simplification Act of 1971." The basic concepts developed in this piece of legislation will go far toward achieving the efficient, yet effective, administration of our varied Federal housing programs.

In an effort to build on these basic improvements advanced by the administration, the distinguished Senator from Minnesota (Mr. MONDALE) and I have joined in a bipartisan spirit to offer further refinements to our housing laws. We believe that our combined efforts along with the administration's S. 2049 will result in a comprehensive recasting and consolidation of the National Housing Act and the U.S. Housing Act of 1937.

Mr. President, I would like to request that a section-by-section analysis of this bill, the Housing Reform Amendments Act of 1971 be printed in the RECORD at the conclusion of my remarks. It is worth pointing out that the major concepts incorporated in our approach have been advocated by a wide range of public interest organizations concerned with housing and have been expressed in their policy resolutions and in their recent testimony on housing legislation. It is our intention to proceed quickly to finalize the legislative language and to introduce it as a bill at an early date. It is my hope that it will have the serious attention of the full Banking Committees in both the Senate and the House, as deliberations continue on needed housing program reform.

There has been a growing awareness on the part of all concerned that the housing needs of the 1970's will require a comprehensive range of meaningful programs designed to be responsive, yet responsibly administered. This awareness has been heightened by the evident shortcomings of the existing program structure. In one important area, there has been a noticeable lack of uniformity in the basic elements of income limits, definitions of income, rent payment requirements, and the quality of housing products. Because of the gradual evolution of housing programs, these elements vary widely among the FHA mortgage insurance programs, rent supplements, and the public housing effort. This situation has resulted in additional complications for the already overburdened State and local housing agencies, has confused and stymied the efforts of sincerely motivated private developers, and has unnecessarily encumbered the Department of Housing and Urban Development. This is to say nothing of the daily dilemma that faces low- and moderate-income families who see the perpetuation of unequitable treatment under the various Federal housing programs.

In another important area there are glaring gaps in coverage for those families who need Federal housing assistance. One of these gaps is between the upper-income limits of public housing and the admission limits of the FHA mortgage insurance subsidy program. Another is between the current cost of procuring modestly designed housing on the private market. Even though new categorical systems have been devised for this latter grouping in the form of the Emergency Home Finance Act of 1971, it is clear that more must be done. Finally, we must not overlook the families with extremely low income who find that they are covered only partially by public housing and rent supplements.

In still another important area, history has shown us that the critical problems of housing management, including long-term economic and social stability of housing developments, are due in large part to a lack of attention to management and operating costs. Added to this, our housing programs have concentrated the lowest income families needing the heaviest support services in housing by themselves, where their rent cannot support the required services and where it is difficult to sustain a healthy social environment.

In terms of advantages, Senator MONDALE and I see an opportunity for further consolidation by the establishment of major common elements covering the FHA mortgage assistance housing program and the public agency housing program. These would include common prototypes, income limits, definitions of income, and rent payments applying to all assisted programs. Such consolidations should help to cut Federal redtape and assist the housing developer as well as the participating families.

We also see the urgent need for the establishment of a common policy for disbursing the Federal contributions—that is, a subsidy payment covering the full difference between total monthly costs of the project and ability to pay of those families eligible for assistance. Our experience with the so-called Brooke amendment on public housing has encouraged us to seek a wider application of this concept in other programs.

Under this approach, additional Federal revenues have been made available to local housing authorities in the form of operating subsidies so that public housing tenants will not be required to pay more than 25 percent of their adjusted incomes for rent. While we may envision a long-range shift of the welfare families' burdens to those agencies which are more directly concerned with social development, so long as the underlying need continues to exist we must respond as we have in the past. I intend to do all that I properly can to insure that any transitional effort will not take place to the detriment of our neediest of families.

In addition to consolidation, we feel that program structure should provide for the development of housing with a range of income groups in order to benefit from economic and social advantages. From the economic standpoint, we believe that higher rent paying families can help offset the low rents paid by the lowest income families. More important, by encouraging this economic mix we believe a richer soical environment will increase the chances for long-range social stability in these projects, while avoiding the notorious stigma of isolation.

A number of other provisions are outlined in more detail in the section-by-section analysis.

Mr. President, I would like to express my personal gratitude to my distinguished colleague and friend, Senator MONDALE, for the experience and knowledge that he has brought to our joint effort. His past efforts on behalf of the socially and economically disadvantaged are as monumental as they are wide ranging. This body and our Nation are in his debt for the significant contributions he has made.

I understand that Senator MONDALE will speak on this subject tomorrow.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

BRIEF SUMMARY OF THE PROPOSED HOUSING REFORM AMENDMENTS ACT OF 1971

The purpose of the Act is to consolidate, simplify and expand the present array of fragmented housing programs and create a comprehensive housing assistance concept for those who cannot afford private housing. The National Housing Act (FHA) and the U.S. Housing Act (public housing) would be modified by this Act. Eligibility for assisted housing would be based on a median income criteria, but would take into account local housing costs and the availability of decent, moderately-priced housing in the private market by giving the Secretary of HUD the discretion to move away from the median income, if necessary to meet local conditions and costs.

For multi family housing, the subsidy formulae, the key elements in this proposal, would cover the difference between the cost of providing decent, moderately priced housing and what a family or individual could pay for such housing. The financing of such housing would continue through two programs: sponsors utilizing federally-insured, market rate mortgages, and local public agencies utilizing tax-exempt bonds or market rate mortgages. Eligible sponsors would include non-profit and limited-dividend corporations, cooperatives, and local housing authorities. The key elements of the proposal relating to assisted housing are as follows:

1. *Mortgage and Development Cost Limits*—For all assisted projects there would be maximum cost limits. For each housing market area, the Secretary would establish a construction cost prototype based on the cost of constructing well-designed, but not luxurious housing within the housing market in an area. Maximum development costs could equal the sum of (1) up to 120% of the prototype cost; (2) actual cost of land and improvements; (3) the cost of non-residential space and facilities; and (4) the cost of eligible relocation activities. Further, the Secretary, on a case by case basis, could approve projects above this limit if extenuating circumstances justified it. These limits would be periodically revised (at least annually) to reflect changes in the cost of producing such housing.

2. *Financing Mechanisms and Eligible Sponsors*—There would be three basic financing vehicles: (a) Local public agencies (as under the pblic housing program) could issue tax exempt bonds with the housing assistance contract acting as a guarantee to bond holders; (b) Non-profits, limited dividend corporations cooperatives, and local

public agencies could use market rate mortgages, insured by the federal government to finance projects, as is the case with the 236 program at present; the GNMA/FNMA Tandem Plan would continue to assist in providing private mortgage money to finance these projects; (c) Eligible sponsors of state and local financing programs, would likewise be eligible to receive housing assistance payments, which is now permitted under the Section 236 program.

3. *Housing Assistance Payment.*—This subsidy for multifamily housing, would equal the difference between total project costs (debt service, management, maintenance and operating expenses, full local property taxes, the cost of adequate tenant services) and total project revenue (rents and non-residential income.)

4. *Income Eligibility Rent/Income Ratios*—Income would be defined as gross income of all over 18 years of age less: non-recurring income, income of dependent students, $300 for each dependent, a 5% deduction (10% for elderly) and $300 for a secondary wage earner. Maximum income eligibility, would be based on the area's median income as adjusted by household size, with discretion of the Secretary to move away from median income based on certain conditions. The locality would also establish uniform rent/income ratios which could vary by income and family size, but must *average* at least 20 percent within a local project or program. As income increased, the actual amount of rental payment would also increase. There would be no continuing occupancy limits. If the family was able to pay the economic rent as its income increased, it would no longer receive a subsidy, but family would remain in occupancy. The ceiling ratio would be 25 percent.

5. *Occupancy Limitations*—To encourage economic integration, the law would specify that at least 20% of all units in a project would be reserved for families of low income (defined as requiring a housing assistance payment equal to 60% of the full monthly housing costs). Such a ratio shall be maintained as vacancies occur, to the extent possible. Specific projects could receive a waiver for a lesser proportion of low-income families if justified to the Secretary.

6. *Full taxation*—All projects built under this Act would pay full local real estate taxes. Existing public housing projects would pay full taxes ten years after this Act with present payments in lieu of taxes gradually increased (10% annually) over the ten-year period.

7. *Homeownership*—A revised Section 235 Homeownership program would be included. The maximum subsidy could go deeper than under existing programs and cover full debt service—the family's minimum payment would equal operating costs of the unit (including property taxes). This would basically be a new construction program, but 30% of the funds could be used for existing homes, and another 10% would be for housing requiring substantial rehabilitation. Families would be required to repay principal cost to the federal government at the time of sale. In addition, the Turnkey III public housing ownership program would be expanded, and the Act contains provisions for the conversion of rental projects, including public housing projects, to cooperatives and condominiums.

8. *National Housing Goals*—This provision of the 1968 Act would be expanded to provide periodic up-dating of the housing goals; to encourage state and local housing goals; and to require the use of state, local and community development housing needs in revising national goals.

9. *Leasing and Turnkey Housing*—These two programs now authorized under the Housing Act of 1937 would be continued.

10. *Federal Government, Houser of Last Resort*—This section would provide that, if within two years of the passage of this act, there are areas where a housing emergency exists—where a substantial number of low and moderate income families reside or are employed and no sponsor is meeting these needs, the Secretary of HUD can act as a sponsor of such housing (either directly or through other arrangements, such as contracting with other sponsors).

11. *Public Service Grants/Other Incentives*—The proposal includes, as a method to encourage the construction of assisted housing, a public service grant to communities where new housing is constructed. These public service grants could be for up to ten years and equal to $250 for each family, or $400 for each large family unit.

12. *Housing Allowances*—The Housing Allowance Demonstration program as authorized in last year's Housing and Urban Development Act would be modified to permit a greater use of different demonstrations (using, for example, rent/income ratios less than 25% of income). In addition, the annual contract authority for this program would be increased to 25 million dollars.

SECTION-BY-SECTION SUMMARY OF THE PROPOSED HOUSING REFORM AMENDMENTS TO S. 2049, HOUSING CONSOLIDATION AND SIMPLIFICATION ACT OF 1971

TITLE I. MORTGAGE CREDIT ASSISTANCE

Title I of S. 2049 contains a complete rewrite of the National Housing Act and proposes a seven title "Revised National Housing Act." The following amendments, relating to assisted housing (basically Sections 402 and 502 of the bill) are proposed to this "Revised National Housing Act."

I. Flexible mortgage amounts

Section 3 of Title I of the Revised National Housing Act establishes maximum mortgage limits for assisted housing equal to 110% of the "prototype" cost (including construction costs, land and site improvements). This entire section would be replaced with a new section to provide more flexibility under the "prototype concept."

It would provide that maximum mortgage limits would apply to assisted insured projects but on a revised basis using prototype *construction cost* figures. (An identical procedure would be used for assisted projects sponsored by public agencies in Title II of the bill).

The Secretary would be required to establish at least annually a "prototype" construction cost figure for each site and type of dwelling unit for each housing market area, based on the cost of constructing such a unit in that area. The prototype would be defined as the cost of constructing reasonably-priced housing, taking into consideration the extra durability required for such housing, the need to provide amenities consistent with local community standards, and the commitment to maintain high architectural quality.

In calculating these prototypes, the Secretary would use criteria such as the cost of producing comparable housing within the private market, the effectiveness of existing mortgage limits within the market area, and the recommendations of local housing producers.

For multi-family assisted housing, the maximum limits would be the total of: (1) maximum per unit construction cost, defined as *120%* of the prototype figure; (2) the actual cost of land and site improvements; and (3) the actual cost of all approved non-residential space, including community and dining facilities when appropriate. For single family assisted housing, the maximum cost would equal (1) and (2) above.

In addition, the Secretary could insure projects or homes which exceeded the maximum limits *on a case by case basis* if he determines that extenuating circumstances exist, such as: the existence of sub-market areas with higher construction costs; the use of a new or experimental building system with higher, initial construction costs; discrepancies in establishing the "prototypes" and cost increases subsequent to the issuance of the prototypes.

Further, the Secretary would be required to adjust these limits periodically (at least annually) on the basis of changes in construction costs or local standards. The initial prototypes and their revision would become effective on publication in the *Federal Register*.

[The Administration proposal would set maximum development limits based on an average cost of land and site improvements, and use 110% of "prototype" construction cost figures. It does not include a discretionary waiver].

II. UNSATISFIED HOME MORTGAGE INSURANCE PROGRAM

Section 401 of the Administration's bill consolidates the various separate FHA authorities to insure single family homes and purchases of individual units. Mortgages could cover one to four family residences, or single units in a condominium.

This section would be amended to include units in a sales cooperative as eligible for insurance.

Also a new subsection would be added to permit the insurance of refinanced existing owner/occupied single family housing. Such properties should be basically sound and capable of being placed in standard condition without substantial rehabilitation, and located in neighborhoods which are basically sound or where the community is planning or implementing a program for neighborhood preservation, conservation, or rehabilitation. These mortgages would be placed in the special risk fund. The principal obligation could cover up to 97 percent of the Secretary's estimate of the value of the property before any necessary repairs and improvements, plus the actual cost of these improvements. Terms would normally run 20 years but could exceed this period to prevent any "hardship" increases in monthly mortgage payments.

III. ASSISTED SINGLE FAMILY HOME PURCHASE PROGRAM

Section 402 of the Administration's bill contains a rewrite of the Section 235 program with only minor changes. This would be replaced with a new Section 402 which would provide:

(1) *Eligible Mortgages:* This section would permit insurance and assistance contracts for single family homes, units in a condominium, and cooperatives. Individual units in an existing assisted project (eg. public housing, rent supplements, Section 221 (d) (3), Section 236) which was converted to a cooperative, condominium, or single family basis, would also be eligible for insurance.

[Cooperatives now eligible under the 235 program, would be excluded under the Administration's 402 program]

(2) *Subsidy Formula:* The maximum assistance could include all debt service (principal and interest). The family, however, would be required to make a minimum monthly payment equal to taxes and insurance and the Secretary must determine that it has sufficient residual income to pay utilities and maintain the property. At the time of transfer of property, the owner would be required to repay from the sales proceeds, if sufficient, any subsidy which covered principal. (Maximum assistance under the Section 235 program and the Administration's proposed 402 program could not go beyond the difference between market rate mortgage and a mortgage financed with one percent interest. However, this "reform" proposal is similar to the public agency homeownership provisions of the Administration bill.)

(3) *Purchaser Payment*: The purchaser would be required to pay 20 percent of gross income (as defined in (5) below) toward meeting total homeownership expenses (defined as debt service, taxes, insurance, and mortgage insurance premium.) The family would be required to make a minimum downpayment of at least $200. (Same as Administration proposal and existing 235 program.)

(4) *Maximum Income Limits*: The Secretary would establish maximum income limits for each housing market area equal to the median income of that area with adjustments for family size. These limits could be adjusted in areas where there is an extreme concentration of families of low or high income or in areas where construction costs are substantially above or below the national pattern. He would be required to adjust them at least annually. (Same as Administration proposal.)

(5) *Definition of Income*: This section would incorporate the definition contained in the 1970 Housing and Development Act for certain public housing families with minor changes. This definition will be used as the standard definition of income for all assisted programs. It provides the following exclusions and deductions from gross income: (1) income of family members under 18, of full time students (except if such minors or students are heads of households) and nonrecurring income is excluded; (2) an amount equal to $300 for each dependent and secondary wage earner is deducted from annual income; (3) 5% of gross income (10% for elderly) is deducted; and (4) the Secretary can approve the deduction of unusually high medical costs or other unusual expenses. [Modification of public housing definition: Administration proposal would limit deductions to $300 per child and minor's earnings.]

(6) *Authorization and Set Asides:* Specific amounts for the next three fiscal years would be established: 'fy '73, $250 million; 'fy '74, $300 million; 'fy '75, $350 million. The Secretary would have the discretion to use up to 30% of this money for contracts on existing property. In addition, at least 10 percent of the contract authority funds would be devoted to rehabilitation. [Administration bill proposes open-ended authorizations and does not continue the 10% rehabilitation provision now authorized in the 235 program.]

(7) *Counseling Services:* Counseling program, with an authorization to fund homeownership counseling services either through FHA or by contract to other groups, would be authorized under this amendment. [This program, Section 237 of the National Housing Act, funded for the first time this year would not be carried forward by the Administration bill.]

(8) *State and Locally-Assisted Programs:* The use of 235 assistance for non-insured units constructed or assisted through state and local programs for low and moderate income families would be eligible to receive assistance under this section. (This provision was added to the Section 235 program in 1970; it is not carried forward by the Administration bill.)

(9) *Rehabilitation for Homeownership:* This section would incorporate Sections 235(j) and 221(h) of the National Housing Act, permitting insurance of mortgages involving public agency or non-profit sponsorship of a rehabilitation project where the completed units are to be spun-off to low income families as sales housing. [This specific provision is not carried in the Administration proposal.]

IV. UNASSISTED MULTIFAMILY HOUSING

Section 501 of the Administration bill consolidates the various multifamily insurance provisions covering unassisted housing. The following amendments are proposed:

(1) *Refinancing and Conversions*—A new section would be added to permit the Secretary to insure the refinancing of existing multi-family housing which meets his standards. Such properties should be basically sound and not require substantial rehabilitation, and located in neighborhood which are basically sound or where the community is planning or implementing a program for neighborhood preservation. These mortgages would be placed in the special risk fund. They could cover 90% of appraised value (97% for cooperatives) plus the actual cost of repairs and improvements. The refinanced mortgage should not result in rent increases, but if it did the Secretary could extend the terms of the mortgage beyond the usual 20 year period. If the refinanced mortgage is for an existing owner, the Secretary shall determine, before approving the insurance, that the existing owner has been providing adequate maintenance and management services for existing tenants. Refinanced projects which would be leased to public agencies for low and moderate income housing would also be eligible for such insurance. The Section will also authorize the Secretary to insure mortgages involving conversion of property from one form of ownership to another (e.g. public housing to cooperative; conventional rental to non-profit ownership).

(2) *Special Design Features and Community Facilities*—Section 501 (i) would be amended to specify that special design features and community facilities could be included as non-residential parts of mortgages for projects to serve elderly or handicapped families.

(3) *"Congregate" Living Projects*—These projects, designed to serve a non-transient population, permitted under existing law, would be eligible for insurance and specified as such in 502(i).

V. MULTIFAMILY HOUSING ASSISTANCE

Section 502 of the Administration's bill incorporates the provision of the existing 236 program and permits 20% of the units in a project to be subsidized below the 1% mortgage basic rent (as a replacement for rent supplements which is terminated). A series of amendments would be offered to expand and further consolidate the program with the public agency program authorized under Title II of the bill.

(1) *Eligible Sponsors and Eligible Mortgages*—as in the Administration bill, eligible sponsors would include non-profits, cooperatives, limited dividend corporations and builder-sellers, who have contracted with an otherwise eligible sponsor to develop the project. Projects eligible under Section 501 would be eligible for insurance under Section 502, except that the mortgage could equal 100% of replacement cost for non-profit, cooperatives, and builder-sellers (90% for limited dividends). Public agencies would also be made eligible for the assisted mortgage insurance program. In addition to these provisions specific authority (and appropriate report language) would be added to incorporate the present 236(j)(3) provision which permits a limited dividend corporation to sell an insured project to an eligible non-profit or cooperative sponsor after a certain number of years, benefitting from tax depreciation provisions. The Secretary would then insure a new mortgage for the project, and continue the assistance. [Public agencies now eligible under the Section 221(d)(3) program would be eligible 502 sponsors; the specific authority contained in 236(j)(3) is not carried forward under the 502 program.]

(2) *State and Locally-Assisted Projects*—non-insured projects assisted under a *state or local housing program* would also be eligible to receive subsidy assistance, as now provided under the 236 program. Likewise, the provisions of 236(j)(3) would be extended to state and locally assisted projects receiving federal assistance under this section. (The Administration's proposal would limit assistance to projects approved by the Secretary prior to rehabilitation or construction.)

(3) *Subsidy Formula*—the Secretary would be authorized to enter into contracts with the sponsor to subsidize the difference between total project costs (debt service 'based on a market rate mortgage', management, maintenance and operating expenses, taxes, insurance, mortgage insurance premiums) and total project revenue (rents, income from non-residential property, and other sources).

[This provision would replace the Administration bill's limitation of subsidy—equal to the difference between a market rate mortgage and a one percent mortgage, with additional assistance for 20% of the units. The recommended formula is based on the public housing amendments of 1969 and 1970 (Brooke-Sparkman amendments) which permit annual contribution contracts to cover operating deficits. Under this povision, the market of eligible low-income families would be expanded since there would no longer be a minimum rent equal to a one percent mortgage.]

This section would also provide for periodic amendments to contracts if a project's deficit was increased or reduced, for such reasons as increased operating costs or changes in income; this would be similar to the review provision in public housing agency annual contribution contracts.

(4) *Required Rental Payment*—This section would require the tenant to pay a certain percentage of his adjusted gross income for rent but in no case exceeding 25% of his income. It would permit the locality to establish various rent/income ratios depending on such factors as family income, local rent/income ratios in the private market and family size.

However, the average rent/income ratio for the total project would have to be at least 20%. Thus a 200 unit project could have 100 units for the elderly with a 25% rent/income ratio and another 100 units for large families with a 20% or even 15% rent/income ratio, if essential in the local housing market.

This section would also provide that families receiving a majority of their income from public assistance be required to pay a minimum rent at least equal to the operating costs attributable to the unit, including the cost of utilities. This provision would become effective two years after the passage of this Act to permit changes in state laws. (The Administration bill continues the 25% rent/income ratio provision now contained in Section 236 and rent supplements. Also, it does not contain any special provision for welfare families.)

(5) *Income Composition of the Project*—This section would provide that any project, during initial occupancy, should be primarily for the use of low and moderate income families, but at the same time promote economic integration. Further, at least 20% of the units during initial rent-up will be set aside for families of very low-income (defined as those requiring a subsidy equal to 60% or more of total monthly costs. This 20% requirement could be waived by the Secretary if it was impractical to enforce within a given project (e.g. one designed as relocation housing for moderate income families affected by an urban renewal project). A sponsor may rent, with the Secretary's approval, a portion of the units initially to tenants who can pay the full market rent. However, the "20% very low income requirement" will be increased by the same percentage as the percent of units which are not receiving assistance. There would be no continuing occupancy requirements. Report language would indicate that the 20% of very low income families should be maintained when possible after initial rent-up. (The Administration bill would mean that at least 80% of the units in any project could not be occupied by families

who could not afford to pay the 1% rent; 20% of the units could be used to assist families below this level, but it is not mandatory.)

(6) *Maximum Income Limits*: The Secretary would establish maximum income limits for each housing market area equal to the median income of that area with adjustments for family size. These limits could be adjusted in areas where there is an extreme concentration of families of low or high income or in areas where construction costs are substantially above or below the national pattern. He would be required to adjust them at least annually. (Same as Administration Proposal.)

(7) *Definition of Income:* This section would incorporate the definition contained in the 1970 Housing and Development Act for certain public housing families with minor changes. This definition will be used as the standard definition of income for all assisted programs. It provides the following exclusions and deductions from gross income of family members under 18, of full time students (except if such minors or students are heads of households) and nonrecurring income is excluded; (2) an amount equal to $300 for each dependent and secondary wage earner is deducted from annual income: (3) 5% of gross income (10% for elderly) is deducted; and (4) the Secretary can approve the exclusion of unusually high medical costs or other unusual expenses. [Modification of Public Housing definition; Administration proposal would limit deductions to $300 per child and minor's earnings].

(8) *Authorizations:* The authorization section would include the remaining available rent supplements authorization which has not been appropriated and increase the new authorization to reflect the deeper subsidies possible and the absorption of the rent supplement program into 502. Authorizations for three additional years are provided: 'fy '71, $250 million; 'fy '72 $280 million; 'fy 73 $350 million; 'fy 74, $400 million; 'fy 75, $450 million. (The Administration bill provides open-ended authorizations.)

(9) *Tenant Service/Operating Costs:* The term operating costs would be defined to include the provision of adequate tenant services (as now defined in public housing, which includes, for example, such activities as: training of tenants for management, counseling or household management, housekeeping, budget assistance, advice on employment opportunities, and, training for homeownership if the project is designed to be converted to an ownership basis). (No comparable provision in the Administration 502 program.)

TITLE II. PUBLIC AGENCY HOUSING ASSISTANCE

Title II of S. 2049 contains a complete rewrite of the United States Housing Act of 1937 and proposes an eight-section revised "United States Housing Act of 1937". A series of amendments are proposed to this revised "United States Housing Act of 1937", which would result in the following:

Section 201. This section would amend and supersede the U.S. Housing Act of 1937.

Short title

Section 1. The Act would be cited as "The United States Housing Act of 1937".

Declaration of policy

Section 2. The Declaration of Policy of The United States Housing Act of 1937 would be amended as proposed in S. 2049, except the phrase in the existing 1937 Act including "responsibility for the establishment of rents and eligibility requirements, subject to the approval of the Secretary of HUD", would be retained.

Definitions

Section 3. This section definies "development", "operation", "acquisition cost", "State", "low income housing project" or "project" as proposed in S. 2049. The term "public housing agency" would be defined to mean "any State, County, municipality, or public body (or agencies or instrumentality thereof), *including a metropolitan or regional agency serving two or more municipalities including a central city, or any multi-State agency*, which is authorized to engage in or assist in the development or operation of low-income housing". (The words in italic are added.) The term "low-income housing" and "low-income families" are defined as follows:

Low Income Housing means well-designed but not luxurious housing in a local area, as determined by the Secretary of HUD using 120% of prototype construction cost figures as maximum construction cost figures. Prototype construction costs (excluding the cost of non-dwelling facilities) shall be determined at least annually by the Secretary on the basis of his estimate of the construction costs of new dwelling units of various sizes and types in the area. The Secretary in determining an area's prototype costs shall take into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life and neighborhood environment. Further, in the development of such prototypes, emphasis shall be given to encouraging good design as an essential component of such housing and to producing housing which will be of such quality as to reflect the architectural standards of the neighborhood and community. The prototype costs for any area shall become effective upon the date of publication in the *Federal Register*.

Low-Income Families means those families whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high- or low-median family incomes, or other factors.

Eligibility and rents shall be determined by the public housing agency with the approval of the Secretary. The *average* rental in the program of a public housing agency shall be at least one-fifth of net family income, and no rental for an individual housing unit shall exceed one-fourth of net family income. Net family income shall be defined as income from all sources of each member of the family residing in the household who is at least eighteen years of age; except that (a) nonrecurring income, as determined by the Secretary, and the income of dependent, full-time students shall be excluded; (b) an amount equal to the sum of (i) $300 for each dependent, (ii) $300 for each secondary wage earner, (iii) 5 per centum of the family's gross income (10 per centum in the case of elderly families), and (iv) those medical expenses of the family properly considered extraordinary shall be deducted; and (c) the Secretary may allow further deductions in recognition of unusual circumstances.

The term "families" includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term "elderly families" means families whose heads (or their spouses), or whose sole members, are at least fifty years of age, or are under a disability as defined in Section 223 of the Social Security Act, or are handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Secretary, to have a physical impairment which (a) is expected to be of long-continued and indefinite duration, (b) substantially impedes his ability to live independently and (c) is of such a nature that such ability could be improved by more suitable housing conditions. The term "displaced families" means families displaced by governmental action, or families whose present or former dwellings are situated in areas determined by the Small Business Administration, subsequent to April 1, 1965, to have been affected by a natural disaster, and which have been extensively damaged or destroyed as the result of such disaster.

Mortgage financing

Section 4. This section would make public housing agencies eligible to finance assisted housing through mortgage insurance under the provisions of Title I of this Act.

Loans

Section 5. This section would be the same as Title II, Section 4 of S. 2049.

Annual contributions

Section 6. This section would provide for annual contributions contract provisions in two parts: (1) capital debt requirements and (2) operating services and reserve funds.

(a) The Secretary would make annual contributions to public agencies to cover principal and interest payments payable on obligations issued by the public housing agency to finance the development or acquisition cost of the low income project. This subsection is the same as Title II, Section 5(a) of S. 2049.

(b) This section is the same as Title II, Section 5(d) of S. 2049; and provide for collective coverage of two or more projects under one contract.

(c) This section is the same as Title II, Section 5(e) of S. 2049, except that Section (e)(ii) is amended to read as follows: "and (ii) unless the public housing agency has demonstrated to the satisfaction of the Secretary that there is a need for such low-income housing *under the conditions set forth in this Act*". (Italicized wording is new)

(d) In addition to the contributions authorized under the Subsection (a), the Secretary may make annual contributions to public housing agencies for the operation of low income housing projects. The contributions payable annually shall not exceed the amounts which the Secretary determines are required: (1) to assure the low income character of the projects involved and (2) to achieve adequate operating services and reserve funds. The Secretary may embody the provisions for such annual contributions in a contract guaranteeing their payment. At the initial development of each housing project, or in the case of existing public housing agencies at the earliest possible time after the effective date of this Act, the local public housing agency shall determine, with the approval of the Secretary, appropriate and required operating services and reserve funds, including tenant services, based on the character and location of the housing project, and the characteristics of the families to be housed. These services shall be incorporated into the program and budget of the public housing agency, and shall constitute the "base level" of operating services. In the event that income from the project is not sufficient in any year to meet these "base level" operating services at projected costs for that year, the Secretary may make annual contributions to meet the residual cost. This commitment for "base level" operating services shall be a contract provision of the annual contributions contract. A public housing agency may request the activation of this "base level" services contract provision at the beginning of any operating year at the time of the preparation of its annual budget. Every two years, at the same time as the reexamination of tenant income, "base level" services shall be reexamined to judge their adequacy in terms of changing conditions and standards.

(e) Rental payments, definition of income, and other factors shall be the same for projects and programs of public housing agencies receiving operating contributions, as in the projects and programs of all other public housing agencies.

(f) This section would provide that any portion of annual contributions payments not required by a public housing agency in any year may be used, at the discretion of the Secretary for purposes designed to effect a reduction in subsequent annual contributions.

(g) The total authority of the Secretary to enter into annual contributions contracts is increased as follows: The authority of the Secretary to enter into annual contributions contracts for new development is increased by $350 million by July 1, 1972, by $400 million on July 1, 1973, and by $450 million on July 1, 1974. The Secretary is also authorized to enter into contracts for annual contributions with respect to modernization of low income housing projects in an amount aggregating not more than $100 million per year. In addition, the Secretary is authorized to enter into contracts to assist operations of local public housing agencies in an amount aggregating not more than $300 million per year.

Contract provisions and requirements

Section 7. This section would include the following sections as proposed in S. 2049:

(a) Same as Title II, Section 6 (a) of S. 2049—covering (1) the right of the Secretary to include conditions in loans, annual contributions, contracts or other instruments or agreements, necessary to insure the low income character of the project (2) a contract condition requiring open space or playground, if deemed necessary by the Secretary, and (3) a contract condition that no high-rise elevator projects, except for elderly, shall be developed for families with children, unless the Secretary determines there is no practical alternative.

(b) This section will amend Title II, Section 6 (b) of S.2049 to provide the same conditions on the application of prototype construction standards and total development cost as in mortgage credit assisted housing, Title I, except that maximum development cost would also include the 100 percent cost of relocation, pursuant to the provisions of the Uniform Relocation and Real Property Acquisition Act of 1970.

(c) This section would provide that income requirements for admission, and definition of income would be the same as that provided in the Mortgage Credit Assistance. Otherwise it is the same as Title II, Section 6 (c) of S. 2049: (1) requiring identification and two-year review of regulations; and (2) notification procedures for ineligible applicants.

(d) This section would provide that the rent payments required for a tenant in public agency-assisted housing would be the same as required in Mortgage Credit Assisted Housing of Title I.

(e) This would be a new section providing that all *new* public agency assisted housing would pay full real and personal property taxes levied or imposed by a state, city, county, or other political subdivision. It would further provide that existing public housing developments not now paying such full taxes would proceed to make increased tax payments on a fixed level, annual basis until they are paying full taxes, at a rate of at least 10 percent increase a year, but reaching a full level tax payment within at least ten years. Estimates for increasing annual contribution contracts to cover full property taxes in existing projects would be submitted by the Secretary within six months after enactment of this Act.

(f) This would be a new section providing that two years after the effective date of this Act, a family receiving the major portion of its income from public assistance shall pay rent at least equal to the operating costs attributable to its housing unit, including utilities. Operating costs shall mean all costs except for principal and interest payments on capital debt.

(g) This section would be the same as Title II, Section 6 (f) of S. 2049, setting conditions for actions in the event of default, and insuring payments on capital obligations.

(h) This would be a new section providing that if the Secretary and the public housing agency jointly agree that an existing project is obsolete with respect to physical condition or location, that the Secretary can make a capital grant to pay off the indebtedness so that the project can be demolished or sold. The capital grant would cover the cost of demolition, if required. The local public agency would be required to provide replacement or relocation housing for existing tenants. A capital grant authorization of *$100 million* is provided for this purpose, to remain available until expended.

Congregate housing

Section 8. This section is the same Title II, Section 7 of S. 2049, except for the final sentence, which is revised to read: "Expenditures incurred by a public agency in the operation of a central dining facility in connection with congregate housing shall be considered as one of the costs of the project, except that only up to 25 percent of the cost of providing food and service, shall be included".

Low-income housing in private accommodations

Section 9. This section is the same as Title II, Section 8 of S. 2049.

Home ownership for low-income families

Section 10. This section is the same as Title II, Section 10 of S. 2049 except for the following:

Upon sale of any unit, the family would be required to pay from the sales proceeds, if sufficient, any subsidy which has covered principal.

As an additional and optional howeownership program, to the one established in Section 10, the "home purchaser" concept of the existing Turnkey III homeownership shall be continued for those families who cannot meet full monthly homeownership expense, to permit low income families to achieve equity in a home on a gradual basis, to the point where they can pay full monthly costs with the interest rate equal to the rate of the public agency's debt.

Under this optional plan, a local community can continue to accept payments in lieu of taxes from local housing authorities on behalf of low income "home purchasers", rather than full real estate taxes, in order to encourage homeownership by these famlies; and the Secretary is authorized to utilize annual contributions contract authority to assist in making tax payments for low income purchasers, when he deems appropriate.

The conditions for disposition of a housing development, either for sale to low-income tenant purchasers, or to non-profit, or cooperative purchasers shall include a requirement that any necessary repairs or improvements be made prior to disposition of the property. The Secretary is authorized to provide supplemental annual contributions to cover the debt service on loans to make such repairs and improvements. The sale price shall cover: the outstanding bonded indebtedness, the cost of any supplemental loan to cover necessary repairs and improvements, the costs of conversion, closing costs and prepaid expenses. The legislation should make clear that annual contributions will continue to cover debt service both on the original capital cost and the loan, as well as prepaid expenses and closing costs.

General provisions

Section 11. This section is the same as Title II, Section 12 of S. 2049.

Labor standards

Section 12. This section is the same as Title II, Section 13 of S. 2049.

Exemption of mutual help projects

Section 202. This section is the same as Title II, Section 203 of S. 2049.

Repeal of specification requirements

Section 203. This section is the same as Section 204 of S. 2049.

Retroactive repeal of section 10 (J)

Section 204. This section is the same as Title II, Section 205 of S. 2049.

Amendment to National Bank Act

Section 205. This section is the same as Title II, Section 206 of S. 2049.

Amendment to Lanham Act

Section 206. This section is the same as Title II, Section 207 of S. 2049.

Effective date of title II

Section 207. The provisions of Title II shall be effective beginning on January 1, 1973, except that any adjustment in income eligibility or rent payment shall take place at the first regular reexamination of tenant income following January 1, 1973. Further, the Secretary is authorized to proceed immediately upon the effective date of this Act to execute "base level" operating assistance contract agreements with existing public housing agencies, pursuant to Section 6 (d) of this Title II.

III. MISCELLANEOUS

Title III of the S. 2049 provides for a series of amendments to existing laws. Under this revised title, five additional proposals would be added:

A. Housing goals and annual housing goals report

This section would amend Title X of the Housing and Urban Development Act of 1968 by calling for the updating of the housing goals and for the requirement of the annual housing goals report, especially relating to assisted housing.

It would authorize the Secretary of HUD to encourage the formulation of State and local housing goals (usually SMSA's) to provide a base for determining the national housing requirements. This should be accomplished usually through the "701" program. Such State and local goals would also include actions necessary to maintain the existing housing stock. Specific annual needs for subsidized housing on a five-year basis would be included.

This section would also provide for the periodic updating of the national housing goals and provide that these goals be based on national data, state and local housing goals, and community development needs (relocation and replacement housing). Likewise, this section would require the Secretary to justify all authorization and appropriation requests for assisted housing programs in terms of how these figures will approach the assisted housing goals.

The scope of the annual housing goals report would be expanded to include (a) an analysis of the effect of changes in housing costs and recommendations for reducing any inflationary increases; (b) an analysis of annual changes in the quantity and condition of the national housing inventory.

75 million dollars would be authorized: to fund the annual housing goals report; state and local housing goals (either as a supplement to "701" assistance or as a separate grant); and to contract with the Bureau of Census to do an annual evaluation of the housing inventory.

B. Public service grants

This Section would authorize $150 million in new contract authority annually for three years for payments to localities to assist them offset increases in public services resulting from the provision of new federally-assisted housing within their communities. Contracts for such public service grants could not exceed ten years and could not exceed $250 per unit annually, except for units designed for large families (3 or more bedrooms) where such amount can be increased to $400 annually.

C. Section 312 rehabilitation loan program

Section 312(d) of the Housing Act of 1964 would be amended to increase the annual authorization to $200 million. This will assist in meeting the expected increased demand for this program as a result of its linkage to the proposed Community Development Assistance Act of 1971 (S. 2333).

D. Houser of last resort

This section would express the intent of Congress that the Secretary of HUD should act as houser of last resort in those areas of the country where a "housing emergency" exists. A "housing emergency" would be defined as a substantial number of low and moderate families residing or employed in an area where there are no sponsors (public or private) willing to provide housing to meet their needs. This section would further provide that the Secretary of HUD, by contract with private or public agencies or other entities may act as sponsor in such areas beginning two years after the enactment of this act. Further, Secretary of HUD would submit to Congress within one year his plans for implementing this section including his proposed criteria to identify such "emergency" housing areas. This concept is included in the 1970 Uniform Relocation Assistance and Real Property Acquisition Practices Act.

E. Housing allowance

This title amends Section 504 of the Housing and Urban Development Act of 1970 which authorizes a demonstration on Housing Allowances to test methods in addition to a single housing allowance formula (i.e. the difference between 25% of a family's income and the maximum full market rental established in the locality). Rather, it would permit the development and utilization of different types of housing allowances and different techniques for implementation.

This title further provides for evaluation of the impact of such allowance on rent levels throughout the housing market area and the extent to which any increased rental levels reflect improved housing services.

The housing allowance contract authority is increased to $25 million for each of the next three fiscal years.

DIGNITY FOR THE ELDERLY

Mr. HARTKE. Mr. President, we have all been conscious of, and working hard to deal with, the problems our senior American citizens face.

Articles like the two published in the Detroit Sunday News of September 5, 1971, remind us that there is still more to be done.

I ask unanimous consent that the article entitled "Rest Home Robs Dignity From Some Elderly," written by Helen McLennan, and the article entitled "Rest Home Observer Urges Changes," written by James A. Treloar, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit Sunday News, Sept. 5, 1971]

REST HOME ROBS DIGNITY FROM SOME ELDERLY

(By Helen McLennan)

Every night, as soon as the lights went out, an old woman would start wailing.

She kept it up for hours, begging for food, for water. All she really needed was a little love and attention.

But the nurses had no time for her.

One night they couldn't have answered her calls. The two nurses at the station were both asleep. Five lights on their callboard were going unattended.

The woman—she was in her 80's—babbled all night, though her roommate begged her to stop, and a man from another room even came to her door and threatened to throw her out.

She had been at the nursing home for several months, while it was to be only a four-day stay for me.

She had no choice. I was fulfilling a wish I'd often expressed during 10 years as a professional social worker, of finding out what really happens—day and night—to the minds and the bodies of elderly people who have no place to live except in a nursing home.

Before I retired, part of my job was helping to locate homes for these people. How could I assess their frequent complaints when I could only visit them during the day?

They rarely complained to me about abuse, or even neglect. Their hurt and anger had been focused on the loss of dignity.

That was to be my experience, too.

When I presented myself to a nursing home that was supposed to be "one of the good ones," the admissions people were full of promises.

Their faces were all smiles as they assured me that:

"We are going to have a big new color TV set installed this Sunday. It'll be a beauty and it will sit on a platform so the patients can't monkey with it."

"I'll have The Detroit News boy stop at your room tomorrow so you can arrange to get your subscription."

"Just come to the desk and ask for anything you want anything at all—and we'll arrange it. This should be a fun time for you."

When I left four days later I could not say that I hadn't been housed and fed or that I had been physically abused in any fashion, but:

The new TV had not arrived; persistent efforts to see the newsboy had been unsuccessful, and the one little errand I'd asked for still was not done. If it had been my lot to remain in the home, such things would have become tremendously important to me.

The cheerful—but unkept—promises of the admissions staff apparently were nothing new, judging by the experiences of many patients who "filled me in."

"They know you can't get away from here, so they tell you anything," one patient said.

Most rooms had just one narrow window which looked out on a small grass plot or the parking lot.

The rooms all seemed dark to me for the first two days, until I accepted the attitude of other patients that this is simply the way it is.

The patients ranged from those needing only supervised living to ones who were bedridden.

Those most critically ailing are kept in one corridor. They sit or lie in awkward or distorted postures. They mumble or babble or shout. Odor from their beds was always present. I found an aide in one of these rooms one afternoon, sound asleep, surrounded by piles of soiled laundry.

One of my former clients had told me after he had been in a nursing home for a while: "I'm a patient now, and not a person anymore."

I found out what he meant.

On my second day in the home, a friend came to visit me. But none of the nurses had ever heard of me. Only by being very persistent was my friend able to find me. A more casual visitor would have walked away in the belief that I was no longer there.

Almost all the aides did try in some degree to meet the individual needs of their patients. Without exception, their voices were kindly and encouraging.

But there were never enough of them.

Sometimes one aide would be trying to handle an entire hall, trying to soothe two or three anxious patients with her voice while she was still working with the patient in another room.

Some patients grow to feel their needs are not important, and they give up expressing their needs.

Few could remember anyone at the home ever encouraging them to do anything with their time.

There are bingo games every week; church services are held; a band comes in occasionally.

I brought my knitting to the home with me, and my work on it created a stir of interest. Other women would stop by my door and make comments like:

"I used to tat a lot."

"I liked to crochet, and I used to make a lot of things."

"I used to make all my children's clothes."

But their faces went blank at the suggestion that maybe they could still do these things.

Some patients had regular visitors, and they bloomed with the knowledge that someone was coming or that they were going out for a meal.

Those without visitors made elaborate excuses for relatives who "must be out of town," or "may be busy painting the house."

Not one complained about relatives who had stopped coming.

"Why should they come?" one woman asked. "I'm all right, and the weather might get bad before they could get home."

People who don't visit a nursing home forget how shabby a dress or a bathrobe can become. I wore the worst robe I could find, but I got compliments on it daily.

Mealtime is the bright spot in the patient's day.

"Well, we'll eat again at 12," one aged woman said with a sigh as she turned away from the breakfast table.

"TV says it's 10 o'clock! Is that time to eat yet?" asked a woman who was sitting out her day in the TV room, waiting for her one excitement.

I heard other patients saying:

"Don't forget, supper is at 5."

"Nurse, I hungry. I hungry."

"Why does he get his tray first!"

What does a meal mean to a patient to foster such comments, almost as greetings and farewells?

Meals make the chore of dressing worthwhile. They are a way of knowing that the day is passing. To those who can walk, they give reason for moving at a scheduled time to a place where they are expected and would be missed. To the bedfast, a meal means company, even if it's just a nurse carrying a tray.

I was given oatmeal or cream of wheat every morning for breakfast, with fruit, milk, white toast and coffee. On Sunday, bacon was added, but it was so greasy that I soaked up a whole paper napkin with the fat before eating any.

The noon meals had baked chicken, fish or meat loaf, potatoes and vegetable. There was always white bread, half of it touched with the look of butter. There were pale, thin slices of tomato one day, of cucumbers another and bits of brown-edged lettuce that looked better on the menu than on the plate.

Evenings brought soup with a meat or cheese sandwich, gelatine dessert or fruit, and milk and coffee.

We were never hungry. There was too much starch and I left much of the bread, potatoes and noodles. A patient who'd been there several years told me she used to like green beans and squash, but not anymore because they were served so often.

She left them on her plate, untouched.

For some patients, though, mealtime was an opportunity to assert themselves.

I watched at every meal as one woman braced herself and muttered until her tray was set down. After a quick look, she invariably made some special demand: a clean cup, an empty bowl, another packet of salt—anything that would be just for her.

Whatever she demanded was always supplied, without question or delay, but there is little that even a helpful nurse can add to a drab meal.

The morning after I left the nursing home, I looked in the mirror and was surprised to see some real changes in my face.

Some of the practiced droopy lines were still there, and my eyes had a haunted look.

My stomach wants affectionate feeding, though there is no real hunger.

I cried, but not for myself.

My nursing home stay had been four days. What if it were a week, or a year, or the rest of my life?

[From the Detroit Sunday News, Sept. 5, 1971]

REST HOME OBSERVER URGES CHANGES

(By James A. Treloar)

"There are some simple things a nursing home could do that would bring about profound changes in the emotional environment," said Mrs. Helen McLennan.

A professional social worker, Mrs. McLennan spent four days as a nursing home patient to produce the accompanying story for The News.

After her experience, she suggested the following:

Supply wall clocks, calendars and schedules of events. Having to cope with the passage of time is one way that people keep alert and in touch with reality. Too many administrators take the attitude that: "There's no reason why they should know what time it is; we do everything for them."

Nurses ought to give more credence to what their patients say. I saw a mouse in my room one night, and told the nurse. She said: "We'll have to try finding a trap." Next day, I mentioned it to two aides who responded similarly. But no trap ever appeared. It wasn't that they didn't care—they simply didn't want to believe me.

Patients should have access to a professional social worker. Many nursing homes do hire consulting social workers, but their job is to talk to the staff, not the patients. And more often than not, they deal with problems bothering the staff, not the problems bothering the patients.

Patients should be given pleasant and challenging occupations. This could mean crafts, games, group discussions—but there are many possibilities. It's not enough to simply provide the facilities; patients must be encouraged to use them.

Use volunteers like the Candy Stripers or the Friendly Visitors. They give a friendly, socializing atmosphere to an institution.

And all staff members should be trained to recognize each patient's own strengths and special interests. Otherwise, patients just get categorized according to the degree of their helplessness, like "feeders," or "incontinents," or "complainers."

Only when nurses begin to think of their charges as persons instead of patients will they ever substitute real interest for the superficial smiles, often false promises and belittling scoldings.

ADDRESS BY HON. THEODORE R. McKELDIN BEFORE UNITED NATIONS ASSOCIATION

Mr. MATHIAS. Mr. President, last night the U.S. Ambassador to the United Nations, the Honorable George Bush, visited Maryland and addressed the United Nation's Association. It was my honor to be present with my distinguished colleague from Maryland (Mr. BEALL), other Members of Congress, and a very impressive company of Maryland citizens.

The meeting is an annual event in Baltimore, and for a quarter of a century one of its moving spirits was Jacob Blanstein. The interest and support for the United Nations that was evident at last night's dinner was a monument to Mr. Blanstein and to his dedication, to the cause of human rights guaranteed by international law. That dedication was eloquently memorialized by Mr. Blanstein's great friend of many years, Theodore R. McKeldin, former Governor of Maryland, former mayor of Baltimore, and stanch supporter of the United Nation's Association.

I ask unanimous consent that the text of Governor McKeldin's tribute to Mr. Blanstein be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THEODORE R. McKELDIN

In the lobby of the Blaustein Building in downtown Baltimore stands a half-size bronze replica of the sculpture gracing the United Nations Plaza in New York. The title of the artwork is "Single Form" and according to an inscription it "symbolizes the late Secretary-General Dag Hammerskjold's singleness of purpose in his zealous pursuit of peace."

The donor of this sculpture was Jacob Blaustein. How it came to be created provides a fascinating insight into this man and his interest in the UN.

The story told that a few weeks before Dag Hammerskjold died, he had a long luncheon session about world affairs with Andrew Cordier, Ralph Bunche and Jacob Blaustein. After the meeting, the men took a walk near the pool in front of the UN Building. Hammerskjold mentioned to Dr. Bunche his desire to see a brilliant piece of sculpture on that spot. Beyond Mr. Blaustein's hearing, Dr. Bunche asked why Mr. Hammerskjold had not suggested the idea to his Baltimore friend. The Secretary-General replied that it would be wrong to exploit their friendship. After Hammerskjold's death, however, Dr. Bunche told Jacob Blaustein of the conversation. It was then that Mr. Blaustein commissioned the world-renowned British sculptress Barbara Hepworth, an artist whose work Hammerskjold admired, to execute the sculpture.

At the dedication of his gift of this sculpture to the UN, Jacob Blaustein quoted Hammerskjold's philosophy: "The question of peace and the question of human rights are closely related. Without recognition of human rights we shall never have peace."

That philosophy, however, was also Jacob Blaustein's philosophy and his life was an expression of his drive to achieve the dignity of justice and the reality of peace for all mankind.

Throughout his life, Jacob Blaustein was active on the board of scores of Jewish and non-secretarian philanthropic organizations. He was instrumental in the monumental achievement of negotiating the West German reparations for the victims of Nazi persecution. He was involved in and committed to causes from the Truman Library to the International Synagogue at Kennedy Airport, from the United Negro College Fund to the Hebrew University in Jerusalem, from the USO to NATO.

But as one writer of Jacob Blaustein's life noted. "Perhaps his greatest satisfaction came as a member of the United States delegation to the UN." And the reason is simple, yet profound. For Jacob Blaustein saw the UN as the most obvious vehicle to achieve his pursuit of human rights. He saw in this organization of peace, a channel for his considerable energies and his grand success in business to be applied to the one goal that consummed him—man's humanity to man.

And so, he was involved in the UN from the beginning. At President Roosevelt's request, he served as consultant to the American Delegation at the International Conference in San Francisco, where he played a leading role in the introduction and inclusion of the Human Rights provisions in the United Nations Charter. In 1946, he participated in the UN Organization Conference in London. In 1955, President Eisenhower appointed him a delegate to the UN 10th General Assembly. In 1957, he was State Chairman of UN Week in Maryland and received a citation, I am proud to say, from me as Governor. In 1963, he was chairman of a Citizens Committee for UN week in Maryland. And in December of that year, he made, in a speech at Columbia University, the original proposal that there be established a United Nations High Commissioner for Human Rights.

His UN activities were prodigious: Member of the National Committee for United Nations Day for three consecutive years; early member and strong supporter of the American Association of the United Nations in New York; recipient in a City Hall ceremony, when I was Mayor of Baltimore, of the UN Association of Maryland's UN Flag; active fund-raiser for UN activities; Vice chairman of the UN Concert and Dinner in Washington; early member and strong supporter continuously of the United Nations Association of Maryland.

And always, running as a golden theme through his efforts, was the firm belief that the United Nations was the one way to achieve human rights for all—and thereby peace for all.

His own life was an exquisitely beautiful blend. He merged his Jewish experience, his American experience and his human aspirations to create in himself a finely honed instrument for the achievement of a peaceful blend of the peoples of this world. Five Presidents and a King recognized this and enlisted him in their work. And while he sought to honor Dag Hammerskjold with that work of art at the United Nations, Jacob Blaustein subconsciously expressed his own yearnings in that art object for a world of justice and brotherhood. "Single Form" is the title of the scripture and "Single Form" is what he made of his own life and hoped to make of our world.

NORTHEAST CORRIDOR TRANSPORTATION PROJECT

Mr. PELL. Mr. President, the Department of Transportation yesterday transmitted to Congress the report and recommendations of the Northeast Corridor transportation project.

As one who has for 9 years been advocating improved rail passenger transportation and development of new high-speed ground transportation systems to serve our congested urban corridors, I am most pleased at the recommendations included in this report.

The principal recommendations of the report include an investment of $460 million for high-speed ground transportation improvements in the Northeast Corridor—the megalopolis extending from north of Boston to the south of Washington, D.C.

I think it fair to say that the report constitutes an endorsement by the Department of Transportation of the views and proposals I have been putting forward in the Senate for the past 9 years.

Indeed, the Northeast Corridor transportation project was a direct outgrowth of my own efforts to persuade, first, the Kennedy administration and the Johnson administration to recognize and support the need for this kind of program. And it was in 1966, during the Johnson administration, that Congress approved the High-Speed Ground Transportation Act.

I think it important to note, also, that the Northeast Corridor transportation project, initiated 5 years ago, constitutes the first full intermodal systems analysis of transportation needs in any region of our country. It is, truly, a landmark in the effort to achieve a goal of comprehensive planning to meet the transportation needs of our people. I am therefore particularly pleased that the findings of this thorough study closely parallel the conclusions I reached and set forth in my book "Megalopolis Unbound" 6 years ago.

So I congratulate Secretary Volpe and the Department of Transportation on the completion and submission of this excellent report.

I must add that I am disappointed that the report and recommendations were not accompanied by specific legislative proposals from the administration. The report itself, after all, makes clear the necessity and urgency of Federal Government initiative and impetus to get this program underway.

I am somewhat reassured by Secretary Volpe's hope, as reported by the press, that necessary financial arrangements and congressional action can be achieved in not more than 1 year. I join him in that hope, and would further urge that the administration submit its legislative proposals at the earliest possible time so that the high-speed ground transportation program for the seventies can indeed be realized in this decade.

I would also urge the Department of Transportation to undertake as quickly as possible the planning recommended in the report for the development of a new high-speed ground transportation system to meet the needs of the Northeast Corridor during the 1980's.

SENATOR BROOKE'S SPEECH BEFORE WORLD AFFAIRS COUNCIL

Mr. SCOTT. Mr. President, during the August adjournment of Congress, the distinguished Senator from Massachusetts (Mr. BROOKE) spoke before the World Affairs Council in Boston, Mass. Senator BROOKE's comments to the World Affairs Council are most interesting, and I commend them highly to the Senate.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE FOREIGN POLICY OF PRESIDENT NIXON: A VOTE OF CONFIDENCE

When momentous events floods over us in a steady stream, day after day, it is difficult to perceive just how momentous individual developments may be. To gain perspective on the changes swirling around us, we must make a conscious effort to contrast our present circumstances with those in which we found ourselves not long ago.

This task is especially necessary when one confronts that "vast external realm in which the United States deals with other nations. In international politics, change often lurks dormant beneath the surface only to break through rapidly and unexpectedly with the most far-reaching consequences. Great watersheds like the Second World War transform global politics. Colonialism dies. The nuclear age is born. Strategy is revolutionized. New international organizations come to grips with the myriad problems of maintaining and managing world order.

Yet not every era in world affairs begins so dramatically. Sometimes more subtle changes work their way toward fundamental shifts in international relations.

I believe we can glimpse such changes now at work. Our country is now engaged in a profound diplomatic revolution. If recent initiatives bear fruit, the world will have taken giant strides toward a new age rich in prospects for peace and social development.

In the 2½ years Richard Nixon has been in office, he has pursued a low-key, controlled diplomacy which mutes the boldness of the course on which he has embarked. One can detect the essence of a re-oriented and revitalized American posture in the world, a posture attuned both to our own interest and to the evolving requirements of international stability. Gradually, piece by piece, the President is beginning to assemble a mosaic of foreign policy that is utterly pragmatic in style but virtually prophetic in substance.

I confess that I do not always agree with the President. For instance, I have long worked and voted for establishment of a firm date for complete U.S. withdrawal from Vietnam. I remain distressed that the President and the Congress have not come to agreement on this divisive question. But when the Chief Executive takes actions of which we approve, I believe the honest critic is obligated to be equally forthright in making known his agreement with the President.

In my opinion, every American should take stock of—and heart from—what is actually transpiring.

Disengagement from Vietnam is well advanced, and the Nixon Doctrine promises a sounder basis for U.S. policy in future crises. The fact is that 365,000 troops—⅔ of the troops in Vietnam in 1969—will be withdrawn by December 1. U.S. casualties are less than a third of those suffered previously. The American ground combat role is ending and the cost of the war is less than half what we spent in 1968.

Even with continued hostilities in Southeast Asia, the federal budget has shifted sharply toward urgent domestic needs, as the President carries forward the reordering of national priorities for which many of us have worked so long. The military share of national spending has declined to the lowest level since 1950, less than 33% of the budget and 6.8% of the GNP.

Relations with our European allies have been restored to a condition of mutual respect and confidence, laying the groundwork for relaxation of East-West tensions and mutual reduction of military forces.

In the Middle East, seeds of peace struggle to take root, as—with prudent American support—Israel and the Arab nations grope for ways to turn the present cease-fire into a more permanent settlement. For the first time, Arab nations begin to imply a willingness to acknowledge Israel's right to exist.

Farsighted negotiations with Japan have shored up our relationship with America's principal associate in the Pacific, notably through skillful adjustment of the thorny problem of Okinawa.

In Nigeria, peace has been restored and its people are forging a new and hopeful unity made possible in large part by the deliberate and often difficult restraint exercised by the United States. A policy of reserve and limited official contact with the white minority governments of Southern Africa impresses upon the leaders of those states that the outside world cannot condone repression based on race.

In perhaps his most courageous initiative, the President has achieved startling results in his campaign to revive the historic ties between the American and Chinese peoples.

Through the Strategic Arms Limitation Talks and other arms control efforts, Mr. Nixon has made unprecedented progress toward a new foundation of mutual security for the United States, the Soviet Union, and other nations.

Merely to list these developments is to come face to face with accomplishments that would literally have seemed incredible two and a half years ago. Any one of these welcome turns in American policy would be counted a formidable accomplishment. To see them all, clustered together in so brief a period, demands that we take a fresh appraisal of the nature and scope of the President's leadership in foreign affairs. Should only a fraction of these ventures mature, Richard Nixon will have served his stewardship for America very well indeed.

Reflecting on these hopeful tendencies, I am struck by the way in which differences over detail have obscured the underlying consensus on which these actions have been grounded. For example, as a strong advocate of a larger congressional role in foreign policy, I have joined others in pressing the President to move more rapidly toward disengagement from Vietnam and toward a freeze on strategic weapons in the SALT discussions. I will not dwell on these disagreements here, for I have often expressed my conviction that we should move more vigorously on one or another diplomatic front. Yet one must acknowledge the broad sweep of the President's undertaking across the entire range of U.S. international interests. Mr. Nixon has in fact gauged the directions in which this country ought to be moving and he has forged policies to fit those directions.

As we work for a more effective legislative-executive partnership, I believe the Congress must face up to the twin tasks of enhancing its own role and of reinforcing the President's capacity to conduct a potent foreign policy. Too often relations between the branches are portrayed entirely as a matter of relative power between the two. In truth, the power and influence of Congress and the Executive—and therefore of the country—are both strengthened when our policy abroad is based on full deliberation and reasoned agreement between the two branches. Thus, it does not serve America's interest if the frictions of everyday politics cloud the wide measure of legislative support for the long-term thrust of our present policies. The counterpart of a powerful congressional role in foreign policy is a heightened congressional responsibility to make clear its endorsement of sensible executive initiatives.

In short, we in the Congress must be jealous of our prerogatives—and I defer to no one in that regard—but not so jealous that we frustrate the goal of common action for the common good. As the distinguished chairman of the Senate Foreign Relations Committee has remarked, our purpose should be "reconciliation", not confrontation between Congress and the Executive. We seek to rejuventate congressional participation in foreign policy not simply for reasons of the institutional balance of power, but because of our determination to improve the performance of the United States in world affairs. And that larger purpose requires that both President and Congress proceed with a constant appreciation of the necessity to harmonize their actions on foreign policy.

The highwater mark of modern American diplomacy came a generation ago, when the two political parties—in a spirit of bipartisan devotion to the national interest—achieved a cooperative foreign policy which won broad support I believe the nineteen-seventies can be another great era in our diplomatic history—but this will require a rebirth of mutual respect and intelligent collaboration in our political system. The crux of the problem, in my opinion, is to revive a healthy relationship between the executive and legislative branches.

I offer these remarks as a preface to a simple conclusion: President Nixon's remarkable record in foreign policy deserves a greater degree of confidence than it has yet received. It is understandable that after many years of growing cleavage and declining confidence between the President and the Congress the Legislature tenders its approval warily. I doubt that any member of the Congress will again be willing to grant the kind of *carte blanche* in international relations which previous Presidents have so readily obtained. I certainly will not. But I do believe that a detailed and fairminded appraisal of the course the President is pursuing ought to win the enthusiastic approval of the Congress and the country. I stand here today to voice my personal confidence in the program which the President has undertaken to protect the peace, security and well being of the United States.

In doing so I want to comment specifically on two endeavors which I consider the President's most vital and enlightened undertakings, his China policy and his attempts to establish arms control arrangements.

I well recall my first conversation with Mr. Nixon concerning the grave problems of our policy toward China. It occurred during the opening swing of the 1968 presidential campaign. Frankly, I was pleasantly surprised and greatly encouraged to discover his strong personal commitment to a fresh approach to China policy. I was, of course, pleased to learn that we shared this issue as a central concern and that there was a large area of agreement between us on its general aspects. But far more important, I was deeply impressed by Mr. Nixon's conviction that America's interest and the stability of world order demanded an intensive effort to bring the People's Republic of China out of its long-standing isolation. In my mind, Richard Nixon clearly had his priorities straight.

His steady and constructive guidance of efforts to re-establish contact with Peking confirms that he is prepared to break the mold of outworn policy and reach out for a healthier and more productive relationship. Few issues are so complicated, so loaded with emotional and political risks, and the President's performance has been nothing less than splendid. Obviously, the outcome is uncertain and no one should anticipate instant success, but the President has removed all doubt of his dedication to a just restoration of relations between America and China.

If one issue surpasses China in its long-range importance to peace and security, it is the question of how to introduce greater reason and restraint in controlling the deadly weapons with which technology has afflicted mankind. Seldom has so much been done and so little appreciated. In simple truth, Mr. Nixon has done more than any President in history to advance the cause of effective arms control.

He has carried the Non-proliferation Treaty through to ratification.

He has proposed enlightened new treaty provisions to prohibit the emplacement of nuclear weapons on the ocean floor.

He has renounced the use of biological weapons and submitted for ratification the Geneva Protocol on chemical and biological warfare—an agreement proposed by the United States almost half a century ago but, astonishingly and sadly, not yet ratified by it.

He has ordered a phase-out of such controversial chemicals as herbicides in Southeast Asia.

And, most significantly, he has taken steps toward a fundamental revision in the strategic relationship between the United States and the Soviet Union.

The nation has not yet fully comprehended the President's landmark decision to modify the strategic doctrine on which the United States has planned its forces for a quarter century. It was Richard Nixon who, after long being a leading advocate of strategic superiority, came to see that the massive growth of Soviet strategic capabilities made such a policy both futile and dangerous. The President's reformulation of American strategy to emphasize the goal of nuclear "sufficiency"—rather than quantitative superiority—has opened the door toward a major breakthrough in stabilizing the strategic balance, curbing the arms race, and undergirding a lasting peace.

When weighed against the continuing buildup of Soviet arms, the President's strategic decisions have shown commendable restraint and a profound commitment to successful negotiations. They contrast markedly with what now appears to have been a drastic over-reaction on our part as we built up vast strategic forces in the early and mid-nineteen sixties. Many informed experts now believe that buildup delayed the possibility of serious arms limitation for a decade. Strategic parity has proved to be the prerequisite to progress in arms control. Recognizing the opportunity to promote through diplomacy the security we have been losing through the arms race, President Nixon has acted prudently and skillfully to make SALT a success.

This is not to say he has done everything many of us would have liked. I certainly wish it had been possible to obtain a general freeze on offensive and defensive deployments during the course of the early SALT talks. I believe there should have been a concerted effort to obtain a mutual suspension of the testing and deployment of multiple warhead missiles. My anxiety and disappointment on these issues will fade only if, through SALT or otherwise, effective restraints are established over the potentially destabilizing technologies now coming into existence.

Nevertheless, the President has sought to reduce these hazards. He has terminated U.S. work on a so-called "hard target MIRV" capability, making clear that any U.S. deployment must be compatible with the strictly deterrent and retaliatory mission of American strategic forces. He has offered to negotiate a mutual ban on MIRV systems. At the same time, the President was wise enough to reorient the ABM program away from a possibly provocative area defense of the entire country and toward a relatively stabilizing deployment designed to protect our land-based retaliatory forces. He has accepted the Senate's decision not to authorize a thin area defense and has slowed even the authorized deployment around the silos.

I remain convinced that the mutual deterrence on which American and Soviet security depends can best be preserved by avoiding a major deployment of anti-ballistic missiles by either country. In my judgment, mutual security would best be reinforced by a "zero level" limit on the two countries' ABM deployments, coupled with decided restraint in offensive weapons, especially MIRV systems. The vital goal, however, is to move from the *competitive*, strategic relationship in which we and the Soviet Union have been trapped in a more *cooperative* strategic environment, in which the two superpowers recognize their overriding common interest in preventing war. That transformation, it seems to me, is the fundamental objective and magnificent promise of the Strategic Arms Limitation Talks.

I want to reiterate that I personally would prefer a mutual decision to deploy no ABM systems and to dismantle the limited systems both countries have begun. I do not believe the United States should deploy a defense around Washington, even if a SALT agreement were to provide that option. If any ABM deployment is to proceed, I believe it should emphasize the strictly local, hardpoint defense of our missile silos which is now being developed in the Hardsite program, rather than the Safeguard system elements which are of limited value in defending Minuteman. As such knowledgeable critics of Safeguard as Hans Bethe and Wolfgang Panofsky have stressed, a properly designed hardpoint defense of our land-based missiles is feasible and could add a helpful measure of stability if the threat against our deterrent should continue to grow.

For this reason I have urged that the Senate authorize the use of Safeguard funds to accelerate work on Hardsite technology, for use in the unhappy event that further deployment proves necessary. If SALT is not successful in limiting the threat, a Hardsite deployment could well win the support of both opponents and proponents of the Safeguard system.

All of these considerations, and especially the fact that we are on the verge of learning what kind of mutual strategic arms limitation may be possible through SALT, persuade me that the Senate should give the President as much support as possible at this crucial juncture. While I certainly reserve my right to oppose any major expansion of ABM deployment, I am confident that no such issue is presented by this year's authorization.

To meet the President's objectives, the Senate Armed Services Committee has recommended a constructive and responsible program, which provides for a limited ABM deployment to defend our Minuteman. The Committee has authorized continued deployment at the two sites approved in 1969 and continued preparation for possible deployment at the two sites authorized last year. This retains the focus on the exclusive mission of protecting our retaliatory forces and maintains the extremely gradual pace of the program. Indeed, the Committee has adopted a compromise nearly identical to the bipartisan proposal which Senator McIntyre joined me in offering in 1970.

Particularly in view of the delicate diplomacy now underway, I do not believe it would be helpful for the Senate to resurrect last year's controversy over the sites which have been funded or to engage in a disproportionate dispute over preliminary work on the third and fourth possible sites. Accordingly, I will not support or participate in extended debate on the ABM this year.

We have now reached the stage where limitations on offensive and defensive weapons can best be settled on a mutual basis in the Strategic Arms Limitation Talks. The prognosis for SALT is more hopeful than for any strategic arms control talks we and the Soviets have ever conducted. The joint communique of May 20th, in which both Moscow and Washington declared their purpose to be an agreement in the immediate future, heralds decisive discussions in the next five months. For these few months I will observe a personal moratorium on the ABM issue.

Reviewing this promising record, I have every confidence that the President is pursuing a sensible and mutually beneficial arrangement to preclude the necessity for further increases in offensive and defensive weaponry. If one looks beyond the rhetoric and confusions of politics, the President has demonstrated his good faith and competence in opening an era of negotiations. In his quest for a generation of peace, President Nixon's foreign policy entitles him to the thrust and support of every American. He has mine.

GEORGE BALL SUBMITS STATEMENT TO THE JOINT ECONOMIC COMMITTEE

Mr. PROXMIRE. Mr. President, the Joint Economic Committee is holding hearings on the President's new economic policies. One person we had invited to testify was the Honorable George Ball who served with such distinction as Under Secretary of State, 1961 to 1966, and who played such an important role in the major trade negotiations which took place during that period. Unfortunately, Mr. Ball was not able to appear in person before the committee due to other obligations which required him to be out of the country for an extended period of time. However, Mr. Ball has submitted a written statement to the committee. This statement contains so many important insights with respect to the international aspects of the President's new policies that I feel it should receive widespread attention. I ask unanimous consent that Mr. Ball's statement to the Joint Economic Committee be printed in the Record at the conclusion of my remarks.

The central point Mr. Ball makes in his statement is that the longer the temporary protectionist elements of the President's new international economic program remain in effect—the 10-percent import surcharge and the application of the investment tax credit exclusively to U.S. produced capital goods—the more difficulty we will have in resolving mutual economic problems with our industrial trading partners, and the greater will be the likelihood that the President's program will fail to achieve its objectives. If these protectionist features become permanent, Mr. Ball asserts, the international segment of the President's program will have failed. The economic health of both the United States and all of our trading partners will have been impaired. Therefore, Mr. Ball emphasizes, we should not confuse the announcement of the program with actual achievement of its objectives. These objectives are far from secure.

The United States should not approach the forthcoming negotiations to resolve the international economic crisis with an attitude of innocent blamelessness, Ball asserts. The EEC estimates that after the Kennedy round, the average tariff level in the United States will be approximately 13 percent as contrasted with 7 percent for the Common Market. Similar data compiled by our Government indicate that the two average tariff levels will be virtually identical at slightly over 8 percent. The United States maintains import quotas on approximately 67 product categories accounting for almost 17 percent of our total industrial imports. The Europeans impose quotas on 65 similar items, but which include only 4 percent of their external industrial purchases.

Ball attacks four illusions that the United States should eschew if we are to successfully achieve our desired goals in the current negotiations. We should not expect that the determination of new exchange rate parities can either, one, be left to market forces alone or, two, be made the exclusive responsibility of other industrial countries. Monetary authorities have no stomach for a permanent float, and the United States, aside from defending our own interests, is the only nation that can exert decisive leadership in establishing a sound international monetary system.

Third, Ball argues that time is not on our side, but instead we must seek to bring about a mutually acceptable set of exchange rate adjustments within a month or 6 weeks. The surcharge substitutes for exchange rate changes that are necessary to stimulate U.S. merchandise exports, to achieve an improved balance in purchases and sales of services, and to regulate flows of long-term capital. The longer the surcharge stays in effect, the more U.S. industries will become dependent upon it, and the stronger the lobby for its retention will grow.

Fourth, Ball maintains it is an illusion to think the United States can gain an entire shopping list of concessions from foreigners in return for the elimination of the surcharge. By requesting too much, we may obtain nothing. Rather the United States should focus upon the achievement of the exchange rate changes that are the primary goal of the surcharge.

In attempting to achieve a happy mutual resolution to the international economic problems the United States still faces, Ball suggests, we should not bargain bilaterally with Japan, but include the European nations in a multilateral accommodation to Japan's growing economic strength. Moreover, the United States should weigh the concessions it can make to help achieve a solution, since our international economic difficulties are substantially the result of our own inflationary excesses.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Honorable George W. Ball, Senior Managing Director, Lehman Brothers, Incorporated, Submitted to the Joint Economic Committee, U.S. Congress, Washington, D.C., Sept. 9, 1971

I regret that, due to professional obligations overseas, I have been unable to accept the Committee's invitation to appear before it in connection with the international aspects of the President's new economic measures. I thank the Committee for its invitation.

The comments offered in this statement are based on my experience as Under Secretary of State and as a member of the Cabinet Committee on the Balance of Payments for almost six years, from 1961 to 1966. They are addressed to the only aspect of the President's new economic program on which I feel competent to offer advice—our forthcoming negotiations with the other members of the international trading and financial community.

I

The principal measures that will play a role in those negotiations are three:

First, the decision to "shut the gold window," or, in other words, our refusal any longer to sell gold from our reserves at $35 an ounce;

Second, the imposition of a ten percent import surcharge; and Third, the proposal to enact an investment tax credit limited to investments in American-made equipment.

Since the latter two measures are protectionist devices that violate the spirit, if not the letter, of the General Agreement on Tariffs and Trade which we have long supported, they cannot be justified as permanent features of American policy but only as tactical instruments designed to improve our bargaining leverage in seeking to achieve a realignment of the parities of major currencies sufficiently far-reaching to restore our balance of payments to equilibrium. They will prove useful, in other words, only if they can be traded away for a substantial *quid pro quo*. If this should not prove feasible and they should become permanent—or even if it proves necessary to maintain them for a protracted period—the international segment of the President's program will have failed. In that event, not only the economic health of the United States but the environment for healthy world trade will be in worse condition than before.

II

I underline this point because, in the transient euphoria that has followed the President's announcement, there has been an understandable tendency to confuse the announcement of the program with the attainment of its objectives—as though the President's actions by themselves had brought a solution to our international commercial and monetary difficulties, rather than merely providing the occasion and the tactical instruments for the development of a solution. Such euphoria is to be deplored, since it could lead to ill-conceived action—or inaction—particularly if we approach the problem of sorting out the parities of major world currencies in a mood of outraged innocence. For it seems fashionable in some quarters to espouse the self-pitying thesis that, because of the ineptitude and flatulence of our negotiators, we have been consistently taken advantage of by other less generous and idealistic governments; thus we now have every right to insist that our trading partners solve our problems for us.

Not only is this a foolishly wrong-headed attitude, but if we should let it guide our actions during the forthcoming negotiations, we could do enormous harm to the whole mechanism of international cooperation, while failing to achieve our objectives.

III

By and large, in our trade negotiations with our major European trading partners, what has emerged from the Kennedy Round and other negotiations has represented a fair give and take. I think it significant, for example, that, though many American businessmen complain bitterly that the Europeans got far the better of the bargain, I have heard fully as many complaints from European businessmen that Europe gave more that it got in return. A recent study by the staff of the Commission of the European Economic Community asserts, for example, that after the Kennedy Round the average import duty in the United States was 12.8 percent as against 7 percent for the Common Market; while our own Government statistics show that with the completion of the Kennedy Round our average tariff on industrial products will be 8.3 percent against 8.4 percent for the Common Market. Such reciprocal discontent is, I would suggest, a good test of a fair negotiation.

That we still have some matters to complain about concerning our European partners is, of course, true—particularly the protectionist aspects of the EEC's Common Agricultural Policy, the Common Market's association arrangements with certain nations in Africa and on the Mediterranean littoral, and the border taxes associated with the fiscal system of valued-added taxes.

But the United States is far from innocent. While we have more low tariffs than the Common Market, we also have more high tariffs. Though we impose import quotas on something like 67 industrial product categories, including such major items as steel and oil, while the Europeans maintain quotas on 65 such items, our quotas cover almost 17 percent of our total industrial imports, as against only 4 percent for the Common Market.

Statistics such as these are, of course, subject to almost infinite interpretation and manipulation, and I am certainly not suggesting that our record for liberalism is worse than that of our European trading partners, merely that it is not so conspicuously better that we can afford the luxury of self-righteousness. Let us not forget that we still maintain the so-called American Selling Price in computing the tariffs on certain important chemicals, even though that represents protectionism in its most extreme form. Nor should we fail to note that the surplus in our merchandise balance with the European Economic Community increased last year—which suggests that we are far from being shut out of European markets. In fact, the deterioration of our world-wide balance of trade, both visible and invisible, is due almost entirely to the adverse developments in our bilateral trading accounts with Japan and Canada, both of which deserve special attention.

IV

What should be clear beyond doubt is that we are entrapped in our present unhappy predicament not half so much because of the trading and financial policies of other nations, but because, for a number of years, we have failed to check powerful inflationary forces intensified by—but by no means altogether caused by—an overseas war. The result of this inflation has been to over-price many of our goods thus making them noncompetitive in world markets. Thus our present predicament—and let us be quite honest with ourselves—is nobody's fault but our own and the world knows it.

What is clearly indispensable, if we are to regain a healthy economic posture, is that, after the present temporary freeze, we adopt and enforce measures that will effectively stop the inflation; otherwise, the President's program will have been an exercise in futility. In fact, it will have done more harm than good, since it will have disrupted world trade and finance without compensating benefits.

V

But let us assume that we do find a long-run solution to the excessive inflation of the past few years. How shall we go about achieving the correction of those imbalances that now mark our present unhappy position in the world economy?

The first priority, it seems to me, is for us to get rid of some of the illusions that have clouded the public discussion of the problem during these past few yeasty days.

The *first illusion* is that the determination of new parities can be left to market forces. There is no evidence whatever to suggest that any of the major nations whose currencies are out of line with real values have the slightest intention of letting those currencies float freely. Not only is it against the religion of a central banker to refrain from intervention when he sees his national currency moving in a direction of substantial disadvantage but the operation of the import surcharge and the vast supply of available short-term money give present market forces an inevitable bias. If, then, we adopt a passive posture while waiting for the market to define what adjustments are needed, we will cruelly deceive ourselves.

A *second illusion,* equally dangerous, is that, once having stopped the engine of the Bretton Woods system by halting gold convertibility and seriously undercutting the GATT by unilaterally blocking access to the United States market, we can expect the other major trading nations on their own to develop new solutions. For a long while we have been preaching the doctrine that one nation's surplus is another nation's deficit and that surplus countries have as much of a responsibility as deficit countries for maintaining equilibrium within reasonable limits. Now we seem to be saying that, so far as the United States' deficit is concerned, we are passing the whole burden to the surplus countries to devise a solution through an upward valuation of their currencies, regardless of the deflationary consequences for their own domestic economies.

Such a position, it seems to me, ignores all the lessons of past experience. During the entire post-war period the United States has led in every constructive monetary and trade move (other than regional initiatives) that were directed at the improvement of the world's financial and trading systems. We have done so not merely out of the goodness of our heart—although our record, on the whole, is highly creditable—but because we commanded economic power equivalent to the combined power of four or five smaller nations—and, as a single nation, we were capable of incisive action.

In this regard our country is unique—and we dare not forget it. Though within the past few years Europe has made gratifying progress toward economic integration, the nations of the European Community are still far from having achieved anything resembling unity of decision and action. Thus, even now we are once more witnessing the familiar spectacle of the Community internally divided because of French insistence on its own doctrinal prejudices.

Under these circumstances there is clearly no single entity other than the United States that can command the authority to design and successfully promote a constructive initiative to realign currency parities. Yet, unhappily, that does not rule out the possibility that, if we fail to pursue an active diplomacy but permit the present stalemate to continue for a matter of months, one or more nations may be tempted to set in train a chain reaction of competitive protectionism, not necessarily as explicit retaliation for our actions but still using the American import surcharge as an excuse.

Not only does the situation require active American diplomacy, but that diplomacy must be directed with a sense of urgency. What we must seek to bring about is an adequate program of currency readjustments within not more than a month or six weeks from now. For the *third illusion* that we must rigorously put aside is the assumption that time is somehow on our side and that if we only maintain our protectionist measures and wait long enough, our bargaining leverage will be enhanced.

Nothing is further from the truth. Rather than increasing in potency, our protectionist measures are a wasting asset. Already there are reports that Japanese industry—cooperating, as it invariably does, with the government—is making plans to adjust its operations to the ten percent surcharge. That surcharge, it is argued, may not, after all, prove a bad thing. It may provide the necessary impetus to long overdue rationalization. It could well lead to the concentration of investment in higher technology sectors, leaving labor-intensive production to lower-cost Asian countries. Meanwhile, the government is reported to be planning massive public works investment in a much needed improvement in the infrastructure while, at the same time, maintaining the momentum of industrial activity.

Once these internal adjustments are achieved, Japanese industry is likely to emerge more competitive than ever. To be sure, Japanese protectionist elements will almost certainly use the American surcharge to justify further delay in liberalizing trade and investment, while American companies trying to do business in Japan may well encounter even more formidable obstacles. But, as a bargaining counter, the surcharge will have lost much of its potency.

Nor is that all, for the longer the surcharge and the "buy American" features of the investment tax credit remain in effect, the more American industry will come to depend on them. Thus, vested interests will be built up in the maintenance of these two protectionist devices, a healthy process of rationalization will be slowed down, and increased productivity will become less essential for meeting competition. The result; new distortions and new rigidities on both sides.

VI

Before we commit ourselves to any line of strategy, it is essential that we carefully appraise the strength of the weapons in our hands. Here again, the euphoria of the past few days, we have shown a dangerous tendency to exaggerate the bargaining value of the import surcharge.

Though our ten percent import surcharge will adversely affect certain sectors of Japanese trade (roughly thirty percent of Japan's total merchandise exports), the resultant disadvantage would still be far less than a ten percent revaluation of the yen, since the surcharge would affect only visible trade with the United States, while an upward revision of the yen's parity would make both Japanese goods and services less competitive in every market of the world.

Yet what we are seeking is not a ten percent revaluation but something substantially more than that. Most recent speculation has ranged around fifteen percent, and I do not think that an impossible objective, provided we pursue a skillful diplomacy, as I shall suggest in a moment. But there has also been a good deal of loose talk about demanding trade concessions at the same time, not only from Japan but from other countries.

The same considerations apply to West Germany, where our surcharge affects only nine percent of the Federal Republic's exports; yet what we are apparently seeking is something approaching a fourteen percent revaluation of the Deutsch Mark that would affect all West German trade throughout the non-Communist world.

VII

This brings me to the *fourth* and final *illusion* which we should quickly discard—the illusion that we can successfully employ our protectionist bargaining counters to buy a whole shopping list of concessions from our trading partners not only in the form of currency readjustments but also in the area of commercial policy and even defense. Such an illusion is dangerous because it can lead to over-trading, bogging down negotiations in an endless and angry wrangle and ultimately causing irreparable damage to the whole system of international cooperation which we have so painfully built up since the war.

For not only is the import surcharge a limited instrument; it is a blunt instrument. Though we must necessarily regard the principal target in the forthcoming negotiations as Japan and its undervalued currency, the surcharge actually affects a far larger percentage of the total foreign trade of such innocent third nations as Mexico or Korea—whose currencies are not undervalued—than it does of Japan.

Since we dare not make exceptions to the general application of the surcharge without doing violence to the fundamental principle of non-discrimination that underpins our whole system of commercial policy, we must recognize the inadvertent damage we will cause if we leave the surcharge in effect too long in an effort to extract trade concessions from a mere handful of countries we regard as pursuing unfair trade practices.

Nor, because it is unfocused, is the surcharge likely to be effective outside the narrow area of currency readjustments. To be sure, we have a continuing argument with the Federal Republic of Germany as to the balance of payments effects (probably about $900 million net of the cost of maintaining our troops in Europe). But it would be wholly impracticable to try to maintain a surcharge against the whole world's commerce simply to bludgeon the Germans into more favorable offset arrangements.

I strongly feel, therefore, that any attempt to settle too many loose ends and to bargain for concessions outside the area of parity realignments is likely to lead to total frustration. Though we should use every means at our command to correct the present payments imbalances, it would be the height of folly to try to achieve too much within the four walls of the present negotiation.

VIII

We will do well if we obtain a significant revaluation of the yen and some lesser readjustments of other major currencies. But to deal effectively with the Japanese will require a drastic revision of the tactics we have so far been pursuing.

In my judgment, the major mistake we have so far made in dealing with the Japanese Government is to try to resolve our problems in a bilateral setting. Among all the nations in the international trading community Japan is *sui generis*. It has been only a hundred years since it experienced the Meiji Restoration, which released it from the inward-looking feudalism that had insulated the Japanese people for three hundred years. To regard Japan today as simply another capitalistic country roughly in our own pattern is to misconceive the structure and history of the country. Not only the Japanese people, but the great Japanese corporate enterprises regard themselves as instruments dedicated to a common national purpose; in fact, many of the decisions of Japanese industry in approaching foreign markets are made not so much from the point of view of the corporate profit and loss statement as from the relevance of that market to the national objectives of Japan.

But if Japan differs in structure and outlook from the United States, it differs equally from the other major trading nations of the West. To bring Japan, with its special institutions, its unique structure of state-industry relations, and its distinct habits of thought, into a world financial and trading system designed largely in response to the institutions, structure and attitudes of the West is a task requiring both firmness and sensitivity. Clearly, it is not a task that the United States should tackle by itself. If we continue trying to achieve it by our own efforts—through the use of instruments of coercion such as those now included in the President's Program—we will suffer the full onus of abrasive relations with Japan, while at the same time angering and alienating our Western trading partners by deflecting Japanese exports from our market to theirs.

What we should instead seek to do is quickly to bring our Western allies to understand that they have a common interest with us in resolving the special Japanese problem. That point is reasonably well understood in industrial circles in Britain, but, unhappily, I find very little understanding of it on the Continent, and it will take intensive education on the part of our Government, as well as American industry to persuade the Europeans that this is an urgent task requiring the closest transatlantic cooperation.

IX

Finally, what is urgently needed is to reinject into present negotiation that spirit of mutual give and take that has, in the past, marked all successful efforts to solve our trade and monetary problems. This will require intense activity and quiet leadership on our side and serious concentration on correcting the impression that America plans to employ no instrument of persuasion more subtle than a baseball bat. It will mean assiduously developing with the Group of Ten those common positions that can be translated into effective pressure on those member nations whose currencies are furthest out of line. Quite likely it would be useful to encourage the staff of the IMF, and particularly its very able director, M. Pierre-Paul Schweitzer, to put forward concrete proposals for revised parities. After all, the IMF is the only impartial agency that commands the respect of all the members, and, at the moment, its life and usefulness are in serious jeopardy.

Nor would I rule out the need—at an appropriate point and in a spirit of mutual concession—for the United States to offer to take some action having the equivalent effect of a modest increase in the gold price, although I would personally like to assure the demonetization of gold. At best, I would see gold only as a *numeraire*. We should not think of restoring gold convertibility. But, although I have no competence at all as a technician, I would think it possible to advance some American contribution to the achievement of new currency relationships by restating the value of the Special Drawing Rights in relation to the dollar.

Yet, if we are ever to return to a system of fixed parities (hopefully with some widening of the bands to provide increased flexibility), we must hurry, since I think it likely that if matters remain unresolved over many weeks, nations may discover that controlled floating is not all that painful. I recognize that some experts would regard such a state of affairs as attractive, but I can see many reasons why it would be hazardous to experiment with floating rates in the present widespread manner, and I hope we will not let things come to that result by default.

XEROX CORP., CONTRIBUTIONS TO SOCIAL WELFARE PROJECTS

Mr. WEICKER. Mr. President, one of my corporate constituents, Xerox Corp., of Stamford, Conn., announced late last week a new and exciting program whereby employees will be given time off to individually contribute to social welfare projects.

I think that Members of Congress should be aware of this unique program in which Xerox will grant company employees in the United States up to a year's leave at full pay to pursue self-selected projects that may "put something back into society."

Mr. C. Peter McColough, Xerox president and a resident of Greenwich, points out that—

> Xerox has always felt a deep responsibility to help solve significant social problems and has supported a wide range of activities dealing with those problems and will keep at it.

However, he said that while financial support will help, often the critical lack is people of talent, dedication, imagination and competence. Mr. McColough also said:

> People like that are a treasured resource; they are invaluable to Xerox for the same reasons they are so urgently needed in areas of social concern. In an effort to put something back into society, we are giving the most important asset we have—the time of our people.

He highlighted the program thus:

Employees whose projects are chosen will be guaranteed the same or equal jobs with the same pay, responsibility, status and opportunity for advancement upon return to Xerox.

Applicants may be hourly production-line workers, salesmen, engineers, executives or anyone who has worked for Xerox for at least 3 years.

An applicant may propose almost any kind of social service in almost any location sponsored by a public or private, nonprofit, legitimate, existing organization which will accept the offered participation. It need have no connection with his job or the skills he uses at Xerox.

The length of social service leaves may vary, but a total of 240 man-months a year are provided for in the program scheduled to begin next January. If each of those selected were granted a year's leave, 20 people could participate. If each required only 6 months off, 40 could be chosen.

A seven-member employee evaluation committee—a representative cross-section of Xerox people—will select those to be granted leaves.

In broad brush, that is the Xerox "Social Service Leave Program." I hope that many, many Members of Congress will suggest that their corporate constituents "copy Xerox."

Mr. President, I ask unanimous consent that some observations of Mr. McColough, written in a pamphlet called "Make it Better," which was distributed to Xerox employees, be printed in the RECORD.

There being no objection, the observations were ordered to be printed in the RECORD, as follows:

OBSERVATIONS

COMMITMENTS

Xerox has always had a basic philosophy that we should be involved as a corporation in the problems of our society. We've encouraged our people to be involved. Social Service Leave is a logical extension of our commitment. We are determined to put something back into society.

Many of our people share our commitment. But on a part-time basis, there is only so much they can do. A lot of them would like to really sink their teeth into a problem full-time. We'll give them a chance to do this during the prime of their working careers, when they're best able to do it. They won't have to wait until they retire.

RECRUITING

Many of our best people would not be here today if Xerox stood only for profits.

In the future, our conduct as corporate citizens will be even more important—if that's possible—as we try to recruit the best young people available. As a result of programs like the Social Service Leave, we think that the bright young people will be more apt to join us than some other big company.

RISKS

What happens if some of these people don't return to Xerox after their leaves? Won't Xerox have given them a free ride?

That's one of the risks. We never like to lose good people.

Another question that comes up frequently is why we're making this move at a time when the economy isn't in its healthiest state—this is not an opportune time.

Well, there is never an opportune time to start something new. There are always risks always problems. If you have to wait for the opportune time, you'll never start anything.

PROBLEMS

The biggest problem is whether we can make good on our commitment that when people return from a leave they receive their same job or a job equivalent. If we don't accomplish this, the program will fail because people won't apply. *And I wouldn't blame them.* I intend to be personally involved in this. I will make certain a persons's career does not suffer because he has taken a leave.

The second problem we have is with the person whose management says he is too valuable to spare. I will be the final judge and the burden of proof will be on the manager. If a person should be turned down because of the critical nature of his job, he will have priority the following year.

PEOPLE DEVELOPMENT

This program can make a significant contribution in terms of the development of people. Those chosen for leaves will obviously grow as a result of the new expreience.

So will the members of the Evaluation Committee. With only two exceptions, these people are not in the top levels of management. The Committee will have a great deal of responsibility and many problems. I expect that its members will learn a great deal.

This committee is one of our first efforts—and I hope there will be many more—to enable people at all levels to participate in significant actions of the corporation.

M. JUSTIN HERMAN

Mr. TUNNEY. Mr. President, few men, in these times of doubt and despair, dream vastly. But M. Justin Herman did, and he will be missed.

As director of redevelopment for San Francisco, Mr. Herman helped rebuild large portions of that city. He did so with great imagination, enormous determination, and brilliant flair.

Of course, there was controversy, but, if anything, it helped perfect his plans and promoted broadest possible public interest and participation.

This was particularly so in Hunters Point, a dismal ghetto of public housing barracks built in World War II. He ignited hope in that blighted area, and he involved the residents in the planning for a renaissance of new homes, industry, and schools.

In the 11 years he was director, he converted a run-down and rat-infested produce area into towering high rises of apartments and businesses; he built a Japanese Cultural Center, the first of its kind outside the Orient; he replaced slums with decent housing.

Above all, he kindled a civic self-consciousness that cities, indeed, can master their future, and muster their resources to combat blight and improve the quality of life.

He was a pioneer in renewal, and his dynamic leadership was recognized nationally.

And he was a fighter. He continually battled the Federal bureaucracy and its strangling redtape, because he was forthright and indefatigable, he became the spokesman for cities throughout the United States in their tangles with the agencies and departments in the Nation's Capital.

Tenacious and hard-driving, he went right to the top in his fight for redevelopment, even suing the President, whom he accused of withholding funds that Congress had appropriated to rebuild our ailing cities.

He worked enormously long days and was thought to be tireless, and he was until last week, when his energy suddenly failed him, and his heart failed.

As I said, he will be missed.

SEPTEMBER 16, 1971, 151ST ANNIVERSARY OF MEXICO'S INDEPENDENCE

Mr. CRANSTON. Mr. President, this day is a very special one for the 3 million Chicanos in California and the entire Chicano community across the country. It is the 16th of September, the 151st anniversary of Mexico's declaration of independence from Spain. The Mexican people, like the Americans, declared their independence in a spirit of sacrifice and idealism and in the name of liberty and justice for all.

On September 16, as on July 4, we should reaffirm our commitment to the goal of making liberty and justice a reality for all Americans and to guaranteeing to all Americans, good health care, a decent income, sufficient food, a good education and, above all, an equal opportunity to gain them.

DEATH OF CLARENCE F. PAUTZKE

Mr. JACKSON. Mr. President, a personal friend and extraordinary public servant is gone. When Clarence F. Pautzke, former Assistant Secretary of the Interior, died on August 14, 1971, the country lost one of its most able public servants. His administrative ability, his understanding of wildlife values, and his scientific mind, coupled with a dynamic personality and a great sense of humor, were a rare combination. A versatile official, he served his country and his fellow men well. His works will live after him. He will not soon be forgotten.

During my years of association with Mr. Pautzke, I developed great admiration for his sound philosophy of wildlife management, his administrative expertise, and his almost unlimited knowledge of America's splendid fisheries resource. I marveled at his ability to relate to people—all kinds of people. He could break down communications barriers by the strength of his personality, then move in with his sound thinking based on scientific fact. His sense of humor and his "blithe spirit" opened doors everywhere that would have remained closed to a less exuberant official.

On many occasions, I sought Mr. Pautzke's counsel on fisheries matters, not only because of his official position in the Federal Government—but as a fisheries expert and friend. He had a comprehensive grasp of all aspects of fisheries. He appreciated the value of the resource, and throughout his career developed imaginative programs to protect it. In his dynamic way, he was able to get others to spread his conservation philosophy at home and abroad, all to the benefit of resource preservation. Mr. Pautzke was a consistently accurate sounding board for me, reflecting the hopes, problems, satisfactions, and dissatisfactions of all fishermen—commercial and sportsmen alike. Both groups accepted him as a friend, a person on whom to depend when seeking solutions to problems.

He was interested in fisheries research development. He could also translate knowledge derived from research into legal terms for purposes of fisheries legislation. This was of assistance, not only to me, but to many other Members of Congress. He had ability to assess the problem, provide facts, and assist in determining measures to meet the need.

Rated as one of the top fisheries biologists in the United States, Mr. Pautzke was the outstanding west coast fisheries management authority. His knowledge had been accumulated by 40 years of field experience both at Federal and State levels.

A native Washingtonian, he grew up on a farm near Seattle. Here he first learned to enjoy the out of doors and the wild living things of nature. He came to the University of Washington where he made a name as a great athlete. But more than that, he found his profession—fisheries management.

His first professional position after graduation was with the Washington State Department of Game. When he left that department years later, he was its assistant director. With his enthusiastic assistance, the department had become widely known for its outstanding fisheries and lake management programs. He will be forever remembered in his home State as "Mr. Steelhead" for his effort in developing steelhead game fishing in Washington rivers and streams.

He went from the game department to the State department of fisheries. In 1959, he moved to Alaska as assistant commissioner of the department of fish and game. In that new State, he helped, with his wealth of experience, to develop the conservation policies for fish and wildlife management which Alaska now employs. At the time he left Alaska in 1961 to accept President Kennedy's appointment as Commissioner of the U.S. Fish and Wildlife Service, the Alaska Legislature honored him by proclaiming a "Clarence Pautzke Day."

In Washington, D.C., Mr. Pautzke's leadership spread throughout the United States and the world. No one was surprised when he was named Deputy Assistant Secretary of the Interior. When President Johnson appointed him Assistant Secretary of Interior for Fish, Wildlife, Parks, and Marine Resources, he accorded him the highest professional honor anyone can achieve in fisheries and wildlife management.

He resigned in 1969 and retired to his home State of Washington. Actually, he did not retire. At the time of his death, he was still serving his country as fisheries consultant to Representative JULIA BUTLER HANSEN.

Mr. Pautzke gained international renown through his work as Commissioner of the International North Pacific Fisheries Commission and as chairman of its U.S. section. He was also a member of the International Pacific Salmon Fisheries Commission. As far back as 1947 he had been involved internationally as one of the fisheries experts who studied the effects 1 year after the blast of the atomic test at Bikini Atoll.

Mr. Pautzke will be missed not only here in the United States, but by thousands throughout the world who at one time or another had the benefit of his counsel on wildlife values and their conservation.

I count it a privilege to have known and counted among my personal friends this dedicated man who did so much for his country.

Two sportswriters, Georg N. Meyers, of the Seattle Times, and Frank P. Briggs, of the Macon, Mo., Chronicle-Herald, were both old friends of Clarence Pautzke. They remembered and reflected on this fine man in their columns. I ask unanimous consent that the columns be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Sporting Thing: The Blithe Spirit of Mr. Steelhead

(By Georg N. Meyers)

He was a moose. Crockery rattled when he walked. His handshake was like the collapse of mountains. Strangers said he had the air of a man forever looking for a telephone book to tear in half.

Forty years after he played end for Auburn's undefeated football team, the high school honored him as its outstanding graduate. As a University of Washington football player, he left a legend far beyond his visible skills. He was behind the plate for the Husky baseball team that won a Northern Division championship in 1932.

The Alaska Legislature once convened a joint session to pay tribute to him, and Seattle's Mayor Gordon Clinton proclaimed a "Clarence Pautzke Day."

But, to fishermen of the state, he was—and will be remembered as—"Mr. Steelhead."

The burly frame whose principal attribute on the gridiron was intimidation housed a mind commandeered by his nation to cope with the complexities of international fisheries.

In 1956, the Puget Sound Sports Writers and Sportscasters' Association gave him its highest accolade, the Sullivan Award, for developing the game-fishing of steelhead in Washington's rivers and streams.

In 30 years with the State Game and Fisheries Departments, he was on intermittent call for broader duties—a journey to Russia to study hatchery techniques, a voyage to Bikini to observe the effects on marine life of the atom-bomb tests.

On retirement as assistant director of the State Fisheries Department, he was snapped up by Alaska as assistant commissioner of its Department of Fish and Game. President Kennedy stole him away as commissioner of the United States Fish and Wildlife Service. President Johnson made him Assistant Secretary of the Interior for fish, wildlife, parks and marine resources.

Retired from the grind, he tapered off as a Congressional consultant on fisheries. Recently, he returned to Seattle and "retired" again—this time, he said, for good.

It must have taken a while for associates in the austere halls of government to accept that, except when talking fish and game like a beadyeyed scientist, Clarence Pautzke rarely drew a serious breath.

His fondest memory as a Husky was pleading with his coach, Jimmy Phelan, to switch him from end to guard. He got his chance when Chuck Lappenbusch needed an operation just before the game against the 1930 Washington State Cougars who went to the Rose Bowl.

"I tried for four days to learn the signals and finally wrote 'em on my pants leg," Pautzke liked to recall. "Bob Palmer, the other guard, was scared to death. The guards pulled a lot. He was afraid I'd run the wrong way and squash him.

"In the game, I pulled back and started running along the line. All I could see was a row of big seats. They all looked alike. So I picked out the biggest one and slammed into it."

That seat was the property of Paul Schwegler, Washington's All-American tackle. Paul picked himself up and yelled: "I had my man, what are you hitting me for?"

As a freshman, Pautzke played for Phelan's predecessor, Enoch Bagshaw. Those Huskies often took on teams from visiting battleships.

"The games didn't count toward letters, and a lot of kids got in," he said. "In one game, a great big sailor-boy tackle with his hands wrapped in pretty hefty style with generous portions of tape was out there mauling our first-string end, Bill Snider.

Baggy jumped off the bench and yelled: 'Lordamighty, that guy's killing Snider! Get in the Pautzke!' That pretty well told me where I stood."

Washington, D.C., got an early glimpse of the blithe spirit motivating the veteran administrator whom Interior Secretary Udall was interviewing for federal appointment in 1961.

Pautzke told the story on himself: "Udall's door was guarded by a woman secretary. She was nice-looking but a real watchdog. Every time I'd stand up and start for the office, she would say, 'Sit down.'

"When I went back the next day, I peered in. There she was, with her 'sit down' look. I sailed my hat into the room and said, 'Hey, watch this!' Before the hat hit the floor, I was past her and into Udall's office."

Two Sunday's ago, savoring his latest retirement, Pautzke attended a 25th-anniversary reunion with his fisheries cronies who had sieved the Bikini waters after the bomb blast.

As usual, he told his funny stories, including the laugh he got at Bikini when a five-foot shark bit a hole in a two-man rubber raft he occupied with a Navy medic, who had pulled the beast aboard.

While the air hissed out of the raft, he said, he plugged the hole with the medic's head.

As the reunion party broke up, Pautzke told his friends he was going into the hospital for surgery on an ailing hip.

The operation went off well. Four days later, his heart stopped. Yesterday, as sportsmen mourned, the big moose, Mr. Steelhead, at 64, was laid to rest, really retired, at last.

It Seems To B.

(By Frank P. Briggs)

A valued friend and a trusted associate of mine, Clarence V. Pautzke, of Seattle, Wash., has gone to his eternal reward. He was a loyal man, "with you" to the end, and was one of the strongest men physically I have ever known.

He was the Commissioner of the Bureau of Sport Fish and Wildlife when I was in Interior and then after I came home, he advanced to the Assistant Secretaryship. He was an expert on salmon—both in rearing and cooking and he'd add "yes and on catching" and earned for himself the nickname "Mr. Steelhead" because of his success with that particular strain of salmon.

He probably knew more men associated with fish and game management than any other person—he not only knew the boys in the top offices, he knew the ones on the lower end of the totem pole where success or failure on any experiment rests.

I shall never forget the day he came to my office soon after my appointment and talked with me about his appointment—I was to make it. He was as meek as a lamb and as unassuming as anyone could be. I believe that was the only time I ever saw him portray both of these virtues. He was slow to anger but had a Polish temper and I always wanted him near me when there was a real "rough" argument.

A book could be written about his accomplishments and there's a particular "antic" to properly illustrate each chapter. He was always ready for a prank, yet never too flamboyant to be serious when there was serious work to do.

The entire fish and wildlife world—he was known overseas as well as in the United States—will miss him. Someone once said "There was never but one Clarence Pautzke" and I believe that. I was proud to have him for a close friend and confidant. He was too young, indeed, to be taken but he lived more in his years than most of us will live if we make it to 100.

Mrs. Pautzke, their two daughters and their son, have my deep sympathy!

—B.

WATER SHORTAGE

Mr. HARTKE. Mr. President, that our Nation may soon face a critical water shortage is often acknowledged.

While joint State and Federal efforts in water management control are underway in many States, they have usually resulted from the need to remedy situations which had already reached a crisis level.

Too often, the enthusiasm which accompanies the creation and implementation of disaster plans disappears with the solution of the immediate crisis, and the need for continued action and future planning becomes lost in the relief of a problem solved.

Far from offering a "doomsday" cry for the sake of crying doom, authors Ned Crabb and Betsy Saltsman document a water crisis in the State of Florida. They point to Lake Okeechobee, key to water regulation in south Florida, where in April and May of this year 2.5 million people came within a month of exhausting the supply of drinking water.

When Crabb and Saltsman ask, "What Will Happen When the Water Is Gone?" they are not merely posing a rhetorical question.

Every State has its own Lake Okeechobee. For this reason I ask unanimous consent that the article, published in the Floridian of August 29, 1971, be printed in the Record as a reminder that our water crisis is now.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Floridian, Aug. 29, 1971]

What Will Happen When the Water Is Gone?

(By Ned Crabb and Betsy Saltsman)

Water means life. When the water supply runs out, so does life.

In South Florida, the water, the life source, is threatened by droughts, man-made controls and the demands of a wildly increasing population.

In April and May of this year, water became so scarce just south of Lake Okeechobee that some restaurants stopped serving water with meals. Private wells for watering lawns along the East Coast went dry. Part of the Miami well field was closed as a precaution against salt water contamination. Fires swept over 500,000 acres in South Florida, an area equal to a rectangle 31 miles long and 25 miles wide.

And 2.5-million people came within a month of exhausting the supply of drinking water.

Rains alleviated that crisis, but the drought is not really over even yet. South Florida has had its usual summer showers this year, but, says Howard Cline of the U.S. Geological Survey in Miami, really drenching rains are needed over the whole region, including Lake Okeechobee. Such rains are usually associated with hurricanes, and Dr. Robert Simpson, director of the National Hurricane Center in Miami, said earlier this month that, at that time, no such storms were in sight.

Droughts, however, are only a small part of the problem. Man has turned the natural drainage system into a huge plumbing system, and like most other plumbing, it doesn't always work. In addition, development along the coast means there are more and more thirsty throats drinking out of a finite supply of water.

By 1976, a serious water shortage in South Florida is predicted. In 30 years, some experts say it will be impossible to grow crops.

Lake Okeechobee is the key to water regulation in South Florida. The Kissimmee River Basin to the north empties into the lake, which acts as a reservoir. South of the lake is one of the world's richest agricultural regions, an area composed of peat and muck soils.

Historically, heavy seasonal rains would cause Lake Okeechobee to overflow. The water flooded the rich peat and muck south of the lake and flowed down the huge "River of Grass" to nourish the Everglades.

In the early 1900s, the state laid plans for an extensive flood control system to stop this natural process. For 40 years, there were unsuccessful efforts to drain the Everglades so the land could be used for agriculture. Then, in 1948 and 1949, the state and federal government joined forces to establish a major drainage and water management control program under the U.S. Army Corps of Engineers and the Central and Southern Florida Flood Control District.

A system of canals and levees was built to drain the lake and farmlands during flood times. Three water conservation areas were created to trap some of the water and store it for dry winter months. One of the conservation areas, 3A, is a primary recharge area for the Biscayne Aquifer, a natural underground reservoir which supplies water to the coastal urban areas.

The project was hugely successful in terms of making the land productive. For 5,000 years, the seasonal flooding had built up the peat and muck. With the threat of floods gone, beans, corn, cabbage, cucumbers and other vegetables thrived in the rich soil and warm weather. Today the 700,000 acres is second only to California's immense San Joaquin Valley in the production of vegetables, and brings an annual income of $250-million to the farmers.

But the popularity of the flood control project is over now. It was a "design for disaster," critics say today. "The massive artificial manipulation of South Florida's water supply . . . (threatens) the health and welfare of all living things in the area," the Florida Conservation Foundation told the state Internal Improvement Fund this month.

Within a very few years, it may be impossible for man to live in South Florida. There may be no animals, no plants, no Everglades. Lake Okeechobee itself is in danger of becoming choked, and clogged, and dead.

In the old, natural course of events, excess water during flood times ran off the lake. The peat and muck acted sort of like an absorbent sponge, holding much of the water until drier times.

Now, excess rain water in the farm lands is pumped into the lake or into conservation areas. When the water level reaches a point which is considered too high for that time of year, flood gates are opened and tremendous quantities of fresh water are wasted by flushing the water through the canals directly into the sea.

"This draining aggravates the problems created by the natural fluctuations in the climate," says Art Marshall, director of the Applied Ecology Division of the Urban Studies Center at the University of Miami.

The drought in South Florida in April and May was intensified by precisely that sort of mismanagement of water. Water was drained from the canals in the spring of 1970. Normally, summer rains would have replaced that water, but the rains didn't come, at least not in near the amounts that had been expected. Months passed without enough rain to replenish the water that had been washed away. Water in Lake Okeechobee dropped below ground level. The conservation areas were dusty dry.

Even the gator holes in Everglades National Park were dried up in large areas where in previous drought years the glades' creatures could depend on them for survival.

Gator holes are vital to the park's life cycle. With the thrashing of their tails and bodies, alligators gouge out huge depressions in the muck and rock. When the water recedes during dry months the depressions form small ponds, providing refuges for fish and other aquatic life. Glades animals come to the holes to feed and drink; more importantly, the gator holes ensure a stock of aquatic life to replenish the glades when high water comes again.

Jim Hartwell, hydrologist for the U.S. Geological Survey, says the problem "is the delicacy of our eco-system—it's totally dependent on water, and from a drought to a flood you're only talking about four or five feet in this region."

The delicacy is further endangered by fires that usually strike during drought conditions. "Fires in the Everglades are started by humans," Hartwell says. "There is no spontaneous combustion out there; they first have to be man-started, or, infrequently, by lightning."

In an exceptionally dry year like this one the first burnings, though they sweep across hundreds of square miles, are not the main danger to the continued existence of the glades. The big danger lies in a second fire in an already burned over area. Then the muck may burn. Even though there's moisture in the muck, it burns like charcoal drying out the moisture and burning on down. The four- to five-foot deep muck has accumulated over centuries and a muck fire could strip the area and leave the land lifeless and worthless by exposing the underlying rock.

But the flood control district has not been content merely to deprive South Florida of water by draining it off into the ocean. In addition, it has set up conditions that encourage massive evaporation.

The hot sub-tropical climate means the area has a shockingly high "evapotranspiration rate." The term, "E.T. rate," stands for the evaporation of surface water and the transpiration of water from plants. In the glades area, the E.T. rate is 80 to 90 per cent of the annual rainfall, which means that almost all the rain coming down in a year goes back without our ever getting a swallow.

On Lake Okeechobee, it's estimated that six inches of water evaporates every summer day. The surface area of the lake is 730 square miles.

The vast water conservation areas, some 1,345 square miles, aggravate the loss of water by evaporation and transpiration. "The water conservation areas actually become evaporation pans," Marshall says. "This fact answers the critics who complain that water released through the control gates into Everglades National Park is water that could be used by the cities and farms in this region. Even if the control gates were rusted shut and never lifted, the water would be gone anyway, evaporated. The park isn't taking water away from anyone.

"Despite these facts," Marshall says, "there is actually a move afoot to cut off the yearly federal guarantee of water for the park."

The loss of water by draining and evaporation, and the subsequent drying-out of the soil in the Everglades, have even more far-reaching effects than the immediate loss of animal and plant life. Peat and muck are organic soils, composed of decaying animal and vegetable matter. Such soils, when drained, dissipate. When exposed to the air, the organic matter is subject to shrinkage, compaction, wind erosion, loss of ground water buoyancy, burning and biochemical oxidation.

The soil south of Lake Okeechobee, in the Everglades and in the agricultural areas developed since the early 1900s, has suffered extensive damage from the lack of water.

At one time peat soils covered more than two-million acres of the Everglades, at depths averaging five feet higher than present ground levels. Now, peat has disappeared completely in some parts of the Everglades National Park and along coastal ridges; bare rock and marl are left.

In the 60 years man has grown crops on the southern banks of the lake, two-thirds of the soil has been destroyed. Now it's subsiding at the rate of one inch per year. It's estimated that 30 years from now, by the year 2000, all of the rich soil will be gone unless the present rate of biochemical oxidation is checked. All the farming in the area will have to be abandoned.

But the destruction of the soil is not just a concern of the agricultural interests. The peat and muck are a vital protection to the drinking water of all the people who live in the coastal urban areas.

The sponge-like peat and muck absorbs rainfall and stores it. In doing so, it creates pressure on the underground waters throughout the rest of the region. (One inch of rainfall raises surface waters one inch; but one inch of rain heightens the underground water level about seven inches. Thus, water held in the muck and peat has an intensified effect on the water table.) This pressure, exerted in the direction of the coastal areas, is fundamental in keeping the salt water of the ocean from creeping into the well fields that provide water for people along the coast.

Salinity dams have been built to prevent salt water seeping into the flood control canals. This year, however, salt water came under the dams. There was a serious threat to Miami's southwest well field, the second largest in Florida, and wells there were closed to avoid an even lower underground water pressure and eventual contamination of the well field.

No one knows how to restore an aquifer or well field, once it's been contaminated with salt water.

Water is being wasted, soils are being depleted, and the conditions protecting the rest of the water in South Florida are being destroyed. But there is more insidious threat: there are unmistakeable signs that Lake Okeechobee, the primary source for the water in the whole region, is dying.

Consider: Sample tests by the Florida Game and Fresh Water Fish Commission show that all fish in the lake contain some pesticides. In some of the fish, DDT concentrations as high as 57 parts per million (ppm) were recorded. The Department of Agriculture specifies 5 ppm as the maximum safe level for human consumption.

In 1948, lake water was of excellent quality for domestic use. In 1971, the City and County of Okeechobee are studying the feasibility of importing water from Lake Placid, 35 miles north, for domestic use. The water in Lake Okeechobee is so poor at certain times of the year it is difficult to treat.

The farms are to blame for this problem too, experts say.

The organic soil requires extensive fertilization and insecticide and herbicide control. Triple superphosphate is used as an additive to muck; insecticides are used all during the growing seas herbicides are used to control weeds throughout the area. As a result, water drained from the farms is rich in these nutrients. Test reports show, not surprisingly, that pesticides are building up in the bottom sediments of the conservation areas and lake, where they enter the food chain.

Oxygen-consuming organic matter washed into the water from the farms is an even more serious problem. The presence of phytoplankton and aphanizomenon holsaticum, the most notorious alga for causing lake eutrophication, alarms ecologists. Fish kills connected with draining from muck farms are common. "Periodically, heavy rains . . . create immense fish kills on the south end of the lake as water is pumped into the lake," the Florida Conservation Foundation says. Fish kills in several canals have been attributed to the depletion of oxygen in the water pumped from the vegetable fields.

On all sides, the water supply of South Florida is threatened by man's mismanagement of the natural drainage system.

What if the Everglades dies? What if there were just a desert out there to the west of the coastal cities; could people go on living on the Florida East Coast?

The answer is, probably—if not too many more people were added—but it wouldn't be easy. Rainfall would replenish the Biscayne Aquifer some, and then there is the possibility of huge desalinization plants to convert ocean water to human use.

But life wouldn't be the same. It gets down to the point of what makes life worth living. Do we want a tropical Bronx?

And the spectre of the eventuality points up why it may be impossible for anyone to live in South Florida without the Everglades: if all that space out there were desert it would quickly and inevitably be cemented over and "developed." With a vast sea of condominiums and people and cars instead of sawgrass the water supply problem most likely would be insurmountable.

How many more dry years can South Florida take before the problems become overwhelming? As Art Marshall says: "We are reaping the effects of 90 years of draining and careless development, added to droughts."

The water crisis is not five, 10 or 15 years from now. It will not end with the autumn rains no matter how heavy the downpour outside the windows.

The water crisis is now.

THE EFFECTS OF THE WAR IN VIETNAM

Mr. HART. Mr. President, the war in Vietnam has claimed more than 360,000 American casualties—44,000 killed and 295,000 wounded.

One can only make a very poor guess at what those sterile figures mean in human terms.

The cost of the war in Vietnam, since 1964 and including future veteran benefits, will exceed $180 billion.

One can only guess how much of the ignorance, hate, and violence in our society today might have been prevented if that money had been spent on better schools, on better housing, on food for the hungry, on jobs for the unemployed, on decent incomes for all, and, yes, on better prisons.

And one can only guess at what the future holds for South Vietnam with more than 1 million civilian casualties, with 5 million of its people refugees, with one-seventh of its land area denuded by herbicide spraying.

Certainly, historians will concern themselves with these questions, but the questions are not for history alone.

They are most pertinent to the present, to the vote at hand.

The Vietnam war is not an isolated source of discord, not a drain on Pentagon funds alone. It is intertwined with and affects much of the unrest, much of the disillusionment which afflicts society today.

I do not contend or even suggest that other problems will fade with the final departure of U.S. troops from Vietnam.

But I do suggest that in face of cost in men and money already expended, in face of needs our society must respond to, and in face of what little, if anything, can be gained by continuing our presence in South Vietnam, we should set a time period certain within which to complete our withdrawal.

That should be our national policy, and that is what the Senate approved in passing the Mansfield amendment 57 to 42 this past June.

In the conference report on this bill, the amendment is seriously weakened by changing it from a statement of national policy to a sense-of-Congress statement and by eliminating the time period certain of 9 months in which withdrawal is to be completed.

Last Friday I said that I would vote against the conference report, both because of the action the conferees took on pay increases for the military and on the Mansfield amendment.

Today, I want to make clear again that in voting against the conference report I am voting for the reconsideration of both the pay provisions and the Mansfield amendment.

The Mansfield amendment is the best vehicle at hand for Democrat and Republican, for Congress and the President, to join together to end our involvement in Indochina.

If our withdrawal results from this amendment, passed by Congress, supported by both Democrats and Republicans, chances of political backlash, if that is the fear, should be greatly diminished.

And must we not ask ourselves whether fear of a political backlash at home justifies the continuation of a war in another country? I think it does not.

CLEARCUTTING OF TIMBER

Mr. McGEE. Mr. President, I ask Senators to listen for a moment to the words of Joe Pivik, who with his brother Carl, runs a sawmill in Teton County, Wyo.:

> It doesn't make sense. They are slaughtering the country and they're going to run out of it.

Speaking to a reporter for the Jackson Hole News, Pivik added recently, referring to clearcutting operations in the beautiful mountain county:

> The fir and spruce won't come back and neither will the wildlife. Nobody puts anything in this earth. They just keep taking it away.

Mr. Pivik's concerns are real, and they are shared by many citizens from all over the country who have written to me in support of the pending legislation I have proposed to call a temporary halt to clearcutting so that an independent congressional commission with access to all the relative data can assess this method of harvesting timber from our great national forests. It is time we acted, Mr. President, before more of our forest landscape, particularly in mountainous regions like that in which the Piviks endeavor to operate sensibly, is devastated by the bulldozer and the more sophisticated means that have been developed to level the forest.

Mr. President, so that the Senate may have the benefit of the views of a longtime sawmill operator who, unlike some, can indeed see the forest for the trees, I ask unanimous consent that a newspaper story published in the Jackson Hole News of September 9 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Operators Criticize Logging Methods

Carl and Joe Pivik have been making boards out of trees for 25 years. At their Teton Lumber Co. sawmill, five miles south of Wilson on Mosquito Creek, the pond is full of logs and the saws are humming.

This is the only surviving sawmill in Teton County.

Experience and a concern for the area have given the Piviks some ideas about timbering, and they are in definite conflict with present forest service practices.

Joe uses strong words to express his views on clearcutting.

"It doesn't make sense," he insists. "They are slaughtering the country and they're going to run out of it."

He pointed out the slopes left barren by clearcutting.

"We're wasting 90 per cent of the growth, piling the slash, then sterilizing the soil with fires," he said. "The watershed is so damaged, you can walk on the creek when it rains."

The Piviks feel that they should go back to the method of selective cutting of usable trees.

"It's the only economical way to do it," said Joe, "when you have to take everything just to get a few trees it doesn't pay, and on top of that we are required to build these big roads."

When Piviks started their original mill, lumber was selling for $30 a thousand, today it is $100. Stumpage fees to the forest service have risen from $1.25 to $22 a thousand board feet, plus the roads.

"They've made it impossible for the small operator," said Joe. "They go broke, the country loses, everybody loses."

Joe admitted that maybe the big outfits with their heavy equipment can make a dime.

"The government should chase them out of the timber," he exclaimed. "In 50 years we won't have anything."

In recent years members of the Pivik family have visited Yugoslavia, the birthplace of their parents. There and in Europe they have observed "old country" timbering methods.

"They've been timbering 1,000 years," said Joe, "and still have the same forests. They'd butcher you for clearcutting."

Joe brought up a thought-provoking fact. "Look at Venice, Italy," he said. "They cleared all the forest around there in 1400 to make pilings for the city. Now they can't grow a tree if they try."

Piviks are even critical of the program to eliminate the pine beetle.

"It's nature's way of thinning a forest," he explained. "A tree is alive, it needs bugs and birds in its environment."

As for timbering in Jackson Hole, Joe says they regret starting the mill again after their first one was burned in 1952.

"If we knew then what we would be required to do now, we probably wouldn't have continued. This country was never meant to grow trees. It takes too long, maybe 1,000 years for a good saw log."

Again on the subject of clear cutting, Joe pointed out that the method takes all kinds of trees, not just pine.

"The firs and spruce won't come back," he said, "and neither will the wildlife."

He looked at the hills, bared by big operators to feed their stud mills.

"Nobody puts anything in this earth," he concluded. "They just keep taking it away."

SCHOOL LUNCHES FOR MILLIONS OF HUNGRY CHILDREN THREATENED BY NEW ADMINISTRATION REGULATIONS

Mr. HUMPHREY. Mr. President, hungry children are the shame of America. But apparently the Nixon administration is more concerned about fiscal penny-pinching than about assuring that millions of needy children receive at least one good meal a day. I find it incomprehensible that in the Nation with the richest and most efficient agriculture production resources in the world, some 2 million children are still unable to even get a hot, nourishing noon meal at school.

In enacting major legislation last year to expand programs under the National School Lunch and Child Nutrition Acts, Congress emphatically stated its intent that every child from an impoverished family shall be served meals either free or at reduced cost.

But in issuing new regulations on August 13, 1971, under this act, the Department of Agriculture has not only rejected this mandate but has also severely threatened the continuation of school lunch programs already serving millions of underprivileged children. This was the basic thrust of the conclusions reached by the State school food service directors in a position paper unanimously adopted last month at a postconvention meeting in Minneapolis, Minn., and subsequently confirmed in a detailed analysis of the new food and nutrition service regulations made by an ad hoc committee under auspices of the American School Food Service Association.

A recent editorial in the Washington Evening Star rightly asserts that "Congress should demand explanations from Agriculture officials." The Senate Committee on Agriculture and Forestry will do exactly that, with hearings scheduled for September 16.

It is reported that the Nixon administration plans to save some $300 million by slicing in half the previous maximum Federal aid level for free and reduced price school lunches—section 11—and by cutting the "type A" lunch reimbursement limit from 12 cents to 5 cents per lunch. Moreover, by restricting the spending of nonfood assistance funds, prohibiting the transfer of funds, and terminating bloc grants, the Department of Agriculture regulations eliminate the flexibility that permitted the States to reach many additional needy children.

Once again, as in the case of the summer lunch program of such great importance to the adequate nutrition of poor city children, this administration has reneged on promises of help. In the face of incredible administration delays and mismanagement, Congress rapidly enacted legislation in June to continue and expand the summer lunch program at the level of critical need reported by our States and cities.

But the damage of last-minute administration reversals had already been done. Having issued "standdown" orders, and now confronted with exceptionally difficult startup problems with one-third of the summer days already passed, our States were compelled to operate at a level well below meeting the actual need. This was certainly the case in Minnesota, which found it necessary to revise downward a projected $665,512 summer child feeding program by more than one-half.

But the administration proposes to go even further this time, by undermining a well-functioning school lunch program that has been meeting the critical need of millions of poor children across the Nation for one decent meal each day.

The administration is patently ignoring the will of Congress, absolutely refusing to use the funds appropriated by the legislative branch to maintain and expand the national school lunch programs.

The President promised at Christmastime in 1969 to end the hunger of needy children in America. The Department of Agriculture called for State program estimates early this year on the basis of the law enacted by Congress to fulfill this promise. The States proceeded to plan their child feeding programs for the current school year in the belief that administration promises were backed by commitment.

But once again, at the last possible minute the administration has smashed these hopes and expectations. State and school officials are being told that the poor child, stalked by pangs of hunger that dull his attention to learning experiences vital to his entire future life, really does not rate a significant position in this administration's order of national priorities.

Minnesota, like so many other States, will be seriously affected by the funding cutbacks resulting from the new Department of Agriculture regulations. It had been hoped that some 84,000 children not reached by the school lunch programs in our State last year, would at last receive help this year. It is unconscionable that these children should see the Federal purse snapped shut in their faces and should have to listen to penny-ante excuses by administration officials that dollars must be taken from this very small portion of the total Federal budget to help finance more cars and exotic weapon systems.

Officials of the school lunch section of the Minnesota Department of Education report that not only will they be unable to expand programs to a level of 102,575,000 lunches served over the current school year, but that they must also get along with substantially reduced Federal assistance on the basis of last year's 93 million lunch program.

The Minneapolis public schools report a great deal of confusion surrounding the Federal funding of school lunch programs for the present 1971–72 school year. Having made remarkable progress in establishing programs in 60 schools, officials had planned to include the 24 remaining schools this year. But while they had asked no more than the continuation of the Federal level of reimbursement to do this, they have now been forced to project Federal reduction impact of $778,695.

Their report bluntly states that the proposed regulations will of necessity slow any expansion of the lunch program and curtail providing lunches to many needed children now benefitting from the program. And I am advised that the superintendent of schools in Duluth has stated flatly that Federal subsidy cutbacks will mean the drastic reduction or even elimination of school lunch programs in that major city.

Other States have made equally dire predictions, and will lose millions of dollars in vital Federal assistance. Estimates of losses include Missouri, $4,000,000; Ohio, $5,565,000; California, $9,000,000; Massachusetts, $3,240,000; Oregon, $1,476,175; Tennessee, $2,772,000; Oklahoma, about $1,000,000; Georgia, $4,100,000; and West Virginia, $2,661,300.

These estimates were hastily computed in the face of a Department of Agriculture deadline of only 15 days for responses to the new school lunch program regulations. But it has been estimated that 37 States will be seriously handicapped should these regulations become effective. And they simply cannot make up these losses from State and local funds.

I am profoundly disturbed also by the failure of these new regulations to make any provision for continuing the authority to transfer section 32 funds to the school breakfast program. Having just fought successfully for the enactment of legislation to increase appropriations for this vital program to $25 million and to assure its expansion through authorizing increased flexibility in the use of section 32 funds, I am dismayed at this Executive regulatory abuse of the will and intent of Congress.

There are 7 to 9 million needy children who could qualify for school breakfast assistance. In America no child should be deprived of a good meal to start the day in this crucially important formative period of life.

But not content to deny an effective

measure for the expansion of the school breakfast program to meet this critical need, the administration has gone further in allocating only $18.5 million of the $25 million appropriated by Congress—money that the States are reporting is desperately needed now to even maintain present program levels. Some States face the further possibility of having to cancel their school breakfast programs without the full allocation of the funds appropriated by Congress.

I intend to fight this blatant example of legislating by Executive fiat that usurps the authority and powers of Congress. I intend to join my Senate colleagues in calling administration officials to account for this fiscal penury that ignores the welfare and human rights of our children.

There is only one action that the administration should now take, and that is to withdraw these regulations forthwith and issue regulations that conform to the mandate of Congress under the National School Lunch Act as amended.

CLOSE AIR SUPPORT REPORT BY MEMBERS OF CONGRESS FOR PEACE THROUGH LAW (MCPL)

Mr. PROXMIRE. Mr. President, Members of Congress for Peace Through Law—MCPL—have issued a series of studies this year on military weapons and military procurement. They have included reports on the B–1 bomber, the F–14 fighter plane, and other weapons and issues.

Today MCPL is issuing a report on close support aircraft. The report was prepared by the Senator from Maryland (Mr. MATHIAS), the Representative from Ohio, Mr. SEIBERLING, and myself.

The report is highly critical of the Defense Department for continuing to fund three separate close support aircraft—the Navy's Harrier, the Army's Cheyenne, and the Air Force's A–X. Continuing to fund three separate and distinct programs is overlapping, wasteful, and a duplication of effort. It is absolutely unjustified and has cost the taxpayers some $600 million in the last 5 years.

Our report recommends that the Cheyenne program be cancelled. It is both too costly and less effective than either other weapon.

The report recommends that the Harrier program end after the purchase of 60 aircraft and that it not be produced in the United States as the Senate Armed Services Committee report recommends.

Finally, we do recommend that the A–X continue to be developed as a high priority Air Force program. We also recommend that the Air Force put greater emphasis on its close air support mission so that it can perform that mission far more effectively than in the past.

We recommend the A–X for a variety of reasons including both technical superiority, simplicity, and its low cost. For example, the A–X will cost half as much as the Cheyenne as the report states,

Its lower unit price will translate directly into substantially more aircraft for the money spent, as the following table demonstrates:

$1.2 billion buys—

600 A–X	[1] $2.0 million
222 Cheyenne	[1] $5.4 million
273 Harrier (U.K. version)	[1] $4.4 million

[1] Program unit costs.

Mr. President, I commend this report to Congress and the country. I sincerely hope that Congress and the Department of Defense will act on its recommendations. Unless we do, billions of dollars will be wasted in duplicate weapons.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CLOSE SUPPORT AIRCRAFT: THE AX, HARRIER, AND CHEYENNE

SUMMARY

During the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three new close support aircraft, the Ax, the Cheyenne, and the Harrier. Each of these aircraft has been specifically designed to provide close-range, highly responsive aerial fire support to our combat troops in the field, against targets ranging from troops to tanks.

We fully recognize the importance of the close support mission. We do not believe its performance would be aided, however, by continuing with three separate close support aircraft programs, since two of them involve aircraft with at best marginal advantages over existing systems. While there may be some justification for retaining a triad of strategic nuclear deterrents, a triad of new close support aircraft is ridiculous.

Last year the House Appropriations Committee directed the Department of Defense to conduct a comprehensive study of its close support needs and to choose between the aircraft options involved. The only compliance to date has been a six page "interim report" submitted to the Congress by Deputy Defense Secretary David Packard in June. The gist of the report was that the aircraft involved "offer sufficiently different capabilities to justify continuing all three programs at the present time."

The purpose of this report is to do the hard analytical work which the Defense Department itself should have done long ago.

It is our belief that the Ax provides the responsiveness, survivability, lethality, and operational readiness which we will need in a close support aircraft in the event of a NATO-Warsaw Pact confrontation in Europe.

The Cheyenne, on the other hand, does not. Due to limited loiter time and substantial maintenance requirements, it might not be available when needed. And if the Cheyenne were available, its high vulnerability and poor maneuverability would make it a sitting duck for enemy fire. The fact that the Cheyenne carries a price tag twice as high as the Ax does not make it any more appealing.

We recommend therefore that the Cheyenne program be terminated immediately and that the Ax be designated as the primary system for the future support of Army ground troops in Europe.

We also believe that the Harrier offers only marginal improvements in the close support capabilities already available to the Marines in the form of the A–4M, and then only in the initial stages of an amphibious assault operation. Therefore, we recommend that the Harrier program be terminated after the purchase of 60 aircraft, and that no production of the Harrier be undertaken in the United States at this time.

Our detailed recommendations follow. If implemented, they would result in a savings of approximately $6 billion out of about $12 billion that would be spent in the next ten years if all three aircraft programs were continued.

RECOMMENDATIONS

Roles and missions

We believe that the Department of Defense, in order to end twenty plus years of inter-service rivalry, should make a firm decision as to which service shall have the responsibility for close-air support of Army ground troops.

We believe that the close-support mission is best accomplished with fixed-wing aircraft at the present time. Given the contemporary limits of rotary-wing technology, and in view of the fact that the Air Force currently maintains the overwhelming preponderance of fixed-wing assets, it is our opinion that the Air Force clearly should be given the primary close support mission for the foreseeable future, provided that the Air Force demonstrates that it will give the Army adequate and continued support.

We also believe that the Department of Defense should clarify the responsibility of the Navy and the Marines, respectively, in providing close-air support for Marine Corps infantry operations.

AX (Air Force)

1. We recommend the continued development of the AX as a high-priority Air Force program, and that Congress approve the Air Force request for FY 72 funding of $47 million.

2. We recommend that the Air Force revise its internal priorities so that the mission of close-air support receives significantly greater emphasis and that the AX project be elevated to a higher priority. In order to ensure that the Air Force is giving proper emphasis to this mission Congress should require from the Air Force a yearly accounting of funds on close-air support.

3. We recommend that Congress act to ensure that the production version of the AX be kept as simple and austere as feasible. We believe that the AX represents a welcome change in procurement philosophy, in its austere and functional specifications, and its competitive development program. This emphasis, which promises a highly effective close-support aircraft at a price of under $2 million, should be continued. Complex and expensive night- and all-weather avionics and armaments should be added only when the AX is fully developed and thoroughly proven through realistic testing, and then only to a fraction of the force.

Cheyenne (Army)

1. We recommend that the Cheyenne program be ended. The Cheyenne is a proven mistake with inherent vulnerability and inaccuracy that cannot be corrected. Congress should not approve any further funding pointed towards deployment of the Cheyenne.

2. We rcommend that Congress fund no new attack helicopters as substitutes for the Cheyenne, since all other possible alternatives suffer from the same crucial defects of vulnerability and inaccuracy. To fill the unique function of escorting lightly-armed troop transport helicopters, Congress should rely on existing operational helicopters.

3. We recommend that the Army acquire as test-bed vehicles the eight existing Cheyenne prototypes and incorporate these aircraft into existing rotary-wing research and development programs. These prototypes should be used to test the rigid-rotor technology, gun-platform stabilization, survivability and anti-tank capabilities. This proposed research program should in no way point towards eventual production of the Cheyenne.

Harrier (Marine Corps)

1. We recommend that funds for FY 72 procurement of 30 Harriers be appropriated, but that procurement be halted at the end

of FY 72, thus equipping the Marine Corps with 60 operating aircraft. We further urge that these aircraft be used for intensive testing of the significant uncertainties remaining about Harrier effectiveness and the feasibility of the Marine's battle plans.

2. We recommend that no funds be authorized at the present time for transferal of Harrier production from the United Kingdom to the United States due to the limited abilities of the aircraft, the excessive costs required for transferal, and the general uncertainties about V/STOL technological promise.

3. We recommend that the Harrier fleet be used not only by the Marine Corps but by the Air Force and Navy as well to conduct modest evaluation of V/STOL concepts and capabilities for their respective missions.

INTRODUCTION

Over the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three separate aircraft intended for essentially the same mission of close-air support. The job of these aircraft is to provide close-range, highly responsive aerial fire-support for friendly units in the field against targets ranging from troops to tanks. Each aircraft represents a different approach to the mission of close-air support, and each is sponsored by a separate military service. A brief description of each follows:

AX (Air Force)

The Air Force's entry is the AX, a relatively inexpensive and unsophisticated twin-turbofan fixed-wing aircraft operated by a one-man crew. According to the Air Force, the AX is the first U.S. plane specifically designed for the mission of close-air support. The AX will have short take-off and landing capabilities (STOL), exceptionally good payload and long-range abilities, and a high degree of survivability due to its excellent maneuverability, twin engines, redundant control systems, heavy pilot protection, and large amount of armor plating. The AX is likely to fly in excess of 450 knots, and be able to loiter over the battlefield for long periods of time. The AX will carry a maximum load of 16,000 pounds of external ordnance, and will incorporate as its primary anti-tank weapon an internal automatic 30 mm armor-piercing cannon with 1350 rounds of ammunition. The AX will also mount other guns on its wing stations.

The Air Force is requesting $47 million for FY 72 to continue development of the AX. Contracts totaling $60.1 million have been let to two companies. Fairchild-Hiller and Northrop, to construct two prototypes each of the AX as part of a competitive "fly-before-buy" development program. First flight is expected for the summer of 1972 with production to begin late in 1974 and initial operating capability slated for early 1975.

AH–56A Cheyenne (Army)

The Army's Cheyenne, built by Lockheed Aircraft, is a single-engine rigid-rotor compound helicopter planned to incorporate sophisticated electronics which are claimed to enable it to fly in adverse weather conditions and at night. Operated by a two-man crew, the Cheyenne can mount internally a light 30 mm cannon in a 360 degree belly turret; and either a 40 mm grenade launcher or a 7.62 mm mini-gun in its interchangeable nose. In addition, the Cheyenne can carry on six wing stations a variety of projectile weapons, including up to 152 2.75 inch rockets and/or up to 32 Hughes TOW wire-guided, optically-tracked anti-tank missiles, although 16 TOW's is likely to be the operational complement. Revised Cheyenne specifications call for a top speed of 212 knots, which has not as yet been met by the development aircraft.

The Cheyenne program is now in the final stages of engineering development. While the FY 72 budget contained no new request for RDT&E appropriations, the Army asked for $13.2 million in "advanced production engineering" funds and for authority to reprogram $61.3 million of funds left over from the terminated Cheyenne production contract into further R&D. The $13.2 million request has been turned down outright by the Armed Services Committees in both Houses of Congress.

Moreover, only $35 million of the $61.3 million reprogramming request has itself been approved. This $35 million is part of an overall settlement of litigation with Lockheed on the Cheyenne program and is designed to reimburse the company for R&D expenses incurred out of its own pocket after December, 1969. Another $17 million of the $61.3 million requested has been denied outright (since it will not be needed until fiscal 1973), and the Senate Appropriations Committee has agreed to consider the final $9 million in conjunction with its actions on the fiscal 1972 Defense Appropriations bill. If the Committee decides that R&D work on the Cheyenne should continue, it will add this $9 million to the Appropriations bill. It will then be subject to action by the Senate as a whole as part of the normal budget process. Barring Congressional action at that time, funds for full-scale production of the Cheyenne are likely to be requested in the FY 73 defense budget.

AV–8A Harrier (Marine Corps)

The third aircraft is the Hawker-Siddeley Harrier, now in series production in the United Kingdom. Presently the only operational V/STOL combat aircraft in the free world, the Harrier achieves its vertical take-off capabilities through rotation of the vectored thrust nozzles on its single Rolls Royce Bristol engine. A single-seat aircraft, the Harrier is limited in both range and payload, but the Marine Corps asserts that its capabilities are sufficient for its projected mission of short-duration forward-based attack and support, where its ability to take off from small ship-board platforms and austere VTOL pads on the beachhead is said to be important.

The Harrier is subsonic in level flight, with a claimed range of action ranging from 50 miles (VTOL) to 380 miles (STOL), both with 3000 pounds of external stores, though with very short loiter time. The Harrier carries no weapons internally but is advertised to be able to carry as much as 5000 pounds of ordnance on short missions using conventional takeoffs. Under such conditions it can mount twin-low velocity 30 mm guns as well as a variety of other ordnance on its four wing stations including 2.75 inch rockets and a maximum of four 500 pounds bombs. The Marine Corps has already purchased thirty of these aircraft and hopes to procure a total of 114.

The Marines have requested $102.3 million in FY 72 to purchase 30 additional aircraft. In early August the Senate Armed Services Committee revealed that it had added $23.7 million to the Marine Corps request in order to "provide the additional expenses necessary for the phased program which will lead to the domestic production of this aircraft." McDonnell Douglas holds the U.S. production license for the Harrier.

CURRENT STATUS

The Defense Department's decision to proceed simultaneously with three different close-support aircraft has already been subjected to considerable criticism both in and out of Congress. Last year the Senate Armed Services Committee directed the DOD to terminate the Cheyenne program, arguing that the AX would be sufficient for the job. At the same time, funding of the Harrier was continued.

Eventually, funds for the Cheyenne program were restored in conference with the House on the military procurement authorization bill. The House Appropriations Committee, also concerned with unnecessary duplication, later directed the Department of Defense to conduct a comprehensive review of the close-support mission and the aircraft options involved. The purpose of the Appropriations Committee's action was to force the Department of Defense to make its choice among planes. As committee chairman, Representative GEORGE MAHON later explained in an interview published in the Washington Post:

"We're going to hold the Pentagon's feet to the fire to get the best possible solutions to these alternatives. * * * What we want is to compel the Defense Department to do the hard analytical job."

What Chairman MAHON sought initially was a decision on "the aircraft best suited to meet the close-air support need" in time for the FY 72 budget hearings. Not until February 1971, however, did the Department of Defense set up a study group headed by Deputy Secretary Packard to review the close-support options available. By that time, of course, the FY 72 budget had already been proposed and in presenting that budget to Congress, Defense Secretary Laird urged continued funding of all three programs. Speaking specifically of the AX and the Cheyenne, Laird stated:

"We believe they complement each other, through overlapping zones of coverage and diverse operating modes."

In June, Deputy Secretary Packard sent to Congress a six-page letter which he said was an interim report on the Defense Department's close-support study. Packard urged once again that funds be provided for all three planes, claiming that "they offer sufficiently different capabilities for our future forces to justify continuing all three programs at the present time." The report did not endorse production of either the Cheyenne or the AX. Rather, it is suggested continued development in FY 72 pending a final decision before FY 73.

The interim report simply did not address itself to a number of key issues. It is our understanding, for example, that it contained no substantive explanation of how the supposedly "complementary" aspects of these aircraft serve to better accomplish the mission. Also insufficiently analysed were major questions of conciliating roles and missions, the vulnerability of the Cheyenne to ground-to-air missiles and air-to-air threats, the relative ease with which the TOW antitank missile of the Cheyenne can be counter-measured, and the comparatively poor maneuverability of the Harrier at speeds above 150 knots. These omissions cast serious doubt upon the value of the report.

In effect the Department of Defense has tried to stall the issue for another year, hoping perhaps that Congress will back off and allow all three planes to proceed into production. If there were unlimited resources available for the close-support mission, Secretary Laird's arument for a "mix" of "overlapping" weapons systems might be valid. But such conditions do not exist now, and tight budgetary conditions are likely to continue in the future. Thus continued development of a redundant "triad" of close-support aircraft cannot be justified.

So far close to $600 million has been spent on this "triad," a tiny fraction of the more than $11.5 billion that will be spent on close-air support if Congress gives all three programs complete production approval. Here is how this figure is derived:

Based on a conservative program unit cost estimate for the Cheyenne of $5.4 million, an Army purchase of 375 aircraft will entail a minimum of $2.0 billion in investment costs alone. In addition, experience has shown that operations and maintenance (O&M) costs over a 10 year period will run to 200 per cent of initial investment costs for aircraft programs of this type. This would mean ten-year O&M costs of $4.0 billion for the Cheyenne. Cheyenne costs alone, therefore, will total $6.0 billion, roughly half the overall close support total.

Marine Corps planning presently calls for a total of 114 Harriers, with final costs dependent in large part on whether Congress approves a phased transfer of production to the U.S. for the remaining 84 aircraft. If these aircraft are built in Great Britain, total investment costs for the 114 Harriers have been estimated by the Marines at $4.4 million apiece, or $503.6 million. The Marines have also estimated that U.S. production, as called for by the Senate Armed Services Committee, could add as much as $275 million more, with unit costs for the 84 aircraft still to be purchased rising to $7.8 million. On the assumption that ten-year O&M costs would be 200 per cent of investment costs, O&M costs for the U.K. built version would be approximately $1.0 billion. O&M costs for a U.S. built version might be somewhat higher, due to the higher cost of U.S. manufactured replacement parts involved. Thus total ten year systems costs for the Harrier, even for the less expensive U.K. version, should reach at least $1.5 billion.

The Air Force hopes to purchase at least 600 of the AX aircraft. Two versions of the AX have been mentioned, the AX–A, which is the standard operational version, and the AX–B, a possible follow-on to the original that would contain advanced avionics for all-weather and night combat capabilities. The Air Force has estimated that the B version, which is still in the conceptual stage, would cost at least $2 million per unit, and 100 AX–B's at $4 million each, the total investment cost for these 600 aircraft will be approximately $1.4 billion. Including probable O&M costs of $2.8 billion, ten-year systems costs for the AX will be approximately $4.2 billion.

Thus if all three aircraft become operational in the numbers desired by their respective sponsors, the cost to the taxpayers for the questionable benefits of a "triad" of close-support aircraft likely will be in excess of $11.5 billion.

CLOSE-AIR SUPPORT IN EUROPE

With the end of American military involvement in Southeast Asia, the primary mission environment envisioned for future close-support aircraft is the European theater. There, close-air support would play a key role in any confrontation between NATO and Warsaw Pact forces. Facing numerically superior Pact armored forces, the first priority for our close-support forces on the European battlefield would be to provide effective anti-armor fire. Also critical would be the ability to provide accurate and lethal suppressing fire in support of friendly forces. Since the Cheyenne and the AX are specifically earmarked for the support of Army troops in the European theater, their capabilities will be contrasted here.

The Marines expect the Harrier, to have specialized applications in forward-based attack situations where available ground-basing facilities are at a minimum and where the unusual qualities of a V/STOL attack aircraft could be considered useful. In particular, the Marines foresee use of the Harrier in support of invasion forces against heavily defended beaches, where its carrier and ship-based abilities would also be important. Due to the special nature of its intended mission, the Harrier will receive separate treatment later in this report.

Roles and missions

For over twenty years a dispute has existed as to which service should have the responsibility for close-air support of Army ground troops. This dispute, unmitigated despite a number of Department of Defense directives and inter-service agreements, has led to the current costly controversy between the Air Force and the Army revolving about the AX and the Cheyenne.

The last major organizational agreement between the Army and the Air Force was concluded in 1965. Called the Johnson-McConnell Agreement after the names of Army and Air Force Chiefs of Staff, this agreement set out to eliminate some of the confusing overlaps as to which service was to do what.

Actually, the Johnson-McConnell Agreement did little more than sort out some of the actual hardware involved rather than solve any of the basic disputes. The Army was given authority to develop a rotary-wing "fire-support" system, which it did, and the Air Force, perhaps too confident that no helicopter could challenge fixed-wing aircraft for this mission, continued for a time its low priority effort in close-support systems. The Johnson-McConnell agreement thus led directly first to the development of the Cheyenne and then the AX.

It is little wonder that the Army wants to develop its own aircraft, for in both Korea and Vietnam the Air Force has been poorly equipped to provide close-air support. The AX is the first Air Force plane specifically designed for the close-air support mission, and until now the United States has had the only major Air Force in the world not to have an aircraft tailored solely for this role.

Instead the Air Force has given preference to the more classic missions of strategic bombardment, tactical air-superiority, air-defense, and interdiction. Though experience in Vietnam, Korea, and even World War II demonstrated the marginal utility of interdiction missions, both the Air Force and the Marines have become overburdened in this area at the expense of close-air support. In fact, over the last few years the Air Force has spent nearly all of its tactical-air budget on air supremacy and interdiction bombers.

To meet the requirements of the close-support mission, the Air Force has had to turn to eclectic combinations of ill-suited aircraft, ranging from trainers to World War II fighters and even pre-World War II transports. They have even had to suffer the indignity of asking the Navy for the A–1, a World War II vintage aircraft that has been the mainstay of Air Force close-air support in Vietnam. A table follows of the primary aircraft types used by the Air Force for close-air support in Korea and Vietnam:

Korea

T–6 (trainer).
P–51 (WWII fighter).

Vietnam

A–1 (WWII tac. aircraft procured from the Navy).
A–37 (attack version of TA–37 trainer).
T–28 (armed version of trainer).
T–38 (F–5 version).
F–4 (Mach 2 fighter-bomber).
C–47 (Pre WWII military transport).

There is little doubt that either service has the capability to perform the close-air support mission. The doctrinaire argument the Army makes for the Cheyenne—that, being an Army aircraft, it would work "organically" with troops in the field—can quickly be put to rest. It has not worked that way in Vietnam. Instead, armed helicopters have been supplied from a central control at the Corps level in much the same way as Air Force planes. Moreover, this centralization is likely to increase with the event of more complicated and expensive helicopters like the Cheyenne, fewer of which will be available.

We believe that the Department of Defense, in order to end the over twenty years of Army-Air Force rivalry, should make a firm decision on which service shall have the responsibility for the close-air support mission.

As will be demonstrated in the following section, fixed-wing aircraft like the AX possess an inherent superiority over rotary-wing aircraft for the close-support role. Since the Air Force already operates the preponderance of fixed-wing assets it is our opinion that the Air Force should be given responsibility for close-air support for the foreseeable future, provided that the Air Force demonstrates to Congress annually that it is giving the mission continued and adequate support.

We also believe there to be auxiliary missions to the primary close-support role of the Air Force that can be fulfilled by the Army with its current attack helicopter, the AH–1G COBRA. However, due to the inherent weaknesses in contemporary rotary-wing technology, we see no value whatever in replacement of the AH–1G with a more advanced attack helicopter at the present time.

Key combat characteristics

(1) Responsiveness/Loiter

The nature of the close-support mission is such that its first prime requirement is quick aircraft responses. If troops on the ground are being attacked or an observation post or spotter aircraft should sight a moving column of tanks, the aircraft must get to the scene rapidly. Moreover, the nature of most scenarios for a European battle suggests that during the first critical days the action is likely to be in rapid movement. Close-air support will be keyed not to fixed targets but to constantly changing battle lines. Unless an aircraft arrives quickly, it may not know where to go.

Optimum responsiveness is not obtained either through high speed or extreme forward basing. Instead it is best achieved with aircraft that have the ability to loiter over the battlefield for long periods of time. Aircraft already in the air over the front are able to eliminate delays due to take-off, transit time, communications, familiarization, and assignment lags. By contrast, no amount of speed or forward basing can eliminate these delays. Aircraft at forward bases are also likely to be well within reach of the enemy's tactical missiles or artillery.

Its poor response time is one deficiency of the Cheyenne. The Cheyenne is limited by its fuel capacity to what is called "ground loiter" in the immediate vicinity of the combat troops, where it will be well within range of enemy artillery. And even this forward basing will not eliminate frequent trips to its main base for more fuel. Thus the Cheyenne will fly many sorties to provide a limited amount of actual support. And one side effect of its refueling trips could be to aid enemy detection of the main base, bringing on air strikes and artillery harassment.

In contrast, the AX will be able to linger over the battlefield from one to four hours depending on the length of take-off and amount of ordnance carried. Loitering at moderate altitude over the critical areas, the AX will remain virtually secure from hostile fire while being able to respond in under 10 minutes to the needs of either a 100 mile battleline or a 7,500 square mile area.

A specific test of the advantages of fixed-wing, long-loiter, close-air responsiveness was conducted in combat situations in Vietnam in 1969. Nicknamed Misty Bronco, the test used Air Force OV–10A's in a joint role of forward air-control and close-air support. The OV–10A, though slower and less maneuverable than the AX, demonstrated the ability of loitering fixed-wing aircraft to bring effective fire-power to bear in support of ground forces within minutes of request. The response time average only 5.1 minutes with the majority of that time (3.7 minutes) consumed in obtaining ground clearance to fire. By comparison, helicopter response time in South Vietnam has proved to be in the range of 30 to 45 minutes due to the various delays in getting from the base to the battlefield.

(2) Survivability

Survivability is a second prime requirement for any close-support aircraft called upon to operate in the European theater. In Southeast Asia, both our fixed- and rotary-wing close-air support aircraft have enjoyed total air supremacy and have rarely had to face concentrated enemy fire from the ground. This would not be the case in the NATO-Warsaw Pact confrontation.

On a European battlefield, close-support aircraft will be confronted with a vast array of sophisticated and concentrated anti-aircraft (AA) weapons. In contrast to the under .50 caliber AA threat encountered in less developed countries, the predominant threats in Europe will be .51 caliber and .60 caliber machine guns and 23 mm anti-aircraft artillery (AAA) fire. In addition, close-support aircraft that happen to cross into enemy territory are likely to be menaced by a variety of larger AAA cannons, hostile fire from enemy aircraft, and front-line surface-to-air missiles (SAM's). Another possible threat could be the development of a Soviet equivalent to the U.S. Redeye, a small, man-portable heat-seeking ground-to-air missile.

An aircraft will have to fly through light and medium automatic weapons fire with relative impunity if it is to perform the close-support mission in Europe. Moreover, it will have to fly low enough and slow enough to acquire targets and to engage them with optimum accuracy.

The two characteristics which will work together to determine an aircraft's ability to do this are its vulnerability and maneuverability.

Vulnerability refers to the physical characteristics of the aircraft itself—the extent of its vulnerable parts and the damage likely if it is hit.

Helicopters are inherently complicated and fragile devices and the Cheyenne will be no exception. It will have a number of very vulnerable components—such as rotors, rotorheads, gearboxes, and shafts—which are almost impossible to adequately protect. Moreover, it will have an excessively exposed canopy area with the consequence that crew members themselves might easily get hit.

The AX, by contrast, promises to be one of the least vulnerable aircraft in the United States inventory. Recognizing that the ability of an aircraft to take a hit is far more important than its speed, the Air Force has designed it from the bottom up with this basic need in mind.

The biggest dangers if an aircraft is hit are fire abroad the aircraft and loss of its basic control systems. To prevent the first, the fuel tanks on the AX are separated from the ignition and the engines, placed in an area of minimum vulnerability, foam-protected against explosion and fire, and designed so they will leak externally. To prevent the second, the AX incorporates redundant and separated control systems, with the key linkages armored.

The back-up controls of the AX will be fully mechanical, rather than hydraulic, to further reduce exposure to fire.

The next biggest danger is engine loss. The AX will carry two engines to the Cheyenne's one. Because the engines will be widely separated, there is little danger that a hit in one will result in the loss of both. Because they are duplicating, the aircraft will be quite able to fly even if one engine is gone.

Finally, the AX carries more than twice the armor of the Cheyenne. The AX crew compartment itself is encased in 750 pound bathtub of armor, leaving the pilot vulnerable to most AAA hits only through the plane's small canopy area.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering, summed it up this way in his March 18, 1971 testimony to the Senate Armed Services Committee:

"If the enemy defenses, even in the vicinity of our troops are formidable, if the fire is intense, the AX will probably survive while the Cheyenne will not. It will survive simply because it is a less complicated airplane. I don't believe we can make a helicopter that will take the beating the AX can take."

As far as maneuverability is concerned, the Cheyenne again loses out, with flight characteristics markedly inferior to those of the AX. The Cheyenne is limited to attack speeds well below 200 knots, while the AX has a range from 150–400 knots. The AX can also pull fully seven "g's", as opposed to approximately two for the Cheyenne.* This high "g" capability is terribly important, since what it reflects is the ability of the aircraft to deviate from the straight line flight path which aimed gunfire presumes.

Because helicopters are so vulnerable and unmaneuverable, the Army has argued the case for the Cheyenne on the basis of tactics. It claims that the Cheyenne will be able to fly in a "nap-of-the-earth" profile to mask its presence until it can suddenly "pop up" to fire on its targets from long range, with the wire-guided TOW missile system. These tactics, it says, will keep the Cheyenne alive.

In the fall of 1970, the U.S. 7th Army Air Cavalry conducted a field evaluation in Europe, using Huey Cobras, to test these tactics. While the evaluation has been proclaimed a great success, some of the evidence, as reported in an unclassified write-up of the exercises, casts serious doubt on this conclusion.

It indicates first that the Cheyenne will encounter poor visibility of battlefield targets when operating in "nap-of-the-earth" flight. This finding buttresses one of the long-standing criticisms of the Army's tactics—that the Cheyenne will not be able to actually acquire many targets unless it "pops up" to an altitude of 1,000 feet and then closes to a distance of one-half mile or less for visual target identification.

Under these circumstances, the Cheyenne would be fully exposed for quite some time to hostile enemy fire. After it "popped up," it would require between five and fifteen seconds for target acquisition and fire preparation and as much as another twelve to fourteen seconds after the TOW missile is launched to track it to its target. Thus, for as long as 29 seconds, the Cheyenne could be a shooting gallery target for enemy fire.

The Cheyenne would not have to hover in place while tracking the TOW. It could also "fly down the wire" (along the missile flight path). But this tactic would bring the aircraft even closer to hostile enemy fire. It should be noted in this regard that the Army itself has said that it would be "unacceptable" for the Cheyenne ever to fly behind enemy lines. This recognition of the Cheyenne's vulnerability is fine in theory. In practice, it is highly doubtful whether there would ever be any clear-cut lines in a fast moving European battle.

A second problem revealed by the 7th Army Air Cavalry evaluation is the havoc which power and telephone lines could wreak if "nap-of-the-earth" tactics were employed. Collisions with these lines, extremely difficult to see in flight (especially in marginal weather,, could prove to be a major source of losses. A related consideration is the possibility that the wire which guides the TOW could get tangled up in trees.

As an alternative to "nap-of-the-earth" flight, the 7th Army also experimented with flight at tree top level—higher than "nap-of the earth" but considerably lower than flight profiles used in Southeast Asia. It was found, however, that even at this altitude the helicopters were "skylined" against the background and were easy enemy targets. Unfortunately, it was also found that "pilots who flew at tree-top level and at relatively higher speeds acquired more targets than those who flew "nap-of-the-earth."

The 7th Army Air Cavalry evaluation casts serious doubt on the ability of the Cheyenne to successfully employ the tactics it has been hoped it could use. There is little chance that it could acquire many targets at the stand-off ranges it is designed for and even less chance it could long survive if forced into the thick of the battle. In fact, seven out of eight senior Army officers who participated in the exercises cited helicopter survivability when questioned about the negative aspects of the exercises.

The AX will not be burdened by the questionable tactics of the Cheyenne. It will not be restricted to the "friendly" areas of the battlefield. Instead it will loiter over wide areas for long periods of time, above the range of automatic weapons, with the maneuverability, acceleration, and rate of climb needed to rapidly attack defended targets with a minimum of exposure to hostile fire.

These characteristics will be especially important if we do, in fact, face Redeye-type missiles and enemy fighters in Europe. Since no close-support aircraft could hope to match a SAM or a MIG in speed, survivability would depend in great degree on the aircrafts ability to outmaneuver the missile and perhaps the fighter as well till help arrives.

The Cheyenne would have no hope of surviving in this environment. During the Lam Son 719 operation conducted in Laos this past spring, under conditions only remotely as severe as those which would exist in Europe, chopper losses were staggering. The Army reported a total of 94 helicopters shot down between 5 February and 11 March, but other reports, including one in the New York Times, put the loss for the Laos incursion at 219 helicopters. This is the equivalent of 60 per cent of the total Cheyenne buy.*

(3) Lethality/Accuracy

Even if an aircraft can respond quickly and fly through enemy fire with impunity, it will be of little value in the close support mission unless it can deliver lethal and accurate fire against the targets with which it is confronted.

Any close support aircraft operating in the European theater will have to deal with two kinds of targets: "hard" targets such as tanks, armored personnel carriers, and bunkers; and "soft" targets such as command posts, lightly fortified machine-gun and mortar points, and vehicles and troops in the field. The "hard" targets will be both the most important and the toughest to destroy—important because the opposing armored forces will spearhead any enemy advance, and toughest to destroy because they will be camouflaged, mobile, and well protected.

Unguided rockets or bombs will not be adequate against armored vehicles because of their inherently poor accuracy. Needed instead will be small, penetrating warheads (hard core bullets or shaped charges) accurately delivered against them. Our choice, therefore, will be primarily between guided missiles like the Tow and the Maverick, or high velocity, high impact automatic cannons of 30 mm. or larger with armor piercing warheads.

The Cheyenne will not be able to rely on its own gun as an antitank weapon. Like all helicopters, it suffers from high vibration and relative instability, both of which are fatal to accuracy. Even with its rigid rotor which minimizes rotor vibration to a degree, the Cheyenne will be forced to incorporate a very complex and very expensive computer-controlled turret stabilization system to achieve acceptable accuracies. And since this turret system will not accept the high recoil associated with an antitank capable cannon, its weapons will not be usable except against relatively soft targets. The Army readily acknowledges that they will be light armor piercing only.

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* 1.5 claimed at 190 kts., 2.13 claimed at 170 knots.

*Although most of the losses in Laos were of helicopter troop-carriers—"slicks"—such as the UH–1G Huey, the experience of the slicks is applicable to attack helicopters as well, since armed helicopters like the Cheyenne are more likely to engage enemy defenses. Laos particularly demonstrated the severe vulnerability of helicopters to .51 caliber machine guns (12.7 mm). In contrast to this, the AX, which has over 1000 lbs. of armor to 453 for the Cheyenne, has been specifically designed to safely take fire up to .60 cal. (14.5 mm).

In February 1971 the Army attempted to demonstrate to a Congressional audience at its Yuma proving grounds the ability of the Cheyenne to fire its turret weapons simultaneously at two widely separated targets. Despite the unrealistically optimum test conditions (there would be no opportunity for careful preparation by highly trained technicians in a battlefield environment), a malfunction in the Cheyenne's fire control system caused machine gun fire "to be sprayed all over the hillside." Even if similar malfunctions can be prevented on the battlefield, it is doubtful whether the Cheyenne will achieve the accuracies called for in its design specifications, since their attainment is predicated on a minimum of aircraft movement which could well prove fatal if employed in the face of hostile fire.

Since it is incapable of mounting a 30 mm. cannon with the velocity, impact, and accuracy needed to counter enemy armored vehicles, the Cheyenne will have no choice but to use the Tow wire-guided missile as its primary anti-tank weapon. Unfortunately, there are a number of problems with the Tow, which was originally designed for use on the ground.

First, there are the target acquisition and survivability problems alluded to earlier. It is unlikely that the Cheyenne will be able to acquire targets at the stand-off range for which the Tow is designed and unlikely that the helicopter will survive if forced to move closer to its targets.

Second, there is the fact that the Tow can be counter-measured by simple, low power techniques.

Third, there is the high cost and complexity of the missile. For example, the 16 Tow missiles which the Cheyenne will normally carry will cost six times as much as the normal AX payload while providing sixty times fewer actual warheads. And since the Tow system will also be difficult to maintain, costly to repair, and have poor battlefield reliability, these figures probably understate its relative cost disadvantages in terms of functional sorties delivered.

At the Yuma demonstration referred to earlier, the carefully prepared Cheyenne fired two missiles at standing targets under ideal conditions. One of the missiles hit the tank, but the other simply fell out of its launch tube.

This failure is not a good omen. In combat it is unlikely that the Cheyenne will face tanks standing exposed in bright sunshine on the side of hills. Instead it will have to fire in adverse weather and under high crew stress conditions, at moving targets with good camouflage, and in the face of enemy countermeasures against the missile. All of these factors will gravely compromise the effective use of the wire-guidance system which requires highly accurate optical tracking either during hover or in "down-the-wire" flight.

The AX, on the other hand, will be well suited to delivering lethal and accurate fire against enemy targets. It will have the maneuverability needed to acquire its targets at short range, turn in the one-half mile or less needed to maintain visual acquisition, and then attack in close at a speed slow enough to ensure accuracy yet fast enough to reduce exposure to hostile fire.

Air Force tests conducted in 1965 demonstrate the very high degree of accuracy which can be achieved by fixed-wing multiple pass strafing such as the AX will be able to deliver. When its new 30 mm. cannon is developed, the AX will also have a weapon of sufficient impact and velocity to pierce any armored vehicle in the Soviet inventory. Moreover, this cannon will be cheaper to maintain and operate than the infinitely more complex Tow.

Finally, the AX will be able to carry up to 16,000 pounds of external ordnance, more than three times as much as the Cheyenne. As a corollary, it will also be able to carry a greater variety or ordnance and engage a much wider range of combat targets.

(4) Operational Readiness Requirements

a) *Peak Sortie Rates.* If a close support aircraft is to be counted on when needed, it is vital that it be able to fly 4 to 6 sorties per day, for one or two days, when necessary in emergency conditions.* The main determinant of an aircraft's ability to achieve peak sortie rates is the degree of its overall complexity.

A complex aircraft like the Cheyenne will require its own retinue of highly trained technicians and considerable support materiel wherever it goes, and it will still be under repair much of the time. The Army's current attack helicopter, the Huey Cobra, has spent considerable amounts of time "in the shop" while serving in Vietnam. The much more complicated Cheyenne would no doubt have a worse record. By contrast, a simple aircraft like the AX will have less failures, and thus demanding less maintenance, will fly more.

b) *Austere Basing Capabilities.* There are several reasons why close support aircraft should be able to operate away from carefully prepared airstrips. For one thing, there are not likely to be airstrips in the immediate vicinity of a battlefield. Even if present, any aircraft operating from them would inevitably cut significantly into its responsiveness, its loiter time, and/or its payload if it could even reach the scene. An added danger of centralized bases is hostile strikes which could eliminate large fractions of the force in one swoop.

Although a helicopter like the Cheyenne would seem at first glance to have advantages in this regard, they turn out to be somewhat illusory in nature.

To begin with, the Cheyenne derives little advantage from its vertical take-off and landing (VTOL) capability. As argued earlier, forward based "ground loiter" is no substitute for long loiter in the air above the battlefield when responsiveness is the point at issue. Due to its vulnerability, the Cheyenne will not be able in any event to sit down in areas really close to hostile fire. In Vietnam, for example, attack helicopters have operated almost entirely from sheltered rear bases with intermediate stops only at secure helicopter clearings. Finally, it must be remembered that vertical take-offs extract an inherent penalty in terms of the amount of fuel and ordnance carried. When fully loaded, even the Cheyenne required room to roll for take-off.

The AX will be able to rely in Europe on the large number of austere dirt and paved airstrips which can accommodate an aircraft with its own short take-off and landing (STOL) capabilities. It is designed to be able to take-off fully loaded from forward areas, hastily prepared dirt airstrips in distances as short as 2,200 feet. The Air Force A–7, by comparison, requires 7,000 feet of hard surface runaway.

In fact, due to its lesser support requirements, it will be possible to disperse the AX to a far greater number of bases than the Cheyenne, which will have to return far more often to its main base for fuel, ordnance, and repairs. And the helicopters then will be grouped together for possible enemy strikes.

(5) Night and All-Weather Capabilities

An aircraft that could always provide accurate and discriminating fire at night and under all weather conditions would without question be most desirable for the close support mission. The Cheyenne clearly has more sophisticated night and all weather avionics than the AX but it is doubtful what added capabilities they give it.

First, as demonstrated by Air Force experience with the A–1 in Southeast Asia, sophisticated avionics are not needed for effective close air support operations in marginal daylight conditions that kept other avionics-equipped yet less maneuverable aircraft on the ground. The A–1 also operated at night with equipment no more exotic than flares, using the technique of making multiple, tight, low-speed turns within the duration of the flares.

The time when special avionics would be most helpful—and when aircraft cannot operate without them—is under conditions which combine bad weather and the night. Unfortunately, no package of sensor systems yet developed and none on the horizon has shown any ability to discriminate effectively between friendly and hostile forces. Yet this is a basic prerequisite for close-air support, especially under these conditions.

Despite the fact that the target identification problem remains unsolved, the Cheyenne is designed to incorporate an exotic passive infra-red night-vision system that adds greatly to its complexity and to its cost. In the 7th Army Air Cavalry evaluations referred to earlier, one helicopter troop experienced only 6 per cent of its total acquisitions and only 3.6 per cent of its actual engagements during its night operations. The more advanced equipment on the Cheyenne might make some improvement in that score but not enough to justify the cost.

The AX, by contrast, incorporates no such avionics in its standard operating version, yet its inherent maneuverability will allow it to operate even more effectively in most weather conditions than the A–1 did in Southeast Asia. If and when avionics are developed which could significantly improve its performance, they could easily be incorporated in a fraction of the total AX force.

(6) Force Structure Implications

Our tactical air strength in any European encounter will depend not only on the quality of the aircraft we have but the numbers in which they are available. Here cost is an all important consideration, and again the AX comes out ahead.

Due to the innovative management techniques being applied to the AX program and the basic simplicity of the aircraft itself, the AX will be less than half as expensive as the Cheyenne. Its lower unit price will translate directly into substantially more aircraft for the money spent, as the following table demonstrates:

$1.2 billion buys

600 AX	[1] $2.0 million
222 Cheyenne	[1] $2.0 million
273 Harrier (UK version)	[1] $4.4 million

[1] Program unit cost.

In addition to its investment cost advantage, the AX will have lower operations and maintenance (O&M) costs as well. Experience shows that O&M costs usually average out to approximately 20 percent of investment costs per year. This would put annual O&M costs for the AX at $400,000, compared to $1.08 million for the Cheyenne. This $400,000 is a far cry from the upwards of $1.5 million per year which we are already spending on a number of sophisticated Air Force planes.

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*The Army and the Air Force do not use the same definition of a sortie. The Army reports every touchdown as a sortie. Thus one attack mission may be reported as consisting of five to ten sorties. In referring to a peak sortie rate desired of four to six per day we are using the Air Force definition.

The recent revelation that the Air Force is planning to develop an inexpensive "light fighter" to supplement the expensive F-15 is a first welcome indication that greater consideration is being given by the services to the importance of force structure implications in making their procurement decisions. It would not be in keeping with this new trend to replace the $700,000 Huey Cobra with the more than seven times as expensive Cheyenne. The trade-off in numbers is simply not warranted by the few added capabilities actually gained. Given their inherent vulnerability and poor maneuverability, it is quite possible that a sizeable fraction of the small total Cheyenne force could be wiped out during the early stages of a conflict, and that no reinforcements would remain.

Analysis of the Cheyenne

The Cheyenne program has been a monumental accumulation of mistakes, misjudgments, and mismanagement, on the part of the Department of Defense, the Army, and Lockheed Aircraft. The program is now three years behind schedule, and yet it is virtually certain that few of the original performance specifications will be met.

The cost per aircraft has risen from an original estimate of "under $1 million" to at least $5 million per unit (program cost). Deputy Secretary of Defense Packard has estimated total research, development, testing, and engineering (RDT&E) costs to be $293 million, up $167 million from the original RDT&E estimates, or an overrun of 233%. Large overruns have occurred in virtually all major contract areas, as well as in contracts for auxiliary systems, in particular weapons and avionics. In addition, $200.3 million was appropriated for FY 69 production of the Cheyenne, but never spent for procurement purposes once the Army cancelled the production part of the Cheyenne contract in May of 1969. Instead, this $200.3 million has been used for contractual settlements with Lockheed, payoffs on Lockheed program expenses since contract termination, and continuing RDT&E expenses.

To date Lockheed has lost a minimum of $120 million on the aircraft while through FY 71 the government has spent, in the words of New Hampshire Senator McIntyre, "about $40 million each" for the ten Cheyenne prototypes that have been built (two of which have been destroyed in accidents). For a total expenditure, including just known losses on the part of the contractor of $120 million, and government appropriations of over $435.2 million, there currently exist only eight Cheyenne prototypes, only four of which fly, *none* near original specifications. According to Packard, there is no other military aircraft development program into which a company has sunk more of its own money.

The Cheyenne program began in the mid-1960's with the development of two experimental rigid-rotor helicopters, the L-286 and the IX-51A, the latter a compound vehicle as well, meaning that it used stub wings for lift instead of rotor blades as do ordinary helicopters. At the time Lockheed officials expected little difficulty in scaling up to a larger vehicle. A quotation from Aviation Week and Space Technology reveals:

> "Officials now concede they were overly optimistic in predicting the ease with which a 5,000 pound gross-weight helicopter could be scaled up to a 20,000 pound system. In some cases, performances were enthusiastically guaranteed beyond what the Army had sought in its original request."

One of these excesses was Lockheed development of a dive-bombing technique for the Cheyenne, using the rear pusher-prop as a speed-brake. This capability was developed not for the Army, the sponsor of the project, but for the Air Force, who Lockheed was trying to interest in the plane.

Problems began to develop immediately, and the difficulties reached major proportions in March of 1969, when a prototype crashed due to "uncontrollable rotor oscillation," killing the pilot. Then in April 1969 the Army issued to Lockheed a "cure notice," stating that the Army considered Lockheed's ". . . failure to make satisfactory progress toward the production and timely delivery of an aircraft which will meet contractual requirements, a condition that is endangering performance of the AH-56A production contract . . ."

Lockheed responded to the cure notice by suggesting a schedule slippage of about six months and a reduction in production, but the Army felt that even with these changes an unacceptable aircraft would be delivered and it cancelled the program in mid-May 1969. Stunned by the cancellation, Lockheed filed an appeal to the Armed Services Board of Contracts, opening a dispute that was not settled tentatively until January of 1971 when the Army agreed to pay Lockheed a total of $72 million in settlements on the cancelled production contract and on company losses in the R&D side and allowed Lockheed to keep $54 million as progress payments. Still the company had to agree to absorb losses of $75 million on the development program and $45 million on the production part. The result was hardly a productive venture for either side, with the Army sinking huge funds into an apparently bottomless pit while Lockheed took losses then without precedent.

But still the Cheyenne rolls on, though none of its problems has been solved. As of March 10, 1971 almost two years after the cancellation of the production contract, after numerous changes (quite a few of which were major, including relocation of the tail rotor), even the best of the flying aircraft was still nearly 10% short of the specified level flight top speed of 220 kts, 19% short of the dive speed specification, some 20% deficient in maximum maneuverability, with similar restrictions covering at least 10 other flight specifications.

It was also revealed this Spring that one of the Cheyenne prototypes was forced to make an emergency landing on March 9, 1971, due to structural failures caused when the aircraft was flying 2000 pounds below specified gross weight. Upon inspection it was found that one of the main rotor blades had buckled.

Despite over 1000 hours of flight testing, more than experienced with any other recent military aircraft development program the Cheyenne still suffers from serious maneuverability and response problems that threaten to even further downgrade its operational effectiveness. Maneuverability of the Cheyenne is limited to only a 2.0 "g" range and reportedly then the best of the development aircraft cannot sustain even a 60 degree turn. And, in spite of the long development, the reliability and effectiveness of the Cheyenne's rotor-control system is so questionable that the Army has had to recently advance an "advanced mechanical control system" to replace the current components. Cheyenne responsiveness is reputedly so poor that only one Army pilot will fly the Cheyenne, and even he will only fly the single prototype equipped with a highly experimental downward ejecting escape system.

Conclusions

The Cheyenne is an aircraft of enormous cost with at best marginal effectiveness. The history of the program is filled with across-the-board mistakes, with responsibility divided between the Pentagon, the Army and Lockheed, and Congress. The United States has committed some $435 million to this program to date, with the spectre of billions just beyond the horizon. Despite this already large investment, the Cheyenne program has clearly reached the point where it is extremely doubtful that any amount of further funding will result in a useful aircraft that could be effectively and safely used by American pilots in combat.

The Cheyenne is a classic example of a program of tremendous cost that holds little promise. Since there is a better and cheaper alternative to the Cheyenne on the horizon in the Air Force AX, Congress should act with all deliberate speed to put a merciful end to the Cheyenne program. No production contract should be approved and present RDT&E requests should be turned down.

So as to make some use of the vast funds expended so far, the Army should acquire and use the existing Cheyenne prototypes in low-level programs of research, perhaps incorporating them into existing R&D "advanced helicopter concepts" programs. These R&D programs should explore the critical areas of rigid-rotor technology, survivability, gun-platform stabilization, and anti-tank capabilities. These proposed research programs should in no way point toward eventual production of the Cheyenne.

Currently the Army is considering three alternative rotary-wing systems to the Cheyenne, the Sikorsky S-67 Blackhawk, and improved Tow-equipped Bell AH-1G Cobra, and a follow-on version of the AH-1G tentatively dubbed the "King Cobra." Although all of these aircraft would cost considerably less than the Cheyenne they could not increase performance. As such, none of these alternative helicopters should receive production approval. Until rotary-wing technology develops to the point that a cost-effective attack helicopter with demonstrable combat capabilities can be produced, Congress should fund no further production-oriented development of attack helicopter systems. However, Congress should continue to give adequate support to the Army's current attack helicopter, the AH-1G Cobra, since it can provide useful capabilities auxiliary to the primary close-support mission we believe should be given to the AX.

ANALYSIS OF THE AX

Development program and procurement approach

A series of innovative management approaches have been initiated for the AX development and procurement program which encompass austere and functional specifications, competitive hardware development, and thorough flight assessments before production approval. These reforms should result in a relatively low RDT&E cost for the AX program with minimal risks while promising a highly effective close-support aircraft at a price under $2 million.

The simplicity of airframe design and minimum of avionics and other complex subsystems incorporated in the AX should assist the program in avoiding the dangers of excessive sophistication and technological overassumption that have in many other programs led to serious schedule and cost difficulties. This emphasis upon design simplicity should be continued, for the nature of the AX mission is not one that requires advanced technology. Rather, the use of proven components will increase mission effectiveness by resulting in a rugged aircraft with a high degree of reliability, ease in maintenance, and minimal support requirements for basing. And, the simplicity of design will make the AX inexpensive enough to enable the Air Force to buy the aircraft in adequate numbers.

The benefits of austere and functional specifications have been followed up on with a full competitive development program, the first since 1956. Two companies, Fairchild-Hiller and Northrup, have been let contracts to build two AX prototypes apiece (the

A–10A and the A–1A respectively). This dual hardware development program is a marked departure from the more frequent "paper competition" and "total package" type of contracts that have caused numerous problems in the past with aircraft like the AH–56A (Cheyenne), the C–5A, the F–111 and the F–14.

The actual "fly-off" part of the competitive development program is another feature of the AX development program. Having the two versions of the AX compete against one another should have a number of positive effects for the program. The competition will identify not only the best aircraft, but also potential problem areas to be solved during later stages of development. The "fly-off" also virtually demands that both contractors produce the best possible aircraft, since lesser effort could clearly result in the loss of the contract.

The net result of these innovations in program management should be the development of a relatively risk-free, highly effective close-support aircraft with a comparatively low price. Although direct RDT&E costs, at an estimated $281.2 million, are not particularly low, the benefits achieved through the competitive development program should in the last analysis result in a better aircraft at a lower total program cost than would be achieved were more conventional management techniques applied.

Air Force priorities

Although the past twenty years of operational experience has clearly demonstrated the importance of close-air support, the Air Force has consistently given this mission a low priority and has thus found itself in both Korea and Vietnam, without an aircraft designed for this mission. The Air Force has instead preferred more glamorous missions and has funneled most of its tactical-air budget into the questionable utility of strike-and-interdiction bombers like the A–7, the F–4, and the F–105.

Given this past preoccupation with interdiction aircraft, it is little wonder that the Air Force did not get the AX program moving until fully a year and a half after the Army had begun development of the Cheyenne. It seems that only the threat of losing the close-support mission to the Army really convinced the Air Force to develop the AX. But development does not itself ensure that the Air Force will give adequate attention to close-air support in the future.

We are particularly concerned that the Air Force place sufficient wings of the AX in the active force structure before equipping the Air National Guard. We believe that at least five wings (or 600 aircraft) are necessary to ensure that the Air Force will be able to effectively meet the close-support need with the very short notice that will be expected in a potential NATO-Pact confrontation. Assignment of large numbers of the AX total buy to tne Air National Guard would most likely result in grave delays in combat deployment of the aircraft and subsequent weakening of tactical strength, due to the time associated with Guard unit activation, transport, and familiarization.

While fully supporting the AX program, we recommend that Congress monitor Air Force performance of the close-support mission by requiring over the life of the AX program an annual accounting sufficient to show:

a) continued satisfactory development of the AX

b) sufficient numbers of the AX in the active forces

c) adequate spares, training, and flying hours for the AX

d) adequate provision for close-support munitions

e) adequate inventory of forward air-control (FAC) aircraft and sufficient training for this important auxiliary mission.

Survivability

Although the relative survivability of the AX is clearly superior to that of other close-support and standard attack aircraft, this comparative edge does not assure that its absolute survivability will permit the really close-in operations desirable in a European battle. To date the Air Force has taken commendable actions in behalf of AX survivability, and we strongly recommend that further survivability research and development for this aircraft be made a matter of highest priority.

We believe that extensive live-firing tests will be necessary to gauge the absolute survivability of the AX. Since the large payload of the AX allows for the addition of more armor at the expense of marginal ordnance loss, any tests might well be compensated for with a minimum of performance sacrifices and at a relative low cost.

Avionics, night and all-weather combat systems

In view of the Air Force's demonstrated fondness for sophisticated avionics, and the available space for them in the AX, it is important that avionics expansion be very carefully monitored by Congress to guard against needless cost growth.

Of particular concern is the possible development of a follow-on to the standard AX, dubbed the AX–B, equipped with night and all-weather avionics that would add at least $2 million to the cost of the basic aircraft. As discussed in the section dealing with the characteristics of the close-support mission (see pages 7 to 16) the utility of sophisticated night and all-weather combat delivery systems are sufficiently questionable to place cost-effectiveness of an AX–B in serious doubt at this time.

The 7th Army Air Cavalry field evaluations this year, in which only 3.6% of one troop's total engagements and only 6% of total acquisitions occurred after sunset, convincingly demonstrated the limited effectiveness of any aircraft, be it fixed or rotary-wing, operating at night in a European combat situation.

A NATO-Pact confrontation in Central Europe will almost certainly be highly mobile, with battlelines changing so quickly that the whole concept of front-lines becomes clouded. Under these conditions, the inability of any night-all-weather sensor system currently available or on the horizon to discriminate between friendly and hostile targets gravely compromises the operations of close-support aircraft. The very nature of the close-support mission requires that the aircraft be able to provide effective fire against enemy targets in very close proximity to friendly forces, and it is not at all clear that this prerequisite will be met.

In view of the operational, technical, and financial risks involved, development of an AX–B should be undertaken only with the greatest of care. Any proposed "B" version of the AX or major avionics additions to the standard aircraft should be carefully screened in realistic tests. These tests should be conducted with targets and tactical postures representative of battlefield conditions and with particular attention given to the safety of friendly troops in the field. Early evaluations of the operational effectiveness of a follow-on AX–B might be projected by using a portion of the 13 OV–10A nighttime forward air control and strike designation aircraft being developed for the Air Force *Pave Nail* program, provided that they were suitably modified for ordnance delivery test to a configuration similar to that of the Marine Corps YOV–10D (NOGS) Night Observation Gunship. If the AX–B should receive production approval, we recommend that it be procured in small percentages of the total buy.

The Maverick missile

Despite the almost ensured success of the AX 30 mm cannon in the anti-tank mission, the Air Force has recently pressed for incorporation of the electro-optically guided Maverick terminal-homing missile as a major component of AX anti-tank effectiveness. The use of this missile, which is guided by a type of television that enables it, once fired, to be completely independent of the aircraft, has less supporting evidence than almost any other aspect of AX effectiveness. Due to the inherent limitations of the Maverick, extremely serious doubts exist that this missile will have any useable anti-tank capabilities.

Studies have shown that it is highly unlikely that camouflaged tanks can be visually acquired at sufficient distances, given realistic European battlefield conditions of compromised visibility and diverse terrain, to allow firing of the Maverick before its minimum launch range restrictions are encountered.

Furthermore, the time required for visual lock-on with the Maverick is at least 2⅓ times the aiming time for the strafing pass required for the 30 mm cannon. As demonstrated by experience in Vietnam with the Walleye electro-optical guided bomb, the increase in targeting time that a Maverick delivery necessitates renders the aircraft much more vulnerable than would a dive-bombing or strafing delivery.

The limitatons in acquisition and aiming time for the Maverick will in all probability require a Maverick-carrying aircraft to make first a purely *acquisition* pass and then return for a separate *engagement* pass. Even with this second pass there is hardly any assurance that between the time of the initial entrance pass and the second approach the target will not have moved to another position which again makes it impossible to engage within the Maverick's range limitations. In addition, multiple passes for acquisition and engagement increase exposure time to the dense hostile fire that will be encountered over the European battlefield.

Given the extremely high cost of the Maverick and associated launch equipment (approximately 50 times more expensive per round than a 30 mm cannon burst), the serious doubts as to Maverick acquisition and targeting characteristics, and additional doubts that exist as to the ease with which the Maverick can be countermeasured, we recommend that there be no Maverick installation for the AX.

Development procedure for the 30 mm cannon

The Air Force has let contracts to General Electric and Philco-Ford for competitive development of the 30 mm high-performance cannon. This cannon will be the primary armament of the AX and its performance a key determinant of AX combat effectiveness. But while the cannon is being developed under management procedures similar to those used for the AX airframe, including a "shoot-off" between the two contractors, present plans do not call for incorporation of the cannon into the AX airframe "fly-off" itself.

Since the cannon is acknowledged by the Air Force to be the "pacing item" of AX systems development and because of its importance to airframe operating effectiveness, we believe that the Air Force should take actions to make cannon and airframe development parallel, so that the gun can be included in the airframe "fly-off."

The approximately six-month delay in the "fly-off" competition that would be entailed is fully justified by the importance of the cannon to the AX system. The cost of such action would be small by comparison to total program cost.

If the airframe "fly-off" were to incorporate the cannon "shoot-off" the competitive development program would take on valuable new dimensions, enabling decisions on both airframe and cannon to be made more realistically. Parallel cannon development will also protect against later failures in the cannon program, which, if the gun was not incorporated integrally into airframe development, might lead to serious program slippages and downgrading of overall system performance.

Analysis of the Harrier

The AV–8A Harrier now being procured for the Marine Corps from Britain's Hawker-Siddeley Aviation is the only operational V/STOL aircraft in the free world. It is a fixed-wing plane which can either take off vertically like a helicopter or with a 1,200 foot forward roll.

The Marines' present plan is to buy 114 planes, enough for three operational and one training squadron. We have invested $123.9 million for 30 aircraft to date, and $102.3 million has been requested in the FY 72 budget for 30 more. On the assumption that all remaining aircraft are purchased in the U.K., total costs for the 114 aircraft program are estimated by the Marines at $503.6 million.

The Senate Armed Services Committee, however, has added $23.7 million to the FY 72 request to initiate phased domestic production of the Harrier in the United States. The total additional costs for such domestic production, it now appears, could range anywhere from $113.8 to $275.0 million, depending on whether the airframes alone or the entire plane were built in the United States.

In our view, there are sufficient remaining doubts about the importance of the Harrier's projected mission, the operational tactics it is intended to use, and its basic effectiveness as a close support aircraft to justify limitation of the program. We therefore recommended that this years projected buy go forward but that the program be terminated at a total of 60 aircraft.

We feel that there is even less justification at this time for transferring any part of the production work remaining to the United States.

Roles and missions once again

Just as the Air Force has been charged with the mission of providing close air support to Army ground troops, the Navy has been charged with providing close support to the Marines. And the Navy has been just as neglectful of its responsibilities as the Air Force, preferring to concentrate instead on what it regards as the more glamorous interdiction mission.

At present the only aircraft at all suited to close support in either the Navy or the Marine inventory is the A–4, the latest version of which is the A–4M, with unit flyaway cost of $1.9 million. The Navy has never bought the A–4M and is already phasing out earlier A–4 squadrons. It now has two A–4 squadrons in its inventory, compared to six composed of newer aircraft in the hands of the Marines.

Perhaps the best indication of the Navy's neglect of its close support responsibilities is provided in testimony this year to the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Thomas F. Connolly replied:

"Well, to a very large degree we will use A–7's, and as long as we have A–4's we will use A–4's, and we have been using F–4's when it was necessary. And the Marines will be using the Harrier. And I wouldn't be surprised under some circumstances that they will load the F–14 up because it covers a lot of real estate and can carry a big load of bombs and under certain circumstances it might turn out that the F–14 would do close air support."

In short, once the A–4 has been phased out, all the Navy itself will have for the close support mission is one interdiction aircraft and two fleet air defense fighters.

We believe that the Department of Defense should attend to this roles and missions problem also, both to avoid unnecessary duplication and to see to it that the Marines are provided with adequate close support assistance.

The amphibious assault mission

The mission of the Harrier is to operate in support of amphibious forces in assaults against heavily defended beaches. It is for this reason that the Marines are attracted by its ability to operate in a vertical take-off mode either from ships or forward pads while retaining the maneuverability characteristics inherent only in a fixed-wing plane.

Amphibious assaults are the classical Marine mission. No such assaults have been conducted, however, since the Korean War, and no heavily defended beaches exist at this time which appear to be active candidates for invasion. We face no hostile island empires.

Because of the diminishing importance of amphibious assaults operations, a change has already taken place in recent years in the role of the Marines. They have become increasingly less specialized in their operations and now fill the role of an elite, well-trained and rapidly deployable infantry with versatile capabilities. It is in this role, for example, that they have performed so ably in Vietnam.

The Harrier, on the other hand, is a throwback to the days of extreme specialization. Only in the early days of an amphibious assault operation when no land bases were available could it arguably perform better in the close support role than the far simpler and less costly A–4M now used by the Marines for the mission.

We believe it important that the Marines continue to become more versatile in their capabilities. The sixty Harrier buy which we recommend will enable them to equip one, and perhaps two, of their three tactical air wings with Harrier squadrons. Given the questionable importance of the amphibious assault mission, a larger total buy would consume an undue share of the total resources available to the Marines.

Harrier close air support effectiveness

1) The Intended Tactics: It will be easier to evaluate the effectiveness of the Harrier if we examine first just how the Marines intend to use it in support of amphibious assaults. They envisage three distinct phases of Harrier operations.

In Phase I—the initial stages of the assault—the Harrier will operate directly from its *sea base*, an LPH or some other smaller aircraft carrier. It will fly fom the sea base directly to the target area, where it will either provide immediate support or loiter on the gound at a suitable *forward site* nearby until needed. After each such operation, it will have to return to its sea base to rearm and refuel.

In Phase II—after an initial beachhead is established—a Harrier facility will be set up ashore. It will have some support material and enough matting for a short runway, but the Harrier will still be largely dependent on its sea base for ammunition, fuel, and maintenance.

In Phase III, a *main base* ashore will be established and enough logistics support transferred to it to end the Harrier's dependence of its sea base. This main base will be suitable for adaptation into a *SATS site*—Short Airfield for Tactical Support—able to serve other conventional aircraft as well as the Harrier.

Once established on its main base, the Harrier will leapfrog forward fully armed and fueled to a forward site, where it will loiter on the ground till needed. After each engagement, it will return to the main base to reload, since its forward site will have neither fuel nor ammunition. Once reequipped, it will repeat the process for another engagement.

2) Effectiveness Evaluation: It should now be possible to evaluate the effectiveness of the Harrier, both in amphibious assaults and other close support operations.

a) Sea Basing Feasibility. According to the Marines, it should be possible to operate the Harrier from sea bases ranging in size from CVAs to LSDs, but the feasibility of all-weather operations from sea platforms smaller than a CVA or CVS has never been thoroughly tested.

While the British Royal Air Force has conducted demonstrations of sea-based operations in calm seas, none of its own Harriers have ever been operationally deployed at sea. And the Marines themselves have done no sea-based Harrier testing in this country.

It should be noted in this regard that the Harrier will be more difficult to operate in its VTOL mode than a helicopter. It will be more difficult to control and have less margin of lift. Extensive tests are therefore in order to ensure that it will prove effective under the wide range of conditions now envisaged by the Marines for its use. Until such tests have been conducted, a basic premise of the Marines' tactics for the Harrier will remain open to question.

b) Responsiveness/Loiter. It has already been argued that optimum responsiveness is not obtained either through high speed or extreme forward basing but with aircraft that have the ability to loiter over the battlefield for long periods of time.

The Harrier will suffer from the same relative deficiencies in this regard as the Cheyenne. Even when operating in the STOL mode, it will have payload, range, and loiter capabilities more limited than those of conventional fixed-wing planes. And in the VTOL mode necessary when operating either from small ships or forward sites, it will have only one-fifth the range and at best one-third the payload which its STOL operations will provide.

Looking first at VTOL operations, it should be recognized that forward site operations with the Harrier are in some respects more difficult than the Cheyenne. Because large amounts of dust would otherwise be ingested by its engines with devastating effect, the Harrier will be restricted either to existing surfaces or steel mat covered take-off pads specially prepared by the Marines. And even with these mats in place, easily visible clouds of dust will be generated on take-off and landing unless somehow shielded by the terrain. If the site in question were close to the front, these dust clouds could aid enemy detection of the site and bring down a rain of artillery fire.

This problem could be averted by basing the Harrier well out of range of enemy artillery fire but only at the expense of longer transit time to the front and less loiter time once there. According to Marine Corps testimony this year to the Senate Armed Services Committee, a Harrier operating in the VTOL mode would have only five minutes of combat time over the battle area if it carried 3,000 pounds of bombs on a 50 miles radius mission. And if there were no urgent targets available during these five minutes, it would have no alternative but to pick the best target it could find before returning to its main base for more fuel.

Accordingly, the Harrier will almost always operate in the STOL mode once a main base is established ashore. Even so, more Harriers will still have to fly more sorties to provide the same battlefield coverage as conventional aircraft could use. Operating from the same base as the Harrier in the same standard take-off mode, the A–4M, for example, could provide twice the loiter, payload, or radius of the Harrier on any given mission.

In short, the only time the Harrier would have an advantage in responsiveness over a conventional plane would be in the early stages of an amphibious assault operation—and then only if it proves capable of consistent use on smaller ships than those which can accept conventional planes.

c) Survivability. As argued earlier, the two characteristics which will work together to determine an aircraft's survivability are its vulnerability and maneuverability.

The Harrier's relatively high vulnerability is in large part a direct result of its VTOL capability. Because HARRIER cannot afford the heavy armor protection available to the AX. And it is made more vulnerable by its dense fuselage and the considerable fuel and hydraulics placed around its single engine. The Harrier is likely to suffer considerable damage if hit, with a fire breaking out and spreading from one critical component to the next. In short, its vulnerability will be much greater than that of the A–4 (which benefits from considerably more armor protection and a manual back-up control system like that on the AX) and quite comparable to that of the F–4.

The Harrier will have much better maneuverability than the Cheyenne, but not as much as either the AX or the A–4. This latter point is often misunderstood. The Harrier will have an ability to execute very tight turns while flying slowly (under 150 knots), but at the 450 knot speed realistically required for its dive bombing attacks, it simply does not have sufficient wing area to turn as tightly as the A–4, much less the AX. This problem will not be solved by its vectored thrust capability (a rotation of its engine nozzles), since this will provide only a ½ "g" increase in its immediate maneuverability and only at the expense of a large loss in speed, which will further decrease the lift and g's available. The number of g's an aircraft can pull, it will be remembered is a direct measurement of its ability to deviate from the predictable straight-line path which aimed gunfire presumes.

d) Lethality/Accuracy. The Harrier initially is limited in the payload it can carry. Operating in the VTOL mode, it would be effectively limited to four 500 pound bombs, some 2.75 inch rockets, and two low-velocity 30 mm cannons with a small amount of ammunition. And as indicated earlier, this 3,000 pound load would restrict it to a mere five minutes of combat time on a 50 mile radius mission. Even in the STOL mode, it is normally expected that the Harrier would carry a maximum payload of 5,000 pounds, considerably less than the 7,500 pounds normally carried by the A–4 in Vietnam, and less than half the normal 11,000 pound payload of the AX.

The Harrier will also have a very limited anti-tank capability, regardless of the size of its ordnance load. Its low velocity 30 mm. cannons will not be suitable anti-tank weapons. Instead it will have to rely on Rockeye shaped-charge cluster bombs which are six times more expensive but considerably less effective than a high velocity 30 mm. cannon burst.

Furthermore, the accuracy of the Harrier's ordnance deliveries must remain open to question, notwithstanding the Marines' claim that its visual-aided automatic bombing system will give it 40 percent better accuracy than that attainable with fixed sight conventional aircraft. Similar claims have been made in the past about other such automatic systems, but they have never proved out in combat. In Vietnam, for example, orders have been in effect prohibiting the use of the Walleye as a close support weapon because its automated bombing system has consistently shown itself subject to shortfalls which could seriously jeopardize troop safety. The Harrier's own system, it should be noted, has never been tested by the Marines in the United States.

Another consideration is the limited nature of the attack profiles in which the Harrier will be able to operate. Because of its limited wing area and lift, it will be restricted to dive bombing attacks at high speeds which could put its accuracy in the same vicinity as that attainable with the F–4, which the Marines have found only marginally useful for close support. Accuracy is very important in the close support mission because lethality decreases as the square of ordnance miss distance. Yet the Harrier may not be able to attack in close at a speed slow enough to ensure the accuracy required.

e) Operational Readiness. Because the Harrier is a very complex aircraft, it may have high maintenance requirements which could prevent attainment of the peak sortie rates which emergency conditions could require. The British experience, it should be noted, is that the Harrier will require 23 man-hours of maintenance per flight-hour. This compares to the 14 man-hours of maintenance per flight-hour which the Marines have experienced with the A–4.

Because of its complexity, the Harrier will also be more dependent than the A–4 on support equipment and facilities. While the A–4 will require a somewhat longer prepared runway, the other requirements of the Harrier are considerable. As noted earlier, it will be able to operate in the VTOL mode only from existing hard surfaces or steel mat covered take-off pads specially prepared by the Marines. The Marines also estimate that a main base supporting 20 Harriers would require "up to 195 tons per day" of supplies and that it would therefore have to be "accessible by road or beach to the source of supplies."

f) Force Structure Implication. Even if produced in the U.K. the Harrier will have a cost per unit 70 percent more expensive than the A–4 (about $3.3 million to $1.9 million in terms of unit flyaway costs). Domestic production would make the Harrier more than twice as expensive as the A–4. Accordingly, any sizeable Harrier buy would inevitably be at the expense of the total number of aircraft which would be available to the Marines for the close support mission.

To sum up, there are serious limitations to the responsiveness, survivability, lethality, and readiness of the Harrier, in addition to some remaining doubts about its basic concept of operations. Everything considered, there seems no justification for purchasing more than 60 Harriers at this time.

The domestic production issue

It makes even less sense to transfer production of however many Harriers we decide to buy to the United States. Three arguments have been cited for domestic production of the Harrier, none of which are very persuasive.

First, it has been suggested that domestic production of the Harrier would alleviate unemployment in the United States. This would be true, however, only in the vicinity of the St. Louis, Missouri, production facilities of McDonnell Douglas Corporation, the Harrier's domestic licensee. More important, we believe that there are much better and more appropriate tools than the defense budget available for managing the national economy.

Second, it has been suggested that domestic Harrier production would eliminate United States dependence on a foreign source of supply for a needed weapon system. This argument, too, seems rather specious. To begin with, there is little likelihood that the British source of supply would be cut off. Moreover, we are getting with each batch of aircraft all the spares and support equipment which the Marines believe will be necessary for the long term operation of the planes. The Marines themselves, it should be noted, have been very pleased with British handling of the program and see no need for U.S. production of the Harrier.

Third, it has been suggested that by building the Harrier here we could establish a technological base for future V/Stol developments in the United States. This deserves more serious attention. In theory, V/STOL would seem to have a number of important applications. It might be useful to the Navy, for example, which has an urgent need to reduce the dependence of its surface fleet on large carrier operations. At the same time, there are some basic facts both about V/STOL and the Harrier which should be clearly understood.

To begin with, the United States has already done a great deal of work on V/STOL aircraft. A summary of the most notable U.S. V/STOL programs is shown in the following table:

Aircraft designation and description	*Manufacturer*
VZ–2-tilt wing	Boeing Vertol
VZ–3-deflected stipstream	Ryan
XV–3-tilt rotor	Bell
VZ–4-tilting duct propeller	Doak
XV–4-dir lift/vectored thrust	Lockheed
X–18-tilt wing	Hiller
X–19-tilt propeller	Curtis-Wright
XFY–1-tail sitter	Convair
XV–5-lift fan	Ryan
XFV–1-tail sitter	Lockheed
X–14-vectored thrust	Bell
X–22-ducted propeller	Bell
XC–142-tilt wing	LTV.

These development programs took place over a period of ten years at a cost of approximately $1 billion, and then employed the talents of a large number of highly reputable airframe manufacturers. None progressed past prototype development and several were terminated by crashes which destroyed the aircraft.

Largely as a result of these programs, many reputable airplane designers have doubts as to whether V/STOL really is the wave of the future. They note, for example, that the simple physics of flight design are such that substantially more power is required to lift an aircraft straight up than is required for a conventional take-off. This inherent trade-off between VTOL and payload/range is all too visible in the Harrier itself, which when operating in the VTOL mode has only one-fifth the range and at best one-third the payload that its STOL operations provide. This is not to say that a VTOL aircraft could not be designed with more payload/range than the Harrier. The basic point is that for any given payload/range requirement, a VTOL capability is likely to make the aircraft at least twice as expensive to buy and operate as it would be if equipped only with a STOL capability. Accordingly, it might prove a much wiser long-term investment to concentrate on STOL technology, to give our aircraft continually shorter conventional take-off without imposing the requirement for true vertical flight.

To the extent that we do wish to pursue V/STOL development efforts, it is doubtful whether domestic production of the Harrier is the best vehicle. While it is now the only operational V/STOL aircraft in the free world, it was designed in the early 1960's, and some of its technology dates back even further. We might get far more for our money if we concentrated on new prototype development efforts rather than Harrier production. It should be noted that a new Navy initiative in R&D for V/STOL propulsion for fixed-wing aircraft is already scheduled to commence in FY 72.

The main argument against production of the Harrier in the U.S. is the high cost likely to be incurred for the marginal benefits just cited. The Marines now estimate that the additional costs could run anywhere from $113.8 to $275 million, depending on whether the airframe alone or the entire plane were produced in the United States. If we bought an additional 84 Harriers in the U.K., their unit cost would continue to be $4.4 million. If we build only the airframe in the U.S., this unit cost would rise to $5.9 million for the 84 planes. And if the entire aircraft were built here, it would rise to $7.8 million. In short, U.S. production would make the Harrier either 3 or 4 times as expensive as the $2 million AX, depending on the degree of U.S. production.

Moreover, the implications of the less expensive airframe production only approach should be clearly understood. According to the Marines, Hawker-Siddeley now has about 46 subcontractors working with it on the Harrier. If the airframe only approach were chosen, we would remain dependent on many of these subcontractors as a foreign source of supply. We would also accomplish far less from the standpoint of establishing a technological base for V/STOL development in the United States. The key to V/STOL efforts, it should be noted, is not so much the airframe as the engine, which would continue to be produced by Rolls Royce. Yet when U.S. production of the Harrier was first considered over a year ago, the engine was specifically excluded, both because of cost and lack of interest on the part of U.S. engine manufacturers, neither of which factors seems to have changed.

Finally, it should be recognized that U.S. production might entail support as well as cost problems. Whether an airframe only or complete aircraft program were chosen, production would be phased gradually to the United States. During the next year, for example, no parts would actually be produced by McDonnell Douglas, whose efforts would be limited to assembly of parts produced in the U.K. Thereafter, the degree of U.S. fabrication efforts would increase gradually over the remaining life of the Harrier program. Only in the last year of the presently scheduled Marine buy would even the entire airframe be built in the United States.

This kind of arrangement could produce support problems of various kinds. First, there would be the difficulty of co-ordinating production efforts between two countries. Second, there would be the problem of having available suitable replacement parts for each somewhat unique batch of aircraft. And third, there could be a problem of pilot and maintenance personnel familiarity with the discrepancies between the planes. We must admit in all candor an inability to evaluate the potential seriousness of these problems. We do know that they could be avoided altogether, however, if U.K. production continued.

For all these reasons, we are opposed to the transfer of Harrier production to the United States at this time. We recommend instead that a handful of the 60 Harrier aircraft produced in Britain be made available by the Marine Corps to both the Navy and the Air Force to conduct modest evaluations of V/STOL concepts and capabilities suited to their respective missions.

TABLE 1.—SYSTEMS COST PROJECTIONS: AX, CHEYENNE, HARRIER

[Price figures used reflect conservative estimates of program unit costs]

INVESTMENT COSTS (INCLUDING R.D.T. & E.)

System	Projected total buy	Program unit cost (millions)	Total (billions)
CHEYENNE	375	$5.4	$2.00
HARRIER (UK) [1]	114	4.4	.50
AX-A	500	2.0	1.00
AX-B	100	4.0	.40
Total			3.90

[1] Phased transferral of HARRIER production from Great Britain to the United States could add a total of $275,000,000 to the cost of the remaining 84 aircraft, with unit program costs rising to $7,800,000 per aircraft. Total investment costs rise, using USMC figures, from $503,600,000 to $778,600,000 for the buy of 114 aircraft.

TOTAL SYSTEMS COST INCORPORATING OPERATIONS AND MAINTENANCE COSTS OVER A 10-YEAR PERIOD (BASED ON O. & M. COSTS FOR A DECADE AS 200 PERCENT OF PROCUREMENT COSTS)

[In billions of dollars]

System	O. & M. cost (10 years)	Investment costs	Total
CHEYENNE	$4.00	$2.00	$6.00
HARRIER (UK)	1.00	.50	1.50
AX-A	2.00	1.00	3.00
AX-B	.80	.40	1.20
Total	7.80	3.90	11.70

THE DEVELOPMENT OF RURAL AMERICA

Mr. TALMADGE. Mr. President, the Subcommittee on Rural Development of the Committee on Agriculture and Forestry has devoted a great deal of study to developing policy which will provide for a more reasonable distribution of the Nation's population. During the past few decades unrestrained migration from the farm to the city has created an economic wasteland in many rural areas, and uncontrolled problems of congestion in some of the Nation's largest population centers.

As chairman of the Committee on Agriculture and Forestry, I am proud of the progress that we are making in finding solutions to the development of rural America. The subcommittee has held a number of hearings, and I have introduced, together with Senator HUMPHREY and several other Members of the Senate, a bill which is designed to provide an adequate system of credit for the development of rural America. This legislation, S. 2223, a cosponsored by 49 Members of the Senate. The final hearings on this bill are scheduled for September 21 through 24.

As I have studied the problem of rural development and the need for a national policy of balanced growth, I have become convinced that we must have the cooperation of all agencies of government and the private sector of the economy. We must use our advanced technology to facilitate proper dispersal of industry and of people.

A few months ago, my good friend the senior Senator from Connecticut (Mr. RIBICOFF) gave me a study that was done by the Committee on Telecommunications of the National Academy of Engineering. He brought to my attention the excellent work that is being done in applying the technology of our communications industry to population dispersal by Dr. Peter C. Goldmark. Presently Dr. Goldmark is president of the Columbia Broadcasting System Laboratories. I was impressed by the possibilities discussed in the report of the National Academy of Engineering, and I am extremely impressed by Dr. Goldmark's personal views.

Dr. Goldmark has had a highly successful career and is responsible for many innovations in the communications industry. Therefore, I noted with some interest an article of September 15 in Forbes magazine regarding Dr. Goldmark's imminent retirement. Dr. Goldmark is turning down $750,000 to work full time in applying communications technology to solving some of the problems of the Nation. His primary interest appears to be the application of this technology to making possible a rational distribution of the Nation's population. He points out in the Forbes magazine interview that there is no longer any reason why all State government offices should be concentrated in State capitols. There is no longer any reason why industry must locate all of its facilities in national population centers.

I have felt that this is true for some time and I am particularly anxious to see the Federal Government locate new facilities according to a plan of rational population distribution for the Nation.

I was successful in offering an amendment to the Agricultural Act of 1970 which requires Federal agencies to give a preference to low population density areas in locating new facilities. The executive branch is required to submit an annual report stating what has been done to implement this policy. The first such annual report has just been received and is being evaluated by my staff.

Mr. President, I believe that more people should be aware of the possibilities of applying communications technology to achieve a rational growth policy, and I ask unanimous consent that the interview of Dr. Goldmark, published in Forbes magazine for September 15, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

INTERVIEW WITH DR. PETER C. GOLDMARK

(NOTE.—Dr. Peter C. Goldmark is retiring in December, at the mandatory age of 65, as president of the Columbia Broadcasting System Laboratories, where he developed the long-playing record and designed the camera unit for color pictures for Apollo 15. CBS offered him a fancy title, chief scientist, and a fancy salary, $75,000 a year for ten years, to remain with the company as a consultant. He rejected the offer.

(The broadcasting industry still hasn't recovered from the shock.)

It's not often a man walks away from $750,000. Why did you?

GOLDMARK. Because there are things I feel I have to do that I can do more easily on the outside than at CBS. I believe that communications technology can solve many of the problems facing the nation. I don't mean new communications technology. I mean the existing technology. We don't need new inventions. We've been putting an awful lot into inventing but not enough into applying what we've invented. Our need is now to take our existing technology and put it to work, to create new systems with our existing technology that will help shape the future of the nation.

The profit world can't do this because the profit world can't set forth national goals. This is a job for the nonprofit world. On the other hand, the profit world can help to achieve the national goals. Now that I'm leaving CBS, I hope to create an institute where the profit world and the nonprofit world can meet and work together.

What kind of problems do you believe communications technology can help to solve if put to work?

GOLDMARK. At the present time, 90% of the people in this country live on 10% of the land. People have been moving into a few great metropolitan areas. You know the problems this has created: crime, narcotics addiction, pollution, traffic, educational problems, social problems. Small towns have the same problems, of course, but they have them on a manageable scale. In the cities, the problems have become too big to manage.

By 2000, the U.S. will have 100 million people more. If present trends continue and they all crowd into urban areas, we're going to have a crisis. The problems we already can't manage will destroy us.

We must create conditions that will make it possible for the growth to take place in the rural areas, in small towns. It's not a question of moving people from the cities into small towns. You can't do that. It's a question of giving people a choice, which they do not now have, of living in a small town or a big city. I believe communications technology can give people such a choice.

In the words of the World War I song, "How Ya Gonna Keep 'Em Down on the Farm?"

GOLDMART. Why do people move from rural areas into the cities? First of all, for jobs. Then, and this is very important, educational facilities: universities. And for excitement: theaters, cultural centers, sports arenas.

With our present communications facilities, we can provide all these things in the small towns. We can keep them physically small; if we keep them physically small, we can keep their problems small. At the same time, we can give them all the things a big city has.

The big cities became big for observable reasons: coal, iron and other natural resources; harbors, rivers, the Great Lakes. . . .

GOLDMARK. That is true, but present growth in employment in this country is not in manufacturing but in the service industries. By the year 2000, when we have a population of 300 million, two-thirds of the people employed in this country will be employed in the service industries. The service industries have been expanding even faster than the population.

Now there's no reason, given modern means of communication, why they have to expand where they are now. Let's say you have an insurance company based in Hartford which projects that it will eventually have to hire an extra thousand workers. With two-way television, broad-band cable or microwave and with facsimile, there's no longer any reason why it has to build office space for them in Hartford. It could set up offices in five different small towns in a radius of several hundred miles, each one housing 200 workers. Two-way television and facsimile would enable instant communications, more rapid communications even than you now have in a skyscraper office building.

There's no longer any reason why a service company like an insurance company has to concentrate all its employees in a single skyscraper.

For that matter, there's no longer any reason why all State government offices should be concentrated in the State capitals. With modern communications, State governments could easily be dispersed.

What about the other factors that make youngsters leave the small towns for the cities?

GOLDMARK. Education? We could establish minicolleges, small colleges with small staffs. Such a minicollege could be linked by two-way television with a great university hundreds of miles away. Students at the minicollege would be able to participate in all the important things taking place at the great university: lectures, seminars. They wouldn't just sit and look and listen. With two-way television, they could participate, ask questions, enter into discussions.

Entertainment? Through the use of satellites and cables, we can bring anything exciting happening anywhere in the country to every corner of the country: sports events, concerts, anything.

We can do something about the medical problems of the country, too. In many depleted areas, it's impossible to keep doctors. In such areas, we would establish telemedicine. With two-way TV, we can have remote-distance diagnosis.

How do you go about establishing the new systems you are talking about?

GOLDMARK. I was a member of a committee on telecommunications of the National Academy of Engineering which studied this question. We published a report discussing how it could be done. The big problem now is to convince business that it's economically feasible to expand into rural areas. Unless you can prove to the service industries that it's not necessary to concentrate company headquarters in 50-story buildings, you can't get anywhere.

We now have a pilot project in Windham in the northeast part of Connecticut to demonstrate the feasibility of the idea. We're linking Windham to Hartford by two-way microwave television.

What would be the technological problems of such a project?

GOLDMARK. As I said, they do not involve the necessity for new technological developments but of devising the systems and getting them set up. CATV companies are now laying cables with 20 or more channels. We can just as easily lay cables with 40 channels. We could lay them along the state and federal highway systems, dig a moderate trench beside the highways and lay them there.

I've discussed this with the Connecticut State Highway Commission. They're enthusiastic. Why not? It will put them in the communications business.

We know that setting up these communications systems is technologically feasible. We believe that in Windham we can prove it's economically feasible.

I'm not saying that communications technology can solve all our urban problems; I'm just saying that it can arrest the present concentration of the nation's population into a few areas, creating problems of such magnitude they cannot be dealt with. Communications technology can give people a choice of where to live.

How would these two-way cable and microwave systems you hope to establish affect commercial television? By establishing cable systems with 40 channels, wouldn't you completely disrupt commercial television, creating unlimited competition for the three TV networks?

GOLDMARK. I don't believe the new systems will supplant the networks. The networks will continue pretty much as they are because they provide a service people want and business is willing to pay money for. They are economically viable and they will continue to be.

The new systems will provide new services for business, education, government. They won't supplant existing television, but merely fit into the present structure.

I don't know of any development in communications that replaced the existing system. Movies didn't replace books. Radio did not replace the phonograph. Television didn't replace radio. People have a growing appetite for ideas. Communications may evolve into new forms, but what we already have won't stop.

TAX INEQUITIES AND SCHOOL SYSTEMS

Mr. HARTKE. Mr. President, the recent California Supreme Court ruling negating local property tax as the major source of funds for public education forces action on an issue heretofore to often dismissed as insoluble.

Accompanying the ruling are a whole cluster of "related" questions, some of which are brought to light in two recently published commentaries.

Mr. President, I think that Senators may be interested in these questions, so I ask unanimous consent that the editorial entitled "Is a national school system the answer to tax inequities?" Published in the Louisville, Ky., Courier-Journal & Times of September 5, 1971, and the new analysis by William K. Stevens, of the New York Times News Service, as published in the Knoxville News-Sentinel of September 5, 1971, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD as follows:

[From the Knoxville News-Sentinel,
Sept. 5, 1971]

PROPERTY TAX AS FUNDS FOR SCHOOLS ATTACKED

(By William K. Stevens)

NEW YORK.—It has been a bad year for many local school officials, confronted as they have been, on one hand, by the demands of the poor for better education and, on the other hand, by rebellious homeowners who refuse to put up any more property taxes for schools hardpressed for funds. It is not exactly surprising, then, that many local school officials would see salvation in the California Supreme Court's attack on the constitutionality of using the local property tax as the major source of funds for public education.

And many educators view the court ruling just that way. Across the country, they forsee as revolutionary the court's opinion that the local property tax discriminates against children who happen to live in poor districts with meager property tax resources.

At one stroke, some educators believe, the court opened the way for a redistribution of resources in favor of poor communities, while clearing the way for state governments to lift from hard-pressed communities the major burden of financing the schools. Some educators said that the impact of the court's ruling was in a class with the Brown case, which led to the Supreme Court's ruling in 1954 that racial segregation in public schools was unconstitutional.

PICTURE MUDDLED

But things are not quite that clear-cut. It will probably be a long time before anyone is sure that things will turn out the way the enthusiasts believe, and even longer for any practical effects to be felt nationally.

The California Supreme Court has not made a final judgment yet in the case. Its ruling was based on an appeal from a lower court in Los Angeles County by parents and children who contended that, because their community was relatively poor and thus produced a low property tax revenue, they were the victims of discrimination. The suit had been dismissed by the lower court judge, who said the plaintiffs did not have standing to sue.

What the California Supreme Court did, in effect, was to order the lower court judge to hear the case—instructing him, at the same time, that if the facts alleged by the plaintiffs were true, the property tax system violated the 14th Amendment of the U.S. Constitution.

MAY WIN RULING

The plaintiffs alleged facts—namely, that less tax money per pupil is spent in their school district than in others—are generally considered unassailable, and the lower court judge is expected to rule in their favor.

But what happens next is unclear. Will their be an appeal to the U.S. Supreme Court before the lower court in Los Angeles rules? Some constitutional lawyers believe there will be, but no one knows for sure.

Indeed, will the State of California appeal at all? Wilson Riles, the superintendent of public instruction, has said he opposes an appeal.

OTHERS RULE DIFFERENTLY

If there is an appeal, would the U.S. Supreme Court uphold the California opinion? Some constitutional lawyers believe it would. But in similar cases in Virginia and Illinois, federal district court judges have ruled counter to the California court. Given this split in judicial opinion, the issue would appear to be uncertain.

Still, those who favor the California decision note that it constitutes a precedent for legal action in other states. Indeed, the opinion was only 48 hours old when suits attacking the local property tax for schools were announced in New York and Baltimore.

Assuming that the California decision stands and eventually becomes the law of the land, there still remains the complicated matter of how to finance the public schools in the absence of a local property tax.

[From the Louisville Courier-Journal & Times, Sept. 5, 1971]

IS A NATIONAL SCHOOL SYSTEM THE ANSWER TO TAX INEQUITIES?

The inequities cited by California's Supreme Court last week in striking down that state's method of financing public education obviously could have ramifications going far beyond those discussed publicly so far. If the U.S. Supreme Court were to decide for the nation as a whole that every child is entitled to the same per-pupil expenditure in school, as the California court has done for that state alone, the result would be the most sweeping change in American education since the initiation of public schools.

At issue in the California case, as in similar suits now in the courts in a half-dozen other states, is the 14th Amendment guarantee of equal protection under the law for all citizens. As the California high court saw it, that state's system of financing its schools through local property taxes is unconstitutional because "this makes the child's eduactional opportunity depend on where he happens to live."

Yet it's not much of a leap from this concept to the notion that if it's unfair to provide differing levels of pupil support within California's 1,076 school districts because of their varying tax assessments and rates, why is it fair to provide California children a costlier, better education than those in, say, Kentucky?

FEDERALIZED EDUCATION?

Or take the national averages. In 1969–70 the national average expenditure per pupil was $773. But the range ran from New York's high of $1,250 down to Alabama's $438. Indiana, with $685, and Kentucky, with $612, were well below the median.

So it seems to us that the logical end-results of the California decision go far beyond the possible holding that states may not discriminate within their boundaries by permitting varying local levels of school support. For no matter what we may think of the hallowed concept of state's rights, can it be denied that the only real fairness—especially in an age of mobility in which many children complete their basic education in more than one state—would be national uniformity?

That, of course, would mean federal collection of all educational taxes—from whatever source—and federal redistribution on the basis, probably, of both pupil attendance figures and the same sort of tax-equalization formula that most states use now to iron out some of the imbalance between rich and poor school districts.

But it also would mean the risk of further standardization of an educational system that already knows too little diversification. And one may well wonder, in view of the California decision, whether what lies ahead is flat-out prohibition of any local initiative (in the form of higher voted taxes) to provide curriculum enrichment or better teachers.

Against this background, the situation may be unresolved for some years to come, for the Supreme Court has shown no eagerness to take on this thorniest of issues. As more than one analyst has observed, it might not be too much of a leap from a ruling on this disparity in local property taxation to others holding unconstitutional the entire present system of local taxation for such services as police and fire protection, trash collection and street maintenance.

One possible Supreme Court option, posing much less challenge to existing systems, could be a ruling—as the suing parties have urged in a Florida case similar to the one in California—that the violation of equal protection lies not in disparities between one district and another, but in state-imposed ceilings on what those districts are permitted to do.

This, for example, was among the arguments unsuccessfully put before Kentucky's Court of Appeals in the Louisville school board's suit last year against this state's roll-back" law: That state ceilings on school taxation are an unfair discrimination against districts that would like to do more.

Whatever happens, it is difficult to envision the Burger Court, with its visible slowdown in such areas as school integration and civil rights, following the lead of California's Supreme Court in such an epochal way. The inequities in school quality, as many a family has observed sadly when moving from a high-expenditure district to one that's low, are very real and very painful. But the increasingly conservative Burger Court—like Kentucky's Court of Appeals and those of many other states—shows little disposition to rush toward equity when the cost is a monumental upset of the established order of things.

HUMAN RIGHTS: ONE DOWN, THREE TO GO

Mr. PROXMIRE. Mr. President, 4½ years ago a subcommittee of the Committee on Foreign Relations held hearings on the human rights conventions pertaining to the political rights of women, the abolition of forced labor, and the supplementary convention on slavery. Several persons pointed out in testimony that, at that time, only four charter members of the United Nations had not ratified a single one of the conventions.

These nations were: Bolivia, Uruguay, the Union of South Africa, and the United States of America.

In testimony before that subcommittee, I said that this failure to ratify the conventions was "an unpardonable insult and grievous disservice" to the United Nations. And it was a terrible blow to the dignity of the United States among the other nations which look to us as an example.

Since 1967 the situation has been changed to some extent. The Senate gave its consent for the United States to sign the supplementary convention on slavery, so now it can be said that the United States is a party to at least one of the human rights conventions—as if we had not decided upon our national posture on slavery over a century ago.

But the right of the individual not to live in slavery is not the only human right. The Senate now has the opportunity to act on the other international conventions which would commit the United States to oppose forced labor, political exploitation of women, and genocide as international offenses. Indeed, protection against these abominable conditions and acts is supposedly guaranteed to every American as his birthright; every American is guaranteed far more protection than is afforded by these conventions. So why should the United States hesitate to join with other nations in formal opposition to forced labor, political exploitation of women, and genocide?

By ratifying these three human rights conventions, the Senate can successfully reaffirm the U.S. commitment to the United Nations, as well as bolster the role of conscience and morality in international affairs.

Obviously, that commitment and that role both need as much support as we are capable of giving.

That, Mr. President, is why the Senate should act upon these human rights conventions as quickly as possible.

SOME WELCOME NEWS

Mr. HUMPHREY. Mr. President, I want to express a most favorable reaction to the news of a reported agreement concluded between the United States and the Soviet Union on establishing a system to minimize the risk of atomic war by accident. Ever since the frightening growth of nuclear weaponry in both these countries, the world has been tormented by the anxiety of falling victim to the atom bomb, set off by sheer chance.

President Kennedy and Chairman Khrushchev perceived the inherent dangers involved in the possession of such Promethean might. They realized that with such enormous military power under their control, there was an obligation and a mutal interest to keep it stringently controlled. Great steps were taken to open every avenue of communication and to enter into treaties which would reduce the possibility of an accidental nuclear outbreak.

Despite these efforts, technology in the field of armaments outpaced the attempts to keep it in check and, consequently, the risk of accidental nuclear war was still great. The Governments of the United States and the Soviet Union have, fortunately, recognized that other steps had to be taken to minimize the risks.

Just as there have been great advances in the technology of war, so, too, have there been strides in the technology of peace. Satellites, for example, permit the kind of instantaneous communication which is required to avoid the disastrous consequences of an accidental missile firing. Recognition of this fact has brought us, in all likelihood, an agreement at SALT to prevent war by atomic error. Such news is welcome news, and I look forward to learning in greater detail the substance of this agreement.

I also look forward to another agreement at SALT, certainly of equal, if not greater, importance. And that is the agreement which was vaguely outlined in the official statement read both in Washington and Moscow on May 20. The President gave us every reason to believe that an agreement on defensive weapons, and, perhaps, some arrangement on offensive weapons would be forthcoming this year. It is my sincere hope that the United States and the Soviet Union will not be deterred from their promise by being satisfied with the recently reported agreement. Nuclear armaments must not only be controlled, but they must also be limited. SALT has raised our hopes for armaments limitations and that is what we are all waiting for.

We are above all waiting for a stop to the arms race. I have continually offered several suggestions of how we can move rapidly in that direction. These suggestions have been based on a realistic assessment of the present situation and an evaluation of the new means available to detect measures undertaken by other countries which would endanger our security.

In this regard I have been most outspoken in my opposition to the planned underground nuclear test, code-named "Cannikin," on Amchitka Island. One principal objection I had was based on the fact that Cannikin could serve to encourage a continuation of underground testing and hence, to discourage an agreement on a comprehensive test-ban treaty, something in which the Soviet Union has lately expressed a great deal of interest.

Naturally, there are several other serious objections which must be made to Cannikin, all of which justify calling off the test. But I cannot emphasize enough what little strategic security, and what great diplomatic insecurity, this test would afford.

I have drawn attention to the latesst developments in seismology, as outlined in the Woods Hole report, which indicate how past objections within our own Government to a comprehensive test ban treaty have been overcome. We now have devices to detect with a high degree of accuracy underground tests of relatively low yield.

We, therefore, should be concentrating on a comprehensive test-ban treaty and not a "Cannikin." At the very least, we should be concentrating on our real strategic requirements and not on mistaken ones. We should be concentrating on preserving our environment and not destroying it.

The recent rumors that the President may consider the cancellation of the Amchitka Island test are most encouraging. I urge him not to waiver in his decision but to announce the definitive death of "Cannikin" now. I am sure that we in Congress would welcome that decision in the same way we welcome the news of the latest agreement at SALT. I must say that it is time to welcome and not to wait.

WAS PRESIDENT'S FREEZE ACTION CONSTITUTIONAL?

Mr. PROXMIRE. Mr. President, since August 19, the Joint Economic Committee has been hearing from outstanding economists and leaders of public opinion on the subject of the President's new economic program.

The testimony has brought out several serious weaknesses in the President's economic program, particularly its failure to deal adequately with unemployment, and I think this has been very helpful to the Congress.

We have also tried to throw some light into the murky regions that lie beyond the 90 day freeze in order to help formulate policies that will be beneficial to the Nation and avoid inflation on the one hand while restoring our economic growth on the other. This will not be easy but it is our expectation that the Joint Economic Committee will have a report shortly after the conclusion of our hearings on September 23. On that date, the committee will hear from Profs. Milton Friedman and Paul Samuelson, probably the most outstanding economists in the country.

We have also heard, Mr. President, from outstanding lawyers like Paul Porter, who were concerned with earlier price administration. Yesterday, we heard from former Justice Goldberg and from a well known constitutional scholar, Prof. Arthur Miller, who now teaches at the National Law Center at George Washington University. Professor Miller has been a dedicated student of the Constitution for many years and in that capacity has served a number of congressional committees through both testimony and counsel.

When he testified yesterday, Professor Miller raised a question of fundamental importance to Congress. It is his fear that in giving the President blank powers to impose a wage-price freeze without any standards or safeguards, we in Congress have given away our legislative birthright.

This troubles me deeply, Mr. President. There is no question in my mind or in the mind of any of us in Congress that the basic elements in any programs to impose a system of regulation on the economy of the Nation must be forged here and not by Executive fiat. Yet, we have given the President a blank check to regulate prices and wages and authorized him to issue "such orders and regulations as he may deem appropriate." As Professor Miller says, Congress in passing the Economic Stabilization Act "gave away not only the ball game but the entire ball park."

Under the Constitution, the Congress must, of course, set general policies leaving the execution of them to the executive branch, subject to congressional standards. In the Economic Stabilization Act, however, there is no limitation on presidential powers to manage the entire economy.

It may well be argued that the freeze has already been put into effect under this act, and that there was nothing further that we in Congress could do. I disagree. It is obvious to all of us that an extensive program to limit inflation will be an absolute necessity at the end of the freeze. I believe that it is the duty and responsibility of the Congress to form that policy. I do not think we should sit back and allow the President to come in with a legislative proposal authorizing him to continue in one way or another to manage the economy and then rubber stamp it here.

It is the duty of Congress to examine carefully the alternatives available to the Nation to correct the twin evils of inflation and unemployment. Unless Congress takes the reins in its hands, we will have taken a long step toward executive government and toward further weakening the power of this great legislative body.

I intend to offer a bill which would set up a price review board to supplant the present freeze. I urge Senators to consider the postfreeze issues carefully and to make it the first order of business.

Because of its relevance to the constitutional basis for congressional leadership in the vital matter, I ask unanimous consent that Professor Miller's testimony delivered to the Joint Economic Committee on September 13, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Prof. Arthur S. Miller, Presented Before the Joint Economic Committee, U.S. Congress, on September 13, 1971

ECONOMIC PLANNING AND THE CONSTITUTION

The public has been bemused, even dazzled, by the way in which the President can neatly reverse his field and change his economic game plan. On August 14, 1971, he casually tossed overboard what had apparently been his personal and professional philosophy. Wage and price freezes, plus a 10 percent surcharge on imports and a dollar float, were announced to a stunned world. The President, of course, grabbed at statutory authority enacted over his will in 1970 and renewed in 1971—the Economic Stabilization Act of 1970. Immediately, the public administration swung into action in ways more than faintly reminiscent of F.D.R.'s famous "100 days" in 1933. A Cost of Living Council was established, interpretations of the vague presidential language began to pour out, and the public opinion polls showed that a majority of Americans were in agreement.

After the dust had settled a bit, a few—a very few—began to ask some tough questions. Some were those of "policy": The N.E.P. favored the corporations at the expense of the working class, said some. Others complained because they were left out of the action; the trade-union leaders are examples. The legal or constitutional questions were not even raised, save by Governor Smith of Texas, who soon backed down; and by four law professors at Catholic University, whose suit is still pending in a federal district court in Washington. For the most legalistic of all nations, for a people who make litigation a way of life, and, most importantly, for the reason that the N.E.P. poses grave constitutional questions, this silence was indeed strange.

That silence should be shattered. The legal issues in the new economics deserve widespread public attention and debate before laws and attitudes become so solidified that they cannot be altered. It may already be too late, if reported Congressional reaction to President Nixon's address to Congress on September 9 is any indication. According to the Washington Post, a "typical" reaction to the speech was that the President "ought to get with George Meany and work something out." I ask you this: Who elected Meany to public office? Or corporate Presidents? If, indeed, post-freeze economic policy is worked out in conjunction with business and labor leaders, the obvious result is the American version of the corporate state. Perhaps we should have a corporate state and it may well be that we are already far down that road—too far down to change—but if so, the American people ought to make very sure that this is what they want. I should like to address a few of the legal and constitutional issues raised by the N.E.P., and also to suggest some possible guidelines for what is rapidly becoming the critical question: What happens after the freeze goes off? Unless Congress wakes up, and immediately, it will find that the ball it handed the President in the Economic Stabilization Act is now almost entirely in his possession. If so, there will be little that can be done on The Hill except to approve, or at times to alter somewhat, policies established by the Executive. We are already far down the road to Executive government; this would make it irretrievable.

The foreign policies: There can be no doubt that the 10 percent surcharge on imports violates the General Agreement on Tariffs and Trade. As the *London Economist* put it, "The surcharge breaks almost every rule in the agreement and the United States admits it." The latter part of that quote may not be quite accurate, although the former is. The *New York Times* for September 12 carried a dispatch from Geneva saying that the GATT had, with one abstention (the USA), voted to say that the surcharge violates the Agreement. I find this an odd position for a nation that has trumpeted the need for the rule of law in international affairs and whose leaders (plus the press) have often belabored other nations for breaking treaties.

But the violation of a solemn international agreement is of lesser importance than the fact that it signals an "economic fortress America" viewpoint. It is neo-isolationism, and it comes at the very point in history when purely *national* economic policies no longer are viable, when they are being replaced by larger-than-national resolutions. That is a constitutional matter of great magnitude, even though it may never be litigated. How economic policies are structured are, under the American form of government, a matter of the coalescence of several factors: economic, political, and legal. We have reached the brink of a reversion to the "beggar-thy-neighbor" policies of the 1930s. Writing in 1969, the well-known economist, Charles P. Kindleberger, said: "The nation-state is just about through as an economic unit. General De Gaulle is unaware of it as yet, and so are the Congress of the United States and right-wing know-nothings in all countries. Tariff policy is virtually useless. . . . Monetary policy is in the process of being internationalized. The world is too small . . . [to] permit sovereign independence of the nation-state in economic affairs." (Kindleberger, American Business Abroad 207–8 (1969).) Kindleberger, of course, is not alone in these views. They are echoed by many others, economists, lawyers, journalists, etc.

My point, in brief, is that the 10 percent import surcharge is not only a violation of an international agreement; it may well denote a reversion to a modernized form of mercantilism. That is a constitutional problem that the Congress cannot safely ignore.

The wage-price freeze. Several important constitutional questions are visible. First is the delegation of authority to the President. He is given a blank check to stabilize prices, rents, wages, and salaries; he may "issue such orders and regulations as he may deem appropriate." "Gross inequities" may be adjusted. Willful violations of an order or regulation are punishable by fines up to $5000; and injunctions may be obtained to enforce them.

That is the Economic Stabilization Act of 1970, a statute that the President himself said when it was enacted that it "will do far more harm than good," a statute that Arthur Burns, head of the Federal Reserve Board, said conferred "dictatorial powers" on the President. By enacting it, Congress gave away not only the ball game, but the entire ball park. The discretion the President has is limited only by the one provision that he cannot set wages and prices below those of May 1970. Anything else apparently is all right.

That poses the legal question of delegation of legislative power—a separation of powers principle that has had an uneven treatment by the Supreme Court. In spirit, the Constitution calls for *general* policies to be set by Congress, with implementation left to the public administration. Congress, that is, may delegate legislative powers, provided that the delegation is confined by "an intelligible principle." Courts and others must be able to determine, as the Surpreme Court said in the leading case of *Yakus* v. *United States* (1944), whether the delegate has exceeded his grant of power. That calls for standards in the statute to canalize the delegated power within recognizable boundaries.

No such "intelligible principle" is in the Economic Stabilization Act. The President may do anything that he considers "appropriate." That is an economic Gulf of Tonkin Resolution; it indicates that Congress did not care to confine the President. No such sweeping economic power has ever been upheld outside of wartime. The critical question, then, is whether the Constitution permits such a delegation. In my judgment, based on cases decided by the Supreme Court, there are substantial grounds for saying that it does not. Permit me to explain my reasons for saying that.

There are some scholars who maintain that the non-delegation doctrine has been a failure.

Whether legislative powers could be delegated came to a peak in 1935 when the Court in two cases shot down the Blue Eagle, the National Recovery Act, mainly on delegation grounds. (Those are the only times that the Court has ever invalidated delegations to permanent federal agencies.) Said Justice Cardozo in one of them, the statute was "delegation running riot."

Since that time, many transfers of legislative power to the bureaucracy have been validated, even though the standards were vague and nebulous, even almost nonexistent. *Lichter v. United States* (1948) is an example; renegotiation of war contracts was upheld even though the only standard was that "excessive" profits were to be recovered. Congress did not define the term. As late as 1967, in *United States v. Robel,* the Court swept aside a delegation argument allowing the Secretary of Defense to designate certain arms plants as "defense facilities"—invalidating some government action on other grounds.

Those decisions, plus others like them, run, however, only to limited segments of the economy. They indicated what Congress wanted done within a narrow part of the social structure. But in the Economic Stabilization Act of 1970, the President can manage the entire economy.

Furthermore, one should read *Yakus* and *Litcher* as wartime cases. In my judgment, the fact the nation was in World War II had an impact on the decisions, even though the opinions were written otherwise. But—and this is very important—the war powers cannot be used today for economic controls. In fact, neither Congress nor the President has sought to do so. What, then, provides a constitutional basis for freezing the economy? The best one can find is the power of Congress to regulate interstate commerce, a concept that has been so expanded that it can be said to cover about every commercial or economic transaction in the nation.

That might solve the problem of ultimate power, but not that of delegation. The 1935 cases are still on the books, even though the Court has had numerous opportunities to overrule them. That they have not been expressly repudiated may indicate a latent judicial attitude of their basic merit. Professor Louis L. Jaffe of the Harvard Law School has said that the 1935 cases prod "Congress into awareness of its responsibility for bringing major policy decisions into focus." That Congress has not done so far. That it should do, in my judgment; it should not leave Phase II of the N.E.P. up to the Executive.

What I have said so far about the Economic Stabilization Act deals with its general provisions. Some specific interpretations by the Cost of Living Council, in my judgment, are at least questionable and probably invalid. (a) The orders concerning contracts entered into prior to August 14 for salary increases to come after that date obviously abrogate existing contract rights. No case to my knowledge permits the federal government so to alter the obligation of a contract. Under the Fifth Amendment, no property can be taken without due process of law and just compensation must be paid for property expropriated by the government. The freeze confiscates without compensation contract rights existing before August 14. According to the Sept. 10 New York Times, the Council admitted as much regarding corporation dividends, but they have not as yet applied that notion to wage contracts. Why the difference in treatment? There is none in principle.

The government, so I understand, relies on El Paso v. Simmons (1965) for its authority to do this. The decision is not even remotely on point, although there is language in it about the power of government to alter contract obligations. The controlling case is still Blaisdell v. Home Building and Loan Ass'n (1934), in which Minnesota's mortgage moratorium law was upheld, the Court saying that contracts were not impaired but that creditors' remedies were merely changed. Again, the war powers cannot be used. As Chief Justice Warren said in the Robel case, " . . . the phrase 'war power' cannot be invoked as a talismanic incantation to support any exercise of congressional power which can be brought within its ambit. 'Even the war power does not remove constitutional limitations safeguarding essential liberties.' "

(b) As for state employees, Governor Smith of Texas may well have been on sound legal ground when he challenged the power of the federal government to deny raises to Texas school teachers. Smith backed off, to be sure, but if federalism means anything, it means that the federal government cannot regulate all state activities. Some cases, for example, Maryland v. Wirtz, have applied federal statutes—in that case, the fair labor standards act—to state employees. But when one takes the federalism principle and adds it to the contract principle, then I think it wholly clear that school teachers in, say, South Carolina and Georgia and elsewhere, are entitled to their minuscule in-step raises. To deny them that is petty as well as unconstitutional.

Two due process arguments can be made about the orders of the Cost of Living Council. (a) They tend to be ambiguous and conflicting, and are given different interpretations in different parts of the country. That means, since this is a criminal statute in that criminal sanctions can apply, that the orders may well be "void for vagueness." A person often cannot know in advance whether his conduct is or is not prohibited. What we have here is a classic case of the grand pronouncement followed by complete confusion at the working level. (b) The orders are issued in a summary fashion, without giving notice and an opportunity to be heard before issuance. That can be said to violate procedural due process of law. It also appears to violate the requirements of Section 4 of the Administrative Procedure Act of 1946. I do not argue that a full-dress, trial-type hearing should be held before an order is released. But surely some orderly procedure should be followed—not government by decree, as we now have it.

NEXT STEPS

I have spoken thus far only about Phase I of the N.E.P. Of probable greater importance is Phase II. Where do we go now? Is the field to be reversed again? Will wage controls be imposed and let prices drift? Or vice versa? Will there be controlled inflation? If so, how much? And so on.

I do not attempt to speak to those questions, save in general. What I do say is that Congress has the duty to follow the Constitution, and not to abdicate its governing power to the Executive. It must be more than a rubber stamp to policies that come to The Hill from the other end of Pennsylvania Avenue.

Some measures must be taken. The status quo ante cannot, and should not, be restored. The alleged "free market" is not magically going to come into existence. The hand of government must be at the economic tiller, now and indefinitely. What is needed is something else than an agreement between Executive officers, corporate managers and union leaders.

My suggestion for legislation is establishment of an economic stabilization board, with carefully confined powers to keep inflation within reasonable bounds. How the board should be manned is a most difficult question. I make no suggestions about who should be on it.

But I do suggest that domestic economic policy must of course be meshed with international policies, and that it is long past time when this nation can go it alone economically—or otherwise.

And I emphasize that some crucial questions must be analyzed and answered, if such a board is established:

1. Who appoints the members?

2. From what groups should the members be taken?

3. Most importantly, what powers should the board have?

As for the latter question, these must, in my judgment, be carefully stated. No uncontrolled discretion should be granted. If that takes repeal of the Economic Stabilization Act—or merely letting it lapse—so be it. As I have tried to indicate, it is invalid constitutionally. Furthermore, it is indefensible on grounds of good public policy. Government by executive decree runs contrary to the letter and spirit of the Constitution. But that is what we have now. Senator Ervin's Subcommittee on Separation of Powers, within this year, has considered what seems to be misuse of the pocket-veto power to thwart Congress, the impoundment of more than $12 billion of appropriated funds by the Executive, and the use of executive privilege as a means of denying Congress vital information. Now in the N.E.P. we have government by decree, with the thus far willing acquiescence of Congress. I think it high time that this be halted.

One final word: There does not appear to be any constitutional impediment to Congress employing its interstate commerce power to establish some sort of economic stabilization board. Such a board could not tamper with contracts already concluded, but it could deal with future matters. The Supreme Court has not invalidated any economic measure of Congress since the 1930s (and only one minor state statute). But there are solid grounds, in law and in policy, for saying that Congress should set the ground rules for such a board, not the Executive. Congress does have the ultimate power, if it will use it. I do not believe anyone will deny that. I suggest that Congress do so.

EXTENSION OF TIME FOR THE PERIOD FOR TRANSACTON OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, because of various conversations and conferences now going on, I ask unanimous consent that the period for the transaction of routine morning business be extended not to exceed another 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS NOT TO EXTEND BEYOND 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business extend not beyond 11:30 a.m. today, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, under the previous order, I ask the Chair to lay before the Senate the pending business.

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which will be started by title.

The legislative clerk read as follows:

> The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the military selective service act of 1967; to increase military pay; to increase military active duty strengths for fiscal year 1972; and for other purposes.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 222 Leg.]

Allen
Allott
Baker
Bentsen
Buckley
Byrd, Va.
Byrd, W. Va.
Church
Cotton
Cranston
Eastland
Gambrell
Gravel
Griffin
Gurney
Harris
Hruska
Hughes
Mansfield
Mathias
Metcalf
Moss
Ribicoff
Roth
Scott
Stennis
Tunney
Weicker

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE) and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Mr. LONG) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Bayh
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Chiles
Cook
Cooper
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fong
Fulbright
Goldwater
Hansen
Hart
Hartke
Hatfield
Hollings
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
McClellan
McGee
Miller
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Schweiker
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Williams
Young

The PRESIDING OFFICER. A quorum is present.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MANSFIELD. Mr. President——

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the purpose of putting in a live quorum call was to lay before the Senate the ingredients of a discussion with the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), as to what the Senate wishes, if that can be determined, with regard to when the vote on tabling the conference report should take place.

The Senate is aware of the fact that while no absolute, definite commitment was made that there would be a motion to table today, the chances were 99 out of 100 that there would be such a motion. If one wants to be technical, he can say that there was no definite promise, but I think that is stretching a technicality a little bit too far.

The distinguished chairman of the committee indicated that he would like the tabling motion to take place on Tuesday. I demurred. He indicated he would settle for Monday; again I demurred.

I have asked the distinguished Senator from Colorado (Mr. ALLOTT) if he intends to make a motion to table—and incidentally, he postponed some most important engagements to be here this afternoon—and he stated that it was his intention to do so. It is well known that if the distinguished Senator from Colorado was not prepared to make a motion to table, the Senator from Montana now speaking was prepared to do so.

To me, there are three factors to be considered in the discussion of this conference report. One is the matter of pay, and the date thereof. Another—and in my opinion the most important matter; I may be wrong but in my personal opinion the most important matter—is the amendment passed by the Senate which calls for a withdrawal from Vietnam within 9 months following July 1, provided that during that period all prisoners of war would be released.

I emphasize the word "all," as far as the POW's and the MIA's are concerned who can be determined to be alive, and I emphasize the word "all" in relation to the withdrawal of U.S. troops from Vietnam. That word "all" means just what it says—a withdrawal lock, stock, and barrel, provided, of course, that all the POW's and all the identifiable living, missing in action are included.

That is the second factor. May I say I am in favor of what the distinguished Senator from Colorado is seeking to achieve, and naturally I am in favor of the Senate amendment as passed to which I have just referred, having to do with the termination of hostilities in Southeast Asia by a date certain.

The third factor to be considered is that there is a group in the Senate which is unalterably opposed to the extension of the Draft Act, and I happen to be included in that group.

I feel somewhat embarrassed at this point, and because of my embarrassment, I am bringing the matter to the floor so that all Members will be aware of the situation which has developed. It is my personal preference that the vote be taken this afternoon, at a time certain, and with a limitation of time, equally divided between the distinguished Senator from Colorado (Mr. ALLOTT) and the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill.

The Democrats today have seven Members missing. I do not know how many Republican Members are absent. There are Members on both sides of the aisle who gave up engagements of some import to them to be here this afternoon, and I feel personally indebted to them on the basis of the information disseminated. There are others who will not be here next week, because they will be attending important conferences at the request of the President of the United States, or they will be observing holidays in connection with their faith, and there may be other reasons as well.

In my opinion, very few votes will be changed from the way Senators are thinking now. I am aware of the fact, not being an amateur in this profession, that if a time extension is allowed, the lobbying efforts will increase in proportion. As far as I am concerned, I do not care how any Senator votes, but I do think a sentiment ought to be expressed in this body; and as far as I am concerned, I am prepared to vote at any time, under any circumstances, and regardless of what Senators are here or are away.

So I would like, if I might, to receive an expression from the Senate as to what Senators think ought to be done, because every Senator here has just as much responsibility as I have and just as much responsibility as the distinguished Senator from Mississippi, the manager of the bill. This is a body of equals, and every Senator's voice, as far as I am concerned, is just as loud, just as strong, and just as valid as any other Senator's voice.

There are, as I have indicated, Senators here today who are prepared to vote. There are Senators here today who will be absent next week because of overriding reasons. But may I say frankly to my associates in this Chamber, I can think of no more important question confronting this Nation today than the disposition, the termination, of the tragic, wasteful, unnecessary, and uncalled for war in Southeast Asia—the longest war in which this Nation has been engaged, still with no end in sight; a war in which far in excess of 2½ times the number of bombs dropped in World War II already have been dropped; a war which has cost us 351,000 casualties; a war which has cost us $130 billion and which has played, I think, a significant part in creating the economic difficulties which confront this Nation today; a war which has caused hundreds of thousands of civilian deaths, tens of thousands of maimings, millions of refugees, and the dislocation of a society and a culture, for which we are largely responsible.

I cannot reconcile myself to the fact that as of September 9, 1971—these are figures released by the Department of Defense—301,504 Americans have been wounded, 45,487 Americans have been killed in combat, 9,757 Americans have died from noncombat injuries. The total casualties as of September 9, less than a week ago, were 356,784 Americans. Too many, too much, too long.

We talk about other problems, such as the economic situation in which we find ourselves—and it is important, because it touches all our pocketbooks. But what is it that touches our hearts?

Well, I cannot put aside the deaths, the mutilations, the woundings in Vietnam or elsewhere; because, just as we are equals in this body, to me, one American life, regardless of race or creed or color or origin, is just as important as another American life.

We must face up to this issue. Perhaps a delay on the tabling motion for 1, 2, or 3 days may not hurt. Personally, I have no feeling except a feeling of obligation, on the basis of the statements I have made to the Members of this body—all of them, Republicans and Democrats alike. But I have a very strong feeling about the war in Vietnam and Southeast Asia, including Cambodia and Laos. So far as I am concerned, that war is going to remain on the front burner until it is terminated, and terminated completely. I say that with full recognition of the other difficulties which confront us in this Nation and in the world today, and I say that in the strong belief that what we have done in Southeast Asia has helped to contribute to these problems and has helped to keep them from being solved.

So, with that statement, I will conclude.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. PASTORE. Mr. President, I am one of those who will not be here next week, for one of the reasons that has been decided by our distinguished majority leader; but that is not the chief point to be made.

Mr. STENNIS. Mr. President, will the Senator from Rhode Island yield to me for a statement to him?

Mr. PASTORE. I yield.

Mr. STENNIS. I would like to respond to the Senator from Montana now, if I may. I expected to have a chance to do that with respect to the point about the vote today. I was interrupted by someone who had a memorandum.

Mr. PASTORE. But the majority leader took occasion to say why some of us will not be here, and I rise only on that point. I shall not be very long. I will cause the Senator from Mississippi no injury in presenting his own logic and his own case before the Senate.

All I rise to say is that we were told that there would be a vote today. If this were a new matter that came up yesterday or came up this morning, there would be no reason for time. But there is not a Member of this body who does not know what this is all about. The name of the game is withdrawing from Vietnam. Let us not fool ourselves about that. All of us here are ready to vote. I do not see what other persuasive arguments can be made that have not already been made, except for the reason that has already been stated. I have already heard from my State about what I should do, and there will be a great deal more over the weekend.

I hope this does not become a matter of maneuvering and a matter of strategy. I hope each one of us can stand up with unfettered conviction and express that conviction as duly elected Members of this body.

I would hope that the majority leader would insist upon this vote being taken this week.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, do I have the floor?

Mr. MANSFIELD. I yield the floor.

Mr. STENNIS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, this is no contest between the Senator from Montana and the Senator from Mississippi or the Senator from Colorado and the Senator from Mississippi. This is not a matter of maneuver or a matter of strategy.

I want to state some hard facts to the Members of the Senate about this very complicated and involved bill. Preparations for hearings on this bill started a year ago. Hearings actually started in January and were very complete and exhaustive. The committee spent approximately 3 weeks around the table, writing up this bill. The bill including a great deal of draft reform came here and was debated for 7 weeks, with approximately 20 to 25 rollcall votes.

The bill went to conference, and nearly all the conferees engaged in an active, vigorous conference for 5 consecutive weeks.

The matter was brought back to the floor of the Senate, and I believe it would have been passed in a very few days just before we recessed, had it not been for those who did not see fit—quite within their rights—to let the matter come to a vote. Then we had a 5-week recess.

I do not claim any credit whatsoever—not any. I am no busier than anyone else and do not work more than anyone else in this body. But through a sense of responsibility, of being back here and prepared, I came back from the recess on September 1, except for September 4, I have been here ever since, working on this bill and on the military procurement bill which also is pending. I am still here, and am ready to proceed on this matter and on the military procurement bill, as are other members of the committee.

But this is a very far-reaching matter; and I wanted to be doubly sure that every effort possible was made with regard to the Mansfield amendment at this conference, over the strongest kind of opposition from the House conferees and, as everybody knows, from the Administration, and many other factors.

For myself, I told them that I was not going to yield totally on the Mansfield amendment, that I was not going to agree to its being watered down to a meaningless instrument. We brought back here a considerable part of the Mansfield amendment. It was not germane under House rules. I did not think it was—and the House Members did not think it was, but we brought an amendment back, and much more than we thought we would. Some Senators, including the Senator from Montana himself stated yesterday that our amendment was a step forward and that it did have meaning. It became not a Senate amendment, only, but a sense of the whole Congress. The New York Times and the Washington Post stated that it was the first legislative determination to close down this war and bring the troops home. It was tied to the POW question, and nothing else. So that it has some meaning.

The dealings I have had with the Senator from Montana have been exemplary so that I have no grievances, but I am going to appeal to all Senators now, in a few minutes, to give me just a little more time.

How much is a little more time?

Just 2 or 3 or 4 more calendar days, to try to help Senators get the newly developed facts on this matter before they pass on the conference report.

I warn that if the Senate turns down the conference report, it will again be opening up all the component questions. There is no doubt about that. At one time, the House waived their rules on germaneness through their Rules Committee. Otherwise, one Member there, as I understand it, could have knocked out what we had in the Mansfield amendment.

Let us not be too hasty. I want further to develop some facts which have occurred since we took the recess. Those facts have been partly developed.

We have gone now about 75 days without any draft law on the books; that is, a law that will give the President the power to induct. Even though, during the early days, there was a continued so-called volunteer enlistment, there has already developed in the last 75 days a marked downward turn, to the degree that we have the facts and figures, in enlistments in all the services, not only quantitywise but also qualitywise. That is a major point to consider.

Incidentally, my friends, so far as the chance to get this subject fully into the minds of all Senators is concerned, Senators have been busy with many other things, including committee meetings morning and afternoon, and the sad events incident to the passing of our late lamented friend from Vermont, Winston L. Prouty. This week we all went to the funeral services on Tuesday afternoon and many went yesterday to the funeral itself.

So that the hard fact is, I have been standing here in this Chamber for 3 days talking to empty chairs. That is all. Three or four Senators were in the Chamber from time to time and some have joined in the discussion, but there has been no chance, within this brief span of time, to get the facts developed so that they could be passed on to the Senate as a whole.

As Senators know, I have been writing letters, placing them in the RECORD, and sending them around to everyone's offices trying to get the facts across.

I tell you, Mr. President, this is serious—the trend that has already developed whereby the services will be depleted of their manpower. Consequently, I want to make available further projections by the men who know more about it than anyone else, the Chiefs of Staff, and the service secretaries, and Mr. Laird, and bring those facts here to the floor of the Senate more completely than we have been able to do so far.

We cannot seem to find the time when everyone can be here conveniently. To be here, we have to make personal sacrifices and we cannot all be here all the time. Even with that, while some cannot be here, others who are away now can be here later, so that will all average out.

Of course, I do not know how they will vote, but at least I want to have the satisfaction of knowing, when this vote is taken, that I have done all I can do with regard to bringing the Senate all the facts.

I tell you, Mr. President, man to man, and looking every Senator in this Chamber in the face, that under these circumstances, we have not had an opportunity, nor the time, to do that.

This is not a personal matter. But what are we going to do with a bill that has been going around for 7 months now and carrying all the added load of the war? I greatly respect anyone who voted for the Mansfield amendment. But what are we going to do in the committee which has gone through all this long and tedious work, and getting back here after the recess, with the scant attention it has received in this Chamber and with all the new facts that have been intervening? What are we going to do with all the work the committee has done on the bill under circumstances like this?

Are we going to close our ears to this plea for a little time? I do not believe that the Senate will. I know that there was a time here when my request would not have been rejected. Thus, I lay this appeal before the Senate, now, and propose definitely that if the Senate will give us this time—I am not asking for any favors, this is not a personal matter, I repeat, but I do not hesitate to make this an official request—we will be ready.

As I say, the distinguished Senator from Maine (Mrs. SMITH) and I have had a briefing on this matter already, after the funeral services last Tuesday afternoon, and we put together what information we could. We called for more. So, we request that this matter go over until Tuesday. I would hope that a matter of this importance would deserve a vote up or down.

Is that too much to ask for?

Is it too much to ask for a vote of yea or nay on the merits?

A motion to table would only postpone, put off, make it necessary to go into rearguments of everything that is in the bill. We will, in addition, have to go through most of these things again on the procurement bill. I am not being critical of anyone about that. But at least give us the chance to complete the facts and then the Senate can make its judgment. I do not believe that the Senate will turn down this mild request.

Let me put it this way: I appeal to you on behalf of the committee that, if a motion to table is made, the Senate will vote against it, for the sole and only reason, if for no other, than to provide for a little delay which will give the committee the opportunity to bring the full, additional facts as they bear upon this subject, to all Senators.

For Senators not now in the Chamber, I want the opportunity to talk to every one of them on the telephone if they are in the city, so that they will know before they vote that regardless of everything there is a demand for a decision now that could be decisive on the whole bill with no chance to develop the facts—a demand that the whole thing be disposed of now. I do not believe the Senate will do it. I do not believe that any committee will want to be treated this way.

As far as I am concerned, they never will be treated this way. Senators do not owe me anything. Let me emphasize that again. I owe the Senate everything. So it does not make any difference to me which Member of the Senate may want to go forward at this time. I am telling Senators under my own responsibilities as a fellow Senator, and as one who is familiar with the facts, that these facts need to be developed further. We can come in here next Tuesday, I hope, or Monday, if we must. I hope there will not be a motion to table. However, if there needs to be some assurance of some kind in order to present the facts, I would submit that is all I would ask for. I believe that we will be saving time. We will be doing the sound thing regardless of whichever way the vote goes.

I do not buy these arguments that it is inconvenient. I would like to accommodate every Senator. However, when one accommodates one Senator on one day he inconveniences another Senator another time.

I want to assure the Senate that there has been no agreement that there will be a vote. I could not agree to a vote on a motion to table when I am trying to develop these facts.

I am trying to develop these facts. I am, in effect, stating that we can be ready this coming Tuesday or Monday.

In the whip's notice, it is stated:

> I cannot be sure about votes on Thursday or Friday. The only thing I can be sure about is that the Senate should be alerted to a possible vote to table. There are indications that such a motion may be made tomorrow or Thursday.

That notice states exactly the way the situation has been. So no one is taken by surprise. I believe that there are additional facts that will be of interest to all Senators and of concern to most of us. They could well be determinative of the fate of the pending bill.

I repeat with emphasis that I want until Tuesday or Monday, whichever date will be selected in order to present those facts. I do appeal to every Member here to vote against a motion to table today, if for no other reason than just to give us a chance to develop the full facts upon these vital points that control the security of our Nation, our people, not because of some faraway land.

I hope that my aide can note those Senators who could not be present to hear this statement. I want time to call every one of them.

I thank the Senator.

Mr. MANSFIELD. Mr. President, if the Senate will allow me, this is not, of course, a personal matter. I can appreciate the defense of the committee which the distinguished chairman has put up. I want to assure him that that committee and all committees have my respect. However, I think there is an overriding factor which goes beyond a committee of an institution like the Senate and certainly beyond individual Senators. And that concerns a feeling for the people of the country, the ones who put us where we are, the ones whom we are here to serve. It is not a committee, it is not the Senate which is paramount. It is the people of the United States of America.

The Senator has stretched the point, I believe, when he quoted from the whip's notice—and technically he was correct. But the reason that the majority leader did not say definitely that the vote on a tabling motion would be on Thursday—and the vote was to be on tabling—was because unless we get an agreement nailed down, we have to allow ourselves a little opening, a little flexibility, so to speak.

And as far as the arguments which the Senator wants the Senate to hear, he gave them on yesterday. They are in the RECORD, and I think we all read the RECORD. He gave them today in part. And he will never have a bigger audience than he has right now.

I am aware of the pressures put on every Senator. I received a letter signed by the three service Secretaries. I am sure that every other Senator also did.

I read in the public press of the visit by Secretary Laird and members of the Joint Chiefs of Staff to the chairman of this committee and the ranking Republican member of the committee. That is fine. They are pushing their cause. They are probably trying to get a little more elbow room so that they can work a little longer, a little more assiduously, and a little more personally.

I have gotten communications from home. Oh, yes, I have gotten communications from the commander of the national American Legion. I will get more communications as the pressure mounts. However, these things bother me not at all, because it is the way the system works. However, the thing I believe in is not these telegrams or phone calls. I believe in the individual honesty and responsibility of every Senator here. And we are sent here to exercise our own best judgment and to make a determination on the basis of the facts and on the basis of our consciences

As far as the pressures are concerned, they can pressure me from now until doom's day, and I would not change my opinion on this one whit, because this is an important matter. There have been attempts to shove it to one side as if it did not exist. And a lot of people were willing to do it. This matter of Vietnam and Southeast Asia is too important to be shoved aside, and it will not be shoved aside.

I happened to read in the Washington Post of August 15, 1971, in the Outlook section, an article by Arthur Hadley. Arthur Hadley was a lieutenant platoon leader in Europe during the Second World War. He covered the Korean war as a Pentagon correspondent for Newsweek and later worked as an editor for the New York Herald Tribune. He recently spent 60 days in Vietnam.

I want to read, if I may, just the last three or four paragraphs of this rather lengthy article.

These paragraphs read:

> In Saigon the senior general paces back and forth. "Vietnam is a poison in our blood. It runs through our national life and infects us all. Those at home as well as those of us here. Will we learn from it? Will it have been worth it morally? That question has to be left to history."
>
> As my home bird jets me toward "Back in the world"—

That is what they call the United States in Vietnam—

> I have one overriding thought: I have been in hell and found most of the inhabitants there, contrary to popular belief, fine people. And this includes specifically the South Vietnamese, now in their 30th year of war. But all are trapped by a complexity too vast for them to understand, trapped in a ritual of boundless destruction. We and the enemy, partners together, dance, entombed by our opposing simplicities. So far, we are both unable to find the strength within ourselves to stop the music.
>
> I keep remembering the words of Lincoln's Second Inaugural Address: "Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph, and a result less fundamental and astounding."
>
> There is no way out of the Vietnam tragedy without pain; and we are all part of the action. Those most intimately involved deserve our anger only occasionally, our tears almost always.

When a motion is made to table, if agreement can be reached to vote it up or down, it is my intention, if the tabling motion is agreed to, to offer to the Senate for its consideration instructions to the conferees to reconsider the termination of the war amendment which passed in this body in June by an overwhelming majority. The only difference will be this: In view of the fact that 2½ months will have elapsed since the 1st of July, the beginning of the new fiscal year, it would be my intention to reduce the period from 9 months to 6½ months, approximately. I want to serve notice on the Senate that in my opinion this is the amendment.

It is my belief that what the distinguished Senator from Colorado wants to achieve may well be achieved in conference without specific instructions, though that is a matter for the Senator to decide. I make that statement on the basis of the speech which he made on Monday last.

So I would hope it would be possible to come to a vote this afternoon, but I am not unreasonable and I would be glad, if need be, and if the Senate approves, to consider another time—certainly not as long away as Tuesday, but a time certain. Like the Senator from Mississippi, I, too, recognize the fact that Senators will be absent for various reasons every day. I accept that regardless of how it would affect the outcome of the motion to table or the motion to approve or disapprove the conference report.

I will have more to say later, but I think the distinguished Senator from Colorado now should have his say.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I have listened with great interest to both the distinguished majority leader and the distinguished chairman of the Committee on Armed Services. We have perhaps one of the most unusual situations before the Senate today that we have ever had because we have a conference bill before us for adoption which contains three elements, all of them very diverse in their relationship and in their nature.

The first element is the draft bill itself. This is the bill which was the basic vehicle for this legislation reaching this point. I have tried to make it clear repeatedly that I favored and I do favor an extension of the draft for 2 years, because of my own work on the Defense Appropriations Subcommittee for 10 years, and also because I believe, contrary to some people, that instead of entering a period of complete detente we are entering a period which can be most critical to the United States; at least it can be very critical if we enter this period dependent wholly upon a situation where we are dependent upon volunteers under the present pay schedule.

The second element that is a part of this legislation, having become so by virtue of the rules in the Senate, is the Mansfield amendment. I did not vote for the Mansfield amendment and I do not believe in this type of amendment because I have full faith that the President, in the keeping of his promises as he has since he took office, will fulfill the basic requirements of that amendment anyway.

But more than that, I cannot see tying the hands of any Chief Executive when he is moving as fast and as rapidly toward the aims of that amendment as I believe any President, or any of those running today, or our present President, or even past Presidents could have moved.

Then there is the third element in this bill, and this is the one which has attracted my chief attention in this matter. I refer to the pay provision. I will not detain the Senate by repeating over and over the speech I made Monday. Senators are acquainted with it, and Senators know that the Allott amendment passed the Senate by a vote of 51 to 27 after the previous pay provisions of the House had been rejected by about the same amount. Then, when the conference report came back from the conference committee, we found that the people I wanted to help most by my provision, which adopted nothing of my own ideas, but adopted mainly the provisions of the Gates Commission on pay for officers and enlisted men, had been sort of scuttled. In fact, it had been scuttled. When I discovered, as it came back, that the enlisted men in the first four grades and first two officer grades would actually receive less compensation, even taking into consideration the tax provisions and the tax effects than they would have received under either the Senate bill or the House bill I made it known then that I would not vote for the conference report under those provisions.

In my speech Monday I made it very clear that I still was of that mind. I am concerned about the Senate, and I am concerned about this bill. We debated this bill from May 5 to June 24, which is at least 6 weeks, and maybe 7 weeks. On August 4 the conference report came back to the Senate.

I am concerned about our inability on the Senate floor to reach positions and reach decisions; to debate matters for a reasonable amount of time and then to show our will; to say: "We have debated this, we have discussed it, we have studied it, and it is now time to stand up and resolve these questions."

My own personal wishes at the moment are that we could vote up and down on the conference report. We obviously will not be able to vote up and down on the conference report at least for the present, and I do not know for how much time in the future.

In my speech Monday I stated that, in order to bring this matter to a resolution, I was prepared to offer a motion to table the present conference report.

Mr. President, there are other matters for consideration. The distinguished chairman of the Armed Services Committee has asked for time until Monday or Tuesday. I think it is very obvious that no one here, given the religious beliefs of some of our Members, would ask for a vote on Monday. I know I would not. That means, then, of certainty, either tomorrow or Tuesday.

On Monday morning I talked with the distinguished majority leader twice, I talked with the distinguished minority leader, and I talked with the chairman, the manager of the bill, in an attempt to arrive at some understanding of a reasonable time when we could vote. That is the reason why I said I did not preclude the matter of making a motion even on Tuesday.

Of course, we are now, from a practical reason, by reason of the various services attendant upon the loss of our dear friend in the Senate, Winston Prouty, on what is really the next legislative day. I did not offer the motion on Tuesday because of two things: One, the Senate was adjourned. It did not come back in session. That was not the main reason. The main reason was that I did feel that, after a month's absence, there should be a reasonable opportunity to discuss this matter.

This morning, time and again, mention has been made by my colleagues of pressures—they have been made to me and they have been made to others—that the executive branch has brought on us. In my opinion, the executive branch would be very remiss, and certainly not worthy of the confidence of the people, if they were as convinced as they seem to be about the draft, in not talking to Senators. So I take no stock in the fact that the executive branch has been talking to Senators at all. They did this in the case of former Presidents. They did it with this administration. I see nothing wrong with that. I am reminded of a former President—I believe it was President Truman—who said, "If you can't stand the heat, you had better get out of the kitchen."

So all these factors tend to bring to us the real issues that we have in mind.

Lastly I say this: My desire, first of all, would be to bring this matter to a vote up and down. In that event, as it now stands, I would have to vote against the conference report.

I must say that this morning I tried to explore other means, which have not been consummated, of separating the pay provisions of the conference report out of the conference report, so that we could then, in effect, vote on a motion to table or vote up and down on the conference report on the two other remaining main items, which would be the draft extension and the Mansfield amendment.

I had some encouragement, I might say, from the chairman, just before we started this session here, with repect to that. However, it will take more time than we have at the present moment to do that.

I might say, with respect to the absences of Senators, I have had commitments in my own State for months, literally—and I do say literally—for these 4 days of Thursday, Friday, Saturday, and Sunday. It was for that reason that I urged both the majority leader—who was kindly and understanding, as he always is—and the distinguished Senator from Mississippi to try to resolve this matter on Tuesday. I could not get assurances, and so I waited today.

I must say that unless I can receive some assurances which will assure me that we will have a reasonable opportunity to place the pay provisions in this bill into legislation this year, it is still my intention to offer a motion to table today, and I shall offer that, if these provisions or understandings and plans cannot be worked out, not later than 3 o'clock.

I cannot prevent any other Senator, I know—and I see some on the floor now conferring; we understand each other fully—from making such a motion. I would hope they would not make such a motion until the hour of 3, until time, I hope, when we will have been able to see if there is some way whereby we can eliminate the troublesome pay provisions from this particular bill. I am sorry that they ever got in there, but they are in there, and we are realists and we are faced with the fact.

As far as I am personally concerned, although it has greatly discommoded me, I think that every Senator is prepared to vote today; and I doubt if any votes will be changed by Monday. I have tried to make my position clear here.

I want to make one other thing extremely clear, and that is that during the pendency of this legislation between May 5 and June 24, I believe I spoke once or twice, and both times relatively briefly—in fact, very briefly. I cannot and I will not participate in a filibuster upon this conference report. I believe the Senate has reached the place where we have got to stand up and face our constituencies and face them eye to eye—if you want to use Dean Rusk's words, eyeball to eyeball—and say we are now prepared to resolve this situation.

I am concerned, as I said, about the draft extension. I am concerned about the pay provisions, and I am perfectly willing to talk, in the meantime, with my various colleagues here about methods and means of trying to effectively separate the pay provision issue, because we find ourselves in a very strange situation where Senators would support a motion to table without any really common cause with respect to the bill. There are three different elements, and that is the reason I talk about them, of this bill; and Senators would support a motion to table for three different reasons.

I hope I have explained my purpose. I do wish to ask the majority leader for some little extended time. The Senators who are here can vote, and whether or not I make the motion to table by 3 o'clock will depend upon whether or not it is possible to separate the pay provisions out, with assurances that we will get the pay reform which I think is so vitally necessary, and which is the reason why I have stated that I will not support the conference report in its present form.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. ALLOTT. I yield to the majority leader.

Mr. MANSFIELD. Do I understand the Senator to say that if he does not reach a reasonable agreement on his pay proposal, it is his intention to make a motion to lay on the table at 3 o'clock?

Mr. ALLOTT. I will say to the Senator that I am perfectly prepared to do that at 3 o'clock.

Mr. MANSFIELD. That takes it out of my hands.

Mr. STENNIS. Mr. President, if the Senator will yield, I did not understand the last statement the Senator made.

Mr. MANSFIELD. The question I raised was to the effect that, if I listened to the Senator correctly, he had said that if a reasonable agreement was not worked out on the matter of his main interest, a pay raise which would be more equitable to the lower ranking officers and enlisted men, whether it was his intention, if no agreement was worked out, to make a motion to table at 3 o'clock. His answer, I believe, was in the affirmative.

Mr. ALLOTT. The answer was that I was prepared to do so. But I see two Senators in the Chamber with whom I would like to discuss this matter, and both of them are prepared to offer a motion to table. I would like to have an opportunity to talk with them prior to that time, concerning the outcome of other arrangements.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. SCOTT. I would like to say, first of all, that I am in agreement with what the Senator from Colorado has said with regard to the desirability of voting the whole conference report up or down, and doing that, perhaps, on Tuesday, if we could be permitted to get to a vote. I would also hope that some means could be found to separate the pay raise controversy and some assurance given to the Senator from Colorado that a compromise pay-raise proposal satisfactory to him could be disposed of on some other bill, with the support of the committee and of the Senate.

I think that would help greatly, and I would not expect that the administration would be adverse to seeing some compromise on the pay raise worked out with the Senator from Colorado. It seems to me that that might be the way to avoid the embarrassment to the committee and to the Senate of having worked so long for so little purpose as would be the result if we were now to lay on the table this conference report.

I hope the conference report will not be tabled. I shall vote against tabling it. I would like to see us dispose of the matter in time, however, and I repeat that by far the best vote, the vote which truly expresses the will of individual Senators, would be a vote up or down on the conference report.

I thank the Senator.

Mr. ALLOTT. Mr. President, if I may have the attention of the Senator from Mississippi, I want to make my statement clear that I was prepared to do it.

I do wish to confer with certain Senators now in the Chamber with whom I have had previous conversations. I want to explain my position to them, and tell them what I have in mind. This is not in derogation of any understandings or definitive understandings the Senator and I may have made.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. I gather from the remarks made by the distinguished Senator from Colorado and the comment by the distinguished minority leader that the possibilities of a reasonable agreement are pretty good.

Mr. ALLOTT. I could not say that at this point.

Mr. MANSFIELD. What I want to say is this: If the Senator from Colorado does not make a motion to table, then I think, barring the possibility of a straight up or down vote on the conference report, that I will; and I would like at this time to make a unanimous-consent request, if the two Senators will agree.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Does the Senator from Colorado yield for that purpose?

Mr. ALLOTT. I am happy to yield for that.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the conference report occur at 11 o'clock on Monday morning next.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. GRAVEL. Yes, there is objection, Mr. President. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLOTT. Mr. President, with all due respect, the Senator does not have the floor. I have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado has the floor. The Senator yielded for the purpose of a unanimous-consent request by the majority leader, to which objection was heard.

Mr. ALLOTT. Well, a man has to be recognized to object. I did not want to foreclose the Senator from Alaska; he has every right to object. But I just simply wanted to call to the attention of the majority leader that, due to the fact that Monday is a high holy day for some of our people, I would not think it would be an appropriate time to set a vote by unanimous-consent agreement, in any event.

Mr. GRAVEL. That was not the reason for my objection.

Mr. MANSFIELD. Mr. President, may I say that Monday is also a working day for the Senate, and it will be my intention to have the Senate in session on Monday. I am sure our brethren fully understand the situation, and we understand theirs.

Mr. GRAVEL. Mr. President, I object to the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I think what we have seen in the objection raised to the request is only an indication of what would occur if we tried to achieve an up or down vote on the conference report at this time. I think the Senate is pretty well aware of the fact that there will be a filibuster against the conference report. By how many, I do not know. For how long I have no idea.

But if I may have the attention of the distinguished chairman of the committee, the Senator from Mississippi, and the Senate, I should like to propose that a motion to lay on the table occur at the hour of 12 o'clock noon on Saturday next. I make such a unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. ALLOTT. Mr. President, reserving

the right to object, is this on the basis of a unanimous-consent request, or did the Senator make a motion?

Mr. MANSFIELD. A unanimous-consent request.

Mr. ALLOTT. If it is a unanimous-consent request, I shall have to object, for reasons I have stated before. I have canceled 4 days of appointments. I have not canceled them all entirely, but I have canceled, today, longstanding engagements and, if that is the only choice I have, I shall make the motion to table myself at an earlier time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, in an attempt to go a little further along the road of cooperation, we have found that a straight up or down vote is an impossibility in the immediate future. We have found, rather than a tabling motion this afternoon—stretched out to Saturday—that there was objection. I will make one more unanimous-consent request.

I ask unanimous consent that the vote on tabling—I think, perhaps, to be offered by the Senator from Montana if the Senator from Colorado is satisfied in the meantime—occur at 11 o'clock Monday morning next.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRANSTON. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Then, Mr. President, I do not know what more the leadership can do. We will have to play it by ear. If we cannot even get an agreement to vote on a tabling motion on Monday, then I think we are in a state of disarray. I do not want to go beyond Monday.

I am not at all averse to the administration or anyone else lobbying over the weekend. That is part of the way things operate in this country; and, if they did not do that, they could be faulted.

But the Senate is on notice that at any time from now on, a motion to table will be in order, and it is the right and privilege of every Senator, or any Senator, to offer such a motion at any time he or she sees fit.

Mr. STENNIS. Mr. President, will the Senator yield to me on that point?

Mr. MANSFIELD. I yield.

Mr. STENNIS. May I suggest to the Senator from Montana that possibly a little later he may be successful in a unanimous-consent request for Tuesday.

Mr. MANSFIELD. No.

Mr. STENNIS. I just want to call attention to that now, for consideration.

Mr. MANSFIELD. No. I told the Senator from Mississippi this morning that Tuesday was too far away. I have been under obligations and pressures for today. I do not intend to retreat any further. As a matter of fact, I think I have retreated too far already. But now we are back where we were at the beginning, and I have no complaints and no further offers to make.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, who has the floor?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Mr. President, in my opinion, the request by the majority leader or the willingness of the majority leader to have a vote on this matter at 11 a.m. on Monday is an eminently fair compromise between the positions stated with respect to this conference report.

I am opposed to this legislation. Because of my respect for the chairman of the Committee on Armed Services, if the request of the majority leader is approved I will not vote to table today, but would vote to table on Monday at 11 a.m. I would hope that those who are interested in the draft bill, and do not believe in it, would give that consideration.

Mr. MANSFIELD. I appreciate that.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOPER. Mr. President, I would like to say to the Senator from Montana and to the Senate that it seems evident from the discussion we have heard thus far today that there will not be a unanimous-consent agreement on time and that there may be a filibuster at some point on the conference report. I hope the filibuster will not occur, for in my view it is necessary that the draft extension bill be passed soon.

I hope the motion to table will be made either by the Senator from Montana (Mr. MANSFIELD), or by the Senator from Colorado (Mr. ALLOTT). The country understands their interest. They know Senator ALLOTT's interest in the pay provisions; and the country knows that Senator MANSFIELD's amendment is to express the sense of the Congress that our involvement in the war in Vietnam be brought to a close.

Any Senator may offer a motion to table. I hope the Senator from Montana will ask other Members of this body not to offer a motion to table and that only the Senator from Montana or the Senator from Colorado will offer the motion. Then our reasons for voting to table will be understood, and I intend to vote to table. The country will know our reasons, and they are justifiable reasons. I am not in favor of a filibuster, and I think it will be unfortunate if someone offers the motion in support of a filibuster.

Mr. MANSFIELD. Mr President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate will be in order. The Senator will not proceed until the Senate is in order.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Vermont.

Mr. AIKEN. I ask this question of the majority leader: Is there any other business to come before the Senate this fall, at this session?

Mr. MANSFIELD. A good deal.

Mr. AIKEN. If there is, I think we ought to settle the pending question without any further delay.

I join the Senator from Kentucky in expressing the hope that either the Senator from Montana or the Senator from Colorado will make the motion to table. If that motion is agreed to, as I understand, the conferees will meet again; and it appears to me that there is a much better opportunity to work out something with Members of the Senate in conference than there is by continuous wrangling on the floor of the Senate considering the vast program of lobbying which the administration seems to be putting on. A few days ago, I would have voted against tabling. Now, partly as a result of their crash program on Congress, I expect to vote to table since we are not getting anywhere here on the floor.

I realize that the conferees may not make progress either but at least this Senate could proceed with other work.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Mr. President, I am a little distressed about the magic of the hour of 11 o'clock. A subcommittee of the Committee on Commerce is just back from holding 2 full days of hearings in northern New England; and we find—it is an established fact—that there is absolutely no reliable air service north of Boston in the States of Vermont and New Hampshire. I believe the Senator from Vermont will substantiate that.

The Senator from New Hampshire is prepared to be here every day of the week; but, with serious illness in his family, it seems unfortunate to have to get up at 5 o'clock in the morning, which would be necessary, to drive my automobile to Boston in order to get here at the hour of 11. If it were the hour of 2 or 2:30 p.m., there would be no difficulty. I think other Senators might be involved.

I just want to call that to the attention of the majority leader, not as a personal favor to one Senator, but as a favor to a section of the country that I am going to proclaim at every point I can, whether germane or otherwise, is entitled to have a little reliable air service so that we can get to Washington to perform our duties and be here at 11 o'clock. It would be very difficult now.

Mr. AIKEN. Mr. President, will the Senator yield?

Mrs. MANSFIELD. I yield.

Mr. AIKEN. The Senator from New Hampshire has mentioned the unreliable air service to northern New England, and I wish to join him in echoing his expression. We do have a small feeder line which is doing the best it can under the circumstances and on a day-to-day basis, because it cannot be assured of being in business the day after tomorrow, if my understanding is correct. They are giving as good service as they can with small DeHaviland planes, which I understand are of British manufacture—a British plane because, as I understand further, the airplane manufacturers in this country simply are not interested in producing the kind of planes which would best serve our economy and which we are desperately in need of.

I do not doubt that we might have a use for a few 500-passenger planes but certainly not in Keene, Lebanon, Montpelier, Burlington, or even Bangor, Maine. So I think that this matter of an adequate air service is one which we should be concerned with. I understand that the Chairman of the CAB himself is concerned with it, but as long as we have got to put everything in the hands of Boeing, Lockheed, and other manufacturers who think in terms of 500-passenger planes, and in the hands of airlines who think in terms of getting a monopoly, I do not think the economy of this country will improve a great deal. I would like to get the pending business out of the way so that we can do something else. Possibly we might even find a way to improve the transportation systems of this country.

Mr. MANSFIELD. Mr. President, there is, as always, a great deal of merit to what the distinguished Senator from Vermont says. I was wondering whether it would not be possible to vote on the tabling motion at 3 o'clock or 4 o'clock this afternoon, with the time to be equally divided, let us say, from now until 4 o'clock, which would be 3 hours, or until 5 o'clock, which would be 4 hours.

If I make the motion to table, I would be willing to ask for only 5 minutes for the Senate amendment on the termination of the war, and give the rest of the time to the distinguished Senator from Mississippi (Mr. STENNIS).

There is other business to take care of. We have the very important military procurement bill which has piled up behind the conference report. I do not think it would take more than 3 hours for the Senator from Mississippi to give us the benefit of the information which he has acquired since September 1. With such good attendance of Senators in the Chamber now, perhaps this would be the best time to bring this matter to a head, to determine what the sentiment of the Senate is.

Mr. STENNIS. Mr. President, reserving the right to object, my point this morning was about the information. It is a followup effort to get more definite information and some projections as to how this thing will look 6 months from now without a draft bill. That is something we cannot toss up in the air. I would spend the weekend, along with other members of the committee, contacting knowledgeable people and getting statements from them in writing for the benefit of the Senate. That is my point.

Mr. MANSFIELD. If the distinguished Senator from Mississippi will allow me to inquire, on my own time: What has the Defense Department been doing since the 1st of July when the present extension of the Selective Service Act expired? What has the Selective Service Administration been doing since the 1st of July when the extension of the Selective Service Act expired?

How come they need a weekend to bring the information up to date which they should have been accumulating over the past few months?

Mr. STENNIS. Reserving the right to object, I have not made myself clear. They have had an intensified recruiting program during that period, although they expected the bill to pass, which it did not. Now the point I am trying to get to, is: what has been the trend with reference to numbers, and what has been the trend with reference to quality, without the inducement of a draft law being on the books and, if that situation continues, what will be the likely situation 6 months from now, after the draft law has been off the books? Those are crucial and critical questions. It takes some time to get the pertinent facts in presentable form, which is what I am trying to do here, on Monday or Tuesday, whichever would be decided on. We just have to have time, that is all. We have to have a little time. I have already given some of this information to the Senate.

Mr. MANSFIELD. Yes, I have got it. But, may I point out, the issue is the termination of the war in Indochina, not so much the extension of the draft per se, but the release of all POW's and, wherever identifiable, those missing in action on the one hand and the termination of the war on the other, which after all, is the administration's objective, so I understand. The third factor, I think, has gone out the window. That additional factor was to give the Government of Vietnam, and I quote, a reasonable chance to survive, unquote. That is down the drain now. They have got a a one-man democracy there now [laughter] in Mr. Thieu. It would be great if we operated on that basis here. [Laughter.]

The administration has tied the release of prisoners of war to the termination of the war. The Senate amendment says the same thing. We want to work in cooperation with the administration but, unfortunately, there are too many times when someone offers a suggestion here in good faith and we are looked upon as adversaries when we are trying to cooperate and to be helpful. Here is an amendment which passed the Senate by a vote of 61 to 38, an overwhelming vote of support by this body in backing of a cooperative and helpful amendment.

The big question is not the draft. The big question is the Senate amendment, seeking to bring about the release of prisoners of war, and a termination of the war, both at the same time. That is what we have heard time and time again in this country. We either mean it or we do not mean it. To use an outworn phrase, "It is time to fish or cut bait."

Mr. STENNIS. Mr. President, reserving the right to object, the Senator——

Mr. MANSFIELD. I made no request——

Mr. STENNIS. I thought the Senator had.

Mr. MANSFIELD. No. No.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. STENNIS. Let me say that the Senator speaks well on this point, which is a part of the bill, but also in the bill is the fundamental question of the draft. It is a draft bill. That is the primary part of it. The Senate has voted on the Senator's amendment. I have said many times that I respect that. There are other ways, too, to secure vote on that, which will doubtless happen. But now, in getting to the facts that pertain to a major part of this draft bill, I am saying that we need this additional time. That is my request. That is the basis for it. That is the only thing. Then we can vote on all of them together. As to the development mentioned by the Senator from Colorado (Mr. ALLOTT), I want a chance to look into that a little here. These are important questions. So I am asking, the Senator has not requested this vote at 3 o'clock?

Mr. MANSFIELD. Five. Five.

Mr. STENNIS. I am just not able to get the facts here. We are not able to do so. I think, also, that the membership is entitled to some kind of additional notice. This is too short a time. I hope that the Senator from Montana will pursue his efforts with reference to a vote on Monday, and I will have nothing more to say about the time of the voting.

Mr. MANSFIELD. Would the Senator consider voting at 5 o'clock with a 4-hour limitation, with 3 hours and 45 minutes given to the Senator from Mississippi and 15 minutes to the Senator from Montana?

Mr. STENNIS. Reserving the right to object, it is not a matter of time for debate now. That is not the bind that I am in. The bind is that we have not had a chance to develop the facts that I believe will be fully revealing.

That is not the request I make. I am asking for next Monday. I hope that the Senator will not pursue his request for today.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I have already prefaced my remarks as to what I would do with respect to the position taken by the able majority leader. Now that has changed. Would the able majority leader consider voting tomorrow at 11 o'clock, Friday?

Mr. MANSFIELD. I personally would be delighted to vote today or tomorrow, but there are——

Mr. ALLOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. Mr. President, I would have to say that I would have to object.

Mr. MANSFIELD. Of course, we know that it really does not take unanimous consent. That is understood. A motion to table can be made by any Senator at any time. The idea is to try to be as reasonable as possible. It places the Senator from Montana in a most difficult position. Frankly, I do not care how much lobbying any organization or any administration does. I do not care how any Member of the Senate votes, because that is his responsibility. However, I do care how I vote. And all I want is a chance to test the sentiment of the Senate.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, all I want is a chance to test the sentiment of the Senate so that we can then determine where we go and how. This bill is not going to be disposed of quickly under any circumstances, whether it is tabled or not. However, the possibility of an up and down vote is pretty remote at the present time.

I was wondering—if I could have the attention of the distinguished manager of the bill—if the manager of the bill could get most of his explanation out of the way this afternoon and some of it on tomorrow. And if no one makes a motion to table this afternoon, tomorrow we could go back to the Military Procurement bill and dispose of some of the amendments attached thereto and do the same on Saturday as well.

Mr. STENNIS. Mr. President, I would very readily agree to that. I would be glad to do that. I think I should agree to it. That would give us a chance to get into these matters further with respect to the draft bill. I would be ready.

Mr. ALLOTT. Mr. President, would the distinguished Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. Mr. President, under the circumstances, I would have to object to a motion and a vote today, tomorrow, or the next day.

Mr. MANSFIELD. On what?

Mr. ALLOTT. On agreement to a motion to table to be presented at a given time. The Senator is fully aware of the situation I am in.

Mr. MANSFIELD. Mr. President, I suppose that would give the administration time enough to mend its fences if we go to the procurement bill.

Mr. STENNIS. Mr. President, let me say that the Senator said he has been under pressure and that Mr. Laird had been to see me.

Mr. MANSFIELD. No. I have been referring to communications I have been receiving.

Mr. STENNIS. It has been stated that the Secretary had visited with us. I have not seen Mr. Laird since we returned here.

I asked that these Secretaries and Chiefs of Staff come over and talk to me and to the Senator from Maine about these facts. That is what happened. And that is where I go to find the facts and the information.

Mr. MANSFIELD. Mr. President, I find no fault with that. It was recorded in the public press.

Mr. STENNIS. Mr. President, speaking of the point the Senator made, he referred to the fact that the Secretary had been to see the chairman of the committee, and so forth.

Mr. MANSFIELD. I am glad to be corrected.

Mr. President, after this moment of silence. I think I will yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GAMBRELL. Mr. President, I have listened with some concern to the colloquy which has been going on here for approximately 2 hours in an effort to achieve some resolution of the various parliamentary and other questions that face the Senate. Actually, as I have heard it said on both sides of the question that has been discussed, what is needed is a vote up or down on the two issues—one being the extension of the draft bill, and the other being the so-called Mansfield amendment.

During the morning hour this morning I introduced a Senate joint resolution containing in identical terms the original Mansfield resolution as it was added by amendment to the bill on the extension of the draft. At that time I asked that that joint resolution be read once and that it not be read a second time so that it would lay over until tomorrow.

My thought in doing that was to give us an opportunity to consider during today whether we wanted to get a quick vote on the Mansfield amendment separately and apart from its locked-in position with the extension of the draft measure. Personally, I supported the extension of the draft. I also supported the Mansfield amendment. And I am very dissatisfied with its terms as they are contained in the conference report.

I do not want to vote for a watered down Mansfield amendment. I have therefore introduced the Senate joint resolution and would like to consider tomorrow the possibilities of a unanimous consent agreement to place the measure on the calendar without its being referred to the committee, getting a fairly early vote on that joint resolution, alternatively objecting to further consideration of the measure so that it would automatically be placed on the calendar for an early vote, or the possibility which I have mentioned with the chairman of the Foreign Relations Committee of letting the measure be referred to the Foreign Relations Committee with the understanding that it will be reported back to the floor at a fairly early date, presumably during the period of time when a filibuster will be in progress on the extension of the draft measure itself.

In any of these three events, we might have the opportunity for an early consideration of the Mansfield amendment and the principle thereof of terminating our combat role in Vietnam, which I think is a big hangup in what we are talking about.

Everyone knows where everyone stands. The question is how do we get to a decision and how do we get to a vote in the Senate on these two issues.

From my point of view, it is intolerable to have to vote for something that I want and, at the same time, have to vote for something that I do not want. This is true either way I vote on the motion to table.

It seems to me that the Senate could easily agree to separate the two issues, voting on both of them immediately and send both questions back to the House and let them dispose of the matter as they will. I can hardly conceive the House refusing to pass a draft bill without the Mansfield amendment in it or refusing to adopt the Mansfield amendment if it were taken up by itself. But that is their business and not ours.

So I suggest that Senators give consideration to what disposition might be made of the resolution I have offered between now and tomorrow morning so that I might have the guidance of what the sense of the Senate will be with respect to whether they do want an early vote on the Mansfield amendment or prefer to keep wallowing along with various technicalities and maneuvers in an effort to keep everybody in a box on one question or another.

If Members of the Senate would, I suggest they give careful and thoughtful consideration to this matter in the hope that the people of this country may know where this body stands on each of those questions.

Mr. President, with that I yield the floor.

Mr. McCLELLAN. Mr. President, I just want to express the hope that if there is going to be a motion to table the pending conference report today that that motion be made so that a vote can be had not later than 4 o'clock this afternoon. I am not pressing for such a motion or asking that it be delayed, but there is an effort here to try to accommodate different Senators and my thought is that if there is going to be a motion to table today everyone knows how he will vote at 4 o'clock as well as at 5 o'clock. I express the hope the motion will be made so that a vote can be had not later than 4 o'clock this afternoon.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I have listened with a great deal of interest to the comments which have been made by various of my colleagues. Particularly, I concur with the recent comments of the Senator from Arkansas.

In an attempt to try to narrow the range of what we are talking about, it will be my intention, if by 11 o'clock tomorrow there has been no resolution of this matter, to offer a motion to table at that time; but it is my hope that we will be able to dispose of the matter today. To that extent I agree with the comments of the Senator from Montana.

The issue has been well discussed and well explored. There is no reason why we should not be able to wrap it up with some additional discussion and get on with the vote.

Personally, I disagree with the amendment of the Senator from Montana and also with those who would prolong the debate and not resolve the issue of the draft. Similarly I disagree with those who are trying to bring about a volunteer army. But let us vote on these matters this afternoon.

If by 11 o'clock tomorrow the matter has not been resolved it will be my intention to make a motion to table.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. McCLELLAN. Does the Senator from Connecticut agree with me that there is no need for further debate on a motion to table?

Mr. WEICKER. I concur with the Senator.

Mr. McCLELLAND. I think everybody knows by now how he would vote at 4 o'clock or 5 o'clock this afternoon.

Mr. WEICKER. I concur with the Senator.

Mr. McCLELLAND. If there is to be such a motion let us get it over with. Let the Senate exercise its will on that particular issue. If the motion carries, that would end it. If it does not carry Senators would have the same opportunity they have now to continue the matter.

With respect to trying to accommodate this Senator or that Senator, or someone who cannot be here tomorrow, I cannot be here tomorrow. If anything can be gained constructively by delaying a motion to table I would be perfectly agreeable and if I cannot make arrangements to be here I would have to suffer that inconvenience.

But it would seem to me that every Senator knows by now if he wants to table this matter or keep it open. I hope the leadership, those interested in this matter, and those advocating one position or another with respect to a motion to table let us get to the motion and get it over with.

Mr. WEICKER. I concur with my colleague. I wish to make one additional point.

Personally, I will fight to defeat a motion to table, and if we prevail, fine; but on the other hand, if a motion to table comes to pass, let us get this matter back to conference as soon as possible in order to get it back to the floor of the Senate because I believe this delay is costing the Nation very dearly in security. Either way I think the cause of the Nation is best served by having the matter voted upon immediately.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. TOWER. I would suggest that the Senator not expect rapid accommodation by the House conferees, if the matter should go back to conference. I think a couple of days would not hurt us much, having going through a lengthy conference with the House and chipping away at adamant positions of the House. It will be no bed of roses if the matter goes back to conference, and the greater probability is that there will be no draft bill.

Mr. WEICKER. The Senator and I are not in disagreement in support of work done by the Senator from Texas and his colleagues. But for the very reasons he stated I know the Senator will have a rough row to hoe and will need as much time as possible to resolve our differences with the house.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, rule XXXIII of the Standing Rules of the Senate provides that the privilege of the floor be accorded to clerks to Senators if such clerks desire admission when in the actual discharge of their official duties. There is a gallery set aside here especially for clerks to Senators, and it is the Northeast Gallery.

Yet, there are clerks to Senators on the floor at the present time who obviously are not here carrying out such official duties as could not be performed just as well in the gallery which is set aside for staff people.

I ask that the Chair require the Sergeant at Arms to enforce the rule that clerks to Senators be admitted to the floor only when in the actual discharge of official duties to their Senators. When their Senators are not here, obviously such clerks are not here on the floor in the actual discharge of such official duties as cannot be just as well discharged by observing from the vantage point of the special gallery.

I have noticed clerks sitting for a long period in the Chamber today whose Senators are absent from the city. I ask the Chair to require the Sergeant at Arms to enforce the rule. This does not mean that a clerk to any Senator cannot be admitted to the floor for a brief period in order to bring a message to someone in the Chamber, or, if his own Senator is on the floor, to discuss whatever matters with his Senator as may require that staff member's presence on the floor. This, of course, qualifies him for admission. But obviously there are clerks now in the Chamber who are just here as observers today, and they can do this just as well from the Northeast Gallery. I ask that the Standing Rule be enforced.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield to the distinguished Senator.

Mr. TOWER. Would the Senator be flexible enough in his insistence so that he would allow some license to those of us who are members of committee and who sometimes require staff members on the floor? We do not know exactly when we will be called away, and we have to leave the floor for some time if we have committee responsibilities. Will the Senator allow us some flexibility on that?

Mr. BYRD of West Virginia. Of course, it is not a matter of my allowing anything, I say most respectfully to the able Senator. It is a matter of rule XXXIII being enforced. If a Senator is on the floor and wants to have a clerk on the floor, he is entitled to have that clerk on the floor; but it is not apparently absolutely necessary that clerks of Senators be seated for long periods in the rear of the Chamber when their Senators are absent from the floor. Senate staff people have a gallery which is set aside entirely for them and for them only. No one else is allowed to be seated in that special gallery. Senate clerks are given permission to take notes in that gallery. If Senators will use microphones, as they are supposed to do, the clerks in the galleries will hear them just as well or better.

Mr. President, I ask that the standing rule be enforced.

The PRESIDING OFFICER. The Chair asks the Sergeant at Arms to enforce the rule.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may make a tabling motion, with a vote on it to be held at 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I wish the Senator would withhold his motion. There is a lot of interest in this matter, as he understands. He already knows the situation that I am in and that the committee is in. There is a lot of discussion going on now that might have some meaning and might not. I am sure the Senator has already heard my plea here for just a little more time to develop some very relevant facts.

I thought it was agreed by all that if there was going to be a tabling motion made, there would be some notice given and some reasonable time for discussion of the facts

Mr. JAVITS. Mr. President, is there a unanimous-consent request pending?

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. JAVITS. Mr. President, I reserve an objection to it. I do not know what it is. The minority leadership is not here. Would the Senator inform me?

The PRESIDING OFFICER. Would the Senator from California repeat his unanimous-consent request?

Mr. CRANSTON. Yes. I ask unanimous consent that I may make a motion to table, the vote to be at 2 o'clock.

Mr. WEICKER and other Senators objected.

The PRESIDING OFFICER. Objection is heard.

Mr. CRANSTON. Mr. President, I will speak until 2 o'clock and then I will make a motion to table at that time.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. CRANSTON. I fully understand the position of the chairman of the committee, and his desire to get further facts before the Senate. However, it seems to me that in all the time that has elapsed—something like 80 days now since we had the draft suspended at midnight on June 30—there has been adequate time for all information, all analyses, and all facts to be presented to Senators, to be worked out by the Pentagon and by others and presented to the Senate, and considered also by our constituencies who have been in touch with us on this very vital issue. I do not believe that it will serve any great purpose to delay further coming to grips with this matter. I do not believe that we need to give further time for those who are fearful of having a vote today to have more time to reach people in the Senate with a rehashing of old arguments.

It has been made quite evident that without the draft, enlistments have gone up. To the surprise of the Pentagon, there has been a quite dramatic increase in enlistments without the draft. The Pentagon seeks to look into the minds of those who have enlisted despite the absence of the pressure of the draft, and seeks to explain their enlistment by saying that they were afraid they would be drafted, that the pressure of the draft—though there is no pressure of the draft at this time—was the reason for their deciding to enlist.

I do not believe that these young Americans are that unaware of what has been happening. They are able to read newspapers, to watch television, and to listen to the radio. By these methods and by word of mouth, I am sure that they are quite well aware that the draft is in suspension at the present time.

The figures on the increase in enlistments that have occurred without the pressure of the draft are quite surprising, not only to the Pentagon but to others. Those figures, which I should like to represent for the consideration of the Senate, indicate a great increase in the number of enlistments this year over last year, month by month. Monthly acquisitions are even higher than last year, although the Army is dropping the force level. Even without the draft, July and August have total acquisitions far higher than in the same months last year. The training establishment plainly cannot be lying fallow, since total acquisitions are up to those in comparable months in a prior time.

The reasons for opposing the draft by those who do are many. I oppose the the draft, although I supported the draft in prior times—for example, during World War II, when I myself enlisted, and during the time of the Korean conflict, when we faced an international situation that was totally different from the one that we face at the present time.

At the present time, we are fighting the longest, the most unpopular, and the most destructive war in the history of our country. It is a war that has deeply divided the people. I believe that American youth, like others, are patriotic, that they will serve their country when their country needs them, and that we can rely upon them to serve, when we have a manpower need, primarily by voluntary methods.

However, if there is a crisis where we need massive manpower, as we did in World War II, then quite plainly a draft is in order. But at a time when we are not facing that sort of a crisis, at a time when we are engaged in the most unpopular war in our history, when we have hundreds of thousands of men in Vietnam who should not be in Vietnam, in accordance with the overwhelming viewpoint of the American public, at a time when we have many more men in NATO than we should have there, at a time when we have many more men in other provocative outposts than we need have there, at a time when many men in uniform are performing functions and services that might more wisely and better be performed by civil servants and people not in military uniform, why do we need such massive manpower?

I say we do not. I am utterly convinced that we can meet our real, true manpower needs by volunteer methods at the present time, and certainly it is more consistent with democracy to use persuasion and voluntarism rather than force. The compulsion of force should only be used, in our democracy, when absolutely necessary, and there is no evidence that force is needed at the present time.

That, basically, is my reason for opposing the draft itself. I oppose this particular measure for other reasons that are shared by a great many Members of this body.

I supported the Mansfield amendment in its original, strong version. I oppose the watered-down version that is before us in the present measure. The Mansfield amendment in its original form was the first forceful step that either body in this Congress managed to take adverse to our continued involvement in the Vietnam war. I see no reason for a Senate that actually had 61 votes cast for that amendment in its final form to accept the quite meaningless measure that emerged from the conference committee and is now before this body. That to me, and I know to many other Senators, is a compelling reason for opposing the conference report.

I also feel very strongly about the pay raise. We need to pay people in the Armed Forces more. We need, most of all, to pay them more in the lower echelons. There again, unfortunately, the conference report came back, shockingly, with a figure on pay lower than that adopted by either the House of Representatives or the Senate, and an increase in pay that is inadequate to the needs and unfair to those who serve our country in the Armed Forces, which should not be accepted by this body.

I therefore have worked closely with the Senator from Colorado (Mr. ALLOTT), the distinguished chairman of the Republican Policy Committee, in support of his original amendment, in his efforts to find one way or another to get a reasonable and fair pay raise back into this bill. He has offered what I think is a very sound and wise compromise, which actually would mean less expenditure in the current fiscal year than either the old House version, the old Senate version, or the current conference report, and for that reason I support that effort by Senator ALLOTT.

I am also very deeply disturbed about another aspect of the bill. That is the conscientious objector provision, where the Senator from Pennsylvania (Mr. SCHWEIKER) and I, and others, were deeply concerned about the fact that a court decision led to a situation where young men who did not understand that it was necessary for them to apply for conscientious objector status before they received their induction notices could no longer seek conscientious objector status until after they were inducted into the Armed Forces.

Certain Americans find induction into the Armed Forces at the present time contrary to their religious beliefs. This is particularly true of the members of the Amish sect in Pennsylvania and elsewhere. This has led to a situation in which, unhappily, many young Americans are confronted with the choice of either defying the law of the land they love or defying their consciences and their religious beliefs. I do not believe that we should subject young Americans to that totally unhappy and unacceptable choice. That is another reason why this bill should go back to conference, in an effort to straighten out that unfortunate aspect of the current version of the pending measure.

Mr. President, I yield to the Senator from California (Mr. TUNNEY), without losing my right to the floor. I yield for a question.

Mr. TOWER. Mr. President, a point of order.

Mr. CRANSTON. I yield to the Senator from California for a question and not for any other reason.

The PRESIDING OFFICER. The Senator from California is entitled to yield for a question, and that is in order.

Mr. TUNNEY. Mr. President, I should like to ask my distinguished senior colleague from California if it is not his feeling that if we pass this draft bill without the Mansfield amendment in it, in a very real sense we have lost our greatest opportunity in this session of Congress to be able to force the executive branch to withdraw all American troops from Vietnam?

It is quite clear to me that, as we have been moving for the past several years in Vietnam, there has been substantial disenchantment on the part of many Americans, including many Senators and Representatives, who have felt that they did not have any real power to effect a change of that national policy. It seems quite clear to me that the draft bill represents the most important instrumentality we have, those of us who feel that this disastrous war has to come to an end, that it represents the only way we can effect a change in that national policy.

I ask my senior colleague from California if he agrees that by tying the Mansfield amendment to this draft bill, we, as Congress, can implement a policy objective to get out of Vietnam that should have been implemented long ago?

Mr. CRANSTON. Mr. President, I am grateful to my colleague for asking a question that is the most relevant question, in the minds of many Americans, to the present situation in the Senate in relation to this bill.

I believe that he is absolutely correct—that by opposing adoption of the pending conference report until we get a measure back that has the Mansfield amendment in its original form available to us for a vote upon it, we are in the strongest possible position we can be in relation to using the strength that we are given as U.S. Senators to fight against the Vietnam war. That is fundamental among the reasons for my taking the position I have taken in relation to this measure.

Mr. TUNNEY. Will the Senator yield further for a question?

Mr. CRANSTON. I yield.

Mr. TUNNEY. I think my distinguished colleague knows that he and I have had a different position with regard to the draft itself. I have felt that we should have a civilian army. It has been my opinion that a volunteer Army, in the long run, could be quite dangerous to the best interests of the United States. I recognize that there are very strong arguments on both sides of that issue, very strong arguments as to whether or not a volunteer Army would make it easier to become involved in wars or make it more difficult to become involved.

I ask my senior colleague if he agrees that this is not an issue as to whether or not one favors a volunteer Army or does not favor a volunteer Army, but the issue we are talking about is whether or not we are going to bring the war in Vietnam to a close, and that the way it will be brought to a close is by having the Mansfield amendment a part of this legislation.

Mr. CRANSTON. That is absolutely correct.

My very effective colleague from California and I agree on virtually all issues that come to this body, and we work very closely on behalf of State, National, and world issues. One issue on which we differ is that of the volunteer Army. He is against it; I am for it. But we are together in our position on this conference report, in opposition to it, because we also have strong feelings that we share about the Vietnam war.

We agree that the most effective way to speed our exit from the Vietnam war is to oppose the pending conference report and to demand a conference report that we can support, or that certain Senators can support, that includes a strong version of the Mansfield amendment, hopefully, with a shortened time sequence, taking account of all the time that has passed—2½ months—since the original Mansfield amendment was adopted. The original amendment called for 9 months in which to get out of Vietnam. I hope that we will be able to vote upon an amendment that calls for 6½ months in which to get out of Vietnam, since 2½ months have elapsed since then, inasmuch as the Nation and the world and our so-called allies in South Vietnam have been aware of this position in the Senate and recognize that the end of the war is desired by a majority in this body.

Since I announced that I would make a tabling motion at 2 o'clock, I have received various communications from various Members of the Senate; and if the majority leader desires that I yield to him at this point, I will do so.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the suggestion made, and I am also happy to note that the distinguished chairman of the Committee on Armed Services is on the floor at this moment.

It has come to my attention that the distinguished Senator from California had indicated that he was going to make a tabling motion at 2 o'clock. The Senator will recall that he came to see me about it. I advised him against it, but I said, "As a Senator, you have the right to do whatever you wish." He said he would think it over.

Since coming into the Chamber, I have been informed that another Senator, the distinguished Senator from Connecticut (Mr. WEICKER), stated publicly that he thought that was too soon, but that he was prepared to offer a tabling motion at 11 o'clock tomorrow morning.

I think I should serve notice, in view of the circumstances which tie my hands, that I will offer a motion to table at 11 o'clock, or sometime shortly thereafter, tomorrow. All Senators should be on notice that that is what will happen. I hope they will understand the situation which developed and accept it on the basis of the facts which can be read in the RECORD.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. The Senator from California has the floor.

Mr. CRANSTON. Mr. President, a Senator, as every other human being, has a right to change his mind. In view of the statement of the majority leader, I have changed my mind, and I will not make a tabling motion at 2 o'clock.

Mr. MANSFIELD. Does the Senator from Mississippi seek recognition?

Mr. STENNIS. Yes. Mr. President, I ask for the floor.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. I thank the Chair.

Mr. President, I propose to review somewhat the similar statement I made on the situation yesterday, when so many of the Members were engaged in other matters and did not have a chance to be in the Chamber.

I know that the time comes in every debate when the membership feels it has heard enough discussion, feels it knows the facts, has had a chance to weigh the issues and facts, and is able to make up its own mind. Frequently, that is entirely true, but due to the circumstances I outlined this morning, we have had an excellent opportunity to find out where we are if we undertake to go into an all-volunteer service without any transition period or any preparation.

There is a great difference of opinion as to which system is the best. Each has its virtues. There is a great difference of opinion as to how we could go from one to the other; but, Mr. President, I believe that the overwhelming logic and the facts are that if we are going into a volunteer army, we must have a transition period for the all volunteer system. We must have a transition period. That is exactly what this bill has undertaken. It carries the volunteer service concept, with a 2-year selective service or draft period, in order to make the transition.

In my opinion, it will be tragic if we fail to provide this 2-year transition period through the processes of a Selective Service Act extension.

I was never more serious than I am now in saying that this matter is being kicked around, what with having extraneous matters brought into the bill, like the Mansfield amendment about the war. It has had such difficult sailing already in this body and in the House of Representatives. It had a tough go in conference, so that frankly I believe, if we go to defeating the conference report on a motion to table, instead of getting out of the woods we will be getting in deeper. The confusion will be greater and more uncertain, and the time will be more remote when we will be able to pass a Selective Service Act.

I am certain in my mind, as I say, that we can go along without the draft for 6, 8, or 12 months, but we will have to go back into it. There is no other way to keep the services going without a Selective Service Act extension.

That is why I urge again and again, with all the earnestness that I possess, that we lay aside other matters for the time being, and take what we have in the form of the Mansfield amendment—take that along with the rest of the bill and let us pass it and let it become law. Then we can go back and supplement the salary scale, if that is what appears to be needed or, pass additional Mansfield amendments on the war with more strength in them. Those options are always open to us. A new Member of this body, well versed in such affairs, filed a joint resolution this morning on that very subject.

But, back to the real point at issue, the question now is: What can we do with reference to the conference report?

I submit that there is nothing we can do except to take it or leave it. It has reached that stage in its legislative life where a vote should be taken for it. If other Senators do not want to vote for it, they can vote against it, of course. That is why I was urging this morning that we proceed under the rules of the Senate, and, if necessary, file a petition on cloture to cut off debate after a reasonable period, and then vote this matter up or down. That has been rejected, but I refer to it in passing.

Now we come to the next step, whether we actually are going to approve the conference report. It happens that we have the finest kind of guideline available to us for getting information, which, while it is not complete yet, is a full analysis and the weighing of what has happened in the 75 days which have just passed since the power of the President to induct expired. That is not a long period. It is not enough to prove a great deal conclusively, but the indications are already clear. It is like a fine baseball pitcher. One can tell during his first inning about how he will be for that day against that particular team. The first inning has not been completed, but it is in progress, and the balls are being hit and fielded, and we know something about how it will work out.

Experienced men who have been working on this very matter do not take the situation lightly. What the facts reveal, they can understand. Already, there is additional information that was not available until after the 75-day period, we have been given it this week and it had to be hurriedly analyzed. I say for the benefit of Senators who happened not to be here this morning, that the distinguished Senator from Maine (Mrs. SMITH) and I informally asked the secretaries of the services with whatever personnel aides they needed, plus the chiefs of staff of the four services, to come over informally to the committee room. We had our staff prepare questions which were of concern to us; we telephoned some questions over to them and told them to bring over such other data as we would require.

We have given the Senate the benefit of all the information we could on that basis, and there is additional light, additional facts, additional information as to how this will work without a draft bill in effect.

That was my plea here, to give us time—not to give us anything but time for the committee to complete this information, a rundown on the trends which are developing, to give us time to be able to make a final check with projections and prospective estimates into the future, as to how this matter will work out. But we already know enough to say that during that brief time the percentage of the high school graduates that the services are getting is decreasing without the pressure of an active selective service act.

This 75-day period has been a time when it has been assumed by most everyone that the draft act would be extended and that further calls would be made. So, an indirect pressure still applies. These are days in which, without direct pressure, these matters are still playing a part in the so-called volunteer enlistments in the services—not in one, but in all of them. This trend has developed so rapidly that in the Army about 35 percent of these new men that have been coming in since the draft act has expired are at the lowest possible level of intelligence, aptitude, and learning that it is possible to have and still be acceptable in the service. That has already happened. Thirty-five percent of the men that they are now able to get are in that lowest possible category.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that, without losing my right to the floor, I be permitted to yield to the Senator from Florida (Mr. CHILES) for such purposes as he may have in mind, including perhaps a recess, and that at the termination of his remarks I still have the floor.

Mr. HUGHES. Mr. President, reserving the right to object, and I shall not object, might I inquire of the Senator from Mississippi the purpose of the request?

Mr. STENNIS. It relates to some guests that are present on the floor.

Mr. HUGHES. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE PARLIAMENT OF THE DOMINICAN REPUBLIC

Mr. CHILES. Mr. President, I thank the distinguished Senator from Mississippi, the chairman of the committee, for yielding this time.

Mr. President, it is my distinct pleasure to be able to present to the Senate a delegation from the Dominican Republic, consisting of members of the Chamber of Deputies and a member of the Senate from the Dominican Republic.

These distinguished guests are visiting in Washington and today have been the guests of the Foreign Relations Committee at a luncheon.

I also ask unanimous consent to have printed at this point in the RECORD the names of the visitors and short biographies of the visitors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUESTS FROM THE DOMINICAN REPUBLIC

Dr. Emigdio Garcia Aquino, Vice President of the Chamber of Deputies.

Dr. Ramon Gonzalez Perez, Member of Chamber of Deputies and Foreign Relations Committee.

Mr. Jose Virgilio Alvarez, Member of Chamber of Deputies and Industry and Commerce Committee.

Mr. Juan Vargas Aquino, Member of Chamber of Deputies and President of Public Works Committee.

Ing. Helvio Rodriguez, Member of the Senate.

BIOGRAPHIES OF GUESTS

Dr. Emigdio Garcia Aquino, Vice President of the Chamber of Deputies: Elected to the Chamber of Deputies in 1966 and reelected in 1970. Political Party: *Partido Reformista. Born:* April 3, 1916, in Las Matas de Farfan, D.R. *Home Address:* Calle Guacanagarix 147, Ensanche Quisqueya, Santo Domingo, D.R. *Academic and Professional Training:* Lawyer and Notary Public; Graduate of Autonomous University of Santo Domingo. *Past Positions:* Teacher, Justice of the Peace, City Council President and Mayor of Las Matas de Farfan, and Member of the Dominican Delegation at the inauguration of the Governor of Puerto Rico in 1968. Married, one child.

Dr. Ramon Gonzalez Perez, Member of Chamber of Deputies, Member of the Foreign Relations Committee: Elected to the Chamber of Deputies in 1970. Political Party: *Partido Reformista. Born:* May 7, 1943, in San Pedro de Macoris, D.R. *Home Address:* Calle M No. 14, Los Prados, Santo Domingo, D.R. *Academic and Professional Training:* Lawyer; Graduate of Autonomous University of Santo Domingo. *Past Positions:* Secretary of State of Labor; Director General of Division of Social and International Affairs of the Secretariat of Labor; Second Secretary in Legal Division of Foreign Secretariat. *Memberships:* Dominican Association of Lawyers and Lions Club of San Pedro de Macoris. *Travels Abroad:* Venezuela, Japan, Republic of China, Italy, and Spain. Single.

Mr. Jose Virgilio Alvarez, Member of Chamber of Deputies, member of the Industry and Commerce Committee: Elected to the Chamber of Deputies in 1970. Political Party: *Movimiento de Integracion Democratica. Born:* September 20, 1922, in Santiago, D.R. *Home Address:* Independencia 30, La Vega, D.R. *Academic and Professional Training:* Agronomy Student and Farmer. *Past Positions:* Mayor of La Vega, Army Officer, and Dominican Vice Consul in Bahamas. Married.

Mr. Juan Vargas Aquino, Member of the Chamber of Deputies, President of the Public Works Committee: Elected to the Chamber of Deputies in 1966 and reelected in 1970. Political party: *Partido Reformista. Born:* October 4, 1930, in Bonao, D.R. *Home Address:* Duarte 80, Bonao, D.R. *Academic and Professional Training:* Accountant and 5th Year Student of Engineering. *Memberships:* Dominican Association of Engineers, Lions Club of Bonao, and Civil Defense Committee.

Ing. Helvio Rodriguez. Member of the Senate: Elected to the Senate in 1970. *Born:* June 22, 1928, in Monte Cristi, D.R. *Home Address:* Sanchez 75, Monte Cristi, D.R. *Academic and Professional Training:* Civil Engineer; Graduate of Autonomous University of Santo Domingo. *Past Positions:* President of Monte Cristi City Council and President of Monte Cristi Development Association. *Memberships:* National Youth Movement and *Corporacion Constructora* (professional association).

RECESS

Mr. CHILES. Mr. President, I ask unanimous consent that there be a brief recess subject to the call of the Chair so that the Senators who are in attendance in the Chamber might have an opportunity to greet our visitors.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess subject to the call of the Chair.

(At 2 o'clock and 14 minutes p.m. the Senate took a recess subject to the call of the Chair.)

[Applause, Senators rising.]

(At 2 o'clock and 16 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. WEICKER.)

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Continuing the remarks I was making before the interruption, I am trying to present to the membership an incomplete, but very positive and definite report, as to the trend of the last 75 days during which there has been no power for the President to induct men into the armed services.

The number of volunteers has held up fairly well, for a part of that time, particularly. There had been an accumulation of young men who had decided to go into the service and had already decided which service they would enter.

It was the very strong opinion that the draft extension bill would become law soon after June 30. And that was a continuing persuasion. In fact, that persuasion still prevails.

At any rate, during the 2½ months that have intervened, it became evident that there was an unmistakable trend developing not only with regard to the number of enlistees in the services but also with regard to the quality of the enlistees—and by quality I mean their aptitudes, their educational experiences and levels, their character and qualities, and their talent quotients—so much so that, in this short time, the Army rapidly reached the point where 37 percent of those that were taken in were in category 4, which is the lowest level of quality that the Army will take. If men are below that level they will not take them. So over one-third of these volunteers now are falling into that category, which is a percentage that the Army cannot live with. My point here is that the trend has just started and it is unmistakable progress downward or backward, whichever one wishes to call it.

There are more of these facts and projections into the next 6 months that the Senator from Maine (Mrs. SMITH) and I have been trying to get for the benefit of Members of the Senate. This is a field where the facts are not readily available. We have had uninterrupted application of the Selective Service Act since 1948, so this period I referred to has given us some chance to make these gages we not otherwise have had. For the Senate not to wait for this material which can be put into a firm package which is more understandable is tragic to me.

It is that kind of work that we expect to do and hope to do over the week-end. I feel sure we can bring forth a more complete picture as to what this trend is going to be.

Another illustration is the Air Force. The Air Force is no better than other branches of the service but the Air Force has many attractive things that it can offer a young man to induce him to volunteer. I do not have to enumerate all of those matters: The thrill of adventure, the thrill of flying, the thrill of being a part of a crew keeping the big bombers flying, the feeling of belonging that airmen have when they belong to these crews. The Air Force has been getting a good number of the rather choice young men that went into the service. There is included the great field of electronics, avionics, radar, and technical training courses. Opportunities are almost without limit that the Air Force can offer. The Air Force has been using these men to the very best advantage and giving them remarkable training.

To illustrate, I was handling appropriation bills 2 or 3 years ago for the Department of Transportation. We needed a great many additional controllers. This position requires more than a year of special training. We were considering asking the Senate to increase the budgeted amount. I said not once but several times to officials in the Department of Transportation, "How can you get this many men to start off?" They assured me that they could. I pressed them as to how they could get the men, and they said, "We will take them away from the Air Force," meaning young men would be offered good jobs who were already trained, to a degree. There are other similar fields.

The point is that, percentagewise, the number of high school graduates going into the Air Force is dropping. That means there will be less talented men to train for these important crews that are protecting our people, such as the ICBM crews.

I find that 47 percent of these young men come into the Air Force through the draft; they come in as enlistees motivated by the draft law. That means that some of those men whose time is expiring will not be properly replaced when they are discharged, because we will soon not have enough men to fill those positions and because there have not been enough men of that type being taken in.

The same thing is true of submarine crews in the Navy and crews in the Army that have to do with helicopters and airplanes. The present trend has the same effect with respect to our attack submarines and our carriers with all their complicated avionics and technology. Our services have to maintain this equipment with the right kind of manpower. We can read into the figures I have cited a great number of things, and I want to get the data completed over the week-end.

I have mentioned these crews. In the Navy 42 percent of the crews that operate in this field are obtained in the same way.

Mr. WEICKER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. WEICKER. Mr. President, as I indicated earlier this morning I feel very strongly that this matter should come up for a vote either late this afternoon or tomorrow morning. As I indicated earlier this morning, if the matter does not come up for a vote today I shall offer a motion to table at 11 a.m. tomorrow.

In other words, I concur with the statements of the majority leader, the distinguished Senator from Montana, insofar as he felt the matter had been discussed long enough and that we are in possession of all the facts and that no further debate or investigation is necessary. That is where I draw the line insofar as my agreement with the Senator from Montana is concerned.

I also draw the line in that I disagree with the distinguished Senator from Colorado; and also in that I disagree with the delaying efforts of the distinguished Senator from Alaska and the distinguished Senator from California relative to the legislation at hand.

For a few minutes this afternoon, I would like to detail my disagreement with the motion to table and why I feel we should get on with the business at hand and vote through what we have.

There is no question in my mind that the draft is imperfect. I do not think there is a Member in this Chamber who does not share that feeling to some degree. But the fact is we have always remedied our procedures by substituting something better. So far no one has devised a better draft. To eliminate the draft with nothing in the way of a substitute is not the way we do business in this Nation.

There have been murmurings about a volunteer force, and this is the reason I am opposed to the efforts of the Senator from Colorado insofar as those efforts are directed toward the creation of a volunteer army.

I had not realized in my own mind, Mr. President, just how far down the road we had gone toward this body's automatically accepting the concept of a volunteer army until I read a letter from the three secretaries of the armed services which indicated that the steps called for in this conference report were essential to the creation of such a force.

The reason I am opposed to a volunteer army is that I think this Nation should always fully understand the consequences, specifically the suffering, of war. To go ahead and participate in conflict solely by paying for it in taxes would be one of the most dangerous concepts ever proposed to this Nation.

The reason why we reexamined our role in Vietnam was that, finally enough young men had died and enough young men had been injured so that the impact and meaning of the war came home to the average American family. To suggest that a conflict is something to be relegated to a small volunteer force removes from each one of us its impact and injects a concept deadly to the future compassionate awareness of this country.

I am opposed to the concept of a volunteer army then because I always want the whole Nation to be in a position to fully understand the consequences of its acts of war, specifically the consequences of death, of suffering, and of injury. It should not be something you pay in taxes for someone else to do. Since this Nation began we have all been a part of its good times and its bad. If we change that then we will not be in any different position than those who sat in the capitol of declining Rome while the nation's wars in which the nation itself did not participate were being fought by a paid few.

So I use this occasion, not to disagree with the Senator from Colorado insofar as the need for our men in the Armed Forces to have betterment of their salaries, conditions, and benefits—that I am for—but insofar as this is a first step toward creating a "volunteer" army—that I am against.

I know that a volunteer army sounds like the easy way out today. We are tired of the conflict in Vietnam. Very few care to go marching out at this point in time. But I suggest to you that if we alter our basic concepts of service which have been maintained over the years just to solve an immediate ache, we get ourselves into deeper future pain than ever contemplated today.

Now, Mr. President, we move on to the draft as a whole. There have been many efforts made, both in the House and in the Senate, to patch up this inefficient, inequitable system. For what purpose? Everybody recognizes it is no good; that it has many inequities in it. Why do we not go ahead and dedicate our energies, our minds, and our hearts toward a new system attuned to the conditions and needs of today? Why not a concept of national service where the abilities, the desires, and the energies of our young people are directed into the many areas of need?

The enemies of this country today are not just men bent on the destruction of other men. It is fact that the enemies of the Nation today are malnutrition, disease, despoilation of the environment, and the decay of our cities. The greatness of the Nation has always included the diversity of our young people. Many want to serve in the Armed Forces and that is proper and honorable service. But there are also those who feel they will serve their Nation well in areas of education, of medicine, of cities, of the environment—you name it. How much better the country is, if, its youthful energy is cut loose on diverse areas, each one of which represents an enemy to the greatness of our country just as surely as a man with a gun.

Yet we do not think in those terms. We merely go and take the present system and try to make it look a little bit better, when in fact the guts of the operation are no better at all.

So for that reason I oppose the efforts of the distinguished Senators from California and Alaska to attempt to have the present matter die on the vine without a constructive alternative. Such nonaction discredits this body. I think we should use the remaining time left this particular system to close it down first, and second to devise a system tailored to the needs of our times. Let us not rush in here decimating without creating.

Mr. President, I now get to the third point, the amendment of the Senator from Montana (Mr. MANSFIELD). All of us in this body and in the House of Representatives and in the Executive Mansion share the desire to terminate our participation in this war as soon as possible. But I point out to my colleagues that all the words said on the floor of the Senate have not brought men home from Vietnam. This was done by the President of the United States when we stopped the policy of escalation, rejected a policy of status quo, and commenced a policy of withdrawal. We are not talking in terms of 1967 and 1966, but, rather, in terms of 1971, and facts speak louder than amendments.

I know the earnestness of the Senator from Montana and my colleagues on the floor to be done with this matter. It is an earnestness born of patriotism and compassion. But I also say that it took 6 years to securely tie the knot, and unlike many things that we can cure with a pill in this Nation today, that is not the case with war. Rather, I give full credit to the administration and those who have pressed the administration in bringing about a total change of our position, not only in relation to Vietnam but, in fact, to the entire world. Never have we, or never at least in my lifetime have we, engaged in such bold, creative, and constructive foreign policy—policy geared to peace.

So I would hope that this aspect of the bill before us will not prevail, because no matter how each one of us feels, it will be interpreted in only one way—as it was on the day it originally passed—not as an expression of compassional patriotism on the part of the Members of this body, but rather as an accusing finger pointed at the President of the United States for failure, when in fact the opposite is true.

For all these reasons, Mr. President, I shall vote against any motion to table the conference report. I shall vote against it because, first, I want to use the time between now and July 1, 1973, to have a completely new system of national service brought into being, throwing away the draft in its entirety.

While on this subject, Mr. President, I would like to reconcile two of the objections heard in the Nation today. We hear so many of the older generation say that the only way to serve the Nation is to shoulder a gun. That is not so. On the other hand, we hear many of the young people talk about the ills around them, while rejecting any idea of service.

Let us face it: Service, as I have said, in the areas of education, medicine, the cities, or the environment is just as good as military service. In the second place, I do believe that each one of us owes a portion of his life to his country, and this to be not a matter of chance, but a matter of law.

So let us be done with the old and get on with the new, in the way of a draft.

Let us not get the lollipop of a volunteer army stuck in our mouths. As I have said before, the most fatal thing that could happen to the Nation would be to remove itself as a people from the suffering of war. Do that, feel quits when we pay our taxes, and I can assure you I envisage many more conflicts around the world, with the United States as an unfeeling participant.

Lastly, I favor the rejection of the amendment of the Senator from Montana, not because of its motivation but because the facts that exist today and that have been brought to pass by men like the Senator from Montana, working in conjunction with this President, do not warrant even indirect criticism of a President who has never stood for any policy other than withdrawal. Mr. President, I yield to the Senator from Texas.

Mr. TOWER. Does the Senator yield the floor?

Mr. WEICKER. I yield the floor.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

Mrs. SMITH. Mr. President, the draft legislation, which is so urgently needed, has had a long and arduous journey.

The motion to table seeks to return the bill to a new conference, which action in my view might well result in no bill at all.

Even if a new conference is possible, only those who participated in the House-Senate Conference before are aware of the pitfalls that lie ahead if this bill must again traverse that route.

I will name but a few of these.

I doubt most sincerely that the House conferees will be as successful with the Rules Committee in waiving points of order as they were before.

There are those who would resurrect the Mansfield amendment which would lead to another impasse.

The $2.4 billion representing pay increases will be delayed indefinitely and may possibly never see the light of day.

Another conference report will require months and may even than be unacceptable to either the House or Senate.

These are but a few of the problems which concern me.

As I see it, Mr. President, there is only one responsible action available to the Senate now that we have gone beyond the eleventh hour.

The action which seeks to send the bill back to a new conference must be defeated and the conference report must proceed to an up or down vote.

This week the distinguished chairman of the Armed Services Committee and I met with the service secretaries and the Joint Chiefs.

During that discussion I learned little that I did not already know.

We have been without induction authority for two and a half months and I can assure my colleagues that the manpower situation in the Armed Forces has deteriorated substantially.

In the months ahead these manpower problems will multiply and grow progressively worse.

At this time only the draft will provide the caliber of servicemen that are desperately needed.

The pay provisions in the conference report were forged only after a painstaking effort on the part of the conferees.

This is the principal issue now.

These increases in pay represent a compromise which was not an easy matter to achieve.

These provisions are designed not only to provide incentives to enlistment but are also meant to retain those who have attained the competence to operate and maintain our complex weaponry.

If we would have an all volunteer force, enlistments alone will not resolve our predicament.

The career men who represent the backbone of our military services must also be given recognition.

To those who clamor loudest for an all volunteer force, let me say, note well—sending this bill back to a hoped-for conference will postpone an all volunteer force indefinitely.

It is ironic that if this conference report is tabled, there will be no orderly transition to an all volunteer force nor will the pay inducements be available to attain that end.

Mr. President, again I urge that the Senate act responsibly and proceed to a vote on the conference report.

THE REPUBLIC STILL STANDS

Mr. HATFIELD. Mr. President, our country has been without a military draft for almost 4 months; and in spite of dire, emphatic warnings to the contrary, the Republic still stands.

Over the past 7 months, since the beginning of hearings in the Senate Armed Services Committee in early February, we have debated virtually every aspect of military conscription and our involvement in Southeast Asia. During these many months three issues in particular crystallized. First, was whether or not to extend the President's authority to induct men into the Armed Forces. Second, was the pay increase for military servicemen. Third, was setting a time certain for our withdrawal from Southeast Asia.

As to the question of draft extension, many of my colleagues and I waded through a morass of data analyzing what I termed the numbers game that was being played by the Defense Department. The issue, as far as the data was concerned, boiled down to one point: If the Army cut out 95,000 nonmilitary jobs and the House pay package were adopted—a pay package of less attraction to a potential enlistee than the one adopted by the Senate—the shortfall predicted by the Defense Department for an end strength of 2.4 million men would be easily overcome. In spite of these facts, both the Senate and House of Representatives voted to extend the draft for 2 more years.

The next major issue was the pay package. The House had combined the administration's fiscal 1972 and 1973 pay recommendations and overwhelmingly passed the proposal. The Senate, after rejecting the House pay recommendation, voted by a wide margin, 51–27, to implement the recommendations of the President's Commission on an All-Volunteer Armed Force—Gates Commission—as embodied in the Allott amendment. The essential difference between the House and Senate pay scales was not in magnitude but in focus. The Senate focused more money in the first-term enlistee while the House focused more money in the upper ranks. The Senate-House conferees not only rejected the proposition of splitting the difference between the two proposals, but also they created a totally new pay scale $300 million less than the House recommended, which was itself less than what the Senate had favored. In other words, as Prof. Milton Friedman has stated, they added two and two and got three.

The third major issue to be dealt with during the draft debate was a deadline for troop withdrawals from Vietnam. After a long debate, and having rejected numerous stronger proposals, the Senate took the historic step of setting a deadline by a vote of 57-42, while the House rejected the proposition entirely. The conferees settled on a version of the Mansfield amendment which completely emasculated its intent: There was no date set for our withdrawal from Southeast Asia.

There were 28 differences between the Senate and House draft bills. There were three key issues which I have briefly discussed. Judging the compromises—and I use the word advisedly—that were reached by the conferees on the Allott and Mansfield amendments, one would expect that to be consistent the conferees would have extended the draft for 4 years rather than 2. The conference report cannot even be accused of consistency, let alone fairness, and it should be rejected on the merits of each of the three key issues.

Yes; the Republic still stands and the numbers game also continues. From four different sources in the Defense Department my office has received differing data on the accessions during the past 2 months—July and August. If my colleagues will recall, the same problem was encountered during the first days of the debate on the floor in June. It may well be that information of this nature is hard to come by and difficult to estimate, but the problem of varying figures on the same issue makes it extremely hard to make a policy decision.

Without going into great detail, in July there were between 35,428 and 53,549 enlistments into the Armed Forces. In August there were between 38,839 and 39,500 enlistments. Within these totals, the Army had between 13,626 and 14,800 nonprior service enlistments in July and between 14,413 and 14,900 enlistments in August. Of the Army enlistments in July and August, 26 percent and 24.5 percent, respectively, were delayed enlistments—that is, they had signed up for active duty before these months but delayed their actual entrance for reasons such as jobs or school commitments. It should also be noted that 37 percent of the men entering the Army during these 2 months did not have high school educations and roughly 36 percent were in the lowest mental category acceptable under the qualifications of the Army. Some have reportedly stated that if this trend continues, there may well be shortages in technical specialties next year. Based on current available data, however, I would question that contingency at this time, because many effective measures could be taken to at least delay that eventuality, if not completely eliminate it. I have already noted that at least 95,000 men could be removed from nonmilitary functions to more productive roles within the Armed Services. There are also at least 150,000 men in NATO who could be utilized in the specialty fields where shortages may arise. There are over 200,000 men in Southeast Asia who could contribute to alleviating this alleged shortfall in specialty personnel. But even without touching these disputed areas of foreign policy or the 95,000 men in nonmilitary roles, the need for specialty personnel could be met adequately by restoring the original Allott amendment or the compromise measure he proposed last Monday. The draft or the threat of the draft is not needed to maintain our military strength. As a matter of fact, I firmly believe that conscription has been a primary source of weakening our military and our society.

The same arguments held true for our Reserves and National Guard. Even without cutting back the total strength level of these forces, which has been proposed by the Defense Department over the years as well as by the Gates Commission, adequate quantity as well as quality of personnel can be attracted by the pay incentive offered in the Allott amendment. This point was continually stressed throughout the debate in this Chamber in May and June.

The numbers game that has been played from time to time by the Department of Defense was also played by the House and Senate conferees with respect to the pay increases. First, the "compromise" between the Senate and House basic pay proposals, $2.7 and $1.8 billion, respectively, was $1.8 billion. Second, the compromise between $0.9 and $0.1 billion was $0.5 billion. They were added together and $2.4 billion became the compromise between the Senate's $2.8 billion increase and the House's $2.7 billion increase. Not only was this compromise $0.3 billion below the House proposal but it was at the expense of the first-term enlistee who has been consistently receiving prejudicial treatment over the past 20 years when basic pay and allowances were involved.

As the Gates Commission pointed out, while pay increased 111 percent for men with more than 2 years of service between 1948 and 1969, pay for men with less than 2 years of service increased 60 percent for the same period. What this boils down to is that apparently certain Members of Congress are seemingly not willing to see the burden of our foreign policy equitably borne by every member of our society. They would rather see the first-term enlistee and his family bear not only the physical but also the primary financial responsibility of defending our Nation. This not only discredits our foreign policy but the basic tenets of our Republic as well. If we are not willing to pay for the cost of our foreign policy, that policy should not be followed.

At this point, Mr. President, I ask unanimous consent that a column written by Mr. Russell Baker be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. We are all too familiar with the mistakes we have made in Southeast Asia, mistakes due in no small part to Congress abnegation of its constitutional responsibilities over the past 20 years. Finally, after 6 years of Americans fighting and dying for a hollow myth, the Senate set a time certain for withdrawal of our troops from Vietnam. Again, the conferees added two and two and got three, because the conference report contained no date whatsoever for our withdrawal from Southeast Asia.

Mr. President, it is actions such as those I have just described that discredit our institutions in the eyes of our citizens. It is actions such as these that weaken the fiber of our country and threaten our security far more than tanks, planes, and armed personnel. Further evidence of this is contained in a statement prepared by the Friends Committee on National Legislation, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATFIELD. Mr. President, proposed legislation has been introduced over the past 4 years to abolish the draft. Measures have been introduced over the past 4 years to set military pay at equitable levels. Measures have been introduced for many years to extricate us

from the morass of Southeast Asia. The Senate at last moved affirmatively in two of the three areas; yet, it stands at the precipice of having its entire effort undermined by a compromise that is a sham.

Exhibit 1

Learning To Do Nothing

(By Russell Baker)

By almost every measure the draft is an odious business.

The state, unwilling to pay wages sufficient to attract labor into military jobs, uses the threat of imprisonment or exile to force young men to work for it at substandard wages. This is involuntary servitude and along with slavery is expressly forbidden by the 13th Amendment to the Constitution. Thus the government has to violate its own statement of principles in order to engage in sweatshop employment practices.

In principle the government is using the totalitarian device of forced labor; in practice, the reality is forced idleness, which is worse.

Two years of labor might at least produce some wholesome improvement of body and character to compensate for the indignity of having been press-ganged by politicians. Most often, however, the draftee faces an interminable two-year sentence to idleness, an idleness of the exquisitely ingenious variety which only the vastest bureaucracies are capable of developing.

He will be instructed in the highest bureaucratic arts—the killing of time, the dodging of responsibility, the passing of the buck, the doing of nothing, the jollying of tyrants, the reassuring of incompetence, the comforting of half-wits of high rank and the monumentalizing of the infinitesimally trivial.

Should he exhibit some desire to work, he will be laughed at for his innocence until he accepts the military code that no one in his right mind ever volunteers. Two years of dodging work, of learning to equate cunning with wisdom and of standing on frowzy street corners of dim backwater towns on Saturday nights—two years like that could seem like 10 for a sensible man.

So, in a sense the most serious of all the many cases against the draft is not that it flouts the Constitution at a time when the nation is not in clear and present peril, nor that it puts the government in a hypocritical stance, nor that it involves all of us in exploiting our sons as cheap labor, but that it exposes the young to a system in which the ways of louts are shown to be the ways that lead to success.

Secretary of Defense Laird has been saying that with only a quarter of a million soldiers left in Vietnam, the Army would no longer be capable of combat. What a picture of stupefying idleness the secretary conjures up with this statement!

Imagine an Army that must have a quarter of a million men typing forms, servicing Coca-Cola machines, greasing spare parts, setting up the movie projector, cleaning the colonel's swimming pool, composing press releases for hometown papers, repairing the laundromat—and all this before it is sufficiently cranked up to send a platoon into combat.

That's idleness. Keeping that big an Army busy at the task of not fighting can be done only by an organization in which every member has been thoroughly indoctrinated in the importance of doing nothing, and doing it with great thoroughness.

But the corruption of the draft does not end with indoctrinating the young in corrupt values. To escape the two-year sentence is a concern which, quite rightly, preoccupies practically all our young men for two or three years before they become 19.

The two-year term of forced service is widely regarded as so distasteful that no dishonorable method of evading it should be overlooked. All that is a familiar and depressing old story. The guilt of the successful dodgers. The cynicism about government. The breakdown of respect between the young and the warlike old men who direct the state.

Most recently we have acquired another corrupted piece of draft equipment. The draft lottery. If you were born on the wrong day, off you go unless you can maim yourself beforehand, or get yourself related to someone with connections in the state, or play games for a professional athletic corporation with business methods for getting you into the National Guard. Otherwise, zap! It's American roulette.

Last week when they played it for the two million who were born in 1952 there was elation for the winners with high numbers. The winners were cheering because of the despair of others like them. The draft is forever doing things like that to us. "I'm all right, Jack," the highnumber men must have thought, and then hated themselves for thinking it.

The Senate will renew it after a summer vacation. The state needs forced idlers, cheap.

Exhibit 2

Selective Service System Under Siege

While Congress is concerned about the President's authority to draft young men, there is some question as to the ability of the Selective Service System to operate. The increased levels of opposition and resistance to conscription have virtually cancelled the purpose of such a system: to selectively procure manpower in a rapid and efficient manner.

The ability of this nation to conscript its youth has depended on a sense of trust between the government and the citizen. While conscription is odious to a free people, for most of the populace the national need for manpower overrides the democratic incongruities. The citizen trusts that his government has his long-range interests in mind, and the government trusts the citizen will comply.

In the last half decade, the mutual trust between the government and the citizen has deteriorated drastically. The Selective System has no legitimacy for large numbers of young men in the country. Many young men adamantly refuse to comply with regulations or virtually ignore the law.

This situation continues despite various government schemes to defuse the opposition—by limiting the draft's impact to the 19 year old group, by selecting only a part of that group via the lottery, and by attempting to reform an inherently unfair system.

There is no denying that the Selective Service System still conscripts young men or that it is able to meet its quotas. However, in reaching quotas, significant numbers of people defy the law. The reasons are multifarious; but one thing is clear—the government is unable to do much about it.

LOCAL BOARD CONCEPT DEBUNKED

The administration of Selective Service accounts for much of the present difficulty. The agency operates on a quasi-legal basis, where the local board is autonomous, and immune to judicial review. It has always been assumed that registrants would cooperate with local board operations. Now the "little groups of neighbors" have been called into question and their operations are found to be a procedural mess. Curtis Tarr, National Director of Selective Service, admitted in hearings recently that "In an actual check we found in our national headquarters that 90 percent of the information that came to us on personnel matters was incorrect for one reason or another." As a general rule, smaller draft boards are unsure of Selective Service Regulations and Memoranda, whereas larger boards in urban areas cannot handle the caseload. Curtis Tarr indicated that several boards on Long Island, though catching up, are six months behind in answering mail. This type of operation invariably leads to procedural error. The increased work due to inquiries has risen 181% in 1971 over 1958, though increased time available has risen only 71%.

Because the local board is the foundation of the Selective Service System, a crisis at this level profoundly affects the system as a whole. The breakdown at the local level is significant for this is where Selective Service is closest to the people. Kenneth Dolbeare and James Davis examined the problem in an article, "Little Groups of Neighbors—American Draft Board," in *Trans-action* magazine. It was found that "Draft boards are unrepresentative, biased, and out of touch with communities they were designed to serve . . . Conducting conscription through the local board system is costing Selective Service popular confidence and support; it is exaggerating the economic biases inherent in deferment policies; and it is creating the arbitrariness and lack of uniformity which are hallmarks of the system."

Moreover, draft boards are becoming an increasingly difficult system to maintain. Local board administrative procedure is a "straw man" in any court of law. Volunteers for board membership positions have declined and several boards have resigned from the pressure. Disruption and the concomitant difficulties have become widespread. As leases expire, local boards are being evicted or charged exorbitant rates for private facilities. Curtis Tarr referred to the volunteer situation recently in hearings before the House Armed Services Committee: "Now, nationally, it is becoming more difficult to get members of local boards than at any time in the history of the act, I would guess." He attributes this to increased case load, fear of "retaliation," and retirement and subsequent "difficulties . . . persuading the young people to serve on these boards."

APPEALS SYSTEM OVERBURDENED

Administrative difficulties are not limited to local boards. The appeal process is increasingly used to avoid induction. Since a court case is weakened if the registrant has failed to exhaust his administrative remedies, registrants are encouraged to appeal both strong and weak cases to lay the basis for subsequent court action.

The National Appeal Board, composed of three members, is the end of the line of the appeals procedure, and is accessible only to those not unanimously turned down at the state level. Prior to 1966 it averaged 200 appeals per year. In that year it tripled to almost 800 appeals. By 1969, the number had almost quadrupled again in just three years. In all, 2492 appeals reached the National Appeals Board in 1970, this despite the fact that the lottery has released much of the administrative pressure and that medical deferments have been made non-appealable.

EVASION WIDESPREAD

The response of draft-eligible men today is to avoid being inducted. Evasion is a common tactic of those who refuse to be conscripted just because the draft poses an inconvenience to their lives. By evading the system one often enlists the support of professionals (lawyers, doctors, etc.) and the like (draft counselors, education institutions, the courts, and Selective Service bureaucracy). Thus it is largely confined to those persons who have access to such assistance. In recent years draft centers have opened up in poorer areas where the draft hits the hardest. Curtis Tarr complained in hearings, "We have such a high rate of evasion in some of our communities by means that are legal and extralegal."

The Selective Service System is most vulnerable in a court case. To initiate a case, a registrant must gamble and violate a Selective Service law, but the chances are with the registrant that he will win his case. The National Director recognized this form of evasion which is embarrassing to the agency: "There is a concerted effort on the part of many people to wipe out the draft by emphasizing in the courts the non-legal nature with which we do our work." He also stated, "the more difficult assessment is whether the system can continue to function smoothly. We will certainly become involved in more litigation. Many more young men now will appeal their cases as a legal means of delaying induction, particularly when such a delay offers the possibility of avoiding induction. . . ."

RESISTANCE STRAINS SELECTIVE SERVICE

Nationwide, young men faced with induction are disavowing the government's claim for their service. California is the lightning rod of draft opposition, yet in the past has been an indicator of the national mood.

In a three-part series for *The Santa Monica Evening Outlook,* in June 1970, Thomas D. Elias examined draft resistance in southern California. He describes the situation as having reached "epidemic proportions." Selective Service statistics bear out his diagnosis. To meet quotas, the state headquarters has to plan on an average of 39% of those issued induction orders will fail to appear for induction. What is more startling is that this figure is up 66% over the previous year and a half.

An article in *The Register* of Orange County, California, reprinted in *Slowdown,* June 7, 1971, quotes Timonthy D. Kelly, of the Selective Service Information office: "On a national basis we can usually get one inductee for every two called up following pre-induction physicals. In Massachusetts the ratio runs 3-to-1, but in California the ratio is about 4-to-1."

United Press International indicates that in the six months prior to March 31, 1970, 4,463 men were ordered to report for induction at the Oakland, California induction center. Only 2,083 reported; 53% did not show up. According to Stuart Kemp, Director of National Council to Repeal the Draft, 110,387 induction orders were issued during March, April and May 1971, to meet a national quota of 47,000 men. Even so, only 36,195 actually reported, were found acceptable, and accepted induction.

In Chicago, 50% "no-shows" are reported. U.S. prosecutors there estimate 2,000 men have not reported for induction (UPI, December 6, 1970). According to Midwest Committee for Draft Counseling, at least 200 men have showed up and openly refused to be inducted this year, despite immediate arrests for such action. Lawyers' Selective Service Panel in San Francisco estimates that 75,000 persons refused induction between 1967 and 1969.

Non-registration is increasing as a method of resistance. Tom Reeves and Karl Hess, co-authors of *The End of the Draft,* indicate that 20% of the Black youth in areas such as Harlem and Washington, D.C., fail to register.

Defiance of the Selective Service Act is a national phenomenon. Although it appears to be confined to urban areas, it is because the Armed Forces Entrance and Examining Stations (AFEES) are located in major urban centers. Refusal to comply with Selective Service orders cannot be isolated geographically or economically; it exists throughout the United States. Nor is it confined to any social group.

Besides the Black youth failing to register in the poorer communities, California Local Board 98 in Beverly Hills reports that no-shows outnumber enlistees and draftees by 60% to 40%. Among America's youth there is often no better reason for obeying Selective Service orders than the threat of prosecution and the possibility of subsequent incarceration.

Another indicator of resentment of the draft is the number of young men who have emigrated to Canada. No figure can claim accuracy, but the range most often cited is 40,000 to 60,000 persons. These persons are seeking to avoid the conscription and militarism that forced their ancestors to this country in times past. Also, many draftees are deserting the military to live in foreign nations.

VIOLATIONS OVERWHELM PROSECUTION ATTEMPTS

The threat of prison is a small deterrent due to the large company of violators. Statistics indicate that a violator has increasingly better chances of skirting incarceration, first, by avoiding detection, second, by escaping indictment, or third, by being acquitted. Simply put, U.S. prosecuting attorneys just can't keep up with the growing number of violators.

According to figures of the U.S. Attorney's Office, in 1970 26,225 complaints of violations were received. After receiving these, 3,868 cases were instituted and of these, 973 were found guilty. The "average" violator thus has a 15% chance of being indicted. If indicted he has a three-in-four chance of not being convicted. Thus any single violator has a 25-to-1 chance of escaping conviction. This is hardly a deterrent for those who oppose conscription or death in Vietnam.

The Department of Justice spends much time on draft cases. Selective Service prosecutions account for 9.7% of all Federal criminal cases, the fourth largest segment of offenses. Perhaps most dramatic is the fact that Selective Service cases filed have increased 1,378.9% since 1961. David Nissen, a government lawyer from southern California cited in Elias' article, estimates "about 20% of the staff time at this U.S. Attorney's office is spent on the Selective Service System," and that "Overall . . . about one-tenth of the total FBI time in this area is devoted to Selective Service."

Furthermore, Selective Services cases in Chicago, San Francisco, Los Angeles, and New York have swamped court dockets; such violations have priority in being heard. William Sessions, Chief of the Government Operations Section, Criminal Division, Department of Justice, states: "We are faced with the situation where there is a continuing, open, obvious expressed intent by many groups to absolutely swamp the system and swamp the courts and the Department of Justice. I do not intend in my section to be a party to allowing our being swamped."

The situation indicates that if the Justice Department is not swamped, it is listing under the burden. Whereas, prior to 1965 Selective Service prosecutions averaged 300 a year, in the last few years there have been an average of 300 new prosecutions monthly, but the number of convictions has not increased proportionately.

LOCAL BOARD ATTACKS CONTINUE

Perhaps the most controversial harassment the Selective Service System encounters is the destruction of Selective Service property. Numerous instances of sabotage have proliferated over the last two years, dramatizing the seriousness of anti-draft groups and reflecting the national crisis engendered by Selective Service. This is hardly a minor problem. Selective Service officials reported in March that since January 1968 there had been an average of 7.5 attacks a month on their offices throughout the country. Sessions reported before the House Armed Services Committee that "successful prosecutions of various well-publicized groups for depredations on local boards and the burning of Selective Service records has failed to put a stop to these offenses." Moreover, those destroying Selective Service property have wide popular support as evidenced by the ease with which Father Daniel Berrigan remained at large after a warrant for his arrest had been issued.

STIFF SENTENCES, EARLY PAROLE

Convictions for Selective Service violations, while few in comparison to the number of offenses, are concomitant with stiff jail sentences. The average sentence in 1964 was around 21 months (depending on which agency's figures are cited). In 1968 the average sentence reached a high of 38 months. Since then sentences have remained extensive though declining somewhat. It is interesting to note that although the sentences are intimidating, the average time served has increased only three months, from 1964 to 1968. In 1970, the average time served was about 17 months upon release.

* * * * *

The Selective Service System has been put to the test by the seven year war in Indochina. It is buckling under the stress and strains. Young men in large numbers are rejecting the conscription system. Selective Service will probably be able to survive another two years of procedural morass, with the assistance of the Justice Department and the Federal Bureau of Investigation. But is the game worth the candle?

It is a tragedy that the nation still maintains an institution so despised by America's youth, which feeds so much of the disaffection and alienation that young people feel toward the government as a whole. The nation is able to function without the draft and the nation is accursed with it. Surely conscription is not worth the price paid.

Mr. TOWER. Mr. President, the Senator from Oregon has suggested that the Senate conferees are a discredit to the Senate.

I should like to underscore the fact that even though most of the conferees voted against the Mansfield amendment, they fought in conference to try to sustain the Mansfield amendment for many days and, beyond that, were confronted by the fact that the Mansfield amendment, under the rules of the House, was not germane. The Senate conferees not only were able to preserve enough of the substance of the Mansfield amendment but were able to secure an agreement from the House conferees that they would seek a waiver of their rule of germaneness.

So may I say that it was not because of any shirking of responsibility on the part of the Senate conferees that the Mansfield amendment does not appear in the conference report as it was passed by the Senate.

I most respectfully reject the notion that the conferees were a discredit to the Senate in this respect, or in any way tried to do other than represent the Senate's position with great diligence.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point some material concerning the alleged manpower shortages in the Armed Forces.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMATION ON DOD ALLEGATIONS OF MILITARY MANPOWER SHORTAGES DUE TO LAPSE OF INDUCTION AUTHORITY

(A report by the Selective Service Law Reporter, Sept. 16, 1971)

I. CONCLUSIONS

Sufficient draftable registrants remain in the pipeline to fill calls at previously-announced levels for at least the rest of calendar 1971, probably for two or three years. The President can meet calls thru the end of calendar 1971 without drafting any men who would not have been called if inductions had continued without interruption.

II. RESIDUAL INDUCTION AUTHORITY

Under § 17(c) of the Selective Service Act, 50 U.S.C. App. § 467, the President retains power to draft all registrants who held deferments between 1967 and 1971 (at least), are no longer deferred and are not yet 35 years of age. The following figures include only men under 26; the average age of these registrants is probably about 21–22.

III. ESTIMATED MANPOWER IN THE DRAFT PIPELINE, 1971–72

A. Calendar year 1971 [includes first 3 months of 1972]:

1. The first priority group [1st PG] currently includes the following registrants in classes I–A and I–A–O [*i.e.*, "available" for induction]:

ex-college level students who graduated in June '71; these have random sequence numbers (RSN's) 1 thru 365	500,000
ex-high school students who have lost the high-school deferment [I–S(H)] since June '71 (RSN 1–365)	[1] 100,000
other registrants previously available but not called because their RSN's are above the current ceiling (RSN 125–365)	230,000
Total	830,000

[1] Rough estimate.

2. Second priority group currently includes some 746,000 registrants

B. Calendar year 1972:

1. 1st PG: Component groups will generally resemble 1971 1st PG, except: component (a) will not be available until July at the earliest; (b) will be somewhat larger by mid-year, then shrink; (c) will not exist. As a result, there may be a period of shortage in June 1972. Calls both before and after can easily be met, however.

2. 2d PG: All men from 1971 1st and 2d PG's not previously inducted

C. Later years:

1. Components will resemble 1972 except that group (b) will disappear in 1973.

Group (a) will not disappear until 1974.

2. All 1972 1st, 2d and 3d PG's not previously inducted will be available in '73, etc.

IV. ESTIMATES OF NUMBERS OF MEN AVAILABLE IN 1971 THROUGH MARCH 1972 AT DIFFERENT RSN CEILINGS

A. RSN 125 [the current ceiling]: roughly 72,000 available, or enough to fill about 3 monthly calls at the previously-announced level of 10,000.[1]

B. RSN 150 [ceiling which would have been reached had inductions not been interrupted. This number includes no men who would not have been inducted if extension had occurred normally]: roughly 32,500 additional men, or a total of 104,500; enough to fill about 4 calls.

C. RSN 175 [the highest number called for preinduction physical exams during 1971—these men must reasonably have expected they might be drafted this year]: roughly 32,500 more, or a total of 137,000; enough for almost 6 calls, *i.e.*, enough to last thru next March.

D. RSN 365 [entire 1st PG]: 830,000 in all.

V. MISCELLANY

The above men are men who have been insulated from the draft by deferments during the roughest part of the Vietnam war. Equity favors their being called at this time.

[From the New York Times, May 13, 1971]

DRAFT WILL GO ON EVEN IF LAW ENDS—COLLEGE GRADUATES TO REMAIN SUBJECT TO INDUCTION

(By David E. Rosenbaum)

WASHINGTON, May 12.—Even if Congress permits President Nixon's authority to draft most men to lapse July 1, thousands of men who will graduate from college this summer can still be inducted.

According to Selective Service System officials, there are enough of these men to fill the expected draft calls through the end of the year.

Most Senators and Administration officials believe that there is little chance that Congress can complete action on the draft legislation, currently on the floor of the Senate, by the end of June.

The President's technical authority to conscript men into the Army would thus expire until legislation was enacted. Many Senators who support an extension of the draft, including John C. Stennis, the chairman of the Armed Services Committee, have argued that to allow this conscription authority to lapse could endanger the security of the country.

A PROVISION EXAMINED

But, under a provision of the existing draft law that Congressional aides and lawyers for the Selective Service System have only recently begun to examine carefully, the millions of men under the age of 35 who have had draft deferments would still be eligible for induction.

It is unlikely that anyone over the age of 26 would be taken, since these men are lower on the priority list than men under 26. And there is a difference of opinion among lawyers about whether men holding deferments could be inducted.

But there is no question that men who lose their student deferments when they graduate from or drop out of college can continue to be drafted.

The provision of the 1967 law that permits them to be inducted states:

"No person shall be inducted for training and service in the Armed Forces after July 1, 1971, except persons now or hereafter deferred . . . after the basis for such deferment ceases to exist."

Based on past experience, Selective Service System officials said they expected about 400,000 men to lose student deferments this summer.

HALF WILL FAIL PHYSICAL

About half of these are likely to fail the physical examination. Two-thirds of those remaining have lottery numbers above 125, above which men are not now being drafted.

There would be 60,000 to 70,000 remaining eligible men. Some of them can be expected to delay their induction through various legal appeals, but if there are not enough men available with lottery numbers below 125, the top number can be raised.

In addition, a few thousand men other than former students, including men who lose occupational or apprenticeship deferments, will become available.

Defense Secretary Melvin R. Laird has said that he does not expect more than 60,000 men to be drafted in the last six months of the year, and most military manpower experts expect the total to be somewhat lower than 60,000.

Senator Mike Gravel, Democrat of Alaska, who has promised to filibuster the draft legislation, believes that if the President's authority to conscript other men lapses on July 1, it would place the President in a political bind.

"These men, the college students, are going to raise hell and object if they're the only ones being drafted," he said.

Mr. Gravel said that the provision in the law also destroyed the argument that his filibuster was irresponsible.

"The people who say we're going to be visited with a cataclysmic situation if the induction authority expires are simply wrong," he said.

Selective Service System officials said that, even if the induction authority was extended past July 1, a large percentage of the draftees in the latter part of the year would be men coming off student deferments.

Mr. TUNNEY. Mr. President, the real issue here today is not the draft but rather, still, the war in Vietnam.

The real issue is whether or not the U.S. Senate can retain an effective voice in the formulation of American foreign policy.

The facts are in. This issue has been fully and fairly debated for many months. And several additional days will not add new facts to that debate.

The draft bill as presently constituted is unacceptable. I intend to vote against this bill unless it contains the vital language of the Mansfield amendment.

The Senate determined that the Mansfield amendment would be an integral part of H.R. 6531. With the adoption of this amendment the Senate declared that it would be the policy of the U.S. Government to terminate all military operations of our Armed Forces in Indochina at the earliest practical date. The amendment also provided for withdrawal of all U.S. military forces not later than 9 months after the date of its enactment, subject to the release of all American prisoners of war.

In the absence of any moral commitment by the administration to fix a specific termination date to end our involvement in that disasterous and costly war, it is up to the U.S. Senate to exert the kind of leadership that is necessary to bring our men home.

The administration apparently would rather support the ambitions of a dictator than legislation aimed at ending the war.

I feel that it is long past time that the U.S. Senate stand up to the President of the United States and tell him that if the war does not end then the draft will.

I have long opposed the harsh and unfair operation of our current draft system. In an effort to redress some of the inequities in the draft system, I have participated in the following initiatives during this Congress.

I introduced legislation which would have prohibited draftees from serving in any combat zone without prior congressional authorization.

I have joined with others in introducing legislation which would have limited the extension of the draft to 1 year instead of 2 years.

I supported legislation which sets a congressional limitation on draft calls.

And, I have cosponsored the Mansfield amendment in an effort to end our involvement in Vietnam. While I have made my opposition to the present system quite clear and have worked to reduce the inequities within it, I have resisted attempts to convert our Armed Forces into volunteer services.

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[1] The calculations which generated these and the following figures run as follows. The total estimated pool of available registrants under RSN 125–125/365 of the 600,000 men in categories III.A.1 (a) and (b), *supra*; about 50% of these will be found medically unfit, leaving roughly 72,000. Since about 2.5 available men must be called to actually induct 1, about 23–25 thousand must be ordered for induction to insure delivery of 10,000.

Calculations in IV.B. and IV.C. also include a component from group III.A.1. (c).

To my mind, a volunteer army would present several serious problems for this country.

An all volunteer army would be devoid of the healthy cross currents of civilian life. It would be totally removed from civilian society and its ranks would not be affected substantially by the constant and salutary infusion of men who are not career soldiers.

It would create a permanent combat force comprised of the poor, the uneducated and the minorities—people who would look upon the military as the only avenue of opportunity to escape from the pockets of poverty and prejudice that exist in America.

A volunteer army would be less responsive to the civilian direction and control that is essential in a free society.

It would be far easier to wage wars with a band of mercenaries than with a group of draftees. It would be far easier to delude ourselves into thinking that lives are cheaper and wars are morally less debilitating when they are being waged by professionals.

This is an ugly and dangerous concept and one that I feel pervades the idea of an all volunteer army.

I urge my colleagues in the Senate to think about the draft in terms of life and death; for this is what the draft has meant to thousands of young Americans.

But, if this bill is allowed to pass without the Mansfield amendment included in it then the U.S. Senate will have failed in its responsibility to the great majority of Americans who want peace.

It will have failed to recognize the fact that the greatest priority that exists today is to get out of South Vietnam.

It will have failed to go on record on the issue of war and peace.

Mr. President, so long as the language of the Mansfield amendment is not included in a draft bill, I will oppose such legislation.

Mr. STEVENSON. Mr. President, the national debate about the draft has raged, at various levels of intensity, for many years.

And the Congress has spoken in this session. A majority of both Houses and the conference committee support a 2-year extension of the draft with some revisions and reforms.

My own view on this question, reflected in votes and lengthy statements already delivered on this floor, is quite simple: it is not enough to reform the draft. We should end it.

Conscription contradicts the most basic values of a free society. Many of our ancestors left their native lands to escape harsh systems of conscription. Now some of their descendants leave this land to escape the draft.

The draft promotes the inefficient use of manpower, perpetuates wasteful military budgets and squanders human energy. It contributes to the crisis of morale which afflicts our country both within the Armed Forces and outside them.

We all believe in a strong and sensible national defense. Military service is not only a necessary, but an honorable pursuit. I count it a privilege to have served as an officer in the U.S. Marine Corps. But the draft, with its heavy price of waste, unfairness and compulsion, does nothing to enhance the national defense or the honor of military service. It will be a better day for the United States, and the military, when we rely for our defense upon lean, armed forces, highly skilled and trained, and dependent upon modern technology for their firepower—and not upon large armies of semi-trained, poorly motivated conscripts better suited to military realities of the past than of the present or the future. Such forces could be recruited now, with equitable pay raises and without the draft. That day could be now if only the Congress required it.

I have also felt that it would be a mistake to push through major raises in military pay without first reforming the basic pay system and eliminating old inequities.

We have a responsibility to maximize the efficiency of each military dollar before we vote to spend more dollars.

I have urged, rather than a sweeping pay increase, an approach which would:

Wipe out glaring pay inequities for service men and women with less than 2 years service;

Bring some order to the chaotic military pay system with its confusing welter of special supplements and benefits;

Eliminate the waste of money and human energy by reducing force levels, cutting back on nonessential jobs and creating leaner, more efficient services;

Build a pay system which will pave the way for volunteer armed services.

I applaud the efforts of the conference committee, in a time of economic stringency, to keep military pay increases within reasonable limits.

But I am dismayed that the savings achieved have been at the expense of those service men and women who are most in need: the most junior officers and the enlisted personnel.

In a time of budgetary stringency, Mr. President, the only justification for a sizable pay raise is to build a fairer system: to eliminate the inequities.

If we fail in this purpose—and the bill before us now does fail, in my judgment—then we compound the error; we will be both extravagant and unfair.

But I rise, Mr. President, to oppose the conference committee report for another—and far more important—reason.

Months ago, the Senate enacted and sent to conference an amendment which was clear and forceful. It stated that it was national policy to withdraw American troops from Vietnam within 9 months, contingent upon the release of U.S. prisoners held in North Vietnam.

We have, however, received from the conference a toothless version of that amendment:

Instead of a clear statement of national resolve and a clear mandate to the executive, we are presented with a mere "sense of the Congress" resolution:

Instead of a specified date for withdrawal, we have now a vague call for withdrawal by an unspecified "date certain"—presumably to be determined by Mr. Nixon.

I went to Vietnam this summer with the feeling that the Mansfield amendment was a sound statement of policy by the Congress. I returned with the strongest possible conviction, reinforced by all that I saw in Vietnam, that passage of a strong Mansfield amendment is vital to both the United States and to South Vietnam.

My conviction can be simply stated: It is time to end our involvement in Vietnam. To the South Vietnamese Government, we have given all that we should give. And from the South Vietnamese Government, we have taken all that we should take.

Those who question this conclusion should review the melancholy history of the past few months: Months in which President Thieu's regime has corrupted the democratic process in South Vietnam against all the hopes and aspirations of the people of South Vietnam; months in which the American Government has behaved like a "pitiful, helpless giant."

For 10 years we have fought for a democratic process in South Vietnam—or so the American people were led to believe by one President after another, including Mr. Nixon. And now what have we—10 years of war for self-determination crowned by rigged and uncontested elections.

I first proposed last April that the United States let the people of South Vietnam elect their government, that we abide their choice, and then, our purpose fulfilled, go home. I urged:

A strong congressional affirmation of U.S. neutrality in the Vietnamese elections;

A mandate to the President to insure neutrality by U.S. personnel in Vietnam;

A commission of the Congress to oversee U.S. conduct during the electoral process; and

To discourage rigging, a declaration that the United States would not support a government in South Vietnam which acquired, or retained, power through corrupt or coercive means.

The Congress did not act. The President did not act.

This administration has done nothing beyond its handwringing and feeble protestations of neutrality to insure a fair election.

The results of its neglect—or its infatuation with Mr. Thieu—are only too familiar. Elections for the lower house were held in August. They were manifestly rigged.

I saw the duplicate voter registration cards.

I talked with opposition candidates harassed, intimidated, arrested, and jailed.

I saw the directives from the Central Government which ordered the rigging.

I talked to Vietnamese officials who did not even bother to deny it.

I saw the immolation of a wounded war veteran protesting Mr. Thieu's rigging of the election. And I saw everywhere a people desperate for a chance to choose their own government in a fair content—a war-weary people who might well have elected a candidate for President committed to peace.

Now they will elect the one candidate mostly clearly committed to war—not their candidate but the man perceived to be the candidate of the United States. They have no choice.

The administration did nothing to prevent it.

And what has been the response of the administration to this corruption of the very political process we have sought with 50,000 lives and $120 billion to impose in South Vietnam?

Secretary Rogers on September 3 gave this reaction to the lower house elections:

> The recent election for the Parliament was conducted, I think, in a way that can cause us to have some satisfaction in the knowledge that democracy is working. . . . We are encouraged by that demonstration of democracy.

And Mr. Zeigler pronounced the President gratified that all had gone smoothly.

Earlier this summer, the Thieu regime pushed through a law making it difficult for opposition candidates to qualify.

In mid-August, under that law, the Supreme Court of South Vietnam disqualified Vice President Ky.

On August 18, General Minh, charging a rigged election, quit the contest.

Two days later the Court reversed itself and reinstated Marshal Ky. Then he withdrew rather than run a hopeless race. And General Thieu emerged from this unsuspenseful drama the sole candidate for the Presidency.

Faced with no more than mild reproof from Washington, he sized up the situation:

> The Americans are going and I am staying, at least for 4 years. I should make the decision that I will have to live with . . . The Americans no more want me to lose the war or become the victim of a coup than I do. They have no alternative but to support me or withdraw.

Faced with such alternatives, Mr. President, many of us would prefer to withdraw.

But the administration feels otherwise. As Secretary Rogers said, in the same press conference:

> We hoped that there would be a presidential election that would be contested and that would be a fair election—we certainly tried. And President Thieu said he was disappointed. I think it is a little difficult from this distance to judge.

Many of us will not find it so difficult to judge—and to reach several conclusions:

We could have diminished Thieu's unfair political advantage by declaring the date at which our military presence in South Vietnam would end. His advantage is his power to oppress his opposition. It is a power he derives from the U.S. military presence.

We could have instructed our advisers in the Provinces and districts to advise fair election practices upon local officials. They advise on everything else.

We could have said that, our purpose being self-determination, we would not support a government which retained, or acquired, power through corrupt or coercive means.

And we could have demonstrated our seriousness by recalling Mr. Bunker, the symbol of American support for Mr. Thieu, until after the elections.

Upon leaving South Vietnam this summer, I urged all those steps upon Mr. Nixon. Again he did not act.

On August 4 he said in a press conference:

> With regard to the elections, let me emphasize our position. Our position is one of complete neutrality in these elections. Under Ambassador Bunker's skillful direction, we have made it clear to all parties concerned that we are not supporting any candidate, that we will accept the verdict of the people of South Vietnam.

Then Ambassador Bunker urged General Minh to run so he could become leader of the opposition after his defeat. The Ambassador also, it appears, insulted General Minh with an offer of American money for his campaign. That, so far as we can tell, is the action of this administration.

Mr. President, the administration has stripped the war, and all our sacrifices, of their one purpose—self-determination for the South Vietnamese. It has made a bad policy worse. It has laid bare the ugliness of a continuing war to prop up a corrupt and autocratic regime in a remote corner of the earth. And now to cover up Mr. Rogers says of the August election in South Vietnam "we are encouraged by that demonstration of democracy."

I am not encouraged.

At this late date, the only way to help ourselves and the South Vietnamese is to end our military involvement; to declare a terminal date for our military involvement; to withdraw American ground and support forces. That is the only way now to fulfill our professed purpose in South Vietnam.

Without the prospect of endless U.S. support, the South Vietnamese will be given an incentive to compromise their differences and make peace. And without the foreigners to fight, the Vietcong will have far less reason to carry on the conflict and less popular support. We can win the return of our men held hostage in the north and get on with our business at home. We can relieve the American military of a crushing burden. The South Vietnamese can get on with their business of making peace and reconstructing a land ravaged by a senseless and seemingly endless war. But the Congress must act. The administration refuses.

It refuses to end the war, win back the prisoners and let the people of South Vietnam determine their future.

The Congress must act. But the conference report language is just another empty, futile call upon the administration.

So let us convene a new conference.

Let us act, not with a toothless, bland, and empty resolution, but with a mandate. The Congress is the policymaking branch of the Government. It is time Congress made it the policy of the United States to withdraw from South Vietnam by a certain date, subject to the return of the prisoners.

This conference report should be tabled, a new conference convened, and a law enacted which reflects the already expressed will of the Senate.

Mr. BAYH. Mr. President, today's consideration of the selective service conference report focuses the attention of the Senate, once again, on the tragic war in Indochina.

The conference report contains a provision whose original intent was to set the stage for complete American withdrawal from South Vietnam by a date certain. The original language of this amendment, as proposed by the distinguished majority leader, declared it to be "the policy of the United States to terminate all U.S. military operations in Indochina at the earliest practicable date and provide for withdrawal of all U.S. military forces not later than 9 months after the date of enactment, subject to the return of all Americans held prisoner by the Government of North Vietnam and allied forces."

Many of us who have registered our disagreement with the intent and the character of the present American policy of Vietnamization had hoped that the Senate could write into a law a stronger, more decisive withdrawal plan. But although this amendment is not the legislation we first introduced, we recognize that it goes in the direction we believe our policy must go. And it establishes the foundations for further congressional action.

In the conference bill, the amendment has been eviscerated, and the clear purpose of the Senate's action thwarted. The conferees have diluted the original language to render the new provision a mere "sense of Congress" amendment—no longer making withdrawal an element of national policy.

While the report calls upon the President to terminate "all" American "military operations" at the "earliest practicable date," it merely charges him with the responsibility of "negotiating for the establishment of a final date" for withdrawal.

This permits the President, at his own discretion and pace, to determine that the "earliest practicable date" for an end to military operations might be. The pace of the Nixon administration is abundantly clear. The Presidential Press Secretary has informed us that even if an agreement could be reached for POW return and withdrawal by the end of this year, the administration would not accept it. Such a withdrawal date would be unacceptable, according to Mr. Ziegler, because it would not give the South Vietnamese adequate time to develop their own military capabilities.

The Nixon administration's discretion apparently allows it to condone—by the presence of American forces—the staged antics of the Thieu regime and its Supreme Court to sustain their political fortunes through a one-man electoral contest. The continued American presence is nothing less—and nothing more—than a commitment to the Thieu regime. That presence and that commitment prevent the process of self-determination, prevent the free operation of Vietnam's own internal political alinements. Self-determination for the South Vietnamese can only begin when American involvement ends.

It has been a carefully nurtured self-delusion to believe, as many Americans have, that we would orchestrate a so-called democratic election in South Vietnam that would produce a democratic result. We cannot.

I have suggested that Vietnam's presidential election be postponed until after American withdrawal. Thus I cannot endorse a modified Mansfield amendment whose essential provisions would allow the President to continue an American military presence in Vietnam any longer than it takes to get out. The very existence of this American force lends legitimacy to the Thieu regime. If we are to move toward peace in Vietnam the language suggested in this bill must be rejected. Self-determination for the Vietnamese and the return of American prisoners of war can best be effected by decisive congressional action—if the President will not act—to set a final date for the American withdrawal from Vietnam.

There should be but one condition for disengagement, the return of American prisoners. The perpetuation of no particular regime and of no one man can justify the continued presence of thousands upon thousands of Americans, and the price in lives and dollars already paid. To accept the language of this bill is to accept the current policy of the Nixon administration.

The conferees explain their emphasis on negotiating an immediate cease-fire as being the most direct route to ending the bloodshed. This emphasis does no more than repeat past administration responses to Hanoi peace proposals. The North Vietnamese and Vietcong have always said that they would not agree to a cease-fire until other issues were settled. Nothing that I heard in Paris either from the North Vietnamese and the Vietcong delegation or from Ambassador Porter would lead me to believe they are about to change their minds on that point.

After 6 years, after 55,000 lives, after all the broken promises and unfulfilled expectations, no one has a right to play a shell game with the American people as to whether or when our boys will come home. Unfortunately, the revised bill permits the President to play just that game, just as he has in the past.

OTHER REVISIONS

Unfortunately, the liberties the conference committee took with this bill are not confined to a single amendment. Actions in both the House and Senate to remedy long-existing inequities in military pay have been nullified. By delaying its effective date, a so-called creative compromise reduced the pay increase to a level beneath that provided in either House or Senate version. More importantly, the conference version diverted increases in pay and quarters allowances which both Houses intended for the lowest paid ranks of servicemen by giving it to higher ranks, the traditional recipients of disproportionally higher pay and benefits. Both of these actions violated the spirit if not the letter of House and Senate conference rules.

Since then, as Senator ALLOTT has noted, the wage-price freeze has produced the economies the conferees sought in delaying the effect of the raise. Because of this, reconsideration of military pay scales and new action by Congress is definitely in order.

Another divergence from the Senate bill is in the radical change made in my manpower study amendment, an amendment, I would point out, which was passed by the Senate without dissent and with the active support of the distinguished chairman of the Armed Services Committee. Its second section, deleted in full by conference, would have required the Secretary to demonstrate in detail what changes in defense posture would have to be made, if total force levels were reduced by 10 percent. Now, rather than paving the way for the basic reorganization and reduction of American force structure that rising manpower costs and inefficiency demand, the bill merely amplifies my amendment of last year. Such a serious weakening of language may delay the planning and decisions necessary to achieve more austere and more efficient Armed Forces. It can only result in further equivocation by the Pentagon in providing Congress with the facts about the deployment and purposes of our forces, facts the Congress must have to make reasoned judgments on the force levels our national interest requires. The end result, I fear, will be the same vagueness and dissimulation that moved me, with the aid of Senator STENNIS, to attempt to require from the Department of Defense an outline for Armed Forces reduction.

Other concessions in the conference bill involved basic procedural rights. Though much progress was made, registrants are still deprived of the right to legal counsel while making a personal appearance before local and appeals boards. Those men wishing to change their status to that of conscientious objector after receiving notice of induction still must endure a kind of double indemnity. Judicial review of their classifications can still be obtained only if these men submit to prosecution for a criminal offense: Either noncompliance with the selective service law or desertion from the military.

We continue to deal capriciously with the lives of those we draft, whether or not they serve in Indochina. The Conference bill does not even sustain the Senate decision to establish programs for the treatment of drug and alcohol abuse in the military. And for the many young men who will return to their schools, the Conference bill makes no provision for prompt readmission, striking an amendment proposed by Senator KENNEDY that would do so when practicable.

It is unfortunate that young men must don uniforms and bear arms in the defense of their country. It is even more tragic when they must die in foreign lands. But it is shameful when a nation compels them to fight and then persists in treating them as second-class citizens.

We cannot—we should not seek to avoid the implications of approving this report. We must recognize the possibility that men whom Congress authorizes the President to induct may be obliged to fight and die in a war that many believe is illegal, immoral, and senseless to continue. Until that war is ended, this consequence is one that cannot be ignored.

Acceptance of the Mansfield amendment in the conference bill would not hasten the advent of total withdrawal, the return of American prisoners and the stabilization of Indochina. Acceptance of the other provisions of this bill would not restore dignity to our servicemen, nor bestow upon our young men their full agenda of rights. Until these provisions are changed, I see no basis to accept the report of the conference. I support the motion to table.

Mr. BENNETT. Mr. President, I support the conference report on the military draft extension bill. This is not an easy decision, because I am sure most Americans are anxious to see the United States move to an all-volunteer Army. In spite of the fact that this has never worked at critical times in the past, we are moving in that direction. Congress would be unrealistic and irresponsible if it imposed a transition period upon our manpower system of just a few months.

I believe our civilian defense authorities and the President are correct when they state that a 2-year transition period is required. The draft is gradually being reduced, and Secretary Laird—along with Secretary of the Navy John Chafee; Secretary of the Air Force Robert Seamans; and Secretary of the Army Robert Froehlke—have clearly indicated that the services are working and will continue to work for a goal of zero draft calls by July 1, 1973.

America is reassessing its national priorities. It is being done in the White House, in the Halls of Congress, and across the country in homes and shops, factories and wherever Americans discuss national issues. I support that reassessment, but in our fervor to make readjustments we should never take steps that will be detrimental to the security of the United States. To terminate the draft without sufficient transition time would be a serious mistake.

In talking with authorities in the Utah National Guard this past week, I am told that their ability to recruit personnel is in serious difficulty. If our draft-eligible men know there is no chance of them being inducted into the military, I think it is folly to believe they will join Reserve and National Guard units. Our manpower needs, therefore, will be in serious trouble. On this basis alone I think it is mandatory that the conference report be adopted.

There has been considerable discontent and concern over the fate of the Mansfield amendment in the report. I find this also an issue which blown out of all proportion. Latest reports indicate that President Nixon is ahead of schedule on troop withdrawals, and I do not believe the Mansfield amendment can improve upon the performance of the President in this particular area. The American job in Vietnam is essentially accomplished.

The Communists have made absolutely no concessions in spite of the many recommendations made by President Nixon. Their peace proposals at Paris have been one-sided at best, and adoption of the Mansfield amendment will, in my view, have no impact on the negotiating deadlock in Paris.

I think the compromise reached by the conferees on military pay is certainly fair in most respects and should be accepted by the Senate.

I received a letter one time from a man who said we should terminate the draft and eliminate our military-industrial complex, and not consider the consequences based upon the experience of the past. I am afraid that type of thinking is prevalent in too many people in America, for it is the experience of the past which has taught us that to terminate the draft at this time, prematurely, would be a serious mistake.

I urge Senators to accept the conference report and to vote against the measure to table it.

A MOTHER'S DECLARATION

Mr. BROOKE. Mr. President, as we debate the draft bill today, it is important to realize that something more is at stake than the policy questions of a deadline for withdrawal and an end to an unpopular Selective Service System. The lives of many hundreds and thousands of American young men depend on what we do here.

No group in our society is better qualified to express this concern than the mothers of these young men. Several of these mothers from Massachusetts, calling themselves the concerned American Mothers for the Preservation of the United States of America, have recently addressed their thoughts to me in a very moving statement. I ask unanimous consent that "A Mother's Declaration" be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A MOTHERS DECLARATION

We the Mothers of the United States, in order to restore a more perfect Union, reestablish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish our complete and unalterable opposition to any further service of our sons to prosecute this war in Indo-China, or any future military involvement anywhere without the express consent of Congress, as the due process set down in our Constitution.

Our conscience dictates our sincere belief in denying their service in this instance; it will prevent radicalism and violence from destroying our children and our country; will insure our government's policy of withdrawal and disengagement from the Southeast Asian conflict and establish its credibility here and in the world.

Our commitment to the South Vietnamese government has now been fulfilled. Six years of concentrated valiant effort, in excess of 50,000 killed, 300,000 wounded, and billions of dollars expended, the sacrifice and courage of our country and its people has proven our honor. Our total demoralization and our complete humiliation would be to stay there beyond this time.

To the Vietnamese people go our blessings and faith in their ability to heal their country and establish the solidity of their government now.

During the long years of this undeclared war, we have asked and we have pleaded for its end, but to no avail, how we demand the immediate and safe withdrawal of all our armed forces and the negotiated safe repatriation of our men held as prisoners in North Vietnam.

Congress must legislate an immediate end to this war and reassert itself to prevent the erosion of its historic powers under the Constitution, thereby, restoring hope and confidence to the hearts and minds of the people of our country.

(Concerned American Mothers for the Preservation of the United States of America.)

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCOTT AND SENATOR HUGHES TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order recognizing the able Senator from Iowa (Mr. HUGHES) then be effectuated following the order recognizing the minority leader and that the Senator from Iowa be recognized for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, for which an order has previously been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. WEICKER). The Chair, on behalf of the Vice President, appoints the Senator from New Jersey (CLIFFORD P. CASE) to attend the third session of the Preparatory Committee for United Nations Conference on Human Environment to be held in New York, N.Y., September 13–24, 1971.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with Public Law 84–689, appoints the following Senators to attend the North Atlantic Assembly to be held in Ottawa, Canada, September 23–28, 1971: The Senator from Alabama (Mr. SPARKMAN) as Chairman; the Senator from Massachusetts (Mr. KENNEDY); the Senator from Virginia (Mr. SPONG); the Senator from Kentucky (Mr. COOPER); the Senator from New York (Mr. JAVITS); and the Senator from Alaska (Mr. STEVENS).

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination at which was reported to the Senate earlier today.

There being no objection, the Senate proceeded to consider executive business.

UNDER SECRETARY OF THE ARMY

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

Mr. MANSFIELD. Mr. President, may I say that I am personally pleased and happy that the nomination of Ken BeLieu has been reported unanimously by the Committee on Armed Services and will shortly be approved unanimously by the Senate.

It has been a most pleasant relationship to work with Ken BeLieu, who has been the chief White House liaison man with the Senate. He has been most understanding and most considerate. He recognizes that there are differences of opinion—as does the President, may I say—and he has been a good man to work with. I once referred to him as a prince among men, and I am delighted to repeat that phrase again.

He enters into a most difficult assignment as Under Secretary of the Army, because the Army is in a bad way at this moment. There is a big job to be done there, and I can think of no one more capable than Ken BeLieu, because he has had experience, both on the inside and on the outside. He is enthusiastic about his new responsibilities. He recognizes that something must be done, and will be done.

I want to assure him that as far as the Senate is concerned, as usual, we will give him the fullest cooperation and do our best to be of assistance in the most difficult assignment which is now his. But the Senate is indeed glad that an outstanding man of this caliber, a man of integrity, Ken BeLieu, has been designated for this most important position in this most difficult period.

Mr. STENNIS. Mr. President, while the nomination is pending before the Senate, I first want to associate myself at this time with the points made by the distinguished majority leader, who is in such a fine position to know Mr. BeLieu. I can add that I see him come into this position with great personal satisfaction, and further with great official satisfaction that he comes here named as Under Secretary of the Army, for two reasons. Even though he is a fair and impartial man in his judgment, he has never lost his dedication and his devotion to the Army as an institution. He represented it in the finest of its traditions as well as a soldier out in the field in action, and the years away from the Army have not dimmed one bit his ardor, devotion, and dedication.

He is severe on himself, in disciplining his mind, so that his judgments are fair and impartial. Second, as the Senator from Montana has said, it comes at a time when the Army has been undergoing unusual difficulties, strained with a load to carry, in many, many ways.

Mr. BeLieu has that basic understanding. He knows a soldier from the day a man first enters the Army and from there on.

He knows the realities of life. I have never found a more practical man, who is better seasoned in judgment and in the realities and problems of life. In saying this, I feel as though I know him, because for more than 6 years he and I worked very closely together on the Senate Armed Services Committee, where he was a very highly valuable staff member, in connection with many bills, including military construction bills. So I know the man and I know the problem, and we are very fortunate to have him.

If I may be indulged to this extent, I hope he is given leeway and authority, or whatever terms would better fit—an opportunity to do something in a constructive way, and I quickly add that I believe he will, with Mr. Froehlke, the Secretary of the Army, and Mr. Laird, the Secretary of Defense. So I feel the appointment is a step forward.

Mr. BYRD of Virginia. Mr. President, I join with the distinguished majority leader and the distinguished Senator from Mississippi in commending the appointment of Kenneth E. BeLieu, of Virginia, as Under Secretary of the Army.

I feel that the President could not have made a better choice than his choice of Mr. BeLieu. Mr. BeLieu has the experience, has an intimate knowledge of the military services, has the competence, and has the esteem of Members of Congress which will stand him in good stead as he tackles his new and difficult assignment.

As the Senator from Montana and the Senator from Mississippi have pointed out, the Army today is faced with serious and difficult conditions. I think it is a matter of considerable importance that a man of the type of Ken BeLieu be selected, as he has been, by the President to assume the position of Under Secretary of the Army. I commend this appointment, and I urge the Senate speedily to confirm Mr. BeLieu's nomination.

Mr. TOWER. Mr. President, I should like to associate myself with what has been said about Ken BeLieu. As I said facetiously this morning, I had some reservation about voting to confirm his nomination, because we shall sorely miss him at the White House. He has performed a splendid job there. I think it is a very important task to help to build the Army of the United States into a great professional, full-time, volunteer organization. We could not have found anybody with more ability and experience. We could not have found anyone with more sincere and profound devotion to the Army of the United States and to the defense and security of the United States of America. I commend the President for submitting this nomination.

Mr. MATHIAS. Mr. President, I join the Senator from Texas (Mr. TOWER) and the other Senators who have spoken on the subject of the nomination of the new Under Secretary of the Army, Mr. BeLieu. I have known Ken BeLieu for a number of years. When I was a Member of the other body, he was Assistant Secretary of the Navy. I necessarily did a great deal of business with him. I have always found that he was on top of every problem that confronted him, and that if he did not have the answers, he knew where to get them.

His experience in Government since he left the Department of the Navy has given him an unparalleled oversight of the operations of the entire Government. I think he will be able to be of great assistance to the President and to Congress in putting into proper perspective some of the problems which may directly affect the Army, but indirectly affect every other aspect of Government.

I think that although it is customary when appointments of this kind are being made to congratulate the appointees, really the President should be congratulated on having a man of Ken BeLieu's ability to nominate; and I think that Ken BeLieu should be thanked for being willing to take this additional responsibility following the long public service he has already rendered.

Mr. GRIFFIN. Mr. President, I want to associate myself with the comments we have heard here this afternoon concerning Ken BeLieu.

As pleased as I am that Ken's very great abilities have been recognized in his appointment as Under Secretary of the Army, I would be less than candid if I did not express some regrets at the same time that we are losing him as the White House's chief liaison officer with the Senate.

In this capacity, Ken has shown most unusual tact and understanding of the problems we face in carrying out our Senate duties. He has always been available and he has always been willing to listen. For his many efforts to be helpful, I am personally very grateful.

I can think of no one who would be better qualified to serve as Under Secretary of the Army.

The U.S. Army has come upon trying days. It is beset with many difficulties, and to resolve those difficulties will require unusual perception, insight, and understanding.

I am confident that Ken will bring those qualities to his new undertaking. He knows and understands the Army; he has demonstrated his devotion to the Army and to his country in combat.

In 1940, he volunteered for active duty in the infantry as a second lieutenant. By 1945 he had participated in the Normandy landings and campaigns in France, the "Battle of the Bulge," Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, the Purple Heart, and the Croix de Guerre.

Following World War II, he served in various assignments in the War Department, and was on combat duty in the Korean war, losing a leg in battle. He was executive officer for two Secretaries of the Army before retiring in 1955 as a colonel.

His experience, I am convinced, will be invaluable to the Army in meeting the problems it faces. I wish him well in his new assignment.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1972

Mr. STENNIS. Mr. President, I do not propose, at this time, to address the Senate at great length. I want to discuss something about the manpower problem in our Army Reserves, the Army National Guard, and the other reserves. I wish to announce also, Mr. President, with reference to the military procurement bill, when we do get back to it, that I am urging all Senators who have amendments to that bill to please file them and let us get staff work started, and let the arrangements be made as soon as possible as to when they will be taken up.

I am going to ask that the leadership take the primary responsibility with reference to getting the amendments in and urging them to be filed, and also, then, to proceed in arranging time to vote and time limitation requests. We know that last year the Senator from West Virginia (Mr. BYRD) did a splendid job, and it saved tremendous time for the individuals interested in the amendments as well as for the floor leadership on the bill and all Members of the Senate. Remarkable work was done by the Senator from West Virginia and the authors of the amendments in working out time agreements for debate, times to vote, and all the many things that come up in connection with a vast bill of this kind. I want to thank them for what they did last year, and invite them to give it their active attention this time.

The Senator from West Virginia is working on these matters. I should say to him, the Senator from Montana, and the Senators from Pennsylvania and Michigan that just as far as we can, those of us on the committee will be available and will agree to time limitations as soon as we can. Also, this time more than heretofore, we have subcommittee chairman and members of the committee that I hope will find it possible to stay here, and I know they will be prepared to stay here and debate these amendments and discuss the various weapons in the bill.

This is all done for the sake of saving time, and also for the information of the Senate, in getting the facts about these weapons before the Senate and reaching some decisions.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I assure the distinguished Senator that the assistant majority leader and the majority leader will both do their very best to cooperate and work with the Senator along the lines he has mentioned. Although this is none of my business, I want to agree with the distinguished chairman of the committee that it would be helpful, if some of his subcommittee chairmen took over a share of the burden, because, having watched the Senator a good deal this year, having observed the tremendous strain and effort which were on him, having observed the magnificent way in which he has conducted the defense of the bills he has handled, it would be my hope that some consideration would be given to his health and some assistance would be given to him in the carrying out of these responsibilities; because we have under consideration not only the conference report on the draft but also a very big and difficult measure having to do with military procurement.

I want to assure the distinguished Senator again that, so far as the leadership on this side of the aisle is concerned—and I am certain on the other side as well—he will be given as much cooperation along the lines he has suggested as is possible.

Mr. STENNIS. I thank the Senator from Montana for his assurances as well as his personal remarks.

By no means have I been the only one who has worked on these bills. I have had a great deal of help. It adds up tremendously when all that is considered. We will have a great deal of help this time, and I hope we can move from amendment to amendment with rapidity, consistent with our obligations.

Mr. President, if the Senator from Colorado desires the floor, I will yield now and make my brief remarks about the Reserves and the Guard a little later.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. I thank the distinguished Senator. I hope the distinguished Senator can remain in the Chamber for the few brief remarks I have to make.

Mr. President, I have repeatedly made it clear that my great concern with the conference report before the Senate is the matter of military pay. I suppose military pay is something like a death. Death means just a statistic unless it happens to be a member of one's family or one's self, and then it becomes very vital. Military pay is just a bunch of figures unless you happen to be one of the people involved in the matter of military pay.

My purpose from the first in offering the amendment which was adopted by the Senate by a vote of 51 to 27 was to try to bring more equity into the lower grades of the service. Unfortunately, in all the other issues that came out of the conference report, I felt that the first four grades of the enlisted men and the first two grades of the officers were not given ample and sufficient consideration. As a matter of fact, these six grades—E-1, 2, 3, 4, and 0-1 and 0-2—received, as a result of the conference report, less money than they would have received under either the House bill or the Senate bill.

At the same time, as I said earlier today, I have been greatly concerned about the number of issues involved in this bill. This morning I outlined the three main issues as I saw them, which involve, first, draft extension itself; second, the Mansfield amendment; and third, the pay bill.

I am so serious and so concerned about the pay provisions of this measure that I have constantly sought to try to separate those considerations from others so that we did not get into a discussion on the floor of a garbled number of questions which might lead to unfortunate results.

I state again that I do support an extension of the draft for 2 years. I have previously made the statement—as late as this morning—that I was prepared to offer a motion to table the conference report this afternoon unless we could find a way and get some assurance that the pay provisions would have a chance of becoming effective this year.

Mr. President, as a result of this, a plan of action has been evolved which is as follows:

It is the intention of the senior Senator from Colorado to offer an amendment to the military procurement bill setting forth the compromise proposal which were outlined in tables 1 to 5 of his speech of Monday of this week, September 13. This proposal will give our first 2-year enlisted men some opportunity of serving their country at a reasonable rate of compensation.

The matter of military compensation is not a new thing with me. I dislike to talk about personal matters; but I recall when my own son was a young officer in the Navy, some 8 years ago, and when I visited him, he pointed out to me the conditions under which some of the enlisted men were forced to live because of the rate of pay that was then in existence, and he took me to see some of the places in which they were living.

So I have had a long and abiding interest in this matter. I have had a long and abiding interest in it ever since the time in 1958 or 1959 when Senator GOLDWATER made his great effort, which I supported to the best of my ability, to try to put military pay on a comparability of skills basis.

I believe that my compromise proposal of Monday of this week, goes a long way to do just this. My figures tell me that as many as a thousand families of enlisted men in the United States receive such a low rate of pay that they actually qualified for and were drawing welfare.

As a result of these numerous conversations and numerous conferences today—in fact, literally dozens of them—I am going to offer an amendment which would put these rates into existence as of November 15 of this year, which is the end of the present freeze under the President's order of August 15. In doing this, I have had, of course, to secure certain assurances.

I might say here, Mr. President, that I have received from the White House—indeed, from the President, himself—the complete, unqualified assurance of his support for this amendment. He has studied this matter and is in complete accord with it.

I have spoken to both the chairman of the committee and the ranking minority member, the Senator from Maine (Mrs. SMITH), about the same matter. Senator SMITH has not at this point given me a final answer, but I am sure she will be favorably inclined to it and will approach it with an open mind.

The chairman, himself, has given me the assurance that he will, with all his strength, support this position—which is also supported by the White House—with respect to this matter. Since the chairman is in the Chamber, I think he would want to speak to this matter and reply to the statement I have just made.

Mr. STENNIS. Mr. President, if the Senator will yield, I will make a brief statement.

First, reference was made by the Senator to the pay of certain junior officers being less than either the House bill or the Senate bill. Technically, that is correct, and in percentages it is fairly small, but it was a defect that showed up in the schedules that were adopted when it was exactly figured out. Frankly, it is one that I regret. In making the adjustments in conference, in putting more money into the quarters allowance and more money for the families of noncommissioned officers and the lower enlisted grades that were entitled to support under the Dependents Assistance Act, that was what occurred. The Senate conferees held out on this, and won, but this other matter, the small percentages I have mentioned, was overlooked.

With reference to the overall matter on pay for the volunteer army concept, and the matter of getting men in the service, that is of deepest concern to me. I feel that I know the trend will be downward, and severely, as I have stated today and yesterday, unless we do enact this standby draft act. I am willing, and have been generally willing all the time, to put in the money that was needed to make the plan go that is now in the bill.

If the President says that in order to make the plan work that is in the conference report—in order to make it work and carry it out—this manpower plan needs the additional money—he has not said this in his other recommendations to us—but if he does make that recommendation, I will favor it and support his recommendation. This is entirely in line with my position all the time to favor giving him the necessary funds to solve the manpower problem in our service.

This, I have assured the Senator, and am glad to assure anyone else, that I would look with greatest interest on an amendment to fill out what the President now thinks is necessary, should the plan not stand up under examination. I would do this even if the amendment had to come in on the military procurement bill, because of the time elements, there being no other salary bill up this year.

I speak only for myself, though, in saying that I can support it. I have not had a chance to confer with other Senators on the committee. It will undergo the usual scrutiny and consideration. I would think, then, that it would have to go with the plan if the President recommended it as necessary.

That would be my position, to support it.

Mr. ALLOTT. I want to say to the Senator that the annualized cost, of course, of the suggestions I made, including tables 1 to 5 in my speech, do run $1.7 billion over the original administration request for this year. So the administration said that it intended to bring it up to that figure as of June 1 of next year. Because of the time that has elapsed, of course, the figures will be much less. As I recall, the cost will actually be, under my proposal, I believe $300 million less than the cost in the conference bill. At least those are the figures we have worked out now. As I understand it, the Senator has told me privately and agreed that he will support the amendment I will place in the RECORD and support wholeheartedly the suggested compromise I made—and it is a compromise—in my speech of Monday, September 13, which was offered as an amendment to the military procurement bill.

Mr. STENNIS. I am familiar with the facts in that recommendation. I have already stated clearly and emphatically my position and the reasons therefor. There is no use to repeat and go over all this again.

I want to add this, that this will not affect one bit my insistence that we go after quality men for the services, that we cut down, unless there is some unusual emergency, on the number of men, the number of bodies, in the services, both enlisted men and officers. I am willing to put more money on fewer men in order to get that quality. That is a mistake we have made in the past, I believe. We must allow for this war, of course, but when we go into this thing, if we get only men in the lowest "category four" for the Army, I would expect that judgment and discretion would keep from filling it up with "category four" men, but we can come back here and ask for new legislation. I am sure that the Senator would approve of that.

Mr. ALLOTT. I would approve of that. I understand. I recall that Senator, on the floor of the Senate earlier this year, during consideration of the draft bill, stating that he would hold hearings on a volunteer army. I know that he is not persuaded of the efficacy of that concept, as of this moment, but I remember the statement he made that he would hold hearings.

As I look at it, the question of pay is separate from the question of a volunteer army.

I think that the pay is necessary, upon the basis of sheer equity and justice to these men; but I do not think it is necessary at this time to get into an argument pro and con on a volunteer army. My own convictions are that we will never get a volunteer army unless the pay raise of the kind I will offer as an amendment, and the Senator has said he will support, comes into effect.

Thus, Mr. President, with that, I merely want to make a statement of my position that I shall not, having had these assurances, and some assurances from the House side—not from everyone over there, of course, not from everyone on the Armed Services Committee because there has not been a chance to discuss the situation which prevailed today with all the members of the Armed Services Committee—but with that I will not make a motion to table the conference report.

Mr. STENNIS. Mr. President, I have not had a chance to bring the full picture to the attention of the Senate with reference to the National Guard and the Reserves and their manpower problems, but I have said many times that without a draft law of some kind, it will strip the units of their manpower rapidly. There will not be enough inducement to bring in the men needed to keep the Army and the National Guard up to strength. The times and events, of course, of the past several months and years have proved over and over again in many States a condition, from which no State seems to be immune, that we must have enough of a quality type of man in the National Guard for home protection. With reference to our other reserves, that is where we find some of our very finest military talent. Much of it has been trained in the services. Some of it is trained by the reserves and the Guard themselves, beginning with the new young men. But we have found that they have been neglected in this new legislation, that there has been no provision made to take care of that problem.

I assume that the Department of Defense will have some recommendations later. I am not a fanatic about the Reserves or the National Guard, but I think the principle applies there, that if we have a reduced manpower, we will get more of our money to take care of the quality requirement.

However, the men we conferred with the other day—the service secretaries and service chiefs—told us that during the 2 months' lapse in the draft law both the number of men willing to enter the Reserve and the Guard and the actual strength of units have begun to fall sharply.

That means they are finding that they can take in fewer, and as the terms expire, they are not signing up for another tour. They are going out, and they do not have the men coming in to take their places.

They said that since December, and that is last December, there has been a 45-percent reduction in those willing to enter the Army Reserve and an even larger reduction of 67 percent in those willing to enter the Army National Guard.

That was from last December, which is a longer period than this 2½-month period I have mentioned.

They said further that, even more seriously, those who have signed up are not now willing to go in when the final date arrives. That means that the men who signed up for the Guard and the Reserve were not willing, when the time arrived, to go in the service.

They further said that last year, one out of three who initially signed up for the Reserves and Guard ended up entering the service. Now the figure is only 1 out of 7 in most of the Southern States and about 1 out of 20 in many other parts of the country.

That geographical comparison is not mine. It was made by the spokesman who made this survey. However, it shows the proposition we are up against for the right kind of manpower, the kind that is needed and is not forthcoming unless we have on the books a Selective Service Act.

These things are highly significant because the losses are beginning to appear so quickly and the reserve and guard units contain men who have signed up for long periods.

One State has lost 5 percent of its guard strength in 2 months. Two other States have lost 3 percent in the same period. If we lose 5 percent of the guard every 2 months, it does not take long to destroy the Guard and Reserve Forces.

The Defense Department representatives essentially said that if we fail to renew the draft and throw away the 2 years of transition we need in order to develop a successful volunteer military system, we will kill the volunteer Army before it even has a chance to take a breath.

I emphasize that because we know that the situation has been slanted here already where the military men were supporting the volunteer concept. We told them that we had to have the facts, whichever side they were on, with reference to this two and one-half month period. We had to have the hard facts of life as to how the lack of a draft was affecting their units.

Mr. President, these are the facts. It was facts of this kind and the further development of that kind of facts, as well as projections into the 6-month period that I was referring to this morning, when I was asking for, not much, but just a little more time to fill in some of these blank spaces.

I am glad to put that in the RECORD at this time.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, does any Senator wish to be recognized?

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I may be recognized following the rescinding of the order for the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I yield to the very distinguished Senator from Missouri (Mr. SYMINGTON) with the understanding that I not lose my right to the floor and with the further understanding that I do not yield for the purpose of making any motion.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

EXTENSION AND REVISION OF THE DRAFT ACT

Mr. SYMINGTON. Mr. President, I appreciate the courtesy of the able Senator from West Virginia in yielding to me.

Mr. President, controversies about the draft, allocation of increases in military pay, and a firm policy for termination of our military operations in Indochina are not new to the Senate. They come alive again today, however, as we move to decision.

For various reasons, many Senators have expressed dissatisfaction with the compromise proposal as compared to the legislation to extend the draft approved by the Senate last June 24.

They know, however, and I, as a conferee on the bill, am particularly cognizant of the vigorous efforts of the able chairman of the Armed Services Committee to retain Senate views in conference with the House. I salute him for his typical fairness and commend him for the strength with which he sought to reflect and uphold the will of the Senate.

Due recognition must be given in a legislative body to the need for compromise; it is essential also on matters of such importance, to exercise our own best judgment.

Primarily because of the dilution in conference of the Mansfield amendment, I did not sign the conference report.

Originally the Mansfield amendment was a mild but nevertheless firm statement of U.S. policy to terminate America's military operations in Indochina and withdrawal of our forces within nine months, subject to the release of all American prisoners of war.

As now revised in conference, it is mute testimony to the will and the desire of the American people to end this tragic war.

It is indeed all shadow and no substance. It expresses the sense of the Congress—not the will, not the policy of the United States—to terminate military operations as soon as may be possible, and to provide for withdrawal at some unspecified time certain.

As of a week ago, the toll of American dead and injured in this war that has done so much to devastate the goodness, the strength, and the spirit of our country mounted to 356,784 of our youth.

We cannot, we should not proceed indefinitely with an indefinite policy on ending U.S. participation in this war. The Congress has a responsibility. The President has a responsibility. I submit that it would be unfortunate indeed for the Congress to provide for the extension of a military draft without full recognition of a will, a determination and a time to bring this war to an end.

I thank the able whip, the distinguished Senator from West Virginia, for his courtesy in yielding to me.

Mr. BYRD of West Virginia. The distinguished Senator is welcome.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE CONFERENCE REPORT ON EXTENSION OF THE DRAFT TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of routine morning business, the Chair lay before the Senate the conference report on the extension and revision of the draft.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day. I ask unanimous consent that I be recognized on rescinding of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order from the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. After the recognition of the two leaders under the standing order, the distinguished minority leader (Mr. SCOTT) will be recognized for not to exceed 15 minutes. At the conclusion of his remarks, the distinguished Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes. At the conclusion of his remarks, there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Upon the conclusion of the routine morning business the Senate will resume consideration of the conference report on the extension and revision of the draft, which is a privileged matter, the unfinished business being the military procurement authorization bill.

Mr. President, it is the intention of the distinguished majority leader tomorrow to move to table the conference report on the draft, and the vote on that motion will be a rollcall vote. That vote will not occur earlier than 11 o'clock a.m., but it is not expected to be delayed long thereafter.

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 26 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 17, 1971, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 16, 1971:

U.N. SESSION REPRESENTATIVES

The following-named persons to be representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

George Bush, of Texas.

Christopher H. Phillips, of New York.

Charle C. Diggs, Jr., U.S. Representative from the State of Michigan.

Edward J. Derwinski, U.S. Representative from the State of Illinois.

Daniel P. Moynihan, of New York.

The following-named persons to be alternate representatives of the United States of America to the 26th session of the General Assembly of the United Nations:

Alan B. Shepard, Jr., of Texas.

Arthur A. Fletcher, of Washington.

Mrs. Gladys O'Donnell, of California.

W. Tapley Bennett, Jr., of Georgia.

Bernard Zagorin, of Virginia.

IAEA CONFERENCE REPRESENTATIVES

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the 15th session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.

T. Keith Glennan, of Virginia.

Dwight J. Porter, of Nebraska.

James T. Ramey, of Illinois.

James R. Schlesinger, of Virginia.

DEPARTMENT OF DEFENSE

Kenneth E. BeLieu, of Virginia, to be Under Secretary of the Army.

EXTENSIONS OF REMARKS

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 16, 1971

Mr. BYRD of Virginia. Mr. President, the Newport News Times-Herald of September 9 included an excellent editorial on the proposal to amend the U.S. Constitution to provide for the periodic reconfirmation of Federal judges.

The editorial makes the point that the courts have engaged in sociological experiments and "have taken unto themselves the rights and responsibilities of a formerly free people."

I strongly agree with this statement. Reconfirmation of judges has been the policy in Virginia for many years. It has been successful, and there is no reason to suppose that it would not be successful at the Federal level. Almost every State in the Union requires the periodic reconfirmation, or in same cases the reelection, of State judges.

Only Federal judges have lifetime appointments.

I ask unanimous consent that the text of the editorial entitled "Looking At Judges" be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOOKING AT JUDGES

In our concern over congressional approval of a constitutional amendment sharply restricting the lawmaking proclivities of the courts and the Department of Health, Education and Welfare to bus youngsters all over the terrain, we must not overlook another proposed change in the Constitution being pushed by Virginia Senator Harry F. Byrd, Jr.

Byrd, recognizing just exactly what's happening now that the judicial branch of government has emerged as an omnipotent five-man tribunal, untouchable by the people of this democracy, has sponsored an amendment that would require that all federal judges be reconfirmed every eight years as a check on their inclination to become dictators.

We have seen just about as much as we can stomach of the courts' baffling disregard of the demonstrated will of the people. We have seen how the courts have wrenched the laws which expressly forbid racial balance in our schools. We are seeing, in Norfolk, how a decree by the Chief Justice can, in effect, tell the transit company how it must regulate its business, said to be at a loss, in order to mark up even greater losses through more busing.

We have seen the President express his displeasure in speaking against busing, and we have seen the Congress surrender in cowardly retreat before the arrogance of the federal courts.

At the moment, no one can do anything against the courts' contradictory pursuit of its contrived sociological experiments, using the people and their children as pawns.

So Senator Byrd has suggested that the work of the federal judges be subjected to a thorough review every eight years, a proposal that seems eminently fair, especially when the courts have taken unto themselves the rights and responsibilities of a formerly free people.

The other side of the coin is read by those who would say that Byrd's amendment would remove from the judiciary all their independence. Well, it goes without saying that federal judges should not be subjected to political pressures, but this nation is seeing too much independence without accountability to the people.

And Byrd has recognized one of the human weaknesses in our system today: that we put up with inefficient, often crooked public officials rather than discharge them because they're on the threshold of retirement. Byrd would retire with full pay those federal judges who are not approved when their eight year terms are completed.

He is adapting the Virginia system to the national level, for the state's judges are subject to reconfirmation every eight years. It is a largely routine process that could stand a closer examination, however, probably because so few people know that the state's judges are subject to reconfirmation.

The Byrd amendment restores some of this power to the people. It should win congressional approval.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, Dr. Bright Dornblaser, director of the Program in Hospital and Health Care Administration at the school of public health at the University of Minnesota, has long been involved in programs to improve the delivery of health services. In his testimony at the hearings held in Minneapolis, he listed 10 conceptual confusions that exist concerning reform of health care. In the following statement Dr. Dornblaser clarifies those conceptual problems. I commend his statement as one that provides the basic information needed when reform of the health care system is considered.

The statement follows:

STATEMENT BY DR. BRIGHT DORNBLASER

INTRODUCTION

1. Appreciation of opportunity to present views.

2. The Federal Government's leadership is essential

3. Credentials to comment include experience as:

Secretary, Board of Health, Philadelphia, Pennsylvania.

Hospital consultant and hospital administrator.

Principal Investigator of a Minnesota Rural Health Care Study and of the Albert Lea-Austin Health Services Regionalization Study.

Advisory Committee—Cedar Riverside "new town in town" health services development program.

Immediate past chairman Health Services Development Committee, Northlands Regional Medical Program.

NEEDS

Consumers want relief of sickness, pain and discomfort—on demand when "hurts," without obstacles and with quality services provided in a manner which respects their dignity as individuals.

There is wide acceptance today that this public want is also a public right.

The phase "we want a doctor in our town," symbolizes the public's demand for a comprehensive range of services as they know of them, including social health services as well as medical care services. Their doctor has provided services with continuity and with warmth and regard for personal dignity. They believe in its quality, although there is a rural recognition that quality of care can mean urban specialist care as well. The phase symbolizes a desire for physically proximal services, financial accessibility to the services which are provided within their culture by someone who is part of it.

Providers of services with concern for quality of services, and with prevention of services, would add to the comprehensive range of benefits which should be provided.

Payors of services are for what the consumers and producers want, but have to think of keeping their costs down, whether the private sector or the government, and "in-line" with those of their competitors.

Both providers and payors of service could potentially benefit from freedom from financial pressure to place patients in hospitals so as to qualify for financial benefits.

The fragmentation and uneven distribution of health services interferes with both effectiveness and efficiency of services.

In sum, the familiar national dilemmas of improving and balancing benefits and costs and of delivery of services, are very much present in rural and urban Minnesota.

RESPONSE

Federal government leadership is essential to resolving health care delivery and financing problems, by efforts which will:

1. Strongly encourage the development of Health Maintenance Organizations as delivery organizations, plus the option of all segments of our population to receive health services through such organizations, and with incentives for people to exercise that option.

2. Establish the minimum level of services that in the interests of public health should be provided by all payors of services—whether government, employers or employees.

3. Encourage and support demonstration health service programs in rural and urban ghetto areas that can be used also for the training of doctors and other health manpower.

4. Encourage the building of communication technology bridges, as an alternative to highways, between the haves and the have-nots—between the communities that have health care resources and those that do not.

5. Support an allied health manpower strategy, including an increase in the supply, the elimination of restrictions on the educational institutions that can train them, elimination of licensure barriers to the services they provide, and protection from the fear of unwarranted malpractice suits if such services are used appropriately.

6. Support the development of a program by which consumers of services can participate in the prevention of their own problems.

7. Continue support of the comprehensive health planning program as a public surrogate and a means for establishing and maintaining the data systems needed by HMO's, other providers, and the public to assess progress towards health goals and objectives.

8. Continue support of Regional Medical Program as a means of improving communication and coordination among health serv-

ice providers, and assuring quality of health services.

9. Support health system management training programs to prepare those needed to effectively and efficiently operate the large scale health services organizations which will deliver health services in the near future and beyond.

10. Support the financing of Schools of Public Health which serve not only the historical role as federal schools, but regional and state missions.

For developing new patterns in the organizations and financing of health care.

And for providing the University "communiversity" outreach programs which apply an interdisciplinary basis, new knowledge and techniques, to the resolution of community problems.

11. Support the establishing, at least on a pilot basis, of organizations like the Freeborn-Mower Regional Health Services Corporations which:

Can assist the regional comprehensive health planning organizations in identifying area health services needs and goals and objectives, and apply the CHP data system and specialized planning services to assess progress in meeting local goals and objectives for the area's population.

Can assist Health Maintenance Organizations and other providers in the provision and financing of health services.

Can assist in the coordination of medical care services as provided by Health Maintenance Organizations and other medical care services, with public health and social services, for the "worried well" as those who are ill.

Can provide an organizational vehicle through which those who can identify to health services needs of the area's population, can join those who can plan, implement and finance the resolution of needs to jointly accept public accountability for the accessibility, quality, and cost of health services to all segments of the area's population.

Has comprehensive capability to respond to comprehensive responsibilities.

Can provide a demonstration setting for the effective utilization of Allied Health Manpower for demonstrating the use of multiple communications technology, and for training health manpower in a rural setting to encourage them to locate in rural settings upon completion of their training.

12. Support programs as represented by the proposed Minnesota Experimental Health Services Planning and Delivery Systems Program, which uses selected national demonstration sites such as Freeborn-Mower County, to develop future legislative program content or to develop effective methods for implementing national health legislation on a continuing basis.

In addition to federal programmatic response, it is important for the federal government to lead the way in clearing away "conceptual Confusions."

1. Health care expenditures are a cost, rather than an investment.

2. Health care is an investment in health services, rather than investment also in jobs—in the economy.

3. Medical care price inflation is bad, rather than not receiving a full return on the investment; or

Financial barriers to health services are bad; or

Financial impoverishment as a result of health services is bad.

4. Health care expenditures should not exceed "X" % of the GNP, rather than, the cost of publicly established minimum health services should not exceed "X" % of the GNP—(Leaving freedom to allocate disposable income to "non-essential" health services, as well as cars, vacations, etc., even if it exceeds a percentage of GNP.)

5. The present health service system is not perfect, therefore, it is all bad.

6. The Federal government knows how to "cure" the health system's problems with a body cast, rather than using pressure points.

7. Medical care problems should be cured at the expense of social health, by centralizing all health system management decisions, rather than permitting local communities to have some freedom for local solution of local problems.

8. Nationally embarrassing statistics on infant and maternal mortality should be cured, rather than prevented by population planning, abortion reform, welfare reform, and environmental health.

9. Monopoly in the financing of health services can be assumed by the governmental sector without significant penalties, even though the penalties of such monopoly are not appropriate if found within the private sector.

10. Providers of service do not wish to improve health services and must be forced to do so, rather than that they and others represent the countries greatest resource, the creative imagination and talent of a resourceful people, which with leadership, direction and the opening of options by the Federal government, will contribute more than their fair share to improving health services to the people.

THE LESSON OF ATTICA

HON. EDWARD W. BROOKE

OF MASSACHUSETTS

IN THE SENATE OF THE UNITED STATES

Thursday, September 16, 1971

Mr. BROOKE. Mr. President, the uprising at Attica State Prison in New York, which was put down on Monday with such tragic and far-reaching consequences is one of those tragedies which will haunt the Nation's mind and conscience for many years to come.

As a student and practitioner of the law and as a former attorney general of the Commonwealth of Massachusetts, I do not presume to judge the guilt or innocence of any of the participants. This is a matter which can and will be resolved by the courts.

But the conditions which triggered the uprising are all too common in our correctional system. Attica could have happened in almost any State. If what happened yesterday is not to be a prolog to other acts of terror and death, the American people must learn and understand the lesson of Attica.

First, the majority of those involved in the riots at Attica were black—as are the majority of prison inmates throughout our penal system. This is not because the majority of our population is black for, in fact, only 11 percent of all Americans in the Nation are black. Nor is it a fact that blacks are inherently more criminal in behavior. But, there are some facts to be remembered about blacks in America. They have less educational opportunity, poorer quality education, more substandard housing, less income, and experience greater discrimination, than have any other people in our Nation's history. These are the facts which are the root contentions of many black prison inmates when they say they are "political prisoners."

Second, prison conditions are almost universally deplorable. Far more is involved than century old, draughty, leaky structures. Far more is involved than poor food, unsanitary surroundings, and generally uncomfortable conditions. What is central is the dehumanization which characterizes prison life. Because a man has committed a crime does not make him less a man. But under our system of justice, a person who has been convicted of a crime—be it petty larceny or multiple murder—is stripped of his humanity by the society he has been found guilty of offending.

Mr. President, to me the most poignant scene in the many thousands of feet of film on the Attica uprising was of a middle-aged black prisoner shouting: "I am a man." For anyone in this country in this day and age, to have to shout "I am a man" at the top of his lungs and from the depth of his soul shocks the conscience.

I have my differences with those blacks and whites who seek militant solutions. I do not support the tactics employed by the inmates at Attica. But for years these men tried to be heard, and few would listen. For years they tried to find a path of progress within the system but for the most part, they found their path blocked. They finally chose the only way that they believed was left open to them to present their grievances.

Forty-two lives have been lost at Attica. The rebellion has been suppressed. But if the conditions which caused that rebellion continue—at Attica and elsewhere across the Nation, I fear that the threat of punishment—even death itself—will not serve as a deterrent to others who, like the prisoners at Attica, believe they have nothing to lose.

Mr. President, it is time for us to take a new look—a tough look—at our whole approach to our prisons and correctional systems—at the way men are arrested, charged, and tried. We must also look at sentencing procedures. We must ask ourselves why it is that 675 men have been consigned to the relentless purgatory of death row, when the death penalty has not been carried out anywhere in the Nation for almost 4 years. Why do the majority of men who serve in prison return convicted of an even more serious crime? When we do no more than imprison those who have done wrong and assume we have thereby done our duty, we wrong the convicted and society as well.

Forty-two men are dead. Sympathy for their loved ones is not enough. Let us respond to the lesson of Attica. Let us get on with true prison reform.

SUBSIDIZED HOUSING NEEDS OVERHAULING NOW

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DERWINSKI. Mr. Speaker, the Harvey Tribune is a publication with the interest of the community it serves at heart and, thus takes an objective, penetrating look at the effects of Federal housing programs in the community of Harvey.

This editorial was carried in the Sunday, September 12, edition of that paper. While it relates in large part to local matters, it dramatizes the adverse effects of Federal programs maladminis- should have their share of low-income dwell- many Members have encountered similar problems and would appreciate this article.

The article follows:

SUBSIDIZED HOUSING NEEDS OVERHAULING NOW

The quarrel with subsidized housing in Harvey came to a head Friday night thanks to the public forum called by the Harvey Area Community organization.

Federal and local government officials met with John Q. Public for the first time to get his assessment of the housing program since its inception. Unfortunately, it took a crisis to get federal authorities to hear the people they say they have been concerned about all along.

While there was general agreement that there appears to be a need for re-evaluation of the total housing program in Harvey in relationship to overcrowded schools, lack of adequate recreational space and other necessities, there was a great amount of time spent Friday evening attempting to shift the blame instead of dealing with the problem.

The question of low-income housing has been a festering sore in this city for a long time, but it has taken a series of complaints to get the ball rolling towards facing up to the number one housing problem—relocating the inner city ghetto.

Most of the homes being constructed under Section 235 of the Federal Housing act are being built in the Black community. Because of this, our society's segregated pattern of housing, regardless of all the statutes, cuts the low-income white families out of the picture in Harvey. There certainly must be some white families that can qualify under the Section 235 program.

We agree that every individual, insofar as possible, should have the opportunity to be a home owner. The federal government financing under Section 235 now makes it possible for every individual to improve his living standard.

However, no community or any segment of the community should be burdened with the entire building program as provided in Section 235. Other communities in south Cook county besides Harvey and Markham should have their share of low-income dwellings.

The excuse for failure to extend the program to communities like South Holland and Olympia Fields and others to the south of us has been that land in these areas is inaccessible to homes under Section 235 because its value far exceeds the program guidelines.

Perhaps the guidelines should be changed to meet the requirements of these respective communities thereby insuring that no municipality is over burdened with providing space for those wishing to improve their lot.

As pointed out by the United Citizens of School District 147 Friday evening, many of the Section 235 homes have brought large families into the City of Harvey and more may be expected.

These families are looking for good, substantially built homes, a quiet community, good schools for their children and a place for accessible and decent employment as well as wholesome recreation.

One community can only accommodate so many people. We hope the Federal Housing Authority will live up to its promise of bringing a halt to building under Section 235 in the City Harvey before the land is completely exhausted. More important, we hope the guidelines will be revamped in the immediate future so that all communities, regardless of their financial status, racial composition or creed, will share in providing for these homes.

If equality can not be established under program guidelines of the federal housing act, then the entire program should be scrapped in the interest of democracy.

VANDER JAGT PLAYS ACTIVE ROLE ON FOREIGN AFFAIRS COMMITTEE

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Thursday, September 16, 1971

Mr. GRIFFIN. Mr. President, Representative GUY VANDER JAGT, who succeeded me as Representative from Michigan's Ninth District, was appointed 7 months ago to the House Committee on Foreign Affairs.

In an article published recently in the Flint Journal, reporter Robert Lewis wrote that Representative VANDER JAGT "has been a leading figure in efforts to revitalize the panel and give it a more forceful voice in foreign policy."

I ask unanimous consent that the complete text of Mr. Lewis' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Flint Journal, Sept. 5, 1971]

VANDER JAGT THRIVES IN NEW ROLE

(By Robert Lewis)

WASHINGTON.—Guy Vander Jagt of Cadillac has broadened his horizons, and the House Foreign Affairs Committee may never be the same.

In his first four years as Republican representative from Michigan's 9th District, Vander Jagt was known primarily as a conservation congressman and tireless promoter of West Michigan's recreational attractions.

His 11-county district has 225 miles of Lake Michigan shoreline and tourism is a major source of income.

Since moving to the Foreign Affairs Committee seven months ago, Vander Jagt has become a leading figure in efforts to revitalize the panel and give it a more forceful voice in foreign policy.

He helped gather Republican votes for successful moves in the committee to cut off military aid to Greece and Pakistan. It was the first time in years that the committee had challenged the White House on a major foreign policy question.

Vander Jagt recently returned from a three-week trip to Africa that included a precedent-setting, nine-day tour of South Africa with Rep. Charles C. Diggs Jr., D-Detroit.

Diggs, a Negro, was the first black foreign dignitary to be permitted to travel freely in South Africa, Vander Jagt said. Under South Africa's apartheid policy of racial separation, blacks and whites live apart and blacks need government permission to enter white sections.

For Diggs to be seen riding in white taxis, staying at white hotels, eating in white restaurants and meeting with white political and business leaders was a revelation for black South Africians, Vander Jagt said.

Diggs was mobbed by blacks wherever he went, he said. They cheered him and reached out to touch his clothing in a style which reminded Vander Jagt of the late John F. Kennedy's crowd appeal.

It was this reception from the black majority in South Africa that caused Diggs to go through with the visit, Vander Jagt said. When Diggs learned on arrival that he could not enter South West Africa, a black colony dominated by South Africa, he canceled, then reinstated, the visit.

The trip strengthened Vander Jagt's belief that U.S. businesses should stay in South Africa. If American firms pulled out, as Digg's formerly advocated, blacks would be hurt more than others, Vander Jagt said.

"Change toward a society where human dignity for all races is fostered is in large measure encouraged by U.S. businesses," Vander Jagt said.

But he said American firms can do more. South African employers pay white workers a higher wage than black workers for the same job. American firms could give equal pay for equal work, Vander Jagt said.

This would still leave blacks at a disadvantage, Vander Jagt observed, because they lack skills to hold the better jobs. U.S. firms could help by offering blacks more vocational training.

Diggs, chairman of the House Foreign Affairs subcommittee on Africa, had long opposed U.S. investment in South Africa, but his mind was changed by the trip and he now thinks American firms can contribute to racial equality in South Africa.

Vander Jagt came out strongly against military aid to Greece in the belief that continued assistance could lead to another Vietnam.

Probably 80 per cent of the Greek people do not like the military junta headed by Prime Minister George Papadopoulos, Vander Jagt said.

"The people are convinced, rightly or wrongly, that the colonels are in power because we maintain them with our aid," he said

"Like South Vietnam," he said, "Greece is run by a military dictatorship. Also like Vietnam, it borders Communist-controlled countries which could provide sanctuaries for an antigovernment movement."

Vander Jagt was the only Republican to participate fully in subcommittee hearings on aid to Greece. His opposition to continued aid, coming as it did from a moderate with no antimilitary bias, was credited with influencing other Republicans to vote against the administration.

As it passed the House, the measure would authorize President Nixon to continue aid if it was in the overriding U.S. interest, but this loophole might be closed by the Senate.

Vander Jagt supported cutting off aid to Pakistan because, he said, it was used to beat West Pakistan into submission.

The argument that the United States should not interfere in another country's internal affairs is not valid, he said, because the giving of aid itself constitutes interference.

Along with his new interest in foreign affairs, Vander Jagt expects to remain active in the environmental field. He is the ranking Republican on the House Government operations conservation subcommittee.

PRICE AND WAGE CONTROLS: A CONFESSION OR FAILURE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SCHMITZ. Mr. Speaker, we are now 1 month into the first coercive peacetime price and wage controls in

American history, and for a growing number of Americans the 'bloom is off the rose" regarding this action. The initial enthusiasm for its was largely due to pentup frustration and exasperation with our numerous, long-lasting economic problems, and a feeling that, at last "sombody was really doing something" about them.

Now it is becoming steadily clearer that a 90-day price and wage freeze does nothing at all about any problem, but simply puts off solutions—while in the process, by the frank admission of the administration officials on the Cost of Living Council, creating severe inequities for which no remedy is available.

Wage, salary, and rent increases already agreed upon in written contracts are not allowed to take effect—though property taxes and other taxes may continue to rise. Plans and financial commitments made on the basis of those supposedly inviolate written guarantees are dislocated, often to the point of major economic hardship. The manner in which the freeze impairs the obligation of contracts is alone sufficient grounds for opposing it in a free country at peace.

At an extensive briefing for Members of Congress September 1, the best reason administration spokesmen could produce for the price and wage freeze was psychological. They said that people had been expecting rapid inflation to continue, and because of that, were raising prices and interest rates and demanding higher wages at a faster rate than actual economic conditions called for. Somehow the price and wage freeze was supposed to convince them that their expectations were wrong.

But in fact, as noted Economist Henry Hazlitt pointed out in a recent issue of Human Events:

> The government creates inflation by permitting, encouraging or forcing an increase in the supply of money. The more dollars that are printed in relation to the volume of production, the less each dollar can bring, and the higher prices must rise.

In July of this year the expansion of the U.S. money supply peaked at 13 percent, one of the highest rates since World War II. By comparison, the money supply was expanded by only 5.1 percent in 1970 and 3.1 percent in 1969. Coupled with the continued growth of the Federal budget deficit and the refusal even to consider seriously any new legislation curbing the excessive power of labor unions at the bargaining table, this made inflation inevitable—and nc 90-day price and wage freeze is going to stop it. Such controls are simply a confession of failure to establish the conditions in which our economy can function freely, fairly, and productively.

The critical decisions will be made between now and November 12, when the 90-day period of the freeze comes to an end. Many—such as Dr. Arnold Weber, Executive Director of the President's Cost of Living Council, who has predicted controls for from 3 to 4 years—will want to turn the current freeze into a total or partial system of permanent controls, which would have to be administered by a huge Federal bureaucracy which President Nixon has said he does not want, and which he should know cannot work.

There are sound and constructive elements in the President's new economic policy—notably the investment tax credit, the excise, and income tax reductions, and especially the Federal spending and hiring reductions. If it is true, despite official disclaimers, that revenue sharing and the guaranteed annual income are being downgraded or dropped as administration objectives, that would be best of all. But time will show the price and wage freeze to have been a serious mistake; and its extension, or the establishment of any system of permanent mandatory price and wage controls, would be a disaster. We must treat the causes of the economic disease of which inflationary price and wage increases are only a symptom.

LETTER TO CONGRESS FROM SAVAS KONSTANTOPOULOS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, September 16, 1971

Mr. THURMOND. Mr. President, Mr. Savas Konstantopoulos, the publisher of the Athens, Greece, daily newspaper Eleftheros Kosmos has written an open letter to the Members of the House of Representatives and the Senate.

The purpose of the letter from Mr. Konstantopoulos is to recount and explain to Congress developments in Greece over the past several years and to present the writer's assessment of what the future relationship between Greece and the United States needs to be.

Mr. President, I ask unanimous consent that the letter be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE UNITED STATES OF AMERICA

(By Savas Konstantopoulos)

PART 1: THE COLLAPSE OF DEMOCRACY

Sir: I believe it my duty to write this letter in the hope that it may help on the understanding that my views are either consistent with, or lie closer to, the facts than any assertion by anyone else, to enable you to draw an exact picture of the Greek problem. In doing so, I am interested mainly for my country, and also for the United States. Common interests link our peoples, the Greek and the American peoples. During the two world wars, we fought on the same side, and the blood of Americans and Greeks intermixed and covered the battlefields. Today, your great country is the only and last safeguard that all nations which have not been subjugated by communism still have in order to maintain their independence and continue developing their civilisation based on their own traditions and will as their driving force. Americans and Greeks are indissolubly united, since both believe sincerely in the principle of the independence and self-determination of peoples. The prime care of each Nation is to insist that no foreign conqueror or influence will govern its existence, but that instead its political affairs should acquire their shape through the competition of its own internal, indigenous forces.

You certainly know, Sir, better than I do, how difficult it can be for a foreign observer to establish the truth regarding the political affairs of a country, no matter how good his intentions may be. Today much is being said and written in your country too about Greece. However, how much of it is consistent with objective data and how much is not? In my country, we love Americans. We owe you much. We want a strong America. Naturally, our main consideration is Greece's survival. But there exists an element of interdependence between our country and the United States. Were we to commit an error or seek orientations running counter to American interests, we would be causing harm to you. Just as you would be harming both us and the United States should you commit an error of judgment in assessing the Greek problem, in spite of your good intention to serve both your country and your real friends.

On the author

Kindly permit me to brief you on the author of this letter. I shall refer to but a few incidents which will enable you to assess and make a fair appraisal for this text. It goes without saying that I feel some embarrassment in discussing my own self. It is, however, necessary to do so. I am the person, sir, who struggled to avert the army's intervention in politics in Greece. As you already know, the military revolution took place in April 21, 1967. One year before—i.e. in March 1966—I gave a series of four public lectures, which I also published as a book. I appealed to the political parties of my country. The framework of the state structure had been violated in all respects. I requested them to change tactics. Because if they continued to rock the foundations of the democratic regime, the tiny parcel of democracy still left would fatally end in ruins. I submitted two basic proposals: first, to rule out any cooperation between the democratic parties and the communists; and secondly, to neutralise party influence within the Armed Forces. That is to say, that each party would undertake not to use directly or indirectly the Army, Air Force, and Navy to airtight guarantees to this effect. I also added: "Experience, logic and instinct have led me to the conclusion that should the parties not reach a Basic Agreement on the isolation of the extreme left and the political neutralisation of the Armed Forces and the Security Corps, democracy will no longer be able to withstand the test. In politics it is impossible to make forecasts with chronological accuracy. One may not be able to specify dates; however, one can frequently distinguish the way in which things move and where they are heading. I am, therefore, convinced that unless a drastic cure is applied, Democracy will not survive. Because they all speak about it, using words, they will kill it through their acts."

Unfortunately, my voice fell on heedless ears. No one among the active politicians paid any attention to my warning. Nevertheless, I was making a statement of fact; I was ascertaining the inevitable fall of Democracy, owing to the errors of the parties, and I was also recommending ways of preventing such a development. Mr. C. Karamanlis, founder of the ERE (National Radical Union) Party and Greek Premier for eight years (1955–1963), who resides in Paris following his retirement from public life, read my book containing the lectures and wrote to me: "Your book, the Year of Dictatorship is both interesting and timely. It shows both boldness and a knowledge of problems. I cannot say whether or not it has been appreciated by the powers from which the Nation awaits its salvation, which powers have fallen into a state of serene inactivity. The undersigned who has the honour to address this letter to you, sir, believes in the democratic ideal. In his final lecture he proclaimed his wish to be the citizen of a democracy and not the subject of a dictatorship, no matter who should enforce it." You are fortunate in the United

States. As democrats, you have never had to face the dramatic dilemma of either accepting a provisional, although not so short suspension of the functioning of the democratic institutions, or rejecting it for the sake of remaining faithful to your principles, the practical outcome being the death of democracy without any chance of its revival.

After the Revolution of April 21, 1967, I had the opportunity of holding a public discussion on the above subject with the noted Spanish historian, politician and philosopher, Salvador de Madariaba. His adherence to democracy is indubitable. Yet he raised his harsh question: "What would the army do when the people are threatened by a communist or fascist coup?" In such a case he wrote: "The axiom that the army should not meddle in politics could lose its value. Such an acknowledgement would be painful to out-and-out liberals and would even sound as treason to their ears. However should they search their consciences, they would agree. In a series of specific circumstances, they should admit that they have already accepted this fact. A sense of intellectual honour imposes upon them the acceptance of this principle. It is a manifestation of forthrightness as well as duty for one to accept theoretically the possibility that military revolution against a political regime may be just."

If I remember well, intellectuals from many countries held a public discussion on the subject of democracy in the 20th century, in Berlin, in 1960. German professor Freud touched upon a view which is linked with our problem: "In 1932, he said, he wondered in Germany whether or not a military dictatorship could free our country of National Socialism. It is our last hope, because, the National-Socialist party was the only party able to seek power, since it was impossible to achieve a parliamentary majority without the National-Socialists. To save democracy, we had, therefore to use illegal means. We had found ourselves in the state of affairs which once prompted a French politician to say: "Legality is killing us". And if the Weimar Republic collapsed in 1932, this occurred not because certain ruling parties aimed at a dictatorial regime they hoped it was possible to form a normal government with the participaton of the National-Socialists. I am no follower of military dictatorship, but I believe that had the German Generals taken power in 1933 the economic crisis would have been averted. Because, through an unbelievable coincidence, Hitler came to power with economic crisis, and he contained it thanks to the subsequent development of the world economy. The German Generals might have succeeded in achieving the same result within a democratic framework. There would have been a military dictatorship at the top, but the political and social life of the Germans would not have changed at its base. In my opinion, it follows that the essence of the matter lies in the fact that such a regime may again become democratic one day, even if that is difficult, when it is necessary to deem it is such.

Professor Freud is a democrat. And we should give attention to his opinion. The imposition of communism on a country destroys democracy definitely and irretrievably. Is there any country who has fallen under the communist yoke and has subsequently returned to a regime of political freedom? None. Communist governments intervene in the structure of society; they alter the social and economic edifice from top to bottom. On the other hand, as the aforementioned German professor noted, a military dictatorship remains at the top of a social pyramid, and leaves untouched the social and economic reality which prevails, and maintains an open door for a return to Democracy.

I would add another element. A discussion which took place at Heidelberg University between Professor Themistocles Tsatsos and the late historian and Chancellor of post World War II German Konrad Adenauer. The Greek professor was an old and staunch democrat. A few months prior to the Revolution of April 1967 he analysed the internal situation of Greece to the great German statesman. He explained to him mainly how the Communist Party used deputies to infiltrate into the Center Union and influence its political line. Adenauer listened to him intently. At the end he told him: "Then there is no solution left other than the army".

A faulty procedure

Might I be permitted, on the understanding that I shall produce the necessary evidence to characterise as erroneous the way in which the Greek question is being faced by a section of Representatives, Senators, mass information media and public opinion in the United States.

Error No. 1: You view the situation in Greece through the eyes of the state of reality prevailing in the United States. You do not examine the particular features of my country. You believe that what stands in America may also be conveyed to another country, take root and flourish. I wish things were like that in fact. No one would wish it more than the undersigned. However, you overlook the historical background of political situations. Each people live within a state of reality which as a rule applies only to itself. Its historical adventures, its cultural standards, the stage of its economic development, the degree of its sense of politics, its geographic position, the friendly or hostile sentiments of its neighbouring countries, lay the foundations of its social life and political institutions. Unfortunately Greece is not America. Your standard is different from ours. And when you look upon us as America and seek that we should also have American institutions, you are led away from objective data and build your thoughts on imaginary considerations. You became an independent country in 1787. Since that time you have had only one constitution. We gained our independence, let us say, in 1821. And to this day we have had 11 Constitutions. This example should be sufficient to point out to you the existing differences.

Error No. 2: You identify Greece of the present with Athens of the 4th century B.C. We have often heard this being said in your great country. How is it possible that Greece, where the ideal of democracy was first born, should be deprived of political freedom today? Indeed the ideal of democracy, a child of Greek Thought, was first born in Athens. We feel proud as a people because our forebears conceived the system of self-government, which, by being converted into a representative system, prevailed in the developed nations of our era. But there was not only Athens in ancient times. There was also Sparta, with her own characteristic mixed and non-democratic regime. Macedonian Hellenism played a wider role under absolute monarchy. Alexander the Great conveyed Greek Enlightenment to Asia and Africa. Later, Byzantium, also under absolute monarchy, played its own role in history for a thousand years. It gave birth to priceless cultural values and thwarted after hard struggles, a serious threat to Europe, stemming from Asia and the Slavs. Since 1204, Greeks have been cruelly tried struggling against conquerors coming both from the West and East. We have suffered tyrannical persecutions, devastations, destructions and tragedies. We were finally overcome. We fell under the Turkish yoke and suffered slavery for four centuries, (1453–1821). Darkness shrouded our nation. Our cultural level as a nation was almost annihilated. In 1821 we revolted and succeeded in driving the conqueror from a part of our territory. Unfortunately, however, we have never been able to enjoy the benefits of democracy. We lacked the necessary prerequisites. We had democracy on our lips, but never in reality.

Error No. 3: You like to discuss with persistence how we will return to democracy. Namely, how we will return to a situation which, as it will be clearly proved mathematically later in this text, was not democratic. Furthermore, those who allegedly fight in favour of political freedom, avoid explaining how the former regime fell and how the prevalence of the 1967 Revolution was made possible without the shedding of a drop of blood and without the slightest opposition. When a political system is healthy it does not collapse because of the ambition or mentality of certain officers. Something worse must be the cause. A fundamental principle of serious and scientific thinking dictates the need for an examination of the causes of the political change which came about in Greece. This is necessary not only to understand how the political situation prevailing until April 1967 was upset, but mainly in order to find the remedy, the right method to establish a well founded, free political system. But, why do those who belong to the political world of the past hide from you this side of the question, which indisputably is the most significant? There is no need for me to explain to you their attitude. The reason is obvious. They fail to mention the cause of the collapse of democracy because they have a guilty conscience. They are responsible for what happened.

Permanent crisis

I will not mention, Sir, personal concepts about the causes of political agitation in Greece. I would rather let others speak. They are reliable witnesses, and they have played an important role in the public life of the country during the last 10 years. Consequently, they are more competent than I to give you all facts useful to your thoughts on the Greek question. I shall begin with Mr. Karamanlis. He was the founder of the large E.R.E. Party and Prime Minister of Greece for eight years (1955–1963). Perhaps my view stated above, that Greece had not succeeded in gaining a normal and healthy democratic life from 1821, may seem exaggerative or even groundless. But Mr. Karamanlis confirms the assertion. Here are some of his views:

"Our people's misfortune is due to the permanent political crisis that afflicts our country.

"In our country, every Greek has a personal concept of the Constitution. And we see that the Constitution is adapted not to the needs of the nation and the mandates of the political tradition, but to our personal wishes and pursuits.

"The political leadership of the country is responsible for the lack of political tradition. No one believes in anyone or in anything in our country.

"The fact that we Greeks at times destroy what we ourselves have created with so much toil and so many sacrifices is a deplorable historic ascertainment.

"The basic cause of the misfortune of our people is the deficient organisation and functioning of our public life."

As you see, Sir, Mr. Karamanlis ascertains the existence of a permanent political crisis in Greece. This disease extends right back to the day after our national restoration in 1821, and as, we shall see, it has not been remedied as of April 1967. The statements of the former Prime Minister of Greece show the low political level of our country, due to the insufficiency both of the Greek people and their leaders. This permanent political crisis took a concrete shape after 1956. It was then that the first Popular Front was formed in Greece. George Papandreou was its originator. The communists had caused havoc from one end of the country to the other during the occupation, in December 1944, and during the period 1946–1949. They had filled it with ruins and graves. And they had agreed to cede national territory to neighboring communist countries. Mr. Karamanlis pointed out the gravity of the fact, and warned of its consequences:

"Political leaders, he said, who slandered each other in the past, parties with deep political differences, without any logic or moral justification, formed a Popular Front in our county (during the 1956 elections, those opposing Mr. Karamanlis cooperated with the communists). It is the first Popular Front to be formed in Europe since the war, as was proudly stressed by E.D.A. (a disguise for the outlawed Communist Party) in a recent announcement. And this front was formed in our country which had a bitter and recent experience of such experiments. As it is known, the policy of cooperation between nationalist parties and communism was first tried in the Middle East, and the results are known. Because of it, Greece, instead of exploiting the victorious outcome of the war of 1940 and her national resistance, had lived 10 dramatic years. Numerically, Communism in our country is not dangerous. However, it becomes dangerous when it finds parties of lower moral resistance, willing to cooperate with it. For it obtains what the numbers do not allow it to obtain, by the falsification of our political life.

Three elements

You should, Sir, give special attention to the above text, for it contains the substance of the political crisis which, after passing through many stages, ended with the April 21, 1967 Revolution of the Army. You will not grasp the Greek problem, you will not conceive its significance and you will never understand events in Greece, if you do not keep three facts in view. 1. The geographical position of Greece. If you look at the map, you will find replies to many of your doubts and solutions to many queries. Greece, like a wall, blocks the descent to the Mediterranean both of Russia and other countries. Consequently, she is a permanent target of many expansionist designs and subject to almost continuous pressure. 2. During the 2nd World War, the Communist Party of Greece became very strong and armed (because of errors by our political world). It sought to gain power through a bloody and inhuman rebellion in 1944. Earlier in the Middle East it tried to disintegrate the Greek Armed Forces, which were fighting by the side of the Allies against Hitler's Germany and Fascist Italy. After the end of the 2nd World War, and from 1946 until 1949, it tried to impose itself with the aid of the neighbouring communist countries (Albania, Yugoslavia and Bulgaria). The United States Congress then accepted the Truman Doctrine on the grant of assistance to Greece and Turkey. You should add to the above that the Communist Party in Greece has always been absolutely dependent on Moscow, and has repeatedly agreed to the detachment of Greek national territory and its cession to other countries (especially Bulgaria and Yugoslavia). 3. Certain parties increased the offensive and corrosive capability of communism by agreeing to cooperate with it under various forms, sometimes overtly and covertly, but always with the obligation to give it something in return. Communism became dangerous in Greece because of the cooperation of other parties with it. And it changes tactics adapting itself to situations and fabricating on each occasion new ways of approach to power.

It will be useful for you to follow still further Mr. Karamanlis' concepts.

"Serious dangers threaten our country," he stressed in 1956. "The Greek people should unite, react and remove these dangers. The terms of cooperation are of no importance (he means with the communists), although, if they are closely examined they are considered as dangerous to the country. The importance lies in the principle of cooperation. Even when the first EAM (an alliance between communists and non-communist elements during the occupation) was established, the terms set for the collaborators of the communists were very innocent, but in the technique of the implementation they were turned into barriers. I do not doubt that the same fate awaits those who have not been taught by their old sufferings. That these people will suffer because of their own sins is of little importance to us. We are interested in the adventure to which the country may be led by the submission of nationalist opposition to the orders of communism."

The Greeks who think coolly drew conclusions both from the political reality and the words of Mr. Karamanlis. Among these Greeks were undoubtedly the officers also. Experience was a guide and Mr. Karamanlis forecast a fatal and inevitable submission of the collaborators of the communists to the aims and pursuits of the communist party.

The political ethics

How to explain the cooperation with the communists of political factors of Greece, who bore in mind the bloody experience of our nation? Mr. Karamanlis attributed it to the loosening of the political ethics. He said:

"A decline in our political ethics has been noted. A slackening that leads the parties to the most unlikely compromises, which not only are at the expense of the public interest but also become nationally dangerous. This spirit of compromise has recently reached its peak. Parties of different ideological bases, with contradicting programmes and political pursuits, parties split by hatreds, even bloodshed, have formed an illicit and anti-national coalition the only goal of which is the conquest of power. In no country and at no time there appeared such a political jumble, which above all else, also shows contempt for the people. No excuse is acceptable for this grave political error . . . I am compelled to say that this phenomenon (the formation of a popular front) could be seen only in Greece, where there is an unprecedented slackening of political ethics, and where hatred and political passion often appear to predominate over the national interest. There are countries where communism has great power, but where there are also strong socialist parties at the same time. In not one of them, however, has there been cooperation with communism, for they all know that such cooperation is the main pursuit of international communism and as the past has proved, as a rule it becomes a transitory situation before Red Totalitarianism. The astonishing fact is that it happens in our country, which has a bitter and recent experience of the policy that led to the well known post-liberation drama of Greece."

It will collapse

Seven years later—in 1963—Mr. Karmanlis reiterated the existence of a permanent political crisis of Greece. He ascertained a malfunctioning of the form of government, violation of the rules, the rocking of democracy, and a national danger:

"The form of government of the country operates defectively under the influence of extortions . . . Demagogy places our free form of government in danger . . . Those who have repeatedly violated the form of government speak in the name of democracy, demanding its adaptions to their political needs . . . Our form of government is not functioning properly, for certain parties of the country, violate in an unabashed manner its basic principles . . . The Centre Union Party, having adopted the permanent slogans of the Left, brought Democracy is being spoken of by those who least believe in it. It is an unashamed demagogism. And if the true state of facts is not restored once and for all, the form of government will collapse . . . The methods of political activity applied by the Centre Union Party are a threat to the nation . . . The public life of the country needs radical changes. Without them the further moral and material progress of the nation will be problematic and the security of the country will be endangered . . ."

Mr. Karamanlis ascertained certain objective facts. And what was his further forecast? Dictatorship. He did not conceal it. As early as 1963 he warned the political world and the Greek people, declaring:

"In all sincerity, I tell you that if the policy of cultivating a spirit of anarchy is continued by the Centre Union Party, there will be a need of dictatorship. However, I will not be the one to establish it. If the policy of the Centre Union Party is continued, all should know that sooner or later it will lead to some kind of dictatorship".

It had been assassinated

In 1964 he ascertained a "climate of political, social and moral disintegration", and expressed fear that "the normal development of our national life will be problematic". In 1967 (about a month before the military revolution), he characterised the prevailing situation in this country as deplorable and expressed the thought that "the crisis is the result of a deeper disease that cannot be remedied with compromises and half-measures". Mr. Karamanlis spoke also after the prevalence of the April 1967 Revolution:

There are two factors, he said, that led to the coup of April 21, 1967: The existence of certain ambitious officers, and the bankruptcy of Democracy. No one is in a position to overthrow a healthy regime. It may be said that democracy was assassinated in Greece under a free regime, and that the colonels did nothing more than give it the final blow.

Another danger, he indicated, was lurking political and moral anarchy. I also know that the country, shaken by savage political passions, was being led to a fraticidal rift. Greeks admit it today, even if they do not agree on the determination of those responsible for it. The greatest responsibility lies with those who brought about the passions. All could see the coup coming. It was caused by those who, had they not been blinded by their passions, could have prevented it.

King Constantine

King Constantine, Sir, will give you the starting point of the exact form which the permanently existing political crisis in Greece took from 1965 and which led to the April 1967 Revolution. About the end of 1964 I met the King at the Palace in Athens. I was given the opportunity to ascertain his excellent intentions towards the then Prime Minister. He used best words and there was no trace of any intention to interfere directly or indirectly in any of the sectors of government activity. In 1965 a secret organization was discovered in the Army. It was called the ASPIDA, and its aim was the overthrow of the democratic form of government. Andreas Papandreou, son of the leader of the biggest party (the Centre Union Party) and Prime Minister George Papandreou, was reported as being involved in it. An effort by the Prime Minister to conceal the case, to influence the inquiry, to prevent the discovery of all the plotters and especially not to let the competent judicial bodies discover which political persons have been involved, was immediately ascertained. Simultaneously, the government and the extreme left began an orchestrated campaign to defame and slander the King. They presented him, in fiery publications as allegedly deviating from the framework of the form of government and as unconstitutionally turning against the lawful government emanating from the public sovereignty. The King was forced to address three letters to the then Prime Minister George Papandreou. Their contents were indeed shocking. The sovereign directly accused the Prime

Minister without circumlocution of violating the form of government and stirring up people's manifestations of a revolutionary character (that is, with the participation of the communists) to enslave the Greek people and abolish popular sovereignty and individual freedoms. And just this phrase, sir, makes it clear that the reading of certain extracts from the King's letters to the then Prime Minister George Papandreou will be of informative value to us. He wrote:

The situation in the country is abnormal and disturbing, and to my opinion, there is an urgent need for radical and irreproachable measures to be taken from all sides to restore this seriously weakened rule of justice, consolidate lawfulness, and bring back the feeling of security and order.

"And the state of the nation is alarming to the utmost degree, since legality and the State of Law are being threatened with destruction, through established concrete evidence of activity on the part of the Central Intelligence Agency, which has been converted into a controller of legality, by its interference in the task of military justice to influence the course of inquiries through the exercise of psychological violence both against officers carrying out their detailed assignments and witnesses."

Unfortunately, I am in the very unpleasant position of stressing that you support and instigate these interferences.

I request—the King told him—that you immediately stop all activity which abolishes fundamental rules for the function of the form of government and causes political agitation and shakes the citizen's feeling of security.

I call upon you to publicly condemn the slander leading to campaign against me and to take concerted and prompt measures leading to the immediate dissolution of all organizations or preparations for people's manifestations or coups prepared under any pretext for the enslavement of the Greek people and abolition of the popular sovereignty and individual freedoms.

For in any case, you are aware of the lives which are written daily, raising allegedly a question as to the functioning of the democratic institutions, and the time has come, for, you as the responsible Prime Minister, not to tolerate opportunistic lies. I ascertained from your letter dated July 9 that you insist on maintaining the intention, which I pointed out to you in my letter the day before yesterday, of systematically presenting the existence of the question of the functioning of the democratic form of government, created by actions of mine, while such a question does not exist, for it has never been born.

Unfortunately, I cannot avoid the thought that the opportunistic insistence on a nonexistent question is a pretext on your part to deliberately disturb our relations. Your pursuit is the creation of a constitutional question out of a non-existing one.

I refuse and in this, I defend my constitutional position and authority before unexpected pressures, to agree to exercise my duties under threats and the influence of impressions from actions not benefitting the normal functioning of the form of government. If there today exists a question, it is compounded in a crisis of confidence caused by your deliberate actions, manifestly planned to limit the unhindered exercise of my constitutional rights. Finding myself before an organized campaign of lies and deception of the citizen's, I have warned you these last few days, twice in writing and once verbally, reminding you of your great responsibilities and asking you to do your duty and dissolve the dark clouds which you allowed to be created, especially since you thickened them through official and semi-official manifestations. As you can see, Sir, from this eloquent text of King Constantine, the leader of the parliamentary majority and Prime Minister was undermining the foundations of the democratic regime and overturning the rules of the form of government. His main goal was to overthrow popular sovereignty and abolish individual rights. A fundamental principle of Democracy is the observation of the rules connected with its meaning in carrying out political competition. First among them is respect for the minority and recognition of its possibility to claim popular confidence without hindrance and to try to become, if the people want, a majority, and as such to govern. This basic rule, without which that democracy does not exist, George Papandreou (always according to the King's opinion) conspired to destroy, thus annihilating the popular sovereignty, namely the foundation of democracy.

North Vietnam

Sir: As you know, Mr. Karamanlis retired from political life in December 1963 and left to live abroad, far away from Greece. He designated Mr. Panayotis Kanellopoulos as his successor in the leadership of the ERE Party. The Party fulfilling the wish of its founder, accepted him. Thus Mr. P. Kanellopoulos became the leader of ERE and of the opposition. On April 3, 1967, the King entrusted him with the Premiership, on the understanding that he would carry out elections on May 28. He was overthrown by the army on April 21, 1967. Since then Mr. Kanellopoulos has been enraged about the revolutionary regime, and does not hesitate to declare that prior to April 21, 1967, allegedly nothing unusual was happening in Greece, and that the solution to the political crisis, and the political normality, would have emerged from the ballot-boxes. Mr. Kanellopoulos, however, was giving a completely different picture of the prevailing political situation in Greece from 1964 up to and including April 1967. Mr. P. Kanellopoulos' speeches disturbed the national conscience of a great part of the Greek people. And this because he alleged that tremendous national dangers were being created for Greece. In January 1965 he said:

"And while the communist activity after the guerrilla war was never so intense as it is today, the Prime Minister appoints as Interior Minister an old collaborator with communism, who, as he himself confessed, maintains his old convictions, and K. γ. P. (the Central Information Service) of the Centre Union Party Government, by its order No. A.P. 507326, of November 4, 1964, commands all units to stop distributing and to return, anticommunist pamphlets sent to them".

On February 19, 1965, speaking at a public gathering of thousands of people in the capital, he warned of the danger: Northern Greece was about to be transformed into a North Vietnam, and the communists were penetrating from everywhere to strike the country from the rear. Listen to his voice:

"After Vitsi and Grammos, this small country had become the strongest fortress in Europe. Mr. G. Papandreou has demolished the walls of this fortress. He demolished them even on our northern borders, where only with a spirit of constant national vigilance and with strong alliances would they stand unshakeable. I call on the Greek people to erect the walls of Greece once again. We will not allow northern Greece to become another North Vietnam. Resistance should be manifested in all sectors of our domestic life. The government of Mr. G. Papandreou has opened back-doors everywhere for the enemy to enter and attack us from the rear".

In Parliament, in February 1965, Mr. Kanellopoulos announced that at the Army General Staff, the brain of the national defence of the country, were serving soldiers reliably characterised as communist and nationally suspect, and he personally handed to the Minister of National Defence a list of communist soldiers stationed at the 505th Infantry Regiment camped at the outskirts of Athens. He formulated a very grave accusation against the Prime Minister, Mr. G. Papandreou, regarding the Central information Service (KγP) and the Army General Staff. According to Mr. Kanellopoulous the then Prime Minister was placing paid communists and officers having the mentality of the uprisings in the Middle East, that is the mentality of cooperation with the communists, tolerance of the communists, submission to the result being the dissolution of the Armed Forces. It is useful to listen to him:

"And with the good faith it (the Papandreou government) has in its supposed friends"—the then leader of ERE said—"A good faith which from bitter experience in the Middle East I know how dear it cost the nation, it accepted the penetration of paid communists in vital services, even the KγP, which has been kept completely away from its national task.

"I have experience of the Middle East. I paid dearly for good faith in dishonourable so-called antifascist officers. But I was taught a lot. Does Mr. Papandreou not intend to be taught anything?

"But why now, that is as of last year, when he became again Prime Minister, does he choose and place officers having the mentality of the uprisings of the Middle East in critical confidential posts in KYP and the Army General Staff? Here is the proof that he has not been taught anything . . ."

Dangerous indeed

In September 1965, following the resignation of George Papandreou as Prime Minister because of his clash with the Throne, a Council of the Crown convened under the presidency of the King. All former Prime Ministers and the leaders of the parties participated in it. During discussions, the leader of ERE with a thunderous voice, spoke of the already existing substantial abolition of the democratic institutions. What was said then, Sir, before the King and the other participants by Mr. Kanellopoulos constitutes a picture and an X-ray of the Greek reality, and you cannot possibly think correctly on the Greek question, if you are not briefed on it. What exactly was happening in Greece[Here are Mr. Kanellopoulos' words at the time:

"In most of the villages of Greece"—he said—"if not in all of them, in all the rural country, there are organised gangs of Lambrakides (striking forces of the communist party). These gangs intimidate and threaten the inhabitants, whom they keep under the influence of fear. The communists possess a great weapon, the weapon of threat. And the even greater weapon they have in their hands is this: That they use threat under democratic cover. This is what is dreadful and renders communism dangerous indeed. The big problem is the existence of these groups and gangs of the "Lambrakides", which render the normal functioning of the democratic form of government impossible. In many villages, even in the villages of my own prefecture, the prefecture of Ahaia, and especially in the province of Aigialia, only two newspapers circulate, Avgi and Vima, because of the interference of the "Lambrakides". These things are happening in many villages of Greece at this moment. It is not possible for the E.R.E. followers to breathe freely. The newspapers of E.R.E. cannot reach the villages of Greece, and if they reach them they are not sold easily or if they are sold, he who buys them is in danger of suffering the consequences. The communists have acquired weapons. And they should not have acquired them. The communists, or the followers of another party, procure weapons. This should be prohibited. There should be a state machinery that will render the countering of this danger possible, not just afterwards, but also by forestalling the danger.

The existence and the authority of the state in the provinces have become nothing.

The Gendarme is hiding instead of being present. There are one or two in each village, The one or two Gendarmes should be present when an irregularity, an indecency, a blackmail by the Lambrakides is noted, instead of disappearing. He is not in a position to interfere, for he is alone against 20 or 30 at least. The big terrorist groups are the state today. The Gendarmes have ceased to protect the citizen.

The leader is obstructed

"I think that the leader of a party"—said the then leader of E.R.E.—"and any citizen, but mostly the leader of a party, who represents at least one third of the Greek people, is entitled to move freely in the centre of Athens. I went, as I have the habit of doing, to the "Byzantium" after a serious parliamentary struggle after the vote against the government of Mr. Elias Tsirimokos. There were already there about 50 youths who on my arrival began to shout. And of course the signal was the name of the leader of the Centre Union Party. Despite this I sat down. But I was warned by a police officer that I had better leave, because buses and cars with hundreds of other night rioters were to arrive. Someone was informed of my presence there, and gave the order for reinforcements to be sent against one man, me. I did not leave immediately. I waited. When I finally withdrew, and the same youths were cheering Mr. Elias Eliou of EDA, who left with me, without any longer calling out the name of the leader of the Centre Union Party, the delayed reinforcements arrived. The leader of a party that represents a force greater than one third of the Greek people is obstructed from moving freely in the centre of Athens.

In all the youth organizations of the Centre Union Party—he said before the Council of the Crown—these Lambrakides have penetrated and given the tone. The Centre Union Party has undergone adulteration. There are its followers as well as communists. Most of the transfers of Gendarmes during the past 18 months have been made on the strength of denunciations made by communists, who have trapped deputies of the Centre Union. They have indeed trapped some, while others have not been trapped but, because they owe their election to premium—benefits, agreed to conceal the fact that the informant was a communist.

"EDA" Mr. Kanellopoulos stressed, "will appear as withdrawing from coalitions in 30 or 40 districts. It will appear both strategically and tactically as achieving a task the originality of which will rouse admiration throughout the world. And it will do that. I am certain it will. The majority party (the Centre Union) is being helped against the will of its leader (he meant Mr. Papandreou) by E D A.

Communists set the pace

"EDA", he said, "will regulate, undermine, and mastermind the further development of our political affairs; in spite of its absence from a standpoint of essential numbers in Parliament, and owing to its presence within a national party, of the size of the Centre Union. To my mind this will definitely happen. And the leader of the Centre Union will be unable to do anything about it, in spite of his wish to the contrary, is in a position to direct the Centre Union.

"If Greece", Mr. Kanellopoulos added, "were menaced with spectacular collapse, as was the case when the guerrilla-bandit war started, I would have felt no fear, because in that case all nationally-minded Greeks, would have rallied before the menace looming before them. Today, however, the menace does not appear in that spectacular and impressive form. This is the very reason why it is even greater, because the indispensable rallying of forces is not taking place, and even cases of corruption of consciences have been reported. And corruption of conscience is what I most fear. And Mr. Papandreou, will become, against his will, the agent of a movement which will not be his own. And that movement will invade Parliament, it will invade Greek history, and the invasion will be deceptive. If the Centre Union were to launch the invasion, this would not be a dangerous invasion, as we would rather call it a democratic victory, a democratic triumph. But now, it would neither be a democratic victory, nor a democratic triumph. It would mark the beginning of the end of both Democracy and Greece.

"We have reached the limit of our era," he said. "Should we fail to stay within that limit, we shall begin slipping and falling: Greece, the Throne, everything. Everything is interwoven. And everything will, therefore, collapse. And this will not happen in a very manifest or outstandingly spectacular manner."

Revolutionary hysteria

Commenting on Mr. G. Papandreou's resignation, which, may I remind you occurred on July 15th, 1965, Mr. Kanellopoulos on December 3, 1966, reiterated that had the Centre Union government remained in office for a few more months, the Greek Armed Forces would have disintegrated, the Nation would have been faced with a grave menace, and democracy would have disappeared."

"It is now clear to everyone,"—he said—"that as in the case of departments of public administration, so 16 months of Centre Union administration proved sufficient to set off a spirit of disintegration in the Armed Forces. Had Mr. Papandreou's government remained in office for a few more months, the Greek Army would have again experienced lamentable days, reminiscent of the days when Greece was a republic after 1924, that is to say the period of military associations of many names, cliques and putschists, as well as, and in particular, of the Middle East which was marked by cooperation between alleged democrats and communists and which undermined the nation. July 15th, 1965, the date of Mr. Papandreou's resignation, was therefore a day that warded off a great danger to the Nation, and a day marking the salvation of Democracy . . ."

It is necessary, Sir, that you keep in mind the entire span of the views which Mr. Kanellopoulos proclaimed in all directions up to the eve of the Revolution of April 21, 1967. On December 24, 1966, he addressed National Radical Union ERE Deputies. He explained why to them, in his opinion, it was necessary to have a government under Mr. J. Paraskevopoulos! His speech contained an ominous warning, when he said:

"Gentlemen, should grave conditions become even graver, because of others and not of us, and this is the historical significance, it is certain that the present government will not face the situation".

Three months later, Mr. Kanellopoulos requested and was granted a Royal mandate to form a government. He became Prime Minister. What did his gesture mean? Please read again the passage quoted above in his speech before the ERE Deputies.

Mr. J. Paraskevopoulos was cast aside because conditions had become graver, in Mr. Kanellopoulos' words. That is to say, the situation had deteriorated. The internal crisis had worsened. P. Papaligouras, a leading member of ERE, on March 2, 1967, proclaimed that a section of the Centre Union was carrying out a policy aimed at driving Greece behind the Iron Curtain.

"In such circumstances", he said, "and unless these conditions change from top to bottom, ERE's further insistence on a policy of detente would constitute childishness. The leader of ERE has therefore warned that we are on the eve of reconsidering our policy. Democracy has the right and the obligation and the legal means to defend itself. We therefore warn that neither will the regime be left defenceless, nor shall we allow the exalted section of the Centre Union to lead us through anarchy and mob rule, which it so impudently and overtly prepares, to the Iron Curtain".

Towards the end of that month, Mr. Kanellopoulos, referring to the intensifying campaign of the Centre Union against the King, declared:

"ERE denounces to the Greek people the undisguised attack against the supreme ruler as depicting the intention to undermine the peace of the people and to spread unrest in the land. It follows that Mr. Papandreou has violated the fundamental unwritten but self-evident conditions, on which, naturally without any written agreement between the two parties, had been based my initiative after December 24 . . . Regardless of how much I try to explain the psychological need which drove Mr. Papandreou into these rhetorical ventures, I believe that it is precisely through them—and the way in which such explosive slogans are being accepted by a section of the people, among which EDA's followers have the main say—that the nation runs the danger of entering a state of anomaly of unpredictable consequences."

The leader of ERE drew attention to two facts: first that the communists played the main role among the masses, and secondly that the nation was being threatened with anomaly of unpredictable consequences.

On April 3, 1967, a government was formed headed by Mr. Kanellopoulos. Internal acuteness had reached a peak. The Centre Union and the communists had raised the banner of revolution. Mr. Kanellopoulos told public opinion that the Centre Union was 1) trying to intimidate the King, 2) making threats against the organs of Public order, and 3) together with the Extreme Left had set up anarchist groups. This is the text of what is said:

"But I have a few other things to tell Mr. Papandreou. It is high time that he put an end his revolutionary proclamations. He knows that he is in no position to proclaim a revolution. There are laws in this country, and powers capable of imposing these laws. It is ridiculous, and equally it is inadmissible, for him to embark upon an attempt to intimidate the Supreme Ruler or threaten the organs responsible for Public Order, Mr. G. Papandreou's revolutionary hysteria, is an indication of a weakness which he can no longer conceal. I warn him that the anarchist groups acting under his or EDA's orders will be met with promptly and with the utmost harshness by the forces of the State, as well as the people themselves."

This is what the Greek people and officers heard from Mr. Kanellopoulos' own lips. They were being drawn a vivid picture of the past as well as of the immediate future. The danger in Mr. Kanellopoulos' words, had not been confined to the political sector, and did not concern democracy alone. They extend to even the most fundamental interests of the Nation. According to the Prime Minister in office on April 3, 1967, Greece was faced with a national menace.

The two Papandreous

Sir, George Papandreou has been our opponent. In the elections of 1963 his party, the Centre Union, emerged as the leading party but failed to gain an absolute majority. Yet he became Prime Minister on the strength of a vote of tolerance given to him by EDA, i.e., the Communist Party. The extreme left had helped him in his electoral struggle. J. Passalidis, EDA chairman, had disclosed this before Parliament on a later occasion. During a debate on June 24, 1965, he had this to say on the elections of 1963:

"I am speaking candidly. When the question was raised, on July 13, as to what we should do, since the Centre Union is running on its own, I frankly told my colleagues: We cannot rid the country of the Right single-handed. It is necessary that we find ways and means of making the Centre Union self-reliant. We gave our political struggle an ideological from: Karamanlis must fall. And we achieved it. If you refuse to acknowledge this, then so much the worse for you."

Elections were held again on February 16, 1964. The communists' support of Mr. Papandreou was manifest. EDA (communist party) abstained from drawing up lists of candidates in certain districts. Its followers voted for the Centre Union. The size of the help was considerable. Mr. Kanellopoulos analysed it before Parliament in 1965:

"Mr. Papandreou's 'Inexorable Struggle' had opened the hatch through which the forces of communism forced themselves, with as milestones November 3, 1963, February 16, 1964, and municipal elections. The three percent (EDA's premium benefit that went to the Centre Union) in 23 prefectures, was the official contribution. Characteristically, EDA received 54,380 votes or 17 per cent, in Athens on February 16. In the municipal elections the EDA list of candidates received 89,762 votes or 30.6 per cent. In Partas, EDA received 8,921 votes or 18.9 per cent, on February 16. In the Municipal elections, however, it received 14,888 votes, or 34 per cent of the total".

Mr. Kanellopoulos' inference was clear. The communists actual help to the Centre Union was much greater than what appeared officially as 3 per cent. George Papandreou acknowledged and proclaimed that Greece was undergoing a deep crisis. When he ceased being Prime Minister, in July 1965, after the King's disclosure that he was working for the overthrow of the regime, he said:

"There has not only been the violation of the regime, but sepsis as well. At no time did the political life of the nation sink into such decadence. All institutions have declined.

"Today, there is no longer any public life. There is a tower of Babel. And a general corrosion of values and the Greeks".

It is necessary to recall previous statements made by G. Papandreou in Parliament; he had described ERE as fascism. Two years before that, he had called it a gang and Mr. Karamanlis a moral accessory, under Penal Law, in the murder of Deputy Gr. Lambrakis. Yet, in 1960, he had a meeting with Mr. Karamanlis at the home of the then Interior Minister, Mr. D. Makris. G. Papandreou had proposed to Mr. Karamanlis to cooperate politically and "hold elections with Gendarmes and at gunpoint". Such instances show the low standard of the democratic conscience of the Greek politicians.

I now come to the case of Andreas Papandreou. As a student he was a communist. He was arrested by the police and betrayed his fellow-fighters. He was then granted leave to go abroad. He settled and built a career in the United States. He returned to Greece in 1960. Following a request by G. Papandreou to the then Prime Minister, Mr. Karamanlis, the latter agreed to use him at the Bank of Greece. He had not been invited to the Greek capital because his contribution to the effort of national economic development had been considered useful and necessary. Mr. Karamanlis had simply given in to George Papandreou's pressure. As soon as Andreas settled in Athens, he called at his own request on the then Prime Minister, Mr. Karamanlis. During the meeting, he stated: "I did not come to Greece for my father's sake, but for you. I want to help you in your effort".

A. Papandreou did not involve himself in politics until the elections of 1963. He did not take part, because he could not foresee their outcome. Only when as a result of the popular mandate it became evident that there was a trend in favour of G. Papandreou, and that he would win the next election, did Andreas Papandreou decide to play it safe and enter politics. He appeared as an extremist from the very beginning. He restored extremely close and constant cooperation with the communists, he became involved in a military conspiracy and turned against the Throne. He had no popular backing of his own. He was elected a deputy solely on account of his father. He drew his stature from his father. Yet, in spite of this, he lost all self-control and mental balance. His father had an experience of half a century, and finally succeeded in gaining 53 per cent of the vote, regardless of the means he used. But Andreas, in a fit of extreme selfishness and megalomania, sought to impose himself over his father, to rule the party and inspire its political line. If, Sir, you should read the book written by his wife, Margaret, you would find ample material on the bickerings between father and son. G. Papandreou is depicted by Mrs. Margaret Papandreou as feeling nothing short of loathing for his son. In her opinion, G. Papandreou was a father envious of his son's ability to conquer power, his youth, his male outlook, and creative energy . . . His father considered Andreas as ungrateful, impetuous and disrespectful. As these feelings grew stronger, he began to express them to me in the hope that I would act as a barrier to what he used to term irresponsible activities . . . My reply was stereotyped: Why don't you call your son more often and discuss strategy with him?—Because he never seeks my advice before doing something—was his reply,—he is secretive,—his father would say about Andreas—He is also impetuous, and these are Mineiko's traits.

Sigmund Mineiko was Andreas' grandfather on his mother's side . . . I was disturbed, I felt sick and disgusted. My anger was turned mainly against one man whom I bitterly called "the enemy from within" —George Papandreou.

After George Papandreou's resignation (July 15, 1965), successive attempts followed in Parliament to form a government. Finally, a government was formed under Mr. Stefanopoulos, which was brought down by Mr. Kanellopoulos. The Premiership was entrusted to a figure independent of parties, Mr. J. Paraskevopoulos, with the mission of holding elections on May 28, 1967. George Papandreou agreed. Andreas was against. This was creating problems for him. It created turmoil for him within the party. It brought him into a difficult position. There was no difference between them as to the aim of cooperation with the communists, or on the essential dissolution of the democratic regime through the imposition of popular antagonism. Divergence existed on the line to follow.

On the first day of the Revolution of April 21, 1967, both George and Andreas Papandreou were arrested. Father and son met at the Pentagon, where they had been taken. This is the exchange between them, as reported by Andreas Papandreou in his book:

"I told you so, remember," he said to me. "The Paraskevopoulos Government was our last hope of averting a military coup. Your polemics against it, your incendiary statements against the King, the doubt which you bred among local American circles, made all this inevitable. And remember, the Kollias-Papadopoulos combination is difficult to beat. They will stay in power for a long time".

Four elements are indispensable to form an exact idea of the way the Centre Union viewed the political situation in Greece, how it was being shaped through the tactics of Andreas and George Papandreou, and how they were leading it to a deadlock: 1) Andreas Papandreou's concepts, 2) George Papandreou's ideas, 3) The confidential report drawn up by A. Anastassiou, George Papandreou's confidant when he was Prime Minister, and 4) General Archimedes Argyropoulos's plan to organise bloody clashes during the pre-electoral period.

1) Andreas Papandreou's views may be summarised as follows:

"Today, we live in an area in which nihilism and lack of principles threaten the nation, threaten all of us, irrespective of party or side.

"It has become manifest for quite some time that an oligarchy, after ensuring possession of weapons and the uncontrolled handling of the national wealth in all its forms, has been trying to subdue the Greek people, stem their spiritual and material progress, and convert them into a docile instrument of continuous and limitless exploitation. Nothing has obstructed the successful course of this effort: Neither laws, because they had been appropriately engineered, nor the State, because it is being adulterated and violated in accordance with the views of the oligarchy.

Today, the police state established by the extreme right, the nucleus of which is composed of groups of huge vested interests, has been restored with strength and an inclination towards duress which is even harsher than that which it had shown during the worst days of Papagos and Karamanlis.

The weeks lying ahead of us will be crucial for the nation's institutions. The King has completed the coup. He has become the leader of E.R.E. He has become a party leader. And precisely because E.R.E. is his party, and equally because the government belongs to him personally, he will sit for his final examinations. And these examinations are the elections. What kind of elections will they hold? Their outcome will be the deciding factor governing the final fate of the institutions . . .

The E.R.E. leadership is not in Paris, but instead in the Psychico and Tatoï palaces. For by his act, the King has shown that he is the leader of the Right. . . .

Andreas Papandreou was relying on cooperation with the communists. This is a confirmed fact. Leonidas Kyrkos was the link between him and the Communist Party. They were in almost daily contact with each other either through personal meetings, telephone calls, or intermediaries. When Andreas was held in the Averoff Prison, after the Revolution of April 21, 1967, he was visited by the SISCMAN mission, and a discussion took place at which Ambassador Mr. Kalamidas was present. Referring to cooperation with the communists, he said that he approved of it. He agreed that there had been joint action between the Centre and EDA in the elections of 1956 (as you already know, it was then that the first Popular Front had been set up). Cooperation did not occur in 1963. However, we know, from the aforementioned statement before Parliament, by the Chairman of EDA, Mr. Passalidis, that the communists had given their votes to the Centre Union. During the discussion, Andreas Papandreou agreed that there had been cooperation between the Centre Union and the communists in the elections of 1964. He explained that this had been effected in two ways: a) Leftist candidates were accepted on Centre Union lists of candidates, and b) EDA had not drawn up its own lists in certain electoral districts. When Mr. George Papadopoulos's Revolutionary Government granted an amnesty to Andreas Papandreou and allowed him to leave the country, he hastened to declare that he would cooperate with communists in organising civil war. A report published in the U.S. magazine Newsweek agreed that there was a great possibility that the communists would gain the upper hand through a civil war. In August 1968, he entered into an agreement with the communist leader, A. Brillakis, which aimed at preparing and waging civil war. He had, therefore, always been in favour of an alliance with the communists. This is definitely established, with mathematical accuracy.

2. George Papandreou was an unstable politician, who changed orientations and moved in various directions without any qualms. In 1956 he set up the Popular Front. He cooperated with the communists at a time when Greece's wounds had scarcely healed after the frightful ordeal of the communist war of 1946–49, a war waged by the communists with the help and interference of neighboring communist countries. In 1952, he collaborated with Field Marshal Alexander Papagos, "Leader of the Rights" as he was called by Centre parties and the Extreme Left, to be elected deputy, having failed to be returned in the elections of 1951. In 1960, as already mentioned, he asked Mr. Karamalis to cooperate politically and hold elections under violence, thus forging the public opinion. Later, he established a tactic of permanent cooperation with the communists, thanks to which he won the elections of 1963 and 1964. When he clashed with the Throne and was about to resign, he told his then Foreign Minister, Stavros Kostopoulos: "With the torch of EDA (i.e. the Communist Party) we shall spread the blaze throughout the country." This sentence is the summation and reflection of his intentions. To an EDA committee which visited him at the time, he declared: "Help me, so that I may help you in turn." His whole line of tactics was incendiary, conducive to passion and fanaticism, revolutionary and irresponsible. He insistently declared that ERE was his sole opponent. He kept EDA to one side, because EDA was not an opponent but instead his ally. When Mr. Kanellopoulos formed a government on April 3, 1967, G. Papandreou questioned the results of the elections due to be held on May 28. He termed the formation of the Kanellopoulos Government a coup. He charged that there was an intention to violate the popular will. He described the King as a party leader who had violated the spirit of the democratic regime. Here are the pertinent statements:

"I denounce to the Greek people another coup. The King has unfortunately chosen to become a party leader. ERE, in spite of having been voted out and being the second largest party, has nonetheless formed a government, thanks to Royal favour. It follows that the spirit of the democratic regime has been violated again, and the dignity and pride of the Greeks slighted.

"Our reply to this is: We shall not tolerate this coup. And we call the democratic world to a universal rally of alert. We enter the struggle with an indomitable spirit. And in spite of deals and violence, ERE will be smashed and the Centre Union will win a great victory. The flow of the river cannot be reversed, and it will sweep away all our opponents. Elections will return us triumphant, and we shall create a new Greece. Democracy will win again."

The new government threatens to violate the will of the People. This is inferred from the statements made by competent ministers. And the text of Mr. Kanellopoulos's declaration contains nothing but threats. He refers to "the State", "laws", "police orders". So far, so good. But the word "Freedom" is nowhere to be seen. Freedom is not mentioned even once, as also is not mentioned the provision of guarantees ensuring the free expression of the people's will. Freedom, the free will of the people, was mentioned in the Royal proclamation. A promise of free, unrigged elections was contained in Mr. J. Paraskevopoulos's statement. But freedom is not mentioned even once in Mr. Kanellopoulos's statement.

This is the point to which the Circe of power reduces people.

3. Mr. A. Anastasiou was a personal friend of George Papandreou, who, when he became Prime Minister, placed him at the head of the Information and Enlightenment Service. Mr. Anastasiou submitted two reports to him. In the first of them, he wrote:

"The undoubted dependence and cooperation between EDA and the Greek Communist Party emerges from crossed-checked mation. A full plan to prevail in Greece has been put into application by the above, with the support of all the Eastern Bloc countries, and especially the Soviet Communist Party. I consider it necessary to report, without being possessed by anti-communist hysteria, that the danger from the entire communist activity, as it is presented today, is exceptionally significant".

Another report of Mr. Anastasiou, dated July 30, 1964, mentions the following disturbing ascertainments:

"There is no doubt that, under various pretences and conditions, the communists had the exceptional opportunity to penetrate the most confidential positions of the state machinery during the 40-day administration (November 8–December 24, 1963). Top-secret documents of NATO, everything sacred to our national security, were at the disposal of the leaders and theoreticians of the Greek Communist Party. For those familiar with events of the time, the situation presented itself as tragic, and any detailed description of it would be unbelievable. Communist exploited the suitable opportunity with the well-know method of penetration. Labour associations, universities and youth in general, societies and then municipalities and communities, were as a rule the first target of the communist sally. The formation and activity of the Lambrakides as of March 1964 permitted the drawing of gloomy prospects regarding the development and further activity of this new E.P.O.N. A wound started to bleed, and I think that much blood will be shed before it is healed".

"Still more disturbing, however, is the complete isolation of H.E. the Prime Minister, whom I believe to be ignorant of the real situation and the looming dangers, and for whom deceptive impression are systematically created.

"Nationally suspect persons have penetrated exceptionally important positions. Spying is rampant and easily extends to ministerial offices. Organs of public order and officers of the Armed Forces face a sense insecurity. It may in general be considered certain that we are on the eve of disturbing internal events, with unforeseeable consequences for the future of the country, even though, mainly as a result of a specific plan, calm prevails for the time being.

"It is an urgent necessity that H. E. the Prime Minister be informed of the true situation. This will not be possible unless all nationally-suspect elements, irresponsible politicians, opportunists in quest of temporary success, and spineless sycophant singing daily praises to the Prime Minister, are removed.

"I think that indubitably there is a great danger. Precious ground and precious time has been lost. I believe that, despite the danger, everything is possible. On the other hand, if the present inertia continues, it may be considered certain that Greece is moving progressively, surely and steadily towards the repugnant embrace of international communism, and probably, without any spectacular revolutions. I appeal to the Cabinet to weigh its responsibilities towards the nation and take concerted action with the Prime Minister, because, without being pessimistic, I foresee that the situation will deteriorate daily".

4. General Archimedes Argyropoulos, retired, a personal friend of George Papandreou, on April 15, 1967, drafted a plan of action during the pre-electoral period. It was a programme for carrying out a civil war. He wrote:

"The militant manifestations will be organised and coordinated, ranging from peaceful but intensely aggressive ones by the intellectuals, through the press and proclamations, including rallies and protests by every professional class, organization, association, society, etc. to militant demonstrations by the youth of all classes, climaxing if necessary in bloody hand to hand encounters between the organised popular masses in the main streets, squares, neighborhood, against the organs of reactionary oligarchy, whether they be called state or parastate".

"The confrontation must have a more dynamic manifestation. For such a contingency, the increase of the striking groups, under the name "Reserve Striking Groups", should be provided for from now.

"The protest gatherings, as in Contingency A, will be more massive, first with gradual participation of the professional classes and organisations, and then with the forces united in uniform manifestations but with intense militancy and supported by united striking groups that could eventually reach the stage of bloody clashes".

"The organisation of special striking groups, equipped with the necessary means and arms that will make possible the neutralisation or destruction of the motorised armour as well as the chemical means of the opponent, should be provided for from now".

It is of special significance, Sir, to study the intentions and plans of the Extreme Left (the Communist Party appearing under the misleading denomination of EDA) during the period which ended with the intervention of the Army. It has already been mentioned in this document that it was granting its support to the Centre Union, first, so as to prevent ERE from coming to power, and also to impose upon G. Papandreou concessions to it, that would create the prerequisites enabling it to seize power. How did international communism view the situation in Greece after the resignation of G. Papandreou on July 15, 1965? You may consult the review "Problems of peace and Socialism", which is published in Moscow. In chapter X it wrote:

"The government crisis which broke out in Greece has shown that the old political organisation existing there no longer meets the needs of the present political situation of the country. Lenin wrote in 1913 on Russia. The nationwide crisis prevailing in Russia is such that it affects precisely the roots of state structure and not some of its details, it affects the foundations of the edifice, and not some section of it or other, not anyone of its floors or other. (Collections; Vol. 19, p. 195, Russ. Edit.) Events in Greece are developing in the direction which points to a political crisis of exactly this type".

Lenin characterised the crisis in Russia in 1913 as revolutionary. This then was the characterisation applied by international communism to Greece. In other words, according to the assesent made by the communist side, Greece was undergoing a revolutionary crisis, which paved the way for an almost certain radical overthrow of the existing social and political regime.

On February 16, 1967, i.e. two months prior to the military Revolution, the following entries were made in the minutes of EDA:

"A bold push from the bottom (by setting up barricades), through trade-unionists, local administration, lawyers, youth, middle aged groups, etc . . . deprecating of bourgeois parties, institutions, ideas, persons, etc. . . . Considerable erosion of all social layers and institutions. All the strongholds of reaction are being struck at their foundations and their great weakness to govern, as before, as always . . . Erosion of everything, deprecating of bourgeois parties, ideas and persons who will cash in on all this, dictatorship or us?"

"Extremely sharp contrasts are noted among the political forces of the bourgeoisie, "chasm". These jolts and the prevailing intensity are unprecedented: You are fascists, a past memory, internal disintegration and crisis".

The significance of the aforementioned assessments of the Greek Communist Party is evident. The political Regime and the social system had collapsed and been reduced to naught in the conscience of the public. Political parties were considered unable to cope with the situation and to hold in check the completion of destruction. There were two solutions in the mind of the communist leadership: either the prevalence of the Communist Party, or the intervention of the Army. The conviction is summed up in the question, whether overall erosion would pay "dictatorship or us (communists)".

After the Revolution of April 21, 1967, the Central Committee of the Greek Communist Party (which had been abroad since 1949, held a plenary meeting in February 1949). At the meeting, a member of the Central Committee said the following:

"In my opinion, the main reason which led local and foreign (American) reactionary circles to the military-fascist coup, was their deep concern stemming from the ascertainment that the crisis of the regime of subservience had grown to such an extent that it would be leading sooner or later to a state of revolutionary crisis; which would jeopardise their rule itself.

"The crisis of the regime of subservience had pervaded all sectors and manifestations of public life, it had profoundly rocked and eroded institutions themselves (parliament, parties, the palace, etc.), the political, state and other sections of the system of authority and administration of the ruling classes."

How was the communist party meeting what it considered as the existing revolutionary crisis? It could not wage any armed struggle as yet. It therefore drew up a new tactic. It had to reach power through a combination of manoeuvres and dynamic pressure, from the bottom, with its organised forces. This meant that ERE should not win the elections, and the Centre Union should win instead. Manolis Glezos (he had been proclaimed No. 1 hero of the Extreme Left, because, together with Apostolos Sandas, at a time when he was still not a communist, he had torn down the flag which the German forces of invasion had on the Acropolis of Athens in April 1941), in a secret speech to the EDA leadership in May 1961, not published at the time, he outlined the plan of the Extreme Left:

"Phase No. 1 Back the Government.

"Phase No. 2 Participate in the Government.

"Phase No. 3 Become the Government, with others joining in.

"Phase No. 4 Become the Government as such.

Manolis Glezos affirmed that if the Centre Union were in danger of losing the elections, the Extreme Left would give it all the support it needed to gain a majority in Parliament. The Extreme Left had ascertained the universal and catalytic crisis which Greece was passing through at the time. After the Revolution of April 21, Mikis Theodorakis, EDA deputy and leader of the "Lambrakides" acknowledged that the intervention of the Army was a fated outcome of the disintegration of our political situation. In an interview to the Italian magazine "EUROPEO" on July 3, 1969, he said: "It was certainly not Colonel Papadopoulos who had created this chaotic and catastrophic situation: We Greeks, all of us, without exception were truly responsible. And those especially responsible, are the parties, intellectuals, and those who, so to speak, belong to the ruling class.

Now, it would be wrong to trade accusations and seek particular responsibilities. Let us, for instance, examine the three main political forces in Greece, in turn. Let us begin with the Left. Its responsibilities primarily date back to the period from 1943–1949. At the time, the Left had committed a succession of grave blunders. They were blunders that in a way formed the root of the present break-up. The Right follows. It ruled alone from 1952 to 1963 without solving any of the major national problems. Its only reply to growing popular demands was barren anti-communism and police repression. Thus, in Greece, we come to that outburst between 1963 and 1964 that brought the Centre Union government. But that party too, although it received 53 per cent of the votes in the elections of 1964, proved unable to govern.

Mrs. Helen Vlahou

Sir: You know that Mrs. Helen Vlahou former publisher of KATHIMERINI and MESSIMVRINI, is moving actively in the international stage against the political regime prevailing in Greece today. In April 1967, Mrs. Helen Vlahou claimed that there was no reason for the Army intervention in politics. There was neither a communist menace nor was the internal situation in Greece showing the slightest symptom of any ailment. I regret to say, Sir, that because she is a woman I am prevented from charactersing her behaviour the way I should. I will only tell you this. No one else, convinced Greek officers that the country had reached the edge of a precipice more than Mrs. Vlahou did. You are a man of good faith, Sir, and you wish to be told the truth. It is not my intention to influence your judgment. I shall, therefore, lay before you some of Mrs. Helen Vlahou's writings, so that, with your characteristic sense of responsibility, and on the basis of what you will read, you may form your own opinion. Mrs. Helen Vlahou's campaign dates back to 1965. For us Greeks, there is no period presenting a worse nightmare than December 1944 when the communists, in their attempt to seize power, embarked upon unprecedented atrocities, crimes and tortures. On August 1, 1965, Mrs. Helen Vlahou's "KATHIMERINI" wrote: "The country lives through days like those of December 1944; it remembers and worries . . ." That is to say Mrs. Helen Vlahou informs you, since 1965, that Greeks have been moving in an atmosphere of communist terror.

Prior to this, on February 18, of the same year, the newspaper Kathimerini wrote:

"And it (the work of the G. Papandreou Government) lies in the fact that all government bosoms have become greenhouses of a size unprecedented since 1944—harbouring the communist movement to the point of allowing communism to become once again a deadly menace to Hellenism. To begin with, numbers speak for themselves: 17 per cent of the votes went to EDA in the general elections of 1964 and 30 per cent in the municipal elections of that same year within just a few months of one another. EDA members, the "organized" ones, increased by 100 per cent between July 1963 and July 1964. Its leading members, which were called "basic organisational elements", rose from 1,324 to 2,600, i.e. by 100 per cent in this case too. The "Lambrakides" organisation, with the blessings of the Leftist Leadership of the Ministry of Education—or at least with its benevolent tolerance—placed the pupil and student youth under its control. In the Armed Forces, Mr. Kanellopoulos supplied figures to the National Defence Minister, communists are active. The texts, EDA's official texts, praise the assistance given them by the Papandreou Government and underline the need to avoid having it overthrown until its task is completed, i.e. the handing over of the nation to communism . . ." (Extracts from Kathimerini, 18–2–1965).

A few days before G. Papandreou's resignation, on July 11, 1965, Mrs. Helen Vlahou was saying: "The nation has now entered the zone of great danger. The large mass of the people sense it and is naturally anguished. And even the most indifferent citizen is beginning to wonder, and ask: 'Where are we going? Where are we being led to?' " Mrs. Helen Vlahou did not confine herself to underlining the extent and weight of the communist menace. She was raising a broader issue involving the political backwardness existing in our country. On August 12, 1965, she wrote the following:

"When are we going to pull ourselves together?"

When will someone among the leadership of the Nation acquire a sense of responsibility, seriousness and honesty such as is found among the simple, common shopkeepers? Will this tragic phenomenon of underdeveloped leadership eventually arouse the sensible public? Will the time come when public opinion will demand to be respected, taken into account, and intimidate them?

Messrs politicians of Greece, this may be the last chance. You must pull yourselves together, evolve, and stop presenting, as a whole, that lamentable, hopeless spectacle. Among all phenomena of underdevelopment which Greece has to show, do not deceive yourselves, Parliament is the most impressive. Parliament and its deputies, who yesterday, today and tomorrow have always been studying with care which leader, which party, what situation will ensure them more votes for re-election. This is what really interests the 300 . . . (How many shall we exempt? Fifty at most? and the rest . . .?"

She was describing George Papandreou as the deliberate organ of communist conspiracy, which aimed at converting Greece into a satellite of the Soviet Union (February 20, 1966). And she added on the 9th of the following month: There exists a frightful danger from the continuing activity of the Lambrakides and the illegal machinery of the KKE which has officially acknowledged that it is directing EDA.

Prior to this, on May 25, 1965, when G. Papandreou was still Prime Minister, she formulated against him a charge of attempting to lull public opinion with assurances that communism is not following an upward trend, but instead is declining. In 1966 (June 16) she wrote on the communist "Lambrakides" task force: EDA has ordered the "Lambrakides" not to display their strength or their insolence. Because it wants to lull the Government into believing that they are no menace and should not, therefore, be disbanded. It is preparing them for the surprise of the Big Day.

The power of the Communist Party, appearing under the mask of EDA was growing at whirlwind speed, and was concurrently accompanied by State disintegration. Mrs. Helen Vlahou drew attention to this in the most categoric terms:

"According to official figures published yesterday, EDA, which in November 1963 numbered 23,000 organised members, today, numbers 100,000. The numbers are of special importance, for they do not relate to the followers of Communism but to its mobilised and disciplined forces. The importance of the organised members has been stressed by Lenin himself, who wrote: "One thousand organised communists are worth more than 100,000 simple followers. We should take advantage of all the special conditions for us to expand and closely knit our organisation to the masses. It was exactly these special conditions that Mr. G. Papandreou granted to EDA between 1963–1965 for it to increase its organised force by 450 per cent. And at the same, while he was granting "these special conditions, he disrupted the state also, making it incapable of reacting to the communist army. Namely, he disrupted the Security forces, education and the administration, undermined Justice and prepared the disruption of the Army. . ." (Excerpts from "Kathimerini", 17–2–1966).

The Centre Union Party announced in August 1966, "that it would organise the defence and self-protection of the democratic citizens". Mrs. Helen Vlahou characterised the Centre Union Party's announcement as follows: "It means that he (G. Papandreou) will organise what the Communist Party calls "self-defence", that is, groups for armed activity. Consequently, it becomes obvious that we are facing one of the most dangerous stages of the revolutionary activity of the popular front. In reality, it is a pretext for the organisation of armed revolutionary groups. With his statement, Mr. G. Papandreou offers EDA the necessary shield to present the organisation of "self-defence" as an organisation of the "democratic" people and not the communists. The popular front is proceeding to the extreme measures". ("Kathimerini" August 21 and 23, 1966).

In March 1966, she warned that the machinery of the Communist Party was in position "to move within the basin of Attica an organised and militarily disciplined force of 30.000 to 40.000 persons at all hours of the day and nights",

We were, Sir, in the year 1967. In February, Mrs. Helen Vlahou was interested in recalling the general insufficiency of the political world of this country. This is her sermon:

"There are times when the Greek people, astonished, ask themselves if, perhaps, among their representatives, are also included persons with special reasons to desire the irreparable destruction of the parliamentary system, the diminution of all the essential institutions, and the humiliation of all office holders? It is a reasonable question, for in no other period of our modern national history have so many cases of cheap nihilist attitude been gathered as during recent years".

What impact would an eventual victory of the Centre Union Party in the May 28, 1967 elections have had? Mrs. Helen Vlahou replies without hesitation: Greece would have been withdrawn from NATO and dragged behind the Iron Curtain.

"It should be clearly understood that the May elections will, among other things, determine also the change in national policy in regard to the foreign relations of this country, namely the position of Greece within the system of her alliances. For the son, A. Papandreou, on this point was not secretive. By requesting the balance of the so-called "foreign influences", in essence he asks for withdrawal from NATO, no matter how much he wished to conceal it. What is suggested, that is to say, unreservedly is a fundamental change of the Greek policy, and naturally this satisfies the Extreme Left, which no longer needs any Trojan horses in order to enter the national stronghold. The Centre Union Party is already appearing bolder than EDA in claims which have always been considered as exactly opposite to the national interests. "Let us accept reality as it is; namely, that we have to deal with a political world whose aim is to seize power, all power, and whose motto is that the end, no matter how low it might be, "justifies the means". Possibility of a break up of the Centre Union Party, or possibility of a disagreement of any kind in its cooperation with EDA (KKE), does not exist, since in essence, by the well-known Royal Decree, the date for the elections has more or less been set".

On February 23, 1967, Mrs. Helen Valhou, in a dramatic warning to the Greek people and the Armed Forces, wrote of what was certain to happen on the night of the elections. It is an alarming text. I would beg you, Sir, to read it carefully, for its repercussion in the Army was very deep:

"The important thing, however, is that if, God forbid, the Centre Union Party emerged from the elections as the leading party, or together with EDA became the party with the majority, then that same night of elections the two people's parties, by setting into motion the revolutionary machinery of EDA and creating with its protection mob demonstrations, would abolish the regime, become masters of the government, or rather of authority; and to remove them from it, it would be necessary to call out the Army, and even then it is doubtful whether it could succeed in moving amidst the confusion, and open fire on a popular gathering of the "Lambrakides", before which the people's Papandreou-Passalidis government would take the oath of office. And all this would certainly create an impression of revealing some secret only to idiots or simpletons. Those who do not wish to seem like ostriches hiding their heads before danger have long since been aware of the menace, of which many have spoken recently."

The Greek officers, Sir, were informed by Mrs. Helen Vlahou that on the night of the elections the Centre Union Party and the communists would seize power through a revolutionary process and abolish the form of government. In this case, it would have been necessary for the Army to intervene, and inevitably we would have ended with bloodshed, although it was doubtful (always according to Mrs. Helen Vlahou) whether the Army would have been able to face the organised forces of attack of the Communist Party, supported by a significantly sizeable part of the popular mass of the Centre Union Party.

So far I have given you a picture of the internal situation of my country as it was seen by basic factors of Greek public life. I think that it will be of great importance to your effort to seek the truth about Greece if I add one more element. As you probably know, there operates in the French capital a research company called SEDEIS, supported by the Ford Foundation. It has issued a series of studies on various countries. Among them is a study entitled "The political future of Greece", which was published in the FUTURIBLES magazine, issue No 65, as supplement No 866, dated October 20, 1963. The author of this work is unknown. It is signed by three "Xs". His findings agree with the view that the Greek regime was then subject to "the most serious political crisis since the guerrilla war". However, the forecasts of this investigator on future developments are of greater importance. He wrote:

"As for the rest, the future to Greece has a big unknown "X" that applies a break to forecasts: the role of the Army. It is by nature determinedly opposed to the parliamentary system. The officers who, in their majority, come from the lower classes of society, form a small or medium-sized bourgeois class, consequently not dedicated to the conservative Rights, onto which, however, they have hurled themselves because of their fundamental and fanatical anti-communism, due to the role of the Army during the civil war against the communists and the clumsy attacks of the non-communist opposition, which sees in it the partial support of the Right. Out of its anti-communism, the Army openly supported the Government of C. Karamanlis in the recent elections. But the attacks of the opposition, to which the Government had left it exposed, without protecting it, led to a never-growing rift between it and Mr. C. Karamanlis. Disgusted, as the majority of the country is, with the political disputes, it has the advantage of being the sole organised formation that had kept clear of parties, and maintains amidst the waves of doubts and questions a spirit of cohesion and unsullied pride based on a glorious past. Growing rapidly conscious of its strength before the speedily-advancing deterioration which crisis unfailingly carries in its path, being spurred and strengthened when attacks are directed against it, it is steadfastly determined not to allow the fate of the nation to be staked without its having a role, if not the main one. Should there be any ties between the Army and the King, that might delay its intervention; it will nevertheless go ahead, and it will do so regardless of the King, towards whom its affection is directed but whose political weakness prevented him from being shielded from criticism, and whom it knows to be little inclined, if not incapable, of leading the action which he wants to claim as his own. The Army can survive with or without the Sovereign, and it will act without him. The problem facing the man or men who will stage the coup is another unknown factor. They will not be mobilised among the highest-ranking officers, who are far too exposed today. The officer or officers who will establish the military dictatorship are today living in the dark, if they exist at all.

That is, the Army will intervene, it will do so without the knowledge of the King; the revolution will not be led by the highest-ranking officers, and any elements of the Army that might undertake this initiative remain unknown. That is what happened.

PART 2: THE PHASES OF THE NEW REGIME

Sir: In the first part of this letter you were given the objective facts of the Greek political crisis during the period 1965–1967. Thus you have the causes for the Army's intervention in politics and the motives of the officers. Elements of the Armed Forces who could think and judge were informed by the King, the leaders of the Parties and the newspapers that:

The country was suffering a protracted political crisis. It was the responsibility of all the parties. The political world in this entirety was decayed. An unprecedented slackening of political morality was noted. The phenomenon of the underdeveloped leadership was tragic.

In essence there was no democracy. It had been abolished. Decay was turning into a fatal gangrene. All the institutions had declined. Complete erosion of all values.

According to the King, the Prime Minister had in mind to enslave the people, abolish the popular sovereignty and revoke personal rights. George Papandreou was characterised as a conscious organ of a communist plot, for Greece to become a Soviet satellite.

The Communist Party matured. There was danger of Northern Greece becoming another North Vietnam. The enemy penetrated, to attack from the rear. He seized the most confidential positions. There was cooperation between the Centre Union Party and the Communist Party. The Centre Union Party had been adulterated at the level of the people. The communists assisted it. It was certain that they would have done the same in the next elections, also. EDA (the Communist Party) would direct the Centre Union Party and become the regulator of the political life of the country. The communist danger was even more serious because it was not presented in a manifest and striking manner. It tried to lull the national conscience of the Greek people. And it was successful.

A victory of the Centre Union Party in the elections, with the assistance of the communists, would have been the beginning of the end of Democracy, as well as of the independence and territorial integrity of Greece. Consequently, there was a national danger, a fatal danger, an immense danger. Greece had entered a minefield.

Creation of a transitory political situation, with cooperation between the Centre Union Party and the Extreme Left constituted the bridge to communism. It would have transformed the country's foreign policy, and tied Greece to the chariot of Russian policy. The Centre Union Party, at the beginning of April, had been swept by a revolutionary hysteria. E.R.E. prepared to carry out rigged elections. Greece was being led to fraticidal convulsions. It was foreseen that on the night of the elections, the joint popular forces of the Centre Union Party and the communists would revolt. The Army would be called in to intervene. Bloodshed was certain.

All parties wanted to use the Armed Forces, each for their own benefit. They looked on them as instruments of party dictatorship.

Certain officers decided to act. First in order to prevent a civil war. Second, not to allow the communist threat to the democratic regime and the independence and territorial integrity of Greece to take on flesh and bone. Third, to prevent the dictatorship of one party. Fourth, to set aside those responsible for the collapse of Democracy already accomplished. And fifth, to find solutions to the long existing problems of the modernisation of the country, which had prevented its acquiring the presuppositions of a real Democracy. The officers who took action expected that the King would take the initiative. In parallel, brought pressure to bear on the highest leadership of the Armed Forces. The need for the Army to undertake the political responsibility of governing the country matured in the conscience of the Army. A poof: The Chief of the Army General Staff was Lieutenant General Gregory Spandidakis. In effect, he was selected by the King, who had absolute faith in him. General Spandidakis claims that he had taken the decision for the army to intervene. He would inform the King accordingly, but was set on taking action on his own responsibility even if the Sovereign were to disagree. The military revolution took place, and prevailed, during the night of April 20-21, 1967. In this letter, Sir, I shall summarise the main stages the revolutionary regime has passsed through since its birth.

Phase one: The preparation, manifestation and prevalence of the Revolution. Leading personality of the undertaking was Mr. George Papadopoulos. There was absolute secrecy. The action surprised all, and succeeded easily. The main concern of the leader of the Revolution, Mr. G. Papadopoulos, was to see that no blood was shed. This required a series of measures, among them arrests on a large scale. Thus, bloodshed was averted. Simultaneously, a relief and lack of reaction of the people was ascertained by impartial observers. The second element of this phase was the compromise of the Revolution with the King. The action of the Army was not turned against the Crown. This was proved by the events that followed, When the King went to the Pentagon from the Tatoi Palace, the question of the formation of the new government was brought up. The Revolution wanted it to include only military men, with the Chief of the General Staff, Gen. Spandidakis, as Prime Minister. The King objected to this. He suggested the use of non-military men also, and proposed the then prosecutor of the Arios Paghos (the Supreme Court), Mr. C. Kollias, for the Premiership. The Revolution agreed to this. The first revolutionary government, with Mr. Kollias as Prime Minister, took the oath of office in the afternoon of April 21, 1967, at the Athens Palace. Mr. G. Papadopoulos, as leader of the Revolution, showed a mood of conciliation and moderation towards the King. Third element of this stage was the definition of the aims of the Revolution. This was accomplished through the broadcast of the Prime Minister, Mr. Kollias, to the Greek people. The aim of the new regime was to cure the rottenness that endangered the country, prevent a civil war, and prepare an orthodox and healthy parliamentary form of government.

Among other things, Mr. Kollias said in this message:

"People of Greece, we have for a long time now been witnessing a crime that was being committed against society as a whole, and our nation. The unhesitating and miserable party bargaining, license on the part of a large section of the Press, the methodical attack against all institutions, complete slendering of all institutions, their erosion, the utter deprecation of Parliament, complete slandering of everything, paralysis of the State machinery, a complete lack of understanding of the burning problems of our youth, ill-treatment of our students and pupils, and ethical decline confusion and obscurity, secret and open cooperation with those aiming at subversion, and finally, explosive slogans used by demagogues lacking conscience, have destroyed the peace of the land, have created an atmosphere of anarchy and chaos, have cultivated conditions of hatred and dissent, and have led us to the brink of national disaster. There was no way of salvation left to us other than the intervention of the Army. The elections which had been proclaimed could not have offered a solution to the stalemate which had been created. First, because under the present circumstances it was impossible to hold them in normal conditions, and second, because no matter what their result would have been they would have inevitably led us to bloodshed and chaos".

The new government promised a radical change in all sectors of State activity and a series of other measures aimed at creating the suitable conditions for a return of the country to the parliamentary system on a healthy basis." It was stressed from the first moment that the intention of the Revolution was to create "a genuine, orthodox parliamentary life", to which the country would be led "as soon as possible". What was the social and economic philosophy of the new regime? It was set out clearly and unreservedly by the responsible Minister, Mr. N. Makarezos, on April 26, 1967, that is to say five days after the Revolution had prevailed, through the following statement:

"Greece belongs, and no one should have any doubt of this, to the Western World. It follows that the cosmotheoretical basis of its social and economic problems cannot differ in substance from those of Western nations. Specifically, with regard to the cosmotheory governing the economic life of the Greeks, the Government declares categorically that it stems from a positive exploitation of private enterprise. We believe that the individual both as a unit of production and as a unit of consumption, should act freely on the basis of the greatest lawful increases of lawful benefits resulting therefrom. It follows that the Government lays down as its aim the encouragement of private enterprise through suitable public financial and credit incentives. The aim of profit through lawful means, as a propulsive factor of development of the nation, is considered by the Government as the basic element in applying its economic policy".

The foreign orientation of the Revolutionary regime was also expressed, without ambiguity, on April 21, 1967. It was announced in this connection at the time, in the statement setting out the programme of the Government:

"The Government will seek to remain steadfastly devoted to the idea of peace and freedom, in accordance with the principles of the Charter of the United Nations. In this sense, Greece, as a free and proud Nation, aims at the faithful fulfilment of her obligations to NATO and her Western Allies, but at the same time asserts its rights as a member on an equal footing of these alliances. Furthermore, the Government will try to maintain and develop friendly relations with all foreign countries without exception".

What is the inference to be drawn from the above texts, Sir? First, that the new political situation did not consider itself static, unchanging and undeveloping. It characterised itself as having as its aim the creation of a healthy democratic and parliamentary system. It did not blame democracy as such, but it did attribute responsibility to the political world of Greece on the grounds that, owing to its shortcomings and decline, it had brought about the collapse of the existing, albeit partially existing, democratic institutions, thus bringing Greece to the brink of the abyss. The new regime preached its gradual self-catalysis, and from the first moment it directed the thoughts of the Greek people towards the idea of healthy democracy. Second, from the point of view of social and economic policy, the new regime had proclaimed its devotion to the principles of a free economy which prevail in all countries of the West. The basis of its economic policy would be, as it said, private enterprise and economic freedom. The new regime has fulfilled that proclamation without the slightest deviation, to this day. Third, we finally come to the question of the foreign orientation of the Revolution. On this subject, too, the new Government stated in its programme, in the most categorical manner, that it would remain devoted to the idea of peace and the freedom of peoples, and would also faithfully fulfil its obligations towards NATO and its Western allies, and would also aim at developing friendly relations with every country without distinction. It follows that from the first moment, there has been no fascist ideology in organising the internal political life of Greece, no hostility to the principle of economic freedom, no sign of neutralist tendencies in her foreign policy, and no intention to create misunderstandings with other countries. This general attitude, Sir, has been up to now the axis of activity of the new regime.

I shall occupy you, Sir, with two subjects which touch upon our political conscience and our sense of human conception. The first concerns the Press, and the other the arrests made. As I have already mentionned to you, the main care of the leader of the Revolution, Mr. G. Papadopoulos, was at all costs to avoid bloodshed during its outbreak. It had been deemed wiser to deprive a few persons temporarily of their freedom than to have killings and the digging of graves. On the night of the Revolution, from April 20 to 21, 1967, 6,338 persons were arrested. They consisted mainly of the basic elements of the Extreme Left which were capable of causing incidents leading to fratricide. The number of arrests might seem high at first glance. However, in January 1968 the number of detainees in various displaced persons camps had dropped to 2,625. The principle of displacements was not established by the Revolution of April 21, 1967. It had existed long before that. It had been established by Alexander Papanastassiou in 1924. The new regime was, therefore, applying a principle which already existed and had been most extensively used by previous administrations, in fact by democratic ones. We shall revert to this subject.

As soon as it prevailed, the Revolution imposed preventive censorship on the Press. With the exception of two communist newspapers, it suspended the publication of no other paper. Mrs. Helen Vlahou fell victim to a faulty assessment that the revolutionary regime would last only a few months, and on the strength of this impression stopped publishing her newspapers. Likewise the newspaper "Eleftheria" also stopped appearing of its own free will. All Revolutions suspend Press freedom at their initial stages. It should be noted, however, that the control exercised over newspapers was so slack that some had found it possible to hint indirectly, but nonetheless very clearly and in a manner fully intelligible to public opinion, their opposition to the new political reality. It will hardly be possible for you to form a true opinion of matters regarding the Greek Press unless you become familiar with the state it had reached on the eve of the intervention of the Army in politics. Greek newspapers no longer fulfilled their purpose. They did not show respect for events. They strangled the truth, deliberately. They cultivated hatred among the people, including fanaticism and dissent. They drew a false picture of reality, and refused citizens the right to be kept informed on what was happening and to draw the correct conclusions. In a letter to the undersigned, Mr. Karamanlis wrote:

"The problem of democracy in Greece is a Press Problem". In other words, he considered it impossible for democratic institutions to function with the existing license of newspapers, an assessment which had also been made by a considerable number of foreigners prior to the Army takeover of the country, as well as after it. Since the Revolution of April 21, 1967, had set as its aim the cleansing of public life, it had, therefore, to discover the ways and means of keeping newspapers within the framework of their mission as an honourable medium of keeping the public informed.

Phase Two: The second stage in the development of the revolutionary regime was to face the armed rebellion of the King on December 13, 1967. I need hardly repeat the absence of any feeling of enmity or other form of bad intentions on the part of the leader of the Revolution, Mr. G. Papadopoulos, toward the Royal Institution of the King. Officers believed that the Army intervention in politics should have been effected by the King. The lack of action on the part on King Constantine compelled them to undertake the initiative, first. They believed that in so doing, they were helping the Throne, because they thought that by acting in this way they were facilitating the Crown, because the King would not be held responsible for a violation of the Constitution. They even thought they were offering the Crown a service, for they freed it from siege, blackmail and subversive intentions of the parties. Unfortunately, the King became a victim of bad advisers. Certain high-ranking military men, and some politicians also, systematically pressed on him the idea of an armed uprising against the new regime. Information on subversive movements of the Palace reached the leader of the Revolution, Mr. G. Papadopoulos, from many sources. He rejected it, and took no measures, so as not to offend the King in any way. At the beginning of October 1967, I called on Mr. G. Papadopoulos at his office. He was then Minister to the Prime Minister. He asked me if I had seen the King. I told him that I had not contacted him since April 21. He recommended that I meet him. He told me: "It is reported that the Palace is planning bloodshed. It would be a crime. Does the King not realise that we have acted for the sake of the Crown, in addition to other reasons." Information on the preparation of a coup on behalf of the Crown increased as time passed. The King, a few days before December 13, assured leading elements of the Revolution of his satisfaction with the Government and his intention to assist the Revolution in fulfilling its mission.

On December 13, 1967, a rebellion broke out under the leadership of the King. Both military men and politicians had assured him that he had only to express his opposition to the Revolution by deeds for the Armed Forces and the people to stand united by his side. The opposite happened. The Armed Forces refused to follow him. And the people showed frosty indifference toward the Royal initiative. The revolt failed and the King left Greece and settled in Italy.

How did Mr. Papadopoulos react to the royal coup?

1. He remained absolutely calm during the stage of uncertainty. Uppermost his mind was the thought of avoiding bloodshed.

2. He tried to mitigate the King's action. He did not hold him responsible, but attributed the action to the influence of bad advisers.

3. Following the departure of the King abroad and his abandonment of the Throne, he did not declare him deposed. He continued to recognize him as King of the Hellenes, being in a special situation on his own initiative and responsibility.

4. He provided all living expenses of the Royal family abroad from public funds.

5. He maintained in the country all the symbols of the Royal authority laws, and court decisions are delivered in the name of the King, all civil servants take the oath to the King, the photographs of the King and Queen are displayed in all public buildings, the special hymn for the King, the Queen and the Queen Mother is sung in churches, etc.

6. He applied no bloody reprisals against those officers who played a leading part in the Royal revolt. No one was brought before a military court, nor was anyone sentenced. As was natural and inevitable, certain of them were retired and others were confined to specific villages in Greece.

7. Mr. G. Papadopoulos granted a general amnesty.

Phase III. During this phase the revolutionary regime drafts a new Constitution. The need to reform the regime had been ascertained and proclaimed long before the outbreak of the Revolution of April 21, 1967. The Constitution had to be adapted to new needs. The existing Constitution of 1952 no longer met prevailing conditions. A motion to revise the Constitution had already been tabled in Parliament as well. It follows that Mr. G. Papandreou's decision to proceed with a renewal of the Constitution was in accordance with a need which was both objective and had been ascertained for a long time.

A large committee composed of eminent jurists had been set up. Its work had begun officially on December 16, 1967, that is to say only a few days after the armed rebelion of the King. Mr. Papadopoulos could have taken advantage of the Royal coup of December 13th to postpone indefinitely the question of the Constitution—had he had an intention of doing so. But he had no such intention. In March, 1968, a committee elaborated the draft of the new Constitution. It was published and citizens were called to state their views, criticise it, and indicate amendments, and even demand the removal of certain provisions. Discussion was absolutely free. The Government did not interfere to prevent the publication of any view in the Press. When the public critique ended, the Government, after taking into account the recommendations which were made, announced the final draft of the Constitution on August 16th, 1968.

The people were called either to aprove or reject it through a referendum held on September 29th, 1968. They voted for it almost unanimously.

It has been claimed that psychological pressure had been brought to bear on the voters. I shall confine myself to informing you of what happened in Athens, Thessaloniki and Piraeus, where there was a large number of foreign journalists, who had seen for themselves that the voting was carried out with absolute freedom, without the slightest attempt to intimidate the citizens of the State. In Athens, the Constitution received 74.2 per cent of the votes, in Piraeus 83 per cent, and in Thessaloniki, 82.9 per cent.

The democratic character of the new Constitution cannot be questioned. Its preamble states the following: "The people of Greece, being fully aware of its responsibility toward future generations, faithful to the values of Greek and Christian civilisation and the principles of national sovereignty, democracy, peace and progress, and imbibed by the will to enhance the regime of Growned Democracy in freedom, equality and justice, to reform the political and parliamentary life . . . approve of the present Constitution by referendum". Article 2 establishes the principle of popular sovereignty which, as is known, constitutes the foundation and prime prerequisite of Democracy: "All powers stem from the people, they exist for the people and the Nation, and shall be exercised in such manner as provided for in the Constitution."

The Constitution is composed of 137 articles. None has been specifically criticised and responsibly described as unconstitutional. It is fair and necessary, Sir, to gather our thoughts, first on the elaboration and the voting of the new Constitution, and second, to its democratic content. Mr. Papadopoulos was under no obligation to elaborate a new Constitution. And no one could have prevented him from postponing this matter indefinitely. Yet, he accelerated it. The political consequences of his decision are clear.

First, he has bound himself by the Constitution through a Covenant with the Greek people to work toward the materialisation of democratic ideals which are expressed in the text of the Constitution. Second, he has proclaimed to the Greek people through the text of the Constitution that citizens should remain devoted to the democratic regime, and remove from their thoughts any other ideology. Third, he has undertaken the obligation to proceed with the gradual implementation of the Constitution and to complete this process when he shall deem that circumstances allow this without any jeopardy to national interests, and without the threat that democracy would not exist, and that the political life would be elevated.

I have already informed you, Sir, in the first part of this letter on the political curse which was plaguing Greece for about one and a half centuries, since the time of the national revolution of 1821. Our country was suffering from chronic political crisis. Rarely were free elections held. Democracy was in essence a dead letter. Political reality was along way from the constitutional texts. Who was to blame? For one thing the low standard of the political sense. For another, the low standard of our political leaders. Public men (intellectuals, scientists, and even distinguished politicians) stressed, at various times, the need for a political upbringing of Greek citizens. I would like to inform you Sir, that the first Prime Minister of Greece who has taken the first practical step in this direction is Mr. G. Papadopoulos. On February 10th, 1969, he declared publicly: "I wish to stress the need for giving Greeks a political upbringing. Greeks should learn their responsibilities as members of a democracy, because it would be tragic to put the Constitution into full effect should citizens continue to act as before by throwing their ballot paper into the ballot-boxes with as sole criteria which candidate will serve best their personal needs. We should, therefore, make an effort to educate Greeks politically, and this effort should be carried out in an intensive manner and as soon as possible."

He did not continue himself to mere words. He entrusted the elaboration of a textbook on civic training. He gave orders that it should be published as soon as possible. This was done in 1970. It was published in thousands of copies. It was distributed free.

Since you wish to have a true picture of events in Greece, you should give the book on civic education written on Mr. Papadopoulos' instructions to be translated. It is the book which serves to give Greeks a political training. You would then see that the civic training given is a hymn to democracy. It goes so far as to withhold and omit certain shortcomings of the democratic system which have been ascertained in practice.

A few extracts will give you the substance of the system of political training of Greeks which is included in the said book and is being implemented by the Government:

"The democratic system of principles has as its epicentre the value and dignity of the individual. Each individual has the rights of freedom and development of its personality. The second fundamental condition of democracy is equality. Democracy does not deny the differences existing among men, but it considers similarities to be of much greater importance. Personal freedom and the free exercise of civic rights by every individual are the substance of democracy. Hence, no dictatorial regime, even if it proclaims principles of equality or humanitarian aims, may be democratic."

"The most important civic right which stems from the aforementioned liberties is the right of every citizen to participate in the administration of the land. All power is based on the people (dogma of popular sovereignty), and it is expressed through elections. Democracy is based on optional administration. Elections should be held with reasonable frequency and regularity.

"Every citizen should have the right to vote, and elections should be free and unadulterated. Candidates should not be limited to those who are acceptable to the government. The ballot should be carried out secretly, so that the voter can be secure from all threats".

"Democracy demands the existence of many (at least two) political parties. The one-party states (that is, the countries where only one party is authorised to exist) are not democratic even if they ostentatiously employ the democratic technique: elections, parliamentary balloting, referendums. The existence of a legal and recognised opposition is a necessary presupposition for and guarantee of democracy. The governing party, or the governing coalition of parties, should be ready at any time to withdraw from power in favour of the opposition, when the opposition gains the majority and becomes entitled to govern. The formation of a free and uncoerced public opinion, is a vital necessity for the functioning of democracy and requires freedom of information and discussion and certain cultural level.

"Democracy in general is based on the principle of the majority. However, it respects also the principle of the minority. The principle of consensus, although it seems to be more democratic, is rejected by most of the theorists of democracy, for in practice it would lead to a dictatorship of the minorities or persons, who could veto any decision.

"We should always bear in mind that democracy is not only a question of institutions, no matter how important and sound they may be. Democracy requires a continuous effort. It presupposes a certain position on behalf of those who rule and those who are governed, and a decisiveness in maintaining certain rules based on the freedom and dignity of the individual. Being a gain of human struggle it requires continuous endeavour for its preservation".

"Freedom is the only basis of a healthy society. A nation in which a free society carries out its organised existence is usually called a democratic nation, and consequently democracy may be defined as the political and social formation of a society based on the principles of freedom. Descriptively, democracy may be defined as the political system in which there is universal suffrage, elections are held periodically, various political parties function, freedom of speech prevails, and justice is administered by an independent judiciary. Democracy is the implementation of the principle of human rights.

"A democratic society is a society of free, equal, active and rationally thinking citizens, where each chooses his own way of living for himself and accepts that the others choose theirs".

"The functioning of democracy is based on the people, all the citizens of the nation. Under democratic forms of government, the citizens are not only the human element of a state, on which its authority is exercised, but also the source of the state authority. This principle is also underlined by Article 2, par. 2, of the Constitution in force, which defines that all powers originate from the people and exist for the people and the nation".

This is the ideology of the revolutionary regime. The book on political action was not only distributed free of charge to tens of thousands of citizens, but is also taught in the public schools. High school students of the 3rd and 6th grades pass examinations and are graded on the subject of civic training. More specifically, a contest was held recently for the writing of a simpler textbook on civic training to be used in the 3rd grade of the high school. The relative announcement was published in the Government Gazette, Issue No. 130 (supplement). In it, we read interalia that the book should include a chapter "on the structure of modern societies, social and political systems (national-socialism, communism, and the dangers deriving from them), the democratic system, parliamentary system, political parties, fundamental institutions of the democratic nation".

Namely, Mr. Papadopoulos daily drives the democratic concept in to the conscience of the Greek citizens. The schoolchildren learn from early age the superiority of Democracy to other political systems, and are informed that Greece should be ruled under a democratic form of Government and have a democratic constitution. And I ask you, Sir, does this attitude of the Prime Minister of Greece not have some political significance? Does this systematic cultivation of a democratic sense in the Greek people not finally become a driving force leading to the full functioning of Democracy? What politician in Greece has made such an extended and great effort in the past? I believe none. Mr. G. Papadopoulos has never maintained that the present government system of the country is final. He has always considered it as temporary and transitory, as a procedure toward the foundation of a real and healthy democracy, which as I will never tire of reiterating to you, Greece never had. There is another characteristic manifestation of the Prime Minister of Greece. He proclaimed his abhorrence to any eventual transformation of the present political situation into a regime, and implacably condemned all cases of tyranny, in a public speech (on January 22, 1971). And what if, despite the attitude to the contrary of Mr. G. Papadopoulos, such a trend were to develop? He himself gave the answer to this question. It is recourse to elections, even prematurely which is to say before the basic aims of the Revolution are fulfilled:

"For as I said above" he said, "handling Greeks is difficult, for power is exercised through Greeks. As they have the inclination to give themselves wholeheartedly when they feel that the law applies equally to everybody, in the same way they have the inclination when they exercise authority to tend to place themselves above the law. But this is no longer the situation which meets the aims I referred to and on which we all agree. It is a state of affairs, a regime which would impose tyranny of the few over the many; but this has never been, nor in any case will be, the objective of the April 12 Revolution.

"I shall alternate the reassignable or on service high-ranking civil servants at fixed time intervals so as to allow more people to take part in public affairs, and on the other hand to deal with this tendency which exists as a weakness, to create a regime . . . "You Greeks who believe in the Revolution give special attention to this position. There are two prior conditions for us to begin moving towards changing the constitutional state order: The fulfilment of the objectives of the Revolution and the danger of imposing a regime. Only when the aims of the Revolution are fulfilled, or there should be ascertained a weakness to avoid conditions of a regime, in spite of all the efforts made, will I take the necessary steps leading to a full implementation of the Constitution so that the Greeks as a responsible people may receive treatment worthy of their fate."

A few days ago, the Prime Minister announced the abolition of the certificate of social beliefs. Many Greeks have been taken in by the Communist Party in the past. The Communist Party depends on another country. It is aimed at the imposition of a dictatorship and the splitting up of the country, because it was bound to cede Greek territory to other countries. The issue of certificates by the police verifying that an applicant has never been a member of a communist organisation and is not charged with Communist activity had therefore been established as a requirement for the appointment of a person to various positions. Mr. G. Papadopoulos kept the certificates of social beliefs only for those wishing to become officers of the Armed Forces or to join the Security Corps. He abolished them for other Greeks. And he did it in the hope of facilitating the reconciliation of those who had been taken in by Communism and the state, the idea of equality and the principles of democracy.

Certain institutional laws necessary for the implementation of specific articles of the Constitution have been prepared. The most important ones include: 1) "On the right to report", 2) "On public gatherings", 3) "On commissions of inquiry of Parliament", 4) "On transgressions", 5) "On the secrecy of letters, etc.", 6) "On the commissioner of Parliament", 7) "On mixed criminal courts", 8) "On the institution of Regency", 9) "On the state of siege", 10) "On the Constitutional Court", 11) "On the responsibility of Ministers", 12) "On the state of the employees of the Secretariat of the courts and public prosecutor's offices", 13) "On political parties", 14) "On expropriations", and 15) "On the National Council of Education".

The personification of authority

Stage five: It is the so-called personification of authority, the power to decide and impose decisions. The political authority has been consolidated in one person, Prime Minister Mr. G. Papadopoulos. This phenomenon is not antidemocratic as it may, appear from a wrong first impression. Theoretic discussion is not the aim of this letter, sir. I should, however, remind you what modern political science professes on this subject. In addition to other works, I have in mind discussions on the matter carried out under the auspices of the University of Dijon. They maintained that "from Moscow to Washington" authority is personified. This phenomenon is noticed in democratic regimes also and has the tendency to perpetuate.

In the specific case of Mr. G. Papadopoulos, the democratic significance of the gathering of authority and the power of imposition is obvious. The people know who the real agent of authority is. There are no forces behind the scene holding the strings and directing he who rules. The people are aware of the aims and intentions of he who exercises authority. They control him and point out his responsibilities. The person who rules, on the other hand, does not have the opportunity to blame other factors in case of an error. In every revolution, many political tendencies are developed. One of them prevails. The personification of authority in Mr. G. Papadopoulos has the political significance that the principles and pursuits he proclaims have prevailed. The Revolution from the viewpoint of political orientation and power has been concentrated on the person of Mr. G. Papadopoulos.

The present Prime Minister of Greece supports his political existence on two bases. First, the public mandate was given to him (with the 1968 referendum) to rule and implement the Constitution in stages according to his judgment. Second, the revolutionary power has been absorbed in the person of Mr. G. Papadopoulos, expressing the aim of the Revolution to lead the country to democracy according to his absolute judgment of conditions. What Mr. G. Papadopoulos' goals are has already been analysed at the beginning of the second part of this letter.

Sir, democracy is no mere word. It is not enough to utter it, in order to have it. It is a reality. Greece has not achieved it yet in this sense. The basic aim of Mr. G. Papadopoulos is to create the necessary conditions, from which the possibility for the functioning of a real democratic regime will arise. Greece was deficient in all areas. This was evidenced from the post-war era until April 1967. While she realised a significant economic development, her political life declined. Instead of having political stability, the country plunged into chaos. The intervention of the Army was a necessity in avoiding destruction. Whatever the politicians of the past may say, the people fear lest we return to the pre-revolutionary disorder.

Mr. G. Papadopoulos' aim is to obtain a symmetrical and parallel development of the economy, the modernisation of the state machinery, the evaluation of education and the democratic cultivation of the political conscience of the Greek citizens, so that the full implementation of the 1968 Constitution will be realised. Namely, the functioning of democracy. This deep and broad transformation cannot be achieved through the democratic way. As an experienced politician, you know the weaknesses of democracy. Democracy is often hindered by taking measures seemingly in the public interest. Popular notions are often formed with motives of personal interest, disregarding the vital needs of the masses. If a bad situation develops in a socially and economically advanced country which has people with a mature democratic conscience, you can imagine how tragic the situation is when neither the social and economic progress nor the mature political conscience exist.

What did the others do?

The old parties that existed in Greece which destroyed any semblance of democratic institutions, as I think I have proved to you in the first part of this letter, persistently call for elections. They are corpses awaiting to rise from their graves with the setting up of ballot-boxes. But what have they done to contribute to the pursuit of democracy? You know their responsibilities, and they have never accepted them. They never confessed to their errors. They remained unrepentent and unchanged. They learned nothing and they thought of no one. It is like a person who has directed a financial business and led it into bankruptcy, to ask the owner to entrust him with the business once again so that he may direct it with the same methods with which he destroyed it. They followed a policy of hatred. They tried to assassinate the Prime Minister, and they resorted to terrorism, spreading explosive devices which injured and killed innocent people. On this subject, I should mention that when the would-be assassin of the Prime Minister was sentenced to death, Mr. G. Papadopoulos, ordered that his sentence should not be carried out.

Those responsible for the political disorder in Greece encouraged interference by foreigners and governments which turned against the Greek people. They tried to stop the tourist movement to Greece, to have an economic boycott applied against the country, to have its national defence weakened, so that the Greek peoples would suffer. They cooperated with the communists. The old political parties brought communism to the threshold of power. The 1967 Revolution broke it up. The political parties were already cooperating with all communist groups. Mr. G. Mavros, presenting himself as the leader of the Centre Union Party and as being moderate, did not dare censure cooperation with the communists, nor to criticise Andreas Papandreou, who presented himself abroad as the leader of the Centre Union Party also, and in cooperation with the Communists.

Certain former deputies and Ministers belonging to the old political parties have contacted Mr. G. Papadopoulos and discussed with him various procedures by which, in their opinion, Greece could reach a free political life. It was a constructive political meeting. However, the political leaders turned against him, insulted and slandered him. For they have hoisted the flag of implacability, hatred, blood, revenge and blind obstinacy, and adhere to ideas and methods which almost caused Greece irreparable damage.

Sir, I should also give you certain assurances. The prevailing regime in Greece will not be toppled either by internal forces or foreign pressures. At home no one advocates unrest. The people do not want the past to be restored. They are afraid of it. Today they enjoy political calm and internal peace. They ascertain stable economic progress and very broad modernisation of the institutions of the country. The restrictive measures are continuously being lifted and have been limited to a minimum. Only professional political agitators, not the large, popular mass of people are disturbed by the regime.

The revolutionary regime, therefore, is not in any danger from the inside, and neither is it from abroad. Contemporary Greece is different than Greece in the first postwar years. International conditions have changed. The country now has the ability to confront both the bad intentions of its enemies, and the wrong decisions of its friends and allies. I should also add that foreign interference delays the road to democratisation. No one wants other countries to manage our internal affairs. Propaganda often exploits many of the measures of normalisation as victories for outside pressures.

Thus it is only natural to have delays from now on, so that there will be no freedom for dishonest and politically harmful exploitation of decisions made in the interests of the regime, and not to satisfy foreign factors. The transformation of the revolutionary regime to the full function of democracy in stages will be accomplished in the interests of the nation. If you pause to reflect upon events in Greece from April 21, 1967, until the present, you will ascertain that the country is in a state of continuous development. This development will be accomplished orderly and solely according to the needs of Greece.

Phase four: Represents the procedure for a gradual normalisation of affairs and drawing nearer in stages toward the full implementation of the Constitution. This procedure has a series of specific manifestations: As already mentioned, the Revolution imposed initially preventive censorship upon the press. In January 1968, newspapers and magazines were allowed constructive and responsible criticism made in good faith, in reporting news and other subjects, according to their judgment.

Early in September 1969, the Prime Minister, Mr. Papadopoulos announced the lifting of all restrictions on press freedom. Censorship and any other preventive interference in the issue of newspapers and periodicals ceased to exist. As of January 1970, the new law on the press came into force.

I shall cite certain examples of the operation of press freedom. The Minister of Social Services (who has meanwhile been replaced following the government reshuffle on August 26, 1971) announced a series of measures regarding insurance organisations. The question is important and concerns hundreds of thouands of working people. An absolutely free discussion followed in the columns of newspapers, without the slightest interference on the part of the Government. The organisations concerned expressed their disagreement without obstruction. Another case is the law on the journalistic profession. This law too was discussed in the columns of newspapers with unlimited freedom. All sorts of views were heard and supported, the majority being against the Government bill.

The third case concerns the testimonies concerning Greece given before the Subcommittee and the Committee on Foreign Affairs of the U.S. House of Representatives. You know, Sir, that the testimonies in question contained slander, insults and groundless accusations against the Regime prevailing in Greece today. Yet, all these texts were published in full in all Greek newspapers. The first to start, was the undersigned, and other newspapers followed.

The question of displaced persons falls within the framework of the normalisation of the situation. As I have already mentioned to you, in order to avoid bloodshed, the Revolution was forced to arrest and hold 6,338 persons in various places. In January 1968, those held numbered 2,625. In January 1969, they fell to 1,889. In January 1970, they numbered 1,678 and in January 1971, 353. In April 1971, there were only 58. I repeat the last number, 58. Displacement camps have been abolished. The 58 persons on question live in various parts of the country, not under arrest, but instead under supervision. They are considered to be extremely dangerous to public order. Some of them would threaten openly and directly, assassinations and all sorts of terrorist acts, if set free.

The Advisory Committee

An Advisory Committee has been created. It is in the form of a small advisory Parliament. Professional organisations and regional administrations have chosen persons from whom the Prime Minister has formed the Advisory Committee. Bills are submitted to it. It elaborates them, discusses them publicly, and amends them when it deems it necessary, and returns them to the Cabinet.

This institution is of a democratic nature. The bills sent to the Advisory Committee are made known to the people beforehand. Public opinion is thus given the possibility of expressing its reactions, either through the press, or memoranda to the Advisory Committee. Besides, public discussion within the Advisory Committee affords citizens the opportunity to judge which provisions of laws are right which of them are not.

On September 29, 1968, the Greek people voted in favour of Article 138 of the Constitution by a majority of 92.2 per cent. Article 138 reads as follows: "The present Constitution, after its approval by the Greek people through a referendum. It will be signed by the Council of Ministers and published in the Government Gazette will come into effect with the exception of the provisions of Articles 10, 12, 13, par. 1, 14 par. 1–3. 18, 19, 25 par. 1–3, 58 par. 1–2, 60, 111, 112, 121 par. 2, which the National Revolutionary Government is authorised to put into effect through acts to be published in the Government Gazette." Since that time, Articles 13, 18, 19 and 10 of the Constitution have been put into effect. They read as follows:

Article 10. "1. With the exception of persons caught in the act of committing an offence, no one shall be arrested or imprisoned without a judicial warrant stating the reasons, which must be served at the time of arrest or remand in custody pending trial.

2. The person caught in the act or held on a warrant of arrest, is brought before the competent examining magistrate not later than 24 hours from the time of the arrest, and if the arrest is made beyond the seat of the examining magistrate, then within the time absolutely necessary for his conveyance before said magistrate. Within three days of the time of presentation, the examining magistrate is obliged to either release the person arrested or issue a warrant for his imprisonment. This delay can be extended by two more days at the request of the person arrested in the event of force majeure which must be attested forthwith by a decision of the competent judicial council.

3. Should both the aforementioned delays expire without any action, every jailer or other officer, whether civil or military, in charge of the arrested person, must release

him forthwith. The violator of the above provisions, shall be punished for illegal confinement and shall be obliged to make good all damages sustained by the injured party and, in addition, to give satisfaction to said party by such a sum of money as provided by law.

4. The maximum term of custody pending trial provided by law cannot exceed one year for criminal charges and/or six months for misdemeanour charges. In completely exceptional cases these maximum time limits can be further extended by six and three months respectively, by virtue of a decision of the competent judicial council.

5. The law defines the conditions under which, through judicial decision, the State indemnifies those unjustly imprisoned or convicted."

Article 13. "1. The home of each person is inviolable. No house search can take place except at a time and manner provided by law.

2. The violators of the above provision shall be punished for violation of the sanctity of the home and shall be obliged to fully indemnify the injured party and to give him further satisfaction through the payment of a monetary sum, as provided by law.".

Article 18. "1. Greeks have the right to assemble peacefully and unarmed as provided by law.

2. The police may be present only at public gatherings. Public gatherings must be duly notified to the police authorities forty eight hours prior to their being held. Open air gatherings may be prohibited if they endanger public order and security.".

Article 19. "1. Greeks have the right to form associations with due adherence to the laws of the State, which, however, shall under no circumstances subject this right to prior permission by the Government.

2. Every union of persons, the purpose or the activity of which, are directed against the territorial integrity of the State, or the regime or the social order or the security of the State, or the political or civil liberties of the citizen shall be banned. It is disbanded by Court decree.

3. Co-operatives are disbanded, because of violation of law or their statutes, by Court decree. By decree issued by the chief judge of the district Court the operation of a cooperative or union may be suspended temporarily, if at the same time proceedings for its permanent dissolution are initiated.

4. The right of association of civil servants may be subject to certain restrictions imposed by law. The same restrictions on the right of association may be imposed on employees of local government bodies, or other legal entities of public law, public enterprises, and public utilities.

5. Resort to strike for the purpose of achieving political or other ends irrelevant to material or moral interests of the workers shall be prohibited.

6. Strikes of any form by Civil Service personnel of any kind, personnel of local government bodies or of other legal entities of public law, shall be prohibited. The participation of such personnel in a strike is considered in itself as a submission of resignation.".

Martial law was so curtailed, as to have been essentially lifted. By order of the Prime Minister, issued on April 17, 1971, offences under Penal Law remaining under the competence of courts-martial, were as follows:

a) Rebellion (P.C. Art. 170)., b) Violation of maintenance of authority (P.C. 179), c) Sedition (P.C. Art. 183, 184, 185), d) Provocation and inducement to commit a crime or offence (P.C. 186), e) The formation of a gang (P.C. Art. 187), f) Breach of public peace (P.C. Art. 189), g) spreading false news or rumours (P.C. 191). i) Provocation of citizens to commit acts of violence (P.C. 191), i) Formation of an armed group (P.C. 195), j) Explosion (P.C. 270) and k) Violations relative to explosives (P.C. 272).

All other offences, which under martial law, should be heard by courts-martial, were transferred to ordinary justice.

PART 3: THE STRATEGIC ASPECT

Sir: The Greek problem has another aspect also; the strategic one. In my opinion, it should hold the attention of both Athens and Washington. Greece and the United States are members of the Atlantic Alliance. Greece has always (since the end of World War II) had great strategic significance to the security of Europe and the United States. No theories or arguments are needed to prove this. The weight carried by the Greek area within the defense system of the West, has been determined by events. In 1946–1949, both the political and military leadership of your country has studied the problem on the basis of factual data. After the Yalta Agreement, the Soviet Union changed its policy. It moved away from cooperation with the United States and Great Britain, it has not fulfilled what had been agreed upon regarding the organisation of Europe after the end of World War II, and through one method or another, but mainly using armed force, it absorbed Rumania, Bulgaria, Poland, Hungary, Czechoslovakia and East Germany, Communist regimes were also imposed on Yugoslavia which kept in very close cooperation with Moscow until 1948, and in Albania, which left the Soviet orbit in 1960. Soviet Russia did not confine herself to the aforementioned expansion, which added 1,481,598 square kilometres of European land to her, together with a European population of 132,995,000. She tried to go even further.

The attempt against Greece

Since 1946, Moscow has brought pressure to bear on three points: Persia, to reach the India Ocean through the Persian Gulf; Turkey, to seize effective control of the Straits (Bosphorus and the Dardanelles) to link the Black Sea to the Mediterranean, and finally Greece, to reach the Aegean through Bulgaria, and thus gain mastery over the Greek islands.

It was precisely then that American policy concentrated its attention to Greece. It gave very careful attention to its strategic value. What would happen if the Greek area were to come under Soviet control? It would be useful, Sir, for you to cast a glance upon the map. If Greece were to become a Soviet satellite, to begin with it would outflank the Straits through Western Thrace. Second, Greek harbours would be converted into sally-ports of the Russian navy. Almost the entire Mediterranean coast of Turkey would fall under direct Soviet menace, the bases of radiation of Soviet power being the Greek islands in the Aegean. The Middle East, North Africa, and Iran, would naturally follow and fall within the sphere of Russian influence. Western Europe would not have remained untouched. To begin with, Italy would feel the impact of Russian presence in the Mediterranean. The upset would be felt in France as well. As an American who closely followed events at that time said, Europe would have felt "the hug of the bear". Such thoughts led to the conclusion that the loss of Greece would cause a huge crack with even more dramatic consequences on the defensive system of the free world and would directly affect the security of the United States. This last reason, gave birth to the Truman Doctrine, on the basis of which economic and military aid was granted to Greece and Turkey, because as it is referred to in the preamble of law 75, ". . . the national integrity and survival of these nations (Greece and Turkey) is of great significance to the security of the United States". At that time Greece fought in an astonishing way and thanks to the skillfulness of her Army, the self-sacrifice of her people and the American support she restrained the effort of Russia to be established in Eastern Mediterranean.

The main slogan

In 1951 the membership of our country in the Atlantic Alliance was thought useful for both Greece and the Western World. First, because if Greece remained isolated it could not be excluded that she would have become once again the target of the aggressiveness of Russia and her satellites. Second, because the incorporation of Greece in the Atlantic Alliance discouraged the Russia expansionist intentions towards the direction of the Greek area and the Aegean sea. Greece's gain from the Atlantic Alliance was the effective guarantee of her territorial integrity and her independence. The benefit of the West was that as long as Greece stood up as an independent and territorially integral nation, no serious rupture in the security system of Europe and the United States would be created and the military balance in that area would not be changed. Namely, the contract carried a burden for both sides. Both sides benefited from it. Both sides undertook responsibilities. Both sides had rights. The aim of the Atlantic Alliance was distinctly defensive. There was no edge against any country.

As you know, Sir, in the instigation of local wars, the Soviet Union either uses the Communist parties where it controls them and they are dependent on it, or takes advantages of disputes among others by giving aid to the one side of the adversaries to utterly destroy Western influence and establish its own. The organs of the Russian expansionism in Eastern and Southeastern Europe were the Communist Parties.

The same thing happened in Greece. In December, 1944, the Communists almost took power. They held the whole of Greece except for the centre of Athens. Stalin deserted them temporarily because he realized that Britain would not accept Russian occupation of Greece. He left the Greek question for later. Other countries had to be preceded.

In 1946–1949 the Communists, assisted by the Communist regimes of Albania, Yugoslavia and Bulgaria tried to seize the Greek area. They were to split it with Yugoslavia, which would take Macedonia, and Bulgaria, to which Thrace would be given. The rest of Greece would be transformed into a Russian protectorate as long as it would be under the dictatorship of the Moscow-directed Communist Party.

The foreign—instigated Communist revolt was crushed. Communism, without giving up its aims, simply changed tactics. It tried to be restored, to return to public life, to break the moral isolation its treacherous acts and crimes had condemned it to, to contact and cooperate with other Communist Parties and finally to seize power through political means and other dynamic pressures from under, provided the right conditions were created.

The main slogan of the Russian and the Communist propaganda as of 1951 (year of Greece's entry into the Atlantic Alliance) was: "Greece should leave NATO". Because of the fact that Russia knows better than anyone else the defensive character of the Atlantic Alliance, the pressure on Greece to withdraw from NATO has an aggressive motive. It wants Greece to be left unprotected from the joint pressure from abroad by the Communist countries obedient to the Russian government and at home by the Communist Party and the other political factors willing to cooperate with it. The withdrawal of Greece from NATO, therefore was always the permanent demand and steady pursuit of Russian policy and the Communist Party.

A new situation

As of the summer of 1967 and with Israel's war with Egypt as the starting point, the situation radically changed in the Eastern Mediterranean. For the first time in modern history a permanent presence of powerful

Russian naval forces in the eastern basin of the Mediterranean was accomplished. The presence, I repeat, is permanent because certain countries make their ports available to the needs of the Russian vessels. The West's influence in Syria, Libya, Egypt, Algeria and Malta is annihilated. In Turkey an anti-American spirit developed. Greece remained the firmest support of Europe's defence and the security of the United States in Eastern Mediterranean. The revolutionary regime, as I have already mentioned, restrained the undermining of the allied ties of Greece with the West and the United States, to which the Communist Party and the Centre Union Party had methodically given their full attention. It kept the Greek people firmly knit to NATO and maintained calmness in the land. The U.S. Sixth Fleet moves in Greek ports without the slightest manifestation of enmity or coolness on behalf of the inhabitants, for the majority of the Greek people wish Greece to stay in NATO and the alliance with the United States hence they approve of the present government's position on this question.

General Goodpaster, Atlantic Alliance's Commander-in-Chief, defined the strategic role of Greece in the formed new reality in the Mediterranean in recent statements:

"Greece has common border lines with communist countries as well as seas. Soviet ships and supplies have to sail from the Black Sea to the Mediterranean.

For this reason Greece is of special importance to the defense of Eastern Mediterranean.

In case Greece was not a member of NATO, the Eastern Mediterranean would be isolated and exposed, and the Soviet activity in the southern sector of the allied command of Europe would be facilitated greatly, the communications and supply lines of the Alliance in case of a crisis would be seriously threatened and the supply of Europe with fuel would be interrupted."

The most disturbing case of this period is that while Greece's strategic importance in the defensive system of NATO increased and the new Greek Revolutionary Government put a stop to the previously cultivated popular currents against the Atlantic Alliance, an attack against Greece began in the West and the demand was expressed that the U.S. military aid granted to her be stopped, and furthermore that she be ousted from the bosom of NATO.

This campaign was a triumph of the Russian policy. And this triumph was completed when this demand for the military weakening of Greece found ground in the United States also. A basic pursuit, old and permanent of the Soviet Union, but impossible to be realised by it, was adopted by organs of the American State. Moscow kept silent. Why should it speak when its opponents worked in its favour?

The most tragic page of American policy may be written, Sir, on the Greek question. There is no worse thing than to do yourself what your enemy wishes and seeks. Greece is the last stronghold of the West in Eastern Mediterranean. If it were to fall the defense of Europe and the security of the United States would suffer a heavy blow. And this stronghold is undermined methodically and insistently, not by those who aim at the destruction of the Western World, but persons and state organs belonging to the Atlantic Alliance and declared guardians of the security and protectors of the survival of the free world and the American nation.

A unique case

We have no right, Sir, to interfere in your internal affairs. But since you discuss ours you authorise us to speak to you. We cannot hide our surprise to a few things that take place in your country. The Subcommittee on Foreign Affairs of the House of Representatives invited various persons to testify before it on Greece, among them Sir Hugh Greene. We confess that the phenomenon is at least peculiar. The American Congress invites a British subject, residing in his country, to enilghten it on events in Greece he visited for a few days some months ago and recommend what the United States should do!! We think that this case is unique in history of all times . . .

However, since Sir Hugh referred to my Country, I am obliged to comment on his views. Before I do this I should draw your attention to two points: The first is that this gentleman refrained from specifying the sources of his information. As a basic rule, however, the value of a report is weighed principally from the gravity of the source which supplies it. The other point is that Sir Hugh Greene refused, despite my repeated requests, to declare by what means does he cover his expenses that are connected with his activity on Greek affairs.

I make no accusation. But it is his obvious duty to speak up immediately, clearly and in detail on this matter because it is not excluded that he himself might have fallen into a skillfully set trap. His British friend Francis Noel-Baker sent him a letter in which he criticises his activity against Greece and attributes it to the diminution of his political concept because of age. I cannot have an opinion on this. However, the establishment of a branch of political gerontology in the political science might be useful.

Sir Hugh Greene explained before you certain arguments. I shall refer to some of them. He told you: Short-term wise, Greece is useful and necessary to NATO. In the long term she will be lost, because the Greek people, turning against the present Greek regime, the preservation of which they attribute to the support of the United States and the Atlantic Alliance, will be declared against both NATO and Washington. Had the prevailing regime been overthrown soon and the country returned to democracy, everything would go well and Greece's ties with the West and the Atlantic Alliance will have deep roots. Sir Hugh Greene's argument is a logical fabrication without any contact with real facts.

If you recall what this letter contains in its first part, you will understand immediately that Sir Hugh's view is a paper castle founded on sand. The subject gentleman fails to mention a very significant event of the up-to April 1967 Greek political situation. What happened then in Greece? An unprecedented campaign has been developed to undermine the foreign policy of the country, based on NATO, in the conscience of the Greek people. Mr. P. Kanellopoulos declared that Northern Greece tended to become a North Vietnam. According to Mr. P. Papaligouras, the Centre Union Party worked to drive Greece to the communist iron curtain. George Papandreou confided to Stravros Costopoulos, Foreign Minister of his administration, his intention to relay the fire to all points of Greece with the torch of EDA (Communist Party). The Communist Party, working for the withdrawal of Greece from NATO and her attachment to the Warsaw Pact, characterised the situation as revolutionary and feverishly prepared to seize power, which automatically would have meant withdrawal of Greece from the Atlantic Alliance. A few days before the Revolution of April 21, 1967, Mrs. Helen Vlahou wrote that G. Papandreou was working objectively and consciously for Greece to abandon NATO and become a satellite of the Soviet Union. Shall I add the anti-American propaganda Andreas Papandroeu made in alliance with the Communist Party? British Major Eugene Hinterhof, military commentator, summarised things in an article in the magazine "Defence" (July 1971 issue) as follows:

"It is generally accepted, even by those who have but a superficial opinion of the situation in Greece, that had the military 'coup' not taken place, and if Andreas Papandreou won the elections (his victory was almost certain), he would have withdrawn Greece from NATO and would have either brought the country to neutrality or would have followed a non-aligned policy. As Nasser, Nehru and Mrs. Gandhi proved, this latter move means enrollment in the field of gravity of the Soviet sphere of influence. Papandreou's decisions could easily lead to events similar to those in Malta. The annulment of all treaties with the West and in time, the granting of 'facilities' to the Russians in the Greek ports and airfields, with destructive repercussions for NATO would have followed."

The procedure for the gradual psychological and political break of Greece from the Atlantic Alliance and cooperation with Washington was therefore put into motion in the country at that time. And what did Sir Hugh Greene recommend to you? The answer is simple: To place the system of undermining the Atlantic Alliance in operation again in Greece. Because if the agents of that system returned to Greek public life for a short instead of a long term Greece would become at least another Malta. And as for Sir Hugh Greene he will shrug his shoulders with indifference, but the West will lose a valuable ally and suffer serious military damage, irreparable perhaps, and my country will enter a period of dramatic adventures.

I am sorry, Sir, that I am obliged to tell you that Sir Hugh Greene lied to you. He gave you impressive figures for the dismissal of officers. He said 2,577 officers were chased out of the Army for political reasons. About this I must make the following remarks: Prior to 1967, 372 officers were demobilised annually. As of April 21, 1967 and until December 13, 1967, 626 officers were removed from all three services of the Armed Forces. Of these, 187 left at their own request, because of age restrictions, completion of 35 years in service, or health reasons. It should be taken into consideration that in the days of the Papandreou government a conspiratorial organisation called ASPIDA was discovered in the Army. Of those who participated, some were taken before a military court. Others were penalised with dismissal. On December 13, 1967, the known military revolt headed by the King broke out. For this action 122 Army, Air Force and Navy officers were dismissed. Earlier, in 1935, a military revolt took place. 1,036 officers were dismissed then.

A string of inaccuracies

Once an evil has been committed, innumerable ones follow. One lie brings another. This rule is applied absolutely to Sir Hugh Greene. In his opinion, the role of the Army in the national defence is of secondary importance. Selected military units no longer developed in the sensitive areas of Greece but manned with officers selected under the criterion of loyalty to the regime, were transferred from their original positions and stationed around Athens in order to safeguard the Government. It is, Sir, a blatant lie. After April 21, 1967 until the moment this letter is being written (September 1971) no new military unit has been added in the basin of Attica and Athens. The U.S. Government has military attaches at the Embassy and Military Mission in the Greek capital. You may ask them to investigate this and brief you on it. Sir Hugo Greene's inaccuracies continue. A special unit of marines was established by the regime he says, to control, among other things, the Navy. Let us look first into how this unit was established. This idea is not in keeping with the Revolutionary regime. This subject was discussed by competent staff members of the Armed Forces before 1964. Finally it was decided that the formation of a marines unit be based on the 32nd Infantry Regiment. The relevant order was given and signed by the then Chief of the General Army Staff, General Greg. Spantidakis on November 12, 1966, five months before the outbreak and prevalence of the military revolution. So Sir Hugh Greene lies. And whoever has a rudimentary knowledge of the military laughs when he listens to talk of an alleged control of the Navy by the Marines. The Marines units occasionally board for short time periods amphibious vessels of the Navy to take part in national and inter-allied exercises. They have no other interference or engagement with the Navy. You were also told by El. Dimitrakopoulos that hundreds of officers, trained in the United States, were dismissed by the present Greek Government. I inform you, Sir, that 1,123 officers were sent for training in the United States from 1961 until 1970. Of these 50 were removed, I repeat 50, from April 21, 1967 until this date.

A responsible assessment

In the days of the Revolutionary administration, the fighting capacity of the Greek Armed Forces, and in particular the Army, had fallen to a low standard. This view had been supported by Sir Hugh Greene and El. Demetrakopoulos. Since then, the fighting capacity of the Army has fallen, it follows that NATO was weakened at its southeastern flank, which at the present moment constitutes the centre of gravity of the defence system of Europe and the United States. I mention with regret El. Demetrakopoulos's name. This individual was known in Athens as a suspicious mouse of inextricable cellar backstage work. I ask you, Sir, who is competent to judge the fighting capacity of the Army of a country? Isn't some specialisation needed, including elementary impartiality and a sense of professional responsibility? No negative view of the Greek Armed Forces has been expressed by any official figure or administrative official. Greece is a partner of NATO and lies in its southeastern flank. There is a commander of the Allied Forces of the southeastern flank. There is also the Supreme Commander of the Atlantic Alliance. The latter is always American, and usually the former one as well. Have you been given an unfavourable opinion of the state of the Greek Armed Forces by the supreme leadership of the Atlantic Alliance? Certainly not. Because it is exactly the opposite which is true. In May 1969, General Lemnitzer, Supreme Commander of NATO, visited Athens. He proclaimed:

"Greece has great military significance in the south flank of NATO. I have visited that area many times. I have full confidence in the capacity of the Greek Armed Forces. Although I am aware of the need for aid felt by the Greek Armed Forces, I would like to say this: Regardless of the material infrastructure, I know of no other force in which we may rely on with such faith as the Greek Armed Forces".

This was said, Sir, by the Supreme Commander of the Atlantic Alliance forces. Do you believe that the views of someone lacking competence in the matter as Sir Hugh Greene and a shady individual like El. Demetrakopoulos, carry more weight than the assessment of an American patriot, distinguished soldier and responsible Supreme Commander of NATO, as General Lemnitzer?

And how is it possible that the views of persons who know nothing on such matters should carry weight with you instead of those of a responsible American who has perfect knowledge of everything? Lemnitzer's successor as supreme commander of NATO, General Goodpaster said in May 1971:

"Beyond the geographic position of Greece, the Greek army constitutes an element ensuring balance of power. What adds great significance to its contribution to the Alliance is its clear familiarity with the terrain. The military significance of Greece in the south east flank of NATO is therefore, acknowledged and indisputable".

Admiral Rivero, Commander of the southern flank of NATO, said:

"I depend on this Greek Army to defend the area. On the basis of my own opinion, which I gathered during the exercises, the Greek soldiers are well trained. My mission is to strengthen defence, especially of Greece and Turkey. These two countries offer immense material contributions to strengthen their own defence".

In April 1970 General Ryan, Commander of the United States Air Force, visited Athens. He proclaimed his admiration for the Greek Armed Forces, and described them as a guarantee of security in the area of their responsibility and generally within the ranks of the Atlantic Alliance. In June 1969, the allied exercise "Olympic Express" was held. General Ben Harrell was in charge of its general coordination. After the end of the exercise, he expressed the view that its final phases were a definite indication not only of the fighting capacity and combat readiness of the Greek Army, but also of the progress registered in the field of its training. Admiral David Richardson, Commander of the U.S. 6th Fleet, on retiring from this post to take up leadership of U.S. naval forces in the Atlantic, expressed his admiration for the Greek Armed Forces, and underlined their constructive contribution in the defense of the south eastern sector of the Atlantic Alliance. Admiral Wade, Commander of U.S. Naval Forces, Europe, after inspecting Greek Navy installations in March 1969, expressed a favourable opinion, and also praised the high standard of training of the officers and crews of the naval units. USAF General Joseph Moore, Commander of the 6th Allied Air Command, USAF General Fred Ean, Commander of Allied Air Forces South Europe and spokesman of the Lockheed Company, manufacturers of F-104 aircraft, awarded and distributed prizes to units of the Greek Air Force for their superb performance thanks to the high standard of training and capability of its personnel.

I shall do my duty

It has been claimed before you that in the event of need, Greece would not fight to fulfill her obligation toward the Atlantic Alliance for two reasons: First, because her forces have allegedly weakened, and second, because the people, owing to their opposition to the regime would prefer to turn their arms against it and not a supposed enemy, in its wish to overthrow the political situation and not protect the national territory against foreign invasions, and honour its commitments to its allies. I believe that I dismissed the argument regarding the weakening of the Greek Armed Forces, having cited as witnesses persons who can speak authoritatively on the matter.

I am now left with examining the question of what would the Greek people do should circumstances call upon them to fight for their country and allies. All those who support this pessimistic view know nothing of the psychology of Greece and its history. Should Greece suffer unjust and unprovoked aggression, all Greeks would seize arms and fight to the end, regardless of who their rulers were. Because they draw a dividing line between defending their country and their political divisions. Mrs. Margaret Papandreou mentioned that "The Greek people proved to be an important ally in the struggle against fascism in the war of 1940. A gentleman by the name of Aris Anagnu wrote a letter to the International Herald Tribune published in the edition of August 20, 1971, in which he wrote among other things: "Such a regime (meaning the present regime in Greece), has no military value as an ally, because, in case of emergency, its armed forces would be unreliable. The soldiers might think it more important to mutiny and overthrow a loathsome government, rather than fight against a foreign ally. The writer is either a man of bad faith, or beyond words. Because he forgets what Mrs. Margaret Papandreou said: Greece fought against Fascist Italy and Hitlerite Germany in World War II from October 28, 1940 to May 1941. You will no doubt recollect, Sir, that Greece was under a dictatorship since 1936. There was neither democracy, nor parties functioning. 47,000 of exiles had been sent to the islands. Who opposed Mussolini? The dictator, John Metaxas. And under whose guidance did the Greek people fight and beat Fascist Italy? They did so under the leadership of the dictator. Who decided to reject any idea of coming to terms with Germany, and that Greece should face Hitler's colossal war machine, even though her ally at the time, Great Britain, would afford her no aid whatever? The dictator, J. Metaxas died in January 1941. Every Greek mourned. The entire nation cried. I deem it imperative, to remind you of the nature of the contribution made by dictatorial Greece in World War II.

Here are some views:

"For the sake of historical justice, I am to acknowledge that of all opponents who have faced us, the Greek soldier has fought with bold daring and supreme contempt for death." (Adolf Hitler).

"The Battle of Mt. Pindus changed the course of history." (Marshal Jan Smuts.)

"If Hitler's Mediterranean plan—which failed thanks to the victorious resistance of Greece—had succeeded, Germany's attack on the Soviet Union would have had entirely different results. The heroes who have covered the sacred land of Northern Epirus with their blood, the fighters of Pindus and others, will together with the fighters of the Marathon, guide and shine mankind through the centuries." Anthony Eden, British Foreign Secretary at the time.

"It is unnecessary to speak today for many countries. But there is one, a small but heroic country, to which our thoughts turn today with sympathy and admiration. It is brave Greece and her forces which are defending the fatherland. Among examples in this war, there will certainly not be many acts that will match the acts of self sacrifice and heroism of the Greeks." Winston Churchill.

"Greece's admirable struggle in Albania is one of the turning points of World War II." George VI, King of England.

"We readily acknowledge that our Greek allies are the first who, through their superb victories in Northern Epirus paved the way and dealt decisive blows against Fascist Italy. The successes were not of local significance only, they influenced the whole outcome of the war. The defense of Crete saved Cyprus, Syria, Thrace, and probably even Tobruk." Field Marshal Wavell, Commander-in-Chief, British Forces, Middle East.

"I dare not think what Russia's position would be today, had Greece not fought." Field Marshal Alexander, October 1941.

Conclusion: Regardless of political regime, the Greek people, always defend their country with self-sacrifice, rally behind their Government no matter what its origin may be; they forget political preferences and fight to safeguard territorial sovereignty and national independence. Everything else fades away and disappears. Facts show therefore, that Greeks will do their duty to the utmost to their country and also fulfill their obligations toward their Allies. We are, Sir, a proud and honourable people. We love our country. And when Greece is in danger, we know how to defend her and refuse to destroy our nation, for the sake of any party, or political ideology.

Mr. Donald Frazer, a member of Congress, and Representative from Minnesota, wrote a letter to the New York Times on August 4, 1971, regarding Greece. The Representative is Vice-Chairman of the American Committee for Democracy in Greece. In that letter he claims that aid to the Greek regime does not serve NATO and United States interests, and for this reason, the House of Representatives Foreign Affairs Committee, of which he happened to be a member, voted in favour of suspension. The decision regarding military aid to Greece, places the matter in the hands of the President of the United States. The President does not decide on the basis of reports and explanations provided by aliens, prompted by unknown motives and strings. Instead, he assesses confirmed data and responsible recommendations by American officials, whose sole criterion is to serve the interests of their country.

Mr. Donald Frazer committed another error. He wrote: "The role of NATO is the defence of the democratic institutions of its members." In other words, the Atlantic Alliance was set up to control the internal political life of its members. The preamble as well as Article 2 of the Atlantic Treaty, praise democratic principles. But beyond that, the real aim of the Treaty is laid down mainly in Articles 3, 4, 5 and 6: It is resistance against armed aggression. The Treaty is applied when, as mentioned in Article 4, the national integrity or political independence or security of its members, is threatened.

When Greece and Turkey applied for NATO membership, the Council, considering "that the security of the North Atlantic area would increase by the participation of Greece and Turkey in the North Atlantic Treaty, agreed to recommend to its member countries that subject to the implementation of the positive procedure governing each country, Greece and Turkey should be addressed the relative invitation." That is to say, the military criterion prevailed, and no other consideration was taken into account.

President Truman notified Ankara and Athens of the decision accepting them as NATO members. In his reply to President Truman, the Turkish President, Mr. Jelal Bayar, said on October 9, 1951: "You have made the most appropriate report in your message, by stressing the unshakable will and determination of Turkey to maintain its independence and territorial integrity in the face of all pressure and threats." The Greek Premier at the time, Sophocles Venizelos, also sent a message to Truman on the same days: ". . . It is true that Greece, faithful to her traditions will fight again, should she face aggression against her independence, even, if need be alone. But it is a great relief to us to know that we shall participate in a defensive organisation to which so many countries belong, and are prompted by the same ideals of peace, justice, and democracy, and by the same determination to safeguard their independence." In the debate held in the Canadian House of Representatives, the Foreign Secretary at the time, Mr. Lester Pearson, explained why Canada agreed that Greece and Turkey should be NATO members. "By adding members to our collective defensive strength, we render aggression against any one of us less likely."

An internal matter

The text of the North Atlantic Treaty makes no mention of procedure in case the democratic institutions of a member-country were to face a crisis. What would happen if a democratic regime were to be shaken, and power seized by Communists? The North Atlantic Treaty is mute. It would be an internal matter of the country concerned. According to the text of the agreement, no one has the right to interfere in the internal political life of a member of the Alliance. Each country who is a NATO partner has the right to defend its political freedoms as it thinks best. Only in case of threat or attack against the territorial integrity or political independence, and security of a NATO member "the contracting parties would consult jointly to face the situation" as laid down in Article 4.

Allow men to draw attention to one more error committed by Mr. Donald Frazer. He wrote in his letter that since the aim of NATO is to defend the democratic institutions of its members "its aim is not served by granting aid to those who destroy those institutions." May we ask the honourable Representative from Minnesota ONE QUESTION: Who destroyed democratic constitutions in Greece? Presumably, he is not informed. Let him take the trouble to read the first part of this letter. We shall quote again one of Mr. Karamanlis's sentences: "Democracy was assassinated in Greece by the liberal regime." But in that liberal regime no role was played either by the present Prime Minister, Mr. Papadopoulos, nor the Armed Forces. The parties were ruling. It follows that they destroyed democracy. If then, Mr. Donald Frazer, wishes to deprive aid from real destructors of democratic institutions, he should refuse all assistance to the Greek political parties and their leaders, instead of turning against those who undertook to face the consequences of the acts of those who assassinated democracy in Greece. He, therefore, contradicts himself. His arguments run contrary both logically and politically. We do not know the reason why he fails to realise the weakness of his argument and what he expects to gain from it.

The Minnesota Representative puts forward no innovation by supporting the exercise of pressure against the Greek Government. He simply emulates with some variation, the Brezhnev Doctrine. He accepts its principle which is the right of a country to interfere in any manner in the internal affairs of another. The leader of the Soviet Communist Party is Mr. Donald Frazer's ideological patron. Why is the Brezhnev Doctrine opposed by all peoples, whether free or under the rule of foreign influence. Because it abolishes the fundamental constructive principle of respect of the national sovereignty of states. The internal policy of a country, including its foreign orientations, is determined by the struggle between indigenous political forces.

This is precisely where the difference lies between the Warsaw Pact (an instrument of oppression of its members by Soviet Russia) and NATO (an instrument of defence of its members against foreign threat and attack). The Minnesota Representative has not realised that his theory has undergone a major transfusion from the oppressive mentality of the Brezhnev Doctrine. Both Brezhnev and Mr. Frazer begin with the same principle. The differences between them are of a quantitative order, that is to say, they refer to the means and degrees of pressing states and peoples, in their internal political lives.

The need for unity

Two NATO Supreme Commanders, Generals Lemnitzer and Goodpaster, have stressed the need for unity among the members of the Atlantic Alliance. According to the former, unity, team-work among peoples offers something much more than the aggregate of individual possibilities of members. General Goodpaster, who is the present leader of the Atlantic Alliance, underlined:

"The Soviet threat to NATO in the Mediterranean, is not limited to the military sector. The threat also carries political and psychological significance.

"In this area, the Soviet Union has considerable forces which, in a case of a crisis, will cause difficulties to our forces and eventually we may suffer certain losses at the beginning. In spite of all the weaknesses of the Russian position, we should, however, recognise that the Soviets have presented a new situation to us, a threat to our communications in the Mediterranean and our operations in that area.

"This threat may be confronted first with the maintenance of considerable Allied forces inside the area—as our intention is—and second with a demonstration to the Soviet Union, in every possible way, that we, the NATO countries, are determined to remain united and strong in the Mediterranean and in all other areas of Allied Command Europe. With united effort for a collective defence, our countries prevented the enemy from overtaking each country separately or influencing one country against another. I am absolutely certain that this policy of collective defence will be proved successful in the future also".

The American Commander stresses the decisive importance for unity of the NATO country-members. He says that we show the Soviet Union that we the NATO countries, are determined to remain united and strong in the Mediterranean, the Soviet Union will not dare threaten us. This is the opinion of the most competent military leader. Unfortunately, an opposite view prevailed among certain circles in the United States. With their attacks against Greece they cultivate among country-members of the Atlantic Alliance a spirit of disunion instead of unity. And instead of calling for the strengthening of the country-members of NATO's southeastern flank, which include Greece, they demand that here military strength be diminished by the suspension of the military aid granted to her. I will sum up in a form of a geometrical theorem, the essence of this tendency:

Weakening of Greece=Weakening of NATO

Weakening of NATO=Weakening of the United States

Weakening of the United States=Strengthening of the Soviet Union.

The above diagram, Sir, leaves no room for logical contradictions nor practical objections. It is based on absolutely objective facts.

Sir, we are friends. We are allies. We are threatened by the same opponent. We believe equally in democracy. We have common defence and security interests. These reasons make it my duty to address this letter to you. It is up to you to confront the problem in a manner serving the real needs of your country. We shall move forward without hesitation and prejudice. We neither long for the Communist dictatorship nor tolerate the Fascist one. Only recently, the Prime Minister, Mr. G. Papadopoulos ordered that a fascist organisation called "Fourth of August" be dissolved. We object to extremes. We hold the roads to democracy open; we walk on them. And we bear in mind the advice of our forebears: "Hasten slowly" and "adjust yourself to circumstances".

Sincerely yours,

SAVAS KONSTANTOPOULOS.

TRIBUTE TO LOUIS A. SILVEY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to pay tribute to a longtime friend and outstanding American, to a man who has spent his life asking what he could do for his country and then doing it. Louis S. Silvey of Mattapan, Mass., is celebrating his 85th birthday tomorrow. At this time it is a privilege for me to invite my colleagues to join with me in paying tribute and thanking Louis Silvey for his untiring service to America and his countrymen since World War I, always living by his motto: "For God and Country."

To describe this man as sincere, loyal, patriotic, humanist, and philanthropist does not suffice, as he is so much more. And to list now all of his charitable acts would extend this RECORD into several volumes; so I will only mention how others have judged him through honors and awards.

Mr. Silvey is a past commander and life member of the American Legion, Mattapan Post No. 128, a member of their National Distinguished Guest Committee and National Counter-Subversive Committee. He was awarded a 50th anniversary plague for his many years of devoted service to the American Legion and is one of two men in Massachusetts ever to receive their National Commander's Citation which he received in 1964 for his outstanding acts of charity. Mr. Silvey is known all over America as "Mr. American Legion."

Louis Silvey is also past commander and Life Member of the Veterans of World War One, Mortimore Coakley Barricks 1148, and was aide to the department commander. He is in his fifth year as commander of the Jewish War Veterans of the U.S.A., Boston Post No. 22 and is the national liaison officer of that organization to the American Legion. In 1965 the Jewish War Veterans of Massachusetts awarded him for being the "unsung hero of the year." Mr. Silvey is a member of Voiture 543 of La Societe 40 Hommes et 8 Chevaux, of which he was publicity chairman for 8 years in Massachusetts. He is a life member of the Handicapped Children's Organization of the New Bedford Hospital in Massachusetts.

In 1966 the Certificate of Merit in appreciation of faithful and meritorious service to the Disabled American Veterans was awarded to Mr. Silvey. In 1969 he received the Certificate of Appreciation from the U.S. Army for his support of the Army's recruiting programs. And again in 1969 he received the George Washington Honor Medal from the Freedoms Foundation of Valley Forge, Pennsylvania for best advertising of Americanism for his slogan "Worship the ground you walk on, don't undermine it."

The accomplishments of this man go on and on. He is indeed a rare and remarkable breed of man. America is certainly lucky to have such a citizen as Louis S. Silvey.

COMMENCEMENT ADDRESS DELIVERED BY THE HON. RICHARD T. HANNA AT WEST COAST UNIVERSITY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. CORMAN. Mr. Speaker, I wish to bring to the attention of the Members of the House a most stirring, forceful, and thought-provoking address. The speech was presented by our distinguished colleague from California, the Honorable RICHARD T. HANNA.

The impact of the speech on the audience at West Coast University last June was profound, as indicated by the fact that the president of the university chose to refer to Mr. HANNA's remarks in his introduction to the school catalog.

I am sure that my colleagues in the House will enjoy reading and reflecting on the comments of our friend, the gentleman from California:

COMMENCEMENT ADDRESS DELIVERED BY CONGRESSMAN RICHARD T. HANNA AT COMMENCEMENT EXERCISES AT WEST COAST UNIVERSITY, JUNE 5, 1971.

SOCIETY IN TRANSITION

I have firmly believed from the beginning that in our American society, and in society wherever you might find it, one of the great qualities of humanness in a society is to have choice. It has also been demonstrated that the human being performs best when he is challenged, when there is a competitive environment. For these reasons, it seemed to me rather clear and rather important that we have in California a choice of some of the best in private education and some of the best in public education, and through the best of each we would be assured that that kind of quality would continue. And in a period of transition, in a period of change more than any other, this business of challenging back and forth is extremely important.

We are in a transition as a society. Some of you may be familiar with these words written by **William Wordsworth:**

"Action is transitory—a step, a blow,
The motion of a muscle this way or that
'Tis done, and in the after-vacancy
We wonder at ourselves like men betrayed."

So, we are in a period of this transitory action, and as we look about and see the confusion that is arising, I think perhaps many of us wonder at ourselves like men betrayed. Every transition period is difficult. Comfortable attitudes and values recently valid during the recovery and progress of the post World War II era are being dismissed, as they should be, as irrelevant. The foundation of the institutional framework within which these attitudes were nurtured and protected are crumbling. All that seemed traditional and permanent in our society is being assaulted and many Americans, perhaps most, are confused and afraid of these times. Attempts at restoring balance seem only transitory in themselves.

Perhaps this is an exaggerated statement of the collective national psyche. If it is, it still will not be too far from the mark. It is unfortunate, but I think rather inevitable, that the dynamics of change are very painful. This has always been true. The values that become entrenched in our culture were outgrowths of equally difficult periods of transition that developed them. In fact, our society has been in a continuous transition since the first colonists successfully challenged nature for a foothold in the new world. But by virtue of continuity and being blessed with a pace of change which we as human beings of the times in which we lived, could absorb and accommodate, we have felt mostly minor shocks as these changes took place.

Today the transition has taken on an entirely different dimension. The very size of change and the rapid rate which it is occurring transforms the quality of experience we are exposed to. May I review for you my own view of where we have been in the last five to six decades and suggest that from this view some understanding can be acquired of the unique character of the present transitional stage. Then out of this I would hope that we could create a better understanding of why we have our present difficulties, why they are so challenging and frustrating, and finally out of this perhaps suggest some reason for hope and to point out for those to whom, in this commencement, the future is the most important thing—some paths for possible progress.

At the turn of the century, I, in an oversimplification, see these as the dominant themes for America: First we had going for us the momentum of the nineteenth century, and particularly the last four decades of that century, in which the United States had reached a degree of industrialization that placed our country on a par or at least moved it parallel with the European nations with which we were competing. And we had, further, the momentum and dynamics of what I refer to as the three big E's.

Expansion—we had a great continent which we were expanding, always expanding towards the West. We had the expansion of our industries with our transportation system as we went off into the open frontierland. We also had other expansions, the expansions of our education system and expansions of many other levels of life.

There is also a great area of extraction. We were extracting in an accelerated way the natural resources of this country. We were also extracting from the ideas that were being developed elsewhere, by the ideas that were being developed here, but more of that later.

We were also exploiting. We were exploiting not merely man, but we were exploiting technology as it came on. We were exploiting the ideas that had been created. I've mentioned this business of ideas for a special reason because I think it is important for us to realize that at the time when these three big E's became the dominant themes, that we had developed in this country a great seed bed of basic ideas. We had borrowed some, we had constructed some, but look back and think with me, if you will, on what this has meant for the period out of which we are moving. There were new ideas in medicine. You recall that it was in Vienna then that psychiatry was just being discovered. That was the first place where they had done a transplant on a dog. It was in the last part of the nineteenth century. Many of the things that you see so expanded, the ideas that have been in a secondary, tertiary way extracted, came out of the medicine of that day.

What about these great men like Pasteur? It set the whole tone of the development of medicine during the 1900's. Does that stand alone? Oh, no it does not. If you want another example way off on the scale, think of the Englishman Babbage, who in the last part of the 1800's really developed the basic concept of computers. We really exploited, extracted and expanded on that one and we're still doing it. That was something that we inherited. I suggest you look in any kind of activity in your life and you will find back in that era a seed bed.

The labor movement—that's where you find the fellows like Debs, the men who started the whole basic movement that there ought to be a different relationship between the working man and the industry he served, between the management and the labor which works for the management. They wanted not to be the ones that were exploited, they wanted in on the exploitation. They wanted in on the expansion. They wanted to do some extracting of their own. They have done so. We have seen that great movement.

Look at education. Do you know that up until the latter part of the 1800's education in America really centered around the words of Jefferson who said about education, "If you want to have a good citizenry, you've got to have some of it." People said "Amen," and then went on about their business. But we really didn't start bringing education to the American people on any kind of a standard that met that great goal described in the words that Jefferson gave us until the 1900's. And it was out of the seed bed of ideas by men like Dewey and Royce that we've got to where we are today.

Now you follow the picture? Here we are; we are here because of our exploitation, extraction and expansion. And how did we do it? Well, one of the factors that came into the picture very early with Henry Ford, in the industrialization phenomena, and which helped put this in place, was a division of labor. You had specialization and that called for education. So education grew with the idea that there ought to be more of it. There was a great demand for more of it. It was a quantitative problem in this period. More people were getting it. They were getting more of it and they were getting it over a longer period of time. And the curve on that has been ever upward.

But we haven't had time to look critically at what has happened during all this period of expansion, exploitation and extraction. I think that what we have developed has given us what we see around us, now that we have been brought to a halt and have to look. It developed for us tunnel vision—tunnel vision in which we felt as long as everything was all right where we were and in what we were doing, it must be all right with the world. You know the great song, "Don't Rain On My Parade." That's from the fellow who has tunnel vision. He lives in a well. He figures if the sky is blue over me it must be all right with the world. Well, unfortunately that kind of thinking, that kind of luxury is no longer ours, because we know we live in a bigger world than can be encompassed by living in a well. And we're forced out of the well, we've been broken loose from our tunnel vision, and it isn't very happy as an experience because we're seeing things we'd rather not see. And when we come out of the well we're feeling things we'd rather not feel, and we'd rather have the comfort that comes from well-dwelling and tunnel vision.

Another thing that came out of it is distorted bookkeeping. You see, as long as you are looking on a narrow basis you can make your profit and loss on the things you decide should be within your tunnel vision, and the things that you find accommodate your well. And if the bookkeeping doesn't reflect other things, that's somebody else's problem. Now if you pull coal out of the ground and you leave it where it is desecrated, cut up, you will leave places where there will be the accumulations of rancid waters which will pollute all of the underground resources of that wonderful product, water. If you bring subsidence, if you ruin the potentials of any development on the surface of the ground, if you leave the air full of acrid smells—that is somebody else's problem. If it is not on your balance sheet of what is the cost of carrying on that activity, that is somebody else's problem. When you leave enough of that it isn't somebody else's problem, it's everybody's problem. And that's where we are. We've had distorted bookkeeping. We haven't paid the real price for the things that we have been enjoying. Now we have to start facing up to it.

The third thing that occurs in tunnel vision is that you get out-of-date, unresponsive institutions. This was brought very sharply to my attention reading a little brochure written by a Dutchman. He had this view of us, and happily he softened it because he took the view of several other people at the same time; we weren't singled out. He said, "Well, as I view it, the American people have been so eminently successful at building great institutions, that those institutions have supported mediocre men." That hurt. That particularly hurts if you're serving in one of those institutions as I do—Congress. But that's true if you're serving in an educational institution. It's true if you're in a corporate institution. And as I look around me, I see that there are some very good evidences that the man wasn't entirely wrong. Because when the institutions start to fail, that really makes the game honest. And as you look at the institutions that are in trouble you find that they are not only governmental institutions. You've known from your own experience, educational institutions are in trouble and corporate institutions as well.

And this situation has not been entirely ours. There has been some problem in some of the other countries, but the Dutchman said of Europe. "Europe builds such miserable institutions it had to have superior men to function." And as I look and become acquainted with the European scene, I see a lot of truth in what the Dutchman had to say. And then he really saved himself by his third observation. He said, "And the Russians have the marvelous ability to take superior institutions and superior men and by the false application of politics render both rather mediocre." Well, I suggest that he had a rather incisive view of the kind of world in which we live in terms of its institutions.

We must face, I think, the fact that we are at the end of a ride that became a great invigorating, exhilarating experience with the take-offs of the late 1800's. And it has been a great ride. But I'm one of the bus drivers now and I can tell you it isn't so great right now. The bus is full of a very strange collection of people. The ones that have moved towards the back have been on the bus a pretty long time. And they have great memories of where they've been and they don't have too many expectations of where they are going. They would hope that the bus would just remain comfortable and even if it stopped they wouldn't be too unhappy. But in the middle of the bus are those that are caught up with the idea of keep the bus running and keep our journey going. And up in the front of the bus, there are a lot of young people who are jumping up and down raising cain with the bus driver telling him to go faster, turn left, turn right. You know, get going without any consideration that the bus can't go that fast or if he makes that kind of a left hand turn he's going to wreck the bus. And besides that, they haven't even bought their ticket or paid for any of the gas.

It's important however that the driver realize that he can't get them off the bus. And as a matter of fact, the most important thing the bus has to do is to get them someplace that counts, even if they can't make too much of a contribution at the present moment in telling him how to get there or how fast.

Well, our need as I see it from where we are, is three big M's. These three are maintenance, management and maximization. Now let me explain what I mean by these three. I'm not suggesting that the three E's will stop, but they will not be dominant. Not if we do things right.

Maintenance is very important in any aspect of life. I think that there was a fellow who wrote a book that talked about our throw-away civilization, that we really don't keep anything long enough to have any attachments. Well, no wonder, it costs so much to maintain the kind of things we've been making. The maintenance problems in our society are just fantastic and there has to be an understanding of the shift that comes from quantity to quality. And if you're going to make the shift from quantity to quality, this means that you're not going to be putting out so many of everything, which means that it has to be done a little better. It means it has to last a little longer. It means it has to have some maintenance. But it isn't things that bother me so much, it's institutions and people. Most important is people. But our institutions need a maintenance they haven't been getting. We have been so busy building our institutions in education, they haven't had proper maintenance, because the people in charge have felt the drive to expand. They wanted to exploit the situation that they found that made it attractive to get the funds necessary to expand. They exploited the conditions as any normal red-blooded American would do in trying to make their bag the best as they saw it, and the best meant the biggest. But that isn't quite good enough now, and they have to look towards maintenance. But so do we.

What about family maintenance? You know when you look at the divorce rate, when you look at what is happening with the raising of children, you realize there has got to be some maintenance to the family. But it needs more than maintenance, it needs a better understanding of where the family is.

Let me just digress a moment and be personal. I was born just before World War I. I was born in a small coal mining town, one of seven children. My father was a coal miner. We had a great family, but it was great because that was the only way to be. I was a part of the working force of that family very early. I was the oldest of the boys, and since my mother had four of them before she had a girl, you know where she looked for the dish washing and the floor scrubbing and the diaper doing. And I was really checked out early. Now it wasn't because she enjoyed seeing me do it, it was because I had to do it. There wasn't daily diaper service. There weren't automatic washing machines and I assure you I wasn't very automatic. I had to be stimulated constantly! But it counted; it meant something. She knew it and I knew it, which was very important to the relationships in the family all the way along. We had to work with each other. We had to entertain each other. These things were important because that's the way the family was and that was the situation as it was.

It isn't that today. No use me regaling my young son and telling him, "Look, that isn't the way your Daddy did it" and, "Look back on my days, boy, to get your leadership and your guidelines." How can I have that same feeling engendered when he knows it isn't true? Believe me, I would not have carried on my duties if I had known that it wasn't true, if I wasn't really convinced that that was important for me to help. We have to understand the maintenance, the management and the maximization of the family relationship in every field. Everywhere we look we see this. The medical field that I mentioned—what do they need? They need management. They need a maintenance of a system once it's well managed. It's not enough to be a doctor any more. Do you ever go into a doctor's office with your children? What an experience as against what it was when you and I were children. We just don't have enough doctors to keep on doing medical services as we've been doing it. So what do we do? We ought to be thinking more of health maintenance. Because if we had a maintenance system that could be run by technologists, you wouldn't need the doctors. You could run your maintenance program. You could do this through the technology and the technologists. But this takes a shift in thinking and this is all part of the transition area.

I give you these examples to bring to your attention that this is actually what we must face up to and prepare for. I think in your school you really appreciate the real requirement of this.

You know, the kids have a saying. "Let's get it all together, Baby." That is a very fundamental thought, because if you're going to manage anything, you do have to get it all together. You have to think of your activities as a whole and relate to the rest of the elements. You can't have tunnel vision. You can't live in a well. You're part of an activity, you've got to know how you relate. But more than that, you have to see the relationship of your activities to the environment in which they are happening and you have to humanize it. You have to see it in relation to the people who are going to be affected by it. And that takes tremendous managerial capacities. And we have to, in education, start to develop these and reorient our education where we can do it. Now when we start to maximize in this society, we have to cover those who have been left out in all of this expansion, in all of this exploitation, in all the great extraction we have made from the resources of this great country.

We have left out three important groups.

Those living in the cocoon of the South that didn't break till World War II; those who lived in the cocoons of an area closer to us in the great Southwest—the Mexicans; and the third group, the Indians—the ones whom we treated more sorely than almost any others. Part of maximization should be to bring them into the play. We also must increase our efficiency. That's part of the whole quality equation. Instead of wasting that which we now call pollution, we should capitalize it and make that a source of new products. A place where we can do our extracting for some of our newer sources. If we are going to reduce maintenance, we have to have quality control in the things that we make so that when we bring something home from the store, it works. How many of you had the experience of bringing the doll home that is supposed to speak or walk or something, you slip the batteries in and you know, things just don't happen. Or if they do, they don't happen very long and now you've got yourself a child that is much more unhappy than she was before you ever got the doll. Or you bring home something that is supposed to be a joy like a little cook stove that plugs into your electric outlet in your house, and you find that this thing is an absolute menance. There is not much quality in this kind of production. Also, I don't think I have to do more than commiserate with you ladies about some of the appliances that you have in your house and the problem of trying to get anybody, including your husband, who can fix them.

If we're going to make the adjustment from quantity to quality, we must bring in line the three M's. And then there is always the big M that is always around. That's money. That's not only the public's money that is in the coffers of your government, as great as those might be. No, that is the money that is in the private sector. That's the money that is in your pocket. For example, it is going to cost us more if you want to get the lead out of gas. And do it quickly by putting a tax of three cents on gas that has lead in it, because for three cents a gallon they can develop gas that doesn't have lead in it. It will do the same things. But you have to pay that extra three cents for the gas. And I think that you could look at almost every area in which we have some requirements, and we can do it. But ultimately, it will come down to the question of who is going to pay the check.

There is a great song by one of our popular singers that says "If you wants to be a friend of mine, you getta your money on the line. And I think our society has to face that. But it isn't money alone. It's are you getting what you pay for? Is what you're getting what you want?

In an education these are pretty important questions. We're probably spending, after elementary school, about 85% of our education dollars on courses related to degrees, and those largely that were associated with the classic education of the latter part of the 1800's out of which we've all sprung. And the jobs that are here in society and coming on line in those categories are about 15% of the jobs. In other words, we're using 15% of our money for 85% of our jobs and 85% of our money for 15% of our jobs. Now that's an oversimplification, but it gives you some indication of the mismatching and that money isn't the whole thing.

I think we're going to have to look forward to the future with this in mind. It's a great future, but it needs some inputs that we got out of the 1800's. We have to find where the new seed bed of ideas lies. We have to apply in this complex society these three M's. And then we can get on with the business of the three E's, but cautiously, because we're never going to have these applied with the wild and reckless abandon that has been the history of your life and mine, and maybe then it will get a little more quiet on the bus. By that time I'll be turning over my driver's license to somebody else.

It's not a future that is without hope. We have about us all the things we need to handle the frustrating problems of our times. But if you don't see them and you don't understand them, it's pretty hard to deal with them. And we have been a bit reluctant to cut with our past, see truly our present and then project our future. It is out of institutions such as we see represented here that we can find the best enlightenment, the best of leadership to move out into what I'm sure is going to be just as exciting a future for the young people in this hall as was the future that was prepared for me.

And I'm not afraid of that future and I don't think that most of these men here are afraid either. They just want to be pointed in the right direction, and I think that out of what we have seen of the true heritage of a period, we can determine where we are and settle it as to how we can move into this bright new world.

I'll be sorry not to be on the bus when it makes its next great stop, because I'm sure there are going to be some exciting days in the ride that lies ahead.

RECOVERING OVERPAYMENTS TO SOCIAL SECURITY BENEFICIARIES

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation which would modify an unnecessarily harsh provision of the Social Security Act. The purpose of the bill is to make equitable the procedures used by the Social Security Administration in recovering overpayments to beneficiaries.

Under the present practice, the Social Security Administration notifies the beneficiary that he has been overpaid and that his benefits will be terminated until the overpayment has been recovered. Beneficiaries are then advised how they might go about taking an appeal from the decision. If an appeal is made, the final outcome could result in a determination that the beneficiary is without fault and that recovery would be against equity and good conscience. Or, agreement could be reached whereby benefits are merely reduced to effect the recovery. However, while the negotiations to reach an equitable conclusion continue, the beneficiary goes without any check.

In an extreme case, the termination of benefits could force a senior citizen on to the public assistance rolls. But even in more common cases, beneficiaries must borrow often at high interest rates, and seek assistance from their neighbors and relatives.

I am sure, Mr. Speaker, that most persons would not quarrel with the notion that the Government is entitled to recover overpayments it makes. I certainly believe that, but at the same time, the recovery process can be administered in a fairer and more humane fashion.

The bill I am introducing provides that the Social Security Administration may not terminate or reduce payments until it first determines if equity and good conscience command relief from repayment. If relief is not in order a determination of equitable repayment terms must be established prior to any actual termination or reduction of benefits.

This bill would in no way change the liabilities and obligations of either the Government or the beneficiary. Nor, would it add to the burden of administering the social security program. Rather, it puts the horse before the cart. It would require the administrative inquiry to precede the actual recovery. It would assure that an equitable result be reached before, and not after recovery is made.

There is no reason, Mr. Speaker, why the administrative determinations pertaining to recovery cannot be made prior to the Social Security Administration's unilateral termination of all benefits. Indeed, simple due process compels this result. Unfortunately, the Social Security Administration does not share this view of the current law. Thus, my bill has been necessitated.

This simple addition to the overpayment section of the Social Security Act should be noncontroversial, and I hope it will be possible to win speedy enactment.

PURDUE UNIVERSITY LEADING WAR ON CORN BLIGHT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. LANDGREBE. Mr. Speaker, the most serious problem to plague America's farmers in recent years is the southern corn-leaf blight, which last year destroyed millions of dollars worth of corn crops.

One of the most serious problems posed by the blight has been its unpredictability. While science seeks for a way to prevent or treat the corn blight, it is a great boon to all concerned—farmers, scientists, agricultural marketers—to be able to know where and how severely the blight is liable to strike.

Now, projection of the blight pattern is being done, thanks to some excellent work being done at Purdue University, located in West Lafayette, Ind., in my own Second District. Funded by the National Aeronautics and Space Administration and guided by NASA and the Department of Agriculture, scientists from several Federal agencies and seven State land-grant universities are conducting the largest single experiment ever aimed at an agricultural problem—the southern corn-leaf blight watch experiment.

This fight, centered at Purdue's Laboratory for Applications of Remote Sensing—LARS—is applying the very latest in technological developments to provide current information on this plague to America's corn crop.

Dr. J. B. Peterson of LARS has written an excellent description of the blight watch operation. I insert this article at this point in the RECORD:

SOUTHERN CORN LEAF BLIGHT WATCH EXPERIMENT

This year the largest single experiment ever directed to an agricultural problem, that posed by the southern corn leaf blight, is being conducted as a cooperative research project by scientists from seven state land grant universities and several federal agencies. This research program is known as the Southern Corn Leaf Blight Watch Experiment. The experiment is the result of the voluntary collaboration of many state and federal scientists in developing a plan to exploit for the common good the promising results of a 1970 study of the capability of remote sensing to follow corn blight damage over a large geographic area.

The 1970 experiment was conducted by scientists of the Laboratory for Applications of Remote Sensing (LARS) at Purdue University. LARS is funded by the National Aeronautics and Space Administration (NASA) to conduct remote sensing research which can be applied to useful problems. The 1970 experiment was successful in identifying up to five levels of corn blight damage from aircraft altitude using either infrared photography or data from a multispectral scanner. In view of this achievement, interested scientists of several states and of NASA and USDA decided to take steps to organize a major research program in 1971 building on the 1970 experience.

This resulted in the development of a unified, well-coordinated effort carried jointly by NASA, USDA and scientists from seven Corn Belt states. The participating agencies are: for USDA, the Statistical Reporting Service (SRS), the Agricultural Stabilization and Conservation Service (ASCS), the Extension Service (ES), the Cooperative State Research Service (CSRS), the Economic Research Service (ERS), and the Agricultural Research Service (ARS); for NASA, the Earth Resources Aircraft Project (ERAP), the Manned Spacecraft Center (MSC), the Earth Resources Aircraft Project at Ames Research Center (ARC); Laboratory for Applications of Remote Sensing (LARS) at Purdue; the Institute of Science and Technology (IST) at the University of Michigan; the University of California; and the Cooperative Extension Services and the Agricultural Experiment Stations of Nebraska, Iowa, Minnesota, Missouri, Illinois, Indiana and Ohio. LARS, IST and the University of California are funded by NASA to conduct research work in various aspects of remote sensing. In addition, Michigan State University and the University of Michigan are conducting an independent study in corn blight incidence in Michigan.

This experiment is being conducted with efficiency and with excellent cooperation from all participating parties. It is an outstanding example of the flexibility possible within American publicly-supported research institutions and the capacity of the scientists in these institutions to join quickly in a well-coordinated, uniform, non-competitive effort to attack an immediate problem threatening the common good. In no other country in the world would such a smoothly operating, unified effort among so many agencies be possible. Probably one of the most unique features of the overall experiment is that all agencies went into it voluntarily without new additional funding. It was done by reassignment of resources. For example, the ASCS arranged to assign 1000 man days to the project by transferring personnel from other duties, postponing essential work in other ASCS projects.

The overall program is coordinated and directed by an Executive Committee on which each of the participating organizations is represented. Mr. R. B. MacDonald, NASA Project Scientist, who was instrumental in the development of the experiment, is chairman of this committee. Information on the progress of the experiment is released through a National Federal-State Information Center for the Corn Blight under the direction of Dr. John M. Barnes of the CSRS/USDA.

Major long-range goals of the experiment are: (1) to monitor development and spread of corn blight during the growing season across the Corn Belt region; (2) evaluate the techniques as a means of assessing the levels of infection in the Corn Belt; (3) evaluate the capability of remote sensing to assess the status of probable impact in crop production by corn blight and other folial stresses; and (4) evaluate results for feasibility of application to similar situations occurring in the future.

The basic plan of the experiment was to obtain ground observations of corn in over 1500 preselected fields. This information could be used to check statistically the severity and spread of the blight. Additionally, this ground information was used as references or standards for the remote sensing aspect.

The remote sensing for the experiment is being carried out in two parts. One is the taking of infrared photography every two weeks following a special seven state sampling pattern using high altitude flights of 60,000 feet by a U.S. Air Force RB57F aircraft under the direction of the Earth Observations Aircraft Program Office of NASA's Manned Spacecraft Center (MSC), Houston. The other is multispectral scanning from a specially equipped C-47 aircraft of a sampling pattern over an intensive study area in Indiana at about 5,000 feet.

The first step was laying out flightlines which would provide sampling patterns meeting the requirements of good statistical design. These, for mechanical reasons, were based on 100 mile flightlines. Thirty-seven flightlines were chosen in which 210 segments, one by eight miles in dimensions, were geographically positioned. One hundred eighty of these are located over the entire seven-state study area. Thirty additional sites are in the Intensive Study Area in western Indiana.

The next step was the securing of base maps locating and identifying the crops in all fields in the test segments. These were obtained by ASCS enumerators trained by teams of representatives of SRS, ASCS and LARS. Enumerators delineated and obtained the acreage for each field, identified all crops planted or to be planted, and obtained particular information for each corn field, including corn cytoplasm type (Normal [N], Blend [B] and Texas Male Sterile [T]). These data were then returned to SRS which selected certain corn fields as subsamples within each of the 210 observation sites. These 6-12 fields selected as subsamples of the one by eight mile test sites are being visited, carefully observed and reported on standard forms by specifically trained Cooperative Extension Service (CES) and ASCS personnel in each of the seven states. The data acquired by these enumerators are sent to state SRS offices to be key punched. These offices forward the cards to SRS in Washington, D.C. to be summarized, placed on tape and forwarded to the Data Reduction Center at LARS. The CES and TSCS personnel engaged in the biweekly field (ground truth) observations were trained by representatives of SRS, LARS and plant pathologists of the land grant universities in the involved states.

The aircraft data acquisition flights were organized in three phases. In Phase One, during April 1971, the RB57F overflew all test sites to secure black and white photographs to be used as a basis for original field interviews, for orientation in photo-interpretation of the color infrared photography and in computer analysis of the data from the multispectral scanner.

In Phase Two, overflights were conducted over the segments with color infrared photography (1:120,000 scale) in early May. This film data were used to supply soils background information on the various sample sites. IST's C-47 collected multispectral data over the 30 segments contained within the Intensive Study Area to provide a record of the spectral characteristics of the soils in that area.

During Phase Three, now continuing RB57F overflights to secure color infrared photography of the total overall list area are being flown every two weeks as nearly as weather permits, beginning June 14 and planned to run through September. At the same time, the Intensive Study Area is being overflown on the same biweekly schedule by the IST C-47. The C-47 flights are securing multispectral data of the Intensive Study Area for processing with computer facilities at both LARS and IST.

During this period of biweekly sensing of the test sites, the ground truth enumerators are visiting the test sites on dates as near to those of the overflights as possible.

All original aircraft photography is processed by the NASA/Manned Spacecraft Center. Several sets of duplicate positive transparencies are forwarded to the Photo Data Reduction Center at LARS. There six photo-analysis teams specially trained by NASA and the University of California (Berkeley) and LARS, review the aerial photography of the 210 test segments (sites). With the aid of data supplied by the field enumerators they continuously refine their capability of distinguishing different types of ground cover and in the corn fields, different levels of leaf blight damage. The results of these analyses are sent to SRS to be included in an overall statistical analysis being prepared for every flight period.

As the photo data reduction teams are analyzing the photography, copies of the color infrared transparencies are made available to the county personnel (CES and ASC) taking ground truth in the 210 segments. These 1:120,000 scale prints permit the county people to familiarize themselves with this kind of photography and to follow regularly the changes revealed throughout the season by the repetitive photography. In this way, a large number of agricultural professionals who work with problems of crops are becoming aware of the potential uses of data to be secured in the near future from the Earth Resources Technology Satellite (ERTS).

From the multispectral data collected by the IST C-47 over the Intensive Study Area, LARS processes the data over 15 of the 30 segments and IST processes the other 15. Each of these sites is analyzed by machine recognition programs to identify corn fields and to classify them as to presence and severity of leaf blight damage.

The photo-analysis output, machine-processed multispectral scanner output and field observation data are forwarded to SRS in Washington biweekly to identify infected areas. Additionally, the information is used to check and develop statistical models for prediction of disease spread.

The capability of color infrared photography and of multispectral scanner sensing to spot changes in a crop from remote platforms is not the only thing being tested in this large scale experiment. The ability of man to reduce this great volume of data quickly, analyze it thoroughly and express the results without delay with reference to geographic setting in an almost continuous inventory is being explored. Furthermore, the technique of getting many individual scientists and technicians to change quickly from on going work to join together in a smoothly running and efficient project for the common good is being perfected.

Judging by early results of the experiment, ways to successfully identify blight damage are being perfected. This can be important to agricultural interests, foresters and lumbermen and even to urban people, anyone interested in plant life.

The experiment promises that remote sensing has a high probability of being perfected to where it can give farmers and others a survey of the imminence, intensity and extent of spreading crop disease or other stresses.

Another promising aspect is that large areas of land can be quickly and accurately surveyed from remote distances. The identification by remote sensing of field patterns, land use, soil differences, soil mismanagement, kinds of crops on the land, crop vigor, and possibly before long, estimates of yield per acre seems a potential reward for such research on the 1971 Southern Corn Leaf Blight Watch Experiment.

HERDING

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BRINKLEY. Mr. Speaker, the within letter is one further link of evidence in the case against busing. There are myriad problems involved with no educational returns and the one emphasized by this letter relates to time, safety, peace of mind, plus expense.

This is one more reason for the consideration of House Joint Resolution 43, which provides:

> The involuntary busing of any student to a school or the required attendance of any student at a school outside the student's local school zone for the purpose of achieving racial balances or quotas is prohibited.

We must return schools to their proper roles as institutions for learning instead of laboratories for social experiment and reform. Children should not be herded like cattle.

The letter to Judge J. Robert Elliott follows:

Judge J. ROBERT ELLIOTT,
Columbus, Ga.

DEAR SIR: We the undersigned parents in the Floyd Road-Buena Vista Road area are seeking help in providing our children with a safe and healthy year in school. Elementary school children in our area were assigned to Carver Elementary School in compliance with the Muscogee County School Districts de-segregation plan. We all feel that the neighborhood school plan with freedom of choice would have been in the best interest of our children, but the choice was not left up to us; therefore, we as law abiding citizens have tried to put aside our personal feelings and abide by the directions that were given to us.

On the first morning of school there was mass confusion as to where the busses would stop and what time they would arrive; as could be expected. When our children finally boarded the bus at 9:15 the bus was only half way filled and we felt that they (the children) were relatively safe. However in the afternoon our school bus did not bring our children home until 4:50. Some of our children had been due to leave school at 2:15 and some at 3:15. We were concerned and upset, but still we reassured ourselves that it was the first day of school and everything would smooth out by the next day.

On the morning of Sept. 9, 1971 the school bus arrived at the corner of Burbank and Bismark St. at 9:15; school having been due to start at 8:45. We asked the bus driver several questions about the time schedule and etc. In the course of our conversation we learned that our intersection was the first stop on this driver's route. The bus at this time was about half full and the driver said he had six more stops to make. With this knowledge a group of us decided to follow our children to school to see for ourselves how many children would be on the bus when it arrived at school. The bus drove from the corner of Bismark and Burbank to Carver Elementary school making six stops along the way in 15 minutes. We were astonished to make a head count of children that numbered 139. The seats were filled and children were standing in the aisle in the bus.

Sir, as individuals we have talked with the transportation dept., the chief of police, the various members of the school board and the principal asking that safety measures be provided for our children and in the end we were referred to you. None of us would attempt to drive across town with our rear window blocked from our view, with our car over loaded with passengers and the gas pedal on the floor. And likewise we do not want to entrust that responsibility to anyone else with these conditions prevailing. We understand that the school district does not have enough buses and that court action has prevented the School District from making adequate preparations prior to the designated time for school to begin. Believing however that "an ounce of prevention is better than a pound of cure": Why we ask, couldn't the opening of school have been delayed until we could have been assured of adequate seating arrangements and safety for our children? And even now why can't we start over again and carry this plan out in a manner that would prevent all this concern and frustration.

These children are ultimately the responsibility of the parents to protect, instruct and educate. The laws of this land frown on the parent who fails to meet these responsibilities and yet at this moment we have been asked to abide by the plan for forced bussing which in our opinion is endangering those very lives that the law and our own love tells us we are to protect. When an accident occurs, or the children miss days out of school because of the hour that is being missed in the classroom each day due to inability to get them there on time, and our children suddenly (as they are now) becoming discouraged with going to school all we will have are regrets. Now, we feel, is the time to protect "the innocent" who are law abiding. Help us to teach our children that obedience to the law has its rewards. Ensure us a safe and profitable year of education for our children.

The undersigned are not members of any organized group. We are and will remain concerned parents until this problem is dealt with.

Mrs. WAYNE SEWELL,
(And 22 others).

A FINE PLACE TO LIVE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. GROSS. Mr. Speaker, a constituent, Beatrice Peterson of Grundy Center, Iowa, has written a letter to the editor of the Wall Street Journal extolling the many merits of that community.

She wrote it because of a recent article in the Journal explaining why California has lost its lure for many people.

I certainly concur that not only is Grundy Center a fine place in which to live, the entire State of Iowa—especially the Third Congressional District of Iowa—is a fine place to live.

I include the letter for insertion in the RECORD at this point:

GRUNDY CENTER

Editor, The Wall Street Journal:

I recently read a reprint of your article "The Golden State Loses Its Lure for the Multitudes." One paragraph stated that California isn't the perfect place to live, etc., but it was perfect when compared to Chicago's biting winds, steamy subways of New York and/or the dullness of Grundy Center. As I have never heard of another Grundy Center in these United States you evidently meant Grundy Center, Iowa.

I want to tell you a little bit about Grundy Center. We have a population of over 2,500 people, we have three fine beautiful schools, we have had a fine hospital for years, and just this year a new 55-bed addition was built which house the latest and finest medical and surgical equipment you can find in any hospital of this size. We have five fine churches, of which one is just new this year, we have a salad factory, a company that manufactures large equipment. We have two fine parks, a brand new beautiful swimming pool to replace the one we have had for years. We also have two beautiful new banks, one just completed last year and the other one just had their open house last week. I will challenge you to find any two nicer and better equipped banks any place.

We have a fine beautiful courthouse, old but well-cared for with a beautiful courtyard, we have one of the finest business sections you will find anywhere for a town of its size. We have a fine municipal light and power plant which also furnishes steam heat to most of the businesses, the courthouse, three churches and two school buildings. We have a very fine energetic group of business men, a Lions Club, a Commercial Club, and Rotary Club, a country club and beautiful golf course.

I could go on and on and sing the praises of our town, but don't you think this enough to let you know we do not have a dull town?

BEATRICE PETERSEN.

GRUNDY CENTER, IOWA.

MISS MARIE AHEARN, A DEDICATED SCHOOLTEACHER, RETIRES

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I would like my colleagues in the House to know of one of Boston's most dedicated schoolteachers who will retire this month, after completing many years of dedicated service with the Boston School Department.

Miss Marie Ahearn has done an outstanding job as a teacher, working with Good Government groups and has been responsible for the outstanding character of boys and girls in the Hyde Park area of Boston. Miss Ahearn spent many of her teaching years in the Hyde Park High School.

On behalf of the citizens of Boston, I would like to take this occasion to wish Miss Ahearn a full and happy retirement in the years ahead secure in the knowledge of long service, faithfully performed.

THE PRESIDENT'S "NEW ECONOMIC PROGRAM"—BILLIONS FOR BUSINESS, PENNIES FOR THE PEOPLE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mrs. ABZUG. Mr. Speaker, this afternoon, I had the privilege of testifying before the distinguished Committee on Ways and Means on the President's new economic program. As I told the committee, I am not an economist, but this omnibus economic program involves far broader considerations than economic theory and policy.

The basic question which we must decide—now that the President has decided to face up to the fact that we are in a state of economic crisis—is a political and social one, for I think we all agree at this juncture that the Federal Government must take strong steps to resuscitate our sagging economy.

The issue before us is the means by which this resuscitation and revitalization should be effectuated, and the administration and I differ most vehemently on this point. As I point out in my testimony, Mr. Nixon's program would benefit rich corporations and upper-income individuals far more, and far sooner, than small businesses, middle-income taxpayers, and the poor.

I believe that the President's decision to come to Congress for assistance in straightening out the economy affords us a golden opportunity to take the initiative in reordering our national priorities as we pursue our efforts to restore the economy to its full vitality.

Mr. Speaker, I include at this point the text of my statement before the Committee on Ways and Means:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, SEPTEMBER 16, 1971

Chairman Mills, members of the Committee, I welcome this opportunity to appear before you today to testify on President Nixon's New Economic Program, even though I am not an economist. That may not necessarily be a handicap when one considers that most economists are only wise after the fact and rarely agree with each other, or even with their own past analyzes.

I speak rather as a member of Congress who is concerned with the social orientation and effect of our economic policies and as a representative of a district whose festering needs have been largely ignored by this Administration. These needs, I might add, will continue to be slighted by the new White House policies.

The President's proposals, which I shall discuss in more detail shortly, reinforce his position as the superchief of corporate America. Although many Americans have been stunned by the reversal of the President's economic policies, from hands off to sweeping interventionism, there is a consistency that ties these policies together, in that big business remains the favorite and working people and small business are still the victims.

When the President set out originally to "cool" the economy and succeeded in presenting us with inflation and recession at the same time, it was working people and small businessmen who were most severely affected by government-manipulated unemployment. Now, too, it is working people and small business who bear the burden of the wage-price freeze while big business is pampered with tax incentives and accelerated depreciation.

One of the most remarkable aspects of the national discussion about NEP is the extent to which it has managed to ignore the central fact of American life and a major cause of our economic problems. I refer, of course, to the inflationary pressures created by our military spending which now amounts to $76 billion a year and which Defense Secretary Laird proposes to increase by another $3 billion next year.

The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar-draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon, use the funds for such purposes as to provide jobs, repair our decaying cities, build low and middle income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income.

But instead of ending the war once and for all and reducing military expenditures, the President and some of his advisers are busily developing the myth that our economic problems are the result of the winding down of the war, rather than the war itself. George Romney, for example, said recently that if we have peace, we're going to have unemployment. Another Presidential myth is that of the lazy or greedy worker. I find it unseemly for the President to lecture the American people on the "hard work" ethic when millions have had to "moonlight" to make ends meet, when more than five million are looking for jobs and cannot find them, when more millions of women would work if there were jobs available for them and day care centers provided for their children, and when working people who empty bed pans in hospitals or wash dishes in high-priced restaurants or run elevators in luxury hotels frequently require supplementary welfare benefits to maintain their families because they earn such low wages.

The implication in the 90-day wage-price freeze is that rising wages and prices are responsible for inflation. I agree that prices have been rising at an unacceptable rate, but wage increases have certainly not kept pace with them. In a speech last spring (March 7), economist Leon Keyserling commented: "The wage earner continues to be pilloried as a main factor in the raging inflation, when in fact the real take-home pay of workers in manufacturing has declined during the past two years."

Mr. Keyserling suggested that a more likely factor in inflation was the Nixon administration's pre-NEP policy of raising interest rates. He pointed out that the Nixon budget projects about $20 billion to pay interest on the national debt. "This is more than $8 billion above what the interest payments would have been on a debt of the same size," he said, "if interest rates had stayed where they ought to be."

The President's unprecedented wage-price freeze, unencumbered by restraints on interest rates, profits or dividends, amounts, in effect, to a wage rollback since the cost of living as well as productivity is continuing to rise. Pay increases affected by the freeze are lost forever. They are not placed in escrow or deferred like corporate dividends or profits. The freeze is grossly discriminatory against teachers, against government workers, who have been singled out for a six-month penalty, and against women workers who, my office has been informed, will be barred from claiming back pay for unequal pay received during this period. Since it has been estimated that American business saves $22 billion a year by paying women lower wages than men for doing essentially the same work, this 90-day freeze represents a tremendous loss for women who file back pay suits and, of course, another windfall for business.

For the worker, the freeze is grossly inequitable but for management it means, at least, a ceiling on an important part of total operating costs. Where price increases have been made in anticipation of wage increases (as on important steel products), the wage freeze provides a widening of profit margins. Roughly half of these unexpected profits will go to the U.S. as taxes; the other half will stay in corporate coffers. Thus, unions in some cases find themselves in the strange position of having negotiated higher earnings for the owners rather than higher wages for their members.

It should also be noted that the freeze on salaries affects only part of executive compensation or income. Many executives have been granted options to purchase the stock of their employing companies; many already own such stock or stock in other companies. There is no freeze on the gains they may make in trading these securities, and no doubt they profited greatly from the $40 billion stock market boom which greeted the President's August 15th announcement.

While the freeze on wages is painfully real, no enforcement machinery exists to supervise the price freeze. In any case, the Bureau of Labor Statistics has said that the cost of living is not frozen because some 10% of the items included in the cost of living index are exempted from the freeze. Thus, those on fixed incomes—which now include all wage earners, pensioners, and welfare recipients—will continue to suffer erosion of real income.

With his single-minded concern for the interests of big business, President Nixon has enunciated a policy under which corporations can continue to increase their profits and the rich can continue to use methods of enhancing wealth not available to the large majority of America. The Administration has rejected the concept of an excess profits tax. With rare candor, Secretary Connally said recently, "There are no excess profits." According to the Secretary, in an interview August 16, "the profits of American business have not been that big."

On the contrary, the August newsletter of the First National City Bank of New York reported that corporate earnings in the second quarter of this year were up 11% over the year before, and that the index of after-tax earnings in manufacturing in the second quarter of this year was 18% higher than in 1967, or almost at the all-time high reached in the fourth quarter of 1968. And these increases were accomplished during a period when output was about 73% of capacity.

Increases in bank profits have also continued high, as a result of favored treatment by the Nixon administration. The Bank of America, with the largest deposits of any U.S. Bank, showed a 17.7% boost in net income per share.

A sample of other bank gains during the past year reveals the following: J. P. Morgan & Co., 21.9%; Chase Manhattan, 25.6%; First Chicago Corp., 14.3%; First National Bank in Dallas, 19.2%; Bankers Trust, 36.1% (Source, UAW Washington Report, September 6, 1971).

I would like the members of this committee to contrast the advantageous position of the corporations and banks with that of a wage earner in the New York area. In 1970, the real spendable earnings of a worker with three dependents was $117 a week. I challenge any of you to try to live on that income and at the same time find yourself assailed by the President as an inciter of inflation. In fact, the BLS maintains that a moderate standard of living in the New York area requires $205 a week. As we have seen, the average wage earner is nowhere within sight of that income and by Presidential decree he has now been frozen into his substandard style of living.

What will happen when the 90-day freeze ends, or ends for all but government employees who have been singled out for an unfair six-month freeze? As must be evident by now, I do not favor a continuation of the freeze, nor do I favor compulsory, although more flexible wage-price controls. Representatives of organized labor have indicated they would accept a voluntary program of controls on wages, prices and profits, supervised by a tripartite labor-management-public board. It has been suggested that under such a policy pay increases would be tied to increase in productivity and the cost of living. This would mean that the wage earner would relinquish his claim to any real improvement in his standard of living, which I was raised to believe was as much a part of the American ethic as hard work.

During World War II, American workers voluntarily accepted a no-strike pledge and wage controls, even though prices continued to go up. They did so as part of a national commitment to win the war and to defeat Nazi Germany, Fascist Italy and Imperial Japan. No such common purpose unites our nation now as to require unilateral sacrifices by working people and small businessmen. On the contrary, the American people have overwhelmingly rejected the war in Indochina, which they would like to see ended now and which the Nixon Administration still refuses to do.

If voluntary controls on wages, prices, profits, interest rates and dividends were instituted as part of a great national effort to redirect our priorities away from military spending and toward the real needs of our people; if this Congress addressed itself to the question of curbing monopoly or so-called managed pricing, which Senator Philip Hart has indicated costs American consumers over $45 billion a year; if an effort were made to correct the maldistribution of income in our economy, which now sees the top 20% of all U.S. families cornering 41% of the income while rising numbers of Americans are forced on to the jobless or welfare rolls, then, of course, I would support controls. I will, however, oppose any effort to perpetuate present gross inequities.

I believe that the Administration's tax proposal reflects its misplaced priorities and must be rejected in favor of individual tax relief for low and moderate income individuals and federal subsidies in job creative, socially useful endeavors.

The 10 percent investment tax credit has as its underlying assumption the belief that our economic problems are caused by an inability to produce sufficient goods. In actuality, there is presently some $70 billion in unused productivity in our economy. Some 27 percent of our industrial capacity stands idle. There is a sluggishness in the consumer end of the economic equation: inflation, high interest, unemployment and lack of consumer confidence have combined to retard consumer demand.

In his new program, the President pledges to reduce taxes, proposes an equivalent, and highly selective, cut in federal expenditures. The decline in government spending and the reduction in the government work force will more than offset the projected expansionary effect of the tax cut.

But in any case, under the Administration plan, the individual taxpayer is given virtually no relief. While the President would advance tax cuts from 1973 to 1972, providing a family of four with a $10,000 annual income with what is estimated at a $57–$95 savings, this would be more than absorbed by the social security tax rise set to go into effect on Jan. 1, 1972. As a minimum, this increase must be postponed to permit the individual taxpayer any relief at all under the Nixon plan.

The Administration calls the investment tax credit a "job development" credit, but aside from pious recitation of an arbitrary figure by Administration officials, there is no evidence that any significant number of jobs would be created by instituting the 10 percent investment tax giveaway. There are other reasons for rejecting the investment tax credit: it provides tax incentives for things a prudent businessman would do in any event, such as modernizing equipment; and it encourages economically marginal ventures which would not have otherwise been undertaken. There is no assurance that subsidized economically marginal activities would be otherwise socially redeeming.

Rather than seeking to achieve laudable social aims through the backhanded device of investment credits, which provide no opportunity for appropriate controls or accounting, I propose that the 10 percent investment tax credit and the accelerated depreciation range (ADR) approved illegally by the Treasury Department earlier this year without Congressional sanction be rejected in favor of federal subsidies for housing, child care centers, mass transit, manpower training and other job creating activities and individual tax relief.

In place of the $9 billion business boondoggle, I propose also that the low income tax allowance which is presently set to rise to $1,000 be raised to $2,000, thus directly benefiting the working poor and moderate income taxpayer. The total cost of such a program would be $4.5 billion.

In an immediate economic sense, the increase in the low income allowance would have maximum consumer impact since low income people ordinarily spend their money for consumer goods rather than invest it, as do higher income individuals. Even more important, we would be taking a small step toward a more equitable distribution of the tax burden, which is long overdue.

In addition to individual tax relief for low and moderate income tax payers, immediate attention must be given to the development of a comprehensive federal construction program for urban areas concentrating initially in depressed economic areas. Such a program could combine effective manpower training and improvement of the urban environment, which would consequently create more jobs and help retard the present rate of urban decay.

This is one way that Congress and the Administration can begin to fulfill the promise of the National Full Employment Act of 1946, which committed the government to providing "useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

With unemployment exceeding five million, and most statisticians consider that grossly underestimated, it is urgent for the government to provide constructive employment, particularly for women, for young people, for Blacks and Puerto Ricans, for returning Vietnam Vets, all groups that have been most seriously affected by the recession.

As for the proposed abolition of the seven percent automobile excise tax, the Administration says this will save taxpayers $2.1 billion a year. This may be true if they actually buy the X number of cars projected in the estimate. But are people who can afford a new car the ones who most need $2.1 billion of federal help?

The tax rebate is primarily a profit-generator for the auto industry, which will be able, in effect, to reduce car prices by that $2.1 billion and reap the benefits of the broadened market. More cars will be produced. But does traffic-choked, polluted America need more cars, rather than a stimulant for mass transit or the construction of low cost housing? Here again we see the absurdity of the Administration's priorities.

We see, too, the need for adoption of an economic reconversion bill, such as that introduced by Senator McGovern which would not only reorient the industries involved but liberate aerospace workers, missile workers and others from the indignity of depending on anti-social products for their livelihood.

The Administration's international trade decisions—the "floating" of the dollar and the inposition of a 10 percent surcharge on imports—should be discussed in the context of American foreign policy and the extraordinary flight of American capital abroad over recent years.

As economists Peter Passell and Leonard Ross pointed out in the current New York Review of Books (Sept. 23 issue), the dollar's pre-devaluation privileged position in world finance made it easier to fuel the war in Vietnam. But, they continued, "stringent adherence to the orthodox rules would have limited our power to achieve all of our objectives, including the most deplorable ones. But it is not military adventures that the Nixon administration intends to jettison. What Nixon has mainly accomplished by his devaluation of the dollar is a transfer of wealth from American consumers to citizens in foreign countries and to high-priced American manufacturers."

As we have seen, the Administration has opposed vigorously Senator Mansfield's proposal for a reduction of our troops in Europe under NATO, which would certainly have reduced the out-flow of dollars.

Furthermore, in many cases, we are today competing not with foreign companies, but with foreign-based divisions of American corporations, particularly in Germany, France, Great Britain and Canada.

At the end of World War I there were about 250 foreign subsidiaries of U.S. corporations. In 1970 alone, more than 8,000 American investments in overseas companies came to some $70 billion. It has been suggested that if the amount of foreign capital controlled by these American enterprises is added, the total for 1970 is more like $100 billion in overseas investments.

The adverse results of this development have been felt most severely by small business and by working people who see their jobs disappear under the floodtide of cheap imports.

Before we take steps to impose quotas or tariffs on foreign imports, we should revise our laws that are structured to encourage the development of these multinational, American corporations. We should try doing away with some of the incentives that lead domestic companies to go overseas to use cheap labor to produce the goods which are then sold here.

Special low tariff rates are given to foreign-assembled goods which use parts or raw goods shipped to assembly points from the United States. Taxes are deferred—often forever—for foreign subsidiaries of American corporations. Foreign production uses technology developed at the expense of American taxpayers.

As I have said in a speech on the floor of the House (August 5), clear legislative direction is necessary to give the Administration authority—and the will—to regulate, supervise and curb the outflows of American capital.

Criteria to guide the President in his exercise of such authority should include considerations of the kinds of investment proposed to be made abroad, the products involved, the countries in which the investments would be made, the linkage of the investments to the flow of trade and the effect of the investments upon our domestic economy and employment.

I realize, of course, that these proposals and some of the others I have made here today are outside the immediate purview of this committee, but they are essential to the larger view of our economic problems which will undoubtedly guide your actions.

The 10 percent import surtax, which is one of the few features of the Nixon plan that has the approval of unions, which are understandably concerned with foreign competition, was evidently designed to give relief to three big, and highly concentrated, U.S. industries: Steel, auto and chemical. Insofar as it is successful in cutting down imports of cheaper Japanese and German steel and autos and cheaper synthetic fibers, cameras, and TV sets, it will be a relief to Americans working in those industries, but it will also increase the costs to American consumers and drive up the cost of living for pay-frozen Americans.

The President's economic proposals, regrettably, invite the charge of favoritism on several fronts. The investment tax credit, for example, rewards midwestern industrial centers that are "capital intensive" with high factory equipment costs, while the import surcharge penalizes port enterprises in cities on the eastern and western seaboards.

New York is such a city, and 40 percent of the men and women who work there hold jobs either directly or indirectly related to maritime commerce. The protectionist surtax may prove to injure this vital component of New York's economy.

Even the apparel industry, in theory our local beneficiary of this policy, is concerned about reprisals in the international marketplace. I object to New York's having to bear the burden of monetary adjustment while Detroit, Cincinnati and other cities in the midwestern region reap a whirlwind of profits during this period.

For all too long, the federal government has paid lip service to the small businessman while pacifying him with fragmentary financial assistance. In light of the present incursions on New York's retail and import communities, if the surtax is continued, and I am still not convinced that this is the wisest course, then the monies collected from the 10 percent import charge at New York harbor should be placed in a fund to promote export development and international travel. Both these industries are deeply entwined in the fabric of New York's economy and in need of rejuvenation. This is a proposal to which I hope further attention will be given.

Another possible avenue of relief for New York would be to multiply the amount of financial aid available from the federal Small Business Administration by a factor corresponding to the impact visited on New York's retail and manufacturing activity by the import surcharge. Depressing port business must eventually injure other facets of our economy. From the street level, that could mean fewer people working or smaller paychecks.

In conclusion, I urge the rejection of President Nixon's New Economic Program, which is outrageously designed to aid big business at the continued expense of the middle-class, small businessmen, working people and the poor.

Congress must assume the responsibility of fashioning an economic program aimed at human, not corporate, values. I have outlined steps which I think Congress can take to provide genuine well-being for all our people, but I would remind you again that the essential first step is to withdraw totally from Vietnam and to curb the military budget.

PRESIDENT NIXON IS KEEPING HIS WORD

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. McCLORY. Mr. Speaker, last week the President of the United States withdrew an additional 900 soldiers from Vietnam.

On January 20, 1969, there were 532,500 Americans enduring the perils of an Asian war. Today, there are 215,800 Americans in Vietnam who are planning to come home.

Mr. Speaker, President Nixon is keeping his word.

LANDMARK DECISION IN MINNESOTA WILL HAVE FAR-REACHING IMPLICATIONS FOR ENTIRE ELECTRIC POWER INDUSTRY AND THE ELECTRICITY CONSUMER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. HARRINGTON. Mr. Speaker, a landmark decision was handed down last week in St. Paul, Minn., which will have far-reaching implications for the entire electric power industry and the electricity consumer. A Federal court decision maintained that electric utility companies transmit electric power for their competitors—public utilities and electric cooperatives as well as private utilities.

As Mr. Stephen Aug writes in the following article, the St. Paul decision should insure lower consumer prices, increased utility competition and better environmental preservation because of the need for fewer electric transmission lines.

Transmission lines, the key to control of electric power and power supply will be more open to use by municipal companies if these companies can afford to pay for the power. Public utilities can no longer be harassed and obstructed in their attempts to obtain power from privately-owned transmission lines.

This ruling has particular significance for the New England consumer who is burdened with high rates for electric power and inconsistent quality of service.

I submit to my colleagues the text of the decision and an excellent article in the September 14 Evening Star describing the decision and its implications:

ELECTRIC POWERLINES RULED OPEN TO ALL

(By Stephen M. Aug)

The Justice Department, in a highly significant case, has won a federal court decision requiring that electric utility companies transmit electric power for their competitors—municipally-owned utilities and electric co-operatives among them.

The little-noted decision, handed down late last week by a federal judge in St. Paul, Minn., is being highly praised by spokesmen for the public power industry—municipal companies, rural electric co-ops and the like—as portending lower consumer prices, broadened competition in the utility field, and preserved environmental values because it could result in fewer electric transmission lines.

The investor-owned utilities, however, see the decision as causing them severe financial peril, and perhaps having the effect of turning privately owned facilities over to government-controlled entities.

The decision is considered a certainty to be appealed to the Supreme Court.

OTTER TAIL POWER

At issue was a civil suit filed in 1969 by the Justice Department which charged that Otter Tail Power Co. of Fergus Falls, Minn., had monopolized the sale of electric power to 464 communities in Minnesota, South Dakota and North Dakota.

Specifically, the department contended that Otter Tail over a 14-year period had sought to prevent municipalities from shifting their local electric service from Otter Tail to other power systems—generally rural electric cooperatives which benefit from low-cost government loans, and municipally owned companies.

The Antitrust Division said Otter Tail had refused to sell power at wholesale rates to proposed municipal systems, had refused to transmit electric power (called "wheeling" power) from other wholesale suppliers to proposed municipal systems, and had engaged in "other activities designed to obstruct and defeat the attempt by municipalities to establish alternative electric power systems."

Among these "other activities" were a number of lawsuits designed to harass municipalities which sought to start up their own electric systems. The suits challenged technicalities in bidding procedures for electric power equipment and snarled bond sales which were to have provided funds to set up the municipal facilities which would replace Otter Tail as the source of electric power.

The most important issue in the case, however, is whether an electric utility—Otter Tail, in this instance—may be forced to "wheel" power for other, often competing, utilities. The issue has been hotly contested for years, and the investor-owned utilities have always presented a united front: Namely, refusal to wheel or do anything to suggest that transmission lines should be, in effect, common carriers (much like railroads, airlines, or telephone systems which must accept all customers).

The Federal Power Commission in 1969—after years of refusal to rule on the issue—finally decided that it did not have the power to order wheeling. That was in a case involving the City of Paris, Ky., and Kentucky Utilities Co.

ANTITRUST TACTIC

Thus, in 1969, the Justice Department's Antitrust Division decided that perhaps the antitrust laws could be used to force power wheeling—especially when the utility companies' refusal to wheel meant, to the department at least, that it was using monopoly power to prevent competition in the electric utility business.

The court last week agreed with the Justice Department and ruled that the utility must wheel low-cost power from the U.S. Bureau of Reclamation to the village of Elbow Lake, Minn.

The ruling, said Albert V. Hartl, Otter Tail president, "opens the way and makes it easier for various types of government entities or government financed entities to take over the private sector of the industry, because we can't resist when they want to."

Throughout the proceedings of the case before Judge Edward J. Devitt, Otter Tail lawyers insisted that its refusal to sell power at wholesale rates to municipalities or transmit power—and even its participation in litigation and political campaigns against public power bond issues—were justified by its right to preserve its business.

But McDevitt rejected that. "Otter Tail cannot violate the law, albeit its avowed purpose is to protect the integrity of its business," the judge said in ruling that Otter Tail had violated the Sherman Antitrust act.

To Hartl, however, it's a matter of survival—of preventing the erosion of a profitable utility business begun 60 years ago and now owned by 10,000 shareholders. "Just this morning," he told a reporter in a telephone interview, "at my weekly staff meeting with my fellow officers for about the first 15 minutes there was a recitation of developments within the last week of REA cooperatives attempting to move into our communities."

He added that since the proceedings began there have been two instances when "communities we now serve, not wanting to go into business for themselves, just wrote us a letter and said 'will you please disconnect our lines, we want to get service from an REA cooperative'." The reason, he said, is "because they figure they could get a lower rate from the REA co-ops."

Alex Radin, general manager of the American Public Power Association here—which represents cooperatives and municipal systems—was overjoyed at the ruling. He noted that "many municipal utilities that we represent have been denied an opportunity to take part in power pools or to obtain power from other sources because of the denial from power companies of the right to wheel."

He said the decision should benefit both public and private utilities. "I think it also is very significant for electric consumers generally because the effect of this decision is to broaden the area of competition in the electric industry, and it's long been our feeling that competition means lower rates."

He said it was important from an environmental viewpoint as well because it "could result in the elimination of duplicating transmission lines," with a number of companies—public and private—using the same transmission system.

He conceded, however, that it might have some adverse financial effects on the investor-owned utilities: "I think it's true that this decision will make it easier for some municipalities or some consumer-owned utilities to get into the business, but after all, the electric power industry is a public business and the people have always had the right to serve themselves through a municipally owned utility or cooperative if they so desired . . .

"The privately owned power companies don't have any vested right to continue to provide service to a particular community in perpetuity nor for that matter do the public or cooperatively owned utilities."

[U.S. District Court District of Minnesota, Sixth Division, 6-69-Civ-139]

UNITED STATES OF AMERICA, PLAINTIFF VS. OTTER TAIL POWER COMPANY, DEFENDANT

Kenneth C. Anderson, William Jaeger and Barry McNeil, Washington, D.C. attorneys for plaintiff.

Cyrus Field and David Lundeen, Fergus Falls, Minnesota, attorneys for defendant.

In this action brought under Section 2 of the Sherman Act the basic issue is whether the acts of Otter Tail Power Company, a Minnesota public utility, in refusing to sell electric power at wholesale, and refusing to wheel electric power to municipalities it formerly served at retail, constitute a monopolization of commerce in violation of the Act.

The Sherman Act, Section 2, provides:

"Every person who shall monopolize, or attempt to monopolize * * * any part of the trade or commerce among the several states * * * shall be guilty of a misdemeanor * * *, 15 U.S.C. § 2.

Under Section 4 of the Act the United States District Court is vested with jurisdiction to restrain violations of the law. 15 U.S.C. § 4. Plaintiff seeks such an injunction.

Defendant Otter Tail Power Company with headquarters at Fergus Falls, Minnesota, is an investor-owned utility primarily serving small towns in western Minnesota and eastern North and South Dakota. Its business is almost exclusively retail. Its operation consists of an integrated power system running the full gamut from initial production to final sale of electrical power combined with pool arrangements which supply emergency power reserves.

From time to time citizens of some of the municipalities served by defendant have worked for the establishment of municipally owned electric facilities. Otter Tail has opposed such movements and has refused to sell power at wholesale, or to "wheel" [1] power, to its former municipal customers who have converted or who seek to convert to municipal systems. Plaintiff claims this violates the Sherman Act. Defendant asserts this is but the exercise of proper business judgment aimed at protecting the integrity of its business.

The pleadings more particularly shape the issue. The government alleges that Otter Tail has sought to prevent the municipalities from shifting local electric service from defendant to other electric power systems, supplied either by Otter Tail or another supplier of power, by the following acts:

1. By refusing and threatening to refuse to sell power at wholesale to the proposed alternative local electric power system;

2. By refusing and threatening to refuse to wheel electric power from other wholesale suppliers to the proposed alternative local electric power system; and

3. By engaging in other activities designed to obstruct and defeat the attempt by municipalities to establish alternative local electric power system.

Otter Tail specifically denies that it has done anything in violation of Section 2 of the Sherman Act. In its Answer, paragraph IV, it "admits and alleges that it has refused to permit the use of Otter Tail's facilities (by furnishing either wholesale or wheeling service) to subsidize or support a new municipal electric system which is constructed for the purpose of ousting Otter Tail from the retail electric business in that municipality. Otter Tail also admits and alleges that it has attempted to use all reasonable means to continue in business, and to continue to furnish adequate and reliable service at reasonable rates at retail in the municipalities which are served by its integrated system, and in attempting to present its case that it is to their advantage not to sever their connection with Otter Tail's system and service."

The case was tried to the court June 1 through June 14, 1971. The parties stipulated to many of the facts. Plaintiff called eleven witnesses, the defendant three. Several extensive pretrial conferences preceded trial.

A summary of the facts essential to an understanding of the issue follows:

Otter Tail was incorporated in Minnesota in 1910. Its service area encompasses western Minnesota, northeastern South Dakota and eastern North Dakota. The company's integrated system consists of approximately 5,900 miles of interstate transmission lines which serve at retail, approximately 465 towns, mostly small communities of under 1,500 population. In 1969 Otter Tail sold 1,158,329 kilowatts (Kw.) of power to 103,829 customers, deriving a total operating revenue of $31,191,000. Otter Tail had a net generation capacity of 271,145 Kw. in 1969.

Otter Tail has entered into interconnection contracts with other electric systems. These ocntracts provide means by which the company can obtain power to supplement that provided by its own generation and sell excess power to others. One of Otter Tail's interconnections is with the United States Bureau of Reclamation. The relationship between the Bureau and Otter Tail is reflected in a comprehensive agreement which dates back to 1950. Pursuant to this contract, Otter Tail purchased a considerable volume of dump and secondary power from the Bureau.

Otter Tail is also directly interconnected with Minnesota Power and Light, Northern States Power Company, Northwestern Public Service Company, Montana-Dakota Utilities Company, Minnkota Power Cooperative, Central Power Association, United Power Association and several smaller rural electric cooperatives.

Generally speaking, Otter Tail provides retail service to municipalities pursuant to franchise agreements awarded to it by the city or town. By state law in each of the three states the franchises are non-exclusive and, depending upon the state, the franchise terms are limited to periods ranging from ten to twenty years. The franchises customarily grant Otter Tail the right to construct and maintain electric distribution systems and necessary transmission lines, and operate these within the regulations and provisions imposed by the municipal government.

Otter Tail also regularly engages in the business of wheeling power. A large proportion of Otter Tail's wheeling activity is done pursuant to its contractual relationship with the Bureau of Reclamation. Beginning in the 1930's Congress appropriated funds for the construction of a series of hydroelectric generation facilities along the Missouri River in Montana, North Dakota and South Dakota. The Bureau of Reclamation of the Department of the Interior handles the marketing of the power generated by the facilities. Congress mandated that public bodies, REA electric cooperatives and municipal electric systems be designated as preference customers for this power: that is, that they be given first option to purchase the power.

The Congress also appropriated funds for the construction of high voltage transmission lines to transport Bureau power from the hydroelectric sites to the areas where the power was to be marketed.

In 1950 Otter Tail and the Bureau entered into the detailed contract which provided, *inter alia,* for the sale of dump power to Otter Tail and for the wheeling of Bureau power across Otter Tail transmission lines to preference customers. The Bureau pays a set wheeling fee to Otter Tail for this service. At the request of Otter Tail, a renewal contract dated June 14, 1955 contained language which, in the defendant's view, exempted it from any obligation to wheel power to towns which it previously had served at retail. Otter Tail does wheel power to 18 municipal preference customers which it has not previously served at retail. More background facts will be recited in connection with the court's consideration of the issues.

The principal thrust of the government's case is that Otter Tail has a monopoly on the retail distribution and sale of power to towns in its operating area. It is not contended that defendant acted illegally or improperly in *achieving* this claimed monopoly position but rather in its actions seeking to *preserve* this position. Specifically, it is urged that Otter Tail's refusal to sell or wheel power to towns desiring to establish municipal systems, and its actions participating in local municipal power political campaigns, and sponsoring, encouraging, and financially supporting court litigation are all intended to impede and frustrate attempts to establish independent municipal electric systems.

Otter Tail does not deny its refusal to sell or wheel power to municipalities which it formerly served at retail but argues that to supply power to these municipalities would aid in its own demise. It admits its participation in local municipal political campaigns and in litigation surrounding attempts to establish municipal systems but contends this is proper and legal conduct. Such actions were taken, defendant argues, to preserve the electric power free enterprise system for the benefit of its customers, shareholders and employees.

Otter Tail denies that it has a monopoly, is attempting to preserve a monopoly, or that it possesses a dominate share of the pertinent market under Sherman Act principles. Defendant points to the many other electric power entities operating in the same area, particularly the United States Bureau of Reclamation, many electric cooperatives, Northern States Power Company, and other private power sources, from one or more of which electric power and the means of transmitting this power are readily available to those municipalities which defendant does not choose to serve.

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[1] Wheel means to transport power for another supplier.

Otter Tail finally urges a "Rule of Reason" and argues that its conduct is fully justified by its legitimate right to fight for its corporate life, remain viable in serving the public and prevent the erosion of its integrated system and the impairment of its credit.

A monopoly condemned by the Sherman Act is the power to fix prices or exclude competition coupled with policies designed to use or preserve that power. The United States Supreme Court in its most recent decision on the question, *United States v. Grinnell Corp.*, 384 U.S. 563, 570, 86 S. Ct. 1968 (1966), said:

> The offence of monopoly under § 2 of the Sherman Act has two elements: (1) the possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from the growth or development of a superior product, business acumen or historic accident.

The two principal questions involved are: (1) Does Otter Tail possess monopoly power, and (2) Has it sought to maintain that power?

The term relevant markets consists of both a product market and a geographic market. *Grinnell,* supra. It is not disputed here that the product market is the sale of electric power at retail. Indeed more than 90% of Otter Tail's income is from retail sales.

There is dispute as to the definition of the geographic market. The government contends that each of the 465 towns served by Otter Tail constitutes a separate geographic market. If this not be accepted, the government urges that the geographic market is, at least, the towns in the Otter Tail service area.

There is some logical basis for considering each town a separate geographic market; but viewing it in a broader light, there are, in the Otter Tail service area, 465 towns served by Otter Tail and 45 towns served by municipal electric systems. On this basis it may be concluded that Otter Tail services approximately 91% of the relevant geographical market, certainly enough to justify the inference that the defendant possesses monopoly power in the area.

There are also 105 towns served by rural cooperatives in the Otter Tail service area. Because of congressional restrictions upon REA loans to cooperatives seeking to serve urban areas, it is doubtful that the 105 towns could be viewed as competitive and hence considered in determining Otter Tail's share of the total relevant market. But even if these 105 are considered as part of the market, the result still has Otter Tail serving 465 of the 615 towns in the area. This is 75.6 percent of the relevant market. In our view this percentage is sufficient to justify the inference that Otter Tail possesses monopoly power in the area.[2]

Having found that Otter Tail does possess monopoly power, the second question is whether Otter Tail has sought to *maintain* that power. A principal contention of the government is that the defendant has been able to maintain this power because of its strategic dominance of transmission capacity in most of the Otter Tail area.

Several map exhibits in evidence reflect a maze of electric power lines covering, almost blanketing it would seem, the entire Otter Tail service area. Defendent urges that its transmission lines represent only 8% of the transmission lines of all power suppliers in the area.

Evidence at trial showed that electric power lines fall into three general categories:

(1) *Bulk power supply lines,* usually of a voltage of 115 Kv. or greater, which are intended to move large blocks of power from generating facilities to load centers.

(2) *Subtransmission lines,* usually of a voltage from 34.5 Kv. to 69 Kv. These are utilized to move power from the bulk power source to local retail distribution systems.

(3) *Distribution lines,* usually of a voltage of 12.5 Kv. or less, which move the power from the subtransmission network station to the ultimate consumer.

Most of the bulk supply lines in the Otter Tail area are owned and operated by the Bureau of Reclamation. The Bureau does not maintain its own subtransmission system but contracts with Otter Tail, and others, to transmit the power from bulk supply stations over their subtransmission lines to local retail distribution systems whence it is stepped down for delivery via distribution lines to customers.

About two-thirds of Otter Tail's total electric line mileage, or 4,036 miles, consists of 41.6 Kv. subtransmission lines. It appears that Otter Tail is dominant in operation of subtransmission lines in the area.

The contract between Otter Tail and the Bureau contains a provision [Para. 27(a) (2)] which Otter Tail interprets as meaning that it need not wheel Bureau power over its subtransmission lines to its former retail customers. Otter Tail refuses to do so, the Bureau does not have its own subtransmission lines to use for that purpose and the transmission lines of others are not readily available in the area sought to be served. Hence many potential preference customers of the Bureau, including municipalities, are unable to obtain Bureau power because of the absence of available subtransmission lines and the refusal of Otter Tail to wheel that power over its lines. It is not economically feasible or practical for a municipality to construct its own subtransmission lines.

In support of its argument that Otter Tail does not have a dominance of transmission facilities, defendant showed at trial that 87,000 miles of electric power lines in the Otter Tail service area are owned by various rural distribution electric cooperatives. This testimony and other evidence established, however, that most of these lines are of a voltage of 12.5 Kv. and hence suitable only for *distribution* to the customer and not for *transmission,* which requires a heavier voltage, in the range of 34 to 69 Kv.

One of defendant's witnesses at trial, Mr. Nye, testified that the 12.5 Kv. cooperative lines in the vicinity of *Elbow Lake* and *Hankinson,* (two municipalities here involved and concerning which more will be said later) were not capable of transmitting power to these towns.

Northern States Power Company (NSP) does distribute retail power in some towns near the Otter Tail service area but it refuses to supply power to towns not in its own service area. For this reason NSP refused to supply Alexandria, Minnesota, and Coleman, South Dakota. Hence NSP is not an available power source for municipalities refused service by Otter Tail and desiring to convert to municipal ownership.

We conclude that Otter Tail has a strategic dominance in the transmission of power in most of its service area.

Much of the evidence at trial was directed to the claimed employment of this dominance in transmission to prevent municipalities in the area from obtaining power to operate municipally owned systems. The testimony dealt principally with five towns, Elbow Lake, Minnesota, Hankinson and Finley, North Dakota, and Coleman and Aurora, South Dakota, with the emphasis on happenings at Elbow Lake and Hankinson. A summary of events at each of these towns follows:

Elbow Lake, Minnesota, is a small county seat town near Fergus Falls. Elbow Lake was served at retail by Otter Tail until 1966 when the citizens voted for a municipally owned system. The defendant refused to furnish power at wholesale. Elbow Lake acquired its own generating plant. It sought stand-by power from Otter Tail which was refused. Litigation ensued. The Federal Power Commission ordered the defendant to furnish stand-by power. The Court of Appeals of the Eighth Circuit affirmed. *Otter Tail Power Co. v. Federal Power Commission,* 429 F. 2d 232 (8th Cir. 1970).

When Otter Tail refused to sell power to Elbow Lake, the town sought power, either as a sole source or on a stand-by basis, from the Bureau of Reclamation, the United Power Association, the Basin Electric Power Cooperative and the Runestone Electric Association.

Each of these sources was willing and able to furnish the power, but could not, as the power could only be delivered to Elbow Lake over Otter Tail's transmission lines, because of the restrictive provisions contained in the contracts between Otter Tail and the suppliers previously discussed, and because of Otter Tail's refusal to wheel the power. It was, and is economically unfeasible, for either Elbow Lake or the suppliers to build the required transmission facilities from the power source to Elbow Lake.

From all of the evidence, of which this is a short precis, the court concludes that Otter Tail employed its dominance in transmission in the Elbow Lake area to prevent Elbow Lake from obtaining electric power from outside sources of supply.

Otter Tail served Hankinson, North Dakota, with electric power under a 20-year franchise dated February 16, 1931. In 1947 the voters of Hankinson approved the establishment of a municipal electric system. Otter Tail refused to sell power at wholesale to Hankinson. The town sought power from the United States Bureau of Reclamation, the Basin Electric Power Cooperative and the RSR Electric Cooperatives. All three of these suppliers were dependent on the use of Otter Tail's transmission lines in transporting power from the nearest Bureau subsection at Forman, North Dakota, some 39 miles from Hankinson. Otter Tail refused to wheel power over its lines to Hankinson. Again, it was not feasible for Hankinson to construct its own transmission line 39 miles to Forman. The Bureau was unable to do so for the same reason, with the result that Otter Tail's conduct prevented Hankinson from obtaining needed power to service a municipally owned system. The town abandoned its efforts and granted a new retail franchise to the defendant.

On the basis of the above the court finds that defendant has a monopoly in the relevant market and has consistently refused to deal with municipalities which desired to establish municipally owned systems on the alleged justification that to do so would impair its position of dominance in selling power at retail to towns in its service area. The court concludes that this conduct is prohibited by the Sherman Act. It is well established that the unilateral refusal to deal with another, motivated by a purpose to preserve a monopoly position, is illegal. *Eastman Kodak Co. v Southern Photo Materials Co.,* 273 U.S. 359, 47 S. Ct. 400 (1927); *Lorain Journal Co. v. United States,* 342 U.S. 143, 72 S. Ct. 181 (1951).

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[2] (1) *American Tobacco Co. v. United States,* 328 U.S. 781, 66 S.Ct. 1125 (1946); (2) *United States v. United Shoe Machinery Corp.,* 110 F. Supp. 295 (D. Mass. 1953), aff'd per curiam, 347 U.S. 521, 74 S.Ct. 699 (1954); (3) *United States v. Grinnell Corp.,* 384 U.S. 563, 86 S.Ct. 1699 (1966); (4) *United States v. E. I. du Pont de Nemours & Co. (Cellophane),* 351 U.S. 377, 76 S.Ct. 994 (1956).

Here the defendant does not dispute that its purpose in refusing to deal with municipalities desiring to establish municipally owned systems is to protect itself in the position it now enjoys in the area. Such is a monopoly position, and the law prohibits conduct such as this when such is intended to preserve the monopoly.

A similar "refusal to deal" case was decided in this district in 1945, *United States v. Klearflax Linen Looms, Inc.*, 63 F. Supp. 32, 39 (D. Minn. 1945). There Judge Nordbye capsulized the legal principle involved when he held that "A refusal to sell, while it may be lawful *per se*, cannot be used in order to achieve an illegal result."

Here Otter Tail refuses to sell power to municipalities which would thereby take retail power business from defendant and refuses to wheel power for others willing to sell to these municipalities. Because of its dominant position Otter Tail is able to deprive towns of the benefits of competition which would result from municipally owned facilities.

Pertinent to an examination of the law is a reference to cases expressive of the "bottleneck theory" of antitrust law. This theory reflects in essence that it is an illegal restraint of trade for a party to foreclose others from the use of a scarce facility. Here the theory finds application in Otter Tail's use of its subtransmission lines. One authority believes:

"The Sherman Act requires that where facilities cannot practically be duplicated by would-be competitors, those in possession of them must allow them to be shared on fair terms." [3]

This statement epitomizes the holdings in federal cases which have established the principle: *United States* v. *Terminal Railroad Assoc.*, 224 U.S. 383, 32 S. Ct. 507 (1912); *Gamco, Inc.* v. *Providence Fruit & Produce Building Inc.*, 194 F.2d 484 (1st Cir. 1952); *Packaged Programs, Inc.* v. *Westinghouse Broadcasting Co.*, 255 F.2d 708 (3rd Cir. 1958); *Six Twenty-Nine Productions, Inc.* v. *Rollins Telecasting, Inc.*, 365 F.2d 478 (5th Cir. 1966).

The bottleneck principle is applicable to Otter Tail. Its control over transmission facilities in much of its service area gives it substantial effective control over potential competition from municipal ownership. By its refusal to sell or wheel power, defendant prevents that competition from surfacing.

COURT LITIGATION

The efforts of Elbow Lake, Hankinson, Aurora and Colman, South Dakota, to establish municipal power systems were opposed by the defendant in court proceedings. Otter Tail either instituted or sponsored and financially supported court litigation which had the effect of frustrating the sale of revenue bonds to finance the municipal systems. A "no-litigation" certificate," reflecting the absence of litigation which might impair the salability of revenue bonds, is essential to a successful sale of municipal bonds. The pendency of litigation has the effect of preventing the marketing of the necessary bonds thus preventing the establishment of a municipal system.

Most of the litigation sponsored by the defendant was carried to the highest available appellate court and although all of it was unsuccessful on the merits,[4] the institution and maintenance of it had the effect of halting, or appreciably slowing, efforts for municipal ownership. The delay thus occasioned and the large financial burden imposed on the town's limited treasury dampened local enthusiasm for public ownership. In some instances, Otter Tail made offers to the towns to absorb the towns' costs and expenses, and enhance the quality of its service in exchange for a new franchise. Hankinson, after several years of abortive effort, accepted this type of offer and renewed defendant's franchise.

While every person has the right to resort to the courts to redress claimed wrongs, the right is not without limitation. One who enjoys a monopoly may not resort to litigation for the purpose of illegally maintaining the monopoly. The Ninth Circuit has observed that "* * * litigation can be an integral part of a scheme prohibited by the Sherman Act." *Trucking Unlimited v. California Motor Transport Co.*, 432 F.2d 755, 760 (9th Cir. 1970).

This legal principle is well established and has been expressed in patent cases particularly in connection with the institution of infringement suits. *See Walker Process Equipment Inc. v. Food Machinery & Chemical Co.*, 382 U.S. 172, 86 S. Ct. 347 (1965); *Plastic Contact Lens Co. v. Butterfield*, 366 F.2d 338 (9th Cir. 1966); *Kobe, Inc. v. Dempsey Pump Co.*, 198 F.2d 416, 424 (10th Cir. 1952).

In *Kobe*, supra, the court said:

"* * * we must not permit the courts to be a vehicle for maintaining and carrying out an unlawful monopoly which has for its purpose the elimination and prevention of competition."

The court finds that the litigation sponsored by defendant was instituted for the purpose of delaying and preventing the establishment of municipal electric systems with the expectation that this would preserve its predominant position in the sale and transmission of electric power in the area.

Defendant urges that the so-called *Noerr* doctrine, *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 81 S. Ct. 523 (1961), exempts its conduct in the field of court litigation from antitrust attack.

But the *Noerr* principle is applicable only to efforts aimed at influencing the legislative and executive branches of the government. It only immunizes political activity directed toward the enactment and enforcement of the laws from antitrust attack. See *Woods Exploration & Producing Co. v. Aluminum Co. of America*, 438 F.2d 1286 (5th Cir. 1971), and *Trucking Unlimited v. California Motor Transport Co., supra. Noerr* does not free from antitrust sanctions the institution of court litigation.

From all of the evidence it appears that defendant, by refusing to deal with municipalities and by conducting or sponsoring court litigation, has violated Section 2 of the Sherman Act and monopolized or attempted to monopolize the sale of electric power in its service area.

IMMUNITY AS A RESULT OF "VALID GOVERNMENT ACTION"

But Otter Tail takes the position that since it contracted with government agencies with reference to the delivery of power, it is thereby immune from antitrust sanctions.

It will be recalled that Otter Tail's agreement with the Bureau of Reclamation contains a provision which defendant interprets as freeing it from any obligation to wheel power from the Bureau to any municipality which received retail service from Otter Tail as of the date of the contract, that is, June 14, 1955. Further, Otter Tail's transmission agreements with certain cooperatives (Cooperative Power Association. Lyon-Lincoln Electric Cooperative, Inc. and Traverse Electric Cooperative, Inc., RSR Electric Cooperative, Inc. and East River Cooperative, Inc.) contain provisions which prohibit the use of defendant's transmission system to supply power from the cooperatives to a retail customer served by Otter Tail. These contracts also extend the same prohibition with respect to customers served by the cooperatives.

It is urged by Otter Tail that these restrictive provisions are immune from antitrust attack. The gist of this contention seems to be that since the Bureau is a government instrumentality and the REA administrator approved the contracts with the cooperatives, the contracts are the result of "valid governmental action," thus falling within the scope of *Alabama Power Co. v. Alabama Electric Cooperative, Inc.*, 394 F. 2d 672 (5th Cir. 1968).

In my view there is no merit in this contention. The *Alabama Power* case is inapposite. The restrictive provisions here are, in reality, territorial allocation schemes. Agreements among competitors to allocate customers or territories are *per se* violations of the Sherman Antitrust Act. *Northern Pacific Railroad v. United States*, 356 U.S. 1, 78 S. Ct. 514 (1958). Our Eighth Circuit has held to the same effect. *Montana-Dakota Utilities Co. v. Williams Electric Cooperative, Inc.*, 263 F. 2d 431 (8th Cir. 1959). There the court condemned a contract provision between an investor-owned utility and a rural electric cooperative allocating marketing territories as a *per se* antitrust violation. The court said:

By the great weight of authority in this country, the rule has been promulgated and consistently applied that contracts between quasi-public corporations, having for their object the division of territory between such companies, are against public policy, and being so, are absolutely void, untempered by any application of the 'rule of reason.' *Montana-Dakota Utilities* at 434.

A recent decision of the Court of Appeals for the District of Columbia Circuit, *Hecht v. Pro Football, Inc.*, F. 2d (D.C. Cir. 1971) held that a public armory board, in leasing a public stadium to a professional football team exclusively for a period of 30 years, was not immune from the antitrust laws.

In *Hecht*, the court held that in order for antitrust immunity to attach to action by a governmental body there must be specific and unequivocal language to this effect in the enabling statute.

"The basic philosophy of our antitrust policy has been so long established, is of such recognized economic importance, and has assumed in the statutory scheme of things such high dignity that a contrary Congressional intent of "immunity from antitrust laws is not lightly implied.'" *Hecht* at —.

There is nothing in any of the legislation under which either the Bureau of Reclamation markets its power or the rural electric cooperatives operate which either expressly or impliedly confers immunity from antitrust laws upon the actions of the Bureau in negotiating contracts for sale of power or upon the action of the REA administrator in approving contracts between a cooperative and a private power company.

The record reflects it was reluctantly, and only after a determination that no other transmission facilities were available, that the Bureau signed the contract with defendant which contained the restrictive provision in question. In addition, the Bureau interpretation of the contract varies from that of the defendant. The Bureau officials were and are of the view that the provision is not a blanket restriction but requires the defendant to give separate consideration and to reach separate judgment as to each applicant for transmission service over defendant's lines.

In order for antitrust immunity to attach in situations of this kind there must be a clear indication that Congress, in enacting the law, considered the competing interests of antitrust policies and whatever policy is best served by the other competing interest, and expressed a clear judgment that the antitrust policy should be suspended. There is no such showing here. No antitrust immunity attached to the contracts or to the parties executing them.

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[3] *A. D. Neale, The Antitrust Laws of the U.S.A.*, Cambridge University Press at 67 (1960).

[4] With the possible exception of litigation in Aurora where the court held that Otter Tail had no standing to sue.

That which defendant refers to as the "heart of the case" is its argument that if Otter Tail is required to sell power at wholesale or wheel power to its former retail customers, it will be contributing to its own corporate death because more and more municipalities would then change to municipal ownership to obtain the cheaper Bureau power. Eventually, defendant claims, most of its customers would convert and the Otter Tail system would be eroded to the detriment of its customers, stockholders and employees. This argument was pressed hard by defendant and its president, Albert Hartl, who testified vigorously and eloquently in defense of privately owned utilities vis-a-vis public power interests.

Of course, it should be remembered that a public utility which operates without exclusive franchises from its customers does not have a right to be free of competition. *Rural Electrification Administration v. Central Louisiana Electric Company*, 354 F.2d 859 (5th Cir. 1966). This has long been the law and extends to competition from municipally owned facilities. *Alabama Power Co. v. Ickes*, 302 U.S. 464, 58 S. Ct. 300 (1938).

One principal purpose of the Sherman Act is to insure competition. Otter Tail cannot violate the law albeit its avowed purpose is to protect the integrity of its business.

The Supreme Court recently held that the Schwinn Bicycle Company could not employ anti-competitive methods in order to preserve its business which was gradually but markedly going downhill. *United States v. Arnold Schwinn and Co.*, 388 U.S. 365, 375, 87 S. Ct. 1856 (1967). The court said:

"The promotion of self-interest alone does not invoke the rule of reason to immunize otherwise illegal conduct."

So here there appears to be no legal justification for conduct which violates the Sherman Act.

A so-called "erosion study (DX 41) offered by defendant sought to foretell its financial disaster if it is required to serve its former customers which convert to municipal operation.

The pessimistic view of the matter suggested by the defendant is not supported by the record. The Bureau of Reclamation now furnishes power to only two towns previously served by Otter Tail, to wit, Colman and Aurora, South Dakota. Elbow Lake also has an allocation of power for future use. The Bureau's generating capacity is now fully committed, it has denied requests for allocation of power from several applicants, including Sioux City and Aurelia, Iowa, and no new generating capacity is scheduled to be activated. It is not unlikely that some present Bureau customers will have to find a continued power source elsewhere. All in all, it does not appear that Bureau of Reclamation power is a serious threat to the defendant nor that it will be in the foreseeable future.

But regardless, as stated, even the threat of losing business does not justify or excuse violating the law.

The court finds from a preponderance of the evidence that the defendant has attempted to monopolize, and has monopolized, interstate commerce in the retail distribution of electric power in violation of Section 2 of the Sherman Act.

Now therefore, the defendant and its agents are enjoined from any and all conduct, whether expressed in terms of contracts, policies, or practices, having the effect of continuing the violations of the Sherman Act herein found to exist.

Plaintiffs' counsel shall promptly present suggested detailed Findings of Fact, Conclusions of Law and Order for Judgment reflective of these expressions together with a form of Judgment.

Dated: September 9, 1971.

EDWARD J. DEVITT,
Chief Judge,
United States District Court.

A MESSAGE ON DRUGS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BIAGGI. Mr. Speaker, Robert H. McBride, the U.S. Ambassador to Mexico has embarked on a noteworthy and hopefully successful program to educate Americans entering Mexico on the local police attitude toward drugs.

Many Americans, especially young Americans, believe that Mexican authorities are complacent about the use of drugs. References to "Acapulco Gold" and thoughts of pursuing mushroom highs in the high Andes have led to the misconception that Mexico is a mecca for easy drug use and illegal purchases.

The fact is, since the United States and Mexico began "Operation Cooperation" last year, the Mexican authorities have been most diligent in the crackdown on drug users and pushers. Many Americans are now languishing in Mexican prisons as a result.

In an effort to alert presumptuous Americans to this fact, Ambassador McBride has prepared a leaflet on the drug attitudes in Mexico for distribution at all border crossings. He hopes to clearly forewarn any American contemplating violating the drug laws that the U.S. Embassy will not be available to "get them off." He is at the same time hoping that the Americans approached by drug pushers will help the authorities to apprehend these criminals.

The drug problem is not going to be solved by a series of laws or pronouncements alone. However, efforts such as this one by Ambassador McBride coupled with the efforts of others across the country will help rid this Nation of the curse of drug abuse.

Mr. Speaker, for the benefit of my colleagues, I am inserting the Ambassador's leaflet message at this point in the RECORD:

A MESSAGE ON DRUGS

Since my arrival in Mexico I have noted an alarming increase in the number of American visitors who have been arrested by the Mexican authorities for violating the narcotics laws of Mexico. There is an apparent misconception held by some young American visitors regarding the Mexican Government attitude on narcotics.

Many seem to feel that local narcotics regulations are not stringently enforced and that they may violate Mexican laws with impunity. This is a completely mistaken notion . . . as many have soon discovered.

As of June, 1970 there were 187 Americans in prison in Mexico for narcotics violations. Of this number some may be found not guilty but only after due process of law. Those found guilty face stiff jail terms ranging from two to nine years for possession and three to ten years for trafficking in narcotics.

What worries me most is that a significant number of those arrested are students. Records show that students of all ages—from the secondary school level to the college level—have been involved in drug usage. These young people come from fine families and their experimentation in drugs can lead not only to arrest and detention, but to a lengthy and demoralizing imprisonment.

Many American visitors arrested for involvement in the sale or use of narcotics apparently feel that they merely have to appeal to the United States Embassy for help and Embassy officials can intercede in their behalf and obtain a speedy release. Nothing could be further from the truth: once a narcotics violator is imprisoned there is little the U.S. Embassy can do to assist him other than providing advice on obtaining proper Mexican legal counsel and equal treatment under the law. Mexico does not grant release on bail to persons arrested in connection with drug offenses.

The United States and Mexican Governments have jointly launched the "Operation Cooperation" campaign which is designed to end the spread of narcotics and the Embassy is conducting an active education program for members of the local American community.

As the United States Ambassador to Mexico I appeal for your wholehearted support in dealing with this vicious problem. If you know of someone who is using narcotics and who you think would benefit from our counseling services, please refer him to the Citizens Consular Services' office in the Embassy. If you are approached by someone who offers to sell you narcotics, please inform the U.S. Bureau of Narcotics and Dangerous Drugs which is located in the Embassy.

I appreciate your cooperation in this important matter and I hope that you will enjoy your visit to Mexico.

THE TRAGEDY AT ATTICA: LET US BEGIN TO DEAL WITH THE CAUSE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DELLUMS. Mr. Speaker, as the tragedy at Attica—not entirely dissimilar to the recent tragedy at San Quentin—continues to be retold and rephrased, all individuals must have the same feeling I have with regard to the obvious failure of our prison system.

It becomes more apparent each day that the decision to invade the prison follows in a consistent pattern; a pattern which disregards the human and individual qualities of those men incarcerated in such institutions. It is this pattern of thinking that must be abandoned, or else all of the rhetoric about protecting inmates and guards, the rehabilitative function of prisons and the notion the prison is a deterrent for crime will only serve as a smokescreen for the disregard of very serious and basic problems in the penal system.

Because I believe that the issue of prison reform is one which the Congress will have to face squarely and honestly, I wish at this time to introduce the following article into the RECORD. I believe that it provides a most moving and eloquent statement, from which myself and my colleagues can begin to think about changes and alternatives to our current penal system.

The article follows:

WITNESS AT PRISON: WASHINGTON NEGOTIATOR CRIED AT ATTICA KILLINGS

(By Lance Gay)

At noon Monday, attorney Julian Tepper wept.

Exhausted by three days of helping to negotiate for the release of hostages held by rebelling prisoners in Attica state prison, the Washington lawyer and penologist saw his hopes for a peaceful end to the riot wiped out.

That morning, he and others in the mediation panel watched from a window of the steward's room in the prison as a phalanx of helmeted troopers marched through clouds of tear gas inside the prison wall.

"I started crying. I didn't stop until this morning," the 30-year-old Tepper said yesterday. "It's something I always do in a situation where men end up dying."

"TIME WAS NEEDED"

As part of the team of more than 20 men who had worked for four days to save lives, Tepper had passionately pleaded for time.

"There was a feeling that an impasse had been reached" and that neither the prisoners nor the state prison officials would give way. "Time was needed, time so that what was then not negotiable might become negotiable later. . . . It would not have endangered anyone's life if the police had not moved," he said.

Tepper, director of the National Legal Aid and Defenders Association at 1601 Connecticut Ave. NW, blames New York Gov. Nelson A. Rockefeller directly for the decision which proved fatal for 42 persons—hostages and convicts.

"There was no way to mount an assault on the prison without risking the lives of the hostages," Tepper said. "If he had accepted a delay he might have saved their lives."

STALEMATE ON AMNESTY

Throughout the negotiations, Tepper said he felt the inmates who held Cell Block D of the 44-year-old prison were tense, but had the situation in their ranks "under control."

"I knew every time I went into D block, our safety was in the hands of the inmates. But they guaranteed our safety in and out," he said, recalling that the convicts went out of their way to prevent any harm to the negotiating team in the unlighted passageways.

The team had won agreement from the state on 28 of the 30 demands the prisoners had made—most concerning improvements in medical care, food and the guard's relationship with prisoners. But the negotiations stalemated over the issue of amnesty from prosecution for the prisoners.

Appearing on WETA-TV last night, Rep. Herman Badillo, D-N.Y., one of the negotiating team, said that Rockefeller might have been able to break the stalemate had he gone to Attica.

"All of us on the committee felt that his meeting with us would have served a useful purpose. . . . I think he could have waited, we only asked for an additional day," Badillo said.

Tepper, who also appeared on the program, agreed with Badillo and added that he felt Rockefeller believed that there were "more votes available by taking this type (of forceful) action" than by continuing the attempt to mediate the dispute.

"His actions led to a loss of life . . . and what Rockefeller did is horrible," Tepper said.

However, after the show, the young penologist said the seeds of the revolt were sown "with years and years and years of lack of concern about humanity, of oppression outside and inside jails."

PRISON SYSTEM CRITICIZED

The society in which some children are born unequal, with unequal educational opportunities, who grow up in a subculture which conflicts with the mainstream of society, is responsible for the prisons in America, Tepper said.

"What do Americans expect of a prison system? If they just want to confine people, then they've got what they want—a system which makes a person more brutal.

"But if they want a system which has a chance of releasing inmates who will not commit crimes, then they don't have that now. And it's the responsibility of people in high office . . . people who have no idea what a prison is like. . . .

"Most prisons are structurally incapable of rehabilitating or handling inmates. There's not that much time given to rehabilitation programs and when time is given it's just the icing on the cake when it should be the cake," he said.

TWO WARNING LETTERS

On the television program last night, Tepper read excerpts from two letters he said were sent to Rockefeller in 1969. The letters, written by a source whom Tepper declined to disclose, alleged brutal treatment and bad conditions for prisoners at Attica and Auburn prisons in New York and predicted that riots were "inevitable" unless some action to prevent them were taken. Auburn also had a recent riot.

"Gov. Rockefeller should have had knowledge of the problems at Attica beforehand," he said.

Tepper said that he has been asked by corrections officials here to attempt to reform the facilities at Lorton. "Lorton is trying to avoid trouble" such as happened in Attica, he said.

"I am going to devote my energies to prisoners' rights and reform and revise things at Lorton before it can happen—which is what all prisons should be doing."

He predicted violence in other prisons throughout the nation unless officials attempt to correct the "current methods of handling prisoners."

TRIBUTE TO FORMER CONGRESSMAN HUDDLESTON

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. SIKES. Mr. Speaker, it was with deep sorrow that I learned of the untimely passing of my close friend and valued colleague, the Honorable George Huddleston, former Member of Congress from Alabama.

George Huddleston left the imprint of his wisdom and advice on all of us honored to have served with him as he sat in the Congress from 1956 to 1965. As a valued member of the Armed Services Committee, he sought in all cases to assure a strong and free America.

His record of public service was outstanding. He served in the U.S. Navy with distinction for 4 years as an officer and devoted 32 months of his life to overseas service. He was deputy circuit solicitor for the 10th Judicial Circuit of Alabama and was assistant U.S. attorney for the Northern District of Alabama prior to his election to Congress.

His contributions to his Nation are many and varied. Let it simply be said that George Huddleston was a fine, dedicated, and patriotic American and I regret deeply his passing.

All of us who knew him well convey to Mrs. Huddleston and their children our deepest and most sincere sympathies and we share with them the knowledge that without George Huddleston, America would have been the poorer.

EEOC ENFORCEMENT—MOTION TO RECOMMIT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, those of us in Congress who have consistently advocated legislation to provide the Equal Employment Opportunity Commission with effective enforcement power view the adoption of this substitute bill with profound regret.

Since the creation of the Commission in 1964, it has become increasingly apparent that the problem of discrimination in job hiring has not been solved. After much thought and investigation, the Committee on Education and Labor concluded that the most forceful way to attack this persistent problem was to grant the EEOC the power to try cases of alleged discrimination and upon its determination that such discrimination did exist, to issue judicially enforceable cease and desist orders. The committee concluded that by providing this power to the Commission, the EEOC would at last have the tools necessary to assure that the protection of the rights of Americans sought by title VII of the Civil Rights Act of 1964 would be accomplished once and for all.

The substitute bill, which we now have before us would merely impede the effectiveness of the EEOC rather than help it. This bill contains provisions which would restrict the amount of back pay awards, make title VII an exclusive remedy, and prohibit class action suits.

However, the most crippling effect of the substitute bill is the provision which grants the EEOC court enforcement powers rather than "cease and desist" powers which were provided by the original bill.

I would like to remind my colleagues that granting the EEOC cease and desist powers would merely be granting this agency the very same powers which agencies and the vast majority of State fair employment agencies are presently using to enforce the law. This is the manner in which consumers are protected by the Federal Trade Commission, and workers are protected by the National Labor Relations Board.

By denying these powers to the EEOC what we would actually be doing is imposing second class citizenship on the minorities and the women whom the Commission is charged with protecting.

Furthermore, Mr. Speaker, by forcing the Commission to use the courts rather than the administrative procedure to carry out its responsibilities, we would simply be adding to the already existing problem of overburdened courts. It is estimated that as many as 20,000 new cases every year would be added to the caseloads of our overburdened courts if the substitute version is adopted. And, I may hasten to add, if we adopt this version now before us we would be completely ignoring the advice of the Chief Justice of the United States who warned us in a speech in August, 1970, about passing new laws without adequate consideration of the consequences in terms of caseloads."

In conclusion, Mr. Speaker, the adoption of this substitute would relegate job discrimination cases to already overburdened courts, would give the Attorney General veto power over equal employment opportunity enforcement, repeal the provisions of the Civil Rights Act of 1866, oust the jurisdiction of the National Labor Relations Board in employment discrimination cases, prevent economical and effective class action suits, and limit the chances of victims of discrimination to be fully reimbursed for the wrongs which they suffer.

Mr. Speaker, we simply cannot tolerate such an ineffective solution to the continually mounting problem of employment discrimination which exists in this country. No bill at all would be better than the one we have before us now. For these reasons, I urge all my colleagues to vote to recommit this bill to the Committee on Education and Labor.

KEEP THE RADICALS AWAY FROM THE PRISONERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ASHBROOK. Mr. Speaker, the tragic deaths at Attica prison in New York are clearly attributable to the revolutionary propaganda that has been infiltrated into the prisons for the past few years. A conscious effort has been made by such revolutionary groups as the Black Panther Party and the Trotskyite Youth Against War and Fascism to inflame the prison population in New York State. During the recent convict rioting at Attica observers and negotiators were admitted into the prison from such groups as Youth Against War and Fascism and the Young Lords, as well as Black Panther leader Huey P. Newton and William Kunstler of Chicago conspiracy case notoriety.

The Black Panther Party, some of whose members were active in the leadership of the riotous prisoners, has announced that they had made arrangements to transport the prisoners to nonimperialist countries if the amnesty had been granted them.

These revolutionary groups and their propaganda have proclaimed to the convicted criminals that they are not in jail for crimes but are political prisoners. This is manifestly untrue. The prison population at Attica, for example, a maximum security prison, consists primarily of persons who have committed serious crimes of violence against society. These are the murderers, muggers, and the rapists who have been caught. They, of course, want their freedom so that they can be back committing their crimes of violence again. It is in the interest of society that these people be removed from the streets until they can act like human beings. In watching them on TV, the spokesmen for prisoners were brazenly arrogant and little more than savages. Irreconcilable positions between criminals and society cannot be solved by negotiations. They can only be solved by criminals giving up the commission of crime.

Concessions made to the prisoners such as that agreed to by the New York Correction Commissioner Oswald, "to remove visitation screens as soon as possible" only sets the stage for future prison riots. It was the lack of a visitation screen at San Quentin that allowed George Jackson the opportunity to obtain a gun and resulted in the death of Jackson, other criminal victims and three guards.

The negotiations at Attica were a mistake. Giving prison inmates the impression that their impossible demands—such as amnesty for transport out of the United States—might be met only keeps the riot going. This policy also allowed the militant prisoners to win over those who might have been wavering during the early stages of the riot. The lives of most of the hostages were saved by the actions of the New York State Police. Hostages who were in danger of having their throats slit were saved by the marksmanship of State police sharpshooters who killed their assailants. Some hostages apparently died when they were forced to dress in prison uniforms and were used as shields by the rioting convicts.

It is my belief, Mr. Speaker, that had the State police been sent in days earlier the lives of all the hostages might have been saved. I also feel that any investigation of Attica must look into the area of which groups and which individuals carried revolutionary literature into the prison and agitated the convicts to commit the crimes that have so shocked this country. Above all, allowing visitation by political radicals like William Kunstler and Bobby Seale only helps harden the position of the rebellious criminals.

We should have an investigation of the degree to which the radicalization of the prisoners by subversive groups and the activities of militants in and out of prison prompted this tragedy at Attica. I believe that an investigation would show that there is a very clear connection. We should act now or face the prospect of more confrontations as we have seen in California and New York.

PETROLEUM EXPLORATION INCENTIVES

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. PRICE of Texas. Mr. Speaker, I rise today for the purpose of reintroducing the Domestic Exploration Investment Tax Act of 1971. Originally introduced as H.R. 9759, this legislation provides for a 12.5 percent tax credit to encourage domestic exploration for oil and natural gas. The amended bill I introduce today also provides this credit for investment in secondary recovery wells.

By adding this amendment, I believe we can accomplish a much broader goal. This would be extra incentive to conserve already proven reserves, lead to additional development of these reserves, and make better use of the capital available to attempt to meet this Nation's energy crisis.

As stated in my July 13 remarks in introducing H.R. 9759:

> The primary purpose for this legislation is to help reverse the present dangerous trends which appear to be leading toward a growing reliance upon Middle East sources of crude oil. These sources could literally "go up in smoke" either as a result of resumption of Arab-Israeli hostilities or as a result of the internal political struggles which plague many Middle East countries.

Recent statistics brought to my attention indicate that further development of these proven reserves could help prevent this impending reliance upon foreign petroleum. I invite all my colleagues to give this matter their closest attention before it is too late.

THE THREAD OF UNITY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SCHWENGEL. Mr. Speaker, George T. Nickolas of Davenport has authored a most appropriate article for Constitution Day which will be observed tomorrow, Friday, September 17.

Mr. Nickolas has written several articles on the history and heritage of our Nation. It is my own feeling that this is an outstanding article which I would like to share with the House.

The article follow:

THE THREAD OF UNITY

(By George T. Nickolas)

The Declaration of Independence is the spiritual base of our Government and way of life, but it is regrettable that the celebration of its signing has overshadowed most other patriotic holidays. Few people, in fact, know the date the U.S. Constitution was signed, which is unfortunate since the Constitution is the legal basis of our Government.

In 1787, in the twelfth year of our Independence, the country was ravaged by disordered finance, poor credit, and ruined commerce. The "Articles of Confederation" did not meet the requirements of the time and something had to be done.

A convention was called and conservative men were selected to draft a revision to the "Articles of Confederation" and to establish a base to govern the United States of America. These men had little faith in democracy, and it was mainly this general lack of faith in democracy that held these conservative men together during the long hot summer while they were confronted with their trying assignment. They wanted to create a government that was democratic, but just democratic enough to facilitate the adoption of the document by the states.

On September 17th a document was presented and signed by the delegates. It is considered by many as the "Great Compromise." We, the Citizens of the United States, can see from history that the Government they created has endured and grown. In each year of its existence, the Government has shown proof of its utility and its blessings. Our country has stretched out from its original boundaries, the population has doubled, and then doubled many times over; but we have not extended beyond the protection or the benefits of the Constitution.

The United States of America has been called by many ignorant and unthinking people the land of the "Almighty Dollar"; but because of the Constitution, it is the land of opportunity, permitting every citizen to participate in the governing of his life and his country.

The President has proclaimed September 17th to the 23rd as Constitution week. As citizens under the protection of this document we should pause for a few minutes to give thanks to Almighty God for the living, changing and growing thread that holds this Government and our people together. This and future generations can have high, exciting and gratifying prospects as long as the Constitution of the United States of America prevails.

GOD HAS BEEN GOOD TO ME

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. GAYDOS. Mr. Speaker, the trials and tribulations of today too often succeed in taking all the joy out of living. Faced with problems and worries, we are prone to forget the good things of life.

This is not true, fortunately, for a resident of my 20th Congressional District of Pennsylvania. Just reading about this individual is enough to bolster your own spirits. I am talking about Mrs. Annie M. Rankin, of 1712 Manor Avenue, McKeesport, who just recently celebrated her 100th birthday.

She has seen many wondrous things in her lifetime; yet she has not lost the thrill of anticipation for what lies ahead. "I don't want to miss anything," she told a newspaper reporter who interviewed her at the start of her second century.

Mr. Speaker, it is with pleasure I insert the article about Mrs. Rankin into the RECORD. I am certain that after reading it, my colleagues will join with me in wishing this sparkling, personable woman continued health and happiness:

"GOD HAS BEEN GOOD TO ME," LOCAL CENTENARIAN SAYS

(By Marilyn March)

Mrs. Annie M. Rankin begins her second century of life tomorrow armed with the verve and optimism of a woman half her age.

"I don't want to miss anything," declares the 100-year-old city woman and the twinkle in her eye and determination in her voice leave little doubt that she will.

Mrs. Rankin, a widow for the past 22 years, resides with her daughter, Mrs. Myrtle Reed, at 1712 Manor Ave.

Tall and slim, Mrs. Rankin's bright blue eyes sparkle with anticipation of the big weekend ahead when her children, grandchildren, nieces and nephews will be here from all points on the map to help her celebrate her 100th happy birthday.

This unbelievably alert woman keeps a firm finger on the pulse of life and the world around her. She reads weekly news and business magazines, the daily papers and the latest books.

MOON WALK "WONDERFUL"

In her lifetime she has seen the fledgling airplane develop from a wooden brainchild of the Wright Brothers through the thrills and excitement of Lindberg's Atlantic crossing all the way to the latest Apollo mission and man's walk on the moon.

"Wasn't it wonderful? I watched the whole thing," she declares. Change has been a watchword in her life and she regards much of it as for the best, but views the trend away from religion as a cause of most of the nation's current ills.

A staunch Republican, she first voted in 1921—the first year women had the right to vote—and cast her ballot for Warren Harding. And since that date she has voted in every election.

A special birthday card and a personal letter from President and Mrs. Richard M. Nixon stand in a place of honor along with a stack of other birthday remembrances from family, friends and neighbors.

"Somebody wrote and told him I've been a lifelong Republican and a big fan of his so I guess that's why he (the President) sent along the letter, too," Mrs. Rankin said happily.

She attends church every Sunday at Wesley Methodist Church in White Oak and tomorrow that congregation will pay special tribute to the centenarian during the 11 a.m. service.

In addition to the congregation's tribute, McKeesport Council has passed a special resolution citing Mrs. Rankin's lifetime "exemplification of the Christian ethnic" and extending best wishes on her birthday.

Initiated by Councilman Harry P. Helmstadter, the resolution was approved by Council at yesterday's meeting.

The resolution points out that Mrs. Rankin's life "spans an area which began under pioneering and nearly primitive conditions in a pristine forest and field area and extends into the atomic and moon rocket age . . . spanning a century of the most dramatic achievements of mankind."

McKeesport is proud to number among its own, one whose character all can admire and seek to emulate," the citation adds.

Born on a farm near Ligonier, Sept. 12, 1871, she had to leave the country school she attended when she was 16 so that she could care for her invalid mother and the rest of the family.

She married Frederick R. Rankin in 1892 and they were the parents of four children, two of whom are living. They include Mrs. Reed and a son, Milton of St. Petersburg, Fla. He and Mrs. Reed will be joined by Mrs. Rankin's two grandchildren and two great-grandchildren and nearly 40 nieces and nephews in a family observance this evening and tomorrow.

In excellent health, Mrs. Rankin still keeps busy with light housekeeping chores for herself and her daughter and has the evening meal planned, cooked and on the table when Mrs. Reed arrives home from work.

She loves to go shopping at the big malls and keeps right up on all the local news events along with the national news," Mrs. Reed relates. A slight hearing loss and a need for glasses for reading are the only apparent toll the years have taken.

The beauty, the dignity and the faith of God and the future still remain in abundance. "I just wish folks had more reverence for the Sabbath," Mrs. Rankin said.

"Back in my girlhood on the farm, we spent the best part of every Sunday in church—not out shopping or at some sports event like today. God has been good to me and it's only been through His will that I've been here so long and had good health," she commented.

Mr. Rankin, who worked at U.S. Steel's National Works, died in 1949—seven years after the couple celebrated their golden wedding anniversary.

With quiet dignity, Mrs. Rankin shrugs off the praise and plaudits. "It's too much fuss for the likes of me," she maintains.

Her plans for the future? "I think I just may slow down a bit, now that I'm a hundred," she jokes.

SOUTH AFRICA: OPPRESSOR OR OPPRESSED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. RARICK. Mr. Speaker, South Africa continues to be a victim of gross discrimination, bias, and distortion from the UNO and continues to be denied its proper place in the family of nations because the free world has accepted without question or investigation the myths and superstitions advanced by "certain Communists and many others" that South Africa engages in the practices of slavery and oppression.

The United Nations Organization even refused to accept the statement of fact offered by South African Foreign Minister Eric Louw to that organization in 1961 and moved to strike his speech from the record. Even the Washington Post, that bible of extreme leftwing liberals, was shocked and described the action as "moblike." The Post continued in most uncharacteristic language:

> Nothing that South Africa has done and nothing that its representative said justified the moblike censure which the United Nations visited upon that country and its Foreign Minister, Mr. Eric Louw.

The UNO is discriminating against South Africa and is even unwilling to investigate the truth of charges against the country. Such a system of prejudicial justice is typical of the UNO and indicates its true colors.

What do the international bureaucrats in the UNO fear about South Africa or hope to gain from continued suppression of the truth?

I insert a news article detailing the United Nations Organization's discriminatory practices against South Africa in the RECORD at this point:

[From the New Hampshire Sunday News, Sept. 12, 1971]

UN'S STONEWALL OF PREJUDICE—NO EVIDENCE TO UPHOLD SLAVERY, OPPRESSION CHARGES

(By L. E. S. deVilliers)

(NOTE.—Mr. deVilliers is the chief information officer in this country for the South African government.)

In 1946, South African Prime Minister Smuts returned from the very first session of the newly established United Nations Organization a very disappointed man.

South Africa, he said, found itself up against a stonewall of prejudice. Without a shred of evidence to support such wild charges, his country stood accused of slavery and oppression in the so-called parliament of mankind.

Smuts played a leading role in San Francisco during the deliberations which led to the establishment of the United Nations. He served as chairman of the Commission on the

General Assembly and initiated several important amendments in connection with the Security and Social and Economic Councils.

His ideals for the U.N. were embodied in the preamble to its Charter—Smuts wrote that preamble.

"People think that slavery still continues in South Africa," Smuts explained after his return from that disappointing first session. "They think that we exploit people here. This is the impression certain Communists and many others continue to propagate and spread—and, unfortunately, it is very difficult for us, and very expensive, to fight such a campaign."

The impenetrability of that wall of prejudice was clearly demonstrated in 1961 when South Africa's Foreign Minister, Eric Louw, presented the U.N. General Assembly with an answer to its numerous charges of oppression and slavery. This was done by way of comparison between conditions for the black man in South Africa and other African states.

Louw gave ample proof that the black people of South Africa had a higher income per capita, better educational opportunities, far superior medical and social services and altogether a much higher standard of living than any of the inhabitants of independent black Africa.

A motion of censure was adopted against Louw. His speech was struck from the record.

The Washington Post described this censure by the Assembly as mob-like. "Nothing," the Post contended, "That South Africa has done and nothing that its representative said, justified the mob-like censure which the United Nations visited upon that country and its Foreign Minister, Mr. Eric Louw."

And just how difficult it was for South Africa to fight this campaign of calumny, became even more apparent once the United Nations decided to involve itself in the affairs of South West Africa.

While Louw was censured in the General Assembly, a so-called U.N. Special Committee on South West Africa was busy preparing for the record an indictment of the territory's administrator.

It proceeded with impunity. Relying on tales by so-called petitioners, it accused South Africa of genocide, oppression and militarization in South West Africa.

As administrator of this vast but thinly populated territory first placed under its control by the now defunct League of Nations, South Africa invited the chairman and vice-chairman of this special U.N. Committee to take a look for themselves.

Both Men—Vittorio Carpio and Dr. S. Martinez de Alva—were given the opportunity to travel freely and extensively in South West Africa and to meet with as many local inhabitants in private as they desired.

In a joint communique issued from Pretoria at the end of their trip these two gentlemen refuted their own committee's charges. The Committee in turn simply sacked its Chairman and Vice-Chairman, denied the existence of their communique and continued as if nothing had happened.

Basically, the same charges featured in a court action brought against South Africa at the World Court in The Hague, in the early Sixties. Serving as applicants on behalf of the Organization of African Unity, Ethiopia and Liberia drew heavily upon "evidence" garnered by the UN Special Committee.

At last South Africa had the opportunity to challenge these accusations in a court of law. It countered with a written presentation of nearly 3,000 pages, while the verbatim report of its oral proceedings covered twice as many volumes.

Fifteen expert witnesses were called out of a list of 38 presented to the Court.

Counsel for the applicants, on the other hand, preferred to save their U.N. petitioners the embarrassment of a court appearance.

They did not call any witnesses.

South Africa offered to pay the expenses of these petitioners to travel to The Hague as it would have afforded the opportunity to cross-examine them in her court. This was refused. The charges, in fact, were dropped in a dramatic about-face by counsel for Ethiopia and Liberia.

Barely three weeks later—Nov. 29, 1965,—the General Assembly once again passed a condemnatory resolution on South West Africa. The charges? "Oppression," "militarization" and a "threat to world peace." They were based once again on the "evidence" of U.N. petitioners.

In the protracted case of the Sixties, South Africa also suggested an on-the-spot inspection of South West African conditions by the Court. The same offer was repeated in a more recent case, which concluded some months ago. Both offers were declined.

So was South Africa's offer to hold a plebiscite under joint control of the World Court and the South African government—and in doing so, putting these allegations of oppression, repression and denial of self-determination to a fundamental test.

It's a long time since Smuts first encountered a stonewall of prejudice in the United Nations. The wall is still there.

"In this World," said Douglas Jerrold, "truth can wait, she's used to it." Truth has been waiting on the doorstep of the United Nations for 25 years. She's still waiting.

Some day, perhaps someone may decide to let her in and free the U.N. to devote its precious time to real world problems instead of imaginary South African misdemeanors.

TESTIMONY FOR CURE AND CONTROL OF CANCER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. HOGAN. Mr. Speaker, the Subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee is presently holding hearings on various bills to achieve a cure for cancer.

As a cosponsor of H. Con. Res. 27, a resolution to effect the cure and control of cancer in this decade, I have submitted a statement in support of this legislation, which also is cosponsored by 137 of my colleagues, to the subcommittee.

Mr. Speaker, I request that my statement be inserted in the RECORD at this point.

The statement follows:

STATEMENT OF HON. LAWRENCE J. HOGAN (R-MD) SUBMITTED TO SUBCOMMITTEE ON PUBLIC HEALTH AND ENVIRONMENT OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE IN SUPPORT OF H. CON. 27, NATIONAL COMMITMENT TO CURE AND CONTROL CANCER, SEPT. 15, 1971

Mr. Chairman, I appreciate the opportunity to express my support for a commitment to cure and control cancer in this decade, and in particular to express to the Members of this Subcommittee my support for H. Con. Res. 27 of which I am a co-sponsor.

I request, Mr. Chairman, the indulgence of the Subcommittee to include here at the beginning of my testimony a letter which I received from one of my constituents in New Carrollton, Maryland, which describes realistically and tragically the heartbreak faced by thousands of Americans whose family life is ravaged by this dread disease.

The letter from Mrs. Albert J. Wallace follows:

Dear Congressman Hogan:

Several years ago when you were running for Congress, our son Robert walked many a mile in New Carrollton carrying campaign literature and stood hour after hour on election day holding Hogan signs.

In November, 1970, at 9½ years old, he died of cancer. He lived 10 months after we discovered he had cancer—10 months of indescribable agony.

Needless to say we strongly urge you to support cancer legislation because we know the heartbreak of it and that none of us are immune.

I'm certain, Mr. Chairman, that all of the 137 cosponsors of H. Con. Res. 27 have received similar communications from their constituents, although in Mrs. Wallace's case the heartbreak of losing a minor child who would have had a full life to look forward to is even more grievous than the loss of a loved one who has lived a complete and meaningful life. We are reminded that all too many of the more than one million Americans currently undergoing cancer treatments are young people to whom the Nation must look for its future leadership.

Because our colleagues in the other body passed on July 7, 1971, a bill to amend the Public Health Service Act to create an independent National Conquest of Cancer Agency, I believe it is imperative that this committee act expeditiously to report favorably a companion measure in this body.

Approval of the Concurrent Resolution which I have cosponsored would not only indicate our desire to authorize a much-needed increase in funding—an increase from $230,383,000 appropriated in fiscal year 1971 to an annual $650,000,000 for the next ten years—but it would also call for the establishment of an independent National Cancer Authority to plan and implement a coordinated attack on cancer. Such an agency—when provided with the proper funding—would be able to mobilize the Nation's most talented manpower and to draw upon our vast base of scientific knowledge about cancer to find a cure for the disease which annually brings misery to the homes of so many thousands of Americans.

Escalation of our efforts to control and cure cancer cannot wait. We owe it to ourselves and to the people of our Nation to amplify the hope generated by our successful research efforts in the past few years by committing ourselves to the elimination of this disease.

I urge this Subcommittee to act with the greatest haste on this legislation so that not another year goes by when more than 300,000 Americans lose their lives to this dread disease.

MEXICAN INDEPENDENCE DAY CELEBRATED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. EDWARDS of California. Mr. Speaker, I would like to take this opportunity to pause and take note of the fact that today is Mexican Independence Day. Today is the anniversary of the proclamation of Mexico's independence in 1810 by Father Miguel Hidalgo in the village of Dolores, Guanajuato.

In 1810 a group of patriots began meeting under the pretext of literary studies to prepare for the rebellion. The similarity to our own independence movement is striking. This group advocated the extension of human rights to the then oppressed mass of Indians and mestizos. Betrayed by co-conspirators on this day 161 years ago, Father Hidalgo called his parishioners together by ringing the church bell and then raised the cry of freedom, "Mexicans, viva Mexico." One of the first decrees made by this group of rebels was to abolish slavery.

Though the struggle was a long one, the ultimate product of these efforts of the Mexican people is our democratic and modern neighbor to the south. I would like to join with my friends and neighbors of Mexican descent today in celebrating this momentous event.

VEYSEY ANNOUNCES 38TH DISTRICT POLL RESULTS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. VEYSEY. Mr. Speaker, some 24,000 of my constituents have voiced their opinions on the major issues facing us both nationwide and locally within our 38th Congressional District in California. This response represents nearly 15 percent of the total vote cast in our last congressional election.

The 38th District itself is a well-balanced cross section of America, and includes broad representation from minority groups, urban centers, agriculture, military personnel, resort areas, industry, and various other segments of our society.

The feelings of my constituents, I believe, fairly reflect the sentiments of the majority of Americans across the country and should surely be of interest to all of us in public life.

With that in mind, I am including, at this point, a listing of the 12 questions in my poll and a complete tabulation of the 24,000 responses:

38TH CONGRESSIONAL DISTRICT CONSTITUENT POLL

Question 1: Do you favor a federally guaranteed annual income for every family?

Total: Yes, 27.28%.
Total: No, 72.72%.
Adult: Yes, 27.31%.
Adult: No, 72.69%.
Youth: Yes, 27.16%.
Youth: No, 72.84%.

Question 2: Do you favor Federal Revenue Sharing . . . the President's plan to share federal money with local governments?

Total: Yes, 69.27%.
Total: No, 30.73%.
Adult: Yes, 69.34%.
Adult: No, 30.66%.
Youth: Yes, 68.56%.
Youth: No, 31.44%.

Question 3: Do you favor federalized welfare . . . transferring control of welfare from local government to Washington?

Total: Yes, 41.04%.
Total: No, 58.93%.
Adult: Yes, 41.20%.
Adult: No, 58.80%.
Youth: Yes, 42.64%.
Youth: No, 57.36%.

Question 4: Do you favor higher taxes on everyone to help stop pollution?

Total: Yes, 35.86%.
Total: No, 64.14%.
Adult: Yes, 35.36%.
Adult: No, 64.64%.
Youth: Yes, 40.80%.
Youth: No, 59.20%.

Question 5: Do you favor President Nixon's strategy in the Vietnam war?

Total: Yes, 56.86%.
Total: No, 43.14%.
Adult: Yes, 58.42%.
Adult: No, 41.58%.
Youth: Yes, 41.22%.
Youth: No, 58.78%.

Question 6: Do you believe that labor unions are growing too powerful?

Total: Yes, 84.67%.
Total: No, 15.33%.
Adult: Yes, 85.28%.
Adult: No, 14.72%.
Youth: Yes, 78.56%.
Youth: No, 21.44%.

Question 7: Do you believe that farm workers should have a secret ballot in any unionization effort?

Total: Yes, 92.12%.
Total: No, 7.88%.
Adult: Yes, 92.28%.
Adult: No, 7.72%.
Youth: Yes, 90.50%.
Youth: No, 9.50%.

Question 8: Do you believe that the federal government should subsidize health insurance for every citizen?

Total: Yes, 50.46%.
Total: No, 49.54%.
Adult: Yes, 50.00%.
Adult: No, 50.00%.
Youth: Yes, 55.03%.
Youth: No, 44.97%.

Question 9: Do you believe the U.S. should help other nations remain independent?

Total: Yes, 44.74%.
Total: No, 55.26%.
Adult: Yes, 44.49%.
Adult: No, 55.51%.
Youth: Yes, 47.20%.
Youth: No, 52.80%.

Question 10: Do you believe the government should create public service jobs for unemployment?

Total: Yes, 73.45%.
Total: No, 26.55%.
Adult: Yes, 72.93%.
Adult: No, 27.07%.
Youth: Yes, 78.60%.
Youth: No, 21.40%.

MAJOR PROBLEMS—38TH DISTRICT

Question 1. What is the No. 1 and No. 2 national problem?

Question 2: What is the No. 1 and No. 2 local problem in the 38th District?

(Scoring: No. 1=2 pts.)
(Scoring: No. 2=1 pt.)

COMPOSITE OF NINE AREAS

National problem

1. Law and order	5,978
2. Vietnam war	5,545
3. Economy	5,512
4. Environment	4,345
5. Welfare	2,367
6. Drugs	1,573
7. Taxes	1,474
8. Urban problems	1,340
9. Excesses in government	1,248
10. Communist threat	1,245

Local problem

1. Enforcement	8,406
2. Law and order	3,574
3. Economy	3,402
4. Welfare	3,136
5. Taxes	2,878
6. Drugs	1,560
7. Urban problems	1,019
8. Farm labor (unions)	711

RIVERSIDE AREA

National problem

1. Vietnam	2,001
2. Economy	1,512
3. Environment	1,493

Local problem

1. Environment	2,860
2. Law and order	1,286
3. Economy	1,240

PALM SPRINGS—PALM DESERT AREA

National problem

1. Economy	1,029
2. Law and order	1,006
3. Environment	701

Local problem

1. Environment *	1,877
2. Law and order	473
3. Taxes	373

SUN CITY—HEMET—SAN JACINTO AREA

National problem

1. Law and order	1,681
2. Economy	1,133
3. Vietnam	1,006

Local problem

1. Environment	1,185
2. Taxes	833
3. Law and order	716

BEAUMONT—BANNING—IDYLLWILD AREA

National problem

1. Law and order	437
2. Economy	313
3. Environment	312

Local problem

1. Environment *	576
2. Welfare	314
3. Law and order	270

CORONA—NORCO AREA

National problem

1. Vietnam war	329
2. Economy	303
3. Environment	297

Local problem

1. Environment	429
2. Economy	258
3. Law and order	166

SAN BERNARDINO AREA

National problem

1. Environment	231
2. Law and order	228
3. Vietnam	195

Local problem

1. Environment	306
2. Law and order	194
3. Economy	189

RURAL RIVERSIDE AREA

National problem

1. Vietnam	372
2. Law and order	351
3. Economy	315

Local problem

1. Environment	308
2. Economy	250
3. Law and order	209

BLYTHE-INDIO-SALTON SEA AREAS

National problem

1. Environment	290
2. Vietnam	273
3. Law and order	258

Local problem

1. Environment	443
2. Welfare	272
3. Taxes	153

IMPERIAL COUNTY AREA

National problem

1. Law and order	594
2. Economy	516
3. Vietnam	415

Local problem

1. Welfare	595
2. Environment*	422
3. Economy	304

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*Salton Sea comprising at least 10% of points.

METROPOLITAN LIFE INSURANCE CO. SUBVERTS PRESIDENT'S RENT FREEZE ORDER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues an outrageous act on the part of Metropolitan Life Insurance Co., the landlord of a large housing project known as Stuyvesant Town in Manhattan. The company is seeking to induce tenants to sign leases at a 15-percent increase and I believe its action pressing tenants to sign such leases now violates the letter and surely the spirit of the price stabilization regulations promulgated by President Nixon. Andrew Stein, New York State assemblyman for the district, and I have written a joint letter to Secretary of the Treasury Connally setting forth all of the details. The letter follows:

SEPTEMBER 16, 1971.

JOHN B. CONNALLY, Jr.,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: We would like to bring to your attention an incident which we feel constitutes a violation of the spirit of President Nixon's wage price control order of August 15th, if not the letter thereof. It is a matter that has a potential effect on 20,000 of our constituents.

The Metropolitan Life Insurance Company owns and operates the Stuyvesant Town housing project here in Manhattan. The project was built under the State's Redevelopment Companies Law which limits the profit Met Life may earn. Earlier this year Met Life requested a rental increase of 15%, effective October 1st. The request was rejected by the New York City Board of Estimate, then later upheld in court.

Although the matter is presently under appeal, on September 17th Met Life sent the residents of Stuyvesant Town new lease forms for a two year period at 15% increases, effective October 1st. An accompanying rider stated that rent payable under terms of the new lease would be no greater for any month than the maximum rent allowed under the President's freeze order. A covering letter asked tenants to indicate whether or not they would renew their leases. The leases also called for a 15% increase in the security deposit which was to be paid immediately.

The immediate request for additional security was clearly a violation of the freeze and will be properly protested by the tenants. We feel, however, that Met Life's mailing of the leases and their demand that tenants indicate their renewal intentions now is an arbitrary act that unfairly prejudices the tenants.

It has been made quite clear by yourself and others that some form of price stabilization will no doubt continue after the 90 day period ends. Such controls might well bar for an additional period of time the amount of increases which Met Life is asking. (It is certainly clear that a continuation of rent controls designed to prevent the type of increase Met Life is seeking is absolutely necessary here in New York City). Despite the probability of on-going controls, Met Life is requiring tenants to make a decision now on where they wish to live for the next two years without the tenants having the benefit of knowing what their rentals may be.

We believe it is unfair to require these tenants to state their intentions before they know what control if any will affect their rents after the 90 day period ends. We feel that this action on the part of Met Life deprives its tenants of the kind of protection the freeze was intended to provide. If the freeze was designed to cool off the economy, to provide a psychological breathing period so to speak, the tenants of Stuyvesant Town are not getting that benefit. In our opinion Met Life's action is if anything phychologically inflationary.

We note that you summoned various corporations to Washington when they announced, during the freeze, that they would increase dividends, in one case at least, when that dividend was not to go into effect, until after the expiration of the freeze. Is not Met Life guilty of a similar type violation, and is their action perhaps not a greater violation, in so far as rents were explicitly frozen under the President's order whereas dividends were not?

The only reason we can attribute to Met Life's insistence on October 1st as the effective date for new leases, is that they may attempt to apply retroactively to that date to recoup rent whenever controls are removed or substantially relaxed. Such a request for a retroactive rent increase would be highly improper, and we urge you now to make the government's position perfectly clear that such requests will not be tolerated.

We note also that as long as the freeze is in effect it can make no financial difference to Met Life whether tenants are asked to sign renewals October 1st or November 1st.

Accordingly, we are requesting that you insure the tenants of Stuyvesant Town receive the kind of protection which we feel the President's economic plan was intended to provide, by prohibiting Met Life from asking tenants to sign renewal leases until such time as it is made clear just what controls on rents if any, will extend beyond the official freeze.

Sincerely,

EDWARD I. KOCH,
Member of Congress.
ANDREW STEIN,
New York State Assemblyman, 62d A.D.

PROTECTION FOR EMPLOYEES OF THE LIBRARY OF CONGRESS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FAUNTROY. Mr. Speaker, on Monday, I introduced a bill to establish an equal employment opportunity program for the protection of employees of the Library of Congress. After the events of June and July at the Library, it was clear that a system was critically needed to protect the rights of minority employees.

First, this legislation will require the Librarian of Congress to establish and maintain a positive program of equal employment, subject to the approval of the Equal Employment Opportunity Commission. At present, the Librarian has sole authority and discretion to hire and fire as well as to promote and demote employees. The Librarian is only accountable to Congress; but under this bill he is required to submit his plans for equal employment to the Equal Employment Opportunity Commission.

Second, as a part of his equal employment program, the Librarian shall establish a procedure by which an aggrieved employee may bring a complaint of discrimination. The procedure must be clearly defined and information made available to all employees. Further, and equally as important, this act provides for an appeal process within the Library of Congress. In short, I am calling for the initiation of a complete and equitable administrative procedure within the Library of Congress to handle complaints of discrimination.

PROFITS AND PATERNALISM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. RAILSBACK. In an age when big business has frequently come under attack, I am proud to have in my district, the Northwestern Steel & Wire Co. Northwestern is one of the finest companies in this country and its high standards are to be complimented.

In the August 15 issue of Forbes magazine, there appeared a very informative article on Northwestern and its president, P. W. Dillon.

There being no objection, the article was ordered to be printed in the record as follows:

PROFITS AND PATERNALISM

Being the U.S.' most profitable steel company might seem like winning first prize in a race with only one contestant. But Northwestern Steel & Wire Co. is better than *that*. Easily steel's most profitable company, it runs a fast race in any industry. Over the past five years it has averaged a 19% return on stockholders' equity and more than 11% after taxes on sales.

Northwestern is not a big company by steel industry standards. Its 1970 sales of $159 million were dwarfed by even such second-line steel companies as Allegheny Ludlum and Wheeling-Pittsburgh. It operates electric furnaces rather than conventional big-company equipment and runs on scrap, not ore. But Northwestern is no midget. It sold more than 1 million tons of steel last year. Nor does it produce high-profit specialty steels; in fact it averages only about $155 a ton for the steel it sells, as against an industrywide average of about $175.

Northwestern is not so much different as it is better. It is simply more efficient than its competitors.

The man who runs Northwestern, Chairman Paul W. Dillon, is as unusual as the company. He's a six-foot, silver-haired man of 88, a son of the founder and a Victorian patriarch transported into the mid-20th century. He has his desk in a bull-pen space in the company's ancient Sterling, Ill. office building; when it was last painted no one can recall. Steam engines, donated years ago by railroads (railroad buffs come miles to see them), wheeze around this plant.

But there are also frequent cash bonuses, often amounting to hundreds of dollars, handed out on the field of battle, as it were, to supervisors for outstanding performance.

Northwestern executives are expected to take their jobs as seriously as Dillon does his. All key personnel must be available 24 hours a day; officers have phones in their cars to insure their availability. The aged but still spry Dillon scoots up ladders and along catwalks ahead of the few visitors he suffers. (No outsider gets too near the heart of his operation, the furnace.)

This old-fashioned work ethic helps, but the real heart of Northwestern's profitability is something else: Its technology is probably superior to any other in the U.S. steel industry.

Which is one reason Dillon keeps visitors from Northwestern's furnace. The secret—it is a secret to most of its competitors—is ultra-high power, which allows higher temperatures, faster melting and much more economical steel production, a technique "that goes beyond patents," as one analyst told Forbes. Learning that technique wasn't easy. When Dillon was experimenting with ultra-high power in the early Sixties, the transformers to provide it weren't available. But he mastered the technique and in 1964 and 1965 doubled his transformer power, with two transformers of 48,000 kilovolt-amperes.

Result: In the past five years Northwestern's return on equity and return on sales have more than doubled those of the early Sixties. Simple? Other electric furnace users in the past two years have gone to ultra-high power, in the 75,000-kva range, but most are having difficulties getting it to work. Northwestern's new 400-ton electric furnace, the world's largest, now is using 200,000 kva.

Northwestern depends on steel scrap to feed its furnaces, and scrap prices fluctuate, as no one knows better than Northwestern. Last year scrap prices jumped from under $35 a ton to over $45 a ton. And Northwestern's earnings in its first half of fiscal 1971, ended Jan. 31, dropped 28% on a 3% sales increase. Scrap prices are back under $35 a ton now, but the specter of fluctuations still haunts Dillon.

So, Dillon and his aides are looking for ways to use iron ore instead of scrap. Iron ore can't be fed as it is to an electric furnace; it has to be reduced to nearly pure iron first. That could be done in a conventional blast furnace, but would be far too expensive for a company Northwestern's size. It could be done by direct reduction in a kiln. Midland-Ross (*see p. 22*), which developed such a process, offered to supply Northwestern with furnace charge for under $35 a ton, a price fully competitive with scrap and much more stable.

GOING IT ALONE

Characteristically, Dillon turned it down. He doesn't like to depend on other people's technology. He is working on his own process, just as he worked alone on ultrahigh power. One outsider reports Northwestern already has a cheaper experimental process.

At any rate, Northwestern is working at the very frontiers of steel industry technology. Even the biggest companies are experimenting with electric furnaces; by eliminating the need for blast furnaces, the electrics are capable of huge savings in fuel, shipping and capital costs. Especially the latter: Northwestern's new 400-ton furnace cost less than one-third as much as conventional facilities of equivalent capacity.

What keeps Paul Dillon going at this pace in his ninth decade? Only his intimates know. Dillon refuses to meet either the press or Wall Street. His experience in the steel business goes back to the days of Andrew Carnegie and his attitudes show it. Dillon runs his company like the family business it has always been—in spite of the fact that roughly one-third of its 2.5 million shares are in public hands. Northwestern's president, not surprisingly, is Paul's son, W. Martin, age 61. Grandson Peter Dillon is a vice president. Turnover among non-Dillon executives is, reportedly, high: Paul Dillon is a tough taskmaster.

Any way you look at them, Paul Dillon and Northwestern are a throwback to earlier capitalism. But a remarkably effective throwback.

A LOSS NOT A GAIN

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. CASEY of Texas. Mr. Speaker, many words have poured forth from the presses of our Nation as a result of the Supreme Court's 6–3 decision to permit publication of articles based on and excerpts of the top secret Pentagon papers on the origin of the war in Vietnam.

Recently, however, a friend sent to me a copy of a signed editorial from the Houston Post which sets forth in clear and unequivocal terms its tenets of responsible journalism in handling a grave issue such as this.

It was authored by the publisher, Mrs. Oveta Culp Hobby, a distinguished journalist and public servant, and a great lady.

Because I believe this excellent summation of the case deserves the full attention of my colleagues and the American people, I insert it at this point in the RECORD:

[From the Houston Post, July 4, 1971]

A LOSS, NOT A GAIN

(By Oveta Culp Hobby)

The Supreme Court's 6-to-3 decision to permit publication of articles on the origin of the Vietnam war based on top secret Pentagon documents represents a net loss of freedom of the press.

The Houston Post defends the rights guaranteed by the First Amendment. Free speech and a free press come to the same thing—the right of the people to be informed, to dissent. But to be a free press means to accept the responsibility of being a free press.

As Justice Oliver Wendell Holmes showed long ago, the First Amendment's protection cannot be unlimited. We are guaranteed free speech, he said, but we cannot false cry "Fire!" in a crowded theater.

Newspaper editors are not employes of the government, but they must share with the government the responsibility of protecting the people. When editors set themselves above not the law but the security of the country, the country may be endangered. Publication of the Pentagon documents is too grave a responsibility for decision by any editor acting alone. It is impossible for an editor to know what is sensitive and what is not sensitive in the government's operations.

But an editor can ask if a document affects the nation's well-being; a procedure exists for declassifying documents that may no longer be sensitive. The newspapers concerned did not ask if the documents were sensitive, if they could be declassified.

The question does not concern the government's embarrassment but whether the vital interests of the people were endangered.

"In this case," Chief Justice Warren E. Burger wrote in his dissenting opinion, "the imperative of a free and unfettered press comes into collision with another imperative, the effective functioning of a complex modern government and specifically the effective exercise of certain constitutional powers of the Executive. . . .

"To me it is hardly believable that a newspaper long regarded as a great institution in American life would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents. That duty, I had thought—perhaps naively—was to report forthwith to responsible public officers. This duty rests on taxi drivers, justices and the New York Times."

Thursday, Secretary of State William P. Rogers appealed to the press to withhold voluntarily publication of any of the Pentagon documents that would "harm the security of the United States." He added that "the government remains ready to lend its assistance in identifying any documents which, if disclosed, would result in such harm."

The New York Times twice and the Washington Post once condemned what each has now been granted the right to do. Of the Otepka case, involving a member of the State Department who in 1963 delivered confidential State Department files to the Senate Internal Security Committee, a Times editorial said:

"Orderly procedures are essential if the vital division of power between the legislative and executive branches is not to be undermined. . . . The use of underground methods to obtain classified documents from lower-level officials is a dangerous departure from such orderly procedures."

The Washington Post concluded that if such a practice were to continue, "the executive branch of the government would have no security at all."

Again, when Stewart Alsop co-authored an article describing deliberations of the National Security Council, the Times said in an editorial: "What kind of advice can the President expect to get under such circumstances? How can there be any real freedom of discussion or dissent; how can anyone be expected to advance positions that may be unpopular or unprofitable?"

Are the statements of these two distinguished newspapers less applicable to the present case than to the former ones?

DRAFT BILL CONFERENCE REPORT: NOT ACCEPTABLE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. KYROS. Mr. Speaker, when the House of Representatives last considered the extension of the Selective Service Act and military pay increase presently before the other body, I voted against the conference bill. In doing so, I stated my dissatisfaction both with the proposed pay levels at the lowest grades, and with the alteration of the amendment which would have assisted in our efforts to withdraw our military forces from Vietnam within a specified time period, 9 months from the date of enactment.

The reasons which forced my opposition to this legislation in its present form are more compelling today than a month ago. First, it has become apparent that our military personnel require greater congressional support if they are to receive the equitable pay which they deserve. In the case of enlisted personnel in the lowest pay grades with dependents, "equitable pay" is perhaps an esoteric term. These men and women require a living wage, and they do not receive it. A recruit in pay grade E-1 is being told that his proposed pay level will be $164 below the rate first voted through by the House of Representatives—and that represents a "compromise," $448 below the figure enacted by the other body. It is the recruit who has been compromised, not the pay levels.

During the past weeks, the administration's wage-price freeze has required greater financial sacrifices from military personnel than from perhaps any other group of wage earners. Not only are military personnel required to forego the scheduled pay increase, insufficient as it may be at the lower levels, for a 9-month period; they are to be denied even the step increases which are so much a part of the incentive system for continued service.

The disregard for our military personnel apparent in the "compromise" pay levels has been reinforced by the inequities of the administration's economic program. Our men and women serving in the Armed Forces should not be regarded as sacrosanct, but neither should they serve as scapegoats in seeking wage stabilization. I cannot vote to continue to draft men under the pay provisions presently advocated.

Under the pay provisions first enacted, it was possible to support continuation of the draft for a 1-year period as a necessary transition phase in moving toward an all-volunteer army. The pay provisions now proposed drastically reduce the possibility of achieving an all-volunteer army in the near future.

As I cannot vote to draft men at unacceptably low pay levels, so I also cannot vote to draft men for possible service in a military conflict which has become meaningless, or worse. The past weeks have seen the defoliation of that last remaining rationale for our continued presence in South Vietnam, where the people were to have a "choice in determining their own future." That choice, now being euphemized as a "referendum," is no broader than the choice available to the people of the Communist countries. I was in South Vietnam only a month ago. Aside from the horrifying spectacle of hundreds of American servicemen seriously addicted to hard narcotics, I was shocked to note that in the streets of Saigon itself, American soldiers are increasingly being subjected to personal attack and finding it difficult to walk freely without having someone grab at their watch or some other personal possession. Now, even more than a month ago, a date certain for our withdrawal of forces from Vietnam is mandatory.

It is certain that the Congress will be increasingly exposed to the argument that failure to extend the Selective Service Act immediately with the reduced pay increases will bring chaos to our military manpower and defense programs. I suggest to my colleagues that our military posture will not be strengthened through legislation which requires men and women to serve at hardship pay levels and possibly in a tragic and meaningless war which we will not end. Let us instead insist upon highly trained, motivated, adequately paid armed forces. The necessary funds can be found in many areas, beginning with a meaningful reduction in the number of U.S. ground forces stationed in Europe, bearing a burden which the European allies will never begin to share more equitably until our own presence is reduced.

DISCUSSION OF THE ABORTION QUESTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BIAGGI. Mr. Speaker, numerous States have taken steps to liberalize their laws against abortion. This action has posed many questions for the various religious faiths in our country. Since this body may take up the question on a national basis, I am inserting in the RECORD two important items which I am sure will add greatly to my colleagues' knowledge on the subject of abortion.

The first is a statement on abortion from the chief rabbinate of Israel in Jerusalem headed by Chief Rabbis Isaac Nissim and Isser Yehuda Unterman. The second is a statement issued by Rabbi David B. Hollander, vice president of the Rabbinical Alliance of America. I commend both to my colleagues:

TEXT OF STATEMENT FROM JERUSALEM, AS TRANSLATED FROM THE ORIGINAL HEBREW BY RABBI DAVID HOLLANDER

(1) The conference of rabbis took up the situation of the limitation of births in the land either through prevention of pregnancy or abortion with the aid of physicians and under the influence of women activists who, supposedly, for the sake of improving the circumstances of families with many children, are urging women to employ various means to limit births.

These activities are contrary to Jewish Religious law. Abortions are in the category of the taking of human life, and it is also a threat to national security. For while there is a struggle to bring immigrants from other countries, there is a reckless attempt to reduce the population internally.

(2) The conference of rabbis turns to all heads of Jewish families and calls their attention to the severity of the religious prohibition against abortion and on the serious violation involved in other methods of birth prevention, and on the urgent obligation to preserve family purity and modesty.

(3) The Rabbinical Conference turns to all physicians not to aid in abortions except in such cases where there is an imminent danger to human life.

(4) The Conference imposes a duty on rabbis in their communities to explain the high value placed by Judaism on the increase of families.

(5) The Conference turns to the Council of the Chief Rabbinnate to continue to deal with this issue and to exert every effort toward the increase of the family.

(6) The Conference turns to the Knesset (parliament) and the government to increase the penalty of those who arrange for abortions and those who aid them, and to aid the birth of children thru social assistance and concessions to families with many children.

ABORTION: A RABBI'S VIEWPOINT

To those of us who rail against G-d for having "allowed" countless children to perish under the Nazis, or from war, disease and hunger, there is this challenge: How dare we blame G-d when we now voluntarily and energetically advocate and promote legislative and other programs to advance unrestricted abortion and other methods to take the lives of countless children already alive but yet unborn.

As always when the G-d-given moral law is being violated, it is given, ironically, a seemingly "moral" justification such as the prevention of overpopulation which in turn means in hunger and pollution. Instead of changing our selfish overindulgence in food and in the exploitation of natural resources by giving more of our time to spiritual and humane pursuits, thus limiting our avaricious hunger, we seek to "solve" the problem by interfering with the gift of life which is the exclusive domain of G-d.

Abortion is a serious threat not only to the unborn child, but also to all adults, especially to the elderly. Why is this so? For two reasons: (1) Once it is rationalized that human life can be extinguished, just because we do not actually see the victim (many killings today thru long-range weapons and bombings have invisible but nonetheless real victims), we cannot stop. Once we are not subject to G-d's immutable law on the sanctity of human life, any program of "Constructive" elimination of human life to ease problems will be justified. Indeed there are many voices today in the world of medicine and social welfare who advocate that people of a certain age be permitted to "expire" (a term less harsh than "die"). And, of course, there is EUTHANASIA or the merciless "Mercy-killing", thus potentially imperiling every human life.

Even before abortion was legalized, its practice was immoral and dangerous to the sanctity of all human life, but when it was made legal, that danger accelerated a thousand fold, not only because of its vast increase in the number of abortions, but because of the LAW which sanctioned the interruption of innocent human life.

(2) Abortion kills also in another way, namely in eliminating the possibility of the birth of those who might have the genius and talent to discover cures for dreadful diseases and other perils affecting mankind.

Judaism (except where it is necessary to save the life of the mother) strongly prohibits abortion, and places it in the category of the taking of human life, however "noble" the motivation.

Even those who say that while they oppose abortion, they feel it is a private matter and the law should not interfere, are simply not facing the fact that the law always does and should interfere where human life is the issue. Thus the law forbids suicide, refusal to submit to medical treatment, or the mistreatment of children, the sick and the helpless. The law forbids the abandonment of children by parents. Is there a greater "abandonment" than abortion?

Respectfully submitted.

Rabbi DAVID B. HOLLANDER.

NEWS RELEASE

NEW YORK, N.Y.—Rabbi David B. Hollander, Vice President of the Rabbinical Alliance of America, today announced his receipt of a statement on abortion from the Chief Rabbinate of Israel in Jerusalem, headed by Chief Rabbis Isaac Nissim and Isser Yehuda Unterman.

The statement, an appeal to Jews everywhere to shun abortions, states the position of the Conference of Rabbis at the Chief Rabbinate in Jerusalem, and it is addressed to all heads of Jewish families, to rabbis and to Jewish physicians.

The statement condemns abortion as the taking of human life and a serious violation of Jewish law and a threat to national security. It furthermore urges Jewish physicians not to perform abortions, except where there is an imminent danger to the mother's life, and it calls for legislation to increase the penalties for those who arrange for abortions and those who aid them.

The full text of the statement is included in this press release.

In a personal statement, which is also included in this release, Rabbi Hollander said abortion represented a serious threat not only to the unborn child but also to all adults, especially the infirm and the elderly, since a policy against life once rationalized cannot stop. Rabbi Hollander stated that legalization of abortion made this threat accelerate a thousand-fold.

Rabbi Hollander also stated that those who say that while they oppose abortion, they feel it is a "private matter and the law should not interfere", are simply not facing the fact that the law must always interfere where human life is the issue.

Respectfully submitted.

Rabbi David B. Hollander.

Israel's Chief Rabbinate Urges All Jews To Avoid Abortions

New York.—The Israeli Chief Rabbinate has sent an appeal to Jews all over the world to avoid abortions because they are "contrary to Jewish religious law." A letter signed by Rabbi Akiva Gottlief, chief secretary of the Rabbinate was presented last week to a meeting sponsored by the Long Island Right to Life Committee, a group comprised of Catholics, Protestants and Jews opposed to legalizing abortions. The text of the letter was made available to the Jewish Telegraphic Agency by Rabbi David Hollander, vice president of the Rabbinical Alliance of America, an association of Orthodox rabbis. It reported on a conference on the problem of abortions sponsored by the Israeli Chief Rabbinate at which abortions were denounced as "the taking of human life" and "a threat to national security." The letter assailed "woman activists who, supposedly for the sake of improving the circumstances of families with many children, are urging women to employ various means to limit their birth." The letter claimed that "while there is a struggle to bring immigrants from other countries to Israel, there is a reckless attempt to reduce the population internally."

HEALTH CARE CRISIS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ROGERS. Mr. Speaker, the Evening Star editorial of September 7, 1971, is a timely comment on the health-care crisis facing our Nation and the need for a determined effort by the administration and the Congress to correct this situation.

I am pleased with the work my Subcommittee on Public Health and Environment did on health manpower legislation which has passed the House and is now in conference.

But there is more to do if we are to effectively curb the rising costs of health care and improve the delivery of services. I anticipate that following the hearings on the "Conquest of Cancer" legislation which began yesterday before my subcommittee, hearings will begin on Health Maintenance Organization as the subcommittee continues its efforts to improve health care in the Nation.

I insert at this point in the Record, for the benefit of my colleagues, The Evening Star editorial of September 7, 1971:

Reforms That Can't Wait

In his economic bombshell message on August 15, President Nixon proposed postponement of his welfare reform and revenue sharing measures, to help restrain inflation. But he made no mention of another major domestic program—health-care reform—and we hope that neither the administration nor Congress has any idea of putting it on ice.

While no one has suggested that, neither is anyone near the top of the power heap talking very forcefully about the health-care crisis right now. That's due in part to Congress' protracted summer vacation. But upon reconvening it will be so preoccupied with the New Economic Plan proposals, and perhaps the continuing foreign policy debate, that some vital questions are likely to get sidetracked.

Health care should not receive that treatment, because it involves economics as well as healing. And the economic prospect in this field gets gloomier all along. Health care has led the inflationary race of the past few years. Its costs soared by more than 50 percent in the Sixties, compared to a 31 percent increase in the consumer price index.

And now comes a new federal study report predicting another 50 percent rise in health-care costs by 1974. The increase will run even higher than that, the survey director says, if efforts to stabilize the national economy prove unsuccessful. Cost estimates produced by the study will be used in considering about a dozen proposals for national health insurance that are before Congress.

These are so diverse and controversial that no final action is likely this year. But further hearings on them should be conducted, with an eye to passage of legislation next year.

The prime emphasis in the remainder of this session should be on measures that would vastly broaden prepaid group medical practice. This is the device that offers the best hope of curbing runaway health-care costs. Several pending bills, including one offered by the administration, would provide strong federal incentives for group physician practice in so-called Health Maintenance Organizations (HMOs). These have a proven capability of cutting costs while enlarging benefits.

There already has been a signal health-care achievement in this session. Before the vacation recess, both houses of Congress passed legislation to dramatically expand the training of doctors and nurses and relieve the financial despair of medical schools. These are the main prerequisites to setting up the universal health-care system toward which the country is moving. It cannot be an effective reality until the medical manpower shortage, and the maldistribution of doctors, are remedied. Congress is responding laudably to that challenge.

Now it must begin tackling the HMO proposals, through which health-care delivery would be reorganized in the public interest. Hearings on these are needed in both houses, without delay.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SPRINGER. Mr. Speaker, the following is the third of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on August 31, 1971:

How Does It Feel To Wake Up Old?

(By Carol Ann Smith)

What does it mean to a feeling human being to wake up one morning and discover that he is old?

Is everything over or does it just seem to be that way? What has happened in terms of humanity?

Facing these questions is painful for an individual, but aging is bound to happen to him or to someone he knows or loves.

Social scientists see both the society and the individual; the two are somehow supposed to fit together. They think first in terms of a social system—the connections, functions and relationships between various structures that persons create as they come together in the mass we think of as society.

Then the social scientist looks to the individual to determine how that individual fits in the social system—how he is placed himself or how he has been thrown into the system or how he has been excluded from the system.

The individual integration into a social system is generally judged by three indices: social values, formal and informal group memberships and social roles.

In simple terms, an individual is tied to his society by what he believes, the groups he belongs to and the positions that he occupies.

Irving Rosow, author of Social Integration of the Aging, formulates the theory that insofar as older people can preserve their middle-age patterns they maintain their integration in society.

But to the extent that their lives do change, the integration may be undermined. The crucial factor, he indicates, is the disruption in the previous life styles, activities and relationships of those who reach "old age."

Rosow goes so far as to insist that every institutional factor which would tend to preserve their functions in society (ownership of property and control over the opportunities of the young, their command of strategic knowledge and skills, strong kinship, strong religiosity) is being undermined in the United States.

"Though their material needs may even come to be adequately provided for, Rosow says, "the basis of old people's social life will steadily deteriorate. They will progressively be excluded from the mainstreams of social activity and the central functions of society."

Rosow believes that as far as social values are concerned, there is "almost no evidence and none conclusive" that the old have significantly different sets of beliefs than young people specifically as a result of aging.

There is nothing to indicate that a person is conservative simply because he is old, or more religious because he is old, and there is evidence that the old share with the younger generations many basic beliefs such as images of what constitutes the "good life," that they are interested in buying and owning.

Social scientists have, however, evidence that group memberships and social roles are different, and different because of age.

"With increasing age, there is a progressive loss in social roles, especially in such vital areas as marital status, employment, health and income," Rosow indicates.

The loss begins before the age of 65 years and continues steadily until the age of 75 and after 75 years accelerates rapidly.

What is significant is that once the role of wife, working breadwinner, or leader is lost, it is lost forever for most of the aged.

Some persons may re-marry and some workers may take part-time jobs, but the vast majority of the aged never regain their roles, and society has to this point provided no viable substitute.

The problems thus begin to become interrelated. Social roles are lost and at the same time the social world of the aging contracts. Their membership in various formal organizations can be shown on a line that dips sharply and dips down.

They belong to fewer organizations and just as significantly if they retain membership they hold fewer offices and are less active than in earlier years.

What happens within the family situation is not quite so clear. Some experts believe that modern urbanization and mobility has fostered the isolated nuclear family and have certainly separated the older generation from their adult children. Older people therefore have fewer meaningful functions to perform in the family and the ties with their children are less meaningful.

Other experts insist that despite mobility and urbanization, families—parents and their adult children—still perform as a cohesive unit and that there is even demonstrable geographic proximity between parents and at least one adult child.

There is, they maintain, substantial evidence that there continues a pattern of mutual aid and assumption of responsibility for aged parents especially in the working classes, or in rural areas and among certain ethnic groups .

However, it appears to be universally true that old people have fewer friends than young people, and there are studies which indicate that the aged not only have fewer friends but that the friendships are more shallow in old age than they were during the younger years.

Rosow looks at all of these components of the individual and society and reaches some disquieting conclusions—disquieting perhaps because we see them demonstrated around us.

First, he says, the role loss leads to role ambiguity. There is nothing that tells the aged person how he's supposed to act, what is preferred conduct. At all other times in life the individual has been provided with definitions by society, norms against which to match himself, expectations of him. There is literally nothing for the aged to do, and they understandably become inactive and bored.

Second, the young and middle-aged do not accept the old demonstrated by either simple indifference or active discrimination. The young and middle-aged view them in terms of stereotyped images and familiarity and contact with older persons will not change the stereotype.

Third, older people accept the stigmatizing images and attitudes about their age group and they display many of the defensive reactions and self-hate shown by other devalued minorities.

Then to avoid the social stigma attached to being old, the aged retain youthful self-images: because there is no incentive to identify themselves with a devalued group they see themselves as younger than other people see them.

Because they have lost their social roles and group memberships the aged are ignored, rejected and discriminated against by the young—simply because they are old.

Roles and even group memberships are bound up with money and the older member of society has very little of it. He finds out just how little he has on the day the retires.

THE LATE HONORABLE GEORGE HUDDLESTON, JR.

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1971

Mr. NICHOLS. Mr. Speaker, I want to express my deep sympathy in the recent passing of one of Alabama's native sons and a distinguished former member of Congress, George Huddleston, Jr. It is not easy to describe a man who fought so hard for so many years for his constituents because you remember him so full of life. George was a man of great personal charm, of strong convictions and opinions, and a man who has left behind favorable impressions upon the pages of American history. For many years he served as a faithful and dedicated member of the House Committee on Armed Services and the entire committee was saddened when Chairman HÉBERT made the sad announcement of this loss of our former colleague to Tuesday's meeting of the full committee.

George Huddleston stood for many things. He loved his family and had just recently moved them to the rural area of the beautiful State of Virginia. George also loved his country as evidenced by his dedicated service during World War II as a member of the U.S. Navy. Then, upon coming to Congress he was diligent in his work as a member of the House Committee on Armed Services, stanchly supporting those measures which he knew were in the best interest of his beloved country. I recall the energy and time he spent in helping organize the Veterans Day commemoration program in Birmingham and this tribute to America's veterans is now the largest of its kind throughout the country.

George Huddleston was a great patriot and he was extremely proud of his country and all that it stands for. His passing leaves a void in the fraternity of Alabamians in the Washington area which will be solely missed and I express my deepest sympathy to Congressman Huddleston's wife, Alice Jean, and to other members of the immediate family in this time of personal bereavement. I shall ever treasure my friendship and appreciate his sincere Christian spirit and character.

TAX REFORM FOR SMALL BUSINESS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ROUSH. Mr. Speaker, I rise today to introduce a bill and thus add my name to the growing list of cosponsors of legislation to amend the Internal Revenue Code to provide income tax simplification, reform, and relief for small business.

Small businesses in this country account for 99 percent of the firms, 40 percent of the jobs, and upward of one-third of the gross national product in this country. Socially as well as economically there is a unique value to the small business. This Nation relies upon the continuance and prosperity of small, independent businesses.

Yet, the last few years have not been very good years for small business. According to the Small Business Administration Economic Review, the 1970 record on business failures and new incorporations suggests that the "economic environment during the past year was poor for small business."

I hope that this legislation will help to change that environment. Over the past few years small business has suffered from the highest interest rates in a century, consumers have ceased or cut back on buying, badly needed new technology has increased in expense, and there are new requirements that must be met to avoid pollution and attend to the occupational safety of workers.

This proposal to provide income tax simplification and reform was the result of a great deal of careful study on the part of the House and Senate Select Committees on Small Business, the Commerce Department, the Small Business Administration, the Treasury Department, and many others. It is my hope that this legislation will be passed as soon as possible.

THE ATTORNEY GENERAL AND CRIME

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. JAMES V. STANTON. Mr. Speaker, when the Attorney General of the United States made the astounding statement last week that fear of crime "is being swept from the streets of some—though not all—American cities," I assumed that Cleveland, Ohio, was not on his list of emancipated communities. I was the president of the city council in Cleveland in 1970—the year for which we now have the FBI crime statistics that inspired the Attorney General's statement—and it was my observation during that time that it was not fear that was vanishing from the streets, but rather people—people who were too afraid to walk the sidewalks or even to drive in many neighborhoods. However, it occurred to me, after hearing what our honorable Republican Attorney General had said, that perhaps I had been too close to the scene in Cleveland as a representative of the people of my ward, and as their contact man with the councilmen from other wards—and that, in fairness, I should now, in 1971, take a new sighting from afar—from the fresh perspective of Washington, D.C.—using as my guide the same FBI crime figures for 1970 that had so heartened Mr. John N. Mitchell.

Mr. Speaker, I can now report to you and to my colleagues sitting here that I have done just that. I have obtained and examined the FBI's Uniform Crime Report for 1970. I regret, deeply, to find that I had been correct in my original assumption. Mr. Mitchell unfortunately could not have meant my city because in 1970, Cleveland reeled from 313 criminal homicides, 307 forcible rapes, 5,475 robberies, and 1,909 aggravated assaults. Enough crime, in other words, for fear to blanket the streets. However, Mr. Mitchell did try to soothe us with the observation that while crime did increase around the country, the rate of increase was slowed down. Therefore, although I doubted that the total of 8,004 victims of violent crimes in Cleveland in 1970, to whom I have just alluded, could or would take comfort in Mr. Mitchell's reassurance, I also obtained the FBI's Uniform Crime Report for 1969. I find that in that year there were 314 criminal homicides in Cleveland, 303 forcible rapes, 5,638 robberies, and 2,073 aggravated assaults—indicating a total of 8,328 victims.

Mr. Speaker, comparing the record of any given city such as Cleveland with its record for the preceding year is really meaningless if we agree, as I am sure Mr. Mitchell would, that no total for violent crimes is tolerable. Does it matter, for instance, to each of the victims that Chicago had 12,767 aggravated assaults in 1969 but "only," if you will, 11,667 in 1970? Is it not enough to say, rather—or, really, too much to say—that Los Angeles had 1,988 forcible rapes in 1970, that Detroit had 23,038 robberies and that Houston had 356 criminal homicides—to cite just a few examples?

I find it interesting that the FBI's prose, in its uniform crime reports, is more matter of fact than Mr. Mitchell's press releases and political statements. The phrasing of these reports, and their real thrust so far as the men and women swept from the streets are concerned, hardly varied from 1969 to 1970. On page 4 of the 1969 report, I find this statement:

> In calendar year 1969 almost 5 million Index offenses were reported to law enforcement agencies, a 12-percent increase over 1968. The violent crimes as a group made up 13 percent of the Crime Index total and rose 11 percent, with murder up 7 percent, forcible rape 17 percent, robbery 14 percent and aggravated assault 9 percent. . . . The Crime Index rate for the United States rose from 2,235 offenses per 100,000 inhabitants in 1968 to 2,471 in 1969, an 11-percent increase in the victim rate. The rise in the national crime rate since 1960, or the risk of being a victim of one of these crimes, has more than doubled.

Mr. Speaker, on page 5 of the 1970 report, we find this statement:

> In calendar year 1970 an estimated 5,568,200 Index offenses were reported to law enforcement agencies, an 11-percent increase over 1969. The violent crimes as a group made up 13 percent of the Crime Index total and rose 12 percent, with murder up 8 percent, forcible rape 2 percent, robbery 17 percent, and aggravated assault 8 percent. . . . The Crime Index rate for the United States rose from 2,477 offenses per 100,000 inhabitants in 1969 to 2,740 in 1970, an 11-percent increase in the victim rate. The national crime rate, or the risk of being a victim of one of these crimes, has increased 144 percent since 1960.

While the Attorney General, then, is juggling figures, the FBI merely inserts them in prefabricated sentences that give us the same gloomy message from year to year. I am convinced now, having seen these FBI reports, that my perspective in Cleveland in 1970 was clearer than that of the Attorney General, who is viewing Cleveland and other cities from Washington in 1971. But I have not recently been in Chicago or Detroit or Houston or most of the other large cities listed in the FBI report, and I wonder whether any of my colleagues from congressional districts there, or elsewhere, are finding happily that the fear of crime is being "swept" from the streets of their own cities. Are there any such Congressmen sitting here? If so, I would like to hear from you, because you might have some valuable suggestions for the law enforcement authorities and administrators of criminal justice in Cleveland, Ohio.

Mr. Speaker, I want to make it clear that I do not hold the Nixon administration accountable for crime in Cleveland. I realize that we had crime in my city during earlier administrations as well. The point is, however, that this is no time to be issuing phony political communiques claiming that the war against crime is being won. Rather, it is a time for all of us—Republicans and Democrats—to redouble our efforts here in Washington to improve a situation that really has not improved very much, if at all. Manipulating numbers will never build up enough momentum to sweep fear from the streets. But hard work by public officials, and recognizing facts for what they are, can give us a start—and perhaps a shove in the right direction.

At this point, I would like to append to my remarks some recent newspaper articles pertaining to this subject:

[From the Washington Post, Sept. 11, 1971]

THE ATTORNEY GENERAL AND CRIME

Each year about this time, it becomes necessary to try to take out some of the political spin that the Department of Justice under Attorney General Mitchell has imparted to the FBI's annual crime report. This year, we regret to say, is no different from the last two. Mr. Mitchell and the department have demonstrated again their ability to find the golden lining in a dark cloud.

Take, for instance, the press release accompanying the FBI's report. Its first paragraph said, "Serious crime in the nation continued to increase in 1970, Attorney General John N. Mitchell announced today, but at a slower rate than in 1969. It marked the second year in a row that the crime statistics showed a tapering off of the sharp upward swing recorded during the mid 1960s." This claim is based on the undisputed fact that the *rate of increase in serious crime* was 11.3 per cent in 1970—a rate lower than the rate of increase in 1969, 1968, 1967, 1966, and 1964. But if you look at the figures in another way, the impression conveyed is quite different. It is equally fair to write that the *numerical increase in serious crime* in 1970 over 1969 was the second highest in the nation's history and that the increase in the last two years has been greater than the increases in 1965, 1966 and 1967 combined. That is based on the undisputed numbers reported by the FBI. The following table may make this clearer—it lists the so-called index crimes reported to the FBI for each calendar year, the increase in each year's total over the preceding year, and the rate of increase (the figure Mr. Mitchell likes to talk about):

	Index crimes	Numerical increase	Rate of increase (percent)
1970	5, 568, 200	566, 700	11. 3
1969	5, 001, 400	534, 800	12. 0
1968	4, 466, 600	664, 300	13. 8
1967	3, 802, 300	538, 000	16. 5
1966	3, 264, 200	334, 000	11. 4
1965	2, 930, 200	175, 200	6. 4
1964	2, 755, 000	319, 100	13. 1

The rate of increase figures do give the illusion of satistical progress against crime; when the number of crimes goes from three to four million, for example, the rate of increase is 33 per cent; when the number moves from four to five million, the rate of increase is only 25 per cent. That's what Mr. Mitchell would call "progress." But the numerical increase from one year to another in both instances is still one million crimes—and for the one million victims, there is not much comfort in the thought that the *rate* of increase is decreasing. By our way of looking at it, even the fact of constant, continuing increase of, say, a half million in the number of crimes every year is difficult to translate into "progress," and an actual increase in the number of additional crimes each year, which is what happened between 1969 and 1970, can only be put down as retrogression if we are going to face the facts honestly.

There is a second example this year of how Mr. Mitchell lets rhetoric outrun facts. He told a meeting of law-enforcement officers Thursday that the monumental effort of local and state police in the last couple of years has resulted in fear "being swept from the streets of some—though not all—American cities." We suspect that the average person whould believe, upon reading that statement, that American cities are safer today than they were when the Nixon administration took office. Yet in only two of the 25 largest cities—Pittsburgh and Baltimore—was there less serious crime, according to the FBI report, in 1970 than there was in 1968. In 16 of those cities, the serious crimes reported increased more than 20 per cent between those two years. If you measure only crimes of violence—murder, rape, robbery and assault—two of the 25 cities showed a decrease (Seattle and Milwaukee) and 16 showed an increase of more than 20 per cent. These figures lead to only two possible conclusions if Mr. Mitchell is right and fear is being swept from the streets: either the fear in 1868 was created by the words of the man whose campaign be managed, not by the facts, or people now have a false sense of security.

We have gone through this exercise in numbers not to paint the picture blacker than it is nor to discourage the law-enforcement personnel from trying harder but in an attempt to keep the record reasonably straight. There was a crime problem in 1968. There is a worse crime problem now. In some places, like the District of Columbia, the situation has improved within the last year. In others, it has deteriorated. (Remember how the administration talked about New York City a year ago when it showed a slight drop in crime? Nothing has been said about the 8 per cent increase this year.) One of those crimes of the sort that make up the FBI's annual survey was reported for every 45 citizens two years ago and one for every 36 citizens last year. We find it difficult to believe anyone thinks that is an improvement.

[From the New York Times, Sept. 8, 1971]

MITCHELL AND HOOVER: FOCUS DIFFERS ON CRIME DATA

(By Fred P. Graham)

WASHINGTON, September 7.—For the last year, the office of Attorney General John N. Mitchell has been rewriting the Federal Bureau of Investigation's interpretations of the nation's crime statistics, which for four decades had been within the sole control of J. Edgar Hoover.

As a result of the interpretations placed on the crime situation by Mr. Mitchell's public relations staff, it has been made to appear that the F.B.I. believes the crime rise that began under a Democratic administration almost a decade ago is tapering off.

The figures, however, show that reported crime is rising at about the same velocity as before.

Mr. Mitchell's efforts with the crime figures are in line with the Nixon Administration's law-and-order political strategy. President Nixon won office in 1968 on a campaign of criticism of the high crime rates under the Democrats, coupled with promises to do better.

The Federal Bureau of Investigation has often been accused of presenting crime figures in a way that emphasizes the crime increases, supposedly because this will justify larger F.B.I. budgets. Attorneys General before Mr. Mitchell have tended to stress what good news could be found in the figures, as if to say that Justice Department programs were succeeding.

UNIFORM CRIME REPORTS

Documents have come to light illustrating how the Attorney General began last June to change the interpretation placed on the crime figures without altering the figures themselves or omitting crucial statistics.

The F.B.I. Uniform Crime Reports are compilations of local police departments' statistics on crimes reported to them. Each year, the bureau issues the figures in four quarterly reports and an annual report.

The reports are presented in virtually impenetrable form, consisting of tables of figures plus some explanatory passages. So the public's impression of what the figures show is largely influenced by at press statement that is always issued on F.B.I. stationery with the reports.

Ever since the bureau began releasing crime figures in 1933, Mr. Hoover, the director, has drafted the statements to explain the figures. This changed last June 22, when Mr. Hoover's office prepared a statement, under his letterhead, that characterized the statistics to be released that day as follows:

"For release Monday P.M. June 22, 1970—according to figures made available through the F.B.I.'s Uniform Crime Reports and released by Attorney General John N. Mitchell, serious crime in the United States continued its upward trend, recording a 13 per cent rise nationally for the first three months in 1970 when compared to the same period in 1969."

ANOTHER VERSION

The Statement, rewritten in Mr. Mitchell's office, and as it was actually issued under Mr. Hoover's letterhead, began as follows:

"For release Monday P.M., June 22, 1970—Attorney General John N. Mitchell announced today that the F.B.I.'s Uniform Crime Reports show that the rate of increase of violent crimes in the first three months of 1970 slowed by 7 per cent in the major cities of the nation—and by 3 per cent in the nation as a whole."

It is not until the third paragraph of Mr. Mitchell's release that it was disclosed crime had risen by 13 per cent.

Since then, each release of F.B.I. figures has revealed a difference in tone between the explanatory material written by the bureau and printed in the crime reports themselves, and the statement authorized by Mr. Mitchell and published under the F.B.I. letterhead.

The bureau's explanation invariably stated how much reported crime had risen. Mr. Mitchell's accompanying statement began with a passage that explained how the crime rise had slowed in certain respects.

The difference between Mr. Hoover's view and Mr. Mitchell's view of the crime figures came into sharp focus last week when the annual figures for 1970 were released. They showed that, in the two years since the Republicans took office, reports of major crimes have risen from 4.4 million in 1968 to 5.5 million last year—a rise of 25 percent. The crime rate has also risen, but not as rapidly—from 2.235 reported major crimes per 100,000 United States residents in 1968 to 2,741 per 100,000 in 1970.

EXPLANATION MATERIAL

The explanatory material written by the F.B.I. in the report said that reported crime increased by 11 per cent in 1970 over 1969, and that it rose by 144 per cent since 1960. "The risk of becoming a victim of crime in this country is increasing," it concluded, and "population growth cannot alone account for the crime increases."

When the figures were released on Tuesday, some news reports said that crime was rising, others said that it was "tapering off," and others quoted Mr. Hoover as having said that the risk of being a crime victim was rising, and then quoted Mr. Mitchell's statement that the crime rise was slowing down.

Commenting in response to questions about the revisions of the release, Jack W. Hushen, a Justice Department spokesman, said:

"Press releases come up to us from various divisions and we are continually changing things, putting emphasis on more newsworthy items and significant points that we find have been overlooked.

"What they send us is a proposed press release. We review them to see that they are set in the proper context. I can show you a lot that have been rewritten a lot more than that. After all, these are reports put out under the Attorney General's name."

Spokesmen for the F.B.I. and Mr. Mitchell's office said that the releases were being handled as always, with the Attorney General's office giving final approval to the press statements. Comparisons between the F.B.I.'s explanatory material and the press statements of past years make it clear that only in Mr. Mitchell's tenure has Mr. Hoover's copy been edited.

A MATTER OF STRESS

In no case has Mr. Mitchell's statements changed the figures or omitted crucial statistics. But he has stressed certain figures that tend to show that the crime picture has improved under the Nixon Administration, and the pattern seems clear enough by now to establish that the Republican candidates will probably stress certain points in discussing crime.

One is the "rate-of-increase" argument. It points out that, while the volume of reported crime was 11 per cent higher in 1970 than 1969, and 12 per cent higher in 1969 than 1968, this is a slower rate of increase than in 1968, when it rose 17 per cent over 1967, and 1967, when it rose 16 per cent over 1966.

Statisticians say that there is some validity to this argument, but that it also contains a built-in distortion because, as the volume grows, the rate of increase usually shrinks. They cite the following example:

If there were one million crimes in 1968, two million crimes in 1970, crime would have increased by 100 per cent in 1969, but by only 50 per cent in 1970. It could thus be said that the rate of crime increase had been cut in half in 1970.

[From the Washington Post, Sept. 16, 1971]

CAPITOL PUNISHMENT: IT'S GOOD NEWS

(By Art Buchwald)

There was good news out of Washington last week, according to Attorney General John Mitchell, President Nixon's war on crime has been successful, and the results of the administration's monumental efforts have been so great that "fear is being swept from the streets of some—though not all—American cities."

He was supported in his optimism by Jerris Leonard, of the Justice Department's law enforcement assistance administration; who said the only ones who weren't happy with the decrease in the 1970 crime statistics were the President's critics.

"I believe," Mr. Leonard told a conference of law enforcement officials, "they are principally disturbed because they have lost something—crime as a political issue has been taken away from them. They feel they have been robbed, and being robbed they are angry."

The reason for the euphoria in the Justice Department is that FBI statistics for 1970 indicated that the rate of increase of crime had gone down from 12 per cent in 1969 to 11.3 per cent in 1970.

This sounded terrific, until I read that the same statistics revealed that 566,700 more crimes had been committed in 1970 than in 1969.

Admittedly confused, I sought out my friend Professor Heinrich Applebaum, the great Justice Department statistician, whose definitive book "Do Decimal Points Have a Sex Life?" is used in every math class in the country.

"Professor Applebaum, the Justice Department reports that the rate of crime has gone down in the country under President Nixon. Yet the same report says there have been a million more crimes in the past two years. How can that be?"

"It's quite simple," said Applebaum. "Percentagewise crime has gone down, crimewise it's gone up."

"But where does that leave the average person?"

"It depends whether you're a Republican or a Democrat. If you're a Republican you have nothing to fear walking the streets of our American cities. But if I were a Democrat, I'd stay home."

"Are you saying that the Republicans are trying to take the crime issue out of the 1972 campaign?"

"They have." Applebaum said. "The last year the Democrats were in office crime had gone up 13.8 per cent. When the Republicans took over in 1969 it only went up 12.0 and last year 11.3 per cent. The Democrats can't argue with that."

"But still more people were robbed, mugged, murdered, and raped in 1969 and 1970 than they were in the previous four years."

"We're not talking about people," Applebaum said, irritated. "We're talking about percentages. You can't think about the people who were molested in 1969 and 1970, you have to think about the ones who weren't. There are probably over 100,000 citizens who weren't mugged this year thanks to President Nixon's leadership"

"It's hard to think in those terms," I admitted.

"That's because you're not running for election next year. You must understand the reporting of crimes is a very serious business, and can cause great conflict. J. Edgar Hoover, in order to prove he is doing his job, has to show that crime is going up in the country. At the same time the administration has to prove that crime is going down.

"The Attorney General has solved the problem by reporting the percentages, which are lower, and Hoover, by reporting the crimes which are higher. That's the beauty of statistics. It makes everyone feel better."

"Well, thank you, professor for the explanation."

"That's perfectly all right. Here let me unlock the door for you. This is really a creepy neighborhood."

TRIBUTE TO FRAZIER REAMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to the memory of our former colleague, Frazier Reams, who passed away in California earlier this week.

Frazier Reams was an anomaly in politics—he was alined with neither political party. On one occasion during a close contest for Speaker he declined to vote for either candidate. As a result he became—for a time—a man without a committee as well as a man without a party—and on other occasions on the other side of the aisle.

He had strong convictions—and he adhered to those convictions.

Frazier Reams was my friend—I liked him. The members of the Tennessee delegation "adopted" Frazier because he was born in Franklin, Tenn., and was a graduate of the University of Tennessee in Knoxville, and Vanderbilt University in Nashville. He also began his law practice in Tennessee before moving to Ohio in 1922 where he was elected to Congress in 1951.

Frazier Reams served well and faithfully in the Congress and while I did not agree with his attitude on party affiliation I respected him as a great American, a close friend and an able legislator.

Certainly I want to extend to his wife Crystal—Mrs. Reams—and other members of the family this expression of my deepest sympathy in their loss and bereavement. My wife Ann joins me in these sentiments.

PERSONAL EXPLANATION

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BADILLO. Mr. Speaker, as a cosponsor of legislation repealing the Emergency Detention Act and prohibiting the establishment of any future detention camps, I am most sorry to have missed Monday's general debate on H.R. 234 and yesterday's votes on the measure. However, as some of our colleagues may know, I was a member of a citizens' committee which spent 4 days in around-the-clock efforts to negotiate a peaceful settlement of the disturbances which occurred at the Attica State Prison in New York.

It was necessary for me to remain in New York City yesterday to pursue events leading from the tragic climax of the disturbance and to take steps to insure that there would be prompt and effective followup action. Accordingly, it was not possible for me to be in Washington. Had I been present I would have fully supported H.R. 234 and would have fought to prevent any crippling and dilatory amendments. I commend our colleague from Hawaii (Mr. MATSUNAGA) for his leadership in this important effort and his perserverance in having the Emergency Detention Act repealed and in assuring that we will no longer endure the national shame of detention camps. I am hopeful the Senate will now take prompt and favorable action.

THE AX, HARRIER, AND CHEYENNE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SEIBERLING. Mr. Speaker, today Senators WILLIAM PROXMIRE, of Wisconsin, and CHARLES MATHIAS, of Maryland, and I issued a report on the AX, Harrier and Cheyenne close support aircraft. This report is ninth in a series of 14 reports critically analyzing military weapons systems and policies. These reports are being issued by the bipartisan group, Members of Congress for Peace Through Law.

I request that my statement and the full text of the report be printed in the RECORD at this point.

STATEMENT BY HON. JOHN F. SEIBERLING

The expensive and wasteful duplication of effort cited in our report results from the muddled perspective of military planners, who seem to see the extravagant acquisition of weapons in an inter-service arms race as more important than a rational consideration of the appropriate role and mission of each service.

Six years ago, in 1965, the Army and the Air Force attempted to resolve some of the confusing mission overlaps then existing between them. But instead of approaching this issue from the standpoint of roles and missions, they chose to see it as a question of deciding which service would have jurisdiction over which types of equipment. They were more interested in dividing up the paraphernalia of defense than they were in clarifying their own roles in the employment of it. It was decided that rotary-wing aircraft would fall within the Army's bailiwick, while the Air Force would take responsibility for all fixed-wing aircraft.

The Air Force had traditionally assigned a low priority to the development of an advanced aircraft to provide close-support for ground troops, and it was unprepared—both in Korea and in Vietnam—to provide the Army with the kind of close-in support its infantrymen needed. In both wars the Air Force improvised, relying on a motley combination of trainers, World War II fighters, and pre-World War II transports. In Vietnam, the Air Force has had only one advanced plane—the F-4—available for close-in combat support, and even that plane was not designed with this mission in mind.

The Army responded to this deficiency on the part of the Air Force by attempting to develop a close-support aircraft of its own. Since it had been agreed that the Air Force would have the fixed-wing planes, while the Army would have the helicopters, the Army close-air support craft had to be a helicopter.

Evidently, the possibility that no helicopter could effectively provide the kind of close-support the Army wanted was never considered. Consideration of that question was ruled out by the machine-over-mission approach to weapons development which was inherent in the 1965 agreement. This then was the genesis of the Cheyenne.

The Air Force's decision to go ahead with the AX was prompted by the Army's prior development of the Cheyenne. The Air Force was not responding to the real needs of U.S. ground troops. It was responding to a more parochial need to hold its own in a game of mechanical and technical one-upmanship with the Army.

The AX is a welcome development—even if it is the right plane fortuitously developed for the wrong reasons. In this instance, the Air Force has clearly developed the superior machine. Not only will the AX be able to perform the close-air support mission more effectively than either the Army's Cheyenne or the Marine Corps' Harrier; it will be substantially cheaper to purchase initially and to maintain later. For the same $1.2 billion it would take to buy 273 Harriers or 222 Cheyenne helicopters, we could purchase 600 copies of the AX. Common sense dictates that the Air Force AX should be chosen as our primary close-air support vehicle.

But resolving this very specific conflict will not solve the more general problem of military myopia. The Secretary of Defense and his civilian assistants are responsible for balancing the conflicting demands of the three service arms in accordance with the criteria of need and economy. It is a responsibility they have abdicated. It is unrealistic to expect the military to act responsibly until their civilian bosses act responsibly. Until that day comes, the Congress will continue to be bombarded from across the Potomac by requests for glamorous, sophisticated, expensive—and superfluous—military hardware."

REPORT ON CLOSE SUPPORT AIRCRAFT: THE AX, HARRIER, AND CHEYENNE

(A Research Paper Prepared by Senator Charles McC. Mathias, Jr., Senator William Proxmire, Congressman John F. Seiberling, for consideration by the Military Spending Committee, Senator William Proxmire, Chairman, Congressman Ogden Reid, Vice-Chairman of Members of Congress for Peace through Law)

SUMMARY

During the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three new close support aircraft, the AX, the CHEYENNE, and the HARRIER. Each of these aircraft has been specifically designed to provide close-range, highly responsive aerial fire support to our combat troops in the field, against targets ranging from troops to tanks.

We fully recognize the importance of the close support mission. We do not believe its performance would be aided, however, by continuing with three separate close support aircraft programs, since two of them involve aircraft with at best marginal advantages over existing systems. While there may be some justification for retaining a triad of strategic nuclear deterrents, a triad of new close support aircraft is ridiculous.

Last year the House Appropriations Committee directed the Department of Defense to conduct a comprehensive study of its close support needs and to choose between the aircraft options involved. The only compliance to date has been a six page "interim report" submitted to the Congress by Deputy Defense Secretary David Packard in June. The gist of the report was that the aircraft involved "offer sufficiently different capabilities to justify continuing all three programs at the preesnt time."

The purpose of this report is to do the hard analytical work which the Defense Department itself should have done long ago.

It is our belief that the AX provides the responsiveness, survivability, lethality, and operational readiness which we will need in a close support aircraft in the event of a NATO-Warsaw Pact confrontation in Europe.

The CHEYENNE, on the other hand, does not. Due to limited loiter time and substantial maintenance requirements, it might not be available when needed. And if the CHEYENNE were available, its high vulnerability and poor maneuverability would make it a sitting duck for enemy fire. The fact that the CHEYENNE carries a price tag twice as high as the AX does not make it any more appealing.

We recommend therefore that the CHEYENNE program be terminated immediately and that the AX be designated as the primary system for the future support of Army ground troops in Europe.

We also believe that the HARRIER offers only marginal improvements in the close support capabilities already available to the Marines in the form of the A-4M, and then only in the initial stages of an amphibious assault operation. Therefore, we recommend that the HARRIER program be terminated after the purchase of 60 aircraft, and that no production of the HARRIER be undertaken in the United States at this time.

Our detailed recommendations follow. If implemented, they would result in a savings of approximately $6 billion out of about $12 billion that would be spent in the next ten years if all three aircraft programs were continued.

RECOMMENDATIONS

Roles and missions

We believe that the Department of Defense, in order to end twenty plus years of interservice rivalry, should make a firm decision as to which service shall have the responsibility for close-air support of Army ground troops.

We believe that the close-support mission is best accomplished with fixed-wing aircraft at the present time. Given the contemporary limits of rotary-wing technology, and in view of the fact that the Air Force currently maintains the overwhelming preponderance of fixed-wing assets, it is our opinion that the Air Force clearly should be given the primary close support mission for the foreseeable future, provided that the Air Force demonstrates that it will give the Army adequate and continued support.

We also believe that the Department of Defense should clarify the responsibility of the Navy and the Marines, respectively, in providing close-air support for Marine Corps infantry operations.

AX (Air Force)

1. We recommend the continued development of the AX as a high-priority Air Force program, and that Congress approve the Air Force request for FY 72 funding of $47 million.

2. We recommend that the Air Force revise its internal priorities so that the mission of close-air support receives significantly greater emphasis and that the AX project be elevated to a higher priority. In order to ensure that the Air Force is giving proper emphasis to this mission Congress should require from the Air Force a yearly accounting of funds on close-air support.

3. We recommend that Congress act to ensure that the production version of the AX be kept as simple and austere as feasible. We believe that the AX represents a welcome change in procurement philosophy, in its austere and functional specifications, and its competitive development program. This emphasis, which promises a highly effective close-support aircraft at a price of under $2 million, should be continued. Complex and expensive night- and all-weather avionics and armaments should be added only when the AX is fully developed and thoroughly proven through realistic testing, and then only to a fraction of the force.

Cheyenne (Army)

1. We recommend that the Cheyenne program be ended. The Cheyenne is a proven mistake with inherent vulnerability and inaccuracy that cannot be corrected. Congress should not approve any further funding pointed towards deployment of the Cheyenne.

2. We recommend that Congress fund no new attack helicopters as substitutes for the Cheyenne, since all other possible alternatives suffer from the same crucial defects of vulnerability and inaccuracy. To fill the unique function of escorting lightly-armed troop transport helicopters. Congress should rely on existing operational helicopters.

3. We recommend that the Army acquire as test-bed vehicles the eight existing Cheyenne prototype and incorporate these aircraft into existing rotary-wing research and development programs. These prototypes should be used to test the rigid-rotor technology, gun-platform stabilization, survivability and anti-tank capabilities. This proposed research program should in no way point towards eventual production of the Cheyenne.

Harrier (Marine Corps)

1. We recommend that funds for FY 72 procurement of 30 Harriers be appropriated, but that procurement be halted at the end of FY 72, thus equipping the Marine Corps with 60 operating aircraft. We further urge that these aircraft be used for intensive testing of the significant uncertainties remaining about Harrier effectiveness and the feasibility of the Marine's battle plans.

2. We recommend that no funds be authorized at the present time for transferral of Harrier production from the United Kingdom to the United States due to the limited abilities of the aircraft, the excessive costs required for transferral, and the general uncertainties about V/STOL technological promise.

3. We recommend that the Harrier fleet be used not only by the Marine Corps but by the Air Force and Navy as well to conduct modest evaluation of V/STOL concepts and capabilities for their respective missions.

INTRODUCTION

Over the past five years the Department of Defense has funded, at a cost of nearly $600 million, the development and procurement of three separate aircraft intended for essentially the same mission of close-air support. The job of these aircraft is to provide close-range, highly responsive aerial fire-support for friendly units in the field against targets ranging from troops to tanks. Each aircraft represents a different approach to the mission of close-air support, and each is sponsored by a separate military service. A brief description of each follows:

AX (Air Force)

The Air Force's entry is the AX, a relatively inexpensive and unsophisticated twin-turbofan fixed-wing aircraft operated by a one-man crew. According to the Air Force, the AX is the first U.S. plane specifically designed for the mission of close-air support. The AX will have short take-off and landing capabilities (STOL), exceptionally good payload and long-range abilities, and a high degree of survivability due to its excellent maneuverability, twin engines, redundant control systems, heavy pilot protection, and large amount of armor plating. The AX is likely to fly in excess of 450 knots, and be able to loiter over the battlefield for long periods of time. The AX will carry a maximum load of 16,000 pounds of external ordnance, and will incorporate as its primary anti-tank weapon an internal automatic 30 mm armor-piercing cannon with 1350 rounds of ammunition. The AX will also mount other guns on its wing stations.

The Air Force is requesting $47 million for FY 72 to continue development of the AX. Contracts totaling $60.1 million have been let to two companies, Fairchild-Hiller and Northrup, to construct two prototypes each of the AX as part of a competitive "fly-before-buy" development program. First flight is expected for the summer of 1972 with production to begin late in 1974 and initial operating capability slated for early 1975.

AH-56A Cheyenne (Army)

The Army's CHEYENNE, built by Lockheed Aircraft, is a single-engine rigid-rotor compound helicopter planned to incorporate sophisticated electronics which are claimed to enable it to fly in adverse weather conditions and at night. Operated by a two-man crew, the CHEYENNE can mount internally a light 30 mm cannon in a 360 degree belly turret; and either a 40 mm grenade launcher or a 7.62 mm mini-gun in its interchangeable nose. In addition, the CHEYENNE can carry on six wing stations a variety of projectile weapons, including up to 152 2.75 inch rockets and/or up to 32 Hughes TOW wire-guided, optically-tracked anti-tank missiles, although 16 TOW's is likely to be the operational complement. Revised CHEYENNE specifications call for a top speed of 212 knots, which has not as yet been met by the development complement.

The CHEYENNE program is now in the final stages of engineering development. While the FY 72 budget contained no new request for RDT&E appropriations, the Army asked for $13.2 million in "advanced production engineering" funds and for authority to reprogram $61.3 million of funds left over from the terminated CHEYENNE production contract into further R&D. The $13.2 million request has been turned down outright by the Armed Services Committees in both Houses of Congress.

Moreover, only $35 million of the $61.3 million reprogramming request has itself been approved. This $35 million is part of an overall settlement of litigation with Lockheed on the Cheyenne program and is designed to reimburse the company for R&D expenses incurred out of its own pocket after December, 1969. Another $17 million of the $61.3 million requested has been denied outright (since it will not be needed until fiscal 1973), and the Senate Appropriations Committee has agreed to consider the final $9 million in conjunction with its actions on the fiscal 1972 Defense Appropriations bill. If the Committee decides that R&D work on the CHEYENNE should continue, it will add this $9 million to the Appropriations bill. It will then be subject to action by the Senate as a whole as part of the normal budget process. Barring Congressional action at that time, funds for full-scale production of the CHEYENNE are likely to be requested in the FY 73 defense budget.

AV-8A Harrier (Marine Corps)

The third aircraft is the Hawker-Siddeley HARRIER, now in series production in the United Kingdom. Presently the only operational V/STOL combat aircraft in the free world, the HARRIER achieves its vertical takeoff capabilities through rotation of the vectored thrust nozzles on its single Rolls Royce Bristol engine. A single-seat aircraft, the HARRIER is limited in both range and payload, but the Marine Corps asserts that its capabilities are sufficient for its projected mission of short-duration forward-based attack and support, where its ability to take off from small ship-board platforms and austere VTOL pads on the beachhead is said to be important.

The HARRIER is subsonic in level flight, with a claimed range of action ranging from 50 miles (VTOL) to 380 miles (STOL), both with 3000 pounds of external stores, though with very short loiter time. The HARRIER carries no weapons internally but is advertised to be able to carry as much as 5000 pounds of ordnance on short missions using conventional takeoffs. Under such conditions it can mount twin-low velocity 30 mm guns as well as a variety of other ordnance on its four wing stations including 2.75 inch rockets and a maximum of four 500 pound bombs. The Marine Corps has already purchased thirty of these aircraft and hopes to procure a total of 114.

The Marines have requested $102.3 million in FY 72 to purchase 30 additional aircraft. In early August the Senate Armed Services Committee revealed that it had added $23.7 million to the Marine Corps request in order to "provide the additional expenses necessary for a phased program which will lead to the domestic production of this aircraft." McDonnell Douglas holds the U.S. production license for the HARRIER.

CURRENT STATUS

The Defense Department's decision to proceed simultaneously with three different close-support aircraft has already been subjected to considerable criticism both in and out of Congress. Last year the Senate Armed Services Committee directed the DOD to terminate the CHEYENNE program, arguing that the AX would be sufficient for the job. At the same time, funding of the HARRIER was continued.

Eventually, funds for the CHEYENNE program were restored in conference with the House on the military procurement authorization bill. The House Appropriations Committee, also concerned with unnecessary duplication, later directed the Department of Defense to conduct a comprehensive review of the close-support mission and the aircraft options involved. The purpose of the Appropriations Committee's action was to force the Department of Defense to make its choice among planes. As Committee chairman Rep. George Mahon later explained in an interview published in the Washington Post:

"We're going to hold the Pentagon's feet to the fire to get the best possible solutions to these alternatives. . . . What we want is to compel the Defense Department to do the hard analytical job."

What Chairman Mahon sought initially was a decision on "the aircraft best suited to meet the close-air support need" in time for the FY 72 budget hearings. Not until February 1971, however, did the Department of Defense set up a study group headed by Deputy Secretary Packard to review the close-support options available. By that time, of course, the FY 72 budget had already been proposed and in presenting that budget to Congress Defense Secretary Laird urged continued funding of all three programs. Speaking specifically of the AX and the Cheyenne, Laird stated:

". . . we believe they complement each other, through overlapping zones of coverage and diverse operating modes."

In June, Deputy Secretary Packard sent to Congress a six-page letter which he said was an interim report on the Defense Department's close-support study. Packard urged once again that funds be provided for all three planes, claiming that "they offer sufficiently different capabilities for our future forces to justify continuing all three programs at the present time." The report did not endorse production of either the Cheyenne or the AX. Rather, it suggested continued development in FY 72 pending a final decision before FY 73.

The interim report simply did not address itself to a number of key issues. It is our understanding, for example, that it contained no substantive explanation of how the supposedly "complementary" aspects of these aircraft serve to better accomplish the mission. Also insufficiently analysed were major questions of conciliating roles and missions, the vulnerability of the Cheyenne to ground-to-air missiles and air-to-air threats, the relative ease with which the Tow antitank missile of the Cheyenne can be counter-measured, and the comparatively poor maneuverability of the Harrier at speeds above 150 knots. These omissions cast serious doubt upon the value of the report.

In effect the Department of Defense has tried to stall the issue for another year, hoping perhaps that Congress will back off and allow all three planes to proceed into production. If there were unlimited resources available for the close-support mission, Secretary Laird's argument for a "mix" of "overlapping" weapons systems might be valid. But such conditions do not exist now, and tight budgetary conditions are likely to continue in the future. Thus continued development of a redundant "triad" of close-support aircraft cannot be justified.

So far close to $600 million has been spent on this "triad," a tiny fraction of the more than $11.5 billion that will be spent on close-air support if Congress gives all three programs complete production approval. Here is how this figure is derived:

Based on a conservative program unit cost estimate for the Cheyenne of $5.4 million, an Army purchase of 375 aircraft will entail a minimum of $2.0 billion in investment costs alone. In addition, experience has shown that operations and maintenance (O&M) costs over a 10 year period will run to 200 per cent of initial investment costs for aircraft programs of this type. This would mean ten-year O&M costs of $4.0 billion for the Cheyenne. Cheyenne costs alone, therefore, will total $6.0 billion, roughly half the overall close support total.

Marine Corps planning presently calls for a total of 114 HARRIERS, with final costs dependent in large part on whether Congress approves a phased transfer of production to the U.S. for the remaining 84 aircraft. If these aircraft are built in Great Britain, total investment costs for the 114 HARRIERS have been estimated by the Marines at $4.4 million apiece, or $503.6 million. The Marines have also estimated that U.S. production, as called for by the Senate Armed Services Committee, could add as much as $275 million more, with unit costs for the 84 aircraft still to be purchased rising to $7.8 million. On the assumption that ten-year O&M costs would be 200 per cent of investment costs, O&M costs for the U.K. built version would be approximately $1.0 billion. O&M costs for a U.S. built version might be somewhat higher, due to the higher cost of U.S. manufactured replacement parts involved. Thus total ten year systems costs for the HARRIER, even for the less expensive U.K. version, should reach at least $1.5 billion.

The Air Force hopes to purchase at least 600 of the AX aircraft. Two versions of the AX have been mentioned, the AX–A, which is the standard operational version, and the AX–B, a possible follow-on to the original that would contain advanced avionics for all-weather and night combat capabilities. The Air Force has estimated that the B version, which is still in the conceptual stage, would cost at least $2 million per unit, and 100 AX–B's at $4 million each, the total investment cost for these 600 aircraft will be approximately $1.4 billion. Including probable O&M costs of $2.8 billion, ten-year systems costs for the AX will be approximately $4.2 billion.

Thus if all three aircraft become operational in the numbers desired by their respective sponsors, the cost to the taxpayers for the questionable benefits of a "triad" of close-support aircraft likely will be in excess of $11.5 billion.

CLOSE-AIR SUPPORT IN EUROPE

With the end of American military involvement in Southeast Asia, the primary mission environment envisioned for future close-support aircraft is the European theater. There, close-air support would play a key role in any confrontation between NATO and Warsaw Pact forces. Facing numerically superior Pact armored forces, the first priority for our close-support forces on the European battlefield would be to provide effective anti-armor fire. Also critical would be the ability to provide accurate and lethal suppressing fire in support of friendly forces. Since the CHEYENNE and the AX are specifically earmarked for the support of Army troops in the European theater, their capabilities will be contrasted here.

The Marines expect the HARRIER, to have specialized applications in forward-based attack situations where available ground-basing facilities are at a minimum and where the unusual qualities of a V/STOL attack aircraft could be considered useful. In particular, the Marines forsee use of the HARRIER in support of invasion forces against heavily defended beaches, where its carrier and ship-based abilities would also be important. Due to the special nature of its intended mission, the HARRIER will receive separate treatment later in this report.

Roles and missions

For over twenty years a dispute has existed as to which service should have the responsibility for close-air support of Army ground troops. This dispute, unmitigated despite a number of Department of Defense directives and inter-service agreements, has led to the current costly controversy between the Air Force and the Army revolving about the AX and the CHEYENNE.

The last major organizational agreement between the Army and the Air Force was concluded in 1965. Called the Johnson-McConnell Agreement after the names of Army and Air Force Chiefs of Staff, this agreement set out to eliminate some of the confusing overlaps as to which service was to do what.

Actually, the Johnson-McConnell Agreement did little more than sort out some of the actual hardware involved rather than solve any of the basic disputes. The Army was given authority to develop a rotary-wing "fire-support" system, which it did, and the Air Force, perhaps too confident that no helicopter could challenge fixed-wing aircraft for this mission, continued for a time its low priority effort in close-support systems. The Johnson-McConnell agreement thus led directly first to the development of the CHEYENNE and then the AX.

It is little wonder that the Army wants to develop its own aircraft, for in both Korea and Vietnam the Air Force has been poorly equipped to provide close-air support. The AX is the first Air Force plane specifically designed for the close-air support mission, and until now the United States has had the only major Air Force in the world not to have an aircraft tailored solely for this role.

Instead the Air Force has given preference to the more classic missions of strategic bombardment, tactical air-superiority, air-defense, and interdiction. Though experience in Vietnam, Korea, and even World War II demonstrated the marginal utility of interdiction missions, both the Air Force and the Marines have become overburdened in this area at the expense of close-air support. In fact, over the last few years the Air Force has spent nearly all of its tactical-air budget on air supremacy and interdiction bombers.

To meet the requirements of the close-support mission, the Air Force has had to turn to eclectic combinations of ill-suited aircraft, ranging from trainers to World War II fighters and even pre-World War II transports. They have even had to suffer the indignity of asking the Navy for the A–1, a World War II vintage aircraft that has been the mainstay of Air Force close-air support in Vietnam. A table follows of the primary aircraft types used by the Air Force for close-air support in Korea and Vietnam:

Korea: T–6 (trainer) and P–51 (WWII fighter).

Vietnam: A–1 (WWII tac. aircraft procured from the Navy); A–37 (attack version of TA–37 trainer); T–28 (armed version of trainer); T–38 (F–5 version); F–4 (Mach 2 fighter-bomber); and C–47 (Pre-WWII military transport).

There is little doubt that either service has the capability to perform the close-air support mission. The doctrinaire argument the Army makes for the Cheyenne—that, being an *Army* aircraft, it would work "organically" with troops in the field—can quickly be put to rest. It has not worked that way in Vietnam. Instead, armed helicopters have been supplied from a central control at the Corps level in much the same way as Air Force planes. Moreover, the centralization is likely to increase with the advent of more complicated and expensive helicopters like the Cheyenne, fewer of which will be available.

We believe that the Department of Defense, in order to end the over twenty years of Army-Air Force rivalry, should make a firm decision on which service shall have the responsibility for the close-air support mission.

As will be demonstrated in the following section, fixed-wing aircraft like the AX possess an inherent superiority over rotary-wing aircraft for the close-support role. Since the Air Force already operates the preponderance of fixed-wing assets it is our opinion that the Air Force should be given responsibility for close-air support for the foreseeable future, provided that the Air Force demonstrates to Congress annually that it is giving the mission continued and adequate support.

We also believe there to be auxiliary missions to the primary close-support role of the Air Force that can be fulfilled by the Army with its current attack helicopter, the AH-1G Cobra. However, due to the inherent weaknesses in contemporary rotary-wing technology, we see no value whatever in replacement of the AH-1G with a more advanced attack helicopter at the present time.

Key combat characteristics

(1) Responsiveness/Loiter:

The nature of the close-support mission is such that its first prime requirement is quick aircraft responses. If troops on the ground are being attacked or an observation post or spotter aircraft should sight a moving column of tanks, the aircraft must get to the scene rapidly. Moreover, the nature of most scenarios for a European battle suggest that during the first critical days the action is likely to be in rapid movement. Close-air support will be keyed not to fixed targets but to constantly changing battle lines. Unless an aircraft arrives quickly, it may not know where to go.

Optimum responsiveness is not obtained either through high speed or extreme forward basing. Instead it is best achieved with aircraft that have the ability to loiter over the battlefield for long periods of time. Aircraft already in the air over the front are able to eliminate delays due to take-off, transit time, communications, familiarization, and assignment lags. By contrast, no amount of speed or forward basing can eliminate these delays. Aircraft at forward bases are also likely to be well within reach of the enemy's tactical missiles or artillery.

Its poor response time is one deficiency of the CHEYENNE. The CHEYENNE is limited by its fuel capacity to what is called "ground loiter" in the immediate vicinity of the combat troops, where it will be well within range of enemy artillery. And even this forward basing will not eliminate frequent trips to its main base for more fuel. Thus the CHEYENNE will fly many sorties to provide a limited amount of actual support. And one side effect of its refueling trips could be to aid enemy detection of the main base, bringing on air strikes and artillery harassment.

In contrast, the AX will be able to linger over the battlefield from one to four hours depending on the length of take-off and amount of ordnance carried. Loitering at moderate altitude over the critical areas, the AX will remain virtually secure from hostile fire while being able to respond in under 10 minutes to the needs of either a 100 mile battleline or a 7,500 square mile area.

A specific test of the advantages of fixed-wing, long-loiter, close-air responsiveness was conducted in combat situations in Vietnam in 1969. Nicknamed MISTY BRONCO, the test used Air Force OV-10As in a joint role of forward aircontrol and close-air support. The OV-10A, though slower and less maneuverable than the AX, demonstrated the ability of loitering fixed-wing aircraft to bring effective fire-power to bear in support of ground forces within minutes of request. The response time averaged only 5.1 minutes with the majority of that time (3.7 minutes) consumed in obtaining ground clearance to fire. By comparison, helicopter response time in South Vietnam has proved to be in the range of 30 to 45 minutes due to the various delays in getting from the base to the battlefield.

(2) Survivability:

Survivability is a second prime requirement for any close-support aircraft called upon to operate in the European theater. In Southeast Asia, both our fixed- and rotary-wing close-air support aircraft have enjoyed total air supremacy and have rarely had to face concentrated enemy fire from the ground. This would not be the case in the NATO-Warsaw Pact confrontation.

On a European battlefield, close-support aircraft will be confronted with a vast array of sophisticated and concentrated anti-aircraft (AA) weapons. In contrast to the under .50 caliber AA threat encountered in less developed countries, the predominant threats in Europe will be .51 caliber and .60 caliber machine guns and 23 mm anti-aircraft artillery (AAA) fire. In addition, close-support aircraft that happen to cross into enemy territory are likely to be menaced by a variety of larger AAA cannons, hostile fire from enemy aircraft, and front-line surface-to-air missiles (SAMs). Another possible threat could be the development of a Soviet equivalent to the U.S. REDEYE, a small, man-portable heat-seeking ground-to-air missile.

An aircraft will have to fly through light and medium automatic weapons fire with relative impunity if it is to perform the close-support mission in Europe. Moreover, it will have to fly low enough and slow enough to acquire targets and to engage them with optimum accuracy.

The two characteristics which will work together to determine an aircraft's ability to do this are its vulnerability and its maneuverability.

Vulnerability refers to the physical characteristics of the aircraft itself—the extent of its vulnerable parts and the damage likely if it is hit.

Helicopters are inherently complicated and fragile devices and the Cheyenne will be no exception. It will have a number of very vulnerable components—such as rotors, rotor-heads, gearboxes, and shafts—which are almost impossible to adequately protect. Moreover, it will have an excessively exposed canopy area with the consequence that crew members themselves might easily get hit.

The AX, by contrast, promises to be one of the least vulnerable aircraft in the United States inventory. Recognizing that the ability of an aircraft to take a hit is far more important than its speed, the Air Force has designed it from the bottom up with this basic need in mind.

The biggest dangers if an aircraft is hit are fire aboard the aircraft and loss of its basic control systems. To prevent the first, the fuel tanks on the AX are separated from the ignition and the engines, placed in areas of minimum vulnerability, foam-protected against explosion and fire, and designed so they will leak externally. To prevent the second, the AX incorporates redundant and separated control systems, with the key linkages armored.

The back-up controls of the AX will be fully mechanical, rather than hydraulic, to further reduce exposure to fire.

The next biggest danger is engine loss. The AX will carry two engines to the Cheyenne's one. Because the engines will be widely separated, there is little danger that a hit in one will result in the loss of both. Because they are duplicating, the aircraft will be quite able to fly even if one engine is gone.

Finally, the AX carries more than twice the armor of the Cheyenne. The AX crew compartment itself is encased in 750 pound bathtub of armor, leaving the pilot vulnerable to most AAA hits only through the plane's small canopy area.

Dr. John S. Foster, Jr., Director of Defense Research and Engineering, summed it up this way in his March 18, 1971 testimony to the Senate Armed Services Committee:

"If the enemy defenses, even in the vicinity of our troops are formidable, if the fire is intense, the AX will probably survive while the CHEYENNE will not. It will survive simply because it is a less complicated airplane. I don't believe we can make a helicopter that will take the beating the AX can take."

As far as maneuverability is concerned, the CHEYENNE again loses out, with flight characteristics markedly inferior to those of the AX. The CHEYENNE is limited to attack speeds well below 200 knots, while the AX has a range from 150–400 knots. The AX can also pull fully seven "g's", as opposed to approximately two for the CHEYENNE.[1] This high "g" capability is terribly important, since what it reflects is the ability of the aircraft to deviate from the straight line flight-path which aimed gunfire presumes.

Because helicopters are so vulnerable and unmaneuverable, the Army has argued the case for the CHEYENNE on the basis of tactics. It claims that the CHEYENNE will be able to fly in a "nap-of-the-earth" profile to mask its presence until it can suddenly "pop up" to fire on its targets from long range, with the wire-guided TOW missile system. These tactics, it says, will keep the CHEYENNE alive.

In the fall of 1970, the U.S. 7th Army Air Cavalry conducted a field evaluation in Europe, using Huey Cobras, to test these tactics. While the evaluation has been proclaimed a great success, some of the evidence, as reported in an unclassified write-up of the exercises, casts serious doubt on this conclusion.

It indicates first that the CHEYENNE will encounter poor visibility of battlefield targets when operating in "nap-of-the-earth" flight. This finding buttresses one of the long-standing criticisms of the Army's tactics—that the CHEYENNE will not be able to actually acquire many targets unless it "pops up" to an altitude of 1,000 feet and then closes to a distance of one-half mile or less for visual target identification.

Under these circumstances, the CHEYENNE would be fully exposed for quite some time to hostile enemy fire. After it "popped up," it would require between five and fifteen seconds for target acquisition and fire preparation and as much as another twelve to fourteen seconds after the TOW missile is launched to track it to its target. Thus, for as long as 29 seconds, the CHEYENNE could be a shooting gallery target for enemy fire.

The CHEYENNE would not have to hover in place while tracking the TOW. It could also "fly down the wire" (along the missile flight path). But this tactic would bring the aircraft even closer to hostile enemy fire. It should be noted in this regard that the Army itself has said that it would be "unacceptable" for the CHEYENNE ever to fly behind enemy lines. This recognition of the CHEYENNE'S vulnerability is fine in theory. In practice, it is highly doubtful whether there would ever be any clear-cut lines in a fast moving European battle.

A second problem revealed by the 7th Army Air Cavalry evaluation is in the havoc which power and telephone lines could wreak if "nap-of-the-earth" tactics were employed. Collisions with these lines, extremely difficult to see in flight (especially in marginal weather), could prove to be a major source of losses. A related consideration is the possibility that the wire which guides the TOW could get tangled up in trees.

As an alternative to "nap-of-the-earth" flight, the 7th Army also experimented with flight at tree top level—higher than "nap-of-the-earth" but considerably lower than flight profiles used in Southeast Asia. It was found, however, that even at this altitude the helicopters were "skylined" against the background and were easy enemy targets. Unfortunately, it was also found that pilots who flew at tree-top level and at relatively higher speeds acquired more targets than those who flew "nap-of-the-earth."

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[1] 1.5 claimed at 190 kts., 2.13 claimed at 170 knots.

The 7th Army Air Cavalry evaluation casts serious doubt on the ability of the Cheyenne to successfully employ the tactics it has been hoped it could use. There is little chance that it could acquire many targets at the stand-off ranges it is designed for and even less chance it could long survive if forced into the thick of the battle. In fact, seven out of eight senior Army officers who participated in the exercises cited helicopter survivability when questioned about the negative aspects of the exercises.

The AX will not be burdened by the questionable tactics of the Cheyenne. It will not be restricted to the "friendly" areas of the battlefield. Instead it will loiter over wide areas for long periods of time, above the range of automatic weapons, with the maneuverability, acceleration, and rate of climb needed to rapidly attack defended targets with a minimum of exposure to hostile fire.

These characteristics will be especially important if we do, in fact, face Redeye-type missiles and enemy fighters in Europe. Since no close-support aircraft could hope to match a SAM or a MIG in speed, survivability would depend in great degree on the aircraft's ability to outmaneuver the missile and perhaps the fighter as well till help arrives.

The Cheyenne would have no hope of surviving in this environment. During the Lam Son 719 operation conducted in Laos this past spring, under conditions only remotely as severe as those which would exist in Europe, chopper losses were staggering. The Army reported a total of 94 helicopters shot down between 5 February and 11 March, but other reports, including one in the New York Times, put the loss for the Laos incursion at 219 helicopters. This is the equivalent of 60 per cent of the total Cheyenne buy.[2]

(3) Lethality/Accuracy:

Even if an aircraft can respond quickly and fly through enemy fire with impunity, it will be of little value in the close support mission unless it can deliver lethal and accurate fire against the targets with which it is confronted.

Any close support aircraft operating in the European theater will have to deal with two kinds of targets: "hard" targets such as tanks, armored personnel carriers, and bunkers; and "soft" targets such as command posts, lightly fortified machine-gun and mortar points, and vehicles and troops in the field. The "hard" targets will be both the most important and the toughest to destroy—important because the opposing armored forces will spearhead any enemy advance, and toughest to destroy because they will be camouflaged, mobile, and well protected.

Unguided rockets or bombs will not be adequate against armored vehicles because of their inherently poor accuracy. Needed instead will be small, penetrating warheads (hard core bullets or shaped charges) accurately delivered against them. Our choice, therefore, will be primarily between guided missiles like the Tow and the Maverick, or high velocity, high impact automatic cannons of 30 mm. or larger with armor piercing warheads.

The Cheyenne will not be able to rely on its own gun as an antitank weapon. Like all helicopters, it suffers from high vibration and relative instability, both of which are fatal to accuracy. Even with its rigid rotor which minimizes rotor vibration to a degree, the Cheyenne will be forced to incorporate a very complex and very expensive computer-controlled turret stabilization system to achieve acceptable accuracies. And since this turret system will not accept the high recoil associated with an antitank capable cannon, its weapons will not be usable except against relatively soft targets. The Army readily acknowledges that they will be light armor piercing only.

In February, 1971 the Army attempted to demonstrate to a Congressional audience at its Yuma proving grounds the ability of the Cheyenne to fire its turret weapons simultaneously at two widely separated targets. Despite the unrealistically optimum test conditions (there would be no opportunity for careful preparation by highly trained technicians in a battlefield environment), a malfunction in the Cheyenne's fire control system caused machine gun fire "to be sprayed all over the hillside." Even if similar malfunctions can be prevented on the battlefield, it is doubtful whether the Cheyenne will achieve the accuracies called for in its design specifications, since their attainment is predicated on a minimum of aircraft movement whch could well prove fatal if employed in the face of hostile fire.

Since it is incapable of mounting a 30 mm. cannon with the velocity, impact, and accuracy needed to counter enemy armored vehicles, the Cheyenne will have no choice but to use the Tow wire-guided missile as its primary anti-tank weapon. Unfortunately, there are a number of problems with the Tow, which was originally designed for use on the ground.

First, there are the target acquisition and survivability problems alluded to earlier. It it unlikely that the CHEYENNE will be able to acquire targets at the stand-off range for which the TOW is designed and unlikely that the helicopter will survive if forced to move closer to its targets.

Second, there is the fact that the TOW can be countermeasured by simple, low power techniques.

Third, there is the high cost and complexity of the missile. For example, the 16 TOW missiles which the CHEYENNE will normally carry will cost six times as much as the normal AX payload while providing sixty times fewer actual warheads. And since the TOW system will also be difficult to maintain, costly to repair, and have poor battlefield reliability, these figures probably understate its relative cost disadvantages in terms of functional sorties delivered.

At the Yuma demonstration referred to earlier, the carefully prepared CHEYENNE fired two missiles at standing targets under ideal conditions. One of the missiles hit the tank, but the other simply fell out of its launch tube.

This failure is not a good omen. In combat it is unlikely that the CHEYENNE will face tanks standing exposed in bright sunshine on the side of hills. Instead it will have to fire in adverse weather and under high crew stress conditions, at moving targets with good camouflage, and in the face of enemy countermeasures against the missile. All of these factors will gravely compromise the effective use of the wire-guidance system which requires highly accurate optical tracking either during hover or in "down-the-wire" flight.

The AX, on the other hand, will be well suited to delivering lethal and accurate fire against enemy targets. It will have the maneuverability needed to acquire its targets at short range, turn in the one-half mile or less needed to maintain visual acquisition, and then attack in close at a speed slow enough to ensure accuracy yet fast enough to reduce exposure to hostile fire.

Air Force tests conducted in 1965 demonstrate the very high degree of accuracy which can be achieved by fixed-wing multiple pass strafing such as the AX will be able to deliver. When its new 30 mm. cannon is developed, the AX will also have a weapon of sufficient impact and velocity to pierce any armored vehicle in the Soviet inventory. Moreover, this cannon will be cheaper to maintain and operate than the infinitely more complex TOW.

Finally, the AX will be able to carry up to 16,000 pounds of external ordnance, more than three times as much as the CHEYENNE. As a corollary, it will also be able to carry a greater variety of ordnance and engage a much wider range of combat targets.

(4) Operational Readiness Requirements:

(a) Peak Sortie Rates. If a close support aircraft is to be counted on when needed, it is vital that it be able to fly 4 to 6 sorties per day, for one or two days, when necessary in emergency conditions.[3] The main determinant of an aircraft's ability to achieve peak sortie rates is the degree of its overall complexity.

A complex aircraft like the CHEYENNE will require its own retinue of highly trained technicians and considerable support materiel wherever it goes, and it will still be under repair much of the time. The Army's current attack helicopter, the Huey COBRA, has spent considerable amounts of time "in the shop" while serving in Vietnam. The much more complicated CHEYENNE would no doubt have a worse record. By contrast, a simple aircraft like the AX will have less failures, and thus demanding less maintenance, will fly more.

(b) *Austere Basing Capabilities*. There are several reasons why close support aircraft should be able to operate away from carefully prepared airstrips. For one thing, there are not likely to be airstrips in the immediate vicinity of a battlefield. Even if present, any aircraft operating from them would inevitably cut significantly into its responsiveness, its loiter time, and/or its payload if it could even reach the scene. An added danger of centralized bases is hostile strikes which could eliminate large fractions of the force in one swoop.

Although a helicopter like the CHEYENNE would seem at first glance to have advantages in this regard, they turn out to be somewhat illusory in nature.

To begin with, the CHEYENNE derives little advantage from its vertical take-off and landing (VTOL) capability. As argued earlier, forward based "ground loiter" is no substitute for long loiter in the air above the battlefield when responsiveness is the point at issue. Due to its vulnerability, the CHEYENNE will not be able in any event to sit down in areas really close to hostile fire. In Vietnam, for example, attack helicopters have operated almost entirely from sheltered rear bases with intermediate stops only at secure helicopter clearings. Finally, it must be remembered that vertical take-offs extract an inherent penalty in terms of the amount of fuel and ordnance carried. When fully loaded, even the CHEYENNE required room to roll for take-off.

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[2] Although most of the losses in Laos were of helicopter troop-carriers—"slicks"—such as the UH-1G Huey, the experience of the slicks is applicable to attack helicopters as well, since armed helicopters like the Cheyenne are more likely to engage enemy defenses. Laos particularly demonstrated the severe vulnerability of helicopters to .51 caliber machine guns (12.7 mm). In contrast to this, the AX, which has over 1000 lbs. of armor to 453 for the Cheyenne, has been specifically designed to safely take fire up to .60 cal. (14.5 mm).

[3] The Army and the Air Force do not use the same definition of a sortie. The Army reports every touchdown as a sortie. Thus one attack mission may be reported as consisting of five to ten sorties. In referring to a peak sortie rate desired of four to six per day we are using the Air Force definition.

The AX will be able to rely in Europe on the large number of austere dirt and paved airstrips which can accommodate an aircraft with its own short take-off and landing (STOL) capabilities. It is designed to be able to take-off fully loaded from forward areas, hastily prepared dirt airstrips in distances as short as 2,200 feet. The Air Force A-7, by comparison, requires 7,000 feet of hard surface runway.

In fact, due to its lesser support requirements, it will be possible to disperse the AX to a far greater number of bases than the CHEYENNE, which will have to return far more often to its main base for fuel, ordnance, and repairs. And the helicopters then will be grouped together for possible enemy strikes.

(5) Night and All-Weather Capabilities: An aircraft that could always provide accurate and discriminating fire at night and under all weather conditions would without question be most desirable for the close support mission. The Cheyenne clearly has more sophisticated night and all weather avionics than the AX but it is doubtful what added capabilities they give it.

First, as demonstrated by Air Force experience with the A-1 in Southeast Asia, sophisticated avionics are not needed for effective close air support operations in marginal daylight conditions that kept other more avionics-equipped yet less maneuverable aircraft on the ground. The A-1 also operated at night with equipment no more exotic than flares, using the technique of making multiple, tight, low-speed turns within the duration of the flares.

The time when special avionics would be most helpful—and when aircraft cannot operate without them—is under conditions which combine bad weather and the night. Unfortunately, no package of sensor systems yet developed and none on the horizon has shown any ability to discriminate effectively between friendly and hostile forces. Yet this is a basic prerequisite for close-air support, especially under these conditions.

Despite the fact that the target identification problem remains unsolved, the Cheyenne is designed to incorporate an exotic passive infra-red night-vision system that adds greatly to its complexity and to its cost. In the 7th Army Air Cavalry evaluations referred to earlier, one helicopter troop experienced only 6 per cent of its total acquisitions and only 3.6 per cent of its actual engagements during its night operations. The more advanced equipment on the Cheyenne might make some improvement in that score but not enough to justify the cost.

The AX, by contrast, incorporates no such avionics in its standard operating version, yet its inherent maneuverability will allow it to operate even more effectively in most weather conditions than the A-1 did in Southeast Asia. If and when avionics are developed which could significantly improve its performance, they could easily be incorporated in a fraction of the total AX force.

(6) Force Structure Implications:

Our tactical air strength in any European encounter will depend not only on the quality of the aircraft we have but the numbers in which they are available. Here cost is but the numbers in which they are available. Here cost is an all important consideration, and again the AX comes out ahead.

Due to the innovative management techniques being applied to the AX program and the basic simplicity of the aircraft itself, the AX will be less than half as expensive as the Cheyenne. Its lower unit price will translate directly into substantially more aircraft for the money spent, as the following table demonstrates:

$1.2 billion buys: 600 AX, $2.0 million [4]; 222 Cheyenne, $5.4 mililon [4]; 273 Harrier, $4.4 million [4]; (UK version).

In addition to its investment cost advantage, the AX will have lower operations and maintenance (O&M) costs as well. Experience shows that O&M costs usually average out to approximately 20 per cent of investment costs per year. This would put annual O&M costs for the AX at $400,000, compared to $1.08 million for the Cheyenne. This $400,000 is a far cry from the upwards of $1.5 million per year which we are already spending on a number of sophisticated Air Force planes.

The recent revelation that the Air Force is planning to develop an inexpensive "light fighter" to supplement the expensive F-15 is a first welcome indication that greater consideration is being given by the services to the importance of force structure implications in making their procurement decisions. It would not be in keeping with this new trend to replace the $700,000 Huey Cobra with the more than seven times as expensive Cheyenne. The trade-off in numbers is simply not warranted by the few added capabilities actually gained. Given their inherent vulnerability and poor maneuverability, it is quite possible that a sizeable fraction of the small total Cheyenne force could be wiped out during the early stages of a conflict, and that no reinforcements would remain.

ANALYSIS OF THE CHEYENNE

The Cheyenne program has been a monumental accumulation of mistakes, misjudgements, and mismanagement, on the part of the Department of Defense, the Army, and Lockheed Aircraft. The program is now three years behind schedule, and yet it is virtually certain that few of the original performance specifications will be met.

The cost per aircraft has risen from an original estimate of "under $1 million" to at least $5 million per unit (program cost). Deputy Secretary of Defense Packard has estimated total research, development, testing, and engineering (RDT&E) costs to be $293 million, up $167 million from the original RDT&E estimates, or an overrun of 233 percent. Large overruns have occurred in virtually all major contract areas, as well as in contracts for auxiliary systems, in particular weapons and avionics. In addition, $200.3 million was appropriated for FY 69 production of the Cheyenne, but never spent for procurement purposes once the Army cancelled the production part of the Cheyenne contract in May of 1969. Instead, this $200.3 million has been used for contractual settlements with Lockheed, payoffs on Lockheed program expenses since contract termination, and continuing RDT&E expenses.

To date Lockheed has lost a minimum of $120 million on the aircraft while through FY 71 the government has spent, in the words of New Hampshire Senator McIntyre, "about $40 million each" for the ten Cheyenne prototypes that have been built (two of which have been destroyed in accidents). For a total expenditure, including just known losses on the part of the contractor of $120 million, and government appropriations of over $435.2 million, there currently exist only eight Cheyenne prototypes, only four of which fly, none near original specifications. According to Packard, there is no other military aircraft development program into which a company has sunk more of its own money.

The Cheyenne program began in the mid-1960's with the development of two experimental rigid-rotor helicopters, the L-286 and the IX-51A, the latter a compound vehicle as well, meaning that it used stub wings for lift instead of rotor blades as do ordinary helicopters. At the time Lockheed officials expected little difficulty in scaling up to a larger vehicle. A quotation from Aviation Week and Space Technology reveals:

"Officials now concede they were overly optimistic in predicting the ease with which a 5,000 pound gross-weight helicopter could be scaled up to a 20,000 pound system. In some cases, performances were enthusiastically guaranteed beyond what the Army had sought in its original request."

One of these excesses was Lockheed development of a dive-bombing technique for the Cheyenne, using the rear pusher-prop as a speed-brake. This capability was developed not for the Army, the sponsor of the project, but for the Air Force, who Lockheed was trying to interest in the plane.

Problems began to develop immediately, and the difficulties reached major proportions in March of 1969, when a prototype crashed due to "uncontrollable rotor oscillation," killing the pilot. Then in April 1969 the Army issued to Lockheed a "cure notice," stating that the Army considered Lockheed's ". . . failure to make satisfactory progress toward the production and timely delivery of an aircraft which will meet contractual requirements, a condition that is endangering performance of the AH-56A production contract . . ."

Lockheed responded to the cure notice by suggesting a schedule slippage of about six months and a reduction in production, but the Army felt that even with these changes an unacceptable aircraft would be delivered and it cancelled the program in mid-May 1969. Stunned by the cancellation, Lockheed filed an appeal to the Armed Services Board of Contracts, opening a dispute that was not settled tentatively until January of 1971 when the Army agreed to pay Lockheed a total of $72 million in settlements on the cancelled production contract and on company losses in the R&D side and allowed Lockheed to keep $54 million as progress payments. Still the company had to agree to absorb losses of $75 million on the developmental program and $45 million on the production part. The result was hardly a productive venture for either side, with the Army sinking huge funds into an apparently bottomless pit while Lockheed took losses then without precedent.

But still the Cheyenne rolls on, though none of its problems has been solved. As of March 10, 1971 almost two years after the cancellation of the production contract, after numerous changes (quite a few of which were major, including relocation of the tail rotor), even the best of the flying aircraft was still nearly 10% short of the specified level flight top speed of 220 kts, 19% short of the dive speed specification, some 20% deficient in maximum maneuverability, with similar restrictions covering at least 10 other flight specifications.

It was also revealed this Spring that one of the Cheyenne prototypes was forced to make an emergency landing on March 9, 1971, due to structural failures caused when the aircraft was flying 2000 pounds *below* specified gross weight. Upon inspection it was found that one of the main rotor blades had buckled.

Despite over 1000 hours of flight testing, more than experienced with any other recent military aircraft development program the Cheyenne still suffers from serious maneuverability and response problems that threaten to even further downgrade its operational effectiveness. Maneuverability of the Cheyenne is limited to only a 2.0 "g" range and reportedly then the best of the development aircraft cannot sustain even a 60 degree turn. And, in spite of the long development, the reliability and effectiveness of the Cheyenne's rotor-control system is so questionable that the Army has had to recently advance an "advanced mechanical control system" to replace the current components. Cheyenne responsiveness is reputedly so poor that only one Army pilot will fly the Cheyenne, and even he will only fly the single prototype equipped with a highly experimental downward ejecting escape system.

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[4] Program unit costs.

Conclusions

The Cheyenne is an aircraft of enormous cost with at best marginal effectiveness. The history of the program is filled with across-the-board mistakes, with responsibility divided between the Pentagon, the Army and Lockheed, and Congress. The United States has committed some $435 million to this program to date, with the spectre of billions just beyond the horizon. Despite this already large investment, the Cheyenne program has clearly reached the point where it is extremely doubtful that any amount of further funding will result in a useful aircraft that could be effectively and safely used by American pilots in combat.

The Cheyenne is a classic example of a program of tremendous cost that holds little promise. Since there is a better and cheaper alternative to the Cheyenne on the horizon in the Air Force AX, Congress should act with all deliberate speed to put a merciful end to the Cheyenne program. No production contract should be approved and present RDT&E requests should be turned down.

So as to make some use of the vast funds expended so far, the Army should acquire and use the existing Cheyenne prototypes in low-level programs of research, perhaps incorporating them into existing R&D "advanced helicopter concepts" programs. These R&D programs should explore the critical areas of rigid-rotor technology, survivability, gun-platform stabilization, and anti-tank capabilities. These proposed research programs should in no way point toward eventual production of the Cheyenne.

Currently the Army is considering three alternative rotary-wing systems to the CHEYENNE, the Sikorsky S-67 BLACKHAWK, and improved TOW-equipped Bell AH-1G COBRA, and a follow-on version of the AH-1G tentatively dubbed the "KING" COBRA. Although all of these aircraft would cost considerably less than the CHEYENNE they could not increase performance. As such, none of these alternative helicopters should receive production approval. Until rotary-wing technology develops to the point that a cost effective attack helicopter with demonstrable combat capabilities can be produced, Congress should fund no further production-oriented development of attack helicopter systems. However, Congress should continue to give adequate support to the Army's current attack helicopter, the AH-1G COBRA, since it can provide useful capabilities auxiliary to the primary close-support mission we believe should be given to the AX.

ANALYSIS OF THE AX

Development program and procurement approach

A series of innovative management approaches have been initiated for the AX development and procurement program which encompass austere and functional specifications, competitive hardware development, and thorough flight assessments before production approval. These reforms should result in a relatively low RDT&E cost for the AX program with minimal risks while promising a highly effective close-support aircraft at a price under $2 million.

The simplicity of air frame design and minimum of avionics and other complex subsystems incorporated in the AX should assist the program in avoiding the dangers of excessive sophistication and technological over-assumption that have in many other programs led to serious schedule and cost difficulties. This emphasis upon design simplicity should be continued, for the nature of the AX mission is not one that requires advanced technology. Rather, the use of proven components will increase mission effectiveness by resulting in a rugged aircraft with a high degree of reliability, ease in maintenance, and minimal support requirements for basing. And, the simplicity of design will make the AX inexpensive enough to enable the Air Force to buy the aircraft in adequate numbers.

The benefits of austere and functional specifications have been followed up on with a full competitive development program, the first since 1956. Two companies, Fairchild-Hiller and Northrop, have been let contracts to build two AX prototypes apiece (the A-10A and the A-1A respectively). This dual hardware development program is a marked departure from the more frequent "paper competition" and "total package" type of contracts that have caused numerous problems in the past with aircraft like the AH-56A (CHEYENNE), the C-5A, the F-111 and the F-14.

The actual "fly-off" part of the competitive development program is another feature of the AX development program. Having the two versions of the AX compete against one another should have a number of positive effects for the program. The competition will identify not only the best aircraft, but also potential problem areas to be solved during later stages of development. The "fly-off" also virtually demands that both contractors produce the best possible aircraft, since lesser effort could clearly result in the loss of the contract.

The net result of these innovations in program management should be the development of a relatively risk-free, highly effective close-support aircraft with a comparatively low price. Although direct RDT&E costs, at an estimated $281.2 million, are not particularly low, the benefits achieved through the competitive development program should in the last analysis result in a better aircraft at a lower total program cost than would be achieved were more conventional mangement techniques applied.

Air Force priorities

Although the past twenty years of operational experience has clearly demonstrated the importance of close-air support, the Air Force has consistently given this mission a low priority and has thus found itself in both Korea and Vietnam, without an aircraft designed for this mission. The Air Force has instead preferred more glamorous missions and has funneled most of its tactical-air budget into the questionable utility of strike-and-interdiction bombers like the A-7, the F-4, and the F-105.

Given this past preoccupation with interdiction aircraft, it is little wonder that the Air Force did not get the AX program moving until fully a year and a half after the Army had begun development of the CHEYENNE. It seems that only the threat of losing the close-support mission to the Army really convinced the Air Force to develop the AX. But development does not itself ensure that the Air Force will give adequate attention to close-air support in the future.

We are particularly concerned that the Air Force place sufficient wings of the AX in the active force structure before equipping the Air National Guard. We believe that at least five wings (or 600 aircraft) are necessary to ensure that the Air Force will be able to effectively meet the close-support need with the very short notice that will be expected in a potential NATO-Pact confrontation. Assignment of large numbers of the AX total buy to the Air National Guard would most likely result in grave delays in combat deployment of the aircraft and subsequent weakening of tactical strength, due to the time associated with Guard unit activation, transport, and familiarization.

While fully supporting the AX program, we recommend that Congress monitor Air Force performance of the close-support mission by requiring over the life of the AX program an annual accounting sufficient to show:

(a) continued satisfactory development of the AX

(b) sufficient numbers of the AX in the active forces

(c) adequate spares, training, and flying hours for the AX

(d) adequate provision for close-support munitions

(e) adequate inventory of forward air-control (FAC) aircraft and sufficient training for this important auxiliary mission.

Survivability

Although the relative survivability of the AX is clearly superior to that of other close-support and standard attack aircraft, this comparative edge does not assure that its absolute survivability will permit the really close-in operations desirable in a European battle. To date the Air Force has taken commendable actions in behalf of AX survivability, and we strongly recommend that further survivability research and development for this aircraft be made a matter of highest priority.

We believe that extensive live-firing tests will be necessary to gauge the absolute survivability of the AX. Since the large payloads of the AX allows for the addition of more armor at the expense of marginal ordnance loss, any undesirable vulnerability indications arising from these tests might well be compensated for with a minimum of performance sacrifices and at a relatively low cost.

Avionics, night and all-weather combat systems

In view of the Air Force's demonstrated fondness for sophisticated avionics, and the available space for them in the AX, it is important that avionics expansion be very carefully monitored by Congress to guard against needless cost growth.

Of particular concern is the possible development of a follow-on to the standard AX, dubbed the AX-B, equipped with night and all-weather avionics that would add at least $2 million to the cost of the basic aircraft. As discussed in the section dealing with the characteristics of the close-support mission (see pages 7 to 16) the utility of sophisticated night and all-weather combat delivery systems are sufficiently questionable to place cost-effectiveness of an AX-B in serious doubt at this time.

The 7th Army Air Cavalry field evaluations this year, in which only 3.6% of one troop's total engagements and only 6% of total acquisitions occurred after sunset, convincingly demonstrated the limited effectiveness of any aircraft, be it fixed or rotary-wing, operating at night in a European combat situation.

A NATO-Pact confrontation in Central Europe will almost certainly be highly mobile, with battle lines changing so quickly that the whole concept of front-lines becomes clouded. Under these conditions, the inability of any night-all-weather sensor system currently available or on the horizon to discriminate between friendly and hostile targets gravely compromises the operations of close-support aircraft. The very nature of the close-support mission requires that the aircraft be able to provide effective fire against enemy targets in very close proximity to friendly forces, and it is not at all clear that this prerequisite will be met.

In view of the operational, technical, and financial risks involved, development of an AX-B should be undertaken only with the greatest of care. Any proposed "B" version of the AX or major avionics additions to the standard aircraft should be carefully screened in realistic tests. These tests should be conducted with targets and tactical postures representative of battlefield conditions and with particular attention given to the safety of friendly troops in the field. Early evaluations of the operational effectiveness of a follow-on AX-B might be projected by using a portion of the 13 OV-10A nighttime forward air control and strike designation aircraft being developed for the Air Force PAVE NAIL program, provided that they were suitably modified for ordnance delivery test to a configuration similar to that of the Marine Corps YOV-10D (NOGS) Night Observation Gunship. If the AX-B should receive production approval, we recommend that it be procured in small percentages of the total buy.

The MAVERICK missile

Despite the almost ensured success of the AX 30-mm. cannon in the anti-tank mission, the Air Force has recently pressed for incorporation of the electro-optically guided MAVERICK terminal-homing missile as a major component of AX anti-tank effectiveness. The use of this missile, which is guided by a type of television that enables it, once fired, to be completely independent of the aircraft, has less supporting evidence than almost any other aspect of AX effectiveness. Due to the inherent limitations of the MAVERICK, extremely serious doubts exist that this missile will have any useable anti-tank capabilities.

Studies have shown that it is highly unlikely that camouflaged tanks can be visually acquired at sufficient distances, given realistic European battlefield conditions of compromised visibility and diverse terrain, to allow firing of the Maverick before its minimum launch range restrictions are encountered.

Furthermore, the time required for visual lock-on with the Maverick is at least 2½ times the aiming time for the strafing pass required for the 30 mm cannon. As demonstrated by experience in Vietnam with the Walleye electro-optical guided bomb, the increase in targeting time that a Maverick delivery necessitates renders the aircraft much more vulnerable than would a dive-bombing or strafing delivery.

The limitations in acquisition and aiming time for the Maverick will in all probability require a Maverick-carrying aircraft to make first a purely acquisition pass and then return for a separate engagement pass. Even with this second pass there is hardly any assurance that between the time of the initial entrance pass and the second approach the target will not have moved to another position which again makes it impossible to engage within the Maverick's range limitations. In addition, multiple passes for acquisition and engagement increase exposure time to the dense hostile fire that will be encountered over the European battlefield.

Given the extremely high cost of the Maverick and associated launch equipment (approximately 50 times more expensive per round than a 30 mm cannon burst), the serious doubts as to Maverick acquisition and trageting characteristics, and additional doubts that exist as to the ease with which the Maverick can be countermeasured, we recommend that there be no Maverick installation for the AX.

Development procedure for the 30 mm cannon

The Air Force has let contracts to General Electric and Philco-Ford for competitive development of the 30 mm high-performance cannon. This cannon will be the primary armament of the AX and its performance a key determinant of AX combat effectiveness. But while the cannon is being developed under management procedures similar to those used for the AX airframe, including a "shoot-off" between the two contractors, present plans do not call for incorporation of the cannon into the AX airframe "fly-off" itself.

Since the cannon is acknowledged by the Air Force to be the "pacing item" of AX systems development and because of its importance to aircraft operating effectiveness, we believe that the Air Force should take actions to make cannon and airframe development parallel, so that the gun can be included in the airframe "fly-off".

The approximately six-month delay in the "fly-off" competition that would be entailed is fully justified by the importance of the cannon to the AX system. The cost of such action would be small by comparison to total program cost.

If the airframe "fly-off" were to incorporate the cannon "shoot-off" the competitive development program would take on valuable new dimensions, enabling decisions on both airframe and cannon to be made more realistically. Parallel cannon development will also protect against later failures in the cannon program, which, if the gun was not incorporated integrally into airframe development, might lead to serious program slippages and downgrading of overall system performance.

ANALYSIS OF THE HARRIER

The AV-8A HARRIER now being procured for the Marine Corps from Britain's Hawker-Siddeley Aviation is the only operational V/STOL aircraft in the free world. It is a fixed-wing plane which can either take off vertically like a helicopter or with a 1,200 foot forward roll.

The Marines' present plan is to buy 114 planes, enough for three operational and one training squadron. We have invested $123.9 million for 30 aircraft to date, and $102.3 million has been requested in the FY 72 budget for 30 more. On the assumption that all remaining aircraft are purchased in the U.K., total costs for the 114 aircraft program are estimated by the Marines at $503.6 million.

The Senate Armed Services Committee, however, has added $23.7 million to the FY 72 request to initiation phased domestic production of the HARRIER in the United States. The total additional costs for such domestic production, it now appears, could range anywhere from $113.8 to $275.0 million, depending on whether the airframe alone or the entire plane were built in the United States.

In our view, there are sufficient remaining doubts about the importance of the HARRIER's projected mission, the operational tactics it is intended to use, and its basic effectiveness as a close support aircraft to justify limitation of the program. We therefore recommend that this year's projected buy go forward but that the program be terminated at a total of 60 aircraft.

We feel that there is even less justification at this time for transferring any part of the production work remaining to the United States.

Roles and missions once again

Just as the Air Force has been charged with the mission of providing close air support to Army ground troops, the Navy has been charged with providing close support to the Marines. And the Navy has been just as neglectful of its responsibilities as the Air Force, preferring to concentrate instead on what it regards as the more glamorous interdiction mission.

At present the only aircraft at all suited to close support in either the Navy or the Marine inventory is the A-4, the latest version of which is the A-4M, with unit flyaway cost of $1.9 million. The Navy has never bought the A-4M and is already phasing out earlier A-4 squadrons. It now has two A-4 squadrons in its inventory, compared to six composed of newer aircraft in the hands of the Marines.

Perhaps the best indication of the Navy's neglect of its close support responsibilities is provided in testimony this year to the Senate Armed Services Committee. When asked what aircraft the Navy would be using for close support in the next few years, Admiral Thomas F. Connolly replied:

"Well, to a very large degree we will use A-7's and as long as we have A-4's we will use A-4's, and we have been using F-4's when it was necessary. And the Marines will be using the HARRIER. And I wouldn't be surprised under some circumstances that they will load the F-14 up because it covers a lot of real estate and can carry a big load of bombs and under certain circumstances it might turn out that the F-14 would do close air support."

In short, once the A-4 has been phased out, all the Navy itself will have for the close support mission is one interdiction aircraft and two fleet air defense fighters.

We believe that the Department of Defense should attend to this roles and missions problem also, both to avoid unnecessary duplication and to see to it that the Marines are provided with adequate close support assistance.

The amphibious assault mission

The mission of the HARRIER is to operate in support of amphibious forces in assaults against heavily defended beaches. It is for this reason that the Marines are attracted by its ability to operate in a vertical take-off mode either from ships or forward pads while retaining the maneuverability characteristics inherent only in a fixed-wing plane.

Amphibious assaults are the classical Marine mission. No such assaults have been conducted, however, since the Korean War, and no heavily defended beaches exist at this time which appear to be active candidates for invasion. We face no hostile island empires.

Because of the diminishing importance of amphibious assaults operations, a change has already taken place in recent years in the role of the Marines. They have become increasingly less specialized in their operations and now fill the role of an elite, well-trained, and rapidly deployable infantry with versatile capabilities. It is in this role, for example, that they have performed so ably in Vietnam.

The HARRIER, on the other hand, is a throwback to the days of extreme specialization. Only in the early days of an amphibious assault operation when no land bases were available could it arguably perform better in the close support role than the far simpler and less costly A-4M now used by the Marines for the mission.

We believe it important that the Marines continue to become more versatile in their capabilities. The sixty HARRIER buy which we recommend will enable them to equip one, and perhaps two, of their three tactical air wings with HARRIER squadrons. Given the questionable importance of the amphibious assault mission, a larger total buy would consume an undue share of the total resources available to the Marines.

HARRIER close air support effectiveness

(1) The Intended Tactics: It will be easier to evaluate the effectiveness of the HARRIER if we examine first just how the Marines intend to use it in support of amphibious assaults. They envisage three distinct phases of HARRIER operations.

In Phase I—the initial stages of the assault—the HARRIER will operate directly from its sea base, an LPH or some other smaller aircraft carrier. It will fly from the sea base directly to the target area, where it will either provide immediate support or loiter on the ground at a suitable forward site nearby until needed. After each such operation, it will have to return to its sea base to rearm and refuel.

In Phase II—after an initial beachhead is established—a Harrier facility will be set up ashore. It will have some support material and enough matting for a short runway, but the Harrier will still be largely dependent on its sea base for ammunition, fuel, and maintenance.

In Phase III, a main base ashore will be established and enough logistics support transferred to it to end the Harrier's dependence of its sea base. This main base will be suitable for adaptation into a SATS site—Short Airfield for Tactical Support—able to serve other conventional aircraft as well as the Harrier.

Once established on its main base, the Harrier will leapfrog forward fully armed and fueled to a forward site, where it will loiter on the ground till needed. After each engagement, it will return to the main base to reload, since its forward site will have neither fuel nor ammunition. Once re-equipped, it will repeat the process for another engagement.

(2) Effectiveness Evaluation: It should now be possible to evaluate the effectiveness of the Harrier, both in amphibious assaults and other close support operations.

(a) Sea Basing Feasibility. According to the Marines, it should be possible to operate the Harrier from sea bases ranging in size from CVAs to LSDs, but the feasibility of all-weather operations from sea platforms smaller than a CVA or CVS has never been thoroughly tested.

While the British Royal Air Force has conducted demonstrations of sea-based operations in calm seas, none of its own Harriers have ever been operationally deployed at sea. And the Marines themselves have done no sea-based Harrier testing in this country.

It should be noted in this regard that the HARRIER will be more difficult to operate in its VTOL mode than a helicopter. It will be more difficult to control and have less margin of lift. Extensive tests are therefore in order to ensure that it will prove effective under the wide range of conditions now envisaged by the Marines for its use. Until such tests have been conducted, a basic premise of the Marines' tactics for the HARRIER will remain open to question.

(b) Responsiveness/Loiter. It has already been argued that optimum responsiveness is not obtained either through high speed or extreme forward basing but with aircraft that have the ability to loiter over the battlefield for long periods of time.

The HARRIER will suffer from the same relative deficiencies in this regard as the CHEYENNE. Even when operating in the STOL mode, it will have payload, range, and loiter capabilities more limited than those of conventional fixed-wing planes. And in the VTOL mode necessary when operating either from small ships or forward sites, it will have only one-fifth the range and at best one-third the payload which its STOL operations will provide.

Looking first at VTOL operations, it should be recognized that forward site operations with the HARRIER are in some respects more difficult than with the CHEYENNE. Because large amounts of dust would otherwise be ingested by its engines with devastating effect, the HARRIER will be restricted either to existing hard surfaces or steel mat covered take-off pads specially prepared by the Marines. And even with these mats in place, easily visible clouds of dust will be generated on take-off and landing unless somehow shielded by the terrain. If the site in question were close to the front, these dust clouds could aid enemy detection of the site and bring down a rain of artillery fire.

This problem could be averted by basing the Harrier well out of range of enemy artillery fire but only at the expense of longer transit time to the front and less loiter time once there. According to Marine Corps testimony this year to the Senate Armed Services Committee, a Harrier operating in the VTOL mode would have only five minutes of combat time over the battle area if it carried 3,000 pounds of bombs on a 50 miles radius mission. And if there were no urgent targets available during these five minutes, it would have no alternative but to pick the best target it could find before returning to its main base for more fuel.

Accordingly, the Harrier will almost always operate in the STOL mode once a main base is established ashore. Even so, more Harriers will still have to fly more sorties to provide the same battlefield coverage as conventional aircraft could use. Operating from the same base as the Harrier in the same standard take-off mode, the A-4M, for example, could provide twice the loiter, payload, or radius of the Harrier on any given mission.

In short, the only time the Harrier would have an advantage in responsiveness over a conventional plane would be in the early stages of an amphibious assault operation—and then only if it proves capable of consistent use on smaller ships than those which can accept conventional planes.

(c) Survivability. As argued earlier, the two characteristics which will work together to determine an aircraft's survivability are its vulnerability and maneuverability.

The Harrier's relatively high vulnerability is in large part a direct result of its VTOL capability. Because of the weight limitations which VTOL operations impose, the Harrier cannot afford the heavy armor protection available to the AX. And it is made more vulnerable by its dense fuselage and the considerable fuel and hydraulics placed around its single engine. The Harrier is likely to suffer considerable damage if hit, with a fire breaking out and spreading from one critical component to the next. In short, its vulnerability will be much greater than that of the A-4 (which benefits from considerably more armor protection and a manual back-up control system like that on the AX) and quite comparable to that of the F-4.

The HARRIER will have much better maneuverability than the CHEYENNE, but not as much as either the AX or the A-4. This latter point is often misunderstood. The HARRIER will have an ability to execute very tight turns while flying slowly (under 150 knots), but at the 450 knot speed realistically required for its dive bombing attacks, it simply does not have sufficient wing area to turn as tightly as the A-4, much less the AX. This problem will not be solved by its vectored thrust capability (a rotation of its engine nozzles), since this will provide only a ½ "g" increase in its immediate maneuverability and only at the expense of a large loss in speed, which will further decrease the lift and g's available. The number of g's an aircraft can pull, it will be remembered is a direct measurement of its ability to deviate from the predictable straight-line path which aimed gunfire presumes.

(d) Lethality/Accuracy. The HARRIER initially is limited in the payload it can carry. Operating in the VTOL mode, it would be effectively limited to four 500 pound bombs, some 2.75 inch rockets, and two low-velocity 30 mm cannons with a small amount of ammunition. And as indicated earlier, this 3,000 pound load would restrict it to a mere five minutes of combat time on a 50 mile radius mission. Even in the STOL mode, it is normally expected that the HARRIER would carry a maximum payload of 5,000 pounds, considerably less than the 7,500 pounds normally carried by the A-4 in Vietnam, and less than half the normal 11,000 pound payload of the AX.

The HARRIER will also have a very limited anti-tank capability, regardless of the size of its ordnance load. Its low velocity 30 mm. cannons will not be suitable anti-tank weapons. Instead it will have to rely on ROCKEYE shaped-charge cluster bombs which are six times more expensive but considerably less effective than a high velocity 30 mm. cannon burst.

Furthermore, the accuracy of the HARRIER's ordnance deliveries must remain open to question, notwithstanding the Marines' claim that its visual-aided automatic bombing system will give it 40 per cent better accuracy than that attainable with fixed sight conventional aircraft. Similar claims have been made in the past about other such automatic systems, but they have never proved out in combat. In Vietnam, for example, orders have been in effect prohibiting the use of the WALLEYE as a close support weapon because its automated bombing system has consistently shown itself subject to shortfalls which could seriously jeopardize troop safety. The HARRIER's own system, it should be noted, has never been tested by the Marines in the United States.

Another consideration is the limited nature of the attack profiles in which the HARRIER will be able to operate. Because of its limited wing area and lift, it will be restricted to dive bombing attacks at high speeds which could put its accuracy in the same vicinity as that attainable with the F-4, which the Marines have found only marginally useful for close support. Accuracy is very important in the close support mission because lethality decreases as the square of ordinance miss distance. Yet the HARRIER may not be able to attack in close at a speed slow enough to ensure the accuracy required.

(e) Operational Readiness. Because the HARRIER is a very complex aircraft, it may have high maintenance requirements which could prevent attainment of the peak sortie rates which emergency conditions could require. The British experience, it should be noted, is that the HARRIER will require 23 man-hours of maintenance per flight-hour. This compares to the 14 man-hours of maintenance per flight-hour which the Marines have experienced with the A-4.

Because of its complexity, the HARRIER will also be more dependent than the A-4 on support equipment and facilities. While the A-4 will require a somewhat longer prepared runway, the other requirements of the HARRIER are considerable. As noted earlier, it will be able to operate in the VTOL mode only from existing hard surfaces or steel mat covered take-off pads specially prepared by the Marines. The Marines also estimate that a main base supporting 20 HARRIERS would require "up to 195 tons per day" of supplies and that it would therefore have to be "accessible by road or beach to the source of supplies."

(f) Force Structure Implication. Even if produced in the U.K. the HARRIER will have a cost per unit 70 per cent more expensive than the A-4 (about $3.3 million to $1.9 million in terms of unit flyaway costs). Domestic production would make the HARRIER more than twice as expensive as the A-4. Accordingly, any sizeable HARRIER buy would inevitably be at the expense of the total number of aircraft which would be available to the Marines for the close support mission.

To sum up, there are serious limitations to the responsiveness, survivability, lethality, and readiness of the Harrier, in addition to some remaining doubts about its basic concept of operations. Everything considered, there seems no justification for purchasing more than 60 Harriers at this time.

The domestic production issue

It makes even less sense to transfer production of however many Harriers we decide to buy to the United States. Three arguments have been cited for domestic production of the Harrier, none of which are very persuasive.

First, it has been suggested that domestic production of the Harrier would alleviate unemployment in the United States. This would be true, however, only in the vicinity of the St. Louis, Missouri, production facilities of McDonnell Douglas Corporation, the Harrier's domestic licensee. More important, we believe that there are much better and more appropriate tools than the defense budget available for managing the national economy.

Second, it has been suggested that domestic Harrier production would eliminate United States dependence on a foreign source of supply for a needed weapon system. This argument, too, seems rather specious. To begin with, there is little likelihood that the British source of supply would be cut off. Moreover, we are getting with each batch of aircraft all the spares and support equipment which the Marines believe will be necessary for the long term operation of the planes. The Marines themselves, it should be noted, have been very pleased with British handling of the program and see no need for U.S. production of the Harrier.

Third, it has been suggested that by building the HARRIER here we could establish a technological base for future V/STOL developments in the United States. This deserves more serious attention. In theory, V/STOL would seem to have a number of important applications. It might be useful to the Navy, for example, which has an urgent need to reduce the dependence of its surface fleet on large carrier operations. At the same time, there are some basic facts both about V/STOL and the HARRIER which should be clearly understood.

To begin with, the United States has already done a great deal of work on V/STOL aircraft. A summary of the most notable U.S. V/STOL programs is shown in the following:

Aircraft designation, description and manufacturer.

VZ-2-Tilt Wing, Boeing Vertol.
VZ-3-Deflected Stipstream, Ryan.
XV-3-Tilt Rotor, Bell.
VZ-4-Tilting Duct Propeller, Doak.
XV-4-Dir Lift/Vectored Thrust, Lockheed.
X-18-Tilt Wing, Hiller.
X-19-Tilt Propeller, Curtis-Wright.
XFY-1-Tail Sitter, Convair.
XV-5-Lift Fan, Ryan.
XFV-1-Tail Sitter, Lockheed.
X-14-Vectored Thrust, Bell.
X-22-Ducted Propeller, Bell.
XC-142-Tilt Wing, LTV.

These development programs took place over a period of ten years at a cost of approximately $1 billion, and then employed the talents of a large number of highly reputable airframe manufacturers. None progressed past prototype development and several were terminated by crashes which destroyed the aircraft.

Largely as a result of these programs, many reputable airplane designers have doubts as to whether V/STOL really is the wave of the future. They note, for example, that the simple physics of flight design are such that substantially more power is required to lift an aircraft straight up than is required for a conventional take-off. This inherent trade-off between VTOL and payload/range is all too visible in the HARRIER itself, which when operating in the VTOL mode has only one-fifth the range and at best one-third the payload that its STOL operations provide. This is not to say that a VTOL aircraft could not be designed with more payload/range than the HARRIER. The basic point is that for any given payload/range requirement, a VTOL capability is likely to make the aircraft at least twice as expensive to buy and operate as it would be if equipped only with a STOL capability. Accordingly, it might prove a much wiser longer-term investment to concentrate on STOL technology, to give our aircraft continually shorter conventional take-offs without imposing the requirement for true vertical flight.

To the extent that we do wish to pursue V/STOL development efforts, it is doubtful whether domestic production of the HARRIER is the best vehicle. While it is now the only operational V/STOL aircraft in the free world, it was designed in the early 1960's, and some of its technology dates back even further. We might get far more for our money if we concentrated on new prototype development efforts rather than HARRIER production. It should be noted that a new Navy initiative in R&D for V/STOL propulsion for fixed-wing aircraft is already scheduled to commence in FY 72.

The main argument against production of the HARRIER in the U.S. is the high cost likely to be incurred for the marginal benefits just cited. The Marines now estimate that the additional costs could run anywhere from $113.8 to $275 million, depending on whether the airframe alone or the entire plane were produced in the United States. If we bought an additional 84 HARRIERs in the U.K., their unit cost would continue to be $4.4 million. If we build only the airframe in the U.S., this unit cost would rise to $5.9 million for the 84 planes. And if the entire aircraft were built here, it would rise to $7.8 million. In short, U.S. production would make the HARRIER either 3 or 4 times as expensive as the $2 million AX, depending on the degree of U.S. production.

Moreover, the implications of the less expensive airframe production only approach should be clearly understood. According to the Marines, Hawker-Siddeley now has about 46 subcontractors working with it on the HARRIER. If the airframe only approach were chosen, we would remain dependent on many of these subcontractors as a foreign source of supply. We would also accomplish far less from the standpoint of establishing a technological base for V/STOL development in the United States. The key to V/STOL efforts, it should be noted, is not so much the airframe as the engine, which would continue to be produced by Rolls Royce. Yet when U.S. production of the HARRIER was first considered over a year ago, the engine was specifically excluded, both because of cost and lack of interest on the part of U.S. engine manufacturers, neither of which factors seems to have changed.

Finally, it should be recognized that U.S. production might entail support as well as cost problems. Whether an airframe only or complete aircraft program were chosen, production would be phased gradually to the United States. During the next year, for example, no parts would actually be produced by McDonnell Douglas, whose efforts would be limited to assembly of parts produced in the U.K. Thereafter, the degree of U.S. fabrication efforts would increase gradually over the remaining life of the HARRIER program. Only in the last year of the presently scheduled Marine buy would even the entire airframe be built in the United States.

This kind of arrangement could produce support problems of various kinds. First, there would be the difficulty of co-ordinating production efforts between two countries. Second, there would be the problem of having available suitable replacement parts for each somewhat unique batch of aircraft. And third, there could be a problem of pilot and maintenance personnel familiarity with the discrepancies between the planes. We must admit in all candor an inability to evaluate the potential seriousness of these problems. We do know that they could be avoided altogether, however, if U.K. production continued.

For all these reasons, we are opposed to the transfer of HARRIER production to the United States at this time. We recommend instead that a handful of the 60 HARRIER aircraft produced in Britain be made available by the Marine Corps to both the Navy and the Air Force to conduct modest evaluations of V/STOL concepts and capabilities suited to their respective missions.

TABLE 1.—SYSTEMS COST PROJECTIONS—AX, CHEYENNE HARRIER

INVESTMENT COSTS (INCLUDING R.D.T. & E.)

[Price figures used reflect conservative estimates of program unit costs]

System	Projected total, buy	Program unit cost (million)	Total (billion)
Cheyenne	375	$5.4	$2.00
Harrier (UK)[1]	114	4.4	.50
AX-A	500	2.0	1.00
AX-B	100	4.0	.40
Total			3.90

[1] Phased transferral of Harrier production from Great Britain to the United States could add a total of $275,000,000 to the cost of the remaining 84 aircraft, with unit program costs rising to $7,800,000 per aircraft. Total investment costs could rise, using USMC figures, from $503,600,000 to $778,600,000 for the buy of 114 aircraft.

TOTAL SYSTEMS COST INCORPORATING OPERATIONS AND MAINTENANCE COSTS OVER A 10-YEAR PERIOD (BASED ON O. & M. COSTS FOR A DECADE AS 200 PERCENT OF PROCUREMENT COSTS)

[In billions of dollars]

System	O. & M. cost (10 years)	Investment costs	Total
Cheyenne	4.00	2.00	6.00
Harrier (UK)	1.00	.50	1.50
AX-A	2.00	1.00	3.00
AX-B	.80	.40	1.20
Total	7.80	3.90	11.70

NATIONAL ENERGY POLICY—PART VIII

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. COUGHLIN. Mr. Speaker, a recent article in the New York Times on the current coal rush in the West points out once again the need for the establishment of a national energy policy.

The rush to strip mine western coal—

States the article—

is being brought on by the Nation's apparently insatiable demand for energy.

Satisfying this demand is drastically altering vast areas of isolated open spaces. Portions of six States—Arizona, Colorado, Montana, New Mexico, North Dakota, and Wyoming—have been turned into a moonscape. So far, the area strip mined is equal to half the area of New Jersey.

This coal rush would not have occurred if there already had been established a set of priorities for the supply of energy materials, and a long-range power development plan which the coal companies, and other material suppliers, could use to judge the energy requirements of tomorrow. Without these basic essentials, energy suppliers have no choice but to plunge ahead on their own, creating in their wake problems far more severe than those they wish to solve.

To my mind, Mr. Speaker, this situation cries out for the establishment of a national energy policy as soon as possible.

The article follows:

[From the New York Times, Aug. 22, 1971]

Coal Rush Is on as Strip Mining Spreads Into West

(By Ben A. Franklin)

Washington.—A new stage in the development of the American West is beginning on the arid plains and badlands that flank both slopes of the Rocky Mountains.

On thousands of square miles of vacant land west of the Mississippi—much of it in Federal ownership, or in government land grants to Indian tribes and railroads—a feverish coal rush is on.

The scramble is for coal leases and rights that will open an enormous and virtually untapped reserve of cheap western fuel to strip mining.

On a scale far larger than anything seen in the East, where acreage totaling half the area of New Jersey has been peeled off for coal near enough to the surface to be strip mined, portions of six Western states—Arizona, Colorado. Montana, New Mexico, North Dakota and Wyoming—face a topographic and environmental upheaval.

It is being brought on by the nation's apparently insatiable demand for energy, by the air pollution crisis in urban centers, by new technology in the conversion of coal to clean fuels, and by the economies of bulldozing rather than tunneling for coal that are available in the West.

In resolving the energy and air pollution problems, however vast areas of isolated open spaces in the West may be drastically altered.

The visual impact of strip mining is invariably stunning. On flat or rolling terrain, mammoth power shovels crawl day and night through great trenches, lifting, wheeling and depositing the unwanted strata above the coal seam into thousands of uninterrupted acres of geometrically perfect windrows of spoil banks.

In mountain coalfields where one, two or as many as five seams may lie horizontally through timbered slopes far above the valley bottom, the contour strip mines are notched in continuous, sinuous strips around the mountainsides. Trees and earth and rock are cast down the mountain flanks to expose the strippable edge of the coal bed.

The legacy of upheaval remains. Silt fills streams for thousands of miles. Sulfur-bearing coal, left in place and exposed to the elements, yields a long-lasting trickle of sulfuric acid which chemically burns streams and kills aquatic life. From the air over a "hot" acidic strip mine, pools of rainwater glow in weird shades of red and orange.

The debate over strip mining has been gathering since the late nineteen-fifties, when larger and larger earth-moving machinery made its growth economically feasible and gave it a cost advantage over underground mining. With a passion that coal men tend to see as mysticism, conservationists say that stripping destroys the very roots of men's souls—the land. The mining industry sees it with similarly strong conviction as the best way to tap a vital national resource which, as one strip mining executive put it recently, "God put there for man's use—it's a sin to waste it."

According to one Government geologist here, the six states and others in the west—Oklahoma, Texas and even a patch of Washington State—"are on the brink of, not years, but generations of strip mining for coal that will make the excavation for the Panama Canal look like a furrow in my backyard vegetable garden."

The first wave has begun. In 1970, for the first time in the 100-year history of coal mining in America, a Western mine—the Navajo strip mine of the Utah Construction and Mining Company near Farmington, N.M.—became the largest single producer in the country. Its output from Indian coal lands was more than six million tons for the Four Corners Electric Power Complex, an environmentally controversial steam-electric station serving New Mexico, Arizona, Nevada and Southern California.

Near Centralia, Wash., 30 miles south of Olympia and just beyond the foothills of Mount Rainier, a 5,000-acre, 135-million ton deposit of coal that was only nibbled at by tunneling from 1870 into the nineteen-fifties for pre-deisel locomotive fuel for the Northern Pacific and Union Pacific Railroads, is being turned into one of the biggest strip mines in the country. The planned rate of production is five million tons a year for a 700,000 kilowatt generating station of the Pacific Power and Light Company and the Washington Waterpower Company.

Pacific Power and Light also owns rights to an estimated 1.6 billion tons of strip mine reserves in Wyoming and Montana. The company expects to rank among the top five coal producers in the country by 1977 with production of 23 million tons a year. Its president has said that the company will go slow on expensive investment in nuclear power stations because "we've got coal running out our ears."

Even Texas lignite—lignite is the lowest rank of coal in energy per ton and it has never generated more than an asterisk in Government coal production statistics—is having a sudden boom.

Three electric utilities—Texas Power and Light, Dallas Power and Light and Texas Electrical Service, Inc.—announced two months ago that they would begin a 35-year strip mine operation on 17,500 acres of lignite beds in Freestone County, near Fairfield, to fuel the new Big Brown steam-electric station east of Waco. Other lignite-fired plants are scheduled for Rusk and Titus Counties.

Western Coal is low in sulphur—a boon to electric utilities caught between soaring power demand and new air pollution regulations that forbid the burning of sulphur-contaminated fuel. Accordingly, also for the first time last year, some low-sulphur western coal was hauled by rail as far east as Chicago.

But according to Government coal men, an immense strip mine explosion west of the Mississippi River that, by comparison, will make this excavation for electric power stations look like a mere desert gulch, is coming in the nineteen eighties for a giant new coal consuming industry, gasification.

Official forecasts here say that 20 years from now perhaps 300 million tons of coal a year—half of last year's total United States production—will be processed at huge, refinery-like plants, surrounded by massive strip mines in the Western coal fields. The product will be quadrillions of cubic feet of pipeline quality, pollution-free gas. The Government and the mining and gas industries are now committed to this basic change.

VAST COAL BEDS IN WEST

Coal gasification will replace the country's dwindling supply of natural gas from wells, now estimated to be only about a 15-year reserve. Consumed in power plant and industrial boilers in the east, the gas will reduce air pollution. And pumped through pipelines that might otherwise be empty, it will save the pipeline industry from collapse.

Millions, perhaps billions, of dollars are thus finally ripening in coal beds under Western sagebrush, where the mineral has lain for geologic time, 130 million years.

The speculative market in Western strip mine leases to dig it, and in permits to explore for more, has suddenly become a bonanza.

In the 12 months that ended in July, 1970, the increase in prospecting permits issued by the Interior Department's Bureau of Land Management for coal exploration on Federal land—national forests, grassland, desert and range—shot up by 50 per cent to the greatest number in history, covering 733,576 acres. That is the area of all of New York City and Long Island, with Westchester and Rockland counties thrown in.

Prospecting permits on Indian reservations, issued separately by the Bureau of Indian Affairs, went from none to exploration rights covering 500,000 more acres. Such permits are convertible to firm mineral leases if coal is found.

COAL-FIRED TURBINES

Nearly one million acres of public and Indian coal land in the West is already leased. Leases by private owners, chiefly by the transcontinental, land-grant railroads, are unknown but may cover an equal area.

The forces behind the sudden migration of coal mining to the West are complex, and the reasons for them are probably as irresistible as money.

First, despite the wide acceptance during the nineteen-sixties of visionary forecasts for nuclear electric power, half the nation's electricity is still generated by coal-fired steam turbines.

Dr. Glenn T. Seaborg, the retiring chairman of the Atomic Energy Commission, recently conceded that the poor record of the A.E.C.'s vaunted nuclear-electric program means that coal will fuel an even greater portion of the enlarged generating capacity required for the next three decades.

Other important factors are mining costs and mining volume.

Strip mine production of coal in the country as a whole has advanced very rapidly in the last few years, from about one-third of the annual tonnage in 1968 to 40 or 42 per cent last year. According to the Untied States Bureau of Mines, the cost advantage over deep mined coal is on the order of three to one.

Productivity per worker runs as high as five to one in favor of strip mining, and is going higher under the Federal Coal Mine Health and Safety Act of 1969, which requires deep mines to take expensive steps to curb the high rate of death and injury underground.

Moreover, particularly for gasification, huge guaranteed volumes of cheap, strip-mined coal are essential.

77 PER CENT OF RESERVE

The Bureau of Mines has just cautiously disclosed in an unpublished compendium that beneath 13 states west of the Mississippi River there lies 77 per cent of the country's total of economically strippable coal reserves of 45 billion tons. The Western coal is in seams 12 times thicker, on the average than in the East, and 25.5 billion tons of it is low-sulphur coal.

Wyoming and Montana, together, contain 21 billion tons of the entire Western reserve of low-sulphur coal. Wyoming's low-sulphur reserve, alone, is eight times West Virginia's and Kentucky's put together.

The Government has apparently preempted most of one of Colorado's major strip mine fields by building the Air Force Academy on top of it at Colorado Springs. But Colorado still contains nearly half a billion tons of the highest grade of low-sulphur strip mine coal.

And still undisturbed beneath the wheat and grasslands of western North Dakota wait 50 billion tons of lignite—the leanest rank of coal, but equivalent in total energy to all the better grades of coal left to be mined in the four largest producing states, West Virginia, Kentucky, Pennsylvania and Illinois.

The Bureau of Mines has recently disclosed that Pennsylvania and Illinois have no low-sulphur stripping coal left at all. The reserve in West Virginia is only about 1.2 billion tons, one twenty-fifth of the national reserve.

For a hundred years the traditional coal field regions of the United States have been there—in the Appalachian east and south and across southern Indiana and Illinois, tapering off into Missouri, Kansas and eastern Oklahoma.

Billions of tons of coal and billions of dollars of investment in immovable tools and tunnels remain in these traditional coal areas, and depletion of total coal reserves is not the most important factor in the move to the West.

But although the Eastern and Midwestern fields now supply 94 per cent of the 600 million ton-a-year coal production, they contain only 17 per cent of the remaining reserve of strippable low-sulphur coal.

ENERGY SYSTEM SHIFTING

It is this arcane statistic, the 83 per cent of shallow, strippable, low-sulphur coal beneath the Western states, that is starting what the United States Geological Survey calls "a massive change" in the whole national fuel and energy system.

Until the air pollution crisis of the nineteen sixties and seventies the West's low-sulphur coal was as worthless as a coyote. Coal is the cheapest of fossil fuels and, accordingly, freight is a large part in its cost to consumers. Longhaul reserves were not cost-competitive.

But now that many urban pollution abatement laws forbid the burning of coal or oil containing more than 1 per cent sulphur by weight—and the Federal Environmental Protection Agency has said the limit may have to be pushed to 0.7 per cent—the ancient economic year industry, are caving in.

Already, in a break with transportation tradition, the historic flow of coal from Appalachian mines to Lake Erie port to docks at Superior, Wis., or Duluth, Minn., has begun to turn around.

Burlington Northern, Inc., the merged railway system—and also one of the largest private owners of Western coal reserves through 19th century Federal land grants—has been loading low sulphur coal from the Peabody Coal Company's Big sky strip mine at Colstrip in eastern Montana. The coal goes by train to the docks at Superior and is shipped by lake steamer to Taconit Harbor, Mich., a movement that would have been economically unthinkable a few years ago.

Strip-mined Montana coal is under contract to fuel steam-electric plants as far east as Cohasset, Minn., and Hammond, Ind., east of Chicago. To reduce the sulphur dioxide emissions from its stacks, Commonwealth Edison of Chicago has contracted for 22 million tons of Montana coal and is testing New Mexico coal that comes 1,500 miles by rail.

SIGNIFICANT BEGINNINGS

More remarkable still, the Tennessee Valley Authority—the giant Government-owned power agency in the heart of the Appalachian coal fields—has bought 1.4 million tons in Eastern Oklahoma. The coal will be towed 485 miles east in barges along the newly opened Arkansas river Waterway and then north on the Mississippi to Memphis.

These revolutionary changes in what is probably the nation's most conservative industry, designed to tide over the immediate crisis of electric power versus air pollution, are regarded here as significant beginnings—but only beginnings.

It is the prospect of prodigious volumes of strip-mined coal to supply gasification plants that lies behind the frantic scramble by coal, petroleum and pipeline interests—and by land brokers and speculators who expect to profit at their expense—to assemble leases and rights to large tracts of Western coal for future stripping.

The scope of this Western stripping for gasification—large both on a plant-by-plant basis and also in the area to be affected by big new surface mines—is suggested by what the American Gas Association calls its "very confidential" study of potential gasification sites.

ALL BUT 20 IN WEST

Apparently for fear of stimulating price gouging in mineral leases and arousing conservationist opposition, the association will not discuss the study beyond acknowledging its existence. Association officials will not even say which states have been identified as gasification sites, much less which counties.

But it is known that the association report pinpoints 176 prospective plant locations—each to require a $200-million to $300-million investment in strip mine and coal processing facilities—and industry officials say variously that "a large majority" or "nearly all" of them lie west of the Mississippi.

A Government geologist who has seen the association study says that 156 of the 176 sites—all but 20—are in "the Rocky Mountain West." Enough of them are to be developed by 1985, the study suggests, so that gasification by then will materialize as a $1-billion-a-year industry on the West's open spaces.

According to Interior Department reports, coal for future gasification is spurring recent transactions like these:

In response to a United States Bureau of Land Management invitation to bid on 6,560 acres of Federally owned coal land in Campbell County near Gillette, Wyo.—the bureau delicately described the 10-square-mile area as "susceptible to stripping"—the Cordero Mining Company won the coal leases with a record high price of $505 an acre. In recent years, some Federal coal leases have gone for under $1 an acre. Cordero is a subsidiary of the Sun Oil Company.

On the same day last December, the Mobil Oil Company bid $441 an acre for leases on 4,000 acres of bureau land adjoining the Cordero site. The United States Geological Survey had estimated its worth at $35 an acre.

Bureau lease prices have advanced so rapidly that a short time earlier a successful bid of $257.50 an acre by a land-buying affiliate of the Ashland Oil Company—$1.9-million for coal rights to 7,600 acres, or 13 square miles, of Carbon County near Hanna, Wyo.—was being called a "precedent-shattering high price." The $257.50 precedent lasted two weeks, when Cordero doubled it.

But particularly on Indian reservations, there have also been what one official of the Bureau of Indian Affairs here calls "some damn lucky breaks" for Eastern coal companies bidding for leases of tribal coal reserves.

Last September, Westmoreland Resources, Inc., a year-old Western strip mining partnership of the Philadelphia-based Westmoreland Coal Company, Penn Virginia, Inc., the Kewanee Oil Company, the Morrison-Knudsen Company, and the Kemmerer Coal Company of Wyoming, had to bid an average of only $7.87 an acre for 32,300 acres of coal rights held by the Crow Indian reservation in the Sarpy Creek area of Treasure and Big Horn Counties, Mont.

Within months, the syndicate had sold options to buy 300 million of its 900 million tons of Montana coal reserves to the Colorado Interstate Gas Company, the pipeline division of the Colorado Interstate Corporation. The company is a major pipeline company and may be one of the first to erect a coal gasification plant, presumably near Hardin, Mont.

OTHER VAST RESERVES

Other vast coal reserves in the West are owned by the railroads. Government land grants to the railroads, which were originally meant to encourage and finance the construction of track to the West but which have remained dormant and unsalable for 100 years, are suddenly valuable.

But by far the greatest acreage of coal leaseholds is being acquired on speculation for later sale to the coal gasification industry.

An unpublished "working paper" prepared at the Interior Department shows that the 10 largest holders of Federal coal leases control 49 per cent of the 773,000 acres of public domain turned over to mining interests or land speculators as of July 1, 1970, and that very little of their acreage is being mined. Some of the inactive leases have been held at little cost since the nineteen-twenties but most are about five years old.

The 10 largest lease holders, in order of the acreage of their coal rights, are listed as the Peabody Coal Company; the Atlantic Richfield Company; the Garland Coal and Mining Company; the Pacific Power & Light Company; the Consolidation Coal Company; the Resources Company; the Kemmerer Coal Company; the Utah Construction and Mining Company; Richard D. Bass, a Dallas geologist and land investor, and the Kerr-McGee Corporation.

Meanwhile, the coal industry is working hard to picture the environmental prospect for the West as benign, if not uplifting.

One coal industry suggestion, put forward earlier this year at a session of the Rocky Mountain Mineral Law Institute, was that tourists might have some interest in visiting the scarred and barren "badlands" created by strip mining.

SULFUR CONTENT OF STRIPPABLE COAL RESERVES

[Millions of tons by sulfur content]

	Grade[1]	Low	Medium	High	Total
Wyoming	B	13,377	65	529	13,971
Montana	B, C	6,133	764	0	6,897
New Mexico	B	2,474	0	0	2,474
North Dakota	C	1,678	397	0	2,075
West Virginia	A	1,138	669	311	2,118
Texas	C	625	684	0	1,309
Kentucky (east)	A	532	189	60	781
Colorado	A	476	24	0	500
Arizona	B	387	0	0	387
South Dakota	C	160	0	0	160
Virginia	A	154	99	6	258
Washington	B	135	0	0	135
Alabama	A	33	74	27	134
Arkansas	A, C	28	118	28	174
California	B	25	0	0	25
Oklahoma	A	10	44	57	111
Utah	A	6	136	8	150
Tennessee	A	5	43	26	74
Michigan	A	0	0	1	1
Maryland	A	0	8	13	21
Ohio	A	0	126	907	1,033
Iowa	A	0	0	180	180
Kansas	A	0	0	375	375
Pennsylvania	A	0	225	527	752
Kentucky (west)	A	0	0	977	977
Indiana	A	0	293	803	1,096
Missouri	A	0	0	1,160	1,160
Illinois	A	0	80	3,167	3,247
Total		31,787	4,036	9,161	44,986

[1] A—Bituminous, B—Subbituminous, C—Lignite.

Note: The westward movement of strip mining has resulted from low-sulfur reserves west of the Mississippi that promise less pollution in fuels to meet the energy crisis.

Pro and Con in a Bitter Debate

Washington.—Behind the argument over strip mining there lies a maze of complex public issues and private interests that the combatants on both sides agree touch on the most serious environmental questions in the country today.

On one side is the nation's seemingly infinite demand for electrical energy and, at the same time, for clean air. On the other is its equally urgent desire to preserve the national environment.

Coal, the cheapest of fossil fuels, now provides the energy for more than half the country's electric power production. Although it has been a major source of particulate and sulphur-dioxide pollution, the Atomic Energy Commission is now saying that coal will continue to dominate the utility market for three more decades.

Thus, as power demands increase, so will coal mining. The cheapest coal—and the safest coal to mine in human terms—is strip mined coal.

Much of the vast Western coal reserves can be mined in no other way. It is too shallow for underground tunneling, or in seams that are too thick or structurally unsound.

One of the chief attractions of the Western coal is that it is low enough in mineral and chemical contaminants to meet the strictest air pollution standards when it is burned.

It is also the only coal abundant enough, in concentrated beds, to supply the new coal gasification industry, another source, when it is fully developed, of nonpolluting fuel.

The assault on strip mining has brought a fierce response from the coal and electric utility industries, and even from some Government officials.

"Unwilling or unable to face up to the facts of life" is the characterization given the conservations by Aubrey J. Wagner, the board chairman of the giant, Government-owned Tennessee Valley Authority, the nation's largest single power producer and the largest consumer of strip-mined coal.

In testimony before the Tennessee Legislature last April, Mr. Wagner said that environmentalist critics who seek to abolish strip mining outright or to impose prohibitive reclamation standards "fail to recognize that coal is essential if the electric power needs of the nation are to be met."

CONSERVATIONISTS' REBUTTAL

"Nor do they understand that coal cannot be obtained in the near term without resort to strip mining," he continued, "and, further, that resort to deep-mined coal instead, even in the long term, creates problems of environmental deterioration and human safety. They would outlaw strip mining even in the face of the fact that such action would create a power shortage in which industrial activity would be severely curtailed, unemployment would increase, commerce would stagnate, and home life would be disrupted."

"Their solution would, in my judgment create problems of more disastrous consequences than the problem they seek to cure.

Conservationists call the "trade off" idea—that a measure of strip-mine damage must be accepted to guarantee the nation's power supply—a rationalization in advance for a permanent defacement of the land.

They cite the frequent admonitions of Government officials—Under Secretary of the Interior William T. Pecora, for example—that the environmental-vs.-progress trade-off must be the product of "an informed citizenry which must participate in making these decisions in a rational and timely fashion."

They note that without general public announcement, 2,390 square miles of the Interior Department's Western public lands have already been put under strip-mine leases and permits for coal mining and that for an area half the size of Connecticut the decisions have been made with little if any public participation.

Moreover, many conservationists seriously question the industry's assertion that it is averting an electric power crisis by strip mining more and more coal.

"We waste electric power as if it were cheap and easy to get," Ed Chaney, a National Wildlife Federation lawyer, said in an interview. "But if you look at what strip mining has done to West Virginia or Southern Illinois and Indiana, you see that it wasn't cheap after all."

"If we ever see, as a people, what strip mining is doing to our country," Mr. Chaney said, "I'm sure we would insist on some other answer, and less use of electricity may be a temporary solution while we find other means of generating power."

"But no one is asking the question: Are we willing to accept one continuous strip mine from the Dakota, Wyoming and Montana to Arizona?" he said. "I don't think we are. But since no one is even looking at that problem, we may have it. And then people will say, 'How did it happen?' "

MEXICO'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DERWINSKI. Mr. Speaker, today the friendly people of the great neighboring republic to the south are celebrating their independence day. The freedom of the United States of Mexico dates from the time when the cry of Dolores inspired the revolt that culminated in independence.

When Napoleon Bonaparte replaced King Ferdinand VII of Spain with his own brother Joseph, a group in what was then called New Spain maintained that the deposition of Ferdinand caused sovereignty in Mexico to revert to its people. Not long afterward, at 6 o'clock on the morning of September 16, 1810, Miguel Hidalgo y Costilla, a priest in the town of Dolores—now Dolores Hidalgo—shouted from his pulpit: "Long Live Our Lady of Guadelupe! Long live Independence! Death to the Spaniards!"

With an army of 100,000 creoles, Indians, and mestizos, Hidalgo captured Guanajuato, Guadalajara, and Valladolid and reached the vicinity of the capital. His army was then forced to retreat.

On January 17, 1811, Spanish forces led by Felix Calleja defeated the revolutionaries at the bridge of Calderon, near Guadalajara. Hidalgo, who fled with part of his forces, was eventually captured, being put to death by the Spaniards on July 31.

Leadership of the revolt was then assumed by one of his lieutenants, Jose Maria Morelos y Pavon, also a priest. His forces took Oaxaca on November 25, 1812, and Acapulco on April 12, 1813. Morelos, who had become head of the rebel government in 1813, was captured by Spanish troops in November 1815, and executed on December 22.

The cause of freedom for Mexico and its people could not be denied forever and eventually became a reality in 1821. Today, a century and a half later, Mexico is a great, industrious, and prosperous nation of 48 million people.

Mr. Speaker, on this auspicious occasion, the anniversary of their independence, the people of the United States of America salute the people of Mexico and express the wish that they may enjoy many more years of freedom, friendship. and peace.

THE 106TH PRECINCT LAUNCHES HUMAN RELATIONS PROGRAM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ADDABBO. Mr. Speaker, unfortunately, too often police officers are demeaned and derided in the process of doing their jobs. I believe New York City has the finest police force in the country.

In my area, Queens, New York, the 106th precinct, is proud to have two very concerned and determined officers who have launched a series of community relations programs which merit national attention. Sgt. Edward Doyle and patrolman George D. Olivet have formed a team to bring to the community information about the function of the police, the rights of citizens, available counseling services for addicts, alcoholics, and their families, youth group organizations and the role of the citizen in curbing crime.

The appearances of these two young policemen at colleges and community forums throughout New York City have had a constructive impact on the improvement of community understanding of the police and the mutual problems which confront police and citizens alike.

In addition to community relations programs, Sergeant Doyle and Patrolman Olivet of the 106th precinct have contributed their skills and enthusiasm to a most interesting and novel human relations program for police officers. The "Invitation To Understanding" workshops are designed to improve understanding of the views and cultures of policemen of differing ethnic backgrounds.

This program was the subject of a recent article in the Police Chief, the magazine published by the International Association of Chiefs of Police, Inc. I believe this unique program offers hope to a better understanding of the society in which our police must participate and many other communities throughout the Nation may benefit from the experiences of the 106th precinct. For those reasons, I ask unanimous consent to insert the text of the article entitled, "An Invitation To Understanding" in the RECORD at this point:

AN INVITATION TO UNDERSTANDING

(By William McGarry, Edward Doyle and George D. Olivet)

Many indications of polarization existed within police departments throughout the nation in June, 1970. These reports indicated that both black and white officers had refused to cooperate with each other in the enforcement of law. In Jackson, Mississippi, white police officers were accused of firing on black civilians implicitly because they were black. In other areas, black officers were accused of not supporting their white brother officers. There were widespread reports that black and white police were not acting as police officers but primarily as members of their ethnic group. Throughout the nation, police departments were experiencing the divisiveness just at the time when the increase in crime demanded otherwise.

To neutralize these countercohesive tendencies, a fresh experimental approach was needed. Under the title of a "human relations workshop," an empirical program was instituted in the 106th Precinct to explore the need and apply such remedies as might be required.

SELECTING PARTICIPANTS

Manpower requirements for policing the precinct necessitated close programming. To obtain a racial and ethnic balance, 12 officers were selected from 26 volunteers to whom the purpose of the workshop had been explained.

Six of the selected officers were black and six were white. Insofar as possible, they represented a cross-section of age, length of service, squad assignment, social background, previous employment, education, religion, and political commitments—from militant to conservative.

It was considered most feasible to schedule eight two-hour, open-ended sessions (which were the first and last hours of the second and third platoon), and for continuity, two sessions per week were planned. More sessions would have been beneficial but summer demands for manpower precluded this.

The authors comprised a three-man team to structure the human relations-sensitivity training program. Approval of the program was secured from superior officers and the first session of "Invitation to Understanding" was held June 11, 1970 in the Unit Training Room of the 106th Precinct station house.

The brief synopsis of the eight sessions given below may be helpful to other departments planning similar programs.

THE FIRST SESSION

The 12 members of the workshop, in civilian clothes, were seated in a circle. Captain McGarry explained that it was their job to find out if there was an attitude of prejudice as great as some said and whether there was divisiveness between black and white policemen that was impossible to overcome. If this *was* the case, he asked, what could each one do to improve his attitude and be more sensitive to those around him as well as to members of the community. He explained the structure of the workshop and stressed meaningful participation as of great importance to the group. He emphasized that no one need fear embarrassment or repercussions from anything that they might say and that what was being striven for collectively was greater than the individual. He then turned the workshop over to the moderators, Sergeant Doyle and Officer Olivet, and participants so that his presence, as a commanding officer, would not inhibit full participation.

The moderators defined and stated the group rules for workshop participation: we must listen, we must be utterly frank, we will only get out of the time what we are willing to put into it, we should not scream at anyone, we should not attack any member of the group personally but rather learn to disagree, to discuss, and to listen even if we do not agree. The ground rules for this type of workshop are many and time was taken to make certain that all understood and could agree to them at the outset. At this time the participants were told that if they were not present for a session there was no other person to take their place, hence the importance of starting, continuing and finishing together as a group.

The moderators asked the group to pair off for each man to prepare a biographical sketch of his partner. It was explained that it was important to know more about the individual than he would be willing to divulge and therefore it would take good interrogation to determine a man's feelings about politics, education, emotional outlook, family background, philosophy, etc. Both partners were to have ten minutes in which to prepare a report on the other. When this had been done they were asked to introduce their partners and tell everything that they had learned about him. One after the other did so until all had reported. This revealed the obvious—there was a great difference in the group's structure. There were Catholics, Jews and Protestants, Democrats, Republicans, Liberals and Conservatives, with overtones of racial feelings on both sides of the political spectrum. This reporting broke down some of the barriers.

The second phase dealt with one-way versus two-way communication. The point of this exercise is to show that for successful communication there must be two-way communication where questions and answers are involved, where one can define what one means and others can ask what they want to know. One-way communication is not constructive. The procedure called for one participant to seek to describe, without the benefit of questions from the other participants, the interpositions of four geometric figures which they then attempted to duplicate. This is one-way communication and usually ends in misunderstanding and failure. Then another participant attempted the same thing but this time questions and answers were permitted. This resulted in better understanding and more accurate duplication of the geometric figures. This was a very apt illustration because the men could readily see its simplicity and obvious truth.

The last part of this session was given over to explaining and demonstrating that an optical illusion can distort truth. A subtle drawing shows the profile of two women, one old and the other young. A viewer at first look sees either one or the other but not both. When told that what he sees is not what someone else sees there is consternation. Everyone is certain that what he sees is the truth. Usually a class will split almost evenly on which profile it sees. After discussion, the participants were asked to show the opposing side of what they saw by outlining the face of the woman. The obvious result is that all men then see both faces. Discussion followed and the point was made that everyone believes what he sees is the absolute truth, and while in this drawing there are *two* truths that may be perceived, we see only one. The men themselves made other points which were pertinent to the session, breaking down preconceived ideas and feelings about the workshop and its aims. When the session ended the men were asked to write, at home, a short sentence on what they would do to reduce prejudice in the police department.

SECOND SESSION

Each man turned in his statement on ways to correct the problems of prejudice. Some of these comments were:

"If the department as a whole has the attitude of what it can give to the public instead of what can the public give to them, the larger portion of prejudice in the department would gradually be dissolved."

"We should institute a program to educate the new recruit in the past history of New York City and its citizens, problems they faced, conditions under which they had to live and the prejudices they had to overcome. With this knowledge, he will have a better understanding of the problems faced by today's minority groups."

"Policemen, on the whole, are practical and resourceful people, called upon to perform a fantastically diversified number of tasks. Policemen must be shown that by eliminating prejudice, their working conditions will be improved for there will be less tension in the streets from groups who feel that they are victims of prejudice."

"Segregation, discrimination and de facto segregation are the prime roots of the problem, and as long as they exist, we are plagued. The only thing that the police can do is to set the guidelines for men to follow . . ."

"The word prejudice is overused and many times misunderstood. I am assuming we mean bigotry between different people. I'm prejudiced but I do not consider myself a bigot."

"It must become common knowledge, inside and outside the department, that prejudice or double standards will not be tolerated."

"The problems involved in remedying or eliminating prejudice within the department is one mainly concerned with leadership. Administrators and supervisors must become more deeply involved in carrying out their tasks."

After reading these statements, the men were given cards on which were printed the words, "I AM," and asked to complete each I AM statement with the first thoughts that came into their minds. The cards were then read back to the men without revealing their names. The majority of the men had completed the I AM statement with a reference to their group attachment: I am an American, I am Catholic, I am Black, etc. These statements show that each man sees legitimate group connections in his own life as important to him. The point then discussed was that each man sees his own group connections as part of his existence and is happy to greater or lesser degrees because of these connections. The moderators pointed out that the first line of prejudice extended to anyone is usually concerned with one's group connections and yet we all identify with groups. We see others as unlikeable because they are connected to groups such as white, black, Jewish, Catholic, Protestant, etc. We desire to be accepted with our group attachments, yet fail to extend this privilege to others. This prejudice can be eliminated to a great degree by practicing acceptance of individuals regardless of group connections. We must see people as individuals instead of group representatives.

The moderators asked the participants to tell everyone about the first time they had felt prejudice applied to them. This is an excellent technique. All the participants by their rapt attention evidenced their emotional involvement with the other men as each told of their experiences in their youth, military, school, and police department experiences when they were hurt by prejudice and became angry and disillusioned. There was such interaction from this subject and such a good, honest display of emotion that the entire time was devoted to this subject. A further breakdown of barriers became very obvious.

THIRD SESSION

At this session, some of the group members asked to discuss topics they wished to submit. A film, entitled "The Eye of the Beholder," was shown. The ensuing discussion brought out that emotional baggage weighs one down and prevents one from viewing things objectively. The members then shared their hang-ups on how projected attitudes into various situations can add to erroneous conclusions and deteriorations of good human relations. This is a rut that is easily fallen into unless one becomes part of the solution and not part of the problem.

The moderators took one man aside and told him a story about a woman who was going into the hospital for an operation and her husband was having a problem parking the car near the hospital. This officer was then asked to tell the story to the man next to him and so on until it had been passed on to the last man. This simple story traveling between just twelve men was ridiculous by the time it was ended. Distortion was almost complete. The discussion then centered upon the need for professionalization of attitudes and aims of policemen. It was indicated that part of this goal can be accomplished by disregarding rumors and dealing with realism where possible.

The subject of a person's sensitivity to being called names was introduced. The point was made that the recipient of name-calling feels both insulted and injured. One moderator stated he had seldom had his name pronounced properly and this was a source of aggravation to him. The other moderator expressed his sensitivity in similar areas and this stimulated others to do the same. It was agreed that all men feel they should be called, addressed, and spoken to properly, thus not detracting from their humanity. This is a two-way street in communication and often a proper attitude can dispel a disagreement by the tone of speech. To have a friend, we must be one. To gain respect, we must give respect. We must yield to another the very right that we so very much demand for ourselves. Mutual respect expressed by simply saying "good morning" is appreciated by most men, yet this is often overlooked. All decided we must work on this problem and not shirk it as being someone else's job. A comical reaction resulted during which everyone began to address each other with Sir, Mr., etc. The point had been made, however, and it became apparent from the men's reactions that this was an open nerve—all felt a need for being respected. It is not possible to review the many points discussed within the framework of the workshop; but in retrospect the manner in which the participants expressed themselves openly, sharing their thoughts on what was important to them, will have lasting impact.

FOURTH SESSION

Each participant was given a list of subjects and asked to number them from one to 20 in the order of their relative importance. The list included: career success, character, economic security, family, freedom, friendship, good disposition, health, honor, humor, knowledge, love, peace of mind, power, recognition, religious faith, respect, social acceptance, tranquil environment, and wealth. The results were reported to the group. It was apparent that race or other group connections had little to do with the order of rank given to the subjects. Color lines were crossed and recrossed as the individuality of each man was indicated by his choices. Discussion followed on why some men felt some topics should rank the way they had chosen them. Such comments as "Without health there is nothing" and "Peace of mind means everything" showed that the values of most policemen in the workshop were almost identical, with the first three choices centering upon family, health and peace of mind.

The moderators then prepared to hold an election. One "candidate" asked to be elected on a platform which denied there was prejudice in the department—and if it did exist it was not our job to do anything about it. The other platform was one which held there was indeed a problem of prejudice in the department and something should be done to eliminate it where possible—and it was everyone's job to work toward that goal. If elected, he said, he would put into effect a program of human relations whereby all members of the department could discuss and share their feelings and beliefs with others. In the ensuing voting, the workshoppers cast all twelve ballots for the positive, do-something candidate.

Several participants spoke on the history of minorities. The discussion ranged from the problems the Irish minority had in achieving recognition in this country to the problems of other minority groups facing similar situations. It was mentioned that often a minority will take an active role in a do-something program rather than remain involved in a do-nothing situation. There was good interaction in this discussion in which a wide difference of opinions was apparent on some points and very close agreements on others. In this no-holds-barred rap session, most white participants realized that all people desire change (even as their own forebears had) and that change is most desirable now. An excellent exchange of meaningful statements centered upon the need for an end to social injustice to help the affected minorities attain status in society.

FIFTH SESSION

The moderators asked the participants to form a circle after reflecting for a moment upon previous discussions in which they had shared experiences of prejudice or bigotry aimed at them. Then they were asked to think of those unwritten laws that are never enforced which state we must be fair to all and not injure another unnecessarily; that we must treat all men as we ourselves desire to be treated.

This led to the next step in the program. The men were asked to try to recall someone who had caused them to be embarrassed or insulted preliminary to conducting a sham trial in which one man would be the prosecutor and another the defendant. The prosecutor was to accuse someone in the room of being guilty of a crime. He was to specify the accusation and present his case to the jury (the ten other participants). The man who was chosen to be the defendant had to accept the invitation, sit and listen to the charges, and to the best of his ability defend himself with reasons and excuses for his actions. The moderators served as judges. This particular technique makes the prosecutor, even though he may share the feelings of the accused, defend the position that is forced upon him. The accused must think of all the reasons for a man to do what he was charged with doing and to present a defense sufficient to demand a not guilty verdict. This thought process requires both the prosecutor and the defendant to defend a position regardless of his own personal feelings. The jury, of course, is intent upon the why's and wherefore's of the charges and just as intent upon the many excuses presented by the defendant.

Policemen are inventive under pressure. The success of this particular part of the workshop must be credited to these officers. Forgetting themselves, they became wrapped up in the situation before them. Some of the accused held particularly untenable positions; others fared better. The jury's verdict was to be delivered at the next session. The participants left, strangely silent.

This sham trial procedure, as well as the other techniques, was developed by one of the moderators to produce increased emotionally charged involvement. The results as measured by response of the workshoppers were most gratifying.

SIXTH SESSION

The participants took their positions for the continuation of the sham trial without being asked to do so. The men were then given a prepared list of questions to answer. The questions pertained to human relations and associated attitudes.[1]

Each participant was asked to submit a short statement on "What I would do if I was a (black) (white) policeman." Each was to put himself into the place of an opposite member, i.e., a black officer would tell what he would do if he was white and vice versa, for the purpose of correcting attitudes observed in others that are injurious to human relations. There was some expression of disagreement with this. Many apparently thought there was a difference in what either black or white officers should do as policemen. It was further defined that we often feel the other guy is capable of doing more than we can to improve human relations. This technique, we believed, could do much to define what we think the other fellow could really accomplish by his actions. Still there was an undercurrent of feeling that there should be no difference in what either blacks or whites should do as policemen.

This consensus may be the most significant of the entire eight sessions.

SEVENTH SESSION

The short statements on "What I would do if I was a (black) (white) policeman" were returned. There was a constructive attitude evident in most of these statements. Others were objectively critical and made no reference to black or white but rather what they would do under either situation.

The results of the questionnaire were also presented. The replies again indicated that black and white voted the same negatively and positively (as a general rule) on 95 percent of the questions. In the following discussion the participants tried to define what some of the questions really meant to them as policemen. There was an exchange of comments and further questions presented. Before the end of this session the workshoppers developed critiques as basis for a paper to be approved for submission to the Police Commissioner. This 10-point Position Paper appears on page 26.

The discussion took up the subject of the uniqueness of every man and woman. A poll was taken on how many blacks and whites tend to group all people of the opposite color into one group, believing that they act, feel, talk, vote, speak, think, and dress alike. The poll indicated that the same perceptions exist in both groups.

The participants asked if Captain McGarry could attend the last session on an informal basis to answer questions they felt were important to them. Some said it was not fair to ask the Captain to come and sit under the gun, as it were, but they would like to report to him their feelings about the workshop.

For the remainder of this session, the discussion was open for any subject. Immediately twelve subjects were suggested. The men had reached the position of desiring to talk things out—to tell it like it is.

EIGHTH SESSION

The participants were asked to fill out a printed critique of the workshop with the same complete frankness that they had shown in the discussions. There remained one sham trial to complete, following which two additional topics were introduced for a good exchange of comments.

Captain McGarry addressed the final moments of the concluding session. He indicated he had been advised of the session-by-session progress and had gauged by individual conversation the reaction of most of the participants. He expressed gratification with results and promised to pursue the program in the interests of a more harmonious and efficient department. Individually, the workshop participants thanked the Captain for making the program possible, and their enthusiasm which had developed in the initial sessions was obvious.

The Position Paper was approved by all members. And there was a unanimous vote in favor of a follow-up workshop at a later date.

The reduction of divisive influences among the workshoppers became increasingly noticeable not only through observation and individual conversation, but from their own review of the data reflected in the questionnaires. It was best indicated, perhaps, during the final session when the subject of a proposed dinner for the group was raised. One workshopper said, "A month ago I would have said that possible embarrassment would have made a group dinner not worth the trouble, but now I say, let it start here." And everyone agreed.

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[1] A photocopy of the questionnaire which is too long to accompany this article, may be secured by interested police administrators from *The Police Chief*.

TEN POINT POSITION PAPER: PREPARED BY PARTICIPANTS IN "INVITATION TO UNDERSTANDING"

1. Administrators in the police department play a prime role in being an example to policemen of ways to deal with men in an unprejudiced manner. The rank and file look to superiors for discussion, correction, or advice; and if not present, often causes a reaction of indifference to professional attitudes on the part of the members involved.

Point: Superiors are looked to for fair play and unprejudiced attitudes and actions in their decisions, and if not found, generate the same indifference they possess.

2. No projudice should be shown against any member of the force trying to obtain an assignment in his own rank, i.e. clerical, harbor, aviation, emergency. The choice of men for these jobs should be made on associated skills and ability of the man chosen. This policy though in effect at this time should be examined continuously lest it become slack and therefore ineffective.

Point: Assignments within a rank must be absolutely without prejudice if the rank and file are to be satisfied with the decision.

3. At the scenes of riot and disorders where the black community is involved, assignments should not be made of black officers only, but rather on a black/white basis to show unity among the men, and to remove an unnecessary burden from the shoulder of the black officers. Heretofore some assignments at these riots have been of black officers with the thought that it would help to cool the situation if black confronted black. This is erroneous and it is far better to share the problem, black and white officers together. These assignments, if to be acceptable to all, must be made on a black/white basis regardless of whether the community is black or white.

Point: Black and white policemen should stand together in these situations and no assignments of black officers to the black problems or white officers to a white problem. All policemen are capable, and it must be made more obvious to the community, and to the rank and file.

4. The department should make it more obvious to all its members that assignment of black officers to narcotics, detective division, special services, etc., is made on the basis that these men work well in that capacity and that it is not just a soft position.

Point: It is thought by some that preferential treatment is accorded to black officers in certain assignments and the fact is that they are doing a good job; that is why they are assigned to that position.

5. A regular memo should be issued by the Police Commissioner and read at all roll calls to the effect that all members of the department need the cooperation of each other regardless of race or religion.

Point: The rank and file need reminding, as do all men, that we need each other to get a job done. This will also make it obvious that there is an interest in the problem from the top.

6. The Police Commissioner should respond to the charges recently made by one of the fraternal organizations within the department by stating that he would undertake to have police machinery investigate the charge and if found to be true, measures taken to correct this condition. This statement should be made pubicly.

Point: After this charge was made there was no answer, but rather total silence, which inflamed the situation even further. A desire for good human relations in any police department is to be desired and an answer showing interest is expedient.

7. Guidelines should be issued for all policemen who respond to the scenes of riots and disorders. These guidelines, to be effective, must be instructive and inclusive, and should set department policy for the aims and attitudes suggested for this current age.

Point: Policemen look to the top for certain orders and when they are not issued there is dismay and inaction. At these scenes of disorders it is necessary that a solid attitude be maintained, and that the men be able to expect and know what that attitude is.

8. The Police Commissioner at certain times should call a panel of policemen together to discuss with him in an informal manner the problems that are present in the rank and file, the condition of human relations, ways to unite all policemen together for greater efficiency, and to share with them his problems, etc.

Point: An informal meeting of the commissioner and policemen would show that cooperation is possible and he will seek any way to obtain it from the men who are patrol rank and file.

9. It should be made known to every man in the department that no crystallization of personal attitudes or politics are to affect the service of any member of the department. There is a job to be done, and it is to be done with maximum efficiency and skill.

Point: The department must define to all policemen where personal areas end and where police proficiency begins. The police service to be effective must be without political motivation or personal emotional problems.

10. A human relations workshop program for policemen should be started in each precinct in this city, where policemen can be involved together on a voluntary basis, to search their attitudes and actions for possible correction. This will produce a nucleus of good attitudes and produce understanding within the department, but mostly in the patrol force which is in direct contact with the community. Possible suggestions for consideration of such workshop programs are: (1) members of the force should volunteer to enter the workshop program; (2) members should be guaranteed anonymity in reports and feedback; (3) moderators should be members of the force who are uniquely qualified and trained for the job; (4) this human relations program should be attended on department time; (5) any suggestions forwarded to superiors should be considered and not rejected out of hand; and (6) comfortable facilities should be made available for housing the workshop such as good lighting, comfortable chairs, etc.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, at the recently concluded Minneapolis health hearings Paul J. Vogt, Hennepin County director of health and hospitals, discussed his personal view as to new ways in which health care delivery could be provided to the county.

One of his points is that block grants to communities from the Federal Government could be a means to generate community level health care. As Mr. Vogt pointed out, various communities differ in their needs. For example, the Longfellow area of the county contains a number of senior citizens who are quite concerned about specific health care available to them. In other areas of the city where, for example, the pilot city program is located, the health needs of the citizens are different. Mr. Vogt's complete statement with a number of other important suggestions follows:

In response to Congressman Donald M. Fraser's invitation, the following statement is made as a personal opinion and is in no way to be construed as an official posture of Hennepin County Government.

I view the Federal Government's role as that of a prime force in the reformation and financing of our nation's and our community's health care delivery services, primarily through providing incentives and support for individuals and families to have comprehensive health services. Particularly, the health services should encompass awareness and prevention and restoration and maintenance programs. A commitment of a cooperative community health program—which includes health manpower, facilities, and services—is essential.

This commitment means involvement of business and labor and insurance companies to support health care services which will allow persons to receive early health care and to be participants in maintaining their "wellness". It means the commitment of health providers—doctors, dentists, nurses, hospitals, nursing homes, public health authorities, and others—in adopting comprehensive community health planning, organization, and cooperation to provide their vital services in a way that is effective and efficient for all members of the community.

It also means that non-medical services such as housing, legal aid, welfare, nutrition, and other human resources should not only be accessible and available to people but should also be coordinated with the delivery of health care in order that the needs of individuals and families can be met on a totally coordinated basis rather than by the present episodic, categorical-aid, disease-entity approach. The Federal Government, in its funding and program support, must focus on a total delivery of health care through a local community coordinated and managed approach to provide effective and efficient health care services for community members.

Special emphasis should be placed on certain health services: these include all services to children and to the special preventive health aspects of the adolescent, the middle-aged adult, and the senior citizen. Also, certain disease programs of high incidence and risk should be given special consideration, such as mental health, alcoholism, and drug abuse. Special assistance should be provided for the development of community-wide emergency health services which give quick, efficient, and effective life-saving treatment.

Any Federal programs of support should contain a program of evaluation of the services provided so there is opportunity to further develop and deliver those services which *are* effective and efficient and to discourage support of those services which are not.

Support for the training and development of health manpower is important in any community health program; and use of clinical training should be recognized and maximized in the new delivery of health programs.

Community-wide comprehensive health planning to assist in the re-formation of all health resources should be further developed and should include the necessary stimulus, controls, and incentives to achieve it. Both the public and private sectors of health care delivery should be encouraged and supported in this re-formation. The elimination of unnecessary duplication of vital resources is paramount.

I believe that block grants to communities from the Federal Government are important so that programs and priorities can be established at the community level to respond to the particular community needs, rather than having specific programs directed by a state or federal agency.

A long-range commitment by the Federal Government to achieve a state of "wellness" for each of its citizens is essential, and all funding and program support mechanisms should be designed to lead to this goal.

Thank you.

"SUPERSWEET"

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. RANDALL. Mr. Speaker, the subject of our remarks is obviously a superlative. The quality of being sweet is one sought after by all the ladies. But both sexes have a disposition to express ourselves in superlatives. Remember the character of comic strip fame known as "Superman"? Each year the dream game of football is called the Superbowl Game. Every American delights to use superlatives in conversation.

On Wednesday, August 11, during the congressional recess, it was my privilege to participate in the formal opening and dedication of the new Supersweet Feed Mill located just west and north of the city of Higginsville in Lafayette County, Mo. It is truly a super mill, superlative in every sense of the word.

The dedication ceremony began at 11 a.m. Before that, participants in the ceremony and invited guests were given a tour of the plant which proved most informative and interesting. We had the pleasant opportunity to see this beautiful new mixing and blending plant in operation. We observed the ingredients of special purpose feeds carefully weighed, then mixed and packaged. The plant is a multiformula plant providing several different formula feeds for cattle, dairy cows, poultry, swine, and horses. These feeds, when delivered to the farm, contain every necessary ingredient including minerals such as iron, fish meal, and the minimum requirements of several vitamins. In some instances as many as four feed grains are ground and mixed together in one package including soy beans, milo, wheat, and corn. We learned every special formula feed was carefully proportioned, thoroughly mixed, and packaged in moisture proof bags ready for distribution to farmers in a wide radius from this new mill.

Mr. Speaker, the principle address of the morning was delivered by the distinguished Lieutenant Governor of the State of Missouri, the Honorable William S. Morris. On the platform with Governor Morris, serving as master of ceremonies, was Mr. Wesley C. Baker, vice president and general manager of the Agriculture Products Division of International Multifoods. Also present and the speaker at the luncheon which followed the dedication was Mr. Darrel M. Runkel, executive vice president of operations of International Multifoods, Minneapolis, Minn.

International Multifoods Corp. is a diversified food company that owns and operates Supersweet Feed Mills. The subsidiary, Supersweet, has 16 feed mills located throughout the Midwest specializing in feed for cattle, dairy cows, poultry, swine, and horses through a dealer network. The new Higginsville mill will serve a widespread area, including all of Missouri, East Kansas, and northern Arkansas.

The address of Governor Morris was not lengthy but most excellent in its context. He pointed out that Higginsville, the site of the new mill, is his hometown. He described the type of citizens who live there as the kind that are the very backbone of our society.

Our Lieutenant Governor, on the day of his address, was in truth and in fact the Governor of the State because Gov. Warren E. Hearnes was attending the Governor's Conference in California. In his remarks he proceeded to make an optimistic appraisal of the population problem when he pointed out that regardless of the problems confronting agriculture, he had confidence that there would be a constant improvement in production methods that would meet the food needs of a growing world.

Perhaps the finest thought in Governor Morris' remarks was at the point when he said we must all recognize the magnitude of our present day problems which carry the potential of wrecking our society. He hastened to add that all of us must embrace the philosophy of the late Adlai Stevenson who said that all our problems are manmade and, therefore, can be solved by man. Put differently, he said that the solution of today's problems lies with people working together to utilize the power of their Government.

It was my good fortune, at the luncheon which followed, in conversation with Mr. Runkel who is executive vice president of International Multifoods, to hear him say that his corporation had confidence that the problems of America could be solved. He went on to tell me that he was so confident of the economic future of this country that his corporation did not, intend to confine itself to agriculture products alone but would diversify into prepackaged foods and engage in the franchising of restaurants and doughnut shops, not only in the United States and Canada but in other parts of the world. This kind of confidence was most inspiring and reassuring.

Mr. Speaker, the address of Governor Morris at the dedication of the Supersweet mill in Higginsville, Mo., contains so many excellent thoughts that I want to share them with my colleagues and, accordingly, I include these remarks in the CONGRESSIONAL RECORD at this time:

ADDRESS OF LT. GOV. WILLIAM S. MORRIS

If I may be pardoned for displaying what I believe to be a justifiable amount of pride in my hometown of Higginsville, there are a few congratulatory comments which seem to be in order at this time.

The first day of the Higginsville Jubilee celebration is an appropriate time for me to pay my respects to each citizen of the town. The people of Higginsville are responsible for building and maintaining the kind of community which has made America such a great nation. Over the years, this has been a solid community of good citizens who help form the very backbone of our society.

Yet the goals of progress have not been sacrificed in order to retain traditional values. Higginsville has shown that the traditional spirit of a solid community is entirely compatible with steady growth and improvement. You can have the best of both.

Today we open the Jubilee celebration in full recognition of the fact that this is still the kind of hometown anyone can admire, and today we observe the open house of a new plant which has brought new jobs and new dollars to strengthen the local economy. It is with these facts in mind that I say my feelings about Higginsville amount to justifiable pride.

Besides the comments about my hometown, I believe congratulations are in order with regard to the immediate topic—the opening of a new plant by the International Multifoods Corporation.

When the Agricultural Products Division decided to build a new feed plant here for the production of Supersweet feeds, we knew this would be a solid addition to the business growth of the community. But perhaps we did not realize at first just how solid an addition it would become.

International Multifoods is a large and rapidly growing organization, with sales last year of $434 million, representing a 13 per cent increase over the previous year. It is the kind of company which has shown consistent growth with an obviously bright future.

Part of its pleasant outlook is clearly due to diversification. The company has divisions dealing with numerous brand names in the fields of industrial foods, agricultural products, consumer products, pre-packaged foods, and is in the business of operating and franchising restaurants and donut shops. The various operations of this firm in the United States, Canada and overseas are an indication of financial stability and the prospect of continuing growth.

You and I know that American history has been marked by a search for growth. This search is a dominant force in agriculture and industry, in cities large and small, and, indeed, in all phases of life. After a long period of engaging in that search, however, it has only been in recent years that Americans have made a sharp distinction between the quantity and the quality of growth.

Increasingly, we have learned that growth by itself is not enough. We have become more and more concerned about the quality of life we experience within our families, our community, state, nation and world. We have long known that we must have growth in order to keep from becoming a stagnant society. Now we know we must have high quality growth in order to keep from becoming a sick society, physically, mentally and spiritually.

In the instance at hand, there is no cause for concern. The people in Higginsville, as elsewhere, are no longer looking blindfolded at the prospects for industrial growth. They want not just growth, but growth they can live with and be proud of. Success on those terms has been achieved in this new partnership between Higginsville and International Multifoods Corporation.

It is a pleasure for me to participate in the grand opening of this new feed plant because all indications are that it is a good development for everyone concerned.

Tied as closely as it is to the eventual fate of agriculture, this new plant seems marked for growth and prosperity. This is because increased efficiency and productivity in the livestock and poultry industries are directly related to the rising standard of living in our country. We know that regardless of the many problems confronting agriculture, there will be constant improvement in production methods and a steady increase in output designed to meet the needs of a growing world.

Farming is big business in Missouri, with the value of all cattle in the state at the beginning of this year set at $873 million, and with the total value of crops produced in the state last year estimated at $732 million and from my recent trips around the state, barring some calamity, this year will be greater. I have never seen better crops in our state. We ranked ninth in the nation last year in cash receipts from livestock and tenth with regard to all commodities produced.

These statistics represent major assets in our state, built-in strengths in our economy, which combined with the clear needs of the future, reveal that agriculture will grow and grow in Missouri for countless years to come. This is one of our strong points. We should recognize it and be proud of it.

I have never been one of the prophets of gloom and doom, and I hope I never will be. On the contrary, I have been, and am, an optimist about our state and America. I believe there is far more right than wrong with our great state and nation.

Certainly, we have problems—some of which are so large they threaten to destroy us. But when haven't we had such problems? Each chapter of our history is stamped with threatened destruction, but also with the story of how these major obstacles were overcome.

We would have to be blind not to see the problems confronting us today in our cities and in the countryside. Problems of poverty and lack of opportunity, problems of hunger and unrest, problems of war and the causes of war, problems of population balance and a deteriorating environment.

These are problems of such magnitude that, individually or combined, they carry the potential of wrecking our society. But I believe it was the late Adlai Stevenson who noted that our problems were manmade and can therefore be solved by man. The solution lies with the people, sometimes working alone but more often as a group utilizing the powers of their government.

If we have learned anything from the trends of shifting power in recent decades, it is that the centralization of business and the federalization of government caused more problems than it solved. It seemed to divorce the people and alienate them from major powers which influenced their lives.

Business learned that lesson and began to move toward regional operations which could provide much better service to consumers. Improved service resulted in more business which more than offset the cost of operating in several locations rather than a central headquarters.

Likewise, we have learned that government must be brought back as close to the people as possible. It is my deep belief, and I believe a truism of our times, that local and state governments must now take on as much responsibility as they can possibly handle. Government must serve the real needs of the people where they live, rather than becoming enslaved to statistics about people as compiled at the federal level.

All that I have mentioned today comes back to my native pride in Higginsville and my pleasure in the opening of this new plant. What is happening here is a vital part of what is making and keeping America great.

TAXPAYERS WARN FREEZE IS TEMPORARY SOLUTION

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ROUSSELOT. Mr. Speaker, many of the Members of this body realize that one of the chief causes of inflation is Federal spending in excess of Federal tax receipts. I am pleased to note that the California Taxpayers' Association is aware of this fact, and further, that at the Western States Taxpayers Conference held August 19 in Portland, Oreg., the executives of the taxpayer associations of those 11 States declared:

> That in any reordering of national priorities, action to put the federal government fiscal house in order be placed at the top of the list.

Cal-Tax News for September 1971, reports the policy statement of the Western States Taxpayers Conference which I earnestly call to the attention of my colleagues. The report follows:

TAXPAYERS WARN FREEZE IS TEMPORARY SOLUTION

Action of President Richard Nixon in freezing prices and wages for 90 days is only temporary and will not in itself resolve the economic issues facing the nation, the executives of the Taxpayer Associations from the 11 Western States believe.

At their meeting in Portland, Oreg., August 19th, the Western States Taxpayers Conference adopted this policy statement to place the freeze in proper perspective:

"The need for decisive action to restore the nation's economy to a sound position, reduce and control inflationary pressures, and protect the dollar has long been apparent. The far-ranging economic remedies advanced by President Nixon, therefore, touch upon issues of vital concern to every citizen and taxpayer.

"It is imperative, however, that these proposals be kept in proper perspective.

"First: The President's program constitutes an emergency response to a critical situation, not a permanent cure for our economic ills. They must be complemented by a strong, constructive, and credible program to deal with these serious problems on a long-term basis.

"Second: A number of the President's proposals, particularly in the fiscal policy area, cannot be implemented without the support of, and responsible actions by the Congress. This, in turn, will require the support of responsible citizens.

"Third: Both this temporary emergency program and the required longer-range policies cannot be implemented unless officials and citizens demonstrate the will to exercise much more fiscal and economic policy discipline than has been evidenced in recent years.

"The executives of the eleven statewide taxpayer research organizations attending the Western States Taxpayer Conference view with great concern reports already circulating about developing pressures in Congress and elsewhere to go beyond the President's tax relief proposals and/or resist his expenditure cutback proposals. We view a return to fiscal responsibility as the essential ingredient of any sound and effective program to restore and maintain a sound economy.

"Despite repeated promises to the contrary, huge Federal deficits have been piled one on the other, year after year. These deficits have been a primary cause of inflationary pressures and a major cause of our current economic ills. It is far past time to return the phrase 'balanced Federal budget' to the accepted political lexicon.

"To this end, the Western States Taxpayers Conference insists:

"1) That in any reordering of national priorities, action to put the federal government fiscal house in order be placed at the top of the list;

"2) That demands for new and expanded federal assistance programs be firmly resisted;

"3) That state-local governments, most of which are in stronger financial position than the federal government, intensify their efforts to solve their own problems. Federal aid conditioned upon the proposition that such aid is necessary to relieve political pressures on state-local officials is unacceptable.

"This period of national economic crisis, serious as it may be, should be a time for reflection and resolve. Recognition that the crisis results from past excesses in both the public and private sectors, and a strong resolve to exercise needed discipline and restraint in the future cannot only avert disaster, but also forge a new commitment to responsible and effective government."

ROUT OF THE DOLLAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SCHMITZ. Mr. Speaker, as Under Secretary of the Treasury Charles Walker stated in a recent briefing for Members of Congress, the immediate cause triggering the dramatic public announcement of the administration's new economic policy was another international monetary crisis similar to—but worse than—that of last May. The elements of our new economic policy pertaining to foreign exchange and trade signalize the rout of the dollar in the markets of the world. The dollar is now officially acknowledged to be no longer the world's soundest currency—the assumption on which the whole international monetary system has been based ever since the Bretton Woods Conference during World War II.

At the beginning of this century, gold was the sole basis for the exchange of money among nations. Then the strict gold standard was replaced by the use of certain particularly strong national currencies—ultimately the dollar—which were presumed to be "as good as gold." Now the dollar, weakened by 25 years of inflation, no longer convertible into gold by anybody, and held by foreigners in quantities vastly exceeding the shrunken supply at Fort Knox, has no fixed standard of value whatever. Other currencies will be allowed to "float" by comparison with the dollar, which means that their value, and the dollar's value, can and will change day by day due to current market conditions. We are vaguely told that a new international monetary system will be worked out—but what it will be, no official can, or cares to predict at this time.

But there are ominous signs. The most disturbing is a little-noticed bill passed by Congress in October of last year and signed by the President as Public Law 91-508. At the time of its final consideration in the House, mine was the only voice raised against it. This law empowers the Treasury Department to impose sweeping new regulations on the withdrawal of money from individual bank accounts, the purchase of traveler's checks, the use of credit cards overseas, or the transfer of money out of the country in any form.

On June 10 of this year, the Treasury Department published in the Federal

Register its first new regulations under the authority granted by Public Law 91-508. First scheduled to go into effect August 1, their effective date has now been postponed to November 1. Sufficiently vocal and widespread opposition, expressed through letters and telegrams to Members of Congress, might bring about further postponement, or significant modifications in the regulations.

These Treasury regulations would require a report to be made to the Federal Government, under most circumstances, when more than $5,000 is to be taken out of the country in any form, or withdrawn in currency from a bank account regardless of what use is to be made of it. The regulations further require records to be kept for Federal inspection on every financial transaction involving the citizen's bank account, with special emphasis on transfers of more than $1,000 out of the country, including purchases of traveler's checks totaling over $1,000. This latter regulation brings these new powers directly into the lives of the ordinary middle-class American citizens who travel abroad, since many of them will spend more than $1,000 on their trip.

As those familiar with the gun registration controversy are particularly well aware, to require a report to Government on an activity of which powerful elements in Government strongly disapprove is often a prelude to prohibiting it altogether. Once guns are registered, they are ripe for confiscation. Once transfers of money out of the country down to as little as $1,001 must be recorded for official inspection, the next step is to prohibit them. As the rout of the dollar continues, just as more voices will be heard demanding price and wage controls to stop inflation by force, so more will be heard demanding the use of force to prevent Americans from exchanging their less and less valuable dollars for other currencies of more solid value.

Government has no right to take action of this kind. A man's money, freely and legally earned, is his own, to do with as he will. If he thinks—perhaps with good reason—that it would be safer in some form other than dollars, it is his right to make the transfer. Otherwise he might find the savings of a lifetime suddenly and totally wiped out, as happened to thrifty Germans in the early 1920's when, as a result of explosive inflation, it cost millions of marks to buy a bag of groceries.

The dollar cannot be protected by exchange controls any more than the problem of inflation can be solved by price and wage controls. There is a limit to the degree that any economy can be controlled by Government dictate. Beyond that point, the black marketeers, the smugglers, and the bribed officials begin to take over.

The only way to restore the value of the dollar, both at home and abroad, is to begin restoring its convertibility into gold at whatever gold is actually worth in terms of today's dollars—not the official but unsupportable figure of $35 an ounce which, unfortunately, belongs to a bygone era of a far healthier dollar.

CHURCH AND SOCIETY TASK FORCE REPORTS ON EQUAL RIGHTS AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, on September 14, 1971, Mrs. Virginia K. Mills, president of Church Women United Presbyterian Task Force on Women, gave a report on the equal rights amendment to the Presbytery of Washington City. As a result, the Presbytery voted to endorse passage of the equal rights amendment without crippling additions and to write to each Member of Congress setting forth their position.

The Presbytery of Washington City includes the jurisdiction of northern Virginia, southern Maryland, and the District of Columbia. It has 71 churches with a membership of 39,631 as of December 31, 1970.

Mrs. Mills is a mother of four, an elder in her local church, a suburban housewife, and an adult educator working on self-development of women. I commend Mrs. Mills' report to the attention of my colleagues:

CHURCH AND SOCIETY TASK FORCE REPORT TO PRESBYTERY OF WASHINGTON CITY

It is a privilege to report to the Presbytery from the Church and Society Task Force, on which I serve.

My report concerns the Equal Rights Amendment. The Church and Society Task Force recommends approval of a resolution urging the passage of this amendment. It is now before the Congress and is due for a vote on Wednesday, September 22 in the House of Representatives. A brief review of the background of the Equal Rights Amendment may be helpful to Presbytery.

The Equal Rights Amendment has been before the Congress for 48 years. It is essentially a single sentence to be added to the Constitution, namely: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Originally the ERA was submitted to Congress in 1923 as a natural extension of rights to women following their newly won right to vote. Although the proposed amendment has frequently passed the Senate, only once before has the House of Representatives approved it—last year when it came to the floor over the objection of the Rules Committee by a discharge petition. Through these 48 years, the amendment as often suffered a crippling rider which in effect nullifies equality for women. For over a decade the Hayden Amendment was attached to it and only last year Sen. Ervin of N. Car. attached a new crippling amendment. This year Congressman Wiggins of California has added a similar amendment in this traditional effort to modify full equality. I will read the original amendment and then the Wiggins addition: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. (Wiggins) This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any state which reasonably promotes the health and safety of the people." The Wiggins Amendment exempts women from the draft, and would continue the protective legislation against which the Equal Rights Amendment was proposed.

I will speak briefly on 3 points and then answer questions the Presbytery may have regarding the Equal Rights Amendment. I will cover in turn 1) the legal status of women today, 2) the effect of the Wiggins Amendment, and 3) actions of the United Presbyterian Church in the USA which support the E.R.A.

American women won the right to vote in 1920 after 75 years of struggle. When the constitution was originally written we were governed by English Common Law. At that time when a woman married she completely lost her legal existence, and her husband represented both the man and woman before the law. Specifically, this meant that married women lost all right to control property they brought into the marriage, they had no right to their earnings, no legal right regarding their own children, etc. Therefore when the constitution refers to "person," it does not mean married women, just as it did not mean slaves. A major effort of the suffrage movement was directed toward granting married women legal right to property, guardianship of children, etc. Even today, the constitution is not interpreted by the Supreme Court to forbid discrimination against women on the basis of their sex. Women have never been protected under the 14th Amendment provisions. Even the 1964 Civil Rights Law—into which a clause forbidding sexual discrimination was introduced as a joke by a southern congressman—the Civil Rights Law specifically exempts from its provisions educational, religious and governmental agencies—the three institutions in our society which most discriminate against women.

In summary, American women at the present time are only given the right to vote under the Constitution. All their other legal status comes from various state laws which vary from state to state; educational opportunities, labor legislation, property and guardian rights are state matters. So there are 50 separate and complicated codes of law affecting American women. A woman living in Virginia has different legal rights from a woman living in Maryland, Illinois or California. Passage of the ERA will mandate a uniform legal status for all American women—their full equality under the law. When it is passed, a long over-due review of state codes affecting women will occur which will enhance citizenship for the majority of Americans, the women.

In regard to the Wiggins Amendment, which modifies the ERA, there are two clauses: it exempts women from the draft, and it would continue all laws which reasonably promote health and safety. Under the draft many young men serve their country as part of their citizenship. Women should do no less. Actual combat service is not required from most draftees. At present enlisted women serving in the armed forces cluster in secretarial, personnel and nursing fields—but there is a low quota on their enlistment. Training obtained in the armed services and veterans benefits in education, preference for jobs, housing, medical and pension services have helped many young men from poor families and minority groups move up in life. Women need these same opportunities. The highest unemployment rate is among young girls and women. Women are not asking to be exempt from the draft. They need and desire full citizenship together with the opportunities it affords. The second clause in the Wiggins Amendment would continue legislation which "reasonably promotes health and safety." Civil rights supporters will recognize this clause which used to rationalize racial segregation. It functions in the same way against women in a series of laws which restrict women in the labor market, in educational institutions and in securing full community services. Women are protected from greater opportunities by many such laws. For these reasons the Church and Society Task Force is opposed to the Wiggins Amendment.

For my last point, I would like to review the official actions taken by our denomination which support passage of the ERA. In May, 1970 the General Assembly voted approval of the ERA and urged its passage by Congress. The United Presbyterian Women's organization, representing 480,000 women also recorded its support for the ERA in July, 1970. The Task Force on Women of the General Assembly submitted supporting testimony for the amendment to the Senate Judicial Committee one year ago.

The Equal Rights Amendment would secure equality of rights under the law for every American regardless of sex and is long overdue. The Church and Society Task Force recommends that "the Presbytery of Washington City vote its approval of the Equal Rights Amendment without crippling amendments and write members of Congress to this effect."

MAKING SENSE ON THE BUSING ISSUE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. EDWARDS of California. Mr. Speaker, in the past few weeks the issue of busing has aroused great passion in many areas of the country. Several of our communities are bitterly divided, and in some the finally realized hope of steady progress toward integrated education is threatened.

It is terribly unfortunate that the debate over busing has been so full of emotion, threats, and rhetoric that we have not been able to put busing in its proper perspective as a means to accomplish the equality of educational opportunity for black children that was promised in the Supreme Court's historic decision in Brown against Board of Education.

In the New York Times on Wednesday, September 15, there appeared an article by Father Theodore M. Hesburgh, president of the University of Notre Dame and Chairman of the U.S. Commission on Civil Rights, which is both a reasoned response to the passions of the present and an inspirational call for us to rise above prejudice and hatred to a greater understanding of the meaning of full racial equality in this society.

I hope that each of us will read this article and gain a greater understanding of the real issues involved in this national debate on busing.

The text of the article follows:

IT'S THE END OF THE BUS RIDE THAT MATTERS—WE MUST TRANSCEND OUR "DISMAL HISTORY" OF RACIAL INEQUALITY

(By Theodore M. Hesburgh)

NOTRE DAME, IND.—After seventeen tortuous years, the United States was about to desegregate many of its formerly segregated schools, North and mostly South. Following a decision of the Supreme Court, many of the school districts were using busing as a means—often the only possible means—of doing so. After more than a decade and a half of legal struggles, the law seemed clear and finally, through the heroic efforts of many school boards, mainly in the South, the law was about to be followed. The result would be that finally, more than a century after slavery was ended in America, the great-grandchildren of former slaves would finally have the opportunity to obtain a first-class education—the key to final liberation and upward social mobility.

At this strategic point, the President of the United States declared that he was opposed to busing. The case in point seemed to be Austin, Tex., which was following a plan devised by the Department of Health, Education and Welfare and seemingly approved by the Department of Justice and the White House. Then came the intervention by a powerful Texas Senator that led to the repudiation of the Federal Government's plan by its leader. All who had worked for the implementation of the *Brown* decision during these seventeen dreary years were stunned, but little was said. It was the August doldrums. Then came the second blow with the White House press office reiterating the President's statement, and indicating that anyone in the Government opposing it might well find himself working elsewhere.

Who could respond? Most of those who might have responded were long since gone—from H.E.W., Justice, White House. The only maverick left was the U.S. Commission on Civil Rights—an independent, bipartisan agency created under President Eisenhower in 1957 to try to discover the facts on equal protection and discrimination and to advise the President and Congress regarding corrective action. The commission is a peanut. It has a budget that is one-fourth the cost of a single fighter plane, a staff of about 150, and six commissioners who are employed full time elsewhere.

Even so, they spoke out, indicating that the President's statement, at this particular time, could only give aid and comfort to those who opposed the desegregation of schools, and render the task of those trying to comply with the law immensely more difficult.

Moreover, the President's statement, while obviously popular with those who are unwilling to pay the price for a united America with freedom and justice and good education for all, especially blacks, really ignores the facts of busing. Forty per cent of all school children in America are bused to school—two million miles a year—at a cost of 98 million dollars for 250,000 buses. To be opposed to busing is to not want 40 per cent of American youngsters to get to school.

If the commission had hired Governor Wallace, he could not have performed better. The day after the commission's statement, Wallace began to help the President. All across the South, and also in the North where school buses were fire-bombed in Pontiac, Mich., the forces of obstruction arose anew, buoyed by the President's stance, and the battle already won, had to be joined again. Numerous Federal judges had to restate their cases and even the Chief Justice of the United States had to speak again—on the side of the angels, but with reservations.

Busing is really not the issue. What is important is the education that awaits the child, especially the minority child, for the first time good education, at the end of the bus ride. Busing never aroused emotions when it was done for all the wrong reasons—like the black youngsters in Wallace's Alabama who were bused 100 miles a day from Selma to Montgomery and back to attend a black vocational school when there was a lily-white vocational school where the buses left from in Selma. I remember Medgar Evers saying that his first recollection of busing was the new school buses passing him and other black children on the way to school—a very bad school—splashing them with mud as the white children on their way to a good school yelled out the window, "Nigger, nigger!" No objections to busing then.

One can argue about the costs of equality in America today. God knows we have known the costs of inequality—wasted talents, frustration, poverty piled on poverty, generation after generation. Laws have been grudgingly passed and more grudgingly obeyed, with every possible legal evasion tested. If we are ever to emerge from our present state of inequality, it will not be by missing on minimum compliance with minimum laws. Generosity, magnanimity, and human understanding will alone allow us to transcend, in our day, our dismal history of racial inequality.

NEED FOR IMPROVEMENT IN RAIL SERVICE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MOLLOHAN. Mr. Speaker, there is much concern today in this country that we create a balanced transportation system through which we make the best use of the several modes of transportation to give the people of this country the quality of service required in this day and age. Part of this effort centered in the past Congress when we created the National Rail Passenger Service with the intention of strengthening a form of transportation that had atrophied over the past 25 years.

Many of us had substantial hopes that a national service with Federal financing and the sole intention of providing quality rail passenger service could reactivate and revitalize the rails for millions of our traveling public. Thus far, the results of this effort have produced very very little.

Even today as Secretary Volpe talks about making rail passenger service the core of the Northeast corridor's passenger transportation network, Amtrak is plodding along as if we were in another era. I have particular reference to the service they are operating between Washington and Parkersburg, W. Va., a distance of approximately 350 miles. The previous trains operated by the Baltimore & Ohio traveled this route in 10½ hours, and had done so for nearly 40 years. This was a passenger train that stopped at nearly every station along the way, the kind of run characterized as the milk train run.

Now 40 years later under new management with many of the small stops eliminated, Amtrak has managed to cut the time on this run by one hour so that a passenger leaving Parkersburg, W. Va., at 7 in the morning will not arrive in Washington until nearly 5 in the evening, thus spending the entire day on the train.

This is the type of service that forced passengers away from trains in the millions after the Second World War. This is the kind of service that literally destroyed rail service in this country. It is, in short, the kind of service that led to the crisis which we sought to end with the establishment of Railpax.

It is, Mr. Speaker, sad to note that this rail passenger service is only minutes faster than the freight service. It averages less than 40 miles per hour when our highways will allow us to average 60 miles an hour.

In my judgment, Mr. Speaker, it is time for this body to exercise its oversight functions and to scrutinize the operations of Amtrak and to insure that our investment in rail transportation for this country lives up to expectations.

It is certainly not doing that now as my experience suggests. And, of course, the experience we have had is not limited to the Washington-Parkersburg service as the following editorial in the Washington Post on September 9, 1971, indicates.

Mr. Speaker, at this point I am inserting that editorial, "Chugging Along With Amtrak," along with an article from the Parkersburg News describing the service under the title "Amtrak Says. 'Use It or Lose It.'"

It is clear at this juncture that Amtrak is creating a service which cannot help but become a loser, both for the Treasury and the citizens it is supposed to serve.

[From the Washington Post, Sept. 9, 1971]

CHUGGING ALONG WITH AMTRAK

We have somewhat mixed feelings about the announcement by Amtrak that it is in the process of putting into service on railroad trains in the East a bundle of passenger cars formerly used west of Chicago. The improvement in the personal comfort of those who choose to travel by train ought to be substantial, so that is something to cheer. But the cheer must be qualified because of the slow pace at which Amtrak is making the changes which it desperately needs if its record is to be any better than those of the railroads which it has superseded.

Amtrak took over the passenger train business, with a few notable exceptions, last May 1 and its impact so far has hardly been what you would call staggering. Part of this, no doubt, was the speed with which the corporation was put together. It had no president when its life began, no firm plans and, as far as we can tell, no real idea of where it was going. So its staggering start is understandable even though deplorable. The situation might have been much better if the incorporators who established Amtrak had gone back to Congress and admitted they needed more time. But that is water over the dam now and the problem is whether Amtrak is going to be able to demonstrate the feasibility of saving passenger service within the time limits given it by Congress.

This switch of cars from west to east is about its first major step. Up to date, the railroads which had been running poor trains in the past have kept on running them under the new label and passengers were hard put to tell much of a difference. But the cars used in the West in the recent past are newer and substantially more comfortable than those to which most Easterners have been exposed. Unfortunately, this alone is not likely to do much for Amtrak's business, particularly now that the tourist season is over, the season in which longhaul trains have their best chance to attract passengers from other modes of travel. There is still a giant selling job to be done.

We trust that in trying to attract people back to the trains the next thing Amtrak will do is to re-think its fare structure. There is something fundamentally wrong with a fare system in which $43.25 buys you 854 miles of transportation from Washington to Chicago while $42.53 gets you 1,153 miles from Washington to New Orleans on the Southern Railway which stayed out of the Amtrak system. Similarly, we don't understand why it costs an additional $41.29 to rent a sleeping room between Washington and Chicago when it costs only $19.20 to rent one for 11 hours longer and 500 miles farther between Chicago and Houston. Nor do we understand why a sleeper costs $21 more than first class air travel between Washington and St. Louis and $24 less than first class air between Chicago and Denver.

These are some of the reasons why we are inclined to give Amtrak only a little cheer for shifting passenger cars around the country. There is much to be done and it is being done so slowly.

[From the Parkersburg (W. Va.) News]

PARKERSBURG-WASHINGTON TRAIN: AMTRAK SAYS, "USE IT OR LOSE IT"

WASHINGTON, D.C.—Experimental daily train service between Washington, D.C. and Parkersburg, W. Va., will begin westbound on Sept. 7 and eastbound on Sept. 8, it was announced today by Roger Lewis, President of the National Railroad Passenger Corporation.

Called "The West Virginian," the train will stop at Silver Spring, Harpers Ferry, Martinsburg, Cumberland, Keyser, Oakland, and Grafton. It will operate one trip each way per day with special arrival and departure times on weekends and holidays. The train will connect with Amtrack service to and from New York.

In announcing the service, Lewis said it will operate for a 2-month period during which Amtrak will gather data on potential ridership along a rural-scenic route and it will measure public acceptance of a schedule variance between weekdays and weekends designed to increase business.

The inauguration of the service in September coincides with the re-opening of several schools and colleges along the route as well as the start of fall foliage tours which attract tourists to the region.

Lewis explained that the train will be run under that section of the Rail Passenger Service Act of 1970 which permits the corporation to experiment with intercity service outside the basic system.

Such trains are operated on an experimental "use it or lose it" basis and may be discontinued after a reasonable period of time if the public does not utilize the services provided.

PROPOSED SCHEDULE—"THE WEST VIRGINIAN"

Westbound					Eastbound	
Train No. 5 Monday through Friday	Train No. 11 Saturday, Sunday, holidays				Train No. 8 Monday through Friday	Train No. 12 Saturday, Sunday, holidays
4:45 p.m.	10:00 a.m.	Lv	Washington	Ar	4:45 p.m.	8:45 p.m.
4:59 p.m.	10:14 a.m.		Silver Spring		4:25 p.m.	8:25 p.m.
5:50 p.m.	11:05 a.m.		Harpers Ferry		3:34 p.m.	7:34 p.m.
6:15 p.m.	11:30 a.m.		Martinsburg		3:08 p.m.	7:08 p.m.
7:53 p.m.	1:08 p.m.	Ar	Cumberland	Lv	1:32 p.m.	5:32 p.m.
7:58 p.m.	1:13 p.m.	Lv	Cumberland	Ar	1:27 p.m.	5:27 p.m.
8:34 p.m.	1:49 p.m.		Keyser		12:51 p.m.	4:51 p.m.
9:33 p.m.	2:48 p.m.		Oakland		11:52 a.m.	3:52 p.m.
11:00 p.m.	4:15 p.m.	Ar	Grafton	Lv	10:25 a.m.	2:25 p.m.
11:03 p.m.	4:18 p.m.	Lv	Grafton	Ar	10:22 a.m.	2:22 p.m.
11:48 p.m.	5:03 p.m.		Clarksburg		9:38 a.m.	1:38 p.m.
2:15 a.m.	7:30 p.m.	Ar	Parkersburg	Lv	7:10 a.m.	11:10 a.m.

Note: Only full fare tickets will be honored.

"The West Virginian," initially consisting of a coach westbound from Washington, D.C. at 4:45 p.m. during the week; it will leave at 10 a.m. and a coach-diner pulled by a diesel engine, will depart on Saturday, Sunday and holidays. Eastbound, the Monday to Friday train will leave Parkersburg at 7:10 a.m. while the weekend and holiday departure time will be 11:10 a.m.

By operating two separate schedules, Amtrak hopes to attract passengers from three potential sources.

First, general passenger business all along the route which is expected to average about ten people per train mile.

Secondly, passengers living between Cumberland and Washington, primarily a weekday market, only a portion of which is now served by a single B & O commuter train.

And finally residents from the Washington area who want to take one-day excursions to Harpers Ferry, Martinsburg and Cumberland. These potential riders are viewed as weekend business.

Tickets for the service may be purchased on the train, at Washington's Union Station and from the Cumberland ticket agent between 9 a.m. and 5 p.m. Agencies in Silver Spring, Harpers Ferry and Martinsburg will also sell tickets. Amtrak is in the process of setting up a direct dial telephone system linking all stations to an open agency in Washington. It will provide information on fares, schedules and arrival times.

HIGH HOLIDAYS 5732

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ANNUNZIO. Mr. Speaker, the Jewish high holidays begin this year on September 19 and 20 with Rosh Hashanah and conclude on September 29 with Yom Kippur. It is a significant time of the year for those of the Jewish faith because it marks the beginning of the Jewish religious New Year 5732.

All over the world, on Rosh Hashanah, Jews assemble in synagogues to ask God's forgiveness for man's sin and to pray for the unification of mankind. "Unite all of us in the bond of brotherhood" is the beginning of one of the beautiful, thousand-year-old prayers associated with this holy day.

This year, the beginning of the 26th session of the United Nations General Assembly on September 21 coincides almost exactly with the beginning of the Jewish high holidays. And as the United Nations reaffirms the principles of individual freedom, world peace, brotherhood, and the opportunity for greater spiritual growth for all people, so do Jews all over the world during the high holidays rededicate themselves to social justice, the sanctity and dignity of human life, and the brotherhood of mankind.

On Rosh Hashanah, or New Year, the shofar, or ram's horn, is sounded. The sound of the shofar is, at the same time, an affirmation of the joy of life and a reminder that the coming year requires a serious reexamination of purpose, thus opening up the way to a richer and fuller existence.

September 29, Yom Kippur, the Day of Atonement, climaxes 10 days of penitence with which the Jewish New Year commences. This is the most sacred day of all—for on this day the Lord judges each individual. Worshippers abstain from all food and drink for 24 hours, and a candle large enough to burn for 24 hours is lit in each home in memory of the dead. Jews ask forgiveness from the Lord, and in turn, freely forgive their neighbors and look forward to a good life.

The Jewish tradition of setting apart one day in every year to concentrate to the utmost on the spiritual advancement of man is without parallel in the history of humanity. And the fact that for thousands of years Jews all over the world have united in prayer and repentance on the same day is immeasurable in its significance, particularly when so many obstacles throughout the centuries have been placed in the way of Jewish religious observances.

In recent times, the Soviet Union has imposed severe restrictions on the religious freedom of the Jews residing within the Soviet Union. Therefore, when the 92d Congress convened in January of this year, I introduced House Concurrent Resolution 8, to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion, and also, House Concurrent Resolution 245, requesting our President to take immediate and determined steps to persuade the Soviet Union to permit persons of the Jewish faith, who express the desire, to emigrate to a country of their choice. By the passage of these resolutions, we can reaffirm to the world community and especially to the Soviets our belief that mankind has the inalienable right to religious freedom.

During the celebration of the Jewish high holidays, we recall once again the suffering endured by the Jewish people and mankind's conscience cries out against the betrayal of human rights which they have so tragically experienced. In the coming year, I do hope that the Jewish people may enjoy freedom from persecution, peace, and prosperity.

As the Congressman for the Seventh District of Illinois, where many of my friends and constituents of the Jewish faith reside, I take great pleasure in extending to them my greetings and best wishes for the new year.

TEACHERS AND THE WAGE-PRICE FREEZE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1971

Mr. MINISH. Mr. Speaker, as teachers resume their vital task of preparing our youth to meet the challenges of this complex age, they are confronted with acute financial problems resulting from the wage freeze. The Cost of Living Council has decreed that most contracts agreed upon in the last school year, to become effective with the opening of school in September, are not to be honored; nor will teachers receive the increments that are part of the long-established salary schedule.

I am confident that their fellow citizens will agree that the teachers' case meet the criterion of gross inequity set by the Economic Stabilization Act of 1970—Public Law 91–379. The American Federation of Teachers has submitted to the Cost of Living Council a cogent brief encompassing its arguments on teacher salary schedule increments which I am inserting below. I commend it to the attention of our colleagues and urge that they join me in informing the Director of the Office of Emergency Preparedness of their support of the teachers' just cause:

Teacher Salary Schedule Increments: They Are Part of the Teacher's Wage, They Have Little Or No Economic Impact, and They Are Not "Raises".

(Submitted by American Federation of Teachers, AFL–CIO)

I. SCHEDULE INCREMENTS ARE TECHNICAL

Today, almost all teachers are paid accordance with "salary schedules", "ranges", or "guides". Teachers without experience enter at a low, threshold salary step and progress, usually at the rate of one step a year, until the final or maximum step has been reached. In most instances, progression from one step to another is automatic. Progress from one increment step to another may be interrupted for disciplinary purposes, in some cases, and in some school systems perfunctory evaluations and course credits are required but it is rare that an increment is withheld.

The concept of a *single salary schedule* which incorporates both experience and educational preparation as the basis for automatic salary increases was widely adopted as early as the 1920's. The advantages of this type of schedule (with *automatic annual increments*) were identified by Professor Elsbree in 1931 as follows:

"Automatic increments have a virtue of being impartial, thus removing all possibility of political pressures in the determination of salaries and eliminating petty jealousy and bickering among teachers. This plan makes teacher-rating unnecessary for salary purposes, thus relieving the supervisory corps of a substantial burden."

By 1950 the schedule as a method of paying teachers was firmly established in all public school systems. True, there were a very small percentage of systems where various forms of "merit" pay were practiced. However, even in these instances, more often than not, the merit pay was a bonus given in addition to the normal increment, again supporting the view that the increment is an integral part of a wage and does not in itself constitute a salary increase or raise in the usual sense of the term.

II. SALARY SCHEDULES ARE ANTI-INFLATIONARY

The salary schedule method of paying teachers has an economic rationale quite apart from the administrative convenience stressed by Elsbree.

Teaching is marked by characteristics which distinguish it from other occupations. For instance, more than two-thirds of the nation's teachers are women. Teachers are employed on an annual basis. Their work year almost universally begins in September. During the first three years or more of employment the question of whether or not a teacher will remain in teaching is considered moot. As a consequence of these influences, there is a great deal of turnover during the first few years.

As younger teachers drop out they are replaced with new raw recruits from the teacher training institutions. The salary schedule takes economic advantage of this fact by requiring teachers to work for a relatively low wage during the first few years of employment. In effect, the schedule device delays the achievement of full earning power for many years. New, inexperienced teachers enter into a long apprenticeship which delays their payment at "journeyman's rates".

The underlying budget-balancing purpose for paying teachers in accordance with a schedule rather than paying them on a flat rate basis is seldom admitted. Instead, writers stress the salary schedule as a recognition of the increasing productivity of the teacher as experience is gained.

Whichever rationale one accepts, however, there is no escaping the fact that the schedule increments are an integral part of the teacher's wage. The "wage" is actually a sliding scale or salary range.

III. TEACHER RAISES ARE DISTINCT FROM INCREMENTS

When teachers negotiate they usually seek percentage, across-the-board or lump sum increases to be applied on top of the existing salary schedule and its increments. The increment schedule itself changes very slowly and of course where such changes have been negotiated, the new schedule would constitute an increase to the extent that the increments themselves had been increased. Some increment schedules have remained the same for 25 to 30 years even though salary ranges may have doubled and tripled during that time.

To give an example, in 1950 "School District A" had a salary schedule under which a teacher with a Bachelor's degree progressed from a beginning salary of $2,500 to a maximum salary of $5,100 in 13 annual $200 increments. By June of 1971, beginning teachers were entering the system at $8,400 and progressing to a maximum salary of $11,000. There were still 13 annual increments of $200.

In negotiations during the summer the union rather than negotiate across-the-board raises, succeeded in raising the increments to $250 each. The beginning salary remained the same and the maximum salary under the impact of the increased increments would have risen to $11,650. However, the effective date for the increase was to have been September 1.

The negotiated increase was the $50 per increment cumulative up the scale, and in accordance with the Cost of Living Council's rules logically should not be allowed. However, the former basic salary schedule with its $200 increments should be allowed to remain in effect. Only the increase in the increments would have constituted an increase in salary level.

IV. ECONOMIC IMPACT OF INCREMENTS IS MINIMAL

Teacher salary schedule increments have little or no economic impact. Increases in the salary budget accounts of school districts are due almost entirely to increases in personnel and across-the-board or percentage increases. In all except recently formed districts the proportion of teachers on the various steps of the schedule stays about the same year in and year out. As teachers retire at the maximum step they are replaced by teachers at the minimum step of the schedule. Hence, the budget salary account is not economically effective and increments do not result in increasing the total amount of employee purchasing power.

The fact that there may be temporary imbalances in newer districts, or due to peculiar local conditions in others, does not alter the basic fact that economically speaking, when considered in their nationwide aggregate, increments do not have economic impact.

In all previous impositions of economic controls—in World War II and during the Korean crisis, for instance—teacher salary schedule increments were not interfered with, thus reinforcing our position that such increments do not have economic significance in the aggregate.

V. COST OF LIVING COUNCIL'S RULINGS

Denial of teacher salary increments is not consistent with other rulings made by the Cost of Living Council. If we accept the effective date of the freeze as August 15 and disregard some of the rather strong legal objections which could be raised, there are only two logical alternatives: either a teacher began working under a new salary schedule before August 15, or he did not.

Teachers who began work in accordance with a new schedule prior to August 15 do, of course, receive their increments along with their raises. Teachers who did not start working on a new schedule before August 15, therefore, should be paid in accordance with the old schedule, because that was the status quo ante. Teachers should receive their increments in accordance with the schedule which prevailed for them before the freeze (see example in III above).

Teachers are particularly affected by the denial of increments because of the peculiar seasonal nature of their employment. There are some other occupations where wages are embodied in the schedule but very few of these, if any, are so immediate and adversely affected by the effective date. Therefore the number of employees other than teachers which might also be affected by recognition of the fact that salary schedule increments are not raises is not nearly as drastically limited by this consideration.

Denial of salary schedule increments to teachers has aroused widespread resentment because teachers are not impressed by the logical basis for this denial. As a matter of fact, they feel and rightly so, that teachers are being asked to make sacrifices which go far beyond the sacrifices other groups are being forced to make. Denial of increments actually constitutes a salary cut.

VI. INCREASES ARE NOT LONGEVITY INCREASES

Some confusion has been introduced into the teacher salary question by use of the term "longevity". "Longevity" has a very precise meaning in the discussion of teachers' salaries. Longevity increases are understood to be above and beyond the normal salary schedule. They are awarded to teachers who live a long time and stay a long time on the salary schedule maximum. To give such teachers "something to look forward to", longevity increments are awarded at the end of 20, 25, 30 or 35 years of service. While such adjustments may be automatic they occur at much longer intervals than annual increments and they do not constitute a schedule.

The normal schedule increments are experimental, rather than a survival benefit. A 22-year old teacher who moves from step 1 to step 2 of a salary schedule does not progress as a result of "longevity".

VII. ALLOWING NORMAL INCREMENTS WILL ELIMINATI CONFUSION

Allowing normal salary schedule increments would be consistent with other Cost of Living Council rulings. For instance, the Council has already granted that increments based upon added training-course requirements—are permissible even though the granting of such increments is "automatic" and not "promotional" in the sense that a managerial judgment is involved. Qualifying for an increment by means of experience is simply another method of advancing along the schedule.

There are 17,000 local school districts in the United States. There is a great deal of confusion among them on the increment question. Some districts have allowed increments to be paid, others have allowed increments to be paid providing the teacher signs a statement to the effect that if the increment later is ruled "illegal," a refund will be made. Still other school districts have allowed the increments to be paid if the salary schedule was adopted by the board of education prior to August 15. We know of one case where a new schedule was adopted by the board of education to be effective July 1. One teacher out of a teaching faculty of more than 800 worked during the month of August; the salary schedule was validated and all teachers below maximum are receiving their incremets. In another district, the month of August is assumed to be paid vacation and on this basis teachers accrue salary credit which is reflected in checks which are given to them on the opening of school. They get their increments.

As one examines the various hair-splitting "differences" from one school district to another, one must conclude that the fairest and most reasonable way to end the confusion is to concede that normal salary schedule increments should be paid as planned.

INDICATIONS OF THE QUALITY OF AMERICAN MEDICINE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. TIERNAN. Mr. Speaker, the quality of research being done by Americans in the field of medicine has improved substantially over the past 20 years and has now gained high recognition throughout the world. Since 1950, for example, Americans have won Nobel Prizes in physiology and medicine in 16 of the 21 years.

A recent article in the Rhode Island Medical Journal takes note of the quality of American medicine. At this point in the RECORD I would like to insert a copy of this article and I urge my colleagues to take a moment to read it:

INDICATIONS OF THE QUALITY OF AMERICAN MEDICINE

The Nobel Prize in Physiology and Medicine is recognized throughout the world as one of the highest awards in medicine. Since 1950 Americans have won awards in 16 of the 21 years. Further, in the 20 year period prior to 1950, Americans had won awards on 9 separate occasions. By contrast, from 1910 to 1930, Americans had won Nobel Prizes in Physiology and Medicine in only 3 of the years.

Since the beginning of the Nobel Prize awards in 1901, American Medicine has steadily improved and is now a frequent winner among the countries of the world. Our most recent laureate Doctor Julio Axelrod, a 1970 winner, has maintained the tradition of American medicine with his excellent work on the mechanisms which regulate the formation and inactivation of norepinephrin.

This year's Lasker Awards suggest a high level of sophistication in American Medical research. Doctor Earl W. Sutherland, one of the two Lasker Award winners, described a new chemical intermediary, cyclic adenylic acid (AMP), and demonstrated that it participates in a wide range of biochemical and physiological control and regulatory mechanisms. The other winner, Doctor Robert A. Goud, "transplanted bone marrow cells into immunologically deficient children, thus reconstituting both systems of immunologically active cells and saving the children from heretofore uniformly fatal infection."

As an appropriate climax to these gratifying events Oxford University in Great Britain recently reached across the Atlantic to invite Doctor Paul B. Beeson of Yale University to assume a chair in its medical school and the prestigious title of Nuffield Professor in Clinical Medicine.

Each year a stream of the graduates of foreign schools is attracted to the United States for training in general medicine and the specialties. In some foreign countries the chances for promotion are markedly increased if one has had at least part of his training in the United States. The large volume of excellent medical research in America as reported in medical journals of world-wide circulation and the names of famed teachers and investigators are a powerful attraction for these temporary visitors. Some foreign graduates who receive their post doctoral training in America return to their own countries and become world renowned in their own right. One such individual is Christiaan Barnard. The great medical centers of North America now offer the attractions which were once the hallmark of England and the continent.

NATIONAL HISPANIC HERITAGE WEEK

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MATHIAS of California. Mr. Speaker, the week of September 12 through September 18 has been proclaimed National Hispanic Heritage Week by President Nixon. This week includes the Independence Days of the Republic of Mexico and five Central American nations which are celebrated on September 16.

I think it is important that we devote this week to recognizing the contributions and accomplishments of our citizens of Hispanic descent.

America is indebted to the Hispanic culture for its influence on our traditions, customs, and environmental surroundings. In addition, our Mexican-

American citizens have made notable contributions to the industrial, agricultural, artistic, intellectual, and political life of the Southwest.

It would be difficult to measure the accomplishments of the Mexican Americans in my congressional district. We are daily reminded of their rich heritage and of the vital part they play in the economic, political, and social life of the area.

By providing their own particular strengths and charm to the American way of life, the men and women of Hispanic descent have helped to make America great.

I am happy to pay tribute to the heritage of our Mexican-American citizens.

BILL TO AID SINGLE TAXPAYERS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BROOMFIELD. Mr. Speaker, last year over 25 million Americans paid a premium in the form of higher taxes, simply because they were unmarried. Under present law, taxpayers who are single pay at a rate which is as much as 20 percent more than a married individual with the same taxable income. Similarly, widows and divorcees who may qualify under the "head of household" tax table are assessed 10 percent more than marrieds filing a joint return.

The accelerated tax rates used for nonmarrieds fail to accurately reflect a fair assessment of the financial burdens that many of these individuals encounter. While a widow or divorcee supporting one or more children is entitled to a standard deduction for each dependent, their tax based on the adjusted income is higher than that of a married couple which is childless.

Today, there are literally thousands of widows who are adversely affected by an unfair tax schedule. More often than not they are older people, nearing the end of their earning years, who in addition to suffering the loss of their spouse are striving to provide for their children on a reduced income. I propose that we should amend the law so as not to penalize them in their efforts which are so difficult already.

Mr. Speaker, now is the time to strike down discrimination, in the form of higher taxes levied against those citizens who are not married. Taxes should reflect an individual's financial responsibilities for dependents and clearly the most effective means to do this is through standard deductions.

Thus my bill acts to equalize the income tax of all people by eliminating the "head of household" and "singles" tax divisions. It provides that everyone will be subject to the same rates which presently are available only to married couples filing joint returns.

I would hasten to add that while there will be a reduction for singles, this measure does not raise taxes for married people. As a matter of fact, most couples will still pay a smaller stipend than the rest of the population because after the standard deductions, their taxable income will be less.

My position is that the standard deduction should be increased and I welcome the President's proposal to do so. However, after standard deductions are subtracted from gross income, the percentage of tax on taxable income should be the same for all.

After all, our graduated income tax system was designed in order to tax everyone on their ability to pay. Differentiated tax schedules based on marital status alone are not consistent with this principle. This approach is too simplistic for a complex area such as Federal income tax regulations. The premise that a single person should pay higher taxes on the same income, after deductions, as his married neighbors is patently unfair.

Until recently it was possible for singles to pay as much as 40 percent more but, as a result of the Tax Reform Act of 1969, the difference was limited to a maximum of 20 percent. While this is an improvement, there is no reason for a discrepancy of any form. My measure will serve to continue the trend initiated in 1969 and, therefore, I hope that it will receive the careful consideration of the House.

MEXICO'S INDEPENDENCE DAY

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DE LA GARZA. Mr. Speaker, today is Mexico's Independence Day. Last night in Mexico City the President of Mexico, His Excellency Luis Echeverria, following the tradition of his predecessors, gave the cry for independence, the now world-famous "Grito de Dolores." This was done the night of September 15, 1810, at the little village of Dolores, Guanajuato, by Father Miguel Hidalgo.

This, Mr. Speaker, was not rebellion for personal gain; it was an aspiration of the soul of man desiring to be free. Allow me to quote from Father Hidalgo, writing to the rector of Guanajuato on September 21, 1810:

> Our movement is a large one, and more so when it intends to reclaim rights which are holy, given by God to the Mexicans.

Father Hidalgo further states in his letter:

> We wish to be independent of Spain in order that we might govern ourselves.

I cannot help but think, Mr. Speaker, that the Mexican patriots were well aware of our cry for independence and our struggle here in the United States.

Those of us who are of Mexican descent, and very proud of being so, have great love, admiration, and respect for the land of our ancestors and share their rejoicing on this day.

Further, Mr. Speaker, those of us who are native to this our great country of the United States of America can bring greater respect and admiration to the country of our ancestors by being good citizens and conducting ourselves in such a manner that when we say we are proud to be of Mexican descent, the people of Mexico in turn be proud of us.

GOVERNOR ASKEW CALLS WATER MANAGEMENT CONFERENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FASCELL. Mr. Speaker, I am proud to be able to say that my State of Florida is privileged to have a most dynamic and forward-looking Governor in the Honorable Reubin Askew.

In the few months that he has been in office, Governor Askew has grappled with a number of problems which have long plagued our State and he has set them on a course toward solution. Now he has again exerted his leadership in dealing with a major problem and has called a Governor's conference on water management in south Florida to be held in Miami Beach from September 22 through September 24.

As Governor Askew has pointed out—

> In less than two years the Everglades region of South Florida has experienced both extremes of nature with respect to rainfall. Early spring of 1970 saw near record rainfall, and less than a year later record deficiencies were experienced in the same area. Because of this, problems running the gamut from drowning wildlife to muck fires have beset us.
>
> But even these problems, as serious as they are, are short-range ones and are only symptoms of the larger, long-range problems we face. There are signs that Lake Okeechobee is becoming eutrophic, salt water is intruding into our well fields, and a water shortage in South Florida is predicted in a few short years.

The list of questions which will be discussed at the conference is comprehensive and penetrating. I include it here to give our colleagues an idea of the problems which south Florida faces; they are serious and they are pressing:

GOVERNOR'S CONFERENCE ON WATER MANAGEMENT IN SOUTH FLORIDA

I. LONG TERM PROBLEMS

1. Water Supply (Quantity). a. What are the expected fresh water supply problems for the urban areas which depend on the basin for water? If there are shortages expected, what do we do to prevent them?

2. Water Supply (Quality). a. What fresh water quality problems does the basin now have or can expect? What can be done to retain fresh water of high quality?

3. Land Reclamation.

a. Should we drain wetlands in the basin for land reclamation?

b. If so, for what purposes?

c. Should we re-flood any of the previously drained lands? Which areas?

d. What can we do to stop the loss of muck?

e. What can we do to replenish the source of muck?

4. Population.

a. Is there a limited number of people which the basin's fresh water can support?

b. If the answer above is affirmative, how do you determine these maximums?

c. If there is a limit, what do we do about it?

5. Ground Water.

a. What areas have ground water problems?

b. What actions should be taken to alleviate these problems?

6. Geographical Considerations. a. What should our specific objectives be with regard to:

1) Kissimmee Valley.
2) Lake Okeechobee.
3) Everglades outside the park.
4) Everglades National Park.

II. SHORT TERM PROBLEMS

The three conservation areas and Lake Okeechobee are all below schedule and it is late in the wet season. We may have all the following problems next winter and spring. How should we respond to the following matters?

1. Fire prevention and control.
2. Intrusion of salt water.
3. Establishment of water priorities.
4. Regulation of water use in cities.
5. Desirability of cloud seeding.
6. Schedules of water levels in Lake Okeechobee and the conservation areas.

III. MANAGING AGENCY

1. What type of agency is needed to effectively manage the resources of south Florida?

a. Should it be federal, state, regional, county or a combination?

b. What should the governing structure be?

2. What geographical boundaries should be included within the management area?

3. What should the resource management responsibilities of the agency encompass?

4. What authority should this agency have to carry out its responsibilities?

5. How would this authority relate to other existing governmental bodies?

The Governor's Conference will bring together scientists, Government officials, and knowledgeable laymen for the purpose of providing scientific recommendations for a regional program of water management.

Mr. Speaker, I commend Governor Askew for taking the initiative in calling this conference and am looking forward to the positive results and recommendations which I trust will come out of it.

NO NEW TAXES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DERWINSKI. Mr. Speaker, a real grassroots commentary on the President's wage-price freeze and how it affects the average American citizen will hopefully be appreciated by my colleagues in Congress.

The point made in the Sunday, September 12, editorial statement of the Suburbanite Economist, Illinois, was that increased expenditures must be extracted in the form of taxes from our constituents.

The editorial follows:

NO NEW TAXES

The best thing that can be said for President Nixon's wage-price freeze at this time is that it has been a political master-stroke. By adopting some of the measures his opponents have been urging he has taken the wind out of their sails. It is not unlikely that other acts designed for the same purpose—a date for complete withdrawal from Viet Nam, for example—will be announced in due time.

Whether the wage-price freeze will have the desired effect of bringing the country out of its economic doldrums is another matter. Only time will tell. Economists, who are supposed to know about these things, are far from agreed. Naturally, we hope for the best.

One thing that seems eminently clear and fair to us, however, is that if wages and prices are to be frozen so should taxes. Certainly no new taxes should be imposed without a referendum. We think any public agency would be reluctant to suggest a tax increase of any kind at this time, but if the need is considered urgent they should be willing to put it to a vote and let the taxpayers themselves decide.

Why should everything but taxes be frozen?

SOS

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. RANDALL. Mr. Speaker, when a radio operator at sea hears the dots and dashes of the Morse code come into his earphones, SOS, it is recognized as a call for help from those in distress.

Missouri's elderly people, particularly those in our rural areas, seem justified in issuing such a distress signal. It is my privilege and pleasure to be able to report that, for the area that is known as west central Missouri, the call for help is being answered.

The SOS sent out by our lonely senior citizens living in the rural areas has been heard and partially answered. The West Central Missouri Rural Development Corp., under a program approved by the Office of Economic Opportunity, has its own SOS. It has organized a senior opportunities and services center—SOS—in an area which includes Bates, Cedar, St. Clair, Henry, Vernon, Morgan, Johnson, Benton, and Cass Counties.

In a recent article published by the central office of the Office of Economic Opportunity entitled "Missouri's Elderly" a tribute was paid by the agency to the work of the West Central Missouri Rural Development Corp., with particular emphasis on its SOS program. In our judgment, this program is so worthwhile that there are enough compliments and commendations for everyone involved. First there is Mr. William Krudwig, president of West Central; and next its executive director, Charles Braithwait, who has been a tower of strength in all of the operations that are funded by OEO in the rural areas of west central Missouri. To be included for praise are, of course, Harry Neptune, president of the area SOS Senate; Mrs. Ethel McMillan of Versailles, who is president of the Congress for Senior Opportunities and Services and also a delegate to the Senior Citizens Action Council; Mrs. Helen Kling, who helped organize the program and is technical adviser to West Central Missouri SOS; Mrs. Corrine Avery of Clinton, Mo., who is president of a senior center and also representative to the area board of directors for West Central Missouri Development Corp. Last, but by no means least, Mr. Wilfred Dugan of Montrose and Mr. Jack Bray of Lowry City, deserve plaudits as those who secured the buses to provide transportation to the meetings of the Senior Opportunities and Services Senate, which meets in a rotated order within each of the nine counties served by the West Central Missouri Development Corp.

The recent article entitled "Missouri's Elderly" is well written. It is most descriptive of the work being done to help with the problems of the elderly poor in rural areas. In my judgment, no truer words were ever spoken than by the author of the article who said:

> It is bad enough to be poor, but to be old and poor and to live in a rural area means that problems are tragically compounded.

Rural Missouri is no different than other rural areas of America in that many old people live alone with no means of transportation and certainly without public transportation and, in many instances, without telephones or television.

The most inspiring portion of the article is that part which sets out the fact that the SOS staff of community aides who make home visits to search out needy older people are all low income themselves and are all 60 years of age or older, while the oldest aide serving in the west central Missouri area SOS is 74.

Mr. Speaker, in view of the fact that the Congress will be called upon in the near future to consider an extension of authority for the Office of Economic Opportunity, I, for one, was glad to learn about this worthwhile activity for the benefit of our older citizens in the rural areas. Since the advent of the poverty program, most of the complaints against the program are to the point that the lion's share of funds are poured into the big cities, largely for the benefit of minority groups. I have opposed the poverty program in the past because of its exclusively big city orientation to the exclusion of other activities. It was refreshing to discover an instance of such potentially beneficial activities by the OEO in a rural area. Because of the necessity to soon consider an extension of authority for the poverty program, it becomes my privilege and perhaps an obligation to share with my colleagues what, in my judgment, is an outstanding example of a good program operated for the benefit of the elderly in the rural areas. The article as it appeared in the August–September issue of the OEO publication Opportunity is as follows:

MISSOURI'S ELDERLY

While a lady close to 70 years old played the fiddle, a woman of perhaps 65 tapped her feet and could barely restrain herself from dancing a little jig. Her friends teased her about it afterwards and she said, "Well, when I'm in church I know I have to keep my feet still. But when I'm here at our Senate meeting, I feel like I can let them go."

Pleasure in seeing each other and high spirits were the order of the day at the June meeting of the West Central Missouri Senior Opportunities and Services (SOS) Senate in the little town of Versailles. More than 200 low-income men and women over 60—some in their nineties—came to the meeting as representatives of 34 Senior Centers in nine rural Missouri counties. With a scattering of grandchildren to take it all in, they entertained each other with music and poetry, shared accounts of their activities at the various senior centers, prepared and ate food together and talked about how they could influence local, state and national policy concerning the aging.

The company, the plentiful food, the dignity of taking a positive role in society are things these older Missourians appreciate deeply because they have been denied them. The area SOS program, begun in 1968 to help the older poor help themselves, has meant a very real change in their lives.

With headquarters in Appleton City, Missouri, the West Central Missouri SOS serves more than 2,500 low income people over 60. It is one of 200 such programs instituted by the Office of Economic Opportunity in the country to deal with the problems of the elderly poor.

The West Central Missouri SOS, part of the West Central Missouri Development Corporation headed by Charles Braithwait, operates in Bates, Cedar, St. Clair, Vernon, Henry, Morgan, Johnson, Benton and Cass Counties. Young people from these rural counties continuously have migrated to urban areas, leaving behind the old in a pattern familiar to so much of rural America.

"We are proud of our older people's program," Braithwait said. "We were skeptical at first as to how it would work because it is so hard to organize rural people. But it has exceeded our expectations."

Helen Kling, who helped organize the program and is now technical advisor to it, said, "At first there seemed to be little community interest—there was a denial that there was need. But when people began to see what the older poor could do to help themselves, and to understand their problems, the feeling changed—many community groups and individuals have become extremely cooperative. The churches especially have been helpful in providing places for groups to meet."

A major achievement of the program has been community recognition of the older poor's existence and their plight.

It is bad enough to be poor, but to be old and poor and to live in a rural area means that problems are tragically compounded. Rural Missouri is like many other rural areas in America in that old people can be found who barely exist on pensions or social security with no family, or seemingly abandoned by living relatives. Mrs. Kling said, "we keep finding old people living in the worst poverty who are not even aware that they are eligible for welfare or food stamps, and sometimes even social security." Many old people live alone with no means of transportation, and in rural areas there is rarely any public transportation. Many have no television or telephone.

Often, pride is all that the older person has left. A profile of the older poor person prepared by the Office of Economic Opportunity says: "The older poor person is often bitter over the necessity of receiving social welfare services after having worked all of his life with nothing to show for it. He is reluctant to face the necessity of asking for help and considers even starving (independence) as the last refuge for his pride."

The word "poor" applies only to the financial situation of many older people eligible for the SOS program. Their resources vary greatly. Some with little income have comfortable homes, community contacts and family and good health. But many are entirely alone, with almost no resources and chronic ailments. Through the SOS program, such older people learn about each other and those better off help those in greater need.

The basis of the Senior Opportunities and Services program is the local Senior Center, of which there are 34 in the nine-county area. Each Senior Center elects two delegates to a County Congress, and two more voting delegates to an area Senior Citizens Senate. Both meet bi-monthly. The Senate, which consists of officers and delegates from all the centers, meets monthly. Any older person who wants to can attend any of the meetings, take part in the discussion and serve on committees.

But the local center is the hub of activity for most of the participants. Finding a place to meet is the first challenge of an oldsters group. The SOS has very little money for rent or renovation. Thus, some of the meeting places are unused churches or old houses that the older people repair and clean up themselves, or houses loaned by members of the community.

Mrs. Kling describes one center:

"Bear Creek holds its meetings in a white frame church no longer used for services. It is located on top of a rocky Ozark hill, six miles from the nearest town of Osceola. It has an oak-shaded cemetery and in the yard are long picnic tables left from years past. Inside, the women quilt every Thursday, while the men visit, or make repairs to the church, or keep the cemetery raked and tended."

There are 11 SOS Staff Community Aides who help organize the centers, make home visits to search out needy older people and provide or arrange for transportation to the center meetings when needed. The aides are all low-income themselves and 60 years of age or older. The oldest aide is 74.

Most centers are open every day for various activities, which vary according to the wishes of the members. "All SOS participants are not members of the centers," Mrs. Kling said. "Some are invalids, or for some other reason are unable to get out, and others, although they participate in activities such as crafts and quilting, prefer not to try to go to meetings." Most centers average from 15 to 60 members, some being much larger than others.

An important activity at most centers is the preparation and serving of hot meals. SOS Centers get certain surplus foods such as flour, butter, and rice, which the participants use to prepare meals for themselves, for larger meetings and for shut-ins. Volunteers and SOS aides carry food cooked at their center to people who are unable to get out and who do not often enjoy a good hot meal, either because they are not able to fix it or can't afford it.

Eating at the center is a social occasion and the food is delicious. Centers have hot meals as frequently as they can afford it, which may be weekly or every other week. "These people really know how to get a dime out of ten pennies," said Mrs. Kling. Popular foods include cornbread, rice pudding and assorted pies. The centers usually buy turkey or ham for meat because they will go farther. "When fresh garden vegetables are available and with the surplus commodity foods, they prepare real banquets," Mrs. Kling said. The commodity and garden foods are supplemented by food paid for out of the SOS budget.

Next to getting enough to eat, medical needs are of prime concern to the elderly poor. Thus, several of the centers have started screening clinics.

This program was begun by Mrs. Hortense Shockley of the Butler Senior Center who got tired of trying to find someone to take her to the doctor's office for weekly blood pressure readings and the long wait when she got there. "Why can't this be done at our center?" she asked. The doctors agreed that it could, and tuberculosis testing and diabetes screening were added as well. Now, volunteer registered and practical nurses come to the centers on a regular schedule to provide these needed services.

Older poor persons who have a positive reaction to the TB test are taken by SOS thus to the state tuberculosis sanitarium at Mt. Vernon where they can get x-rays for two dollars, paid for by SOS.

While SOS provides medical supplies and materials needed by the clinics, all the labor is donated by community people.

Since idleness and lack of money are problems which go together for many of the elderly, craft programs are a natural way for them to help themselves. This is especially true for many of the older people who are skilled at making things with their hands. Thus, making crafts for pleasure and for sale is becoming an increasingly important center and home activity for the SOS participants There are now four established SOS craft shops—the first and largest is Sac-Osage, where the Sac and Osage rivers meet. The others are the Wagon Wheel shop at Warrensburg, the Old School shop at Butler, and the Bittersweet Corners shop in Benton County.

To help the craft shops get established, the Methodist Fund for Reconciliation gave the SOS $500 the first year and $600 the second year.

Craft articles made include handsome quilts, wooden picture and quilting frames, games and shelving. Apple head dolls and cornhusk dolls are popular with tourists, as are sun bonnets, aprons nad linens with beautifully detailed needle work. "One woman was able to double her income by selling what she made," Mrs. Kling said. "That only meant she had $80 a month, which isn't much but was better than what she had before."

Old time looms are being rethreaded, renovated and delivered to those centers whose members are interesting in making rugs for sale. Two rooms at the Sac-Osage Craft Shop are filled with donated machinery which craft cooperative members use to make salable articles.

Also sold at the craft shops are antiques and collectors' items, such as old telephones, shoe lasts, irons, harness parts, wash boards, butter molds, dishes.

Finding a building easily accessible to tourists to house the craft shops was a problem. Sac-Osage is temporarily located in a building which used to be an old cheese factory, but has been condemned by the Corps of Engineers to clear land for the soon-to-be-built Truman Dam and Reservoir. The Senior Center group had to fix the leaky roof, replace windows and put in new wiring. Much of the work was done by the older people themselves.

The four craft groups' rules require that exhibitors be participants in the SOS program, and unless excused by illness or age, contributes at least one day's work each month tending shop. Each exhibitor receives 90 percent of the sale price of the articles he or she enters with 10 percent going to the governing board to pay utilities. A yearly family membership costs one dollar.

In season, produce is also sold at the co-ops. Green beans and sweet corn, pumpkins and bittersweet tomatoes, cabbage, Christmas trees, and (often) home-baked bread, rolls, cakes, pies are offered. Pawpaws can be bought at the Sac-Osage shop in the autumn, and the good sweet seed-filled Ozark persimmons. Home-made soap, garden-grown sage, green peppers and wild gooseberry jam are also sold.

Other activities include classes in First Aid, how to cook nutritious meals with surplus food, and life saving. Frequently, community volunteers help out with classes, cooking and transportation. Other SOS activities include a telephone check system—elderly people living alone call each other every day to see if they are all right. Those who don't have phones use some other signal, such as raising a window shade by a certain time. Recently, whistles were distributed to old people living alone to use if they should fall and be unable to reach a telephone to call for help. "Whistles can be heard farther away than a yell," Mrs. Kling said.

The joy of human companionship is reason enough for many of the older people to participate in the SOS program. But by coming to the centers, many also get caught up in solving complex problems, and enjoy, for the first time, having a voice in the community.

"For some of the older poor, SOS meetings are the first time they have participated in an organization that elects officers and uses parliamentary procedures," Mrs. Kling said. "Some centers didn't see the necessity for parliamentary procedures and bylaws at first, but after haggling over how long certain people should stay in office, they saw the necessity for clear-cut rules."

As they realize what they can achieve, the elderly members become increasingly sophisticated about their business sessions.

Under the guidance of the Senate, several committees have come into being as a need was recognized by Senate members. A consumer Education Committee studies reports on consumer protection and other matters of special importance to low-income elderly. This committee also arranged for a speaker from the Federal Trade Commission to discuss the Fair Packaging Law and the Truth in Lending Law before the Senate. The committee members also got a representative of the television industry to speak on Truth in Advertising, and a representative from the Food and Drug Administration to conduct a Senate meeting.

As a result of this committee's work, some consumer fraud cases have been exposed and some victimized older people have received redress.

In one case, an insurance check for $156 was returned to an elderly lady after she was assisted in writing to the State Department of Insurance describing the pressure and unfilled promises of an itinerant salesman. The company had ignored her letters, including a registered one, but they paid prompt attention when the State Department of Insurance wrote to them.

The Social Concerns committee holds training sessions to inform the participants about the state agencies, elected officials and commissions which are available for assistance to the elderly.

This committee had petitions circulated in which older poor asked for relief from some tax burdens on older home owners and renters, and for free hunting and fishing licenses. "The people who most need to hunt and fish for food can't afford the licenses," Mrs. Kling said.

The Social Concerns Committee also keeps track of legislation being introduced at both state and national level and explores how these bills, if passed, will effect them.

Communication and interaction with other human beings—not just older poor but with the community-at-large—is one of the primary rewards of the SOS. "Some of the people who come to the centers had never been away from their home communities in their lives," Mr. Kling said. Just to be able to go somewhere is a treat for many members. One project all the centers are joining in is saving money to buy a bus to be used both for transportation to area meetings and for longer trips. They are planning sightseeing visits to various cities and tourist attractions. At the June Senate meeting the members rejected a proposal to get a secondhand bus, preferring a new one even if it took two more years of saving. To earn money, they are collecting cans which are sold for a penny apiece to a local can opener factory, which uses them for experiments with a new product. They are also collecting trading stamps and coupons toward the purchase of the bus.

But the reward of increased communication is more than simple pleasure. These older people's pride is evident as they listen to reports of their members who have attended state conferences concerning the problems of the elderly. Harry Neptune, Senate president, is an officer of the newly-formed Missouri Senior Citizens Action Council, whose members are low-income elderly from the 18 Community Action Programs throughout the State of Missouri.

This Council works on problems common to elderly poor from both urban and rural sections of the State. Neptune was also invited by the National Council on Aging to be on a panel for one of their cluster training meetings held in Wichita, Kansas.

Older persons in all the centers of the SOS program have been participating in the events leading up to the White House Conference on Aging in Washington, D.C. in November. They were vocally involved in local community forums where they listed the most pressing needs of the aging in their communities. Eighteen of the SOS participants were elected delegates to the State White House Conference on Aging held in Jefferson City in May.

As isolated human beings, who are often neglected and ignored, older poor persons frequently feel ineffective and powerless. Common too is a feeling of resignation and despair. But as they become part of a group and learn that there are 20 million older Americans of which one in four is living in poverty, they realize that they are not unique or necessarily alone. The West Central Missourians who are part of SOS are, some for the first time, beginning to influence the society in which they live.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, on July 1, 1971, I included in the Extensions of Remarks information I had received at the recently concluded Minneapolis health hearings. The information included new ways to use computers in delivering health care. At that time, I included a letter of Mr. Bruce Boraas discussing a program utilizing geostatic mapping. I inadvertently failed to include the information provided me by Dr. John Harris, the head of the ophthalmology department at the University of Minnesota. Dr. Harris, in cooperation with Mr. Boraas and Dr. Ivan Voss, a medical sociologist at the University of Minnesota, has developed a technique for showing the need for health care areas of the North Central States.

The geostatic mapping program involves the use of four variables: First, identifying the physician in terms of his distance from population centers; second, identifying the number of physicians per 100,000 citizens; third, utilizing the medium family income, in this case the lower quartile; and fourth, adding to it the visual morbidity, since this original program was geared toward developing and discovering the need for ophthalmological services.

The computer then prints out a map showing various degrees of need for these services. Dr. Harris is to be commended for his action in developing this extremely useful technique for improvements in comprehensive health planning programs.

I am reprinting Mr. Boraas letter which explains this technique in more detail:

UNIVERSITY OF MINNESOTA,
Minneapolis, Minn., February 26, 1971.

Hon. DONALD FRASER: We at the Division of Health Computer Sciences, University of Minnesota, wish to call your attention to the powerful computer analysis tool we refer to as Geostatistical Mapping. We have developed this at the initial request and support of the Vision and Visual Science Manpower Survey, partially supported by the National Eye Institute.

It is nearing completion and will include the 48 contiguous states of the continental United States on a region-by-region, state-by-state, county-by-county basis. Since its intial inception as a research and analysis tool, we have extended the data base to include many health-related parameters specifically for Minnesota.

This effort is directed toward analysis support for the Vital Statistics Section of the Minnesota State Health Department.

Once the initial analysis programs are completed, any geographical data base may be established for the system. Currently, we have the U.S. Census Bureau 1960 data on a national level. These have been corrected by mathematical algorithms to adjust for subsequent years, for the State of Minnesota. For example, there are adjustment factors in the programs to present the population distribution in Minnesota for 1968. We are currently preparing to update the population data base to include the 1970 U.S. Census Bureau population data base.

The purposes behind the development of this analytical tool were: (1) to assess health care needs based on a geographical setting; and (2) to assess health care manpower based on a geographical setting.

The project began by attempting to identify geographically the location of ophthalmologists, optometrists, eye-ear-nose-throat specialists, and their relationship to the population density and incidence of blindness. We next expanded this data base to identify population rates for causes of death recorded on death certificates at the Minnesota State Health Department. This death certificate data base is on a year-by-year and county-by-county basis. Next, it was expanded to portray geographically the distributions of licensed nursing homes, general hospitals, and specialized hospitals (such as mental institutions, tuberculosis sanitoriums, etc.) in the State of Minnesota, relative to population density. We are currently promoting the use of this analytical tool in assessing the distribution and effectiveness of emergency ambulance service in the State of Minnesota. There are numerous possible applications of this geostatistical mapping analysis just within the area of ambulance service alone. For example, there are approximately 100,000 calls for ambulances in the State of Minnesota per year. One question this mapping analytical tool could contribute an answer to is, "Are the ambulances distributed effectively within the geographical clusters from which most calls occur over a period of time?"

Once these data bases are established, the user of the geostatistical system can interrogate the computer on hundreds of different combinations of variables. For example, the group of 55–75-year-old males with primary cause of death listed as stomach cancer on a county-by-county distribution overlay can be interrogated and displayed. The computer then generates this combination of data in minutes, and the combination is plotted out by the computer in less than twenty minutes.

We at the Division of Health Computer Sciences are proud of this analytical tool. It represents a high degree of the state of the art and certainly represents one of the most comprehensive tools for obtaining a meaningful analysis of health care needs and health care delivery. It not only supplements voluminous tables, but often supersedes their informative value by displaying more succinctly what tables are unable to display.

I thank you, Mr. Fraser, for expressing an interest in our capabilities and ongoing contribution to health care need and health care delivery analysis, and I trust this will be of considerable additional interest to your colleagues in Washington.

Respectfully,

BRUCE A. BORAAS,
Assistant Director.

SENATE—*Friday, September 17, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, ruler of men and nations, teach us the clear truth that our civilization cannot survive materially unless it is redeemed spiritually. Kindle the fire of faith in each of us to make us just and kind and pure that redemption may begin in us. Keep us steadfast and true to the highest revelation of Thyself and Thy will which Thou has made known to us. Enable us to draw upon the latent reserves of humanity, humility, and humor which are part of our heritage. Above all else keep us "a nation whose God is the Lord"—Lord of our homes, Lord of our schools, Lord of our churches, Lord of our ballot boxes, Lord of our government halls, Lord of our peace tables, Lord of our lives.

For it is in the name of the Lord we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 16, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FROM VERMONT

Mr. AIKEN. Mr. President, I present the certificate of appointment of the Honorable ROBERT T. STAFFORD as a Senator from the State of Vermont.

The PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Vermont, I, Deane C. Davis, the governor of said State, do hereby appoint Robert T. Stafford a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Winston L. Prouty, is filled by election as provided by law.

Witness: His excellency our Governor Deane C. Davis, and our seal hereto affixed at Montpelier this sixteenth day of September, in the year of our Lord 1971.

By the Governor:

DEANE C. DAVIS,
Governor.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. STAFFORD, of Vermont, escorted by Mr. AIKEN, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the President pro tempore (Mr. ELLENDER); and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, for the purpose of greeting our newest Member.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 9:04 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 9:06 a.m. when called to order by the President pro tempore (Mr. ELLENDER).

Mr. MANSFIELD. Mr. President, I yield the 3 minutes allotted to me under the standing order to the distinguished senior Senator from Vermont (Mr. AIKEN).

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I was very glad to present to the Senate the Honorable ROBERT T. STAFFORD, who has been designated by Gov. Deane C. Davis, of Vermont, to succeed the late Senator Winston L. Prouty as a Senator from Vermont.

Governor Davis has made an excellent selection. By this appointment, the Senate will have acquired a Member of sterling, if not ironclad character.

BOB STAFFORD is known to most of our Members. He has been an important Member of the House of Representatives for over 10 years. Until today he has been a member of the Armed Services Committee and vice chairman of the House Republican conference.

Previous to that, he was Governor of Vermont. Before that, he served as Lieutenant Governor and attorney general of the State of Vermont.

BOB STAFFORD's military record is highly commendable, since he served in both World War II and the Korean conflict.

He is married to the former Helen Kelley, of Bellows Falls, Vt., and they have four very attractive daughters.

As a lifelong Vermonter, BOB possesses the traits for which the State of Vermont is well known; namely, commonsense, understanding, and love for his State and country.

I might also add, he does not like to be pushed around, but prefers to make up his own mind.

Sometimes he agrees with me and sometimes he does not. That is one reason why I like him.

I wish to commend Governor Davis for his wise judgment in making this appointment.

On behalf of my wife and friends, I welcome BOB and Helen to the Senatorial arena, which is normally a very dignified place, and to which I expect him to make wise and constructive contributions.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the distinguished Senator from Pennsylvania (Mr. SCOTT) is now recognized for 15 minutes.

Mr. SCOTT. Mr. President, if I may, first, be recognized for the usual 3 minutes under the standing order for a different purpose.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I join the dean of Senators on this side of the aisle, the distinguished senior Senator from Vermont (Mr. AIKEN), on behalf of all of us, in welcoming BOB STAFFORD to the Senate of the United States.

This is one of those occasions when we celebrate a setback for the other body. It is a loss to the other body that BOB STAFFORD will not be there; but it is our gain, the country's gain, and Vermont's gain.

Mr. President, it has been my great pleasure to know BOB STAFFORD for a very considerable period of time, ever since he came to the House of Representatives. He has been a member of his party's leadership in the House. He has furnished wise guidance to House Members and to the President of the United States during the leadership meetings.

His intelligence and his strength of character, as well as his firmness of opinion and his excellent judgments, are all qualities which the Senate can enjoy with added benefit.

Thus, we welcome Senator ROBERT T. STAFFORD to this body. We will shortly provide him with some work to do and also illustrate to him the expedition with which the Senate proceeds with its work.

I know that he will observe, on the draft bill, that many months have gone by and the Senate is unable to act.

I am sure that he will observe, also, that whatever the House of Representatives does in its wisdom, the Senate does its best to undo, or at least to increase; but he will also find our good qualities as well.

We are delighted that Senator STAFFORD is with us.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania yield?

Mr. President, I could not let this occasion go by without making it a bipartisan occasion of approval of the designation of the new Senator from Vermont (Mr. STAFFORD). I merely want to say to BOB STAFFORD on this occasion that we are delighted that he is with us in this Chamber. We know of his outstanding record as Governor and as the Representative from his State. I want to assure him that even though he is No. 100 in the list, he ranks just as equally as No. 1 on the list. I note that, at the moment, he is close to No. 1, physically, to the distinguished President pro tempore of this body (Mr. ELLENDER). Also, I think he is extremely fortunate to have as an associate the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking Republican in this body and, in my opinion, one of the wisest men in this country.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. I could not agree more with his kind words and his warm estimate of our senior Senator from Vermont, as well.

THE HINGES OF PEACE

Mr. SCOTT. Mr. President, I read with great interest the thoughtful proposals of the distinguished majority leader on Tuesday concerning the future of NATO. His evaluation of our overall European policy follows closely the Senator's long-held view that we must reduce the American profile in Europe by reducing both our physical presence and our financial support of NATO. As the Senate knows, I have been sympathetic to the distinguished majority leader's goals. I, too, would like to see fewer Americans stationed abroad. I, too, would like to see this burden on our financial resources reduced. I, too, would like to see a prosperous Europe accept a more equitable share in its own defense. I, too, would like to see a more unified Europe.

All these are noble goals. Few among us can differ on their desirability.

Yet, I submit that this administration already—indeed, from the outset—has viewed and acted upon American foreign policy in much broader terms than its predecessors. While the purely regional approach to foreign policy is continuously important, President Nixon and his advisers have perceived foreign policy of the 1970's in much broader terms.

They conceive of foreign policy as being worldwide—that success or failure of our policy in one area of the world hinges to a large degree on success or failure of our policy in all other areas.

Thus, Europe can no longer be isolated as the American problem, nor Asia as the Far Eastern problem, nor the conflict in the Near East as the Middle Eastern problem.

At the time, critics viewed Mr. Nixon's visit to Rumania as merely an exercise in personal diplomacy. Yet, as subsequent events have proved, Rumania serves as a most useful conduit in developing new approaches to the so-called China problem.

I myself observed the good effects of President Nixon's recent visit to Rumania, where he had a 3-hour talk with President Ceausescu.

No doubt Dean Rusk and Walt Rostow are right to say that President Nixon is going to find it very hard to bring any specific agreements back from his visit to Peking.

No doubt George Ball is right to point out that President Nixon may endanger our present alliance with an existing great power, Japan, for the sake of a possible future understanding with a China that is still—to some—only a potential superpower.

There are indeed risks in what Mr. Nixon is attempting. And I concede it is the duty of critics to draw attention to them. But there are opportunities, not just in the Far East but throughout the world, provided we understand the manner in which Mr. Nixon is proceeding.

Have critics considered this overview? Have they considered that perhaps this policy toward China has had a salutary effect on Europe? Has this policy perhaps had an effect on our relations with the Soviet Union? I myself believe that it has. And I have had recent talks with some Soviet officials.

Before we return to great power summitry—before we even propose all-Europe summitry—I feel that we must look to a successful conclusion of the many minisummits now in progress.

Consider Berlin and the two Germanys.

Consider SALT.

Consider Middle East negotiations.

Consider Paris peace talks.

Consider the Geneva disarmament talks.

Consider finance ministers' discussions in Europe.

Even Britain divides its attention between Northern Ireland and the European Common Market.

I have often considered the wisdom of Tensing's comment to Sir Edmund Hillary that before one climbs the Himalayas, one must cross the Siwaliks. It is clear that Mr. Nixon has perceived the necessity for this tedious, low-keyed machining of the hinges between nations. For the doors of peace to open, the hinges must be strongly built and properly mounted.

President Nixon has spent 3 years setting about building the hinges.

This policy seems to be succeeding. There are signs of success.

Negotiations have at least begun and are continuing between Egypt and Israel.

Vietnam is being returned to the Vietnamese with two-thirds of our troops already brought home, and North Vietnam apparently unable to mount an offensive.

In the last 6 months alone profound changes have been wrought in the relations between the United States and Peking.

Here is another hinge: The Soviet Union has offered to negotiate mutual troop reductions in Europe.

What I am suggesting here is that President Nixon perceives foreign policy as the working of one agreement upon another problem which may well be located elsewhere in the world.

And since he does this so quietly, with little fuss and less rhetoric, the world always seems surprised at the progress he is making toward peace. Many in Europe perceive this perhaps more clearly than we in America do. It is within this context, then, that we must examine Europe, NATO and the Europeans today.

The majority leader spoke on Tuesday of a hoped-for trend toward detente. I suggest that this trend has been in existence for some time now.

Today's four-power agreement with respect to Berlin and the negotiations between East and West Germany are certainly a part of this trend.

If I may comment here, both the majority leader and I were in Helsinki and had an opportunity to see for ourselves the activities of the American negotiators and the businesslike progress and genuine sincerity evidenced on all sides.

What has already been achieved at Vienna and Helsinki is certainly a part of this trend.

The discussions on preventing a nuclear accident from becoming a nuclear war are certainly a part of this trend, and there is reason to expect progress in this area in the near future.

The trend, I would suggest, has already been well established. And it has been established by President Nixon.

But I urge him to compare the world of September 1971 with the world of January 1969, and urge him, with great respect, to lend his great talents and immense prestige, as he has already done on so many important occasions, to the orderly achievement of these goals, not only in Europe, but for the world.

I can understand and sympathize with the majority leader's impatience at the seemingly slow march of events. And I agree fully with his ultimate goals.

I conclude with the statement that the greatest source of pride which I feel in serving in the Senate is the bipartisan cooperation of the majority leader and, if I may say so, of the minority leader in all matters that pertain to the advancement of peace in the world.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I am glad to yield.

Mr. MANSFIELD. I commend the distinguished minority leader for the fine statement he has just made. Of course there are differences between us, but there are understandings, as well. I have never been one who was loath to give to another the credit which I think is due. I do think that the world is in process of flux, of change, in the sense of turmoil, at the present time, and that occurrences are taking place which we cannot understand nor fully comprehend.

As far as the President is concerned, he has done a number of things in the field of foreign affairs which I thoroughly approve of. I approve of his reduction to just in excess of 200,000 men in Vietnam from approximately 550,000 when he took office, and the further reduction to 184,000 by December 1, and from then on a further reduction, as well. That is a move in the right direction—not "in" but out. The only difference in that respect is that I would hope it would be faster but I recognize that he is charged with final responsibility.

I certainly approve of the President's initiative in going to Peking. I am aware of the part played by Romania as the "middle man," so to speak, in making that possible.

I appreciate the fact that the President brought about a reduction in the Armed Forces in excess of 1 million men since he took office. I note with interest, and this is incidental, that tens of thousands of other military personnel will be released ahead of time this year, to wit, those who have 120 days or less to serve.

I approve also of what the distinguished Senator said—up to a point, that is—relative to a summit meeting, but I would not go as far as he does, because if we wait for all of these things to come to a conclusion, I am afraid we will wait for decades. I believe the Berlin accord, while a first step, is a step in the right direction. The President played a very significant personal part at a critical point in bringing that to fruition.

Now, we have the two Germanys meeting. A little trouble is developing, but I hope they make an accord, and I think it will be done. Then, the four powers will sign a final Berlin Agreement, to be followed, hopefully, by a West German-Polish Treaty and a West German-Soviet Union Treaty.

Then, after those building blocks have been set in place we should give most serious consideration to the All-European Security Conference attended by NATO and Warsaw Pact nations, including the United States and Canada.

Furthermore, in the Middle East I think the Nixon-Rogers policy has been the right policy in facing a most difficult situation in a most combustible area. I thoroughly approve, and I have so stated, their taking almost all possible courses, walking the line down the middle, trying to bring the Israelis and the Arabs to a meeting to work out differences.

In all those respects I commend the President. But after a quarter of a century since the end of World War II 525,000 U.S. military personnel and dependents in Western Europe are far too many.

It is my intention at the appropriate time to offer an amendment seeking to bring about, not the sledge hammer drop anticipated earlier, but a graduated reduction over a period of years, so that there will be no reduction of NATO in that respect—and I say again that I believe in NATO. It is vital to our security and future. But I would seek a graduated reduction over a period of years, with European countries in NATO, at least those capable, taking up the burden and slack, and assuming responsibility on a partnership basis and not on a basis of leadership furnished by this Nation in this continent or other nations in other continents over 2,000 miles away.

Again I commend the distinguished minority leader for a well-thought-out and responsible speech. I am delighted to be here and to have had the opportunity to listen and make what few remarks I have.

Mr. SCOTT. I thank the distinguished majority leader for his fairness, as always, and for his very generous comments. Our differences are not really very great. This should be a signal to the rest of the world of how the United States and its representatives can stand together in times of great importance to our security.

As to the European Security Council conference I would not mean to suggest all problems must be settled, but ahead of final settlement of European problems lie these various situations where real progress is being made.

The Senator and I recently served at the Interparliamentarian Union conference in Paris earlier this month and we know those nations, including the Soviet Union, indicated their willingness to have a conference, including the United States and Canada; and in due time, after some of these things have been resolved—not all of them—for such a conference to be convened. But there should be ample discussions between governments in planning any such conference before it is called.

Mr. MANSFIELD. I forgot to mention the SALT talks which we both attended on different occasions, but which impressed us considerably because of the caliber of Ambassador Gerard Smith and his associates. His progress, although slow, has been steady and solid. We think that is a step forward, and we think big problems can be overcome and solutions arrived at which will stop or slow down the arms race so that there can be a diversion of funds from weapons of destruction to ways and means of constructive attempts on behalf of our people and the world.

Mr. SCOTT. While praising the U.S. delegation, I think it is fair that mention be made of the Soviet delegation led by Mr. Vladimir Semenov for their fair, just, and reasonable attempts in trying to arrive at the same conclusion we are, perhaps by different roads; but we hope for success in the end.

Mr. MANSFIELD. I agree.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized for 15 minutes.

AN ISSUE OF COMMON GROUND

Mr. HUGHES. Mr. President, through the long, tragic years of our involvement in Southeast Asia, the debate over our Government's policies in this war have, at times, reached a point of acrimony that we all regret. At times, intemperate remarks on both sides have tended to cloud the motives of honorable Americans who differ on the issues but are equally devoted to the national interest.

I am not suggesting that we limit the scope or intensity of the debate. This is not the way democracy works. The issues cut too deeply into the heart of our national purpose; there is too much at stake for the future to justify silence on issues deeply felt. However, where there is a possible common ground of agreement on matters that do not directly impinge on whether or not we should be fighting this war. I believe these areas should be closely examined by all parties.

It occurs to me that recent developments relating to the conduct of the elections in South Vietnam present such a possible area of agreement.

Whether or not one is favorable to the present regime in Saigon, the prospect of an election in which President Thieu's name is the only one on the ballot is something I believe is abhorrent to all freedom-loving Americans.

Last April, President Nixon stated that an important condition for an end to American involvement was that we give "the South Vietnamese a reasonable chance to survive as a free people." He also said that the United States was fighting "only for the right of a people far away to choose the kind of government they want."

From the beginning, our Government's avowed purpose in Vietnam, as stated by administrations of both parties, has been to halt totalitarian aggression. Certainly, an election that permits the people no choice comes under this category.

If the election is permitted to proceed on this basis, the myth of self-determination for the South Vietnamese under the Thieu regime will have lost its last shred of credibility. And our Government's stated objective in helping the South Vietnamese will have been lost as well.

A recent statement by Tran Van Huong, President Thieu's hand-picked vice-presidential candidate, as quoted in the press, points up the utter incredibility of the arrangement.

Answering criticism of his association with President Thieu in this arrangement, Mr. Huong stated that he had made his decision "for the sake of the country" even "if my action did defile my honor, my reputation, and my ethics."

Perhaps it is not within the power of the United States to guarantee truly free elections in South Vietnam. However, it is clearly within our power, as the Senator from Washington (Mr. JACKSON) has recently pointed out, to prevent such a flagrant travesty of the democratic process as a so-called election in which there is only one candidate. Senator JACKSON, long one of the foremost supporters of our Government's policies in Southeast Asia, is so disillusioned by this advent that he has indicated he will vote against further aid to South Vietnam if the charade is permitted to go through.

President Thieu himself has stated that his regime could not survive without continuing U.S. aid. If he is looking for support of the American people in the years ahead, a convincing case can be made that it is in his own interests to postpone the elections and make possible a competitive race that has some semblance of legitimacy.

The main issue for the South Vietnamese people is continuing war or a negotiated peace; yet that issue, as it now stands, will not be allowed to come to a vote. The election law pushed through the parliament by the Thieu regime specifically forbids candidates who are sympathetic to neutralization. President Thieu himself has a platform based on the "four no's": No neutralization, no coalition government, no concession of territory to the Provisional Revolutionary Government, and no legalization of Vietcong activities.

Time magazine recently noted:

> Thieu might as well have added a fifth "No." No opposition in the presidential campaigns.

This final "no," Mr. President, should be the straw that breaks the camel's back for the United States since we have been unequivocally committed to self-determination for the Vietnamese people.

The sequence of events leading up to this final dictatorial move does not make pleasant reading. For several months now, the Thieu regime has gone to extraordinary lengths to inhibit free elections and guarantee its own continuation in power. It has used what the CIA calls "the heavy-handed methods of the government's powerful political machine."

The election law made it virtually impossible for more than two or three men to run for the presidency.

President's Thieu's supporters then gathered signed but blank nomination papers in an attempt to prevent endorsements of other candidates.

When General Minh withdrew from the contest, denouncing it as a "colossal farce," the South Vietnamese supreme court was hurriedly called into session to reinstate General Ky as a candidate. When Ky denounced this ploy, the court decreed that President Thieu was the only valid candidate.

Now President Thieu says that the election will be a test of the people's confidence in him. There will be no real chance for opposition, however, since on October 3, as in the past, elaborate efforts will be made to get voters to the polls, and they will vote because they know that a stamped voter card is required in order to receive allowances, refugee benefits, official licenses, and so forth.

The Saigon regime's efforts to manipulate and control the National Assembly elections last month were equally disillusioning.

President Thieu sent a directive—which American sources admit is genuine—to his hand-picked province chiefs. That directive ordered the creation of secret campaign staffs which would make "every effort" to "harass antigovernment elements." It suggested the use of threats, arrests, and even exile to discourage the opposition.

A committee of the South Vietnamese National Assembly reported numerous instances of election rigging just before the August 29 elections.

Candidates were threatened; their meetings were disrupted while police did nothing; opposition newspapers were seized.

On election day itself, the abuses were clearly evident. Reporters for the New York Times wrote that soldiers were trucked to areas where they had no knowledge of the local candidates and were sometimes advised how to vote by superior officers.

A reporter from the Washington Post wrote that in one village of 541 registered voters, 735 votes had been cast by midday.

The Baltimore Sun reported several other instances:

> In Gia Dinh, the province surrounding Saigon, the fourth battalion of the Vietnamese paratroopers was brought to a polling place and, according to an American newsman there, handed out envelopes with the pre-selected ballots already in them, ready to be dropped in the ballot box.
>
> In the northern port city of Danang, a downtown polling place was closed when only the ballot slips of the 10 pro-government candidates were on hand for distribution to voters and the observers for the other 20 candidates objected.
>
> In Hau Nghia province, outside Saigon, a peasant woman turned up at a polling place with 12 voters' cards and a list of places she was to use each to vote for pro-Thieu candidates. Her vote was not challenged.
>
> In the Mekong Delta province of Vinh Binh Representative Ngo Cong Duc complained that at many polling stations his observers had found the ballot boxes filled and the vote tally sheets completed even before the election began at 7 a.m.

That last example, regarding representative Duc, deserves further discussion. He was perhaps the best known opponent of President Thieu as well as the publisher of Saigon's second largest daily newspaper. Time magazine calls him "far and away the most popular candidate" in his province of Vinh Binh.

Yet, after urging the withdrawal of foreign troops and the establishment of a neutral provisional government, he has suffered continued harassment. His house was broken into and set afire; he was charged with attempted murder after a fight with an opponent who spat beer in his face; his paper has been bombed twice and its editions seized 150 times in recent months. Only last June, an American adviser told a Washington Post reporter:

> If Duc loses, it will be because the government stole it from him.

Mr. Duc lost, and journalists and U.S. diplomats agreed that a flagrant and systematic effort was made to defeat him.

In view of these circumstances, we must conclude that the recent elections were rigged to a significant degree. Although direct U.S. involvement in this process was apparently negligible, our Embassy tolerated these abuses and made no public effort to halt them. As a result, the South Vietnamese people have been deprived of the right for which we are supposed to be fighting, the right to choose freely their own government.

What would have happened if there had been open and honest elections? We cannot say for sure, of course, but there are strong indications that the results would have been substantial victories for the opponents of the current regime and its policies of continuing the war.

One indication was the surprising victory made by the anti-government Buddhist slate in last year's senatorial election, which is generally conceded to have been fair. Only one-third of the seats in that election were won by candidates pledged to support the Thieu regime.

In this year's election for the National Assembly, only 20 of the 100 incumbents known to be Thieu supporters were reelected. Few candidates openly admitted their support for President Thieu, and none were reported as endorsing his "four noes" platform.

As the Washington Post reported:

> Thieu's majority has been diminished, and in areas where a genuine campaign was waged his candidates took a thorough drubbing.

Opposition forces made their strongest showings in the cities, where candidates could travel more freely, publicize their views, and expose harassment more easily. In Saigon, opposition candidates won eight of 13 seats at stake. In Danang, they won all three seats, which helped to give the opposition victories in 22 of the 24 seats from the five northern provinces, where most of the military activity is at the moment.

All of this adds up to the unmistakable conclusion that the South Vietnamese, if given the barest foundation of a free choice in the election process, will exercise it.

If President Thieu's political position is so tenuous that it cannot be sustained without suspending free elective processes, then our support of his regime is support of a dictatorship, not of self-determination for the Vietnamese people.

If we are to keep faith with 55,000 American dead, 300,000 wounded, and innumerable Vietnamese military and civilian casualties, it is our Government's responsibility to assure the Vietnamese people with a choice in the forthcoming elections.

Up to this point, the American people may have been confused by the devious obscurities of the manipulations of the elective processes in South Vietnam.

But the spectacle of a purportedly

democratic election in which only one candidate is on the ballot puts this injustice in clear focus for all to see.

Can you imagine the U.S. electorate standing still for an election in which there was only one candidate on the ballot—be his name Lyndon Johnson, Richard Nixon, or any other?

It is obvious that we would reject such a charade out of hand. If our goal is self-determination for the Vietnamese people, we should use our influence to prevent such an obvious and flagrant affront to the Vietnamese electorate.

As we move today into a final vote on the deeply controversial issue of the draft extension, I believe all Americans can, in good faith, unite on the common, minimal objective of providing the South Vietnamese people at least a choice in the forthcoming presidential election.

Mr. President, I ask unanimous consent that the following articles relating to the South Vietnamese elections be printed in the Record:

An article by Michael Parks from the August 30 Baltimore Sun; an article by Ivar Peterson in the August 28 New York Times; an article by Peter Jay in the August 31 Washington Post; two articles by Peter Osnos in the August 30 and August 31 issues of the Post; an article on the elections from the September 6 issue of Time magazine; an article by Tad Szulz in the September 3 New York Times; and a summary prepared by my staff of major points in the election directive made public by General Minh.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Baltimore Sun, Aug. 30, 1971]

TERRORISTS FAIL TO HALT VIET VOTERS

(By Michael Parks)

Saigon.—In an election marked by Communist terrorism and charges of fraud, South Vietnamese voters selected a new lower house for the National Assembly yesterday.

At least 3 civilians were killed and 30 injured in election-related terrorist attacks, government spokesmen reported. In addition, military activity rose to a four-month high.

Despite the terrorism, 78.5 per cent of South Vietnam's 7.1 million registered voters went to the polls to select from among the 1,242 candidates for the 159-seat lower house.

Preliminary results this morning showed that opposition candidates had won most of the seats in the northern part of the country and in Saigon, but that pro-Thieu candidates were doing well in the Mekong Delta and rural areas. Both trends were expected.

In Saigon, 9 of the 13 seats went to opposition candidates, the four pro-government winners were all ethnic Chinese elected from the capital's large Chinese quarter, Cholon.

Despite the lack of national issues in the campaign and the large number of candidates—nearly eight for each seat—the election is expected to provide some indication of popular sentiment in the country's current political crisis over the October presidential election.

Some Vietnamese politicians had expressed the fear that the withdrawal of President Nguyen Van Thieu's two challengers from the race would leave voters apathetic and cynical. But yesterday's 78.5 per cent turnout—65 per cent was expected—suggests the turbulent presidential race may have whetted the Vietnamese political appetite.

SAIGON VOTE LOWER

As usual, voter turnout in Saigon was lower—60 per cent—than anywhere else in the nation. In this election Saigon voters were confronted by as many as 81 candidates contesting for five seats. Voting often took 10 minutes, and some persons stood in line for more than two hours to cast their ballots.

Three terrorist attacks were reported in Binh Dinh province by the national police.

In the most serious, a grenade was thrown into the polling station in an isolated village in the coastal province. Police reported 7 persons were killed and at least 20 injured.

TERRORISTS' SLAYING

Earlier in the same province, terrorists killed an elderly man and brought his body to a polling station to discourage voters; a government spokesman reported a woman voter was wounded while crossing a bridge in Binh Dinh.

More than two dozen shellings, minings and other incidents were reported elsewhere around the country.

Main force military action remained confined to the area around the demarcation zone separating North and South Vietnam, but the South Vietnamese command reported 51 Communist-initiated actions in the 24 hours before the elections the highest since April.

ROCKETS FIRED

The incidents included the firing of two rockets—both duds—into Saigon's Tan Son base in 20 months.

There were many charges and some evidence of government efforts to elect its supporters to the lower house and crush several outspoken opposition leaders.

In the Mekong Delta province of Vinh Binh, Representative Ngo Cong Duc complained that at many polling stations his observers had found the ballot boxes filled and the vote tally sheets completed even before the election began at 7 A.M.

"The frauds are worse, even more daring and outrageous than I feared." Mr. Duc charged. "This government of Nguyen Van Thieu is without conscience, totally without conscience."

Mr. Duc, one of the most outspoken of opposition firebrands and the publisher of a widely read Saigon newspaper, said he would file formal complaints with the central election commission.

In Bac Lieu province, also in the Delta, another opposition deputy was prevented from inspecting polling places by Vietnamese soldiers who fired into the air and set off tear gas cannisters to prevent his Vietnamese Air Force helicopter from landing. An American correspondent seeking to see the province chief, a relative of Mr. Thieu, was detained briefly by police.

In Hau Nghia province, outside Saigon, a peasant woman turned up at a polling place with 12 voters' cards and a list of places she was to use each to vote for pro-Thieu candidates. Her vote was not challenged.

In Gia Dinh, the province surrounding Saigon, the fourth battalion of the Vietnamese paratroopers was brought to a polling place and according to an American newsman there, handed out envelopes with the preselected ballots already in them, ready to be dropped in the ballot box.

Throughout the country, units of soldiers were trucked and flown into constituencies where their votes were needed to boost pro-Thieu candidates. Under Vietnamese law, troops on operations may vote anywhere; in addition provisions of the election law make it difficult to insure they vote only once.

POLL CLOSED

In the northern port city of Da Nang, a downtown polling place was closed when only the ballot slips of the 10 pro-government candidates were on hand for distribution to voters and the observers for the other 20 candidates objected.

In Phuociong where the present speaker of the lower house is running with strong support from President Thieu, Army trucks and other government vehicles were sent into the countryside to round up voters.

The speaker, Nguyen Ba Luong, was reelected with 43 per cent of the vote.

Catholics, most refugees from North Vietnam, were given lists of approved candidates during services at many Gia Dinh parishes. The lists, printed on government presses were distributed late Saturday by police along with a gift of up to $50 to the parish priest.

The power of religious leaders also was evident in Tay Ninh province west of Saigon. There a candidate, an Army colonel and former province chief, said, "At least we know there is no fraud here. The church leaders would not allow it. But then you can't win without their support." Tay Ninh is dominated by the Cao Dai religious sect.

In Saigon, the government's social welfare minister who is standing for the lower house used ambulances to bring supporters to the polls.

Many Saigon voters standing in long, slow-moving lines outside the polling places at 4 P.M. were unable to vote. Others in similar circumstances were permitted if they had gotten in line before the 4 o'clock deadline.

Government help apparently did not always produce a winner. In Binh Long province, north of Saigon, Mr. Thieu's support for a deputy caught smuggling gold was not enough.

In the Delta province of An Xuyen, however, the younger brother of the province chief, a strong Thieu supporter, easily won a newly created seat although he was virtually unknown in An Xuyen before the election.

Observers noting irregularities found it impossible to determine whether they were confined only to a few polling places, to a single province or were countrywide as charged by some opposition candidates.

The northern five provinces Military Region One registered the highest turnout 83 per cent in the Central Highlands and coastal area, Military Region Two, the turnout was 81 per cent. In Military Region Three, which includes Saigon, the turnout was 72 per cent. In the Mekong Delta, Military Region Four, the turnout was 82 percent, according to official figures.

Throughout the country, nearly 5.6 million persons voted, according to preliminary returns.

[From the New York Times, Aug. 28, 1971]

LEGISLATIVE UNIT IN SAIGON ACCUSES THIEU OF RIGGING; CHARGES MANY IRREGULARITIES IN UPCOMING ASSEMBLY AND PRESIDENTIAL ELECTIONS

(By Iver Peterson)

Saigon, South Vietnam, Aug. 27—A South Vietnamese legislative committee accused the Government of President Nguyen Van Thieu today of numerous instances of election rigging.

The committee, consisting of senators and deputies, asserted in an interim report that it had evidence of irregularities and rigging in connection wth this Sunday's lower house election and the presidential election scheduled for Oct. 3.

It declared that its findings, together with a "secret document" purportedly containing Government orders to rig the elections, represented "a record of our bitter experiences with elections in this dark period of our country." This controversial document was made public by Duong Van Minh, a retired general, in withdrawing from the Presidential race last week.

SEVERAL CASES CITED

The legislative panel, known as the National Assembly Committee on Election Fraud, cited several cases in which opposition candidates for the lower house and their supporters were arrested, allegedly without pretext. The report said that after the committee had learned of the arrests and protested to the Government, most of those arrested were released.

[Senator Vu Van Mau, the committee chairman, said the President and his supporters tried to monopolize or hoard the endorsements needed by other presidential candidates to qualify for the ballot, The Associated Press reported. The senator noted that Mr. Thieu was required to get only 40 signatures from members of the National Assembly or 100 from members of provincial or city councils, but that he obtained the backing of 87 deputies, 15 senators and 452 councilmen.]

THIEU STILL PLANNING ELECTION

In addition to General Minh, Vice President Nguyen Cao Ky has also dropped out of the presidential race on the ground that it is rigged in the President's favor. However, his name is still scheduled to appear on the ballot.

Mr. Thieu, although he has made no public statements on the situation, is reported to be determined to go ahead with the presidential election despite the absence of any real opponent and despite pressure from the United States to come up with a compromise that persuade Mr. Ky to reverse his refusal to campaign.

Mr. Ky is reported to believe that public outrage over the election fraud issue will eventually force the President to yield. The Vice President has suggested that both he and Mr. Thieu resign and that an interim government be set up to make new arrangements for a presidential election.

In its report, the legislative committee said that the document made public by General Minh was authentic. Such a statement had not previously been officially made.

South Vietnam's Premier, Gen. Tran Thiem Khiem, has denied that President Thieu has issued the instruction that the document contains, but he had not specifically denied the paper's authenticity.

DOCUMENT CONSIDERED GENUINE

The United States Embassy has not officially stated its position on the matter, but several officials there have said privately that they are personally satisfied that it is genuine.

The document, which was transcribed by General Minh's staff and mimeographed, purports to contain secret instructions from President Thieu to the province chiefs and other officials on ways to promote his own candidacy and those of pro-Government deputies. It also calls for the discouragement of opposition representatives through threats, arrests and exile.

The document opens by telling the province chiefs that they will be responsible for getting out the pro-Government vote in both elections.

Each of South Vietnam's 44 province chiefs are senior army officers and are appointed by President Thieu. Their loyalty to the President and their unchallenged authority over all facets of life in their respective provinces make them the foundation of the president political apparatus in the countryside.

Listing ways of moving against those backing opposition candidates, the document distributed by General Minh's office says:

"If they are civil servants, they can be transferred out of their districts. If they are elected village or hamlet chiefs, they should be attacked and discredited by other village council members and officials. In general, their dossiers should be checked to see if there are any instances of improper or illegal behavior in their past, so that we can use this evidence to persuade them to work for us, or, if they refuse, to arrest them.

The paper ends with an exhortation to the pro-Thieu officials to make themselves as popular as possible during the election period.

"It would be highly advisable for us to carry out social welfare projects during the elections time, such as well digging, road building, and so forth," the document states.

The legislative committee concluded its report by noting that the document distributed by General Minh and its own list of alleged elections abuses "are enough to give us an early glimpse of the probable outcome of the upcoming elections."

The committee is scheduled to issue its full and final report after the October voting.

[From the Washington Post, Aug. 31, 1971]

Thieu Retains Majority; But Opponents Make Gains in Assembly

(By Peter A. Jay)

SAIGON, August 30.—With the final returns in South Vietnam's election of a new National Assembly unofficially complete, President Thieu still controls a majority.

His opponents, however, have made some modest but real advances.

Thieu's majority has been diminished, and in areas where a genuine election campaign was waged his candidates took a thorough drubbing.

Because most of the victors are virtually unknown, it may be some time before the true balance emerges in the 159-member lower house elected yesterday.

[In San Clemente, Calif., a spokesman for President Nixon said, "It appears the lower house elections have gone off smoothly, with a large turnout despite enemy efforts to disrupt the process."]

The basis for the government's majority was its overwhelming success in sweeping the seats in thinly populated, remote provinces—especially highland areas where primitive, illiterate Montagnard tribesmen could be rounded up by government officials and herded to the polls to participate in a ritual few of them understood.

In cities and populous lowland areas where there is a higher degree of political sophistication, the government did poorly—surprisingly so to those who had assumed that every race was expertly rigged in Thieu's favor.

Almost everywhere, to be associated with the Saigon government was clearly a liability. Of 100 incumbents known as Thieu supporters, only 20 were re-elected. More than half the incumbent opposition legislators, on the other hand, won handily.

Informed sources close to Thieu said that the president considers about 40 of the new assemblymen to be hard-core opposition, with another 20 or so likely to vote against the government on any given issue.

These sources conceded that the opposition has gained strength in the election, both in numbers and because of the lackluster quality of the governments' supporters in the assembly, but said that Thieu still feels confident he can muster a two-thirds majority on key issues.

In the outgoing assembly, which has only 135 members, less than 35 legislators consistently voted against the government.

In two provinces in the Mekong Delta, the government mobilized all its forces to defeat a pair of popular and well-known opposition assemblymen, Ngo Cong Duc and Duong Van Ba, both of whom immediately cried fraud—a claim that diplomatic observers privately said was almost certainly justified.

In Military Region One, the northern section of South Vietnam and historically a hotbed of antigovernment activism, the candidate of the antiwar An Quang Buddhist Pagoda won 17 of the 24 seats. Conservative Candidates aligned against Thieu for factional reasons took two, and the president's men only five.

Former Gen. Tran Van Don, perhaps the most prestigious candidate of the 1,240 running and a man certain to wield a certain amount of influence in the new assembly, was elected to a seat from the northern province of Quangngai—the site of the Mylai massacre.

Don chose Quangngai simply because he thought he would do well there, not for any prior connection with the province. But generally, natives or long-time residents of a constituency did better than transplanted candidates looking for an easy race. (Vietnam has no local residency requirements.)

While many opposition leaders were disappointed they failed to elect more candidates, there is now every indication that the antigovernment bloc in the new assembly will be far more of a force for Thieu to reckon with than it was in the old.

Several key supporters of Gen. Duong Van (Big) Minh, until he withdrew in protest as Thieu's chief challenger for the presidency, were reelected to their house seats. Minh's vice presidential running mate, Ho Van Minh, received more votes than any other candidate running in Saigon.

Many Vietnamese, and certainly many American officials, took some satisfaction from the ability of voters—at least in the cities—to surmount immense procedural obstacles and cast reasonably informed ballots.

In one district in Saigon, for example, voters had to sort through a handful of 81 paper ballots to choose five candidates—a procedure that many critics said would make the election no better than a game of chance.

But the winners turned out to be four incumbents, three of them closely identified with Minh and the antiwar opposition, and a respected independent lawyer named Tran Van Tuyen, who once served as deputy prime minister.

"It's not a lottery after all," a Vietnamese reporter said last night in Saigon's crowded city hall as he watched the vote being tabulated. "The people did very well."

But any elation over the relative success of this election dissipated quickly as political discussion turned to the next—the Oct. 3 presidential contest, or noncontest, from which Thieu's only opponents have withdrawn while charging fraud.

Vice President Nguyen Cao Ky, whose name will still appear on the presidential election ballot despite his formal withdrawal from the campaign, received little encouraging news with the National Assembly returns.

In the outgoing assembly, Ky commands a fluctuating but significant bloc of votes. But in the new house only two assemblymen, both from suburban Giadinh Province, are acknowledged supporters of Ky.

Among the successful pro-government candidates, also from Giadinh, was Lt. Col. Tran Van An, the chief spokesman for the South Vietnamese army at its daily press briefings.

[From the Washington Post, Aug. 30, 1971]

Balloting in Anloc; More Votes Than Voters, But Error a Possibility

(By Peter Osnos)

ANLOC, SOUTH VIETNAM, August 29.—By 1:30 p.m. today, 735 votes had been cast for National Assembly representatives at a nearby Montagnard resettlement camp, a remarkable turnout since there are only 541 voters.

It may have been that government agents lined the ballot box to help a friendly candidate, but judging from the bemused concern of the Vietnamese policeman assigned to watch the polling, innocent error was also a possibility.

As for the Montagnard tribesmen, few seemed to understand what was going on. Selection of candidates is a haphazard business when voters have never heard of them and can neither read nor write. They voted, they said, because they were told to.

Here in Anloc, the dusty capital of Binhlong Province, some 65 miles from Saigon, voting seemed to be going more smoothly. By truck, motorbike and on foot, the townspeople and soldiers streamed into a schoolyard and were told what to do by teen-age militiamen.

The teen-agers were armed with old carbines and captured AK 47s, but one assured a visitor that the guns were only used for shooting dogs.

Binhlong's incumbent deputy, a former army officer named Duong Van Thuy, spent the morning observing the balloting first hand—from a seat right next to the black-curtained polling booths.

He sported a ready smile and had his election symbol, the scales of justice, pinned prominently to his shirt.

Thuy may well have had good cause to keep a close eye on the voting since one of his principal opponents, Nguyen Quang Luyen, a carpetbagger from another province, is known as the "solid gold deputy" because he was stopped in the Bangkok airport last April with a suitcase full of gold.

The incident caused Luyen to resign and transfer his constituency to this sparsely populated backwater from urban Giadinh, where his troubles are common knowledge.

But the move to Binhlong may not have salvaged Luyen's political fortunes.

His brother, in an interview with three foreign reporters, which he conducted informally in his underwear, confided that he probably wouldn't win.

Gingerly avoiding the subject of gold, the brother said simply that other candidates were better known.

If Luyen does lose, it will most likely be because the government is said to have quietly withdrawn its support of him several days ago and turned to a local doctor, Pham Ke Toai.

Open government support is rare in South Vietnam because it is considered most desirable to be in opposition or at least a self-described independent. So backers of Dr. Toai denied their man was favored by Saigon.

Just what the government can do to assure the outcome is a matter of debate here as elsewhere. But incumbent militant An Quang Buddhists insist a great deal can be done.

There are 37,000 voters in Binhlong, including 8,000 Montagnards and some 5,000 soldiers (in all somewhat less than is found in most Mekong Delta districts to the south). They will select one deputy from 12 candidates but only Thuy, Luyen and Toai are given any real chance.

"The pressure from officers, from village chiefs and hamlet chiefs, telling the people who to vote for is heavy," said Thuy, charging also that the black-pajamaed Rural Development cadre have been agents for the government.

But for all that Thuy, chatting amiably while voters shuffled by him into the booths, confidently predicted victory. Proudly displaying a baseball hat with a braided brim and a paratroopers badge, he said he once was the province chief here and knows the population well.

"My cadre have been working too," he said, "and I have observers at all 50 polling places."

The backers of Luyen and Toai maintain no government pressure has been exercised. After a day of intermittant questioning of shy and fearful voters, a visitor is likely to feel that their claims bear the greater burden of truth.

There is no doubt that the people have been warned of punishment if they don't vote. When the polls closed at four p.m., a concession to uncertain nighttime security, 80 percent of those eligible had voted. All made sure to have their voting cards stamped.

The consequence of staying home are principally that without the stamp, any requests for government benefits may be turned down.

In a rural farming province like Binhlong, a village chief or local policeman can easily single out those who refuse or forget to vote. In Saigon, it should be much easier to escape detection, and yet many people were apparently afraid there too.

A driver hired in Saigon to take reporters to Binhlong hurried to get back to the capital by 4 p.m. and as the hour approached he became notably agitated. With seconds to spare, he dashed into a polling place waving his card.

He came out smiling. Asked who he voted for, the driver replied, "Oh I don't know. There were too many names, so I just took the first six."

[From the Washington Post, Aug. 31, 1971]

The Defeat of Duc; Government Rigged the Election, Outspoken Thieu Foe Charges

(By Peter Osnos)

Saigon, August 30.—Most days, in the late afternoon, Deputy Ngo Cong Duc can be found gossiping cheerfully with other politicians and Vietnamese journalists in the Givral coffee shop in downtown Saigon.

He was there today, with a few of his cronies huddled around him, but he wasn't nearly as well-groomed as usual. His eyes were red-rimmed and swollen. "I must be tired," he said, "I was up all night."

It may have been mostly fatigue, but Duc was also sad and he was angry and maybe just a little frightened. It had been a long and difficult campaign and in the end, he was beaten, from all indications because the government wanted it that way.

More than almost any other opposition candidate, Duc and his supporters in the Mekong Delta province of Vinhbinh had been bullied by the government. At one point he was thrown in jail and later dropped temporarily from the ballot as a "pro-Communist."

The 35-year-old deputy has probably been President Thieu's noisist critic, although by no means the most respected, and his lively newspaper, Tin Sang, is South Vietnam's second largest.

All that made him very well-known in Vinhbinh and, as nearly as such things can be judged by an outsider, genuinely popular.

"If Duc loses," an American adviser there said in June, "it will be because the government stole it from him."

And that, says Duc, is precisely what happened, not only to him, but also to the other two incumbents who were his allies. In their places were selected three pro-government stalwarts.

From the start, opposition candidates all over the country have been accusing the government of rigging the election and Duc was among the most vociferous.

Sometimes Duc exaggerates and after he was restored to the ballot by the central election committee, his claims sounded a bit hollow.

They don't anymore. From observers who spent election day there, both journalists and American diplomats, comes the word that a systematic fix was on, notable for its flagrancy.

In one village near the province capital of Phuvinh, said Duc, government agents were distributing used voting cards and telling the people to go home without casting their ballots, which had already been cast for them.

Elsewhere, he charged, village and hamlet officials in charge of the balloting were ordered to sign a pledge that if Duc got more than 10 per cent of the vote, they would resign. He said the officials were instructed to tell those voting for him they could be accused of being Communists.

Of the 102 people he brought from Saigon to act as observers at the polling places, he said, only 14 were able to take up their posts. He added that later, during the counting of the votes, none of his supporters was allowed to watch.

In the capital of Phuvinh itself, Duc reported, officials found it harder to manipulate the voters and out of 800 votes cast he claimed 700. Overall, however, he had not been told how many votes he and the other losers had received, he said.

Duc said he will appeal the results to a local court, with little chance of success, but he fears going back to Vinhbinh in person because he might be arrested on one charge or another.

He said one of his colleagues, Deputy Nguyen Van Thanh, was already in jail because a revolver fell out of his jacket during a scuffle over documents that Thanh said were being falsified by officials.

Duc may well have reason to be afraid. Last fall, after Duc made a peace proposal at a Paris press conference, aides to President Thieu noted how similar it was to that of the Communists and said that the National Assembly should consider bringing criminal charges against him.

The few days Duc spent in jail last June were for punching the chairman of the provincial councilors (a successful lower house candidate) during a political argument. Duc was freed by a special vote of the assembly.

But now Duc will not be in the assembly and the government has already assured he will not leave the country by denying him an exit visa last week for a trip to Paris. "would I have come back," he said. "I'll never flee."

In a way, Duc is proud of what has happened. "I could have run in Saigon and certainly I would be elected" (oppositionists led the voting in the capital), "but Vinhbinh is my home."

Then, recovering a little of his bravado, he added, "If I and the others are not reinstated, they'll have to send a general to govern there. Watch, you'll see."

[From Time magazine, Sept. 6, 1971]

South Vietnam's Fifth No

Alongside the broad, American-built expressway between Saigon and Bien Hoa, President Nguyen Van Thieu's eager campaign workers have already hung banners emblazoned with Thieu's "Four Nos" slogan —no neutrality, no coalition government, no concession of any South Vietnamese territory to the Communists, no Communist activity anywhere in South Viet Nam. Thieu might as well have added a Fifth No: no opposition in the presidential campaigns.

With only five weeks remaining until South Viet Nam's October election, there was still no end in sight to the political snafu that has become at once a bitter joke in cynical Saigon and a source of deep embarrassment to Washington. So long as Thieu held the lines of governmental power and could steer the results in his favor, neither retired General Duong Van ("Big") Minh nor South Viet Nam's feisty Vice President Nguygen Cao Ky would consent to run as opposition candidates. That left Thieu the sole contender, knocking the underpinnings from the U.S. contention that it remains in South Viet Nam at the request of a freely and democratically elected government. As one measure of Washington's concern, U.S. Ambassador Ellsworth Bunker spoke almost daily with Richard Nixon last week on a direct telephone line between the embassy in Saigon and San Clemente.

ARTFUL PROPOSAL

In Saigon, the elements of force in the situation were underlined with tragedy. There was talk of a coup, and the guard around the presidential palace was reinforced. Saigon gossips began adding up the forces loyal to Vice President Ky, which are thought to include some marine, airborne and armor battalions, plus six prop-driven Skyraiders at Tan Son Nhut airbase. The U.S. command placed all American installations on alert, mainly to keep G.I.s off the streets of cities where short-lived but ugly anti-American riots had broken out last week.

As elections for the lower house of the National Assembly approached, antigovernment candidates found the going rough (*see box, page 24*); police beat up and arrested one opposition politician, Tran Tuan Nham, who made the mistake of using a picture of Nixon with a Hitler mustache as a campaign poster. And for the second time in two weeks a crippled veteran set himself ablaze in Danang to protest Thieu's election tactics. Saigon's Disabled Veterans Association grimly announced that it had 40 more volunteers ready to follow his fiery example.

What to do? Ky announced his refusal to run early last week, but not in time to get his name taken off the ballot. That meant that Thieu could claim that the election was a contest after all, and late last week he announced that the campaign would proceed as scheduled. He did not even comment on Ky's interesting proposal that they both resign, turn the government and electoral machinery over to the president of the Senate, Nguyen Van Huyen, and then contest a delayed election early next year. Ky's suggestion, which was taken straight from Article 56 of South Viet Nam's U.S.-inspired constitution, found considerable favor in Washington. The delayed election would have extended the campaign well past mid-November, when Nixon is scheduled to announce the next installment of his troop-withdrawal plan. But it did offer a way out of the present morass. "We'd have to rework the scenario," said one Washington official. "But then the scenario we have worked out has been shot to hell anyway."

Plainly, Ky's artful proposal was designed to put Thieu on the spot with the U.S. Just as plainly, Thieu felt less obliged than ever to heed Washington's advice, or any other. He convened twelve of his leading military and political advisers and found that only three of them thought that he should continue to run in an uncontested election. The minority was apparently enough for South Viet Nam's President, who was evidently determined to go ahead with the race in any case.

In that acrimonious atmosphere, all sorts of stories gathered currency, including an unsavory one that was categorically denied both in Washington and at the U.S. embassy in Saigon. The chief aides of both Ky and Minh told nearly identical stories that Ambassador Bunker had offered the two noncandidates a sackful of "campaign assistance" if they would only agree to run. Minh's people said Bunker's offer amounted to $3,000,000; Ky's men said that Bunker offered the Vice President $5,000,000. It is possible, of course, that the story was hoked up by Minh and Ky to embarrass Thieu and the U.S. Government further. But their aides repeatedly insisted that the money had been offered, and few in Saigon were ready to dismiss the story out of hand.

ISOLATED POSITIONS

While the political squabbles stirred up Saigon, Communist artillerymen, defying counterattacks by waves of B-52s, placed isolated South Vietnamese positions just below the Demilitarized Zone under tremendous pressure. Throughout the country, enemy sappers and mortar teams launched scattered attacks on a slew of targets, including the huge U.S. base at Cam Ranh Bay, where an ammunition dump was set ablaze and spewed forth explosives for twelve dangerous hours. Still, the U.S. command reported only ten American combat deaths—the lowest weekly total since August 1965.

That was still too many if the net result of U.S. policy is to be an electoral farce in Saigon. Unless Thieu changes his mind and accepts Ky's proposal, or something like it, he may regret his intransigence. A disillusioned Congress, returning from its recess next week, could slash away at the $565 million in economic aid that the Administration wants to give Saigon in the coming fiscal year. It might also go for something like Senate Majority Leader Mike Mansfield's proposal that all U.S. troops be legislated out of South Viet Nam if the election is not cleared up within 90 days. In that case, Thieu would stand to lose much more than he would by facing Ky and Minh in a completely free and fair election.

THE TRAILS OF NGO CONG DUC

South Viet Nam's presidential campaign overshadowed another important election this week. Vietnamese voters went to the polls to select from among 1,297 candidates the 159 who will sit in the House of Representatives. Patterned after the U.S. House, Viet-Nam's lower chamber originates the nation's legislation and, with a two-thirds majority, could override a presidential veto.

Until now, the House has always been progovernment by about a 2-1 margin. The makeup is likely to be much the same after this week's ballots are counted. However, significant antigovernment blocs have begun to coalesce, thus the election promised to be a litmus test of how much support such antigovernment parties could get in the facet of overwhelming obstacles.

GOVERNMENT WEAPONS

Opposition candidates in South Viet Nam must wage uphill battles that would dishearten the most determined American politician. The government not only controls television and radio, but its rigid press laws stifle antigovernment stories in newspapers and discourage favorable stories about opposition candidates. The army provides transportation and other services for government candidates, but none for the challengers.

The candidate who faced probably the worst obstacles in this election was Ngo Cong Duc, 34, a Socialist, Catholic and nationalist, who is also the best-known and most outspoken antigovernment legislator in Viet Nam. To find out what was involved in campaigning against President Thieu, Time Correspondent Stanley Cloud flew south last week to Duc's home province to follow the candidate on the hustings.

Ngo Cong Duc is far and away the most popular candidate in Vinh Binh, a flat, fertile province in the Mekong Delta, 60 miles southeast of Saigon. Son of a wealthy canton chief who was assassinated by Communists in 1954, Duc has gradually shifted from being a defender of the status quo to being a critic of the war and of the presence of foreign forces. He is now a national personality, and in any fair election would be an odds-on favorite to win. As the campaign came to an end last week, Duc expected to get no more than 20% of the vote.

BOMBS, ACID AND FIRE

Duc's difficulty is that he has been a particularly outspoken opponent of President Thieu, whom he denounces as serving "the interests of war profiteers, the privileged classes and a foreign power [the U.S.]." Soon after entering Congress in 1967, he founded an antigovernment newspaper, *Tin Sang* (Morning News), which soon became the most controversial journal in Saigon. He traveled to Paris and called for the withdrawal of foreign troops and the establishment of a neutral provisional government in Viet Nam. Since then, he has had nothing but trouble. Duc was labeled a Communist lackey and denied an exit visa for other overseas trips. *Tin Sang* has twice been bombed, has had its presses drenched with gasoline and acid and set afire, and its editions have been confiscated 150 times; the latest two crackdowns came only last week. Beyond all that, Duc's house in Vinh Binh was broken into and set afire, and his *pied-à-terre* in Saigon bombed.

DEMOLITION

During the election campaign, his posters were torn down and his workers harassed. Duc himself has been pelted with stones and rotten eggs. In this campaign's most flagrant incident, an opposing government candidate spat a mouthful of beer over him in a restaurant. When Duc responded with a punch in the nose, he was jailed on a charge of attempted murder and released only on the demand of a majority of the House.

Some Duc supporters in Vinh Binh could be forgiven if they hope that he loses this time. In certain areas they claim that government officials have threatened to reclassify their villages as Communist if he wins. This would leave the villages open to demolition and the villagers subject to forced relocation. In other instances, polls were located well outside villages in areas of marginal security to discourage voting and poll watching by the candidate's representatives. Nonetheless, as the campaign ended last week, Western diplomats were still fervently hoping for a Duc victory. "By every indication," said one, "Ngo Cong Duc should be a winner. If he doesn't win, it will cast a large shadow on the validity of the lower house election as a whole."

STUFF THAT BOX, FILL THOSE POTHOLES

Democracy may be new to South Viet Nam, but some Vietnamese already seem old hands at the more devious electoral arts. To back up complaints that the presidential race was rigged against him, erstwhile Candidate Duong Van ("Big") Minh and a number of disgruntled province chiefs gave U.S. officials several copies of a ten-page sheaf of instructions stamped "Top Secret." Thieu's government, they said, had sent the documents to the country's 44 provincial governments earlier this year. Whether the documents are authentic or not, they have already played a significant role in the election by providing an acceptable reason for Big Minh to withdraw. Even if they prove to be no more than an ingenious fabrication designed to discredit the Thieu regime, the instructions constitute a thorough manual on how to manipulate a national election. And there is one strong argument for their authenticity: some of the measures they recommend for the months leading up to the election have already been taken.

The instructions told province chiefs how to set up campaign staffs to operate on two levels—publicly, to give the appearance of an open election, and secretly, to make sure that the results are tightly controlled. Phase 1 of the secret campaign, a hamlet-level study of trends among the 6,600,000 voters who cast ballots in last September's Senate election, was to be completed in June. When

Phase 2 came around last July, each of some 20,000 carefully screened campaign managers was to submit short biographies on the 300 or 400 voters for whom he was responsible. The idea, said the document, was to "help the cadre know the target."

Photocopies of duplicate registration cards made out to a single voter showed how a good pro-government man could make not just one but two trips to the ballot box. Opposition voters could be dealt with in several ways. The manual suggested "dividing the opposition by buying off their leaders," and "arresting elements considered as pro-Communist." Then again, one could always "blackmail a person with a scar"—meaning a person with an unsavory background as a smuggler, say, or a habitué of brothels.

The documents suggested that just about everyone loyal to the government should be pressed into the secret campaign effort in one way or another. Campaign managers ought to be "generally prestigious." They should also have "a strategic sense, initiative, courage, a wide range of acquaintances and not be burdened with a bureaucratic mind."

Certain cadres would, of course, be suited to certain tasks. Popular Forces militiamen should be valued because they "are the eyes and ears of the uneducated who cannot judge for themselves whom they should vote for." Policemen would obviously be useful when it becomes necessary "to divide and neutralize the opposition." Army political-warfare specialists should be recruited for "hanging posters, distributing leaflets, organizing pep talks and passing out rumors." Administrators who can "incriminate" or "temporarily transfer government employees and cadres who campaign in favor of opposition candidates" are handy. (In fact, such transfers have been frequent since June.) But beware of teachers, who are commonly "uncommitted" and therefore useless. Because they are especially prone to "the complexes of an intellectual, they often cannot support the government."

One tactic that has been tried and found true in every city hall in the U.S. is evidently also thought to be promising in South Viet-Nam. Public employees, said the document, "should accomplish a number of social tasks in order to increase sympathy for the government. Examples: dig wells, fill up potholes, repair the marketplace, dig canals."

[From the New York Times, Sept. 3, 1971]

Saigon Generals Split on Election; U.S. Report Terms Military "Less Than Unanimous" on Thieu's Running Alone

(By Tad Szulc)

WASHINGTON, September 2.—A United States intelligence report says that South Vietnam's military leaders are "less than unanimous" in supporting President Nguyen Van Thieu in his determination to run in the Oct. 3 elections even though he is unopposed.

The report, submitted to top Administration officials, said that President Thieu met secretly last week with senior South Vietnamese Army generals and found some of them "noncommittal," although most pledged their support.

According to the report, several of the generals expressed the view that they should have had an opportunity to meet separately with the Vice President Nguyen Cao Ky, who withdrew as a candidate in the presidential race.

ANNOUNCEMENT FOLLOWED

President Thieu's consultations with his military commanders reportedly preceded his announcement yesterday that he would run alone next month but that he would not accept another term if he felt that the voting showed a lack of confidence in his leadership.

The report also recounted a recent meeting between Vice President Ky and Gen. Can Van Vien, chief of the Joint General Staff.

The report said that while Mr. Ky "has shown a tendency to overrate his support in the past," he left his conference with General Vien feeling "optimistic that Vien would support him in any future political moves."

However, the intelligence report said, General Vien told Mr. Ky that the task of the South Vietnamese Army was to stay out of politics.

The report said that Mr. Ky "might be encouraged to oppose Thieu more vigorously if he saw cracks in the President's military support."

The report quoted Gen. Hoang Xuan Lam, the commander of Military Region I, which encompasses the northern part of South Vietnam, as having told President Thieu last week that South Vietnam's senior military men "should be allowed to meet with Ky, who also was a military colleague."

The report added that General Lam also conveyed to President Thieu his full agreement with the President's policies.

OPPOSITION GAINS IN VOTING

Vice President Ky and General Lam did meet briefly in Danang last weekend during the funeral of two South Vietnamese veterans who committed suicide in protest over the political developments in Saigon.

In last Sunday's elections to the lower house of the Vietnamese National Assembly, opposition candidates backed by the An Quang Buddhist faction scored important gains.

Although the Nixon administration maintained silence publicly over President Thieu's decision to run in the October election even though he was the only candidate, informed officials said that the current intelligence reports from Vietnam gave some cause for concern as to his ability to control all the military forces in the country during the electoral period.

American officials emphasized that yesterday's intelligence report noted that several of the generals with whom President Thieu met last week had expressed the opinion that the circumstances that led to Mr. Ky's withdrawal from the presidential race were unfair.

They also said that unrest among South Vietnamese students and veterans might work in Mr. Ky's favor and further dilute support for President Thieu.

LOYALTY CHECKS REPORTED

The uncertainties of the South Vietnamese political situation were stressed in earlier United States intelligence reports from Saigon.

These reports told of special measures taken by President Thieu before last Sunday's parliamentary elections to check out the loyalty of members of his Government.

An American intelligence report on Aug. 24 said that "the commander of the Military Region III, who has over-all responsibility for the security of Saigon, reportedly has been checking on the loyalty of subordinate commanders, and is satisfied there will be no coup attempt as a result of the political turmoil."

Reporting on the legislative elections Sunday, the Central Intelligence Agency advised the Nixon Administration that "Communist military efforts to disrupt the election process were widespread, but small-scale and ineffective."

FEW IRREGULARITIES FOUND

In a comment on the charges by opposition figures of fraud in the legislative elections, the report said that "in general, United States intelligence officials estimate that irregularities do not appear to have been a major factor in the election process."

A background analysis of South Vietnamese politics by United States intelligence, presented to the Administration on Aug. 20, emphasized that Mr. Ky, even after withdrawing as a candidate, "could remain a prominent opposition spokesman and continue to be a thorn in Thieu's side."

A review of recent United States intelligence assessments of South Vietnamese politics suggested that the Central Intelligence Agency had been outspoken in its comments on the Thieu Government.

The background review, for example, remarked that Mr. Thieu had succeeded in originally denying Mr. Ky a chance to rule for the presidency and in discouraging the candidacy of Duong Van Minh, a retired general, "by the heavy-handed methods of the Government's powerful political machine." Mr. Ky withdrew from the race after the supreme Court reversed its original decision to disqualify him as a candidate.

Quotes From the Minh Document

On August 12, a week before he withdrew from the Presidential race, General Duong Van Minh gave Deputy Ambassador Samuel Berger a copy of a document said to be a directive from Pres. Thieu to his province chiefs on conduct of the 1971 elections. Newspaper reports from Saigon have subsequently said that U.S. Embassy sources believe that the document is genuine.

Much of the document is simply a political organization handbook, urging careful canvassing of voter attitudes, extensive organizing, and showy projects to prove how the Government is caring for the people. In addition to this overt activity, however, the document calls for carefully controlled secret cells for covert activity. Province Chiefs (who are appointed by the President) are told to "Analyze the various tricks and maneuvers which might be applied in order to undermine and paralyze these opposition elements in each village, urban ward, and district."

"For example: Can infiltration be carried out to cause confusion and internal division in any opposition groups? Is it possible to buy any leadership elements? By what means? For example, as in the cases of:

"Detention of pro-Communist elements.

"Oppressing elements who have a questionable past. . . .

"Transferring outside of their area of activity. . . ."

Officials are told to "study the techniques for controlling the polling stations and training the responsible personnel."

Each unit is to develop a "guiding index," which is "the number of votes which must be received."

The document repeatedly stresses that cadre must be loyal. When military and government officials cannot openly be cadre because of their other responsibilities, "All civilian and military personnel may be used in covert campaign activities."

"The undercover front is the most important." "Every district should have a person specially responsible for that district. This cadre should, in practice, only serve as a front for the district chief to arrange activities, because there are many tasks which district chiefs cannot carry out publicly."

"Order all levels of the government that they cannot promise support for anyone in the forthcoming elections except on order of the province chief."

Much of the organizing was supposed to be completed by the end of June, 1971. Between August 1 and October 3, "one month will be in secret and one month will be the period established by law."

"The entire group of cadre described above will be used for covert support in the 1971 lower house election."

In order to consolidate the administrative system, the following measures are suggested: "Temporary transfer in order to block att (all?) personnel and cadre working for the opposition. Concerning officials elected by the people such as village chiefs, who cannot be replaced, use the officials under government control in order to surround them, escort them closely and use all necessary measures in order to paralyze their opposition activities. Use documents concerning undesirable activities which might be used as the basis for prosecution concerning all officials close to the opposition. . . ."

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed with the transaction of routine morning business, for a period of 15 minutes, with statements by each Senator limited to 3 minutes.

TERMINATION OF HOSTILITIES IN VIETNAM—SENATE JOINT RESOLUTION 155 READ THE SECOND TIME

The PRESIDENT pro tempore. The Chair lays before the Senate, Senate Joint Resolution 155, which was introduced yesterday and read the first time. Objection having been heard to the second reading on yesterday, the joint resolution will now be read the second time.

The legislative clerk read as follows:

S.J. Res. 155. Joint resolution relating to the termination of hostilities in Vietnam, the withdrawal of U.S. forces from Indochina, and the return of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the joint resolution be placed directly on the Calendar

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

The PRESIDENT pro tempore. Is there further morning business?

Mr. GAMBRELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROTEST AGAINST SCHEDULED CANNIKIN UNDERGROUND NUCLEAR TEST

Mr. GRAVEL. Mr. President, public sentiment against the scheduled Cannikin underground nuclear test has been mounting steadily in recent weeks.

Newspapers, radio stations, and TV stations across the Nation have urged the President to cancel the blast.

Citizen groups have been writing to him and pleading with him to listen to arguments against the test.

I ask unanimous consent that a selection of these public comments be reprinted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Anchorage Daily News, Sept. 13, 1971]

HALT CANNIKIN

President Nixon is said to be seriously considering cancellations of the five-megaton Cannikin atomic weapons test scheduled for next month in the Aleutions. We sincerely hope this is the case. Not only does the test appear to be wholly unnecessary to America's defense, or even its bargaining position, but it poses a real threat of vast environmental disturbance not only in the Alaskan area but as far away as Hawaii.

The Atomic Energy Commission's report on possible environmental effects of Cannikin said major earthquakes or tidal waves were unlikely. But the AEC did not completely rule out the possibility that something untoward could happen. It is this margin of doubt that has led to efforts to stop the test. The efforts include one pending federal court suit, and one unsuccessful suit by 30 congressmen asking publication of a special report to the President which allegedly placed five federal agencies in the anti-Cannikin camp.

The $190 million shot is scheduled for a spherical chamber 5,875 feet below the tundra on Amchitka Island, which has been a national wildlife refuge since 1913. Although a much smaller atomic explosion there resulted in no apparent environmental evil, opponents of Cannikin nonetheless fear earthquakes, because Amchitka is in a highly active seismic region, and because of seismic sea waves which conceivably could devastate Hawaii and other Pacific areas. In addition, there is concern for the area's wildlife—the sea otters, sea lions, seals, birds—including rare bald eagles and peregine falcons—and salmon.

Mr. Nixon, however, reportedly is not being swayed by the environmentalists' ears—he is instead accepting the AEC assurances. But he is believed to be impressed with mounting evidence that the test—of a Spartan warhead—is both unwise and unnecessary. In the first place, it could disturb delicate arms-control talks with the Soviet Union. In addition, the Spartan may well be too big for the Safeguard antiballistic missile system it was supposed to be a part of. It seems common sense would view the evidence of dictating cancellation of Cannikin, and we believe Mr. Nixon should see to it that common sense prevails.

[From the Anchorage Daily News, Sept. 9, 1971]

AEC REPLY TO CHARGE OF WILDLIFE DANGER AT CANNIKIN TEST SITE

(By Richard Fineberg)

(Editor's Note.—In Wednesday's edition, The Daily News published a question and answer interview with Robert Jones, manager for the Interior Department of the Aleutian National Wildlife Refuge. In the interview, Jones charged that the Atomic Energy Commission has not been candid in assessing the environmental impact of its scheduled atomic test on Amchitka—code named Cannikin—late this month or in early October. In the following article, Dixon Stewart of the AEC answers Jones' charges.)

The manager of the Interior Department's Aleutian National Wildlife Refuge since 1951 has leveled a blast at the Atomic Energy Commission's activities on Amchitka Island, where the AEC plans to trigger a 5-megaton underground nuclear explosion shortly.

Refuge manager Robert D. Jones of Cold Bay charges that the AEC's presence on Amchitka since 1964 has seriously disturbed Amchitka's restoration as a base for waterfowl in the Aleutian Islands.

Jones maintains that the presence of the AEC on Amchitka "has denied the island for the natural re-establishment of the Aleutian Canada goose, has contributed to the decline in the nesting population of ducks, and has resulted in the virtual abandonment of the island as the wintering home of the Asiatic whooper swan."

These factors are either ignored or obfuscated in the AEC environmental impact statements, Jones says. He claims that results of bird counts in the refuge are classified "restricted" by the AEC and that the use of helicopters in many of these counts renders some of the commission's public statistics meaningless.

The AEC disputes the charges made by Jones. "It is entirely false that the AEC has classified any statistics on birds, wildlife or fish on Amchitka," says Dixon Stewart, Anchorage-based public information officer for the commission.

"I have never heard that our operation has had any major influence on bird populations." Stewart concedes, however, that "just having people there is going to have some influence."

Amchitka was occupied by the Army—and later the Air Force—from 1942 to 1951. With the exception of the AEC's work force, which is estimated at 700 at pre-bomb peak, the island is uninhabited today.

Stewart says that Jones, whom he identified as "Sea Otter Jones," is "not qualified to talk" about waterfowl. "He's a very good man on sea otters, but so far as I know he has never been recognized as an authority on birds."

But David Spencer, the area supervisor for the Interior Department's 18 wildlife refuges in Alaska, says that Jones' most recent field of specialization "is in Pacific Coast geese." Jones says that he published a paper on the sea otter during the 1950's, but that most of his publications in professional journals concern waterfowl. At present Jones is working on a doctoral degree in wildlife management under the auspices of his bureau.

Jones feels that the refuge, which spans the 1,100-mile Aleutian archipelago in which Amchitka is located, is large enough that birds driven from Amchitka may still find other areas for nesting. "But if they keep making portions of the chain unavailable to birds," he warns, "there will soon come a point at which man's presence will gravely affect the situation."

According to Jones, "Amchitka was one of the best waterfowl producers in the chain" prior to the 1920's, when foxes were introduced for fur-farming by Aleut Natives from other islands. During the 1950's the Interior Department decided to "restore key islands in the chain to their original ecology by eliminating the foxes."

This was done on Amchitka between 1957 and 1960, Jones reports, and many species of waterfowl were returning to the islands by 1964, when preparations for the first nuclear blast on Amchitka were begun.

"There is only one other sizeable island on the chain from which we have succeeded in eliminating the fox population . . . The bird population is expanding massively there, just as it was on Amchitka. The presence of the Bomb People has in effect denied the use of 50 per cent of the islands which were cleared of foxes for them."

He says that the Asiatic whooper swan, which is comparable in size to the trumpeter swan, used to winter on Amchitka. Since the advent of the AEC, he maintains, only a few whooper swans come to the island, and they pass through rather than wintering.

Jones feels that the AEC's published reports, such as the environmental impact statement prepared by the AEC in June 1971 for the upcoming Cannikin explosion, slight these problems. "The AEC will not face up to these problems," he says. Moreover, he asserts, the exact figures on the whooper swan have been restricted.

Jones says that he considers data gathered on waterfowl by helicopters to be useless anyway. "If there is anything disturbing to wildlife, it is a flapping helicopter."

Spencer confirms that helicopter counts on many birds are not reliable. Most surveys of birds, he says, "are best done from the ground." Many ducks, he explained, dive when a helicopter comes over. An AEC report published earlier this year lists results of helicopter surveys taken before and after the nuclear explosion of October 1969 to show that the blast did not cause a significant reduction in the presence of a wide variety of birds.

According to Spencer, Jones' opinions "might or might not be shared" by others in the bureau.

[From the Christian Science Monitor, Sept. 13, 1971]

CANNIKIN OFF?

(By Erwin D. Canham)

It seems likely that President Nixon will cancel Cannikin.

This is very good news. The nuclear explosion planned to go off this fall a mile beneath the Aleutian island of Amchitka would have been 250 times the strength of the atomic bomb over Hiroshima. It would not have been as large as an atomic device the Soviets are believed to have exploded in the Arctic, but it would have been several times larger than anything the United States or anybody else has ever set off before.

The AEC and Defense Department experts believe the experiment would have been "safe." Perhaps they are right. But many other strongly qualified scientists take a different view. Any possible degree of error when you are talking about such a seismic event may well be too much.

Moreover, credible natural scientists—for example, Jeremy J. Stone, director of the Federation of American Scientists—say the test is unnecessary. It is, he says, "a bureaucratic oversight—an experiment that has been waiting to be canceled." The reasoning is that since it was to test the warhead of the Spartan antiballistic missile, this is no longer necessary with the revision of the ABM program.

POTENT OPPOSITION

Even if this were not so, the arguments against Cannikin (which is the meaningless AEC code name for the test) are very powerful. The explosion was to have been in a highly earthquake-prone region. How the experts could have been absolutely sure of its relatively harmless consequences is difficult for the layman to grasp. And if an earthquake were touched off, the "tidal" or seismic wave that follows—the tsunami—might have had very grave consequences. The 1964 Alaskan earthquake started a tsunami which destroyed California waterfront areas.

Further, if any radioactivity had leaked up from the explosion—and who can be absolutely certain it would not—it would have come in the very crossroads of Pacific spawning salmon. Amchitka, ironically, is set off, with the Aleutians, as a national wildlife refuge! It is only 800 miles from the Soviet Union, much nearer Canada than to continental United States, and not far from Japan.

VIEW PREVAILS

A significant number of governmental departments and agencies were said to have opposed the test. Now the word emerging from Washington is that they have prevailed. How much of the taxypayers' money has been spent to set up the test may be hard to dig out. Whether the "bureaucratic oversight" could have been headed off sooner would be worth determining.

Further ironically, the final determining reason the test may be canceled could well be President Nixon's welcoming handshake visit to Emperor Hirohito when he comes down at Anchorage on Sept. 26. The Cannikin was to have gone off in the time interlude between the Emperor's arrival and his touchdown on his return flight. The very height of poor timing since the Japanese Government has protested against the test.

In addition, the ABM system of which the Cannikin test was a part, is under active negotiation at the SALT talks, and was originally described as a means of defense against possible Chinese aggression. Thus it overhung both Helsinki and Peking, which the President expects to visit.

UNDONE BY TIMING

The United States and world order have suffered sadly in the past at poor timing. The unhappy U-2 flight over the Soviet Union just before President Eisenhower was to have conferred with Chairman Khrushchev in Paris is the most regretted example.

Now there is a chance, which apparently the President is seizing, to prevent another unnecessary fiasco.

It is important, still, for the United States to maintain a fully effective deterrent against nuclear attack. The existence of the atomic stalemate is a major element for peace, until such time as better guarantees can be found. The arms race continues to be a heavy burden and a potential danger hanging over the head of every human being on earth. But the certainty of unacceptable retaliation does seem to prevent major overt acts. It is a paarodx, but peace has never been entirely rational. Yet "overkill" is an unneeded and especially dangerous part of the race, and it should be avoided.

[From the Southeast Alaska Empire (Juneau, Alaska), July 29, 1971]

STOP THE BLAST

Governor William A. Egan's recent request to the Secretary of Defense urging postponement of the proposed fall nuclear test blast on Amchitka Island apparently has not been heeded in Washington. In a letter to Secretary Laird, Egan said the Department of Defense "has been officially silent on what this test is really supposed to prove." State Attorney General John Havelock's comments on the refusal of the U.S. Government to provide accurate data on the need for the blast were that the AEC had "made a charade" of federal law, Havelock also voiced the opinion that the requirements of the National Environment Policy Act had not been met.

During the EPA hearings which were held in Alaska, opposition to the test was almost unanimous. At that time representatives of the AEC could not convince Alaskans the blast was necessary or that it would not touch off an earthquake or other seismic activity within the state. In addition, it was brought out at the hearings that a quantity of nerve gas had been deposited off Amchitka Island after the second world war. These cannisters of death could be ruptured by the 5 megaton test.

The only apparent excuse the AEC can muster up for still staging the test is that it is in the national interest. However, we have repeatedly asked, is not Alaska part of the national interest? If an earthquake occurs or nerve gas is released, is this not in violation of the national interest?

What about the wishes of the people who have clearly demonstrated their unwillingness to have the nuclear device exploded in their state? Do not their views count for something?

Governor Egan and many other high officials have voiced the opinion that the test should either be delayed or cancelled. Are their statements falling on deaf federal ears?

It is time the AEC and the other federal agencies involved became responsive to the desires of the people of Alaska. We do not want this blast in our state. The good the test will create has never been disclosed, but the havoc it could reek is a very awesome reality.

[From the New York Times, Aug. 23, 1971]

UNDERGROUND A-TEST IS STILL SET FOR ALEUTIANS BUT IS NOT FINAL

(By Richard D. Lyons)

WASHINGTON.—The Nixon administration is pressing ahead with plans to explode a nuclear warhead in the Aleutian Islands despite the pleas of some scientists and ecologists that the test is either unneeded or harmful to the environment.

High Administration officials insist that the detonating of the nuclear warhead for the Spartan antiballistic missile vehicle is needed to measure its explosive effects before the multibillion-dollar Safeguard defense system is built and deployed.

Yet the final decision to explode the thermonuclear device—October is the target date—has not been made. The door is apparently being left ajar to cancel the test for political reasons, primarily complaints that are expected from Canada and Japan.

Work continues at the test site on Amchita Island, near the western end of the Aleutian chain. The five-megaton device—meaning its equivalent to five million tons of TNT—will be detonated in a chamber carved out of solid basalt 6,000 feet beneath the island.

TWO SHAFTS BUILT

The Atomic Energy Commission has already spent most of the estimated $200-million cost of the test on drilling two vertical shafts that are over a mile long and setting up instruments that will measure the effects of the blast.

The tremendous amounts of time, energy and money that have been expended on the test are collectively aimed at finding out what happens in the first millionths of a second after detonation of the warhead.

The rationale of the Spartan missile as a defensive weapon is to detonate the warhead scores of miles above the earth in an area occupied by incoming missiles aimed at the United States.

The brief burst of energy is designed to saturate the area in space with a mighty burst of X-rays and other forms of radiation so as both to disarm the warheads of the incoming ICBM's and to disable their radars.

The Safeguard defense system, of which the Spartan missile is a part, probably is the most complicated weapons system yet devised. Scientific opponents of the Safeguard have asserted that its expectations are beyond the realm of current technology.

"The main question being raised is whether something as intricate as this system can be developed without testing its components," said one high official connected with the test, which has been code-named Cannikin.

He noted that "the gist of Congressional criticism with regard to defense procurement in recent years has been inadequate testing. The specific purpose of the test is to get accurate measurements."

The official, who did not want to be identified, emphatically denied allegations made last spring by members of the Federation of American Scientists that the Spartan missile warhead that is to be exploded was "obsolete."

"This is simply untrue," he said.

Federation spokesmen had contended that the Defense Department was seeking to modify the Spartan warhead to give it an explosive yield of less than five megatons, but to permit it greater flexibility to deal with low trajectory ballistic missiles such as those fired from submarines. Therefore, the federation members said, the Cannikin test is unwarranted.

Another variety of complaints about the Cannikin test has stemmed from ecologists who contend that the blast would either kill local wildlife or trigger earthquakes or start an ocean tidal wave called a tsunami.

Previous protests reached a peak two years ago before the first Aleutian nuclear blast, named Milrow, when a one-megaton device was set off to calibrate the measuring devices to be used in Cannikin.

At that time, Senator Mike Gravel, Democrat of Alaska, made a personal appeal to President Nixon to stop the testing.

The Milrow test produced neither destructive earthquakes nor tidal waves, nor wanton damage to the Aleutian ecology. But it did produce an impressive 6.5 rating on the Richter scale of earthquake measurement.

Although Cannikin is to be fired at a depth half again as deep as Milrow as a safety precaution, environmentalists have pointed out that the new blast is to be over four times as powerful as the last and that, even more importantly, the Aleutians sit athwart one of the world's major earthquake belts.

[From the New York Post, Aug. 25, 1971]

GRAVEL: RELEASE A-BLAST REPORT

(By Carl Greenberg)

Los Angeles.—Sen. Gravel (D-Alaska) has demanded that President Nixon make public a report in which Gravel said five of seven federal agencies recommended against a planned five-megaton nuclear blast in the Aleutians.

The Senator, who in June disclosed some of the Pentagon secret papers on the Vietnam war, said the report is a "secret study" ordered by the President and that the White House has not acknowledged a letter in which Gravel called for release of the document.

The American people should be made aware of the report's contents so they can share in the decisionmaking process," said Gravel.

He listed the five agencies recommending against the underground blast as the Interior Dept., the Office of Science and Technology, Environmental Protection Agency, the State Dept. and the Environmental Quality Commission.

Gravel said that among the adverse recommendations the "most interesting"—because of the expertise of the agency—was that of the Office of Science and Technology.

He added that some scientists say the bomb to be tested will "be obsolete in two years."

Favoring the blast, Gravel stated, were the Defense Dept. and the Atomic Energy Commission. The AEC has scheduled the blast for early October on Amchitka Island.

Gravel and other Alaskan political leaders, as well as Hawaii's two Senators, have voiced opposition to the blast on the grounds it may set off an earthquake registering 7 points on the Richter scale. (Alaska's devastating quake in 1964 registered 6.4).

Gravel also voiced concern that the detonation could cause a tidal wave such as that following the 1964 earthquake and which resulted in death and destruction in Crescent City, Calif.

[From the Anchorage Daily News, Aug. 31, 1971]

QUESTION OF HAZARD: AMCHITKA BLAST WOULD NOT JAR POISON GAS CANS SAYS AEC

(By Richard Fineberg)

Are containers of poison gas which the Army dumped off Amchitka Island on Alaska's Aleutian chain still resting on the ocean floor close to the site at which the Atomic Energy Commission intends to trigger a five-megaton underground nuclear blast?

The AEC's June 1971 environmental impact statement reports that "the Cannikin test should have no effect" on mustard gas and Lewisite dumped near Attu, about 240 miles west of Amchitka, in 1947.

The statement, however, makes no reference to reports of gas scuttled within 50 miles of Amchitka in 1946.

The question of hazards relating to gas dumped near the AEC's Amchitka test site was raised in May when an unidentified Alaskan reported that he helped scuttle large steel drums containing mustard gas and Lewisite off Amchitka early in 1946. He asked Sen. Mike Gravel to "pursue the matter" for him.

The lethal blistering agents were stockpiled in the Aleutians for possible use during World War II.

In response to Gravel's inquiry, the Army reported that 948 tons of mustard and Lewisite had been dumped off Attu Island in July 1947. The Army reported at that time that "a careful search" uncovered "no records which confirm that chemical agents were disposed of in the ocean near Alaska or the Aleutians in 1946."

The civilian informant who initially raised the question maintains that the 1947 dump off Attu is not the one he participated in. "I received my honorable discharge in late 1946," he explained. He recalls that the gas he helped get rid of was contained in large steel drums which were released from a barge at a distance he estimated to be less than 50 miles from Amchitka.

Gen. Edward B. Giller, AEC assistant manager for military applications, told questioners at a public hearing on the blast held in Anchorage May 28 that the potential gas problem had not come to AEC's attention "until three or four days ago."

At that time the AEC's draft version of the environmental statement contained no reference to the possible effects the big nuclear blast might have on Army chemical warfare munitions and explosives which had been scuttled near Amchitka since World War II.

"In the next version" of the impact statement, Giller promised, "I will address a paragraph or two" to the question.

At that time the AEC was advised that there was a discrepancy between the signed letter to Gravel and the Army's report. But the final environmental statement, issued in June 1971, did not mention the 1946 dump off Amchitka.

"In considering the possible effects of Cannikin," the report stated, "it was determined that the U.S. Army had disposed of a large number of containers of mustard gas and Lewisite in 1947 by dumping them at sea near Attu Island at a distance of about 240 miles from Amchitka.

"There was the question of whether Cannikin might cause these materials to be released into the ocean," the report continued. "At a distance of about 240 miles, the Cannikin explosion will appear as a simple seismic wave with no significant disturbance of the sea floor. Since the disturbance will be minimal at the location of the mustard gas and Lewisite containers, the Cannikin tests should have no effect upon these containers.

"It should be noted," the report added, "that there have been three earthquakes of magnitude 7.0 or greater in the Aleutian Islands west of Amchitka since 1947. Each of these seismic disturbances has probably subjected the containers to motions larger than those which will occur in connection with Cannikin."

An AEC spokesman acknowledged privately last week that the impact statement's discounting of the gas problem was based on the belief that the gas was more than 200 miles from the site of the explosion. The blast might have a considerably greater effect on drums lying closer to Amchitka than those covered in the impact statement. "If gas was dumped off Amchitka as has been alleged," he said, "it might be a completely different ballgame."

The wording of the impact statement gives the impression that the steel containers still remain intact on the ocean floor. But Giller speculated in May that the drums containing the gas "probably" had rusted through, exposing the submerged chemical agents to water.

Mustard gas and Lewisite are normally stored in liquid form. Lewisite neutralizes rapidly in water, while mustard gas breaks down more slowly. Because mustard gas freezes at 57 degrees fahrenheit, it would solidify at ocean-bottom temperatures in the Aleutians. In solid state, its dissolution into nonpoisonous elements would be still slower. Lewisite remains in liquid form to 1 degree fahrenheit.

It is conceivable, one expert noted, that the containers near Amchitka might still be intact on the ocean floor. In this case, the nuclear blast might break them open. If the containers have already ruptured, it is possible that large blocks of mustard gas might still remain in the area in frozen form. The impact statement does not deal with these possibilities. Nor does it consider the effects the release of the gas might have on the fish and other marine life in the vicinity.

[From the Washington Post, Sept. 2, 1971]

CANADIAN SLAPS U.S. BOMB TEST

Banff, Alberta.—The proposed U.S. nuclear bomb test scheduled for October in the Aleutian Islands is a "travesty on justice" federal environment minister Jack Davis said today.

"I can't burn a few leaves in an old perforated oil drum in my back yard in West Vancouver without being hauled up in court," he hold a meeting of the Canadian Bar Association.

"And yet the U.S. brass . . . can set off the biggest underground test ever . . . in the least spoiled part of the Pacific Ocean in the midst of an earthquake zone and with the certain result that deep seated rocks and deep seated underground waters will be contaminated with radioactive waste from thousands of years."

[From the New York Times, Sept. 2, 1971]

RUCKELSHAUS SCORES LABEL OF SECRECY ON A-TEST NOTE

(By E. W. Kenworthy)

Washington.—William D. Ruckelshaus, administrator of the Environmental Protection Agency, says that there is no substantive reason for classifying as top secret his recommendations to a Presidential committee on the underground nuclear test scheduled for early next month on Amchitka Island.

"There was nohing in my comments that needs to be stamped 'top secret,'" he told reporters yesterday.

His comments and recommendations were made in a letter to John N. Irwin 2d, Under Secretary of State, who is chairman of the Under Secretaries Committee. President Nixon, in June, 1969, directed this committee to review the underground test program of the Atomic Energy Commission.

In this capacity, the Irwin Committee transmitted to the President last July 17 a top secret memorandum and report on the proposed five-megaton blast to test an antimissile warhead for the Spartan missile, the long-range interceptor in the Safeguard missile defense system.

The shot will be fired in a chamber carved out of solid basalt 6,000 feet below the surface of the Aleutian Islands. Already, almost $200-million has been spent on digging two shafts and setting up instruments in the chamber.

RUMORS PERSIST

Attached to the Irwin committee memorandum and report were several other documents, including letters from Mr. Ruckelshaus and Russell E. Train, chairman of the White House Council on Environmental Quality.

There have been persistent rumors in Washington that Mr. Ruckelshaus and Mr. Train recommended the cancellation of the test because of possible environmental damage.

It has been impossible to verify these rumors, however, because the Ruckelshaus and Train letters were classified "top secret" under a security practice known as "classification by association." This requires that any documents that could normally be unclassified become classified when they are attached to classified material.

Since the Irwin memorandum and report dealt with a highly classified weapons system, the Ruckelshaus and Train letters, dealing with possible environmental risks of the blast, also became classified when they were incorporated in "the package" sent to the President.

RUCKELSHAUS' VIEW

In a breakfast meeting with reporters yesterday, Mr. Ruckelshaus was asked whether he thought that his letter needed to be classified. He replied:

"The document I received [from Mr. Irwin for comment] was marked 'top secret.' I was informed my comment should be 'top secret.' There was nothing in my comment that needs to be stamped 'top secret.' "

Quite apart from the question of classification of his comments to the Under Secretaries Committee, Mr. Ruckelshaus is required by law to comment publicly in writing on the environmental impact of any proposed Federal project. This requirement is contained in the Clean Air Act of 1970.

Mr. Ruckelshaus has not made such public comment. He was not available to answer questions on why he had not done so.

Many environmental groups, several scientists and a fairly large body of Congressmen have urged cancellation of the Amchitka project, expressing fears that the blast—equivalent to five million tons of TNT—might trigger an earthquake in an area of geologic faults, start a seismic tidal wave known as a "tsunami," leak radiation into the air or water and kill others, sea lions, seals and birds.

However, the Atomic Energy Commission, with the support of many scientists, has insisted that such hazards are remote.

SUIT DISMISSED

Last Friday, Federal District Court Judge George L. Hart in Washington dismissed a suit brought by 33 members of Congress who sought a court order to force the publication of the Irwin report and the attachments.

It was the contention of the Congressmen that such publication was required by the Freedom of Information Act; that there was reason to believe the withheld documents warned of environmental damage from the blast, and they needed the information in the report to perform their legislative duties.

Judge Hart, however, asserted that "some things have got to be secret." He held that the material sought by the Congressmen rightfully came under the exemption in the Freedom of Information Act of matter relating to the nation's security.

On Monday, Judge Hart ruled for the Government in another suit brought by eight environmental and antinuclear testing organizations. They sought an injunction against the test on the ground that the Atomic Energy Commission had violated the National Environmental Policy Act by submitting to the Council on Environmental Quality an "environmental impact" statement that did not meet the law's requirements.

[From the New York Times, Sept. 7, 1971]

CANADA BREAKS WITH UNITED STATES ON ATOM TESTS; SEEKS BAN WITHOUT REQUIRING INSPECTION

(By Thomas J. Hamilton)

GENEVA.—Mitchell W. Sharp, Canada's External Affairs Secretary, called here today for a ban on all underground nuclear tests without the provision of on-site inspections to verify compliance.

In doing so, he broke with the United States on the need for such inspections. He said long-range instruments now available could detect all but the smallest of underground explosions.

"The verification problem is in the last analysis a political rather than a technical question," Mr. Sharp declared at a news conference after addressing the opening session of the fourth United Nations Conference on the Paceful Uses of Atomic Energy. At that session, he said it was time for the United States and the Soviet Union to negotiate an underground test ban.

A treaty prohibiting tests in the atmosphere, under water and in space was signed by the nuclear powers in 1963, but underground tests were excluded because of the inspection issue.

INFORMATION EXCHANGE SOUGHT

George Ignatieff, the Canadian representative on the Geneva Disarmament Commission, has been campaigning for more than two years for a worldwide exchange of information from seismological stations. His aim, he said, was to determine whether these could distinguish between an earthquake and an underground test without the need for inspection.

But until now, Canada continued to insist on the need for inspection in doubtful cases.

Mr. Ignatieff said today that instruments outside a country suspected of conducting underground nuclear tests could detect all underground blasts larger than the equivalent of 10 or 20 tons of TNT in hard rock.

In announcing the Canadian campaign for a treaty banning underground nuclear tests without regard to on-site inspections, Mr. Sharp spoke of fears that such tests would be harmful to the environment.

UNITED STATES PLANS PROTESTED

He said he had protested "at the highest level" in Washington against United States plans to set off a five-megaton underground blast—the equivalent of five million tons of TNT—on Amchitka Island in the Aleutians in October. He said he had been informed that no final decision had been made on whether to hold the test.

The atoms-for-peace conference, which is being attended by 4,000 delegates, also heard two leading nuclear experts defend the operation of nuclear reactors against attacks by environmentalists.

Dr. Glenn T. Seaborg, the conference president and former head of the United States Atomic Energy Commission, and Dr. Sigvard Eklund, director general of the International Atomic Energy Agency, both assured the delegates that the safety precautions employed in the nuclear generation of electricity guaranteed against contamination of the environment by radiation.

Dr. Seaborg complained that "strong and sometimes strident voices have been raised against the use of nuclear power on environmental grounds in a number of countries."

Dr. Eklund, a Swedish nuclear scientist, said public concern over the environment had "even reached the point where it has slowed down, if not impeded, the development of nuclear power in some countries."

He referred to last week's decision by the United States Atomic Energy Commission to bow to pressures from environmentalists and suspend operation permits for 96 nuclear reactors around the country until the effect of the discharge of heated wastes on streams was known.

Dr. Eklund said: "It is indeed paradoxical, and most unfortunate that an industry, the nuclear industry, which has from the beginning taken such care to insure that it will not harm the environment, and which can boast of a near-perfect safety record, should have become the target of well-intentioned, but not always well-informed environmentalists."

[From the New York Times, Sept. 7, 1971]

THEY HAVE GOT A SECRET

For the first time since the heyday of the late Senator Joseph McCarthy, State Department personnel are being grilled by F.B.I. agents, reportedly equipped with lie-detectors. The procedure—particularly inappropriate, it would seem, for people trustworthy enough to have been hired for sensitive work in the first place—is prompted by a suspected leaking to the press of "stories harmful to the national interest."

Out of the controversy that raged over the Pentagon Papers, some hoped might come a subsidence in the Nixon Administration's addiction to secrecy. That is not yet apparent. Possibly the State Department has legitimate reason for its current concern, but its course of action has to be weighed against two other recent episodes that point to continued and needless reliance by the Administration on concealment as a governmental way of life.

The first of these is the release, after a year's litigation, of a report on the SST which the Government kept locked up throughout the battle over that extravagant monstrosity. Six months before President Nixon announced his intention to invest Federal funds in construction of SST prototypes, he had before him this document—prepared at his request by a committee of scientists headed by Richard L. Garwin—which urged "withdrawal of government support."

The reasons included unpredictably excessive costs, the plane's dubious capabilities, "substantial doubt" that the competing European supersonic planes would prove commercially viable, and the chance of detrimental effects on the environment.

The Office of Science and Technology, in belatedly releasing the Garwin report, makes the obvious point that it was only one of a number of studies that went into the President's decision. However, those studies that recommended the project were made available; this negative one was marked "privileged" and denied even to members of Congress. Senator Proxmire of Wisconsin is not far off the mark when he calls the report's release now a "credibility blockbuster," which would have "stopped the SST dead in its tracks" if it had been released while the fight was on.

Similarly now comes word of a "top secret" letter to a Presidential committee from William D. Ruckelshaus, Administrator of the Environmental Protection Agency—which Mr. Ruckelshaus himself says should not be secret at all. Rumors are that his letter, together with one from Russel Train, chairman of the Council on Environmental Quality, recommend cancellation of the proposed underground nuclear test scheduled for next month on Amchitka Island in the Aleutians.

Perhaps the rumor is true, perhaps not. In either case the American people have a right to know what their two top officials in the field of environmental protection have to say about the risks of an underground blast 250 times as great as the one that leveled Hiroshima. Will it require a lawsuit a year from now to show that the Government knew all the time that it was tempting earthquake, tidal wave and radioactive poisoning of the atmosphere?

The question, as before, is not whether the Government need fear "stories harmful to the national interest," but whether the national interest can stand much more of this excessive concealment of information.

[From the Anchorage Daily News, Sept. 8, 1971]

AMCHITKA ISLAND: A WILDLIFE REFUGE

(By Richard Fineberg)

ROBERT JONES

Today's Alaska Forum takes a different format—a question and answer session with Robert D. Jones, manager of the Aleutian National Wildlife Refuge where this fall the Atomic Energy Commission will detonate an underground nuclear test.

The test site, Amchitka Island, lies within an area designated as a sanctuary for the preservation of wildlife, a fact often overlooked in discussion of the AEC's activities. The national wildlife refuge stretches across an 1100-mile area in the North Pacific and includes the major portion of the Aleutian archipelago. Amchitka plays a key role in the refuge wildlife management program.

Its manager, Bob Jones, first came to the Aleutians in 1942 with the Army. He has been in the Aleutians with the U.S. Fish and Wildlife Service since 1948. He has been refuge manager since 1951. Presently, Jones is pursuing a doctoral degree in wildlife management under the auspices of his bureau.

Jones refers to the AEC as "the Bomb People." He feels that Amchitka's value as a waterfowl reserve has been reduced significantly by the AEC's activities on the island, and elsewhere within the Refuge he manages. His picture of Amchitka—based on extensive contact since his first visit in 1943—stands in marked contrast to the AEC's pronouncements.

This interview is a condensed transcript of several conversations by Richard Fineberg with Jones.

Q. What was Amchitka like when the Army arrived during World War II?

A. There were no humans on the island at the time that the Army occupied it in 1943. From the standpoint of wildlife, the significant thing was that there was a fully-saturated population of arctic foxes, on the island. The consequences of that were quite severe to bird life, and this situation exists today on the other islands of the chain where the foxes are still present.

Q. How did the foxes get there?

A. They were introduced in the 1920s, as a fur-farming measure; this was done on many islands of the chain. On Amchitka, the foxes did quite well. They were farmed by the natives of the village of Atka for several years.

You might be interested to know that Amchitka was the site of prehistoric Aleut villages. The last permanent village was abandoned during the nineteenth century, and the island was free of humans until the 1920s.

Q. When did the Army leave Amchitka?

A. The last permanent military group—actually it was the Air Force—departed from the island in 1951. At this time the refuge began eliminating the arctic fox population, which had been introduced commercially. Except for the presence of several thousand old quonsets—and other relics of war—the island was to be restored to its original ecology by the elimination of the fox.

Q. Why was this done?

A. Amchitka had been one of the best waterfowl producers in the Aleutian Islands. Also it was possible to reach the island relatively easily. Consequently, we started working there, and by 1957 the fox population had been reduced significantly. By 1960 we were able to find signs of a few foxes, but there were none reproducing.

With the fox population effectively destroyed, birds could find nesting places undisturbed by predators. By 1960 we were able to observe a significant increase in the number of birds on the island.

Q. What kind of birds were you interested in?

A. We were particularly studying the waterfowl. For example, we were studying the number of ducks on the island, and we were interested in the possibility that the Aleutian Canada goose might return to nest on the island.

Q. Did this occur?

A. No. At this time the Aleutian Canada geese began visiting the island during the summer months. In my opinion this was the first step in pioneering or recolonizing Amchitka as a nesting area. Canada geese are pioneers. If there is a suitable habitat into which an expanding population of animals, whether birds or mammals, can go, and they expand into it, we say they are colonizing that area.

Q. Had the Aleutian Canada Goose lived on Amchitka before?

A. Yes. Prior to the introduction of the arctic fox. It was the arctic fox that destroyed the nesting population on Amchitka.

Q. By 1960 they were returning during the summer months?

A. Yes. The first steps were being taken over those years when the fox population declined to the point where the habitat again was suitable.

Q. Are there Aleutian Canada geese on Amchitka now?

A. No reports of them have been received since 1962. We don't have reports on them in 1963 because there was no one on the island. Then of course in 1964 the Bomb People—this time not the AEC but the Defense Department's atomic support agency—arrived to fire the first Amchitka bomb.

I was personally on the island in 1965 and there were no Canada geese there until the time of migration southward, when one or two flocks from Buldir Island, where they nest, stopped briefly at Amchitka. Since then I have seen no record of Aleutian Canada geese visiting Amchitka under their own horsepower. Seventy-five were brought in and released on Amchitka this spring.

(According to the AEC's Environmental Statement, prepared in accordance with the National Environment Protection Act in 1969. In recent years and until 1971, no Aleutian Canada geese have been bred on the island. This rare type of Canada goose is known to breed only on Buldir Island and has been extirpated from other Aleutian Islands, persumably by predation by introduced foxes. However, the Department of the Interior, having considered Amchitka a suitable location for the reestablishment of breeding populations of these geese, transplanted 75 of them to the island in March 1971.)

Q. Did they remain on the island?

A. No. The geese disappeared. At this point apparently they do not find Amchitka a suitable habitat.

Q. What about other birds?

A. As I have said, Amchitka was one of the best waterfowl producers in the chain. This included the Aleutian race of the common teal of Europe. We banded a number of them on Amchitka in 1960, '61 and '62.

Q. That was before the AEC arrived?

A. Oh, yes. The duck population was increasing at that time. We also banded the glaucous-winged gull on Amchitka and the islets adjacent to it. During that time the glaucous-winged gull found that it was possible to nest even on Amchitka itself, now that the foxes had been removed. We banded well over 300 during the three years. I'm sorry, but I don't recall the exact numbers off-hand.

Since the AEC's arrival on Amchitka the glaucous-winged gull and the teal both have thinned their population. This is true of all the birds on the island except the dickeybirds.

Q. What are dickeybirds?

A. They are little birds which coexist easily with civilization. The birds that nest in the Aleutians—with the exception of the dickeybirds—are all birds of the wilderness. And the Bomb People's presence has affected many of them. For example, their presence on Amchitka has influenced the wintering population of the Asiatic whooper swan. Several hundred whooper swans winter in the Aleutian Islands, and according to Carl Kenyon's publication Amchitka was the island on which the largest numbers wintered. We have observed them there ourselves during winters past. But since the Bomb People have been working on the island through the winter, the whooper swans no longer winter on the island.

Q. What is the whooper swan?

A. It is a very large swan. It's the size of the North American trumpeter swan, which is considered to be the largest of the waterfowl. It is distinguishable by a large yellow patch at the base of the bill. These birds, curiously enough, are extremely wary. The Asiatic whooper swan's numbers on Amchitka have been greatly reduced. They go to the uninhabited portions of Adak, nearby Kanaga, Kagalaska, Atka—all to the east of Amchitka.

Q. What are the figures on that reduction?

A. Unfortunately, that is classified information; the precise figures reach me under restricted classification.

Q. Who has classified it?

A. The Bomb People. I can say that the few birds that were mentioned were not reported as wintering. They were reported as seen en route. The number that used to winter there, according to published counts, was around 120. The figure is now down to a handful.

Q. Is there room elsewhere in the Refuge to support these birds when they leave Amchitka?

A. Fortunately the refuge is large enough that if the birds do not choose to nest in an area of human activity they can still find other areas. This is of course what has happened.

But if they keep making portions of the chain unavailable to birds, there will come a point at which man's presence will gravely affect the situation.

It should be kept in mind that Amchitka is not the only island used by the Bomb People. They use Kiska, Semisopochnol, Amatignak and Rat Island, for example.

Q. They have used these islands, as well as Amchitka?

A. Yes, they have, although not on the scale of Amchitka. Moreover, when the birds are obliged to leave an island from which the foxes have been eliminated—and they were eliminated specifically for these very same birds—this must influence the overall ecology. The waterfowl cannot leave Amchitka and go to Kanaga and Tanaga, for example. There is ample space on these islands, but there they will find for populations such as formerly existed on Amchitka.

There is only one other sizeable island on the chain from which we have succeeded in eliminating the fox population. This is Agattu Island. The bird population is expanding massively there, just as it was on Amchitka. The presence of the Bomb People has in effect denied the use of fifty percent of the islands which were cleared of foxes for them.

Q. Your views are damaging to the AEC's case for using Amchitka, and your opinions are not reflected in public announcements by higher officials in your Department (Interior) in Washington. Has there ever been any suggestion that you should moderate your public comments?

A. No indeed. I've spoken my mind to anyone who will listen. Many people don't talk to me anymore. But the Service has never put any pressure on me. They have leaned over backwards on the issue of personal opinion.

Q. Are any species faced with extinction because of the AEC's presence on Amchitka?

A. No. But the case of the Aleutian Canada goose is most unfortunate. It seems likely that by now that goose would have returned to nest on Amchitka. This might be argued, of course, but we had observed the first steps in the pioneering process. Now, with the presence of all the grinding machinery and all the flapping helicopters and all the people hustling up and down and the multitude of other disturbing factors, the geese have abandoned Amchitka. And the only other large fox-free island available is Agattu.

The current wintering population of Emperor Geese at this point is about 4,000. This is a much lower figure than my own estimates of the number of wintering birds in the pre-Bomb People days. I have spent numerous winter months on Amchitka and formulated an estimate of 16,000 emperor geese wintering there.

Q. How did you reach this estimate?

A. By travelling around the island—essentially by small boat or by walking, noting the density of birds in the different types of habitat, the extent of each type of habitat, and extrapolating figures where necessary.

Q. The state has contested AEC wildlife figures. Do you feel that AEC waterfowl and animal population figures are reliable?

A. I do know that the Bomb People have been using helicopters for some of their estimates. I consider data on most waterfowl gathered from these efforts useless. If there is anything disturbing to wildlife, it is a flapping helicopter.

Q. How do you feel about the AEC's attention to the sea otter?

A. I feel that the emphasis the Bomb People have placed on the sea otter is just a public relations ploy. It's a red herring. The population of sea otters at Amchitka had grown to a larger number and was on the decline, entirely due to natural circumstances. Then of course came the issue of transplanting, and the Bomb People funded the operation. But in my judgment the animals were released in such a condition that relatively few survived at their new homes.

Q. In general, you feel that restoration of Amchitka as a base for waterfowl was disturbed by the advent of the nuclear test activity in 1964?

A. That is correct. I might mention that the Bomb People had their eyes on Amchitka long before 1964. A task force in 1951 was looking for a site to bury a bomb at a shallow depth. Its explosion would have created a crater and caused extensive fallout. They finally decided the island was not suitable for what they had in mind. But at that point the Bomb People were as inclined to blow up the island as they are now. Their public relations efforts are better now.

In sum, I think that the Bomb People have affected Amchitka in several ways not mentioned in their statements on environment. Their presence has denied the island for the natural reestablishment of the Aleutian Canada goose, has contributed to the decline in the nesting populations of ducks, and has resulted in the virtual abandonment of the island as the wintering home of the Asiatic whooper swan. These are concrete results of the Bomb People's interference on the island to date, over and above what effects might have accrued from radioactive leakage in the past and might occur from Cannikin.

[From the New York Times, Sept. 9, 1971]

Nixon May Cancel Aleutians A-Test: Aides Say He Weighs Halt or Delay—Other Nations' Concern Called Factor

(By E. W. Kenworthy)

Washington.—President Nixon, according to knowledgeable officials in the White House and the State Department, is giving serious consideration to canceling or postponing the underground test of a five-megaton antimissile warhead scheduled for next month on Amchitka in the Aleutians.

At San Clemente, Calif., last week, officials said, Wayne Smith of the National Security Council staff discussed with Henry A. Kissinger, the President's assistant for national security affairs, the reasons advanced by the Defense Department and the Atomic Energy Commission for going ahead with the test, code-named Cannikin.

The two men were also reported to have discussed the reasons advanced by the State Department, the White House Council on Environmental Quality, the Environmental Protection Agency and the White House Office of Science and Technology for cancelling it.

Weighing heavily in the President's consideration, officials suggested, was the opposition of the Canadian and Japanese Governments.

Last February, Mitchell W. Sharp, the Canadian Minister of External Affairs, sent a formal protest to the State Department about the planned explosion, which would be by far the largest ever detonated by the United States under ground, because of environmental risks.

The Japanese Government, officials said today, while registering its concern, has not lodged a formal protest.

The Atomic Energy Commission, in an environmental impact statement last June, said that "Cannikin is expected to have only a minimal long-term impact on the environment" because the radioactivity released "will be trapped underground," because the triggering of an earthquake in this area of geologic faults is "very unlikely" and because "a damaging [seismic sea wave] is even more unlikely."

UNITED STATES IS CONCERNED

Despite these assurances, there is concern here that something might go wrong, with consequent impairment of relations with Canada and Japan.

President Nixon is to greet Emperor Hirohito in Anchorage Sept. 26 when the Imperial plane makes a refueling stop on its way to Copenhagen for the first tour abroad of a ruling Japanese Emperor.

The Emperor's plane will also stop in Alaska on his return trip. Between the two dates, the Cannikin explosion is expected to take place if the President approves it.

In response to questions yesterday, Charles W. Bray 3d, a State Department spokesman, said the President had not yet made a decision.

When asked if this could be interpreted as meaning the President was considering cancellation, Mr. Bray said his answer could be so read.

NO DATE IS SET

In response to further questioning today, Mr. Bray emphasized that no date for the explosion had been set.

These remarks, coming on top of Mr. Smith's visit to San Clemente last week, have given rise to speculation that the President might announce a cancellation just before, or during, his meeting with the Emperor.

The President, according to officials, is not greatly concerned about environmental risks because of reassurances by A.E.C. scientists. But, the officials said, he is attaching much importance to the contention of scientists with long experience in nuclear weaponry that this test is not necessary.

This argument, advanced in Congressional hearings by Dr. Jeremy J. Stone, director of the Federation of American Scientists, is that the warhead to be tested was designed for the long-range Spartan missile in the Sentinel system, which was designed to defend cities against a light Chinese attack.

When Mr. Nixon in 1969 scrapped the Sentinel system for the Safeguard system, designed to defend Minuteman offensive missile sites against a heavy Soviet attack, Dr. Stone argues, the justification for the large Spartan warhead disappeared because the primary reliance of Safeguard should be placed on the small, short-range Sprint missiles.

Officials here say that this argument has considerable support in the Office of Science and Technology and the Office of Management and Budget.

EFFECT ON ARMS TALKS

Mr. Nixon was also said to be "weighing the possible effect of the Cannikin explosion on the strategic arms limitation talks with the Soviet Union in Helsinki.

On May 20, Mr. Nixon announced that the two Governments had agreed to "concentrate efforts this year" on a treaty limiting antiballistic missile systems. There have been reports that both sides are talking of limiting such systems to the defense of capital cities and, in the case of the United States, to a few Minuteman sites.

Scientists say that Spartans with the large warhead to be tested would not be necessary if such an agreement were reached and that going ahead with Cannikin might impede such agreement.

Another consideration for the President, officials said, is the intense opposition to Cannikin in Alaska. Gov. William A. Egan and Senator Mike Gravel, both Democrats, and Senator Theodore F. Stevens, a Republican, oppose the test.

[From the Washington Post, Sept. 10, 1971]

Nixon May Halt Alaska A-Test

(By Marquis Childs)

It is hard to put down the conservationists and environmentalists and fuzzy-minded idealists. But to their credit an important victory must be chalked up.

The Atomic Energy Commission has just ruled that all 96 nuclear power plants, 91 under construction, must show that in operation they will not pollute the environment. This means not alone the threat of a nuclear accident, which the AEC has stoutly maintained is virtually impossible under safety regulations stipulated by the commission, but pollution of the waters—thermal pollution—used in the cooling process.

That has been the outcry of the environmentalists who maintain that raising the temperature of the water in bays and estuaries by a degree or even a fraction of a degree will destroy marine life. This will, in turn, upset the whole ecological balance in coastal waters, endangering species already on the fringe of extinction.

The AEC order followed an opinion by Judge Skelly Wright of the U.S. Court of Appeals holding that the commission had not complied with the National Environmental Policy Act of 1969. It was not enough, the far-reaching Wright decision held, to rely on certification by the states that thermal and other kinds of pollution would not occur. The commission wisely decided against carrying an appeal to the Supreme Court.

Each nuclear plant is now given 40 days to prove to the AEC that it will not be a polluter in any form. As construction proceeds the responses will be evaluated.

The conservationists may exaggerate the dangers. The fact is, however, that ever since that first atom-bomb explosion in the New Mexico desert, man has been dealing with forces hitherto unknown on this planet. They are forces that give fallible, blundering mankind a reach in power never before dreamed of.

When he was informed of the success of the secret experiment in New Mexico that wisest of wise men, Albert Einstein, said, "Now everything is changed." Everything, he added, except the pictures in men's minds of what their world is like. That is reason enough for caution. In managing these new forces—after all, only 26 years in being—an irretrievable step could put the future in grave jeopardy. A significant body of scientists challenge the AEC's safety regulations and 96 plants means a multiplication of the risks.

The AEC is the target for an even more concentrated attack by conservationists along with antiwar protesters. This is over the AEC's five-megaton—equivalent to 5 million tons of TNT, 250 times greater than the bomb that demolished Hiroshima—underground test on the Aleutian Island of Amchitka. If it comes off, it will be America's biggest underground nuclear bang.

With protests coming from many sources, a provision by Congress puts the responsibility for going through with the Amchitka blast up to President Nixon. The cost is $160 million, with the AEC claiming that at a depth of 5,875 feet the danger of leakage of radioactivity into the earth's atmosphere is negligible.

But Amchitka is in the heart of an earthquake zone and Sen. Mike Gravel of Alaska and many seismologists contend that an explosion of that magnitude could trigger a major quake. Alaskans have painful memories of what happened on Good Friday in 1964. A large part of the state was devastated by an earthquake that began with a shock of 6.5 on the Richter scale and triggered itself to a peak of 8.4, only slightly less than the estimated force of the quake of 1906 that destroyed much of San Francisco.

From all around the Pacific rim have come protests against the Amchitka explosion, with Canada and Japan the most vehement. On the conservation side, the threat is to seepage of radioactivity into the Bering Sea. The Aleutians are the crossroads for the spawning migrations of Pacific salmon. Contamination of the salmon would be a devastating blow to one of Alaska's principal industries.

Emperor Hirohito of Japan is meeting President Nixon in Alaska on Sept. 25. The guess is that Mr. Nixon will use that occasion to cancel the Amchitka explosion. It would be taken through the Pacific basin as an act of great good will.

[From the New York Times, Sept. 12, 1971]

CANNIKIN: IS THIS TEST REALLY NECESSARY?

(By Richard D. Lyons)

WASHINGTON.—On a balmy afternoon last Thursday, a college student from Providence walked up Pennsylvania Avenue to the Executive Office Building next to the White House and handed the armed guard at the door an open letter to Richard Nixon. The commonplace event was but one small step in a protest movement that has been building all year to stop the largest underground nuclear weapons test ever scheduled by the United States.

The letter had been signed by 160 youths from 50 countries. It asked the President "to use the power of your office" to stop the test in Alaska because "we feel that this test is a needless insult to the world environment, that it could result in loss of human life, and that it establishes a dangerous international precedent."

This statement is a pretty good summary of the outpouring of protests over the blast, which is scheduled next month on the island of Amchitka in the Aleutian chain.

Last week there were indications that President Nixon was listening. According to officials in the White House and the State Department, he is giving serious consideration to canceling or postponing the test. Moreover, there were new diplomatic pressures from Canada and Japan to do so.

The Alaskan test, which carries the code name Cannikin, would be of a five-megaton (equivalent to 5 million tons of TNT) device containing 250 times the explosive force of the bomb that was dropped on Hiroshima. The device itself is a warhead that is to be fitted into a Spartan antiballistic missile, or ABM, which would be a major component of the Safeguard defense system.

A widespread opinion against the test holds that its effects might accidentally beget radioactivity that could profoundly affect the wildlife of the Aleutians and the northern Pacific for many decades. In addition, some environmentalists believe that the explosiveness of such a large test might trigger earthquakes and tidal waves that could cause widespread destruction in the Pacific Northwest.

The Atomic Energy Commission has insisted that either possibility is so statistically improbable that it would be foolish to take them into consideration.

The main argument for the test, however, coming from Defense Department planners, A.E.C. officials, and defense-conscious Congressmen, is that there is a need to test the crucial ingredient in the defense system—the warhead—before the first Safeguard system goes into operation in Grand Forks, N.D., three years from now.

The Spartan is designed to rocket through the atmosphere where the warhead would be detonated scores of miles above the earth. The blast would release an intense burst of X-rays that, in theory, would generate an intense heat within the target vehicle and disable it. The Alaskan test is to determine exactly the yield—and hence the penetrating ability and effectiveness—of the warhead.

This argument is regarded as specious, however, by the most authoritative group to have challenged the necessity for the Amchitka blast, the Federation of American Scientists. This group's main point is that after the Grand Forks installation becomes operational the Defense Department will shift its ABM battle plan for the Safeguard system to missiles with smaller warheads of a type different from the one to be tested in the Aleutians. The Defense Department has not yet committed itself to do so.

The argument is that the emphasis of the defense system would shift from protection against crude Chinese rockets to protection against sophisticated Soviet vehicles. Since the equipment will change, according to this argument, the Amchitka test is unnecessary. But the A.E.C. denies that the Amchitka warhead is obsolete.

In addition to military and environmental considerations, a third arises: political. On Monday, for example, Mitchell W. Sharp, Canada's External Affairs Secretary, said in Geneva that he had protested "at the highest level" in Washington against the Amchitka test. The Canadians issued similar protests against the previous Alaskan underground nuclear test two years ago. They argue that such tests could be harmful to the environment and could lead to a proliferation of nuclear weapons among more countries.

Another nation that is edgy over the test is Japan, with which the United States has been having touchy diplomatic negotiations on economic issues.

Would it not seem that President Nixon was extending an olive branch to the touchy Japanese if, when he meets with Emperor Hirohito in Alaska in two weeks, he decides to call off the blast? It would seem to many observers that the President could make political hay with the Japanese with such an action.

[From the New York Times, Sept. 12, 1971]

CANCEL CANNIKIN

TO THE EDITOR:

There is still time for responsible citizens to take action that could cancel the underground nuclear test scheduled to be conducted next month in Amchitka Island, Alaska.

The blast, code name Cannikin, would detonate five megatons of nuclear power, many times the magnitude of the Amchitka I test. It would be exploded in the Aleutians, a highly sensitive geological region.

The Amchitka I blast, code name Milrow, was set off Oct. 2, 1969. It was followed a week later by a severe earthquake in western Asia and a milder quake in California. These occurred within a day or two of the new moon Oct. 11, 1969. The implication is that the Amchitka blast may have set up earth-tensions which were triggered off by the next lunar tide.

There is an ancient theory that earthquakes are influenced by nearby large celestial bodies. It is, however, yet to be thoroughly investigated by modern scientists. Another old theory of the earth's shifting crustal plates has just recently been verified. There is a slight wobble of the earth's poles, the Chandler wobble, which is thought to have something to do with naturally occurring earthquakes.

This month, an international campaign to measure this wobble precisely is being launched. Yet to be discovered is the exact relationship between gravity, mechanical and electromagnetic forces. All of this implies that the science of earth physics is too immature to assure safety in test bombing, especially in large tests.

The Cannikin-Amchitka II test is to be conducted in October at President Nixon's discretion. It is encouraging that the President is giving serious consideration to canceling or postponing the test.

JOANNE ASHLEY.

MANILUS, N.Y., *September 8, 1971.*

[From the New York Times, Sept. 13, 1971]

FORGET "CANNIKIN"

A bright hope on a foreboding front is the news that President Nixon is considering cancellation of Cannikin, the underground nuclear test planned for this fall on Amchitka Island in the Aleutians.

Weighing against the test are the strenuous objections of Canada, expressions of concern by Japan and opposition from the State Department, the Council on Environmental Quality, the Environmental Protection Administration, top Alaskan political figures and the White House Office of Science and Technology. Still for the test, unfortunately, are the Atomic Energy Commission and the Defense Department.

Some of the elements in the resistance are diplomatic. The State Department is rightly concerned with Japanese-American relations, already strained both by the President's prospective visit to Peking and by his new economic program, with its pressure on the yen and on Japanese trade. Just as understandably, the department fears the negative effect the explosion might have on the SALT talks with the Soviet Union.

Basically, however, the test is objectionable for the danger it poses to the environment. There would be no serious opposition from

Canada, Japan or the American environmental agencies if there were not a lively fear that an underground explosion of such awesome magnitude—four times the size of the hydrogen bomb exploded at Amchitka two years ago and 250 times the one that destroyed Hiroshima—might trigger an earthquake or a tsunami. At the very least it could endanger fish and wildlife by contaminating the waters of the region and release radioactive gases, even beyond American borders.

Quite apart from all these hazards, even the indispensability of the test from the standpoint of the country's defense is much in question. There has been revealing testimony that the warhead to be tested was designed for a long-range antimissile that has already been supplanted by smaller, short-range missiles. Almost the only reason left for the explosion is that, of the $190 million Cannikin was expected to cost, $160 million has already been spent. Obviously, that is no reason for anything at all—unless it is for demanding more deliberation on launching such enterprises in the future.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INOUYE). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with "New Reports."

There being no objection, the Senate proceeded to consider executive business.

U.S. ARMY

The second assistant legislative clerk read the nomination of Maj. Gen. Harris Whitton Hollis, to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NAVY

The SECOND ASSISTANT LEGISLATIVE CLERK. Routine nominations placed on the Secretary's desk, in the Navy.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc, and they are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

NOTICE OF INTENTION TO INTERCHANGE JURISDICTION OF CERTAIN CIVIL WORKS

A letter from the Secretary of the Army, and the Secretary of Agriculture, reporting, pursuant to law, on their intention to interchange jurisdiction of civil works and National Forest lands at Cave Run Dam and Reservoir in Kentucky (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on procurement from small and other business firms, for the fiscal year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED INTERNATIONAL BRIDGE ACT OF 1971

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to give the consent of Congress to the construction of certain international bridges (with accompanying papers); to the Committee on Foreign Relations.

REPORT ON PETITIONS ACCORDING THIRD AND SIXTH PREFERENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports according third and sixth preference classification to certain aliens (with accompanying papers); to the Committee on the Judiciary.

REQUEST FOR EXTENSION OF TIME RELATING TO FILING OF A REPORT

A letter from the Secretary of Health, Education, and Welfare, requesting an extension of the due date for submission of a 5-year plan for the extension of family planning services and population research; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Commerce, without amendment:

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes (Rept. No. 92–362).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 2532. A bill for the relief of Jesus Tagle Kangleon and his wife, Solita Alconcel Kangleon. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 2533. A bill for the relief of Gloria Emilia Portillo. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2534. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. 2535. A bill to provide financial assistance for state and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curricula, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the states to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2536. A bill to enable lower income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low income families, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HATFIELD:

S. 2537. A bill to authorize treatment for certain narcotic addicts. Referred to the Committee on Labor and Public Welfare.

By Mr. ALLEN (for himself, Mr. SPARKMAN, and Mr. BAYH):

S. 2538. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Ala. Referred to the Committee on Public Works.

By Mr. HART (for himself and Mr. GRIFFIN):

S. 2539. A bill to designate certain lands in the Isle Royale National Park in Michigan as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 2540. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. THURMOND, Mr. COOK, Mr. HANSEN, Mr. RANDOLPH, and Mr. STEVENS):

S. 2541. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes. Referred to the Committee on Veterans' Affairs.

By Mr. BIBLE (for himself, Mr. ALLOTT, and Mr. MOSS):

S. 2542. A bill to establish a system for the development of mineral resources on public lands of the United States. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 2534. A bill to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. TOWER. Mr. President, I am introducing today a bill which will amend the Housing Act of 1949 by extending the veterans' preference clause to those veterans who have honorably served this country since the conclusion of the Korean war.

Congress has acted to extend to the Vietnam veteran many of the programs that it offered to the veterans of World

War II and the Korean war, such as educational opportunities and employment readjustment programs. In fact, last year Congress amended the Consolidated Farmers Home Administration Act to extend its veterans preference clause to include those veterans who have served in the Armed Forces since the conclusion of the Korean war. This amendment affected two programs which are administered by the Farmers Home Administration, the loans for farm operation and farm ownership.

The rural housing loan program, which is also administered by the Farmers Home Administration, also has a veterans' preference clause, but it has not been amended to include those men and women who have served our country during the Vietnam conflict. The purpose of this legislation is to correct this oversight.

I believe that this amendment is much needed, for it will directly benefit this newest deserving group of veterans. Legislation of this nature is a constructive method of assisting these individuals in their efforts to successfully readjust to civilian life.

Mr. President, I ask unanimous consent that the text of my legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 507 of the Housing Act of 1949 is amended by inserting after "concurrent resolution of Congress" each time it appears therein the following: "or during the period beginning after January 31, 1955, and ending on August 4, 1964, or during the Vietnam era (as defined in section 101 (29) of title 38, United States Code)".

(b) The third sentence of such section is amended by inserting before the period at the end thereof the following: "or era".

By Mr. BAYH:

S. 2535. A bill to provide financial assistance for State and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes. Referred to the Committee on the Judiciary.

OMNIBUS CORRECTIONAL REFORM ACT OF 1971

Mr. BAYH. Mr. President, today I am introducing the Omnibus Correctional Reform Act of 1971. This act is designed to change the nature and direction of our Nation's correctional system by providing assistance for the development of a radical new approach to the treatment of prisoners. For too long, the Congress and the Nation have wasted billions of dollars in a vain attempt to salvage an archaic system which does far more harm than good. My proposal would give us a chance, in the course of the next 20 years, to sweep away the present system and replace it with a system that is correctional in the true sense of the word—not the hopeless "college of crime" it is today.

The events of the last week at Attica State Prison dramatically illustrate that our so-called corrections system is in urgent need of reform. The carnage at Attica is a disgrace, not only for public officials who preferred to shoot rather than negotiate, but for an entire Nation that builds and condones a system of despair and degradation in the name of "correction" and "rehabilitation." But Attica will happen again—perhaps in another place and another time—it will happen again. It will happen again unless the American people face the fact that a major overhaul of our prison system is the only way to overcome its failure. For the American prison system today is truly that: a failure.

The particular tragedy of the insurrection at Attica and its aftermath is that the problems of that institution—and the larger New York State system of which it is a part—had already been diagnosed. Its failures were known, if not to the general public, certainly to its State officials. It was known, for example, that over 60 percent of the persons released from the system are rearrested and that almost half of these arrests occur within the first year following release. And it was known why this occurred: because the system's correctional facilities are situated in such isolated areas that community involvement and work-release programs are all but precluded and family ties strained; because the rate of confinement of inmates to their cells is 50 percent higher than was the case 200 years ago; because there is a total absence of full-time staff psychiatrists and related services, and almost no counseling, educational or rehabilitation personnel; because known narcotics addicts are still being sent to prison without the benefit of the treatment programs. Under such conditions, one might wonder not why Attica occurred—but why it did not occur sooner, and more often.

But the conditions at Attica and other prisons in the New York State system are no different from conditions at most other prisons in every State in our Nation. Indeed, I spoke out almost 2 years ago after a tragic incident at Pendleton State Prison in Indiana, where 47 inmates were wounded and one killed by guards during a peaceful demonstration against the failure to implement prison reforms. Across the Nation, such conditions have been diagnosed repeatedly, publicized occasionally and nearly always overlooked and forgotten after the initial burst of publicity about their discovery.

Unfortunately, the field of corrections is an area of the criminal justice system which is the least visible and the most neglected. Except when there are prison riots, jail breaks, or scandals, little thought, attention or concern is given to our correctional institutions or their inhabitants.

All too often prison inmates—men, women, juveniles, young and old alike—rather than being rehabilitated as we benignly and benightedly expect them to be, are beaten, brutalized, exploited, sexually abused and even killed by fellow inmates or by prison staff. The mere storage of more and more convicted criminals under such barbaric conditions is not the way to solve their problems, and it is not the way to solve the problem of an increasing crime rate.

For it is all too obvious that we actually contribute to our crime problem through the failure of our correctional institutions. Arrest, court and prison records all testify to the fact that repeated offenders constitute the hard core of the criminal problem. Thus, according to the FBI's Uniform Crime Reports, nearly 70 percent of all crimes committed in this country last year were committed by people with previous convictions. And of the approximately 100,000 persons released from confinement each year and returned to society, 75 per cent again commit serious crimes and return to confinement. It is all too clear that for most offenders, the term "correctional facility" is a gruesome euphemism. Our prisons do not correct offenders; they create them, toughen them, embitter them, and "educate" them in the way of crime.

It is time the American people face the fact that punishment in itself does not bring correction. It is time we recognize that our prisons are "graduating" growing legions of bitter and hateful individuals, better equipped and more highly motivated to commit crime than when they entered. If we are serious about reducing our crime rate and avoiding further Atticas, we are going to have to change our basic ideas about the prison systems and spend a good bit of money in the process.

We in America spend somewhere in the neighborhood of $1 billion a year on corrections now. That sounds like a lot of money, and it is. But we spend $36.6 billion on automobiles and parts each year, $14.5 billion on alcoholic beverages, and $9.2 billion on tobacco. We even spend $2 billion a year on our pets. Surely we can find the necessary funds to support a meaningful reform of our prison systems. If Attica is not to have occurred in vain, let us try to pick up the pieces while there is still time.

Mr. President, since the tragic episode in Indiana 2 years ago, I have tried to formulate what I believe this Nation needs in the way of correctional reform legislation. I joined with former Senator Goodell of New York in introducing several measures in the 91st Congress. Since assuming the chairmanship of the Subcommittee on Juvenile Delinquency in January of this year, I have introduced other legislation, I have held hearings on the subject of juvenile correction facilities and have personally toured several such institutions, and I have investigated and drafted addititonal legislation for introduction in this Congress.

Today I am introducing a comprehensive bill which is an effort not only to pull together the many facets of our correctional program that are fundamentally related but also to chart a new course in the area of correctional facilities systems for America. It would be ironic indeed if it were to take a tragedy of the magnitude of Attica to bring major correction reform to our Nation. But the worst irony of all would be to learn no lesson from the tragic events now still so fresh in our memory.

Mr. President, that is the spirit in which I offer my bill, the Omnibus Correctional Reform Act of 1971. This bill attempts to restore sanity to our prison systems through a variety of means.

First, it would provide funds to phase out the large penal institutions located a substantial distance from major urban areas and replace them with small, community-based corrections facilities designed to utilize the most modern corrections theory.

Penologists are agreed that large and isolated institutions do not serve a useful correctional purpose. Incarceration without rehabilitation temporarily postpones the offender's problems, but it does not solve them. Every major survey ever done shows that, when such offenders return to the community from where they came, they are tougher, more schooled in crime, and very likely to become repeating offenders.

If we are ever to break this continuous circle of recidivism we must involve the offender's community in his rehabilitation. That is where his problems are and he must learn to cope with them there and not at some far off institution. Small institutions utilizing the medical, psychological, and counseling services of the community could effectively reintegrate offenders where isolated institutions cannot, moreover, only such community-based institutions could carry out effective after-care services when the offender is released. All experts agree such services are absolutely crucial in the rehabilitative process.

This program would develop over a 20-year period, thus gradually redirecting America's entire penal approach. Under my program, at least 40 percent of all LEAA money would be authorized each year for this purpose alone—$700 million in the next fiscal year.

Second, my bill would provide funds for programs of rehabilitation, job placement, on-the-job counseling and correctional education for criminal offenders, youth offenders, and juvenile delinquents. Heavy emphasis would be placed on the rehabilitation of those who have committed no more than one serious offense, and on the involvement of the community in the correctional process. My bill would require the allocation of 55 percent of all Federal funds to governments and private and public institutions at the local level. Hopefully this would result in a more diversified approach and in a gradual change in the community's attitude toward offenders. For the programs funded under the first section of my bill to be effective, the local community must be made to realize that offenders must be corrected not simply incarcerated and that to accomplish this goal the entire community's assistance is needed. Four hundred million dollars would be authorized for this program over the next 4 years.

Third, my bill would provide special funding for the development of specialized school curriculums, for the training of educational personnel and for research and demonstration projects. These programs and projects would be especially tailored to the needs of persons detained in State and local correctional institutions. Ten million dollars would be provided for the next fiscal year and $25 million for each of the next 4 fiscal years. Additionally, the Commissioner of Education is authorized to spend $13 million over the next 3 years for research or demonstration projects relating to the academic and vocational education of juvenile delinquents, youthful offenders, and adult criminal offenders.

Fourth, my bill would provide financial assistance to the States for the creation of special probation programs designed to reduce the necessity of committing youthful offenders to State correctional institutions. This will aid in the transition period which is envisioned in the first part of my bill by reducing the role of present institutions in the treatment of offenders. The program created here will allow the States maximum flexibility in their approaches to new programs. Forty million dollars for each of the next 5 fiscal years is authorized for this program.

Fifth, my bill would create a Federal corrections institute which would provide a means for the collection and the dissemination of information in the corrections field. Such an institute would provide a vital link between the individual corrections systems of the various States, and would allow them to easily share their acquired experience.

Mr. President, it is my earnest hope that the members of the Senate will give swift attention to this vitally needed legislation. I ask unanimous consent that the full text of the bill, together with a summary, be printed at this point in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 2535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Correctional Reform Act of 1971." Section 2. The Congress finds and declares that—

(1) The correctional system of the United States is underfinanced and overtaxed, and it does not provide effective correctional programs.

(2) The Nation's peace and tranquility depends, in part, on the development of an effective system to rehabilitate and reintegrate criminal offenders back into the community at large.

(3) This goal can best be achieved by the creation of State and local small, community-based correctional facilities that will actively involve the community in the corrections process.

(4) Such a reform would require the total redirection of the Nation's correctional system, and would take a substantial length of time to accomplish.

(5) In the interim numerous programs must be started in order to make the present correctional facilities more effective in rehabilitating criminal offenders, and to develop the knowledge and the techniques necessary for redirecting our correctional system. These programs must be multipurpose in scope and massively funded.

TITLE I

Sec. 101. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of this section no State plan shall be approved as comprehensive, unless it provides that 40 percent of the Federal assistance granted to the respective State planning agency for any fiscal year shall be allocated to improvement of correctional programs and practices as provided in part E."

Sec. 102. Section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by changing "(9)" to "(10)" and by adding a new section (9) as follows: "provides a satisfactory 20 year program developed in five year stages for the phasing out of large high, medium, and low security prisons which are located a substantial distance from major urban centers and their replacement with small correctional facilities, located in the communities from which the majority of offenders come and providing diagnostic and rehabilitative services in accordance with the most modern corrections theory."

Sec. 103. Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by deleting the last sentence and inserting in lieu thereof: "Beginning in the fiscal year ending June 30, 1973, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 40 percentum of the total amount allocated under this title."

TITLE II

Sec. 201. There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1972; $100,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year ending June 30, 1974; and $150,000,000 for the fiscal year ending June 30, 1975, for the purpose of carrying out this title. Sums appropriated pursuant to this section shall remain available until expended.

Sec. 202. (a) From the sums appropriated pursuant to section 201 for each fiscal year the Secretary of Health Education and Welfare shall allot not more than 5 per centum thereof among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their specific needs. From the remainder of such sums the Secretary—

(1) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of persons who are determined to be persons detained in correctional systems in such State bears to the numbers of such persons in all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population in such State bears to the population in all States. For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available, for carrying out the purposes of this title shall be available for reallotment from time to time, on such dates during such period as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out such portion of its State application approved under this title, and the total of such reductions shall be similarly realloted among the States whose proportionate amounts are not so reduced. Any amount realloted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

SEC. 203. (a) Any State desiring to receive its allotment of Federal funds under this title shall submit a State plan which is in accordance with sections 204 and 205 of this Act and which shall—

(1) designate a single, State comprehensive corrections rehabilitation board for the development and administration of the plan to be composed of not more than twenty-one persons who shall be appointed by the chief executive of the State from among persons representative of State and local governmental agencies administering programs and providing services for corrections, crime control, pursuant to the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and the Juvenile Delinquency Prevention and Control Act of 1968, education, labor, manpower training and vocational rehabilitation, and other public and private organizations engaged in activities related to the purposes of this Act;

(2) set forth a comprehensive, coordinated and statewide program for the improvement of innovative projects providing for vocational rehabilitation, job placement, on-the-job counseling, and correctional education for criminal offenders, youth offenders and juvenile delinquents;

(3) provide that at least 40 per centum of all Federal funds granted to the State board under this title for any fiscal year will be available to local governmental bodies and nonprofit private organizations in such State, and at least 15 per centum of all Federal funds granted to the State board under this title for any fiscal year will be available to private, profitmaking individuals, businesses and organizations except that in any case in which the provisions of section 105 of this title cannot be met, the board shall notify the Secretary of the reason therefor, and upon being satisfied that such provisions cannot be met, the Secretary shall direct the board to allocate the funds to public and private nonprofit organizations and governmental bodies in such proportion as the board, in its discretion, deems appropriate;

(4) set forth policies and procedures designed to assure that Federal funds made available pursuant to this title will be used so as not to supplant State or local funds, but to supplement and, to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the improvement of State and local corrections systems;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the board under this title; and

(6) provide for making such reports in such form and containing such information as the Secretary may reasonably require to carry out his functions under this title and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

SEC. 204. Each State plan shall contain provisions adequate to assure that projects carried out under the plan will be given priority in the following order—

(1) programs directed toward the rehabilitation of adjudicated juvenile delinquents and youth offenders, and adult offenders who have been convicted of not more than one serious criminal offense;

(2) institutional and on-the-job occupational training and placement, where feasible, in governmental public service agencies, including a State corerctional system, and placement in private, nonprofit public service organizations and in private industry;

(3) incentives to public and private employers who hire adjudicated delinquents and offenders, including reimbursement for a limited period when such newly hired employees might not be fully productive;

(4) on-the-job counseling, testing, work evaluation and adjustment, and followup services;

(5) programs in State departments of education and in public and private institutions of higher learning to develop and expand teacher preparation programs and curriculums for the instruction in basic and secondary education of juvenile delinquents, and youth and adult offenders;

(6) recruitment and training of professional and subprofessional diagnostic and treatment staff personnel for corrections systems.

SEC. 205. The State board is authorized to contract with private profitmaking individuals, business concerns to perform services for the rehabilitation of adjudicated youth offenders and juvenile delinquents, and convicted adult offenders. Each such contract shall contain provisions adequate to assure that any such individual or business concern will—

(1) determine the demand in the community in which a trainee lives or intends to live for persons with particular occupational skills and vocational training;

(2) provide an approved course of training in a particular occupational area for which a demand has been determined to exist;

(3) provide for the job placement of individuals who successfully complete the course of comprehensive, occupational training.

SEC. 206. (a) Except as provided in section 209 and subsection (b) of this section, payment under this title shall be made to those State boards which administer plans approved under section 203. Payments under this title from a State's allotment with respect to the cost of carrying out its State plan shall not exceed 75 per centum of such costs for any fiscal year. In determining the cost of carrying out a State plan, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) No payments shall be made to any State from its allotment for any fiscal year unless and until the Secretary finds that the State which will carry out the State plan for that year will have available during that year for expenditure from non-Federal sources for the purposes authorized by this Act not less than the total amount actually expended by such States for such purposes from such sources during the fiscal year ending June 30, 1971, plus an amount equal to not less than the non-Federal share of the costs with respect to which payment pursuant to subsection (a) is sought.

(c) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, and they may be paid directly to the State or to one or more public agencies designated for this purpose by the State or to both.

SEC. 207. (a) The Secretary shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under section 203, finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of such section, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify the State board that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

SEC. 208. (a) If any State is dissatisfied with the Secretary's final action with respect to the approval of its plan submitted under section 203 or with his final action under section 207, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 209. In any case in which a State fails to submit a State plan pursuant to this title within six months after the date of enactment of this Act, the Secretary may make grants to the extent practicable in accordance with the provisions of this title to general public political subdivisions within such State and nonprofit private organizations within such State.

TITLE III

SEC. 301. Section 511(b) of the Higher Education Act of 1965 is amended by—

(1) striking out from "and $80,000,000 for the fiscal year . . ." to the end of the paragraph and inserting in lieu thereof the following: "and $100,000,000 for each of the next 5 years."

(2) by adding at the end thereof the following new sentence: "Of the sums appropriated pursuant to the preceding sentence for the fiscal year ending June 30, 1972, $10,000,000 shall be available only for the purpose of carrying out paragraph (6) of section 513(a) and for each of the next 4 succeeding fiscal years $25,000,000 will be available only for that purpose."

SEC. 302. (a) The Commissioner of Education (hereinafter referred to as the Commissioner), is authorized to make grants to State and local governments, State and local educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private education, or research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders. Such projects should seek to develop criteria for the identification or specialized educational instruction of such persons from the general elementary and secondary school age population. Special curriculums, and guidance and counseling programs should also be developed. All projects shall include an evaluation component. Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Commissioner may determine.

(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.

(c) Members of the committee appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of persons in the Government service employed intermittently.

(d) There is authorized to be appropriated to carry out the purposes of this section the sum of $3,000,000 for the fiscal year ending June 30, 1972, and the sum of $5,000,000 for each of the two succeeding fiscal years.

TITLE IV

SEC. 401. As used in this Title the term—

(1) "Administration" means the Law Enforcement Assistance Administration;

(2) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(3) "special probation supervision program" means any program operated by a locality using qualified probation personnel for the supervision of youthful offenders placed on probation by an appropriate court that (A) involves new and improved supervision practices and (B) meets the standards prescribed by the Administration;

(4) "State" includes in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(5) "youthful offender" means any person who has not attained 18 years of age and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment or has not attained 25 years of age, has not previously been convicted of a felony and who has violated a law of a State or an ordinance of a locality not punishable by death or life imprisonment.

SEC. 402. (a) There is authorized to be appropriated to carry out the provisions of this Title $40,000,000 for the fiscal year ending June 30, 1973, and for each of the four succeeding fiscal years thereafter.

(b) The Administration is authorized to make grants to States that have plans approved under section 404, to pay the Federal share of the costs of carrying out special probation supervision programs.

SEC. 403. (a) From the sums appropriated pursuant to section 402, the Administration shall allot not more than 5 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. From the remainder of such sums the Administration—

(1) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of persons who have not attained 25 years of age in such States bears to the number of such persons in all States, and

(2) shall allot to each State an amount which bears the same ratio to 50 percent of such remainder as the number of youthful offenders who have not been committed to a State correctional institution in such State bears to the number of such offenders in all States.

For the purposes of this subsection, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Administration determines will not be required, for the period such allotment is available, for carrying out the purposes of this Title shall be available for reallotment from time to time, on such dates during such period as the Administration may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Administration estimates will be needed in such State and will be used for such period for carrying out the plan approved under this Title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount realloted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

(c) The number of persons who have not attained 18 years of age shall be determined by the Administration on the basis of the most satisfactory data available to it for each fiscal year. The number of youthful offenders who have not been committed to a State correctional institution shall be determined by the Administration for the fiscal year preceding the fiscal year for which the determination is made based upon data furnished to it by the State planning agency established pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 as amended. The Administration shall establish uniform criteria for the determination required by this subsection.

SEC. 404. (a) Any State desiring to receive assistance under this Act shall submit a State plan consistent with such criteria as the Administration may establish under section 405. Each such plan shall—

(1) provide for the administration of such plan by the State planning agency established pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 as amended;

(2) provide assurances that the State has enacted or will enact legislation of general applicability within the State—

(A) providing for the necessary supervision by the appropriate State agency of the special probation services to be provided youthful offenders within the State;

(B) providing requirements for localities to employ qualified probation personnel for youthful offenders;

(C) providing incentives for localities to operate a special probation supervision program—particularly involving supervision practices—which is designed to reduce the necessity of committing youthful offenders to State correctional institutions;

(D) providing procedures for determining the yearly reduction of such commitments; and

(E) providing such other relevant and necessary matters relating to the operation of such a program as the Administration prescribes;

(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement, and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the State for the purposes for which the State plan is submitted, and in no case supplant such funds;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State and including funds paid to localities by such State under this title;

(5) provide that no application by a locality will be denied without first affording the agency submitting such an application reasonable notice and opportunity for a hearing; and

(6) provide that the State will make to the Administration—

(A) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this title, and

(B) such other reports as may be reasonably necessary to enable the Administration to perform its functions under this title, including such reports as it may require to determine the amounts which localities of that State are eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

(b) State plans shall be approved under this Act by the Administration only if—

(1) the plan meets the requirements set forth in subsection (a); and

(2) the programs set forth in the plan are consistent with criteria established by the Administration for the purpose of achieving equitable distribution of assistance under this Title within each State, which criteria shall be developed by it on the basis of a consideration of (A) the geographic distribution of youthful offenders within the State and (B) the success that each locality within the State displays in reducing the number of such offenders committed to State correctional institutions.

The Administration shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to such State.

SEC. 405. As soon as practicable after the enactment of this Title, the Administration shall issue basic criteria required under section 404. In prescribing the criteria for general legislation set forth in paragraph (2) of section 404(a), the Administration shall consult with the Attorney General.

SEC. 406. (a) The Administration shall pay in any fiscal year from each State's allotment to the State which has a plan approved pursuant to this Title for that fiscal year, the Federal share of the cost of such plan as determined by it.

(b) The Federal share of the programs covered by the State plan shall not exceed 75 per centum for any fiscal year. In determining the cost of such programs the Administration shall exclude any cost with respect to which payments were received under any other Federal program.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

SEC. 407. Whenever the Administration, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 404; or

(2) that in the operation of any program or project assisted under this Title there is a failure to comply substantially with any applicable provision of this Title;

the Administration shall notify such State of its findings and that no further payments may be made to such State under this Title (or in its discretion that the State shall not make further payments under this Title to specified localities affected by the failure) until it is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Administration may authorize the continuance of payments with respect to any program or project assisted under this Title which is being carried out pursuant to such State plan and which is not involved in the noncompliance.

TITLE V

SEC. 501. Part IV of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 404.—FEDERAL CORRECTIONS INSTITUTE

"SEC.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Advisory Commission.
"5046. Location; facilities.
"5047. Curriculum.
"5048. Enrollment.

"§ 5041. ESTABLISHMENT; PURPOSE

"There is hereby established a Federal Corrections Institute (hereinafter referred to as 'Institute'). It shall be the purpose of the Institute to provide a coordinating center for the collection and dissemination of useful data regarding the treatment and rehabilitation of criminal offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay personnel, connected with the treatment and rehabilitation of criminal offenders.

"§ 5042. FUNCTIONS

"The Institute is authorized—

"(a) to serve as an information bank by collecting systematically the data obtained from studies and research by public and private agencies on criminal behavior and recidivism, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders;

"(b) to publish data in forms useful to individuals, agencies, and organizations concerned with treatment and rehabilitation of criminal offenders;

"(c) to disseminate pertinent data and studies to individuals, agencies, and organizations concerned with prisoners, parolees, probationers, and other criminal offenders;

"(d) to devise and conduct in various geographical locations, seminars and workshops providing continuing studies for persons engaged in working directly with prisoners, parolees, probationers, and other criminal offenders;

"(e) to devise and conduct a training program of short-term instruction in the latest proven-effective methods of treatment and rehabilitation of criminal offenders and prevention of recidivism for law enforcement officers, judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay personnel, connected with the treatment and rehabilitation of criminal offenders; and

"(f) to develop technical training teams to aid in the development of training programs within the several States and with the State and local agencies which work directly with prisoners, parolees, probationers, and other offenders.

"§ 5043. DIRECTORS AND STAFF

"(a) The Institute shall be under the supervision of an officer to be known as the Director of the Institute who shall be appointed by the President, by and with the advice and consent of the Senate, to serve for a term of four years. The Director of the Institute shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

"(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administration personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Advisory Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

"(c) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

§ 5044. POWERS

"The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere or within any executive department unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

"(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

"(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

"(c) to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

"(d) to enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any of the functions of the Institute;

"(e) to compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director of the Institute but not exceeding $75 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

"(f) to report to the Congress at appropriate intervals on programs which have been implemented with the cooperation of the Institute within and among the several States, and to recommend to the Congress further legislative action which may appear desireable.

"§ 5045. ADVISORY COMMISSION

"(a) The overall policy and operations of the Institute shall be under the supervision of an Advisory Commission.

"(b) The Advisory Commission shall consist of the Director of the Institute, the Attorney General (or his designee), the Director of the United States Judicial Center (or his designee), the Director of the National Institute of Mental Health (or his designee), and fourteen persons having training and experience in the area of corrections appointed by the President from the following categories:

"(1) prisoners or ex-prisoners (two persons),

"(2) criminal court judges (two persons),

"(3) probation personnel (two persons),

"(4) correctional personnel (two persons),

"(5) representatives of private organizations concerned with corrections (four persons), and

"(6) representatives of State agencies established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (two persons)

"(c) Members of the Advisory Commission shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commissions, one-third of the members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms, thereafter each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistance, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Director shall act as Chairman of the Advisory Commission. The Commission shall establish its government rules of procedure.

"§ 5046. LOCATION; FACILITIES

"(a) A suitable location for the Institute shall be selected by the Advisory Commission.

"(b) Following the selection of a location for the Institute, the Director, with the approval of the Advisory Commission, shall—

"(1) acquire such property as has been selected pursuant to subsection (a), and

"(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Institute.

"S. 5047. CURRICULUM

"The Advisory Commission shall design and supervise a curriculum utilizing a multidisciplinary approach (to include law enforcement, judicial, correctional and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's enrollees.

"§ 5048. ENROLLMENT

"(a) Each candidate for admission to the Institute shall apply to the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the candidate's State. The State agency or agencies shall select an appropriate number of candidates and forward their applications for admission to the Director of the Institute. The Director shall prescribe the form of all applications for admission to the Institute and shall make the final decision concerning the admission of all students or enrollees.

"(b) While studying at the Institute and while traveling in connection with his study, including authorized field trips, each student or enrollee in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code."

SEC. 502. The table of contents to "PART IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency ---------- 5031"

the following new chapter reference:

"404. Federal Corrections Institute --- 5041".

SEC. 503. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SUMMARY OF OMNIBUS CORRECTIONAL REFORM ACT OF 1971

This bill provides a new comprehensive approach to prison reform on the state and local level. It provides substantial federal support for a program of creating a new, modern correctional system built around smaller institutions, located in or near the urban communities they serve. At the same time, it takes account of the major effort needed to redirect the nation's penal effort by requiring the development of certain short range programs which will make present penitentiaries more effective.

TITLE I—COMMUNITY-BASED CORRECTIONAL FACILITIES

Title I outlines the basic long range program which will result in a new penal strategy. It consists of several amendments to the Law Enforcement Assistance Administration provisions of the Omnibus Crime Control and Safe Streets Act of 1968:

(1) Require that after two years from passage no state plan for LEAA assistance will be approved as comprehensive (a necessary prerequisite to receiving Federal funds) unless it allocates at least 40% of the requested funds to the improvement of correctional practices and programs. (Part E of the LEAA Act presently requires a 20% allocation.) The actual allocation of LEAA funds is also changed accordingly. In terms of present Congressional authorization this would authorize $700 million for this new program in fiscal year ending June 30, 1973.

(2) Require that any such correctional plan contain a 20 year program developed in detail by five year segments for the gradual phasing out of large country prisons located a substantial distance from major urban areas whose community they serve (regardless of whether they be classified as low, medium, or high security) and their replacement with small, community-based corrections facilities designed to apply modern corrections theory.

TITLE II—REHABILITATION AND RELATED PROGRAMS

Title II is the first of several programs designed to provide immediate improvement while the states develop their long range programs. It authorizes the expenditure of $400 million over the next four years to develop and fund projects providing programs for rehabilitation, job placement, on-the-job counseling and correctional education for criminal offenders, youth offenders, and juvenile delinquents. Heavy emphasis is placed on the rehabilitation of those who have committed no more than one serious offense on the theory that these are the most easily helped.

To be eligible to receive a grant under this title a state must appoint a planning and administration council which would develop a plan and submit it to the Secretary of Health, Education and Welfare. The plan would be required to allocate at least 40 percent of all Federal funds granted to local government bodies and nonprofit organizations and 15 percent of all Federal funds to private, profit making individuals, businesses and organizations. This would result in the involvement of many segments of the community in the corrections process.

Grants to the states will be determined by the number of persons detained in correctional institutions and by the total population of the state. However, in no case will such grants amount to more than 75 percent of the total cost of such programs in any given year. The title also provides means for the Secretary to determine that funds are actually expended in accordance with the provisions of this title, and for a method of judicial review should a state not be satisfied with the Secretary's ruling.

TITLE III—EDUCATION AND TRAINING PROGRAMS

This title is intended to provide special funding for the development of specialized school curricula, for the training of educational personnel and, for research and demonstration projects. These programs and projects would be especially tailored to the needs of persons detained in state and local correctional institutions with the intention of improving their vocational and academic education so as to enhance the possibility of rehabilitation of such persons.

Section 301 of title III would amend section 511(b) of the Higher Education Act of 1965. Presently the authorized funding is $80 million per year, but in unrestricted form. Under the proposed amendment the authorized funding would be increased to $100 million for each of the next five years. Additionally the amended bill would require that $110 million, be spent on projects under Section 1103(a)(6) of title 20 of the United States Code which authorizes the development of special educational programs for criminal offenders.

Section 302 of title III would authorize the Commissioner of Education to make grants to state and local governments, educational agencies, public and nonprofit private institutions of higher learning, and other public and nonprofit private education or research agencies. Such grants would fund research and demonstration projects to the academic and vocational education of antisocial, aggressive, or delinquent persons including juvenile delinquents, youth offenders, and adult criminal offenders.

To advise on the creation of general policy with regard to the education of persons covered by this title, the Commissioner is authorized to appoint special technical advisory committees. Members of such committees who are not already full time employees of the United States are entitled to receive compensation as shall be determined by the Secretary of Health, Education and Welfare but not in excess of $75 a day. $13 million is authorized to be spent on this title over the next three fiscal years.

TITLE IV—SPECIAL PROBATION PROGRAMS

Title IV authorizes the expenditure of $40 million during each of the next five fiscal years for the creation of special probation supervision programs. These programs will be designed to accommodate juvenile delinquents and young offenders under 25 who have not yet become repeated offenders and who have not been found guilty of capital crimes. Such programs must be structured so as to reduce the need for the commitment of such offenders to state correctional institutions.

Any state desiring assistance must submit a state plan to the Law Enforcement Assistance Administration. The plan must establish suitable controls to insure that the appropriate state agency exercises proper supervision, qualified probations personnel are employed, and incentives for local participation in programs designed to reduce the need for commitment to correctional institutions are provided.

Funds will be provided for the states on the basis of a formula which takes into account the number of persons under the age of 25 within the states and the number of youthful offenders who have not been committed to state correctional instiutions. Provision is also made to insure that the federal share of such programs will not exceed 75% and that the funds provided under this program will not be in lieu of funds coming from other sources and already being spent on such programs. Additionally, each state involved shall develop programs to monitor the effectiveness of the special probations programs developed. Provision will be made for the collection and utilization of such information by the Federal Corrections Institute.

TITLE V—FEDERAL CORRECTIONS INSTITUTE

Title V amends title 18 of the United States Code by adding at the end thereof a new chapter creating a Federal Corrections Institute. The Institute would serve several functions related to the short range improvement of present corrections systems and the long range development of a new corrections system as foreseen in title I. It would collect and disseminate useful data relating to efforts to improve the present corrections system and develop a new, community based system as provided in title I. It would also provide training for Federal, State and local personnel involved in the judicial system and corrections field so as to facilitate the acceptance and development of a new corrections system.

The Institute's overall policy and operations would be under the supervision of an Advisory Commission including personnel from the judicial, probations and corrections fields and including private, concerned citizens and persons who have actually served in prisons. Also included on the Advisory Commission will be the Director of the Institute, the Attorney General (or his designee), and the Director of the National Institute of Mental Health (or his designee).

The Director of the Institute with the approval of the Advisory Commission shall acquire property and shall make the necessary arrangements for the Institute's construction and equipment. The Advisory Commission shall supervise the design of a training curriculum for enrollees from the judicial and corrections fields. Candidates for admission to the Institute shall be selected by the State planning agencies created under LEAA, subject to final selection by the Director of the Institute. While studying with the Institute each enrollee shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons intermittently employed in government service under section 5703(b) of title 5, United States Code. Such funds as may be necessary to carry out the provisions of this title are authorized.

By Mr. MONDALE:

S. 2536. A bill to enable lower-income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low-income families, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. MONDALE. Mr. President, I join today in endorsing the remarks of the distinguished Senator from Massachusetts (Mr. BROOKE), one of the leading congressional experts on housing programs for lower-income families.

The Housing Reform Amendments Act of 1971, which I will cosponsor when it is drafted, is a product of our mutual interest in legislation to expand existing housing programs: to amend these programs to achieve consolidation of essential assistance provisions; and to extend them to assist the full range of families who are not able to afford the expense of adequate housing in our Nation.

We worked together to prepare the section-by-section summary which Senator BROOKE has just introduced. It incorporates our original ideas, as well as other proposals which have been put forward over the past 2 years by various public interest groups. I believe that its adoption will correct most of the major problems associated with the present array of housing programs—problems which have impeded their use to assist all families in need of assistance to obtain safe, decent, and suitable housing. This rich Nation should be able to organize its housing programs to assure that all famlies can achieve a suitable standard of shelter.

The time has come to complete the recent congressional efforts toward decent housing by consolidating our assistance programs, by extending them to cover existing gaps in coverage, and by adopting provisions to assure a sound and healthy living environment. During 1967 and 1968, the Senate Housing Subcommittee spent an enormous amount of time in developing the section 235 homeownership and the section 236 rental assistance programs. This effort was worthwhile: these two programs are rapidly expanding to serve an enlarging number of families who require housing assistance. In 1969 and 1970, the public housing program was amended to achieve a greatly expanded capacity, largely through the amendments sponsored by Senator BROOKE, and by the chairman of the Senate committee, the distinguished Senator from Alabama, JOHN SPARKMAN. Despite these achievements, however, inadequacies in program structure still exist, some of which were forecast as early as 1967 by the housing subcommittee. The expansion of these housing programs over the last 2 years makes it essential that these inadequacies be corrected without delay.

The four major inadequacies among existing programs are: First, a lack of uniformity in such basic provisions as income limits, income definition, rent requirements, and quality of housing product; second, failure to include coverage for all families who need housing assistance; third, isolation of low-income families in "ghettoized" housing developments; and, fourth, concentration of low-income housing opportunities in central cities, to the exclusion of metropolitan and regional areas which are rapidly developing as the chief centers of employment for lower income families.

The Housing Reform Amendments Act of 1971, proposed by Senator BROOKE and myself, addresses itself to each of these major inadequacies. It proposes full consolidation of the basic elements of housing assistance under the FHA mortgage assistance programs and the public agency housing programs; it provides for assistance to all families who require housing assistance to the degree that they need it; it provides for a "cross section of income" occupancy in all assisted housing; it provides incentives for expansion of assisted housing into metropolitan and regional areas through full tax payments and public service grants, as well as "emergency housing" powers to the Secretary of Housing and Urban Development to develop assisted housing in those areas where no sponsor is willing to undertake it. As Senator BROOKE has indicated, these provisions, coupled with the housing requirements in the Community Development Act of 1971, S. 2333, introduced by Senator SPARKMAN, and the Government Facilities Location Act, S. 1282, introduced by Senator ABRAHAM RIBICOFF, should produce new and effective ways to achieve housing opportunities for lower income families in areas of urban growth outside central cities.

Mr. President, before I began discussions with Senator BROOKE on the Housing Reform Amendments Act of 1971, I had been working on a proposal designed to accomplish a greater cross section of income occupancy in Government assisted housing. This measure would provide a subsidy to those who need it and would also make available a percentage of units at reduced rentals or reduced mortgage interest rates to encourage occupancy by higher income families.

In the rental housing program, this would be done by calculating rentals as though the mortgage carried an interest rate 2 percent below the FHA rate. The FHA rate is now 7 percent which would mean that the rentals would be calculated at a 5-percent interest rate and this would result in a substantial rental reduction. The 2-percent interest rate differential would be paid by HUD to the lender.

It is proposed that up to 20 percent of the units may be occupied by families without regard to income limitations. There would be no certification as to income and the families would pay whatever rental is called for on the basis of the mortgage calculated at the rate 2 percent below the FHA rate. An additional 20 percent of the units would be occupied by families at varying income not in excess of the public housing limits and who will pay one-fourth of their income for rental, including utilities. The remaining 60 percent of the units will be occupied by families at carying income levels who also will pay one-fourth of their income for rental. Families obtaining subsidies would recertify their incomes every 2 years. This program would also permit cooperative ownership.

A similar proposal relates to the purchase of single family sales housing. In specified subdivisions or geographical areas designated by the Secretary, such as new communities, 20 percent of the buyers would get the benefit of a home purchase mortgage 2 percent below the FHA rate. The balance of the purchasers, 20 percent of whom would have incomes not in excess of public housing limits, would pay 20 percent of their income, and the subsidy would cover the balance due for principal, interest, taxes, insurance, and mortgage insurance premiums.

In many respects, my proposal is very similar to the housing reform amendments bill. For example, both bills would provide a single subsidy program that would cover the complete range of low- and moderate-income housing; both bills provide that at least 20 percent of the units in an assisted project would have to go to the lowest income families; both bills provide a rental not to exceed 25 percent of a family's income; and both bills insure that under the homeownership program, the maximum mortgage payment—including taxes and insurance—would be 20 percent of a family's income.

I believe that it is important that each of these bills be submitted for full discussion. That is why I am cosponsoring, with Senator BROOKE, the Housing Reform Amendments Act of 1971, while at the same time introducing the Housing Opportunities Act of 1971.

In order to insure full consideration of both bills, I ask unanimous consent that the full text of my proposal, the Housing Opportunities Act of 1971, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2536

A bill to enable lower income families to achieve homeownership and to enable certain private housing to be available for families at all income levels in order to achieve an economic diversification of income groups, particularly to avoid the clustering of low income families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Opportunities Act of 1971".

SEC. 2. (a) The text of section 235 of the National Housing Act is amended to read as follows:

"SEC. 235. (a) The Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of homeowners and cooperative members. The assistance shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

"(b) To qualify for assistance payments, the homeowner or cooperative member shall be of lower income, or otherwise meet the eligibility provisions prescribed by the Secretary under this section, except that if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him. The amount of the mortgage attributable to the dwelling unit shall involve a principal obligation not in excess of $20,000, except that the Secretary may, by regulation, increase the limitation by not to exceed 25 per centum in any geographical area where he finds that cost limits so require and by an additional $3,500 for any family with five or more persons.

"(c) The assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage, except that (1) assistance payments may be made on behalf of a homeowner who assumes a mortgage if the homeowner is approved by the Secretary as eligible for receiving such assistance, and (2) the Secretary is authorized to continue making assistance payments where the mortgage has been assigned to the Secretary. The payments shall be in an amount not to exceed—

"(1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income, but in no event shall the amount of any payment by the Secretary under this clause be less than the amount of the payment computed under clause (2) of this sentence; or

"(2) in any subdivision (including a geographical area designated by the Secretary), condominium, or cooperative approved for sale under this section, not more than 20 per centum of the families shall be eligible without regard to income limitations to have assistance payments made on their behalf in an amount equal to the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment which the mortgagor would be obligated to pay if the mortgage were to bear interest at a rate 2 per centum per annum below the maximum rate fixed by the Secretary for mortgages insured under section 203(b) of this title.

"(d) Assistance payments to a mortgagee by the Secretary on behalf of a family holding membership in a cooperative association operating a housing project shall be made only during such time as the family is an occupant of such project and shall be in amounts computed on the basis of the formula set forth in subsection (c) applying the cooperative member's proportionate share of the obligations under the project mortgage to the items specified in the formula.

"(e) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c) or (d), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(f) Procedures shall be adopted by the Secretary for recertification of the mortgagor's (or cooperative member's) income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in subsection (c), except that no recertification of income will be required of mortgagors receiving payments under subsection (c)(2) of this section.

"(g) The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

"(h) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the the assistance payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed $325,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $400,000,000 on July 1, 1972, and by $400,000,00 on July 1, 1973.

"(2) Not less than 20 per centum of the assistance payments authorized in paragraph (1) of this subsection shall be contracted to be made on behalf of families whose incomes at the time of their initial occupancy are not in excess of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings. Other payments may be made in behalf of families whose incomes exceed those limits but who would nevertheless be eligible for assistance payments under the formula specified in subsection (c)(1) of this section.

"(3) Not more than 15 per centum of the appropriation authorized under this section shall be contracted for in connection with existing dwellings, or dwelling units in existing projects, unless such units are approved by the Secretary for substantial rehabilitation.

"(i) The Secretary shall from time to time allocate and transfer to the Secretary of Agriculture, for use (in accordance with the terms and conditions of this section) in rural areas and small towns, a reasonable portion of the total authority to contract to make assistance payments as approved in Appropriation Acts under subsection (h) (1)."

(b) The amendment made by subsection (a) shall be applicable to contracts for as**sistance payments entered into on and after the date of enactment of this Act. The provisions of section 235 of the National Housing Act, as it existed immediately prior to** such date, shall be applicable to contracts **for assistance payments entered into prior to such date.**

SEC. 3. (a) The text of section 101 of the Housing and Urban Development Act of 1965 is amended to read as follows:

"SEC. 101. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the 'Secretary') is authorized to make, and contract to make, periodic payments to a 'housing owner' on behalf of 'qualified tenants', as those terms are defined in subsection (c) of this section, in such amounts and under such circumstances as are prescribed in or under this section. A contract providing for such payments shall **be for such period, not in excess of 40 years, as the Secretary determines. The aggregate amount of the contracts to make such payments shall not exceed amounts approved in** Appropriation Acts, and payments pursuant **to such contracts shall not exceed $250,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $300,000,000 on July 1, 1972, and by $300,000,000 on July 1, 1973.**

"(b) (1) For the purpose of reducing rentals of dwelling units approved hereunder, the Secretary is authorized to make, and to contract to make, periodic interest reduction payments on behalf of the owner of a rental housing project designed for occupancy by families eligible under subsection (d), which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

"(2) Contracts for interest reduction payments shall be made for the same period and under the same conditions as for the periodic payments on behalf of 'qualified tenants' as provided in section 101(a).

"(3) The interest reduction payments to a mortgagee by the Secretary on behalf of a project owner shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the project owner as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such project owner would be obligated to pay if the mortgage were to bear interest at a rate of 2 per centum less than that fixed by the Secretary for mortgages insured under section 207 of the National Housing Act.

"(4) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (b)(3), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"(5) The aggregate amount of contracts to make such interest reduction payments shall not exceed amounts approved in appropriation Acts and payments pursuant to such contracts shall not exceed $75,000,000 per annum prior to July 1, 1972, which maximum dollar amount shall be increased by $100,000,000 on July 1, 1972, and by $100,000,000 on July 1, 1973.

"(c) For the purpose of this section—

"(1) the term 'housing owner' means a private nonprofit corporation or other private nonprofit legal entity, a limited dividend corporation or other limited dividend legal entity, or a cooperative housing corporation, which is a mortgagor under section 221(d) (3) of the National Housing Act and which, after the enactment of this section, has been approved for mortgage insurance thereunder and has been approved for receiving the benefits of this section, and includes a private nonprofit legal entity, a limited dividend corporation or other limited dividend legal entity, or a cooperative housing corporation, which is the owner of a rental or cooperative housing project financed under a State or local program providing assistance through loans, loan insurance, tax abatement, or other assistance, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section;

"(2) the term 'qualified tenant' means any individual or family who can satisfy the following requirements pursuant to criteria and procedures established by the Secretary:

"(A) Not less than 20 per centum of the units shall be occupied by such tenants having incomes at the time of initial occupancy not in excess of the maximum amount which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for occupancy in public housing dwellings; and

"(B) Not more than 20 per centum of the units may be occupied by tenants without regard to income limitations, provided that such tenants shall pay the full rental as fixed pursuant to subsection (b) and no payment shall be made under subsection (a) on their behalf; and

"(C) Other qualified tenants shall include those whose incomes exceed the limitations specified in paragraph (A) above but would nevertheless be eligible to have periodic payments made on their behalf pursuant to subsection (d) of this section; and

"(3) the terms 'qualified tenant' and 'tenant' include a member of a cooperative who satisfies the foregoing requirements and who, upon resale of his membership to the cooperative will not be reimbursed for any equity increment accumulated through payments under this section; and

"(4) the terms 'rental' and 'rental charges' mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

"(d) The amount of the annual payment with respect to any dwelling unit shall not exceed the amount by which the rental for such until exceeds 25 per centum of the tenant's income as determined by the Secretary pursuant to regulations and procedures established by him. In determining the income of any tenant for the purposes of this section, there shall be deducted an amount equal to $300 for each minor person who is a member of the immediate family of such tenant, or for any person in excess of 65 years of age, living with such tenant, and the earnings of any such minor person shall not be included in the income of such tenant. The Secretary may authorize other standard deductions to compensate for deductions for social security, unusual and long-term medical expenses, care of children, and other such recurring expenses.

"(e)(1) For the purposes of carrying out the provisions of this section, the Secretary shall establish criteria and procedures for determining the eligibility of occupants and rental charges, including criteria and procedures with respect to periodic review of tenant incomes and periodic adjustment of rental charges.

"(2) Procedures adopted by the Secretary hereunder shall provide for recertifications of the incomes of the occupants, except the elderly and those eligible under subsection (c) (2) (B) hereof, at intervals of 2 years (or at shorter intervals in cases where the Secretary may deem it desirable) for the purpose of adjusting rental charges and annual payments on the basis of occupants' incomes, but in no event shall rental charges under this section for any dwelling exceed the full rental as fixed pursuant to subsection (b) hereof.

"(3) The Secretary may enter into agreements, or authorize housing owners to enter into agreements, with public or private agencies for services required in the selection of qualified tenants including those who may be approved on the basis of the probability of future increases in their incomes, as lessees under an option to purchase (which will give such approved qualified tenants an exclusive right to purchase at a price established or determined as provided in the option) dwellings, and in the establishment of rentals.

"(4) No payments under this section may be made with respect to any property for which the costs of operation (including wages and salaries) are determined by the Secretary to be greater than similar costs of operation of similar housing in the community where the property is situated.

"(f) The Secretary is authorized to make such rules and regulations, to enter into such agreements, and to adopt such procedures as he may deem necessary or desirable to carry out the provisions of this section.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including but not limited to, such sums as may be necessary to make annual or other periodic payments as prescribed in this section, pay for services provided under (or pursuant to agreements entered into under) subsection (e), and provide administrative expenses.

"(h) In carrying out the provisions of this section, the Secretary shall give due consideration to section 4 of the Housing and Urban Development Act of 1968, regarding improved architectural design in housing being provided for low and moderate income families."

(b) The amendment made by subsection (a) shall be applicable to contracts for assistance payments entered into after the date of enactment of this Act. The provisions of section 101 of the Housing and Urban Development Act of 1965, as it existed immediately prior to such date, shall be applicable to contracts for assistance payments entered into prior to such date.

By Mr. HATFIELD:

S. 2537. A bill to authorize treatment for certain narcotic addicts. Referred to the Committee on Labor and Public Welfare.

NARCOTICS ABUSE TREATMENT ACT OF 1971

Mr. HATFIELD. Mr. President, I send a bill to the desk which I have entitled the Narcotics Abuse Treatment Act of 1971. And I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, all of us are generally familiar with the growing problem of drug abuse within our country. There are varying estimates as to the number of drug addicts in the United States. They range from 150,000 to 400,000, but the usually quoted figure is 250,000, up to one-half of whom reside in New York State. Indication of the growth of the problem in recent years is the fact that between 1962 and 1970 there was a 1,000-percent increase in felony prosecutions for the possession or sale of dangerous drugs in Kings County, N.Y.—from 168 in 1962 to 1,861 in 1970. In Philadelphia arrests for narcotic violations increased 678 percent in the 5 years between 1965 and 1970. Estimates for Detroit are a 169-percent increase in the last 2 years for drug related arrests. Officials in Boston have estimated that the addiction rate is increasing perhaps as much as 50 percent per year. And in Virginia it is estimated by the Bureau of Narcotics and Dangerous Drugs that there was an increase of 556 percent during the decade of the 1960's. Yet it has been estimated that each addict commits 120 crimes for each crime that he is arrested.

Besides the cost in human lives and personal tragedy, crime that is caused by drug addiction is also very costly. President Nixon in his June 17, 1971, special message to the Congress pointed to this cost, asserting that it takes between $30 and $100 per day per addict to sustain a habit. It has been estimated that each addict in the District of Columbia gets $50,000 of illegal goods to sustain his habit each year. If Washington, D.C., and New York data are at all representative of the Nation in general, this means that the cost of sustaining drug addiction through illegal means in the United States is in the neighborhood of $12.5 billion each year. And this does not include government and private expenditures to deal with the problem of addiction, nor does it include courts, police, probation, penal, and other costs

The Congress has become increasingly aware of the growing magnitude of the addiction problem and has taken steps which in its judgment would help alleviate it. During the 91st Congress, for instance, no less than 20 major bills were introduced to deal with the various aspects of drug abuse. During this, the 92d Congress, further important legislation, focusing on rehabilitative efforts, has been introduced. There remain, however, two key problems: first, there are not at present any claimed rehabilitation techniques that have won a consensus of support; second, if there were such techniques, there would still remain the problem of changing the abuser's motivation so that he or she would want to be rehabilitated. These are not insurmountable obstacles, but it must be realized that it will take a long time before both of these problems can be successfully remedied. In the meantime we will continue to have the soaring drug-caused crime and drug addiction rate unless something is done.

The bill I am introducing today, Mr. President, I believe would overcome the issues I have raised. Specifically, the bill would establish a program within the Department of Health, Education, and Welfare whereby the Secretary can authorize a physician to administer drugs to an addict. The physician would be required to submit an itemized statement to the Secretary containing the costs of the services provided and would also provide such verifying data as the Secretary requests in order for the addict to benefit from the program. The information regarding the addict would be confidential and not divulged to any person or government entity and not be admissable for any criminal action against the abuser. The cost of the program would be fully borne by the Federal Government. This proposal would not in any way alter present prohibitions against the illegal possession or sale of drugs.

It would, in my opinion, virtually eliminate drug-related crime from our society. And it would save the taxpayer billions of dollars as well. Studies in the cost of methadone maintenance programs, for instance, estimate that an addict can be maintained for $3,800 annually, which is less than one-third the cost of keeping an addict in prison. Projecting these figures into a national program the cost would be roughly $950 million per year. Looked at from another perspective, heroin tablets sold in bottles of 100 tablets each cost $2.16 for each bottle in England, where they have a program roughly the same as I am proposing. Computing this cost into a comparable one in the United States would mean an expenditure of approximately $10.8 million per year to maintain heroin addicts on a Government program. Yet this expenditure would incur savings of over $2 billion in potential prison costs and $12.5 billion in drug-related crime. Consequently, while the budgetary expenditure for the program I am advocating would be in the neighborhood of $942.5 million, assuming a $3,800 expenditure per addict, there would be a real savings of approximately $13.6 billion, let alone the savings in despair and heartache on which no dollar value could be put. But perhaps most importantly, we would virtually eliminate the crime caused by illegal drug trafficking and take a significant step toward completely eradicating the trafficking itself.

The concept I am advocating is not a new one. Between 1919 and 1923 a similar program was instituted in our country but it was halted not because it failed, but because it ran against "the philosophy of a punitive approach," according to the New York Academy of Medicine. Great Britain has also had good success with a similar program. In spite of increases in the rate of addiction during the 1960's, a trend which has definitely reversed, there are, according to one source, just under 3,000 narcotics addicts in England. This is for a total population of 55 million people or a ratio of approximately one addict for every 19,000 people. In the United States the picture is quite different, because it is estimated that there is one addict for every 800 persons: almost 24 times the rate in England. Admittedly, the problem of estimating the number of drug addicts within our country is difficult due to the obvious obstacles encountered under prevailing conditions. Yet, if the data presented here is anywhere near the truth our system of dealing with addiction is in great need of change.

It is my firm belief that the proposal I am offering today would reduce the crime rate in some areas of our Nation by as much as 85 percent. I say this not as some gesture of rhetoric but on the basis of statements of those who should know, the police. For instance, besides the facts I related earlier, the New York Times of May 12, 1971, quotes Chief Robert Rapp of the Transit Police Department as saying—

> More than 85 percent of the people we apprehend are addicts, and they readily tell us the holdups are to feed their habits.

In Washington, D.C., police have blamed up to 80 percent of serious proper crime on drug users. And in Pennsylvania 70 percent of the men serving prison sentences have drug-connected records.

One of the saddest aspects of the drug problem in our country is its increasing frequency among the young. According to one report in the District of Columbia, addicts report that "most heroin users today are between 16 and 25 years of age" and that "drug use begins among youths between 15 and 17 years old." In Detroit police have reported that heroin arrests have increased 442 percent in the 17-to-27 age bracket. Governor Linwood Holton, of Virginia, reports that 90 percent of the drug users in his State are under the age of 30, the youngest addict being 12 years old. In New York in 1967, the average age of the heroin addict was 29; today, it is 21 and, further, 35 percent of the 12,000 addicts under rehabilitative care in New York are under 20. Today, 53 percent of those admitted to the Federal hospital at Lexington are under 19 in contrast to 1936 when 15 percent of those admitted were under 20.

Mr. President, by treating drug addiction as a medical and social problem as envisaged in the legislation I have introduced today, we will have struck a major if not fatal blow to illegal trafficking in drugs, the rapidly growing drug addiction rate in our country, and drug-related crime. By taking drugs off the black market by allowing physicians to administer drugs to addicts there would no longer be the financial incentive for the user to steal in order to support his or her habit.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2537

A bill to authorize treatment for certain narcotic addicts.

NARCOTICS ABUSE TREATMENT ACT OF 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized and directed to take such action as he determines necessary to establish and carry out a program pursuant to which physicians approved by the Secretary shall be authorized to administer controlled substances to certain addicts. Any controlled substance administered to any addict pursuant to such program shall be considered as having been administered for a medical purpose.

(b) Any program established and carried out pursuant to this Act shall provide that any physician, approved by the Secretary, administering a controlled substance to any addict on the basis of an Addict Medical Card issued to such addict pursuant to this Act shall, upon submitting an itemized statement to the Secretary containing the costs of such service so provided (together with such additional verifying data as the Secretary may require) be compensated by the Secretary in the amount set forth in such statement and approved by the Secretary.

SEC. 2. (a) The Secretary, upon receipt by him of an application filed by an addict in accordance with regulations promulgated by the Secretary, is authorized to issue to such addict an Addict Medical Card which shall entitle such addict to the benefits provided for under any program established pursuant to the first section of this Act.

(b) Any such card so issued shall be in such form and contain such information (for identification purposes only) as the Secretary shall by regulation prescribe.

SEC. 3. (a) Subject to the provisions of subsection (b) of the first section of this Act, all records, information, and other data acquired by any physicial in connection with the treatment of any addict under any program carried out pursuant to this Act shall be confidential and, except with the specific approval of such addict, shall not be divulged, distributed, disseminated or otherwise made available to any person, or governmental entity, or be admissible as evidence in any criminal action against such addict.

(b) No records, information, or other data acquired by the Secretary, in the administration of any program authorized by this Act, in connection with the treatment of any addict shall be divulged, distributed, disseminated or otherwise made available to any person or governmental entity without the specific approval of such addict, or be admissible as evidence in any criminal action against such addict.

SEC. 4. The Secretary is authorized to issue such regulations as he may determine necessary to carry out the provisions of this Act.

SEC. 5. As used in this Act, the term—

(1) "physician" means any individual authorized by Federal or State law to practice medicine;

(2) "addict" shall have the same meaning as that provided in section 102(1) of the Controlled Substances Act;

(3) "controlled substance" shall have the same meaning as that provided under section 102(6) of the Controlled Substances Act;

(4) "administer" means the direct application of a controlled substance to the body of a patient whether such application be by injection, inhalation, ingestion, or other means;

(5) "person" means any individual, corporation, partnership, association, agency (public or private), or other entity; and

(6) "governmental entity" means any department, agency or instrumentality of the United States or any State, or any political subdivision thereof, or any officer or employee thereof.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ALLEN (for himself, Mr. SPARKMAN, and Mr. BAYH):

S. 2538. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage to Greene County, Ala. Referred to the Committee on Public Works.

Mr. ALLEN. Mr. President, I am sure all will agree that one of the legislative highlights of the 92d Congress to date was the recent passage of legislation to extend the Appalachian regional development program. To my way of thinking, the Appalachian Regional Development Act passed by the Congress 6 years ago is one of the most novel and innovative laws in the history of American Government. Since 1965, the programs authorized under the act have been helping the people of a region which stretches across 13 States from the southern tier of New York to the northern corner of Mississippi to better develop the institutions and facilities that will enable them to participate more fully in the economic growth of our Nation.

The hallmark of the Appalachian program is that it embraces the concept of States' rights in that no project can be funded unless it springs from local initiative and local planning. In addition, the program largely devotes itself to the making of permanent improvements such as the building of hospitals, highways, vocational schools, water and sewerage treatment plants and other facilities which will serve not only this generation but future generations in Appalachia. I only wish that more of our Federal assistance programs embraced the unique and highly successful concepts of the Appalachian program, both from the standpoint of intergovernmental cooperation and in connection with the distribution of funds and how they are to be spent.

In keeping with the economic, social, and geographic framework of the Appalachian Act, I am today introducing for myself, the distinguished senior Senator from Alabama (Mr. SPARKMAN) and the distinguished junior Senator from Indiana (Mr. BAYH) a bill to bring Greene County, Ala., within the purview of the Appalachian Regional Development Act of 1965, as amended.

Like the overwhelming majority of counties already included in the Appalachian Act, Greene County is marked by severe unemployment and underemployment and by a lack of basic facilities and job services; in fact, I am advised that Greene County has been determined to be the fifth poorest county in the United States in terms of per capita income.

Also like the overwhelming majority of counties already included in the Appalachian Act, Greene County suffers from a severe outmigration problem. While the State of Alabama enjoyed a 5.4-percent growth in population in the 1960–70 decade, the population of Greene County during that time dropped from 13,600 to 10,650, or a decrease of 21.7 percent. Eutaw, the county seat and the largest town in the county, has a population of less than 2,800. It is, therefore, clearly evident that Greene County desperately needs the kind of developmental assistance afforded by the various Appalachian programs which will help to provide the facilities and services necessary to the establishment of a sound economic base.

From a look at a map, it is easily seen that Greene County could, perhaps should, have been included in the 1965 enabling law in that it is contiguous to the Alabama counties of Tuscaloosa and Pickens, which are already included in the Appalachian region as defined in section 403 of the act.

From the foregoing and as I have previously stated, Greene County does, in truth, fall within the economic, social, and geographical framework of the Appalachian Regional Development Act.

Upon enactment of this bill, I am quite sure that the people of Greene County will enthusiastically take advantage of the new opportunities and programs which will be afforded them to develop the self-sustaining economy which is so desperately needed if they are to share in the Nation's prosperity.

By Mr. HARTKE:

S. 2540. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies. Referred to the Committee on the Judiciary.

ACCREDITATION PLAN FOR LAW ENFORCEMENT AGENCIES

Mr. HARTKE. Mr. President, today the question of adequate protection for life and property is a serious one for all Americans. The cries for law and order continue, but too little has been done to insure that the citizens of this country are adequately protected. The problem of protection will not be solved by a bumperstrip war against crime. It will be met only through the application of the most sophisticated methods to the fight against crime.

The bill I offer today is designed to give that direction. This bill seeks to establish a national accreditation program for police departments, to guarantee that the law enforcement agencies in this country are truly professional agencies. I introduce this bill because the citizens of our Nation are entitled to the best law enforcement protection possible. Today, we realize that standards of recruitment, selection, training, and operations must be upgraded to insure work citizens of uniform treatment and justice. Consequently, every effort must be made to further professionalize the Nation's police departments by urging them—where needed—to strive for new standards of excellence.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice recommended the establishment of State commissions on standards to assist in improving the quality of law enforcement in this country. Although there have been some efforts in that direction, the vast majority of the States have taken little or no action to comply with the recommendations of the study. It is a national tragedy that most States in this country do not have any form of substantive law enforcement standards legislation. It is the clear need for professionalization in the field of law enforcement that causes me today to introduce this legislation which I hope will be the impetus for a national effort to achieve heightened stature for law enforcement agencies throughout our country.

This bill proposes the establishment of a national accreditation commission comprised of nationally prominent figures in the field of law enforcement the primary function of which would be to establish guidelines for use in determining the relative caliber of police departments. These guidelines would be administered by a regional accrediting commission which would examine municipal, county, and State police organizations to determine if they meet certain minimum standards. The concept of the establishment of regionally administered standards is by no means a new or novel idea. For example, J. Edgar Hoover, Director of the FBI, has recommended the establishment of national uniform standards to achieve police excellence. Also, Mr. James F. Ahern, former police commissioner of New Haven, Conn., recommended earlier this year in a speech before the Democratic National Policy Committee that—

> A major step in the professionalization of law enforcement would be creation of a national institute of police standards. The institute would direct federally supported experimentation in law enforcement and draft and distribute a set of voluntary standards in such areas as police recruitment, training, operating procedures, organizational design, conduct, and ethics.

Mr. Ahern felt that such a professional organization is needed to provide leadership and guidance to the thousands of police departments in this country.

In line with Mr. Ahern's thoughts the program I am proposing would initially be voluntary, but eventually departments that do not meet the requirements of the regional accreditation panels would become ineligible for Federal funds. The bill contains a 2-year period for voluntary compliance during which law enforcement agencies would have time to correct any deficiencies discovered by an accrediting panel.

As previously stated, the national commission would be comprised of nationally prominent figures in the field of law enforcement and related academic areas. This commission would be able to draw on their professional experience and training to develop national guidelines for the regional accrediting agencies to implement. Of course, it is impossible for any national commission to develop clear and concise rules which would be applicable to each and every law enforcement agency in the country. Consequently, the national commission would develop guidelines which the regional panels would implement in light of their knowledge of regional and local circumstances.

It is imperative to state at this point that my proposal is not intended, nor does it create a national law enforcement body to control the functions and responsibilities of State and local law enforcement agencies. The commissions—national and regional—will be constituted of academicians and officials who are completely independent of the control of the Federal Government. The members of the commission will be prominent figures in the field of law enforcement and related areas who are willing to give of their time to assist in developing professional standards for law enforcement agencies.

A vital feature of this legislation is the inclusion of criteria that most law enforcement officials consider important to any evaluation of a police department's caliber. These criteria are not meant as the exclusive means for evaluating the professionalism of a police department but will be an important part of the evaluation process.

First, there must be standards established in the area of recruitment and selection practices of police departments. This would, in all probability, include establishing minimum standards of education and aptitude for police work. The role of the law enforcement officer in present-day America makes many more demands than in the past. Yet, very little has been done to insure that the law officer is suited by education to his post. Educational standards set by many police departments in the Nation require less than a high school education. A 1961 survey by the International Association of Chiefs of Police revealed that of the over 300 departments surveyed, 24 percent had no minimum educational requirements and less than 1 percent required any level of college preparation. There has been very little change in those figures in the past 10 years, even though two major national commissions have stressed the need for a better educated and more professionally trained law enforcement officer.

A recent publication cited the problems facing police departments in this country and stressed that—

> Failure to overtake or at least keep pace with the rising educational standards in other occupations means that law enforcement officials will have to be drawn from the minority of the population least educated, least talented, and least qualified to assume the responsibilities of modern law enforcement.

Another example of the glaring deficiency in most police department recruitment programs has been their failure to permit lateral movement of police officers, the process of permitting a law enforcement officer to transfer from one jurisdiction to another without losing his rank and accrued benefits.

Another area of obvious importance is that of training programs for recruits and inservice personnel. Any accrediting panel should inquire into the scope and extent of training programs, the nature of the course and the quality of instruction, and the extent of the training in general with respect to the particular problems the local jurisdiction faces. A recent study found that fewer than 15 percent of all law enforcement agencies provide immediate recruit training for officers. In far too many jurisdictions, officers are simply handed a revolver and a ticket book and assigned to an older officer to glean what training and experience they can. Where formal training programs do exist, they range from a few days to several months. Unfortunately, the training given is largely outmoded and not structured to the needs of current day law enforcement. The tendency has been to train an officer so that he responds mechanically to problems rather than as a skilled professional. We must make a commitment that no longer will we put individuals in our tension ridden communities with little training to face the problems that are part and parcel of his daily tasks.

One area that deserves utmost consideration is an examination of the compensation and benefits that are provided for the officers. This is a problem I have recognized before and have introduced legislation to supplement police salaries. As J. Edgar Hoover has previously stated, the fact that the begining pay for a police officer is under $7,000 nationwide is a national disgrace. Inadequate compensation has been a significant factor in failing to entice and retain competent persons in the law enforcement area. The existing pay scales continue to prove incapable of attracting men who can more adequately meet the high standards that are required by the present conditions in our society, but little has been done to rectify this deplorable situation.

Administrative organization of police departments must also be examined. The size of police departments in many cities is such that too many departments are administrative disaster areas with haphazard delineation of responsibilities and very poorly established chains of command. The existence of such poorly organized agencies makes it extremely difficult for police officials to be responsive to the problems of officers, and for officials to insure that the highest ethics and integrity are maintained.

Last, but by no means of minor importance, it is imperative that serious consideration be given to an examination of the community relations training programs and efforts of police departments. The changes in the urban structure of our society necessitate that the new enforcement officer increase his function from the traditional police role to a wider and more expanded relationship with the public at large. This requires that the police officer be sufficiently trained in working with, and understanding groups with which he comes in daily contact. Unfortunately, the police officer has had to deal with the results of our many social ills. Societal ills such as inadequate housing, unemployment, and poor education have made the always difficult job of the police officer even more trying today. A failure to recognize the need for enhancing the training and work in the area of police-community relations could unfortunately negate all other advancements made in upgrading the status of law enforcement agencies.

In conclusion, the citizens of this country deserve and desire a new standard of excellence in law enforcement to guarantee protection for all citizens. This legislation can be the impetus for a national effort to raise law enforcement to truly professional status. The public demands no less.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2540

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide a program for the accreditation of law enforcement agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after Part E the following new part:

"Part F—Accreditation of Law Enforcement Agencies

"Sec. 471. It is the purpose of this part to encourage the improvement of law enforcement agencies of the States and units of general local government on a voluntary basis by providing for a program of accreditation and financial assistance to the States and units of general local government having agencies that are accredited pursuant to this part.

"Sec. 472. (a) There is hereby established in the Law Enforcement Administration a Commission on the Accreditation of Law Enforcement Agencies (hereinafter in this part referred to as the 'Commission') composed of nine members to be appointed by the President, by and with the advice and consent of the Senate from among individuals who are officials in the field of law enforcement for the Federal Government; for any State; for any unit of general local government; or experts and teachers in the field of law enforcement. In making appointments under this section, the President is requested to give due consideration to appointment of individuals, who collectively, will provide appropriate geographical balance on the Commission.

"(b) The term of office of each member of the Commission shall be six years; except that—

"(1) the members first taking office shall serve as designated by the President, three for a term of two years, three for a term of four years, and three for a term of six years, and

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(d) The President shall designate one of the members of the Commission to serve as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner and subject to the same limitations as the original appointment was made.

"(f) Five members of the Commission shall constitute a quorum.

"(g) In the exercise of its functions, powers and duties, the Commission shall be independent of the Attorney General, the Administrator of the Law Enforcement Administration and all other offices and officers of the Department of Justice.

"Sec. 473. (a) The Commission is authorized to—

"(1) establish criteria for the accreditation of law enforcement agencies of the States and units of general local government, including provisions for such criteria for each appropriate class and type of law enforcement agency, after giving consideration to the following factors—

"(A) recruitment and selection practices, including minimum educational qualifications, minority group selection allowances, and the criteria for lateral movement into the law enforcement agency;

"(B) the availability and quality of training programs for new law enforcement personnel, existing personnel of any such agency;

"(C) the quality of the physical facilities of such agency and the availability and the contemporary nature of the equipment and support services of any such agency;

"(D) minimum acceptable rates of compensation for such personnel, and the availability of workmen's compensation, health insurance, death benefits, and other benefits available to such personnel;

"(E) the number of on the line personnel of such agency in relation to the population of the State or unit of government which that agency serves;

"(F) minimum adequate management practices and a model of organizational structure for any such agency; and

"(G) the quality of the community relations program, including the amount of training of law enforcement personnel in such program and the accessibility of law enforcement personnel of the agency to the public;

"(2) establish national and regional accrediting associations composed of law enforcement officials who are representative of all levels of the work personnel of the agency being accredited;

"(3) provide for the establishment of accrediting boards by the regional accrediting association, one of whose members, in the case of a law enforcement agency of a unit of general local government, is representative of a law enforcement agency of the State in which that agency is located;

"(4) provide for the general policy with respect to accrediting such agencies, including the manner of establishing accrediting boards by regional accrediting associations and the daily rates of compensation to be paid association and board members, except that in no event shall such compensation exceed $100 per day;

"(5) make grants in accordance with section 475; and

"(6) perform such other functions as are necessary to carry out the purposes of this part.

"(b) The Commission shall submit such interim reports to the President and the Congress as it deems advisable to keep the Congress fully informed of the establishment of criteria for, and the process of, accreditation under this section. The Commission shall submit, as part of the report of the Administration as required under section 519 of this Act, a report setting forth the activities of the Commission and such recommendations including recommendations for additional legislation as it deems advisable in each calendar year.

"Sec. 474. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate to be fixed by the President not in excess of the rate prescribed for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the provisions of title 5 of the United States Code, and may procure services as authorized by section 3709 of such title 5 but at rates for individuals not in excess of the daily rate prescribed for GS–18 of the General Schedule.

"(b) The Commission may accept or utilize services of voluntary or uncompensated personnel.

"(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

"(d) Members of the Commission, and members of any advisory committees shall, for the purposes of chapter 11 of title 18, United States Code, be deemed to be special Government employees.

"(e) All Federal agencies shall cooperate fully with the Commission in order to assure that the Commission may effectively carry out its functions and duties.

"(f) The Commission, or on the authorization of the Commission any subcommittee of three or more members, may, for the purpose of carrying out the provisions of this

Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 5 of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subsection, may be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of five members is present.

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(h) Each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this part.

"Sec. 475. (a) The Commission is authorized to make grants to any State or any unit of general local government in accordance with the provisions of this section if such State or unit of general local government has been accredited pursuant to section 473.

"(b) No grant shall exceed 25 per centum of the amount of the funds received by such State for operating purposes and not for distribution to units of general local government, or received by such unit of general local government under part C of this title in the fiscal year preceding the fiscal year in which the grant is made. If a unit of general local government is accredited under this part and has not received a grant under part C of this title for that preceding fiscal year, the Commission shall determine the amount to which such unit of general local government is entitled under this part after giving consideration to units of general local government of a similar size that have received grants under such part C.

"(c) Any State or unit of general local government that has been accredited pursuant to section 473 and desires to receive a grant under this part for any fiscal year, shall submit an application to the Commission at such time, in such manner and containing or accompanied by such information as the Commission may reasonably require.

"Sec. 476. It is the intention of the Congress that the national and regional accrediting association and accrediting boards established by such associations shall be totally independent of any officer or agency of the Department of Justice or any other department or agency of the Federal Government.

"Sec. 477. There are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1972 and $1,000,000 for the succeeding fiscal year.

"Sec. 478. Except the provisions of section 510, 511 and 516(a) title, the provisions of part G of this title, relating to administrative provisions, shall not apply to this part."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(m) The term 'law enforcement agency' means any police department, sheriff's office or other similar law enforcement agency of a State or a unit of general local government as determined pursuant to criteria established by the Commission of Accreditation of Law Enforcement Agencies."

(c) Parts F and G of title I of such Act are redesignated as parts G and H, respectively.

Sec. 2. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following—

"(131) Members of the Commission on Accreditation of Law Enforcement Agencies."

By Mr. HARTKE (for himself, Mr. Thurmond, Mr. Cook, Mr. Hansen, Mr. Randolph, and Mr. Stevens):

S. 2541. A bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes. Referred to the Committee on Veterans' Affairs.

Mr. HARTKE. Mr. President, I introduce today, on behalf of myself, Senators Thurmond, Cook, Hansen, Randolph, and Stevens, legislation which will remedy an obvious inequity in our veterans' pension system.

Certain veterans have lost their pensions, or had them drastically reduced, when their wives retire. The law now provides that a working wife's earned income need not be counted in computing the veteran's annual income for pension purposes. However, when she retires, her retirement income is considered in computing his annual income. Although their annual total income is generally less than their preretirement income, it causes the veteran to go over the income limitations and he loses, or suffers a reduction in, his pension.

For this reason, we introduce this bill today, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 521 of title 38, United States Code, is amended to read as follows:

"(f) For the purposes of this section, all income of the spouse shall be disregarded in determining the annual income of a veteran."

By Mr. BIBLE (for himself, Mr. Allott, and Mr. Moss):

S. 2542. A bill to establish a system for the development of mineral resources on public lands of the United States. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself, Senator Allott, and Senator Moss, I introduce for appropriate reference a bill to establish a system for the development of mineral resources on public lands of the United States.

In its report entitled "One-Third of the Nation's Land," the Public Land Law Review Commission found that the public interest requires that exploration, development, and production of minerals on public land be encouraged—not merely permitted—by maintaining a continuing invitation to the private sector to explore for and develop minerals on the public lands. The proposed bill incorporates many of the recommendations contained in the report of the Public Land Law Review Commission.

I ask unanimous consent that the provisions of the bill and a section-by-section analysis of the Mineral Development Act of 1971 be printed at this point in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2542

A bill to establish a system for the development of mineral resources on public lands of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: This Act may be cited as the "Mineral Development Act of 1971."

PURPOSE

Sec. 2. The purpose of this Act is to assist in carrying out the policy of the United States as expressed in the Mining and Minerals Policy Act of 1970 (Public Law 91–631) by establishing a system to provide for and encourage the development of certain mineral resources of the public lands of the United States.

DEFINITIONS

Sec. 3. For the purposes of this Act, the term

(a) "Lands available for mineral location," shall mean surveyed and unsurveyed public lands in the states of Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, including lands in said states in which minerals have been reserved to the United States and lands the title to which was heretofore or is hereafter obtained by the United States pursuant to:

(1) Act of March 20, 1922 (16 U.S.C. § 485).

(2) Act of June 28, 1934 § 8 (43 U.S.C. § 315g),

and said term shall also mean those certain lands in Oklahoma ceded to the United States which were declared open to location by the Act of March 2, 1895 (ch. 188, 28 Stat. 876, 899) or by the Act of June 6, 1900 (ch. 813, 31 Stat. 672, 680). "Lands available for mineral location": (i) shall include areas of said lands which have been designated for special uses to the same extent and under the same conditions which have heretofore been prescribed by Congress with respect to the availability of such areas for entry under the Mining Law of 1872:, (ii) shall not include areas of said lands during any time they are included within an authorized classification or withdrawal prohibiting mineral location, or during any time such areas are (a) included in a mining claim perfected with a discovery of a valuable mineral deposit made prior to the effective date of this act for which a declaration of interest under title II could be filed or the declaration of interest has been filed and the claim is being maintained under title II, (b) included in a mining claim not perfected with a discovery of a valuable mineral deposit for which a declaration of interest has been filed under title II and is being maintained under said title II, (c) during a period of one year after the effective date of this Act, included in a mining claim not perfected with a discovery of a valuable mineral deposit for which a declaration of interest is filed at any time within said one year period or if the ground covered by such mining claim is located by the owner with a title III claim at any time within said one year period, (d) included in a valid mill site for which a declaration of interest has or could be filed, or (e) included in a mining claim located and maintained under title III hereof: *Provided, however,* that so long as a mining claim located prior to the effective date of this Act is maintained under title II hereof, the owner of said claim shall be entitled to locate a mining claim pursuant to title III covering the same lands, and if such mining claim could be maintained under title II hereof, the owner of such claim be entitled to locate a mining claim pursuant to title III covering the same lands without filing a declaration of interest.

(b) "Mineral deposits covered by this Act," shall mean deposits of all minerals except:

(1) Coal, oil and gas, oil shale, native asphalt, solid and semisolid bitumen, bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried);

(2) Chlorides, sulphates, carbonates, borates, silicates, and nitrates of potassium and sodium;

(3) Phosphates, and associated and related minerals in phosphate deposits;

(4) Sulphur in the States of Louisiana and New Mexico;

(5) Geothermal steam and associated geothermal resources as those terms are defined in the Geothermal Steam Act of 1970, 84 Stat. 1566; and

(6) Those deemed not to be a valuable mineral deposit by the provisions of section 3 of title VI of this Act.

(c) "Smallest legal subdivision" shall mean any tract of land surveyed by the United States consisting of a regular quarter of a quarter section containing forty acres, or an irregular quarter of a quarter section platted as a lot containing more or less than forty acres.

(d) "Work year" shall mean the period of one year commencing at 12 o'clock meridian on the first day of September.

(e) "Remaining interests in land owned by the United States" shall mean all interests in such land including those substances deemed not to be a valuable mineral deposit by the provisions of section 2 of title VI of this Act but not including the Leasing Act minerals defined in 30 U.S.C. section 530 which would be reserved to the United States from mineral patents pursuant to 30 U.S.C. section 524.

(f) "Surveyed lands" shall mean lands which have been surveyed by the United States. "Unsurveyed lands" shall mean lands which have not been surveyed by the United States.

(g) "Lands with a found monument" shall mean surveyed or unsurveyed lands on which a United States survey monument or mineral monument is found by a locator of a mining claim within a distance of one mile from any part of such mining claim. "Lands without a found monument" shall mean said lands on which no such monument is found by a locator of a mining claim within said distance.

(h) "Field survey" shall mean a survey at least as accurate as a transit or plane table survey by a person competent to survey mining claims.

(i) "Citizens of the United States" shall mean all persons born or naturalized in the United States, corporations organized under the laws of the United States or any State or territory thereof, and associations of such persons and corporations.

TITLE II—EXISTING MINING CLAIMS AND MILL SITES

RECORDATION

SEC. 1. (a) Notwithstanding any other provisions of law, any unpatented mining claim or mill site located prior to the effective date of this Act, or any unpatented mining claim based on a tunnel site pursuant to 30 U.S.C., section 27 which may be located after the effective date of this Act in accordance with federal and state mining laws in effect prior thereto, shall be null and void unless an application for patent or a declaration of interest required by this section has been filed with the Secretary of the Interior on or before the later of (i) three (3) years after the effective date of this Act, or (ii) three (3) months after conclusion of proceedings on appeal from any action of the Secretary of the Interior under this section. A declaration of interest may be filed for a mining claim whether or not there has been a discovery of a valuable mineral deposit on the claim or whether or not it has been maintained as a mining claim: *Provided, however,* that the area covered by a mining claim located prior to the effective date of this Act is subject to location by any person after the effective date of this Act and such area shall be treated as part of said claim located pursuant to title III unless the prior claim could be maintained under this title II and a discovery of a valuable mineral deposit had been made on such prior claim before the effective date of this Act or unless and until, at any time within one year after the effective date of this Act, a declaration of interest is filed for such prior claim as provided by this section or the ground covered by such claim is located by the owner with a title III claim. A declaration of interest may be filed for a mill site whether or not it is then used or occupied for mining or milling purposes: *Provided, however,* that the area covered by a mill site located prior to the effective date of this Act is subject to location by any person after the effective date of this Act with a mining claim located pursuant to title III unless the mill site is then valid.

A declaration of interest may be filed for one or more mining claims or mill sites by any person claiming an interest therein and will be for the benefit of all persons having an interest therein whether or not they, or their interests, are known to the person filing the declaration.

(b) The declaration of interest shall contain the following:

(i) Name, current mailing address and interest of the person filing the declaration in the mining claims and mill sites included in the declaration.

(ii) Name, current mailing address and any asserted interest in the mining claims and mill sites of others known to the person filing the declaration.

(iii) Names of the mining claims and mill sites for which the declaration is filed and book and page of the local record of the location notices or certificates and any amendments thereto.

(iv) The number of acres claimed within and contained by the mining claims and mill sites.

Except in the case of placer mining claims that conform to the legal subdivisions of surveyed public lands, the declaration shall be accompanied by a map with a scale of not less than one inch equals one thousand feet, prepared from a field survey and shall show the following:

(i) The name and address of the person preparing the map.

(ii) The legal subdivisions of the land upon which the mining claims and mill sites are located, if such land be surveyed.

(iii) The positions and dimensions with courses and distances of the mining claims and mill sites' exterior boundary lines and course and distance from one corner of each claim and mill site to a public land survey corner or to a United States mineral monument, provided, if neither can be found within one mile from the claim or mill site, then to such a natural object or permanent monument by which such claim or mill site can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. If the description of the lands given in the declaration is not sufficient for the Secretary of the Interior to ascertain, with reasonable accuracy, the location of the mining claims and mill sites included in the declaration on maps of lands maintained in the local land office of the Bureau of Land Management having jurisdiction of the land, the Secretary of the Interior may require that the declaration be supplemented by such further description, map, plat, or survey as may be necessary to ascertain the location of the land with reasonable accuracy.

(c) Mining claims and mill sites subject to the provisions of this title II may be amended for the reasons and in the manner heretofore provided by the laws of the State where the land is situated: *Provided, however,* that no such amendment will be effective after a declaration of interest has been filed as provided in this section until an amended declaration of interest has been filed with the Secretary of the Interior. The provisions in paragraph (b) of this section applicable to a declaration of interest and supplemental data shall be applicable to an amended declaration of interest.

(d) If the United States demonstrates a specific present need for a limited area of land, it may, in a contest proceeding, declare null and void any mining claim or mill site in such area for which a declaration of interest is or could be filed as provided by this title II if at the time the contest complaint is filed the mining claim is not perfected with a discovery of a valuable mineral deposit or if the mill site is not then valid. The filing of a declaration of interest or performance of other acts called for by this section will not render valid any mining claim or mill site which is invalid on the effective date of this Act or which becomes invalid thereafter: *Provided,* mining claims for which declarations of interest are filed in accordance with the provisions of this title II which lack discovery of a valuable mineral deposit may be perfected by discovery of such a deposit at any time within five years after the effective date of this Act, and mill sites on nonmineral land for which declarations of interest are filed in accordance with the provisions of this title II may be perfected by use and occupancy for mining or milling purposes at any time within five years after the effective date of this Act. Except in the case of placer mining claims that conform to the legal subdivisions of surveyed public lands, if the boundaries of a mining claim, as marked on the ground, are inconsistent with those given in the survey filed with the declaration of interest, the boundaries as shown on such survey will control. The boundaries of placer mining claims that conform to the legal subdivisions of surveyed public lands will be determined by the United States survey.

(e) Mining claims located prior to the effective date of this Act shall, after September 1 following the effective date of this Act, be subject to the work and expenditure requirements provided in section 5 of title III except that, until a declaration of interest is filed, the affidavits of annual labor required by section 5 shall be recorded in the county or district recording office where location notices or certificates are recorded under the provisions of the law of the state in which the claim is located. A mining claim for which a declaration of interest is filed as provided in this title II is maintained under said title until (i) there is an abandonment, (ii) there is a failure to comply with the provisions of section 5 of title III or (iii) the claim becomes void under section 2(a) of this title. Reasonable expenditure incurred in surveying and in the preparation of maps or plats or similar identification data in compliance with the requirements of paragraph (b) of this section may be applied toward the yearly work and expenditures required by section 5 of title III.

PATENTING OR TERMINATION OF VALIDITY OF MINING CLAIMS AND MILL SITES

Sec. 2. (a) Any unpatented mining claim or mill site for which a declaration of interest has been or may be filed as provided by section 1 of this title shall be null and void five years after the effective date of this Act unless on said date, an application for patent of the mining claim or mill site is pending. Such mining claims and mill sites for which patent applications are pending after the effective date of this Act shall become null and void one hundred eighty (180) days after said patent application is cancelled or disapproved and the final appeal therefrom has been decided adversely to the applicant. Within said one hundred eighty days period, the owner of such mining claim shall have the exclusive right to locate a mining claim pursuant to title III hereof covering lands for which said mining claim patent application was cancelled or disapproved.

(b) If the owner of a mining claim located prior to the effective date of this Act can prove that, at the date of the application for mineral patent, the mining claim contains a valuable mineral deposit and he is in other respects entitled to a mineral patent under the laws in effect immediately prior to the effective date of this Act, he will be entitled to a mineral patent in accordance with those laws upon following the procedure to obtain patent and paying to the United States the purchase price provided by those laws.

(c) If the owner of a mill site can prove that, at the date of the application for a mill site patent, he is entitled to a mill site patent under the laws in effect immediately prior to the effective date of this Act, he will be entitled to a mill site patent upon following the procedure to obtain patent and paying the purchase price provided by those laws.

TITLE III. PROVISIONS FOR NEW CLAIMS

Sections 2319, 2320, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2332, 2333, 2334, 2335, 2336, 2338, 2343, 2344, 2345, 2347, 2348, 2349, 2350, 2351 and 2352 of the Revised Statutes (30 U.S.C. secs. 22, 23, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 46, 47, 48, 71, 72, 73, 74, 75, and 76); Chapter 140 of the Act of March 3, 1881 (30 U.S.C. sec. 32); section 1 of the Act of April 26, 1882 (30 U.S.C. sec. 31); section 1 of the Act of May 5, 1876 (30 U.S.C. sec. 49); section 1 of the Act of August 4, 1892 (30 U.S.C. sec. 161); sections 15, 16 and 26 of the Act of June 6, 1900 (30 U.S.C. secs. 49a, 49c and 49d); Chapter 186 of the Act of January 31, 1901 (30 U.S.C. sec. 162); sections 1 and 2 of the Act of March 2, 1907 (30 U.S.C. secs. 49e and 49f); Chapter 87 of the Act of April 23, 1912 (30 U.S.C. sec. 77); sections 2 and 3 of the Act of May 4, 1934 (30 U.S.C. 49b); sections 1, 2, 3, and 4 of the Act of June 21, 1949 (30 U.S.C. secs. 28b, 28c, 28d, and 28e); and sections 1 and 2 of the Act of September 2, 1958 (30 U.S.C. secs. 28–1 and 28–2) are repealed. By this Act, Congress hereby declares its intent to preempt the laws and regulations of the States and mining districts respecting the location and maintenance of mining claims. The following new sections are added:

MINERALS AND LANDS AVAILABLE FOR MINERAL LOCATION

Section 1. Subject to reserved royalty in the United States provided in section 10 of this title, all mineral deposits covered by this Act in lands available for mineral location shall be open for exploration, development, mining, production and disposition, and patent, and said lands shall be open to ingress, egress, occupation, and use for mineral purposes, and to patent by citizens of the United States and those who have declared their intention to become such: *Provided, however*, that any land covered by a mining claim located under this title shall not thereafter be located under this title or held by any person who at any time had located or held an interest in such claim, for a period of two years after the date of expiration of rights of such person to such land covered by such mining claim located under this title, unless such person or his predecessor or successor in interest performs annual labor or makes payments in lieu of labor on or for any such lands in the amounts authorized and required by section 5 of this title. For the purpose of this section 1, an affidavit showing such labor or payments shall be filed in the manner provided by paragraph (e) of section 5 of this title prior to reacquiring any interest in the land. The annual labor or payments in lieu of labor under the provisions of section 5 for a mining claim containing a reacquired interest in land as herein provided shall be in an amount for each work year as it would have been had the reacquired interest in land in such claim been continuously held in the former mining claim. To the extent that any portion of a mining claim purports to cover land not available for mineral location, it shall be void as to said portion: *Provided, however*, that nothing contained herein shall be construed to limit the rights of the holder of a mining claim in that portion of land covered by such claim which is available for mineral location under the provisions of this Act.

RIGHTS IN MINING CLAIMS, USE AND SURFACE PROTECTION

Sec. 2. (a) The locators and their successors of all mining locations made after the effective date of this Act shall, subject to section 6 of the Act of August 13, 1954 (30 U.S.C. Sec. 526) and section 4 of the Act of July 23, 1955 (30 U.S.C. Sec. 612), have the exclusive right of possession and use of all the surface included within the boundary lines of their locations necessary for exploration, development, mining, and processing operations and uses reasonably incident thereto, and the exclusive right to explore for, develop, mine, produce and dispose of, and patent all mineral deposits covered by this Act within the vertical planes extended downward along the boundaries of said mining claims. Said exclusive rights of locators of mining claims to the surface and mineral deposits shall be freely alienable and as subject to all encumbrances and transactions as are the rights in other property.

(b) The exercise of said exclusive rights shall be conditioned upon maintaining in effect a good and sufficient bond or undertaking to secure payment of damages to the surface resources and tangible improvements of the United States or, if the land had been patented with a reservation of minerals to the United States, to secure the payment of such damages to the surface resources and tangible improvements of the owner of the land, as may be agreed upon between the owner of the mining claim and the United States or the surface owner or, if agreement cannot be reached, as determined and fixed in an action brought in a court of competent jurisdiction: *Provided, however*, that in the event said bond or undertaking should cease to remain in effect or become insufficient or defective, the exercise of said exclusive rights shall not be affected until the owner of such claim receives written notice thereof from the Secretary of the Interior and is given not less than sixty days from such receipt to correct any defect or obtain a new bond or undertaking. Such bond or undertaking shall be in the form and in accordance with rules and regulations prescribed by the Secretary and in a reasonable amount determined by an authorized officer of the local land office of the Bureau of Land Management having jurisdiction of the land, and during the term of any bond its amount may be increased or decreased by the said designated officer, but in no event shall the amount of the bond be greater than the fair market value of the surface resources and tangible improvements. The bond and any increases in the amount thereof shall be subject to appeal to the Secretary or such officer as he may designate and the decision of the Secretary or such officer shall be appealable to the courts: *Provided, however*, that during any such appeals, the owner of the mining claim shall have the right either to continue all activities upon the mining claim authorized by this Act by posting a bond in the amount or in an increased amount prescribed by an authorized officer, or said owner shall be entitled to suspend on his mining claim all activities for which the bond is required and, in case of such suspension, the annual labor or payment in lieu of labor required under section 5 of this title shall be deferred for each work year during which there is pending any appeal as to any mining claim or group of claims subject to said bond. Such deferred annual labor or payment in lieu of labor shall be performed or paid at the rate provided for in section 6(b) of this title. The owner of the mining claim shall have the right to post a bond in the amount determined by any final appeal. The requirement for bond may be waived by the department head of the Federal agency having jurisdiction over the surface or by the surface owner by filing a waiver with the local land office of the Bureau of Land Management, and the bond for lands owned by the United States shall be waived whenever the owner of mining claims demonstrates that the nature and conduct of his contemplated operations would not under normal circumstances cause significant or lasting damage to the surface resources or improvements. A bond furnished and maintained pursuant to the requirements of any statute, rule or regulation other than this section shall be sufficient if it complies with the requirements of this section.

LOCATING MINING CLAIMS

Sec. 3. (a) Except as otherwise provided in this section, the area contained within the exterior boundaries of a mining claim may be equal to, but shall not exceed eighty acres except that, where the boundary lines of a claim coincide with a tract of land consisting of not more than two contiguous smallest legal subdivisions in one or more sections of surveyed land, which contains more than eighty acres but not more than one hundred (100) acres, such claim may contain the number of acres contained in such tract. A mining claim shall not be located, or created by conveyance of part of another claim, so that it would contain less than twenty acres of land available for mineral location, unless such land is surrounded by lands shown on the Bureau of Land Management records as not available for mineral location: *Provided, however*, that during each full work year any land contiguous to such claim is available for location as shown on the Bureau of Land Management records, the owner of such claim shall expend, to comply with section 5 of this title, whichever is the lesser, the amount required for a mining claim of twenty acres of land available for mineral location or the amount required if the available land had been included in the mining claim.

(b) Where a mining claim is located on land with a found monument, the description of the position of the mining claim shall be tied by a field survey to any such monument. In all other cases, such description shall be tied by a field survey to some other natural object or permanent monument by which such claim can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. The exterior boundaries of each mining claim located on surveyed lands with a found monument shall conform to the lines of a rectangular survey or any one-half subdivisions of any smallest legal subdivision in one or more sections of such survey, notwithstanding that the area within such exterior boundaries may contain conflicting claims and other areas unavailable for location. The boundary description shall be set forth in the location notice of such mining claim and shall determine the position of the boundaries of the claim on the ground. Except where it is necessary to conform to the lines of the public survey, each claim shall be rectangular in shape and its length shall be no greater than four times its width. The boundary lines of each claim located on land without a found monument shall be placed in approximate north to south and east to west directions. Until the locator prepares, and files and records a field survey of his claim as required by paragraphs (c) (4) (i) and (ii) of this section, the boundary lines of a claim located on land without a found monument, as marked on the ground by the corner monuments of the claim, shall, in case of any conflict between the said boundaries marked on the ground and any descriptions of such mining claim, control for the purpose of determining the exterior boundaries of the claim. After a field survey is so filed and recorded, it shall control for the purpose of determining said boundaries.

(c) A mining claim location shall be made in the following manner:

(1) Erect a conspicuous monument at each corner of each claim located on unsurveyed land or on surveyed land without a found monument, and at the northwest corner of each claim located on surveyed land with a found monument, such mining claim monument consisting of a mound of stones not less than two feet in height, or a secure upright post not less than three feet in height above the ground. Where it is impracticable to place a monument in its correct position, or where such monument would interfere with a public land survey monument, a witness monument shall be erected as close as practicable to the corner it witnesses. Each monument shall be marked with the position of that monument on the claim, the name of the claim, and, if it is a witness monument, it shall be marked with a reference to the corner monument it witnesses. A claim shall not be invalid because a monument has been posted on land not available for mineral location.

(2) Post on the northwest corner monument of each claim, or on the witness monument for that corner, a location notice signed by or for the locator which shall contain the following information:

(i) The name of the claim.

(ii) The name and address of the locator.

(iii) The date of location which shall be the date of posting the location notice.

(iv) If the claim is located on unsurveyed lands, or on surveyed lands without a found monument, a description of the location of the northwest corner monument by such reference by course and distance to some natural object or permanent monument so that a reasonably knowledgeable person conversant with the prominent natural objects and permanent monuments in the vicinity can identify the claim, and a description of the boundary lines of the claim. Such description of the boundary lines shall include a statement of the length and the direction of each boundary line of the claim. Such description shall also contain the name of the county or recording district and the State in which the claim is located and the township, range, section, and legal subdivision where such information can be inferred from protracted surveys or from the proximity of surveyed lands.

(v) If the claim is located on surveyed land with a found monument, a statement of the number of acres claimed by the locator, and a precise description of the boundary lines of the claim by reference to the township, range, section and legal subdivision of the public survey, and the county or recording district and the state in which the claim is located.

(3) A signed identical copy of the location notice posted on the claim shall be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and a signed identical copy shall be filed in the land office of the Bureau of Land Management having jurisdiction over the land on which the claim is located. Failure to record and file the notice within thirty days after posting shall cause the claim to be null and void and all rights thereunder shall be forfeited.

(4) With respect to claims located on unsurveyed lands, or on surveyed lands without a found monument, within one hundred eighty days after posting the location notice of mining claim:

(i) If the mining claim has not previously been surveyed, a field survey shall be made of the mining claim. Said survey shall determine the courses and distances of the claim's exterior boundary lines, the number of acres claimed by the locator, and the course and distance from the northwest corner of the claim to a public land survey monument or to a United States mineral monument, if either is found within one mile from any part of the claim, and if not, then to a natural object or permanent monument which would permit a reasonably knowledgeable person conversant with the prominent natural objects and permanent monuments in the vicinity to identify the claim.

(ii) There shall be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and filed in the land office of the Bureau of Land Management having jurisdiction over the land on which the claim is located, a signed location certificate containing the information required by paragraphs (c) (2) (i), (iii) and (iv) of this section, and stating the number of acres claimed by the locator. There shall be drawn on said location certificate a map with a scale of not less than one inch equals one thousand feet showing the position, dimensions and bearings of the claim as determined by the field survey.

Failure to record and file the location certificate within said one hundred eighty days shall cause the claim to be null and void and all rights thereunder shall be forfeited.

(5) Until the location notice for claims located on surveyed lands with a found monument or the location certificate for claims located on all other lands is recorded and filed, any claim located improperly in the manner of posting and monumenting the claim on the ground shall be invalid with respect to any parts of the claim in conflict with claims properly located subsequently by any person without actual notice of the claim, and, notwithstanding the other provisions of this paragraph (5), such rights of said person may be asserted either before or after the location notice or location certificate has been recorded and filed as prescribed by this section. Except as provided by the preceding sentence, after said notice or said certificate has been recorded in the proper county or recording district office and filed in the proper land office of the Bureau of Land Management, the claim covered by said notice or certificate shall not be invalid for any defects in the manner of locating the claim by posting and monumenting on the ground.

(6) For the purpose of satisfying any provision of this Act requiring the statement of the number of acres claimed by the locator within any mining claim, said locator or owner of the claim shall be entitled to rely upon the accuracy and completeness of any of the records and plats maintained by the Bureau of Land Management pursuant to title IV hereof, and no error or omission in such records shall affect the validity of any mining claim.

(d) With respect to the United States and all other persons, the rights of locators of mining claims prescribed by section 2 of this title shall be deemed to have been established when all of the acts prescribed by paragraphs (c) (1) and (2) of this section have been completed.

AMENDMENTS

SEC. 4. A location notice or certificate may be amended at any time to correct errors or omissions in the contents thereof by posting, recording and filing an amended notice or certificate as required by the provisions of section 3 of this title. A mining claim may be amended at any time to correct errors or omissions in the manner of location of the claim and shall be amended when the area claimed or shape thereof is changed in making conveyances or relinquishments of part of the claim or in adding land to the claim. An amendment of a mining claim shall be made by erecting, if necessary, a new monument or monuments, making a new field survey, if necessary, where a field survey is required by law, and posting, recording and filing an amended notice or certificate. Such amendments shall be effective when the amended notice or certificate is recorded and filed and all other acts required by section 3 have been performed, and shall be subject to valid existing rights. The amended notice or certificate shall be signed by or on behalf of the owners of the claim, shall contain all of the information required in the original notice or certificate, and, in addition, shall contain the name and address of the present owners, a statement of the date and place where the original notice or certificate was recorded by reference to the county office or recording district and book and page, the date and place where the original notice or certificate was filed in the Bureau of Land Management by reference to the location of the land office and serial file number or other reference used by the land office, and the purpose of the amendment.

ANNUAL LABOR

SEC. 5. (a) Except for any work year in which a claim is located after July 1 but prior to the end of such work year, no less than the following amounts shall be expended during each work year for each acre of land available for mineral location and contained within a mining claim which is held pursuant to the provisions of this Act for labor, materials, surveys, improvements and activity of any kind which would tend to discover or tend to facilitate the development, mining or processing of mineral deposits within the claim:

(i) Five Dollars per acre per work year during the first five work years for which annual labor is required;

(ii) Ten Dollars per acre per work year during the second five work years for which annual labor is required;

(iii) Fifteen Dollars per acre per work year during the third five work years for which annual labor is required;

(iv) Twenty Dollars per acre per work year thereafter.

Work may be performed by anyone having an interest in the claim and such work may be applied in satisfaction of all or part of such requirement, to the extent of the reasonable cost of having such work performed by others. Such expenditures and work are referred to as "annual labor". Annual labor may be performed on or for the benefit of any part of a mining claim or a contiguous group of mining claims by anyone having an interest therein and shall be deemed to be for the benefit of each such mining claim and all of the mining claims within the contiguous group, provided that all such claims are so located that the entire area of such contiguous group can be contained within the exterior limits of four square miles and such area larger than four square miles to the extent that any smallest legal subdivision of surveyed land within the contiguous group contains more than forty acres.

(b) At his election, anyone having an interest in any mining claim or claims, in lieu of performing annual labor may pay into the Treasury of the United States an amount equal to all or any portion of such annual labor not actually performed, hereinafter referred to as "payment in lieu of labor," and such payment in lieu of labor shall satisfy the requirements of this section. Annual labor and payment in lieu of labor made after the effective date of this Act on or for a claim or a contiguous group of claims during any one work year in excess of the amount of annual labor required for those claims during that year may be applied during subsequent work years to satisfy the annual labor for the same claims. All annual labor required by this Act made by or for the benefit of owners shall be applicable to the benefit of their successors in interest to satisfy all of such annual labor requirements.

(c) The owner or holder of mining claims shall have the exclusive rights provided by this Act: (1) during the work year in which the claim is located; (2) during the work year following the work year in which a claim is located after July 1 but prior to the end of such work year; and (3) during the work year subsequent to each work year in which annual labor is performed or payment in lieu of labor is made in accordance with the provisions of this section.

(d) Whenever annual labor is required for less than a full work year, the amount thereof shall be reduced proportionately. In the event annual labor is required for any part of a month, it shall be required for the full month.

(e) Before the end of each work year, the owner of a mining claim shall file or cause to be filed in the Bureau of Land Management Office where the location notice of the mining claim was filed, an affidavit that annual labor has been performed or payment in lieu of labor made for that work year containing the following information:

(i) The name and address of the claim owner,

(ii) The name, the book and page of recordation in the county or recording district, and the Bureau of Land Management serial file number of the location notice or certificate of the claim or claims to which the annual labor of payment in lieu of labor was applied,

(iii) The monetary amount of the annual labor or payment in lieu of labor,

(iv) The places where the annual labor was performed,

(v) The dates during which such annual labor was performed and a statement that the same annual labor or payment in lieu of labor has not previously been applied toward the satisfaction of the requirements of this section,

(vi) A description of the annual labor actually performed, and

(vii) The name and address of the person or persons doing the annual labor.

Reproduced copies of receipts, canceled checks, or other supporting documents evidencing the performance of said annual labor or payment in lieu of labor shall be submitted with said affidavit or, within thirty days after the end of each work year, by supplemental affidavit containing the information required by item (iii) of this paragraph. Failure to file copies of such receipts, checks, or other supporting documents shall be prima facie evidence that the annual labor has not been performed and payment in lieu of labor has not been made. If both, the affidavit of annual labor and the reproduced copies of receipts, canceled checks, or other supporting documents evidencing the performance of said annual labor or payment in lieu of labor, are filed in the manner and within the times required by this paragraph (e), they shall constitute prima facie evidence that the annual labor was, in fact, performed or payment in lieu of labor was, in fact, made.

(f) In the event the annual labor and payment in lieu of labor required by this section have been deferred or exempted for any reason authorized by this title, the claim owner shall file a notice thereof in lieu of such affidavit of annual labor or payment in lieu of labor. Said notice shall be filed in the same manner, place, and within the same time as required by paragraph (e) of this section for said affidavits, shall contain the same information required by subparagraph (e) (i), (ii), (iii), and (iv), and shall state the cause for the deferment or exemption.

(g) Any claim for which no such notice of deferment or exemption or affidavit of annual labor or payment in lieu of labor was filed before the end of any work year shall be void and all rights to it shall be forfeited upon the expiration of said work year. Unless deferred or exempted for any reason authorized by this title, the failure in any work year to perform the annual labor or make the payment in lieu of labor required by this section, or the filing of a substantially insufficient affidavit or one containing a materially false statement, shall cause the mining claim and the holder's interest in it to be voidable by a proper proceeding brought within one hundred eighty days after the end of such work year in accordance with rules which shall be established by the Secretary of the Interior, and diligently prosecuted against such holder by the United States or by a person asserting a present legal interest in the minerals in any land covered by such claim: *Provided, however,* That no claim for which an affidavit has been timely filed shall be voidable if the holder can prove the annual labor was performed or payment in lieu of labor was made as required by this section: *And provided further,* subsequent to said one hundred eighty day period, no such mining claim for which an affidavit has been timely filed, shall be voidable for failure to comply with the provisions of this section. In the event a claim is declared void in any such proceeding, it shall be void as of the expiration of the work year for which annual labor was not performed or payments in lieu of labor were not made. During the course of any such proceedings and until the final appeal therefrom has been decided, the person asserting such present legal interest shall not be required to perform the annual labor or make payment in lieu of labor required by this section with respect to the lands in dispute: *Provided, however,* That if such person prevails in the final appeal of such proceedings, he shall perform or pay during the work years subsequent to the work year in which the final appeal was decided, such annual labor or payment in lieu of labor which have accrued since his asserted interest was created, and his performance of such accrued annual labor and his payment in lieu of labor shall be made during each such subsequent year in addition to, and in an annual amount not less than, that which is otherwise required during such subsequent work years pursuant to this section. With respect to any lands in dispute to which the claim holder is determined by a final appeal of such proceedings not to have the right, any payment in lieu of labor made by such claim holder during said proceedings and appeals pursuant to this section attributable to such lands shall be repaid to him by the United States within sixty days after the decision of such appeal becomes final.

(h) The owner of a mining claim may eliminate or convey lands from his claim, and, with respect to such lands, he shall be relieved of the requirement to expend the amounts prescribed by paragraph (a) of this section for the work year in which such lands were conveyed or eliminated to the extent provided by paragraph (d) of this section, and for every year subsequent to any work year in which the locator eliminated or conveyed such lands from his claim. The owner of a mining claim may add lands to his claim and the work year and rate of expenditures for such added lands shall be the same as that prescribed by paragraph (a) of this section for the claim. For the work year in which such lands are added to a claim, the owner shall be required to perform the annual labor or make payment in lieu of labor on or for such added lands in the amount provided by paragraph (d) of this section. For the purpose of eliminating any lands from or adding lands to his claims, the owner shall file and record an amended location notice or an amended location certificate.

(i) At the time an application for mineral patent is filed pursuant to section 9 of this title or at the time a plan of development is filed pursuant to section 7 of this title, and during the course of any proceedings thereon until the final appeal therefrom has been decided, the applicant shall not be required to perform annual labor or make payment in lieu of labor required by this section with respect to the lands covered by such application or plan. Withdrawal of an application for patent or final determination that the applicant is not entitled to a patent shall not invalidate any mining claim covered by the application if annual labor or payment in lieu of labor is resumed not later than the next work year at the rate which would have been applicable if the annual labor requirement had not been suspended, and if not later than the end of such next work year additional annual labor is performed or payment is made in the amount accrued during the period for which no annual labor was performed and an affidavit is filed in accordance with the provision of section 5.

DEFERMENT OR EXEMPTION OF ANNUAL LABOR

SEC. 6. (a) The performance of annual labor and payment in lieu of labor required under the provisions of section 5 of this title to be made during each year, may be deferred by the Secretary of the Interior as to any mining claim or group of claims upon the submission by the owner of evidence that the title or right to such mining claim or group of claims is in litigation or that such mining claim or group of claims is surrounded by lands over which a right-of-way has been denied or is in litigation or is in the process of acquisition under State law or that other legal impediments exist which affect the right of the claimant to enter upon the surface of such claim or group of claims or to gain access to the boundaries thereof. The period for which said deferment may be granted shall end when the conditions justifying the deferment have been removed. If such right-of-way, access or use of the claim is withheld, denied or caused to be denied or caused to be denied by an officer or agency of the United States or of any state or local government, all parties who would otherwise be required to perform annual labor or make payment in lieu of labor shall be exempted from such requirement for the period during which such right-of-way, access or use is denied or withheld.

(b) Except in the case of deferment because an officer or agency of the United States or of a state or local government has withheld, denied or caused to be denied, a right-of-way, access, or use as aforesaid, all annual labor or payment in lieu of labor deferred as authorized by this section shall be performed or paid during the work years next subsequent to the work year in which the cause for deferment was removed, and such performance or payment shall be made during such subsequent years in addition to, and in an annual amount not less than, that which is otherwise required during such subsequent work years pursuant to section 5 of this title.

QUALIFICATION FOR PATENT

SEC. 7. (a) The owner of a mining claim under the title III hereof shall be entitled to a patent therefor:

(i) If it contains a valuable mineral deposit, in which event it shall be sufficient for a valuable mineral deposit to have been discovered at any single point on land held by the claim notwithstanding that such claim may contain or be intersected by lands not held by the claim; or

(ii) If the owner of the claim has filed a plan of development with the Secretary of the Interior, such plan has been approved by the Secretary, and equipment and facilities have been acquired and installed in substantial compliance with such plan of development or approved amendments thereof.

(b) A valuable mineral deposit, as used in this section 7, is one which would justify a person of ordinary prudence in performing work or making expenditures on or for the benefit of the claim or claims containing such deposits with reasonable expectation of developing a profitable mining operation. A valuable mineral deposit shall exist in the mining claim, although the expectation of obtaining a profitable mining operation is based on mineral deposits only part of which are in the mining claim.

(c) A plan of development may cover a mining claim or claims, and shall show:

(i) The known and inferred boundaries of the mineral deposit, the quantities and grades of proven and probable mineral reserves contained therein, and the test results and data from which such information is derived,

(ii) The planned location of excavations, tunnels, surface facilities, and all other uses of the surface and subsurface of the mining claims,

(iii) A description of the types and capacities of the equipment and facilities which the owner anticipates using to mine the mineral deposit,

(iv) The contemplated time schedule of each phase of mine development, facility and plant construction, and commencement of mineral production,

(v) An estimate of the total investment to be made before mineral production is commenced,

(vi) A designation, by survey or by legal subdivision description of the contiguous or noncontiguous tracts of land owned by the United States outside the exterior boundaries of the mining claim which the claim owner selects for purchase under section 1 or for exchange under section 2 of title V hereof, and a description of the planned uses which will be made of each such tract in connection with the development, mining and processing operations for the mining claim, and

(vii) The manner in which compliance with Federal, State, and local laws and regulations relating to the protection of the environment will be effectuated.

The plan or amended plan may be disapproved by the Secretary only if it does not constitute a method by which the mineral deposit can be extracted by an operator operating in good faith and in compliance with all applicable laws, or if the lands described in item (vi) are not reasonably necessary with respect to quantity or location for mining or processing operations or uses reasonably incident thereto. The plan or amended plan shall be deemed approved in writing by the Secretary within 180 days after it is filed and such written disapproval sets forth in detail the reasons for disapproval. Applicant may submit an amended plan at any time and from time to time, whether or not the original plan or a prior amended plan has been approved by the Secretary, and each such plan shall be considered by the Secretary as an original plan, or in the event the Secretary disapproves a plan or amended plan, applicant may appeal to the United States District Court for the district in which any claim covered by the plan is situated for a review of the Secretary's action.

The filing of a plan or amended plan of development shall have the effect of segregating the lands designated by the claim owner pursuant to item (vi) of this paragraph (c) from all other uses and appropriations inconsistent with the contemplated uses incident to mining or processing operations. Such segregation shall remain in effect for the periods during which the plan of development is being considered by the Secretary, during any appeal from the decision of the Secretary, and during any time the claim owner is proceeding under an approved plan of development. At any time after the plan of development is approved by the Secretary the claim owner shall have the right to the exclusive use of such lands for purposes of carrying out the plan of development, and upon the acquisition and installation of the equipment and facilities pursuant to such plan the claim owner shall have the exclusive right to acquire such lands and shall acquire such lands by exchange pursuant to section 2 of title V hereof, or, at his election, by purchase at their appraised fair market value. At any time atfer the plan of development is approved by the Secretary, the claim owner may file an application for patent pursuant to section 9 of this title, and proceed in accordance with that section.

(d) An application for patent may be based upon either a discovery of a valuable mineral deposit, or a plan of development, or both, and any application for patent may be withdrawn or amended at any time. The action of the Secretary in denying any application for patent may be appealed to the United States district court as herein provided. When an application for patent is withdrawn or a final determination is made that an applicant is not entitled to a patent, a new application may not be filed for any of the claims covered by such application until all suspended annual labor requirements have been performed or payments in lieu of labor have been made as provided in section 6. The purchase price for lands covered by a mineral patent shall be at the rate of $50 per acre for the mineral deposits plus the appraised fair market value of the remaining interests in the land owned by the United States exclusive of and without regard to the mineral deposits.

RIGHTS GRANTED BY MINERAL PATENT

SEC. 8. A mineral patent shall grant to the patentee and his successors in interest the title to the mineral deposits which are within the boundaries of the mining claim extended downward vertically and the title to the remaining interests in the lands owned by the United States subject to reserved royalty in the United States provided in section 10 of this title.

PROCEDURE TO OBTAIN PATENTS

SEC. 9. (a) The owner of a mining claim located on unsurveyed lands, or a mining claim which contains lands unavailable for mineral location, or a mining claim the exterior boundaries of which do not conform to the lines of the public survey, or a mining claim located on surveyed lands without a found monument, may file in the proper land office an application, under oath, together with a survey plat of the claim or claims owned in common, made by or under the direction of the United States Chief Cadastral Engineer, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground and said monuments shall at all times after patent constitute the highest authority as to what land is patented. The owner of a mining claim located on surveyed lands, which does not contain lands unavailable for mineral location, and the exterior boundaries of which conform to the lines of any rectangular legal subdivisions of such survey or any one-half subdivisions of any smallest legal subdivision of such survey, may file in the proper land office, without a survey plat, an application, under oath, describing the boundaries of the claims according to the township, range, section, and legal subdivision, and said description shall at all times after patent constitute the highest authority as to what land is patented.

(b) Previous to the filing of the application for a mineral patent, a copy of such survey plat, if required, together with a notice of such application for a mineral patent, shall be posted in a conspicuous place on the land embraced in such notice of application, and an affidavit of at least two persons that such notice has been duly posted, and a copy of the notice shall be filed in such land office, and the applicant shall thereupon be entitled to a patent to the mineral deposits and the remaining interests in the land owned by the United States in the manner following: The manager of the land office, upon the filing of such application, survey plat, notices, and affidavits, shall publish once per week for a period of eight successive weeks in a newspaper of general circulation to be by him designated as published nearest to such claim, a notice that such application has been made; and he shall also post such notice in his office for the same period. At the time of filing this application, or within sixty days thereafter, the applicant shall file with the manager a certificate of the United States Chief Cadastral Engineer that the survey plat, if required, is correct, with such description by reference to natural objects or permanent monuments as shall identify the claim accurately, to be incorporated in the patent. At the expiration of the sixty days of publication the claim owner shall file an affidavit, showing that such plat, if required, and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the manager of the proper land office at the expiration of the sixty days of publication, and if the applicant otherwise meets the requirements of this Act, he shall be entitled to a patent to the mining claim, upon the payment of the Treasury of the United States of the amounts prescribed by Section 7(d) of this title; and thereafter no objection from third parties to the issuance of a patent shall be heard. The application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

(c) The United States Chief Cadastral Engineer may appoint in each land district as many competent surveyors as shall apply for appointment to survey mining claims. The expenses of the survey of claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to employ any United States deputy surveyor to make the survey. To the end that the Director may be fully informed on the subject, each applicant shall file with the manager a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid to the manager of the land office which statement shall be transmitted, with the other papers in the case, to the Director of the Bureau of Land Management.

(d) Any applicant for a mineral patent may include in his application the lands segregated under section 7(c) (vi) of this title to be acquired pursuant to title V hereof.

ROYALTY

SEC. 10. (a) There shall be paid to the United States with relation to minerals extracted from mining claims located pursuant to title III hereof, a royalty of 2 per centum of the mine value of said minerals. Mine value of the minerals extracted shall be the proceeds from the sale of such minerals less: (i) all costs incurred, both direct and indirect, including depreciation and amortization, for processing, transportation, and selling, of said minerals from the mine to the point of delivery to the purchaser thereof; (ii) reasonable profit attributable to such processing, transportation, and selling; and (iii) all taxes (other than Federal income taxes) paid or accrued upon the production thereof. In the event that the owner demonstrates that the value of a product can be determined at a stage in the processing prior to the sale, the mine value shall be the value of the product at such stage, rather than the sale price of the product sold, less: (i) all costs incurred, both direct and indirect, including depreciation and amortization, for processing and transportation up to and including the stage at which such value is established; (ii) reasonable profit attributable to such processing and transportation; and (iii) all taxes (other than Federal income taxes) paid or accrued upon the production thereof. In no event shall the royalty payable hereunder for any calendar year exceed 5 percent of the net mining income for such year allocable to the mineral for which said royalty is payable. Net mining income shall be the mine value of such mineral as determined hereunder less all costs incurred, both direct and indirect for mining the same.

(b) Payment of royalty shall be made by the owner of the claim to the United States within 90 days following the end of the calendar quarter in which the mineral extracted is sold or in which the value thereof is otherwise established by the owner in accordance with this section. Excess royalty payments shall be refunded promptly.

(c) In the event the owner of a mining claim subject to this section fails or refuses for a period greater than 30 days to pay the royalty required by this section, the Secretary of the Interior may enforce such payment by bringing an action in the United States District Court for the district in which the owner resides or in which the mining claim is located. If the owner and the Secretary cannot agree as to the amount of the royalty, such amount shall be determined by an action brought in the United States District Court for the district in which the owner resides or in which the mining claim is located, and the owner shall have the right to continue mineral production while such determination is being made. In an action brought pursuant to this section, upon a showing by the Secretary that it is necessary for the interests of the United States to be protected, the court may require the owner to post a bond or deposit securities or cash sufficient to secure the payment to the United States of the amount of accumulated royalties to which it may be found to be entitled.

(d) Nothing in this section shall be construed to require that mineral production from any mining claim subject to this section be commenced or continued, and no right in any such mining claim shall be affected by the failure to commence or continue to produce minerals therefrom.

(e) Royalties under this section shall be deductible as ordinary and necessary business expenses under the income tax laws of the United States when paid or accrued.

(f) Each patent issued under title III hereof shall contain a reservation of the royalty provided for herein.

ADVERSE CLAIMS

SEC. 11. Where an adverse claim is filed during the aforesaid eight week period of publication provided in section 9(b) of this title, it shall be upon oath of the person making the same, or his authorized agent or attorney in fact, and shall show the nature, boundaries and extent of such adverse claim, and the proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim is waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine his asserted rights, and prosecute the same with reasonable diligence to final judgment, and failure to do so shall be a waiver of his adverse claim. After such final judgment shall have been rendered, each party determined to have the right to the mining claim or any portion thereof, may, without giving further notice, proceed as otherwise required by section 9 of this title, and a patent shall issue thereon for the mining claims or such portion thereof to the parties as they shall appear, from the decision of the court, to be entitled. Nothing herein contained shall be construed to prevent the alienation of the title by a patent to any person whatever.

APPLICABILITY OF ENVIRONMENTAL LAWS; LIMITATION ON USE AND REVERTER

SEC. 12. (a) Nothing in this Act shall be deemed to exempt the owner of a mining claim from applicable Federal, State and local laws relating to the protection of the environment.

(b) Any land acquired under this title or title V shall be used only for mining, mineral exploration, development, processing, or uses reasonably incident thereto. A patentee or his successor may not use the land or permit it to be used for any other purpose, except with the consent of the Secretary. If the land is used for any unauthorized use and such use is not discontinued within ninety days after the Secretary gives the patentee or his successor written notice to discontinue such unauthorized use, title to the land shall revert to the United States. At any time the Secretary determines that continuance of the reverter serves no public purpose, he may release to the patentee or his successor the possibility of reverter to the land held by the United States without receipt of any consideration for such release. Each patent to land acquired under this title or title V shall state that it is subject to the provisions of this paragraph.

TITLE IV. BUREAU OF LAND MANAGEMENT RECORDS

DOCUMENTS FILED; RECORDS MAINTAINED

SECTION 1. (a) The Secretary of the Interior shall maintain in each local land office of the Bureau of Land Management, in addition to the public files and records maintained before the date of this Act, the public files and records required by this title for mining claim documents, as hereinafter defined, for mining claims on lands within the respective jurisdictions of said offices, and shall perform the other duties in connection with such files and records required by this Act.

(b) "Mining claim documents" as used herein means: declarations of interest, location notices, location certificates, affidavits of, and notices of deferment or exemption from, annual labor and payment in lieu of labor filed pursuant to title II or title III of this Act, applications for mineral patents, mineral patents, and amendments to each of the aforesaid documents.

(c) The Secretary shall require each local land office as to lands within its jurisdiction to maintain the following records and files, to make the following entries therein and thereon, to keep all mining claim documents in appropriate permanent files, and to do such other things as are required by this title:

(1) Each declaration of interest filed pursuant to title II and each mining claim location notice filed pursuant to title III of this Act shall be assigned a serial number by the land office at the time of filing.

(2) A daily reception record shall be maintained upon which the local land office shall immediately upon the filing of a mining claim document enter the day, hour, and minute of filing, showing in such record the serial number of the location notice or declaration of interest affected, and noting on each such document the day, hour, and minute of filing, which shall be deemed to be the time of record.

(3) A serial register and a separate permanent file under the same serial number as the serial register shall be maintained for each such locatiton notice filed under title III or declaration of interest filed under title II. The local land office shall, when a mining claim document is filed, immediately enter on the serial register the date of filing and a description of the document filed. Any such document so filed shall be immediately placed in the appropriate permanent file; if more than one such file is affected a duplicate of such instrument or appropriate written cross reference by serial number shall be placed in each such file.

(4) Each local land office shall maintain a mining claim plat of all lands available for mineral location for each surveyed and unsurveyed township within its jurisdiction on which shall be shown the serial number of the location notice or declaration of interest filed for, and the boundaries of, each mining claim that is currently maintained.

(5) A new serial number may be assigned to a location notice, declaration of interest, or amendment thereof for all or any portion of a mining claim, in which event the local land office shall make a new serial register and separate permanent file for the new number and make appropriate entry on the serial register for the prior serial number showing the new number and shall also immediately enter the new number on the mining claim plat.

(d) The Secretary of the Interior shall have ninety days after the effective date of this Act to comply with the provisions of this section.

FILING FEES; RECORDS OPEN TO PUBLIC

SEC. 2. (a) The Secretary, after public notice in the Federal Register as to amounts and after a reasonable period of time during which interested parties may submit recommendations, shall fix and establish reasonable fees to be charged by local land offices in connection with filing of mining claim documents and issuance of certified copies thereof.

(b) Each mining claim document which is filed with the local land office, and as to which the prescribed fee is tendered, shall be accepted for filing. The notations with respect thereto shall be made promptly as hereinabove provided.

(c) The records and files required by this section to be maintained, or photographic or microphotographic copies thereof, shall be public records open to inspection during office hours in the respective local land offices. Upon request and upon payment of the prescribed fee, the local land office shall furnish, or permit to be made, an exact copy or reproduction accurately showing such document in all details, and the Secretary, or someone delegated by him, shall, upon request, certify or authenticate that any such copy is a true and correct copy of the original document.

(d) No local land office shall receive a mining claim document for filing or make any entry on the records with respect thereto, or furnish a certified or authenticated copy of any filed document or records pertaining thereto, unless the prescribed fee for such filing or certified copy, as the case may be, shall have first been tendered.

(e) Nothing herein shall be construed as requiring any document respecting mining claims which was prepared prior to the effective date of this Act to be filed hereunder, nor shall any right be adversely affected for failure to file such prior document pursuant to this section.

TITLE V. ACQUISITION OF LANDS

Section 2337 of the Revised Statutes (30 U.S.C. sec. 42) is repealed and the following sections are added:

PURCHASE

SECTION 1. The Secretary of the Interior is authorized to sell, upon the application of any person holding an interest in a mineral deposit whether acquired from the United States or otherwise, any other land owned by the United States, whether it be mineral or nonmineral in character, which the applicant demonstrates is reasonably necessary for any mining or processing operations with respect to such mineral deposit or uses reasonably incident thereto. The land shall be sold to such applicant at its appraised fair market value.

EXCHANGE OF LANDS

SEC. 2. (a) When the development of mineral resources will be promoted thereby, the Secretary of the Interior is authorized to accept on behalf of the United States, title to any interest in privately owned lands in exchange for conveyance of any interest in surveyed or unsurveyed public land or land previously acquired by the United States in any state. In the event the lands or interests in lands involved in the exchange are not equal in value, a cash consideration to compensate for the unequal value based upon the appraised fair market value of the land may be paid or received by the United States, as the case may be. For the purpose of effecting exchanges, the identification and area of unsurveyed lands may be determined by protraction or otherwise. The character of the lands to be exchanged may be either mineral or nonmineral.

(b) Before any such exchange under this section shall be effected, notice of the contemplated exchange, describing the lands and the interests in the lands involved, shall be published by the Secretary of the Interior once each week for four sucessive weeks in a newspaper of general circulation in each county in which the lands to be accepted by the United States are situated, and in the same manner in some like newspaper published in each county in which the lands to be conveyed by the United States in such exchange are situated. Lands conveyed to the United States under this section shall, upon acceptance of title, become public lands available for mineral location and mineral leasing. No fee shall be charged for any exchange of land made under this section except the cost of publishing the notice of a proposed exchange as herein provided.

SEC. 3. Any land acquired under this title shall be subject to all of the provisions of Section 11 of title III of this Act.

TITLE VI. RESERVED MINERALS

SECTION 1. That section 2 of the Act of June 17, 1949 (30 U.S.C. sec. 54) is amended to read as follows:

Sec. 54. Liability for damages by mineral activities on lands patented with minerals reserved to the United States.

Notwithstanding the provisions of any Act of Congress to the contrary, any person who hereafter prospects for, develops, mines, or removes any minerals from any land included in a patent from which such minerals were reserved to the United States, shall be liable for any damages to the surface resources and tangible improvements thereon of any nature and purpose, caused by such prospecting for, development, mining, or removal of minerals. Nothing in this section shall be considered or construed to impair any vested right in existence on the date of this Act.

COMMON VARIETIES

SEC. 2. That section 3 of the Act of July 23, 1955 (30 U.S.C. sec. 611) is hereby amended to read as follows:

Sec. 611. Common Varieties of Sand, Stone, Gravel, Pumice, Pumicite or Cinders and Petrified Wood.

(a) No deposit of common varieties of sand, stone, gravel, pumice, pumicite, or cinders and no deposit of petrified wood shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States so as to give effective validity to any mining claim hereafter located for such common varieties under such mining laws: *Provided, however,* That nothing herein shall affect the validity of any mining location based upon discovery of some other mineral occurring in or in association with such a deposit. "Common varieties" as used in sections 601, 603, and 611–615 of this title, include deposits of such materials which are primarily valuable as construction materials but do not include so-called "block pumice" which occurs in nature in pieces having one dimension of 2 inches or more and deposits of such materials which are commercially valuable for use in manufacturing, industrial, or processing operations, such as, but not limited to, gypsum, silica, sand, limestone suitable in the production of cement, and metallurgical or chemical-grade limestone. "Petrified wood" as used in Sections 601, 603, and 611–615 of this title means agatized, opalized, petrified, or silicified wood, or any material formed by the replacement of wood by silica or other matter.

SURFACE MANAGEMENT

SEC. 3. That sections 5 and 6 of the Act of July 23, 1955 (30 U.S.C. secs. 613, 614) shall be repealed five years after the effective date of this Act, and section 4 of said Act (30 U.S.C. sec. 612) is hereby amended to read as follows:

§ 612. Surface Management

(a) As used in this section, the term "mining claim subject to this section" shall mean all mining claims prior to issuance of patent located after July 23, 1955. Any mining claim subject to this section shall not be used for any purposes other than prospecting, mining or processing operations and uses reasonably incident thereto.

RESERVATIONS IN THE UNITED STATES TO USE OF THE SURFACE AND SURFACE RESOURCES

(b) Rights under any mining claim subject to this section shall be subject to the right of the United States to manage and dispose of the vegetative surface resources thereof and to manage other surface resources thereof (except mineral deposits subject to location under the mining laws of the United States). Any such mining claim shall also be subject to the right of the United States, its permittees, and licensees, to use so much of the surface hereof as may be necessary for such purposes or for access to adjacent land: *Provided, however,* that any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto: *Provided further,* That nothing in sections 601, 603, and 611–615 of this title shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian relating to the ownership, control, appropriation, use and distribution of ground or surface waters within any mining claim subject to this section.

SEVERANCE OR REMOVAL OF TIMBER

(c) Except to the extent required to provide clearance for the mining claimant's prospecting, mining or processing operations and uses reasonably incident thereto, or to the extent authorized by the United States, no claimant of any mining claim subject to this section shall, sever, remove, or use any vegetative or other surface resources thereof which are subject to management or disposition by the United States under subsection (b) of this section.

MINING ON POWER SITE WITHDRAWALS

SEC. 4. That section 4 of the Act of August 11, 1955 (30 U.S.C. sec. 623) is repealed and subsection (b) of Section 2 of said Act (30 U.S.C. sec. 621(b)) is amended to read as follows:

(b) The locator of a mining claim under this chapter, however, shall conduct no mining operations for a period of sixty days after the filing of a location notice pursuant to section 3 of title III of the Mineral Development Act of 1971. If the Secretary of the Interior, within said sixty day period, notifies the locator by registered mail or certified mail of the Secretary's intention to hold a public hearing to determine whether mining operations would substantially interfere with power development or power site uses of the land included within the mining claim, mining operations on that claim shall be further suspended until the Secretary has held the hearing and has issued an appropriate order. The order issued by the Secretary of the Interior shall provide for one of the following: (1) a complete prohibition of mining; (2) a permission to engage in mining upon the condition that the locator shall, following mining operations, reclaim the surface of the claim; or (3) a general permission to engage in mining. No order by the Secretary with respect to such operations shall be valid unless a certified copy is filed in the same State or county office in which the locator's location notice has been filed in compliance with the United States mining laws.

The Secretary shall establish reasonable rules and regulations concerning bonds and deposits with respect to the reclamation of mined lands. Moneys received from any bond or deposit shall be used for the reclamation of the surface of the claim involved, and any money received in excess of the amount needed for the reclamation of the surface of that claim shall be refunded.

Nothing in this section shall affect the requirements of the Act of August 11, 1955 (30 U.S.C. secs. 621–625) applying to mining claims located before the effective date of the Mineral Development Act of 1971.

TITLE VII. ADMINISTRATION

The provisions of this Act shall be administered in conformity with the Administrative Procedure Act.

SECTION-BY-SECTION ANALYSIS, MINERAL DEVELOPMENT ACT OF 1971

This is a bill to establish a system for the development of mineral resources on public lands of the United States.

TITLE I

SECTION 1 recites the short title.

SEC. 2 recites the purpose of the bill to be to develop certain mineral resources of the public lands of the United States consistent with Congressional policy as expressed in the Mining and Minerals Policy Act of 1970.

SEC. 3 contains definitions of nine terms used in the bill: (1) "Lands available for mineral location" are the public lands, including lands containing reserved minerals, to which the 1872 mining law now applies, but not including areas presently covered by mining claims, perfected by a mineral discovery or other claims for which a declaration of interest has been filed so long as the claims are maintained in accordance with Title II of this bill, except such areas are subject to location of a mining claim pursuant to Title III by the owner of mining claims covering such areas which are or could be maintained under Title II; (2) "Mineral Deposits covered by this Act" are the mineral deposits to which the 1872 mining law now applies; (3) "Smallest legal subdivision" is a 40-acre surveyed tract consisting of a quarter-quarter section; (4) "Work year" is the one-year period commencing at noon on September 1; (5) "Remaining interests in land owned by the United States" are all interests in such land including those substances deemed not to be a valuable mineral deposit by the Multiple Surface Use Act of 1955 but not including certain Leasing Act minerals; (6) "Surveyed lands" are lands surveyed by the United States, and "unsurveyed lands" are those which have not been so surveyed; (7) "Lands with a found monument" are surveyed or unsurveyed lands on which a locator finds a U.S. survey monument or mineral monument within one mile from any part of the claim, and "Lands without a found monument" are lands on which no such monument is found; (8) "Field survey" is a survey at least as accurate as a transit or plane table survey; (9) "Citizens of the United States" are native-born or naturalized citizens, corporations organized under the laws of the United States or any state or territory, and associations of such persons and corporations.

TITLE II

This Title relates to mining claims and millsites located under the 1872 act, prior to the effective date of this bill.

SEC. 1 provides that such mining claims and millsites are null and void unless an application for patent or a declaration of interest is filed within three years. A declaration of interest may be filed for a mining claim whether or not there has been a discovery of a valuable mineral deposit. The land covered by a claim will be subject to location by a new claim under this bill unless a declaration is filed within one year or there has been a discovery, or in the case of a millsite, unless the millsite is on nonmineral land and is then being used for a millsite purpose. Any person having an interest in a claim may file the declaration of interest. The declaration of interest must show the names and addresses of the owners, and a description of the claims, including acreage. Except for placer claims already located to conform to the public survey, the declaration must be accompanied by a map prepared from a field survey showing the position of the claims. If the description is insufficient, the Secretary of Interior may require additional information. Such claims may be perfected by a discovery at any time within five years, but if the United States has specific need for any limited area of land, claims on that land may be contested and declared null and void if not then perfected by a discovery or, in the case of millsites, if the millsite is not then valid. Claims for which a declaration of interest is filed are subject to the annual labor requirements of this bill, and will be void if such requirements are not met.

SEC. 2 provides that claims for which a declaration of interest has been or may be filed will be void five years after the effective date of this bill unless an application for patent is then pending. If the application is denied, the owner will have the exclusive right for 180 days thereafter to locate a mining claim pursuant to Title III for the lands covered by the application which was denied. Owners of such claims are entitled to a patent under the 1872 law if they meet the requirements of that law.

TITLE III

This Title relates to location of new claims after the effective date of the bill. It repeals applicable provisions of the general mining law of 1872 and certain acts amendatory or supplemental thereto, and enacts a new mining law.

SEC. 1 provides that, subject to the reserved royalty in the United States provided in Section 10 of Title II, all mineral deposits covered by this Act in lands available for mineral location (as those terms are defined in Title I) shall be open for exploration, development, mining, production and disposition, and patent, and said lands shall be open to ingress, egress, occupation, and use for mineral purposes, and to patent by citizens of the United States (as that term is defined in Title I) and those who have declared their intention to become such. No person who holds an interest in a claim can relocate the same land for two years unless annual labor has been performed on the land for the period, and an affidavit is filed prior to relocating the land, and in that event, the amount of annual labor as to the relocated portion shall be the same as if it were covered by the original claim. To the extent that a mining claim purports to cover land not available for mineral location, it is void as to said portion.

SEC. 2 provides that locators of mining claims shall have the exclusive right of possession and use of all the surface of the claims for exploration, development, mining, and processing operations and uses reasonably incident thereto, and the exclusive right to explore for, develop, mine, produce and dispose of, and patent the mineral deposits within the vertical planes of the claim boundaries. The rights to the use of the surface are subject to the provisions of the Multiple Surface Use Act of 1955 and the Multiple Mineral Development Act of 1954. All rights of locators are freely alienable and subject to the encumbrances and transactions as are the rights in other property. The locator or holder of the claim is required to maintain in effect a bond to secure a payment of damages to the surface and tangible improvements, in an amount determined by the Bureau of Land Management, but in no event greater than the fair market value of the surface resources and tangible improvements. The bond and the amount of the bond are subject to appeal to the Secretary and the Courts, but during the appeal the owner of the mining claim has the right to continue all activities upon the claim by posting a bond in the amount specified or he may suspend all activities on the claim and his annual labor requirement will be deferred during the period of the appeal. The federal agency having jurisdiction may waive the requirement of the bond if the owner of the claim demonstrates that there will not be significant or lasting damage to the surface resources or improvements. A bond furnished under any other statute or regulation will be sufficient if it meets the requirements of this bill.

SEC. 3 provides that a mining claim shall contain not less than 20 acres nor more than 80 acres, except where necessary to conform to the lines of a public survey, and the minimum size is subject to the exception that isolated tracts of land available for mineral location may contain less than 20 acres.

If there is a found monument, the description of the claim shall be tied by a field survey to the monument. Otherwise, the description must be tied by a field survey to some other natural object or permanent monument by which the claim can be identified by a reasonably knowledgeable person conversant with such natural objects and permanent monuments in the vicinity. On surveyed land with a found monument the boundaries must conform to lines of a rectangular survey, even though the area within such boundaries may contain conflicting claims and other areas unavailable for location. The claim must be rectangular in shape and its length no greater than four times its width. If there is no found monument the boundary lines must run generally east and west and north and south. When there is no survey of the claim, the monuments on the ground control the positions of the boundaries, but after a survey is made, if one is required, the survey controls over the monuments.

A location is made by erecting a monument at each corner of a claim on unsurveyed land or on surveyed land without a found monument, and at the northwest corner of each claim located on surveyed land with a found monument. Each monument must be marked with its position, the name of the claim, and if a witness monument it must refer to the corner monument it witnesses. The locator must post on the northwest corner monument a location notice stating the name of the claim, the name and address of the locator, the date of the location, and a description of the claim including, in the case of surveyed lands with a found monument, the number of acres. An identical signed copy of the notice must be recorded in the county or recording district office in which the state law authorizes instruments relating to title to land to be recorded, and an identical signed copy must be filed in the Bureau of Land Management. If both are not done within thirty days the claim is void.

If the claim is on unsurveyed land or on surveyed land without a found monument, the locator must also survey the land within 180 days after posting and then record in the county or recording district office and file in the Bureau of Land Management a signed location certificate containing a map and description of the land according to the survey. If a claim is improperly located, it will be subject to subsequent location by another person who has no actual notice of the claim at any time before the location notice is recorded and filed (if no location certificate is required) or at any time before the location certificate is recorded and filed (if a location certificate is required).

SEC. 4 provides that a location notice or certificate may be amended to correct errors or omissions therein and a claim may be amended to correct errors or omissions in the manner of location or to change the size or shape of a claim. The amendment is made by erecting a new monument or monuments, making a new field survey if necessary and posting, recording, and filing an amended notice or certificate. The amendment is effective when the notice or certificate is recorded and filed and all other acts required by Section 3 have been performed, and is subject to valid existing rights. The notice or certificate must be signed by or on behalf of the owners, must contain all of the information required in the original location notice or certificate and in addition the name and address of the present owners, references to the filing and recording of the original notice or certificate, and the purpose of the amendment.

SEC. 5 provides that annual labor must be performed on or for the benefit of the claims, consisting of labor, materials, surveys, improvements, and activity of any kind which would tend to discover or tend to facilitate the development, mining, or processing of mineral deposits within the claim. The work may be performed by the owner of the claim and such work will be applied to the extent of the reasonable cost of having it performed by others. The work may be performed anywhere on a group of contiguous claims not greater in area than four square miles in which event the labor will be deemed to be for the benefit of each of the claims in the group. The amount of the annual labor is $5 per acre per year for each acre of land available for mineral location within the claim during the first 5 years, $10 per acre per year during the second 5 years, $15 per acre per year during the third 5 years, and $20 per acre per year thereafter.

At his election, the owner of a claim may discharge the annual labor requirement by making payment of all or part thereof to the Treasury of the United States.

Amounts of annual labor performed or payments in lieu of labor paid in excess of the annual requirement carry over into the subsequent years.

If a claim is located after July 1 and prior to September 1 of any year, annual labor does not have to be performed for that work year. Otherwise, annual labor must be performed in the required amounts in order to hold the claim in a subsequent year. Thus, the holder of a mining claim has the exclusive rights therein during the work year in which the claim is located, and where the claim is located after July 1, also in the subsequent work year, and in addition in every work year subsequent to each work year in which annual labor is performed or payments in lieu of labor are made.

If annual labor is required for less than a full work year, the amount is reduced proportionately, but no reduction is made for any part less than one full month.

Before the end of each work year the owner of the claim must file in the Bureau of Land Management an affidavit showing the name and address of the claim owner, an identification of the claims by reference to location notices or declarations of interest, the amount of the annual labor or payment in lieu of labor, the place where the work was performed and the dates thereof, a description of the annual labor actually performed, and the name and address of the person doing the work. If the annual labor has been deferred, the claim owner must file a notice thereof. The affidavit of annual labor must be supported by reproduced copies of receipts, cancelled checks or other supporting documents or, at the option of the person filing the affidavit, this may be done by a supplemental affidavit which must be filed within 30 days. If supporting documents are filed, the affidavit of annual labor is prima facie evidence of its contents; failure to file supporting documents is prima facie evidence that annual labor was not performed. If annual labor is deferred or exempted for any reason authorized by this bill, a notice thereof must be recorded and filed. If the affidavit of annual labor or payment in lieu of labor or notice of deferment or exemption is not filed on time, the claims become void. Unless deferred or exempted for a reason authorized by the bill, failure to perform the work or make payments, or the filing of a substantially insufficient affidavit or one containing a materially false statement, shall cause the claim to be voidable if a proceeding is brought within 180 days after the end of the work year, but no claim is voidable if the holder of the claim can prove that annual labor was actually performed or payment in lieu of labor was made. After 180 days, no action may be brought to void the claim. If an action is brought to void the claim, the annual labor requirement is suspended, and if the holder of the claim prevails, the accrued annual labor or payment in lieu of labor must be performed or made during each subsequent work year in addition to, and in an annual amount not less than that which would otherwise be required during the subsequent work years. If the holder of the claim elects to make payments in lieu of performing annual labor during the contest period, and he does not prevail, he is entitled to be reimbursed for the amount paid to the United States for such period.

The owner of a mining claim by amendment may eliminate or convey lands from his claim or add such lands. With respect to any lands which are eliminated he is relieved of the annual labor requirement, and with respect to lands added, he must perform the annual labor or make payment in lieu of labor for the work year in which the land is added and for every year thereafter, and the rate shall be the same as that for the claim or claims to which the land is added.

At any time that an application for mineral patent is filed, and during the course of any proceedings thereon, the applicant need not perform annual labor or make payments in lieu of labor, but if the application is withdrawn or a final determination is made that the applicant is not entitled to a patent, the owner or holder of the claim may continue to hold the claim by resuming annual labor or payments in lieu of labor not later than the next work year at the rate which would have been applicable if the annual labor requirement had not been suspended, if not later than the end of such next work year additional annual labor is performed or payment is made in the amount accrued during the period for which no annual labor was performed, and an affidavit is filed to cover such annual labor or payments.

SEC. 6 provides that the Secretary of Interior may defer the annual labor obligation upon a showing that the title or right to a mining claim or claims is in litigation or that access has been denied or is in litigation. At the end of the period of deferment, the annual labor must be resumed and performed for the period for which it was suspended in addition to, and in an annual amount not less than that which is otherwise required during the subsequent work years, unless access was denied by any government or governmental agency, in which event annual labor need not be performed for the period during which it was suspended.

SEC. 7 provides that the owner of a mining claim located under Title III will be entitled to a patent if the claim or claims contain a valuable mineral deposit; or if the applicant files with the Secretary of Interior a plan of development for a claim or claims, that plan is approved by the Secretary, and equipment and facilities have been acquired and installed in accordance with the plan. A valuable mineral deposit is defined as one which would justify a person of ordinary prudence in performing work or making expenditures on or for the benefit of the claim or claims containing such deposits with a reasonable expectation of developing a profitable mining operation. A plan of development must show the boundaries of the mineral deposits, the quantities and grades of proven and probable mineral reserves, test results and data, planned location of excavations, tunnels, surface facilities, and all other uses of the surface and sub-surface, a description of the equipment and facilities which will be used, a contemplated time schedule for mine development and construction of plant, estimate of the total investment, a designation of land other than that covered by the mining claims which will be needed in connection with the development of the property, and a statement of the manner in which compliance with all applicable laws and regulations relating to the protection of the environment will be effectuated. A plan may be disapproved by the Secretary only if it does not constitute a method by which the mineral deposit can be extracted by an operator operating in good faith and in compliance with applicable laws or if the lands outside the claims are not reasonably necessary to the development of the mining claims. A plan shall be deemed approved unless it is disapproved in writing by the Secretary within 180 days. An applicant who files a plan of development can file his application for patent at any time after the plan is approved but his patent may not be issued until acquisition and installation of equipment and facilities in compliance with the plan. The filing of the plan of development will segregate the lands outside the claim which are designated in the plan of development from all other uses and appropriations, and such segregation shall remain in effect until patent is issued or the application for the patent is finally disallowed. The applicant will have the right to use such land during the period of installation and upon completion of acquisition and installation, shall have the exclusive right to acquire the land by purchase or exchange and must so acquire the land.

An application for patent may be based upon either a discovery of a valuable mineral deposit a plan of development or both, and an application for patent may be withdrawn or amended at any time. If the Secretary denies an application, the matter may be appealed to the United States District Court. If an application is withdrawn or a final determination is made that an applicant is not entitled to a patent, a new application may be made if the applicant performs all suspended annual labor requirements or makes payments in lieu of labor as provided in Section 6. The purchase price is $50 per acre for the mineral deposits plus the appraised fair market value of the remaining interests in the land owned by the United States exclusive of and without regard to the mineral deposits.

SEC. 8 provides that, subject to the reserved royalty in the United States provided in Section 10 of Title III, a mineral patent grants the title to the mineral deposits within the boundaries of the mining claim extended downward vertically and the title to the remaining interest in the lands owned by the United States.

SEC. 9 relates to the procedure for obtaining patents. If a claim is located on unsurveyed land, or if it contains lands unavailable for mineral location, or if the exterior boundaries do not conform to the lines of a public survey, or if it is located on surveyed lands without a found monument, it must first be surveyed under the direction of the United States Chief Cadastral Engineer and an application for patent covering such claims may be filed, under oath, but must be accompanied by a survey plat showing the boundaries of the claims which shall be distinctly marked by monuments on the ground and those monuments will control. With respect to other mining claims, the applicant may file an application under oath, without a survey plat, and the application shall describe the lands according to the Township, Range, Section and legal subdivision.

Previous to the filing of an application, a copy of the survey plat, if required, and a notice of application must be posted on the land covered by the application and a copy of the notice, with an affidavit of at least two persons that the notice has been posted, must be filed in the Bureau of Land Management. The manager of the land office must publish once each week for a period of eight successive weeks in a newspaper of general circulation published nearest the claim, a notice of application and the notice must be posted in his office. The applicant must file with the manager a certificate of the United States Chief Cadastral Engineer that the survey plat is correct and the description shall be incorporated in the patent. At the expiration of 60 days of publication the claim owner must file an affidavit showing that the notice and plat, if one is required, have been posted during the period of publication. If no adverse claim has been filed and if the applicant otherwise meets the requirements of this Act, the applicant shall then be entitled to a patent upon payment of the purchase price prescribed by the Act.

The United States Chief Cadastral Engineer may appoint as many competent surveyors as shall apply for appointment. Expenses of survey must be paid by the applicant, and each applicant must file a sworn statement of all charges and fees paid for publications and surveys, and all other fees that might be paid to the manager of the land office.

An applicant for a mineral patent may include in his application lands outside the claim designated in the plan of development which he is entitled to acquire under Section 7.

SEC. 10 provides that there shall be paid to the United States with relation to minerals extracted from mining claims located pursuant to Title III a royalty of 2% of the mine value of the minerals except this royalty during any calendar year shall not exceed 5% of the net mining income for such year allocable to the mineral for which said royalty is payable. Both "mine value" and "net mining income" are defined. Mine value of the minerals extracted shall be the proceeds from the sale of minerals less all costs and a reasonable profit for processing, transportation from the mine to the point of delivery to purchaser and for selling and all taxes (other than Federal income taxes) paid or accrued upon the production thereof. If the owner demonstrates that the value of a product can be determined at a stage in the processing prior to the sale, the mine value will then be the value of the product at such stage less the above mentioned deduction for processing, transportation and taxes. "Net mining income" is defined as the mine value of such mineral less all costs incurred, both direct and indirect for mining the same.

Royalty will be payable to the United States within 90 days following the end of the calendar quarter in which the mineral extracted is sold or in which the value is established by the owner in accordance with Section 10. If an owner fails or refuses to pay royalty due for a period greater than 30 days, the Secretary of the Interior may enforce such payment by bringing an action in the United States District Court for the district in which the owner resides or in which the mining claim is located. The owner may continue production but the court may require the owner to post a bond or deposit securities or cash sufficient to secure the payment to the United States of the amount of accumulated royalties to which it may be found to be entitled.

Nothing in Section 10 shall be construed to require that mineral production from any mining claim subject to its provisions be commenced or continued, and no right in any such mining claim shall be affected by the failure to commence or continue to produce minerals therefrom.

Royalties under Section 10 shall be deductible as ordinary and necessary business expenses under the Federal income tax laws when paid or accrued.

Each patent issued under Title III shall contain a reservation of royalty in the United States provided for in Section 10.

SEC. 11 provides that an adverse claim under oath may be filed during the eight week period of publication of the notice of application for patent, and in the event of the filing of an adverse claim all patent proceedings shall be stayed until the claim is decided by a court of competent jurisdiction, or the adverse claim is waived. Court proceedings must be commenced within thirty days after filing of the claim, and prosecuted to final judgment with reasonable diligence. After final judgment, each party determined to have a right to the mining claim or any portion thereof may proceed to patent.

SEC. 12 provides that nothing in the bill shall be deemed to exempt the owner of a mining claim from applicable Federal, State and local laws relating to the protection of the environment. It states that any land acquired under Title III or Title V shall be used only for mining, mineral exploration, development, processing or uses reasonably incident thereto, and if the land is used for any unauthorized use and such use is not discontinued within 90 days after notice from the Secretary, title to the land shall revert to the United States. If the Secretary determines that continuance of the reverter serves no public purpose, he may release the possibility of reverter to the patentee or his successor without any consideration. Patents to land acquired under Title III or Title V shall state that the land is subject to the provisions of Section 12(b).

TITLE IV

This title relates to certain records which must be maintained by the Bureau of Land Management.

SEC. 1 provides that there shall be maintained in each local land office of the Bureau of Land Management, in addition to files and records presently maintained, files and records for mining claim documents for mining claims within the respective jurisdictions of said offices. Mining claim documents are defined as declarations of interest, location notices and certificates, affidavits of and notices of deferment or exemption from annual labor and payments in lieu of labor, application for mineral patents, mineral patents, and amendments to each of said documents.

Each local land office is required to assign a serial number to each declaration of interest and each mining claim location notice filed with the land office; to maintain a daily reception record showing the day, hour and minute of filing, with the serial number, and noting the time of filing on each such document, which becomes the time of record; to maintain a serial register and a separate permanent file under the same serial number for each location notice or declaration of interest, noting in such serial register the date of filing and a description of the document filed; to maintain a mining claim plat of all lands available for mineral location on which shall be shown the serial number of the location or declaration of interest filed for, and the boundaries of each mining claim that is currently maintained. A new serial number may be assigned to a location notice, declaration of interest, or amendment thereof for all or any portion of a mining claim, in which event a new serial register and permanent file shall be made.

The Secretary has 90 days after the effective date of the bill to comply with the provisions of this Section.

SEC. 2 provides that the Secretary may establish reasonable fees for filing and issuance of certified copies. Mining claim documents for which a fee is paid must be accepted for filing. Such records and files are public files, open to inspection during office hours, and upon request and payment of the prescribed fee the local land office must furnish copies, certified or authenticated if requested.

This section provides that no document respecting mining claims which was prepared prior to the effective date of the act need be filed, and that no right is adversely affected for failure to file such prior document.

TITLE V

This title provides for the acquisition of land additional to that contained in mining claims which is necessary for any mining or processing operation.

SEC. 1. Provides that the Secretary of the Interior is authorized to sell, upon application of any person holding an interest in a mineral deposit, any other land owned by the United States which the applicant demonstrates is reasonably necessary for any mining or processing operations with respect to such mineral deposit or uses reasonably incident thereto. The land is to be sold at its appraised fair market value.

SEC. 2. Provides that the Secretary is authorized to exchange lands, upon the basis of appraised fair market value, with a cash consideration to compensate for unequal value if that is necessary. In the case of an exchange, published notice is required, once each week for four successive weeks in a newspaper of general circulation in each county in which the lands to be accepted by the United States are situated and also in each county in which lands to be conveyed by the United States are situated. Lands conveyed to the United States shall be public lands available for mineral location and mineral leasing. There shall be no fee except the cost of publishing notices.

SEC. 3. Specifically provides that any land acquired under this Title shall be subject to all of the provisions of section 12 of title III.

TITLE VI

This title amends certain existing statutes.

SEC. 1. Amends section 2 of the Act of June 17, 1949, to provide that any person who prospects for, develops, mines or removes any minerals from any land included in a patent from which such minerals were reserved to the United States shall be liable for any damage to the surface resources and tangible improvements. This section will extend this liability for damages to any lands from which minerals have been reserved to the United States, and it will make the mineral operator liable for damages to any surface resources and tangible improvements.

SEC. 2. Amends section 3 of the Multiple Surface Use Act of 1955 by providing a new definition for common varieties of sand, stone, gravel, pumice, pumicite and cinders. The provision presently in Section 3 has been omitted which provides that common varieties of these materials shall not be any of such materials "which are valuable because the deposit has some property giving it distinct and special value." Instead the definition states those mineral materials which are primarily valuable as construction materials are common varieties. The definition continues to exclude from common varieties so-called "block pumice" which occurs in nature in pieces having one dimension of 2 inches or more and expressly excludes from common varieties those deposits of sand, stone, gravel, pumice, pumicite and cinders which are commercially valuable for use in manufacturing industrial or processing operations, such as, but not limited to, gypsum, silica sand, limestone suitable in the production of cement and metallurgical or chemical-grade limestone. The application of the common varieties definition to petrified wood is unchanged.

SEC. 3 provides that Sections 5 and 6 of the Multiple Surface Use Act of 1955 will be repealed five years after the effective date of this bill, because any existing claims not patented within five years would be void and Sections 5 and 6 would then be unnecessary. Sections 5 and 6 provide the procedure for determining rights to the surface of unpatented mining claims. Section 3 also amends Section 4 of the Multiple Surface Use Act to provide that it shall be applicable to claims located under this bill, and to limit removal or use of timber to that necessary to clear the claim for uses permitted by the bill. The right to free timber from other public lands would be eliminated.

SEC. 4 repeals Section 4 of the Mining Claims Rights Restoration Act which requires the recording and reporting of unpatented mining claims located on power site withdrawals. This section will no longer be necessary because the Act will require that all claims be recorded and reported. Section 4 also amends Section 2 of the Mining Claims Rights Restoration Act to apply it to all mining claims, since under this bill there will be no distinction between lode and placer claims. The right of the Secretary to restrict or prohibit mining would be limited to operations which interfere with power development or power site uses, and the right to operate could be conditioned upon an obligation to reclaim (rather than restore) the surface.

TITLE VII

This Title provides that the provisions of this Act shall be administered in conformity with the Administrative Procedure Act.

Mr. MOSS. Mr. President, the 1872 mining law is an anachronism, and the time has come to change it. For that reason I have today joined my colleagues on the Minerals, Materials and Fuels Subcommittee of the Senate Interior Committee in sponsoring a bill to be known as "The Mineral Development Act of 1971." This bill would repeal much of the 1872 mining law as it now exists. Almost 100 years ago when the Congress enacted the 1872 mining law, the needs and the problems of our new country were very different from those which we face today. With vast areas of unexplored land when the Congress enacted the first mining law in 1866, it saw no need to protect the environment. It's objective was to invite exploration and development by private owners of lands and capital. There was no consideration for Uncle Sam acting in the role of landlord to preserve and protect his land.

I recognize that the public interest requires in 1971, and in the years to come, exploration, development and production of minerals on the public lands and I have supported and sponsored legislation earlier in Congress in the Mining and Minerals Policy Act of 1970 (Public Law 91–631).

Additionally I support the principle of fair market value for our public lands. This bill which is introduced today sets an amount to be paid per acre for mineral lands and reserves to the United States a royalty on minerals produced.

Also written into this bill are provisions requiring a locator to post a bond to secure payment of damages to the surface resources and tangible improvements of the land. It is further provided that nothing in the act shall exempt the owner from any applicable Federal, State and local environmental laws.

I have grave concern for maintaining the beauty of our land. I should like to point out that in August, I introduced my own surface mining law requiring reclamation of surface mined areas.

In August I held public hearings in Billings, Mont., on the efforts of the Forest Service to work out acceptable environmental practices with mining companies in the scenic forest areas of that State. Cooperation has been good, but statutory power to require compliance is indicated.

I await hearings on this measure to obtain evidence as to whether the market value and royalty provisions as written are entirely adequate. I am also gravely concerned about exploratory practices and access rights.

In the meantime, Mr. President, I endorse this bill and urge its consideration by the Senate to change the mining laws so that adequate protection can be had for our beautiful land, while at the same time, we can go forward with our national policy of encouraging the development of certain mineral resources of the public lands of the United States.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

At the request of Mr. Beall, the Senator from Oklahoma (Mr. Harris) was added as a cosponsor of S. 325, to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan.

S. 1408

At the request of Mr. Muskie, the Senator from Alaska (Mr. Gravel) and the Senator from Michigan (Mr. Hart), were added as cosponsors of S.1408, to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S 2332

At the request of Mr. Tower, the Senator from Kentucky (Mr. Cooper) was added as a cosponsor of S. 2332, to permit a member of the U.S. Armed Forces to send mail matter without payment of postage if the member is performing duties at an overseas isolated or hardship area.

S. 2470

At the request of Mr. Taft, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2470, to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers.

SENATE JOINT RESOLUTION 112

At the request of Mr. Brock, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 112, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from Minnesota (Mr. Mondale), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Tennessee (Mr. Brock), and the Senator from Nebraska (Mr. Hruska) were added as cosponsors of Senate Joint Resolution 117, asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 169—SUBMISSION OF A RESOLUTION DISAPPROVING PAY PLAN RECOMMENDED BY THE PRESIDENT

(Referred to the Committee on Post Office and Civil Service.)

Mr. MOSS. Mr. President, I submit a resolution to disapprove the "alternative plan" for Federal employees' pay adjustments which was submitted to Congress on August 31, 1971. The resolution is similar to House Resolution 596 which has been reported favorably by the House Post Office and Civil Service Committee.

While a resolution of protest by either House is sufficient for rejection of the plan, and the other body may well dispose of this issue early in October, we should nevertheless be prepared to consider this plan if it becomes our responsibility. So that this resolution will be printed and referred to the Post Office and Civil Service Committee, so to permit immediate action if the House resolution is not passed, I have determined to introduce it at this time.

Last week President Nixon declared that the wage-price "freeze" will terminate in mid-November. This announcement removed the last possible justification for retention of the administration's earlier decision to postpone civil service pay increases originally scheduled for January 1972.

Like all Americans, the Federal employees felt the effects of the 90-day "freeze" on wages and prices. By a rigorous interpretation of administration guidelines they were also denied normal "within-grade" longevity promotions. Unlike other groups in the society, however, they have been singled out by the administration for an additional 6-month "freeze" beginning in the new year.

There is no justification for this action. The pay increases scheduled for January are based entirely upon comparability with private industry. They would merely bring the civil service in line with other segments of our economy. This was the intention of Congress under the Federal Pay Comparability Act of 1970.

The President's "alternative plan" will also have an adverse effect on our Armed Forces during the coming year. Salary raises for the military are directly related to adjustments in the civil service pay scale.

Suspension of these pay increases has created doubt as to the administration's determination that the economic burden of its program be shared equally by all the citizens. In singling out Federal employees for this special "freeze" the President's decision has led to confusion and even bitterness toward administration policies.

Some will interpret the rejection of any of Mr. Nixon's proposals as an attempt to stymie his entire economic program. I do not intend, nor do I accept, this interpretation. Congress must judge each proposal on its merits—on how well it addresses our national economic goals of full employment and reasonable price stability.

Congress must judge these measures by an additional standard—that of fairness. If we are to appeal to a nation's patriotism, we cannot do so cynically. No one should be free to benefit economically while another is asked to make sacrifices in the national interest. The whole success of any new national policy relies largely on a spirit of cooperation. It certainly cannot be helped by this obvious attempt at selective discrimination.

Next month President Nixon will announce his plans for "phase II" of his economic stabilization program. A new system of controls on wage and price increases will be proposed. I believe that Congress should make clear to the administration its resolve that Federal employees be treated like everyone else during this phase of the program. Wages and salary increases in the public sector should be regulated as part of an overall national program. The civil service should not be set apart for special sacrifices or for special benefits. National policy should be comprehensive. It should also be consistent.

Mr. President, I send the resolution to the desk and I ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. FANNIN). The resolution will be received and appropriately referred.

The resolution is as follows:

S. Res. 169

Resolved, That the Senate disapproves the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended and submitted by the President to Congress on August 31, 1971, under section 5305 (c) (1) of title 5, United States Code, and section 3 (c) of the Federal Pay Comparability Act of 1970.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 347

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOPER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. PEARSON), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of amendment No. 347, to S. 1437.

NOTICE OF MIGRATORY LABOR SUBCOMMITTEE HEARINGS ON FARMWORKERS IN RURAL POVERTY

Mr. STEVENSON. Mr. President, as chairman of the Migratory Labor Subcommittee of the Committee on Labor and Public Welfare, I announce that we will continue hearings on Farmworkers in Rural Poverty at 9:30 a.m., September 21 and 22, in room 6202 of the New Senate Office Building.

At this series of hearings we will be reviewing the extent to which land use policies and the increasing involvement of large corporations and conglomerates affect the small farmer and farmworker, and the extent to which economic development is an alternative for all those in rural areas. Witnesses, in addition to persons with experience and expertise in farmer and farmworker cooperatives, will include Mr. Geoffrey Faux of the Center for Community Economic Development and coauthor of the Nader Task Force Report on Land Use in California.

ADDITIONAL STATEMENTS

CHEYENNE CHIEFS TO REAFFIRM FAITH IN NATION

Mr. MANSFIELD. Mr. President, an interesting article appeared in a recent issue of the Great Falls Tribune concerning the Northern Cheyenne Indians—the Race of Sorrows.

It had to do with the ceremony held on August 7, in Billings, Mont., by the Cheyennes to reaffirm their loyalty to this country and their desire for their returning Vietnam veterans to have education and job opportunities.

Albert Tall Bull, the Northern Cheyennes' chief, prior to the ceremony, related a part of the history of his people—and a significant history it has been. Their story is one which all America should learn. I honor the Northern Cheyennes for their dignity, their understanding, and their outstanding contributions and ask unanimous consent that the article appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Great Falls Tribune, July 29, 1971]

SOLEMN RITES IN BILLINGS AUG. 7—CHEYENNE CHIEFS TO REAFFIRM FAITH IN NATION

BILLINGS.—The Northern Cheyenne Indians—victims of the 1861 Sand Creek Massacre and victors in the Battle of the Little Big Horn—will reaffirm their faith in the United States Aug. 7.

Albert Tall Bull, recognized head chief and descendant of Tall Bull, the famed scout, said: "Long ago we, the chiefs of the Cheyennes, did not have to send our boys to the white man's wars.

"But our chiefs met, smoked and decided to dedicate our tribe to the American Flag and what it stands for. In August, we will reaffirm that dedication," he said.

While a young Cheyenne translated, Tall Bull told of the pride in being the son of Cheyenne warriors who beat Col. George A. Custer. They also told of their people's forced trek from Oklahoma.

"We have been massacred, our women and children killed. We have been treated very badly," said Chief James Atwood.

"But while young Anglos are burning and desecrating the flag, we choose to reaffirm our loyalty."

The half dozen chiefs coming to Billings are among the Cheyenne's 44 hereditary chiefs—a number decreed by the Cheyenne prophet Sweet Medicine.

The ceremony, not a tourist attraction but a somber rite to be sealed with smoking of the sacred pipes, will climax a two-day pow wow at Lame Deer.

The flag will be presented to Chief Tall Bull. It will be the same flag given to Chief Two Moons by representatives of President Taft in 1914.

The Saturday will mark the beginning of a determined Cheyenne effort to revive their culture.

"We are a sovereign nation," the chiefs stressed. "We were awarded our reservation not by treaty, but by executive order."

On a percentage basis, the Cheyennes had more soldiers in World War I, World War II and the Korean War than any other ethnic group, the chiefs said.

"Now that young Cheyennes are returning from Vietnam, all we want for them is education and job opportunity," Atwood said.

AGNEW'S RECORD SPEAKS FOR ITSELF

Mr. THURMOND. Mr. President, the Evening Star of September 15, contains an article by David Lawrence entitled "AGNEW's Record Speaks for Itself."

Mr. Lawrence cites the many accomplishments of SPIRO AGNEW when he was county executive of Baltimore County and since he has been Vice President of the United States. His active, working role as Vice President has earned for him the distinction of being one of the few Vice Presidents to make his office a viable and meaningful part of the executive branch of our Government.

Aside from the fact that I am in accord with many of the beliefs espoused by Mr. AGNEW, it is always refreshing to hear him voice his views without fear of retaliation from those who disagree with him.

Mr. President, regrettably there are too many people in public life whose positions on issues confronting them are not ascertainable. This is not true of SPIRO AGNEW, and to be able to say this about him is one of the most admirable attributes that can be bestowed upon a public figure.

As Mr. Lawrence points out in his article, the record does speak for itself regarding the achievements of Mr. AGNEW. It is sad that there are those who might not be aware of his achievements because of the constant criticism he receives from many in the news media. Mr. AGNEW receives this criticism because he has dared to voice opposition to certain practices of the news media and because he so clearly enunciates the true feelings of a majority of Americans on many vital issues.

Mr. President, as Mr. Lawrence's article indicates, SPIRO AGNEW has strong appeal with the people in this country and with his party, and his strength lies in his outstanding record, despite a maligning news media.

Mr. President, I ask unanimous consent that this very fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Sept. 15, 1971]

AGNEW'S RECORD SPEAKS FOR ITSELF

(By David Lawrence)

Gov. Ronald Reagan of California said the other day that he is confident that Vice President Spiro Agnew will be on the Republican ticket in the 1972 election. A number of other governors gathered at San Juan, Puerto Rico, for the annual meeting of the National Conference have made the same comment. Indeed, the executive committee asked Agnew to act as liaison man for the governors on "hard-to-solve" problems with the federal government.

Gov. Warren Hearnes of Missouri, chairman of the conference, said:

"We asked the vice president if he would take the job and he said he would. He agreed to make himself personally available to the governors for the problems we can't get solved in the ordinary way. Naturally, we're not going to take every problem to him—some of them you can solve yourself."

Perhaps not much is known generally about the work Agnew has done in his contacts with state and local governments since he has been serving as vice president. He came into public office originally as the county executive of Baltimore County, which is one of the nation's largest subdivisions of local government, and served in that post for four years prior to his election as governor of Maryland in 1966.

Gov. Agnew's first accomplishment, with the support of a Democratic-controlled General Assembly, was to make a thorough revision of the state's tax structure, establishing such innovations as a graduated income tax rate, and making other changes and increasing the state's aid to public schools.

Agnew sponsored the first statewide fair-housing bill in his region of the country and legislation which accelerated highway construction programs. He pushed for antipollution measures on the state's waterways. He took part in planning funds for rapid-transit systems in the Baltimore and Washington metropolitan areas. He supported many social reforms.

Spiro Agnew has been deeply interested in public affairs and has experience in the operations of local government which is unrivalled by many of the persons who are aspiring to the presidency. He served on the executive committee of the National Governors Conference as vice chairman of the committee on state urban relations. President

Lyndon B. Johnson appointed him to the Advisory Commission on Intergovernmental Relations.

Since becoming vice president, Agnew has exercised considerable influence in shaping the new policies of the federal government in revenue sharing with state governments. Very soon after his administration took office, President Nixon assigned the vice president to work with the governors in intergovernmental relations, and he has a 12-man staff for the purpose. He has an office in the White House and, while he participates in some ceremonial duties in behalf of the President, spends much of his time taking care of specific assignments for the chief executive.

The vice president sits with the Cabinet and on the National Security Council. He heads or is a member of a number of special commissions which the President has established. He attends Nixon's meetings at the White House with the congressional leadership and private briefings with government specialists. He gets the same information that goes to the President from the Council of Economic Advisers. Aides at the White House say that Agnew has become very familiar with executive affairs and that hardly a meeting passes in which he doesn't express an opinion.

The vice president has traveled around the country in behalf of the President and also has made trips abroad. His record has been satisfactory to the President.

Then why should there be so much talk about the possibility that Agnew might not be nominated for vice president next time? The only reason is that he managed to antagonize some members of the TV commentators. When he pointed out that they had been unfair in some of their remarks about the President's speeches, this started a wave of hostility. The mail that reached the White House, however, indicated that a "silent majority" agreed with his criticism in the instances to which he referred.

Agnew has contended again and again that he is entitled to "free speech" just as are others who have spoken out in public affairs. It is believed that the criticism has brought friends to his side and the Republican National Convention in 1972 will renominate Spiro Agnew for vice president.

CONFERENCE ON INTERNATIONAL ORGANIZATION AND THE ENVIRONMENT

Mr. MUSKIE. Mr. President, last May there was a very fruitful 3-day conference held in New York on "International Organization and the Human Environment." It was my great privilege to address the opening session of this conference at U.N. headquarters.

The conference was organized by two private organizations—the Institute on Man and Science and the Aspen Institute of Humanistic Studies. Under the able chairmanship of Philip C. Jessup, former U.S. judge on the International Court of Justice, 40 key decisionmakers from governments, international agencies, and the scientific community spent 3 days probing the central question: "How can the international community be organized most effectively for environmental action?"

The conference last May was designed partly as a preparatory meeting for the United Nations Conference on the Human Environment which will reach a climax at Stockholm, Sweden, during the 2 weeks from June 5 through 16, 1972.

Mr. President, the Saturday Review of August 7 contains a very valuable article reviewing the conclusions of the conference last May. The article was written by one of the conference participants, Dr. Richard N. Gardner. Dr. Gardner is Henry L. Moses, professor of law and international organization at Columbia University and serves as the U.N. representative of the International Union for the Conservation of Nature and Natural Resources. I ask unanimous consent that Dr. Gardner's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Global Pollution—U.N. as Policeman

(By Richard N. Gardner)

One of the boldest adventures in international cooperation ever attempted—the United Nations Conference on the Human Environment—will reach a climax at Stockholm, Sweden, during the two weeks from June 5 to 16, 1971. Representatives of 130 countries and several dozen international organizations will come together then to deal with six enormous subjects:

Planning and management of the environmental quality of human settlements everywhere.

Environmental aspects of natural resource management (defined broadly to include animal, botanical, and mineral resources).

Identification and control of environmental pollutants and nuisances of broad significance.

Educational, informational, social, and cultural aspects of environmental issues.

Economic development and the environment (including environmental policies as a component of comprehensive planning in developing countries).

International organizational implications of proposals for action.

Since the conference is limited to two weeks, and since Stockholm has only three conference halls large enough to hold all the proposed participants, there is only one week available to cover each of these items. How can it be done? One U.N. official answers: "The Stockholm conference is like a marriage ceremony. Most things are being arranged beforehand, and as little as possible will be left to chance on the day."

The simile is apt enough. It is difficult to remember any other U.N. meeting so thoroughly prepared in advance as this one. Under the overall direction of a twenty-seven-nation preparatory committee, intergovernmental working groups are drafting concrete proposals on marine pollution, soil conservation, environmental monitoring, a World Heritage Foundation, and the text of a Declaration on the Human Environment. Concurrently with these activities, governments are submitting reports describing their experience in environmental management and suggesting ideas for international action. And the interested specialized agencies of the U.N. are preparing a consolidated statement of their current work and future plans.

A conceptual framework for the Stockholm deliberations is expected to be ready for publication in the spring of 1972. It will be issued as a report on the state of the global environment. Considering that Maurice Strong, Secretary General of the Stockholm Conference, only left his former post as head of Canada's International Development Agency to assume his new duties at the beginning of this year, he and his small staff in Geneva will perform a miracle if the conferees are able to take more than a fraction of the decisions necessary to preserve the global environment. A senior international official recently put the situation this way:

"The Stockholm conference comes both too late and too early. Too late if its purpose is to arouse public opinion; this has already happened, at least in the developed countries. Too early if it is to take decisive action: most governments aren't ready, and besides in many areas we simply don't have the knowledge necessary."

Inevitably, then, the most important agenda item at Stockholm will be the last one listed above—international organizational implications of proposals for action. For if final answers to the world's environmental problems cannot be looked for next June, there must be established at least an institutional framework in which those answers can be effectively sought in future years.

Curiously, nobody gave much thought to the organizational question until recently. To help move things forward, a kind of "Mini-Stockholm" was organized at the end of May by two private organizations—the Institute on Man and Science and the Aspen Institute of Humanistic Studies—at the former's idyllic headquarters in Rensselaerville, New York. Under the chairmanship of Philip C. Jessup, former U.S. judge on the International Court of Justice, forty key decisionmakers from governments, international agencies, and the scientific community spent three days probing the central question: "How can the international community be organized most effectively for environmental action?"

While the meeting was not intended to and did not reach formal agreement on an institutional design, it yielded a surprising consensus on some issues and usefully clarified the choices facing the Stockholm conference on other matters. The areas of consensus may be summarized as follows:

The new institutions for environmental action should be within the framework of the United Nations. Environmental problems are global as well as regional and local; they need to be dealt with by global as well as regional and local institutions. An organization limited to developed countries or to NATO countries could not deal effectively with environmental problems on the territory of non-members or with the ocean environment, which is the common concern of all. Despite much talk to the contrary, most developing countries face serious environmental problems and want help in solving them. As Strong told the Rensselaerville meetings:

"In my recent travels in the developing countries, I have found that while the word "environment" has not yet acquired the magic it has in the more industrialized countries, the issues it embraces are of real and growing concern to them: polluted water supplies, degradation of agricultural lands, depletion of wildlife and fisheries, and, perhaps most urgent, the problem of cities which are growing at rates unprecedented in human history. Some of these cities face the prospect of water contamination and health hazards which will make them unfit for human habitation within the next decade or so. Indeed, the "eco-catastrophes" of which we hear so much are much more likely to occur in the developing world than in the wealthier countries which have the resources to deal with these problems."

One thing *not* to do is to establish a new U.N. specialized agency. Environment covers a broad range of subjects already being dealt with within the functional responsibilities of existing U.N. agencies—atmospheric pollution in the World Meteorological Organization, environmental health in the World Health Organization, conservation of soil, forest, and animal resources in the Food and Agriculture Organization, etc. Environmental matters also are being dealt with in the U.N.'s Regional Economic Commissions. A Specialized Agency for the Environment would result in duplication of activities and would compound already serious coordination problems.

The principal need is for new institutions at the center of the U.N. system to serve as the "brain" of the international environmental network. The central institutions should undertake a global review of environmental trends, policies, and actions; should determine important issues to be brought to the attention of governments; should suggest priorities for further action in respect of those issues; and should identify gaps in the knowledge and in the performance of organizations carrying out measures of environmental control. The central institutions should draw upon rather than duplicate ongoing work in existing functional and regional agencies and should be flexible and capable of adaption as understanding of environmental problems grows.

One element in the central mechanism should be a small, highly competent secretariat operating on the interface between the scientific community and the political process. It should be headed by an Undersecretary General or a Commissioner for the Environment, and should enjoy sufficient independence within the U.N. system to operate effectively.

Another element in the central mechanism should be some kind of intergovernmental body to which the secretariat would be responsible. There could be an environmental board established by the General Assembly, or an environmental committee under the Economic and Social Council (ECOSOC), or perhaps even periodic ECOSOC meetings at the ministerial level devoted to the environment.

Some participants in the Rensselaerville meeting urged that environment be kept in the ECOSOC framework so that one institution could face the interrelated issues of development and environment; these people warned that separate bodies on environment and development could result in two sets of conflicting resolutions each reflecting a limited and inadequate perspective. Others urged that environment needed greater visibility and status than could be achieved in ECOSOC, which in their view has an unsatisfactory record.

Although the issue was not resolved, there was agreement that whatever intergovernmental body is created should be composed not just of career diplomats acting upon instructions but of highly qualified government officials responsible for environmental affairs. Moreover, the work of the intergovernmental committee should be reviewed regularly by one of the main committees of the U.N. General Assembly and perhaps also by a periodic "Stockholm conference."

The central secretariat and intergovernmental body should be assisted by some kind of scientific group to provide independent and expert judgment free from government influence. One possibility is an International Center for the Environment (ICE), a proposal that has gained support in the International Council of Sicentific Unions. ICE could conduct research on environmental problems and assist specialized agencies such as WMO and WHO in the designing of environmental monitoring networks and in the evaluation of information received. A more modest possibility would be a scientific advisory group attached to the intergovernmental committee and composed of persons serving in their individual capacities, perhaps with subgroups on specific environmental problems.

Whichever possibility is chosen, representatives of some of the specialized agencies at Rensselaerville said, the agencies should design their own monitoring networks and evaluate the data derived from them. The agencies are clearly reluctant to have any central scientific group performing functions that they regard as within their traditional fields of competence.

It was further agreed that the new international environmental institutions should encourage existing agencies to get on with other fundamental tasks. One is the training of personnel needed for environmental management. Another is formulation of environmental education programs for schools and for the general public. A third is establishment of environmental criteria to be applied by national and international development agencies. A fourth is the devising of means to avoid undesirable trade barriers resulting from different national approaches to pollution control.

That was the extent of the consensus at Rensselaerville. But some crystallization of opinion occurred on several other key questions.

Should there be some kind of environment fund—and, if so, what should be the arrangements for its administration? An environment fund, it was urged, would help coordinate the activities of individual agencies. It would provide developing countries with extra financing over and above existing aid funds to help them take environmental protection measures they otherwise could not afford; it would also assure developed countries that funds they contributed for environmental purposes would be used for top-priority environmental projects. But several governments represented at Rensselaerville were not yet ready to commit themselves to such a fund. Moreover, there was no consensus as to whether a fund should be managed by the U.N. Development Program or by a new body. Nor was there agreement on the kind of governance of the fund that would satisfy both developed and developing countries.

What kind of institutions should be established for the settlement of environmental disputes? More specifically, what degree of international control should be established over the actions of a nation within its territory that might affect the environment of others? Some examples given in Rensselaerville were U.S. uses of the Colorado River injurious to Mexico, possible damage by the Aswan Dam to the fisheries and beaches of the eastern Mediterranean, and the potential climatic effects of contemplated Soviet diversion of rivers presently flowing from Siberia into the Arctic Ocean.

In his address to the opening session of the May meeting held at U.N. Headquarters, U.S. Senator Edmund Muskie proposed that U.N. members should henceforth report to the United Nations on all their actions that might affect the environment of others. While conceding that nations were not yet ready to accept an international veto over national decisions on environmental matters, Muskie urged that every nation not only should make full disclosure of its environmental actions but should consult in good faith with other nations and international agencies when they advanced comments or objections. In cases of disagreement, he said, an impartial group should report on the facts and make appropriate recommendations.

The sessions at Rensselaerville produced a number of different reactions to the issues raised by Senator Muskie. Judge Jessup urged that the International Court of Justice be used for the settlement of environmental disputes. The Court could sit in special chambers for this purpose and make use of scientific "assessors," or fact-finders, where necessary. Other Rensselaerville participants felt a need for more flexible machinery than the Court could provide. In their view, it would be better to bring environmental disputes to the proposed intergovernmental committee on the environment and its scientific advisory group. Dr. Gerardo Budowski, director general of the International Union for the Conservation of Nature and Natural Resources, suggested that his organization could usefully serve as an "expert witness" in international disputes because of its nongovernmental character. In his view, moreover, the international community sooner or later would have to face the need for some kind of "policing" to prevent actions causing irreversible damage to the environment.

The Rensselaerville discussions reveled that this thorny issue might be difficult to resolve at Stockholm. A number of diplomats and government officials expressed doubt that governments would be ready to accept international review of national actions. Dr. Konstantin Ananichev, director of the International Organizations Department of the U.S.S.R. State Committee for Science and Technology, emphasized that any new environmental machinery should be of an "international and not of a supranational character" and should operate "only through cooperative actions of sovereign states." However, he also stressed the need for "joint research on agreed international programs" and did not exclude the possibility that such joint research could be organized on a case-by-case basis with the consent of all the parties involved to evaluate the international consequences of national actions.

What international machinery should be established to deal with pollution of the seas? The participants at Rensselaerville agreed that this was a matter of urgent importance, since the marine environment, accounting for 70 per cent of the Earth's surface, is presently subject to almost no effective measures of protection.

The Intergovernmental Working Group on marine pollution is considering an international agreement regulating ocean dumping (the transportation from national territory to the oceans of waste materials that could harm the marine environment). Even if this were approved at Stockholm and ratified by governments, it would still leave untouched the main sources of marine pollution—the pollutants coming to the oceans directly from land, from rivers, and from the atmosphere.

Should some international machinery be established to monitor and eventually regulate all these additional sources of marine pollution? Should it be global in character, or should we begin with separate regional efforts to clean up the Mediterranean, the Baltic, and the North Sea? Should pollution from vessels in maritime commerce continue to be dealt with by a separate agency—the Intergovernmental Maritime Consultative Organization—or should one agency deal with marine pollution from all sources? What should be the relation between agencies concerned with marine pollution and the proposed International Seabed Authority that would have responsibility for exploitation of the deep sea bed? Should there be a single agency for all the problems of the oceans, including the difficult issue of fisheries as well? It was clear at Rensselaerville that the international community was very far from a consensus on these fundamental questions.

Finally, which nations should participate in international institutions for environmental control? Senator Muskie urged that the next General Assembly make the United Nations universal in membership; if this were not possible, it should at least invite all governments to participate in the Stockholm conference. This would mean mainland China and both Germanys, to mention the most important, and others such as both Koreas and both Vietnams.

There was strong sentiment at Rensselaerville for the proposition that participation at Stockholm should be universal. But this was coupled with a good deal of uncertainty as to whether the next General Assembly would make the United Nations universal in membership and whether, if it failed to do so, governments not admitted to the U.N. itself would be willing to come to Stockholm.

The Rensselaerville meeting served to underline the complexity of these unresolved organizational questions. Nevertheless, the meeting did reveal one bit of common philosophy on environmental problems. It was best stated by Senator Muskie at the opening session:

"The simple truth is that . . . we are far from one world politically. But, by necessity if not by choice, we are one world environmentally. States have sovereign rights—but so do people. We cannot rely on the political habits of the past to save our environment for the future."

DETERIORATION OF BASIC STRATEGIC DEFENSE POSITION

Mr. CURTIS. Mr. President, there has been some questioning of the "newsworthiness" of recent efforts by Members in both Houses of Congress to call attention to what is seen as a deterioration of our basic strategic defense position and a developing attitude of neglect toward defense matters in general.

I participated in the Senate special order on July 29, joining six other Senators to discuss this problem and was, I regret to say, generally disappointed in the press reaction to that expression of concern, particularly in view of the minute detail with which seemingly every instance of criticism of defense spending and downgrading of defense priorities has been reported to the American people.

There were, however, notable exceptions. A number of the Nation's most responsible editors found the Senate special order of merit and eminently newsworthy. One outstanding example is the editorial coverage provided by the Cincinnati Enquirer.

The Enquirer set this issue squarely before its readers to judge, not only in an initial editorial on the special order itself, but by subsequently printing the full texts of several of the speeches on its editorial page.

This, in my opinion, exemplifies an editorial policy of treating people as intelligent beings, capable of rendering valid judgments if furnished with all the pertinent facts and viewpoints on both sides of an issue.

Mr. President, I ask unanimous consent that the Enquirer editorial of August 8, entitled "How Strong Is America?" and the other articles I have mentioned be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOW STRONG IS AMERICA?

Shortly before Congress recessed last Friday, seven lawmakers took the Senate floor and sought, at some length and in some detail, to alert Congress—and the nation—to the growing disparity between U.S. military power and that of the Soviet Union.

The colloquy was, in the words of Sen. Hugh Scott (R-Pa.), the Senate minority leader (who was not among the colloquy's participants), "a noteworthy attempt to call the attention of the Senate to the need to strengthen the President's hand."

It was that, to be sure. But it was also a reminder for all Americans that neither in national defense nor any other field of endeavor is a margin of superiority permanent.

Let the senators speak for themselves:

"The security of the United States," said Sen. James L. Buckley (Con-R-N.Y.), "is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign-policy objectives in Europe, the Middle East, in Asia and even in the Caribbean will be in jeopardy because of the precipitate erosion of U.S. strategic power in the late 1960s and early 1970s."

"The United State virtually halted any increase in strategic strength during the entire decade of the 1960s," said Sen. Peter H. Dominick (R-Colo.), "while the Soviets devoted enormous sums and energy to the mushroom growth of their economic power. In relative terms, the United States is far weaker in relation to the Soviet Union than at any time during the past 25 years and . . . at present growth rates the Soviets will have superior strategic strength in the very near future."

"It is especially noteworthy," declared Sen. William E. Brock (R-Tenn.), "that the acceleration in the Soviet naval buildup was accomplished precisely at a time when the United States started to reduce the scope and offensive nature of our armed forces . . . Our unilateral reduction in forces did not stop the Soviet drive for more and newer sophisticated long-range weapons; rather, it seems to have spurred the Soviets on to a greater effort coupled with the all-out psychological and political offensive in every part of the globe."

"We shall be heading for serious trouble," said Sen. Harry F. Byrd Jr. (D-Va.), "If we let our hopes (for the success of the strategic-arms-limitation talks (SALT) and of President Nixon's impending trip to Peking), rather than our realistic assessment of the world situation, dictate our defense policies. None of us knows just what are Communist Russia's intentions. We do have evidence, however, as to her capabilities. It is on her capabilities that we must judge our defense needs."

"Today," said Sen. Strom Thurmond (R-S.C.), "the Soviets not only have a working antiballistic-missile (ABM) system around Moscow, they are working steadily toward achieving a crushing first-strike capability, a capability they could achieve within 36 to 48 months at their present rate."

"We must remember," said Sen. Edward J. Gurney (R-Fla.), "that the United States can never match its potential enemies in numbers of land armies or in ships or in numbers of tactical weapons. We can and must maintain an extensive leadtime in military technological superiority if we are to maintain a viable defense posture. And yet we appear to be engaging in a continued policy of eliminating projects involving scientific and technological progress."

"For some obscure reason," said Sen. Carl Curtis (R-Neb.), who spoke in support of the development, without further delay, of the B1 strategic bomber, "every heavy bomber ever built by the United States has fought its stiffest battle in Congress."

Senator Curtis reinforced his view by citing the conclusion of George P. Hunt, a former Marine Corps officer and a former Life magazine editor, who wrote in the June 18 issue of Life:

"In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage. It will take fast and skillful work to put (our) military back in shape."

Curiously enough, when the senators completed their discourse on the nation's defenses, the Senate shifted to a discussion of the railroad strike and never returned to the serious and far-reaching questions the senators raised.

Yet the dire warnings their colloquy imparted come on the heels of a growing number of similar alarm signals.

At roughly the time the senators spoke, in fact, the editor of "Jane's Fighting Ships," internationally recognized as the authoritative guide to naval power warned in London that U.S. naval power is in a serious decline. "By any standards," added Raymond V. B. Blackman, "the Soviet fleet now represents the "supernavy of a superpower."

Somewhat earlier, seven members of the Blue-Ribbon Defense Panel (appointed by President Nixon in 1969 to assess the nation's defense establishment) reported that "U.S. strategic superiority had ended." They added: "The situation which our country faces is without precedent . . . It is not too much to say that in the '70s neither the vital interests of the United States nor the lives and freedom of its citizens will be secure."

What makes such findings doubly disturbing is that they unfold in an era in which the military establishment—along with the so-called military-industrial complex—has become the favorite target for growing numbers of Americans and in an era in which every defense expenditure is represented as robbing the hungry, the jobless and the destitute.

The fact of the matter is that the nation's investment in the urgent business of national defense has been declining almost as rapidly as its expenditures in behalf of health, education and welfare have been increasing

As Senator Dominick told the Senate last month, the $76 billion requested for defense for the fiscal year that began July 1 is the lowest figure, when viewed as a percentage of the U.S. gross national product (GNP), since fiscal 1951—before the upsurge in spending occasioned by the Korean War.

The same figure—6.8% of the GNP— is notably lower than the 9.5% figure of fiscal 1968.

Almost as disturbing has been the failure of the nation's defense planners to keep abreast in the crucial area of research and development. "While military research and development expenditures made by the Soviet Union have been growing at a rate of approximately 14% per year," Senator Gurney told the Senate, "this country's funding in that category has remained nearly constant."

The further fact is that the Soviet Union has nearly one and a half times as many scientists and engineers employed in research and development as the United States.

Indeed, as Senator Gurney declared, existing pools of skilled technical and scientific personnel are being rapidly dissolved.

"A vast national resource of some of the most highly skilled workers in our history," Senator Gurney went on, "are now selling hamburgers or hot dogs, doing a host of things that any high-school dropout could do. Thousands are on welfare. Most are bitter and disillusioned. I do not doubt, that, in years ahead, we will look back in wonderment and inquire: How could a nation be so criminally wasteful of its greatest resource, skilled scientists and engineers and technical people?"

No less baffling has been the growing disposition to treat technology itself as a national enemy rather than as the principal advantage that stands between U.S. national security and the threat of any external enemy.

The state of the nation's defenses undoubtedly stems from a number of factors.

Certainly one of them was the conviction—widespread among many officials in the Kennedy and Johnson administrations—that the United States should seek no more than a strategic parity with the Soviet Union.

The theory was that continued U.S. superiority would only arouse Soviet fears and suspicions and spur the Russians on to achieve a clear-cut superiority.

Once the United States ceased forging ahead in the vast and complex business of strategic security, however, the Russians have been making it increasingly clear that they do not share our interest in parity. Hence, the conclusion of the seven members of the Blue-Ribbon Defense Panel that there is "convincing evidence that the Soviet Union seeks a pre-emptive first-strike capability."

Another factor in the narrowing strategic gap is the inclination among U.S. officials to take Soviet psychological attitudes into consideration, to attempt to outguess Soviet planners.

It was this inclination to which Senator Thurmond referred in his Senate analysis when he declared that the nation should "return to balanced defensive concepts which do not depend upon the psychological perceptions of the other side . . . The only reasonable plan is to be prepared to counter every military strategy that they have the capacity to put into operation against us."

Yet another factor undoubtedly is one born of hope—the hope that Soviet arms-control negotiators will agree to curtail the development and deployment of strategic weapons in a manner that could make the high cost of an adequate U.S. defense posture unnecessary.

Indeed, there is pending in the Senate at the moment a measure that would put into escrow funds allocated to the deployment of multiple and independently targetable re-entry vehicles (MIRV) until the President and Congress jointly decide that there is, in fact, a Soviet "threat."

All Americans, of course, hope and pray for the success of the various diplomatic initiatives Mr. Nixon has undertaken to reduce world tensions. And yet to hope realistically for their success is to recognize the urgency that the President and his emissaries will be capable of negotiating from a position of strength rather than weakness.

"Some people," Senator Brock told the Senate, "have let their expectations outrace the realities. As a matter of fact, the range of options among which the United States can choose at the negotiating table has narrowed considerably in recent years, especially since the balance of power began changing rapidly in favor of the Soviet Union.

"Thus, we have realized a paradox: The more important negotiations become, the fewer our choices and the more powerful must be our hand. The stronger a negotiator is, the better his opportunity for beneficial bargaining."

A final factor—and perhaps the most disquieting of all—is the resolve, particularly among the current crop of Democratic presidential candidates, to slash defense spending to make more money available for a variety of domestic priorities, ranging from welfare to health insurance and from urban renewal to environmental improvement.

The fact of the matter is any government's first obligation must be the preservation of its people from external assault.

Sen. Henry M. Jackson (D-Wash.) sought some weeks ago to put the issue into realistic perspective:

"My father and mother came from Norway back in the 1880s," he said. "That little country had one of the highest standards of living, relatively speaking, in the world. A thousand years of freedom, clean air and clean water. But what good did it do when the hobnailed boot moved in and took over in 1940 and destroyed the Norwegians' liberties, their freedom, their standard of living?

"The issue," he added, "is survival."

[From the Cincinnati Enquirer, Aug. 12, 1971]

NEEDED: A NEW STRATEGY

(By Senator JAMES L. BUCKLEY)

The security of the United States is endangered to a degree unparalleled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign policy objectives in Europe, the Middle East, in Asia, and even in the Caribbean will be in jeopardy because of the precipitous erosion of U.S. strategic power in the late 1960s and early 1970s.

The strategic forces we now possess, with the exception of the Minuteman III and Poseidon MIRV programs, are the same forces which we had in 1965. The doctrine which has dominated our strategic policy was developed during the Kennedy and Johnson administrations by former Secretary of Defense Robert S. McNamara. This doctrine is known as "assured destruction," and we see its legacy in the present administration's doctrine of "realistic deterrence."

The policy of assured destruction established the notion that America's security was best safeguarded by the maintenance of sufficient forces-in-being to make sure that enough of these forces would survive a first strike launched by any aggressor or collection of aggressors to enable us to deliver a retaliatory strike which would inflict unacceptable losses upon the enemy.

As the Soviet strategic arsenal grew in recent years, it became increasingly evident that whatever validity the assured-destruction doctrine might have had in the early and mid-1960s, it was a policy which could no longer be supported. The significance of the Soviet strategic buildup emphasized some of the critical weaknesses of the doctrine.

Because a serious level of population defense was considered destabilizing under this doctrine, the Department of Defense became an instrument of a policy which would prefer the killing of enemy civilians to saving the lives of our own, should deterrence fail. The buildup of Soviet forces has now reached a point where it may soon become doubtful that the United States would have a sufficiently large retaliatory force available after a Soviet first strike to meet even the minimum requirements of assured destruction or of realistic deterrence.

What is required now is a new strategy —one which will accomplish the objectives of saving American lives in the event deterence failed, while insuring that the United States will have sufficient strategic and conventional power to support its foreign-policy objectives abroad.

In his annual state of the World message, the President stated that he should have some other option than simply retaliating against Soviet cities in the event of a Soviet first strike. This he does not have, because the legacy of the mistaken policy of assured destruction has led to steadfast opposition to a program which would improve the guidance systems on our Minuteman and Poseidon missiles which would give them the capability to destroy Soviet missiles in their silos following any Soviet attack on our strategic forces, and before they had an opportunity to threaten our cities.

In order to implement a new defense strategy appropriate to the conditions of the 1970s, we need to press for improvements in our strategic posture which must include the following: We must:

First, proceed on an urgent basis to upgrade the guidance systems of the Minuteman and Poseidon programs as far as the state of art will permit.

Second, replace all 1000 of our Minuteman II missiles with Minuteman III missiles rather than just the 500 or so now being replaced.

Third, replace all of the Polaris missiles with Poseidon missiles, rather than three-quarters of them as is now planned.

Fourth, proceed with all possible speed with programs currently in the advanced stage of research and development—especially the B1A manned bomber and the Undersea Long Range Missile System.

Fifth, conduct a stepped-up research and development program into means of reducing the vulnerability of U.S. citizens to strategic attack.

These incremental improvements in our strategic posture would make it possible for a new strategy to be pursued—one in which live Americans are valued more highly than dead Russians; one in which the Defense Department once again becomes the instrument for assuring the survival rather than the vulnerability of American citizens.

It is a new strategy which will assure an American President of the continuing ability to support American foreign-policy objectives as well as to protect her citizens. It is a strategy which is necessary, desirable, and feasible, and it is the only strategy which will secure our essential defense and foreign-policy objectives.

Senator Buckley is a Conservative-Republican from New York and a brother of Enquirer columnist William F. Buckley Jr.

[From the Cincinnati Enquirer, Aug. 11, 1971]

AN ARMS RACE IN WHICH ONLY ONE SIDE IS RUNNING

(By Senator WILLIAM E. BROCK III)

President Nixon has established as a basis of his foreign policy the maxim that we are entering an "age of negotiation" rather than confrontation. Unlike reaction policies of the past, the Nixon doctrine is positive and active. It emphasizes vigorous negotiation from a position of strength.

It is designed to prevent wars, not manage crises, as has been the case in the past. Taking the longer view, the President has recognized that we are in a world of different and shifting conditions. Such hopeful signs must be tempered by realistic recognition of human nature, and, perhaps, human frailties.

Some people have let their expectations outrace the realities. As a matter of fact, the range of options among which the United States can choose at the negotiating table has narrowed considerably in recent years, especially since the balance of power began changing rapidly in favor of the Soviet Union.

Thus, we have realized a paradox. The more important negotiations become, the fewer our choices and the more powerful must be our hand. The stronger a negotiator is, the better his opportunity for beneficial bargaining.

It is interesting to note that in the past 20 years the strategic policies of the United States and the USSR have evolved in opposite directions. In the 1953–60 period, our policy of collective security and massive retaliation coincided with our capability to take a universally recognized strategic position based on strength.

At the same time, the Soviet Union, while in the process of developing its nuclear forces and remodeling its armed forces to respond to new requirements, was, on the whole, keeping to a strategy based on a recognized position of weakness.

However, by the end of 1959, the reorganization and the re-equipment of the Soviet armed forces was virtually completed, and in 1960 the formation of the strategic-missile force officially inaugurated the new nuclear strategy of the Soviet armed forces.

At about the same time that the Soviet reorganization was completed, the United States, in 1961, shifted from its strategy of massive retaliation and the nuclear umbrella based on superiority to the so-called flexible response of assured destruction.

Significantly an immediate consequence of this shift in policy was the Cuban missile crisis in 1962, which found us able to take advantage of our superiority in the missile and naval fields. The outcome of the crisis was not only the ouster of Khrushchev, but also a general step-up of Soviet military efforts, particularly in the fields of naval and missile development. They were not to be embarrassed again.

It is especially noteworthy that the acceleration in the Soviet naval buildup was accomplished precisely at a time when the United States started to reduce the scope and offensive nature of our armed forces.

This may seem strange to those who conceived our policies in that period, but it is not so strange to those who now view the situation realistically. Our unilateral reduction in forces did not stop the Soviet drive for more and newer sophisticated long-range weapons; rather, it seemed to have spurred the Soviets on to a greater effort coupled with the all-out psychological and political offensive in every part of the globe.

Now the balance of power more and more favors the Soviet Union. In spite of the best efforts of our negotiators, the basic realities of defense continue to exist. Soviet nuclear strategic weapons do not disappear because we sit down at the bargaining table. In fact, they are constantly being extended and improved. We cannot exclude the possibility that these weapons will be used. The possible use of these weapons remains a strategic consideration for the foreseeable future.

We have, then, a whole new concept of weaponry systems, based not only on nuclear power but also on new delivery methods using sophisticated guidance principles. Yet, while the weapons have changed, the superpowers controlling them have not.

Since introduction and development of these arms, very little has changed in the political philosophy or in the systems of mutual alliance and defense treaty commitments of the two superpowers.

The theory that the balance of power could be stabilized led some people to believe that it would be in the interest of both sides to create a condition of permanent equality in strategic weapons systems—a condition often called parity. In the interest of parity, it was considered good policy in the McNamara era for the United States to slow down the development and deployment of new systems to let the Soviet Union catch us in the "arms-race" competition.

We all know what happened to this reasoning. It collapsed when the Soviets were not satisfied with parity, but kept on going, and they have not stopped yet. Four years ago, Russia had 550 intercontinental ballistic missiles (ICBMs); today, they have over 1400. Four years ago, the United States had 1056 ICBMs; today we have 1056. How can there be a "race" when only one of the contestants is even running?

Thus we see that there is a gap between the expected and actual Soviet response to the behavior of the United States. In point of fact, the Soviets apparently regard our behavior as peculiar and possibly even a bit irrational.

We are still suffering from this McNamara thinking today. It has been argued by some that we should deliberately withhold attaining high accuracy which is technically within our power for our Minuteman missiles. It is argued that such accuracy would be provocative and lead the Soviets to think that we are seeking a first-strike capability. Baloney!

From the Soviet point of view, it is irrational to go into battle with a blunted sword. I agree. Nothing could be more provocative than a weakened and irresolute United States.

In my opinion, it is far less provocative to have accurate weapons, weapons capable of hitting military targets on the nose, than to say that our weapons are only capable of assuring the destruction of millions of their people. No military strategist worth his salt thinks in terms of killing millions of people, but rather in terms of eliminating the enemy's ability to retaliate.

Plainly, the persistence of the escalating Soviet development of strategic nuclear weapons has not been affected either by the unilateral slowdown by the United States in weapons deployment, or by the general disarmament discussions in Geneva or the strategic-arms-limitations talks (SALT) in Helsinki or Vienna. In fact, if anything, the rate of Soviet strategic improvement has increased in recent years as a result of these protracted negotiations.

What are the realities, therefore, with which we are presented in the era of negotiation? The realities are as follows:

The Soviet Union has been enthusiastically extending the range and quality of its negotiating power, a power based simply upon strategic capability.

The Soviets have been attempting to disjoint the Western alliance, particularly NATO, and during the last administration we saw the loss of a major military partner in that alliance.

The Soviets have sought to isolate and neutralize the World War II enemy states of Japan and West Germany, seeking to minimize their participation in the common defense effort in the Western world.

The Soviets have sought to destabilize the Middle East and establish their own presence in the Mediterranean. An enormously enhanced naval power in this area has brought this objective close to reality.

Finally, the Soviets have been striving for a decisive superiority in both strategic and conventional weapons systems—ground, naval and air force.

Defense Department experts estimate the Soviets are currently spending some 20% more each year than the United States on military and space research and development. Analyses indicate they reduce our technological lead by one year for every three they maintain that comparative tempo.

If this pace keeps up, we can well expect some surprises, and perhaps bitter disappointments, at the negotiating tables.

All of these policies have served to increase the negotiative flexibility of the Soviet Union and to obtain the power for optional pressure in any crisis area of the world.

The responsibilities of the United States, as the only other superpower in the world capable of withstanding Soviet pressure, have one sole measurement. That measurement is not set by the amount of funds we can appropriate for domestic programs at home and abroad. The only measure in a security that the United States can provide for the common defense effort with the other free countries of the world.

We must maintain a credible posture for constructive negotiations. Whether we deal with the Soviet Union, the People's Republic of China or an uncommitted nation, our basic strength is our ability to back up what we say . . . We cannot deal with the Soviets or China if it appears that we have become, in fact, a second-rate power.

Unless the President has demonstrable deterrent weapons at his disposal, the United States can find itself in difficult conditions. In such a case, it might be not only difficult, but almost impossible, to conduct effective negotiations. He would find it pointless to negotiate either in the realm of arms limitations or in the political solution of crisis conditions in various parts of the world. Unless we understand the intimate relationship between negotiations and power, we could well fade from the international scene as a nation which affects the course of human events.

Senator Brock, a Tennessee Republican, presented the foregoing analysis on the Senate floor on July 29.

SENATOR MONDALE'S COMMENTS ON THE NEW ECONOMIC POLICY

Mr. EAGLETON. Mr. President, the distinguished Senator from Minnesota (Mr. Mondale) recently made a comprehensive statement on President Nixon's new economic plan.

Senator Mondale applauds the President's bold and sensible initiatives on wages and prices, and on the international front, while vigorously criticizing those parts of the President's proposals with which he disagrees.

I recommend Senator Mondale's statement to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Economy

(By Senator Walter F. Mondale)

For over a year and a half, our nation has been in the midst of economic stagnation.

Unemployment has hovered around 5 million; consumer prices have been rising at about 5% per year.

Two weeks ago, President Nixon announced his new economic plan. It called for an almost total reversal of past policies.

I commend the President for taking this action. I applaud the courageous and dramatic set of new initiatives.

I wish the President had acted sooner. Last April, after repeatedly advocating new policies, I sponsored legislation calling for many of the changes in the President's package. If these new policies had come sooner, we might now be well on our way to economic prosperity.

But at least the President recognized the need for new policies. And he did strike out boldly in a number of sensible directions:

Floating the dollar was a major step toward putting our foreign economic affairs in order;

The wage-price freeze buys us much needed time while we develop an effective policy to control the wag-price spiral;

The tax cuts mean that the President now recognizes an obligation toward the 5 million unemployed.

Some difficult problems remain, however.

First, the wage-price freeze is clearly inequitable;

Profits, interest rates and dividends are not covered; and the freeze on wages—policed by employers—will inevitably prove much more effective than the voluntary freeze on prices;

Moreover, wage-earners who have fallen behind in their wage-bargaining, are now prevented by the freeze from catching up.

And there are numerous other difficulties.

In this situation it is not enough to say that any freeze involves inequities, and that these must be tolerated in the interest of halting inflation.

What is needed, immediately, is a mechanism—such as the Wage Stabilization Board of the Korean period—to deal quickly and efficiently with the many complaints. The urgency of such a mechanism increases as the controls continue beyond the 90 days.

The new board should be composed of representatives of labor, business, consumers and government.

Up to the present, only government officials have been included in decision-making on the freeze. Other parties directly involved—such as labor and consumers—have not yet been consulted or included in any significant way. I think this has been a serious error.

Second, the President's package to stimulate the economy is overwhelmingly biased in favor of big business.

Adding the recent proposals to the guidelines for depreciation announced in January, we find that the President's program boils down to this:

$2.3 billion in tax cuts for consumers; and $9 billion in corporate tax cuts (the largest in any year in our history).

This does not take into account removal of the $2.2 billion auto excise tax which is not, strictly speaking, either an individual or a corporate cut.

This allocation of tax cuts—about 2% for consumers and 20% for the corporations—is indefensible from the standpoint of social equity.

It is also bad economics.

The tax cuts for business are supposed to increase investment in plant and equipment—and thus jobs.

But with industry operating at 72% of capacity, businessmen have little incentive to expand their plant and equipment.

Meanwhile, almost all the experts agree that the key to economic recovery is increased consumer spending.

Under these circumstances, an extra dollar in the hands of the consumer will have a sharper, quicker impact than a dollar in the hands of corporate managers.

When Congress reconvenes, I intend to introduce legislation to redress the imbalance in the President's program.

This bill—the Economic Growth and Stability Act of 1971—would:

Substitute the 10% investment credit for the new guidelines covering the depreciation of plant and equipment. Firms will still get a large tax break for investment in plant and equipment, but at a loss to the Treasury of $3–4 billion a year less than in the President's package;

Accelerate the income tax cuts presently scheduled for 1972 and 1973 to January, 1971. This will give consumers a $4.5 billion tax cut this year, in contrast to the much smaller cut provided for by the Administration in 1972;

Delay the $4.3 billion social security tax increase presently scheduled to go into effect on January 1, 1972. This tax deferral would add almost $100 to the spendable income of the average wage-earner in 1972.

I also intend to press a number of additional concerns:

The Congress should move ahead full steam to pass welfare reform and revenue sharing legislation. There is no justification for delaying these vitally needed programs;

The President should release a substantial portion of the $13 billion that have been frozen by the Office of Management and Budget. These funds could create many jobs in urban and rural development projects. We should double the funds for the Emergency Employment Act, whose purpose is to create jobs in areas of high unemployment. Our state will receive over $10 million this year under this program.

Finally, Congress should provide extended unemployment compensation benefits to workers who have exhausted both their normal 26 weeks of coverage and the 13 weeks of additional benefits provided in periods of high unemployment. This is the least we can do for the victims of our past policies.

The bill that I have proposed will provide the economy with much more stimulation than the President's package. With unemployment above 5 million, our first priority must be to encourage a vigorous expansion that will put millions of unemployed back to work.

In spite of this greater impact, my bill is less inflationary than the Administration proposals. It would stimulate the economy now—when it is needed—and phase out in 1973 as the nation returns to full employment. In contrast, the President's package attains its maximum impact after 1972—when inflationary pressures may well be threatening again.

None of these criticisms should detract from the President's considerable achievement in putting together the New Economic Program. Nor should these disagreements—and others like them—be allowed to result in extended Congressional delay.

I fully share the Administration's view that quick action must be taken on the President's new proposals. I intend to cooperate fully in working toward this goal.

THE AGE OF ECOPOLITICS

Mr. BROOKE. Mr. President, it gives me great pleasure to ask unanimous consent that the name of the distinguished senior Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of S. 1389, extending most-favored-nation status of the People's Republic of Rumania.

Senator RIBICOFF has long been concerned over the trading opportunities which are lost to American businessmen as a result of our restrictions on trade with the countries of Eastern Europe. Earlier this year, he traveled to Eastern Europe on a study mission to determine the extent of opportunity available for U.S. business. In the course of this trip, he delivered an address in Budapest, Hungary, on "The Age of Ecopolitics." Excerpts from this farsighted speech were recently published in the Wall Street Journal. His remarks are a welcome addition to the forthcoming debate on East-West trade and I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THIS THE AGE OF ECOPOLITICS?

(NOTE.—The following article is excerpted from a speech delivered last June in Budapest. The author, a Democratic U.S. Senator from Connecticut, traveled to Rumania and Hungary as chairman of the International Trade subcommittee of the Senate Finance Committee. In part, his remarks can be read as a rebuttal to the new mood of protectionism in the U.S. and other countries.)

(By Senator ABRAHAM RIBICOFF)

Most men in political life who started their careers in government in the 1940s have focused their attention on the political and military aspects of foreign problems. This should come as no great surprise, given the military conflicts and feverish diplomatic activities of this turbulent period. Our view of the world and of our own countries' destinies was shaped in an era when giant men moved across the stage of history.

The people of the world during that period were led by epic leaders who for good or ill were able to change the course of history through the force of their own intellects and personalities. The United States had Franklin Roosevelt; England, Winston Churchill; France, Charles de Gaulle; and Russia, Joseph Stalin.

The energies of statesmen and governments were directed toward the redrawing of political boundaries and the preservation of a strategic balance of power.

During the Second World War, my own country and the Soviet Union were able to put aside their ideological differences and join together to save Europe from the specter of Nazism.

DRASTIC REARRANGEMENTS

Following the war, the face of the globe was drastically rearranged, and the world shuddered under the impact of a number of revolutions occurring simultaneously—any one of which alone would have had the most far reaching consequences.

Colonial rule was overthrown in most of the southern hemisphere—and fledgling governments struggled to provide for their peoples.

A population explosion in the underdeveloped nations coincided with a revolution of rising expectations producing dangerous instabilities.

The dawning of a nuclear age threatened the very existence of all mankind for the first time.

The delicate balance of power maintained since the Congress of Vienna was replaced by the emergence of two superpowers.

A revolution in technology and scientific progress offered the promise of unprecedented abundance and prosperity.

But old attitudes and thinking persisted. Instead of harnessing their energies to meet the challenges of all the great changes taking place, the nations of both East and West allowed a cold war to come between them and divert their limited resources.

Ironically, it was economic growth, not the support of military establishments, which became the number one priority of the two defeated Axis powers—Germany and Japan. And their stunning recovery and prosperity today attests to this singleness of purpose, and the wisdom of pursuing economic gain rather than military power.

Increasingly, technological, economic and trade considerations are determining the nature of relations between nations. American diplomacy during the past two decades illustrates how these new realities were largely ignored.

While the United States was concerned with the NATO order of battle, the Federal Republic of Germany was more concerned with orders for Volkswagens. While the U.S. was placing restrictions on its exports to the East, Western European trade with the East was flourishing.

I am convinced that during the last quarter of this century, ecopolitics will replace geopolitics as the prime mover in the affairs of nations.

I am also convinced that because of this, it is time to relegate the cold war to the pages of history. In 1971 this is exactly where it belongs.

The recently concluded treaties between the Federal Republic of Germany and the Soviet Union, and between the Federal Republic and Poland also bear witness.

While politicians and diplomats still argue over the same old tired political issues, businessmen and bankers are rearranging the basic nature of relations between states and peoples. While the generals still busy themselves with planning their war games and maneuvers, increasing commerce between East and West, and the growing internationalization of production, are making the idea of a major armed conflict in Europe an absurdity.

The activities of multinational corporations, and the increasing use of joint ventures and consortiums are crossing frontiers and erasing national boundaries more surely and swiftly than the passage of armies and the conclusion of peace treaties. For 20 years the United Nations has been unable to agree on a definition of "aggression." But it certainly takes much less time than that for businessmen representing different nations and economic systems to bind themselves together in a mutually beneficial contract.

Whether one likes it or not, the nations of the world are becoming more dependent on each other. Those who are actively engaged in expanding trade and transmitting technology between East and West are in the front ranks of those creating these strong bonds of mutual interdependence.

What we don't need in attempting to cope with the implications of such a rapidly changing world are attempts at simple solutions. One of my own countrymen, some 50 years ago, aptly stated—"for every human problem, there is a solution which is neat, simple—and wrong."

A TIME FOR RETHINKING

The simple solutions of a much simpler bygone age just don't work anymore. The time is past due for all national leaders to discard the notion that exports are good and imports are bad. This is the same as saying production is good and consumption is bad. Or that our standard of living improves when we give value away, but not when we receive value in turn.

It is time to grasp the idea that the proceeds of international trade increases productivity as surely as machinery and technology does.

And any leader—of either East or West—who ignores the economic implications of his political actions does so at his peril. . . .

There is still much that the countries of Eastern Europe must do to improve their export position.

They must be willing to commit a greater share of their own economics to foreign trade, and cease to regard it as an activity designed only to supplement domestic economic capabilities. They must be prepared to develop industries geared to export, and be more willing to depend on imports. They must seek greater understanding of the requirements of the American market and consumer tastes, if they are to sell their products. . . .

Aside from vigorous trade expansion programs, the East must also inject itself more forcefully into the mainstream of international trade and investment. The example of Poland's accession to the GATT should be emulated elsewhere. There should be more active interest shown in gaining membership in the International Monetary Fund and the World Bank.

I realize full well that these steps are not without certain risks. But it should be emphasized that both risks and the benefits will have to be shared equally by both East and West. Unless both sides show a willingness to move off dead center in settling of decades-old minor diputes, we will not be able to enjoy together the fruits of increased commercial relations.

Important changes have already taken place in the economies of the East and—I know you are all well acquainted with the rapid pace of reform undertaken here in Hungary, with its new economic mechanism. These changes are essential in meeting the requirements of international trade, and they have not been taken without attendant risks. In experimenting with different ways of modernizing and industrializing, the East should feel it will be able to draw more freely and easily upon the experience, technology and investment capital of the West. But it will not be able to do so unless it offers more information and greater assurance to Western investors and traders. . . .

THE YEARS AHEAD

In the years ahead, as nations realize that efficiency means greater reliance on economic rather than political considerations, both market and nonmarket economic systems will inevitably move closer to each other. It has been predicted that by 1980 two-thirds of all the employment in the United States will be in the service industries, and only one-third in the production of goods. As this same division holds true in other countries, and the export of services increases, it will become imperative for people to begin to understand the workings of different economic systems much better than they do today.

The communications and psychological barriers impeding trade and commerce remain formidable. The differences between the operations of state operated monopolies in a nonmarket economy, and in the mechanisms used by private corporations in my own country are great. Unfamiliarity with methods and institutions breeds distrust and a reluctance to even consider commercial relations. While it will be more difficult to tear down emotional barriers, it should be less difficult to overcome the lack of knowledge. . . .

Ultimately, only by broadening and deepening the base of discussions and meetings between representatives of East and West can the idea of peaceful coexistence be translated into reality.

Through mutual efforts and good will on both sides, and by a keener appreciation of how truly small the world has become, we will all benefit from what each nation has to offer in the marketplaces of goods and ideas.

The role that all of you here today will play in this process is crucial—it is not merely one of opening markets, maximizing profits, or creating material wealth. By improving economic relations between East and West, and by inducing greater responsibility and cooperation among the nations of the East and the West, you will also be perfecting the arts of peace. I can think of no worthier calling.

THE FUEL OIL SITUATION IN NEW ENGLAND

Mr. PASTORE. Mr. President, last week the distinguished Senator from New Hampshire (Mr. McIntyre) began a series of hearings on current problems in the fuel oil markets of the Northeastern States.

One of the outstanding citizens of Rhode Island, Mr. Robert De Blois, testified at those hearings on behalf of the New England Fuel Institute.

The institute is an association covering the six State New England region, with a membership of more than 1,100 retail and wholesale home heating oil dealers and distributors, who sell nearly 75 percent of the No. 2 fuel oil in the region.

Mr. De Blois presented with clarity the critical problems facing our area and outlined the cause of high oil prices and the supply difficulties we have experienced in recent years. He pointed out that the program initiated last year for the importation of 40,000 barrels a day of No. 2 fuel oil into the Northeast has had some impact, but that improvements and the expansion of that program are needed if we are to stimulate competition and provide a real price break for consumers of home heating oil.

Mr. De Blois explained the New England Fuel Institute's four point program to abate the crisis:

First, immediate suspension of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for district I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

Second, an immediate increase in the import level under the No. 2 fuel oil program from 40,000 barrels per day to 100,000 barrels per day.

Third, an immediate confirmation that the No. 2 fuel program will be extended through 1972.

Fourth, on January 1, 1973, complete decontrol of No. 2 fuel oil imports into district I—the east coast.

Mr. President, I strongly support these proposals. I am deeply concerned at the delay in acting upon them. As Mr. De Blois points out, the NEFI proposals were presented to Gen. George A. Lincoln, chairman of the Oil Policy Committee, last May. A thorough study and review of the No. 2 fuel oil program was conducted by the Oil Policy Committee and the Office of Emergency Preparedness; I understand that specific recommendations are now before the Oil Policy Committee.

There is no reason for further delay. The winter will soon be upon us. We in New England—and throughout the Northeast—must be able to plan intelligently and effectively for the heating season. Inaction and delay now by Federal oil policy officials could create serious supply and price problems early next year.

I call for prompt, positive action on the four-point program presented by the New England Fuel Institute.

Mr. President, I ask unanimous consent that the statement presented by the institute at the hearings of the Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs, on September 8, be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by New England Fuel Institute Before Small Business Subcommittee, on Banking, Housing and Urban Affairs, Senator Thomas J. McIntyre, Chairman, Washington, D.C., Sept. 8, 1971

Mr. Chairman: I am Robert DeBlois, Chairman of the Board of New England Fuel Institute. I am accompanied this morning by Donald Craft, President and Mr. Charles H. Burkhardt, Executive Vice President of the Institute. The New England Fuel Institute is an association covering the six state region, with a membership of 1,143 retail and wholesale home heating oil dealers and distributors. Members of our organization sell nearly 75% of the #2 home heating oil in New England. In addition, a number of our members retail substantial quantities of heavy fuel (#6) oil and also operate deepwater terminals.

Before proceeding I want to thank you Mr. Chairman, for the vigorous and effective work you have done over the past several years on behalf of the small heating oil retailers of New England and the thousands of consumers who depend on fuel oil in our area. This Committee has held a number of hearings on New England's unique fuel problems. I am sure you realize, Mr. Chairman, that your efforts and those of the other members of the New England Senatorial and Congressional delegation have distinctly helped spotlight the inequities of the existing import system as it affects New England consumers. Your efforts also have achieved some measure of relief from the cycle of supply shortages and high prices that have characterized our region during recent years. We are sure that this very constructive hearing will further assist us and New England Consumers in winning the greater relief that is so urgently needed.

Mr. Chairman, we think it would be helpful right at the outset to describe once again the reasons that lie behind the disproportionate prices New Englanders must pay for the heating oil they buy to heat their homes. We are talking about a commodity that is not a luxury item, rather it is a product which is of vital necessity to the health and well-being of seven out of ten New Englanders who heat their homes with oil.

The problem of oil prices, shortages and threats of shortages of home heating oil in New England stem from the fact that every drop of oil used in New England must come into the area by ship. New England has no oil production or refineries of its own. Nor does it produce any coal or natural gas. There are limited amounts of hydro-power available in New England but by and large, our region runs on oil, and every barrel of oil must come by ship.

Fortunately, New England is blessed with a number of fine harbors and under normal circumstances could expect to bring oil into our region priced competitively with any other area in the country. Unfortunately, normal market price transactions—normal flow of oil—cannot take place. Why? Because as of 1959 New England, like the rest of a 43 state area, has been subject to mandatory oil import controls. These controls negate New England's natural advantage of deep water harbor facilities because they prevent New England distributors from importing foreign oil (apart from heavy fuel oil, which as is known, is allowed entry).

Last year East Coast deep water terminal operators were for the first time, granted on a trial basis, a daily import quota of 40,000 barrels of #2 home heating oil. The quota stipulated that this product had to be imported from Western Hemisphere sources daily from the Carribbean area. We wish to address ourselves to that program at some length, further on in our testimony. Apart from that limited exception New England deep water terminal operators, including major company terminal operators must rely on domestic U.S. Supply Sources for all of their product requirement. Since we have no refineries in New England, we must, in effect, import refined products from other parts of the country.

Unfortunately, there have been no refineries built on the East Coast of the U.S., since the mandatory oil import program was initiated 12 years ago. Moreover, East Coast demand for product is well over double the volume produced in East Coast refineries. Thus we must look to the U.S. Gulf Coast areas for a substantial part of our supplies. The point we are trying to make Senator, is that the heart of the refining industry is located in the Gulf Coast area and New England, by a quirk of geography, happens to be at the farthest end of the supply line. These geographical facts coupled with the inability, because of the oil import program, to buy home heating oil in world markets at competitive market prices have placed New England in the position of paying higher prices for home heating oil than any other region of the country. The inequities of this situation are obvious.

What we have here, is a major oil import quota system justified on the basis of national security, which causes prices in one particular region of the country to be disproportionately higher than in others. If one accepts the thesis, which we do not, that there is a valid national security justification for the oil import program, we are in effect, paying more than our pro rata share of what should be a national burden. It is particularly unfortunate that the region that has to pay the highest prices for home heating oil is the very region that needs and uses more heating oil per capita than any other in the country.

There is another inequity Mr. Chairman, imposed on small businessmen by the Oil Import Program. We refer, of course, to the competitive inequity caused by the size and economic strength of the major integrated oil companies as well as the dependent position the quota program has forced on independent deep water terminal operators. These independent terminal operators have the hardware—that is the physical facilities to bring oil into the New England market from anywhere in the world, and indeed, when they were allowed to do so before the oil program was initiated, they were able to compete effectively with the major companies and bring to New England jobbers and small retail distributors an alternative source to major company supplies.

The oil import program, of course, changed all that by forcing independent terminal operators to acquire their supplies from a small number of major companies with refining capacity located inside the U.S. market. In short, the independent terminal operators are forced into the incongruous position of having to compete for jobber business with the very same companies upon whom they are dependent for an adequate supply at a reasonable price.

As this committee knows, we in New England have experienced difficulties as a result of the quota system in obtaining necessary fuel oil supplies ever since the winter of 1966–67. Each winter since, the supply situation has grown more severe and only emergency allocations from the Oil Import Appeals Board prevented home owners from running out of oil.

Last year for the first time, there was a ray of hope. An Oil Import Quota of 40,000 barrels was allocated to independent terminal operators starting in June of last year and continuing through 1971. This positive step was viewed at the time as a breakthrough which would lead to price relief for New England consumers as well as adequate supplies during last winter's season.

Unfortunately, the terminal operators were required to purchase the 40,000 barrels per day solely from Western Hemisphere sources. This restriction was a harmful and inequitable one. Within a few months from the time that the quota allocations were granted, prices for home heating oil in the Caribbean area rose from 6.5 cents per gallon to 9.5 cents per gallon, an increase of almost 50 percent. New England consumers were denied price relief by the companies who controlled the vast majority of Caribbean home heating oil companies.

Still, the program did have a positive impact. The added supplies gave New England its first winter in five years completely free of fear and threat of shortages. While the major impact on price that had been hoped for did not materialize, independent deep water terminal operators were able to competitively defend their business vigorously and in some cases seek new business. For those of us in the business as jobbers and retailers there was more competition by alternate suppliers bidding for our business. During the last half of the home heating oil season discounts to jobbers and distributors became general for the first time in more than five years.

However, more and more substantial relief is needed if the taste of competitive pricing, which we jobbers and distributors enjoyed last year, is to become meaningful this winter and for the future. The 40,000 barrels per day import quota should be sharply expanded to at least 100,000 barrels per day through 1972 and by January 1st, 1973 there should be complete decontrol of the No. 2 home heating oil imports into the East Coast. Of even more importance is the Western Hemisphere purchase restriction. This should be lifted so that terminal operators are allowed to buy supplies from all free world markets at lower prices than are currently available in the Caribbean.

This committee may be interested in how we view the prospect for supply and prices for this winter and the future. The price picture is, of course, still clouded somewhat by the Presidential freeze now in effect. Prior to the price freeze, one large refiner had announced a schedule of price increases on the wholesale level in steps starting with three-tenths of a cent in May and adding a total of another 1 cent per gallon in stages through November, December and January. Thus, we in New England face the bleak prospect of yet another increase in the cost of heating our homes unless the price freeze prevents it.

On the supply side, we believe that if a favorable decision is made to go forward with home heating oil quotas to deep water terminal operators on an expanded and unrestricted basis, there will be no shortages this winter. Large refining oil companies, of course, have argued that continuation of the quota is unnecessary; that inventories are at high levels and that we need have no fear of shortages this winter. Mr. Chairman, we have heard that before.

In reality, we don't think that the major companies or any party here, at this stage of the game, can be overly sanquine about the supply situation for this winter and the future.

In fact there are a number of trends underway today which could dramatically alter the demand for home heating oil this year and for the future. We refer, Mr. Chairman, to a number of substitutes that are being made which could cause an unusual increase in demand for home heating oil. We will cite a few examples to illustrate this point:

(1). Pollution controls governing the sulphur content in heavy fuel oil have been adopted by a number of states. Your own state of New Hampshire now requires sulphur levels not to exceed 2.2% by weight of heavy fuel oil (#6). Next year that level will be reduced to 1.5%. In my state of Rhode Island and in neighboring states as of October 1 this year, no heavy fuel oil can be brought into the state with sulphur levels exceeding 1% by weight. In Boston and a number of contiguous communities in Massachusetts, sulphur levels are to be reduced by October 1st, to ½ of 1%; while in New York City and New Jersey the permitted sulphur levels will drop to three tenths of 1%.

By January 1972 every state must file an implementation plan with the federal government showing what requirements they propose, to meet the primary ambient air standards as required by 1975 as provided for by last year's Federal Clean-Air Legislation. All of these controls will require a vast increase in the volume of low sulphur heavy fuel oil sold on the East Coast of the U.S.

One way in which companies are meeting these strict sulphur standards is by blending low sulphur home heating oil (#2) with high sulphur heavy fuel oil to meet requirements. Here then, is a whole new use for home heating oil which is already substantial and which will grow even more as additional states adopt stricter sulphur levels. It is this situation, as all admit, that has caused the tight supply situation in the Caribbean area.

(2). Another kind of pollution control already in effect in the metropolitan Boston area is a requirement that all buildings burning heavy fuel oil (#5 & #6), at a rate of 20 gallons per hour or less must be converted to #2 home heating oil or gas. We estimate that there are some 14,000 buildings in the metropolitan Boston Air Shed and its 20 surrounding cities and towns that have had to make this conversion. We think it is reasonable to estimate that these buildings on the average will consume #2 home heating oil at a rate of between 30,000 to 38,000 gallons per year. This all adds up to a minimum of 10 million barrels of new demand for home heating oil as a result of air pollution regulations. Obviously, to the extent that such regulations are adopted in other states the demand for home heating oil could further skyrocket.

(3). Electric utilities in New England and New York have purchased jet-type turbine power plants to drive generators to produce electricity. These jet engine turbines burn #2 oil and the rapidity and extent of conversion to this type of equipment could by itself, significantly increase demand for home heating oil.

(4). Finally, the demand for #2 oil is likely to be affected by the developing natural gas shortage in the U.S. This is one subject on which the industry, majors and independent producers, all seem to agree—there is going to be an increasing shortage of natural gas. Until now, gas companies visited with a squeeze on supplies have usually preferred to cut back on their sales to industrial users while maintaining their deliveries to home consumers. In recent weeks this practice has been challenged by, among others, the governor of Pennsylvania, who urged that gas deliveries to industries be continued because home owners had alternate energy sources.

He was referring, of course, to home heating oil. If the natural gas shortage is to be partially solved by the conversion of these homes to heating equipment that will burn oil instead of gas, then a further demand for home heating oil will occur.

Mr. Chairman, we suggest that all these trends point in one direction. None of us can be too confident of the adequacy of supplies at reasonable prices of the product that we are discussing here this morning. It is clear to us that larger volumes of home heating oil must be allowed entry and that the Western Hemispheric restriction on such imports must be eliminated. We would hope this committee will make recommendations to this effect in the strongest possible terms.

In support of this we are submitting as an attachment to this testimony, NEFI's statement of position on this issue, dated May 10th. Our recommendations at this time would be identical to those in this May 10th position paper, namely:

1. Suspension as soon as possible of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District 1. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

Finally, Mr. Chairman, we would like to comment briefly on the recent proposal by the Oil Import Administration that existing regulations covering the importation of No. 6 fuel oil be amended. We strongly oppose the suggested changes or indeed any change, that could lead to a reimposition of import restrictions on No. 6 fuel. We are deeply concerned with the intent of the proposed rule changes and believe that they could involve a fundamental shift of oil import policy.

The East Coast currently imports some 90% of its requirements of this product because U.S. refineries have systematically reduced the volume of No. 6 fuel oil produced over the last 20 years. At present, domestic plans simply do not come anywhere close enough to producing enough No. 6 oil to meet demands.

The liberalization of No. 6 oil import quotas in 1965 was a direct result of strong and persistent efforts by New England and other East Coast Congressional Delegations. All of the benefit from that extensive and protracted effort is now being jeopardized. When a system works well and imports are freely allowed, it seems to us there has to be a reason for suddenly changing the regulations. The new allocation system would certainly be more cumbersome than the present one. What the Oil Import Administration appears to be doing is arbitrarily attempting to reimpose retrictions on imports of No. 6 fuel oil.

We hope this committee will take a searching look at these proposed regulations and investigate the real reasons for the proposed reimposition of import restrictions on No. 6 oil. We believe the proposed amendments involve a major grant of administrative authority. We strongly oppose such a measure.

Mr. Chairman, let us again express our gratitude and appreciation for being allowed the opportunity to present this testimony this morning. If you have any questions on any part of this testimony, Mr. Burkhardt, Mr. Craft and I will be happy to answer them.

STATEMENT OF POSITION

The New England Fuel Institute is an association covering the six state area, with a membership of 1,100 independent retail home heating oil dealer-distributors. Its members sell nearly 80% of the No. 2 (home heating) fuel oil in New England and are retailers of substantial quantities of No. 6 (residual) fuel oil.

The Institute commends the members of the Senate and House from New England for their untiring and effective fight to assure adequate supplies of fuel oil, at reasonable prices, for the consumers of our area.

The Institute is grateful for the efforts which culminated in establishment of the special program allowing for importation of 40,000 barrels per day of No. 2 fuel into the Northeastern states; this program assured adequate supplies for New England in the Winter of 1970–71.

Viewing the future, the New England Fuel Institute is deeply concerned about three aspects relating to No. 2 fuel oil.

1. *Demand*. The Oil and Gas Journal projects a 10–15% inrease in demand during the latter half of 1971. NEFI agrees with this projection, but warns that it could prove low for the New England area due to the following factors: record demand for No. 2 fuel by utilities; increased consumption by small apartment and factory buildings, converting from No. 6 burners to meet anti-pollution standards; increased use of No. 2 fuel in blending with high sulfur No. 6 oil, to meet more stringent anti-pollution rules going into effect during 1971–72.

2. *Supply*. Because of high nationwide demand for distillate fuels, domestic refineries may not produce adequate amounts for the coming winter. The supply picture in the Caribbean is bleak; major refiners in the area will have little product available for importation into New England and only at very high prices.

3. *Price*. Prospects for the Winter of 1971–72 are not good. The wholesale (cargo) price of No. 2 fuel oil will be increased along the East Coast by 1.3 cents per gallon by the end of 1971. These price moves will mean added costs to consumers of New England of $60 million per year.

RECOMMENDATIONS

The New England Fuel Institute urges that Federal Oil Import policies be changed to meet the problems outlined above. Specifically we recommend:

1. Suspension on or before June 1, of the Western Hemisphere purchase limitation in the No. 2 fuel oil program for District I. This will enable independent deepwater terminal operators to purchase more reasonably priced supplies available at European refineries.

2. An immediate increase in the import level under the No. 2 fuel program from 40,000 barrels per day to 100,000 barrels per day.

3. An immediate confirmation that the No. 2 fuel program will be extended through 1972.

4. On January 1, 1973, complete decontrol of No. 2 fuel oil imports into District I (the East Coast).

JOHN HEINZ

Mr. SCOTT. Mr. President, the other day I heard from a young man who used to work in my office. He is now working to become a Member of Congress from our great Commonwealth of Pennsylvania. John Heinz is his name. and he will make a fine Congressman. He is full of ideas and has the drive and determination to be one of the most outstanding leaders ever to represent Pennsylvania.

John Heinz has written to the President, urging an immediate cut in the income tax. He wants to put more dollars into the hands of the consumers—now. He wants to create new jobs and to restore confidence in the Nation's economy. When he wrote to the President, John Heinz sent me a copy of his telegram. Here is what he says:

> It is today prices are high. It is today people are out of work. Accordingly, I have today urged the President to consider an across-the-board cut in the federal income tax.
>
> It is essential that if this bold new plan is to work, every working man and home owner has to believe the program will work. I suggest that if given the tax relief I propose, these wage earners will have the confidence in the program necessary to successfully revive consumer spending and get people back to work.
>
> I would also urge you to initiate welfare reforms now, rather than a year from now and give additional relief to wage earners and home owners. The immediate passage of H.R. 1, the Welfare Reform Act, would dramatically lower the cost of welfare to our states, and these savings can and should be passed on to state taxpayers in the form of reduced State taxes.

John Heinz has the courage of his convictions. He knows there is a need to stimulate the economy. What better way to accomplish this aim than to get more money in the hands of the consumers?

U.S. INVOLVEMENT IN VIETNAM—LETTERS FROM MONTANA STUDENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record two interesting letters from Montana relative to our involvement in Southeast Asia.

I commend the students at the College of Great Falls and the international relations class at Charlo High School. Their interest and initiative in this most important question speaks well for their sense of responsibility.

There being no objection, the letters were ordered to be printed in the Record, as follows:

College of Great Falls,
Great Falls, Mont., September 9, 1971.

Senator Mansfield: As stated in our night-letter of September 2, 1971, I am enclosing petitions signed by students of the College of Great Falls supporting your action to end the war in Vietnam and Southeast Asia. I sincerely hope these will be of value to you in support of your movement.

Sincerely,
Frank A. Malensek, Jr.,
Commission of Public Relations and Information.

September 3-13, 1971.

Hon. Mike Mansfield,
Senate Majority Leader,
Senate Office Building,
Washington, D.C.:

We the undersigned students, faculty, friends of the College of Great Falls support Senator Mansfield's amendment to the Draft Bill concerning a cut-off date to the Vietnam war:

Rev. Dave Birchfield, St. Leo's High School, Lewistown, Mont.
Jarque Limiex, St. Leo's High School, Lewistown, Mont.
Sister Providence, College of Great Falls.
William Kelly, College of Great Falls.
Willis Jan Lover, College of Great Falls.
Eileen Murphy, 1615 9th Ave., S., Great Falls.
Gordon F. Chibroski, 616 7th St. South.
Sally Chibroski, 616 7th St. South.
John G. Higgins, Great Falls.
Roxcine Lencioni, Sand Coulee.
Michael Wade, Great Falls.
John S. Puta, Great Falls.
Gary Thorsen, Great Falls.
Larry Becher, 1801 10th Ave. So., Great Falls.
Clarence McDavid, 1801 10th Ave. So. No. 1, Great Falls.
Dana Darko, Box 23, Cascade, Mont.
James Hedger, 3420 6th Ave. So., Great Falls, Mont.
Roberta Denny, 1904 Colo Ave., Black Eagle, Mont.
Dianne M. Bartoletti, 1915 12th Ave. So.
Ed Coghlan, 1808 9th Ave.
Frank A. Malinsett, Billings, Mont.
Manuel Camulon, Jr., Seattle, Wash.
Rick Merenz, Fairfield, Mont.
Jim Parsineno, Great Falls, Mont.
Mike Murray, Collegeville, Pa.
Sister Joeven Shannon, Great Falls, Mont.
Donna Boyer, Great Falls, Mont.
Jack Mosier, Erie, Pa.
T. Flanagan, Cleveland, Ohio.
The Rev. Jacob D. Beck, 608 48th St. So., Great Falls, Mont.
Patrick W. Kelley, 321 Riverview West.
Bill Nelson, Denver, Colo.
Norma Stein, Glasgow, Mont.
Bobbi Conard, Danvers, Mont.
Clara Cichosz, Great Falls, Mont.
Kenneth Stein, Glasgow, Mont.
Scott Richard Hickman, Great Falls, Mont.
Linda Yates, Great Falls, Mont.
Cathy Lohman, Great Falls, Mont.
Tom Golik, Malta, Mont.
Tony Brilbad, Baker, Mont.
Barb Lodman, Beavercreek.
Dan Spurgin, Great Falls, Mont.
Roxcine Lincioni, Sand Coulee, Mont.
P. Michael Welch, 2806 2nd Ave. No.
S. Carol Ann Richlie, 1525 4th Ave No.
Anne Dahinden, Emily Hall.
Nancy Ownean, Emily Hall.
Karen Pupich, Emily Hall.
Denis F. Mora, 1100 8th Ave. No.
Benjamin J. Kennedy, 423 4th Ave. S.
Elof Nansen, 423 4th Ave. S.
Fesseha Dawit, 900 Carlos Drive.
Manuel Camilson, Jr., 1801 10th Ave. So. A8.
Thomas T. Balik, 900 5th Ave. So.
Paul Nash, Villa.
Howard A. Venotz, 1400 7th St. So.
Aaron Smith, 1801 10th Ave. So. Apt. 15.
Amy L. Runnion, 351 Carol Dr. Gt. Falls, Mont. 59405.
Sr. Joseph Th., College of Great Falls.
Diane Johnson, College of Great Falls.
Thomas McNitt, College of Great Falls.
Susan Werner, College of Great Falls.
Edla Billing, College of Great Falls.
Ted Stamper, 927½ 4th Ave. NW.
Sr. Judith George, College of Great Falls.
William T. Taylor, No. 8–17th Ave. South.
Russell A. Dinnert, 2120 6th Ave. N.
Jim Schermele, 1104 18th Ave. SW.
Mike Hurlbut, 2700 1 Ave. North.
Pete Bulley, 1801 10th Ave. So. Apt. No. 11.
Bill Coole, 1801 10th Ave. So. Apt. No. 8.
Gary Richmond, 121 Commercial Ave.
Richard Wilhelm (Rev.), CGF.
Rev. Robert J. Fox, CGF.
J, Mayo Ashley, 25 Riverview 21th Ast.

Charlo High School,
Charlo, Mont., September 14, 1971.

Senator Mike Mansfield,
Senate Office Building,
Washington, D.C.

Sir: As a project in our American History class we are studying International Relations. Our first topic of discussion was the United States Involvement in the Viet Nam situation.

We became interested in the thoughts of the people in our community, concerning this involvement,. and what they were doing to support their beliefs.

We also took the same survey within our class. The results were surprisingly close, they are printed on a sheet we have enclosed.

Stapled to all the survey sheets we distributed there was a post card addressed to a Congressman or Senator of Western Montana. We asked the people to fill this card out with their opinion, and mail it to the person it was addressed to.

We would appreciate a reply stating your opinion of American Involvement in Southeast Asia.

International Relations, American History Class.

Opinion of American Involvement in Southeast Asia

As a project in our American History class we are studying International Relations. Our first topic of discussion was the United States Involvement in the Viet Nam situation.

We became interested in the thoughts of people in our community concerning this involvement, and what they are doing to support their beliefs.

This survey is designed to give us an idea of how the community feels on these topics.

1. Are you in favor of the U.S. involvement in Viet Nam?

Community:	*Percent*
Yes	19
No	78
Undecided	3
Total	100

Class:	
Yes	10
No	80
Undecided	10
Total	100

2. Would you recommend a definite date for the pullout of American forces in Viet Nam?

Community:	*Percent*
Yes	59
No	40
Undecided	1
Total	100

Class:	
Yes	65
No	35
Undecided	0
Total	100

3. Have you done anything to support your opinion? If so, please list below.

Community:	*Percent*
Yes	39
No	61
Undecided	0
Total	100

Class:	
Yes	20
No	65
Undecided	15
Total	100

In the community survey: Democrats, 28%; Republicans, 14%; and no party, 58%.

Occupation ______________________________
Age ____________________________________
Political Party Preference________________

Stapled to this sheet is a post card addressed to a Congressman or Senator of Montana. We ask that you fill it out with your opinion on our involvement in Viet Nam and mail it.

Thank you.

International Relations, American History Class, Charlo High School.

PHOSPHATE DETERGENTS

Mr. TAFT. Mr. President, on June 4, 1971, I discussed, on pages 18193–18194 of the Record, the effects of phosphates upon our environment and the move by some State and local governments to ban phosphate detergents from the market. At that time I stated that phosphate substitutes could be even more harmful and dangerous than the phosphate materials they replace. This assertion has now been proved valid by the Government's recent announcement that detergents developed to replace water-pollutant phosphate products were potentially more harmful to health and urged housewives to go back to using phosphate detergents.

Mr. President, I ask unanimous consent that an editorial entitled "Hazard Cited in 'Cleaner' Detergents," published in the Washington Post of September 16, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hazard Cited in "Cleaner" Detergents

(By Nancy L. Ross)

The government announced yesterday that detergents developed to replace water-pollutant phosphate products were potentially more harmful to health and urged housewives to go back to using phosphate detergents.

U.S. Surgeon General Jesse L. Steinfield told a news conference, "My advice to the housewife at this time is to use a phosphate detergent." He warned that phosphate substitutes were found to pollute streams and lakes, "are highly caustic and clearly constitute a health hazard, which phosphates do not."

William D. Ruckelshaus, administrator of the Environmental Protection Agency, participated in the conference along with Steinfeld and the Food and Drug Administration commissioner, Dr. Charles C. Edwards. Ruckelshaus urged states and localities which have banned phosphate detergents to reconsider. He also said the government would help finance removal of phosphates at sewage treatment plants.

All three officials emphasized that they still consider phosphates a leading water pollutant. Phosphates, used in 99 per cent of today's detergents, cause bodies of water which they enter to become rich in dissolved nutrients but deficient in the oxygen needed by fish.

Two years ago the Federal Water Quality Administration said removal of phosphates from detergents was essential to combat water pollution. Since then ecology-minded groups have succeeded in convincing authorities in a dozen or more places across the country to ban the use of detergents. Prince Georges County adopted such a measure last June.

The Canadian government sought to establish a treaty with the United States to ban phosphates in an effort to save the Great Lakes.

Reluctantly the detergent industry reduced its annual use of two billion pounds of phosphates and set about finding substitutes. It now turns out the cure proved worse than the disease.

Industry at first proposed the use of nitrilotriacetic acid (NTA) as a substitute. Then last year scientists began to warn NTA might prove even more dangerous to the ecostructure than phosphates. It has been linked with cancer and birth defects in animals. No detergents on the market today contain NTA.

Other phosphate substitutes, principally carbonates and silicates, were found to be toxic to the skin, eyes and mucus membranes. Earlier this year the FDA seized several such brands of detergent and ordered them to be labeled "Dangerous ... Keep out of reach of children." Soon the agency may require detergents containing highly caustic substances to be packaged in "child-proof" containers.

Commissioner Edwards said yesterday he considered phosphates "the least of three evils" by comparison to NTA and caustic substances.

Concern, Inc., a Washington-based anti-pollution group which lobbied hard against phosphate detergents, yesterday expressed "disappointment" at the government announcement. "I hope that families without small children will continue to use low or non-phosphate detergents out of concern for the environment," said its spokeswoman, Mrs. Clyde E. Shorey.

Yet she praised government efforts to remove phosphates at sewage treatment plants, "although that will be a long time coming," she added. Ruckelshaus estimated yesterday it would cost up to $500 million in federal funds for the improvements. Plants boost-effective phosphate removal from 85 to 95 per cent would cost an extra $1.70 to $3.35 per person per year to operate, he said.

Procter & Gamble's president, Howard Morgens, expressed both "encouragement and disappointment." He was encouraged that the federal government has "at last given a clear direction to the country for dealing with the complex question of phosphates in relation to detergents, the environment and public health." He was disappointed by the government's conclusion that NTA should not be used because of unresolved questions about its possible long-term effects. Procter & Gamble is a leading detergent manufacturer and has spent millions developing non-phosphate products.

The Soap and Detergent Association, a trade group which had previously fought the government's decisions on phosphates and NTA, pledged "cooperation" yesterday.

LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, I was disappointed to learn that the Senate-House conferees on the public works appropriations bill eliminated the Senate's $1 million appropriation for the study of Long Island Sound. Instead of $1 million the sum finally agreed to was the $150,000 originally approved by the House of Representatives.

Officials in the administration have informed me that the plan of study prepared by the River Basins Commission represents an excellent beginning for the project, and I have been assured that another $205,000 will be made available this fiscal year from the budgets of other concerned departments and agencies.

This means that a total of $355,000 can be used by the Commission to continue this urgently needed study.

I am pleased to learn these additional funds will be provided and will continue to urge Congress and the administration to provide the funds needed to complete this study.

REPORT ON CHICAGO NURSING HOME HEARINGS

Mr. PERCY. Mr. President, on Tuesday of this week the Subcommittee on Long-term Care of the Special Committee on Aging conducted a followup hearing to the inquiry it began last April into nursing home conditions in the Chicago area. I shall recount very briefly the events which led up to the April hearings, and then share with my colleagues the new testimony presented to the committee on Tuesday.

The hearings on last April were prompted by the findings of a task force investigative team—composed of members from the Better Government Association and the Chicago Tribune—which revealed widespread mistreatment of old, chronically ill nursing home patients, and the misuse of large amounts of public funds.

The hearings not only substantiated the task force findings, but revealed further the existence of a veritable maze of nursing home regulations, and a confusing diffusion of responsibility, spread through four levels of government—city, county, State, and Federal—for implementing and enforcing the regulations.

While the news media exposé prompted the Senate committee hearings, it also touched off a number of other actions on the part of various government agencies and individuals involved. Mayor Daley of Chicago called for increased surveillance of city buildings' fire and health codes. The State department of public aid withheld public aid payments to nursing homes suspected of being substandard. The Metropolitan Chicago Nursing Home Association and its ethics committee would investigate charges made by the Tribune, and if found to be accurate, the association would consider suspending those homes in violation of the law. Governor Ogilvie increased the number of State inspectors of nursing homes and appointed a special deputy to crack down on substandard facilities.

All of these events took place over 5 months ago. It was—and is—my feeling that there must be followup to the original inquiries, for, all too often, a serious problem is uncovered with great force and drama in the press, and all too soon thereafter, the issue is forgotten. This is precisely what I believe we cannot allow to happen with the nursing homes, and this is why I asked the Aging Committee to conduct another hearing on the situation last Tuesday in Chicago.

Specific questions were raised at the hearing: Do abuses continue to exist, and to what extent? How are drugs used in the treatment of nursing home patients? What have State health officials done to improve nursing home conditions? Who owns nursing homes? What are the implications of interlocking ownership and management? And finally, what differences are there between mental illness and senility?

In summarizing the hearings, I wish to make several major points. The first is that abuses do still exist. One woman—who had been deceived by a Yellow Page ad into believing a certain home was "approved by medicare," when the home was not so approved—informed the subcommittee of the astounding fact that this home tried to charge her a fee for holding the bed of her father free for several days, even though he had already left the home, entered a hospital, and died several days earlier. To me, the attitude of the nursing home in question is one of unbelievable callousness. Significantly, this incident took place in a Chicago nursing home after the revelations of last spring.

My second point is that central nervous system drugs, especially tranquilizers, are the largest single category of drugs dispensed in nursing homes. A study done by the General Accounting Office on drugs used in Illinois reveals that central nervous system drugs comprise 35 percent, and tranquilizers account for 17 percent, of the total medicaid expenditures for the State. The tranquilizers most commonly used on nursing home patients are thorazine, mellaril, librium, and valium. Total medicaid drug expenditures for the State amount to $22 million, or about 11 percent of all Illinois medicaid costs.

These figures do not prove the misuse of drugs, but they do suggest that there may be some validity to the numerous complaints, filed over the years by relatives or nursing home patients and others, that drugs—especially tranquilizers—are given indiscriminately to patients as a substitute for better care and rehabilitation. We should be suspicious of the use of these strong drugs in such large volume, and investigate further the conditions under which they are dispensed.

My third impression from the Tuesday hearing is that Illinois State health officials have turned more of their attention to nursing home problems and have increased their surveillance of these facilities in recent months. The State witnesses were very honest in admitting at the hearings that they have not worked major miracles, but I was impressed with the candor and sincerity of Dr. Bruce Flashner, deputy director of the Illinois Department of Public Health, and the special man appointed by Governor Ogilvie to work on improving State nursing homes.

My fourth point is that a relatively small number of people own a disproportionately large number of the worst homes in Chicago. Although it is frequently difficult to determine who owns what homes because of secret land trusts designed to hide ownership and to maximize profits, the Better Government Association has discovered that the ownerships and managements of Chicago area nursing homes frequently interlock. In order to find out more about the operation of this particular group of homes, I invited 10 of the owners to appear at the hearing and to bring with them all of their pertinent financial records.

Owners of two of the 10 homes came to the hearing; the others sent representatives. I was pleased that the owners of at least two homes took advantage of this opportunity to personally explain their operations, as their appearance also gave me an opportunity to improve my understanding of nursing home financing. I was disappointed, however, that some of the representatives for the remaining eight owners failed to bring with them the necessary financial records to enable the subcommittee to accurately determine the profitability of nursing homes. My purpose in raising this question was to find out whether or not Government reimbursement formulas for nursing home care are appropriate. Are we paying too much or too little in our attempt to enable nursing homes to provide good care?

I remain very curious about the finances of the eight homes whose owners did not come to the hearing, and I am looking forward to receiving more complete information requested of them. When this information is received, it will be closely reviewed by the Aging Committee staff.

The highlight of the hearing was the appearance of Dr. Karl Menninger, founder and chairman of the board of trustees of the world-renowned Menninger Foundation, and the leading authority in the field of neuropsychiatry.

In only a few short minutes of testimony, Dr. Menninger cut through all of the confusion created by government bureaucracies, studies, inquiries, investigations, rules, regulations, standards, and point systems. He quickly zeroed in on the real problems and suggested what we must do. He did this by telling us the story of about 88 aged patients who had been diagnosed as hopelessly senile and psychotic, and placed in a geriatric ward of the Topeka State Hospital in Kansas. The patients had been vegetating in the gloomy ward for about 10 years—and one of the patients had been there for 58 years.

The situation changed dramatically, however, with the arrival of a young doctor and his team of aides. They transformed the cheerless atmosphere of the ward into one of hope and raised spirits. They did this by bringing in such things as music, television, bird cages and potted plants. The doctor set up a social program, and the patients responded by beginning to paint and sand furniture, and to work with leather and play bingo. A measure of the patients' improved spirits was found in their construction of a ramp over a difficult flight of stairs, and in the painting of a shuffleboard court on the floor.

Three weeks following the initiation of this program, one patient was discharged and sent home to live with his relatives. A year later, only nine patients were still bedridden, and only six were incontinent. Twelve more returned to live with their families, six left the ward to live by themselves, and four found comfortable nursing home provision. Another four found work and became self supporting. The five remaining patients died.

In relating this story to us, Dr. Menninger quoted directly from his own book entitled "The Vital Balance":

> That hospital ward was transformed from a museum of dying specimens into a hospital home in the best sense. The effects were perceptible immediately and many of those supposedly hopeless senile and psychotic patients recovered or drastically improved. Each patient was made to feel as though he was the focus of attention.
>
> Here were 88 supposedly hopeless, senile, psychotic patients. They had been told, they were forced to believe, and they were treated as though they were hopeless. This was the same institution as before; the only difference was that someone took an interest in them.
>
> The tendency is to think they are worse than they are and to lose hope, and then they lose hope and it is a self-fulfilling prophecy.

By telling us this story, Dr. Mennniger gave us an excellent example of what can be done when people care. His words, and his own personal efforts over the years to give people hope and to rehabilitate those with seemingly impossible problems, are an inspiration to all of us.

In closing, I wish to express my deep appreciation to Mr. Val Halamandaris, a staff member of the Senate Special Committee on Aging, and to Mrs. Constance Beaumont of my own staff, both of whom put so much time and work into making this hearing meaningful.

A FINE PUBLIC SERVICE

Mr. McINTYRE. Mr. President, the Keene Evening Sentinel of Keene, N.H., has won and deserved many compliments over the years for its steadfast devotion to the public service. That dedication has led it to tackle the thorny problem of rural poverty in my State and to urge passage of tough new legislation on campaign spending to make politics a more respectable and responsive business.

Now, Mr. President, the Keene Sentinel has done an in-depth study of the problems of drug abuse, publishing an extensive supplement carefully defining the problem as it directly applies to its own community.

I have not seen a more impressive piece of local reporting and public service in many years. The supplement contains more than two dozen separate articles examining every side of the issue: The extent of drug abuse, problems of law enforcement and the difficulties encountered in the rehabilitation of addicts.

Mr. President, the supplement is much too long to place in its entirety in the RECORD, but I would like to share one particular article with Senators because I think it is a very timely piece. It deals with the fact that drug abuse reaches far deeper into our society than the mere use of illegal drugs. The core of the problem is a society which increasingly believes that there are chemical solutions to all of life's problems. After all, that is the message constantly relayed to us by the advertising media—"Don't suffer any discomfort, don't feel tired, don't worry, just take a pill and the world will be OK again."

Mr. President, this week a committee on which I serve, Senator NELSON's Subcommittee on Monopoly, of the Select Committee on Small Business, will look into just this problem: Is advertising turning us into a Nation of pill poppers? And if so, what can we do about it?

I think the article in the Keene Sentinel's supplement relates directly to that question, and I would hope that Senators would read it with interest. I ask unanimous consent to have printed in the RECORD an article on drug abuse, entitled "All Drugs Are Still Drugs, No Matter What the Commercials Would Tell You," published in the Keene Sentinel supplement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL DRUGS ARE STILL DRUGS, NO MATTER WHAT THE COMMERCIALS WOULD TELL YOU

"Do you ever feel really lousy? I mean just plain lousy?"

So begins a current television commercial in which a man who is feeling really lousy pours himself a glass of seltzer, drinks it and senses quick relief from his misery.

He then nods to a competitor's product still busily dissolving itself in its glass of water. It is not ready to go to work.

The sales pitch of this commercial, and of many others like it, is not that one drug is any more effective than another. The real message is that one drug is faster-acting than the other, and in this case the difference is a matter of seconds.

"When you hurt, when you really hurt," the man says, "you don't want to have to wait."

HIGH-POWERED

This kind of public relations drive behind today's medicine commercial has prompted a Keene pharmacist to suggest that, like advertisements for cigarettes, they be banned from the television screen.

If that measure seems a little harsh, it is only because E. George Roentsch, the pharmacist, believes the consequences of leaving drug commercials on the air are just as drastic as those from cigarettes, or more so.

"We have raised kids who, because of the incessant activity on television, know that to be able to feel good, to be a success, all they've got to do is take a pill," Roentsch said. "And then we turn around and tell kids they shouldn't take drugs."

He is suggesting the television ban of commercials for "patent" medicines—aspirin, sleeping pills, decongestants and others—not necessarily as a strategy for adults who might want to have "clean hands" when they talk about the harm of marijuana, hashish, LSD or heroin.

The commercials, he says, are only an elaboration of what he sees as a problem of legal drug use. The real issue, he feels, is the easy availability of patent medicines and something which a federal source book on drugs calls "the widespread belief that 'medicines' can magically solve problems."

SUBSTANTIATED

Production statistics substantiate use of the term "widespread."

The National Instructional Television Center in Bloomington, Ind., which has published a manual on drug use, says 27 million pounds of aspirin are produced annually in the United States. It estimates the amount is sufficient to treat more than 17 billion headaches.

A recent article in Fortune Magazine, entitled "Putting Some Limits On Speed," cites federal records as showing 3.7 billion doses of amphetamines (10 milligrams each) are legally manufactured in the United States each year.

There is an important distinction to be made between aspirin, a patent medicine which can be bought off the grocery or drug store shelves, and amphetamines, which must be prescribed by doctors.

Supposedly, people buy aspirin when they think it will ease any number of aches or pains. But, theoretically, doctors prescribe amphetamines only when they know the drug is the necessary treatment, and this may somehow justify the large-scale production of that drug.

But how long can that volume of production be justified? In Huntington, N.Y., 153 of the town's 240 licensed physicians have voluntarily agreed to stop prescribing amphetamines except in two "medically required cases."

The cases are narcolepsy (a type of "sleeping sickness") and hyperkinesis (overactivity in children). Until the voluntary ban, the doctors had been prescribing the drug as as treatment for obesity and depression, as well.

AGREEMENT

More than half of Huntington's 42 registered pharmacists agreed to support the ban, which was initiated, a county medical authority said, because they believe it is "necessary to crack the drug sequence for all members of the community."

Only time will tell how far the step will go towards diluting our "national drug orientation," a term used by David Pierpont, health education coordinator at Keene High School. Since the target of the ban was abuse of amphetamines, the end result might be alternative drug treatments.

Amphetamines are not the only drugs which can be abused legally. There are other medicines which have been used for their effects, either for the sake of euphoria alone or as an incidental attraction. A few of them are sleeping pills, stay-awake pills, barbiturates, common cold remedies, laxatives, constipates, codeine, tranquilizers and aspirin.

All those medicines, in one form or another, are available without prescription. And according to Roentsch, "There are very few of them that cannot be abused."

Because the New Hampshire Board of Pharmacies shares that view, it once tried to put all those drugs in the hands of registered pharmacists alone. Two years ago it asked the state legislature to pass a bill requiring that patent medicines be dispensed only by pharmacists.

But, according to Roentsch, the proposal was trounced through the efforts of grocery store owners who said it would be unfair to make them hire pharmacists to sell patent drugs.

While abuse of a constipate may be hard for the layman—or the non-abuser—to comprehend, it is not so difficult to understand legal abuse of prescribed drugs and another drug which is on the open market: alcohol.

"Although alcohol abuse is not as popular a subject, as a problem it far overshadows abuse of all other drugs," said Dr. Carl Bridge, a Keene psychiatrist. People with problems either directly or indirectly related to alcohol abuse make up a "substantial" part of his practice.

As for abuse of prescribed drugs, Bridge said, "The number of older people really hooked on drugs—tranquilizers, amphetamines—is probably a bit lower than young people. But it is a different kind of dependency, since they do it alone."

One way prescribed drugs are abused, he said, is that a person will visit various doctors, picking up prescriptions. The individual doctors will not be told of the other prescriptions.

DETECTION

Bridge said there are only three ways to detect this type of drug abuse. One of the doctors will find out through discussing the patient's medical "problem," the pharmacist who fills some of the prescriptions will begin to ask questions, or, Bridge said, "On rare occasions there will be an overdose and the person will be found at home in a semi-stupor."

Legally manufactured drugs can be abused through other channels. According to the board of pharmacies, mail order drug houses are one of them.

Kenneth Fortier, a board member, said there is "practically no way a person can be stopped from getting any drug he wants once he gets hold of a doctor's signature."

In contrast to the mail order practice, Fortier said Roentsch say their own pharmacies never fill prescriptions unless they know either the patient or the doctor who prescribed the drug.

FEDERAL RECORDS

The mail order sales, however, are at least recorded with the federal government. That is more than can be said for the 13 per cent of the 3.7 billion doses of legally manufactured amphetamines which went "unaccounted for" on government records last year.

The Fortune Magazine article notes that the U.S. Bureau of Narcotics and Dangerous Drugs estimates the actual volume of illicitly-channeled "legal" amphetamines may be as high as 30 per cent of the total production.

But stolen drugs, whether they are lifted from warehouses or bathroom medicine cabinets, are only a small part of the "drug scene."

Drug abuse is many things, and all drugs are drugs.

"It is the heroin-user injecting his bag of H, the methedrine user high on 'speed,' the teenager smoking 'pot,' the 12-year-old sniffing model airplane glue," says the National Education Association in its article on drug education.

"But it is also the adult starting his day with an amphetamine for needed pick-me-up, and ending it with several drinks to unwind and a barbiturate to put him to sleep."

SENATOR WINSTON L. PROUTY, OF VERMONT

Mr. BEALL. Mr. President, it is with great sorrow that the Senate and the Nation mark the passing of Senator Winston Prouty, of Vermont.

We who are new to this body looked to Win Prouty for both his strength of character and his high sense of duty to this country. I had the honor and privilege to serve with Senator Prouty on the Committee on Labor and Public Welfare, where his deep concern for the well-being of all Americans was so often exhibited.

Win Prouty devoted his 21 years of congressional service to the poor, the sick, the needy, and the underprivileged of the country. He fought diligently for greater educational opportunities for all his countrymen. He labored tirelessly for the aged, making certain America did not forget the people who made her great. In short, no Member of this body better understood the human needs of his country than did Winston Prouty.

Those of us in the Senate will miss him. Those whose cause he so eloquently advocated will also miss him. It falls to us to continue with even greater vigor his humanitarian work for the betterment of this Nation. That will be the most fitting eulogy. Winston Prouty would have it no other way.

PROJECT SANGUINE

Mr. NELSON. Mr. President, Environment magazine is a publication of the Committee for Environmental Information, a nonprofit organization based in St. Louis, Mo. Environment is also the official publication of the Scientists' Institute for Public Information, an organization in New York City that provides leadership to groups throughout the country with the purpose of providing unbiased scientific information relevant to a variety of public issues. As an important publication of information about the effects of technology on the environment and about the peaceful and military uses of nuclear energy, Environment reflects the policy of the Committee for Environmental Information "to provide scientific information relevant to political and social issues, without bias or prejudgment, in the belief that the dissemination of such information is necessary for a democratic society in a technological age."

The September 1971 issue of Environment—volume 13, No. 7—contains an article entitled "Talking to Ourselves," by Michael McClintock, Paul Rissman, and Alwyn Scott. The article deals with the technical and scientific feasibility of the Navy's proposed Project Sanguine, a communication's network employing extremely low-frequency radio waves that would cover thousands of square miles of northern Wisconsin with a maze of crisscrossing cables buried 6 feet underground.

Since we will be discussing this particular Project Sanguine proposal in the near future as a part of the military procurement authorization bill for fiscal year 1972—H.R. 8687—I invite the attention of the Senate to the article and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TALKING TO OURSELVES

(By Michael McClintock, Paul Rissman, and Alwyn Scott)

(NOTE.—Michael McClintock is senior scientist at the Space Science and Engineering Center, Paul Rissman is a graduate student in electrical engineering, and Alwynn Scott is professor of electrical engineering, all at the University of Wisconsin. The authors are also members of the Wisconsin Committee for Environmental Information. The views expressed in this article are those of the authors and are not intended to represent those of the University of Wisconsin.)

In 1969, the U.S. Navy announced plans to build a worldwide communication system which would employ extremely low-frequency radio waves between the continental United States and the U.S. nuclear submarine fleet.[1] About $50 million has already been spent on feasibility studies, and the projections of ultimate cost have been between $750 million and $1.5 billion.[2] What is the U.S. taxpayer receiving for this huge expenditure? Our investigations strongly indicate that the system, called Project Sanguine, would be unreliable as a last line of defense in our military communications network, the role for which it appears to be designed. As we shall demonstrate, the system is too slow—and therefore subject to electronic countermeasures (jamming) from an enemy—to be useful in the nuclear age. Our calculations show further that even if the amount of electrical power needed to make Sanguine work were increased to the equivalent of three large-scale nuclear power plants for its exclusive use, at greatly increased additional cost, transmission time would still be long enough to make the system easy susceptible to jamming.

The heart of the project is an underground antenna in the form of a huge grid that would cover 6,400 square miles, according to the most recent design. The tentative site for

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Footnotes at end of article.

the project is in Wisconsin, and the Wisconsin Committee for Environmental Information became interested because of the possible effects on the environment. During our investigations, however, we became aware of certain technical problems which cast serious doubts on the scientific feasibility of the entire Sanguine concept, environmental questions aside. Our report and research by Professor Albert Biggs of the University of Kansas prompted Senator Gaylord Nelson of Wisconsin to question Naval officials, and as a result, the Navy has indicated that it will request a review of the technical feasibility of Project Sanguine from the National Academy of Science and the National Academy of Engineering.[3]

DESCRIPTION OF THE SYSTEM

The principles of the Sanguine communications system are indicated schematically in Figure 1. The system essentially consists of a buried transmitting antenna which radiates an extremely low-frequency (elf) electromagnetic wave (45 or 75 cycles per second) into the air space between the surface of the earth and the ionosphere (about 50 miles above the earth.) The transmitting antenna must have physical dimensions comparable with the wave length of the signal. Thus, the extremely low-frequency (very long wave length) radiation of the Sanguine system requires the very large antenna installation discussed here. The wave propagates through the air space to a position above a submarine. A small fraction of the wave power then leaks downward through the rather highly conductive sea water and is received by the submarine[4] along with atmospheric noise (commonly called "static") which originates at many sources.

The Sanguine antenna, of course, is really only one link in the transmitting system. Immediately associated with it is electronic equipment that fulfills the basic functions involved in radio communcation. The equipment is powered by electricity, in the case of Sanguine by very large amounts of electricity. The first step in the process is generation of a carrier current, which is necessary for production of radio waves. The carrier current is then modulated, which in essence means that the information to be transmitted is impressed on the carrier current in the form of an electrical signal. The transmitting-antenna system then converts the now modulated carrier current into electromagnetic waves which are radiated by the transmitting antenna (Sanguine, in this case) and detected by the receiving antenna (on the submarine). In the submarine, the signal is tuned, amplified, and demodulated to recover the original signal, which can then be reproduced by a teletype printer, loudspeaker, or other devices. Since the Sanguine frequency is so low, noise modulation is impossible, and a more elemental form of modulation must be used. This can be thought of as being analogous in some respects to the familiar Morse code keying of a transmitter, although the more sophisticated method of frequency shift keying will actually be used in Sanguine.

The power fed into the transmitting antenna is indicated schematically in Figure 1. A fraction of this power is actually launched into the wave which propagates through the air space. This fraction is very small for underground antennas operating at low frequencies, and constitutes one of the most serious losses of the Sanguine system. In other word, the underground antenna has inherently low efficiency. The power per unit of surface area in the radiated wave becomes less intense as it propagates away from the transmitting antenna because it spreads out and covers a wider area. There are other propagation losses as well, but we ignore them.

Atmospheric disturbances, such as lightning, radiate random waves into the air at the Sanguine frequency. Such waves can interfere with the proper reception of a Sanguine signal. One of the main requirements of the system must be to insure that the Sanguine signal in the vicinity of a submarine is sufficiently large, compared with the noise power intensity, so that the signal can be reliably received.

The technical data and equations at the end of this article show that a Sanguine system with a sub-surface antenna operated at the power levels suggested by the Navy will have an extremely low data-transmission rate. In our calculations, the benefit of every doubt has been given to Sanguine. Yet a conservative estimate indicates that at least 100 seconds would be required to transmit a single bit of information (a bit, or binary digit, is the binary unit of information capable of expressing such quantities or concepts as "0," "1," "yes," "no," "off," or "on"). About 1.7 hours would be needed to transmit a simple twelve-letter message. Furthermore, Sanguine would be a one-way communication system from the transmitting antenna to the submarine fleet.[2] Thus it would not be a "communication system" in the normal sense. It is clearly a highly specialized system for the transmission of very limited messages (perhaps code words, which convey more complex meaning by indexing to a code book) under conditions that would prevent the use of normal, more efficient communication devices. Such emergency conditions could arise, for example, if a nuclear exchange between nations had ionized a portion of the earth's atmosphere, preventing transmission by conventional systems.

From its easily determined characteristics, then, we conclude that Sanguine's main purpose is to serve as the communications link in a "last strike" capability of this nation. This would be a way to insure the launching of Polaris and Poseidon missiles from our submarines toward preselected targets even if the start of a nuclear war prevented use of normal communication systems. Indeed, an indication of this has already been provided in a news story carried in the Madison, Wisconsin *Capital Times* of March 9, 1971. This story quotes the Navy's John R. Hennessey, director of public and congressional affairs for the Naval Electronic Systems Command in Washington, as saying in reference to Sanguine, "It's got to be survivable. The fact that you can hit back is a good reason for the other guy not to hit you." In other words, the merits of Project Sanguine would appear to rest upon its credibility as a "last strike" weapon system to deter an enemy attack. If a Sanguine signal can be easily jammed, however, the system's credibility is seriously impaired.

JAMMING OF SANGUINE

A recent study by Biggs and Marler[5] pointed out that the Sanguine system is indeed very susceptible to jamming by an enemy nation. An unreliable Sanguine system has little "last strike" strategic value.

A conventional high-frequency communication system is difficult to jam because it can broadcast information very rapidly (in a fraction of a secnd) and at any one of many available frequencies. Thus it is almost impossible for an enemy to know when and at what frequency he must radiate a jamming signal. Furthermore, in a two-way communication system the receiving station can always request a confirmation of the message.

We shall show that Sanguine would necessarily be a *slow* "communication system." With greater input power the transmission time can be reduced, but no reasonable power input can reduce the transmission time of even a simple message to less than one minute. The Sanguine frequency would therefore be precisely known to anyone who chose to monitor its radiation. Thus an enemy would not need to overpower the Sanguine signal; he would only need to introduce errors into the transmitted message. A submarine commander, of course, would require absolutely reliable information before he launched a nuclear missile.

For the following reasons, the power required to jam a Sanguine system would likely be less than the power needed to operate such a system:

1. A much more efficient above-ground antenna could be used for jamming, since its survivability would not be crucial. For example, section of a conventional power line could be employed on a part-time basis or specially constructed for the purpose.
2. The jamming antenna could be closer to the submarine than the submarine is to Wisconsin. In this case also, the jamming antenna would require less power.

CONCLUSIONS

We have shown that a Sanguine-type communication system with a buried transmitting antenna either would have an excessively slow message transmission rate or would require an excessive amount of input power. One disadvantage can be traded for the other, as shown in Figure 2. With the power input to the antenna announced by the Navy, for example, the time required to transmit a message of twelve letters would be almost two hours. These conclusions can easily be calculated from both experimental and theoretical work in the scientific literature. The conclusions cannot be contradicted by the assumption that sophisticated receiving equipment will be used since they are an inevitable result of the extremely poor efficiency of underground, low-frequency transmitting antennas.

It should be noted that it is not the low antenna efficiency in itself which casts doubt on the feasibility of Sanguine, but the fact that low antenna efficiency leads to a low data-transmission rate. The slow transmission rate of the Sanguine system makes it susceptible to jamming by another nation. If such a nation were willing to use a long above-ground transmitting antenna for jamming—an easily available power line for example—the power requirement would be far less than that of the Sanguine system. Sanguine would therefore be easy to render ineffective.

Thus, on the grounds that if either requires an unrealistic amount of power or is an extremely slow system of communication, and that these features lead to its susceptibility to jamming, the Sanguine system must be regarded as technically infeasible.

CALCULATING SANGUINE'S EFFICIENCY

In our analysis of the feasibility of the Sanguine system, we first determined the approximate radiation efficiency of the most plausible of the Navy's designs for a Sanguine antenna from well-known relations published in the standard technical literature. There are more accurate ways to do this, but we resorted to the simplest, one which finds agreement among the several investigators who have published in this field, and which furthermore can be supported by plausible physical arguments. It was adequate for the estimation we made.

Using a power input to the antenna that has been announced by the Navy, we next calculated the signal strength at a point one-quarter of the earth's circumference from the antenna. We then required that the signal strength per unit bandwidth be at least equal to the mean atmospheric noise at the Sanguine frequency, and thus obtained the maximum bandwidth for a receiver designed to detect the Sanguine signal.

Since the bandwidth is inversely related to the response time of the receiver, the time necessary to transmit one elementary "bit" of information is next obtained, and from this, the minimum time required to transmit a message of 60 bits. The time is long,

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Footnotes at end of article.

approximately two hours using numbers that are generous to the Sanguine system at every turn. Furthermore, no reasonable power input to the antenna could reduce this transmission time to the fraction of a minute that is required to be certain of sending a message before a jamming antenna were put into operation.

Determination of Antenna Efficiency

It is clear from the preceding discussion that the antenna efficiency, F, (or the fraction of antenna input power which is actually radiated into the propagating wave) is an important system parameter. The Navy has indicated that [4]

$$F = \text{less than or equal to } 10^{-4}.$$

We will show here that this value is very optimistic and that a more reasonable value is

$$F = 10^{-6}$$

The problem of transmission from an antenna buried in the earth has been thoroughly discussed in the scientific literature. In 1942 Sommerfeld and Renner investigated the radiation fields of both vertical and horizontal buried dipole antennas.[6] They showed that the radiation into the air from a buried horizontal antenna (the "Nutzstrahlung" or useful radiation) falls rapidly to zero as the ground conductivity increases. Some of these results were confirmed experimentally by Proctor [7] and summarized by King.[8] In 1952 Wait considered the radiation efficiency of a submerged magnetic dipole,[9] and in 1961 Wheeler published simple formulas for calculating the radiation efficiencies of a buried vertical loop and a buried horizontal dipole.[10] The Sanguine antenna is only a slight modification of the first of these, and the difference is not significant to the calculation of the radiation efficiency of the antenna.

In 1962 Biggs studied the radiation fields of a buried horizontal electric dipole in detail [11] and showed that the effect of burying an antenna to a depth h is equivalent to reducing the radiation field intensity by a factor e^{-h}/δ where δ is the elecromagnetic skin depth of the earth. Hansen gave a thorough review of the performance of buried antennas in 1963, paying particular attention to the calculation of radiation efficiency.[12] Experimental confirmation of these results was provided by Hasserjian and Guy.[13] More recently Biggs has carried out an extensive study of the performance of antennas buried in the arctic and antarctic regions.[14] Thus, there is no shortage of scientific literature applicable to the Sanguine system, and the application is straightforward.

As the Navy points out, the Sanguine antenna is equivalent to a current loop lying in a vertical plane which penetrates into the earth a distance of the order of __, the electromagnetic penetration depth.[4] This antenna is often referred to as a grounded horizontal dipole. The entire antenna system will consist of an array of such elements, the implications of which are considered later.

The efficiency of one element of the antenna for radiation into the appropriately polarized mode (electric vector vertical) can be calculated from the formula [15]

$$(1)\quad F = 8\pi^2\delta^2 L/\lambda^3.$$

This applies to a buried antenna near the surface of the earth. Eq. (1) neglects power loss in the end (or grounding) resistance and in the conductor (or wire) resistance,[10] factors which would reduce the efficiency further. The efficiency will be reduced in addition by the factor

$$(2)\quad e^{2h/\delta}$$

if the antenna is buried a distance h, where

$$(3)\quad \delta = 1/\sqrt{\pi f \sigma \mu^0}\ \text{(meters)}$$

is the electromagnetic penetration depth, and

L is the total length of the antenna (meters)
λ is the wave length in free space (meters)
h is the depth of the antenna (meters)
f is the transmission frequency (cycles per second)
σ is the ground conductivity (mhos per meter)
μ_0 is the magnetic permeability of free space ($4\pi \times 10^7$ henrys per meter)

The ground conductivity in Northern Wisconsin is taken by the Navy as [16]

$$(4)\quad \sigma = 5 \times 10^4 \text{ mhos per meter.}$$

For a system frequency [4]

$$(5)\quad f = 45 \text{ cycles per second}$$

(we have used the value 45 cycles per second since ionospheric losses become unfavorably high at 75 cycles per second).[17] we find from Eq. (3) that

$$(6)\quad \sigma = 3.3 \times 10^3 \text{ meters.}$$

The free space wave length for a frequency of 45 cycles per second is

$$(7)\quad \lambda = 6.7 \times 10^6 \text{ meters.}$$

Several alternative antenna systems have recently been mentioned in a communication from the Navy to Senator Nelson.[18] These are divided into "nonsurvivable," "surface survivable," and "deep underground" antennas. As has been pointed out, Sanguine would be primarily useful to provide a "last strike" nuclear capability; thus "nonsurvivable" antennas are of little practical interest. A "surface survivable" system might be of limited practical interest. The most efficient "surface survivable" system suggested by the Navy is a grid 81 x 81 miles buried near the surface. Of the systems of practical interest proposed by the Navy, this system leads to the most optimistic calculation of antenna efficiency, so this is the one we will consider in detail. Suppose the grid consists of ten elements each 81 miles long running parallel to each other, crossed by another such array perpendicular to the first. For a submarine at a given location, only ten elements are effective in transmitting a signal, so the total antenna length would be 810 miles or

$$(8)\quad L = 1.3 \times 10^6 \text{ meters}$$

Substituting (6), (7), and (8) into (1) yields $F = 3.9 \times 10^{-6}$. Taking conductor and grounding losses into consideration would reduce the efficiency to at most [19]

$$(9)\quad F = 10^{-6}$$

for a "surface survivable" antenna, that is, for a Sanguine-type antenna near the surface of the earth. For shallow depths, the reduction factor given by Eq. (2) can be neglected, but for a "deep underground" antenna the efficiency would become even smaller. Suppose, for example, that the antenna were buried to a depth

$$(10)\quad h = 10^3 \text{ meters,}$$

then the factor given in Eq. (2) would be equal to 0.55. Such an antenna would necessarily be considerably shorter than 810 miles because of the high cost of such long tunnels. Thus we should expect the efficiency to be at least as small as

$$(11)\quad F = 10^{-7}$$

for a "deep underground" antenna. For the present, however, we adopt the more optimistic figure of 10^{-6}.

FEASIBILITY OF SANGUINE

To evaluate the feasibility of the Sanguine communication concept as outlined by the Navy [4] we have used the following system parameters:

1. Generator power.[4] (Level suggested by the Navy)

$$P_G = 3 \times 10^7 \text{ watts}$$

2. Radiated fraction of generator power (We use the more optimistic of the two figures calculated in Section III of this report for a "surface survivable" antenna.)

$$F = 10^{-6}$$

3. Height of ionosphere.[17]

$$H = 8 \times 10^4 \text{ meters}$$

4. Circumference of the earth.

$$C = 4 \times 10^7 \text{ meters}$$

As discussed above, only FP_G watts of input power will actually be radiated into the propagating wave. This wave "spreads out" over a greater area as it propagates, and is weakest one-quarter of the way around the earth, assuming no losses into the surface of the earth or to the ionosphere. For submarines located one-quarter of the way around the earth, the cross-sectional area of the atmosphere through which the wave passes equals HC. Thus, at most, the

$$(12)\quad \frac{\text{signal power}}{\text{area}} = \frac{FP_G}{HC} = 10^{-11} \text{ watts/meter}^2.$$

Actually, this power would be considerably smaller due to refractive losses into the ionosphere and ground.[17] An alternative way to make this calculation involves consideration of the space between the surface of the earth and the ionosphere as a resonant cavity. This approach would include ionospheric losses which, for simplicity, we have chosen to ignore.

This power level must be compared with atmospheric noise (generated by natural phenomena at the Sanguine frequency) which will interfere with reception of the signal. The atmospheric noise level can be expected to vary greatly with local thunderstorm activity. A mean value for Boulder, Colorado is about 60 decibels below 1 volt per meter in a cycle per second between 10 and 100 cycles per second.[20] (We do not suggest that submarines will actually be located at Boulder. This is simply one of the stations at which reasonably reliable mean atmospheric noise data in the 50-to-100-cycle-per-second range is available.) This corresponds to a

$$(13)\quad \left[\frac{\text{noise power}}{\text{bandwidth area}}\right] = 2.5 \times 10^{-9} \frac{\text{watts}}{\text{cycles per second-meter}^2}$$

Dividing (12) by (13) gives a receiver bandwidth of 4×10^{-3} cycles per second for which the signal power level will be equal to the mean atmospheric power level at Boulder, Colorado. In practice, one would certainly wish to have the signal power level greater than the mean atmospheric noise level because of seasonal and local variations.[21] This would place even more severe requirements on the Sanguine antenna. But again ignoring this effect and adopting the most optimistic figure for the system, the receiver bandwidth must be at least as small as

$$(14)\quad [\text{receiver bandwidth}] = 4 \times 10^{-3} \text{ cycles/second.}$$

(This narrow bandwidth, of course, can be obtained by using electronic filters at the receiver input, cross-correlation of the receiver output with a known signal wave form, or some combination of the two.)

The receiver bandwidth directly limits the response time of the receiver. It is related to the bandwidth by: [22]

$$(15)\quad [\text{response time}] = \frac{0.4}{\text{bandwidth.}}$$

From (14) and (15) it is evident that the

$$(16)\quad [\text{receiver response time}] = 10^2 \text{ seconds}$$

or almost two minutes.

The receiver response time is the time required for the receiver to determine that the transmitter has changed its state. It is the time necessary to transmit one "bit" or fundamental unit of informtion. To send a message in the English alphabet, for example, a 5 bit symbol is required for each letter. Thus to transmit a twelve-letter message (for example, "FIRE MISSILES") would require 60 bits of information. Via this system, the sending of such a message would require 6×10^3 seconds or 1.7 hours of transmission time. Other codes might be used, of course, but for such weighty matters as those communicated to missile submarines,

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Footnotes at end of article.

this many bits or more would be desirable to prevent error.

Such a lengthy transmission time for a short message is clearly unacceptable for reasonable communications. The receiver bandwidth could be increased and, through Eq. (15), the receiver response time could be shortened if the power input to the antenna were correspondingly increased. To decrease transmission time of "FIRE MISSILES" from 1.7 hours to one minute would require an increase of antenna input power by a factor of 100. This would imply

$$(17) \quad P_G = 3{,}000 \text{ megawatts}$$

or about three nuclear power stations each producing 1,000 megawatts. The design dilemma according to this very optimistic analysis may be epitomized in the following way:

$$(18) \quad \begin{bmatrix}\text{Number of 1,000} \\ \text{megawatt power} \\ \text{stations}\end{bmatrix} \times \begin{bmatrix}\text{Number of minutes to} \\ \text{transmit the message} \\ \text{``FIRE MISSILES''}\end{bmatrix} = 3.$$

This relation is illustrated in Figure 2, where one sees the necessity of trading an increase in input power to obtain a shorter transmission time. No point on this curve would appear to present an attractive prospect for a reasonable communication system, and yet the Sanguine system can do no better than this.

But even one minute falls far short of acceptibility. When the transmission time exceeds a few seconds, the ease of jamming the signal by a foreign nation increases greatly.

It must be emphasized that Eq. (18) is not the result of a "worst case" analysis. On the contrary, whenever there was an uncertainty, we have chosen those parameter values most favorable to the system. In particular we have neglected to consider the following effects which could degrade system performance:

1. Higher ground conductivity near the surface. In calculating antenna efficiency we have used a value for deep-ground conductivity estimated by the Navy.[16] The conductivity near the surface, where near-field losses predominate, will be larger,[23] especially during rainy weather. Due to this factor alone, the antenna efficiency could easily be an order of magnitude (factor of ten) smaller than the value given in Eq. (9).

2. Ionospheric losses. As Wait has shown,[17] ionospheric losses cannot be neglected in a realistic calculation of elf-wave attenuation. Thus Eq. (12) considerably overestimates the signal power per unit area a quarter of the way around the globe. If we had evaluated the system at 75 cycles per second, the antenna efficiency would have increased by a factor of about three, but the increased ionospheric losses would have more than cancelled out this slight advantage.

3. Fluctuation in the noise level. Our calculations were made for an observed average value of atmospheric noise. The instantaneous noise level can be expected to vary considerably about this mean. The system, of course, must be designed to operate reliably at peak noise levels.

4. Reduced efficiency of "deep underground" antennas. We have estimated in Eq. (11) that the efficiency of a "deep underground" antenna would be at least an order of magnitude less than that for a "surface survivable" antenna. We have not, however, used this lower value of efficiency in our calculations.

5. Attenuation of the signal in sea water. The Sanguine signal will be strongly attenuated as it attempts to penetrate the sea water to a deeply submerged submarine. Eventually the signal would become so weak that other noise sources (thermal noise, electrical noise generated in the submarine, etc.) must be taken into account. We have not considered this effect.

6. Antipodal cancellation. The waves propagated from the Sanguine antenna will cancel at the antipode of Northern Wisconsin. Thus the system would be relatively useless for a large area in the Indian Ocean.

Consideration of these effects would lead to a system evaluation several orders of magnitude less favorable than our "best case" results of Eq. (18) and Figure 2.

NAVY TESTS

After a preliminary version of this report was prepared, we received data from the Navy on the tests which were conducted using a transmitting antenna at Site Alpha in Western North Carolina and Virginia.[24] Important data from these tests are:

1. Power to antenna: 120 kilowatts at 78 cycles per second.
2. Power radiated from antenna: 0.96 watt at 78 cycles per second.
3. Antenna length 176 kilometers on 10-meter-high telephone poles. Effective elevation angle zero; azimuth angle 23 degrees east of north.
4. Maximum distance to submarine 3,864 kilometers.
5. "Minimum observable power" at receiver with an integration time of 300 seconds. (We take this as the response time of the system.)
6. Tests conducted during the first several months of 1963 with receivers at New York, Labrador, Iceland, and Norway.

The results of these tests can be compared with the calculations for response time presented above.

It is important to note (item 6) that these tests were run in the Northern Hemisphere during the winter months. Noise levels in the 10–100 cycle-per-second frequency range can be expected to be 15 decibels (or a factor of 30 in power) higher during the summer months.[20] Thus the system's response time would need to be increased by a factor of 30 to about 10^4 seconds in order to operate at "minimum observable power" during the summer with a radiated power of one watt and a range of 3,864 kilometers. The figure should be increased even more to allow for reception at 10,000 kilometers and a more reliable receiver power level.

Our calculations in Section IV [see Eq. (16)] indicate a response time of 10^2 seconds for a radiated power of 30 watts. The corresponding response time for a radiated power of one watt to allow direct comparison with the Navy's feasibility test would be

$$3 \times 10^3 \text{ seconds,}$$

in acceptable agreement with our own calculations. Thus on the basis of the Navy's test data it appears that our calculations are conservative in the sense that our results tend to make the Sanguine system look better than it actually would be. The main reason for this discrepancy, aside from the difference in path length, is probably that we have neglected to include in Eq. (12) the refractive losses into the ionosphere and into the ground (propagation losses).[17]

Note, however, that while the Navy's test established that a submarine at "significant depth" can receive an elf signal, it confirmed the essential weakness of the Sanguine concept: The transmission time is too long to prevent jamming.

FOOTNOTES

[1] Brand, F. L. (Captain, USN), "Project Sanguine: A New Voice in the North Woods," speech given at Madison, Wisconsin, March 5, 1969.

[2] U.S. Navy figures quoted in T. J. Murray, "Evaluating Project Sanguine: A Non-Scientist's View," University-Industry Research Program, The University of Wisconsin, Madison, January 1971, p. 16.

[3] Private communication from the office of Senator Gaylord Nelson.

[4] "Sanguine System Environmental Compatability Assurance Program (ECAP) Status Report," Appendix A, *The ELF Communication Concept*, December 1970.

[5] Biggs, A. W., and D. L. Marier, *A Technical Feasibility Analysis of Project Sanguine*, Northern Environmental Council Report #5, September 14, 1970. Professor Biggs is a highly respected scientist with an established research position in the design of underground antennas (see Notes 11 and 14). This report seriously questions the Sanguine communication concept on the basis of the inherent inefficiency of buried antennas at low frequencies. Some questions have been raised concerning the credibility of this report (see Note 2). These questions appear to be misunderstandings of the ambiguities which often arise in the attempt to explain scientific technicalities to a nonscientific reader. We have examined the NOREC Report #5 in detail and feel that its Summary and Conclusions should be given serious consideration.

[6] Sommerfeld, A., and F. Renner, "Strahlungsenergie and Erdabsorption bei Depolantennen," *Annalen der Physik*, 41:1–36, 1952.

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[8] King, R. W. P., *Theory of Linear Antennas*, Harvard University Press, Cambridge, 1956, pp. 799–808.

[9] Wait, J. R., "The Magnetic Dipole Antenna Immersed in a Conducting Medium," *Proc. IRE*, 40:1244–1245, 1952.

[10] Wheeler, H. A., "Useful Radiation from an Underground Antenna," *Journal of Research of the NBS*, 65D, 1961, pp. 89–91.

[11] Biggs, A. W., "Radiation Fields from a Horizontal Electric Dipole in a Semi-Infinite Conducting Medium," *Transactions of the IEEE on Antennas and Propagation*, AP–10, 1962, pp. 358–362.

[12] Hansen, R. C., "Radiation and Reception with Buried and Submerged Antennas," *Transactions of the IEEE on Antennas and Propagation*, AP–11, 1963, pp. 207–217.

[13] Hasserjian, G., and A. W. Guy, "Low-Frequency Subsurface Antennas," *Transactions of the IEEE on Antennas and Propagation*, AP–11, 1963, pp. 225–231.

[14] Biggs, A. W. and H. M. Swarm, "Radiation Fields from an Electric Dipole Antenna in Homogeneous Antarctic Terrain," *IEEE Transactions on Antennas and Propagation*, AP–16, 1968, pp. 201–208. Biggs, A. W., "Dipole Antenna Radiation Fields in Stratified Antarctic Media," *IEEE Transactions on Antennas and Propagation*, AP–16, 1968, pp. 445–448. Biggs, A. W., "Influence of Inclination Angles for Antennas Buried in Arctic Terrain on Space Wave Radiation," *IEEE Transactions on Antennas and Propagation*, AP–17, 1969, pp. 790–795.

[15] Wheeler, *loc. cit.* Hansen, *loc. cit.* Private communication from A. W. Biggs.

[16] "Sanguine System Environmental Compatability Assurance Program (ECAP) Status Report," December 1970, pp. 2–28.

[17] Wait, J. R., *Electromagnetic Waves in Stratified Media*, Pergamon Press, 1970, Ch. X.

[18] "Alternative Sanguine Systems," Sent by Rear Admiral F. J. Fitzpatrick to Senator Gaylord Nelson on April 8, 1971.

[19] "Some technical aspects of Project Sanguine," received from W. K. Hartell, March 25, 1971.

[20] Watt, A. D., *VLF Radio Engineering*, Pergamon Press, 1967, p. 479, Fig. 5.3.6.

[21] *World Distribution and Characteristics of Atmospheric Radio Noise*, Report 322, International Telecommunication Union, Geneva, 1964, p. 45.

[22] Stewart, J. L., *Circuit Theory and Design*, Wiley, 1956, p. 331.

[23] Fine, H., "An Effective Ground Conductivity Map for Continental United States," *Proc. IRE*, 42:1405-1408, 1954.

[24] "Some technical aspects . . ." *loc. cit.* Merrill, J., "An Overview of ELF Propagation Investigations prior to July 1970," presented at CSC, Falls Church, Virginia, February 17, 1971.

LAND-TO-THE-TILLER PROGRAM

Mr. BELLMON. Mr. President, during the past 3 years, the Government of Vietnam—GVN—has increasingly recognized the importance of land reform. This recognition led to the revolutionary land-to-the-tiller law passed 1 year ago by the National Assembly in March 1970.

This program is one of the major developments in the troubled land of South Vietnam. Its success or failure will likely do much to influence the future stability of the Government of that country and may determine whether or not the tremendous sacrifice the United States has made in Southeast Asia will produce lasting results.

Recently, a land-to-the-tiller briefing paper came to my attention, and I read it with great interest. I believe other Members of the Senate will be interested and helped by this information. I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

LAND-TO-THE-TILLER BRIEFING PAPER

GOAL

The GVN goal for the Land-to-the-Tiller program is to transfer one million hectares (2.5 million acres) in the three years of the program's operation. This represents nearly half of all paddy rice and secondary crop land in South Vietnam. Of the total, 200,000 hectares was the target for 1970. Prolonged legislative deliberation and the amount of time required for procedural planning delayed the start of widespread implementation until September 1970, although President Thieu distributed the first titles in August 1970. Progress accelerated rapidly thereafter and the goal of 200,000 hectares was officially exceeded during the six month period completed February 28, 1971, the end of the GVN's 1970 Pacification Year. The goals for 1971 and 1972 are 400,000 hectares in each year.

In more general terms, the goal is largely to eliminate farm tenancy, now estimated at 60 percent of all riceland area. Since complete tenancy statistics do not exist and since some abandoned land is expected to be cultivated and transferred with the continuation of improved security conditions, the precise extent of the program is not yet known. Assuming an average of one to two hectares (2.5 to 5 acres) to be distributed to each family, as many as one million families, or about six to seven million people in rural Vietnam, may be direct beneficiaries of the program. The economic effects of the program will thus be far reaching. The average farm family, which had been paying rental of 25–35 percent of production for use of the land, will have an additional 30–50 percent disposable income.

BACKGROUND

During the past three years, the Government of Vietnam has increasingly recognized the importance of land reform. This recognition led to the revolutionary Land-to-the-Tiller law passed one year ago by the National Assembly in March 1970. The first public statement of the new GVN interest in land reform was President Thieu's speech at Ba Tri in September 1968, in which he promised that no farmers in newly pacified areas would be evicted and that they would receive title to the land they were farming. This implicit recognition of prior Viet Cong land distribution and the initial formulation of the concept of Land-to-the-Tiller have since developed into a new and sweeping program of land reform.

THE FREEZE ON OCCUPANCY AND RENTS

In preparation for new land reform measures, the Government took two steps to freeze the tenure situation in the countryside. This was done to ensure that the present occupant of the land would be the beneficiary of reform. The first step was a Directive in February 1969 freezing occupancy and rents in newly pacified areas. This had the effect of recognizing changes in occupancy which had occurred during periods of Viet Cong control, and it thus removed one of the reasons for landless farmers' opposition to Government pacification. The second step was an April Directive extending the freeze nation-wide.

THE LAW

In April 1969, the newly appointed Minister for Land Reform and Agriculture initiated a comprehensive review of the planning that had been done for a new land reform program. The result of this review and subsequent discussions was the Land-to-the-Tiller bill approved by the Cabinet and submitted to the Assembly by President Thieu in July. The Executive bill was passed by the Lower House in September 1969, in a greatly weakened form. The Senate Agriculture Committee then undertook a thorough review of the bill and restored almost all of the original provisions. Action on the bill was delayed by intervening events which took the full attention of the National Assembly, but the bill was finally passed by the Senate and approved by the Lower House. President Thieu declared a national holiday and signed the bill in a ceremony in the Delta on March 26, 1970. Key provisions of the law are:

No retention limit. Previous land reform legislation and many of the recent proposals for modification permit a landlord to keep some land for rental purposes in addition to what he farms himself. The Land-to-the-Tiller law allows for no retention of tenanted lands, except for specific limited categories such as ancestral worship lands and lands owned by religious institutions. However, landowners can retain up to 15 hectares if they are cultivating it directly or with wage labor.

No payment. In the previous land reform program of Ngo Dinh Diem, recipients of the land were required to pay the government purchase price. The Land-to-the-Tiller law provides for transfer free of charge to the applicant, with the landlord to be paid by the Government.

Recognition of present farmer. By providing that land will be transferred to the present cultivator, the law for the first time recognizes the rights of squatters and Viet Cong appointed farmers. The "freeze" of February 1969, prevents evictions carried out to evade the Land-to-the-Tiller principle.

Communal land. Lands owned or managed by the villages have not been involved in past transfers. The law provides for distribution of communal land and provides for payment to the village to compensate for loss of communal lands, and distribution of some revenues. However, separate implementation procedures remain to be worked out for communal lands in Central Vietnam will likely be delayed for some time yet.

Land valuation. The law specifies landlords will be compensated at a rate of 2.5× the value of the average annual yield. An inter-ministerial committee has established paddy rice prices and five-year average yields for each province in the country. Based on these figures, the national average land price will be about VN$120,000. Within a given province the paddy price to be used in the formula is fixed but the yield is to be determined on a local basis, with Province officials ensuring that the average yields of all villages do not exceed the known Province five-year average.

Payment terms. The law provides for 20% cash payment to the landlord with the remainder to be paid in eight bonds redeemable annually over an eight-year period. Compensation is due from March 26, 1970 for cultivated riceland, but difficulties in designing a fair and equitable valuation schedule delayed the start of large volume payments. Landlords will thus receive 10% interest, in addition to the regular interest paid on the bonds, for the period from March 26, 1970 to the date of payment.

Worship land. Owners will be allowed to retain up to five hectares (12.5 acres) of tenanted land if it has previously been registered as worship land. Income from this land is used for ancestral veneration.

THE DECREE

The implementing decree for the Land-to-the-Tiller law was signed by the Prime Minister on June 5, 1970. The decree expands upon the law and provides the basic procedural framework for implementation. By declaring all land covered by the law to have been expropriated on the date of promulgation of the law, the decree terminated all rents on those lands from March 26, 1970.

COST

One of the key issues is the cost of the proposed program and the inflationary impact it will have. The U.S. Mission has urged the GVN to keep costs down by avoiding high initial cash payments to landlords and has offered dollar commodity support to help offset the inflationary impact of the program. At the time the bill was introduced an agreement was signed, subject to passage of the bill and initiation of land transfers, to provide $10 million for U.S. commodities through the Commercial Import Program. To the extent that the piasters spent on Land-to-the-Tiller are transferred into demand for imports, this dollar support will counteract the inflationary impact of the increased money supply generated by compensation to the landlords. To date $5 million of this amount has been released.

The total cost of the program to the GVN, based on present assumptions about land prices and area to be transferred, will be approximately VN$190–200 billion including interest (US$750 million equivalent). This will be spread over a period of years, but the inflationary impact will nevertheless be substantial. Therefore, additional U.S. dollar support is contemplated in amounts dependent on the pace of program implementation, the need for foreign exchange and the availability of funds voted by the Congress for support of the program. The U.S. Government in April 1971, obligated another $15 million in addition to the initial $10 million, and plans to obligate an additional $15 million in fiscal year 1972 in specific agreements tied to progress in land transfer and compensation payments. Subsequent support throughout the life of the program will be considered as part of overall U.S. economic stabilization assistance.

U.S. TECHNICAL ASSISTANCE

Although a village-level land reform program of the magnitude described could not and should not be implemented by Americans, there is a need for American technical assistance and support. The number of U.S. personnel, however, is relatively small. A USAID land reform advisory staff of 32 is currently employed, including 13 advisors assigned to the CORDS four regional headquarters. In addition, the program is supported by other CORDS personnel at the Provincial and District levels.

Implementation of the program is the direct responsibility of the GVN Directorate General of Land Affairs, which has a staff of approximately 1,000 people in the provinces and 400 in Saigon. About three-fourths of these are technicians, the remainder, administrative and clerical personnel. In general, the organization is technically competent and experienced in the traditional methods of land identification and registration, but unfamiliar with the new practices, e.g. the use of aerial photography, required to complete Land-to-the-Tiller in the projected time frame. During the first several months of implementation however, many officials in the DGLA exhibited a remarkable adaptive capacity to the new methods and procedures.

The sheer volume of transfers involved requires not only new methods, but also a decentralization of responsibility. This has already been achieved to a large degree, and represents an outstanding achievement given the short period of operation. Instead of relying entirely on provincial land service employees as in previous programs, the GVN has recruited and trained one Village Land Registrar in each village who with the Village Agriculture and Land Reform Commissioner, has responsibility for taking applications, identifying the land, and maintaining the land register.

Some of the specific tasks with which the U.S. is assisting the Vietnamese Government are: developing training programs for Province personnel and officials in nearly 2,000 villages on the meaning of the new legislation and its detailed administration; developing and disseminating publicity about the program to the rural population; developing and improving procedures to handle the huge flow of applications; producing aerial photography for land identification; and using automated data processing for issuing new titles, updating land registers and compensating landlords.

ECONOMIC IMPACT

Although the Land-to-the-Tiller was designed as a political program and its primary impact will be political, there will nevertheless be positive economic benefits. The new landowners will have for possible investment purposes the income from the 25 to 35% of the crops which they previously paid to the landlords in rent. Because of their new tenure security they will also have a greater incentive to make long run improvements in the land. Some people have expressed concern that by fragmenting land holdings, the Land-to-the-Tiller law will prevent future agricultural development. It is important to recognize that no fragmentation of cultivation patterns is involved; titles are issued to present tenants or squatters against current cultivation patterns. The resulting widespread ownership pattern will perhaps make more difficult the consolidation of holdings and the development of large scale production, and properly so, because now the farmers will have to agree voluntarily to any absorption of their fields into larger farms. Thus Vietnam will avoid the illusory development which occurs when farms are consolidated and the previous tenants or farm laborers migrate to overcrowded cities without the job market to absorb them in useful labor. It is important to remember that small farms are not inconsistent with agricultural development. While the large farms in the United States, Canada, Australia and elsewhere produce the highest output per man, it is countries like Taiwan and Japan, with small farms, which have the world's highest agricultural output per hectare. Since land is scarcer than labor in Vietnam, it is the latter pattern that Vietnam will emulate, at least for the foreseeable future.

MONTAGNARD HAMLET IDENTIFICATION PROGRAM

A companion program to Land-to-the-Tiller is the Montagnard Hamlet Identification Program. A primary cause of Montagnard alienation from previous Vietnamese Governments has been encroachment upon lands traditionally held by Montagnards. The ethnic minority tribal people, numbering approximately 850,000, cultivate roughly 360,000 hectares of land in the Highlands of Central Vietnam.

The promulgation of Decree 138, November 9, 1970, establishes the legal basis for hamlet identification. Hamlet boundaries will be drawn to encompass both privately owned and communally used land which exists within the general hamlet confines. Identifying traditional hamlet landholdings is of the greatest importance in removing the danger of recurring land conflicts in the Highlands. The Ministry of Land Reform and Agriculture now considers this the priority program in the Highlands. At the heart of the hamlet identification program will be the delineation of each Montagnard hamlet's "living area". This living area will be held strictly for Montagnard use and control.

USAID/ADLR is working closely with the Directorate General of Land Affairs and the Ministry for Development of Ethnic Minorities in the preparation of an Implementation Circular which will clarify all points of Decree 138. Also being prepared is a work plan which will outline the role of the central government, the Province, Village and Hamlet in completing procedures for hamlet identification. For 1971, it is expected that 600 hamlets will be identified and "living area" boundaries drawn.

CHILD DEVELOPMENT IN MINNEAPOLIS

Mr. MONDALE. Mr. President, last weekend I had the opportunity to participate in a series of events celebrating the opening of the Northside Child Development Center in Minneapolis.

This child development program, sponsored by Control Data Corp., the Dayton-Hudson Corp., and the Federal Reserve bank, with financial support from the Federal Government, represents an extremely promising initiative in the field of development day care. It is symbolic of the encouraging day care initiatives in the Minneapolis area under the creative leadership of the Greater Minneapolis Day Care Association.

An editorial published recently in the Minneapolis Tribune summarizes well the significance of the new center and the entire movement for developmental day care in Minneapolis. I ask unanimous consent that this excellent editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, Sept. 14, 1971]

Child-Care Center for North Side

The need for a vast expansion of daycare services in the United States becomes increasingly urgent. More and more mothers of small children are going to work, by choice or economic necessity or both. It has become national policy to encourage mothers on welfare to seek employment, if at all practical in their family circumstances. Existing licensed day-care facilities in the country can accommodate only 640,000 children, although about 4.6 million women with children under six years old now work, and many more would like to work. Employable women often cannot leave home for jobs; employers are unable to hire qualified women who cannot make provision for their children, and many children of working women are not properly cared for during the day. Meanwhile, families that might get along with little or no public welfare support are completely dependent.

Such problems are as familiar in Hennepin County as elsewhere, but progress in the last year has been encouraging. The Greater Minneapolis Day Care Association has been leading the movement to get new centers organized and functioning. The most significant achievement thus far is the new North Side Child Development Center, established through the efforts of the association, Control Data Corp., Dayton's department stores and the Federal Reserve Bank. The three business firms provided the local share of funds, to be matched three-to-one with federal money, and children of their employees will use the center. The Hennepin County Welfare Department, though not involved financially (except in potential savings), is cooperating in the project.

The North Side center is expected to be a prototype because it is the first in the country to use the federal funds available with such a combination of industry-community-government sponsorship.. It is designed to give much more than routine care; an educational program will be offered 120 children ranging from 6 months to 12 years old. The center was launched last weekend with the enthusiastic support of Sen. Walter Mondale, who sees it as an example of the kind of constructive program his child-development bill, just passed by the Senate, aims to establish.

The organizations, business firms and residents involved in the planning and operation of the new center for children deserve goals, they will show the way for many congratulation. If they accomplish their more such centers.

ARE THE FARMERS' VOICES HEARD?

Mr. EAGLETON. Mr. President, as America becomes a more urban nation, national programs enacted by the Congress in areas such as highway safety, water pollution control, and environmental protection are increasingly being felt by our agricultural community. This is as it should be. Many of these programs extend the same kinds of protection afforded to residents of urban areas to those who comprise the agricultural sector of our economy, and who often reside in nonurbanized parts of our country. This continues the national trend toward erasing past differences between urban and industrial America and rural agricultural America.

But any of our national programs have been developed in response to needs experienced first, or in their most aggravated forms, in urban and suburban America. One result of this has been that the impact of these programs in the agricultural community have not always received the careful attention it deserved.

Developments in a number of areas over the past several months demonstrate that the special problems of agriculture are being examined more carefully in the adoption of national programs by the Congress and in their implementation by executive branch agencies.

In the August 25 issue of Hoard's Dairyman, Mr. Lynn Stalbaum, the Washington representative of the Associated Dairymen, reflects on several of these developments and the increasing progress being made by the legislative and executive branches of Government in adopting and carrying out our national program with increased awareness of their significance for agriculture.

Mr. President, I commend Mr. Stalbaum's article to the attention of the Senate for the important, and hopeful, lessons it contains. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARM VOICES MISSING—AS NEW PROGRAMS ARE DRAFTED IN WASHINGTON

(By Lynn Stalbaum)

There's a new trend in law-making in Washington and farmers had better be concerned about it. The impact of what is being done can make their occupation a more difficult one, or, in some instances, completely force them out of business. This year, more than ever, new programs are being developed in the nation's capital which have legitimate and highly-accepted national goals but which, when applied to farmers, create serious problems. Who among us is opposed to such objectives as clean water, highway safety, or the general safety and health of workers? Yet, as each is developed, its application to farmers creates special problems.

Before the impact of each is discussed, it should be pointed out that Congress does not pass laws as it did "in the good old days." It doesn't dot every "i" and cross every "t" any more. Instead it turns over to some government bureau or agency the development of the programs it wants.

FARM TRUCKS

A good illustration is highway safety. Congress, in effect, said, "Injuries and deaths on our highways are a serious national problem. The Department of Transportation shall develop comprehensive programs to improve highway safety." This the Department of Transportation has proceeded to do, including motor carrier safety regulations.

One section covered trucks, all trucks and truck drivers. When these were published, it was found that any farm boy under 21 would be prohibited outright from driving farm trucks!

Last December, representatives of farm groups met with Dr. Robert A. Kaye, director of the Bureau of Motor Carrier Safety, and learned why. Dr. Kaye admitted that the Department of Agriculture and farm groups had never been contacted for their views, though there had been many conferences with others interested in trucking.

Fortunately, Dr. Kaye recognized this deficiency when it was pointed out to him. He deferred action on farm trucks for a year, invited comments from farm groups, and has indicated several substantial modifications from his earlier stand, including exempting all farm pickup trucks from the regulations.

Farm trucks are not the only instance. Water pollution control efforts show a similar pattern.

WATER POLLUTION CONTROL

For this program, Congress didn't even have to pass a new law. They found one which was passed in 1899 which could be used. Under it, the Army Corps of Engineers could require a permit from anyone who dumped anything into a "navigable stream or tributary thereof." Though intended, when passed, to assist in eliminating navigation hazards, it has been found to be usable to curb the dumping of pollutants into streams.

The Army Corps of Engineers, working with the newly created Environmental Protection Agency, developed a system whereby anyone who drained anything into any stream which polluted it would have to pay a $100 application fee and apply for a permit by July 1, 1971.

Did this requirement apply to farmers? And, if so, to which ones? No one seemed to know. Its impact on agriculture had been completely overlooked in developing the program.

On May 5, 1971, less than two months before the permit program was to start, General Frederick J. Clark of the Army Corps of Engineers told the House of Representatives Committee on Agriculture that he was not then prepared to tell how this program would be applied to dairies, feedlots, or other agricultural production enterprises.

At the same hearing, William D. Ruckelshaus, administrator of the Environmental Protection Agency, stated that the purpose of the permit program was to establish a pollution abatement schedule for some 40,000 industries, but that no determination had been made as to the impact of this program on agriculture.

Incredible as it seems, they apparently had completely overlooked the possibility of this program affecting more than half a million commercial livestock operations (including dairy farms) in the United States.

Here, again, modifications were made after agriculture's voice was heard. The permit program is now limited to those with over 1,000 animal units who discharge waste from a single discharge outlet. A 1,000-animal unit is calculated to equal 1,000 steers, 700 dairy cows, 4,500 butcher hogs, 12,000 sheep, 35,000 feeder pigs, 55,000 turkeys, 180,000 laying hens, or 290,000 broilers. It is estimated that there are 3,400 such operations of all types in the United States.

Most observers believe that, in the years ahead, these standards will be modified to include more farm operations but, at least, they are the standards for now.

SAFETY, HEALTH

The Occupational Safety & Health Act will apply to agriculture, as well as to industry. Under it, the Secretary of Labor is directed by Congress to establish safety and health standards for agricultural workers.

Understandably, farmers have expressed concern as to what these standards will be.

Currently standards are being announced in four areas in which there is general agreement and which would apply to some agricultural operations. These are: (1) Sanitation in temporary labor camps, (2) storage and handling of anhydrous ammonia, (3) pulpwood logging, and (4) accident prevention signs on slow-moving vehicles on public roads.

The Labor Department has publicly stated that other standards for farm operations will be developed only after full consultation with the U.S. Department of Agriculture, with other experts, and with representatives of farm organizations. Under this program, a special activity devoted to agriculture and farm operations is being set up by the Department of Labor.

This indicates that farmers' voices will be heard at an earlier point than was true on truck and water pollution regulations.

PESTICIDES

Until recently, the U.S. Department of Agriculture had authority over pesticides, but this has been transferred to the new Environmental Protection Agency. As a result, USDA continues to make recommendations.

The House Committee on Agriculture, however, held hearings on the Federal Pesticide Control Act of 1971 through most of the month of March this year. This hearing record, covering over 900 pages, is largely devoted to striking a balance between benefit and risk in using these products.

Under Secretary of Agriculture J. Phil Campbell pointed this out in his statement to the committee. He said, "There is no question but that the health of the people is the paramount criterion . . . (however) we strongly believe that the impact of pesticide decisions on the opportunity for agricultural producers to make a livelihood must be an important criterion in such decisions when criteria other than that of public health are being considered."

These are some storm warnings on pesticides, however, from the farmer's standpoint.

In May 1970, a trio of federal judges in Washington, D.C., ordered the Food and Drug Administration to hold hearings on why the tolerance of DDT in or on raw agricultural products should not be set at zero.

Because of the persistence of DDT, it is generally accepted that traces will remain and that it is all but impossible to reduce these traces to an absolute zero. Yet, the judges forced agricultural interests to carry the burden of showing why existing tolerances should continue instead of forcing those individuals who desired change to show why such change was needed.

Fortunately, after the hearings, the Food and Drug Administration apparently concluded that some tolerance was needed. The standards for DDT were not changed.

The pattern we have attempted to show here is evident. All of the programs cited have a definite effect on agricuture; yet this effect has not always been considered when the program was being developed.

Those who are given the responsibility of developing these programs generally have shown themselves to be sincere and dedicated men. Their dedication, however, is to their program, whether this be highway safety, water quality, or others, rather than to agriculture.

As a result, a whole new burden is being placed on those who represent agriculture in the nation's capital. Instead of a dairy organization now being solely concerned with such programs as school milk, price supports, and milk marketing orders, they must keep a watchful eye on new broad programs which may not appear to have anything to do with farming but which can have a tremendous impact on agricultural operations. And, as the nation moves from an agricultural to an urban economy, there will be more and more of these.

ANNIVERSARY OF SOVIET ATTACK ON POLAND

Mr. PERCY. Mr. President, on September 17, 1939, the Red Army swept into Poland and attacked the Polish forces which were already attempting to repulse the German invaders. The people of Poland found themselves caught between the advancing troops of two large nations.

Certainly the Polish people will never forget September 17. Neither should we. The date will always represent the violation of international law, of human rights, and of common decency. The date will always represent aggression, violence, and terror.

On the anniversary of September 17, 1939, I call on Americans to rededicate themselves to support for the peoples of Eastern Europe who have suffered so much these past three decades, but who maintain their faith in ultimate independence and freedom.

MAXWELL J. LIBERMAN

Mr. RIBICOFF. Mr. President, I note with deep regret the death of Maxwell J. "Max" Liberman, the bowling editor of the Hartford Courant. Max, who would have been 75 years old next week, died Wednesday, September 15 in Hartford. He was a dear and longtime friend of mine. Everyone who knew him mourns his passing.

The will to perservere in the face of pain and ill health is a great human virtue. But to persevere and then to inspire others—to bring humor and pleasure to their lives—is even greater.

Although he suffered from ill health for many years, Max Liberman always had a word of good cheer or a joke or words of encouragement to pass on to his friends. All of us knew what tragic physical suffering he endured. In the many years I knew Max I never heard him complain once. But time and again he expressed concern about the problems of others.

On the sports section staff of the Hartford Courant for more than 38 years, Max earned a national reputation as one of the best and most knowledgeable bowling writers in the country.

In the Hartford area, though, Max was known and loved for other achievements as well in as his reporting. His work on behalf of charities was an enormous contribution to his community.

For 31 years he served as chairman of the Bowlers' Fund of the March of Dimes and was credited with raising more than $80,000 for the Hartford chapter. Even while he was in the Hartford Hospital as a patient, he worked to help others as he raised some $2,900 for the March.

Of his fund raising efforts, Max once observed:

> I just keep fighting away.

That remark, perhaps more than any other, shows the kind of man Max was. He kept fighting against adversity and, all the while, devoted his efforts to making a better life for others. Max was a man of good will, a human being who cared about other human beings. I will miss him. All who knew him will miss him.

I ask unanimous consent that an article and an editorial published in the Hartford Courant of September 16, 1971, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

"Max" Liberman Dies—Courant Bowling Editor

Courant Bowling Editor Maxwell J. Liberman, known as one of the top bowling writers in the country, died Wednesday, six days before his 75th birthday.

"Max" as he was fondly known by Courant Staffers, bowlers and the thousands of persons he helped through his fund-raising work for charities, was dead on arrival at Hartford Hospital. He had been released from the hospital on Sept. 7 after being hospitalized on and off for the last several years. He lived at 610 Asylum Ave.

Well known as a sports writer on ten pin, duckpin and lawn bowling, Max was with The Courant for more than 38 years. The last of his columns, entitled "Highlights of Bowling," appeared Sunday.

He was fulltime supervisor of the telegraph department at the Hartford Insurance Group up until his death, joining the company nearly 50 years ago. The job had a special place in his heart. "To the best of my ability, with the allotted time given me I'll aim to continue writing 'Highlghts of Bowling' as best as possible, remembering my first love is with the telegraph department of the Hartford Insurance Group," he said in a column last year.

But holding down two jobs and battling illnesses didn't slow Max down. "We can live in constant newness of life," he said in his Jan. 1 column last year. "Each moment affords us new opportunities to feel free from the past."

His charitable work had a simple philosophy behind it. "I'm thankful to the man upstairs," he said in the same column, "for the health I've known even with the conditions I now bear. Because of it I try to free my fellow man of care."

In the past 31 years that he served as chairman of the Bowlers' Fund of the March of Dimes, he was credited with raising more than $80,000 for the Hartford Chapter. Max raised more than $2,900 for the fund while he was a patient at Hartford Hospital from last December to April. Of his fund raising effort, he said modestly, "I just kept fighting away . . ."

Even as he suffered from the pain of a years' old hit-and-run accident and a worsening heart condition, Max closed his 1968 New Year's column with a reminder of his beloved Bowler's Fund and the good it would do crippled children.

In 1961, his scholarship made it possible for a group of youngsters to hold a quarter midget racing car meet in Manchester. While still recovering from his 15th operation, he heard about the needs of the Clara Barton Camp for Diabetic Children and raised $200 with a ringside appeal at a local boxing match. He was also well known for his campaign work with the Heart fund.

Max was born in New York. The son of a cigar maker, he held an apprentice's card in the Cigar Makers' Union at age 14.

His family moved to New London when he was young and he was graduated from Bulkeley High School there. While in high school he played a little football—until his father found out about it. "I came home one night with a couple of teeth knocked out and my father gave me the licking of my life," Max once recalled.

PRINTING TRADE

After high school, Max took up the printing trade, joining the printing department of the Hartford Fire Insurance Co. in 1922. He became an underwriter for a few years then moved on to the telegraph department. He laughingly quipped a few years ago that he had joined the company "for a few months to see how it would work out."

During his many years with the insurance company, Max was president of the Men's Club twice, head of the 25-year club and served many times as publicity director and chairman of the minstrel show put on to benefit Camp Courant and the Times Farm. On his 45th anniversary he referred to his years with the insurance company not as 45 years but as 12,000 days because he believed that life should be taken as it comes, day-by-day.

But insurance work took up only half of Max's busy days. At 4:30 p.m., when most of his coworkers went home, Max would hustle over to The Courant to start work on his bowling column.

He always took the time to greet his friends with a shy smile and made a special effort to get to know the newer members of The Courant staff. "He remembered little things," said Courant photographer Harry Batz, who recalled that Max had often brought coffeecakes in on Sunday mornings for the photographers who gave him rides home to the Netherlands Hotel at the end of one of his long days.

The width and breadth of Max's friends was most evident during his stays at Hartford Hospital. Among the people from all walks of life who dropped by the hospital to see him was Gov. Dempsey. Max, who continued to write his columns from the hospital as soon as he could be propped up in bed, would always thank his visitors warmly in print.

Once, when Gov. Dempsey visited him at The Hartford Group to make good a promise made when he was hospitalized, Max thanked the governor in his column and told of the excitement of his visit.

"I bow my head in a silent prayer, thanking God, for the many kind words spoken in my behalf and, in closing, while I had to take some extra pills to get my system back to its normal running, it was worth it," he wrote.

Recognized for his knowledge of bowling, he was called "one of the top sports writers on lawn bowling in the United States" by the London (Ont.) Free Press. He served as president of the National Duckpin Bowling Congress from 1962 to 1963 and has several bowling tournaments named after him. One of the largest was the Max Liberman Labor Day Tournament, inaugurated in 1965 by the Greater Hartford lawn bowlers.

He was given honorary life membership and was elected to the National Duckpin Bowling Congress Hall of Fame, and to the Hall of Fame of the Eastern Division of the American Lawn Bowling Association in 1960. Max was also a member of the Connecticut Sports Writers' Alliance and the Bowling Writers' Association of America and served as public relations director of the U.S. Singles and Doubles Lawn Bowling Championships.

Max received countless awards and citations for his work. In 1967 he was honored with a poem written for him by Gerry Hoban of the Hartford Group. Of his work with the company, the poem said, "Now 45 years is a mighty long time to do a job well, and ye've done yours just fine . . . I'm guessin' that sometimes the work wasn't easy . . . Especially on days when your health made you queasy . . . But ye've conquered arthritis, and that's a quite a feat . . . Yes, Max Liberman, ye just can't be beat . . ."

Among his survivors are three daughters, Mrs. V. Florence Piscitello, Mrs. Ruth Petit and Mrs. Dorothy Hagley, all of New London; two brothers, Morris Liberman of New London and Phillip Liberman of New York.

Funeral arrangements were incomplete late Wednesday night.

Maxwell J. Liberman

To those who knew him—and there are few individuals in these parts who had more friends—Max Liberman was among other things a study in raw courage. Burdened by tremendous physical handicaps which increased as the years passed, he remained serenely cheerful to the end. As he once said after one of his most strenuous bouts with pain, he felt sorry for those who were in the same boat he was in. But he never complained. And to the last, he still had a corny joke for everyone.

Max was The Courant's bowling editor for nearly 40 devoted years. He put in a full eight-hour day here—morning newspaper people call it a "day" although most of them, like Max, work mostly nights. It was a strenuous job as he worked at it, with, among other things, long hours on his feet in the composing room making up and checking his bowling columns. Newcomers to the staff found it hard to believe that the bent, cheerful, untiring little old man shuffled down Broad Street to The Courant each afternoon after putting in a full work day at the Hartford Insurance Group where he worked full time days as supervisor of the telegraph department.

For years Max lived, as he and his friends knew, not only in pain but in the shadow of death. As he observed only last week, he may have been (as indeed he was) physically bent, but he never broke. His colleagues here will sorely miss him as will that vast circle of friends he built up outside of the newspaper.

RHODESIAN CHROME

Mr. BROOKE. Mr. President, it is a matter of grave concern to me that the military procurement authorization bill contains a section which would have the effect of requiring this country to import chrome from Southern Rhodesia.

When this proposal was considered by the Foreign Relations Committee earlier this year, I testified before the committee against the bill on the grounds that it would seriously jeopardize our relations with other nations of the world, and would, in fact, pose a clear threat to the continued existence of the United Nations.

I shall have more to say on this subject at a later date; at this point, however, I ask unanimous consent that my testimony before the committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDWARD W. BROOKE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON S. 1404

Mr. Chairman and members of the Committee:

I am strongly opposed to S. 1404, not only because of my basic belief that sanctions against Southern Rhodesia are justified, but because of my concern that, if approved, the bill would pose a clear threat to the continued existence of the United Nations as a viable force in international affairs.

Let me explain this second point first. The United Nations, while not always effective in preventing war nor fostering goodwill among nations, has served as an effective and open forum for the mediation of disputes and has made important contributions to economic and social development throughout the world.

Any measure which might cripple the UN ought to be examined thoroughly by the Senate because of the long history of support which this body and, especially, this Committee have lent to the organization.

Articles 39 and 41 of the United Nations Charter, to which the United States, with Congressional approval, has bound itself, gives the Security Council the power to impose a complete or partial interruption of economic relations with an offending state on behalf of all the UN member nations.

On December 16, 1966, with the support of the United States, the Security Council approved Resolution No. 232 imposing selective mandatory economic sanctions against Rhodesia, including a prohibition on the importation of chrome. This action resulted from a determination by the Council that the rebellion in Southern Rhodesia which resulted from the assumption of control by a racist regime and its imposition of suppressive control over the nation's Black majority, constituted a threat to international peace and security.

Article 25 of the UN Charter states that "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter."

Clearly, this article requires that the United States refrain from purchasing chrome or any other product from Southern Rhodesia under any circumstances unless and until the Security Council repeals its resolution.

Furthermore, Article 5 sets forth the general requirement that "All members shall . . . refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action." Thus, we should recognize that approval by the Congress of the United States of S. 1404 would represent a serious threat to our continuing as a member in good standing of the United Nations.

Important considerations of domestic law should also be kept in mind by the Committee. Section 5(a) of the UN Participation Act (22 U.S.C. 287(c)) authorizes the President to take whatever steps are necessary to enforce economic sanctions established by the Security Council. According to the report of the Foreign Relations Committee accompanying the 1945 legislation, this broad grant of power was approved by the Congress as the result of its belief that "the Security Council must be placed in the most effective position possible to act under Section 41."

In accordance with this law, President Johnson, on January 5, 1967, issued an Executive Order which legally bound this nation to the terms of the Security Council resolution. There can be little dispute of the authority of the President to conduct foreign affairs as it relates to this matter.

S. 1404 poses a threat not only to the continued role of the United States in the U.N., but also, it imposes limitations on the power of this country to take action consistent with our responsibilities and obligations under the Charter, a power not seriously questioned in the quarter of a century during which this country has belonged to the United Nations.

Beyond the legal implications, however, this bill is a clear attempt to lend vital economic support and political recognition to the government of Ian Smith, a blatantly authoritarian and racist government that makes little provision for the participation of 95 percent of its people in the political, educational or economic system of the country.

Our nation's policy in opposition to this government has been quite clearly and properly stated by both President Johnson and President Nixon. The United States government's policy of non-recognition of the present Southern Rhodesian government is definitive.

In particular, I applaud the fact that President Nixon last year ordered the closing of our consulate in Salisbury, Southern Rhodesia because of his desire to deny any formal recognition to the Southern Rhodesian government. This strong condemnation, announced by Secretary of State Rogers, should be supported by the people and the Congress of this country.

The statutory intention of S. 1404, which is to prevent the imposition of a prohibition on importation of a strategic and critical material from any free world country so long as the importation of that material from a Communist country is not prohibited, is an arbitrary and unnecessary limitation on the conduct of our foreign policy. At a time when the President is making significant efforts to open up the trade doors with the Communist nations which are "liberalizing" their policies and seeking trade alternatives with the West, the limitation proposed by S. 1404 could be highly detrimental to a fostering of this expanded contact.

Moreover, the specific matter of chrome from Southern Rhodesia which is the principal concern underlying this proposed legislation is an issue presently of no strategic or economic concern to the United States government. Although we import a significant percentage of chrome from the Soviet Union, both the State Department and the Office of Emergency Preparedness believe that there is no realistic danger that the Soviet Union would cut off this trade. Moreover, our available stockpile reserve has been judged to be adequate for the nation's industrial needs.

Mr. Chairman, it is readily apparent that approval of this legislation would constitute a grave threat to the legitimacy and strength of the United Nations, would be contrary to the support provided by Congress to the President in order to carry out Security Council resolutions, and would provide a vital prop to a government which represents the antithesis of our domestic goal of self-determination, justice and majority rule for the people of the world. I fervently hope that this legislation will not receive the favorable consideration of this Committee.

CHARLESTON, S.C., BOY SACRIFICES LIFE TO SAVE FRIEND FROM TURBULENT CREEK

Mr. THURMOND. Mr. President, the Greenville, S.C., News has been publishing a series of feature articles entitled "The Blue Ribbon Bonus Series." Strongly emphasized in this series are the heroic exploits of young people throughout our Nation, especially young people whose acts of valor have resulted in their being awarded the Young American Medal for Bravery by the President of the United States.

One of these young persons was John N. Caruso, Jr., of Charleston, S.C. This young man gave his own life to save a friend from drowning. His parents, Mr. and Mrs. John N. Caruso, Sr., were awarded the Medal for Bravery by President Nixon, on November 3, 1970, posthumously honoring this extraordinary feat.

There is much that one can say about the character of this Nation's youth. Nothing speaks louder, however, than an example of that character at work. Such an example is provided in an article written by Theodor Schuchat and published in the Greenville, S.C., News of September 6, 1971. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA'S KIDS COURAGEOUS—CHARLESTON BOY SACRIFICES LIFE TO SAVE FRIEND FROM TURBULENT CREEK

(By Theodor Schuchat)

(EDITOR'S NOTE.—The most heroic boys and girls in the United States have been honored, since 1951, by an official national tribute—The Young American Medal for Bravery. Only the President himself can award this unique medal. Only a few youngsters, all under age 19, have won it with their valor.)

John N. Caruso, Jr., and Carl Chavis were "best friends," even though John was 12 and Carl only 10. They were neighbors on John's Island, near Charleston, South Carolina, and often explored the outdoors together.

On the warm afternoon of June 28, 1968, just after the school term ended, the two friends were riding their bikes along a narrow inlet near Church Creek, which separates John's Island from Wadmalaw Island.

Spotting a pair of crabbers downstream, they left their bikes at a bridge and clambered along the creek bank toward them. After watching for almost an hour, they began making their way back to their bikes.

Suddenly, about 25 yards from the bridge, Carl slipped in the mud, lost his footing and tumbled into turbulent Church Creek.

Carl could not swim. John was a "fair" swimmer but had never taken a lifesaving course. Nevertheless, he quickly removed his shoes and plunged in after his friend.

Swimming about ten yards against a heavy current, John reached Carl and began pushing him to safety. Before long, Carl was clinging to the muddy bank.

His rescuer, however, found his feet were trapped in the muck of Church Creek! Exhausted, John could not fight his way to safety through the swift current.

Carl saw with horror that the friend who had saved him was flailing helplessly in the water. He seemed to be going under!

Carl reached for John but found himself again slipping from the muddy bank. Seeing that he could not hope to save his friend alone, Carl ran toward the two crabbers, shouting for help.

Leaving their seine in midpull, the two men ran to the tragic scene. They arrived but a moment too late.

John had once again disappeared beneath the surface. So muddy were the waters of Church Creek that he could not be seen. He never came up again.

One of the men, Charles West, stood helplessly watching the swirling water where John was last seen. The other, Horace Rooke, ran with Carl to sound the alarm and summon help.

John N. Caruso, Sr., reached the bridge before the police and rescue squads. Two hours later, they found his son's body on the bottom of Church Creek, 12 feet down and only a few feet from where he was last seen.

At the White House on December 3, 1970, President Richard Nixon presented to Mr. and Mrs. Caruso the Young American Medal for Bravery in recognition of the heroism of their son, who laid down his life that his young friend might live.

During the two decades in which the medal has been awarded by the President of the United States, only two other posthumous citations are recorded.

"We hear too much these days about the very small minority of young Americans who have lost faith in their country," the President said as he honored John N. Caruso, Jr.

"We hear too little about the great majority of young Americans, young Americans who display courage in their daily lives, young Americans who are willing to sacrifice in order to save the lives of others," he declared.

JEWISH WAR VETERANS ASK U.S. WITHDRAWAL FROM INDOCHINA

Mr. PERCY. Mr. President, on August 13, at their convention in Minneapolis, the Jewish War Veterans of the U.S.A. adopted a resolution calling for the withdrawal of all U.S. Armed Forces from Indochina by December 31, 1971.

The resolution reads as follows:

> As much as any war in the history of the United States, the Vietnam conflict has been a vortex of frustration, vituperation, division and hopelessness.
>
> Through four administrations, Presidents from the entire spectrum of political attitudes and both major political parties have agonized over the United States participation in the war.
>
> There is little to be gained from extensive arguments over how, why or who was responsible for the decisions that resulted in our country becoming mired in the bottomless pit of Indo-Chinese geopolitics. Hindsight will contribute nothing to the solution of the Vietnam quagmire.
>
> The Jewish War Veterans of the United States of America, cognizant of all the foregoing, calls upon the President of the United States to announce the total withdrawal of all U.S. armed forces from Indo-China by December 31st, 1971.

I understand that this is the first time a national veterans organization has taken a position in favor of total withdrawal from Indochina by a specified date. It was an act of courage and of leadership, acknowledging the tragic error of American involvement in a war which does not serve the national interest.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, the conference report on H.R. 6531, the extension of the Draft Act, which will be stated by the clerk.

The second assistant legislative clerk read as follows:

> The Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to the consideration of the conference report.

Mr. GRAVEL. Mr. President, much has been said about the crisis that is supposed to be developing due to the expiration of the draft. We have heard shrill pontifications on the cataclysmic occurrences happening to our national defense posture from knowledgeable citizens, not the least of whom, of course, is the President of the United States, who stated yesterday that the Senate was acting most irresponsibly in not renewing his powers to induct young men into the armed services.

In all these statements, there has been little proof and little fact to back up the projections.

The era of a nation of sheep has long passed. When we are told by those in high office that something bad will happen, we now demand a little more proof.

The fact that the President and some leaders in Congress may think something bad will happen does not necessarily mean it will happen. It does not even necessarily mean that they have any facts to back up their statements.

In fact, the evidence of the past 2 months demonstrates adequately and conclusively, including the specific evidence of the numbers of men who have enlisted, that the draft is not needed. That the leaders in this country, in the face of this evidence, continue to give pessimistic statements without the actual facts is a disservice to the Nation, if not actually a misleading of the people of this country.

Two days ago I inserted in the RECORD the enlistment figures for July of this year; namely, 35,800 men, as compared with 32,400 the year before.

That means that in the month of July, this year, without the draft, there were more volunteer enlistments in the armed services than volunteered last year when we had the draft.

Of course, the argument used by my colleague, the distinguished chairman of the Armed Services Committee, that the reason that happened was fear of the draft, does not hold water, because there is no reason for a young man to enlist out of fear of the draft until he has received his physical. Of course, during July, that was not the case because inductions were suspended for that period of time. There was no immediate fear of the draft, yet the enlistments went up. The increases amount to 10,700 men, which is significant.

The experience over past years indicates that enlistments declined in July and August from a high in June. This year there was a decline, but less of a decline than had occurred previously.

I might note also the fact that the Washington Post published an article on August 9, 1971, reporting on the results of N. W. Ayer & Son, the advertising firm that was hired by the Army to promote enlistments for a volunteer army. It stated that the enlistments in armor, artillery, and infantry, during this period of time, March, April, and May, increased sevenfold.

That means that enlistments, which were 1,039 during the same months in 1970, increased to 7,642 in 1971.

It is interesting that when the draft expired the DOD halted the advertisements, I think to make a case, as was done in 1948, to bamboozle Congress into passing draft legislation. They are trying as hard as they can now to make a case that they need men. If they have to give early discharges, if they have to cut off their own programs which they have initiated, I think they will do that in order to make their argument.

But the argument is not made because, in the face of no advertisements, enlistments have increased over this period of time.

I do not know what further proof we can demand as to what are the elements of the argument. We who oppose the draft have put forth the actual figures of the enlistments.

Those who are for the draft merely state that the national defense posture is in danger. I believe that any objective person, any intelligent person, can realize that we are offering specific figures and they are offering only opinions.

Yesterday, the distinguished chairman of the Armed Services Committee spoke of projections; in other words, the events and facts of today cannot make his case, so he must rely upon projections, under the leadership of Secretary of Defense Laird and the President; projections that, obviously, will make their case and not our case for 6 months from now.

I submit that Congress will still be here 6 months from now. If there really is something bad happening to the defense posture with regard to the force levels, then Congress can do something about it at that time.

Mr. President, I should like now to address myself to another subject area, namely a communication I had with the Secretary of Defense last August. Along with the expiration of the President's powers to draft, there also expired the suspension of troop force levels that have been in existence since the Korean war.

In 1948, Congress instituted the force levels of slightly over 2 million men. Today we have about 2.7 million men under arms.

I wrote and asked the Secretary of Defense what plans he had afoot, what considerations, what thoughts, what undertakings, to bring the force levels down in conformity with the law, which is a little over 2 million men.

The answer I received, paraphrased, is merely that they, of course, were waiting to see what Congress would do and until that time they were obeying the spirit of the law.

It is interesting that when Congress voted the draft in 1948, in an era prior to missiles, the electronic battlefield, and the computerization of our forces, we were told by the military experts that what we needed to defend the country was 2 million men. At that time, we had about 1,200,000 men under arms.

After the institution of the redundancy of three defense systems, Polaris, Minuteman, and bombers, we are still being told that in order to defend the country adequately we need 2.5 million men under arms.

I submit that the situation has not changed, that we can get along adequately with 2 million men under arms.

I would hope that the administration, which is so fond of indicating its prowess with respect to law and order, which has been so harsh in polarizing the youth of the Nation in its accusations of youthful disobedience and lack of obedience of the laws, would begin to follow the law. I see no difference between civil disobedience on the part of the President and the Secretary of Defense than I do with regard to civil disobedience on the part of our youth. In fact, I would be much more prone to tolerate the civil disobedience of the latter since certainly they would have some excuse through lack of knowledge and lack of experience. However, that certainly cannot be said with respect to the Chief Executive of this country. Melvin Laird and Richard Nixon know the law of the land, and if they chose deliberately not to obey the law of the land, I can only say it is typical of the schizophrenic approach that prevails in higher circles. It is utter hypocrisy.

With respect to the President's statement of yesterday that the act of letting the draft expire is one of the most irresponsible acts of the Senate that he could imagine, I can only say that I disagree with him totally. The Senate is probably guilty of many irresponsible acts. I think the most irresponsible act that we have been guilty of is that we have daily let him have the power to continue the war in Vietnam. And if we do not stand up and rally in support of an immoral act of the Government, he accuses us of being irresponsible in denying him the fuel to wage war. I think the shoe is certainly on the other foot.

I think the President has not kept faith with his promise of 1968 that he would do away with the draft. He has not kept faith with the American people with regard to his promise to end the war and to end the draft. He made those promises in 1968.

There are only two reasons why he would want to continue the draft legislatively at this time. One is so that he might end it himself before election time and very dramatically claim that he had kept his promise. The second is that it would give him a choice as to what he wanted to do.

I do not think it would be good for the country to give him the draft in either instance. I would hope that the Senate would table the conference report and let the Senate and House conferees renegotiate so as to end the war.

I think it is the greatest tragedy of our time that this war can continue and that we in the highest offices in the land can only stand aside and watch this holocaust and this butchery. This is truly the most irresponsible thing that the Senate has done, and we do it daily, in permitting him to have the power to kill human beings.

Mr. President, I yield the floor.

Mr. PERCY. I intend to vote to table the draft bill conference report because there is still ample time for the conferees to return a bill more in line with the overwhelming vote of the Senate on a sharing of responsibility by Congress to end the war, and on increasing military pay raises in the lower ranks, so we can work more rapidly toward an all-volunteer army.

The Secretaries of the Army, Navy, and Air Force have stated it is essential that the draft be resumed by November. The conferees would have sufficient time to revise the bill so that Congress could meet that deadline.

AMERICAN LEGION SUPPORT FOR SPEEDY APPROVAL OF DRAFT EXTENSION

Mr. THURMOND. Mr. President, the national commander of the American Legion, John H. Geiger, has sent me a telegram urging that I oppose the planned motion in the Senate to table the conference report on the draft extension bill.

The Legion is to be commended for the interest taken in this important vote today; and if other Senators received a similar wire, as I suppose they did, it is my hope they will weigh carefully the words of Commander Geiger.

The text of this wire reads as follows:

> The American Legion urges you support extension of Selective Service Act to maintain essential strength of active and reserve forces. Failure to extend the draft will create manpower crisis and, in our judgment, seriously impede our nation's defense effort.

Mr. President, I have spoken at length several times this week in opposition to any move to table the draft conference report. Some say the Nation can do without a draft the next few months; others feel there is no need to extend the draft at all.

The facts I have presented, and those offered by the members of the Armed Services Committee, as well as by other Members of the Senate, fully support the argument that the draft must continue.

While it may be argued that the no-draft situation since July 1 has not resulted in any great manpower shortages, the indicators clearly show that vital manpower accessions are in a dangerous downtrend.

The situation may be compared to that facing the pilot of an aircraft which has lost power. The plane is falling fast, and while it may not have yet crashed into the ground, the fact is that it will surely crash unless power is regained.

Let us not make the error of gambling with our national security and then being faced with the need for rapid and costly steps which will undoubtedly result if the present no-draft situation continues.

Mr. President, I urge Senators to reject the motion to take the draft extension bill conference report.

Mr. HOLLINGS. Mr. President, today I am voting in favor of the House-Senate conference report on the extension of the draft. In a time of shifting foreign policy and a continued arms race, we can ill afford to scrap the system of defense which has seen us through history's most troubled times. As I said at the Citadel last March, nothing can demonstrate as clearly as the draft the resolve of our people to shoulder the burdens of defense. The draft mirrors the strength and the will of a people. And I have always believed that the draft is the most equitable way to organize the Nation's defense. This bill will not only continue the draft, but will also put an end to college deferments, which are not in keeping with the spirit of the draft.

The conference report does not include the Mansfield amendment, which I voted for last June. This measure declared it to be American policy to end the war and to provide for the orderly withdrawal of our troops within 9 months of passage, subject to the release of our prisoners of war being held throughout Indochina. The House-Senate conferees diluted the Mansfield amendment by changing it into a sense of the Congress resolution and by omitting the 9 months' deadline. Still, if the conference report is passed, the House will go on record with the Senate as advocating the swiftest possible withdrawal from Indochina, subject to the release of our prisoners. It will be the first time that both Houses of Congress have called for an end to the war. While the original Mansfield amendment is stronger, the conference report is a long step forward. And given the urgent necessity of reinstituting the draft, I am not about to sacrifice national security by insisting on the original version.

I have just returned from a meeting of the Inter-Parliamentary Union in Paris. While there, I did not call on the Vietcong or the North Vietnamese. We have but one President, and when I travel abroad my politics remain at home. However, I did talk with the President's negotiators, both of whom I had known personally—Ambassadors Porter and Habib. I am convinced from my conversations with them that the chance still exists to negotiate an end to the war. I believe Congress can help the President end the war by assuming as much of the responsibility as possible. The President operates under the fear of the first defeat. No Commander in Chief would like the results in Indochina. And no Commander in Chief can be expected to shoulder all of the responsibility. In short, Congress can no longer avoid sharing the burden of ending the longest and most frustrating war in our history. By adopting the conference report, Congress would be living up to the harsh demands of leadership. And it would also be playing the more active role in foreign policy that the Founding Fathers envisioned when they wrote the Constitution almost 185 years ago.

By continuing the draft and by assuming its share of the burden on Indochina, Congress would help insure a sound American national defense. If we were to jettison the draft as we withdraw from Indochina and disengage elsewhere, we would be inviting grave danger. Our first priority is always national defense; for without the shield of security, we could not go about the business of nurturing and encouraging the many liberties we hold dear. Let us, then, preserve the draft, showing the rest of the world that we in America are more interested in asking what we can do for our country than what our country can do for us. John Kennedy's summons to the 1960's must become the reality of the 1970's.

Mr. MUSKIE. Mr. President, I shall vote to table the conference report on the draft bill today because it is essential that the original language of the Mansfield amendment be restored as an essential step toward ending our involvement in the war in Vietnam.

I feel that the best way to end the war—the quickest way, the surest way to obtain the return of our prisoners, and the best way to reallocate resources to our own society—is to set a date certain for the withdrawal of all our military personnel from Indochina. The Mansfield amendment language, although it does not cut off funds beyond a date certain, does set a date. For that reason, I feel it must be adopted.

Many argue that continued delay of the draft bill will seriously weaken our military effectiveness. I believe that a reasonable delay in order to allow the conferees to agree on restoring the Mansfield language would not cause any weakening of our national security.

The best way to protect our national security is to push with all our strength to withdraw from Vietnam. Therefore, I shall vote to table the conference report and shall vote in favor of sending the bill back to conference with instructions to accept the Mansfield language.

Mr. HATFIELD. Mr. President, yesterday we were told that this body is on the verge of one of its "most irresponsible acts," and that a vote to table this conference report "is a vote that will make the United States the second strongest nation in the world, with all the implications that has insofar as the ability of the United States to keep the peace and to negotiate for peace in this critical period."

Seldom have words from the administration on such an issue disturbed me so deeply. Let us examine just who is being irresponsible. The administration has raised the threat that somehow our Armed Forces are suddenly dissipating in the absence of the draft during the past 2½ months. Yesterday I attempted to point out, as others have, the real facts and figures which give ample evidence for the needlessness of the draft, and I have consistently stated my opposition to the continuation of the conscription.

But that is not the real question before us. We all know that the administration can have the draft extended in a moment if they really feel it is all that vital. All they have to do is adopt the Mansfield amendment, and tell the American people that we will have our troops out and military operations end in Indochina by next spring, provided we have our prisoners returned.

The irresponsibility falls on those who refuse to say we will be completely out of Indochina by next spring.

If the administration actually believes what it says, and if they really believe that failure to extend the draft will make the United States a second-rate power and destroy our ability to keep the peace, then why do they not simply accept the Mansfield amendment?

The question we face then, is not whether the draft shall be extended. We are deciding whether this war will be further prolonged, or whether it shall be ended.

Let no one cloud the issue by false threats about the perils to our security. We are voting once again on the war—a war that, more than any other factor, has weakened the true security of our Nation, and destroyed our image as a peacemaker.

It is this war that we must face again. Since the Senate overwhelmingly adopted the Mansfield amendment, 270 more Americans have given their lives in Indochina.

Every reason for fighting this war has been discredited.

We have been told we were fighting: to stop aggression from the North; to contain Communist China; to maintain our Nation's credibility; to keep the dominoes from falling; to avoid being a "pitiful, helpless giant"; to get back our prisoners of war; and to give the South Vietnamese people a chance to choose their own destiny.

It has been these justifications which have fallen like dominoes. The pretense of our fighting there to give the South Vietnamese a chance to choose their own destiny—something our military presence has consistently made impossible for the South Vietnamese—now has been revealed as the final farce by the forthcoming one-man election.

So with no reasons left to defend the war, its defenders have turned to not talking about the war.

The economy has suddenly captured the stage as supposedly the paramount issue. So we forget about the war and look for a solution to our economic woes—which is about like forgetting about germs and looking for a cure to disease.

Yesterday in the paper we read about a Cambodian village which was "liberated" from the enemy—and completely napalmed by American planes. The story read:

> Today there are only blackened holes where the many wooden houses stood. The nearby trees are scorched from the heat of the fire that obliterated the empty town after air strikes by United States and Cambodian bombers.

Today in the news we have heard about a savage battle in South Vietnam, with the body count reported: 91 Vietcong killed, 47 South Vietnamese, and one American adviser. The Vietnamese, the Cambodians, and the Laotians have not been able to forget about the war. Neither have the families of the 270 Americans who have perished there since the Senate approved the Mansfield amendment. Some may find it easier to worry about their pocketbooks instead of our foreign policy—particularly as more dark-skinned, and fewer light-skinned people give their lives in support of our policy, and the version of one-man democracy that we now underwrite.

But I do not believe that the American conscience can be so easily numbed.

This body must reflect both the conscience and the will of our people. Even more, each Member of this body is answerable to his own conscience. He bears the responsibility, given to each of us by the Constitution, for determining whether or not there shall be an end to the bombing of villages, and the daily killing and maiming of Americans and Asians by our bullets and bombs. Let us again express our will, and make it the policy of our country that we shall totally end our involvement in this war, provided only that our prisoners are returned

We must not allow the power of conscription to be extended as long as the executive branch refuses to totally terminate this tragic war—a war that we all can never afford to forget.

NOTICE OF MOTION TO TABLE—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, for the information of the Senate, and in view of the fact that the distinguished Senator from Mississippi, the manager of the bill, should have advance knowledge, I wish to announce to the Senate that I will offer a motion to table at 11:30, before which there will be a brief quorum call.

In the meantime I ask unanimous consent, Mr. President, that the remaining time between now and the hour of 11:30 be equally divided between the distinguished Senator from Mississippi, the manager of the bill, and the Senator from Montana now speaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield all of my time to the distinguished Senator from Mississippi with the exception of 15 minutes, which I would like to have his permission to use at the conclusion of the debate.

Mr. STENNIS. Mr. President, if the Senator would yield, I understand the leader's position here. The statement was made yesterday that the motion to table would come at 2 o'clock yesterday afternoon, and it would have if there had not been intervention by the Senator from Montana. I understand the situation, and the Senator can understand my situation here.

I am not in the role of agreeing to a motion to table. However, I understand the Senator's position fully, and I appreciate his advance notice and the division of time.

Mr. MANSFIELD. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, as I understand it now, the time is divided and the Senator yielded to me his half of that time except for 15 minutes which would be at the conclusion.

Mr. MANSFIELD. The Senator is correct.

Mr. STENNIS. Mr. President, since yesterday afternoon, even before we adjourned for the day and last night and this morning, we have been trying to ascertain further additional facts and trends as are shown in the enlistments in the four services during that interval when we have had no authority in the law books for the President to make inductions, and we also tried to get further calculations about the prospects of those trends if we have no draft bill passed and what the impact would be on it. We have put together a brief statement regarding these matters.

I again express the greatest disappointment that there is not a better chance to get these facts to the Members of the Senate. It was too late to put the information in another memorandum letter to send to the Senators. However, we produce for the record now such information as we have. The limited time simply would not permit the culling of the records and the assembling of detailed data of the sort we had hoped to produce.

Mr. President, before I proceed, I would like to refer Senators to my remarks of Wednesday, September 15. I stated then some of the figures which had been provided to us as of that time. I stated those figures for the record.

Today I would like to state for the record some additional material, that small part which we have been able to assemble overnight. I expect to have more next week.

Mr. President, let me emphasize two important points. This data is just starting to become available because the trends are only beginning to show. Also, the summer is seasonally the best time for recruiting all of the services. That is traditionally true and has been for many years.

In some of the services, there were small manpower pools, about 1 month's worth of recruits on which the recruiters could draw.

These were men who had already committed themselves to go into the services. As I will show in a moment, these small manpower "savings accounts" are rapidly being depleted.

Second, there is still some draft pressure encouraging enlistments. There is not so much as would be the case if the President actually had the authority to induct, of course. However, since some young men do commit themselves to enlistments up to 6 months ahead of time, we are still seeing some enlistments for which commitments were made last spring. Also, the lottery has been held. Physical examinations are being administered. Some young men doubtless believe, as many of us hope, that the draft will be reinstituted soon. They are making their plans under this assumption.

Of course not all young men are still responding this way. Many who would have been motivated to enlist in the Regular services or the Reserve are not doing so, and their numbers are increasing daily.

On the average, the services will require about 42,000 new men per month during this fiscal year. The best estimates provided to us are that, without the draft, they will be about 13,000 men per month short. Now, men are not like dollar bills—each man cannot be used in the same job as any other. You cannot make an aviation machinist's mate—a job which requires over a year of specialized schooling—out of a rifleman who has less than 1 year to go on his enlistment. So the effect of numerical shortages will begin to be felt very soon. These are highly relevant facts and that is one reason why I am so concerned about the situation we have drifted into already. The armed services are like an intricate machine. You cannot tell a man who needs a carburetor for his car that there are no shortages because you can provide him with plenty of hubcaps.

That is the way it is throughout the services. There are many illustrations. There are not only machinists for airplanes, but also for submarines, missiles, and the whole host of very involved weapons that are an essential part of any armed services preparation. When we talk about being prepared, regardless of how many fine weapons we have, if we do not have the right kind of trained manpower they are useless.

Some shortages have shown up already. Over 50 percent of marine officers are draft-motivated and this important service obtained only 59 percent of its officer requirements in July and August. Day in and day out and year in and year out we can depend on the Marines because, Mr. President, you just do not find them getting caught short in men, weapons, or training. But here we are letting a situation develop and it is already moving in appreciable amounts even though the draft has been cut off the books, so to speak, and the President without the power in connection with the draft for only about 75 days.

I repeat for emphasis that over 50 percent of marine officers are draft-motivated, and this important service obtained only 59 percent of its officer requirements in July and August. That is the period when the draft was inactive; the draft power was not in the hands of the President and it still is not.

Other shortages are now beginning to appear, and thus the manpower gaps which will appear this winter and spring as a result of a delay this fall.

Shortages in the Navy caused by delay in the draft legislation will be translated into a lack of readiness for combat operations. The Secretary of the Navy and Admiral Zumwalt have informed us that a 9-month delay in restoring induction authority would probably result in up to 40 ships and 33 aircraft squadrons not being ready for combatant service due to manpower shortages.

Mr. President, I do not believe the American people or the membership of this body are willing to accept a set of facts like these. A shorter delay will put American ships and American planes on the sidelines.

The passage of a motion to table will be a major step in a road running downhill from here on in the effort to block passage of any draft bill.

I point out there is no criticism except the very slightest voiced in this Chamber with respect to the provisions of the Draft Act as it is contained in this bill. Some few little disappointments have been expressed, but I submit this is the best, most evenly balanced, and fairest draft bill that has ever been passed by Congress. That is not any reflection on any previous Congress. They did the best they could. The microscope has been put on what was the law before June 30. It has been examined in every conceivable way by members of the committee and skillful staff members, and volumes of testimony have been taken. Sweeping modifications have been made in the law.

I repeat that there is no real criticism. Perhaps there is a little difference of opinion but there is no basic assault made on this draft law. We have gotten off into another realm altogether. We have really gone into the realm of foreign policy and it is a matter which the committee would benefit by having a study and recommendation by the Committee on Foreign Relations about this foreign policy with respect to the war in Vietnam. I did not say that in criticism of any Senator for putting in an amendment but I am talking about the real substance and the real merit of the legislation before us.

Some of those improvements we have adopted. We got the 1-year liability provision started last year as an amendment to the old law, as well as calls being made on the basis of a drawing of numbers. The new law will put a ceiling on the number of inductees per year of 130,000 for fiscal year 1972 and 140,000 for 1973. There is a reason for that slight difference. I will not stop to explain it now. This bill will abolish the mandatory student deferment except those who were freshmen last year and had already started college. There are far more procedural rights for each individual inductee whose case may come up before these boards.

We had six amendments by the Senator from Massachusetts (Mr. KENNEDY) either accepted by the committee or put on the bill by agreement or by votes on the Senate floor. We took those to conference and came back here with five of them. Five of them are in this bill. All of them are of substance.

We have a provision in the bill requiring the approval of a Governor before the collocation of the local boards can be carried out. I will not go into detail about the Kennedy amendments, but as I have said here before, I think these amendments are valid. They were sustained. They greatly improve the procedural matters and the strength of the bill.

I am very pleased with the fact that we have a rounded out bill. The draft part of it is a rounded out bill and almost beyond controversy.

Now, back to these manpower problems: The Air Force projects now being 7,000 men short in key areas by the end of this calendar year, the end of 1971, and 25,000 men short by the end of the fiscal year. We had already made some reductions—not a great deal—in the Air Force, but this legislation carries some manpower reductions, and these estimates make allowance for that. The Air

Force will still be 7,000 men short in key areas of the Air Force by the end of this calendar year, and 25,000 men short by the end of the fiscal year, next June 30.

The Air Force shortage in fiscal year 1971 was not insignificant. Yet, without the draft we can expect four times that shortage within the next few months.

Those are hard facts, and to me they are really alarming. I do not have any preferences in the services, unless it leans a little to the Army because of the many problems the Army has, but I just have to say that the Air Force, in a way, has many attractive places to offer to a young man. The Air Force has been very successful in attracting young men as volunteers, and it has been successful in attracting the young men when the draft has had something to do with motivating them. But their calculations are, according to these figures, that by the end of this year they will be 7,000 men short, and 25,000 men short by the end of the fiscal year, June 30, 1972. They expect the shortage to run four times as fast within the next 4 months as any time recently, without the draft.

As I reported to you yesterday, the Reserves and National Guard are immediately and seriously affected by the shortages caused by delay on this bill. The Marines have seen their reserve strength decline by 4,000 in these few short months as a result of reduced pressure by the draft.

It was argued here by inference yesterday that these were not facts of life; that they were just inflated ideas and speculative figures. These are the hard facts of life.

There has not been a chance to get them to the Senate and present them. My observation has been that when we get the facts here and get them into the minds of the membership and establish a case based on facts there is seldom any trouble in getting the Senate to establish those facts. But here is a case where we have had this experience without the draft, and enough time is not permitted even to take the measure upon what has happened in these 75 days.

Even in this short time, quality has declined for all services. I believe this is most serious. As I pointed out on Wednesday, the percentage of non-high-school graduates entering the Army has jumped sharply. Last year, on the average, only one-third of the recruits were non-high-school graduates—below high school graduates in the level of education. In July and August of this year—those are 2 months in which we did not have the benefit of the draft inducement—one-half have not completed high school. There are now reports on the same trend in the Air Force, which requires highly trained men for virtually all of its technical jobs. To confirm this trend in the Air Force, the numbers of men in top mental categories has fallen sharply in the past year—from 54 percent to 40 percent.

There is a drop that has shown up within the last year, and a good part of it was within those last 2 months—very definitely there was a trend downward in the level of intelligence.

What are we talking about? We are talking about men that can be trained and given these highly responsible positions of being crew members on or at our intercontinental ballistic missile sites, our attack submarines, our antisubmarine warfare submarines, our nuclear-powered submarines, our Poseidon submarines, and all the rest of the most modern ones, including the Polaris, of course. Then we must have crews for our carriers at sea, on the decks, crews that maintain planes on the carriers. There are just literally hundreds and hundreds of different types of crews throughout the services that maintain instruments in the field of radar and other high techniques and avionics of all kinds.

They are the kinds of men we must have. They are the kinds of men we have been getting under the draft inducement. They are the kinds we are going to fail to get unless we have the law.

I am talking about this bill as being a draft bill. That is what it is primarily. One can hang any controversial subject on a bill that is not directly related to it and germane and have a chance to block it, but here is one where, I submit, it is a serious error to further delay this bill because of a disagreement about the war in Vietnam. I do not think of this bill in terms of getting men to go to Vietnam, because I know there are very few of them who are going to be going there under the present situation, and there is very little activity there by our men. That war is being drawn down as fast as it reasonably can be, I think, without just turning and running and ignobly leaving under fire. I do not think that the majority of the American people, by any means, want that done. But we are divided on it. There is an honest difference of opinion here on the floor. My plea is, do not let that problem block what is necessary for our protection, our shoreline, our people here—the 200 million and more people in the 50 States. That is what we are doing for the time being. We are letting a problem here overwhelm the Senate, in blocking the passage of this bill.

Mr. President, I have said before, and repeat it again for emphasis: You are not going to settle the war, after all, by a floor amendment offered in one body of our legislative branch of the Government, and go to conference where the other body has voted just the other way, directly opposite.

We did bring back, though, a very substantial part of the Mansfield amendment regarding the war, and that is all we can get. I am willing for someone to take a try at it, but that is all we can get; and the Senator from Montana, honest man of candor that he is, agreed on this floor the other day, in open debate, that the substance of what was brought back and is in this bill now of the Mansfield amendment was something worthwhile, that there was some substance in it, and that it was a step forward in his legislative efforts here on that subject.

All the other avenues are open to him or any other Senator, to put in a resolution of any kind and send it to a committee that might be more friendly to it. We had a measure introduced yesterday by the Senator from Georgia, a joint resolution that proposed that same question. I assume it was referred to the Foreign Relations Committee, a very capable committee with fine leadership, both majority and minority, and I would be mighty glad to see them have that before them and work on it, and, if they see fit to report it out, it would certainly get the utmost consideration here on the Senate floor.

But back to this policy, again, Mr. President: Even in this short time, now, these trends have developed. They would be important, Mr. President, if they affected only our technical capability. It should be obvious to all Senators that our B–52 and FB–111 bombers, carrying nuclear weapons on alert, must have absolutely perfect maintenance.

Notice that "carrying nuclear weapons on alert." We think that that is necessary, and it is a part of our policy of protection under the orders of the President. We can hardly turn around and say we are not going to supply them with the necessary type of manpower. But there are other facts about men in lower mental categories in the military.

I would call to the attention of the Senate the recent series of articles in the Washington Post about problems of morale, behavior, and crime in the U.S. Army. These problems are extremely serious. And they are made worse by requiring the services to accept higher percentages of men in the lower mental categories. We must speak plainly about this, Mr. President, or we will be deluding ourselves. Twenty-three percent of all men in the Army are in what is called category four. This is the lowest mental category and comprises men who score between 10 and 30 percent on the tests given to all entering servicemen. Those who score below 10 percent are not accepted for mental reasons. This 23 percent of the Army accounts for 45 percent of the men serving time in Army prisons for crime, based on data of this summer. Men in mental category four come before courts-martial twice as often as men in the other three mental categories.

The problems of crime and morale in our military services are extremely serious and I charge the Senate that further delay on this draft bill will serve to make these problems approach dimensions of tragedy.

One other point, Mr. President, has not yet been made in this debate. I address it to those who believe that there is really no harm done by delaying the draft and that no harm would be done by delaying it a bit longer.

I have tried to directly disprove both of those contentions. Now I suggest, in addition, that draft delays will subject a new inequity into the draft machinery.

In submitting additional material to me, Secretary Laird has stated that further delay "would place an unfair burden on the calendar year 1972 draft pool, because 1972 draft calls probably would have to be larger than otherwise would have been the case in order to make up for the absence of a draft since July 1."

That means, Mr. President, that as the services move to recoup their shortages, after the draft is resumed, next year's pool of draft eligibles will be tapped for some of this year's deficiencies.

Senators should remember that under the current plan, the draft lottery is keyed to birth dates, and vulnerability for each young man lasts for 1 year.

So, as long as we defer these matters and accumulate these shortages, we are lessening the burden for the fiscal 1972 group, but we are dumping that same burden over on the young men of fiscal 1973. That is an unfairness and an inequity that is created by our delay, and one that we tried to remedy here last year.

Mr. President, I am glad to yield the Senator from Arizona such time as he may require.

Mr. GOLDWATER. Mr. President, I have stayed out of this debate thus far, mainly because of my uncertainty as to what would happen during this past summer, when we have been without a draft. I should like to address myself now to the vote that will be held within the hour.

Mr. President, my position opposing the draft is known all over this country. I was the first man, I believe, to speak out against the draft when I did so in 1964. My basic reason for doing so was that I do not believe our Government has the right, morally or constitutionally, to tell any American citizen what he is going to do with a period of his life except, Mr. President, during periods of grave national emergency such as wars of the size of World War I and World War II, when it is otherwise impossible to raise armies, navies, air forces, and marine contingents of the size that are needed.

Having that feeling, I might be expected to vote to table the pending compromise; but, Mr. President, I shall not vote to table it, and my vote on the bill itself is not certain to me yet. I would much rather see us vote this measure up or down, because in it are some other things of importance to the military, other than the draft. We have pay raises, and while they are certainly not the ones that we voted for in the Senate, or the ones that were voted for in the House of Representatives, nevertheless they do constitute another pay raise for the lower grades.

Mr. President, last year and the year before the Senator from Oregon (Mr. HATFIELD) and I introduced legislation as an amendment to this bill that would have established, at that time, guidelines for the voluntary military. We offered pay raises; we offered fringe benefits; we said that we were not seeking the volunteer army at that time, we were not seeking an end to the draft; we were perfectly willing to allow it to end at its normal time, which it did earlier this year.

The Senate rejected this proposal, and now we are hearing practically the same arguments made in debate that were used at that time. We need guidelines. We need to find out how these young men will react to increased pay, better fringe benefits, and so forth. I wish the Senate had had the wisdom at that time to have followed the suggestions we were making. Had we done so, the question would not be raised today about whether a volunteer army will work. I do not think there is any question that it will work.

When I first joined the Army in 1930, it was volunteer. The esteem in which the public held the military at that time was probably as low as it is today, due to the same conditions—the pacifists, the peaceniks, and the others in this country who did not at that time, nor do they today, understand the world situation and how grave things were then and how grave they are today.

I think we can do it if we improve pay, if we improve fringe benefits, if we recognize that a man in the service has the rights that a man out of the service has, if we improve the morale of the military by demanding and getting better leadership, by treating the men in uniform with more respect.

Mr. President, I have seen some figures last night and today, and I have listened to the distinguished chairman of the committee use these figures. I have no reason to doubt them. They come from the men in the military and civilians in the Pentagon whom I have known for years, whom I have known to be perfectly honest, and I have no reason to doubt them. These figures are frightening.

I was prone to believe that enlistments were improving. In fact, they had, in some isolated cases. But the long-range effect of trying to provide men for the remainder of this year, I think, is in very grave jeopardy. If this continues at the present rate, in the Air Force alone we can fail to man four combat wings by the end of this year. I am talking about the ICBM wings, the Minuteman wings. This, of course, would be disastrous.

I would hope that we could defeat the tabling motion, although I do not know yet how I am going to vote up or down on the bill. I would like to see us vote up or down on this. I would like to see us remove the Mansfield amendment once and for all.

I do not think that Congress has any business meddling with the war powers of the President, unless we change them by constitutional amendment. I think it is wrong for any legislative body, particularly the Congress of the United States, to think that suddenly it has the strategic and tactical intelligence to control a war, to end it, or to start it. These—whether fortunately or unfortunately—are the sole prerogatives of the President. I think we are making a major mistake if we try to enact legislation containing the so-called Mansfield amendment.

But all these are things on which I think we should vote. I do not think we should vote to table the conference report. We should defeat the motion to table and then should go on, as quickly as possible, to vote up or down on the entire compromise.

Mr. President, I admire the Senator from Mississippi for his courage to stand on this. He and I have differed rather strongly at times, but I have to express my admiration for the way he has conducted this debate. I wish that more Members of this body would pay attention to what he has to say, to be here more often than not during these very important days, when he is trying to explain to the entire Senate the perilous position of the United States.

I might conclude, Mr. President, by reminding the Senate once again that the United States is no longer the world's No. 1 military power. It is No. 2. And if we are going to be No. 2, we might as well be No. 10. Strangely, people do not seem to be interested in this.

On the day before the August recess, 94 Members of the House of Representatives stood up and made that precise statement, and it did not appear, to my knowledge, in one eastern newspaper. I do not know what the combine is back here, on this side of the Mississippi, where men try to tell the American people the state of our preparedness and the eastern press refuses to print it. I think we should all move out West, where we can enjoy honesty and completeness in the newspapers.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I thank the Senator for what he has said. I thank him, too, for a very substantial contribution to this debate. He is unusually well qualified, not only in military matters but also in personnel matters, one of his specialties.

He is an advocate of and has supported the volunteer army concept, and he believes in it honestly. He now sees a situation, as I understand his remarks, and he is capable of judging what that situation is. He sees a situation that makes this transition period absolutely necessary. I thank him. If the Senator is not heeded today, he will be heeded on the points he has made before we get out of this situation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Georgia, and if he requires more time, I will yield it to him.

Mr. HUGHES. Mr. President, a point of inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUGHES. Are we under a controlled time situation?

The PRESIDING OFFICER. The Senator is correct. We are under controlled time.

Mr. HUGHES. Is there a control in opposition to the distinguished chairman? How much time remains on each side?

The PRESIDING OFFICER. Senator MANSFIELD has the last 15 minutes. The Senator from Mississippi has the remaining time.

Mr. HUGHES. Is there a time certain for a vote?

The PRESIDING OFFICER. There is no time certain for a vote.

The Senator from Georgia may proceed.

Mr. TALMADGE. Mr. President, I supported the Mansfield amendment. I supported the amendment, because I think the time is long overdue for us to withdraw our troops from Southeast Asia. We have been involved in a war there for some 10 years. It is a war that we made no real effort to win. The people of America have become disgusted with a war which they cannot understand. Our country has made no real effort to fight the war to a military conclusion.

That amendment was adopted by the Senate. The Senate conferees did everything they could to uphold that amendment in conference. They met with unrelenting resistance on the part of the House conferees. In my judgment, if they were to go back to conference, they could come out no better, and perhaps worse, than they did when they went there.

Mr. STENNIS. Mr. President, may we have order in the Senate? I ask that the Chair direct staff members not to talk and not to walk about.

The PRESIDING OFFICER. The Senate will be in order. Staff members will remain seated.

Mr. TALMADGE. Under the circumstances, I think it would be futile for the Senate conferees to return for another hassle on this matter. The Senate conferees did get something out of this conference. It was declared to be the policy of this country to withdraw from Vietnam at the earliest possible date, and it places our Government on record in that connection.

I am deeply sympathetic to the situation in which the President finds himself with reference to Vietnam. It was not a war of his own making. It was not a war of his own choosing. It is a war that he inherited from three of his predecessors. It had its origin under President Eisenhower. It was escalated further under President Kennedy, and it was escalated further under President Johnson. President Nixon has now withdrawn more than half the troops that were in Vietnam at the time he was inaugurated President of the United States.

But, the issue before the Senate is not the Vietnam war. The issue before the Senate is whether the United States will try to maintain military supremacy or at least parity. We know that we cannot do that without the draft.

Many colleagues in the Senate favor unilaterally disarming the country. I do not take that position. When I look at our potential enemies, what do I see?

I see the Soviet Union with military power much larger than our own.

They have many intercontinental ballistic missiles allegedly of higher destructive power than our own. They are further advanced than we are with their antiballistic missile system. They have a much larger standing army than we have. They have many more tanks than the United States of America has. They are continuing to build up that power. They have also built a new, modern navy in recent years capable of operating on every ocean in the world.

What are the facts regarding Red China? Red China is also a nuclear power. They have 800 million people in Red China which is approximately 25 percent of the world's population.

The big argument between the Soviet Union and Red China is how best to bury the United States of America.

To disarm under those conditions, I think, would be fantastic and foolish.

I would favor disarmament provided the rest of the world joined hands with ironclad inspections and further provided that our potential enemies would disarm also. But I am unwilling to disarm the United States of America unilaterally.

If we cease the draft, in my judgment, that is exactly what will happen. As much as we desire it, we are not going to have volunteers for the military forces. We are not going to have volunteers for the National Guard. We are not going to have volunteers for Reserve units.

In short, the military power of this country would begin to evaporate in short order.

No one dislikes more than I the idea of drafting a young man and taking him away from his education or his job. But we are living in a dangerous world and, therefore, every able bodied American should do his duty as long as this dire threat exists. I see no alternative other than to continue the draft.

I thank the distinguished Senator from Mississippi for yielding me this time.

Mr. STENNIS. I thank the Senator from Georgia for his splendid remarks. They are practical and down to earth. As one who supported the Mansfield amendment, he sizes up the situation in an excellent way.

Mr. President, of the Senators now in the Chamber, does anyone desire some time?

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield me 4 minutes?

Mr. STENNIS. I am glad to yield 4 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 4 minutes.

Mr. GRIFFIN. Mr. President, I rise to support the conference report and urge Senators to vote down the tabling motion which will shortly be before the Senate. I do so, not because I want to see the draft continued indefinitely, because I do not. I do so, not because I want to see U.S. troops maintained permanently in Europe, because I do not. On the contrary, I look forward to the day—and I hope it will be soon—when it will not be necessary to draft our sons into the military services. I look forward to the day when we will not have to support a sizable strategic force in Europe.

But, Mr. President, that day has not yet arrived. More important, that day will not come unless we proceed toward those goals in a reasonable, rational, and orderly way.

If we do not support the President of the United States on this issue today, I fear that we will dangerously undercut and destroy his brilliant and thus far effective efforts to bring about a generation of peace.

During the past 2 years, important strides have been made toward the goal of peace in the world. President Nixon will soon be visiting Peking. A four-power agreement has been reached in Berlin. The SALT talks appear to be progressing well. Some semblance of peace, although uneasy to be sure, has been brought to the Middle East. And there is a realistic hope that our military involvement in Vietnam will soon be terminated.

But, Mr. President, all of these important steps have given rise to a realistic and justified hope for peace that could be destroyed if, suddenly, there is registered here in the Senate a signal of weakness—a lack of resolve, a failure in commitment.

We seem to be on the road to peace in the world. But it could turn out to be a road to international disaster if the Senate were to act irresponsibly.

The security of our people and the security of people throughout the free world depend in a real sense upon what the Senate does here today.

Thus, Mr. President, I hope and I urge the Senate today to vote down the tabling motion.

Mr. BENTSEN. Mr. President, will the Senator from Mississippi yield me 5 minutes?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. BENTSEN. Mr. President, vital issues which bring out sharp differences of opinion are not unusual in this body. One of the characteristics of the Senate is that men of differing opinion can disagree, without questioning the patriotism or motives of those who hold opposing views. Deliberation is a hallmark of this legislative body, and certainly honor and integrity of the Members are seldom questioned.

It was with some concern, and not a little chagrin I might add, that I read the stories today in the newspapers about the administration's efforts for passage of this conference report on the draft by the Senate.

This effort included the pay raise "trade" by the President with the Senator from Colorado. I understand that. I appreciate the practicality of that arrangement. I do raise some question about the poor judgment of not doing a better liaison job with the other Members, including the committee chairman and members of the Armed Services Committee—but that is not of any great consequence, just a tactical error.

The activities yesterday also included a press conference remark by the President, a hard remark. I do not criticize the President for his comments about the Senate and passage of the draft bill. Again, it is an acceptable form of pressure, calling on the people to support his position. As a matter of fact, I happen to support the basic premise that the draft must be extended, that failure to do so would raise some serious questions of weakening our defenses. I do not question the sincerity of those who see it differently; I question again their understanding of the situation which we in the committee have so thoroughly examined in our hearings.

The real question I raise is about the reported action of the White House staff, action for which I can see no reason, nor logic, revealed in news stories that a ranking White House staff member charged that the distinguished majority leader was using tactics of threats for votes for his position.

Anyone who has served a day in this body takes offense at such charges. The men of this body are sincere men, and I resent deeply the allegation that the majority leader would resort to the pressure and threats of campaign fund usage.

The point, Mr. President, is that I fear that in their zeal some of the White House staff have made a basic error which can damage the President's position. Surely the President controls his people, and he should forthwith publicly reprimand his speechwriter.

Certainly, there is no intent in my remarks to question the sincerity of the President; neither do I believe his people should question the sincerity of Members of this body.

I believe that his staff people do him damage when they question the sincerity of the Members of this body.

However, I say that if there is failure of the vote here today, certainly part of the problem lies in the ineptness of efforts by the administration, and the uncalled for activities of some of the staff around the President in seeking to impugn the motives of Members here.

There are just too many reports about activities of the White House staff—this latest is not the only incident—that leads one to believe that instead of showing the concern for our Nation's needs, they think too much about electoral politics.

It may be time for the President to take another look at some of the people who are not doing him any good, and who are poisoning the relationship of the executive with the legislative branch.

I believe the men here are of sufficient stature to put into proper context the inept and—yes, even stupid—activities of some staff members downtown, and I am confident the vote here today will be one of sincere conscience by every Senator.

I, for example, voted for the Mansfield amendment on passage because I believed it did express a sense of the Senate that the President should accelerate the withdrawal of our troops from Vietnam. I see no tieing of the hands of the President in that resolution. I see no reason the administration cannot be more candid with us about plans in Vietnam, and withdrawal. It would make easier the hard effort to extend the drafting of our young men if we felt that we were getting full information about the troop withdrawal plans.

I also read this morning in the Wall Street Journal that the President has told political associates that he plans a surprise a month before election. I would hope that if he expects the support of the country and the Congress, that there will be leadership, not by surprise, but through confidence and respect.

From both ends of Pennsylvania Avenue, there has to be a balance of trust, and a balance of understanding between the two, Executive and the Congress, if we are to have a cohesive people and confidence in Government. The activities of the past couple of days by some of those directly responsible to the President do not instill that trust. Let me turn for a moment to the issue in the bill we consider here.

We are considering today the final product of some 7 months of hard work and difficult decisionmaking.

The decision to extend the draft and to continue to use inductees to man our armed services is neither easy nor popular.

The draft extension issue has been thoroughly discussed and debated both here in the Senate and within the Committee on Armed Services. This, I feel, is an important point. The draft extension bill was debated intensely within our committee and was approved only after the most searching consideration of this issue.

One frequently hears the charge that the Armed Services Committee serves as an unquestioning advocate of the military position. The charge is made that our committee members reflect only a militaristic point of view.

This is simply not the case.

There is a wide divergence of viewpoints within our committee.

Critical issues such as the ABM and the draft extension bill have caused intense debate and our decisions were certainly not uncontested.

The committee has just this session cut the military procurement request from the Pentagon by 5.3 percent. This equals or betters the record of any other Senate committee in cutting back a major budget request by an executive agency.

The members of our committee are men of strong wills and independent minds.

They frequently disagree and certainly never accept a position without serious consideration. There is only one position they unanimously agree on and that is that the Nation's security must remain inviolate.

The draft extension bill represents the best consensus available on this most difficult issue.

If the motion to table the draft bill which is currently before us is carried, it will effectively kill the bill for this session. This, in my opinon, would have disastrous consequences.

Tabling the bill will surely result in the total subversion of the long and deliberate process begun last winter which has resulted in the expenditure of thousands of man-hours of work. The draft bill has been the subject of unending debate and analysis, compromise and passage in both the House and the Senate. A substantial portion of the 91st Congress was devoted to this process.

If all the time and effort that have gone into the bill before us are wasted by virtue of our favorable vote on the motion to table, we will have caused a serious breech of trust in our duties to the American people.

It would be sad indeed if our feelings about the South Vietnamese political situation and about the long, distasteful war there would so blind us as to cause us to take this action. In my opinion it would be in complete disregard of the national security needs of our own country, and it would have serious repercussions around the world. To further obstruct the draft bill would serve no useful purpose nor would it contribute constructively to our peace-seeking efforts around the world.

The draft bill in its current form has ceased to be an appropriate vehicle for criticism of our Indochina policy.

There are far more suitable bills before us which would better serve that purpose. To effectively defeat the draft bill would be unwise, and illogical. I urge my colleagues to resist this temptation.

Let us look at the possible impact. The Defense Department which is already worried over the problems of low morale, undermanned units, drugs, and racial tensions in our forces, has indicated that the failure to enact the draft bill would worsen these conditions. Not only would our failure to act remove the incentive for the many thousands of volunteers to enlist, it would cause manpower shortages which would seriously jeopardize the readiness of the Army.

The situation is critical. It was critical several months ago and can only worsen as we continue to delay here.

Strategically, the situation is equally dismaying. Because of the sustained drive by the Soviet Union to gain strategic superiority with the United States and to gain superiority in nuclear and conventional weaponry, the strategic balance is now measured in very small increments. The magnitude of the shift in power caused by shortfalls of 15,000 men per month would cause this balance to shift suddenly and dangerously.

Since the influence of the state of the balance of power directly affects the assessment by our adversaries of each potential troublespot, every crisis area of the world will be directly affected. In a word, the United States would be inviting confrontation and challenge.

A deplorable consequence of the lapse of the draft will be the impact upon our negotiating efforts. In going more than halfway for peace in our discussions with the Soviets, we have been able to make significant progress in such matters as the settlement of the Berlin question, and limitations on strategic arms limitations. If, as a result of the lapsing of the draft, there follows a serious deterioration in the readiness of our forces, our strength at the bargaining table will surely suffer.

Those who seek peace and a reduction of military tensions in this body should consider the impact on our efforts in that regard which a decimated American Armed Forces would have. It can only be negative.

Let us set aside our feelings about Vietnam and the other distracting questions and vote on the motion before us strictly on the basis of its impact on our own national security. Further delay can accomplish nothing but a weakening of our Armed Forces and a deterioration of our national security posture.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENTSEN. Mr. President, would the Senator yield me 2 additional minutes?

Mr. STENNIS. Mr. President, I deeply regret that my time is virtually up. I want to save 1 minute. I yield 1 additional minute to the distinguished Senator from Texas.

Mr. BENTSEN. I close by saying that the distinguished chairman of the committee throughout the hearing gave an audience to all of these dissenting voices. We have brought in a bill that is a bill which shows deep concern for the future of our country and for the military security of our country. I congratulate the distinguished Senator from Mississippi, the chairman of the committee.

Mr. STENNIS. Mr. President, I thank the Senator greatly. I thank him also for his valuable help.

Mr. President, there remains only a few short minutes here, 2 or 3 minutes, for the presentation of this matter.

I point out with all the emphasis that I can that the real issue before the Senate is whether we have a draft law. We have a bill before us that has some addenda in it. However, here is a completed draft bill that is greatly improved over the 1967 act. It is needed. These figures prove it. As day follows day, they will become stronger and stronger.

This is a procedural vote. A motion to table does not solve anything. Anyone who will vote against the draft in the end can vote against tabling now with full consistency and reserve his right on the final vote on the draft bill.

I speak with the greatest deference. Many of those who are holding out for the full substance of the Mansfield amendment will tell us frankly that if we put all of the Mansfield amendment in the bill they still will not vote for it.

Our frank and trustworthy majority leader himself is entirely consistent about this matter. He voted against it 4 years ago. He is just not for the draft. However, my goodness alive, with the conditions we are facing today and the need for this, it is imperative that the bill be passed. I want to help everyone wind down this war. However, I cannot go all out for the Mansfield amendment. However, in the name of everything pertaining to the security of our people, not Vietnam and not Europe, but our people, let us pass the bill and get the manpower that is required to give the volunteer plan a chance. Let us get the war over the best way we can. Let us do it by a revolution on this floor, if we want to do so.

There are other avenues open to us. A Senate joint resolution was introduced yesterday by the very fine Senator from Georgia (Mr. GAMBRELL). It is a joint resolution on the entire subject of the war. It would be referred to the Foreign Relations Committee where it could get the best kind of expert treatment. The staff of that committee is as fine a staff as we could find. The Senate will have a chance to act upon that matter. If we do not do that, we could put it on some other bill—and I hope it will not be on a bill that I will have to present.

The door is open parliamentarywise.

Mr. GAMBRELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Mississippi has 15 seconds remaining.

Mr. STENNIS. The Senator can have 10 seconds.

Mr. GAMBRELL. Mr. President, I want to ask if the Senator is aware that the resolution I introduced on yesterday has been placed on the calendar.

Mr. STENNIS. Yes, I thank the Senator. It is on the calendar. It is lying on the table as we say.

Mr. President, back to my last few seconds, all of the life left in me says that this draft bill has been modified and rectified and made more equitable, although it is not perfect. It is absolutely essential for our security.

Time has run out. We are burning up the daylight. I hope that we will reject this motion and then move into the next necessary step to get the bill enacted into law.

I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will be seated so that the debate may continue.

Mr. MANSFIELD. Mr. President, may I say that regardless of the outcome of the matter, I am glad that the Senate is having an opportunity to face up to this issue today.

The issue really is not the draft, but it is the Senate amendment which sought to bring about within a 9-month period an end of the war in Vietnam. That termination was tied with the simultaneous release during that period of all prisoners of war and those identifiable among the so-called MIA's or those missing in action.

May I say that the administration, as near as I can determine, has set up a tripod as a means of achieving peace in Vietnam. That tripod consists of a "reasonable chance" for the Government of South Vietnam to get on its feet and to survive.

The second point to the tripod calls for the release of the POW's, of whom there are anywhere from 400 to 1,600 on the basis of the figures I can recall. That includes those who are missing in action and who have not been identified.

The third part was, of course, the withdrawal of all United States troops—I emphasize the word "all," because that is the way the amendment was drawn up—at the same time that the POW's were being released.

I note with interest that the one-man democracy which is emerging in South Vietnam in the person of President Thieu—and I speak of him personally only because of the American involvement there—has stated in the press this morning that he needs U.S. troops in South Vietnam through 1973, and the number is 50,000.

It also says in this news story that:

> Thieu's position on the need for an American residual force remains basically unchanged since July of last year, when he told another group of journalists much the same thing.

Again quoting from the article:

> The President appeared unperturbed by the possibility that Congress might direct the withdrawal of U.S. Forces before he is ready to see them go. But he stressed the need for continued American air support "for many more years."

"He said he is optimistic about his chances for a solid majority" next month. If we ran our elections on that basis, I suppose we would be just as optimistic, too.

In short, the United States is expected to keep forces in Vietnam until 1973. But I would point out that this body on June 22, 1971, by a vote of 61 to 38, adopted an amendment which sought to bring about a complete withdrawal within 9 months, with the only proviso being that during that period all POW's would be released. I have heard a great deal about POW's in the past several years. Now, we have a chance to do something in their behalf, if we will. The question is, Will we? Perhaps the question should be, Do we want to?

On June 22, nearly 3 months ago, 61 Members of this body said—

> Let us end the involvement. Let us stop the killing. Let that be our policy. Let us share this responsibility with the President. Let us think of the POW's.

On June 22, nearly 3 months ago, 61 Senators—an overwhelming majority—unequivocably went on record in connection with the draft bill—the pending measure—to declare that within 9 months all U.S. forces be removed. On June 22, nearly 3 months ago, the Senate said that all Americans held prisoner in Southeast Asia should be returned home.

Nearly 3 months—nearly 90 days—have passed since that Senate action. What has happened? In that time there have been well over 1,200 more American injuries. Almost 350 more Americans have been killed. Over 200,000 tons of bombs have been dumped from American aircraft. Between $2 and $3 billion more has been spent.

During this period, just how many more Americans have been made to survive a living death as prisoners of this tragic war, I cannot say. But they are there. They are a part of the grim and tragic statistics. So are the amputees. So are those who have been fragged to death. So are the drug addicted; and those who have been demoralized, those who are the living dead. And—as I said—there are the billions that must be added to the billions and billions and billions it has cost in all, and billions and billions it has cost us all up to this time and will cost well into the next century.

I repeat, Mr. President, more than 61 Members of this body chose on June 22 to put an end to this tragic episode in American history; to close this chapter once and for all.

In the interim—in the time since June 22—much has happened. First of all and most regrettably, what the Senate did on June 22 has been undone. What 61 Senators said so clearly and unequivocally has been unsaid.

That is not all. Much more has happened. Much, in my judgment, that would warrant beyond question an additional conference on this measure. It need not take long. There is but a single issue. And make no mistake, there is not a single matter of national security that exceeds this issue; no interest of the Nation is more important. It is inconceivable to say there is not sufficient time to meet again to resolve this issue—the most critical issue of our time.

A great deal has happened in the interim. Nearly 3 months ago when the Senate voted, South Vietnam was preparing to exercise a fundamental right of a free, democratic society—it was setting the stage for the "free and open" elections that were to be held this fall. Fall is almost upon us and with the change in season has come an even more alarming change in the nature and character of those so-called "free and open" elections. It is no wonder that more voices have joined in to ask, "For what have we been fighting? For what purpose have the nearly 360,000 U.S. deaths and casualties over the past 10 years been sustained? On what have we been spending billions in Southeast Asia?" Surely not for an uncontested, one-man referendum that is paraded under the label of democracy.

And what about conditions here at home in that time—in the last 2 or 3 months? What about the billions which have been spent in Vietnam which should have gone instead to shore up our ailing economy—an economy wracked as seldom before in our history; what of the billions needed in our decaying cities and rural areas to assist the aged and infirm, to clean the air and water. Billions were needed but were not available. They were spent instead to continue this tragic war.

It has been a long two and a half months. Much has happened. Much has happened in casualties, in cost, and much has happened in the thinking of the American people. There is not much I can add to what has already been said. But once again I am going to read to the Senate the actual casualty list as of yesterday: 301,589 wounded Americans, 45,501 dead Americans in combat, 9,757 Americans wounded or dead in noncombat activities, for a total casualty compilation of 356,847. Those figures speak louder than any words.

There are the casualties, the deaths, the money spent. And there is the travesty on freedom. What were to have been open, contested elections have turned into a charade that, in my judgment, has done a grave disservice to the words honesty, freedom, and democracy. It has been a long 2½ months and I would hope that the conferees would take note not only of the passage of time—nearly 90 days—but also of the events that have occurred. I would hope the conferees on this measure would look again at the product of their earlier efforts in light of these changed circumstances—not only the events in South Vietnam and the added deaths and casualties that have occurred but at the changed status of the Nation's health and welfare here at home. Is it too much to insist that at least we set the final date for the last American boy to be shot down defending a cause that has lost all meaning and validity. And what could be more appropriate than to consider that question in connection with a draft bill which compels young men to serve such a cause? Oh, there will be a draft. And deep down, every Member of this institution knows it. That is not the issue. It has been raised only to cloud and confuse the real issue.

The issue is Vietnam. The issue is going back to conference in order to get out of Vietnam. It need not take long. No longer is the question obscured by matters of pay increases, pay effective days. They have been stripped away. There can be no confusion over the vote. It is the question of Indochina. It is the question of ending the war. That the conferees can resolve this matter with dispatch I have no doubt. Suggestions of manpower potential or whatever simply are not germane at this time.

What is germane is that the Senate, each of us acting independently and in accordance with our own judgment decided to choose this measure, H.R. 6531, as the appropriate measure on which to seek an end to Vietnam. It is now asked only that the conferees endeavor to carry out the Senate's will on Vietnam. That is what confronts the Senate now. That is all that confronts the Senate.

I would only add that should the tabling motion prevail, it is my intention to move to instruct the conferees as follows:

> To insist upon the amendment calling for a withdrawal within 9 months of all U.S. forces from Indochina subject to the release of all prisoners of war taking into consideration the fact that nearly 3 of the 9 months called for have already elapsed.

I believe it is what the Senate wishes. I believe it is what the American people want. I believe it is what the Nation needs.

Mr. President, in relation to the matter before us, I received a number of telephone calls at my home last evening from members of the press and the news media in general. On the basis of these telephone calls I have been told that a number of Senators and their staff members were contacted on yesterday with the report that on Wednesday or some day last week at a Democratic caucus or meeting of Democratic Senators I, as the majority leader, and as a Senator from Montana, made a statement with reference to a date for Vietnam withdrawal to the following effect, and this is a direct quote:

> This is a party matter affecting the 1972 elections. Any Democrat who votes to approve the conference report will be denied money and political support from the Democratic Campaign Committee.

May I say that I am not only somewhat amazed by the report but also at the source to which the report is attributed. I did not know the gentleman's name until I read it on the ticker this morning and in the newspapers. I met the gentleman in question just a short time ago and was impressed by his intelligence and integrity which is to be expected, of course, in staff personnel at the White House. In the circumstances, I am at a loss to find his name linked with this matter and can only conclude that there must be some mistake in the attribution for the story as it appears in the press.

I hesitate to refer to such a matter, but no doubt many Senators and others read references to it. In the circumstances, it should be said that no such statement was made by me or to my knowledge, for that matter, by any one else—at any time or any place.

I would say further that, having been now in public life for 25 years or more, perhaps I should not be surprised at all by a report of this kind. For what purpose it was advanced in this situation I can only speculate. Nonetheless, I have every confidence that there is not a Member of this body on either side of the aisle who would take such a report seriously, much less believe it. Every Member of this body knows my attitude with regard to the integrity of the Senate and the independence of every Senator's vote as determined solely by the dictates of his judgment and conscience, free of any and all outside influence and pressures. I have stood on that all of my life. I stand on it today. I shall continue to do so.

Insofar as I am concerned, there is no "price" on this vote today, and there has never been on any other. No one owes me a thing and the Senate knows it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move to table the conference report, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion to table the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, a point of order. The Senate is not in order to the extent that we cannot hear the responses. I think all Senators are entitled to hear them.

The PRESIDING OFFICER. The Senate will please be in order. Attachés will exit from the Senate Chamber. Senators will please take their seats.

The rollcall will resume.

The rollcall was resumed and concluded.

Mr. PASTORE (after having voted in the affirmative). On this vote I have already voted in the affirmative, but word has reached me that the distinguished Senator from Colorado is necessarily absent. If he were present and voting, he would vote "nay." I have already voted "yea." Therefore, I withdraw my vote.

Mr. COTTON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MOSS (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Washington (Mr. JACKSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. NELSON (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Louisiana (Mr. LONG). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Minnesota (Mr. HUMPHREY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), are absent on official business.

On this vote, the Senator from Oklahoma (Mr. HARRIS) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Massachusetts (Mr. KENNEDY) is paired with the Senator from Ohio (Mr. SAXBE).

If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting the Senator from South Dakota (Mr. MCGOVERN), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. PEARSON) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kansas (Mr. PEARSON) would vote "yea."

The pair of the Senator from Colorado (Mr. ALLOTT) has been previously announced by the Senator from Rhode Island (Mr. PASTORE).

On this vote, the Senator from Ohio (Mr. SAXBE) is paired with the Senator from Massachusetts (Mr. KENNEDY). If present and voting, the Senator from Ohio would vote "nay" and the Senator from Massachusetts would vote "yea."

The result was announced—yeas 36, nays 47, as follows:

[No. 223 Leg.]

YEAS—36

Aiken
Baker
Bayh
Brooke
Burdick
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Inouye
Javits
Jordan, N.C.
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Muskie
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Williams

NAYS—47

Allen
Anderson
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cannon
Curtis
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
McClellan
McGee
Miller
Montoya
Packwood
Randolph
Roth
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Moss, for.
Nelson, for.
Pastore, for.
Cotton, against.
Sparkman, against.

NOT VOTING—12

Allott
Ervin
Harris
Humphrey
Jackson
Kennedy
Long
Magnuson
McGovern
Mundt
Pearson
Saxbe

So the motion to lay on the table was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. STENNIS. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator is recognized.

The Senate will be in order.

Mr. STENNIS. Mr. President, I had a conference with the majority leader, after the result became evident from the rollcall, and he is familiar with and in accord with what I am going to say about procedure.

Mr. BYRD of West Virginia. Mr. President, may we hear the Senator a little better? May we have order?

The PRESIDING OFFICER. The Senate will please come to order.

Mr. STENNIS. Mr. President, the pending business, as Senators know, is the motion to adopt the conference report. The committee is prepared to continue to present that to the Senate. Based upon the developments over the rugged road that this bill has had to travel, I anticipate that there will be a disposition on the part of some to continue to engage in considerably more debate; and I think it is necessary that we file a cloture motion.

Under the procedures, if the motion is filed today—and I intend to ask others to join me in the motion—that would carry the vote on the cloture motion over until Tuesday, because it is not contemplated that there will be a Saturday session.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SCOTT. I should like to simply add to what the distinguished Senator from Mississippi, the chairman of the committee, has said.

I have joined with him in signing a cloture motion, and I am glad to hear that he intends to file the motion today.

Mr. President, there comes a time in all debates when it seems to me that the rights of the majority should also be considered, much as we respect the rights of every individual. The interest of the Nation is involved here. The effect on foreign countries is very great, indeed.

The spectacle we present when 90 Senators, more or less, want to do something and others do not is one which we thoroughly understand and respect. We all take advantage of it at one time or another. We have no right to criticize someone else or deny someone else that privilege. But the rules also operate in favor of ongoing business.

Four appropriation bills are pending. A great deal of work remains to be done. The country is watching us. They have watched us as for the weeks we virtually got nowhere.

I think it is high time that we give careful consideration to bringing an end to the debate. Therefore, I am going to support the cloture motion and every other cloture motion that is necessary to effect, finally, if not the will of the majority of the Senate, the will of two-thirds of the Senate.

So I commend the distinguished chairman of the committee for the decision he has made.

Mr. STENNIS. I thank the Senator.

Mr. President, as everyone knows, I do not have enthusiasm about a motion for cloture, particularly taking part in it; but it is only under the rule of necessity as I see it.

I have been asked this question: If the cloture motion is filed today, at what time on Tuesday will it be voted on?

Senators will recall that the rule states 1 hour after convening of the Senate on that day, so that I judge the leadership will ask for a convenient date of some kind and will make it, probably, a morning vote—by noon, anyway. So that will be the effort now of the committee, to continue to present, in as acceptable a way as possible, the conference report. The procedure, of course, would be, if cloture is invoked, Senators recall, that each Senator will have 1 hour to speak on debate, at the conclusion of which there will be a vote.

Everyone has been most cooperative about this matter. We are down to the point where we cannot put these things off any longer. The Senate does not have time to spare. We have the military procurement bill here and we are ready to proceed on it as soon as we can get this other matter disposed of.

Thus, unless there are other questions,

that is all I have to say now, except I shall re-present to the Senate some new facts, new figures, and new trends that we have received as late as last night as to the enlistment record which will be relevant to present, and it will all be in the CONGRESSIONAL RECORD.

Let me repeat that any member of the committee, and all other Senators that can assist in presenting this matter, I shall be delighted to have them. I do not want to take up further time. We want to terminate this matter as soon as we can under the rules of the Senate, so that I trust we can have a good attendance in the Chamber to listen to the new facts and figures that I have on this matter.

I do not push for the floor now. If a Senator has another matter to bring up, let him do so.

I yield the floor.

QUORUM CALL

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SO-CALLED PENTAGON PAPERS

Mrs. SMITH. Mr. President, now that the dust has somewhat settled on the cause celebre Pentagon papers that reached the dizzy judicial heights of the Supreme Court with record speed, it is well to start viewing these papers for what they really are rather than the false image given to them of being literally a bible of gospel and unerring truth.

The best place to start is with the introduction and covering memorandum written by the chairman of the Office of the Secretary of Defense Task Force for Secretary of Defense Clark Clifford. While the text of this memorandum introduction was carried in full by the newspapers, there was a surprising dearth of press observations and commentary on the admissions of limitations and weaknesses in the studies as admitted by the chairman of the task force. This was in sharp contrast to the otherwise aura of gospel truth image generally given the Pentagon papers by the news media.

The fascination over and the intense public debate that followed disclosure of the secret Vietnam war study may have had a more realistic balance if the cover memorandum introducing the study had been taken for what it is instead of for what is is not. This introduction points out several limitations and even seems to question its own validity.

The introduction to the study is two pages long and contains what sounds like a series of apologies for not having done what the assignment asked for and gives the impression that about the only reason for turning it in at all was to justify the time and effort spent on it.

The words responsibility and emotion get tangled up so badly in the hassle to reveal the story of involvement that the validity becomes even more doubtful and understanding of the subject increasingly confused instead of enlightened.

The possibility of such a conclusion stands out right from the beginning of the introduction. It is dated January 15, 1969, as a memorandum for the Secretary of Defense and is entitled "Final Report, OSD Vietnam Task Report." It is written on Office of the Secretary of Defense letterhead and signed by the chairman of the task force.

It contains so many apologies that call attention to enough shortcomings of the project as to cast doubt to its value. It is a remarkable thing that what appears to be an incomplete account is being considered as anything other than what it is.

The first reservation is noted at the very beginning when the study was being considered. It states that on—

> June 17, 1967. Secretary Robert S. McNamara directed that a Task Force be formed to study the history of United States involvement in Vietnam from World War II to the present.

Since Mr. McNamara was at that time considering a change of employment the question can be raised as to what direction and whose direction.

Secretary McNamara was nominated to his current job as president of the World Bank on November 29, 1967. Speculation on Mr. McNamara's interest in another job goes as far back as 1966. The Defense Secretary himself said he was approached for the new job on April 18, 1967. The date of his termination was February 29, 1968.

This change of job speculation and eventual resignation, anywhere from 2 months to a full year prior to the start of the war study, suggests that Mr. McNamara had other things on his mind and that the management or the lack of it placed the study in the background leaving it with no clear lines to proceed by and perhaps even lacking the interest of the one who ordered it in the first place. What it amounts to is that the study had just enough direction to get it started and after that not much attention was given to it. This is a questionable approach to such a gigantic undertaking.

The memorandum goes on to explain that Mr. McNamara's guidance was simply to do studies that were "encyclopedic and objective." Yet, the introduction memorandum states:

> Of course, we all had our prejudices and axes to grind and these shine through clearly at times . . .

And one could ask "what guidance and whose guidance?" As for the words "encyclopedic and objective," the word encyclopedic indicates comprehensive which is admitted the study was not even though it has 43 volumes. As to the "objective" part, the average length of time anyone worked on it was 4 months per person, hardly enough time to be objective and suggests a hit-and-run approach.

The memorandum states that six were assigned to do the work that was to be completed in 3 months. Instead it took one and a half years and involved 36 people. With so many people coming and going for such short periods of time it would seem more like this became a training ground where personal opinions of the war were disposed of rather than a serious effort to accomplish the original aim.

Another apology:

> Without the memories of people to tell us, we were certain to make mistakes. Yet, using those memories might have been misleading as well. This approach to research was bound to lead to distortions, and distortions are sure to abound in these studies.

This is commendable honesty, but nothing else.

Another of the shortcomings noted:

> We had to rely more on outside resources.

This raises the question of what were the outside resources.

The uncertainty of the authors is further noted by the following:

> And because these documents, sometimes written by very clever men who knew so much and desired to say only a part and sometimes written very openly but also contradictorily, are not immediately self-revealing or self-explanatory. . . .

It further notes:

> These outstanding people. . . . Some came for a month, for three months, for six months, and most were unable, given the unhappiness of their superiors, to finish the studies they began.

With the involvement of "six times six professionals" and with unhappy people, one continues to doubt the final result of the study. It borders on delusion.

Without a doubt the study has some value but considering the strange introduction outlining so many shortcomings and casting doubt as to its own validity seems to indicate that it ought to be taken at face value for what it is instead of what it is not. In view of these reservations and distortions it would be possible to suggest that the whole project has been taken out of proportion. This is not surprising as it is easy to understand the many emotions connected with this subject but it does not make responsibility any less important.

It is an extraordinary thing that what was represented as being weak and limited, with guidelines that were uncertain along with having so many authors participating in such short periods of time, turns out to be what has become known as the now famous Pentagon papers that required the attention of the Supreme Court. This becomes even more amazing when in effect the study chairman in his letter of introduction warns that it ought to be taken with a grain of salt.

Taking this memorandum at face value it would be possible to conclude that the task force study was plainly inadequate and stands to be challenged or a further explanation of the memorandum is needed. Having been prepared in such an atmosphere of confusion and what sounds like a collapse of direction this presents an irony of being ridiculous while at the same time fantastic.

Mr. President, I ask unanimous consent to place in the body of the RECORD at this point the introduction memorandum to which I have alluded. I not only invite the attention of the Members of the Senate to it, but I also call attention to those pertinent portions of the memorandum which I have underscored myself and I hope will be noted in the printing with italics.

There being no objection, the introduction memorandum was ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., January 15, 1969.

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Through: Mr. Paul C. Warnke, ASD/ISA; Dr. Morton H. Halperin, DASD/Policy Planning and Arms Control/ISA.

Subject: Final Report, OSD Vietnam Task Force.

On June 17, 1967, Secretary Robert S. McNamara directed that a Task Force be formed to study the history of United States involvement in Vietnam from World War II to the present. Mr. McNamara's guidance was simply to do studies that were *"encyclopedic and objective."* With six full-time professionals assigned to the Task Force, we were to complete our work in three months. A year and a half later, and with the involvement of six times six professionals, we are finally done to the tune of *thirty-seven studies* and *fifteen collections* of documents contained in *forty-three volumes.*

In the beginning, Mr. McNamara gave the Task Force full access to OSD files, and the Task Force received access to CIA materials, and some use of State Department cables and memoranda. *We had no access to White House files.* Our guidance *prohibited personal interviews* with *any of the principal participants.*

The result was not so much a documentary history, as a history based solely on documents—checked and rechecked with antlike diligence. *Pieces of paper,* formidable and suggestive by themselves, *could have meant much or nothing.* Perhaps this document was never sent anywhere, and perhaps that one, though commented upon, was irrelevant. *Without the memories of people to tell us, we were certain to make mistakes.* Yet, using those memories might have been misleading as well. *This approach to research was bound to lead to distortions, and distortions we are sure abound in these studies.*

To bring the documents to life, to fill in gaps, and just to see what the "outside world" was thinking, we turned to newspapers, periodicals, and books. We never used these sources to supplant the classified documents, but only to supplement them. And because *these documents,* sometimes *written by very clever* men *who* knew so much and *desired to say only a part* and sometimes written very openly but also contradictorily, are not immediately self-revealing or self-explanatory, we tried both to have a number of researchers look at them and to quote passages liberally. Moreover, when we felt we could be challenged with taking something out of context, we included the whole paper in the Documentary Record section of the Task Force studies. (Parts V and VI. A and B). Again seeking to fend off *inevitable mistakes in interpretation and context,* what seemed to us key documents were reviewed and included in several overlapping in substance, but separate, studies.

The people who worked on the Task Force were *superb*—uniformly bright and interested, although not always versed in the art of research. We had a sense of doing something important and of the need to do it right. *Of course, we all had our prejudices and axes to grind and these shine through clearly at times,* but we tried, we think, to suppress or compensate for them.

These outstanding people came from everywhere—the military services, State, OSD, and the *"think tanks."* Some came for a month, for three months, for six months, and *most were unable,* given the unhappiness of their superiors, *to finish the studies they began.* Almost all the studies had several authors, each heir dutifully trying to pick up the threads of his predecessor. In all, we had *thirty-six professionals* working on these studies, with an average of four months per man.

The quality, style and interest of the studies varies considerably. The papers in Parts I, II, III, and IV.A, concerning the years 1945 to 1961 tend to be generally non-startling—although there are many interesting tidbits. Because many of the documents in this period were lost or not kept (except for the Geneva Conference era) *we had to rely more on outside resources.* From 1961 onwards (Parts IV.B and C and VI.C), the records were bountiful, especially on the first Kennedy year in office, the Diem coup, and on the subjects of the deployment of ground forces, the decisions surrounding the bombing campaign against North Vietnam, US–GVN relations, and attempts at negotiating a settlement of the conflict.

Almost all the studies contain both a Summary and Analysis and a Chronology. The chronologies highlight each important event or action in the monograph by means of date, description, and documentary source. *The Summary and Analysis sections, which I wrote,* attempt to capture the main themes and facts of the monographs—and *to make some judgments and speculations which may or may not appear in the text itself.* The monographs themselves stick, by and large, to the documents and do not tend to be analytical.

Writing history, especially where it blends into current events, especially where that current event is Vietnam, *is a treacherous exercise. We could not go into the mind of the decision-makers, we were not present at the decisions, and we often could not tell whether something happened because someone decided it, decided against it, or most likely because it unfolded from the situation.* History, to me, has been expressed by a passage from Herman Melville's *Moby Dick* where he writes: "This is a world of chance, free will, and necessity—all interweavingly working together as one; chance by turn rules either and has the last featuring blow at events." Our studies have tried to reflect this thought; inevitably in the organizing and writing process, they appear to assign more and less to men and free will than was the case.

LESLIE H. GELB,
Chairman, OSD Task Force.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, has the operation of the Pastore rule on germaneness expired for the day?

The PRESIDING OFFICER (Mr. EAGLETON). It has.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently this order was changed to provide for the Senate to convene at 12 o'clock noon on Monday.)

ORDER FOR THE RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Monday next, immediately following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Tuesday next, September 21, 1971, immediately following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE ON FRIDAY NEXT, SEPTEMBER 24, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Friday next, September 24, 1971, immediately following the recognition of the two leaders under the standing order, the distinguished senior Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MAJORITY LEADER

Mr. BYRD of Virginia. Mr. President, I want to comment briefly on the published report quoting a White House official as having stated that the majority leader of the U.S. Senate threatened Senators concerning their votes on today's motion to table the conference report on the Selective Service Act.

Mr. President, all of us in the Senate know Senator MANSFIELD. All of us know that such a report is an inaccurate one. We know that whoever made that statement to the press either does not know Senator MANSFIELD or does not know him very well.

I do not know anyone with whom I have served in legislative bodies—and I have served in two legislative bodies over the period of 24 years—who is more fair or more considerate of his colleagues than is the distinguished majority leader.

Mr. President, the reported threat to withhold campaign funds from Democratic Senators who did not support the views of the majority leader is, of course, ridiculous.

As the majority leader pointed out in his press interview today, or perhaps it was yesterday, the funds are handled by a committee, the chairman of which is the distinguished and able Senator from South Carolina (Mr. HOLLINGS), who himself is a man of impeccable fairness.

I know for a fact that in the election last year the campaign committee under the leadership of the distinguished Senator from Hawaii (Mr. INOUYE) handled the disbursement of those funds with complete fairness, as did the Senator from Washington (Mr. MAGNUSON) 2 years before that.

I am perhaps the only Member of the Senate seeking reelection last year who received no funds from either the Democratic campaign commitee or the Republican campaign committee.

I sought no such funds. I was not involved in the distribution of funds, on my own initiative. But I know how completely fair those who handled such funds have been in the past, and are today under the chairmanship of the distinguished Senator from South Carolina.

I rather suspect that the majority leader, being the modest man he is, would prefer that I not make these remarks today. Senator MANSFIELD needs no defense from such absurd charges. However, I do not want such a report to go unchallenged, because there is no individual with whom I have had contact for whom I have a higher regard or who is held in higher esteem by all of his colleagues than is the senior Senator from Montana.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Would the Senator withhold his request?

Mr. BYRD of Virginia. Mr. President, I withhold my request.

Mr. PELL. Mr. President, I commend the Senator from Virginia for his statement and I agree with him completely. The Senator from Montana would have found unthinkable the tactics that were mentioned and I am glad to reaffirm my really profound affection, regard, and respect for the majority leader.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provision of section 2(b), Public Law 89-491, as amended, the Speaker had appointed Mr. Williams of Pennsylvania as a member of the American Revolution Bicentennial Commission, to fill a vacancy thereon, on the part of the House.

The message announced that the House had agreed to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, and 10 to the bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies; that the House had agreed to the amendment of the Senate numbered 3 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House had agreed to the amendment of the Senate to the title of the bill.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Labor and Public Welfare:

H.R. 1746. An act to further promote equal employment opportunities for American workers; and

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes.

EXECUTIVE SESSION

Mr. PELL. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

THE INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES—CERTAIN AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR PREVENTION OF POLLUTION OF THE SEA BY OIL

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar No. 8 and Calendar No. 9 on the Executive Calendar, Executive G—91st Congress, second session—which are the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive G—91st Congress, second session—the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil, which were read the second time as follows:

INTERNATIONAL CONVENTION RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

ARTICLE I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

ARTICLE II

For the purposes of the present Convention:

1. "maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo:

2. "ship" means:

(*a*) any sea-going vessel of any type whatsoever, and

(*b*) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(*a*) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(*b*) tourist attractions of the area concerned;

(*c*) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

ARTICLE III

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(*a*) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(*b*) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(*c*) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(*d*) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(*e*) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(*f*) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

ARTICLE IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

ARTICLE V

1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

(*a*) the extent and probability of imminent damage if those measures are not taken; and

(*b*) the likelihood of those measures being effective; and

(*c*) the extent of the damage which may be caused by such measures.

ARTICLE VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay cmpensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

ARTICLE VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

ARTICLE VIII

1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

ARTICLE IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

(*a*) signature without reservation as to ratification, acceptance or approval;

(*b*) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or

(*c*) accession.

ARTICLE X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

ARTICLE XI

1. The present Convention shall enter into force on the ninetieth day folowing the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or aproval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

ARTICLE XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

ARTICLE XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the natification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

ARTICLE XIV

1. A conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the State Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

ARTICLE XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(*a*) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(*b*) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

ARTICLE XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

ANNEX

CHAPTER I.—CONCILIATION

ARTICLE 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this Chapter.

ARTICLE 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of Article VIII of the Convention.

2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.

3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.

2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in Article 4 below.

3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairmen of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.

4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

ARTICLE 4

1. The list prescribed in Article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.

2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

ARTICLE 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of Chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

ARTICLE 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

ARTICLE 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Commission with the necessary documents and information;

(*b*) enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

ARTICLE 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

ARTICLE 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

ARTICLE 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of Artcle 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

ARTICLE 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

ARTICLE 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

CHAPTER II.—ARBITRATION

ARTICLE 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this Chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

ARTICLE 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

ARTICLE 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of Article 4 above. This list shall be separate from the list of experts prescribed in Article IV of the Convention and from the list of Conciliators prescribed in Article 4 of the present Annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present Article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the Party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present Article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of Article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present Article.

ARTICLE 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

ARTICLE 17

Any Arbitration Tribunal established under the provisions of the present Annex shall decide its own rules of procedure.

ARTICLE 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(*a*) provide the Tribunal with the necessary documents and information;

(*b*) enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

ARTICLE 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgment to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

Mr. PELL. Mr. President, a few days before the August recess, the Committee on Foreign Relations completed its consideration of the 1969 IMCO oil pollution conventions and amendments and favorably reported them to the Senate.

The committee's consideration covered the Convention Relating to Intervention on the High Seas and the Convention on Civil Liability for Oil Pollution Damage, as well as the amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil.

Although the committee favorably reported all of these agreements to the Senate, it recommended in the report, which I filed on the committee's behalf, that final Senate action on the Civil Liability Convention be withheld until such time as it can be considered in conjunction with a supplementary convention which is now in its final negotiating stages.

While such procedure is somewhat unusual, this recommendation is consistent with the recommendation made to the Foreign Relations Committee by the Subcommittee on Oceans and International Environment, which I have the honor of chairing. It is also consistent with recommendations filed by Senator MUSKIE'S Subcommittee on Air and Water Pollution, and by Senator HOLLINGS, who chairs the Subcommittee on Oceans and Atmosphere of the Commerce Committee.

The reasons for this recommendation as well as a complete explanation of the convention and amendments is contained, of course, in the committee's report, and I ask unanimous consent that a portion of the report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WHAT THE CONVENTIONS AND AMENDMENTS WOULD DO

The Convention Relating to Intervention on the High Seas would establish, with appropriate safeguards, the right of a coastal nation to take whatever action it deems necessary "to prevent, mitigate or eliminate" the threat of oil pollution arising from a maritime accident.

The Convention on Civil Liability for Oil Pollution Damage would write into international law the standard of absolute liability against the owner of a tanker involved in any maritime accident which causes oil pollution damage.

The Amendments to the 1954 Oil Pollution Convention would change substantially existing rules and regulations governing the intentional discharge of oil at sea and would require such discharge to conform to a specific rate-of-discharge formula.

BACKGROUND

The S.S. *Torrey Canyon* was a "jumboized" supertanker with a total cargo capacity of 120,890 tons. In 1967, she was the thirteenth largest ship afloat and carried with her Lloyd's highest rating of seaworthiness. The vessel was registered in Liberia, owned by a Bermuda-based subsidiary of the Union Oil Company, chartered by British Petroleum, and operated by an Italian crew.

At 8:50 a.m., the morning of March 18, 1967, the S.S. *Torrey Canyon* ran aground in international waters off the Southeast coast of England. The supertanker was loaded with 119,328 tons of Kuwait crude and, on impact, its six starboard tanks ruptured immediately. Following unsuccessful efforts to refloat the tanker, the British government began aerial bombardment in an effort to burn off as much of the oil as possible. In the end, however, about half the vessel's cargo or 60,000 tons of crude oil was released into the Atlantic, causing severe ecological damage and incurring millions of dollars in costs and damages to the Governments of England and France and to their citizens.

Although the Government of England made the decision to firebomb the *Torrey Canyon*, it delayed ten days before doing so because of the legal uncertainties as to what action, if any, it was permitted to take against a foreign-flag vessel lying beyond its territorial sea. Thus, England's decision to proceed with the fire-bombing of the vessel was taken in the absence of any international law sanctioning such action and was based solely on the pollution threat posed by the vessel's cargo.

Similar uncertainty surrounded the issue of establishing liability for the damages and clean-up costs incurred as a result of the accident. Nor was it clear where suit could be filed or what liability limits, if any, were applicable. (According to unofficial reports, final settlement totaled approximately 7 million dollars or about half of the claims that were reported filed.)

In response to these uncertainties, the Legal Subcommittee of the Inter-governmental Maritime Consultative Organization drafted two conventions in 1968 and the members of IMCO completed work on them in the Fall of 1969. The United States signed both conventions on November 29, 1969.

(Since the adoption of the Civil Liability Convention, IMCO has been engaged in drafting a supplementary convention which would establish an International Oil Pollution Fund. The amount of the Fund has not been determined. The final negotiating session is scheduled for December, 1971.)

Simultaneous to the drafting of the two conventions, IMCO's Maritime Safety Committee undertook a review of the 1954 Convention for the Prevention of Pollution of the Sea by Oil. The Committee's review resulted in several amendments to this convention, which were adopted in October, 1969.

THE IMCO CONVENTIONS

Article I of the Convention Relating to Intervention on the High Sea establishes a nation's right to 'take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such casualty . . ." (The only exception to this provision applies in the case of any warship "or other ship owned or operated by a State and used, for the time being only on government non-commercial service.") Article III lists various requirements, including notification of the other parties involved, relating to the measures permitted by Article I. Article V stipulates that measures taken "shall be proportionate to the damage actual or threatened . . ." and Article VI provides for compensation to be paid "to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I."

The Convention on Civil Liability for Oil Pollution Damage provides under Article III that the owner of a ship involved in an incident "shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident." This provision applies except for incidents incurred as the result of (1) an act of war; (2) a natural phenomenon of an "irresistible" character; (3) an intention on the part of a third party to cause such an incident; and (4) an act of negligence on the part of any government or other official authority. When the owner is liable for damages, Article V permits him to limit his liability to $134 per gross registered ton or $14 million, whichever is lesser, providing the incident did not occur as a result of his "actual fault or privity." In order to avail himself of the limitation, the owner must establish a fund or an acceptable guarantee equivalent to the sum representing the limit of his liability. Under Article VII, each contracting party shall issue a certificate to ships under its registry attesting to the owner's compliance with the financial requirements prescribed in Article V, and "each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified . . . is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo."

AMENDMENTS TO 1954 CONVENTION

The principal amendment to the 1954 Convention on the Pollution of the Sea by Oil prohibits the discharge of oil at sea, except in accordance with the rate-of-discharge formula prescribed by the amendment; "the instantaneous rate of discharge of oil content" shall not exceed 60 liters per mile. According to the State Department, "This new criterion of limiting a rate of discharge per unit of distance introduces a practical limit below which pollution has been shown in practical experiments to be negligible."

THE 1970 WATER QUALITY IMPROVEMENT ACT

The 1970 Water Quality Improvement Act contains legislation comparable to several of the provisions in the proposed Convention on Civil Liability, and there is some controversy as to which one affords the United States greater protection.

The principal area of difference concerns the limit to which the owner of a vessel may limit his liability for oil pollution damages. The Water Quality Control Act stipulates that the vessel owner shall be liable *to the United States Government* for the clean-up costs it incurs up to $100 per gross ton or $14 million, whichever is lesser. The Convention, on the other hand, provides that a vessel owner's total liability resulting from *both government and private claims* may be limited to $134 per gross registered ton or $14 million, whichever is lesser.

SUBCOMMITTEE HEARINGS

Pursuant to a request from the Chairman of the Foreign Relations Committee, the Subcommittee on Oceans and International Environment considered these agreements during a full day of hearings on May 20, 1971. At that time, the Subcommittee heard from a total of eleven witnesses: (1) Mr. James J. Reynolds, President, American Institute of Merchant Shipping; (2) Mr. Herbert Steyn, American Petroleum Institution; (3) Mr. Milton Phillips, Vice President, FRAM Corporation; (4) Mr. Roland C. Clement, Vice President/Biology, National Audubon Society; (5) Dr. Eugene V. Coan, Consulting Marine Biologist, Sierra Club; (6) Professor L.F.E. Goldie, Naval War College, Newport, Rhode Island; (7) The Honorable U. Alexis Johnson, Under Secretary for Political Affairs, Department of State; (8) Mr. Russell E. Train, Chairman, Council on Environmental Quality; (9) Rear Admiral William Morrison, Chief Counsel, United States Coast Guard; (10) Mr. Fitzhugh Green, Director of International Affairs, Environmental Protection Agency; and (11) Mr. Clarence M. Tarzwell, Director, National Marine Water Quality Laboratory, West Kingston, Rhode Island. In addition, the Subcommittee had available to it a written report on the Civil Liability Convention from the Subcommittee on Air and Water Pollution, plus individual statements from two of its Members, Senator Muskie (Chairman) and Senator Cooper. Senator Hollings, Chairman of the Subcommittee on Oceans and Atmosphere, also filed a statement for the hearing record.

COMMITTEE'S FINDINGS AND RECOMMENDATIONS

The Committee on Foreign Relations considered the IMCO conventions and amendments in executive session on July 30. The Chairman of the Subcommittee on Oceans and International Environment reported to the full Committee on the Subcommittee's hearings.

As a result of this report and the discussion on it, the Committee finds there is overwhelming support for the Convention Relating to Intervention on the High Seas and the Amendments to the 1954 Convention for Prevention of Pollution of the Sea by Oil. Accordingly, the Committee on Foreign Relations recommends that the Senate give its advice and consent to them without further delay. In recommending immediate action on the Amendments, the Committee does so in the belief that acceptance of them will hasten the day when the international community prohibits all intentional discharge of oil at sea and will assist the Administration in achieving its announced goal of seeking such a prohibition by 1975.

With respect to the Convention on Civil Liability for Oil Pollution Damage, the Committee recommends that final Senate action be withheld pending the outcome of current negotiations on an International Compensation Fund Convention which is intended to supplement the Civil Liability Convention.

The Committee makes this recommendation because of a number of questions surrounding the adequacy of the liability limits contained in the convention. These questions arise not only from the ongoing negotiations for a supplemental convention but, also, from a comparison between the convention and existing domestic legislation and from objections raised by other countries, most notably Canada, who have expressed the view that the present limits are not satisfactory in terms of recovering costs and damages that might be incurred from a major oil spill. This issue is particularly pertinent with the advent of the supertanker and the even greater increases forecast over the next few years in the cargo carrying capacity of these vessels.

While the Committee believes these concerns are sufficiently compelling to recommend that final Senate action be withheld until such a time as the pending convention can be considered in conjunction with the supplemental convention, it also believes that the Civil Liability Convention merits a favorable report by the Committee. A favorable report would recognize that this convention goes a long way—as it does—toward providing an effective multilateral solution to the oil spill liability issue and it would also help our negotiators in their efforts to secure more realistic liability limits in the convention that is being negotiated now.

In suggesting this course of action, the Committee wants to emphasize and to impress upon our negotiators the importance which it attaches to the negotiations on this convention. The Committee firmly believes that the liability issue arising from high seas oil spills is one that is inherently international in nature and one that the international community—in this case represented by IMCO—has a responsibility to resolve by devising a system that will afford adequate financial recovery from the damages and costs incurred by oil spills. The Civil Liability Convention—standing alone—does not suggest a *complete* awareness of this responsibility.

The supplemental convention now being negotiated represents a second chance for IMCO and the Committee earnestly urges IMCO negotiators to use this opportunity to remedy the deficiencies in the pending convention.

Mr. PELL. Mr. President, I hope the Senate will endorse the course of action recommended by the Committee on Foreign Relations and will, at this time, give its approval to the Convention Relating to Intervention on the High Seas and to the amendments to the 1954 Oil Pollution Convention.

The PRESIDING OFFICER. If there is no objection, the convention and the amendments will be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, which will be read.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties. (Ex. G, Ninety-first Congress, second session.)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Certain Amendments to the International Convention for Prevention of Pollution of the Sea by Oil. (Ex. G, Ninety-first Congress, second session.)

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on Calendar No. 8, Ex. G (91st Cong., 2d sess.) occur immediately upon the conclusion of morning business on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on Calendar No. 9, Ex. G (91st Cong., 2d sess.) occur immediately following the vote on Calendar No. 8 on Monday morning next.

The PRESIDING OFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at any time in legislative session or in executive session on these two conventions.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. PELL. Mr. President, I voted today in favor of tabling the conference report on the military draft and pay raise bill. I have done so because I believe it important that the Congress fulfill its constitutional responsibilities for determining the basic policies of the United States in matters of peace and war. The Mansfield amendment, as adopted by the Senate, would fulfill that responsibility.

I must say that I am astounded and dismayed at the administration's shifting tactics on this legislation. When the Senate was considering the military pay raise, we were warned by the administration that the pay proposal offered by the senior Senator from Colorado was unacceptable, and could, in fact, endanger our national security. Now, we understand that the pay raise, which I supported, is, after all, acceptable and no longer irresponsible.

The administration stresses the vital necessity of prompt passage of the draft extension. I think the administration knows full well that prompt passage would be assured if it would indicate its willingness to accept the Mansfield amendment. So the responsibility for delay rests equally with the administration and with the Congress.

According to press reports within the past week, the administration now looks toward removal of virtually all U.S. forces from Vietnam by next spring. If these reports are accurate, the Mansfield declaration could only be considered in support of the administration's goal. If they are not accurate, then all the more reason for firmly stating congressional policy in this field.

In the course of a few short weeks, the administration has completely reversed its position on military pay. If the administration will do likewise on the Mansfield declaration, it will be doing its part toward prompt action on this legislation.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON CALENDAR NOS. 8 AND 9, EXECUTIVE G (91ST CONGRESS, SECOND SESSION), ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that it be in order to order the yeas and nays on both of the treaties scheduled for a vote on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on both conventions.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

I inform Senators there will be no more rollcall votes today.

ORDER FOR YEAS AND NAYS ON CALENDARS NOS. 8 AND 9, EXECUTIVE G (91st CONGRESS, SECOND SESSION), BEGINNING AT 3 P.M. MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the time for the roll call vote on Calendar Order No. 8, Executive G (91st Congress, Second Session), occur at 3 o'clock p.m. on Monday next, and that the vote on Calendar Order No. 9 occur immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Presiding Officer, and I thank Senators.

The Unanimous-Consent Agreement reads as follows:

Ordered, That on Monday, September 20, 1971, at 3 p.m., the Senate proceed to vote on the resolution of ratification to the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Cal. No. 8); to be immediately followed by a vote on the resolution of ratification to Certain Amendments to the International Convention for Prevention of Pollution of the Sea by Oil (Cal. No. 9).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT—ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON DRAFT BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of orders for the recognition of Senators, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the period for the transaction of routine morning business, the Senate resume the consideration of the conference report on the extension and revision of the draft, it being a privileged matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT THE 1 HOUR FOR DEBATE UNDER RULE XXII COMMENCE AT 11 A.M. ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, if a motion to invoke cloture is filed today—and it is my understanding that such a motion will be filed—the 1 hour under rule XXII for debate on that motion begin running on Tuesday next—notwithstanding the provisions of that rule—at the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY UNTIL 10:30 A.M. TUESDAY, SEPTEMBER 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stands in adjournment until 10:30 a.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROVIDE FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that at the conclusion of the remarks of the junior Senator from West Virginia (Mr. BYRD) on Tuesday next, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 11 a.m. on that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess until 1:30 p.m. today.

The motion was agreed to; and (at 12 o'clock and 40 minutes p.m.) the Senate took a recess until 1:30 p.m.

The Senate reassembled at 1:30 p.m., when called to order by the Presiding Officer (Mr. BYRD of Virginia).

ORDER FOR ADJOURNMENT UNTIL NOON ON MONDAY, SEPTEMBER 20, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONTROL OF TIME UNDER RULE XXII ON TUESDAY, SEPTEMBER 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the 1 hour on Tuesday next under rule XXII be equally divided between and controlled by the distinguished majority leader (Mr. MANSFIELD) and the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HUGHES). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 33, 87th Congress, appoints the Senator from Vermont (Mr. STAFFORD) to the Special Committee on Aging.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. STENNIS. Mr. President, for the record, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the amendment of the Senate to the bill (H.R. 6531) to amend the Military Selective Service Act of 1967.

CLOTURE MOTION

Mr. STENNIS. All right. Mr. President, in connection with that question, I file herewith a cloture motion, duly signed, and ask that it be given proper disposition at this point.

The PRESIDING OFFICER. The motion will be stated.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the adoption of the conference report on H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

1. Hugh Scott
2. John Stennis
3. Lowell Weicker
4. Robert Griffin
5. Robert Dole
6. Gale McGee
7. Robert Taft
8. Glenn Beall
9. John Tower
10. Charles Percy
11. J. Caleb Boggs
12. Hiram Fong
13. Edward W. Brooke
14. Marlow W. Cook
15. Peter Dominick
16. Bill Brock
17. Lloyd Bentsen
18. Wallace Bennett
19. Margaret Chase Smith
20. Jennings Randolph
21. Clifford Hansen
22. Howard Baker

Mr. STENNIS. Mr. President, in connection with the motion, I have already explained why I thought it was necessary to take this step. I explain further that it is reluctantly done on my part, but the motion is filed solely because I think it is a matter directly connected with our national security.

Under the operation of the rules, I understand, the filing of the motion now will bring the vote up on this motion on Tuesday next.

The able assistant majority leader is here. If it is in order, I would like to call on him to make a statement for the RECORD of what he has in mind as to how this vote will be handled on Tuesday.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield——

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. In response to the request of the able Senator from Mississippi, under rule XXII, a vote on the cloture motion will occur immediately following a mandatory quorum call at the expiration of 1 hour following the convening of the Senate on the following calendar day but one after the filing of the cloture motion. Inasmuch as the Senate will not be in session tomorrow, Saturday, this would mean that the cloture vote will occur on Tuesday next.

A unanimous-consent order has already been entered to the effect that the Senate will convene on Tuesday next at 10:30 a.m. That convening hour is subject to change, but under the unanimous-consent order that has been entered, the hour of debate on Tuesday next on the motion to invoke cloture will begin running at 11 a.m. At the expiration of that hour, to wait at 12 noon, there will be a mandatory quorum call. Upon the establishment of a quorum, the rollcall follows automatically. Therefore, the rollcall should occur on Tuesday next at about 12:15 p.m.

Mr. STENNIS. I thank the Senator very much. That is valuable information for Senators.

Mr. President, between now and the time of that vote, all Senators will have ample opportunity to make such arguments on this matter as they may see fit, and I certainly expect to be on the floor Monday and Tuesday, and will have something to say and some activity on the subject matter, as will other members of our committee.

Earlier today, Mr. President, following the vote on the motion to lay on the table I suggested that I would have additional remarks this afternoon, even though they might be largely a repetition of certain matters on which I spoke this morning, particularly these data that I have. I find on checking through, though, Mr. President that I have already made remarks for the RECORD that carry forth these figures and facts on the trends that are developing in the services without the persuasive power of the Selective Service Act, and I think that for the material that I have finished now, that is complete enough. We do have some additional facts but not yet sufficiently in proper form for presentation, so I have decided just to carry that over until Monday, and get it in better form and present it at that time.

So, Mr. President, I believe that concludes everything that I wish to present here on the bill today.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. STENNIS. Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have today signed a motion to invoke cloture on further debate of the conference report on H.R. 6531, the draft extension bill. I will vote on Tuesday next to invoke cloture so that the issues posed by the conference report may be determined on their merits. If cloture is invoked, however, it is my intention to vote against the conference report itself, and I want to make use of this brief opportunity to state as clearly as possible my position on this bill and the reasons for which I have taken that position.

Since 1966, when I sucessfully campaigned for the Senate in Tennessee, the Volunteer State, I have strongly, openly, and consistently supported the concept of the all-volunteer armed force. I have applauded President Nixon for his support of the volunteer army, and I welcomed the conclusions of the distinguished commission headed by former Defense Secretary Thomas Gates that the volunteer army could be readily achieved if certain incentives were provided.

Since President Nixon took office in January 1969, the manpower requirements of the Armed Forces have steadily diminished. This fact is due in large part to the President's policy of Vietnamization and the Nixon doctrine, which states that the United States expects its allies around the world to provide for their own military manpower needs. By the end of the year, the authorized troop level in Vietnam will have been reduced from 535,000 American men in January 1969, to 184,000 or less. American troop levels in other parts of the world have been reduced. While the U.S. commitment to the free world has in no way been weakened, as a result of the President's policies the number of American troops needed to back up our commitment has wisely been reduced.

I am convinced that the time has come for an all-volunteer Armed Force in this country. No matter how hard we might try to design an equitable system, any military conscription system short of universal military service will by definition be inequitable. A force of well-paid, well-trained, well-equipped, highly motivated volunteers is far more consistent with our national principles of individual freedom of choice than is a larger force of men conscripted against their will.

On June 24 of this year I voted against the draft extension bill when it was pending in the Senate, and I voted against the bill for two principal reasons: First, I was opposed to the 2-year extension of the draft contained in the bill because I believed that such an extension would delay for an unconscionably long period of time the realization of the all-volunteer army concept. Second, I was opposed to the language of the so-called Mansfield amendment, which sought to limit the flexibility of the President with respect to his Vietnamization policy.

The conference report now pending in the Senate still contains the 2-year draft extension and a modified version of the Mansfield amendment. I would therefore vote against the conference report on these two grounds alone.

But the conference report also contains what I believe to be grossly inadequate provisions relating to increased pay for men and women in the armed services, particularly with respect to the lower enlisted and officer pay grades. The pay provisions contained in the version of the bill passed by the Senate in June, while perhaps inadequate, would certainly have had the effect of hastening the transition to the volunteer army far more rapidly than the pay provisions contained in the pending conference report.

Therefore I will vote against the conference report for three reasons: the 2-year extension of the draft, the language which would restrict the President's flexibility in ending the war in Vietnam, and grossly inadequate pay provisions.

Mr. President, within this century America has fought four long and costly wars, in each instance sacrificing lives and treasure in the defense of freedom for other nations. The United States will continue to be the bulwark of freedom against aggression, whatever its origin. This country must be second to none in its military strength, whether that strength be measured by the adequacy of its armaments or the effectiveness of its military manpower. I am wholly convinced that this end can best be met by a dedicated all-volunteer force, and that the time for such a force is now.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Moss when he submitted Senate Resolution 169 are printed earlier in the RECORD under Submission of a Resolution.)

NURSING HOME REIMBURSEMENT AND PROFITS

Mr. MOSS. Mr. President, I am presently very concerned about issues raised during the course of hearings conducted by my Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging. These relate to medicaid nursing-home reimbursement formulas and to the returns realized by the nursing home industry.

Under the present law the medicaid system unlike its counterpart the medicare ECF program, does not impose upon the States any one reimbursement formula. Most States pay their nursing homes a flat fee, perhaps $14 a day for skilled nursing-home care. Others follow the medicare formula of reasonable costs. Still others have variations of these such as the points systems which function in several States including Connecticut and Illinois.

These and others have been proposed as possible uniform national reimbursement formulas under medicaid. As such they merit our study and concern. All have strengths and weaknesses and will have to be carefully considered—if indeed we are committed to making changes in the present system.

I want to talk about two "points" systems here today; one very good and the other very bad. One system places direct financial incentives in favor of neglecting patients and giving them poor care. The other places a direct financial incentive in favor of becoming what the State calls a "Class A" nursing home.

In Illinois the "points" system makes a medical judgment of how debilitated a patient is, that is, how much and what kind of medical care he needs. This judgment is expressed in points. The more "points" the more care that is needed.

As I understand it, the skilled nursing-home base—including the first seven points—available to most nursing homes is $380 per month in Illinois, with the nursing home being compensated $6 for each point of patient disability thereafter.

I first became alarmed about this system when a nursing home operator told me in confidence that nursing home operators in Illinois commonly would refer to a bed sore as "being worth $48 a month."

To my very great dismay I learned that large bedsores once developed by the patient are worth eight points and at $6 a point, the reimbursement to the nursing home increases by $48 a month.

I make it clear that I am not accusing every nursing home operator in Illinois of deliberately letting patients lie unattended in order to increase his reimbursement. I simply point out the opportunity is there. I point out that there is a direct financial incentive in favor of poor care. A few more examples:

A patient who requires assistance in eating because of his being tied in a chair or because of the necessity of catheterization is worth three points or $18 a month.

Continuous catheterization itself is worth eight points or $49. It a patient is in restraints and not assisted to go to the bathroom, there is a good chance that he will become totally incontinent of bowel or bladder which is worth six more points or $36.

If the patient now becomes loud and boisterous to the point where he can be classified as a behavior problem requiring the frequent attention of staff then he becomes eligible for eight more points or $48. What is more, if it is difficult to give him a tranquilizer by mouth and he is then given daily injections of liquid thorazine, his rate of compensation goes up another $24 per month because the need for daily injection is worth four points.

I am sure the possibilities for abuse of the system and poor patient care are obvious from these examples. If it were possible to allocate all these examples to one patient, the reimbursement would grow from $380 to $602 a month. I believe these temptations are too great and that the Illinois system must be modified.

I am not taking irrevocably a position against higher compensation for so-called heavy care patients. I realize the reluctance of nursing homes to accept these patients from the State and this is probably what motivated the State of Illinois to adopt their present system.

As a solution to the problem I have been favorably impressed by the "points" system as it has functioned in the State of Connecticut. Dr. Franklin Foote has done an excellent job in that State which is commonly recognized as having one of the best nursing home systems in the Nation. To be sure, there are problems with this system, as its originator Dr. Foote quickly admits, but with some minor revision it might provide a useful model for the use of other States.

This "points" system focuses on the nursing home as a total entity. The State health department measures the nursing home on the basis of its physical plant, general conformity to regulations, the care provided, in short, on its total environment. The home's positive achievements are expressed in points, the total of which determines whether the nursing home belongs in class A, B, C, D, or F, and ultimately on its rate of compensation. Significantly, demerits are given as well as positive points. Typically, a class A nursing home will receive about $1 a day more than a class B nursing home and $2 a day more than a class C nursing home, and so forth.

Under this system there is a direct financial incentive in favor of becoming, in the judgment of the State health department, an excellent nursing home.

The weakness of this plan has been that it has been possible for some nursing homes to accumulate points which cost comparatively little, such as the services of a minister of religion and recreation programs, as opposed to accumulating more expensive points for higher nurse-patient ratios or larger expenditures for food and food services. These weaknesses are being corrected so that more points will be awarded for those more costly and critical items, without downplaying the importance of such items as recreation and religion.

Leaving the subject of reimbursement, I want to take up briefly the question of nursing home profits. This subject more than any other is at the heart of the controversy over nursing homes. The spectacle of nursing home associations like Michigan threatening to turn public patients out into the street if the State Legislature did not grant an increase in rates is burned into the public memory. Most of the time the public supports the industry and it is the State Legislature which is made the heavy. I have supported the industry on many occasions stating on the floor of the Senate that the typical $14 a day which is allocated to patients by States is grossly inadequate.

Logic certainly supports this view. Most of us spend more than $14 a day on a hotel room where we get one of the services we insist the nursing homes provide, the foremost being food and nursing services.

Thus, it does seem clear that $14 a day is very inadequate to purchase the kind of institutional care we expect from nursing homes. At the same time we recently had testimony in Chicago from nursing home operators receiving approximately $320 a month per patient who made enormous profits, the thesis apparently being, if care is reduced or not given and food costs are kept to a minimum, then it is possible to make great profit.

The examples from our Chicago hearings are, of course, isolated. Even the fiercest critics of nursing homes would not put them all in the same class with a man who received $400,000 yearly from the State, spent 54 cents per patient per day for food and showed a profit of $185,000. As Senator PERCY pointed out, even jails in the Chicago area spend 65 cents a day for food.

Still it is significant that this home's profits came to our attention because of alleged poor care. The State of Illinois, according to testimony, had been trying to close the home in question for a great number of years. Finally, it has been closed and the patients removed.

It is against this background that I have received a study performed by the Hospital Cost Commission Finance and Budget Division of the State of Connecticut. The results of this survey of Connecticut proprietary nursing homes is quite alarming. The study shows an overall 44 percent return on investment. When officers' salaries are pulled out, the return on investment is 15.6 percent.

I hasten to admit that my accounting background is limited and I recall the expression that you can prove anything with figures. For these reasons and because this issue is so important, I will be a little cautious with the results of this study until I get more background on its methodology.

On its face, the study does indicate that nursing home business in Connecticut at least shows an excellent rate of return, much more than most industries. Significantly, the class C nursing homes in the State showed the highest rate of return—some 61 percent.

I have heard the argument that the State of Connecticut is unrepresentative because of its unique points system, which will pay a home more per patient if it meets or exceeds State standards. I do not think this argument is well founded because the State of Connecticut has a maximum rate of $486 per month. There are at least 11 States that have higher maximum monthly medicaid rates counting the six reasonable cost States. There are at least 12 States that have higher average rates for medicaid than Connecticut's $338 per month.

All of this information raises very interesting and crucial questions which must be answered in the immediate future. I believe the industry is committed to providing excellent care for a reasonable return. I have supported the industry when the Government has sought to arbitrarily withdraw its commitment and its funds. I now ask for cooperation from the industry in establishing the facts.

The issue of costs, profits, and return on investment is, as I have said before, very much the heart of this controversy. I will ask the staff of the Senate Committee on Aging to undertake a study of costs. I hope the industry will cooperate.

I ask unanimous consent, Mr. President, to enter in the RECORD the report to the State of Connecticut prepared by their hospital cost commission, department of Finance and control.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
DEPARTMENT OF FINANCE AND CONTROL,
Hartford, Conn., July 27, 1971.
MR. BENJAMIN LATT,
Management Consultant, Nursing Home Branch, Public Health Service, Parklawn Building, Rockville, Md.

DEAR MR. LATT: Your request concerning nursing homes has been referred to me for reply.

In accordance with your request, I am enclosing copies of the studies conducted.

If you have any questions please feel free to contact me.

Sincerely yours,
EDWARD S. KARNASIEWICZ,
Executive Director,
Hospital Cost Commission.

NURSING HOMES

FINDINGS

An overview of nursing homes

As of 1970 there were 237 convalescent hospitals, 40 rest homes with nursing supervision, 5 children's nurseries and 161 homes for the aged.

The number of convalescent beds increased from 14,737 to 15,319 for the fiscal year ended September 30, 1970. Of the total number of licensed beds, 86% of the beds are classified as A and 14% are in the B to D classifications. State patients comprise 65% or 9,249 patients of total patient census of 14,310.

Analysis by source of reimbursement indicates that 46.5% of the facilities i.e., 86 of 185, reported no medicare patient days for the fiscal year ended September 30, 1970. This may be indicative of over-looking medicare eligibility which means that the burden is inadvertently transferred to medicaid thereby increasing the state's share of support.

Concerning invested capital

Based on 15,000 beds and an estimated construction cost of $8000/bed the nursing homes capital investment is estimated at $120 million but the amount of ownerships equity is maintained at minimum level and in a number of instances indicates a negative capital. The general practice has been to invest personally the least amount possible with a major portion being financed by banks and other mortgagees. In most instances equity and retained earnings are being kept at a minimum which may indicate that the principals are milking the corporations.

NURSING HOMES

Employee/patient ratio

An analysis of nursing services indicates that there is approximately one employee for every two patients providing on an average 2.4 hours of nursing services for each patient per day.

Projected gross cost to the State[1]

Based on the suggested rates the projected gross post to the state for convalescent care and other related services is estimated at 64.6 million for the fiscal year 1971–72. This represents an increase of $1.8 million over the prior fiscal year projection.

The projected increase of $1.8 million is primarily due to a weighted average increase of 9.6% in basic costs to which adjustments for Time Lag and compensation are added.

The alternative gross cost projections for the fiscal year 1971–72, range from $64.6 million to $68.8 million.[2]

The overall weighted average per diem of $15.43 for the fiscal year ended September 30, 1970, represents an increase of $1.35 or 9.6%.

The per diem rate for Class A-1, which represents 72% of the total beds, increased from $15.03 to $16.41 an increase of $1.38 or 9.2% for the fiscal year ended September 30, 1970.

Recommendations

(1) It is recommended that reimbursement rates be developed which would provide for a standard compensation factor.

(2) A prospective time lag adjustment factor should be included based on the lower of actual or state-wide average by class.

(3) Reimbursement based on multiple levels of care provided in accordance with patients' needs should be explored and evaluated as to feasibility.

(4) It is recommended that, the weighted average per diem cost be determined on the basis of relative utilization which basis would reflect an appropriate reimbursement value for state patients.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

(A Study of Convalescent Hospitals Return on Investment, fiscal year ending September 30, 1970)

This study indicates the return on investment and return on asset value realized by owners of Convalescent Hospitals in Connecticut, for the fiscal year ended September 30, 1970. The study undertaken includes 83% of all licensed proprietary hospitals in the state.

METHODOLOGY

The information for this study was extricated from cost reports submitted by the hospitals to the Commission, in accordance with the provision of section 17–314 of the General Statutes.

In general, three criteria were used:

Return: Includes—Net gain or loss as reported for Federal tax purposes and corporate officers' salaries. Consideration of officers' salaries is required to reflect the corporate "return" on a basis consistent with that of partnerships and sole proprietorships.

Investment: Includes—Capital stock and equity of sole proprietorships and partnerships, additions to capital, reinvested earnings, loans to and/or from owners, and prior years' adjustments. Dividends paid during the reported period are excluded.

Net Assets: Represents total assets less allowance for doubtful accounts and accumulated depreciation.

This methodology is essentially in agreement with Medicare principles; however, the following liberal considerations were made:

1. The return does not include any profits realized in rental payments to related realty companies.

2. The investment does not consider prior years' corporate officers' salaries which may have been excessive, or dividends in excess of income earned which resulted in negative retained earnings. Theoretically, such payments are reductions of investment and should be treated accordingly; however, the required historical information was not available.

In addition, Medicare principles exclude from the return on investment a "reasonable" amount for owners' compensation, where owners render "necessary" services to the hospital. It was not possible to verify the "reasonableness" or "necessity" of the services claimed by the owners since the existing staff unit does not have sufficient time available to undertake such a project. A field audit unit would be required for this assignment. As a result, the amount claimed by owners as compensation for their services, was included as a part of the return.

FINDINGS

The over-all return on investment is 44.0%. Excluding officers' salaries, the return on investment is 15.6%. The allowable return for proprietary providers under Medicare for this period is 11.109%.

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[1] Page 44.

[2] Page 124.

CONCLUSIONS

A recent issue of "Forbes" presented an interview with Royal Little, who originated and implemented (Textron) the idea for the working conglomerate, as we know it today. Little is of the opinion that the days of the 15% return on capital equity are over and a lower return can be expected.

Why, therefore, did owners of extended care facilities in Connecticut realize a 44.0% return on investment, before personal compensation for services?

Probably the most significant contributing factor is the low level of personal investment required by owners of these facilities. Most banks have liberal criteria for mortgage eligibility since the income of a convalescent hospital is now, essentially, guaranteed as a result of federal and state involvements. To illustrate this point consider the following:

Construction Costs Per Hospital Construction Section—State Health Department[1]—$8,000 per bed.

Mortgage Allowance Per Local Hartford Bank—$6,000 per bed.

Capital Investment Required by Owner—$2,000 per bed.

A 40 bed A-1 facility would require a capital investment by the owner of $80,000. Assume the per diem cost of this hypothetical facility to be the weighted average cost for the A-1 classification, $13.10. With a state reimbursement of $15.25, the return per patient would be $2.15 per day or $785 per year. The annual return for 40 patients would amount to $31,400 resulting in a 39.3% return on investment ($31,400 ÷ $80,000.)

One factor contributing to the high return on investment is the interim adjustment effected in the state's approved reimbursement rates, the state assuming financial responsibility for approximately 60% of the caseload. In the A-1 (2) classification, for example, the interim rate effected on October 1, 1969, represented a 9.5% increase over the reimbursement rate authorized three months earlier, resulting in a reimbursement 16.4% over the average cost for this classification.

Another important factor for consideration is the cost matrix employed in determining state reimbursement rates. An average cost, weighted on the basis of "total" occupancy is used as a base point. Therefore, theoretically speaking, the assumption is made that 50% of all state patients are treated in facilities with actual costs above this base point with the offsetting 50% treated in facilities with costs below the base point. This was not a valid assumption to make. The average cost, weighted on a basis of "state" occupancy indicates that there are more state patients in facilities with costs below average. The estimated cost to the state for fiscal 1971-72 was projected[2] using both base points. Use of the state average, as opposed to the total average, reduces the total state payment to convalescent hospital providers by $3 million.

FOOTNOTES

[1] It was estimated that $8,000 per bed would be required to construct a facility which would meet minimum licensing requirements. The cost would be reduced were the owner to handle the contracting function personally, thus further reducing the capital investment required.

[2] Refer to "Convalescent Hospitals Et Al., Alternative Reimbursement Rates, Fiscal 1972-71".

CONVALESCENT HOSPITALS—RETURN ON: INVESTMENT AND NET ASSETS, BY CLASSIFICATION, FISCAL YEAR END SEPT. 30, 1970

Classification	Return[1]	Investment	Net assets	Percentage return on Investment	Percentage return on Net assets
A-1	$3,209,449	$7,154,160	$42,821,703	44.9	7.5
A-2	749,404	2,120,344	5,094,975	35.3	14.7
A-3	132,996	372,499	860,808	35.7	15.5
B	272,890	602,948	1,969,619	45.3	13.9
C	547,588	890,342	2,205,545	61.5	24.8
D	35,349	102,321	169,988	34.6	20.8
Total	4,947,676	11,242,614	53,122,638	44.0	9.3

[1] Net gain or loss for tax purposes plus corporate officers' salaries $3,195,030.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS ET AL.—STATISTICAL INFORMATION

	1970		1960		1968	
	Number licensed	Number of reports used[1]	Number licensed	Number of reports used[1]	Number licensed	Number of reports used[2]
1. Convalescent hospitals:						
Class A-1	124	98	122	99	15	---
Class A-2	40	30	36	30	78	---
Class A-3	20	15	13	11	74	---
Total, A's	184	143	171	140	167	---
Class B	22	17	23	17	22	---
Class C	25	23	37	32	40	---
Class D	6	2	8	4	9	---
Class E	0	0	0	0	2	---
Total	237	185	239	193	240	---
2. Children's hospitals	5	5	5	5	6	---
3. Rest homes with nursing supervision	40	27	39	24	41	---
4. Homes for the aged	161	70	158	64	156	---

[1] Additional reports were received and reviewed; however, not all reports are used in average cost studies. Incomplete reports and/or reports reflective of significant nonrecurring circumstances, the most common being short period reports, are excluded from average cost studies.

[2] Figures not supplied.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS COMPARISON OF PER DIEM BASIC COSTS, BY CLASSIFICATION AND COST CENTER, YEAR ENDED SEPT. 30, 1970

Cost centers	A-1	A-2	A-3	B	C	D
Administration:						
Salary	$0.60	$0.42	$0.19	$0.22	---	---
Nonsalary	1.85	1.64	1.53	1.46	$1.31	$1.11
Subtotal	2.45	2.06	1.72	1.68	1.31	1.11
Rent	.69	.30	.11	.15	.24	.11
Depreciation	.86	.55	.54	.56	.44	.29
Plant operation and maintenance:						
Salary	.33	.28	.19	.21	.12	.12
Nonsalary	.64	.57	.71	.74	.61	.47
Subtotal	.97	.85	.90	.95	.73	.59
Dietary:						
Salary	1.20	.99	.98	.99	.83	.46
Nonsalary	1.46	1.18	1.22	1.25	1.25	1.05
Subtotal	2.66	2.17	2.20	2.24	2.08	1.51
Laundry and linen:						
Salary	.15	.14	.12	.16	.15	.28
Nonsalary	.30	.23	.19	.25	.24	.15
Subtotal	.45	.37	.31	.41	.39	.43
Housekeeping:						
Salary	.51	.35	.26	.38	.39	.13
Nonsalary	.11	.09	.08	.09	.11	---
Subtotal	.62	.44	.34	.47	.50	.13
Nursing service:						
Salary	6.92	5.96	6.26	5.75	5.31	3.44
Nonsalary	.23	.11	.08	.11	.13	.02
Subtotal	7.15	6.07	6.34	5.86	5.44	3.46
Other service:						
Salary	.36	.35	.13	.12	.05	---
Nonsalary	.19	.16	.12	.05	.12	.05
Subtotal	.55	.51	25	.17	.17	.05
Other expense	.01	---	.01	---	.01	---
Total	16.41	13.32	12.72	12.49	11.31	7.68

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CONVALESCENT HOSPITALS—COMPARISON OF PERCENTAGE DISTRIBUTION OF BASIC COSTS BY CLASSIFICATION AND COST CENTER YEAR ENDED SEPT. 30, 1970

Cost centers	Classification [1] A–1	A–2	A–3	B	C	D
Administration	14.9	15.5	13.5	13.5	11.0	10.0
Rent	4.2	2.2	.9	1.2	2.1	1.4
Depreciation	5.2	4.1	4.2	4.5	3.9	3.8
Plant operation and maintenance	5.9	6.4	7.1	7.6	6.5	7.7
Dietary	16.2	16.3	17.3	17.9	18.4	19.7
Laundry and linen	2.7	2.8	2.4	3.3	3.4	5.6
Housekeeping	3.8	3.3	2.7	3.8	4.4	1.7
Nursing service	43.6	45.6	49.8	46.9	48.7	49.5
Other services	3.4	3.8	2.0	1.3	1.5	.6
Other expenses	.1	....	.1	....	.1	....
Total percent	100.0	100.0	100.0	100.0	100.0	100.0

Cost centers	Classification [1] A–1	A–2	A–3	B	C	D
Accounted for as:						
Salary	61.4	63.7	63.9	62.7	60.6	57.7
Nonsalary	38.6	36.3	36.1	37.3	39.4	42.3
Adjustments to basic cost:[2]						
Timelag 21 months	4.3	5.2	14.3	10.9	11.5	9.2
Officers salaries	4.9	6.7	6.0	9.6	11.6	14.1
Partner or proprietor Comp	9.9	11.5	12.1	10.0	9.7	....

[1] No facility was assigned an "E" classification by the Health Department for the 1970–71 reimbursement period.

[2] Percent of total basic cost.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION

CHILDREN'S HOSPITALS, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem cost
Administration:	
Salary	
Nonsalary	$0.90
Subtotal	.90
Rent	.09
Depreciation	.21
Plant operation and maintenance:	
Salary	.09
Nonsalary	.32
Subtotal	.41
Dietary:	
Salary	.31
Nonsalary	.53
Subtotal	.84
Laundry and linen:	
Salary	.23
Nonsalary	.13
Subtotal	.36
Housekeeping:	
Salary	.16
Nonsalary	.04
Subtotal	.20
Nursing service:	
Salary	4.87
Nonsalary	.01
Subtotal	4.88
Other service:	
Salary	
Nonsalary	.12
Subtotal	.12
Other expense	.05
Total	8.06

REST HOMES WITH NURSING SUPERVISION, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem costs
Administration:	
Salary	$0.41
Nonsalary	1.10
Subtotal	1.51
Rent	.56
Depreciation	.65
Plant operation and maintenance:	
Salary	.27
Nonsalary	.67
Subtotal	.94
Dietary:	
Salary	.97
Nonsalary	1.37
Subtotal	2.34
Laundry and linen:	
Salary	.10
Nonsalary	.12
Subtotal	.22
Housekeeping:	
Salary	.52
Nonsalary	.06
Subtotal	.58
Nursing service:	
Salary	2.78
Nonsalary	.07
Subtotal	2.85
Other service:	
Salary	.34
Nonsalary	.07
Subtotal	.41
Other expense	.01
Total	10.07

HOMES FOR THE AGED, PER DIEM BASIC COSTS BY COST CENTER—YEAR ENDED SEPT. 30, 1970

Cost centers	Per diem costs
Administration:	
Salary	$0.39
Nonsalary	.83
Subtotal	1.22
Rent	.23
Depreciation	.54
Plant operation and maintenance:	
Salary	.24
Nonsalary	.72
Subtotal	.96
Dietary:	
Salary	.89
Nonsalary	1.37
Subtotal	2.26
Laundry and linen:	
Salary	.09
Nonsalary	.09
Subtotal	.18
Housekeeping:	
Salary	.60
Nonsalary	.13
Subtotal	.73
Nursing service:	
Salary	.60
Nonsalary	.03
Subtotal	.63
Other service:	
Salary	.15
Nonsalary	.07
Subtotal	.22
Other expense	.03
Total	7.00

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION, CONVALESCENT HOSPITALS ET AL., COMPUTATION OF TIMELAG—3-YEAR MOVING AVERAGE

	Per diem basic cost 1967 (1)	1968 (2)	1969 (3)	1970 (4)	Cumulative percent increase (decrease) (5)	Monthly average col. 5÷36 (6)	Average percent, 21 months (col. 6×21) (7)
1. Convalescent hospitals:							
A–1: Basic cost	$15.46	$13.76	$15.03	$16.41			
Percent increase or (decrease)		(11.000)	9.230	9.182	7.412	0.2059	4.3239
A–2: Basic cost	12.31	11.37	12.70	13.32			
Percent increase or (decrease)		(7.636)	11.697	4.882	8.943	.2484	5.2164
A–3: Basic cost	10.39	9.09	11.39	12.72			
Percent increase or (decrease)		(12.512)	25.303	11.677	24.468	.6797	14.2737
B: Basic cost	10.46	10.45	11.77	12.49			
Percent increase of (decrease)		(0.096)	12.632	6.117	18.653	.5181	10.8801
C: Basic cost	9.35	10.20	10.60	11.31			
Percent increase of (decrease)		9.091	3.922	6.698	19.711	.5475	11.4975

Footnotes at end of table.

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION, CONVALESCENT HOSPITALS ET AL., COMPUTATION OF TIMELAG—3-YEAR MOVING AVERAGE—Continued

	Per diem basic cost				Cumulative percent increase (decrease)	Monthly average col. 5÷36	Average percent, 21 months (col. 6×21)
	1967	1968	1969	1970			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
D: Basic cost	$6.72	$8.04	$7.26	$7.68			
Percent increase or (decrease)		19.643	(9.701)	5.785	15.727	.4369	9.1749
E: Basic cost	6.96	13.11			(1)	(1)	(1)
Percent increase or (decrease)		88.362			(1)	(1)	(1)
2. Children's hospitals:							
Basic cost	5.77	6.58	6.90	8.06			
Percent increase or (decrease)		14.038	4.864	16.812	35.71	.9921	20.8341
3. Rest homes with nursing supervision:							
Basic cost	6.94	6.47	8.43	10.07			
Percent increase of (decrease)		7.637	12.851	19.454	39.942	1.1095	23.2995
4. Homes for the aged:							
Basic cost	4.79	5.94	6.28	7.00			
Percent increase or (decrease)		24.008	5.724	11.465	41.197	1.1444	24.0324

[1] No facilities assigned "E" classifications by the Health Department.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON A 3-YEAR MOVING AVERAGE AND TOTAL[1] UTILIZATION OF SERVICES

	Sept. 30, 1970, basic cost[1]	Timelag percent	Timelag adjustment
Convalescent hospitals:			
A-1	$16.41	4.3239	$0.71
A-2	13.32	5.2164	.69
A-3	12.72	14.2737	1.82
B	12.49	10.8801	1.36
C	11.31	11.4975	1.30
D	7.68	9.1749	.70
Children's hospitals	8.06	20.8341	1.68
Rest homes with nursing supervision	10.07	23.2995	2.35
Homes for the aged	7.00	24.0324	1.68

[1] Average per diem cost weighted on a basis reflective of total patient-days without special consideration for State utilization.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON 3-YEAR MOVING AVERAGE AND STATE[1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost[1]	Timelag percent	Timelag adjustment
Convalescent hospitals:			
A-1	$15.48	4.3239	$0.67
A-2	13.17	5.2164	.69
A-3	11.68	14.2737	1.67
B	11.59	10.8801	1.26
C	10.07	11.4975	1.16
D	7.74	9.1749	.71
Children's hospitals	8.04	20.8341	1.68
Rest homes with nursing supervision	8.97	23.2995	2.09
Homes for the aged	6.23	24.0324	1.50

[1] Average per diem cost weighted on a basis reflective of State patient days.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON LOWER OF ACTUAL TIMELAG PERCENT OR AVERAGE AND TOTAL[1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost[1]	Maximum timelag percent[2]	Timelag adjustment
Convalescent hospitals:			
A-1	$16.41	4.3239	$0.71
A-2	13.32	5.2164	.69
A-3	12.72	8.2047	1.04
B	12.49	8.2047	1.02
C	11.31	8.2047	.93
D	7.68	8.2047	.63
Children's hospitals	8.06	20.8341	1.68
Rest homes with nursing supervision	10.07	23.2995	2.35
Homes for the aged	7.00	24.0324	1.68

[1] Average per diem cost weighted on a basis reflective of total patient days without special consideration for State utilization.

[2] Timelag for various convalescent hospital classifications limited to the average percentage increase of 8.2047 percent.

CONVALESCENT HOSPITALS ET AL., COMPUTATION OF PER DIEM TIMELAG ADJUSTMENT BASED ON LOWER OF ACTUAL TIMELAG PERCENT OR AVERAGE AND STATE[1] UTILIZATION OF SERVICES

	Sept. 30, 1970 basic cost[1]	Maximum timelag percent[2]	Timelag adjustment
Canvalescent hospitals:			
A-1	$15.48	4.3239	$0.67
A-2	13.17	5.2164	.69
A-3	11.68	8.2047	.96
B	11.59	8.2047	.95
C	10.07	8.2047	.83
D	7.74	8.2047	.64
Children's hospitals	8.04	20.8341	1.68
Rest homes with nursing supervision	8.97	23.2995	2.09
Homes for the aged	6.23	24.0324	1.50

[1] Average per diem cost weighted on a basis reflective of State patient days.

[2] Timelag for various convalescent hospital classifications limited to the average percentage increase of 8.2047 percent.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPARISON OF ESTIMATED PER DIEM VALUES[1] FOR PROPRIETARY SERVICES 1970 THROUGH 1967

	1970	1969	1968	1967
Convalescent hospitals:				
A-1	$1.62	$1.44	$1.33	$1.42
A-2	1.53	1.49	1.35	1.30
A-3	1.54	1.31	1.00	1.07
B	1.25	1.24	1.17	1.07
C	1.10	1.15	1.14	.97
D			1.02	.96
E				
Children's hospitals	1.01	.84		
Rest homes with nursing supervision	1.00	.86	.83	.84
Homes for the aged	.78	.64	.55	.52

[1] Based on 10 percent of gross income.

STATE OF CONNECTICUT, HOSPITAL COST COMMISSION—CONVALESCENT HOSPITAL ET AL., COMPARISON OF PER DIEM CORPORATE SALARIES, 1970 THROUGH 1967

	1970	1969	1968	1967
Convalenscent hospitals:				
A-1	$0.81	$0.75	$0.69	$0.17
A-2	.89	.90	.69	.70
A-3	.76	1.01	.87	.93
B	1.20	.95	1.35	1.17
C	1.31	1.41	1.37	1.04
D	1.08	1.03	1.26	1.87
E			.67	1.01
Children's hospitals	1.67	1.55	.95	1.40
Rest homes with nursing supervision	.98	1.01	.61	.78
Homes for the aged	.35	.30	.23	.31

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPARISON OF BASIC COST, 1970 THROUGH 1967

	1970 (1)	1969 (2)	1968 (3)	1967 (4)	Percent increase 1970 over 1969 (5)
1. Convalescent hospitals:					
A-1	$16.41	$15.03	$13.76	$15.46	9.2
A-2	13.32	12.70	11.37	12.31	4.9
A-3	12.72	11.39	9.09	10.39	11.7
B	12.49	11.77	10.45	10.46	6.1
C	11.31	10.60	10.20	9.35	6.7
D	7.68	7.26	8.04	6.72	5.8
E			13.11	6.96	
Weighted average	15.43	14.08	12.80	11.44	9.6
Increase over prior year (percent)	9.6	10.0	11.9	13.5	
2. Children's hospitals	$8.06	$6.90	$6.58	$5.77	16.8
3. Rest homes with nursing supervision	10.07	8.43	7.47	6.94	19.5
4. Homes for the aged	7.00	6.28	5.94	4.79	11.5

CONVALESCENT HOSPITALS ET AL., COMPUTATION OF EQUITABLE PER DIEM COMPENSATION—YEAR ENDED SEPT. 30, 1970

	Average number of employees per bed (1)	Conversion factor percent of total beds (2)	Weighted component average number of employees (column 1×2) (3)	Index average number of employees to weighted average (column 1÷average 0.5734) (4)	Overall average per diem corporate salaries (5)	Equitable compensation (column 4×5) (6)
Convalescent hospitals:						
A-1	0.66	57.9	0.3821	1.15	$0.8277	$0.95
A-2	.61	9.4	.0573	1.06	.8277	.88
A-3	.67	2.9	.0194	1.17	.8277	.97
B	.68	3.6	.0245	1.19	.8277	.99
C	.58	4.1	.0238	1.01	.8277	.84
D	.48	.3	.0014	.84	.8277	.70
Children's hospitals	.51	1.4	.0071	.89	.8277	.74
Rest homes with nursing supervision	.37	8.6	.0318	.65	.8277	.54
Homes for the aged	.22	11.8	.0260	.38	.8277	.31
Total		100.0				
Average number of employees per bed (total col. 3)			.5734			

STATE OF CONNECTICUT—HOSPITAL COST COMMISSION—CONVALESCENT HOSPITALS ET AL., COMPUTATION OF OVERALL AVERAGE PER DIEM CORPORATE SALARY—YEAR ENDED SEPT. 30, 1970

	Per diem corporate salary (1)	Conversion factor percent of total patient days (2)	Weighted salary component (col. 1 by 2) (3)
Convalescent hospitals:			
A-1	$0.81	58.8	$0.4763
A-2	.89	9.6	.0854
A-3	.76	2.9	.0220
B	1.20	3.6	.0432
C	1.31	4.1	.0537
D	1.08	.3	.0032
Children's hospitals	$1.67	1.4	$0.0234
Rest homes with nursing supervision	.98	8.4	.0823
Homes for the aged	.35	10.9	.0382
Average per diem corporate salary		100.0	.8277

Convalescent Hospitals Et Al.—Average Percent of Occupancy, Year Ended September 30, 1970

Convalescent Hospitals and	Percent
A-1	93.7
A-2	94.5
A-3	92.6
B	90.7
C	90.6
D	95.5
E	
Children's Hospitals	98.9
Rest Homes with nursing supervision	90.2
Homes for the Aged	85.0

TRIBUTE TO THE LATE SENATOR PROUTY

Mr. **MOSS**. Mr. President, I rise to join my fellow Members of Congress in paying appropriate tribute to the memory of our esteemed colleague, the late Senator from Vermont, Winston L. Prouty.

For 33 years, Senator Prouty faithfully served the people of his State and Nation as a man of high integrity, championing the causes of education, the workingman, and the elderly. His long record of public service included positions as mayor of his hometown of Newport, as speaker of the Vermont House of Representatives, and as a distinguished Member of both Houses of the U.S. Congress.

Mr. President, in past years I have served with Win Prouty on the Commerce Committee and the Senate Special Committee on Aging. I know firsthand his distinguished efforts especially on behalf of the elderly.

Senator Prouty's thoughtful manner and effective advocacy as a dedicated public servant will be sorely missed by the Senate, the citizens of his State, Vermont, and the entire Nation.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG NEXT FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Friday next, immediately following the remarks by the distinguished senior Senator from Georgia (Mr. TALMADGE), the distinguished Senator from North Dakota (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, if the distinguished assistant Republican leader has anything to say, I shall yield to him for that purpose. If not, I will proceed with the statement of the program for Monday.

Mr. President, the program for Monday next is as follows:

The Senate will convene at 12 o'clock noon. Following the recognition of the two leaders under the standing order, the junior Senator from West Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes. This will be followed by a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes. At the close of the routine morning business, the Senate will resume the consideration of the conference report on the extension and the revision of the draft.

At 3 p.m., two rollcall votes will occur consecutively on the following:

First, the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties; and

Second, certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil.

Following the two rollcall votes, the Senate will resume consideration of the conference report on the draft.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 20, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 40 minutes p.m.) the Senate adjourned until Monday, September 20, 1971, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1971:

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Harris Whitton Hollis, [redacted] [redacted] Army of the United States (brigadier general, U.S. Army).

IN THE NAVY

The nominations beginning Guy Harold Able III, to be lieutenant, and ending Margaret Anne Zuger, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 6, 1971.

EXTENSIONS OF REMARKS

NATIONAL HIGHWAY WEEK OBSERVED—NATIONAL ROAD SYSTEM CONTINUES TO GROW IN SERVICE TO AMERICAN PEOPLE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. RANDOLPH. Mr. President, the week of September 19–25 has been designated National Highway Week and it is appropriate that we give notice to the contribution of the American highway system to the continued growth and strength of our country.

Roads have been an increasingly important means of transportation from the earliest days of the frontier when primitive trails were hacked through the wilderness. These first arteries bear no resemblance to the great superhighways that today connect every section of our country. But there is a direct link between the two in the steady growth and refinement of the highway system.

The Federal highway program has been in existence for more than 50 years, giving the Federal Government a major role in the development of better highways.

America has come to be increasingly reliant on motor vehicles of all types for the transportation of goods and people. More than 108 million vehicles now use our streets and roads and this number is growing yearly.

The Interstate Highway System is the most ambitious highway program ever undertaken and has frequently been called the greatest public works project in the history of the world. It is difficult to argue with this conclusion when we see the vast improvements in highway transportation that have been made possible by the Interstate System. The interstates are now more than 75 percent completed and their impact on the country has been great.

Highways, however, are more than just a means or transportation. They have a significant impact on many aspects of our national life. Highways not only determine what people will eat and where they will go on their vacations, they also influence where and how people live, the development of whole regions and levels of economic prosperity enjoyed by communities throughout the country.

From the beginning, Federal involvement in highway development has been one of partnership with the States. This is a joint effort that has grown over the years and has been successful in providing the world's most advanced highway system.

While we have made greater progress in developing our highway system, we know that it is far from adequate and far from perfect. There is a large and dedicated team composed of government, industry, and individual citizens constantly at work to make our roads better and more responsive to the needs of our country. It is these individuals that I salute during this National Highway Week of 1971.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, during the hearings I recently concluded in Minneapolis a new organization was represented by Mr. Thomas P. Cook. Mr. Cook is the executive secretary of the Hennepin County Medical Society and the new Metropolitan Health Care Foundation. A statement explaining the foundation's activity is included.

Mr. Cook, and another witness, Dr. Walter McClure, representing the American Rehabilitation Foundation, discussed health maintenance organizations. In Mr. Cook's view the success of HMO's depends on three factors: First, public acceptance; second, professional acceptance; and third, the ability of HMO's to meet the health needs of society at a reasonable cost. He further indicated that there was very little resistance to the idea of HMO's, but that their future success was not guaranteed.

Dr. McClure has worked long and hard on proposals to establish HMO's. In his statement he emphasized a number of aspects of HMO's and how to create them.

He discussed the incentive system that would be built into the HMO concept. On the one hand these organizations would receive more money for the greater number of people they enroll, providing an incentive to increase their enrollment. On the other hand, preventive medicine would be emphasized since that avoids the high cost of curative medicine. Professional staff members of HMO's would receive additional financial incentives to keep their members well. Dr. McClure argued very persuasively for Congress to improve the delivery of health care while continuing to debate the improvements needed in financing health care.

Also, Dr. McClure discussed the role of insurance companies and Blue Cross as part of a new system. He sees the role of insurance companies as managers and marketers for the newly established HMO's. At the same time, however, Dr. McClure made a strong case for stringent Federal regulations of HMO's while favoring lesser day-to-day regulation in terms of "tinkering regulations."

During the discussion, in response to a question concerning whether or not it was possible for HMO's to be profitmaking, Dr. McClure stated the following:

These organizations are not cheap to set up. An immense amount of planning, organization, and marketing has to go on. If the federal government is going to finance this effort, this means the federal government will have to discover funds in the budget that are not presently there. Therefore, it seems to me that in order to start these organizations initially we are going to have to heavily tap private capital. I do not see how private capital can be tapped under present non-profit arrangements. I would start out with the following thought that presently physicians are profit-making individuals and that organization into profit-making organizations suffers the same difficulties as in the individual case. I don't think that there is a problem with a profit making HMO as long as the rules are set well and well-regulated. Regulations and quality control is a part of this system. . . . Moreover we feel that the HMO concept because it has a contractual relationship to care for the individual allows us to judge from the health status of that individual the performance of the HMO. Under our traditional system we have no way of knowing what the quality of care being received by a person is in terms of the provider who provided it because there may be dozens of providers providing who take no responsibility for the health of the whole person.

The letter follows:

HENNEPIN COUNTY MEDICAL SOCIETY,
Minneapolis, Minn., February 27, 1971.
Hon. DONALD M. FRASER,
House of Representatives,
Fifth District, Minnesota:

The Hennepin County Medical Society has long expressed a continuing concern for the ever-rising cost of health care in our metropolitan area.

For some twenty months now we have been putting together a Health Care Foundation. When in operation this Foundation will include all seven counties in our Twin City Metropolitan area. We hope to have the Foundation in operation about April first.

Through an on-going program of Peer Review the Foundation hopes to relate to all aspects of the health care field.

The Foundation will concern itself with the quality of health services.

With the frequency of the attending physician's services for conditions treated on an ambulatory basis.

The Medical justification for admission to the hospital as a bed patient.

For the work-up and treatment while hospitalized.

A determination as to whether or not the duration of hospital stay is reasonable and medically acceptable.

And to concern ourselves with the reasonableness of fees for professional services.

The Foundation will work closely and continuously with the Blue Shield and Blue Cross health service plans—and with all major companies providing insurance against the cost of health care in this metropolitan area.

We are hopeful that in due course we will be able to render similar services to all Welfare agencies functioning in this seven county metropolitan area and eventually to provide like services for the "Medicare & Medicaid" programs.

Material identified with the Health Care Foundation is respectfully submitted at this time.

THOMAS P. COOK,
Executive Secretary, Hennepin County Medical Society and Metropolitan Health Care Foundation.

AMERICAN PUBLIC WORKS ASSOCIATION TO PUBLISH BICENTENNIAL HISTORY OF PUBLIC WORKS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. RANDOLPH. Mr. President, in 5 years the United States will celebrate the 200th anniversary of its independence. Many groups are already at work on their plans for participation in the national observance. I fully anticipate that the American bicentennial in 1976 will be a great demonstration of the strength and vitality of our country as well as a review of our history and the renewal of our dedication to the principles on which our Nation was founded.

The American Public Works Association recently conducted its annual congress and equipment show in Philadelphia. Meeting in the city where our Nation was founded, the association adopted a resolution accepting as its project for the bicentennial observance the compilation and publication of a history of public works in the United States from 1776 to 1976.

Throughout our history, public works activities have performed an important role in the building of our Nation. It is, therefore, appropriate that such a document be prepared, and I know it will contribute to a fuller understanding of our country.

Mr. President, I ask unanimous consent that the resolution adopted by the American Public Works Association on September 11 in Philadelphia be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

BICENTENNIAL RESOLUTION, CONGRESS HALL,
PHILADELPHIA, PA.

Whereas, public works, constituting as it does the physical structures and facilities required to house all types of governmental functions and provide water, power, waste disposal and transportation service to the general public, has contributed significantly to the growth and development of the United States; and

Whereas, there is a general tendency to take public works facilities and services for granted, not realizing how much people are actually dependent upon such systems, particularly in urban communities; and

Whereas, members of the American Public Works Association are now assembling in the historic City of Philadelphia for the 1971 Public Works Congress and Equipment Show, while members of its Board of Directors, House of Delegates and Advisory Council, consisting of the Past Presidents of the Association, are now convened in joint session in Congress Hall where the founding fathers of this Nation took historic action of far-reaching significance to all mankind; and

Whereas, President Richard M. Nixon has officially proclaimed the Bicentennial Era to extend from 1971 through 1976, and has requested that appropriate steps be taken to mark the observance of the 200th Anniversary of the United States of America; now, therefore, be it

Resolved, that members of the constituent bodies of the American Public Works Association assembled here this eleventh day of September, nineteen hundred seventy one, do hereby adopt and authorize as the Association's official Bicentennial project, the preparation and publication of a history of public works in the United States from 1776 to 1976 so that future generations may benefit from a comprehensive review of public works in perspective; and be it further

Resolved, that the Executive Director be requested to seek the cooperation and endorsement of this project by the Senate and House Public Works Committee of the United States Congress and that he be charged with the responsibility of making appropriate arrangement for the successful completion of this project by early 1976 and empowered to enter into agreements and incur such expenditures as may be required subject to their approval by the Board of Directors.

PEACETIME USES OF THE MILITARY—ENVIRONMENTAL ENGINEERS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MIKVA. Mr. Speaker, many of the problems currently faced by the Armed Forces stem from the fact that up until now, the only clearly defined function of the military has been to wage war and defend the Nation from military attack.

What does such an Army do in a time of peace? Some meaningful function must be assigned, other than waiting around for a war to develop, if the military is to be able to attract enough volunteers and maintain enough morale to insure that we will have a ready and alert force if and when military defense becomes necessary.

Prof. Morris Janowitz of the University of Chicago, a distinguished sociologist and military analyst, has developed an exciting idea for peacetime use of the Armed Forces. He suggests employment of the military in various aspects of community service, working in the public interest in areas which are not being pursued either by private industry or by civilian governmental units.

An Army which builds housing where decent low income housing units are desperately needed, an Army which applies its engineering capabilities to combat air and water pollution and solid waste disposal problems, an Army which assists in providing medical and social services to urban and rural problem areas—an Army which preserves its potential for defense while performing currently for peace—this is the kind of Army which may begin to attract substantial numbers of capable young Americans who are hungry for opportunities to serve their country in a meaningful way.

I insert in the RECORD the text of a brief statement by Professor Janowitz outlining his ideas for a new peacetime posture for the military:

THE ALL-VOLUNTEER ARMED FORCE AND ENVIRONMENTAL CONTROL

(By Morris Janowitz)

By 1975, the United States military will be an all-volunteer force and it will stand near one and one half million men. With the exception of over one hundred thousand men stationed in Western Europe the bulk of the men will be located in the United States, and hopefully they will be operating under an effective doctrine of flexible deterrence.

Such a force will have the capacity for effective involvement in the handling of broad range of domestic emergency work and for participation in environment and pollution control. Within the military there are younger officers who understand the importance of these tasks for the military. The basic issue is not as Traditionalists seek to argue that the military should be engaged in its primary military mission and not be diverted into secondary goals. To the contrary, participation in these missions is essential to its vitality and sense of responsibility. The military in the United States has traditionally participated in civilian-type activities, but the content and scope of these tasks are now undergoing drastic change. Especially in a period of deterrence, the military must avoid a purely negative role, crucial though that may be. It must avoid a sense of underemployment and boredom, especially among its junior officers.

Clearly, the military cannot engage in tasks that are better performed by civilian agencies. Clearly, the essential issue is to make use of the standby and unused resources of the armed forces. These resources are too extensive not to be effectively engaged in contributing to the solution of domestic needs. Clearly, the special capacity of the military hinges on its public service ethic, its ability to respond to emergencies and to improvise in the use of its resources.

In a democratic society, the military cannot be encouraged or permitted to over-extend its boundaries. The military cannot be expected to assume broad educational functions in a democratic society or make up for the defects of the inner-city schools system, although it can offer a second chance to a limited number of youngsters. Moreover, in a democratic society it must be removed from domestic police surveillance functions. Its role in domestic disorder is also very limited; it can serve only as a temporary back-up force when local institutions are unable to handle their situation. Even under those circumstances we have learned that military forces most often serve best as auxiliaries to local civilian officials.

The military are already involved in a variety of national emergency functions and these assignments need to be broadened and made more effective. The military operate extensively the handling of the effects of natural disasters—floods, hurricanes and the like; these are situations which require their flexible resources. Forest fighting is a typical area in which their role could be expanded. To natural disasters should be added the ever increasing scope of man-made disasters; oil spills, power failures and chemical and atomic accidents. The armed forces are indispensible in a variety of air and sea rescue work of civilians, to which is being added on an experimental basis, medical evacuation especially of road accidents, where alternative facilities are not available.

However the major frontier, rests in the area of environmental control and in the handling of particular aspects of pollution and resource destruction. The Corps of Engineers have moved in this direction but only the first steps have been taken. The scope of a desired program must tap the basic resources of the armed forces.

First, a central planning unit needs to be established in the Department of Defense to examine how existing or modified units of the military can use their standby resources effectively for environment control. Most military units have a positive contribution to make. Second, the study and analysis of environmental problems and pollution control need to be added to the topics of the military academies at West Point, Annapolis, and Colorado Springs and to the advanced schools of the armed forces. Third, experimental programs need to be established for within the frame of existing military requirements. Four, the military career itself needs to be restructured so that military personnel can be rotated into special assignments or assigned to civilian agencies for longer and shorter periods of time. Such rotation will prevent the military from becoming socially insolated from American society and help prepare them for second careers after retirement.

PROFILE OF GEORGE HARTZOG, DIRECTOR OF THE NATIONAL PARK SERVICE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. THURMOND. Mr. President, the New Yorker magazine for September 11, contains an article presenting a profile of George Hartzog, Director of the National Park Service. The article, written by John McPhee, describes George Hartzog and the effective manner in which he administers the National Park Service.

The article points out that Mr. Hartzog is a self-educated man who was a licensed local minister at the age of 17, taught himself law, and later passed the South Carolina bar examination. He is originally from Smoaks, S.C., but his family moved to Waterloo, S.C., where he studied law when their farm failed. George Hartzog still preaches wherever he can in churches around Washington and feels that in his present position he is performing a mission as necessary and constructive as the ministry.

The National Park Service is only 50 years old, and Mr. Hartzog is the second Director to come up from ranger. The article states that his two principal goals as Director of the National Park Service are to maintain the park system's vast existing apparatus and at the same time to give it a new emphasis toward cities.

I personally know George Hartzog to be highly qualified and competent both by his native intelligence and ability, and his extensive and successful experience in the National Park Service. His achievement to his high position is truly a credit to a self-made man. This article is an excellent profile of the life, personality, and professional competence of an outstanding American. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

[From the New Yorker magazine, Sept. 11, 1971]

PROFILES: RANGER GEORGE HARTZOG

In front of the Hotel Astor, some years ago, a policeman was doing what he could to improve the flow of traffic when a tall and youthful man stepped off the curb and approached him. "Excuse me, Officer," he said. "My name is George Hartzog. I'm a ranger from Great Smoky Mountains National Park." It is, of course, impossible to say what ran through the cop's mind at that moment, but something stirred there—perhaps a sense of colleagueship, however distant. Hartzog, for his part, feeling bewildered in this milieu, was attempting not to show his extrinsic fear. He had never been and never would be comfortable in New York. He gestured upstream into the river of metal that was moving south, one way, around them. "My wife is about to come down through here in a yellow station wagon," he said. "I told her I'd be waiting for her, and she should be here any minute. Would you help me get her out of the traffic?" "Ranger, you stand right here, and when you see your wife, point her out," said the cop. Two minutes later, the yellow station wagon appeared under the big advertising signs and moved past Lindy's and Jack Dempsey's and McGinnis of Sheepshead Bay and on into the zone of the Astor, where the policeman, paralyzing the traffic of the city, cleared out an acre of the avenue and guided Mrs. Hartzog to the curb.

When Hartzog was nineteen years old, he went to work in the law offices of Padgett & Moorer, in a one-story frame building on Jefferies Boulevard, in Walterboro, South Carolina. Padgett had died, and Moorer needed assistance. Hartzog, who knew shorthand, worked as stenographer, typist, and general clerk. Before long, he told Moorer that he would like to read law, and that he would like Moorer to be his law school. Moorer, a thin man in a black suit, made no immediate response, but finally took from a shelf the four volumes of Sir William Blackstone's "Commentaries on the Laws of England." "They're in Old English," Moorer said, meaning that the s's would appear to be f's. "Read them. If you're still interested after that, I'll think about it." Hartzog read Blackstone, and Hartzog's aspirations somehow survived. So Moorer took him across the street to the Colleton County Courthouse, got out an enormous pile of deeds, mortgages, and probate papers, and put him to work on a land-title case. Moorer told Hartzog to copy everything as quickly as he could, and Moorer went off to play golf. It was a blazing August day, followed by a dense and unrelieving August night. Hartzog got the permission of the county clerk to remain after hours in the courthouse, and he sat there all night. "I did it," he said to Moorer in the morning, giving him a completed memorandum. Moorer showed Hartzog another lawbook, and talked over with him what he read there. He took him back to the courthouse and had him copy more papers. This went on for thirty-three months, and then Hartzog sat for and passed the bar examinations of South Carolina.

Hartzog, who is now Director of the National Park Service, has on his office wall in the Department of the Interior a framed admonition from George Washington: "Do not suffer your good nature, when application is made, to say 'Yes' when you should say 'No.' Remember, it is a public not a private cause that is to be injured or benefitted by your choice. On a table beneath the quotation is a telephone console (a garden of square buttons, seventeen in all) through which application of one kind or another is made to Hartzog all day long—an office day that begins at 7:30 a.m. and almost never lasts less than twelve hours.

He sits beside the console in a leather armchair. He punches one of the buttons. "Yes, sir? . . . How are you? . . . Fine . . . Put any kind of restriction on me you want, and I'll come back for oversight reporting and all the rest." He punches another button. "Joe, it's cheaper than transporting 'em to jail. If it's good, why should you quit? And if it's good, why shouldn't you do it?" Hartzog lights a Garcia y Vega cigar. He uses a silver-trimmed walnut cigar holder, and the entire rig extends about twelve inches from his mouth. As he talks, he smiles and grins, as if his gestures as well as his language were going out over the line. All this smiling has put crow's-feet in the corners of his eyes. He is in his early fifties, and his face is still youthful, even delicate. The skin is soft. His eyelashes are long.

His eyes are bright, and they do not move when he is talking. In Washington, he has become overweight to the point of medical concern. Most of the excess is concentrated in the space between the arms of his chair. His hair is thin, and he is growing bald at the temple. He wears a dark suit, a white shirt, a striped tie, and a shell-inlay Indian ring.

Hartzog's deputies—his deputy for legislation, his deputy for operations—sit down with him at eight-fifteen. The Director expects everyone else to work as long hours as he does. They talk about a ribbon-cutting in Maryland, a photographic safari in Wyoming, exposure, publicity, and wilderness. "Is wilderness a zone of use or is wilderness a physical state?" Hartzog's voice is loud—signifying nothing more than animation, but to people who don't know him it can sound like anger. "Don't pass over my question," he says when someone changes the subject, but the question is really rhetorical.

Wilderness, as seen from this corner of the Department of the Interior, is a zone of use. Hartzog puts down his cigar and lights a cigarette. The meeting expands into a conference room, where pictures of the Secretary of the Interior and the President hang side by side on a wall. The top of the Secretary's head is hung so that it is level with the President's chin. Twelve people, Hartzog's central staff, now surround the Director, and he lights another cigar. In all, some thirteen thousand people work for him, and these vary from Washington policemen to wilderness rangers, naturalists, historians, and men who pick up papers on the ends of sticks. Hartzog is the administrative overlord of one one-hundredths of the United States. His dispersed domains cover nearly thirty million acres. He has not only the national parks, and territories equally remote, but also parkland and other properties in Boston, New York, Philadelphia, and St. Louis, and eight thousand acres of the District of Columbia. He is the janitor of the White House. He runs the Statue of Liberty, and all the national monuments, cemeteries, seashores, parkways, battlefields, military parks, historical parks, and recreation areas. The clock above the door says 9 a.m. Hartzog picks up a paper clip and bends it open so that it resembles a propeller. While he talks, leaning forward, forearms against the conference table, he spins the paper clip. "Justice wouldn't file the suit because there was no money. I waited a year to have some paper in your hand so you could agree with Justice."

"We have supporting data."

"That's what you told me last year. How's the pay cost? Does it hurt or is it just annoying?"

"We can live with it."

"There's a disallowance of pay-increase values. If the savings didn't come about through lapses, we would have to have a reduction in force. I just don't think you can get an item like that through Congress. They're not going to give you any Washington-office support costs. I want to get the thing to the Office of Management and Budget, though. I don't see any point in fiddling around with it. That's what stripped the gears last week."

The National Park Service is more than fifty years old and has had only seven directors. Hartzog is the second to come up from ranger. His two principal goals are to maintain the park system's vast existing apparatus and at the same time to give it a new emphasis toward cities. Implementing his programs, he attempts to inform, influence, entice, flatter, outguess, and sense the mood of congressmen, senators, and various members of the Administration, including his own overlord, the Secretary of the Interior. There is much laughter around his conference table, shot through with moments of high-pitched intensity. The men seem to care a great deal about what they are saying, and they apparently understand one another, although their language, to the laity, is unintelligible.

"Supplemental itself does not give you positions," the Director says.

"We'll understand it better when we get more feedback," says one of his deputies.

"The report has been surnamed. We'll know something soon."

"We want to get something down that's serious as a foundation for budget figures."

"A talking document."

"It will smoke out Management and Budget."

"Every time we try to do something, they ask for another study. They've been studying the hell out of me for seven years."

"You won't know anything if there's insufficient input."

"Or if you don't understand what the broad parameters are." Laughter.

"O.M.B. won't put up money for experimental programs."

"Are we the lead agency?"

"Yes."

"We'll need to supplement our in-house capabilities."

"Amen."

"Then we'll be able to monitor the full flow of the effort when it is in gear."

"We can tool up to do this by 1972, particularly if we reprogram it."

"We're spinning our wheels."

"Be careful," Hartzog warns. "If you send them a tentative figure for 1972, that becomes your ceiling, and at this stage we need that sort of thing like a Buick needs a fifth hole. Any more questions?"

Hartzog is a master of transitions, from subject to subject or meeting to meeting. He keeps a conversation in flight just as long as he feels it is getting somewhere, and then he puts it down. "Take the numbers out of the back of it," he concludes. "Put a new map with it, write letters, and say, 'Here it is.'"

The persons, populations, and places beneath these punch-card blocks of language gradually emerge. What these people have been talking about—among other things—are a group of islands in Lake Superior, certain areas of the City of New York, the south-Florida ecosystem, and Everglades National Park. The Park Service is making a national lakeshore of the Apostle Islands, an hour's drive from Duluth, three-hours from Minneapolis. Local speculators, as is frequently the case, are gumming the procedure. The Park Service would like to establish a vast recreation area among beaches and islands around the entrance to New York Harbor. Problems there only begin with speculators. But the Apostle Islands and the gateway beaches of New York are near people—nearer, that is, than Yellowstone—and the park system needs to go to the people now. Yellowstone National Park was established in 1872 and was the first thing of its kind in the world. It set an international example. But Yellowstone is a long way from the East River, and another example is coming. Hartzog wants to clean up and, in a limited way, to develop big areas of beach and harbor front, and then to connect these places to Harlem and Bedford-Stuyvesant with a fleet of fast-moving boats that charge no fares. The plans are well along. Meanwhile, he has to protect what he already has. The Everglades are drying up, because something called the Central and Southern Florida Flood Control District—a project of the Army Engineers—is intercepting water and diverting it to agricultural use. For two days, Hartzog has been on the phone to senators who are holding hearings on the subject.

Further threat to the Everglades appeared in the form of a stupendous jetport to be placed in the swamps near Miami. The Park Service and conservation groups—not always friends—joined to block the jetport, and they were successful, but, in compromise, a jet-training airport has been established instead, and it is now up to the Park Service, protecting the swamps, protecting the Seminoles and the Miccosukees, to monitor the various forms of pollution that come from the site, including noise.

"What is the psychological effect of noise on an Indian?"

"Who the hell is capable of doing that kind of research?"

"The University of Miami."

"It will be in the environmental plan."

"O.K. Photograph the draft and let the task force on Big Cypress have it."

Hartzog puts out a cigarette and unhurriedly lights another cigar. He is like a man with a rake, steadily burning leaves.

Word of crisis reaches the room. The roof beams at Wolf Trap Farm have sheared. Wolf Trap Farm is in Fairfax County, Virginia, and there the Park Service is building a performing-arts center that includes a theatre big enough to accommodate more than six thousand people. Invitations have been sent to Mrs. Nixon, a large piece of Congress, various Cabinet members, and ambassadors from countries on all levels of economic development to collect at Wolf Trap for a ceremony focussed on the topping out of the roof, the beams of which—laminated, six feet thick—have just cracked. Joe Jensen, Associate Director for Professional Services, quietly explains to everyone what queen-post trusses are and how, under excessive strain, they may shear. Slowly—or so it seems—the import of what is being said comes clear in Hartzog's mind, and then he speaks rapidly and his voice is sharp and hard.

"Where are the sheared beams?"

"They're lying in the parking lot."

"And we're supposed to have a topping-out ceremony with the roof beams lying in the parking lot? You're not going to kid the press to the point of thinking you're having a topping-out ceremony in a building that has a structural defect so that you can't put a roof on it. You're got the First Lady involved. You don't involve her in a sham. Call Mrs. Nixon's people and tell them we don't think we should go ahead with the ceremony." A man on Hartzog's right gets up and leaves the room.

"The structure is safe enough, George. You're not worried about anyone getting hurt, are you?"

"I'm not worried about anyone getting hurt, except politically."

The crisis is abruptly dropped.

"I need a superintendent at Chamizal like a Buick needs a fifth hole, but I got one, because he is locked into the budget," Hartzog says. "I don't want that to happen again." He raps his knuckles on the table. "Senator Bible is complaining about our slowness on the Craters of the Moon Wilderness Area. I want that tied into the next budget appeal. And we've got to move on Alaska. Alaska is hot right now. What is the list of the things we want?"

"Klondike Gold Rush International Historical Park, Wood-Tikchik National Recreation Area, the Lake Clark Pass, extensions to Mount McKinley National Park, Gates of the Arctic National Park, and the St. Elias Range—fifteen million acres in all."

"Before you assign someone to the theme study, I want you to touch base with Pat Ryan. Any more questions?"

The Park Service archeologist, smoking Kools, begins to talk about a Park Service underwater-salvage plan involving ancient shipwrecks off the Florida coast. He wears a string tie secured with a silver-and-turquoise shell-inlay broach. Hartzog lets him talk for a while, then says, "Any more questions?"

"St. Catherines Island, on the Georgia

coast—do we want it? The foundation that owns it wants to get rid of it."

"Do we *want* it? I don't know. It's not in the study plan."

"Yes, it's one of three we want."

"Any more questions?"

"You know about the arson at the Richmond Battlefield?"

"Yes. Disgusting. How much damage?"

"Thirty thousand dollars."

"When are the Connecticut River hearings?"

"Thursday. In Hartford."

"Nothing else? That's all, gentlemen."

Hartzog hurries back to his console, and moments later he is again on the phone, while his secretary orchestrates incoming and outgoing calls. He punches a button. "Senator, I want you to know I've gone the last mile with these people. Make a deal with them and it turns to ashes. We simply aren't going to have enough water. Not nearly enough water. . . . Yes. . . . Thank you. . . . Thank you, sir. I deeply appreciate it." Punch.

"Congressman, you and I have been through this sort of thing before, and we knew that in a situation like this a lie goes around the world before the truth gets its britches on." Punch.

"Senator, I want you to know I've gone the last mile with these people. . . . Yes . . . No. . . . Yes, I knew you'd tell me honestly, that's why I called you." Punch.

"Better hold off, Joe, I have the Secretary rolled up enough now, and I think if you were to throw a restudy in there at this time you'd kill it." Punch. A fresh cigar.

"No. I'ts very simple. The Indians have the government over a barrel. We can't force those Indian lands into this, because both tribes have now changed their minds and want to stay out. The Indians are listening to their white brother the real-state speculator." Punch. Puff.

"Mr. Secretary, I appreciate your returning my call. It's about this photographic safari in Yellowstone. I'd like very much to give you this exposure. You would inaugurate it, then we'd take you off and bring you out." Punch.

An incoming call informs Hartzog that the White House feels it is too late to stop the ceremony at Wolf Trap Farm, because the invitations have all gone out. Hartzog, staring into the floor, is quiet for two minutes. "Then just don't call it a topping-out ceremony," he says at last. "Whatever you do, change the name."

It is noon. He gets up to leave, explaining to his assistants that the meeting he is going to is secret. "It's with the Idaho delegation," he tells them, "and it's so secret they won't even let their staff in on it. But when I come back, I may have a national park."

By the door is another framed quotation. This one says, "Great Spirit, grant that I may not criticize my neighbor until I have walked a mile in his moccasins."

For two hours now, Hartzog has been sitting in a boat on the Buffalo River doing the closest thing to nothing at all. He is fishing. Fishing is his only recreation. The Park Service stocks bass and bream in Prince William Forest Park, near Washington, and Hartzog sometimes goes out there for what he contemptuously calls "put-and-take," but the Buffalo, in Arkansas, in his idea of the real thing, and there is almost nowhere he would rather be. He says he feels he has to "stay close to the deck," though—to Washington, interior, to Capitol Hill, to the console—and so he allows himself to make such a trip only once every three or four years.

The Buffalo River rises in the Boston Mountains. Wild and free-flowing, it drops to the east for a hundred and fifty miles through Ozark forest terrain. It is punctuated with rapids, and it has cut canyons five hundred feet into limestone. Infrequently, it passes small farms, which are for the most part abandoned, and in the river below such farms are islands of coarse gravel. Hartzog's boat is anchored in the stream just beyond the tip of a gravel island. The anchor is a two-foot piece of railroad track. Hartzog, casting rod in hand, cocks his wrist and flips a crawdad in a high, silent parabola. It falls, and splats near the riverbank—a skillful cast. He wears desert boots, white socks, a fading shirt and old gray trousers, a suede jacket, a baseball cap. He has a string tie with a shell-inlay clasp that was made by a Zuñi about a hundred years ago. After some minutes of silence, he says, "The gravel came from erosion from that hardscrabble farm. That was before we learned what contour plowing was about. And by the time we learned what contour plowing was about, the people had moved to the city, and contour plowing was irrelevant." He casts again. Splat. More silence.

Hartzog, who ordinarily holds intense conversations with at least a hundred people a day, appears at this moment to be drinking the silence. The fishing is terrible, but he doesn't seem to care. The river is full of twigs, leaves, and specks of forest trash. It is swollen four feet above its normal level, and only ten days earlier it was twenty-eight feet above normal and in savage flood. "She's perky. Oh yeah, she's real nasty," says Hartzog's boatman, whose name is Cal Smith. The boat is a johnboat, twenty feet long, narrow, flat-bottomed. Hartzog sits near the bow in a strapped-down director's chair, and Smith is in the stern beside a nine-and-a-half-horse Johnson outboard. Smith is a big man with heavy bones, frankfurtery fingers, lithic jowls. He grew up by a quiet stream in Missouri. His father used to tell him what the bullfrogs were saying to each other when they conversed in the night. "Come around, come around," said Mr. Frog. And Mrs. Frog's answer was "Too deep. Too deep." Hartzog laughs a big, shaking laugh at the story of the frustrated frog. So Smith tries another one—about President Roosevelt gettin' in trouble with a gal named Pearl Harbor. Hartzog's laughter has the same volume but is somewhat forced this time.

Hartzog tells Smith about a moonshiner who took up counterfeiting and made a fifteen-dollar bill. He gave it to a country storekeeper, asking for change, and he was given two sixes and a three. Smith almost chuckles himself out of the boat. The silences between these stories are long ones, without a nibble. That flood really stirred up the river. The engine of another johnboat whines impatiently several hundred yards downstream. This one contains Hartzog's friend Anthony Buford, and Buford's boat is now heading back upstream, apparently to rendezvous with Hartzog's. Buford is a middle-sized man with a leonine head, deep facial wrinkles, and a gruff, gravelly voice. (A third boat, beyond sight around a bend, contains Hartzog's two sons, one of them under ten and the other in his twenties.)

Like Hartzog, Buford is a self-educated lawyer who grew up against a rural background—in his case, southeastern Missouri, where he now has a big farm. Buford is an aggressive man. He aggressively raises quarter horses. He aggressively raises peerless cattle. He was an aggressive attorney, before he retired. He was general counsel of Anheuser-Busch. Hartzog and Buford got to know each other when Hartzog was the chief Park Service ranger at the Jefferson National Expansion Memorial, in St. Louis. It was Hartzog who took a set of plans that had been lying dormant for fifteen years and built the great arch of St. Louis. Those who know the story of the arch say that had it not been for Hartzog there would be no arch. Hartzog the Ranger is a hero in St. Louis, but at this moment he is not a hero to Tony Buford. "God damn it, George, this river is a mess. There is no point fishing this God-damned river, George. The fishing is no good."

Hartzog looks at Buford for a long moment, and the expression on his face indicates affectionate pity. He says, "Tony, fishing is always good." The essential difference between these friends is that Buford is an aggressive fisherman and Hartzog is a passive fisherman. Spread before Buford on the bow deck of his johnboat is an open, three-tiered tackle box that resembles the keyboard of a large theatre organ. Buford has fished at least nine places while Hartzog has been anchored at the gravel island.

Hartzog flips another crawdad into the air. Splat.

"God damn it, George, I think we ought to pull our lines in, turn up the engines, and go for the White River. We could be near there by sundown, make camp, and be ready to fish the White in the morning."

A long period of quiet follows while Hartzog contemplates the tip of his rod. The quiet is so prolonged, in fact, that Buford becomes impatient and tells his boatman, Preston Jones, to move on and try another spot "Under that cliff," he says. "Maybe that's where they're all hiding."

The cliff is a high limestone wall that has been striped by dripping water. Beyond the rim of the cliff is a forest of red oak, white oak, cedar hickory. On the other side of the river, where the ground is lower, are groves of sycamore, locust, and willow. The strata of the limestone are level—flat lines reaching out beyond the peripheries of vision. Below them, and above the bend, is a run of white rapids.

"We've got to have this river," Hartzog says. He wants to make its entire hundred and fifty miles a national river, which means that the Park Service would buy the river and all the riverine lands necessary to—as he puts it—"protect its overview." The opposition consists of the Army Corps of Engineers, which would like to arrest the Buffalo with flood-control dams, and private owners who are against the intrusion of the government in any form; but Hartzog thinks he can get the river for the Park Service, and he will work to get it as long as he needs to. "It's just unspoiled," he says. "People haven't found it yet."

He stretches his legs a little and leans back, watching the tip of the rod. He would like to see the tip move in short, erratic arcs. That, after all—that brief, dactylic burst up there at the end of the fibre-glass rod—is what he is supposedly waiting for. He pushes his baseball cap forward on his head, as if he were about to catch a nap in a dugout. There are five eyes on his rod. He sights through the last one into a patch of flat blue among high mounds of cumulus. He finds a fragment of cloud loose in the blue and he frames it steadily in the fifth eye while he waits for the glass to bend.

From five hundred feet in the air, Jamaica Bay looks something like the Okefenokee swamp—mud islands, dry islands, fringe vegetation, mottled marshland. Hartzog points to the hull of a wooden ship, it ribs protruding from the water. He points to a flight of geese descending toward a landing. He points to two men on horseback, cantering along a dirt road at the water's edge. In the background of the riders, wiggling in heat waves, is the Empire State Building.

The aircraft is a big, boat-hulled Sikorsky helicopter borrowed (with crew) from the Coast Guard. Hartzog and members of his staff are flying over the proposed gateway National Recreation Area. They came to survey the terrain and to discuss how best to bring a natural and recreational environment—offering light, air, and quiet—close to the masses of the city. But, just now, pointing is the only way Hartzog can communicate. Strapped tightly into a bucket seat, he is beside an enormous open doorway, and his ears are covered with heavy black plastic cups that appear to be some sort of audio headset but are connected to nothing. The headset simply blocks sound. Each person in the cabin is wearing one. Printed instructions warn that the plastic cups should be kept firmly in place "to minimize ear damage due to high-frequency engine noise."

A little ear damage is apparently routine—all part of a day with the Coast Guard. The chopper circles, doing eighty miles an hour, and the pilot turns it on its side to provide an optimum view. There is nothing but a seat belt between Hartzog and Jamaica Bay. The open doorway—now beneath him—is so large that a mature camel could fall through it, let alone the Director of the National Park Service. On a map, Hartzog circles Jamaica Bay with his finger, indicating that he wants all of it for the Park Service—twenty square miles.

The helicopter moves across Rockaway Inlet and along the Breezy Point peninsula—first over Jacob Riis Park, then over the Nike bunkers of Fort Tilden, and on to Breezy Point itself. Breezy Point, the lower extremity of Queens, is the southernmost tip of Long Island. It reaches out into one side of the entrance to New York Harbor in much the way that Sandy Hook, New Jersey, reaches into the other. Together, Sandy Hook and Breezy Point are pincers in the sea that constitute a kind of gateway to the city. The Park Service would include the whole of each peninsula in the Gateway National Recreation Area, where twenty million visitors a year would find swimming beaches, surfing beaches, pavilions, restaurants, promenades, golf courses, tennis courts, playing fields, bike trails, hiking trails, surf fishing, pier fishing, campgrounds, picnic zones, amphitheatres for the performing arts, a museum of marine life, a cultural and educational center, "creative open spaces," "nature areas," and "walk and wander" areas for solitary ambles by the sea.

Hartzog points down to sand dunes. The outermost two hundred and thirty-two acres of Breezy Point peninsula have never been developed. Although they are an integral part of the City of New York, they are as pristine as they were when Verrazano discovered them. The chopper moves out over ribbed blue waves and flecks of whitecaps—New York Bay. Now framed in the open doorway—and two miles distant—are the flypaper beaches of Coney Island, three and a half miles of people. Hartzog's ferries—fast single-screw pontoon airboats, shooting around the harbor like waterbugs—would siphon people from Coney Island and spread them out into Gateway's twenty thousand acres. Hartzog holds in his hand a copy of the Gateway proposal, a map-filled booklet that flutters wildly in the breeze. He folds it back to show a map of the ferry system, trellising the harbor.

The chopper descends. Two miles south of the Verrazano-Narrows Bridge, almost in the lane of the giant ships, are two small islands. The helicopter hovers over them. The northern one has three trees on it. It is called Hoffman Island. The other—Swinburne Island—has no trees at all. Only one New Yorker in, say, fifty thousand has any idea that these islands exist. Hartzog envisions, among other things, an outdoor restaurant there beside the sea lanes, the big ships slicing by. The chopper moves. A gust rips into the cabin and tears several maps from Hartzog's hands. Clutching the remaining sheaves, he writes on one of them, in shorthand, "There goes half my park."

"Any government agency has its own personality, and George knows his bureau. He knows what's happening here in Interior, he knows what's happening in Morro Castle, and he knows what's happening at Mount McKinley."

"The personality of the Park Service is changing as it becomes an organization that reflects Hartzog. The Park Service is vital, active, and on the ball today, and has great *esprit de corps*."

"He's very hard on his people. He cracks the whip. And he has a short fuse."

"He is too august, too removed a figure."

"He never asks the next guy to do what he wouldn't do himself. He's demanding, but his example is high."

"He has the *service* idea. His attitude is that people should be willing to move from one post to another. They should do what they're told. He inspires both respect and fear. This is true of any strong man."

He is so politically inclined that he shuffles and changes things constantly. The poor old bureaucrats around here don't know quite where they're at."

"We used to be trying to catch up on development in established parks, but George is trying to find the needs of the seventies. Those who identify the natural scene as the true purview of the Park Service think of him as a renegade."

"He reacts emotionally to people. He's way up on them or way down. He snoops around the parks, and if everything is O.K. the superintendent is great. If not, the guy is finished."

"If it rains, it's the superintendent's fault."

"With his own staff, he will delegate, but the delegation is only good while the delegatee operates exactly the way George would operate if he were the delegatee."

"This building is loaded—it's stuffed—with people who are overridden by personal ambitions. But that is not true of George. I never have a fear that I'm being used and that when I'm used up I'll be discarded."

"Instead of being preoccupied with the process, he is preoccupied with the idea. I've never heard him discuss reasons why things can't be done."

Hartzog lights his seventh cigar. He says, "People, people, people—they're coming out of my ears." The door of his office opens and in walks the superintendent of Yosemite National Park. His name is Lawrence Hadley. He is in Washington to confer with the California delegation to Congress, and Hartzog has fifteen minutes to sift Hadley's thoughts before Hadley goes to the Hill. The superintendent of Yosemite is a young and strong-appearing man with dark features, dark hair, and a suggestion of melancholy in his face. He wears a silver watchband with turquoise inlay and a large silver-and-turquoise shell-inlay ring. He speaks softly and with an unpretentious air of absolute competence. He is Hartzog's idea of the Park Service personified—a man who does anything well and is ready to serve anywhere any time. Hartzog is confident that when Hadley and his wife are asked abruptly to change their personal plans and go to an airport to meet an official visitor, they will do so without pause or regret. Hadley grew up in Maine, where his father was the superintendent of Acadia National Park.

The word is that Hadley may one day succeed Hartzog as director of the Service, and that Hadley will soon be transferred to Washington. Meanwhile, the problem of Yosemite Valley is the sort of thing he ought to be dealing with, for the Yosemite's problem is population pressure as expressed in the invading automobile, and if solutions can be found there, where the presure is most intense, the solutions may be applied throughout the national-park system. Yosemite Valley has a flat floor and sheer granite walls. It is about six miles long, and has been penetrated by a roadway from the west. Driving into it is like driving up through a drain and out into an exaggerated bathtub. The vertical walls of the valley in places are three thousand six hundred feet high, and for an automobile there is only the one way in and out. With its pluming waterfalls, its alpine meadows, and its granite pinnacles, the Yosemite is in all likelihood the most exquisite cul-de-sac on earth, and each year about seven hundred thousand cars go in there.

"The automobile as a recreational experience is obsolete," Hartzog says. "We cannot accommodate automobiles in such numbers and still provide a quality environment for a recreational experience." Accordingly, Hadley will ask Congress for three hundred thousand dollars so he can close at least a part of the valley to automobiles and carry people through the closed area in chartered buses. Hartzog says that eventually he would like to block cars from the valley altogether and possibly build a funicular that would lower people into the Yosemite from the rim. To transport people around the valley floor, he contemplates the use of electric trains, which would run on rubber tracks. As Hadley and Hartzog talk, it becomes increasingly apparent that everything they are saying rests on the assumption that the visiting public has the right to be carried from place to place—that the right to vehicular transportation, privately or publicly provided, now comes under less question than the right of freedom of assembly or freedom of speech.

The Park Service tried elephant trains in Yosemite for a period of ten weeks. The valley was stuffed with cars, but people got out of them and spent twenty-five thousand dollars on the trains, at three dollars and fifty cents a ride. "People want some alternative," Hartzog says. "No more roads will be built or widened until these alternatives are explored. We want to give people a park experience, not a parkway experience. We need to limit access to parks and wilderness. We've simply got to do something besides build roads in these parks if we're going to have any parks left. We need controlled mechanical access. We can put parking lots outside the parks, then take people in with public transportation. When you get too many people, simply shut off the machinery. If we get rid of the automobile, we can have more people. No one knows what the carrying capacity of Yosemite is for human beings alone. I don't think you can stay bound up in this knot you've been in of roads and trails and more roads and more trails, Larry. You've got to end it. The beauty is that you can take a dynamite stick and blow up the pavement and then all you have is a hole there and you can fill up the hole. I'm not inflexible on anything except that I'm going to get rid of the damned automobile and I'm not going to get rid of people in the process."

Hadley, thoroughly coached, departs for Capitol Hill. As he goes out, Nathaniel Owings, of the architectural firm Skidmore, Owings & Merrill, comes in. Owings wearily says, "Hello, George," sits down, takes out a handkerchief, and wipes his brow. He is middle-aged, middle height, middle weight. He, too, wears a turquoise ring. He is, as it happens, chairman of the Advisory Board of the Park Service. Immediately, he says what he wants. He is redeveloping the Mall—the sweeping greensward that runs between the Capitol and the Washington Monument—and he wants to put a subway entrance in the middle of it. Hartzog's eyebrows rise. Some of Owings' ideas are untraditional; the Mall would not be everybody's first choice as a site for a subway station. Owings says, "The Mall doesn't have to be just for monuments, George. It can be for living. The subway station won't be junk and crappy, I guarantee. There is nothing that says we can't put the subway entrance where the people are."

"With that idea, Nat, we can start something new in planning," Hartzog says, with a booming laugh.

After Owings leaves, Hartzog begins assembling papers. He punches the telephone console and says, "Ed, just make sure of one thing. Whatever you do, just make sure there's no tree on top of that structure at Wolf Trap Farm." Papers in hand, he hurries out. He has an appearance of his own on Capitol Hill.

"I stay pretty close to the deck," Hartzog says as he rides across the city in a chauffeur-driven unmarked patrol car of the United States Park Police. "If the Congress of the United States is going to hold hearings on my legislation, I ought to be there to testify." He has only once permitted himself a trip to Europe, and that was just a fast tour of England, France, and the Netherlands with a governmental committee sent to study historic preservation. He will travel, though, to the remotest corner of any state in the Union to please a senator or a significant congressman. Remote corners of distant states can be, in a sense, integral segments of the deck. He once made a speech at the Cherokee Strip Living Museum, in Arkansas City, Kansas, for example, because Joe Skubitz asked him to go there. Arkansas City is in Skubitz's district. Skubitz is the ranking minority member of the House Subcommittee on Parks and Recreation. Among other things, Skubitz promised Hartzog on this visit that he would arrange with Wayne Aspinall, the chairman of the committee, for a hearing on Hartzog's proposal for a Buffalo National River. Hartzog is tireless. He knows that in Washington the shortest distance between two points often includes a trip to Kansas. So he goes. He fears flying, but he goes. He speaks. He drinks. He grins. He guffaws. And he comes home with a hearing (or the promise of one) that might otherwise not occur. He travels, too, as an evangelist for his causes. Wherever something is up—Florida, Minnesota, Arkansas, California—he goes to talk to farmers, freeholders, Indians, or entrepreneurs and tries to show them what he wants to do, and why. "These things go slow," he says. "You don't make any converts at a big meeting. You have to get one man talking to one man. The opposition always has the advantage at first, because a lie goes around the world before the truth gets its britches on. You've got to get the facts out onto the table so the local people can see them."

Where the success or failure of all this effort is measured, of course, is on Capitol Hill, in hearing rooms, where Hartzog presents and defends his programs. Now he gets out of the car, tells the driver to wait, and, looking over his papers as he goes, hikes the long corridors of the Senate Office Building. In the hearing room are folding chairs, carafes of water, maps of the Everglades, and a raised platform where seven senators sit at a curvilinear table.

"Each time I think I have agreement with the Army Corps of Engineers and the Central and Southern Florida Flood Control District, it turns out to be ashes in my mouth and papier-mache," Hartzog tells them. He speaks strongly and colloquially, reviewing aspects of the training jetport and of the water system of southern Florida. He also talks about fifty-eight thousand acres of inholdings—private lands within Everglades National Park—that he would like Congress to condemn and buy. What he says is clear and is obviously well prepared, and this, among other things, has earned him the high regard of the men on the platform. They say that when he speaks he always knows what he is talking about, and that this puts him in something of a minority among bureaucrats making appearances on the Hill. Hartzog has friends and enemies in both houses and both parties, because, in the words of Congressman John Saylor, of Pennsylvania, "he's willing to stand up and fight—he has a healthy respect for Congress, not a callous disregard, but he's willing to stand up and fight. Some days I wouldn't trade him for anyone in the world, and some days I could kill him."

In 1969, when rumor spread that Hartzog was about to be replaced, congressmen and senators heated up in sufficient numbers to evaporate the rumor. They think he is the most industrious director the Park Service has ever had. They admire his effort to give new directions to the park system, and they feel that he has drawn into the Park Service people of very high calibre who might not have been there. They are sympathetic to some of Hartzog's problems within the Administration. "Sometimes he gets clobbered by the Secretary of the White House," Saylor has said "Sometimes he comes in here in a straitjacket. He is not always free to act as an individual. He is told policy. It takes a strong, strong man to overcome the political shenanigans that go on here in Washington. This is supposed to be a nonpolitical job, but it's not."

"George has too many irons in the fire," Aspinall once said. Aspinall is in his seventies and is covered with spikes, and from him this is uncommon praise. "George is a little too fast for his own good. He skips over details. He is a builder without considering the cost of the building. So I say to him, 'No, George, back up and start over.' He has the personality to be able to back up. He is a personable, lovable character, a very fine companion, a complete public servant."

Hartzog taps together his papers on the table before him, thanks the senators above him, and leaves the hearing room. He walks about thirty feet dcwn the corridor, opens a back door to the hearing room, goes in, takes one of the senators aside, and says to him privately, "You really hit the sciatic nerve in there, Alan, and unless this committee gets this thing we'll probably get the short end of the stick again."

When the Director of the National Park Service goes on a camping trip, survival in the wilderness is not an issue. His party on the Buffalo consists of nine people, four of whom are professional rivermen, paid to do all the work. One is a full-time cook, and he rides alone in the "commissary boat," which is crammed to the gunwales with food. Mornings, the cook runs on ahead, so that when lunchtime comes and the other boats catch up with him he has already set up a tent fly to create shade, a table and chairs are beneath it, and dozens of pieces of batter-dipped chicken are gurgling away in deep Ozark fat. At night, he fries multiple pork chops or big individual steaks and covers the meat with fried potatoes. His breakfasts compound cords of dark bacon with eggs and pancakes fried in bacon grease. The cook's name is Karl Hudson. He is not light on his feet. He has a mustache, and he seems to radiate anachronism. He could be a wax museum's idea of a cook in the Civil War. In fact, the whole campsite seems to be ready for Mathew Brady. The big iron skillet. The tall black coffeepot. The two wall tents. The folding cots. The canvas armchairs. The tent-fly kitchen. The heavy iron stakes, The sledgehammer.

The tents are pitched by the rivermen, who set up the cots and carefully line the sleeping bags with white percale sheets. Tony Buford pours a drink. There are worse things in life than Scotch on the Buffalo. Buford has had his way all day, for he finally succeeded in disengaging Hartzog from the swollen river, persuading him to turn up the engines and shoot on downstream in anticipation of better fishing on the morrow in the White. Every so often, the Buffalo drops enough to make a rapid—to leap with haystacks, with gardens of standing waves. These rapids would give a feel of the river to people in canoes, but the johnboats go through the white water the way automobiles go across wet pavement—no pitch, no roll, no river. Now, at the campsite, young Edward Hartzog is fishing for big channel cats. He is using minnows. His father calls to him, "Try a warrum." Edward reels in his line and tries a warrum. He is in the second grade, and his brother and sister are in college. Friends say that when Edward was born Hartzog's age went down ten years.

The family lives in an old remodelled farmhouse on a big lot surrounded by a rail fence, in McLean, Virginia. They raise chickens. A small brook runs through the property—a wet ditch, really—and Hartzog from time to time promises to clean it out and build a series of dams. The brook disappears into an uncut thicket known as the Bird Sanctuary. There is a burro as well. Hartzog hitches her to a two-wheeled cart and, with Edward at his side, races around his land shouting "Gee!" and "Haw!" "Many men are captains of industry, but when they get home they are mice," one of Hartzog's close friends has said while observing this scene. "George is the captain at home." His wife, Helen, is from Massachusetts, and is described by their friends as a Yankee trader. She sells real estate, and buys and sells antiques, which she stores in an unoccupied house next door. The two buildings stand very close to a county highway. Hartzog's front yard is mostly gravel and is barely large enough for the bug Volkswagen in which he drives to work. Inside the house, over a stone fireplace, is an oil painting that consists of a field of miscellaneous red dots traversed by a bulging black line, thick with dried paint. The title of this painting is "Nature." It was given to Hartzog in appreciation of, among other things, Hartzog's modern approach to the natural world.

Edward has caught a big channel cat. Hartzog is elated. "I told you to stop poormouthin' those cottonpickin' fish," he says to Buford. Edward draws the catfish into the shallow water. Sinister and spiky, it looks like a drifting mine. "Be careful," Hartzog warns him. "He'll fin the daylights out of you." The big cat occasions a series of stories told by the rivermen about even bigger catfish caught in the Buffalo, in the Ohio, in the Mississippi, in the Arkansas. And the catfish series, in turn, leads to a sequence of expanding stories about deer. Orville Ranck, who is tall, one-eyed, slim, and old, remarks that it was he who shot the second-largest deer ever shot in the United States. Preston Jones, brown and thin as a cowboy, looks away. Jones is working on a Coleman stove that he found a few hours ago, full of muck and sand. He knows who owned it—a couple who were camping on an island in the river when the twenty-eight-foot rise occurred two weeks ago. The couple climbed a willow and were clinging to its uppermost branches when the sheriff of Marion County came along in a search boat and made the rescue. "Their eyes were like a treeful of owls," Jones says.

"When you camp on these rivers, you've got to have land to your back," Hartzog comments.

"On the other hand," Jones tells him, "I've seen big bears come out of the woods here, fighting like hell." This occasions a series of stories by the rivermen about enormous bears they have known, and Hartzog throws in a story of his own about a bear in the Great Smoky Mountains. Two tourists were feeding this bear by the roadside when a Cherokee drove up. (There is a Cherokee reservation just outside the park.) The Cherokee got out of his car, shot the bear, put the bear in the back seat, and drove away while the tourists stood there with their mouths open and popcorn in their hands.

Under Jones' meticulous attention, miraculous hand, the Coleman stove is sputtering with flame. Even its thinnest tubes were packed with the muck of the flood, but one of its burners is now blazing in yellow spurts. Gradually, Jones works down the flame to a hard copper blue. Looking up, finally, he says, "Orville, tell us about the time you shot the second-largest deer in the United States."

"I can't see too well. I have only one good eye. I lost the other to a fishhook," Ranck explains—and how this led to the second-largest deer in the United States was a simple matter of optics: anything smaller would have escaped his attention. One fall, Ranck went to Meeker, Colorado, because near Meeker is a narrow mountain pass through which thousands of Rocky Mountain deer move on their annual migration. So many of them go through there, Ranck says, that they resemble driven cattle. They even raise a dust cloud. Ranck crouched on a ledge so close to the deer that he could almost reach out and touch them, and to improve his chances he had equipped his rifle with a large telescopic sight. All day, he sat there looking point-blank at the deer through the big lens, and finally he saw the great buck, the second-ever largest deer. Its tines were multiple and fine. Moving the crosshair across a wall of venison, Ranck stopped it just behind the animal's shoulder, and he fired. The buck turned the second-largest somersault ever seen in the United States, and it lay on the ground, its four legs kicking in the air.

"How much did it weigh, Orville?"

"Five hundred and twenty-two pounds."

Jones looks away.

Buford, who is unimpressed by deer of any size, says, "One thing that surprises hell out of me on this river is that we haven't seen any snakes."

"I saw twenty-four today," Jones says.

"You don't say. What kinds did you see?"

"Mainly moccasins. Some cottonmouths."

"I grew up with cottonmouths and rattlesnakes," Hartzog says. "Where I grew up, you never stepped *over* a log. You stepped *on* it, or you might wish you had."

In the Geechie section of the South Carolina coastal plain, streams had names like the Little Salkehatchie and the Hog Branch of Buckhead Creek; swamps were called Tony Hill Bay, Bull Bay, the Copeland Drain; and the big Edisto River, an entrail of continual oxbows, flowed through marshlands miles wide. On the higher ground were pinewoods, small cleared farms, dirt roads, and every two miles a church—Beulah Church, Bethel Church, Mount Olive Church, Tabernacle Church. Reaching into the pinelands on a single track, trains of the Hampton & Branchville Railroad stopped at hamlet crossroads, and picked up turpentine and rough-cut boards and the produce of the small farms. One place they stopped was Smoaks. Hartzog was born in 1920, in Smoaks.

His father was a dirt farmer who worked about a hundred and fifty acres and also had a stand of loblolly pine. His grandfather had farmed the same land. The house the family lived in was paintless and weathered. A large porch wrapped around a front corner, and there was another porch off the kitchen, in back. There was a pump in the yard, between the house and the outbuildings—the smokehouses, the chicken houses, the barn. Hartzog's first school was a one-room building by the Edisto. Whenever he could, he fished the river for red-breasted perch, catfish, pike, and bream. At home, he learned early to "plow a mule," and he helped his father grow cantaloupes, cucumbers, watermelons, corn, green vegetables, and cotton. His father was also a hunter and a fisherman, and he had a big sense of humor. He could tell stories all day without repeating himself. He sent his watermelons to New York and his cotton to Columbia, and before the Depression the family had "cash income"—apparently as good a one as any farmer's in the area, for George Hartzog, Sr., was the first man in that part of the country to own a Model T Ford. After it was delivered to him, he drove it without knowing how. He kept shouting "Whoa! Whoa!" at the car as it circled the farmhouse out of control. "Whoa! Whoa." Finally, it wedged itself between two trees.

Hartzog always signs his name "George B. Hartzog, Jr.," although his father has been dead for many years. It is as if he were reluctant to add, however minutely, to the erasure of his father's existence, remembering, as he does with something just short of bitterness, how his father's relatively good life was suddenly knocked apart—his hope and eventually his health broken by the great economic depression. When Hartzog, Sr., shipped his watermelons to New York, the railroad agent sent him a bill instead of a check—freight costs for carrying produce that found no market. The price of cotton dropped to five cents a pound—a figure lower than the cost of picking and shipping it. So the Hartzogs' cotton was left in the field, where cattle, in their hunger, ate it. The family had no money at all. "For a dirt farmer who had been put out of business life became a very simple issue: Did we have something to eat or didn't we have something to eat? This was the poverty level of zero. My father became a severe asthmatic—a combination of pollen and nerves. He did odd jobs, farming. He tried to hang on, but he couldn't." One day when Hartzog came home from school, his father, his mother, and his two younger sisters were standing in the yard helplessly watching the house burn. A bed was all that had been removed to the yard before the intense heat stopped further salvage. While the house was burning to the ground, flaming debris fell on the bed and destroyed it.

Hartzog is walking on the beach at Sandy Hook. The big chopper is down and silent, but its high-frequency engine noise still rings in his ears. The wind is gentle, coming off the ocean. The day is warm. Coney Island was covered with people, but over here in New Jersey, Hartzog's party aside, there are only two on this broad stretch of beach. They are soldiers, sunbathing near their car, which has a Nebraska plate. The major part of Sandy Hook is a military base, Fort Hancock—a thousand acres reaching out into New York Bay. Its huge, curving beach is spectacular, with the open ocean in one direction and the skyline of the city in the other. Hartzog, in his black suit, black shoes, looks like a preacher, not a bather, and he starts to preach. "The selfishness of the military in terms of the recreational needs of people in urban areas is unbelievable," he says. "It is pointless to lock up an area like this when people need a little sun in their faces and water on their backs. Each of those soldiers over there has two miles of beach to himself."

Fort Hancock is prime duty. Soldiers bring their girls here, and the couples get lost together on the enormous beach. Officers live in houses designed by Stanford White. A Nike tracking site is here. The general in charge of all Nike installations from Boston to Philadelphia presumably could live anywhere he wished between the two cities, and he has chosen Fort Hancock. Ospreys nest in the telephone poles, and herons in rookeries among the dunes. The central landmark is the oldest operating lighthouse in the United States. New Jersey rents a small piece of the peninsula, at its landward end, from the Department of Defense. The rented area is called Sandy Hook State Park and is the most heavily visited park in New Jersey. People press in there by the thousands, but the beach is quite narrow where it is open to the public, and the dunes behind it are green with deep growths of poison ivy. When the tide comes in, the ocean shoves the people into the poison ivy.

Hartzog, on the broad Army beach, continues. "We've asked the military to surrender these lands for recreational use," he says. "Beach land simply needs to be made available. The military usually claim that they have to have places like this for military recreation. They need it like a Buick needs a fifth hole." Sandy Hook is almost the least of Hartzog's ambitions toward military land. He wants Vandenberg Air Force Base. He wants the Aberdeen Proving Ground. He wants Quantico, Fort Belvoir, Eglin Air Force Base, the Naval Air Station at Floyd Bennett Field, and Forts Barry, Baker, and Cronkhite on the Marin Headlands of San Francisco. He wants at least a dozen other military principalities as well, all close to cities, and all, in his view, being now given a mistaken priority. He thinks he could get the Department of Defense out of Fort Hancock in two years. Other difficulties would remain, though. Reaching out as it does into the mouth of the Hudson, Sandy Hook catches a high percentage of what the river disgorges, and the beach near its tip is blemished with flotsam—plastic bags, plastic bottles, plastic buckets, rusted cans, little bits of Albany, the tenth part of Troy, and hundreds of acres of driftwood. When trees die in the Adirondacks, they go to Sandy Hook. Rangers could take care of the cleanup, but not on an hourly schedule, and all that plastic would have to be stopped at its source. The Park Service thus joins, as it has all over the country, the general fight against pollution, and not simply against things that float. The feasibility of the Gateway project depends on an optimistic view of what can be done about river and ocean pollution. Right now, when striped bass are caught in the waters of Sandy Hook they sometimes have fin rot, and cataracts over their eyes.

"In 1960, Congress said no to the arch. Any other Park Service ranger would have said, 'O.K. Where am I to be sent now? Back to the Great Smokies? Out to Alaska to count blankets?' But not George. He kept at it until funds were appropriated."

"George was a lawyer. That's why they had him in St. Louis. The Park Service had never built anything bigger than an outhouse before."

"When the arch was halfway up, the contractor was losing money, so he stopped work, saying the structure was unsafe. Two legs, three hundred feet high, were sticking out of the ground. Hartzog said to the contractor, 'Listen. I ordered an arch and I want an arch.' "

"In the pecking order of park superintendents, the superintendent at St. Louis is not very high. I just spotted him immediately as a good leader, a driving type, full of enthusiasm and interest. I met him on the Current River, in Missouri, in 1962. We were trying to make the Current a national river, and a group of us made a two-day float trip there. George went on the trip. He and I rode in the same boat, and I felt that in those two days I really got to know him well. It was a situation of utter informality, heightened communication. We went skinny-dipping at night. It was in September, and chilly. But this was a group of outdoor people, who were in their element. The Current was going to be the first national river. We hadn't done anything like it before. George knew all the arguments, all the facts, although the Current River is a hundred and fifty miles from St. Louis and the project was not part of his job. Later that year, I heard he had quit the Park Service, because he thought he had no future in it. I went to St. Louis and looked him up and asked him if he would come back and if he thought being director was enough of a future. He said, 'Mr. Secretary, I surely do.' "

Hartzog is busy catching trout. This river—the White River—is everything Tony Buford said it would be. Cal Smith, the riverman, has to work hard to keep Hartzog's hook covered with corn. The bait is canned kernel corn. The boat is anchored in a broad patch of dancing water. The corn drifts down through V-shaped riffles and, almost every time, disappears into the mouth of a trout. The White River is the dream of thousands, who come from all over the United States to fish it. It is broad, cold, clear, shallow, and frequently broken by the aerated rips that seem to intoxicate trout. The White River comes out of Bull Shoals Dam, near Lakeview, Arkansas.

The water impounded on the other side of the dam is so deep that it is very cold near the bottom, and it is this cold water that comes shooting out of the penstocks and forms the river, which is green and beautiful and as natural as a city street. The White River grows toward the end of the day. Around 5:30 p.m., people start turning on lights, heating up ovens, and frying pork chops in Fayetteville, Little Rock, Mountain Home, Memphis. The river rises. More people, more pork chops—the river goes on rising. Turbines spin in Bull Shoal Dam. The peak comes when one million pork chops are sizzling all at once and the river is so high it flows around the trunks of trees. Then it starts going down. While Arkansas sleeps, the river goes down so far that the trout have to know where to go to survive. At 6 a.m., a small creek is running through the riverbed, viscous with trout. Then people start getting up in Fayetteville, Little Rock, Mountain Home, and Memphis. The fatback hits the frying pans. Up comes the river, cold, clear, fast, and green. Trout are not native down here. There are no trout in the Buffalo. They can live in the White River for a hundred miles below Lakeview because of the refrigerant effect of the dam. The trout are born in a federal hatchery near Norfolk, where they are raised on dry meal. They are stocked in the White River—ninety-six thousand trout a month in the summer—creating what most of the sport fishermen who have been here would call a paradise. Smith strings corn like pearls on Hartzog's hook, one kernel after another, completely covering the metal from eye to barb. Hartzog flips the bait into the stream. Vapors rise from the cold river. The line and the rod vibrate. It is difficult to tell whether the vibration is from the strike of a trout or the pull of the current. Once more it is a trout. Hartzog reels the fish in. It flips once to the right, once to the left, and lolls by the boat as it is netted. The trout is nine inches long. With a pair of forceps, Smith takes the hook out of the fish's gullet. Then he re-beads the hook with corn while Hartzog tells him about Hazel Creek in the Great Smoky Mountains. "There hasn't been a stocked trout put in that creek in three hundred years," he says. "Mountain people have been fishing Hazel Creek since European civilization moved over here. And there's only been one kind of trout in there, ever, and those are wild trout. I fish for the fun of fishing and there's a real difference between a hatchery fish and a wild fish. One good bass out of the Buffalo would be worth more to me than six hundred trout out of here. Tony and the boys can stay here if they want. I'm going back up to Buffalo."

Hartzog believes that he was the youngest preacher ever licensed in the state of South Carolina. ("The Lord has looked out for me all my life.") He began preaching when he was sixteen, and the following year—1937—he officially became a licensed local minister. He preached all over the area—in Smoaks, in Cottageville, in Walterboro—and for a time he was assistant minister at the Bethel Methodist Church in Spartansburg. He gave his sermons in Baptist churches, too. In that part of the world, a Baptist was defined as an educated Methodist.

Hartzog's family had moved into Walterboro when the farm failed at Smoaks. His father got a job as a ticket agent for the Greyhound Bus Lines, and his mother became county supervisor of W.P.A. sewing rooms. A tall woman, severe and serious, she seemed to believe fundamentally in work. "She worked hard. She pulled the family through. She believed you couldn't fail to achieve anything if you just worked. She encouraged me and instilled in me the responsibility for working." The law ultimately attracted Hartzog as a kind of practical replacement for his first ambition, which was to spend his life in the ministry. In 1937, he entered Wofford College, in Spartansburg, to study Methodist theology and become something more than an unpaid travelling preacher, but he had to drop out of college after one semester for lack of money.

He went home and worked at any jobs he could find. He cooked and washed dishes in an all-night beanery. He pumped gas at an Amoco station. He typed forms and letters for the National Youth Administration. He worked around the clock. At night, he was busboy and desk clerk at A. J. Novit's Lafayette Hotel. From 6 p.m. to 6 a.m., he watched the teletype machine for reservations coming in, and he carried bags when the people showed up. "In a service establishment, you learn a lot about human beings," he says. Novit paid him one dollar a night.

Hartzog had no idea that he was underprivileged. To the contrary, he felt lucky to have encountered people who opened doors for him, first to the ministry and then to the law. He went on preaching. No one in his congregations seemed to mind that a teen-ager was giving them the Word. He still preaches whenever he can, in churches around Washington, and to his congregations he has explained his work in the Park Service by saying, "I feel that I am performing a mission as necessary and constructive as a ministry."

Hartzog has never seen anything quite like the Silver Gull Club, Beach 193, Breezy Point, Queens. This wide, low structure rambles lumpily all over the beach and on piles out over the ocean. The Park Service has learned something peculiar about the way the people of New York use their beaches. On Coney Island, on Jones Beach, on Rockaway Beach, more than half the people prefer never to put a toe in the ocean. The Silver Gull Club caters to this majority. It lifts its clientele above the ocean, and even above the beach. The waves of the Atlantic lap helplessly at the club's cantilevered undersides. Abovedecks, there are three swimming pools, four hundred cabanas, and a cocktail lounge called the Crystal Palace. Families spend five hundred dollars per season to go to the Silver Gull, where they can be close to the ocean but free from contact with the wild sea, and free from contact with its gritty edges.

This is outermost Queens, the middle of the proposed Gateway National Recreation Area, and Hartzog's brochure indicates that the Silver Gull and everything around it will someday be cleared away. The streets in that part of the city are largely deserted in winter, and they are used as unofficial, illegal dumps, where trucks make deposits in the dead of the night: rotting timbers from razed buildings, ash, smooth tires, shards of concrete, stripped and crumpled automobiles—tons upon tons of junk. "One of the greatest things that could happen to this country would be just to clean it up," Hartzog says. Detritus is nothing new to him. The national parks are for people, and people leave junk wherever they go. Park rangers become so disgusted they can't wait for the season to end, so the people will go away from the parks. People throw trash over the rim of the Grand Canyon, the world's deepest and widest wastebasket. So much trash goes into the Grand Canyon that the view is smirched. For this reason, ranger trainees are sent to Grand Canyon National Park to learn mountaineering. They go down on ropes and climb back up with things that tourists throw over the rim. In Yellowstone, visitors throw junk into the thermal pools. The temperature of the pools is two hundred degrees. Rangers have to rake out the junk. In Washington, D.C., people throw tires, washing machines, refrigerators, mattresses, and automobiles into the Potomac and the Anacostia Rivers. The Park Service cleans up the mess with a thirty-five-foot landing craft. The Park Service has used a scuba team to collect all the junk that tourists throw into the Merced River, in Yosemite Valley. Cans and bottles retrieved from Lake Powell, in Utah, fill five barges a week. "Learning how to pick up trash better than anyone else is a significant achievement in itself." Hartzog says. In his view, the most heroic achievers in this line are the trash gatherers of Coney Island, and Hartzog from time to time sends his superintendents there to give them a whiff of the major leagues.

The skeletons of five six-story buildings and two fifteen-story buildings stand on Breezy Point, above the trash. The Wagner administration condemned these buildings when they were under construction, because they represented an encroachment of high-rise upon a beach area. The Park Service plans to finish the two fifteen-story buildings and turn them into cultural centers and low-cost hostels. Beyond the skeletal buildings, bent and twisted chain-link fencing topped with barbed wire separates the developed wasteland from the virginal dunes of Breezy Point. The ocean, pounding, is visible through the fence. Hartzog, in a government car, says he is allergic to chain-link fencing and barbed wire and can't wait to get rid of it. The car swings around and into the Breezy Point Cooperative—twenty-eight hundred small one-story houses, on a compact grid of streets. A third of the houses are equipped for year-round use. The cooperative covers four hundred and three acres in all, and its future is a sensitive political issue. In Hartzog's brochure, the area now filled by the Breezy Point Cooperative is designated as "creative open space."

The car turns onto Cross Bay Boulevard and moves toward the middle of Jamaica Bay. "We're about out of the opportunity to set aside wilderness areas," Hartzog says. "What we need to do now is to set aside areas close to or in the cities. City people are dying of social pollution, and they need room to move in." Park Service projects like New York's Gateway are planned or are already under development in Washington, St. Louis, Los Angeles, San Francisco, Corpus Christi, Philadelphia, and Chicago. Rangers used to spend nine months of their one-year training period assigned to a national park; now they spend the same nine months in a city, and rangers and administrators throughout the system get a Lewis and Clark feeling whenever they contemplate asphalt jungles and urban skylines. Their enthusiasm to bring the national parks to the people may entail the removal of some people—such as, quite possibly, the people of Broad Channel, an island community in Jamaica Bay. Hartzog's car is cruising down the central street of Broad Channel, past Audrey Murphy's Lounge, the St. Virgilius Parish Hall, and dead-end streets that reach like fishbones into the bay. The people of Broad Channel lease city land. They and their predecessors have been there for over seventy years. The community has a population of five thousand now—in a thousand houses, most of which are covered with tarpaper decorated to resemble brick or stone. The outermost houses are on pilings. Sewage, untreated, goes into the water. Ultimately, the Park Service would like to depopulate Broad Channel altogether.

Adjacent to Broad Channel is the Jamaica Bay Wildlife Refuge. Hartzog stops and takes a walk. "This is the world's only wildlife refuge that has a subway station," he observes, and this is true: the IND stops there. Moving along a sand trail with the midtown-Manhattan skyline in clear view, he sees egrets, bitterns, black ducks, ruddy ducks, a muskrat, rabbits, quails, and phalaropes. More than two hundred and fifty species of birds inhabit Jamaica Bay, and various kinds of mammals, and uncounted varieties of fish. Jamaica Bay embarrasses the ecological crisis. Jamaica Bay is in all likelihood one of the most polluted bodies of water in North America. It pulses with wildlife.

A ranger walking with Hartzog says, "Those fellows out in Yellowstone didn't know what they're missing."

"They haven't learned that all the wilderness isn't in the woods," Hartzog tells him. "Good Lord, what's that?"

"That's a horseshoe crab," the ranger answers. "It's one of the oldest forms of life."

Hartzog slaps his way through a cloud of mosquitoes, then stops to watch two Canada geese land in a freshwater pond that is isolated from the saline bay by grass-covered hummocks. Twenty minutes later, he registers at the Hotel Taft and sends the ranger out for a pint of whiskey. They have a drink in Hartzog's room before going to Mamma Leone's for dinner.

Responding to the buzzer, Hartzog picks up his office telephone, speaks his name, listens, smiles, and the smile widens into a grin. He draws deeply on his cigar, No. 11 today, blows out a billow of smoke, and at the same time reaches for a fresh cigarette. He puts down the receiver, picks it up again, and asks his secretary to call various senators. "We won the Everglades hands down," he tells her. "Isn't that fabulous?" The Senate Public Works Committee has just put the mark of Cain on the Army Corps of Engineers.

Hartzog calls the Secretary of the Interior, tells him the good news, chuckles once, guffaws twice, wreathes himself in puffed smoke, and afterward says, "That man is saltier than fat pork."

An architect from Louisville is waiting outside the door. "He's got some ideas on how I ought to run Mammoth Cave, so I'm going to let him come in here and tell me how to run Mammoth Cave," Hartzog says. "Send him in."

The architect is a tall man with a weathered face, and the distillate of what he has to say is this: "There's a commercial hub developing on your periphery down there, and it's all junk and crud."

The Park Service owns land in something like a five-mile radius around the entrance to Mammoth Cave. Near the property line—as on the edges of many parks—honky-tonk agglomerates. "I talked to those people down there about zoning," Hartzog says. " 'Zoning?' they said. 'Zoning?' I had the impression that I was in a foreign land."

Mammoth Cave is so mammoth that it reaches underground even beyond the boundaries of the park. The architect now tells Hartzog that surface pollutants from the junk and crud of the commercial hub are seeping down into the cave. Hartzog thanks the architect for this unattractive news, and for alerting Washington to still another threat to the environment—speleological pollution.

Three men from the General Services Administration come in, ushered by one of Hartzog's assistant directors. The General Services Administration is about to demolish the office buildings on Constitution Avenue that were put up as "temporary" structures during the First World War. The three men try to make a deal with Hartzog for a small piece of land they would like to use for a U-turn for trucks. "That's like trading a bucket of coal for two buckets of ashes," Hartzog says. "I gave that up when I left the Ozarks. I want a *quid pro quo*. If you help me get the entire U.S. Congress off my back by opening another access to the Key Bridge, I'll happily give you your U-turn." When the office buildings go down, the Park Service will take over the land they now stand on. The assistant director says that lawns will fill the space. "The hell they will," Hartzog says. "Nat Owings wants to put rose gardens and a restaurant there. The last thing we need in downtown Washington is more grass. We've got grass coming out of our ears in this city, and in summer we let it turn brown. We're up to our noses in horticulturists who don't know enough not to water grass when it gets hot. We need more vistas like a Buick needs a fifth hole. I don't think this is Paris. The strength and heart of Washington is to reflect this country, which is virile and informal and friendly."

Alone again, Hartzog punches a button on the telephone console and says to his secretary, "I want a copy of the language that the Senate Public Works Committee passed today."

Representatives of the Student Conservation Association file into the office. Hartzog settles into his armchair and lights a cigar—No. 12, 7:20 p.m., the last working smoke of the day. The Student Conservation Association is more or less a private, contemporary version of the Civilian Conservation Corps. Its members labor for the Park Service, building trails, building cabins. Hartzog watches them with a recruiter's eye, looking for rangers. Most of them are in high school, and he tries to nudge them toward his kind of curriculum. "I'm looking for social scientists, not just natural scientists," he tells them. "It's not enough just to interpret the natural phenomena of Yellowstone. I want people to staff big recreation areas near urban ghettos." One thing that emerges in this interview is that some members of the Student Conservation Association are paid five hundred dollars a summer for doing the same work as Park Service seasonal employees who are paid fifteen hundred dollars. Hartzog explodes, picks up the phone, and orders that a supplemental one thousand dollars be given to every student in such a situation. After the S.C.A. representatives leave, he blasts away at one of his assistants, who answers, "But I staffed it out with Management and Budget, the Bureau of Outdoor Recreation, the Department of Labor, and the Hill!"

"You're missing my point—I'm not articulating my point," Hartzog says. "I'm concerned about these youngsters. What they're trying to say to us, if they're trying to say anything, is that the Establishment is a bunch of hypocrites, and I kind of agree with them."

There is a buzz in the console. One of his calls to the Senate Office Building has gone through. He picks up the phone, and says, "Senator, I just called to say I deeply appreciate what happened on that south-Florida vote. I detected your fine hand in there, and . . ."

All afternoon, he has been on the Buffalo under five-hundred-foot cliffs, catching nothing and caring less. A hawk swoops across the blazing sun. It is a day of high, thin cirrus and pale-blue sky. "Look at that old buzzard sashaying around," Hartzog says to Cal Smith. "Now he's just a speck a-riding away. My Lord, what a beautiful place this is! We need this river real bad, and we're going to have to get it. There ought to be something around those bushes, Cal."

"Well, there sure had ought to be. This is a pretty deep pocket back down through here."

Smith puts a crawdad on Hartzog's hook, and Hartzog releases a high, soft shot toward the bushes. Splat.

Thirty minutes go by. Nothing whatever happens.

"There ought to be something where that little stream comes in there, Cal."

"Well, there sure had ought to be. There's always a pretty deep pocket in there by those little streams. There must be an old boy out there huntin' and makin' the rounds lookin' for crawdaddies. I just know it."

Another crawdad sails through the air. Splat. Thirty minutes go by. Nothing happens. Hartzog talks, almost to himself, about his parks. He talks about the big trees in Sequoia in the early morning, about the eerie moods in the rain forests of the Olympic Peninsula, and about rangers' airboats in the Everglades—the worst way to see the park. "You've got to be still, and in being still you see everything," he says. "The most beautiful thing I have ever seen in a national park is snow falling into the Grand Canyon. Reds, oranges, pinks, and browns come through the white snow. It falls quietly. It really helps you sort out all of life." He is silent for some minutes, watching the tip of his rod. "We're building a Museum of Immigration inside the base of the Statue of Liberty," he goes on. "Some of the things young people are protesting about are the very things that brought people to this country—personal involvement, achievement, commitment, the worth of the individual. We haven't perfected the system. It's a good system. A birthright. Youth today has its opportunity in perfecting the system, not rejecting it. 'Tear it down,' 'Burn it up' is the antithesis of what they are trying to say. The same things motivate them that motivated the people who established the system."

Slowly, the tip of his rod bends toward the river, then nods rapidly, four times.

"Snag?" says the riverman.

"No."

The line begins to run. Hartzog lets it go. He feeds it out through his hand, waiting, guessing, judging his moment. The line runs out. Then Hartzog, after five and a half hours of almost complete inactivity, makes his move. He stops the line, lifts the rod, and sets the hook. The line is taut and moves quickly across an arc of the river. It moves back. It moves in, and he reels the slack. It tightens, and the rod bends, throbbing, to a symmetrical U. The fish makes a final lateral dash, breaks the surface, and flies through the air—deep cordovan brown with a broad black tail, a two-and-a-half-pound wild bass.—JOHN MCPHEE

CONGRESSMAN WILLIAM JENNINGS BRYAN DORN SPEAKS TO THE 53D NATIONAL CONVENTION OF THE AMERICAN LEGION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. TEAGUE of Texas. Mr. Speaker, the American Legion recently concluded its annual national convention in Houston, Tex. During the proceedings of this convention, the vice chairman of the Committee on Veterans' Affairs, the Honorable WILLIAM JENNINGS BRYAN DORN, of South Carolina, addressed the members of the major commissions of the American Legion. BRYAN DORN is one of the greatest Members to serve in the House of Representatives, and he has been especially effective in his service on the Veterans' Affairs Committee. Not only is he vice chairman of the full committee, he is chairman of the all important Subcommittee on Compensation and Pension which oversees a $6-billion annual program affecting more than 3 million veterans and their dependents. This is the largest single program in the VA budget. Congressman DORN is also a ranking member of the Subcommittee on Hospitals which oversees a $2-billion program which treats wounded, sick, and disabled veterans. The average daily patient census in VA hospitals is almost 85,000. Nearly 850,000 veterans receive inpatient care annually under this program. Over 8 million receive outpatient care.

Mr. Speaker, BRYAN DORN has a most comprehensive insight into our veterans' program and veterans' problems in general which is reflected in the address he made to the Legionnaires in Houston. I am pleased to include the text of his remarks at this point in the RECORD:

ADDRESS OF CONGRESSMAN WILLIAM JENNINGS BRYAN DORN

(Remarks of Congressman WILLIAM JENNINGS BRYAN DORN, South Carolina, vice chairman, House Committee on Veterans' Affairs, and chairman of its Subcommittee on Compensation and Pension, to a joint meeting of the Economic, Legislative, and Veterans' Affairs and Rehabilitation Commissions of the American Legion, meeting in Houston, Tex., August 27, 1971)

I welcome this opportunity to be presented to a great group of Legionnaires by Clarence Horton, Chairman of your Legislative Commission. I am glad to see my friend Bill Ayres, former member of the House Committee on Veterans' Affairs, from Ohio—we sat on the Committee for many years and I know of his dedication to the veterans of our country, and the long hard hours he put in on that Committee.

Our Committee on Veterans' Affairs is perhaps the most nonpartisan Committee in the Congress of the United States and I am pleased for that because you get to know Members of the other party there better than in any other Committee. Their chief concern is for the veterans of this country, their dependents, and in keeping America strong. On that Committee you learn to love these men regardless of their party.

Commander Chamie's presentation of the American Legion's legislative program to the Veterans Affairs Committee was truly outstanding, and he is making one of the greatest National Commanders in the history of the American Legion.

I bring you greetings from Chairman Teague. He is a great chairman, as you know, doing an outstanding job in the Congress, and has been chairman of the Committee during the greatest era in the history of veterans legislation, an era known as the Era of the Veteran. He has perhaps pioneered more legislation through the Congress, with the able assistance of men like Bill Ayres, than any man in the history of the United States, and I am proud to serve under him.

We have this year, as you know, created a Veterans Affairs Committee in the United States Senate. After all these years, after the fight you made for a committee, which really was just and due recognition of the veteran in the United States, finally we have a Veterans Affairs Committee in the Senate, just organized this year. It is set up, and we expect great things from that committee, but we are still the committee on the House side that carried the ball all these years.

You have a great legislative commission in Washington. The American Legion National Headquarters is doing an outstanding job on K Street in Washington. This is the age of salesmanship, public relations, advertising. There is nothing wrong with the word lobbyist—you have a lot of them in Washington. When we want to know something about legislation they are experts and we don't hesitate to call on them. Herald Stringer and your men in Washington are experts on veterans legislation and we need the type of advice they can give us. We are grateful to them and to you for permitting them to serve so ably and well in Washington.

Much legislation is before the Congress. Not as much as in the 91st Congress—the last Congress passed more veterans legislation, beneficial legislation, than any other Congress in the last 20 years. We do not have quite as much to do in this session of the Congress, due to the fine job done in the last session on veterans affairs, but we do have some bills up. One that you know about is the direct housing loan bill for veterans. It is difficult for some of us to understand why other housing programs, with a subsidy in them, should be expanded and more money appropriated for those programs, while the funds for direct housing loans to veterans has been impounded, and we hope this legislation will pry loose this money which I think is urgently needed in a program which has saved the federal government $218 million, not a subsidy at all but a program which makes money for the government.

You know about our cemetery bills. We have several of them before the Committee. We have been conducting hearings about the national cemeteries, and as you well know, those who are buried in national cemeteries lived at one time ar another within 50 miles of the national cemetery, so the vast majority of American veterans who pass on are not affected by the national cemetery, or do not request to be buried there. We are considering several other bills to expand the national cemeteries. It would take vast sums of money, so we are thinking about other legislation, perhaps another national cemetery at Manassas, Virginia, near Washington, plus one in each state, or in regions. The Chairman has a bill which would allot the veteran more than the present burial allowance, permitting a veteran to be buried at a place closer home. This is one of the issues before the Veterans Committee being hotly debated throughout the country. There is no more room at Arlington National Cemetery. Something has to be done. This does have the urgent attention of the Veterans Affairs Committee.

You know what we have done in the House of Representatives about state nursing homes—made it possible for veterans to stay longer, and in private nursing homes, and I think this is only just, because many of our veterans are in a state where they cannot be moved in and out.

We have this year appropriated more money for nurses, doctors, and have recruited several thousand doctors under that increased appropriation and nurses and technicians, to keep our veterans hospital program going. You are aware, of course, of the assault being made almost constantly on our veterans hospital and medical care program. We have the finest program in the world, and it should be maintained at average daily patient census—85,000 beds. Congress did not permit Administration proposals to make a cut back to 79,000. This would have been the equivalent of putting 13 to 15 VA hospitals out of business. I think that this proposal was unwarranted at this time in our program when our veterans are returning in even greater numbers than ever before. We need this hospital program that was so ably developed and fought for and inaugurated by The American Legion during the 20's. It is the greatest hospital program in the world today and I think it is run as efficiently and as dedicated as any program or any medical service in the world today, and we do want to maintain this program at the highest peak of efficiency so as to continue to take care of the veterans of our country.

One bill I want to mention in particular is HJ Res 748, which would provide for a $15 million appropriation annually for six years to create five pilot medical schools in connection with existing VA hospitals where there is a surplus of room perhaps in the present installation. The Chairman first introduced a bill, others followed and joined in introduction of the bill. Several reasons were behind the introduction. One was a shortage of doctors, nurses, technicians, lab assistants, generally throughout the United States—50,000 doctors short, and we were falling behind in the general medical standards for the American people. We have some communities with no doctor at all. There is one county in my District where we had to take OEO—poverty—funds and subsidize a doctor so he could go into the community. In another county they subsidized with state and county funds the salary of a doctor to minister to the people who lived 20 to 25 miles from any other doctor. This is a problem throughout the United States. It affects medical care for veterans. In some areas we cannot get people to move to them. In others we have a sufficiency of doctors, technicians and nurses, but in some of our VA hospitals this is the greatest problem, to get people to come into those communities. So we have passed a bill and hope it will be adopted by the Senate which will be a pilot program. If it works we may do it in other places. Five new medical schools will be established somewhere in the United States to be decided by the Veterans Administration, in conjunction with the VA hospital similar to what happened in Shreveport, La. Instead of waiting two years they got the medical school planned and opened and in two years had the first class registered because they had some surplus room at the VA hospital there. I believe this program is necessary. I believe it will work, and I hope it will become law and we shoulder this responsibility of keeping our program vital and alive for the veterans of this country. I think this will be a step in the right direction. This bill also calls for $15 million annually over a 6-year period to help existing medical schools in conjunction with VA hospitals. It is not solely confined to new medical schools, but to help old medical schools as long as they are in conjunction with a VA hospital. This I think is a good program.

Another bill we have passed this year concerns a problem affecting the whole nation—drug abuse. We have had it brought to our attention in a forceful manner these last few months. Something had to be done with 50,000 veterans—and that is a very conservative estimate—addicted to hard drugs, largely as a result of service overseas for our country. I maintain that a man or woman who is addicted to drugs or became addicted while in the service of his country, under extenuating circumstances quite often, such as the mud, filth and mire of a country like South Vietnam, with casualties going on night and day without even seeing the enemy—I can well understand a man who becomes addicted; he is just as sick as one with malaria, hepatitis, typhoid fever in Vietnam. It is a major national problem, and something should be done, and we cannot delay this program any longer. A man wounded in that fashion is as much wounded mentally and physically as one hit with gunfire. I hope our bill will become law. It will provide clinics to treat one addicted to drugs just as though he was a wounded veteran. Not only that, we are providing another clause to clarify the situation between honorable and dishonorable discharge. We know that it is possible for a veteran to serve honorably and get a dishonorable discharge because of drug abuse or something he committed while under the influence of drugs. To turn that man out on society, we are not providing that he be given an honorable discharge but that he be treated so that he won't be turned loose on society. This is something new but this gray zone needed to be clarified, and in this legislation we are doing so. We also provided for a federal court to commit someone who is a veteran and who is endangering society because of his addiction or mental problem as a result of excessive hard drugs, to commit him to Fort Worth or Lexington in connection with our mental health program, or other clinics, so that he can be treated while at the same time preventing his going out in society and doing some of the things which are causing so much crime in our country today.

These are some of the things we are doing. Our committee is very concerned with this problem, this drug business, one of the major causes of crime, delinquency, and other problems related to it. I do hope it will become law, and we can treat these people who were wounded in service in this fashion mentally and physically.

I even go further and say that some day we will have to face the problem of alcoholism and provide for the treatment of a veteran who became an alcoholic. I know of men in combat who never touched a drink but under those same extenuating circumstances he might become addicted to alcoholism. Certainly he should be treated because he was wounded in that fashion by his service to his country.

Many problems face the Committee. You have the problem of inflation. I am supporting the President in his efforts to curb inflation, because inflation is the greatest enemy I can think of in veterans benefits, compensation, pension and annuities. You provide for a certain scale one year, and within a year it is destroyed because of the insidious evil effects of inflation. We must make the American dollar count in veterans affairs, and I might say in national defense.

Right here I want to commend The American Legion. You not only have come up with a program for veterans, widows and orphans, but you have consistently since 1919 advocated measures for a strong national defense which, in my opinion, had they been adopted by the Congress, would have prevented World War II. They put our fleet in mothballs, and they courtmartialed, or tried to courtmartial, Billy Mitchell for saying that a bomb could sink a battleship, and it took Pearl Harbor to prove what he had been saying for 20 years. The American Legion in every national convention since 1919 has advocated a strong national defense. When Hitler was building his Panzer and Stuka dive bombers we had one bomber at West Point. We were saved by the ocean, and we had two or three years to build, which put America back in the defense business. Next time you won't have five minutes. The American Legion is again fighting today at a time when there are those who are seeking to disarm this country. Inflation not only hurts the veteran but it hurts national defense. We appropriate a defense dollar one day and it is eaten up by inflation the next day. Soviet Russia does not have that problem. When they appropriate a dollar it goes into national military hardware, and that puts us at a tremendous disadvantage with inflation. You heard what was said about the Sixth Fleet in the Mediterranean and losing control of the seas in the world. I could not think of anything more tragic to our nation, which is a small country compared to Russia and India, to the survival of this country and the cause of freedom all over the world, so you really have your work cut out for you.

I was glad to see you have 2,700,000 members—I wish you had 10 million members; it would be the greatest factor for peace. You hear people talking about peace—peace signs, flower signs. The only real force that you can have to preserve and insure peace is to be strong. Yet today they tell me that in the first strike we would be at a disadvantage in the Sixth Fleet alone, the number of ships that would be sunk in five minutes. This is true in the Indian Ocean, and around the world. We must keep this nation prepared to prevent World War III, and to preserve the peace. It is hard to get this through to people who would destroy the armed forces. You cannot ask people to do right and expect them to. They are looking for an opening, for weakness. The greatest challenge to you and the American people is to make this nation supreme on the sea and in the air and in space so that we can be a factor in preserving peace and preventing war which would destroy the world.

I want to say this to The American Legion. I remember you had your problems with demonstrators. Many of the young Legionnaires forget—you had your problem with demonstrators in St. Louis in May 1919 when they jumped on the platform and tried to keep The American Legion from being organized because you were for God and Country. There are a lot of people against God and Country. They had to be physically ejected by force from the platform in St. Louis before you could be organized. They were not satisfied with that. A few months later, on November 11, 1919, at your first national convention in Minneapolis, they caused trouble, and on that same day, in Centralia, Washington, four Legionnaires were killed as they marched down the street unarmed on Armistice Day.

So there was a lot of opposition then to The American Legion even being organized. I see those same elements at work in America today. Some of them criticize The American Legion; some of them indicate or try to say you are the organization that wants to take over America. Nothing could be further from the truth. The American Legion is the greatest organization that I know of in the world today for peace, for stability, for law and order, to preserve the liberty and freedom for all of our people. Look at Boys State, Boys Nation—I have never seen finer work being done in Americanism than is being done by The American Legion. Your oratorical contest; American Legion junior baseball, the Legion leading youth. People talk about communicating—you have involved them, you are working with them, and they are going to meet the challenges of tomorrow in the same fashion you met the challenges of our country in this last generation. Over 60% of all major league ball players in the United States played on your junior teams. The American Legion can be proud, and I challenge each of you to go home when this convention is over and get more and more people in the Legion.

The GI Bill: talk about legislation! In all the history of the world in any country this was the greatest investment in tomorrow which you supported and helped fight through Congress. Ten million American men and women were trained under the GI Bill, at a cost of $19 billion. I remember some of the folks after World War II said this would lead to socialism, put education in the hands of the government. We appropriated $19 billion, 10 million men and women were recipients of that benefit, and already it is estimated they have paid back into the federal treasury approximately one billion dollars more than they would have had they not been educated, by increased income. This is the best piece of business in the history of the world, government or otherwise. Most of these people are home owners today. I did not mention local taxes, church dues, etc. which they pay. One billion dollars into the United States treasury more than they would have paid had we not made that original 19 billion dollar investment, and that is only the beginning, because the average age is 52.

Let's get more of these Vietnam veterans to take advantage of the bill we have for them. They talk about unemployment, lack of jobs. We have this GI program. We are making every effort—the Committee and the Veterans Administration—to see that these veterans are properly informed about it overseas and upon their discharge. It is a problem. We want them to take advantage of it, and the widows and dependents who are eligible.

Again I want to thank you and say how proud I am to be associated personally with an organization which has no ulterior motive, an organization which is for God and country and for the veteran and his widow and orphan, to try to seek justice and mercy for these people in time of peace who fought so gallantly on the battlefields of the world and on the sea and in the air. You have a noble purpose. I am proud to be a Legionnaire, to be associated with your efforts for America, for tomorrow, for God and country.

POWER INDUSTRY MAKING PROGRESS IN REDUCING POLLUTION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. RANDOLPH. Mr. President, I continue to be gratified by the progress made by American industry in reducing pollution. Hardly a day passes that I do not see evidence of responsive action by industry in our national effort to eliminate the unnecessary contamination of the air we breath and the water we drink.

The electric power industry, on which many heavy demands are being made to increase the supply of available electricity, is hard at work to meet these demands without contributing further to our national pollution problems. At the same time, this vital industry is making substantial strides to reduce pollution from its existing plants. A recent news story in the Dominion-News of Morgantown, W. Va., reported on progress made by the Allegheny power system to comply with air pollution regulations of the State of West Virginia. This is a further example of the efforts to which industry is going to reduce pollution.

Mr. President, I ask unanimous consent that this article, written by George A. Crago, and published in the Dominion-News, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Allegheny Power Plans Anti-Pollution Devices

(By George A. Crago)

Allegheny Power System is making plans to bring the Albright Power Station in Preston County in compliance with state regulations on fly ash and sulphur dioxide gases, a spokesman for the electric utility said yesterday.

Ray Purdum, manager of the Albright station, said, "We intend to install equipment or make necessary changes in Albright Power Station operation so that the stack emissions will conform to West Virginia air pollution regulations."

West Virginia's regulations governing power stations are expected to be announced within the next six months, the utility spokesman added.

Purdum disclosed that preliminary engineering tests and studies are now being conducted at Albright to determine what changes in the station may be necessary to meet state emission standards. Albright station went into operation in 1952.

The station manager said that engineers from Allegheny Power Service Corp. have installed sampling devices to measure the amount of solids and gases that remain in the station's exhaust after they pass through dust collecting devices now in use.

Albright is owned jointly by Monongahela Power Co., and the Potomac Edison Co. Those two firms and West Penn Power Co. make up the Allegheny Power System.

Allegheny Power Service is responsible for engineering at Allegheny member facilities, including Albright.

Allegheny Power said the West Virginia

Air Pollution Control Commission is expected to issue regulations for power plants by next Jan. 31, along with a date for compliance.

"One of our problems," Purdum said, "is that we do not know specifically what these regulations will require."

Once the regulations are published and a compliance date is set, the engineers will proceed to complete the necessary changes at Albright, the station manager stated.

How permissible sulphur dioxide limits will be measured under the state regulations will serve as the criteria. They may be measured at the point of emission from the stack, or the check could be made at ground level, it was explained.

Unit No. 3, the largest at Albright, was the first generating unit in the Monongahela Power service area to have an electrostatic precipitator installed.

The collection of flyash from stacks has been greatly improved in recent years and the precipitator at Albright is not as efficient as later models, Purdum noted.

He said Fort Martin Power Station north of Morgantown has an efficiency of 99 per cent.

Units No. 1 and No. 2 at Albright now have mechanical flyash collectors.

Purdum said high stacks help to minimize ground level concentrations of gases. He added that stations with high stacks usually meet federal standards for ground level sulphur dioxide concentrations.

High stacks take gases above the inversion level where they are dispersed and diluted by air currents. Ground level concentrations of sulphur dioxide are avoided through this method.

Removal of gases from the exhaust poses another problem. Switching to low-sulphur fuel is the best and most practical method of eliminating exhaust gases, but Purdum said "low sulphur coal is not readily available in the Albright area nor is it available elsewhere except at a premium price."

The station manager anticipated that "low sulphur fuel oil could likely be a substitute for the coal now being used at Albright in case local coals are not acceptable under the new regulations."

Allegheny Power and other utilities along with coal companies and numerous research organizations are seeking feasible methods to remove sulphur dioxide and other gases from furnace exhausts.

Removal of such gases can now be accomplished in the laboratory and some programs have reached the pilot plant stage where tests are made under actual operating conditions. Full size demonstration units also are under construction, Purdum said.

Both wet and dry "scrubbing" processes are being researched and efforts are being made to remove sulphur from the coal prior to its being burned. Conversion of coal to oil and gas also is being studied.

Purdum said use of oil instead of coal would create an economic problem and that miners "now employed by the mines furnishing coal to APS stations would be seriously affected by the switch to an alternate fuel."

Purdum noted that Fort Martin station alone furnishes year-around employment for 500 miners.

And, the station manager added, "The higher cost of the alternate fuel would also show up on each customer's bill because of the fuel cost adjustment clause now in effect in Monongahela's new rate schedule which is under study by the Public Service Commission pending final approval."

APS is conscious of the need for changes in the flyash collection system at Albright, the station manager stated.

Allegheny "is acutely conscious, too, of spending money that eventually would be added to the customer's bill. To build a system into the station now without knowing what efficiencies may be required later could result in extremely costly modifications of that system."

Concerning the new state regulations, Purdum said that "We will be as anxious as any citizen of Preston County to have Albright station meet these regulations."

A group of citizens some months ago picketed the plant in protest against flyash emissions and gas exhausts at the Albright station.

FED SABOTAGES THE FREEZE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. RARICK. Mr. Speaker, recent reports of the Secretary of the Treasury's strong stand against the demands of the IMF and his refusal to accept their planned agenda to devalue the dollar mislead the American people into believing that the financial institutions are serious about combating inflation and observing the President's wage-price freeze.

Many have already forgotten that the President beat the international money people to the punch by detaching the U.S. dollar from gold and allowing it to float, thus in all practicality devaluing the U.S. dollar before the IMF demands.

Unfortunately, the international bankers are only playing politics with the American spirit and determination. While wages and prices are frozen—while the individual American citizen is voluntarily tightening his belt in a valiant effort to save the American economic system from possible destruction that has been brought on by gross governmental overspending—the Federal Reserve Banking System announces it will begin trading, buying, and selling, in securities issued by Federal agencies other than the Treasury Department.

Such a practice can only be inflationary; it can only establish more paper credit. The Fed during these crucial times now decides to use its power to issue paper money to purchase Government agency securities—a practice that can only create more printing press money and spur inflation as well as push this Government further and further into debt. Likewise, dumping additional paper money into the economy during the period of the "freeze" can only have the effect of devaluing the outstanding currency by circumventing the President's proposal.

Government debt caused by deficit spending—the primary cause of inflation—must be reduced. The Fed's entrance into the bond market with agencies other than the Treasury cannot do this—it is an inflationary measure that clearly contradicts the President's "new economic policy" and sabotages any effort to control inflation.

The Fed's announcement, strangely enough, comes precisely at the time of the IMF negotiations.

I ask that related news articles be inserted in the Record at this point.

The articles follow:

[From the Washington Post, Sept. 17, 1971]

Fed To Begin Trading Government Securities

The Federal Reserve Board said yesterday its open market committee will begin buying and selling securities issued by federal agencies other than the Treasury Department.

Five years ago Congress gave the Fed the authority to make such purchases.

Rep. Wright Patman (D-Tex.), chairman of the House Banking and Currency Committee, said the Fed decision, while belated, will be of assistance to the housing, export, and agriculture industries.

The Fed, on its part, said it was not making the move in order to support "individual sectors of the agency market," or to channel funds into issues of particular agencies.

Many government agencies, such as the Federal Home Loan Bank Board, issue notes and securities such as making loans to savings and loans associations. Moves to broaden the market for these notes have received support from Congressional and industry sources.

The open market committee buys and sells government securities with a view to controlling monetary aggregates. For example, when it wishes to contract the money supply, it directs the New York Federal Reserve Bank to sell securities thus sopping up funds banks might otherwise lend.

Nearly all open market operations are in Treasury securities. The Fed has about $65.7 billion of Treasury obligations in its open market account, a spokesman said. There are a total of about $162 billion marketable Treasury securities outstanding today.

The spokesman said about two-thirds of the roughly $47 billion in agency securities outstanding would be eligible for purchase under guidelines the Fed put out yesterday. However, only 10 percent of any agency issue outstanding may be purchased by the open market committee, the guidelines said.

It will not purchase any issue in the secondary, or resale market, until at least two weeks after issuance. All open market committee operations are in the secondary market.

Patman, in his statement yesterday, said Congress should consider giving the Fed authority to "purchase directly from agencies" rather than having to go through the "dealer tollgate" of the secondary market.

The Fed wants to confine its open market operations to affecting money aggregates, not to stimulating aggregates, not to stimulating specific credit markets. It said its new authority is aimed at both widening the base of the system's open market operations and adding breadth to the market for federal agency issues.

[From the Washington (D.C.) Evening Star, Sept. 17, 1971]

United States, Nine Nations Split on Monetary Crisis

(By Andrew Borowiec)

London.—The world monetary crisis deepened today amidst much acrimony between the United States and its major trading partners.

After two days of often bitter debate, the finance ministers of the capitalist system's 10 richest nations adjourned without as much as a hint of solution.

They did agree to hold another meeting Sept. 26 in Washington on the eve of the conference of the International Monetary Fund.

At this stage it is seriously doubted that a breakthrough can be achieved by then.

There is no agenda for the Washington Group of 10 meeting except for a vague instruction to deputy finance ministers and a special working group to "explore ways and means of reforming international monetary arrangements." This is precisely what the ministers themselves failed to accomplish at their meeting which ended yesterday.

In Europe, the failure of the London meeting was regarded as accentuating the crisis opened Aug. 15 by President Nixon's decision to allow the dollar to float, and at the same time imposing a 10 percent surcharge on imports.

Comment of the financial circles, editorialists and officials was generally anti-American, underlining the serious and still growing rift between the United States and the rest of the capitalist world.

The issue centers on Western Europe and Japan's demand for at least a partial formal devaluation of the dollar amounting to adjustment of its parity toward gold presently pegged at $35 an ounce. The figure of $40 an ounce has been mentioned as a possible solution.

U.S. REFUSES TO DEVALUE

The United States has been steadfastly refusing to bow to these demands in its quest to gradually reduce gold's importance in monetary dealings.

Instead, the United States wants the strongest West European nations to revalue their currencies upward. The move would obviously harm their exports to America.

The Europeans also argue that if gold formally remains at $35 an ounce and other currencies move upward, it would make the dollar worthless in its relationship to gold.

The United States, represented at the London meeting by Treasury Secretary John B. Connally, also appealed to its trading partners to help improve the American balance of international payments. Connally spoke of the goal of $13 billion, which most Europeans regard as exaggerated. The balance of payments includes all transactions, private and government, except short term capital movement.

The United States feels it has adopted enough measures to cope with the crisis and now is the time for the rest of the world to do its share, partly out of gratitude for U.S. aid after World War II.

Connally, conference sources said, has insisted that no formal devaluation of the dollar will take place. He was reported satisfied with the present system of floating currencies which so far has lowered the value of the dollar on most European exchanges by a maximum 3 percent since Aug. 15.

This attitude has left the United States virtually isolated as the bulk of West European nations is pressing for a set parity system. Of the countries represented at the London conference, only West Germany appeared to be willing at least to sympathize with the American point of view. West Germany's attitude is largely motivated by its continuing political dependence on the United States.

In addition to the United States, the group of 10 includes Britain, France, West Germany, Italy, Belgium, Holland, Canada, Sweden and Japan. Switzerland sent an observer.

London financial circles expressed widespread fears that measures taken by individual countries might result in a full-scale trade war. However, the relative stability of the currency markets so far somewhat attenuated this pessimism.

But the Europeans are generally becoming reconciled to the fact that the United States is not about to eliminate the 10 percent import surcharge. Consequently, retaliatory measures are likely.

The danger of the situation that might result from the surcharge was stressed by the Geneva-based General Agreement on Tariffs and Trade, a 56-member organization dedicated to easing world trade restrictions.

The GATT last night unanimously adopted a report describing the surcharge as incompatible with the existing agreements and urging the United States to withdraw it "within a short time."

The GATT report also stated that the other members of the organization had a full right to take countermeasures.

[From the Washington Post, Sept. 13, 1971]

IMF Annual Report Outdated by Move To Float Currency

(By Hobart Rowen)

The International Monetary Fund yesterday released the text of its 1971 annual report, asserting that "the basic principles of the Bretton Woods system are sound and should be maintained and strengthened."

But as the press release accompanying the report indicates, events have overtaken the report. Prepared late in the spring, it was approved by the executive directors on July 29, just a couple of weeks before President Nixon on Aug. 15 threw a monkeywrench into the Bretton Woods system by detaching the U.S. dollar from its link to gold.

Thus, in contrast to the stability of exchange rates around agreed-upon par values—the essence of the Bretton Woods system—the U.S. dollar, the deutschemark, the Dutch guilder, the Canadian dollar, and the Japanese yen are all "floating" in violation of IMF rules.

There is considerable pressure, of course (much of it emanating from the IMF) to restore the fixed-rate system as soon as possible, albeit with some greater degree of flexibility, as was suggested at last year's annual meeting in Copenhagen.

But with this year's annual meeting due to get under way in Washington next Monday, the major powers have yet to agree on a new set of exchange rates that could be the basis for re-vitalizing the Bretton Woods system.

The IMF's report has once again pinpointed the U.S. balance of payments deficit as the key problem, because of a current account surplus (trade) too small to cover heavy capital and government expenditure abroad. The report could not foresee the mid-year worsening of this picture (the trade account itself has slipped into deficit) and in no way anticipated Mr. Nixon's dramatic steps of Aug. 15.

POLICY RECOMMENDED

The report did, however, reiterate last year's suggestion of an "incomes policy" for the U.S. (and other industrial countries) to help control inflation.

The fund's basic recommendations, as written prior to the U.S. initiative, did not go beyond what had been discussed before, namely, slightly wider margins around par, and "temporary deviations" (floats) from par value obligations.

It spoke favorably of the creation of Special Drawing Rights (SDRs) but warned that regulation of this one segment of monetary reserves did not provide adequate control of total monetary reserves. The point was the amount of dollars in international reserves had gotten out of hand, but there was no specific recommendations on what to do about it.

The total increase in international reserves of some $16 billion in 1970 was labeled "exceptional and disquieting." The report ducked offering a conclusion on whether this swelling of reserves, mostly in dollars, would affect future allocations of SDRs. (The next issue, for 1973 and later, must be decided upon in 1972). The report diplomatically suggested that a decision might "more suitably" be made later.

RESERVES GROW

Reserves held in foreign exchange increased $14.1 billion, or almost 50 per cent in 1970, mostly in claims denominated in U.S. dollars. This expansion resulted in a marked shift in the composition of total reserves. At the end of the first quarter of 1971, foreign exchange accounted for nearly 50 per cent, gold for less than 40 per cent, and SDRs for 6 per cent. Twenty years ago, foreign exchange was less than 30 per cent of total reserves, while gold was two-thirds (there were no SDRs).

Major growth in foreign exchange came from the U.S. deficit, and from a $5.5 billion in official holdings of Eurodollars. The report took note (by interference, approvingly) of the decision made earlier this year by major European central banks to refrain from further placement of funds in the Euro-currency market, or withdraw them when necessary.

[From the Washington Star, Sept. 12, 1971]

World Struggle Over the Dollar

(By J. A. Livingston)

On Sept. 27, the money masters of the world gather here for the annual meeting of the International Monetary Fund, hoping against probability to put the Humpty-Dumptied monetary system together again. They have a week to achieve what is likely to take years of trial, error, negotiation, and compromise.

After a meeting in Paris, Paul A. Volcker, U.S. under secretary of the Treasury for Monetary Affairs, said: "It is a mutually difficult situation that will take some time to work out."

The IMF objective is made clear in its 1971 report: To strengthen what has been shattered—the 27-year-old Bretton Woods system of fixed exchange rates.

Under the Bretton Woods agreement, the dollar became the world's monetary yardstick. The United States undertook to convert dollars into gold at $35 an ounce, and this established the rates of exchange of other currencies. Example: If the German mark were four to the dollar, or 25 cents, and the French franc five to the dollar, or 20 cents, then the franc would be four-fifths of a mark and the mark one and one-quarter francs.

An exchange rate is like a marriage. It demands compatibility of domestic economic policies—wages, prices, productivity—among nations. Compatibility implies that a nation will have a balance-of-payments surplus with some countries, offset by deficits with others.

For the United States, the marriage has deteriorated into inconvenience. Domestic policies didn't gee with external obligations. The emphasis on high employment generated a long run of balance-of-payments deficits. The U.S. exchange rate—the price of the dollar—became misalined.

Domestic wages and costs advanced. This year U.S. imports are expected to exceed exports. That hasn't happened since 1893. And in August, foreign passenger cars wrested 20 percent of the U.S. market from domestic manufacturers. So, the United States now must price itself back into balance-of-payments equilibrium—become "more competitive" in world trade.

The world's finance ministers and central bankers have a common objective: To revamp the monetary system before debate degenerates into distrust and distrust into dog-eat-dog retaliation, with tariffs, quotas, and restrictions.

Within that objective, U.S. officials want to bring U.S. balance-of-payments into equilibrium and regenerate faith in the dollar. To this end, the U.S. seeks:

1. An increase in the price, or exchange rates, of major currencies relative to the dollar. This would raise prices of foreign goods coming to the U.S. market and trim prices of U.S. exports.

2. Reductions in trade and tariff barriers against U.S. goods.

3. Widening world responsibilities. Japan and Germany, as well-to-do industrial nations, could participate to a greater degree in supporting U.S. troops in Europe and Asia

and in giving aid to under-developed nations.

Two methods of currency realignment are being argued. The U.S. way is a one-stage process. The dollar stays put, while West Germany, Japan, the Netherlands, France, Great Britain and other countries raise the value of the mark, yen, guilder, franc, pound.

* * * * *

[From the Chicago Tribune, Sept. 10, 1971]

F.D.R.'s Game With Price of Gold

(By Walter Trohan)

Washington.—There is nothing sacred about the price of gold at $35 ounce. It must be remembered the price was set by Franklin D. Roosevelt almost 40 years ago, when he launched the spiral of tax and tax, spend and spend, elect and elect.

In his diaries, the late Henry Morgenthau Jr., F. D. R.'s secretary of the Treasury, tells how Roosevelt raised the price of gold from $29.01 an ounce on the London market toward his goal of $35 ounce. Every morning F. D. R. would meet with Morgenthau; Reconstruction Finance Corp. Chairman Jesse Jones and Dr. George F. Warren, a farm and monetary expert, to set the price of gold in October and November of 1933.

Roosevelt, according to Morgenthau "would lie comfortably on his old fashioned three-quarters mahogany bed. A table stood on each side: On his left would be a batch of government reports, a detective novel or two, a couple of telephones. On his right would be pads, pencils, cigarets, his watch and a plate of fruit. Hearty and refreshed after a night's rest, he would eat his soft boiled eggs," while others reported on the behavior of gold and commodity prices.

On Nov. 3—with a range of 19 to 22 cents to add to the price of gold—F. D. R. took one look at the worried Morgenthau and suggested a rise of 21 cents.

"It's a lucky number," Roosevelt said with a laugh, according to the diaries, "because it's three times seven."

Later Morgenthau confided to his diaries, "If anybody ever knew how we really set the price of gold thru a combination of lucky numbers, etc., I think they would be frightened."

Many are frightened now about the decline of the dollar in world markets, the freeze of wages and prices, the 10 per cent tax on imports, and various measures being taken to strengthen the economy. However, we are reaping the whirlwind of 40 years of inflationary spending and policies. Pandora's box was flung open long ago, and there is a grave question that it can be closed in 90 days.

Forty years ago the public debt was under $20 billion. Today it is over $400 billion, more than the combined debts of all the other nations in the world. It is racing toward $1 trillion. The government has had only one answer—to set the printing press rolling out dollars. Wages were increased, and prices, so that there would be more dollars to tax.

Building machine operators get almost $40,000 a year in some areas with no investment or investment responsibility. Bulldozer operators get $32,000 a year for a 40-hour week. Warehouse handlers who need few brains and little muscle, get more than $10,000 a year. Building tradesmen get $20,000 a year and better, truck drivers get around $15,000 a year for a 40-hour week, and ordinary shop workers around $10,000.

No one begrudes them such pay in these days. If they get substantial raises these are eaten up by new taxes and rising costs, so they must struggle to keep their place on the treadmill.

The Rev. Frank Rottier of Toulon, Ill., says that the policies and programs of the last 40 years "have so completely . . . molded the revolutionary retrocession of our American free enterprise way of life and its political principles that they are now gone. For businessmen, companies and corporations no longer run their own industries but are under the heels of Washington edicts of structural control by government and union accords."

Dr. Rottier concludes an open letter to the press media by declaring: "Unless we return to the God of Gods for the continuity of life, we will soon find ourselves in the ashes of our own destruction. For it is God who changes times and seasons; who removes kings and sets up kings; who gives wisdom to the wise, and knowledge to them that have understanding; who raises up the enemy to destroy; who makes fools out of those who say there is no God in economics and hold to the satanic fallacy of believing if everything were controlled and governmented everyone would have enough and be satisfied; thus denying any sin in our economics of daily life and its need for pardon [His Son] and the timely adjustment thereto that we may live."

[From the Washington Post, Sept. 10, 1971]

Restraint Urged in Fixing New Monetary Rates

(By James L. Rowe, Jr.)

Yale economist James Tobin yesterday said the world's major nations "should take their time in constructing new international monetary arrangements."

He told the Congressional Joint Economic Committee the nation should be in "no hurry to restore fixed exchange rates. We do not want to invite a return to the crises and difficulties of the last 12 years."

Tobin, a member of the Council of Economic Advisers under President Kennedy, also said some of the President's stimulus proposals should be made temporary rather than permanent.

He said long-term federal budget projections "have shown how little there will be" in the budget for programs supported by both political parties. He said the proposed investment tax credit and the repeal of the automobile excise tax should be temporary measures so as not to give away federal tax revenues permanently.

Tobin said President Nixon had performed a great service by cutting the tie between the dollar and gold. But he said the nation should not regard the exchange rates which the market produces over the next few months "as equilibrium rates which can safely be frozen in a new fixed rate system."

He cited several reasons why the floating rates over the next few months will not produce equilibrium rates, including:

Intervention by governments into the market and special regulations by governments "to keep their currencies from appreciating too much or too fast."

Erratic behavior by speculators and private traders unti they "gain familiarity with the new system."

Barriers to trade and capital movements "that are, or should be temporary."

Tobin cautioned against reestablishing a world monetary system "under which the United States can run deficits but has no way to alter dollar exchange rates in order to correct them. We should not have a system we have to destroy, as President Nixon did last month, in order to gain the initiative that other countries have to set the exchange value of their own currencies."

The economist said that other countries, as well as the United States, have protectionist devices. He said, "The whole bundle ought to be reconsidered and a large part of it mutually negotiated away before any new international monetary system is established, certainly before fixed rates are restored at parities reflecting these distortions."

He also suggested that gold be demonetized. "Any role that gold might play in future international settlements can be performed by 'paper gold' at the International Monetary Fund. Existing national reserves of metallic gold should be converted into paper gold at the Fund," Tobin testified. He said the U.S. should not raise the price of gold.

On the domestic side, Tobin said the "more stimulus that occurs during the wage-price freeze the better, because in that period increased spending will be channeled almost wholly into greater output and employment."

He called the administration's liberalized depreciation allowances—which permit businessmen to write off the cost of investing in new plant and equipment 20 per cent faster than they could have—a weak spending incentive. The $3.9 billion per year the allowances are expected to slash business taxes are a "windfall," be said.

Tobin testified that if the investment credit, which would allow businessmen to deduct from their tax bills 10 per cent of the cost of new investments, is passed by Congress, the new depreciation allowances should be abandoned. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, is said to favor such an action.

Tobin also said it was no time to abandon welfare reform. "There is plenty of slack in the economy, and the increased spending of the beneficiaries of welfare reform would be welcome."

[From the Christian Science Monitor, Aug. 27, 1971]

Nixon Shakes Up Currency Scene

(By Richard C. Ninneman)

Geneva.—Whether one admits that Bretton Woods has been officially scrapped or not, Aug. 15, 1971, will go down as a watershed date in international monetary history.

Moreover, whether one likes the manner of the unilateral action of the United States, this is probably the only way change could have come.

It has become clear that some European nations and most notably Japan were not taking action quick enough to please the United States to bring their currencies into line wth the U.S. dollar. And it had long been assumed that the U.S. would not allow the piecemeal nibbling away at its gold stock to continue once it got down toward the $10 billion level.

A shock action was the only response left to the U.S. to get action from its free-world partners.

The impact of the shock, however, may make it more difficult to put things back together again. Sensitivities have been bruised. And the United States, though still accounting for close to half the free world's economic strength, is no longer in as strong a position as it was when the major economic powers met in New Hampshire in 1944 to pian the International Monetary Fund (IMF) and the World Bank.

There are two parts to the problem. The first should be resolved the quickest.

First, what should the U.S. dollar be worth in terms of the major trading currencies?

Second, what is to be done about international reserves, with the U.S. seeming to block an increase in the gold price, and the rest of the world increasingly queasy about holding onto the growing amount of deficit dollars afloat abroad?

The matter of the worth of the U.S. dollar illustrates the undue—and unappreciated—burden the United States has had to shoulder as a reserve currency nation.

It simply could not devalue, as could other nations, when domestic inflation made its goods less competitive. As long as the dollar was tied to gold at $35 an ounce, the only way to devalue was to raise the gold price—which most monetary experts have thought to be a step backward—or to get other nations to revalue upward, which only a few have done.

By "unhooking" the dollar from gold at least temporarily, the U.S. is forcing others to have a look at what the dollar is really worth in terms of their own currencies.

My own judgment is that most nations do not actually think the dollar is seriously overvalued, and that in Europe at least the change in currency values vis-a-vis the dollar may range around an average of 5 percent.

TRENDS IN THE SIZE OF WELFARE ROLLS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 17, 1971

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of August 30, 1971, included an excellent editorial on the trends in the size of the welfare rolls.

The editorial notes that after a period of sharp increase, the total of welfare recipients leveled off in April and declined in May. The reaction of the Department of Health, Education, and Welfare was to express concern over the decline.

The editorial maintains, and I agree, that what HEW really should worry about about is not a tiny decline but rather the huge increase which preceded it. Secretary Richardson testified before the Senate Finance Committee that in an 18-month period ending last spring, welfare rolls increased by 50 percent.

I ask unanimous consent that the text of the editorial, entitled "The Welfare Problem," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WELFARE PROBLEM

The welfare rolls have been climbing rapidly for years. The program for aid to families of dependent children covered 2,200,000 persons in 1957, 4,600,000 in 1967 and 10,200,000 today. The growth leveled off last April, and in May the rolls actually fell by 16,000. The Department of Health, Education and Welfare is disturbed by the drop.

"We are concerned about this situation because the needs of welfare recipients have not lessened—they, too, are under financial pressure," says Welfare Director John D. Twiname. It's quite true, of course, that the dip in the rolls came when the economy was inching along rather than booming. It seems economic pressures have forced a number of states to cut benefits and restrict eligibility. But it seems to us what HEW ought to be worried about is not the infinitestimal drop in a period of economic slack, but the huge rise during periods of economic boom.

Mr. Twiname's remark, in fact, strengthens our growing conviction that the biggest problem with welfare is the thinking of those who administer it. How much better off we would be today if sometime during those years of a boom economy, HEW officials had said, we're concerned at the rise, because it's hard to see how the needs of welfare recipients are soaring so rapidly.

UNITED STATES SHIFTS POLICY TOWARD U.N. OVER CHINA RESOLUTION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, on Saturday, September 11, Mr. Charles Bailey, a staff correspondent for the Minneapolis Tribune wrote a story on a major shift in the U.S. policy toward seating the People's Republic of China in the United Nations. Mr. Bailey reported that Ambassador Bush to the United Nations had been authorized to revise existing American proposals toward admission of the Peking government of China in the world body. This report followed hard on the heels of reports from the State Department that the United States was having difficulty in lining up cosponsors for the two resolutions concerning the admission of the People's Republic of China.

These original resolutions were worded so as, on the one hand, to declare the expulsion of the Taiwanese Government from the world body an important question requiring two-thirds vote and, on the other hand, a proposal to admit the People's Republic of China to the United Nations. The Japanese Government, after intense 2-day negotiations in Washington refused to cosponsor the former resolutions.

On September 16, two stories appeared in the Washington Post and the Washington Star. Mr. Anthony Astrachan reported from the United Nations on a meeting scheduled with Ambassador Bush to sound cut governments on the change in position reported by Mr. Bailey. Mr. Sherman's story from the Washington Star followed Mr. Astrachan's story from the Post. All three of these stories indicate that the U.S. Government is undertaking a major shift in its policy toward the seating of the People's Republic of China in the United Nations. Because of its importance for American foreign policy, I am including all three stories in the RECORD as they occurred. The latter two stories confirm the report written earlier by Mr. Bailey. He is to be commended for his efforts at investigating journalism.

The articles follow:

UNITED STATES OFFERS TO DEAL ON U.N. CHINA SEAT—FEAR OF TAIWAN EXPULSION LEADS UNITED STATES TO FAVOR PEKING FOR SEAT ON SECURITY COUNCIL

(By Charles W. Bailey)

WASHINGTON, D.C.—The United States, seeking some way to prevent the expulsion of Nationalist China (Taiwan) from the United Nations (N.N.), is ready to support the seating of Communist China on the powerful U.N. Security Council as well as in the world body's General Assembly.

George Bush, U.S. ambassador at the U.N., has been authorized to revise the American proposal on the China issue to make clear that this country will not object to taking the Security Council seat away from the Nationalists and giving it to the Peking government.

The action, revealed by State Department officials to key congressmen Friday, amounts to an admission by the Nixon administration that its original strategy for dealing with the Chinese issue has failed, and that taking the Security Council seat away from the Nationalist regime is the only way—and not a sure one at that—of forestalling outright expulsion of Taiwan from the U.N.

Originally, the administration hoped that by merely backing the admission of Communist China to the U.N. it could pick up in return enough votes to prevent the ouster of Nationalist China. When Secretary of State William Rogers announced the U.S. policy on Aug. 2, he carefully avoided making any specific commitment on the related question of which Chinese government should get China's permanent Security Conucil seat with its important veto power.

But, as administration officials told the Tribune yesterday, Bush and other U.S. diplomats quickly discovered that many other governments would not go along with the U.S. "two China" strategy unless the Communists also were given the Security Council seat that the Nationalists have held since the U.N. was founded 26 years ago.

Without such a grant, U.S. diplomats concluded, there was no practical hope of preventing General Assembly adoption of an Albanian proposal which would both admit the Communist Chinese and expel their Nationalist rivals from the U.N. and all its agencies.

There is still serious doubt, officials in Washington conceded yesterday, whether the Nationalists' U.N. membership can be saved even with a U.S. concession.

Officials said yesterday that the precise form of the new U.S. proposal has not yet been worked out, but they said it would at least "affirm" the right of the Communist Chinese, once admitted to the U.N., to take the Security Council Seat assigned by the U.N. Charter in 1945 to China.

(China was given the permanent seat as one of the major World War II allies in the war against Germany and Japan. The other permanent seats on the 15-member council went to the United States, Soviet Union, Britain and France. Each of the five permanent members of the Council has a veto power over Security Council actions.)

Communist China, its supporters and a growing number of normally pro-U.S. U.N. members argue that admission of the Peking government to the General Assembly alone would neither satisfy the Communist Chinese nor reflect the realities of power in the world.

A number of diplomats at the U.N. and elsewhere have argued that failure to offer Peking a Security Council seat as well as U.N. membership would result in Communist Chinese refusal to come into the world body—and thus leave the troublesome issue still unsettled.

This attitude reportedly was the principal reason why the United States failed to win sufficient backing for its original proposal, which would have left the Security Council question unsettled until after the General Assembly acted on the admission of Peking and decided whether or not to let the Nationalists stay, too.

By conceding the Security Council issue in advance the Nixon administration hopes to gain enough votes to win passage of its two-stage proposal—to admit the Communists (and now to offer them the Security Council seat, too) but also to make any move to expel the Nationalists an "important question" requiring a two-thirds vote.

UNITED STATES SOLICITS VIEWS ON CHINA AT U.N.

(By Anthony Astrachan)

UNITED NATIONS, Sept. 15—The United States has invited representatives of about two dozen countries to meet here Thursday morning in an effort to put the American resolutions on Chinese representation into final shape and to find cosponsors for them.

The meeting will be part of the continuing consultations the U.S. Mission has been conducting on China, but it will be the first such meeting in a month.

It is expected to amend a U.S. draft resolution so as to award Taiwan's Security Council seat to Peking. The draft resolution, as it now stands, calls for the seating of Peking and the continued membership of Taiwan in the General Assembly. A second draft resolution makes the expulsion of Taiwan an important matter that must be decided by a two-thirds vote of the General Assembly.

Possible cosponsors, including Australia, New Zealand and the Philippines, have made plain that they regard America's "dual representation" efforts as hopeless if it does not explicitly give Peking the Council seat.

The Assembly will choose between the American proposals and the traditional Albanian resolution to "restore the lawful rights" of Peking and expel "the representatives of Chiang Kai-shek."

Thursday's meeting was first disclosed in Washington today by State Department spokesman Charles Bray, to the surprise of many people in the U.S. Mission here.

No American official has said on the record that American resolutions will specify Peking for the Security Council seat. Yet Secretary of State William P. Rogers has given broad hints in that direction and U.N. diplomats are virtually unanimous that the American effort has no chance of success if it does not give the seat to Peking.

Neither Bray nor U.S. sources here would predict which countries, or how many, would actually attend the Thursday meeting, though sources here said, "We will be hearing a lot of people we haven't heard from." Attendance will be a key to likely cosponsors. The Americans still want Japanese cosponsorship, but diplomats here said they would be surprised if they get it.

Both here and in Washington, U.S. officials have insisted that Peking may be willing to come to the United Nations even if Taiwan remains, despite Peking's repeated public statements to the contrary. They have offered no evidence but has suggested that Peking might disguise any willingness to be "flexible" on the matter.

Both Taiwan and Albania, two of the principal antagonists in the China debate, assert that Peking means what it says and will not come to the United Nations if there is any sort of dual represenation. Both countries have distributed press releases here with the full text of a statement to this effect by the Peking Foreign Ministry—Taiwan as part of its propaganda against any admission of Peking and Albania as part of its drive against dual representation.

While the Americans still sought cosponsors, the Albanian resolution found its 19th co-sponsor last week—Nepal. Both the 19 and the Americans have apparently agreed that though they will be fighting for priority, the fight should not start until after the assembly's general debate, probably in the middle of October.

THE UNITED STATES FOR PEKING ON U.N. COUNCIL

(By George Sherman)

The Nixon administration has decided to endorse Communist China for the key Chinese seat on the U.N. Security Council in hopes of preserving Nationalist Chinese membership elsewhere in the United Nations.

A meeting in New York today was expected to reveal how many other governments will join in sponsoring the new American package of resolutions on Chinese membership. Thirty-eight countries, including Japan, have been invited to the U.S. Mission for the meeting by U.S. Ambassador George W. Bush.

The General Assembly opens its annual session on Tuesday. Officials here concede that the tide is running strongly in favor of membership for Peking. Debate over Chinese representation now is scheduled for mid-October.

EARLIER EFFORT FAILS

As a result, State Department officials say, the United States has shifted tactics. In August, Washington circulated a draft package of resolutions which would have given both Peking and the Taiwan government seats in the General Assembly, but which made no mention of the important Security Council seat. That exercise failed, with only two other governments—both small Central American republics—agreeing to co-sponsor it.

In particular, Japan, Australia and New Zealand—key Pacific allies—said they would not support this two-China policy first stated by Secretary of State William P. Rogers on Aug. 2. unless the resolutions put Peking on the Security Council.

Nationalist China, under heavy pressure from Washington, has now said privately it will accept this formula if it is allowed to remain in the General Assembly. Foreign Minister Chou Shu-kai is here today conferring with Rogers before going on to the U.N. opening.

Discussion at today's meeting was to center on this substantive resolution, officials said. But the other part of the package, a procedural resolution, is also vital to the American strategy.

This calls for the General Assembly to rule that expulsion of the Nationalist government is an "important question"—thereby requiring a two-thirds majority to pass.

U.S. officias reason that at least 60 of the 127 U.S. members that have diplomatic relations with Taiwan will want to retain that government in the United Nations. They are hoping that still other governments will find the new U.S. resolution on a Peking seat in both Security Council and General Assembly fair enough to prevent a vote for total expulsion of Taiwan.

State Department press officer Charles W. Bray III said yesterday the American position on the important question vote "is a very strong one, we have a very good chance to win and we will make every effort to do so."

He said the "basic objective" is to retain a seat for Nationalist China, and that "all our tactics, and the position we eventually take, will have this objective as a purpose."

The chief American target is an Algerian-Albanian resolution which combines admission of Peking with a blanket expulsion of Taiwan. Communist China has said repeatedly in public that it will not join the U.N. so long as the Nationalists remain.

But yesterday, for the first time, Bray suggested officially that Peking might become "more flexible" if the General Assembly accepts the American resolutions. He did not present any evidence of this however.

THE SELLING OF THE MYLAI MASSACRE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. DELLUMS. Mr. Speaker, by now most of the world is familiar with the gruesome details of the Mylai massacre; few people know the story behind the release to the public of those details.

In the current issue of Evergreen magazine, a former Cleveland Plain Dealer reporter describes what happened when ex-Army photographer Ron Haeberle came to him with pictures of the horrors at Mylai.

I feel in some ways that this article by Joe Eszterhas presents as much an indictment of current American mores and ethics as does the tragedy of Mylai. Commercialization of tragedy, international business intrigue, harassment of Haeberle and Eszterhas instead of those persons responsible for the massacre itself, all these happened.

I am also disturbed to note that since publication of this article Mr. Eszterhas—a prize-winning reporter over the past 5 years—was fired by the Plain Dealer. Let me quote to you from a letter I received from another former Plain Dealer writer:

> Several former PD reporters I have talked to in Washington were quite surprised that such drastic measures should be taken in retaliation for this story. The story is excellent and extremely well written.
>
> Joe used the same perception he applied to covering page one stories for the Plain Dealer in writing this article. It gives insiders the impression the Plain Dealer can dish it out, but not take it.
>
> As far as My Lai is concerned, it seems entirely plausible that the confusion and lack of strong leadership described in the story is the same kind of decision-making that probably led to My Lai. The mistakes and uncertainty expressed in the article seem surprisingly similar to the events described by men who took part in My Lai. What do you think?

The question is, of course, rhetorical. The implictions are not. Society castigates the Eszterhas, the Haeberle, but not the ethics which create a Mylai. Perhaps because it is simple to identify an individual rather than any single component of the bureaucracy or the military, it is easier to aim at the heretics—the persons who point out the tragedies—rather than at the causes for tragedy themselves.

At any rate, I urge my colleagues to read this important article:

[From the Evergreen, October 1971]

THE SELLING OF THE MYLAI MASSACRE

(By Joe Eszterhas)

Ronald L. Haeberle really hoped the pictures wouldn't cause anybody any trouble.

He was a photo major at Ohio University, an average upper-middle-class nice guy, essentially apolitical, not the type to plan very far ahead, but confident that somewhere up the road was a split-level life in the suburbs, a wife active in the PTA, children going to Sunday School.

When he got drafted, after basic training he found that instead of making him a photographer, the army was making him an engineer. He did not like the prospect of being an engineer, especially with a war going on, and he launched a campaign of flattery. He took pictures of his officers and their wives and girlfriends in his spare time, presented the pictures to them as gifts (of a Trojan nature, as it turned out), and hoped that his true talents would be recognized. The campaign finally paid off in Hawaii, in the nick of time, three weeks from engineer status in Vietnam. He was made an official army "combat" photographer.

Not the medal-of-honor sort, he spent most of his time in Vietnam shooting sugar-and-molasses-barracks public relations photos: GIs handing Vietnamese kids Hershey bars; bloodied medics saving blond, blue-eyed Nebraskan lives. But two weeks, before his

Vietnam tour was to end, bushwhacked by some stray Robert Capaesque notion of journalistic heroism, no *Man* magazine tales to tell in front of the suburban hearth, he and a friend, Jay Roberts, an army combat correspondent, volunteered for a mission they understood would be a "hot one." He took two cameras: an army Nikon with black-and-white film, and a personal black market Nikon with color film. He and Roberts took their little early-morning helicopter ride.

He knelt next to GIs firing tracer bullets into babies, watched heads pop off like jumping beans, snapped sequences of the clumps of bodies, ate lunch a few miles down the road, flew back to his base, and handed over the rolls of film taken with the army camera. He kept the color films. It was a good day for photography: the light was fine, the sun was perfect, the shadings were excellent.

Two weeks later, his whopping war story encapsuled in memory, he ended his tour of duty, left Vietnam, and went back to Ohio. The son of a mid-management steel company executive, he toured the Ohio Kiwanis and Lions Club noonday circuits and presented his slide spectacular after lukewarm roast beef dinners.

"Vietnam: As One Veteran Saw It!" was the way the Kiwanians advertised his lectures. He showed the slides of the GIs handing Hershey bars to the kids, the medics saving lives, and the clumps of bodies at Mylai. He explained at each luncheon that the clumps on his screen were the result of an American search-and-destroy mission. The Kiwanians either acted like they hadn't heard him or walked away muttering, "War is hell." There were no questions, but a few complimented the quality and composition of his photographs and assured him he'd have a great future.

He stayed in Fairview Park, the white upper-middle-class suburb where he was born, sharing a bachelor's apartment with a friend, concerned about the usual things: parties, pregnancies, money, the boss. There was a sleek candy-apple-red Corvette at a lot near his apartment he fell in love with. He was doing all right, gaining weight, making a little money, and the memory of that day at Mylai did not bother him at all. The slides were stashed in a back drawer of his bedroom chest, not far from a box of Trojans. He had lost one slide somewhere—he wasn't even sure where- probably in Hawaii with a girlfriend.

1. He noted his singular experience of war had not changed him much. The only change: he found himself humming, a new and annoying habit. He especially hummed when he was nervous, and, strangely, could not remember humming like that before the day he was helicoptered into the village in question.

He worked as an industrial supervisor at Premier Industrial Corporation, a manufacturing firm near downtwn Cleveland, and, one day in August of 1959, he got a call at the plant from two men who identified themselves as army CID agents. They understood, they said, that he had pictures of something that had happened in Vietnam one day. They said they were investigating whatever it was that had happened. Ron said that he had turned in his black-and-white pictures right after the "incident." The CID men said they understood that, but somehow the black-and-white had gotten "lost." Could he meet them? Could he come to their hotel that night?

He met them at the Holiday Inn with his slides. The two agents had a slide projector with them, and the clumps of bodies were flashed against the bright pink Holiday Inn walls. They invited him to the bar to have a drink.

The agents told him it was his patriotic duty to give them the slides. Ron told them he'd be happy to give them duplicates. Ah, they said, but they really needed the originals. Ron said he was sorry and the CID settled for the duplicates.

He and one of the agents kept drinking. Near the end of their evening, half-stiff, the agent looked at him bleary-eyed, a southern jaybird, and said: "You were right, kid. Don't give those slides to anybody. You can sell that —— for a million bucks."

Ron thought about that, but only in his daydreams. In September he was more concerned that the army still hadn't paid him the $10.46 slide-duplicating costs and he decided to send them another bill. Then, in October, Seymour Hersh of the Dispatch News Service started writing about the alleged massacre in the place called Mylai, and Ron Haeberle started thinking more seriously about the million bucks the CID agent had told him about. He didn't want to cause anybody any trouble, but the way he figured it, he wouldn't be the one blowing the whistle. Sy Hersh had already done that. It wasn't like he'd be ratting on anybody.

2. I got a call one afternoon at my desk at the *Plain Dealer* from Ron Haeberle, who said he thought he might have a story for me. He said he wanted to come up to the office to talk about something too private for the phone. I figured he was a crank. I said that was fine, except I didn't have time to chit-chat. I was right on deadline, doing a story about a Czech Apache.

He called me back the next day. He said he had gone to school with me at Ohio University and had admired my "real courage" in putting out the school newspaper. He especially liked, he said, my campaign to boycott a Norman Luboff concert in favor of a Bob Dylan appearance and my crusade to oust a student government president named Buck Fetters, nicknamed Duck Feathers.

"If you could go after old Buck Fetters like that," he said, "you'll print the story I've got to tell you." He told me he had these war pictures and I said, "Sure, bring them over, we'll have a drink."

He brought his pictures over and I looked at them and we went to have our drink and talked about old Buck Fetters. "Well, I've got to check on this," I said, back in the office, and sat Haeberle down, a bit high, on the rewrite desk.

I took his army serial number and his dates of service and called the Pentagon. I wanted them to confirm that a guy named Haeberle had been in the army, in Vietnam, and at a place called Mylai. The colonel in charge of public information said it would take a few weeks to confirm all that. "That's a real mouthful," he said.

I told Ron we'd be held up for a few weeks.

"There's an easier way," he said. "This guy named Daniels, Captain Aubrey Daniels, has been calling me all the time. He's some kind of a prosecutor. Why don't you call him and ask him about me?"

"Why does he keep calling you?"

"To make sure I don't give the pictures to anybody."

I called Captain Aubrey Daniels in the Judge Advocate's office at Fort Benning and told him in front-page cigarsmoke tones that I had all these massacre pictures and was going to run them in the paper the next day.

"You can't do that," he said.

"Why not?"

"You're going to violate the rights of a lot of guys who were over there," he said. "Besides that, Haeberle was there as an army photographer and those are army pictures."

"So you're confirming that he was there," I said.

"What?" Daniels said. "What? You're putting words into my mouth. That's not fair."

I told Ted Princiotto, my night managing editor, a hard-nosed, alley-tough guy typecast by Jack Webb, that we had a world scoop.

"Aww," he said, "—— the scoop. We've got a moonwalk tomorrow."

After a while he tore himself away from his maps of the moon and came into the photo studio and looked at those technicolored clumps of bodies.

"Jesus Christ," he said. "——, man, this is great stuff."

"Well," I said, "what about the moonwalk?"

"—— the moonwalk," he said, "it's just a routine moonwalk."

The *Plain Dealer,* in its unflinching quest for a Pulitzer Prize or a mention in *Time's* press section, didn't pay even pennies for information—though it did deduct pennies from the paychecks of temporary summer employees who charged too much for mileage. The *Plain Dealer* turned down an exclusive account of the Pueblo incident, offered for one thousand dollars. Tom Vail, its publisher, is a peripatetic, periscopic guy. *Newsweek* once said he looked more like F. Scott Fitzgerald than a publisher. His use of "terrific" has gained national attention. He endorsed Richard Nixon, albeit reluctantly, and enthusiastically endorsed the Nixon kitchen: "The food is super and under President Nixon we are back to the best French wines."

Considering all the *Plain Dealer's* inbuilt handicaps, Ron and I mapped out a plan. Let the *Plain Dealer* carry some of the pictures and the story, and the million bucks would be sought elsewhere. The *Plain Dealer* would be a showcase for the rest of the vampirish journalistic netherworld. Others would see the pictures, suffer scoop spasms, and the price would rise. The *Plain Dealer,* understandably, after some highlevel deliberation, was only too happy to accept the arrangement and its role.

(A year later, to his credit, Vail, talking to reporters about some or the jelly-on-the-knee failings of his newspaper, said: "You know, I couldn't understand why, after they saw those pictures, they had to call me and ask if we should really get involved in running them.")

The way the executives finally figured it, the story could very well mean the Pulitzer Prize, maybe even the coveted mention in *Time's* press section. And ever since *Esquire* gave the *Plain Dealer* its journalistic dubious achievement award in 1965, the frustrated upper echelon was looking for *Time* or the Pulitzer to wash the blood away. In 1965, an obscure hirsute *Plain Dealer* copy editor named Robert Manry, who didn't much like talking to his colleagues on the desk, took a sailboat across the Atlantic Ocean. Before he left, short of cash, needing repairs for his little boat, he offered the *Plain Dealer* his exclusive account for three hundred dollars. He was summarily and sternly turned down; a con man and a kook who had no business gallivanting across the ocean when he should have been working on the desk. When half the world's press started writing about his trip, three *Plain Dealer* staffers were assigned to Falmouth, England to cover Manry's joyous and celebrated arrival. At the same time, the other daily in Cleveland, the *Press,* nationally noted for its inquisition of Dr. Sam Sheppard, alleged wife-killer, started carrying daily front-page, mid-oceanic interviews with Manry, done by a Scripps Howard reporter who rented a boat and met Manry at sea. The first day the *Press* interviewed Manry at sea, the *Plain Dealer* wrote about the death of his pet turtle.

Desperately grasping for shards of global glory, the *Plain Dealer* chartered a plane to parachute Manry a sweatshirt that said: "Plain Dealer, Ohio's Largest Daily Newspaper." The plan visualized Manry landing in Falmouth in the glare of the world's press as a sunburst *Plain Dealer* promotion. Instead, Manry took the sweatshirt from the water, wrapped his garbage in it, and threw it to the sharks.

Looking at Haeberle's slides, I wasn't sure, I told our pratfallen executives, most of whom had been promoted since the Manry "incident," that the pictures would get us the Pulitzer Prize, but I thought the mention in *Time's* press section was practically assured. They were very pleased and characteristically generous. They offered me, on the spot, a cornucopia of benevolent paternalism.

Some immediate problems had to be ironed out. The story, I pointed out, would have to wait a day—to appear on the morning of November 20th. Until then, we needed to make black-and-white prints of the slides. That would be very difficult, an editor told me, because we couldn't trust our photographers. One of them would be sure to make prints himself and pirate the massacre at beer-money rates. The editor suggested I take the slides to an old photographer in our commercial department who usually took pictures of party dresses and gourmet meals. The old man hadn't taken news photos since his drinking days with Elliot Ness. This photographer, I understood, didn't read the paper, dreamed of retiring in the desert to craft Indian jewelry, and wouldn't know the significance of the slides he was reproducing. Just to make sure, though, it was suggested I stand next to the photographer in the studio as he worked and wait until he finished. "You never can tell," the editor said. The old aspiring Indian jeweler performed his task splendidly. He asked no questions and, when he finished, continued taking pictures of a Thanksgiving Day meal complete with cranberry juice.

A more serious problem was keeping the black-and-white prints in a safe place overnight. Since some word would certainly filter around the office, intense security precautions were in order. But the editor said there was not much we could do about that. "We don't have a safe," he said. "We never had a need for it." He said the black-and-white prints would be placed, overnight, in a back drawer heaped with rejected job applications. "No one ever looks in there," he said.

Then, the next day, the 19th, we would have to guard the black-and-white prints from the staff members in the office. The prints would have to travel a long and dark road—from the city room to the composing room. The editor assured me that problem, at least, was easy to solve. An assistant city editor would be assigned to gumshoe the prints around the city room. The man would not mind body-guarding the clumps of bodies. And after some deliberation we concluded we were reasonably sure the man wouldn't steal them himself.

4. The road from journalism school to massacre dealer is not as dark a road as the one from the city room to the composing room. In many ways it is a well-lighted and direct one. A journalism prof once told me he didn't really feel like a reporter until, working for a midwestern daily, he was assigned to poke his hands into the wounds of slain gangsters to verify the coroner's accuracy. A hyperthyroid old-timer who won the Pall Mall Big Story Award for his coverage of a Dillinger jailbreak once said you weren't a real hardnose until you watched an autopsy while eating a cheeseburger.

I began my journalistic metamorphosis boycotting Norman Luboff as a senior at Ohio University. I won the William Randolph Hearst Memorial Foundation Award as the nation's outstanding college journalist. William Randolph Hearst, Jr., in yellow-striped tie and shirt, patted my cheek and called me "Kid!" Lyndon Johnson was supposed to give me a gold medal but was too busy on the ranch that weekend. Hubert filled in for him. Hubert said that, as a Hungarian refugee, I was a fine example of America's greatness. Typically Humphrey-esque, he mispronounced my name and showed me a portrait of Dolly Madison on his office wall. "Do you know who that is, son?" Hubert asked. I was even interviewed by Radio Free Europe.

After that kind of beatification, I worked for a while in Dayton, Ohio, the cleanest town in America. It says so right on the wastebaskets. I didn't last long there. I was assigned to do a home-is-the-hero piece about the son of the president of the Chamber of Commerce, a returning Vietnam veteran. The Vietnam vet had an ear on his key chain. He asked me to feel the ear and said it was Charlie's ear. He said he'd killed Charlie outside Saigon one day and cut his ear off with a bayonet. He said he'd bottled the ear in an empty One-A-Day Vitamin vial before he put it on the key chain. I couldn't do the story and, tarred and feathered, left the cleanest town in America.

I was lucky the *Plain Dealer* hired me. The *Plain Dealer* could not have been anxious to hire Hungarian refugees. In 1943, a Hungarian refugee shot and killed the business manager of the *Plain Dealer* in his office. The refugee said he wanted to become the William Randolph Hearst of the ethnic penny press and needed some money. Poor man, like most ethnics he was taught that in America the streets are paved with gold. The business manager paid for the *Plain Dealer's* historic stinginess and Hungarians paid for the refugee's marksmanship.

Nevertheless, with the ghost of this mad Magyar killer peering over my shoulder, I prospered. The editors, pulling puppet strings, gave me good play; a five-year-old boy watched his little brother killed by an intruder; an eighty-one-year-old Greek immigrant was beaten to death; two boys fell in a mudhole and died; a man shot a boy setting off firecrackers; a twenty-three-year-old honor student, wanting to publish her first book, robbed a bank with a toy pistol; twenty-six skydivers died when they parachuted into polluted Lake Erie; fifty-two people died when the bridge they were on collapsed during rush-hour traffic. As the years went by, the front-page bodies given public burial under my byline increased. But Mylai was the biggest body count I had ever worked on.

I did not feel very un-American writing about an American massacre. When I was a kid, I almost died in the cellar of a Hungarian house because Americans were fire-bombing all the civilian population centers. Curtis LeMay was in charge of those bombings. But there were no pictures of any of that. No photographers were around to take pictures of those civilian dead. The Kiwanians never asked questions, and Curtis LeMay was transmogrified into a vice-presidential candidate.

Where were you then, Ron, where were you?

5. Ron told his story matter-of-factly. It was March 16, 1968, and he and his friend, Jay Roberts, assigned to the 31st Public Information Brigade at Duc Pho, volunteered for the mission at Mylai 4 to catch an inning of war.

"We came in on the second lift, which came about a half-hour after the first. We landed in the rice paddies and I heard gunfire from the village itself, but we were still on the outskirts. There were some South Vietnamese people, maybe fifteen of them, women and children included, walking on a dirt road maybe a hundred yards away. All of a sudden the GIs opened up with M–16s. Besides the M–16 fire, they were shooting at the people with M–78 grenade launchers. I couldn't believe what I was seeing.

"Off to the right, I noticed a woman appeared from some cover and this one GI fired at her first, then they all started shooting at her, aiming at her head. The bones were flying in the air chip by chip. I'd never seen Americans shoot civilians like that. As they moved in, closer to the village, they just kept shooting at people. I remember this man distinctly, holding a small child in one arm and another child in the other, walking toward us and pleading. The little girl was saying 'No, no' in English. Then all of a sudden a burst of fire and they were cut down. They were about twenty feet away. One machine gunner did it.

"There was no reaction on the guy doing the shooting. That's the part that really got me—this little girl pleading and they were just cut down. I had been on the ground maybe forty-five minutes at this point. Off to the left, a group of people—women, children, and babies—were standing around. The machine gunner had opened up on all those people in the big circle and they were trying to run. I don't know how many got out.

"There were two small children, a very young boy and a smaller boy, maybe four or five years old. A guy with an M–16 fired at them, at the first boy. The older boy fell over to protect the smaller boy. The GI fired some more shots with a tracer and the tip was still burning in the boy's flesh. Then they fired six more shots and just let them die. The GIs found a group of people, women, babies, and some girls. This one GI grabbed one of the girls, in her teens, and started stripping her, just playing around. They said they wanted to see what she was made of and stuff like that.

"I remember they were keeping the mother away from protecting her daughter. She must have been around thirteen. They were kicking the mother in the ——— and slapping her around. They were getting ready to shoot those people and I said—Hold it. I wanted to take a picture.

"They were pleading for their lives. The looks on their faces, the mothers crying, they were trembling. I turned my back because I couldn't look. They opened up with two M–16s. On automatic fire, they went through the whole clip, thirty-five or forty shots, and I remember actually seeing the smoke come from their rifles. The automatic-weapons fire cut them down. I couldn't take a picture of it. It was too ——— much. One minute you see people alive and the next minute they're dead.

"I came up to a clump of bodies and I saw this small child. Part of his foot had been shot off and he went up to this pile of bodies and just looked at it, like he was looking for somebody. A GI knelt down beside me and shot the little kid. His body flew backwards into the pile.

"I remember thinking: What's going on here? I mean, what the ———?"

6. His friend, Jay Roberts, said:

"I was a senior combat correspondent attached to the 31st Public Information Brigade at Duc Pho and I was the editor of *Trident*, the brigade newspaper. Until that day, I hadn't seen any combat. The army wasn't interested in combat, they just wanted features. Ron and I filed more hometown hero stories and I filled *Trident* up with all kinds of topical stuff about road clearings and ———. The only time I ever got shot at was by a sniper who couldn't hit anything. When the rounds started hitting about twenty yards away I suggested to Ron that we should get out of there.

"At seven-thirty ayem, right on schedule, the choppers swept over Landing Zone Dolly and picked Charlie Company up. As the choppers got close to the area we could see a lot of smoke on the ground and lots of gunships in the air. They were like guppies. The squad we were assigned to was getting its combat orders by walkie-talkie from Captain Ernest Medina. Medina had a reputation of being a damn good soldier. Some of the guys called him 'Mad Dog' Medina because he was such a hard disciplinarian.

"About halfway across the rice paddy to the village we noticed a small group of people running down the other side of the road. Our men open-fired and pushed across the field. No fire was returned. When we got to the road we saw a dead woman on the other side. A little kid was standing by her. I got back to that area a couple of minutes later, we were wandering around, and I saw the kid was dead too. Two guys came out of the paddy nearby. They were both killed. I know because I saw one guy's head fly off.

"We went into the village and met Medina at the outskirts. That was around nine o'clock. He told us there were eighty-five KIA so far. We went on into the village. There were guys killing cows and pigs and others burning the hooches. Some seemed eager, others were just doing a job. I saw one guy with a ninety-pound pack cutting down cornstalks one by one. I know that you've got to destroy the enemy's resources. It's an old tactic and a good one. Sherman's March to The Sea. You've just got to.

"One GI was digging for buried weapons. One was chopping down corn. One was interrogating an old man and two children. I understand the old man was killed later but I didn't see him killed. God, those cows die hard. They had them in small pens, the size of a desk. They's shoot them paff paff paff and the cow would just go moo. Then paff paff paff moo. They shot and stabbed all the animals, which were in effect support units of the VC. They didn't seem to like to kill cows and pigs.

"A couple of GIs brought out three women—one old woman, a younger, middle-aged one, and a teenager. Real pretty girl. They started hassling the teenager, shouting, "VC Boom Boom." The old lady moved in scratching and shouting and kicking between the girl and the soldiers, trying to protect her. The soldiers were shouting at the girl, tearing her clothes. Then one of them turned around and noticed Ron taking pictures. And they left off, sort of turned away as if everything was normal.

"We turned around and I heard one of the guys ask, "Well, what'll we do with them?' And another guy said, 'Kill 'em.' I heard an M–60 go off, a light machine gun, and when we turned back around all of them and the kids with them were dead. We walked through the village and noticed bodies burning on a front porch. The bodies were lying in a straw hut that had been pulled down from the road. Then we saw them dragging this guy from a hooch. He was dead. They threw him down the well to poison it.

"The thing that shocked Ron and me most though was a young kid. He couldn't have been more than six or seven years old. His face was bloody. His nose and mouth were fleshly and bloody and his arm was practically coming off. And the kid wasn't shouting or crying or anything. Ron moved in to photograph him, getting real close for some closeups. He was about three feet away from the kid, focusing. Along comes a GI with an M–16, takes careful aim, and shoots the kid three times. Ron watched the kid being knocked back across his camera frame from each shot. I guess the guy would have claimed that it was a mercy killing. I mean that kid probably would have died from exposure or something. But we were an arm's length from the kid's face.

"There was M–16 and M–1 and M–60 fire going off all the time, sort of sporadically. All the time we were there, they were setting fire to the hooches. They were doing it on orders from the officers in the area. You got to remember that all this happened about the time the word "destroy" was being taken out of search-and-destroy operations by General Westmoreland.

"And it was just about this time that they found the old man with the pants coming off. The interpreter was asking him questions and the old man didn't know anything. He just rattled something off. Medina was there at the time and somebody asked him what to do with the man. Medina said: 'I don't care,' and walked off. He was busy making sure the place was destroyed and giving orders. After a moment I heard a shot and the old man was killed. They weren't taking any prisoners, you know.

"About thirty meters outside the village there was this big pile of bodies. This really tiny kid wearing only a shirt—he only had a shirt on, nothing else—he came over to the pile and held the hand of one of the dead. One of the GIs behind me in the village dropped to a kneeling position thirty meters from this kid and killed him with a single shot.

"Ron and I left by chopper before noon to go over and see how Baker Company was doing. We had lunch with them. How could we eat lunch? Hell, I've seen soldiers eating their lunch sitting on top of corpses.

"None of the soldiers seemed bothered about it. I remember telling some of my buddies in the PIO about it. They acted like they didn't believe us. Ron and I thought about it a lot, but neither one of us is very much of a banner carrier.

"Back at Duc Pho I wrote about it for the brigade paper, *Trident*. I said a hundred twenty-eight Vietcong had been killed in a furious battle. I played it up like it was a big success. For one thing, Ron and I didn't think we'd done anything wrong. We didn't want to go to a military jail either. We were scared of the army. Besides, there was always the feeling we might hurt the country a little bit.

"For what? To make a few bucks?"

7. Ron and I were going over details, closeted in a *Plain Dealer* conference room with a tape recorder, coffee, cigarettes, and a wallful of front pages. I turned the tape recorder on and Ron started describing the little boy shot back into the pile of bodies. The tape recorder was supposed to act as a poor man's lie detector and spot conflicting details. Its value was minimized, though, by Princiotto, the night managing editor. "What the hell," he snorted. "We're not saying this thing happened. We're saying this guy *says* this happened. How do we know if he's lying? We can't send people there to check it out."

A photographer came in and told Ron to make some hard-hitting faces so we'd have our art to illustrate his art. Ron twisted his face, pushed his eyebrows up, made sweeping gestures. The photographer asked him to cover his eyes and look morose. Ron looked morose. The photographer told Ron to relax and speak normally.

"You got a fisheye lens?" Ron asked.

"I don't think it would work here," the photographer said.

"I wish I'd had a fisheye that day," Ron said. "That would have been something, huh?"

The photographer had his Nikon inches from Ron's face.

"The automatic-weapons fire cut them down."

Click-click.

"I couldn't take a picture of it."

Click-click.

"It was too much."

Click-click-click-click-click.

"I couldn't believe it."

"Okay," the photographer said, "that's great."

8. I thought about *Life* magazine when I thought about the million bucks. I remembered their exclusive big-money account by the girl who was taken into the Pennsylvania woods by a mad-dog hermit. I knew they had turned Abraham Zapruder's 16mm. camera to gold. I knew they owned the astronauts.

I told the *Time* magazine stringer in Cleveland that we had seventeen slides of the Mylai massacre in perfect color taken by a trained photographer. "Are you sure the quality is good?" he asked. "They don't run any stuff unless the quality is good." Assured, he called a friend—the *Time* stringer in Detroit. The *Time* stringer in Detroit called the *Time* bureau chief in Chicago. The *Time* bureau chief in Chicago called the *Life* bureau chief in Chicago. The *Life* bureau chief in Chicago called the *Life* national affairs editor in New York. Gerald Moore, the national affairs editor, called me. The entire Rube Goldberg process took forty-five minutes.

Gerald Moore said he wanted Haeberle and me on the next plane to New York. I asked if I could bring my wife. "Bring all your relatives," Moore said. I asked if the expenses would be paid "Everything will be paid," he said.

I called Ron and told him they wanted us up in New York right away.

"———," he said, "I can't go tonight. I've got a date."

"What about the million bucks?"

"If it looks good," he said, "call me and I'll go up tomorrow."

I called my wife, a former police reporter, told her about the massacre, and said I had a surprise—a free trip to New York. She was overjoyed.

"Will they wire the money?" she asked.

"They'll pay us back up there."

"What do you suggest we use for cash?"

"Well," I said, "I suppose we'll have to cash a check."

"We can't do that."

"Why not?"

"Because it will bounce."

I thought about that a while and said: "Well, we'll borrow some money."

"It's too late tonight," she said.

And since it was too late to borrow any money, it meant we couldn't fly up that night.

I called Moore back, told him Ron had a bad cold and that I couldn't make it up that night. What could I tell him? How can you explain about borrowing money when you're going to ask a guy for a million dollars?

"Why not?" he asked.

"Ah, personal reasons," I said.

"Are you a white-knuckled flyer?"

"No, no, nothing like that," I said.

"We could wire the money," he said.

"No problem," I said, "no problem."

Late that night, thinking things over a bit, grasping for perspective, I talked to Ron again:

"Listen, man, I think a million is a bit excessive. What do you say about a hundred grand?"

"Well, all right," he said, "if you're sure."

9. The first bid for the massacre at Mylai was made by Associated Press picture editor Hal Boyle before the pictures appeared in the *Plain Dealer*, before we ever got to New York's Gotham Hotel.

William M. Ware, executive editor of the *Plain Dealer*, called Hal Boyle in New York and told him the Associated Press could put no pictures of the Mylai massacre on the national wire because of copyright restrictions. Boyle didn't like it and asked to talk to me.

Assured of the pictures' photographic quality—"You're sure they'll reproduce?"—he offered $20,000 "on the spot." I said it was not enough.

"Twenty-five," he said. Still not enough.

"Listen," he said, "what do you think this is? You can't sell those pictures for more. What happens if the Pentagon releases those pictures and you don't make a cent on it?"

"Try and convince them," I said.

"Well," he said, "I warned you."

That he did: for the next ten days, the Associated Press, making no further bids, was pounding on the Pentagon's door, trying to convince the generals that the best way to get even with those un-American moneymakers (us) was to give the pictures to the AP for free.

10. My wife and I got to New York the next afternoon—six hours before the November 20th edition of the *Plain Dealer* would carry the pictures; the penny pony players lined up in the newspaper's lobby would become some of the first Americans to see the carnage at Mylai. We checked into the Gotham Hotel, where reservations had been made for us by *Life* magazine.

I had been mulling over our $100,000 demand on the plane, wondering how I would couch the demand, hoping the words would come without a bob of the Adam's apple. It is not easy to ask for $100,000 when you are worried about a tip for the cabbie. The seventeen technicolor slides were in a black briefcase which I hugged to my lap and which I had used, in my days at Ohio University, as a lunchbox.

Half an hour later, I was in Gerald Moore's office in the Time-Life Building as Moore wordlessly lifted each slide to the light, shook his head, and reached for the next one.

We walked the slides over to their photo art section where *Life* Assistant Managing Editor Phil Kunhardt asked for them and, after three slides, paled.

"My God," he said, "I presume you want to sell these."

"Well, yes."

"How much did you have in mind?"

"One hundred thousand dollars," I said, as firmly and evenly as I could, feeling very weak.

Kunhardt gave me a long and fixed look, and his pale face reddened and then turned a medium purple. He looked away before he spoke and his eyes caught on the slides.

"It's, ah, too late tonight, of course," he said. "Come back and we'll discuss it in the morning."

"By the way," Moore said, "don't sell it to anyone else until we talk to you."

"Will Haeberle be here?" Kunhardt asked.

What could I say? That he had a date and couldn't come? That he would rather not get involved

"I'm not sure," I said, "he's pretty busy."

"Well, I really think he should be here," Moore said. "After all, he is the photographer."

I went back to the Gotham to call Ron and caught him before he went out.

"Listen," I said, "it looks pretty good."

"Oh, yeah, how much?'

"Well, I threw the hundred thousand at them and they didn't say no."

"Huh, you don't think we could get more than that?"

"Well," I said, "I dont know. I think you'd better come up."

"Can't you handle it?"

"I think they want to ask you more questions."

"What for?"

"They want to hear more details from you," I said.

"Ah, hell," he said. "Well, all right. But I can't come up tonight. I'll take the first plane in the morning. And listen, I've been thinking about our security."

"Security?"

"Yeah, we're in a funny position. What if the word gets out that we're selling this stuff and the army tries to do something. Or the CID or the FBI or the CIA? What if this phone is tapped?"

"I guess I never thought about that," I said.

"I mean," he said, "they do have assassins, like the Beret that rubbed out that counterspy, you know?"

We agreed he would fly up under a phony name and I'd make the reservation for him at the Gotham under still another name.

"I don't trust those guys," he said. "Maybe the guys at *Life* can get us private dicks or something."

Hoping the phone wasnt tapped, with the door bolted, the windows shut, and the shades pulled, I called the *Plain Dealer* to make sure none of the black-and-white prints had been stolen.

The city editor laughed. None of the prints had been stolen but we had another problem.

The printers, belonging to an adjunct of the Teamsters Union, angry about four men they claimed were being harassed by one of S. I. Newhouse's recently imported overseers, had walked off the job.

The *Plain Dealer* was in this fateful position:

For one of the few times in the quotidian rag's history, it had a story of international significance which could, conceivably, die stillborn on the city desk.

Looking at it in retrospect, as far as the greening of the massacre is concerned, a strike would have been a godsend. As it turned out, the *Plain Dealer's* appearance on the streets the next day would cost us $70,000.

11. The printers went back on the job forty-five minutes before the penny pony players paid a dime for a look at the Mylai massacre.

There, at the top of the page, six columns wide, was the clump of bodies. The outline said: "A clump of bodies on a road in Vietnam. A glaring headline next to it said: "Exclusive."

"This photograph will shock Americans as it shocked the editors and staff of the *Plain Dealer*. It was taken during the attack by American soldiers on the South Vietnamese village of Mylai, an attack which has made worldwide headlines in recent days with the disclosures of mass killings allegedly at the hands of American soldiers. This photograph and others on two special pages are the first to be published anywhere of the killings. This particular picture shows a clump of bodies of South Vietnamese civilians which includes women and children. Why they were killed raises one of the most momentous questions of the war in Vietnam."

The other headlines on the page said:

"Cameraman Saw GIs Slay 100 Villagers"

"Senate OK's Draft Reform, Lottery Eyed for January"

"Gunmen Blind Tellers With Tear Gas"

"Conrad, Bean Start on Second Moonwalk"

12. Ted Princiotto, once praised for his reporting by J. Edgar Hoover, has never been overwhelmed by fame. Thanks to that, the *Plain Dealer* easily shrugged off the first serious attempt to assassinate the credibility of the pictures.

The first salvo came a few minutes before midnight, less than an hour after the strike threat had been averted, less than halfway through the first press run. The caller said the pictures were phony and, in the national interest, begged Princiotto to stop the presses.

"Listen," Princiotto said, "I don't have time to talk to you right now. We're on deadline."

The caller said that in his esteemed opinion there was no relationship between the photos—that "a photo of soldiers marching through the paddies has no connection to the village scenes or bodies."

"The pictures don't prove that anything took place," the man said. "You're doing a disservice to America." He said he had some experience with photographs and it appeared to him "the whole thing is a hoax." Princiotto, in his characteristic way, got rid of him as gently as his nature, on deadline, permitted.

The caller was internationally known combat photographer David Douglas Duncan—in Cleveland that day promoting his latest book—a retired U.S. Marine Corps lieutenant colonel, and the only photographer to have unlimited access to the President of the United States.

13. Less than an hour after the residents of Cleveland got their sneak preview of the massacre at Mylai, the telephone in Room 801 of the Gotham started ringing. (Not for nothing is the *Plain Dealer* known as "The Starter.") It didn't stop ringing for three days.

All the *Plain Dealer* reporters stringing for the *National Enquirer* and *Midnight* magazine and the London *Daily Telegraph-Sun-Times-Mirror* made breathless offers—congratulations and pittances.

The *Plain Dealer's* criminal courts reporter, a friendly soft-underbellied Canadian, who keeps his family's linear sword on his suburban walls, stringing for one of the London tabloids, called to say:

"I have spoken to my superiors in London and they have empowered me to make you an offer of twenty-five hundred dollars for exclusive world rights."

"——," I said.

"It's a very fine offer," he said in his best Toronto cockney. "I would advise you, speaking now as a friend, to accept it. You never know, the price might go down."

James M. Naughton, a friend, formerly the *Plain Dealer's* politics editor, a recent addition to the *New York Times'* Washington Bureau, called hoarse-voiced to say that his national editor had just gotten him out of bed.

"Look, Eszterhas," he said, "do me a favor. I know you guys are interested in *Life*. I know the *Times* won't offer any money, but, for God's sake, will you talk to them? As a favor to me? They'll send someone over."

Messrs. Simor, Goulacci, Tsudo, Palotelli, Lucentini, Hauser, and Blythe—whom Ron would refer to as the SS—representing most of the major European magazines, all made bids and all seemed personally affronted by the $100,000 price tag.

"I demand to speak to Mr. Haeberle," one heavily accented gentleman said. "Who are you? Are you keeping Mr. Haeberle away from his public? Can you be trusted? Mr. Haeberle is an international figure now. You must permit the press of the world to speak with him. You have aroused the curiousity of the world. You must live up to that responsibility."

At two in the morning, I met in the hotel bar with a young reporter from the *New York Times*. The reporter asked that the *Times* be allowed to run the pictures, "if you have some handy," and tried his best to conduct an interview concerning Ron's actions at Mylai that day.

"When Mr. Haeberle gets here," he said, "we will of course want to speak to him too, but right now we're on deadline."

The *Times* man seemed personally affronted when I told him the exclusive pictures and account would be sold as a package and that, therefore, I couldn't tell him anything.

"But these are basic questions," he said, "and, after all, we are the *Times*. Certainly you won't hold us to that."

Still unsuccessful, he got angry: "This is absurd. You're not a journalist. You can't be a journalist and treat the *Times* this way. You are a public relations man."

At seven in the morning, my friend Naughton called from Washington again.

"They just got me out of bed again," he said. "The guy we sent over said you insulted him. Do me another favor. Gene Roberts, our national editor, wants to talk to you. Can you go over there and talk to him?"

"We're going to be pretty busy," I said. "I don't know."

"Oh, all right then," he said. "I'll see if he can meet you at your hotel sometime."

At ten to eight, Ron walked into the hotel lobby, red-eyed and wearing wraparound sunglasses, going past a *Daily News* reporter in a trenchcoat who was haranguing the desk clerk about Mr. Haeberle's room number.

Ron had shared a coach seat on his flight with a man who, reading the front page of the *Plain Dealer* adorned with his picture, turned to him and said:

"They shouldn't let the newspapers get away with all this ———."

We walked over to the Time-Life Building, passing the trenchcoated *Daily News* man again, taking great care crossing at intersections. Ron was still talking about the CID the CIA, and the FBI.

"They better give us the dicks," he said.

When we got to the Time-Life Building, a bevy of mini-skirted secretaries was paying homage to a television set. Astronauts Charles Conrad and Alan Bean were walking around on the moon. Conrad was humming. His humming was off-key. Ron was humming along with him.

"Whoopee," said Conrad. "Man, that may have been a small one for Neil, but that's a long one for me."

"Hey, that's neat, I don't sink in too far. Dum-de-dum-dum, dum-de-dum-dum," Conrad hummed. "Man, I feel like Bugs Bunny."

14. While Bugs Bunny cavorted on the moon, patriots and character assassins cavorted in Cleveland.

After the pictures appeared, the readers of the *Plain Dealer* did not care that Tom Vail had once slept in Lincoln's bed at the White House. It did not matter that he had once chatted with President Johnson in his pajamas.

The *Plain Dealer* got more telephone calls that day than ever before in its history. It was terrible. To editors who view three negative phone calls to a story as incontrovertible evidence that a reporter is incompetent, the phone calls meant prolonged stupors of melancholia. They were forced to twist their sterile pieties to our defense.

Some even appeared on television, talking in *Columbia Journalism Review* terms about the story. You understand, the hierarchical party line held, the *Plain Dealer* does not say this happened. The *Plain Dealer* says a photographer alleges that this happened.

One sealed envelope was personally delivered to a news editor. In it, final proof was offered of Haeberle's sinister un-Americanism. Damning, self-condemning words appearing under his signature, an invitation to an office party. "We promise a good time for all at next week's party, especially chicks, guaranteed." Haeberle's holding an orgy, inviting his company's virginal pink-cheeked secretaries.

Clevelanders never mince words. The fact the *Plain Dealer* had endorsed Carl Stokes, a black mayor, was bad enough. But these pictures, to many of them, were the work of communists or communist dupes.

Dear EDITOR:

"I firmly believe that a newsman will sell his soul and lives of GIs for a byline in the Plain Dealer. This confirms that truth is stretched more than rubber. Integrity among newsmen is far more rare than virtue among prostitutes."—J.L.R., Youngstown, Ohio.

"The exposure and publicity given the story of supposed American atrocities in Vietnam was ill-advised at a time when negotiations are underway. The Plain Dealer through gaining national attention has offered the enemy another opportunity for propaganda. This reporting is not in the interest of the peace we seek."—H.C.A., Cleveland Heights, Ohio.

"I strongly object to the placement of a picture of war dead or any other equally sordid material on the front page of the Plain Dealer. While such a picture is certainly newsworthy, I feel it can do a great deal of harm in such a conspicuous position of the home-delivery edition. To a young child whose perspective about life is limited, and to whom everything is immediate and close to home, the concentration of impending doom and death can be severely damaging."—G.A.G., Cleveland Heights, Ohio.

"Whatever the motives, the Plain Dealer, by publishing the picture of civilians killed in Vietnam, became a highly rated candidate for an award for betrayal of our dead in Vietnam."—J.R.S., Cleveland Heights, Ohio.

"Just what does Ronald L. Haeberle think war is, a picnic? Sure civilians get killed, what else does he expect? I think it's pretty ridiculous to make such a fuss over the killing of Vietnamese civilians."—Mrs. R.D., Alliance, Ohio.

"I think the Plain Dealer staff is sick for printing the picture of the dead Vietnamese. How many mothers, fathers, and wives have lost their loved ones in Vietnam? Put that in your Plain Dealer."—G.K., Parma, Ohio.

Later that day, there was some good news. The vice-president had alerted newsmen in Washington that he would have some things to say about the news media. The *Plain Dealer* hoped for a vice-presidential mention. Maybe, besides the Pulitzer Prize and the mention in *Time's* press section, the *Plain Dealer* would be immortalized by a defamatory vice-presidential panegyric. But, alas, the *Plain Dealer* was not singled out and Tom Vail would call his general attack a "great service."

Question: The vice-president denied any intent to intimidate the news media, but is there intimidation implicit when the number two elected official of the nation makes a statement or speech such as he made last night?

Vail: I do not feel that Mr. Agnew is threatening anything. I do feel that the news media does overreact and that it is terribly sensitive about itself; maybe all businesses are this way, but I feel the vice-president is doing a great service in getting the media to examine itself, and we are trying to produce, as far as the *Plain Dealer* is concerned, a very balanced report. Whether it is always perfectly balanced, I doubt.

15. I was sitting in Gerald Moore's office at *Life*. Moore had his feet up on his desk, inches from the slides, and was rambling on about a turquoise Indian watchband he was wearing. He was killing time. For some reason, we were being stalled.

We were taken on a tour of the building. Finally, after great deliberation, Moore explained that in other parts of the building, frantic phone calls between executives were deciding the price tag to be put on the slides.

Some time around eleven, with Ron returned from a tour of their photographic facilities, Moore told us *Life* was interested in "some kind of an arrangement."

Over lunch, we asked if our names could appear on the cover of the issue that would carry the pictures.

"Well, ah," Moore said, "we usually don't do that unless its someone like Mailer or Hemingway."

"I don't know," Ron said. "I mean, no one else took any pictures."

Two martinis later, Moore told us:

"Guys, I'm going to give you some advice. You have to be cool about all this. Your actions in the next few hours will determine whether or not you're going to pick up a great deal of money—more money than you'll probably ever make at one time again."

We listened and didn't say much. When Moore left, we talked about what he had said. We had a tactical problem. Was Moore a friend or was he a point man on some camouflaged assault team? I thought we could trust him. Ron said he thought it was a con.

"What do you mean?"

"Well, I figure they are trying to knock the price down and he's trying to soften us up. So I don't think we should give it to them unless we get the price. I think we should get tough."

We had an hour to kill, Moore told us, before Dick Pollard, *Life's* photo editor, would make the concrete offer.

"Men," Pollard said, an hour later, "after a great deal of deliberation, we have decided we don't want to act, in the eyes of the public, as brokers for massacre pictures. Therefore we've decided to make an offer which will give us the exclusive rights to the pictures. We will decide whether we will sell the pictures to anyone else and we will decide whether we will run the pictures ourselves. You'd be yielding all rights if you agree to these terms."

"What amount were you thinking of?" Ron said.

"Seventy thousand dollars," Pollard said.

We asked for a huddle and went into a corridor, followed by a hundred secretarial eyes. Everyone in the building seemed to know what was going on.

"What do you think?" Ron said.

"I think the money's good," I said, "but I don't know about all this talk of not running the pictures. If they don't run the pictures, you probably could have gotten a better price from the CIA."

"Yeah, I know," he said, excited, "but I figure we can get much more than that. Hell, if they're willing to give seventy, just like that, they can give more."

"I don't know, man," I said. "I think Moore was trying to tell us something over lunch."

"———, no one else has the pictures. No one else is going to run them, let's go for higher."

When we went back into the room, Ron said:

"Well, I figure you can go higher than that."

"What were you thinking?" Pollard asked.

"Around a hundred and twenty thousand," Ron said.

Pollard whistled. "That's a lot of money," he said. He said he had to make some phone calls and we left the room.

When we came back in, after another huddle and another debriefing concerning Moore's prophetic-or-cunning martini advice, Pollard said.

"We can't make a decision on that kind of money. Hedley Donovan is at a board meeting in Chicago. He'll be here tomorrow. However, we can make a final offer of ninety thousand dollars."

We went back to the corridor again. Ron hummed.

"Nah," he said, "if they get up to ninety thousand like that, then they can go up to one-twenty. If they dont' do it, then we can get it from some of the other guys we talked to."

When Pollard heard it was no deal, he grinned. He seemed pleased.

"Hell," Ron said, "if you people really want the pictures, then let's get Donovan here tonight. He can fly in. Tell him to come in tonight from Chicago.

Pollard seemed incredulous. "We can't, ah, tell Mr. Donovan something like that," he said.

"We'll give it to someone else then," Ron said.

"Listen," Pollard said, "we've played the game fair with you guys. What difference does another night make? We'll give you five thousands dollars for an option to expire at noon tomorrow. We can talk tomorrow. That doesn't obligate you to sell to us, just to give us till overnight."

"You'll give us the five tonight?" Ron asked.

"Well, a letter of agreement."

"Cash?" Ron asked.

Pollard said it was a little late and he didn't think they could drum up that much cash in the office, but they could give us a few hundred dollars in advance.

"Well, all right," Ron said, "until noon."

When we got back to the hotel, Gene Roberts, the national editor of the *Times*, and John Morris, the picture editor, were waiting for us in the bar.

"You have to understand," Roberts began, "that running the pictures in the *Times* will help you. It will authenticate your pictures. So far, they have only appeared in the *Plain Dealer*, and who cares about the *Plain Dealer?* If we run them in the *Times*, then it will be a matter of historical record."

The day was getting long on ———.

"Do you want to buy the pictures?" I asked.

"The *Times*," Roberts said, "doesn't want to be in the position of buying massacre pictures. We want to help you sell them, though."

"——— the *Times*," I said. I'm really getting ——— tired of hearing about the *Times*."

"Joe," Roberts said, "I think you're being very unreasonable about all this. I'm surprised. I've been looking around for a while for another reporter on our national staff and your name came up. You guys have to understand you're dealing with the *Times*. You can't deal with us the way you deal with the others. We're talking about certifying the accuracy of these pictures historically."

"We're talking about a historical steal," I said.

Morris turned to Ron.

"Who is this punk?" he asked, pointing to me. "What is he, your agent? You can't listen to him. Don't you have a mind of your own? Does he run your life?"

"Oh, I can run my life all right," Ron said.

"Look, guys," Roberts said, "there is no reason to get upset about all this. We'll pay your travel expenses and your expenses here."

We laughed at him. In a few hours, the price had gone from a million to $100,000 to $70,000 to $90,000 to $120,000 to travel expenses.

"We'll do this, though," Roberts said. "We'll fix you guys up with the best broker in the world. That way we won't get mixed up in selling the pictures and at the same time you'll do all right."

When we finally rejected the *Times'* offer and got rid of them, Roberts shook his head and said, "Joe, I'm disappointed, very disappointed."

We hurried to the room, two guys sunstruck in the Big City Desert, and reached for the gin.

At 2:30 that night, Jeremy Blythe, an unctuous Englishman, calling for the *London Daily Mail*, said he was trying to put together a consortium of magazines willing to buy the pictures.

"The price is one hundred thousand is it, Joe?" he said.

"It's gone up, Jeremy. It's one-twenty."

"Dear," he said, "that will be more difficult."

He called back at six o'clock and said he had arranged the package of bidders willing to pay $120,000.

We had agreed to meet in Dick Pollard's office at noon. High noon in the desert sun, I figured, would bring the magic offer. The $5,000 option would expire and we'd get a $120,000 check.

Other things happened that day, lost in flashes and humming, the quicktakes of phantasmagoria in the glare of international attention:

Lines formed that day at *Plain Dealer's* Washington Bureau in the National Press Club building for copies of the paper. But the lines formed for nothing, because the bureau chief and his three reporters spent a good part of each morning vying for that day's two *Plain Dealers,* and the visiting reporters had to content themselves with just a quick look.

Finally, when the South Vietnamese embassy, for the first and only time in its history, called the bureau for extra copies of the *Plain Dealer*, more were ordered.

"Are you taking these papers to Saigon?" a reporter asked an embassy official.

"Oh, no, nothing important," the official said. "Just for our interest."

The same reporter, later Thursday, talked to a Pentagon official who had heard the massacre pictures had appeared in the *Plain Dealer* that day.

"Have you seen them?" he was asked.

"Christ no," the official said, "I don't give a —— about what appears in the *Plain Dealer*. Who sees that? It's *Life* magazine we're worried about."

There were, too, during time-outs at Time-Life, shadowed dealings with the journalistic netherworld.

One call was from a man representing one of Japan's largest news magazines.

"We want to buy your pictures, yes?" the man said.

The inevitable question: How much?

"Five hundred dollars."

The inevitable reply: No.

"It would be very wise of you, sir, very wise, to sell us the pictures for that amount because if you do not sell them, we will steal them."

This, evidently, was a difficult kind of bidder.

"Steal them?"

"Of course."

"We'll sue you," I said.

"But, ah, it would take, oh, thirty years in the Japanese courts for the case to come to trial."

"How could you steal them?"

"Very easy, sir. We would copy pictures that were in the *Plain Dealer* newspaper."

I couldn't bring myself to believe all this and turned him down.

"Very well then," he said, "we will steal them. Pleasant talking to you."

(He wasn't kidding. The pictures were more widely circulated in Japan, it turned out, than any other country—including the United States.)

Another call was from a genial Italian who said he represented a newspaper in Bologna and was offering $30,000 for the pictures and a story with a "special slant."

"For Italian rights?"

"But no, for Bologna," he said.

"How can a paper in Bologna offer thirty thousand dollars for the pictures?"

"You see, I have friends."

"What do you mean, friends?"

"Friends, signore. How can I say it? Friends from behind the curtain."

"The curtain?"

"The other side, you know, the Iron Curtain."

The Iron Curtain rights were turned down.

That afternoon in Cleveland, a jet landed at Hopkins International Airport. One man got off. He took a taxi to the *Plain Dealer*. He told the people at the *Plain Dealer's* promotion department he had come all the way from London to pick up fifty copies of the issue with the famous pictures. The *Plain Dealer* promotion people, very happy they worked for such a famous organization, smiled and basked in their importance. The man got back in the cab and the jet with his fifty *Plain Dealers*. Impressed that he had come from so far so fast, the promotion people didn't even charge him the $5.00.

Thanks to his efforts, the pictures of the Mylai massacre appeared in England faster than anywhere else. English piracy would scoop the Japanese buccaneers.

Thursday night, while the selling of the massacre was delayed by a $5,000 option and Hedley Donovan's alleged board meeting continued in Chicago, the massacre was being stolen

17. Friday did not look like it would be a propitious day. That morning's *Times* had reported the sale by Paul Meadlo, a Mylai veteran, of a dramatic interview for the sum of $10,000—all of which would go to Seymour Hersh's Dispatch News Service. Here we were in New York, with sales being made as far inland as Indiana, and the pictures still unsold.

At breakfast with the *Times* hit men, Roberts and Morris, Gene Roberts began the spiel again as Morris glared. They were like two robbery squad dicks—Roberts the nice guy, Morris the blackjack man. The meeting ended on a much harsher note than the last one. "——— yous" were exchanged and we all rushed from the coffee shop—Roberts and Morris to their Times Square hideout, Ron and I, we thought, to the bank.

At 11:30, after another time-killing tour of the Time-Life Building, Gerald Moore ushered us into Dick Pollard's office.

"Listen, guys," Pollard said, "we've weighed all the considerations and we've decided we aren't interested in bidding for world rights. We're interested in U.S. rights only."

We grinned, confident that at noon Jeremy Blythe and the consortium would hand over their $120,000.

At 11:45, deadpan, Dick Pollard said:

"Bad news, guys, I hear the *New York Post* will be on the streets in a few minutes running Haeberle's pictures on the front page."

"How can they do that?" I asked.

"I don't know," Pollard said. "I presume they photographed them from the pages of the *Plain Dealer*."

"Isn't that illegal?"

"I don't know," Pollard said.

He called Ted Majeski, the picture editor of the *Post,* and asked if it was true.

Majeski told Pollard they had copied the *Plain Dealer* pictures and it was legal because "his right [Haeberle's] to the pictures is dubious because he was an army photographer," and "national interest" demanded the pictures.

At noon, Jeremy Blythe appeared, pale-faced, without the $120,000.

"Everything is falling apart, lads," he said. "The *Post* is running the pictures and I hear that most of the London papers will have the pictures in their evening editions."

"We'll sue them," I said. "They can't do that."

"I don't know, lads," he said, "I don't know. That will be very difficult. You'll have court costs and it probably won't get to court for four or five years."

"How did they get the pictures?" I asked.

"Well, the only way, I presume, is that they took pictures of the pictures in the *Plain Dealer*."

(We would hear about the mysterious Englishman who got the fifty papers much later.)

"What can we do?" I asked.

"Not much boys, but you have to count me out. With the pictures appearing all over the world, no one wants to pay any money."

Ron and I huddled in our corridor again.

"What do you think?" he asked.

"I think we got ———."

"———, ———, ———," he said.

He was facing the wall, tapping it with his hand. Inside, the secretaries had taken a typing break again and were grinning at us.

We decided we needed a lawyer. I called the *Plain Dealer* and the assistant to the publisher suggested a firm: "The best one you can get." Royall, Moegel, Rogers, and Wells. The lawyer recommended was named Caesar Petaskie. (We did not know until much later that the law firm's Rogers was William P. Rogers, Secretary of State.)

I called Caesar and told him it was an emergency. Unless we acted fast, the massacre would be completely stolen. Caesar said he would send telegrams to the major New York papers and newsmagazines advising them the pictures were copyrighted.

"What else can we do?" I asked.

"Nothing," he said.

"So what do we do now?" Ron said.

"——— them, let's go home. They're going to have to pay if they want to run the stuff. I think they're playing a game."

"———," he said.

We went back into Pollard's office. Pollard suddenly looked like he was very busy and didn't have much time.

"Are you people still interested in buying them?" Ron blurted.

Pollard looked out his window, then back at us and after a long pause, said, "Yes, we are. We are prepared to give you twenty thousand dollars for U.S. rights."

"Okay," Ron said.

A letter of agreement was quickly typed up and signed. We waited for the phone calls with other offers, but the phone was silent. Finally, *Der Stern* and the *London Sunday Times* called and offered $6,000 and $3,000 which were quickly accepted.

"You know you guys made one very serious mistake," Pollard said. "You had those pictures run in the *Plain Dealer* and you didn't think anyone would use them."

"You mean steal them," I said.

"Yes, I suppose you can say that," Pollard said. "But look at it this way: chalk it up to experience. That money would have gone into the air fast anyway. We gave some guy a lot of money, about sixty thousand for some footage a few years ago. So what happens? The guy gives up his store and goes to Miami and blows it on the ponies. His whole life was ruined. It's probably better for you that it all happened this way."

Der Stern sent a reporter over armed with pearl-handled walking stick and the manner of a storm trooper. He insisted Ron answer his questions about the "German angle"—Were you ever in Germany? Do you have any relatives there? Are you sure?

We finally got away from the storm trooper and ate at Mamma Leone's. It was a funeral meal.

"God," Ron said, "we could have made ninety thousand dollars."

I was drinking five-minute shots of scotch and wished for the first time in my life that I was back in Ohio, working on a hearts-and-flowers dog story.

"That ——— German," he mumbled. "He was more interested in my German relatives than in the goddamn massacre."

He didn't know then that among the rewards for his efforts connected with the massacre would be just that: the discovery of a German relative!

"Dear Mr. Ronald Haeberle: I have read your name in the German newspapers and I suppose you are son of my nephew, Charles Haberle, who was with Sunshine Newspapers in New York. My father and your grandfather would then be brothers. If this is so, I would like to hear from you. I am pensionary and my wife and myself are living in the Black Forest. I wish you Merry Christmas and a Happy New Year from the Black Forest.

"Albert Haberle.

"Wittenschrand, West Germany."

18. While *Life* magazine had paid $20,000, it turned out the next day that some of their editors still suspected the pictures were phony. Ron and I called it the "David Douglas Duncan influence."

During a six-hour session with Gerald Moore, Ron went over the details again and again as Moore tested his accuracy. Hours after the sale, pictures were sent to *Life* reporters all over the world. They sought out Mylai veterans and asked them if they remembered separate scenes. Their editors' fears would finally be laid to rest by a veteran in Mississippi who, shown the pictures, took them to his grandmother and sobbed: "This is what we did in Vietnam." The old woman collapsed.

But we also had other things on our minds that day. That morning's *Times* carried this auspicious item:

An AP story quoted a Pentagon official at a conference in Brussels saying the Pentagon was seeking ways in which Haeberle could be prosecuted for "hindering the investigation."

Moore told Ron it seemed "unlikely but possible" that the Pentagon would press charges on anything since he was out of uniform.

That morning's *Times* had also included another of Ron's pictures. Our hit men—the protectors of historical accuracy—had decided on a heist of their own. The *Times* does things with style, though, and their theft was the most brazen of the lot. Beneath the picture of the clump of bodies was the caption, *Ronald L. Haeberle*.

Late that afternoon we got an emergency phone call from the *Plain Dealer*. The photo chief, an ex-marine who still carried a marine corps lighter and lead pencil, needed help. He wanted, immediately, special delivery, the black-and-white prints of Haeberle which the photographer had taken in the conference room at the *Plain Dealer*.

"You're costing us money," he said. "Get them here as quick as possible. A lot of people want to buy his picture."

Thanks to the *Plain Dealer*, Ron's Mylai pictures were stolen all over the world. But thanks to the *Plain Dealer* a market still existed for *his* picture all over the world.

There wasn't much left to do in New York. Ron left early Monday morning, in a new striped shirt and tie, cash in hand ready to buy the candy-apple-red Corvette.

At *Life* magazine, the editors had decided not to put one of the pictures on the cover, fearing newsstand buyers would be repulsed. An antelope went on the cover.

Back at the *Plain Dealer*, everyone was interested in the most relevant question: How much?

The day after Ron bought his Corvette, a radio station headlined: "Ron Haeberle, the massacre profiteer, bought a new Corvette yesterday."

I was overwhelmed by calls from veterans and others who claimed to have evidence of other massacres.

An old woman said she had proof her son had been killed because he refused to take part in the killing at Mylai.

Two men called claiming they had massacre pictures of a massacre in a Montagnard village—"all kinds of pictures of GIs killing"—and of a massacre where GIs allegedly took refugees to sea and dumped them overboard. "How much can you get?" both men asked. Neither man was willing to talk in person.

My telephone calls were divided between massacre tipsters, cranks, and stockbrokers who had read the overblown $100,000 payment stories. "This is a good deal, Joe, and we can really cash in," they said. Ar. insurance salesman came to the office and castigated me for my irresponsibility when I turned him down.

Ted Princiotto came back from a trip to Japan and, not knowing of the Japanese thefts, was amazed at the progressive nature of Japanese journalism. "They really had that stuff fast," he said.

A columnist in the *Akron Beacon Journal* wrote a column criticizing the *Plain Dealer* for carrying the pictures. The man held that what had happened at Mylai was not really newsworthy. He described how, during the Second World War in the Pacific, he had himself photographed holding several Japanese heads.

There was, too, the personal mail:

A clipped five-column picture of Ron which appeared in another midwestern paper (taken by the *Plain Dealer* photographer). A typewritten message on top of the picture above the back of Ron's head, which said:

"It's too bad they didn't kill you when you were in Vietnam as they are a bunch of animals—our boys shouldn't be there but you, a gun would be good for you."

Scrawled with red pencil, with an arrow pointing to his left eye: cut throat SB you."

Red-penciled onto his right cheek, from his sideburns to his nose. "You will get it."

A blood-red line went from his right ear, around his throat, to his left ear, where there were the words: "Dead you ———."

And:

"Commie Eszterhas: Too bad you couldn't cash in on the photos Life magazine has and poured out your venom against our country—by a far shot not yours. It will be very interesting to hear what the authority (FBI) has to say and not some biased, stupid commie. Why don't you go back to your foreign country and run down its government. I have the first article to read of yours that has ever upheld our government, but I suppose that is all you can expect of anyone with a name like Eszterhas. Probably never lived so good until you landed in this country. From someone who loves this country and have had two sons serve it—that is probably more than you ever done, like all our dirty hippies. Most of them would serve Israel though and very eager to send the money they make here over there." Anon.

The *Plain Dealer*, meanwhile, wanted to show its appreciation: $500 checks for Ron and me!

"You don't have to tell anyone else on the staff about it," I was told.

20. The *Plain Dealer* got neither the Pulitzer Prize nor the good mention in *Time*'s press section, but Ron did win the Sigma Delta Chi Photography Award. He won $500 and a gold statuette. He read about the award in the *Plain Dealer*. He called Sigma Delta Chi officials and asked why they hadn't notified him. They said they'd been looking for him but couldn't find him. A week later he got the gold statuette. It was broken into little pieces.

21. Christmas was bountiful. Ron ordered a specially built, souped-up stereo ensemble and a tape deck, along with a plane ticket to Hawaii. He gave a friend a few hundred dollars worth of abortion money. I gave my wife a gold necklace.

The Christmas mail brought, special delivery, a wall-sized poster of the clump of bodies in full color. The poster was put out by a peace group. Underneath, in big red letters, were the words: "And Babies? And Babies." © *Ronald L. Haeberle.*

22. I saw Ron often in the months after that. His new Corvette was stolen, and he bought another. He went to Switzerland and Hawaii a few times, and I went out West. I was walking down a street in Tijuana one afternoon when I heard a yell: "Hey, Eszterhas," and Ron came out of the shadows, eating a taco.

On that same trip, at the Whiskey A Go Go in Los Angeles, with the Iron Butterfly ripping away, there was a light show. Slides: of John and Yoko; a Chicago cop wielding a billy club; Bonnie and Clyde. And then against a wall and over the ceiling, a slide of the clump of bodies at Mylai. And the band played on.

Ron went back to Premier for a while, viewed by his bosses with envy, but also with a kind of All-American respect: they were massacre pictures, sure, but the kid had made what they thought was $100,000. For a time, during a truckers' strike, he drove a truck back and forth from Chicago, dodging Teamsters patrolling the highway with shotguns and rocks. Then he tired of the routine at Premier—he was fitting West Coast trips into weekends—and he quit. He was looking for a job. His photographic credentials were, after all, excellent.

He applied first at the *Plain Dealer*. The *Plain Dealer* had acted eternally grateful for his photographs and their international fame and, he figured, they might hire him for $170 a week. He was wrong. He was told, in the most politic executivese, that all the photo jobs were filled but that he would be put on a waiting list. He figured his pictures had given him a "bad image" and tried to convince the *Plain Dealer* to run another page of his photographs. This would show the other side of the war—the other half of the Kiwanis Club show: GIs handing Hershey bars to the kids. The *Plain Dealer* refused.

He hunted jobs in Los Angeles, New York, Chicago, and Miami. Everywhere he went, it was the same story. No jobs, a place on the waiting list, we'll call you. He noticed too, at each stop, that they were interested until they learned that he was the Ron Haeberle who had taken "those" pictures. He kept his trips down a bit and started looking for any kind of a job.

He spent a night with Jay Roberts, the writer who had been with him at Mylai and who had gone underground. Jay's hair was down to his shoulders, his beard flowing, and he was making himself unavailable to trials and committees, living his life in bits and pieces. Ron debated joining Jay but decided against it. "I'm not a hippie," he said, "I'm not built like that."

One day the rear end of his second new Corvette broke down and he traded it in for a new one.

I went back to holdups and berserk fathers and warm, cuddly front-page puppies. On the afternoon of May 4th, my city editor sent me to Kent State University, where National Guardsmen killed four students. The city editor told me to "get some art."

I walked around Blanket Hill, with blood on the pavement and bulletholes in the trees, talking to kids, working my tape recorder, asking about pictures.

I saw Ron a few days after that, walking around with a bagful of shiny Japanese photographic equipment, trying out the new Corvette. He said he was thinking of going down to Kent to do some shooting.

"Man," he said, "I wish I could have been there. No clouds; the sun was up; the color would have been great."

I had heard him say that before, in another context. We stood there, next to each other, not saying anything, avoiding each others' eyes.

Nathanael West wrote: "Miss Lonelyhearts, "I advise you to give your readers stones. Explain that man can not live by bread alone and give them stones. Teach them to pray each morning: Give us this day our daily stone."

"Aww, what the ———," Ron said, "let's get a beer." And after a while we did.

THE 32D ANNIVERSARY OF INVASION OF POLAND

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. ANNUNZIO. Mr. Speaker, today marks the 32d anniversary of the tragic invasion of Poland by the Soviets. On September 17, 1939, the military might of the Soviets was thrown against Poland's eastern frontier. Unaided and unprepared, the Polish people fought valiantly against the invaders but succumbed in a matter of days to the pressure of the Soviet forces on the east and the enormity of Hitler's military machine on the west.

The Polish people were among those who suffered the most from the inhumanity of World War II—not only did they lose approximately 6 million of their population—but they have continued to pay in loss of their freedom and individual rights under the postwar Soviet regime.

Following the end of the war, after the German troops were expelled, the only foreign troops left in Poland were those from the Soviet Union. And through the coercive presence of their military forces, the Soviets subdued the Polish population and established a Communist-dominated government. The courageous Polish spirit, however, has not been crushed. It has remained steadfast and has demonstrated itself time and again, as evidenced in particular by the Poznan uprising in 1956.

However, on this 32d anniversary communism still maintains a firm and steady grip over Poland. Mr. Speaker, I know I speak not only for myself but for thousands of Polish Americans who reside in the Seventh Congressional District of Illinois, which I have the privilege to represent, when I express the hope that the Polish people may one day be fully rewarded for the heroism and patriotism they have demonstrated since that fateful day—September 17, 1939.

Today, as we observe this anniversary in the House of Representatives, we look forward to the day when Poland shall once again join the community of free nations and enjoy the fruits of democracy and self-determination which they so richly deserve.

A COMPENDIUM OF CURIOUS EVENTS REPORTED BY THE CENTER FOR SHORT-LIVED PHENOMENA

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. NEDZI. Mr. Speaker, not widely known, the Smithsonian's Center for Short-Lived Phenomena is a global monitoring service of natural events which quickly reports to the scientific community unusual occurrences in the natural world so that they may be studied and recorded. Established in Cambridge, Mass., in 1968, the Center now has a network of nearly 3,000 sources.

A recent issue of the Scientific American contained a review of the Center's annual report. In my view, this article provides a lucid description of the excellent work of the Center which deserves wider publicity. Accordingly, I insert the Scientific American review in the RECORD.

A COMPENDIUM OF CURIOUS EVENTS REPORTED BY THE CENTER FOR SHORT-LIVED PHENOMENA

(By Philip Morrison)

Annual Report 1970, by the Center for Short-Lived Phenomena. Smithsonian Institution, Cambridge, Mass. ($5). On April 8 an early-rising resident of West Hartford, Conn., saw "a bright streak like a bomb bursting." Later, at 6:00 a.m., Paul J. Cassarino of suburban Wethersfield awoke to find plaster on the floor of his living room. A meteorite weighing three-quarters of a pound had fallen through the plywood roof to lodge halfway through the ceiling!

Something of Cassarino's sense of celestial intimacy was transferred by postcard within a day or two to the many thousands of friends and subscribers of the service of the Center for Short-Lived Phenomena. The card told the facts, as telephoned to Cambridge by the very men who identified the rock as a *bona fide* meteorite. (It was a common kind of chondrite, and it was in the hands of expert analysts before the week was out.)

The Center for Short-Lived Phenomena has been at work since January, 1968. It grew out of efforts to "catch a falling star"—more prosaically to bring a freshly fallen meteorite into the laboratory quickly enough so that information about the cosmic ray intensity in space near the earth, perishably locked in short-lived radioactivity, would not have fully decayed. It was clear from the start, however, that many kinds of "fast and accurate information on the occurrence of short-lived natural phenomena" would be of interest to scientists in several disciplines. Today the center has 3,000 registered correspondents in some 150 countries; these scientists or organizations report nearby short-lived events and follow up on their first alerts, and in turn they receive the reports of similar events around the world. The chief resource of the center is the global communications network of the Smithsonian Astrophysical Observatory, which uses commercial, NASA and other Government circuits. The center stays in touch with event areas as the events are in progress; it immediately alerts those persons and agencies that might quickly respond, and within 24 hours dispatches postcards that broadcast the alert; then it forwards authentic data and conclusions as study of the event proceeds.

This 300-page book, with maps and photographs, its text in unjustified typescript, indexes the work of the center from its very start. The bulk of the book is a summary of the 113 events in 51 countries that the center reported during 1970. These events fall into four classes. Earth-science events are just under 50 in number; they include 19 major earthquakes, 32 volcanic eruptions, tsunamis, landslides, floods, storm surges and more. Biological events are even more varied; they include oil spills and other major pollution events as imminent threats to the web of life, and they extend to events remote from the hand of man, such as the migrations of animals, blights and epizootics. The astrophysical events are mostly fireballs and meteorite falls (plus recurrent moonquakes!). Archaeology and anthropology claim such occurrences as the discovery of a ruin soon to be flooded or the first contact with a new group of people. The unifying theme is the need for on-the-spot scientific study of the event before its course is run; naturally this interest overlaps with, but is not the same as, the interests of the government agencies all over the world that are generally responsible for resource control, rescue and relief.

Tragedy is present, since everywhere the lives of men remain at the mercy of the largest forces of nature. The terrible November storm surges of the Bay of Bengal were Event No. 100 of 1970; the event was of course intensively reported in the regular news media, but the summary here (by Dr. M. Q. Khuda of Dacca) is eloquent in its simplicity. Although many hundreds of thousands died, "no permanent change in the land mark is visible." Mankind is perhaps most vulnerable along the many mouths of the Ganges. The avalanche that entirely buried Yungay in Peru under some 10 feet of mud in the earthquake of May, 1970, is described with equal care.

Late this summer the inhabitants of the Mississippi Valley from its Canadian head to the Gulf can expect a cyclical peak in the number of migrating monarch butterflies; 1970 was the first of the two peak years that recur on a six- or eight-year cycle. Thousands of the bright-yellow-and-black creatures can be seen on a single tree. The cycle is the result of an interaction of the insect and a virus.

Why do whales beach themselves? Here is the account of the stranding of about 150 false killer whales, animals weighing less than a ton each, on a shelving Florida beach. Towed to sea by boats, they immediately swam back to beach themselves all over again. After a second towing effort perhaps a third of the animals found their way out to sea. On autopsy there was no sign of bacterial disease, but it was noted that the water was abnormally cold.

The crown-of-thorns starfish, that hungry predator on the living polyp of the hard madrepore coral, continues to spread alarmingly over the Pacific, again for uncertain reasons. The notorious Malaysian frog war of last November is reinterpreted; afterward there were tadpoles aplenty. Those 10,000 frogs were making love, not war. Deception Island, a drowned volcanic crater 500 miles south of Cape Horn, blew up in the wintry August of 1970. Its dust and ashes were "probably the most important [for] the last three years or so. It seems that the Dust Veil Index will be somewhere in the range between 150 and 500 (Krakatau 1883 eruption equals 1,000 . . .)." No one was there;

the first news came from Antarctic bases some 50 miles away, where a rain of black ash covered the entire area to a depth of millimeters.

By December, 1970, people had visited Deception; a photograph was published recently. The center's main purpose was thus fulfilled. Indeed, more than 84 of the events it reported in 1970 were investigated. But he who stays at home—amateur, student, teacher—can share a little of the investigator's excitement and awe at the changing fabric of our world by reading the center's alerts. There are services matched to all budgets and all levels of specialization. You can arrange for notice by wire, by airmail card or by weekly or even monthly batches, in each class of events. Schools and museums should be particularly interested. The cards supply just those details of place and time, with cogent appraisals, that the news services often omit.

The performance of this pioneer office is not faultless: the Annual Report—with much too bland a title—could be improved by greater editorial resources. It is nonetheless splendid reading as it stands; the "real time" services are even better and the future holds more. Surely the center is the first form of what someday will be a knowing and prescient worldwide public monitoring service both for action and for thought.

Long live the Center for Short-Lived Phenomena!

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, at the hearings I held in Minneapolis recently, an important contribution in support of the Health Security Act of 1971, H.R. 22, was made by Mr. Dave Roe, the president of the Minnesota AFL–CIO, and Mrs. Bea Kersten, the director of community service for the Minnesota AFL–CIO. Mrs. Kersten brings to the question of health care a wide background in community service with individuals and groups attempting to reform our present system. Mr. Roe has worked long and hard throughout Minnesota for health reform and is one of the leaders in efforts to improve the system.

An extremely fruitful question-and-answer period followed Mr. Roe's statement. That statement is printed in its entirety below. In response to one question, however, concerning the need for prompt improvement in the delivery of health services, particularly in view of the rising medical costs, Mr. Roe made the following statement:

> This thing is moving so rapidly with regard to medical costs; the labor movement is starting to take a very serious look in possibly building our own clinics and taking care of our own people. If the Government is not going to give the proper consideration to some sort of control, if the doctors and the medical facilities are going to continue to let costs run rampant, we are going to have to give a lot of consideration to this proposal.

As is apparent from Mr. Roe's and Mrs. Kersten's testimony, the availability of health care for many in this country is a sham. It is indeed good to know of their support for the Health Security Act of 1971, a bill that would eliminate the inequalities and would control the costs indigenous to our present system.

The testimony follows:

SUPPORT FOR HEALTH SECURITY ACT OF 1971

The Minnesota AFL–CIO is completely in support of the proposed Health Security Act of 1971, the bill now pending before the U.S. Congress. The proposal, which is H.R. 22 in the House and S. 3 in the Senate, will enable every Minnesotan and every American to enjoy comprehensive quality health care. The statistics underline the need for this program and speak for themselves. With existing health insurance programs, babies in 17 other countries have a better chance of living to age 1 than they do in the United States. Baby boys have a better chance in 21 other countries and baby girls in 9 other countries of living to age 1. Two hundred million Americans—99½% of our citizens still have no dental health insurance coverage. 122 million, 58% of our citizens, have no coverage to pay for visits to the doctors and dentists offices or for home visits. In short, the cost of a major illness is so expensive that 9 out of 10 Americans are unable to pay the high cost of care without severe economic sacrifices.

Every other western country in the world has a national health plan and citizens in no other country pay as much as we do for health care according to our information.

Recently, February 16, a representative of the national AFL–CIO was in Bloomington, Minnesota to speak to staff members of the Fairview Hospital. The mere fact that he was invited to speak to a group of doctors is a sign that their attitudes are changing at least in regard to a system for national care. Although I might add until he got them back on the track they were more concerned with wages and the likes of that than for the specific purpose of health care which we came to talk about. The office of the national AFL–CIO is now getting more requests from the medical groups for speakers than they can fill. There seems to be one major problem which those who provide the medical care, the doctors, don't understand. This is the problem of gaining access to decent medical care.

The fact that a doctor may have the world's best training concerning medical problems doesn't mean that he automatically understands the practical, social, economic problems involved in getting medical treatment. Some of your speakers last night alluded to this problem—these are people seeing the doctor and not numbers.

The fact that the amount of time a doctor spends in learning the techniques of good medical care probably means that this doctor doesn't have any time to develop social problems and understand what you face if you're elderly and low-income or middle-income persons seeking medical care. The Medical School at the University of Minnesota, for example, still does not teach any course for doctors dealing exclusively with the delivery of health care. Some of the doctors are starting to get this exposure. So, in closing, the Minnesota AFL–CIO believes that the best solution to the problem of health in this state and the country is the Health Security Act of 1971.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife says: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE NORTHERN IRELAND SITUATION—A REPORT: NO. 3

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. BIAGGI. Mr. Speaker, this Nation has established itself as the protector of freedom and democracy in the world. Its institutions have served as examples for numerous other emerging nations. In the past we have been known for our outspoken position against oppression and tyranny wherever it existed.

Something has happened to the United States in recent years, though. Hungary was run over by the Soviet oppressors and the United States did nothing. Czechoslovakia tried to reinstate freedom and a semblance of democracy, but the United States stood idly by as their ambitions were crushed. Today another people in Europe are under the yoke of oppression.

Perhaps the people of Northern Ireland are not thought of as being denied freedom and human dignity, but the fact is they are. Under the Special Powers Act, British soldiers are systematically taking people from their homes and detaining them for indefinite periods. Their presence has been the single most powerful contribution to the state of war in the province. People feel they are forced to strike back when they are backed against the wall.

And the oppressed people of Northern Ireland have been fighting back. Yet, deplorable as all this violence and oppression is, the British Government continues to mark time hoping the problem will go away. It is time for this Government to speak out strongly in support of the people of Northern Ireland.

From the press reports, a person might glean that the only shooting is being done by the IRA provisionals. However, the following two reports that I will insert in the RECORD following my statement point out that the problem of violence is widespread on both sides. I commend them to my colleagues' attention:

REPORT ON THE INVESTIGATION INTO THE SHOOTING OF SEAMUS SIMPSON (AGE 21) OF 53 MALCOLMSON STREET, ON WEDNESDAY, AUGUST 11, 1971

(By Eamonn MacMoruma)

The shooting of Seamus Simpson, a young married man, aged 21 years, occurred on Wednesday 11th August, in the early afternoon. It was difficult to pinpoint the exact time of the shooting, but at a conservative estimate, it would appear to have taken place somewhere in the region of 3.15 p.m.

The deceased was shot on the pavement, outside No. 43, Rosnareen Avenue facing Rosnareen Road, which runs in a direct line from the Shaw's Road into Rosenareen Avenue.

ARMY VERSION

The British Army version of the incident, states (as reported in the "Irish News" on Thursday 12th August) that the deceased was shot because he was a "nail-bomber."

SITUATION IN AREA BEFORE INCIDENT

At approximately 1.50 p.m. 15 to 20 soldiers stated in statements I, IV, V, and VII to be wearing black berets and in statement VI to be Anglicans, entered the area. (They were identified as the same troops who had been patrolling the area, during the previous days.) The eye-witness in statement II states that they came up on the green (which is at Shaw's Road) in two Saracens and the witness in statement I quotes one of the registration numbers to be—57 EK 66—(This witness copied that number down onto a piece of paper at the time of the incident and produced it to me when making the statement.)

At this time they met with no opposition or provocation of any kind whatever. The area was very quiet with children playing in the streets and women standing at their doors talking. Troops came into Rosnareen Road from behind the barricade which was at the Shaw's Road end of the road firing C.S. gas and shooting rubber bullets, and as quoted in statement V (made by one ex-serviceman) and VI, using live ammunition as well. They made a charge down Rosnareen Road, firing C.S. gas indiscriminately and as quoted in statement V, inviting the women out to fight. During the course of the afternoon, the soldiers, under the direction of a tall, fair-haired sergeant (VO smashed many windows and deliberately put gas into at least two houses, one of which is inhabited by the McCarville family. (I)

By this time a crowd of youths had gathered and had begun to hurl bottles and other miscellaneous objects at the troops. The troops continued to reply with gas, rubber bullets and live ammunition. The roofs of numbers 43, 45, and 47 Rosnareen Road have bullet holes in them, while a bullet went through the window of number 37, Rosnareen Road. (VII)

The stoning of the troops was continued by the youths and five of them were arrested. They were taken out of a house belonging to the Nolan family and made to lie down in the middle of Rosnareen Road while riot was progressing.

The riot continued up and down the street with the army breaking more windows as they were pushed back towards the Shaw's Road. They greeted every act and deed perpetuated by themselves with elation. They had pushed an ice-cream van down Rosnareen Road and into the garden of a house in Rosnareen Avenue. This was retrieved by youths and used as a barricade.

It was at this juncture that the deceased made his recognizable appearance. He came into Rosnareen Avenue from Tullagh Park, carrying a tri-colour on a pole. He rallied the youths behind him and led them in a few charges against the soldiers. It could be said, somewhat dramatically, that by this action he 'signed his death warrant' by making himself easily recognizable. The two eye-witnesses in statement IV claim that at no time did the deceased throw any missiles.

It was firmly stated by the quoted eye-witnesses and by and by many other residents that at no time during the riot was any substance of an explosive nature i.e. neither petrol nor nail bomb, used. As was stated by one of the witnesses, they were not expecting an attack or else they would have been ready.

After leading one of the attacks, the deceased moved back towards the houses in Rosnareen Avenue. The troops at this time were (i) behind the barricade at the Shaw's Road end of Rosnareen Road. (ii) in the garden of the flat belonging to Mr. William Rafferty and (iii) one soldier on the balcony at the back of the maisonettes. The deceased walked back to the houses in Rosnareen Avenue and handed the tri-colour to another youth. It was at this point that a burst of fire rang out—about twelve (iii) and Seamus Simpson fell back towards the hedge between Nos 43 and 45 Rosnareen Avenue. He sustained a bullet wound in the side and it appears to have passed right through, leaving an exit-wound. He crawled approximately ten yards and lay there and began to bleed. This was outside the door of No. 45. Rosnareen Avenue, and the spot is now marked by a cross.

Several youths went to his aid but were obliged to withdraw, by a volley of gas, which was fired at them when they approached Seamus Simpson. Two soldiers, under cover of an armed guard, rushed across and grabbed him by the feet and proceeded to drag him along the length of Rosnareen Road to the barricade—a distance of approximately eighty yards, over stones and broken bottles, on his back with his head bouncing upon the ground. He was then dragged across the barricade and thrown on to the green. Father Fullerton, a curate from St. Theresa's Parish, left the home of Mr. Aldo Bernardo, 21, Rosnareen Road, to attend to Seamus, but was prevented from doing so by soldiers. Also he was refused permission to accompany the youth to the hospital in the Saracen into which he had now been thrown. Members of the Knights of Malta were also frustrated in their attempts to attend the youth and a St. John's Ambulance man had his satchel searched by military as he also tried to send aid to the youth.

The majority of opinion favours the view that the shot came from the barricade at the Shaw's Road end of Rosnaree Road. The witness in statement VI states that the shot could have been made by the soldier on the entrance left of the barricade, while stating that he believed that the shot was fired by the soldier on the balcony at the back of the maisonettes, which overlook that part of Rosnaree Avenue.

At the beginning of the narrative I deliberately stated that the "shooting" of Seamus Simpson occurred where it did and made no reference there and anywhere else, that he was shot dead. After being hit the youth was able to crawl about five to ten yards to where the cross is now and it was here that he commenced bleeding as is borne out by the witnesses and by the marks upon the ground. It is therefore safe to assume, that he was still alive at this point. (He was shot straight through the side.) It was at this point that the soldiers started to drag him up Rosnaree Road. This brutal treatment and that which he was to receive at the barricade and refused medical attention, must be deemed in some measure to be instrumental in his death. (I must add that here I am making a personal assumption based upon the facts presented to me.)

CONCLUSIONS

The statement that the British Army were responsible for the shooting and the subsequent death of Seamus Simpson, there can be no doubt. Why he was shot poses conflicting statements. The Army state that Seamus Simpson was a 'Nail-Bomber'. The residents of the area firmly and categorical deny this charge. They say that there was nothing, used by the civilians involved in that riot, other than stones and bottles. The Army would probably then claim that he was about to throw a 'nail-bomb' but the eye witnesses quoted in the attached statements, all state that he was shot immediately after he had handed the tri-colour to another youth and therefore he would have had no time to prepare a bomb of any description. Soldiers were quickly on the scene after they had shot him to remove the body and they have not as yet stated that they found any explosive substance in his possession. There was no accidental explosion when he was shot and it is extremely doubtful if any of those who tried to remove Seamus when he fell could have removed anything. Also the range to the barricade was far too great to throw anything and the only people who would have been injured were those civilian youths involved in the riots. And at any rate those witnesses quoted here and anybody else that I spoke to have all stated that the deceased had nothing in his hand when he was shot. The only reason for his death would appear to be the fact that he made himself a target by carrying that tri-colour. Another debatable point regarding the deceased is the reason for his being present at the scene.

There is no doubt that Seamus Simpson was a member of the Provisional Wing of the I.R.A. and he was accorded the honour of a volley of shots as his cortege passed Beechmount Avenue, on the day of his burial—an honour for those people who die on 'active service.' Therefore the theory may be justly put forward that he was an 'agent provocateur' But one must remember that he was a native of the immediate surrounding area and may have been emotionally involved in the riot. (e.g. carrying of tricolour.) while on a visit to his parents' home or on the other hand it may have been a mixture of the two.

The behaviour of the British Army as stated by witnesses, must be censured. They received no provocation for the attack upon Rosnareen Road. In the opinions of some of the witnesses they 'behaved like animals' and treated all that they did as a cause for amusement and elation including the shooting of Seamus Simpson.

DEATH OF LEO McGUIGAN

(By Eugene MacEldowney)

On the evening of Monday 9th of August 1971, the Protestant families living in Cranbrooke Gdns, Farringdon Gdns and Velsheda Pk decided to evacuate their homes. There had been gunfire in the area on Saturday and Sunday nights and one soldier had been killed. There had also been gunfire in the area on the morning of Monday 9th and one civilian Patrick McAdorey had been killed. (see separate report.)

As the Protestant families were leaving their homes the houses were systematically fired. This resulted in the loss of Catholic owned property as well. Eventually the people living in predominantly Catholic Estoril Park which backs onto Cranbrooke Gdns became fearful that their houses might also catch fire and so Catholic men and youths arrived in Estoril Park to assist in removing furniture from these houses. One man Mr. Bernard Morris also evacuated an elderly crippled Protestant lady from her home in Cranbrooke Gdns because she was in danger of being burned alive in her home.

As this was going on a stone throwing confrontation developed between Catholic youths and Protestant youths over the yard wall which connects No 2 Estoril Pk and the Belfast Corporation Bus-depot. In all about 25 Catholic youths were involved, an unknown number of Protestants were involved.

One Catholic youth, Thomas Gillespie, was right up at the foot of the wall when he heard gunfire coming from the direction of Cranbrooke Gdns. He ran down the garden and back into the street where he crouched behind the wall of the B.C.T. Bus depot. Looking up he saw a long haired civilian aiming a gun from the back bedroom window of No 17 Cranbrooke Gdns which backs onto Estoril Park. This house belonged to a Catholic family who had left because of the burning going on in the street.

When Gillespie looked up again the civilian fired and shot off the little finger and the top of the third finger from Gillespie's hand. He looked round and saw Leo McGiugan who had been with him all day lying wounded on the ground. Another young boy, John Savage, 12 years old was wounded in the forehead, eye and shoulder.

A lady who is a volunteer in the Order of Malta and who was further down Estoril Park with friends, heard someone shout "Keep down, he's ricochetting bullets off the wall." The next thing she remembers, the three youths were wounded and Leo McGuigan was lying on the ground. She ran to give medical assistance and found the youth was still alive. There was a wound on his forehead but she could feel no exit wound which led her to believe the boy had only suffered a flesh wound. He was crying "Don't leave me, don't leave me." She comforted him and told him he was going to be alright.

The three youths were then taken to the top of Estoril Park where a motorist agreed to take them to the first-aid centre in Butler St. As the car was driving off a soldier who had been standing on Ardoyne Rd at Lipton's Supermarket came running down with a dressing in his hand to attend to the boys but the car was moving off by this time. He shouted after the car to halt.

Leo McGuigan was dead on arrival at Butler St School. All witnesses are adamant that he was shot by Protestant sniper.

ABOUT THOSE BICYCLES ON ROCK CREEK PARKWAY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. HOSMER. Mr. Speaker, the following statement by the Director of the National Park Service has been submitted to me. It was requested due to the fact that several Members complained about the disruption of automobile traffic at this commuter bottleneck:

ABOUT THOSE BICYCLES ON ROCK CREEK PARKWAY

For sometime, specifically since last spring, several influential, interested individuals and organizations promoting the use of the bicycle as a commuter and recreational vehicle have urged us to promote and encourage opportunities for bicycle use. The use of bicycles on the C&O Canal Towpath, on the Mall and in East Potomac Park has been promoted.

We have closed portions of Beach Drive in Upper Rock Creek on weekends exclusively for bicycle use. In the past several months, we have paved 5½ miles of trails specifically designed for recreational bicycle use.

As a result of discussions with interested groups, which include the D.C. City Council and the D.C. Department of Highways and Traffic, it was agreed that we should test the degree of interest and the feasibility of a commuter bikeway in the lower Rock Creek Park area.

A two-week test was planned from Monday through Friday during morning and afternoon rush hours from September 13 through September 17, and September 20 through September 24. The test was undertaken jointly by National Capital Parks and the D.C. Department of Highways and Traffic, and consisted of setting aside one lane for the exclusive use of bike riders during the above rush hours. The portion of the Rock Creek Parkway involved covered 2.1 miles from the Shoreham Hill complex to the intersection of the parkway and Virginia Avenue, near the Harry Thompson boat center. Virginia Avenue was involved, by the District, from Rock Creek Parkway to 19th Street and Constitution Avenue.

Bike use the first day totalled 50; 269 the second day; 194 the third day and 163 the fourth day. A traffic tie-up on Monday, September 13, brought forth numerous complaints by motorists; however, it should be noted that the traffic jam was not caused by the bicycle commuter test. The problem was a broken water main which flooded the parkway near the intersection of Old Constitution Avenue and Ohio Drive. Automobile traffic throughout the remainder of the test has moved without difficulty.

With this showing of substantial interest by bicyclists, I have authorized the paving of an existing unused bridle path which parallels Rock Creek Parkway from the Shoreham Hill to Virginia Avenue. This bikeway, Washington's first bikeway created for both commuter and recreational use, is scheduled to begin operation on Monday, Sept. 20.

Due to the opening of this new bikeway on September 20, the current test will be discontinued after the Friday evening rush hour, Sept. 17.

This new bikeway follows precisely the existing but unused bridle path, riding activities having shifted in recent times to upper Rock Creek.

There will be no destruction of trees or natural values. A grader is being used to prepare the base for paving. The width of the bikeway is 6 feet, the standard for bicycle trails in National Capital Parks. The cost of this 2.1 miles of trail is estimated at $35,000, which is consistent with the per mile cost of bicycle trails previously constructed in this area. Funds have been allocated to National Capital Parks from the Washington Office.

The original volume of complaints by motorists have virtually dropped to zero and now National Capital Parks reports that they are receiving large numbers of incoming calls applauding and supporting the concepts and principles of expanding the opportunities for use of the bicycle.

Never at any time was it contemplated that a long-term continued use of one lane of Rock Creek Parkway for bicyclists would be perpetuated. We simply sought to establish the degree of interest and feasibility before implementing the obvious solution, which was the use of the adjacent, parallel, unused bridle path which could be paved and used exclusively by bicyclists without conflict with automotive traffic.

We will continue to give close attention to this operation.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1971

Mr. FRASER. Mr. Speaker, Mr. Maurice McKay is the general manager of the Group Health Plan of Minnesota, an organization founded in 1955 as a consumer-sponsored prepaid plan. The plan serves the entire community including Federal, State, and university employees as well as private firms and trade unions.

The following statement was presented by Mr. McKay at the recently concluded health hearings I held in Minneapolis. As he points out, a group health care setting provides innumerable benefits. In this particular program, members saved $1 million in hospital premiums. By emphasizing preventive care, a 1966 study showed that members spent fewer days in the hospital. And finally, group health day-hospital rates were significantly below the average charges for nongroup health hospitals.

I commend Mr. McKay's statement on the very real benefits of group health to all of my colleagues:

STATEMENT BY MAURICE MCKAY

The plan operates through modern medical centers, one in Minneapolis and one in St. Paul, and a third one will be started in St. Paul very shortly. Physicians associated with the Group Health Plan are compensated on a salary basis. Payment to physician groups is on a capitation basis. Group Health of Minnesota operates much the same as the larger and better known Kaiser Plan of California and HIP of New York. These plans are known as pre-paid group practice plans or more recently as Health Maintenance Organizations, HMO. These organizations are usually distinguished by the following characteristics. The health services provided are rendered by doctors practicing together as a group in several specialities. The health services are substantially complete with the exception of dental care. The method of physical payment is usually that of salary or the pooling of six monthly payments. There is emphasis on early treatment and preventive health services. There is less reliance on hospital care and more reliance on outpatient care. Rewards for keeping the patient healthy are built into the system of physician payment. There is usually broad community representation in the governing body of the prepayment plan and there is a concern for quality standards in this type of system of health care.

In 1970 Group Health members enjoyed savings in excess of a million dollars in hospital premiums as compared to Blue Cross and the insurance companies in this area. Because planned members have full outpatient care at the Group Health Centers, they tend to use substantially less hospital care than persons who are insured under Blue Cross-Blue Shield and similar types of plans that do not provide office visits, check-ups, immunization and preventive medical services. In a comparison of Group Health Plan hospital costs with those of Blue Cross, it is found that premiums range from $5 to $18 a month less per family and from $2.50 to $5 less for employees without dependents. That is monthly. A study of medical and hospital services used by federal employees and dependents in 1966 revealed that persons enrolled in prepaid group practice plans used an average of 408 non-maternity hospital days for each 1,000 enrolled persons. This compares to 876 hospital days for persons enrolled in Blue Cross-Blue Shield and commercial insurance plans. This represents a savings of 468 days of hospital care for each 1,000 persons enrolled in the group practice type of plan.

In 1970, Group Health's average daily cost for hospital care was $92 a day. This produced savings in hospital cost to Group Health members of $43,056 for each 1,000 persons enrolled in the plan and we had a population in 1970 of about 30,000. We now have a population of about 40,000. This represented an overall savings to that population of $1,291,000 in hospital costs alone. Though it is more difficult to make a comparison of medical costs, that is, physicians' services, we are confident that had we purchased the medical services that we rendered through our clinics from private physicians on a fee for service basis, we would have paid far in excess of what it cost us for physicians salaries, administrative services and overhead.

The public is not generally aware or well informed on the breakdown of medical costs. They are often of the opinion that surgery represents the major cost item in medical services. Actually, year in and year out nonsurgical office visits far and away exceed the costs of surgery, including obstetrical care. Group Health finds that the cost of outpatient care, including office visits, outpatient specialist consultations, check-ups, immunizations, eye examinations, and related services exceed the cost of all in-hospital medical services, including surgery and OB. Though the public does not ordinarily realize this, the insurance actuaries very well do. Hence, visits to doctors' offices for the previously named services are not ordinarily covered. Moreover, the public is unaware that the great majority of people do not have enough medical services in any one year to satisfy the deductibles in major medical programs. These programs do not ordinarily cover preventive medical services and eye care, unless it is for the treatment of the eye. They don't provide care for immunizations and well child care and things of this kind. These services are provided by the Group Health Plan and similar types of programs.

Among the federal employees, it was found that only 28.9% of the 7 million federal employees independents in 1966 received a covered medical service, non-maternity, in that year. Turning this around, it means that 70.1% received no benefits from their health insurance. In contrast, 85.5% of the federal employees independents who had a program like Group Health had covered services in that period. Insurance is largely a numbers game based upon statistical likelihoods of a condition occurring or not occurring, but it is not a health care program. The insurance company does not concern itself with whether a doctor renders a good or a poor service. They are not concerned with the availability of doctors. They are not concerned with the qualifications of physicians, and, in fact, they are not concerned about anything in the matter of health care delivery.

In summary, good health care will remain costly even if delivered in the most economic arrangement, but when good health care is delivered by an antiquated and inefficient system the cost becomes prohibitive to large segments of the community. The high cost of health care is not that the doctors are overpaid. It is that the prevailing system of payment encourages uneconomic practices, especially in hospital use. National priorities in health care are lacking. Such priorities as do exist are determined in the medical marketplace by the patient's ability to pay and by the doctor's ability to earn. Better and lower cost health care requires a national educational effort and a reorientation of physician and public attitudes about health care delivery and payment. It requires the encouragement of a more efficient system of health care delivery in payment and it requires national legislation that will permit freely competing systems to all and demonstrate their merits. If a national health bill is to increase the availability of care and more equitably distribute it, if it is to restrain costs and raise standards, and if it is to create a health care system satisfying to the doctor and to the public, then that bill must establish a system of rewards for efficiency totally lacking in the present fee for service system and also lacking in our medicare and medicaid legislation.

FIELD SCOVELL: A MAN AND HIS CITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. TEAGUE of Texas. Mr. Speaker, Columnist Bob Galt has written one of the finest articles and his subject was one of the finest men I have come to know in my life—Mr. Field Scovell of Dallas, Tex. The article to which I have reference appeared in the Sunday, August 15 edition of the Dallas Times Herald and under leave to extend my remarks in the RECORD I wish to include it:

FIELD SCOVELL: A MAN AND HIS CITY

(By Bob Galt)

This big fellow was making enough noise for three nightclubs full of celebrating patrons. But he really wasn't celebrating. He was cursing Catholics, Irishmen and along the way put the blast on the Cotton Bowl.

The scene was a South Bend nightclub last November. Notre Dame had just beaten the big fellow's team, LSU, and was only hours away from announcing a return to the Cotton Bowl for the second straight year.

At an adjoining table, Field Scovell stirred restlessly in his chair. His glasses were low on his nose and he threw a hard stare over them. His fingers drummed nervously on the table. He occasionally took a deep sip from the "Shirley Temple" before him. Finally, he leaned over and tapped the man on the shoulder.

"Fellow, you have a terrible case of the louds. Why don't you shut your mouth?"

Field Scovell, age 63, had just reverted to his youth. His toe had been stepped on and he was challenging the stepee. The man had slurred one of Scovell's great loves—the Cotton Bowl. The fact that the Cotton Bowl is in Dallas only compounded the remark. Dallas—that's his No. 1 love.

There was no trouble. Scovell, in his deep raspy voice, talked and the big fellow listened. Within minutes they were laughing and joking.

Dallas' goodwill ambassador of sports had struck again. As all Scovell's friends will tell you, the LSU man's life was enriched that night. He got to meet Field Scovell.

Scovell, head of the Sports Commission of the Chamber of Commerce, perhaps knows more people and is known by more people than any man in Dallas. He spent over 50 years here and that represents 50 years of service to the city. The former Texas A&M football player has been an elected official only once. He served three years on the school board. But Scovell long ago lost track of the committees he's headed, of the drives he's fronted. He's no politician, just a super salesman. His sole product is Dallas.

"Field tends to explode too much, he's too sensitive to be a politician," says longtime friend U.S. District Judge William M. Taylor. "You have to be a little thick-skinned to be in politics. But I'll tell you one thing: if I ever ran for state office he'd be my campaign manager."

Scovell is thankful he has a job that allows him freedom to dash around the nation representing the Cotton Bowl or any other sports event connected with Dallas. He's a vice president with Southland Life. He joined the company in 1952 after spending over 20 years in the sporting goods business. Scovell's job is one of public relations. Southland could have never hired him as an insurance salesman.

"John W. Carpenter was the chairman of the board and he kept trying to hire me," recalls Scovell. "I told him, 'Look, the sporting goods business is all I know, and every day that I really pay attention I learn a little bit more about the business. I don't know a damn thing about insurance. He told me just trust him. I did."

Scovell had the assurance he would never have to leave Dallas, which is what really counted.

Earlier, Rawlings Sporting Goods of St. Louis—one of three athletic supply firms Scovell worked for during his earlier years—came up with an offer. He could become a vice president with the company. Ahead, he was promised, was the presidency.

"I wasn't aware you were moving your home office to Dallas," he told a Rawlings official.

"We're not," said the man, a bit dumbfounded. "It's staying in St. Louis."

"Well, I'm not interested then," said Scovell.

Scovell laughs about the incident. "They never did really understand why I wouldn't move, bless 'em."

The love for Dallas was too strong.

"I'm in debt to this city," he says now, "and I have this great fear I won't live long enough to pay it back."

Scovell remembers "all of the great and kind people of Dallas," of the many helping hands he received as a youth.

Scovell has never strayed far from the path of sports. He was an athlete through high school and three years of college until the great depression forced him to go to work as a posthole digger to help support his family. He was in the first class when North Dallas High opened its doors in 1922. And Scovell was the first youngster to answer the call for football drills.

E. D. Walker, Doak Walker's father, was an assistant coach at North Dallas. Like everyone who crossed paths with Scovell the teenager, Walker remembers him for his toughness.

"Jack Wilson was the head coach then," said Walker. "The first day of practice we were talking and he said, 'I like that kid with the bulldog face. He's tough looking.' Field was. I remember one day coach Wilson called him over and said, 'Lad, what would you do if I slapped you in the face?' Field looked at him for a second and said, 'Sir, I'm afraid I'd have to hit you back'."

Brooks Conover, principal of an Irving grade school, was one of Scovell's teammates at North Dallas and Texas A&M.

"When we were freshmen at A&M we were playing a baseball game against Austin High," says Conover. "Scovell had that big voice then and was good at riding people. I think that's why he was assigned to coach in the first base box. Scovell really gave the Austin pitcher a tough time.

"The Austin coach kept objecting," he continued. "When the umpire wouldn't do anything the coach decided to do it himself. He went down to remove Scovell. They went to fist city right there and Scovell decked him."

Conover himself almost squared off against Scovell a few years later. He became the head coach at Ennis High and found himself short a game official one Friday night. He put in a quick call to Scovell in Dallas.

"I've forgotten what the play was, but Scovell made a call I didn't like," he said. "I started protesting and maybe got a little violent. I slammed my clipboard down and Scovell threatened to throw me out of the game. We got in a pretty good shouting match. I told him it would be a long time before I ever invited him back, and he told me not to worry that he wouldn't ever be back. There's no way, though, you can stay mad at Field Scovell. We ended up that night at my house drinking coffee and laughing about it."

Scovell said, "Brooks has forgotten what I did. Every time he'd open his mouth I'd penalize him. I penalized him so many times the other team had a first-and-goal from his one. But you know what? That team couldn't score. Brooks might still be mad at me today if they had scored."

Rooster Andrews, an Austin sporting goods executive, has known Scovell for years.

"I've heard it told that the only man who ever kicked Field in the rear end and didn't get challenged for it was coach D. X. Bible. One day in practice, coach Bible kicked the fire out of Scovell and knocked him down. Scovell leaped up and was ready to fight, but his good judgment took over. Field's always been known to be a level thinker at just the right time."

Bible, now living in retirement in Austin, laughs and says. "Well, you know how those stories grow by the years."

Bible has kept up with Scovell's career. "I know he has given a lifetime of service to advance the best interest of sports. It was obvious early that Field was going to do something in life, was going to be a leader.

"I always told my players you had to pay the premium if you wanted to reap the dividends. Field paid his. He'd always roll up his sleeves and throw himself into every play. He's done that all through life."

Conover recalls a time when Scovell had his feelings hurt by Bible.

"Field had a lab class and was late coming to practice," he said. "Coach Bible had been lecturing us about some play changes. Field rushed up just as he was finishing, coach Bible didn't know he hadn't been there all the time. He turned to Field and said, 'Okay, Scovell, what did I say?' Field told him he didn't have any idea and started to explain where he had been.

"Coach Bible wouldn't let him open his mouth. He ordered him to return to the lockers, get dressed and leave. The more Field tried to explain the madder Coach got. He finally grabbed Field by the seat of the pants and marched him off."

Scovell laughs and says, "He didn't just take me over to the sidelines. He took me right down the middle of the field, in front of everybody. I later told the other players they should have heard what I had to say to Coach Bible when we reached the end zone."

What?

"I said, 'Yes, sir'."

Scovell is known today throughout the Southwest as "Mr. Aggie". He's the first fellow friends run to when they've heard a new Aggie joke. Somehow, he manages to hold his composure.

"There's no bigger Texas Aggie than Field Scovell," says Times Herald editor Felix McKnight, a lifelong friend and A&M classmate. "Aggie jokes really hurt him. He can get fighting mad again at times."

Scovell and wife Mary have two children Sue is now Mrs. Jim Lavender of Fort Worth. John is married and serving in the Army. Both attended Texas Tech where John was the starting quarterback two seasons.

Scovell, naturally, wanted his son to go to Texas A&M. But he wasn't about to tell him so.

"I told John it was his decision. I didn't want to influence him. I didn't want him to wake up every Monday and say 'I'm here because my father was here'."

McKnight adds to the story by saying, "John came to me one day. He was at a loss what to do. He said, 'Dad won't even talk to me about it'."

Scovell took some ribbing from a few of his Aggie buddies when John packed for Lubbock. One, with a few drinks under his belt at a party, was really upset. He demanded a straight answer to a question, "Which team will you pull for when Texas A&M plays Texas Tech?"

"I was trying to think of a good answer," said Scovell, "when Darrell Royal stepped up. I knew he was at the party, but I wasn't aware he had heard the man's question. I'll never forget what Darrell said. He didn't even look at the man. He just said, "You know, Field, a fellow who would ask that question either hasn't had a son or if he did, he didn't love him very much".

"That's just the way I felt. I don't care if your son is confined to Sing Sing, if there's a football game and the team with the stripes gets the ball you're going to pull for the stripes."

Scovell gained many new friends through his children's association with Texas Tech. And he picked up a new duty, one he likes. Gov. Preston Smith named him to the Texas Tech board of regents in 1969.

John Scovell distinguished himself at Tech, but it isn't likely people will be telling "John Scovell football stories" years from now the way folks talk of Field Scovell today.

"I was great," says Scovell with a grin. "I made two all-conference teams—my mama's and my papa's."

Scovell was famous for his classic football battles with the late Gordy Brown, an outstanding tackle at Texas. Brown attended old Bryan High in Dallas. He and Scovell fought each other for three years in high school and continued the battle into college. Scovell was an end in high school and a guard at A&M.

Although Scovell and Brown often drew blood from each other on the field, they were the closest of pals away from the game.

Friends, as well as Coach Bible, say Scovell had his greatest game in 1928 against SMU. The Mustangs were favored but the Aggies deadlocked them, 19–19. Scovell was paired against Pony lineman Marion Hammon, who was to become an All-American tackle the next season.

"It was a great man-for-man battle that day," said McKnight, who was in the stands. "Field was the underdog, but he was the winner."

Scovell was a winner that day in more ways than one. Prior to the start of the season he found a used Model-T Ford he wanted. The price was $50, but Scovell couldn't raise it. He turned to Julius Schepps, an A&M ex, for a loan. Scovell was to pay back a couple bucks a month.

"Julius came into the dressing room after the SMU game," said Scovell. "He was a pretty big A&M fan, but it scared me. I was behind in my payments. He said, 'Scovell, how many payments have you made to me?'. I told him I had made one for $2.50 and another for $5. He reached out, grabbed my hand, smiled and said, "Scovell, you've paid me back enough. The car is yours."

After dropping out of A&M, Scovell spent some time in Wichita Falls, his birthplace. But he didn't see any future in the posthole digging game and was soon back in Dallas to apply for a job as a lifeguard at the old White Rock pool.

"I went to the parks department to be interviewed for the job," says Scovell. "I was told to come back in three days. I needed that job, and I didn't think a few recommendations would hurt. I had several friends call the man. When I went back the fellow said, 'Look, kid, I'm sick and tired of all these telephone calls telling me what a great man you are. If I hire you, can you stop the calls?' "

As for the job, he said, "It was great. The hamburgers were cheap at the concession stand and they let me sleep on top of the bathhouse at night."

Scovell had saved enough money by 1931 to go into business for himself. He bought an old service station on the corner of Cole and Fitzhugh.

"I lost everything in that venture, including my car."

Scovell also lost some money to a robber who surprised him one night at the station.

"He had this gun on me and told me to hand over my money. I opened the cashbox and started counting it out, 'five, ten, fifteen'. He stopped me and said not to count, that he'd do it. I told him, 'Like hell, fellow, I want to know how much I'm losing'."

After a few months of doing odd jobs for a Dunlap representative, Scovell showed up in Austin in 1932 to work for C&S Sporting Goods. This was the beginning of the most colorful side of Scovell's life.

"George McCullough was the boss," he said. "When he hired me he said he'd give me a choice of $100 a month or would put me on flat commission. I told him I didn't know anything about selling sporting goods and had better play it safe with the $100. He said, 'No, you're going on commission. If you can't sell enough to make $100 a month I'll fire you any way."

McCullough tossed a car key to Scovell. "You'll find a pickup truck out back. You can get a roadmap down at the service station on the corner. May God be with you."

Scovell was officially a traveling man.

Jack Gray, a former Texas Longhorn star, remembers Scovell the salesman.

"Everyone called him 'Scovell of the Aggies'. I'm sure there were a lot of people who didn't even know his first name. They'd just say 'Here comes old Scovell of the Aggies'."

"I had a lot to do with that name," said Scovell. "I had to establish a beachhead. I was an Aggie in orange territory, a real oddity. Everyone at C&S was a Texas ex. I wanted everyone to know I was different. I'd just introduce myself as Scovell of the Aggies."

Scovell stayed with C&S until 1940 when he moved on to Rawlings.

"I took over Scovell's territory when he left," said Andrews, his old Austin pal. "That's the toughest paid of shoes I ever tried to fill. He was more than just a salesman. Here's a guy who loved everybody—the kids, their mamas and their papas. He'd go into a coach's house and end up in the kitchen stirring gravy with the man's wife. He'd not only get a free meal but sell a hundred jock straps at the same time.

"He'd sell you and you didn't ever know you'd been sold until you got the bill," continued Andrews. "Field wouldn't go into a school and just see a coach or a superintendent. He'd visit with the secretaries. He'd sweet talk 'em and give 'em a box of candy. I know damn well Field got some orders when he didn't even have the low bid in. Those secretaries would make typing errors in his favor."

Scovell's travels took him to El Paso, and, naturally, across the border to Juarez. It was there he turned "teacher".

"There was this old fellow with a one-man band," said Scovell. "I thought it would be great to teach him the Aggies Fight Song so he could play it every time I came over. I spent seven years and a lot of money on beer on that fellow. Every time I'd come back he would have forgotten most of it, and he'd say 'remember me'. I'd sing it to him again. The only part he was really good on was the 'saw varsity's horns off' part. That made it worthwhile."

Scovell started settling down a bit in 1939 when he went to Graham High to make a sale and met a teacher named Mary Dupree. She was to become Mrs. Scovell on Dec. 6, 1941—the day before Pearl Harbor.

"I didn't know I could stir up that much hell by just getting married," laughs Scovell.

Mary moved back to her home in Mt. Vernon to teach shortly before she married.

"I don't think her folks were too proud of me," said Scovell. "They didn't show me off much. People would ask Mary's mother what that young man did for a living. She'd very shamefacedly admit, 'He's a drummer'."

Mary Scovell says, "He's the same now as he was the day I met him. He knew everybody then and he knows everybody now. I never cease to be amazed at the number of people he knows, people from every station in life."

If Mary wanted to be lazy about it, she could prepare dinner for Field in a hurry. He has two great loves—jalapeno peppers and ice cream.

During a recent hospital stay Scovell received many flowers from his friends. He appreciated them, but not near as much as he did a gift from old buddy Blackie Sherrod. He presented Scovell with a jar of jalapeno peppers.

Scovell's favorite stopping place in Lubbock is the In Town Inn. The restaurant keeps jalapeno peppers in stock to chop up in his breakfast eggs.

Mary says her husband's famous temper flares on occasions.

"He's funny. I could burn the dinner and he wouldn't say a thing. But let him drop a spot of gravy on his tie and he blows up. He isn't mad for long, but he can really explode at times."

Scovell comments on his temper by saying, "I've had quite a few Sunday suits that I didn't get to wear as often as I would have liked. I had a bad habit years ago of overmatching myself. I don't like to think that I've mellowed too much. I like to think that some common sense hit me."

Scovell has always moved in circles where an alcoholic beverage can be found. But he hasn't had a drink in over 20 years.

"I decided one day there were a lot of things in life I wanted to do, and I was afraid I wouldn't be able to find all the time I needed. I took stock to see if I was wasting my time on anything. I just didn't see any need to drink. I quit."

But Scovell is not against others drinking. "If I had to make a choice, I'd rather be a drunkard than a prude."

Since he gave up beer and an occasional highball, Scovell has been drinking "Shirley Temples." That's a very alcoholic-looking beverage made from ginger ale and cherry juice. Many people are not aware Scovell isn't belting along with them.

"A waitress at a club where I go all the time jumped me about ordering Shirley Temples," said Scovell. "She explained that a Roy Rogers was the same thing as a Shirley Temple and that it sounded much better for a man to order a Roy Rogers."

Scovell, with his busy work and sports schedule, manages to find time for the church. He's an elder at the Preston Hollow Presbyterian Church and attends every Sunday he's in town.

"I feel very strongly about my ties with the Fellow up there," he says. "I'm afraid I've been a pretty heavy load at times. It's been kind of a one-sided arrangement. I've gotten more from Him than He's gotten from me."

Scovell says he's always tried to help others, especially youngsters. He received a heavy helping of support during his college days from the late Marion Church, a Dallas lawyer. Church provided him with financial aid.

"When I left A&M I went to see Marion. I told him I wanted to pay him back and wanted to work out the arrangements. He said, 'I'll let you pay me back if you agree to do it according to my terms.' I agreed, and he said, 'Later in life, if you get the chance, I want you to help some youngster to get an education. That's all the payment I want.'

"I started to argue with him, but he stopped me and said I had agreed to the terms. I've never forgotten that. Fortunately, I've had the occasion to help a few youngsters, but I don't feel like I should take credit for it. All the credit goes to Marion Church."

Church, Scovell says, was a gentleman with great compassion for his fellow man. Scovell is the same way. All of his friends use a common word when talking about him. That's "thoughtful."

Dallas real estate man Jim Hudson has known Scovell since his North Dallas High days.

"Field has got to be the most thoughtful person in the world. For years and years, until she died, Field always sent my mother a Mother's Day card. She loved him, too. She lived to be 93, but she was sure she would die before then. She made out a list of pallbearers 20 years before she died. She'd get mad occasionally and scratch off a name. Field's name was on the first list she ever made out. It never came off."

Scovell is known among his friends as the world's champion note-sender.

"I've never seen anyone as thoughtful as Field," said McKnight. "He must send out hundreds of birthday notes each year. He's constantly sending out hand-written notes to his friends. I'm sure he sends out at least 500 notes a year."

Scovell does a lot of his note-writing at a time when many of his friends are still in bed. He checks into his 10th floor office in the Southland Building every morning at 7 o'clock.

It is there he sits and looks out over the city he loves so much. He thinks of the past, but mostly of the future.

"There are so many fine young men coming up, so many potentially great leaders in our city. I know they're out there. They'll eventually take over and do things so much better than I've ever done them. When one of those young men comes to the front I enjoy just sitting back, pointing to him and saying, "Look at him go. Isn't he a dandy?"

But a lot of people in Dallas are not in any hurry for the youngsters to move up, especially if they're going to crowd Field Scovell.

Scovell of the Aggies is still hanging tough.

THE OLD: DOES ANYBODY CARE?

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1971

Mr. SPRINGER. Mr. Speaker, the following is the fourth of a series of eight articles on the problems of elderly people by Carol Ann Smith in the Champaign, Ill., News-Gazette. This article was published on September 1, 1971:

RETIREMENT: "I STILL HAVEN'T FIGURED IT OUT"

(By Carol Ann Smith)

For the bulk of the population, retirement from the working way of life is inevitable—it is ordained by the company they work for. Others will retire because they want to, and others will work until the day they die.

The majority, however, will be retired. At the age of 65, on a specified day a working career will end.

"It was really strange," one man recalled. "One morning I got up to go to work and the next day I didn't. I walked around the house for an hour trying to figure it all out. I still haven't."

Retirement means the end of a social role, and it also means a drastic cut in income. Patterns of allocation of resources indicate that the average retired person has not, of his own volition, saved toward the day of his retirement.

He has perhaps a pension coming from the company, but his major asset will be the house he lives in and has, in all probability, paid for.

Indeed, in Champaign County, the past year's experience is that living here has required annual expenditures almost matching the annual income, leaving no room to save significant amounts against eventual retirement.

The pattern here is reinforced by the fact that the economy is a consumer economy: it depends on spending money, not saving it. Thrift is not really considered a virtue.

And so at 65, the average worker who retires can perhaps depend on a company pension. In all probability it will not be large.

But most workers can depend on Social Security and most of them have to. It may very well be the only income they can depend on.

The latest statistics indicate that there are 11,488 beneficiaries of Social Security in Champaign County. In the month of December, 1970, a total of $1,640,000 in Social Security benefits were paid in all categories.

Experts at all levels agree about certain aspects of the Social Security system: it is among the most effective and successful institutions ever developed in the United States, it represents one of the most far-reaching public education programs ever accomplished in this country, and it is probably the most efficient bureaucracy in United States government.

One authority in the field goes so far to say that the Social Security Administration officials are "respected by the Executive Branch, the Congress and the public for their competence, devotion and honesty."

The system has two basic objectives: to guarantee minimum income support for the aged, the disabled and dependent survivors and to help moderate the decline in living standards when the earnings of the family head cease because of retirement, disability or death. The goals are independent since benefits go to families at all income levels.

It is financed by contributions from the employe while he is working and by the employer. The contributions go into a trust fund, and if the worker has become eligible, he will receive monthly checks which are not subject to federal income taxation.

The system is considered by some as a type of transfer payment—a transfer of funds from the young worker to the aged retiree. It is considered by others as "social insurance"—a worker pays in and then collects when he becomes eligible.

It is not a voluntary system, and it is what economists call a "regressive tax." The tax applies only to a certain level of income and when that earnings limit is reached, the tax is no longer collected.

Some workers will pay the tax for an entire year, while others will pay only for a few months. Income tax, for example, is progressive—as long as you are earning, you are paying tax.

In 1970, the maximum taxable earnings was $7,800 with an employe's tax rate of 4.8 per cent. In 1970, anyone who earned $7,800 or more paid $374.40 into the trust fund.

A wage-earner who went into the system in 1937 when it became operative, has, if he paid the maximum each year, paid $3,765.60 into the trust fund.

Charles Thompson is district director of the Social Security Administration for Champaign-Urbana and the area.

"A lot of people come in here, saying that they paid in $200,000—they are talking about taxable earnings," he said. "Nobody in the country has paid more than $3,765.60 into the trust fund."

There is no "need test" for Social Security—one simply has to demonstrate that he has attained covered status, fully insured status. He need not prove that he "needs" the money.

"We'll do everything we can under the law to establish that status," Thompson said, and indeed federal courts have interpreted the Social Security Act as favoring inclusion rather than exclusion from beneficiary status.

There is one test, the so-called "earnings test," which dictates that no one receiving Social Security benefits may earn more than $1,680 a year or more than $140 in any month. If the test is violated, reductions are made in benefits and can reach the point of obliterating the Social Security income.

It is a complex test in many ways, and Thompson describes it as the thorniest problem for the administration to explain.

Experience has indicated that earnings test and all, Social Security does foster early retirement and then discourages active work participation until the age of 72 when the earnings test is lifted.

Early retirement means the drastic cut in income, drastic to the point of devastation.

"We know that a lot of people simply can't live on what those checks bring in each month," Thompson said, "but there just isn't anything we can do about that. We try to get them everything they are entitled to, but that is as far as the law will let us go."

The average Social Security check in Illinois is $125.07 per month, and according to Thompson, Champaign County comes close to the average.

The recent increase in benefits account for some of the figure and the number of persons who have fully insured status at full benefit level is also part of the picture.

But talking to a Social Security beneficiary may well reveal that many are receiving less than that.

"I've never talked to anyone getting more than $97.50 per month," one caseworker told The News-Gazette. "And that's all they've got."

HOW ILLINOIS HANDLED ITS ATTICA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. MIKVA. Mr. Speaker, it is a little known fact that nearly 20 years ago, Illinois witnessed an incident which was painfully similar to the events which have wracked Attica State Prison over the past week.

Dorothy Storck has written a dramatic story in Chicago Today, September 15, 1971, describing the incident at Illinois' maximum security prison in Menard which took place in 1952.

The story describes the courageous handling of the uprising by Governor Adlai Stevenson, who took time out from his presidential campaign to come to Menard and quell the disturbance.

On a more melancholy note, Miss Storck's column also reminds us that not much has changed for the better in our prisons in the past 20 years, in spite of violent confrontations and official promises.

I would like to insert Miss Storck's article in the Record, and to express my hope that a similar piece need not be written 20 years hence.

The article follows:

RIOT! BUT WITH A BIG DIFFERENCE

(By Dorothy Storck)

In the early blast of the fall morning the state troopers moved in.

The National Guard was standing by, on alert as they had been for the last two days of this four-day prison crisis.

Outside the prison walls the wives and relativs of the guards who were hostage clutched at each other and tried to clutch at the authorities, begging them not to go in with arms.

Their men were in there, with knives at their throats.

The prisoners had shown their hostages. They had marched the guards out, one by one, so they could be seen by the observing team of officials and reporters.

The convicts had threatened to hurl their hostages from the top of the 50-foot cell tier if gunfire or violence was used to break up the prison riot.

One guard-hostage was dragged to the barricades by a convict and thrust toward the mediation team.

"How would you like to see this man's head roll in the yard?" the convict yelled. He held a crude knife to the guard's throat. "How would you like to see him all cut up?"

The inmates had listed their demands. They wanted better food. They said that altho the prison had a hog farm attached to it, they never saw ham on their dinner table. They demanded better medical services. They said prisoners were dying and no doctor ever came.

They demanded more liberal parole laws. They said they would not release their hostages unless the governor agreed to fire the parole board and the prison warden.

They wanted a promise of amnesty.

The governor sent in a representative, who asked them to talk to him "man to man" about their grievances.

They said they wanted "the big boss, the governor himself."

The spokesman said the governor was busy. He said there would be no "mass reprisals" if the inmates gave up the hostages. But, he added sternly, "disciplinary action might be taken as each man's case was considered separately."

By the third day of the riot the rumors were growing that the prisoners were slitting the throats of the hostages. No food or water was coming into the prison. The inmates were eating cats, the word came out. And they had broken open the water mains to drink.

The negotiating committee of newsmen and officials was getting nowhere. Amnesty, pardon for the crimes they were committing in taking over the prison. That was the demand. And only the governor could answer them. In person.

"We want to see the big boss," the inmates chanted.

So he came to the small farming town where the prison was. He cut short his campaign for the presidency of the United States against the redoubtable Republican soldier in the closing hours before the election and came to stand in the prison yard, in full sight of the convicts.

The state director of safety, Michael Seyfrit, delivered the ultimatum.

"Attention East cellblock. I am calling to you to immediately release the guards unharmed and return to your cells. If you do this you will be immediately fed and your committee will meet with the governor to discuss all your grievances. We will use any force necessary to restore order."

There was no reply. Ten minutes after the ultimatum the state police fired warning shots. They then moved in. Gov. Adlai Stevenson of Illinois moved in with them, into the cellblock.

The convicts began backing toward their cells. One a tough lifer, held on to his hostage, A trooper fired a shot. It caught the convict in the hip. He released his hostage. That was the only casualty. All seven guards came out alive.

The riot in Menard, the maximum security state prison in Illinois, had ended after four days. And Adlai Stevenson drove back thru the brisk fall afternoon to Scott Air Base, 45 miles away, where a plane was waiting to take him to Pennsylvania, one of the states he needed to win against Gen. David D. Eisenhower.

That was Oct. 31, 1952.

We are told the things have changed a lot in 19 years.

There is now a "political consciousness," we are told, among prisoners—who are now 85 per cent black.

Well, the inmates at Attica did ask for permission to be "politically active." Presumably to shout "Power to the People" at curfew time.

And they demanded, if sprung, to be flown to a "nonimperialistic country." They did not name where that might be.

Most of their demands had to do with food and privacy and medical care and related human needs They also wanted the warden fired, and they wanted to talk to the "boss" Just like the inmates at Menard.

At Menard in 1952 the boss came. At Attica in 1971 the boss sent word he couldn't make it.

Now maybe the governor of a state should not be at the beck and call of a bunch of convicted toughs. Forty-one lives at Attica, in the perspective of modern highway deaths and Viet Nam casualties, isn't much.

And maybe things have changed that much in 19 years.

MINNEAPOLIS HEALTH HEARINGS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 1971

Mr. FRASER. Mr. Speaker, a number of spokesmen for the health insurance industry testified in support of legislation to correct some of the deficiencies in our health care system at the hearings I recently held in Minneapolis.

Mr. Lynn Elling, who is a life insurance underwriter, discussed one of the proposals under consideration. He also provided insight into the talents that insurance professionals can bring to reform efforts.

The health insurance industry favors a proposal, according to Mr. Elling, that would recognize five necessities. Mr. Elling delimited these proposals. They are: First, an emphasis on increasing the supply of health professionals; second, an emphasis on ambulatory care; third, a redistribution of health resources through better health care planning; fourth, an equalization of costs; and fifth, emphasis on upgrading the quality of health care.

Mr. Elling also discussed the talents of the insurance salesmen and managers. It is his opinion that these men and women, through their professional training, can translate complex and confusing health insurance proposals into simplified explanations which fit an individual's needs. Also these men and women would be able to coordinate all of the various proposals that may exist under a future health insurance plan.

CHILD DAY CARE, CHILD ADVOCACY, AND CHILD DEVELOPMENT PROPOSALS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 17, 1971

Mr. RARICK. Mr. Speaker, "the hand that rocks the cradle rules the nation." Historically, in America as in all free countries, parental hands have rocked the cradles and the people ruled the nations. Conversely, in totalitarian countries, the government rocked the cradles and ruled the people dictatorially and mercilessly.

As Congress resumes its deliberations following the summer recess, we find ourselves confronted with several legislative proposals in a variety of forms but all seeking to turn control over the lives of our children in some measure to the Federal Government. If enacted into law, these measures would further undermine and lead to further deterioration of the family, locally controlled public school systems, and religious morals. The projected goals seem to be a planned collectivist society similar to that of Russia, Red China, and the kibbutzim of Israel and consequently the demise of individual freedoms secured to our people by the Bill of Rights.

This House has already passed H.R. 1 which directs the Secretary of Health, Education, and Welfare to establish, with the concurrence of the Secretary of Labor, standards for child-care services. The Senate on September 9 passed S. 2007, a $5.9 billion funding for OEO, but included in the bill was money for a comprehensive child-care program for all children, rich and poor alike. And I suggest that this is but the start in the program to federalize America's children.

If Congress or the bureaucrats were to come right out and proclaim that they were going to take America's children away from parents and home and put them all under Federal control, custody, and ownership, the parents of America would rise up in protest and indignation. The program would be reminiscent of

Hitler's children. So, what is bad must be disguised to appear good or at least economically beneficial in order to be sold to an unsuspecting citizenry.

Many Americans who are disgusted with inflation and the welfare load have been made to feel that day-care centers and child advocacy will somehow create jobs for working mothers and reduce welfare rolls.

Certainly if this were so, and employers needed workers from the nonworking mothers' labor market, they could do as some industries have done by establishing day care centers for their working mothers. Working mothers might also be granted tax deductions for day care tuition and expenses. It is not necessary for "Big Brother" Government to exploit a new political field by spending tax dollars for new buildings, social workers, and a new breed of Federal employees.

But strangely enough, those parents who would balk at being told the Government is planning on taking over their children, under the soft sell of helping others, are being persuaded to give up their children—a little bit at a time and actually believing the Government is right and doing good.

And then too, we have that small group who has been convinced that Government—the taxpayers—has a duty to help rear children, so the parents have more leisure time and need not be bothered by the problems and expense in the rearing of their own children.

If the people of America were aware of the details of H.R. 1 and of S. 2007 I have little doubt that they would oppose them vehemently. Members of this body should examine the tactics used in achieving Senate approval of the bill S. 2007.

First, the comprehensive child care program was buried within a bill bearing a noninclusive title. Second, the witnesses at the hearings on the bill were proponents in favor of the bill. In the five volumes of testimony, not one person appeared opposing the bill. Seemingly the bill was favored by everyone. More nearly correct, OEO neighborhood service centers, legal aid groups, and others sympathetic to the bill were alerted to send letters and telegrams in favor of the bill while no group of concerned parents or taxpayers' groups was invited to testify. Finally, the tactic of pressure from below was applied by such groups as the Day Care and Child Development Council of America, founded by Elinor Guggenheimer. Mrs. Guggenheimer was reported in Washington as a member of the National Policy Council of the Political Caucus urging Congress to provide day care centers the day S. 2007 was approved.

The intrusion of the Federal Government into local public education through liberally interpreted Federal laws and bureaucratic edicts backed up by Federal judges under the emotion of compelling racial balance has turned the once-prevailing atmosphere of order in our schools into disorder and chaos. Acceptance of integration as a status quo in turn called for the next step—busing to achieve racial balance. The busing of schoolchildren away from their neighborhood, a practice approaching ethnical and cultural genocide, is also a training program for the parents to condition them to accept future things to come by teaching them to yield to governmental paternalism.

Now that the Federal Government has gotten its political iron foot inside the door of the local schoolhouse, the provisions of the various bills for child development programs extend progressively toward the day when the Federal Government assumes complete control over children commencing at birth and our schools become child development experimental laboratories.

In a report of the Joint Special Education Study Group regarding the report of the Joint Commission on the Mental Health of Children and Youth, July 1970, the following recommendation for legislation is made:

> Congress and the States should initiate legislation which would enable public schools, on an experimental basis, to become comprehensive child and family service centers.

The two mechanisms being suggested most frequently for accomplishing the "new society"—a term used by a leading exponent of child development legislation—are the day care center and the child advocate.

DAY CARE CENTER

Dr. Edward P. Zigler, HEW's head of the Office of Child Development, has stated that at the core of the Nixon administration's children program will be revolutionary day care centers which will not just provide facilities and care for children of mothers during their working hours but will concentrate on full child development between the ages of 1 and 6. More than one bill authorizes and directs the Secretary of Health, Education, and Welfare, to establish child development programs and services as follows:

> Specially designed health, social, and educational programs (including afterschool, summer, weekends, vacation and overnight programs);

Dr. Zigler made the following points concerning day care centers: First. A massive day care center program across the Nation serving children from all social and economic backgrounds is a primary need of the country today; Second. Bringing children together at an early stage of life—first 6 years—is one of the best ways to achieve socioeconomic integration; Third. Such a massive program would cost billions of dollars annually within a few years; and Fourth. The care and concern for children in the Israeli kibbutz is advanced beyond what we have.

A study made by the Department of Health, Education, and Welfare points out that a day-care center which ministers to a child from 6 months to 6 years of age has more than 8,000 hours to instill in the child values, beliefs, fears, behavior patterns, and can so mold the child as to greatly affect his mind, personality, and future potential.

What values could parents expect the Government experts to instill in their children? The Joint Commission on the Mental Health of Children whose report influenced the child development program states:

> Moral behavior might be defined as behavior which conforms to those standards which a society establishes as being good or right for which the group administers disapproval or punishment if transgressions occur.

This concept of "communal" democracy as moral behavior should be wholly unacceptable to most Americans, especially Christians, whose moral standards are not determined by majority vote of the crowd or by guidelines of the Secretary of Health, Education, and Welfare but by the Commandments of God.

The imparting of moral, spiritual, and social values to children should take place in the home and is the responsibility of parents not politicians. Where in the Constitution does the Federal Government achieve such power, duty, or right? What moral, spiritual, and social values could the Federal Government espouse except political training to perpetuate the policies of its leaders? Yet, proposed legislation for Federal child development programs provides that the Secretary of Health, Education, and Welfare will prescribe these standards.

CHILD ADVOCATE

At the White House Conference on Youth of 1970, which made numerous recommendations, some of which are reflected in the legislative proposals for child development programs, a forum chaired by Judge James J. Delaney of the Colorado Juvenile and Family Court provided these data regarding a child advocate: First, the child advocate would be the day-to-day protector of children's rights in nearly all areas of child concern; second, the advocate would intervene when a child's "liberty or health are jeopardized, whenever he is deprived at home, schooling, medical care, property rights, entitlements or benefits, or is subjected to involuntary treatment." For example, if a child is severely beaten by parents, the advocate might step in to get medical attention. If a child is suspended or expelled from school, the advocate might negotiate with the school on his behalf. The child advocate would also secure legal services for children who are arrested. In short, the child advocate would supposedly protect the rights of children against those whom he considers to be abusive and unjust parents, teachers, and police officers.

The child advocate would "reach aggressively into the community, send workers out to children's homes, recreational facilities and schools, develop new services, contract for others and modify existing services agencies so that the range of needs discovered is matched by the range of services available. They would assume full responsibility for all education in the community as opposed to schooling—including pre-primary education, parent education, and community education."

The intent to convert schools into child development laboratories by the bureaucrats who would prescribe regulations and guidelines in the administration of the proposed child development programs is clearly shown through pilot programs which are already being conducted even prior to the enactment of legislation. To date, six grants totaling $655,000 have been awarded for child advocacy demonstration projects.

In a "Program Administration Manual for Child Advocacy Demonstration Projects," of the Department of Health, Education, and Welfare—January 8, 1971—we find the following information:

> The Bureau of Education for the Handicapped and for the National Institute of Mental Health are interested in jointly supporting grants for innovative child advocacy demonstration projects to be operated within *school neighborhoods*. These pilot projects are intended to strengthen neighborhood resources and competence for facilitating optimal development of children. The ultimate goal is to improve total community resources and the delivery of services for the *emotional, social and educational development of all children* within the neighborhood, with special emphasis on improving the environmental systems for children presenting behavioral or developmental problems. *Funding could be awarded to public schools or school agencies, community mental health agencies or any other type of combination (or consortium) of community or other non-profit agencies which would assure effectiveness and visibility of the project.*

The purposes of a child advocacy program include but are not limited to "insuring that all children in a designated area have access to whatever human services they need, which are currently available in the community" and "identifying needed direct preventive and remedial services that are not available, and mobilizing resources to indicate those services."

Additional HEW guidelines to be followed by local applicants in submitting an application for a Federal child advocacy grant state:

> The structure of the proposed advocacy system to be developed should be conceptualized to show how it will influence improvement of the environmental system affecting behavior of children (e.g., how it will improve behavior settings and relationships to significant people with whom the child interacts on a regular basis); how it will influence the development of mechanisms for creating new systems within the neighborhood which could improve the *mental health* of children; how it will develop continuous systematic linkages between the education agency and other community services on behalf of an individual child; how it will follow the needs of an individual child beginning at the infant or nursery school level and continuing into adolescence.

Infant is defined as "a very young child, usually from birth to 10 months; baby." (Thorndike-Barnhardt Dictionary)

VIEWS OF PROPONENTS OF CHILD DEVELOPMENT PROGRAMS

It is significant in any discussion of proposed child development legislation to consider the views of its proponents—both individuals and groups.

According to a report of January 23, 1970 from the Jerusalem Post, a U.S. Congressman conducting a study of education in Israel with a delegation of the Select Subcommittee of the Committee on Education and Labor stated that the U.S. Government "rather late in the day is thinking of setting up a network of communal day-care centers." After leaving Israel, the subcommittee was to go to Soviet Union to study the Soviet educational system.

From the "Comments on Kibbutz Education Life by a Kibbutz Member Recorded at Kibbutz Ayelet, Hashahar on January 16, 1970" as published in the U.S. Government report of the Select Subcommittee of the Committee on Education and Labor the following account is given at page 50:

> Now we come to the children on the Kibbutz. Women go to confinement in our local hospitals, and after three days they return to us. They put their children in the baby houses straight away. They also have the opportunity, the option, to take their babies home to their house and look after them there for the first six weeks . . .
>
> Here we don't follow that system. After the first six weeks end, the babies go to the baby house. The mothers still come and feed them; breast feeding or bottle feeding at regular intervals. The mothers work only a four hour day until the baby is six months old, and after that the babies move on and go to a toddler house.
>
> And then we move up into the kindergarten which groups larger number of children, groups of 10, 15, or 16 children being looked after by various women . . .
>
> Then they move on at the age of 11 to the regional school we have on this kibbutz. We have children from 3 or 4 different kibbutzim attending this school until the age of 16. . . . Then most children go straight through school unit 18, until they go into the army.

Dr. Urie Bronfenbrenner, a participant in the 1970 White House Conference on Children, praised the Soviet system:

> Communal forms of upbringing have an unquestionable superiority over all others.
>
> When these contracted families (i.e., those who have placed their children in the communal institutions of upbringing) recognize that it is not sensible to expend so much work on maintaining an independent household for just two people, the family as an economic unity, having fused with other families and become incorporated into a large economic collective, will dissolve within the context of the future social commune.

Spokesmen of the National Education Association have likewise praised the Russian educational system. In an article in Today's Education, journal of the NEA of January 1969, the following forecast for the 1970's is found:

> As non-school preschool programs begin to operate, educators will assume a formal responsibility for children when they reach the age of two.
>
> Services to be offered . . . of major importance . . . early referral to coordinating social agency for treatment of psychobehavioral problems.
>
> Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory. The application of biochemical research findings, heretofore centered in infra-humans subjects, such as fish, could be a source of conspicuous controversy when children become the objects of experimentation.
>
> Enrichment of the school environment in the seventies—especially in the ghetto—to "create" what we now measure as intelligence by improving experimental input also will become more accepted. Few are likely to make an issue of efforts to improve educational opportunities for the deprived child. However, there could be a tinderbox quality to the introduction of mandatory foster homes and "boarding schools" for children between the ages of two and three whose home environment was felt to have a malignant influence.

In other words, "mental clinics" are to replace schools and "indoctrination" replace education. In fact, preparations for training the "clinicians" for elementary schools have already been started. The U.S. Office of Education of HEW using taxpayers' money has provided for the development of a clinician training program. In a final report dated January 1970, entitled "Feasibility Study: Behavioral Science Teacher Education Program," we are told that the Behavioral Science Teacher Education Program—BSTEP—is designed to achieve the development of a new kind of elementary schoolteacher who is basically well educated, engages in teaching as clinical practice, is an effective student of the capacities and environmental characteristics of human learning, and functions as a responsible agent of social change. BSTEP provides the elementary teacher with particular sets of behavior and mental processes to function as practioner specifically trained to give comprehensive aid to a client.

HEW's "Pacesetters in Innovation" is a compilation of HEW projects to advance creativity in education—PACE. The PACE program is authorized and funded under title III, supplementary centers and services, of the Elementary and Secondary Education Act of 1965.

A study of these projects, which are being funded in school districts throughout America, manifests that the public schools are to be the primary instrument for changing human nature. Specially trained individuals known as "change agents" are expected to effect the changes in individuals through group dynamics, group interaction, and sensitivity training. For example, HEW project No. 001–996 provides for "experienced teachers from model or pilot schools to act as change agents through staff rotation."

Project No. 001–783 calls for a 5-day resident laboratory in human relations and sensitivity training for teachers as team members prior to the introduction of team teaching in the school system.

That HEW planners do not plan to tolerate dialog or dissent to the changes they desire to effect in America's children is evidenced by project No. 002–230 which states:

> Forces which block the adoption of new ideas will be identified, and ways to overcome these forces will be explored.

It also provides that:

> Emphasis will be placed upon sensitivity training and interaction.

Dr. Edward P. Zigler, the appointee of President Nixon to be the "Nation's advocate for all children" as head of the Office of Child Development, is reported to have stated:

> People don't recognize the monumental nature of this legislation and what effect it can have on the country in 20 years.

He has reportedly praised the care and concern for children in the Israeli kibbutz, the underlying principle of which is "To each according to his need and from each according to his capacity."

Once the Federal Government usurps the role of the parent in rearing of children, one man—the Secretary of Health, Education, and Welfare, an unelected planner—would dictate standards for programs vitally affecting children during the precious years of infancy, childhood, and youth regardless of parents' wishes.

And let us be perfectly frank. The child development programs make no mention of economic status, age or parental consent. Parents are to have no choice in the matter. The language of some of the legislation makes it clear that the child development programs are designed for all children. Who would have ever thought a few years ago that parents would be jailed for refusing to permit their child to participate in so-called sex education programs or to be transported miles away from their home or out of their neighborhood to attend a distant school? Yet, this is happening in America and this is just the start.

Under the provisions of the child development programs, Government bureaucrats would decide what food children will eat, what is to go into their minds, the psychological tests and experiments, sensitivity training, and even the drug treatment they should undergo.

The term "day care center" can be misleading. A more descriptive term is "child development facility." The express language of proposed legislation would delegate such power and authority to the Heath, Educational, and Walfare Secretary to make him a dictatorial czar over our children. Consider that the language of H.R. 6748 authorizes and directs the Secretary of Health, Education, and Welfare to design and set standards for "health, social, educational programs, including afterschool, summer, weekend, vacation, and overnight programs." The times indicated include 24 hours of every day in the year. Apparently no time is planned for the children to be with their parents. Perhaps, the Secretary would be kindhearted enough to allow parents to visit their children occasionally on weekends as parents are purported to be able to do in Russia and Israel. The proposed child development legislation should be considered a declaration of war against all parents who love their children.

The sudden clamor for enactment of legislation to provide child development, child advocacy, and child day care centers comes in the wake of two reports whose recommendations in some measure appear to have been incorporated in the language of proposed bills. These two reports are of the Joint Commission on the Mental Health of Children and the 1970 White House Conference on Children.

1970 WHITE HOUSE CONFERENCE ON CHILDREN

The report to the President of the White House Conference on Children is a shocking and radical document. It is replete with ideas and recommendations destructive of individual responsibility and freedom regarding direction of the lives of children and families. It even questions the matter of "who owns the child and who is to determine his freedom."—the parent or the government.

By in effect rejecting the Christian doctrine of original sin, the White House Conference on Children bases its conclusions on a false premise of the nature of man.

According to the report of the White House Conference on Children:

> The primary tasks of families are to develop their capacities to socialize children, to enhance the competence of their members to cope with the demands of other organizations in which they must function, to utilize these organizations, and to provide the satisfactions and a mentally healthy environment intrinsic to the well-being of a family.

The traditional American family relationship of father and mother living in the same house with their children is referred to in the White House Conference on Children as a "nuclear family." But times are changing, we are told, and so must the family change. The conference report recommends legal approbation of these types of families:

> (a) Commune family, monogamous—Household of more than one monogamous couple with children sharing common facilities, resources, and experiences: Socialization of the child is a group activity.
>
> (b) Commune family, group marriage—Household of adults and offspring known as one family where all individuals are married to each other and all are parents to the children. Usually develops a status system with leaders believed to have charisma.
>
> (c) Unmarried-parent-and-child family—Usually mother and child where marriage is not desired or possible.
>
> (d) Unmarried-couple-and-child family—Usually a common-law type of marriage with the child their biological issue or informally adopted.
>
> (e) Homosexual-couple-and-child family—The child is infomally or legally adopted.

Apparently believing that it is the function of the Federal Government to minister to the needs of all children and their families, the White House Conference on Children, advocates the following:

> (1) A child advocacy system at national, state, and neighborhood levels to delineate the needs of children and families, to promote solutions, to authorize studies, to hold hearings, and to promote the goal of healthy children and healthy families.
>
> (2) Block workers appointed to help people living in individual blocks to support families in their block, to know who moved in and who moved out.
>
> (3) Mental health services, legal aid, day care centers, food programs, protective housing, housing and recreational facilities, adolescent activity clubs, a 24-hour information source, etc. etc.
>
> (4) Approval of the Report of the Joint Commission on the Mental Health of Children which emphasizes the need for comprehensive services for the mental health of children and youth.
>
> (5) Neighborhood human service centers as the most efficient and effective means of gathering and providing human services for children, youth and families.
>
> (6) Parent and child care centers (0–3 years).
>
> (7) A free, federally supported public education in the United States for children at age three.
>
> (9) Because of the growing influence of child's peers, parents should encourage interracial, inter-cultural association of children across economic lines. Small low cost housing units, sprinkled purposefully in suburbia, and fully integrated schools would substantially enrich the value, understanding, competence, and self assurance of America's growing children.
>
> (8) Because of the growing influence of have some control over their lives—to establish Child Power—institutions and programs that affect children should be required to actively involve children in their planning and decision making processes.
>
> (10) Children in schools should have the freedom to express ideas verbally and in print; as well as by wearing buttons, badges, armbands, or insignia; should have freedom from corporal punishment, and freedom to follow their own taste in clothing and grooming.
>
> (11) A reexamination should be made of the extent to which a child is entitled to seek medical and psychiatric assistance, birth control information, and even abortion without parental consent and over parental opposition.
>
> (12) To establish a commitment to provide and promote diverse forms of leisure opportunities to all children without regard to their race, culture, sex, geographic location or economic status.
>
> (13) All construction of housing, business, industry, and service facilities (such as hospitals) which receive federal funds should be required to provide developmental child care services, either by including such services in the construction or ensuring permanent funds for participation in existing or planned facilities.
>
> (14) To achieve population stability, the poor and blacks should reproduce more and middle class whites should reduce their natality.

These are only a few of the scores of ideas, suggestions, and recommendations voiced at the 1970 White House Conference on Children funded by the taxpayers.

The suggestions voiced at the conference if implemented would lead to chaos and confusion and would turn this country into a totally socialistic society. Promotion of child power is intended to place the child in conflict with parent, teacher, law enforcement officer and his own peers.

The various legislative proposals include some of the suggestions of the White House Conference on Children. If these powers are delegated by Congress to HEW, we can expect to see all of these administrative guidelines.

And as the blueprint to kidnap America's youth using government and law as a vehicle, develops into a clear and present threat, our President in his address before the joint session of Congress said:

> Regimentation and government coercion must never become a way of life in the United States.

Following his speech, the Senate passed S. 2007, to fund day-care centers for all children through age 14, for rich and poor alike.